



**PLANNING COMMISSION AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
TUESDAY, April 12, 2016 @ 6:00 PM**

Call to Order – 6:00 P.M.

*****CONSENT CALENDAR*****

1. Minutes of Previous Meetings [Attach 1](#)

Action: Approve the minutes from the March 8, 2016 Planning Commission Meeting.

**2. Lot 241, Heritage Heights, Filing One – Comprehensive Plan Future Land Use Map Amendment and Rezone [Attach 2](#)
[File# CPA-2016-15 & RZN-2016-16]**

Request approval of a Comprehensive Plan Amendment and Rezone to change the Future Land Use Map designation from "Residential Medium High (8 – 16 du/ac)" to "Commercial/Industrial" and Rezone from R-8 (Residential – 8 du/ac) to I-O (Industrial/Office Park) zone district on 0.95 +/- acres.

Action: Recommendation to City Council

Applicant: Heritage Estates LLC, Owner
Location: 637 25 Road
Staff Presentation: Scott Peterson, Sr. Planner

**3. Marquis Zone of Annexation and Comprehensive Plan Future Land Use Map Amendment [Attach 3](#)
[File#ANX-2016-37 & CPA-2016-38]**

Request approval to City Council of a Comprehensive Plan Amendment to change the Future Land Use Map designation from "Residential Low (0.5 – 2 du/ac)" to "Neighborhood Center" and zoning from County RSF-4 (Residential Single-Family -4 du/ac) to a City B-1 (Neighborhood Business) on 0.54 acres.

Action: Recommendation to City Council

Applicant: Marquis Properties LLC, Owner
Location: 2245 ½ Broadway

Staff Presentation: Scott Peterson, Sr. Planner

[Attach 4](#)

Conditional Use Permit for an Outdoor Amphitheater in Las Colonias Park

[File#CUP-2016-105]

Request approval of a Conditional Use Permit for Las Colonias Park Amphitheater.

Action: Approval of Conditional Use Permit.

Applicant: City of Grand Junction
Location: 925 Struthers Avenue
Staff Presentation: Lori Bowers, Sr. Planner

*****INDIVIDUAL CONSIDERATION*****

[Attach 5](#)

4. Landmark Baptist Church Rezone

[File#RZN-2016-52]

Request to rezone 0.712 acres from an R-8 (Residential 8 du/ac) to an R-O (Residential Office) zone district.

Action: Recommendation to City Council

Applicant: Landmark Baptist Church
Location: 2711 Unawep Avenue
Staff Presentation: Senta Costello, Sr. Planner

[Attach 6](#)

5. Colorado Mesa University Alley Right-of-Way Vacation

[File#VAC-2016-100]

Request to vacate a portion of public alley right-of-way (adjacent to properties owned by CMU or currently under contract with CMU) between Elm and Kennedy Avenue's as part of the Colorado Mesa University expansion projects.

Action: Recommendation to City Council

Applicant: Colorado Mesa University
Location: Portion of Alley located between Elm and Kennedy Avenue's
Staff Presentation: Scott Peterson

6. Nonscheduled Citizens and/or Visitors

7. Other Business

8. Adjournment

Attach 1

**GRAND JUNCTION PLANNING COMMISSION
March 8, 2016 MINUTES
6:00 p.m. to 6:46 p.m.**

The meeting of the Planning Commission was called to order at 6:00 p.m. by Vice-Chairman Ebe Eslami. The hearing was held in the City Hall Auditorium located at 250 N. 5th Street, Grand Junction, Colorado.

Also in attendance representing the City Planning Commission were Jon Buschhorn, Keith Ehlers, Aaron Miller, Steve Tolle, and Bill Wade.

In attendance, representing the City's Administration Department - Community Development, was Greg Moberg, (Development Services Manager) and Brian Rusche, (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lydia Reynolds was present to record the minutes.

There were 17 citizens in attendance during the hearing.

Announcements, Presentations and/or Visitors

None

Consent Agenda

1. Minutes of Previous Meetings

Action: Approve the minutes from the February 9, 2016 Planning Commission Meeting.

Vice-Chairman Eslami briefly explained the Consent Agenda and invited the public, Planning Commissioners and staff to speak if they wanted the item pulled for a full hearing.

With no amendments to the Consent Agenda, Vice-Chairman Eslami called for a motion.

MOTION:(Commissioner Wade) "Mr. Chairman, I move that we accept the Consent Agenda as presented."

Commissioner Buschhorn seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

*****INDIVIDUAL CONSIDERATION*******2. Christian Living Services, Outline Development Plan** [File # PLD-2015-464]

Request to rezone from R-O (Residential Office) to PD (Planned Development) and an Outline Development Plan to develop a 58,000 square foot Assisted Living Facility on 2.37 acres in a PD (Planned Development) zone district.

Action: Recommendation to City Council

Applicant: Jim West Builder, Inc. - Owner
Confluent Development – Applicant
Ciavonne, Roberts and Associates - Representative
Location: 628 26 1/2 Road
Staff presentation: Brian Rusche, Senior Planner

Staff Presentation

Brian Rusche (Senior Planner) displayed a site plan and explained that this is a request to rezone property located at 628 26 ½ Road from R-O (Residential Office) to PD (Planned Development) zone district. In conjunction with this request is the request for approval of an Outline Development Plan (ODP) to develop a 58,000 square foot Assisted Living Facility.

The 2.37 acre site is an unusually shaped triangular lot located at the northeast corner of 26 ½ Road (also known as North 7th St.) and Horizon Drive. The surrounding land uses include three churches, multi-family, and a small amount of single family homes to the north and west. Mr. Rusche noted that St. Mary's hospital is approximately one half mile to the south of this site.

Mr. Rusche explained that the proposed project will provide both assisted living and memory support residential units. The property is designated Residential-Medium on the future land use map of the Comprehensive Plan (2010).

The present zoning of R-O has no maximum residential density and would permit an assisted living facility. However, the R-O zone also has a maximum building size of 10,000 square feet. The PD request is asking for a deviation from that requirement to allow for one building that is not to exceed 58,000 square feet. In addition, two other deviations from the R-O standards include the location of the front door and alignment with other properties.

Mr. Rusche noted that the proposed facility will address a regional need for assisted living and memory care beds for an aging population, while adding jobs for the community and physical improvements to the property.

Mr. Rusche displayed the Outline Development Plan which is intended to be adopted concurrently with the request to change the zone from R-O to Planned Development.

Mr. Rusche explained that the Outline Development Plan sets up the parameters for future development on the property.

Findings of Facts/Conclusions

Mr. Rusche stated that the request is consistent with the goals and policies of the Comprehensive plan, specifically Goal 12. In addition, the review criteria in Section 21.02.150 of the Grand Junction Municipal Code have all been met or addressed.

One of the requirements for a Planned Development is that it provides a community benefit. Mr. Rusche noted some of the benefits are; efficient infrastructure by having one large building, the type of use will generate less traffic than other uses which are allowed, the proposal responds to the demands of needed housing for an aging population and innovative design.

Vice Chairman Eslami requested that Mr. Rusche explain the difference between R-O (Residential Office) and PD (Planned Development) and the Comprehensive Plan, for the benefit of students in attendance. Mr. Rusche gave a brief explanation of these two zones and explained how the Planned Development offered flexibility in allowing for deviations to certain design standards to create a plan that also adds community benefits.

Commissioner Wade asked if more than one 10,000 square foot building is allowed in an R-O zone. Mr. Rusche confirmed that R-O does allow for more than one building that size.

Commissioner Buschhorn noted that the staff report states that a group living facility needs to be 750 feet away from any other group living facility in order to get licensed. He asked Mr. Rusche if nearby Mesa View is within that range. Mr. Rusche explained that Mesa View predates the group living ordinance and is a different kind of facility. They are independent retirement residences, not group living.

Applicant's Presentation

H McNeish representing Confluent Development, 2240 Blake St. Denver, CO displayed a slide noting the members of the development team who are present in the audience. Mr. McNeish explained that Christian Living Services (CLS) is the developer and operator of the senior living project and displayed a slide of their mission statement. He noted that they strive to create a community not a facility. Mr. McNeish explained that the core values under which the company operates goes beyond providing the services of the facility.

Mr. McNeish stated that the project consists of a 2 story, 66 unit Senior Living community with 40 units of that being assisted living and 26 units for Memory Care.

Although there are only 49 parking spaces required, the project provides 72 spaces with a shared parking agreement with the adjacent Church. Mr. McNeish noted that in addition to quality residential design and materials, a third of the property will be landscaped.

Mr. McNeish displayed a concept plan for informational purposes and noted that the primary access is off of Horizon Drive. This is a full access that was a result of a TEDS (Transportation, Engineering and Design Standard) exception that has been granted through the process. Another full access would be off of 26 ½ Road where there is currently an access for the Church, however they will be improving that access. Mr. McNeish mentioned that they will be improving the sidewalks both on Horizon Dr. and 26 ½ in addition to an internal sidewalk network and connect to an existing pedestrian trail that is on the east side of the Lutheran Church.

Mr. McNeish gave a brief overview of the requested deviations and community benefits that Mr. Rusche had provided in the staff presentation.

Questions for Applicant

Commissioner Ehlers mentioned that it is his understanding that the canal that runs on the property along Horizon Dr. has different ownership with one portion being an easement and another portion a right-of-way. Commissioner Ehlers asked if they would need a deviation from a setback. Mr. McNeish stated that they would not need a deviation and they would be meeting or exceeding the 20 foot setback.

Commissioner Wade asked if there was a security concern regarding the canal since there were memory care units at the facility. Mr. McNeish explained that in addition to the building being secured, there is a proposed courtyard in the center of the building to provide an outdoor experience to the residents of the memory care units.

Commissioner Wade noted that they appreciated being able to see a concept plan especially since it is not required for a rezone.

Public Comment

Vice-Chairman Eslami opened the meeting for the public comment portion and asked for anyone in favor of the project to line up at the podium. Having no one respond, Vice-Chairman Eslami asked for those against the proposal to sign in and speak.

Mr. Joel Dyk, 642 26 ½ Road stated that he was concerned that there would be increased foot traffic in his front yard as a result of this development. Mr. Dyk was also concerned about the property values of his neighborhood. In his neighborhood there are three people living on one-half acre and this project calls for 88 people living on 2 ½ acres. Another concern Mr. Dyk addressed was the connectivity of sidewalks both present and future.

Commissioner Wade asked for the aerial photo to be displayed. Mr. Dyk noted that the Lutheran Church shared the cost of a fence, approximately 240 feet, along his property line. Mr. Dyk noted that there is a pedestrian trail to the east of his property that jogs around his fence and comes in front of his house and dead ends at 26 ½ Rd to the west. Mr. Dyk stated that he is not opposed to the project; however he did want to voice his concerns.

Mr. Rusche stated that this project would increase the sidewalk network and links in the area, with St. Mary's in the South to the Church just to the north.

Mr. McNeish asked if the trail on the Four Square Church to the east, is a public trail. Mr. Rusche confirmed that it was a public trail. Mr. McNeish pointed out that this development will create sidewalks that connect to the public trail, as that is a community amenity, and there also will be sidewalk connectivity to the Church with the entrance improvements along 26 ½ Rd. Any additional improvements would be on other properties and therefore out of their control.

Mr. McNeish added that they had held a neighborhood meeting where approximately 20 people showed up and there was no opposition to the project voiced.

Commissioner Ehlers explained that there is a Transportation Capacity Payment that developers are required to pay to the City and the City uses some of this fee to provide sidewalks along roads that are classified as minor collectors or above where it is deemed warranted. Commissioner Ehlers noted that this development concept has gone above and beyond the requirements where the sidewalks are concerned.

Commissioner Toole asked Mr. Rusche if there was a walking and bike path on both sides of 26 ½ Road. Mr. Rusche stated that if there was, it was not hard surface. Commissioner Toole stated he believed there was a bicycle/pedestrian lane as part of the road. Mr. Rusche stated he could not confirm that.

With no further questions, Vice Chairman Eslami closed the public hearing portion of the meeting.

Discussion

Commissioner Ehlers expressed his appreciation to view the conceptual site plan, however he wanted to make clear that he was basing his decision on the proposed rezone criteria and Outline Development Plan. Commissioner Ehlers mentioned that this proposal makes sense given the property's unique location and shape. Commissioner Ehlers added that the surrounding properties, although zoned residential, are churches.

In addition, the shared parking easement to the back of the property is an asset and allows for the building orientation to be up front with parking in back. Commission Ehlers stated that he believes that the findings in the staff report are accurate.

Vice-Chairman Eslami stated that this project appears to be a good fit for that challenging location.

With no further comments, Vice Chairman Eslami called for a motion.

MOTION:(Commissioner Wade) "Mr. Chairman, I move that based on the staff report, and our consideration, that the Planning Commission forward a recommendation of approval for the request to rezone from R-O (Residential-Office) to a PD (Planned Development) and an Outline Development Plan to develop a 58,000 square foot

assisted living facility on 2.37 acres in a Planned Development Zone District (PLD-2015-464) that we forward our recommendation in the affirmative to City Council.”

Commissioner Buschhorn seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

3. Nonscheduled Citizens and/or Visitors

None

4. Other Business

Mr. Moberg reminded the Commissioners that there will be a second workshop this month, however there will not be a second hearing this month.

5. Adjournment

The Planning Commission meeting was adjourned at 6:46 p.m.



Date: March 8, 2016
 Author: Scott D. Peterson
 Title/ Phone Ext: Senior
Planner/1447
 Proposed Schedule: April 12,
2016
 File #: CPA-2016-15 &
RZN-2016-16

Attach 2

PLANNING COMMISSION AGENDA ITEM

<p>Subject: Lot 241, Heritage Heights, Filing One - Comprehensive Plan Future Land Use Map Amendment and Rezone, Located at 637 25 Road</p>
<p>Action Requested/Recommendation: Forward a recommendation of approval to City Council of a Comprehensive Plan Amendment and Rezone to change the Future Land Use Map designation from "Residential Medium High (8 – 16 du/ac)" to "Commercial/Industrial" and Rezone from R-8 (Residential – 8 du/ac) to I-O (Industrial/Office Park) zone district on 0.95 +/- acres.</p>
<p>Presenters Name & Title: Scott D. Peterson, Senior Planner</p>

Executive Summary:

The applicant, Heritage Heights LLC, requests the City change the Comprehensive Plan Future Land Use Map designation for property located at 637 25 Road from "Residential Medium High (8 – 16 du/ac)" to "Commercial/Industrial" and to rezone the property from R-8 (Residential – 8 du/ac) to I-O (Industrial/Office Park) zone district in anticipation of general office development.

Background, Analysis and Options:

The existing property located at 637 25 Road (0.95 acres) is part of the Heritage Heights residential subdivision and contains a modular office building that was moved to the site in 2014 to serve as a temporary office/construction trailer in conjunction with the development of Heritage Heights subdivision. The temporary office/construction trailer has an expiration date tied to the approved Preliminary Plan (SUB-2013-481) phasing schedule. Therefore, on or before April 10, 2019, the temporary office/construction trailer would be required to be removed from the site or the property would need to be brought up to current Zoning Codes standards (Major Site Plan Review and Comp Plan Future Land Use Map Amendment and Rezone applications). These standards would include but are not limited to off-street parking, landscaping, screening and buffering, etc. The applicant now desires to operate the temporary office/construction trailer as a general office and legitimize the existing land use on the property, and therefore requests a change in the Comprehensive Plan Future Land Use Map designation from "Residential Medium High (8 – 16 du/ac)" to "Commercial/Industrial" and rezone the property from R-8 (Residential – 8 du/ac) to I-O (Industrial/Office Park) zone district.

The subject property is surrounded on three sides by residentially zoned property to the north, south and west. However, the Grand Valley Circulation Plan indicates that F 1/2 and 25 Roads will be realigned separating this parcel from the residential developments to the north, west and south. In addition, F 1/2 Road will be constructed along the west and south property lines with the right-of-way being officially dedicated during the final platting of Filing Five as identified on the approved Preliminary Plan for Heritage Heights. With the dedication of the F 1/2 Road corridor (160' width), this right-of-way will physically separate the subject property from the Heritage Heights residential subdivision. It is anticipated that Filing Five will be platted and developed sometime in late 2016 or 2017.

To the east, across 25 Road, is the Foresight Industrial Park which is currently zoned I-O, (Industrial/Office Park) with a Comprehensive Plan Future Land Use Map designation of Commercial/Industrial. The proposed I-O zone district is the most appropriate zone district for the applicant's property since it is an adjacent zone district (located across 25 Road) and also the applicant's proposed land use of a general office is an allowed land use within the I-O zone district.

The requested rezone is currently not supported by the underlying Comprehensive Plan designation. However, Section 21.02.130(d) (v) of the Grand Junction Zoning and Development Code allows the processing of a rezone application or request without a plan amendment when the proposed zoning is inconsistent with the Comprehensive Plan and the property is adjacent to the land use designation that would support the requested zone district. Therefore this is a combined request is to amend the current Comprehensive Plan designation to an adjacent designation (Commercial/Industrial) and rezone the property to I-O.

Neighborhood Meeting:

The applicant held a Neighborhood Meeting on January 12, 2016, however no one from the public attended the meeting nor provided written comments as of this date.

How this item relates to the Comprehensive Plan Goals and Policies:

Granting the Comprehensive Plan Future Land Use Map Amendment and Rezone will allow the applicant to bring the current temporary office building into compliance as an allowed land use with the proposed zone district which supports the following goals and policies from the Comprehensive Plan.

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Policy A: To create large and small "centers" throughout the community that provide services and commercial areas.

Policy B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

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

Policy B: The City and County will provide appropriate commercial and industrial development opportunities.

Economic Development Plan:

The purpose of the adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees. The proposed Comprehensive Plan Future Land Use Map Amendment and Rezone meets with the goal and intent of the Economic Development Plan by supporting and assisting an existing business within the community to stay at its current location to serve area residents.

Board or Committee Recommendation:

There is no committee or board recommendation.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This has not been previously discussed.

