



**PLANNING COMMISSION AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
TUESDAY, SEPTEMBER 13, 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 28 and July 12, 2011 Regular Meetings.

[Attach 1](#)

2. Vistas at Tiara Rado Utility Easement Vacation – Vacation [Attach 2](#)

Request a recommendation of approval to City Council to vacate a public Utility Easement, which is no longer needed.

FILE #: VAC-2011-1079
PETITIONER: Robert Hatch
LOCATION: 2063 South Broadway
STAFF: Scott Peterson

*** * * 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. St. Mary's 2011 Master Plan – Institutional & Civic Facilities Master Plan [Attach 3](#)

Request a recommendation of approval to City Council to approve an updated 2011 Institutional & Civic Facilities Master Plan for St. Mary's Hospital in an existing PD (Planned Development) zone district.

FILE #: FMP-2011-977
PETITIONER: Dan Prinster – St. Mary's Hospital
LOCATION: 2635 North 7th Street
STAFF: Scott Peterson

4. Grand Junction Metal Movers – Special Permit [Attach 4](#)

Request a recommendation of approval to City Council for a Special Permit for a Salvage Yard on 5.09 acres in a I-1 (Light Industrial) zone district.

FILE #: SPT-2011-1085
PETITIONER: Chuck Myers – GJ Metal Movers
LOCATION: 711 South 6th Street
STAFF: Scott Peterson

General Discussion/Other Business

Nonscheduled Citizens and/or Visitors

Adjournment

**Attach 1
Minutes of Previous Meetings**

**GRAND JUNCTION PLANNING COMMISSION
JUNE 28, 2011 MINUTES
6:00 p.m. to 7:20 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), Ebe Eslami, Rob Burnett, Lyn Benoit and Keith Leonard (Alternate). Commissioners Lynn Pavelka (Vice Chair), Pat Carlow and Mark Abbott were absent.

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

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 13 interested citizens present during the course of the hearing.

Announcements, Presentations, and/or Prescheduled Visitors

Lisa Cox, Planning Manager, advised the Commission that there was an issue regarding the minutes on the agenda for approval. The agenda for June 14, 2011 showed the Commission would approve the minutes for the April 12th Planning Commission hearing; however, the minutes from April 26th were attached to the electronic agenda. She suggested that the minutes for April 26, 2011 remain on the agenda this evening and next month the minutes from the April 12th meeting would be attached and could be formally approved at that time.

Consent Agenda

- 1. Minutes of Previous Meetings**
Approve the minutes of the April 26, 2011 Regular Meeting.
- 2. Cobble Creek Subdivision – Preliminary Subdivision Plan**
Request for an extension of the preliminary plan approval to develop 12 dwelling units on 3.002 acres in a PD (Planned Development) zone district.

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

STAFF: Lori Bowers

3. Hatch Annexation – Zone of Annexation

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

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

Chairman Wall pointed out that this item would pertain to the zone of annexation only and not the annexation as it had been annexed previously.

4. Hartnell Golf Fence – Special Permit

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

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

5. Dorr Golf Fence – Special Permit

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

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

6. Brickey Golf Fence – Special Permit

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

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

7. Clow Golf Fence – Special Permit

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

FILE #: SPT-2011-853

PETITIONER: Tory Clow
LOCATION: 2968 Fairway View Drive
STAFF: Senta Costello

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. Scott Peterson requested the Hatch Zone of Annexation be pulled for Full Hearing as there were some citizens in the audience who wanted to discuss that. Item 2 - Cobble Creek Subdivision – Preliminary Subdivision Plan - was pulled for a Full Hearing by a member of the public. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on any of the remaining Consent Agenda items.

MOTION:(Commissioner Benoit) “Mr. Commissioner, I make a motion that we approve the remaining items on the agenda – Items 1, 4, 5, 6 and 7.”

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

Public Hearing Items

8. Off-Premise Sign (Billboard) Appeal – Appeal of Director’s Decision – Continued to August 9, 2011

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

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

9. Off-Premise Sign (Billboard) Appeal – Appeal of Director’s Decision – Continued to August 9, 2011

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

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

MOTION:(Commissioner Burnett) “I make a motion that we continue Items 8 and 9 to the August 9th Planning Commission meeting.”

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

2. Cobble Creek Subdivision – Preliminary Subdivision Plan

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

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

STAFF'S PRESENTATION

Lori Bowers, Senior Planner, Grand Junction Public Works and Planning Department, made a PowerPoint presentation regarding a request for an extension of an approved Planned Development. She presented a Site Location Map and an aerial photo of the parcel with regard to this project. The Future Land Use Map at the time of the passing of the Planned Development ordinance was Residential Medium, 4 to 8 dwelling units per acre, and the zoning at the time was RR; however, when the ordinance was adopted it was changed to PD. The Blended Map showed that this parcel should be developed at the Residential Medium category. She confirmed that applicant was requesting a three-year extension of the plan. Ms. Bowers noted that if the plan were to fail, it would revert to the default zoning of R-8. She addressed the setbacks which would be 15 feet in the rear of the houses with some houses having a 20-foot driveway while others may have a 15-foot driveway.

QUESTIONS

Commissioner Benoit asked what the standard setback for the driveway length would be. Lori Bowers stated it was 20 feet.

Chairman Wall asked if there were height limitations on the homes. Ms. Bowers said they were limited to a single-story; however, in the new R-8 zoning, they could have up to three stories – a 40-foot building height limit.

APPLICANT'S PRESENTATION

Jana Gerow, Development Construction Services, represented the owners of the subject property. She advised that as the economy has not been great, the owners were trying to hold and keep the subdivision because as a planned subdivision, they felt it was a good benefit to the neighbors. She reiterated that the houses were restricted to one story. As the lot was very tight, they tried to comply with the direction of the Code to provide as much density as they could. Applicant sought to leave a little bit of flexibility in design.

QUESTIONS

Chairman Wall asked if something was done with the width of the road. Jana Gerow said that parking would be available on only one side and an agreement had been reached with a neighbor pertaining to the flanged sidewalk.

Commissioner Eslami asked if there would be a sidewalk on both sides of the street. Ms. Gerow said that there was a sidewalk on one side and the other side would be landscaped.

Commissioner Eslami asked what the width of the street pavement was. Ms. Gerow stated it was a full two-lane section with curb and gutter on one side and advised that it was not a reduced width of street but a reduced width section without the sidewalk.

Commissioner Eslami asked if it was a full street or a three-quarter. Ms. Gerow said it was a full street but not the full section. She confirmed that the width was 28 feet plus the sidewalk.

Chairman Wall asked for clarification pertaining to the reason for the requested extension. Ms. Gerow said the economy wasn't making it possible to develop.

PUBLIC COMMENT

Ron Stoneburner said that he lived in Westwood Ranch and referenced the zoning layout that allowed walking and connecting with a trail access to Diamond Ridge. He said there were no trails and stated that the property called Dry Park or Alkali Park was private property. He could not see how applicant could say that it was open for access trails. It also bordered the canal and people were not allowed on the canal bank. He mentioned a portion of land that was in dispute. Mr. Stoneburner said it was their contention that there was no open space area given and believed the ownership issue needed to be resolved. Mr. Stoneburner asked that the extension not be granted until a resolution had been resolved about both the ownership of the disputed area and the trails.

Susan Hensel said she lived in Colonial Heights and raised some questions regarding the height of the homes. Chairman Wall confirmed that this was not a new proposal and was only an extension of what had been previously approved and the way it was approved the first time included that there would be only single-story homes. Ms. Hensel asked if there was any way that could be altered. Chairman Wall said that would be under a different zone and different planning; however, under this plan it was only single-story homes. Ms. Hensel asked if the plan that was approved and still being considered for an extension would still hold them to single-story homes. Chairman Wall confirmed that nothing would be changed and it was just a question of whether or not an extension would be granted. Commissioner Williams believed she was referring to the statement that if denied there was the potential for multiple family housing if it reverted back to the original R-8 zoning.

Charlie Gunther, 687 Glen Carol Drive, addressed the Commission as a representative of the Grand Valley Irrigation Company. Mr. Gunther confirmed that the property was still in dispute. He further said that it was a water deed and they were willing to work with applicant regarding the extension in order to resolve this with the City.

QUESTIONS

In response to a question posed by Chairman Wall regarding ownership of the property in dispute, Jamie Beard, Assistant City Attorney, stated that she recalled that there was a review of the transfer in regards to that property over the years and after a review it was determined that the property was owned by Cobble Creek rather than by Grand Valley Irrigation Company. Ms. Beard said they were comfortable advising that the property could be included within the development with it later being quit claimed to the City of Grand Junction so that any disputes in the future could then be worked out between the Grand Valley Irrigation Company and the City. She stated that it was the City's position that it was Cobble Creek's property and part of the subdivision. Ms. Beard said that she saw no problem with the Commission approving the extension for purposes of the subdivision. She suspected it may become a real issue when the City would go to use it if Grand Valley Irrigation Company felt that it was against their rights and the use of the land.

Commissioner Eslami asked what the property would be used for. Jamie Beard believed the area in dispute included the open space area and also the trail area that was being granted.

Commissioner Eslami asked if the trail was over Grand Valley's easement. Lori Bowers pointed out the dedicated trail which was out of the area. The proposed trail was out of the Grand Valley Canal's easement.

Commissioner Eslami asked Ms. Bowers to point out the Grand Valley Canal and easement. Jamie Beard confirmed that the area in dispute was the water area and so the City would not plan on using it normally for any specific use. It would just be dedicated to the City.

Commissioner Benoit asked where access to the trail was. Jamie Beard said that technically they could access the trail from the end of the cul-de-sac and eventually the City anticipated that the trails would all meet up pursuant to the Master Plan in regards to trails. A requirement for a Planned Development was to include those areas where trails were wanted for future purposes so eventually everything would connect up.

Commissioner Benoit questioned whether private property would be crossed. Ms. Beard said that while unsure of all of the subdivisions to the west eventually when they came in to do some development on the subdivision that did not have a trail they could ask that the trail be dedicated at that time. In the alternative, at the time that the City was ready to connect all of the trails along there, the City could look at doing something with that landowner to be able to try to purchase the trail.

Commissioner Benoit asked if it was now a trail that led to nowhere. Ms. Beard said she believed that if people were to get on the trail in that subdivision, the subdivision to the east had trail easements along there. She went on to state that in most instances the City did not have ownership but was taken as an easement.

APPLICANT'S REBUTTAL

Jana Gerow responded that the trail was required as part of the Master Trails Plan. She identified where the open space was. Next, she pointed out that the sidewalk connection required by the city was provided; however, part of the property was within the irrigation company's long-term area of estimated width of the canal.

QUESTIONS

Commissioner Eslami raised a question regarding the 15-foot setback. He said that he had no problem with the 15-foot setback for the houses; however, he was concerned with the garage setback of 15 feet. He asked if there was any way that the garages could be moved to 20 feet. Ms. Gerow stated that if that was a restriction put on the applicant, that would be fine. She said that the main flexibility they wanted was on the houses. She clarified that it was very clear that if this expired, it would go to R-8.

After a review of the other plats to the north and to the west, it appeared that there were either easements or dedicated land for purposes of the trail to connect according to Jamie Beard.

DISCUSSION

Commissioner Eslami stated that if the setback for the garage was changed to 20 feet, he would have no problem extending this. He would like to have the garage set back 20 feet from the sidewalk. Chairman Wall asked if there was the ability to change what had been determined before without the necessity of a full hearing. Jamie Beard said that technically with an extension there could be a condition; however, the difficulty was that this was a Planned Development and the plan was a part of the zoning ordinance. If there was a conflict with the plan, it would have to go through a different process where it would go to City Council for final approval. She suggested that it be remanded back to staff to review for that purpose. Ms. Beard stated that the specifics in regards to this plan set minimum front yard setbacks at 15 feet so if the Commission wanted to change the minimum front yard setbacks then it would change the actual plan which would change the rezoning ordinance.

Chairman Wall asked if the Planned Development extension request was able to be approved and then remanded back to staff. Ms. Beard said that if the extension was approved, the plan would be approved as it was.

Commissioner Benoit stated that it seemed that there were a lot of issues due in part to the width of the street and the height that was changed. He believed that for the neighborhood they could now be looking at multiple versus single-family homes. Chairman Wall said that if it was denied and they did not get the extension, then it could revert back to the R-8. Lisa Cox, Planning Manager, confirmed that if the request was denied then the property would revert back to R-8, its default zone district. Jamie Beard said that if the extension was granted, the approval would be for the plan just as it was. If the extension was granted with conditions, she suggested that it be remanded back to make sure that it was not a conflict with the plan. Commissioner Benoit went on to say that he was torn on this because the neighborhood was going to be affected and questioned if adequate notice was provided to the neighbors. Jamie Beard stated that

basically the notice for the extension was the same notice normally given in regards to the neighborhood so everyone interested should have been aware that this extension was before the Commission at this time.

Commissioner Benoit asked if the extension was denied would the subdivision have to be resubmitted under a new plan with the potential for changes. Lisa Cox stated that was correct because that would represent the expiration of the current plan. She said that the option to consider conditions of approval attached to the extension as well as the length of the extension were available to the Commission.

