



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

TUESDAY, JANUARY 11, 2011, 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 13 and December 14, 2010 Regular Meetings.

- 2. **Grand Valley Power Solar Farm – Conditional Use Permit** [Attach 2](#)
Request approval of a Conditional Use Permit to construct and operate an electrical solar generation facility on 6.97 acres in an R-R (Residential Rural) zone district located within the Airport's Area of Influence.

FILE #: CUP-2010-282
PETITIONER: Jarrett Broughton – Grand Valley Power
LOCATION: 714 29 Road
STAFF: Lori Bowers

- 3. **Jacobson's Pond Subdivision – Extension of Preliminary Plan** [Attach 3](#)
A request for a three year extension of the approved Preliminary Subdivision Plan.

FILE #: PP-2006-262
PETITIONER: Peter Benson, NVH, INV, LLC
LOCATION: 738 26 Road
STAFF: Lori Bowers

- 4. **Osprey Subdivision – Extension of Preliminary Plan (continued from November 9, 2010)** [Attach 4](#)
A request for a one year extension of the approved Preliminary Subdivision Plan.

FILE #: PP-2007-124
PETITIONER: Sam D. Starritt, Esq. – Property Services of GJ, Inc.
LOCATION: 2981, 2991, 2993, 2995 B Road
STAFF: Brian Rusche

- 5. **Police and Fire Facilities ROW Vacation – Vacation of Right-of-Way** [Attach 5](#)
Request a recommendation of approval to City Council to vacate alley rights-of-way within Block 138 and Block 139 of the City of Grand Junction, along with S. 6th Street, located between Ute and Pitkin Avenues. These rights-of-way are no longer needed for access and are requested to be vacated to permit construction of a new police station and associated public safety facilities.

FILE #: VAC-2010-332
PETITIONER: Rick Dorris – City of Grand Junction
LOCATION: Rights-of-way within Block 138 and Block 139 of the City of Grand Junction, along with South 6th Street, located between Ute and Pitkin Avenues
STAFF: Brian Rusche

6. **Housing Authority Annexation – Zone of Annexation** [Attach 6](#)

Request a recommendation of approval to City Council to amend the Comprehensive Plan - Future Land Use designation to Village Center - Mixed Use and to zone 1.52 acres, less right-of-way, from County RMF-8 (Residential Multi-Family 8 du/ac) to a City R-24 (Residential 24 du/ac) zone district.

FILE #: ANX-2010-364
PETITIONER: Don Hartman – Grand Junction Housing Authority
LOCATION: 2910 Bunting Avenue
STAFF: Brian Rusche

7. **Yoda’s Auto – Conditional Use Permit** [Attach 7](#)

Request approval to operate a used car sales lot and moving vehicle rental facility on 0.43 acres in a C-1 zone district.

FILE #: CUP-2010-288
PETITIONER: Ron Wells
LOCATION: 1162 Ute Avenue
STAFF: Senta Costello

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

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

Public Hearing Items

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

NONE

General Discussion/Other Business

- 1. Election of Officers

Nonscheduled Citizens and/or Visitors

Adjournment

**Attach 1
Minutes of Previous Meetings**

**GRAND JUNCTION PLANNING COMMISSION
July 13, 2010 MINUTES
6:00 p.m. to 7:26 p.m.**

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

In attendance, representing the City Planning Commission, were Lynn Pavelka (Vice Chair), Pat Carlow, Ebe Eslami and Greg Williams (Alternate). Absent were Reggie Wall (Chair) and Commissioners Mark Abbott, Richard Schoenrad, and Rob Burnett.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Lisa Cox (Planning Division Manager), Greg Moberg (Planning Services Supervisor), Scott Peterson (Senior Planner), Lori Bowers (Senior Planner) and Eric Hahn (Development Engineer).

Also present was Jamie Beard (City Attorney).

Lynn Singer was present to record the minutes.

There were 22 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 minutes of the May 11, 2010 Regular Meeting.

**2. River Trail Subdivision – Preliminary Subdivision Plan – PULLED/
WITHDRAWN**

Request approval of an extension of the Preliminary Subdivision Plan to develop 80 lots on 17.405 acres in an R-8 (Residential 8 du/ac) zone district.

FILE #: PP-2006-330
PETITIONER: Michael Queally – River Trail Investment, LLC
LOCATION: 3141 D Road
STAFF: Greg Moberg

3. Lee / Bell Rezone – Rezone

Request a recommendation of approval to City Council to rezone 0.14 acres from an R-O (Residential Office) to a B-2 (Downtown Business) zone district.

FILE #: RZ-2010-066
PETITIONER: Sandra Lee and Don Bell
LOCATION: 315 Ouray Avenue
STAFF: Lori Bowers

4. Heritage Villas Rezone – Rezone

Request a recommendation of approval to City Council to rezone 1.6 acres from an R-4 (Residential 4 du/ac) to an R-8 (Residential 8 du/ac) zone district.

FILE #: RZ-2010-062
PETITIONER: Donny Eilts
LOCATION: 606½ 29 Road
STAFF: Lori Bowers

5. Heaven’s Little Steps Daycare – Conditional Use Permit

Request approval of a Conditional Use Permit to open a general daycare center (more than 12 children) in a church facility on 6.21 acres in an R-4 (Residential 4 du/ac) zone district.

FILE #: CUP-2010-072
PETITIONER: First Church of Nazarene
LOCATION: 2802 Patterson Road
STAFF: Scott Peterson

Vice Chairman Pavelka briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. Lisa Cox, Planning Manager, mentioned that item number 2, the River Trails Subdivision, had been pulled or withdrawn from the agenda. Additionally, a letter was submitted by a citizen regarding the Heritage Villas Rezone. However, the author of the letter did not appear to be present at the hearing. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on the Consent Agenda items.

MOTION: (Commissioner Carlow) “Madam Chairman, I move that we approve the Consent Agenda with the exception of number 2.”

Commissioner Williams seconded the motion. A vote was called and the motion passed unanimously by a vote of 4 - 0.

Public Hearing Items

6. Mesa State College Right-of-Way Vacations – Vacation of Right-of-Way

Request a recommendation of approval to City Council to vacate portions of several existing street and alley rights-of-way in the Texas, Elm, Houston and Bunting Avenue areas. All proposed vacations are located east of Cannell Avenue.

FILE #: VR-2010-068
PETITIONER: Tim Foster – Mesa State College
LOCATION: Various Streets and Alleys
STAFF: Scott Peterson

STAFF'S PRESENTATION

Scott Peterson, Senior Planner, made a PowerPoint presentation regarding Mesa State College's request to vacate portions of Texas, Elm, Houston and Bunting Avenues as well as associated alleys, which were located adjacent to Mesa State College properties with the exception of a few remaining privately owned parcels. The Comprehensive Plan indicated the Mesa State College area as Business Park or Mixed Use with current zoning for the area of R-8. Mr. Peterson confirmed that applicant intended to vacate the rights-of-way in anticipation of current and future building and parking lot expansions for the campus. He further advised that the City would reserve utility and temporary access easements.

According to the Mesa State College Master Plan, much of the utilities infrastructure would be relocated and applicant had agreed upon the City's approval and agreement to the final location of the utilities, permanent utility easements would be granted to the City and the portion of the temporary utility easements reserved and no longer needed by the City would be released and/or vacated after relocation of the utilities. Mr. Peterson added that Mesa State would also dedicate public access easements to two existing property owners who were affected by current construction at the campus. He added that he had received this afternoon a revised exhibit for the Clark Carroll owned properties which consisted of five lots and advised that it included a 20 foot access easement to the north of the adjacent property owner's line wherein he would have a full 20 foot access to the back garage.

Mr. Peterson concluded that the requested vacations were consistent with the Comprehensive Plan and had met the applicable review criteria of the Grand Junction Municipal Code as well as conditioned upon the reservation and grant of temporary easements for the continued utility infrastructure and public access and recommended that the Planning Commission forward a recommendation of conditional approval to the City Council for the requested vacations.

APPLICANT'S PRESENTATION

Derrick Wagner, Mesa State's Director of Strategic Initiatives, appeared on behalf of President Foster, stated that growth and enrollment of Mesa State College went from 5,675 in fall 2005 to currently nearly 8,000 students on campus this fall. He added that there was also an increased demand for housing on campus. He advised that the Board of Trustees approved moving forward with construction of Bunting Hall for a 328 bed facility.

Kent Marsh, Director of Facility Services at Mesa State College, next addressed the Commission and added that it is their desire to convert some of the vacant properties that were created by moving 12 homes purchased over the past year. By way of a PowerPoint presentation, Mr. Marsh demonstrated the site plan for the phase 3 student housing Bunting Dorms and identified the private property, access through the parking lot and dedicated access easement which would provide access to and through their parking lot.

Mr. Marsh next addressed some of the concerns regarding the problems associated with construction which included, among other things, noise and dust. He said that the college had tried and they continue to work together with neighbors to make sure they were doing the right thing and that they were trying to grow as responsibly as they could. Mr. Marsh said that all of the contractors who work on the college were required to have a water truck on site. Also, they have a contract with a company that applied magnesium chloride and also a street sweeping company that goes through the college to clean alleys, streets and rights-of-way as needed. Rubber speed bumps had been added and they have looked at how to provide thoughtful traffic circulation.

QUESTIONS

Commissioner Eslami asked if one had to go through the alley to get to the parking lot. Mr. Marsh said that they would come across college property and an easement proposed to be dedicated ran right through the parking lot access aisle.

Commissioner Eslami asked if one of the houses was on that alley. Kent Marsh confirmed that was correct and there were two homes.

Commissioner Eslami asked if that was the only access to the parking lot. Mr. Marsh advised that was the only access to the parking lot and confirmed that the number of spots in there did not require more spaces.

Commissioner Williams asked if the alley behind the homes would be a dedicated easement. Kent Marsh said that was correct and they would be ingress, egress and utility easements owned by the City.

Vice Chairman Pavelka inquired if through that parking lot and down that alley it would be graveled with magnesium chloride. Mr. Marsh said that it would be recycled asphalt pavement and magnesium chloride on top of it.

Vice Chairman Pavelka asked what type of surface was there before commencement of this construction. Mr. Marsh guessed that it was chip sealed at some point.

Commissioner Williams asked for Mr. Marsh to identify how the Millers would access their property. Kent Marsh advised that there was a new curb cut created at the south end of Houston Avenue as well as a curb cut at the west end of the college property to access Cannell. He advised that Mr. Miller would continue to have the same street

frontage that he had now although it would be easement rather than right-of-way. The applicant also proposed to provide an easement to Mr. Miller that would extend 15 feet north of his northern boundary.

Commissioner Williams next asked for an explanation of how the applicant would prohibit students from parking and using those areas designated as an easement. Mr. Marsh said that they were very efficient at giving tickets. A number of vehicles have to be towed and there were ways for applicant to deal with it and had not planned any permanent barriers.

PUBLIC COMMENT

For:

No one spoke in favor of this request.

Against:

Darrell Miller, 1315 Houston Avenue, stated that he was opposed to this project and listed a number of discrepancies. He believed that there would be a reduction of his egress that he currently had from four outlets to one with the only outlet being Cannell which would result in a devaluation of his property. He added that putting down magnesium chloride once was not sufficient. Additionally, the applicant proposed to put a dirt road next to his house which would create a huge health issue based on the thousands of trips on that road per day. Mr. Miller next addressed the adverse impacts and health safety which would come from fugitive dust as well as negation issues pertaining to bicycling and pushing a stroller. He opined that hundreds of students would be migrating from this dorm down his alley toward the central part of campus and was concerned for their safety. He asked how this would improve traffic flow. He stated that he did not think this plan worked and was, therefore, opposed to it.

Clark Carroll, 1240 Cannell Avenue, provided the Commission a letter which he read into the record. The points summarized in his letter included such things as vacation of various streets; alleys and sidewalks would directly affect his ability to enjoy his properties; it would negatively affect the value of his properties; would adversely affect health and safety; and would reduce services such as police, fire and trash collections. He addressed certain language contained in a plat which referenced dedication of the streets, avenues and alleys to the use of the public forever.

Mr. Carroll also discussed parking issues and trespass onto Mesa State College property as Bunting had been removed in order to get to the City alley. He next identified the area presented to the college and requested of the City which would provide him with access from Cannell across applicant's property. He concurred with Mr. Miller that students usually try to go the closest parking area that they had and believed this would be a major thoroughfare or roadway and may cause difficulty in accessing his alley to the back. He also believed that magnesium chloride was not sufficient for the parking lot and suggested a lighter coat of paving.

Mr. Carroll addressed another concern pertaining to formation of particulate pollution that could cause health problems due to the amount of dirt and dust from the parking lots and construction. Other concerns raised by Mr. Carroll included noise, lack of drainage in the alley, lack of effective sediment controls to prevent runoff from dirt lots to streets to gutter to river systems, parking lot lighting, safety of pedestrians and vehicular traffic created by a blind spot, reduction of city services, including fire and police services, water related difficulties and sewer capacity. Mr. Carroll believed that Mesa State College had shown forms of elitism, arrogance and dominance in several areas and questioned how he could in good faith do business dealings with the applicant. He presented several alternate plans and concluded that he did not support the current vacation request as presented as it appeared to reduce the peaceful and quiet enjoyment of his property, reduced value, added to poor environmental conditions, affected the safety of his family and general public, increased light pollution and noise, supported violation of public governmental process, and reduced total public access.

APPLICANT'S REBUTTAL

Kent Marsh pointed out that Mesa State College was much like another developer who came before the Commission and had the same issues to deal with. The applicant was buying properties and proposing to remove rights-of-ways and individual properties and replacing them with larger tracts of land that could be built on. The applicant had to provide all of the services that currently existed for a resident that abutted their property to assure that they were made whole by providing access, utility service, and assured that any type of emergency service provider could get to any part of the campus.

With respect to drainage and runoff, due to financial constraints, it was believed that magnesium chloride, recycled asphalt pavement was their best option at this point. Additionally, all of Mesa State's contractors were required to pull storm water management plans and permits from the State of Colorado and applicant was being as responsible as they possibly could in the development of these properties. Mr. Marsh discussed utility access and discussed the combined sewer that used to exist in the alley of Mr. Carroll's home. He added that as they were exempted out of the sewer separation or sewer elimination project, as they develop properties they have paid to separate the storm and sand and felt they have done what was necessary to prevent flooding issues as much more capacity has been provided. Ingress, egress, public utility easements were being provided.

QUESTIONS

Commissioner Carlow asked if there were any alternate plans developed on this project. Kent Marsh confirmed that they had looked at all different kinds of ways to provide a five-story, 303 bed dorm that was needed. He believed this was the best use of the property and felt like it would allow further development in the future, if necessary.

Commissioner Carlow asked if it incorporated the future ownership of the property of the two gentlemen who spoke in opposition to this request. Mr. Marsh stated that their proposal in the future, if they were able to purchase those properties, was to build another dormitory to sit parallel to Cannell Avenue. He added that in the long term they

felt that the parking east of the Carroll property would turn into a large recreational field similar to what surrounded some of the existing dorms. Additionally, Mr. Marsh stated that they had to ensure that the type of apparatus that would respond to a fire on campus would be able to accommodate them pulling up to a dorm, setting up and being able to fight a fire.

Commissioner Carlow stated that he had some concerns if this would cause an adverse impact on private property owners' property values or their way of life. Mr. Marsh believed that what they have proposed was okay.

Commissioner Carlow was concerned that this was predicated on the applicant's future use of the land rather than the current situation. Mr. Marsh confirmed that perhaps this could be worked out with the adjacent property owners.

Commissioner Williams asked who held the access easements. Kent Marsh stated that it depended but all of the existing rights-of-way would be vacated and replaced with City access easements to the public.

Commissioner Eslami wanted clarification that it would not be a temporary access. Mr. Marsh said that it would be permanent as long as what they had remained and that applicant did not own those properties.

PUBLIC COMMENT

Kenneth Harris stated that his concerns were that the project as it had been built over the past few years, the storm water had turned into a torrent because the applicant did not have an adequate drain plan. He questioned what would happen to the water when the streets were eliminated. He was also concerned with increased traffic, line of sight problems, and believed it would be a good plan to get some of the issues and concerns worked out such as dust quality issues and traffic problems.

QUESTIONS

Commissioner Eslami asked for some clarification regarding the storm water and flooding issues. Kent Marsh said in most instances the asphalt, concrete sidewalks, concrete driveways were being replaced with some combination of landscape and a larger building. They had analyzed the runoff coefficient before development and compared it to the runoff coefficient after the development and found they were one and the same and did not feel that they were increasing the amount of runoff that left this property.

Commissioner Eslami asked if there was any way that either the applicant or the City could mitigate that problem. Eric Hahn, City of Grand Junction's Development Engineer, concurred that Cannell Avenue performed how it was supposed to be during large events was accurate. He stated that the larger problem pertained to North Avenue and advised that it would require a considerable amount of infrastructure upgrades in the future. The City had identified it and as it would be a very expensive venture, he could

not say when and how that would be able to be put into work. Mr. Hahn announced that North Avenue capacities were not up to what they needed to be.

Commissioner Carlow asked if their grading plan had been signed off on. Eric Hahn confirmed that it was not required to be submitted through the City's process.

Vice Chairman Pavelka asked if Mr. Hahn would address the street signaling issue. Mr. Hahn confirmed that the City was looking at that very closely. He stated that the traffic signals would be in conflict if there was another one put in on Cannell if left as standard traffic signals. He advised that at this point the City traffic engineer was analyzing the intersection of Cannell to allow it to be a full motion intersection.

Vice Chairman Pavelka asked if the parking lots around Mesa State College now were mostly recycled asphalt. Mr. Hahn stated that to his knowledge most of them were.

Vice Chairman Pavelka asked how dusty they were. Eric Hahn said that recycled asphalt was fairly dust-free but it must be maintained. The challenge in maintaining parking lots was that they were rarely empty enough to actively treat them as a whole.

DISCUSSION

Commissioner Carlow said that he would probably vote in favor of this but he would recommend that communications continue between the applicant and some of the property owners to address some of the concerns.

Commissioner Eslami said that he had a couple of problems with the plan in that a 20 foot alley for 85 parking spots was not adequate and would create a lot of problems. Also, he agreed that the gravel alley would be noisy and believed that could be possibly mitigated by paving. He concluded that he could not vote in favor of this plan at this time.

Vice Chairman Pavelka said that expansion and change within the City occurred at all times. Issues related to drainage, sediment in the runoff and noise were brought up. She believed that the dust was an issue as well as the amount of traffic during the majority of the year. She felt that some method to minimize the dust was very important.

MOTION: (Commissioner Carlow) "Madam Chairman, on item VR-2010-068, I move we forward a recommendation of conditional approval to the City Council on the request to vacate portions of Texas, Elm, Houston and Bunting Avenues and associated alleys with the findings of fact, conclusions and conditions as identified in the staff report."

Commissioner Williams seconded the motion. A vote was called and the motion passed by a vote of 3 – 1 with Commissioner Eslami opposed.

General Discussion/Other Business

None.

Nonscheduled Citizens and/or Visitors

None.

