



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

TUESDAY, MARCH 23, 2010, 6:00 P.M.

Call to Order

Welcome. Items listed on this agenda will be given consideration by the City of Grand Junction Planning Commission. Please turn off all cell phones during the meeting.

In an effort to give everyone who would like to speak an opportunity to provide their testimony, we ask that you try to limit your comments to 3-5 minutes. If someone else has already stated your comments, you may simply state that you agree with the previous statements made. Please do not repeat testimony that has already been provided. Inappropriate behavior, such as booing, cheering, personal attacks, applause, verbal outbursts or other inappropriate behavior, will not be permitted.

Copies of the agenda and staff reports are available on the table located at the back of the Auditorium.

Announcements, Presentations and/or Prescheduled Visitors

Consent Agenda

Items on the consent agenda are items perceived to be non-controversial in nature and meet all requirements of the Codes and regulations and/or the applicant has acknowledged complete agreement with the recommended conditions.

The consent agenda will be acted upon in one motion, unless the applicant, a member of the public, a Planning Commissioner or staff requests that the item be removed from the consent agenda. Items removed from the consent agenda will be reviewed as a part of the regular agenda. Consent agenda items must be removed from the consent agenda for a full hearing to be eligible for appeal or rehearing.

1. Minutes of Previous Meetings

[Attach 1](#)

Approve minutes of the February 9, 2010 General Meeting.

2. **Pepper Ridge Townhomes – Vacation of Right-of-Way, Vacation of Easement** [Attach 2](#)

Request a recommendation of approval to City Council to vacate a portion of an existing improved right-of-way and a public utility and drainage easement in order to facilitate a residential development.

FILE #: FP-2008-136
PETITIONER: Jay Jones – Abzack Investment Group, LLC
LOCATION: South end of West Indian Creek Drive
STAFF: Brian Rusche

3. **Drake Subdivision – Vacation of Easement** [Attach 3](#)

Request a recommendation of approval to City Council to vacate and relocate an irrigation easement on Lot 1 of Drake Subdivision (a replat of Lot 1, Lamplite Subdivision).

FILE #: VE-2009-153
PETITIONER: Henry Drake
LOCATION: 488 23 Road
STAFF: Lydia Reynolds

***** 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.

No Public Hearing Items

General Discussion/Other Business

Nonscheduled Citizens and/or Visitors

Adjournment

**Attach 1
Minutes of Previous Meetings**

**GRAND JUNCTION PLANNING COMMISSION
February 9, 2010 MINUTES
6:00 p.m. to 6:57 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 Reginald Wall (Chairman), Patrick Carlow, Ebe Eslami, Mark Abbott, Rob Burnett, Lyn Benoit (Alternate) and Gregory Williams (Alternate). Commissioners Lynn Pavelka-Zarkesh (Vice-Chairman) and Richard Schoenrad were absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Greg Moberg (Planning Services Supervisor), Scott Peterson (Senior Planner) and Rick Dorris (City Development Engineer).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 6 interested citizens present during the course of the hearing.

ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

Consent Agenda

1. **Minutes of Previous Meetings**
Approve the minutes of the January 12, 2010 Joint Mesa County and Grand Junction Planning Commission Hearing.
2. **Park Mesa Subdivision – Preliminary Subdivision Plan**
Request approval of the Preliminary Subdivision Plan to develop 8 residential lots and 3 tracts of land on 12.1 acres in an existing R-1 (Residential – 1 du/ac) zone district.
FILE #: PFP-2008-065
PETITIONER: Ken Scissors
LOCATION: Little Park Road and Rosevale Road
STAFF: Scott Peterson
3. **Rimrock Landing Apartment Community - Rezone**

Request a recommendation of approval to City Council to rezone 14.6 +/- acres from R-12 (Residential 12 du/ac) to R-24 (Residential 24 du/ac) zone district.

FILE #: GPA-2009-232

PETITIONER: Kim and Lynn Rindlisbacher – Scenic Development, Inc.

LOCATION: 665, 667 24½ Road

STAFF: Scott Peterson

Chairman Wall briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. Commissioner Abbott requested item number 2 be pulled for Full Hearing. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on either of the remaining Consent Agenda items.

MOTION: (Commissioner Abbott) “Mr. Chairman, I move that we accept the Consent Agenda excepting item number 2 as stated.”

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

Public Hearing Items

2. Park Mesa Subdivision – Preliminary Subdivision Plan

Request approval of the Preliminary Subdivision Plan to develop 8 residential lots and 3 tracts of land on 12.1 acres in an existing R-1 (Residential – 1 du/ac) zone district.

FILE #: PFP-2008-065

PETITIONER: Ken Scissors

LOCATION: Little Park Road and Rosevale Road

STAFF: Scott Peterson

STAFF’S PRESENTATION

Scott Peterson, Senior Planner, Public Works and Planning Department, made a PowerPoint presentation regarding the request for subdivision plan approval for the Park Mesa Subdivision. He said that the subject property was currently vacant. In 2008 the City Council approved the Growth Plan Amendment and Annexation for the property’s current designations. Mr. Peterson said that the hillside development standards applied to the subject property due to the varying contours and hillside. The subdivision development plan indicated the percentage of slopes for the property and indicated that no building envelopes were proposed within the 30 percent slope areas. Mr. Peterson said that applicant had requested relief from certain standards relevant to a single-family building site that would be over 150 feet from a public street. He added that both the project manager and the City Fire Department were supportive of the request since the applicant had proposed a fire hydrant within 250 feet of all properties and an all-weather driving surface of either asphalt or concrete to that particular lot. Accordingly, the requirements of the Fire Department Access as well as the TEDS Manual would be met. The Future Land Use Map indicated this property to be Residential Low and the current zoning for the property was R-1. The proposed density would be approximately .66

dwelling units per acre which complied with the density requirements of the Zoning and Development Code.

The applicant proposed to develop the subdivision by utilization of the City's cluster provisions which were encouraged for the preservation of environmentally sensitive areas and open space and would allow for the approval of smaller lots. Applicant proposed over 4 acres of open space under the clustering provisions which would equate to a minimum lot size requirement of half an acre in size. Additionally, applicant proposed lot sizes ranging from 0.51 acres to over 2 acres for the subdivision. A minimum of 20 percent of the subdivision must be devoted to open space and in this particular instance over 33 percent had been proposed.

The proposed subdivision would take access from Little Park Road with no access permitted onto either South Redlands or Rosevale Road. Mr. Peterson said that a cul-de-sac would include access to 5 of the lots which was approved under the alternative street section of the TEDS Manual. The proposed right-of-way width for the cul-de-sac met the City standards. With regard to sanitary sewer, there was presently no sanitary sewer available to the property at this time. The applicant would install a dry sanitary sewer system to each lot in anticipation of future sewer connection. A waiver from the joint Persigo Board was approved for the applicant which permitted them to not hook onto sewer immediately for the subdivision. Also, a power of attorney document would be filed with the City that would commit the subdivision to connect to sewer when it became available. In the meantime, each individual property would be installing a private septic system.

He next discussed the landscaping buffer and stated that when utilizing the cluster provisions, the perimeter of a cluster development abutting a right-of-way shall be buffered to create a transition between one land use and another. However, the effect of buffering was already achieved by the design of the subdivision and natural topography and rural character of the area. Mr. Peterson said that the applicant proposed a residential subdivision adjacent to a minor collector road. He also discussed the requirement for a landscaping tract and either a fence or masonry wall. He added that the proposed tract of land would be dedicated to the homeowners' association for maintenance. Applicant had requested relief from the buffering requirement because of the proposed small development of the site and the location in a rural area. Mr. Peterson agreed that a landscape buffer in this semi-rural natural setting would not be of benefit to the public. Additionally, because of the design of the subdivision, topography and natural condition of the property, the installation of a landscaping buffer may require cutting into the hillside and a rerouting of natural drainage paths which would defeat the purpose. Therefore, he supported applicant's request not to provide the required landscaping buffer adjacent to Little Park Road and requested that the Planning Commission approve this request.