Chairman Wall said that one of the criteria to be looked at was whether there was a good reason to grant this extension. He believed the economics played a large role and thought it was a good reason to grant the extension. He said that he was completely fine with the present plan. The trails were modified from the original plan due to questions related to the irrigation system, ownership of land and trails were meant to connect to other trails. The plan was designed to help with connectivity of neighborhoods and would provide a better place to live. Chairman Wall opined that it wouldn't make sense to make the developer start all over again because he thought the plan was good the way it set and he would, therefore, be in favor of granting the extension.

Commissioner Eslami stated that he was not saying that the extension should not be granted. He said that if it were remanded back to staff and have more information about adjustment on the setback, that would make him more comfortable and he would then be in favor of the extension. The only reason he wanted it remanded back to staff was to resolve the setback issue.

MOTION:(Commissioner Eslami) “Mr. Chairman, I make a motion that we remand Cobble Creek Subdivision, #PP-2007-169, back to the staff.”

Jamie Beard clarified that Commissioner Eslami was interested in there being a front yard setback for the garage at 20 feet and the house could remain at 15 feet; however, where the garage was concerned, the Commissioner wanted it back 20 feet.

The motion failed for lack of a second.

MOTION:(Commissioner Burnett) “I make a motion we go ahead and approve it to be extended.”

Commissioner Leonard suggested an amendment to the motion to include the number of years that this item would be extended. Chairman Wall asked that the motion be clarified to include the number of years for the extension.

(Commissioner Leonard) “I would make a friendly amendment to include a three-year extension.”

Commissioner Burnett seconded the motion.

MOTION:(Commissioner Leonard) “I’d like to make a motion for File No. PP-2007-169, Cobble Creek Subdivision, to extend the PD for another three years.”

Commissioner Burnett seconded the motion. A vote was called and the motion passed by a vote of 3 – 2 with Commissioners Benoit and Eslami opposed.

3. Hatch Annexation – Zone of Annexation

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

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

STAFF’S PRESENTATION

Scott Peterson, Senior Planner, Public Works and Planning Department, addressed the Commission regarding the requested zone of annexation by applicants – Robert and Suzanne Hatch. He identified the proposed zones of annexation located adjacent to Tiara Rado Golf Course along South Broadway. The existing properties consisted of 5 parcels of land. According to Mr. Peterson, applicants proposed to develop the existing 5 parcels of land for a residential subdivision/condominium development that would consist of 39 dwelling units to be constructed in two phases. The first phase would total 5 buildings containing 10 dwelling units and the second phase would total 29 multi-family dwelling units. The applicant also proposed that the existing 5 parcels would become 2 platted parcels upon review and approval of the Simple Subdivision Plan applicant, the boundary of which would generally follow the existing Comprehensive Plan Future Land Use boundaries.

Mr. Peterson stated that applicants requested the Neighborhood Business zoning designation (B-1) for phase 2 in order to comply with the Comprehensive Plan Land Use Map designation of Commercial while accommodating their proposed use of multi-family residential development. He further stated that no Commercial development had been proposed by applicants at this time but the zoning proposed would leave that option as a possibility in the future. The purpose of the B-1 zone district was to provide small areas for office and professional services combined with limited retail uses designed in scale with the surrounding residential uses. He added that the R-12 was proposed for phase 1. The Blended Residential Map showed the range of density that could be between 4 and 16 dwelling units to the acre for the residentially zoned properties. Furthermore, the proposed zoning districts conformed with the Future Land Use Map which designated the properties as Residential Medium High and also Commercial. Mr. Peterson concluded that the requested zones were consistent with the goals and policies of the Comprehensive Plan and the pertinent review criteria of the Zoning Code had been met.

APPLICANT'S PRESENTATION

Les Crawford, Vortex Engineering, 2394 Patterson Road, Suite 201, Grand Junction, appeared on behalf of applicants. Mr. Crawford reiterated that the project met all the requirements for the requested rezone. As he understood there were questions or concerns from the public, he stated that he would be available to address those in rebuttal.

PUBLIC COMMENT

Carl Hyde, 505 Rado Drive, #6, said that he did not have an objection that they could give against the building of annexation plan. He did want it brought to the attention of the Commission that there would be a considerable increase in traffic on this road. He stated that the conditions at present were pretty unsafe and becoming more unsafe due to the number of cars, bicycles and joggers using the two-lane road. Mr. Hyde voiced his concern regarding the traffic and believed the ability to widen the road was severely limited. He hoped that the Commission would consider this concern.

APPLICANT'S REBUTTAL

Les Crawford stated that Turn Key Consultants had performed a level 2 traffic study on this proposal this spring which included traffic counts at the proposed intersection. In addition, City staff had done a preliminary proposal for a larger curve that would be developed in the future. The traffic study determined that phase 1 of this project would not trigger the traffic warrants needed to build the Broadway improvements. Therefore, the traffic impact fees that would be paid by the 5 structures would be put to use to pay for improvements in the future. Staff's current conceptual plan for that section of Broadway would be for a three-lane road with the center lane being a left-turn lane for use for the golf course and the proposed development. Mr. Crawford stated that the current staff plan included an access trail on both sides of Broadway up to the clubhouse from the driving range. The traffic study recommended moving the entrance to the east approximately 100 feet and also concluded that the left turn lanes would be warranted by phase 2 construction of the project and the City had already acquired all of the 80-foot right-of-way needed for those future improvements.

QUESTIONS

Commissioner Benoit asked for expansion with regards to the potential small Commercial development. Mr. Crawford said they were trying to keep the option open. As the Comprehensive Plan called for a Commercial use on this property, it was anticipated that it may possibly be an office or a coffee or sandwich shop. He addressed their reasoning for not going with the C-1, C-2 or C-3 zones because they allowed without review vehicle repair, truck mechanical repair shops, truck stops, a travel plaza, tire recapping and storage as well as several Industrial uses.

Commissioner Benoit stated that he was just trying to get some sense of how much more traffic the Commercial development would generate. Les Crawford stated that it would likely be very light.

Chairman Wall asked if a B-1 allowed a bar. Scott Peterson answered that the B-1 zone would allow a bar/nightclub with a Conditional Use Permit application. Scott clarified that the B-1 zone acted like R-O except with retail. The hours of operation would be between 5 a.m. to 11 p.m. and a C-1 zone would be a 24 hour a day operation. The B-1 was the less intrusive of the Commercial zones that allowed a retail type of use.

Commissioner Leonard asked when and if applicant came before the Commission at a later date with an actual proposal, would there have to be another traffic study done that pertained directly to the proposal. Scott Peterson said that the applicant had a site plan review application currently being processed as well as a simple subdivision application which were both administrative reviews. Unless there was an appeal from the neighborhood about the Director's determination of approval, they would not be brought before the Planning Commission. As proposed now, the applicant was proposing just the 39 dwelling units and not the Commercial venture.

Commissioner Leonard asked if they decided to come back with a Commercial project, would the current traffic study submitted by Skip Hudson be appropriate for any Commercial use that came through. Lisa Cox clarified that there were certain uses that triggered traffic impact studies, so depending on what the proposal was would determine whether or not there was a need or a demand for a new traffic study. She said that depending on the intensity of the use it may or may not require a new traffic impact study. Scott Peterson stated that phase 2 of the project triggered a left-turn lane into the development so that would trigger some road improvements.

DISCUSSION

Chairman Wall said that this particular project was interesting. It was in an area that has had some challenges. He thought that it met the Comprehensive Plan, had Commercial there and thought it was a project that would enhance the area and compliment the Fairway Villas Subdivision along with the homes that had been built in that area along with the golf course and the driving range. He would be in favor of the project.

MOTION:(Commissioner Eslami) "Mr. Chairman, I make a motion that we approve Hatch Zone of Annexation, ANX-2011-698."

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

General Discussion/Other Business

None.

Nonscheduled Citizens and/or Visitors

None.

Adjournment

With no objection and no further business, the Planning Commission meeting was adjourned at 7:20 p.m.

Minutes of Previous Meetings con't

GRAND JUNCTION PLANNING COMMISSION JULY 12, 2011 MINUTES 6:00 p.m. to 6:05 p.m.

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

In attendance, representing the City Planning Commission, were Reggie Wall (Chair), Lynn Pavelka (Vice Chair), Pat Carlow, Ebe Eslami, Rob Burnett, Lyn Benoit, and Greg Williams (1st Alternate). Commissioner Mark Abbott was absent.

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

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 4 interested citizens present during the course of the hearing.

Announcements, Presentations, and/or Prescheduled Visitors

Lisa Cox, Planning Manager, announced that she had provided the Commission with a hard copy of the North Avenue Plan in order that the Commissioners would have that information available. She noted that item was not scheduled for consideration until the next Planning Commission meeting but if any of the Commission members had questions they could call either she or Dave Thornton.

Consent Agenda

1. Minutes of Previous Meetings

Approve the minutes of the April 12 and May 10, 2011 Regular Meetings.

2. Ashley Annexation – Zone of Annexation

Request a recommendation of approval to City Council to annex and zone 1 acre from County PUD (Planned Unit Development) to a City I-1 (**Light Industrial**) I-2 (General Industrial) zone district. **Agenda listed I-2 (General Industrial); however, Chairman Wall stated it was I-1 (Light Industrial).**

FILE #: ANX-2011-856
PETITIONER: Ronald Ashley
LOCATION: 2808 C 3/4 Road
STAFF: Brian Rusche

Chairman Wall briefly explained the Consent Agenda and invited the public, Planning Commissioners, and staff to speak if they wanted any item pulled for additional discussion. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on either of the Consent Agenda items.

MOTION:(Commissioner Pavelka) “I move 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 7 - 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 6:05 p.m.

Attach 2
Vistas at Tiara Rado

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: September 13, 2011
PRESENTER: Scott D. Peterson

AGENDA TOPIC: Vistas at Tiara Rado Utility Easement Vacation – VAC-2011-1079

ACTION REQUESTED: Recommendation to City Council on the Requested Utility Easement Vacation.

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

PROJECT DESCRIPTION: Request to vacate a public utility easement identified on the Replat of the Fairway subdivision plat located adjacent to 2063 S. Broadway in anticipation of future residential development.

RECOMMENDATION: Recommendation of conditional approval.

ANALYSIS

1. Background:

The applicants, Robert and Suzanne Hatch, ask the City to vacate the Utility Easement identified on the subdivision plat for the Replat of the Fairway that was recorded in 1984, in anticipation of their proposed residential development, which is currently under review by the Planning Division. The utility easement runs as a “blanket” easement over a tract of land that is owned by the applicants. Also running over the same tract are private open space and ingress, egress easement. These latter easements are not public easements and do not need to be addressed here. Applicants are dedicating a new utility easement on the new proposed Hatch Subdivision plat as a condition of approval for this proposed vacation request.

The existing utility easement contains utilities for Ute Water and City sewer. The applicants’ proposed Vistas at Tiara Rado site plan is currently under review by the Planning Division. That project, which is very near final approval, includes relocated utilities which accommodate the new residential buildings proposed in that project. Xcel Energy represents that it has been in contact with the applicants on relocating their infrastructure and is in agreement with the proposed utility easement vacation. As a condition of this easement vacation, a new subdivision plat (either the proposed Hatch Subdivision or another subdivision plat) must be recorded which includes dedication of a utility easement to cover the location for all new and existing utilities.

2. Section 21.02.100 of the Zoning and Development Code:

The vacation of the utility easement must 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 vacate this utility easement does not conflict with the Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City. As a condition of approval, a new utility easement will be dedicated to cover the location for all new and existing utilities.

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

Because this is a vacation of a utility easement and not a vacation of right of way, this criterion does not apply. Vacating this utility easement will not result in any parcel being landlocked.

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

Vacation of this utility easement will not affect access to any parcel.

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

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 proposed utility easement vacation request. The utility facilities are being relocated, not discontinued. A new utility easement for the relocated utilities is required as a condition of approval of this proposed vacation request.

- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Section 21.06 of the Zoning and Development Code.

Adequate public facilities and services will not be inhibited to any property. Part of the existing easement area contains utilities for Ute Water and City sewer. These are being relocated as part of the redevelopment proposed in Vistas at Tiara Rado, currently under review by the City Planning Division. These infrastructure facilities will be relocated according to the Vistas at Tiara Rado approved Site Plan now under review.. In addition, Xcel Energy has commented that it has been in contact with the applicants on relocating their infrastructure and is in agreement with the proposed utility easement vacation.

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

Maintenance requirements for the City will not change as a result of the proposed utility easement vacation. Old sewer lines will be removed and relocated in order to accommodate the proposed residential development and a new Utility Easement will be dedicated.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Vistas at Tiara Rado application, VAC-2011-1079 for the vacation of a public utility easement, I as Project Manager make the following findings of fact, conclusions and conditions:

1. The requested utility easement vacation is consistent with the Comprehensive Plan.

2. The review criteria in Section 21.02.100 (c) of the Zoning and Development Code have all been met.
3. Approval of the utility easement vacation is conditioned upon the dedication of an easement for relocated utilities in a recorded subdivision replat of the Replat of the Fairway subdivision, such as the Hatch Subdivision plat currently under review by the City Planning Division.

