



**PLANNING COMMISSION AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
TUESDAY, May 23, 2017 @ 6:00 PM**

Call to Order – 6:00 P.M.

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

1. Minutes of Previous Meetings

[Attach 1](#)

Action: Approve the minutes from the March 28, 2017 and April 25, 2017 meetings.

*****APPEAL*****

2. The Lofts Appeal of the Administrative Decision

[Attach 2](#)

[File# APL-2017-176]

Appeal of Final Action on Administrative Development Permit regarding approval of an Administrative Permit for 27 three and four bedroom multifamily units in 7 buildings, with a total of 102 bedrooms and 61 on-site parking spaces in an R-O (Residential - Office) zone district.

This is a discussion among the Planning Commission, no additional public testimony will be accepted.

Action: Approval or Denial of the Appeal

Applicant: Lee Joramo/Joe Carter
Location: 1020 Grand Ave
Staff Presentation: Kathy Portner, Community Services Manager

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

3. Civic and Institutional Master Plan and Right-of-Way Vacation Request for Colorado Mesa University

[Attach 3](#)
[FMP-2017-118]

Request approval of an Institutional and Civic Master Plan and Right-of-Way Vacation for Colorado Mesa University.

Action: Recommendation to City Council

Applicant: Colorado Mesa University
Location: 1100 North Avenue
Staff Presentation: Kathy Portner, Community Services Manager

4. Other Business

5. Adjournment

Attach 1

GRAND JUNCTION PLANNING COMMISSION March 28, 2017 MINUTES 6:00 p.m. to 10:17 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, Keith Ehlers, Ebe Eslami, Aaron Miller and Bill Wade.

In attendance, representing the City's Administration Department - Community Development, was Kathy Portner, (Planning Manager) and Dave Thornton (Principal Planner) Lori Bowers (Senior Planner), Scott Peterson, (Senior Planner) and Rick Dorris (Development Engineer).

Also present was Jamie Beard (Assistant City Attorney).

Lydia Reynolds was present to record the minutes.

There were 29 citizens in attendance during the hearing.

CONSENT CALENDAR

6. Minutes of Previous Meetings

Action: Approve the minutes from the February 28, 2017 Meeting.

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.

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

MOTION:(Commissioner Wade) "Madam Chairman, I move approve the consent agenda."

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

INDIVIDUAL CONSIDERATION

7. Amending the Zoning and Development Code

[File# ZCA-2016-384]_

Request to amend the Zoning and Development Code to Amend the Sign Code regarding nonconforming signs.

Action: Recommendation to City Council

Applicant: City of Grand Junction
Location: Citywide
Staff Presentation: Dave Thornton, Principal Planner

STAFF PRESENTATION

David Thornton (Principal Planner) explained that during the past 6 months, city staff, Planning Commission, City Council, the sign industry and business community have worked together to seek changes to the City's sign code. Mr. Thornton noted that changes have been approved by City Council to the Sign Code that include addressing content neutrality and digital and electronic signage.

As part of those discussions a third area of concern was raised by the outdoor advertising sign industry that relates to nonconforming billboards located within zoning overlay districts and upgrading them to digital/ electronic signage. Council directed staff to review the upgrade limitations imposed on outdoor advertising/ billboards.

Mr. Thornton explained that it was expressed by the sign industry that the Sign Code did not treat Outdoor Advertising signage the same as on-premise business signage.

Mr. Thornton explained that currently there are limitations on nonconforming billboards. Presently, owners of on-premise signs may change the face of their existing signs whether they are conforming or nonconforming, going from a static sign face to an electronic sign face, however, the outdoor industry may not make a sign face change for billboards without obtaining a permit to change it from a static billboard to a digital/electronic billboard. Mr. Thornton stated that this regulation prohibits nonconforming billboards from upgrading to a digital/electronic face.

Mr. Thornton displayed a slide of a typical sign cabinet and structure and explained that the procedure required by the sign industry to change a static sign face to another static sign face is the same procedure required to change it to a digital/ electronic sign face when the sign structure is not altered to provide for a larger or smaller sign.

Mr. Thornton referred to the slide displayed and noted that in this case, the cabinet area between the support structure of the sign would not be altered in a way that changes the size of the sign.

After holding meetings with the affected interests the proposed changes to the City's Sign Code will include allowing face changes to all signage for all sign types, conforming and nonconforming including upgrading the sign to digital or electronic.

Proposed changes will level the playing field between on-premise advertising and off-premise advertising. Mr. Thornton displayed a slide with the following **proposed** language to the Sign Code:

“Face changes to any sign including making the sign digital or electronic that do not increase the size of the sign is allowed. Digital and Electronic signs must comply with regulations governing such.”

Mr. Thornton displayed a slide and noted that this language is being proposed to be **deleted** from the current sign code:

“Any outdoor advertising sign on or near the Riverside Parkway that becomes nonconforming due to the adoption of this section may continue only in the manner and to the extent that it existed at the time of the adoption of the ordinance codified in this title. The sign must not be re-erected, relocated or replaced unless it is brought into conformance. If a sign is nonconforming, other than because of the adoption of the ordinance codified in this title, then the sign shall be discontinued and removed on or before the expiration of three years from the effective date of the ordinance codified in this title.”

With the proposed change in allowing an outdoor advertising sign face to change to a digital sign face, this section is no longer valid. The City has never enforced the last part of this which states “the sign shall be discontinued and removed on or before the expiration of three years from the effective date of the ordinance”.

QUESTIONS FOR STAFF

Recognizing budget considerations, Commissioner Wade inquired how enforcement of the sign code is being handled. Mr. Thornton stated that the sign code is currently enforced on a complaint basis with regards to changes to a previously approved sign.

Commissioner Buschhorn asked how many signs are affected by the proposed changes in the code. Mr. Thornton estimated that there currently about eight billboards/signs that were not conforming due to overlays. Mr. Thornton believed that not all of the eight billboard/signs are in spots that the billboard industry would consider converting to digital due to the high cost of doing that.

Commissioner Buschhorn asked in what way are the signs non-conforming. His understanding is that presently, a non-conforming sign can only have maintenance and repairs done. Mr. Thornton replied that as of right now, the sign industry can do maintenance and repair and also do a static face change.

Commissioner Buschhorn expressed concern that although the industry may not be ready to invest the extra money to convert to digital at the present time, the code change will

allow for it in the future. He felt that the possibility of the non-conforming sign converting to digital is significant. Commissioner Buschhorn asked if a non-conforming billboard/sign would be allowed to become digital even if it was in a residential zoning. Mr. Thornton explained that the change would be allowed regardless of current zoning, however with the exception of a few signs, the majority are non-conforming due to the overlay they fall in.

