



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

**TUESDAY, NOVEMBER 10, 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 October 13, 2009 Regular Meeting.

- 2. **Matthews Enclave Annexation – Zone of Annexation** [Attach 2](#)  
Request a recommendation of approval to City Council to zone 10.53 acres, less Right-of-Way, from County RSF-R (Residential Single Family Rural) to a City CSR (Community Services and Recreation) zone district.

**FILE #:** ANX-2009-209  
**PETITIONER:** City of Grand Junction  
**LOCATION:** Along the Colorado River West of 25 Road & South of Riverside Parkway.  
**STAFF:** Brian Rusche

- 3. **Little Lamb Learning Center – Conditional Use Permit** [Attach 3](#)  
Request approval of a Conditional Use Permit to allow General Day Care on .436 ac in an R-8 (Residential 8 du/ac) zone district.

**FILE #:** CUP-2009-174  
**PETITIONER:** Bud Reeves – Colorado Conference of Seventh Day Adventists  
**LOCATION:** 880 Mesa Avenue  
**STAFF:** Senta Costello

- 4. **Kresin Subdivision – Preliminary Subdivision Plan** [Attach 4](#)  
Request approval of an additional extension of the Preliminary Subdivision Plan to develop 15 lots on 7.86 acres in an R-2 (Residential 2 du/ac) zone district.

**FILE #:** PP-2006-102  
**PETITIONER:** Bruce Kresin  
**LOCATION:** 530 South Broadway Boulevard  
**STAFF:** Lori Bowers

- 5. **Landmark Baptist Church Rezone – Rezone** [Attach 5](#)  
Request a recommendation of approval to City Council to rezone 3.5 acres from a C-2 (General Commercial) to a C-1 (Light Commercial) zone district.

**FILE #:** RZ-2009-195  
**PETITIONER:** Landmark Baptist Church  
**LOCATION:** 1600 Ute Avenue  
**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 Meetings**

**GRAND JUNCTION PLANNING COMMISSION  
OCTOBER 13, 2009 MINUTES  
6:00 p.m. to 6:17 p.m.**

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

In attendance, representing the City Planning Commission, were Roland Cole (Chairman), William Putnam (Vice Chairman), 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 Greg Moberg (Planning Services Supervisor), Scott Peterson (Senior Planner), Judith Rice (Associate Planner), Senta Costello (Senior Planner) and Michelle Hoshide (Associate Planner).

Also present was Jamie Beard (City Attorney).

Lynn Singer was present to record the minutes.

There were 32 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 August 11, August 25 and September 8, 2009 Regular Meetings.

**2. St. Mary's Signage Master Plan – Sign Package Permit**

Request approval of the updated Signage Master Plan for the St. Mary's Hospital campus, which includes new signage for the Century Project.

**FILE #:** SPP-2009-199

**PETITIONER:** Keith Estridge – St. Mary's Hospital & Medical Center

**LOCATION:** 2635 North 7th Street

**STAFF:** Scott Peterson

**3. Fuoco Rezone – Rezone**

Request a recommendation of approval to City Council to rezone .144 acres from an R-O (Residential Office) to a C-1 (Light Commercial) zone district.

**FILE #:** GPA-2009-147

**PETITIONER:** Bob Fuoco – Fuoco Investments, LLC.  
**LOCATION:** 160 Hill Avenue  
**STAFF:** Scott Peterson

**4. Fairway Plaza – Preliminary Subdivision – Pulled to Full Hearing**

Request approval of a Preliminary Subdivision Plan to develop 14 commercial lots on 19 acres in a C-1 (Light Commercial) zone district.

**FILE #:** PP-2008-324  
**PETITIONER:** Richard Scariano – FairWay Property Investment  
**LOCATION:** 643, 645, 647 24 1/2 Road  
**STAFF:** Scott Peterson

**5. Tenacious Brothers Pub – Conditional Use Permit**

Request approval of a Conditional Use Permit to allow a bar/nightclub on .241 acres in a B-2 (Downtown Business) zone district.

**FILE #:** CUP-2009-194  
**PETITIONER:** Genius Loci, LLC d.b.a. Tenacious Brothers Pub  
**LOCATION:** 701 Main Street a.k.a. 118 South 7th Street  
**STAFF:** Judith Rice

**6. Cemetery Ridge Subdivision – Preliminary Subdivision**

Request approval of the Preliminary Subdivision Plan to develop 8 single family lots on 2.42 acres in an R-4 (Residential 4 du/ac) zone district.

**FILE #:** PFP-2008-185  
**PETITIONER:** Marshall Martin – Dakota Land Development  
**LOCATION:** 264 26 1/4 Road  
**STAFF:** Senta Costello

**7. Sawyer Simple Subdivision – Vacation of Easements**

Request a recommendation of approval to City Council to vacate 7 (seven) un-used utility and drainage easements.

**FILE #:** VE-2009-143  
**PETITIONER:** Randall Cooper, Ronald Sawyer, Stephen Wilson, Wayne Marcotte  
**LOCATION:** 2667, 2669 Cambridge Road; 754, 756 Cambridge Court & 2676 Cambridge Drive  
**STAFF:** Michelle Hoshide

Chairman Cole briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. At public request, item number 4 was pulled for full hearing. Chairman Cole corrected the addresses of Item 7, Sawyer Simple Subdivision, to be 2672, 2676 Cambridge Drive and 756 Cambridge Court. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on any of the remaining Consent Agenda items.

**MOTION:** (Commissioner Wall) “Mr. Chairman, I move we approve the Consent Agenda excluding item 4.”

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. Fairway Plaza – Preliminary Subdivision – Pulled to Full Hearing**

Request approval of a Preliminary Subdivision Plan to develop 14 commercial lots on 19 acres in a C-1 (Light Commercial) zone district.

**FILE #:** PP-2008-324

**PETITIONER:** Richard Scariano – FairWay Property Investment

**LOCATION:** 643, 645, 647 24 1/2 Road

**STAFF:** Scott Peterson

### **STAFF'S PRESENTATION**

Scott Peterson, Senior Planner, Public Works and Planning Department, made a PowerPoint presentation regarding the requested Preliminary Subdivision Plan for the Fairway Plaza Subdivision. He mentioned that the proposal was for a 14 lot commercial subdivision in order to achieve marketing flexibility for the subdivision development. After recording of the final plat, future property owners could consolidate one or more lots through a simple subdivision process. Mr. Peterson added that the properties contained a total of 19 acres and were currently vacant.

According to the Future Land Use Map, this area was indicated as Commercial with existing City zoning of C-1 (Light Commercial). The proposed subdivision would take access from 24½ Road, F½ Road and F-3/8 Road with an internal north-south right-of-way that would be dedicated by recordation of the final plat which would connect F-3/8 Road to F½ Road. Dedication of cross access ingress and egress easements would also be required across all properties and identified in the proposed covenant document. He stated that the 24 Road Corridor Design Standards and Guidelines required an organizing feature which would create an internal campus-like arrangement of buildings and open space areas which included amenities such as benches, kiosks, or public art within multi-building developments. Anticipated future property owners would need to address this requirement at the time of site plan review.

Mr. Peterson added that all proposed lots met the minimum lot size requirement and were adjacent to all street rights-of-way according to the 24 Road Corridor requirements. Additionally, he said that proposed Tract A would serve as a subdivision storm water detention pond and would be required to be landscaped to serve as a visual amenity within the subdivision. Mr. Peterson found that the Preliminary Subdivision Plan was consistent with the goals and policies of the Growth Plan and the applicable review criteria of the Zoning and Development Code have all been met.

### **PETITIONER'S PRESENTATION**

Tracy Moore, River City Consultants, representing applicant had nothing further to add to the presentation given by staff.

## **PUBLIC COMMENT**

### **For:**

No one spoke in favor of this request.

### **Against:**

Wesley N. Page, 639 24½ Road, stated that he was not opposed to this proposal but wanted to assure that this would not affect the current way that he was doing business. He specifically mentioned that the setbacks of this development should not encroach upon his existing property.

## **STAFF'S REBUTTAL**

Scott Peterson said that he had had discussions earlier with Mr. Page and assured Mr. Page that his property would not be impacted as far as an overflow of development onto his lot. There would be landscaping provided around this property and would not overlap onto his property. He further assured that all building setbacks for the C-1 (Light Commercial) zoning district would be adhered to. Mr. Peterson responded to a question raised by Mr. Page that he was not aware of what was planned on the lots. Additionally, that when the property would go to final plan review and site plan review, any adjacent property owners would be notified at that point.

## **DISCUSSION**

Commissioner Eslami pointed out that Mr. Page was just concerned about possible encroachment issues.

**MOTION: (Commissioner Wall): “Mr. Chairman, I move that we approve the Preliminary Subdivision Plan for Fairway Plaza, City File No. PP-2008-324, with the findings and conclusions listed in the staff report.”**

Commissioner Carlow 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 6:17 p.m.

