



**PLANNING COMMISSION AGENDA  
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET  
TUESDAY, MARCH 8, 2011, 6:00 PM**

**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**

***Approve the minutes of the February 8, 2011 Regular Meeting.***

**[Attach 1](#)**

**2. Text Amendment to Section 21.06.010 – Zoning Code Amendment [Attach 2](#)**

Text amendment to Section 21.06.010 to allow the Director authority to determine the minimum acceptable standards for nonresidential streets and to defer construction of nonresidential street improvements if certain criteria are met.

**FILE #:** ZCA-2011-633  
**PETITIONER:** City of Grand Junction  
**LOCATION:** Citywide  
**STAFF:** Lisa Cox

**3. Gay Johnson's Alley Vacation – Vacation of Right-of-Way [Attach 3](#)**

Request a recommendation of approval to City Council to vacate the entire north/south alley-way between Grand Avenue and White Avenue, west of North 1st Street and east of North Spruce Street.

**FILE #:** VAC-2010-314  
**PETITIONER:** Doug Colaric – Gay Johnson's Inc.  
**LOCATION:** 333 North 1<sup>st</sup> Street  
**STAFF:** Lori Bowers

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

Request a recommendation of approval to City Council to annex and zone 1.137 acres from County PUD (Planned Unit Development) to a City C-1 (Light Commercial) zone district.

**FILE #:** ANX-2011-467  
**PETITIONER:** John Elkins – Western Trends LLC  
**LOCATION:** 512 Fruitvale Court  
**STAFF:** Brian Rusche

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

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

**Public Hearing Items**

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

**5. None**

**General Discussion/Other Business**

**Nonscheduled Citizens and/or Visitors**

**Adjournment**

**Attach 1  
Minutes of Previous Meetings**

**GRAND JUNCTION PLANNING COMMISSION  
FEBRUARY 8, 2011 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, Mark Abbott, Rob Burnett and Lyn Benoit.

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

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There was 1 interested citizen 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 January 11, 2011 Regular Meeting.

**2. Columbine Caregivers – Rezone (CONTINUED to 2/22/2011)**

Request a recommendation of approval to City Council to rezone 0.42 acres from R-4 (Residential 4 du/ac) to R-O (Residential Office) zone district.

**FILE #:** RZN-2011-483

**PETITIONER:** Michael McCormick – Mesa Management, LLC

**LOCATION:** 602 26-½ Road

**STAFF:** Scott Peterson

**3. Spendrup Right-of-Way Vacation – Vacation of Right-of-Way**

Request a recommendation of approval to City Council to vacate a north-south alley in Block 160 of the original City of Grand Junction; a boundary “gap” oriented east-west between the south boundary of Block 160 and the north boundary of Lot 1 of Second Amended Plat of D&RGW Railroad Subdivision; approximately 5 feet of 6<sup>th</sup> Court adjacent to Lot 1, Block 160 and an irregular portion of South Avenue adjacent to Block 160, all public right-of-way that is no longer needed.

**FILE #:** VAC-2010-388  
**PETITIONER:** Sam Ordonez – John O Spendrup LLC  
**LOCATION:** 515 South 7<sup>th</sup> Street  
**STAFF:** Brian Rusche

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. Lisa Cox clarified that item number 2 regarding the Columbine Caregivers Rezone had been continued to the February 22<sup>nd</sup> regular meeting. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on either of the remaining Consent Agenda items.

**MOTION:(Commissioner Pavelka) “I move we approve the Consent Agenda as read.”**

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

**Public Hearing Items**

None.

**General Discussion/Other Business**

Lisa Cox, Planning Manager, reminded the Commission and audience that there would be a meeting February 22<sup>nd</sup>.

**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**  
**Text Amendment to Section 21.06.010**CITY OF GRAND JUNCTION  
PLANNING COMMISSIONMEETING DATE: March 8, 2011  
PRESENTER: Lisa Cox, AICP**AGENDA TOPIC:** ZCA-2011-633, Text Amendments to Section 21.06.010(b)(3) of Title 21**ACTION REQUESTED:** Request a recommendation of approval to City Council of various amendments to Title 21 (Zoning and Development provisions).**RECOMMENDATION:** Approval of the proposed amendments.**BACKGROUND:**

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code. City Council has requested that staff propose amendments to Title 21 as needed to maintain a dynamic, responsive Zoning Code. Staff makes the following proposals in an effort to maintain the effectiveness of the Zoning Code.

In many areas of the City, development occurred in the unincorporated areas of Mesa County without modern urban street and drainage facilities. In many of these areas or neighborhoods the existing streets do not have curbs, gutters or sidewalks. Given that there are no serious safety or drainage problems associated with these streets, there is no current reason to improve these streets or to install curbs, gutters and/or sidewalks.

Under current Code provisions an owner in one of these commercial or industrial areas developing or subdividing a lot or parcel is required to construct street improvements. This often results in "short runs" of curbing, gutters and/or sidewalks that are of little value unless the improvements are extended off-site to connect to a larger system or until adjacent future development or improvement district connects them to other such facilities.

The Zoning and Development Code gives the Public Works and Planning Director the authority to determine the minimum acceptable residential street improvements that are required with development. When certain criteria (identified in the Code) have been satisfied, the Director may defer construction of the residential street improvements.

The proposed Code amendment is designed to allow the Director similar authority to determine the minimum acceptable street improvements for nonresidential streets in commercial and industrial areas and to defer nonresidential street improvements when specific criteria have been satisfied.

