



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

**TUESDAY, JULY 14, 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 26 and June 6, 2009 Regular Meetings.

2. **Public Safety Facility – Vacation of Right-of-Way** [Attach 2](#)

Request a recommendation of approval to City Council to vacate the north/south alley and a portion of the east/west alley between 7th & 8th Street between Ute and Pitkin Avenues.

**FILE #:** VR-2008-342  
**PETITIONER:** City of Grand Junction  
**LOCATION:** Alleys located between 7<sup>th</sup> and 8<sup>th</sup> Streets between Ute and Pitkin Avenues  
**STAFF:** Brian Rusche

3. **Public Safety Facility – Rezone** [Attach 3](#)

Request a recommendation of approval to City Council to rezone 2.52 acres between 5th and 7th Streets and Ute and Pitkin Aves along with 1.45 acres east of 7th Street between Ute and Pitkin Aves from a C-1 (Light Commercial) to a B-2 (Downtown Business) zone district.

**FILE #:** RZ-2008-342  
**PETITIONER:** City of Grand Junction  
**LOCATION:** 5<sup>th</sup> to 7<sup>th</sup> Streets between Ute and Pitkin Avenues  
**STAFF:** Brian Rusche

4. **Fiesta Guadalajara – Preliminary Development Plan** [Attach 4](#)

Request 1) a recommendation of approval to City Council to zone 1.422 acres to a PD (Planned Development) with the default zones of C-1 (Light Commercial) and R-8 (Residential 8 du/ac); 2) a recommendation of approval to City Council for a Preliminary Development Plan; 3) and a recommendation of approval to City Council for a vacation of the west 7.5 feet of the North/South alley located east of North 7th Street and south of Glenwood Avenue.

**FILE #:** RZ-2009-037  
**PETITIONER:** David Ortiz  
**LOCATION:** 710, 748 North Avenue and 705, 727 Glenwood Avenue  
**STAFF:** Senta Costello

**\*\*\* 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.*

**5. Redlands Vista in the Ridges – Preliminary Subdivision Plan [Attach 5](#)**

Request 1) a recommendation of approval to City Council to adopt an amended Planned Development Ordinance for development of 56 dwelling units on 8.3 acres with a default zone of R-8 (Residential 8 du/ac); 2) a recommendation to City Council of approval of an amended Preliminary Development Plan (PDP) that includes private streets; and 3) a recommendation of approval to City Council of a vacation of a pedestrian and equestrian easement and a reduction in size of a utility, irrigation and drainage easement.

**FILE #:** PFP-2009-092  
**PETITIONER:** Paul Varghese – Redlands Vista, LLP  
**LOCATION:** Ridges Boulevard and Ridge Circle  
**STAFF:** Lori Bowers

**General Discussion/Other Business**

**Nonscheduled Citizens and/or Visitors**

**Adjournment**

**Attach 1  
Minutes of Previous Meetings 1**

**GRAND JUNCTION PLANNING COMMISSION  
MAY 26, 2009 MINUTES  
6:00 p.m. to 7:54 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), Lynn Pavelka-Zarkesh, Reggie Wall, Ebe Eslami, Mark Abbott, Rob Burnett (Alternate) and Richard Schoenrad (Alternate). Commissioners William Putnam (Vice-Chairman) and Patrick Carlow were absent.

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

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 36 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**

There were no minutes available at this time.

**2. West Ridges Boulevard ROW Vacation – Vacation of Right-of-Way**

Request a recommendation of approval to City Council to vacate excess right-of-way originally platted as West Ridges Boulevard.

**FILE #:** VR-2009-012

**PETITIONERS:** Martin Magdalenski, Daniel Olson, Joseph Raczak

**LOCATION:** 2335, 2335½ and 2337 Rattlesnake Court

**STAFF:** Michelle Hoshide

**3. Mountain View Estates – Preliminary Subdivision Plan**



Request approval of a Preliminary Subdivision Plan to develop 61 single family lots on 19.17 acres in an R-4 (Residential 4 du/ac) zone district.

**FILE #:** PP-2008-212  
**PETITIONER:** Bill Ogle – Level III Development LLC  
**LOCATION:** 2922 B 1/2 Road  
**STAFF:** Senta Costello

**4. Fiesta Guadalajara Expansion – Preliminary Development Plan**

Request a recommendation of approval to City Council to zone 1.421 acres from a City C-1 (Light Commercial) and a City R-8 (Residential 8 du/ac) to a PD (Planned Development) zone with default zones of C-1 (Light Commercial) and R-8 (Residential 8 du/ac) and a recommendation of approval to City Council of a PDP (Preliminary Development Plan). Request a recommendation of approval to City Council to vacate a portion of the North/South alley east of North 7<sup>th</sup> Street, South of Glenwood Avenue.

**FILE #:** RZ-2009-037  
**PETITIONER:** David Ortiz  
**LOCATION:** 710, 748 North Avenue and 705, 727 Glenwood Avenue  
**STAFF:** Senta Costello

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. At public request, item number 2, West Ridges, was pulled for Full Hearing. Greg Moberg asked that item number 4, Fiesta Guadalajara Expansion, be continued indefinitely. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on the remaining Consent Agenda item.

**MOTION: (Commissioner Wall) “Mr. Chairman, I make a motion to continue item number 4 (I believe), the Fiesta Guadalajara, until a date uncertain.”**

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

**MOTION: (Commissioner Wall) “Mr. Chairman, I move that we approve the Consent Agenda which consists of item number 3 only.”**

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

**Public Hearing Items**

**2. West Ridges Boulevard ROW Vacation – Vacation of Right-of-Way**

Request a recommendation of approval to City Council to vacate excess right-of-way originally platted as West Ridges Boulevard.

**FILE #:** VR-2009-012  
**PETITIONERS:** Martin Magdalenski, Daniel Olson, Joseph Raczak  
**LOCATION:** 2335, 2335 1/2 and 2337 Rattlesnake Court  
**STAFF:** Michelle Hoshide

### **STAFF'S PRESENTATION**

Michelle Hoshide with the Public Works and Planning Department addressed the Commission regarding the request for vacation of an undeveloped right-of-way. She said that the right-of-way was located north of the existing West Ridges Boulevard and west of the subject properties on Rattlesnake Court. She went on to state that a 10 foot utility easement would be reserved and retained on the eastern side of the right-of-way to ensure that existing electric, telephone and cable lines and other possible public facilities and services would not be inhibited. Ms. Hoshide also stated that the vacation would allow the recipients of the right-of-way to obtain responsibility of maintenance as well as to remove responsibility from the City. Ms. Hoshide said that the vacation met the pertinent criteria. Furthermore, she said that the City would not decide who was entitled to the right-of-way as the recipient of the land was dictated by state statute which provided that all right-of-way must go back to the adjoining properties from which it was originally dedicated from. Lastly, Ms. Hoshide stated that applicant had mentioned that negotiations for restrictions on the vacated land had been discussed between the applicants and Redlands Mesa.

### **PETITIONER'S PRESENTATION**

Janet Raczak appeared along with members of the Olson and Magdalenski families. She said that she had met with a member of the Redlands Mesa executive board to solidify some items of concern to them and she confirmed that applicants had no objections to any of their concerns.

### **PUBLIC COMMENT**

#### **For:**

Bob Casey, from Bright Star Golf, Redlands Mesa, owner of the golf course and some of the adjacent property, said that applicants had met with himself and some of the HOA members. He stated that there was concern regarding proximity of the future property line to one of the monument signs and he stated that applicants were willing to consider a deed restriction. He voiced a personal concern to assure that any approval given was subject to the deed restriction which was primarily for visibility purposes and to make it more homogenous with their community.

#### **Against:**

Mike Stubbs, 205 Little Park Road, stated that he represented Dynamic Investments, the successor and assignee of the original developer's rights – Ridges Development Corporation. He said that in general he did not have a problem with the vacation; however, he was concerned about the future use of the property. He was particularly concerned that there could be accessory buildings, structures, fences among other things while allowable under City Code were not allowable under the covenants but the

covenants were not enforced. He would like to see some kind of restriction. He stated that he was under the assumption the right-of-way went back to the three property owners and questioned whether that was the valid conclusion.

### **DISCUSSION**

Jamie Beard, Assistant City Attorney, stated that with regard to where the property went after vacation had not been determined by the City. There were different state statutes which would determine who was entitled to that. Additionally, the research had not been done to make it definite as to who the property would be returned to. Regarding the property discussed by Mr. Stubbs, it was the same conclusion at that time. Lastly, she said that it would be a final determination for the court to make as to who the property belonged to if there was any dispute between the parties. Ms. Beard confirmed that neither the Commission nor City Council had been requested to make any kind of determination regarding ownership.

Commissioner Wall said that it appeared that it met all criteria and saw no reason why it should not be approved. He asked if it was necessary to include language regarding the deed restriction. Ms. Beard said that the City was just made aware of the agreement that may have been worked out but there was no deed that would be granted at the end of this. When it was vacated, the right-of-way would be vacated and based on state statutes, a determination of who it went back to. With regard to enforcement of the condition and specifically what the agreement was, she said that enough specifics were not available at this time. She went on to state that the recommendation and motion should be based on the vacation itself.

**MOTION: (Commissioner Wall) “Mr. Chairman, on the vacation of a portion of the West Ridges Boulevard right-of-way adjacent to 2335½, 2335 and 2337 Rattlesnake Court, VR-2009-012, I move that the Planning Commission forward a recommendation of approval to City Council with the facts and conclusions listed in the staff report.”**

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

### **5. Homeless Shelter Expansion – Site Plan Review**

Appeal of the Director’s Final Action on an Administrative Development Permit to approve the expansion of the existing shelter with a 5,345 sq ft 2-story addition.

**FILE #:** SPR-2008-008  
**PETITIONER:** Sheryl Fitzgerald, Alan Sarkisan  
**LOCATION:** 2853 North Avenue  
**STAFF:** Senta Costello

Chairman Cole announced that the Commission would only consider the evidence presented to the director and any new evidence would not be considered.

## **APPELLANT'S PRESENTATION**

Sheryl Fitzgerald as property manager and co-owner of the shopping mall located at 2851 North Avenue, which was next to the homeless shelter said that her father built the shopping mall and her family personally maintained it. She, in collaboration with Alan Sarkisan, said that when the homeless shelter was approved in October 2001, they were concerned about the high concentration of transients in one building. She believed that the building was potentially a valuable taxable asset for the City.

She also raised issues pertaining to increased crime, intoxicated people and a concern that no records or names were kept by the shelter. Ms. Fitzgerald said that the neighboring homeowners and businesses felt that co-existing with a family only facility might be palatable. While sympathetic and understanding, she stated that approximately 20 to 30% of the people created problems which needed to be discussed. She said that that percentage had chosen homelessness as a lifestyle, many were alcoholics, criminals, users, drug pushers, rapists or child abusers. Also, she stated that those were the people causing problems on the streets, in the parks, at businesses and in the neighborhoods and did not respect themselves, private or public property. She raised issues of indecent exposure from lack of easily accessible homeless shelter bathrooms and went on to say that their unkempt appearance was intimidating to people wanting to shop, walk their dogs, or just go into their backyards. She added that those 20 to 30% of the homeless have caused customers to barely slow down as they drove by their North Avenue stores, had contributed to the closure of a child care center, and harass and panhandle the City Market store customers and employees.

According to Ms. Fitzgerald, the City Council approved the North Avenue Corridor Plan over a year ago and committed to create a friendly, beautiful east entrance along a main street into the City. The City Council recognized that the downtown 7<sup>th</sup> Street, Colorado Avenue and 5<sup>th</sup> Street Bridge areas were not the only eyesores that needed rectifying. The North Avenue Corridor was discussed. She said that one main problem was noted in the Corridor Plans which said that it was the homeless shelter and its expansion that had held down or stopped the discussion of improvements to North Avenue.

Over the last 8 years she and others had watched the transients gather in front of the shelter waiting to be allowed in. Additionally, she believed that rules were liberally bent by the shelter by housing more people than allowed.

Ms. Fitzgerald next addressed the parking issue and said that it was considered a motel with a restaurant and as such it should have at least 75 parking spaces. She felt that if the building was a motel, it should follow motel zoning regulations and if the shelter was not a motel, then it should not be there at all. There needed to be additional space allowances for trailers, extra long pickups and station wagons.

Ultimately, she said that there should be a concern for their easement which was a 35 year, well established easement through the parking lot for large delivery trucks. She added that the truck drivers would have to cross 4 lanes of North Avenue traffic to get

into and out of the parking area and they may refuse to deliver since backing into the roadways was unsafe. Their access was being compromised.

She added that there were numerous other items to be discussed such as yard maintenance, traffic safety, public safety, security patrol, bus access, sanitation, bike storage, waiting areas, bathroom access, and trash. She concluded that it was their hope that the Commission would correct past errors.

### **STAFF'S PRESENTATION**

Senta Costello, Senior Planner with the Public Works and Planning Department, made a PowerPoint presentation regarding the appeal of the administrative decision for the homeless shelter. She said the property was located east and south of North Avenue and 28½ Road. The surrounding properties were a mix of Residential to the south; and Commercial, a variety of retail, some hotel/motel, rental type units as well as storage units and other Commercial type uses. The Future Land Use designation for the property was Commercial and the property to the south was Residential Medium High and the property was surrounded on the north, west and east by Commercial. Zoning for the property was Light Commercial and zoning to the north, east and west was also Light Commercial. She pointed out that the property directly to the south was zoned R-8 and on the north side of the residential area 4 properties were zoned R-O. Ms. Costello stated that this application was made early last year.

Originally the building was built in 1994 by the Knights of Columbus as a bingo hall and in 2001 the applicants, St. Matthew's Church, applied to convert the bingo hall into a homeless shelter. That request was approved at that time and appealed to the Board of Appeals which upheld the administrative decision.

According to Ms. Costello, the request was to add an additional 5,345 square feet, 2-story, to the existing 8,630 square foot homeless shelter to accommodate a total of 130 beds. In reviewing the project, she added that there were specific criteria required by the Zoning and Development Code that must be met. They first looked at conformance with the Growth Plan and this particular site, both the zoning and the use were consistent with the Commercial zone designation for the property. It also would use existing infrastructure and utilities as it was inside the urbanized area of the city as there were existing utilities, streets, sidewalks readily available and already constructed. Ms. Costello also discussed conformance with applicable corridor plans and in particular the North Avenue Corridor Plan which was approved in December 2007. She pointed out that some elements of the proposed plan did incorporate concepts that were listed within the North Avenue Corridor Plan. Those elements include parking location/orientation, detached sidewalks with street trees, a walk connection directly from the building and sidewalk access to the street itself, access points and new interior parking islands which would provide additional shade.

Ms. Costello advised that the shelter was cited as an allowed use within a C-1 zone district because the code classified a facility of its type as a hotel/motel. Furthermore, the plan for the North Avenue cited the shelter as a deterrent to redevelopment and

called for one of the ways that they could help mitigate that issue by providing positive daytime activities for homeless shelter population such as job training, adult education, and a means for them to improve their situation.

She next addressed conformance with the Grand Valley Circulation Plan and pointed out that it met the requirement by elimination of the access point on the eastern end along North Avenue.

Ms. Costello said that they had also looked at the conditions of prior approvals and advised that all of the conditions of the change of use request that was done in 2001 had been met. She said that staff had also determined that bulk standards regarding such things as height, setbacks, minimum lot sizes, floor area ratio, intensity and density had been met, if not exceeded by applicant. Furthermore, there were no use specific standards and the design and improvements were looked at regarding landscaping, defensive landscaping and interior parking lot islands.

Also taken into consideration was parking and as there was no specific classification within the Zoning and Development for a homeless shelter, it is classified as a hotel/motel and the parking calculation was one space per room. Ms. Costello said that as the shelter did not have any rooms and many of the guests did not have vehicles, this calculation was difficult to implement based on the project. She added that 35 spaces shown on the approved plan adequately met the parking needs.

She added that last June a Conditional Use Permit was approved for a wall along the southern property line to help alleviate some of the issues raised by the neighbors to the south. They had also determined that the scale and orientation of structures was compatible with the existing structures in the area as well as what could be built in the future; and the height of the addition would be in conformance and character with what was existing as well as what potentially could be built.

After review, it was determined that the onsite parking met all requirements of the TEDS manual. The elimination of the eastern driveway and the shared access of the western entrance to the property to the west as well as the sidewalk connection to North Avenue from the building area met those requirements. Also discussed were access by emergency and utility vehicles, availability of public facilities and utilities. She said that there was a bus stop directly in front of the site and city water and sanitary sewer lines were available within the street and the property was already currently hooked up to those services. Regarding the delivery vehicles, the formalization of that cross access easement for the property to the west would be completed once the project was determined for approval. Finally, that the development engineer for the project reviewed the truck turning templates and found that the access to the site met those requirements and was not an issue.

## **QUESTIONS**

Chairman Cole asked legal counsel for further instructions with regard to the appeal. Jamie Beard suggested the applicant have an opportunity to speak and questions in

regards to decision making would then be appropriate. After that, the Commission would rely on the approval criteria for either approving or denying the appeal.

Commissioner Wall asked for clarification regarding the truck easement. Senta Costello said that basically appellants' concerns were that trucks entering the site would not be able to make safe and adequate turns without being encumbered in some way. The development engineer, by using turning templates, had determined that circulation in this instance would not be problematic as far as delivery trucks getting in and out.

Commissioner Eslami asked how many beds were in the shelter now. Ms. Costello said that there were 87 and that they were now asking for a total of 130.

Commissioner Schoenradt asked if the easement would be formal rather than prescriptive. Senta said that it would be if the project was approved. She went on to state that a document would be finalized and recorded which would be signed by the property owner granting it.

### **APPLICANT'S PRESENTATION**

Darren Carei, 2571 I½ Road, stated that he was currently the board president at Homeward Bound, the servicing non-profit agency that operated the homeless shelter. He said that their clients were in dire need of their services as Grand Junction had a homeless clientele that was increasing. Their current capacity was 87 and this past winter multiple local churches were employed to take on the overflow which at its peak was 38 additional people. He said that the additional need at the highest peak of increasing population was the family unit. Mr. Carei further stated that there was a serious need in the community to address this in a compassionate, caring manner and stated that they had met or exceeded every request placed upon them and had met all requirements. Finally, he said that they had the space, the building and the right to add this addition.

### **APPELLANTS' REBUTTAL**

Sheryl Fitzgerald said that she still had concerns regarding the inadequate number of parking spaces and lack of standards for North Avenue and lack of a bus pullout. She stated that they had appealed in 2001 and pointed out future problems. She said that according to Mr. Carei the total number of parking spaces presently being utilized by the homeless shelter was between 28 and 34 and that would be increased by 44%, or 12 more parking spaces should be in place. She then showed two photographs taken approximately 3 weeks ago which showed how the parking area was not being maintained. She said that while extensive plans for landscaping and maintenance plans were in place, she could not be optimistic for the future.

### **DISCUSSION**

Commissioner Eslami said that he understood the problems with the appellants' concerns but the problem was already there and it was not going to get better. In his opinion, he thought by adding more room to the shelter some of the people that have to be sent out would be alleviated and they could be roomed there. He went on to state

that the traffic problems still existed because the trucks had to come and go for existing businesses. He hoped that someday there could be a plan that would be comprehensive but until that time this was what needed to be lived with. Ultimately, he said that he would have to go for a denial of the appeal.

Commissioner Schoenradt raised a question regarding the North Avenue Corridor Plan and how the Commission was allowed to use that plan in conjunction with the appeal of this application. Senta Costello said that basically when the North Avenue Corridor Plan was adopted, the idea behind it was that they come up with some policies, goals and objectives to what they wanted North Avenue to look like. In relation to this particular project, staff looked at the goals, guidelines and concepts and tried to make projects fit in to those as best as possible; however, there were no specific regulations at this time. Commissioner Schoenradt then confirmed with Ms. Costello that there was some subjectivity.

Commissioner Abbott said that he had not seen nor heard anything tonight that would indicate that the Director acted in a manner inconsistent with the provisions of the Code or any other applicable local, state or federal law or that he had made any erroneous findings of fact based on the evidence or testimony on the record or that he failed to fully consider the mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance or acted arbitrarily, capriciously or abused their discretion. He said that he was very sympathetic but believed that in reality adding more spaces would probably help their situation rather than create more problems and stated that he would vote against this measure.

Commissioner Pavelka-Zarkesh concurred.

Commissioner Schoenradt commented that it seemed to him that the counts by both parties were 30 to 33 parking spaces maximum at one time with a current number of 35 and with the appellants' argument that 44% addition could increase that number significantly he asked where would those additional parking spaces would come from. Also, he believed that the building may likely never be able to be used for anything other than its use as it would not be saleable as any other use. He asked if that would fall into the long-term plan of the North Avenue Corridor and he opined that it did not. He said that he would vote to uphold the appeal.

Chairman Cole stated that he could appreciate the concerns of the neighbors; however, it was already there and it seemed to him that the decision by the director was consistent with the Codes and regulations and would vote to uphold the Director's decision.

Commissioner Abbott stated that he believed the motion needed to be fashioned in a way to accept the appeal. Ms. Beard said that normally a motion would be in the affirmative based on the request made and as the request was to grant the appeal, then the motion should be crafted to grant the appeal with the understanding that if the



Commission chose to deny the appeal, then the Commission would be voting against the motion.

**MOTION: (Commissioner Eslami): “I make the motion that we grant the appeal affirmatively for this project.”**

Commissioner Pavelka-Zarkesh seconded the motion. A vote was taken and the appeal was denied by a vote of 2 to 5 with Chairman Cole and Commissioner Schoenrad in favor.

A recess was taken from 7:20 p.m. to 7:24 p.m. Commissioner Pavelka-Zarkesh was excused.

**6. Reigan Growth Plan Amendment – Growth Plan Amendment**

Request a recommendation of approval to City Council of a Growth Plan Amendment to change the Future Land Use Designation from Mixed Use to Commercial/Industrial on 12.00 acres.