Adjournment

With no objection and no further business, the Planning Commission meeting was adjourned at 7:26 p.m.

**GRAND JUNCTION PLANNING COMMISSION
DECEMBER 14, 2010 MINUTES
6:00 p.m. to 6:05 p.m.**

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

In attendance, representing the City Planning Commission, were Reggie Wall (Chair), Lynn Pavelka (Vice Chair), Pat Carlow, Ebe Eslami, Rob Burnett, Lyn Benoit and Greg Williams.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Lisa Cox (Planning Manager), Greg Moberg (Planning Services Supervisor), Senta Costello (Senior Planner) and Lori Bowers (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 2 interested citizens present during the course of the hearing.

Announcements, Presentations, and/or Prescheduled Visitors

Consent Agenda

1. Minutes of Previous Meetings

Approve the minutes of the September 14, October 12, and November 9, 2010 Regular Meetings.

2. Allen Unique Auto Auction House – Conditional Use Permit

Request approval to operate an auction house on 4.121 acres in an I-2 (General Industrial) zone district.

FILE #: CUP-2010-204
PETITIONER: Catherine Breman – 2285 River Road LLC
LOCATION: 2285 River Road
STAFF: Senta Costello

3. GJ Regional Airport Annexation – Zone of Annexation

Request a recommendation of approval to City Council to annex and zone 614.3 acres from County R-R (Residential-Rural) to a City PAD (Planned Airport Development) zone district.

FILE #: ANX-2010-290
PETITIONER: Rex Tippetts – Grand Junction Regional Airport Authority
LOCATION: 2828 Walker Field Drive
STAFF: Lori Bowers

Chairman Wall 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 Pavelka) “Mr. Chairman, I move that we approve the agenda as read.”

Commissioner Eslami 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 6:05 p.m.

**Attach 2
Grand Valley Power Solar Farm**

**CITY OF GRAND JUNCTION
PLANNING COMMISSION**

MEETING DATE: January 11, 2011
PRESENTER: Lori V. Bowers

AGENDA TOPIC: Grand Valley Power Solar Farm – CUP-2010-282

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

BACKGROUND INFORMATION					
Location:		714 29 Road			
Applicant:		Grand Valley Power Lines Inc., owner; representative, Derek Elder			
Existing Land Use:		Electrical distribution substation			
Proposed Land Use:		Solar farm addition			
Surrounding Land Use:	North	Interstate 70 and agriculture			
	South	Highline Canal / large lot residential			
	East	Vacant			
	West	Vacant land / Offender Services			
Existing Zoning:		R-R (Residential – 1 du/5 ac)			
Proposed Zoning:		No change			
Surrounding Zoning:	North	R-R (Residential – 1 du/5 ac)			
	South	R-R (Residential – 1 du/5 ac)			
	East	R-R (Residential – 1 du/5 ac)			
	West	R-R (Residential – 1 du/5 ac) and PD (Planned Development)			
Future Land Use Designation:		Rural, 1 du/5 – 10 acres			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: A request for approval of a Conditional Use Permit to construct and operate an electrical solar generation facility on 6.97 acres in an R-R (Residential Rural) zone district located within the Airport's Area of Influence, in accordance with Table 21.04.010 of the Grand Junction Municipal Code; and allow for minor deviations to the Sign Code and landscaping requirements of the R-R zone district.

RECOMMENDATION: Approval of the Conditional Use Permit

ANALYSIS:

1. Background

The 6.971 acre, irregular shaped Grand Valley Power substation property was annexed into the City as part of the 555+ acre North Glenn / Matchett Enclave in 1999. The parcel lies between Interstate-70 on the north and the Highline Canal on the south. The eastern most end tappers to a width of 14 feet, and then back to about 85 feet. The western most end of the parcel is about 325 feet wide. An electric substation constructed in 1994 – 95 occupies the western most end of the property, with 29 Road located approximately 300 feet to the west of the substation. The facility is fenced and landscaped. The applicant proposes to place a solar farm just east of the existing substation.

Besides the subject parcel's irregular shape and a 50-foot easement for the transmission line, the property lies within the Airport's Area of Influence and Critical Zone. The Federal Aviation Administration (F.A.A.) is reviewing the proposal to place solar panels on the property.

The R-R zoning district allows detached single-family, agricultural, institutional and civic uses, according to Section 21.04.010 of the Grand Junction Municipal Code (GJMC). Basic utilities require a Conditional Use Permit. The principal uses of the proposed facilities are to collect and transmit electricity to Grand Valley Power users.

Applicant requests a deviation from the landscaping requirements of the Code. The R-R zoning district requires a 14-foot wide landscaping strip along the property line and landscaping along the adjacent right-of-way. On this parcel, however, the area of the proposed facility is not visible to anyone located outside the property due to the proximity of I-70. The proposed solar farm area, which will be inside an expanded fencing area, is approximately 170 feet from the north property line. On average, there is over 40-feet of right-of-way between the property line and the edge of right-of-way for I-70. There is no direct access to I-70. A total of 33 trees already surround the existing substation. I recommend that, as part of the CUP, in lieu of a 14-foot landscaping strip along the property edge, the City require xeric or low water plant/shrubs just outside the proposed new fencing on the north side facing the Interstate. Because the area between the property line and the edge of the I-70 right-of-way is not highly visible, I recommend that we consider the existing trees sufficient landscaping to meet the other landscape requirements and that the Applicant leave this area as it is. Because it is a slope and it collects the sand and gravel from the Interstate when it is plowed in the winter, landscaping in this area could not be expected to thrive or serve any useful purpose.

Conditional Use Permits also require that a sign plan be provided. This is discussed further below in criterion number six (6).

A Neighborhood Meeting was held on December 29, 2010. Of the 17 property owners notified, no one attended. To date, the Planning Department has not received any calls or inquiries about the project.

2. Consistency with the Comprehensive Plan

The proposed use of the site is consistent with the Comprehensive Plan, which identifies this area as Rural, 5 to 10 acres.

The Comprehensive Plan's Goals and Policies are met with Goals 6 and 12:

Goal 6: Land use decisions will encourage preservation and appropriate reuse. The use of this parcel as a solar farm is appropriate because it lies within the Airport's Area of Influence. The substation is an unmanned site and will be occupied only by maintenance workers.

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy. This goal is met by providing clean electrical services to help enhance the health of the community and adding diversity to our energy services.

3. Section 21.02.110 of the Grand Junction Municipal Code

To obtain a Conditional Use Permit, the Applicant must demonstrate compliance with the following criteria:

- (1) All applicable site plan review criteria in Section 21.02.070(g) of the Grand Junction Municipal Code (GJMC) and conformance with the SSID, TEDS and SWMM Manuals.

The requirements of SSID, TEDS and SWMM Manuals are met with this application. The site plan review criteria are met, with the exception of the proposed deviations from the landscaping requirements as discussed above. Because this is a conditional use, these deviations are allowed and recommended in order to enhance compatibility with the surrounding land uses. Variation from signage requirements are discussed below in criterion six (6).

- (2) District Standards. The underlying zoning districts standards established in Chapter 21.03 GJMC, except density when the application is pursuant to GJMC 21.08.020(c) [nonconformities];

The purpose of the district standards are to implement the Comprehensive Plan, encourage the most appropriate use of the land, conserve and enhance economic, social and aesthetic values and provide for adequate light and clean air. The proposed solar farm is an

appropriate use of the land. Because it is encumbered by the Airport's Area of Influence, development options are limited. Solar power will help conserve finite natural resources and maintain clean air for the benefit of the whole community.

(3) Specific Standards. The use-specific standards established in Chapter 21.04 GJMC;

The use-specific standards are being met by applying for a Conditional Use Permit as indicated by the respective zoning district in the use table of the Code.

(4) Availability of Complementary Uses. 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 substation will not be staffed on a regular basis. Maintenance will be performed at the site as necessary. Access will be obtained from the existing driveway from 29 Road. There is a fire hydrant located on Brodick Way near 29 Road.

(5) Compatibility with Adjoining Properties. Compatibility with and protection of neighboring properties through measure such as:

- a) Protection of privacy: The substation is an unmanned facility, much of the facility is below sight lines and the site contains several large trees. These will protect the privacy of the adjoining properties.
- b) Protection of use and enjoyment: The neighboring properties should not be impacted by solar panels or a sign since the closest residence is over 500 feet away. Since the facility will serve as a solar collector service, sound will not be a factor. Traffic to the site will be minimal except for occasional maintenance workers, after the construction is complete.
- c) Compatible design and integration: The existing substation has been in place since 1996. The proposed 0.66 acres to be fenced for the solar farm will be similar and compatible to the existing fencing which is a seven feet tall, chain link, with 3 strands of security wire around the top. [A fence or wall that exceeds six feet in height is considered a structure and requires a planning clearance and building permit instead of a fence permit.] No slats will be provided in the new fence.

(6) Signage. No sign shall be allowed on properties on a conditional use site unless the sign has been approved as part of the site development plan.

Sections 21.06.070, signs in residential zones, are not to exceed 32 square feet. The applicant is proposing a sign face of 105 square feet. The height of the sign will be no taller than 17 feet. If the subject parcel were zoned commercial, the allotted square footage would be based on the number of travel lanes along the frontage of the property; 1.5 square feet times the street frontage of the proposed solar farm area would be 360 square feet. (The Code requires that no single sign exceed 300 square feet). The maximum height of a sign, adjacent to four or more lanes of traffic may be 40 feet. The proposed sign face of 105 square feet and a height of 17 feet is not out of character with area it is proposed, near the Interstate.

The narrative of the sign describes the base of the sign to be a decorative elevated planter box, yet the graphic depiction does not adequately display that. If approved, the planter box should be a requirement for this request and counted towards the overall landscaping.

The site is adjacent to the Interstate; the parcel is impacted by the Airport's Area of Influence as well as the Critical Zone. It is my opinion that the solar farm is a good use for this property and that a sign that exceeds the residential standard be allowed.

The sign should have little, if any impact on the residences located to the south. It will be placed over 500 feet from the closest residence. Only one sign is requested for the subject property. The purpose of the proposed sign is to allow for anyone traveling through the Grand Valley along I-70 to recognize the collective efforts of the growing demands for a diverse and sustainable energy programs and would allow for recognition of the project and the benefit for the community as a leader in renewable energy projects.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Grand Valley Power Solar Farm application, CUP-2010-282 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 Comprehensive Plan.
2. The review criteria in Section 21.02.110 (CUP) of the Grand Junction Municipal have all been met.

3. As part of the Conditional Use Permit application, staff also recommends that the Planning Commission approve the submitted Sign Plan as presented, which meets the sign requirements as specified in Section 21.02.110(d) of the Grand Junction Municipal Code, with the deviations from Section 21.06.070 as provided in the Staff report.
4. Approval of the project being conditioned upon the sign base be designed and used as a decorative planter and that a xeric landscaping plan be provided for the area adjacent to the new fenced area on the north side facing I-70, for the length of the new fencing.
5. Proof of the approval from the F.A.A. will need to be provided prior to the issuance of a Planning Clearance.

STAFF RECOMMENDATION:

I recommend that the Planning Commission approve the requested Conditional Use Permit, CUP-2010-282 with the findings, conclusions and conditions of approval listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

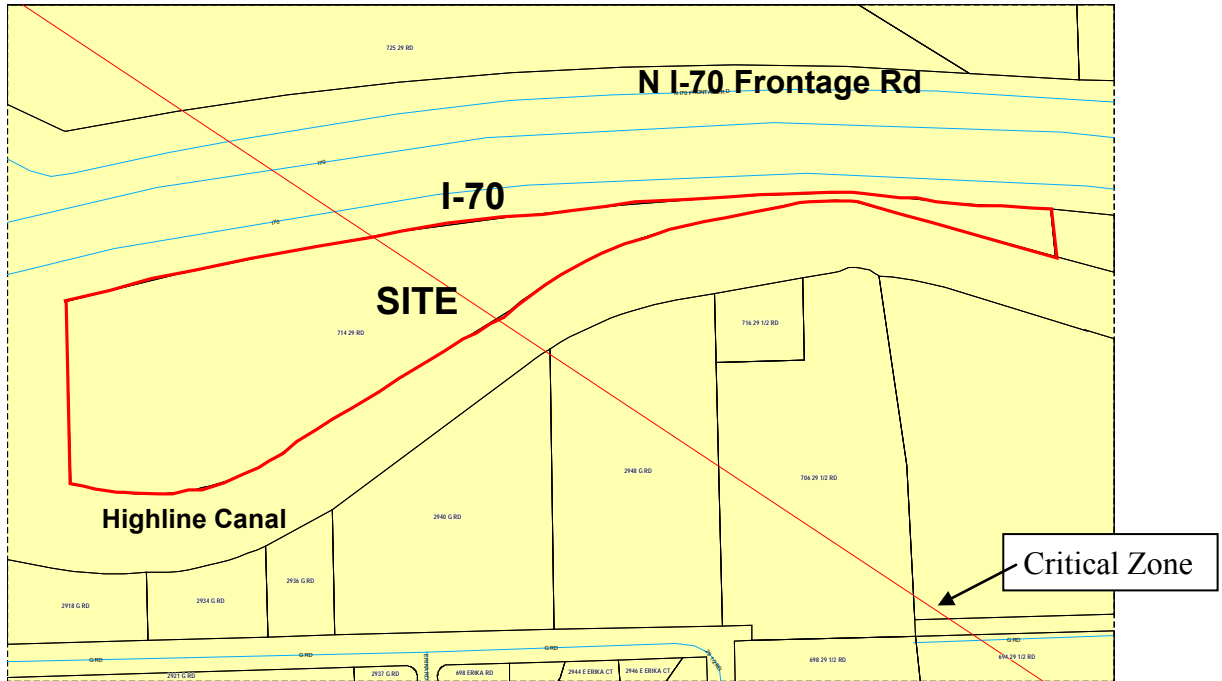
Mr. Chairman, on the request for a Conditional Use Permit for Grand Valley Solar Farm application, number CUP-2010-282 to be located at 714 29 Road, I move that the Planning Commission approve the Conditional Use Permit with the facts, conclusions and conditions listed in the staff report.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Existing City Zoning Map
Site Plan
Sign Plan

