



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

TUESDAY, SEPTEMBER 8, 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 July 28, 2009 Regular Meeting.

2. **Moir Growth Plan Amendment – Growth Plan Amendment** [Attach 2](#)

Request a recommendation of approval to City Council to approve an amendment to the 2004 Pear Park Transportation and Access Management Plan (TAMP) to allow a right-in/right-out access onto the south side of Riverside Parkway about 300' west of 29 Road.

FILE #: GPA-2009-169
PETITIONER: Rick Dorris – City of Grand Junction
LOCATION: 399 29 Road and 2895 Riverside Parkway
STAFF: Rick Dorris

3. **Jacobson’s Pond Subdivision Extension – Preliminary Subdivision Plan**[Attach 3](#)

Request approval of the extension of the Preliminary Subdivision Plan to develop 96 single family units on 37.61 acres in a RSF-4 (Residential Single Family-4 units/acre) zone district.

FILE #: PP-2006-262
PETITIONER: Merlin Widick – Village Homes of Colorado, Inc.
LOCATION: Southeast Corner of 26 Road and I-70
STAFF: Lori Bowers

4. **RQ Annexation – Zone of Annexation** [Attach 4](#)

Request a recommendation of approval to City Council to zone 20.02 acres from County RMF-R (Residential Rural) and AFT (Agriculture, forestry and Traditional) to a City R-8 (Residential 8 du/ac) zone district and a CSR (Community Services and Recreation) zone district.

FILE #: ANX-2009-144
PETITIONER: Michael Queally – River Trail Investment, LLC
LOCATION: 3131 D Road
STAFF: Judith Rice

5. **Taylor III Rezone – Rezone** [Attach 5](#)

Request a recommendation of approval to City Council to rezone a 0.07 acre portion of a 1.63 acre property from a PD (Planned Development) zone district to a City R-5 (Residential 5 du/ac) zone district.

FILE #: RZ-2008-293
PETITIONER: Marion Jacobson
LOCATION: 2711 G Road
STAFF: Judith Rice

6. Martin 2 Storage Yard – Conditional Use Permit [Attach 6](#)

Request approval of the Conditional Use Permit to allow the use of an existing building as a business residence on 1.54 acres in an I-1 (Light Industrial) zone district.

FILE #: CUP-2009-087
PETITIONER: Russ Martin
LOCATION: 2105 H Road
STAFF: Judith Rice

7. Coloramo Orchard Mesa Drive-Through – Conditional Use Permit [Attach 7](#)

Request approval of the Conditional Use Permit to allow an office with drive-through on 0.60 acres in a C-1 (Light Commercial) zone district.

FILE #: CUP-2009-050
PETITIONER: Sheila Waling – Coloramo Federal Credit Union
LOCATION: 2706 Highway 50
STAFF: Judith Rice

***** 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.

None

General Discussion/Other Business

Nonscheduled Citizens and/or Visitors

Adjournment

**Attach 1
Minutes of Previous Meeting**

**GRAND JUNCTION PLANNING COMMISSION
JULY 28, 2009 MINUTES
6:00 p.m. to 6:49 p.m.**

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

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

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Lisa Cox (Planning Manager), Senta Costello (Senior Planner), Brian Rusche (Senior Planner), Lori Bowers (Senior Planner) and Eric Hahn (Development Engineer).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 18 interested citizens present during the course of the hearing.

ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

Consent Agenda

1. Minutes of Previous Meetings

Approve the minutes of the June 23, 2009 Regular Meeting.

2. Simon Subdivision CUP – Conditional Use Permit

Request approval of a Conditional Use Permit to allow two single family residences in an R-2 (Residential 2 du/ac) zone within Subdistrict B of the Airport Environs overlay zone.

FILE #: CUP-2009-065
PETITIONER: Ken Simon
LOCATION: 3076, 3080 F-1/2 Road
STAFF: Brian Rusche

3. Fults Annexation – Zone of Annexation

Request a recommendation of approval to City Council to zone 3.77 acres from County RSF-4 (Residential Single Family 4 du/ac) to a City R-4 (Residential 4 du/ac) zone district.

FILE #: ANX-2009-130
PETITIONER: Richard Fults
LOCATION: 3066 F Road
STAFF: Lori Bowers

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. Maverik Annexation – Zone of Annexation

Request a recommendation of approval to City Council to zone the 2.28 acre Maverik Annexation, consisting of 2 parcels located at 2948 F Road and 603 29-1/2 Road, to C-1 (Light Commercial) and R-4 (Residential 4 du/ac) zone districts.

FILE #: ANX-2009-023
PETITIONER: Tina Million, Glenn Lorton, George Halstead
LOCATION: 2948 F Road & 603 29-1/2 Road
STAFF: Senta Costello

PETITIONER’S PRESENTATION

Don Lilyquist, 880 West Center Street, North Salt Lake, Utah (84054), stated that he worked for Maverik Stores, the entity requesting the rezone of the property. He said their request for C-1 zoning as opposed to B-1 zoning was based primarily on the allowance of a 24-hour per day operation in a C-1. Mr. Lilyquist advised that there was presently an existing 24-hour per day convenience store directly across the street. He said that by limiting hours of operation by 25% of the day it would hinder them from being able to compete with the competitor across the street.

Next, Mr. Lilyquist asked the Commission to consider whether there had been any incidents or adversity to the store across the street and said that if there were none there, they should not suspect the creation of any problems with the Maverik Store. Additionally, he felt that the irrigation canal to the west created a sufficient buffer. He added that during the time that the store was being built and in, the four lots to the north would be vacant. He added that if the store was allowed to remain open 24 hours a day

that it would be safer and more secure. Mr. Lilyquist addressed issues relating to deliveries which would not be allowed between the hours of 11:00 p.m. and 5:00 a.m., trash collection and parking lot lights which were shielded and shine directly on site, signage which may be dimmed, and noise. He did not believe that this store would create any additional noise to what was already there.

STAFF'S PRESENTATION

Senta Costello, Public Works and Planning Department, addressed the Commission regarding the requested zone of annexation. She said that there were currently two residential structures on the property. The surrounding properties to the north, east and west were single-family residential uses and to the south was a mix of single-family and the existing convenience/gas store. The future land use designation for the property was recently changed to a Commercial designation with the northern portion remaining at Residential Medium. The gas station on the south side of F Road was designated as Commercial. Ms. Costello reiterated that applicant had requested C-1 zone district for the southern portion and an R-4 zone district for the northern portion. She added that staff was supportive of the R-4 designation; however, recommended a B-1 designation for the Commercial portion as it was felt that that was a better buffer to the surrounding residential properties. By way of limiting hours of operation and limitation on types of allowable uses in a B-1 zone district, it was a better fit for the surrounding residential neighborhoods.

QUESTIONS

Commissioner Abbott asked for clarification regarding the station to the south of the site and what would likely happen should that station make changes. Ms. Costello said that if they decided to make any type of changes such as expansion or certain remodels, the site would be required to come into full conformance with the code which would also require conformance with the hours of operation. She added that it was considered a grandfathered use as it was annexed with those hours of operation and had been allowed to continue.

PUBLIC COMMENT

For:

Tina Million, 603 29½ Road, said that there was no additional noise from the gas station. She questioned why the existing gas station was allowed to remain open 24 hours a day and said that she had not experienced crime during the time that she had lived there and did not believe that it would be a big problem.

Robert Million of 607 29½ Road said that the proposed convenience store would be safer for the neighborhood than having an empty house.

Against:

John Radloff, 604 29-3/8 Road, said that he heard noise from the existing station. He also raised an issue with light pollution. He said that he was also concerned that this was the first of many applications for commercialization to the west of that site. He asked the Commission to prevent the gas station from going in.

Nate Green (2954 Bonito Lane) said that he opposed this plan not only for the R-4 zoning as it was almost completely surrounded by single-family residences. He stated that there was a lot of noise from the existing station and there would be a lot of light pollution. He went on to say that a determination needed to be made whether or not industry was needed and whether condominiums were needed when there were numerous condominiums available. He added that there was already a tremendous amount of traffic on the corner because of the development on 29½ Road and would only be increased once the 29 Road work was completed which he believed would have a direct impact on their area. Mr. Green said that this development was not needed because it would further complicate already existing issues. He asked the Commission to consider the impacts.

PETITIONER'S REBUTTAL

Don Lilyquist said that he believed the uses allowed in B-1 zone districts and C-1 zone districts were basically the same with the exception of hours of operation wherein the hours of operation in a B-1 zone district were limited to 5:00 a.m. to 11:00 p.m. He assured that the proposed plan would provide for a 6 foot high full privacy fence on the west and north sides as well as tall trees. He questioned one opponent who stated that he lived in a peaceful neighborhood; however, he was bothered by the noise and light pollution from the other gas station. Mr. Lilyquist next addressed the concern regarding an increase in traffic by reiterating that their proposed store would not increase traffic but would capitalize on traffic that was already on the road.

QUESTIONS

Commissioner Carlow asked if the commercial property across the street was zoned B-1. Senta Costello confirmed that it was.

Commissioner Carlow asked if they had asked for that zoning. Ms. Costello said that under the Persigo Agreement they were annexed due to the level of remodel and were brought in under the B-1 zone being grandfathered with their existing hours of operation. Any changes, however, would require full compliance.

Chairman Cole asked if the Commission followed staff's recommendation, would it be possible for applicant to ask for a variance. Senta said that applicant could request a variance as the hours of operation were considered a performance standard.

Chairman Cole asked if the zoning was C-1 would applicant have to request a variance. Ms. Costello said in that instance, a variance would not be required.

Commissioner Schoenradt asked if there were any planned improvements to 29½ Road if the zoning was approved. Senta Costello said that none were anticipated based on the zoning alone; however, if the development were to go through there would be a certain level of improvements done through the approval of the development.

Commissioner Schoenradt asked if that would include widening of the road. Senta said that potentially that could occur; however, that would be determined through a separate review process.

DISCUSSION

Commissioner Wall said that the time and type of business and zoning needed to be looked at and said that he believed there were a few businesses allowed in a Commercial zone that would not fit in a neighborhood. He gave some examples as an animal care and boarding facility, auto and light truck repair and a body shop. He added that while this applicant would give some assurance that trucks would not be allowed between certain hours the same assurance could not be given for in the future. Therefore, he thought the B-1 zone made more sense in this area.

Commissioner Carlow agreed with Commissioner Wall because he assumed there would be numerous requests in the next few years and would prefer not to set the tone.

Commissioner Pavelka-Zarkesh also concurred and added that the B-1 was more respectful to the residential neighborhoods in the area.

Commissioner Schoenradt said that 29½ Road was a residential street and it appeared to him that this development may be more appropriate on 29 Road.

Commissioner Putnam said that while he can sympathize with the competitive position of having the business across the street to be allowed to remain open 24 hours he believed B-1 was appropriate. He opined that he would be in favor of a request for a variance for a 24 hour operation. Also, zoning of R-4 for the remainder of the property was fine.

Chairman Cole said that he was concerned about the competitive imposition and was inclined to agree with the Commissioners who spoke before him that B-1 was more appropriate with the possibility of applying for a variance to be able to stay open while maintaining the B-1 zoning. He favored the B-1 over the commercial zoning at this time.

MOTION: (Commissioner Wall) “Mr. Chairman, on the Maverik Zone of Annexation, ANX-2009-023, I move that the Planning Commission forward to the City Council a recommendation of approval of the C-1 (Light Commercial) and R-4 (Residential 4 du/ac) zone districts for the Maverik Annexation with the facts and conclusions listed in the staff report.”

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

MOTION: (Commissioner Wall) “Mr. Chairman, on the Maverik Zone of Annexation, ANX-2009-023, I move that the Planning Commission forward to the City Council a recommendation of approval of the B-1 (Neighborhood Business) and R-4 (Residential 4 du/ac) zone districts for the Maverik Annexation 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.

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 6:49 p.m.

**Attach 2
Moir GPA**

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: September 8, 2009
STAFF PRESENTATION: Rick Dorris

AGENDA TOPIC: Moir Growth Plan Amendment – GPA-2009-169

ACTION REQUESTED: Recommendation to City Council on a Growth Plan Amendment.

BACKGROUND INFORMATION		
Location:	399 29 Road & 2895 Riverside Parkway	
Applicants:	City of Grand Junction	
Existing Land Use:	Vacant	
Proposed Land Use:	Commercial	
Surrounding Land Use:	North	Educational
	South	Vacant
	East	Agricultural/residential
	West	Residential
Existing Zoning:	C-1 (Light Commercial)	
Proposed Zoning:	N/A	
Surrounding Zoning:	North	MU (Mixed Use)
	South	C-1 (Light Commercial)
	East	County RSF-R (Residential Single Family – Rural)
	West	County RSF-R
Future Land Use	Commercial	

PROJECT DESCRIPTION: This is a request to approve an amendment to the 2004 Pear Park Transportation and Access Management Plan (TAMP) to allow a right-in/right-out access onto the south side of Riverside Parkway approximately 300' west of 29 Road.

RECOMMENDATION: Recommend approval to the City Council of the amendment to the Pear Park Neighborhood Plan.

BACKGROUND INFORMATION

CITY JURISDICTION:

The City's home rule powers and Section 212 of Article 23 of Title 31 of the Colorado Revised Statutes grants authority to the City to make and adopt a plan for the physical development of streets and roads located within the legal boundaries of the municipality and all lands lying within three miles of the municipal boundary. This GPA lies within the incorporated boundaries of the City of Grand Junction and the unincorporated areas of Mesa County.

STAFF ANALYSIS

The Pear Park Plan (PPP) was adopted in December of 2004 and contained a "Transportation and Access Management Plan," Figure 5. The purpose of the TAMP was to identify intersections and access onto the major streets. The entire Pear Park area was analyzed and specific street connection points were shown on the map. Access spacing was more stringent than the Transportation Engineering Design Standards (TEDS) which is the normal guiding document. The goal was to maintain street capacity, by limiting access, so a three lane street section would handle traffic into the foreseeable future. The goal specific to intersections was to keep access as far away from the intersection as feasibly possible while still allowing access to private property. The further away the better for intersection operation. The assumption was that in some cases, several parcels might need to be assembled to provide the desired access. The TAMP became part of the Grand Valley Circulation Plan (GVCP) at adoption.

The 399 29 Road property is immediately west of 29 Road and south of Riverside Parkway and is zoned commercial. The property just west of it (2895 Riverside Parkway) is zoned PUD in the County. The TAMP shows access to this area approximately 650 feet south on 29 Road and approximately 750 feet west on Riverside Parkway. The Developer owns four parcels along 29 Road (only two of which are affected by this proposal), Figure 2. He desires to build a convenience store and strip retail on them. The access point from 29 road shown on the TAMP will be constructed with this project. A right-in/right-out access point 300 feet west of 29 Road on Riverside Parkway is also desired by the Developer. This access will be construction on the 2895 Riverside Parkway parcel: the Developer has an access agreement with the property owner. The TAMP shows access 650 feet west and therefore precludes access at 300 feet. The TAMP anticipated the access, 650 feet west of 29 Road, would connect with the subject parcels. The access 650 feet west of 29 Road enters a residential area and there has already been a residential Preliminary Plan submittal for this property. If connectivity happens as shown on the TAMP, a significant amount of traffic destined for the commercial property (C-store) may travel through the residential neighborhood. While connectivity between the land uses is desirable, this situation is undesirable and was not anticipated when the PPP was prepared. The PPP failed to adequately analyze access to this area given the number of small existing parcels.

There is currently an eastbound right turn lane on Riverside Parkway to turn southbound onto 29 Road. The Developer has performed a traffic analysis to determine

if the site access will trigger a right turn lane and found that it will be required at some point in the future. The Developer will be required to buy and dedicate the right of way to the City and the City will be required to build the right turn lane when needed.

The Comprehensive Plan currently being developed shows the intersection of 29 Road and Riverside Parkway as a “Village Center;” however, it is not yet adopted.

SUMMARY

Approval of this Amendment will provide easier access into the commercial property, reduce the likelihood of commercial traffic traveling through a residential neighborhood, and relieve some of the right turn traffic at the 29 and Riverside Parkway intersection while meeting the TEDS standards.