STAFF RECOMMENDATION:

I, as Project Manager, recommend that the Planning Commission forward a recommendation of approval of the requested utility easement vacation, VAC-2011-1079 to the City Council with the findings, conclusions and conditions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

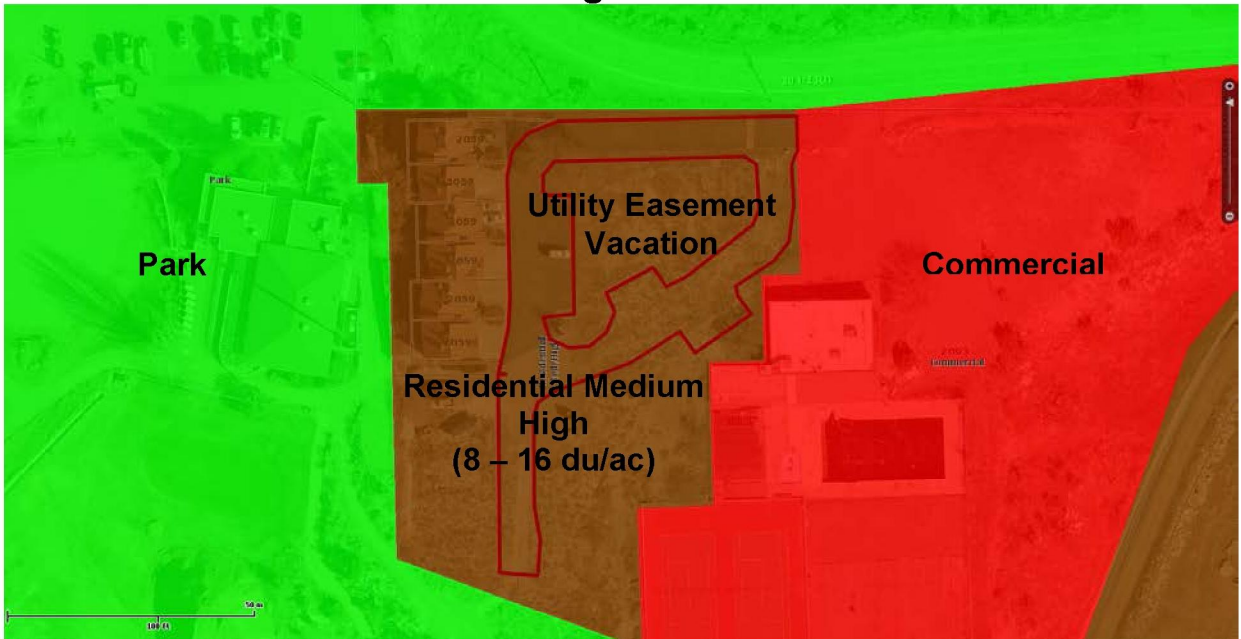
Mr. Chairman, on item VAC-2011-1079, I move we forward a recommendation of approval to the City Council on the request to vacate an existing public utility easement as identified on the Replat of the Fairway subdivision plat located adjacent to 2063 S. Broadway, with the findings of fact, conclusions and conditions identified in the staff report.

Attachments:

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

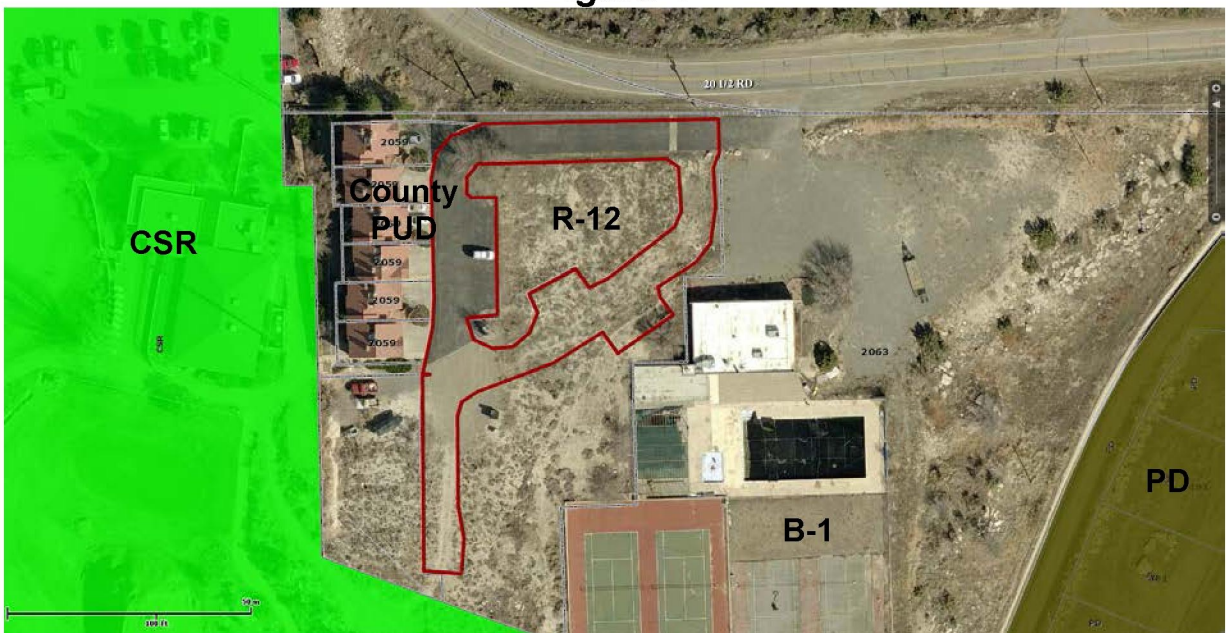
Comprehensive Plan

Figure 3



Existing City and County Zoning

Figure 4



CITY OF GRAND JUNCTION

RESOLUTION NO. _____

**A RESOLUTION VACATING A UTILITY EASEMENT IDENTIFIED ON THE REPLAT
OF THE FAIRWAY SUBDIVISION
AS RECORDED IN PLAT BOOK 13, PAGE 243
LOCATED ADJACENT TO 2063 S. BROADWAY**

RECITALS:

The applicant proposes to vacate a utility easement identified on the Replat of the Fairway subdivision as recorded in Plat Book 13, Page 243 as part of the proposed Vistas at Tiara Rado residential development (Hatch Subdivision) located adjacent to 2063 S. Broadway.

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

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

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

The following described utility easement is hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Resolution.
2. Conditioned upon the approval and recording of a subdivision plat replatting the Replat of the Fairway subdivision (such as the Hatch Subdivision) which dedicates utility easement(s) sufficient to cover the relocated utilities necessary to serve the area as determined by the Director of Public Works and Planning.

The following easement vacation is shown on "Exhibit A" as part of this vacation description.

All of that certain utility easement shown on the face of the plat of "The Fairway" subdivision plat, as recorded in Plat Book 13 at Page 141, Mesa County records, located in part of the Northwest Quarter of the Northeast Quarter (NW¼ NE¼) of Section 27,

Township 11 South, Range 101 West of the 6th Principal Meridian, Mesa County,
Colorado.

ADOPTED this day of , 2011.

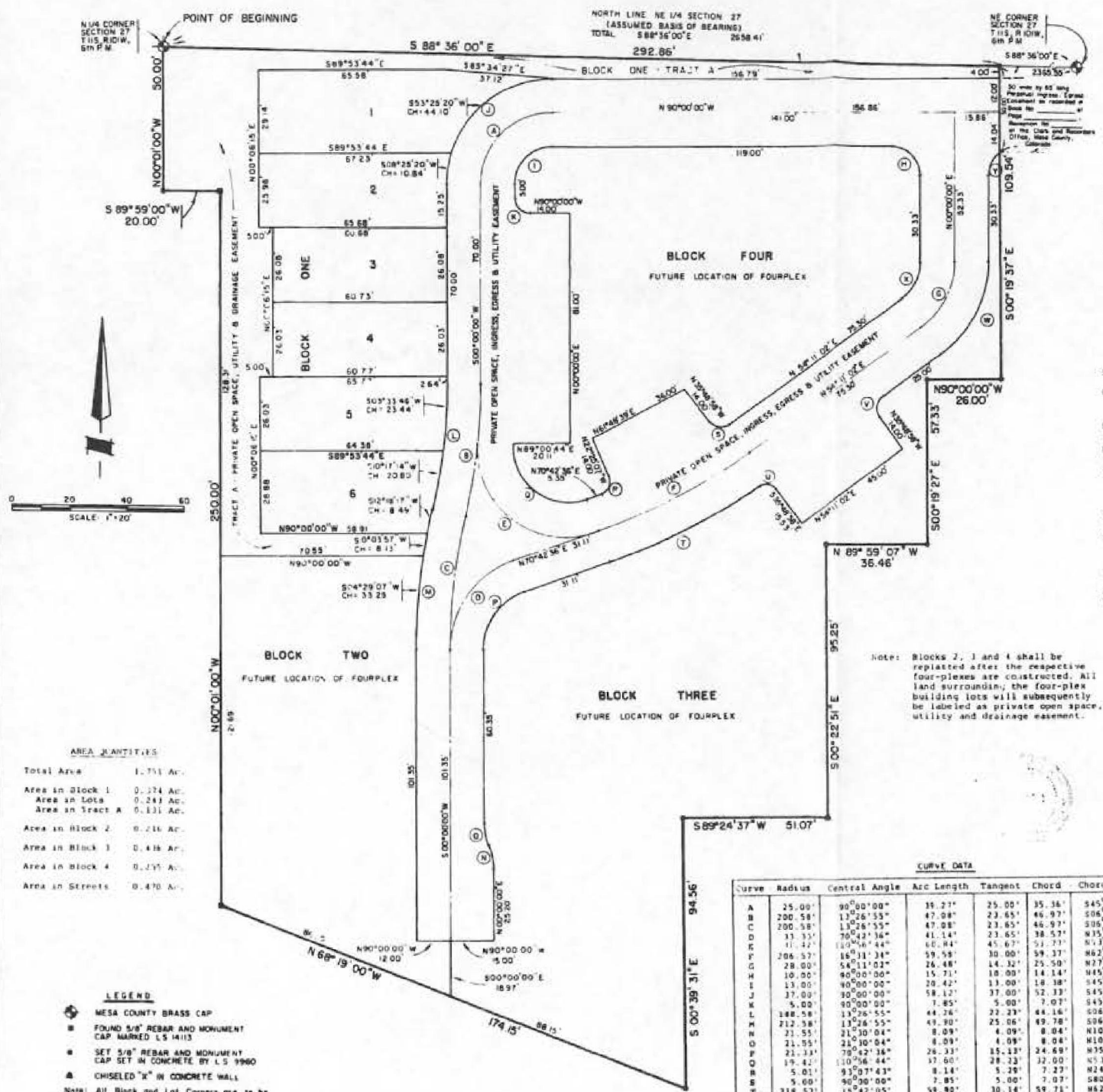
ATTEST:

President of City Council

City Clerk

EXHIBIT "A"

REPLAT OF THE FAIRWAY



AREA QUANTITIES

| | |
|-----------------|-----------|
| Total Area | 1.751 Ac. |
| Area in Block 1 | 0.274 Ac. |
| Area in Lots | 0.243 Ac. |
| Area in Tract A | 0.131 Ac. |
| Area in Block 2 | 0.216 Ac. |
| Area in Block 3 | 0.416 Ac. |
| Area in Block 4 | 0.275 Ac. |
| Area in Streets | 0.470 Ac. |

- LEGEND**
- MESA COUNTY BRASS CAP
 - FOUND 5/8" REBAR AND MONUMENT CAP MARKED L.S. 14113
 - SET 5/8" REBAR AND MONUMENT CAP SET IN CONCRETE BY L.S. 9960
 - ▲ CHISELED "x" IN CONCRETE WALL
- Note: All Block and Lot Corners are to be Monumented Prior to the Sale of any Block or Lot in accordance with CRS 38-92-101(2-9) Revised 1975