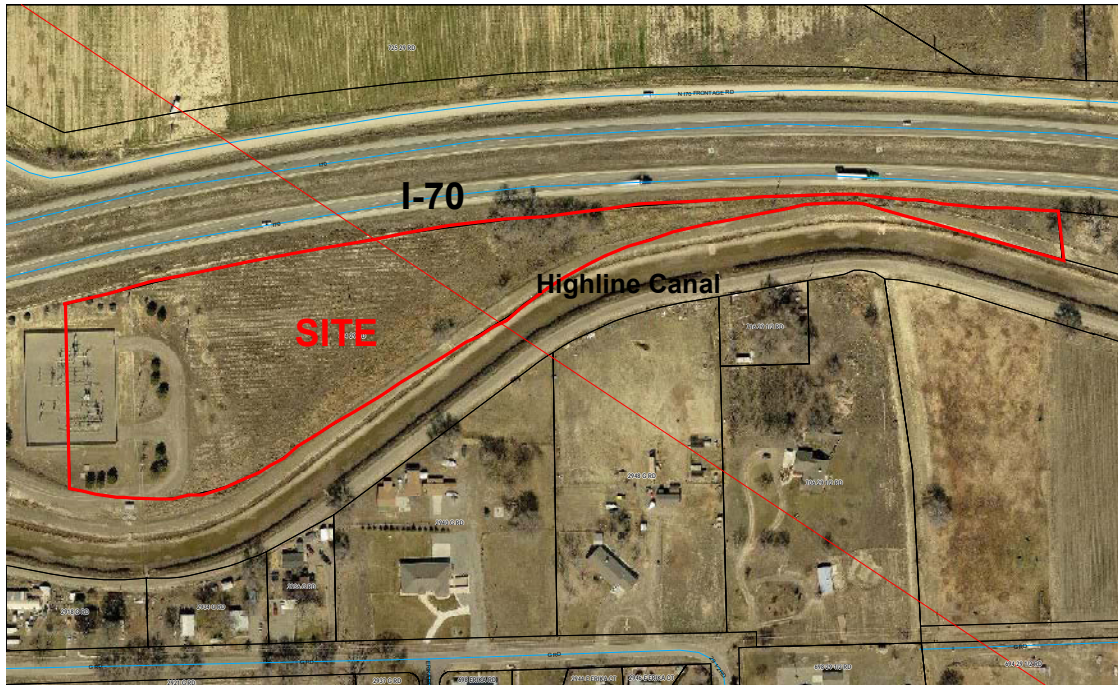
Site Location Map

Figure 1



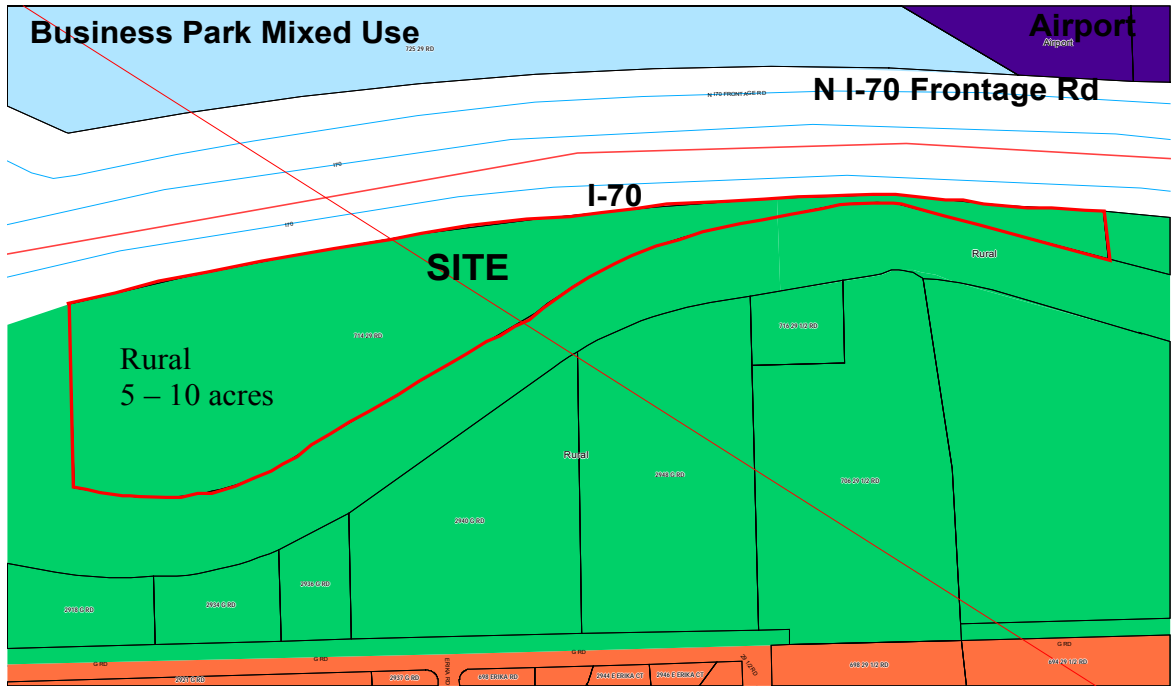
Aerial Photo Map

Figure 2



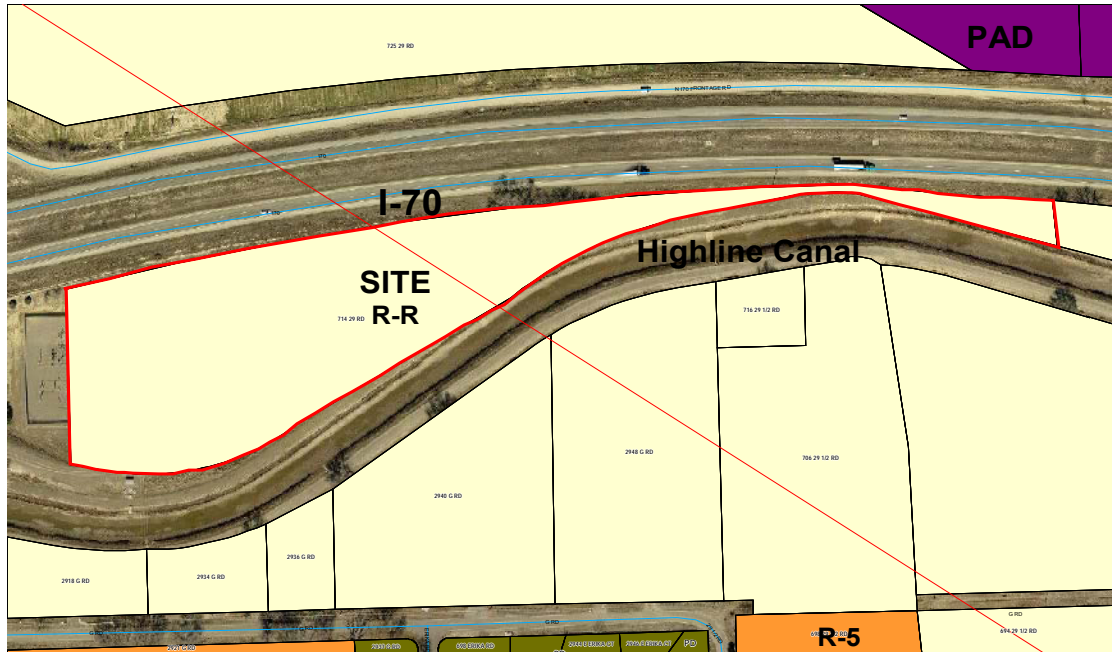
Comprehensive Plan Map

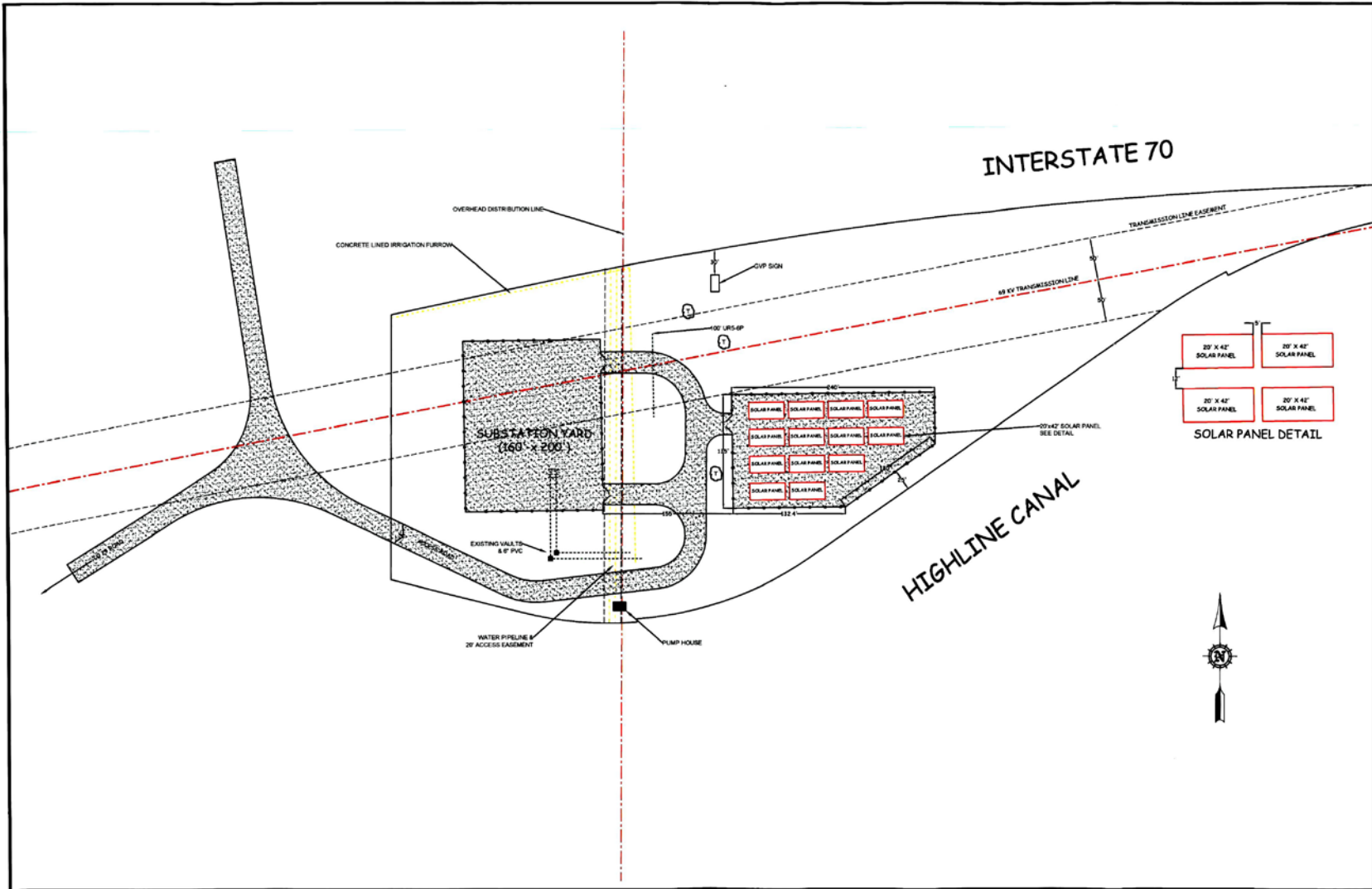
Figure 3



Existing City Zoning Map

Figure 4





SCALE : 1" = 50'
 50' 0' 50' 100' 150' 200'

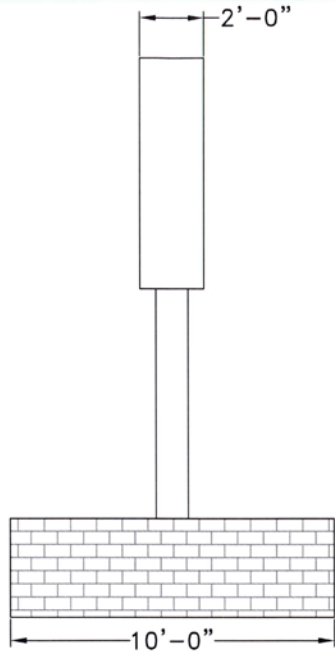


GRAND VALLEY RURAL POWER LINES, INC.
 GRAND JUNCTION, COLORADO
 COLORADO 7 MESA

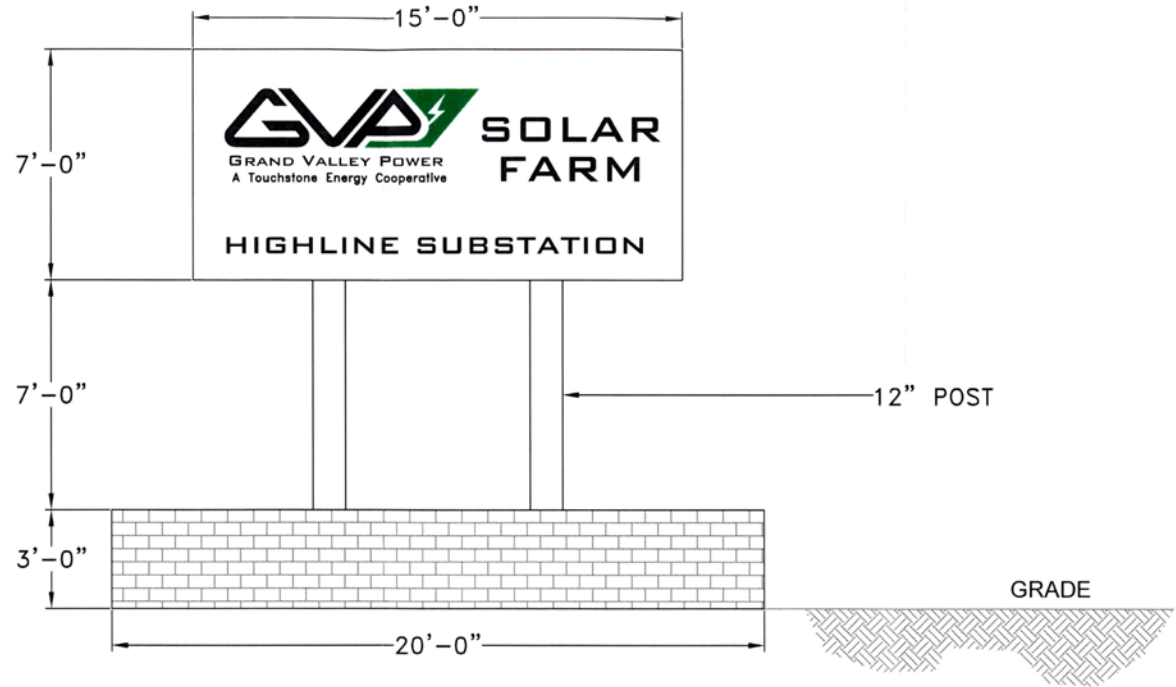
DRAWN BY: DGO CHECK BY: XXX APPROVED BY: XXX DATE: 10/07/2010

NO.	REVISIONS

Grand Valley Power
 SOLAR FARM



NORTH VIEW



EAST & WEST VIEW

SCALE : N.T.S



GRAND VALLEY RURAL POWER LINES, INC.
 GRAND JUNCTION, COLORADO
 COLORADO 7 MESA

DRAWN BY: DSG CHECK BY: APPROVED BY: DATE: 10/08/2010

DATE	REVISIONS

GRAND VALLEY POWER
 HIGHLINE SUBSTATION
 SOLAR FARM
 SIGN DETAIL

THIS PAGE LEFT INTENTIONALLY BLANK

Attach 3
Jacobson's Pond

NOT AVAILABLE AT THIS TIME

**Attach 4
Osprey Subdivision**

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: January 11, 2011
PRESENTER: Brian Rusche, Senior Planner

AGENDA TOPIC: Osprey Subdivision – PP-2007-124

ACTION REQUESTED: A request for a one-year extension of the approved Preliminary Subdivision Plan.

This request was continued from the November 9, 2010 Planning Commission meeting.

BACKGROUND INFORMATION				
Location:		2981, 2991, 2993, & 2995 B Road		
Applicant:		Sam D. Starritt, Esq. for Property Services of GJ, Inc. (receiver)		
Existing Land Use:		Single Family Residential Agriculture		
Proposed Land Use:		Single Family Residential		
Surrounding Land Use:	North	Residential		
	South	Agriculture		
	East	Residential		
	West	Elementary School (School District 51 Property)		
Existing Zoning:		R-4 (Residential 4 du/ac)		
Proposed Zoning:		N/A		
Surrounding Zoning:	North	PD (Planned Development)		
	South	RSF-R (County 1 du/5 ac)		
	East	R-4 (Residential 4 du/ac)		
	West	R-4 (Residential 4 du/ac)		
Comprehensive Plan Designation:		Residential Medium (4-8 du/ac)		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: A request for approval of a one-year extension to the Preliminary Subdivision Plan for Osprey Subdivision, a 66 single-family lot subdivision on 18.56 acres in an R-4 (Residential 4 du/ac) zone district.

RECOMMENDATION: Approval of the one-year extension request.

ANALYSIS:

A Preliminary Subdivision Plan for the Osprey Subdivision was approved on October 23, 2007. The Plan consists of 66 single-family lots on 18.56 acres in an R-4 (Residential 4 du/ac) zone. The staff report from 2007 incorrectly states 67 lots. No phasing schedule was proposed as it was the desire of the Developer, who acquired the property from the original owners after approval, to construct the entire development in one phase.

In accordance with Section 21.02.070(u)(4) of the Grand Junction Municipal Code (GJMC):

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 this Section and shall then meet all the required current code regulations at that time. One extension of 12 months may be granted by the Director for good cause. Any additional extensions must be granted by the Planning Commission. The Planning Commission must find good cause for granting the extension.

On September 22, 2009, the Developer requested a one-year administrative extension. When first approved, the Developer originally planned to plat the entire Development in a single phase. Due to restrictions placed on financial institutions, the Developer had been unable to secure financing to develop the project. The request for a one year administrative extension was approved on October 23, 2009 extending the validity of the Preliminary Development Plan to October 23, 2010.

The property has since gone into receivership (see court order). The attorneys for the receivership are requesting a one (1) year extension of the approved Preliminary Plan in order to preserve the entitlement on the property while litigation continues over ownership. The receivership is entitled to take actions, including such petitions, as "caretaker" of the land, but would not be the Developer of the project. In summary, the receivership is intending on preserving the value of the land for the rightful owner.

The request for extension was submitted prior to the deadline of October 23, 2010 and keeps the approval valid until a decision is made on the extension. The matter was continued from the November 9, 2010 Planning Commission meeting by mutual agreement with the staff and applicant.

The property is zoned R-4, as is the adjacent subdivision of Hawk's Nest to the east. The proposed density is 3.56 du/ac, which is consistent with the Comprehensive Plan future land use designation of Residential Medium (4-8 du/ac). The density of Filing One and Two of Hawk's Nest is 3.38 du/ac. Phase III of Hawk's Nest is approved for single-family lots along Night Hawk Drive, which mirrors the proposed single-family lots along Night Hawk within the Osprey Subdivision. Goal 3 of the Comprehensive Plan encourages ordered and balanced growth throughout the community, while Goal 7 encourages transition and buffering between new and existing development, both of which are provided for in the Osprey Preliminary Plan.

The Osprey Subdivision adjoins Mesa View Elementary School on its western boundary. Currently, there is no pedestrian access along the south side of B Road, which directly impacts students who live in Hawk's Nest and attend the school. The Osprey Subdivision incorporates pedestrian connections from Night Hawk Drive west to the school property, without the need to access B Road. Goal 9 of the Comprehensive Plan encourages a well-balanced transportation system, including pedestrian access, which is provided for in the Osprey Preliminary Plan.

There are four (4) existing residences within the Osprey Subdivision, three (3) of which will remain as part of the approved Preliminary Plan. These homes will be connected to the sewer system proposed for the subdivision, eliminating Individual Sanitary Disposal Systems (ISDS or septic). Goal 6 of the Comprehensive Plan encourages the preservation of existing buildings and Goal 11 encourages the construction of public facilities to meet the needs of future growth, which is provided for in the Osprey Preliminary Plan.

The road network proposed within the Osprey Subdivision would provide a north/south street (Soaring Drive) that parallels Night Hawk Drive, along with stubs into the Hawk's Nest Subdivision and to the adjoining property to the west and south. The property to the west is currently owned by the School District, but is not necessary for the Mesa View Elementary campus. That property is only accessible through the school campus; the proposed stub street (Crest Lane) would provide additional access for future development of the property. Goal 9 of the Comprehensive Plan encourages a well-balanced transportation system, with specific emphasis in Policy E on new residential streets that balance access and neighborhood circulation, which is provided for in the Osprey Preliminary Plan.

Upon review of the previously approved Preliminary Development Plan, the Comprehensive Plan and Title 21 of the Grand Junction Municipal Code (GJMC), the following findings for good cause have been found:

1. The proposed use and density are consistent with the Comprehensive Plan.
2. The proposed Preliminary Development Plan for this property is appropriate and meets the standards and requirements of Section 21.02.070(q) and (r) of the GJMC.
3. The proposed Preliminary Development Plan contains many elements that advance the goals of the Comprehensive Plan, specifically Goals 3, 6, 7, 9 and 11.

Based on the reasons stated above there is good cause to approve the requested one-year extension.

If the Planning Commission grants the requested extension, the Developer will have until October 23, 2011 to complete all steps in preparation for recording the final plat.

FINDINGS OF FACT AND CONCLUSIONS:

After reviewing the request for a one-year extension to the approved Preliminary Subdivision Plan for Osprey Subdivision, PP-2007-124, the following findings of fact and conclusions have been determined:

1. The requested is consistent with the goals and policies of the Comprehensive Plan.
2. The request meets the requirements of Section 21.02.070(u)(4) of the Grand Junction Municipal Code.

STAFF RECOMMENDATION:

I recommend that the Planning Commission approve the request for a one-year extension for the Osprey Preliminary Subdivision Plan, file number PP-2007-124, with the findings of facts and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION: M r. Chairman, I move we approve a one-year extension of the Preliminary Subdivision Plan approval for Osprey Subdivision, file number PP-2007-124, with the findings of fact and conclusions listed in the staff report.

Attachments:

- 1) Request for Preliminary Plan extension
- 2) Receivership Order
- 3) Staff Report from October 23, 2007



**DUFFORD WALDECK
MILBURN & KROHN LLP**
Attorneys at Law

William H.T. Frey
Nathan A. Keever
Richard H. Krohn
Michael A. Kuzminski*
Christopher G. McAnany*
John R. Pierce+
Sam D. Starritt †

William S. DeFord
Jenna H. Keller
Annie D. Murphy~

Laird T. Milburn
Of Counsel

D.J. Dufford
(1919-1998)

William G. Waldeck
(1923-2009)

+ Also Admitted in Oregon
* Also Admitted in Utah
~ Also Admitted in Utah & Wisconsin
† Also Admitted in Wyoming

October 18, 2010

Brian Rusche
Senior Planner
City of Grand Junction
Public Works and Planning
250 North 5th Street
Grand Junction, Colorado 81501

VIA E MAIL AND
HAND DELIVERY

Re: Osprey Subdivision
Request for Extension of Preliminary Plan Pursuant to ZDC § 2.8.E.4

Dear Mr. Rusche:

I represent Todd Simpson and Property Services of GJ, Inc., who has recently been appointed the Receiver over the above-described subdivision in Grand Junction. I enclose a copy of the receivership order for your review.

On behalf of the receiver, I am asking the planning commission to consider extending the now applicable preliminary plan for the property (PP 2007-124), which is set to expire on October 23, 2010, for a period of one year.

The request for extension is supported by good cause. The Preliminary Plan was approved in 2007, and has been administratively extended once. However, the property has recently become the subject of litigation, which (in part) has resulted in my client's appointment as receiver. The result of the litigation may determine the future ownership of the property. But until then, as you can see from the Order Appointing Receiver, the Receiver is obligated to take possession of, manage, operate and protect the property. (Order at p. 1.)

