



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

TUESDAY, JUNE 28, 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 April 26, 2011 Regular Meeting.

[Attach 1](#)

2. **Cobble Creek Subdivision – Preliminary Subdivision Plan** [Attach 2](#)

Request for an extension of the preliminary plan approval to develop 12 dwelling units on 3.002 acres in a PD (Planned Development) zone district.

FILE #: PP-2007-169
PETITIONER: Divine Guidance, LLC
LOCATION: 2524 F 1/2 Road
STAFF: Lori Bowers

3. **Hatch Annexation – Zone of Annexation** [Attach 3](#)

Request a recommendation of approval to City Council to annex and zone 4.39 acres from County PUD (Planned Unit Development) to a City R-12 (Residential 12 du/ac) and B-1 (Neighborhood Business) zone district.

FILE #: ANX-2011-698
PETITIONER: Robert Hatch
LOCATION: 2063 South Broadway
STAFF: Scott Peterson

4. **Hartnell Golf Fence – Special Permit** [Attach 4](#)

Request a recommendation of approval to City Council of a Special Permit for a 16' tall golf fence on 0.199 acres in an R-4 (Residential 4 du/ac) zone district.

FILE #: SPT-2011-850
PETITIONER: Bernie and Marti Hartnell
LOCATION: 2976 Fairway View Drive
STAFF: Senta Costello

5. **Dorr Golf Fence – Special Permit** [Attach 5](#)

Request a recommendation of approval to City Council of a Special Permit for a 16' golf fence on 0.184 acres in an R-4 (Residential 4 du/ac) zone district.

FILE #: SPT-2011-851
PETITIONER: Philip and Kathleen Dorr
LOCATION: 2974 Fairway View Drive
STAFF: Senta Costello

6. **Brickey Golf Fence – Special Permit** [Attach 6](#)

Request a recommendation of approval to City Council of a Special Permit for a 16' golf fence on 0.184 acres in an R-4 (Residential 4 du/ac) zone district.

FILE #: SPT-2011-852
PETITIONER: Karan Brickey and Barbara McGinnis
LOCATION: 2972 Fairway View Drive
STAFF: Senta Costello

7. Clow Golf Fence – Special Permit

[Attach 7](#)

Request a recommendation of approval to City Council of a Special Permit for an 18' golf fence on 0.289 acres in an R-4 (Residential 4 du/ac) zone district.

FILE #: SPT-2011-853
PETITIONER: Tory Clow
LOCATION: 2968 Fairway View Drive
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.

8. Off-Premise Sign (Billboard) Appeal – Appeal of Directors Decision [Attach 8](#)

Appeal of Director's Decision pursuant to Section 21.02.210(c), Appeal of Final Action on Administrative Development Permits, regarding denial for an administrative permit to construct an off-premise sign (billboard) at 515 S. 7th Street.

FILE #: APL-2011-863
PETITIONER: Thomas Volkmann – Spiecker, Hanlon, Gormley and Volkmann
LOCATION: 515 South 7th Street
STAFF: Lisa Cox

9. Off-Premise Sign (Billboard) Appeal – Appeal of Directors Decision [Attach 9](#)

Appeal of Director's Decision pursuant to Section 21.02.210(c), Appeal of Final Action on Administrative Development Permits, regarding denial for an administrative permit to construct an off-premise sign (billboard) at 610 W. Gunnison Avenue.

FILE #: APL-2011-864
PETITIONER: Tim Murray – CWOA Inc
LOCATION: 610 West Gunnison Avenue
STAFF: Lisa Cox

General Discussion/Other Business

Nonscheduled Citizens and/or Visitors

Adjournment

**Attach 1
Minutes of Previous Meetings**

**GRAND JUNCTION PLANNING COMMISSION
APRIL 26, 2011 MINUTES
5:59 p.m. to 7:33 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 5:59 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), Lyn Benoit, Ebe Eslami, Mark Abbott, Rob Burnett and Greg Williams (Alternate). Commissioner Pat Carlow was absent.

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

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 21 interested citizens present during the course of the hearing.

Announcements, Presentations, and/or Prescheduled Visitors

Consent Agenda

1. Minutes of Previous Meetings

Not available at this time.

2. Carroll Rezone – Rezone

Request a recommendation of approval to City Council to rezone a total of 0.34 acres (2 lots – 1220 Cannell Avenue and 1240 Cannell Avenue) from R-8 (Residential 8 du/ac) to an R-O (Residential Office) zone district.

FILE #: RZN-2011-665
PETITIONER: Clark Carroll
LOCATION: 1220 and 1240 Cannell Avenue
STAFF: Scott Peterson

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 the Consent Agenda item.

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

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

Public Hearing Items

3. Impound Lot – Conditional Use Permit

Request approval of a Conditional Use Permit to operate an impound lot on 7.558 acres in an I-1 (Light Industrial) zone district.

FILE #: CUP-2010-240
PETITIONER: James Grinolds – Western Towing
LOCATION: 2381 1/2 Road
STAFF: Senta Costello

STAFF'S PRESENTATION

Senta Costello, Senior Planner with the Public Works and Planning Department, made a PowerPoint presentation regarding the request for the Knowles impound yard. She stated that the subject property was located west of the interchange of Redlands Parkway and Highway 6 & 50, south of the railroad tracks. The aerial photo of the site showed some of the surrounding uses as a scrap metal yard, a gravel pit and a few businesses that operated as oil and gas support, a vacant Industrial site, contractor offices and small warehousing, as well as the Riverfront Trail.

The Comprehensive Plan designated the property as Industrial, the Riverfront Trail as Park and Conservation and the properties surrounding the subject site were also Industrial with Village Center further to the east. Ms. Costello said the zoning for the site was I-1 as were the surrounding properties to the north, east and west. The property where Maes Concrete was located was zoned P-I, a Planned Industrial zone, and the Riverfront Trail property was zoned CSR. She provided some background concerning the property and said that the property originally annexed in 1996 had been historically zoned Industrial and on both the Comprehensive Plan and the Growth Plan at the time was designated as Industrial.

In 2006 the Knowles Enterprises business requested a Site Plan Review and a Conditional Use Permit for the operation of a diesel, heavy truck repair business and construction of the two buildings on site was granted. Part of the request included some outdoor storage and it was not clear at the time the exact location of where that was to be located but it was part of the approval; however, not laid out on the plan itself. Also, an active construction company was located on the property that had storage of its construction equipment.

In July 2010 the Code Enforcement Division received a complaint that there was starting to be a large amount of junked or inoperable cars on the property. A Notice of Violation was written which stated that there was an unpermitted use that had been started on the property and directed them to get in touch with Planning in order to work through the process of getting the property into compliance. After meeting with appropriate staff, a submittal was tendered in October 2010. The required neighborhood meeting was held

in November with six citizens, four representatives of the project and two City staff members in attendance.

Four primary issues were raised at the neighborhood meeting with the main emphasis on screening. A concern was identified related to the visual impact to the Redlands Parkway and anyone using the Riverfront Trail. Options for screening of the site in order to mitigate the impact were discussed. Under the Code, a six foot wall at the front yard setback line was required; however, due to the grade difference between the Redlands Parkway and this property it was evident that a six foot wall constructed on the setback line would not screen much. Other options were discussed and it was determined that landscaping was most preferred. A taller wall was not favored because it was believed it would create a tunnel effect. Ms. Costello said that the applicant had installed or proposed to install 17 new evergreen trees along the street frontage in addition to the existing landscaping.

The next concern was possible contamination of the soils through fluids leaking from the vehicles. The applicant provided staff with a detailed business operation plan which described how the business was operated and assured that all vehicles were processed prior to being brought to the property. In addition, the State also reviewed the request and determined that a state storm water industrial pretreatment permit was not required as they did not believe this type of use required that special permit and processing. Also, the 5-2-1 Drainage Authority determined that a 5-2-1 construction drainage was not required and after a review by the Persigo pretreatment officer, it was determined that appropriate measures were available on site to deal with any seepage from the vehicles.

The next concern discussed was the location of the yard itself. It was believed by moving the yard further north, the visual impacts could be mitigated to the Redlands Parkway by adding the extra distance and as a result, the applicant proposed to move the yard 221 feet north of the Parkway. As part of screening of the area, applicant proposed to screen the individual fence as well as the additional landscaping.

Lastly, the fourth issue raised was whether or not this was an appropriate use to the adjacent to the Parkway. There was discussion that the use as proposed had been determined to be an appropriate use because the property was zoned Industrial and the Comprehensive Plan designation was Industrial as well. With the appropriate conditions and approvals, an Industrial use on the property given the current Comprehensive Plan and zoning was appropriate. Ms. Costello concluded that approval was recommended as it met the requirements of the Conditional Use Permit of the Zoning Code.

QUESTIONS

Commissioner Abbott asked how far back the applicant had proposed the storage lot to be set back. Ms. Costello said that it was 221 feet back from the southern property line. She went on to state that any changes to the site plan as approved would require a new approval through the Planning Commission. She also confirmed for Commissioner Abbott that the additional screening for the lot itself and the vegetation along the Parkway was part of this proposal together with all of the existing uses.

APPLICANT'S PRESENTATION

Keith Ehlers, Ciavonne, Roberts and Associates, representing Knowles Enterprises and Western Towing and Recovery, reiterated that when this first came in there was a different plan; however, as more information and feedback was received the plans were adjusted. The adjustments included things such as moving the yard back away from the Parkway, additional screening to the fence, and additional landscaping. Mr. Ehlers said that the use was being classified as an impound lot and there was no work nor salvage yard activities being done on the vehicles. When it was first contemplated by applicants, they did not believe it went under the impound use but rather was more of an inventory use, warehouse freight and outdoor storage which were allowed uses. He stated that the uses worked well with the surrounding uses and every effort was being made to mitigate concerns and hoped that could be seen.

QUESTIONS

Commissioner Benoit raised a question regarding the height of the internal fence. Mr. Ehlers said it would be a standard six foot chain line fence with an opaque cover, slats or mesh so it was not see-through.

Commissioner Benoit asked if it would be possible that the fence could be a little higher due to the height of some trucks. Mr. Ehlers said they could look into making it a little higher; however, that was not what had been proposed.

Commissioner Benoit asked if there would be any walkways or aisles between the cars and if there was a maximum number of vehicles which would be stored in the yards. Mr. Ehlers said there was not a need for walkways or aisles. He confirmed that it was not a retail scenario but rather a wholesale inventory that the vehicles were moved in and removed once bought typically through an online auction.

In answer to the question regarding maximum number of vehicles, Mr. Ehlers said that the CUP limited the vehicles to be no more than what could be contained within the fence. If necessary, applicant would need to find other means for excess storage.

Commissioner Benoit asked if there would be any live on-site auctions. Mr. Ehlers confirmed there would not be any auctions on site but would be limited to online. He discussed the process and indicated that the longest the cars would remain on site was typically not more than sixty days with a fairly quick turnaround.

Commissioner Benoit posed a question regarding the type of trees applicant had proposed to be along the Parkway. Mr. Ehlers said that Austrian pine was called for and the height when first planted would be in the six to ten foot range. The intent was to not only provide the interim screening and mitigation by moving the yard back with the mesh around the fences as well as the location. He said that they believed they were doing the best they could, while trying to stay reasonably and economically feasible, and believed they had met a lot of the concerns.

Mr. Ehlers clarified for Commissioner Eslami that there would be no retail sales nor parts being pulled off on site.

Commissioner Eslami wanted some assurance regarding specific height of the trees they could rely on. While not confirmed with the applicant, Mr. Ehlers assured that the trees would be somewhere within a five foot to six foot range.

Commissioner Williams pointed out pursuant to the Code if stored items were in excess of six feet, screening would need to be increased to cover those vehicles. Mr. Ehlers said that they had intended to follow the Code and if there was inventory above and beyond that they would bring the screening up.

PUBLIC COMMENT

Carolyn Emanuel, Saddlehorn Road, Grand Junction, asked that the materials and photographs she presented be admitted into the public record. She pointed out that the brand new City Market was a major valued asset to Grand Junction and for the people who lived in the Redlands who drove by this “junkyard”. She said the problem was that 24 Road and Redlands Parkway was a gateway to the City. Therefore, she opined it was an incompatible use along an area designed to provide an entrance to the City.

She directed their attention to the 5th Street Bridge-US 50 gateway as reviewed in the Master Plan. Particularly when looking at the treatment the City had done when accessing off I-70 to 24 Road, there were beautiful sculptures, spires to remind citizens of what there was such as the Colorado National Monument, the resource which was one of the major tourism draw in the area. There was also the City Market, new restaurants and a lot of exciting development that appealed to tourists. More importantly, when on the Redlands Parkway, a view of the Colorado National Monument was a major asset to the City in terms of drawing in new tourist revenue. She submitted that a junkyard on the side of that was an incompatible use of the area.

Ms. Emanuel noted specific issues with regard to the CUP application was an overview. She said at the end of the day the question in her mind as well as many others was should a junkyard be placed immediately across from one of the City’s biggest assets. She identified several cities – such as Durango, Salida, Steamboat Springs, Glenwood Springs and Carbondale, none of those cities had junkyards, junk cars or industrial blight there.

She asked the Commission to take a look towards refusing this application and consider whether that should continue to be zoned I-1. She questioned whether it could be changed to something much more appealing that would bring the City a revenue stream. Ms. Emanuel submitted that millions of tourist dollars coming here and staying at the new hotel, more hotels could be developed in the area were the zoning changed. She believed cafes, restaurants and other like usages would bring the City and Mesa County much more income than a junkyard would. However, recognizing the fact that the Commission may have made up its mind already, at a minimum she hoped that the City planners should question how long they have been in violation of Code compliance and ask why that was allowed to continue.

She brought up another fear that the cars would be stacked up and that neither the trees nor the fence would be tall enough to adequately screen the site. She hoped that if this was granted that applicant be required to do much more than what they have stated tonight. Also, if the trees were only six feet tall, they would still be visible when driving

the Redlands Parkway. She asked if going backwards was something positive for the community. She thought that having a revenue stream from tourism that was clean and green if the area was rezoned was more conducive. She urged the Commission to look at how the cities she had mentioned earlier developed their river walks by not allowing impound junkyards. She said that the solution in her mind and many others' was to deny the applicant's request and for the Commission to create Industrial centers away from the flood plain, away from the Colorado River and away from trails and parks. She urged the Commission to make the Colorado River a desirable place for families, for tourism and a valued asset for the community.

David Ludlam addressed the Commission as a representative of the West Slope Colorado Oil and Gas Association, a regional trade association representing the majority of the natural gas operators and well service companies. He stated that the well service providers specifically in Grand Junction were important in critical part of the ongoing economic recovery. A letter was submitted representing a litany of reasons why the proposed CUP was supported by their association. He specifically identified the capital intensity of the business and there was a standard of principle in their organization which advocated for regulatory certainty – a public process in community planning. In discussing the Comprehensive Plan, Mr. Ludlum stated that the outcome and the consensus of the community made in that process was that this area was zoned Light Industrial and the outcome of the community plan and the Light Industrial zoning was in the spirit of the Commission's decision. He went on to state that they felt the proposed use was well within the spirit of that industrial use. With regard to responsiveness to community concern they felt that was important and something they encouraged their members to do and felt that with the visual mitigations and the new proposed setbacks, the application was much more favorable for consideration. Lastly, he asked that the letter submitted previously would stand as their association's support for the applicant and hoped the Commission could support it.

Tim Partch, 570 22½ Road, brought to the attention that the Redlands Parkway had always existed and was formerly called the Goad's Draw and the alternative to get to the new City Market or the Mesa Mall was to go down south Broadway to First Street and come back around. That alternative was still available for anyone offended by anything along the Redlands Parkway. He also advised that Mr. Knowles and his operation was awarded an award by the Grand Junction Chamber of Commerce as being the employer who employed the most new employees in 2010. Mr. Partch said that Mr. Knowles brought jobs and commerce to the community. He reiterated that this was not a junkyard and was strictly a business that had not really been explained well. He said that it was an online auction which provided a service to insurance companies. He added that the business was strictly a storage facility for a very limited amount of time. Furthermore, he said that he personally supported anything in this valley that would do anything to promote employment and commerce.

Bill Conrod stated that he had lived here for only four years but stated there was a serious problem with junkyards and accumulation of junk in the City as well as the County. He hoped that the proposed actions discussed earlier would work at this site and wanted to see that happen. He asked the Commission to take the "eyesore formations" seriously. He thought the junkyards were a curse against economic development. Mr. Conrod agreed with the testimony that river ways should be a beauty

feature in a community. He identified a site off of I-70 where a junkyard was in very close proximity to a City park that did not make sense where you had a large public investment next to a junkyard. Lastly, he made a general plea to really take the issue of junk sites – eyesore formations – seriously because it was a real economic issue as well as an aesthetic and health issue.

With respect to the vision, Pauline Heuscher (330 Mountain View Court) spoke in terms of the long-term vision that some of the leaders had in the past, such as Jim Robb, who had the foresight to organize a community to make the fabulous riverfront. She said that she was against the application because of the area where the site was located. She believed other sites could be available for the same number of jobs created and added that it was a minus because this area could be more conducive to restaurants. Also, while the historic use may be there, it did not mean that it was the right use. Issues such as the riverfront, flood plain and the purpose of the flood plain were learned that those uses were not the appropriate thing to do. Ms. Heuscher said that the citizens strongly supported cleaning up of entrances to the City and thought the creation of industrial centers should be created away from the flood plain, away from the river, away from the trails and away from parks.

Lois Dunn, Chairman of the Board of the Grand Junction Area Chamber of Commerce said they had a policy statement – to increase and to enhance jobs in the area and to support business. She believed when a property was zoned industrial or any zoning that when appropriately acted upon that there should be the predictability of allowing that use on that property. As an individual she said that she wondered how the property was affected on the river trail. She said she could not see past the cars and it really didn't impact her experience to walk along the trail. She added that tourism was wonderful and said that she was very much in favor of the project and saluted the applicant for his hard work and for his increase in work and employees.

Duncan MacArthur urged support of the issue as it was consistent with the zoning and usage in the area. He saw no detriment to the use of the bike trails nor any additional visual impact than what already existed. He thought the applicant had done over and above with the proposed landscaping effort in an attempt to mitigate any visual impact. Industrial areas were made to make use of existing rail pass and highways and this area was well served by Highway 6 & 50. He noted that a substantial number of community meetings with input and it was noted that there was a shortage of industrial properties in the community. He discussed the purpose of the Gallagher Amendment was to take the property tax burden off residential and put it on commercial and industrial. As the residential areas grew, there needed to be more industrial and commercial uses to support the community. He did not believe this was taken into consideration during the Comprehensive Plan process. The use proposed was consistent with the usage in the area and was consistent with the existing zoning and, accordingly, urged the Commission's support.

APPLICANT'S REBUTTAL

Keith Ehlers addressed the issues identified. With regard to the gateway to the City, the Comprehensive Plan and the existing zoning, this was an Industrial area and an area purchased by a growing company. The applicant was well aware that certain issues needed to be addressed such as screening. By bringing Western Towing onto the site

was one way to assure that applicant would be relieved from making any major rounds of layoffs. They have 177 employees and the company was continuing to grow. Being on the industrial zone provided opportunities to address the needs of his growing company.

With regard to the river trails, Mr. Ehlers noted that the towns mentioned such as Salida, Glenwood Springs, Carbondale, were small towns and had some industrial areas while others had no industrial areas. Additionally, there would be some areas along the riverfront trail with industrial vantage points and most recreational users in larger communities would understand that. Screening was one way to help mitigate together with the revised site layout. The applicant was addressing the issues and mitigating them while still using the property within the industrial zone.

He mentioned that there would be no stacking of vehicles. The Colorado River Flood Plain was also addressed by water quality studies and it was determined that it wasn't an issue due to the operations that were being done there. He mentioned that if all issues were not addressed, he and applicant would be available to discuss them further. Mr. Ehlers showed a couple of graphics in an attempt to show what the site could look like with the proposed screening. The proposed landscaping was a good interim and immediate solution to get some screening in there and would create more screening with growth. He added that the angle and the distance also helped address the screening.

STAFF'S REBUTTAL

Senta Costello clarified that the Code required a bare minimum of six feet planting size of the evergreen trees. With regard to the issue of being taller than the screening, based on the standard, integral units were exempted and gave the example that if you had a seven foot truck because it was all one unit, it would be considered an integral unit and so the full height of that would not have to be screened; however, if there were two stacked vehicles, the full height of those would have to be screened. She added that stored items would not project above the screening except for integral units.

QUESTIONS

Commissioner Williams asked for clarification regarding the portion of the Code pertaining to required screening for recycling, wrecking yards, salvage yards and impound lots. Ms. Costello said that a screen wall would be required along a street frontage; however, because of the grade difference even an eight foot wall wouldn't make a difference because you'd still be looking over the top of it.

When looking at street frontage, Chairman Wall asked how the six foot wall or fence was measured. Ms. Costello confirmed it was measured from the ground where the fence was placed. So in this particular case, because it would be required to be placed at the setback line on the property, the height of the six foot fence would be measured at a point fifteen feet north of the southern property line and, therefore, it would not be at grade with the road but rather at the level of the property. She added that in this particular case, it had the grade issues and in working with and discussing with the citizens at the neighborhood meeting, they were adamant that they didn't want a wall because of the tunnel effect it would create. Options such as moving it further north onto the property, additional landscaping along the street frontage and screening around

the storage yard itself internal to the site were options the citizens at the neighborhood meeting felt more comfortable with than the strict interpretation of the Code. Also, in looking at the options and discussing with them, staff's review concurred that putting the varying mitigating options together met the screening intents of the Code.

Commissioner Eslami believed the question was where was the six foot point established. Ms. Costello clarified that it was at the grade where the fence was constructed.

Commissioner Eslami asked if there was a set point of elevation. Ms. Costello said it was currently at grade and they would not be allowed to go below that grade.

Lisa Cox, Planning Manager, said that the required screening would be measured from the grade but setting it back so that it would in fact be effective taking into account the citizens' concerns with the requirements of the Code had a lot to do with why the use was set back 221 feet and why the fence was screening that particular use. It was meant to screen the impound lot portion of the site not the entire site. So as to be effective that screening requirement was moved back with the appropriate use and would accomplish the screening of the proposed impound lot in that defined area.

Commissioner Benoit asked if the current screening on the property line met the conditional use permit of the trucking operation. Ms. Costello confirmed that it did and was approved in 2006.

Commissioner Eslami asked if this was not approved, could they keep the operation going as it was presently. Ms. Costello said the existing approved uses on the site could continue – the construction company, the diesel truck repair; however, the impound yard portion would be the portion that would drop out.

Commissioner Benoit asked if an eight-foot secondary fence would be sufficient to effectively screen cars from there. Ms. Costello said that with a six-foot fence as proposed she did not believe it could be seen into.

Ms. Cox added that in considering the proposed use and the requirements of the Code for providing screening, comments from the citizens and community were taken into consideration that they did not want a tunnel effect; however, if the Commission thought it would be appropriate to require additional screening or construction of the wall along the right-of-way that was within their purview. The proposal to have the use set back and the fencing around it would accommodate the requirement of the Code and the desires of the community.

DISCUSSION

Commissioner Abbott commented that there was a discrepancy with the distance it would be set back and simply wanted to clarify which amount was correct. Also, the agenda stated that the impound storage yard should be screened with slats in the chain link or equivalent opaque screening solution and did not mention a fence height.

Commissioner Abbott said that he would vote to approve with the provision that the impound storage lot fence height be no less than six feet and the screening slats or opaque screening and the lot be no closer than 221 feet north of the property line.

Commissioner Benoit commented that the issues of industrial areas were very difficult because of competing interests. Having looked at the location a couple of times, he could not see the operation from the trailhead. He added that he thought the applicant had done a very good job in meeting conditions. Commissioner Benoit added a few concerns such as the fact that it was out of compliance at the beginning. At this point, he saw no conflict with the Comprehensive Plan and believed it was in compliance and had met all requirements of the Comprehensive Plan. Finally, he noted that if requirements were met by an applicant, standards would be set and requirements to make them compatible with the usage being applied for or a project would not be approved.

Commissioner Williams commended the applicant for working with the residents and with the City. He would vote to approve the CUP.

Commissioner Eslami said that he believed the area was not conducive to hotels, restaurants and the area was for industrial-type uses. With the proposed landscaping and setback he could not see how he could be against it.

Commissioner Williams added that he was not voting in favor of this simply because of the applicant's work with the City but due to what staff had presented and it was consistent with both the Code and the Comprehensive Plan.

Commissioner Pavelka summarized that it had already been established that all review agencies had agreed with the plan and the operations that were there; it was consistent with the Comprehensive Plan and zoning; and the new landscaping would create a green belt along the Redlands Parkway. She opined that there were a lot of benefits overall to the City in that fashion. If this request was denied, the City would be denied the extra landscaping along there. The efforts for screening and for taking a practical approach to the screening would benefit the whole entire area and would set a better standard for the area. Commissioner Pavelka said she too would be in favor of the CUP.

Chairman Wall said that he was familiar with this particular project as he was part of the Commission that voted for it in 2006 although under different circumstances because it was a different type of business. He also said that he lived in the Redlands and drove by this property every day. Although initially concerned, the more he learned about this particular business and the more he had watched the cars, he noticed that the inventory appeared to rotate quite quickly and served a need. Chairman Wall said if this passed, it would replace the current CUP and would include more trees and it would also limit where on the lot the cars could go and would also put into place screening from those cars. And, as there would be no stacking, he noted there was a big difference between a junk yard and an impound lot. He liked how the conditions of the Conditional Use Permit were very specific and were also very strict from the standpoint that the applicant was not able to change anything about his business as far as where the vehicles were being located without coming back before the Commission. He proposed that the fence be a minimum of eight feet. The applicant and the public in this case have worked together to come up with something that may work because both sides seemed to listen

to each other and compromised. Chairman Wall reiterated that he would like to see a motion fashioned to require an eight foot fence.

MOTION:(Commissioner Abbott) “Mr. Chairman, on the request for a Conditional Use Permit for the Knowles Impound Yard, application number CUP-2010-240, to be located at 2381½ River Road, I move that the Planning Commission approve the Conditional Use Permit with the facts and conclusions and conditions listed in the staff report in addition to having an eight foot fence instead of a six foot fence installed.”

Commissioner Burnett 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 7:33 p.m.

**Attach 2
Cobble Creek**

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: June 28, 2011
STAFF PRESENTATION: Lori V. Bowers

AGENDA TOPIC: Request for extension, Cobble Creek Subdivision Planned Development, PP-2007-169.

ACTION REQUESTED: A request for a three year extension of the approved Preliminary Subdivision Plan to develop 12 dwelling units on 3.002 acres in a PD (Planned Development) zone district.

STAFF REPORT / BACKGROUND INFORMATION					
Location:		2524 F ½ Road			
Applicants:		Divine Guidance LLC, owner; Development Construction Services, c/o Jana Gerow, representative.			
Existing Land Use:		Single-family residence			
Proposed Land Use:		12 lot Single-family Planned Development Subdivision			
Surrounding Land Use:	North	Colonial Heights Subdivision & Valley Meadows West Subdivision			
	South	Foresight Park Industrial Subdivision			
	East	Westwood Ranch Subdivision			
	West	Diamond Ridge Subdivision and single-family residence			
Existing Zoning:		PD (Planned Development)			
Proposed Zoning:		PD (Planned Development)			
Surrounding Zoning:	North	PD (Planned Development)			
	South	I-O (Industrial Office)			
	East	PD (Planned Development)			
	West	R-R (Residential Rural) and PD (Planned Development)			
Future Land Use Designation:		Residential Medium			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: The 3.002 acre Cobble Creek Subdivision Planned Development consists of one parcel located at 2524 F ½ Road. The applicants received Preliminary Subdivision Plan approval for a 12 dwelling unit subdivision on May 19, 2008. In 2009 the City Council amended the Zoning and Development Code to allow for a preliminary subdivision plan to be valid for two (2) years, during which the applicant shall obtain final plat approval for all or a portion of the property. This was applied to all active preliminary plans.

In 2010 the applicants requested an administrative extension of one year, bringing the expiration of the preliminary plan to May 19, 2011. The Grand Junction Municipal Code now requires that the Planning Commission find good cause for granting any further extensions. The applicants request a three year extension of that approval.