CURVE DATA

| Curve | Radius | Central Angle | Arc Length | Tangent | Chord | Chord Bearing |
|-------|---------|---------------|------------|---------|--------|---------------|
| A | 25.00' | 90°00'00" | 31.42' | 25.00' | 35.34' | S45°00'00"W |
| B | 200.58' | 132°26'55" | 47.88' | 23.85' | 46.93' | S08°43'27"W |
| C | 200.58' | 132°26'55" | 47.88' | 23.85' | 46.93' | S08°43'27"W |
| D | 33.33' | 70°42'36" | 41.14' | 23.65' | 38.57' | S15°21'18"W |
| E | 11.42' | 109°44'44" | 60.84' | 45.67' | 51.77' | S15°49'01"W |
| F | 206.57' | 16°31'38" | 59.09' | 30.00' | 59.37' | S83°24'49"E |
| G | 28.00' | 145°11'02" | 28.88' | 14.32' | 25.50' | N27°05'11"E |
| H | 10.00' | 40°00'00" | 15.71' | 10.00' | 14.14' | N45°00'00"W |
| I | 13.00' | 100°00'00" | 20.42' | 11.00' | 18.38' | N45°00'00"W |
| J | 37.00' | 100°00'00" | 58.12' | 37.00' | 52.37' | S45°00'00"W |
| K | 5.00' | 100°00'00" | 7.85' | 5.00' | 7.07' | S45°00'00"E |
| L | 148.58' | 132°26'55" | 44.24' | 22.23' | 44.16' | S08°43'28"W |
| M | 212.58' | 132°26'55" | 49.00' | 25.06' | 49.78' | S08°43'28"W |
| N | 21.55' | 21°30'38" | 8.09' | 4.09' | 8.08' | N10°45'02"W |
| O | 21.55' | 21°30'38" | 8.09' | 4.09' | 8.08' | N10°45'02"W |
| P | 21.33' | 70°42'36" | 26.33' | 15.13' | 24.69' | S15°21'18"E |
| Q | 19.42' | 110°56'44" | 17.00' | 18.23' | 32.00' | S15°49'01"W |
| R | 5.01' | 93°07'43" | 8.14' | 5.29' | 7.27' | N21°08'46"E |
| S | 5.00' | 90°00'00" | 7.85' | 5.00' | 7.07' | S45°00'00"E |
| T | 216.57' | 15°42'05" | 59.80' | 30.14' | 59.71' | N82°51'14"E |
| U | 1.49' | 89°10'31" | 5.44' | 3.44' | 4.91' | S80°24'13"E |
| V | 5.00' | 90°00'00" | 7.85' | 5.00' | 7.07' | N45°00'00"E |
| W | 40.00' | 145°11'02" | 37.83' | 20.46' | 36.43' | N27°05'11"E |
| X | 14.00' | 145°11'02" | 15.83' | 8.13' | 14.57' | N27°05'11"E |
| Y | 10.00' | 52°41'37" | 9.20' | 4.95' | 8.88' | N26°21'49"E |

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned the Fairway, a Colorado Limited Partnership, the owner of the real property situated in the County of Mesa, State of Colorado and being located in the northeast quarter of Section 27, Township 11 South, Range 101 West of the 6th Principal Meridian as shown on the accompanying plat, and being described by metes and bounds as follows:

Beginning at the northwest corner of the parcel which is also the north quarter corner of Section 27, then along the following twelve courses:

1. S88°36'00"E along the north line NE 1/4 of said Section 27 a distance of 292.86 feet.
2. S00°19'37"E 109.54 feet.
3. N90°00'00"W 26.00 feet.
4. S00°19'27"E 57.33 feet.
5. N89°51'07"W 36.46 feet.
6. S00°27'51"E 95.25 feet.
7. S89°24'37"W 51.07 feet.
8. S00°29'31"E 94.56 feet.
9. N88°19'00"W 174.15 feet.
10. N00°01'00"W 250.00 feet.
11. S89°59'00"W 20.00 feet.
12. N00°31'00"W 50.00 feet to the point of beginning.

The area of the parcel, as described, is 1.751 Acres. The basis of bearings is assumed S88°36'00"E 2658.41 feet along the survey monument line from the north quarter corner to the northeast corner of Section 27.

That said owner has caused the said real property to be laid out and surveyed as THE FAIRWAY, a subdivision as part of Mesa County.

That said owner does hereby dedicate to the Public Utilities those portions of said real property which are labeled as utility easements on the accompanying plat as perpetual easements for the installation and maintenance of utilities, irrigation and drainage facilities, including but not limited to electric lines, gas lines, telephone lines, together with the right to trim interfering trees and brush, with perpetual right of ingress and egress for installation and maintenance of such lines. Such easements and right shall be utilized in a reasonable and prudent manner. Tract "A" is private open space to be maintained by the Fairway Association.

IN WITNESS WHEREOF, said owner has caused its name to be hereto subscribed this 11th day of JANUARY A.D. 1984.

THE FAIRWAY, a Colorado Limited Partnership
F. Lee Miller, General Partner *Richard D. Weber, General Partner*

STATE OF COLORADO }
 COUNTY OF MESA } ss

The foregoing instrument was acknowledged before me this 11th day of JANUARY A.D. 1984, by F. Lee Miller and Richard D. Weber, General Partners of THE FAIRWAY, a Colorado Limited Partnership.

My Commission Expires: October 7, 1987 Dayle F. Shuman
 Notary Public
 (Address) 577 Shoshone Ct., Colo.

CLERK AND RECORDERS CERTIFICATE

STATE OF COLORADO }
 COUNTY OF MESA } ss

I hereby certify that this instrument was filed in my office at 3:20 o'clock P.M., this 17th day of February A.D. 1984 and is duly recorded in Plat Book No. 12, Section No. 275.

Carl Lawrence *Reception #1253741* *Debra A. Spencer*
 Clerk and Recorder Deputy Deputy
 Fees: \$10.00

COUNTY PLANNING COMMISSION CERTIFICATE

Approved this 27th day of JANUARY A.D. 1984. County Planning Commission of the County of Mesa, State of Colorado.

BOARD OF COUNTY COMMISSIONERS CERTIFICATE

Approved this 27th day of JANUARY A.D. 1984. Board of County Commissioners of the County of Mesa, State of Colorado.

UTILITIES COORDINATING COMMITTEE

Approved this 23rd day of JANUARY A.D. 1984. Utilities Coordinating Committee of the County of Mesa, State of Colorado.

SURVEYOR'S CERTIFICATE

I, Max E. Morris, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Colorado, that this plat is a true, correct and complete replat of Fairway Townhomes as monumented, platted, unrecorded and shown hereon, that this plat was made from an accurate survey of said property by me and correctly shows the location and dimensions of the parcels and easements of said subdivision in compliance with Colorado State Regulations governing the subdivision of land.

By: Max E. Morris 1/11/84
 Max E. Morris, L.S. 14113 Date

The Subdivision Protective Comments are recorded in Plat Book 12 Page 733-746.

NOTICE: According to Colorado Law, you must commence any legal action based upon any defect in this survey within six years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

REPLAT OF THE FAIRWAY

BECK, SHIRUM and ASSOCIATES, INC.
 1400 E. 17th Ave., Suite 201
 Aurora, Colorado 80011
 (303) 443-8277

**Attach 4
GJ Metal Movers**

**CITY OF GRAND JUNCTION
PLANNING COMMISSION**

MEETING DATE: September 13, 2011
PRESENTER: Scott D. Peterson

AGENDA TOPIC: Grand Junction Metal Movers – Special Permit – SPT-2011-1085

ACTION REQUESTED: Recommendation to City Council for a Special Permit for Grand Junction Metal Movers.

| BACKGROUND INFORMATION | | | |
|-------------------------------------|--------------|--|----|
| Location: | | 711 S. 6 th Street | |
| Applicants: | | Grand Junction Metal Movers, Inc., Developer Aaron Thompson, Representative | |
| Existing Land Use: | | 20,500 sq. ft. vacant warehouse building and vacant storage yard (5.09 +/- acres) | |
| Proposed Land Use: | | Salvage yard, automotive recycling, recycled materials collection point, retail sales of salvaged auto parts | |
| Surrounding Land Use: | North | Xcel Energy electrical substation | |
| | South | Railroad corridor (with rail spur) | |
| | East | Industrial warehouse | |
| | West | 5 th Street viaduct (Hwy. 50) | |
| Existing Zoning: | | I-1, (Light Industrial) | |
| Proposed Zoning: | | N/A | |
| Surrounding Zoning: | North | I-1, (Light Industrial) | |
| | South | I-1, (Light Industrial) | |
| | East | I-1, (Light Industrial) | |
| | West | I-1, (Light Industrial) and I-2, (General Industrial) | |
| Future Land Use Designation: | | Downtown Mixed Use | |
| Zoning within density range? | | Yes | No |

PROJECT DESCRIPTION: Request for a recommendation of approval to City Council of a Special Permit to develop a salvage yard (Junk Yard) in an I-1, (Light Industrial) zone district with a contradicting Comprehensive Plan Future Land Use designation of Downtown Mixed Use in accordance with Section 21.02.120 of the Grand Junction Zoning and Development Code.

RECOMMENDATION: Recommendation of Approval of the Special Permit

ANALYSIS:

1. Background

The applicant, Grand Junction Metal Movers Inc., wants to locate a salvage yard at 711 S. 6th Street (Lots 4, 5 and 6, D & R G W Railroad Subdivision, Filing 6). The property is zoned I-1, (Light Industrial) and is located adjacent to the 5th Street bridge (Hwy. 50) and the S. 6th Street cul-de-sac. On March 22, 2011, the applicant requested a Conditional Use Permit (CUP) from the Planning Commission to develop a salvage yard (Junk Yard) in accordance with Table 21.04.010 of the Zoning and Development Code (CUP-2010-412). The Planning Commission's decision at that time was to remand the CUP application to Staff to work with the applicant regarding the open issues of multiple site plans with conflicting/incomplete information, legal access to the site, screening of the site from the 5th Street bridge and the broader issue of the salvage yard use not being in compliance with the Comprehensive Plan Future Land Use Map designation of Downtown Mixed Use. Staff had presented that the Comprehensive Plan designation of Downtown Mixed Use conflicted with the proposed use and recommended denial of the CUP on that basis.

Since March 22nd, the applicant and Staff have been working together to address the Planning Commission's concerns regarding access, screening of the site and the discrepancy between the Comprehensive Plan and the zoning district applied to the property. Also, in the background, the City Council has provided some direction to Staff as to how it would like to resolve the broader (City-wide) discrepancies between future land use designations and current land use zoning legislatively. Although this legislative process may benefit to the applicant, it may be a long time before the outcome of the process is known. The applicant does not want to wait for the outcome of that legislative process.

The Zoning and Development Code allows a Special Permit for interim uses. Staff determined that a Special Permit could be appropriate for this project, with certain conditions of use, given the situation described above.

Special Permit:

The Special Permit (21.02.120) is a City Council discretionary review process that was added to the 2010 Zoning and Development Code to add flexibility when considering a land use that may be less than permanent or temporary in nature. A Special Permit may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A Special Permit is required only when more flexibility is required beyond that afforded to the Director of Public Works and Planning through the administrative adjustment process.

This Special Permit tailored for Grand Junction Metal Movers at this location is valid for an initial term of ten years, with a review by the Planning Commission and City Council within the last six months of the initial ten year term, at which time the Special Permit

may be extended for a second ten-year term, based on the Code and land use plan(s) in effect at that time. If at any time during the initial term, the City adopts an overlay zone and/or area plan which acknowledges that uses such as the applicant's are appropriate on the subject property, the Special Permit will convert to a permanent CUP, subject to compliance with the other terms as identified within the Special Permit. The conversion of the permit will be affirmed by a letter from Staff to the permit holder. If not converted to a permanent CUP, the initial 10 year term and the public review after the first term will give the community an opportunity to review the applicant's land uses in light of the rules and circumstances adopted by the City at that time.

This Special Permit shall terminate if the salvage operation is abandoned (by non-use) for six months or longer.

Access:

Access to the site will be from the S. 6th Street cul-de-sac. The applicant will asphalt or concrete the first 75' into the property from S. 6th Street for ingress/egress and also asphalt or concrete 22 parking spaces to be located on the southside of the building (see attached Site Plan).

Screening of the Site from the 5th Street bridge:

The City has been working in conjunction with the Colorado Department of Transportation (CDOT) in order to come up with an option of attaching screening to the bridge that would serve the purpose of screening the site in accordance with the Zoning and Development Code for outside storage. CDOT has suggested the attachment of a 3/8" coated mesh chain link fence to the existing bridge structure, would offer a permanent screening solution. You would be able to see portions of the site if looking straight through the fence, but would not be able to see the site if looking from an angle. CDOT has used this type of screening fence in other parts of the State as a screening mechanism and has found it to be successful. City Staff is in agreement with this proposed screening method or some other type of screening material that would be decided upon at a later date.

The City and the applicant have agreed that the applicant will pay the City \$20,000 in order to cover the cost of installation of the fence on the bridge (\$10,000 to be paid within 90 days of approval of the Special Permit by City Council and the other \$10,000 to be paid within one year).

2. Consistency with the Comprehensive Plan:

The site is currently zoned I-1, (Light Industrial) with the Comprehensive Plan Future Land Use Map identifying this area as Downtown Mixed Use, which are in discrepancy with each other. However, by approval of the Special Permit, does promote the following goals of the Comprehensive Plan.

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy. The salvage yard and other approved uses on the site will enhance a healthy and diverse economy in the City Center by providing a central location for delivery, crushing, storage and transportation out of the City of scrap metal and resale used auto parts.

Goal 7: New development adjacent to existing development (of a different density/unit type/land use type) should transition itself by incorporating appropriate buffering. The applicant will pay a fee to the City for in-lieu of screening and buffering of the “gateway” 5th Street bridge. The applicant will also provide appropriate screening on the ground level of the site as well.

Goal 4: Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions. The salvage yard will provide a few jobs in the downtown area.