More specifically, the Receiver is obligated to:

Apply for, obtain and renew as necessary all licenses and permits required for the operation of the property . . . as are reasonably necessary to preserve and protect the Property.

(Order at p.3 § M.)

GRAND JUNCTION, COLORADO
744 Horizon Court
Suite 300
Grand Junction
Colorado 81506
TEL 970.241.5500
FAX 970.243.7738

MONTROSE, COLORADO
TEL 970.249.4500

MOAB, UTAH
TEL 435.259.2225

www.dwmk.com
dwmk@dwmk.com

Brian Rusche
Senior Planner
City of Grand Junction
Public Works and Planning
October 18, 2010
Page 2

In addition to the language contained within the Order itself, receivers are generally obligated to preserve and protect the property and assets of the receivership estate over which it has been appointed for the benefit of all parties. *Dickie v. Flamme Bros., Inc.*, 251 Neb. 910, 560 N.W.2d 762 (1997).

We believe, based on the Court's order, and the general law applicable to receivers, that the receiver should request that the approved preliminary plan be continued for a period of one year in order for the litigation and ownership matters to be resolved. The Receiver will not act as the developer of the property, but whomever is the owner at the conclusion of the litigation may decide to develop it in accordance with the current preliminary plan, permit that plan to expire, or to apply for a different preliminary plan all together. But as it is currently situated, we believe the approved preliminary plan is a vested right, and the Receiver should take reasonable steps to preserve that vested right without causing undue expense or burdens to the receivership estate.

We understand that the comprehensive plan applicable to the area where this property is located may permit a greater density than is currently approved under the Preliminary Plan. However, we are also mindful that in order to achieve that greater density, a rezone may have to be approved, which is not guaranteed. As such, we believe that the Property's state of being the subject of litigation supports our request to have the approved preliminary plan continued, which may have the effect of preserving the status quo for whomever owns the land at the conclusion of the litigation.

Accordingly, for the reasons set forth above, we respectfully ask that Preliminary Plan PP-2007-124 be continued for a period of one year from approval, and that this matter be scheduled on the next available planning commission meeting.

Please contact me if you have further questions.

Very truly yours,



SAM D. STARRITT

SDS/mch

cc: Todd Simpson
Jerry Tomkins, Esq.
Keith Boughton, Esq.
Joseph C. Coleman, Esq.



So Ordered

The moving party is hereby ORDERED to provide a copy of this Order to any pro se parties who have entered an appearance in this action within 10 days from the date of this order.

David A. Bottger
District Court Judge
Date of Order attached

DISTRICT COURT, MESA COUNTY, COLORADO
Court Address: 125 N. Spruce Street
Grand Junction, CO 81501

Telephone: 970-257-3625

Plaintiff(s): FIRST NATIONAL BANK OF THE ROCKIES,

v.

Defendant(s): CATHY HOREN, LANDMARK DEVELOPMENT COMPANY, LLC, a Colorado limited liability company, GILBRIDE DEVELOPMENT, LLC, a Colorado limited liability company, LEO GILBRIDE and OSPREY OM, LLC, a Colorado limited liability company.

EFILED Document
CO Mesa County District Court 21st JD
Filing Date: Jan 28 2010 2:38PM MST
Filing ID: 29278265
Review Clerk: Joyce Bailey

▲ COURT USE ONLY ▲

Case No.:

Div.: Ctrm.:

ORDER APPOINTING RECEIVER

THIS MATTER, coming before the Court on _____, 2010, on the Verified Motion for Appointment of Receiver filed by Plaintiff, and the Court being fully advised in the premises,

THE COURT FINDS:

- A. The allegations set forth in the Motion establish a prima facie right of First National Bank of the Rockies to a receivership for the Property.
- B. Plaintiff is the holder of a Promissory Note dated February 22, 2008, executed by Gilbride Development in the original principal sum of \$2,227,744.82 (the "Note").
- C. Repayment of the indebtedness evidenced by the Note is secured, by a Deed of Trust from Osprey to the Public Trustee of Mesa County, Colorado, for the benefit of the First National Bank of the Rockies, dated February 22, 2008.
- D. The Deed of Trust encumbers the following real property and improvements in Mesa County, Colorado:
 - 2981, 2991, 2993 & 2995 B Road, Grand Junction, CO 81503 (the "Property") and as also described in Exhibits A and B attached to the Deed of Trust.
- E. The Deed of Trust provides for the appointment of a receiver upon default by Osprey in any of the terms, covenants or conditions of the Note and/or Deed of Trust. Plaintiff has made a prima facie showing that Osprey and Gilbride Development are in default.

- F. Property Service of Grand Junction, Inc. ("Receiver") is a suitable person to be appointed as receiver for the Property.

IT IS THEREFORE ORDERED:

1. Property Service of Grand Junction, Inc. is hereby appointed as Receiver for the Property, and shall forthwith take physical possession of, manage, operate and protect the Property.
2. The Receiver shall have all the powers and authority usually held by receivers and reasonably necessary to accomplish the purposes herein stated, including but not limited to the following powers which may be executed by the Receiver without further order of this Court:
 - a. To obtain the advice and assistance of such legal counsel and accounting and other professionals as may be necessary to the proper discharge of the Receiver's duties;
 - b. To take charge of the Property and any and all personal property used or associated therewith, regardless of where such property is located, including but not limited to rents, revenue, income, issues, accounts receivable, cash or security deposits, advance rents, profits and proceeds from the Property, engineering reports, inspection reports, insurance policies, escrowed funds, deposits, bank accounts, checks, drafts, notes, records, contracts, claims, leases, files, furniture, certificates and licenses, fixtures, keys and equipment (all collectively with the Property hereinafter referred to as the "Receivership Property");
 - c. To maintain, protect and insure the Receivership Property;
 - d. To change any or all locks on the Property;
 - e. To collect in timely fashion all rents past due, now due and hereafter coming due from tenants of the Property;
 - f. To deposit all sums received by the Receiver in a financial institution insured by the federal government in the name of the Receiver;
 - g. To account to the Court for all sums received and expenditures made, and file periodic reports to this Court from time to time, not less than every six months;

- h. To the extent Plaintiff advances funds, if it elects to do so, or from receipts or from other funds available, to maintain, and repair the improvements located on the Property in the event the Receiver determines that such repair is appropriate;
- i. With the prior approval of the Plaintiff, to enter into, ratify, confirm or renegotiate leases, contracts or other agreements relating to the operation of the Property and to terminate such leases, contracts or other agreements;
- j. To commence such actions as may be necessary in its name as Receiver to evict tenants who are delinquent in rental payments or in default under their leases, and to pursue and collect delinquent rentals and other amounts which may be owed by tenants or former tenants at the Property, accrued as of this date or hereafter accruing, and, if the Receiver so elects, to be added or substituted as plaintiff in any such actions already commenced;
- k. To perform ordinary and necessary repairs, maintenance, renovation and remodeling of or on the Property, including deferred maintenance and the changing of signs and other identifying marks, as the Receiver may reasonably deem necessary;
- l. To use receipts from the Property and such funds as may be advanced by third parties or by the Plaintiff for the payment of expenses of the Receivership and the Property;
- m. To apply for, obtain and renew as necessary all licenses and permits required for the operation of the Property, and to contract for utilities, supplies, equipment and goods as are reasonably necessary to operate, preserve and protect the Property;
- n. To obtain and renew all insurance policies that the Receiver deems necessary for the protection of the Property and for the protection of the interest of the Receiver and the parties to this action with respect to the Property;
- o. To notify any and all insurers under insurance policies affecting the Property of the pendency of these proceedings, and that, subject to the prior rights of any party holding a lien encumbering the Property, any proceeds paid under any such insurance policies shall be paid to the Receiver until such time as the said insurance carriers are advised to the contrary by this Court or until they receive a certificate issued by the Clerk of this Court evidencing the dismissal of this action;
- p. To preserve and protect the improvements located on the Property, and to secure

same against loss and damage, and to preserve any and all construction claims and warranties as necessary;

- q. With the prior approval of the Plaintiff, to enter into contracts with third parties to accomplish any of the purposes of the Receivership; and
 - r. To do any and all acts necessary or convenient or incidental to the foregoing.
3. The Receiver is hereby authorized to apply the revenues collected by the Receiver in connection with the management and operation of the Property first to the Receiver's compensation as ordered below; second to the other costs and expenses of the receivership, including any management fees, attorney fees and other out-of-pocket expenses incurred by the Receiver in connection with the receivership; third to the costs of operating, maintaining and repairing the Property; fourth to repay all sums advanced by the Receiver; fifth to payment of expenses of the Property, including but not limited to payment of real and personal property taxes, insurance, water and sanitation bills and operating expenses; sixth, whenever sufficient funds are available for such purpose, the Receiver shall make principal and interest payments toward any loans which are secured by a lien on the Property, in the order of their priority, including but not limited to the Note and Deed of Trust held by Plaintiff in this action; and seventh to a fund to be held by the Receiver in an interest-bearing account pending further orders of this Court.
 4. The Receiver shall execute and file an appropriate oath evidencing its obligations under this Order.
 5. The Receiver shall enter upon and file a cash bond with Plaintiff as surety to be approved by this Court in the sum of \$5,000.00, conditioned upon the faithful performance of its duties and a proper accounting of all Receivership Property.
 6. The Receiver shall be compensated at the rate of six percent (6 %) of the gross collected income derived from the Property each month for performing the duties as receiver of the Property including maintaining, managing, and administering the Property. In addition, the Receiver shall be paid a 6% commission for obtaining leases of any spaces of the Property or to enter into commission arrangements with others as to obtaining leases, but in no event shall the commission be an expense of the Receivership greater than 6%.
 7. The Trusts and each of them are ordered to deliver immediately over to the Receiver or his agents all of the Receivership Property now in their possession, and the Receivership Property received after the date of this Order, endorsed to the Receiver when necessary, and to continue to deliver immediately to the Receiver any such property received at any time in the future and to permit the Receiver to carry out his duties hereunder without

interference. Upon request or when necessary, the Trusts or agents shall explain the operation, maintenance and management of the Property, cooperate with the Receiver in carrying out the Receiver's duties under this Order and disclose to the Receiver any assets of the Trusts that the Trusts believe are not a part of the Property subject to the provision of this Order.

8. Except as may be expressly authorized by this Court after notice and hearing, the Defendants and their agents, employees and contractors are enjoined from:
 - a. collecting any revenues from the Property, or withdrawing funds from any bank or other depository account relating to the Property;
 - b. terminating, or causing to be terminated, any license, permit, lease, contract or agreement relating to the Property or the operation of any of the businesses on the Property; or
 - c. otherwise interfering with the operation of the Property or the Receiver's discharge of his duties hereunder.
9. All lessors of the Property are hereby enjoined from seizing, or preventing the Receiver from taking possession of the Property or any portion thereof. Delivery of a copy of this Order on any such lessor shall serve as formal notice of this Order and the lessor's obligations under this paragraph.
10. The sheriff or other law enforcement officers of the County of Mesa or any other county, as may be deemed necessary, shall be empowered to enter upon the Property (or such other location of the Receivership Property) and employ such force as is necessary to ensure that the Defendants and all persons in active concert with them, including but not limited to employees, agents, managers, accountants, attorneys and banks surrender the Receivership Property and to ensure that the Receiver is able to take possession thereof.
11. Any debts or liabilities incurred by the Receiver in the course of his operation and management of the Property, whether in the Receiver's name or in the name of the Property, shall be the debts and obligations of the receivership estate only, and not of Property Services in its proprietary capacity.

12. Nothing herein contained shall be construed as interfering with or invalidating any lawful lien or claim by any person or entity.
13. In the event that a cure of any foreclosure of the Property, or a foreclosure sale of any part of the Property is held and the Property is redeemed, the redemption or cure amount shall include costs of this receivership, including, without limitation, all Receiver's fees, expenses of preserving and protecting the Property, reasonable attorneys' fees, all funds advanced by the Plaintiff to the Receiver for the purposes permitted hereby, plus all other expenses incurred by the Receiver in the care and maintenance of the real property, including the payment of taxes, insurance, utility costs and such other expenses as are necessary.
14. The Receiver shall continue in possession of the Receivership Property during the period of redemption after a foreclosure sale, and during such further period as the Court may order.
15. The Receiver shall continue in possession of the Property until discharged from the Court. At any time following the issuance of Public Trustees' Deeds with respect to the Property, the Receiver may (or upon issuance of a Court Order, shall) surrender possession of the Property to the grantee of such Public Trustees' Deeds and make suitable arrangements with such grantee for the delivery of leases, contracts, and other documents related to the Property and the assumption by grantee of obligations under such leases, contracts and documents.
16. In the event there are insufficient funds to repay any receivership expenses as contemplated above, the Receiver shall have a lien encumbering the Property having the right to a priority permitted by law. The Receiver is hereby authorized to execute and record in the Clerk and Recorder's Office for any county in which the Property is located Certificates of Lien putting third-parties on notice of such liens. Any such lien may be released of record by a Certificate of Release of Lien executed by the Receiver and recorded in the county where such Certificate of Lien was previously recorded. The Receiver shall be entitled to all costs and expenses associated with enforcing such lien and such amount shall be secured by such lien.
17. The Court shall enter an Order dispossessing the Receiver of the Property upon application to the Court by Plaintiff if no objections are filed within ten (10) days of the mailing of the Motion to Dispossess to any party who has entered an appearance herein. Within thirty (30) days of the Order of Dispossession, the Receiver shall wind up receivership affairs and file a final accounting and report with the Court, which report shall be sent to all parties who have entered an appearance in this action. If no objections to the final accounting and report are filed with the Court within fifteen (15) days of the

filing of the report, the final accounting and report will be accepted by the Court, and the Court will enter an Order terminating the receivership and discharging the Receiver. Upon termination of the receivership, the Receiver shall distribute all funds pursuant to the final accounting and report. The Receiver's bond shall be dismissed following the disbursement of all funds pursuant to the final accounting and report upon request by the Plaintiff and Receiver.

18. The Receiver, or any party to this action, may at any time, on proper and sufficient notice to all parties who have appeared in this action, apply to this Court for further instructions whenever such instructions shall be deemed to be necessary to enable the Receiver to perform the duties of its office properly.
19. The Receiver shall serve any request for relief or approval of any action required by this Order on the Plaintiff, its counsel, and any other party filing an entry of appearance in this proceedings. The Court may grant any such relief requested by the Receiver, without any further notice of hearing, unless an objection to the requested relief is filed with the Court and served on the Receiver, his counsel, if any, and counsel for the Plaintiff within ten (10) days after filing and service of the Receiver's request. In the event of any objection to any Receiver's proposed action requiring the Court approval hereunder, then the Court shall promptly hold a hearing on such objection upon at least three (3) days' prior written notice to all objecting parties.
20. Any notice required to be given hereunder by the Receiver shall be deemed served on the date it is deposited in the United States mail, first-class postage prepaid to counsel of records for any party or directly to a party not represented by counsel.
21. The Receiver is hereby directed to provide written notice of this action to any persons in possession of the Property or otherwise affected by this Order, whereupon, all tenants shall be instructed to make all rental payments to the Receiver and to notify vendors and account debtors of its appointment. Plaintiff shall serve a copy of this Order on the Defendants as provided in C.R.C.P. 4, including a copy of the Summons, Complaint and Verified Motion for Appointment of Receiver unless already served.

DATED this ___ day of _____, 2010.

BY THE COURT:

District Judge

This document constitutes a ruling of the court and should be treated as such.

Current Date: Jan 28, 2010

/s/ Judge David Arnold Bottger

AGENDA TOPIC: PP-2007-124 Osprey Subdivision Preliminary Plan

ACTION REQUESTED: Preliminary Subdivision Plan Approval

BACKGROUND INFORMATION					
Location:		2991, 2995, 2981, 2993 B Road			
Applicants:		Thomas Dyer, Kenneth Ottenberg, David Deppe, Laura Green-Owners Robert Jones-Representative			
Existing Land Use:		Residential/Agriculture			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Residential			
	South	Agriculture			
	East	Residential			
	West	Elementary School (School District 51 Property)			
Existing Zoning:		R-4 (Residential 4 du/ac)			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	PD (Planned Development)			
	South	RSF-R (County 1 du/5 ac)			
	East	R-4 (Residential 4 du/ac)			
	West	RSF-R (County 1 du/5 ac)			
Growth Plan Designation:		Residential Medium Low (2-4 du/ac)			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: Request approval of the Preliminary Subdivision Plan for Osprey Subdivision, a 67-lot subdivision containing single family detached units on each lot, on 18.56 acres in an R-4 (Residential 4 du/ac) zone district.

RECOMMENDATION: Approval, with conditions, of the Osprey Subdivision Preliminary Plan.

ANALYSIS

1. Background

This proposal consists of four parcels which were a part of the Dyer/Green/Ottenberg Annexation, approved by City Council on April 4, 2007. This annexation gave the parcels a zoning of R-4 (Residential 4 du/ac).

This is a request for approval of the Preliminary Subdivision Plan for Osprey Subdivision, a 67-lot subdivision containing single family detached units on each lot, on 18.56 acres. The site consists of four (4) parcels, located south of B Road, east of Mesa View Elementary and west of the recently recorded Hawk's Nest Subdivision. The parcels have existing homes, of which three will remain: Lot 1 Block 2, Lot 7 Block 6, and Lot 6 Block 4. All outbuildings and one remaining home will be demolished.

The density of the proposed subdivision will be approximately 3.6 dwelling units per acre, which meets the minimum density requirements of the Zoning and Development Code. The Growth Plan Future Land Use Map indicates the parcels to be Residential Medium Low (2-4 du/ac) and the existing zoning designation for the property is R-4 (Residential 4 du/ac).

The proposed subdivision has one access off of B Road and is proposing connections to Night Hawk Drive to the east, and connections to undeveloped property to the south and west. The lots will range in size from 8,026 square feet to 20,198 square feet. There are two proposed private drives which will each serve three lots: Lots 2 and 3 Block 2 and Lots 3, 4 and 5 Block 5. A pedestrian walkway to the elementary school will be provided and is depicted as Tract C on the Preliminary Plan.

2. Consistency with the Growth Plan

The Future Land Use Map of the Growth Plan designates this area as Residential Medium Low (2-4 du/ac). The proposed density of the Osprey Subdivision is 3.6 du/ac which is consistent with the Future Land Use Map designation.

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 Osprey Subdivision, with a proposed density of 3.6 du/ac, is in compliance with the Growth Plan designation of Residential Medium Low (2-4 du/ac). Public roads within the subdivision will be dedicated and constructed according to Urban Residential section standards. The proposed subdivision is located within the Orchard Mesa Neighborhood Plan and is in compliance with the goals and policies set forth in the plan.

- b. The Subdivision standards of Chapter 6.

The proposed subdivision is in compliance with Sections 6.7.D-Lot Layout and Design and 6.7.E-Circulation. Two tracts containing shared driveways are proposed and meet Section 6.7.D.6 which stipulates that not more than four dwelling units share the driveway. The proposed detention basins provide opportunities for passive recreation within the subdivision, meeting the intent of Section 6.7.F.9.

- c. The Zoning standards contained in Chapter 3.