The "good cause" for granting another extension would be that the applicant has committed to certain architectural designs (single story homes) due to concerns raised by the adjacent neighboring properties. If this were not a Planned Development, the R-8 default zoning would allow two story homes or multi-family residences in this location. There was a great deal of public testimony during the Public Hearing process about the density of the proposed Planned Development. The actual density, as per the approved PD is 3.99 dwelling units per acre. Attached is the City Council Staff Report dated May 19, 2008. Included within the Staff Report are the minutes from the Planning Commission meeting and the approved PD ordinance.

The Grand Junction Municipal Code states that if a Planned Development has not been completed in accordance with the approved development schedule, a "lapse" shall have occurred and the terms of all approved plans for incomplete portions of the PD shall be null and void. The zoning will then revert to the default zone of R-8.

RECOMMENDATION: Recommend approval of a three year extension for the Cobble Creek Preliminary Subdivision Plan.

RECOMMENDED PLANNING COMMISSION MOTION: Mr. Chairman, on PP-2007-169, a request for a three year extension of the Preliminary Subdivision Plan approval for Cobble Creek Subdivision, I move we approve the extension.

Attachments:

Staff Report / May 19, 2008

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Cobble Creek Subdivision Planned Development		
File #	PP- 2007-169		
Meeting Day, Date	Monday, May 19, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	May 9, 2008		
Author Name & Title	Lori V. Bowers, Senior Planner		
Presenter Name & Title	Lori V. Bowers, Senior Planner		

Summary: A request for approval to rezone property located at 2524 F ½ Road from R-R (Residential Rural) to PD (Planned Development) with a default zone of R-8 and an overall density of 4.00 du/ac by approval of the Preliminary Development Plan to develop 12 dwelling units on approximately 3 acres as a Planned Development.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and consider approval of a Preliminary Development Plan and final passage of an Ordinance rezoning the property to Planned Development.

Attachments:

Site Location Map / Aerial Photo Map
 Future Land Use Map / Existing City and County Zoning Map
 Applicant's response
 Renderings of housing type
 Example of setback variations
 Preliminary Plan for subdivision
 Planned Development Ordinance

Background Information: See attached Staff Report/background Information.

BACKGROUND INFORMATION			
Location:		2524 F ½ Road	
Applicants:		Owner: Divine Guidance, LLC. Representative: Development Construction Services.	
Existing Land Use:		Single family residential	
Proposed Land Use:		Residential subdivision	
Surrounding Land Use:	North	Valley Meadows West Subdivision	
	South	Western Colorado Community College and Qwest	
	East	Westwood Ranch Subdivision	
	West	Diamond Ridge Subdivision	
Existing Zoning:		R-R (Residential – Rural, 1unit per 5 acres)	
Proposed Zoning:		PD (Planned Development – 4 units per ac)	
Surrounding Zoning:	North	PD (Planned Development – 2.7 du/ac)	
	South	I-O (Industrial / office park)	
	East	PD (Planned Development – 4.3 du/ac)	
	West	PD (Planned Development – 4.2 du/ac)	
Growth Plan Designation:		RM (Residential Medium 4 – 8)	
Zoning within density range?		X	Yes
			No

ANALYSIS

Background

On March 25, 2008, the Planning Commission reviewed the Cobble Creek Planned Development. There was considerable discussion and public testimony presented during the Public Hearing. The Planning Commission remanded the applicant to go back and further refine their plan, considering the comments and suggestions provided by the neighbors and the Commission. This report has been modified to reflect the changes now proposed by the applicant.

The property was annexed into the City in 2000 as part of the Clark/Wilson Enclave. It is a long narrow lot; approximately 120 feet wide by 1300 feet in length. The site is bounded on the west by Diamond Ridge Subdivision, Filing Two, and on the east by Westwood Ranch, Filing Two. Valley Meadows West is directly north. The property has direct access to F ½ Road. The northeastern portion of the side bordering the existing irrigation canal is labeled as Tract C and also described on the plan as "Title in Dispute."

The City Attorney's office opines, based on a review of the conveyance documents in the chain of title and Colorado case law interpreting boundaries defined by waterways, that the land is owned to the centerline of the canal by the Applicant. Grand Valley Irrigation Company (hereinafter GVIC), however, has asserted that it owns the canal bed and seventy-five feet of land on both sides of the canal in fee simple, based on a 1890 water deed reserving a "right-of-way" for canal maintenance. According to the City Attorney's office, this document creates nothing more than an easement in favor of GVIC and does not create fee simple ownership. Tract C has been included in the proposed subdivision's open space, connecting to open space provided by adjacent subdivisions. Although no development, structures or trails are currently shown in this area, a future pedestrian trail connection may be made through Tract C, depending upon the resolution or compromise of the title dispute. At this time, the public pedestrian trail easement required by the Urban Trails Master Plan is dedicated outside the 75 foot disputed area.

Although the Applicant is not seeking incentives to develop under the "Infill and Redevelopment" program, this land certainly is a classic infill project. The parcel is bordered on all sides by development that has occurred within the last 10 years. All utilities and street access are available immediately adjacent to the parcel. Generally, infill sites are vacant because they were considered of insufficient size for development, because an existing building located on the site was demolished, or because there were other more desirable or less costly sites for development. This site houses a mobile home, which will be removed prior to the final plat being recorded. The subdivisions on either side of the proposed development never stubbed a street for access to this linear parcel so the site is left to have a roadway along one side and lots on the other side. Due to the size and shape of the parcel and the fact that it is difficult to develop and still meet the minimum density required by the Growth Plan, a planned development zoning provides the best options for development of this currently under utilized property.

A pre-application conference was held in December of 2006 regarding this proposal. In March of 2007 a petition was presented to the City Planning Department signed by twenty-two neighbors opposing a change in zoning for the property. Other letters were received in opposition to the project after the neighborhood meeting was held. Since March of 2007, twelve additional letters of opposition have been submitted to the City. Copies of these letters are available for review in the project file. As mentioned above, on March 25th, numerous people spoke during the Public Hearing. Attached to this report is the applicant's response to their concerns.

Density

The Growth Plan designates this property as Residential Medium (4 to 8 du/ac). The Applicant is proposing to subdivide the site into 12 lots as part of a Planned Development with a default zone of R-8. If approved, the overall density of 4 dwelling units per acre is consistent with the Growth Plan designation of Residential Medium. The densities of adjacent subdivisions are Diamond Ridge to the west with a density of 4.2 units per acre and Westwood Ranch to the east at a density of 4.3 units per acre.

Access

Due to the linear shape of the lot and the fact that neither subdivision to the east or west provided a stub street for future access to this site, there is only one access from F ½ Road into the subdivision. Currently the plat shows a 26 foot by 26 foot triangle that must be acquired from the property to the west (located at the northwest corner of the intersection between Cobblestone Way and F ½ Road) for the installation of the curb return. This 26 foot triangle is required to allow Cobblestone Way to meet the Transportation Engineering Design Standards (TEDS). The adjoining property owner has submitted a letter of intent but the property but does not want to transfer the property until the proposed development has been approved.

Road Design

The Applicant requested 4 TEDS exceptions.

1. Non-standard curb return and handicap ramp design on the west side of the subdivision entrance.
2. Extend length of cul-de-sac to 913 feet.
3. Reduce spacing between subdivision entrance and access on opposite side of F ½ Road from 150 feet to 140.86 feet.
4. Reduce spacing between subdivision entrance and adjacent access to the west from 150 feet to 112.18 feet.

The TEDS Exception Committee denied request 1 and approved requests 2, 3 and 4.

The proposed residential street will have twenty-eight feet of asphalt with a landscaping strip along the west side and a sidewalk along the residential east side of the street. A cul-de-sac terminates the street on the northern end. There is no need for future connections to adjacent properties as the property is bounded on three sides by existing subdivisions. The landscape strip along the west side of the street will be owned and maintained by the Home Owners Association.

Open Space / Park

Tract B is located adjacent to open space previously dedicated by the adjacent subdivisions of Westwood Ranch and Diamond Ridge. The Applicant is proposing that this 15-foot wide Tract which will provide for future trail connections in this area be dedicated to the City of Grand Junction.

Lot Layout

Due to the shape of the parcel the lot layout is linear and has been designed for single-family detached dwellings. The minimum lot size is 4,971 square feet and the largest lot is 6,701 square feet in size. The default zoning of R-8 allows for a minimum lot size of 4,000 square feet. All of the lots exceed the minimum lot width of 40 feet. The applicant's are now proposing through the PD Ordinance to increase the rear setback to 15-feet, and the front setback to 15-feet. Some garages will be recessed to maintain a 20-foot depth from the property line, while others will be flush with the house, with a 15-

foot setback. Single story homes are proposed and will become part of the PD Ordinance.

Landscaping

A landscaped strip (Tract C) will be provided along the west side of Cobblestone Way adjacent to the Diamond Ridge Subdivision, the distance from north to south to Lot 4. Privacy fencing currently exists in the rear yards of the lots located in the Diamond Ridge Subdivision adjacent Tract C. The landscaping will add an additional buffer to the subdivision to the west. Tract A is a required detention pond that will be landscaped and give the appearance as an entryway for the subdivision. The open space area at the far northern end of the subdivision (Tract D) will also be landscaped. Tracts A, C and D will be conveyed to and maintained by the Home Owners Association.

STANDARDS AND CRITERIA

Consistency with the review criteria of Section 2.6 A. of the Zoning and Development Code.

A request to rezone property must only occur if:

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

It is unknown if the existing zoning on the parcel was an error at the time the property was annexed into the City or if it honored the existing County zoning at the time of annexation. What is known is that the current zoning does not meet the requirements of the Growth Plan and to re-develop this parcel requires a rezone, concurrent with the Future Land Use Map designation of Residential Medium. The Applicants request the zoning designation of PD (Planned Development) with a default zoning designation of R-8. The Applicants wish to stress the point that their density will be at 4 dwelling units per acre, not 8.

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

The character of the neighborhood to the east and west is residential with an approximate density of 4.3 dwelling units per acre. Therefore the proposed development is consistent with the neighborhood.

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

The Growth Plan designates this property as Residential Medium (4 to 8 du/ac). The Applicant is proposing to subdivide the site at a density of 4 dwelling units per acre. Therefore this proposal is consistent with the Growth Plan.

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

All public facilities and services are currently available and can be extended through the subdivision to meet the impacts of the Planned Development.

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

Due to the growth demands currently being experienced in Grand Junction, there is little need for R-R zoned land and a much greater need for land allowing higher residential densities. Therefore the supply of comparably zoned land is inadequate to accommodate the community's needs.

6. The community will benefit from the proposed zone.

The community will benefit from the proposed zoning by providing a density that is compatible the surrounding developments.

Consistency with the review criteria of Section 2.12.C.2. of the Zoning and Development Code.

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

1. The ODP review criteria in Section 2.12.B;
 - a. The Growth Plan, Major street plan and other adopted plans and policies.

The Growth Plan designates this property as Residential Medium (4 to 8 du/ac). The Applicant is proposing to subdivide the site at a density of 4 dwelling units per acre. Therefore this proposal is consistent with the Growth Plan. There are no major streets associated with this proposal and the property does not lie within an area of the City identified in a special area plan. Therefore the request meets all applicable plans and policies.

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

The proposed development meets the criteria provided in Section 2.6 of the Zoning and Development Code.

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

The proposed development meets the requirements of Chapter Five. The Applicant is proposing approximately .74 acres (32,560 square feet) of open space equaling approximately 24.9% of the overall site. The parcel is currently surrounded by existing privacy fences from the adjacent subdivisions therefore no additional privacy fencing is required. The proposed development is compatible to the adjacent subdivisions. The landscaping shall be required on all tracts and shall meet the requirements of Chapter Six. Off-street parking will meet the Code requirements of two spaces per dwelling unit. Based on approval of the TEDS exceptions, the proposed street will meet the remaining standards when the 26 foot triangle located west of the intersection is dedicated.

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

There are no applicable corridor guidelines or overlay districts that cover this property.

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

All public services and facilities are currently available. Multi-purpose easements are shown on the preliminary development plan that will provide adequate room for the extension of the existing facilities.

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

There is adequate circulation to serve the subdivision.

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

Typically, residential zones abutting residential zones do not require additional buffering or screening. However, the Applicant is proposing additional landscaping along the western side of

Cobblestone Way providing additional buffering to the adjacent properties to the west.

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

The entire property will be developed at a gross density of 4 dwelling units per acre.

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

A default zone of R-8 is proposed, with a modification of the rear and front setbacks to 15 feet. Only single story structures will be allowed. Minimum lot sizes remain above the bulk standard requirement of 4,000 square feet.

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

The property will be developed in one phase.

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

The property is less than 20 acres in size. Section 5.4.E. of the Zoning and Development Code calls for a minimum of five acres for a planned development unless the Planning Commission recommends, and the City Council finds that a smaller site is appropriate for the development as a PD.

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

A preliminary plat can only be approved when it is in compliance with all of the following:

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

The Growth Plan for this area is Residential Medium, 4 to 8 du/ac. With the existing zoning at R-R, a rezone must take place to develop the property in compliance with the Growth Plan. The zoning designation of PD may apply when a unique single-use project is desired and is not available through application of the standards established in Chapter Three. There are no major streets associated with this proposal and the property does not lie within an area of the City identified in a special area plan. Therefore the request meets applicable plans and policies.

- b. The Subdivision standards Chapter Six.

All of the subdivision standards have been met.

- c. The Zoning standards contained in Chapter Three.

The Zoning standards found in Chapter 3 have been met.

- d. Other standards and requirements of the Zoning and Development Code and all other City policies and regulations.

Standards of the Zoning and Development Code have been met as well as the requirements for the Transportation Engineering Design Standards (TEDS).

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

Adequate public facilities and service are available and are adequate to the subdivision.

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

The proposed subdivision, with detached single-family dwellings, will have no adverse or negative impacts on the natural or social.

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

The subdivision will provide single-family detached housing, therefore making it compatible with the adjacent subdivisions.

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

There are no adjacent agricultural lands.

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

This is an infill property, therefore it is not premature.

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

The preliminary development plan shows that there is adequate room for easements for all public services that will be provided for the development of this subdivision.

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

The project will not cause an undue burden on the City as all open space areas and detention pond will be conveyed to and maintained by the Home Owners Association.

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

Site plan review criteria is not applicable to this project, only the subdivision criteria that was addressed above applies.

4. The approved ODP, if applicable;

There is no ODP, therefore this is not applicable.

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

Not applicable. There is no approved ODP.

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

Due to the small size of this parcel, the density of 4 dwelling units per acre is for the entire site.

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

The property is less than 5 acres in size. Section 5.4.E. of the Zoning and Development Code calls for a minimum of five acres for a planned development unless the Planning Commission recommends, and the City Council finds that a smaller site is appropriate for the development as a PD.

Long-Term Community Benefit

The intent and purpose of the PD zone is to provide flexibility not available through strict application and interpretation of the standards established in Chapter 3 of the Code. The Code also states that PD zoning should be used only when long-term community benefits, which may be achieved through high quality planned development, will be derived. Long-term benefits include, but are not limited to:

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

The following are the community benefits as identified by the Applicant:

1. A more effective use of existing utilities, streets and sidewalks (infrastructure), with an intensity of development similar to adjacent neighborhoods.
2. The PD zoning allows for the Applicant to commit to a site layout with single family home lots that compliment the size and value of those adjacent subdivisions, thus satisfying concerns expressed by neighbors NOT wanting multifamily housing with detached single story homes.
3. The location of this property and adjacency to the mall, other planned shopping areas and a hospital expansion allow for reduced traffic demands.
4. The PD zoning layout provided allows the Applicants to provide a native open space on the north end of the property, which allows a walking connection with a trail access from the west via Diamond Ridge subdivision and adjacency to an existing open space in Westwood Ranch Subdivision to the east.
5. Cobble Creek Subdivision will have .807 acres of open space or 24.9%. The required open space for a development this size (3.247 acres) per Chapter 6.3.B of the Zoning Code is 10% or .3247 of an acre. Cobble Creek will have more than 1 ½ times the required open space. The maximum amount of open space on all surrounding subdivision is 13.91% in Westwood Ranch filing #1, #A & #2. The average % of open space on all surrounding subdivisions is 8.14%. The Cobble Creek Development % of open space is more than one and two-thirds that all surrounding subdivision. This information was taken from the recorded plats for these developments. The percentage of open space provided in this is a public benefit to the project.
6. Though the narrowness of the lot has led staff to allow for reduced street widths the Applicants have worked with elements of the PD design to leave full size streets with sidewalk on one side), to allow for recreational uses of walking, strolling children in buggies, movement of wheel chairs from homes to open space, etc. without having to be in the street.
7. A needed type of housing has been provided by the use of the PD zoning of the property and the site plan design allowed by the PD. This includes lesser setbacks for the front yard and larger setbacks for the back yard, than that of the straight zone. This will implement smaller yards, yet shared open space. Research by the owners shows a need for senior and

less mobile housing users. This allows the Applicants to provide a need for reasonably priced homes for retired and working couples, which allow for them to own a single family home on their own lot, with a minimal size yard. This public benefit has the Applicants more closely reviewing builder home layouts that are innovative, providing efficient storage areas, green spaces and allow for some units to be fully accessible for a number of needs.

8. The PD zoning encourages preservation of natural features, which encourages the Applicants to protect the native open space at the north end of the site, where birds, squirrels and other native animals live near the canal.

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

1. More effective infrastructure;
2. A greater quality and quantity of public and/or private open space;
3. Needed housing types and/or mix; and
4. Innovative design.

FINDINGS, CONCLUSIONS AND CONDITIONS:

After reviewing the Cobble Creek Planned Development application, PP-2007-169, for a rezone to PD, I make the following findings of fact, conclusions and conditions:

1. The requested rezone is consistent with the Growth Plan.
2. The review criteria of Section 2.6.A. of the Zoning and Development Code have been met.
3. The review criteria of Section 2.12.C.2. of the Zoning and Development Code have been met.
4. The proposed development provides long-term community benefits above and beyond those required to mitigate the impacts of development and complies with Chapter 5 of the Zoning and Development Code.
5. Prior to final plat approval, a 26 foot by 26 foot triangle must be acquired from the property to the west for the installation of the curb return to allow Cobblestone Way to meet the Transportation Engineering Design Standards.

PLANNING COMMISSION RECOMMENDATION:

At their regularly scheduled meeting of April 22, 2008; the Planning Commission forwards a recommendation of approval to the City Council, for the requested rezone from R-R to PD and approval of the Preliminary Development Plan for Cobble Creek Subdivision, file number PP-2007-469, with the findings, conclusions and conditions as listed in the Staff Report. The minutes of the meeting are following:

GRAND JUNCTION PLANNING COMMISSION
APRIL 22, 2008 MINUTES
6:00 p.m. to 6:45 p.m.

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

In attendance, representing the City Planning Commission, were Tom Lowrey (Vice-Chairman), Dr. Paul A. Dibble, William Putnam, Bill Pitts, Reggie Wall, Patrick Carlow (1st alternate) and Ken Sublett (2nd alternate). Roland Cole (Chairman) and Lynn Pavelka-Zarkesh were absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Greg Moberg (Planning Services Supervisor), Lisa Cox (Planning Manager), Lori Bowers (Senior Planner), Brian Rusche (Senior Planner), Eric Hahn and/or Rick Dorris (Development Engineers).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 28 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

Action: Approve the minutes of the March 25, 2008 Regular Meeting.

Lisa Cox, Planning Manager, stated that a clarification needed to be made to the March 25, 2008 minutes, more specifically that the name of the irrigation district referred to on pages 7 and 8, Grand Valley Irrigation Company, should be specifically named.

2. Ridges Mesa Subdivision – Preliminary Development Plan

Request approval of the Phase I Preliminary Development Plan to develop 17 single-family lots on 14.77 acres in a PD (Planned Development) zone district.

FILE #: PP-2006-358
PETITIONER: Ted Munkres - Freestyle Design & Building
LOCATION: East of Hidden Valley Drive & High Ridge Drive
STAFF: Lori Bowers, Senior Planner

MOTION:(Commissioner Putnam) “Mr. Chairman, I move approval of Consent Agenda items 1 and 2.”

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

PUBLIC HEARING ITEMS

3. Thorson Annexation – Zone of Annexation

Request a recommendation of approval to City Council to zone .59 acres from a County RSF-R (Residential Single Family Rural) to a City R-8 (Residential 8 du/ac) zone district.

FILE #: ANX-2008-071

PETITIONER: Ben Hill - 2972 D Road, LLC

LOCATION: 2972 D Road

STAFF: Brian Rusche, Senior Planner

STAFF’S PRESENTATION

Brian Rusche made a PowerPoint presentation regarding the Thorson Annexation. He said that the request was for a recommendation to City Council for the annexation of the property as well as modifying the zoning from its current County RSF-R, 1 unit per 5 acres, to a City R-8, 8 dwelling units per acre. He said that one single-family dwelling is currently on the property. The Future Land Use for the entire area is Residential Medium (4 to 8 dwelling units per acre). Mr. Rusche further stated that the requested zoning is consistent with that. He said that the property is anticipated to be brought in with other properties to the north and to the west, currently zoned R-8, for a future subdivision. He further said that the property to the south across D Road is also zoned R-8. He concluded that the requested zoning is consistent with the goals and policies of the Growth Plan and meets the applicable review criteria in the Zoning and Development Code.

PETITIONER’S PRESENTATION

Petitioner chose not to add any comment to the presentation.

PUBLIC COMMENT

No one spoke either on behalf of or in opposition to this request.

MOTION: (Commissioner Sublett) “Mr. Chairman, on the Thorson Zone of Annexation, ANX-2008-071, I move that the Planning Commission forward to the City Council a recommendation of approval of the R-8 (Residential 8 du/ac) zone district for the Thorson Annexation with the facts and conclusions listed in the staff report.”

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

4. Cobble Creek – Preliminary Development Plan

Request a recommendation of approval to City Council to rezone from R-R (Residential Rural) to PD (Planned Development) with a default zone of R-8 and a request for a recommendation of approval to City Council of a Preliminary Development Plan (PDP) to develop 12 single-family lots on 3.002 acres in a PD (Planned Development) zone district.

FILE #: PP-2007-169

PETITIONER: Jana Gerow - Divine Guidance, LLC

LOCATION: 2524 F 1/2 Road

STAFF: Lori Bowers, Senior Planner

APPLICANT'S PRESENTATION

Jana Gerow with Development Construction Services addressed the Commission regarding the requested rezone and request for a Preliminary Development Plan. She stated that this matter was deferred back to staff for revisions from the March 25th Planning Commission. She provided a brief background regarding the project. She said that the site currently has a mobile home on the front of the site with pasture behind which is used for horses. She stated that the main changes were to look at the closeness of the buildings to those of existing neighbors, the setbacks and the height of the homes. According to Ms. Gerow, they are now proposing the rear yard setback from a 10 foot setback to a 15 foot rear yard setback; a 15 foot front yard setback, lot area standard of a minimum of 4,000 square feet; and side yard setbacks of 5 feet. She further said that they have some homes with a recessed garage to allow for a longer driveway and some others that may be flush. Additionally, she said that applicant is willing to restrict the homes to all single-family homes. She also said that the art component has been taken out of the project. She confirmed that the green space on the west side is 6 feet.

QUESTIONS

Commissioner Dibble raised a question regarding single-family residences as mentioned by Ms. Gerow. He said that he believed the object in question was two-story homes versus single-story homes. Jana Gerow confirmed that applicant is willing to restrict the homes to single-story homes.

Commissioner Dibble next asked Ms. Gerow what prompted the removal of the art on the block from the project. Ms. Gerow stated that there was input that it was a waste of time.

PUBLIC COMMENT

For:

Bob Ingelhart stated that he lives in the Colonial Heights Subdivision. He said that this type of project would be in keeping with what is already there and would fit in very well and was in favor of it.

Judy Duncan read an e-mail from someone who owns two units next door, just to the east of the detention area at 2527A & B Shetland, which e-mail stated that they would have no problem with two-story design. Ms. Duncan stated that she was in favor of the project.

Amanda Potter, a resident of Colonial Heights, said that she thinks it is a good idea to have single-family homes and was in favor of the project.

Against:

Ron Stoneburner, 653 Longhorn Street, stated that he made a lengthy presentation at the last hearing regarding this project. He said that they were appreciative that the Commission listened to their concerns. He said that it was his understanding that the density was going to change. He further stated that it is not compatible and does not conform to the existing neighborhoods. He asked that this be taken into consideration and does not believe it appropriate to put that many houses on the acreage.

Richard Bell stated that he lives in Diamond Ridge Subdivision. He pointed out that the Colonial Heights Subdivision is not really impacted by this development. He said that they do appreciate the applicant's willingness to restrict the development to one-story units as well as the setbacks which are improvements but he thinks the awkwardness of the site seems to be an overuse of the property. He also said that he believed the open space issue has not yet been resolved for this particular development.

Sue Love, 661 Longhorn, said that she agrees with the changes that have been made and asked that there be less houses allowed on the acreage.

Pete Tuckness, 2534 Shetland Drive in the Westwood Subdivision, said that he is in 100 percent agreement with the statements made by Mr. Stoneburner.

PETITIONER'S REBUTTAL

Jana Gerow said that open space has been provided. Also, she would defer the issue of the area in dispute between the City and the irrigation company. It is her belief that that property would be usable open space unless something changes. Furthermore, conditions could be put on it which could be dealt with as the project goes forward if the open space becomes non-usable and applicant could then look at some alterations to give them additional open space. She said that compatibility doesn't always mean exactly the same. Ms. Gerow said that applicant chose this type of housing because there are elderly members who would like to have a small lot with not a lot of yard maintenance. Therefore, she said that she thinks applicant has provided an acceptable project. She said that she hopes that the Commission will approve this plan based upon the changes that have been made.

QUESTIONS

Commissioner Dibble asked if 13 houses were originally proposed. Ms. Gerow said that at one point there was an additional lot for a total of 14. However, one lot was given up with the widening of the cul-de-sac and the proposal now is for 12 lots.

Commissioner Pitts asked if 12 lots were proposed in the previous presentation. Jana Gerow said that they have not reduced any lots from the previous presentation and the only thing that has changed on the site plan is the setbacks.

Commissioner Dibble said that the PD zone appears to be the default zone rather than the R-8 as the modifications have been made away from R-8 zone requirements. Lori Bowers said that the zoning will be a PD zoning with a default zoning of R-8. Ms.

Bowers confirmed that the changes would be specific in the ordinance that would go to City Council.

Commissioner Dibble asked legal staff if the area in dispute is that which goes out into the canal and not the area being considered as open space. Jamie Beard, Assistant City Attorney, said that it is her understanding that the question was whether or not the description for this particular property went to the centerline of the canal or if it went only to the right-of-way. Ms. Beard said that it was determined, based on the information provided, that it went to the centerline of the canal and if the canal company wanted to claim otherwise, then they would have to take further action to be able to do that. She further said that there would still be some open space but some of the property that may be taken into consideration for the overall acreage for the property is part of that portion to the centerline of the canal.

Commissioner Dibble asked if there was enough open space for a PD requirement without the inclusion of the area in dispute. Jamie Beard said that there was enough open space for the project. She said that based on the information available, the project includes the full property to the centerline of the canal which would be taken into consideration for the open space.

Commissioner Dibble asked if it could be remanded back for adjustment. Ms. Beard confirmed that if later it was determined that there was a question as to the ownership of that portion and it would affect the approval, then it would be possible that it could come back to the Commission.

Commissioner Sublett asked if the service road for the canal was on the south side or the north side and if access could be prohibited via no trespassing signs. Jamie Beard said that at this point in time, in regards to the Urban Trails Map and the position and policy of the City Council, the trails have not been opened up and so no trespassing signs would be allowed in regards to the canal property but that doesn't reflect on whether it was open space for purpose of public benefit.

Commissioner Putnam said that it was his understanding that any new development in the City that has a canal on it requires that the owner dedicate for public use the access to the service roads. Jamie Beard said that was correct as it is the policy of the City that where there are canal roads included on the Urban Trails Map that there is a requirement that there be a dedication for a trails easement.

DISCUSSION

Commissioner Pitts said that when this project was looked at he recalled that the Commission had concerns with the open space, density and height of the structures. He further said that he was hopeful the density would have been decreased to make it more compatible with the properties on the east and west. He further stated that he does not think the change is what he was looking for.

Jamie Beard said that she was informed that not only is the area that would be normal for the trail included in the open space but if it were determined later that the disputed property is not included as a part of this property, applicant had dedicated additional

space so that there would be a continuation of the trail from the two subdivisions on either side.

Commissioner Putnam said that according to the definition of compatible - capable of living together harmoniously - it was his opinion that compatibility was in the eye of the beholder and one should not rely on just that word.

