



**PLANNING COMMISSION AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
TUESDAY, AUGUST 9, 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 June 14, 2011 Regular Meeting.

[Attach 1](#)

2. Community Hospital Rezone – Rezone

[Attach 2](#)

Request a recommendation of approval to City Council to rezone 40 acres from a City MU (Mixed Use) to a City BP (Business Park Mixed Use) zone district.

FILE #: RZN-2011-990
PETITIONER: Chris Thomas – Colorado West Health Care System
LOCATION: 2373 G Road
STAFF: Greg Moberg

***** 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.

3. Off-Premise Sign (Billboard) Appeal – Appeal of Director's Decision –

Continued from June 28, 2011 Planning Commission Hearing

[Attach 3](#)

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 a sign at 515 South 7th Street.

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

4. Off-Premise Sign (Billboard) Appeal – Appeal of Director's Decision –

Continued from June 28, 2011 Planning Commission Hearing

[Attach 4](#)

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 a sign at 610 West Gunnison Avenue.

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

5. Off-Premise Sign (Billboard) Appeal – Appeal of Director's Decision [Attach 5](#)

Appeal of Director's Decision pursuant to Section 21.02.210(c), Appeal of Final Action on Administrative Development Permits, regarding revocation of an administrative permit to construct a sign at 715 South 7th Street.

FILE #: APL-2011-927
PETITIONER: Thomas Volkmann – Spiecker, Hanlon, Gormley and Volkmann
LOCATION: 715 South 7th Street
STAFF: Lisa Cox

6. Casas de Luz – Planned Development [Attach 6](#)

Request recommendation of approval to City Council of an Amendment to the previously Amended Zoning Ordinance 2596 for the Ridges Planned Development and to request a recommendation of approval to City Council to Vacate a Public Right-of-Way and Utility and Drainage Easement.

FILE #: PLD-2010-259
PETITIONER: Robert Stubbs – Dynamic Investments Inc
LOCATION: West Ridges Blvd at School Ridge Road
STAFF: Scott Peterson

General Discussion/Other Business

Nonscheduled Citizens and/or Visitors

Adjournment

**Attach 1
Minutes of Previous Meetings**

**GRAND JUNCTION PLANNING COMMISSION
JUNE 14, 2011 MINUTES
6:00 p.m. to 6:12 p.m.**

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

In attendance, representing the City Planning Commission, were Reggie Wall (Chair), Pat Carlow, Rob Burnett, Greg Williams (First Alternate) and Keith Leonard (Second Alternate). Commissioners Lynn Pavelka (Vice Chair), Ebe Eslami, Mark Abbott and Lyn Benoit were absent.

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

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 12 interested citizens present during the course of the hearing.

Announcements, Presentations, and/or Prescheduled Visitors

Consent Agenda

1. **Minutes of Previous Meetings**
Approve the minutes of the April 12, 2011 Regular Meeting.

2. **JR Enclave Annexation – Zone of Annexation**
Request a recommendation of approval to City Council to annex and zone 6.80 acres from County RSF-4 (Residential Single Family 4 du/ac) to a City R-5 (Residential 5 du/ac) zone district.

FILE #:	ANX-2011-755
PETITIONER:	City of Grand Junction
LOCATION:	247 Arlington Drive
STAFF:	Brian Rusche

3. **Crossroads Church Annexation – Zone of Annexation**
Request a recommendation of approval to City Council to zone 3.43 acres from County RSF-4 (Residential Single Family 4 du/ac) to a City R-4 (Residential 4 du/ac) zone district.

FILE #: ANX-2011-712
PETITIONER: Mel Diffendaffer – Crossroads United Methodist Church
LOCATION: 599 30 Road
STAFF: Lori Bowers

Chairman Wall briefly explained the Consent Agenda and invited the public, Planning Commissioners, and staff to speak if they wanted any item pulled for additional discussion.

A member of the public requested Item 3 be pulled for a full hearing. Jamie Beard, Assistant City Attorney, interjected that the annexation was not being discussed this evening but rather only the zone of annexation. She went on to state that the annexation went directly to City Council.

Chairman Wall questioned the individual whether he was requesting the full hearing with regard to the annexation or the zoning of the annexation. Chairman Wall clarified that the proposed zoning was the same in the County as it would be in the City (the R-4 zone district). The citizen confirmed that his concern was more applicable to the actual annexation and use of the property. Chairman Wall stated that the annexation portion was something that would be brought up at a City Council meeting and further stated that the Planning Commission hearing that evening was limited to the zoning issue.

Lisa Cox, Planning Manager, noted that the annexation was scheduled for the City Council public hearing to be held on Wednesday, July 20, 2011. At that time City Council would accept public comment and public testimony.

Another citizen questioned what the purpose was from changing the zoning from 4 to 5. Chairman Wall stated that it was just what was being requested and further commented that for that particular property it could be anywhere from 4 to 8; however, in this particular instance, it was Residential 4 now and it would be City Residential 4.

James Steffan, 588 Sycamore Court, stated that he was one of the people closest to this proposed cell phone tower. He questioned why a church wanted to go into a commercial venture and also wanted to know how it would affect them other than the sight of it. Chairman Wall stated that from a zoning aspect, the zoning wouldn't affect them because it was the same in the County as it would be in the City. The annexation portion would need to be addressed at the City Council meeting. Assistant City Attorney Beard suggested that it should be clarified that the Planning Commission was only making a recommendation to Council on the proposed zoning and that the public would also be allowed to discuss the proposed zoning with City Council.

Chairman Wall explained that this was simply a recommendation and City Council was the final decision maker. He also pointed out that if the questions pertained more to the annexation, that discussion would be conducted at the City Council meeting. He went on to say that if anyone had questions which pertained to the zoning, that that item could be pulled for a full hearing.

Lisa Cox stated that when property was annexed from unincorporated Mesa County into the City of Grand Junction, the City was required to assign a City zone district to it. In this particular case, the zoning in unincorporated Mesa County was Residential 4 dwelling units per acre, which was consistent with the City district, R-4. She explained the process: the Planning Commission would consider the zone of annexation request, make a recommendation to City Council and then on Wednesday, July 20th, the City Council would have a public hearing for discussion and final action regarding the annexation and zoning of the property.

Chairman Wall recommended that the citizens attending the Planning Commission meeting should also attend the City Council meeting on July 20th because it appeared their concerns pertained to the annexation. Lisa Cox noted that the City Council meeting would be held in the same room as the Planning Commission meeting, but that the hearing time would be 7:00 p.m. rather than 6:00 p.m.

After discussion, there were no objections or revisions received from the audience or Planning Commissioners on the Consent Agenda items.

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

Commissioner Carlow seconded the motion. A vote was called and the motion passed unanimously by a vote of 5 - 0.

Public Hearing Items

None.

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 6:12 p.m.

**Attach 2
Community Hospital**

**CITY OF GRAND JUNCTION
PLANNING COMMISSION**

MEETING DATE: August 9, 2011
PRESENTER: Greg Moberg

AGENDA TOPIC: Community Hospital Rezone – RZN-2011-990

ACTION REQUESTED: Recommendation to City Council to rezone property located at 2373 G Road from MU (Mixed Use) to BP (Business Park Mixed Use).

BACKGROUND INFORMATION					
Location:		2373 G Road			
Applicants:		Community Hospital			
Existing Land Use:		Vacant			
Proposed Land Use:		Hospital and Medical offices and facilities			
Surrounding Land Use:	North	Vacant			
	South	Vacant			
	East	Outdoor Storage and Vacant			
	West	Vacant			
Existing Zoning:		MU (Mixed Use)			
Proposed Zoning:		BP (Business Park Mixed Use)			
Surrounding Zoning:	North	MU (Mixed Use)			
	South	C-2 (General Commercial)			
	East	MU (Mixed Use)			
	West	C-2 (General Commercial)			
Future Land Use Designation:		Commercial/Industrial			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: A request to rezone 39.48 acres, located at 2373 G Road, from MU (Mixed Use) to BP (Business Park Mixed Use).

RECOMMENDATION: Recommend approval to City Council.

ANALYSIS:

1. Background:

The subject property was annexed in 1995 as part of the Northwest Enclave Annexation and was originally zoned C-2 (General Commercial). In 2000 the City rezoned properties so that they would be consistent with the Growth Plan. At that time this site was rezoned to MU (Mixed Use). In 2010 the City adopted a Comprehensive Plan that designated this area as Commercial/Industrial. The new Comprehensive Plan land use designation rendered the existing MU zoning inconsistent with the new Comprehensive Plan, making it difficult to develop. The Applicant is requesting that the property be rezoned to BP (Business Park Mixed Use). The BP zone allows hospitals, clinics and medical offices as a use by right, which are uses that Community Hospital has discussed occurring on this site.

Community Hospital is currently in the process of selling its existing property and facilities, located at the corner of Orchard and 12th Street, to Colorado Mesa University. This process will take approximately 5 to 7 years at which time all hospital operations will need to be relocated to the G Road site. After the property is rezoned, Community Hospital would then have to apply for site plan approval prior to obtaining any planning clearances. There has also been some discussion concerning subdivision of the property which would allow Community Hospital to sell a portion or portions of the property to a party or parties interested in developing on a site adjacent to a hospital. In either case questions regarding the need to install new or upgrade existing public facilities (which may include water, sewer and roads) would be addressed during the development review process for either request.

The Applicant held a Neighborhood Meeting on July 19, 2011 with seven (7) people in attendance. No adverse comments related to the proposed rezone were raised during the meeting. However, there were comments relating to traffic and improvements to G Road and other existing and proposed roads within the area.

2. Section 21.02.140 of the Grand Junction Municipal Code:

Zone requests must meet all of the following criteria for approval:

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

Response: In 2010 the City adopted a Comprehensive Plan that changed the Future Land Use designation in this area from Mixed Use to Commercial/Industrial. It was determined that the original scope of the 24 Road corridor was too large and that more property should have a Future Land Use designation of Commercial/Industrial rather than Mixed Use. This determination invalidated the original premise and finding upon which the existing zoning relied upon. The property now needs to be rezoned and BP is a zone that the Comprehensive Plan lists as being consistent with the Commercial/Industrial Future Land Use designation.

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

Response: When the City adopted the Comprehensive Plan in 2010 the Future Land Use Designation of this site was changed from Mixed Use to Commercial/Industrial. Due to this change the current MU zoning was rendered inconsistent with the Comprehensive Plan designation of Commercial/Industrial. Because the zoning is inconsistent with the Comprehensive Plan, uses allowed on the site are limited far more than if the property had a zone that was consistent with the Future Land Use Designation. By zoning the property to BP, the zoning will be consistent with the Comprehensive Plan and the uses that the Applicant is proposing would be allowed by-right.

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

Response: Public and community facilities exist within the area of the property. However, with the exception of water (a 10" Ute water line is located in the G Road right-of-way) public and community facilities (i.e. sewer and roads) are limited and improvements may be required prior to use of the property. It is anticipated that right-of-way dedications will be required on all four sides of the property, improvements may be needed to G Road and sewer may need to be extended from the south. Whether these improvements will be required or not will be the subject of discussion if the property is subdivided and/or a site plan application is submitted.

(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: Because this is a new zone (created with adoption of the Comprehensive Plan) and there are no properties within Grand Junction that are zoned BP, there is not an adequate supply of property zoned BP available in the community.

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

Response: The community and the area will derive benefits from the proposed rezone by facilitating the potential development for a hospital and medical facilities. The community and area also benefit from the potential for an attractive and useful development of a vacant parcel that will include new and upgraded landscaping and on-site improvements and will anchor the development of this area.

Alternatives: In addition to the BP zoning requested by the Applicant, the following zone districts would also be consistent with the Comprehensive Plan designation for the subject property:

- a. C-2 (General Commercial)
- b. I-O (Industrial/Office Park)
- c. I-1 (Light Industrial)

If the Planning Commission chooses to recommend one of the alternative zone designations, it must state its specific alternative findings supporting its recommendation of an alternative zone designation to the City Council.

FINDINGS OF FACT AND CONCLUSIONS:

After reviewing the Community Hospital Rezone, RZN-2011-990, a request to rezone the property from MU (Mixed Use) to BP (Business Park Mixed Use), the following findings of fact and conclusions have been determined:

- 1. The requested zone is consistent with the goals and policies of the Comprehensive Plan.
- 2. The review criteria under Section 21.02.140 of the Grand Junction Municipal Code have been appropriately and sufficiently met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested BP zone, RZN-2011-990, to the City Council with the findings, and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

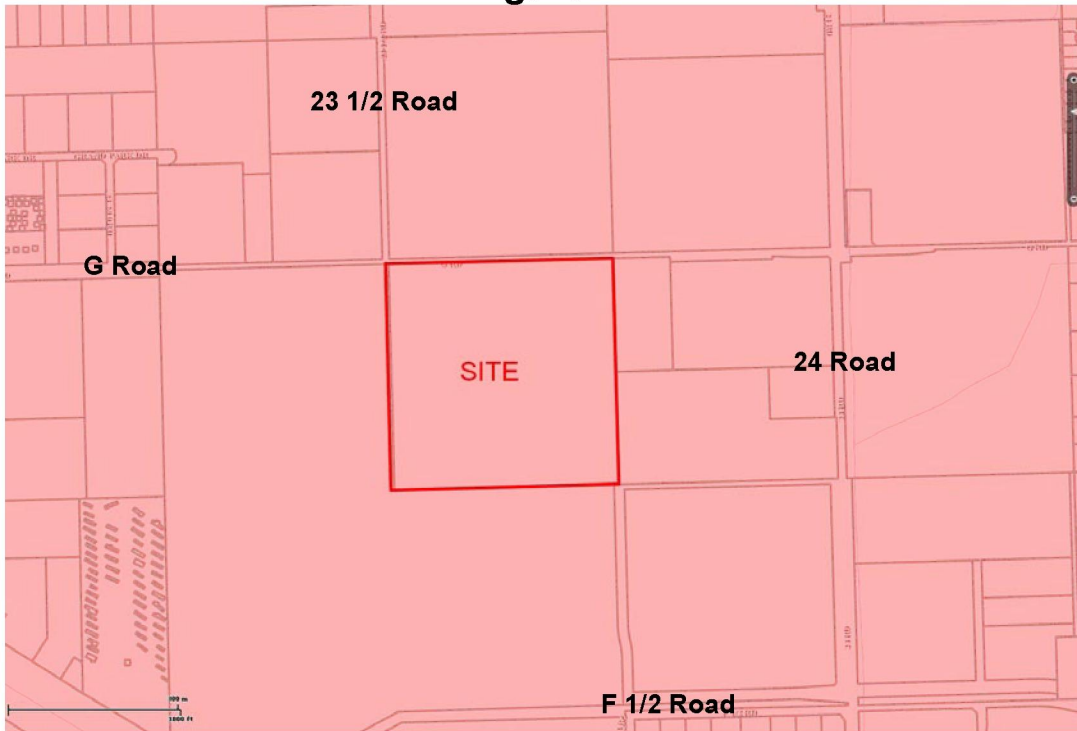
Mr. Chairman, on Rezone, RZN-2011-990, I move that the Planning Commission forward a recommendation of the approval for the Community Hospital Rezone from MU (Mixed Use) to BP (Business Park Mixed Use) with the findings of fact and conclusions listed in the staff report.

Attachments:

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

Site Location Map

Figure 1



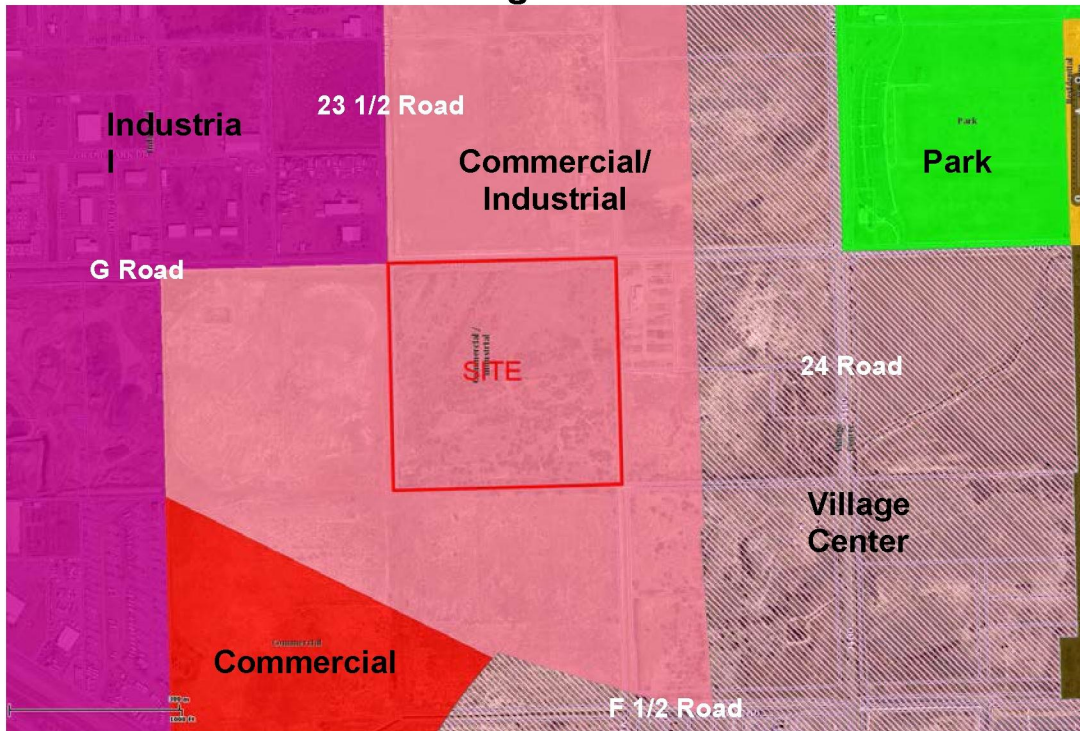
Aerial Photo Map

Figure 2



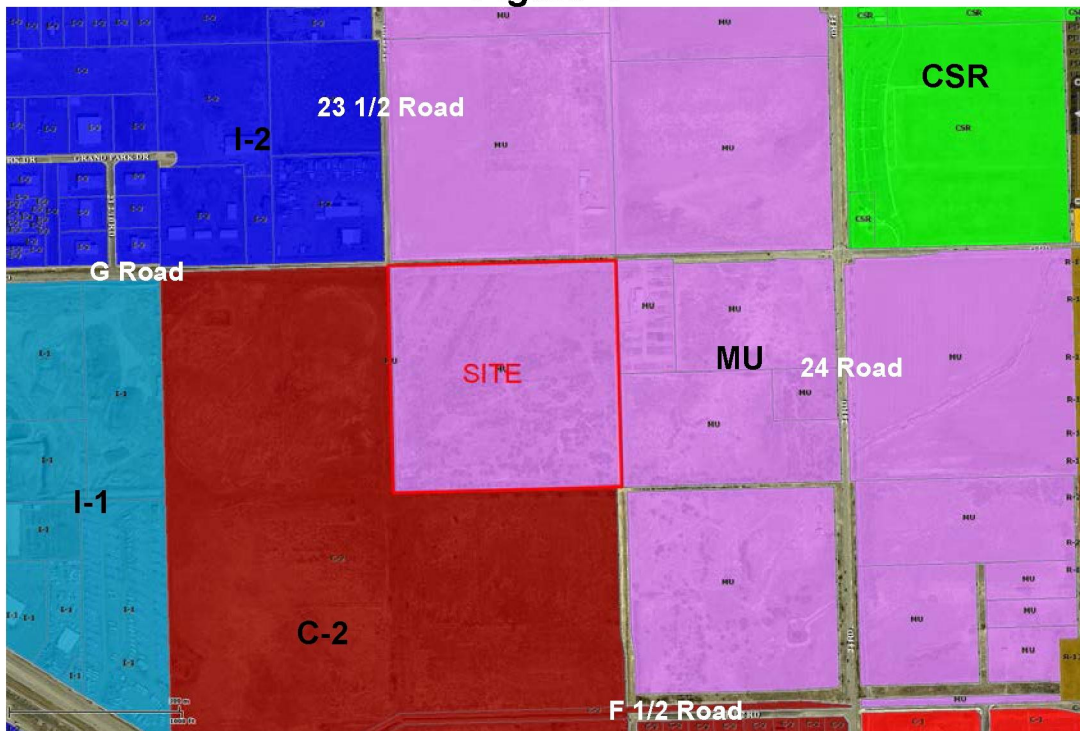
Comprehensive Plan Future Land Use Map

Figure 3



Existing City Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE REZONING FROM MU (MIXED USE) TO BP, (BUSINESS PARK MIXED USE) FOR THE COMMUNITY HOSPITAL REZONE LOCATED AT 2373 G ROAD

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Community Hospital property from MU (Mixed Use) to the BP (Business Park Mixed Use) zone district for the following reasons:

The zone district meets the recommended land use category as shown on the future land use map of the Comprehensive Plan, CI (Commercial/Industrial) and the Comprehensive Plan's goals and policies and/or is generally compatible with appropriate land uses located in the surrounding area.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the BP zone district to be established.

The Planning Commission and City Council find that the BP zoning is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following properties shall be rezoned BP (Business Park Mixed Use).

A parcel of land described as follows: the NW 1/4 of the NE 1/4 of Section 5, Township 1 South, Range 1 West of the Ute Meridian; EXCEPT the West 16.5 feet thereof; County of Mesa, State of Colorado; and

A parcel of land described as follows: the West 16.5 feet of NW 1/4 of the NE 1/4 of Section 5, Township 1 South, Range 1 West of the Ute Meridian; Mesa County, Colorado.

Said parcels contain 39.48 acres more or less.

Introduced on first reading this , day of , 2011 and ordered published.

Adopted on second reading this _____ day of _____, 2011.