Commissioner Ehlers inquired if there had been any neighborhood complaints about the non-conforming billboard/signs that are currently in residential zoning. Mr. Thornton replied that since they have been drafting the language, he has received one call that was concerned about a sign changing to digital, however, it was in regards to a legal and not a non-conforming sign. The citizen had stated they didn't want to see any digital signs allowed in the city.

Commissioner Buschhorn asked why in the code, non-conforming signs are not allowed to have anything other than maintenance/repairs and face changes done. Ms. Portner explained that the purpose of addressing the non-conforming signs in the code is that eventually the need will go away and that it is a use or structure that will eventually become obsolete and will be removed. Therefore, there are provisions in the code that state how much repair can be done to those. The limit in the code currently is that if a non-conforming sign is damaged, only 50% of the value of the sign can be replaced. Ms. Portner added that most of the wooden structures that support the signs have been replaced over time. The code change is only addressing the sign face itself and not the structure.

Commissioner Buschhorn expressed concern that if the intent of the proposed changes to the code is to eliminate the non-conforming signs over time, the new wording will somewhat legitimize the sign and help it become more permanent which would go against the policy decision to not have the non-conforming signs in the future. Mr. Thornton stated that the sign is still held to the 50% rule.

PUBLIC COMMENTS

Mark Gamble, 2475 Commerce Blvd. stated that he represents the Sign Industry. Mr. Gamble stated that the changes to the sign code come after seven months of meetings and discussions. Mr. Gamble stated that most of the non-conforming signs are due to overlays, such as the Riverside Parkway, Greater Downtown Plan and others that the City has approved over time. He feels the new language will allow him to convert a static sign face to digital and that he only foresees about 10% of his signs having the potential for that.

C.J. Rhyne, Grand Junction Area Chamber of Commerce, stated that in discussions with local businesses, they have expressed the desire to have the option of digital sign faces as they are more economical.

COMMISSIONER DISCUSSION

Commissioner Ehlers stated that he feels the overlays in the code are appropriate and the

intent is to give the corridor a certain look or appeal and prevent future clutter. Commissioner Ehlers felt that the current non-conforming signs should be allowed to continue, but they should have a natural sunset as they fail over time. He agreed with Commissioner Buschhorn's concerns that the changes may be sidestepping the non-conforming nature of the intent. Commissioner Ehlers stated that he is comfortable with the code changes as they are addressing the content of the sign and whether it is static or digital.

Commissioner Buschhorn stated that he feels the purpose of the overlays is to not have billboards in those areas and to allow digital signs where static is presently a non-conforming use, goes against the intent of the policy, therefore he is not in favor of the language change to the sign code.

MOTION:(Commissioner Wade) "Madam Chairman, on the Sign Code Amendment, ZCA-2016-384, I move that the Planning Commission forward a recommendation of the approval for the Sign Code Amendment with the findings of fact, conclusions, and conditions listed in the staff report."

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

8. Amend the Final Development Plan for the Ridges Planned Development, Filing Two [File# PLD-2016-560]

Request approval to amend Filing Two of the Ridges Planned Development.

Action: Recommendation to City Council

Applicant: Dynamic Investment, Inc. c/o Mike Stubbs
Location: Ridge Circle Drive at Ridges Blvd.
Staff Presentation: Lori Bowers, Sr. Planner

STAFF PRESENTATION

Lori Bowers, Senior Planner, explained that this item is a request to amend the final development plan for The Ridges, Filing Two. Ms. Bowers displayed a slide with the site location map and aerial photo. Ms. Bowers noted there are two parcels totaling 1.12 acres, currently designated as "commercial sites". Ridge Circle Dr. runs East/West between the two parcels. Ridges Blvd, the main entrance to the Ridges, runs North/South on the east side of the parcels. The requested amendment is to include residential uses as well as allowable business uses, in a PD (Planned Development) zone district.

Ms. Bowers displayed the Future Land Use Map and explained that requests for an Outline Development Plan need to conform with the criteria found in Section 21.02.150 of the Zoning and Development Code. The Future Land Use Map of the Comprehensive Plan

shows this area to develop in the Residential Medium category. Residential Medium density is supported by the R-O (Residential Office) zone district, proposed as the default zone for these two properties. Uses and bulk standards of the R-O zone district are proposed, with a deviation to the building height. Building heights have been reduced to a maximum height of 35 feet. The types of screening or buffering will be dependent upon the type of development proposed, whether residential, business or mixed use.

The following slide illustrated the existing planned development zoning. The existing zoning is PD (Planned Development). Throughout the City, 14% of the land is zoned PD for residential purposes, 3% is zoned PD for non-residential purposes. The request broadens the possible uses for the subject parcels. This amendment to the PD will allow for the possibility of mixed uses as well as different types of residential uses. The request by the applicant is market driven since they have seen little to no interest in the 30 years they have been for sale.

Ms. Bowers explained that this ordinance will create a default zoning designation of R-O (Residential office).

Ms. Bowers displayed a slide with a site plan of the area and explained that the following setbacks are requested: 10 ft. from Ridges Blvd; 15 ft. from Ridge Circle Drive; a Rear setback of 5 ft. and Side set back of 10 ft.. Ms. Bowers noted that the setbacks within the parcels shall be consistent with that of the R-O zoning requirements, and those distance requirements imposed by the Building Code.

Ms. Bowers explained that the building heights will be limited to 35 feet, or 3 stories which is a reduction from the standard 40 feet. The maximum building size will be 10,000 square feet. Ms. Bowers explained that access shall be obtained from Ridge Circle Drive unless through the site plan review process for a commercial/business application, interconnectivity from Parcel 2, to the office complex to the north may be considered.