**Attach 2  
Matthews Enclave Annexation**

CITY OF GRAND JUNCTION  
PLANNING COMMISSION

MEETING DATE: November 10, 2009  
PRESENTER: Brian Rusche, Senior Planner

**AGENDA TOPIC:** Matthews Enclave Zone of Annexation – ANX-2009-209

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

<i>STAFF REPORT / BACKGROUND INFORMATION</i>			
<b>Location:</b>		Along the Colorado River west of 25 Road and south of the Riverside Parkway	
<b>Applicant:</b>		City of Grand Junction	
<b>Existing Land Use:</b>		Undeveloped	
<b>Proposed Land Use:</b>		Conservation	
<b>Surrounding Land Use:</b>	<b>North</b>	Public Trail	
	<b>South</b>	Colorado River	
	<b>East</b>	Undeveloped	
	<b>West</b>	Colorado River	
<b>Existing Zoning:</b>		County RSF-R (Residential Single Family Rural)	
<b>Proposed Zoning:</b>		CSR (Community Services and Recreation)	
<b>Surrounding Zoning:</b>	<b>North</b>	CSR (Community Services and Recreation)	
	<b>South</b>	CSR (Community Services and Recreation)	
	<b>East</b>	CSR (Community Services and Recreation)	
	<b>West</b>	CSR (Community Services and Recreation)	
<b>Growth Plan Designation:</b>		Conservation	
<b>Zoning within density range?</b>		X	<b>Yes</b>
			<b>No</b>

**PROJECT DESCRIPTION:** A request to zone the 10.53 acre Matthews Enclave Annexation, consisting of one privately-owned parcel and portions of two publicly-owned parcels along the Colorado River west of 25 Road and south of the Riverside Parkway, to a CSR (Community Services and Recreation) zone district.

**RECOMMENDATION:** Recommend approval to the City Council of the CSR (Community Services and Recreation) zone district.



## ANALYSIS:

### 1. Background:

The 10.53 acre Matthews Enclave Annexation consists of one privately-owned parcel and portions of two publicly-owned parcels, located along the Colorado River west of 25 Road and south of the Riverside Parkway. The property is currently zoned County RSF-R (Residential Single Family Rural) and designated as Conservation by the Growth Plan - Future Land Use Map.

Under the 1998 Persigo Agreement with Mesa County the City is to annex all Enclave areas within five (5) years. State law allows a municipality to annex enclave areas after they have been enclaved for a period of three (3) years. The Matthews Enclave has been enclaved since January 16, 2005.

Under the 1998 Persigo Agreement with Mesa County, the City must zone newly annexed areas with a zone that is either identical to current County zoning or conforms to the Growth Plan - Future Land Use Map. The proposed zoning of CSR (Community Services and Recreation) conforms to the Future Land Use Map, which has designated the property as Conservation.

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

Zone of Annexation: The requested zone of annexation to a CSR (Community Services and Recreation) zone district is consistent with the Growth Plan designation of Conservation. The existing zoning is County RSF-R (Residential Single Family Rural). 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 CSR (Community Services and Recreation) zone is consistent with the Growth Plan - Future Land Use Map designation of Conservation and furthers Goal 20 and, more specifically, Policy 20.2, which states that the City and County will support efforts to maintain or improve the quality of green spaces along the Colorado and Gunnison Rivers.

All of the surrounding property is already zoned CSR.

- 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:** There are no services available to the subject property, which lies entirely within the 100 year Floodway of the Colorado River. The floodway prohibits development, with the exception of open space and associated amenities such as trails.

The CSR zone district includes open space areas, is used to prevent environmental damage to sensitive areas, and to limit development in areas where police or fire protection, protection against flooding by storm water, or other services or utilities are not readily available (ZDC Section 3.4.I.1).

Therefore, the proposed zoning is consistent with the inability of the land to be provided with public services.

Alternatives: The following zone districts would also be consistent with the Growth Plan designation for the subject property:

1. There are no other zoning districts that implement the Future Land Use designation of Conservation other than CSR.

#### **FINDINGS OF FACT/CONCLUSIONS:**

After reviewing the Matthews Enclave Annexation, ANX-2009-209, for a Zone of Annexation, I recommend that the Planning Commission make the following Findings of Fact and Conclusions:

1. The CSR zone is 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 been met.

#### **STAFF RECOMMENDATION:**

I recommend that the Planning Commission forward a recommendation of approval of the CSR (Community Services and Recreation) zone district for the Matthews Annexation, ANX-2009-209, to the City Council with the findings and conclusions listed above.

#### **RECOMMENDED PLANNING COMMISSION MOTION:**

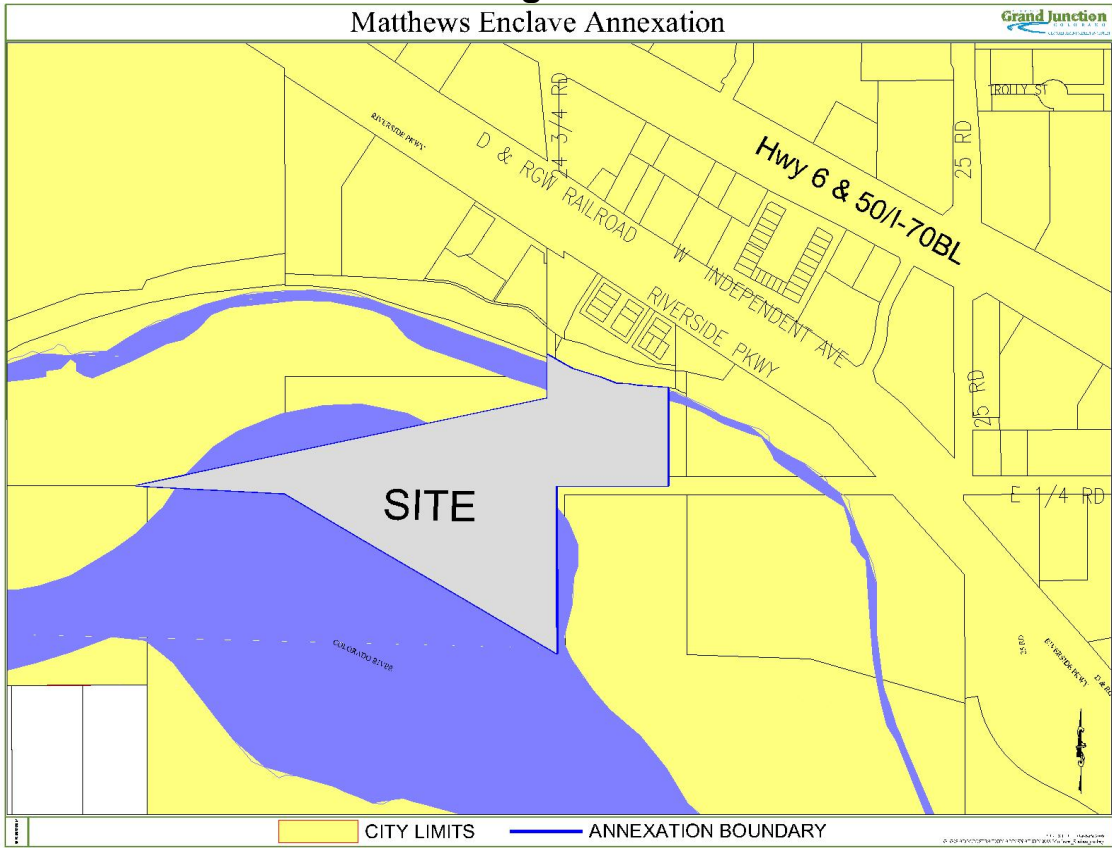
Mr. Chairman, on the Matthews Enclave Zone of Annexation, ANX-2009-209, I move that the Planning Commission forward to the City Council a recommendation of approval of the CSR (Community Services and Recreation) zone district for the Matthews Enclave Annexation with the findings and conclusions listed in the staff report.

