



**PLANNING COMMISSION AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
TUESDAY, May 10, 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 April 12, 2016 and April 26, 2016 Planning Commission Meeting.

2. Hoesch Street Vacation [File# VAC-2016-68]

[Attach 2](#)

Request to vacate public right-of-way for a portion of Hoesch Street.

Action: Recommendation to City Council

Applicant: Merritt & Associates
Location: Hoesch Street South of W. White Avenue
Staff Presentation: Senta Costello, Sr. Planner

3. PIA Zone of Annexation [File# ANX-2016-115]

[Attach 3](#)

Request to zone 2.784 acres from a County C-2 to a City C-2 (General Commercial) zone district.

Action: Recommendation to City Council

Applicant: PIA Company, LLC
Location: 2757 Hwy 50
Staff Presentation: Senta Costello, Sr. Planner

4. Padilla-Ulibarri Easement Vacation [File# VAC-2015-350]

[Attach 4](#)

Request to vacate a portion of a public utility easement located at 314 W Ouray Avenue.

Revised

Action: Recommendation to City Council

Applicant: Bobby Ulibarri
Location: 314 W. Ouray Avenue
Staff Presentation: Senta Costello, Sr. Planner

5. Studd Zone of Annexation [File#ANX-2016-53]

[Attach 5](#)

Request to zone 0.9 acres from a County RSF-4 (Residential Single Family 4 du/ac) to a City R-4 (Residential 4 du/ac) zone district.

Action: Recommendation to City Council

Applicant: Priscilla Studt
Location: 227 29 Road
Staff Presentation: Senta Costello, Sr. Planner

[Attach 6](#)

[File#VAC-2016-170]

6. Vistas at Tiara Rado Phase II, Multi-Purpose Easement Vacation

Request to vacate a public Multi-Purpose Easement within the proposed Vistas at Tiara Rado, Phase II residential development.

Action: Recommendation to City Council

Applicant: Hatch Investment, LLC
Location: 2063 S. Broadway
Staff Presentation: Scott Peterson, Sr. Planner

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

[Attach 7](#)

[File#ZCA-2016-64]

7. Amending Sections of the Zoning and Development Code to Amend Table 21.04.010 to Add a New Category for Stand Alone Crematories

Request to amend the Grand Junction Municipal Code, Section 21.04.010 Use Table, Section 21.06.050(c) and Section 21.10.020 Terms defined.

Action: Recommendation to City Council

Applicant: City of Grand Junction
Location: Citywide
Staff Presentation: Senta Costello, Sr. Planner

Revised

8. Zoning Code Amendment [File#ZCA-2016-112]

[Attach 8](#)

The City of Grand Junction Planning Commission will consider a recommendation to the City Council of the adoption of a zoning code amendment to amend the section on Telecommunication Facilities.

9. Nonscheduled Citizens and/or Visitors

10. Other Business

Election of Officers

11. Adjournment

Revised

Attach 1

**GRAND JUNCTION PLANNING COMMISSION
April 12, 2016 MINUTES
6:00 p.m. to 7:27 p.m.**

The meeting of the Planning Commission was called to order at 6:00 p.m. by Chairman Christian Reece. 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, Kathy Deppe, Ebe Eslami (Vice-Chairman), George Gatseos, Steve Tolle, and Bill Wade.

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

Also present was Jamie Beard (Assistant City Attorney).

Lydia Reynolds was present to record the minutes.

There were 10 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 March 8, 2016 Planning Commission Meeting.

2. Lot 241, Heritage Heights, Filing One – Comprehensive Plan Future Land Use Map Amendment and Rezone [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 [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

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

Chairman Reece 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.

MOTION:(Commissioner Wade) “Madam Chairman, I move to request that item two, Heritage Heights, Filing One – Comprehensive Plan-Future Land Use Map Amendment and Rezone be pulled from the consent agenda for a full public hearing.”

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

With no other amendments to the Consent Agenda, Chairman Reece called for a motion to approve the revised Consent Agenda.

MOTION:(Commissioner Wade) “Madam Chairman, I so move”.

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

*****INDIVIDUAL CONSIDERATION*******5. Lot 241, Heritage Heights, Filing One – Comprehensive Plan Future Land Use Map Amendment and Rezone** [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

Staff Presentation

Scott Peterson (Senior Planner) explained that the applicant Heritage Heights LLC, has requested a Comprehensive Plan Future Land Use Map Amendment and Rezone. Mr. Peterson stated that 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. Mr. Peterson noted that there were 21 property owners that were notified of the meeting whose properties were within 500 feet of the proposed site.

Mr. Peterson displayed a site location map and explained that 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 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 requirements.

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.

Mr. Peterson displayed the existing zoning map and explained that the subject property is surrounded on three sides by residentially zoned property to the north, south and west. 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.

Mr. Peterson stated that the I-O (Industrial/Office Park) zone district 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, to help protect adjacent residential and industrial office properties.

The Comprehensive Plan Future Land Use Map designates this property as Residential Medium High with Commercial/Industrial to the east.

Mr. Peterson displayed an aerial photo of the area and stated that 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.

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 by the creation of large and small centers throughout the community that provide services and commercial areas.

Mr. Peterson noted that the proposed application also supports the creation of commercial and industrial opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

Mr. Peterson pointed out that the Grand Valley Circulation Plan indicates that in the future, the F ½ Rd. corridor 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 which is 160 wide, 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.

The Grand Valley Circulation Plan also indicates that F 1/2 and 25 Roads will be realigned separating this parcel from the residential developments to the north, west and south and in essence create a remnant parcel that will align itself more towards Foresight Industrial Park to the east.

Mr. Peterson explained that 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.

Mr. Peterson noted that the character and/or condition of the area has changed such that the proposed amendments are consistent with the Comprehensive Plan.

Findings of Fact/Conclusions

Mr. Peterson stated that after reviewing the Lot 241, Heritage Heights, Filing 1 application, CPA-2016-15 & RZN-2016-16, a request for a Comprehensive Plan Future Land Use Map Amendment and Rezone, the following findings of fact and conclusions have been determined:

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

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

Mr. Peterson added that the proposed I-O zone district allows for a retail area that is not to exceed ten percent of the of the gross floor area of the principal structure.

Questions for Staff

Commissioner Wade asked what was on the property to the north of the site.

Mr. Peterson explained that it was a house and the property is zoned R-8.

Regarding the Grand Valley Circulation slide, Commissioner Wade asked if the green line shown would be a minor arterial.

Mr. Peterson explained that the proposed minor arterial would be an 80 foot right of way and the principal arterial for the F ½ Rd corridor would be 160 feet in width. Mr. Peterson pointed out that the green line was an approximation and that as properties come in for development, the City would obtain right-of-way at that time. The illustration shows that the 25 Rd. will not go directly to the south to connect into the Parkway, but will take a bend to the west and connect in at a 90 degree angle.

Commissioner Wade asked if the existing 25 road frontage will be interior streets.

Mr. Peterson explained that with the Parkway construction and the 25 Rd. realignment would create a dead-end cul-de-sac in front of the applicant's property, therefore they would not have direct access onto the Parkway.

Applicants Presentation

Mr. Robert Jones II, 2394 Patterson Road, Suite 201, Vortex Engineering and Architecture stated that he is representing the applicant, and would like to offer a few points of clarification.

Mr. Jones noted that the developer has been working in this area for over ten years.

There are three elements of the plan in this area. The northern portion is Heritage Estates that has been built out with approximately 99 homes and is a mix of single family homes with a multifamily component to the southeast.

The second component was the Heritage Heights project to the south on property between F ¼ and F ½ Rd and is about 240 single family homes. The remaining lot 241 that is before the Commission is the third component.

Mr. Jones noted that with each of the project has been the dedication as well as the partial or full construction of F ¾ Rd., 24 ¾ Rd., F ¼ Rd., and the dedication for F ½ Rd.

The timing of plan has been somewhat fluid and has been driven by market conditions. Mr. Jones pointed out the different phases of Heritage Heights and noted the current construction status of the filings.

Mr. Jones explained that the future road alignments and the right-of-way create a situation where the proposed lot 241 does not lend itself well to residential development. Mr. Jones stated that the proposal promotes an economic and commercial benefit to the City.

Questions for the Applicant

Commissioner Eslami asked why the applicant is requesting I-O zoning when another zoning may be more suitable.

Mr. Jones explained that after noting the other land uses surrounding the lot, the I-O zone seemed to compliment the area. Mr. Jones also noted that the physical constraints of the lot make it difficult to meet site specific design criteria for an R-O zone district.

Chairman Reece noted that the current zoning does not expire until 2019 and asked for clarification of the urgency for this change before the 160 foot right-of-way occurs.

Mr. Jones stated that it has always been in the plans that this lot would become some kind of commercial element because of its configuration and the way it has been carved off from the rest of the project. Mr. Jones also noted that the applicant is hesitant to create a formal site plan application or make landscaping improvements to the site until they are certain of the zone.

Chairman Reece explained that she has a hard time seeing how it was “always planned” to have a commercial element since it is zoned R-8 in the future Comprehensive Plan.

Mr. Jones explained that as they were planning the project area, they felt the lot created would not be a desirable residential lot considering the future build out to F 1/2, 25 Rd and the Parkway.

Chairman Reece asked if the 160 foot right-of-way has been dedicated.

Mr. Jones replied that it is being dedicated with Filing 5.

Commissioner Deppe asked what size the remaining lot would be after the dedication of the right-of-way.

Mr. Jones stated it would be .95 acres.

Commissioner Gatseos, noting that there were apparently no attendees to the neighborhood meeting, asked if the applicant had contacted the owner of the residential property to the north, which is currently zoned R-8.

Mr. Jones stated that the required notices were sent, but the applicant did not specifically contact the neighbor to the north.

Questions/Comments from Public

Chairman Reece opened the public hearing portion of the meeting and asked if there were any questions or comments from the Public regarding this request. Hearing none, Chairman Reece asked if there were additional question for the staff or applicant.

Questions for Staff

Commissioner Buschhorn asked if there was a start date associated with the F ½ Rd / Parkway proposal.

Mr. Peterson noted that the funding was voted down in last year's election. Currently the City obtains the needed right-of-way as development occurs, in anticipation of funding in the future.

Commissioner Buschhorn asked if this proposal will create an I-O bump out with three of the surrounding parcels zoned residential.

Mr. Peterson replied that it would, however it's hard to say if other parcels will remain zoned residential as the Parkway is constructed in the future.

Commissioner Wade asked why there wasn't a special effort to contact the homeowners to the north.

Mr. Peterson explained that the property owners get notified three times. The first notification is when the applicant sends out the neighborhood meeting request, the second time when the applicant submits the project for review, and the third time is when a project goes to public hearing before the Planning Commission. Mr. Peterson noted that a yellow sign, noting the submittal of a land use application with the City is posted on the property as well. Mr. Peterson added that as properties develop along 25 Road, the City will require dedication of right-of-way.

Chairman Reece asked how the right-of-way is obtained.

Mr. Peterson explained that the right-of-way is obtained through a subdivision plat or by separate deed.

Chairman Reece asked if the City compensated the landowners.

Mr. Peterson explained that the right-of-way is dedicated as part of the approval requirements and is considered part of the developer's responsibilities. The City may choose to compensate landowners when right-of-way is needed on parcels that will not be developed.

Commissioner Eslami asked if the 160 foot right-of-way dedication was a part of tonight's proposal.

Mr. Peterson stated that the 160 foot right-of-way dedication was part of the Preliminary Plan.

Commissioner Buschhorn asked what information is sent out in the notice to the neighbors.

Mr. Peterson explained that as the project planner, he reviews the neighborhood meeting letter that is sent out by the applicant. The letter will state what is proposed to take place on the subject property. In addition, there is a descriptive paragraph of the project on the notice cards that the City sends out.

Chairman Reece inquired what other uses may be allowed in an I-O zone district.

Mr. Peterson stated that the I-O (Industrial Office/Park) allows for light manufacturing, office and some commercial services. Other examples of possible uses include general offices, colleges/universities, vocational schools, community services building, museums, general daycare, medical and dental clinic, counseling center, public safety building, and utility services.

Chairman Reece noted that heavy equipment storage was also a possible use and her concern is that there is a wide range of possible uses. With light manufacturing a possibility, there could be semi-truck deliveries and/or drop offs etc.

Mr. Peterson explained that the size of this parcel is less than an acre, and even if they scraped the building, and proposed a new one, landscaping and off street parking requirements would be triggered. Most likely, a manufacturing business would not view this size lot as desirable. Mr. Peterson stated that in his professional opinion, this lot is best suited for an office type building.

Commissioner Eslami asked if they could put up a chain link fence and use it for equipment storage.

Mr. Peterson explained that the screening a buffering requirements for I-O next to R-8 requires a 6 foot tall wall along the north property line so it wouldn't be a chain link all around.

With no more questions for staff, Chairman Reece closed the public hearing portion of the meeting.

Commissioner Discussion

Commissioner Gatseos stated that the rezone seemed to make sense for this property. At first glance he preferred it to be rezoned to R-O as it seemed more of a transition, however after hearing the existing arguments, he agreed that the I-O is compatible. Commissioner Gatseos asked Mr. Peterson if the I-O zone district limits retail to ten percent.

Mr. Peterson stated that in an I-O zone district, not more than ten percent of the gross floor area can be used for retail.

Commissioner Buschhorn stated that he felt the rezone was premature as the proposed Road going through (the Parkway) was in an indeterminate amount of time as to when that would happen. By rezoning now, there could be 10 or 20 years where the residents will be neighboring the business uses allowed in an I-O zone district. Commissioner Buschhorn felt that any sort of commercial is not appropriate for the area until the time where the future Parkway is budgeted and going in.

Commissioner Eslami agreed with Commissioner Buschhorn that it is too soon to rezone.

Commissioner Toole asked what kind of intersection or controls will be at the intersection where the proposed arterial intersects with 25 Road. Commissioner Toole noted that he was talking about the east side of the site, and to the south.

Mr. Peterson clarified that 25 Road would dead-end before it gets to the Parkway and there would be some type of cul-de-sac, in front of the applicant's property.

Chairman Reece agreed that the change in zoning and the amendment to the comp plan is premature, and according to staff at the workshop, there are no other locations in the City where I-O abuts next to residential zones.

Mr. Peterson noted that in his review after the workshop, there is another example on H Road, north of the interstate, east of 27 Road where I-O abuts R-1 zone district with no right-of-way separation.

Chairman Reece added that she still feels this is premature and the right-of-way needs to be secured before considering the rezone. Chairman Reece stated that the citizens were clear when they voted down the item on the ballot saying they did not want to use City funds to develop F ½ Road.

MOTION:(Commissioner Eslami) “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.”

Commissioner Wade seconded the motion. A vote was called and the motion failed by a vote of 6-1.

6. 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 UnawEEP Avenue
Staff Presentation: Senta Costello, Sr. Planner

Staff Presentation

Senta Costello (Senior Planner) stated that this is a request to rezone 2711 UnawEEP from its current zoning of R-8 (Residential 8 du/ac) to a City R-O (Residential Office) zone district. Ms. Costello displayed a site location map and noted that it is located at the southeast corner of Pinion Street and UnawEEP in Orchard Mesa. Ms. Costello noted the future land use map shows this property, as well as all the surrounding properties, as Residential Medium. The current zoning of the property is R-8 (Residential 8 units/acre) as is the surrounding neighborhood.

Ms. Costello explained that the applicant, Landmark Baptist Church, would like to relocate elsewhere within the City as they have outgrown the site. They would like to rezone the property in order to expand the potential uses for the property and potential buyers. They have had the property on the market for a couple years and have had difficulty in finding potential buyers. The applicant had a potential buyer who wished to open a Funeral Home/Mortuary/Crematorium on the property, however that is no longer on the table.

Ms. Costello noted that the building was built in 1947 and has been used as a church since construction.

Questions for Staff

Chairman Reece asked if the property was rezoned to R-O and a use other than a church wants to go in on the property, what process they would use to make that happen.

Ms. Costello stated that it would depend if the use is allowed in the zone district. Assuming the use it allowed, it would need to be determined if the use is by right or allowed with a Conditional Use Permit. Ms. Costello further explained that if it is allowed by right, it would need to go through a Change of Use process. That process would include a review of parking for the property and whether the new use has the ability to provide adequate parking either on the site or possibly utilize another property in the neighborhood.

Chairman Reese asked if the Change of Use Process is a public process.

Ms. Costello explained that any of the processes are open to public input, however, a sign is not posted and notices are not mailed out for a Change of Use.

Questions/Comments from Public

Chairman Reece opened the public hearing portion of the meeting and asked if there were any questions or comments from the Public in opposition of this request.

Linda Richmond, 2715 Unawep, noted that she lives next to the house that is next to the Church to the east. Ms. Richmond explained that the Church was built as a Church in 1947. Her house was built as a residential home in 1947 and she bought it in 1990 as a residential property. Ms. Richmond wanted to express her concern over the Church property being used for uses other than a Church or residential type of use. She is already having to deal with overflow parking driving over her property.

Ms. Richmond stated that there are two schools, a math and science school and a middle school nearby, therefore there are a lot of children passing by in the area. Additionally, she is concerned with housing appraisals in the area that may depreciate with different types of uses that could utilize that property.

Chairman Reece recapped Ms. Richmond concerns.

Ms. Richmond added that she does not want to see a rezone where a crematorium is allowed.

Commissioner Eslami noted that the potential buyer, a crematorium, had backed out of their offer.

Ms. Richmond stated that if the rezone occurs, it is possible that another crematorium could locate there.

Chairman Reece asked if there were any other people who wished to speak in favor of the proposal. With no one present wishing to speak in favor, Chairman Reece moved on to questions for the staff.

Questions for Staff

Chairman Reece asked Ms. Costello to go over other potential uses allowed in an R-O zone district.

Ms. Costello explained that she will highlight uses that are permitted in R-O zone district, and not allowed in an R-8 zone district. Ms. Costello noted an unlimited group living facility, museums, art galleries, libraries, dental and medical clinics, funeral homes, boarding schools, general offices, health clubs, community service building, personal services including beauty/barber shops and tanning salons are some of the uses allowed.

Chairman Reece asked if the parking requirements for R-O would be different than the current requirements for the Church.