3. Section 21.02.120 of the Grand Junction Zoning and Development Code – Special Permit:

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

(1) Comprehensive Plan. The Special Permit shall further the goals and policies of the Comprehensive Plan. The Special Permit shall serve to determine the location and character of site(s) in a Neighborhood Center, Village Center, City Center (which includes Downtown) or Mixed Use Opportunity Corridors on the Future Land Use Map of the Comprehensive Plan;

The proposed Special Permit furthers Goals 4, 7 and 12 of the Comprehensive Plan by the support of continued development of the downtown area of the City Center into a vibrant and growing area with jobs; by including appropriate buffering of the site and; the salvage yard and other approved uses on the site will enhance a healthy and diverse economy in the City Center by providing a central location for delivery, crushing, storage, resale of used auto parts; and transportation out of the City of scrap metal/materials.

(2) Site Plan Review Standards. All applicable site plan review criteria in GJMC 21.02.070 (g) and Submittal Standards for Improvements and Development (GJMC Title 22), Transportation Engineering Design Standards (GJMC Title 24), and Stormwater Management Manuals(s) (GJMC Title 26);

The applicant has met applicable site plan review criteria as identified in the Zoning and Development Code and with the approval of the conditions

identified in the Special Permit. The project also complies with the SSIDS, TEDS and SWMM manuals.

(3) District Standards. The underlying zoning district standards established in Chapter 21.03 GJMC, except as expressly modified by the proposed Special Permit; and

The proposed use as a salvage yard (Junk Yard) is an allowed land use in the I-1, (Light Industrial) Zoning District with a Conditional Use Permit. The proposed salvage yard will meet all the performance standards as identified in Section 21.03.080 (b) of the Zoning and Development Code regarding screening of the site and also as further defined in the proposed Special Permit.

(4) Specific Standard. The use-specific standards established in Chapter 21.04 GJMC.

The use-specific standards as identified in Chapter 21.04.030 (d) of the Zoning and Development Code have been met for a “salvage yard” and also as further defined by the conditions as listed in the proposed Special Permit.

4. Section 21.02.110 of the Grand Junction Zoning and Development Code – Conditional Use Permit:

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

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

The applicant has met applicable Site Plan Review criteria as identified in the Zoning and Development Code and as further defined with the conditions as identified in the Special Permit. The project also complies with the SSIDS, TEDS and SWMM manuals.

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

The proposed use as a salvage yard (Junk Yard) is an allowed land use in the I-1, (Light Industrial) Zoning District with a Conditional Use Permit. The proposed salvage yard will meet all the performance standards as identified in Chapter 21.03.080 (b) of the Zoning and Development Code regarding screening of the site and also as further defined in the proposed Special Permit.

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

The use-specific standards as identified in Chapter 21.04.030 (d) of the Zoning and Development Code have been met for a "salvage yard" and also as further defined by the conditions as listed in the proposed Special Permit.

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

The existing properties are located adjacent to the railroad tracks which has a railroad spur adjacent to the site that the applicant proposes to utilize in their business operations for the shipment of recycled materials, etc. Also the site is close to downtown restaurants, hospitals and other adjacent industrial commercial and business facilities.

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

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

There are no dwelling units located on or adjacent to the site requiring privacy. The Site Plan includes screening from the neighboring Xcel Energy electrical substation and the S. 6th Street cul-de-sac. The applicant has agreed to pay to the City a fee in lieu of installation of screening on the 5th Street bridge to further screen the site from the elevated viaduct.

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

All adjacent properties are zoned I-1 (Light Industrial) and all existing land uses in the area are industrial in nature, the property is also adjacent to and highly visible from 5th Street and an elevated viaduct which serves as the southern gateway into the community; however, as stated above, the applicant has agreed to pay a fee of \$20,000 in lieu of installation of screening from the 5th Street elevated viaduct to protect the views along this gateway.

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

The applicant is proposing outdoor storage areas in five defined areas on the property: automobile storage on the north and west side of the property; recycled and scrap metal storage and circulation in the southwest corner; and materials storage, loading and circulation/staging area at the southeast corner. Screening of the properties from the 5th Street bridge is proposed by the Applicant and the City as described above and identified in the Special Permit. Ground-level screening is provided as shown on the approved Landscape Plan.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Grand Junction Metal Movers Special Permit application, SPT-2011-1085 for a Special Permit, I, as Project Manager make the following findings of fact, conclusions and conditions of approval:

1. The requested salvage yard application is consistent with the Comprehensive Plan with the approval of a Special Permit as identified and conditioned.
2. The review criteria in Section 21.02.120 of the Zoning and Development Code for a Special Permit have all been met.
3. The review criteria in Section 21.02.110 of the Zoning and Development Code for a Conditional Use Permit (CUP) have all been met since a CUP is required for a Salvage Yard (Junk Yard) in the I-1, (Light Industrial) Zoning District.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval to City Council of the requested Special Permit, SPT-2011-1085 with the findings, conclusions and conditions of approval as defined in the Staff Report and Special Permit.

RECOMMENDED PLANNING COMMISSION MOTION:

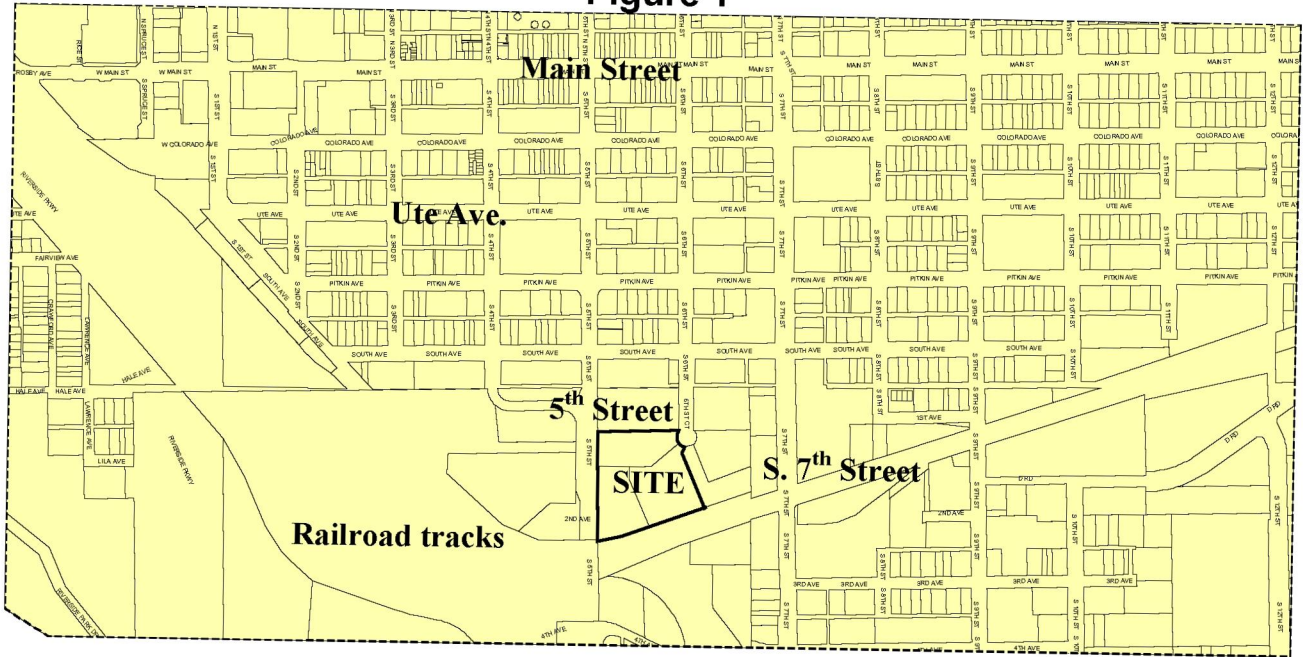
Mr. Chairman, on the request for a Special Permit for Grand Junction Metal Movers, application number SPT-2011-1085, to be located at 711 S. 6th Street, I move that the Planning Commission approve the Special Permit with the facts, conclusions and conditions of approval as identified in the Staff Report and Special Permit.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Existing Zoning Map
Site Plan
Landscaping Plan
Proposed Special Permit