**Attachments:**

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

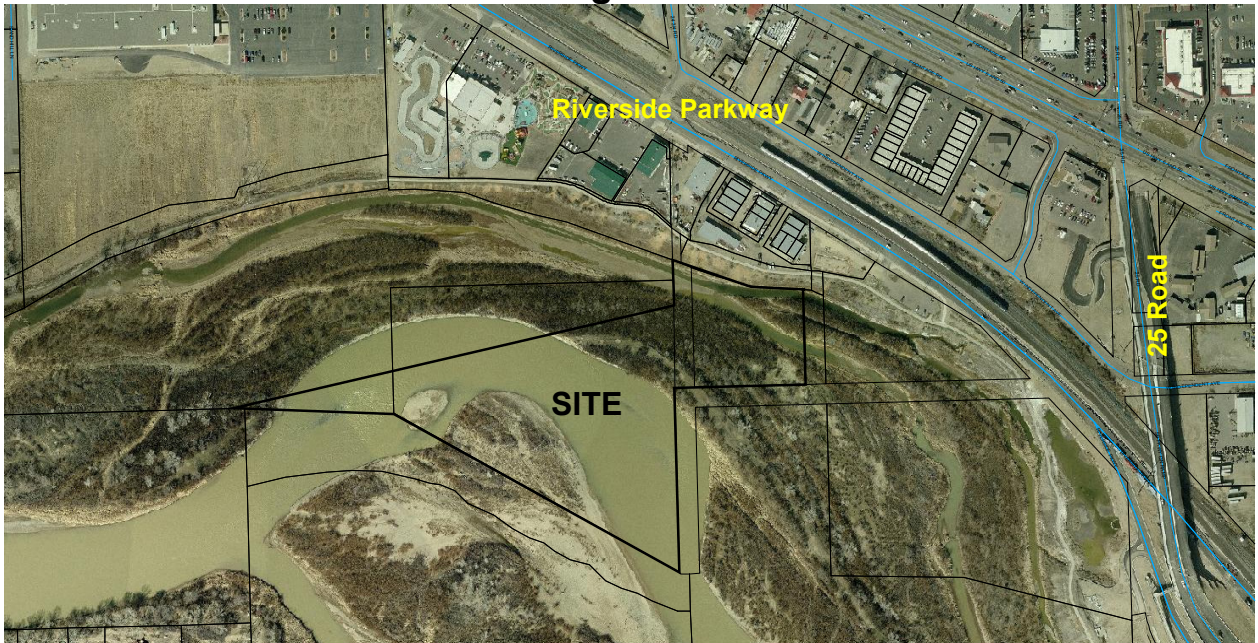
# Annexation - Site Location Map

## Figure 1



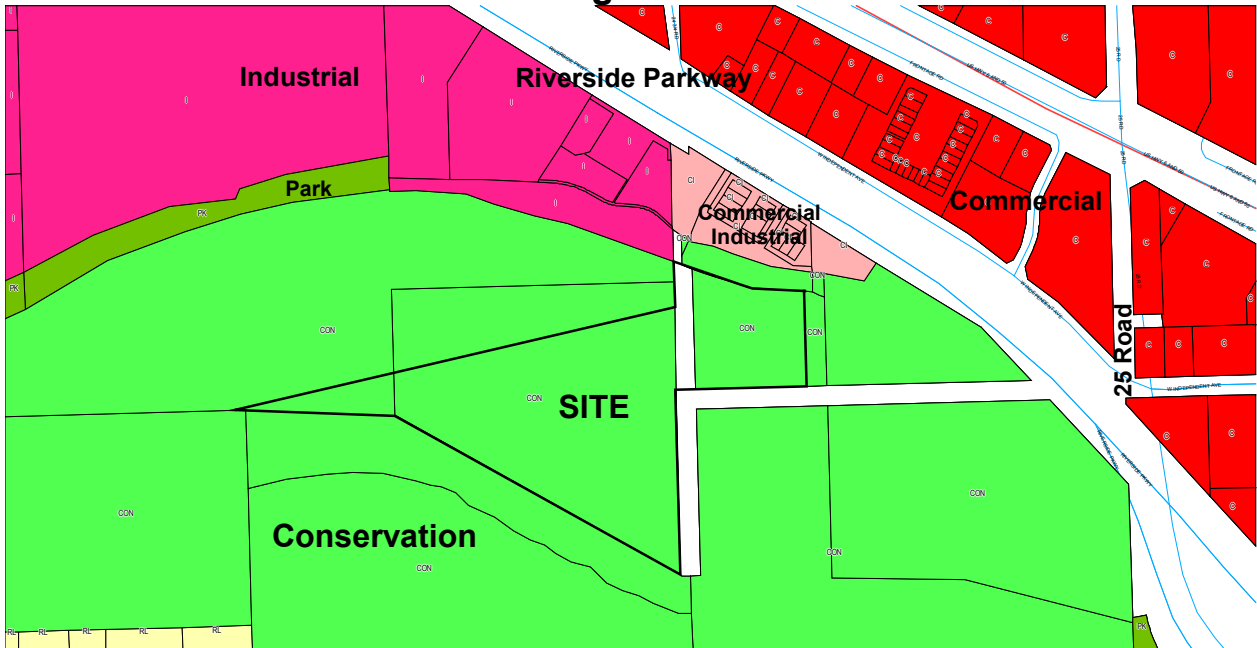
# Aerial Photo Map

## Figure 2



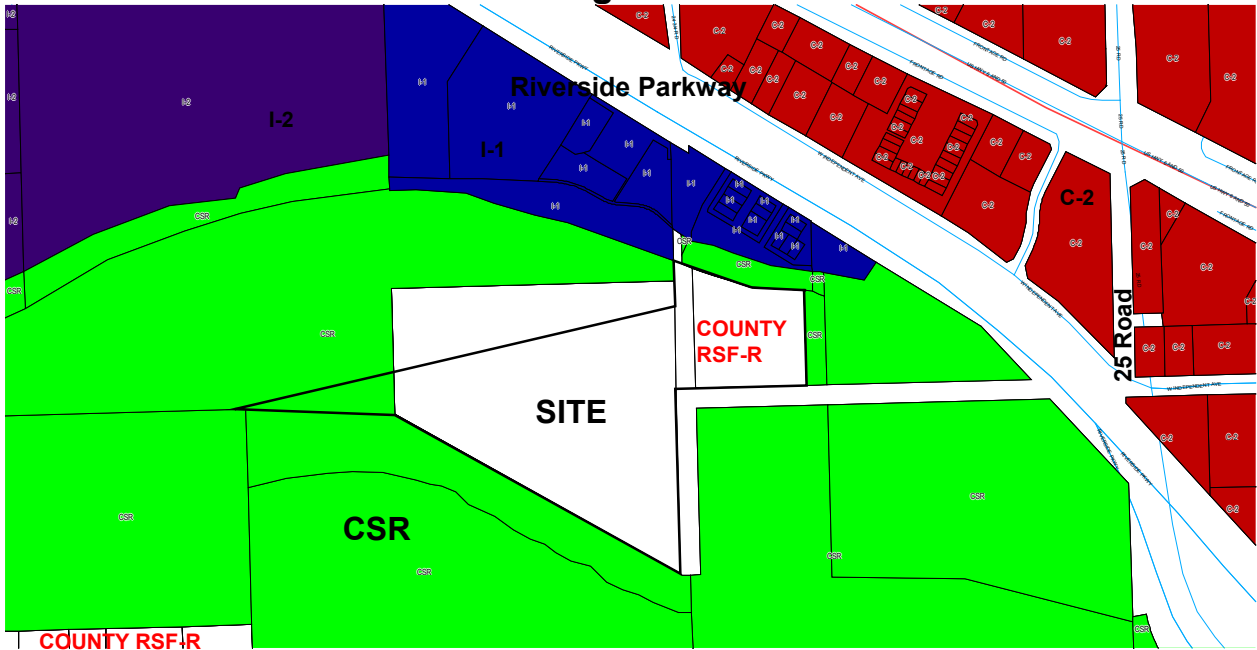
# Future Land Use Map

Figure 3



# Existing City and County Zoning Map

Figure 4



Note: The GIS Zoning Map incorrectly displays the zoning based on parcel boundaries. Previous annexations have included only portions of the subject parcels and, therefore, have only zoned portions of those parcels.

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE MATTHEWS ENCLAVE ANNEXATION  
TO CSR (COMMUNITY SERVICES AND RECREATION)**

**LOCATED ALONG THE COLORADO RIVER  
WEST OF 25 ROAD AND SOUTH OF THE RIVERSIDE PARKWAY**

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 Matthews Enclave Annexation to the CSR (Community Services and Recreation) zone district, finding conformance 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 compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6.A.3 and 4 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the CSR (Community Services and Recreation) zone district is in conformance with the stated criteria of Section 2.6.A.3 and 4 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 CSR (Community Services and Recreation):

**MATTHEWS ENCLAVE ANNEXATION**

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 9, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being an enclave bounded by the Reece Ice Skating Inc Annexation, Ordinance No. 3698, The Blue Heron Annexation, Ordinance No. 2549, the Hytech Hydronic Systems Inc Annexation, Ordinance No. 2985 and the Blue Heron II Annexation, Ordinance No. 2685, lying entirely within the plat of Riverside Subdivision, as same is recorded in Plat Book 1, Page 28, Public Records of Mesa County, Colorado and being more particularly described as follows:

BEGINNING at the Northwest corner of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of said Section 9 and assuming the North line of the SE 1/4 SE 1/4 of said Section 9 bears N 89°54'28" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 00°07'10" E along the West line of the SE 1/4 SE 1/4 of said Section 9, a distance of 545.55 feet; thence N 52°16'39" W, a distance of 893.52 feet to a point on the North line of the Southwest Quarter of the

Southeast Quarter (SW 1/4 SE 1/4) of said Section 9; thence N 89°54'28" W along said North line, a distance of 476.11 feet; thence N 78°15'24" East, a distance of 1232.77 feet; thence N 00°03'11" E, a distance of 140.00 feet; thence South 71°27'59" E, a distance of 289.49 feet; thence S 84°33'06" E, a distance of 55.68 feet; thence S 00°03'11" W, a distance of 271.07 feet; thence S 89°54'28" E, a distance of 70.00 feet; thence S 00°03'11" W, a distance of 25.00 feet to a point on the North line of the SE 1/4 SE 1/4 of said Section 9; thence N 89°54'28" W, a distance of 425.00 feet, more or less, to the Point of Beginning.

CONTAINING 458,629 Square Feet or 10.53 Acres, more or less, as described

LESS approximately 0.83 acres of right-of-way contained within the above description.