Ms. Costello explained that in an R-O zone district, parking is required to be beside or behind

the building and out of the front yard setback. Ms. Costello noted that they have evaluated the current parking and in the future, at the time of a Change of Use process, they would eliminate the parking along UnawEEP Ave. due to heavier auto and pedestrian traffic in that area. Ms. Costello stated that the rest of the parking, along and behind the building, would most likely meet the standards of an R-O zone district.

Commissioner Wade asked if the parking requirements are use specific.

Ms. Costello stated that the parking is use specific and would have to be calculated before the use is approved.

Commissioner Wade raised the question if another Church was to acquire the property, would they lose the parking along UnawEEP Ave.

Ms. Costello responded that a Church is a use that would be grandfathered in regarding parking.

Discussion

Commissioner Gatseos felt that the parking situation may improve with the rezone to R-O. Commissioner Gatseos mentioned that he understands the concerns of the neighbors, however, UnawEEP Ave. has changed over the years and it appears an R-O zone district would be appropriate.

With no additional discussion, Chairman Reece closed the public hearing portion of the meeting and asked for a motion.

MOTION:(Commissioner Wade) “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.”

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

7. **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

Staff Presentation

Scott Peterson (Senior Planner) stated the applicant, Colorado Mesa University, requests approval to vacate a portion of public alley right-of-way between Elm and Kennedy Avenue's.

Mr. Peterson noted 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 which was included in the staff report.

Mr. Peterson displayed the site location map and noted Colorado Mesa University ("CMU"), requests the vacation of a portion of public alley right-of-way between Elm and Kennedy Avenue 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.

Mr. Peterson explained that 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.

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.

Mr. Peterson presented slide illustrating the current zoning and Future Land Use Map zoning designations.

Mr. Peterson explained that 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.

Mr. Peterson stated that 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.

Mr. Peterson explained that by 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.

Mr. Peterson noted that 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.

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:

Findings of Fact/Conclusions

Mr. Peterson displayed a slide illustrating the following findings of fact/conclusions.

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.

Questions for Staff

Chairman Reese asked Mr. Peterson if the private Access Easement across the CMU properties would allow for vehicular access.

Mr. Peterson stated that it would and city staff would be reviewing the document before it was recorded. Mr. Peterson pointed out on the aerial photo approximately where the new building may go, and how the private access easement could be configured.

Applicants Presentation

Mr. Derek Wagner, representing Colorado Mesa University, gave a presentation that included information on the increasing enrollment in their engineering programs and the need for a new Computer Science and Engineering building. Mr. Wagner displayed a slide with the general area of the new building.

Questions for Applicant

Commissioner Wade asked where CMU stands with state financing for the building. Mr. Wagner stated that the outcome of the hospital provider fee may determine if there is any State funding for the project this year. Mr. Wagner stated that they are looking to all forms of funding to move forward with the project.

Commissioner Deppe stated that at the workshop they had discussed concern that the private access may not include vehicular access, but based on the reassurance it does, she is ok with the proposal.

Commissioner Wade stated that he appreciates that CMU has become more pro-active in working with the Commission because it makes it a lot easier to understand what is being proposed not only now but down the road as well.

MOTION:(Commissioner Eslami) “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.”

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

8. Nonscheduled Citizens and/or Visitors

None

9. Other Business

Mr. Moberg reminded the Commission that there is a workshop on Thursday, April 21st. That will not be a joint workshop as Mesa County will have their own workshop, however the April 26 meeting will be a joint meeting with the Mesa County Planning Commission to review and recommend the wireless plan as well as changes to the code.

Mr. Moberg also mentioned that a retreat is being planned and June 16th is a tentative date. The retreat will most likely be $\frac{3}{4}$ of a day and be held at the Avalon.

Commission Toole asked if there was an agenda already, listing times and topics. Mr. Moberg said they were still working on one and they are open for suggestions.

Chairman Reece mentioned that they are trying find speakers and that she had suggested a presentation on the topic of land use planning and state water planning. Knowing what the trends are and how to be good stewards of the land and water. Another trend that is being

considered for a topic is the tiny house movement.

Additionally there will be a presentation from the city attorney with suggestions as to what questions may be helpful to ask when reviewing a proposal.

Commissioner Wade asked how the joint meeting would work. Mr. Moberg stated that it would be held in the auditorium and the Mesa County Planning Commission will be excused at the end of the wireless portion, and the City Planning Commission will stay and hear the code amendment item.

Adjournment

The Planning Commission meeting was adjourned at 7:27 p.m.

**SPECIAL JOINT GRAND JUNCTION AND MESA COUNTY
PLANNING COMMISSION MEETING
April 26, 2016 MINUTES
6:00 p.m. to 9:21 p.m.**

The special joint meeting of the City of Grand Junction and Mesa County Planning Commissions was called to order at 6:00 p.m. by Chairman Reece. The public hearing was held in the City Hall Auditorium located at 250 N. 5th Street, Grand Junction, Colorado. The meeting was also called to order by Chairman Price for Mesa County.

In attendance, representing the City Planning Commission, were Christian Reece (Chairman), Ebe Eslami (Vice-Chairman), Jon Buschhorn, Kathy Deppe, Keith Ehlers, George Gatseos, and Bill Wade.

In attendance, representing the County Planning Commission, were Rusty Price (Chairman), Bob Erbisch, William Page, Secretary, George Skiff, Ron Wriston, Bill Somerville.

In attendance, representing the City's Administration Department - Community Development, was Greg Moberg, (Development Services Manager) David Thornton (Principal Planner), and Rick Dorris (Development Engineer).

In attendance, representing Mesa County was Kaye Simonson (Lead Planner).

Also present was Jamie Beard (Assistant City Attorney) Shelly Dackonish (City Staff Attorney) and Steve Smith (GIS Analyst).

Lydia Reynolds was present to record the minutes.

There were 4 citizens in attendance during the hearing.

Call to Order

City Commissioner Reece called the City Planning Commission meeting to order.

County Commissioner Price called the meeting to order on behalf of the Mesa County Planning Commission.

Announcements, Presentations And/or Visitors

None

Consent Agenda

Chairman Reece briefly explained there were no items on the Consent Agenda.

*** * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * ***

Public Hearing Items

1. Wireless Master Plan

The City of Grand Junction Planning Commission will consider a recommendation to City Council and the Mesa County Planning Commission will consider Adoption of the Wireless Master Plan, an amendment to the Grand Junction Comprehensive Plan, which is intended to help guide the development and construction of wireless infrastructure and align the needs of wireless broadband service providers with government and community objectives.

CITY FILE #	CPA-2016-113
REPRESENTATIVE:	City of Grand Junction Planning Division
PLANNER:	David Thornton, (970)244-1450
COUNTY FILE #:	2016-0049 MP
REPRESENTATIVE:	Mesa County Planning Division
PLANNER:	Kaye Simonson, (970) 255-7189

The Wireless Master Plan is a joint effort between the City of Grand Junction and Mesa County.

City Staff Recommendation: Forward recommendation to City Council of approval.

County Staff Recommendation: Approval

Staff Presentation

Kaye Simonson (County-Lead Planner) stated she would like to enter the file for Project 2016-0049 MP, the Mesa County Master Plan, Mesa County Land Development Code, and the presentation as Exhibit A into the record.

David Thornton (City-Principal Planner) stated he would like to enter the staff report of file CPA-2016-113, the presentation and the proposed Wireless Master Plan into the record.

Ms. Simonson explained that the goal of the Wireless Master Plan (WMP) is to facilitate the creation of an optimized wireless telecommunications environment that is efficient, capable, and meets the long-term forecasted user requirements of the businesses, residents and visitors in the City of Grand Junction and Mesa County.

Ms. Simonson noted that this project has been in the works for just over a year with CityScape consultants, and they are listening in on the meeting and are available via email to answer any questions.

Ms. Simonson explained that the intent of the plan is to balance goals of providing good wireless network services while minimizing visual impacts. Ms. Simonson noted that the diverse landscape of Mesa County, with a mix of urbanized areas along with rural areas, creates a challenge to provide good wireless coverage for residents, businesses, visitors and 911-Emergency Services.

Another intent of the plan was to have a planning tool for developing planning policies for future wireless infrastructure that maximizes network coverage while minimizing number of new facilities.

Ms. Simonson informed the Commissioners that a few years ago there was a significant update to FCC regulations and the plan will incorporate current FCC Regulations into the planning process.

Ms. Simonson showed a slide that highlighted the following key points of the FCC Regulations:

- Preserve local zoning authority but prohibits discriminating among providers or effectively prohibiting provision of wireless service.
- Set deadlines for local review and decision based on the type of facility and the type of application process it is going through.
- Require written decisions on applications.
- Prohibit decisions based on concerns over radio frequency (RF).
- Cannot prohibit FAA-required lighting

A slide of the study area was displayed, and Ms. Simonson pointed out the Grand Junction/Persigo 201 boundary was the main portion. Study area "A" included Lower Valley, Palisade, and DeBeque. Study area "B" included more rural areas; Glade Park, Gateway, Whitewater, Collbran and Plateau Valley. Finally, area "C" was the Highway Corridors which included areas of I-70, Highways 50, 65, 330 and Highway 141.

Ms. Simonson described the study process that included the following steps:

- Inventory existing wireless infrastructure and model current theoretical coverage
- Overlay 10-year growth projections to identify future coverage and capacity network needs
- Determine community preferences for wireless infrastructure using public surveys and meetings
- Analyze results and make recommendations for meeting deployment objectives over next 10-15 years

A slide of the contents of the infrastructure inventory (Appendix A) to the plan was displayed and the following information for each facility included facility owner, service provider, type, height of facility, collocation potential, latitude & longitude, parcel number and address and jurisdiction & vicinity. The intent is to have the inventory mapped in GIS.

Ms. Simonson explained that the Appendix A will be updated as changes occur. By having it as an Appendix, updates to the inventory can be made to keep it current, without changes to the Master Plan.

The next slide displayed was a modeling map that showed coverage of the study area and illustrated high and low frequencies. The modeling was done to show current coverage gaps and propose ways to fill them.

Ms. Simonson displayed a chart of the inventory analysis that listed the various study areas and the existing sites, projected fill-in (10 to 15 years) and the estimated build-out (including public safety).

Mr. Thornton stated that surveys and meetings were held to determine community preference for types of facilities. A slide with pictures of current facilities in the study area was displayed that included non-concealed as well as concealed facilities. Other examples of favored facility types was displayed that included both rural and urban types.

Mr. Thornton explained that one of the goals of the study was to determine priority sites. Mr. Thornton wanted to emphasize that they are priority in that they have been vetted. Properties that are on the Priority Site List may be eligible for expedited administrative review. A slide was displayed that illustrated the criteria for consideration that included:

- Be located within the Grand Junction Persigo 201 Boundary.
- Be one acre minimum in lot size.
- Have vehicular access to an improved public right-of-way.
- Have access to utilities.
- Be outside the 100 year flood plain.
- Must meet all City development standards and zoning code.
- Concealment is required and owner must identify the type of concealment proposed. Changes would require a conditional use permit (CUP).

Mr. Thornton went on to say that the Master Plan suggests that on a regular bases, the list of priority sites can be opened for the community, both public and private (in the 201 Persigo Boundary), to apply to have their property considered for the Priority List. A slide listing the proposed Priority Site List was shown. It was compiled during the study process. Mr. Thornton noted that all applicants that met the criteria were on the list.

Mr. Thornton showed a slide listing the conclusions of the Wireless Plan that included the following key points:

- Urban areas, Interstates and major highway corridors will continue to have the most facilities and the greatest area of network coverage.

- Existing 2G and 3G network equipment will be phased out.
- Short term network deployments will consist primarily of 4G services designed to enhance capacity.
- 4G networks will transition to 5G over the next 3-10 years.
- New 4G and 5G networks will be designed to provide wireless broadband.
- County-wide, approximately 40 new sites will be needed over the next 10 to 15 years.
- Small Cell capacity sites will be installed in urban areas to address the increasing data demands of subscribers.
- Public/Private partnerships should be encouraged that coordinate the construction of future emergency service sites in areas that also improve private wireless services.
- Public broadband initiatives that create fiber availability to tower sites may incentivize private service providers in rural and remote areas to develop more infrastructure.
- Rural and remote communities should contact their service providers to report network concerns and request solutions for poor network coverage.

The Wireless Plan identified eight action items that Mr. Thornton discussed:

- 1.) Maintain the wireless facilities inventory as facilities are added or modified and make it available to the public on-line.
- 2.) Prepare amendments to the City and County development codes that update zoning requirements and review procedures for wireless telecommunications facilities to make the codes compliant with current FCC regulations.
 - i. Update the development codes as needed when regulations change.
- 3.) Maintain the Priority Site List
- 4.) Seek out public/private partnerships to encourage the development of wireless facilities in rural areas that are underserved and have significant coverage gaps.
- 5.) Where feasible, plan for the ability to collocate private wireless facilities on public safety communication infrastructure, in order to fill coverage gaps and provide better service to residents.
- 6.) Encourage the development of broadband infrastructure that will help support the development of wireless infrastructure.
- 7.) Work with economic development partners to seek out opportunities to expand wireless telecommunication facilities to support business development.
- 8.) Maintain awareness of evolving concealment options so the design and planning processes of new towers will blend visually within the community they serve.

Mr. Thornton gave a brief overview of the plan adoption process to date. There have been 4 public meetings with stakeholders and other interested members of the public. A WMP Survey was conducted to determine preferences of tower types and use of public property. In addition, the CityScape consultants assisted meetings with service providers and tower owners. Mr. Thornton showed a list of five City and County workshops that were held. The draft final plan was made available for public

review April 15, 2016. In addition to tonight's joint meeting and public hearing, the item will go before the City Council at a public hearing scheduled for June 1, 2016.

Mr. Thornton noted that the WMP is an element of the Comprehensive Plan and is supported by Goal 11: Public facilities and services for our citizens will be a priority in planning for growth. Additionally, Policy A which states: "The City and County will plan for locations...to serve the public health, safety and welfare, and to meet the needs of existing and future growth."

Chairman Price asked if the Grand Junction PD and the County Sheriff's Department has been contacted and if they have suggestions regarding the security of these sites as they include public safety.

Ms. Simonson stated that the Grand Junction Regional Communications Center was one of the key partners in the study. In addition, they are a review agency for any of the applications that come before the County.

Ms. Simonson noted that in addition to the Comprehensive Plan, there are other area plans that support the WMP initiative. Ms. Simonson displayed a slide with the following related key points:

Mesa/Powderhorn Plan:

- SVC 3.D: Telecommunications providers shall be encouraged to expand and upgrade infrastructure in order to improve accessibility to cell phone service and to provide reliable and fast internet.
- ED 1.B: Encourage telecommunication companies to improve infrastructure for wireless and internet, to support business development.

Glade Park Plan:

- SVC 1.H (Goal for Adequate Public Safety): Support efforts to improve coverage and reliability of internet and wireless communications infrastructure.

Grand Junction adopted an Economic Development Plan (EDP) a couple years ago and Mr. Thornton explained how the WMP supports goals of this plan as follows:

- Section 1.4 of the EDP focuses on providing technology infrastructure that enables and supports private investment.
- Expanding broadband capabilities and improving wireless and/or cell coverage to underserved areas are key objectives of the EDP.
- The City has determined that the development of a Wireless Master Plan (WMP) for eventual inclusion in the City's Comprehensive Plan would be a positive step toward accomplishing those objectives.

City of Grand Junction Review Criteria and Recommendation

Mr. Thornton explained that the City of Grand Junction Zoning & Development Code Criteria for an amendment to the Comprehensive Plan is addressed in Section 21.02.130(C)(1) and displayed a slide illustrating how the WMP meets the criteria:

The Comprehensive Plan can be amended if the City finds that the proposed amendment is consistent with the vision (intent), goals and policies of the Plan and it meets one of the following criteria:

- (i) (events invalidate original premises and findings) is not applicable
- (ii) (change in character or condition of the area) is met
- (iii) (adequate public and community facilities) is met
- (iv) (inadequate supply of suitably designated land) is met
- (v) (benefits to the community) is met

Findings of Facts and Conclusions

Mr. Thornton stated that the proposed amendments are consistent with the purpose and intent of the Comprehensive Plan and the review criteria in Section 21.02.130 of the Zoning and Development Code have been met.

Mr. Thornton's recommendation was to forward a recommendation of Approval of the Wireless Master Plan (CPA-2016-113) to the Grand Junction City Council.

Mesa County Review Criteria and Recommendation

Ms. Simonson noted that the Mesa County Master Plan amendment approval criteria is found in Section 3.2.8 of the Land Development Code which states "The Planning Commission may approve proposed Master Plan Amendments only if consistent with the overall purpose and intent of the Mesa County Master Plan, and the general approval criteria of Section 3.1.17C." Ms. Simonson displayed a slide that listed the criteria and the results of whether the criteria had been met as follows:

- 3.2.8.A (error in original Master Plan) is not applicable
- 3.2.8.B (events invalidate original premises and findings) is met
- 3.2.8.C (change in character or condition of the area) is met
- 3.2.8.D (consistent with goals and policies of the Master Plan) is met
- 3.2.8.E (adequate public and community facilities) is met
- 3.2.8.F (inadequate supply of suitably designated land) is met
- 3.2.8.G (benefits to the community) is met
- 3.1.17.A (complies with Land Development Code) is met
- 3.1.17.B (consistent with review comments) is met
- 3.1.17.C (consistent with IGAs) is met

Ms. Simonson recommendation was to approve the Wireless Master Plan (PRO 2016-0049 MP) and certify the amendment to the Board of County Commissioners. The basis for the adoption is that the Wireless Master Plan **does meet** all applicable approval criteria found in Section 3.2.8 and Section 3.1.17 of the Mesa County Land Development Code. Ms. Simonson stated that the County Planning Commission

would not adopt the resolution at this hearing and that it would occur following final City Council action; they would only be approving the plan at this time.

Chairman Price and Chairman Reece asked their Commissioners if they had questions for staff at this time. Hearing none, Chairman Reece asked if there were questions or comments from the public.

Questions/Comments from Public

Ms. Meghan Winokur, an attorney with Holland and Hart, Aspen, CO informed the Commissioners that she is in attendance to provide a letter provided by her client, the American Tower Corporation. American Tower has been working with City and County staff and CityScape regarding the WMP as well as the proposed amendments to the City Ordinance.