ATTEST:

City Clerk

Mayor

**Attach 3
Billboard Appeal – 515 S. 7th St**

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: August 9, 2011
PRESENTERS: Lisa Cox, AICP
Shelly Dackonish

Continued from the 6-28-2011 Planning Commission Meeting

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)

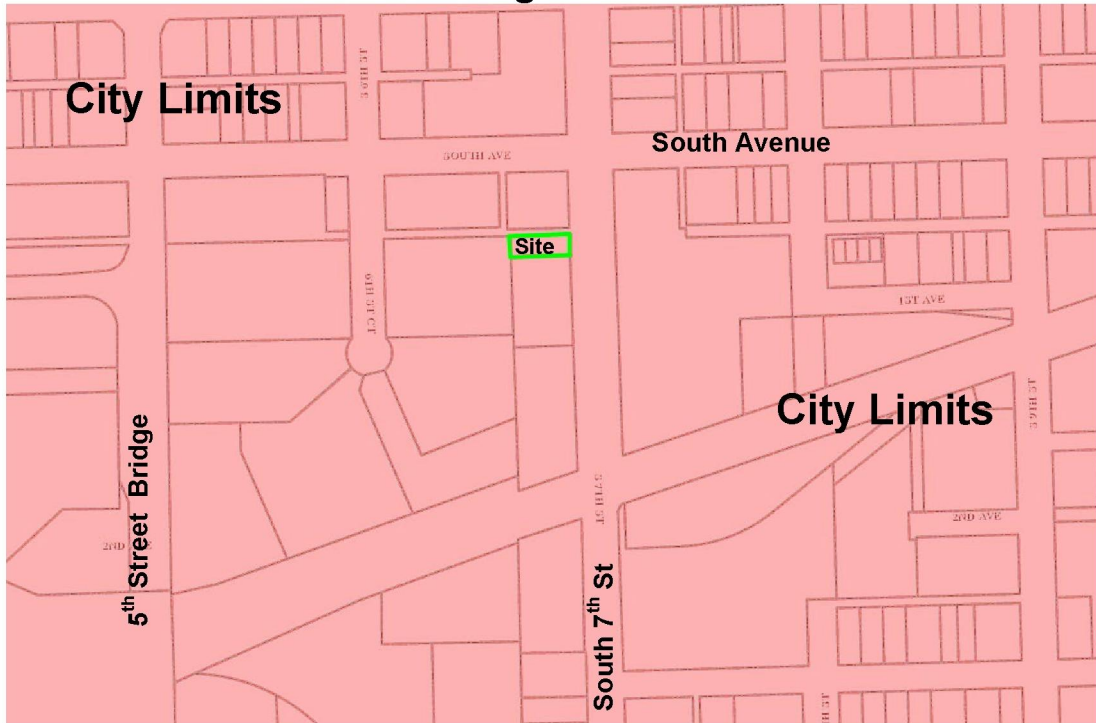
Letter to City from Thomas Volkmann (dated 4-22-2011)

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



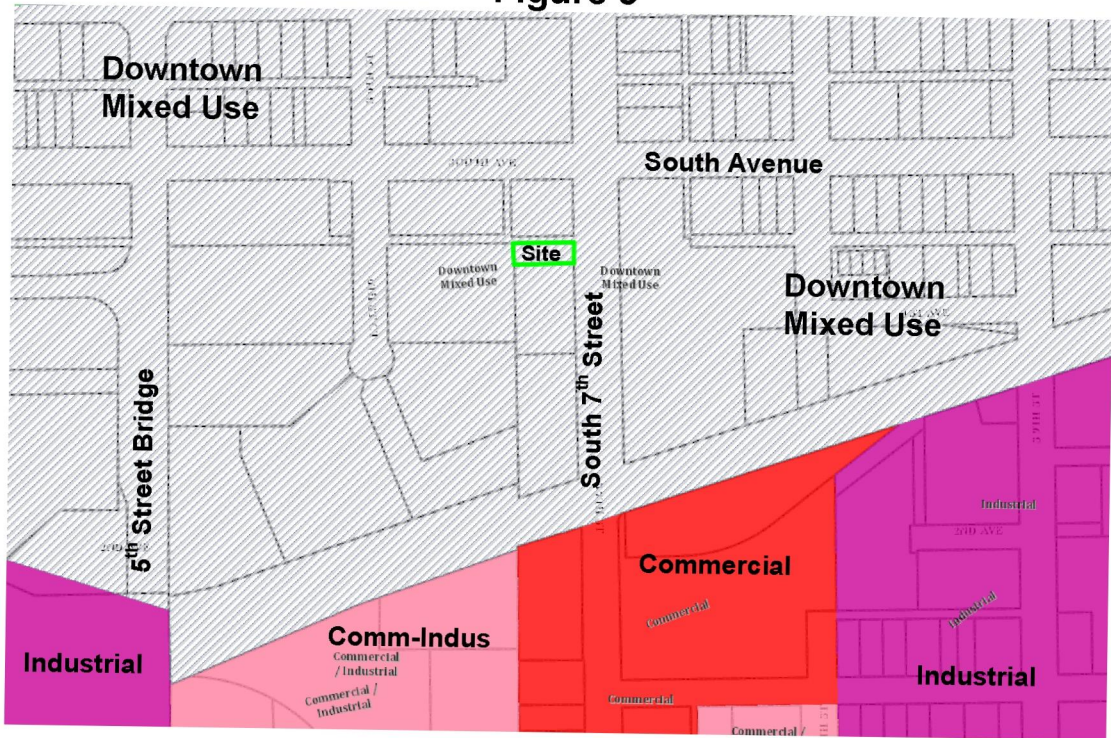
Aerial Photo Map

Figure 2



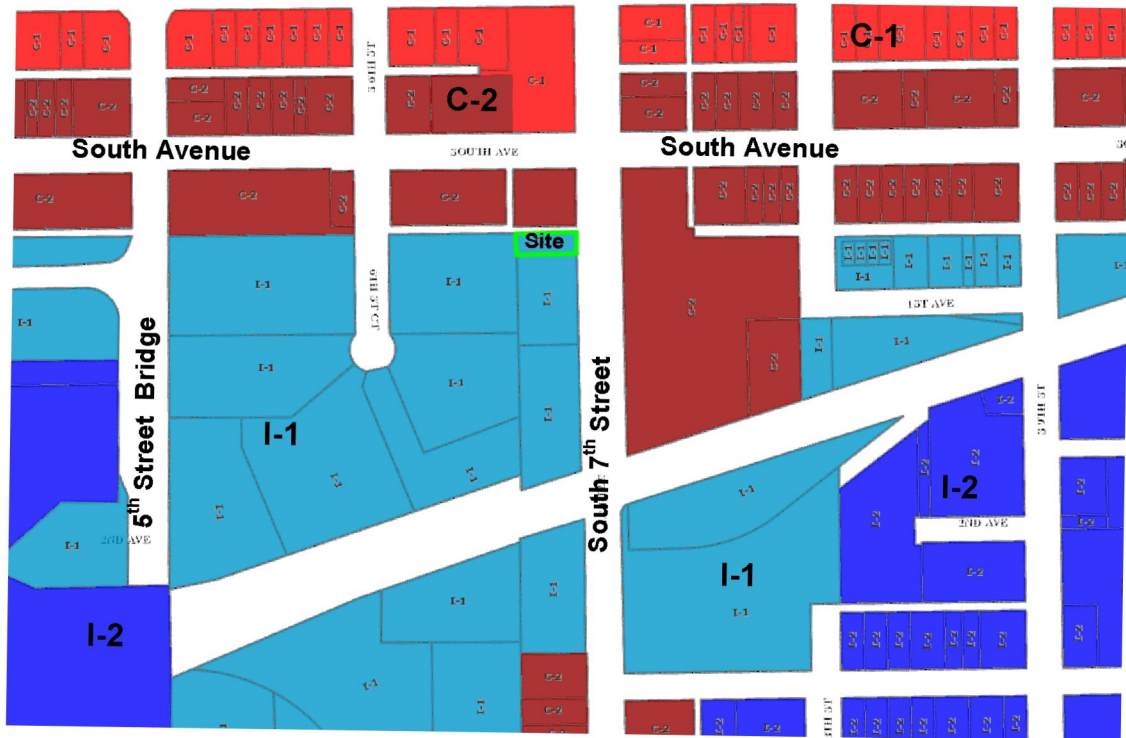
Comprehensive Plan Map

Figure 3



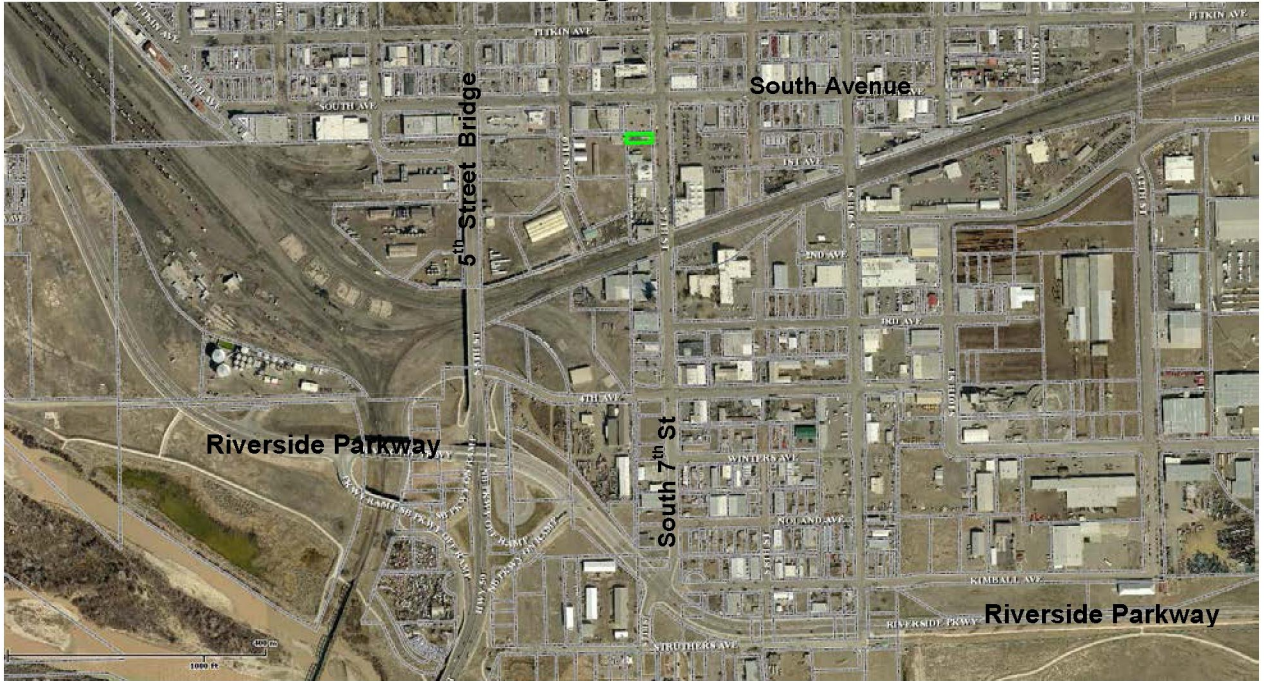
Existing City and County Zoning Map

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

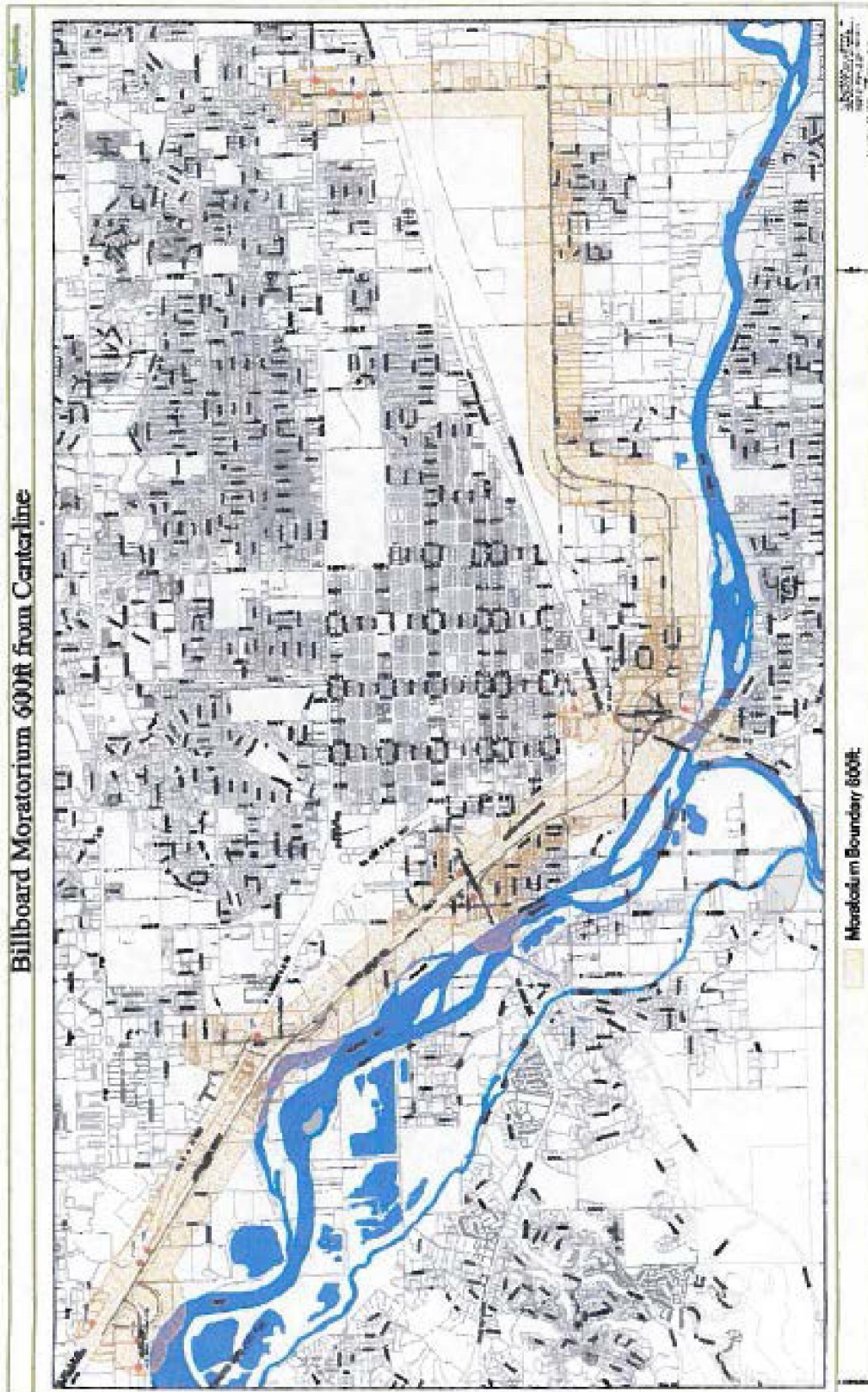


EXHIBIT "A"



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	<u>3-24-11</u>
Fee \$	<u>25.00</u>
Zone	<u>I-1</u>

TAX SCHEDULE NO.	<u>2945-231-00-001</u>	CONTRACTOR	<u>CWOA Inc.</u>
BUSINESS NAME	<u>VACANT LOT/GJ Flea Market</u>	LICENSE NO.	<u>20110200</u>
STREET ADDRESS	<u>515 S 7th Street #2</u>	ADDRESS	<u>P.O. Box 2986 G.J. CO 81502</u>
PROPERTY OWNER	<u>John O. Seward</u>	TELEPHONE NO.	<u>970-242-5248</u>
OWNER ADDRESS	<u>711 S. 6th St.</u>	CONTACT PERSON	<u>Tim Murray cell: 261-643</u>

<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 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 Facade
<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: 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.

	<u>3-24-11</u>	_____	_____
Applicant's Signature	Date	Planning Approval	Date

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



PUBLIC WORKS & PLANNING

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.

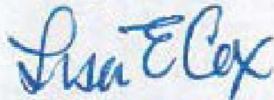
- Criterion (i) **cannot be met** because the type of sign use requested is not allowed in any zone district in the Downtown Mixed Use Future Land Use designation. Therefore, the request is **denied**.

- 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@city.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.

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~~



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.

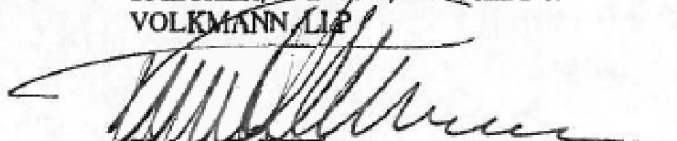
My reference to the implementation table simply confirms that the City is cognizant of the fact that the existing zoning on this property does not implement the applicable portions of the Comprehensive Plan. Accordingly, the terms of that Comprehensive Plan are not implemented relative to this property 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. Volkman

TCV:jmd

cc: Mark Gamble
CWOA, INC.

**Attach 4
Billboard Appeal – 610 W. Gunnison Ave**

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: August 9, 2011
PRESENTER: Lisa Cox, AICP
Shelly Dackonish

Continued from the 6-28-2011 Planning Commission Meeting

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



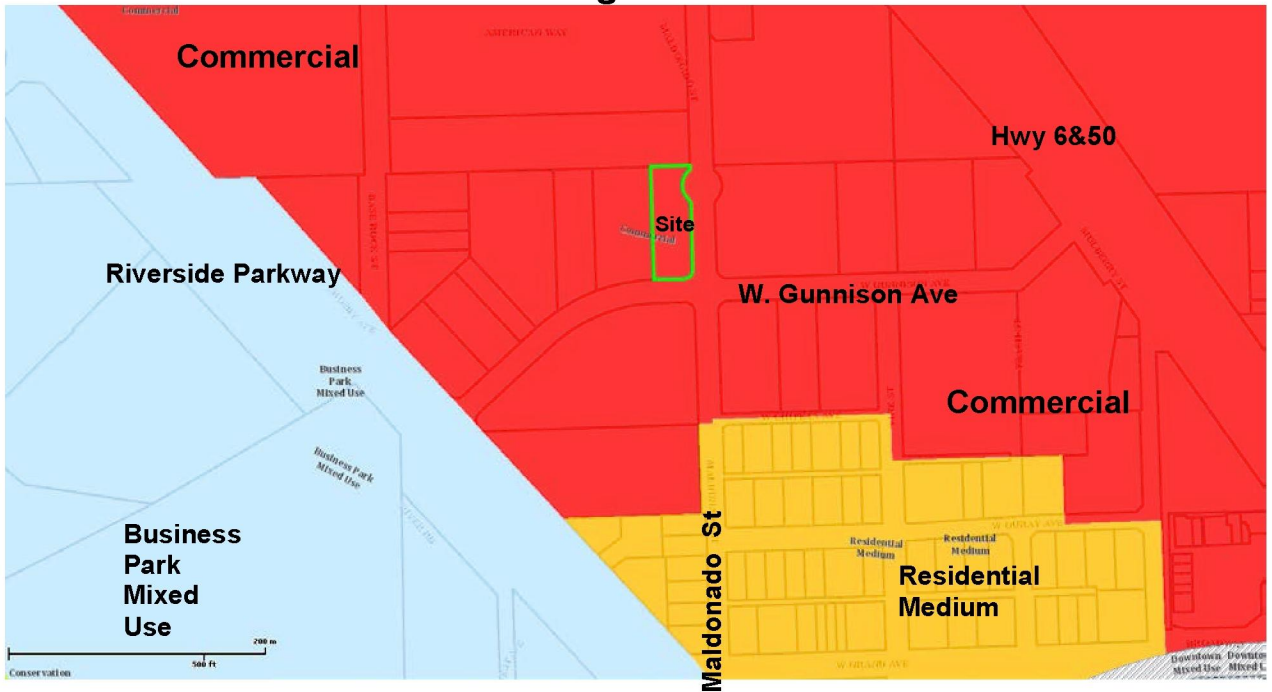
Aerial Photo Map

Figure 2



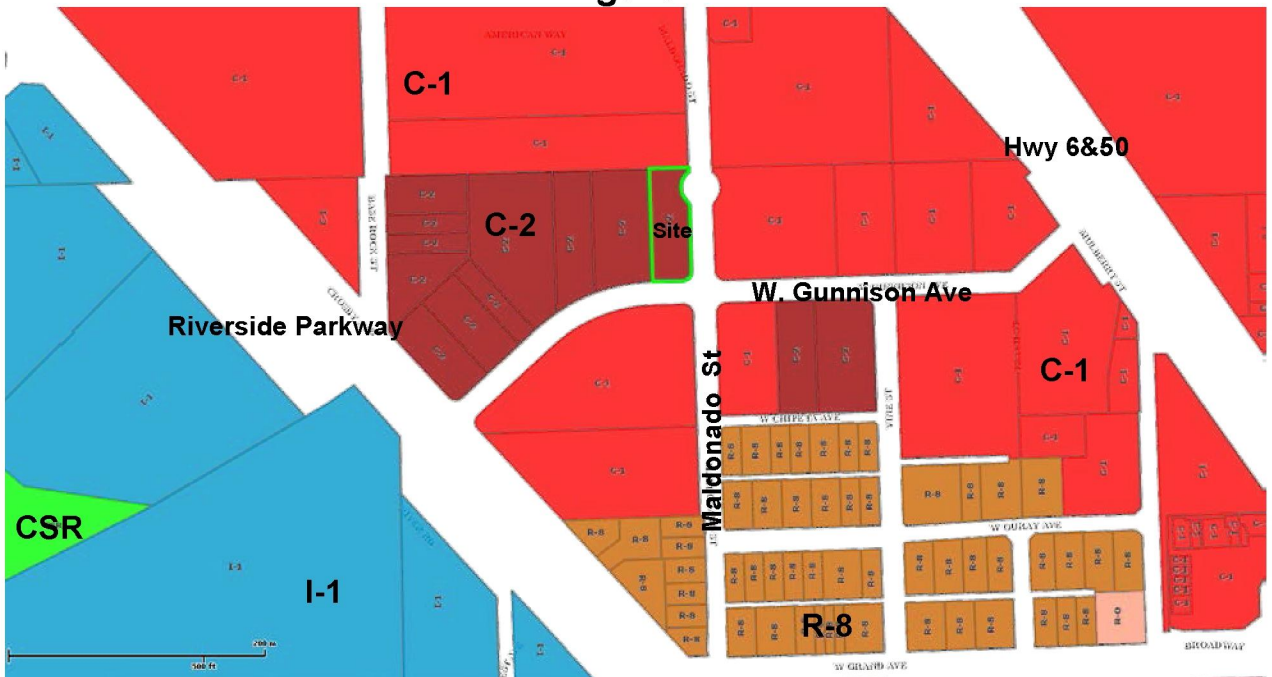
Comprehensive Plan Map

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.

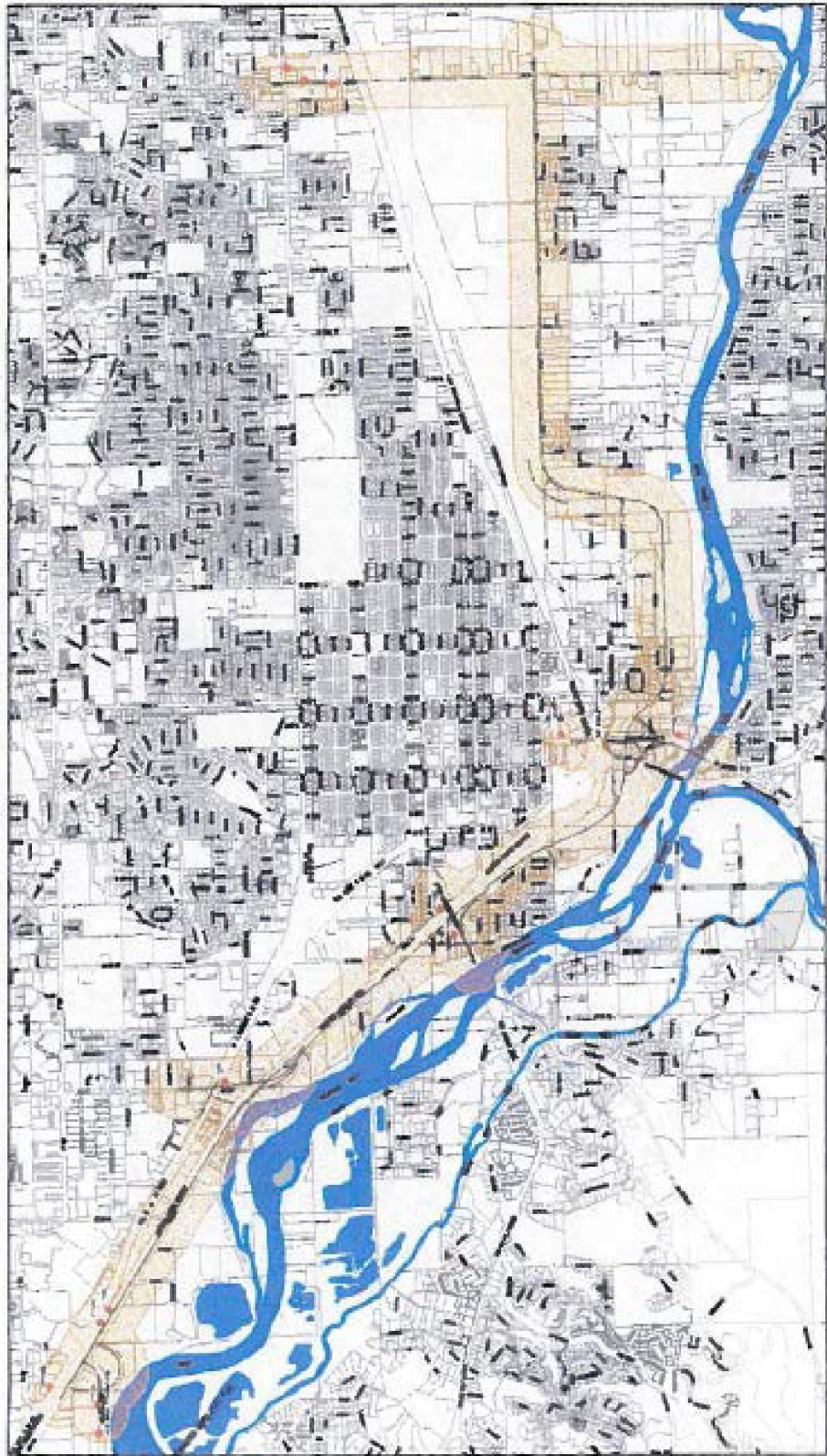
Passed and adopted this 2nd day of July, 2008.