The proposed subdivision is in compliance with the dimensional standards indicated in Table 3.2 and the residential zoning district standards of Section 3.3.E of the Zoning and Development Code. The Applicant is not requesting Planning Commission approval of any irregular shaped lots. The lots range in size from 8,026 square feet to 20,198 square feet. The lots have been configured to allow the existing homes that will remain to meet the setback standards as specified in Table 3.2.

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

The proposed subdivision meets the requirements of the Transportation Engineering Design Standards (TEDS) and Stormwater Management Manual (SWMM). All internal streets will be constructed according to the urban residential street standards.

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

Public and community facilities are adequate to serve the proposed residential density. Needed infrastructure is in place or can be reasonably extended to serve the proposed subdivision. This proposal is located within the Orchard Mesa Sanitation District. Comments from the sanitation district have not received approval as the Director has been out for a substantial amount of time. The project manager and a development engineer have met to discuss the sanitation district's initial comments and the applicant's response to those comments and agree that this project may move forward with a condition of approval that the District's comments be addressed and approved at Final Plat stage.

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

The Colorado Geological Survey conducted a technical review of the proposed subdivision and found that the subject property is a topographically flat parcel located southwest of the Nighthawk Drive and B Road intersection. The soil on

the property consists of Quaternary alluvial silts, clays and gravels underlain by the Cretaceous Mancos Shale Formation. The primary geologic conditions likely to affect the development plan for this property are: shallow groundwater, and consolidating soils. Mitigation measures have been given for these conditions, which are common in the Grand Valley, and are addressed in a geotechnical report conducted by Geotechnical Engineering Group, dated April 19, 2007. Other than the issues mentioned, CGS did not observe any other geologic conditions present at this site that would preclude the proposed development.

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

Adjacent to this property is an elementary school to the west and Hawk's Nest Subdivision, zoned R-4 and under construction, to the east. County zoning of RSF-R is present to the south and the future land use map indicates that area as Residential Medium Low (2-4 du/ac). The proposed subdivision is compatible with the existing development and the future land use designation of the area.

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

Compliance with the SWMM requirements will ensure runoff does not harm any adjacent agricultural uses.

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

The proposed subdivision is located within the Urban Growth Boundary and within the Future Land Use designation of Residential Medium Low (2-4 du/ac). A subdivision, zoned R-4, is under construction to the east and an elementary school is present to the west. The proposed subdivision is neither piecemeal development nor a premature development of agricultural land or unique area.

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

The proposed subdivision design provides appropriate residential density while accommodating existing conditions and providing the needed public infrastructure.

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

The proposed project, as planned, will not cause undue burden on the City for maintenance or improvements of land and/or facilities.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Osprey Subdivision Preliminary Plan application, PP-2007-124 for Preliminary Subdivision Plan approval, staff makes the following findings of fact, conclusions and conditions:

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 recommendations in the geotechnical report, conducted by Geotechnical Engineering Group, dated April 19, 2007 shall be followed in the development process.
4. Orchard Mesa Sanitation District's (OMSD) comments shall be met and approval given by OMSD's engineer(s) at the Final Plat stage.

STAFF RECOMMENDATION:

I recommend that the Planning Commission approve the proposed Preliminary Subdivision Plan, PP-2007-124 with the findings, conclusions and conditions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

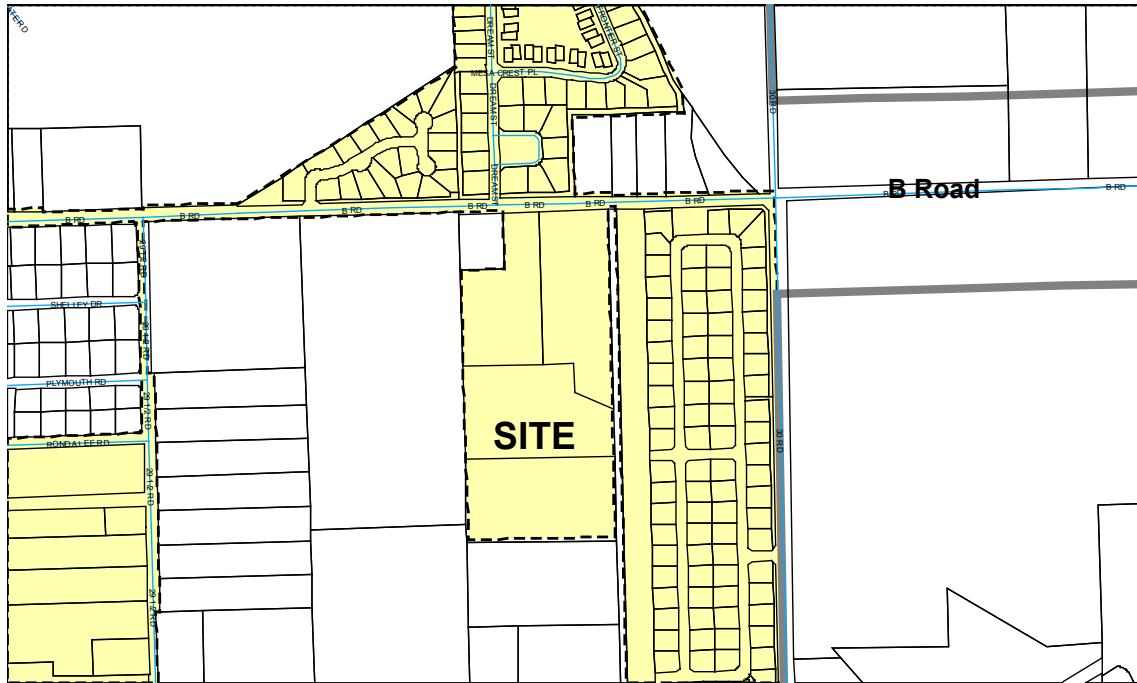
Mr. Chairman, I move that we approve the Preliminary Subdivision Plan for Osprey Subdivision, PP-2007-124, with the findings, conclusions and conditions listed in the staff report.

Attachments:

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

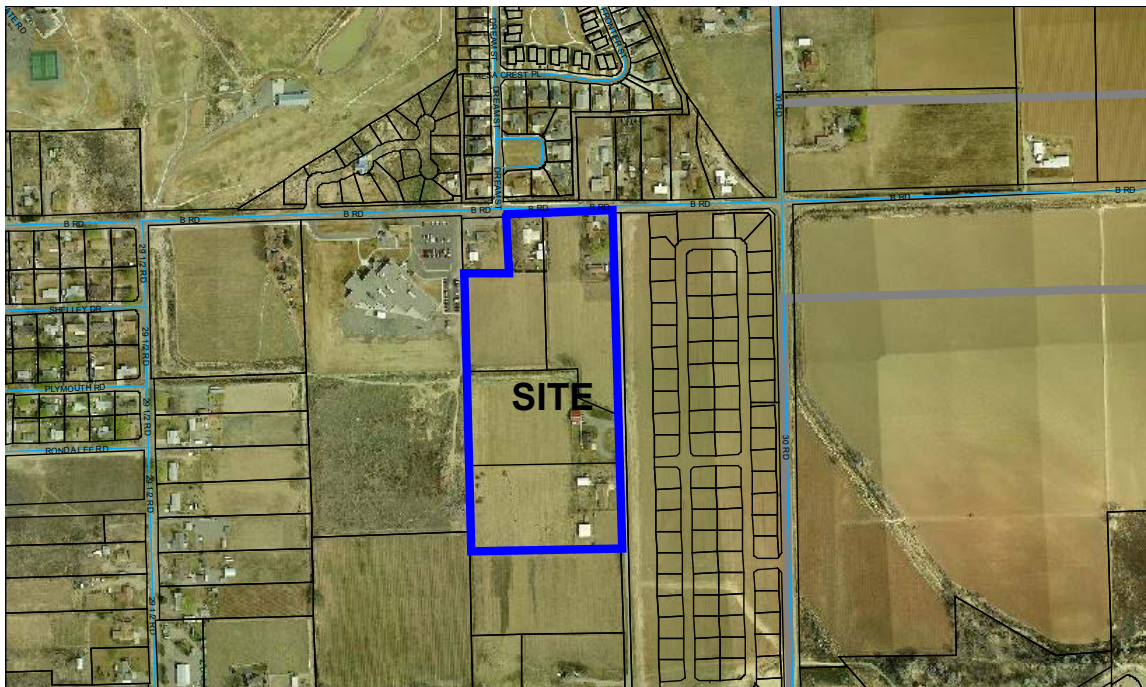
Site Location Map

Figure 1



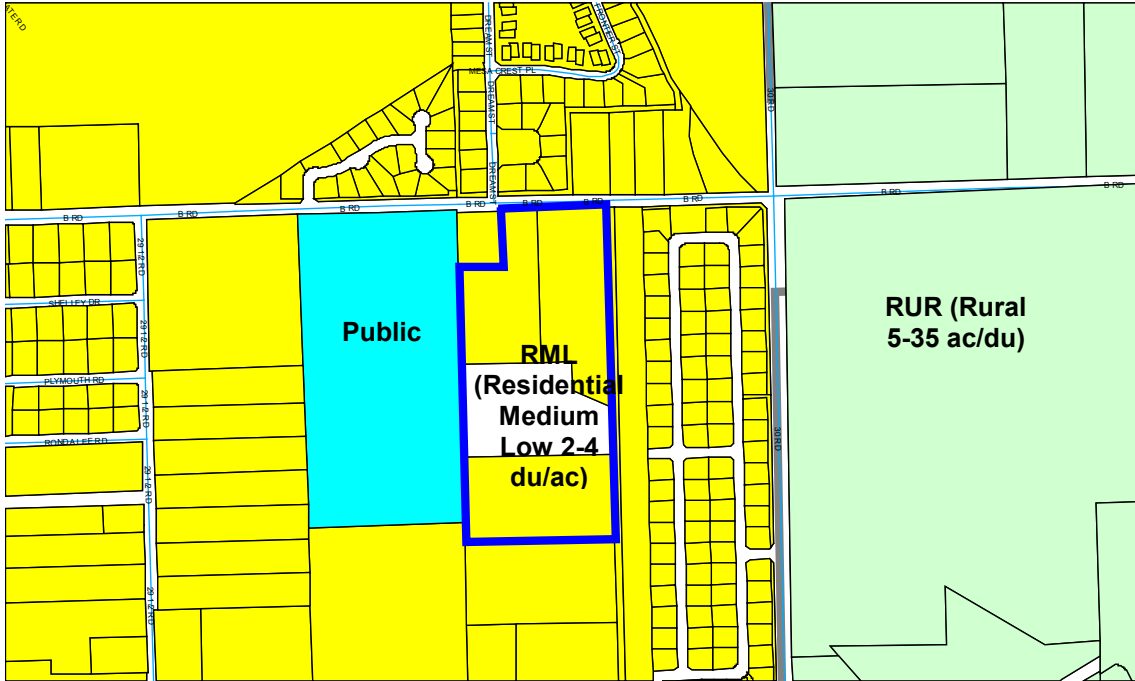
Aerial Photo Map

Figure 2



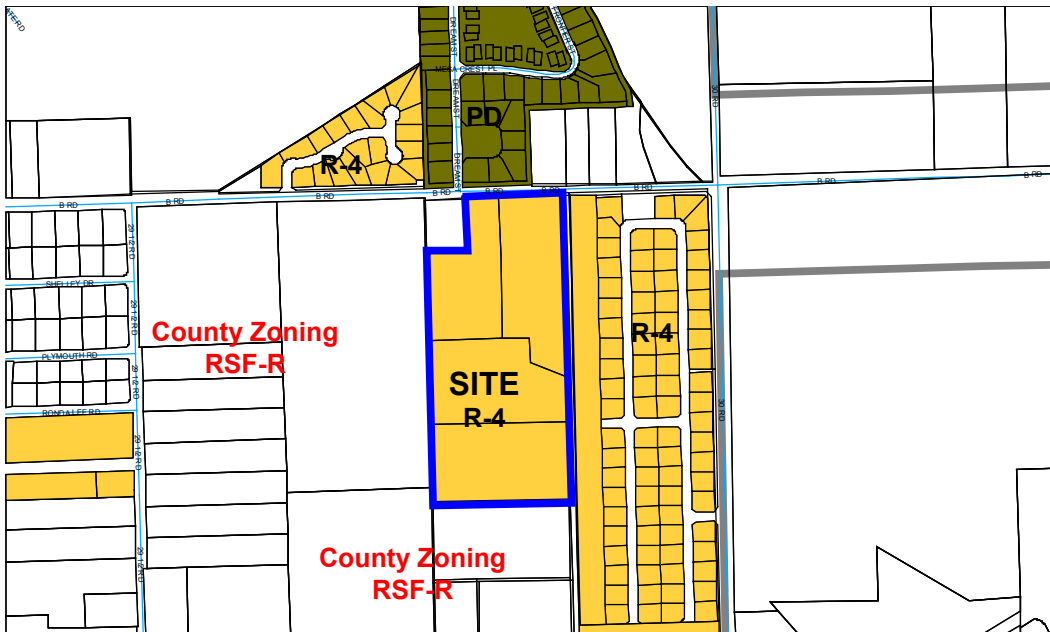
Future Land Use Map

Figure 3

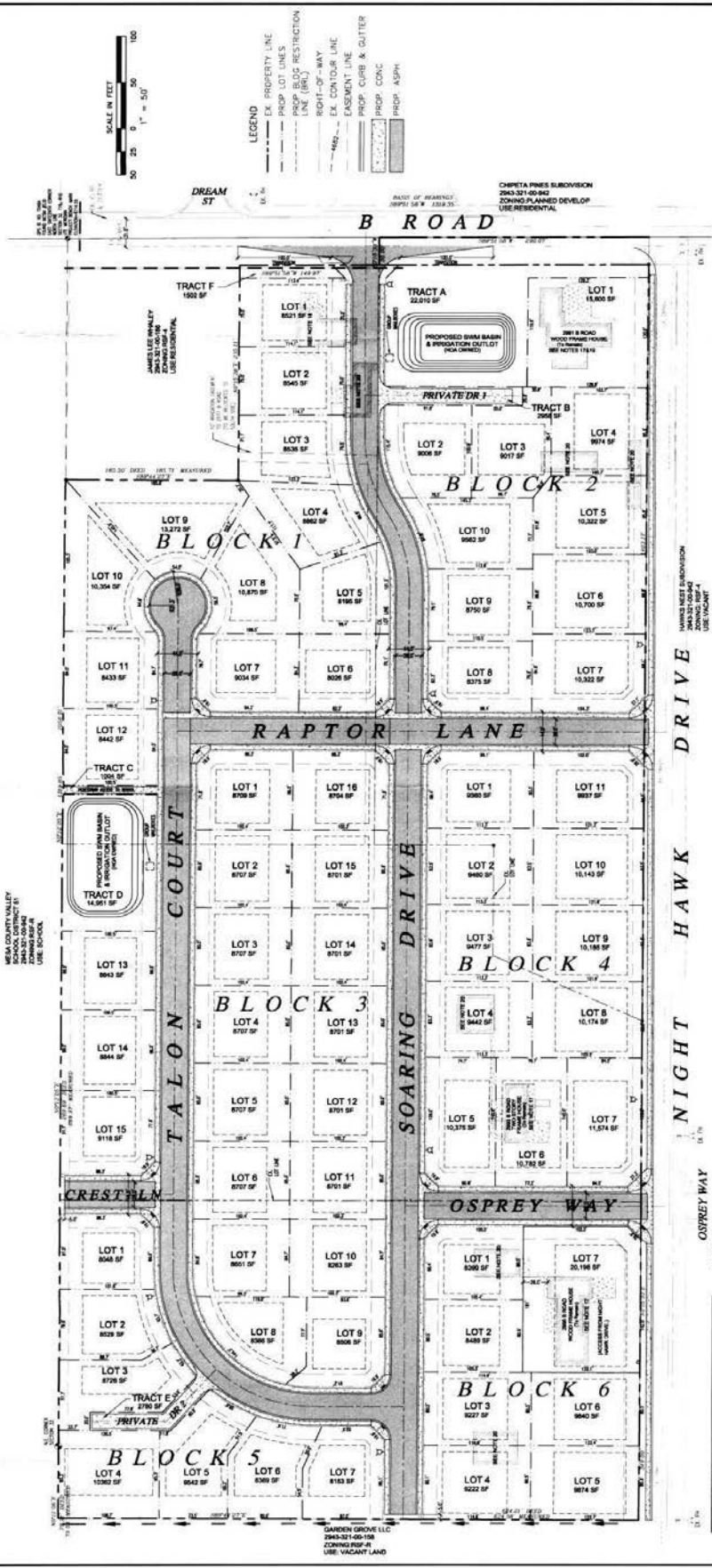


Existing City and County Zoning

Figure 4



OSPREY SUBDIVISION



UTILITY PROVIDERS INFORMATION	
UTILITY	PHONE NUMBER
SPRING VALLEY	970-245-0233
STONY MOUNTAIN	970-464-7985
STONY MOUNTAIN	970-464-7985
STONY MOUNTAIN	970-464-7985
STONY MOUNTAIN	970-464-7985
STONY MOUNTAIN	970-464-7985
STONY MOUNTAIN	970-464-7985
STONY MOUNTAIN	970-464-7985
STONY MOUNTAIN	970-464-7985
STONY MOUNTAIN	970-464-7985
STONY MOUNTAIN	970-464-7985
STONY MOUNTAIN	970-464-7985

APPROVAL/SIGNATURE BLOCK	
CITY ENGINEER	DATE
CITY PLANNING	DATE

PRELIMINARY PLAN	
OWNER	DATE
PROJECT	DATE
PREPARED BY	DATE
CHECKED BY	DATE
APPROVED BY	DATE

PRELIMINARY PLAN	
OWNER	DATE
PROJECT	DATE
PREPARED BY	DATE
CHECKED BY	DATE
APPROVED BY	DATE

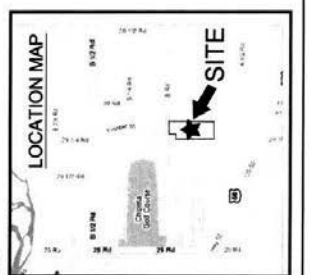
PRELIMINARY PLAN	
OWNER	DATE
PROJECT	DATE
PREPARED BY	DATE
CHECKED BY	DATE
APPROVED BY	DATE

PRELIMINARY PLAN	
OWNER	DATE
PROJECT	DATE
PREPARED BY	DATE
CHECKED BY	DATE
APPROVED BY	DATE

PRELIMINARY PLAN	
OWNER	DATE
PROJECT	DATE
PREPARED BY	DATE
CHECKED BY	DATE
APPROVED BY	DATE

PRELIMINARY PLAN	
OWNER	DATE
PROJECT	DATE
PREPARED BY	DATE
CHECKED BY	DATE
APPROVED BY	DATE

PRELIMINARY PLAN	
OWNER	DATE
PROJECT	DATE
PREPARED BY	DATE
CHECKED BY	DATE
APPROVED BY	DATE



NOTES:
 1) PRELIMINARY PLAN REFERENCES TO SUBDIVISION & TOPOGRAPHICAL SURVEY REVISIONS BY INDEPENDENT SURVEY, DATED 12/7/96.
 2) EXISTING USE = VACANT LOT.
 3) PROPOSED ZONING = RES-4.
 4) CURRENT ZONING = COUNTY (PERMITTED BY RIGHT).
 5) PROPOSED ZONING = RES-4.
 6) PROPERTY OWNED BY: B. ROAD, LLC (970) 742-7183, GRAND JUNCTION, COLORADO.
 7) LAND USE SUMMARY STATEMENT (SEE 405):
 A. TOTAL AREA = 100.00 AC (360,720 SQ. FT.)
 B. TOTAL ACRES OF LOT 1 (1.31 AC)
 C. TOTAL ACRES OF LOT 2 (1.31 AC)
 D. TOTAL ACRES OF LOT 3 (1.31 AC)
 8) NUMBER OF LOTS: PROPOSED = 60.
 9) MANUM BUILDING STRIPS (PRINCIPAL/ACCESSORY):
 FRONT = 28725 FT.
 REAR = 22373 FT.
 10) MAXIMUM LOT COVERAGE = 50%
 11) MAXIMUM BUILDING HT. = 35'

Vortex Engineering, Inc.
 CONSTRUCTION MANAGERS & PLANNERS • PROJECT MANAGERS • CIVIL CONSULTING ENGINEERS
 200 West 10th Street
 Grand Junction, Colorado 81505
 Phone: 970-245-0233
 Fax: 970-245-0233

PRELIMINARY PLAN
 Grand Junction, Colorado
R. W. JONES II
 PROFESSIONAL ENGINEER
 License No. 15073
C. S. PARKER
 PROFESSIONAL ENGINEER
 License No. 15073

OSPREY SUBDIVISION
 PREPARED BY: [Blank]
 CHECKED BY: [Blank]
 APPROVED BY: [Blank]

**Attach 5
Police and Fire Facilities**

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: January 11, 2011
PRESENTER: Brian Rusche

AGENDA TOPIC: 911 Police-Fire Facilities Right-of-Way Vacation – VAC-2010-332

ACTION REQUESTED: Recommendation to City Council to vacate rights-of-way within Block 138 and Block 139 of the City of Grand Junction, along with S. 6th Street, located between Ute and Pitkin Avenues.