**INTRODUCED** on first reading the 30<sup>th</sup> day of November, 2009 and ordered published.

**ADOPTED** on second reading the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
President of the Council

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

**Attach 3  
Little Lamb Learning Center**

CITY OF GRAND JUNCTION  
PLANNING COMMISSION

MEETING DATE: November 10, 2009  
STAFF PRESENTATION: Senta L. Costello

AGENDA TOPIC: Little Lambs Learning Center – CUP-2009-174

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

BACKGROUND INFORMATION					
Location:		880 Mesa Avenue			
Applicants:		Owner/Developer: Colorado Conference of Seventh Day Adventists – Bud Reeves Representative: Keith Mendenhall			
Existing Land Use:		Church ball field			
Proposed Land Use:		Daycare			
Surrounding Land Use:	North	Single Family Residential			
	South	Single Family Residential			
	East	Single Family Residential			
	West	Church			
Existing Zoning:		R-8 (Residential 8 du/ac)			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	R-8 (Residential 8 du/ac)			
	South	R-8 (Residential 8 du/ac)			
	East	R-8 (Residential 8 du/ac)/CSR (Community Services and Recreation)			
	West	R-8 (Residential 8 du/ac)			
Growth Plan Designation:		Residential Medium 4-8 du/ac			
Zoning within density range?		X	Yes		No

**PROJECT DESCRIPTION:** A request for approval of a Conditional Use Permit to operate a daycare facility exceeding 12 children in a R-8 (Residential 8 du/ac) zone district in accordance with Table 3.5 of the zoning and Development Code.

**RECOMMENDATION:** Approval of the Conditional Use Permit



## **ANALYSIS:**

### 1. Background

The property is part of the Capitol Hill Subdivision, platted in 1898 and annexed in 1909. The land was further subdivided in 1946 as a part of the Mesa Subdivision. The property has historically been a part of the Seventh Day Adventist Church site located to the west. The church property was developed in 1957 with a school use added since then.

The applicant is requesting to construct a 4,472 square foot daycare for 75 children, infants through school age. In the R-8 zone district, such a daycare is allowed only with a Conditional Use Permit.

The applicant is not requesting special or additional signage and will comply with the applicable sign regulations of the R-8 zone district.

### 2. Consistency with the Growth Plan

See below.

### 3. 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 project complies with the Growth Plan designation and Zoning and Development Code. There are no corridor/neighborhood plans, trails plans or parks plans that apply to this neighborhood or property.

2. Conditions of any prior approvals

There are no conditions of prior approvals that are required to be met.

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

All requirements of Chapters Three and Six of the Zoning and Development Code have been met.

4. Quality site design practices

The proposal incorporates quality site design practices into the layout of the site including maintaining existing landscaping within the proposed site, low-level and full cut-off lighting adjacent the neighboring residential properties and plant materials that are in scale with the proposed structure and surroundings. The scale and orientation of the structure are compatible with other uses in the neighborhood. Emergency access is readily available, and all public facilities and utilities are available.

SSID Manual, TEDS Manual, SWMM Manual requirements have been reviewed and shown to meet standards.

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

The R-8 zone district standards have been met.

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

Chapters Three and Four do not have use-specific standards for daycare facilities.

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

The surrounding neighborhood contains other schools, parks, hospitals, businesses and commercial uses along North Avenue, N 7<sup>th</sup> Street, Orchard Avenue, and N 12<sup>th</sup> Street.

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

- 1. Protection of privacy

The building is oriented with the main entrance on the south side of the building and the playground and playground access located to the north and west, limiting use of the east side of the building, adjacent to the neighboring residential properties, to staff and maintenance and emergency exits.

2. Protection of use and enjoyment

The building is oriented with the main entrance on the south side of the building and the playground and playground access located to the north and west, limiting use of the east side of the building, adjacent to the neighboring residential properties, to staff and maintenance and emergency exits. Lighting along the eastern side of the building is limited to bollard style lights to further protect neighboring properties from light intrusion from the daycare site.

3. Compatible design and integration

The building is oriented to limit use of the east side of the building adjacent to the neighboring residential properties. Lighting along the eastern side of the building is limited to bollard style lights to further protect neighboring properties from light intrusion from the daycare site.

**FINDINGS OF FACT AND CONCLUSIONS:**

After reviewing the Little Lambs Learning Center application, CUP-209-174 for a Conditional Use Permit, I make the following findings of fact and conclusions:

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

**STAFF RECOMMENDATION:**

I recommend that the Planning Commission approve the requested Conditional Use Permit, CUP-2009-174 with the findings and conclusions of approval listed above.

**RECOMMENDED PLANNING COMMISSION MOTION:**

Mr. Chairman, on the request for a Conditional Use Permit for Little Lambs Learning Center application, number CUP-2009-174 to be located at 880 Mesa Avenue, I move that the Planning Commission approve the Conditional Use Permit with the facts and conclusions listed in the staff report.

Attachments:

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

# Site Location Map

Figure 1



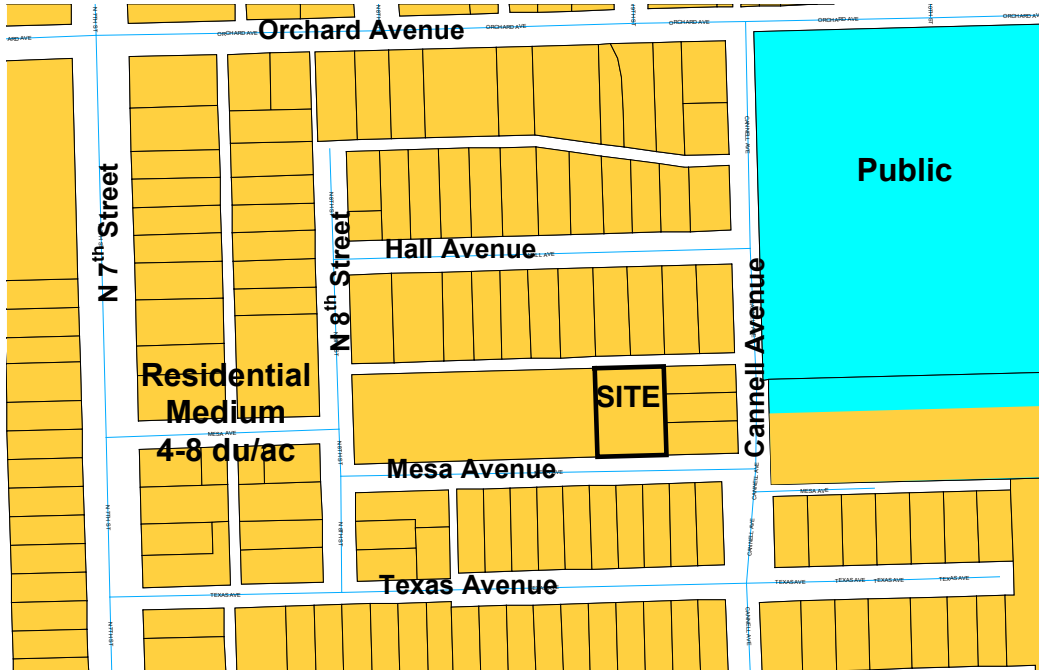
# Aerial Photo Map

Figure 2



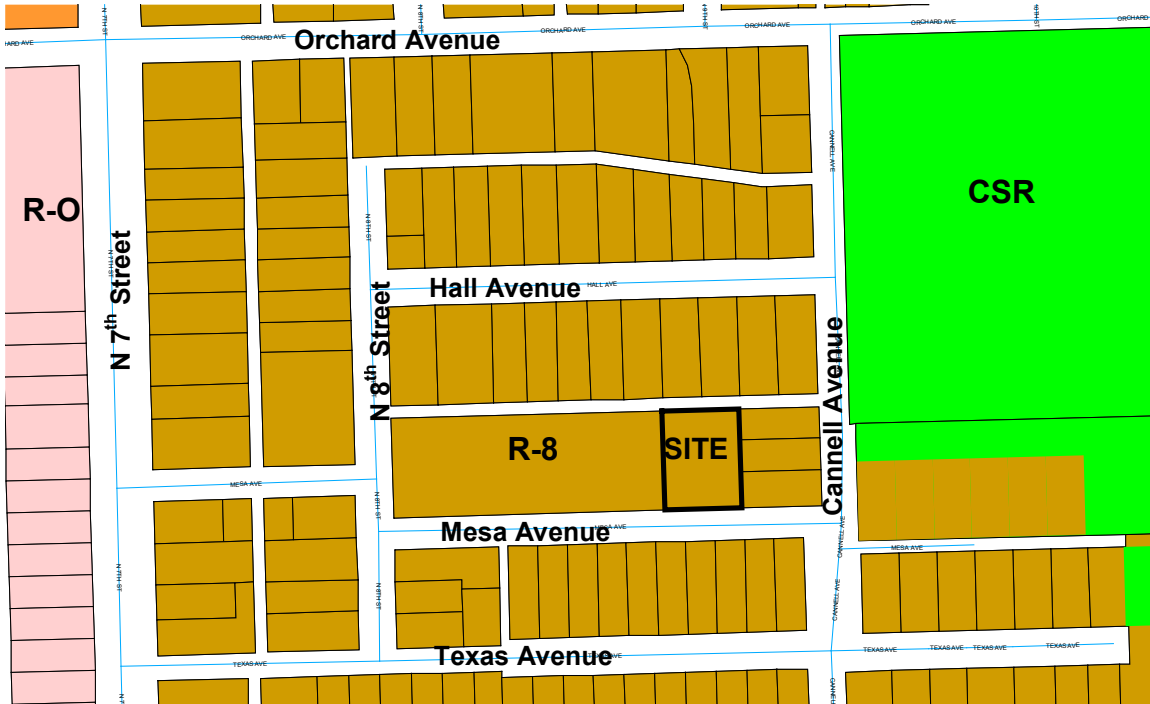
# Future Land Use Map

Figure 3



# Existing City Zoning

Figure 4





**Attach 4  
Kresin Subdivision**

CITY OF GRAND JUNCTION  
PLANNING COMMISSION

MEETING DATE: November 10, 2009  
PRESENTATION: Lori V. Bowers

AGENDA TOPIC: Kresin Subdivision, PP-2026-102.