Ms. Winokur stated that American Tower does not have any requests or comments regarding the WMP, but they do have specific comments regarding the proposed City amendment to the ordinance. The building classification standards for new steel communication towers.

Noting that there are three class standards for towers, the industry default is a class II building requirement unless there are specific circumstances requiring the higher standard. Ms. Winokur pointed out that the ordinance as it is currently drafted, calls for a class III building standard to be required for new towers which significantly increases the cost for constructing new towers.

Commissioner Wade asked what the cost difference is between a class II and class III tower. Ms. Winokur stated that the cost difference is due to the requirement for stronger steel and foundation requirements. It was noted that this difference does not have impact on the amount of carriers or co-locates that can be on the tower.

Chairman Reece asked if there were differences in appearance to the two types of towers. Ms. Winokur stated that she was not aware of any differences to appearance, but she would be happy to verify that with the American Tower engineer.

Chairman Price asked if American Tower has been involved with any of the committees that have been working on the study for the past year. Ms. Winokur stated that she is not aware of the entire history of American Tower's participation in the study, but she is aware of the fact that they have been in touch with the staff over recent months.

Commissioner Erbisch asked if Ms. Winokur was addressing the classification of towers on buildings or free standing. Ms. Winokur clarified that their request referred to new tower construction.

Chairman Reece asked Mr. Thornton if he could clarify the concern. Noting that American Tower's issue is with the ordinance and not the WMP, Mr. Thornton advised that the Commission discuss this concern during the public hearing portion of the amendment to the ordinance which is the second item on the meeting agenda.

Commissioner Page asked what the cost difference was in constructing a Class II tower vs a Class III tower and noted that it may be cheaper to construct to Class III standards at construction rather than upgrade later.

Ms. Winokur stated that she was informed by American Tower that the cost difference is about thirty percent. She went on to say that American Tower would like to see the focus be on ways to reduce non-redundancy, which is to create a system where you have redundancy in the coverage. Another emphasis is to ensure towers have some type of back-up power supply. Ms. Winokur stated that the Class III standard is designed for areas of National Defense or where there are large populations in case a tower was to fall.

Chairman Reece thanked Ms. Winokur for her comments and noted she would have an opportunity to speak during the public hearing for the amendment to the ordinance.

Commissioner Discussion

Referring to the WMP, Commissioner Gatseos stated that he felt the study was both comprehensive and detailed with many opportunities for input from both the community and the contractors.

Commissioner Ehlers expressed a concern about the “priority site” determinations as it relates to public and private ownership, and asked if it is only addressed in the ordinance, or is it in the WMP as well. Mr. Thornton clarified that the WMP allows for the ordinance to address the priority site list, but how that is implemented is left to the appropriate local jurisdictions.

Ms. Simonson added that the study was open to both public and private entities and both entities can request to be reviewed and added as a priority site in the future as well.

Chairman Price stated that security was a concern discussed at their workshops and he would like to know if private vs. public property is an issue.

Ms. Dackonish (City Staff Attorney) stated that the goal of the Priority Sites was to steer the industry to the coverage gaps that were identified in the Plan.

Ms. Simonson noted that the security of a site is specific to the individual design of a site and would be determined during the review process. The WMP identifies potential coverage and does not go into that level of detail.

Commissioner Ehlers expressed concern about calling the sites “Priority.” Recognizing the sites have been vetted, he feels another word such as “appropriate” may be more suitable. Commissioner Ehlers felt that calling sites a “Priority” lends itself to a level of interpretation and discussion at approval hearings that may present an unfair bias to public-owned land in the coverage gap over a privately owned property that meets the same criteria.

Questions for Staff

Commissioner Gatseos asked if the process and the resulting WMP will result in the City being able to obtain more service for the citizens.

Mr. Thornton stated that he was pleased with the work that the consultants have done and feels the WMP will hopefully attract and allow service providers to fill in the coverage gaps.

Commissioner Erbisch asked if there is strong enough language that would encourage the industry to provide better coverage to rural areas.

Ms. Simonson replied that the construction of towers is industry driven. The WMP is the first step to address the issues. The plan encourages public-private partnerships and for example, Collbran, has a tower constructed for Public Safety that is co-locatable.

Mr. Thornton noted that the Priority Site is an administrative review and will never result in a neighbor vs neighbor situation at a public hearing. The applicant would have to abide by the type of tower that was vetted on the list. The list is a tool for the industry to use as a starting point, but they would never be required to locate on a public property.

MOTION: (Commissioner Eslami) “Madam Chairman, I move to make a recommendation of approval of the Wireless Master Plan, CPA-2016-113, to the Grand Junction City Council.”

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

Chairman Price asked the County Commissioners for a motion to close the public hearing. Hearing a motion but not voting, Chairman Price declared the public portion of the meeting closed for Mesa County Planning Commission.

Ms. Simonson noted that a roll call vote is needed. There was discussion as to what action needs to be taken. Ms. Simonson stated that the Commission needs to make a motion to take action on the WMP. Ms. Simonson clarified that the County Planning Commission will make adoption of a resolution at a future meeting. Ms. Simonson further explained that typically with joint plans there is a motion to approve the plan, but withhold the resolution until after the City has completed their portion.

Motion: Commissioner Erbisch moved to approve the WMP

Second: Commissioner Wriston

Roll call vote:

Commissioner Erbisch - Yes

Commissioner Somerville- Yes

Commissioner Wriston- Yes

Commissioner Skiff- Yes
Commissioner Page- Yes
Chair Price- Yes

Motion Passes: 6-0

Joint Meeting Adjourned

Chairman Reece adjourned the Joint Meeting of the Mesa County Planning Commission and the City of Grand Junction Planning Commission and informed the audience that there will be a brief break before the next item.

Break

After a short break, Chairman Reece reconvened the meeting of the City of Grand Junction Planning Commission.

2. Zoning Code Amendment

The City of Grand Junction Planning Commission will consider a recommendation to the City Council of the adoption of a zoning code amendment to amend the section on communication facilities.

CITY FILE# ZCA-2016-112
REPRESENTATIVE: City of Grand Junction Planning Division
PLANNER: David Thornton, (970)244-1450, davidt@ci.grandjct.co.us

Staff Presentation

David Thornton, (Principal Planner) explained that this amendment to the Zoning and Development Code is addressing Telecommunications (Wireless) Facilities in order to implement the WMP.

Mr. Thornton went on to say the proposed Code amendments serve four primary purposes:

- (1) to implement the Wireless Master Plan;
- (2) to conform regulations governing telecommunications facility development to federal regulations;
- (3) to limit and/or manage unnecessary proliferation of unsightly towers by encouraging co-location of wireless facilities and
- (4) to establish standards for development which encourage safe and effective development of wireless facilities while minimizing their impacts on surrounding land uses.

Mr. Thornton explained that without a Master Plan the wireless industry will install infrastructure based on their individual business needs, which results in a proliferation of unsightly towers and spotty coverage.

The Master Plan is intended to guide the industry to utilize existing infrastructure to the greatest extent possible, and to install new towers in the most effective locations and

in the most efficient manner, so as to provide maximum coverage with a minimum number of unsightly towers. The proposed Telecommunications Facilities Ordinance encourages maximum co-locations on single towers, use of concealed tower technology, tower placement that fills coverage gaps identified in the Master Plan, and high quality emergency communication (911 services).

Mr. Thornton wanted to emphasize that 911 (Grand Junction Emergency Services) funded the Wireless Master Plan study which is an important component to the study.

Mr. Thornton displayed a proposed use table/matrix and explained that the current code has one item in the “use category” for Telecommunication Facilities and all towers require a Conditional Use Permit (CUP). The proposed amendment will separate out different types of facilities and not all will require a CUP. For example, if a proposed tower location is listed on the WMP Priority Site list, then it has already been vetted and will not require a CUP.

Ms. Dackonish (Staff Attorney) explained that part of the purpose of the code amendment will help bring the code into compliance with Federal legislation and FCC regulations. Ms. Dackonish went on to say that although the regulations have been in place for a while and followed informally, this WMP study was a comprehensive approach to addressing compliance.

Ms. Dackonish displayed a slide that outlined the Federal regulations which state that local governments must:

- Allow carriers to deploy wireless facilities
- Treat providers equally
- Act expeditiously in deciding applications
- Issue a written decision based on substantial evidence that is not speculation and does not relate to concerns about RF emissions
- Respect areas of federal control (lighting – FAA; RF emissions)

It was noted that radio frequency emissions are exclusively regulated by federal standards and have been determined to be harmless therefore it cannot be a basis for denial of a facility.

The FCC interpreted what the broad federal legislation acts meant and as a result, time limits for rendering decisions on applications was established. Decisions on applications for new facilities must be completed in 150 days and 90 days for co-locations or modification of existing structures. This has since been changed to 60 days for colocation/modification applications when FCC regulations (FCC 2014 R&O) implemented the Spectrum Act. Additionally, the basis for decisions must be in writing and must be issued contemporaneously with the decision.

Ms. Dackonish displayed a slide regarding the Spectrum Act (2012) which explained that local government “may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station”

The FCC 2014 R&O defined for purposes of co-location of “substantial increase to the size of a tower” the following criteria;

- Addition of antenna on a tower that would increase its height by greater of 10% or 20 vertical feet; or
- Addition of antenna that requires installation of more than standard number of equipment cabinets (not to exceed 4), or more than 1 new equipment shelter; or
- Addition of antenna that would increase the girth (width) of the tower by more than 20 feet; or
- Addition of the antenna would involve excavating around the tower site beyond the existing boundaries of the property associated with the facility.

Ms. Dackonish explained that if an applicant’s proposal for an existing tower falls into the non-substantial change parameters, a decision must be rendered in 60 days but if it is not, it is “deemed” approved.

It was noted that Federal preemption does not apply when a local government is acting as a landlord and is not using its police power / regulatory authority. Therefore the proposed ordinance includes a preference for siting on public property, so that the City can require tower design, such as concealment, which will mitigate a new tower’s visual impact to the neighborhood.

Ms. Dackonish informed the Commission that she had heard from American Tower about a week prior to tonight’s meeting, but they are taking the comments regarding Class III requirements into consideration. A conference call was set up, however their engineer was not in attendance during the call. She has also been working closely on a lease with SBA, another tower company. Ms. Dackonish stated that SBA has not commented on the Class III requirement and she has not heard from other tower companies regarding the standard.

Mr. Thornton stated that the Ordinance proposes changes to regulations relating to Telecommunications Facilities which:

- Comply with Federal statutory and regulatory requirements
- Implement the community’s preference for use of existing structures to the maximum extent before constructing new ones
- Encourage DAS and small cell deployment and inclusion of public safety communications equipment
- Incorporate other public commentary from surveys, such as concealment, appropriate zone districts, etc.

Mr. Thornton displayed a slide highlighting a variety of topics that the proposed ordinance addresses.

Mr. Thornton emphasized that the Ordinance is specific in the hierarchy of the preference order of types of Wireless Facilities. Generally, Co-locating new wireless services on existing facilities is preferred, constructing a new tower is least preferred and to do so one must demonstrated that “higher ranked options are not technically

feasible, practical or justified given the location of its proposed facilities, by clear and convincing evidence.”

Mr. Thornton noted that the use of a “Priority Site” is noted in the use table. Ms. Dackonish added that it is also in section 5 in the “siting preferences” in hopes of getting towers in the “gaps” first.

Mr. Thornton displayed a slide that listed the hierarchy of the siting preferences as follows:

- (1) Co-locate or combine on or with existing facility
- (2) Conceal on a Base Station
- (3) Non-concealed on a Base Station
- (4) Replacement of existing Telecommunications Facilities
- (5) Dual Purpose Facility
- (6) Concealed small cell site
- (7) Non-concealed small cell site
- (8) Distribute Antenna System (DAS)
 - Attached DAS
 - New Freestanding DAS
- (9) Concealed Wireless Tower
- (10) Non-concealed Wireless Towers

Mr. Thornton stated that the proposed ordinance favors publicly owned property over non-public property for future telecommunication facility sites for three reasons; public safety, aesthetics and revenue and gave examples of each. Mr. Thornton noted that an applicant can select a lower-ranked preference wherever the higher ranked options are not technically feasible, practical and/or justified. This was kept intentionally broad so as to provide maximum flexibility for the applicant.

Mr. Thornton showed several slides that displayed a preference schedule for the different types of facilities and explained the hierarchy of criteria.

Findings of Fact/Conclusions & Conditions

Mr. Thornton stated that after reviewing the proposed text amendments for Telecommunication Facilities, ZCA-2016-112, the following findings of fact, conclusions and conditions have been determined:

The Proposed Text Amendments will

1. Implement the Wireless Master Plan;
2. Respond to the mandates of the Telecommunications Act of 1996, the Middle Class Tax Relief and Job Creation Act of 2012, and other applicable federal and state laws limiting local discretion to regulate location of personal wireless service facilities (PWSF);
3. Limit and/or manage the unnecessary proliferation of unsightly towers by encouraging co-location of wireless facilities; and

4. Establish standards for development which encourage safe and effective development of wireless facilities while minimizing their impacts on surrounding land uses.

Questions for Staff

Commissioner Gatseos was concerned about the appearance of the Distribute Antenna System (DAS) sites and asked if the ordinance will effectively address the aesthetics. Ms. Dackonish explained that in addition to standards listed for DAS sites such as screening and setbacks, some of the DAS sites will be added to existing street lights and traffic light poles. In addition, the DAS sites are lower and will not be seen from as far away as towers.

Ehlers asked if the intent of staff, by means of the ordinance, was to provide an unfair advantage to use City property for these priority sites. Mr. Thornton stated that as a community, we value private market and private property rights and did not want to create an ordinance where everyone had to go to a public site. In addition, there may not be public property where a site is needed.

Based on the study, it is projected that there could be a need for 11 to 18 new towers over the next 10 to 15 years. If one or two tower applications came in per year, the City would like to encourage the industry to locate on publicly owned sites to allow for 911 emergency services and aesthetics to be considered. The study has set Priority Sites based on coverage gaps, but the market needs may change over time.

Chairman Reece asked the ordinance provisions are able to control aesthetics because the process is being streamlined and not requiring a CUP. Chairman Reece also asked what allows the City to require more stringent requirements for a tower company to locate on a municipal property verses a privately owned property. Ms. Dackonish explained that the status of the City as a landlord verses a governmental entity comes into play.

Commissioner Wade referred to the Priority Sites and asked if a private company wished to locate in an area that has both public and private sites, would the applicant get to decide where they want to locate. Mr. Thornton stated they would and the Priority Sites on private land would have the same expedited administrative review process as would a public Priority Site.

Commissioner Ehlers indicated that his understanding of the ordinance is that a public owned property has an advantage in that they rate higher on the hierarchy list and an applicant would have to document that a higher ranked option is not technically feasible, practical or justified. Commissioner Ehlers expressed concern that if all else being equal, the public Priority Site would be favored over the private Priority Site and he would like to see the playing field equal.

Ms. Dackonish stated that the ordinance is designed to give a preference to public Priority Sites as a tool to encourage and steer the industry to areas of greater gaps in coverage.

Chairman Reece asked if a private property owner is able to get their site listed as a Priority Site, and a public site is also a Priority Site, would the evaluation continue through the hierarchy list. Ms. Dackonish stated that the applicant would be the one to decide which site to bring forward.

Discussion continued regarding public Priority Sites versus private Priority Sites and Commissioner Buschhorn expressed concern that the need for “clear and convincing evidence” required for a private site may be a sticking point. Ms. Dackonish explained that the ordinance is intended to encourage the applicant to look at publicly owned land first. As a governmental entity, the City cannot require a private landowner to meet certain criteria, only the standards that are listed in the ordinance.

Chairman Reece asked if the reasons to locate on a private versus public property is considered administratively. Ms. Dackonish clarified that by the time a CUP is brought to the Planning Commission for recommendation that site location has been established and is considered acceptable after staff review.

Chairman Reece noted that if it is a Priority Site, then it would not need a CUP.

Commissioner Ehlers stated that the public Priority Site preference would create an advantage for the City. Ms. Dackonish agreed that it would. Commissioner Ehlers stated that if the intent of the ordinance is to create an advantage to the publicly owned sites over equal privately owned sites when they can meet the same standards, then he has a strong objection to it.

Ms. Dackonish emphasized that the language used “not technically feasible, practical or justified” was intentional broad enough to allow for a variety of situations where a case can be made that a private property was more suitable for the applicant’s needs and gave some examples such as elevations, a building in the way or access being too restrictive.

Commissioner Eslami felt that the City, as a landlord, is justified in participating in a free enterprise system that uses incentives for customers.

Chairman Reece expressed concern that there is an appearance that if you don’t go choose a Public property, then the City could make more requirements on a private property location, and she does not see that as a fair advantage.

Commissioner Wade felt that if the Priority Site designation process had been better publicized, then there would be many more private properties on the list.

Chairman Reece commented that there had been conversations as to how often the City would open the application process for Priority Sites and she feels that it should always be open. If it could not be made an open process then she would have a hard time moving the ordinance forward. Ms. Dackonish noted that City Council could direct staff to create a policy and establish how often to have the process open. She said it could be brought forward to City Council as part of the recommendation, however it would be an informal policy direction that staff would follow but not be a part of the WMP or the ordinance.

Chairman Reece inquired about the possibility that City revenue generated becomes an issue with TABOR. Ms. Dackonish clarified that lease from real property is not a tax so therefore would not apply. Chairman Reece asked if language needs to be incorporated into the ordinance to plan for the revenue sources coming in from the leases. Ms. Dackonish stated that this ordinance is for use specific site standards for tele-communication facilities and not revenue directing ordinances. She added that they have been looking at options for revenues, such as a possible enterprise fund for broadband, wireless and 911, however that would be a policy direction they would have to get from City Council.

Commissioner Ehlers asked if there was a specific set of criteria that a property owner could meet and be assured that they will become a Priority Site. Mr. Thornton read a list of the criteria for Priority Site status that is in the WMP and gave examples of how they could meet the criteria.

Commissioner Ehlers stated then asked, if there is a set criteria to become a Priority Site and someone is able to meet the criteria, why do they have to apply to become a Priority Site. His concern is that there doesn't seem to be a mechanism in place that addresses how to become a Priority Site. Commissioner Ehlers asked if it is appropriate to be moving forward with the ordinance if that mechanism is not identified. Ms. Dackonish wanted to clarify that the Priority Sites are to steer the industry to specific coverage gaps, however the industry can apply to have a tower elsewhere.