**CONSISTENCY WITH THE COMPREHENSIVE PLAN:**

The proposed amendments are consistent with the following goals and policies of the Comprehensive Plan:

**Policy 6A:** In making land use and development decisions, the City and County will balance the needs of the community.

**Policy 8F:** Encourage the revitalization of existing commercial and industrial areas.

**Goal 12:** Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

**FINDINGS OF FACT/CONCLUSIONS:**

After reviewing ZCA-2011-633, Text Amendments to Section 21.06.010(b)(3) of Title 21 (Zoning and Development provisions), the following findings of fact and conclusions have been determined:

1. The proposed amendments are consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendments will help implement the vision, goals and policies of the Comprehensive Plan.

**STAFF RECOMMENDATION:**

I recommend that the Planning Commission forward a recommendation of approval of the proposed amendments to the City Council with the findings and conclusions listed above.

**RECOMMENDED PLANNING COMMISSION MOTIONS:**

Mr. Chairman, on file ZCA-2011-633, Text Amendments to Section 21.06.010(b)(3) of Title 21 (Zoning and Development provisions) I move that the Planning Commission forward a recommendation of the approval of the proposed amendments with the facts and conclusions listed in the staff report.

Attachments:  
Ordinance

## CITY OF GRAND JUNCTION, COLORADO

## ORDINANCE NO.

**AN ORDINANCE AMENDING SECTION 21.06.010(b)(3), INFRASTRUCTURE STANDARDS**

## Recitals:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, also known as Title 21 of the Grand Junction Municipal Code of Ordinances.

Staff makes the following proposals in an effort to maintain the effectiveness of the Zoning Code.

In many areas of the City, development occurred in the unincorporated areas of Mesa County without modern urban street and drainage facilities. In many areas the existing streets do not have curbs, gutters or sidewalks. Given that there are no serious safety or drainage problems associated with these streets, there is no current reason to improve these streets or to install curbs, gutters and/or sidewalks.

Under current Code provisions an owner in one of these commercial or industrial areas developing or subdividing a lot or parcel is required to construct street improvements. This often results in "short runs" of curbing, gutters and/or sidewalks that are of little value unless the improvements are extended off-site to connect to a larger system or until adjacent future development or improvement district connects them to other such facilities.

The Zoning and Development Code gives the Public Works and Planning Director the authority to determine the minimum acceptable residential street improvements that are required with development. When certain criteria (identified in the Code) have been satisfied, the Director may defer construction of the residential street improvements.

The proposed Code amendment is designed to allow the Director similar authority to determine the minimum acceptable street improvements for nonresidential streets in commercial and industrial areas and to defer nonresidential street improvements when specific criteria have been satisfied.

After public notice and a public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended approval of the proposed amendment for the following reasons:

1. The request is consistent with the goals and policies of the Comprehensive Plan.

2. The proposed amendment will help implement the vision, goals and policies of the Comprehensive Plan.

After public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds and determines that the proposed amendment will implement the vision, goals and policies of the Comprehensive Plan and should be adopted.

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

Section 21.06.010(b)(3) related to Infrastructure Standards is amended as follows. (Amendatory language is shown by underline or strikethrough)

(3) Existing Streets

(i) Existing Local Residential Streets. Many areas of the City were developed in the unincorporated areas of Mesa County without modern urban street and drainage facilities. In many such neighborhoods, the existing local residential streets do not have curbs, gutters or sidewalks. Where houses are already built on most or all of such lots, the character of the neighborhood is well established. Given that there are no serious safety or drainage problems associated with these local residential streets, there is no current reason to improve these streets or to install curbs, gutters and/or sidewalks. When an owner in one of these well established neighborhoods chooses to subdivide a lot or parcel, unless such improvements are extended off site to connect to a larger system, ~~these~~ new "short runs" of curbing, gutters and/or sidewalks are of little value as drainage facilities or pedestrian ways until some future development or improvement district extends them to other connecting facilities.

The Public Works and Planning Director shall determine the acceptable minimum improvements. The ~~Public Works and Planning~~ Director ~~shall require that the~~ may defer street improvements ~~be constructed unless if all of~~ the following criteria are met:

- (~~i~~A) The development is for three or less residential lots;
- (~~ii~~B) The zoning or existing uses in the block or neighborhood are residential. The Director shall determine the boundaries of the block or neighborhood, based on topography, traffic patterns, and the character of the neighborhood;
- (~~iii~~C) The existing local residential street that provides access to the lots or development meets minimum safety and drainage standards, and has a design use of less than 1,000 average daily traffic ("ADT") based on an assumed typical 10 trips per day per residence and the volume is expected to be less than 1,000 ADT when the neighborhood or block is fully developed;
- (~~iv~~D) At least 80 percent of the lots and tracts in the neighborhood or block are already built upon, so that the street and drainage character is well established;
- (~~v~~E) If an existing safety hazard or drainage problem, including pedestrian or bicycle traffic, exists and it ~~can~~not be improved or remedied without ~~by~~ the street improvements being built; and



(~~v~~F) There is at least 250 feet from any point on the development to the nearest existing street improvements (on the same side of the street) that substantially comply with the City standard for ~~the particular kind of similar street~~ improvements.

(~~vii~~G) If all of the criteria have been met, instead of requiring these “short run” improvements, the Public Works and Planning Director may in his or her discretion accept a signed agreement from the owner to form an improvement district for the construction of curbs, gutters, and sidewalks in lieu of construction. The agreement shall be in a form approved by the City Attorney. The agreement shall run with the land and shall be recorded with the Mesa County Clerk and Recorder.