ACTION REQUESTED: A request for an additional two year extension of the approved Preliminary Subdivision Plan to develop 15 Lots on 7.86 acres in an R-2 (Residential – 2 units per acre) zone district.

<i>STAFF REPORT / BACKGROUND INFORMATION</i>			
<b>Location:</b>		530 South Broadway Blvd	
<b>Applicants:</b>		Bruce Kresin, owner	
<b>Existing Land Use:</b>		Single family residence on a large lot	
<b>Proposed Land Use:</b>		Residential subdivision	
<b>Surrounding Land Use:</b>	<b>North</b>	Residential	
	<b>South</b>	Residential	
	<b>East</b>	Residential	
	<b>West</b>	Residential	
<b>Existing Zoning:</b>		R-2 (Residential – 2 units per acre)	
<b>Proposed Zoning:</b>		No change	
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-2	
	<b>South</b>	R-2 (Residential – 2 units per acre) and CSR (Community Service and Recreation)	
	<b>East</b>	County RSF-2 and PR	
	<b>West</b>	County RSF-4	
<b>Growth Plan Designation:</b>		RML (Residential Medium Low, 2 to 4 du/ac)	
<b>Zoning within density range?</b>	X	<b>Yes</b>	<b>No</b>

PROJECT DESCRIPTION: The 7.86 acre Kresin Subdivision consists of 2 parcels located at 530 Broadway. The applicants received Preliminary Subdivision Plan approval for a 15 lot subdivision on November 28, 2006. On September 25, 2007, the applicant requested a one year extension of that approval. It was considered non-controversial and placed on the Consent Agenda. On September 15, 2008, Mr. Kresin was diligent again in requesting another extension, but the Zoning and Development Code, Section 2.8.B.5 had been amended to allow for two year approvals and we determined that this could apply retro-actively to all applications in the system. That time frame is now about to expire and Mr. Kresin again requests an additional two year extension of his approval. Should the Planning Commission grant him an additional extension, the Kresin Preliminary Subdivision Plan will be valid until November 28, 2011.

In accordance with Section 2.8.E.4 of the Zoning and Development Code, "if the applicant does not complete all steps in preparation for recording a final plat within two years of approval of the preliminary subdivision plan, the plat shall require another review and processing as per Section 2.8 and shall then meet all the required current Code and regulations at that time".

RECOMMENDATION: I recommend approval of an additional two year extension for the Kresin Preliminary Subdivision Plan.

RECOMMENDED PLANNING COMMISSION MOTION: Mr. Chairman, on PP-2006-102, a request for a two year extension of the Preliminary Subdivision Plan approval for Kresin Subdivision, I move we approve the extension.

Attachments: Staff Report from November 28, 2006.



AGENDA TOPIC: Kresin Subdivision, file number PP-2006-102

ACTION REQUESTED: Preliminary Subdivision Plan Approval

BACKGROUND INFORMATION				
Location:		530 South Broadway Blvd.		
Applicants:		Bruce Kresin, owner and developer; Rhino Engineering, Brynn Boyd, representative		
Existing Land Use:		Single family residence and vacant land		
Proposed Land Use:		15 single family residential lots		
Surrounding Land Use:	North	Residential		
	South	Residential		
	East	Residential		
	West	Residential		
Existing Zoning:		RSF-2		
Proposed Zoning:		RSF-2		
Surrounding Zoning:	North	County RSF-2		
	South	RSF-2 and CSR		
	East	County RSF-2 and PR		
	West	County RSF-4		
Growth Plan Designation:		RML (Residential Medium Low, 2 to 4 du/ac)		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: A request for Preliminary Subdivision Plan approval for Kresin Subdivision, 15 lots on 7.86 acres in an RSF-2 (Residential Single-family, not to exceed 2 dwelling units per acre) zone district.

RECOMMENDATION: Approval

## ANALYSIS:

1. Background: The property was annexed into the City on July 2, 2006, as the Kresin Annexation. The applicant requested RSF-4 zoning but the Planning Commission made the recommendation of RSF-2. The City Council agreed with the Planning Commission's recommendation and upon annexation into the City the Zoning Designation of RSF-2 was applied. The proposed subdivision will consist of 15 lots with three Tracts. The existing house and out buildings will be razed. This must be done prior to recording the Final Plat.
2. Consistency with the Growth Plan: The Zoning designation of RSF-2 is consistent with the Growth Plan density of Residential Medium Low 2-4 du/ac.
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 proposed subdivision meets the goals of the Growth Plan by conforming to the requirement of residential density of 2 to 4 dwelling units per acre, with the zoning designation of RSF-2. The Grand Valley Circulation Plan does not address local streets. Two local streets will be provided to serve the subdivision. The traffic impact to South Broadway is negligible. The Urban Trails Master Plan shows a trail that runs diagonally across the southern area shown on the plan as Tract B. At final, an off street trail dedication will be required, 15 feet in width with a 10-foot wide concrete path per TEDS ST-09.

**b. The Subdivision standards of Chapter 6.**

The purpose of this section is to provide general graphic information and text to indicate property boundaries, easements, streets, utilities, drainage, open space determination and other information to ensure that compliance with these requirements can be met at the Final Development stage. Staff feels that adequate information has been provided at this time.

**c. The Zoning standards contained in Chapter 3.**

The bulk standards of the RSF-2 zone district of the Code apply to this subdivision. Minimum lot size allowed in this zone is 17,000 square feet. Lot sizes in this subdivision vary between 17039.7 square feet to 21457.9 square feet. RSF-2 zoning allows for detached and attached single-family dwellings. At this time the developer is proposing only single family detached dwellings. Maximum building height is 35 feet. Setbacks for RSF-2 zoning will be: Front 20 feet; side 15 feet and the rear setback will be 30 feet.

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

An HOA will need to be formed. The HOA will maintain any Tracts and facilities specific to the needs of this subdivision. Since South Broadway is a major collector a 6-foot privacy fence with landscaping will be required along this street. Two Tracts on either side of Carr Drive will accommodate this requirement along with the 14-foot multi-purpose easement. A detached pedestrian path will need to be provided across Tract B, as shown on the Urban Trails Mater Plan.

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

As part of this application the applicant has been advised of the requirements to provide sewer service to this area and has agreed with the conditions of the City Utility Engineer, Bret Guillory. Those conditions are outlined at the end of this staff report under the findings and conclusions section. Ute is the water provider. Xcel Energy will provide gas and electric to the property. A detention pond is proposed for Tract A, in the northeast corner of the property.

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

There appears to be no negative or adverse impacts to the natural or social environment due to this proposed subdivision since it meets the requirements of the Growth Plan, Zoning and Development Code, TEDS and SWMM Manuals.

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

This is a re-development within an existing neighborhood. The existing home and outbuildings will be removed from the property to accommodate the new single-family residences. The lot sizes will be similar to those to the west and south.

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

There are no apparent agricultural uses adjacent to this property.

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

It is neither piecemeal nor premature, this is a re-development of an older property and a vacant large parcel zoned for residential development.

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

Easements for utilities have been shown on the preliminary plans and should be adequate for the utility providers. A 50-foot private easement for utility and access

purposes exists along the southern most property line. This is for the benefit of the Bigum and Bonatti properties to the east. Should these properties re-develop in the future, access may be obtained from Carr Drive.

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

Proof of the formation and acceptance of the Kresin Subdivision HOA will be required at the final development stage. Copies of the covenants will be reviewed to insure that the HOA will maintain any facilities or land improvements that are specific to the subdivision.