APPROVAL CRITERIA

Since an amendment to the Pear Park Neighborhood Plan is an amendment to the Grand Valley Circulation Plan and considered an amendment to the Growth Plan, approval criteria (list of seven) found in the City of Grand Junction’s Zoning and Development Code for Growth Plan Amendments in Section 2.5.C.2 are applicable.

The City and County shall amend the Grand Valley Circulation Plan and Urban Trails Master Plan if:

- a. There was an error such that then existing facts, projects, or trends that were reasonably foreseeable were not accounted for;
There was an error in the TAMP because the street interconnectivity proposed would have encouraged commercial traffic through residential areas.
- b. Subsequent events have invalidated the original premises and findings;
The recent adoption of the Mesa State College Outline Development Plan on the north side of Riverside Parkway and the possible adoption of a “Village Center” at this intersection have changed the ultimate character of the area. Considering these recent changes and the small existing parcel size on this quadrant of the intersection, this right-in/right out access better facilitates parcel access.
- c. The character and/or condition of the area has changed enough that the amendment is acceptable;
See response to item b above.
- d. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment;
This proposal is consistent with the goals and policies of the Master Plan regarding transportation and network connections and the developing property will obtain easier access.

- e. The change will facilitate safe and efficient access for all modes of transportation;
This access will provide easier access to serve neighboring parcels of land at a build-out consistent with the Growth Plan.

- f. The change furthers the goals for circulation and interconnectivity:
This proposal provides easier access for commercial development, may improve parcel circulation and interconnectivity depending on ultimate development configuration, and encourages earlier development on this major intersection.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Moir application, GPA-2009-169, I make the following findings of fact and conclusions:

1. The requested amendment is consistent with the purpose and intent of the Growth Plan.

2. The review criteria in Section 2.5.C.2 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 Growth Plan Amendment, GPA-2009-169 To the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

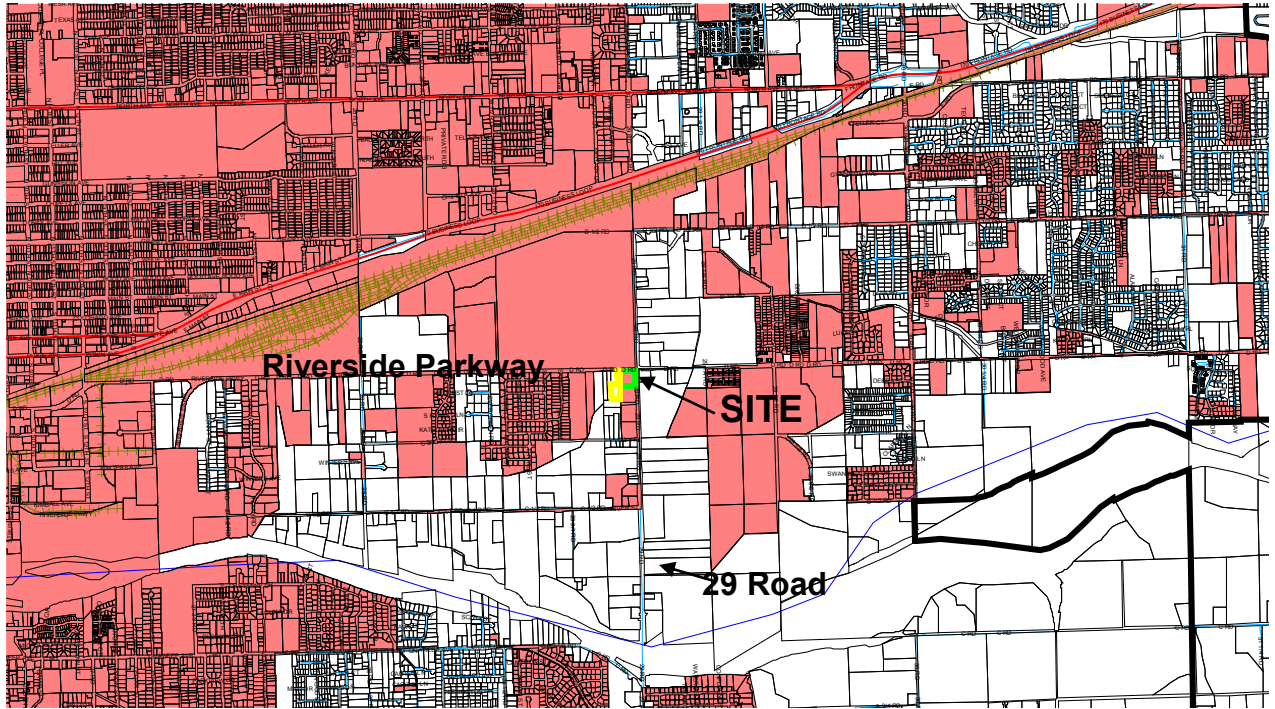
Mr. Chairman, on item GPA-2009-169, Moir Growth Plan Amendment, I move that we forward a recommendation of approval to the City Council with the findings and conclusions listed in the Staff Report.

Attachments:

- Figure 1 - Site Location Map
- Figure 2 - Aerial Photo Map
- Figure 3 - Future Land Use Map
- Figure 4 - Existing City/County Zoning Map
- Figure 5 - Original TAMP
- Figure 6 - Revised TAMP
- Figure 7 - Grand Valley Circulation Plan