Commissioner Wade stated that the issue they have is how the priority system works and if it is fair.

Commissioner Gatseos understands the goal is to streamline the process, induce the market providers to come into coverage gaps and to try to facilitate the 10 year build-out of towers. Noting a lot of discussion around semantics, Commissioner Gatseos stated that he is not fond of the word "priority" and thinks "approved" or "preferred" may be better and asked if there is a way to improve on the writing of the ordinance. Ms. Dackonish advised the Commission that they can forward the recommendation to Council with additional language to clarify concerns they may have.

Chairman Reece advised the Commissioners that if they are not comfortable going through the language and moving it forward at this time, they can remand it back to staff or continue it into another hearing.

Mr. Thornton suggested that they don't remand it back to staff because what is set forth is the staff's recommendation based on the WMP, public input, and an entire study and the outcome of that probably won't change. Mr. Thornton stated that if they table the item because they need more time to work on how to modify the language of the motion to address concerns the Commission has, that is one thing, but staff will have the same recommendation.

Mr. Moberg, Development Services Manager, clarified that the ordinance was not crafted solely by staff, but was a result of many public hearings and comments. There were also several Council-people on that committee and involved in the

process. Mr. Moberg emphasized that the ordinance brought forward was based on a lot of input and technical information with the help of expert consultants in this field.

Addressing the Commissioners, Chairman Reece asked if they were comfortable making changes and forwarding them to City Council, or would they like to remand it back and work on modifications.

Commissioner Ehlers sees the issue as what would the recommendation look like, and what is it trying to do. If the intent is to try and provide an advantage for public land then he is in opposition as to the way it is currently written. If it is not the intent to make private land owners go through more processes to be at the same level of acceptance as the public land, then he would feel comfortable to send it forward with a strong recommendation that the language be revised so it does not look like there is an advantage.

Commissioner Wade stated that he is in favor of clarifying the language at the next workshop on May 4th so they are clear on the intent of the language. Ms. Dackonish suggested that the intent is clear, that outside of the Priority Sites, there is a preference for City owned property, then publicly owned and then private property.

Ms. Dackonish asked if this is the only concern they would like to further discuss. Chairman Reece said she is interested in further discussion as to the Class III verses Class II tower construction requirement.

Given that the Joint Planning Commissions have passed the WMP, Commissioner Gatseos was in favor of taking the time to try to rework the language to send forth the best ordinance they can.

The Commissioners continued to discuss the issue and it was the consensus that they wanted to review the language. Chairman Reece noted that if the additional conversations were productive and given all the public input that has already gone into the study, they may be able to put it on the Consent Agenda for the May 10th meeting.

Public Comment

Chairman Reece opened the meeting up for public comment and Ms. Winokur, on behalf of American Tower Corporation said she was available for questions.

Referring to the document that Ms. Winokur had provided to the Commissioners earlier in the meeting, Chairman Reece asked where the information had come from. Ms. Winokur stated that excerpt is from a document of industry standards that were developed by the Telecommunications Industry Association.

Commissioner Ehlers asked if their concern is that a Class III will be required by policy when a Class II may be acceptable. Ms. Winokur stated that they would like to see the ordinance consistent with industry standards that say a Class III may not always be required.

Ms. Dackonish explained that the City adopted the 2012 International Building Code (IBC). The City has chosen to require the more stringent standards of a Class III. Ms. Dackonish pointed out that Class III is recommended for critical structures and the City considers the 911 component a critical structure. CityScape has a team of engineers that work all over the country and they feel that the Class III standards is the direction the field is going in.

Chairman Reece questioned why all the towers are required to be Class III when it appears Emergency Services (911) is the only applicable category for our area. Ms. Dackonish explained that potentially all new towers could host Emergency Services (911), therefore the plan supports the requirement.

Referring to the handout of Class III requirements, Commissioner Buschhorn felt that there is a difference between emergency radio communications that the Sheriff's Office or Police Department uses verses cell phone and internet coverage. Commissioner Buschhorn referenced the "emergency, rescue and disaster operations" criteria for Class III requirements and stated that he does not feel 911 phone calls fit that criteria.

Commissioner Wade asked if they had looked at other cities in Colorado to see if they made the Class III a requirement. Ms. Dackonish replied that they had relied on the expertise of their consultants and the issue had not come up until this week.

Commissioner Wade asked how many tower companies do we currently have in our area. Ms. Dackonish indicated that she believed the number to be two or three, but that SBA is the main one. She noted that they were given the proposed plan and to this date, have not commented on the Class III versed Class II requirement. Mr. Thornton said that he was talking earlier in the day to a private consultant who is working with the City on a tower for SBA currently. He said the consultant had been in the business 12 years and has done over 200 towers and they all have been Class III. Mr. Thornton referenced a chart on page 17 of the WMP and the inventory indicated that SBA has 19 towers and American Tower has seven and Crown Castle International and Verizon have five. Mr. Thornton went on to say there are 19 towers county-wide whose owners are unknown because there are no permits on file for them.

Commissioner Gatseos asked Ms. Winokur about the "approximate" 30 percent cost increase to build to Class III standards over a Class II tower. Ms. Winokur stated that she did not have the exact range of increase and that American Tower is asking for time to discuss the blanket Class III requirement.

Commissioner Discussion

Commissioner Ehlers asked staff to look into the "thirty percent" cost difference. His concern that if the tower is cost prohibited it may impact the kind of wireless service we are getting. Ms. Dackonish stated that they had asked American Tower for that information but have not received it as of this date, but they will bring it forward when they receive it.

Mr. Moberg reiterated that there is no problem scheduling an extra workshop. All of the items on the May 10th agenda are consent except for one so there will be an open public hearing opportunity then. Mr. Moberg suggested that if the Commissioners feel strongly about lowering the requirement to Class II, they could craft a motion striking that language. However, if more discussion is desired, then a workshop can be scheduled.

Chairman Reece asked for a motion. Chairman Wade asked Ms. Beard if they need to act on the proposed motion. Ms. Beard clarified that the Commission can create a motion with modified terms. Ms. Beard went on to say that it is preferable to phrase the motion as a motion for approval and the Commissioner can vote in favor or not. Discussion continued regarding the difference of remanding it back to staff, or tabling the hearing and phrasing of the motion.

Commissioner Ehlers suggested a motion for a recommendation to approve the ordinance as proposed with a caveat that any language that provides a benefit or bias toward public land verses private property owner, be stricken.

Chairman Reece asked Commissioner Ehlers if he wanted to address the Class III issue in the motion. Commissioner Ehlers stated that he would need more information on that. Chairman Reece asked the Commissioners if they clearly understand the motion. Hearing that some were not, Chairman Reece agreed that she felt it was left up to interpretation and not sure what it really means.

Ms. Dackonish stated that from her perspective it was clear and they would just strike the public property preference out of the hierarchy in the ordinance.

Commissioner Buschhorn state that he was not comfortable re-working a motion and not seeing it written down. In addition, he felt more discussion was needed.

MOTION:(Commissioner Wade) “Madam Chairman, I move that we defer any action on recommending approval or denial of the proposed ordinance until we have another workshop where we can get some of our questions clarified.”

Commissioner Deppe seconded the motion. A vote was called and the motion passed unanimously 7-0

Discussion continued about when to have a workshop. Commissioner Gatseos asked for additional information about the Class III verses Class II tower construction.

Other Business

None

Adjournment

The Planning Commission meeting was adjourned at 9:21 p.m.



Date: March 16, 2016
 Author: Senta Costello
 Title/ Phone Ext: Senior Planner / x1442
 Proposed Schedule: Planning
Commission May 10, 2016; City Council
1st Reading – May 18, 2016
 2nd Reading (if applicable): Jun 1, 2016
 File # (if applicable): VAC-2016-68

Attach 2

PLANNING COMMISSION AGENDA ITEM

Subject: Hoesch Street Vacation
Action Requested/Recommendation: Recommendation to City Council on a request to vacate public right-of-way for a portion of Hoesch Street.
Presenter(s) Name & Title: Senta Costello , Senior Planner

Executive Summary:

A request to vacate the undeveloped portion of Hoesch Street located south of W. White Avenue.

Background, Analysis and Options:

Sixbey Investments LLC, requests approval from the City of Grand Junction to vacate a small portion of Hoesch Street (approximately 926 sq. ft. 0.021 acres – see attached vacation exhibit) located south of W. White Avenue. The right-of-way has never been improved with either asphalt paving or concrete however, a vertical curb, gutter and sidewalk have been installed along the north boundary. No utilities exist in the right-of-way nor is there any need for utilities to be located within the right-of-way. The proposed right-of-way vacation will not impede traffic, pedestrian movement or access.

Neighborhood Meeting:

The applicant held a Neighborhood Meeting on February 16, 2016 with two (2) citizens along with the applicant and City Project Manager in attendance. General questions were asked and addressed and no objections to the vacation were stated.

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

Goal 9: Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle, air, and freight movement while protecting air, water and natural resources.

Policy C: The Regional Transportation Plan will be used as a basis for development review and to help prioritize capital improvement programming. The City and County will maintain Capital Improvement Plans (CIPs) which prioritize road and alley

improvements based on needs for traffic flow, safety enhancements, maintenance and linkages.

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. Though the proposed right-of-way vacation request does not specifically further the goals of the Economic Development Plan, it does allow the land to be used by the adjoining properties while eliminating responsibility of the City of Grand Junction for construction and maintenance.

Board or Committee Recommendation:

There is no other committee or board recommendation.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This request has not previously been 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. Ordinance

BACKGROUND INFORMATION				
Location:		Hoesch Street south of W White Avenue		
Applicants:		Merritt & Associates – Merritt Sixbey		
Existing Land Use:		Unimproved right-of-way for Hoesch Street		
Proposed Land Use:		Incorporate into the site development at 635 W White Avenue		
Surrounding Land Use:	North	Hoesch Street		
	South	Industrial warehouse yard		
	East	Industrial warehouse		
	West	Non-conforming house		
Existing Zoning:		N/A – right-of-way		
Proposed Zoning:		I-1 (Light Industrial)		
Surrounding Zoning:	North	I-1 (Light Industrial)		
	South	I-1 (Light Industrial)		
	East	I-1 (Light Industrial)		
	West	I-1 (Light Industrial)		
Future Land Use Designation:		Commercial/Industrial		
Zoning within density range?		X	Yes	No

Section 21.02.100 of the Grand Junction Municipal Code

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

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

Goal 9: Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle, air, and freight movement while protecting air, water and natural resources.

Policy C: The Regional Transportation Plan will be used as a basis for development review and to help prioritize capital improvement programming. The City and County will maintain Capital Improvement Plans (CIPs) which prioritize road and alley improvements based on needs for traffic flow, safety enhancements, maintenance and linkages.

The vacation of this portion of Hoesch Street removes an unimproved section of right-of-way that encumbers the neighboring property with awkward geometry. Vacating the right-of-way will allow the land to be used by the

adjoining properties while eliminating responsibility of the City of Grand Junction for construction and maintenance.

Therefore the vacation of this right-of-way does not conflict with the Comprehensive Plan, the Grand Valley Circulation Plan or any other adopted plans of the City.

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

No parcels are landlocked if this section of Hoesch Street is vacated.

Therefore, this criterion has been met.

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

The vacation of this section of Hoesch Street does not change the access or restrict access to any properties. The vacation will increase street frontage and maximize potential future access on the adjoining properties.

Therefore, this criterion has been met.

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

This section of Hoesch Street was originally intended to provide one side of a hammerhead turnaround for the Fire Department however, it was never constructed. The Fire Department reviewed the proposed vacation and had the following comment:

“Carrying out the provisions of the fire code pertaining to a fire apparatus turnaround in this individual case appears to exhibit practical difficulties as it will require a logistically challenging easement on private property (i.e. enforcement, housekeeping, location identification, etc.) There are no known municipal plans to develop West White Ave and the existing small section of right-of-way. The small area is further deemed challenging due to curb and private fence installations. West White Ave will remain the same as it has for decades with no perceived negative impacts. As a result, GJFD has no objections to the proposed right-of-way vacation and will not require an apparatus turn-around easement on private property.”

As no other adverse impacts on the health, safety, and/or welfare of the general community have been raised and the quality of public facilities and services provided to any parcel of land will not be reduced as a result of this vacation request, therefore this criterion has been met.

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

There are no existing public facilities or services located within the right-of-way and plans for future public facilities or services, therefore vacation of this section of Hoesch Street does not inhibit any public services or facilities.

Therefore, this criterion has been met.

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

The proposed vacation provides a public benefit by eliminating future construction and maintenance costs for this section of right-of-way.

Therefore, this criterion has been met.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Hoesch Street Right-Of-Way Vacation, VAC-2016-68 for the vacation of a public right-of-way, I make the following findings of fact and conclusions:

1. The requested right-of-way vacation is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.100 of the Grand Junction Municipal Code have all been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested right-of-way vacation, VAC-2016-68 to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on item VAC-2016-68, I move we forward a recommendation of approval to the City Council on the request to vacate the portion of Hoesch Street south of W. White Avenue with the findings of fact and conclusions in the staff report.

Site Location Map



Aerial Photo Map



Future Land Use Map



Zoning Map



CITY OF GRAND JUNCTION

ORDINANCE NO.

**AN ORDINANCE VACATING RIGHT-OF-WAY FOR
HOESCH STREET
LOCATED SOUTH OF W WHITE AVENUE**

RECITALS:

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

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 Municipal Code.

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

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

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

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.

The following right-of-way is shown on "Exhibit A" as part of this vacation of description.

Dedicated right-of-way to be vacated:

A portion of the Hoesch Street Right-of-Way within the Northwest 1/4.; of the Southeast 1/4.; of Section 15, Township 1 South, Range 1 West, U.M., City of Grand Junction, Mesa County, State of Colorado;
COMMENCING at the Center 1/4.; Corner of Section 15, thence S 53°09'00" E a distance of 627.09 feet to the Northeast Corner of Lot I, Block 5 of The Grand River Subdivision, Deposit No. 2461-01, said point being the POINT OF BEGINNING;
THENCE S 89°48'18" E along a projection of the southerly Right-of-Way of West White Avenue, a distance of 17.93 feet;
THENCE N 00°08'58" E a distance of 2.06 feet;
THENCE N 89°36'35" E a distance of 11.20 feet to a point on the easterly Right-of-Way of Hoesch Street as dedicated in the WDD Subdivision, RN 2329913;
THENCE S 00°23'25" E along said Right-of-Way a distance of 32.89 feet;

THENCE N 89°57'36" W a distance of 29.51 feet to a point on the easterly line of the aforementioned Lot I, Block 5 of The Grand River Subdivision;

THENCE N 00°16'56" E, along said easterly line, a distance of 30.79 feet; to the POINT OF BEGINNING;

CONTAINING 926 square feet, more or less.

BASIS OF BEARING: The Basis of Bearing for this description is the quarter line between the center 1/4.; corner and the center east 1/16 corner of section 15, Township 1 South, Range 1 West, U.M., having a bearing of N 89°39'16" E.

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

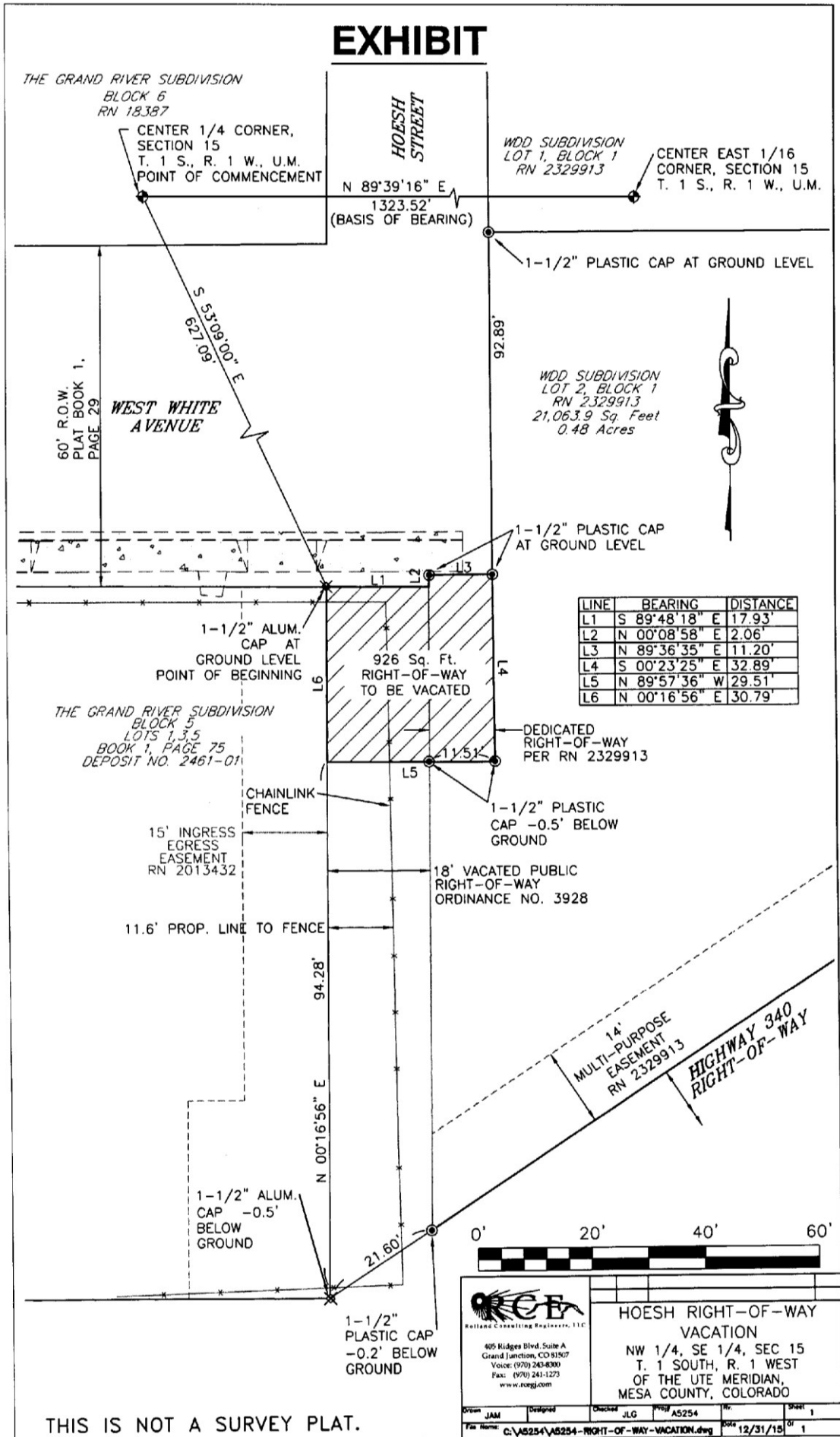
PASSED and ADOPTED this day of , 2016 and ordered published in pamphlet form.