BACKGROUND INFORMATION					
Location:		Block 138 and 139 – City of Grand Junction S. 6 th Street between Ute and Pitkin Avenues			
Applicants:		City of Grand Junction			
Existing Land Use:		Streets and alleys			
Proposed Land Use:		Police and associated public safety facilities			
Surrounding Land Use:	North	Bus Depot / Office buildings and parking			
	South	Commercial			
	East	Vacant (City owned land)			
	West	Whitman Park			
Existing Zoning:		B-2 (Downtown Business)			
Proposed Zoning:		No change			
Surrounding Zoning:	North	B-2 (Downtown Business)			
	South	C-1 (Light Commercial)			
	East	B-2 (Downtown Business)			
	West	CSR (Community Services and Recreation)			
Future Land Use Designation:		Downtown Mixed Use			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: A request to vacate alley rights-of-way within Block 138 and Block 139 of the City of Grand Junction, along with S. 6th Street between Ute and Pitkin Avenues. These rights-of-way are no longer needed for access and are requested to be vacated to permit construction of a new police station and associated public safety facilities.

RECOMMENDATION: Recommendation of approval to City Council.

ANALYSIS

1. Background

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

Block 138 is the current site of the Grand Junction Police Department and Grand Junction Fire Station #1. Portions of two original alleys remain in this block, though they are used for parking and internal circulation for police and fire personnel.

All of Block 139 has been acquired by the City and cleared of their previous uses and structures in anticipation of redevelopment. A portion of the block is used for parking.

In order to provide a large enough property for the anticipated construction of a new Police Station, 911 Communications Center, and associated public safety facilities, the existing alley right-of-ways must be vacated. In addition, that portion of S. 6th Street between Ute and Pitkin Avenues is also requested to be vacated, in order to connect the existing and new facilities into one campus.

The Vacation of the right-of-way will allow the City to develop a contiguous, efficient, and secure site design for these public facilities.

2. Section 21.02.100 of the Grand Junction Municipal Code

The purpose of Section 21.02.100 of the Grand Junction Municipal Codes (GJMC) is to permit the vacation of surplus rights-of-way and/or easements.

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

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

The proposed vacation will allow the construction of public safety facilities, consistent with Goal 11 of the Comprehensive Plan. Goal 4 encourages the continued development of the downtown area.

The Grand Valley Circulation Plan designates 6th Street as a local street. The adjacent streets, from which access to the consolidated property will derive, are designated as Principal Arterial (Ute/Pitkin and 5th Street south of Ute) and Minor Arterial (7th Street north of Pitkin).

Granting the right-of-way vacation does not conflict with the Comprehensive Plan, Grand Valley Circulation Plan and/or any other adopted plans and policies of the City.

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

No parcel will be landlocked as a result of the vacation.

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

Access will not be restricted to any parcel. The existing parcel(s) will be combined in the future by plat. Internal circulation will be provided as part of the redevelopment.

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

The vacation will not have adverse impact on the health, safety, and/or welfare of the community. The land that is currently alley right-of-way(s) will be consolidated with the adjacent parcels. Access to the consolidated property will be available from Ute, Pitkin, and South 7th Street. The consolidation of property will allow several existing access points to be closed, providing more efficient circulation both within the site and on the adjacent roads.

South 6th Street currently functions as a connection between Ute and Pitkin Avenues, which are one-way roads, as well as access to the Police and Fire Station. It terminates in a cul-de-sac two blocks south of Pitkin. Access to the public safety facilities from Ute and Pitkin will be provided with the redevelopment. 5th Street and 7th Street will remain as two-way access points from Downtown to properties south of the Highway.

- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Municipal Code.

Existing utilities within the proposed vacation will be relocated and/or reconstructed. Service will be maintained to the existing facilities during construction. Temporary easements will be created to allow for access to utilities until relocation and/or permanent easements are created.

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

Vacation of these rights-of-way will benefit the public by allowing the project to be built in an efficient and cost effective manner.

FINDINGS OF FACT/CONCLUSIONS/CONDITIONS

After reviewing the 911 Police-Fire Facilities Right-of-Way Vacation application, file number VAC-2010-332, for the vacation of public alleys within Block 138 and Block 139 and a portion of S. 6th Street right-of-way, I make the following findings of fact, conclusions and conditions:

1. The requested right-of-way vacation is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.100 of the Grand Junction Municipal Code have all been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested right-of-way vacations, VAC-2010-332, to the City Council with the findings, conclusions and conditions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

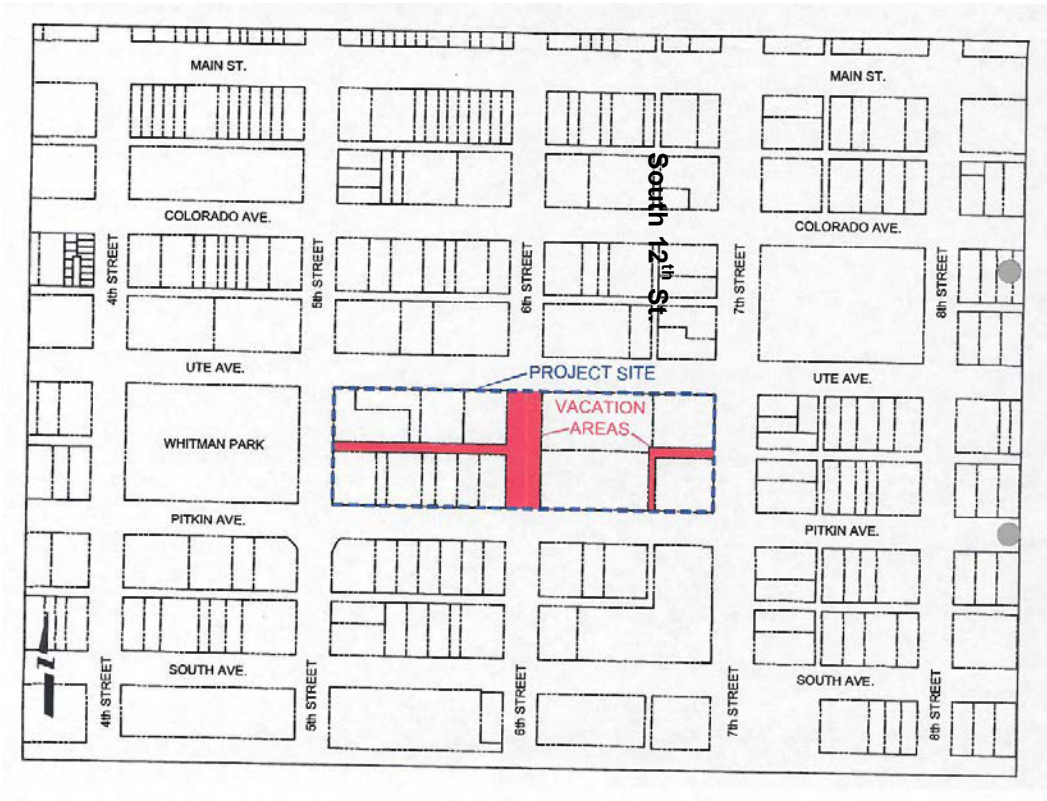
Mr. Chairman, on item VAC-2010-332, I move we forward a recommendation of approval to the City Council on the request to vacate alley rights-of-way within Block 138 and Block 139, along with that portion of S. 6th Street between Ute and Pitkin Avenues, with the findings of fact, conclusions and conditions in the staff report.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Existing City Zoning Map
Ordinance

Site Location Map

Exhibit 1



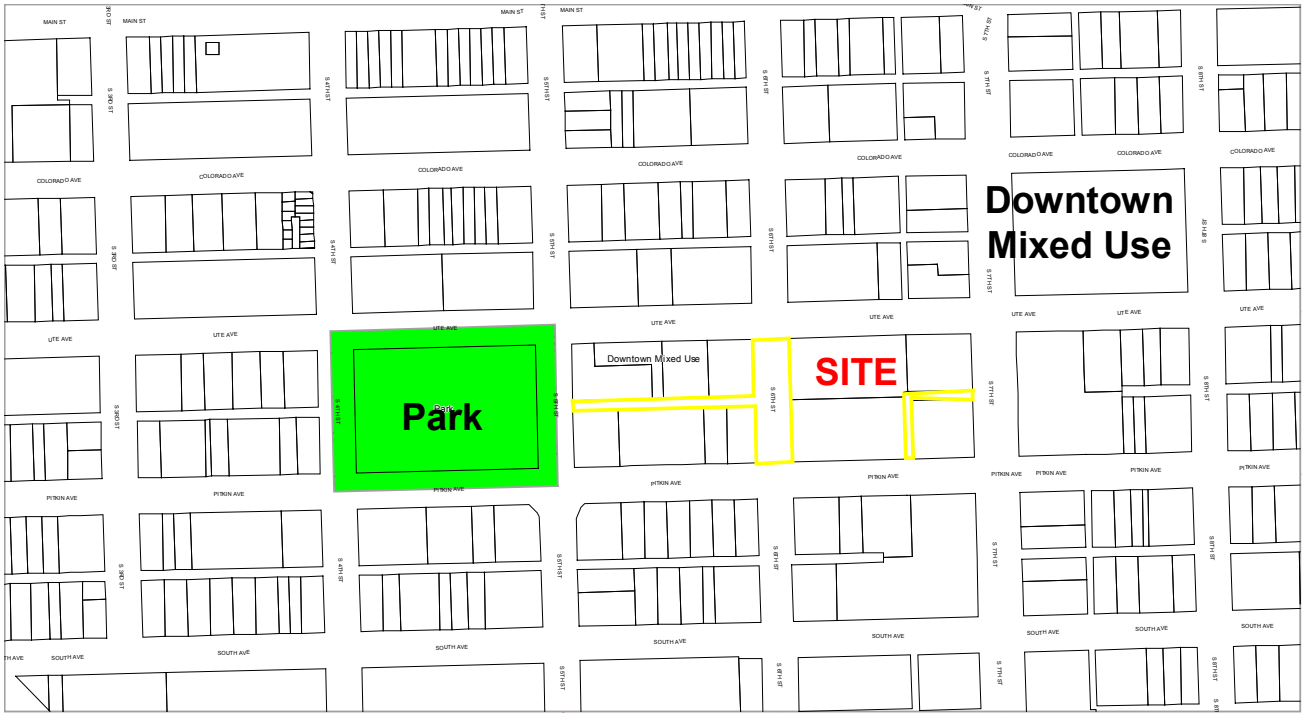
Aerial Photo Map

Exhibit 2



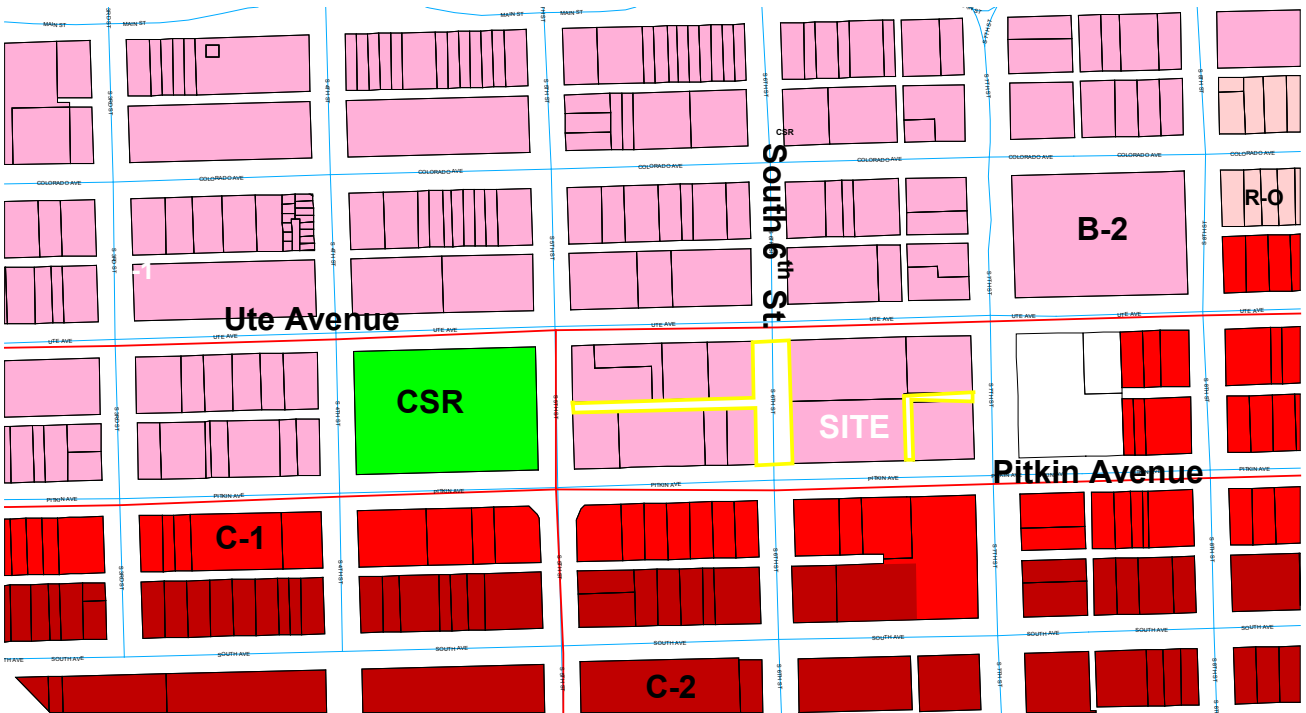
Comprehensive Plan Map

Exhibit 3



Existing City Zoning Map

Exhibit 4



CITY OF GRAND JUNCTION

Ordinance No.

**AN ORDINANCE VACATING
ALLEY RIGHTS-OF-WAY LOCATED IN BLOCK 138 AND BLOCK 139
OF THE CITY OF GRAND JUNCTION
AND
THAT PORTION OF SOUTH 6TH STREET BETWEEN UTE AND PITKIN AVENUES**

RECITALS:

A vacation of dedicated rights-of-way has been requested by the adjoining property owners.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Municipal Code.

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

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

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

1. Temporary Utility Easements are hereby reserved by the City of Grand Junction on, along, over, under, through and across the area of the right-of-ways to be vacated for the benefit of the public for use of City-approved public utilities as perpetual easements for the installation, operation, maintenance and repair of said utilities and appurtenances including, but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, waterlines, telephone lines, equivalent other public utility providers and appurtenant facilities.
2. Temporary Public Access Easements are hereby reserved by the City of Grand Junction on, along, over, under, though and across the areas of the right-of-ways to be vacated for installing, maintaining and repairing an access way for vehicular and pedestrian ingress and egress for the benefit of the public.
3. The easements are reserved as temporary easements as it is understood that the easements are needed for the utilities presently in the right-of-way and for access of the public. Once the utilities have been relocated into new easements or right-of-ways, to the satisfaction of the City Manager or the City Manager's designee, the City Manager or the City Manager's designee may release all interests in the Temporary Utility Easements pursuant to Section 21.02.100(d)(3) of the Grand Junction Municipal

Code. In accordance with the same section, the City Manager or the City Manager's designee may release any and/or all interest in the Temporary Public Access Easements included herein if it is determined that the access is no longer needed.

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

Dedicated right-of-way to be vacated:

BLOCK 138

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 14, Township 1 South, Range 1 West of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the East-West 20 foot wide alley and the North-South 15 foot wide alley lying entirely within Block 138, the Plat of Part of Second Division Resurvey, as Amended, as same is recorded in Plat Book 3, page 21, Public Records of Mesa County, Colorado, not previously vacated by City of Grand Junction Ordinances 1142 and 1167, lying West of the West right of way for Seventh Street and North of the North right of way for Pitkin Avenue.

CONTAINING 4,913 Square Feet, more or less, as described.

BLOCK 139

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 14, Township 1 South, Range 1 West of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of that certain East-West 20 foot wide alley lying entirely within Block 139 of the Plat of Part of Second Division Resurvey, as Amended, as same is recorded in Plat Book 3, page 21, Public Records of Mesa County, Colorado, lying between the East right of way for Fifth Street and the West right of way for Sixth Street.

CONTAINING 8,031 Square Feet, more or less, as described.

**SOUTH SIXTH STREET
(BETWEEN UTE AND PITKIN AVENUES)**

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 14, Township 1 South, Range 1 West of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of Sixth Street, lying between Blocks 138 and 139 of the Plat of Part of Second Division Resurvey, as Amended, as same is recorded in Plat Book 3, page 21, Public Records of Mesa County, Colorado, lying between the South right of way for Ute Avenue and the North right of way for Pitkin Avenue.

CONTAINING 21,889 Square Feet, more or less, as described.

INTRODUCED on first reading the ____ day of _____, 2011 and ordered published in pamphlet form.