**FILE #:** GPA-2009-069  
**PETITIONER:** Robert Reigan  
**LOCATION:** 2204, 2202 1/2, 2202 H Road  
**STAFF:** Scott Peterson

**STAFF’S PRESENTATION**

Scott Peterson, Senior Planner with the Public Works and Planning Department made a PowerPoint presentation regarding the request for a Growth Plan Amendment for 3 properties from Mixed Use to Commercial/Industrial. He said the requested property was located north of H Road and east of 22 Road. According to Mr. Peterson, applicants requested a Growth Plan Amendment in order to market the properties as industrial lots. Presently, the 3 lots contain one single-family detached dwelling unit, vacant land and one private shop building with a modular home.

He went on to state that to the north and east was an existing single-family residential development on larger parcels of land and to the south were various Light Industrial developments and directly to the west was the approved H Road Northwest Area Plan Study Area and a Growth Plan Future Land Use Map designation of Commercial/Industrial. Mr. Peterson added that there were various Light Industrial properties currently under development along the 22 Road corridor in the vicinity of the subject property.

Also, in August 2007 these three properties along with two others were added into the Persigo 201 boundary and in December 2007 the three applicants, along with a fourth property owner directly to the north, applied for and received the City’s approval to change the Growth Plan Future Land Use Map from Rural to the Mixed Use land use designation. One of the reasons for this change was to accommodate their desire

to market the properties for more intense, non-residential land uses. Mr. Peterson said that the four properties were officially annexed into the City and zoned MU in February 2008. According to the current Land Use Map, he felt that the Mixed Use designation remained appropriate for these properties as it provided a transition between the Industrial development to the west and south and the Residential land uses to the north and east.

Additionally, the natural geographic barriers of H and 22 Roads would be eroded by the introduction of Industrial zoning on the north side of H Road east of 22 Road. After a review of the criteria for a Growth Plan Amendment, Mr. Peterson commented that there was no error at the time of the adoption of the Growth Plan in 1996. In December 2007 City Council approved the Growth Plan Amendment for these properties from Rural to Mixed Use in order to provide a transition and buffer between existing and future Industrial land uses and the residential development.

Mr. Peterson opined that the proposed change did not meet with the applicable goals of the Growth Plan. While understanding that the area was experiencing a shortage of Industrial zoned properties, the Mixed Use category was approved in 2007 at applicants' request to provide them with more options for the sale and marketing of these properties. He added that neither the community nor the area would benefit from the proposed request and alternatively, applicants' request to change the Growth Plan and Future Land Use Map would exacerbate the problem and bring Industrial development closer to the existing Residential development. Mr. Peterson added that since the Growth Plan Amendment in 2007, there have been no significant changes to warrant another amendment to the Commercial/Industrial designation.

Lastly, he found that the proposed Growth Plan Amendment was not consistent with the purpose and intent of the Growth Plan and that the pertinent Zoning and Development Code review criteria had not all been met and recommended that the Planning Commission forward a recommendation of denial of the requested Growth Plan to the City Council. He said that he attended a neighborhood meeting wherein two property owners voiced their concern regarding the proposed designation and also that he had received a phone call from an adjacent property owner voicing his opposition to the proposed change.

### **APPLICANTS' PRESENTATION**

Robert Reigan addressed the Commission together with his wife, Marie, and Jerry Patterson and the manager of TEK Leasing, LLC. He addressed the issues in opposition to their request. He listed the major objections to be that the property served as a transitional property and buffer. He said that the only residential properties that could be affected were the Lynwood Subdivision to the north and the larger parcel to the direct east of the Morario property. He advised that they had more distance separating their properties from the residential properties than what had already been expanded along the south side of H Road and the west side of 22 Road.

Regarding the rezone in 2007, they had been trying to market their property as residential property for more than two years and were not successful due to the expansion of Industrial to the south. After speaking with the Planning Department, it was suggested to go to MU. However, with the expansion of Industrial to the east, on the south side of H Road and its expansion to the north on 22 Road on the west side, that had negated their property as a buffer. Mr. Reigan stated that all of the properties along H Road on the west side of 22 Road were previously agricultural properties as well as those to the north of H Road on the west side of 22 Road. Those have subsequently been rezoned to Commercial and Industrial properties and questioned why the criteria would be any different.

He identified what he believed to be a lot of changes since their application for the Mixed Use zoning. With respect to the neighborhood meeting, he added that there were only two property owners who voiced any concerns and added that after an explanation regarding an expansion of Commercial and Industrial properties that their use as a buffer had been negated because of that expansion. He said that those two property owners stated that while they did not like the requested relief, they understood why they were asking for it and would likely do the same thing if they were in applicants' position.

He also addressed the marketing of their property; first as Residential, then as Mixed Use to which they have had no success. He asked that the Commission have due diligence in consideration of their proposal to a Commercial and Industrial zoning of those properties because of the expansion in that area as well as there were other properties to provide the necessary buffer. Finally, he said that there was no opposition from the property owner directly to the east and asked for approval of the Commercial and Industrial zoning.

Marie Reigan, 2204 H Road, said that they purchased the property 18 years ago and they were now not able to provide a good, safe home for their children. She said that a zoning of Industrial was the only way that they would be able to sell the property as the property was not designed for Mixed Use. According to Ms. Reigan, they had asked for Commercial in 2007; however, they were told that the best they could do at the time was multi-use.

## **PUBLIC COMMENT**

### **For:**

Marcie Johnson along with Jerry Patterson, owner of 2202 H Road, said that there was now a three acre building directly across the street. She said that they received approximately 25 calls a week and those callers were no longer interested when advised of the MU zoning. She agreed with Ms. Reigan that it was dangerous as they were surrounded by Commercial.

Jerry Patterson said that he spoke with a person interested in their property who identified how they would like to use the property only to be told that while it was allowed right across the street, it was not allowed on his property.

Marcie Johnson said that it was no longer Mixed Use.

Julie Butherus with ReMax 4000 spoke on behalf of Glen Larsen (2202½ H Road) and advised that she had been trying to market his property for over 400 days. While there have been many, many calls the criteria required for an MU zone district made it unsalable.

Chairman Cole excused himself from hearing the remainder of this item. Commissioner Wall resumed the hearing as chairman.

Glen Larsen said that he was in favor of changing the Growth Plan to Commercial/Industrial.

**Against:**

No one spoke in opposition to this request.

**DISCUSSION**

Commissioner Abbott said that he was unsure as to how he would vote as there were valid arguments from both sides.

Commissioner Eslami said that he thought this site should be left alone because of the buffering and he supported staff regarding this request.

Acting Chairman Wall said that his belief was that if a zone was changed based on sales, there would be a hodgepodge and based on the staff report, and feathering of zoning, he thought a Mixed Use was the appropriate zone.

**MOTION: (Commissioner Abbott) “Mr. Chairman, I move that the Planning Commission forward a recommendation of approval of the Reigan Growth Plan Amendment request, GPA-2009-069, to the City Council.”**

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

**General Discussion/Other Business**

None.

**Nonscheduled Citizens and/or Visitors**

None.

**Adjournment**

With no objection and no further business, the Planning Commission meeting was adjourned at 7:54 p.m.

## **Minutes of Previous Meetings 2**

### **GRAND JUNCTION PLANNING COMMISSION**

**JUNE 9, 2009 MINUTES**

**6:00 p.m. to 6:29 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), Reggie Wall, Lynn Pavelka-Zarkesh, Pat Carlow, Mark Abbott and Ebe Eslami.

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

Also present was Jamie Beard (City Attorney).

Lynn Singer was present to record the minutes.

There were 12 interested citizens present during the course of the hearing.

### **Announcements, Presentations, and/or Prescheduled Visitors**

There were no announcements, presentations and/or visitors.

### **Consent Agenda**

1. **Minutes of Previous Meetings**  
Approve the minutes of the May 12, 2009 Regular Meeting.
  
2. **Melrose Park Right-of-Way Vacation – Vacation of Right-of-Way**  
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  
**PETITIONER:** 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**  
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

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. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on any of the Consent Agenda items.

**MOTION: (Commissioner Wall) “Mr. Chairman, I move we approve the Consent Agenda.”**

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

### **Public Hearing Items**

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

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

Chairman Cole requested advice from legal counsel regarding this particular item. Assistant City Attorney Jamie Beard advised that this was an appeal of an administrative decision and as such there was to be an evidentiary hearing held. However, in this instance, the Commission had the right to limit the hearing to just that evidence that was contained in the records at the time the Director made the decision. After brief discussion, it was the Commission’s unanimous decision to limit it to the Director’s evidence.

### **APPELLANT’S PRESENTATION**

Alan Hassler appeared on behalf of the Spyglass Ridge Homeowner’s Association. He advised that he was the attorney for the HOA who filed the appeal on the direction and on behalf of the Association. He objected to the consideration of the staff’s statement on the project because it went far beyond the record in imputing decisions, information and thought processes to the director that did not appear directly in the record of decision.

Mr. Hassler said that it was the association’s position that the subdivision, which was a combination of two entire subdivision lots into a single lot within a subdivision, was not allowed under the rules of the association and further that it was outside the City’s

authority to overrun the contract rights established by the subdivision owners. He said that the applicant and all other owners were aware of the rules, restrictions, regulations and covenants governing the subject property. Mr. Hassler stated that applicant, Mr. Overholt, had asked the City to overrun the contract and property rights of all other owners to allow him to make two lots into one lot.

He went on to discuss at length a limitation that did not appear in the record but rather state statutes - Colorado Common Interest Ownership Act. He asked the Commission recognize the association's involvement and authority within this proceeding. According to Mr. Hassler, the only decision or basis for a legal decision by the Commission was the record of decision, findings of fact, dated March 18, 2009. He believed that document did not support the decision.

He went on to state that there was no evidence in the record which supported the decision but rather ran against the decision. He said that it was Colorado law that the developer's designation of the lot controlled and asked the Commission to follow state law. He stated that he believed that the Code had been misapplied and the primary impact was that this combination affected the character of the neighborhood. In conclusion, he asked that the contract among the owners contained in the covenants be allowed to stand and that the Director's decision be overturned.

## **QUESTIONS**

Commissioner Wall asked what standing the Commission had as far as what the covenants said versus zoning rules. Jamie Beard said that as far as the covenants were concerned, they were viewed as a contract between the landowners and the developer and the City did not consider that the covenants, conditions and restrictions of the subdivision needed to be followed by the City as they were between the landowners and the developer. She said that the Zoning and Development Code was looked at for a determination of whether or not they would be allowed to do the Simple Subdivision. She concluded that based on the City's rules, it was determined by the Director that the subdivision could be granted. She also said that at this point in time, the granting of a Simple Subdivision would not stop the developer or the other homeowners within the subdivision trying to enforce their covenants, conditions and restrictions against the applicant. They could ask the Court to uphold what their claim was with regard to the covenants, conditions and restrictions.

Commissioner Wall asked for clarification as to whether or not the covenants were to be considered. Alan Hassler said that he was asking the Commission not to determine that this was an imposition upon the property rights of the applicant. He went on to state that there were references within the staff comments and the March 5<sup>th</sup> letter from the City Attorney which provided an interpretation followed by the Director which told the board of directors and developer that their covenants allowed combinations of lots.

Commissioner Carlow said that he understood that the City did not enforce private covenants, conditions and restrictions and asked if the City would have considered those in their decision-making. Ms. Beard said that in considering the Simple

Subdivision, the City normally did not look at covenants, conditions and restrictions because that was a contract between the landowners and the developer and did not affect the City's decision. She said that those were presented to the planner for review with arguments as to why the Simple Subdivision with a consolidation of lots should not occur. It was, however, determined by a Senior Staff Attorney that their claim would not allow for a consolidation of lots which was the interpretation made regarding the covenants, conditions and restrictions.

Commissioner Carlow asked if there was any situation where covenants would override the City's Codes. Ms. Beard said that typically they could take it to the Court and the Court would decide if they had the ability under that contract to proceed with the lot consolidation and at that point it would be overridden.

Commissioner Eslami asked Mr. Hassler for clarification regarding a combination of portions of a lot to the next lot and what happened to the remaining portion. Alan Hassler said that was what his client contended was one of the alterations of the character of the neighborhood. The result would be a permanent gap in the spacing and location of houses when the subdivision was built out. He said that would impact the character of the neighborhood and it was the association's belief that the Director improperly decided there was no impact.

Commissioner Eslami asked if this was allowed in the covenants. Mr. Hassler confirmed that partial combinations were allowed by the covenants which would result in a realignment or a change of size of lots but not elimination of a lot which would be allowed by this application.

Commissioner Wall asked if the covenants imposed a condition that if a lot was sold, if there was so much time within which it had to be built upon. Alan Hassler said that was correct; however, if a lot line was eliminated and it was then down to a single lot, the restriction was one dwelling unit per lot pursuant to both the covenants and City Code.

Commissioner Putnam asked if it would be legal to have all but one foot of the contested lot combined. Mr. Hassler said that the result would be a lot of one square foot which would be an illegal subdivision under the City Code.

### **APPLICANT'S PRESENTATION**

Debbie Overholt, representing a family member, said that they had gone through the covenants and fully supported the findings of City staff. They saw no negative impact on the subdivision.

### **QUESTIONS**

Commissioner Carlow asked legal counsel if this appeal was denied would it then go to court proceedings that would not involve the City. Jamie Beard said if the appeal was denied, then the appellant would have 30 days to be able to file an action with the Court which said that the Commission's decision in upholding the Director's decision was arbitrary and capricious; however, they would also have the option to file an action with



the Court in asking the Court to uphold their covenants, conditions and restrictions based on their claims. That action would not include the City and would be between the landowner and the HOA. The action, if appealed, would include the City.

### **DISCUSSION**

Chairman Cole said that it appeared to him that this was a dispute between the HOA and the applicant. It was his opinion that the City had exercised due diligence in bringing about its decision and thought that the correct decision was made based on the City's Zoning Rules and Regulations and he could not agree with the appeal and would vote to not grant the appeal.

Commissioner Eslami said that he agreed and would also vote to deny the appeal.

Commissioner Putnam also agreed and further stated that he believed the City should not be involved and was inclined to deny the appeal.

**MOTION: (Commissioner Eslami) "Mr. Chairman, I make a motion to approve the appeal for the case, R & L Simple Subdivision, SS-2009-015."**

Commissioner Pavelka-Zarkesh seconded the motion. A vote was called and the appeal was denied, 0 - 7.

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

None.

### **Nonscheduled Citizens and/or Visitors**

None.

### **Adjournment**

With no objection and no further business, the Planning Commission meeting was adjourned at 6:29 p.m.

**Attach 2  
PSI Vacation of ROW**

CITY OF GRAND JUNCTION  
PLANNING COMMISSION

MEETING DATE: July 14, 2009  
STAFF PRESENTATION: Brian Rusche

AGENDA TOPIC: Public Safety Plaza Vacation of Public Right-of-Way, VR-2008-342

ACTION REQUESTED: Vacation of Alley Right-of-Way

BACKGROUND INFORMATION					
Location:		Ute Avenue to Pitkin Avenue east of S. 7 <sup>th</sup> Street			
Applicants:		City of Grand Junction			
Existing Land Use:		Public Alley			
Proposed Land Use:		Public Safety Services			
Surrounding Land Use:	North	Enstrom Candies			
	South	Commercial			
	East	Single Family / Commercial			
	West	Police and Fire Stations			
Existing Zoning:		N/A			
Proposed Zoning:		B-2 (Downtown Business)			
Surrounding Zoning:	North	B-2 (Downtown Business)			
	South	C-1 (Light Commercial)			
	East	C-1 (Light Commercial)			
	West	B-2 (Downtown Business)			
Growth Plan Designation:		N/A			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: Request to vacate the north/south alley between Ute Avenue and Pitkin Avenue, east of South 7<sup>th</sup> Street and a portion of the east/west alley between South 7<sup>th</sup> and South 8<sup>th</sup> Street south of Ute Avenue, all within Block 137 of the Original Town Site of Grand Junction.

RECOMMENDATION: Forward a recommendation of approval to City Council.

## ANALYSIS

### 1. Background

Block 137 is part of the original town site of Grand Junction, platted in 1882.

Lots 1-13 and Lots 26-28 of Block 137 have been acquired by the City as part of the Public Safety Initiative. They have been cleared of their previous uses and structures in anticipation of redevelopment.

In order to provide a large enough property for the anticipated construction of a new Fire Station, the existing alley right-of-way must be vacated. The entire north/south alley is requested to be vacated, but only a portion of the east/west alley is requested to be vacated, as there are uses that remain within the block.

Access to the proposed Fire Station is available from South 7<sup>th</sup> Street, as well as Ute and Pitkin Avenues. No access would be provided from the property to the remaining east/west alley, due to the proposed layout of the site. Existing utilities will be relocated as part of the development of the property. A multi-purpose easement is proposed running north/south on the eastern edge of the subject property, according to the subdivision plat filed to combine the existing parcels.

### 2. 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 right-of-way vacation does not conflict with the Growth Plan, major street plan and/or any other adopted plans and policies of the City.

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

No properties will be landlocked with this vacation. Access will be maintained for all properties to the east via public streets and the remaining alley right-of-way.

- 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 be maintained for all properties to the east via public streets and the remaining 150 foot alley right-of-way. The dead-end alley will not affect the operations of the Fire Department or the Solid Waste Department.

- 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 have adverse impact on the health, safety, and/or welfare of the community. The land that is currently alley right-of-way will be consolidated with the adjacent parcels to provide a property large enough for the construction of a fire station. The remaining east/west alley will provide access to public facilities in virtually the same manner as currently provided. Existing utilities, including sewer and electric, within the proposed vacation will be relocated. Service will be maintained. Access to the consolidated parcel will be available from Ute, Pitkin, and South 7<sup>th</sup> Street.

- 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 land that is currently alley right-of-way will be consolidated with the adjacent parcels. The remaining east/west alley will provide access to public facilities in virtually the same manner as currently provided. Existing utilities within the proposed vacation will be relocated and service will be maintained. Access to the consolidated parcel will be available from Ute and Pitkin Avenues and South 7<sup>th</sup> Street.

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

The request provides benefits to the City with the additional land necessary for the construction of a fire station.

## FINDINGS OF FACT/CONCLUSIONS

After reviewing the Public Safety Plaza application, VR-2008-342 for the vacation of public rights-of-way, I make the following findings of fact and conclusions:

1. The requested right-of-way vacation is consistent with 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 requested right-of-way vacations, VR-2008-342 to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

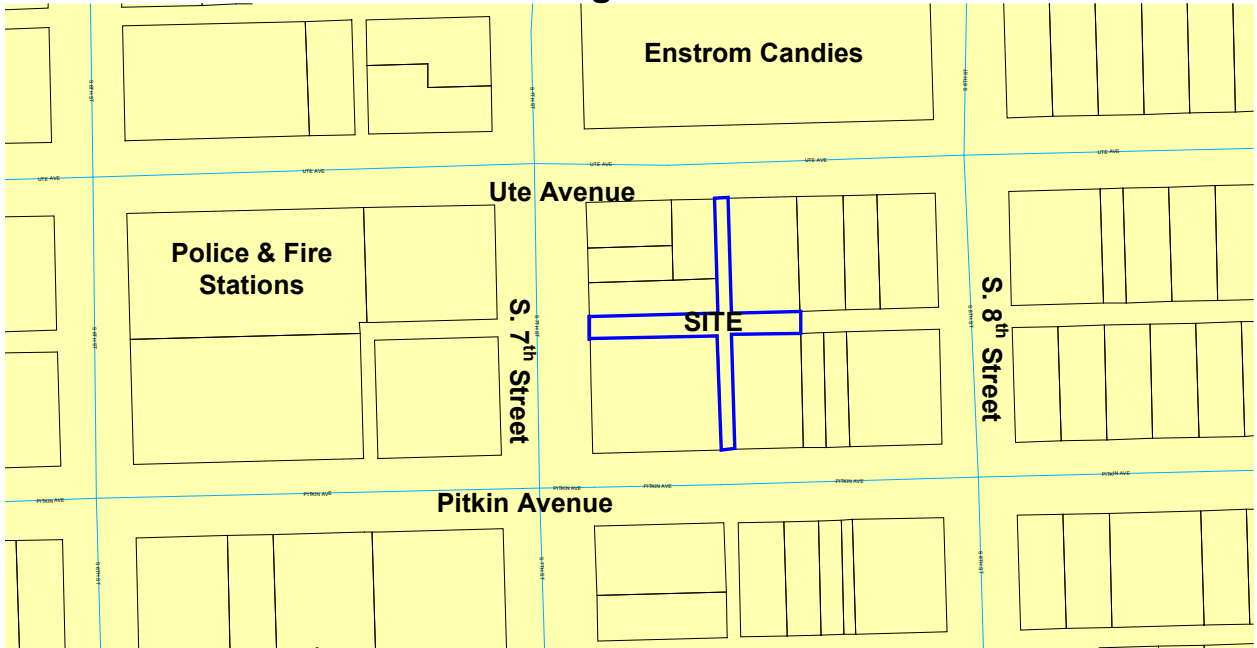
Mr. Chairman, on item VR-2008-42, I move that the Planning Commission forward a recommendation of approval to the City Council on the requested alley right-of-way vacations, with the findings and conclusions listed in the staff report.