Commissioner Dibble said that he would like to see quality rather than quantity. He said that he does not see any problem with an R-8, or 12 homes.

Commissioner Carlow asked if it was an oversight by the City that stub streets were not required for the subdivisions on either side of the proposed development. Lori Bowers said that she doesn't believe it was an oversight. She said that she thinks at that time, they never thought this property would develop.

Vice Chairman Lowrey said that he does not find the density incompatible and thought the changes made regarding the setbacks and the single-story limitation meet the legitimate objections that the nearby property owners had and would approve the project.

Commissioner Wall said that he likes the project because it is a Planned Development and felt that the applicants have made some good concessions. He further stated that he likes the fact that it is a Planned Development, knowing what we're getting ahead of time and thinks it is a good project.

Commissioner Sublett stated that he thinks it is a good project as well.

MOTION: (Chairman Wall) "Mr. Chairman, I move that the Planning Commission forward a recommendation of approval to the City Council, for the requested rezone from R-R to PD and approval of the Preliminary Development Plan for Cobble Creek Subdivision, file number PP-2007-469, with the findings, conclusions and condition as listed in the Staff Report."

Commissioner Sublett seconded the motion. A vote was called and the motion passed by a vote of 6 – 1 with Commissioner Pitts opposed.

General Discussion/Other Business

None.

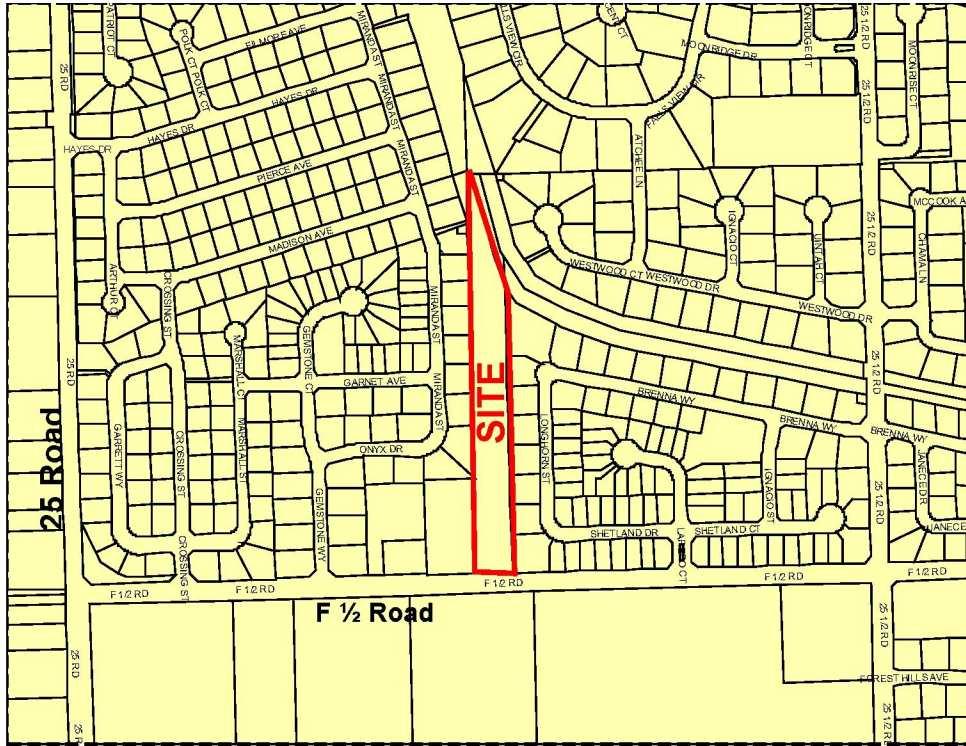
Nonscheduled Citizens and/or Visitors

None.

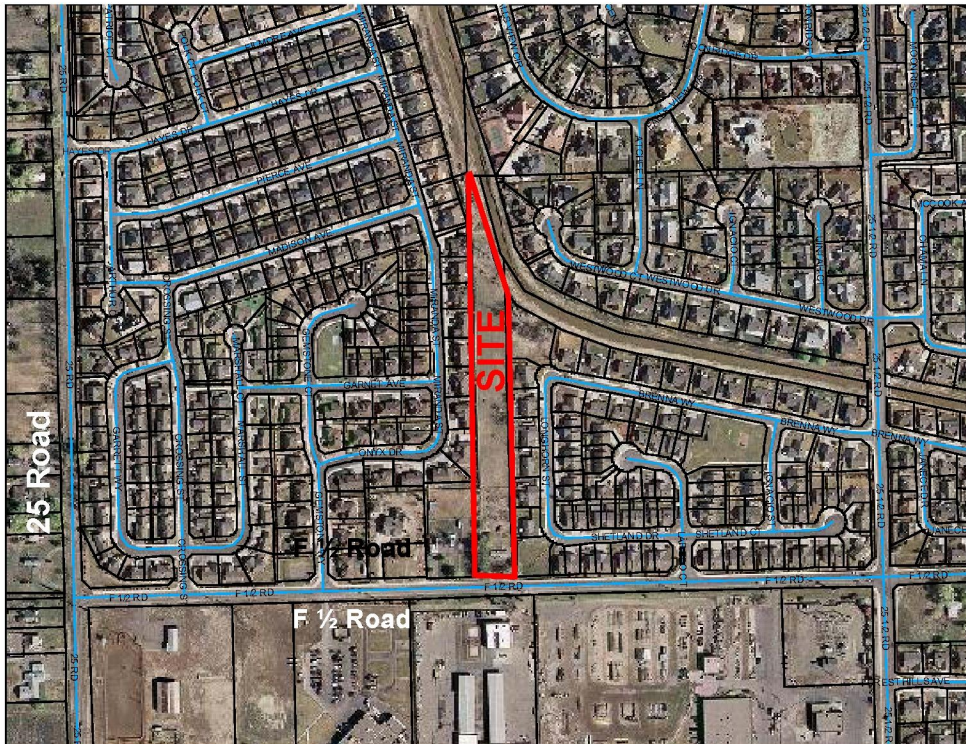
Adjournment

With no objection and no further business, the Planning Commission meeting was adjourned at 6:45 p.m.

Site Location Map

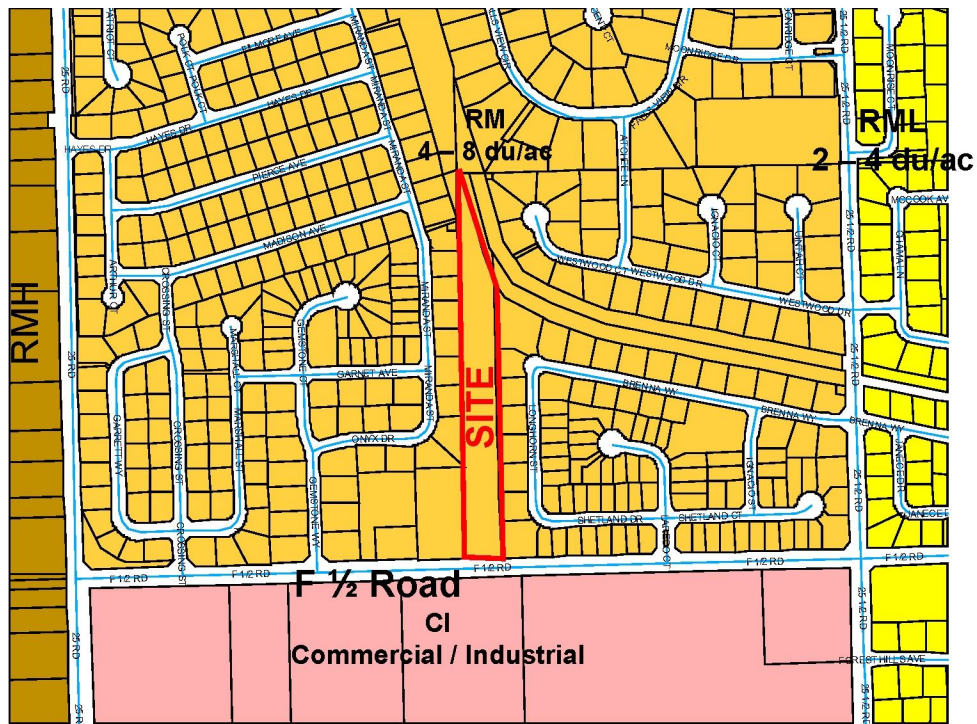


Aerial Photo Map



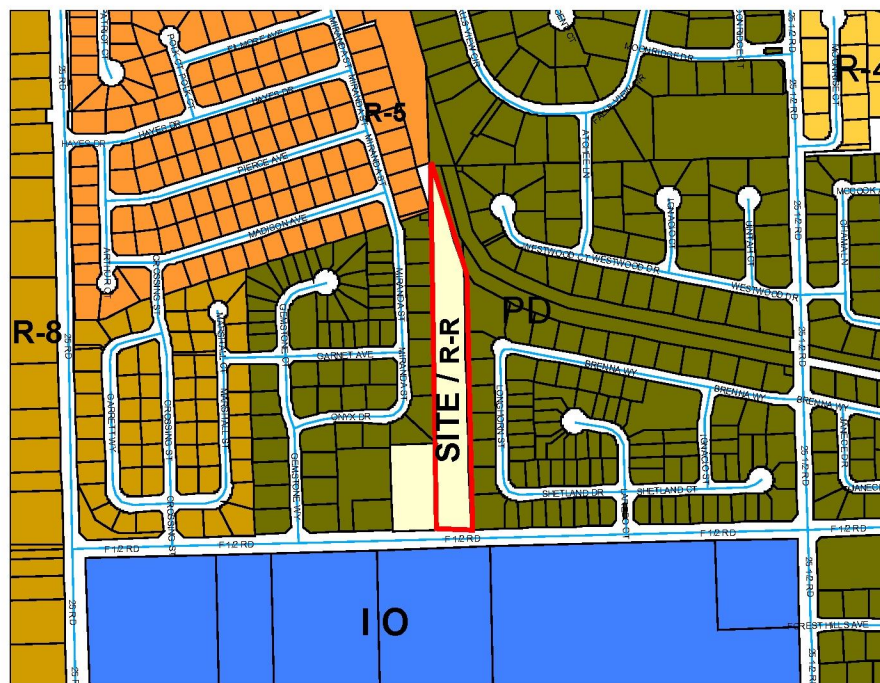
Future Land Use Map

2524 F 1/2 Road



Existing City and County Zoning

2524 F 1/2 Road



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

General Project Report
Response to Planning Commission Comments of March 25, 2008
Cobble Creek Subdivision
2524 F ½ Road, Grand Junction, Colorado

Planned Development

A. General Project Description – This is a request for a Planned Development for City of Grand Junction Plan file #PP-2007-169 for Parcel No. 2945-032-00-118, which consists of 3.002 acres, into 12 separate lots from the south to the north to be used for single family residential homes. The parcel is zoned RSF-R with a future land use of residential medium. We also propose to rezone this land from RSF-R to Planned Development (PD) combining design elements from other zones.

B. Response to Planning Commission Comments of March 25, 2008 – In response to concerns expressed from the neighbors and direction given by the planning commission, the owners (Divine Guidance, LLC) of the project – Cobble Creek Subdivision – respectfully clarify their intentions and would like to provide drawings and sketches to support their design modifications.

- 1) Changes to the building setbacks have been proposed with the rear set back moving forward 5 feet and the front set back moving forward 5 feet. Thus giving the same depth and size of building envelope, but providing additional distance from the rear property line to the closest portion of the building/home. See the attached sketch, with the PD setbacks to be the newly revised setbacks for the subdivision (Exhibit A attached.).
- 2) Houses will be designed to include some houses flush with the set backs and others where the garages recessed or a portion of the front façade recessed. See the second attachment showing a rendered site plan with conceptual layouts of homes on lots with the revised setbacks. (Exhibit B attached.)
- 3) Building Elevations have been provided with a couple of possible designs for the homes. These show that all the homes are designed with single story or ranch plan layout. To satisfy concerns by the neighbors Divine Guidance LLC is willing to place a requirement for single story homes with in the Development Guidelines for the subdivision and will assure all homes are built following this requirement for single story homes – ONLY. (Exhibit C attached.)
- 4) Other clarifications include –
 - A.) Verification that the green space along the western boundary of the subdivision is 6' of green space behind the curb. This green space will extend from the northern boundary of the subdivision to a point where the sidewalk curves back in to allow for walking access along the entrance off of F-1/2 Road (across from lot 4).
 - B.) In response to concerns from neighbors that artwork will not be maintained, the owners have agreed to remove the proposed art work at the detention area on the south side of the property.

We appreciate the opportunity to address the concerns that were referred back to us from the March 25 meeting and trust that with these modifications and additional information we will gain Planning Commissions full support to move forward with the project.

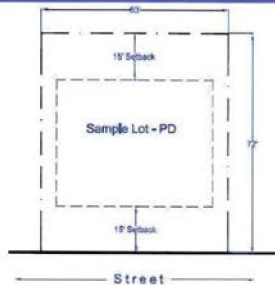


COBBLE CREEK
HOME ELEVATIONS

F 1/2 Rd.



Cobble Creek Design Comparison: Proposed PD to R-8 standards



Proposed PD Bulk Requirements

Lot Area	4,000 sf
Lot Coverage	70%
Front Yard	15'
Side Yard	5'
Rear Yard	15'



Current R8 Bulk Requirements

Lot Area	4,000 sf
Lot Coverage	70%
Front Yard	20'
Side Yard	5'
Rear Yard	10'

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE REZONING THE COBBLE CREEK SUBDIVISION FROM R-R (RESIDENTIAL RURAL) TO PD (PLANNED DEVELOPMENT) ZONE BY APPROVING A PRELIMINARY DEVELOPMENT PLAN WITH A DEFAULT R-8 (RESIDENTIAL – 8) ZONE, WITH DEVIATIONS, FOR THE DEVELOPMENT OF 12 SINGLE-FAMILY DETACHED DWELLING UNITS, LOCATED 2524 F 1/2 ROAD

Recitals:

A request for a rezone from R-R (Residential – Rural, 1 dwelling unit per 5 acres) to PD (Planned Development) on approximately 3.0 acres by approval of a Preliminary Development Plan (Plan) with a default R-8 zone, with deviations, has been submitted in accordance with the Zoning and Development Code (Code).

This Planned Development zoning ordinance will establish the standards, default zoning (R-8) and deviations and adopt the Preliminary Development Plan for Cobble Creek Subdivision. If this approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards of the R-8 zone district.

In public hearings, the Planning Commission and City Council reviewed the request for the proposed Preliminary Development Plan approval and determined that the Plan satisfied the criteria of the Code and is consistent with the purpose and intent of the Growth Plan. Furthermore, it was determined that the proposed Plan has achieved “long-term community benefits” by proposing more effective infrastructure, a greater quantity of public open space, needed housing types and innovative design.

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

- A. Beginning at the SW corner of the SE 1/4 NW 1/4 of Section 3 T1S R1W of the Ute Meridian, thence East 116 ft, thence North to the right of way of the Grand Valley Irrigation Canal, thence Northerly along the West right of way line of said Canal to the North boundary line of the said SE 1/4 NW 1/4, thence West to the West boundary line of the said SE 1/4 NW 1/4, thence South to the Point of Beginning;

EXCEPTING THEREFROM those portions thereof conveyed to the City of Grand Junction for Public Roadway and Utilities Right-of-Way purposes by instruments recorded March 22, 2001 in Book at Pages 451 and 453, Mesa County, Colorado.

Also known by the street and number as 2524 F 1/2 Road, Grand Junction, Colorado 81505.

Said parcel contains 3.002 acres more or less.

- B. Cobble Creek Subdivision Preliminary Development Plan is approved with the Findings of Facts, Conclusions and Conditions listed in the Staff Presentations dated May 5, 2008 and May 19, 2008 including attachments and Exhibits.
- C. The default zoning will be R-8 with the following deviations:
- a. Minimum front yard setbacks shall be 15 feet;
 - b. Minimum rear yard setbacks shall be 15 feet;
 - c. All structures shall be limited to a single story.

INTRODUCED on first reading on the 5th day of May 2008 and ordered published.

ADOPTED on second reading this ____ day of ____ 2008.

ATTEST:

Gregg Palmer
President of the Council

Stephanie Tuin
City Clerk

**Attach 3
Hatch Annexation**

**CITY OF GRAND JUNCTION
PLANNING COMMISSION**

MEETING DATE: June 28, 2011
PRESENTER: Scott D. Peterson

AGENDA TOPIC: Hatch Zone of Annexation – ANX-2011-698

ACTION REQUESTED: Recommendation to City Council on a Zone of Annexation to R-12 (Residential – 12 du/ac) and B-1 (Neighborhood Business).

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2063 S. Broadway		
Applicants:		Robert C. and Suzanne M. Hatch		
Existing Land Use:		Vacant land and the “old Beach property”		
Proposed Land Use:		Two-Family and Multi-Family Residential and potential small Commercial Development		
Surrounding Land Use:	North	Driving range for Tiara Rado Golf Course		
	South	10 th Hole at Tiara Rado Golf Course		
	East	Residential subdivision – Fairway Villas		
	West	Clubhouse for Tiara Rado Golf Course and Six Single-Family Attached Dwelling Units		
Existing Zoning:		County PUD (Planned Unit Development)		
Proposed Zoning:		R-12 (Residential – 12 du/ac) and B-1 (Neighborhood Business)		
Surrounding Zoning:	North	City CSR (Community Services and Recreation)		
	South	City CSR (Community Services and Recreation)		
	East	City PD (Planned Development)		
	West	City CSR (Community Services and Recreation) and County PUD (Planned Unit Development)		
Future Land Use Designation:		Residential Medium High (8 – 16 du/ac) and Commercial		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: A request to zone the 4.39 acre Hatch Annexation that will consist of two (2) parcels located at 2063 S. Broadway to an R-12 (Residential – 12 du/ac) and B-1 (Neighborhood Business) zone district.

RECOMMENDATION: Recommend approval to the City Council of the R-12 (Residential – 12 du/ac) and B-1 (Neighborhood Business) zone district.

ANALYSIS:

1. Background:

The 4.39 acre Hatch Annexation currently consists of five (5) parcels of land located at 2063 S. Broadway. The 5 parcels will become two (2) platted parcels upon review and approval of the submitted Simple Subdivision Plat application (City file # SSU-2011-732), the boundary of which will generally follow the existing Comprehensive Plan Future Land Use boundary. The property owners have requested annexation into the City with zoning designations of R-12 (Residential – 12 du/ac) and B-1 (Neighborhood Business). Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City. The property is split by two different Comprehensive Plan Future Land Use Map designations -- Residential Medium High (8 – 16 du/ac) and Commercial. Therefore the applicant requests two (2) separate zoning designations on the property in order to implement the Comprehensive Plan.

The applicants, Robert and Suzanne Hatch, propose to develop the existing five (5) parcels of land for a residential subdivision/condominium development that will be named “Vistas at Tiara Rado” and will consist of 39 dwelling units constructed in two (2) phases, as proposed in City file # SPN-2011-711. First phase (1.23 +/- acres) will be a total of five (5) buildings containing 10 dwelling units (two-family dwellings). The second phase (3.16 +/- acres) will be a total of 29 multi-family dwelling units constructed in two (2) buildings. Proposed density will be 8.1 dwelling units an acre for Phase 1 and 9.1 dwelling units an acre for Phase 2. The applicants are requesting a B-1, (Neighborhood Business) zoning designation for Phase 2 in order to comply with the Comprehensive Plan Future Land Use Map designation of Commercial while accommodating their proposed use of multi-family residential development. No commercial development is proposed by the applicants at this time, but the zoning proposed by the applicants leaves that option as a possibility in the future. The purpose of the B-1 zoning district is to provide small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses.

Under the 1998 Persigo Agreement with Mesa County, the City shall zone newly annexed areas with a zone that is either identical to current County zoning or conforms to the City’s Comprehensive Plan Future Land Use Map. The proposed zoning of R-12 (Residential – 12 du/ac) and B-1 (Neighborhood Business) conforms to the Future Land Use Map, which has designated the properties as Residential Medium High (8 – 16 du/ac) and Commercial.

2. Section 21.02.160 and Section 21.02.140 of the Grand Junction Municipal Code:

Zone of Annexation: The requested zone of annexation to the R-12 (Residential – 12 du/ac) and the B-1 (Neighborhood Business) zone districts are consistent with the Comprehensive Plan designation of Residential Medium High (8 – 16 du/ac) and Commercial. The existing County zoning is PUD, (Planned Unit Development). Section 21.02.160 GJMC states that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. Generally, future

development should be at a density equal to or greater than the allowed density of the applicable County zoning district. The request is consistent with the Comprehensive Plan Future Land Use Map designations for the area.

In order for a rezoning to occur, the applicant must establish one or more of the following criteria from Section 21.02.140 GJMC:

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

Response: The existing five (5) parcels of land are currently designated as Residential Medium High (8 – 16 du/ac) and Commercial on the Comprehensive Plan Future Land Use Map. The proposed zoning of R-12 and B-1 are consistent with these Comprehensive Plan designations. Since the property was originally zoned, a new Comprehensive Plan has been adopted and the requested zoning implements the Comprehensive Plan. Otherwise, this criterion does not apply.

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

Response: The character and/or condition of the area have not changed. The 1996 Growth Plan Future Land Use Map indicated these properties as Residential Medium High (8 -12 du/ac) and Commercial. Therefore, the proposed zoning of R-12 and B-1 is consistent with the former and current Future Land Use Map designations.

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

Response: Adequate public facilities and services are currently available to the properties to serve the proposed residential and potential small commercial land uses. Sewer is currently stubbed to the property and Ute water is also stubbed to the property with both available in S. Broadway/20 ½ Road.

- (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 zoning request is in conjunction with the annexation request, and the request is also in conformance with the Comprehensive Plan Future Land Use Map designations, therefore this criterion is not applicable.

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

Response: The proposed zoning is in conformance with Goals 3 and 5 from the Comprehensive Plan by creating the potential for a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages and also creating ordered and balanced growth spread throughout the

community. The amendment creates the potential for mixed use in the area, which will benefit the community as described in the Comprehensive Plan.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone district(s) would also be consistent with the Comprehensive Plan designation for the subject properties.

Residential Medium High (8 – 16 du/ac)

- a. R-8 (Residential – 8 du/ac)
- b. R-16 (Residential – 16 du/ac)
- c. R-O (Residential – Office)
- d. R-24 (Residential – 24 du/ac)
- e. MXR (Mixed Use Residential)
- f. MXG (Mixed Use General)

Commercial

- a. C-1 (Light Commercial)
- b. C-2 (General Commercial)
- c. I-O (Industrial Office)
- d. R-O (Residential Office)

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

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Hatch Annexation, ANX-2011-698, for a Zone of Annexation, I recommend that the Planning Commission make the following findings of fact and conclusions:

1. The requested zones are consistent with the goals and policies of the Comprehensive Plan.
2. The review criteria in Section 21.02.160 and Section 21.02.140 of the Grand Junction Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the R-12 (Residential – 12 du/ac) and B-1 (Neighborhood Business) zone districts for the Hatch Annexation, ANX-2011-698, to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, on the Hatch Zone of Annexation, ANX-2011-698, I move that the Planning Commission forward to the City Council a recommendation of approval of the R-12 (Residential – 12 du/ac) and the B-1 (Neighborhood Business) zone districts for the Hatch Annexation with the facts and conclusions listed in the staff report.

Attachments:

Annexation – Site Location Map / Aerial Photo Map

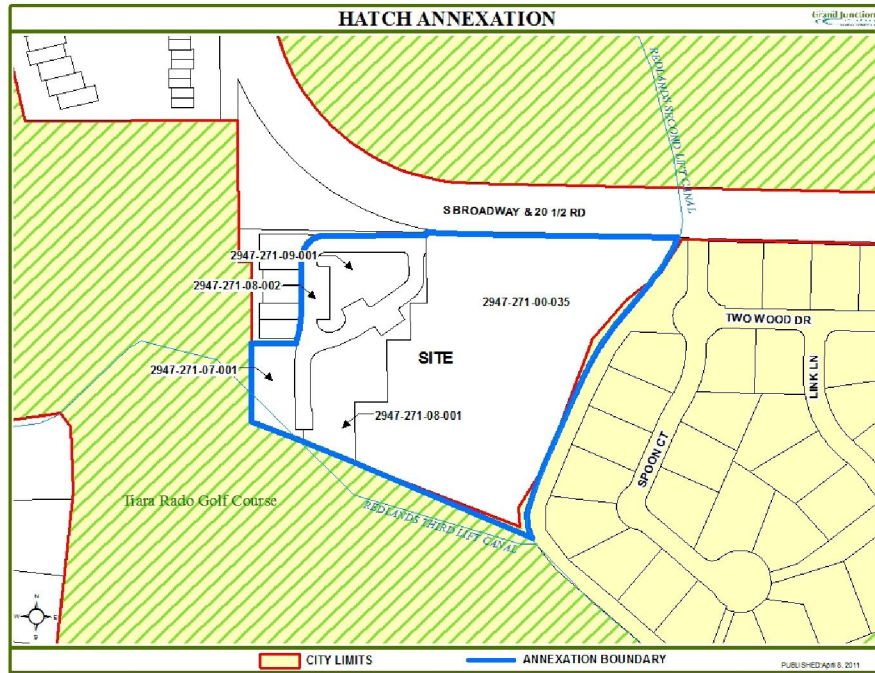
Future Land Use Map / Blended Residential Map

Existing City and County Zoning Map

Zoning Ordinance (subject to change upon correction of legal descriptions; the final form will be available for review by City Council)

Site Location Map

Figure 1



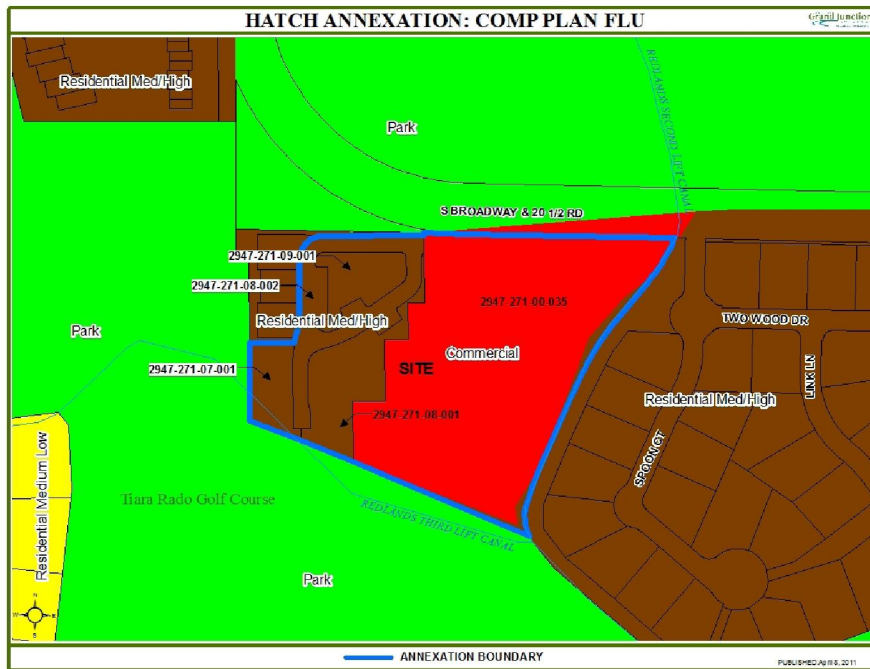
Aerial Photo Map

Figure 2



Comprehensive Plan

Figure 3



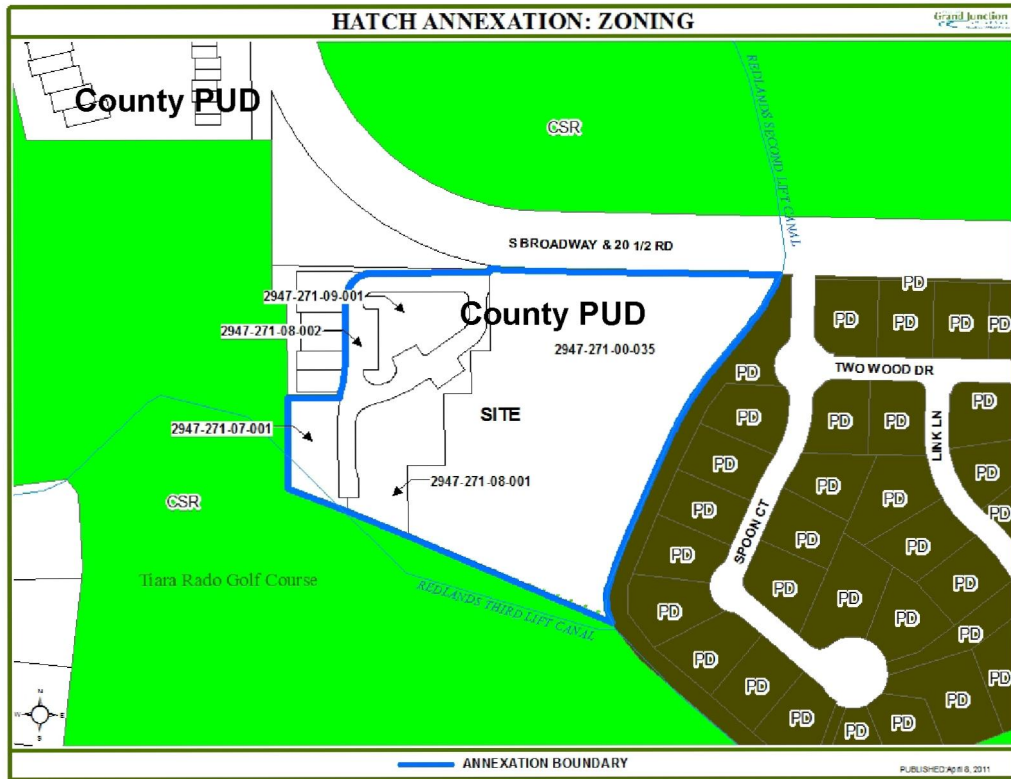
Blended Residential Map

Figure 4



Existing City and County Zoning

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE HATCH ANNEXATION
TO R-12, (RESIDENTIAL – 12 DU/AC) AND B-1, (NEIGHBORHOOD BUSINESS)**

LOCATED AT 2063 S. BROADWAY

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 Hatch Annexation to the R-12 (Residential – 12 du/ac) and the B-1 (Neighborhood Business) zone district finding that it conforms with the recommended land use category 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 and Section 21.02.160 of the Grand Junction Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-12 (Residential – 12 du/ac) and the B-1 (Neighborhood Business) zone districts are in conformance with the stated criteria of Sections 21.02.140 and Section 22.02.160 of the Grand Junction Zoning and Development Code.