/s/ Gregg Palmer
Gregg Palmer
President of the Council

Attest:

/s/ Stephanie Tuin
Stephanie Tuin
City Clerk

Billboard Moratorium 600ft from Centerline



Maximum 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.
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.

	<u>5-17-11</u>	_____	_____
Applicant's Signature	Date	Planning Approval	Date

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



PUBLIC WORKS & PLANNING

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,

A handwritten signature in cursive script that reads "Pat Dunlap".

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

**Attach 5
Billboard Appeal – 715 S. 7th St**

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: August 9, 2011
PRESENTERS: Lisa Cox, AICP
Jamie Beard

AGENDA TOPIC: Hearing on appeal of the Director’s revocation of an Administrative Development Permit for a billboard (APL-2011-927)

ACTION REQUESTED: Review and decide on an appeal

BACKGROUND INFORMATION					
Location:		715 S. 7 th Street			
Representative:		Thomas Volkmann, Attorney			
Existing Land Use:		Commercial			
Proposed Land Use:		N/A			
Surrounding Land Use:	North	Union Pacific Railroad			
	South	Manufacturing			
	East	Commercial			
	West	Union Pacific Railroad/Warehouse			
Existing Zoning:		I-1, Light Industrial			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	I-1, Light Industrial			
	South	C-2, General Commercial			
	East	I-1, Light Industrial			
	West	I-1, Light Industrial			
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 to revoke an administrative development permit to construct an off-premise sign (billboard) at 715 S. 7th Street.

Background:

On March 4, 2011 the City received and processed a request for a permit for an off-premise sign (billboard) to be constructed at 715 S. 7th Street. 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 Grand Junction Municipal Code (GJMC) prohibits off-premise signs that are visible from the Riverside Parkway. Construction of the off-premise sign at the proposed location of 715 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.”

Criterion (ii) listed above cannot be met, therefore the permit was revoked.

Legal argument:

Pursuant to 21.09.050(a)(2)(ii), the Director may revoke a development permit or other authorization when a development permit was issued by mistake.

Pursuant to 21.09.090(a)(1), “If the Director determines there are one or more reasons to revoke a development permit or approval, he/she shall revoke such permit or approval.”

Section 21.06.070(g)(4)(v) of the GJMC requires revocation of the permit, because it prohibits off-premise signs that are visible from the Riverside Parkway.

Appeal criteria:

This appeal hearing is held in accordance with Section 21.02.210 of the Grand Junction Municipal Code. [Section 21.09.090(a)(1) indicates that the appeal “shall be heard by the Zoning Board of Appeals.” The Appellant has requested that the Planning

Commission hear this appeal with other pending appeals and has waived its right to have the matter heard by the Zoning Board of Appeals.] 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.

Standard of review:

The applicable legal standard for this appeal requires the Planning Commission to consider whether the Director, in revoking 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 Appellant bears 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 the 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 Zoning Map

Riverside Parkway View Map

Ordinance 4260

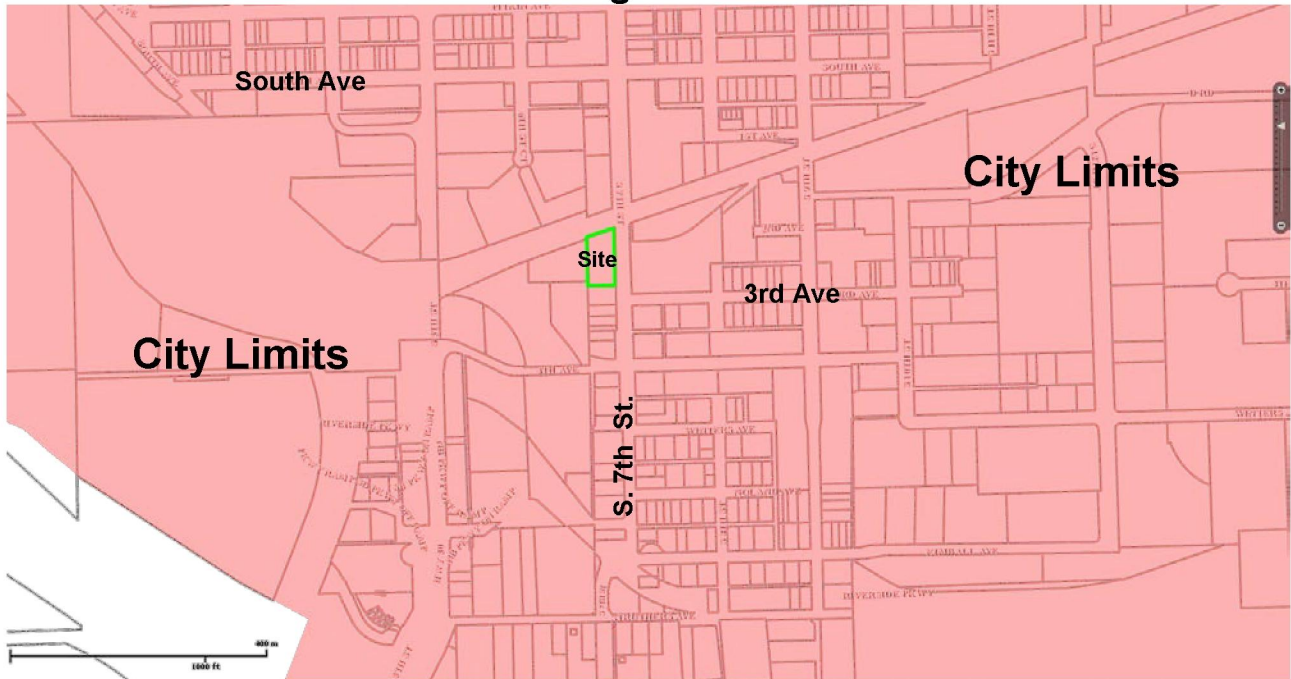
Letter to CWOA from Lisa Cox (dated 6-9-2011)

Sign Clearance (dated 3-4-11)

Letter to City from Thomas Volkmann (dated 6-22-2011)

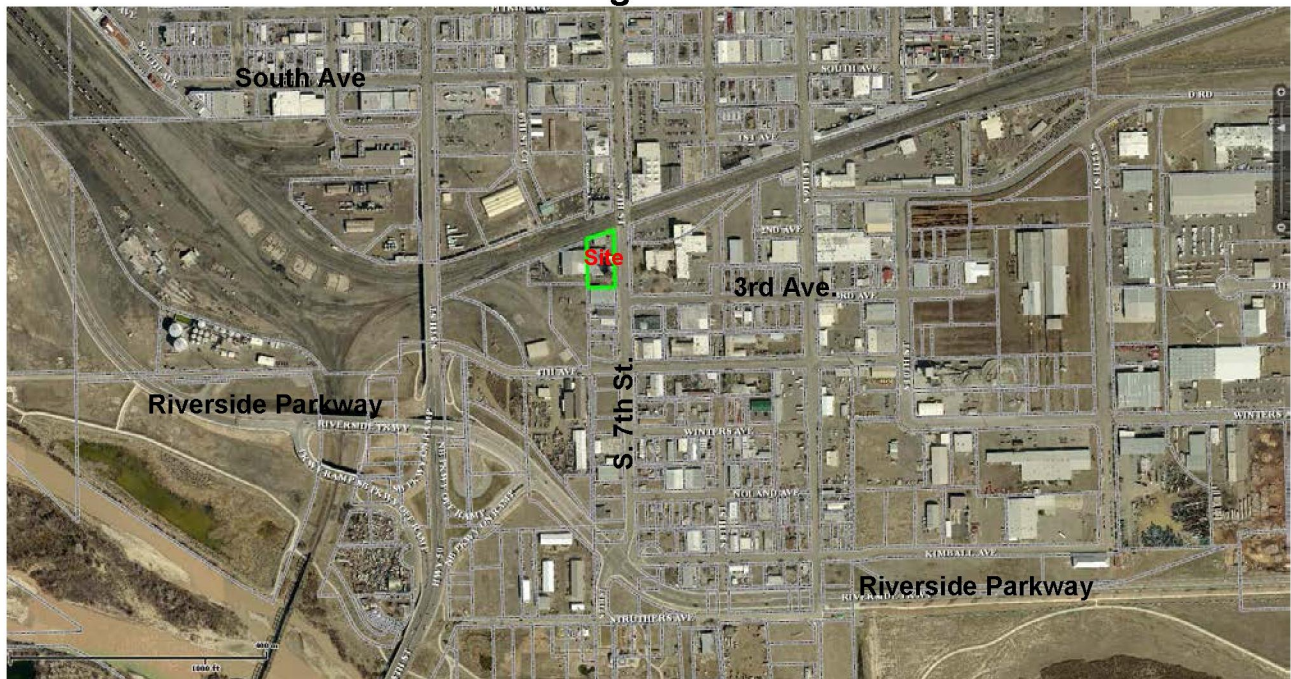
Site Location Map

Figure 1



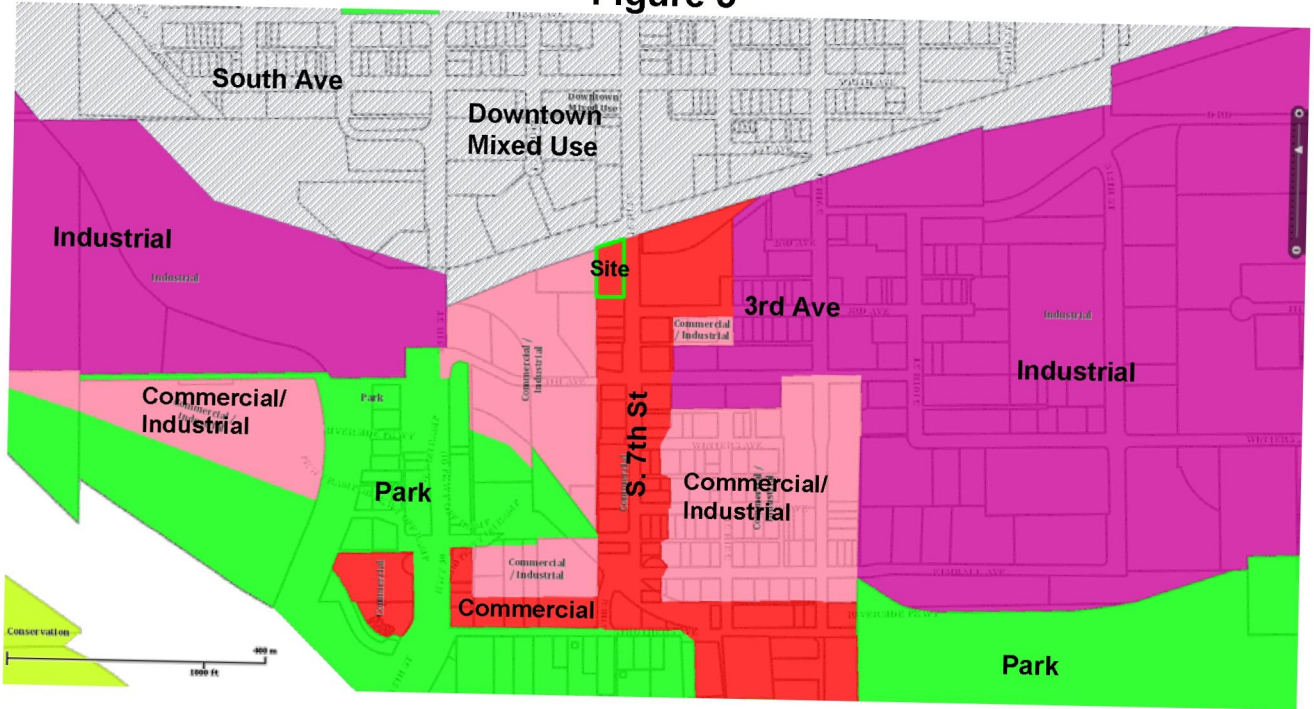
Aerial Photo Map

Figure 2



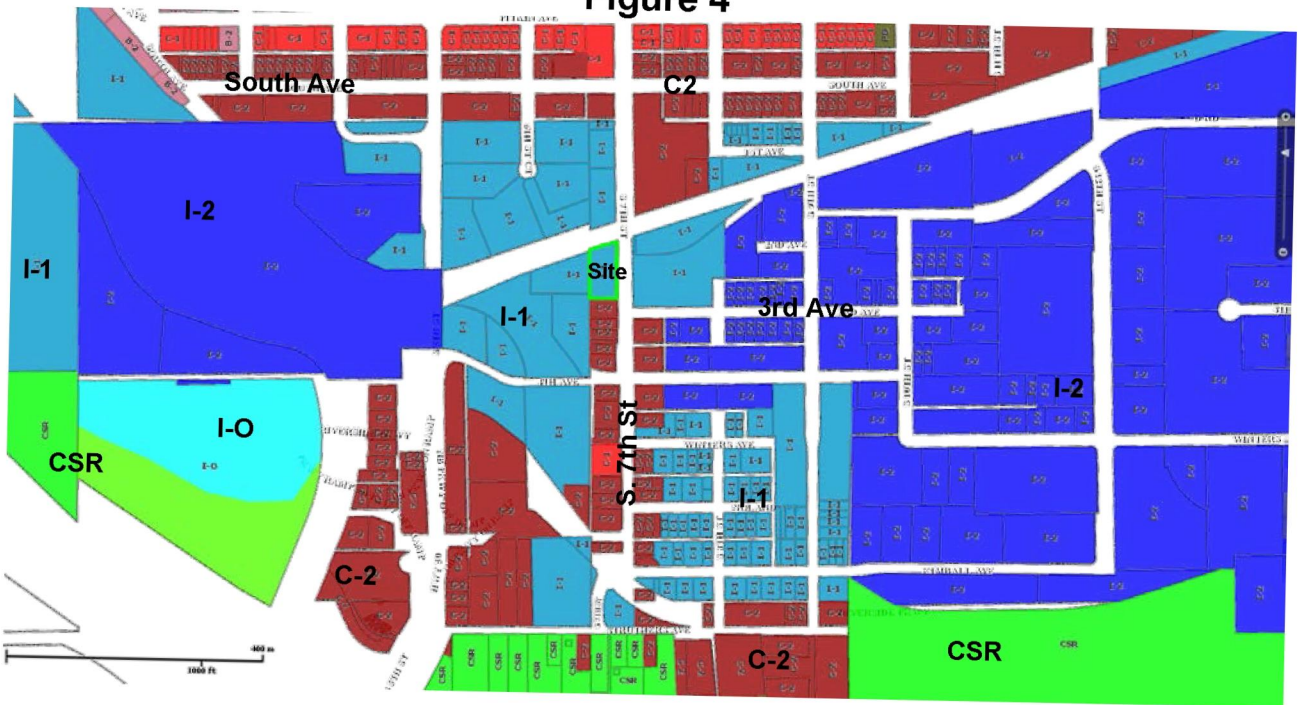
Comprehensive Plan Map

Figure 3



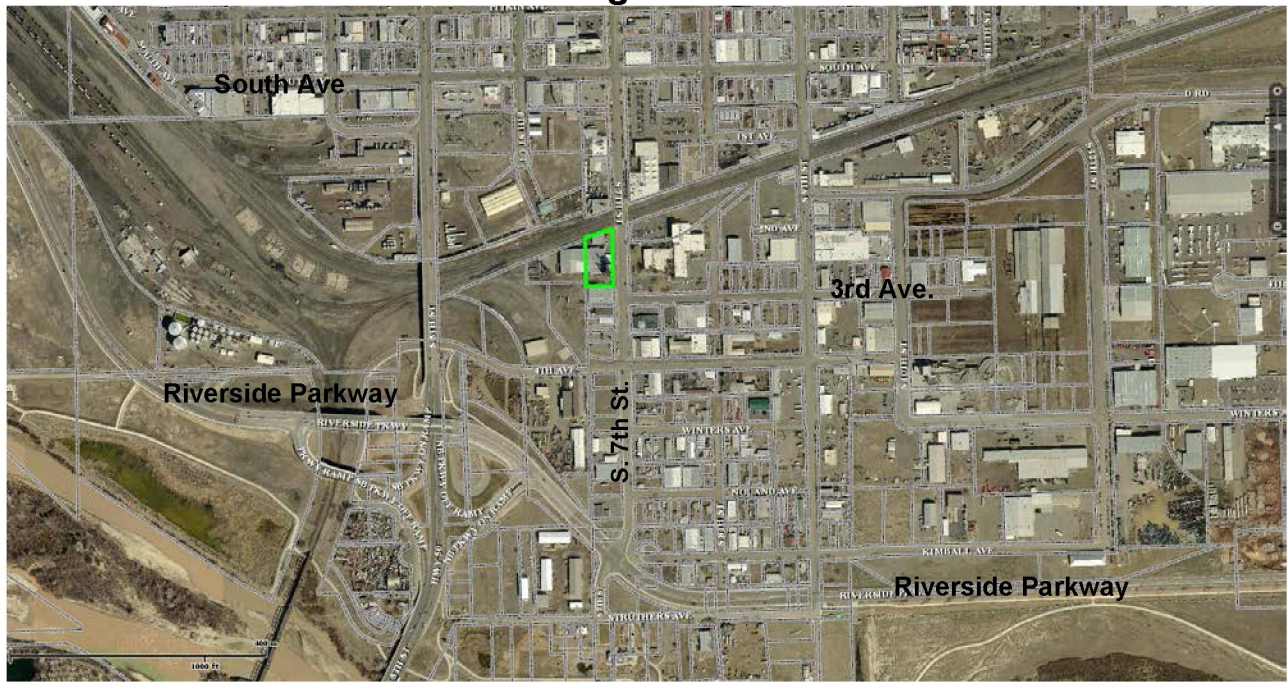
Existing City Zoning Map

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

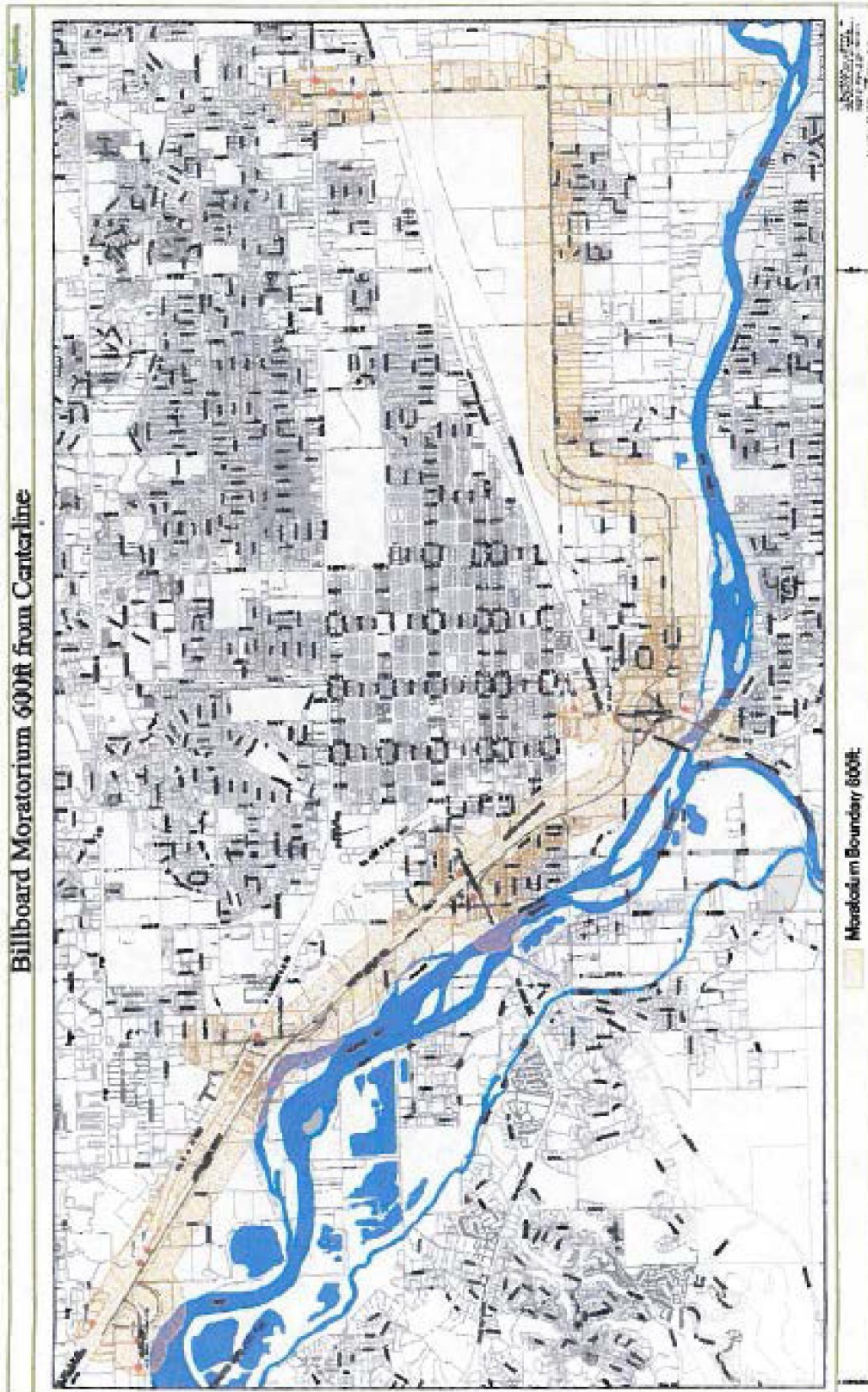


EXHIBIT "A"



PUBLIC WORKS & PLANNING DEPARTMENT
PLANNING DIVISION

June 9, 2011

Mr. Tim Murray
CWOA Outdoor Advertising
PO Box 2906
Grand Junction, CO 81502

Dear Mr. Murray:

This is to advise you that the Planning Clearance issued on March 4, 2011 for an off-premise sign at 715 S. 7th Street, also known as Tax Parcel #2945-231-00-037, is hereby revoked (copy of Planning Clearance attached).

Revocation is necessary because the location of the off-premise sign is visible from the Riverside Parkway which is in violation of Title 21, Zoning and Development Code, Section 21.06.070(4) Off-Premises (Outdoor Advertising Sign). Section 21.06.070(4) states:

(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 and following this subsection. Exhibit A is incorporated by this reference as if fully set forth.

If you believe this decision is incorrect you may take an opportunity to demonstrate that the sign location is not visible from the Riverside Parkway and/or you may appeal the decision to the Planning Commission. A written request for an appeal must be submitted within 10 working days of the date of this letter. [GJMC 21.02.070(a)(7)]

Please don't hesitate to contact me should you have any questions regarding this matter. I can be reached at 244-1448 or by email at lisac@gjcity.org; or you may contact Shelly Dackonish at 256-4042 or by email at shellyd@gjcity.org.

Respectfully,

A handwritten signature in blue ink that reads "Lisa E. Cox".

Lisa E. Cox, AICP
Planning Manager

Attachment: Revoked Planning Clearance for 715 S. 7th Street with site location plan

cc: Tim Moore, Director, Public Works and Planning Department
Shelly Dackonish, Senior Staff Attorney
Mike Mossburg, Mesa County Building Department
Planning Technicians



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

Receipt # 36276

Bldg Permit No.	_____
Date Submitted	3-4-11
Fee \$	25.00
Zone	E-1

Revoked 6-9-2011 L. COX

TAX SCHEDULE NO.	2945-231-00-037	CONTRACTOR	CWOA INC.
BUSINESS NAME	Mesa Feed + Farm	LICENSE NO.	20110200
STREET ADDRESS	715 S. 7th Street	ADDRESS	2475 Commerce Blvd.
PROPERTY OWNER	Mesa Feed + Farm Supply	TELEPHONE NO.	970-242-5248
OWNER ADDRESS	715 S 7th Street	CONTACT PERSON	TIM MURRAY

- | | | |
|-------------------------------------|------------------|---|
| <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
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 Facade |
| <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: _____ Feet

(5) Distance to Nearest Existing Off-Premise Sign: 1000'+ Feet *checked to A ✓*

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:	<u>300</u>	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.