Attachments:

Site Location Map / Aerial Photo Map  
Future Land Use Map / Existing City Zoning Map  
Ordinance  
Alley Vacation Exhibit

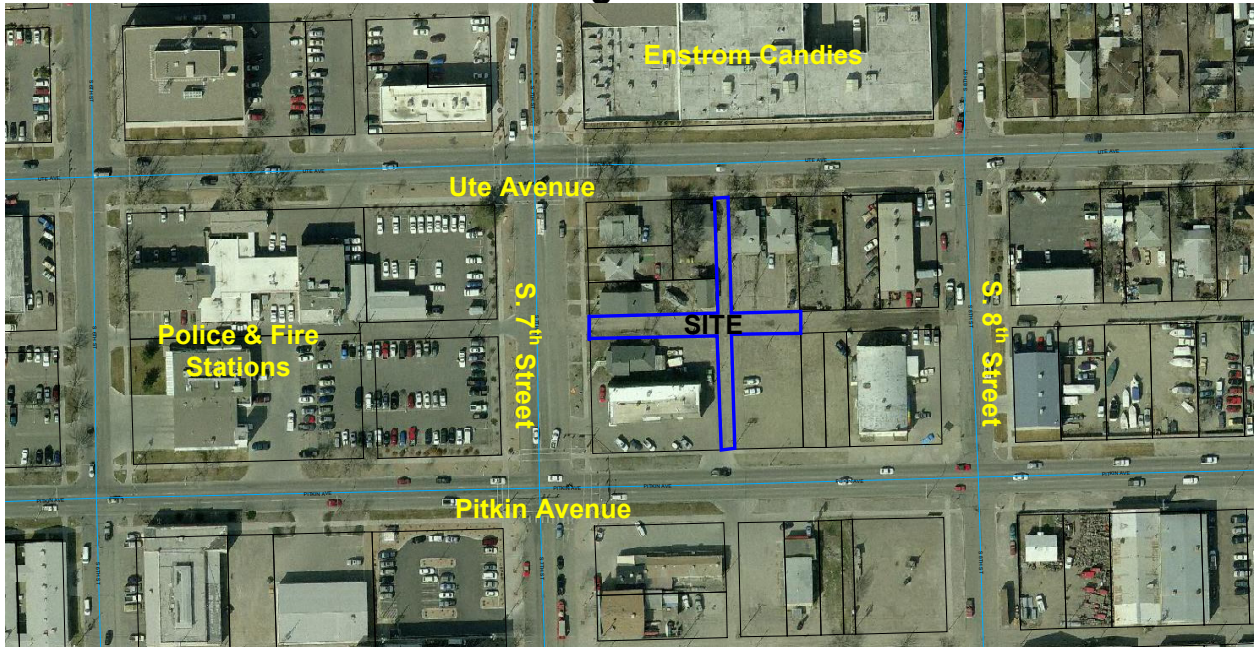
# Site Location Map

Figure 1



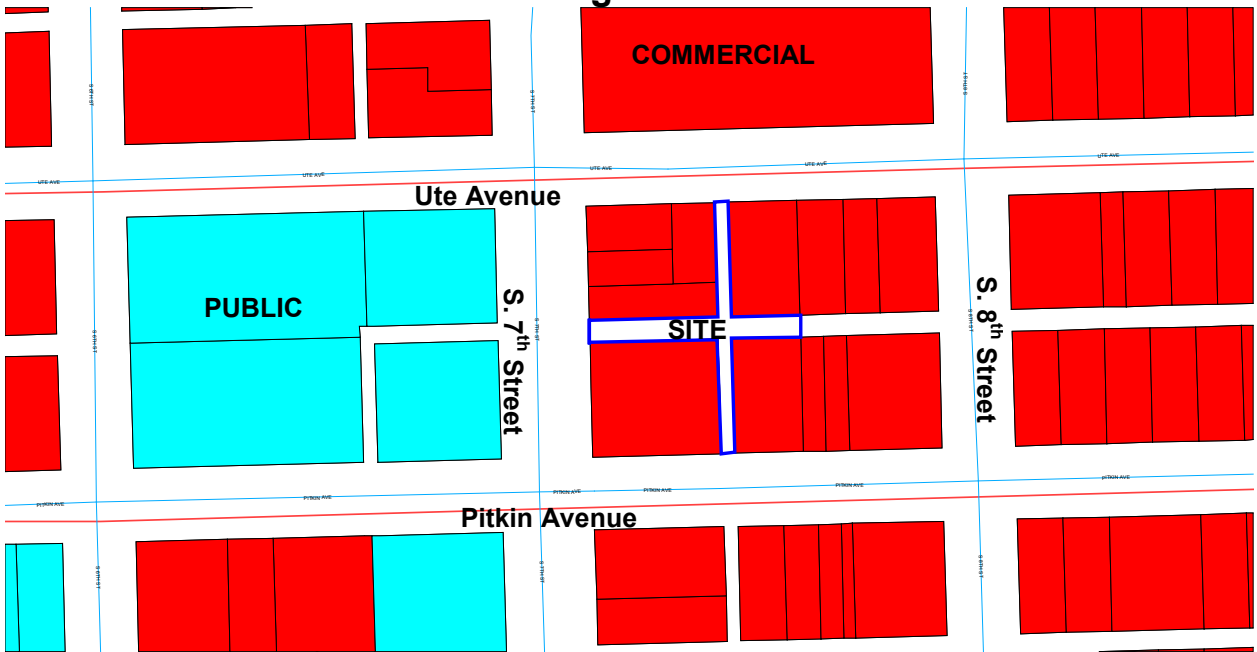
# Aerial Photo Map

Figure 2



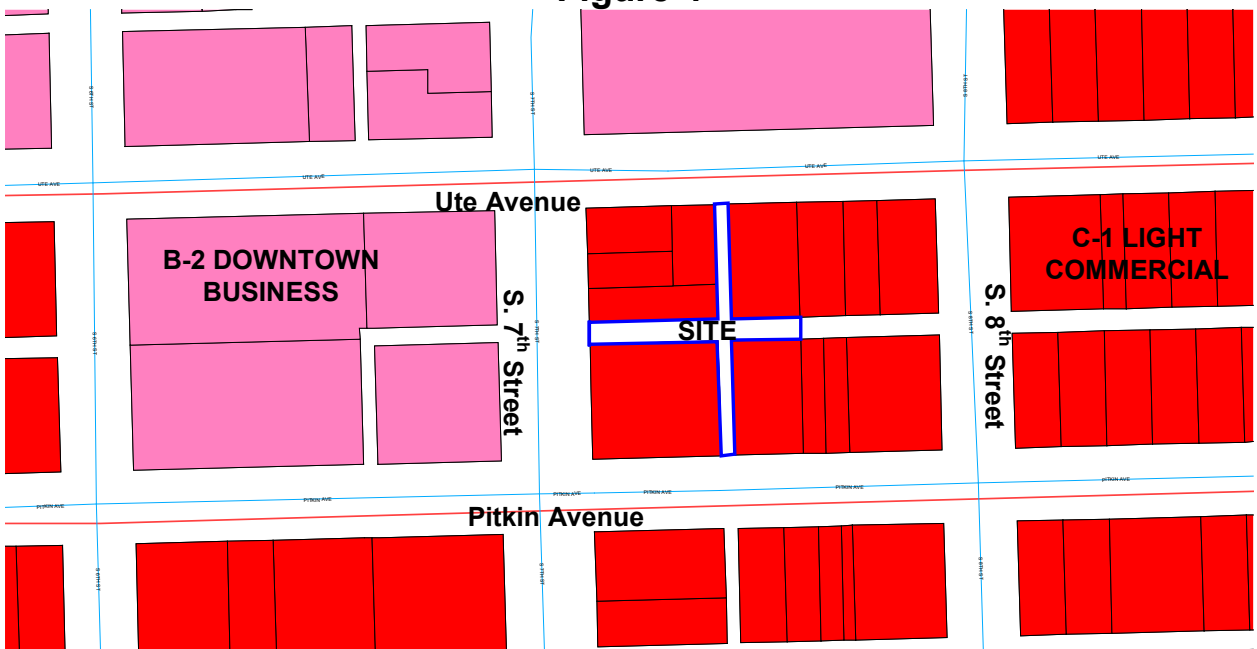
# Future Land Use Map

Figure 3



# Existing City Zoning Map

Figure 4



**CITY OF GRAND JUNCTION**

**Ordinance No.**

***AN ORDINANCE VACATING ALLEY RIGHTS-OF-WAY  
LOCATED BETWEEN UTE AND PITKIN AVENUES, EAST OF SOUTH 7<sup>TH</sup> STREET***

RECITALS:

A vacation of dedicated rights-of-way 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 dedicated right-of-way is hereby vacated subject to the listed conditions:

1. The alley area described herein shall be retained as a temporary multi-purpose easement on, along, over, under, through and across the described area 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.
2. Said multi-purpose easement shall be extinguished upon relocation of utilities into new easements or right-of-way.

Dedicated right-of-way to be vacated:

A tract of land situate in the SW  $\frac{1}{4}$  of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, more particularly described as follows:

All of the north to south alley in Block 137 and all of that portion of the east to west alley in Block 137 lying west of the east line of Lot 13 and the east line of Lot 26, City of Grand Junction, according to the Plat of Part of Second Division Resurvey as Amended, Plat Book 3, Page 21, Reception Number 54332 in the Office of the Mesa County Clerk and Recorder.



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

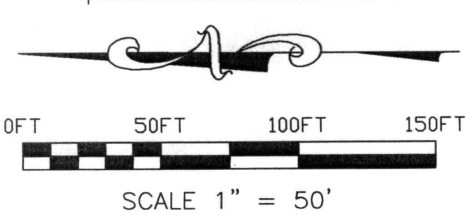
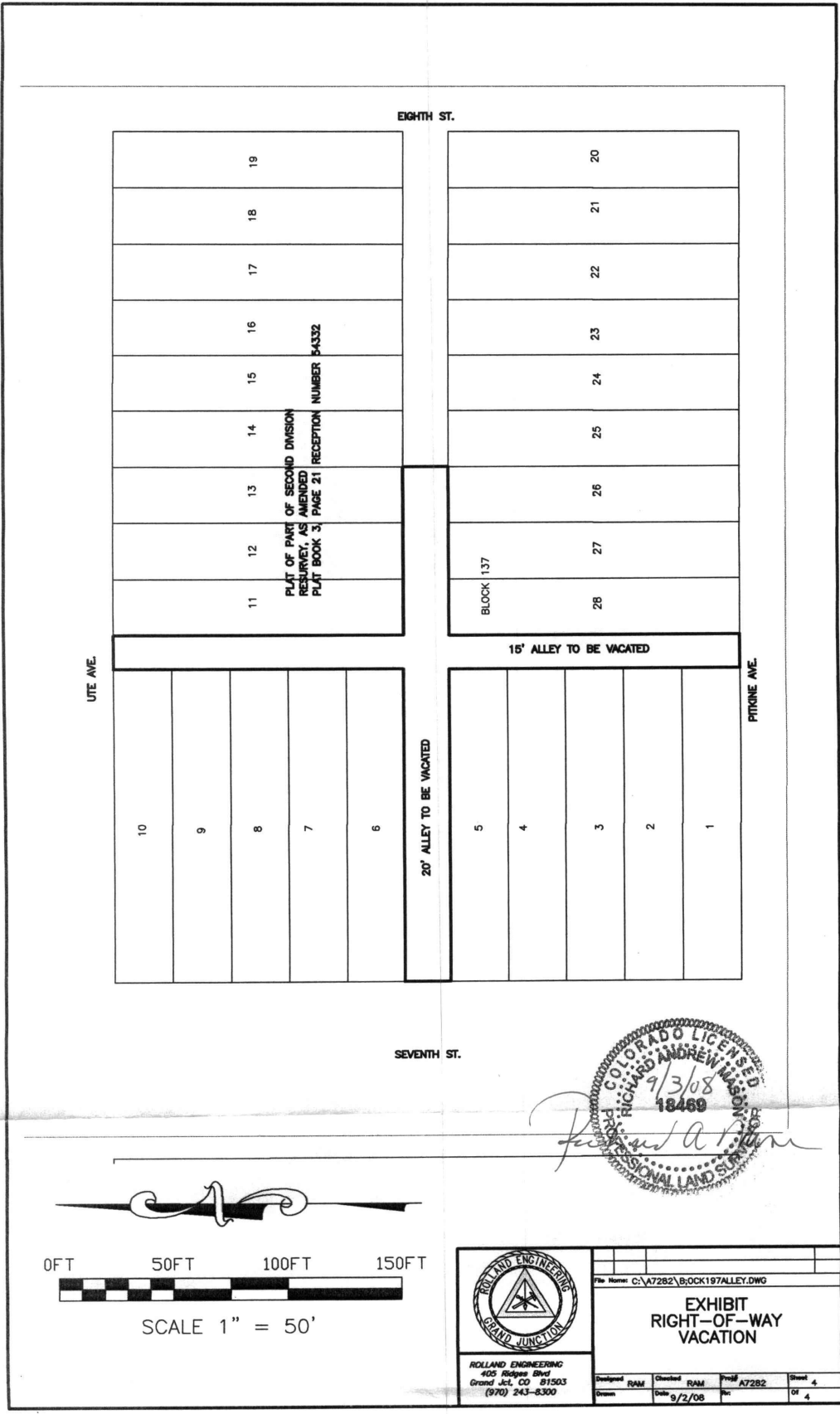
PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

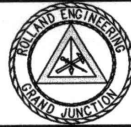
ATTEST:

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

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

ROJEC TS\A7282\fromcity\BLOCK197ALLEY.dwg, 9/3/2008 10:21:53 AM



 <p><b>ROLLAND ENGINEERING</b> 405 Ridge Blvd Grand Jct., CO 81503 (970) 243-8300</p>	File Name: C:\A7282\BLOCK197ALLEY.DWG			
	<p><b>EXHIBIT RIGHT-OF-WAY VACATION</b></p>			
Designed RAM	Checked RAM	Proj# A7282	Sheet 4	
Drawn	Date 9/2/08	By	Of 4	

EXHIBIT

A tract of land situate in the SW1/4 of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, more particularly described as follows:

All of the north to south alley in Block 137 and all of that portion of the east to west alley in Block 137 lying west of the east line of Lot 13 and the east line of Lot 26.

This description was prepared by Richard Mason for Rolland Engineering, 405 Ridges Blvd., Grand Junction, CO.



**Attach 3  
PSI Rezone**

CITY OF GRAND JUNCTION  
PLANNING COMMISSION

MEETING DATE: July 14, 2009  
STAFF PRESENTATION: Brian Rusche

AGENDA TOPIC: Public Safety Rezone, RZ-2008-342

ACTION REQUESTED: A recommendation to City Council to rezone Block 139, bounded by Ute Avenue and Pitkin Avenue between S. 5<sup>th</sup> and S. 6<sup>th</sup> Street, along with a portion of Block 137 bounded by Ute Avenue and Pitkin Avenue from S. 7<sup>th</sup> Street east approximately 230 feet, from C-1 (Light Commercial) to B-2 (Downtown Business).

BACKGROUND INFORMATION					
Location:		Ute Avenue to Pitkin Avenue between S. 5 <sup>th</sup> and S. 6 <sup>th</sup> Street and from S. 7 <sup>th</sup> Street east 230 feet			
Applicant:		City of Grand Junction			
Existing Land Use:		Vacant			
Proposed Land Use:		Public Safety Services			
Surrounding Land Use:	North	Commercial / Bus Depot / Enstrom Candies			
	South	Commercial			
	East	Single Family Residential / Commercial			
	West	Whitman Park			
Existing Zoning:		C-1 (Light Commercial)			
Proposed Zoning:		B-2 (Downtown Business)			
Surrounding Zoning:	North	B-2 (Downtown Business)			
	South	C-1 (Light Commercial)			
	6 <sup>th</sup> to 7 <sup>th</sup> St	B-2 (Downtown Business)			
	East	C-1 (Light Commercial)			
	West	CSR (Community Services and Recreation)			
Growth Plan Designation:		Commercial			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: Request to rezone Block 139, consisting of 2.52 acres more or less, and a portion of Block 137, consisting of 1.45 acres more or less, from C-1 (Light Commercial) to B-2 (Downtown Business).

RECOMMENDATION: Forward a recommendation of approval to City Council.

## ANALYSIS:

### 1. Background:

Block 137, 138, and 139 are part of the original town site of Grand Junction, platted in 1882.

The existing police and fire stations have been located in the 600 Block (Block 138) since 1958. This block is currently zoned B-2 (Downtown Business).

The subject property (all of Block 139 and portions of Block 137) has been acquired by the City over time, with the final acquisitions in 2008 in anticipation of the Public Safety Initiative. They have been cleared of their previous uses and structures in anticipation of redevelopment.

The City is requesting a rezone of the subject property from C-1 (Light Commercial) to B-2 (Downtown Business) in order to provide a single, uniform zone for the entire area for the redevelopment and expansion of public safety services.

### 2. Consistency with the Growth Plan:

The Growth Plan's Future Land Use designation is Commercial. Therefore, the proposed B-2 zone district is consistent with the Growth Plan.

### 3. Rezone Criteria of the Zoning and Development Code:

In order to maintain internal consistency between the Code and the Zoning Maps, map amendments and rezones must demonstrate conformance with all of the following criteria for approval:

#### 1. *The existing zoning was in error at the time of adoption*

The existing zoning was not in error at the time of adoption. Prior to the City's acquisition of the properties, a variety of uses, primarily highway oriented commercial and residential dwellings, occupied the site.

#### 2. *There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transition, etc*

The City has acquired the subject properties and they have been cleared of their previous uses and structures in anticipation of redevelopment. Aside from the change to the properties themselves, several public improvements have occurred within the neighborhood that has had the effect of expanding the downtown core. These include:

- Grand Valley Transit transfer station at S. 5<sup>th</sup> Street & South Ave.
  - Riverside Parkway interchange at S. 5<sup>th</sup> Street
  - 7<sup>th</sup> Street corridor and pedestrian improvements
  - Colorado Avenue corridor and pedestrian improvements
3. *The proposed rezone is compatible with the neighborhood and furthers the goals and policies of the Growth Plan, other adopted plans, and the requirements of this Code and other City regulations and guidelines*

The City has acquired the subject properties for the purpose of constructing a public safety campus. One of the goals of the public safety campus is to connect with the existing downtown fabric. Rezoning the property is an opportunity to connect this public property with the existing police and fire stations and the downtown core, including Whitman Park.

In addition, the request furthers the following policies:

Policy 8.2 of the Growth Plan specifically states that “The City and County will maintain the majority of governmental operations Downtown to help support the area’s economic stability/vitality.”

Policy 13.5 of the Growth Plan states that “Community entryways will be enhanced and accentuated at key entry points to the city including interstate interchange areas, and other major arterial street leading into the City.” Fifth Street is identified Exhibit V.6 as a Gateway.

The proposed rezone is compatible with a Future Land Use designation of Commercial.

4. *Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development*

Existing utility infrastructure is already in place, including a 12” city water line in S. 5<sup>th</sup> Street, 8” water lines in Ute and Pitkin Avenues and S. 7<sup>th</sup> Street, and a 12” combined sewer running east/west through the alley. These services are adequate and available for development of the property.

5. *There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs.*

The goal of the Public Safety Initiative is to enhance public safety facilities in order to provide the best response times and to provide coverage to the areas in which calls for service are generated. Moving these essential services to a site outside of the downtown area would not be consistent

with thoughtful community planning, both from a land use and service delivery perspective. The City and County have committed, as discussed in the Growth Plan compatibility section of this report, to a presence Downtown. Examples include the Mesa County Justice Center, Sheriff's Office and Jail, City Hall, Old County Courthouse, all zoned B-2.

The existing police and fire stations are on 3.34 acres. In order to accommodate the proposed expansion of the existing public safety facilities, these adjacent properties, totaling 3.97 acres, were acquired; however, they are not zoned comparable to the existing public safety facilities. There are no other locations available of this size (about 8 acres total) within the B-2, Downtown Business zone. In addition, the B-2 zone provides more flexibility in creating a project that fits within the fabric of the original town site and downtown core.

Approval of this rezone request would meet the community need.

6. *The community or neighborhood will benefit from the proposed zone*

The community and surrounding area will benefit from a single, uniform zone that will connect the public safety campus to the downtown core. The creation of a uniform zone will provide the standards necessary to develop an enhanced public safety campus that is both functional and integrated into the downtown core.

**FINDINGS OF FACT/CONCLUSIONS:**

After reviewing the Public Safety Rezone, RZ-2008-342, a request to rezone Block 139 and a portion of Block 137 from C-1 (Light Commercial) to B-2 (Downtown Business), I make the following findings of fact and conclusions:

The requested rezone is consistent with the Growth Plan.

1. The review criteria in Section 2.6.A 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 rezone to City Council with the findings and conclusions listed above.

**RECOMMENDED PLANNING COMMISSION MOTION:**

Mr. Chairman, on the Public Safety Rezone, RZ-2008-342, I move we forward a recommendation of approval to City Council on the request to rezone Block 139 and a portion of Block 137 from C-1 (Light Commercial) zone district to B-2 (Downtown Business) zone district, with the findings and conclusions listed in the staff report.