Attachments:

1. Staff report/Background information
2. Site Location Map
3. Aerial Photo Map
4. Comprehensive Plan Future Land Use Map
5. Existing Zoning Map
6. Approved Filing Plan for Heritage Heights
7. Resolution
8. Ordinance

BACKGROUND INFORMATION					
Location:		637 25 Road			
Applicant:		Heritage Estates LLC, Owner			
Existing Land Use:		Temporary office/construction trailer			
Proposed Land Use:		General office building			
Surrounding Land Use:	North	Single-family detached			
	South	Vacant land - Future phases of Heritage Heights residential subdivision			
	East	Foresight Industrial Park and Mesa County Sheriff's Posse rodeo grounds			
	West	Vacant land – Future phases of Heritage Heights residential subdivision			
Existing Zoning:		R-8 (Residential – 8 du/ac)			
Proposed Zoning:		I-O (Industrial/Office Park)			
Surrounding Zoning:	North	R-8 (Residential – 8 du/ac)			
	South	R-8 (Residential – 8 du/ac)			
	East	I-O (Industrial/Office Park)			
	West	R-8 (Residential – 8 du/ac)			
Future Land Use Designation:		Residential Medium High (8 – 16 du/ac)			
Zoning within density range?		X	Yes		No

Sections 21.02.130 & 140 of the Grand Junction Zoning and Development Code:

The City may rezone and amend the Comprehensive Plan if the proposed changes are consistent with the vision (intent), goals and policies of the Comprehensive Plan and meets one or more of the following criteria:

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

With the future dedication of the F 1/2 Road right-of-way corridor (160' width) adjacent to the property, this right-of-way will physically separate the subject property from the Heritage Heights residential subdivision and in essence create a remnant parcel that will align itself more towards Foresight Industrial Park with its proximity, rather than leaving as a residentially zoned property (see attached Grand Valley Circulation Plan map and approved Filing Plan for Heritage Heights). To make optimum use of the property, the owner wishes to rezone the property, convert the existing temporary office/construction trailer to a permanent land use and develop the property for general office. Therefore subsequent events (the City requiring the dedication of right-of-way for F 1/2 Road) have invalidated the original premise for the future land use and zoning designations. Changing the land use designation to Commercial/Industrial and rezoning the property to I-O, will allow the applicant to use

the property for general office serving the growing residential and commercial developments within the area of 25 Road, thereby supporting Goals 3 and 12 of the Comprehensive Plan.

Therefore, this criterion has been met.

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

The character of the area will change in the near future with the dedication of the F 1/2 Road right-of-way, per the designation on the Grand Valley Circulation Plan, so that the property will be physically separated from the original properties of Heritage Heights and will align more with the industrial park properties to the east. Therefore the character and/or condition of the area has changed such that the amendments are consistent with the Comprehensive Plan. Changing the land use designation to Commercial/Industrial and rezoning the property to I-O, will allow the property to be used for general office serving the growing residential and commercial developments within the area of 25 Road, thereby supporting Goals 3 and 12 of the Comprehensive Plan.

Therefore, this criterion has been met.

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

Adequate public and community facilities and services are available to the property and are sufficient to serve land uses associated with the I-O zone district and zones allowed under the Future Land Use designation of Commercial/Industrial. Ute Water is available in 25 Road as is City sanitary sewer. Furthermore the property is currently being served by Xcel Energy electric and natural gas. Within a short distance to the south is Blichmann Avenue and F 1/4 Road for availability of public transit connections and further to the south and west is Mesa Mall, a grocery store, restaurants and additional retail opportunities.

Therefore, this criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

The I-O zone district is an allowed zone under the Commercial/Industrial designation, its purpose is to provide a mix of light manufacturing uses, office park, limited retail and service uses in a business park setting with proper screening and buffering. There is approximately 22,039 acres located within the limits of the City of Grand Junction. Of that total acreage, approximately 492 acres, or 2% is zoned I-O. Therefore it could be argued that there is an inadequate supply of I-O zoned land within the community.

Therefore, this criterion has been met.

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

The community and area will derive increased tax revenues from the proposed Comprehensive Plan amendment and rezone by the development and utilization of a previously vacant parcel. Furthermore, the use of this parcel for general office will serve the growing residential and commercial developments within the area of 25 Road. Finally the I-O zone district provides for performance standards to help mitigate the impacts of potential development regarding location of loading docks, noise, lighting glare, outdoor storage and display, etc., to help protect adjacent residential and industrial office properties.

Therefore, this criterion has been met.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Comprehensive Plan proposed designation of Commercial/Industrial for the subject property.

1. C-2 (General Commercial)
2. M-U (Mixed Use)
3. B-P (Business Park Mixed Use)
4. I-1 (Light Industrial)

In reviewing the other zoning district options for the Commercial/Industrial designation, all zoning districts allow general office as an allowed land use, however, the I-O (Industrial/Office Park) zone district would be the desired option as it will match the current zoning of the Foresight Industrial Park across 25 Road and also provides for performance standards to help mitigate the impacts of potential development regarding location of loading docks, noise, lighting glare, outdoor storage and display, etc., to help protect adjacent residential and industrial office properties.

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

FINDINGS OF FACT AND CONCLUSIONS

After reviewing the Lot 241, Heritage Heights, Filing One application, CPA-2016-15 and RZN-2016-16, request for a Comprehensive Plan Future Land Use Map designation change from "Residential Medium High (8 – 16 du/ac)" to "Commercial/Industrial" and a rezone from R-8 (Residential – 8 du/ac) to I-O (Industrial/Office Park) zone district, the following findings of fact and conclusions have been determined:

1. The requested Comprehensive Plan Future Land Use Map Amendment and Rezone are consistent with the goals and polices of the Comprehensive Plan, specifically, Goals 3 and 12.

2. The review criteria, items 1, 2, 3, 4 and 5 in Sections 21.02.130 and 140 of the Grand Junction Zoning and Development Code have been met or addressed.

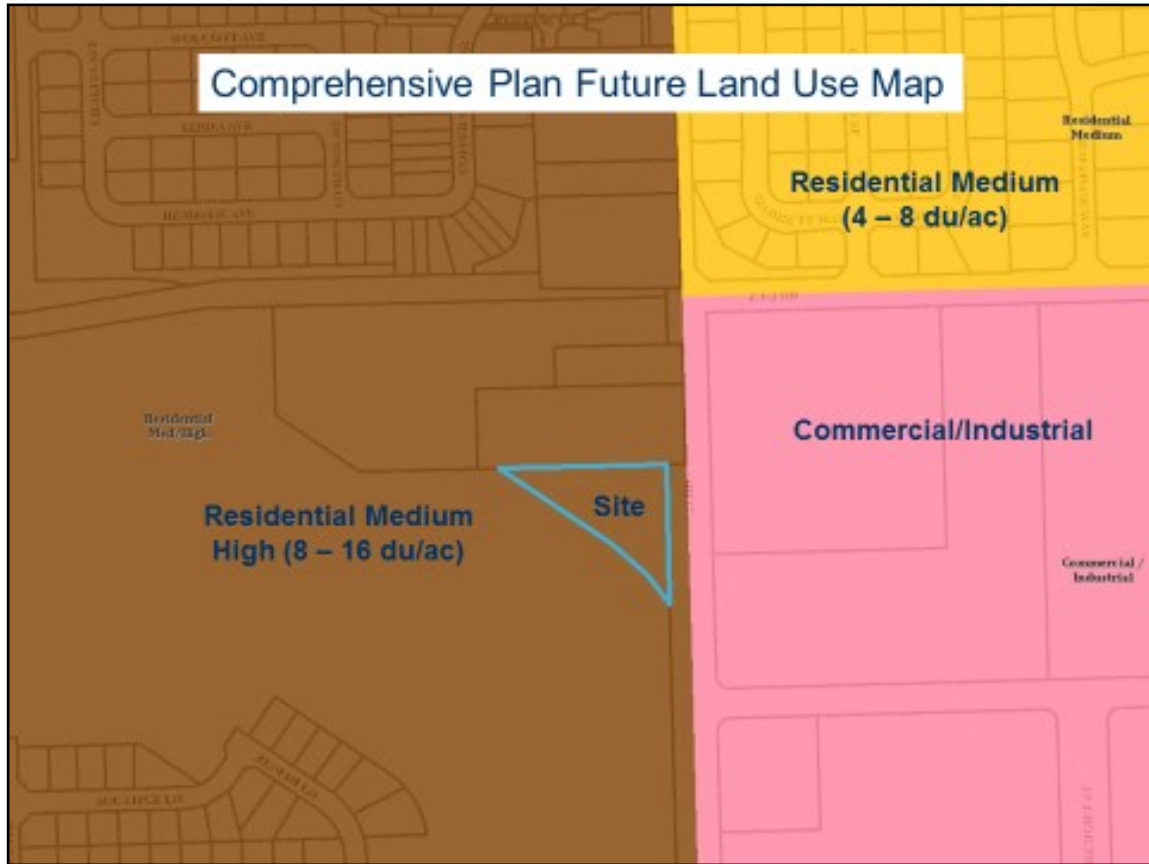
STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested Comprehensive Plan Future Land Use Map designation from "Residential Medium High (8 – 16 du/ac)" to "Commercial/Industrial" and a rezone from R-8 (Residential – 8 du/ac) to I-O (Industrial/Office Park) zone district for Lot 241, Heritage Heights, Filing One to the City Council with the findings of fact and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

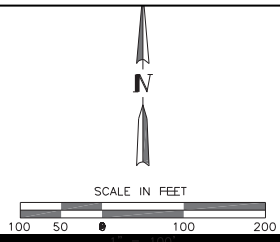
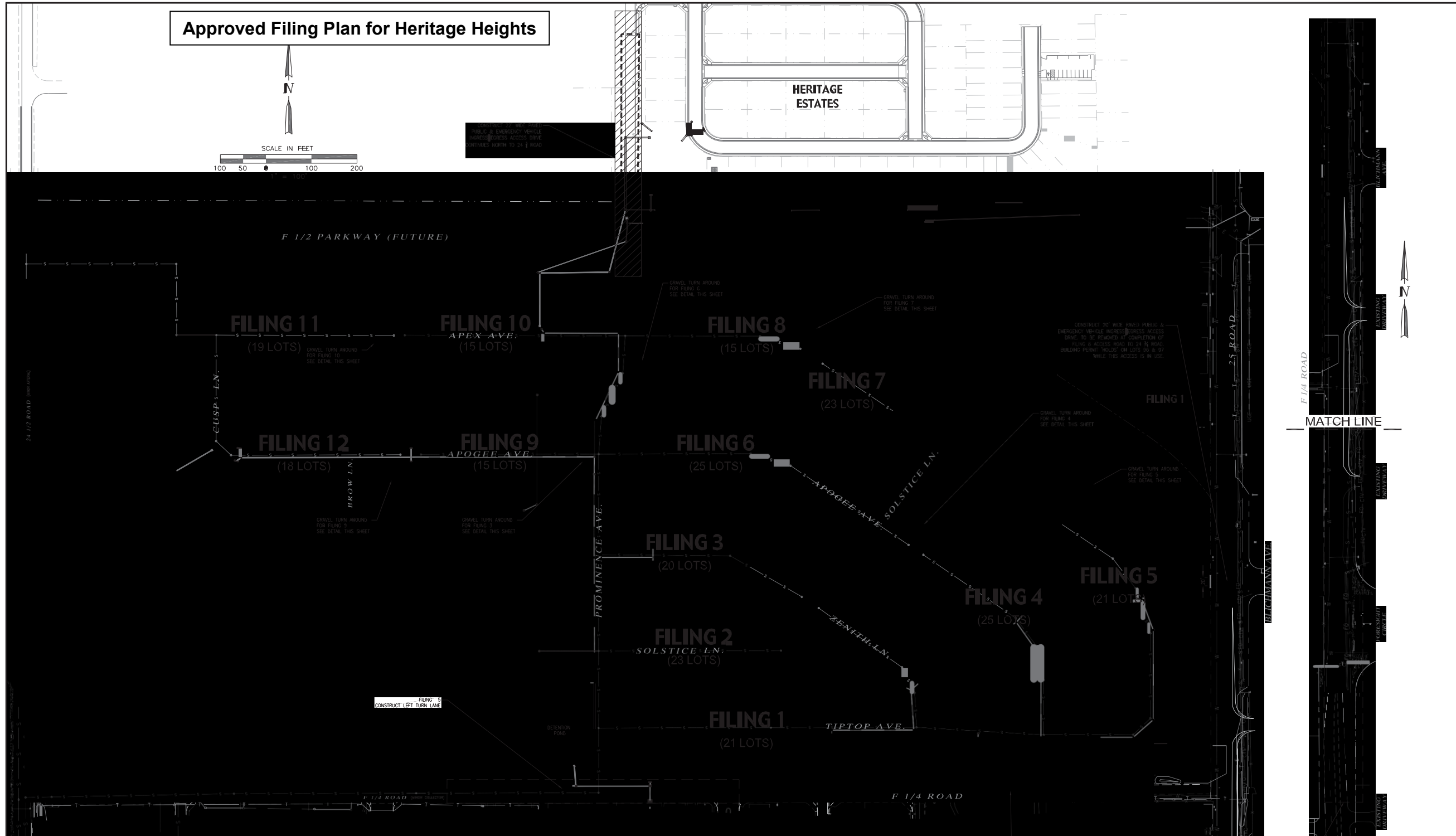
Madam Chairman, on Comprehensive Plan Future Land Use Map Amendment and Rezone, CPA-2016-15 and RZN-2016-16, I move that the Planning Commission forward a recommendation of approval for the Comprehensive Plan Future Land Use Map designation from "Residential Medium High (8 – 16 du/ac)" to "Commercial/Industrial" and a rezone from R-8 (Residential – 8 du/ac) to I-O (Industrial/Office Park) zone district, with the findings of fact and conclusions listed in the staff report.







Approved Filing Plan for Heritage Heights



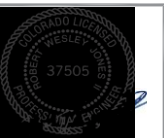
VEHICLE & EMERGENCY VEHICLE ACCESS POINT
 VEHICLE WIDTH TO 24' ± ROAD

HERITAGE ESTATES



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R.W.
 PROFESSIONAL ENGINEER

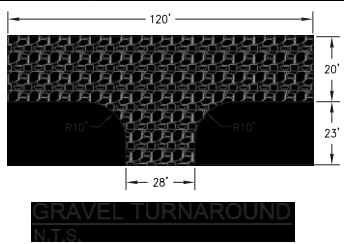


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NO.	REV.	DATE	BY
1	1	10/20/14	BY
2	1	10/20/14	BY
3	1	10/20/14	BY

MAJOR SUBDIVISION
 FINAL PLAN

Heritage Heights
 637 25 Road
 Grand Junction, Colorado



USE	AREA	AC	% OF TOTAL	OWNER
SINGLE FAMILY LOTS (240 TOTAL)	1,314,789.51 S.F.	30.18	53.36%	PRIVATE
COMMERCIAL LOT (LOT 241)	44,323.80 S.F.	1.02	2.14%	PRIVATE
RIGHT-OF-WAY	420,717.22 S.F.	9.66	20.27%	HDA
TRACTS A - K	88,531.59 S.F.	2.03	4.27%	HDA
F & ROAD RIGHT-OF-WAY DEDICATION		2.49	5.23%	PUBLIC
FILING 5		1.21	2.55%	
FILING 8		0.50	1.05%	
FILING 10		0.54	1.13%	
FILING 11				
TOTAL SITE AREA:	2,075,209.24 S.F.	47.64 AC		

FILING	APPROXIMATE COMPLETION START DATE
1	2015
2	2015
3	2015
4	2015
5	2016
6	2017
7	2017
8	2018
9	2018
10	2018
11	2018
12	2018

FILING 5
 CONSTRUCT F & ROAD WIDENING & STRIPING

FILING 1
 CONSTRUCT LEFT TURN LANE & 25' ROAD WIDENING

PROJECT: F12-041
 DATE: 8/25/14
 SCALE: 1"=80'
 USER: Tony.dwg
 SHEET: C0.3



Grand Valley Circulation Plan

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

A RESOLUTION AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP OF THE CITY OF GRAND JUNCTION FROM RESIDENTIAL MEDIUM HIGH (8 – 16 DU/AC) TO COMMERCIAL/INDUSTRIAL FOR LOT 241, HERITAGE HEIGHTS, FILING ONE

LOCATED AT 637 25 ROAD

Recitals:

A request for a Comprehensive Plan Future Land Use Map Amendment has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately 0.95 +/- acres, located at 637 25 Road be redesignated from Residential Medium High (8 – 16 du/ac) to Commercial/Industrial on the Future Land Use Map.

In a public hearing, the City Council reviewed the request for the proposed Comprehensive Plan Future Land Use Map Amendment and determined that it satisfied the criteria as set forth and established in Section 21.02.130 of the Zoning and Development Code and the proposed amendment is 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 DESCRIBED BELOW IS REDESIGNATED FROM RESIDENTIAL MEDIUM HIGH (8 – 16 DU/AC) TO COMMERCIAL/INDUSTRIAL ON THE FUTURE LAND USE MAP.

HERITAGE ESTATES LLC PROPERTY

Lot 241, Heritage Heights, Filing One

Said parcels contain 0.95 +/- acres (41,443.16 sq. ft.), more or less, as described.

PASSED on this _____ day of _____, 2016.

ATTEST:

City Clerk

President of Council

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING LOT 241, HERITAGE HEIGHTS, FILING ONE
PROPERTY FROM R-8 (RESIDENTIAL – 8 DU/AC) TO
I-O (INDUSTRIAL OFFICE PARK)**

LOCATED AT 637 25 ROAD

Recitals:

The applicant, Heritage Estates LLC, wishes to rezone a 0.95 +/- acre property from R-8 (Residential – 8 du/ac) to I-O (Industrial/Office Park) zone district in anticipation of industrial office park development for the purpose of establishing a general office.

The existing property is part of the Heritage Heights residential subdivision and contains a modular office building that was moved to the site in 2014 to serve as a temporary office/construction trailer in conjunction with the development of Heritage Heights subdivision. The applicant now desires to operate the temporary office/construction trailer as a general office and legitimize the existing land use on the property.

The Comprehensive Plan Future Land Use Map designation is Residential Medium High (8 – 16 du/ac) but as part of the rezone request the Comprehensive Plan Future Land Use Map is requested to be changed to Commercial/Industrial.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Heritage Estates LLC property from R-8 (Residential – 8 du/ac) to I-O (Industrial/Office Park) zone district for the following reasons:

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

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

The Planning Commission and City Council find that the I-O zoning is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

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

The following property shall be rezoned I-O (Industrial/Office Park).

Lot 241, Heritage Heights, Filing One

Said parcels contain 0.95 +/- acres (41,443.16 sq. ft.), more or less, as described.

Introduced on first reading this _____ day of _____, 2016 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2016 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Date: March 30, 2016
 Author: Scott D. Peterson
 Title/Phone Ext:
Senior Planner/1447
 Proposed Schedule:
April 12, 2016
 File #: ANX-2016-37 &
 CPA-2016-38

Attach 3

PLANNING COMMISSION AGENDA ITEM

<p>Subject: Marquis Zone of Annexation and Comprehensive Plan Future Land Use Map Amendment, Located at 2245 1/2 Broadway</p>
<p>Action Requested/Recommendation: Forward a recommendation of approval to City Council of a Comprehensive Plan Amendment to change the Future Land Use Map designation from “Residential Low (0.5 – 2 du/ac)” to “Neighborhood Center” and zoning from County RSF-4 (Residential Single-Family -4 du/ac) to a City B-1 (Neighborhood Business) on 0.54 acres.</p>
<p>Presenters Name & Title: Scott D. Peterson, Senior Planner</p>

Executive Summary:

A request to zone 0.54 acres from County RSF-4 (Residential Single-Family – 4 du/ac) to a City B-1 (Neighborhood Business) zone district along with a Comprehensive Plan Amendment to change the Future Land Use Map designation from “Residential Low (0.5 – 2 du/ac)” to “Neighborhood Center”.