	<u>3/3/11</u>		<u>3-4-11</u>
Applicant's Signature	Date	Planning Approval	Date

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

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

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

JOHN P. GORMLEY
THOMAS C. VOLKMANN

June 22, 2011
Hand Delivery

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

Re: APPEAL OF REVOCATION OF CWOA SIGN PERMIT FOR
TAX PARCEL 2945-231-00-037

Dear Lisa:

As you are aware, my client, Colorado West Outdoor Advertising, Inc. ("CWOA"), has two other appeals pending regarding denials of recent sign permit applications.

Please accept this letter as an appeal of the City of Grand Junction's revocation of the permit for property located at 715 South 7th Street, Grand Junction, on the tax parcel identified above.

This appeal is an appeal of the apparently final revocation decision you made, as Planning Manager, as evidenced in your letter of June 9, 2011, to Mr. Tim Murray of CWOA Outdoor Advertising.

The subject permit was duly applied and paid for, and was issued on March 4, 2011. We submit that the revocation of this issued permit is without authority or support in the Zoning and Development Code, relies on a purported provision of the Code that is unconstitutionally vague and has been inconsistently and selectively applied and enforced, and was issued without providing the holder of the permit, CWOA, with requisite due process.

This appeal is substantively different from the previous appeals filed relative to other CWOA off-site sign application denials. Accordingly, CWOA does not consent to this matter being heard next Tuesday, June 28, 2011, at the Planning Commission.

Please advise me immediately if you need any other information and I will see to it that your request for that information is met immediately.

RECEIVED

JUN 22 2011

COMMUNITY DEVELOPMENT
DEPT.

Very truly yours,

SPIECKER, HANLON, GORMLEY &
VOLKMANN, LLP


THOMAS C. VOLKMANN

TCV:cez

cc: Colorado West Outdoor Advertising, Inc.

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

TELEPHONE: (970) 243-1003

FACSIMILE: (970) 243-1011

**Attach 6
Casas de Luz**

**CITY OF GRAND JUNCTION
PLANNING COMMISSION**

MEETING DATE: August 9, 2011
PRESENTER: Scott D. Peterson

AGENDA TOPIC: Casas de Luz – PLD-2010-259

ACTION REQUESTED: A recommendation of approval to City Council for an amendment to the Planned Development zoning ordinance for the Ridges Planned Development (“Ridges PD”) for a portion of the property, Lots 34A-40A, Block Twenty-five of The Ridges Filing No. 5 subdivision and Lots 41A-43A of the Replat of Lots 22A through 30A, Block Twenty Five the Ridges Filing No. Five subdivision referred to hereafter as the “Casas de Luz Property,” within the Ridges PD. The applicant is also requesting a recommendation of approval to City Council for the vacation of a dedicated frontage road (right-of-way) and utility easements and a drainage easement in conformance with the new plan.

BACKGROUND INFORMATION					
Location:		West Ridges Boulevard and School Ridge Road			
Applicants:		Dynamic Investments, Inc., Owner			
Existing Land Use:		Vacant land			
Proposed Land Use:		One Single-Family Detached, Two-Family and Multi-Family dwellings			
Surrounding Land Use:	North	Single-Family Attached dwelling units			
	South	Vacant land and driving range for Redlands Mesa Golf Course			
	East	Single-Family Attached dwelling units			
	West	Redlands Mesa Real Estate Office			
Existing Zoning:		PD Planned Development			
Proposed Zoning:		PD Planned Development			
Surrounding Zoning:	North	PD Planned Development			
	South	PD Planned Development			
	East	PD Planned Development			
	West	PD Planned Development			
Future Land Use Designation:		Residential Medium (4 – 8 du/ac) and Residential Medium Low (2 – 4 du/ac)			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: Request for approval of an amendment to the previously amended Ordinance 2569 to develop a two-family and multifamily residential development on the Casas de Luz Property (referred to hereafter as the “Proposed Plan” or the “Casas de Luz Plan”) within the Ridges Planned Development. The

Proposed Plan consists of two-family and multifamily units for a total of 20 dwelling units on 1.88 acres. The application also includes a request for vacation of a dedicated frontage road and utility easements, including a drainage easement, that are not in conformance with the proposed plan.

RECOMMENDATION: Recommend approval to City Council of: 1) an amended Planned Development (PD) zoning ordinance to establish the underlying zoning and bulk requirements (the Casas de Luz Plan) for the Casas de Luz Property within the Ridges PD ; and 2) conditionally vacate a dedicated frontage road; and 3) vacation of utility easements, including drainage, that are not consistent with the Proposed Plan.

ANALYSIS

1. Background:

The 1.88 acre Casas de Luz Property is part of the Ridges Planned Development. The property is presently platted into ten lots. Under the current Ridges PD each lot is designated for a maximum of two dwelling units ("A" lots) within the overall PD.

The Ridges was originally approved as a Planned Unit Development (PUD) by Mesa County in the late 1970's. The original developer formed the Ridges Metropolitan District to provide services to the development since it was in unincorporated Mesa County. The PUD also provided open space (approximately 85 acres in Filings 1 through 6), numerous parks of varying sizes and a network of detached multi-use trails throughout the development. The approved PUD included a mix of land uses including a variety of housing types – from apartments to detached single family units – offices and neighborhood commercial uses.

In 1992 the developed and undeveloped areas of the Ridges were annexed into the City limits. Upon annexation, an amended plan and zoning ordinance for the Ridges was adopted zoning the development Planned Development (PD). The plan allocated the remaining allowable dwelling units to the undeveloped parcels, including the multifamily parcels. The parcels were then designated "A", "B" or "C" lots or, if originally planned as a multifamily site, a specific density was assigned.

The Casas de Luz Property was designated as "A" lots with a density of two family dwellings for each platted lot. However, it was specifically noted on the plat that the same area could be developed as a multifamily area. The area is limited to the maximum density of 20 dwelling units already determined for the ten "A" lots.

The applicant, Dynamic Investments, Inc., requests to re-subdivide the existing ten platted lots and create new residential lots, tracts and stacked condominium units. The total number of dwelling units (20) is the same number of allowed dwelling units that were originally planned for this site. The new subdivision is proposed to be named Casas de Luz (meaning; "Houses of Light") and may be completed over four phases. The proposed development shall be subject to the provisions of the Zoning and Development Code, except as deviated by the approved Casas de Luz Plan to be adopted as a part of the amended ordinance.

The applicant is also requesting the vacation of a dedicated frontage road and utility and/or drainage easements that are not needed with the proposed development. The existing frontage road provides access for seven of the existing ten lots. The frontage road provides a separate ingress/egress point for each lot without impacting traffic movements on West Ridges Boulevard. However, since the Casas de Luz development is modifying the existing lot configuration and proposing three access points to serve 20 dwelling units, this frontage road will no longer be necessary, except for the retaining of a 10' multipurpose easement along the remaining right-of-way for utilities, including utilities presently in place.

The easements to be vacated appear on the Replat of Lots 22A through 30A, Block Twenty Five The Ridges Filing No. Five. The existing 10' Drainage and Utility Easement on Lot 41A; a small portion of the 10' Utility Easement on Lot 43A; and a portion of the 20' Utility Easement on Lots 41A through 43A are to be vacated. The easements are not necessary for development and some interfere with the location of buildings with the proposed development. These existing easements do not contain any public utilities in the areas to be vacated.

Density

The Comprehensive Plan Future Land Use Map indicates this area of the Ridges to be Residential Medium (4–8 du/ac) and Residential Medium Low (2–4 du/ac). The Ridges PD overall density is four dwelling units per acre which includes all lots, open space tracts, etc. The densities are consistent with the Comprehensive Plan. The above stated Ridges density is calculated as a gross density for the entire Ridges Plan, not site specific. The site specific density for this proposal would be 10.6 dwelling units an acre matching what was originally approved for this site. The proposed Casas de Luz development is a re-subdivision of "A" lots within the Ridges development which allowed up to a maximum of two-family dwellings for each platted lot.

The applicant has not proposed a change to the density.

Access

Access for the Proposed Plan will be from West Ridges Boulevard in three different locations (see Site Layout Plan). Proposed internal access will be shared drives and parking areas (tracts), maintained by a homeowner's association.

Plan Layout

The Proposed Plan will have a mixture of two-family, multifamily, and/or single-family detached dwelling units. As proposed some of the multifamily dwellings will be stacked and will require approval of a condominium map. Generally, the building footprint for each dwelling unit in Filing One, Filing Two and Filing Four as designated on the Site Layout Plan will be a lot. The multifamily units are proposed as stacked dwelling units in Filing Three. If the units are to be created for separate ownership, a condominium map will be required with the building footprint generally being the exterior horizontal boundaries of the units. If the units are not created for separate ownership, then the building footprints shall generally be the boundaries of the lots. All areas outside of a

building footprint shall be designated as “Tracts” for maintenance responsibility by a homeowner’s association.

Landscaping

Landscaping shall be in conformance with the Zoning and Development Code for a multifamily residential development (see Landscaping Plan) with a total of 33 trees and 212 shrubs to be planted on 1.88 acres along with granite stone mulch and dryland grass seed mix in open space (tract) areas.

Phasing

The proposed Casas de Luz Plan shall be developed in four phases. The proposed phasing schedule is as follows (see Site Layout Plan):

The first phase shall be completed on or before December 31, 2014 with the recording of a plat with the Mesa County Clerk and Recorder consisting of all of the land in the Casas de Luz Property which includes all the lots in The Ridges Filing No. 5 abutting the frontage road to be vacated by eliminating the lot(s) or platting new lots in a manner acceptable to the City’s Public Works and Planning Director so that access to and from the newly platted parcels is accomplished in accordance with City standards.

The second phase shall be completed on or before December 31, 2017, with a written approval of a final plan and plat for that portion of the Casas de Luz Property.

The third phase shall be completed on or before December 31, 2019, with a written approval of a final plan and plat for that portion of the Casas de Luz Property.

The fourth phase shall be completed on or before December 31, 2021, with the written approval of a final plan and recording of a plat with the Mesa County Clerk and Recorder finalizing the Casas de Luz Plan.

Community Benefit

As this is an amendment to the original Planned Development ordinance for the Ridges, a community benefit is not required to be found by the decision-maker. However, the proposed amendment for the Casas de Luz Property does provide community benefit by providing a needed housing type with innovative design and by utilizing the topography of the site. The design incorporates elements of clustering units to allow for more private open space within the development. Also, the development provides more effective use of infrastructure by eliminating public right-of-way and using three shared accesses to serve the 20 dwelling units which significantly minimizes the impact onto West Ridges Boulevard.

Default Zoning

If the first phase for the Casas de Luz Plan is not completed as indicated in the approved amended ordinance and the amended Plan lapses, then the amended ordinance for the Casas de Luz Property shall have no force and effect and the previously amended Ordinance 2596 shall be in full force and effect as it applies to the Casas de Luz Property.

If the first phase is completed, but the entire Plan is not completed, then the Casas de Luz Development Plan proposes a default zone of R-8, which is in conformance with the Comprehensive Plan for this area. The dimensional standards for the R-8, (Residential-8 du/ac) zone, as indicated in Section 21.03.040 (h) of the Zoning and Development Code, are as follows:

Density: According to the City's Code, density is not to exceed 8 dwelling units per acre. However, as this is an amendment to the Ridges PD, the density has already been determined for this area and the default for density purposes shall remain 10.6 dwelling units per acre for the Casas de Luz Property.

Minimum lot area, width, and frontage: (See below for proposed deviations from standards for the Proposed Plan.)

Detached Single-Family	minimum 3000 square feet of area minimum 40 feet width minimum 20 feet frontage
Two Family Attached	minimum 6,000 square feet of area minimum 60 feet width minimum 20 feet frontage
Multifamily	No minimums for area, width, or frontage

Setbacks:

Front Yard Setback (Principal/Accessory): 20/25 (see deviation below)

Side Yard Setback (Principal/Accessory): 5/3

Rear Yard Setback (Principal/Accessory): 10/5

Maximum building height: 40' (The default maximum building height for single family attached and detached, including two family dwellings shall be 25' in conformance with the previously amended Ordinance 2596 for the Ridges PD.)

Deviations

1. Minimum Lot Area, Width and Frontage:

As the proposed Plan is designed to have each of the combined dwelling units to be surrounded by open space (see the Site Layout Plan) with shared drives for access to the right-of-way, the minimum lot area, width and frontage are not applicable.

2. Building Setbacks:

The Proposed Plan applies the front and rear yard setbacks to the exterior boundary of the Casas de Luz Property rather than the individual lot lines. The front yard setbacks are proposed to be deviated further as follows:

Front Yard (see Site Layout Plan): 15' for Filing One; 11' for Filing Two; 16' for Filing Four

Standard setbacks to the exterior boundary of the Casas de Luz Property setbacks apply unless otherwise noted.

Staff finds the reduced setbacks to be reasonable as there is additional right-of-way along the Casas de Luz Property that is not likely be developed as roadway because of the detached trail that is a part of the Ridges plan for the Planned Development. The trail and additional green space will provide a similar appearance to the area as would the standard setbacks.

3. Maximum Building Height:

The Ridges PD has an overall density of 4 units per acre. By the PD ordinance, the maximum height for a multifamily dwelling is 40' and for single family attached and detached, including two family dwelling units is 25'. The applicant is proposing to amend The Ridges PD as follows:

All measurements for maximum heights are at sea level.

Unit 1: 4888'
Unit 2: 4883'
Unit 3: 4871'
Unit 4: 4861'
Unit 5: 4870'
Units 6, 7 & Unit 8: 4868'
Units 9, 10 & Unit 11: 4868'
Units 12, 13, & Unit 14: 4868'
Units 15, 16 and Unit 17: 4868'
Unit 18: 4850'
Unit 19: 4848'
Unit 20: 4844'

(See attached building rendering exhibits for clarification of the building heights proposed by the applicant).

The Casas de Luz Property could be developed as a multifamily project without amending The Ridges PD. If all multifamily units were built, then the developer could build each up to 40' in height. With the Proposed Plan, all but two of the single family detached and attached dwellings are taller than originally allowed by the Ridges PD, but the multifamily units are shorter than what would be allowed. As shown by the applicant in the exhibits, all of the building roofs will be lower than the roofs on the homes built on the nearest elevated landscape behind the development to the west. With the clustering of the buildings it opens more space between the buildings to reduce the overall obstruction of views. The applicant has taken into consideration the appropriate height for each building in the development.

It is the applicant's position and staff agrees that the development as proposed is reasonable considering the topography of the site, the immediately surrounding area, and the fact that all buildings are at least 5' below the allowed possible height of 40' for multifamily units.

4. Multipurpose Easement:

City standards also require a development to dedicate a 14' multipurpose easement along right-of-ways abutting a development and along right-of-ways within a development. As previously explained, the right-of-way for West Ridges Boulevard is greater than needed for the constructed roadway. The additional right-of-way is used for a detached trail and additional green space. Four feet of this additional right-of-way may be used for the area that would normally encompass the 14' multipurpose easement, so only a 10' multipurpose easement is needed along the abutting West Ridges Boulevard.

2. Section 21.02.150 (b) and (e) of the Zoning and Development Code:

Pursuant to Section 21.02.150(e)(1)(iii), to amend the bulk, performance, and/or default standards of a planned development, the zoning ordinance must be amended through the rezone process. Based on the City's Code, the rezone process includes considering the rezone criteria and the criteria for approving an Outline Development Plan (ODP) by demonstrating conformance with the following:

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

The Proposed Plan complies with the Comprehensive Plan which designates this area as Residential Medium Low (2-4 du/ac) and Residential Medium (4-8 du/ac) with the Blended Residential map allowing up to 16 residential units per acre. The Proposed Plan specifically meets Goal 5 of the Comprehensive Plan in providing a broader mix of housing types and encourages sustainable growth with development of a property that is infill. This area of the Ridges has been platted for single-family attached units since the very early 1980s with no homes being built. The land has remained vacant. The proposed variety of housing types allows more options with less risk for a developer to build these homes.

The Proposed Plan is in conformance with the Grand Valley Circulation Plan ("GVCP"). West Ridges Boulevard is already constructed and designated as right-of-way as part of the GVCP. The Proposed Plan is a safer option for development regarding the GVCP as only three accesses will be allowed to West Ridges Boulevard rather than ten separate accesses.

The Redlands Area Plan was approved by City Council in June 2002 long after the Ridges PD. The Proposed Plan is in conformance with the Redlands Area Plan with only the proposed changes requested from the original Ridges PD which do not conflict with the Redlands Area Plan. The changes are designed in a manner to allow more variety of housing types (all originally considered and allowed in the Ridges) and more efficiently and effectively using the land area and utilizing the infrastructure more safely.

- b. The rezoning criteria provided in Section 21.02.140 of the Zoning and Development Code.

A rezone must only occur if one or more of the following criteria are found.

- (1) Subsequent events have invalidated the original premises and findings; and/or
- (2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or
- (3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or
- (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
- (5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Criteria 3 and 5 are found. The public and community facilities are adequate to serve the scope of land use proposed and as previously explained the Ridges community and the Redlands area will derive benefits from the variety of housing and more efficient and effective use of the land and the infrastructure.

- c. The planned development requirements of Section 21.05 of the Zoning and Development Code.

The application has been developed in conformance with the purpose of Section 21.05 of the Zoning and Development Code by providing more effective use of infrastructure, a needed housing type and/or mix and improved landscaping. The existing Ridges PD previously provided open space, numerous parks of varying sizes and a network of detached multi-use trails throughout the development. Additional open space will come with this proposal.

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

There are no overlay districts for these properties and the special regulations found in Section 21.07 of the Zoning and Development Code do not apply.

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

Adequate public facilities and services will be provided concurrent with the development as defined in the attached plans and phasing schedules. Ute Water and City sewer are both currently available within West Ridges Boulevard.

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

Access for the proposed subdivision will be from West Ridges Boulevard in three (3) different locations (see Site Layout Plan). Proposed internal access will be shared drives and parking areas (tracts), maintained by a homeowner's association.

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

Not applicable since all adjacent land uses are residential in character. The Casas de Luz Plan proposes that all land area located outside of the building footprints are to be platted as tract(s) of land that will be owned and maintained by a homeowner's association and be fully landscaped in accordance with the Zoning and Development Code.

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

The existing plat designates ten two-family dwelling lots ("A" lots). The applicant is proposing a total of 20 units matching the original approved density.

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

The Casas de Luz Plan proposes an R-8 default zone with deviations identified and explained previously in this report.

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

The applicant has submitted a development schedule consisting of four phases with final plat recording with the Mesa County Clerk and Recorder as identified and explained previously in this report.

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

The Ridges PD is over 20 acres in size. This property, a portion of the Ridges PD, is 1.88 acres.

3. Section 21.02.100 of the Zoning and Development Code:

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

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

Granting the request to conditionally vacate right-of-way and to vacate utility easements and a drainage easement does not conflict with the Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City.

The right-of-way to be vacated is a frontage road that was dedicated to allow for additional roadway for someone exiting lots 34A through 40A of The Ridges Filing No. Five so as to better maneuver a vehicle safely into a position to more safely enter onto West Ridges Boulevard. With the redesign of the plan layout for the dwelling units and the reduced access points of the Proposed Plan, the additional roadway area will no longer be necessary.

The recommendation to vacate is conditioned because a plat must be recorded with the lots and or units platted in a manner that the frontage road is not needed for safety purposes. In addition, an easement is necessary to be retained for multipurpose use as utilities are located in the roadway and City standards requires a multipurpose easement.

The easements being vacated are not needed.

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

No parcel will be landlocked as a result of these vacations.

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

As the right-of-way shall only be vacated with the recording of a new plat such that the right-of-way is not needed, then access will not be restricted.

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

There will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced due to the vacation requests.

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

The provision of adequate public facilities and services will not be inhibited for any property as required in Chapter 21.06 of the Zoning and Development Code. No adverse comments were received from the utility review agencies during the staff review process.

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

Maintenance requirements for the City will be slightly reduced with less right-of-way to maintain. A multipurpose easement will be reserved and improved traffic circulation will be continued by the limiting of access points to three (3) onto West Ridges Boulevard.

FINDINGS OF FACT/CONCLUSIONS AND CONDITION OF APPROVAL

After reviewing the Casas de Luz application, PLD-2010-259 for an Amendment to the previously amended Planned Development zoning ordinance for the Ridges Planned Development, Conditional Vacation of Right-of-Way, and Vacation of portions of Utility Easements and a Drainage Easement, I make the following findings of fact and conclusions with conditions for the right-of-way vacation:

1. The requested amendments to the amended Ridges Planned Development ordinance are consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.150 (b) of the Zoning and Development Code have all been met for amendment of the Planned Development ordinance.
3. The review criteria in Section 21.02.100 of the Zoning and Development Code have all been met for vacating the frontage road with the condition that a plat be recorded with the first phase of the Plan with the Mesa County Clerk and Recorder including all the lots in The Ridges Filing No. 5 abutting the frontage road being eliminated or platted in a manner acceptable to the City's Public Works and Planning Director so that access for the newly platted parcels be accomplished in accordance with City standards. In addition, a 10' multipurpose easement shall be retained and reserved as needed for existing utilities.
4. The review criteria in Section 21.02.100 of the Zoning and Development Code have all been met for the portions of the Utility Easements identified to be vacated and the drainage easement to be vacated.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested amendment to the Planned Development Ordinance for the Ridges, Vacation of Right-of-Way, Utility Easements and Drainage Easement, with the findings, conclusions, and conditions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

1. Mr. Chairman, on item PLD-2010-259, I move we forward a recommendation of approval to the City Council on the request to vacate the portions of utility easements

requested and the drainage easement with the findings of fact and conclusions as identified in the staff report.

2. Mr. Chairman, on item PLD-2010-259 the request to Amend the Ridges Planned Development ordinance with the Casas de Luz Plan, I move that the Planning Commission forward to the City Council a recommendation of approval of the amendment with the findings of fact and conclusions as identified in the staff report.

3. Mr. Chairman, on item PLD-2010-259, I move we forward a recommendation of conditional approval to the City Council on the request to vacate the frontage road with the findings of fact, conclusions and conditions as identified in the staff report.