Attachments:

Site Location Map/Aerial Photo Map

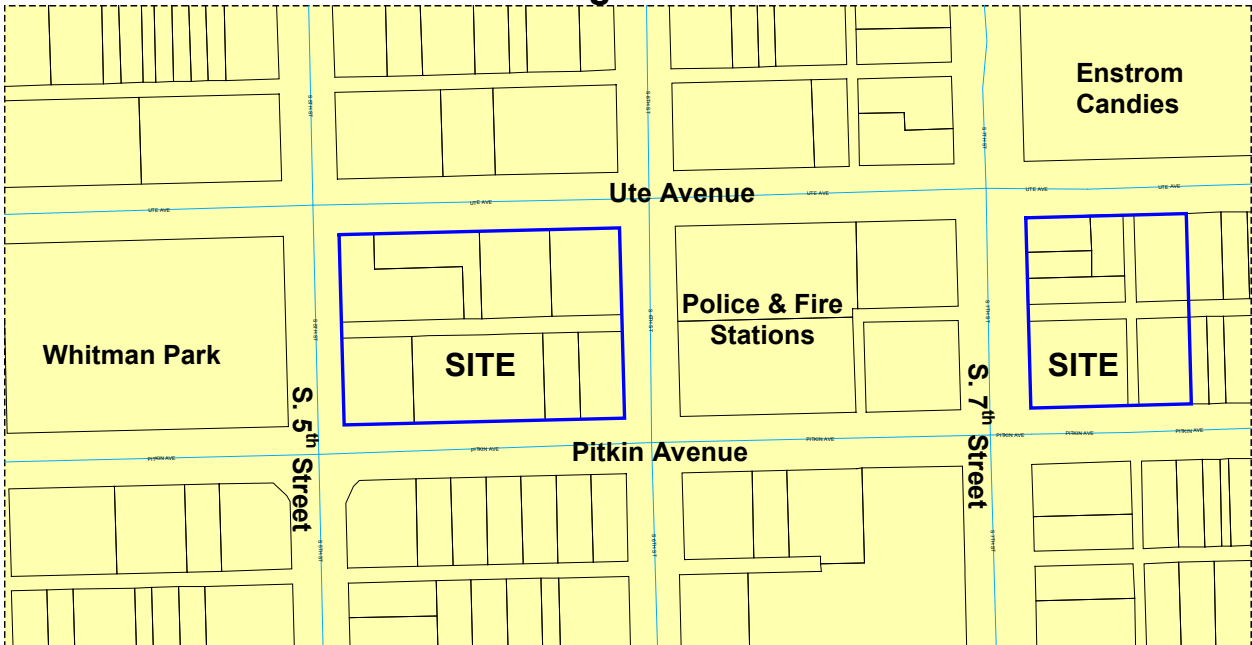
Future Land Use Map/Existing City Zoning Map

Ordinance



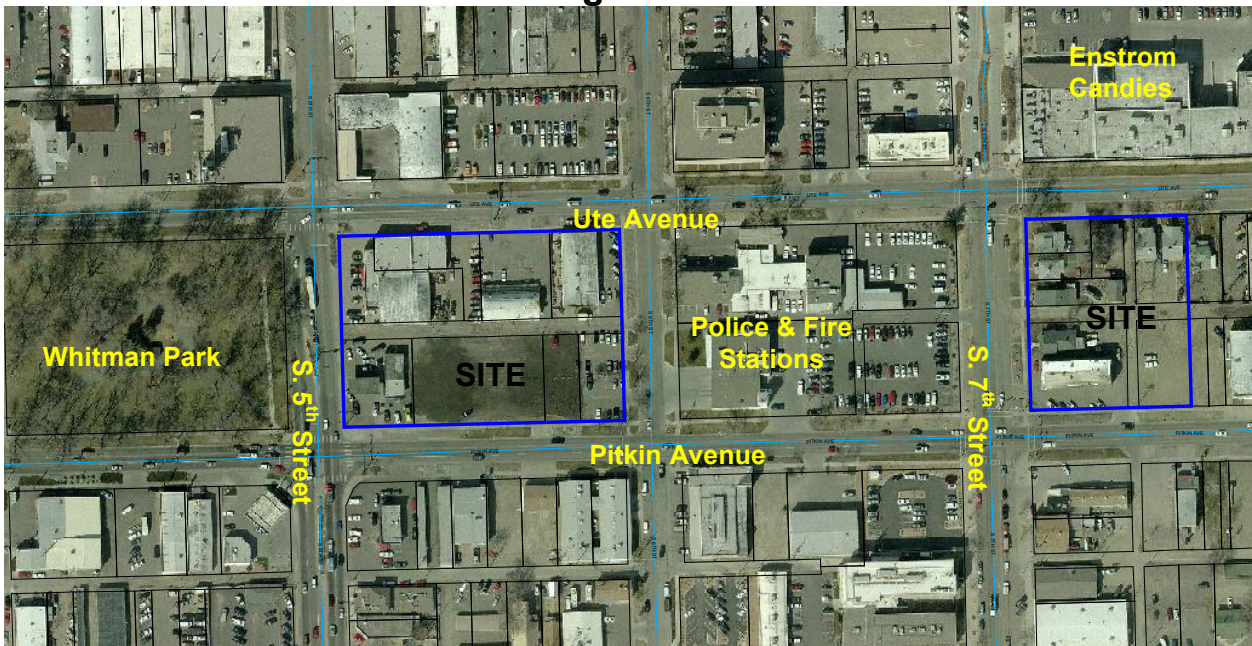
# Site Location Map

Figure 1



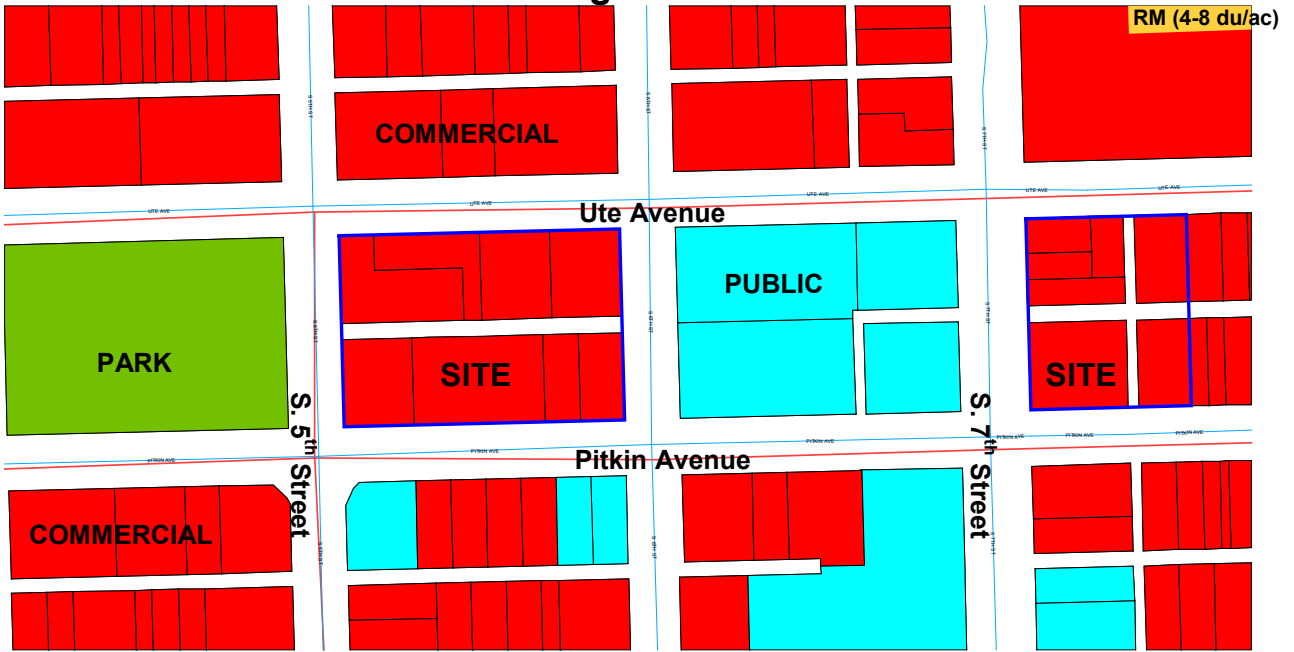
# Aerial Photo Map

Figure 2



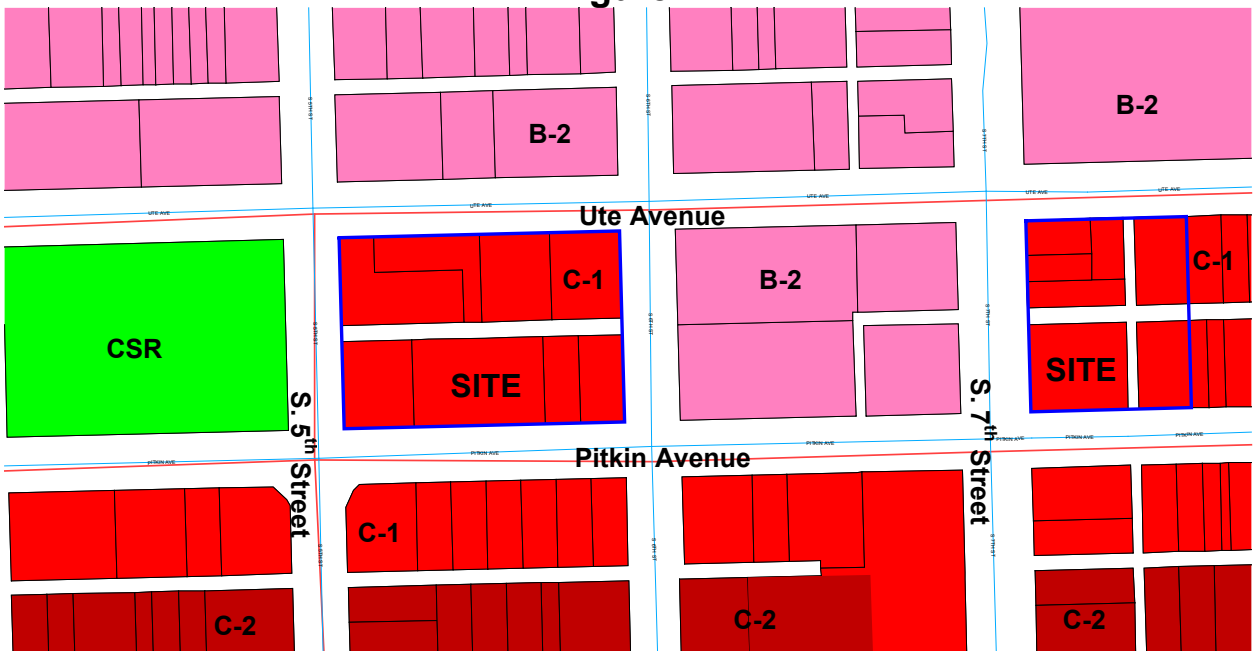
# Future Land Use Map

Figure 3



# Existing City Zoning Map

Figure 4



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING PARCELS OF LAND FROM  
C-1 (LIGHT COMMERCIAL) TO B-2 (DOWNTOWN BUSINESS)**

**LOCATED BETWEEN UTE AND PITKIN AVENUES FROM S. 5<sup>TH</sup> STREET TO S. 6<sup>TH</sup>  
STREET AND FROM S. 7<sup>TH</sup> STREET EAST APPROXIMATELY 230 FEET**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the rezone request from C-1 zone district to the B-2 zone district.

After public notice and public hearing before the Grand Junction City Council, City Council finds the rezone request meets the goals and policies and future land use as set forth by the Growth Plan, Commercial. City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCEL DESCRIBED BELOW IS HEREBY ZONED TO THE B-2 (DOWNTOWN BUSINESS) ZONE DISTRICT:

A tract of land situate in the SW ¼ of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, more particularly described as follows:

All of Lots 1 through 10, inclusive, all of Lots 11 through 13, inclusive, all of Lots 26 through 28, inclusive, in Block 137, TOGETHER WITH All of Block 139, City of Grand Junction, according to the Plat of Part of Second Division Resurvey as Amended, Plat Book 3, Page 21, Reception Number 54332 in the Office of the Mesa County Clerk and Recorder.

Introduced on first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

PASSES and ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Attest:

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

\_\_\_\_\_  
Bruce Hill  
President of the Council

**Attach 4  
Fiesta Guadalajara**

CITY OF GRAND JUNCTION  
PLANNING COMMISSION

MEETING DATE: July 14, 2009  
STAFF PRESENTATION: Senta L. Costello

AGENDA TOPIC: Fiesta Guadalajara Planned Development – RZ-2009-037

ACTIONS REQUESTED: 1) A recommendation of approval to City Council to zone 1.422 acres to PD (Planned Development) with the default zones of C-1 (Light Commercial) and R-8 (Residential 8 du/ac), 2) a recommendation of approval to City Council for a Preliminary Development Plan, 3) and a recommendation of approval to City Council for a vacation of the west 7.5' of the North/South alley located east of North 7th Street and south of Glenwood Avenue.

BACKGROUND INFORMATION				
Location:		710 / 748 North Avenue and 705 / 727 Glenwood Avenue		
Applicants:		Sanchez/Ortiz, LLC – Derrick Draper		
Existing Land Use:		Restaurant, Bar, Residential, Parking		
Proposed Land Use:		Restaurant, Bar, Residential, Parking		
Surrounding Land Use:	North	Office, Residential		
	South	Retail		
	East	Retail, Residential		
	West	Office, Retail		
Existing Zoning:		C-1 (Light Commercial)/R-8 (Residential 8 du/ac)		
Proposed Zoning:		PD (Planned Development)		
Surrounding Zoning:	North	B-1 (Neighborhood Business)/R-8 (Residential 8 du/ac)		
	South	C-1 (Light Commercial)		
	East	C-1 (Light Commercial)/R-8 (Residential 8 du/ac)		
	West	C-1 (Light Commercial)		
Growth Plan Designation:		Commercial / Residential Medium 4-8 du/ac		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: Requests for: 1) zone property located at 710 and 748 North Avenue and 705 and 727 Glenwood Avenue to PD (Planned Development) with default zones of C-1(Light Commercial) and R-8 (Residential 8 du/ac), 2) approval of a Preliminary Development Plan, and 3) vacation of the west 7.5' of the north/south alley located east of North 7th Street and south of Glenwood Avenue.

RECOMMENDATION: Recommend approval to City Council to zone 1.422 acres to PD with default zones of C-1 and R-8, recommend approval to City Council of a Preliminary Development Plan and recommend approval to City Council of an alley vacation.

## ANALYSIS

### 1. Background

The property is located at the northeast corner of North Avenue and North 7<sup>th</sup> Street and was platted as part of the Capitol Hill Subdivision in 1898 and replatted as part of the Craig's Subdivision in 1940. The property was annexed into the City of Grand Junction in 1909 as part of the Capitol Hill Addition annexation.

The building located at 710 North Avenue was built in 1978 and has historically been used as a restaurant. The building located at 748 North Avenue was built in 1955 and has been occupied by a variety of uses including a restaurant and bar. The property at 705 Glenwood Avenue is used as a parking lot and a drive-thru coffee kiosk was added in 1998. A single family residence is located at 727 Glenwood Avenue and was built in 1943.

Current use of the property includes a restaurant, bar, coffee kiosk, one single family house and parking.

The Applicant is proposing that the properties be rezoned to a PD (Planned Development) with default zones of C-1 (Light Commercial) and R-8 (Residential 8 du/ac). Section 3.3.G and 3.4.D of the Zoning and Development Code ("Code") states that the purpose of the R-8 and C-1 zone districts are respectively:

"To provide for medium-high density attached and detached dwellings, duplexes, two-family dwelling, stacked dwelling, and multi-family units. R-8 is a transitional zone district between lower density single family districts and higher density multifamily or business development. A mix of dwelling types is allowed in this district."

and

"To provide indoor retail, service and office uses requiring direct or indirect arterial street access, and business and commercial development along arterials. The C-1 zone district should accommodate well-designed development on sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for orderly transitions and buffers between uses."

In conjunction with the proposed rezone, the applicant is also requesting to vacate a 7.5 foot section of the north/south alley which is interior to the project boundaries. The portion of the alley requesting to be vacated was dedicated in 1980 for alley and utility purposes. The 7.5 feet of additional alley right-of-way was never constructed, is not needed for the alley to function and contains no utilities.

The applicant proposes to demolish the existing restaurant building and remodel the existing bar building for use as a temporary location while a new restaurant is constructed. Once the new restaurant building is completed, the bar building will be returned to a bar use. The existing single family home will be removed and a new 3 unit residential building constructed.

### **Uses and Development Character**

Multifamily residential and commercial uses will be constructed on the 1.422 acre site which is composed of 4 parcels.

Unified development of the site is proposed with similar architectural styles and themes across the 1.422 acres including common landscape and streetscape features. The existing bar building located on the eastern boundary of the site is southwest style architecture and will remain on the property. The new restaurant building will also be constructed with the southwest architecture theme (see attached elevations). The residential units will maintain the residential character of the surrounding neighborhood. Shared parking is proposed with uses that have offset peak hours for parking needs (i.e. the restaurant peak hours are lunch and dinner hours and the bar peak hours are late evening and nighttime hours). Adequate parking will be provided at peak business hours for each use.

### **Density**

The maximum density for the area of the site with a default zone of C-1 is 24 du/ac. On the portion of the site with a default zone of R-8, a maximum density of three dwelling units is allowed. The entire Planned Development (PD) requires at least three dwelling units. The proposed development has a total of three dwelling units on the R-8 portion of the site, with no dwelling units on the C-1 portion; however, the area could be re-developed in the future to include up to 31 additional dwelling units. A maximum of 34 and a minimum of 3 dwelling units could be developed within the Planned Development.

### **Access**

Access to the site will be from a single entrance on North Avenue, along the east/west alley north of the site, and a new access along Glenwood Avenue. The existing driveway located on North 7th Street will be removed (see attached Preliminary Development Plan).

### **Signage**

Freestanding signage along North Avenue, North 7th Street, and Glenwood Avenue will be limited to one monument sign per street frontage per parcel and limited to 10 feet in height. A sign package will be submitted as part of the Final Development Plan for all signage within the Planned Development and will meet all requirements of the Zoning and Development Code.

## **Community Benefit**

The proposed development combines multifamily residential dwelling units and commercial uses within the 1.422 acre site. Internal traffic and pedestrian circulation and concentrated development create more efficient use of street and related infrastructure. The mix of residential and commercial uses share parking on the site with pedestrian connections between the parking lot and the residential units, lowering the overall parking requirement. The driveway located on North 7<sup>th</sup> Street will be eliminated, improving circulation on North 7<sup>th</sup> Street. Additional residential dwelling units near North Avenue, Mesa State College and the commercial center of Grand Junction are needed and development of these may tend to reduce overall traffic and driving distances to essential services. The proposed development will provide three residential units and incorporates an innovative design that pulls the building up to the street and puts a majority of the parking behind the building. This creates a relationship and equity of scale between pedestrians and the building itself.

A southwestern architectural theme will be incorporated throughout the development (see attached elevations) and the streetscape will further tie the site together (see attached Preliminary Landscape Plan and Corridor Example), creating a look similar to what is encouraged by the North Avenue Corridor Plan which affects properties just to the east of this site. The proposed development incorporates approximately 90% more landscaping (trees and shrubs) throughout the site than is required by the Zoning and Development Code.

Based on the foregoing, the Director has determined that substantial community benefits as outlined in Chapter 5 will be derived with this project. These benefits are:

- More effective infrastructure;
- Reduced traffic demands;
- Innovative designs
  - Including increased landscaping.
  - Street interactive buildings located at the front property line

## **Phasing Schedule**

The Final Plan shall be submitted within 2 years after this approval.

## **Default Zoning/Deviations**

The Applicant is proposing default zones of C-1 and R-8, which are consistent with the Growth Plan designations of Commercial and Residential Medium 4-8 du/ac. There are no proposed deviations for the R-8 zone district. The proposed C-1 deviations are the front setbacks and use.

The Planning Commission may recommend and the City Council may deviate from the default district standards if the Applicant has provided community amenity from the list under Section 5.4.G.5 “Other Amenities” of the Code. The applicant is providing:

- A varied streetscape which incorporates hardscape (i.e. decorative concrete, pavers, trees in tree wells, planters, street furniture, etc) and traditional street frontage (trees, shrubs, and groundcover within planting beds) landscaping improvements. Overall, the site incorporates approximately 90% more landscaping throughout the site than is required by the Zoning and Development Code.
- Incorporates an innovative design that pulls the building up to the street and puts a majority of the parking behind the building, creating relationship and equity of scale between pedestrians and the building itself.
- Needed housing in the Mesa State College neighborhood;
- Redevelopment of an existing older site which is non-conforming by current Zoning Code standards for landscaping and circulation;
- While outside the boundaries of the North Avenue Plan, the project implements many of the design elements of the Plan such as:
  - Encouraging mixed uses including residential and multifamily;
  - Allows for an improved streetscape which could include (see attached Corridor Example): colored/stamped/aggregated sidewalk treatments, pavers, planters, greater visibility of storefronts with the buildings being closer to the street, clear and safe pedestrian connections by directing pedestrian traffic along sidewalks through use of the streetscape.
  - Parking lots adjacent to streets should have a defined curb cut entrance, added sidewalks and additional plantings to define parking lot circulation and enhance way finding. Additionally, planting islands within these expanses of asphalt will allow for a reduction in the urban heat islands typically found in large parking lots.
  - Signage along North Avenue will be improved by eliminating pole mounted signs and replacing them with ground mounted monument signs.

C-1 and R-8 bulk standards deviations -

No setback deviations are proposed to the R-8 bulk standards.

Required/Proposed commercial setbacks (principal structures/accessory structures)

	<b>Required</b>	<b>Proposed</b>
<b>Front yard setback:</b>	15'/25'	0'/25'
<b>Side yard setback:</b>	0'/0'	0'/0'
<b>Rear yard setback:</b>	10'/10'	10'/10'

Use deviations -

- Bar / Nightclub and Drive-thru coffee kiosk – bar/nightclub and/or drive-thru coffee kiosk applications shall be reviewed for compatibility by the Director,



rather than Planning Commission, using the Conditional Use Permit criteria established by the Zoning and Development Code. Compatibility shall be determined by the Director, who may then approve or deny or approve with conditions the applications for such uses.

2. Section 2.12.C.2. of the Zoning and Development Code.

A preliminary development plan application shall demonstrate conformance with all of the following:

- A. The Outline Development Plan review criteria in Section 2.12.B of the Zoning and Development Code;
  - 1) The Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies.

The proposed development implements the following Goals and Policies of the Growth Plan:

Goal 1: To achieve a balance of open space, agricultural, residential and non-residential 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 1.4: The City and County may allow residential dwelling types (e.g., patio homes, duplex, multi-family and other dwelling types) other than those specifically listed for each residential category through the use of planned development regulations that ensure compatibility with adjacent development. Gross density within a project should not exceed planned densities except as provided in Policy 1.5. Clustering of dwellings on a portion of a site should be encouraged so that the remainder of the site is reserved for usable open space or agricultural land.