ATTEST:


President of City Council

City Clerk

EXHIBIT



THIS IS NOT A SURVEY PLAT.



Holland Consulting Engineers, LLC
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HOESH RIGHT-OF-WAY VACATION

NW 1/4, SE 1/4, SEC 15
T. 1 SOUTH, R. 1 WEST
OF THE UTE MERIDIAN,
MESA COUNTY, COLORADO

Drawn: JAM	Designed: JLG	Checked: JLG	Proj: A5254	Rev: 1	Sheet: 1
File Name: C:\A5254\A5254-RIGHT-OF-WAY-VACATION.dwg			Date: 12/31/15	Of: 1	



Date: April 20, 2016
 Author: Senta Costello
 Title/ Phone Ext: Senior Planner, x 1442
 Proposed Schedule: Resolution
 Referring Petition May 4, 2016
 1st Reading Zoning: June 1, 2016
 2nd Reading (if applicable): June 15, 2016
 File #: ANX-2016-115

Attach 3

PLANNING COMMISSION AGENDA ITEM

Subject: PIA Zone of Annexation, Located at 2757 S. Hwy 50
Action Requested/Recommendation: Forward a recommendation to City Council to zone 2.784 acres from a County C-2 to a City C-2 (General Commercial) zone district.
Presenter(s) Name & Title: Senta Costello , Senior Planner

Executive Summary:

A request to zone 2.784 acres from a County C-2 to a City C-2 (General Commercial) zone district.

Background, Analysis and Options:

The property owner has requested annexation into the City and a zoning of C-2 (General Commercial) in order to establish a towing/impound yard on the property. Under the 1998 Persigo Agreement with Mesa County, residential annexable development within the Persigo Wastewater Treatment Facility boundary (201 service area) triggers land use review and annexation by the City.

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

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

Annexation of the property will create consistent land use jurisdiction and allow for efficient provision of municipal services.

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

Annexation of the property will create an opportunity for future development in a manner consistent with adjacent commercial development.

How this item relates to the Economic Development Plan:

Goal: Be proactive and business friendly. Streamline processes and reduce time and costs to the business community while respecting and working within the protections that have been put into place through the Comprehensive Plan.

Annexation of the property provides the developer with consistent development standards as other non-residential proposals under development in the City and is consistent with the Future Land Use Designation of Commercial identified in the Comprehensive 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 properties already in the City. Property tax levies and municipal sales/use tax will be collected, as applicable, upon annexation.

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. Neighborhood Meeting Summary
8. Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
Location:		2757 Hwy 50	
Applicants:		PIA Company LLC	
Existing Land Use:		Auto Repair/Towing Company	
Proposed Land Use:		Auto Repair/Towing Company	
Surrounding Land Use:	North	Highway 50 / Burger King	
	South	Ballfield at the Fairgrounds	
	East	Construction company	
	West	Trailer / RV sales lot	
Existing Zoning:		County C-2	
Proposed Zoning:		City C-2 (General Commercial)	
Surrounding Zoning:	North	City C-1 (Light Commercial)	
	South	City C-2 (General Commercial)	
	East	City C-2 (General Commercial)	
	West	City C-2 (General Commercial)	
Future Land Use Designation:		Commercial	
Zoning within density range?	X	Yes	No

Section 21.02.140(a) of the Grand Junction Municipal Code:

Zone of Annexation: Section 21.02.160(f) of the Grand Junction Municipal 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 Commercial. The request for an C-2 (General Commercial) zone district is consistent with this designation

In addition to a finding of compatibility with the Comprehensive Plan, one or more of the following criteria set forth in Section 21.02.140 (a) of the Code must be met in order for the zoning to occur:

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

Response: The requested annexation and rezoning is being triggered by the 1998 Persigo Agreement between Mesa County and the City of Grand Junction in anticipation of future development. The Persigo Agreement defines Non-Residential Annexable Development to include any proposed development that would require a public hearing under the Mesa County Land Development Code as it was on April 1, 1998. (GJMC Section 45.08.020.e.1). The property owner is proposing on the

property being used as a towing/impound yard, which requires a public hearing through Mesa County. Thus, the property owner has petitioned for annexation.

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

Response: The character/condition of the area has changed in that additional development has occurred around the property, including a construction company with an outdoor storage yard and a RV/trailer sales lot. The historic use of the property has been auto repair with outdoor storage and contractor shop with outdoor storage.

This criterion has been met.

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

Response: There are public utilities available in Hwy 50, including potable water provided by the Ute Water District, sanitary sewer service maintained by the City, and electricity from Xcel Energy (a franchise utility).

Commercial uses, primarily convenience oriented, are located north, across Highway 50 and include a grocery stores, gas stations, restaurants, liquor stores, dentist and doctors office.

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*

Response: The C-2 zone district covers over 829 acres within the City Limits.

Undeveloped property with C-2 zoning, however, does not exist in the Orchard Mesa area. There are two parcels in Orchard Mesa with a C-2 zone district designation and they flank the property proposed for annexation. The surrounding area consists of other general commercial type uses and the Comprehensive Plan Future Land Use Map anticipates this area be developed in a commercial manner.

This criterion has been met.

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

Response: The proposed C-2 zone district implements Goals 1 and 3 of the Comprehensive Plan by creating consistent land use jurisdiction, allow for efficient provision of municipal services and creates an opportunity for future non-residential development in a manner consistent with adjacent non-residential development.

This criterion has been met

Alternatives: In addition to the zoning that the petitioner has requested, the following zone district would also implement the Comprehensive Plan designation for the subject property.

- a. R-O (Residential – Office)
- b. B-1 (Neighborhood Business)
- c. C-1 (Light Commercial)
- d. M-U (Mixed-Use)

If the Planning Commission chooses an alternative zone designation, specific alternative findings must be made.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the PIA Annexation, ANX-2016-115, for a Zone of Annexation, staff recommends that the Planning Commission make the following findings of fact and conclusions:

3. The requested zone is consistent with the goals and policies of the Comprehensive Plan.
4. The applicable review criteria 1-5 in Section 21.02.140 of the Grand Junction Municipal Code have been met.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission forward a recommendation of approval of the C-2 (General Commercial) zone district for the PIA Annexation, ANX-2016-115 to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on the PIA Zone of Annexation, ANX-2016-115, I move that the Planning Commission forward to the City Council a recommendation of approval of the C-2 (General Commercial) zone district for the PIA Annexation with the facts and conclusions listed in the staff report.

Site Location Map



Aerial Photo Map



Future Land Use Map



Zoning Map



NEIGHBORHOOD MEETING MINUTES

Date of Meeting: February 15, 2016

Time of Meeting: 5:30 pm

Location of Meeting: 2757 S. Hwy 50, Unit B, Grand Junction, CO 81503

Attendance: See attached sign-in sheet

Discussion: Mr. & Mrs. Tallman had a concern about the debris on the property presently. We assured them that the property would be cleaned up and in good aesthetic appearance. We discussed the fence and the barrier that would be placed in the chain link fence and that nothing would be seen from the street view.

We felt the meeting was very positive and that all attendees had no problem with us putting our business there.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE ZONING THE PIA ANNEXATION
TO C-2 (GENERAL COMMERCIAL)

LOCATED AT 2757 HIGHWAY 50

Recitals:

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the PIA Annexation to the C-2 (General Commercial) zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the C-2 (General Commercial) zone district 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 be zoned C-2 (General Commercial).

PIA ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) and the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 25, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southwest corner of the NW 1/4 SE 1/4 of said Section 25 and assuming the West line of the NW 1/4 SE 1/4 of said Section 25 bears N 00°01'48" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°01'48" W, along the West line of the NW 1/4 SE 1/4 of said Section 25, a distance of 21.35 feet to a point on the Southerly limits of the Wheeling Corrugated Annexation, Ordinance No. 3145, as same is recorded in Book 2597, Page 905, Public Records of Mesa County, Colorado; thence along the boundary of said Wheeling Corrugated Annexation, the following nine (9) courses:

1. N 74°58'06" E, a distance of 83.25 feet;
2. thence N 35°58'06" E, a distance of 59.68 feet;
3. thence N 12°58'54" W, a distance of 514.89 feet;
4. thence N 21°04'54" W, a distance of 15.97 feet;
5. thence N 35°48'36" W, a distance of 111.20 feet;

- 6. thence N 22°40'06" W, a distance of 70.16 feet;
- 7. thence S 72°56'20" E, a distance of 123.03 feet;
- 8. thence S 73°40'30" E, a distance of 110.41 feet;
- 9. thence S 69°23'00" E, a distance of 294.90 feet, more or less, to a point on the Westerly boundary of the Mendez Annexation, Ordinance No. 3212, as same is recorded in Book 2663, Page 176, Public Records of Mesa County, Colorado;

thence along said Westerly boundary the following three (3) courses:

- 1. S 21°55'02" W, a distance of 547.03 feet;
- 2. thence S 14°17'03" E, a distance of 74.46 feet;
- 3. thence S 45°33'15" E, a distance of 17.44 feet to a point on the South line of the NW 1/4 SE 1/4 of said Section 25;

Thence N 89°59'22" W, along said South line, a distance of 228.16 feet, more or less, to the Point of Beginning.

CONTAINING 172,247 Square Feet or 3.954 Acres, more or less, as described.

INTRODUCED on first reading the ___ day of ___, 20__ and ordered published in pamphlet form.

ADOPTED on second reading the ___ day of ___, 20__ and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk



Date: April 6, 2016
 Author: Senta Costello
 Title/ Phone Ext: Senior Planner / x1442
 Proposed Schedule: Planning
Commission May 19, 2016; City Council –
May 18, 2016
 2nd Reading (if applicable): N/A

Attach 4

PLANNING COMMISSION AGENDA ITEM

Subject: Padilla-Ulibarri Easement Vacation
Action Requested/Recommendation: Forward a recommendation to City Council to vacate a portion of a public utility easement, located at 314 W Ouray Avenue.
Presenter(s) Name & Title: Senta Costello, Senior Planner

Executive Summary:

Request to vacate a portion of a public utility easement located within vacated Peach Street right-of-way.

Background, Analysis and Options:

The property is part of the Carpenter’s Subdivision No. 2 platted in June 1890 and annexed as part of the Mobley’s Addition Annexation in December 1890. In 2007, the City of Grand Junction worked with the neighborhood to install curb, gutter and sidewalk improvements throughout the neighborhood. As a part of this project, excess right-of-way was vacated, with portions being retained as public utility easements. Peach Street between W Gunnison Avenue and W Ouray Avenue is one of the sections vacated and the entire width of its right-of-way was retained as a public easement to protect utilities located within its boundaries.

In July 2015, Mr. Ulibarri contacted the City of Grand Junction inquiring about the possibility of vacating a portion of the easement retained over the vacated Peach Street right-of-way as it encumbered the western 30’ of his property located at 314 W Ouray Avenue. The City of Grand Junction Public Works and Utilities Department investigated the area and determined that all of the utilities located in the easement were located on the property at 318 W Ouray Avenue and that there is no need to retain a 30’ utility easement as only 12’ is required to maintain the existing utilities. Therefore the applicant proposes vacate vacation of the eastern 18’ of the easement, leaving the western 12’ of the easement intact. Xcel, Charter and Century Link were also asked to review the area for any utilities that they may have within the existing 30’ easement. It was determined that there are no utilities in the area proposed for vacation and did not oppose the request.

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

Though there are no specific Comprehensive Plan Goals or Policies that directly relate to the requested easement vacation, the request does meet one of the Comprehensive Plan's Guiding Principles – Sustainable Growth Patters. This Principle states:

“Fiscal sustainability where we grow efficiently and cost-effectively. Encourage infill and redevelopment and discourage growth patterns that cause disproportionate increases in cost of services.”

If the easement were reduced from a 30' width to a 12' width, a greater opportunity to redevelop the property is created because there is more usable property (2,610 square feet). This may allow an additional unit or units to be built on the property. Therefore this request is consistent and does not conflict with the Comprehensive Plan.

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. Though the proposed easement vacation does not further any specific goal of the Economic Development Plan, it does allow for more of the property to be developed and therefore more development opportunity.

Board or Committee Recommendation:

The request has not been reviewed by any boards or committees.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This request has not previously been presented or discussed.

Attachments:

- Site Location Map
- Aerial Photo Map
- Future Land Use Map
- Zoning Map
- Resolution

BACKGROUND INFORMATION			
Location:		314 W Ouray Avenue	
Applicants:		Padilla-Ulibarri LLC – Bobby Ulibarri	
Existing Land Use:		Single Family residence	
Proposed Land Use:		No change proposed	
Surrounding Land Use:	North	Department of the Interior	
	South	Single Family Residential	
	East	Department of the Interior	
	West	Single Family Residential	
Existing Zoning:		R-8 (Residential 8 du/ac)	
Proposed Zoning:		R-8 (Residential 8 du/ac)	
Surrounding Zoning:	North	C-1 (Light Commercial)	
	South	R-8 (Residential 8 du/ac)	
	East	C-1 (Light Commercial)	
	West	R-8 (Residential 8 du/ac)	
Future Land Use Designation:		Residential Medium	
Zoning within density range?		X	Yes
			No

Section 21.02.100 of the Grand Junction Zoning and Development Code:

The vacation of the easement shall conform to the following:

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

Though there are no specific Comprehensive Plan Goals or Policies that directly relate to the requested easement vacation, the request does meet one of the Comprehensive Plan’s Guiding Principles – Sustainable Growth Patters. This Principle states:

“Fiscal sustainability where we grow efficiently and cost-effectively. Encourage infill and redevelopment and discourage growth patterns that cause disproportionate increases in cost of services.”

If the easement were reduced from a 30’ width to a 12’ width, a greater opportunity to redevelop the property is created because there is more usable property (2,610 square feet). This may allow an additional unit or units to be built on the property.

Granting the request to vacate this utility easement does not conflict with the Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City.

This criterion has been met.

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

No parcel or lots will be landlocked as a result of the vacation.

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.*

No access will be altered or restricted as a result of the vacation.

This criterion has been met.

- 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 will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced due to the proposed utility easement vacation. There are no utilities located within this portion of the easement and adequate space has been maintained with the remaining easement in order to provide maintenance to the utilities.

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 Municipal Code.*

Because there are no utilities located within this portion of the easement and adequate space will be preserved to maintain the existing utilities, the provision of adequate public facilities and services will not be inhibited as a result of the proposed utility easement vacation as there are no utilities located or planned within this portion of the easement.

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 not change as a result of the proposed utility easement vacation; however, vacation of the un-needed portion of the

easement provides the owner with additional area on the property available for development, creating additional development potential within the community.

This criterion has been met.

FINDINGS OF FACT/CONCLUSIONS

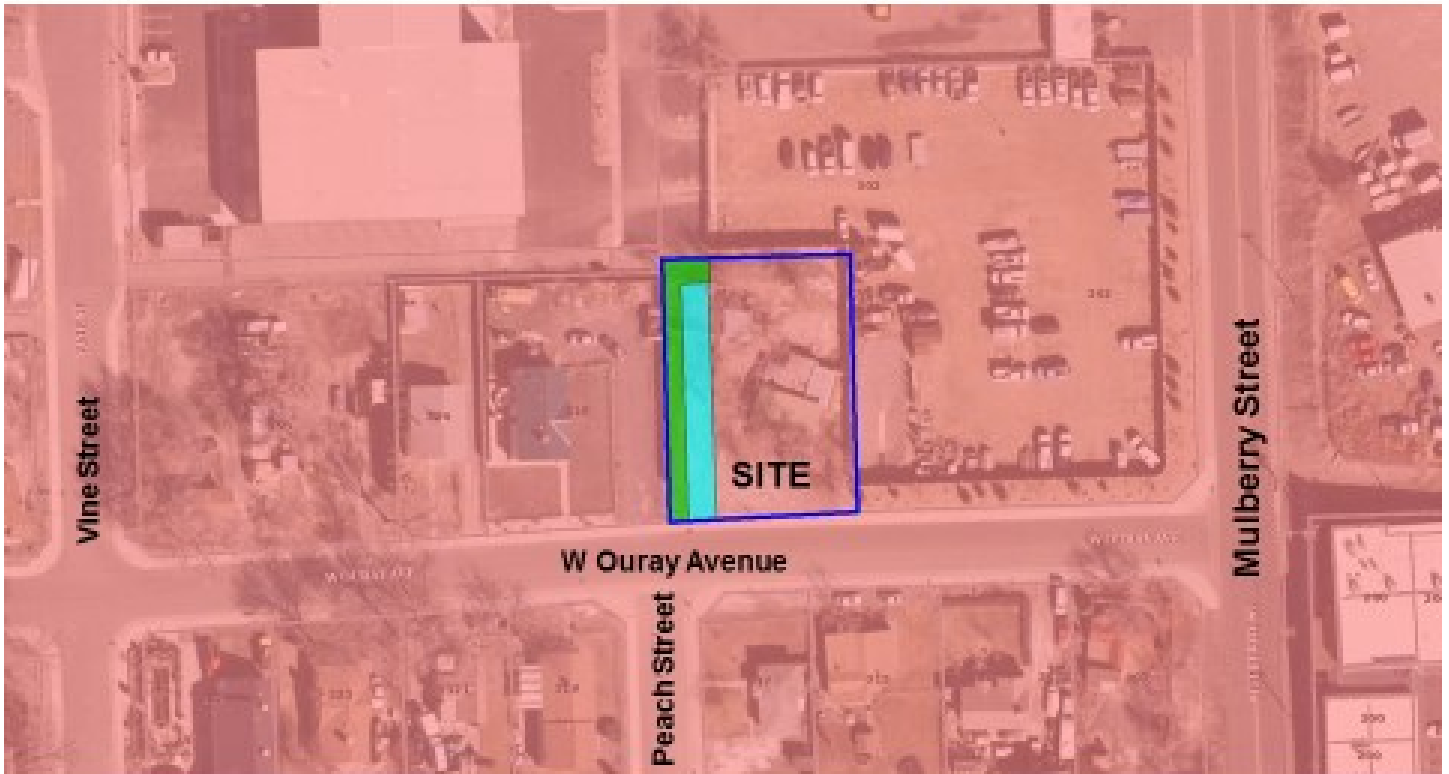
After reviewing the Padilla-Ulibarri easement vacation application, VAC-2015-350 for the vacation of a public utility easement, I make the following findings of fact and conclusions:

1. The requested easement vacation does not conflict with the Comprehensive Plan.
2. The review criteria in Section 21.02.100 of the Grand Junction Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested utility easement vacation, VAC-2015-350 to the City Council with the findings and conclusions listed above.