Attachments:

Site Location Map/Aerial Photo Map
Comprehensive Plan/Blended Residential Map
Existing City Zoning Map
Site Layout Plan
Landscaping Plan
Bulk Standards document prepared by Applicant
Building height drawings prepared by Applicant
Right-of-Way and Easement Vacation Exhibits
Letter from Sue Carbone, Adjacent Property Owner

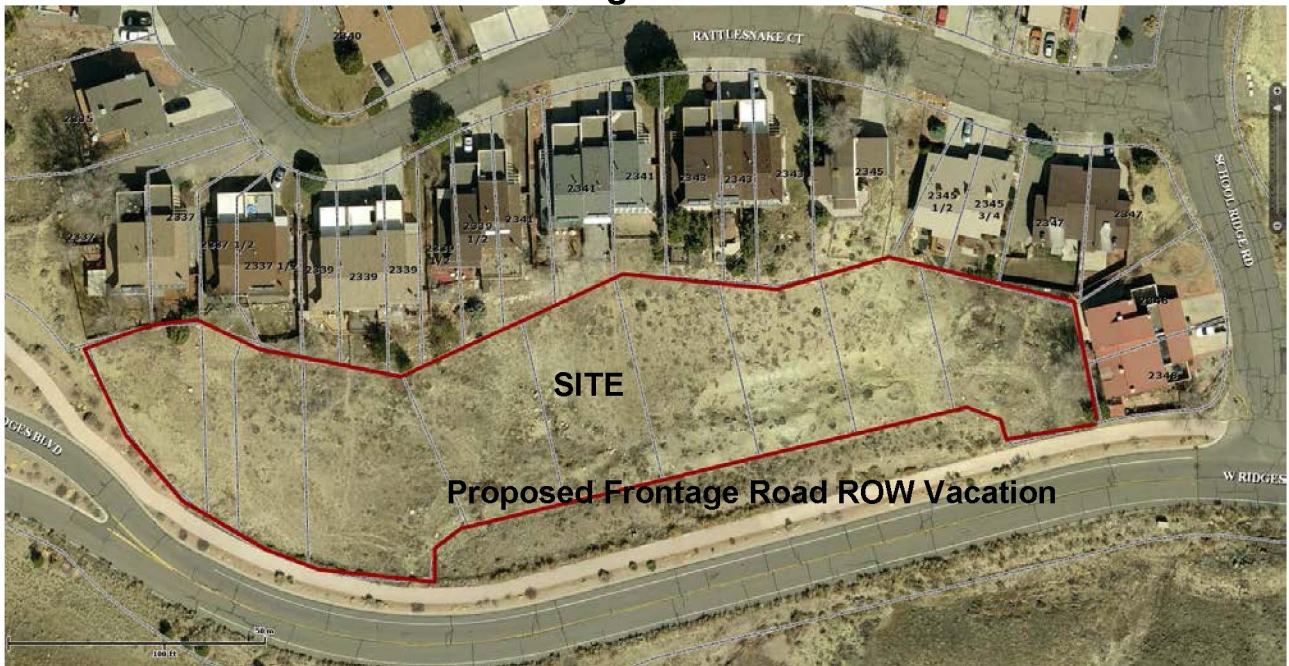
Site Location Map

Figure 1



Aerial Photo Map

Figure 2



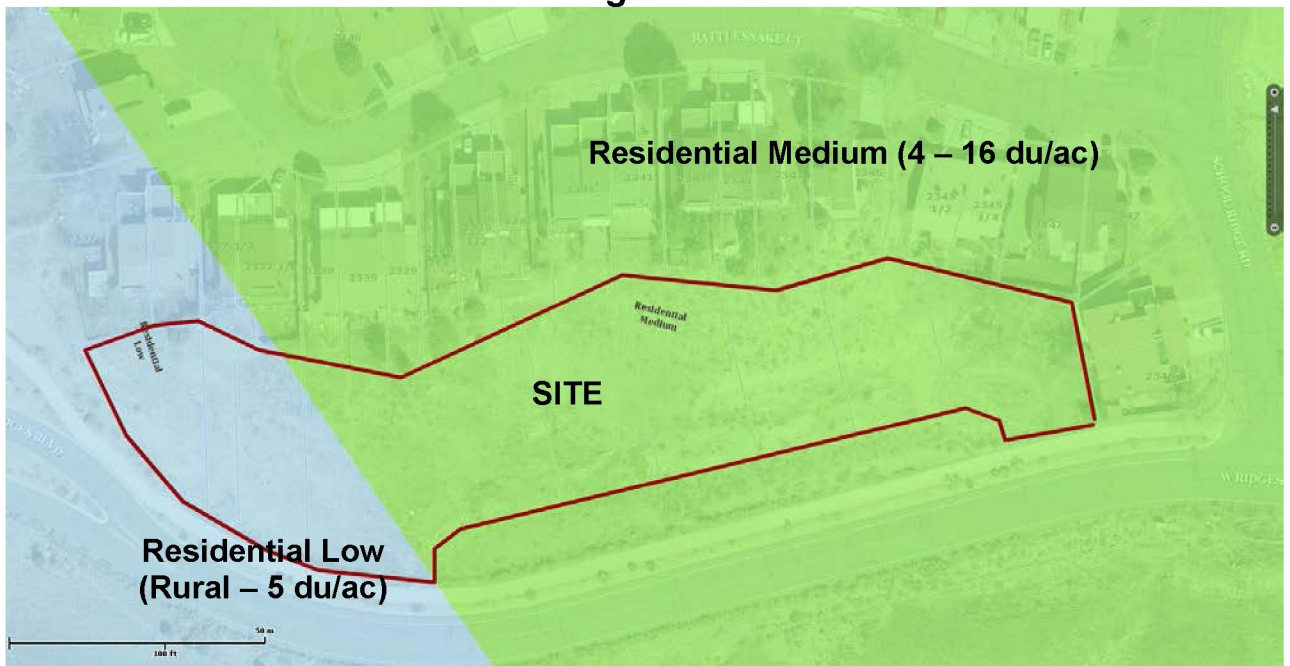
Comprehensive Plan

Figure 3



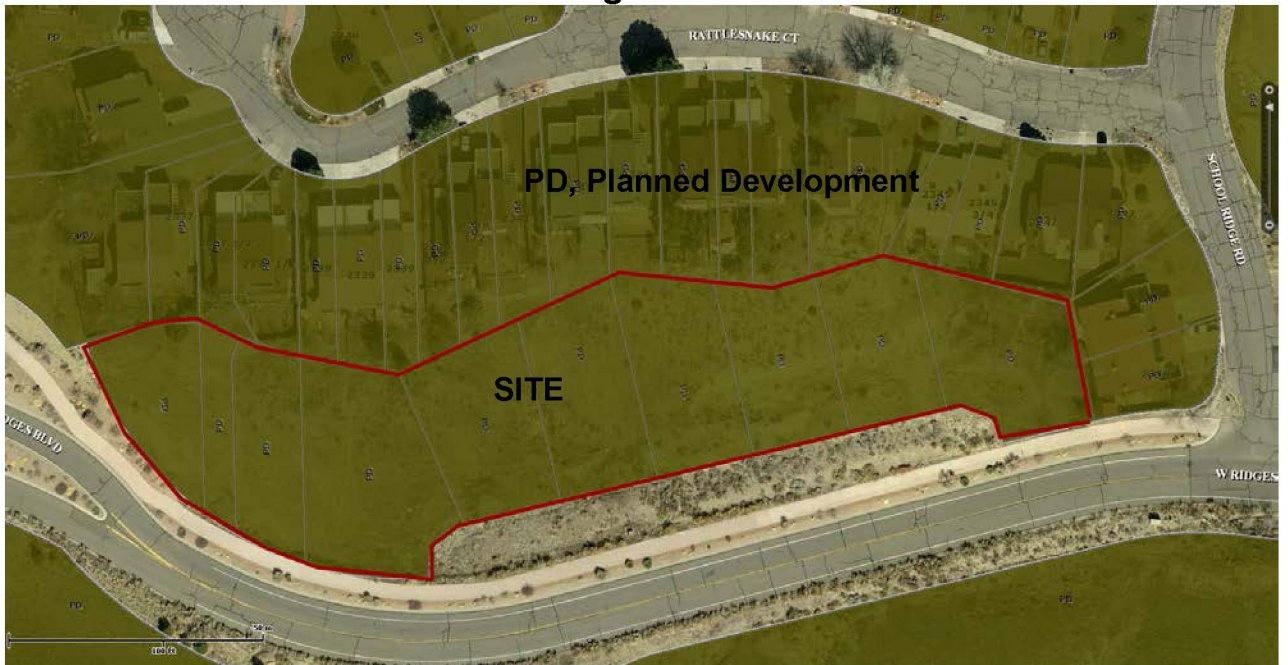
Blended Residential Map

Figure 4



Existing City Zoning

Figure 5



UTILITY VENDORS

GAS: XCEL ENERGY
 ELECTRIC: XCEL ENERGY
 TELEPHONE: ONEST COMMUNICATIONS
 IRRIGATION: RIDGES METROPOLITAN DISTRICT
 SEWER: CITY OF GRAND JUNCTION
 UTILITY WATER: UTE WATER
 CABLE: BROADWAY COMMUNICATIONS

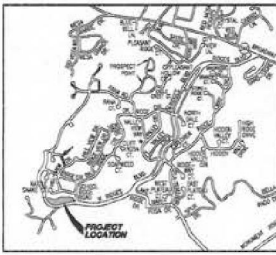
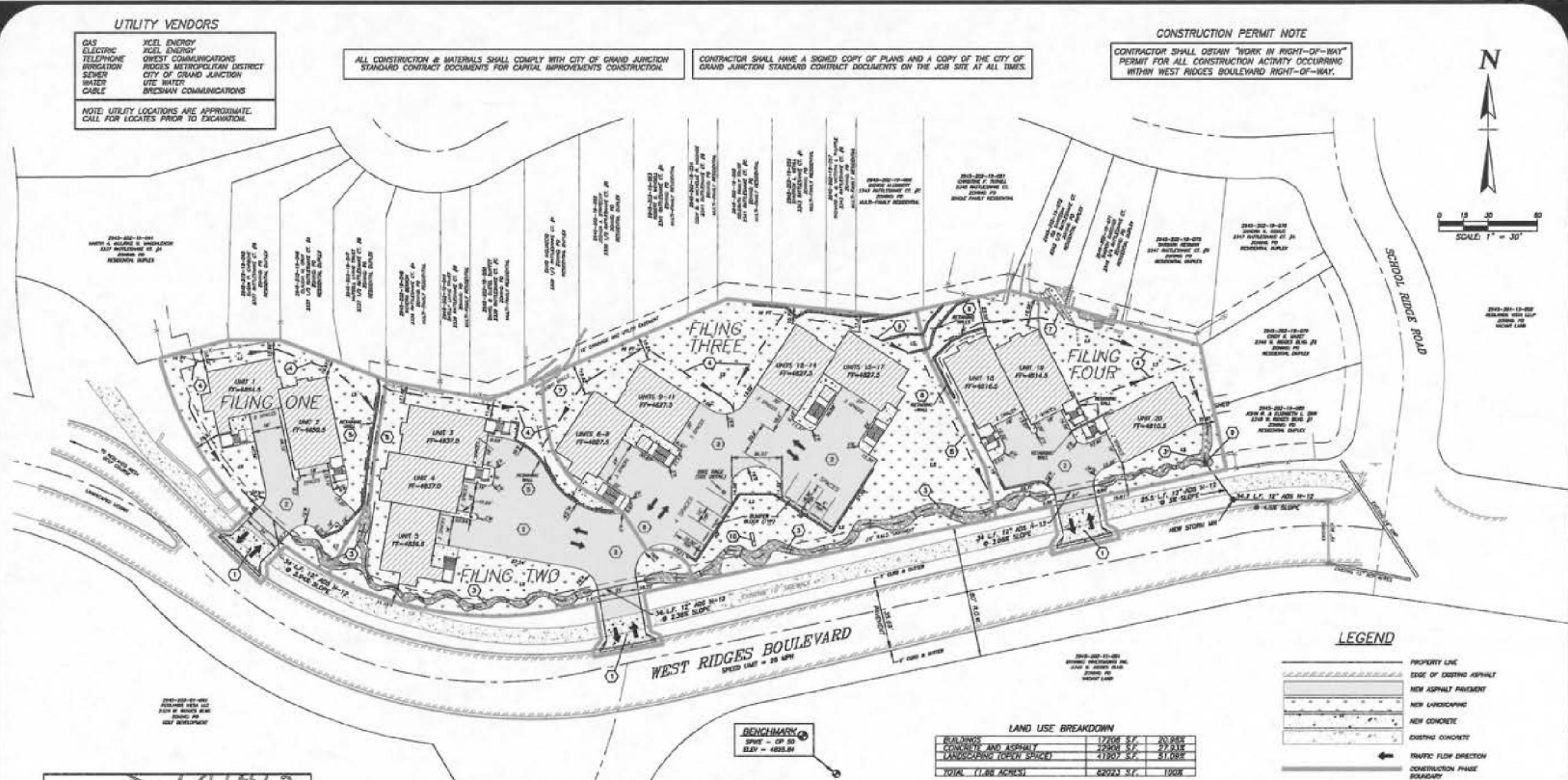
NOTE: UTILITY LOCATIONS ARE APPROXIMATE. CALL FOR LOCATES PRIOR TO EXCAVATION.

ALL CONSTRUCTION & MATERIALS SHALL COMPLY WITH CITY OF GRAND JUNCTION STANDARD CONTRACT DOCUMENTS FOR CAPITAL IMPROVEMENTS CONSTRUCTION.

CONTRACTOR SHALL HAVE A SIGNED COPY OF PLANS AND A COPY OF THE CITY OF GRAND JUNCTION STANDARD CONTRACT DOCUMENTS ON THE JOB SITE AT ALL TIMES.

CONSTRUCTION PERMIT NOTE

CONTRACTOR SHALL OBTAIN "WORK IN RIGHT-OF-WAY" PERMIT FOR ALL CONSTRUCTION ACTIVITY OCCURRING WITHIN WEST RIDGES BOULEVARD RIGHT-OF-WAY.



VICINITY MAP

CALL 811 BEFORE YOU DIG

NOTICE: FIELD VERIFY THE LOCATION OF ALL EXISTING UTILITIES A MINIMUM OF 48 HOURS PRIOR TO CONSTRUCTION.

PLAN TAG NOTES:

- CONTRACTOR OBTAIN PERMITS FOR EXISTING CONCRETE RETAIN WALLS & ALL CITY STANDARD CONTRACT DOCUMENTS FOR CAPITAL IMPROVEMENTS CONSTRUCTION. EXISTING FURNISHING SHALL REMAIN EXCEPT WHERE SHOWN OTHERWISE. EXISTING DRIVEWAY SHALL BE REPLACED AND MATCH EXISTING ALTERNATE DRIVEWAY SIDEWALK WITH COLORED CONCRETE TO MATCH EXISTING. ALL CONCRETE IN ANY DRIVEWAY SECTIONS SHOWN SHALL BE 8" THICK, INCLUDING COLORED SIDEWALK.
- DRIVE PAVEMENT REPAIRS SHALL BE AS REQUIRED BY UNITED STATES POSTAL SERVICE TO 300-SPECIFIC SECTIONAL REPAIR FOR PAVEMENT SECTION.
- PROPOSED POOL-LED DRAINAGE CHANNEL FOR WATER QUALITY CONTROL. REFER TO DRAINAGE PLAN SHEET 20 FOR DETAIL.
- PROPOSED LANDSCAPE ROCK-LED COLLECTION DITCH TO DRAIN WATER AROUND STRUCTURES. SEE DETAIL ON DRAINAGE PLAN SHEET 2.
- PROPOSED BRICKER LANDSCAPE RETAINING WALL WITH COLLECTION DITCHES. SEE RETAINING WALL DETAIL ON SHEET 7.
- PROPOSED BRICKER LANDSCAPE RETAINING WALL WITH FRENCH DRAIN BETWEEN WALL AND BUILDING. REFER TO SHEET 7 FOR DETAIL.
- EXISTING RETAINING WALLS INSTALLED BY ADJACENT PROPERTY OWNERS. CONTACT THE ADJACENT PROPERTY OWNER IF RETAINING WALLS MUST BE REINFORCED TO PROPERLY GRADE THIS SITE.
- APPROXIMATE LOCATION OF PROPOSED DEVELOPMENT PLING BOUNDARY.
- SMALL AREA ASBESTOS PER CITY STANDARD CONTRACT DOCUMENTS FOR CAPITAL IMPROVEMENTS CONSTRUCTION. REMOVAL SHOW ONLY SHEET, PAGE 6-1-1.
- ADJACENT STATE BUSINESS SIGN APPLICABLE. DIMENSIONS 4' TALL & 8' WIDE. A SIGN PERMIT WILL BE OBTAINED AND COMPLIED WITH PRIOR TO INSTALLATION.

GENERAL NOTES:

- LINE DELIVERY SHALL BE AS REQUIRED BY UNITED STATES POSTAL SERVICE.
- GARAGE BARRIER, SIGNAGE AND CONCRETE SHALL BE INSTALLED. THESE CONSTRUCTION ON SITE TRUCK EQUIPMENT ARE NOT PROVIDED.
- ADJACENT DRIVEWAY SPACING FOR BEST EMERGENCY AND CENTER DRIVEWAY IS 30 FEET AS REQUIRED FROM CURB SIDE OF EACH DRIVEWAY.
- AN EMERGENCY VEHICLE BARRICADE IS NOT PROVIDED ON THIS SITE.

REQUIRED PARKING SPACES PER CODE

UNITS 1-5, 18-20 SINGLE FAMILY
 8 SINGLE FAMILY UNITS
 2 PARKING SPACES REQUIRED PER UNIT
 8 UNITS x 2 SPACES/UNIT = 16 SPACES

UNITS 6-17 CORE CONDOMINIUMS
 12 CONDOMINIUM UNITS, 2 BEDROOMS/UNIT
 1.5 PARKING SPACES REQUIRED PER UNIT
 12 UNITS x 1.5 SPACES/UNIT = 18 SPACES

TOTAL # PARKING SPACES REQUIRED = 34

PARKING PROVIDED
 64 TOTAL SPACES*

*TOTAL INCLUDES GARAGE SPACES.

PRELIMINARY
NOT FOR
CONSTRUCTION

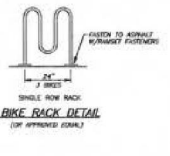
LAND USE BREAKDOWN

BUILDING	17,000 S.F.	20,000 S.F.
CONCRETE AND ASPHALT	2,500 S.F.	2,500 S.F.
LANDSCAPING (TERRAZZO SPACER)	2,100 S.F.	2,100 S.F.
TOTAL (1,188 ACRES)	21,600 S.F.	25,100 S.F.

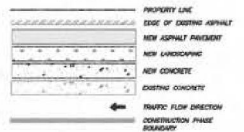
BULK REQUIREMENTS

ZONE	18-20 SINGLE FAMILY
MINIMUM SETBACK	5 FEET
MINIMUM FRONT SETBACK	5 FEET
MINIMUM SIDE SETBACK	5 FEET
MINIMUM REAR SETBACK	5 FEET
MINIMUM FRONT YARD SETBACK	5 FEET
MINIMUM REAR YARD SETBACK	5 FEET
MINIMUM SIDE YARD SETBACK	5 FEET
MINIMUM FRONT SETBACK	5 FEET
MINIMUM REAR SETBACK	5 FEET
MINIMUM SIDE SETBACK	5 FEET
MINIMUM FRONT SETBACK	5 FEET
MINIMUM REAR SETBACK	5 FEET
MINIMUM SIDE SETBACK	5 FEET

NOTE: REFER TO FINAL PLAN FOR CASAS DE LUZ FOR MORE DETAILED INFORMATION ON BULK STANDARDS.



LEGEND



LIST OF ABBREVIATIONS

- ROW = RIGHT-OF-WAY
- DJ = DRIVING JUNCTION
- FF = FINISHED FLOOR
- CP = CONTROL POINT
- SE = SQUARE FEET
- LF = LINEAR FEET
- LS = LANDSCAPE
- MAN = MANHOLE
- TRP = TRUCK
- H = HAZARD

BENCH MARK
 CP 11874.411
 E 70820.57
 ELEVATION=4625.84
 MVD 1508

CITY OF GRAND JUNCTION COMMUNITY DEVELOPMENT
 APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.

FORM ACCEPTANCE

Date: _____

Signature: _____

CITY OF GRAND JUNCTION DEVELOPMENT ENGINEER
 APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.

FORM ACCEPTANCE

Date: _____

Signature: _____

DATE:	4/7/2011
SCALE:	1" = 30'
PROJECT NO.:	20547
PROJECT NAME:	CASAS DE LUZ
PROJECT ADDRESS:	1524 N. 4th STREET GRAND JUNCTION, CO 81501
PROJECT PHONE:	TEL: 970-255-8099 FAX: 970-242-5885

SITE LAYOUT PLAN

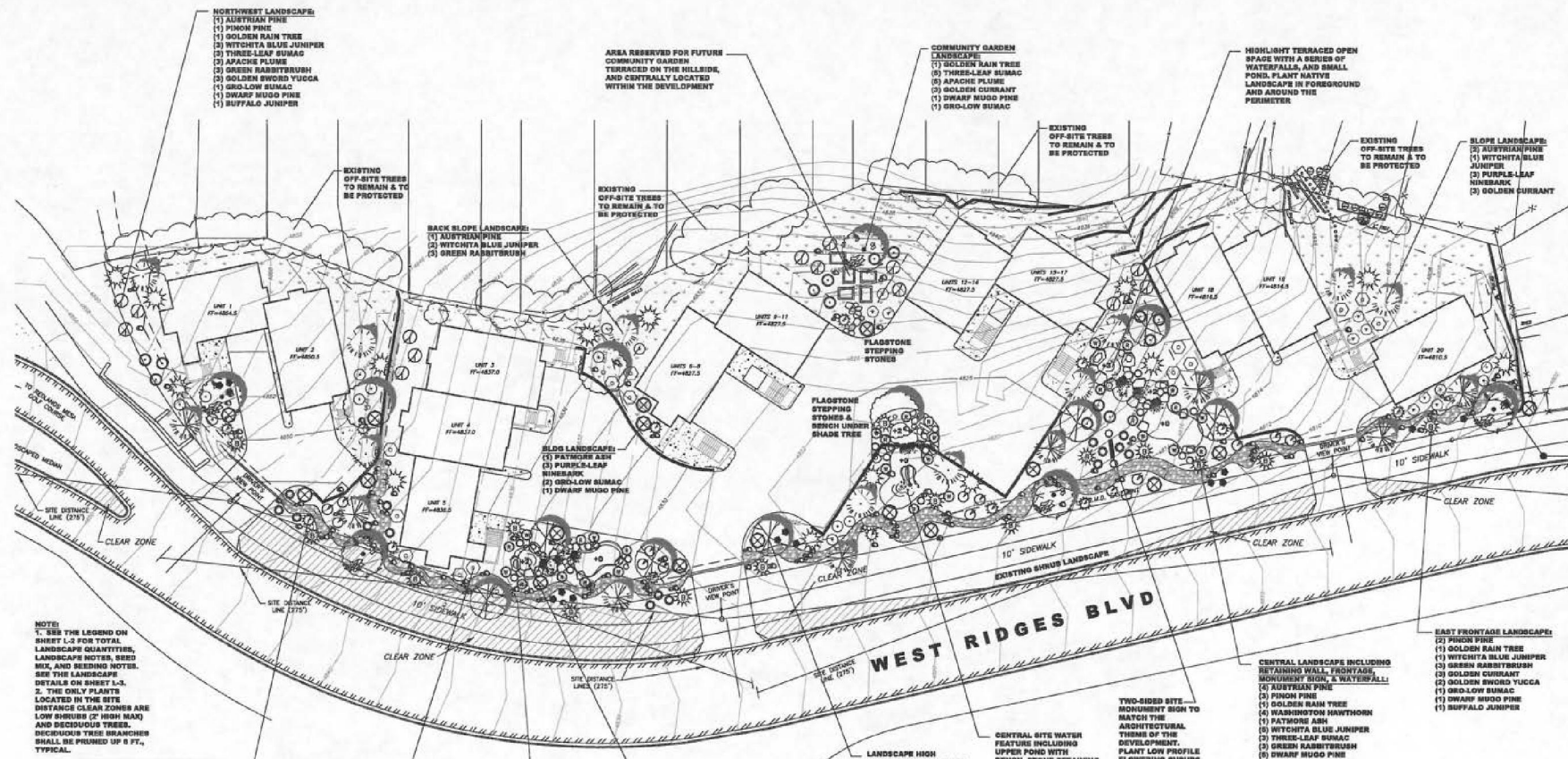
DATE: 4-18-2011

PROJECT NO.: 20547

DYNAMIC INVESTMENTS, INC.
CASAS DE LUZ
GRAND JUNCTION, COLORADO

SHARPER
Engineering Services, Inc.
 1524 N. 4th STREET GRAND JUNCTION, CO 81501
 TELEPHONE (970) 255-8099 FAX (970) 242-5885





NOTES:
 1. SEE THE LEGEND ON SHEET L-2 FOR TOTAL LANDSCAPE QUANTITIES, LANDSCAPE NOTES, SEED MIX, AND SEEING NOTES. SEE THE LANDSCAPE DETAILS ON SHEET L-3.
 2. THE ONLY PLANTS LOCATED IN THE SITE DISTANCE CLEAR ZONES ARE LOW SHRUBS (7' HIGH MAX) AND DECIDUOUS TREES. DECIDUOUS TREE BRANCHES SHALL BE PRUNED UP 6 FT. TYPICAL.