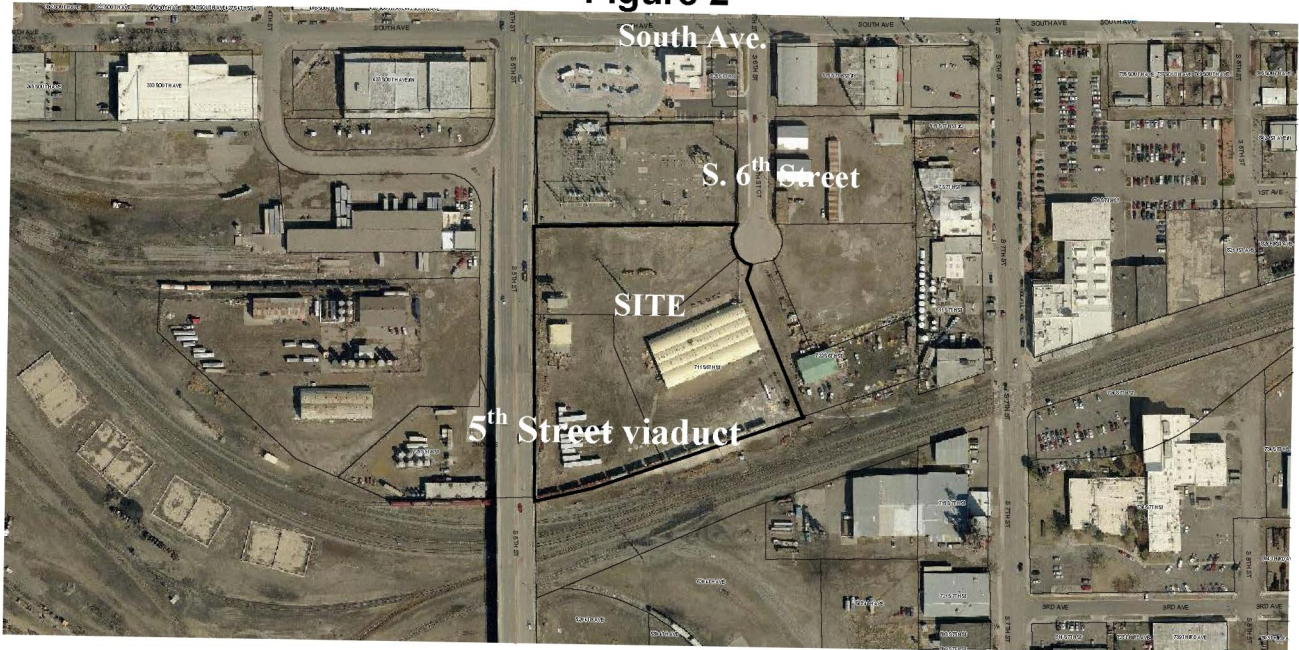
Site Location Map

Figure 1



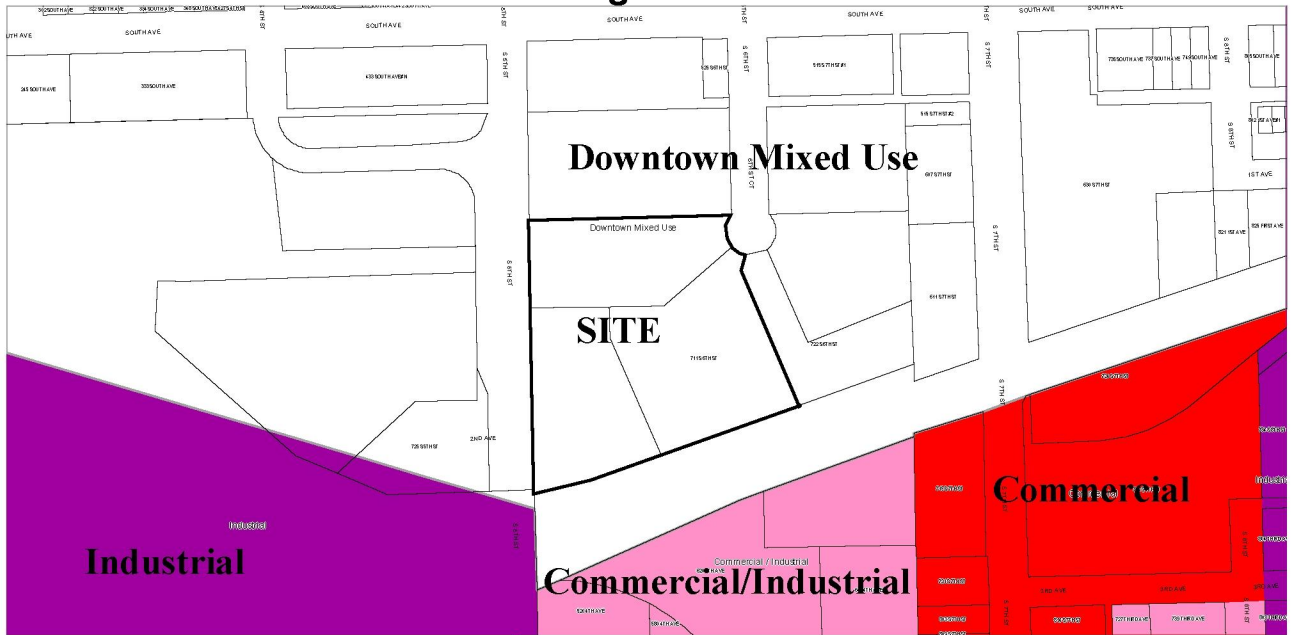
Aerial Photo Map

Figure 2



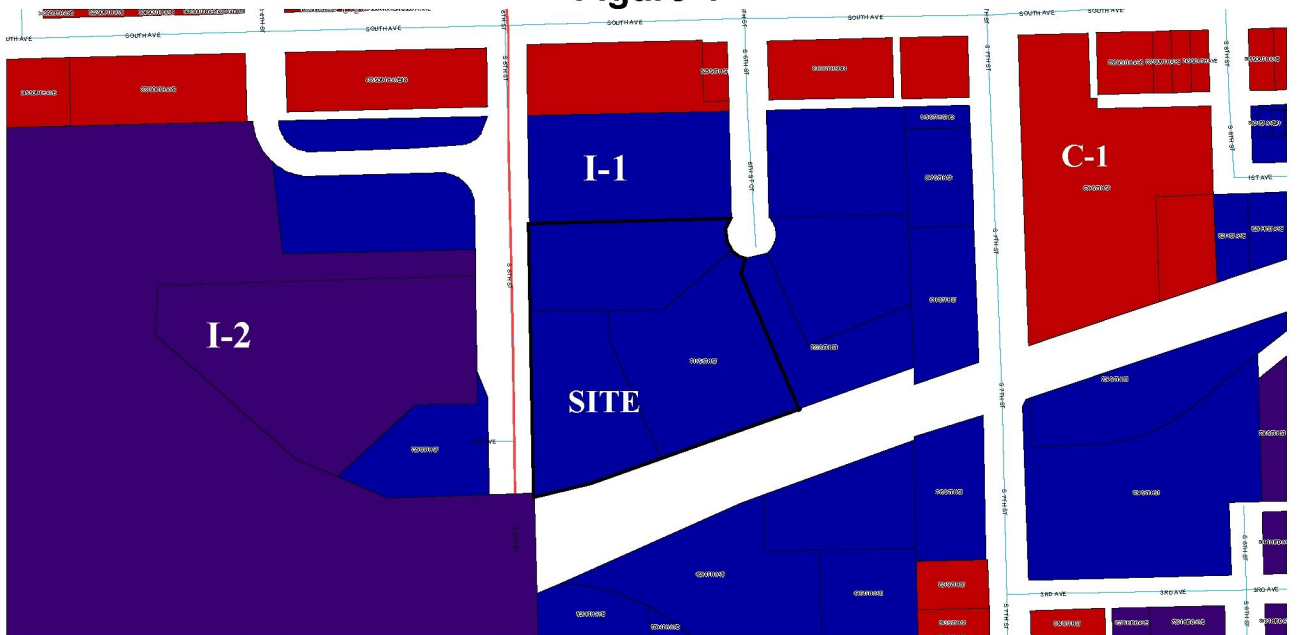
Comprehensive Plan

Figure 3



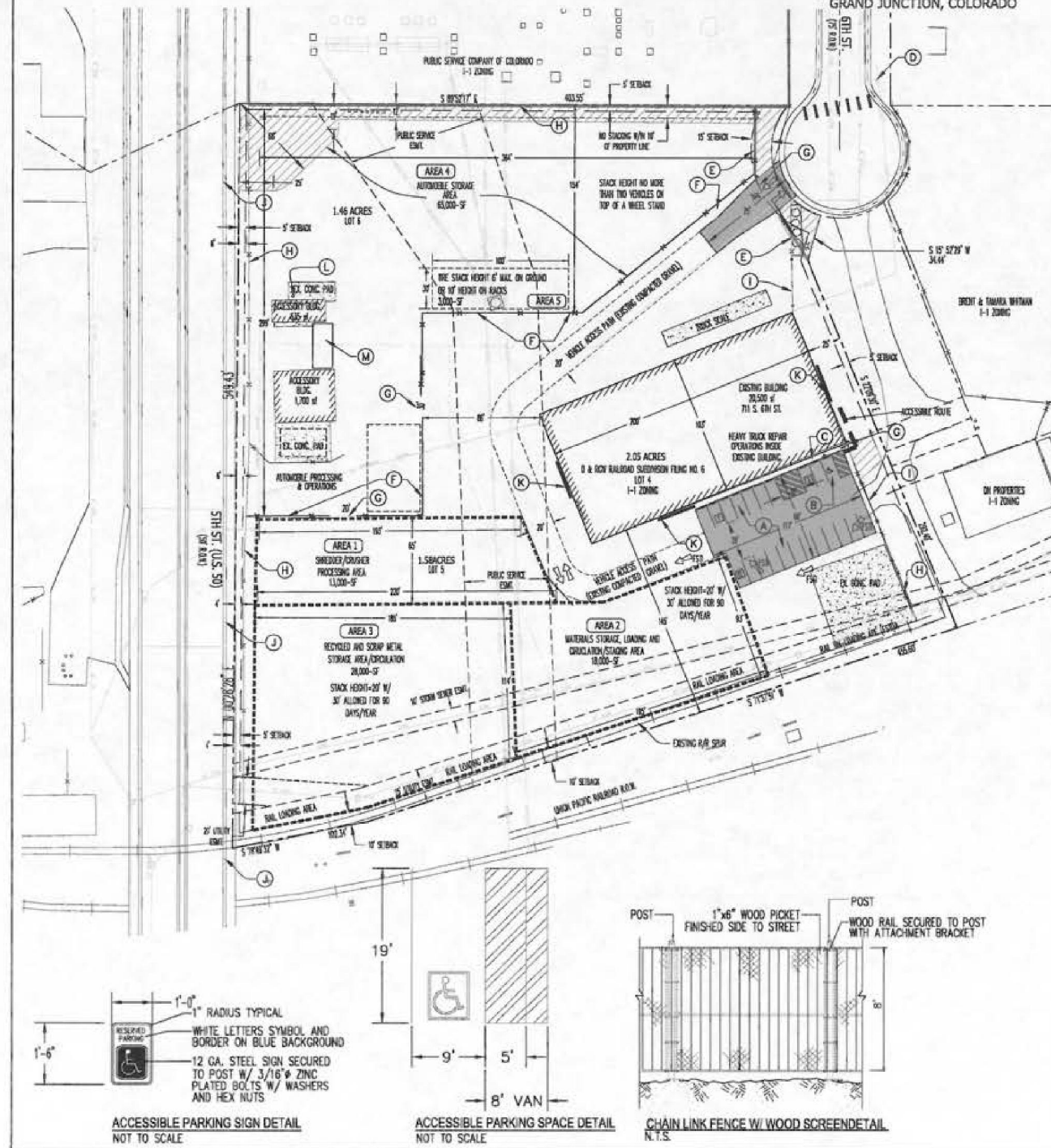
Existing City Zoning

Figure 4



GRAND JUNCTION METAL MOVERS

A PORTION OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 1 WEST, U.M.
GRAND JUNCTION, COLORADO



SITE PLAN FLAG NOTES/LEGEND

- (A) 9'x18.5' PARKING STALL W/ CURB STOP, TYP.
 - (B) 5'x18.5' HC PARKING STALL W/ CURB STOP
 - (C) ACCESSIBLE PARKING SIGN
 - (D) FIRE HYDRANT (EXISTING)
 - (E) RELOCATED 8' CHAIN LINK FENCE W/ WOOD SCREEN
 - (F) PROPOSED CHAIN LINK FENCE
AREA WITH WOOD FENCE SCREEN, 8' HEIGHT
 - (G) PROPOSED CHAIN LINK GATE, WIDTH PER PLAN
 - (H) EXISTING 8' HEIGHT CHAIN LINK FENCE
AREA WITH WOOD FENCE SCREEN
 - (I) EXISTING CHAIN LINK GATE (SECONDARY EMERGENCY ACCESS)
 - (J) EXISTING CONCRETE S&H ST. CONCRETE BARRIER WALL
 - (K) PROPOSED BUILDING SIGN LOCATION, MOUNTING HEIGHT 25' +/-
 - (L) EXISTING BILLBOARD
 - (M) OUTDOOR DISPLAY AREA
- CIRCULATION ARROW → FSI FSI TRAFFIC FLOW ONLY
- EXISTING CONCRETE [Pattern]
- PROPOSED PAVEMENT [Pattern]
- PROPOSED LANDSCAPE AREA [Pattern]
- NO. OF PARKING SPACES [Symbol]

UTILITY PROVIDERS

| | |
|----------------|---------------------------|
| WATER | CITY OF GRAND JUNCTION |
| SEWER | CITY OF GRAND JUNCTION |
| GAS | XCEL - PUBLIC SERVICE CO. |
| ELECTRIC | XCEL - PUBLIC SERVICE CO. |
| SANITARY SEWER | CITY OF GRAND JUNCTION |
| TELEPHONE | QWEST |
| FIRE | CITY OF GRAND JUNCTION |

NOTES:

- MATERIAL CONTENT OF THE APPROVED SITE PLAN FOR FSI (MSP 2008-043) ARE INCORPORATED INTO THIS CUP SITE PLAN FOR GRAND JUNCTION METAL MOVERS. THE SOUTHERNMOST 12 PARKING STALLS SHALL REMAIN UNPARKED DURING TIMES FSI IS UTILIZING THE EXISTING CONCRETE LOADING PAD AND RAIL SPUR.
- NO STORAGE OF MATERIALS IS PERMITTED WITHIN THE REQUIRED SETBACKS.
- SQUARE FOOTAGES AND DIMENSIONS OF SPECIFIC USE AREAS 1-5 SHOWN HEREON ARE APPROXIMATE MAXIMUMS AND ARE NOT INTENDED TO BE EXACT MEASUREMENTS DURING BUSINESS OPERATION, DUE TO THE INHERENTLY DYNAMIC GROUND USAGE OF THE MATERIALS AND AUTOMOTIVE RECYCLING INDUSTRY.
- HAZARDOUS MATERIALS HANDLING AND STORAGE: REFERENCE BEST MANAGEMENT PRACTICES CONTAINED IN THE STORMWATER MANAGEMENT PLAN ASSOCIATED WITH THE CERTIFICATION TO DISCHARGE UNDER COPS GENERAL PERMIT COR-060000 STORMWATER DISCHARGES ASSOCIATED WITH THE RECYCLING INDUSTRY, CERTIFICATION NO. COR060206, AS APPROVED BY THE STATE OF COLORADO.

SITE DATA

| | | |
|--|--|----------|
| PROPERTY AREA | 5.09 AC (221,587 S.F.) | |
| TOTAL BUILDING COVERAGE (EXISTING) | 22,885 S.F. (10.3%) | |
| OPERATION (MAIN) BUILDING | 20,500 S.F. | |
| ACCESSORY BUILDINGS | 2,385 S.F. | |
| HARD SURFACE AREA | 216,087 S.F. (97.5%) | |
| LANDSCAPE AREA | 5,500 S.F. (2.5%) | |
| ZONING CLASSIFICATION | I-1 | |
| PROPOSED CONDITIONAL USES | MOTOR VEHICLE SALVAGE/SALVAGE YARD WITH AUTO CRUSHER SHREDDER/HEAVY VEHICLE REPAIR | |
| PERMITTED MAXIMUM SIGN AREA | MAX. 206 SF (50% ST. FACADE), MAX. 400 SF (50% ST. FACADE) | |
| PROPOSED SIGNS | 3 TOTAL | |
| PARKING | REQUIRED | PROVIDED |
| | SALVAGE OPERATIONS (1/1,000 ft) | 21 |
| ACCESSIBLE PARKING SPACES (VAN ACCESSIBLE) | 1 | 1 |
| TOTAL SPACES | 22 | 22 |

OWNER:

JOHN O. SPENDRUP LLC
ATTN: JOHN SPENDRUP
405 MAIN ST.
GRAND JUNCTION, CO 81506
PHONE 970.260.5356

APPLICANT:

GRAND JUNCTION METAL MOVERS, INC.
ATTN: CHUCK MYERS
2326 GRAND PARK DR.
GRAND JUNCTION, CO 81506
PHONE 970.254.3040

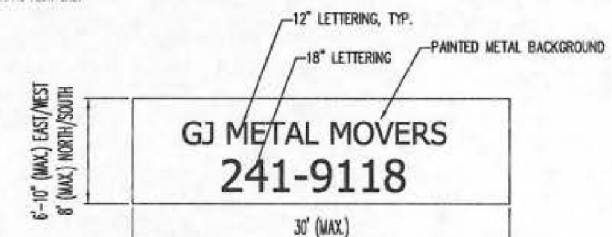
LEGAL DESCRIPTION

LOTS 4, 5 AND 6, D&RGW SUBDIVISION FILING 6

CITY OF GRAND JUNCTION APPROVALS:

CITY PLANNING _____ DATE: _____

CITY DEVELOPMENT ENGINEER _____ DATE: _____



TYPICAL BUILDING MOUNTED SIGNS

NOT TO SCALE - ACTUAL TEXT AND DIMENSIONS MAY VARY
TOTAL COMBINED AREA OF SIGNAGE NOT TO EXCEED ALLOWABLE
SF PERMITTED IN SITE DATA TABLE

Aperio
Property Consultants, LLC

18006 E. GRAND AVE.
ALBUQUERQUE, CO 80015
PHONE 303.317.5050
FAX 303.479.7706



AUGUST 14, 2011
SITE PLAN - 1

CITY OF GRAND JUNCTION, COLORADO

SPECIAL PERMIT PURSUANT TO SECTION 21.02.120 OF THE GRAND JUNCTION MUNICIPAL CODE (ZONING AND DEVELOPMENT CODE) FOR INTERIM USES ON PROPERTY LOCATED AT 711 SOUTH 6TH STREET IN GRAND JUNCTION, COLORADO IN THE DOWNTOWN MIXED USE FUTURE LAND USE AREA

Findings:

An application for a Special Permit has been reviewed by staff in accordance with the Zoning and Development Code (Code). Applicant Grand Junction Metal Movers, LLC, is a tenant of the property located at 711 South 6th Street in Grand Junction Colorado, consisting of three lots. Co-Applicant John Spendrup is the landowner. The applicant is requesting two uses that require a Conditional Use Permit (CUP): the primary use proposed is auto and scrap metal salvage operations, and the other is for large truck repairs (for applicant's own equipment and vehicles owned by Well Waste Services, LLC and Grand Junction Metal Mover's LLC).