**FINDINGS OF FACT/CONCLUSIONS:**

After reviewing the Kresin application, PP-2006-102 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 applicant agrees with the following conditions for sewer installation for Final Plat approval:
  - 1). The proposed sewer system will need to include installation of a sewer lift station located at the extreme east end of the existing dry line in Corral De Terra.
  - 2). A 20 foot wide graveled access road will need to be provided as access to the lift station. The access road will be an all weather surface design to carry a single axle load of 10,000 pounds.
  - 3). The access road within the existing 25 foot wide easement will need to be fenced along the entire length as a safety factor for backing maintenance equipment to or from the lift station.
  - 4). A lift station impact fee of \$248,400 will be applied for this development. This does not include construction of the lift station.
  - 5). The force main discharge from the lift station will be at the existing manhole located at the intersection of 20 1/2 Road and Corral De Terra.
  - 6). Three phase power will need to be provided to the lift station.
  - 7). Back up generation or emergency wet well storage (based on two times the average power outage for the area at peak flow and high water alarm float) will be required.
  - 8). A reimbursement agreement may be put in place for recapture of a proportionate share of construction costs for the lift station and force main only. Lift station impact fees will not be included in the reimbursement agreement.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission approve the proposed preliminary subdivision plan; file number PP-2006-102 with the findings and conclusions listed above.

**RECOMMENDED PLANNING COMMISSION MOTION:**

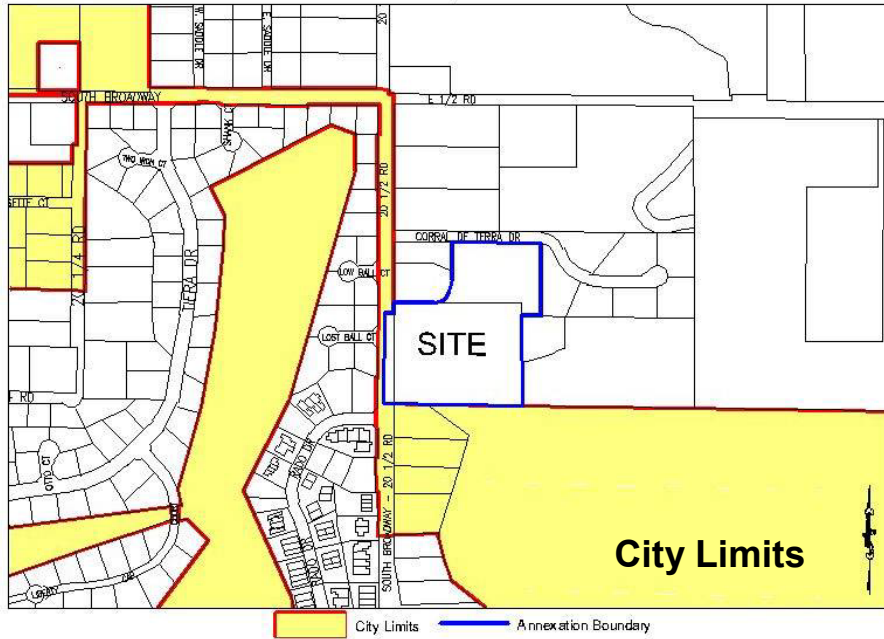
Mr. Chairman, I move that we approve the Preliminary Subdivision Plan for the Kresin Subdivision, file number PP-2006-102, with the findings and conclusions listed in the staff report.

**Attachments:**

Vicinity Map / Aerial Photo  
Growth Plan Map / Zoning Map  
Preliminary Subdivision Plans