Policy 1.5: The City and County may allow maximum residential densities to exceed those specified in Exhibit V.2 (Future Land Use Categories, Page 15) by up to twenty (20) percent through the use of planned development or clustering regulations that result in specific community benefits, if adequate public facilities can be provided and the proposed development will be compatible with adjacent development. (Specific community benefits may include: compatible infill, affordable housing, community parks, trails, open space.)

Policy 1.7: The City and County will use zoning to establish the appropriate scale, type, location and intensity for development. Development standards should ensure that proposed residential and non-residential development is compatible with the planned development of adjacent property.

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

Policy 11.1: The City and County will promote compatibility between adjacent land uses by addressing traffic, noise, lighting, height/bulk differences, and other sources of incompatibility through the use of physical separation, buffering, screening and other techniques.

Goal 13: To enhance the aesthetic appeal and appearance of the community's built environment.

Policy 13.2: The City and County will enhance the quality of development along key arterial street corridors. The Urban Area Plan will prevail when corridor plans, adopted prior to 1996, are inconsistent with this plan.

Policy 13.4: The community's streets and walkways will be planned, built, and maintained as attractive public spaces.

Policy 13.8: The City and County will encourage building and landscape designs which enhance the visual appeal of individual projects and the community as a whole. Design guidelines should provide flexibility while promoting aesthetics, traffic safety and land use compatibility.

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.

Policy 28.3: The City's elected officials and leadership will consistently advocate and promote the planning, fiscal, and quality of life advantages and benefits achievable through infill and redevelopment.

The proposed development is in conformance with the Grand Valley Circulation Plan. There are no other applicable plans for this property.

- 2) The rezoning criteria provided in Section 2.6 A. of the Zoning and Development Code.
  - a. The existing zoning was in error at the time of adoption.

The current zoning of the properties are in conformance with the Future Land Use Map and the existing uses are allowed within the zone districts. The existing zone districts were not in error and are still in conformance; however through the use of a Planned Development, community benefit will be derived including an innovative design on a prominent corner and increased landscaping.

- b. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, redevelopment, etc.

Redevelopment of this property and other properties is an emerging growth trend along North Avenue and approval of the PD zone would allow this site to redevelop.

- c. The proposed rezone is compatible with the neighborhood, conforms to and furthers the goals and policies of the Growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations;

The proposed PD, with default zones of C-1 and R-8, is compatible with the surrounding area and furthers the goals and policies of the Growth Plan.

- d. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning;

Adequate public facilities are currently available and in use by the existing businesses on the site. The proposed redevelopment of the property will be utilizing the existing facilities and will not create greater demand.

- e. The supply of comparably zoned land in the surrounding area is inadequate to accommodate the community's needs; and

There is an inadequate supply of zoning which allows for street interactive buildings which create a higher quality pedestrian experience with streetscape improvements such as: colored/stamped/aggregated sidewalk treatments, pavers, planters and buildings with a relationship to pedestrians and the street. The proposed planned development will make those improvements. The attached "Corridor example" is a graphic example of what the type of streetscape that can only occur under a PD zone.

- f. The community will benefit from the proposed zone.

The project will provide the following community benefits:

- More effective infrastructure;
- Reduced traffic demands;

- Innovative designs
  - Including increased landscaping.
  - Street interactive buildings located at the front property line
    - 3) The planned development requirements of Chapter Five of the Zoning and Development Code.
      - a. Setback standards – Principal structure setbacks shall not be less than the minimum setbacks for the default zone unless the applicant can demonstrate that:
        - i. Buildings can be safely designed and that the design is compatible with lesser setbacks. Compatibility shall be evaluated under the Uniform Fire Code and any other applicable life, health or safety codes;

The front yard setback is reduced to 0' for the C-1 default zone area of the Planned Development. The only potential safety issue would be the site triangle. Due to the corner of the building being angled and the location of the building on the northeast corner, there is not a safety issue with the reduced setback as identified on the submitted Preliminary Development Plan;

- b. Open Space – All residential planned developments shall comply with the minimum open space standards established in Chapter Six or the open space requirements of the default zone, whichever is greater.

The R-8 default zone area will provide the required 600 square feet per unit of public or private outdoor living space and will be reviewed with the Final Development Plan.

- c. Fencing/Screening – Planned developments shall provide uniform perimeter fencing in accordance with Chapter Six.

Exhibit 6.5.C – Buffering between Zoning Districts requires an 8' landscape strip and a wall between and R-8 zone district and a C-1 zone district. It also allows for increased landscaping in lieu of these requirements if there is an intervening alley. The site does have an alley separating the R-8 default zoning area and the neighborhood R-8 zoned properties from the C-1 default zoning area and additional landscaping will be provided to create the required buffer.

- d. Compatibility – Nonresidential design and construction shall be compatible with adjacent residential development

The proposed building is similar in scale to the existing commercial buildings in the area. The adjacent residential neighborhood will be buffered by the proposed residential units on the northeastern portion of the development and additional

landscaping along the northern property line between the bar site and the neighborhood.

- e. Landscaping – Landscaping shall meet or exceed the requirements of Chapter Six of this Code.

The development does propose variations to traditional landscaping by including a hardscape type of street treatment along North Avenue; however, the projects trees and shrubs exceed the requirements of the Code by approximately 90%.

- f. Parking – Off-street parking shall be provided in accordance with Chapter Six of this Code.

The development utilizes shared parking between the proposed uses with differing peak hours and will meet the requirements of the Code.

- g. Street Development Standards – Streets, alleys and easements shall be designed and constructed in accordance with TEDS and Chapter Six of this Code.

The development will dedicate an additional 5' of right-of-way along North Avenue to accommodate a future right turn lane. All other adjacent rights-of-way are existing and meet Zoning and Development Code and TEDS standards.

- 4) The applicable corridor guidelines and other overlay districts in Chapter Seven.

The project site does not have any applicable corridor guidelines or overlay district that require compliance. However, while the property is located approximately 1/2 mile west of the western boundary of the North Avenue Corridor Plan area, the project implements many of the Goals of the North Avenue Plan including:

- Encouraging mixed uses including residential and multifamily;
- Allows for an improved streetscape which could include (see attached "Corridor example": colored/stamped/aggregated sidewalk treatments, pavers, trees in tree wells, planters and street furniture, greater visibility of storefronts with the buildings being closer to the street, clear and safe pedestrian connections by directing pedestrian traffic along sidewalks with through use of the streetscape.
- Parking lots adjacent to streets should have a defined curb cut entrance, added sidewalks and additional plantings to define parking lot circulation and enhance way finding. Additionally, planting islands within these expanses of asphalt will allow for a reduction in the urban heat islands typically found in large parking lots.
- Signage along North Avenue will be improved by minimizing pole mounted signs and replacing them with ground mounted monument signs.

- 5) Adequate public services and facilities shall be provided concurrent with the projected impacts of the development.

Adequate public facilities are currently available and in use by the existing businesses on the site. The proposed redevelopment of the property will be utilizing the existing facilities in a similar manner.

- 6) Adequate circulation and access shall be provided to serve all development pods/areas to be developed.

Better circulation and access will be provided with the redevelopment of the site. The access along North 7th Street will be removed and relocated to the Glenwood Avenue street frontage. An additional 5' of right-of-way will be provided along the North Avenue frontage to accommodate a future right-turn lane.

- 7) Appropriate screening and buffering of adjacent property and uses shall be provided.

Buffering between Zoning Districts requires an 8' landscape strip and a wall between and R-8 zone district and a C-1 zone district. It also allows for increased landscaping in lieu of these requirements if there is an intervening alley. The site does have an alley separating the R-8 default zoning area and the neighborhood R-8 zoned properties from the C-1 default zoning area and additional landscaping will be provided to create the required buffer.

- 8) An appropriate range of density for the entire property or for each development pod/area to be developed.

A minimum of 3 residential units will be developed as a part of this project. The PD allows for more dwelling units to be developed in the future on the C-1 default zone area of the site (up to 31 additional dwelling units). Presently the C-1 default zone area of the site is dedicated to commercial use.

- 9) An appropriate set of "default" or minimum standards for the entire property or for each development pod/area to be developed.

The Applicant has proposed default zones of C-1 and R-8 with the requested deviations that are established in the attached Ordinance.

- 10) An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

The development shall be in accordance with the Code, unless a different phasing/development schedule is approved. The Final Plan shall be submitted within 2 years after this approval.

- 11) The property is at least twenty (20) acres in size.

Not applicable – as this is a request of a Preliminary Development Plan and an Outline Development Plan. The Preliminary Development Plan criterion calls for a minimum of 5 acres for a Planned Development. Please see “g” below.

B. The applicable preliminary subdivision plan criteria in Section 2.8.B;

Not applicable – A preliminary subdivision plan is not needed or required for the proposed development.

C. The applicable site plan review criteria in Section 2.2.D.4;

The Final Development Plan shall be submitted for review and the attached preliminary plan shows that all criteria of Section 2.2.D.4 can be met.

D. The approved ODP, if applicable;

There is not an approved ODP for this proposal.

E. The approved PD rezoning ordinance, if adopted with an ODP;

There is not an approved ODP for this proposal.

F. An appropriate, specific density for all areas included in the preliminary plan approval;

The specific density shall be as follows:

The maximum density for the area of the site with an default C-1 zone district is 24 du/ac. On the portion of the site with an default zone of R-8 the maximum density is three dwelling units. The entire Planned Development (PD) requires at least three dwelling units. The proposed development has a total of three dwelling units on the R-8 portion of the site, with no dwelling units on the C-1 portion; however, the area could be re-developed in the future to include up to 31 dwelling units. A total of 34 dwelling units could be developed within the Planned Development.

G. The area of the plan is at least five (5) acres in size or as specified in an applicable approved ODP.

The property is less than 5 acres in size; however,

- the proposed development with street interactive buildings and a higher quality pedestrian experience cannot be developed under conventional zoning and still achieve the desired community benefits,
- is adequately buffered from adjacent residential properties by use of existing buildings to remain, the proposed residential site and increased landscaping,
- mitigates adverse impacts to adjacent properties through the placement of buildings, landscaping and uses,

- Is consistent with the goals and policies of the Growth Plan as previously stated in the staff report.

### 3. Consistency with Chapter 5 of the Zoning and Development Code

In addition to the questions asked by Zoning and Development Code Sections 2.6 and 2.12, the petitioner must identify what public benefits arise from zoning the property to PD as required by Chapter 5 of the Zoning and Development Code. Below are the public benefits as identified by the petitioner:

- More effective infrastructure;
- Reduced traffic demands;
- Innovative designs
  - Including increased landscaping.
  - Street interactive buildings located at the front property line

Staff agrees that the benefits as described by the petitioner are public benefits achieved with the proposed project.

### 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.

The right-of-way vacation request are in conformance the Growth Plan, Grand Valley Circulation Plan, and all other adopted plans and policies of the City.

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

No parcels will be landlocked as a result of vacation of the west 7.5' of the north/south alley.

- 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 to adjoining properties will not change as a result of the vacation of the western 7.5' of the north/south alley. This portion of the alley was never constructed for alley purposes and the remainder of the alley will remain as it currently exists.

- 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 are no utilities within the 7.5' of alley proposed for vacation.



There will not be adverse impacts on the health, safety, and/or welfare of the community and the quality of public facilities and services will be maintained if the vacation of the west 7.5' of the north/south alley is approved.

- 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 be maintained through the existing infrastructure.

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

The proposed vacation will reduce maintenance requirements of the western 7.5' of the north/south alley while providing/maintaining traffic circulation.

#### FINDINGS OF FACT, CONCLUSIONS, AND CONDITIONS:

After reviewing the Fiesta Guadalajara Planned Development application, RZ-2009-037, for a rezone to PD and vacation of alley right-of-way, the following findings of fact, conclusions, and conditions have been determined:

- 1) The requested rezone and Preliminary Development Plan are consistent with the Growth Plan.
- 2) The requested right-of-way vacation is consistent with the Growth Plan.
- 3) The rezone review criteria of Section 2.6.A of the Zoning and Development Code have been met.
- 4) The Preliminary Development Plan review criteria of Section 2.12.C.2 of the Zoning and Development Code have been met.
- 5) The Vacation of Right-of-Way review criteria in Section 2.11.C of the Zoning and Development Code have all been met.
- 6) The proposed development provides long-term community benefits above and beyond those required to mitigate the impacts of development and complies with Chapter 5 of the Zoning and Development Code.
- 7) Sign Package

#### STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the request to zone 1.422 acres to PD with the default zones of C-1 and R-8, approval of the Preliminary Development Plan and approval of the right-of-way vacation, RZ-2009-037 to the City Council with the findings of facts, conclusions, and conditions listed above.

## RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, on Fiesta Guadalajara rezone, RZ-2009-037, I move that the Planning Commission forward to the City Council a recommendation of approval to zone 1.422 acres to PD with the default zones of C-1 and R-8 with the Preliminary Development Plan with the finding of facts, conclusions, and conditions listed in the staff report.

Mr. Chairman, on Fiesta Guadalajara vacation of right-of-way request, RZ-2009-037, I move that the Planning Commission forward to the City Council a recommendation of approval of the vacation request with the finding of facts, conclusions, and conditions listed in the staff report.

### Attachments:

Site Location Map/Aerial Photo Map  
Future Land Use Map/Existing City Zoning Map  
Planned Development Boundary  
Preliminary Development Plan  
Preliminary Landscape Plan  
Preliminary Elevations  
Corridor Example  
PD Zoning Ordinance  
Vacation of Right-Of-Way Ordinance