He concluded that the Preliminary Subdivision Plan was consistent with the goals and policies of the Growth Plan, the applicable review criteria of the Zoning and Development Code had been addressed and recommended that the Planning Commission approve the request as part of the Preliminary Plan application to allow for

a single-family building site that would be over 150 feet from a public street and also recommended Planning Commission's approval of the requested relief as part of the Preliminary Plan application to not provide the required landscaping buffer.

QUESTIONS

Commissioner Abbott said that he was confused regarding the viability and reality of 4.1 acres of land that was a minimum of 20 to 30 percent grade and how that figured into being something that the City could use. Scott Peterson said that was allowed as part of the cluster provisions to provide open space. He added that the open space allowed for more wildlife habitat and also helped with the design of the subdivision. It included a pedestrian trail along the northern half of the tract to adjacent properties and believed the City would benefit by the use of that pedestrian trail.

Commissioner Abbott asked if realistically there was a value to the plan. Scott Peterson answered affirmatively that there was because it was natural open space that would be left in its natural habitat.

Commissioner Eslami asked if the City would maintain the open space and wanted assurance that it would not be a burden on the City. Scott Peterson said that it was a pedestrian easement that would allow public access and would not be a burden on the City.

Chairman Wall raised a question regarding the hillside development standards and quoted a section of the code that in summary said that any portion of a development which had a slope greater than 30 percent with an elevation change of 20 feet or greater should not be included in the calculation of the area. He asked for an explanation of what that would be. Scott Peterson said that a lot could not be created that was unusable so that calculation would not be used for a minimum lot size for a normal subdivision. He added that it was a developable piece of property and a building site with a 30 percent slope could not be used.

Chairman Wall asked how much of the 4 acres had a 30 percent or greater slope. Scott Peterson said that was not how they looked at open space. They go back to the limits of development. He said that the minimum requirement per the cluster provision was .5 acre.

Chairman Wall understood that how it can be clustered and how big the lot sizes would be determined on how much open space was given. Scott Peterson said the more open space provided the smaller the lot size could be.

Chairman Wall asked if there would be a difference in what their lot size would be if the proposed open space was 5 acres. Scott Peterson said that the lot sizes could be made smaller by providing more open space. However, the minimum lot size was 4,000 square feet and in this case, applicant had proposed .5 acre, or approximately 24,000 square feet.

Chairman Wall asked his understanding was correct that if it was 30 percent and the elevation increased 20 percent, that would not be included in the cluster development as far as how big the lot size could be. Scott Peterson said that was correct.

Chairman Wall asked if the property that met the 30 percent was taken out, how the proposed lot sizes would be affected. Scott Peterson said that the property would still be over .5 acre in size even taking out that 30 percent slope area.

Chairman Wall asked if that property were taken out if the proposed lot sizes would remain as proposed or would they have to be larger. Mr. Peterson said that the lot sizes could go down to a half acre; however, in this instance, half the proposed lots were half an acre and the other 4 lots were more than an acre.

Chairman Wall referenced the section of the code regarding minimum lot size of 23,958 square feet and believed there were proposed lots of 22,000 square feet. Scott said that 33 percent equated to the 0.50 minimum lot size.

Chairman Wall said that it was his interpretation of the Code that property could not be used that was 30 percent in grade and raised an elevation of 20 feet or more for open space dedication and, therefore, the lot sizes would not meet the standards if that property was taken out. Commissioner Abbott asked what percentage of the slope of Tract A was 30 percent or greater. Scott Peterson said that he did know what that percentage was.

Commissioner Abbott stated that he believed the Commission's concern was that within Tract A if either $\frac{1}{2}$ or $\frac{3}{4}$ was 30 percent or greater, then the amount of "open space" should be reduced and, therefore, the lots would be bigger. Scott Peterson said that it was his understanding that the open space provided did not include slopes. He said that he understood that the Code allowed open space and didn't matter about the slope.

Assistant City Attorney Jamie Beard clarified that anything up to 30 percent would not be considered but rather only those that were actually greater than 30 percent. In that case, it would then have to be determined if there was any elevation change within that area that was greater than 30 percent that was at least 20 feet or more. She suggested a recess in order to verify the figures.

A brief recess was taken from 6:26 p.m. to 6:34 p.m.

STAFF'S PRESENTATION

Scott Peterson explained that according to the hillside development standards, it was estimated that approximately 2 acres was 30 percent slope area that was taken out of the equation. As a result, the total area would then be 10 acres of development in an R-1 zoning designation. The minimum lot size in an R-1 was 1 acre. However, under the cluster provisions, 8 lots were proposed. According to the hillside development standards, the average slope of the development area averaged between 10 to 20 percent and would require a minimum lot size of 10,000 square feet. Therefore,

applicant was still over that 10,000 foot threshold. Mr. Peterson added that the open space had nothing to do with the minimum lot size as the cluster provision allowed the applicant to dedicate open space.

QUESTIONS

Commissioner Abbott asked if the 2 acres of “usable” space was what allowed the lot size to be reduced to .5 acre. He then asked for clarification and gave the example that if half of Tract A was not usable property so then 2 acres qualified for the hillside development, if those 2 acres were enough to allow the rest of the lots to be half acre lots. Scott Peterson confirmed that it was.

Commissioner Eslami asked how that was correct if one-third of the property was required as open space in order to downgrade from one acre to half an acre. Jamie Beard clarified that two different sections of the Code were being discussed. She said that based on the hillside regulations, they needed to determine whether or not there were any slopes greater than 30 percent, and, if so, did any of those exceed 20 feet. She said that they did not have more than 2½ acres overall of the 30 percent or greater. So by subtracting the 2½ acres from 12.1 acres, they then determined how many lots could be developed which appeared to be 9½ to 10 lots. So the total density for this particular area was 9½ to 10 lots based on hillside regulations. Then, based on the percentages of slopes, it was determined that the minimum lot size was 10,000 square feet. Next looked at was the cluster development that allowed the open space and as the whole development totaling 12.1 acres was looked at, with at least 30 percent, that allowed a minimum size lot. She confirmed that the 10.1 acres applied but it only applied when specifically looking at the hillside regulations and then the cluster development section all of the land was looked at.

Commissioner Benoit disclosed that he had previous business relationships with Rolland Engineering and advised that he did not have a direct money relationship with the firm. Ms. Beard stated that it was her understanding from Commissioner Benoit’s statements that he had a prior business relationship but that prior business relationship did not have anything at all to do with this particular application. She confirmed that as Rolland Engineering was not the actual applicant she did not see a conflict but asked the remaining commissioners to raise any questions or additional concerns they had. Commissioner Eslami disclosed a similar business relationship with the firm of Rolland Engineering. Ms. Beard confirmed with him that he did not have a present pending relationship nor was there any connection to this particular project other than the fact that there had been a prior business relationship with the firm. She did not see a conflict. There were no questions or concerns from the remaining Commissioners.

PETITIONER’S PRESENTATION

Eric Slivon with Rolland Consulting Engineers said that there had been a name change and change in ownership since the business relationships mentioned. He said that they were in agreement with the staff report and addressed applicant’s request for the waiver of the landscape buffer. He said that the topography inhibited a useful landscape buffer

because of either the steep hillsides or the existing drainage channel. With the design of the development, they were not looking to change the elevation of the ditch.

QUESTIONS

Chairman Wall asked if they were proposing to leave where the buffer was supposed to be in its natural condition. Mr. Slivon confirmed that was correct.

PETITIONER'S PRESENTATION

Applicant Ken Scissors added that he appreciated the work that had gone into this project. He said that he was really comfortable with the way that they had put this together as being a good balance between development and would maintain the character of the neighborhood. He said that it would enhance the neighborhood.

DISCUSSION

Commissioner Abbott said that his only concern pertained to the 33 percent portion of the grade and whether or not that was viable for use; however, he yielded to Ms. Beard's conclusion and stated that he would support it.