(ii) Existing Local Nonresidential Streets. Many commercial and industrial areas of the City were developed in the unincorporated areas of Mesa County without modern urban street and drainage facilities. In many of these areas the existing local nonresidential streets do not have curbs, gutters or sidewalks. Given that there are no serious safety or drainage problems associated with these local nonresidential streets, there is no current reason to improve these streets or to install curbs, gutters and/or sidewalks. When an owner in a commercial or industrial area chooses to develop a lot or parcel, the new “short runs” of curbing, gutters and/or sidewalks are of little value as drainage facilities or pedestrian ways unless the improvements are extended off-site to connect to a larger system or until some future development or improvement district extends them to other connecting facilities.

The Public Works and Planning Director shall determine the acceptable minimum improvements. In order to promote development of infill properties the Director may defer nonresidential street improvements if all of the following criteria have been met:

(A) The development is for a single commercial or industrial lot or parcel that does not create a new lot or parcel;

(B) The proposed development or use of the lot or parcel must be consistent with the allowed uses and requirements of the current zone district;

(C) The lot or parcel size is 2 acres or less;

(D) The lot or parcel does not have more than 500 feet of frontage on the local nonresidential street;

(E) If an existing safety hazard or drainage problem, including pedestrian or bicycle traffic, exists and it can be improved or remedied without the local nonresidential street improvements being built; and

(F) There is at least 250 feet from any point on the development to the nearest existing street improvements (on the same side of the street) that substantially comply with the City standard for similar local nonresidential street improvements.

(G) If all of the criteria have been met, instead of requiring these “short run” improvements, the Public Works and Planning Director may in his or her discretion accept a signed agreement from the owner to form an improvement district for the construction of curbs, gutters and sidewalks in lieu of construction. The agreement shall be in a form approved by the City Attorney. The agreement shall run with the land and shall be recorded with the Mesa County Clerk and Recorder.

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 3  
Gay Johnson’s Alley Vacation**

CITY OF GRAND JUNCTION  
PLANNING COMMISSION

MEETING DATE: March 8, 2011  
PRESENTER: Lori V. Bowers

AGENDA TOPIC: Gay Johnson’s Alley Right-of-Way Vacation – VAC-2010-314.

ACTION REQUESTED: Recommendation to City Council on the Requested Right-of-Way Vacation.

BACKGROUND INFORMATION			
Location:		333 North 1 <sup>st</sup> Street	
Applicants:		Gay Johnson’s, Inc. c/o Doug Colaric, owner; Design Specialists, PC c/o Rob Rowlands, representative.	
Existing Land Use:		Fueling and convenience store	
Proposed Land Use:		Future drive-up window for convenience store	
Surrounding Land Use:	North	City owned right-of-way	
	South	Burger King	
	East	Motel and Convenience Store	
	West	Mesa County Buildings	
Existing Zoning:		B-2 (Downtown Business)	
Proposed Zoning:		No change	
Surrounding Zoning:	North	Right-of-way (not zoned)	
	South	B-2 (Downtown Business)	
	East	B-2 (Downtown Business)	
	West	B-2 (Downtown Business)	
Future Land Use Designation:		Downtown Mixed Use (DTMU)	
Zoning within density range?		X	Yes
			No

PROJECT DESCRIPTION: Request a recommendation of approval to City Council to vacate the entire North/South alley-way between Grand Avenue and White Avenue, West of N 1st Street, and East of North Spruce Street. The vacation of this alley will allow for an expansion of the business located at 333 N 1st Street.

RECOMMENDATION: Recommendation of approval to City Council.

## ANALYSIS

1. Background

The existing 15-foot wide alley, which runs in a north/south direction in the 300 block of N 1<sup>st</sup> Street, has been requested to be vacated by the property owner. The property owner, Gay Johnson's Incorporated, owns the entire block in which the alley is located. Two of the businesses located in this block, Subway and Smash Burger, are leased spaces and will have adequate access to public streets. If the vacation is approved, the City will retain a 20-foot wide easement for existing water and sewer lines and a 125-foot long right-in, right-out only, public ingress/egress easement for existing businesses. The owner anticipates future expansion of the other existing business, a Shell convenience store, on this site. The removal of the alley right-of-way provides more flexibility for future expansion without compromising access to the Shell station.

A neighborhood meeting was held on February 16, 2011. There were no concerns presented from those who attended.

2. Section 21.02.100 of the Grand Junction Municipal Code

The vacation of the alley 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 request to vacate the alley right-of-way is supported by the Comprehensive Plan's Goal 4 to: "Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions." The applicant wishes to expand an existing business on his property, by vacating the dedicated public alley right-of-way there will be more flexibility for further site development.

The proposed vacation of the alley will not affect the Grand Valley Circulation Plan or other policies in effect with 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. A shared access easement, 20-feet wide, for a length of 125-feet (north/south direction) will be provided by separate document.

- 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.

The shared access easement referenced above will allow sufficient access without devaluing property. The entire block is owned by one entity. Businesses leasing space in this block will not be economically

impacted by the vacation of the alley right-of-way because an adequate access easement will be retained.

- 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).

Public services and facilities will not be impacted by the vacation of the alley. The public health, safety and welfare of the community will be protected by the easement that will be in place of the alley right-of-way. The property owner is the owner of the entire block.

- 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.

The City will retain utility easements to protect the existing public utilities that area currently located in the alley. The easement that contains the sewer and water will be 20-feet wide and will be centered over the main. In addition the applicant will provide an ingress egress easement, 125-feet in length to provide continued access to the parcel.