Ms. Bowers stated that this amendment further provides a maximum and a minimum density for each parcel. For Parcel 1, the maximum density will be six (6) dwelling units; the minimum number of units will be three (3). The maximum number of dwelling units for Parcel 2, will be ten (10) units; the minimum number of 3 units. Other household living uses that may be allowed are a Business Residence, a Rooming/Boarding House, Two-Family Dwelling, Single-Family Detached, Multi-Family, and Accessory Dwelling Units. Home Occupations, Small or Large Group Living Facilities are also allowed. Other possible uses, that pertain to the existing commercial aspects of the parcels are a Community Activity Building, a Museum, Art Galleries, Libraries. Day Care, which would include Home-Based Day Care, General Day Care; a small Hospital/Clinic, Medical and/or Dental Clinics, and a Counseling Center may be allowed. In addition, Ms. Bowers noted that Religious Assembly, Safety Services, Recreation and Indoor Entertainment, would be allowed. Other possible uses might include a small Health Club, Movie Theater, Skating Rink, an Arcade, Produce Stands, Personal Services. Lodging may be a possibility such as a Bed and Breakfast, General Offices, and Offices with a Drive-Through may be allowed.

Ms. Bowers explained that any proposed use would have to meet all development standards that dictate an allowed use, such as adequate parking, adequate drainage and landscaping requirements must also be met.

FINDINGS OF FACT AND CONCLUSIONS

Ms. Bowers stated that after reviewing The Ridges Filing Two ODP Amendment application, file number PLD-2016-580 for a major amendment to the Planned Development, Outline Development Plan, staff makes the following findings of fact and conclusions:

1. The requested amendment to the Planned Development, Outline Development Plan is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.05.150 of the Grand Junction Municipal Code have all been met.
3. The review criteria in Section 21.02.140 of the Grand Junction Municipal Code (rezoning) will be met.

PUBLIC COMMENTS

Mike Stubbs, 205 Little Park Rd. explained that he is President of Dynamic Investment, Inc., the applicant for this project. Mr. Stubbs noted that these lots were originally platted in the late 1970s. Mr. Stubbs explained that they are not the original developers, but are the successors to Ridges Development Corporation. Mr. Stubbs stated that they have had the properties listed on the market off and on over the years. Mr. Stubbs explained that he has had the property actively listed for the past four years with zero interest for commercial/business uses, but has had several inquiries for residential.

Mr. Stubbs stated that he has had conversations with city staff regarding the underlying zoning which was R-O when it was originally developed in the County. In the amended final plan for the Ridges, it did not specifically call out residential as a use. Mr. Stubbs noted that these are infill properties and there was no opposition expressed from the neighbors at the neighborhood meeting.

Mr. Stubbs noted that this amendment would allow for residential uses and establish the required bulk standards. In speaking with city staff, Mr. Stubbs noted that the concern was that there would be too little development, therefore a minimum and maximum density would be established.

Jeffery Fleming, 305 Main St. stated that he lives in the Ridges and is a member of their Architectural Control Committee. Mr. Fleming stated that he would like to express support for new development in the Ridges. Mr. Fleming noted that the streets are already there and this development would be an asset for the City.

Tom Rolland, stated that he owns the property at 405 Ridges Blvd. which is a small. office

building directly North of the property. Mr. Rolland stated he is opposed to the project as presented. Mr. Rolland noted that is ok with the residential component, however opposition is to the density, setbacks and heights. Mr. Rolland noted that the neighborhood meeting was held in his office. He stated that as a result of those discussions Mr. Stubbs did adjust the maximum heights from 40 feet to 35 feet.

Mr. Rolland stated that he does not see how reduced density has affected the marketability of the properties. Mr. Rolland questioned how it is possible that the City staff knows what is "adequate" regarding the ratio of residential vs. commercial in PDs and does not feel there is proof to back up the claims made in the staff report. Mr. Rolland pointed out other nearby properties and noted the open space incorporated. He is concerned there is not enough open space between his property and this project. Mr. Rolland has concerns about the proposed density and how the access will affect his property. Mr. Rolland stated that he would like to see the height limit at 28 feet so there would only be two stories and a setback of 15 feet.

Referring to the photo of the area, Commissioner Ehlers noted that Commercial properties typically have a zero setback and asked Mr. Rolland if his building was at a zero setback. Mr. Rolland replied that although he has never measured it, he believes his building is setback about 12-15 feet from the property line.

QUESTIONS FOR STAFF

Commissioner Ehlers asked if a residential component was existing first and a commercial development was being proposed, would there be buffering and screening required. Ms. Bowers replied that it is something that is always considered, but without a proposal to review, she is unsure what would be required.

Commissioner Ehlers noted that the proposed front setback is 15 feet as opposed to the standard 20 or 25 feet, and asked Ms. Bowers if that is to allow for parking in the rear of property which would create a buffer. Ms. Bowers stated that the discussions during the review process led to that scenario. Ms. Bowers referred to the illustration and noted that the required access points for the driveways will dictate where the parking is and that will be incorporated into the PD. Ms. Portner clarified that the 15-foot setback is a limitation but they are not required to build to that line. The way it is written now, they could set the building back farther if they chose to.

Commissioner Eslami pointed out that the common 20-foot front setback is typically for single family homes and does not apply to this type of multifamily development.

COMMISSIONER DISCUSSION

Commissioner Eslami does not feel a 5-foot setback to the neighboring property is enough and he is in favor of a 15-foot setback there. In addition, Commissioner Eslami stated he thinks that a 28-foot height limitation is more appropriate for this area.

Commissioner Wade noted that one of the jobs of the Planning Commission is to look at infill development such as this and make sure it is compatible with the area around it. Commissioner Wade was in favor of the PD changes to allow for the residential component, but agreed with Commissioner Eslami that a 5-foot side setback is not enough and the proposed height is too high in this case. Commissioner Wade believed that there is not a demand for that high of density in area.

Commissioner Deppe stated that she also feels that the 5-foot side setback is not enough and the 35-foot height limit is too high for that location.

Commissioner Ehlers noted that if this property stayed commercial, the rear setback would be 10 feet and that is a fair expectation that all the property owners would have had. Commissioner Ehlers stated that other than the rear setback, he is in favor of the changes to allow R-O uses.

MOTION:(Commissioner Wade) “Madam Chairman, on item PLD-2016-580, I move that the Planning Commission forward a recommendation of approval of the requested amendment to the Outline Development Plan for The Ridges Filing Two, with the findings of fact and conclusions as listed in the staff report.

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

9. Comprehensive Plan Future Land Use Map Amendment and Rezone

[File# CPA-2017-46 and RZN-2017-47]

Request 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 stated that the applicant for these requests is the property owner, Heritage Estates, LLC. Mr. Peterson informed the Commission that a neighborhood meeting was held on December 29, 2016, no one from the public attended the meeting. However, Mr. Peterson stated that he has received letters of support for the applicant’s requests after the neighborhood meeting and are provided within the Staff Report.