Commissioner Eslami agreed and stated that he understood it with Jamie Beard's explanation.

Chairman Wall said that he too would support it and appreciated the fact that the City and the applicant took the time to get together to ensure that the Commission understood the Code as it was meant to be.

MOTION: (Commissioner Abbott) "Mr. Chairman, with regard to City File Paul Frank Paul 2008-065, on the request to allow a single-family building site that would be over 150 feet from a public street for the proposed Lot 8, I move that we recommend the approval of the request making the findings of fact and conclusions as identified in the staff report."

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

MOTION: (Commissioner Abbott) "Mr. Chairman, on the same City File Paul Frank Paul 2008-065 item all called as 2008-065, on the request for a waiver not to provide the required 14 foot wide landscaping buffer adjacent to a minor collector road, I recommend that we approve the request making the findings of fact/conclusions as identified in the staff report."

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

MOTION: (Commissioner Abbott) "Mr. Chairman, I move that we approve the Preliminary Subdivision Plan for the Park Mesa Subdivision, City File Number

Paul Frank Paul 2008-065 with the findings and conclusions listed in the staff report.”

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

General Discussion/Other Business

Commissioner Benoit made a formal notification that he had submitted his application for the District B Council seat.

Nonscheduled Citizens and/or Visitors

None.

Adjournment

With no objection and no further business, the Planning Commission meeting was adjourned at 6:57 p.m.

**Attach 2
Pepper Ridge Townhomes**

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: March 23, 2010
PRESENTER: Brian Rusche, Senior Planner

AGENDA TOPIC: Pepper Ridge Right-of-Way/Easement Vacation – FP-2008-136.

ACTION REQUESTED: Recommendation to City Council on the requested Right-of-Way/Easement Vacation.

| BACKGROUND INFORMATION | | | |
|------------------------------|--|---|-----------------------------|
| Location: | Lot 6, Pepper Tree Filing No. 4 South end of W. Indian Creek Drive | | |
| Applicants: | Owner: Jay Jones – Abzack Investment Group, LLC Representative: Drexel, Barrell & Co. – Scott Stevens, PE | | |
| Existing Land Use: | Vacant | | |
| Proposed Land Use: | Residential | | |
| Surrounding Land Use: | North | Multi-family Residential (Pepper Tree) | |
| | South | Single-family Residential (The Legends) | |
| | East | Multi-family Residential (Belhaven) | |
| | West | Single-family Residential (The Legends) | |
| Existing Zoning: | R-8 (Residential 8 du/ac) | | |
| Proposed Zoning: | R-8 (Residential 8 du/ac) | | |
| Surrounding Zoning: | North | PD (Planned Development) | |
| | South | PD (Planned Development) | |
| | East | R-8 (Residential 8 du/ac) | |
| | West | R-8 (Residential 8 du/ac) | |
| Future Land Use Designation: | Residential Medium High (8-16 du/ac) | | |
| Zoning within density range? | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> No |

PROJECT DESCRIPTION: Applicant is requesting to vacate a portion of an existing, improved right-of-way and a public utility and drainage easement in order to facilitate a residential development.

RECOMMENDATION: Recommendation of approval to City Council.

ANALYSIS

1. Background

Pepper Tree, located south of Patterson (F Road) and west of 29 Road, was established in 1981 as a Planned Unit Development (PUD). The property known as Lot 6 of Pepper Tree Filing #4 received approval of a Preliminary Plan known as Pepper Ridge Townhomes on February 26, 2008.

In order to facilitate the development of Pepper Ridge Townhomes, the current owner, Abzack Investment Group LLC, requests the vacation of a 15' utility and drainage easement along the east side of the property. This request does not impact another 5' drainage easement running along the east side of the property, over an existing concrete ditch. New easements for utilities and drainage will be dedicated within the Pepper Ridge development.

In addition, an extension of West Indian Creek Drive is proposed as part of the Pepper Ridge development. The alignment of this road extension will create excess right-of-way along West Indian Creek Drive that is requested to be vacated.

2. Section 2.11.C of the Zoning and Development Code

The vacation of the rights-of-way and easement shall conform to the following:

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

This area of the City does not have an applicable neighborhood plan. The vacations are in conformance with the 2010 Comprehensive Plan (which replaced the 1996 Growth Plan), Grand Valley Circulation Plan and all other policies of the City.

The Comprehensive Plan was adopted by City Council on February 17, 2010. In all instances contained within this staff report, the Future Land Use designation described under the 1996 Growth Plan and the 2010 Comprehensive Plan are consistent.

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

The proposed vacation of right-of-way and easement will not land lock any parcels of land.

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

Access to developed properties within Pepper Tree shall remain. Specifically, the developer will remove the improvements within the excess right-of-way and reconstruct the access to the parking area adjacent to 583 W. Indian Creek Drive. The extension of West Indian Creek Drive will provide access to the new development.

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

The extension of West Indian Creek Drive will create a connection between Patterson (F Road) and Presley Avenue. The modified alignment, once constructed, creates excess right-of-way that has no public benefit.

New easements for utilities and drainage will be dedicated within the Pepper Ridge development.

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

The Pepper Ridge Townhomes will install utilities, including a detention pond at the southeast corner of the property. An existing water line within the proposed right-of-way vacation will be relocated as part of the construction of the street extension. New easements will be dedicated to accommodate utilities and drainage. Vacating the easement will not impact public services.

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

The proposal will provide benefits to the City by eliminating excess right-of-way and eliminating unnecessary easements.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Pepper Ridge application, FP-2008-136, requesting the vacation of a portion of public right-of-way and a utility/drainage easement, I make the following findings of fact and conclusions:

1. The requested right-of-way and easement vacation is consistent with the 2010 Comprehensive Plan (as successor to the 1996 Growth Plan).
2. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested right-of-way and easement vacation, FP-2008-136, to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

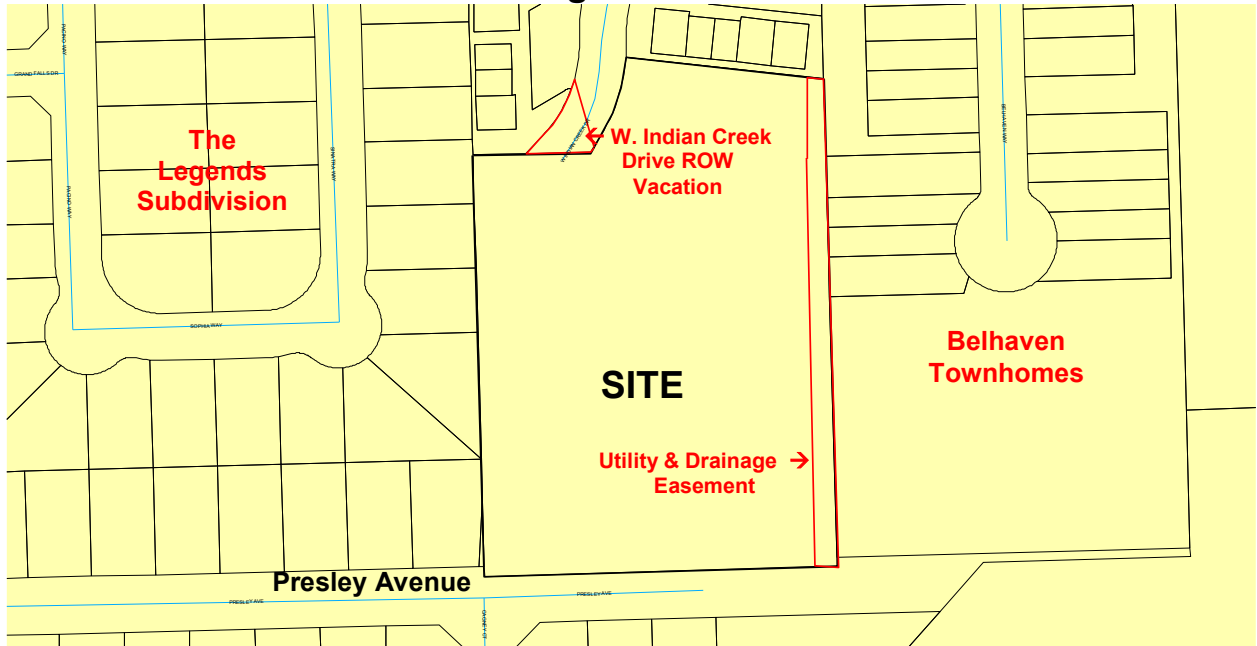
Mr. Chairman, on item FP-2008-136, I move we forward a recommendation of approval to the City Council on the request to vacate a portion of West Indian Creek right-of-way and a 15' utility and drainage easement, as shown on the plat for Pepper Tree Filing No. 4, with the findings of fact and conclusions in the staff report.