Background, Analysis and Options:

The property owner has requested annexation into the City limits and a zoning of B-1 (Neighborhood Business) to facilitate the development of a future building expansion and additional off-street parking for Tiara Rado Animal Hospital which is located on the adjacent property to the east. Under the 1998 Persigo Agreement with Mesa County, proposed development within the Persigo Wastewater Treatment Facility boundary (201 service area) must be annexed into the City prior to development. Also, a commercial zone is required in order to allow the animal hospital to expand onto this site.

The applicant is requesting that this site be zoned B-1(Neighborhood Business). The B-1 zone limits the hours of operation from 5 AM to 11 PM, prohibits outdoor storage and permanent display and allows land use(s) that would be considered compatible with the adjacent residentially zoned properties. As for the applicant’s requested land use, “Animal Care/Boarding Indoor” is an “Allowed” land use within the requested B-1 zone district.

The current Future Land Use designation is Residential Low (0.5 – 2 du/ac), however the adjacent Future Land Use designation is Neighborhood Center. Therefore a Comprehensive Plan Amendment to change the Future Land Use Map designation from “Residential Low (0.5 – 2 du/ac)” to “Neighborhood Center” is also required.

The requested zoning is currently not supported by the underlying Comprehensive Plan Future Land Use designation. However, Section 21.02.130 (d) (v) of the Zoning and Development Code allows the processing of a rezone application or request without a plan amendment when the proposed zoning is inconsistent with the Comprehensive Plan and the property is adjacent to the land use designation that would support the requested zone district. Therefore, this a combined request to amend the current Comprehensive Plan designation to an adjacent designation (Neighborhood Center) and zone the property to B-1 as part of the annexation request.

Neighborhood Meeting:

A Neighborhood Meeting was held on January 11, 2016 with two citizens along with the applicant and City Project Manager in attendance. One phone call from an adjacent neighbor was also received by the applicant. No objections to the proposed annexation, zoning and comprehensive plan future land use map amendment, nor proposed future development were received.

How this item relates to the Comprehensive Plan Goals and Policies:

The proposed annexation creates an opportunity for future neighborhood business development in a manner consistent with adjacent development and provides appropriate commercial development opportunities which implements the following goals and policies from the Comprehensive Plan.

Goal 1: To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Policy A: To create large and small “centers” throughout the community that provide services and commercial areas.

Policy B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

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

Policy B: The City and County will provide appropriate commercial and industrial development opportunities.

How this item relates to the Economic Development Plan:

The purpose of the adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees. The proposed annexation and zoning meets with the goal and intent of the Economic Development Plan by supporting and assisting an existing veterinary business within the community to stay at its current location and potentially expand their business offerings in the future with a new larger building to serve area residents, which furthers the goals of the Economic Development Plan.

Board or Committee Recommendation:

There is no other committee or board recommendation.

Financial Impact/Budget:

The provision of municipal services will be consistent with adjacent properties already in the City. Property tax levies and municipal sales/use tax will be collected, as applicable, upon annexation.

Other issues:

There are no other issues identified.

Previously presented or discussed:

This has not been previously discussed by the Planning Commission.

Attachments:

1. Background information
2. Staff report
3. Annexation Map
4. Aerial Photo
5. Comprehensive Plan Future Land Use Map
6. Existing Zoning Map
7. Resolution
8. Ordinance

BACKGROUND INFORMATION				
Location:		2245 1/2 Broadway		
Applicant:		Marquis Properties LLC, Owner		
Existing Land Use:		Single-family detached home		
Proposed Land Use:		Additional parking lot and future building expansion of Tiara Rado Animal Hospital		
Surrounding Land Use:	North	Broadway Elementary School		
	South	Single-family detached		
	East	Tiara Rado Animal Hospital		
	West	Single-family detached		
Existing Zoning:		County RSF-4 (Residential Single-Family – 4 du/ac)		
Proposed Zoning:		B-1 (Neighborhood Business)		
Surrounding Zoning:	North	County RSF-4 (Residential Single-Family – 4 du/ac)		
	South	County RSF-4 (Residential Single-Family – 4 du/ac)		
	East	City B-1 (Neighborhood Business) and County RSF-4 (Residential Single-Family – 4 du/ac)		
	West	County RSF-4 (Residential Single-Family – 4 du/ac)		
Future Land Use Designation:		Residential Low (0.5 – 2 du/ac)		
Zoning within density/intensity range?		X	Yes	No

Sections 21.02.130 & 140 of the Grand Junction Zoning and Development Code:

Section 21.02.160 of the Grand Junction Zoning and Development Code states that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. The Comprehensive Plan Future Land Use Map designates the property as Residential Low (0.5 - 2 du/ac), however as part of the zoning request, the applicant is requesting to change the Future Land Use Map designation to Neighborhood Center in order to accommodate the requested zoning district of B-1 (Neighborhood Business).

The City may zone and amend the Comprehensive Plan if the proposed changes are consistent with the vision (intent), goals and policies of the Comprehensive Plan and meets one or more of the following criteria:

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

The City of Grand Junction and Mesa County jointly adopted a Comprehensive Plan in February, 2010. The Plan replaced the previous Growth Plan and established new land use designations to implement the vision of the Plan and guide how development should occur. In many cases the new land use designation encouraged higher density or more intense development in some urban areas of the City. A key objective of the Comprehensive Plan is to locate shopping and employment closer to where people live. This reduces traffic congestion, shortens commute time, improves air quality and cost of infrastructure. The Plan includes an emphasis on mixed-use centers (City Center, Village Centers and Neighborhood Centers) that encourage infill and redevelopment.

Prior to adoption of the Comprehensive Plan the area surrounding the subject site had a land use designations of residential, public/institutional and commercial. With the adoption of the Comprehensive Plan, the area west of the subject site was designated as Neighborhood Center. The land use designation was placed on this area due to the increase in commercial uses have occurred over the years. The land use designation to the north, west and east has been designated as residential. Generally, Neighborhood Centers are modest extensions of existing commercial districts that contain grocery stores, drug stores and other convenience-oriented retail/services that serve the immediate neighborhood as well as some drive-to clientele.

In addition to the adoption of the Comprehensive Plan, the Zoning and Development Code was also amended in 2010 to implement the vision and goals of the Comprehensive Plan. Amendments to the Zoning and Development code included language (Section 21.02.130 (d) (v)) that anticipated the need for zones and land use designations to be flexible by allowing requests for properties to be zoned the same as adjacent properties.

Therefore, this criterion has been met as the adoption of the Comprehensive Plan and amendments to the Zoning and Development Code were subsequent events that have invalidated the original premise of the current zoning and Future Land Use designation.

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

With the adoption of the Comprehensive Plan in 2010 and the designation of the area east of the subject site as Neighborhood Center, conditions of the area have changed such that the proposed rezone and the amendment to the Comprehensive Plan Future Land Use Map is consistent with the Comprehensive Plan.

Therefore, this criterion has been met.

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

Adequate public and community facilities and services are available to the property and are sufficient to serve the land uses associated within the B-1 zone district and the Future Land Use designation of Neighborhood Center. Ute Water is presently stubbed to the property and is available in Broadway, City sanitary sewer is presently stubbed to the property and is available along the south property line. Property is also being served by Xcel Energy electric and natural gas. To the east is a neighborhood commercial center that includes an office complex, convenience store, car wash and gas islands. Further to the east is another car wash, bank and medical clinic. Broadway Elementary School is located across the street. Less than a mile from the property is Grand Junction Redlands Fire Station No. 5.

Therefore, this criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

The B-1 zone district is an allowed zone under the Neighborhood Center designation, its purpose is to provide small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses; a balance of residential and nonresidential uses. There is very little B-1 zoned properties within the City limits (133 +/- total acres which equates to less than 1%), therefore, there is an inadequate supply of B-1 zoned land within the community.

Therefore, this criterion has been met.

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

The community or area will derive benefits from the proposed Neighborhood Center designation and the B-1 zone as it would create an opportunity for the expansion of an existing veterinary clinic which serves the growing population within the Redlands and also the community. Furthermore, the proposed B-1 zone district limits the hours of operation from 5 AM to 11 PM, prohibits outdoor storage and permanent display and allows land use(s) that would be considered compatible with the adjacent residentially zoned properties to the west and south.

Therefore, this criterion has been met.

Alternatives: The following zone districts would also be consistent with the Future Land Use designation of Neighborhood Center for the subject property:

1. R-8 (Residential – 8 du/ac)
2. R-12 (Residential – 12 du/ac)

3. R-16 (Residential – 16 du/ac)
4. R-O (Residential – Office)
5. C-1 (Light Commercial)
6. Form Based Zone Districts of MXR, MXG & MXS

In reviewing the other zoning district options, the residential zone districts of R-8 and the mixed use zone district of R-O do not allow commercial retail land uses. The C-1 zone district could be an option but allows land uses which may not be compatible with the adjacent residential properties to the west and south. Also the C-1 zone has no restrictions on hours of operation allowing a use to be open 24-hours a day. The Form Based Zone Districts are generally intended for new development with the desire to create pedestrian-friendly urban areas where higher density mixed uses and mixed building types promote less dependence on the automobile. It is staff's opinion that the B-1 (Neighborhood Business) zone district would be the most suitable zone for this location as it limits the hours of operation from 5 AM to 11 PM and prohibits outdoor storage and permanent display. The B-1 zone is also the adjacent zoning to the east.

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

FINDINGS OF FACT AND CONCLUSIONS

After reviewing the Marquis Zone of Annexation, ANX-2016-37 and CPA-2016-38, request for a Comprehensive Plan Future Land Use Map designation change from Residential Low (0.5 – 2 du/ac) to Neighborhood Center and Zone of Annexation from County RSF-4 (Residential Single-Family – 4 du/ac) to a City B-1 (Neighborhood Business) zone district for 0.54 acres, the following findings of fact and conclusions have been determined:

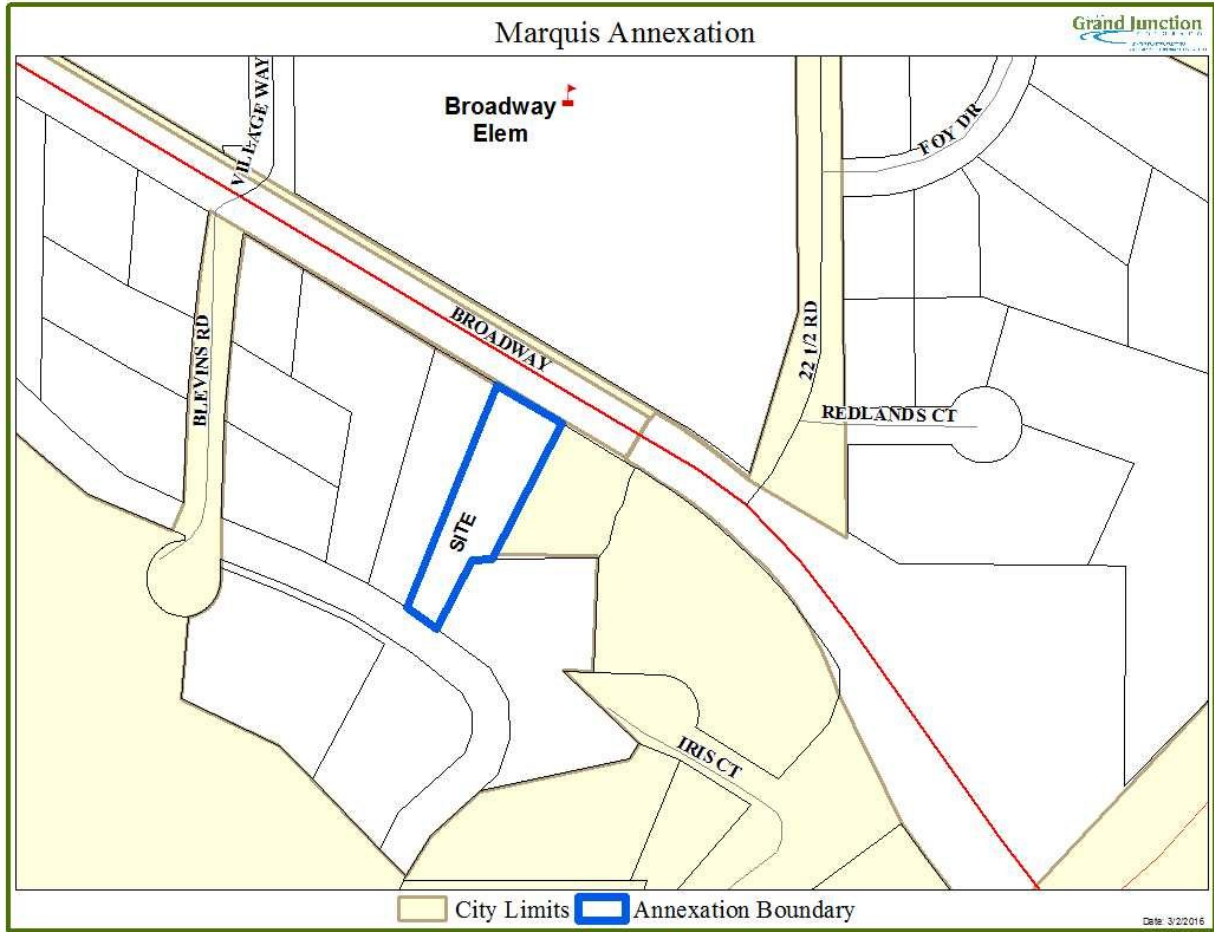
1. The requested Comprehensive Plan Future Land Use Map Amendment and Zone of Annexation is consistent with the goals and polices of the Comprehensive Plan, specifically, Goals 1, 3, and 12.
2. The review criteria, items 3 through 5 in Sections 21.02.130 and 140 of the Grand Junction Zoning and Development Code have been met or addressed.

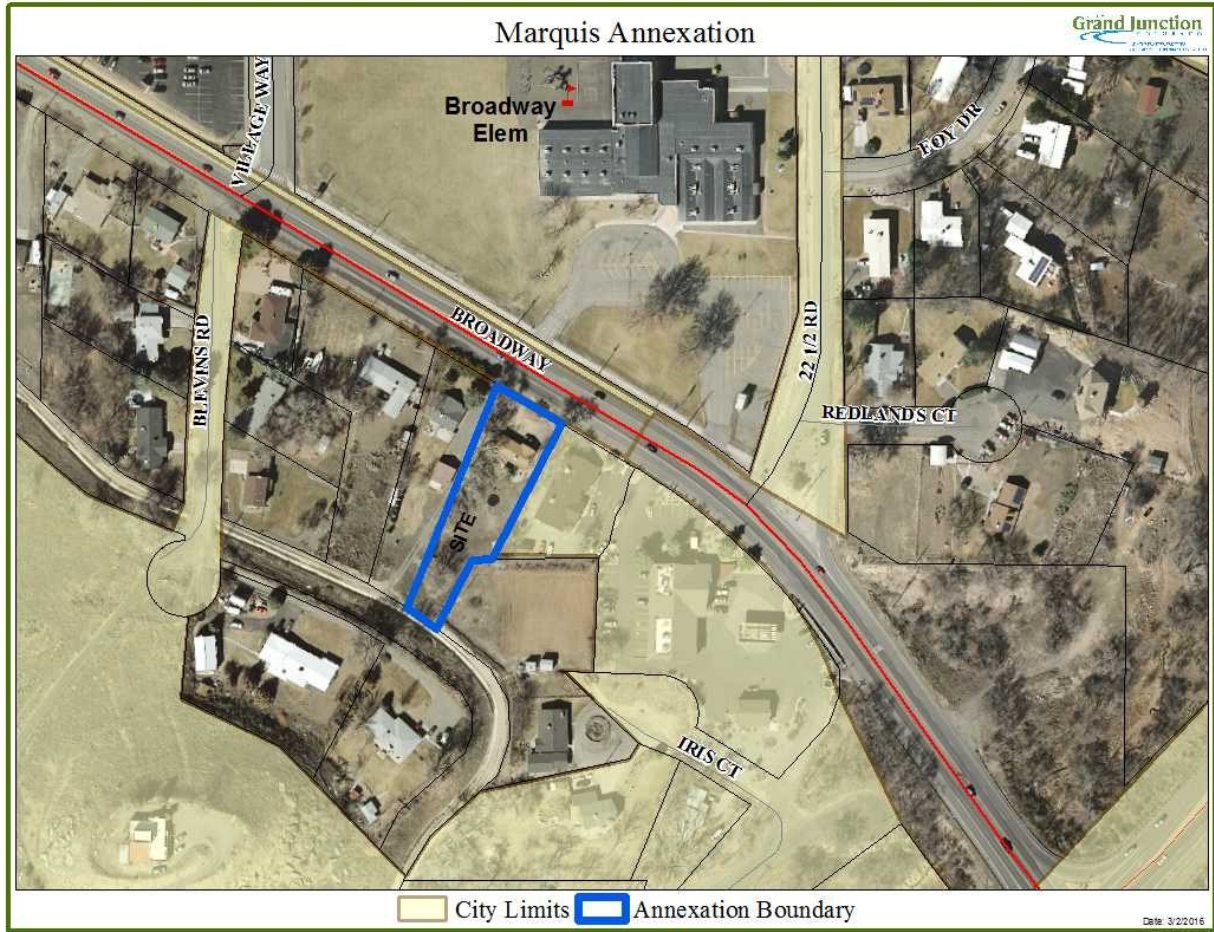
STAFF RECOMMENDATION:

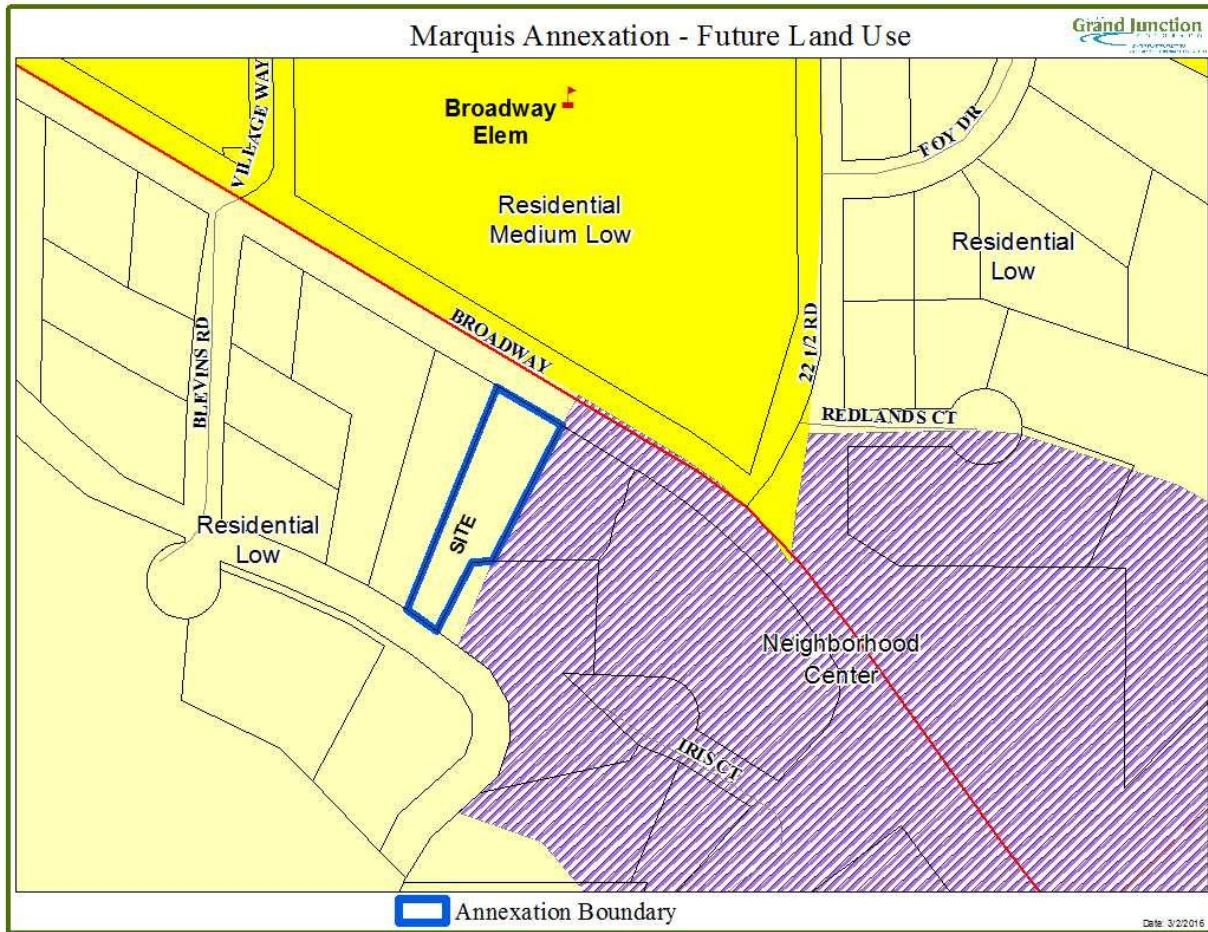
I recommend that the Planning Commission forward a recommendation of approval of the requested Comprehensive Plan Future Land Use Map Amendment from "Residential Low (0.5 – 2 du/ac)" to "Neighborhood Center" and Zone of Annexation from County RSF-4 (Residential Single-Family – 4 du/ac) to B-1 (Neighborhood Business) zone district for the Marquis Annexation to the City Council with the findings of fact and conclusions listed above.

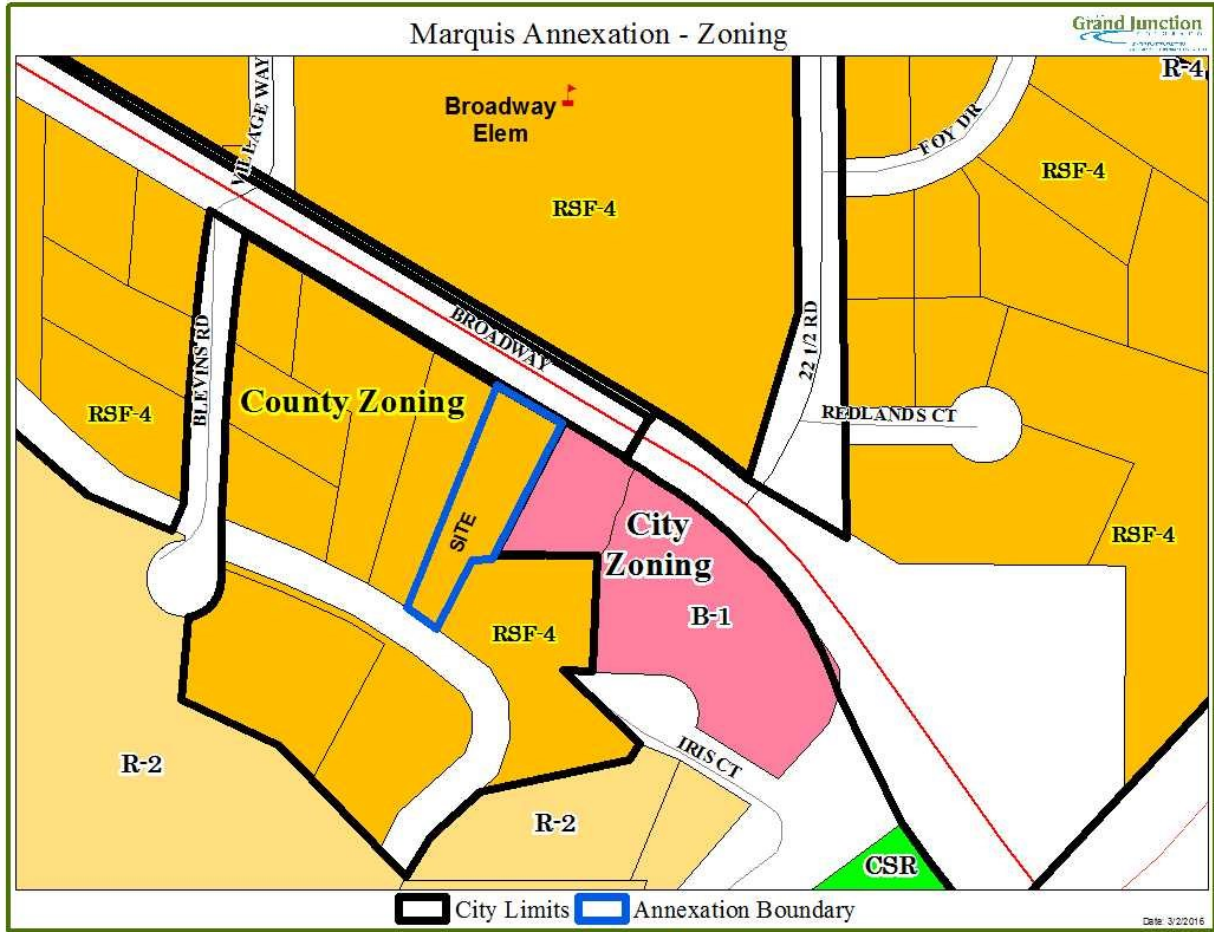
RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on Comprehensive Plan Future Land Use Map Amendment from "Residential Low" to "Neighborhood Center" and Zone of Annexation from County RSF-4 (Residential Single-Family – 4 du/ac) to B-1 (Neighborhood Business) zone district for the Marquis Annexation, City file #'s ANX-2016-37 and CPA-2016-38, I move that the Planning Commission forward a recommendation of approval to the City Council with the findings of fact and conclusions listed within the staff report.









CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

A RESOLUTION AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP OF THE CITY OF GRAND JUNCTION FROM RESIDENTIAL LOW (0.5 – 2 DU/AC) TO NEIGHBORHOOD CENTER FOR THE MARQUIS ANNEXATION

LOCATED AT 2245 1/2 BROADWAY

Recitals:

A request for a Comprehensive Plan Future Land Use Map Amendment has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately 0.54 +/- acres, located at 2245 1/2 Broadway be redesignated from Residential Low (0.5 – 2 du/ac) to Neighborhood Center on the Future Land Use Map.

In a public hearing, the City Council reviewed the request for the proposed Comprehensive Plan Future Land Use Map Amendment and determined that it satisfied the criteria as set forth and established in Section 21.02.130 of the Zoning and Development Code and the proposed amendment is 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 DESCRIBED BELOW IS REDESIGNATED FROM RESIDENTIAL LOW (0.5 – 2 DU/AC) TO NEIGHBORHOOD CENTER ON THE FUTURE LAND USE MAP.

MARQUIS ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of the Southwest Quarter (SW 1/4) of said Section 7 and assuming the East line of said SW 1/4 bears N 00°24'57" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 38°53'40" W, a distance of 853.52 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 58°25'48" W, a distance of 41.30 feet; thence N 22°28'12" E, a distance of 323.76 feet to a point on the Southerly right of way for Broadway (Highway 340), as same is recorded in Book 518, Page 337, Public Records of Mesa County, Colorado; thence S 59°03'51" E, along said Southerly right of way, a distance of 99.48 feet; thence S 27°27'12" W, a distance of 197.20 feet to a point on the North line of Lot 3, Iris Court Subdivision, as same is recorded in Plat Book 9, Page

77, Public Records of Mesa County, Colorado; thence S 88°59'12" W, a distance of 34.10 feet to a point being the Northwest corner of said Lot 3; thence S 27°27'12" W, a distance of 106.00 feet, more or less, to the Point of Beginning.

CONTAINING 23,920 Sq. Ft. or 0.549 Acres, more or less, as described hereon.

PASSED on this _____ day of _____, 2016.

ATTEST:

City Clerk

President of Council

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE ZONING THE MARQUIS ANNEXATION
TO B-1 (NEIGHBORHOOD BUSINESS)

LOCATED AT 2245 1/2 BROADWAY

Recitals:

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Marquis Annexation to the B-1 (Neighborhood Business) zone district, finding that it conforms with the designation of Neighborhood Center as shown on the Future Land Use Map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the B-1 (Neighborhood Business) zone district is in conformance with at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

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

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

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of the Southwest Quarter (SW 1/4) of said Section 7 and assuming the East line of said SW 1/4 bears N 00°24'57" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 38°53'40" W, a distance of 853.52 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 58°25'48" W, a distance of 41.30 feet; thence N 22°28'12" E, a distance of 323.76 feet to a point on the Southerly right of way for Broadway (Highway 340), as same is recorded in Book 518, Page 337, Public Records of Mesa County, Colorado; thence S 59°03'51" E, along said Southerly right of way, a distance of 99.48 feet; thence S 27°27'12" W, a distance of 197.20 feet to a point on the North line of Lot 3, Iris Court Subdivision, as same is recorded in Plat Book 9, Page 77, Public Records of Mesa County, Colorado; thence S 88°59'12" W, a distance of 34.10 feet to a point being the Northwest corner of said Lot 3; thence S 27°27'12" W, a distance of 106.00 feet, more or less, to the Point of Beginning.

CONTAINING 23,920 Sq. Ft. or 0.549 Acres, more or less, as described hereon.

Introduced on first reading this _____ day of _____, 2016 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2016 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Date: [March 31, 2016](#)
 Author: [Lori V. Bowers](#)
 Title/ Phone Ext: [Sr. Planner / 4033](#)
 Proposed Schedule: [April 12, 2016](#)
[Consent Agenda](#)
 File #: [CUP-2016-105](#)

Attach 4

PLANNING COMMISSION AGENDA ITEM

Subject: Conditional Use Permit for an Outdoor Amphitheater in Las Colonias Park.
Action Requested/Recommendation: Approve a Conditional Use Permit for Las Colonias Park Amphitheater located at 925 Struthers Avenue
Presenter(s) Name & Title: Lori V. Bowers, Senior Planner

Executive Summary:

In accordance with the City adopted Master Plan for Las Colonias Park, an application for a Conditional Use Permit (CUP) for an outdoor amphitheater has been submitted. The use of the property as a public park is allowed by right; but the amphitheater feature requires a CUP under Section 21.04.010 (Use Table).

Background, Analysis and Options:

The Property. The subject site is located at 925 Struthers, just north of the existing Las Colonias Trail (which is part of the Riverfront Trail System), east of Edgewater Brewery, and south of the Riverside Parkway. The property is approximately 54 acres in size. The area for the amphitheater use is 8.9 acres. This amphitheater is being designed as a multi-functional venue. Small events would be those with less than a 1,000 attendees; medium events would range from 1,000 to 3,000; and large events would be over 3,000 people with a maximum capacity of 7,000. The site has a gentle slope towards the Colorado River, with the southernmost portion of the site (south of an existing trail and close to the river) in the Floodplain. With this proposal, the trail will be moved further south. The Floodplain will not impact the proposed development.

History. In 1997 the Colorado Department of Public Health and Environment deeded the subject property to the City of Grand Junction, and the site was annexed into the City in 1997 as the Climax Mill Enclave #2. This area has an interesting history, one which includes a portion of the Old Spanish Trail. For over eighty years it was home to a very active and large economic generator with the sugar beet industry, and eventually was used to store uranium mill tailings. The remediation and clean-up efforts along the riverfront have been extensive. After nearly two decades of remediation by the Colorado Department of Public Health and Environment (CDPHE) and the Department of Energy (DOE), Grantee Covenants (deed restrictions) were placed on the property. The

proposed use of the area as a public park and outdoor amphitheater is consistent with the covenants/restrictions and furthers the vision and desires of the Grantee under those covenants/restrictions.

Master Plan for Las Colonias Park. The original master plan for the park was completed in 1998, and then revised in 2008 when the Riverside Parkway was constructed and cut through the northern section of the park. Park development was tabled during the recession. In 2012, a large group of very interested local business owners, organizations and citizen groups came together and moved the City Council to revise the master plan.

The DOE and CDPHE have been heavily involved in the master plan revisions and the final design for the amphitheater. Both agencies indicate this use is the perfect use for the property. They are in favor of the design since it assists with the natural flushing of the site's contaminants. US Fish and Wildlife Service has also been involved because of the site's location in proposed critical habitat for the yellow-billed cuckoo. The Western Colorado Supervisor has notified City staff that the proposed amphitheater will not denigrate or interfere with the cuckoo's critical habitat as defined under section 9 of the Endangered Species Act and that no additional protections of the bird's habitat will be required with the development of the area as a park/amphitheater.

Economic Development Plan. The development of Las Colonias Park, and the amphitheater in particular, is a cornerstone of the plan to spur economic revitalization and redevelopment of the River and Rail Districts of the Greater Downtown Plan. As such, it furthers the goals and policies of the City's Economic Development Plan.

The amphitheater. The amphitheater is designed as a multi-functional venue for small, medium and large events, with easy access from the Riverside Parkway and the riverfront trail. The amphitheater design includes a 40' x 60' stage with back of house amenities, parking, and gently sloped lawn seating that could comfortably seat a crowd of 5,000 to 6,000, with enough versatility to accommodate much smaller or larger events. The property is adjacent to existing City services (sewer, water and auto, pedestrian and bike accessible) and will become the major attraction of the Grand Junction Riverfront. The overall master plan for Las Colonias Park will restore and enhance the banks of the Colorado River, celebrate the history of the area, provide access for trail use and passive recreation and create a unique outdoor events venue with a regional draw. An outdoor venue of this size is not available in Grand Junction or Mesa County, and it will fill a significant void for performing arts, special events, and other multi-use functions.

Neighborhood meeting. A neighborhood meeting was held on September 24, 2015. Over 500 notices were mailed. Only nine people attended the meeting held at Two Rivers Convention Center. The attendees were very favorable of the idea and had a lot of positive input. Some of the discussion that took place included comments and opinions regarding traffic, both vehicular and pedestrian, access to the amphitheater area and the overall park development. Attendees were also concerned about noise; however, they seemed very receptive to the sound studies that were conducted and the plan to

operate the facility similar to Lincoln Park. Lastly, a discussion ensued regarding the anticipated construction schedule and its impact on the neighborhood. At this point in time it is anticipated that river slough (side channels and wetlands located north of the main river) work and the trail realignment will begin in late summer or fall of this year.

How this item relates to the Comprehensive Plan Goals and Policies:

The proposed Amphitheater supports the following goals of the Comprehensive plan:

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.

Goal 10: Develop a system of regional, neighborhood and community parks protecting open space corridors for recreation, transportation and environmental purposes.

How this item relates to the Economic Development Plan:

The proposed Amphitheater supports the following goal of the 2014 Economic Development Plan and as supported by the following three action steps:

Goal:Continue to make strategic investments in public amenities that support Grand Junction becoming “the most livable community west of the Rockies by 2025.”

- Action Step – Identify and invest in key facilities, recreation, amenities, arts and culture and infrastructure that promote our community and attract visitors.
- Action Step – Develop a system of regional, neighborhood and community parks protecting open space corridors for recreation and multi-modal transportation.
- Action Step – Create attractive public spaces and enhance the visual appeal of the community through quality development.

Board or Committee Recommendation:

This item has not been previously reviewed. If the CUP is approved by the Planning Commission, an administrative site plan review will be processed to ensure compliance with any conditions that may be placed on the project in addition to 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.

Financial Impact/Budget:

It's estimated that the amphitheater will host approximately 38 events annually, ranging from festivals, movies, concerts, meetings, and other cultural performances. These events will generate approximately \$75,000 in direct revenue to the City; however, the economic impact model suggests that the proposed Amphitheater will generate

approximately \$763,000 annually as a result of the average amount spent on restaurants, parking, souvenirs, and refreshments by event spectators.

Other issues:

We are not aware of any other issues at this time.

Previously presented or discussed:

This item was presented at a Neighborhood Meeting held on September 24, 2015.

Attachments:

1. Background Information and Staff Analysis
2. Site Location Map / Aerial Photo Map
3. Comprehensive Plan Map
4. Zoning Map
5. Las Colonias Master Plan Maps
6. Acoustic Graphics
7. Site Sketch

BACKGROUND INFORMATION					
Location:		925 Struthers Avenue			
Applicants		Owner, City of Grand Junction; Applicant, Grand Junction Parks and Recreation, c/o Traci Wieland; Representative, Ciavonne, Roberts & Associates c/o Ted Ciavonne			
Existing Land Use:		Vacant land			
Proposed Land Use:		Outdoor amphitheater			
Surrounding Land Use:	North	Vacant land and the old sugar beet factory			
	South	Colorado River			
	East	Vacant land			
	West	Edgewater Brewery			
Existing Zoning:		CSR (Community Services and Recreation)			
Proposed Zoning:		CSR (Community Services and Recreation)			
Surrounding Zoning:	North	C-2 (General Commercial)			
	South	CSR (Community Services and Recreation)			
	East	CSR (Community Services and Recreation)			
	West	C-2 (General Commercial)			
Future Land Use Designation:		Park			
Zoning within density range?		X	Yes		No

ANALYSIS:

The proposed use falls under the category of Entertainment Event, Major - entertainment event uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature, and therefore in the CSR Zoning District a Conditional Use Permit is required. A conditional use is not a use by right; it is one that is prohibited within a given zone district unless a conditional use permit for the specific use has been granted. In accordance with the criteria of Section 21.02.110 and the review procedures of Section 21.02.080, the applicant requests approval of the CUP.