Mr. Peterson displayed a slide of the Site Location Map and noted that the 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 located to the Southwest.

Mr. Peterson explained that the temporary office/construction trailer has an expiration date tied to the approved Preliminary Plan's 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 that would require Major Site Plan Review and Comp Plan Future Land Use Map Amendment and Rezone applications.

Mr. Peterson explained that the standards would include but are not limited to off-street parking, landscaping, screening and buffering, etc. The applicant now desires to operate the temporary office/construction trailer as a general office and legitimize the existing land use on the property, and therefore requests a change in the Comprehensive Plan Future Land Use Map designation from "Residential Medium High (8 – 16 du/ac)" to "Commercial/Industrial" and rezone the property from R-8 (Residential – 8 du/ac) to I-O (Industrial/Office Park) zone district.

The next slide Mr. Peterson displayed showed the existing zoning in the area. 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.

Mr. Peterson stated that the proposed I-O zone district is the most appropriate zone district for the applicant's property since it is an adjacent zone district and also the applicant's proposed land use of a general office is an allowed land use within the I-O zone district. The I-O zone district also provides for performance standards to help mitigate the impacts of potential development regarding noise, lighting glare, and outdoor storage and display, to help protect adjacent residential and industrial office properties.

The next slide depicted the Comprehensive Plan Future Land Use Map, and Mr. Peterson noted that it identifies the area as Residential Medium High (8 – 16 du/ac), however the adjacent Future Land Use designation is Commercial/Industrial.

Mr. Peterson displayed an aerial photo of the property and explained 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.

Mr. Peterson went on to explain that 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 added that the proposed applications also support the creation of commercial and industrial development opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

Mr. Peterson showed the approved Preliminary Plan and Filing Plan for the Heritage Heights subdivision and pointed out the subject property. Per the adopted Grand Valley Circulation Plan, the future F 1/2 Road 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 this approved Preliminary Plan.

With the dedication of the F 1/2 Road corridor that is 160’ wide, Mr. Peterson explained that this right-of-way now physically separates the subject property from the Heritage Heights residential subdivision and in essence creates a remnant parcel that will align itself more towards the Foresight Industrial Park with its proximity, rather than leaving as a residentially zoned property.

The next slide Mr. Peterson displayed was of an aerial photo of the area that included the Grand Valley Circulation Plan. The Grand Valley Circulation Plan indicates that F 1/2 and 25 Roads will be realigned physically separating this parcel from the residential developments to the north, west and south and in essence create remnant parcels that will align more with the Foresight Industrial Park to the east.

In looking at the review criteria for a Comprehensive Plan Future Land Use Map Amendment and Rezone, subsequent events, the City requiring the dedication of right-of-way for F 1/2 Road parkway have invalidated the original premise for the future land use and zoning designations.

Mr. Peterson indicated that the community will derive benefits from the proposed amendment and rezoning by the development and utilization of a previously vacant parcel. The proposed 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 added that the character of the area has changed with the recently dedication of the F 1/2 Road right-of-way, per the designation on the Grand Valley Circulation Plan. Therefore, the character and/or condition of the area has changed such that the amendments are consistent with the Comprehensive Plan.

FINDINGS OF FACT AND CONCLUTIONS

Mr. Peterson stated that after reviewing the Lot 241, Heritage Heights, Filing 1 application, CPA-2017-46 & RZN-2017-47, a request for a Comprehensive Plan Future Land Use Map Amendment and Rezone, the following findings of fact and conclusions have been determined:

- 1.) 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.
- 2.) 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.

QUESTIONS FOR STAFF

Commissioner Wade inquired about the right-of-way dedication and whether the applicant was compensated by the City for it. Mr. Peterson stated that it was his understanding that there was some required right-of-way dedication and the City compensated the applicant for the additional amount above what was required. Commissioner Wade asked if that had been finalized in writing already.

Ms. Portner added that she is not sure if there has been a final agreement but there have been discussions regarding compensating the developer for right-of-way dedication in excess of what is required of the adjacent Heritage Heights Subdivision, which would be for a standard collector road. Ms. Portner added that the right-of-way needed was for a principal arterial and this particular one needs extra right-of-way.

Commissioner Reece asked for clarification, as it was her understanding that the dedication of that right-of-way was a condition of this project. Mr. Peterson stated that the right-of-way has been dedicated, on the plat and recorded. Ms. Portner added that the Heritage Heights property is much bigger than just this corner, and the requirement was that the F ½ Rd. principal arterial be dedicated upon the platting of each of those filings as the project moved along.

Commissioner Wade inquired about a gap in the right-of-way. Ms. Portner stated that the applicant did not own the property where the gap was. Commissioner Wade asked if there was right-of-way dedicated as part of this filing, then what was the compensation for. Ms. Portner stated that it was for future filings, 8, 10 and 11. Ms. Portner clarified that a typical collector street is 60 feet wide, a typical principal arterial is 110 feet, and this right-of-way dedication was 160 feet wide.

Discussion continued regarding the agreement of the purchase of excess right-of-way for future filings. Ms. Portner pointed out that this filing has secured the right-of-way, and discussions of compensation for future filings will be addressed as the project moves along. Ms. Portner noted that this road is not ready to be built and there is still an intervening

parcel that does not belong to the applicant.

Commissioner Eslami asked if filing 10 and 11 are approved. Mr. Peterson explained that filing 7 has been submitted and is under review at this time. Mr. Peterson added that the Preliminary Plan will expire by 2019 and the rest of the filings will be coming in before then.

Commissioner Ehlers noted that the original intent of the structure on this site was temporary and asked if the property was rezoned I-O, would that structure remain temporary and required to be removed. Mr. Peterson stated that they have put the modular structure on a permanent foundation and the building department has approved it as a permanent structure on that site. Mr. Peterson clarified that if for some reason the rezone does not get approved, then in 2019 the temporary use permit would expire and the applicant would have to remove the structure.

Commissioner Ehlers inquired that if the City is creating this principal arterial to basically be a Parkway on the north portion of the community, is the orientation of that structure, being so close to the future road, appropriate. Mr. Peterson stated that the structure is being used as an office, and that use is allowed in the I-O zoning. If someone wanted a different use, they could always remove the building and put something else up. Mr. Peterson stated that it is staff's feeling that this parcel is not really a residential property anymore because of the rights-of-way that will be dedicated for the Grand Valley Circulation Plan.