Attachments:

Site Location Map / Aerial Photo Map
Future Land Use Map / City Zoning Map
Pepper Ridge Site Plan
Resolution
Ordinances

Site Location Map

Figure 1



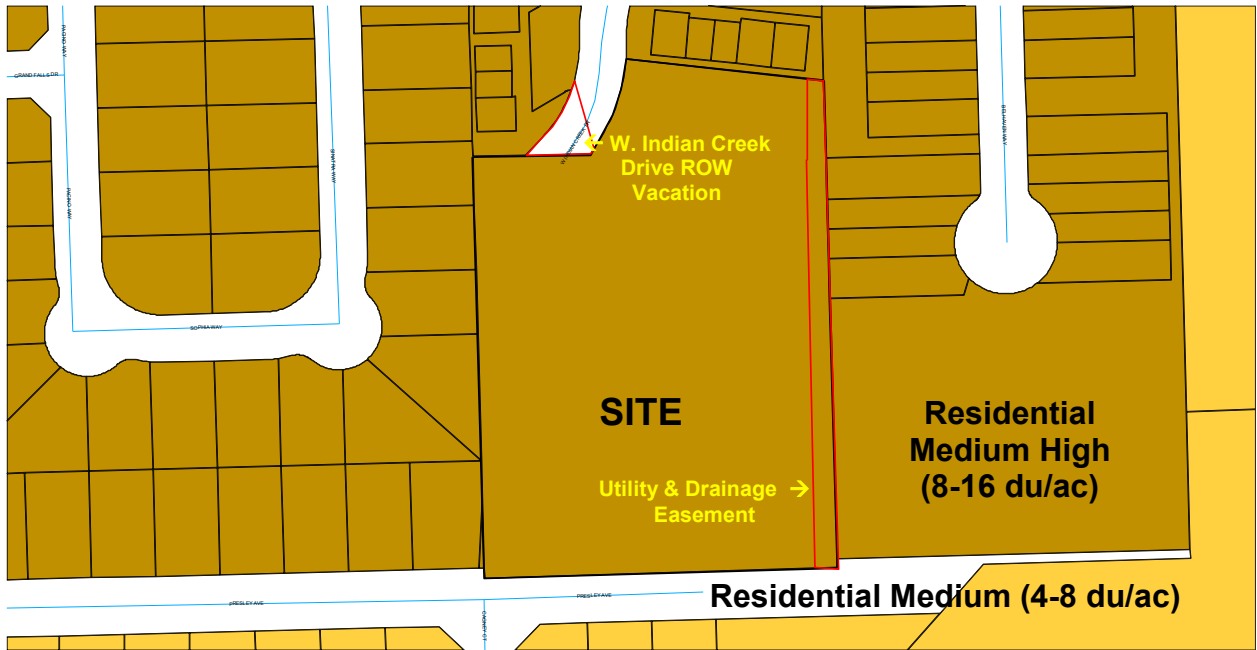
Aerial Photo Map

Figure 2



Future Land Use Map

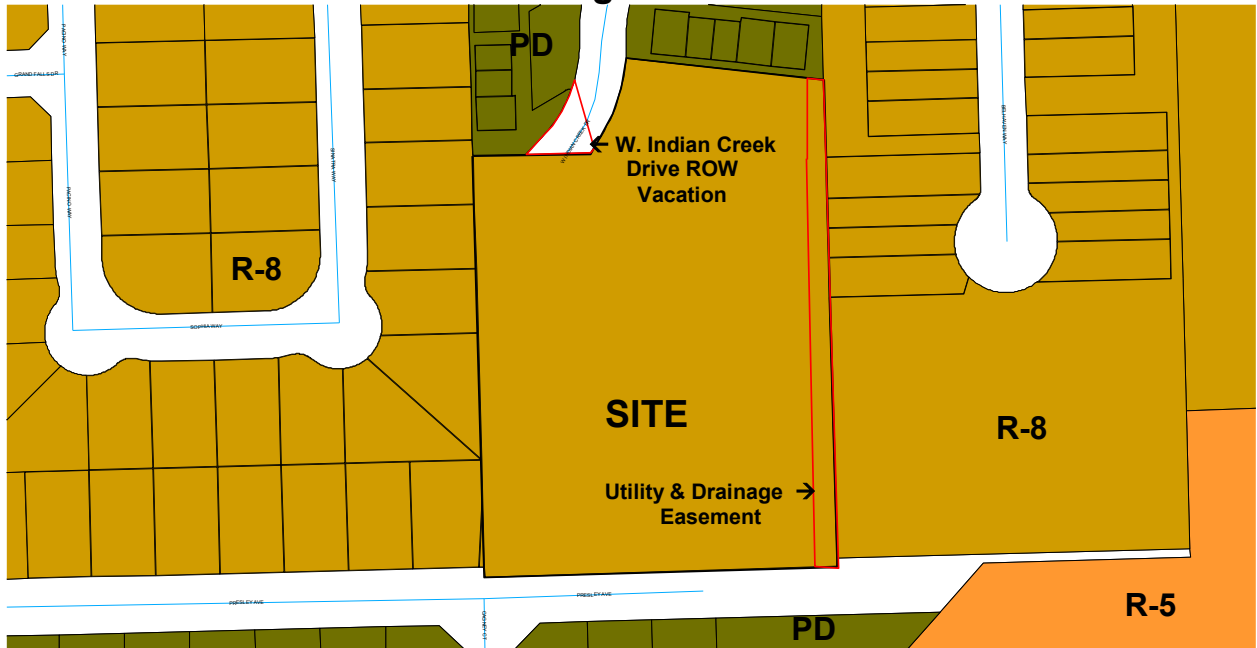
Figure 3



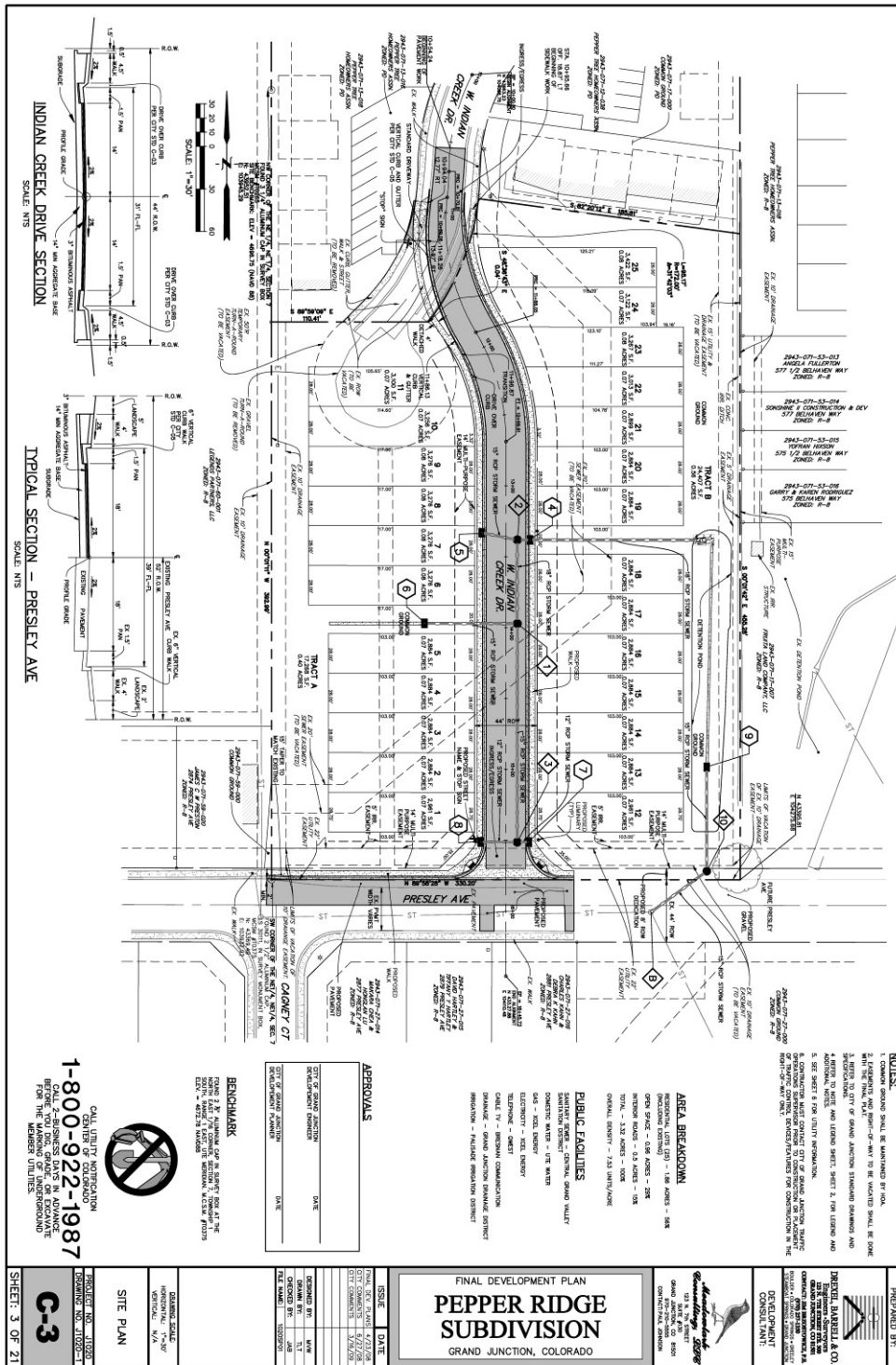
2010 Comprehensive Plan maintains future land use designations of 1996 Growth Plan.

Existing City and County Zoning

Figure 4



Pepper Ridge Townhomes Site Plan



CITY OF GRAND JUNCTION

RESOLUTION NO.

**VACATING A UTILITY AND DRAINAGE EASEMENT
LOCATED WITHIN LOT 6 OF PEPPER TREE FILING NO. 4**

Recitals:

A request for the vacation of a public utility and drainage easement has been submitted in accordance with the Zoning and Development Code. The applicant, Abzack Investment Group, LLC, has requested that the easement, located within Lot 6 of Pepper Tree Filing No. 4, be vacated. There is no existing utility infrastructure located within this easement.

In a public hearing, the Planning Commission reviewed the request for the vacation and determined that it satisfied the criteria as set forth and established in Section 2.11.C of the Zoning and Development Code. The proposed vacation is also consistent with the purpose and intent of the Growth Plan.

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

The following described dedicated Utility and Drainage Easement is hereby vacated subject to the following conditions:

1. Applicant shall pay all recording/documentary fees for the Vacation Resolution.
2. Applicant shall dedicate new easements, as necessary, with the replat of Lot 6 of Pepper Tree Filing No. 4.

Dedicated Easement to be vacated:

THAT PART OF A 15 FOOT WIDE UTILITY AND DRAINAGE EASEMENT DESCRIBED IN BOOK 1385 AT PAGE 731 IN THE RECORDS OF THE OFFICE OF THE MESA COUNTY CLERK AND RECORDER, BEING A PART OF LOT 6 OF PEPPER TREE FILING No. 4, A SUBDIVISION RECORDED AT RECEPTION NUMBER 1911395, SAID MESA COUNTY RECORDS, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN, CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO, BEING DESCRIBED AS FOLLOWS:

“COMMENCING” AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7 AND CONSIDERING THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER TO BEAR NORTH 00°01’11” WEST, WITH ALL BEARINGS CONTAINED HEREIN

RELATIVE THERETO; THENCE SOUTH 89°58'28" EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND ALONG THE SOUTHERLY LINE OF SAID LOT 6, A DISTANCE OF 315.20 FEET TO THE **"POINT OF BEGINNING"**;

THENCE NORTH 00°01'42" WEST, ALONG A LINE LYING 15.00 FEET WESTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF SAID LOT 6, A DISTANCE OF 457.30 FEET TO THE NORTHERLY LINE OF SAID LOT 6;

THENCE SOUTH 82°20'12" EAST, ALONG THE NORTHERLY LINE OF SAID LOT 6, A DISTANCE OF 15.14 FEET TO THE NORTHEAST CORNER OF SAID LOT 6;

THENCE SOUTH 00°01'42" EAST, ALONG SAID EASTERLY LINE OF LOT 6, A DISTANCE OF 455.28 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6;

THENCE NORTH 89°58'28" WEST, ALONG THE SOUTHERLY LINE OF SAID LOT 6 AND ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 15.00 FEET TO THE **"POINT OF BEGINNING"**.

CONTAINING 0.157 ACRES OR 6844 SQUARE FEET, MORE OR LESS.

A drawing depicting the above is attached hereto.

Introduced for first reading on this _____ day of _____, 2010

PASSED and ADOPTED this _____ day of _____, 2010

ATTEST:

President of City Council

City Clerk

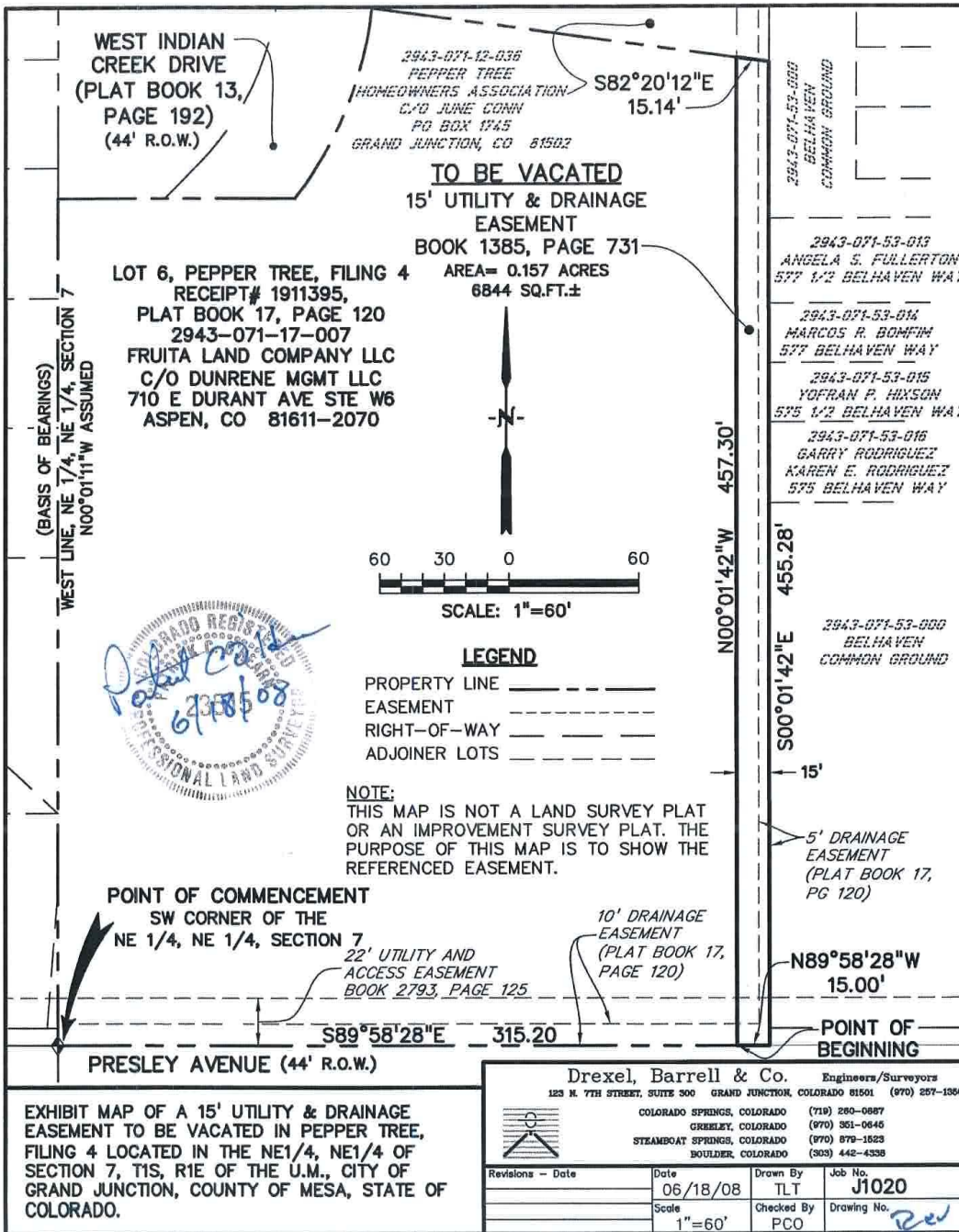


EXHIBIT MAP OF A 15' UTILITY & DRAINAGE EASEMENT TO BE VACATED IN PEPPER TREE, FILING 4 LOCATED IN THE NE1/4, NE1/4 OF SECTION 7, T1S, R1E OF THE U.M., CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO.

| | | | |
|---|----------|---|-------------|
| Drexel, Barrell & Co. Engineers/Surveyors 123 N. 7TH STREET, SUITE 300 GRAND JUNCTION, COLORADO 81501 (970) 257-1360 | | COLORADO SPRINGS, COLORADO (719) 260-0887 GREELEY, COLORADO (970) 361-0646 STEAMBOAT SPRINGS, COLORADO (970) 879-1623 BOULDER, COLORADO (303) 442-4338 | |
| Revisions - Date | Date | Drawn By | Job No. |
| | 06/18/08 | TLT | J1020 |
| | Scale | Checked By | Drawing No. |
| | 1"=60' | PCO | 20 |

CITY OF GRAND JUNCTION

Ordinance No.

VACATING EXCESS RIGHT-OF-WAY FOR WEST INDIAN CREEK DRIVE LOCATED WITHIN PEPPER TREE FILING NO. 4

RECITALS:

A vacation of the dedicated right-of-way for has been requested by the adjoining property owner.

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 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 approved.

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

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

1. Applicant shall dedicate additional right-of-way for West Indian Creek Drive through Lot 6 of Pepper Tree Filing No. 4, either via plat or separate instrument, prior to the recording of this Ordinance.
2. The area described herein shall be retained as a temporary multi-purpose easement on, along, over, under, through and across the described area for City-approved utilities including the installation, operation, maintenance and repair of said utilities and appurtenances which may include but are not limited to electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, waterlines, telephone lines.
3. Said multi-purpose easement shall be extinguished upon relocation of utilities into new easements or right-of-way.
4. Applicants shall pay all recording/documentary fees for the Vacation Ordinance.

The following right-of-way is shown on the attached exhibit, made part of this vacation.

Dedicated right-of-way to be vacated:

A PORTION OF THE RIGHT-OF-WAY FOR WEST INDIAN CREEK DRIVE, DEDICATED ON THE FINAL PLAT OF PEPPER TREE FILING No. 3, A SUBDIVISION

RECORDED AT RECEPTION NUMBER 1332676 IN THE RECORDS OF THE OFFICE OF THE MESA COUNTY CLERK AND RECORDER, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN, CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO, BEING DESCRIBED AS FOLLOWS:

“COMMENCING” AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7 AND CONSIDERING THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER TO BEAR NORTH 00°01'11" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE NORTH 00°01'11" WEST, ALONG SAID WEST LINE, A DISTANCE OF 392.99 FEET TO THE SOUTHWEST CORNER OF SAID PEPPER TREE FILING No. 3;

THENCE SOUTH 89°59'09" EAST, ALONG THE SOUTHERLY LINE OF SAID PEPPER TREE FILING No. 3, A DISTANCE OF 50.04 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID WEST INDIAN CREEK DRIVE AND THE **“POINT OF BEGINNING”**;

THENCE NORTH 44°58'46" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 21.97 FEET TO A POINT OF CURVE;

THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 33°47'55", A RADIUS OF 128.00 FEET, AN ARC LENGTH OF 75.51 FEET AND A CHORD WHICH BEARS NORTH 28°04'48" EAST, A DISTANCE OF 74.42 FEET TO A NON-TANGENT POINT;

THENCE SOUTH 04°47'16" EAST, A DISTANCE OF 32.11 FEET TO A POINT OF CURVE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 16°54'11", A RADIUS OF 156.50 FEET, AN ARC LENGTH OF 46.17 FEET, AND A CHORD WHICH BEARS SOUTH 13°14'22" EAST, A DISTANCE OF 46.00 FEET TO A NON-TANGENT POINT OF CURVE ON THE SOUTHERLY LINE OF SAID PEPPER TREE FILING No. 3, WHENCE THE RADIUS POINT BEARS NORTH 53°47'59" WEST;

THENCE ALONG SAID SOUTHERLY LINE OF PEPPER TREE FILING No. 3 THE FOLLOWING 3 (three) COURSES:

1) SOUTHWESTERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 01°51'49", A RADIUS OF 172.00 FEET, AN ARC LENGTH OF 5.59 FEET AND A CHORD WHICH BEARS S 37°07'55" WEST, A DISTANCE OF 5.59 FEET TO A NON-TANGENT POINT;

2) NORTH 48°36'43" WEST, A DISTANCE OF 0.04 FEET;

3) NORTH 89°59'09" WEST, A DISTANCE OF 60.37 FEET TO THE "**POINT OF BEGINNING**".

CONTAINING 0.044 ACRES OR 1938 SQUARE FEET, MORE OR LESS.

Introduced for first reading on this _____ day of _____, 2010.

PASSED and ADOPTED this _____ day of _____, 2010.

ATTEST:

President of City Council

City Clerk

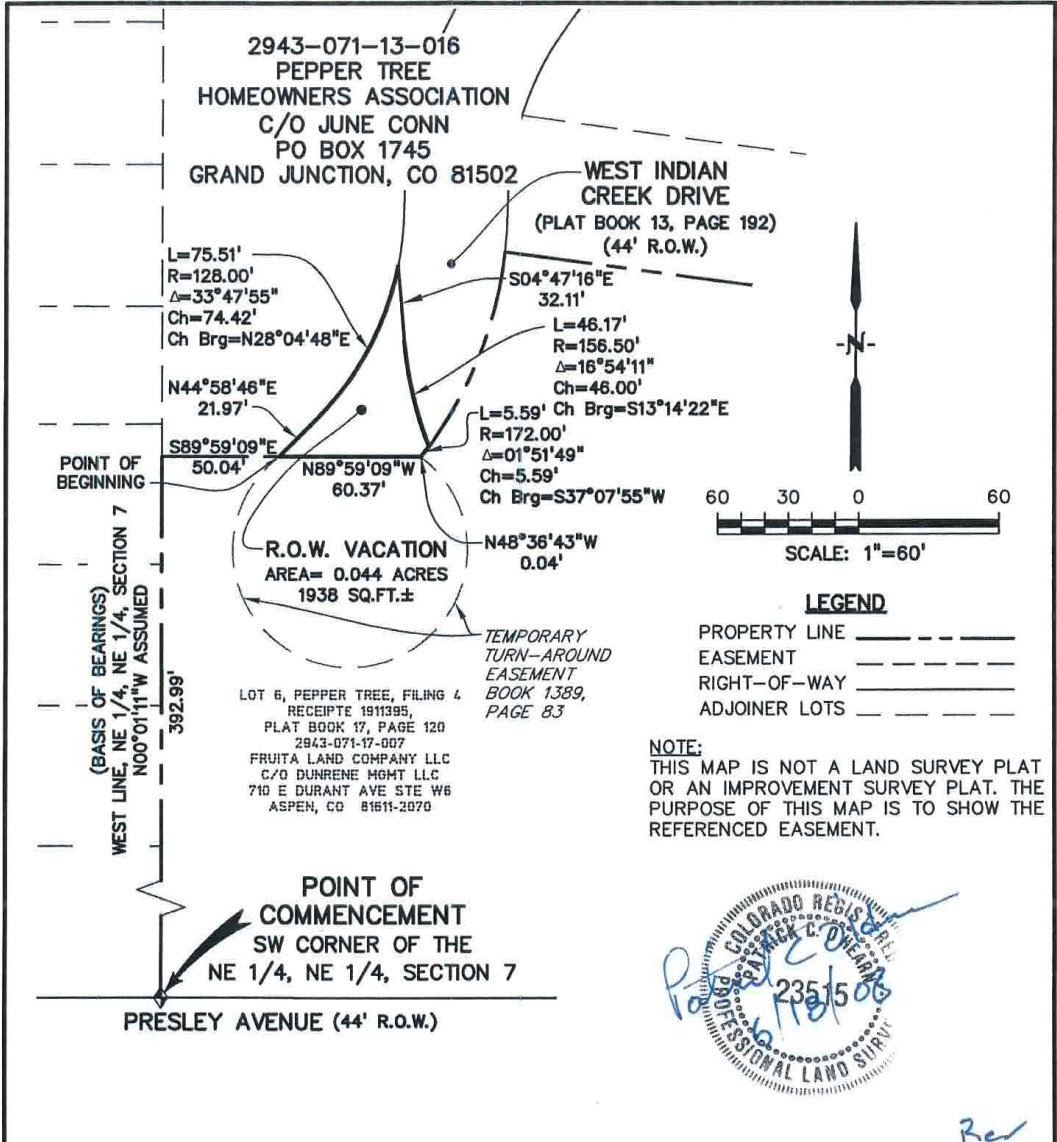


EXHIBIT MAP OF A R.O.W. VACATION BEING A PART OF WEST INDIAN CREEK DRIVE IN PEPPER TREE, FILING 3, LOCATED IN THE NE1/4, NE1/4 OF SECTION 7, T1S, R1E OF THE U.M., CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO.

| | | | |
|--|----------|---|-------------|
| Drexel, Barrell & Co. Engineers/Surveyors 123 N. 7TH STREET, SUITE 300 GRAND JUNCTION, COLORADO 81501 (970) 257-1350 | | COLORADO SPRINGS, COLORADO (719) 280-0887 GREELEY, COLORADO (970) 351-0646 STEAMBOAT SPRINGS, COLORADO (970) 879-1523 BOULDER, COLORADO (303) 442-4338 | |
| Revisions - Date | Date | Drawn By | Job No. |
| | 06/18/08 | TLT | J1020 |
| | Scale | Checked By | Drawing No. |
| | 1"=60' | PCO | |

**Attach 3
Drake Subdivision**

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: March 23, 2010
PRESENTER: Lydia Reynolds

AGENDA TOPIC: Drake Subdivision Vacation of Easement – VE-2009-153.

ACTION REQUESTED: Vacation of an irrigation easement.

| BACKGROUND INFORMATION | | | | | |
|------------------------------|-------|--|-----|--|----|
| Location: | | 488 23 Road | | | |
| Applicants: | | Henry Drake, Owner Mike Drake, Representative | | | |
| Existing Land Use: | | Vacant Residential Lot | | | |
| Proposed Land Use: | | Residential Simple Subdivision | | | |
| Surrounding Land Use: | North | Residential | | | |
| | South | Church | | | |
| | East | Residential | | | |
| | West | Residential | | | |
| Existing Zoning: | | R-2 (Residential-2 units/acre) | | | |
| Proposed Zoning: | | No Change | | | |
| Surrounding Zoning: | North | County RSF-4 | | | |
| | South | County RSF-4 | | | |
| | East | County RSF-4 | | | |
| | West | County RSF-4 | | | |
| Growth Plan Designation: | | Residential Medium Low, 2-4 du/ac | | | |
| Zoning within density range? | | X | Yes | | No |

PROJECT DESCRIPTION: A request to vacate and relocate a 15-foot irrigation easement across Lot One, Lamplite Subdivision located at 488 23 Road.

RECOMMENDATION: A recommendation of approval to City Council on the proposed vacation.

ANALYSIS

1. Background

The property was annexed into the City in 2007 as the Davis Annexation. The applicants wish to subdivide this parcel into two lots. The existing 15-foot easement diagonally bisects Lot 1 of the proposed subdivision. The vacation of this easement will allow for better design of the building envelope by relocating it to the northern end of the lot.

2. Section 2.11.C of the Zoning and Development Code

The vacation of the irrigation easement shall conform to the following:

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

Vacation and relocation of this easement does not conflict with the Goals and Policies of the Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City.

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

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

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

Access to any parcel will not be restricted. The irrigation ditch has been relocated allowing users access to water.

- 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 are no adverse impacts to the general community. The quality of public facilities and services provided is not reduced due to this vacation request as the ditch has been relocated on the northern portion of the lot.

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

Provision of adequate public facilities and services will not be inhibited to any property.

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

The vacation of the 15-foot irrigation easement will benefit the neighborhood by allowing more buildable area.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Easement Vacation application, VE-2009-153 for the vacation and relocation of a 15-foot irrigation easement, staff makes the following findings of fact and conclusions:

1. The requested easement vacation is consistent with the Comprehensive Plan.
2. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.
3. This resolution is conditioned upon recording of the Drake Subdivision Final Plat.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested easement vacation, VE-2009-153 to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, on item VE-2009-153, I move we forward a recommendation of approval to the City Council on the request to vacate the 15-foot irrigation easement with the findings of fact and conclusions in the staff report.

Attachments:

Site Location Map / Aerial Photo Map
Future Land Use Map / Existing City and County Zoning Map
Resolution