# Site Location Map

Figure 1



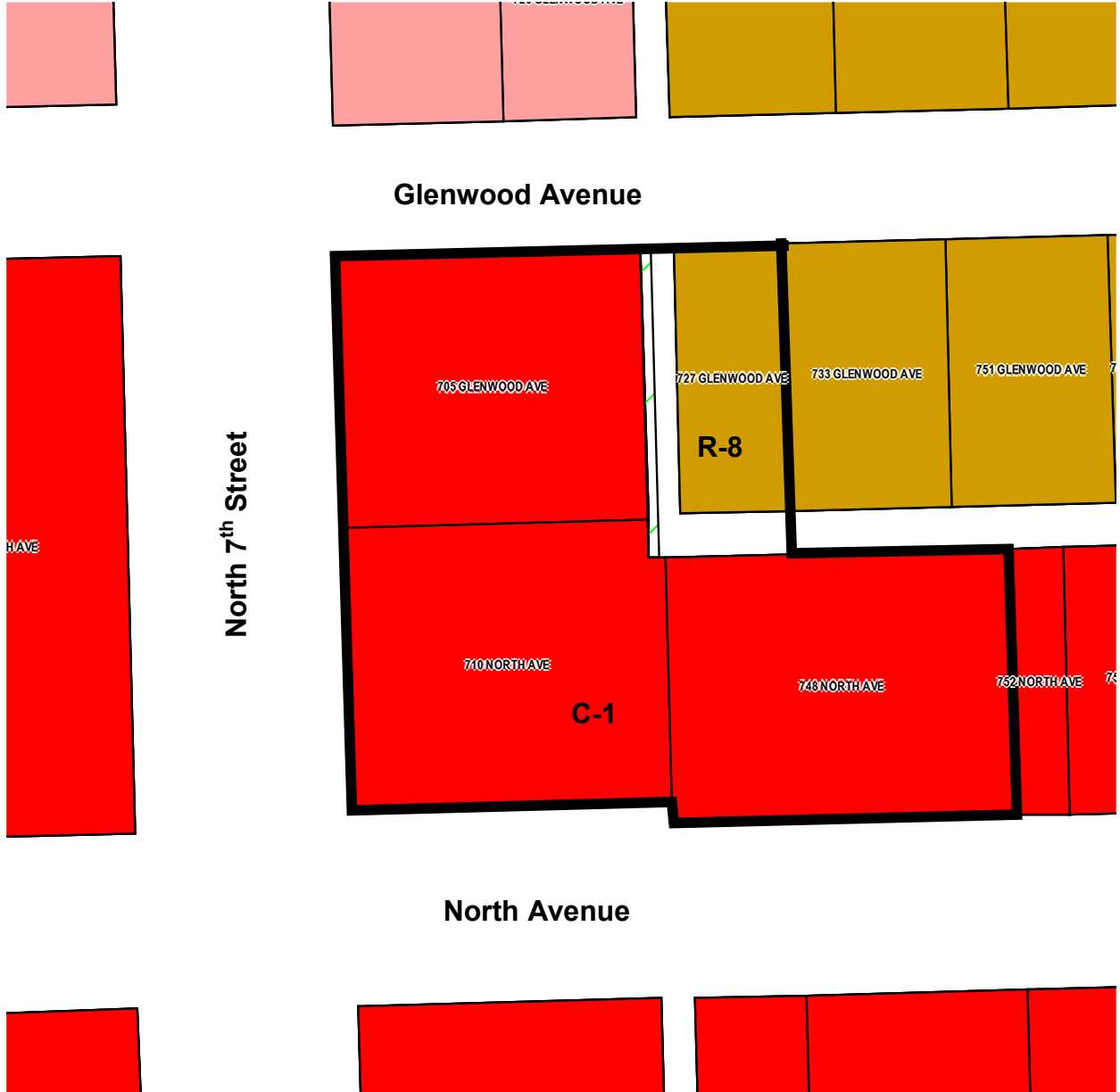
# Aerial Photo Map

Figure 2





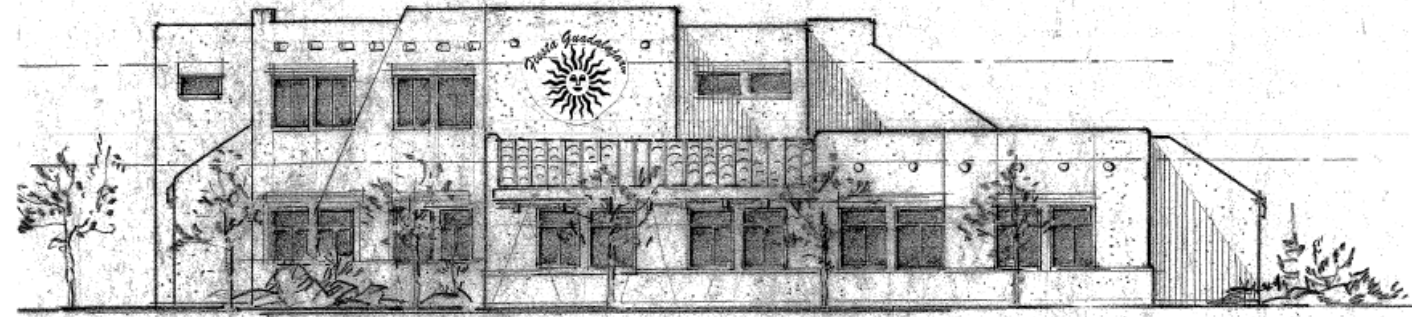
# Planned Development Boundary



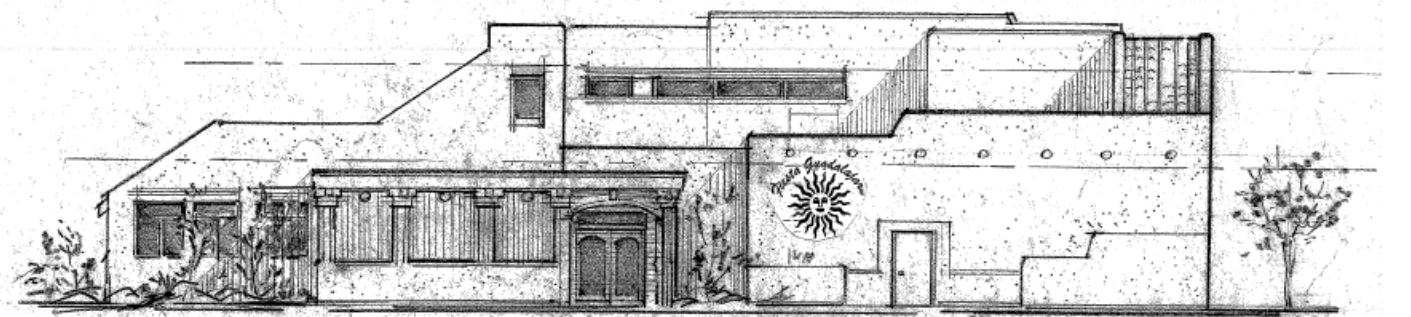
# Preliminary Development Plan



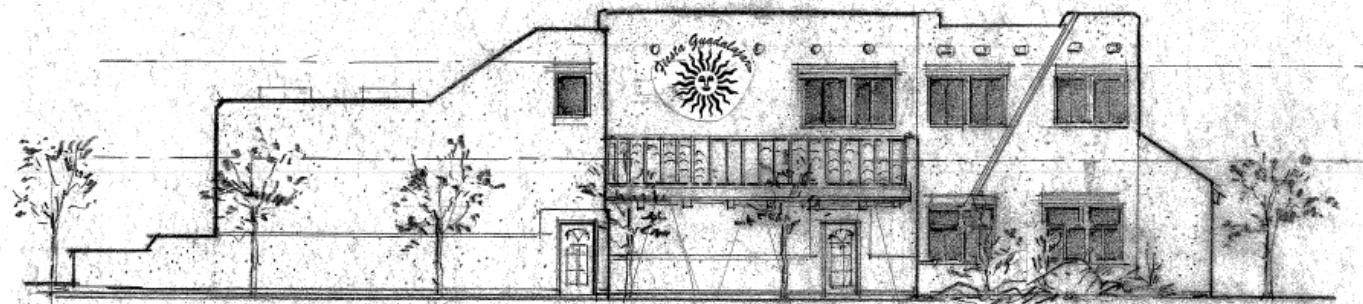
# Elevations



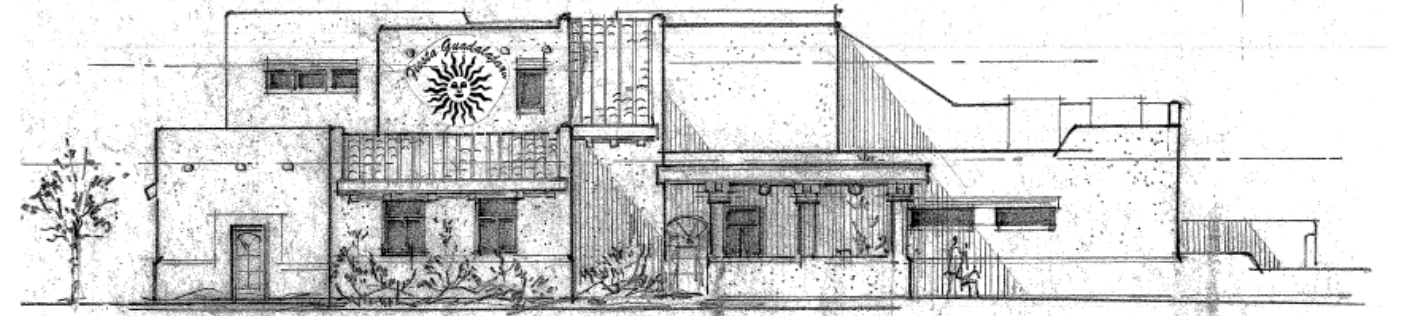
• SOUTH ELEVATION / NORTH AVENUE SIDE •



• NORTH ELEVATION / MAIN ENTRY



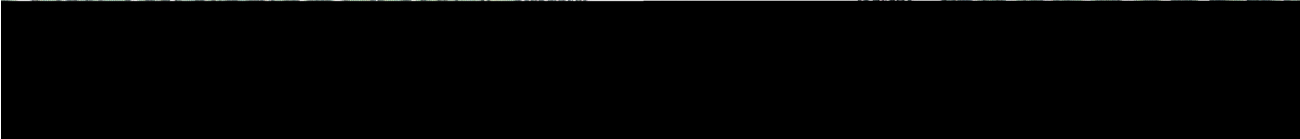
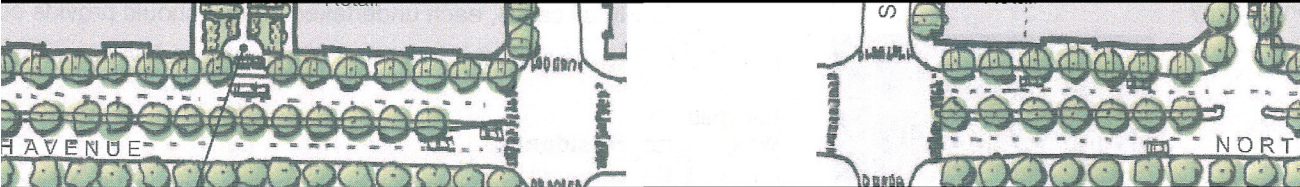
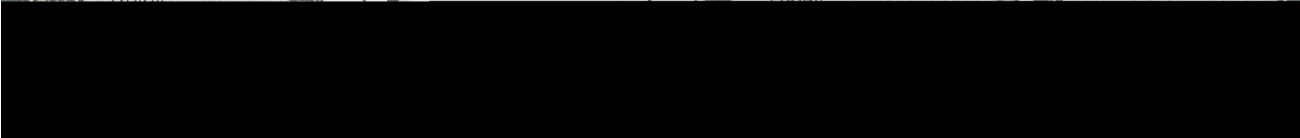
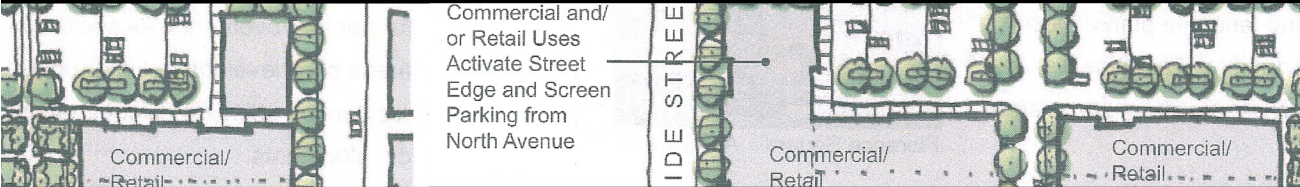
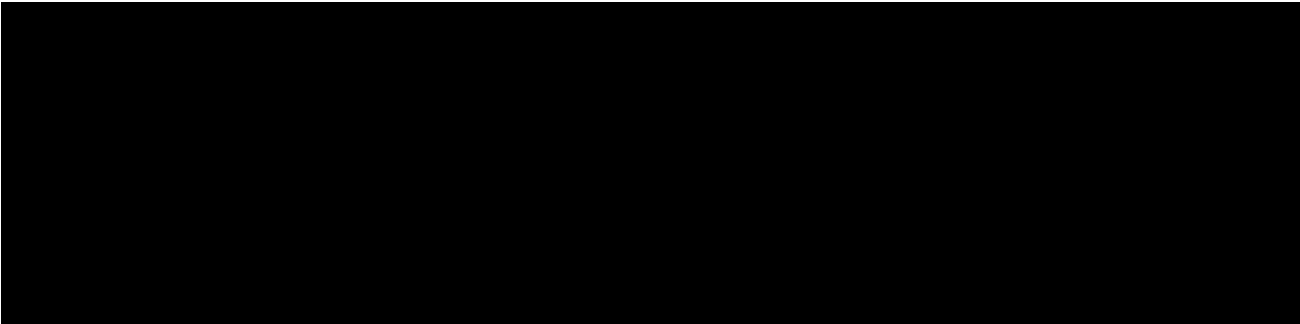
• WEST ELEVATION / 7<sup>th</sup> STREET SIDE •



• EAST ELEVATION •



# Corridor example



Civic Space with Bus Stop



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE ZONING PROPERTY  
LOCATED AT 710 AND 748 NORTH AVENUE AND 705 AND 727 GLENWOOD  
AVENUE TO PD (PLANNED DEVELOPMENT) ZONE

Recitals:

A request to zone 1.422 acres to PD (Planned Development) with default C-1 (Light Commercial) and R-8 (Residential 8 du/ac) zone districts has been submitted in accordance with the Zoning and Development Code (Code).

This Planned Development zoning ordinance establishes the standards and default zoning for the property referenced herein.

In public hearings, the Planning Commission and City Council reviewed the request for a rezone of the property to Planned Development and determined that the request satisfied the applicable criteria of the Code, that it is consistent with the purpose and intent of the Growth Plan, and that it achieves long-term community benefits by proposing needed housing types and innovative design.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS ZONED TO PLANNED DEVELOPMENT WITH THE FOLLOWING DEFAULT ZONE AND STANDARDS:

A. LOTS 16 TO 20 INC BLK 2 CRAIG SUB + 1/2 VAC ALLEY LYG ADJ ON EAST SEC 11 1S 1W PER B-1148 P-193 EXC BEG NE COR LOT 13 W 7.5FT S 142.5 FT E 7.5FT N TO BEG FOR ALLEY ROW PER B-1251 P-285 MESA CO RECORDS EXC 10FT ROW ON S AS PER B-1370 P-425; and also LOTS 13 TO 15 INC BLK 2 CRAIG SUB SEC 11 1S 1W EXC BEG NE COR LOT 13 W 7.5FT S 142.5 FT E 7.5 FT N TO BEG FOR ALLEY ROW PER B-1251 P-285 MESA CO RECORDS; and also LOTS 21 TO 26 INC BLK 2 CRAIG'S SUB SEC 11 1S 1W & 1/2 VAC ALLEY LYG ADJ TO WPER B-1148 P-193 MESA CO RECDS; and also LOTS 11 + 12 BLK 2 CRAIG SUB

B. The default zones are as follows: C-1 (Light Commercial) for the 1.281 acres of the site adjacent to 7<sup>th</sup> Street and North Avenue and bordered by the alleys; and R-8 (Residential 8 du/ac) for the 0.141 acres of the site that is adjacent to Glenwood Avenue and bordered by the alleys, as shown on the attached "Planned Development Boundary", and with deviations therefore as established by this Ordinance. Upon expiration of the PD Plan approval, or if the PD Plan is otherwise rendered invalid, the property shall be subject to the default zone of the C-1 and R-8 zone districts in pertinent part.

C. Public Benefit

- More effective infrastructure;
- Reduced traffic demands;
- Innovative designs
  - Including increased landscaping.
  - Street interactive buildings located at the front property line

D. The project shall develop in a unified manner with similar architectural styles and themes throughout the site (see attached elevations).

#### E. Purpose

The proposed development will provide for a mix of retail, office, and multifamily residential uses with appropriate screening, buffering, and common landscape and streetscape character.

#### F. Density

Maximum overall gross residential density shall not exceed twenty-four (24) units per acre within the Planned Development.

A minimum of 3 dwelling units shall be provided on the property within the Planned Development.

No more than 3 dwelling units allowed on the portion of the property carrying the R-8 default standard as described above.

#### G. Performance Standards

There are no applicable overlay zone districts and/or corridor design standards or guidelines that apply. The applicable performance standards are established by the C-1 and R-8 zone district requirements in the Zoning and Development Code.

#### H. Authorized Uses

The list of authorized uses allowed within the C-1 zone is hereby amended to include and exclude the following:

- Bar / Nightclub and Drive-thru coffee kiosk – bar/nightclub and/or drive-thru coffee kiosk applications shall be reviewed for compatibility by the Director using the Conditional Use Permit criteria established by the Zoning and Development Code. Compatibility shall be determined by the Director, who may then approve or deny or approve with conditions the applications for such uses.

#### I. Dimensional Standards

The dimensional standards for the R-8/C-1 default zones shall be met with the exception of the following deviations. There are no proposed deviations from the dimensional standards of the R-8 zone district.

Commercial\*

Minimum Setbacks	Principal Structure / Accessory Structure
Front	0' / 25'
Side	0' / 0'
Rear	10' / 10'

\*Reduced setbacks are contingent on a requirement of a minimum 2-story structure. All other dimensional and bulk standards of the C-1 and R-8 zone districts shall apply.

J. Other Regulations

Sign Regulations shall meet Section 4.2 with the following exceptions:

- Freestanding signs shall be limited to monument type signage.
- Freestanding signs shall not exceed 10' in height – sign face calculated per Section 4.2.
- A sign package is required as part of the Final Development Plan approval.

INTRODUCED on first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2009 and ordered published.

ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

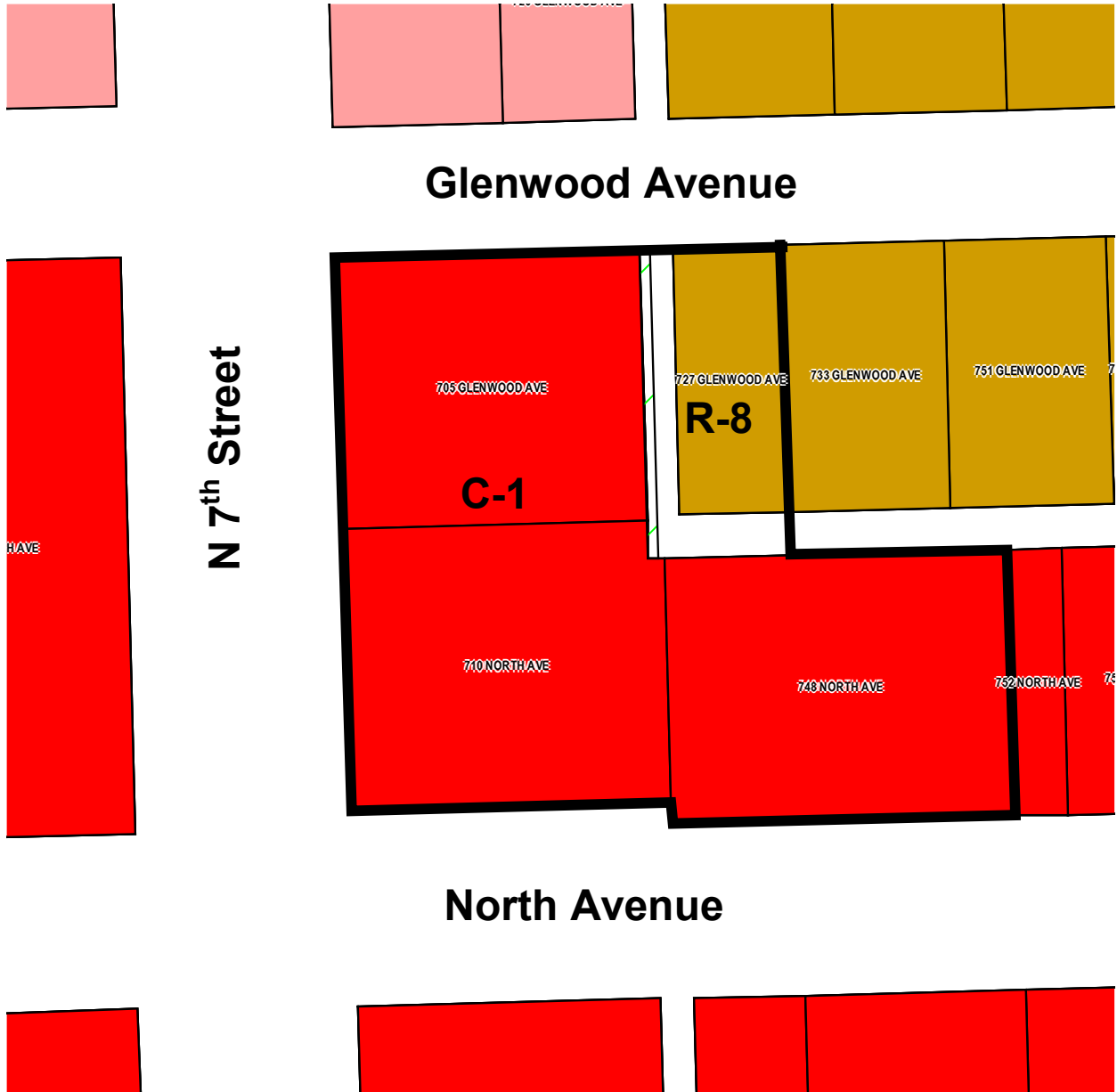
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Bruce Hill  
President of the Council

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Stephanie Tuin  
City Clerk

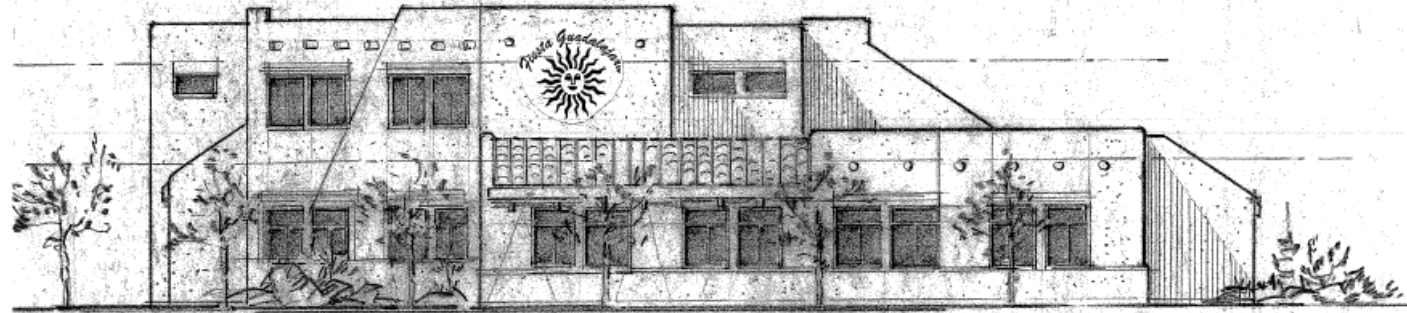
# PLANNED DEVELOPMENT BOUNDARY



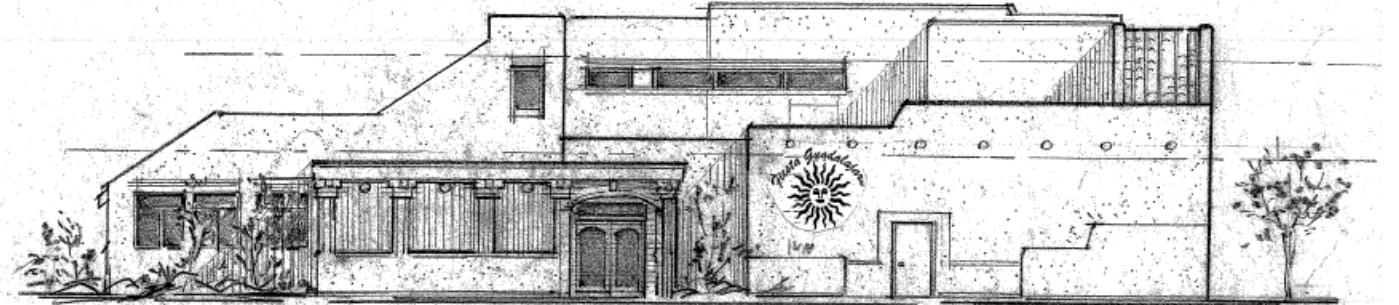
# Preliminary Development Plan



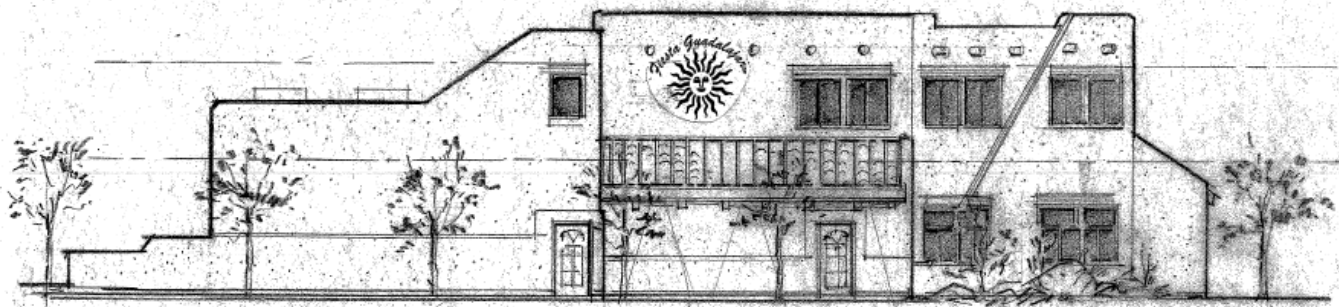
# Elevations



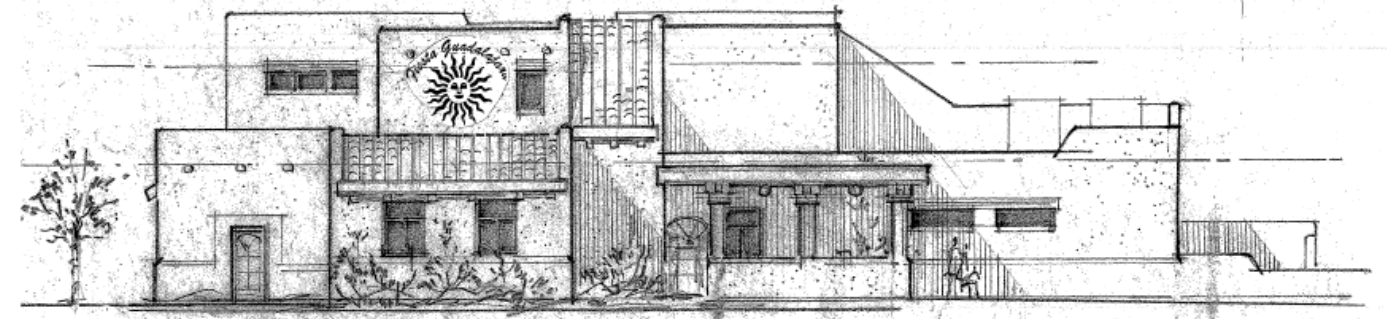
• SOUTH ELEVATION / NORTH AVENUE SIDE •



• NORTH ELEVATION / MAIN ENTRY



• WEST ELEVATION / 7<sup>th</sup> STREET SIDE •



• EAST ELEVATION •



CITY OF GRAND JUNCTION

Ordinance No.

AN ORDINANCE VACATING A PORTION OF NORTH-SOUTH ALLEY RIGHT-OF-WAY  
LOCATED WEST OF NORTH 7TH STREET AND SOUTH OF GLENWOOD AVENUE

RECITALS:

A vacation of the dedicated rights-of-way for 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 dedicated right-of-way for 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.

Dedicated right-of-way to be vacated:

Beginning at the northeast corner of Lot 13 in block 2 of Craig's Subdivision in the City of Grand Junction, Colorado: Thence west 7.5 feet, thence south parallel to the east boundary of Lots 13 to 16, inclusive, in Block 2 of Craig's Subdivision, a distance of 142.5 feet, thence east 7.5 feet, thence north along the east boundary of Lots 13 to 16, inclusive, in Block 2 of Craig's Subdivision, to the point of beginning.

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

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

ATTEST:

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

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

**Attach 5  
Redlands Vista**

CITY OF GRAND JUNCTION  
PLANNING COMMISSION

MEETING DATE: July 14, 2009  
PRESENTER: Lori V. Bowers

AGENDA TOPIC: Redlands Vista, PFP-2009-092

**ACTION REQUESTED:** A recommendation of approval to City Council to adopt an amended Planned Development Ordinance for development of 56 dwelling units on 8.3 acres with a default zone of R-8; a recommendation to City Council of approval of an amended Preliminary Development Plan (PDP) that includes private streets; and a recommendation of approval to City Council of a vacation of a pedestrian and equestrian easement and a reduction in size of a utility, irrigation and drainage easement.