Applicants requested a CUP in February 2011; City Staff recommended denial based on non-compliance with the Comprehensive Plan. Planning Commission in March 2011 remanded the CUP application to Staff based on a finding that the application was incomplete. Staff and the applicant have worked as instructed to bring a more complete proposal forward.

The property is zoned I-1, while the Comprehensive Plan's designation for the property is Downtown Mixed Use. To resolve the tension between the zoning and the community's vision for future uses that conflict with current zoning, the City Council provided for a Special Permit in the Code (Section 21.02.120).

The City is engaged in a planning process to re-evaluate the types of uses that should be allowed for properties in the greater downtown area, including this property. Although it will be several months or longer before that process is complete, it is anticipated that an 'overlay' zone will result which will allow industrial uses in the area of this property to make good use of the adjacent railway. It is expected that the applicants' primary use of the property for auto and scrap metal salvage operations will require a CUP in the overlay zone, because that use requires a CUP in Industrial zones in the City.

The Special Permit allows applicant's uses as particularly described herein, subject to the stated conditions, while adequately providing for future implementation of the Comprehensive Plan's Downtown Mixed Use designation if an overlay zone is not adopted. In approving the Special Permit, the City Council has considered the approval criteria for a CUP and the approval criteria for a Special Permit as set forth in the Staff Report. The findings and conclusions in the Staff Report support the issuance of this Special Permit.

The Special Permit complies with the Comprehensive Plan in the following ways:

- 1) The Special Permit is valid for an initial term of ten years, with a review by the Planning Commission and City Council within the last six months of the initial ten year term, at which time the Special Permit may be extended for a second ten-year term, based on the Code and land use plan(s) in effect at that time. If at any time during the initial term, the City adopts an overlay zone and/or area plan which acknowledges that uses such as the applicant's are appropriate on the subject property, the Special Permit will convert to a permanent CUP, subject to compliance with the other terms hereof. If not converted to a permanent CUP, the initial 10 year term and the public review after the first term will give the community in opportunity to review the applicant's land uses in light of the rules and circumstances then prevailing.
- 2) Code Section 21.02.120 allows a Special Permit in those parts of the City designated Neighborhood Center, Village Center, City Center (which includes Downtown) and Mixed Use Opportunity Corridors on the Future Land Use Map of the Comprehensive Plan. See Section 21.02.120(b) (1) of the Zoning and Development Code.
- 3) The current uses in the area are commercial and industrial. This Special Permit allows the future land use vision of Downtown Mixed Use (less intense commercial combined with residential use) to be phased in over time, while allowing the applicant's light industrial uses on the property as described herein.
- 4) Approval of the Special Permit promotes the following goals of the Comprehensive Plan.

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy. The salvage yard and other approved uses on the site will enhance a healthy and diverse economy in the existing industrial uses abutting the rail system, near the original City square mile, by providing jobs near the City Center, promoting the green benefit of recycling and giving the public a convenient place to sell its metals that can be recycled, whether by crushing and delivery to re-users of metals or by providing a ready and convenient supply of used auto parts.

Goal 7: New development adjacent to existing development (of a different density/unit type/land use type) should transition itself by incorporating appropriate buffering. The applicant will pay a fee to the City for screening of the applicant's salvage operations from the gateway 5th Street elevated viaduct. The applicant is also providing ground level screening and buffering.

Goal 4: Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions.

The salvage yard will provide new jobs in the downtown area and salvage materials, services and other benefits to the community.

Because no new buildings or infrastructure are foreseen and because the recycled materials and necessary equipment can readily be removed when/if the use terminates, there is negligible impediment to future implementation of the current Comprehensive Plan designation. In fact, the permittee is required to remove the materials and equipment at the end of the permit term. Section 21.02.120(b) (2) (ii) (A) and (B).

Thus, as required by the Code, the Special Permit furthers the goals and policies of the Comprehensive Plan. This Special Permit determines the location and character of the site, as required by Section 21.02.120(c) (1).

The Permit complies with the underlying zoning district standards for I-1 established in Chapter 21.03 of the Code. It satisfies the Conditional Use Permit criteria including compliance with site plan review standards, use-specific standards established in Chapter 21.04, availability of complementary uses, compatibility with adjoining properties through measures such as protection of privacy, protection of use and enjoyment, compatible design and integration and signage.

NOW THEREFORE, BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT A SPECIAL PERMIT IS APPROVED, PURSUANT TO SECTION 21.02.120 OF THE GRAND JUNCTION MUNICIPAL CODE (ZONING AND DEVELOPMENT CODE), ALLOWING THE FOLLOWING USES ON THE PROPERTY DESCRIBED BELOW WITH THE FOLLOWING CONDITIONS, WITH THE ABOVE FINDINGS BEING AN INTEGRAL PART HEREOF:

1) The site is described as follows: Lots 4, 5 and 6, D & R G W Railroad Subdivision, Filing 6 in the City of Grand Junction, County of Mesa, known as 711 South 6th Street. The area governed by this Special Permit includes the entire area of the three lots, except the area covered by the existing off-premise advertising billboard sign, and shall be referred to herein as the Site.

2) Use of the Site is limited to the following light industrial operations:

- Metal recycling, using equipment such as crushers, and/or shredders and/or balers (referred to as "Recycling Machines") with a combined total capacity (through-put) of up to 100 tons per hour, in Area 1 not to exceed 13,000 square feet (including circulation areas) as designated on the approved Site Plan. The Director may authorize changes to the boundaries of the designated Areas shown on the Site Plan, so long as, in his discretion, the intent of the CUP criteria and Special Permit criteria continue to be fulfilled, upon the applicant's request. In Area 1, large machinery may be used to convert recyclables into smaller, more manageable sizes.

- On site storage of up to 18,000 square feet of “Area 2” which is for reclaimed (crushed and/or shredded) metal in the location shown on the approved Site Plan. Recyclables will be stored in Area 2 until sold at retail on site or until shipped off of the property via rail or trucks. The Area 2 metals will typically have already been shredded or otherwise reduced in size;
- On site storage of up to 28,000 square feet of to-be-processed/reclaimed (unprocessed) metal in Area 3, as shown on the approved Site Plan. The recyclables in Area 3 are those that await further shredding or reduction in size, and movement to Area 2 or moved directly off-site for shipping or sale;
- On site storage of up to 65,000 square feet of used/salvage/wrecked motor vehicles in Area 4, as specified on the approved Site Plan. The “flowchart” for motor vehicles starts with delivery of the vehicle, then to the area within Area 4 marked “automobile processing & operations” and the existing concrete pad, where any fluids will be lawfully removed and disposed of. Any tires that will be sold at retail will be removed and taken to the tire storage area; the rest of the vehicle will be located in the other part of Area 4, for retail sales of parts;
- On site storage of up to 3,000 square feet of tires in Area 5, kept in racks or stacks meeting the adopted standards of the International Fire Code and condition 20, below;
- Retail sales of used/salvage/wrecked motor vehicles and parts inside the existing building, and in Area 4, with no more than 500 square feet of outdoor display space, in the location shown on the approved Site Plan;
- On site repair facilities for the applicant/permittee’s and the related enterprise named Well Waste Services, LLC leased or owned vehicles and equipment only, including large trucks, trailers and metal processing equipment, inside the existing 20,600 square foot building, except that emergency repairs may be performed outside of the building but only as needed to allow the broken/malfunctioning equipment or motor vehicle to be moved inside the building to complete the repair or maintenance, or in an emergency;
- The existing, already “Site Plan” approved sand operations operated by a third party entity pursuant to a lease with the co-applicant landowner, more particularly described as follows: loading, weighing and unloading of sand via dump truck using the rail spur on the property, in the locations shown on the approved Site Plan and following the route of circulation shown on the approved Site Plan.

3) Uses not specifically described herein, regardless of type or classification and regardless of whether such uses appear as “allowed” uses in the zone/use table of the City’s Zoning and Development Code, are prohibited on this site during the term of this Special Permit, unless the Director determines that such a use is reasonably incidental

and necessary for the specified uses, in which case the Director shall so specify in writing.

4) Appropriate screening, buffering and landscaping for the ground level, consisting of fencing, trees and shrubs, as shown on the approved Landscaping Plan. All such screening and buffering shall be installed in a professional and workmanlike manner, and maintained in good condition by the permittee.

5) A fee of \$20,000.00, \$10,000 of which shall be paid within 90 days of the date of approval of this Special Permit, and \$10,000 of which shall be paid to the City within one year of the issuance hereof, to be used by the City to install screening on the adjacent elevated portion of the 5th Street frontage. If such screening is not installed by December 31, 2016, the City shall repay said sums to the applicant, or its designee, within thirty days of written demand by applicant or applicant's designee.

6) The existing off-premise advertising billboard on the property is not considered a part of the Site for purposes of this Special Permit and is not affected by this Special Permit. The billboard will remain a non-conforming use due to visibility from the Riverside Parkway and conflict with the Comprehensive Plan. This Special Permit does not make the billboard conforming.

7) No free-standing signs are allowed on the Site. Three (3) building signs are permitted as proposed by the applicant's sign submission, subject to the following limitations: Maximum of 206 sq. ft. on the 5th Street side of the building, 206 square feet on the S. 6th Street side of the building, and 240 sq. ft. on the south or east building façade, for a total square footage of 652 square feet of façade signage. No other signage shall be permitted, except that the Director may approve minor changes to signage.

8) The buildings on the Site shall not be increased in size without a reduction in other operations on the Site and a modification of the Special Permit.

9) No new permanent or temporary, principle or accessory, buildings shall be constructed or installed on the Site. Building removal is allowed with modification of the Special Permit.

10) The cutting, shredding and materials handling operations involving heavy equipment (and the concomitant noise) shall not commence before 6 a.m. and shall not continue after 8:00 p.m. on Mondays through Saturdays, and 6 a.m. to 6 p.m. on Sundays. The retail sales of motor vehicle parts are not subject to such hour limitations.

11) The Special Permit is valid for an initial term of ten years, with a review by the Planning Commission and City Council within the last six months of the initial ten year term, at which time the Special Permit may be extended for a second ten-year term, based on the Code and land use plan(s) in effect at that time. The Special Permit shall expire 20 years from the date of approval. The Special Permit shall terminate if the

salvage yard operation is abandoned (by non-use) for six months or longer. If at any time during the initial term, the City adopts an overlay zone or area plan which acknowledges that uses such as the applicant's are appropriate on the subject property, the Special Permit will convert to a permanent CUP, subject to compliance with the other terms herein.

12) The uses on the Site shall continuously meet the following minimum standards regarding smoke, odor, noise, glare, wastes, fire hazards and hazardous materials:

- **Noise.** The owner, occupant and operator shall regulate uses and activities on the Site so that the day-night average sound level does not exceed 85 decibels (85 dB) at any point along the eastern or northern property lines, and the day-night average shall not exceed 100 dB at any point along the western or southern property lines. This sound level is not intended to apply to limited periods of landscape maintenance activity for the property nor for episodic periods when metals are being shredded, moved or loaded.
- **Glare.** Night lighting needed for operations or safety, including spotlights, shall be directed onto the working area or equipment or as needed for security, but shall not be aimed so as to shine on adjacent non-industrial or non-commercial uses. The Viaduct is not to be considered an adjacent use for purposes of this condition.
- **Solid and liquid waste.** All putrescible solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor(s). Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be unlawfully discharged or spilled on the property. No garbage or other putrescent waste, likely to attract vermin or create noxious odors, shall be kept on the premises, other than in regularly serviced dumpster or other trash container.
- **Hazardous materials.** Gasoline, oil, or other vehicle fluids shall be removed from scrapped vehicles and parts of vehicles kept on the premises and not allowed to leak, drip or drain onto the ground, except in accordance with applicable federal, State and local regulations. All hazardous materials shall be used or stored on the site only in accordance with applicable law.