Site Location Map

Figure 1



Aerial Photo Map

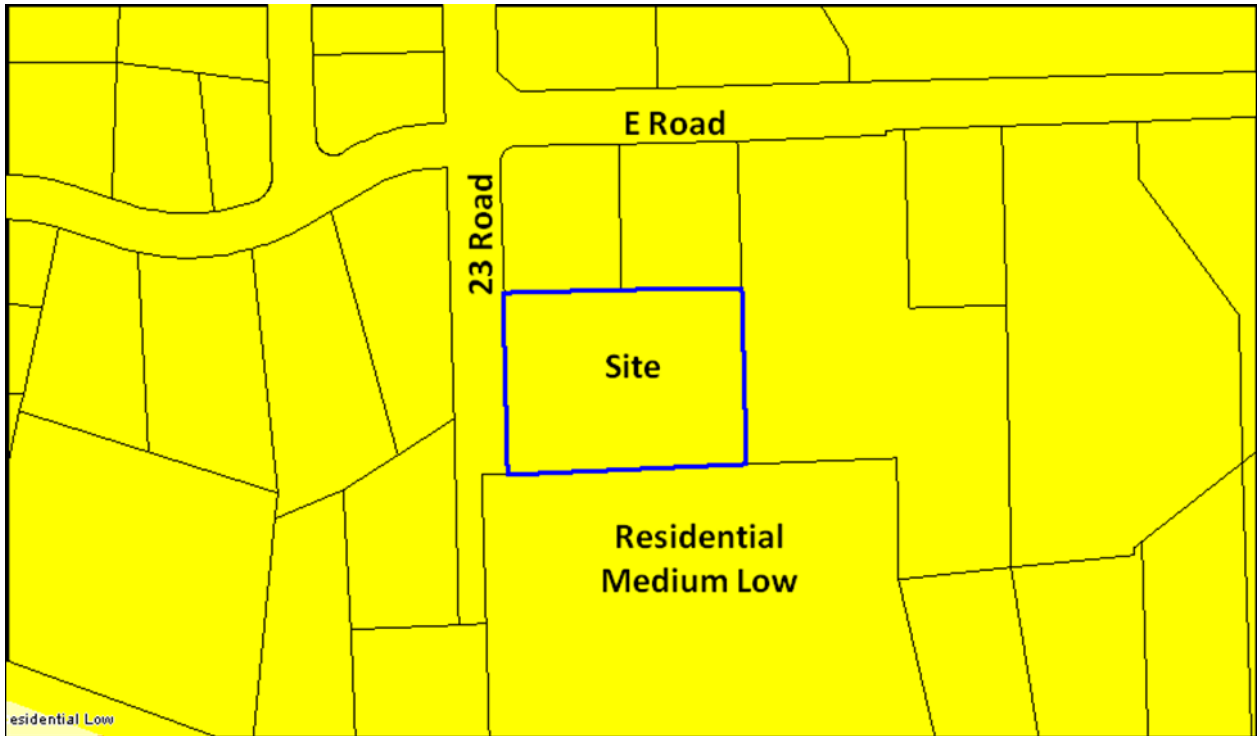
Figure 2



Future Land Use Map

Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

A RESOLUTION VACATING A PORTION OF AN IRRIGATION EASEMENT LOCATED ON LOT ONE, AND RELOCATING IT ON THE NORTHERN END OF LOT ONE, LAMPLITE SUBDIVISION, 488 23 ROAD

Recitals:

A request for the vacation of a portion of an irrigation easement has been submitted in accordance with the Zoning and Development Code. The applicant has requested that the easement located on Lot One, Lamplite Subdivision, which runs diagonally across the lot, be vacated on Lot One, the northern most portion and as shown on the attached Exhibit A. The request for a partial vacation of the easement will clear the property for future development of Lot One, Lamplite Subdivision, by providing a more desirable building envelope.

In a public hearing, the Planning Commission reviewed the request for vacation of the easement and determined that it satisfied the criteria as set forth and established in Section 2.11.C of the Zoning and Development Code. The proposed vacation is also consistent with the purpose and intent of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA SHOWN ON EXHIBIT A, WHICH IS INCORPORATED HEREIN IS HEREBY VACATED. THIS VACATION IS EFFECTIVE UPON THE RECORDING OF THE DRAKE SUBDIVISION PLAT WHICH SHALL CONTAIN THE NEW EASEMENT (15 FOOT IRRIGATION EASEMENT) AS SHOWN ON EXHIBIT A.

PASSED on this _____ day of _____, 2010.

ATTEST:

City Clerk

President of Council

EXHIBIT A

VACATED IRRIGATION EASEMENT DESCRIPTION

A portion of a 15 foot Irrigation Easement as dedicated and situate in Lot One, Lamplite Subdivision as recorded in Plat Book 11 at Page 94 also located in the NW 1/4 NW 1/4 of Section 17, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, being described as follows:

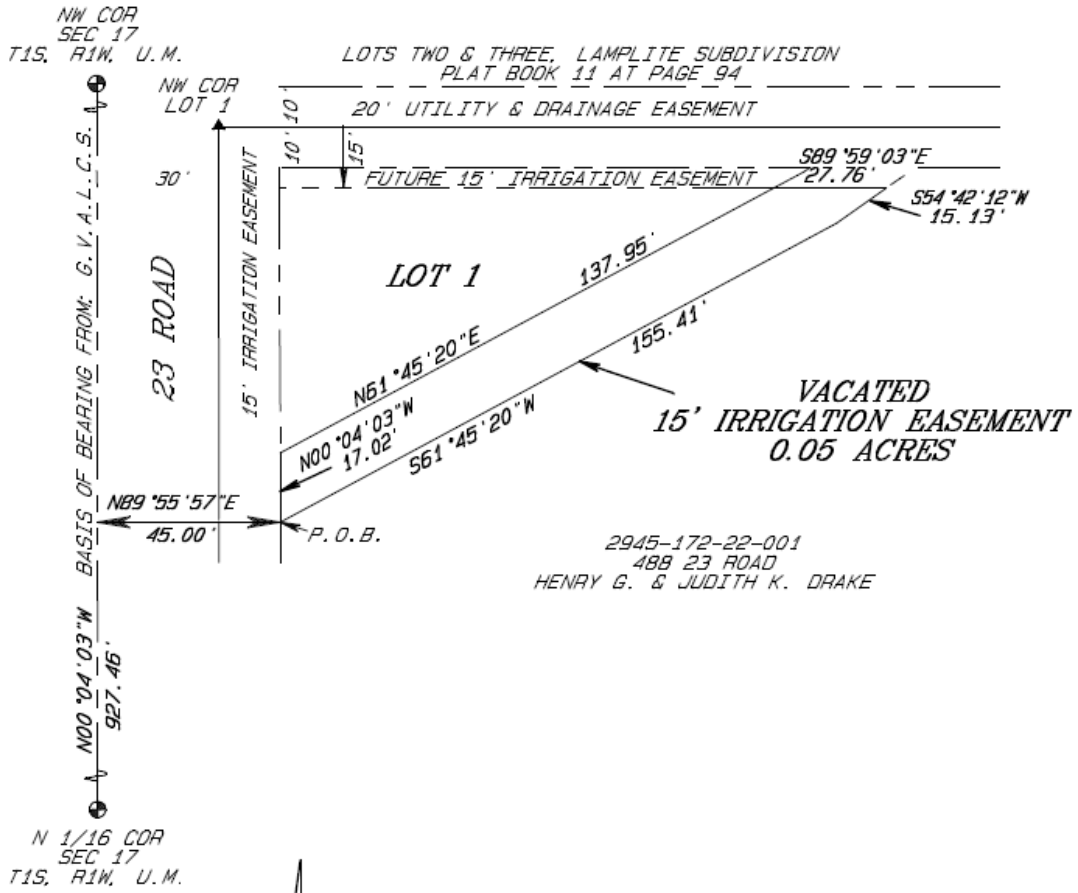
Commencing at the N 1/16 corner of said Section 17;
thence N00°04'03"W a distance of 927.46, being the basis of bearing along the west line of said NW 1/4 NW 1/4;
thence N89°55'57"E a distance of 45.00 feet to the point of beginning;
thence N00°04'03"W a distance of 17.02 feet;
thence N61°45'20"E a distance of 137.95 feet;
thence S89°59'03"E a distance of 27.76 feet;
thence S54°42'12"W a distance of 15.13 feet;
thence S61°45'20"W a distance of 155.41 feet to the point of beginning.
Said strip contains 0.05 acres more or less.

This description was written by:
Michael W. Drissel PLS
118 Ouray Ave.
Grand Junction, CO. 81501

EXHIBIT A

LOT ONE, LAMPLITE SUBDIVISION
PLAT BOOK 11 AT PAGE 94

2945-172-22-002
2301 E RD
MOORE CLIFFORD L



2945-172-22-001
488 23 ROAD
HENRY G. & JUDITH K. DRAKE

MICHAEL W. DRISSSEL PLS 20677



NOT TO SCALE
LINEAL UNITS = U.S. SURVEY FEET

D H SURVEYS, INC.
970-245-8749
JOB #1146-09-01