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

The City will be relieved of any future maintenance of the subject alley, yet all public utilities will have adequate easements provided. The alley being vacated is only 15-feet wide, while the new easement will be 20-feet wide.

## FINDINGS OF FACT/CONCLUSIONS

After reviewing Gay Johnson's Alley Vacation, VAC-2010-314, for the vacation of a public 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.
3. The Ordinance vacating the subject alley right-of-way is conditioned upon recording a new ingress/egress and utility easement document.

**STAFF RECOMMENDATION:**

I recommend that the Planning Commission forward a recommendation of approval of the requested right-of-way vacation, VAC-2010-314, to the City Council with the findings, conclusions and conditions listed above.

**RECOMMENDED PLANNING COMMISSION MOTION:**

Mr. Chairman, on item VAC-2010-314, I move we forward a recommendation of approval to the City Council on the request to vacate the north south alley of Gay Johnson's, located at 333 N 1<sup>st</sup> Street 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

333 N 1<sup>st</sup> Street

All in City Limits



# Aerial Photo Map

333 N 1<sup>st</sup> Street



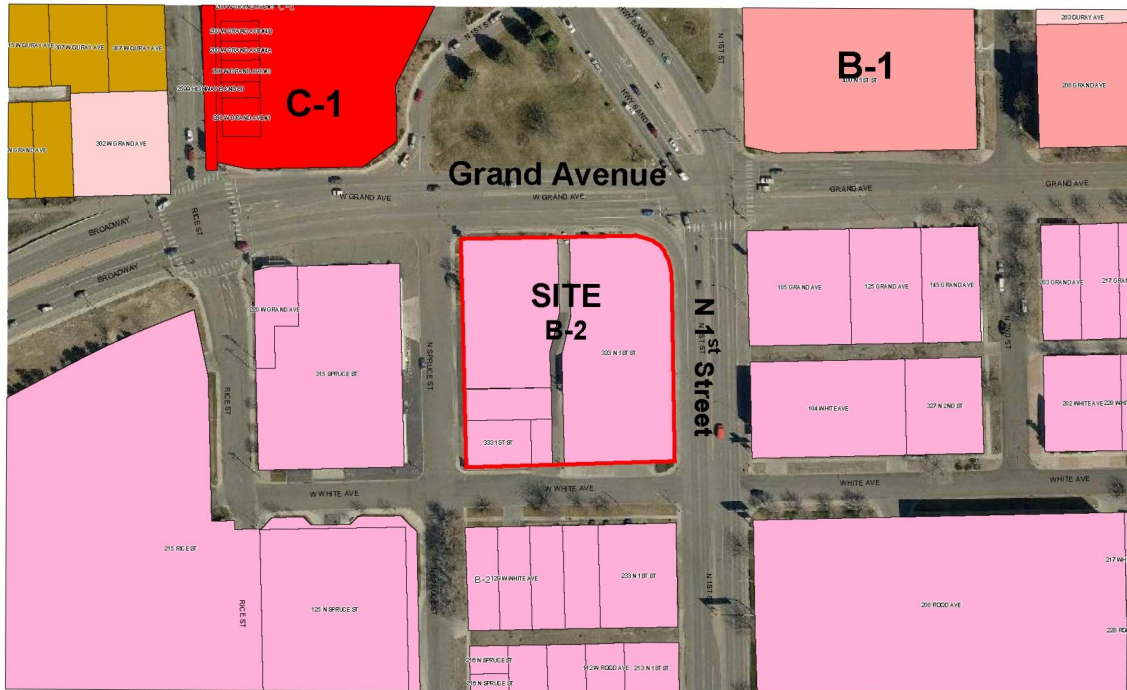
# Comprehensive Plan Map

333 N 1<sup>st</sup> Street



# Existing City Zoning Map

333 N 1<sup>st</sup> Street





## CITY OF GRAND JUNCTION

## Ordinance No.

**AN ORDINANCE VACATING RIGHT-OF-WAY FOR  
GAY JOHNSON'S ALLEY  
LOCATED AT 333 N 1<sup>ST</sup> STREET**

## RECITALS:

A vacation of the dedicated right-of-way for 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 Code to have been met, and recommends that the vacation be approved.

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

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

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.

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

Dedicated right-of-way to be vacated:

**15.00 FOOT WIDE ALLEY VACATION**

A fifteen foot wide alley right-of-way located in Wilson's Subdivision of Block 2, Mobley's Subdivision, Northeast Quarter (NE1/4), Section 15, Township 1 South, Range 1 West, Ute Meridian, in Grand Junction, Mesa County, Colorado and being more particularly described as follows:

Commencing at the Southwest corner of said Wilson's Subdivision, whence the Southeast corner of that parcel described in Book 2368, Page 505, Mesa County records, also being the Southwest corner of said alley right-of-way as described in Book 821, Page 33, Mesa County records, bears South 89°55'17" East, a distance of 112.00 feet to the POINT OF BEGINNING; thence along the Westerly alley right-of-way line the following three (3) courses: (1) North 00°03'20" East, a distance of 145.81 feet; (2) North 14°46'53" East, a distance of 51.79 feet; (3) North 00°06'13" East, a distance of 95.55 feet, to a point on the South right-of-way line of Grand Avenue, as described in

Reception Number 545896, Mesa County records; thence North 89°40'57" East, a distance of 15.00 feet, along said South right-of-way line of Grand Avenue to a point on the Easterly alley right-of-way line; thence along said Easterly alley right-of-way line the following three (3) courses: (1) South 00°06'13" West, a distance of 99.55 feet; (2) South 14°46'41" West, a distance of 51.79 feet; (3) South 00°03'20" West, a distance of 141.91 feet to a point on the North right-of-way line of White Avenue; thence along said North right-of-way line of White Avenue North 89°55'17" West, a distance of 15.00 feet to the POINT OF BEGINNING.