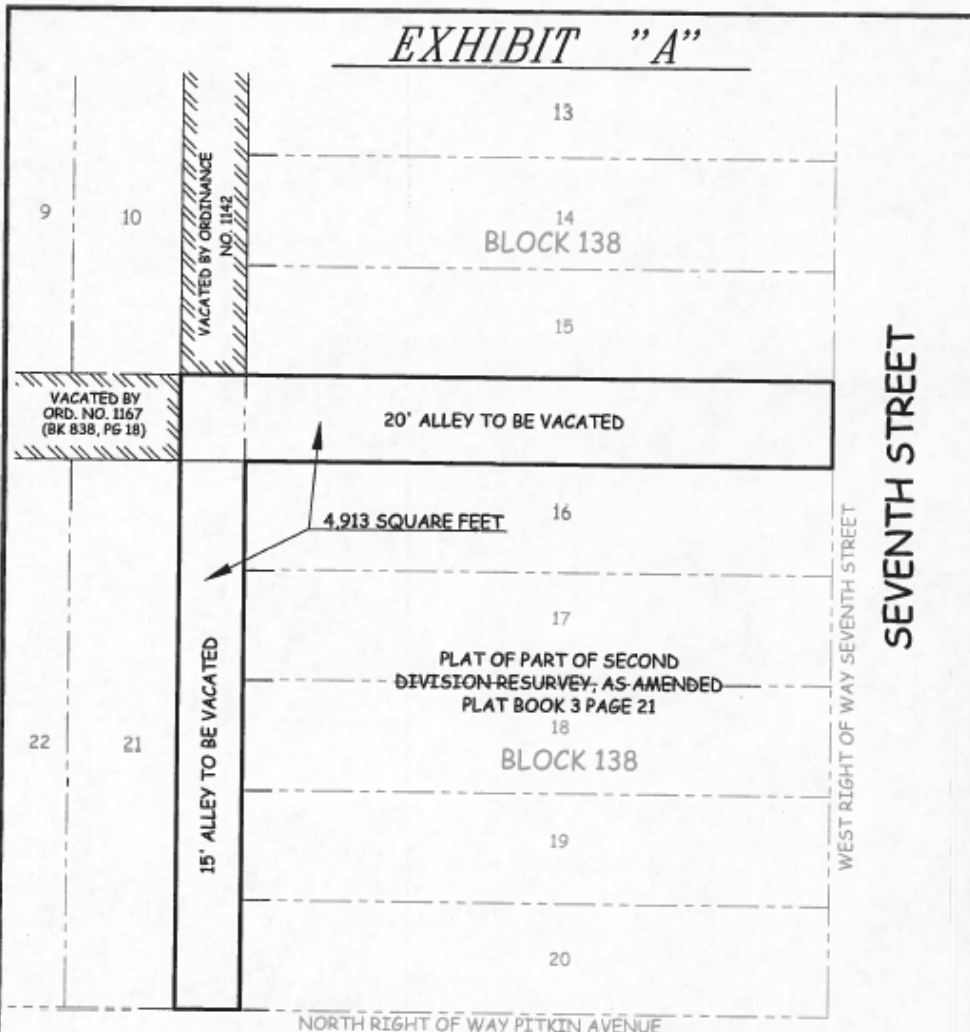
PASSED and ADOPTED on second reading the ____ day of _____, 2011 and ordered published in pamphlet form.

ATTEST:

President of City Council

City Clerk

EXHIBIT "A"



ABBREVIATIONS

BK BOOK
PG PAGE

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



LINEAL UNITS = US SURVEY FOOT



DRAWN BY: PTK
DATE: 11-22-2010
SCALE: 1" = 30'
APPR. BY: PTK

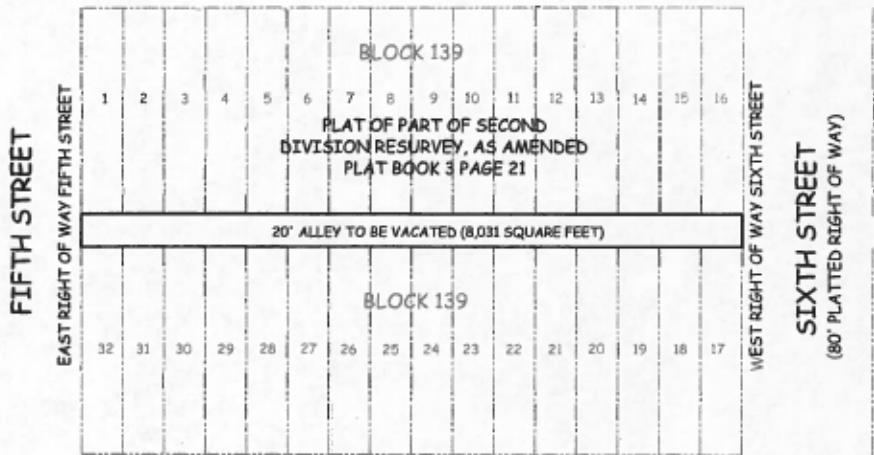
THE CITY OF GRAND JUNCTION
ALLEY VACATION

BLOCK 138, SECOND DIVISION RESURVEY



EXHIBIT "A"

UTE AVENUE

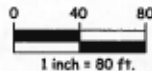


PITKIN AVENUE

ABBREVIATIONS

BK BOOK
PG PAGE

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



LINEAL UNITS = US SURVEY FOOT



DRAWN BY: PTK
DATE: 11-22-2010
SCALE: 1" = 80'
APPR. BY: PTK

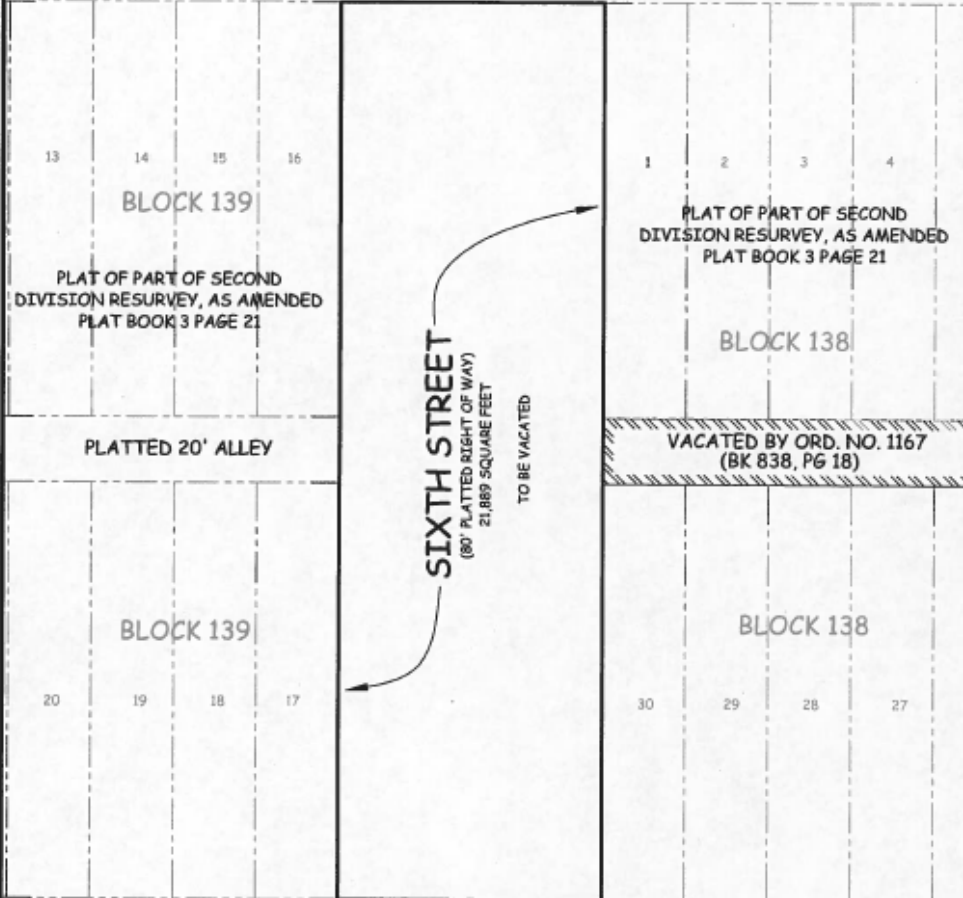
*THE CITY OF GRAND JUNCTION
ALLEY VACATION WITHIN BLOCK 139
BETWEEN 5TH AND 6TH STREET
SECOND DIVISION RESURVEY*



EXHIBIT "A"

UTE AVENUE

SOUTH RIGHT OF WAY UTE AVENUE



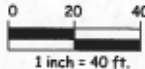
NORTH RIGHT OF WAY PITKIN AVENUE

PITKIN AVENUE

ABBREVIATIONS

BK BOOK
PG PAGE

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



1 inch = 40 ft.

LINEAL UNITS = US SURVEY FOOT



DRAWN BY: PTK
DATE: 11-22-2010
SCALE: 1" = 40'
APPR. BY: PTK

THE CITY OF GRAND JUNCTION
SIXTH STREET VACATION
LYING BETWEEN 5TH AND 7TH STREET
AND UTE AND PITKIN AVENUE



**Attach 6
Housing Authority**

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: January 11, 2011
PRESENTER: Brian Rusche, Senior Planner

AGENDA TOPIC: Housing Authority Zone of Annexation – ANX-2010-364

ACTION REQUESTED: Recommendation to City Council to amend the Comprehensive Plan to Village Center – Mixed Use and a Zone of Annexation to R-24 (Residential 24 + du/ac)

<i>STAFF REPORT / BACKGROUND INFORMATION</i>				
Location:		2910 Bunting Avenue		
Applicants:		Grand Junction Housing Authority		
Existing Land Use:		Multi-family Residential		
Proposed Land Use:		Multi-family Residential		
Surrounding Land Use:	North	Single-family and Two-family Residential		
	South	Vacant land and Multi-family Residential		
	East	Single-family Residential		
	West	Single-family Residential		
Existing Zoning:		County RMF-8 (Residential Multi-family 8 du/ac)		
Proposed Zoning:		R-24 (Residential 24 + du/ac)		
Surrounding Zoning:	North	County RMF-8 (Residential Multi-family 8 du/ac)		
	South	County RMF-8 (Residential Multi-family 8 du/ac)		
	East	County RMF-8 (Residential Multi-family 8 du/ac)		
	West	County RMF-8 (Residential Multi-family 8 du/ac)		
Future Land Use Designation:		Residential Medium High (8-16 du/ac) Adjacent to Village Center – Mixed Use		
Zoning within density range?		X	Yes – Adjacency rule would permit rezone	No

PROJECT DESCRIPTION: A request to amend the Comprehensive Plan – Future Land Use Map to Village Center – Mixed Use and to zone the 1.52 acre Housing Authority Annexation, consisting of one (1) parcel located at 2910 Bunting Avenue, to an R-24 (Residential 24 + du/ac) zone district.

RECOMMENDATION: Recommend approval to the City Council.

ANALYSIS:

1. Background:

The 1.52 acre Housing Authority Annexation consists of one (1) parcel located at 2910 Bunting Avenue. The Grand Junction Housing Authority ("Housing Authority") purchased the existing 27 unit apartment complex in 2009 and have been upgrading the property, including redesigning the parking lot to increase the number of spaces. They have requested annexation into the City in order to apply for Community Development Block Grant (CDBG) funding through the City of Grand Junction for further upgrades.

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 Comprehensive Plan Future Land Use Map. The Comprehensive Plan designates the property as Residential Medium High (8-16 du/ac). The current County zoning is RMF-8 (Residential Multi-family 8 du/ac).

The existing density of the property is approximately 20 du/ ac. The applicant is requesting an R-24 Zone in order to bring the zoning into conformance with the existing density.

2. Grand Junction Municipal Code – Chapter 21.02 – Administration and Procedures:

Section 21.02.160 of the Grand Junction Municipal Code (GJMC), states that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. The Comprehensive Plan designates the property as Residential Medium High (8-16 du/ac), which is less than the existing density of 20 du/ac.

Pursuant to Section 21.02.130(d)(1)(v), the Director has the authority to process a rezone without a separate plan amendment if the property is adjacent to the land use designation that would support the requested zone district. This property abuts the Village Center – Mixed Use designation.

A plan amendment is proposed as part of this request in order to maintain consistency within the Plan. Section 21.02.130(c)(1) provides criteria for amending the Comprehensive Plan. These criteria are the same as those cited in Section 21.02.140, which applies to rezone requests, including a zone of annexation and are as follows:

- (1) Subsequent events have invalidated the original premises and findings; and/or

Response: The Grand Junction Housing Authority has purchased the existing apartment complex, which was built in 1982. In order to obtain funding for upgrades to the property through Community Development Block Grants (CDBG), the property must be located within the City of Grand Junction. Therefore, the Housing Authority has petitioned for annexation.

The Comprehensive Plan was intended to provide flexibility with land use designations. This is a property that could have been designated with different

possible land uses and been consistent with the goals and policies of the Comprehensive Plan. Though there have not been any subsequent events to invalidate the original premises and findings, this is the situation anticipated where the flexibility was intended to be used.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

Response: The Grand Junction Housing Authority and the City have worked together for years to provide safe and affordable housing to people in the City of Grand Junction. Improvements to this property will further that goal. Appropriate, safe housing will continue to be provided with reasonable access to shopping, including the Walgreens at the corner of North Avenue and 29 Road, which is just a few blocks from the apartment complex. In addition, restaurants are nearby and new offices and storefronts are going in at Plaza on North Avenue at 28 ¾ Road.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

Response: Public facilities are currently serving the existing apartment complex.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

Response: The Village Center – Mixed Use Future Land Use designation in this area encompasses several blocks north and south of the intersection of 29 Road and North Avenue. However, much of the property is outside City jurisdiction and is zoned for commercial use. The residential portion of the mixed use area is not as established and is an inadequate supply. Adding this property to the Village Center - Mixed Use Future Land Use Designation with an R-24 zone will start the direction for higher density in the area.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Response: The Housing Authority is upgrading the existing apartment complex. There are other properties in the neighborhood that could be considered underdeveloped, even under the existing County zoning. By amending the Comprehensive Plan to include this property in the Village Center – Mixed Use designation and zoning the property to R-24, the existing density can remain and upgrades to the property can continue. Other properties may be candidates for reinvestment as a result of this action.

The North Avenue Corridor Plan adopted by City Council in December 2007 designates this general area along North Avenue to develop as a “Mixed Use area with residential over retail incorporated with the Governmental Functions and Public Plazas to create a gateway for the 29 Road intersection.” The additional housing which the proposed zoning allows for on this property will contribute to the

use and need for such developments; specifically, services are available at the neighborhood level with access by bicyclists and pedestrians from the neighborhood with close by retail, commercial, and public activity areas.

Goal 5 of the Comprehensive Plan is to provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types, and life stages. This goal can be met by providing the Housing Authority the appropriate land use designation and zone district for this property to allow access to grant funding to facilitate further upgrades

Alternatives:

The zone districts available for this property under Residential Medium High, without the Comprehensive Plan Amendment to Village Center – Mixed Use, are as follows:

- a. R-4
- b. R-5
- c. R-8
- d. R-12
- e. R-16
- f. R-O

In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Comprehensive Plan designation of Village Center – Mixed Use:

- a. R-8
- b. R-12
- c. R-16
- d. R-O
- e. B-1
- f. C-1
- g. MXG-3 or MXG-5
- h. MXR-3 or MXR-5
- i. MXS-3 or MXS-5

If the Planning Commission chooses to not approve the request and instead approves one of the alternative zone designations, specific alternative findings must be made as to why the Planning Commission is approving an alternative zone designation.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Housing Authority Annexation, ANX-2010-364, for an amendment to the Comprehensive Plan – Future Land Use Map and a Zone of Annexation, I recommend that the Planning Commission make the following findings of fact and conclusions:

1. The proposed amendment to the Village Center – Mixed Use designation on the Future Land Use Map is consistent with the goals and policies of the Comprehensive Plan;
2. The requested R-24 Zone District is consistent with the goals and policies of the Comprehensive Plan and the Village Center – Mixed Use Future Land Use designation; and
3. The review criteria in Sections 21.02.130 and 21.02.140 of the Grand Junction Municipal Code have been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the Village Center – Mixed Use Future Land Use designation and an R-24 (Residential 24 + du/ac) zone district for the Housing Authority Annexation, ANX-2010-364 to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

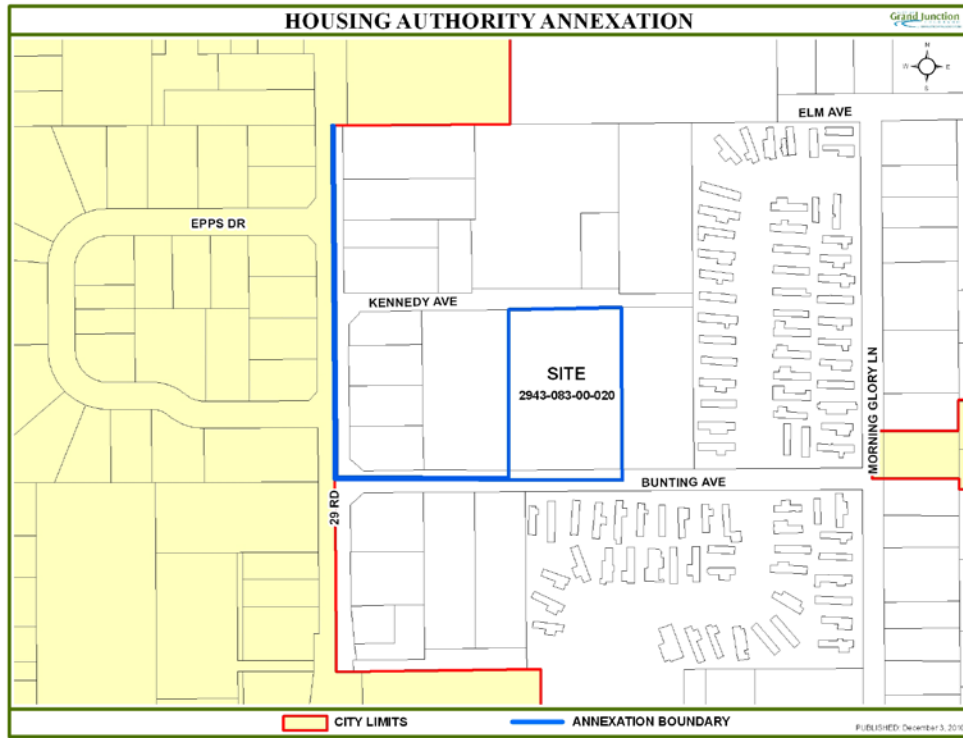
Mr. Chairman, on the Housing Authority Zone of Annexation, ANX-2010-364, I move that the Planning Commission forward to the City Council a recommendation of approval of the Plan Amendment to Village Center – Mixed Use Future Land Use designation along with the R-24 (Residential 24 + du/ac) zone district for the Housing Authority Annexation with the facts and conclusions listed in the staff report.