BACKGROUND INFORMATION				
Location:		Ridges Blvd.; School Ridge Rd.; Ridge Circle Drive		
Applicants:		Redlands Vista LLP, owner and developer; Colorado Civil Engineering LLC, Otto Burden, representative.		
Existing Land Use:		Vacant land		
Proposed Land Use:		Multi-family residential subdivision		
Surrounding Land Use:	North	Single-family residential and Open Space		
	South	Vacant land		
	East	Open space		
	West	Single-family and multi-family residential		
Existing Zoning:		PD (Planned Development)		
Proposed Zoning:		PD (Planned Development)		
Surrounding Zoning:	North	PD (Planned Development)		
	South	PD (Planned Development)		
	East	PD (Planned Development)		
	West	PD (Planned Development)		
Growth Plan Designation:		RML Residential Medium Low (2-4 du/ac)		
Zoning within density range?		X	Yes	No

**PROJECT DESCRIPTION:** The applicants propose to: 1) develop 56 residential units, consisting of twelve, two-story duplexes and twelve two-story fourplexes, on two parcels, resulting in a density of 6.7 dwelling units per acre, with private streets; 2) request approval to vacate a ten-foot pedestrian and equestrian easement; and 3) request to reduce the width of the existing ten-foot utility, irrigation and drainage easement to six-feet.

**RECOMMENDATION:** Recommend approval to City Council on the above requests.

## ANALYSIS

### Background

The 8.3 acre "Redlands Vista" parcels are part of the Ridges Planned Development, Lot 1 and Lot 2, Block Twenty-One, The Ridges, Filing No. Four. The parcels are designated for multi-family use within the overall PD. The Ridges was originally approved as a Planned Unit Development (PUD) by Mesa County in the late 1970s. The original developer formed the Ridges Metropolitan District to provide services to the development since it was in unincorporated Mesa County. The PUD also provided open space (approximately 85 acres in Filings 1 through 6), numerous developed parks of varying sizes and a network of detached multi-use trails throughout. The approved PUD included a mix of uses including a variety of housing types - from apartments to detached single family units - offices and neighborhood commercial.

In 1992 the developed and undeveloped areas of the Ridges were annexed into the City of Grand Junction. Upon annexation an amended plan and zoning ordinance for the Ridges were adopted, zoning the development Planned Development (PD). The plan allocated the remaining allowable dwelling units to the undeveloped parcels, including the multifamily parcels. The parcels were designated "A", "B" or "C" lots or, if originally planned as a multifamily site, a specific density was assigned. The Redlands Vista parcels were assigned a maximum density of 7.5 units per acre.

In May of 2006, the Planning Commission recommended and the City Council approved Ordinance No. 3905 (see attached), a Preliminary Plan to develop 32 single-family patio homes on this site. The Final Plat was subsequently approved but was never recorded. Work began on the project using a "Plat Hold" as security for the Development Improvements Agreement (DIA) but work on the improvements ceased. The applicants stated that the change in demand for a different housing type spurred their request to amend the existing plan to provide more density with a housing type, similar to a previous Ridges project, Shadow Run.

The applicants also request the vacation of a platted, but not yet constructed 10-foot wide pedestrian and equestrian easement that runs along the west side of Lot 2, and along the south side of Lots 1 and 2. There is an existing pedestrian path along West Ridges Boulevard, which will be upgraded to City Standards; therefore there is no need for the pedestrian path along the south side. Internal pedestrian paths will be provided that will connect to the existing path; therefore the path is not required along the west side. This is also due to the character of the Ridges Subdivision, which has only pedestrian pathways and no sidewalks.

The other request is to reduce the size of an existing utility, drainage and irrigation easement that runs along the eastern most property boundary located on Lot 1. Just to the east and sharing the easement is City owned open space. The original plat created the easement, 20 feet in width, centered on the property line. A ten inch irrigation water line was installed east of the property line, on the City owned parcel. Therefore if the easement is reduced to six feet on Lot 1, there still should be adequate room for maintenance of the line. This leaves a 16-foot easement. Today's standards require 14-foot multi-purpose easements. This easement will be a 16-foot multi-purpose easement. One section, located at the northern most portion (802 feet) will be vacated

entirely on Lot 1, since there is nothing located in that area. Another area will not vacate any of the easement since adequate easement room may be need for maintenance of line in the area.

### Density

The amended plan proposes a density of 6.7 dwelling units per acre. The Ridges Planned Development allows for a maximum of 7.5 dwelling units per acre for these two parcels, therefore not exceeding the allowed density. Ordinance 3905 limited the density to 3.8 units per acre.

### Access

Access is obtained from Ridge Circle Drive and School Ridge Road. The proposed internal streets will be private and maintained by the home owners association (HOA).

### Road Design

The proposed interior private streets and drive aisles vary in width, but the average size of the asphalt roadway is 22 feet. Additional off-street parking stalls are dispersed through the development, per the City's Transportation Engineering Design Standards (TEDS). The City Council approved private streets for the previous application, but since the road configuration is different than previously approved, it is necessary to again request approval from the City Council for this re-design. The Fire Department will require "No parking" signs along both sides of Fire Department Access routes where the private street will be between 16 and 22 feet wide. "No parking" signs are required along one side when the Fire Department Access route is between 22 and 28 feet wide.

### Open Space / Park

The project is next to City owned open space. The overall project will provide 3.84 acres of open space. Building coverage is 2.40 acres. The remaining 2.06 acres will be street, driveways and off-street parking. Parks and opens space requirements were part of the original Ridges overall development plan.

### Lot Layout

The proposed lots will front the interior private street, Cold Shivers Circle, except Lots 1 and 2, which will access directly on to School Ridge Road. This is a zero lot line development.

### Landscaping

The landscaping plan shows a common area that will provide a picnic area and gazebo. A concrete path will lead to the gazebo. Stepping stones will be used to extend the path to the City's open space area. The entrances off Ridge Circle Drive and School Ridge Road have landscaped entry features, a guardhouse monument (which will house the irrigation pump) and monument entry signs. The street crossings will have patterned cross-walks. The patterned cross-walks will help delineate the interior private streets from the dedicated public right-of-way on School Ridge Road and Ridge Circle Drive. Some natural vegetation will be preserved along with a landscaped retaining wall and a 14-foot landscape buffer along Ridges Boulevard.

### Phasing

The first phase of the project will be to build on Lots 1 and 2, and should be submitted for review by December 31, 2010. The second phase is to be submitted by December 31, 2013; Phase 3, by December 31, 2016, and the fourth and final phase by December 31, 2019.

### Long-Term Community Benefit

The intent and purpose of the PD zone is to provide flexibility not available through strict application and interpretation of the standards established in Chapter 3 of the Code.

The Code also states that PD zoning should be used only when long-term community benefits, which may be achieved through high quality planned development, will be derived. Long-term benefits include, but are not limited to:

1. More effective infrastructure;
2. Reduced traffic demands;
3. A greater quality and quantity of public and/or private open space;
4. Other recreational amenities;
5. Needed housing types and/or mix;
6. Innovative design;
7. Protection and/or preservation of natural resources, habitat areas and natural features; and/or Public art.

The proposed development has met the following long-term community benefits:

While the entire Ridges Planned Development provided long-term community benefits with the original PUD, the Redlands Vista project further provides a needed housing type, with innovative design by utilizing the topography of the site. Taking advantage of the allowed higher density will provide for more effective and efficient infrastructure.

### Default Zone

The dimensional standards for the R-8 (Residential – 8 du/ac) zone, as indicated in Table 3.2 (including Footnotes) in the Zoning and Development Code, are as follows:

Density: Not to exceed 8 dwelling units per acre.

Minimum lot area: Does not apply to single family attached dwellings or multifamily dwellings.

Minimum lot width: Does not apply to single family attached dwellings or multifamily dwellings.

Side yard setback: 5-feet

Front yard setback: 20-feet

Maximum building height: 35-feet

### Deviations

The Ridges ACCO states that height will be measured from the highest natural grade line immediately adjoining the foundation or structure. No height limit is provided in the Ridges plan for the parcels designated for multifamily use. The applicants are proposing a maximum building height of 45 feet. This height allowance is only pertaining to those units where a walk-out basement is provided. The height is measured from ground level on the walk-out side to the roof-line ridge. For the duplex units, the height will only be 25 feet above the street level on the front side. The

fourplex units will be up to 32 feet high above the street level on the front side. Please see the attached building rendering exhibit for clarification of the heights proposed.

3. Section 2.12.C.2 of the Zoning and Development Code

Requests for a Planned Development Preliminary Development Plan must demonstrate conformance with all of the following:

- a) The Outline Development Plan review criteria in Section 2.12.B of the Zoning and Development Code.
  - 1) The Growth Plan, Major Street plan and other adopted plans and policies.

Redlands Vista implements the goals, policies and objectives of each of the various community adopted plans by designing a neighborhood in an area identified as multifamily development with a density to not exceed 7.5 dwelling units per acre, as per the overall Ridges PD plan. In addition, the project meets the following specific principles, goals and policies of the Growth Plan and the Redlands Neighborhood Plan:

“Maintain a compact development pattern to concentrate urban growth, use existing infrastructure most efficiently and cost-effectively and support/enhance existing neighborhoods” - this project is the development of an infill site that is surrounded by existing development, which utilizes existing infrastructure.

“Develop and maintain an interconnected system of neighborhood and community parks, trails and other recreation facilities”. Specific design details of this project will provide pedestrian access and connectivity that has historically informally existed on this site.

The Grand Valley Circulation Plan does not address local streets. Private streets are being proposed for this subdivision, which requires approval by City Council per Section 6.7.E.5 of the Zoning and Development Code. The proposed roadway, designed with varying pavement widths and parking stalls for additional off-street parking (in addition to 4 parking spaces provided on-site for each unit, counting the garage) meets the design standards of the Transportation Engineering Design Standards (TEDS) manual. TEDS requires a minimum 20-foot pavement section and one off-street space per two units (27 required for this project). Access to the development will be from Ridges Circle Drive and School Ridge Road.

There is an existing asphalt pedestrian path that runs along Ridges Boulevard. This will be replaced with a 10-foot wide concrete path that meets the current City standards for pedestrian paths.

- 2) The rezoning criteria provided in Section 2.6 of the Zoning and Development Code.

Not applicable since this is an amendment to and further refinement of the existing PD zone district.

- 3) The planned development requirements of Chapter Five of the Zoning and Development Code.

The application has been developed in conformance with the purpose of Chapter Five of the Zoning and Development Code by providing more effective infrastructure, and a needed housing type and/or mix. Section 5.4.F also requires a closer look at setbacks, which are in conformance with the default zoning of R-8; open space, which was addressed above; fencing and screening has been approved with the landscaping plan and is further discussed below. Parking and streets have also been addressed above.

- 4) The applicable corridor guidelines and other overlay districts in Chapter Seven.

There are no overlay districts for this property and the special regulations found in Chapter Seven do not apply. The plan does however meet the requirements of the Redlands Area Plan, as mentioned above by providing an interconnected system of neighborhood and community parks, trails and other recreational facilities throughout the urban area. The plan further is in compliance with the Ridges overall Planned Development.

- 5) Adequate public services and facilities shall be provided concurrent with the projected impacts of the development.

There currently are adequate public services and facilities to serve the proposed parcels. The proposed development surrounded on two sides by residential development and is adjacent to City owned open space. The utilities serving the individual units will be placed within the private access and utility tracts.

- 6) Adequate circulation and access shall be provided to serve all development pods/areas to be developed.

Adequate circulation will be obtained by a private street system accessed from School Ridge Road and Ridge Circle Drive. The City Council approved the previous private streets with the last application. With this amendment to the plan they are again requesting approval per Section 6.7.E.5 of the Zoning and Development Code as the streets are configured differently.

- 7) Appropriate screening and buffering of adjacent property and uses shall be provided.

Per Section 6.5.D.1 of the Zoning and Development Code, a 14-foot wide landscaped tract is required adjacent to the public right-of-way of a major collector, in this case along West Ridges Boulevard. This area has been placed in a Tract and includes a retaining wall with landscaping. Due to the topography of the site, perimeter fencing should not be required.

- 8) An appropriate range of density for the entire property or for each development pod/area to be developed.

The project is compatible with adjacent residential uses. The overall density of this proposal is 6.7 dwelling units per acre; under the maximum previously allowed at 7.5 units per acre.

- 9) An appropriate set of “default” or minimum standards for the entire property or for each development pod/area to be developed.

The default zoning and minimum standards for the property are that of the R-8 zoning district. A deviation to the allowed height in an R-8 zoning district is requested, as discussed above.

- 10) An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

The proposed phasing schedule and a graphic depiction of the phasing are shown on sheet 22, C 8.0 of the Preliminary Plan, dated 06/23/09. It allows for each phase to be submitted by the following dates:

First Phase	December 31, 2010
Second Phase	December 31, 2013
Third Phase	December 31, 2016
Fourth Phase	December 31, 2019

- 11) The property is at least twenty (20) acres in size.

The original Planned Development of the Ridges is well over twenty acres in size. This property is 8.3 acres.

- b) The applicable preliminary plat criteria in Section 2.8.B of the Zoning and Development Code.
  - 1) The preliminary subdivision plan will be in conformance with the Growth Plan, Grand Valley Circulation Plan, Urban Trails Master Plan, and other adopted plans;

As mentioned above, [3 a) 1)] the plan provides conformance with the adopted plans and policies.

- 2) The Subdivision standards in Chapter Six;

The proposal meets the subdivision standards found in Chapter Six when the Final Plats are ready for recording. Also reviewed in accordance with Chapter Six have been the parking and landscaping plans.

- 3) The Zoning standards in Chapter Three;

The project meets the requirements of the default zoning, which is R-8. These standards are found above under the deviation portion of this staff report.



- 4) Other standards and requirements of the Zoning and Development Code and other City policies and regulations;

All standards and requirements of the Zoning and Development Code, City policies and regulations have or will be met with the Final Plat, and the proposal complies with the overall Ridges PD plan.

- 5) Adequate public facilities and services will be available concurrent with the subdivision;

As addressed above, there are adequate public facilities and services currently available and can be extended throughout the project to serve the proposed project.

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

The project should not have any adverse or negative impacts upon the natural or social environment, once the project is built and complete. There have been complaints with the unfinished project such as dust, run-off and disrepair of the pedestrian path. Many of these issues have been addressed and repaired. The overall appearance of the project has been a concern of the neighbors, but completion of the infrastructure will help that.

- 7) Compatibility with existing and proposed development on adjacent properties;

Compatibility will exist with the other residential uses and with the varying densities surrounding this project.

- 8) Adjacent agricultural property and land uses will not be harmed;

There are no adjacent agricultural properties or land uses that will be harmed with this proposal.

- 9) Is neither piecemeal development nor premature development of agricultural land or other unique areas;

The project is neither piecemeal nor premature. This is an infill project within the existing Ridges Planned Development.

- 10) There is adequate land to dedicate for provision of public services;

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

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

This project will not cause an undue burden on the City for maintenance or improvement of the land or facilities. A home owners association (HOA) will be formed

for the maintenance of the private streets and associated pedestrian paths through the subdivision. The HOA will also be responsible for the maintenance of the gazebo and guardhouse entry features.

- c) The applicable site plan review criteria in Section 2.2.D.4 of the Zoning and Development Code.
  - 1) Adopted plans and policies such as the Growth Plan, applicable corridor or neighborhood plans, the major street plan, trails plan and the parks plan;

These have been discussed above.

- 2) Conditions of any prior approvals

Conditions of the Ridges Planned Development are met with this project.

- 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.

As each Filing of the subdivision is reviewed for Final Plat compliance and a site plan review for each building is submitted, for Planning Clearances, the Code requirements for each section of the Code will be reviewed again for compliance along with the adopted PD Ordinance.

- 4) Quality site design practices

The renderings of the architectural elements and the overall landscaping plan shows good site design and should result in a quality project; an enhancement to the existing neighborhood. The architecture takes advantage of the topography by providing some walk-out basement units. Native bushes and rock outcroppings will remain in some areas on the plan. Safe and convenient pedestrian crossings and access to public open space will be provided. Emergency access is still being discussed as the applicants wish to provide the appearance of a gated community. Security gates must be operable in an emergency and the means of operation must be accepted by the fire code official prior to installation.

- d) The approved ODP, if applicable

The Planned Development of the Ridges was established back in the late 1970's, and this application meets the requirements of the Planned Development.

- e) The approved PD rezoning ordinance, if adopted with an ODP

This request amends the previous Planned Development Ordinance,

- f) An appropriate, specific density for all areas included in the preliminary plan approval

The density of 6.7 dwelling units per acre is under the previously allowed density of 7.5, per the approved Ridges Planned Development for multi-family lots.

- g) The area of the plan is at least five (5) acres in size or as specified in an applicable approved ODP.

The site is over 5 acres in size at 8.3 acres.

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

The vacation and partial vacation of the easements shall conform to the following:

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

The requests are in conformance with the Growth Plan, major street plan, and other adopted plans and policies of the City and have been discussed above.

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

No parcels will be landlocked as a result of the 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 parcels 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 of the ten foot pedestrian and equestrian easement, and partial vacation of the utility and drainage easement will not cause any adverse impacts on the health, safety and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land will not be reduced.

The partial vacation (reduction in width) eliminates unnecessarily wide public easements, with respect to the utility, drainage and irrigation easement, reducing public maintenance without reducing public services. With respect to the pedestrian and equestrian easement, the vacation will remove the easement from the final plat and not impact future lots with an easement that would extend over driveways unnecessarily. The retaining wall that is currently under construction now sits in part of this easement.

Since an existing pedestrian path serves this area along West Ridges Boulevard, this platted easement is not necessary and should be 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.

The vacations eliminate unnecessary easements and will not inhibit any public facilities or services to any properties. The existing irrigation line was installed on the City property side of the easement. The reduction of the size of the easement on the applicant's property will not reduce the ability for maintenance on the ten inch irrigation water line. Please see "Irrigation Main Offset Exhibit" and "Utility Drainage & Irrigation Easement Vacation Exhibit" attached.

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

The proposal eliminates an unused and unnecessary pedestrian and equestrian easement and reduces the size of the utility, drainage and irrigation easement that was oversized compared to today's standards of 14-feet. This will allow for better site design.

#### FINDINGS OF FACT/CONCLUSIONS

After reviewing the Redlands Vista application, PFP-2009-092 for a major amendment to the Planned Development, Preliminary Development Plan, I make the following findings of fact and conclusions:

1. The requested major amendment to the Planned Development, Preliminary Development Plan is consistent with the Growth Plan.
2. The review criteria in Section 2.12.C.2 (Planned Development) of the Zoning and Development Code have all been met.
3. The review criteria in Section 2.8.B (Subdivisions) of the Zoning and Development Code have all been met.
4. The review criteria in Section 2.2.D.4 (Major Site Plan Review) of the Zoning and Development Code have all been met.
5. The review criteria in Section 2.11.C (Vacations of Public Rights –of-way or Easements) of the Zoning and Development Code have all been met.

#### STAFF RECOMMENDATIONS:

1) Staff recommends that the Planning Commission forward a recommendation of approval of the requested major amendment and private streets for Redlands Vista Planned Development, Preliminary Development Plan, PFP-2009-092 to the City Council with the findings and conclusions listed above.

2) Staff recommends that the Planning Commission forward a recommendation of approval for the requested vacation of a 10-foot pedestrian and equestrian easement for Redlands Vista Planned Development, Preliminary Development Plan, PFP-2009-092 with the findings and conclusions listed above.

3) Staff recommends that the Planning Commission forward a recommendation of approval for the partial vacation of a utility, drainage and irrigation easement for Redlands Vista Planned Development, Preliminary Development Plan, PFP-2009-092 with the findings and conclusions listed above.

#### RECOMMENDED PLANNING COMMISSION MOTIONS:

1) Mr. Chairman, on item PFP-2009-092, a request for a major amendment and consideration of private streets for Redlands Vista Planned Development, I move that we forward a recommendation of approval to the City Council with the findings, conclusions and conditions as listed in the staff report.

2) Mr. Chairman, on item PFP-2009-092, I move that we forward a recommendation of approval for the vacation of a 10-foot pedestrian and equestrian easement, for Redlands Vista Planned Development to the City Council with the findings, conclusions and conditions as listed in the staff report.

Mr. Chairman, on item PFP-2009-092, I move that we forward a recommendation of approval to the City Council for the partial vacation of a utility, drainage and irrigation easement, for Redlands Vista Planned Development with the findings, conclusions and conditions as listed in the staff report.