Said parcel having an area of 0.102 Acres or 4424 square feet, as described.

**INTRODUCED** on first reading the \_\_\_ day of \_\_\_\_\_, 2011 and ordered published in pamphlet form.

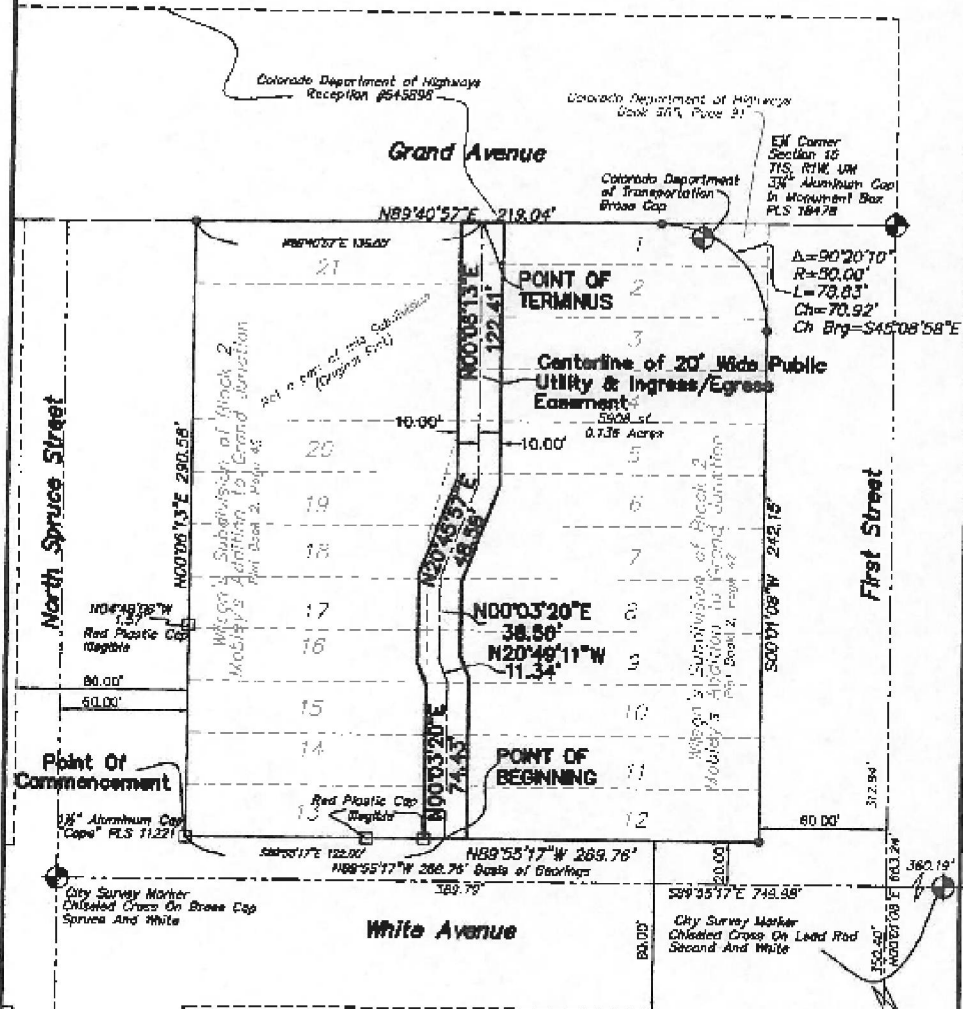
**PASSED and ADOPTED** on second reading the \_\_\_\_\_ day of \_\_\_\_\_, 2011 and ordered published in pamphlet form.

ATTEST:



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

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

**EXHIBIT A**  
**EASEMENT DEDICATION**  
**WILSONS SUBDIVISION OF BLOCK 2, MOBLEY'S SUBDIVISION**  
**NE1/4 SECTION 16, T1S, R1W, UTE MERIDIAN**  
**GRAND JUNCTION, MESA COUNTY, COLORADO**



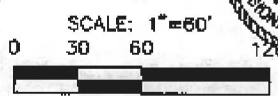
**LEGEND**

-  ALIQUOT SURVEY MARKER, AS NOTED
-  FOUND REBAR, AS NOTED



**High Desert Surveying, LLC**

1673 Highway 50 Unit C  
 Grand Junction, Colorado 81503  
 Tele: 970-254-8649 Fax: 970-241-0451



Stanley K. Werner  
 COLORADO PROFESSIONAL LAND SURVEYOR  
 P.L.S. NO. 27178

PROJ. NO. 10-102	SHEET	OF
DATE: January, 2011	1	1

**Attach 4  
Western Trends Annexation**

CITY OF GRAND JUNCTION  
PLANNING COMMISSION

MEETING DATE: March 8, 2011  
PRESENTER: Brian Rusche, Senior Planner

AGENDA TOPIC: Western Trends Zone of Annexation – ANX-2011-467

ACTION REQUESTED: Recommendation to City Council on a Zone of Annexation to C-1 (Light Commercial)