Commissioner Ehlers inquired if this structure would become a non-conforming structure even when the use is allowed in I-O. Mr. Peterson stated that he does not know the measurement, but there would be a 15-foot setback requirement and if it does not meet that, then it would be a non-conforming structure.

Noting that the three adjacent properties are residential and the Posse Grounds are across the road, Commissioner Buschhorn asked Mr. Peterson why he feels I-O is appropriate. Mr. Peterson stated that the development of the Parkway and the future alignment of 25 Rd. are reasons that they could see I-O as an appropriate zone in the future. Mr. Peterson added that they have had two neighborhood meetings in the past two years with no one attending. In addition, he has heard from 3 property owners that they are in support of the project. Commissioner Buschhorn stated he was uncomfortable with an assumption so far in the future and as it stands now, it appears more residential in nature.

Commissioner Buschhorn asked if there was a minimum lot size in I-O. Mr. Peterson stated that it is one acre and this property is 0.95.

QUESTIONS FOR APPLICANT

Kim Kerk, 637 25 Rd. stated that she is the project representative for Blue Star Construction. Ms. Kerk stated that this was originally a 46-acre property and there are 240 single family homes to be built upon completion. Ms. Kerk noted that as people purchase their homes in this new area, the office was already in the vicinity.

Commissioner Wade asked Ms. Kerk to address the right-of-way dedication that was discussed earlier and the monetary discussions that are concluded or ongoing. Ms. Kerk explained that the right-of-way dedication was a part of the Preliminary Plan and that each filing would dedicate the associated right-of-way as they went along the process. Ms. Kerk added that the completed agreement that would address filing 8, 10 and 11 should be done in the next couple weeks as the paperwork is completed.

Chairman Reece asked if the agreement has been completed and Ms. Kerk responded that just filing 5 and 7 have been agreed upon and the other filings are what are being finished up.

Commissioner Eslami noted that Ms. Portner had stated that the check had been sent. Ms. Kerk clarified that the check was only for filing 5 that has already been recorded.

Ms. Kerk explained that when they originally came in for the temporary structure, their intent was to have it become permanent and rezoned I-O. Ms. Kerk stated that as part of the temporary permit, they will be required to do upgrades such as paved parking, landscaping, and buffering when the five-year permit is up.

Chairman Reece stated that she hopes that the business is there for a long time, however, she asked Ms. Kerk if she is aware of the other uses that could be allowed in an I-O zone district such as an oil and gas storage facility, heavy equipment storage, and pipe storage. Ms. Kerk responded that they put the structure on a permanent foundation because their intent was to stay there. Chairman Reece stated that her concern is that the property gets sold and a more intense use that is allowed in I-O comes in that is not appropriate so close to residential. Ms. Kerk replied that although there may be some uses that would not be appropriate, there are many allowable uses that are, especially given the wall buffer requirements.

Commissioner Buschhorn asked Ms. Kerk if she can guarantee that the building would always be there, noting that a 5 story 65-foot building could be allowed in an I-O. Commissioner Buschhorn explained that although Ms. Kerk stated that the new residential neighbors are ok with what is there now, he did not feel that was a sound argument for rezoning to I-O given the other uses that may be allowed.

Commissioner Ehlers noted that the project report requires a section on alternatives and asked Ms. Kerk if they had considered a less intense zoning such as R-O or C-1 that would allow their office to be there. Ms. Kerk stated that they had considered those zones and it was through discussions with the City, and looking farther in the future, the I-O was the recommendation.

Jamie Beard, City Staff Attorney, stated that Ms. Portner has asked her to clarify the status of the right-of-way discussions. Ms. Beard stated that the negotiations have been agreed upon by both parties, which include all of the filings, including what has already been

dedicated. Ms. Beard stated that they don't have a final and signed agreement and deed, but it is expected to be finalized in the next couple of weeks.

Chairman Reece asked Ms. Kerk why this filing is coming forward now and not in a couple weeks after the agreement and deed is signed. Ms. Kerk stated that the intension was that it would have been completed by now, but the holidays and other things just slowed it down a bit.

Commissioner Ehlers asked Ms. Beard if it was possible that one of the parties back out and the agreement is then not secured. Ms. Beard responded that it is a possibility until the agreement is actually signed. Ms. Kerk added that the agreement is part of the Preliminary Plan approval and if the agreement was not to be signed, the development would fall apart.

Commissioner Wade asked if the upgrades would still have to be done if the zoning is changed to I-O. Ms. Kerk stated that they have known all along that the upgrades would have to be made if they want to remain there after the temporary use permit expires in 2019.

PUBLIC COMMENTS

Robert Jones II, Vortex Engineering, 2394 Patterson Rd. STE 201, stated that his firm had completed the design work of the Heritage Heights subdivision. Mr. Jones explained when this project was redesigned as part of an overall project, with Heritage Estates to the North, they had to take into consideration the Transportation Plan. Mr. Jones referred to the Riverside Parkway and noted that you don't see residential homes along that. Given that this property is surrounded by the transportation network, he feels that the office use of the subject property is more suited for the area than residential. Mr. Jones stated that he was in support of the project as it reserves the future right-of-way for the Corridor.

Commissioner Buschhorn agreed with Mr. Jones that long range planning is necessary, however his concern is that there is no foreseeable timeframe. Commissioner Buschhorn added that this is not the same as Riverside Parkway as there are already approximately 80 homes that will be along the corridor in this area. Mr. Jones replied that unlike other rezones where adjacent property owners have objected, there have been several residents in support of this and he is not aware of any opposition to it.

COMMISSIONER DISCUSSION

Commissioner Miller stated that he can appreciate the long range planning aspects of this development. Commissioner Miller noted that the Posse Grounds across the street could always be sold and become pipe storage as well. Given the comments made by the applicant and City staff, as well as the right-of-way dedication discussions, Commissioner Miller stated that he feels this project/rezone makes sense.

Commissioner Buschhorn stated that due to the minimum lot size requirements for I-O, he

doesn't feel this is even allowed by code. Mr. Peterson stated that if the Future Land Use Map is changed to a Commercial/Industrial designation, the only zone district that would be compatible is a C-2 which only requires a lot to be at least 20,000 square feet.

Commissioner Miller asked if there has ever been an exception like this. Mr. Peterson stated that it would be creating a non-conforming lot however, land uses would still need to follow code standards for setbacks, landscaping etc.

Commissioner Eslami stated that he has two concerns which include the non-conforming lot size, and the alternate uses allowed in an I-O zone should the property be sold. For the reasons given, Commissioner Eslami stated that he is not in favor of approval.