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

HATCH ANNEXATION

The following property be zoned R-12 (Residential – 12 du/ac).

Property Legal Description forthcoming

The following property be zoned B-1 (Neighborhood Business).

Property Legal Description forthcoming

INTRODUCED on first reading the ___ day of _____, 2011 and ordered published.

ADOPTED on second reading the day of , 2011.

ATTEST:

President of the Council

City Clerk

**Attach 4
Hartnell Golf Fence**

**CITY OF GRAND JUNCTION
PLANNING COMMISSION**

MEETING DATE: June 28, 2011
PRESENTER: Senta Costello

AGENDA TOPIC: Hartnell Golf Fence – SPT-2011-850

ACTION REQUESTED: Recommendation to City Council for a Special Permit (SPT)

BACKGROUND INFORMATION			
Location:		2976 Fairway View Drive	
Applicants:		Bernard & Martha Hartnell	
Existing Land Use:		Single Family House	
Proposed Land Use:		Single Family House	
Surrounding Land Use:	North	Chipeta Golf Course	
	South	Vacant Single Family Lots	
	East	Vacant Single Family Lots	
	West	Single Family House	
Existing Zoning:		R-4 (Residential 4 du/ac)	
Proposed Zoning:		R-4 (Residential 4 du/ac)	
Surrounding Zoning:	North	PUD – Golf Course	
	South	R-4 (Residential 4 du/ac)	
	East	R-4 (Residential 4 du/ac)	
	West	R-4 (Residential 4 du/ac)	
Future Land Use Designation:		Residential Medium Low 2-4 du/ac	
Zoning within density range?		X	Yes
			No

PROJECT DESCRIPTION: Request for a recommendation of approval to City Council of a Special Permit to construct a 16' tall mesh golf fence in a R-4 (Residential 4 du/ac) zone district in accordance with Section 21.02.120 of the Grand Junction Municipal Code.

RECOMMENDATION: Recommendation of Approval of the Special Permit

ANALYSIS:

1. Background

The Fairway Pines Subdivision was approved by the Planning Commission on January 9, 2007. The applicant's property abuts the golf course's 8th fairway. The question of mitigation with the golf course and errant golf balls was discussed at the hearing. It was explained to the Commission that the developer had entered into an indemnification agreement with the golf course which released the golf course of any liability of damage or harm caused by errant golf balls. Based on this information, the Commission did not place any special requirements upon the developer to mitigate the potential damage or harm from the adjacent golf course.

The developer also included a \$2000 golf fence allowance within the Covenants which applied to Lots 1-5. The property owners of these lots could request the allowance from the Homeowners Association if they decided that they would like to construct a fence to help protect their homes from golf balls.

The lots adjacent to the golf course are continually being battered with errant golf balls. The houses are being damaged and people have been hit, creating not only an issue for the residents regarding continual repairs to their homes, but also for the safety of themselves and their guests. The installation of the golf fence will help mitigate the issue by limiting the number of golf balls striking the homes and residents on Lots 1-5.

2. Consistency with the Comprehensive Plan

The site is currently zoned R-4 (Residential 4 du/ac) with the Comprehensive Plan Future Land Use Map identifying this area as Residential Medium Low 2-4 du/ac.

3. 21.02.120 Special permit.

Purpose. The special permit review is accomplished through a City Council discretionary review process. A special permit may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses.

Approval Criteria. The application shall demonstrate that the proposed development will comply with the following:

- A. **Comprehensive Plan.** The special permit shall further the goals and policies of the Comprehensive Plan. The special permit shall serve to determine the location and character of site(s) in a Neighborhood Center, Village Center, City Center or Mixed Use Opportunity Corridors on the Future Land Use Map of the Comprehensive Plan;

Goal 7: New development adjacent to existing development (of a different density/unit type/land use type) should transition itself by incorporating appropriate buffering.

- B. Site Plan Review Standards. All applicable site plan review criteria in GJMC [21.02.070\(g\)](#) and Submittal Standards for Improvements and Development (GJMC Title [22](#)), Transportation Engineering Design Standards (GJMC Title [24](#)), and Stormwater Management Manual(s) (GJMC Title [26](#));

This property is a single family house. There are no applicable Site Plan Review standards.

- C. District Standards. The underlying zoning district standards established in Chapter [21.03](#) GJMC, except as expressly modified by the proposed special permit; and

The builder of the single family house obtained a Planning Clearance prior to construction of the house. The zone district standards were reviewed at the time of the issuing the Planning Clearance. The house meets all requirements of the R-4 zone district. Fences are limited to 6' in height except with a Special Permit pursuant to 21.02.120.

- D. Specific Standards. The use-specific standards established in Chapter [21.04](#) GJMC.

This property is a single family house. There are no applicable use specific standards.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Hartnell Golf Fence Special Permit application, SPT-2011-850 for a Special Permit, I make the following findings of fact, conclusions and conditions:

1. The requested Special Permit is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.110 of the Grand Junction Municipal have all been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval to City Council of the requested Special Permit, SPT-2011-853 with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

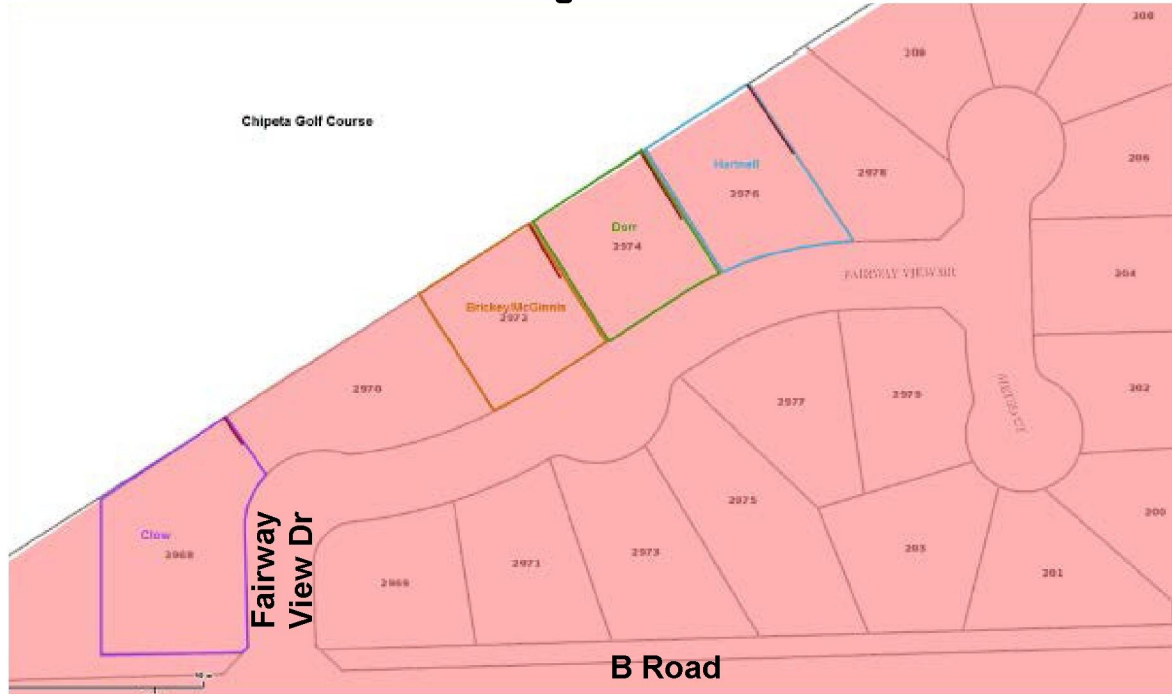
Mr. Chairman, on the request for a Special Permit for Hartnell Golf Fence Special Permit application, number SPT-2011-850 to be located at 2976 Fairway View Drive, I move that the Planning Commission forward a recommendation of approval of the Special Permit to City Council with the facts and conclusions listed in the staff report.

Attachments:

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

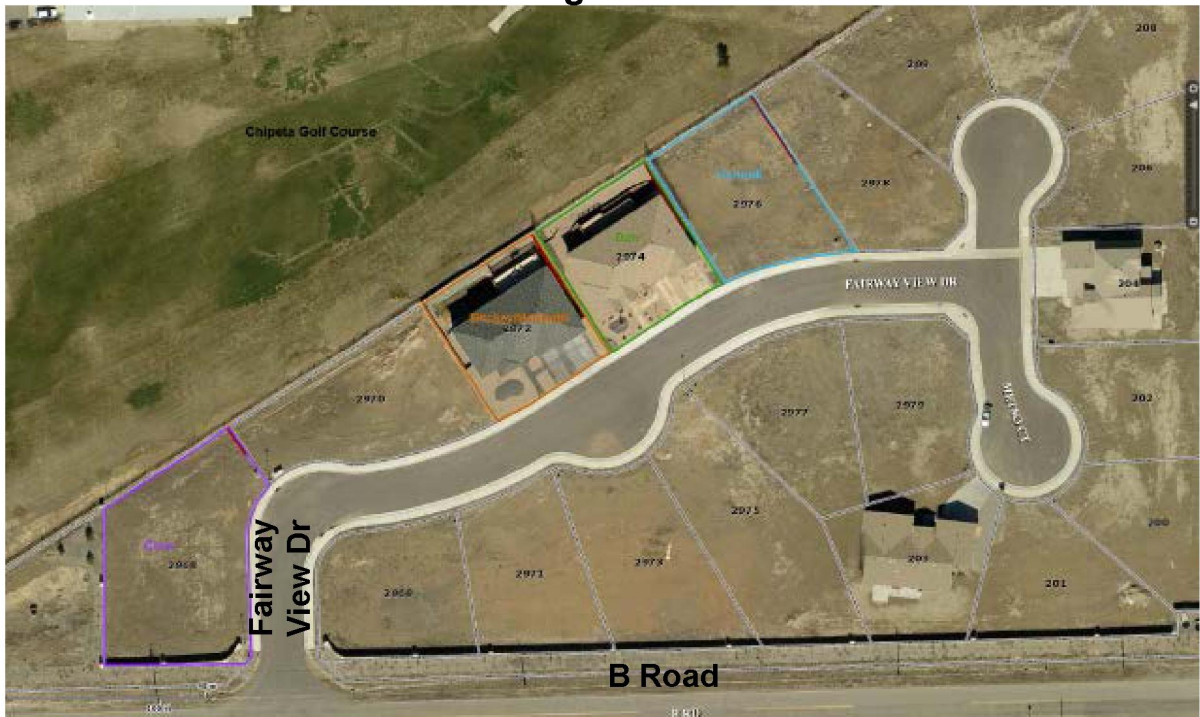
Site Location Map

Figure 1



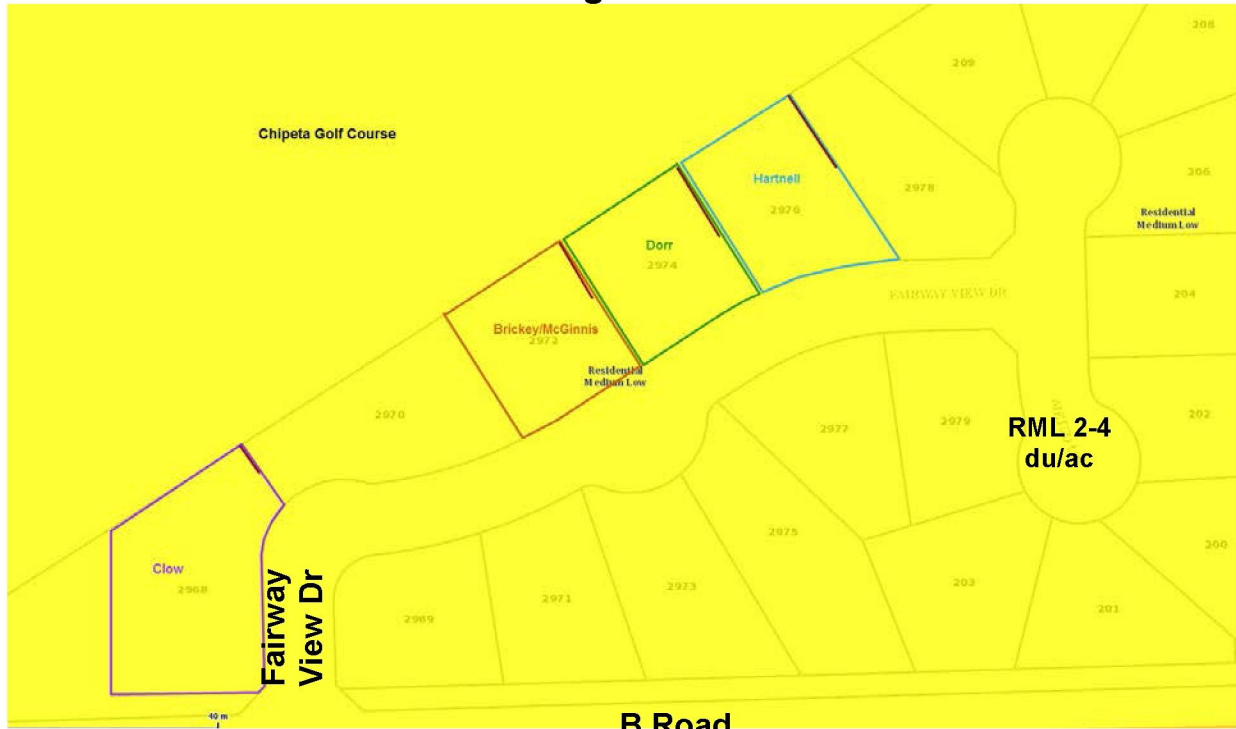
Aerial Photo Map

Figure 2



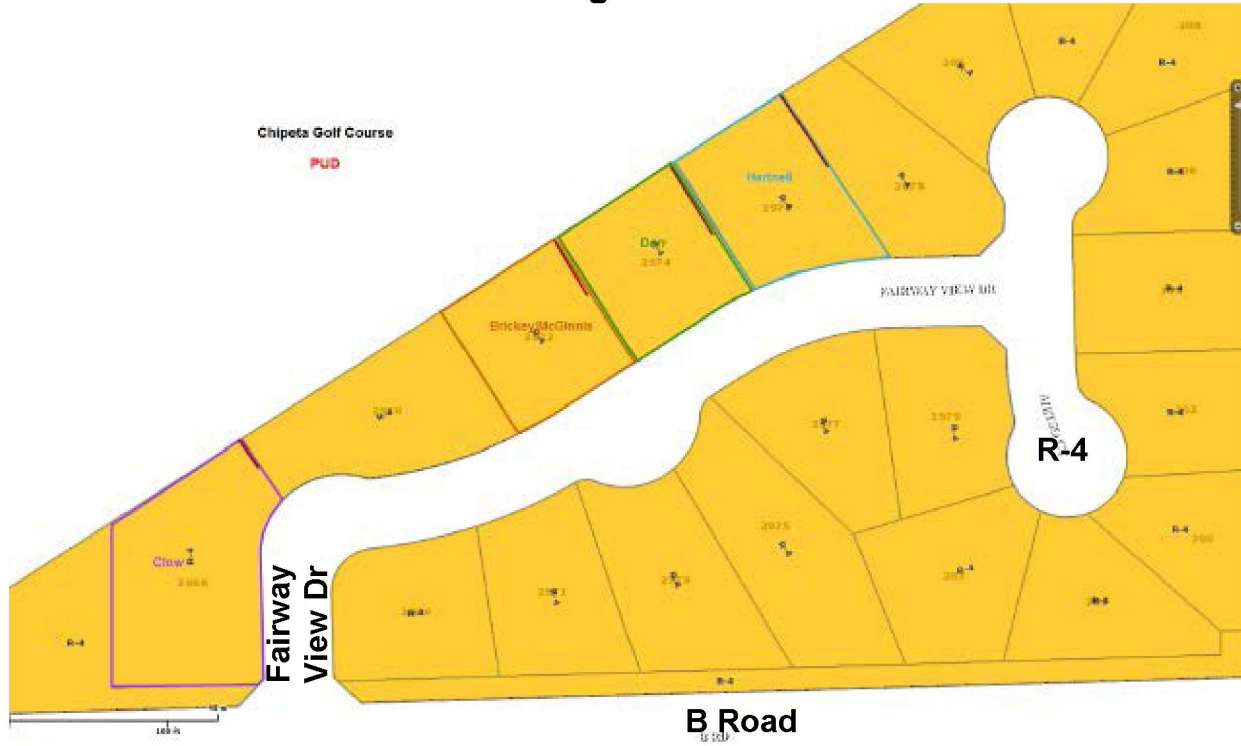
Comprehensive Plan Map

Figure 3



Existing City and County Zoning Map

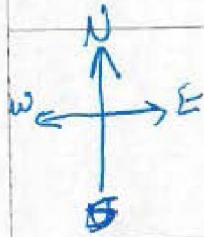
Figure 4



Blended Map

Figure 5





10'-0"

Irrigation
Easement

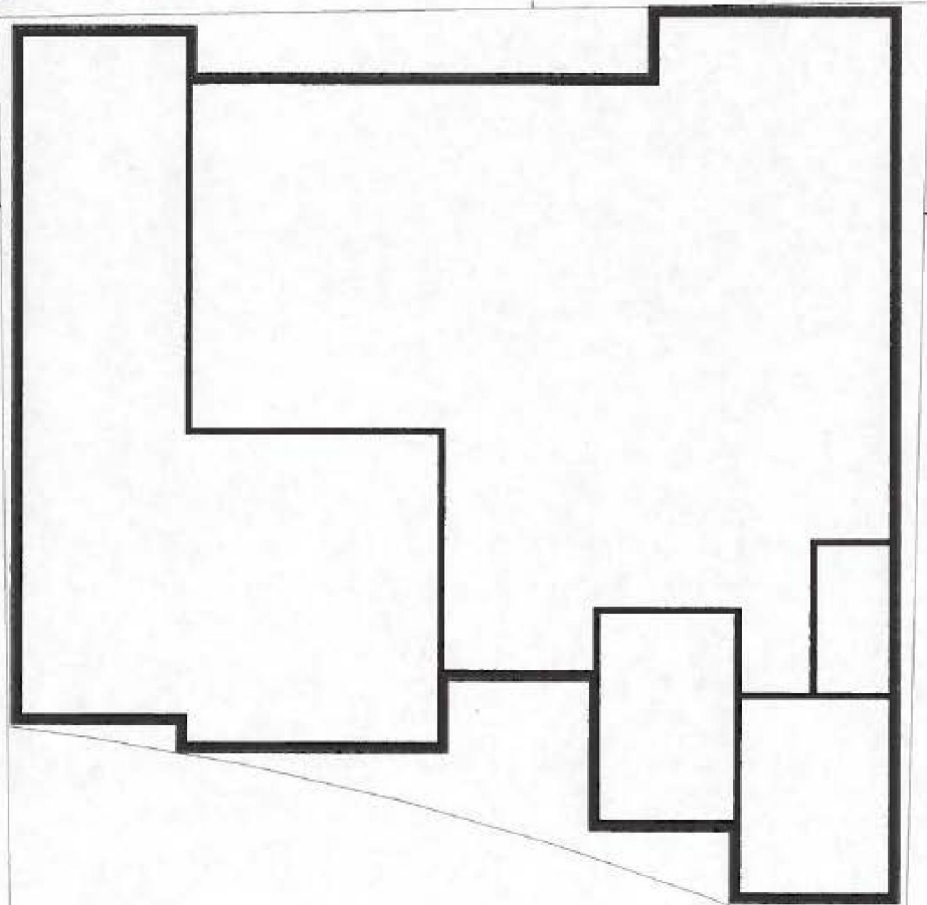
15'-0"

7'-0"

7'-0"

Proposed Golf netting 60x16'

2976 Fairway Used



**Attach 5
Dorr Golf Fence**

**CITY OF GRAND JUNCTION
PLANNING COMMISSION**

MEETING DATE: June 14, 2011
PRESENTER: Senta Costello

AGENDA TOPIC: Dorr Golf Fence – SPT-2011-851

ACTION REQUESTED: Recommendation to City Council for a Special Permit (SPT)

BACKGROUND INFORMATION			
Location:		2974 Fairway View Drive	
Applicants:		Philip & Kathleen Dorr	
Existing Land Use:		Single Family House	
Proposed Land Use:		Single Family House	
Surrounding Land Use:	North	Chipeta Golf Course	
	South	Vacant Single Family Lots	
	East	Single Family House	
	West	Single Family House	
Existing Zoning:		R-4 (Residential 4 du/ac)	
Proposed Zoning:		R-4 (Residential 4 du/ac)	
Surrounding Zoning:	North	PUD – Golf Course	
	South	R-4 (Residential 4 du/ac)	
	East	R-4 (Residential 4 du/ac)	
	West	R-4 (Residential 4 du/ac)	
Future Land Use Designation:		Residential Medium Low 2-4 du/ac	
Zoning within density range?		X	Yes
			No

PROJECT DESCRIPTION: Request for a recommendation of approval to City Council of a Special Permit to construct a 16' tall mesh golf fence in a R-4 (Residential 4 du/ac) zone district in accordance with Section 21.02.120 of the Grand Junction Municipal Code.

RECOMMENDATION: Recommendation of Approval of the Special Permit

ANALYSIS:

1. Background

The Fairway Pines Subdivision was approved by the Planning Commission on January 9, 2007. The applicant's property abuts the golf course's 8th fairway. The question of mitigation with the golf course and errant golf balls was discussed at the hearing. It was explained to the Commission that the developer had entered into an indemnification agreement with the golf course which released the golf course of any liability of damage or harm caused by errant golf balls. Based on this information, the Commission did not place any special requirements upon the developer to mitigate the potential damage or harm from the adjacent golf course.

The developer also included a \$2000 golf fence allowance within the Covenants which applied to Lots 1-5. The property owners of these lots could request the allowance from the Homeowners Association if they decided that they would like to construct a fence to help protect their homes from golf balls.

The lots adjacent to the golf course are continually being battered with errant golf balls. The houses are being damaged and people have been hit, creating not only an issue for the residents regarding continual repairs to their homes, but also for the safety of themselves and their guests. The installation of the golf fence will help mitigate the issue by limiting the number of golf balls striking the homes and residents on Lots 1-5.

2. Consistency with the Comprehensive Plan

The site is currently zoned R-4 (Residential 4 du/ac) with the Comprehensive Plan Future Land Use Map identifying this area as Residential Medium Low 2-4 du/ac.

3. 21.02.120 Special permit.

Purpose. The special permit review is accomplished through a City Council discretionary review process. A special permit may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses.

Approval Criteria. The application shall demonstrate that the proposed development will comply with the following:

- A. **Comprehensive Plan.** The special permit shall further the goals and policies of the Comprehensive Plan. The special permit shall serve to determine the location and character of site(s) in a Neighborhood Center, Village Center, City Center or Mixed Use Opportunity Corridors on the Future Land Use Map of the Comprehensive Plan;

Goal 7: New development adjacent to existing development (of a different density/unit type/land use type) should transition itself by incorporating appropriate buffering.

- B. Site Plan Review Standards. All applicable site plan review criteria in GJMC [21.02.070\(g\)](#) and Submittal Standards for Improvements and Development (GJMC Title [22](#)), Transportation Engineering Design Standards (GJMC Title [24](#)), and Stormwater Management Manual(s) (GJMC Title [26](#));

This property is a single family house. There are no applicable Site Plan Review standards.

- C. District Standards. The underlying zoning district standards established in Chapter [21.03](#) GJMC, except as expressly modified by the proposed special permit; and

The builder of the single family house obtained a Planning Clearance prior to construction of the house. The zone district standards were reviewed at the time of the issuing the Planning Clearance. The house meets all requirements of the R-4 zone district. Fences are limited to 6' in height except with a Special Permit pursuant to 21.02.120.

- D. Specific Standards. The use-specific standards established in Chapter [21.04](#) GJMC.

This property is a single family house. There are no applicable use specific standards.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Dorr Golf Fence Special Permit application, SPT-2011-851 for a Special Permit, I make the following findings of fact, conclusions and conditions:

1. The requested Special Permit is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.120 of the Grand Junction Municipal have all been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval to City Council of the requested Special Permit, SPT-2011-853 with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

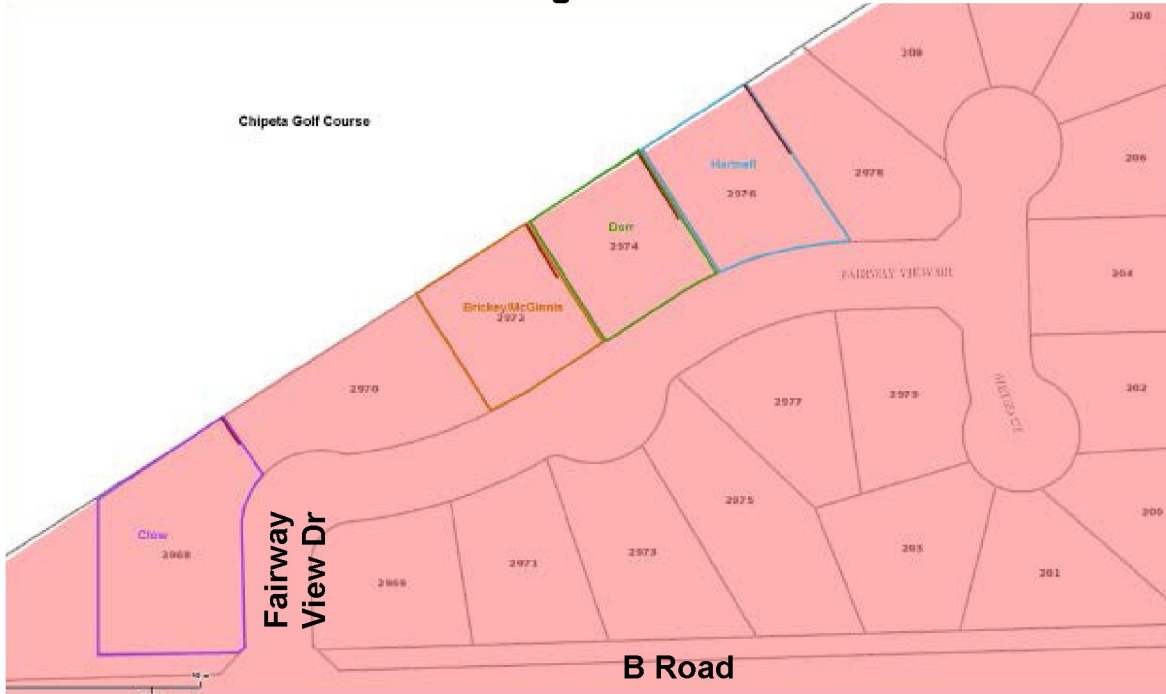
Mr. Chairman, on the request for a Special Permit for Dorr Golf Fence Special Permit application, number SPT-2011-851 to be located at 2974 Fairway View Drive, I move that the Planning Commission forward a recommendation of approval of the Special Permit to City Council with the facts and conclusions listed in the staff report.