Site Location Map



Easement area to be vacated



Easement area to be retained

Aerial Photo Map



Future Land Use Map



Zoning Map



CITY OF GRAND JUNCTION

RESOLUTION NO.

**AN ORDINANCE VACATING A PORTION OF A PUBLIC UTILITY EASEMENT
LOCATED AT 314 W OURAY AVENUE**

RECITALS:

A vacation of the dedicated utility easement for has been requested by the adjoining property owner.

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 Municipal Code.

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

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

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

1. Applicants shall pay all recording/documentary fees for the Vacation Resolution, any easement documents and dedication documents.

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

Dedicated easement to be vacated:

A parcel of land situate in the NE 1/4 SE 1/4 of Section 15, Township 1 South, Range 1 West of the Ute Meridian, and a part of Carpenter's Sub-Division No. 2, Reception No. 9732, City of Grand Junction, Mesa County, Colorado, being described as follows:

The East 18.00 feet of vacated Peach Street adjoining Lot 12, Block 1 of said Carpenter's Sub-Division No. 2, EXCEPT the North 12.00 feet thereof.

AND

That portion of vacated W. Ouray Avenue adjoining the East 18.00 feet of Peach Street on the south. The existing vacated right-of way is recorded under Reception No. 2369143.

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

PASSED and ADOPTED this day of , 2016 and ordered published in pamphlet form.

ATTEST:

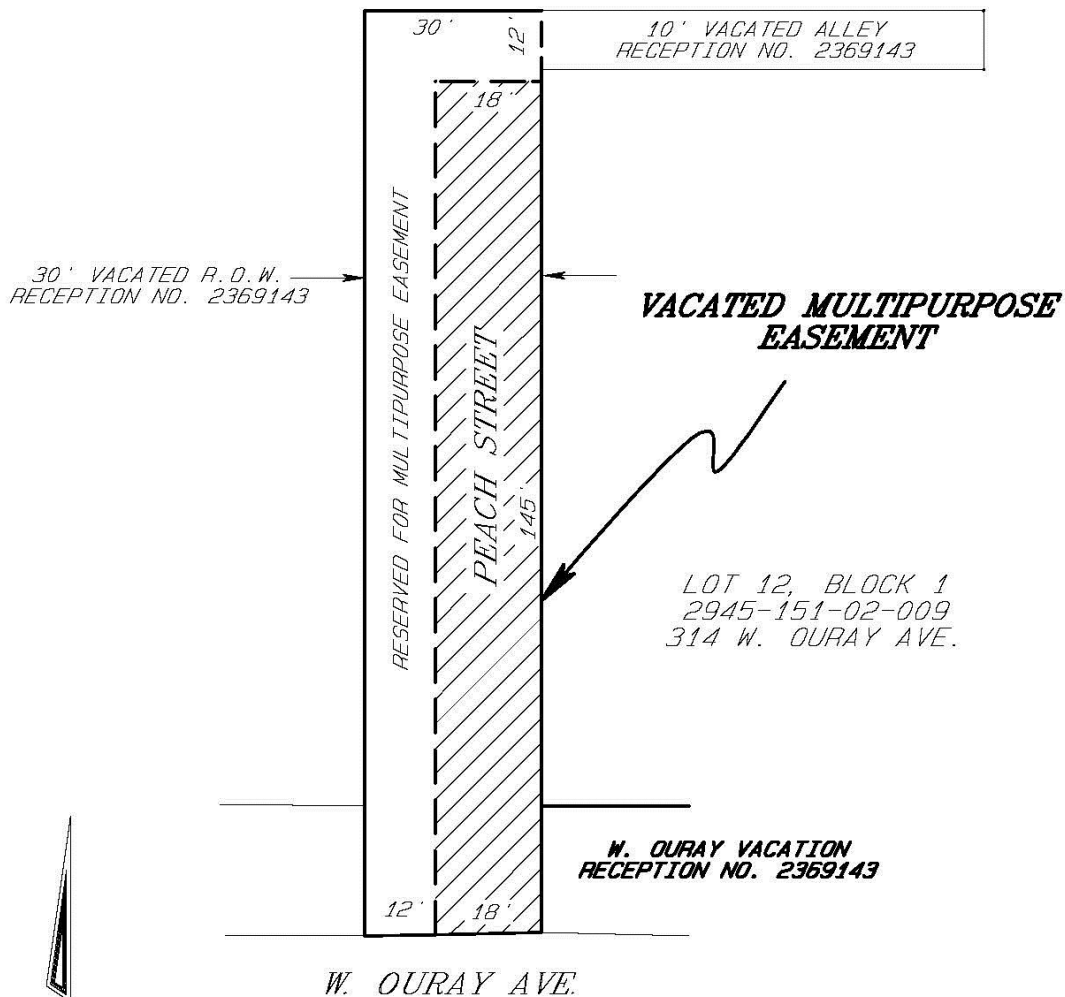
President of City Council

City Clerk

-

EXHIBIT A

VACATED MULTIPURPOSE EASEMENT



SCALE 1" = 30'
LINEAR UNITS = U. S. SURVEY FEET

D H SURVEYS, INC.
970-245-8749
JOB #1482-16-01



Date: April 4, 2016
 Author: Senta Costello
 Title/ Phone Ext: Senior Planner, x 1442
 Proposed Schedule: Resolution
Referring Petition, April 20, 2016
 1st Reading Zoning: May 18, 2016
 2nd Reading (if applicable): June 1, 2016
 File #: ANX-2016-53

Attach 5

PLANNING COMMISSION AGENDA ITEM

Subject: Studt Zone of Annexation, Located at 227 29 Road
Action Requested/Recommendation: Forward a recommendation to City Council to zone 0.9 acres from a County RSF-4 (Residential Single Family 4 du/ac) to a City R-4 (Residential 4 du/ac) zone district.
Presenter(s) Name & Title: Senta Costello

Executive Summary:

A request to zone 0.9 acres from a County RSF-4 (Residential Single Family 4 du/ac) to a City R-4 (Residential 4 du/ac) zone district.

Background, Analysis and Options:

The property owner has requested annexation into the City and a zoning of R-4 (Residential 4 du/ac) in order to develop the property. Under the 1998 Persigo Agreement with Mesa County, residential annexable development within the Persigo Wastewater Treatment Facility boundary (201 service area) triggers land use review and annexation by the City.

Neighborhood Meeting:

A neighborhood meeting was held January 25, 2016. Two neighbors attended the meeting. They did not have any concerns, only curios about what the applicant wanted to do with the property.

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

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

Annexation of the property will create consistent land use jurisdiction and allow for efficient provision of municipal services.

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

Annexation of the property will create an opportunity for future residential development in a manner consistent with adjacent residential development.

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 properties already in the City. Property tax levies and municipal sales/use tax will be collected, as applicable, upon annexation.

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. Blended Map
8. Neighborhood Meeting Summary
9. Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
Location:		227 29 Road	
Applicants:		Priscilla Studt	
Existing Land Use:		Single Family Residential	
Proposed Land Use:		Single Family Residential	
Surrounding Land Use:	North	Single Family Residential	
	South	Single Family Residential	
	East	Single Family Residential	
	West	Single Family Residential	
Existing Zoning:		County RSF-4 (Residential Single Family 4 du/ac)	
Proposed Zoning:		City R-4 (Residential 4 du/ac)	
Surrounding Zoning:	North	County RSF-4 (Residential Single Family 4 du/ac)	
	South	County RSF-4 (Residential Single Family 4 du/ac)	
	East	County RSF-4 (Residential Single Family 4 du/ac)	
	West	County RSF-4 (Residential Single Family 4 du/ac)	
Future Land Use Designation:		Residential Medium Low 2-4 du/ac	
Zoning within density range?	X	Yes	No

Section 21.02.140(a) of the Grand Junction Municipal Code:

Zone of Annexation: Section 21.02.160(f) of the Grand Junction Municipal 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 Medium (Low 2-4 du/ac). The request for an R-4 (Residential 4 du/ac) zone district is consistent with this designation

In addition to a finding of compatibility with the Comprehensive Plan, one or more of the following criteria set forth in Section 21.02.140 (a) of the Code must be met in order for the zoning to occur:

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

Response: The requested annexation and rezoning is being triggered by the 1998 Persigo Agreement between Mesa County and the City of Grand Junction in anticipation of future development. The Persigo Agreement defines Residential Annexable Development to include any proposed development that would require a public hearing under the Mesa County Land Development Code as it was on April 1, 1998. (GJMC Section 45.08.020.e.1). The property owner intends to subdivide and/or develop the site. Upon inquiry with Mesa County, it was determined that the subject property was originally part of the Orchard Subdivision of 1892. Further

subdivision of this site would require a public hearing meeting the criteria for residential annexable development found within the Persigo agreement and therefore the property cannot be partitioned as a subdivision in unincorporated Mesa County. Thus, the property owner has petitioned for annexation

Based on the Comprehensive Plan Future Land Use designation, County zoning of RSF-4 and the densities surrounding this property, the original premise and findings have not been invalidated by subsequent events.

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

Response: The existing residence was built in 1982. Based on aerial photographs, this part of the community has undergone a transition from agricultural land situated along 29 Road, to the first subdivisions in the mid-1970s up through the mid-1980s, to incremental residential expansion from the mid-1990s through the mid-2000s.

The majority of the development described above has been within unincorporated Mesa County, including the adjacent Vista Rado Subdivision, which was platted in 1995 at a density of 3.07 du/ac. The Chipeta Heights Subdivision, located to the south along 29 Road, is within the city limits and was platted in 2007 at a density of 2.55 du/ac.

Due to the changes that have occurred since the mid-1970's that have created the current character of the area, the Future Land Use designation of Residential Medium is appropriate and therefore the request to zone the property to R-4 is consistent with the Comprehensive Plan.

This criterion has been met.

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

Response: There are public utilities available in 29 Road and Vista Rey Ct, including potable water provided by the Ute Water District, sanitary sewer service maintained by the City, and electricity from Xcel Energy (a franchise utility). Utility mains and/or individual service connections will be extended into the property as part of future development of the parcel(s).

The property is within the Lincoln Orchard Mesa Elementary school attendance boundary; the school itself is a little more than one-quarter (1/4) mile north and west along 29 Road and B 1/2 Road.

The newly constructed City of Grand Junction Fire Station #4 is just over 1/3 mile, located just west of Lincoln Orchard Mesa Elementary on B 1/2 Road.

Commercial uses, primarily convenience oriented, are located south near Highway 50 and west along B 1/2 Road, services include two grocery stores, gas stations,

restaurants, two liquor stores, dentist and doctors office, starting about one-half (1/2) mile from the annexation area.

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*

Response: The R-4 zone district is the predominant zoning designation east of 28 1/2 Road on Orchard Mesa.

Undeveloped property with R-4 zoning, over 150 acres, does exist east of 28 1/2 Road on Orchard Mesa. All of these properties were annexed in anticipation of subdivision(s) that have not yet been developed. These properties remain as agricultural or single-family residential uses.

Since there are currently other properties that are developable at a density of 4 dwelling units per acre (R-4), there is not an inadequate supply of suitably designated land available in this part of the community and therefore this criterion has not been met.

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

Response: The proposed R-4 zone district creates consistent land use jurisdiction, allow for efficient provision of municipal services and creates an opportunity for future residential development in a manner consistent with adjacent residential development.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone district would also implement the Comprehensive Plan designation for the subject property.

- a. R-R (Residential Rural 1 du/5 ac)
- b. R-E (Residential Estate 1 du/2 ac)
- c. R-1 (Residential 1 du/ac)
- d. R-2 (Residential 2 du/ac)
- e. R-5 (Residential 5 du/ac)

If the Planning Commission chooses an alternative zone designation, specific alternative findings must be made.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Studt Annexation, ANX-2016-53, for a Zone of Annexation, staff recommends that the Planning Commission make the following findings of fact and conclusions:

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

2. The applicable review criteria in Section 21.02.140 of the Grand Junction Municipal Code have been met.

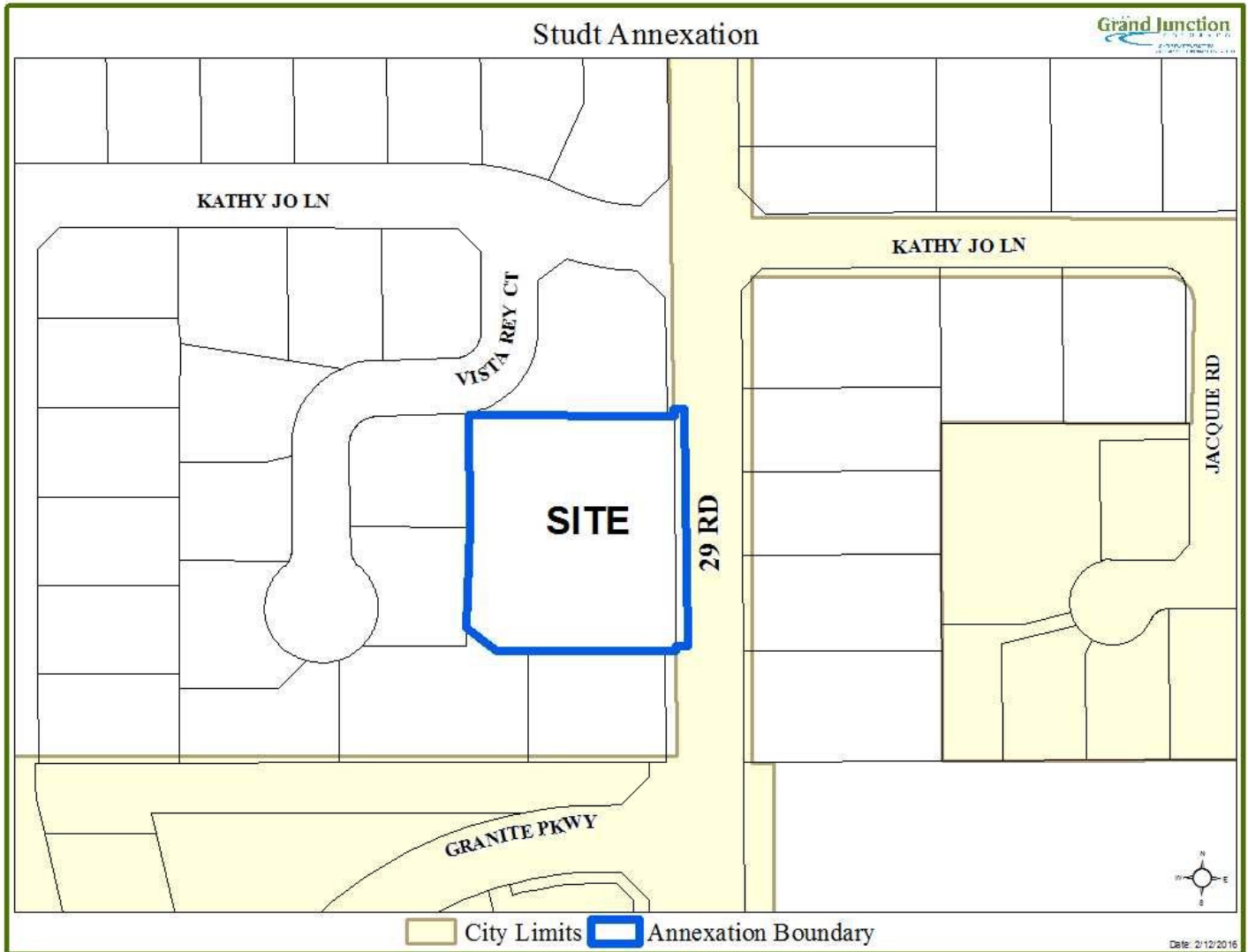
STAFF RECOMMENDATION:

Staff recommends that the Planning Commission forward a recommendation of approval of the R-4 (Residential 4 du/ac) zone district for the Studt Annexation, ANX-2016-53 to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on the Studt Zone of Annexation, ANX-2016-53, I move that the Planning Commission forward to the City Council a recommendation of approval of the R-4 (Residential 4 du/ac) zone district for the Studt Annexation with the facts and conclusions listed in the staff report.