Commissioner Wade express concern that given the local economy and lack of funding for capital projects that large, the Parkway could be 25 or more years out. Commissioner Wade noted that the applicant has until April, 2019 to have the property rezoned and does not see the urgency to rezone it at this time. Commissioner Wade expressed concern that if they rezone it and Blue Star sells the parcel in the future, then a use not compatible with the residential to the north may be allowed.

Commissioner Ehlers stated that his concern is the orientation of the building, as it faces a future parkway corridor. Commissioner Ehlers is also concerned on how far planning goes one way or the other, when looking so far into the future, as things change. Commissioner Ehlers noted that some of the issues and concerns will get resolved naturally through time. For example, if 25 Rd. becomes a dead end as a result of the Parkway, that right-of-way may go back to the original parcel which in this case, would make the subject parcel over an acre.

Commissioner Eslami stated that he feels strongly that the Planning Commission is to implement the code, and if they approve the rezone with a lot that does not conform to required minimum lot size, then they are going against what has been approved in the code.

Chairman Reece stated that she is in agreement with several of the Commissioners regarding the right-of-way and she had the same concerns when it came before them about a year ago. Chairman Reece also has apprehensions about the I-O use next to residential. She also stated that she wished the dedication agreement was done before this project came before them.

MOTION:(Commissioner Wade) "Madam Chairman, on Comprehensive Plan Future Land Use Map Amendment and Rezone, CPA-2017-46 and RZN-2017-47, 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 Ehlers seconded the motion. A vote was called and the motion failed by a vote of 6-1.

The Planning reconvened after a short break and Chairman Reece explained that two members of the Planning Commission, Aaron Miller and Ebe Eslami, have recused themselves from the last item on the agenda.

10. Pinnacle Ridge Subdivision

[SUB-2015-120]

Request approval for a review of private streets and also public streets and residential lots traversing greater than 30% slopes for the proposed Pinnacle Ridge Subdivision in an existing R-2 (Residential – 2 du/ac) zone district located east of Mariposa Drive.

Action: Recommendation to City Council

Applicant: Two R & D LLC, Owner
Location: NE of Mariposa Drive and Monument Road
Staff Presentation: Scott Peterson, Sr. Planner

STAFF PRESENTATION

Mr. Peterson (Senior Planner) stated that the applicant, Two R & D LLC, requests approval of certain items under City Codes and regulations that require either Planning Commission or City Council action regarding their proposed Preliminary Plan application. These actions include Council approval of; 1) proposed private streets and 2) subdivision lots and public streets traversing greater than 30% slopes.

The applicant has submitted for a Preliminary Plan subdivision review in order to develop 72 single-family detached lots to be developed in five phases/filings. Proposed residential density would be 1.59 dwelling units to the acre.

Mr. Peterson noted that the applicant held a Neighborhood Meeting on March 11, 2015 prior to submittal of the Preliminary Plan application. Over 24 citizens attended along with City Staff and the applicant. Neighborhood concerns expressed at the meeting were mainly in regards to additional traffic to the area, subdivision lot layout and design and drainage concerns.

Mr. Peterson displayed an aerial photo and site location of the property. The property is located east of Mariposa Drive, north of Monument Road in the Redlands and contains 45.11 +/- acres.

This is a closer aerial photo of the area. The property consists of both unplatted and platted properties. The platted properties are remnants of the old Energy Center Subdivision, Phase 1 that were platted in 1955. Today these lots still have no legal access and are not

developed. Nine of the 28 total platted lots from the Energy Center Subdivision, Phase 1 are currently not owned by the applicant and are not included within the proposed Preliminary Plan application. However, the applicant is providing access to the nine existing lots as part of their Filing Five for Pinnacle Ridge. At a later date and as a condition of approval of the Preliminary Plan, the applicant will need to request to vacate a portion of the Energy Center Subdivision Phase 1, that is owned by the applicant for existing right-of-way and utility easements located within Blocks 1 and 2.

Comprehensive Plan Future Land Use Map identifies the property as Residential Low which is .5-acre lot size to 2 dwelling units to the acre. Current zoning for the property is R-2 (Residential – 2 du/ac).

Mr. Peterson displayed a slide showing the southern half of the development. Under the Preliminary Plan application, the applicant has proposed to utilize the cluster provisions of the Zoning and Development Code to utilize and preserve existing open space in order to be able to have smaller lot sizes than what the Zoning Code requires for the R-2 zone district.

Mr. Peterson explained that the applicant is proposing 15.06 +/- acres (33% of the development) for open space within the development, which under the clustering provision would allow lot sizes of a minimum 7,125 sq. ft. and bulk standards found in the R-4 zone district. Without clustering, the minimum required lot size in the R-2 zone district is 15,000 sq. ft. Utilization of the cluster development provisions of the Code is to encourage the preservation of environmentally sensitive areas and open space lands.

Mr. Peterson displayed a slide showing the northern half of the development. In accordance with the Zoning and Development Code, only City Council may authorize a subdivision to be served by private streets. The applicant requests the use of private streets in two areas of the subdivision, Talus Court (proposed Tract C) and Hillock Court (proposed Tract J). Talus Court is proposed to be developed in Filing 3 and Hillock Court is proposed to be developed in Filing 5.

The reason that the applicant is proposing private streets in two areas are for the fact that they do not meet either the shared driveway standards or public street standards. Private streets may be considered as an alternative to residential public streets. Private streets have historically posed problems over time as they deteriorate and property owners do not realize the burden of maintenance is theirs.

In looking at the review criteria for a private street, Mr. Peterson explained that an HOA will be created for ownership and maintenance responsibilities. Average trips per day would be less than 250 trips. The end of each private street contains a hammerhead turnaround which has been reviewed and approved by the Grand Junction Fire Department.

Mr. Peterson noted that additional off-street parking spaces are provided at two separate locations to accommodate 7 additional parking spaces. Cross-section of the private street would be a minimum of 20' wide. A pedestrian sidewalk within the private street would

connect to the proposed public sidewalk located within the subdivision among meeting other requirements.

Mr. Peterson displayed a slide that identifies the slopes on the property. Under the Hillside Development Standards of the Zoning and Development Code, development on slopes of greater than 30% is not permitted unless, after review and recommendation by the Planning Commission and approval by the City Council, it is determined that, appropriate engineering measures will be taken to minimize the impact of cuts, fills, erosion and stormwater runoff and that the developer has taken reasonable steps to minimize the amount of hillside cuts and also has taken measures to mitigate the aesthetic impact of cuts through landscaping or other steps.