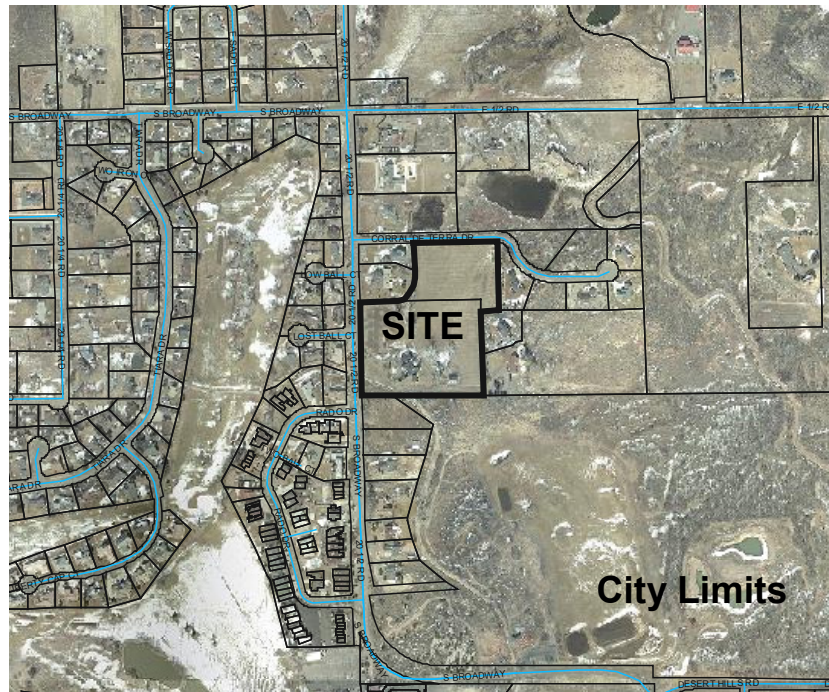
# Site Location Map

Figure 1



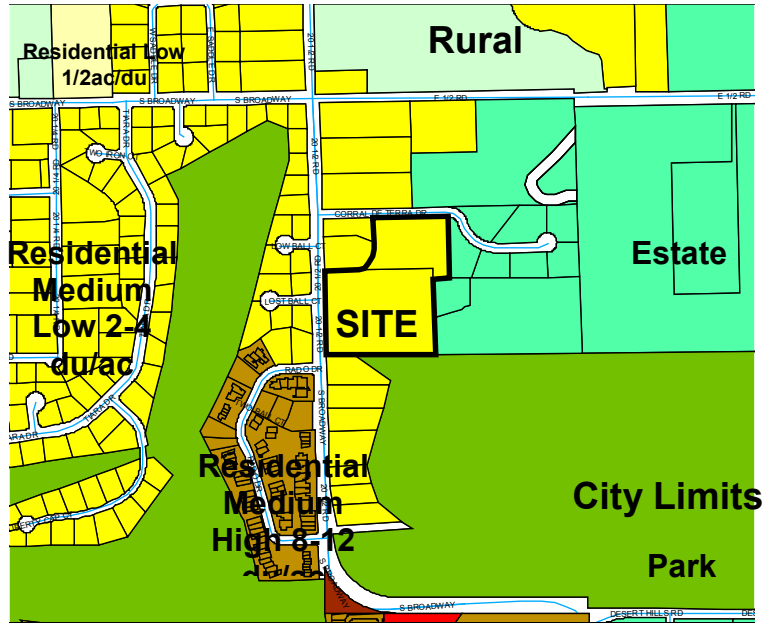
# Aerial Photo Map

Figure 2



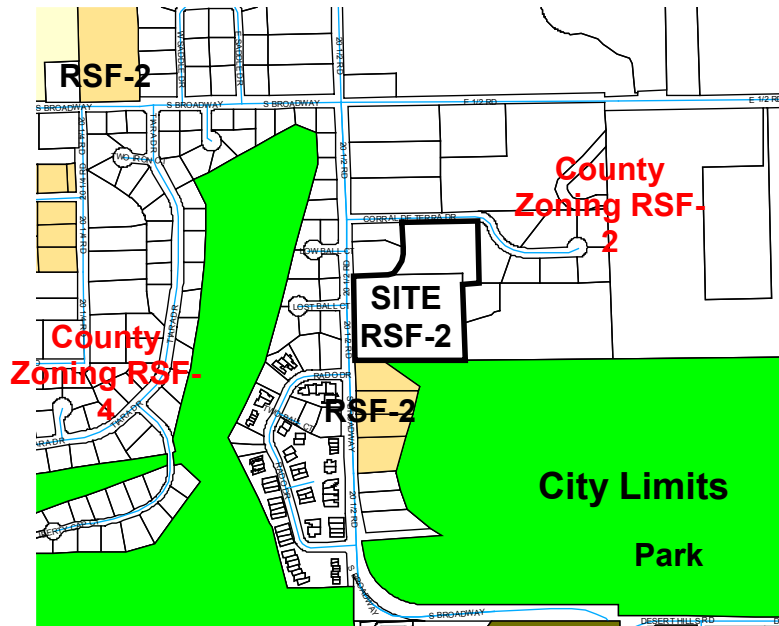
# Future Land Use Map

Figure 3



## Existing City and County Zoning

530 South Broadway

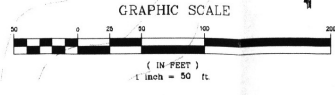
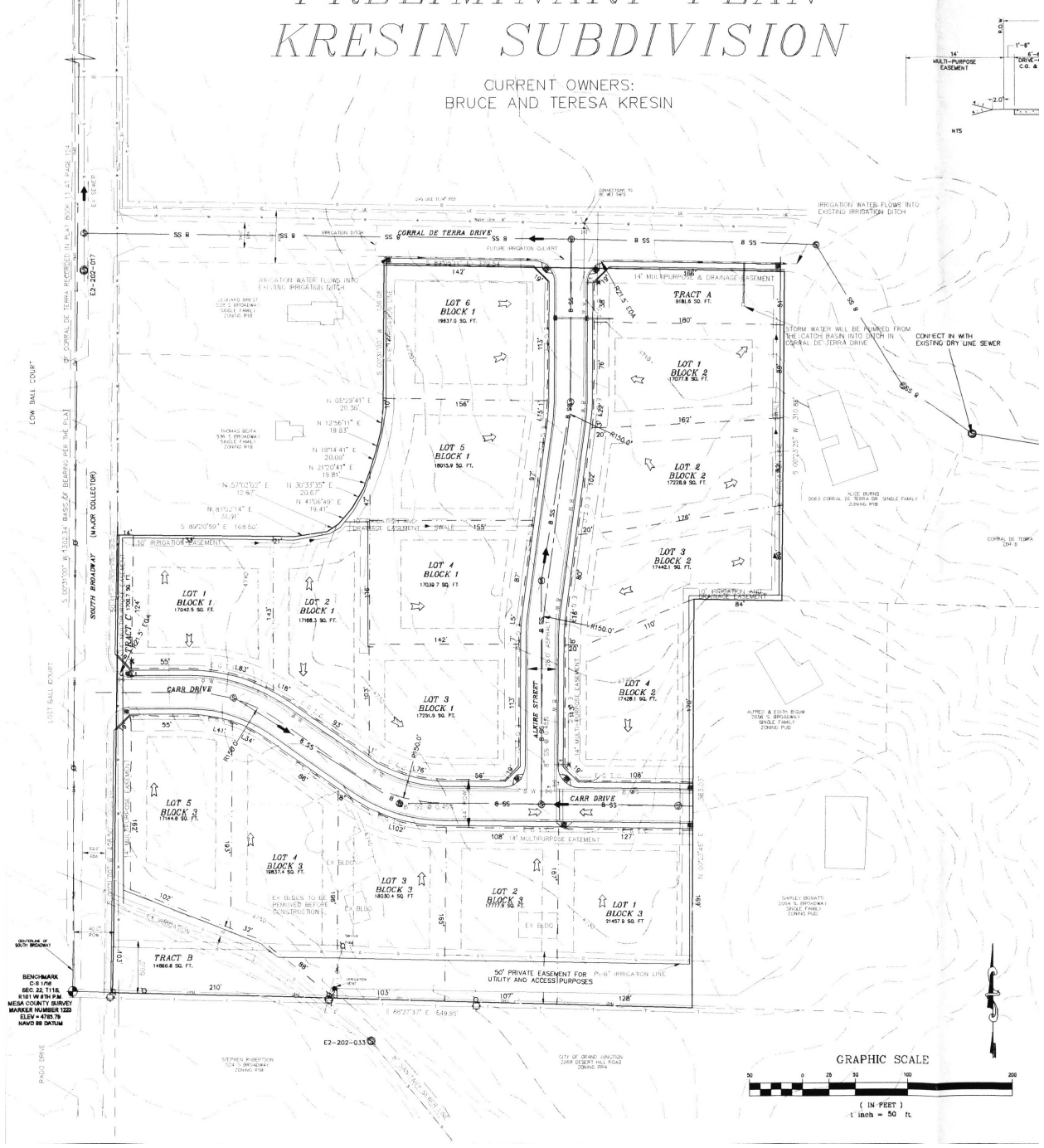
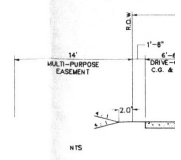


NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

C 1/4  
Sec 22 T11S,  
R101 W 6th P.M.

# PRELIMINARY PLAN KRESIN SUBDIVISION

CURRENT OWNERS:  
BRUCE AND TERESA KRESIN





**Attach 5  
Landmark Baptist Church Rezone**

CITY OF GRAND JUNCTION  
PLANNING COMMISSION

MEETING DATE: November 10, 2009  
STAFF PRESENTATION: Judith Rice

AGENDA TOPIC: Landmark Baptist Church Rezone - RZ-2009-195

ACTION REQUESTED: Recommendation to City Council to rezone a property located at 1600 Ute Avenue from C-2 (General Commercial) zone district to C-1 (Light Commercial) zone district.

BACKGROUND INFORMATION				
Location:		1600 Ute Avenue		
Applicant:		Landmark Baptist Church		
Existing Land Use:		Office Space, Telecommunications Tower, Undeveloped Area		
Proposed Land Use:		Office Space, Church and Private School		
Surrounding Land Use:	North	Mini Storage Units		
	South	Industrial and Railroad (across I-70 Business Loop)		
	East	Commercial Retail (Auto Interiors, Computer Service)		
	West	Commercial Retail (Wheelchair Sales, Carpet Installation Office, General Contractor Office)		
Existing Zoning:		C-2 (General Commercial)		
Proposed Zoning:		C-1 (Light Commercial)		
Surrounding Zoning:	North	C-2 (General Commercial)		
	South	I-1 (Light Industrial) and C-2 (General Commercial)		
	East	C-2 (General Commercial)		
	West	C-1 (Light Commercial)		
Growth Plan Designation:		Commercial		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: Request to rezone 3.5 acres located at 1600 Ute Avenue, from C-2 (General Commercial) zone district to C-1 (Light Commercial) zone district.

RECOMMENDATION: Forward a recommendation of approval to City Council.

## ANALYSIS:

### 1. Background

Annexation of this property occurred in 1957 as part of the Union Carbide Annexation. The property was given a C-2 zoning designation in 1961.

The building was used as the offices of Union Carbide and UMETCO, energy companies, until 1994 when private individuals bought the property. The property has since had a variety of tenants including business offices, a school (alternative high school) and developmental services center. A Cell Tower was erected in 1999 at the east end of the property. Currently, a portion of the building is occupied by offices.

The applicant has proposed the following uses: offices, a church, and a private school, elementary through high school grades. All of these uses are allowed in a C-2 zoning except for the elementary school component. Elementary schools are allowed in a C-1 zone district. Hence the request for a rezone from C-2 to C-1 zoning.

A portion of the land is vacant with no current plans to develop.

### 2. 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 C-2 was not in error at the time of adoption.

#### 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.;*

Over time the neighborhood character has changed with less intense uses. The property has a history of less intense commercial uses, such as, offices, a school and a developmental services center. The neighborhood has come to expect these types of commercial uses on this property. A C-1 zone would allow development more in character with the residential and other commercial properties in the vicinity. Other more intense C-2 uses which would be possible if the existing zoning remains (tire recapping, outdoor storage and operations, body shop, heavy vehicle fuel sales, outdoor manufacturing operations) would be out of character with the neighborhood.

#### 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 includes R-8 (Residential 8 du/acre) zoning to the north and west. Also, to the west is R-O (Residential Office) located on Colorado Avenue and C-1 (Light Commercial) west along Ute Avenue. This property is ideally situated to create a transition from the more intense C-2 zoning to the east to less intense C-1, R-0 and R-8 zones to the west.

The Growth Plan encourages the continued use of existing facilities compatible with existing development. Development in areas which have adequate public facilities in place is encouraged. The C-1 zone is compatible with the Future Land Use designation of Commercial.

This property and the existing facility meet Code requirements for dimensional standards, landscaping, parking and other City regulations.

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;*

The existing public facilities and services are adequate and can serve uses allowed in the C-1 zone.

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

Large properties zoned C-1 which provide existing infrastructure for multiple uses (church, school, offices) are not available in the area. Also, a C-1 zone for this property will allow the applicant to provide the community with much needed classrooms.

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

The proposed zone will allow continuation of the current office uses and encourage other uses on the property more in character with the lower intensity residential and commercial uses in the vicinity and limit more intense uses. The proposed zone would support a transition from the I-70 Business Loop to the R-8, R-O and C-1 properties leading to the downtown area. A C-1 zone for this property will provide the community with an opportunity to increase needed schools.

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-O, Residential Office
- b. B-1, Neighborhood Business

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 Landmark Baptist Church Rezone application, RZ-2009-195, a request to rezone the property from C-2 to C-1, I present 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-2009-195, with the findings and conclusions listed above.