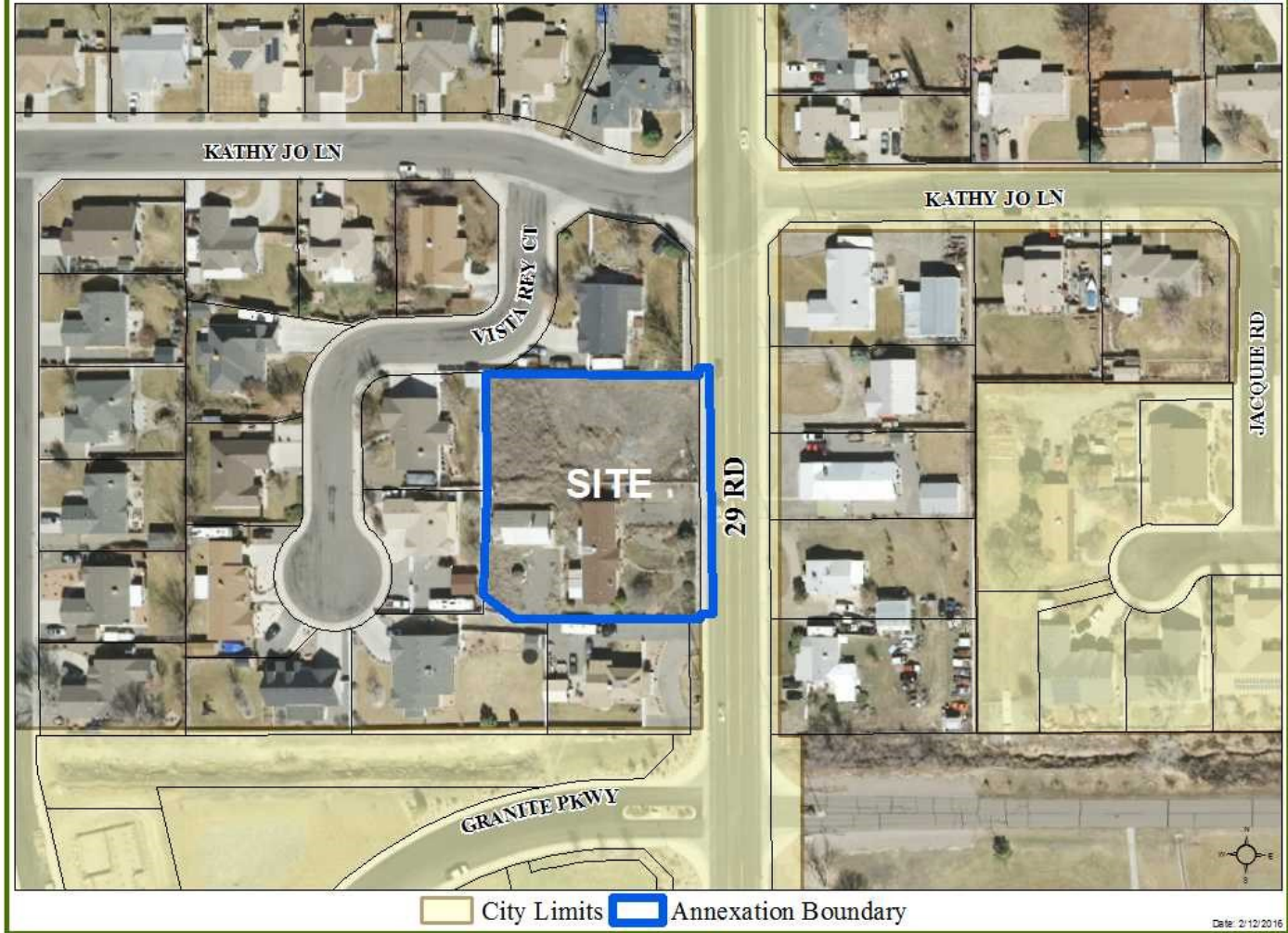
Studd Annexation



City Limits Annexation Boundary

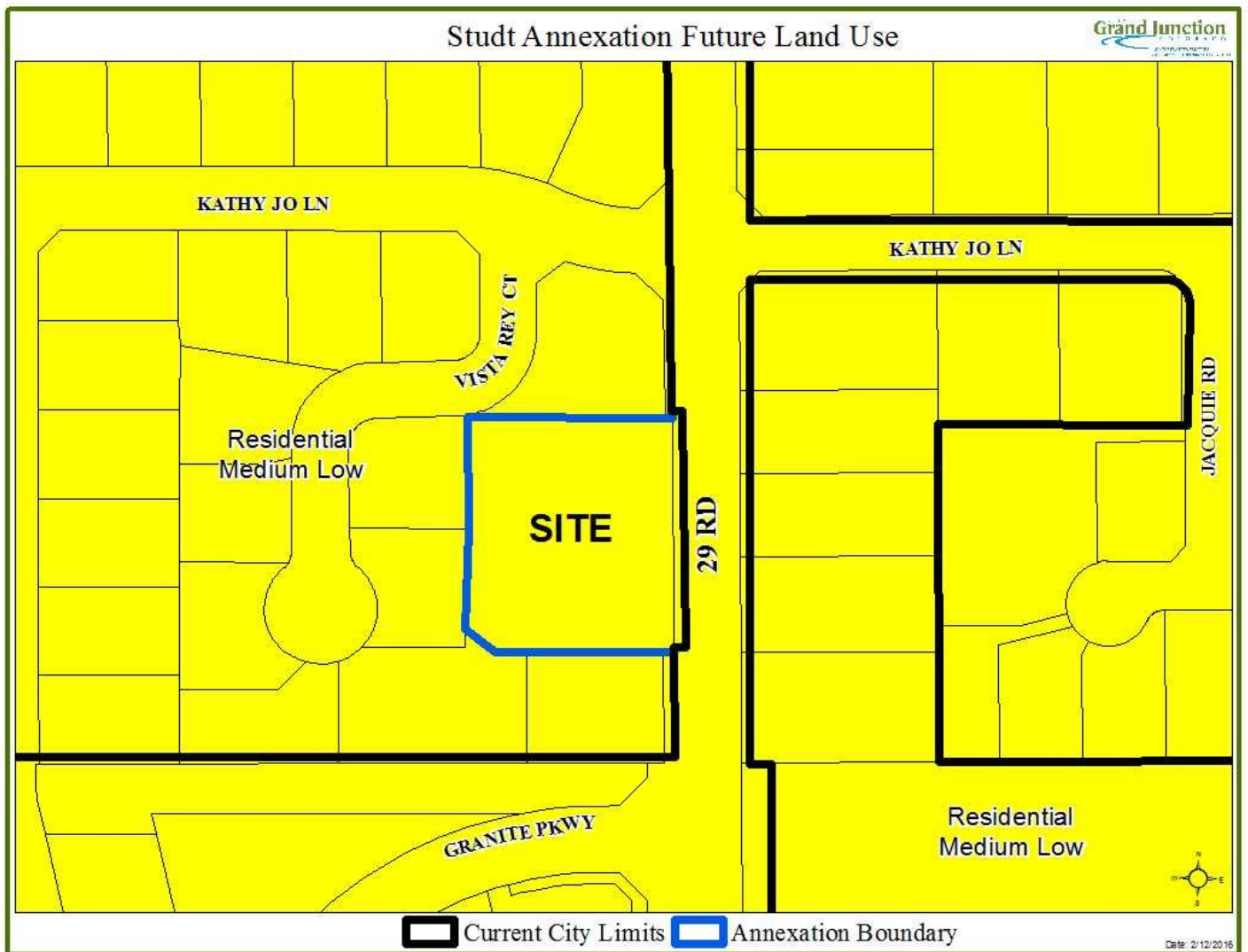
Date: 2/12/2016

Studt Annexation



City Limits Annexation Boundary

Date: 2/12/2016



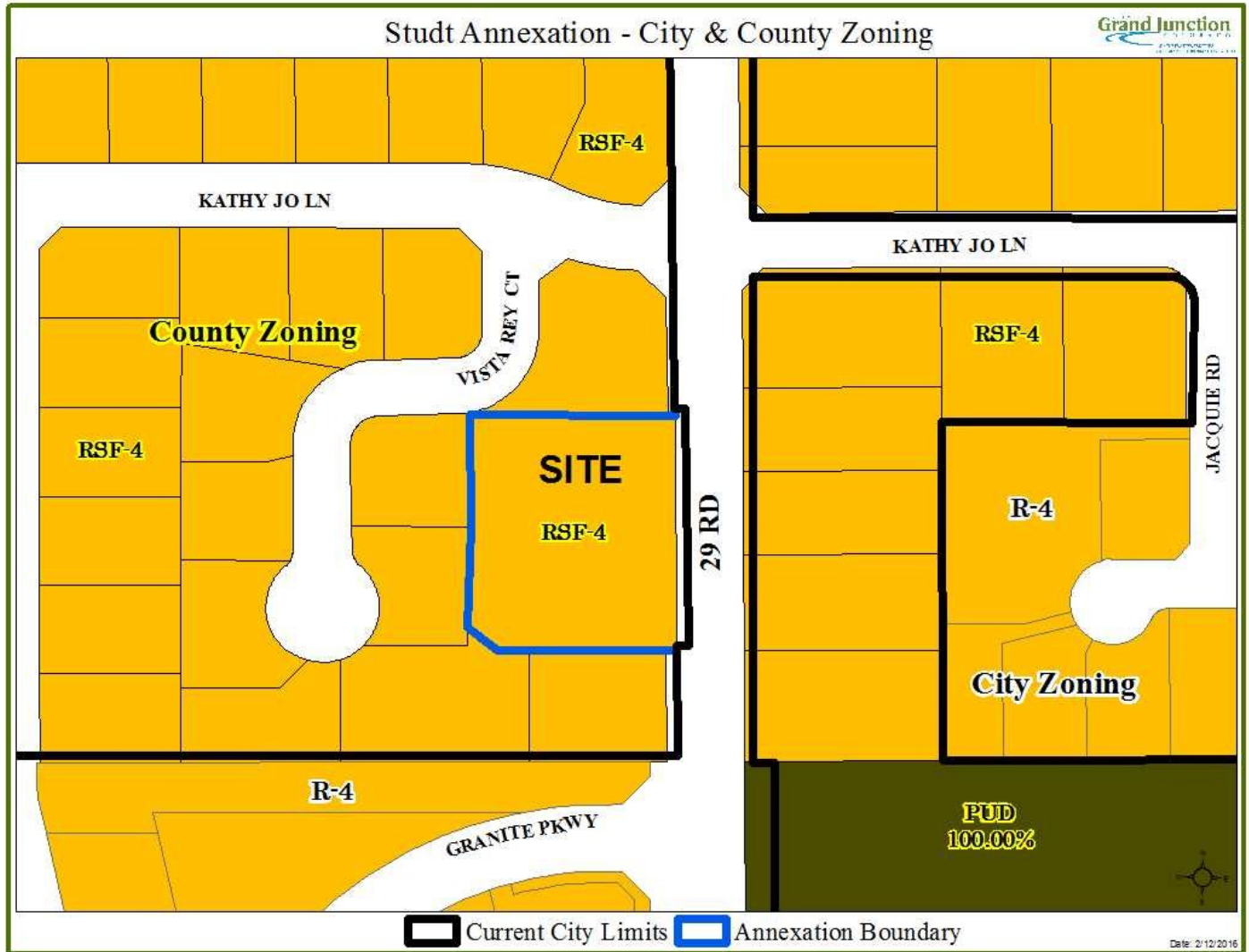




Exhibit B

NEIGHBORHOOD MEETING SIGN-IN SHEET	
Project: 29 Road Meadows	Meeting Date: 1/25/16
Facilitator: P. Studt	Place/Room: Show Office MCFG

Last Name	First Name	Address	Phone	E-Mail
Per Studt Per Studt	Priscilla	1000 21 st Blvd	970-640-2832	pstudt@gmail.com
Mary Costello		2215 J Rd		
Accelerated Business Systems		2518 Monument Rd	970-424-1750	Marcia@acceleratedsj.com
Costello	Senta	250 N 5th	244-1442	sentac@sjcity.org
Gardner	Bartana	227 Jacques	778-6191	
GARDNER	JAMES	227 JACQUE	778-6191	GARDNER@BRESNAN.NET

29 Road Meadows Exhibit C

MINUTES

JANUARY 25, 2016

5:30 P.M

SHOW OFFICE MCFCG

MEETING CALLED BY : Priscilla Studt

TYPE OF MEETING Neighborhood Meeting

FACILITATOR Priscilla Studt

NOTE TAKER Margi Baleztena

TIMEKEEPER Margi Baleztena

ATTENDEES See Exhibit B

Agenda topics

[TIME ALLOTTED]	[TOPIC]	[PRESENTER]
DISCUSSION	227 29 Rd Grand Junction, CO ANNEXATION & SIMPLE LAND DIVISION with Senta Costello City of Grand Junction, Barbara & James Gardener, interested neighbors Margi Baleztena with Accelerated Business Systems LLC and Priscilla Studt, property owner	

CONCLUSIONS There were no concerns. James & Barbara Gardner found the project acceptable.

ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE

[TIME ALLOTTED]	[TOPIC]	[PRESENTER]
DISCUSSION		

CONCLUSIONS

ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE

[TIME ALLOTTED]	[TOPIC]	[PRESENTER]
DISCUSSION		

CONCLUSIONS

CITY OF GRAND JUNCTION, COLORADO**ORDINANCE NO.****AN ORDINANCE ZONING THE STUDDT ANNEXATION
TO R-4 (RESIDENTIAL 4 DU/AC)****LOCATED AT 227 29 ROAD**Recitals:

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the STUDDT Annexation to the R-4 (Residential 4 du/ac) zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-4 (Residential 4 du/ac) zone district 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 be zoned R-4 (Residential 4 du/ac).

STUDDT ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of that certain parcel of land bounded on the East by the West line of Larson Annexation No. 2, City of Grand Junction Ordinance No. 3424, as same is recorded in Book 3084, Page 976, Public Records of Mesa County, Colorado; bounded on the North by the South line of Lot 29, Vista Rado Filing No. 1, as same is recorded in Plat Book 16, Page 281, Public Records of Mesa County, Colorado and a 10.00 foot portion of said Larson Annexation No. 2; bounded on the West by the East line of Lots 27 and 28 of said Vista Rado Filing No. 1 and bounded on the South by the North line of Lots 26 and 30 of said Vista Rado Filing No. 1 and a 10.00 foot portion of said Larson Annexation No. 2.

CONTAINING 39,198 Sq. Ft. or 0.900 Acres, more or less, as described.

INTRODUCED on first reading the ___ day of ___, 20__ and ordered published in pamphlet form.

ADOPTED on second reading the ___ day of ___, 20__ and ordered published in pamphlet form..

ATTEST:

President of the Council

City Clerk



Date: April 20, 2016
 Author: Scott D. Peterson
 Title/ Phone Ext: Senior
Planner/1447
 Proposed Schedule: May 10,
2016
 File #: VAC-2016-170

Attach 6

PLANNING COMMISSION AGENDA ITEM

Subject: Vistas at Tiara Rado Phase II, Multi-Purpose Easement Vacation, Located at 2063 S. Broadway
Action Requested/Recommendation: Forward a recommendation to City Council to vacate a public Multi-Purpose Easement within the proposed Vistas at Tiara Rado, Phase II residential development.
Presenters Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

The applicant, Hatch Investments LLC, requests approval to vacate a public Multi-Purpose Easement in anticipation of the next phase of development at Vistas at Tiara Rado. The proposal is to vacate the encumbered area where the existing multi-purpose easement is located in order to accommodate new building footprint designs and rededicate a new Multi-Purpose Easement on the proposed subdivision plat.

Background, Analysis and Options:

The Outline Development Plan (ODP) and Final Development Plan Review applications for Vistas at Tiara Rado Phase II were approved in 2015 (City file #'s PLD-2015-53 & SPN-2015-52). The approved ODP was for 11 single-family detached and 3 single-family attached homes. As part of the Final Development Plan Review application, a separate multi-purpose easement was dedicated and recorded by separate document (23,653 +/- sq. ft. – 0.54 acres, Reception Number 2734518). This easement was required in order to accommodate the City sanitary sewer and Ute Water mains that were installed for the benefit of serving the residential development. The applicant has now submitted a Final Subdivision Plan (City file # PLD-2016-117) in order to place each unit on a separate residential lot. The need to modify the existing multi-purpose easement is required to accommodate new building footprints. A new Multi-Purpose Easement will be rededicated on the proposed subdivision plat. This proposed vacation request will be conditioned upon dedication of a new Multi-Purpose Easement on the proposed subdivision plat or by separate instrument to ensure continued public utility access for the existing public infrastructure.

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

The request is consistent with the goals and policies of the Comprehensive Plan. The request does not conflict with the Comprehensive Plan because a new easement will be granted on the proposed subdivision plat or by separate document.

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. Vacation and relocation of an existing easement in a residential development does not further the goals of the Economic Development Plan, but it does provide a more desirable building envelope for a new residential development.

Board or Committee Recommendation:

Planning Commission will make recommendation to City Council.

Other Issues:

No other issues have been identified.

Previously presented or discussed:

This proposal has not been previously discussed.

Attachments:

- Staff Report/Background Information
- Site Location Map
- Aerial Photo Map
- Comprehensive Plan Future Land Use Map
- Existing Zoning Map
- Resolution

INFORMATION BACKGROUND					
Location:		2063 S. Broadway			
Applicant:		Hatch Investments LLC			
Existing Land Use:		Single-family residential (under construction)			
Proposed Land Use:		14 single-family detached and attached dwelling units			
Surrounding Land Use:	North	Driving range for Tiara Rado Golf Course			
	South	10 th Hole – Tiara Rado Golf Course			
	East	Fairway Villas Subdivision			
	West	Vistas at Tiara Rado, Phase I			
Existing Zoning:		PD (Planned Development)			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	CSR (Community Services & Recreation)			
	South	CSR (Community Services & Recreation)			
	East	PD (Planned Development)			
	West	R-12 (Residential – 12 du/ac)			
Future Land Use Designation:		Commercial			
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 within the section.

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

Sections 21.02.100 of the Grand Junction Zoning and Development Code:

The vacation of an existing multi-purpose easement shall conform to the following:

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

The request to vacate does not conflict with the Comprehensive Plan, the Grand Valley Circulation Plan or other adopted plans and policies of the City. The existing utility infrastructure (City sewer and Ute Water) will be covered by a new multi-purpose easement that will be dedicated on the proposed subdivision plat or by separate document as a condition of approval for the vacation.

Therefore, this criterion has been met.

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

No parcels will be landlocked as a result of the proposed multi-purpose easement vacation.

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;*

The vacation and re-dedication of the multi-purposed easement will not restrict access to any property.

Therefore, this criterion has been met.

- (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 will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced due to the proposed multi-purpose easement vacation. The proposed vacation will be conditioned upon the dedication of a new multi-purpose easement on the proposed subdivision plat or by separate document to ensure continued public access to the existing utility infrastructure, mainly City sewer and Ute Water.

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*

The provision of adequate public facilities and services will not be inhibited to any property as a result of the proposed vacation request. No adverse comments concerning the proposed multi-purpose easement vacation were received from the utility review agencies during the staff review process, provided that a new multi-purpose easement will be dedicated with the proposed subdivision plat or by separate document to cover the existing utility infrastructure.

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 not change as a result of the proposed multi-purpose easement vacation since the applicant will be dedicating a new

multi-purpose easement on the proposed subdivision plat or by separate document as a condition of approval.