Attachments:

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

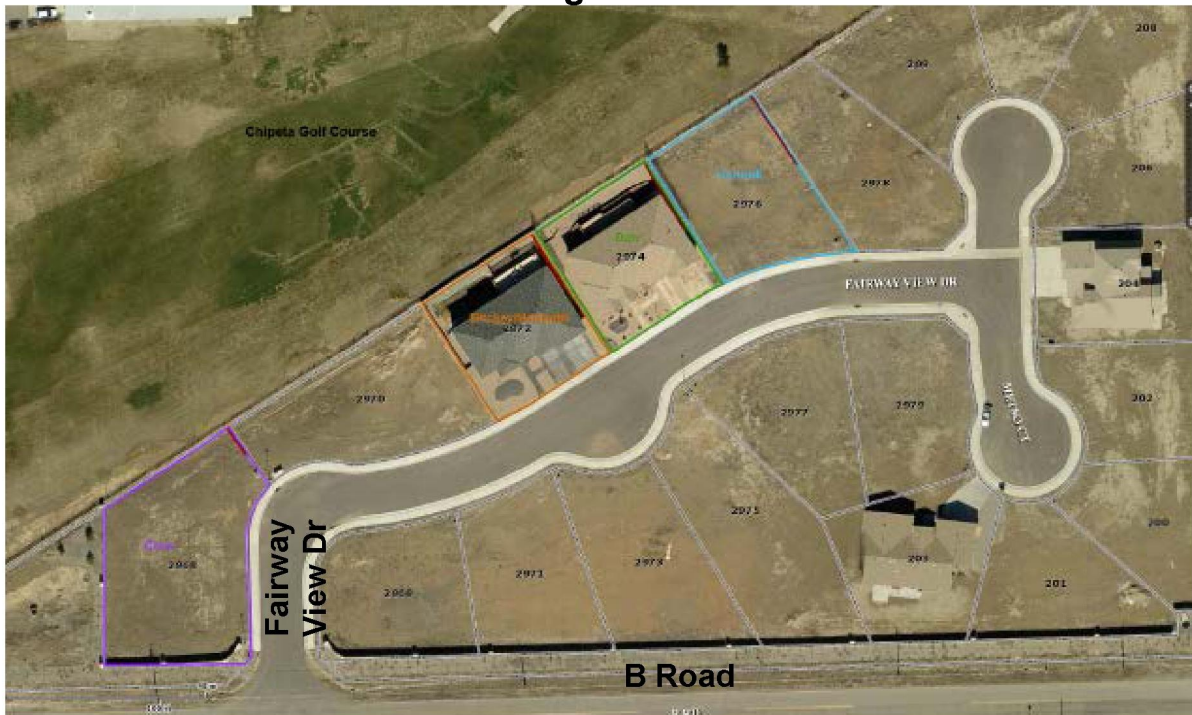
Site Location Map

Figure 1



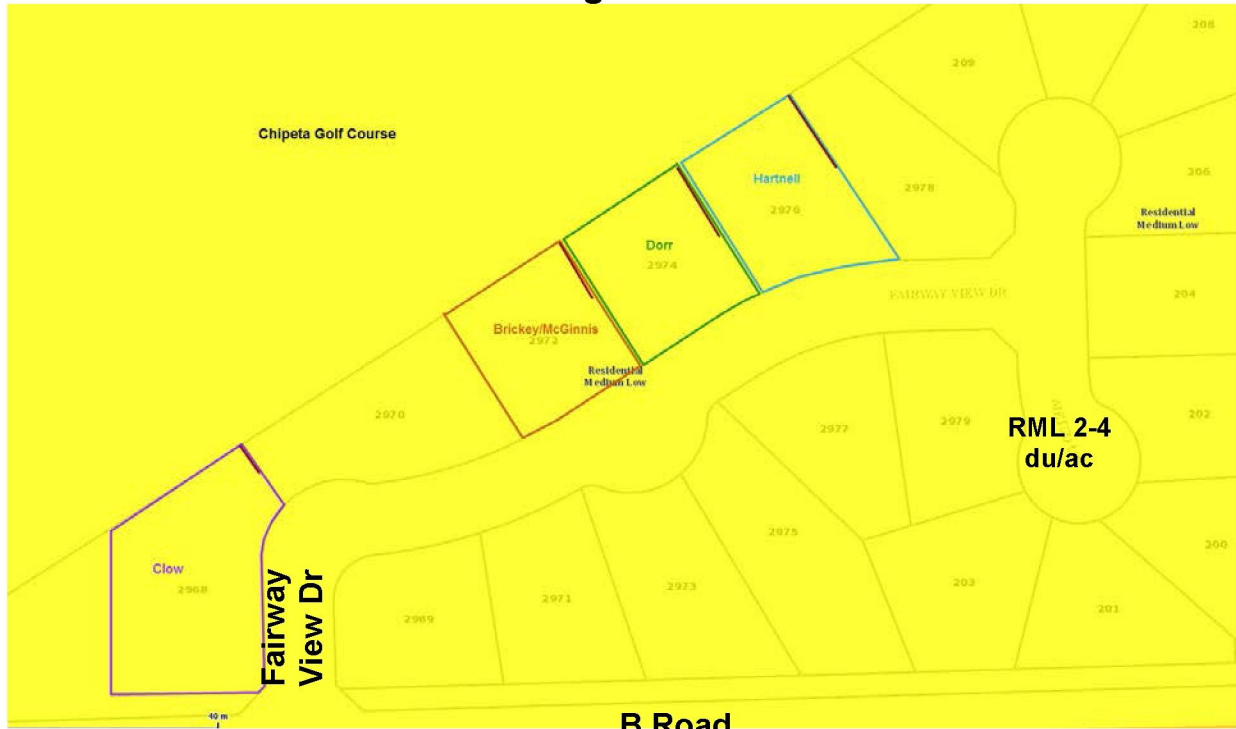
Aerial Photo Map

Figure 2



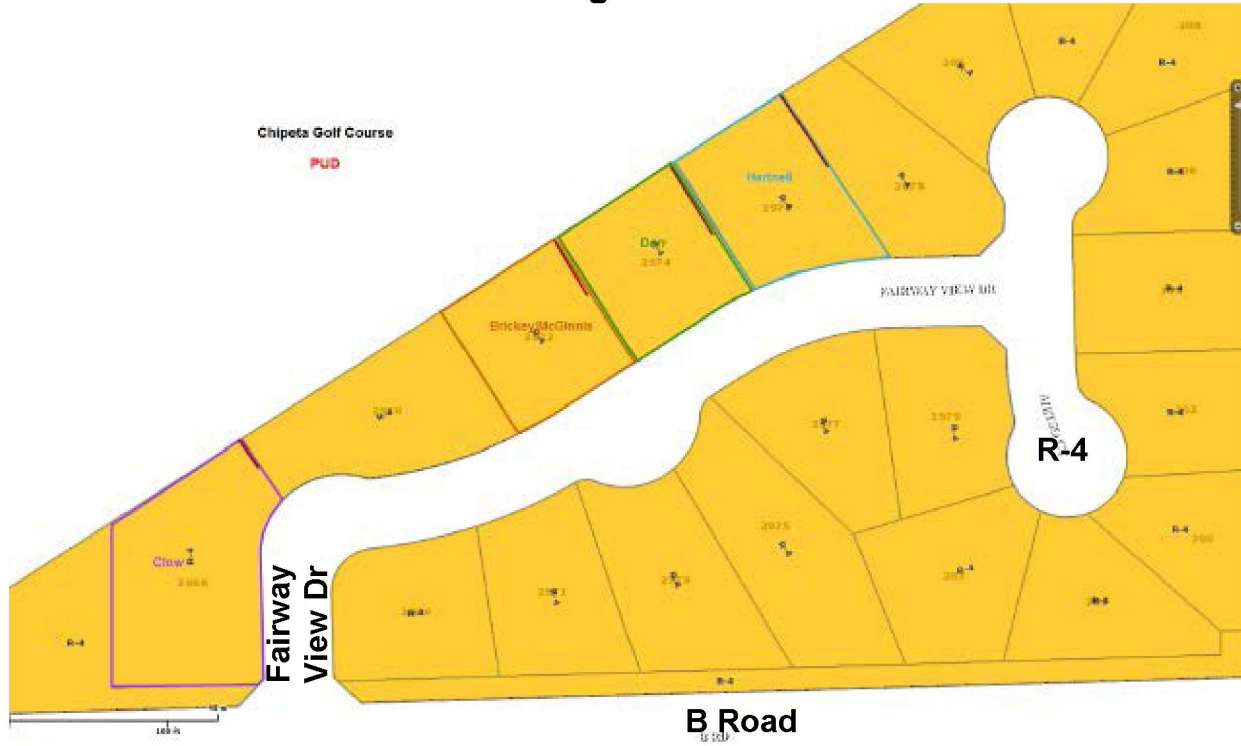
Comprehensive Plan Map

Figure 3



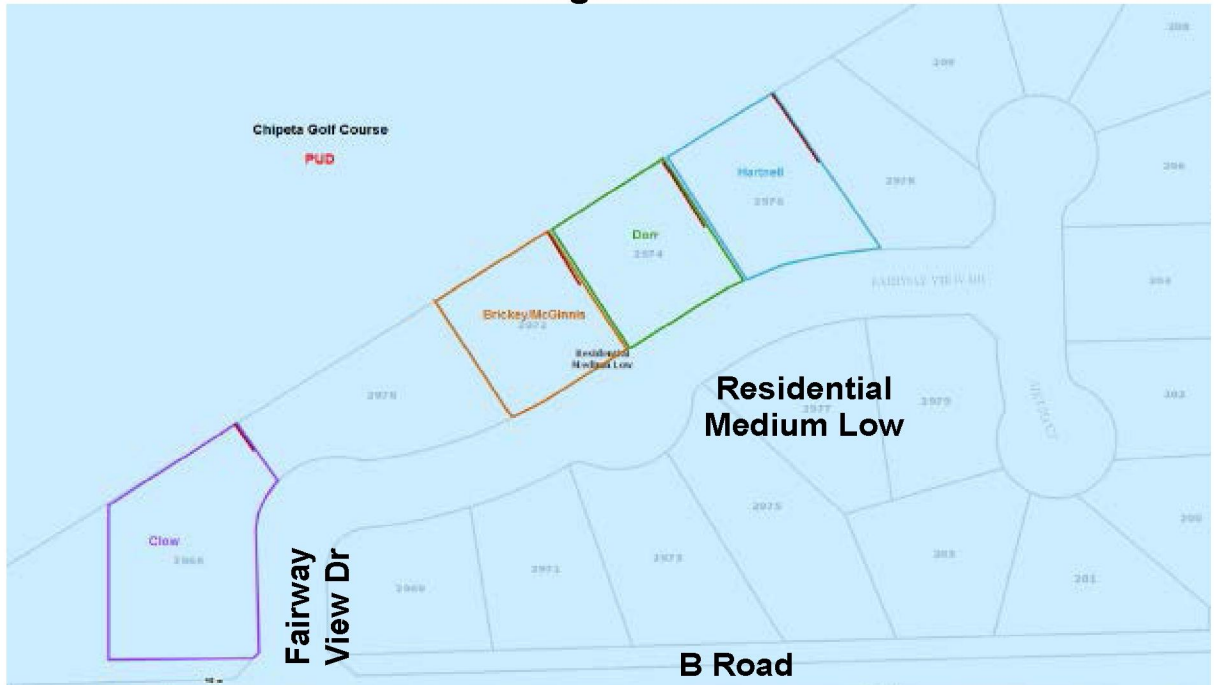
Existing City and County Zoning Map

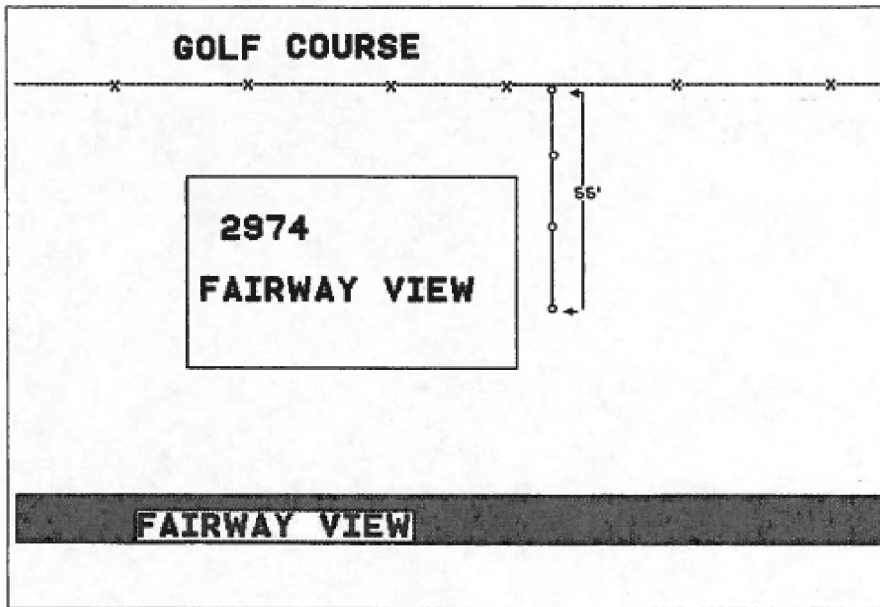
Figure 4



Blended Map

Figure 5





PRIOR TO START :

- UNCC LOCATE # A304940
- GVP LOCATE # _____
- LOCATE DATE 10/27/08
- PRIVATE LOCATE
- CITY PERMIT
- FENCE REMOVAL
- HAUL OFF REMOVAL

JOB SCHEDULE INFORMATION:

- START DATE 10/30/08
- COMPLETION DATE 11/07/08
- _____
- _____
- _____

JOB INFORMATION/NOTES:

PROVIDE AND INSTALL APPROXIMATELY 55 L.F. OF 12' HIGH SIDE RANGE GOLF NETTING.

2 3/8" FULL WEIGHT PIPE POSTS

SPACE POSTS NOT TO EXCEED 14' O.C.

GOLF NETTING ATTACHED TO POSTS USING GALVANIZED STEEL CABLE AND SNAP HOOKS

CABLE ATTACHED TO POSTS THROUGH EYEBOLTS.

NETTING ON NORTH SIDE WILL BE OFF THE GROUND DUE TO GRADE.

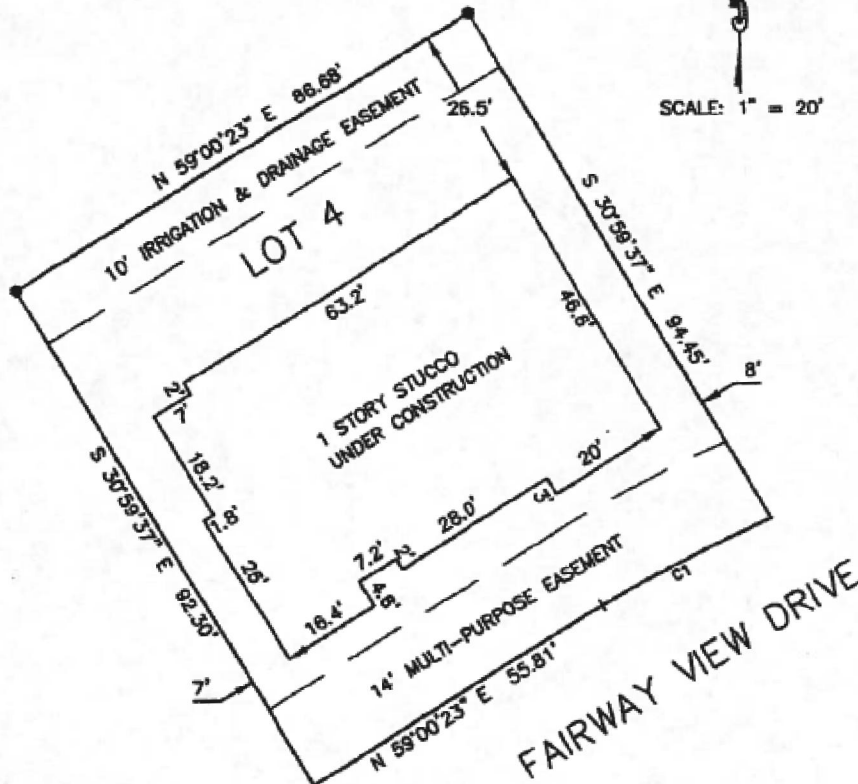
**** NOTE****

CUSTOMER IS RESPONSIBLE FOR OBTAINING ANY NECESSARY PERMITS FOR GOLF NETTING BARRIER

IMPROVEMENT LOCATION CERTIFICATE

2974 FAIRWAY VIEW DRIVE, GRAND JUNCTION

SECURITY TITLE CO.
LOT 4 OF FAIRWAY PINES SUBDIVISION,
MESA COUNTY, STATE OF COLORADO.



SCALE: 1" = 20'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	222.00'	30.97'	30.95'	N 63°00'11" E	07°59'36"

- CONCRETE

● - FOUND #5 REBAR WITH CAP

I HEREBY CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE WAS PREPARED FOR DOUBLE R BUILDERS THAT IT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, AND THAT IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BOUNDING OR OTHER FUTURE IMPROVEMENT LINES. I FURTHER CERTIFY THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON THIS DATE 1/7/08 EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS INDICATED, AND THAT THERE IS NO EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED.



FOR AND ON BEHALF
OF SURVEYIT, INC.
ROBERT J. LEVINE
P.L.S. 29419

SURVEYIT, INC

MAILING:
2706 COMPASS DRIVE
SUITE 110
GRAND JUNCTION, CO. 81506
PHONE : 970-245-3777
FAX 970 241-4847

DESIGNED BY	J.G.	DRAWN BY	M.L.	DATE DESIGNED	1/7/08	DATE DRAWN	1/7/08
REVISION		SCALE	1" = 20'				

**Attach 6
Brickey Golf Fence**

**CITY OF GRAND JUNCTION
PLANNING COMMISSION**

MEETING DATE: June 14, 2011
PRESENTER: Senta Costello

AGENDA TOPIC: Brickey/McGinnis Golf Fence – SPT-2011-852

ACTION REQUESTED: Recommendation to City Council for a Special Permit (SPT)

BACKGROUND INFORMATION			
Location:		2972 Fairway View Drive	
Applicants:		Karan Brickey/Barbara McGinnis	
Existing Land Use:		Single Family House	
Proposed Land Use:		Single Family House	
Surrounding Land Use:	North	Chipeta Golf Course	
	South	Vacant Single Family Lots	
	East	Single Family House	
	West	Vacant Single Family Lot	
Existing Zoning:		R-4 (Residential 4 du/ac)	
Proposed Zoning:		R-4 (Residential 4 du/ac)	
Surrounding Zoning:	North	PUD – Golf Course	
	South	R-4 (Residential 4 du/ac)	
	East	R-4 (Residential 4 du/ac)	
	West	R-4 (Residential 4 du/ac)	
Future Land Use Designation:		Residential Medium Low 2-4 du/ac	
Zoning within density range?		X	Yes
			No

PROJECT DESCRIPTION: Request for a recommendation of approval to City Council of a Special Permit to construct a 16' tall mesh golf fence in a R-4 (Residential 4 du/ac) zone district in accordance with Section 21.02.120 of the Grand Junction Municipal Code.

RECOMMENDATION: Recommendation of Approval of the Special Permit

ANALYSIS:

1. Background

The Fairway Pines Subdivision was approved by the Planning Commission on January 9, 2007. The applicant's property abuts the golf course's 8th fairway. The question of mitigation with the golf course and errant golf balls was discussed at the hearing. It was explained to the Commission that the developer had entered into an indemnification agreement with the golf course which released the golf course of any liability of damage or harm caused by errant golf balls. Based on this information, the Commission did not place any special requirements upon the developer to mitigate the potential damage or harm from the adjacent golf course.

The developer also included a \$2000 golf fence allowance within the Covenants which applied to Lots 1-5. The property owners of these lots could request the allowance from the Homeowners Association if they decided that they would like to construct a fence to help protect their homes from golf balls.

The lots adjacent to the golf course are continually being battered with errant golf balls. The houses are being damaged and people have been hit, creating not only an issue for the residents regarding continual repairs to their homes, but also for the safety of themselves and their guests. The installation of the golf fence will help mitigate the issue by limiting the number of golf balls striking the homes and residents on Lots 1-5.

2. Consistency with the Comprehensive Plan

The site is currently zoned R-4 (Residential 4 du/ac) with the Comprehensive Plan Future Land Use Map identifying this area as Residential Medium Low 2-4 du/ac.

3. 21.02.120 Special permit.

Purpose. The special permit review is accomplished through a City Council discretionary review process. A special permit may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses.

Approval Criteria. The application shall demonstrate that the proposed development will comply with the following:

- A. **Comprehensive Plan.** The special permit shall further the goals and policies of the Comprehensive Plan. The special permit shall serve to determine the location and character of site(s) in a Neighborhood Center, Village Center, City Center or Mixed Use Opportunity Corridors on the Future Land Use Map of the Comprehensive Plan;

Goal 7: New development adjacent to existing development (of a different density/unit type/land use type) should transition itself by incorporating appropriate buffering.

- B. Site Plan Review Standards. All applicable site plan review criteria in GJMC [21.02.070\(g\)](#) and Submittal Standards for Improvements and Development (GJMC Title [22](#)), Transportation Engineering Design Standards (GJMC Title [24](#)), and Stormwater Management Manual(s) (GJMC Title [26](#));

This property is a single family house. There are no applicable Site Plan Review standards.

- C. District Standards. The underlying zoning district standards established in Chapter [21.03](#) GJMC, except as expressly modified by the proposed special permit; and

The builder of the single family house obtained a Planning Clearance prior to construction of the house. The zone district standards were reviewed at the time of the issuing the Planning Clearance. The house meets all requirements of the R-4 zone district. Fences are limited to 6' in height except with a Special Permit pursuant to 21.02.120.

- D. Specific Standards. The use-specific standards established in Chapter [21.04](#) GJMC.

This property is a single family house. There are no applicable use specific standards.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Brickey/McGinnis Golf Fence Special Permit application, SPT-2011-852 for a Special Permit, I make the following findings of fact, conclusions and conditions:

1. The requested Special Permit is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.120 of the Grand Junction Municipal have all been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval to City Council of the requested Special Permit, SPT-2011-853 with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

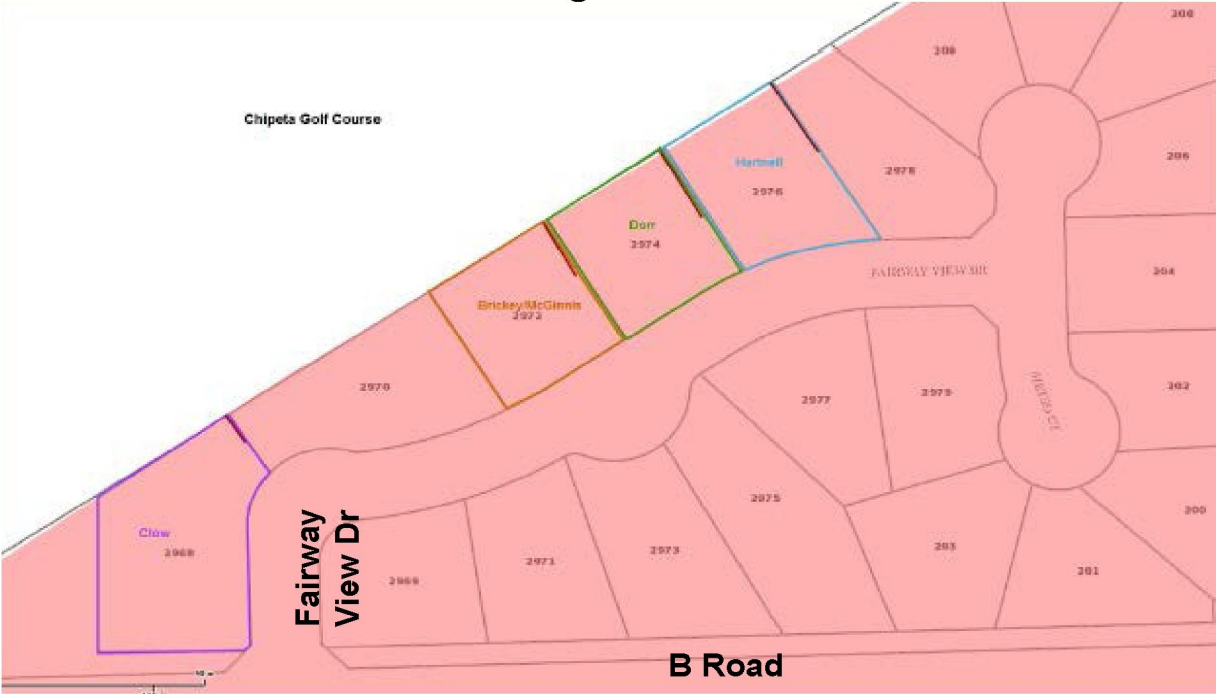
Mr. Chairman, on the request for a Special Permit for Brickey Golf Fence Special Permit application, number SPT-2011-852 to be located at 2972 Fairway View Drive, I move that the Planning Commission forward a recommendation of approval of the Special Permit to City Council with the facts and conclusions listed in the staff report.