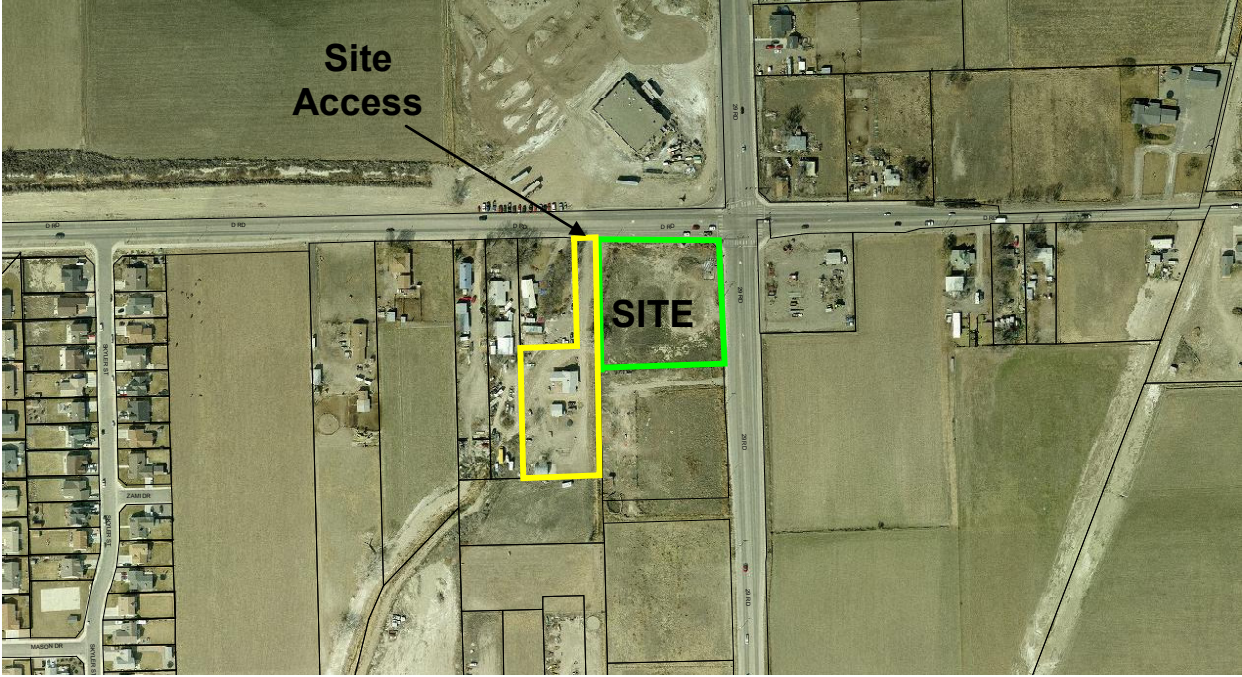
Site Location Map

Figure 1



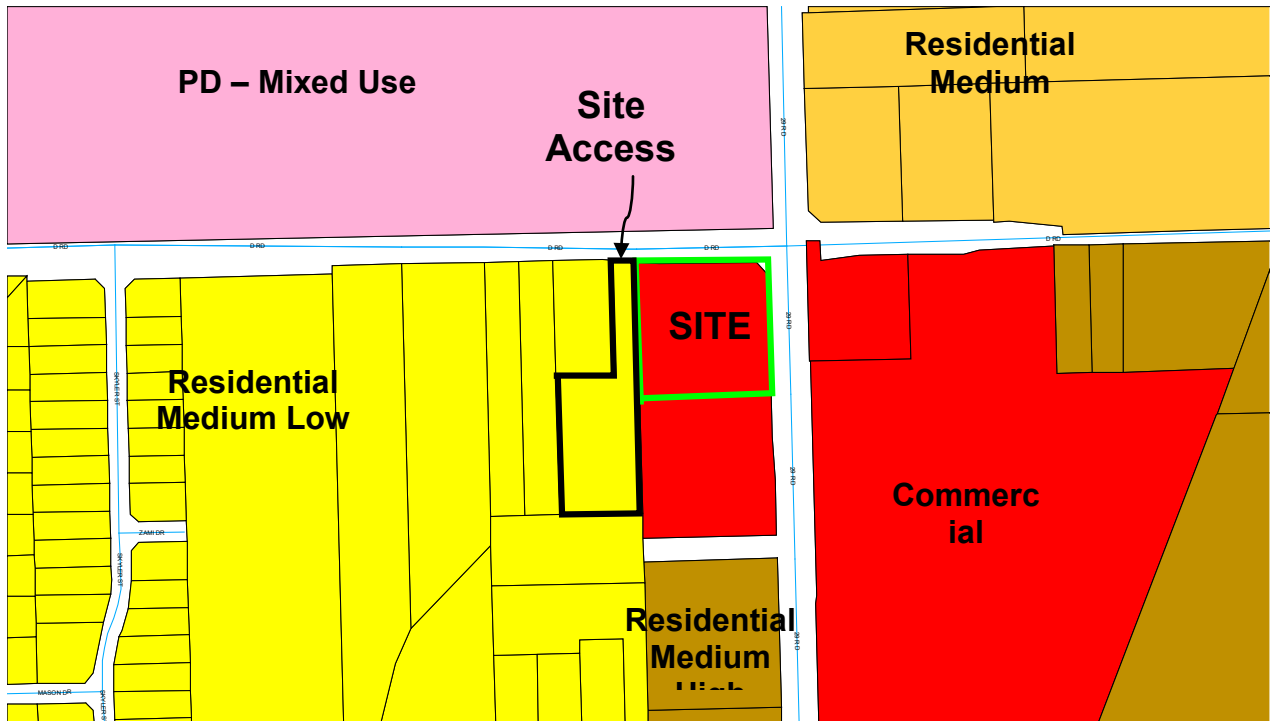
Aerial Photo Map

Figure 2



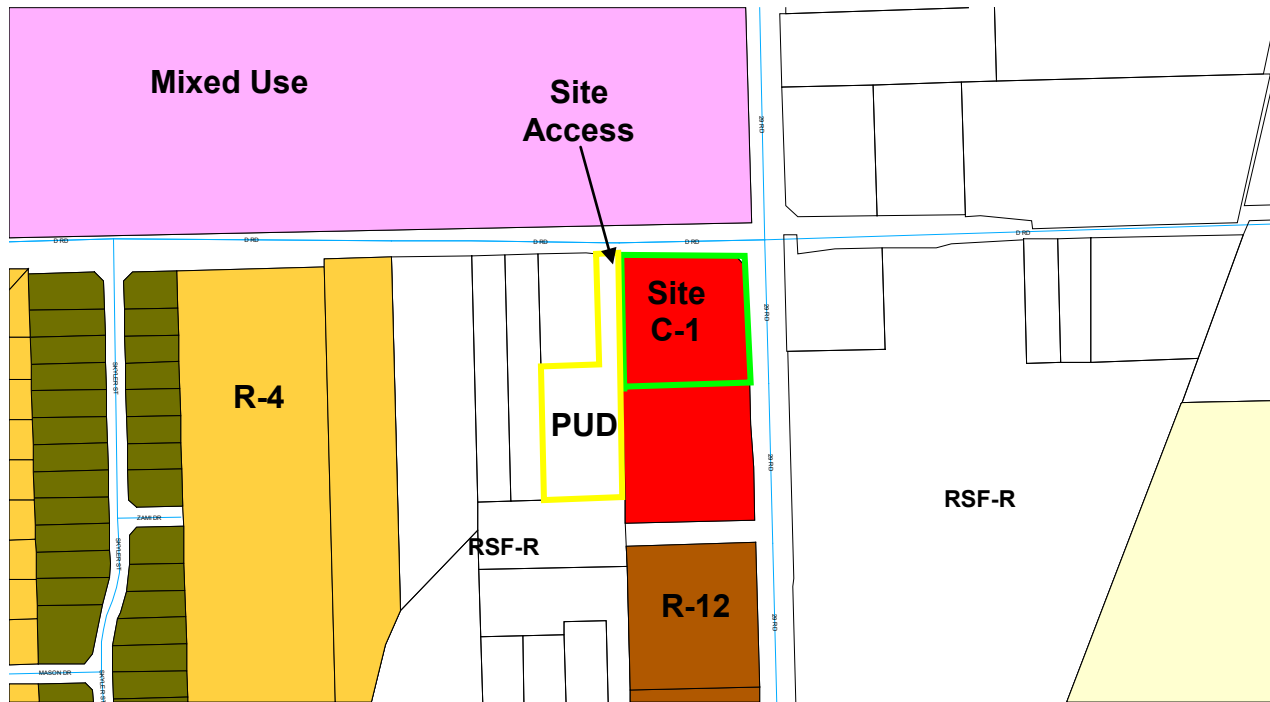
Future Land Use Map

Figure 3



Existing City and County Zoning

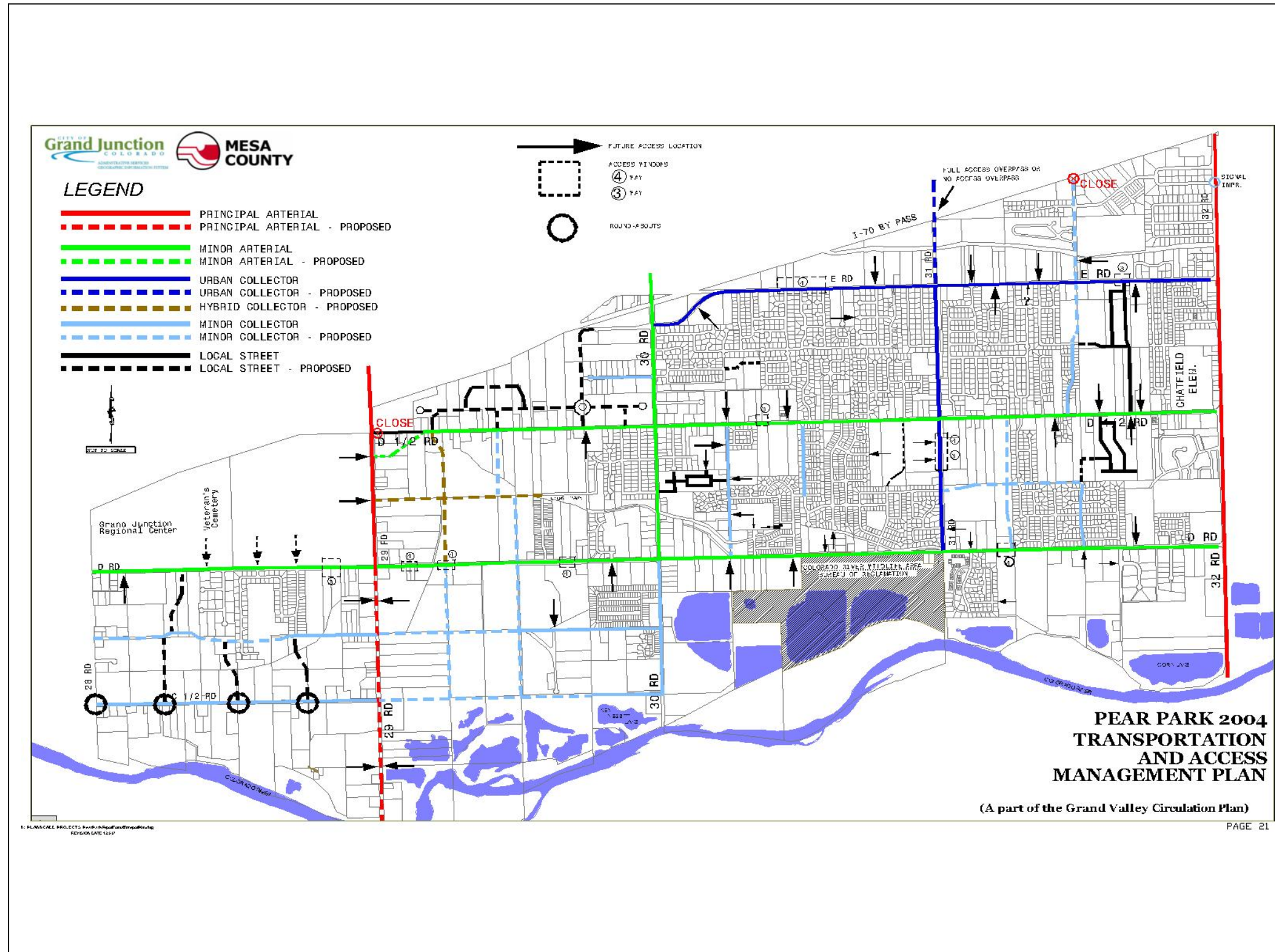
Figure 4



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

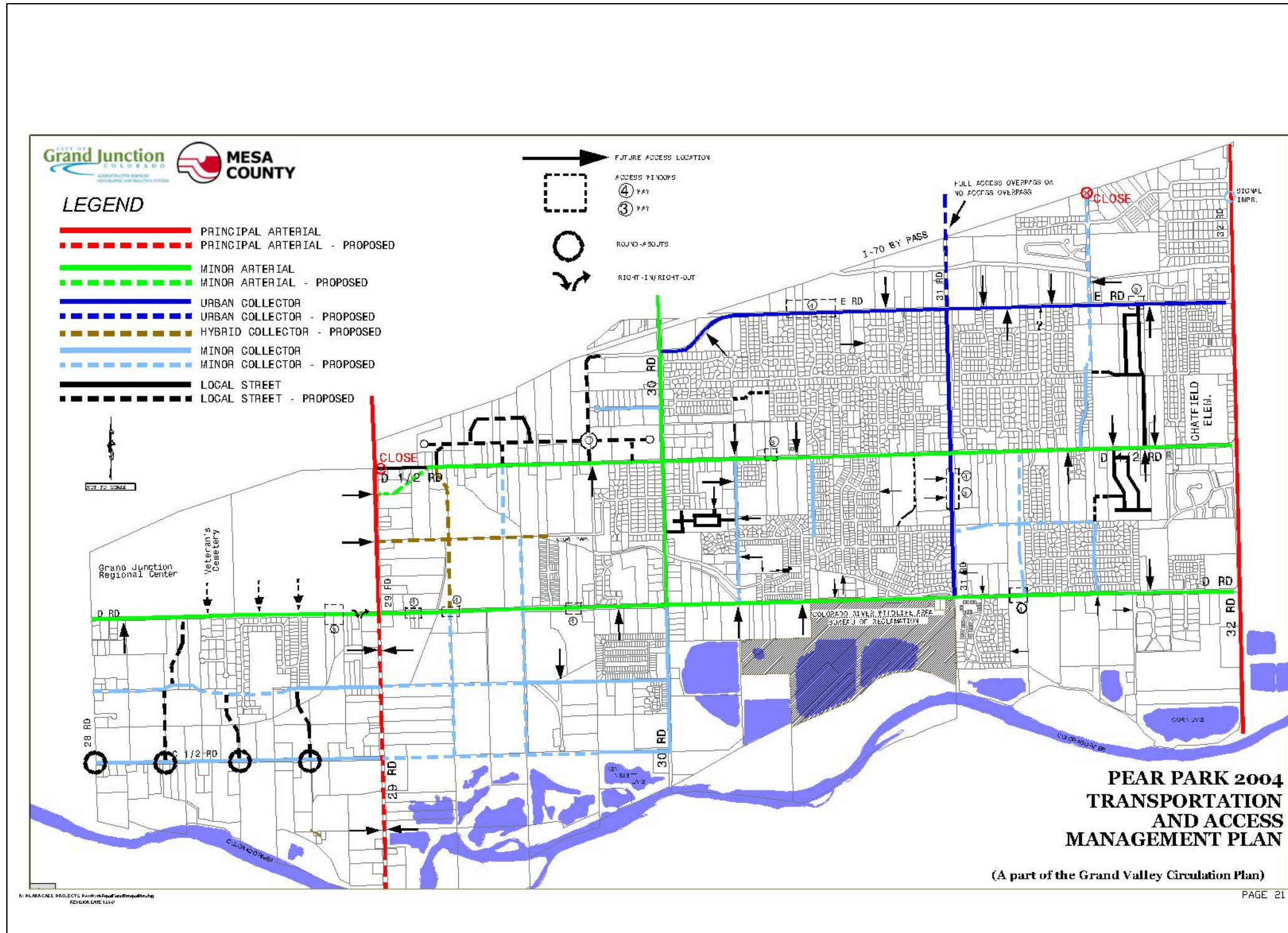
Original Transportation and Access Management Plan (TAMP)

Figure 5



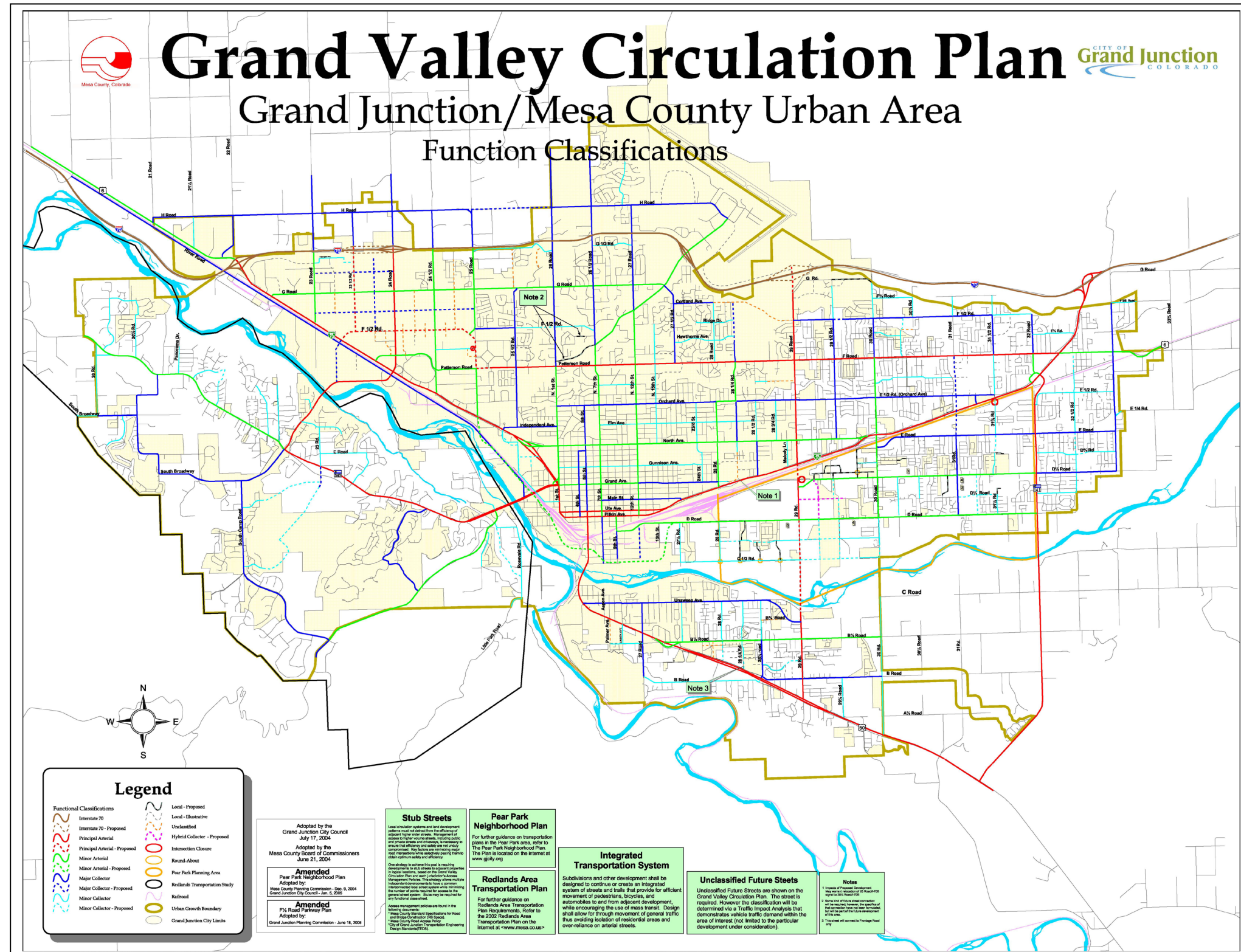
Revised Transportation and Access Management Plan (TAMP)

Figure 6



Grand Valley Circulation Plan

Figure 7



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**Attach 3
Jacobson's Pond Extension**

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: September 8, 2009
PRESENTER: Lori V. Bowers

AGENDA TOPIC: Jacobson's Pond Subdivision – PP-2006-262

ACTION REQUESTED: A request for a two-year extension of the approved Preliminary Subdivision Plan to develop 96 single family units on 37 acres in an R-4 (Residential – 4 units per acre) zone district.

<i>STAFF REPORT / BACKGROUND INFORMATION</i>			
Location:		738 26 Road	
Applicant:		Village Homes of Colorado - Owner , c/o Kate O. Lively	
Existing Land Use:		Undeveloped property	
Proposed Land Use:		Residential subdivision	
Surrounding Land Use:	North	I-70/Residential	
	South	Vacant	
	East	Single-Family Residential	
	West	Commercial plant nursery/residential	
Existing Zoning:		R-4 (Residential – 4 du/ac)	
Proposed Zoning:		No change	
Surrounding Zoning:	North	PD (Residential)	
	South	R-2 (Residential – 2 du/ac)	
	East	R-2 (Residential – 2 du/ac)	
	West	R-2 (Residential – 2 du/ac), R-4 (Residential – 4 du/ac) and B-1(Neighborhood Business)	
Growth Plan Designation:		Residential Medium 4-8	
Zoning within density range?		X	Yes
			No

PROJECT DESCRIPTION: The 37 acre Jacobson's Pond Subdivision consists of one parcel located at 738 26 Road. The Applicant received Preliminary Subdivision Plan approval for a major subdivision on March 13, 2007. Development of subdivision was to occur in one phase and the final plat was to be recorded by March 13, 2008. A request for a six month administrative extension was requested by the Applicant and granted by the Planning Division moving the deadline from March 13, 2008 to September 13, 2008. On July 22, 2008, the City of Grand Junction Planning Commission approved a one-year extension moving the deadline from September 13, 2008 to September 13, 2009. Village Homes is now requesting an additional two year extension. Village Homes is requesting the extension because they are currently operating under Chapter 11 of the Bankruptcy Code and are attempting to restructure their operations. In addition there

are several outstanding issues that are impeding their ability to meet the September 13th deadline. These issues include finalization of a cost-sharing agreement with the City regarding G 1/2 Road and 26 Road improvements and resolution of right-of-way and irrigation easements. If the request is approved the deadline to record the final plat would move from September 13, 2009 to September 13, 2011.

RECOMMENDATION: Recommend approval of a two year extension for the Jacobson's Pond Preliminary Subdivision Plan.

RECOMMENDED PLANNING COMMISSION MOTION: Mr. Chairman, on PP-2006-262, a request for a two year extension of the Preliminary Subdivision Plan approval for Jacobson's Pond Subdivision, I move we approve the extension.

Attachment:

Vicinity Map / Aerial Photo

Growth Plan Map / Existing City and County Zoning Map

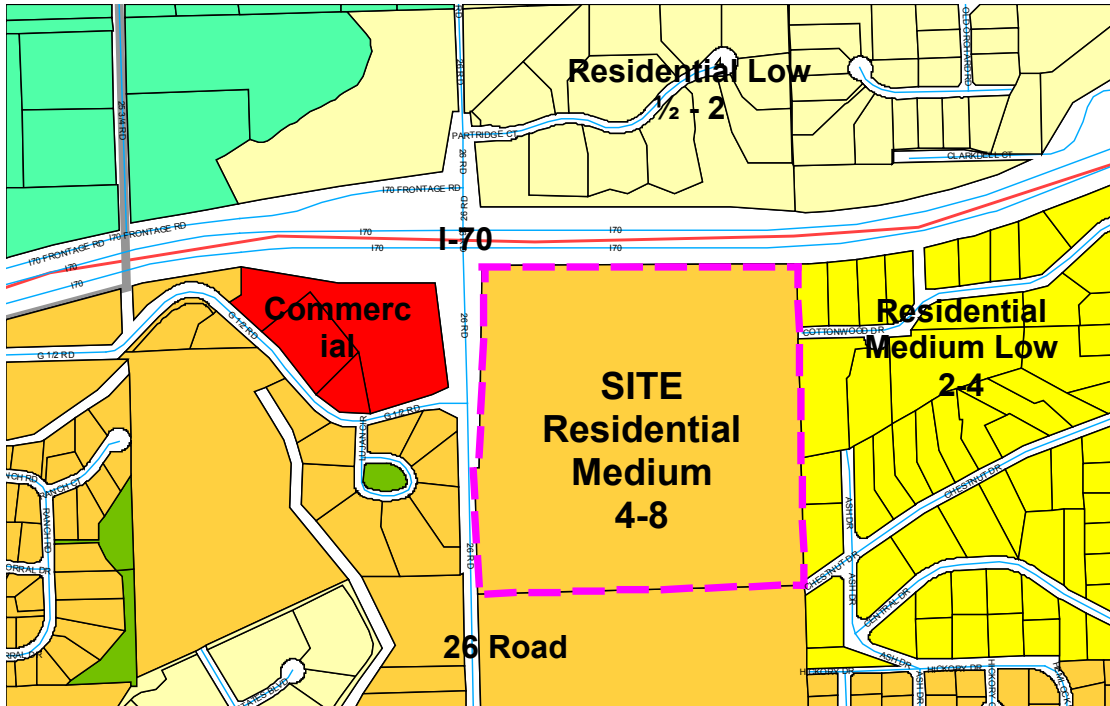
Preliminary Plan

Letter from the applicant

March 13, 2007 Staff Report

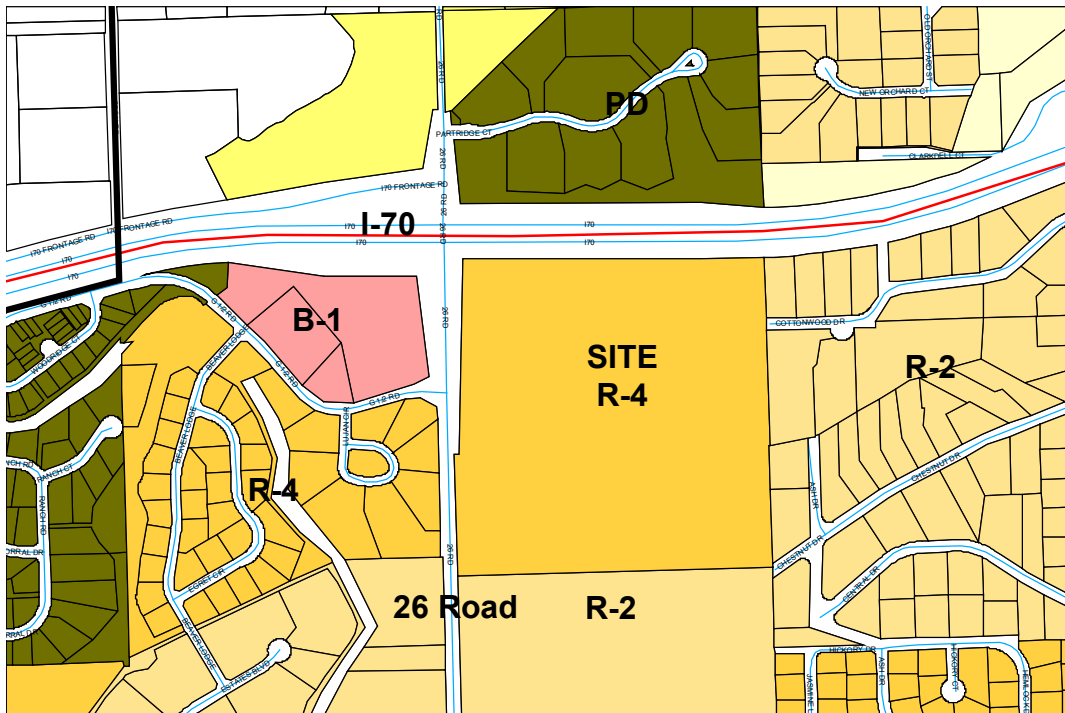
Future Land Use Map

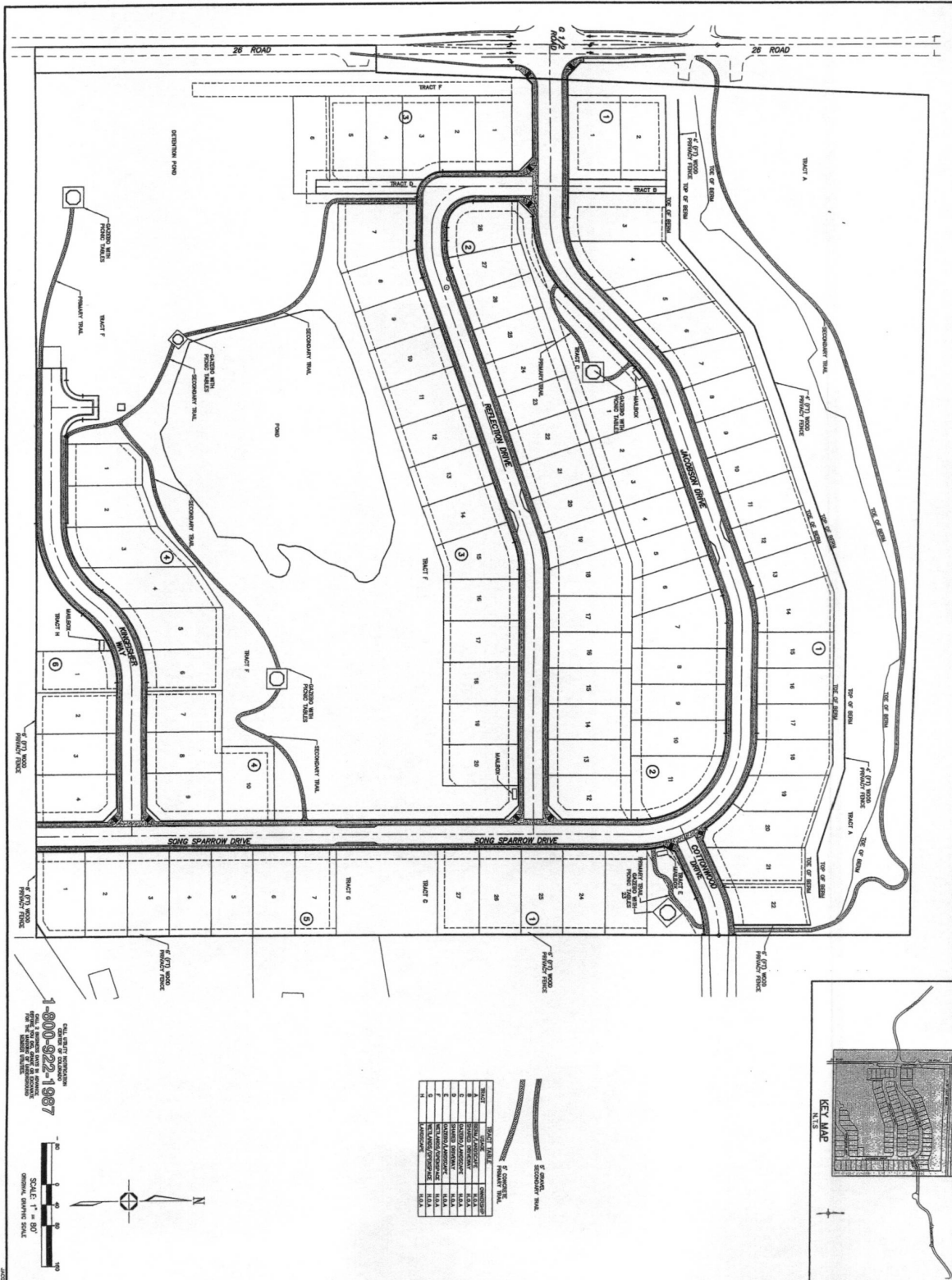
Figure 3



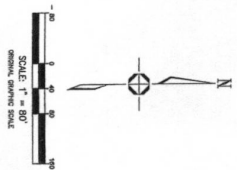
Existing City and County Zoning

Figure 4

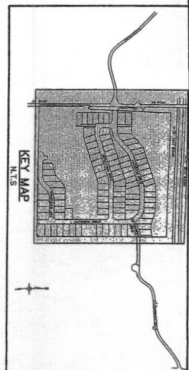




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NO.	DATE	DESCRIPTION	BY	CHK.
1	08-23-08	PRELIMINARY PLAN SET SUBMITTAL	RL	RL
2	09-03-08	RESPONSE TO COMMENTS	RL	RL
3	09-03-08	RESPONSE TO COMMENTS	RL	RL
4	09-03-08	RESPONSE TO COMMENTS	RL	RL



JACOBSON'S POND PRELIMINARY AMENITIES PLAN		Carroll & Lange Professional Engineers & Land Surveyors 153 South Union Blvd., Suite 150 Lakewood, Colorado 80228 PHONE: (303) 980-2000 FAX: (303) 980-0817 WWW.CARROLL-LANGE.COM	Project No. 08-001 Date: June 2008 Job No. 08-001	Scale: 1" = 80' Original: Survey Scale	Project Title: Scale: 1" = 80' Original: Survey Scale	<table border="1"> <thead> <tr> <th>No.</th> <th>Revisions</th> <th>Date</th> <th>By</th> <th>Chk.</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>PRELIMINARY PLAN SET SUBMITTAL</td> <td>08-23-08</td> <td>RL</td> <td>RL</td> </tr> <tr> <td>2</td> <td>RESPONSE TO COMMENTS</td> <td>09-03-08</td> <td>RL</td> <td>RL</td> </tr> <tr> <td>3</td> <td>RESPONSE TO COMMENTS</td> <td>09-03-08</td> <td>RL</td> <td>RL</td> </tr> <tr> <td>4</td> <td>RESPONSE TO COMMENTS</td> <td>09-03-08</td> <td>RL</td> <td>RL</td> </tr> </tbody> </table>	No.	Revisions	Date	By	Chk.	1	PRELIMINARY PLAN SET SUBMITTAL	08-23-08	RL	RL	2	RESPONSE TO COMMENTS	09-03-08	RL	RL	3	RESPONSE TO COMMENTS	09-03-08	RL	RL	4	RESPONSE TO COMMENTS	09-03-08	RL	RL	SEE MASTER REVISION/TRACKING TABULATION Designed By: _____ Checked By: _____	FOR AID IN REPLY OF CARROLL & LANGE, INC.
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4	RESPONSE TO COMMENTS	09-03-08	RL	RL																													



BUILDING COLORADO'S BEST COMMUNITIES...CREATING THE PLACE YOU WANT TO BE

August 5, 2009

Lori V. Bowers, Senior Planner
Public Works and Planning
City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501

Re: ***Jacobson's Pond Subdivision – Final Plat Recording Deadline Extension Request***

Dear Lori,

Village Homes of Colorado, Inc. respectfully requests a 24-month (two-year) extension of the plat recording deadline currently set as September 13, 2009. As I mentioned in our phone conversation, Village Homes is currently operating under chapter 11 of the Bankruptcy Code and is attempting to restructure its operations. This situation delays our ability to meet the current deadline. In addition, there are several outstanding issues that are impeding our ability to meet this deadline, including finalization of a cost-sharing agreement with the City concerning the G.S Road and 26 Road improvements and resolution of right-of-way and irrigation easement conflicts.

Regards,

Kate O. Lively
Land Counsel
Village Homes of Colorado, Inc.

6000 Greenwood Plaza Boulevard, Suite 200 • Steamboat Village, CO 80413
phone: 970 735-2476 • toll free: 866-PLATE26 • 966-752-2522

villagehomes.com

AGENDA TOPIC: Jacobson’s Pond Preliminary Subdivision Plan (PP-2006-262)

ACTION REQUESTED: Preliminary Subdivision Plan Approval

BACKGROUND INFORMATION					
Location:		738 26 Road			
Applicants:		Village Homes of Colorado - Owner Carroll & Lang Inc. - Representative			
Existing Land Use:		Undeveloped property			
Proposed Land Use:		Residential subdivision			
Surrounding Land Use:	North	I-70/Residential			
	South	Rural Residential			
	East	Residential			
	West	Commercial plant nursery/residential			
Existing Zoning:		Residential Single Family – 4 dwellings per acre (RSF-4)			
Proposed Zoning:		Same			
Surrounding Zoning:	North	PD (Residential)			
	South	RSF-2			
	East	RSF-2			
	West	RSF-2 and B-1			
Growth Plan Designation:		Residential Medium 4-8			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: A request for Preliminary Subdivision Plan approval for the Jacobson’s Pond subdivision, creating 96 lots on 37.61 acres in a Residential Single Family – 4 dwellings per acre (RSF-4) zone district.

RECOMMENDATION: Approval of the Preliminary Subdivision Plan.

ANALYSIS:

1. Background: A rezoning application for the project site was heard by the City Council on April 20, 2005. The request at that time was to rezone the property from the RSF-2 zone that was established at the time of annexation to a RMF-5 zone district. After extensive public testimony, the City Council decided to accept the Planning Commission's recommendation that the site be rezoned to the RSF-4 zone district.

The petitioner is requesting approval to create 96 single family lots on 37.6 acres. The site contains significant wetland areas (approximately 7.44 acres) that have been incorporated into the project. Consistent with Section 3.6.B.3 of the Zoning and Development Code, the wetland acreage is not counted as developable area for Future Land Use Plan and zoning purposes. The net developable area of the project is approximately 29.94 acres, which translates to a minimum of 119 lots. Consistent with Section 3.6.B.9 of the Zoning and Development Code, the applicants have chosen to submit a project at 80% of the density of the Future Land Use Map, which would be 95.8 dwelling units (project proposes 96 lots).

Two shared drives, placed in tracts are being proposed to provide access to 7 of the proposed lots. The tracts will be owned and maintained by the HOA.

In addition, the project utilizes the cluster provisions of Table 6.7 of the Zoning and Development Code, which allows for a decrease in minimum lot size in the RSF-4 zone from 8,000 square feet to as low as 4,400 square feet based on there being more than 30% of the site dedicated for open space purposes. The petitioner is proposing a minimum lot size of 5,724 square feet with a maximum lot size of 9,831 square feet. The open space areas will be owned and maintained by the HOA.

In addition to the open space areas that contain wetlands, the petitioner is proposing 3 other tracts that will be open space areas. A trail system is also being incorporated into the project that will incorporate gazebo's with picnic tables.

In order to reduce noise levels on-site from I-70, the petitioners will be constructing a berm in Tract "A" adjacent to I-70.

As a part of the project, the petitioner is required to provide a road connection to Cottonwood Drive, which currently is a ½ mile long cul-de-sac. There is dedicated rights-of-way for Cottonwood Drive to the projects east property line, but the physical road improvement does not currently exist. The petitioner had requested a TEDS exception to not connect to Cottonwood Drive, but that exception was denied. The water supply for this project will be from 26 ½ Road utilizing the Cottonwood Drive rights-of-way.

A detention pond will be provided downstream from the existing pond on-site. This detention area will be drained via a storm sewer to be constructed in G ½ Road that will connect to a City drainage project that will be constructed in G ½ Road in the near future.

Sewer service to the project will be via a main extension in G ½ Road.

Irrigation water will be supplied to all lots in the subdivision. There is an irrigation lateral crossing the project site, which the petitioner is relocating and piping in an easement to be established at the time of final plat recordation.

As part of the project, the petitioner is requesting to be allowed to locate a temporary sales/construction trailer in each phase of the project as they are being constructed.

The petitioner is contemplating four phases to this project with the final phase being completed in spring of 2009.

2. Consistency with the Growth Plan: The project is consistent with the goals and policies of the Growth Plan and the densities of the Future Land Use Map in accordance with the 80% density allowance of Section 3.6.B.3. of the Zoning and Development Code.

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

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

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

The project is consistent with the Growth Plan, the Grand Valley Circulation Plan, the Urban Trails Plan and other adopted plans.

- b. The Subdivision standards of Chapter 6.

The proposed project meets the subdivision standards outlined in Chapter 6 of the Zoning and Development Code, including using the cluster provisions outlined in Section 6.7.D.5 and the shared drive provisions of 6.7.D.6.

- c. The Zoning standards contained in Chapter 3.

The project meets the requirements of the Zoning and Development Code, including the density provisions of Section 3.6.B.3., 3.6.B.9., and the cluster provisions of Section 6.7.D.5.

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

The project meets all standards and requirements of the Code and all other City policies and regulations.

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

Adequate public facilities are available and will be extended as a part of this project.

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

Because the project is preserving the existing wetlands to the greatest extent possible and is respecting the existing topography, there will be little or no adverse impacts to the area.

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

This project is compatible with the surrounding area.

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

Adjacent agricultural properties will not be harmed.

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

This project is not piecemeal or premature development.

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

There is adequate land to dedicate for provisions of public services.

- k. 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 undue burden on the City for maintenance or improvement of land and facilities.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Jacobson's Pond application, PP-2006-262, for preliminary subdivision plan approval, staff makes the following findings of fact and conclusions:

1. The proposed preliminary subdivision plan is consistent with the Growth Plan.
2. The preliminary subdivision plan is consistent with the purpose of Section 2.8 and meets the review criteria in Section 2.8.B.2 of the Zoning and Development Code.
3. The preliminary subdivision application complies with Sections 3.6.B.7, 3.6.B.9 and 6.7.D.5 of the Zoning and Development Code.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve the proposed preliminary subdivision plan for the Jacobson's Pond subdivision, PP-2006-262, with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, I move that the Planning Commission approve the Preliminary Subdivision Plan for the Jacobson's Pond subdivision, PP-2006-262, with the findings and conclusions listed in the staff report.

Attachments:

Vicinity Map / Aerial Photo
Growth Plan Map / Zoning Map
Preliminary Subdivision Plan (12 sheets)

**Attach 4
RQ Annexation**

**CITY OF GRAND JUNCTION
PLANNING COMMISSION**

MEETING DATE: September 8, 2009
PRESENTER: Judith Rice

AGENDA TOPIC: RQ Zone of Annexation – ANX-2009-144

ACTION REQUESTED: Recommendation to City Council on a Zone of Annexation.

<i>STAFF REPORT / BACKGROUND INFORMATION</i>				
Location:		3131 D Road		
Applicants:		River Trail II, Inc.		
Existing Land Use:		Residential Single Family		
Proposed Land Use:		Residential Single Family		
Surrounding Land Use:	North	Residential Single Family		
	South	Vacant / Division of Wildlife		
	East	Single Family and Agriculture		
	West	Vacant		
Existing Zoning:		County RSF-R (Residential Single Family Rural and AFT (Agriculture, Forestry and Traditional)		
Proposed Zoning:		R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation)		
Surrounding Zoning:	North	County RSF-5 (Residential 5du/acre)		
	South	County AFT (Agriculture, Forestry and Traditional)		
	East	R-8 (Residential 8 du/acre)		
	West	R-4 (Residential 4 du/acre)		
Growth Plan Designation:		Residential Medium and Conservation		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: A request to zone the 20.02 acre RQ Annexation, consisting of one parcel located at 3131 D Road, to R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation) zone districts.