Attachments:

Annexation/Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Blended Residential Map
Existing City and County Zoning Map
Ordinance

Annexation / Site Location Map

Figure 1



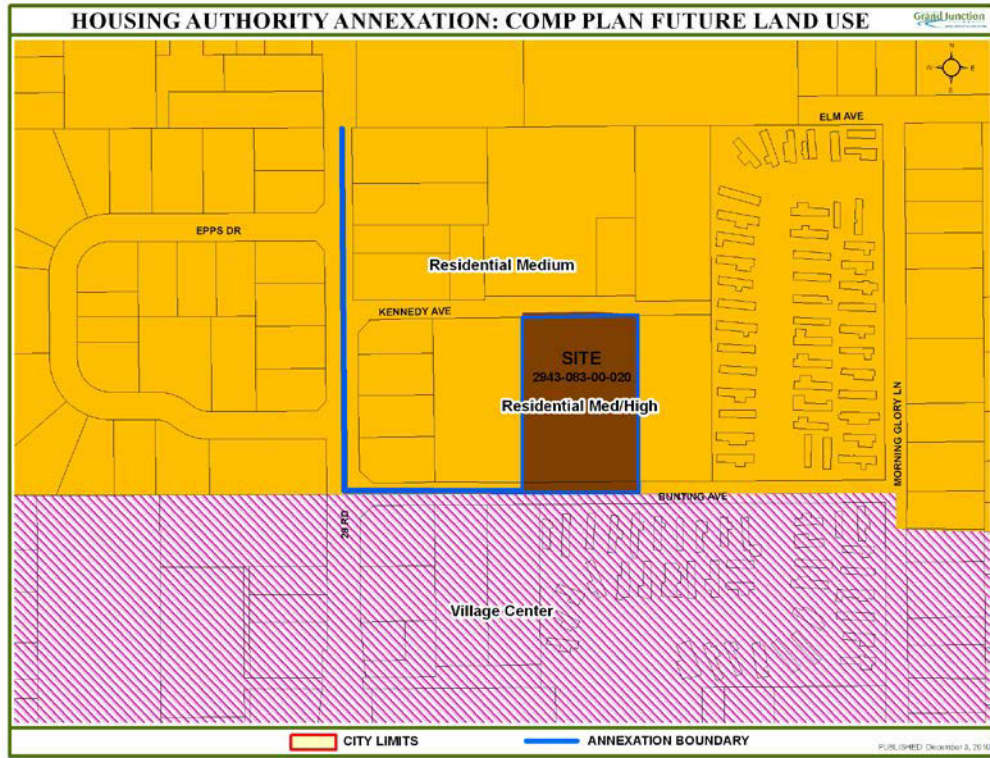
Aerial Photo Map

Figure 2



Comprehensive Plan Map

Figure 3



Blended Residential Map

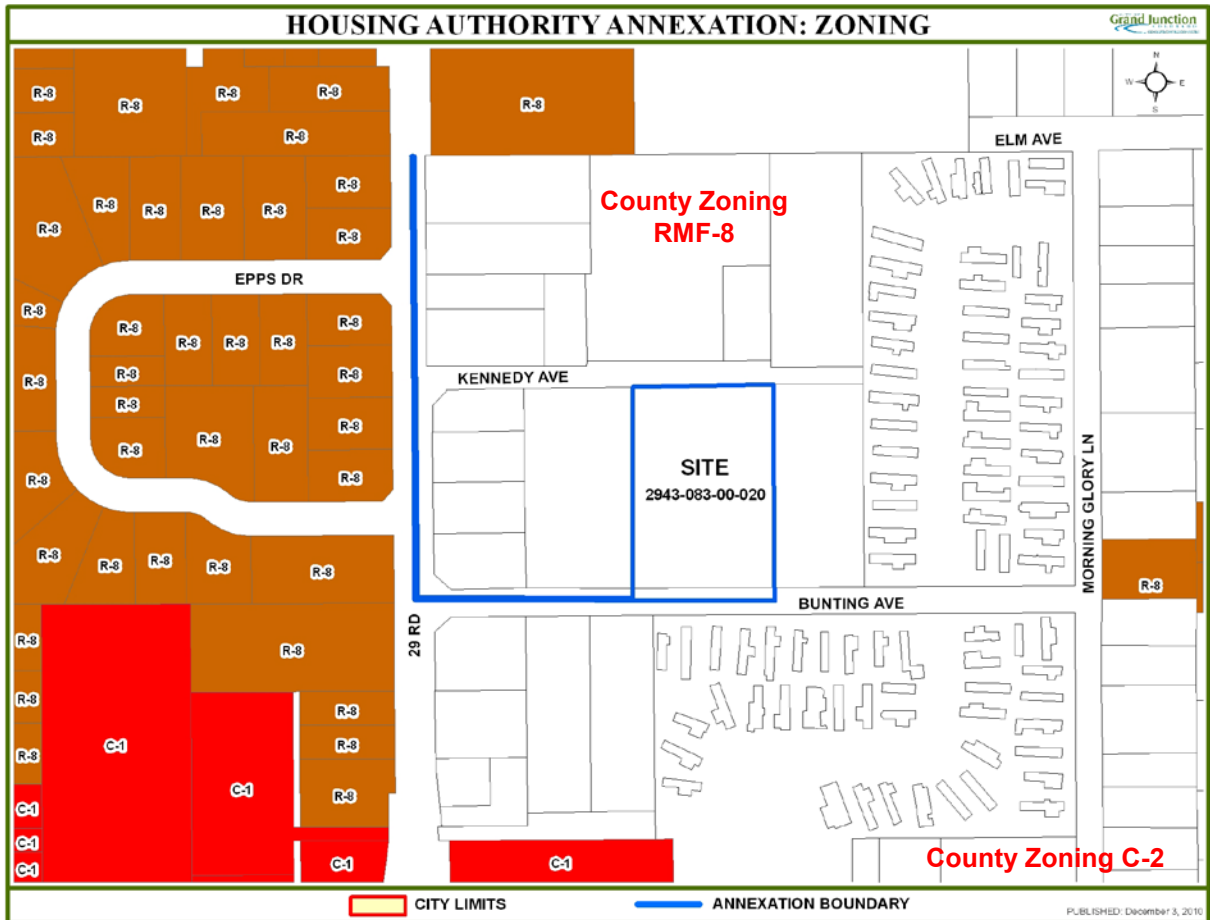
Figure 4



Residential Medium Density (4-16 du/ac)

Existing City and County Zoning Map

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN
FROM RESIDENTIAL MEDIUM HIGH (8 -16 DU/AC)
TO VILLAGE CENTER – MIXED USE**

AND

**ZONING THE HOUSING AUTHORITY ANNEXATION
TO R-24 (RESIDENTIAL 24 + DU/AC)**

LOCATED AT 2910 BUNTING AVENUE

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 changing the Comprehensive Plan designation from Residential Medium High (8 - 16 du/ac) to Village Center – Mixed Use, finding that the proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the Housing Authority Annexation to the R-24 (Residential 24 + du/ac) zone district finding that it conforms with the adjacent land use category of Village Center – Mixed Use as shown on the future land use map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Sections 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing, the Grand Junction City Council finds that the Comprehensive Plan designation of Village Center – Mixed Use is in conformance with the stated criteria in the Comprehensive Plan for an Amendment to the Land Use Map and the criteria in Title 21 Section 02.130 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-24 (Residential 24 + du/ac) zone district is in conformance with the stated criteria of Sections 21.02.140 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 shall be designated Village Center – Mixed Use on the Comprehensive Plan

AND shall be zoned R-24 (Residential 24 + du/ac):

HOUSING AUTHORITY ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 8, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northwest corner of the SW 1/4 SW 1/4 of said Section 8 and assuming the West line of the SW 1/4 SW 1/4 of said Section 8 bears N 00°03'58" W with all other bearings mentioned herein being relative thereto; thence, from said Point of Beginning, N 89°57'49" E along the North line of the SW 1/4 SW 1/4 of said Section 8, a distance of 4.00 feet; thence S 00°03'58" E along a line 4.00 feet East of and parallel with the West line of the SW 1/4 SW 1/4 of said Section 8, a distance of 655.25 feet; thence S 89°59'48" E, a distance of 326.98 feet; thence N 00°03'30" W, a distance of 310.73 feet to a point on the South line of Kennedy Avenue, per Book 1368, Page 467, Public Records of Mesa County, Colorado; thence N 89°58'58" E along the South line of said Kennedy Avenue, a distance of 198.00 feet; thence S 00°03'30" E, a distance of 314.80 feet; thence N 89°59'48" W along a line 20.00 feet South of and parallel with, the North line of Bunting Avenue, per Book 1368, Page 467, Public Records of Mesa County, Colorado, a distance of 528.98 feet to a point on the West line of the SW 1/4 SW 1/4 of said Section 8; thence N 00°03'58" W along the West line of the SW 1/4 SW 1/4 of said Section 8, also being the East line of the Central Fruitvale Annexation, per City of Grand Junction Ordinance No. 1133, a distance of 659.25 feet, more or less, to the Point of Beginning.

Containing 66,268 Square Feet or 1.52 Acres, more or less, as described.

Less public Right-of-Way

INTRODUCED on first reading the ____ day of _____, 2011 and ordered published in pamphlet form.

PASSED and **ADOPTED** on second reading the ____ day of _____, 2011 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk

**Attach 7
Yoda's Auto**

**CITY OF GRAND JUNCTION
PLANNING COMMISSION**

MEETING DATE: January 11, 2011
PRESENTER: Senta Costello

AGENDA TOPIC: Yoda's Auto Sales – CUP-2010-288

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

BACKGROUND INFORMATION					
Location:		1162 Ute Avenue			
Applicants:		Owner: Garry Curry; Applicant: Ron Wells			
Existing Land Use:		Auto repair			
Proposed Land Use:		Auto repair, sales and moving vehicle rental			
Surrounding Land Use:	North	Offices			
	South	Single family residence, auto body and repair and printing.			
	East	Offices			
	West	Offices			
Existing Zoning:		C-1 (Light Commercial)			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	B-1 (Neighborhood Business)			
	South	C-1 (Light Commercial)			
	East	C-1 (Light Commercial)			
	West	C-1 (Light Commercial)			
Future Land Use Designation:		Downtown Mixed Use			
Zoning within intensity range?		X	Yes		No

PROJECT DESCRIPTION: A request for approval of a Conditional Use Permit to allow outdoor storage on the front half of the property in a C-1 (Light Commercial) zone district in accordance with Section 21.03.070(d)(3)(ii) of the Grand Junction Municipal Code.

RECOMMENDATION: Approval of the Conditional Use Permit

ANALYSIS:

1. Background

The property is located within the original town site established in 1882. In 1975, an application for a car sales lot was applied for and approved by City Council. The sales lot was subsequently abandoned and the site used for an auto repair shop.

In 2008 an application for a Site Design Exception and Conditional Use Permit were submitted for a used car sales lot. A Site Design Exception reducing the required landscaping was approved to allow the required 5' street frontage landscape strip along South 12th Street to be located within the parkway strip; however, the request for a Conditional Use Permit was withdrawn prior to a public hearing and none of the landscaping improvements were installed.

The Conditional Use Permit application was deemed withdrawn because a Response to Comments was not submitted by the required deadline. There was not a specific reason given by the applicant for the Responses not being provided nor was there a request for an extension.

The property has also had a Temporary Use Permit approved each year at Christmas for the sales of Christmas trees since 1995.

2. Consistency with the Comprehensive Plan

The site is currently zoned C-1 (Light Commercial) with the Comprehensive Plan Future Land Use Map identifying this area as Downtown Mixed Use. The Downtown Mixed Use designation is defined in the Comprehensive Plan as "Employment, residential, retail, office/business park uses allowed. A mix of uses (2 to 8 stories), either horizontal or vertical is expected. Residential densities may exceed 24 du/acre." Retail sales of vehicles fits within the Downtown Mixed Use definition and the storage and display of vehicles in the front yard is essential to this type of use.

3. Section 21.02.110 the Grand Junction Municipal Code

A Conditional Use Permit shall be required prior to the establishment of any conditional use identified in the Grand Junction Municipal Code (GJMC). Requests for a Conditional Use Permit must demonstrate that the proposed development will comply with all of the following:

- (1) Site Plan Review Standards. All applicable site plan review criteria in GJMC 21.02.070(g) and conformance with Submittal Standards for Improvements and Development (GJMC Title 22), Transportation Engineering Design Standards (GJMC Title 24), and Stormwater Management Manual (GJMC Title 26) manuals;

Outdoor storage and display in the front half of the property in a C-1 zone district requires a Conditional Use Permit (CUP). A CUP requires 100% upgrades to a site in order to achieve compliance with all applicable Site Plan

Review Standards; however, the Planning Commission may allow for certain variations to this requirement. The Applicant is requesting that Planning Commission vary the landscaping requirement based on Section 21.08.040(c)(2) Non-Conforming Sites – Expansion.

If 100% of the site improvements were required, it would consist of 8 trees and 63 shrubs. The area proposed to be used is the equivalent of 28% of the property. If only 28% of the site improvements were required it would consist of 3 trees and 18 shrubs. The applicant has installed 9 new trees within the S. 12th Street and Ute Avenue rights-of-way. Section 21.06.040(b)(14) states that trees may be substituted for shrubs at a rate of 3 shrubs equals 1 tree. In order to maintain a safe and adequate drive aisle, the applicant is requesting that the landscaping that has been installed within the parkway strips count as the required on site improvements, substituting the additional trees for the required shrubs.

The applicant is not proposing any additional construction to the site and there are not any changes expected from the additional use that would trigger special SSID, TEDS or SWMM requirements. The City Development Engineer has reviewed the project and found the site to be compliant with the standards.

(2) District Standards. The underlying zoning districts standards established in Chapter 21.03 GJMC, except density when the application is pursuant to GJMC 21.08.020(c);

The C-1 dimensional standards (i.e. setbacks and height) are being met by the existing site and building.

(3) Specific Standards. The use-specific standards established in Chapter 21.04 GJMC;

Outdoor storage and display in the front half of the property in a C-1 zone district requires a Conditional Use Permit (CUP). A CUP requires 100% upgrades to a site in order to achieve compliance with all applicable Site Plan Review Standards; however, the Planning Commission may allow for certain variations to this requirement. The applicant is requesting that Planning Commission vary the landscaping requirements based on Section 21.08.040(c)(2) Non-Conforming Sites – Expansion.

[see preceding paragraph]

(4) Availability of Complementary Uses. Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.

The property is located on the northwest corner of S. 12th Street and Ute Avenue, both major thoroughfares through the southern area of downtown. The area is surrounded by other sales related business, car sales lots, offices, restaurants and transportation.

(5) Compatibility with Adjoining Properties. Compatibility with and protection of neighboring properties through measures such as;

(a) Protection of Privacy. The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;

(b) Protection of Use and Enjoyment. All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;

(c) Compatible Design and Integration. All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated Development. Elements to consider include; Buildings, outdoor storage areas and equipment, utility structures, Buildings and paving coverage, Landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land Uses in the same Zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

The proposed display area is to the southern and eastern sides of the property, toward the businesses in the area and away from the residential areas to the north and west. The owner has installed 9 additional trees along the S. 12th Street and Ute Avenue frontages which will enhance the property and aide in the protection of the privacy of the on-site and neighboring occupants.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Yoda's Auto Sales application, CUP-2010-288 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 Comprehensive Plan.
2. The review criteria in Section 21.02.110 of the Grand Junction Municipal Code have all been met.

3. As part of the Conditional Use Permit application, no special sign package was submitted since the business is a single use. All signage will meet the standards of Section 21.02.110(d) of the Grand Junction Municipal Code.
4. As a part of the Conditional Use Permit application, the Project Manager recommends that Planning Commission approve the requested landscaping variation as part of the Conditional Use Permit.

STAFF RECOMMENDATION:

I recommend that the Planning Commission approve the requested Conditional Use Permit, CUP-2010-288 with the findings, conclusions and condition of approval listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

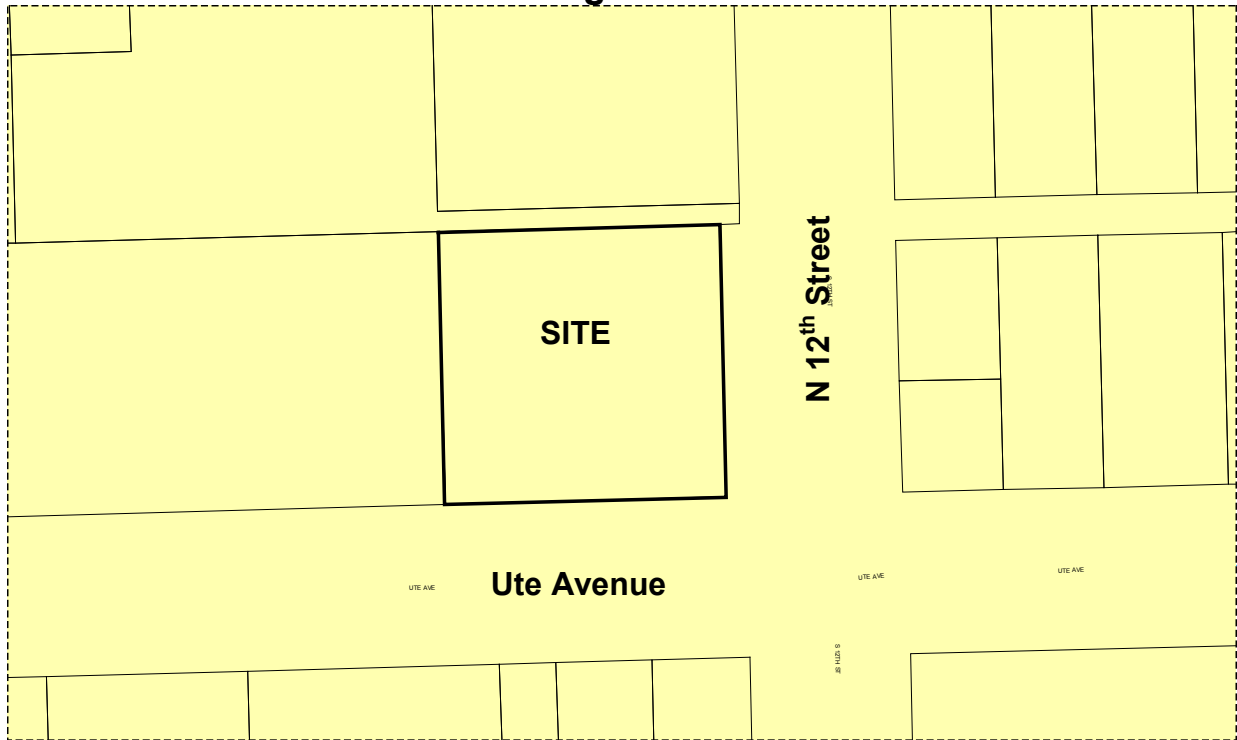
Mr. Chairman, on the request for a Conditional Use Permit for Yoda's Auto Sales application, number CUP-2010-288 to be located at 1162 Ute Avenue, I move that the Planning Commission approve the Conditional Use Permit with the facts, conclusions and conditions listed in the staff report.

Attachments:

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

Site Location Map

Figure 1



Aerial Photo Map

Figure 2



Comprehensive Plan

Figure 3



Existing City Zoning

Figure 4