Attachments:

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

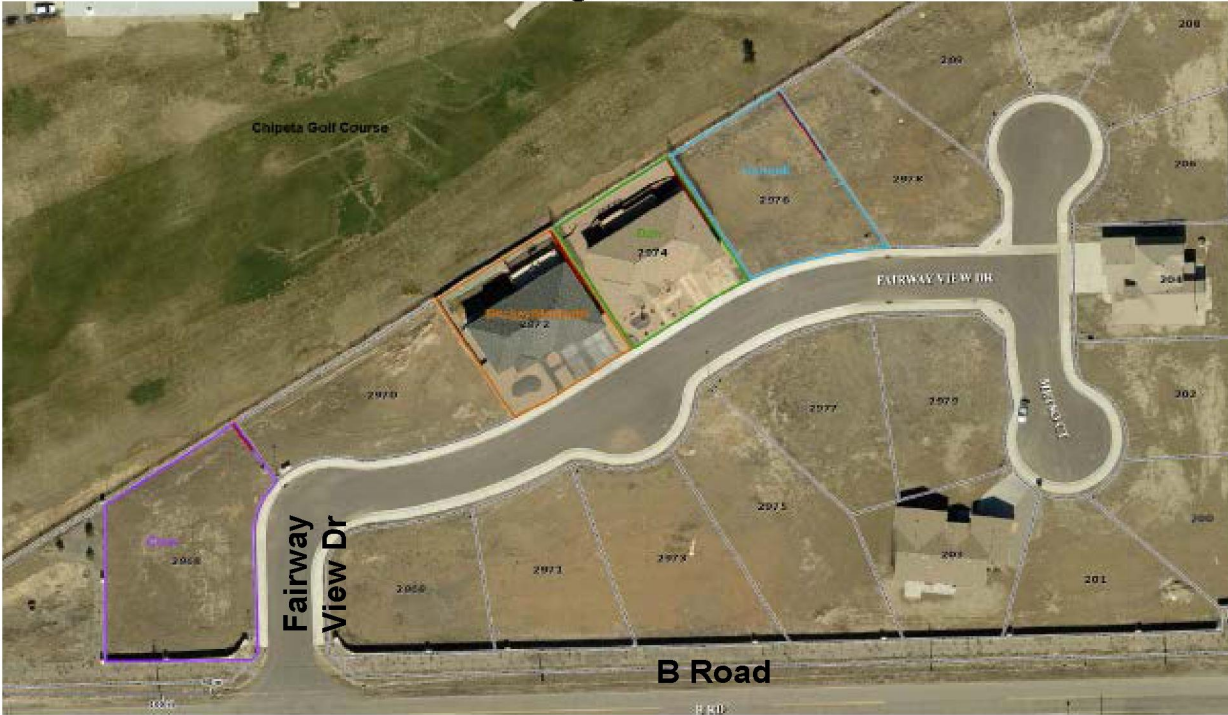
Site Location Map

Figure 1



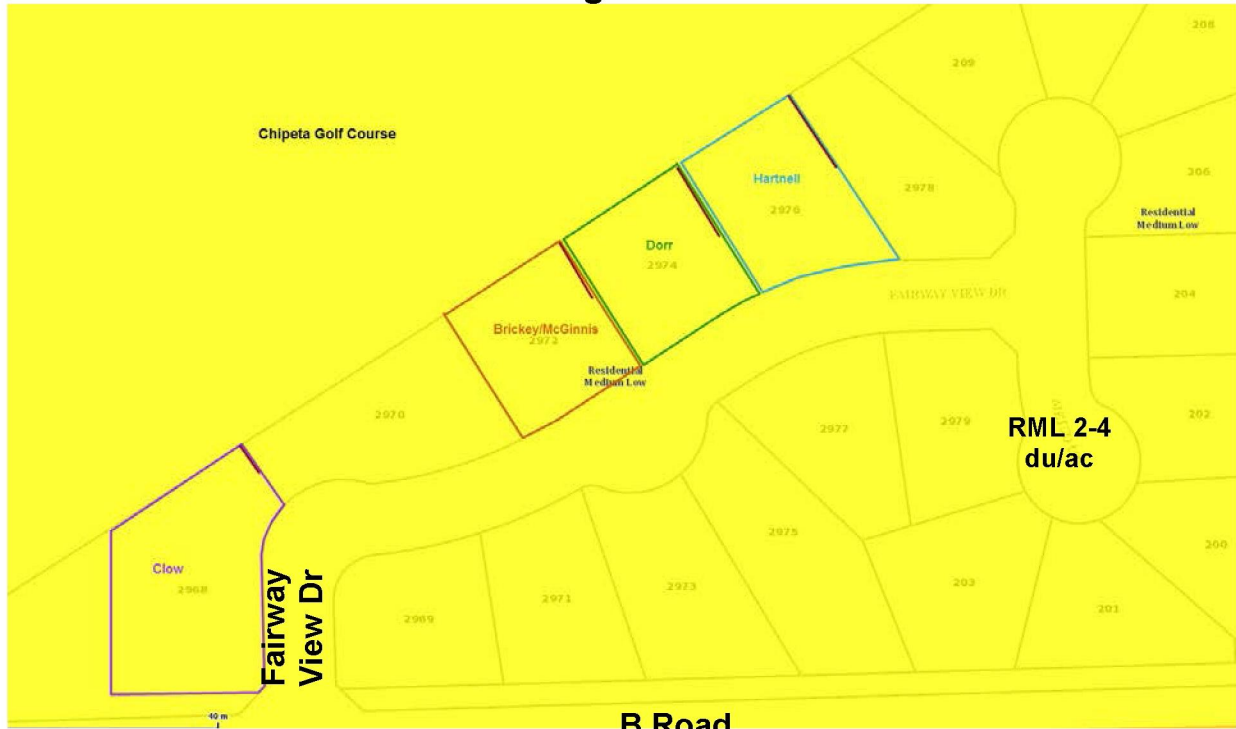
Aerial Photo Map

Figure 2



Comprehensive Plan Map

Figure 3



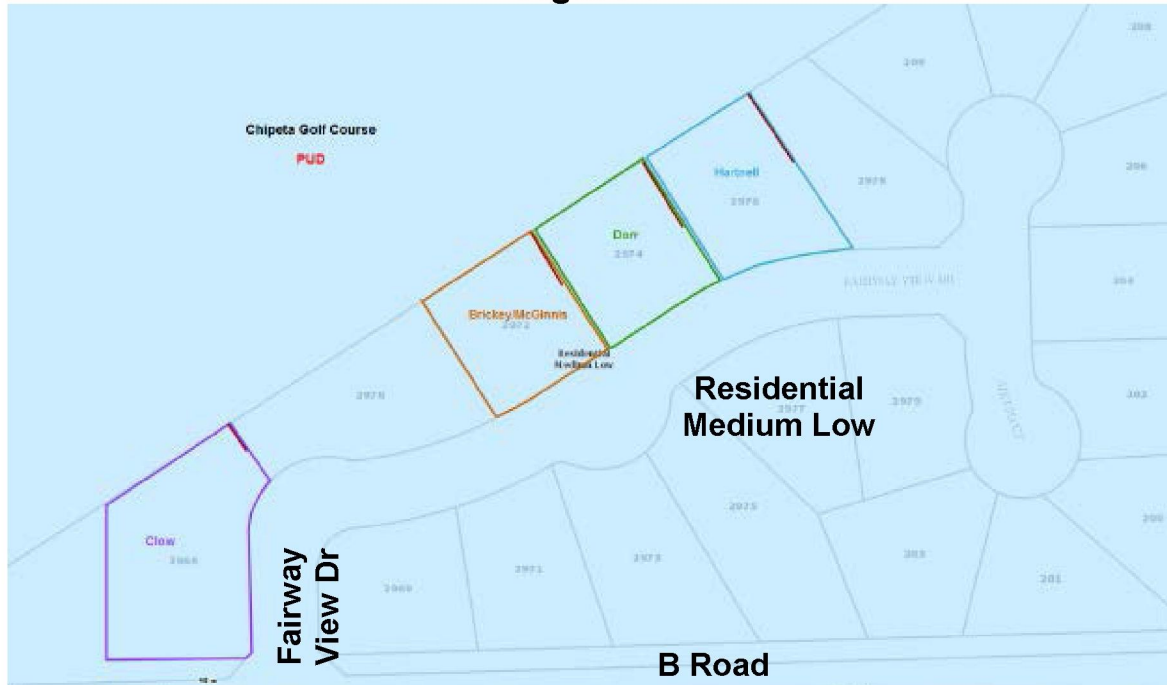
Existing City and County Zoning Map

Figure 4



Blended Map

Figure 5





Length: 39.34 ft

Length: 54.15 ft

Nothing To Sale

**Attach 7
Clow Golf Fence**

**CITY OF GRAND JUNCTION
PLANNING COMMISSION**

MEETING DATE: June 28, 2011
PRESENTER: Senta Costello

AGENDA TOPIC: Clow Golf Fence – SPT-2011-853

ACTION REQUESTED: Recommendation to City Council for a Special Permit (SPT)

BACKGROUND INFORMATION			
Location:		2968 Fairway View Drive	
Applicants:		Tory & Monica Clow	
Existing Land Use:		Single Family House	
Proposed Land Use:		Single Family House	
Surrounding Land Use:	North	Chipeta Golf Course	
	South	Vacant Single Family Lots	
	East	Vacant Single Family Lots	
	West	HOA open space	
Existing Zoning:		R-4 (Residential 4 du/ac)	
Proposed Zoning:		R-4 (Residential 4 du/ac)	
Surrounding Zoning:	North	PUD – Golf Course	
	South	R-4 (Residential 4 du/ac)	
	East	R-4 (Residential 4 du/ac)	
	West	R-4 (Residential 4 du/ac)	
Future Land Use Designation:		Residential Medium Low 2-4 du/ac	
Zoning within density range?		X	Yes
			No

PROJECT DESCRIPTION: Request for a recommendation of approval to City Council of a Special Permit to construct a 18' tall mesh golf fence in a R-4 (Residential 4 du/ac) zone district in accordance with Section 21.02.120 of the Grand Junction Municipal Code.

RECOMMENDATION: Recommendation of Approval of the Special Permit

ANALYSIS:

1. Background

The Fairway Pines Subdivision was approved by the Planning Commission on January 9, 2007. The applicant's property abuts the golf course's 8th fairway. The question of mitigation with the golf course and errant golf balls was discussed at the hearing. It was explained to the Commission that the developer had entered into an indemnification agreement with the golf course which released the golf course of any liability of damage or harm caused by errant golf balls. Based on this information, the Commission did not place any special requirements upon the developer to mitigate the potential damage or harm from the adjacent golf course.

The developer also included a \$2000 golf fence allowance within the Covenants which applied to Lots 1-5. The property owners of these lots could request the allowance from the Homeowners Association if they decided that they would like to construct a fence to help protect their homes from golf balls.

The lots adjacent to the golf course are continually being battered with errant golf balls. The houses are being damaged and people have been hit, creating not only an issue for the residents regarding continual repairs to their homes, but also for the safety of themselves and their guests. The installation of the golf fence will help mitigate the issue by limiting the number of golf balls striking the homes and residents on Lots 1-5.

2. Consistency with the Comprehensive Plan

The site is currently zoned R-4 (Residential 4 du/ac) with the Comprehensive Plan Future Land Use Map identifying this area as Residential Medium Low 2-4 du/ac.

3. 21.02.120 Special permit.

Purpose. The special permit review is accomplished through a City Council discretionary review process. A special permit may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses.

Approval Criteria. The application shall demonstrate that the proposed development will comply with the following:

- A. **Comprehensive Plan.** The special permit shall further the goals and policies of the Comprehensive Plan. The special permit shall serve to determine the location and character of site(s) in a Neighborhood Center, Village Center, City Center or Mixed Use Opportunity Corridors on the Future Land Use Map of the Comprehensive Plan;

Goal 7: New development adjacent to existing development (of a different density/unit type/land use type) should transition itself by incorporating appropriate buffering.

- B. Site Plan Review Standards. All applicable site plan review criteria in GJMC [21.02.070\(g\)](#) and Submittal Standards for Improvements and Development (GJMC Title [22](#)), Transportation Engineering Design Standards (GJMC Title [24](#)), and Stormwater Management Manual(s) (GJMC Title [26](#));

This property is a single family house. There are no applicable Site Plan Review standards.

- C. District Standards. The underlying zoning district standards established in Chapter [21.03](#) GJMC, except as expressly modified by the proposed special permit; and

The builder of the single family house obtained a Planning Clearance prior to construction of the house. The zone district standards were reviewed at the time of the issuing the Planning Clearance. The house meets all requirements of the R-4 zone district. Fences are limited to 6' in height except with a Special Permit pursuant to 21.02.120.

- D. Specific Standards. The use-specific standards established in Chapter [21.04](#) GJMC.

This property is a single family house. There are no applicable use specific standards.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Clow Golf Fence Special Permit application, SPT-2011-853 for a Special Permit, I make the following findings of fact, conclusions and conditions:

1. The requested Special Permit is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.120 of the Grand Junction Municipal have all been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval to City Council of the requested Special Permit, SPT-2011-853 with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

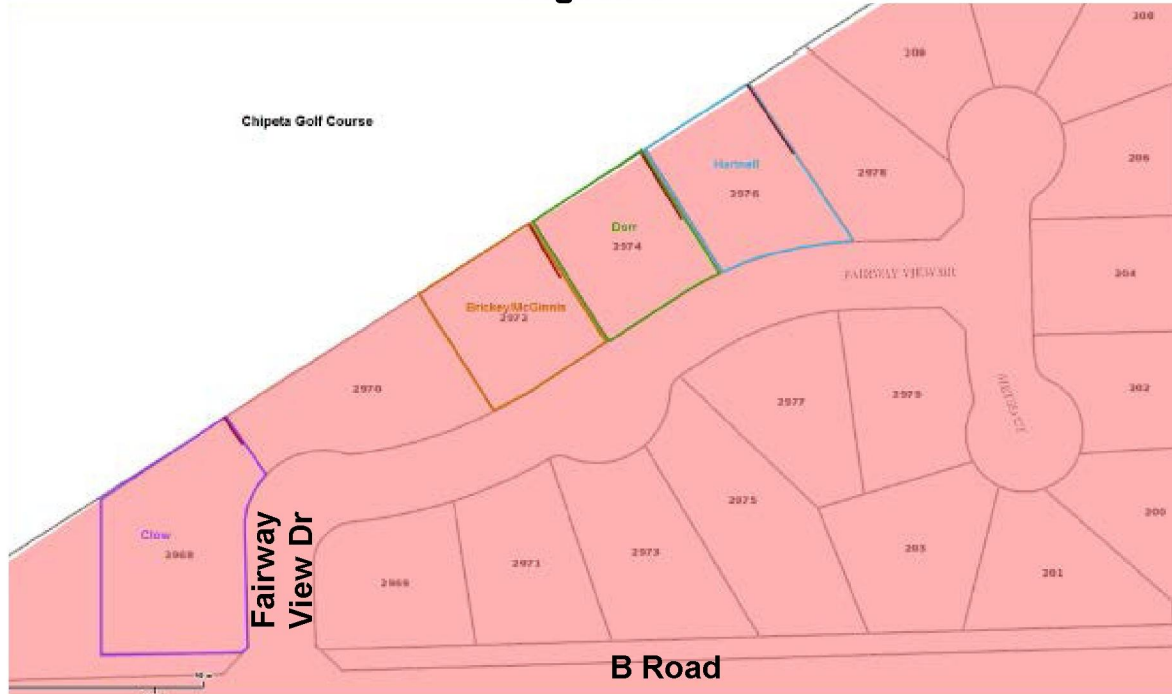
Mr. Chairman, on the request for a Special Permit for Clow Golf Fence Special Permit application, number SPT-2011-853 to be located at 2968 Fairway View Drive, I move that the Planning Commission forward a recommendation of approval of the Special Permit to City Council with the facts and conclusions listed in the staff report.

Attachments:

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

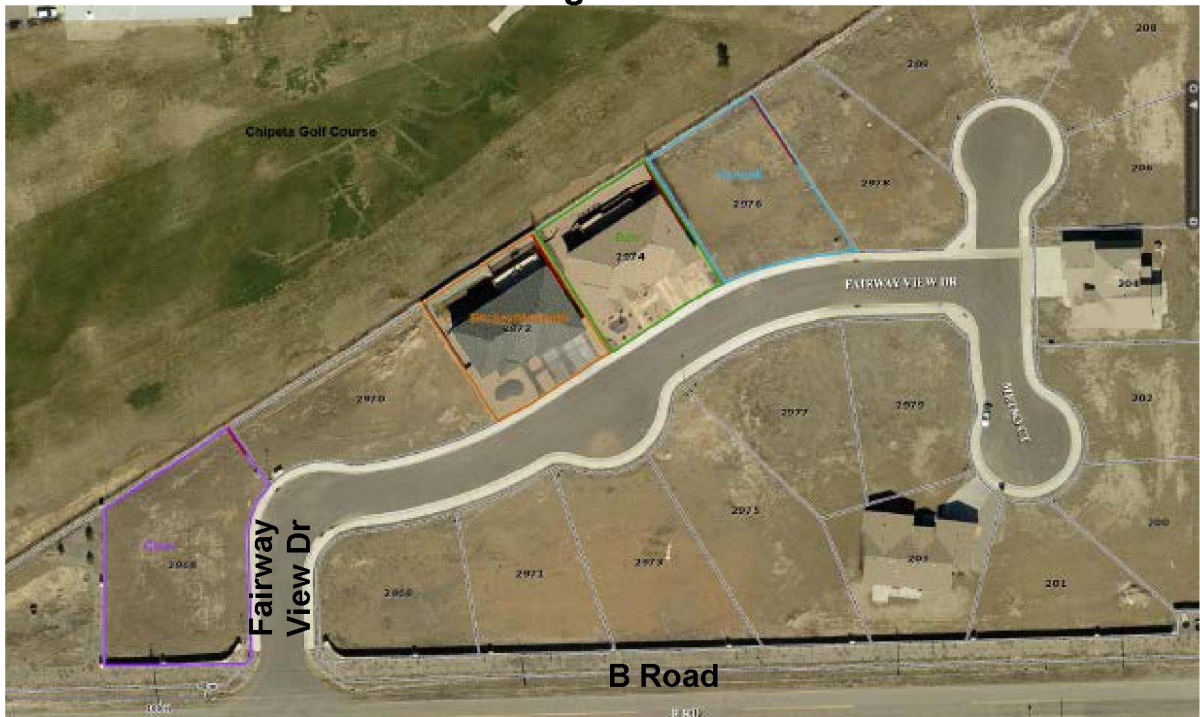
Site Location Map

Figure 1



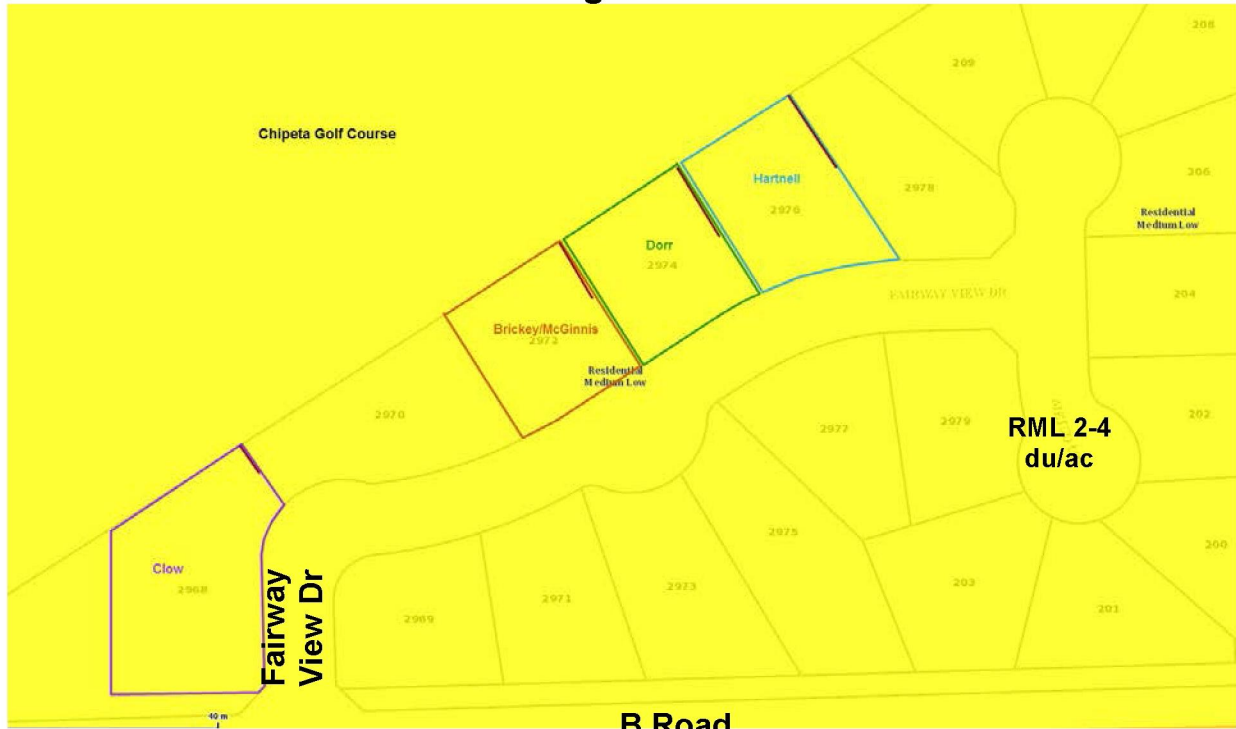
Aerial Photo Map

Figure 2



Comprehensive Plan Map

Figure 3



Existing City and County Zoning Map

Figure 4



Blended Map

Figure 5



Golf fence

10' DRAINAGE EASEMENT

97.15'

54.56'

4829 PAGE 237

4702.54

580°09'16"W

10' DRAINAGE EASEMENT

4710.93

Cy

N01°36'33"E 103.70'

17.74'

LOT 1
12589 SQ FT

4711.23

59'-9"
20' DRAINAGE EASEMENT

510°54'53"W

190.16'

22.00'

98.39' 22.00'

10' IRRIG EASEMENT

EASEMENT S89°52'33"W 93.02'

0°34'03"W
38.85'

C3

**Attach 8
515 S 7th St Billboard Appeal**

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: June 28, 2011
PRESENTERS: Lisa Cox, AICP
Shelly Dackonish

AGENDA TOPIC: Hearing on appeal of the Director's denial of an Administrative Development Permit for a billboard (APL-2011-863)

ACTION REQUESTED: Review and decide on the appeal

BACKGROUND INFORMATION			
Location:		515 S. 7 th Street	
Representative:		Thomas Volkmann, Attorney	
Existing Land Use:		Commercial	
Proposed Land Use:		N/A	
Surrounding Land Use:	North	Detention Facility	
	South	Commercial	
	East	Commercial/Office Call Center	
	West	GVT Bus Transfer Station	
Existing Zoning:		I-1, Light Industrial	
Proposed Zoning:		N/A	
Surrounding Zoning:	North	C-2, General Commercial	
	South	I-1, Light Industrial	
	East	C-2, General Commercial	
	West	C-2, General Commercial	
Future Land Use Designation:		Downtown Mixed Use	
Zoning within density range?		X	N/A
			No

PROJECT DESCRIPTION: Appeal pursuant to Section 21.02.210(c) of the Director's decision denying an administrative permit to construct an off-premise sign (billboard) at 515 S. 7th Street.

Background:

On March 24, 2011 the City received a request for a permit for an off-premise sign (billboard) to be constructed at 515 S. 7th Street. After reviewing the request and applicable sections of the Grand Junction Municipal Code (GJMC), the Director denied the request for the following reasons:

- The subject property is designated as Downtown Mixed Use on the Comprehensive Plan's Future Land Use Map. The sign use is inconsistent with the Future Land Use designation of Downtown Mixed Use, as referenced in Chapter 1 of the Comprehensive Plan, and Section 21.03.020(d) of the GJMC.
- A sign clearance or permit is considered an Administrative Development Permit and must meet the approval criteria of Section 21.02.070(a)(6) which states:

"No permit may be approved by the Director unless all of the following criteria are satisfied:

- (i) Compliance with the Comprehensive Plan and any applicable adopted plan.
- (ii) Compliance with this zoning and development code.
- (iii) Conditions of any prior approvals.
- (iv) Public facilities and utilities shall be available concurrent with the development.
- (v) Received all applicable local, State and federal permits."

- Criterion (i) cannot be met because the type of sign use requested is not allowed in any zone district in the Downtown Mixed Use Future Land Use designation.

Legal argument:

In addition to the reason cited by the Director for denial, Section 21.06.070(g)(4)(v) of the GJMC requires denial of the permit, because it prohibits off-premise signs that are visible from the Riverside Parkway. An off-premise sign at the proposed location of 515 S. 7th Street would be visible from the Riverside Parkway and therefore not allowed (see attached Ordinance 4260). Section 21.06.070(g)(4)(v) states:

"Off-premises outdoor advertising signs shall not be visible from the Riverside Parkway. No portion of a sign may be visible from the Riverside Parkway. It is rebuttably presumed that a sign is visible if the sign is located within 600 feet from the centerline of the Riverside Parkway as the location is depicted in Exhibit A attached to Ordinance 4260 and following this subsection. Exhibit A is incorporated by this reference as if fully set forth."

Although not specifically cited in the letter dated April 7, 2011 to CWOA, Inc. which denied the requested permit, the City cannot ignore the specific provision of the Zoning and Development Code which prohibits off-premise signs which would be visible from the Riverside Parkway, and therefore this appeal must be denied on the independent basis of Section 21.06.070(g)(4)(v).

Because criterion (i) listed above could not be met, the requested permit was denied. Because that criterion could not be met AND because Section 21.06.070(g)(4)(v) prohibits off-premise signs that are visible from the Riverside Parkway the Director's decision of denial must be upheld.

Appeal criteria:

This appeal hearing is held in accordance with Section 21.02.210 of the Grand Junction Municipal Code. In hearing an appeal of an administrative development permit, the Planning Commission must consider, based on the information in the record before the Director, whether the Director:

- (i) Acted in a manner inconsistent with the provisions of this code or other applicable local, State or federal law; or
- (ii) Made erroneous findings of fact based on the evidence and testimony on the record; or
- (iii) Failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or
- (iv) Acted arbitrarily, or capriciously.

The appellate body may limit testimony and other evidence to that contained in the record at the time the Director took final action, or place other limits on testimony and evidence as it deems appropriate. All deadlines noted in Section 21.02.210 of the Code have been met as well as the determination that the appellant has standing to appeal.

In addition, the Planning Commission must consider adequate and independent grounds for denial of the requested sign permit. In this case, the billboard is prohibited by the Code because it would be visible from the Parkway. The Commission cannot ignore this Code provision, even though it was not cited in the Director's letter of denial. (The Director is not required to cite all the reasons for denial of a permit when one is considered sufficient for denial.) The Commission can either uphold the Director's denial of the permit based on another provision of the Code, or it can remand the decision to the Director for findings consistent with other Code provisions, such as, but not necessarily limited to, Section 21.06.070(g)(4)(v).

Standard of review:

The applicable legal standard for this appeal requires the Planning Commission to consider whether the Director, in denying a permit for the off-premise sign, (1) acted inconsistently with the Zoning and Development Code of the City of Grand Junction or other applicable law, or (2) made erroneous findings of fact based on the evidence in the record, or (3) failed to consider mitigating measures, or (4) acted arbitrarily, capriciously or abused his discretion.

The Appellants bear the burden to show that one of these four has occurred. *Colorado State Board of Medical Examiners v. Johnson*, 68 P.3d 500 (Colo. App. 2002). If you find the Director did any one of these four things, or more than one of them, you can overrule the Director or remand to the Director for further findings. Otherwise, the Director's decision must be upheld.

The standard of review under the rule providing for review of the decision of a governmental body or officer claimed to have exceeded its jurisdiction or abused its discretion is whether, on the basis of the whole record, the finding of the agency are supported by any competent evidence. "No competent evidence" means the record is completely devoid of evidentiary support for the decision. *Puckett v City of County of Denver*, 12 P.3d 313 (Colo. App. 200).

Administrative decisions are accorded a presumption of validity and regularity and all reasonable doubts as to the correctness of administrative rulings must be resolved in favor of the agency. Therefore Director's decision, including findings of fact and legal conclusions, must be affirmed if supported by any reasonable basis. *Lieb v. Trimble*, 183 P.3d 702, 704 (Colo. App. 2008).

"Arbitrary" means the Director's decision is unsupported by any reasonable basis. See *Lieb v. Trimble*, supra. In other words, arbitrary and capricious action has occurred only when a reasonable person would be compelled, fairly and honestly, by the evidence in the record to reach a different conclusion; if not, the administrative decision must be upheld. *Colorado State Board of Medical Examiners v. Johnson*, 68 P.3d 500 (Colo. App. 2002).