RECOMMENDATION: Recommend approval to the City Council of the R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation) zone districts.

ANALYSIS:

1. Background:

The 20.02 acre RQ Annexation consists of one parcel located at 3131 D Road with two current County zone districts and two Future Land Use designations. The property owners have requested annexation into the City and zoning of R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation). Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City. If a property has any portion situated within the Persigo Wastewater Treatment boundary, all of that property requires annexation and processing in the City for proposed development.

Under the 1998 Persigo Agreement with Mesa County, the City shall zone newly annexed areas with a zone that is either identical to current County zoning or conforms to the City's Growth Plan Future Land Use Map. The proposed zoning R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation) conforms to the Future Land Use Map, which has designated the property as Residential Medium and Conservation.

2. Section 2.6.A.3 and 4 of the Zoning and Development Code:

Zone of Annexation: The requested zone of annexation to R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation) zone districts is consistent with the Growth Plan designation of Residential Medium and Conservation, respectively. The existing County zoning is County RSF-R (Residential Single Family Rural) and AFT (Agriculture, Forestry and Traditional). Section 2.14 of the Zoning and Development Code, states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6.A.3 and 4 as follows:

- The proposed zone 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.

Response: The 14 acres of the property for which an R-8 zone is being requested is consistent with the surrounding County and City zones in the neighborhood. A County RSF-5 development lies north of the property. To the west and east are properties zoned R-4 and R-8 respectively. The proposed zone conforms to the Growth Plan's designation of Residential Medium. In addition, the R-8 zoning furthers the recommendation for the Pear Park Neighborhood Plan to develop the area for residential use.

The 6 acres for which a CSR zone is requested is consistent with the Growth Plan's Future Land Use Designation of Conservation and furthers the goal of the

Pear Park Neighborhood Plan to conserve areas for wildlife and open space along the river corridor.

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

Response: Adequate public facilities and services are available to accommodate the R-8 (Residential 2 du/acre) and CSR (Community Services and Recreation) zone districts. Water and sewer service is provided along D Road by 10 inch lines.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

1. The Residential Medium Future Land Use Designation also supports the following zone districts:
 - a. R-4 (Residential 4 du/acre)
 - b. R-5 (Residential 5 du/acre)
2. There are no other zoning districts that implement the Conservation Future Land Use Designation other than CSR.

If the Planning Commission chooses to recommend an alternative zone designation, specific alternative findings must be made as to why the Planning Commission is recommending an alternative zone designation to the City Council.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the RQ Annexation, ANX-2009-144, for a Zone of Annexation, I recommend that the Planning Commission make the following findings of fact and conclusions:

1. The requested zones are consistent with the goals and policies of the Growth Plan.
2. The review criteria in Section 2.6.A.3 and 4 of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

The Project Manager recommends that the Planning Commission forward a recommendation of approval of the R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation) zone districts for the RQ Annexation, ANX-2009-144, to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

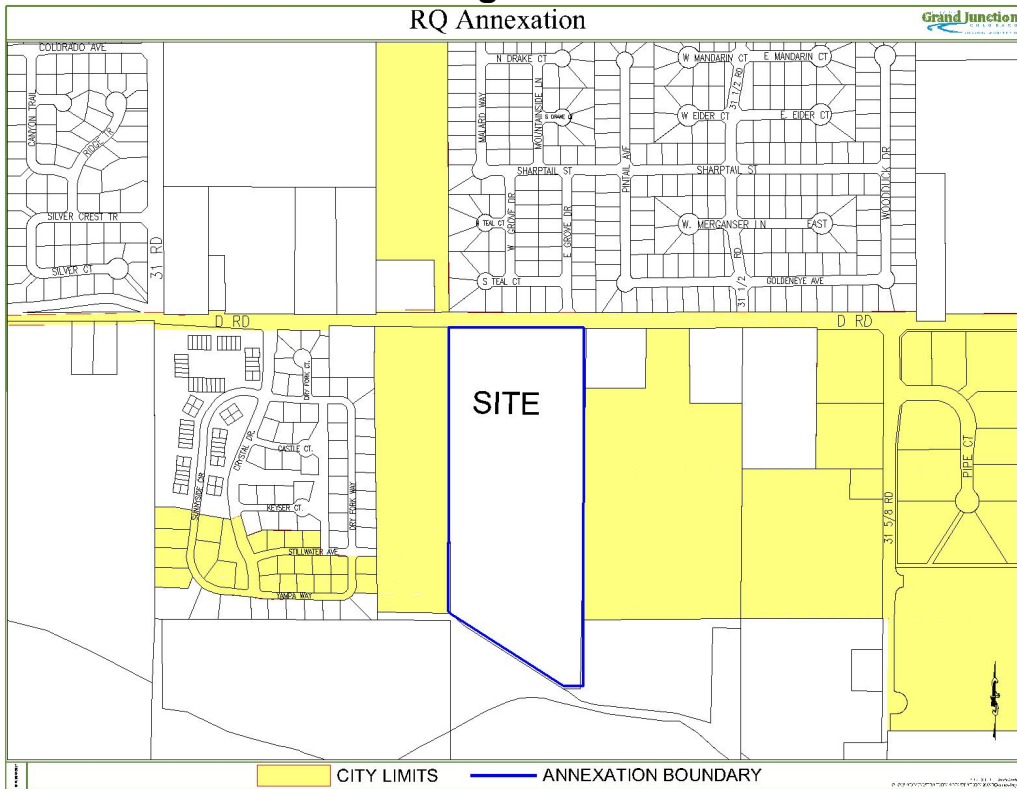
Mr. Chairman, on the RQ Zone of Annexation, ANX-2009-144, I move that the Planning Commission forward to the City Council a recommendation of approval of the R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation) zone districts for the RQ Annexation with the facts and conclusions listed in the staff report.

Attachments:

Annexation - Site Location Map / Aerial Photo Map
Future Land Use Map / Existing City and County Zoning Map
Zoning Ordinance

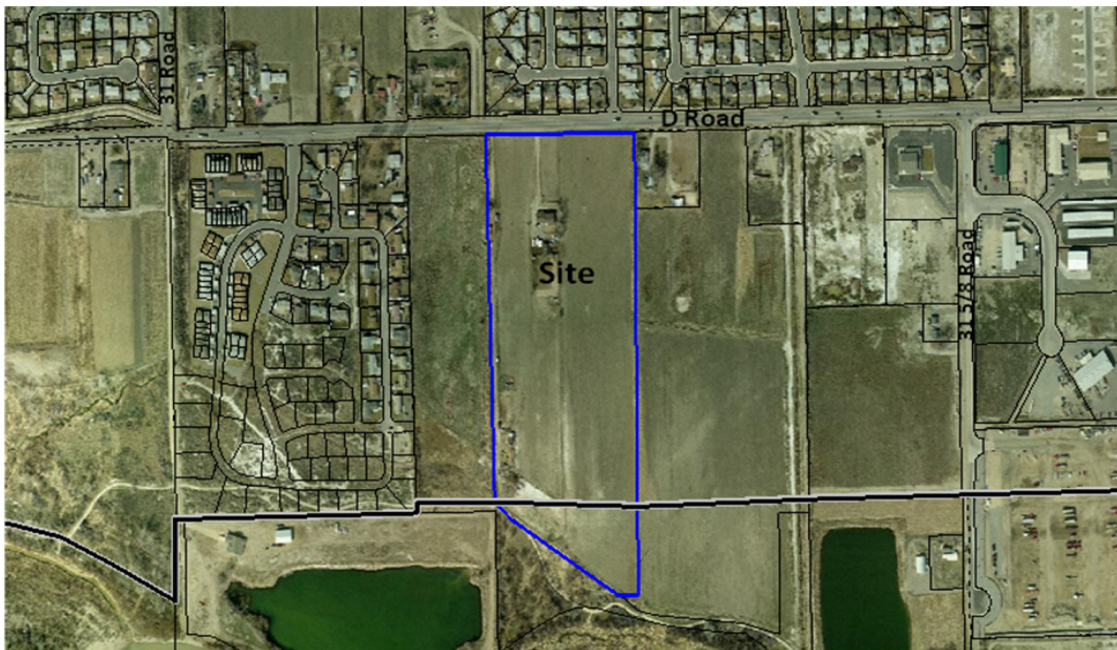
Annexation/Site Location Map

Figure 1



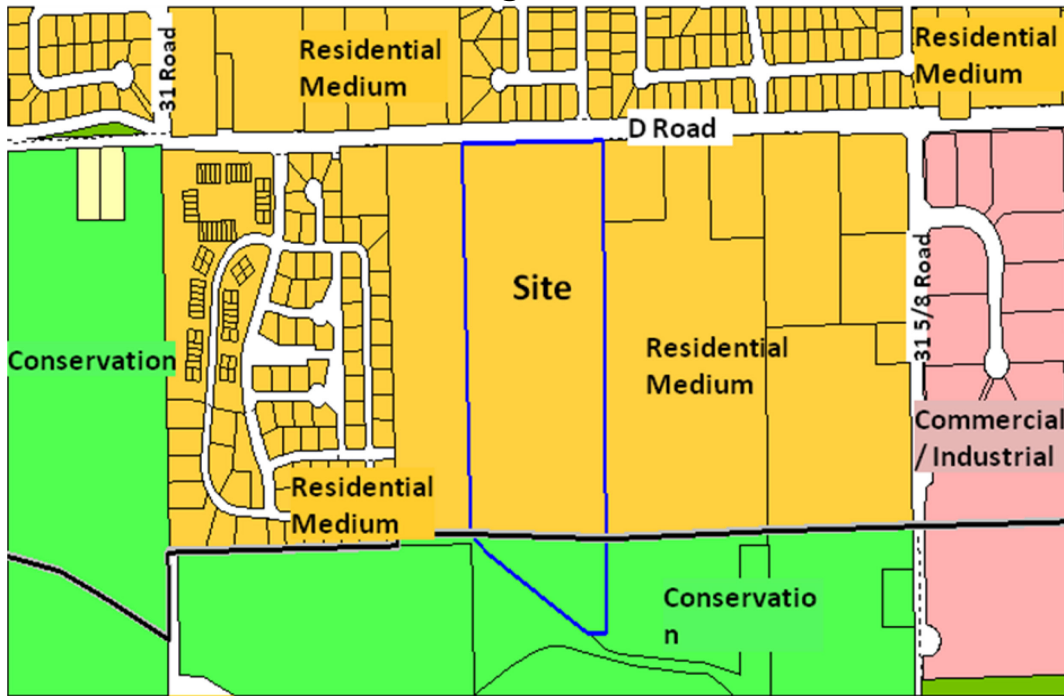
Aerial Photo Map

Figure 2



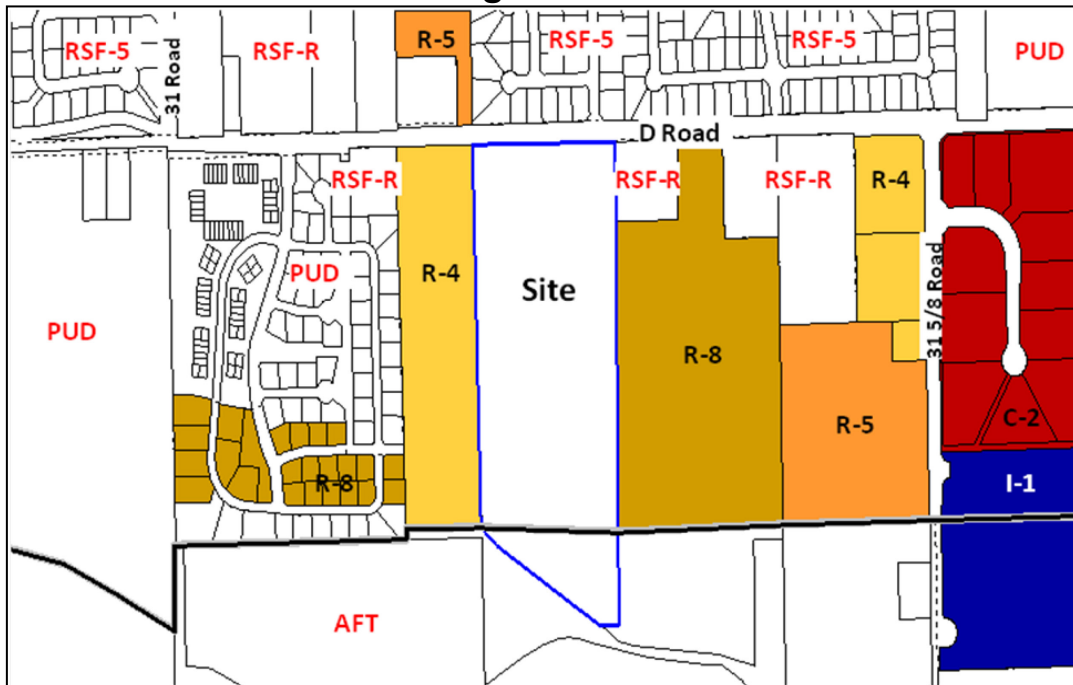
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE RQ ANNEXATION
TO R-8 (RESIDENTIAL 8 DU/ACRE) AND
CSR (COMMUNITY SERVICES AND RECREATION)**

LOCATED AT 3131 D Road

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 zoning the RQ Annexation to the R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation) zone districts finding that they conform with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and are generally compatible with land uses located in the surrounding area. The zone districts meet the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation) zone districts are in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property be zoned R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation).

RQ ANNEXATION

A certain parcel of land located in the East Half (E 1/2) of the Northwest Quarter (NW 1/4) of Section 22, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 22 and assuming the North line of the NE 1/4 NW 1/4 of said Section 22 to bear S89°53'36"E with all bearings contained herein relative thereto; thence S00°13'57"W a distance of 30.00 feet along the West line of the NE 1/4 NW 1/4 of said Section 22 to the Point of Beginning; thence S89°53'36"E a distance of 602.17 feet along a line being 30.00 feet South of and parallel with the North line of the NE 1/4 NW 1/4 of said Section 22, said line also being the South line of Snidow Annexation No. 1, Ordinance No. 3344, City of Grand Junction; thence S00°13'57"W a distance of 1590.03 feet along the West line of River Trail Annexation, Ordinance No. 4023, City of Grand Junction; thence N89°53'45"W a distance of 83.41 feet; thence

N57°27'33"W a distance of 598.24 feet; thence N42°32'44"W a distance of 19.34 feet to a point on the West line of the NE 1/4 NW 1/4 of said Section 22, said point also being the Southeast corner of Heron's Nest Annexation No. 2, Ordinance No. 4045, City of Grand Junction; thence N00°13'57"E along the West line of the NE 1/4 NW 1/4 of said Section 22 a distance of 1254.95 feet, said line also being the East line of said Heron's Nest Annexation No. 2 and also being the East line of Heron's Nest Annexation No. 1, Ordinance No. 4044, City of Grand Junction a distance of 1254.95 feet to the Point of Beginning.

INTRODUCED on first reading the 3rd day of August, 2009 and ordered published.

ADOPTED on second reading the ____ day of _____, 2009.

ATTEST:

President of the Council

City Clerk

**Attach 5
Taylor III Rezone**

**CITY OF GRAND JUNCTION
PLANNING COMMISSION**

MEETING DATE: September 8, 2009
STAFF PRESENTATION: Judith Rice

AGENDA TOPIC: Taylor III Rezone, RZ-2008-293

ACTION REQUESTED: Recommendation to City Council to rezone a portion of the property located at 2711 G Road from PD (Planned Development) zone district to R-5 (Residential 5 du/ac) zone district.