PLAN LEGEND:

	DECIDUOUS SHRUBS
	STONE WALLS
	NATIVE MONOCULTURED TREES
	NON-PERENNATING TREES (PINE & JUNIPER)
	PERENNATING TREES (WASHINGTON HAWTHORN & CHERRYBLOSSOM)
	DROUGHT TOLERANT NATIVE SHRUBS & PERENNIALS
	LANDSCAPE BOLDER
	RETAINING STONE
	DRY STREAM BED
	WATER FEATURE

- RETAINING WALL, FRONTAGE, & WATERFALL LANDSCAPE:**
- (1) PINON PINE
 - (1) PATMORE ASH
 - (1) GOLDEN BARK TREE
 - (1) WASHINGTON HAWTHORN
 - (1) WITCHITA BLUE JUNIPER
 - (1) THREE-LEAF BUNAC
 - (1) GREEN RABBITBRUSH
 - (1) DWARF MUDD PINE
 - (1) PURPLE-LEAF HIBERNARK
 - (1) DWARF BLUE RABBITBRUSH
 - (1) BLUE HIRT SPIREA
 - (1) BUFFALO JUNIPER
 - (1) GOLDEN SWORD YUCCA
 - (1) FEATHER REED GRASS
 - (1) RED GROUNDCOVER ROSE
 - (1) WHITE GROUNDCOVER ROSE

- HIGHLIGHT MOST PREVALENT VIEW OF ARCHITECTURE WITH A TERRACED WATERFALL AND NATIVE LANDSCAPE IN FOREGROUND**
- MEANDERING DRY STREAM BED WITH NATIVE LANDSCAPE BOLDER OUTCROPS, AND COBBLE WALLS THAT MEANDERS IN WIDTH AND DIRECTION, AND HELPS TO FACILITATE DRAINAGE THROUGH THE PROPERTY**

NOTE: ALL PLANT LOCATED WITHIN THE SITE DISTANCE TRIANGLE ZONES ARE SHRUBS WITH A MAXIMUM HEIGHT OF 2 FT., OR TREES THAT SHALL HAVE BRANCHES PRUNED UP 7 FT. FROM THE GROUND, TYPICAL.



CITY COMMUNITY DEVELOPMENT

ACCEPTED FOR CONSIDERATION FOR OUR NEW HIGH RISE DISTRICT

DATE: _____

ACCEPTED AS CONSIDERED: _____

DATE: _____

TWO-SIDED SITE MONUMENT SIGN TO MATCH THE ARCHITECTURAL THEME OF THE DEVELOPMENT. PLANT LOW PROFILE FLOWERING SHRUBS IN FRONT OF SIGN AND INTEGRATE INTO THE LANDSCAPE

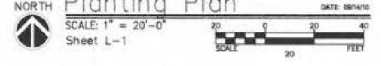
CENTRAL SITE WATER FEATURE INCLUDING UPPER POND WITH BENCH, STONE RETAINING WALLS AT PARKING THAT CONNECT TO A TERRACED WATERFALL, AND POND WITH WATER AERATION FOUNTAIN. THE SURROUNDING LANDSCAPE HELPS TO SCREEN PARKING AREA

LANDSCAPE HIGH VISIBLE AREAS BETWEEN BUILDINGS AND ALONG THE ROAD FRONTAGE WITH PINON/JUNIPER HIGH DESERT XERISCAPE LANDSCAPING THROUGHOUT DEVELOPMENT USING DROUGHT TOLERANT FLOWERING NATIVE TREES, SHRUBS, AND PERENNIALS

- CENTRAL LANDSCAPE INCLUDING RETAINING WALL, FRONTAGE, MONUMENT SIGN, & WATERFALL:**
- (1) GOLDEN BARK TREE
 - (1) PINON PINE
 - (1) WASHINGTON HAWTHORN
 - (1) PATMORE ASH
 - (1) WITCHITA BLUE JUNIPER
 - (1) THREE-LEAF BUNAC
 - (1) GREEN RABBITBRUSH
 - (1) DWARF MUDD PINE
 - (1) PURPLE-LEAF HIBERNARK
 - (1) DWARF BLUE RABBITBRUSH
 - (1) APACHE PLUME
 - (1) BLUE HIRT SPIREA
 - (1) BUFFALO JUNIPER
 - (1) GOLDEN SWORD YUCCA
 - (1) FEATHER REED GRASS
 - (1) RED GROUNDCOVER ROSE
 - (1) WHITE GROUNDCOVER ROSE

- EAST FRONTAGE LANDSCAPE:**
- (1) PINON PINE
 - (1) GOLDEN BARK TREE
 - (1) WITCHITA BLUE JUNIPER
 - (1) GREEN RABBITBRUSH
 - (1) GOLDEN SWORD YUCCA
 - (1) DWARF MUDD PINE
 - (1) BUFFALO JUNIPER

CASAS DE LUZ
Grand Junction, Colorado
Planting Plan



Revised 5-25-11

Julie Welton,
 Landscape Architect



61945 Nightbank Road
 Montrose, CO 81401
 p: 970.249.9392
 f: 970.240.3665
 juliewelton@casasdeluz.com

PLANT LEGEND: TREES = 33 TOTAL

SYM.	BOTANICAL NAME:	COMMON NAME:	SIZE:	QUANTITY:	REMARKS:
	CRATAEGUS PHAEOCYTUM	WASHINGTON HAWTHORN	2" CAL.	7 TOTAL	28" TALL, 20" SPREAD, WHITE SPRING FLOWERS
	FRAXINUS PENNSYLVANICA 'PATMORE'	PATMORE ASH	2" CAL.	3 TOTAL	40" TALL, 30" SPREAD, YELLOW FALL COLOR
	KOELJUTERIA PANICULATA	GOLDEN RAIN TREE	2" CAL.	8 TOTAL	30" TALL, 20" SPREAD, ATTRACTIVE FALL PODS
	FINUS EDULIS	FINON PINE	8 FT. B&B	8 TOTAL	20" TALL, 10" SPREAD, GREEN EVERGREEN
	FINUS NIGRA	AUSTRIAN PINE	8 FT. B&B	10 TOTAL	40" TALL, 12" SPREAD, GREEN EVERGREEN

PLANT LEGEND: SHRUBS = 212 TOTAL

SYM.	BOTANICAL NAME:	COMMON NAME:	SIZE:	QUANTITY:	REMARKS:
	CALAMAGROBIS 'KARL FOERSTER'	FEATHER REED GRASS	5 GALLON	14 TOTAL	4" TALL, 2" SPREAD, ORNAMENTAL GRASS
	CARYOPTERIS 'DARK KNIGHT'	BLUE MIST SPIREA	5 GALLON	10 TOTAL	2" TALL, 4" SPREAD, BLUE FLOWERS
	CHRYSOTHAMNUS MAUSBOEUS 'GRAVEOLENS'	GREEN RABBITRUSS	5 GALLON	10 TOTAL	4" TALL, 4" SPREAD, YELLOW FLOWERS
	CHRYSOTHAMNUS MAUSBOEUS 'NANA'	DWARF BLUE RABBITRUSS	5 GALLON	10 TOTAL	2" TALL, 2" SPREAD, YELLOW FLOWERS
	FALLUOIA PARADOXA	APACHE PLUME	5 GALLON	14 TOTAL	2" TALL, 4" SPREAD, SILVER FOLIAGE
	JUNIPERUS BABINA 'BUFFALO'	BUFFALO JUMPER	5 GALLON	10 TOTAL	1" TALL, 2" SPREAD, UPRIGHT EVERGREEN
	JUNIPERUS 'WITCHITA BLUE'	WITCHITA BLUE JUNIPER	5 GALLON	14 TOTAL	18" TALL, 4" SPREAD, UPRIGHT SILVER/BLUE EVERGREEN
	PHYSCARPUS 'DIABLO'	PURPLE LEAF NINEBARK	5 GALLON	10 TOTAL	8" TALL, 8" SPREAD, PURPLE FOLIAGE
	FINUS WUDD 'SLOWGROW'	DWARF WUDD PINE	5 GALLON	13 TOTAL	2" TALL, 4" SPREAD, EVERGREEN
	RHUS ARDMATICA 'ORO-LOW'	ORO-LOW SUMAC	5 GALLON	17 TOTAL	2" TALL, 4" SPREAD, ORANGE FALL COLOR
	RHUS TRILOBATA	THREE-LEAF SUMAC	5 GALLON	14 TOTAL	8" TALL, 8" SPREAD, ORANGE FALL COLOR
	RIBES AUREUM	GOLDEN CURRANT	5 GALLON	9 TOTAL	8" TALL, 8" SPREAD, YELLOW FLOWERS
	ROSA 'PIRE MIDLAND'	RED GROUNDCOVER ROSE	5 GALLON	14 TOTAL	2" TALL, 4" SPREAD, RED SUMMER FLOWERS
	ROSA 'WHITE MIDLAND'	WHITE GROUNDCOVER ROSE	5 GALLON	14 TOTAL	2" TALL, 4" SPREAD, WHITE FLOWERS
	YUCCA FILAMENTOSA 'GOLDEN SWORD'	GOLDEN SWORD YUCCA	5 GALLON	14 TOTAL	3" TALL, 3" SPREAD, GOLDEN VARIEGATED SWORD LEAVES

LEGEND: STONE MULCH, NATIVE GRASS, EDGER, BOULDERS, ETC...

SYM.	DESCRIPTION:	QUANTITY:	REMARKS:
	SHREDDED CEDAR BARK MULCH	1,000 SF	PLACE 2" FT. DIA. AROUND TREES, 4" FT. DIA. AROUND SHRUBS TO MAINTAIN MOISTURE AND THROUGHOUT DESIGNATED SHRUB BEDS AT 3" DEEP OVER LANDSCAPE FABRIC
	UP BROWN/RED DECOMPOSED GRANITE STONE MULCH	25,000 SF	PLACE 3" DEEP (NO LANDSCAPE FABRIC) IN DESIGNATED LANDSCAPE AREAS
	DRYLAND GRASS SEED MIX	18,000 SF	SEE THE SEED MIX AND SEEDING NOTES THIS PAGE
	STEEL EDGER	45 LF	1/2" X 4" X 10 FT. COMMERCIAL GRADE STEEL EDGER, INSTALL WITH PROPER OVERLAPS AND STAKES PER MFG RECOMMENDATIONS
	LANDSCAPE BOULDERS: 86 AT DRY STREAM BED, 75 AT WATER FEATURES, 45 OTHER	(125) 2X2X3 (85) 3X3X4	BURY 1/2" DEPTH, 2 SIZES, OWNER FURNISHED AND CONTRACTOR INSTALLED SEE THE DETAIL, SHEET L-3
	DRY STREAM BED = 6"-12" COBBLE	2,000 SF	MEANDER IN WIDTH AND DIRECTION. INSTALL PER THE DETAIL, SHEET L-3
	STONE RETAINING WALL - SEE THE CIVIL DWG	SEE CIVIL	SEE THE CIVIL DRAWINGS
	DESIGN/BUILD RECIRCULATING WATERFALL, STREAM, POND BY CONTRACTOR	3 TOTAL	DESIGN / BUILD BY CONTRACTOR. COORDINATE WITH OWNER.

LANDSCAPE NOTES:

- PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. DO NOT PLANT ANY TREES OR SHRUBS DIRECTLY OVER BURIED UTILITY LINES OR ANY TREES UNDER OVERHEAD UTILITY LINES. CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC... WHICH OCCURS AS A RESULT OF THE LANDSCAPE CONSTRUCTION.
- VERIFY ALL PLANT QUANTITIES SHOWN ON THESE PLANS BEFORE PRICING BID. CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES.
- THE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING ALL PLANTED AREAS AND GRASS UNTIL FINAL ACCEPTANCE INCLUDING IRRIGATION SYSTEM, WATERING OF PLANTS, SPRAYING, PRUNING, MULCHING, FERTILIZING, ETC...)
- MEASURE OUT THE PLANS TO ACCURATELY LAYOUT ALL FEATURES AND PLANT LOCATIONS INCLUDING DRY STREAM BED, BERMS, SITE FEATURES, AND PLANTING AREAS.
- INSTALL A NEW AUTOMATIC PRESSURIZED UNDERGROUND IRRIGATION SYSTEM FOR THE NEW LANDSCAPE. PROVIDE LOW VOLUME RUBBER IRRIGATION TO ALL TREES AND SHRUBS. THE PERIMETER SEEDING CONSTRUCTION CRACKED AREAS SHALL BE TEMPORARILY IRRIGATED ONLY UNTIL ESTABLISHED. CONTRACTOR TO USE IRRIGATION DITCH WRITER, PUMP, AND AUTOMATIC CONTROLLER. COORDINATE WITH OWNER.
- AMEND TOPSOIL AS NEEDED. ALL NATIVE GRASS SEED AREAS SHALL HAVE A MINIMUM DEPTH OF 4 INCHES OF TOPSOIL. ALL PARKING LOT ISLANDS SHALL HAVE A MINIMUM DEPTH OF 6" OF TOPSOIL. TOPSOIL SHALL BE FREE OF DEBRIS LARGER THAN 1" SIZE WITH A SALT READING OF NOT MORE THAN 3 MMS/CM.
- WHEN INSTALLING PLANT MATERIAL, PLANT MIX SHALL BE COMPRISED OF 1 PART SOIL, CONDITIONER (DECOMPOSED BARK MULCH OR "MESA MAGIC" SOIL CONDITIONER) TO 2 PARTS TOPSOIL. OVER EXCAVATE THE PLANTING HOLES TWO TIMES THE DIAMETER OF THE ROOTBALL. FILL WITH PLANT MIX.
- PLANT MATERIAL WAS CHOSEN FOR ITS SPECIFIC VARIETY, HEIGHT, AND COLOR. ANY PLANT MATERIAL SUBSTITUTIONS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION.
- STONE MULCH LANDSCAPE SHRUB AREAS SHALL BE INSTALLED WITH A MINIMUM OF THREE INCHES OF SPECIFIED STONE MULCH.
- SEED AREAS SHALL BE SEEDING AS SPECIFIED IN THE SEEDING NOTES AND SPECIFICATIONS. PRIOR TO SEEDING ROTOTILL 3 CY/1,000 SF OF SOIL. CONDITIONER INTO THE TOP FOUR INCHES OF TOPSOIL AND FINE GRADE (COMPOSTED SANDUST, COMPOSTED 1/2" WOOD CHIPS, LEAF MATERIAL AND/OR MEATMOSS OR EQUAL. NO MANURES OF ANY TYPE SHALL BE USED). THERE SHALL BE NO CLOUDS GREATER THAN 2".
- SHREDDED CEDAR BARK MULCH SHALL BE PLACED AROUND THE DRUPLINE OF EACH PLANT 3" DEEP TO MAINTAIN MOISTURE, 2 FT. DIAMETER AROUND TREES, AND 1 FT. DIAMETER AROUND SHRUBS. HOWEVER, KEEP MULCH 6" AWAY FROM TREE TRUNKS AND 2" AWAY FROM SHRUB STEMS.
- WHEN PLANTING TREES, SHRUBS, OR PERENNIALS: THOROUGHLY SOAK PLANTING HOLE WHILE BACKFILLING. PRUNE DEAD OR DAMAGED BRANCHES IMMEDIATELY AFTER PLANTING.
- BURY LANDSCAPE BOULDERS TO 1/3 DEPTH TO LOOK INTEGRAL IN THE LANDSCAPE. GROUP BOULDERS AS SHOWN ON THE PLANS.
- ALL PLANT MATERIAL SHALL CONFORM TO THE AMERICAN STANDARDS FOR NURSERY STOCK, CURRENT EDITION. PLANTING SHALL BE DONE IN CONFORMANCE WITH THE ASSOCIATED LANDSCAPE CONTRACTORS OF COLORADO (A.L.C.C.) SPECIFICATIONS. PLANT MATERIAL AND IRRIGATION SYSTEM TO BE GUARANTEED BY CONTRACTOR FOR ONE YEAR FROM FINAL ACCEPTANCE. ANY DEAD OR DYING PLANT SHALL BE REPLACED AT NO COST TO OWNER DURING GUARANTEE PERIOD.
- LANDSCAPE ARCHITECT SHALL NOT BE HELD RESPONSIBLE FOR ANY MEANS, METHODS, OR APPROPRIATENESS OF CONSTRUCTION PROCEDURES BY ANY CONTRACTOR.

NATIVE GRASS SEED MIX:

DESCRIPTION: Dryland Grasses for Western Colorado	QUANTITY: rate lbs PL/Sacre
Perennial Rye (Tetraploid)	Lolium perenne 8 lb
'Paloma' Indian Ricegrass	Achnatherum hymenoides 7 lb
Sandberg bluegrass	Poa sandbergii 6 lb
Nodding Brome	Bromus anomalus 7 lb
Blue Grama	Bouteloua gracilis 3 lb
Sand Dropseed	Sporobolus cryptandrus 2 lb
TOTAL	30 lbs PL/S per acre (6 lbs PL/S/1,000 SF)

* Rates shown are to be used when seed is drilled. If seed is broadcast seeding rates should be doubled.

SEEDING NOTES:

- THE PERIMETER OF THE SITE SHALL BE DRILL SEEDING WITH NATIVE GRASS SEED TO REVEGETATE AND STABILIZE DISTURBED CONSTRUCTION AND BARE AREAS. THIS PERIMETER AREA WILL NOT BE IRRIGATED. THESE AREAS SHALL BE SEEDING ONLY IN LATE FALL OR EARLY SPRING TO TAKE ADVANTAGE OF NATURAL SEASONAL MOISTURE.
- SEED AFTER ALL FINAL GRADING, BOULDER PLACEMENT, AND PLANTING OF ALL PLANT MATERIAL IS COMPLETE.
- SOIL PREP: GRADE TOPSOIL TO A REASONABLE EVEN, SMOOTH, LOOSE SEED BED. ROTOTILL 3 CY/1,000 SF OF SOIL CONDITIONER INTO TOP 4"-6" OF TOPSOIL AND FINE GRADE.
- SEED SHALL BE UNIFORMLY APPLIED OVER THE ENTIRE DISTURBED AREA. ALL AREAS TO BE SEEDING THAT ARE 3:1 SLOPE OR FLATTER SHALL BE DRILL SEEDING. OPTIMIZE EQUIPMENT PERPENDICULAR TO THE SLOPE. DRILL SEED 1 INCH DEEP IN ROWS SPACED NO MORE THAN 7 INCHES APART. ON SLOPES STEEPER THAN 3:1, SEED SHALL BE APPLIED BY MEANS OF A MECHANICAL BROADCASTER AT DOUBLE THE RATE REQUIRED FOR DRILL SEEDING. ALL SEED SOON BY MECHANICAL BROADCASTERS SHALL BE RAKED OR DRAGGED INTO THE SOIL TO A DEPTH OF 1/2". CARE SHOULD BE TAKEN TO INSURE UNIFORM COVERAGE OF SEED.
- SEED SHALL BE MULCHED AND CRIMPED WITH STRAW MULCH WITHIN 24 HOURS OF SEEDING. NATIVE GRASS STRAW SHALL BE APPLIED AT THE RATE OF TWO TONS PER ACRE (APPROX. 1 BALE PER 500 SF). IT SHALL BE CRIMPED IN WITH A CRUMPER OR OTHER APPROVED METHOD TO A MINIMUM DEPTH OF 3". DO NOT MULCH DURING WINDY CONDITIONS. ANY AREAS DISTURBED BY MULCHING OPERATIONS SHALL BE RESEEDED AT CONTRACTOR'S EXPENSE.
- PROTECT ALL SEEDING AREAS FROM DAMAGE UNTIL NATIVE GRASS IS ESTABLISHED.

CASAS DE LUZ RESIDENTIAL DEVELOPMENT
CITY OF GRAND JUNCTION LANDSCAPE REQUIREMENTS:
82,022 SF (1.88 ACRES) IMPROVED AREA
82,022 / 2500 = 33 TREES
82,022 / 300 = 273 SHRUBS
MINUS 68 SHRUBS FROM 25% SHRUB TO NATIVE GRASS ALLOWANCE CONVERSION=205 REQUIRED SHRUBS
NATIVE GRASS MIN. ALLOWANCE PER CODE = 3,400 SF
NATIVE GRASS PROVIDED ON SITE = 18,000 SF
33 2" CALIPER TREES REQUIRED
33 TREES PROVIDED
205 5-GALLON SHRUBS REQUIRED
212 SHRUB PROVIDED

Revised 5-25-11

Jude Wolvetton,
Landscape Architect



61945 Nighthawk Road
Morrison, CO 81401
p: 970.249.9392
f: 970.240.3665
wolvetton@midstream.net

CASAS DE LUZ
Grand Junction, Colorado

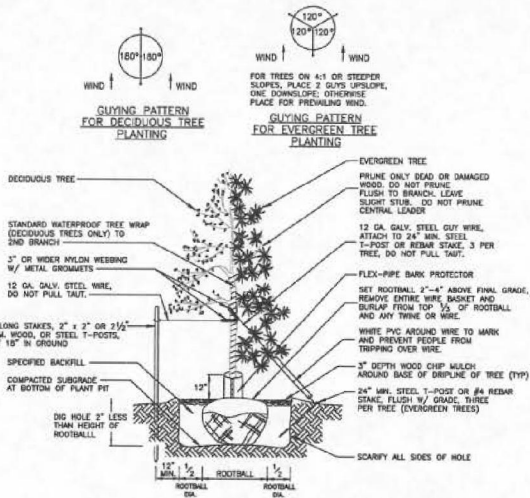
Planting Legend & Notes



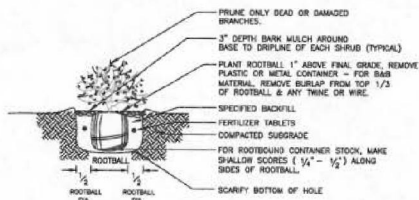
SCALE: 1" = 20'-0"
Sheet L-2



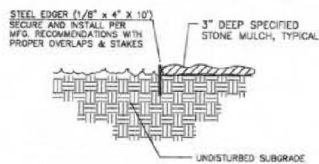
CITY COMMUNITY DEVELOPMENT
APPROVED FOR CONSTRUCTION FOR THE YEAR FROM THE DATE:
APPROVED AS CONSTRUCTED: _____ DATE: _____



A TREE PLANTING SECTION
L-3 NOT TO SCALE

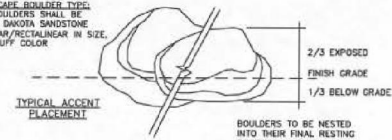


C SHRUB PLANTING SECTION
L-3



D STEEL EDGER / STONE MULCH
L-3 NOT TO SCALE

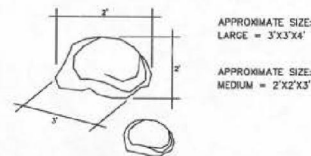
LANDSCAPE BOULDER TYPE:
ALL BOULDERS SHALL BE NATIVE SAKOYA SANDSTONE ANGULAR/RECTILINEAR IN SIZE, AND BUFF COLOR



BIDDING NOTES:

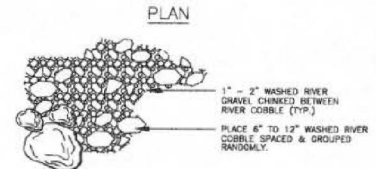
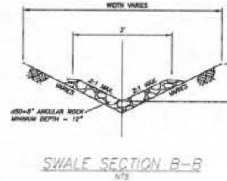
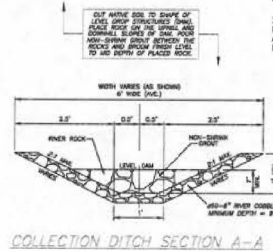
1. THESE BOULDERS SHALL BE OWNER FURNISHED AND STOCKPILED ON THE SITE FOR CONTRACTOR INSTALLATION.