Attachments:

Site Location Map

Aerial Photo Map

Comprehensive Plan Map

Existing City and County Zoning Map

Riverside Parkway View Map

Ordinance 4260

Sign Clearance application (dated 3-24-11)

Letter to CWOA from Lisa Cox (dated 4-7-2011)

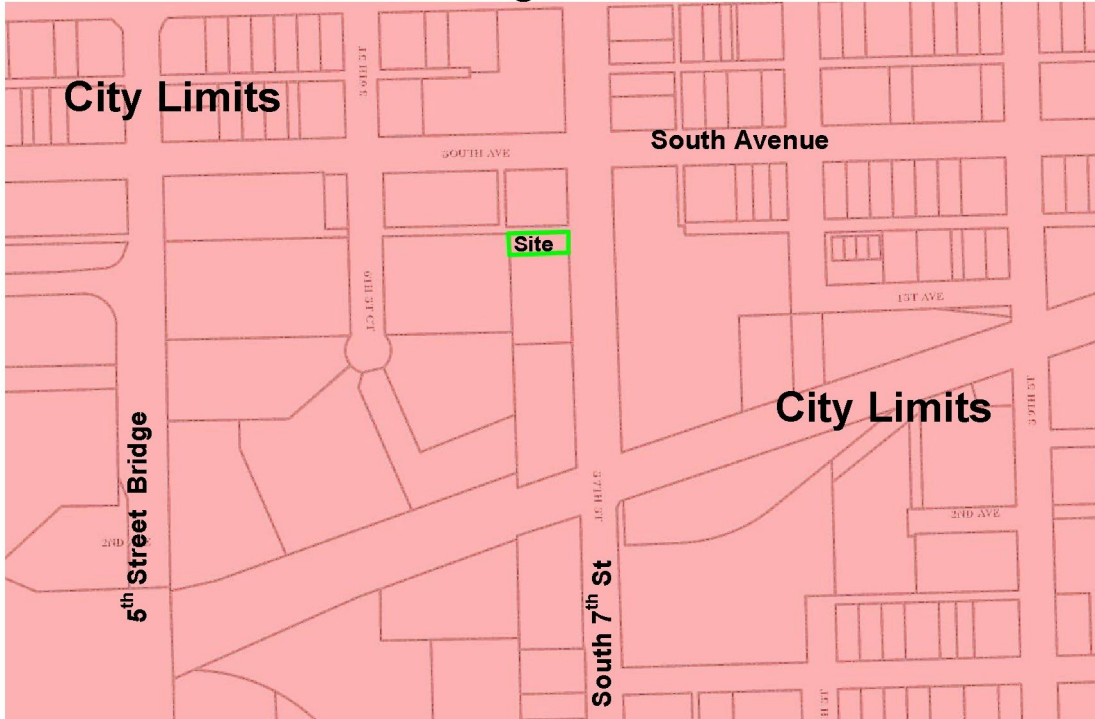
Letter to City from Thomas Volkmann (dated 4-22-2011)

Letter to Thomas Volkmann from Shelly Dackonish (dated 4-26-2011)

Letter to Shelly Dackonish from Thomas Volkmann (dated 4-29-2011)

Site Location Map

Figure 1



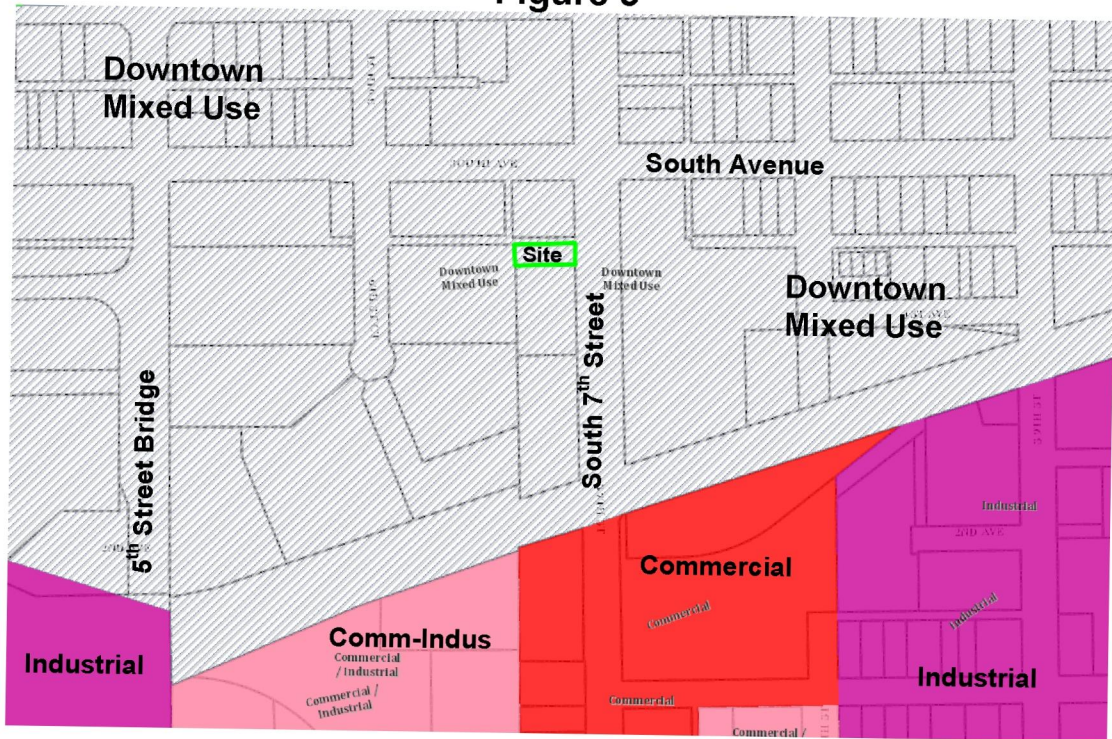
Aerial Photo Map

Figure 2



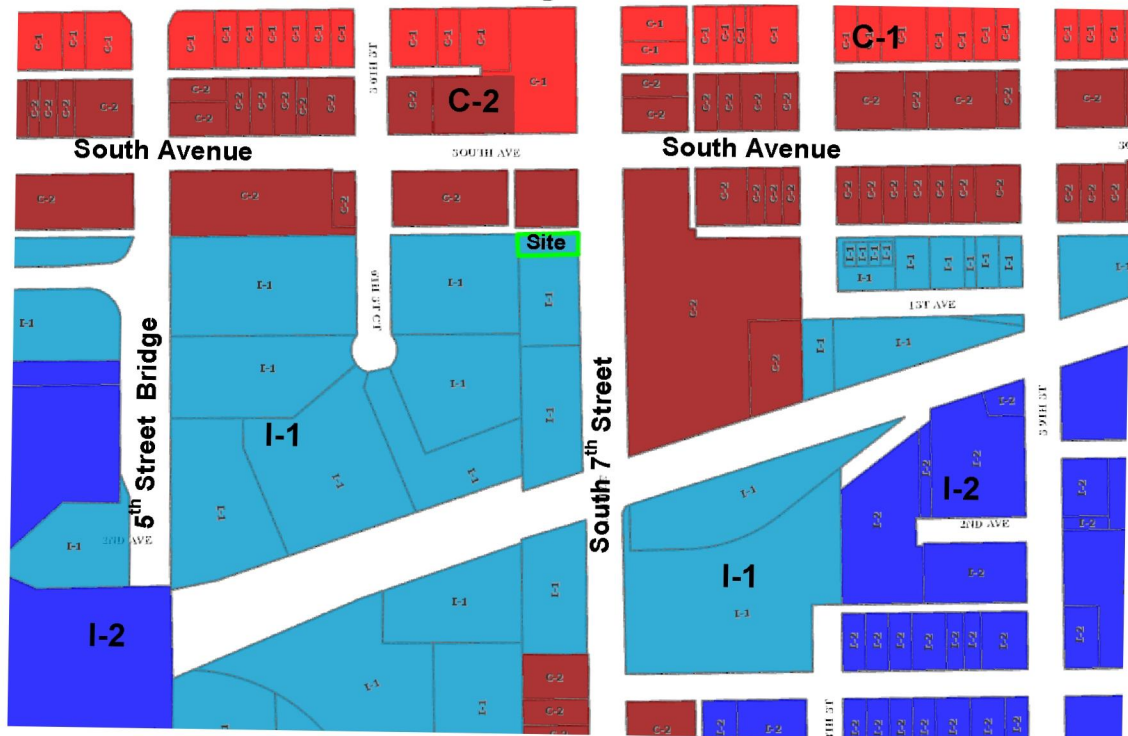
Comprehensive Plan Map

Figure 3



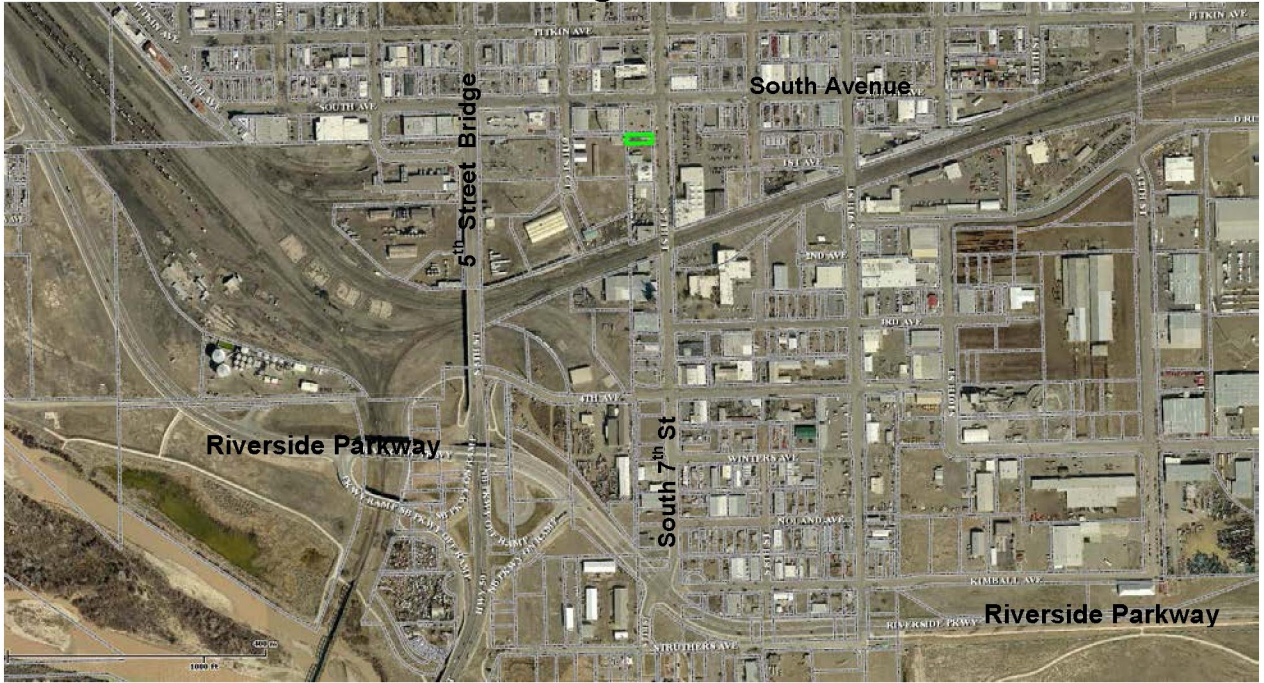
Existing City and County Zoning Map

Figure 4



Riverside Pkwy View Map

Figure 5



ORDINANCE NO. 4260

**AN ORDINANCE AMENDING THE ZONING AND DEVELOPMENT CODE
REGARDING OFF-PREMISE SIGNS ON OR NEAR THE
CENTERLINE OF THE RIVERSIDE PARKWAY**

RECITALS:

In November 2003, the citizens of the City of Grand Junction ("City") approved a ballot measure authorizing the City to incur bonded indebtedness for the design and construction for the Riverside Parkway ("Parkway") in the total amount of \$100 million. The Parkway will be a three and five-lane urban beltway near land along the Colorado River. The Parkway is planned as the southern segment of a loop around the City. The roadway will eliminate congestion at various intersections, eliminate at-grade railroad crossings, reduce traffic within the Riverside neighborhood, minimize stops and driveways and generally improve safety and access to existing and proposed parks and Open Space along the City's riverfront.

Much time, effort and money has been applied to designing an attractive, well-designed, efficient means of moving the public from one end of town to the other in a manner acceptable to the public. Citizens have participated in the planning process for the Parkway from the beginning. In large measure because of the significant design and planning effort, the Parkway design meets the safety and aesthetic needs of all vehicular, pedestrian and bicycle users. The road will have gentle curves, good sight distances and reasonable grades. Impacts to open space will be minimized and the views, vistas and cityscapes have been preserved and enhanced with design features.

After much consideration of the City's obligation to promote the health, safety, and general welfare of the citizens, the City Council finds that off-premise advertising signs shall be prohibited on or near the Riverside Parkway. The intent is that no off-premise sign may be viewed by a parkway user, whether traveling by vehicle or on foot. Too much has been done to improve traffic safety with the design and ultimate construction of this project to allow off-premise signs which will reduce traffic safety. The aesthetics of the project will be greatly enhanced with the elimination of signs; signs create clutter and visual pollution. Statistics have shown that they also decrease safety. In this amendment to the Zoning and Development Code ("Code") the City Council is acting to protect the public benefits to be derived from the expenditure of \$100 million of the City's funds for the improvement and beautification of streets and other public structures by exercising reasonable control over the character and location of sign structures.

The elimination of off-premise advertising signs is reasonable and furthers the City's rights and responsibilities to protect the health, safety and welfare of its citizens. The City encourages development of private property in harmony with the desired character of the City while providing due regard for the public and private interests involved. The sign regulations as amended will promote the effectiveness of signs by preventing their undue concentration, improper placement, deterioration and excessive size and

number. The citizens will be protected from injury or damage as a result of limiting distraction or obstruction attributable to signs.

On-site and other signs will be allowed as long as the signs otherwise comply with the Code, other City rules and regulations, and state law.

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

Chapter 4 of the Code shall be amended as follows:

Section 4.2.G.4.e shall be added to read:

e. Off-premise outdoor advertising signs shall not be visible from the Riverside Parkway. No portion of a sign may be visible from the Riverside Parkway. It is rebuttably presumed that a sign is visible if the sign is located within 600 feet from the centerline of the Riverside Parkway as that location is depicted in Exhibit A attached hereto. Exhibit A is incorporated by the reference as if fully set forth.

Sections 4.2.E.3 and 4.2.E.4 shall be added to read:

3. Any off-premise sign on or near the Riverside Parkway that becomes nonconforming due to the adoption of Section 4.2.G.4.e may continue only in the manner and to the extent that it existed at the time of the adoption of this ordinance. The sign must not be re-erected, relocated, or replaced unless it is brought into conformance. If a sign is nonconforming, other than because of the adoption of this ordinance, then the sign shall be discontinued and removed on or before the expiration of three years from the effective date of this ordinance.

4. A nonconforming sign which use is upgraded or exempted in writing shall be considered an allowed sign.

Chapter 9 of the Code shall be amended by including the following definition for Off-premise Sign and deleting the definition Sign, Billboard (Off-premise):

Off-premise sign is a sign that directs attention to a commercial business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located, including billboards.

This ordinance is proposed and adopted pursuant to and is consistent with the City's legal authority and obligation to promote the health, safety and general welfare of the citizens of the City. To the end, City Council does hereby direct the City Manager to take any and all lawful actions necessary or required to fully implement the terms hereof.

Introduced for first reading this 18th day of June, 2008.

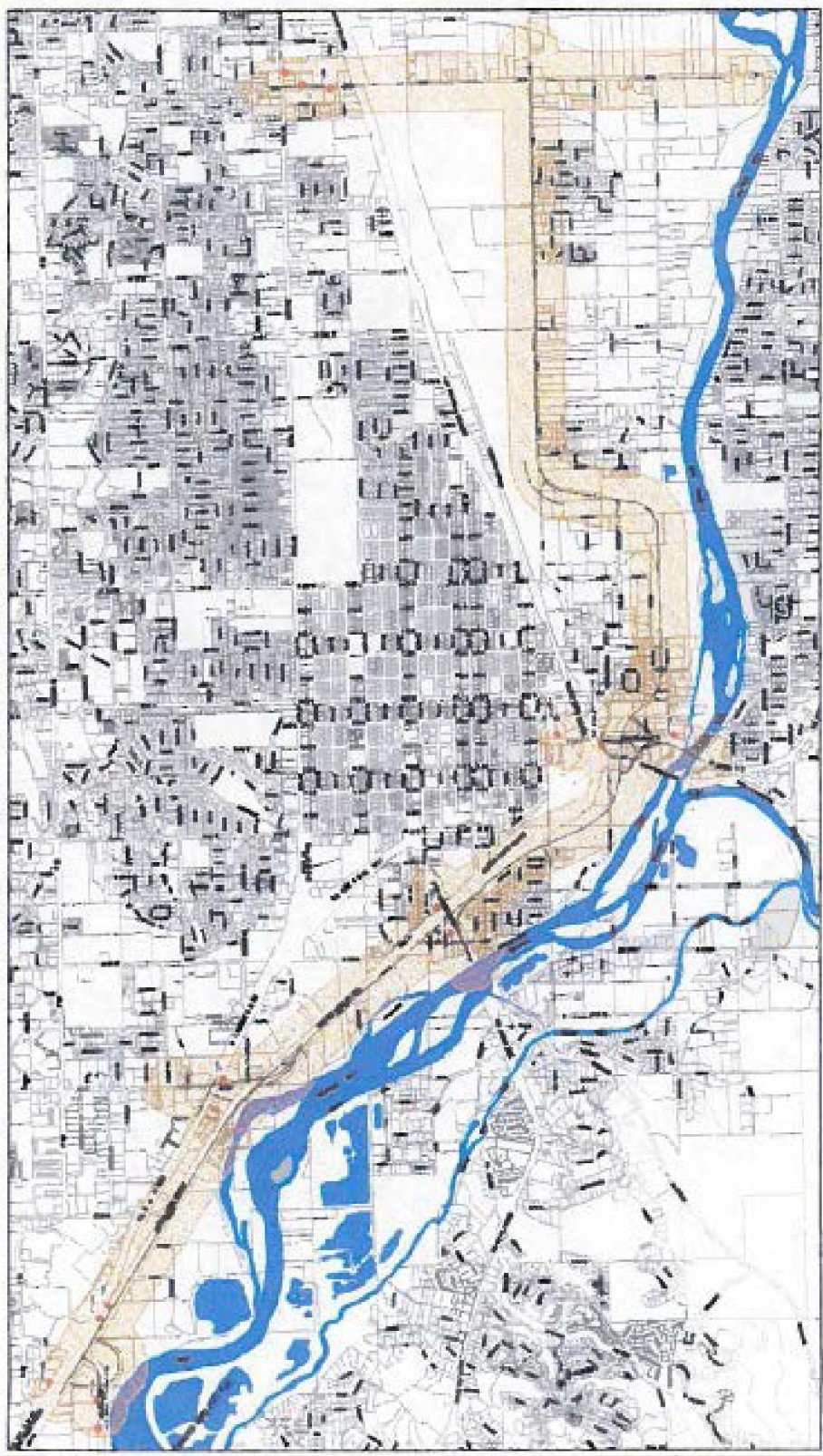
Passed and adopted this 2nd day of July, 2008.

/s/ Gregg Palmer
Gregg Palmer
President of the Council

Attest:

/s/ Stephanie Tuin
Stephanie Tuin
City Clerk

Billboard Moratorium 600ft from Centerline



60000 0000
Moratorium Boundary 600ft

EXHIBIT "A"



copy

3/31/11 original returned to Tim Murray

Sign Clearance

For Signs that Require a Building Permit

Public Works & Planning Department
250 North 5th Street, Grand Junction CO 81501
Tel: (970) 244-1430 FAX (970) 256-4031

Bldg Permit No.	_____
Date Submitted	3-24-11
Fee \$	25.00
Zone	I-1

TAX SCHEDULE NO.	2945-231-00-001	CONTRACTOR	CWOA Inc.
BUSINESS NAME	VACANT LOT/GJ Flea Market	LICENSE NO.	20110200
STREET ADDRESS	515 S 7th Street #2	ADDRESS	P.O. Box 2906 G.J. CO 81502
PROPERTY OWNER	John O. Slevrup	TELEPHONE NO.	970-242-5248
OWNER ADDRESS	711 S. 6th St.	CONTACT PERSON	Tim Murray cell: 261-643

- | | | |
|-------------------------------------|------------------|--|
| <input type="checkbox"/> | 1. FLUSH WALL | 2 Square Feet per Linear Foot of Building Facade |
| <input type="checkbox"/> | 2. ROOF | 2 Square Feet per Linear Foot of Building Facade |
| <input type="checkbox"/> | 3. FREE-STANDING | 2 Traffic Lanes - 0.75 Square Feet x Street Frontage |
| <input type="checkbox"/> | 4. PROJECTING | 4 or more Traffic Lanes - 1.5 Square Feet x Street Frontage |
| <input type="checkbox"/> | 5. OFF-PREMISE | 0.5 Square Feet per each Linear Foot of Building Facade |
| <input checked="" type="checkbox"/> | | See #3 Spacing Requirements; Not > 300 Square Feet or < 15 Square Feet |

Externally Illuminated Internally Illuminated Non-Illuminated

(1 - 5) Area of Proposed Sign: 600 (2 @ 300') Square Feet

(1,2,4) Building Façade: _____ Linear Feet Building Façade Direction: North South East West

(1 - 4) Street Frontage: _____ Linear Feet Name of Street: _____

(2 - 5) Height to Top of Sign: 40 Feet Clearance to Grade: 28 Feet

(5) Distance to Nearest Existing Off-Premise Sign: 600+ Feet

EXISTING SIGNAGE TYPE & SQUARE FOOTAGE:

_____	_____ Sq. Ft.
_____	_____ Sq. Ft.
_____	_____ Sq. Ft.
Total Existing:	_____ Sq. Ft.

FOR OFFICE USE ONLY

Signage Allowed on Parcel for ROW:

Building	_____ Sq. Ft.
Free-Standing	_____ Sq. Ft.
Total Allowed:	_____ Sq. Ft.

COMMENTS: This sign permit may be subject to CDOT regulations.
Please contact CDOT for further information.

NOTE: No sign may exceed 300 square feet. A separate sign clearance is required for each sign. Attach a sketch, to scale, of proposed and existing signage including types, dimensions and lettering. Attach a plot plan, to scale, showing: abutting streets, alleys, easements, driveways, encroachments, property lines, distances from existing buildings to proposed signs and required setbacks. **A SEPARATE PERMIT FROM THE BUILDING DEPARTMENT IS ALSO REQUIRED.**

I hereby attest that the information on this form and the attached sketches are true and accurate.

[Signature] 3-24-11 _____ _____
 Applicant's Signature Date Planning Approval Date

(White: Planning) (Yellow: Neighborhood Services) (Pink: Building Permit) (Goldenrod: Applicant)

April 7, 2011

CWOA Inc.
Attn: Tim Murray
PO Box 2906
Grand Junction, CO 81502

RE: Sign Clearance at 515 S. 7th Street #2

Dear Mr. Murray:

On March 24, 2011 a request for a Permit was submitted for an Off-Premise sign at 515 S. 7th Street #2, also known as Parcel # 2945-231-00-001.

After reviewing the request and applicable sections of the Grand Junction Municipal Code (GJMC), the Public Works and Planning Department hereby **denies the request** for the following reasons:

- The subject property is designated as Downtown Mixed Use on the Future Land Use Map, which was adopted February 17, 2010 as part of the Grand Junction Comprehensive Plan. The sign use is **inconsistent** with the Future Land Use designation of Downtown Mixed Use, as referenced Chapter 1 of the Comprehensive Plan and Section 21.03.020(d) of the GJMC.
- A sign clearance or permit is considered an Administrative Development Permit and must meet the approval criteria of Section 21.02.070(a)(6), which states:

No permit may be approved by the Director unless all of the following criteria are satisfied:

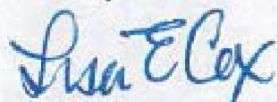
- (i) Compliance with the Comprehensive Plan and any applicable adopted plan.
 - (ii) Compliance with this zoning and development code.
 - (iii) Conditions of any prior approvals.
 - (iv) Public facilities and utilities shall be available concurrent with the development.
 - (v) Received all applicable local, State and federal permits.
- Criterion (i) **cannot be met** because the type of sign use requested is not allowed in any zone district in the Downtown Mixed Use Future Land Use designation. Therefore, the request is **denied**.

- Section 21.06.070(g)(4) only permits Off-Premises signs in the C-2 (General Commercial), I-1 (Light Industrial), and I-2 (General Industrial) zone districts. **None** of these districts are consistent with the Future Land Use designation of Downtown Mixed Use, as referenced in Section 21.03.020(d) of the GJMC.

Pursuant to Section 21.02.210(c) of the GJMC, you have the **right to appeal** this decision.

If you have any questions, please contact me.

Sincerely,



Lisa Cox, AICP
Planning Manager
Public Works and Planning Department
(970) 244-1448
lisac@gjcity.org

SPIECKER, HANLON, GORMLEY & VOLKMANN, LLP
ATTORNEYS AT LAW

FRANK F. SPIECKER (RETIRED)
CLAY E. HANLON (RETIRED)

JOHN P. GORMLEY
THOMAS C. VOLKMANN

April 22, 2011

Lisa Cox, AICP
Planning Manager
Public Works and Planning Department
City of Grand Junction
250 North 5th Street
Grand Junction, CO 81501

Re: Sign Clearance at 515 S. 7th Street #2

Dear Lisa:

This office represents Colorado West Outdoor Advertising, Inc. ("CWOA"). CWOA recently contacted us regarding your denial of their application for an administrative permit to put a sign at 515 S. 7th Street, #2. Please accept this letter as our Notice of Appeal pursuant to Section 21.02.210 of the Grand Junction Municipal Code.

As your letter denying CWOA's application appears to concede, outdoor signage such as that which is the subject of the permit application is allowed by the C-2 Zone District, which applicable to the subject property. However, the application was denied on the apparent theory that the C-2 Zone does not implement the Comprehensive Plan.

In essence, it seems the logic of the denial is circular. That is, the Table set forth in Section 21.03.020 of the Municipal Code, in subsection (d) thereof, identifies the zones necessary to implement the Comprehensive Plan. In the Downtown Mixed Use District column of the Nonresidential Section of that Table, the existing zoning of this property has no dot in its box. This suggests that the C-2 Zone does not implement the Comprehensive Plan, as you note.

However, the failure of the existing zone on the property to implement the Comprehensive Plan would suggest that it would be incumbent upon the City or the landowner to rezone the property in order to so implement the Plan. Without such a rezoning, the net effect of the regulation, as the City attempts to enforce it, would be that the City effectively deems the property rezoned without having gone through the due process requirements of an actual rezone.

I believe the more logical interpretation of the Table would be that that the existing zone simply does not implement the Comprehensive Plan and, therefore, the terms and conditions of the Comprehensive Plan do not restrict or prohibit the exercise of such rights as exist under the existing zoning, in this case, the placement of off-site advertising in a C-2 Zone.

RECEIVED

APR 22 2011

COMMUNITY DEVELOPMENT
DEPT.

620 ALPINE BANK BUILDING - 225 NORTH 5TH STREET, P.O. BOX 1991, GRAND JUNCTION, COLORADO 81502

TELEPHONE: (970) 243-1003

FACSIMILE: (970) 243-1011

Lisa Cox, AICP
Planning Manager
Public Works and Planning Department
April 22, 2011
Page 2

Please advise me if there is any additional information you need relative to this appeal under the new Municipal Code, and I will see to it that your requests are met immediately.

Very truly yours,

~~SPIECKER, HANLON, GORMLEY &
VOLKMANN, LLP~~

A handwritten signature in blue ink, appearing to read "Thomas C. Volkmann", is written over the printed name and firm name. The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Thomas C. Volkmann

TCV:jmd

cc: Colorado West Outdoor Advertising, Inc.

April 26, 2011

Thomas C. Volkmann
Spiccker, Hanlon, Gormley & Volkmann, LLP
P.O. Box 1991
Grand Junction, Colorado 81502

Re: Sign Clearance at 515 S. 7th Street #2

Dear Tom,

I am in receipt of your letter dated April 22, 2011 appealing the denial of the application of Colorado West Outdoor Advertising, Inc. for a sign clearance at 515 S. 7th Street in Grand Junction.

This letter is to request clarification of your appeal. The City has two appeal processes; one is for an appeal of the Director's interpretation of the Code (21.02.210(b)), and the other is for appeals of final decisions made by the director (21.02.210(c)). Your letter appears to appeal the decision of the Director denying the sign permit, but it also references disagreement with the Director's interpretation of the Code. I write to ask which appeal you are making.

If you are appealing the Director's interpretation pursuant to 21.02.210(b), please clarify what section(s) of the Code you believe have been interpreted incorrectly. Your letter states that "the application was denied on the apparent theory that the C-2 zone does not implement the Comprehensive Plan" and that a "circular" interpretation of the Table in section 21.03.020 of the Municipal Code results. Is it your contention that C-2 does implement the Comprehensive Plan?

A number of uses allowed in the C-2 zone may well be compliant with the Comprehensive Plan as required in Section 21.02.070(6)(1); however, the Director determined that the off premise advertising sign is not among them. Said slightly differently whether the C-2 zone implements the Comprehensive Plan is not the question and did not form the basis for either the denial of the permit or the finding of inconsistency.

It is my reading of the April 7, 2011 letter (the denial letter) that the CWOA application was denied because the use (off-premise sign) is not in compliance with the Comprehensive Plan as required by Section 21.02.070(6)(i). The interpretation was thus one of "consistency with the Comprehensive Plan" as required by Section 21.02.070(6)(i) of the Municipal Code and not of the Table in Section 21.03.020.

Your letter of April 22, serves as a timely appeal but I would ask that you provide clarification on or before the close of business on April 29, 2011 of the basis for and type of appeal. I look forward to assisting you with securing the necessary interpretation and clarification of the Code.