BACKGROUND INFORMATION			
Location:		2711 G Road	
Applicants:		Marion Jacobson	
Existing Land Use:		Vacant	
Proposed Land Use:		Vacant	
Surrounding Land Use:	North	Vacant	
	South	Commercial	
	East	Residential, Single Family	
	West	Residential, Multifamily	
Existing Zoning:		PD (Planned Development)	
Proposed Zoning:		R-5 (Residential 5 du/acre)	
Surrounding Zoning:	North	R-5 (Residential 5 du/acre)	
	South	C-1 (Light Commercial)	
	East	PD (Planned Development)	
	West	PD (Planned Development)	
Growth Plan Designation:		RM, Residential Medium (4 to 8 du/ac)	
Zoning within density range?		X	Yes
			No

PROJECT DESCRIPTION: Request to rezone 0.07 acres located at 2711 G Road, from PD (Planned Development) zone district to R-5 (Residential 5 du/acre) zone district.

RECOMMENDATION: Forward a recommendation of approval to City Council.

ANALYSIS:

1. Background

On July 22, 2009, the 0.07 acre portion of land, for which the rezone is being requested, was added to 2711 G Road from 1401 Racquet Way. The lot line adjustment re-plated Lot 1 (2711 G Road) of the Taylor II Subdivision adding the 0.07 acre strip of land and creating the Taylor III Subdivision.

Annexation of 1401 Racquet Way and 2711 G Road occurred in 1978 as part of the Nelson Stewart Annexation.

2711 G Road is zoned R-5 (Residential 5 du/acre). The newly added 0.07 acre strip of land, because it was previously part of 1401 Racquet Way, is zoned PD (Planned Development). In order provide consistent zoning for the 2711 G Road property, the Applicant is requesting that the 0.07 acre portion be rezoned from PD to R-5.

2. Consistency with the Growth Plan

The Growth Plan's Future Land Use designation is Residential Medium, 4 to 8 du/acre. Therefore the proposed R-5 zoning district is consistent with the Growth Plan.

3. Section 2.6.A of the Zoning and Development Code (Code)

In order to maintain internal consistency between this Code and the Zoning Maps, map amendments must occur only if:

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

The existing zoning of the 0.07 acres was not in error at the time of adoption. The area was part Lot 2 of the SS Subdivision Which was zoned PD. A lot line adjustment has re-plated 2711 G Road to include the 0.07 acres. The property at 2711 G Road is zoned R-5.

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

The neighborhood consists of R-5 and R-4 zoned subdivisions and individual lots as well as Planned Development condominiums. The proposed zone of R-5 would be consistent with the zoning of the rest of the lot.

3. *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 neighborhood is residential in character and includes R-4, R-5, multifamily PD and single family PD zoning. The Growth Plan's Future Land Use designation is Residential Medium which is implemented by the proposed R-5 zoning.

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

Services can be made available for development of the property. There is an existing 18 inch Ute Water line along G Road. The property lies within the Persigo 201 sewer service boundary and there is an 8 inch sewer service line 260 feet to the west of the property along G Road. In addition, there is an 8 inch sewer line along the south boundary of the property. Other public facilities (electrical, cable, etc.) are available should development occur.

5. *The supply of comparably zoned land in the surrounding area is inadequate to accommodate the community's needs*

The rest of the parcel is zoned R-5. The applicant is requesting that the 0.07 acres be zoned R-5 in order provide consistent zoning for the 2711 G Road property.

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

The applicant indicates that eventually residential development will take place which will provide housing for the community.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

- a. R-4, Residential 4 du/ac
- b. R-8, Residential 5 du/ac

If the Planning Commission chooses to recommend one of the alternative zone designations, specific alternative findings must be made as to why the Planning Commission is recommending an alternative zone designation the City Council.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Taylor III Rezone application, RZ-2008-293, I recommend that the Planning Commission make the following findings of fact and conclusions:

1. The requested zone is consistent with the goals and policies of the Growth Plan

2. 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 to the City Council of the requested rezone, RZ-2008-293, with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

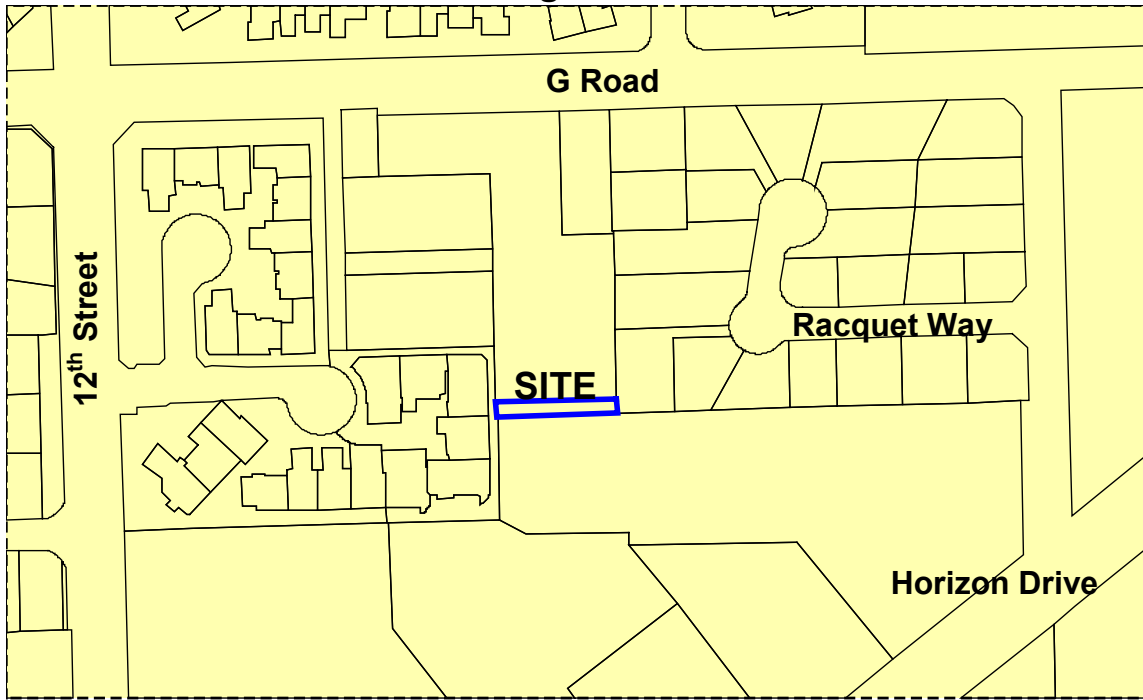
Mr. Chairman, on Taylor III Rezone, #RZ-2008-293, I move that the Planning Commission forward the rezone to City Council with the recommendation of the R-5 (Residential 5 du/acre) district for the Taylor III Rezone with the facts and conclusions listed in the staff report.

Attachments:

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

Site Location Map

Figure 1



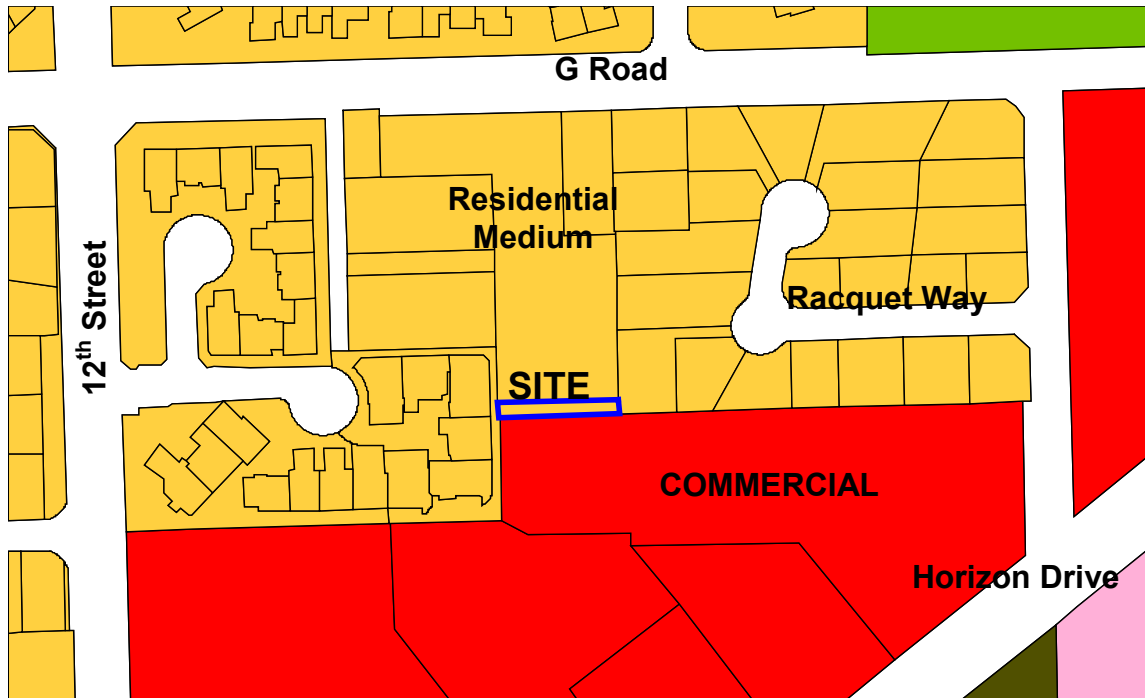
Aerial Photo Map

Figure 2



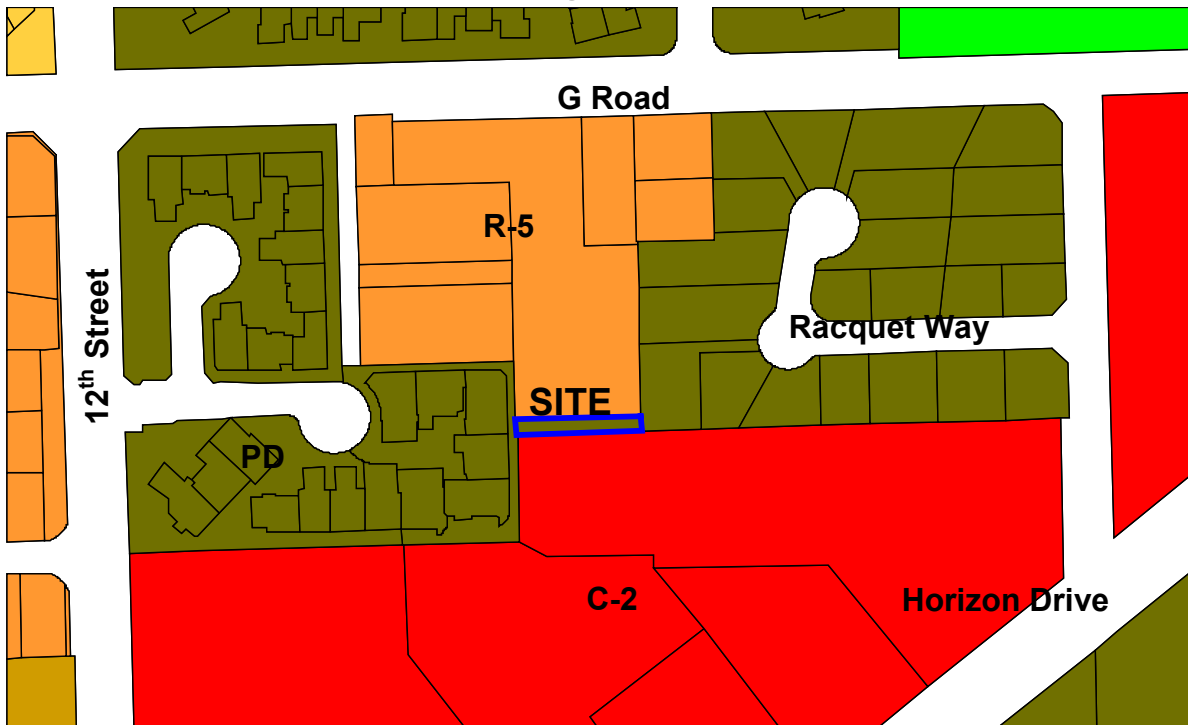
Future Land Use Map

Figure 3



City Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE REZONING A PORTION OF THE PROPERTY KNOWN AS
2711 G ROAD
FROM PD (PLANNED DEVELOPMENT) TO R-5 (RESIDENTIAL 5 DU/ACRE)**

LOCATED AT 2711 G ROAD

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, the Grand Junction Planning Commission recommended approval of rezoning property located at 2711 G Road to the R-5 (Residential 5 du/acre) zone district, finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone districts meet the criteria found in Section 2.6 of the Zoning & Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-5 (Residential 5 du/acre) zone district is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning & Development Code.

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

The following portion of the property be zoned R-5 (Residential 5 du/acre):

Beginning at the Southeast Corner of Lot 1 Taylor III Subdivision, and considering the South Line of said Lot 1 to bear South 89°57'24" West and all bearings contained herein to be relative thereto; thence South 89°57'24" West along said South Line a distance of 167.97 feet to the Southwest Corner of said Lot 1; thence North 00°11'48" East along the West Line of said Lot 1 a distance of 19.77 feet; thence leaving said West Line North 89°55'25" East a distance of 167.15 feet to the East line of said Lot 1; thence along said East Line South 00°19'26" West a distance of 19.87 feet to the Southeast Corner of said Lot 1, which is the Point of Beginning.

Said portion of the property contains 0.07 acres, more or less, as described.

Introduced on first reading this ____ day of ____, 2009 and ordered published.

Adopted on second reading this ____ day of _____, 2009.

ATTEST:

President of the Council

City Clerk

**Attach 6
Martin 2 Storage Yard**

**CITY OF GRAND JUNCTION
PLANNING COMMISSION**

MEETING DATE: September 8, 2009
STAFF PRESENTATION: Judith Rice

AGENDA TOPIC: Martin 2 Storage Yard - CUP-2009-087

ACTION REQUESTED: Approval of a Conditional Use Permit (CUP)

BACKGROUND INFORMATION				
Location:		2105 H Road		
Applicants:		Owner: Russ O. and Sheila D. Martin Representative: River City Consultants, Tracy Moore		
Existing Land Use:		Vacant		
Proposed Land Use:		Heavy Equipment Storage Yard		
Surrounding Land Use:	North	Residential		
	South	Equipment Storage Yard		
	East	Equipment Storage Yard		
	West	Irrigation Systems Company		
Existing Zoning:		I-1 (Light Industrial)		
Proposed Zoning:		N/A		
Surrounding Zoning:	North	County RSF-R (Residential Single Family Rural)		
	South	I-1 (Light Industrial)		
	East	I-1 (Light Industrial)		
	West	County PUD (Planned Development)		
Growth Plan Designation:		Commercial Industrial		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: Request approval of a Conditional Use Permit to allow a business residence in an I-1 zone.

RECOMMENDATION: Approval of the Conditional Use Permit

ANALYSIS:

Background

The property located at 2105 H Road was annexed and zoned as I-1 (Light Industrial) into the City in September of 2008. The property has been used as a non-conforming residence. However, with approval of this Conditional Use Permit and Site Plans, it will be developed as a tenant-ready, low-volume heavy equipment storage yard with a business residence in the existing structure in accordance with I-1 zone district standards and business residence standards. A future tenant may choose to use part of the structure for storage and office space. The business residence will be used to house the owner or employees of the business for the purpose of property security.

Heavy equipment outdoor storage use in an I-1 zone is not required to have an indoor component. Although business residence standards (Code Section 4.3.2.c) require the dwelling unit be located within a structure used primarily for business purposes, the intent of the Code will be met because the requested business residence is accessory to the principal business use on the property. In addition, this Conditional Use Permit requires that any future structure development must incorporate the existing business residence.

Conditional Use Permit

Conditional uses are not uses by right. The approval of the Conditional Use Permit, once established, shall run with the land and will remain valid until the property changes use or the use is abandoned and/or non-operational for a period of twelve (12) consecutive months. Failure to develop or establish such use accordingly shall be sufficient to revoke the permit.

Sign Plan

When a tenant is found for this industrial use, signage will be permitted according to Section 4.2 of the Zoning and Development Code.

Consistency with the Growth Plan

The site is currently zoned I-1 (Light Industrial) with the Growth Plan Future Land Use Map identifying this area as Commercial Industrial, therefore, the proposed heavy equipment storage yard and accessory business residence are consistent with the Growth Plan.

Section 2.13.C of the Zoning and Development Code

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

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

Section 2.2.D.4

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

The proposed Conditional Use Permit for a business residence, accessory to a heavy equipment storage yard operation, furthers the Growth Plan's goals and complies with the Future Land Use designation of Commercial Industrial.