<i>STAFF REPORT / BACKGROUND INFORMATION</i>			
<b>Location:</b>		507 and 512 Fruitvale Court	
<b>Applicants:</b>		Western Trends LLC	
<b>Existing Land Use:</b>		Commercial	
<b>Proposed Land Use:</b>		Commercial	
<b>Surrounding Land Use:</b>	<b>North</b>	Single-family Residential (across canal)	
	<b>South</b>	Commercial	
	<b>East</b>	Commercial	
	<b>West</b>	Commercial	
<b>Existing Zoning:</b>		County PUD (Planned Unit Development)	
<b>Proposed Zoning:</b>		C-1 (Light Commercial)	
<b>Surrounding Zoning:</b>	<b>North</b>	County PUD (Planned Unit Development) and County RSF-4 (Residential Single-Family 4 du/ac)	
	<b>South</b>	County PUD (Planned Unit Development)	
	<b>East</b>	County PUD (Planned Unit Development)	
	<b>West</b>	County PUD (Planned Unit Development)	
<b>Future Land Use Designation:</b>		Commercial	
<b>Zoning within density range?</b>	X	<b>Yes</b>	<b>No</b>

PROJECT DESCRIPTION: A request to zone the Western Trends Annexation, consisting of three (3) parcels totaling 1.137 acres located at 507 & 512 Fruitvale Court, to a C-1 (Light Commercial) zone district.

RECOMMENDATION: Recommend approval to the City Council.

## ANALYSIS:

1. Background:

The 5.019 acre Western Trends Annexation consists of three (3) parcels located at 507 & 512 Fruitvale Court, along with 3.882 acres of public right-of-way.

The property encompasses nine (9) lots within the Fruitvale Business Park, which was platted in 1978. An 8,800 square foot building and outdoor storage area, along with associated parking, occupy the southernmost parcel while the two northern parcels are currently vacant.

Green Natural Solutions is the business operating out of the building. The establishment cultivates and processes medicinal marijuana. No retail sales occur at this location, according to the business owner. A neighborhood meeting was held on December 16, 2010. The primary concerns were with the nature of the existing business. The City of Grand Junction currently has a moratorium on medicinal marijuana commercial operations within the City Limits which prohibits the business currently utilizing the property. Therefore, even if the property is annexed into the City, the use of the property is prohibited by the moratorium and cannot continue. The business owner and property owner have been made aware of this fact. In addition, the Persigo Agreement does not compel annexation in this case, as there is no pending development application for the property.

The properties are currently zoned PUD (Planned Unit Development), which allows commercial uses. The PUD was approved by Mesa County in 1980. 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 applicant is requesting a C -1 zone. This zone would permit utilization of the property for a variety of commercial purposes.

2. Grand Junction Municipal Code – Chapter 21.02:

Section 21.02.160 of the Grand Junction Municipal Code (GJMC), states that the zoning of an annexation area shall be in accordance with the criteria set forth in Section 21.02.140 and consistent with the adopted Comprehensive Plan.

The criteria cited in Section 21.02.140 are as follows:

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

**Response:** The property is zoned for commercial development in Mesa County and is designated as Commercial on the Comprehensive Plan – Future Land Use Map. The proposed zoning of C-1 is consistent with these commercial designations. Therefore, this criterion does not apply as the request is not a rezone, but a reassignment of commercial zoning from County to City.

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

**Response:** Other annexations have taken place in this portion of the community since the adoption of the Persigo agreement in 1998, including the Route 30 Partners Annexation (2000) and the James Annexation (2010), both of which were zoned C-1 (Light Commercial). The property has been developed for commercial use since 1981, so its annexation into the City and zoning for commercial use is a logical progression for the property. Prior to the Comprehensive Plan, the property was designated as Commercial on the 1996 Growth Plan. Therefore, the proposed zoning is consistent with the Plan and this criterion has been met.

(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 building. The adjacent public right-of-way on Fruitvale Court is including within the annexation. This criterion has been met.

(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:** Since the property is already an existing commercial property, it is available for commercial use within the community, though not within the City Limits. Therefore, this criterion does not apply.

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

**Response:** The property has an existing commercial building and associated infrastructure. Goal 6 of the Comprehensive Plan states: Land use decisions will encourage preservation of existing buildings and their appropriate reuse. The proposed annexation will meet this goal by permitting a variety of commercial uses within an existing structure utilizing existing infrastructure.

Goal 12 of the Comprehensive Plan states: Being a regional provider of goods and services the City and County will sustain, develop, and enhance a healthy, diverse economy. The proposed annexation meets Goal 12 by incorporating an existing commercial building into the city limits and providing an opportunity for further commercial use. In addition, sales taxes generated by commercial use of the property will become available to the City.

This criterion has been met.

Alternatives:

Alternative zone districts available under the Comprehensive Plan – Commercial designation are as follows:

- a. R-O
- b. B-1
- c. C-2
- d. M-U

If the Planning Commission chooses to recommend an alternative zone district, specific alternative findings must be made by the Planning Commission.

#### FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Western Trends Annexation, ANX-2011-467, for a Z one of Annexation, I recommend that the Planning Commission make the following findings of fact and conclusions:

1. The requested C-1 Zone District is consistent with the goals and policies of the Comprehensive Plan and the Commercial Future Land Use designation; and
2. Specific review criteria in Section 21.02.140 and Section 21.02.160 of the Grand Junction Municipal Code have been met.

#### STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the C-1 (Light Commercial) zone district for the Western Trends Annexation, ANX-201--467 to the City Council with the findings and conclusions listed above.