The following is staff’s review and comments relating to the criteria under Section 21.02.110:

Section 21.02.110 of the Grand Junction Municipal Code

To obtain a Conditional Use Permit, the application must demonstrate that the proposed development will comply with the following:

- (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 site plan is currently in the design process and is close to being finalized. A site sketch of the amphitheater and surrounding area has been submitted for review is attached, per Section 21.02.110(e). Approval of CUP can and should be conditioned on approval of the site plan by the Director. In the site plan review process, the Director will determine that all applicable review criteria in Section 21.02.070(g) of the Grand Junction Municipal Code (GJMC) are met and that conformance with the SSID, TEDS and SWMM Manuals are also attained. It is staff's opinion, based on a review of the site sketch, that the applicant has demonstrated that the proposed development can comply with applicable site plan review criteria and with the SSID, TEDS and SWMM Manuals. Therefore staff recommends that the Planning Commission approve the CUP on the condition that the Director issues a site plan approval.

This criterion shall be a condition of approval and shall be met when the Director approves the site plan.

- (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) [nonconformities];*

The purpose of the CSR zone is to provide public and private recreational facilities, schools, fire stations, libraries, fairgrounds and other public/institutional uses and facilities. Additional examples of uses under the purpose of the CSR zone include outdoor recreational facilities, educational facilities, open space corridors, recreational, non-vehicular transportation and environmental areas. The only performance standard relating to the CSR zone requires the screening of outdoor storage areas. There will be no outside storage relating to the proposed amphitheater. The amphitheater, as part of the approved Las Colonias Park Master Plan, which has taken into account environmental and sensitive areas, and interconnectivity with existing trails and other recreational facilities.

This criterion has been met.

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

There are no use specific standards established for major entertainment event uses or outdoor recreation.

This criterion has been met.

- (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 location of the amphitheater will be complementary and supportive of commercial businesses in this area. Edgewater Brewery and the Western Colorado Botanical Gardens are located to the west of this site and are complementary to this use. The Las Colonias Trail is existing to the south and an existing detached bike and pedestrian trail exists on the north along the Riverside Parkway, beginning at S 9th Street, heading east. The Riverside Parkway is a major arterial road that will bring vehicular access to the site. The site is within the Greater Downtown Plan more specifically the River District which anticipates more complementary uses to develop in this area.

This criterion has been met.

(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;*

The proposed plan includes reasonable visual privacy as the facility will be over 750 feet from the closest residences. In addition, auditory mitigation has been incorporated into the design. The orientation of the stage and its side wings send the noise away from Orchard Mesa. The site will be fenced and gated to prohibit non-authorized use of the facility. See also the discussion under *Protection of Use and Enjoyment* regarding further noise mitigation features.

This criterion has been met.

- (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 elements of the proposed plan will be designed and arranged to have minimal negative impacts on the use and enjoyment of adjoining properties. This includes but is not limited to the hours of operation and the regulation of music decibels. The decibel levels will be similar to the regulations at Lincoln Park where residents are located less than 400 feet from the events. The Parks and Recreation Department has held several successful amplified music events at Lincoln Park. Utilizing strategic speaker placement and consistent monitoring, sound has not been an issue. Due to the proximity to the lower downtown neighborhood and the Orchard Mesa residents, the Amphitheater will fall into the neighborhood and mini parks classification with hours of operation being 5:00 a.m. – 10:30 p.m. The Las Colonias Amphitheater has

gone through a mitigation plan with regard to the design of the building, orientation, and programming. A sound study was conducted early in the design process with the following components incorporated into the design:

- 1) The stage will be covered and enclosed as opposed to an open concept with just a roof. In addition, two side walls will be constructed as part of the initial phase to further direct the sound to the north and west. These studies confirmed that the ideal orientation of the stage is to the northwest.
- 2) Although the sound study was based on an extreme 130 decibels at the stage location, peak decibel levels at the stage will be confined to a range between 80 -110 decibels which is the decibel range for factory and industrial uses.
- 3) The sound impact to Orchard Mesa residents should be minimal. The decibel levels shown on the acoustic graphic are at the very bottom of the scale, which is less than 60 decibels. (Normal conversation at three feet is 60 – 65 decibels). However, sound does travel up, and will therefore be more noticeable at the top of the Orchard Mesa bluff rather than down at river level.

This criterion has been met.

(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.

Because the surrounding zoning is either industrial (I-1 and I-2) or commercial (C-2) and existing and future land uses will be industrial and commercial, integration of the proposed amphitheater into the neighborhood is easier than if the surrounding neighborhood was residential. The master planning of this site includes elements that will help the use coexist in a harmonious manner with nearby existing and anticipated development. Some of the elements that will be incorporated include a lighting plan, to show how glare and the night sky will be protected in the parking lot, pedestrian travel areas and the building itself. All lights will be cut off fixtures which will direct the light downward. Landscaping plans will emphasize a park setting. A sound study, as mentioned above, was completed early in the design process which was based on an extreme 130 decibels at the stage location, peak decibel levels at the stage will be confined to a range between 80 -110 decibels.

This criterion has been met.

Pursuant to 21.02.080(n)(1)(ii) of the Zoning and Development Code, a site plan must be submitted within one year of approval of the CUP satisfying all conditions of approval. In accordance with 21.02.110(g) of the Code, once established, the CUP shall run with the land and remain valid until the property changes use of the use is abandoned and nonoperational for a period of 12 consecutive months.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Las Colonias Amphitheater application, CUP-2016-105 for a Conditional Use Permit, Staff makes the following findings of fact, conclusions and conditions:

1. The requested Conditional Use Permit is consistent with the Comprehensive Plan.
2. Review criteria 2 through 5, in Section 21.02.110 of the Grand Junction Municipal Code have all been met. Criterion 1 shall be met upon administrative review of a full site plan application.
3. Approval of the of the Conditional Use Permit is conditioned upon the following:
 - a. Approval of a site plan by the Director, in which the Director has determined that the applicable review criteria under Section 21.02.070(g) of the Grand Junction Municipal Code (GJMC) are met and the requirements of the SSID, TEDS and SWMM Manuals are satisfied;
 - b. Sound and light mitigation shall be provided as follows:
 - i. Orientation of the stage shall be toward the northwest as shown on the site sketch
 - ii. Two side wings/walls for the stage as shown on the site sketch shall be constructed with the first phase so as to direct the sound to the north and west
 - iii. The stage shall be covered and enclosed (as opposed to an open concept amphitheater with just a roof)
 - iv. Hours of operation limited to 5:00 am to 10:30 pm
 - v. Peak decibel levels at the stage will be confined to a range between 80-110 decibels during amphitheater events
 - vi. Lighting of the amphitheater area shall include only cut off fixtures which direct the light downward.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve the requested Conditional Use Permit, CUP-2016-105 with the findings, conclusions and conditions of approval listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on the request for a Conditional Use Permit for the Las Colonias Amphitheater application, number CUP-2016-105 to be located at 925 Struthers Avenue, I move that the Planning Commission approve the Conditional Use Permit with the facts, conclusions and conditions listed in the staff report.

Site Location / Aerial Photo Map



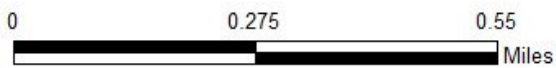
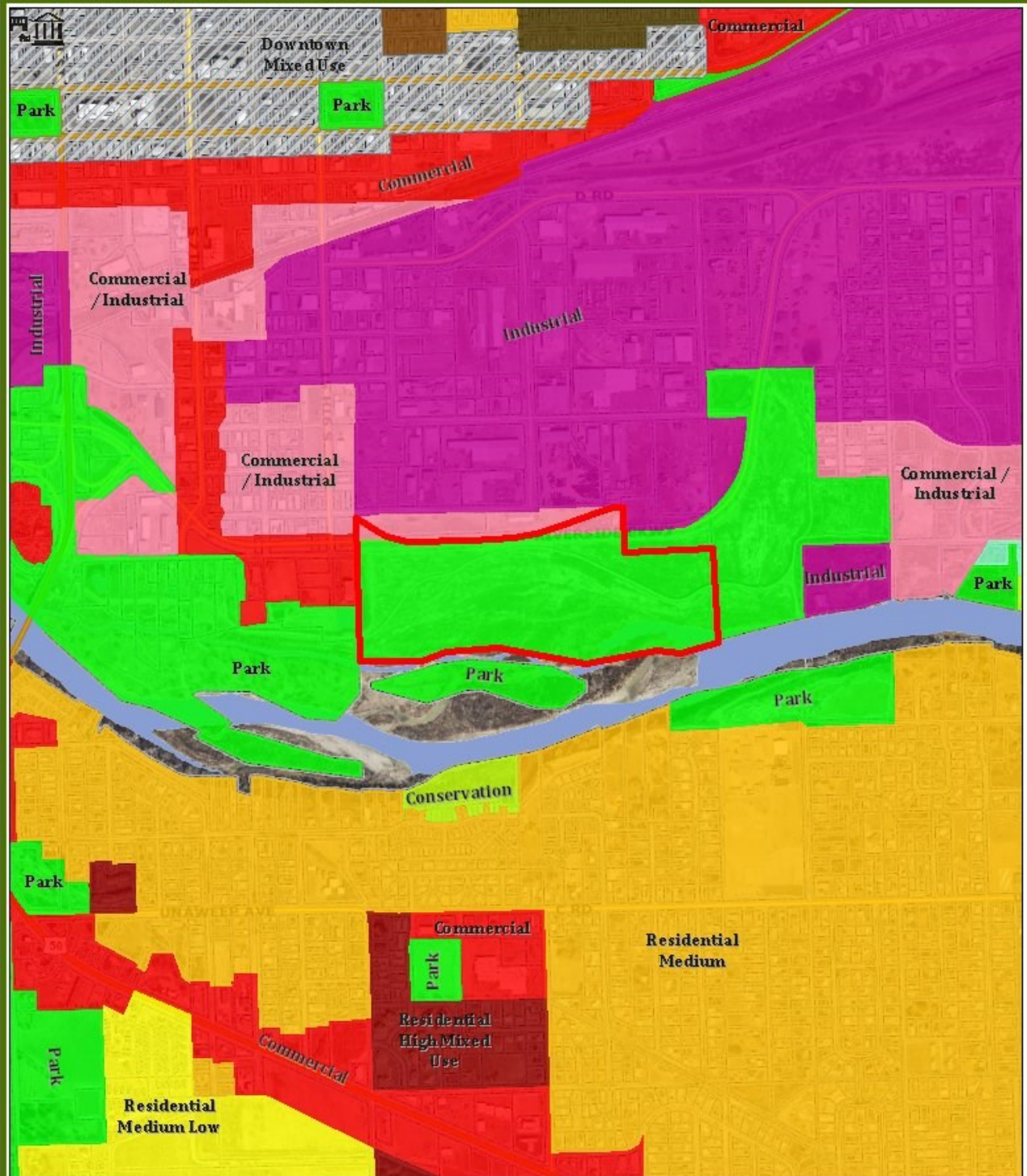
Printed: 3/10/2016



1 inch = 943 feet



Comprehensive Plan Map

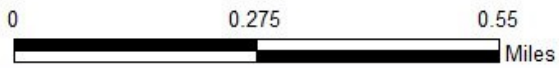
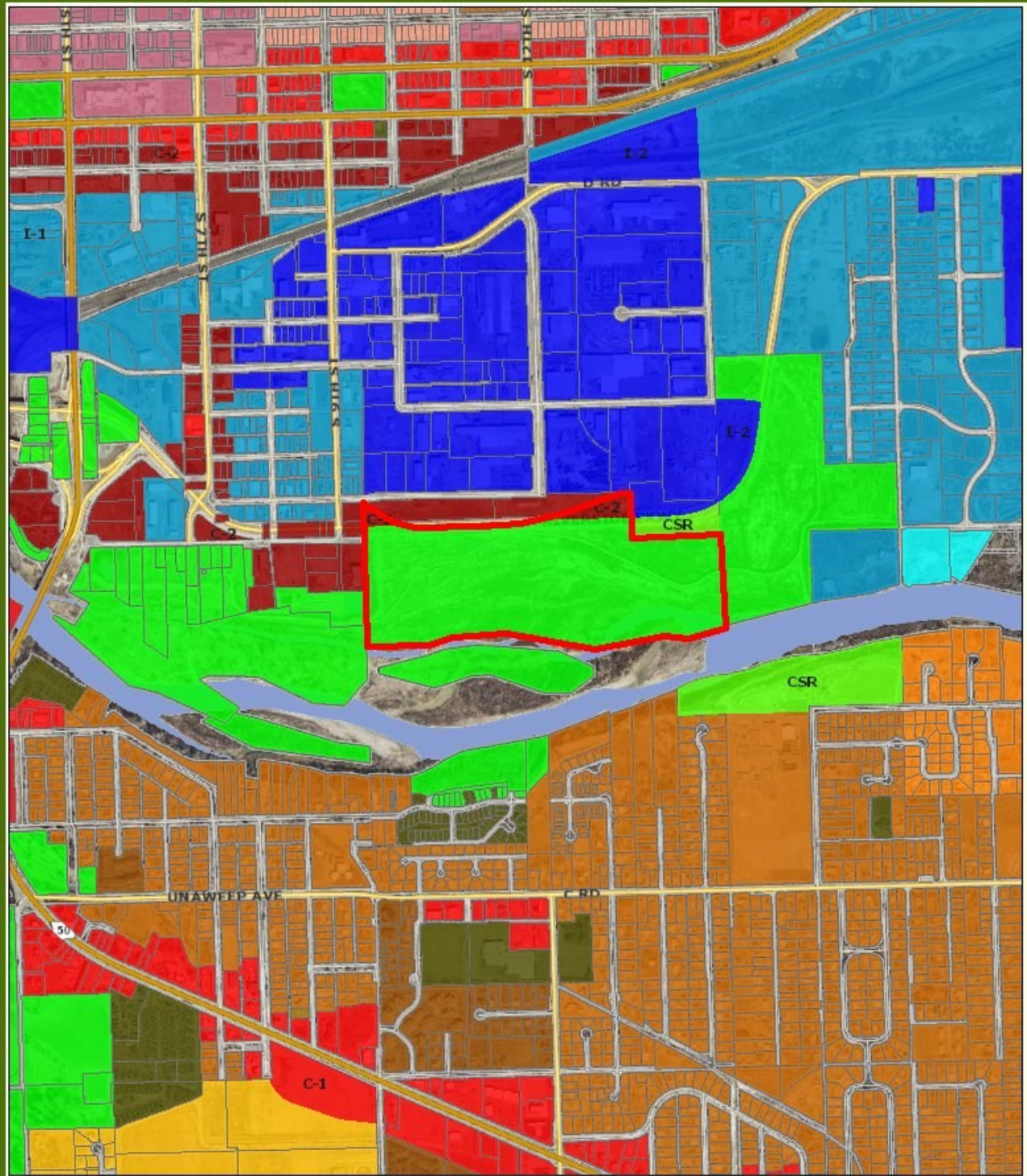