Therefore, this criterion has been met.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Vistas at Tiara Rado Phase II easement vacation application, VAC-2016-170 to vacate a multi-purpose easement, the following findings of fact, conclusions and conditions have been determined:

1. The requested multi-purpose easement vacation does not conflict with the goals and polices of the Comprehensive Plan.
2. The review criteria 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 a new Multi-Purpose Easement on a proposed subdivision plat or by separate instrument to cover the existing City sewer and Ute Water mains, as approved by City Staff.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of conditional approval of the requested multi-purpose easement vacation, VAC-2016-170 to the City Council with the findings, conclusions and conditions stated in the staff report.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on item VAC-2016-170, I move we forward a recommendation of conditional approval to the City Council on the request to vacate a multi-purpose easement with the findings of fact, conclusions and conditions stated in the staff report.









CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

**A RESOLUTION VACATING A MULTI-PURPOSE EASEMENT FOR THE VISTAS AT
TIARA RADO, PHASE II RESIDENTIAL DEVELOPMENT**

LOCATED AT 2063 S. BROADWAY

RECITALS:

A vacation of a dedicated public multi-purpose easement has been requested by the property owner, Hatch Investments LLC, in anticipation of the next phase of development at Vistas at Tiara Rado. The proposal is to vacate the encumbered area where the existing multi-purpose easement is located in order to accommodate new building footprint designs and to rededicate a new Multi-Purpose Easement on the proposed subdivision plat or by separate instrument in the revised location.

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.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the multi-purpose easement vacation be approved with conditions.

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

The following described dedicated multi-purpose easement is hereby vacated subject to the listed conditions:

1. Applicant shall pay all recording/documentary fees for the Vacation Resolution, any easement documents and/or dedication documents.
2. Applicant shall dedicate a new Multi-Purpose Easement on a subdivision plat or by separate instrument to cover the existing City sewer and Ute Water mains.

Dedicated multi-purpose easement to be vacated:

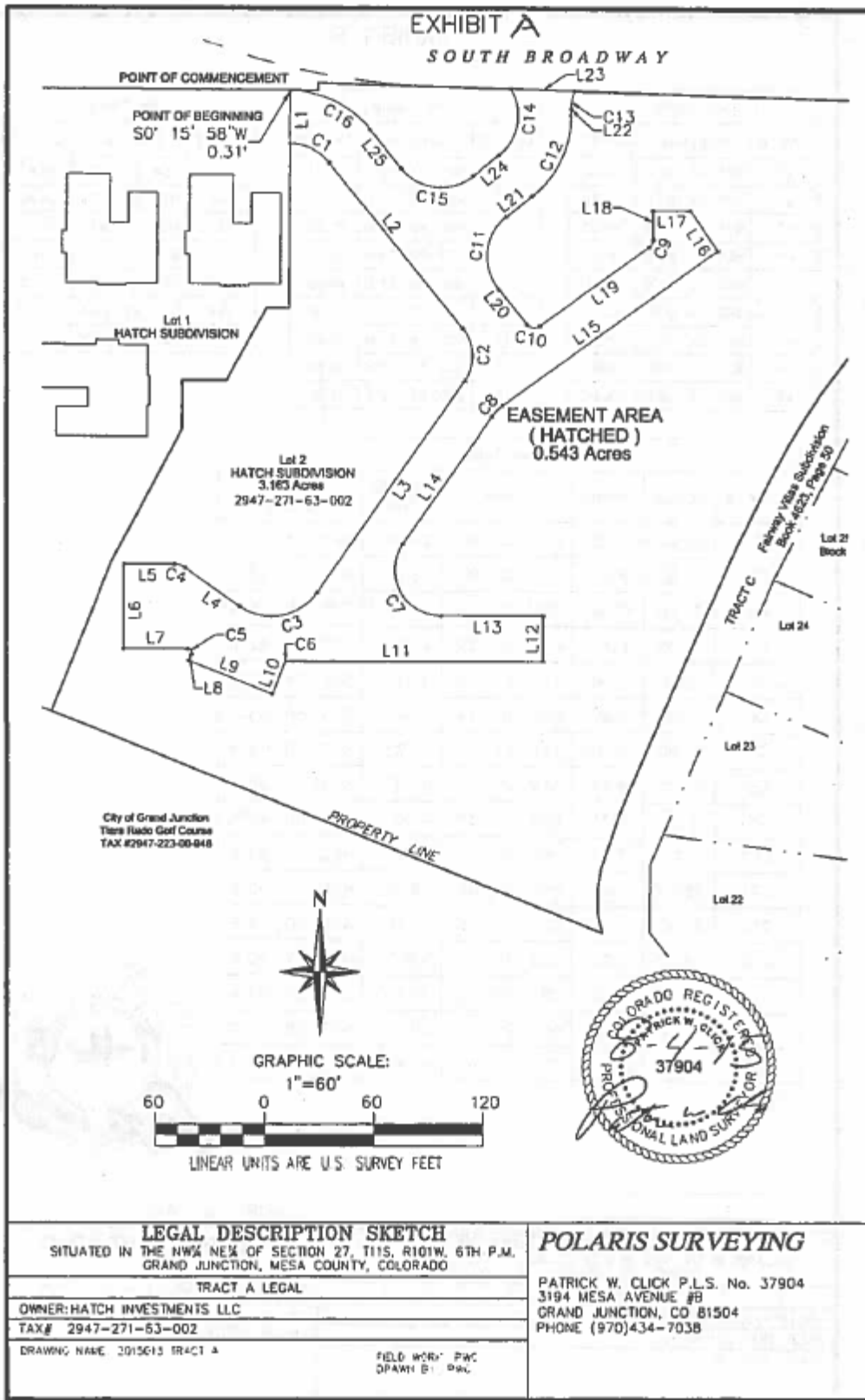
That certain easement as identified in Reception Number 2734518 in the office of the Mesa County Clerk and Recorder.

PASSED and ADOPTED this day of , 2016

ATTEST:

President of City Council

City Clerk



Sketch that was included as part of Reception # 2734518



Date: April 15, 2016
 Author: Senta Costello
 Title/ Phone Ext: Sr. Planner /X 1442
 Proposed Schedule: PC – May 10, 2016 / CC 1st Reading – June 1, 2016
 2nd Reading: June 15, 2016
 File #: ZCA-2016-64

Attach 7

PLANNING COMMISSION AGENDA ITEM

Subject: Amending Sections of the Zoning and Development Code to Amend Table 21.04.010 to Add a New Category for Stand Alone Crematories

Action Requested/Recommendation: Forward a recommendation to City Council to amend the Grand Junction Municipal Code, Section 21.04.010 Use Table, Section 21.06.050(c) and Section 21.10.020 Terms defined.

Presenter(s) Name & Title: Senta Costello, Senior Planner

Executive Summary:

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC) by adding a new category for stand-alone crematories.

Background, Analysis and Options:

Current trends in the funeral home business are towards smaller more intimate settings. This necessitates the use of an off-site crematory. Most funeral home clientele prefer to have cremation facilities located somewhere other than where they are making their funeral arrangements thus reducing the public’s exposure to the process of cremation.

Allowing stand-alone crematories in other land use zones expands the opportunity to a broader area in the community in selecting an appropriate site location. Impact to community services such as transportation and utility services is very low. The use does not require “high visibility” locations.

Parking needs for a stand-alone crematory are minimal as sites typically do not have visitors, so parking is for employees and company vehicles. Parking for stand-alone crematories should be calculated at 1 space per employee plus one space per service vehicle.

Section 21.10.020 Terms defined is the Zoning and Development Code section where various terms used throughout the Code are defined to provide direction and clarity when applying the terms to in the use of the Code standards, regulations and guidelines.

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

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.

By adding a category for stand-alone crematories and allowing them to be located within the City's commercial and industrial zone districts, additional, appropriate business opportunities are opened up within those zones.

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 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:

The Planning Commission will make recommendation to the City Council on May 10, 2016.

Other issues:

No other issues have been identified.

Previously presented or discussed:

The Planning Commission discussed this at their workshop on May 5, 2016.

Attachments:

Proposed Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS 21.04.010 Use Table, Section 21.06.050(c) and Section 21.10.020 Terms defined.Recitals:

This ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC) to add a new category for stand-alone crematories. Current trends in the funeral home business are towards smaller more intimate settings. This necessitates the use of an off-site crematory. Individuals using the facility prefer to have the cremation facility at somewhere other than where they are making their funeral arrangements eliminating the public's exposure to the crematory.

Allowing stand-alone crematories in other land use zones expands the opportunity to a broader area in the community in selecting an appropriate site location. Impact to community services such as transportation and utility services is very low. The use does not require "high visibility" locations.

Parking needs for a stand-alone crematory are minimal as sites typically do not have visitors, so parking is for employees and company vehicles.

Section 21.10.020 Terms defined is the Zoning and Development Code section where various terms used throughout the Code are defined to provide direction and clarity when applying the terms to in the use of the Code standards, regulations and guidelines.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of amending Section 21.04.010 Use Table, Section 21.06.050(c) and Section 21.10.020 Terms Defined.

The Planning Commission and City Council find that the amendment 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:

1. Section 21.04.010 Use Table shall be amended as follows (deletions struck through, additions underlined and/or highlighted):

21.04.010 Use table.

Key: A = Allowed; C = Conditional; Blank Cell = Not Permitted																								
USE CATEGORY	PRINCIPAL USE	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2	MX-	Std.
INSTITUTIONAL AND CIVIC																								
Funeral Homes/Mortuaries/Crematories	All									C	C	A	A	A	A	A		A	A	A	A			
Funeral Homes / Mortuary	All											A	A	A	A	A		A	A	A				
Crematory	All													A	A	A		A	A	A	A	A		

2. Section 21.06.050(c) be amended to read:

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF VEHICLE SPACES
INSTITUTIONAL		
College, Vocational/Technical Schools	College, Vocational/Technical Schools	1 per 2 students
Community Services	Community Center	1 per 250 square feet
Crematory	Crematory	1 per employee + 1 space per service vehicle
Cultural	Museums, Art Galleries, Opera Houses, Libraries	1 per 1,000 square feet
Day Care	Day Care	1.5 per employee
Detention Facilities	Jails, Honor Camps, Reformatories, Law Enforcement Rehabilitation Centers	1 per employee on maximum shift + 1 per service vehicle
Funeral Home/Mortuary	Funeral Home/Mortuary	1 per 4 seats (one seat = 18")

3. Section 21.10.020 Terms defined be amended to read:

CrematoryAn establishment for burning the bodies of deceased people / animals

Funeral Home/MortuaryAn establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals

All other parts of Section 21.04.010 and Section 21.10.020 shall remain in full force and effect.

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: April 15, 2016
 Author: David Thornton
 Title/ Phone Ext: Principal Planner / x.1450
 Proposed Schedule: Planning Commission
April 26, 2016 ZCA-2016-112
 File # (if applicable): CUP-2015-477

Attach 8

PLANNING COMMISSION AGENDA ITEM

<p>Subject: Amending the Zoning and Development Code sections governing development of Telecommunications Facilities.</p>
<p>Action Requested/Recommendation: Forward a recommendation to City Council to amend the sections of the Zoning and Development Code governing development of telecommunications facilities.</p>
<p>Presenter(s) Name & Title: David Thornton, Principal Planner Shelly Dackonish, Staff Attorney</p>

Executive Summary:

The proposed ordinance amends the City’s regulations for telecommunications facilities, implementing the Wireless Master Plan (Plan) and bringing the regulations into compliance with Federal law.

Background, Analysis and Options:

In response to the growing dependence on cellular technology, the City hired a consultant, CityScape, to help it develop a Wireless Master Plan to help guide the development and construction of wireless infrastructure and optimize the use of existing and new telecommunications facilities. The purpose of the Plan is similar to the goals and objectives of other long-range infrastructure plans, such as roadway improvements and the extension of water and sewer lines. Combining land-use planning strategies with radio frequency engineering models, the Plan is designed to help direct the development of future telecommunications sites.

The Code amendments proposed here serve four primary purposes: (1) to implement the Wireless Master Plan; (2) to conform regulations governing telecommunications facility development to federal regulations, which significantly limit local land use authority with respect to wireless infrastructure; (3) to limit and/or manage unnecessary proliferation of unsightly towers by encouraging co-location of wireless facilities and (4) to establish standards for development which encourage safe and effective development of wireless facilities while minimizing their impacts on surrounding land uses.

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

Goal 11: Public facilities and services for our citizens will be a priority in planning for growth.

Policy A: The City and County will plan for locations...to serve the public health, safety and welfare, and to meet the needs of existing and future growth.

The proposed Code amendments encourage safe and efficient development of wireless infrastructure so that the increased demand for personal wireless services can be met without unnecessary proliferation of unsightly towers. They also incorporate Federal Communications Commission (FCC) regulations mandating timely review of applications and promoting competition and full network coverage. The design standards included in the proposed Code amendments will encourage co-location but allow for new facilities where needed to provide wireless services to the community.

How this item relates to the Economic Development Plan:

Section 1.4 of the Economic Development Plan focuses on providing technology infrastructure that enables and supports private investment. Expanding broadband capabilities and improving wireless and/or cell coverage to underserved areas are key objectives of the Economic Development Plan. The proposed Code amendments implement the Wireless Master Plan and encourage an efficient build-out of a full coverage and competitive wireless network for the community. The proposed Code amendments also include broadband-friendly regulations that (1) allow the City to, at its discretion and expense, install shadow conduit alongside other infrastructure installations, (2) require developers to install conduit for fiber in new development alongside other public infrastructure, and (3) allow the City to use fiber and conduit that has been abandoned within the City.

Board or Committee Recommendation:

The Planning Commission will make recommendation to the City Council on April 26, 2016.

Financial Impact/Budget:

There will not be a financial impact.

Legal issues:

The City's Senior Staff Attorney, Shelly Dackonish, has worked closely with the attorney for the wireless master plan consultant (Anthony Lepore with CityScape) to draft an ordinance that complies with federal statutes and regulations while protecting other land uses as much as possible and encouraging development of wireless infrastructure.

Public presentations have included information on the federal regulatory overlay. Ms. Dackonish will be available at the public hearings to address any questions the Planning Commission and/or the City Council has about the federal regulations. Mr. Lepore will also be present at the City Council hearing.

Other issues:

No other issues have been identified.

Previously presented or discussed:

- Joint Planning Commission Meeting - 10/14/2015
- City Planning Commission Workshop - 12/7/2015
- Stakeholder/Public Meeting - 12/7/2015
- WMP Survey - Community Preferences - Tower Types / Use of Public Property - 12/2015
- Council Workshop 1/18/2016 – Council agrees to consider use of public properties for wireless facility infrastructure
- Stakeholder/Public Comment Meeting - 4/5/2016
- Grand Junction Planning Commission Workshop – 4/21/2016
- Joint City/County Planning Commission Meeting - 4/26/2016
- City Council to consider adoption of WMP and related ordinance changes - 6/1/2016

STAFF RECOMMENDATION:

I recommend that the Planning Commission approve the requested Amendments to the Grand Junction Municipal Code, Title 21, Section 21.04.010(Use Table), Section 21.04.020(ee) and Section 21.04.030(q). (ZCA-2016-112)

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on the request to forward a recommendation to City Council to amend the Grand Junction Municipal Code, Title 21, Section 21.04.010(Use Table), Section 21.04.020(ee) and Section 21.04.030(q). (ZCA-2016-112), I move that the Planning Commission approve it as presented in the Staff Report.

Attachments:

Proposed Ordinance

**CITY OF GRAND JUNCTION, COLORADO
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING THE CITY'S ZONING AND DEVELOPMENT
REGULATIONS RELATING TO THE TELECOMMUNICATIONS FACILITIES**

Recitals:

The City Council has adopted a Wireless Master Plan to provide long-term planning for an efficient and capable wireless telecommunication environment in the community, so that existing and new telecommunications infrastructure can be optimally utilized to meet the current and future wireless communication needs of the City's industry, businesses, residents and visitors while minimizing negative aesthetic impacts so as to preserve the character of the community and its natural surroundings. This Ordinance implements the Wireless Master Plan.

The City has also commissioned a broadband planning effort that is under way. This Ordinance furthers some of the goals of the broadband planning efforts by encouraging fiber deployment throughout the City in an economical and efficient manner.

The City Council finds that it is necessary and beneficial for the health, safety and welfare of the community to update the regulations for development of telecommunications facilities in the City in order to:

- promote the health, safety, and welfare of the public and minimize impacts of Facilities on surrounding land uses;
- establish standards for location, structural integrity, and compatibility;
- encourage the location and co-location of equipment on existing structures in order to reduce the need for new towers, thereby minimizing visual clutter, public safety impacts, and effects upon the natural environment and wildlife;
- accommodate the growing need and demand for telecommunications services while protecting the character of the City and its neighborhoods;
- encourage the availability of affordable, high-speed internet and cellular telephone access for businesses and residents, acknowledging that a growing number of businesses are conducted in whole or in part from homes and/or on-the-go, that increasingly education incorporates on-line learning necessitating good home internet connections for students and faculty, and that government participation and emergency services to the general public are enhanced by fast and reliable cellular and home internet connectivity;
- encourage coordination between suppliers and providers of telecommunications services to maximize use of existing Facilities and structures;
- establish predictable and balanced regulations within the authority reserved for local land use determination;
- respond to the mandates of the Telecommunications Act of 1996, the Middle Class Tax Relief and Job Creation Act of 2012, and other applicable federal and state laws limiting local discretion to regulate location of personal wireless service facilities (PWSF);
- ensure that applications are reviewed and acted upon promptly, without unreasonable discrimination between providers of functionally equivalent personal wireless services, and so as not to prohibit or have the effect of prohibiting personal wireless services;
- encourage concealed technologies and the use of public lands, buildings, and structures as

locations for Facilities;

- encourage affordable access to advanced technology and information, including but not limited to broadband facilities, which are critical to commerce. Education, economic development, public safety and competitive participation in the local economy;
- acknowledge the importance of fiber-optic infrastructure for modern telecommunications and data access, including for personal wireless services, for backhaul, data security, speed and reliability of transmission, and longevity of telecommunications systems, and to encourage and promote the installation of fiber-optic cable and conduit to every premise in the City;
- recognize that the permitting, construction, modification, maintenance and operation of broadband facilities are declared to be matters of statewide concern and interest to the extent specifically addressed in *Colorado Statutes*, Chapter 29-27-Parts 1-4.

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

Section 21.04.010 (Use Table) is amended as follows (deletions struck through, additions underlined):