1. PLACEMENT OF LANDSCAPE BOULDERS REFERS TO BOULDERS PLACED IN THE GROUND WITH ONE THIRD (1/3) OF ITS MASS NESTED BELOW GRADE AND TWO THIRDS (2/3) OF ITS MASS ABOVE FINISHED GRADE.
2. CARE SHALL BE TAKEN DURING PLACEMENT AND HANDLING TO AVOID UNNATURAL SCARRING OF THE EXPOSED SURFACE.



B LANDSCAPE BOULDER
L-3 NOT TO SCALE

- NOTE:** WIDTH OF DRY STREAM BED SHALL VARY FROM APPROX. 2.5 FT. WIDE MIN. TO 8 FT. WIDE MAX. (6 FT WIDE AVERAGE)
2. LANDSCAPE BOULDERS SHALL BE NESTED IN GROUPS IN A RANDOM FASHION ALONG THE EDGES AND THROUGHOUT THE DRY STREAMBED AS SHOWN ON THE DWGS.
 3. APPLY A PRE-EMERGENT HERBICIDE THROUGHOUT STREAMBED AREA BEFORE PLACEMENT OF COBBLE.
 4. INSTALL DRY STREAM BED TO LOOK AS NATURAL AS POSSIBLE WITH VARYING ROCK SIZES AND GROUPINGS OF BOULDERS, AND VARYING WIDTH. LANDSCAPE ARCHITECT MUST APPROVE LAYOUT.



E DRY STREAM BED
L-3 NOT TO SCALE

Revised 5-25-11

Jules Wolvenon,
Landscape Architect



61945 Nighthawk Road
Moorestown, CT 01401
p 978.240.9992
f 978.240.1665
wolvenon@montrose.net

CASAS DE LUZ
Grand Junction, Colorado

LANDSCAPE DETAILS

SCALE: Not to Scale
Sheet L-3

DATE: 08/14/10

SCALE: 0 10 20 40 FEET



CITY COMMUNITY DEVELOPMENT

APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.

APPROVED BY: _____ DATE: _____

DATE: _____

Bulk Standards – Casas De Luz

Overview

Dynamic Investments, Inc. has submitted a request for a Planned Development Preliminary / Final review as well as Easement & Right-of-Way Vacation for ten duplex lots located in The Ridges Filing 5 Planned Development. The property of interest is 1.88 acres located north and west of the intersection of School Ridge Road and West Ridges Boulevard off of West Ridges Boulevard.

The existing plat designates ten duplex lots to be constructed accessing off of West Ridges Boulevard. The proposal under review is for the same number of units, twenty, to be constructed in townhome and condominium design. The proposed design incorporates elements of clustering the units to allow for more private open space within the development. Additionally, the proposal uses three shared accesses, minimizing the impact on West Ridges Boulevard.

Before the Neighborhood Meeting, building and landscape architects were consulted to produce a design intended to minimize impacts on geographical features as well as neighboring properties. The bulk standards under review herein incorporate these design standards.

A Neighborhood Meeting was held September 8, 2010 to inform the neighbors of the design of Casas de Luz. Though ideas and concerns were heard at the meeting and any feasible requests were incorporated, the design presented to the neighbors is the same design that was submitted for review by the City of Grand Junction and appears detailed in this report.

Public Benefit

The modification to the existing plat would be of public benefit. The visual appeal of the architecture of the buildings would benefit the public. The incorporation of using the existing land and landscaping the overall project would also carry visual appeal. Additionally, the infrastructure to the lots is currently in place and use of existing infrastructure benefits the public. Finally, the types of residences proposed are a benefit by giving the community a variety of housing.

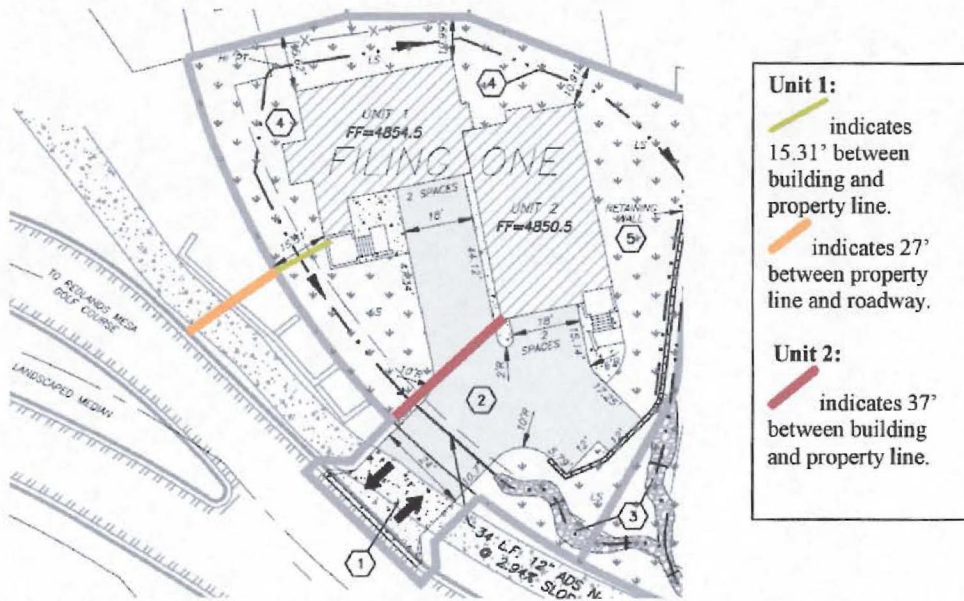
The main element that requires modification from existing requirements is that of the location of the property line. Because the property line is at the building footprint, rather than at the street or right of way, setbacks are non-existent between property line and the structure and therefore are obviously not met.

Setbacks

Setbacks generally dictate the location of a building in relation to the area surrounding that building. As the design for Casas de Luz is to have the specific building footprints

be the property line, there are no setbacks from the property line. However, the ideals of the setback, being distance from surrounding features, have been taken into account. It is understood that generally setbacks allow for parking, sight distance and streetscape for and in adjacent roadways and proximity to neighboring buildings. This section will detail how each of these factors have been accounted for in the placement of each building.

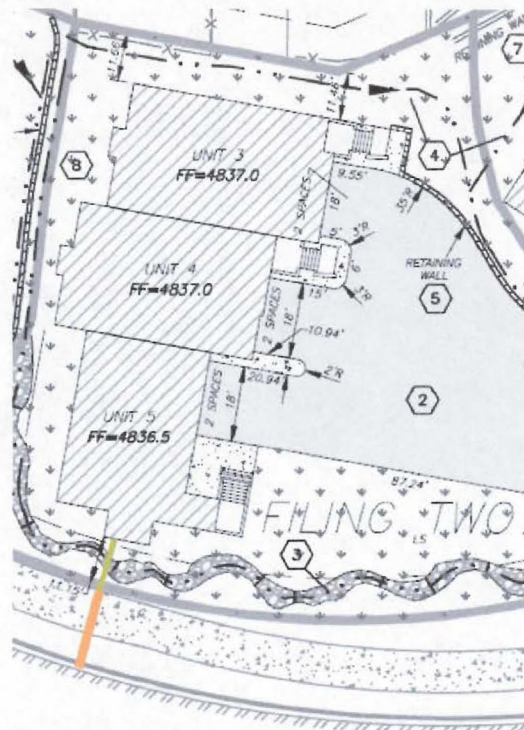
Filing One



All units in the proposed Casas de Luz are at least 10' from the rear and adjacent property lines. Each of these will be shown in the upcoming segments. In addition, the buildings within Casas de Luz are proposed with more than 20 feet of separation between structures.

The above excerpt from the Site Plan shows Units One and Two. As is colored on the above picture, there is a distance of 15.31 feet from Unit One to the property line. However, the Casas de Luz property line is 27' from the road, as indicated in orange. Therefore, the building is actually more than 43 feet from the roadway. Unit Two has more than 37 feet between the structure and the subdivision property line.

Filing Two



Unit 5:
— indicates 11.1' between building and property line.
— indicates 20' between property line and roadway.

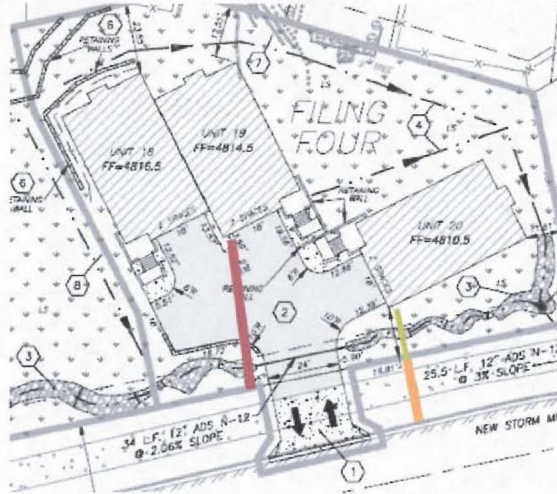
In Filing Two, buildings are set back from the rear property line by over 10 feet. In addition, there is more than 20' of separation between these buildings and those found in the surrounding Filings One and Three. The main area of interest is that of the proximity of Unit 5 to the street. As shown on the above excerpt from the Site Plan in green, there is 11.1 feet of separation between the building and the subdivision property line. As shown by the line in orange, there is an additional 20 feet of separation between the property line and the roadway. Thus, in total Unit 5 is more than 30 feet from the roadway.

Filing Three



The units comprising Filing Three require little discussion for setbacks as the buildings are set back more than 75 feet from the property line. They are set at least 10 feet from the rear property line and there is more than 20 feet of separation between structures.

Filing Four



Unit 19:
indicates 50' between building and property line.

Unit 20:
indicates 16.81' between building and property line.
indicates 23' between property line and roadway.

In Filing Four, all buildings are set at least 10 feet from adjacent property lines. Between structures, 20 feet of separation is also included in the design.

Units 18 and 19 are 50 and 55 feet from the property line, respectively. Unit 20 is 16.81 feet from the subdivision property line and an additional 23 feet from the roadway. Unit 20 is approximately 40 feet from the roadway.

As has been shown in this section, the design of the location of the buildings satisfies the intent of setbacks in proximity to adjacent elements. A sight distance analysis has also been performed to ensure the sight distance from each of the entrances is safe. None of the buildings hinder sight distance for traffic.

Height

The intent of the design of Casas de Luz is to create an aesthetically appealing architectural roof line. This means the heights of the buildings will vary. Several discussions have ensued in the planning portion for this design. Comparison will be made relating the height in two different measures. First, the measure of elevation in feet from sea level will be listed. Next, the height from finished grade to the top of the roof is given.

- Unit 1 – 4887.8 – 27.8
- Unit 2 – 4882.8 – 24.8
- Unit 3 – 4870.3 – 25.8

Unit 4 – 4860.2 – 15.7
Unit 5 – 4869.8 – 25.3
Units 6, 7 & 8 – 4867.9 – 34.9
Units 9, 10 & 11 – 4867.9 – 34.9
Units 12, 13 & 14 – 4867.9 – 27.4
Units 15, 16 & 17 – 4867.9 – 27.4
Unit 18 – 4849.8 – 25.8
Unit 19 – 4847.8 – 23.8
Unit 20 – 4840.8 – 30.8

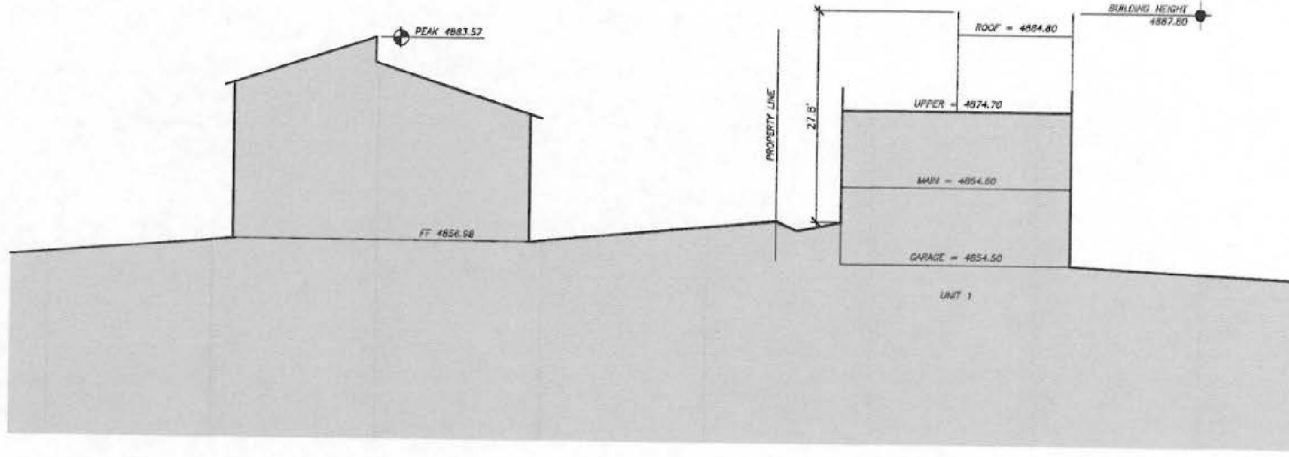
The Amended Final Plan for the Ridges does not include height limitations for structures such as those proposed with Casas de Luz, the previous prevailing document, the Protective Covenants for "The Ridges" PUD, does include such a discussion (Article 3, Section 5). The height limitation as determined by the Covenants is based on the adjacent ridge line. Buildings built on top of ridges or mesas, such as Units 1 and 2 in Casas de Luz, maximum building height shall not exceed 28 feet above natural ground. Buildings in lower elevations, such Units 3 through 20 in Casas de Luz, must not exceed 20 feet above the elevation of the closest adjacent ridge or mesa. As applied to Casas de Luz, the closest natural ridge line is at 4860 feet. The corresponding elevation line(s) are shown as a dashed line on the elevations also included with this document.

A current zoning designation that would accompany densities such as those originally platted for this property would be an R-8 zone designation. The associated height limitation for such a zoning designation would be 40 feet for any structure. The tallest building in Casas de Luz is less than 36 feet, which means Casas de Luz complies with this requirement.

Conclusion

The Casas de Luz proposal is for a modified layout to ten duplex lots in the Ridges subdivision. The intent of this proposal is for visual harmony with the surrounding area by implementing landscaping and architectural design principles. Because of these design principles, the plat will look slightly different than a standard subdivision plat. Therefore, modified bulk requirements are sought to incorporate the societal benefit that a community such as Casas de Luz will provide.

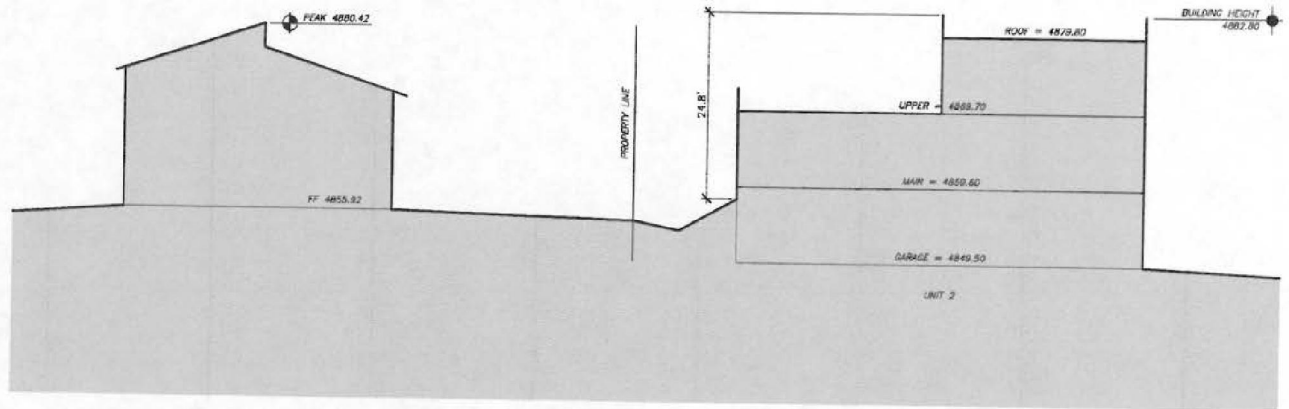




CASAS de LUZ
 SCALE: 1" = 20'

SITE SECTION 1

CHAMBERLIN ARCHITECTS

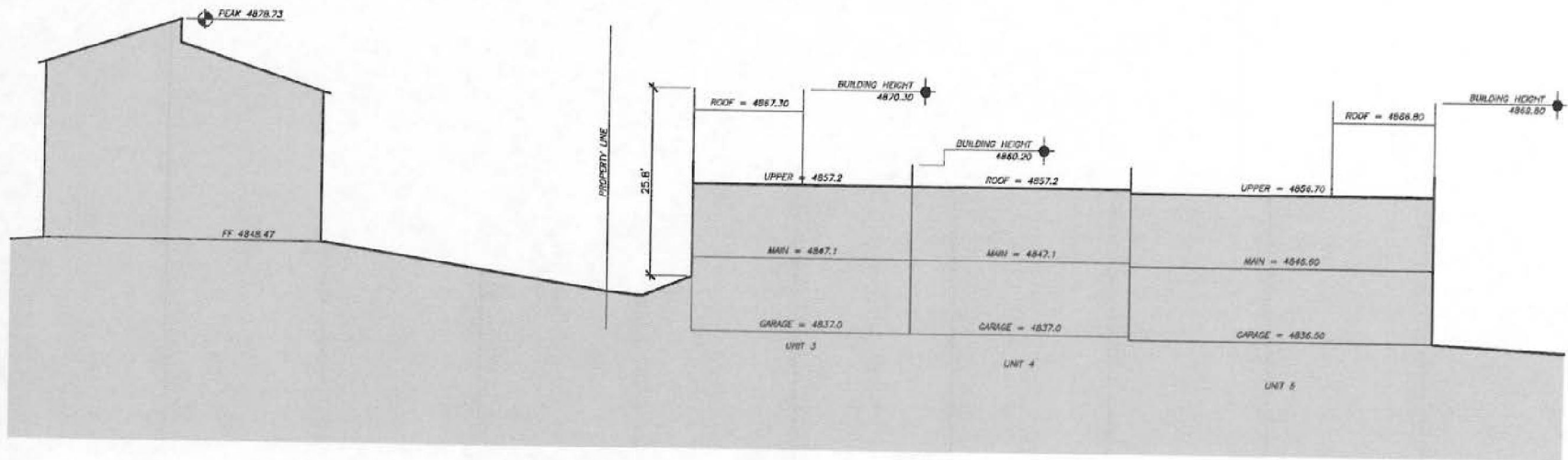


CASAS de LUZ

SCALE: 1" = 20'

SITE SECTION 2

CHAMBERLIN ARCHITECTS

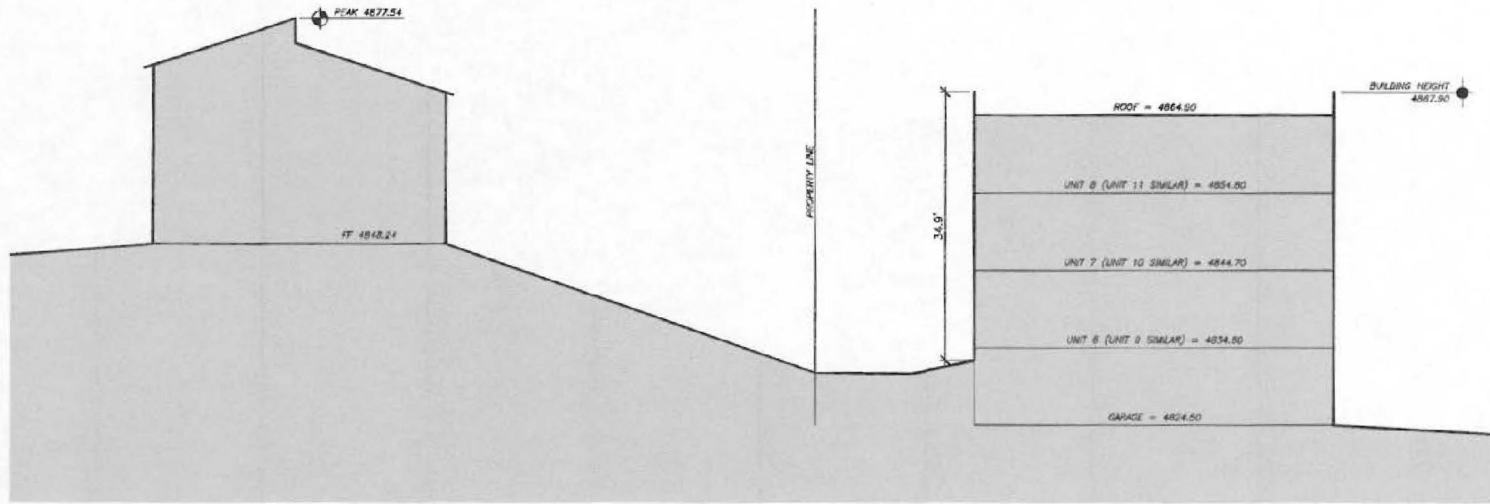


CASAS de LUZ

SCALE: 1" = 20'

SITE SECTION 3

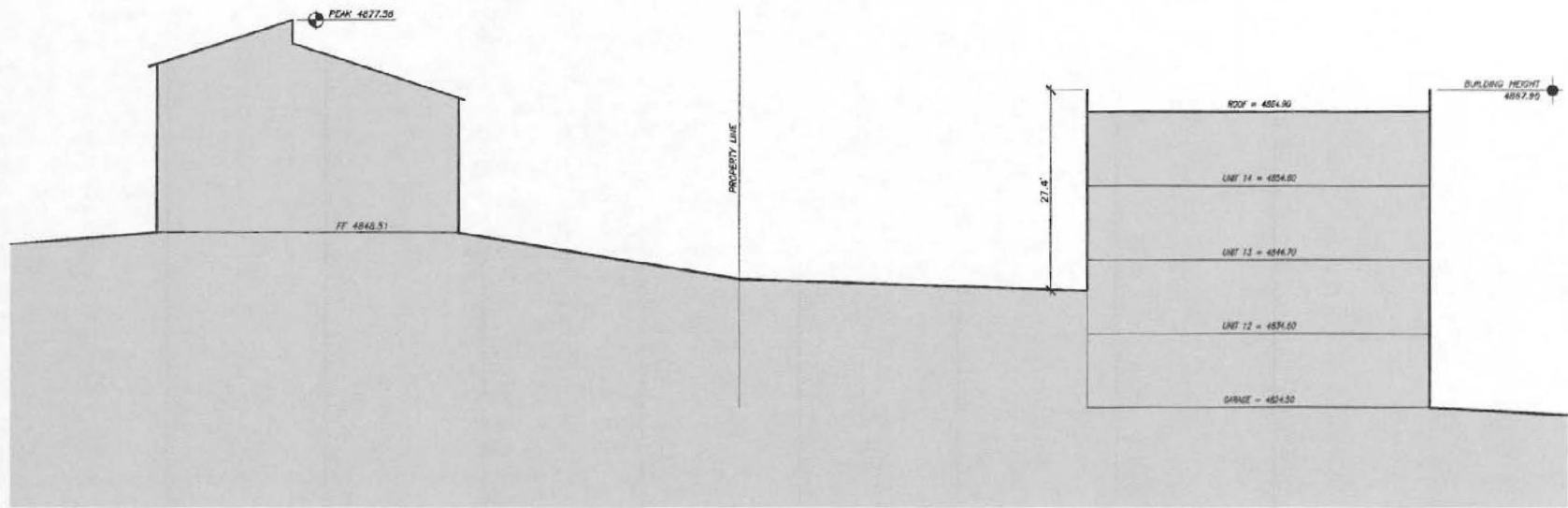
CHAMBERLIN ARCHITECTS



CASAS de LUZ
 SCALE: 1" = 20'