Printed: 3/10/2016

1 inch = 943 feet



Zoning Map



Printed: 3/10/2016

1 inch = 943 feet





Overall Las Colonias Park Master Plan - 2013

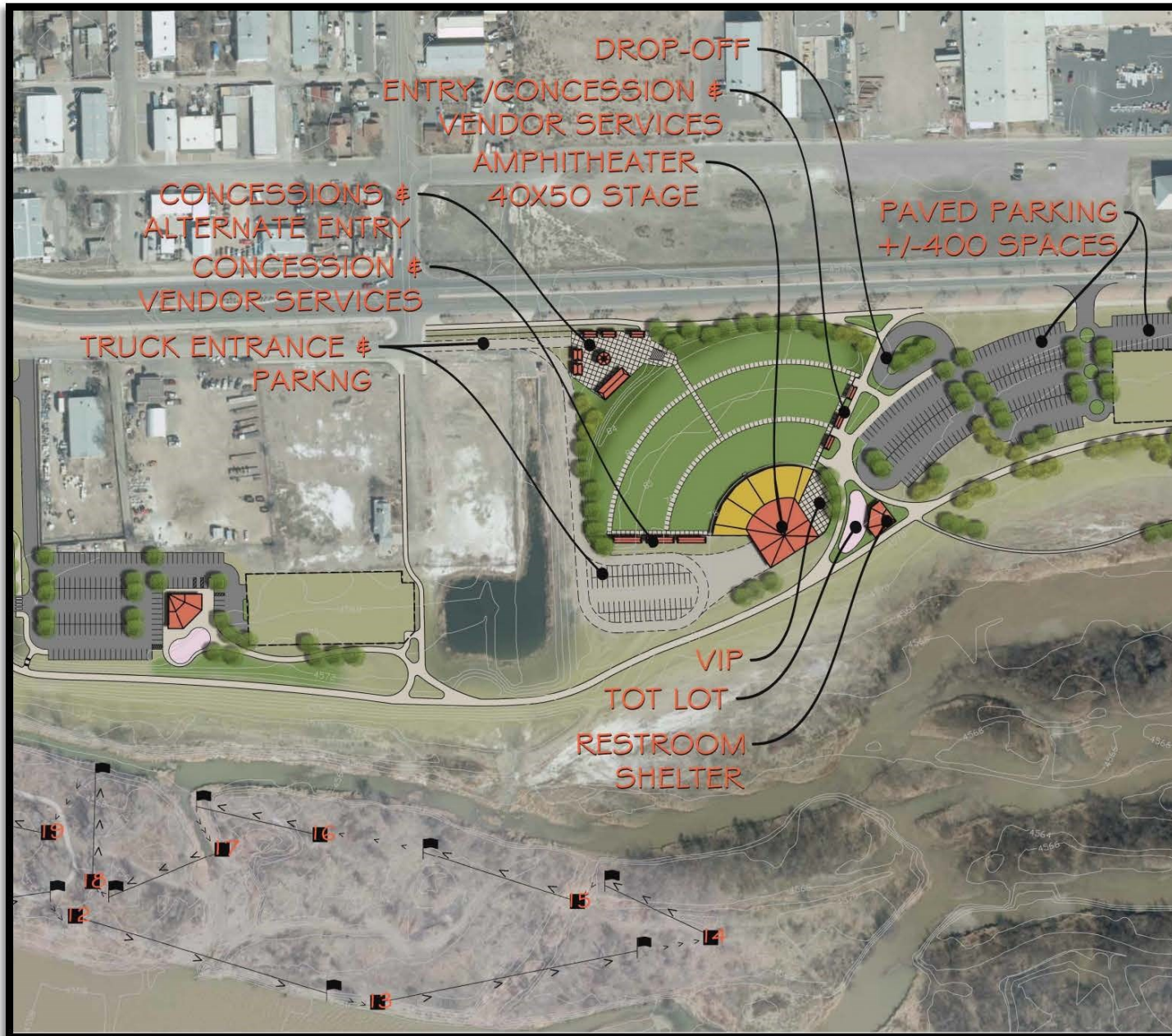


Figure 2 – Amphitheater Phase

With sound barrier wall

Loudspeakers PWL – 130 dBA

With NO sound barrier wall

ACOUSTICS DESIGN NARRATIVE, *Cont.*

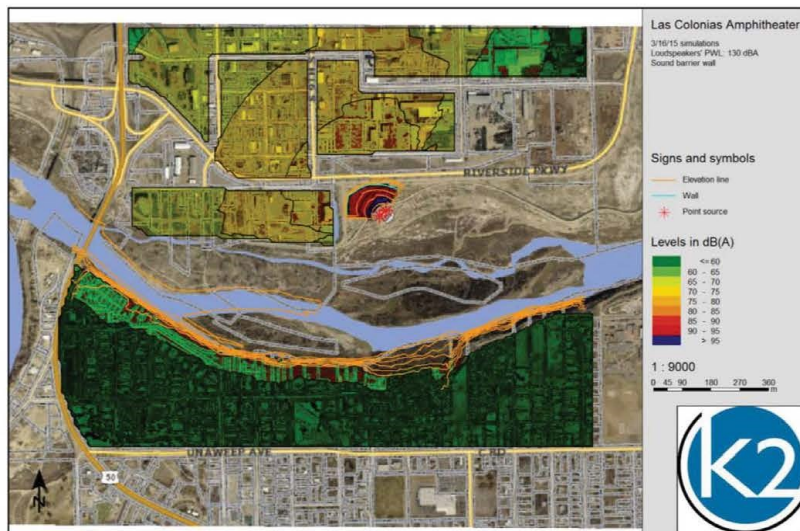


Figure 2 – Noise contours for site and environs with amphitheater levels >90 dBA

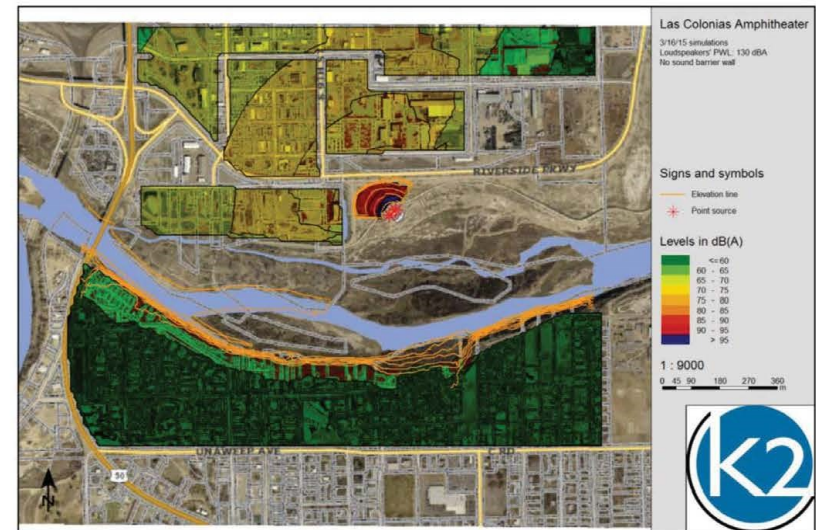
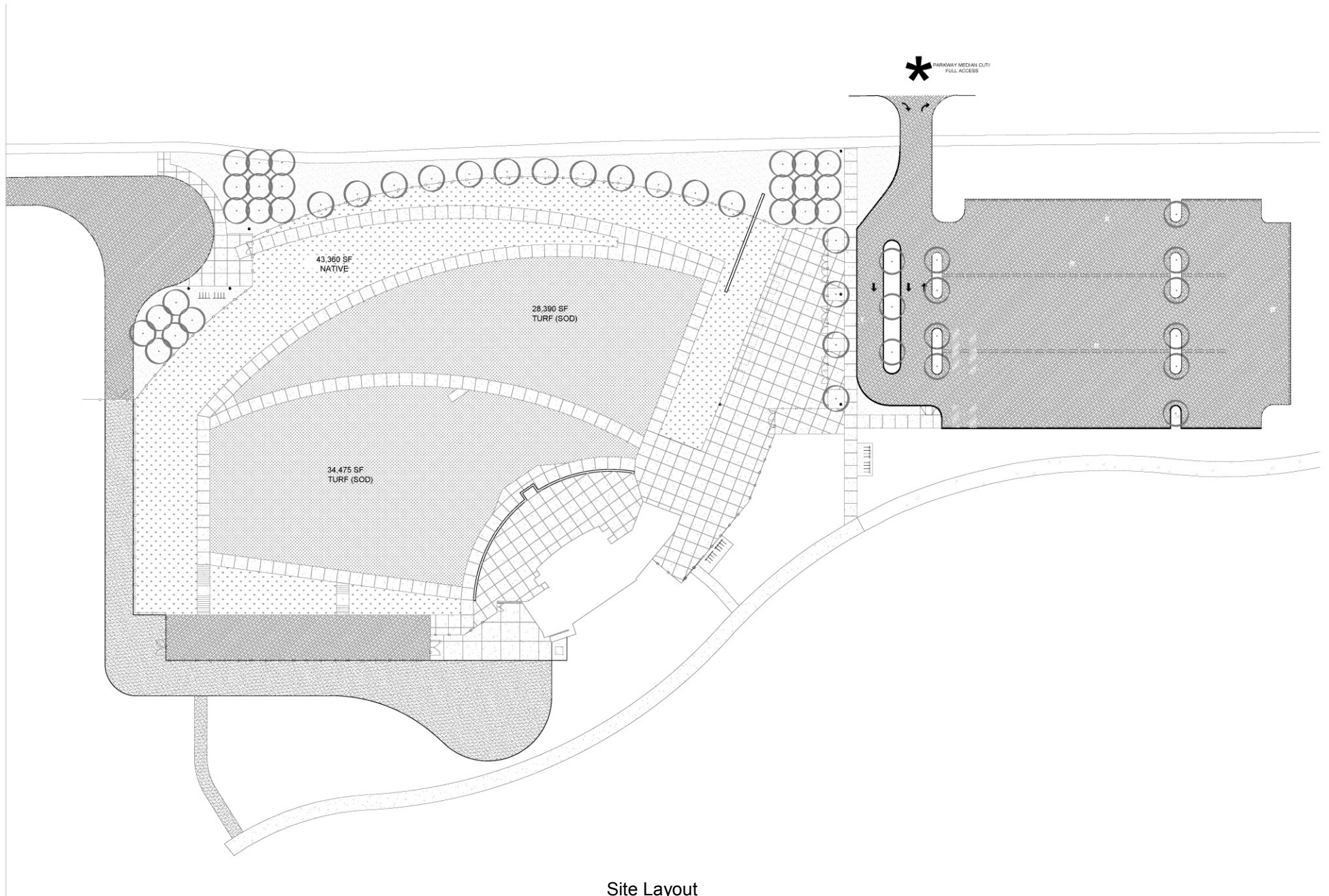


Figure 3 – Noise contours for site and environs with amphitheater levels >90 dBA



Site Layout



Date: March 18, 2016
 Author: Senta Costello
 Title/ Phone Ext: Senior Planner / x1442
 Proposed Schedule: Planning
Commission – April 12, 2016; 1st
Reading City Council –
May 4, 2016;
 2nd Reading: May 18, 2016
 File #: RZN-2016-52

Attach 5

PLANNING COMMISSION AGENDA ITEM

Subject: Landmark Baptist Church Rezone – 2711 UnawEEP Avenue
Action Requested/Recommendation: Request to forward a recommendation on a rezone of 0.712 acres from a City R-8 (Residential 8 du/ac) to a City R-O (Residential Office) zone district.
Presenter(s) Name & Title: Senta Costello – Senior Planner

Executive Summary:

Applicants are requesting to rezone the property from R-8 (Residential 8 du/ac) to R-O (Residential – Office).

Background, Analysis and Options:

The building was built in 1947 and has been used as a church since construction. The current church has outgrown the property and is planning on relocating. Because it would be difficult to find another church to purchase the property or convert the property to residential, the Applicant would like to rezone the property in order to expand the potential uses for the property and potential buyers.

The Applicant is requesting that the property be rezoned to R-O (Residential – Office). The purpose of the R-O zone is to provide low intensity, nonretail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. Development regulations and performance standards are intended to make buildings compatible and complementary in scale and appearance to a residential environment.

The applicant had a potential buyer who wished to open a Funeral Home/Mortuary/Crematorium on the property. This is one potential use that could operate within the R-O zone district. There are many other uses that are allowed including but not limited to: general offices, museums, medical and dental clinics, counseling centers, health clubs, beauty salons/barbershops, etc. It should be noted that any change of use (a use other than a church) would require approval of a change of use permit. Several things are reviewed as part of the change of use permit including the number of parking spaces required for the proposed use. Parking could limit the types of

uses allowed on the property and may require the removal of parking along UnawEEP Avenue and Pinon Street.

Neighborhood Meeting:

A Neighborhood Meeting was held on February 2, 2016 with eight citizens along with the applicant and City Project Manager in attendance. The attendees raised several issues most were concerned with the use of the property as a funeral home. However other issues were raised including parking and vehicles turning in neighboring driveways.

How this item relates to the Comprehensive Plan Goals and Policies:

The proposed rezone creates an opportunity for future neighborhood business development in a manner that would be consistent with adjacent residential development implementing the following goals and polices from the Comprehensive Plan.

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Policy B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

Goal 6: Land use decisions will encourage preservation and appropriate reuse.

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

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

Policy B: The City and County will provide appropriate commercial and industrial development opportunities.

Rezoning this property to an R-O (Residential – Office) zone district will allow for additional opportunities for the reuse of the existing building while minimizing the potential impacts to the surrounding neighborhood. Furthermore, the rezone will create opportunities to reduce the amount of trips generated for commuting and provide commercial development opportunities.

How this item relates to the Economic Development Plan:

The purpose of the adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees. The proposed ODP Amendment meets with the goal and intent of the Economic Development Plan by providing opportunities for existing and new business to expand and relocate their businesses.

Board or Committee Recommendation:

There is no other committee or board recommendation.

Financial Impact/Budget:

Property tax levies and any municipal sales/use tax will be collected, as applicable.

Previously presented or discussed:

This item has not been previously presented or discussed.

Attachments:

1. Background information
2. Staff report
3. Site Location Map
4. Aerial Photo Map
5. Future Land Use Map
6. Zoning Map
7. Neighborhood meeting summary
8. Citizen emails and letters
9. Ordinance

STAFF REPORT / BACKGROUND INFORMATION					
Location:		2711 UnawEEP Avenue			
Applicants:		Landmark Baptist Church			
Existing Land Use:		Church			
Proposed Land Use:		Appropriate R-O (Residential – Office) uses			
Surrounding Land Use:	North	Single Family Residential			
	South	Single Family Residential			
	East	Single Family Residential			
	West	Single Family Residential			
Existing Zoning:		R-8 (Residential 8 du/ac)			
Proposed Zoning:		R-O (Residential – Office)			
Surrounding Zoning:	North	R-8 (Residential 8 du/ac)			
	South	R-8 (Residential 8 du/ac)			
	East	R-8 (Residential 8 du/ac)			
	West	R-8 (Residential 8 du/ac)			
Future Land Use Designation:		Residential Medium 4-8 du/ac			
Zoning within density range?		X	Yes		No

Section 21.02.140 of the Grand Junction Municipal Code

Zone requests must meet at least one of the following criteria for approval:

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

There have not been subsequent events in the neighborhood that have invalidated the original premise and findings of the existing R-8 (Residential 8 du/ac) zone.

This criterion has not been met.

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

The neighborhood has historically been and still is largely residential in character. The use of the property has not changed either since it was originally constructed as a church.

This criterion has not been met.

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

Adequate public and community facilities and services are available to the property and are sufficient to serve the proposed land use associated within the R-O zone district. There is an existing 10-inch City water line and 12-inch sanitary sewer line serving the property. The property is also being served by Xcel Energy electric and natural gas. The property is located on Unawep Avenue, which connects with Highway 50 on the west and 29 Road on the east providing easy access to the rest of Grand Junction. There are GVT bus stops located within walking distance of the property.

This criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community as defined by the presiding body, to accommodate the proposed land use;

There is very little R-O zoned properties within the City limits (approximately 97 +/- total acres which equates to less than 1%), therefore, it could be argued that there is an inadequate supply of R-O zoned land within the community.

This criterion has been met.

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

The neighborhood will derive benefits by the change in zoning as it will reduce the parking demands on the neighborhood. The church that currently occupies the building has a regular attendance at least twice a week of approximately 250 parishioners. The site cannot accommodate the parking needed for that level of use and is grandfathered on the site. A new use, as allowed by the R-O (Residential – Office) zone district will be required to meet the parking requirements of the use and what the site has available. Furthermore, the proposed R-O zone district limits the hours of operation from 7:30 AM to 8:00 PM, prohibits, parking in the front yard and prohibits outdoor storage and permanent display.

This criterion has been met.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Landmark Baptist Rezone, RZN-2016-52, a request to rezone the property from R-8 (Residential 8 du/ac) to R-O (Residential – Office), the following findings of fact and conclusions have been determined:

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

2. The review criteria 3, 4 and 5 in Section 21.02.140 of the Grand Junction Municipal Code have been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested zone, RZN-2016-52, to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on Rezone, RZN-2016-52, I move that the Planning Commission forward a recommendation of the approval for the Landmark Baptist Rezone from R-8 (Residential 8 du/ac) to R-O (Residential – Office) with the findings of fact, conclusions, and conditions listed in the staff report.

Site Location Map



Aerial Photo Map



Future Land Use Map



Zoning Map



- List
- Bruce Lora 305 Pinon St
mail - 219 Dream St 81503
 - Sheila Walling 2717 Unawcep 970-243-7280 w
 - Senta Costello 250 N 5th St - City Planning
970-244-1442
- wants list - Barb Macintyre ⁸¹⁵⁰³ 295 Pinon St 970-255-1164
- Matt Rodgers 290 Pinon, 6 J. CO 970-261-6564
 - Eric R. Loh 293 Pinon St 970-250-0755
- list, Jim Haronza 291 Pinon St 970-241-5249
- Kristine Harenza " "
 - Bev Richert 291 Cedar St. 243-1428

2711 Unawcep Avenue February 2 Meeting Minutes

Carbe started meeting and explained changes.

TS explained the plans of the funeral home.

One neighbor was concerned about parking.

One neighbor was concerned about crematory.

One neighbor was concerned about vehicles turning around in his driveway.

Neighbors were assured that parking would be better than Landmark.

Neighbors were given website so they could research the crematory that will be used.

From: <Charpist5@aol.com>
To: <sentac@gjcity.org>
Date: 2/22/2016 11:16 AM
Subject: regarding the Orchard Mesa potential funeral home

Hello Mr. Costello,

I am writing to tell you of my concerns for this project.

We live at 2702.5 UnawEEP, a mere couple of houses (and across the street) from the church.

In the past, every time there was a church service, cars completely lined Pinion street, on both sides of UnawEEP. The parking lot at the church seemed woefully inadequate. Can't imagine how many people would be parking all over the place for a funeral service. And way more often than Sunday mornings.

Also...we frequently have a LOT of trouble getting out of our driveway. We are on the "T" at 27 Road. UnawEEP is extremely busy and gets more so every week. I imagine there would be a constant flow of funeral processions up and down the street, and just the thought of that turns my stomach in several ways.

Also...will the bodies actually be cremated there? I am imagining the "smoke" going into the air, and knowing what it would be from....

Well...that is the concerns I have at present. Would you mind addressing them? Thanks so much,

Cindy Blevins

From: <Charpist5@aol.com>
To: <sentac@ci.grandjct.co.us>
Date: 2/22/2016 12:48 PM
Subject: Re: regarding the Orchard Mesa potential funeral home

Thank you Senta,

I doubt they have 30 parking spaces between their back lot and their very small street-side parking area.

I know that funeral homes and crematoriums have to go SOMEWHERE (lol) but this seems like a completely stupid place for it, and if it becomes time, I will not hesitate to say so :-).

Have a great day,

Cindy

PS Do you know anything about the issue of the much-needed traffic light at the end of Unaweeep (at 29 Road)? While we're talking about dangerous traffic.....

In a message dated 2/22/2016 12:29:58 P.M. Mountain Standard Time, sentac@ci.grandjct.co.us writes:

Good afternoon, Ms Blevins

Thank you for your email. I will be saving it to the file and will include it in the staff reports that are created for Planning Commission and City Council. We will also verify you are on the mailing list or will be added to the mailing list so you will receive a notice when the request is scheduled for Planning Commission.

I do want to let you know that this request is still under review and has not been approved; they have only turned in their request.

The current request is for a rezone only. If the rezone is approved, the new use will be required to file a request for it to use the property. For the rezone review we have to look at it in terms of all uses that are allowed in the requested zone district, not only the use that is being proposed, at it may not actually happen or may leave in the future. Traffic and parking are some of the concerns we are looking at in terms of the request.

I can tell you that based on the amount of available parking, if the funeral home were to be approved, would be limited to a maximum of 160 seats; currently the church services have an attendance of about 250 +/- . Services of this size would not be permitted on the property and would need to find an alternate location.

The proposed buyer of the property has indicated they would like to include a crematory on site as well. Based on the information they have provided, the emissions from the chimney resemble heat vapor with no smoke or ash. I am still in the process of researching the industry to determine details on how they function.

Please don't hesitate to contact me if you need additional information.

Senta

From: <BleuSafire@aol.com>
To: <sentac@gjcity.org>
Date: 2/11/2016 6:34 PM
Subject: Oppose RZN -2016-52

I would like to express my opposition to the Rezone of Landmark Baptist Church at 2711 Unaweep Avenue.

We have had a drastic increase of traffic when 29 Road was opened to traffic. We also have the Orchard Mesa Middle School that creates a lot of congestion with parents/students arriving and leaving. It is almost impossible to enter Unaweep Avenue from side streets especially in the afternoons when school is let out.

I believe the extra traffic created by a Funeral Home and Crematorium would be further hazardous to students in the "School Zone".

Residents on Cedar and Pinon Streets are inconvenienced just by the church services on Sunday and Wednesday or when there are other functions with people parking on the streets during those times because their parking lot is not adequate.

Candace DeRose
295 Pine Street
Grand Junction, CO 81503
970-216-6927

From: Rachel Hanson <rachelchanson@gmail.com>
To: <sentac@gjcity.org>
Date: 2/10/2016 8:39 AM
Subject: Unawweep re-zone proposal

Dear Mr. Costello,

I appreciate the multiple notices and opportunities to learn about and to share my thoughts on the re-zone proposal affecting 2711 Unawweep Avenue and the surrounding area. My husband and I were sorry we missed the neighborhood meeting.