## RECOMMENDED PLANNING COMMISSION MOTION:

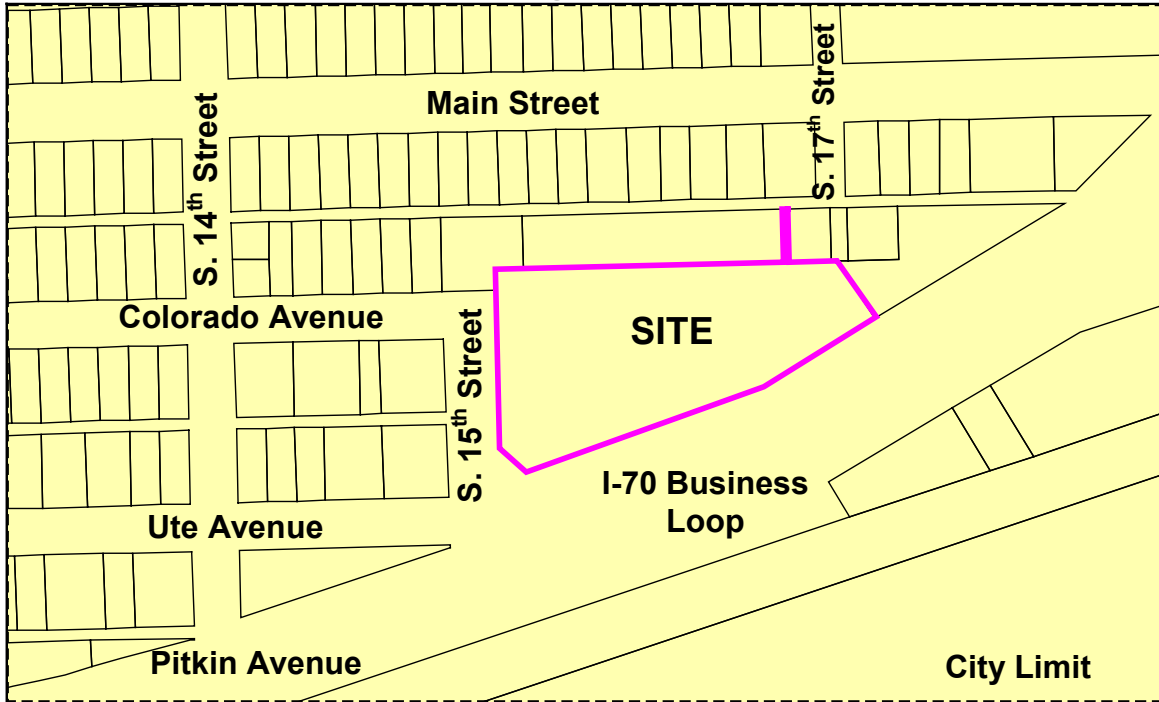
Mr. Chairman, on the Landmark Baptist Church Rezone, #RZ-2009-195, I move that the Planning Commission forward the rezone to City Council with the recommendation of the C-1 (Light Commercial) district for the Landmark Baptist Church Rezone with the facts and conclusions listed in the staff report.

## Attachments:

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

# Site Location Map

Figure 1



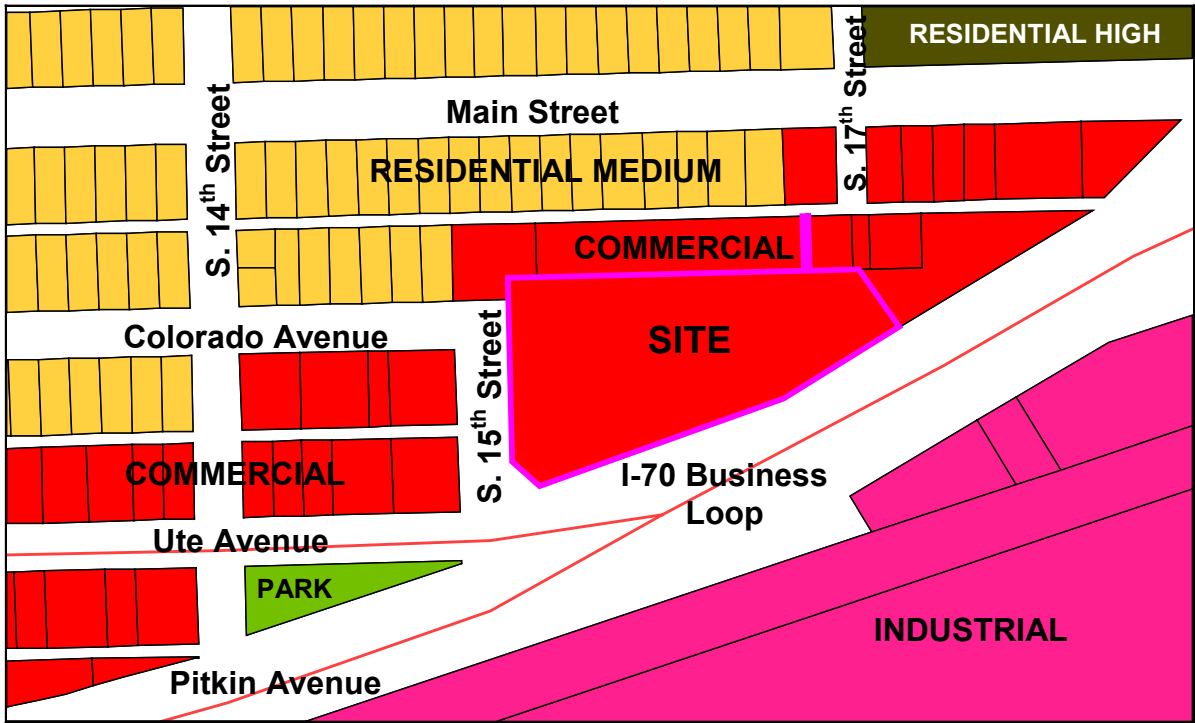
# Aerial Photo Map

Figure 2



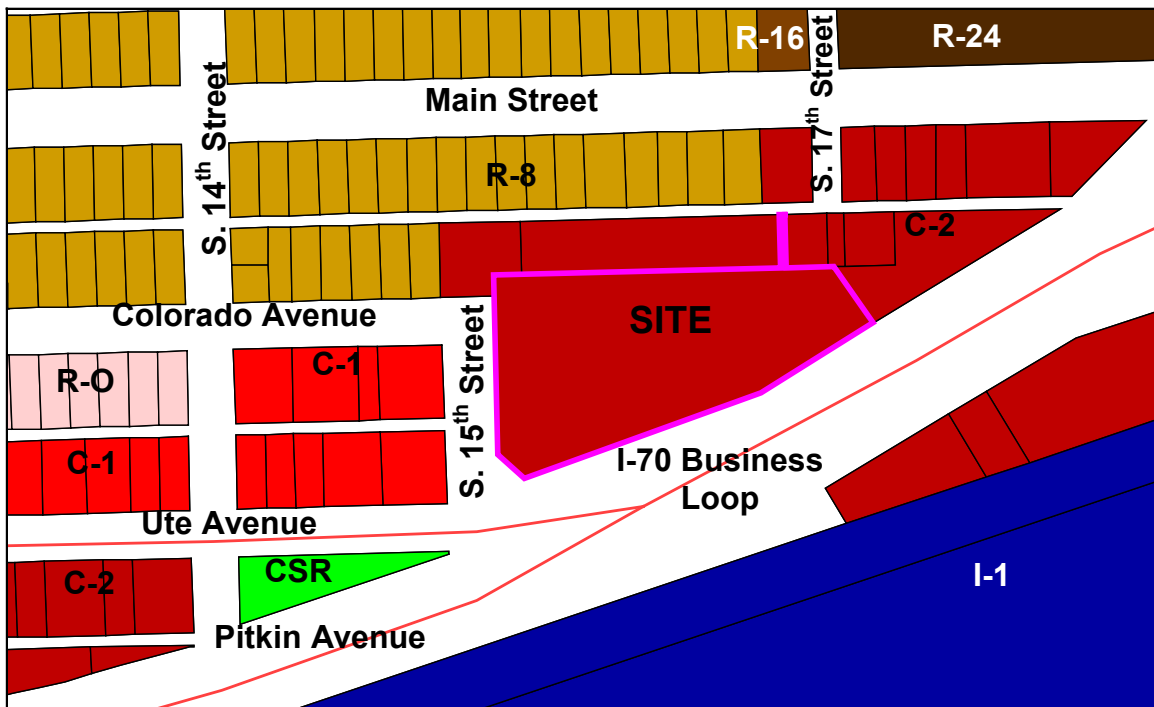
# Future Land Use Map

Figure 3



# Existing City Zoning Map

Figure 4



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REZONING THE PROPERTY KNOWN AS  
1600 UTE AVENUE  
FROM C-2 (GENERAL COMMERCIAL) TO C-1 (LIGHT COMMERCIAL)  
LOCATED AT 1600 UTE AVENUE**

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 1600 Ute Avenue to the C-1 (Light Commercial) 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 C-1 (Light Commercial) 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 property be zoned C-1 (Light Commercial):

BEG at a pt which lies S89°57'E 82.97 ft from the NW COR of the SE1/4 of the SW1/4 of SEC 13, T1S, R1W of the UM which has been reestablished according to a plat the East Main Street Subdivision of Grand Junction, CO, as being 89.13 ft South of the City Monument of the intersection of the West line of 15th Street extended and the South line of the alley between Main Street and Colorado Avenue; thence S47°52'E a DIS of 67.10 ft; thence along an arc of a curve to the left with a radius of 107.30 ft, a DIS of 430.6 ft (the chord of which bears N71°26'E a DIS of 427.8 ft) to a concrete ROW marker, thence N59°56'E a DIS of 415.30 ft, more or less, to a pt of intersection with the North line of said SE1/4 of the SW1/4 of said SEC 13, thence N89°57'W a DIS of 814.75 ft, more or less, to the POB. EXCEPT THEREFROM that portion thereof described as follows: BEG at a pt which bears S89°57'E 670.6 ft from the NW COR of the SE1/4 SW1/4 of SEC 13, T1S, R1W of the UM, thence S89°57'E 226.8 ft to the Northerly ROW of Colorado Highway 6 & 24, thence along said ROW S59°56'W 192.7 ft, thence N31°49'W 113.85 ft, to the POB, a part of the City of Grand Junction, all in Mesa County, Colorado.

Said portion of the property contains 3.5 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