Kind regards,

OFFICE OF THE CITY ATTORNEY

Shelly Dackonish, Senior Staff Attorney
250 N. 5th Street
Grand Junction, Colorado 81501
(970) 256-4042
shellyd@gjcity.org

pc: Planner
John Shaver, City Attorney

SPIECKER, HANLON, GORMLEY & VOLKMANN, LLP
ATTORNEYS AT LAW

FRANK F. SPIECKER (RETIRED)
CLAY E. HANLON (RETIRED)

JOHN P. GORMLEY
THOMAS C. VOLKMANN

April 29, 2011

VIA E-MAIL: shellyd@gjcity.org
AND U.S. MAIL

Shelly Dackonish, Senior Staff Attorney
City of Grand Junction
250 North 5th Street
Grand Junction, CO 81501

Re: Sign Clearance at 515 S. 7th Street #2

Dear Shelly:

I have received your letter of April 27, 2011 requesting clarification of the appeal I filed on April 22, 2011 on behalf of my client, Colorado West Outdoor Advertising, Inc. In the course of preparing the appeal, it was unclear to me exactly types of decisions Section 21.02.210(b) addressed, and I presumed that they were to cover circumstances where someone applies to the City for an interpretation of a Code provision. To my knowledge, no such request for an interpretation has been filed by my client.

In addition, in Lisa Cox' letter of denial, she references subsection (c) as the basis for an appeal. For those reasons, the appeal is an appeal of the final decision denying the sign permit.

As an attempt to provide the clarification you seek, and without limiting the nature or scope of the appeal of this denial, the logic of the appeal is as follows:

1. The subject property is Zoned C-2;
2. The C-2 Zone allows off-premises signs;
3. The denial is based upon the contention that the applicable zoning of this property is not "consistent with the Future Land Use designation of Downtown Mixed Use, . . .," and,
4. The other basis cited for the denial is that the type of sign requested in the application "is not allowed in any zone district in the Downtown Mixed Use Future Land Use Designation."

As I tried to express in my appeal letter, the net effect of this denial is to disavow the existing zoning of the subject property in deference to a plan map. Of course, there are

Shelly Dackonish, Senior Staff Attorney
City of Grand Junction
April 29, 2011
Page 2

meaningful due process steps required in order to rezone any parcel of property. None of those requirements have been met relative to the subject property.

My reference to the implementation table simply confirms that the City is cognizant of the fact that the existing zoning on this property does not implement the applicable portions of the Comprehensive Plan. Accordingly, the terms of that Comprehensive Plan are not implemented relative to this property unless and until it is rezoned to a zone that is consistent with, and implements the City's Comprehensive Plan.

Lastly, your reference to an independent ground for denial, that being visibility of the sign from the Riverside Parkway, was not provided as a basis for the subject denial. In addition, no Code Section was referenced, so I am unfamiliar with the standards applicable to such a basis.

I appreciate your willingness to assist us in getting this matter resolved.

Very truly yours,

~~SPIECKER, HANLON, GORMLEY &
VOLKMANN LLP~~


Thomas C. Volkmann

TCV:jmd

cc: Mark Gamble
CWOA, INC.

Attach 9
610 W Gunnison Billboard Appeal

CITY OF GRAND JUNCTION
 PLANNING COMMISSION

MEETING DATE: June 28, 2011
 PRESENTER: Lisa Cox, AICP
 Shelly Dackonish

AGENDA TOPIC: Hearing on appeal of the Director's denial of an Administrative Development Permit for a billboard (APL-2011-864)

ACTION REQUESTED: Review and decide the appeal

BACKGROUND INFORMATION					
Location:		610 W. Gunnison Avenue			
Representative:		Tim Murray, CWOA Inc.			
Existing Land Use:		Commercial			
Proposed Land Use:		N/A			
Surrounding Land Use:	North	Commercial (under construction)			
	South	Commercial/Office			
	East	Commercial			
	West	Commercial			
Existing Zoning:		C-2, General Commercial			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	C-1, Light Commercial			
	South	C-1, Light Commercial			
	East	C-1, Light Commercial			
	West	C-2, General Commercial			
Future Land Use Designation:		Commercial			
Zoning within density range?		X	N/A		No

PROJECT DESCRIPTION: Appeal pursuant to Section 21.02.210(c), of the Director's decision, denying an administrative permit to construct an off-premise sign (billboard) at 610 W. Gunnison Avenue.

Background Information:

On May 12, 2011 a request for a permit was submitted for an off-premise sign (billboard) to be constructed at 610 W. Gunnison Avenue. After reviewing the request and applicable sections of the Grand Junction Municipal Code (GJMC), the Director denied the request for the following reasons:

- A sign clearance or permit is considered an Administrative Development Permit and must meet the approval criteria of Section 21.02.070(a)(6) which states:

“No permit may be approved by the Director unless all of the following criteria are satisfied:

- (i) Compliance with the Comprehensive Plan and any applicable adopted plan.
- (ii) Compliance with this zoning and development code.
- (iii) Conditions of any prior approvals.
- (iv) Public facilities and utilities shall be available concurrent with the development.
- (v) Received all applicable local, State and federal permits.”

Section 21.06.070(g)(4)(v) of the GJMC prohibits off-premise signs that are visible from the Riverside Parkway. Construction of the off-premise sign at the proposed location of 610 W. Gunnison Avenue would be visible from the Riverside Parkway and therefore not allowed (see attached Ordinance 4260). Section 21.06.070(g)(4)(v) states:

“Off-premises outdoor advertising signs shall not be visible from the Riverside Parkway. No portion of a sign may be visible from the Riverside Parkway. It is rebuttably presumed that a sign is visible if the sign is located within 600 feet from the centerline of the Riverside Parkway as the location is depicted in Exhibit A attached to Ordinance 4260 and following this subsection. Exhibit A is incorporated by this reference as if fully set forth.”

Criterion (ii) listed above cannot be met, therefore the request for a permit was denied.

Process:

This appeal hearing is held in accordance with Section 21.02.210 of the Grand Junction Municipal Code. In hearing an appeal of an administrative development permit, the Planning Commission shall consider, based on the information in the record before the Director, whether the Director:

- (i) Acted in a manner inconsistent with the provisions of this code or other applicable local, State or federal law; or
- (ii) Made erroneous findings of fact based on the evidence and testimony on the record; or
- (iii) Failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or
- (iv) Acted arbitrarily, or capriciously.

The appellate body may limit testimony and other evidence to that contained in the record at the time the Director took final action, or place other limits on testimony and

evidence as it deems appropriate. All deadlines noted in Section 21.02.210 of the Code have been met as well as the determination that the appellant has standing to appeal.

Standard of review:

The applicable legal standard for this appeal requires the Planning Commission to consider whether the Director, in denying a permit for the off-premise sign, (1) acted inconsistently with the Zoning and Development Code of the City of Grand Junction or other applicable law, or (2) made erroneous findings of fact based on the evidence in the record, or (3) failed to consider mitigating measures, or (4) acted arbitrarily, capriciously or abused his discretion.

The Appellants bear the burden to show that one of these four has occurred. *Colorado State Board of Medical Examiners v. Johnson*, 68 P.3d 500 (Colo. App. 2002). If you find the Director did any one of these four things, or more than one of them, you can overrule the Director or remand to the Director for further findings. Otherwise, the Director's decision must be upheld.

The standard of review under the rule providing for review of the decision of a governmental body or officer claimed to have exceeded its jurisdiction or abused its discretion is whether, on the basis of the whole record, the finding of the agency are supported by any competent evidence. "No competent evidence" means the record is completely devoid of evidentiary support for the decision. *Puckett v City of County of Denver*, 12 P.3d 313 (Colo. App. 200).

Administrative decisions are accorded a presumption of validity and regularity and all reasonable doubts as to the correctness of administrative rulings must be resolved in favor of the agency. Therefore Director's decision, including findings of fact and legal conclusions, must be affirmed if supported by any reasonable basis. *Lieb v. Trimble*, 183 P.3d 702, 704 (Colo. App. 2008).

"Arbitrary" means the Director's decision is unsupported by any reasonable basis. See *Lieb v. Trimble*, supra. In other words, arbitrary and capricious action has occurred only when a reasonable person would be compelled, fairly and honestly, by the evidence in the record to reach a different conclusion; if not, the administrative decision must be upheld. *Colorado State Board of Medical Examiners v. Johnson*, 68 P.3d 500 (Colo. App. 2002).

Attachments:

Site Location Map

Aerial Photo Map

Comprehensive Plan Map

Existing City and County Zoning Map

Riverside Parkway View Map

Ordinance 4260

Sign Clearance application (dated 5-17-11)

Letter to Tim Murray/CWOA from Pat Dunlap (dated 5-12-2011)

Letter to City from Tim Murray/CWOA (dated 5-18-2011)

Site Location Map

Figure 1



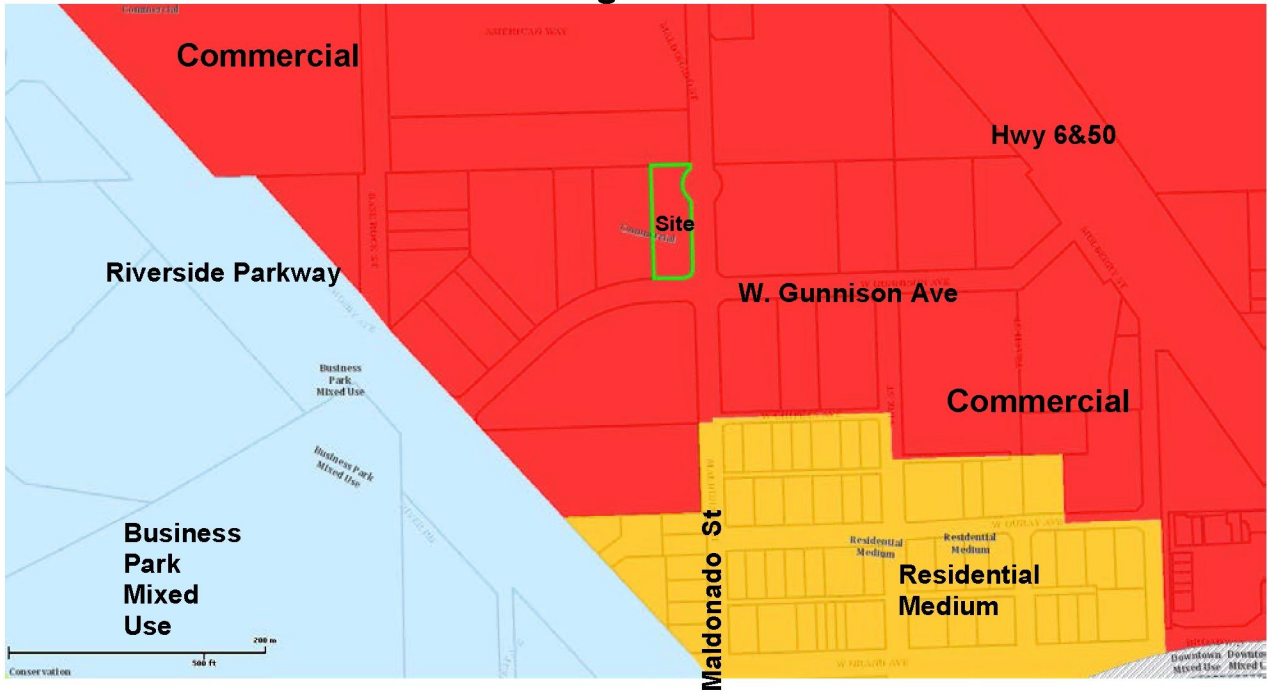
Aerial Photo Map

Figure 2



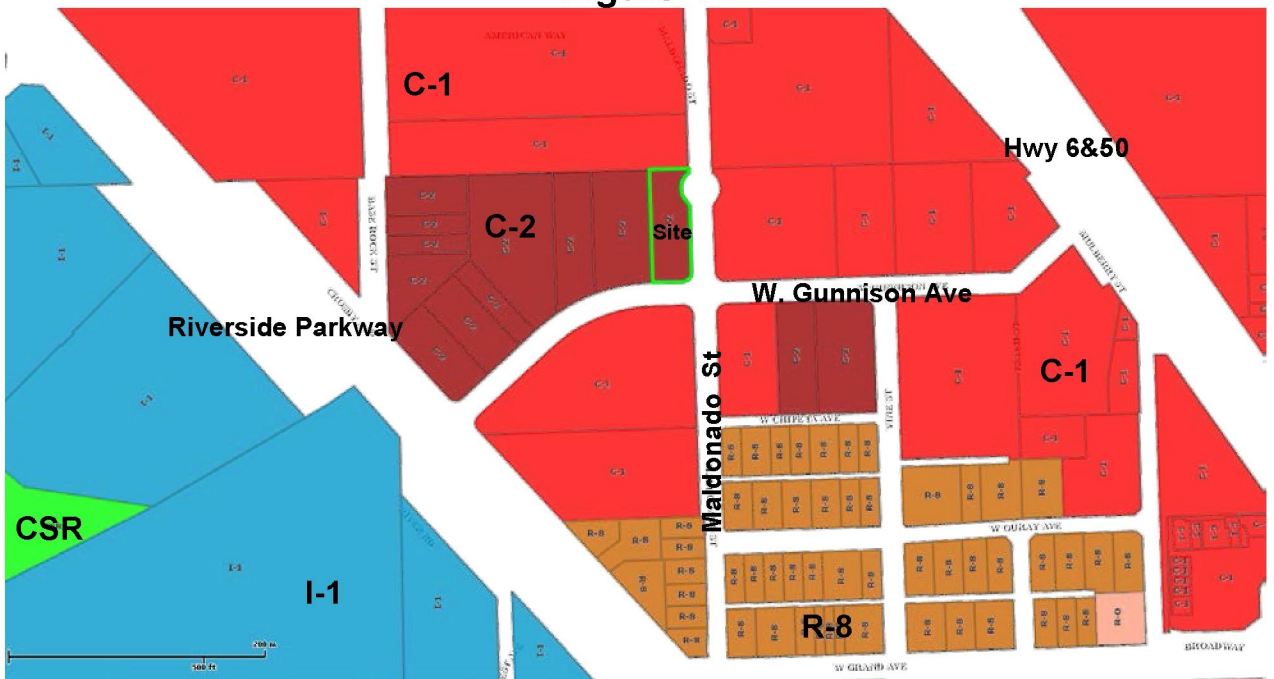
Comprehensive Plan Map

Figure 3



Existing City and County Zoning Map

Figure 4



Riverside Pkwy View Map

Figure 5



ORDINANCE NO. 4260

**AN ORDINANCE AMENDING THE ZONING AND DEVELOPMENT CODE
REGARDING OFF-PREMISE SIGNS ON OR NEAR THE
CENTERLINE OF THE RIVERSIDE PARKWAY**

RECITALS:

In November 2003, the citizens of the City of Grand Junction ("City") approved a ballot measure authorizing the City to incur bonded indebtedness for the design and construction for the Riverside Parkway ("Parkway") in the total amount of \$100 million. The Parkway will be a three and five-lane urban beltway near land along the Colorado River. The Parkway is planned as the southern segment of a loop around the City. The roadway will eliminate congestion at various intersections, eliminate at-grade railroad crossings, reduce traffic within the Riverside neighborhood, minimize stops and driveways and generally improve safety and access to existing and proposed parks and Open Space along the City's riverfront.

Much time, effort and money has been applied to designing an attractive, well-designed, efficient means of moving the public from one end of town to the other in a manner acceptable to the public. Citizens have participated in the planning process for the Parkway from the beginning. In large measure because of the significant design and planning effort, the Parkway design meets the safety and aesthetic needs of all vehicular, pedestrian and bicycle users. The road will have gentle curves, good sight distances and reasonable grades. Impacts to open space will be minimized and the views, vistas and cityscapes have been preserved and enhanced with design features.

After much consideration of the City's obligation to promote the health, safety, and general welfare of the citizens, the City Council finds that off-premise advertising signs shall be prohibited on or near the Riverside Parkway. The intent is that no off-premise sign may be viewed by a parkway user, whether traveling by vehicle or on foot. Too much has been done to improve traffic safety with the design and ultimate construction of this project to allow off-premise signs which will reduce traffic safety. The aesthetics of the project will be greatly enhanced with the elimination of signs; signs create clutter and visual pollution. Statistics have shown that they also decrease safety. In this amendment to the Zoning and Development Code ("Code") the City Council is acting to protect the public benefits to be derived from the expenditure of \$100 million of the City's funds for the improvement and beautification of streets and other public structures by exercising reasonable control over the character and location of sign structures.

The elimination of off-premise advertising signs is reasonable and furthers the City's rights and responsibilities to protect the health, safety and welfare of its citizens. The City encourages development of private property in harmony with the desired character of the City while providing due regard for the public and private interests involved. The sign regulations as amended will promote the effectiveness of signs by preventing their undue concentration, improper placement, deterioration and excessive size and

number. The citizens will be protected from injury or damage as a result of limiting distraction or obstruction attributable to signs.

On-site and other signs will be allowed as long as the signs otherwise comply with the Code, other City rules and regulations, and state law.

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

Chapter 4 of the Code shall be amended as follows:

Section 4.2.G.4.e shall be added to read:

e. Off-premise outdoor advertising signs shall not be visible from the Riverside Parkway. No portion of a sign may be visible from the Riverside Parkway. It is rebuttably presumed that a sign is visible if the sign is located within 600 feet from the centerline of the Riverside Parkway as that location is depicted in Exhibit A attached hereto. Exhibit A is incorporated by the reference as if fully set forth.

Sections 4.2.E.3 and 4.2.E.4 shall be added to read:

3. Any off-premise sign on or near the Riverside Parkway that becomes nonconforming due to the adoption of Section 4.2.G.4.e may continue only in the manner and to the extent that it existed at the time of the adoption of this ordinance. The sign must not be re-erected, relocated, or replaced unless it is brought into conformance. If a sign is nonconforming, other than because of the adoption of this ordinance, then the sign shall be discontinued and removed on or before the expiration of three years from the effective date of this ordinance.

4. A nonconforming sign which use is upgraded or exempted in writing shall be considered an allowed sign.

Chapter 9 of the Code shall be amended by including the following definition for Off-premise Sign and deleting the definition Sign, Billboard (Off-premise):

Off-premise sign is a sign that directs attention to a commercial business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located, including billboards.

This ordinance is proposed and adopted pursuant to and is consistent with the City's legal authority and obligation to promote the health, safety and general welfare of the citizens of the City. To the end, City Council does hereby direct the City Manager to take any and all lawful actions necessary or required to fully implement the terms hereof.

Introduced for first reading this 18th day of June, 2008.

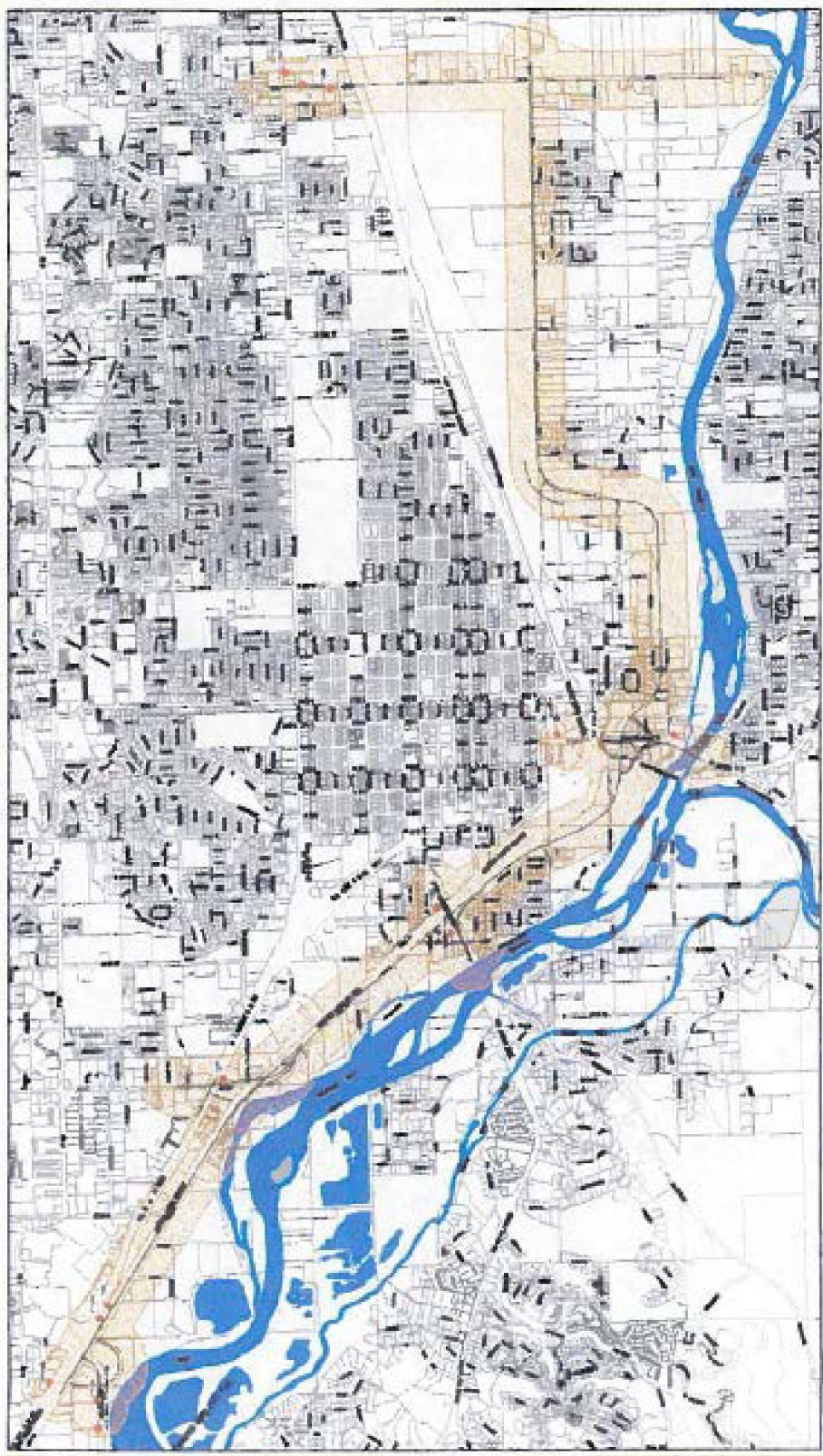
Passed and adopted this 2nd day of July, 2008.

/s/ Gregg Palmer
Gregg Palmer
President of the Council

Attest:

/s/ Stephanie Tuin
Stephanie Tuin
City Clerk

Billboard Moratorium 600ft from Centerline



60000 0000
Moratorium Boundary 600ft

EXHIBIT "A"



Sign Clearance

For Signs that Require a Building Permit

Public Works & Planning Department
250 North 5th Street, Grand Junction CO 81501
Tel: (970) 244-1430 FAX (970) 256-4031

Bldg Permit No.	_____
Date Submitted	_____
Fee \$	_____
Zone	_____

TAX SCHEDULE NO. <u>2945-151-11-023</u>	CONTRACTOR <u>CWGA Inc.</u>
BUSINESS NAME <u>B+B Storage</u>	LICENSE NO. <u>20110200</u>
STREET ADDRESS <u>610 W. Gunnison</u>	ADDRESS <u>2475 Commerce Blvd.</u>
PROPERTY OWNER <u>B+B Properties LLC</u>	TELEPHONE NO. <u>970-242-5248</u>
OWNER ADDRESS <u>P.O. Box 3527 GJ CO 81502</u>	CONTACT PERSON <u>Tim Murray</u>

- | | |
|--|--|
| <input type="checkbox"/> 1. FLUSH WALL | 2 Square Feet per Linear Foot of Building Façade |
| <input type="checkbox"/> 2. ROOF | 2 Square Feet per Linear Foot of Building Façade |
| <input type="checkbox"/> 3. FREE-STANDING | 2 Traffic Lanes - 0.75 Square Feet x Street Frontage |
| | 4 or more Traffic Lanes - 1.5 Square Feet x Street Frontage |
| <input type="checkbox"/> 4. PROJECTING | 0.5 Square Feet per each Linear Foot of Building Façade |
| <input checked="" type="checkbox"/> 5. OFF-PREMISE | See #3 Spacing Requirements; Not > 300 Square Feet or < 15 Square Feet |

Externally Illuminated Internally Illuminated Non-Illuminated

(1 - 5) Area of Proposed Sign: 300 Square Feet

(1,2,4) Building Façade: _____ Linear Feet Building Façade Direction: North South East West

(1 - 4) Street Frontage: _____ Linear Feet Name of Street: _____

(2 - 5) Height to Top of Sign: 40' Feet Clearance to Grade: 27'9" Feet

(5) Distance to Nearest Existing Off-Premise Sign: 600+ Feet

EXISTING SIGNAGE TYPE & SQUARE FOOTAGE:

_____	_____ Sq. Ft.
_____	_____ Sq. Ft.
_____	_____ Sq. Ft.
_____	_____ Sq. Ft.
Total Existing:	_____ Sq. Ft.

FOR OFFICE USE ONLY

Signage Allowed on Parcel for ROW:

Building	_____ Sq. Ft.
Free-Standing	_____ Sq. Ft.
Total Allowed:	_____ Sq. Ft.

COMMENTS: _____

NOTE: No sign may exceed 300 square feet. A separate sign clearance is required for each sign. Attach a sketch, to scale, of proposed and existing signage including types, dimensions and lettering. Attach a plot plan, to scale, showing: abutting streets, alleys, easements, driveways, encroachments, property lines, distances from existing buildings to proposed signs and required setbacks. **A SEPARATE PERMIT FROM THE BUILDING DEPARTMENT IS ALSO REQUIRED.**

I hereby attest that the information on this form and the attached sketches are true and accurate.

 5-17-11 _____ _____

Applicant's Signature Date Planning Approval Date

(White: Planning) (Yellow: Neighborhood Services) (Pink: Building Permit) (Goldenrod: Applicant)

Tim Murray
CWOA Inc
2475 Commerce Blvd
Grand Junction, CO 81505-1207

May 12, 2011

Re: Billboard application at 610 W. Gunnison Avenue

Dear Tim Murray:

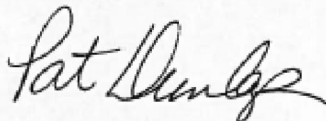
Thank you for submitting an application for a billboard at 610 W. Gunnison Avenue. Per Title 21 Zoning and Development Code, 21.06.070(4) Off-Premise (Outdoor Advertising Sign),

(v) Off-premises outdoor advertising signs shall not be visible from the Riverside Parkway. No portion of a sign may be visible from the Riverside Parkway. It is rebuttably presumed that a sign is visible if the sign is located within 600 feet from the centerline of the Riverside Parkway as the location is depicted in Exhibit A attached to Ordinance 4260. Exhibit A is incorporated by this reference as if fully set forth.

After careful consideration of the site and line-of-sight to the Riverside Parkway, it is my belief that the billboard would be visible from the Riverside Parkway. Because of this, your application for an off-premise sign at 610 W. Gunnison Avenue is denied.

If you believe this decision is incorrect, you may take an opportunity to show planning staff that the sign will not be visible from the Parkway and/or you may appeal the decision to the Planning Commission. A request for an appeal, in writing, must be submitted within 10 working days of the date of this letter. (GJMC 21.02.070(a)(7)).

Thank you,



Pat Dunlap
Planning Technician
(970) 256-4030
(970) 256-4031 fax



RECEIVED

MAY 18 2011

COMMUNITY DEVELOPMENT
DEPT.

P.O. Box 2906

Grand Jct., CO 81502

970-242-5248

Pat

Please have this letter serve as my formal written request/appeal of your personal denial of my off-premise sign application. I would prefer to reverse your denial with planning staff, but would be willing to appeal to the Planning Commission.

I request a reversal of your denial based upon the city of Grand Junction's code and your incorrect interpretation. The paragraph (v) you submitted as your basis for denial was created after much discussion between Community Development Director Bob Blanchard, City Manager Kelly Arnold, City Attorney John Shaver, the then current Grand Junction City Council and the owner of CWOA, Inc., Mark Gamble. It was determined that "visibility to the Riverside Parkway " needed to be defined by some distance, as was clearly done in your paragraph (v), and 600 feet was determined to be adequate. The city's GIS mapping has a nifty outline available to all city staff and the public, defining the area within the 600 foot corridor as the "no-build" zone for off-premises signs. Please refer to this for guidance as this permit application is clearly outside this defined area as determined by the city of Grand Junction.

Secondly, the city has already permitted other off-premises signs since the completion of the Riverside Parkway that are in fact visible from the parkway but outside the defined corridor.

I have enclosed another application for your approval.

Thanks for all your hard work.

Truly,

Tim Murray
General Manager
CWOA Outdoor Advertising