I am writing to voice our opposition to the possible re-zone. Although there are some businesses in this area, our neighborhood still feels primarily like a residential area. We feel that the proposed change would cause this area of Unawweep Ave. to increasingly be perceived as a business area.

Additionally, we feel that this change could negatively affect property and resale values. I don't think I would mind living across the street from a funeral home, and in general I do not mind the topic of death and cremation, but I don't know if I would grow to be comfortable living across the street from a crematorium. I think this could be a potential "deal breaker" for many people who might otherwise consider moving to this area.

The location for a funeral home/crematorium between the middle and elementary schools also feels like an odd choice, though I cannot quite articulate that and am unsure if it a valid reason to deny the application for re-zoning.

Primarily, we are concerned about the perception of this neighborhood and the potential that a funeral home/crematorium would be a problem for future home sales.

Thank you for your consideration.

Rachel (& Sean) Hanson
2716 Unawweep Ave.

From: "CRU" <thecru@centurylink.net>
To: <sentac@gjcity.org>
Date: 2/17/2016 11:09 AM
Subject: RZN-2016-52 Landmark church rezone

We live at 291 Pinon Street and we firmly object this rezone due to the fact that there is not enough parking for the facility that is there now and not enough for the proposed funeral home. As stated in the meeting on 2-2-16 by the representative of the funeral home they can expect services of 250 plus people, the existing parking only allows for, as I remember 140 people. We already have a traffic issue with people parking on our lawns, blocking mail boxes and drive way entrances. This is normaly on Sundays. The funeral home will be holding events 7 days of the week creating a much bigger issue. Also this is a residential area and the installation of a crematory is not acceptable. We all cool our homes with evaporative air coolers that rely on large amounts of air delivered into our homes from the outside, we do not need the smell of burning bodies and or fumes from the approximately 2 foot to 3 foot wide exhaust flue stack that will continuously be emitting pollution and odor into that air. If the parking and or odor gets to be a problem, and it will, then this would also be a problem for the police department having to respond to multiple nuisance calls.

Thank you,
Jim Haremza

Home: (970) 241-5249
Cell: (970) 260-7249

This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>

From: <Huttonmh@aol.com>
To: <sentac@gjcity.org>
Date: 2/8/2016 12:18 PM
Subject: Re-zoning at 2711 UnawEEP

I am writing to voice my opposition to Grand Valley Funeral Home converting the church at 2711 UnawEEP to a mortuary and crematorium.

The area surrounding the church is a very large residential area and locating this facility here is intrusive. A major concern is parking. The lack of parking spaces has been an on-going problem for the church and would be a problem for the funeral home. A funeral home holds services and often there is a large attendance and the only parking available is on the surrounding residential streets.

As a long time home owner (24 years) on Cedar Street, I'm asking that the city deny the re-zoning request from Grand Valley Funeral Home. Thank you.

Ann Hutton
296 Cedar Street

m

From: Jill Lawrence <rjlaw1111@gmail.com>
To: <sentac@gjcity.org>
Date: 2/8/2016 1:05 PM
Subject: Rezone of Property at 2711 UnawEEP - Proposed Funeral Home-Crematorium
Attachments: Church Rezone 2016.pdf

Dear Senta, You and I spoke on the phone regarding the proper procedure to oppose the rezone of the property at 2711 UnawEEP Avenue. The property currently houses a church and is under a rezone application to convert to a mortuary/crematorium. Please find the attached .pdf file as my letter of opposition in this matter. Can you please verify receipt of my e-mail by replying back to me?

Sincerely, (Rosalyn) Jill Lawrence
279 Cedar St.
Grand Junction, CO 81503
rjlaw1111@gmail.com

(Rosalyn) Jill Lawrence
279 Cedar Street
Grand Junction, CO 81503
February 8, 2016

Ms. Senta Costello
Senior Planner, Community Development Division
City of Grand Junction, Colorado
250 North 5th Street
Grand Junction, CO 81501
e-mail: sentac@gjcity.org

Dear Ms. Costello:

I am a 17-year resident and home owner at 279 Cedar Street and a 35-year resident of Orchard Mesa. This correspondence is in regard to the proposed Grand Valley Funeral Home Mortuary and Crematorium (GVFHMC) at 2711 Unaweep Avenue. The current location is Zoned R8 and has housed Grand Valley Baptist Church since 2003.

Although I live within 0.15 miles of the property, I did not receive notification of a neighborhood meeting with the City of Grand Junction. I was notified of GVFHMC's proposed intention by a neighbor. I am in strong opposition to GVFHMC's plan. The immediate area surrounding the property of interest is made up of residential dwellings. Within the regional area (approximately ½-mile square) are two parks: (Eagle Rim Park, contains and playground, a walking track, skate park, and access to the Colorado River Trail system), (Dixon Park, used mostly for soccer practice and games), a middle school (Orchard Mesa Middle School, containing a large practice field, skate rink, and basketball courts), and a bowling alley (Orchard Mesa Lanes). It is my hope that the Grand Junction City Council can find a better fit for this neighborhood than a funeral home/crematorium.

Please verify receipt of this letter and notify me of any additional meetings regarding discussions or public hearings so I may attend.



(Rosalyn) Jill Lawrence
submitted via e-mail
rjlaw1111@gmail.com

From: <tmmcintyre1@charter.net>
To: <sentac@gjcity.org>
Date: 2/9/2016 7:14 AM
Subject: rezoning of 2711 Unawweep Ave

I'm writing this letter to oppose the rezoning of 2711 Unawweep Ave. I would have appreciated knowing this was happening. I live twenty to thirty feet from the church. Some one should have let us know what was happening. No public notice for this was posted anywhere on the building or property. I never received any notice of any kind. I don't receive the paper to look at the many pages of public notices. I don't want to live next door to a Mortuary and Crematorium. Everyone in the neighborhood has put a lot into fixing our properties so we can gain value in our homes and neighborhood. This will only bring our property values down. No one will want to purchase a home next to a Mortuary and Crematorium. I know I personally wouldn't and would look else where. Would you purchase a home next to a Mortuary and Crematorium, I bet not. I know I don't want my grandchildren to know that they are burning bodies next door. I feel this should be put somewhere else, not in the middle of a residential neighborhood. There is not enough room for parking, only 40 spaces. The neighborhood already has problems with people parking in our driveway's and yards. I have lived here for 16 yrs, and take pride in my home. If this is to go in I don't know what I will do.

Tina McIntyre 2713 Unawweep Ave Grand Junction Co.

From: "Anouk Olson" <teddylady1@juno.com>
To: <sentac@gjcity.org>
Date: 2/22/2016 12:18 PM
Subject: funeral....

Dear Senta,

Hope you are well, as I tried to call you, but you were ill.

Senta, sorry, but I am absolutely against a funeral home/crematorium.

1) it is a residential area and who wants to see funerals on a daily basis

2) there is absolutely no parking space and the neighborhood is sick and tired of the church (and that is mostly only Sundays!!) parking in our streets, nearly on our lawns, barely letting our church bus thru.

Sorry, a business like that should be in the outer skirts of the City.

\Thanks and please, keep us posted.

Just booked your vacation?
Get Travel Guard® Insurance for every trip!
<http://thirdpartyoffers.juno.com/TGL3131/56cb5eb9a7a2f5eb97327st02duc>

From: "Anouk Olson" <teddylady1@juno.com>
To: <sentac@ci.grandjct.co.us>
Date: 2/22/2016 3:58 PM
Subject: Re: funeral....

Good Afternoon Senta,

Thank you for your answer.

the church has so many seats, but count it whit the amount of cars they bring there, with ample space.

even 165 seats has a lot of cars, fading away the front if the funeral cars are there!

forgot to add, the smell of burning the corpses and the pollution!

and thanks for put me on the mailing list.

Have a great day.

Anouk

2016 Testosterone Trends
Test X180 Ignite: Helping men grow lean muscle mass & boost performance
<http://thirdpartyoffers.juno.com/TGL3131/56cb9257aaaa81257293ast03duc>

From: judith peters <judithanne2you@gmail.com>
To: <sentac@gjcity.org>
Date: 2/22/2016 3:19 PM
Subject: Rezoning of Property At 2711 UnawEEP

Community Development

250 North 5th Street

Grand Junction CO 81503

Dear Senta Costello

My name is Judith Peters
I live and own my home at 2720 UnawEEP Ave. This letter
is protest rezoning of the property 2711 UnawEEP Ave to for a funeral and
cremation business. Please consider not doing this for the following
reasons.

- Although UnawEEP is an Ave with heavy traffic it still is a neighborhood. In this neighborhood we live small spaces..The idea of a cremation business in the middle of our confined space is disturbing.
- Children from Orchard Middle school and Emerson El. walk, ride bikes, or skates boards morning and afternoon to and from school and Eagle Rim Park and pool.
- The school light to slow traffic to 20 miles an hour is on the edge of the 2711 property. This backs up traffic to the 2711 property.
- The bus from Grand Junction High School drop off students at the 2711 corner on UnawEEP morning and afternoon which means more kids walking these sidewalks.
- Dos Rios Elementary buses uses UnawEEP to pick up and drop off kids morning and afternoon. And the Dos Rios kindergarten children are picked up at noon dropped in the afternoon at shorter intervals.
- We have many children walking or riding on UnawEEP and side streets in this area.The parking lot in front of 2711 must back onto UnawEEP which is dangerous.
- Also a funeral would slow or stop traffic, and walking adding more already existing confusion in our small neighborhood.

Please consider not selling or rezoning the property at 2711 UnawEEP
to a funeral and cremation business

Thank You, Judith Peters 970-712-0316

From: Dwight Blevins <blethn@yahoo.com>
To: "sentac@gjcity.org" <sentac@gjcity.org>
Date: 2/8/2016 4:24 PM
Subject: 2711 UnawEEP, potential rezoning

Dear Senta Costello,

I am writing with a few questions, regarding the purposed rezoning of 2711 UnawEEP avenue in Grand Junction. Several weeks ago when we first heard of the proposal I assumed that the change in zoning was just for that one address on UnawEEP. Just now I saw a flyer on the corner mail box and it appears that the rezoning would be for an entire half-mile square, beginning at 27 Road. Is this the case?

If so, would this not change property values for all residences within the zone change area, thus affecting annual property taxes? I believe the area is now zoned RMF-11? If the proposed rezoning should become fact, what would be the exact new zoning identity?

I hope you don't mind the questions. Our home is in the 2700 block of UnawEEP, so naturally this could affect our routine, and I'm just trying to get some answers concerning what to expect.

Best Regards,Dwight Blevins2702 UnawEEP Ave

2-11-16

Senta Costello
Grand Junction Community Development Division
City Hall
250 N. 5th St.
Grand Junction, CO 81501

Dear Senta,

Regarding the rezoning of the
Landmark Baptist Church:

I was at the meeting 2-2-16 but
had to leave before I could express
my thoughts. I have lived in ~~the~~ my
house for 35 years and am very
concerned about what a crematorium
would do to property values. It is my
opinion that the property is more
aptly suited for office space or day-care.
Thank you for your consideration.

Sincerely,

Ben Richert

P.S. Enclosed is a SASE so I will know you
received this letter.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING LANDMARK BAPTIST CHURCH
FROM R-8 (RESIDENTIAL 8 DU/AC) TO R-O (RESIDENTIAL – OFFICE)**

LOCATED AT 2711 UNAWEEP AVENUE

Recitals:

The building was built in 1947 and has been used as a church since construction. The current church has outgrown the property and is planning on relocating and would like to rezone the property in order to expand the potential uses for the property.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Landmark Baptist Church property from R-8 (Residential 8 du/ac) to R-O (Residential – Office) zone district for the following reasons:

The zone district meets the recommended land use category as shown on the future land use map of the Comprehensive Plan, Residential Medium 4-8 du/ac and the Comprehensive Plan's goals and policies and/or is generally compatible with appropriate land uses located in the surrounding area.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the R-O (Residential – Office) zone district to be established.

The Planning Commission and City Council find that the R-O (Residential – Office) zoning is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property shall be rezoned R-O (Residential – Office).

BEG 440FT E OF NW COR SEC 25 1S 1W E 185FT S 228FT W 185FT N 228FT TO
BEG EXC 30FT FOR RD ON N & 30FT ON W & ALSO EXC B-2326 P-139/141 ON NW
COR SD PARCEL FOR ROW - 0.70AC

Introduced on first reading this . day of , 2016 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2016 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Date: March 30, 2016
 Author: Scott D. Peterson
 Title/ Phone Ext: Senior
Planner/1447
 Proposed Schedule: April 12,
2016
 File #: VAC-2016-100

Attach 6

PLANNING COMMISSION AGENDA ITEM

Subject: Colorado Mesa University Alley Right-of-Way Vacation, Located within the CMU area between Elm and Kennedy Avenue’s
Action Requested/Recommendation: Forward a recommendation to City Council to vacate a portion of public alley right-of-way (adjacent to properties owned by CMU or currently under contract with CMU) between Elm and Kennedy Avenue's as part of Colorado Mesa University expansion projects.
Presenters Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

The applicant, Colorado Mesa University, requests approval to vacate a portion of public alley right-of-way between Elm and Kennedy Avenue’s. This right-of-way is adjacent to properties owned by CMU or currently under contract with CMU. The vacation will facilitate the construction of a new engineering building on campus.

Background, Analysis and Options:

Colorado Mesa University (“CMU”), requests the vacation of a portion of public alley right-of-way (4,425 +/- sq. ft. – 0.101 acres) in order to aid in the continued westward expansion efforts planned for the campus. Specifically, this vacation request facilitates the construction of a new engineering building on campus.

The nine (9) properties abutting the section of alley right-of-way for which vacation is sought, are owned by Colorado Mesa University with the exception of one property (810 Kennedy Avenue) which is currently under contract with CMU. John and Janet Noland currently own 810 Kennedy Avenue. Because the property has not been purchased the current owners have signed the application for the requested vacation and submitted an Ownership Statement as required. As a condition of approval, CMU will need to meet all Grand Junction Fire Department requirements for construction of the engineering building and may be required to construct access around the site compliant with the 2012 International Fire Code. CMU will also be required to provide and record a private “Access Easement” across CMU property(s) for the benefit of the remaining property owners located at 830, 850 and 860 Kennedy Avenue. This condition is required as the remaining properties will have no “legal access” to the rear of their properties once the alley is vacated.

Presently, the alley between Elm and Kennedy Avenue's does not contain any City public utilities (water, sewer, storm sewer, etc.) therefore, there is no need for the City to retain a Utility Easement as part of this vacation process. Any existing utilities located within the alley will be moved and relocated by Xcel Energy as part of the construction of the new engineering building and if necessary, appropriate easements to Xcel Energy will be dedicated at that time.

Based on the conditions recommended by the Fire Department and CMU's intention to develop and construct emergency access, it is Staff's assessment that the proposed vacation would not impede traffic, pedestrian movement or access to private property or obstruct emergency access.

Neighborhood Meeting:

The applicant held a Neighborhood Meeting on March 23, 2016. Over 30 area residents attended the meeting with the applicant providing a powerpoint presentation with an update on various activities going on across campus and information regarding the most recent iteration of the ongoing right-of-way vacation process. To date, the City has only received one email correspondence from the property owner at 860 Kennedy Avenue concerning this proposed vacation request (see attached correspondence).

How this item relates to the Comprehensive Plan Goals and Policies:

The proposed right-of-way vacation supports the following goal and policy 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.

Policy A: Through the Comprehensive Plan's policies the City and County will improve as a regional center of commerce, culture and tourism.

In addition to the goal and policy above the Grand Junction Comprehensive Plan states: "Due to the inefficiencies of low density sprawl, a significant amount of projected future growth is focused inward on vacant and underutilized land throughout the community. This takes advantage of land that already has roads, utilities and public services. Infill and redevelopment is especially focused in the City Center (includes Downtown, North Avenue, Colorado Mesa University area, and the area around St. Mary's Hospital). Reinvestment and revitalization of these areas, and maintaining and expanding a 'strong downtown', is a high priority of the Comprehensive Plan and essential for the area's regional economy. (Guiding Principle 1: Centers - Downtown)"

Vacating this portion of alley right-of-way supports the University in their facilities and building expansion, enhances a healthy, diverse economy and improves the City as a regional center of commerce, culture and tourism.

Economic Development Plan:

The purpose of the adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees. Though the proposed alley right-of-way vacation request specifically does not further the goals of the Economic Development Plan, it does allow the CMU campus to continue its westward expansion efforts in order to grow the campus for the benefit of students, community, higher educational opportunities and purports a vibrant and growing economy. Higher education is a key economic development component of Grand Junction's status as a regional center.

Board or Committee Recommendation:

There is no other committee or board recommendation.

Previously presented or discussed:

This proposal has not been previously discussed.

Attachments:

1. Staff Report/Background Information
2. Location Map
3. Surrounding Land Use Map
4. Future Land Use Map
5. Land Use Zone Map
6. Existing Land Use Map
7. Correspondence received
8. Ordinance

BACKGROUND INFORMATION					
Location:		Portion of Alley located between Elm and Kennedy Avenue's			
Applicant:		Colorado Mesa University			
Existing Land Use:		Alley right-of-way			
Proposed Land Use:		Colorado Mesa University land use development (new engineering building)			
Surrounding Land Use:	North	Colorado Mesa University properties			
	South	Colorado Mesa University properties and privately held property currently under contract to be purchased by CMU			
	East	Alley right-of-way			
	West	Alley right-of-way			
Existing Zoning:		R-8 (Residential – 8 du/ac)			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	R-8 (Residential – 8 du/ac)			
	South	R-8 (Residential – 8 du/ac)			
	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?		X	Yes		No

The proposed request falls under Section 21.02.100 – Vacation of public right-of-way or easement. The purpose of this section is to permit the vacation of surplus rights-of-way and/or easements. This type of request is available for vacation of any street, alley, easement or other public reservation subject to the criteria contained with the section.

The following is staff's review and comments relating to the criteria under Section 21.02.100:

City Fire Department Review of Rights-of-Way Vacation Request:

The Grand Junction Fire Department does not object to the University's overall desire to vacate certain public right-of-ways in an effort to implement the University's master plan. The Fire Department has indicated that if fire apparatus roads are required around the proposed engineering, these roads shall be constructed in accordance with the 2012 International Fire Code and Appendices as well as any local City of Grand Junction ordinances (i.e. Ordinance No. 4500) that pertain specifically to the Grand Junction Fire Department and their operations. The decision to require fire apparatus roads will be determined when the Fire Department reviews the proposed engineering building plans.

Sections 21.02.100 of the Grand Junction Zoning and Development Code:

The vacation of a portion of the existing alley right-of-way shall conform to the following:

(1) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City,

Granting the request to vacate a portion of an existing alley right-of-way meets Goal 12 Policy A of the Comprehensive Plan by supporting the University in their facilities and building expansion projects, enhances a healthy, diverse economy and improves the City as a regional center of commerce, culture and tourism. The requested vacation also does not conflict with the Grand Valley Circulation Plan and other adopted plans and policies of the City.