13) The failure of this permit to specify other applicable local, state or federal laws or regulations shall not be construed to affect the enforcement thereof. A violation of such applicable laws or regulations may constitute a basis for revocation of the Special Permit, in addition to and not in lieu of any other appropriate remedies or penalties.

14) Outdoor storage and permanent display areas shall only be located on the property as shown on the Site Plan, subject to the other conditions hereof which includes the notes and details of the Site Plan. Portable display of retail merchandise may be

permitted as provided in Section 21.04.040 of the Zoning and Development Code, as shown on the approved Site Plan.

15) The Director may administratively approve minor changes to the Site Plan and this Permit, if he determines that the intent of this Special Permit is maintained, the operational needs of the applicant will be benefitted, and no injury to the public will ensue.

16) No materials shall be placed, stored or maintained within the setbacks specified on the Site Plan. Due to the unique aspects of the property, the west side setback shall be 5 feet, rather than 15 feet. Fire Department has determined this 5' setback to be acceptable per Section 315.3.2 of the 2006 IFC for the west property line only.

17) Stacking of recycled and recyclable materials shall not exceed 20' feet in height at any time, except that for no more than 90 days per calendar year, the applicant may stack up to 30 feet if the applicant gives the Director at least one day's written notice of applicant's intent to do so, which notice shall include the duration of time during which the height limit will be exceeded. The purpose of such extra stacking height is to accommodate unusual amounts of delivery of recyclable materials, or to allow the applicant to take advantage of the market prices of the wholesale/end user of applicant's materials, and/or in case of unavailability of rail road cars at the adjacent spur.

18) Stored items shall not project above the screening except for integral units as defined in Chapter 21.10 of the Zoning and Development Code, Definitions and stacking of no more than two vehicles on top of a wheel stand, or except as provided for in section 17, above. Integral units shall include shelving up to 20 feet in height for the purpose of storing recyclable materials. Integral units shall not be stored within the first 20 feet of the property from any street frontage property line, except that along the west boundary, such rule shall not apply.

19) Unusable items (items which cannot or will not be used by the permittee in the normal course of permittee's business) shall be disposed of and not be allowed to unreasonably collect on the premises.

20) All tires salvaged, kept and/or offered for sale shall be neatly stacked or placed in racks. If stacked, the stacks shall not be over six feet in height; if on racks, the top of any tire on any rack shall not be over 10 feet in height.

21) Parking shall include 22 permanent parking spaces to be located as shown on the approved Site Plan. Parking shall be located and/or managed so as not to interfere with site circulation for the sand operations.

22) Landscaping shall be installed and permanently maintained in a healthy condition on the site, as shown in detail on the approved Landscaping Plan.

23) Access and site circulation shall be in accordance with the approved Site Plan.

24) When utilities in the southwest corner of the property require repair, maintenance or replacement, the cost of removing items stored there as well as the risk of any damage or loss to such items during the repair, maintenance or replacement work shall be borne by the applicant/permittee.

25) Landowner shall grant the City a 20' utility easement in the southwest corner of the Site in the location shown on the Site Plan. The applicant shall prepare the legal description and conveyance documents to the City's standards.

26) Applicant or permittee shall, within 30 days of expiration of the Special Permit or abandonment of the salvage operation on the Site, remove all salvage items, materials, equipment, scrap, junk, rubbish, and other items from the Site at its expense.

Passed and adopted this _____ day of _____, 2011.

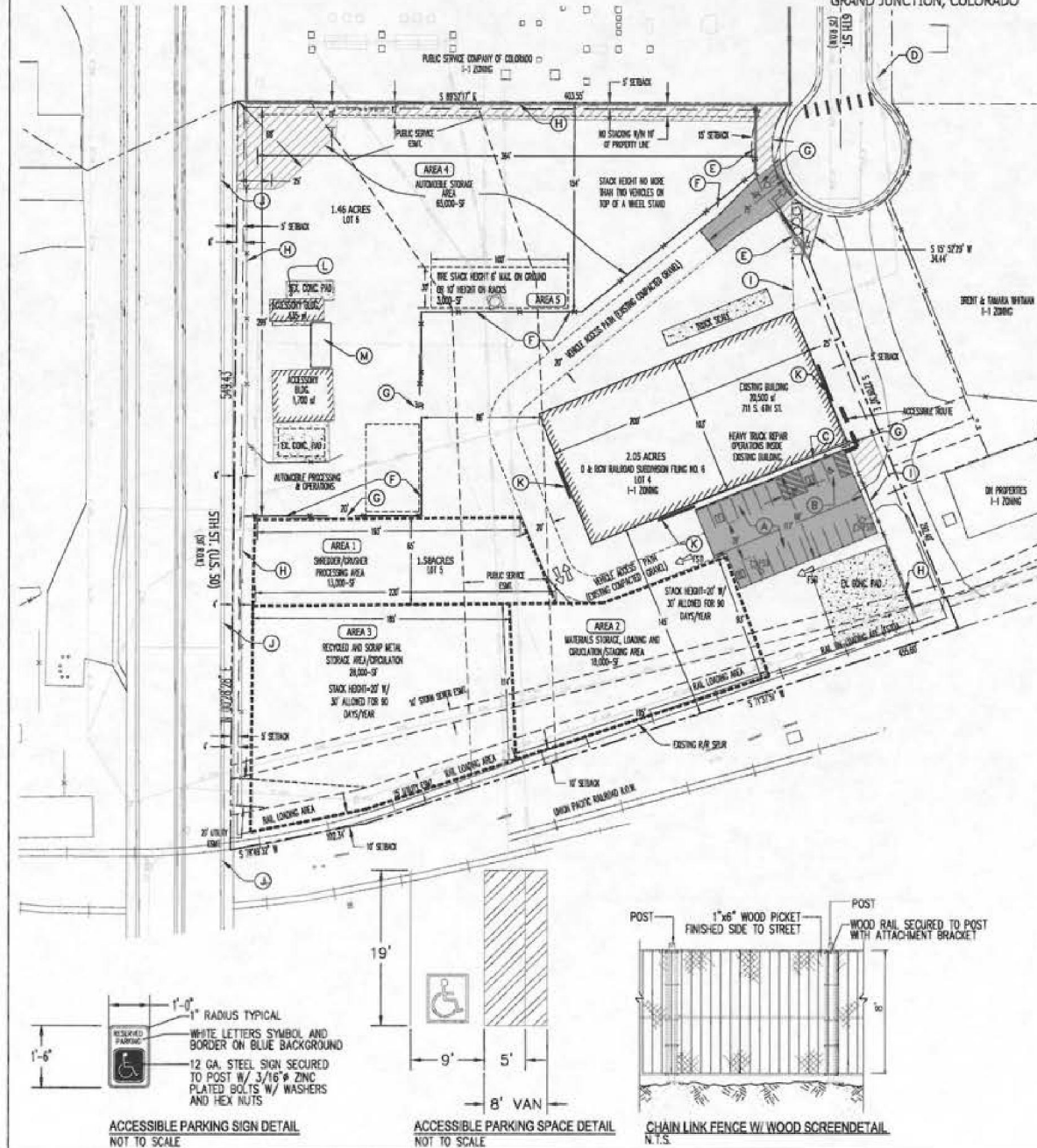
ATTEST:

President of City Council

City Clerk

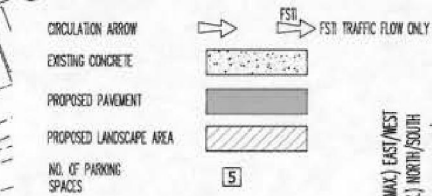
GRAND JUNCTION METAL MOVERS

A PORTION OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 1 WEST, U.M.
GRAND JUNCTION, COLORADO



SITE PLAN FLAG NOTES/LEGEND

- (A) 9'x18.5' PARKING STALL W/ CURB STOP, TYP.
- (B) 6'x18.5' HC PARKING STALL W/ CURB STOP
- (C) ACCESSIBLE PARKING SIGN
- (D) FIRE HYDRANT (EXISTING)
- (E) RELOCATED 6' CHAIN LINK FENCE W/ WOOD SCREEN
- (F) PROPOSED CHAIN LINK FENCE
AREA WITH WOOD FENCE SCREEN, 6' HEIGHT
- (G) PROPOSED CHAIN LINK GATE, WIDTH PER PLAN
- (H) EXISTING 6' HEIGHT CHAIN LINK FENCE
AREA WITH WOOD FENCE SCREEN
- (I) EXISTING CHAIN LINK GATE (SECONDARY EMERGENCY ACCESS)
- (J) EXISTING CONCRETE 5th ST. CONCRETE BARRIER WALL
- (K) PROPOSED BUILDING SIGN LOCATION, MOUNTING HEIGHT 25' +/-
- (L) EXISTING BILLBOARD
- (M) OUTDOOR DISPLAY AREA



UTILITY PROVIDERS

| | |
|----------------|---------------------------|
| WATER | CITY OF GRAND JUNCTION |
| SEWER | CITY OF GRAND JUNCTION |
| GAS | XCEL - PUBLIC SERVICE CO. |
| ELECTRIC | XCEL - PUBLIC SERVICE CO. |
| SANITARY SEWER | CITY OF GRAND JUNCTION |
| TELEPHONE | QWEST |
| FIRE | CITY OF GRAND JUNCTION |

NOTES:

- MATERIAL CONTENT OF THE APPROVED SITE PLAN FOR FSTI (MSP 2008-043) ARE INCORPORATED INTO THIS CUP SITE PLAN FOR GRAND JUNCTION METAL MOVERS. THE SOUTHERNMOST 12 PARKING STALLS SHALL REMAIN UNPARKED DURING TIMES FSTI IS UTILIZING THE EXISTING CONCRETE LOADING PAD AND RAIL SPUR.
- NO STORAGE OF MATERIALS IS PERMITTED WITHIN THE REQUIRED SETBACKS.
- SQUARE FOOTAGES AND DIMENSIONS OF SPECIFIC USE AREAS 1-5 SHOWN HEREON ARE APPROXIMATE MAXIMUMS AND ARE NOT INTENDED TO BE EXACT MEASUREMENTS DURING BUSINESS OPERATION, DUE TO THE INHERENTLY DYNAMIC GROUND USAGE OF THE MATERIALS AND AUTOMOTIVE RECYCLING INDUSTRY.
- HAZARDOUS MATERIALS HANDLING AND STORAGE: REFERENCE BEST MANAGEMENT PRACTICES CONTAINED IN THE STORMWATER MANAGEMENT PLAN ASSOCIATED WITH THE CERTIFICATION TO DISCHARGE UNDER COPS GENERAL PERMIT CO0-080000 STORMWATER DISCHARGES ASSOCIATED WITH THE RECYCLING INDUSTRY, CERTIFICATION NO. CO080206, AS APPROVED BY THE STATE OF COLORADO.

SITE DATA

| | | |
|--|---|----------|
| PROPERTY AREA | 5.09 AC (221,587 S.F.) | |
| TOTAL BUILDING COVERAGE (EXISTING) | 22,895 S.F. (10.9%) | |
| OPERATION (MAIN) BUILDING | 28,500 S.F. | |
| ACCESSORY BUILDINGS | 2,335 S.F. | |
| HARD SURFACE AREA | 216,087 S.F. (97.5%) | |
| LANDSCAPE AREA | 5,500 S.F. (2.5%) | |
| ZONING CLASSIFICATION | I-3 | |
| PROPOSED CONDITIONAL USES | MOTOR VEHICLE SALVAGE (SALVAGE YARD WITH AUTO CRUSHER SHREDDER); HEAVY VEHICLE REPAIR | |
| PERMITTED MAXIMUM SIGN AREA | MAX. 206 SF (5th ST. FACADE), MAX. 400 SF (6TH ST. FACADE) NO SIGN SHALL EXCEED 300 SF | |
| PROPOSED SIGNS | 3 TOTAL | |
| PARKING | REQUIRED | PROVIDED |
| SALVAGE OPERATIONS (1/1,000 H) | 21 | 21 |
| ACCESSIBLE PARKING SPACES (VAN ACCESSIBLE) | 1 | 1 |
| TOTAL SPACES | 22 | 22 |

OWNER:

JOHN O. SPENDRUP LLC
ATTN: JOHN SPENDRUP
409 MAIN ST.
GRAND JUNCTION, CO 81506
PHONE 970.260.5356

APPLICANT:

GRAND JUNCTION METAL MOVERS, INC.
ATTN: CHUCK MYERS
2326 GRAND PARK DR.
GRAND JUNCTION, CO 81506
PHONE 970.254.3040

LEGAL DESCRIPTION

LOTS 4, 5 AND 6, D&RGW SUBDIVISION FILING 6

CITY OF GRAND JUNCTION APPROVALS:

CITY PLANNING _____ DATE: _____

CITY DEVELOPMENT ENGINEER _____ DATE: _____



TYPICAL BUILDING MOUNTED SIGNS

NOT TO SCALE - ACTUAL TEXT AND DIMENSIONS MAY VARY
TOTAL COMBINED AREA OF SIGNAGE NOT TO EXCEED ALLOWABLE SF PERMITTED IN SITE DATA TABLE

Aperio
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