#### RECOMMENDED PLANNING COMMISSION MOTION:

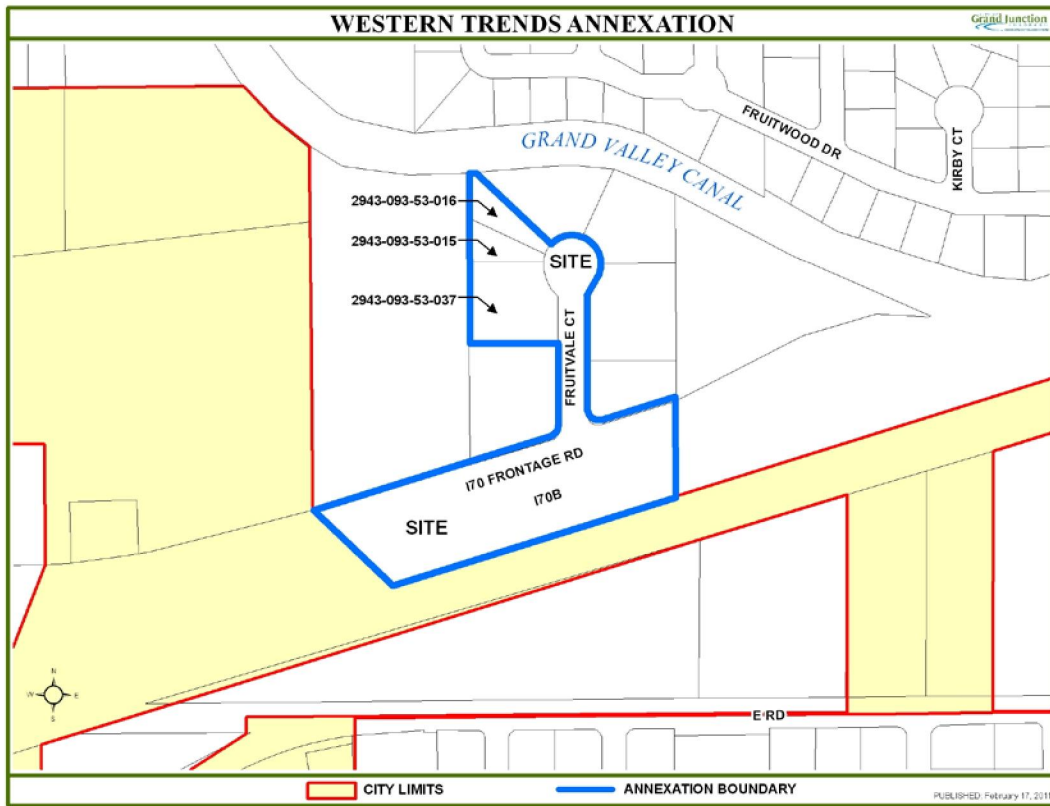
Mr. Chairman, on the Western Trends Zone of Annexation, ANX-201-467, I move that the Planning Commission forward to the City Council a recommendation of approval of the C-1 (Light Commercial) zone district for the Western Trends Annexation with the facts and conclusions listed in the staff report.

Attachments:

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

# Annexation / Site Location Map

Figure 1



# Aerial Photo Map

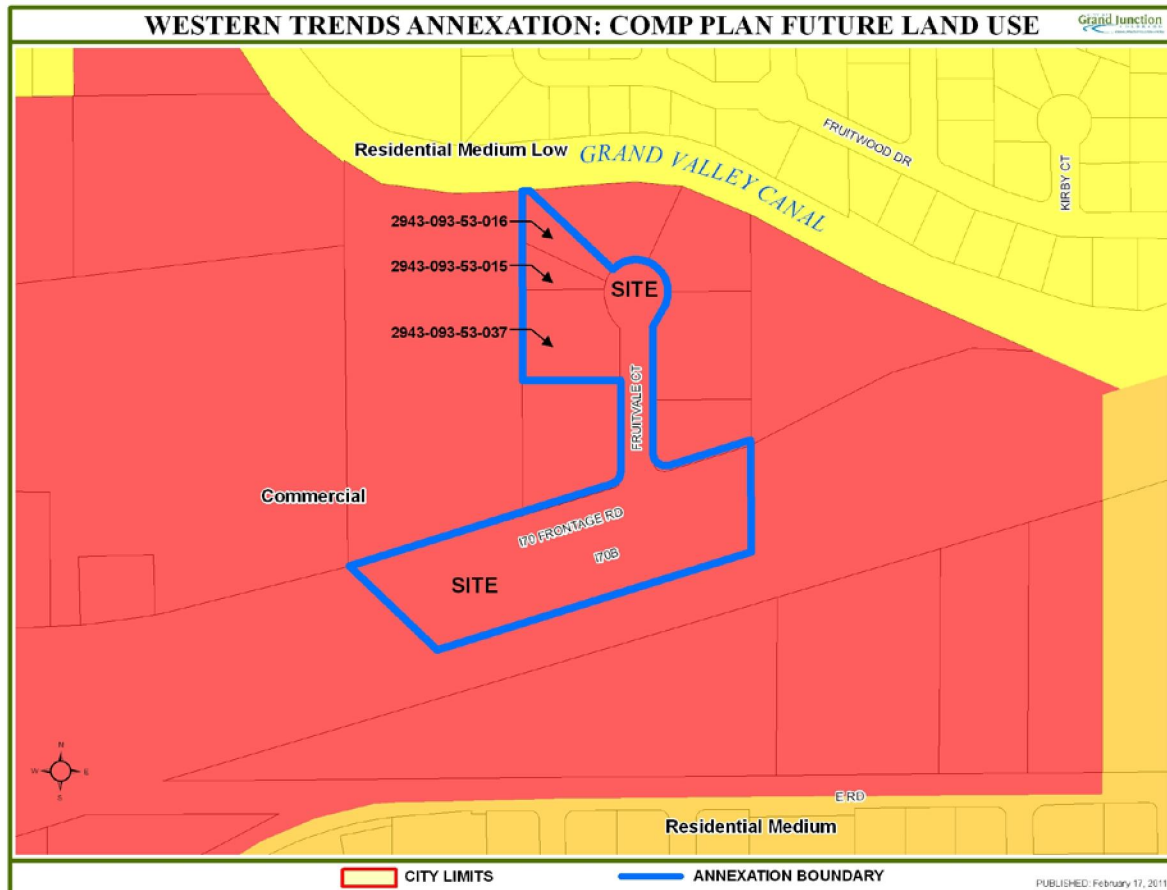
Figure 2





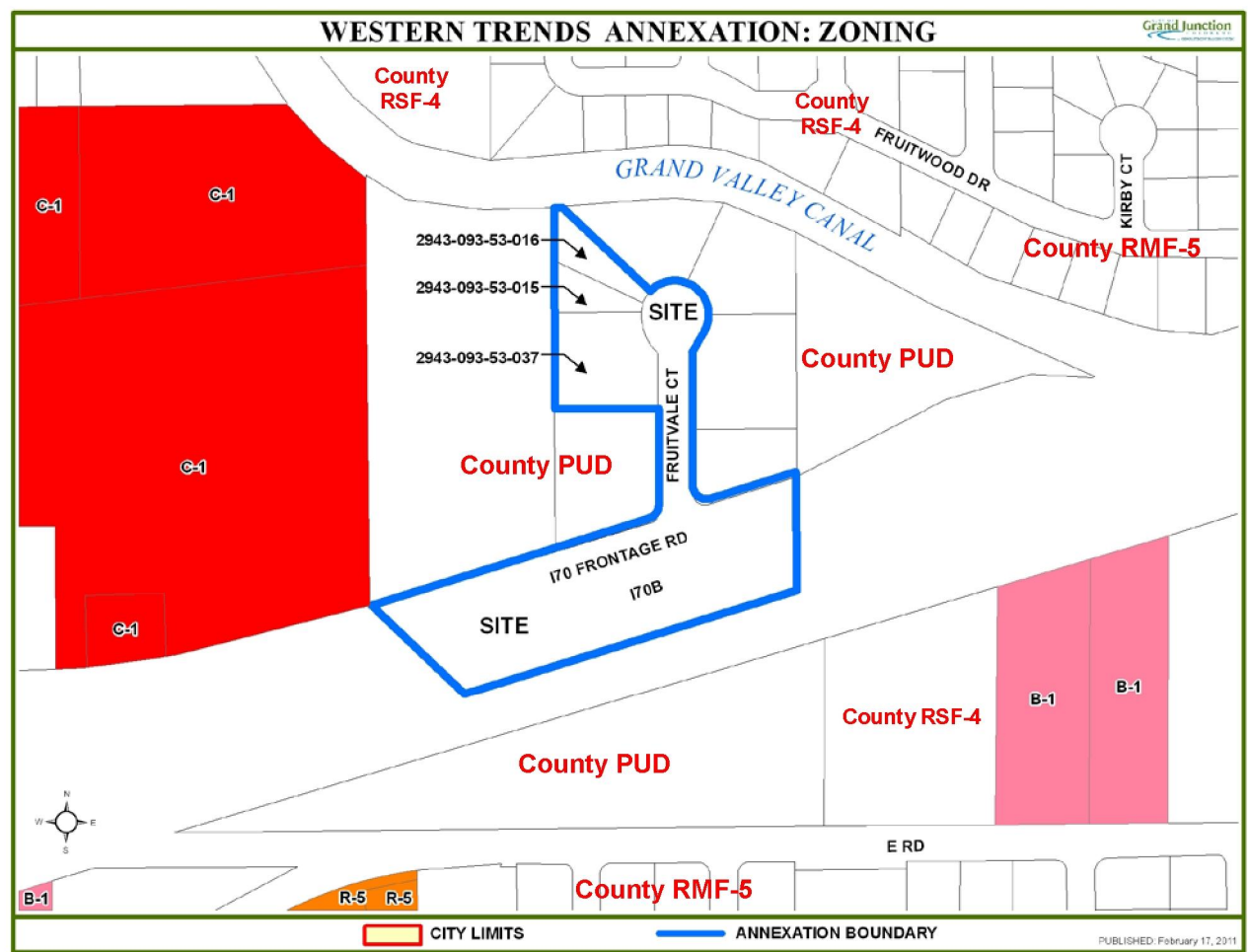
# Comprehensive Plan Map

Figure 3



# Existing City and County Zoning Map

Figure 4



## CITY OF GRAND JUNCTION, COLORADO

## ORDINANCE NO.

AN ORDINANCE ZONING THE  
WESTERN TRENDS ANNEXATION  
TO C-1 (LIGHT COMMERCIAL)

## LOCATED AT 507 AND 512 FRUITVALE COURT

Recitals

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the Western Trends Annexation to the C- (Light Commercial) zone district finding that it conforms with 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 specific criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the C-1 (Light Commercial) zone district is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property shall be zoned C-1 (Light Commercial):

**WESTERN TRENDS ZONE OF ANNEXATION**

Lots 8 through 16 in Fruitvale Business Park, as recorded in Plat Book 12, Page 95 of the records of Mesa County, State of Colorado.

**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