Upon review of the application and Site Plan (see Figure 5), the Planner and the Development Engineer find the request for a Conditional Use Permit in compliance with major street, trail and park plans.

2. *Conditions of any prior approvals*

None.

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

Upon review of the application and Site Plan, it was found that the request for a Conditional Use Permit in compliance with the specific standards for the I-1 zone found in Chapter 3 and the design and improvement standards of Chapter 6 of the Zoning and Development Code. A business residence is allowed in an I-1 zone with a Conditional Use Permit.

4. *Quality site design practices*

Upon review of the application and Site Plan, it was found that the request for a Conditional Use Permit in compliance with all requirements of the Zoning and Development Code.

SSID, TEDS, and SWMM Manuals

Upon review of the application and Site Plan, it was found that the request for a Conditional Use Permit in compliance with the SSID, TEDS and SWMM requirements.

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

Upon review of the application and Site Plan, it was found that the request for a Conditional Use Permit is in compliance with the standards for the I-1 zone district found in Chapter 3 which include outdoor storage screening, buffering and dimensional standards.

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

The performance standards for the I-1 zone district as stated in Section 3.4.G.5 of the Zoning and Development Code have been met. In addition, the Applicant's proposed site plan demonstrates that the following use specific standards established in Section 4.3.I for a business residence have been met:

- 1. The residence shall comply with all appropriate building and fire codes and with all applicable portions for this Code.*

The existing residential structure will meet appropriate building and fire codes.

- 2. Only one single family dwelling unit per business or structure is allowed and it shall be occupied only by the owner, operator, or employee of the principal use and immediate family.*

There is only one single family dwelling on the property and it will be occupied either by the owner or employees of the business.

- 3. The dwelling unit shall be located within a structure used primarily for business purposes.*

Heavy equipment outdoor storage use in an I-1 zone is not required to have an indoor component. Although business residence standards require the dwelling unit be located within a structure used primarily for business purposes, the intent of the Code will be met because the requested business residence is accessory to the principal business use on the property. In addition, this Conditional Use Permit requires that any future structure development must incorporate the existing business residence.

- 4. A minimum of two (2) off-street parking spaces shall be provided for the dwelling unit in addition to the required parking for the business.*

Two off-street parking spaces have been provided for the dwelling unit in addition to 5 spaces for the storage yard business.

- 5. Other conditions as required through site plan approval process.*

All other conditions of site plan approval have been met.

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

Adequate transit, hospital, fire protection and postal facilities are available.

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

1. *Protection of privacy*

Residential use to the North of the site, across H Road, will be buffered by the 60 foot wide H Road right-of-way, of which a 17 foot wide strip adjacent to the site will be landscaped. In addition, another 14 feet of site frontage will be landscaped for a total of 34 feet along H Road.

Properties to the West, South and East are in commercial industrial use.

2. *Protection of use and enjoyment*

Proposed lighting meets the Code standards for full light cut off fixtures in the business residence parking lot. Heavy equipment storage use will be low volume, that is, less than 30 trips per day. The business residence will have residential hours of use.

3. *Compatible design and integration*

The existing building is compatible with the residential buildings in the area. Proposed landscaping and lighting plans meet the Code standards. Signage will be permitted according to Section 4.2 of the Zoning and Development Code.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Martin 2 Storage Yard application, CUP-2009-087, for a Conditional Use Permit, I make the following findings of fact, conclusions and conditions:

1. The requested Conditional Use Permit is consistent with the Growth Plan.
2. The review criteria in Section 2.13.C of the Zoning and Development Code have all been met.
3. Any future structure development shall incorporate the existing business residence.

4. As part of the Conditional Use Permit application, proposed signage shall be in conformance with Section 4.2 of the Zoning and Development Code.

STAFF RECOMMENDATION:

I recommend that the Planning Commission approve the requested Conditional Use Permit, CUP-2009-087, with the findings and conclusions and conditions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, on the Martin 2 Storage Yard business residence application, number CUP-2009-087, I move that the Planning Commission approve the Conditional Use Permit with the facts, conclusions and conditions listed in the staff report.

Attachments:

Figure 1: Site Location Map

Figure 2: Aerial Photo Map

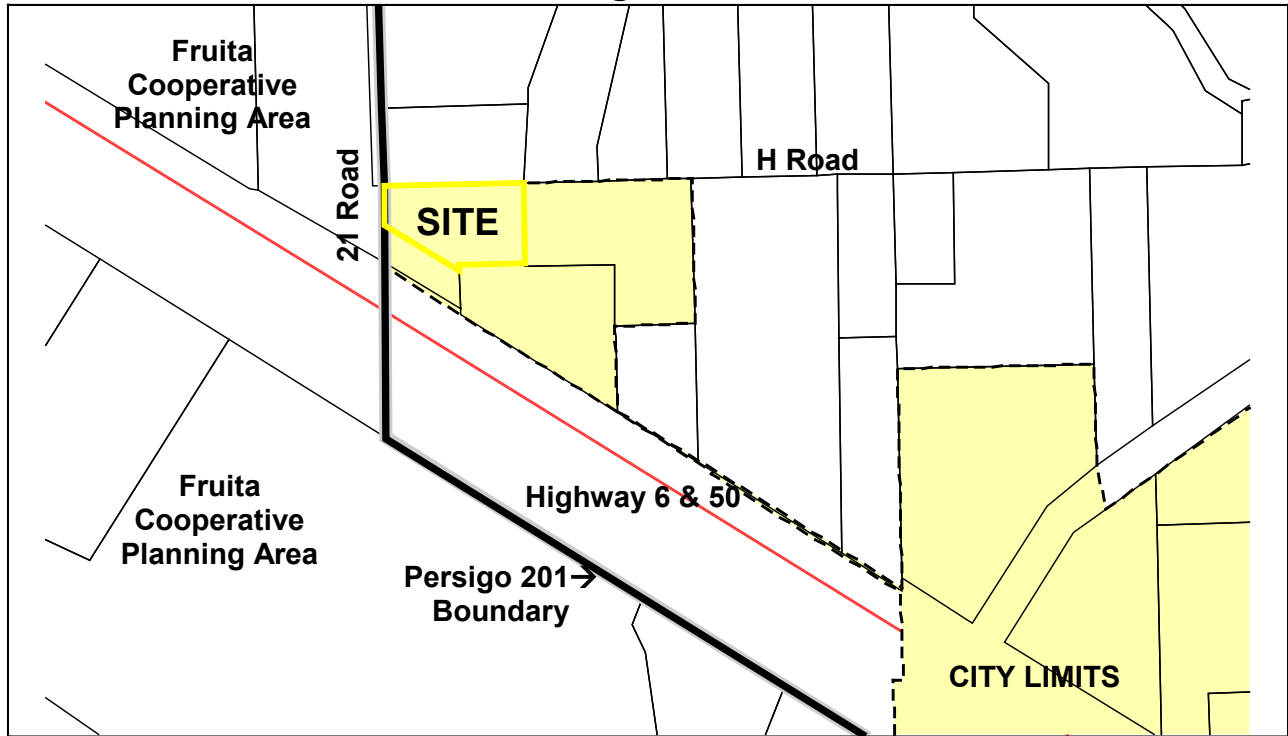
Figure 3: Future Land Use Map

Figure 4: Existing City and County Zoning Map

Figure 5: Site Plan

Site Location Map

Figure 1



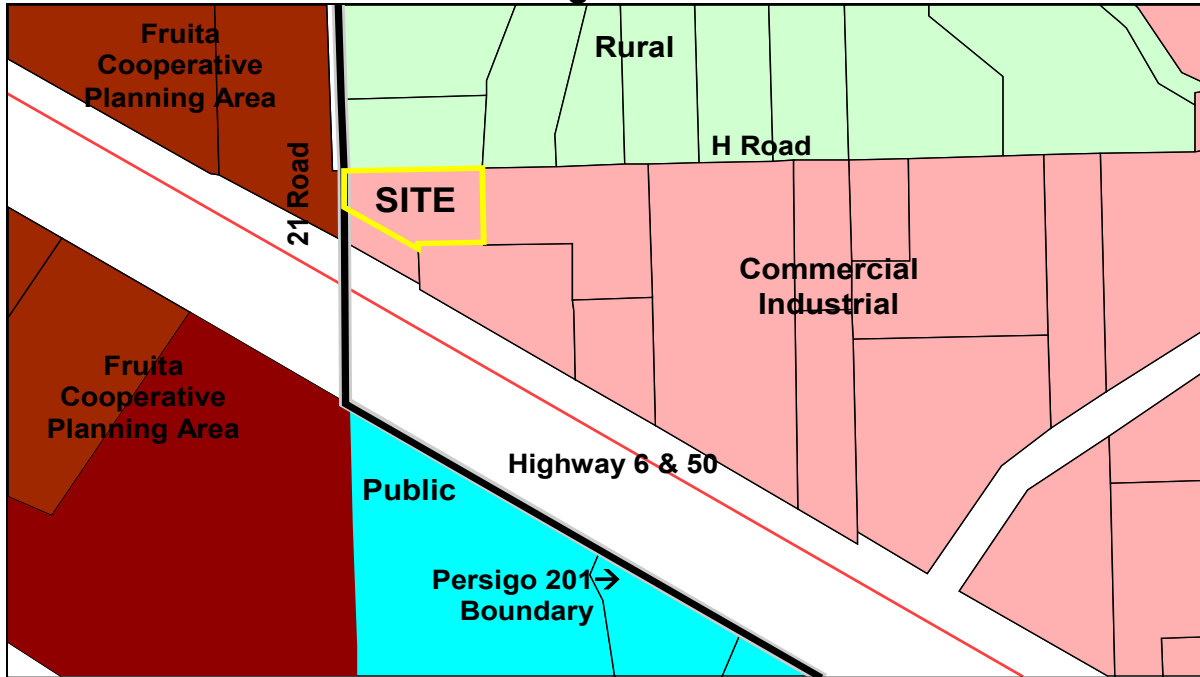
Aerial Photo Map

Figure 2



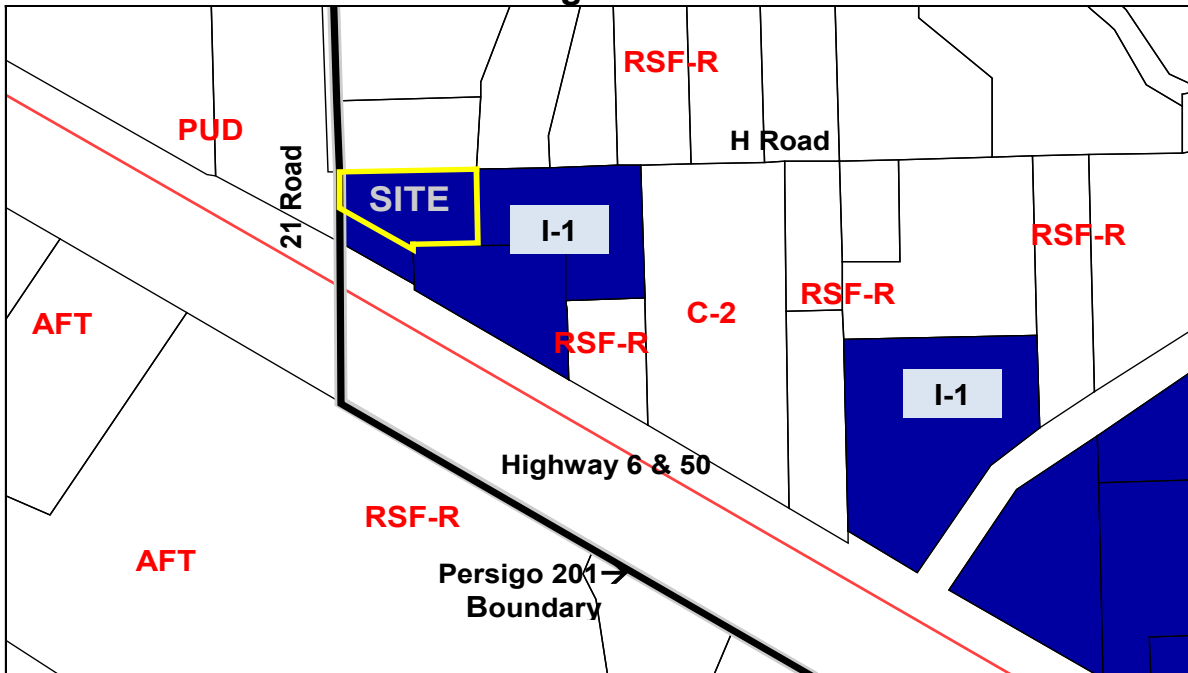
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



**Attach 7
 Coloramo Drive-Through**

**CITY OF GRAND JUNCTION
 PLANNING COMMISSION**

MEETING DATE: September 8, 2008
PRESENTER: Judith Rice

AGENDA TOPIC: Coloramo Orchard Mesa Drive-Through – CUP-2009-050

ACTION REQUESTED: Approval of a Conditional Use Permit (CUP)

BACKGROUND INFORMATION			
Location:	2705 Highway 50		
Applicants:	Colorado Federal Credit Union		
Existing Land Use:	Vacant Commercial Building		
Proposed Land Use:	Credit Union with Drive Through		
Surrounding Land Use:	North	Residential, Single Family	
	South	Wagner Equipment Sales	
	East	Pet Boarding and Storage Units	
	West	Restaurant	
Existing Zoning:	C-1(Light Commercial)		
Proposed Zoning:	N/A		
Surrounding Zoning:	North	R-8 (Residential 8 du/acre)	
	South	C-1(Light Commercial)	
	East	C-1(Light Commercial)	
	West	C-1(Light Commercial)	
Growth Plan Designation:	Commercial		
Zoning within density range?	X	Yes	No

PROJECT DESCRIPTION: Request approval of a Conditional Use Permit to allow a drive-through banking facility in a C-1 zone.

RECOMMENDATION: Approval of the Conditional Use Permit

ANALYSIS:

Background

This property was annexed in 1973 as part of the Central Orchard Mesa Annexation. The property was previously a liquor store and has no previous applications for development. The applicant will be developing 0.44 acres of a 0.60 acre property as a drive-through banking facility utilizing an existing structure with plans for future re-development of the entire property.

Signage will be per Zoning and Development Code (Code) Section 4.2.

Conditional Use Permit

Per the Conditional Use Permit application, the applicant is requesting two (2) deviations that can be reviewed and approved by Planning Commission as part of this application. First, the applicant is requesting a 34% landscape upgrade rather than the 100% landscape upgrade required for non-conforming sites undergoing a Conditional Use Permit process. Second, the applicant is requesting relief from the buffering requirement of a wall and an eight foot landscaped strip for the residentially zoned properties to the north across Sherman Drive. The Project Manager is in support of the requested deviations for the following reasons:

- (1) The drive-through banking use proposes a 34% expansion of the building and parking spaces and a corresponding percentage increase in site landscape upgrades meeting the intent of the Code. The amount of trees and shrubs required for 34% of the full site upgrade will nearly satisfy the Highway 50 fourteen-foot frontage on-site landscaping requirement and the applicant will be landscaping the 22 foot wide right-of-way along Sherman Drive as required by the Code thus placing substantial landscaping at both frontages. In addition to meeting 100% of the requirements of the Code for the Sherman Drive right-of-way landscaping, the applicant will be planting three trees in that right-of-way.
- (2) Buffering for the residentially zoned properties to the north is partially accomplished by meeting the 100% landscaping requirement plus three trees in the 22 foot wide right-of-way along Sherman Drive. In addition, the building and parking lot are located on the middle and southern portion of the property, minimizing impact on the residential properties to the north across Sherman Drive.

Support for these deviations is with the understanding that future re-development will require site upgrades according to the Zoning and Development Code.

Conditional uses are not uses by right. The approval of the Conditional Use Permit, once established, shall run with the land and will remain valid until the property changes use or the use is abandoned and/or non-operational for a period of twelve (12) consecutive months. Failure to develop or establish such use accordingly shall be sufficient to revoke the permit.

Sign Plan

Signage will be permitted according to Section 4.2 of the Zoning and Development Code.