SITE SECTION 4

CHAMBERLIN ARCHITECTS

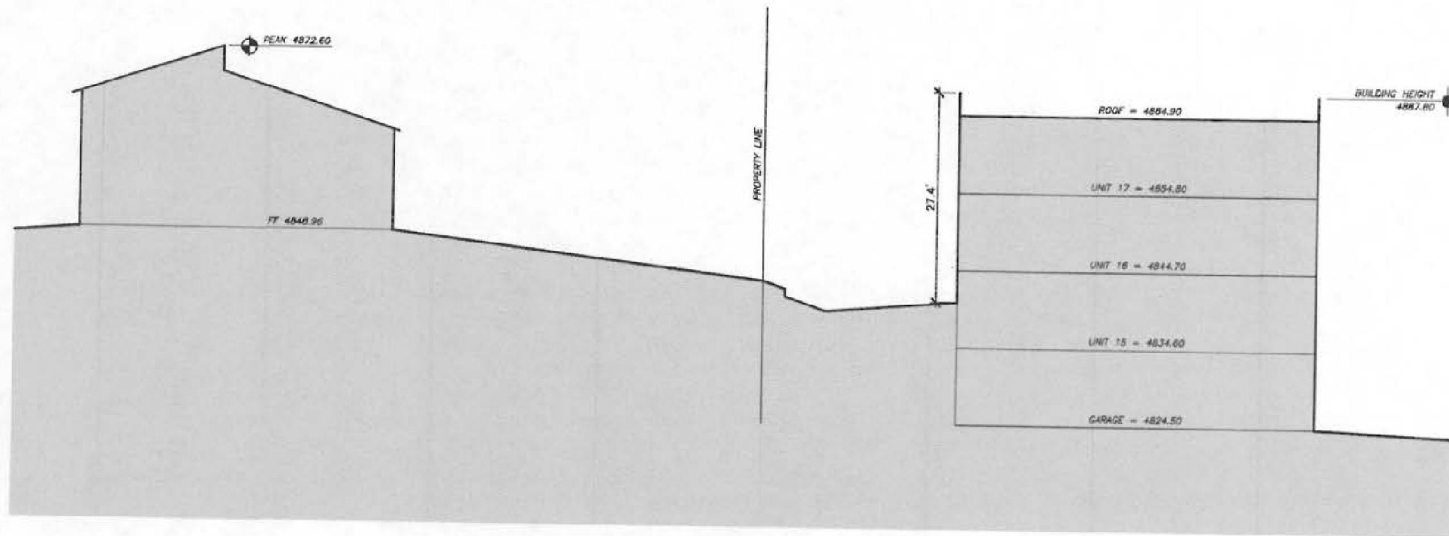


CASAS de LUZ

SCALE: 1" = 20'

SITE SECTION 5

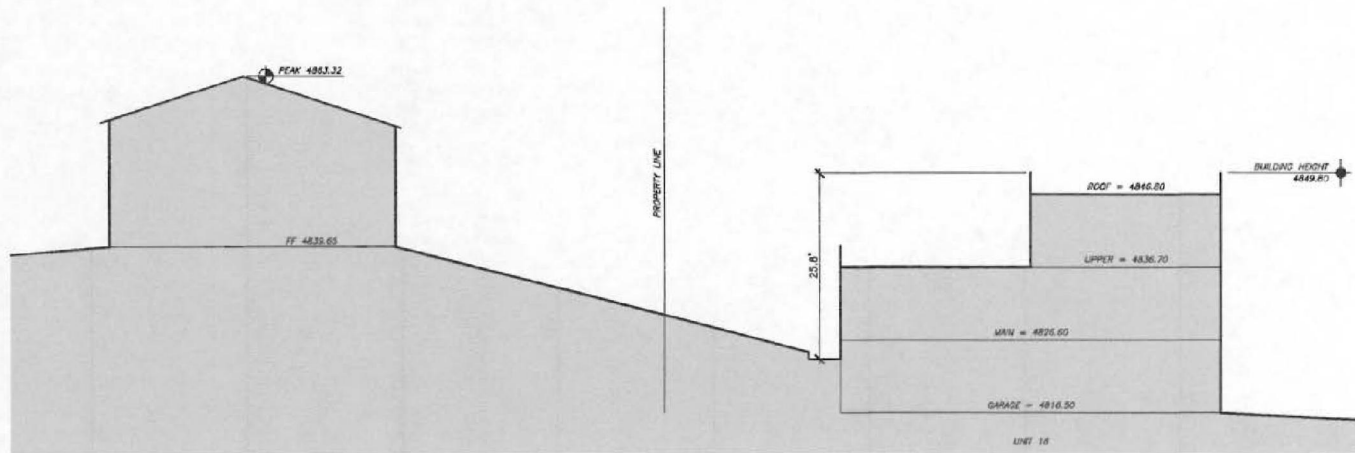
CHAMBERLIN ARCHITECTS



CASAS de LUZ
 SCALE: 1" = 20'

SITE SECTION 6

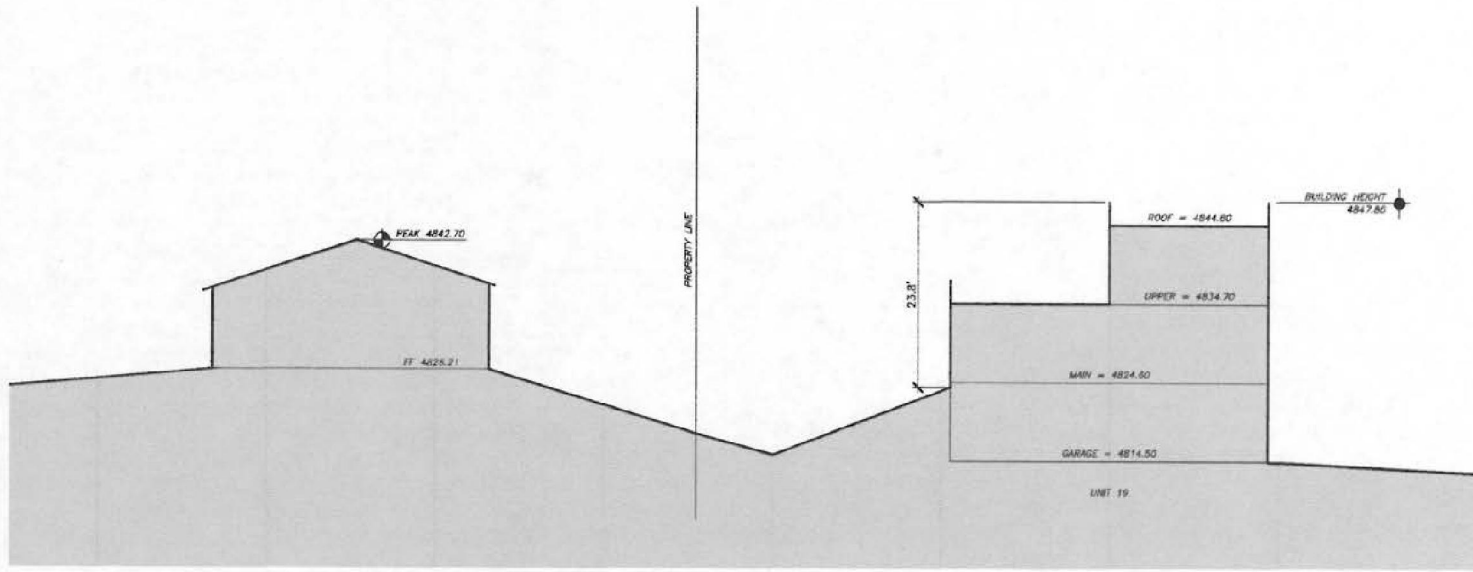
CHAMBERLIN ARCHITECTS



CASAS de LUZ
 SCALE: 1" = 20'

SITE SECTION 7

CHAMBERLIN ARCHITECTS

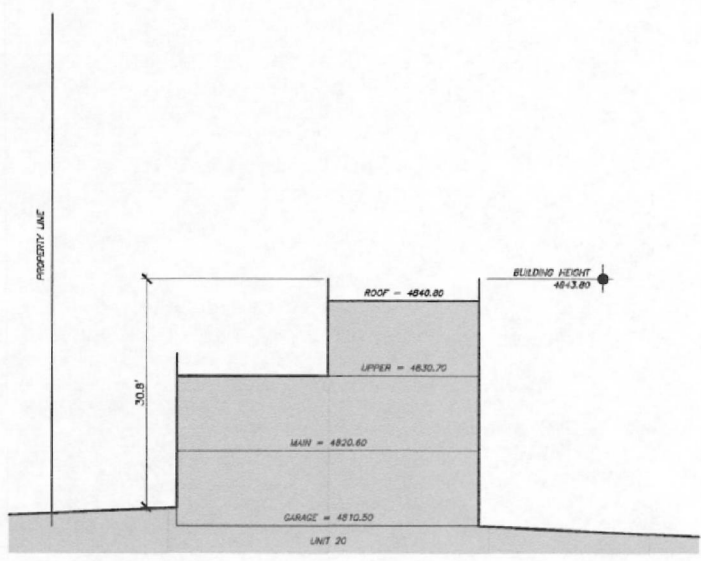


CASAS de LUZ

SCALE: 1" = 20'

SITE SECTION 8

CHAMBERLIN ARCHITECTS



CASAS de LUZ

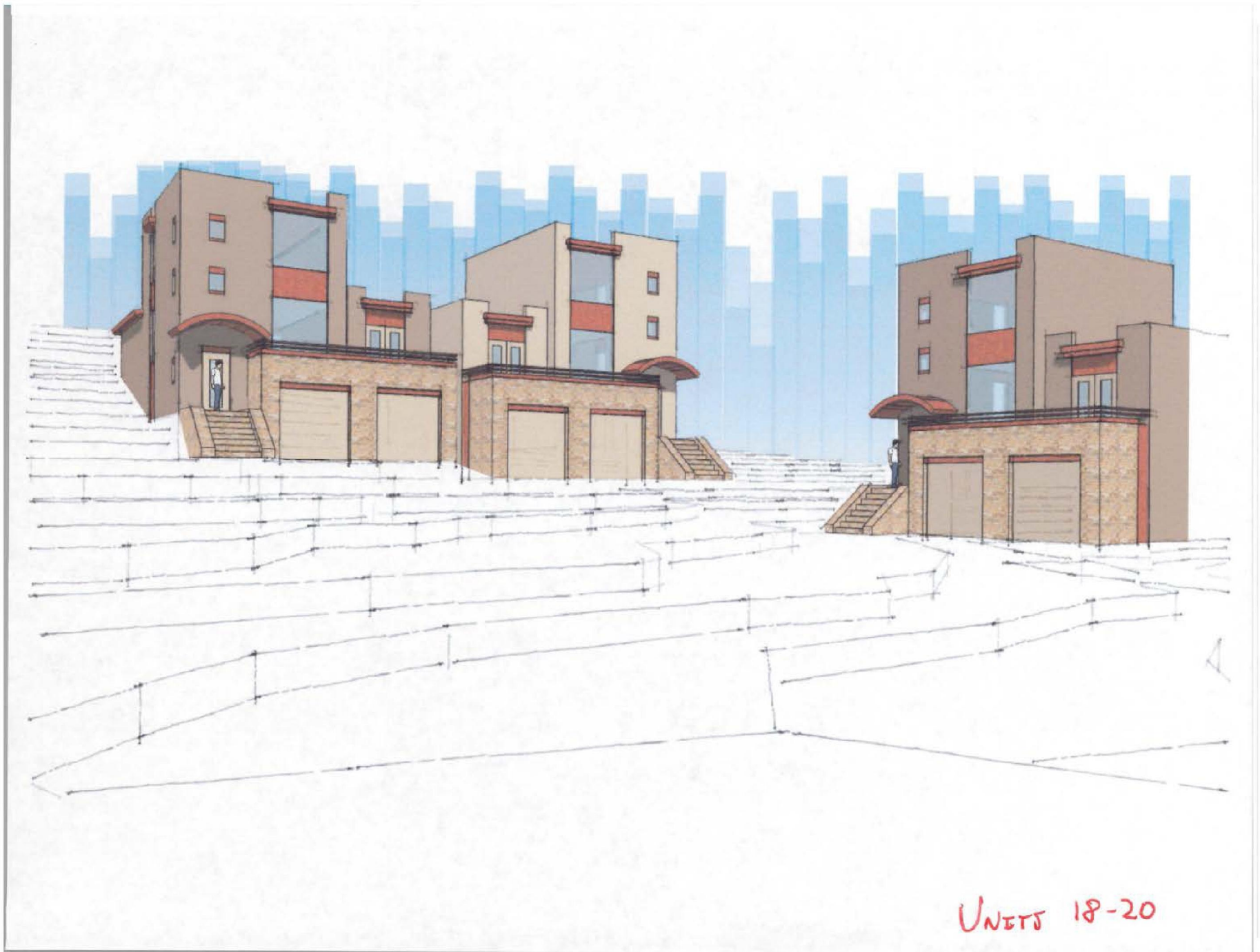
SCALE: 1" = 20'

SITE SECTION 9

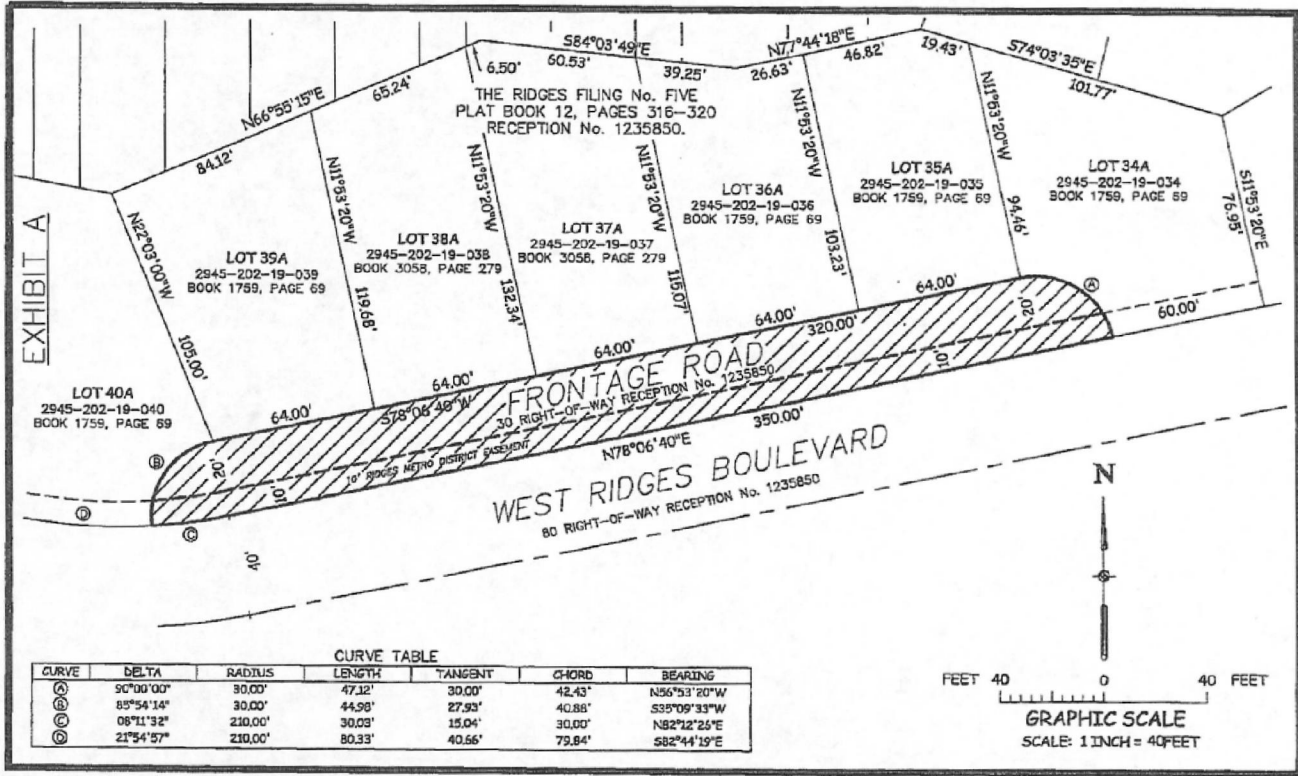
CHAMBERLIN ARCHITECTS



UNITS 1+2



UNITS 18-20



CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	BEARING
Ⓐ	50°00'00"	30.00'	47.12'	30.00'	42.43'	N56°53'20"W
Ⓑ	85°54'14"	30.00'	44.98'	27.93'	40.88'	S35°09'33"W
Ⓒ	08°11'32"	210.00'	30.03'	15.04'	30.00'	N82°12'26"E
Ⓓ	21°54'57"	210.00'	80.33'	40.66'	79.84'	S82°44'19"E

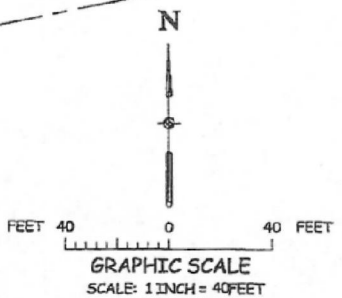


EXHIBIT B



2845-202-19-044
MARTIN & ULRIC MADDALENSKI
2337 RATTLESWAKE CT. #A

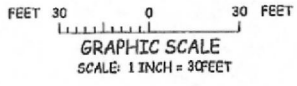
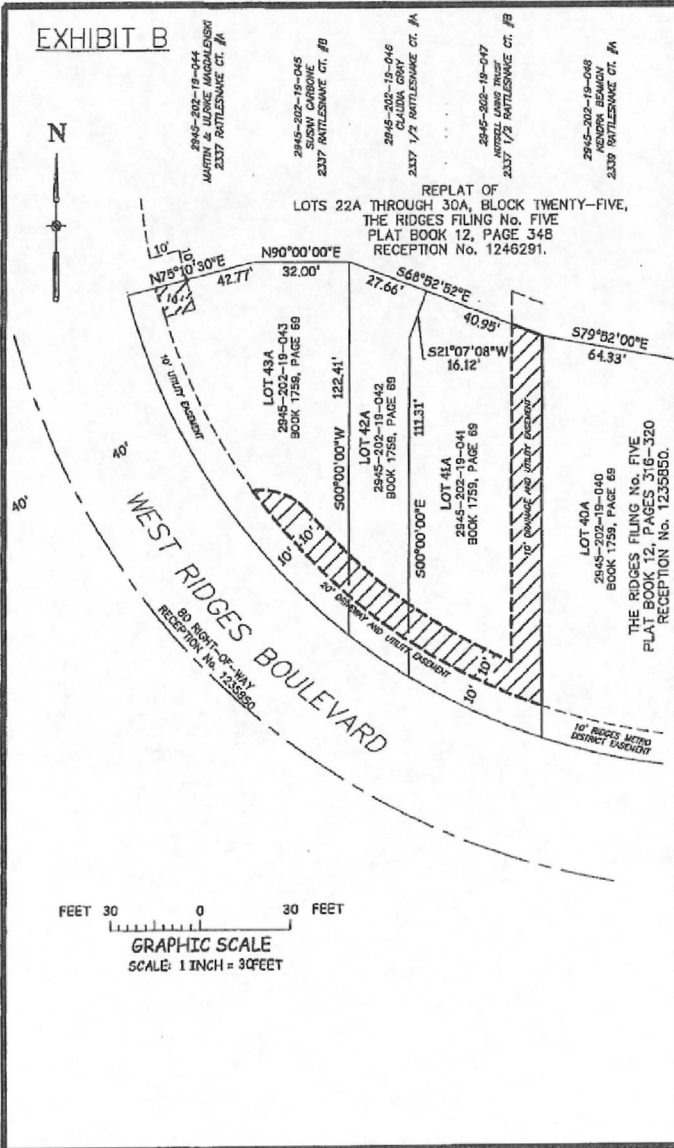
2845-202-19-045
SUSAN CARBONE
2337 RATTLESWAKE CT. #B

2845-202-19-046
CLAUDIA GRAY
2337 1/2 RATTLESWAKE CT. #A

2845-202-19-047
KATHLEEN LARA TRUST
2337 1/2 RATTLESWAKE CT. #B

2845-202-19-048
KATHLEEN LARA TRUST
2337 RATTLESWAKE CT. #A

REPLAT OF
LOTS 22A THROUGH 30A, BLOCK TWENTY-FIVE,
THE RIDGES FILING No. FIVE
PLAT BOOK 12, PAGE 348
RECEPTION No. 1246291.



Susan P. Carbone
2337 B Rattlesnake Ct.
Grand Junction, CO 81507
970-242-4379
July 7, 2011

Grand Junction Planning Commission
Grand Junction City Council
250 N. 5th Street
Grand Junction, CO 81501
attn: Scott Petersen

RECEIVED
JUL 21 2011
COMMUNITY DEVELOPMENT
DEPT.

Dear Planning Commission and City Council Members,

I urge you to reject the proposal for a new PD ordinance for the subdivision, Casas de Luz, from Dynamic Investments (Mike Stubbs and Mansel Zeck). Dynamic Investments is seeking a re-plat of land between Rattlesnake Ct. and West Ridges Blvd. I believe that this proposal is in no way advantageous to current homeowners and residents.

As native Chicagoans, my late husband and I purchased our town home at 2337 B Rattlesnake Ct. in the spring of 1987 and were delighted to have proximity both to town and to the recreational opportunities provided by the Ridges. Over the years, buildings have grown up around the cul-de-sac and many of the hiking trails are no longer accessible with the advent of the golf course. Ridges Blvd was also extended behind our town homes with greater noise from its traffic.

At the time of our town home purchase, we understood that the land adjacent to the home was platted as a duplex lot. Now, Dynamic Investments wants to have that land re-platted and has proposed a two story building that would extend across the entire width of my property and extending across the adjacent properties on either side of me. This proposed building would be 25 feet tall and be placed less than 10 feet from my back property line. I would not have considered making my home purchase had that plat existed in 1987.

"We want to create a feeling of spaciousness and views," declared Mr. Zeck in an article for The Daily Sentinel in August, 2010 but this comes at the price of Rattlesnake residents losing any semblance of spaciousness and obliterating any view. I also mourn the anticipated loss of my privacy. The impact to the passive solar capabilities of the condos already existing may be another casualty of this re-platting. I believe that proposal also violates the Adopted Bulk Standards of the Ridges Planned Development in the following areas:


1. Proposed building heights may exceed 25 feet from the highest grade lines.
2. The developer does not always meet the front yard setbacks of 20 feet from West Ridges Blvd.
3. The Ridges ACCO has stated that the proposed site plan is NOT consistent with the covenants which provide for no more than 2 units per lot.

Dynamic Investments addresses benefits of their proposed development to the golf course but not to current residents. They state the visual appeal as a benefit and that the types of residences proposed give a variety of housing to the area. These proposed buildings are not adequately buffered from our existing homes and adversely impact our properties. At a meeting with current residents in September,

2010, the developers were asked to consider leaving greater distances from our lot lines to their proposed buildings and to modify proposed heights of buildings. It appears that the developers have made no design changes to accommodate the concerns of current residents. The Ridges already has a large number of condos and town homes as provided by those recently build at Shadow Run and those proposed to be built at Redlands Vista Development (signage states that 56 sites are to be built).

The proposed re-platting of land is not in the best interest of the existing neighborhood. If the re-platting is approved, I fear it will compromise the quality of life enjoyed by Rattlesnake Ct. residents. Privacy will be compromised and crowding is not a healthy way of life. I do understand that the landowner and developer have a right to develop that land, but I believe they could do so under the current platting. Please allow current residents to maintain a quality environment in which to live.

Sincerely,


Sue Carbone