The applicant is proposing to minimize the amount of hillside cuts, fills, erosion and stormwater runoff, by proposing a ring-type road configuration, traversing only a few small areas of greater than 30% slope and leaving a majority of the subdivision of areas greater than 30% slope preserved and not adversely affected.

Engineering measures will be taken to minimize the impacts of cuts, fills, erosion and storm water runoff where 30% or greater slopes are proposed to be impacted. Exact measures that will be taken will be determined and approved at final plan stage. It should be noted that these Zoning Code requirements were established to limit and allow for development in a responsible manner on steep slopes, not to preclude development on steep slopes. Improvements have been proposed with the subdivision in the form of retaining walls. Retaining walls will also limit the amount of cut/fill to the minimum required.

The section of Elysium Drive that traverses slopes greater than 30% is relatively small, to be exact about 350' in length. In order to minimize hillside cuts in this area, retaining walls are planned, not to exceed 6' in height.

It should be noted, only about 12% of the subdivision proposal has slopes greater than 30%. These areas are predominantly located around the large plateau of the site. The actual impact to the slopes greater than 30% is minimal and has been mitigated by the use of retaining walls and other engineering measures.

Mr. Peterson explained that proposed Lots 20, 30, and 51 have the steepest slopes within the subdivision. On average, the applicant has stated that Lot 51 is around 10% slope at the lower end. Lot 30 is less than 10% across the length of the lot and Lot 20 has an average slope of 14%. The applicant believes that a future builder of the various lots can accommodate that kind of slope fairly easily with the design of the house and use of some retaining walls. As an example, a walk-out or reverse walk-out with the garage under the house can accommodate approximately 10'-12' of slope across the lot without much impact.

In addition, Mr. Peterson noted that the lots are large enough, providing surface area along the side of the building pads to accommodate grade changes. Small 2' to 4' retaining walls

at the rear of the lots can also mitigate slope issues so that a building pad can developed.

Mr. Peterson then introduced, Rick Dorris, Development Engineer, who stated that the applicant obtained Transportation Engineering Design Standards (TEDS) exceptions in 2007 when a previous Preliminary Plan was reviewed and approved. They are being honored with the current application regarding maximum block length, maximum street grade, maximum grades through an intersection and maximum cul-de-sac length.

Regarding the Alternative Street Standard, Mr. Dorris clarified that the City has agreed to an alternative street standard for this subdivision that uses roadside ditches instead of attached curb, gutter, and sidewalk over much of the subdivision. There is still some attached concrete in isolated areas for specific reasons where narrower roads were needed. This approach will hopefully reduce the differential movement problem (asphalt and concrete move in different ways). Mr. Dorris noted that the City is concerned about the streets moving vertically.

Mr. Dorris explained that the City's initial approach was for all streets to be private but Ute Water won't allow their water mains in private streets. The Developer objected to the private street requirement and to solve this, the City has agreed to accept the streets as public with conditions, including a seven-year warranty.

There are two areas of the project where private streets are requested by the Developer to optimize their project layout. Water can be provided by individual services. These two areas are the private street request presented herein.

Mr. Dorris noted that the City has agreed to accept public streets with a financially secured seven-year warranty due to soil conditions and the site grading design. The Developer objects to the condition and states it is unprecedented. Mr. Dorris agreed that it is indeed unprecedented and he will show slides and explain why it is needed.

The proposed Pinnacle Ridge Project would build approximately two miles of streets with significant lengths in cuts and fills up to 20' deep. Deep fills will settle over time and may continue to move as water is introduced by rainfall or urban development. Large cuts may actually heave.

The original geotechnical report, is a Preliminary Report from 2002 and identifies expansive claystone. The Applicant hired another geotechnical engineer to address review comments generated with this application. Their July 2, 2015 letter states:

"In general, it is difficult to define what is considered a "normal" amount of movement for a pavement over time. Particularly a period as long as 10-years. Given the geology at the site and experience in the vicinity of the site, pavement heave is possible in some areas of the site. However, the risk may be able to be reduced by the use of structural fill, impermeable membrane, etc."

Mr. Dorris stated that, being a licensed engineer, he agrees with the statement and understands why it was made. It is difficult to predict what can happen in the future regarding soils. Mr. Dorris explained that one of his main responsibilities is to minimize costs to the City and the taxpayers. This project is different due to site soils, steep topography and extensive dirt work and presents the possibility of expensive repair to the street system.

City policy has always been for Development to pay its own way. When streets move, and the warranty is over, taxpayers spend thousands of dollars to fix problems. Multiple repairs over long time periods are often required. The City's standard warranty is only one year which isn't enough time for these problems to manifest, therefore the seven-year warranty is being required.

There are several ways to engineer and construct streets and utilities to "minimize" movement. Some of these measures were used on the Spyglass Ridge Subdivision on Orchard Mesa, but there has been substantial movement and expensive repair is needed.

Mr. Dorris displayed a slide with pictures of Lookout Lane in Spyglass Ridge Subdivision as a recent example since it has topography similar to Pinnacle Ridge, however they did not do the cuts and fill as deep as Pinnacle Ridge is proposing. Lookout Lane was paved in 2006 and has at least 4 inches of movement in places. The City rebuilt about 200 feet of it by 2014 and more is needed. In addition, Gunnison Ridge Ct. was paved in 2007 and by 2012 there was already substantial movement and repairs were needed.

The next slide showed Shadow Lake Circle in Redlands Mesa Subdivision (Filing 1) that connects to Mariposa Dr. Shadow Lake Circle and Shadow Lake Ct. were built in 2000. That intersection failed almost immediately and was rebuilt by the developer. The pictures in the slide showed significant movement between the concrete and asphalt at the lip of concrete gutter.

The next example was photos of Mariposa Dr. that connects to Monument Rd. and is a back-door access to The Ridges and Redlands Mesa and will be a primary access for Pinnacle Ridge. Mr. Dorris explained that Mariposa is an old gravel road from at least 1994, but probably late 70s to early 80s, which was improved with curb, gutter, sidewalk and paved in 2005 to 2006. It is located on the southern edge of Pinnacle Ridge. GIS aerial pictures show distress by 2010 and google street view shows substantial movement in 2012.