Consistency with the Growth Plan

The site is currently zoned C-1 (Light Commercial) with the Growth Plan Future Land Use Map identifying this area as Commercial.

Section 2.13.C of the Zoning and Development Code

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

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

Section 2.2.D.4 Site Plan Review Standards

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

The proposed Conditional Use Permit for a drive-through banking facility furthers the Growth Plan's goals and complies with the Future Land Use designation of Commercial. The proposal complies with the Orchard Mesa Neighborhood Plan's goals to improve and enhance the quality of life on Orchard Mesa and encourage attractive well maintained properties.

Upon review of the application and Site Plan (see Figure 5), the Planner and development Engineer find the request for a Conditional Use Permit in compliance with Urban Tails Master Plan, street and park plans and the Zoning and Development Code with the exception of the applicant's requested deviations as a part of the Conditional Use Permit application. The requested deviations meet the intent of the Code for the following reasons:

- (1) The drive-through banking use proposes a 34% expansion of the building and parking spaces and a corresponding percentage increase in site landscape upgrades meeting the intent of the Code. The amount of trees and shrubs required for 34% of the full site upgrade will nearly satisfy the Highway 50 fourteen-foot frontage on-site landscaping requirement and the applicant will be landscaping the 22 foot wide right-of-way along Sherman Drive as required by the Code thus placing substantial

landscaping at both frontages. In addition to meeting 100% of the requirements of the Code for the Sherman Drive right-of-way landscaping, the applicant will be planting three trees in that right-of-way.

- (2) Buffering for the residentially zoned properties to the north is partially accomplished by meeting the 100% landscaping requirement plus three trees in the 22 foot wide right-of-way along Sherman Drive. In addition, the building and parking lot are located on the middle and southern portion of the property, minimizing impact on the residential properties to the north across Sherman Drive.

Support for this deviation is with the understanding that future re-development will require site upgrades according to the Zoning and Development Code.

2. Conditions of any prior approvals

There are no conditions of prior approvals.

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

Upon review of the application and Site Plan, it was found that the request for a Conditional Use Permit is in compliance with the specific standards as described in Chapter Three and the design and improvement standards of Chapter Six with the exception of the applicant's requested deviations as part of the Conditional Use Permit application. On-site vehicle stacking requirements and circulation for the drive-through window have been met.

4. Quality site design practices

Upon review of the application and Site Plan, it was found that the request for a Conditional Use Permit is in compliance with all requirements of the Zoning and Development Code according to 2.2.D.4.b.(4)

SSID Manual, TEDS Manual and SWMM

Upon review of the application and Site Plan, it was found that the request for a Conditional Use Permit is in compliance with the SSID, TEDS and SWMM requirements.

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

Chapter Three of the Zoning and Development Code requires a Conditional Use Permit for a drive-through use in a C-1 zone district.

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

The performance standards for C-1 zone district of Section 3.4.D.5 have been met including existing service entrances and outdoor storage or display. The applicant's proposed site plan demonstrates that the use specific standards established in Chapter 4 have been met.

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

Adequate transit, hospital, fire protection and postal facilities are available.

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

- 1. *Protection of privacy*

- The properties to the west, south and east are zoned C-1 which does not trigger any buffering requirements. The applicant has requested a deviation from the buffering requirement for the R-8 zoned properties to the north across Sherman Drive. However, the proposed landscaping in the Sherman Drive right-of-way and the fact that the building and parking lot are located on the middle and southern portion of the property, will serve to protect the privacy of the residential properties to the north.

- 2. Protection of use and enjoyment

- The location of the drive-through window and associated on-site vehicle stacking, site circulation and parking will not have a negative impact on the adjoining C-1 properties. In addition, the building and parking lot are located on the southern portion of the property, minimizing impact on the residential properties to the north across Sherman Avenue.

- 3. Compatible design and integration

Exterior building improvements, full cut off lighting fixtures, landscaping and an improved parking area will contribute to the improvement of the neighborhood.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Coloramo Orchard Mesa Bank Drive-Through application, CUP-2009-050 for a Conditional Use Permit, I make the following findings of fact, conclusions and conditions:

1. The requested Conditional Use Permit is consistent with the Growth Plan.
2. The review criteria in Section 2.13 C. of the Zoning and Development Code for a Conditional Use Permit have all been met.
3. As part of the Conditional Use Permit application, proposed signage shall be in conformance with Section 4.2 of the Zoning and Development Code.
4. As part of the Conditional Use Permit application, the Project Manager recommends that Planning Commission approve the deviation as part of the Conditional Use Permit application to vary the requirement to provide 100% landscape upgrade requirement for non-conforming sites undergoing a Conditional Use Permit process to 34% of the full site upgrade.
5. As part of the Conditional Use Permit application, the Project Manager recommends that Planning Commission approve the deviation as part of the Conditional Use Permit application to vary the buffering requirement between a C-1 zoned property and the R-8 zoned residential properties to the north across Sherman Avenue.

STAFF RECOMMENDATION:

I recommend that the Planning Commission approve the requested Conditional Use Permit, CUP-2009-050 with the findings, conclusions and conditions of approval listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

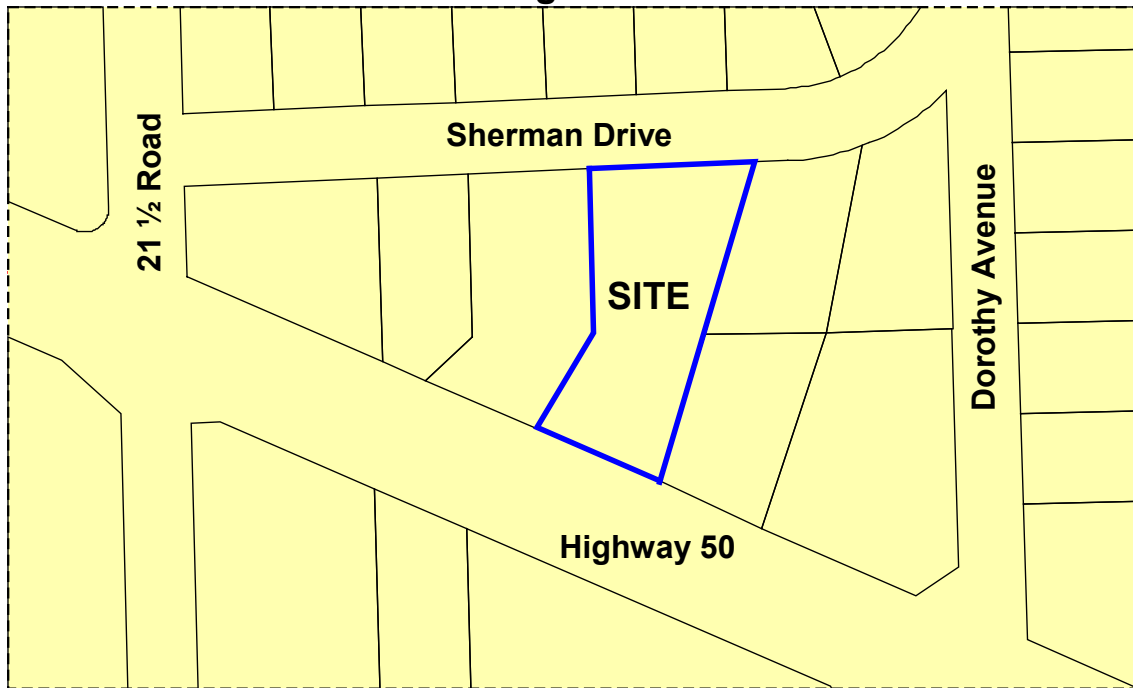
Mr. Chairman, on the request for a Conditional Use Permit for Coloramo Orchard Mesa Drive-Through application, number CUP-2009-050 to be located at 2706 Highway 50, I move that the Planning Commission approve the Conditional Use Permit with the facts, conclusions and conditions listed in the staff report.

Attachments:

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

Site Location Map

Figure 1



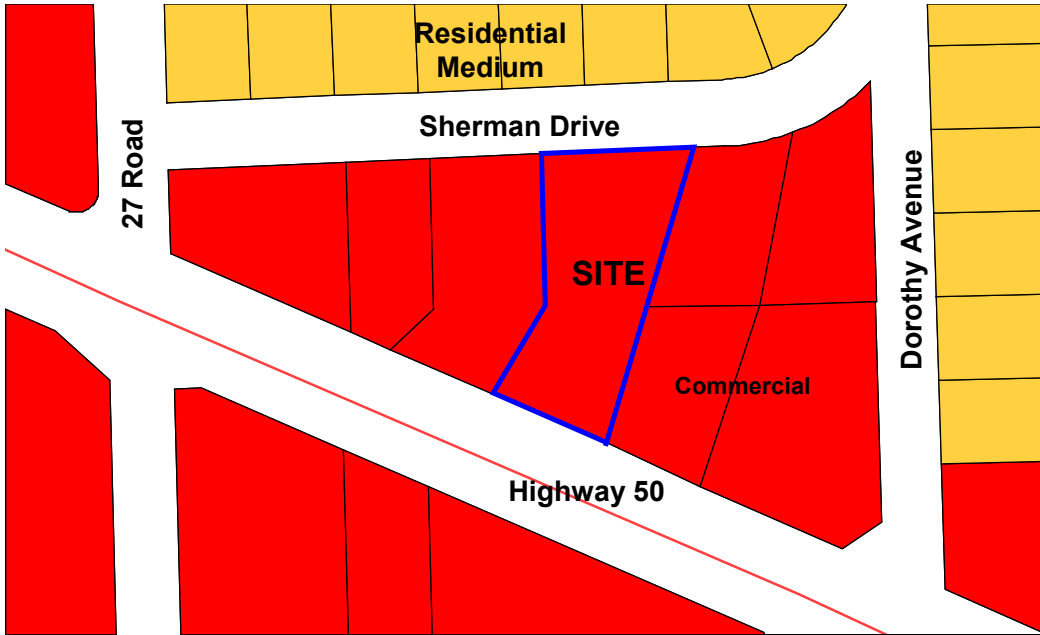
Aerial Photo Map

Figure 2



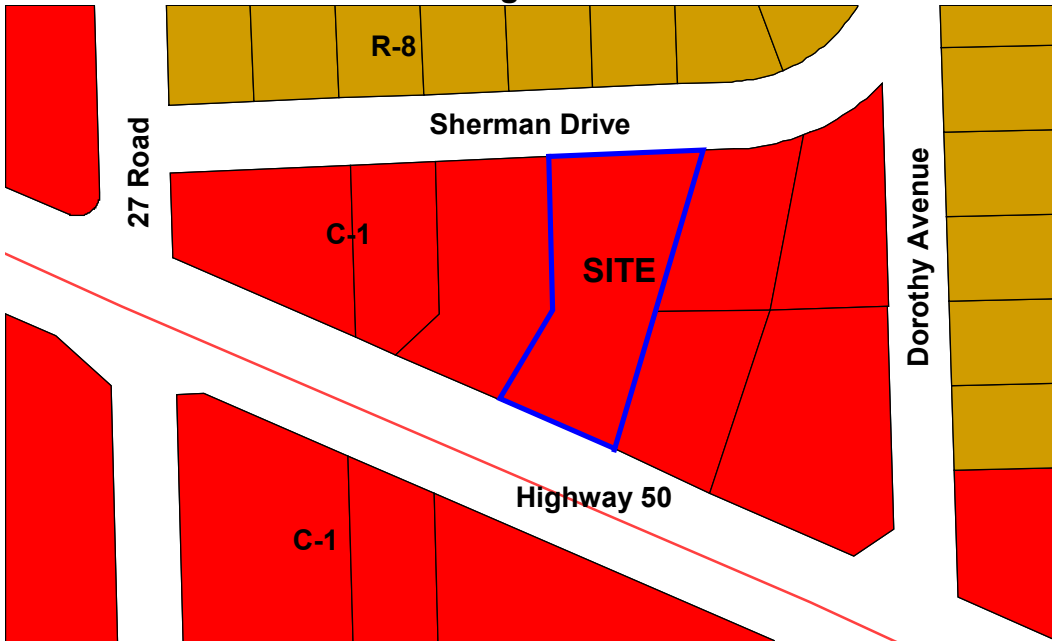
Future Land Use Map

Figure 3



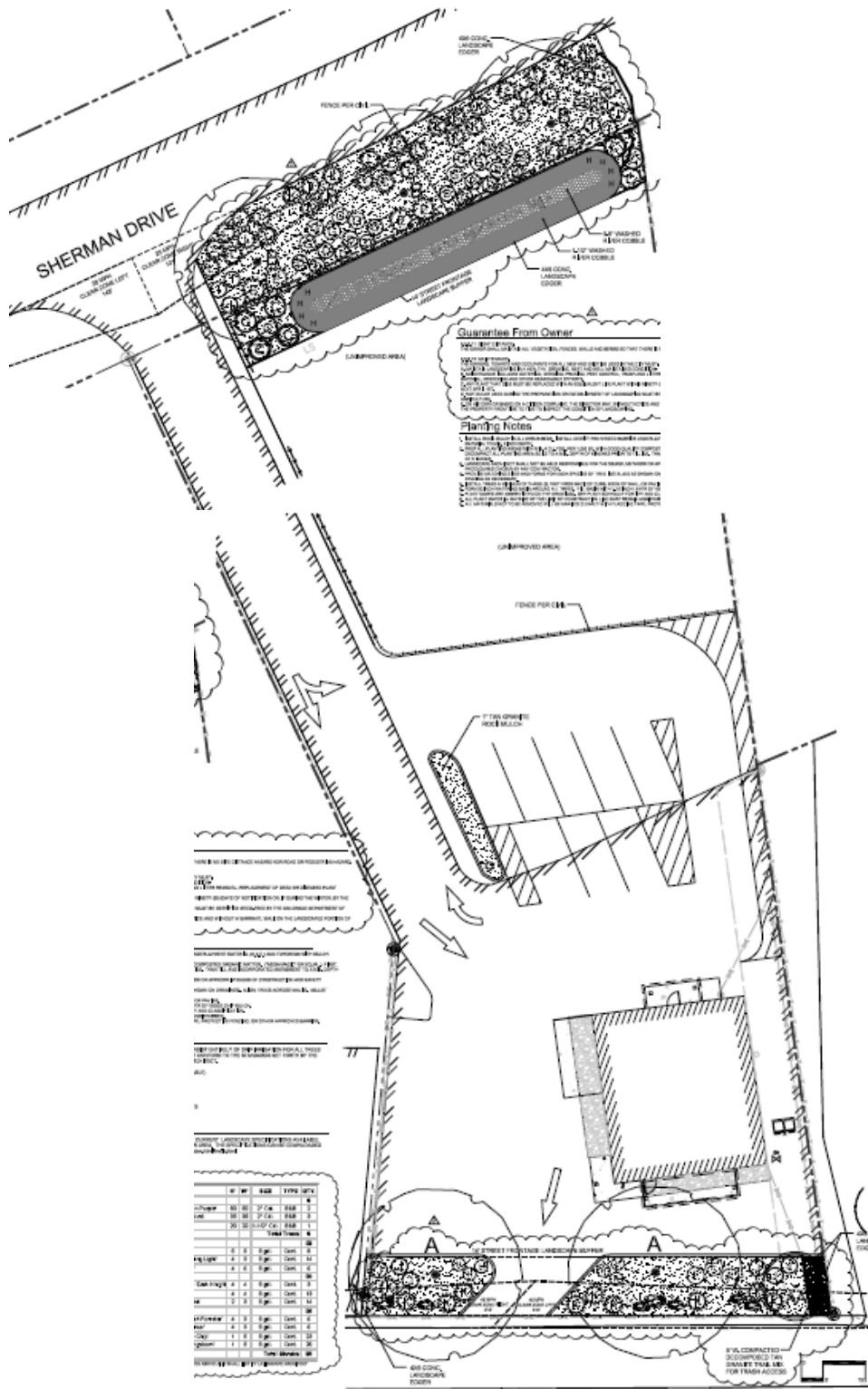
Existing City Zoning

Figure 4



Landscape Plan

Figure 6



US HWY 50

CITY OF GRAND JUNCTION, CO
APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THE DATE

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