#### Attachments:

Site Location Map / Aerial Photo Map

Future Land Use Map / Existing City and County Zoning Map

Building rendering exhibits for height

Preliminary Plan with phasing schedule

Site Plan

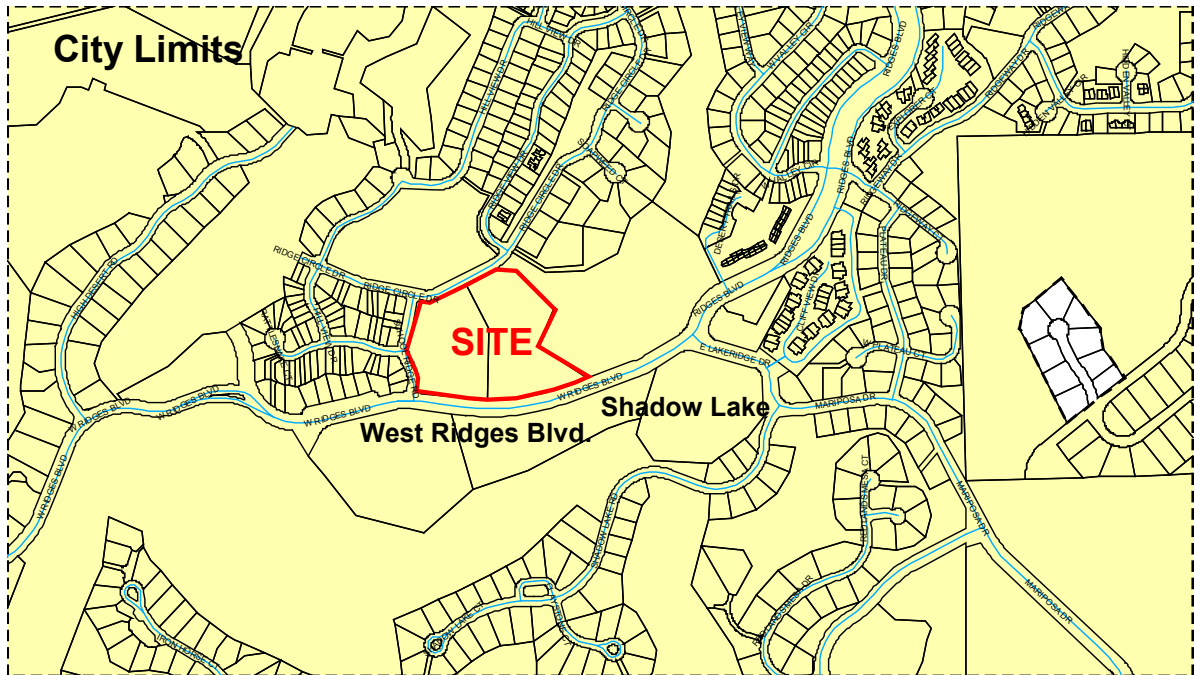
Irrigation Exhibit for Partial Vacation

Pedestrian and Equestrian Easement Vacation Exhibit

Ordinance No. 3905 (previous)

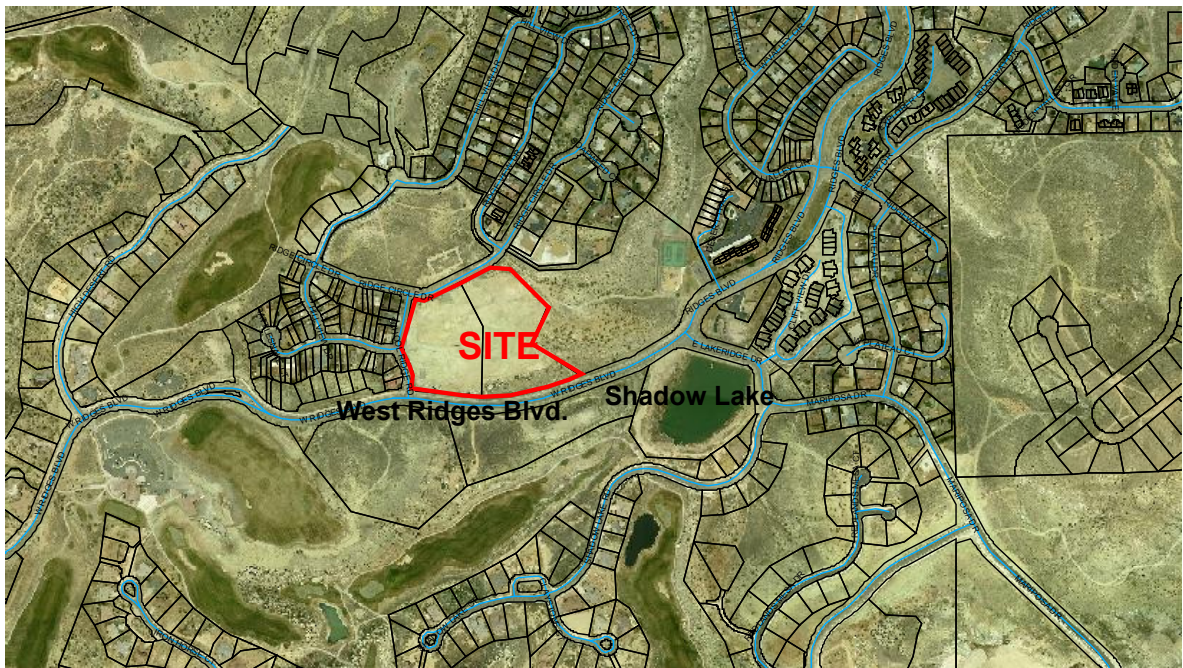
# Site Location Map

Redlands Vista



# Aerial Photo Map

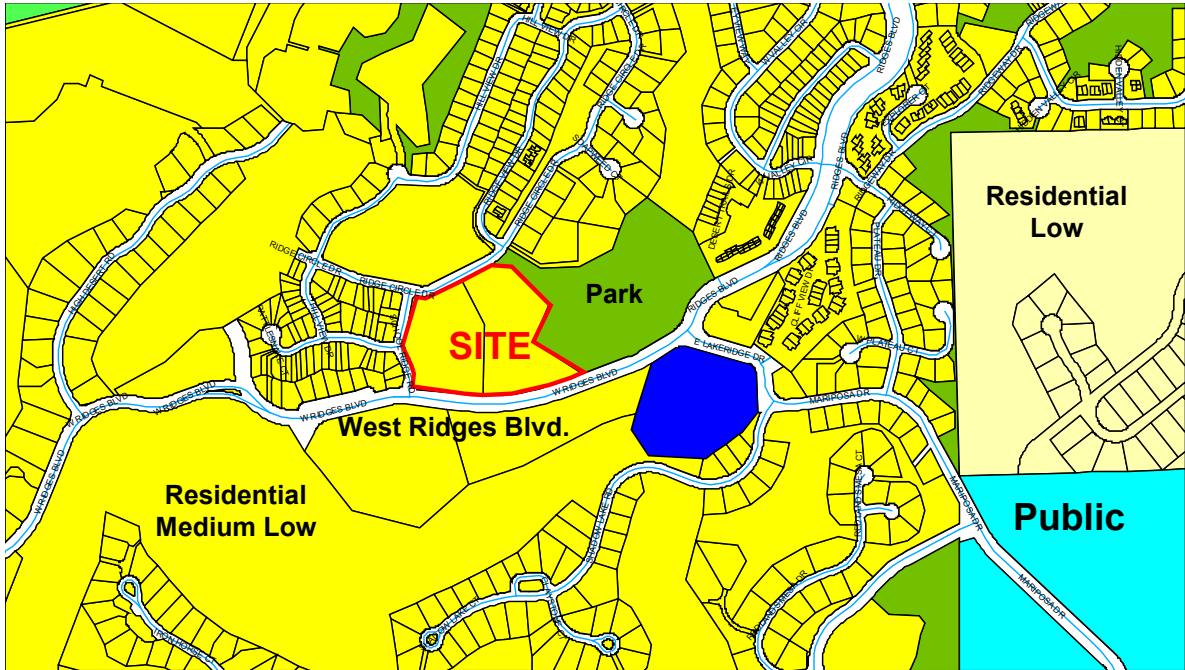
Redlands Vista





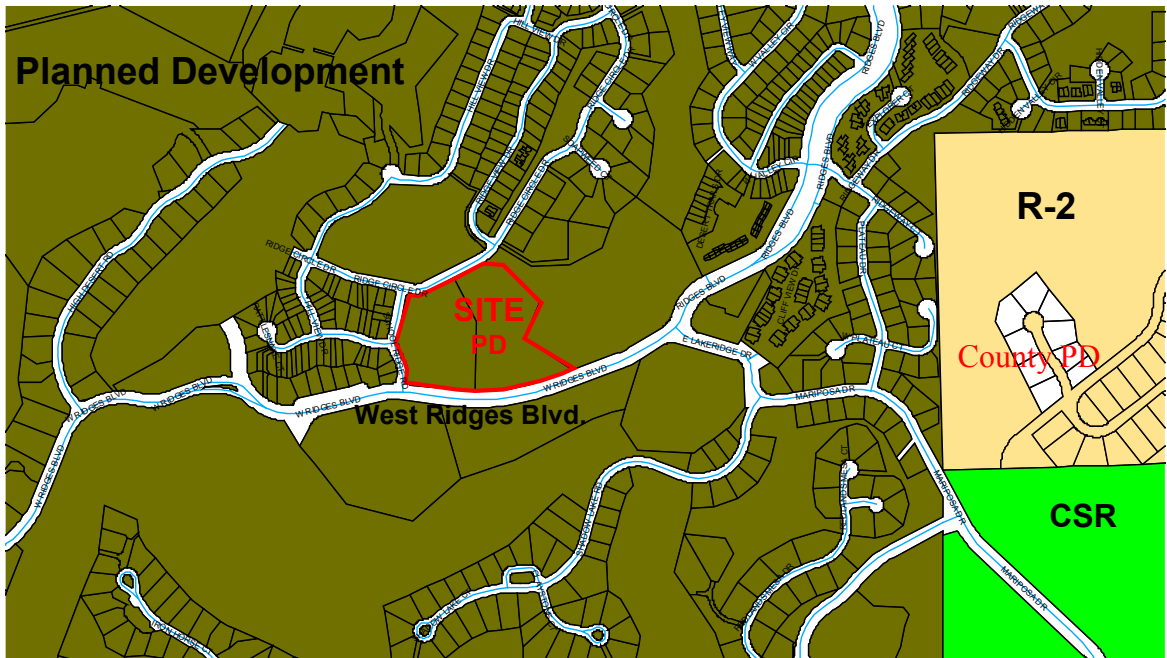
# Future Land Use Map

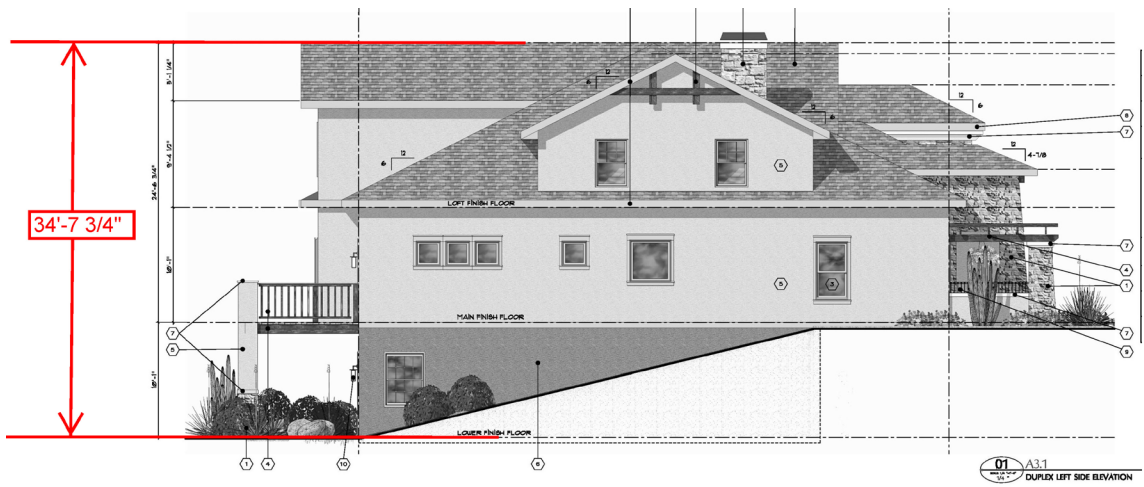
## Redlands Vista



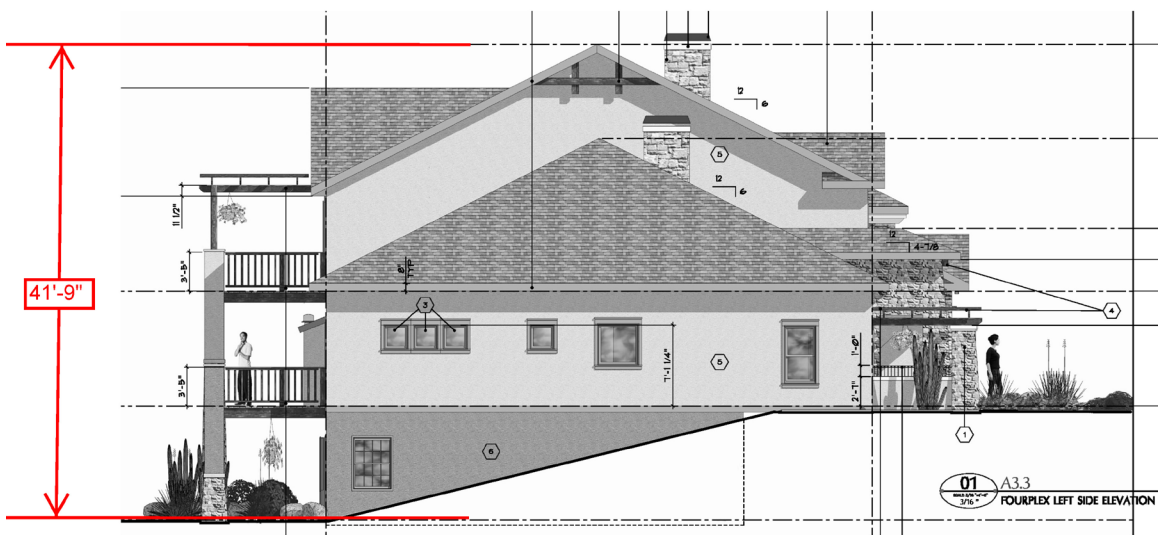
# Existing City and County Zoning

## Redlands Vista





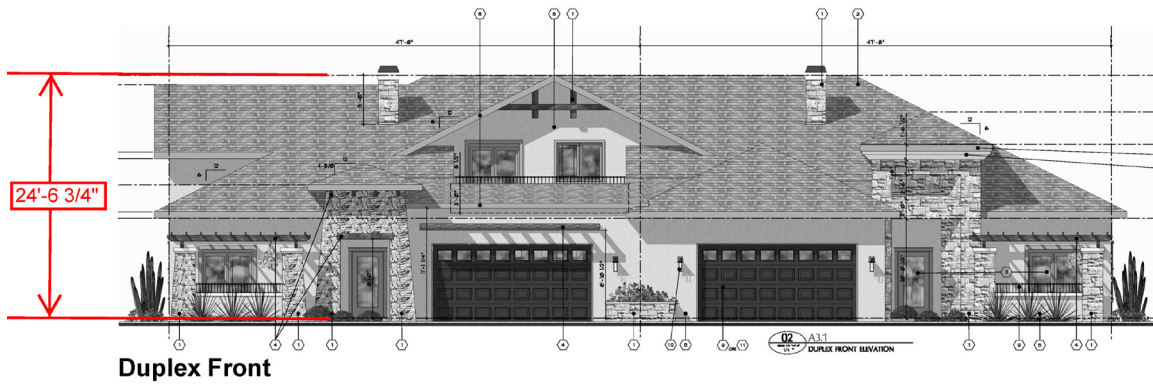
Duplex Side



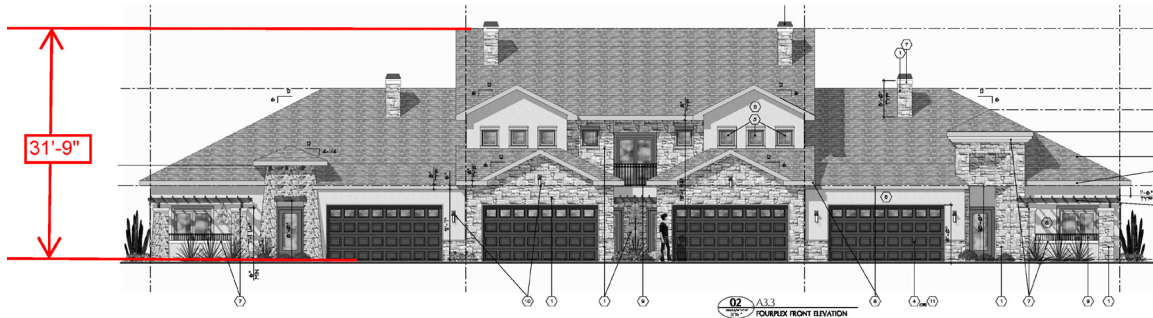
Fourplex Side

Building renderings for height / side



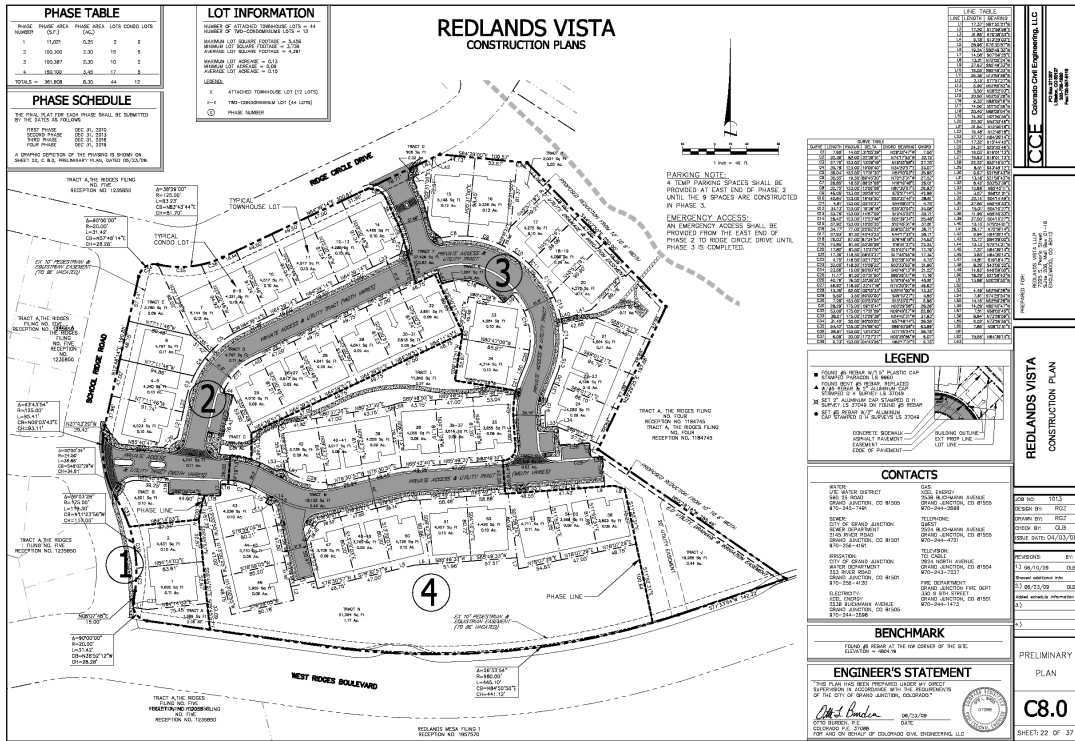


Duplex Front

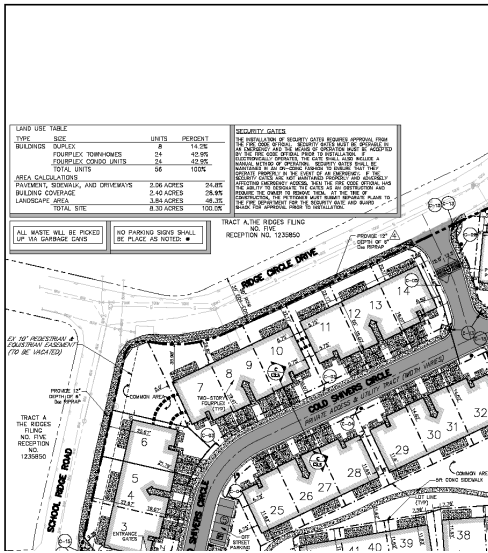


Fourplex Front

Building renderings for height / front



Preliminary Plan with phasing schedule.



Redlands Vista Site Plan





CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 3905

AN ORDINANCE ZONING LOT 1 AND LOT 2, BLOCK TWENTY-ONE, THE RIDGES  
FILING NO. FOUR KNOWN AS REDLANDS VISTA IN THE RIDGES

Recitals.

A rezone from Planned Unit Development 7.5 units per acre (PUD 7.5) to Planned Development 3.8 units per acre (PD 3.8) has been requested for the property located on Lot 1, and Lot 2, Block Twenty-One, The Ridges Subdivision, Filing Number 4, known as Redlands Vista In The Ridges, for purposes of developing a residential project of single-family patio homes on 8.3 acres, as follows: eighteen (18) ranch style single family detached homes and fourteen (14) two-story homes, for a total of 32 dwelling units. The City Council finds that the request meets the goals and policies and future land use set forth by the Growth Plan (2 to 4 units per acre). City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

The Grand Junction Planning Commission, at its May 9, 2006 hearing, recommended approval of the rezone request from PUD -7.5 to PD 3.8, approval of the Preliminary Planned Development (PD) for Redlands Vista In The Ridges, and use of private streets within this subdivision.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCEL DESCRIBED BELOW IS HEREBY ZONED PLANNED DEVELOPMENT 3.8 UNITS PER ACRE (PD 3.8):

Lots 1 and Lot 2, Block Twenty-One, The Ridges Filing No. Four, as recorded in Plat Book 12 at Page 18 of the records of Mesa County. Said parcels are within the City of Grand Junction, Mesa County, State of Colorado.

- 1) The uses allowed for this zone and property shall be 32 single-family patio homes, consisting of 18 ranch style homes and 14 two-story homes.
- 2) The underlying zoning is RMF-8.
- 3) The development will contain at a minimum a public pedestrian pathway to connect to the City owned park property to the east.
- 4) The ordinance further allows for private streets within this subdivision. All street crossings shall be marked for safe pedestrian crossing.
- 7) Lot 1 is allowed a front-yard setback of 18.5 feet on the north-west corner.
- 8) The preliminary development plan shall be effective for one year from the date of this Ordinance.

INTRODUCED on first reading on the 17<sup>th</sup> day of May, 2006 and ordered published.

PASSED on this 7<sup>th</sup> day of June, 2006.

ATTEST:

/s/ Stephanie Tuin  
City Clerk

/s/ James J. Doody  
President of Council