Therefore, this criterion has been met.

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

No parcels shall be landlocked as a result of the proposed vacation as all properties have access to Kennedy and Elm Avenues.

Therefore, this criterion has been met.

(3) 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;

All properties abutting the proposed portion of the alley requested for vacation are under the control of CMU or CMU has a contract for purchase. However, the requested vacation will restrict existing access to the rear of the remaining properties located at 830, 850 and 860 Kennedy Avenue, since they will not have legal access to the remaining alley. Therefore, CMU will be required, as a condition of the vacation, to provide and record a private "Access Easement" across CMU property(s) for the benefit of the remaining property owners located at 830, 850 and 860 Kennedy Avenue. This recorded easement will ensure that the remaining residents will continue to be provided access to the rear of their properties from the remaining alley right-of-way.

Therefore, this criterion can be met with the recording of an access easement.

(4) 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 City utilities currently located within the alley however, Xcel utilities are located in the alley but will be moved prior to construction of the new engineering building. The Fire Department has not reviewed the plans for the new building but has indicated that the applicant may be required to construct access roads around the new building in accordance with the 2012 International Fire Code. The requested vacation does not adversely impact police/fire protection to the remaining properties.

Therefore the requested vacation has 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.

Therefore, this criterion has been met.

(5) The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Zoning and Development Code; and

No adverse comments concerning the proposed rights-of-way vacation were received from the utility review agencies during the staff review process, including Xcel. Water and sanitary sewer are not located within the alley, therefore there is no reason for the City to retain a utility easement. Any existing utilities located within the alley will need to be moved and relocated as part of the construction of the new engineering building and, if necessary, appropriate easements to Xcel Energy will be dedicated at that time.

Therefore, this criterion has been met.

(6) The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

Maintenance requirements for the City will be reduced, though not significantly, as a result of the proposed alley right-of-way vacation. Water and sewer are not located within the portion of the alley to be vacated and the alley is concrete so there was little maintenance required by the City. The benefit to the City is the expansion of CMU and its mission to educate and by enhancing and preserving Grand Junction as a regional center. The proposed alley right-of-way vacation is needed by CMU as part of their continued campus expansion to the west.

Therefore, this criterion has been met.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Colorado Mesa University application, VAC-2016-100 to vacate a portion of public alley right-of-way, the following findings of fact, conclusions and conditions have been determined:

1. The requested alley right-of-way vacation is consistent with the goals and polices of the Comprehensive Plan, specifically, Goal 12.

2. The review criteria, items 1 through 6 in Section 21.02.100 of the Grand Junction Zoning and Development Code have been met or addressed.
3. With the vacation, the Applicant shall dedicate and record a private "Access Easement" across CMU property(s) for the benefit of the remaining property owners located at 830, 850 and 860 Kennedy Avenue.
4. With the vacation, the Applicant will need to meet all Grand Junction Fire Department requirements for construction of the engineering building.
5. The Applicant shall coordinate relocation of utilities upon construction of the new engineering building and dedicate applicable utility easements to Xcel Energy as necessary.

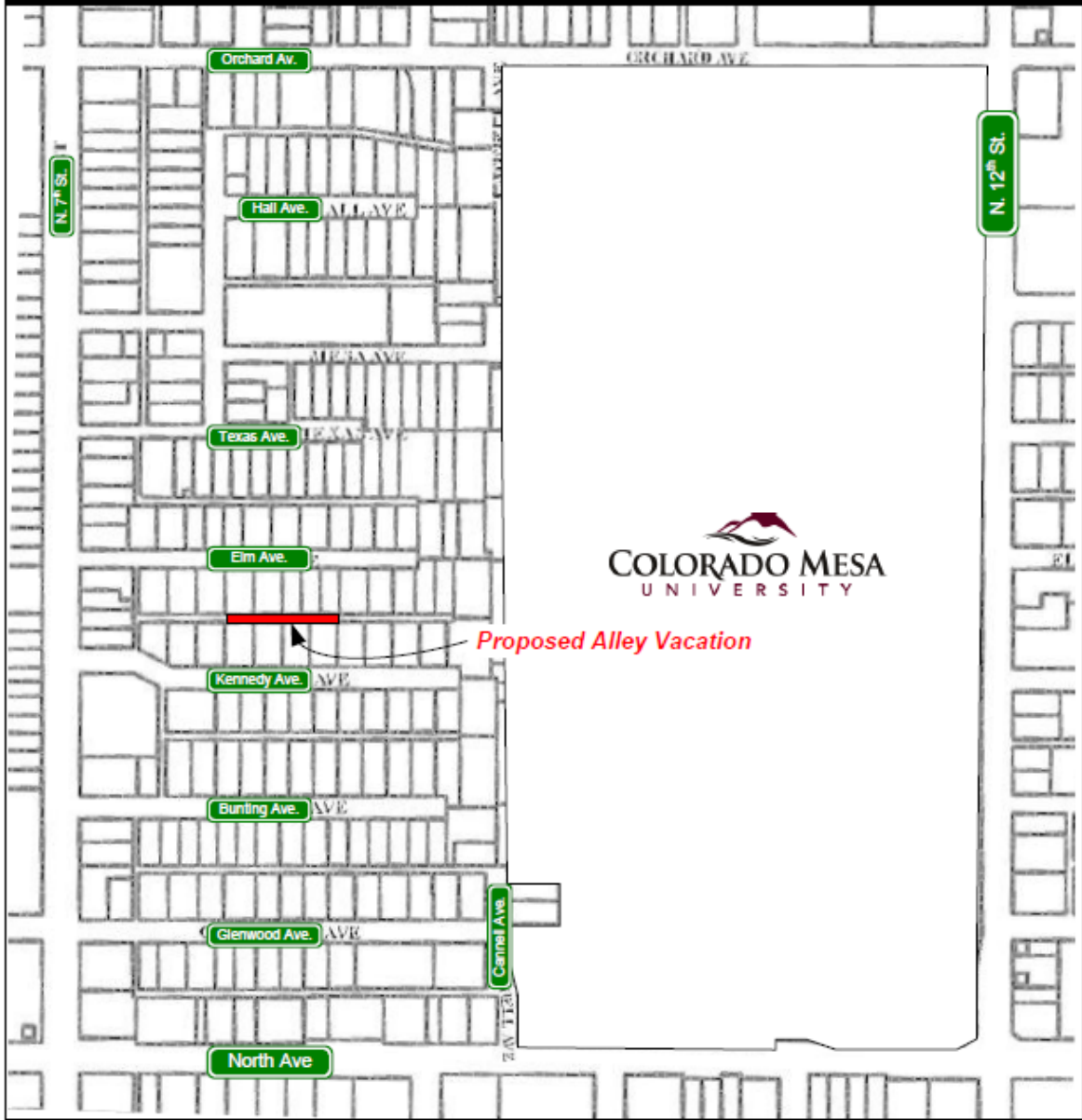
STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of conditional approval of the requested alley right-of-way vacation, VAC-2016-100 to the City Council with the findings, conclusions and conditions stated in the staff report.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on item VAC-2016-100, I move we forward a recommendation of conditional approval to the City Council on the request to vacate a portion of alley right-of-way located between Elm and Kennedy Avenues, with the findings of fact, conclusions and conditions stated in the staff report.


LOCATION MAP



SURROUNDING LAND USE MAP (2015 Air Photo)



 Proposed Alley Vacation

 Property Owned by CMU

 Campus Parking

1 Softball Field

2 Garfield Hall

3 Rugby Field

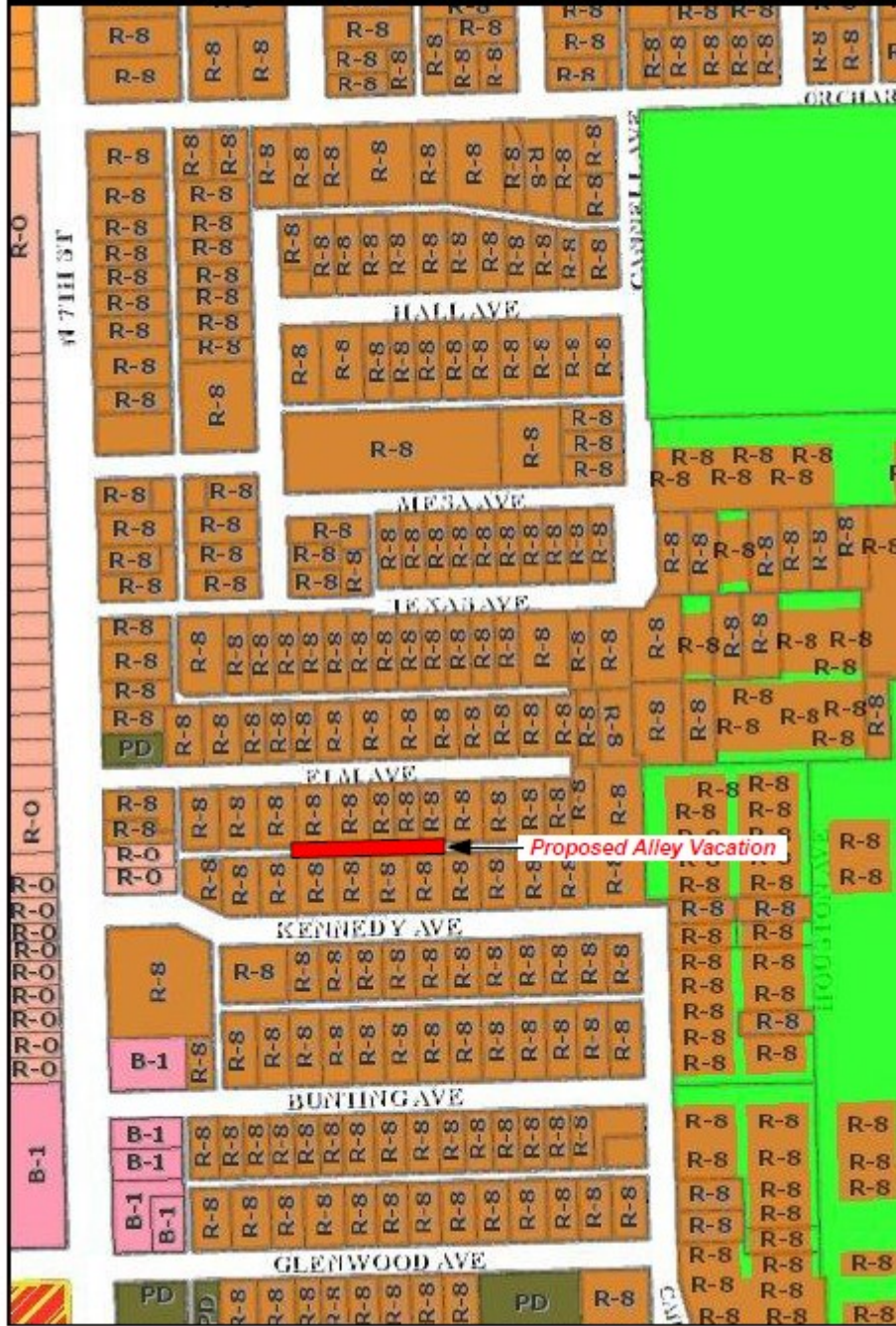
4 Bunting Student Housing

5 North Ave. Hall

FUTURE LAND USE MAP



LAND USE ZONE MAP



From: "Ford, Andy" <forda@wsu.edu>
To: "scottp@gjcity.org" <scottp@gjcity.org>
CC: Ford Amy <amy.ford71@gmail.com>
Date: 3/22/2016 6:00 PM
Subject: VAC 2016-100 from CMU

March 22, 2016

Dear Scott:

Thanks for the notice of application. My first impression is that the engineering building project will not present problems to Amy and me as the closure of the alley does not eliminate access to the front of our house at 860 Kennedy, nor does it eliminate access to the alley entrance to our garage at the back of the lot.

I suspect that traffic on Kennedy will be much more congested during the construction phase, and also more congested once the new building is ready for classes. Traffic on Kennedy is already congested on days when CMU is in session. indeed, it is often necessary to slow to a halt to let traffic pass safely, especially on the section of Kennedy near 7th street. Perhaps the city has traffic experts who could observe traffic flows and recommend changes in the parking rules? (Parking is allowed on both sides of Kennedy in the congested sections at the present time. I suspect the vast majority of the parked cars are student cars as Kennedy is quite free of parked cars on weekends.)

Meanwhile, I expect to learn more at the CMU public meeting with neighbors, scheduled for tomorrow (March 23) at 7pm.

Best Regards

Andy Ford
860 Kennedy Avenue
Grand Junction, Colorado 81501

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE VACATING A PORTION OF ALLEY RIGHT-OF-WAY LOCATED
BETWEEN ELM AND KENNEDY AVENUES**

LOCATED IN THE COLORADO MESA UNIVERSITY AREA

RECITALS:

Colorado Mesa University has requested to vacate a portion of alley right-of-way located between Elm and Kennedy Avenue's in order to enable the continued westward expansion efforts planned for the campus, specifically in the future to develop new residence halls, classroom buildings, parking lots and campus improvements.

The properties abutting the section of alley right-of-way for which vacation is sought are either owned by Colorado Mesa University or under contract with Colorado Mesa University. City staff does not expect that the proposed alley vacation would impede traffic, pedestrian movement or access to private property. As a condition of approval, CMU will need to meet all Grand Junction Fire Department requirements for construction of the engineering building and may be required to construct access around the site compliant with the 2012 International Fire Code. CMU will also be required to provide and record a private "Access Easement" across CMU property(s) for the benefit of the remaining property owners located at 830, 850 and 860 Kennedy Avenue. This condition is required as the remaining properties will have no "legal access" to the rear of their properties once the alley is vacated.

Presently, this alley between Elm and Kennedy Avenue's does not contain any City public utilities (water, sewer, storm sewer, etc.) therefore, there is no need to retain a Utility Easement as part of the vacation process. Any existing electric utilities located within the alley will be moved and relocated by Xcel Energy as part of the construction of the new engineering building and appropriate easements to Xcel Energy will be dedicated at that time, if necessary.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Zoning and Development Code. Applicant is also required to meet all Grand Junction Fire Department requirements.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the alley vacation be approved and the construction of a minimum of a 20' wide north/south circulation drives and that the applicant meet all Grand Junction Fire Department requirements.

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

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

1. Applicant shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
2. Applicant shall dedicate and record a "Private Easement" across CMU property(s) for the benefit of the remaining property owners located at 830, 850 and 860 Kennedy Avenue.
3. Applicant shall coordinate relocation of utilities upon construction of the new engineering building and dedicate applicable utility easements to Xcel Energy as necessary in order to continue to provide utility services to the current residential properties within this block.
4. Applicant will need to meet all Grand Junction Fire Department requirements for construction of the engineering building.

Dedicated alley right-of-way to be vacated:

A portion of a fifteen foot (15.00') wide Alley Right-of-Way as dedicated on the Plat of Amended Kennedy Subdivision at reception #670067 of the Mesa County Records situated in the SE1/4 of Section 11, Township 1 South, Range 1 West of the Ute Principal Meridian, in the City of Grand Junction, County of Mesa, State of Colorado; being more particularly described as follows:

All of a fifteen foot (15.00') wide Alley of said Amended Kennedy Subdivision adjoining the North lot lines of Lots 4,5, 6 and 7 (four, five, six and seven) beginning at the Northwest corner of Lot 4 (four) of said Amended Kennedy Subdivision and continuing East to the Northeast corner of Lot 7 (seven) of said Amended Kennedy Subdivision.

Said description contains an area of 0.101 acres more or less, as described herein.

Introduced on first reading this _____ day of _____, 2016 and ordered published in pamphlet form.

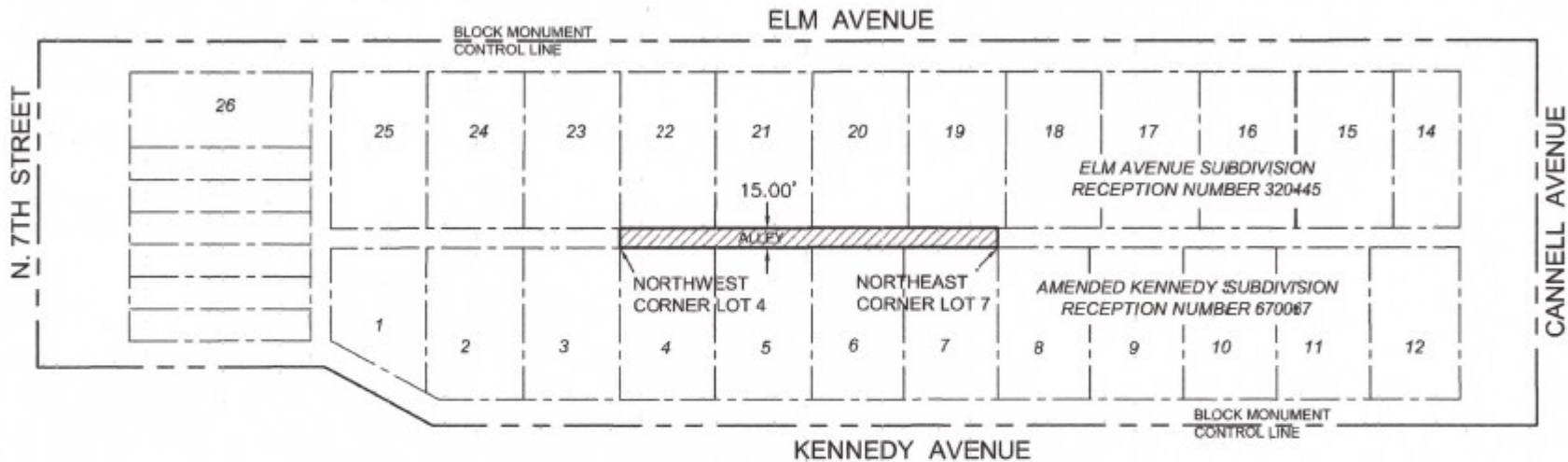
Adopted on second reading this _____ day of _____, 2016 and ordered published in pamphlet form.


ATTEST:

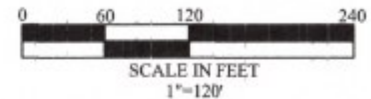
President of City Council

City Clerk

EXHIBIT "A"
SOUTHEAST 1/4 OF SECTION 11,
TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN,
IN THE CITY OF GRAND JUNCTION,
COUNTY OF MESA, STATE OF COLORADO



 Subject area.



- *This Exhibit is not intended to be used for establishing or verifying property boundary lines.
- *Title information shown is from Mesa County Clerk and Records Office.
- *Linear units are in U.S. Survey Feet.



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