FINDINGS OF FACT/CONCLUSIONS & CONDITIONS

Mr. Peterson stated that after reviewing the Pinnacle Ridge Preliminary Subdivision Plan application, two proposals require Planning Commission and City Council review and action which are as follows:

1. Proposed Private Streets
2. Subdivision Lots and Public Rights-of-Way traversing greater than 30% slopes.

Mr. Peterson stated that the conditions are as follows:

1. At final design, perform an in depth geotechnical engineering investigation and report with proper slope stability, rock-fall, and earthwork analysis and requirements. This can be incremental to the phases where final design approval is being requested; however, if slope stability and/or rockfall analyses prove problematic, the Preliminary Plan could be nullified or may need to be redesigned and reapproved.
 - a. The geotechnical report must design the earthwork and streets to minimize vertical movement and construction must strictly adhere to the report and be documented by daily observations and proper testing during construction.
 - b. A secured seven-year warranty will be required.
 - c. Landscaping shall be limited to low water requirement plants and irrigation systems. The details will be defined in conjunction with the geotechnical engineer at final design.
 - d. A site specific slope and rock-fall analysis (based on field investigation) in the areas of concern will be required with each filing.
 - e. Lot specific grading and drainage plans will either be required with the final design for each filing or with each planning clearance.
2. Perfect an intermediate connection to Hidden Valley Drive, with Filing 4 according to the current phasing plan, as required by the January 2007 TEDS exception.
3. Perfect the ability to loop water lines, if needed, and provide sanitary sewer to portions of the project via the Hidden Valley Drive connection with Filing 4 according to the current phasing plan.
4. The HOA is required to remove snow along the north facing slope on Elysium Drive. Provide proper language and assessments in the CC & R's and signs must be conspicuously placed on the street stating such.
5. Approval of the request to use private streets in two areas of the subdivision, Talus Court and Hillock Court.

Mr. Peterson noted that he would like to amend the staff report to include another paragraph as follows:

The Developer is proposing appropriate engineering measures to minimize the impact of cuts, fills, erosion and stormwater by incorporating retaining walls, detention and water quality basins, and proper site grading in their design, based on Preliminary Geotechnical Investigation. If subsequent Geotechnical Investigation reveals significant slope instability issues, as determined by City staff based on input from the Colorado Geologic Survey, redesign of the Preliminary Plan will be required. If a minor revision is required, the review of the revised preliminary subdivision plan may, at the discretion of the Director, proceed concurrently with final plat review. Nullification/revocation of this approval shall require review by the Planning Commission.

Mr. Peterson added that two letters were submitted that were not received in time to be included into the staff report. Mr. Peterson noted that they were handed out to the Planning Commissioners before the meeting.

QUESTIONS FOR STAFF

Noting that Mariposa was mentioned as a back-door entrance to Redlands Mesa, Commissioner Wade asked Mr. Dorris if any official traffic studies were done there. Mr. Dorris clarified that his mention of the back-door was the fact that Mariposa is the second entrance. Commissioner Wade asked if the only access to Filing 1,2, and 3 of this subdivisions is off of Mariposa Dr. Mr. Dorris confirmed that it is and that the City is not concerned about its ability to carry capacity. Although there was not a traffic study done, Mr. Dorris explained that the City has conducted daily counts. Mr. Dorris added that there are no driveways coming off Mariposa and it will need to be repaired in the near future.

Commissioner Ehlers asked what the classification was for Mariposa Dr. Mr. Dorris stated that it is classified as a local street. Commissioner Ehlers asked what the classification was for Monument Rd. that intersects with Mariposa Dr. Mr. Dorris said he believed it was a minor arterial.

Chairman Reece noted that she has concerns about the maintenance agreement between the builder and the City. Chairman Reece asked what actions will be taken if the HOA fails to perform winter maintenance adequately. Mr. Peterson replied that the CCRs will need to be reviewed and addressed to reflect that snow removal will be the responsibility of the HOA, specifically the area of Elysium Drive which will be developed with Filing 5. Mr. Dorris added that if there is a problem, the City will get phone calls about it and they will refer calls to the President of the HOA.

Mr. Dorris added that most HOAs have little responsibilities other than to maintain the detentions areas and landscape tracts along street frontage. Mr. Dorris explained that this subdivision will have a significant amount of responsibilities because of the two private street sections, a lot of open space and several water quality basins. Chairman Reece asked if there are other subdivisions with similar responsibilities. Mr. Dorris stated he was not aware of any others.

Commissioner Ehlers commented that he is familiar of situations where an HOA may have an irrigation or drainage or similar structures that go under roads and if they fail, the HOA is responsible to repair them and return the road surface to City standards. Commissioner Ehlers asked Ms. Beard if the City has the tools to enforce the obligations of the HOA if they are not able to meet their obligations. Ms. Beard stated that as far as snow removal, by the time the City would get involved, most likely the snow would have melted. Regarding repairs, Ms. Beard stated it is possible that an HOA may be in a position that they are not

able to financially handle a repair. The City may have to get involved, but it would depend on the situation.

Noting that one of the conditions was for snow removal along the north face along Elysium Dr., Commissioner Wade asked why that section is being called out. Mr. Peterson stated because there is a 13% slope. Chairman Reece asked if these concerns have been worked out the builder and documented in a formal agreement. Mr. Peterson stated that what is before the Commission is the result of a two-year process. Staff has worked with the builder on the conditions and they are in agreement with all of them with the exception of the 7-year warranty period.

Commissioner Ehlers asked about the Transportation Engineering and Design Standards (TEDS) exceptions. Mr. Peterson stated that the TEDS exceptions were reviewed and approved in 2007 when the application came through at that time. City staff has honored those exceptions after recent review by the City Development Engineer, and Transportation Engineer and the Fire Department.

Commissioner Deppe asked how the timeline works for the warranty period. Mr. Dorris explained that each filing would have its own timeframe. As a plat gets recorded, the security is in place, typically for one year. After one year, the infrastructure is inspected and if it meets the standards, then the money is released. The City is asking for the builder to agree to a seven-year warranty period.

Commissioner Wade asked about the requirement that some of the houses have internal sprinkler systems. Mr. Dorris explained that the Fire Department made that a condition due to the elongated configuration of the cul-de-sac and access/turn-around limitations.

APPLICANTS PRESENTATION

Robert Jones II, Vortex Engineering, stated that he was the owner's representative. Mr. Jones displayed an aerial photo of the site and noted that the site was originally platted in 1955 as the Energy Center Subdivision but was never developed in accordance with the plat. This project was approved as a preliminary plan in 2008/2009 however, due to the economy downturn, it was tabled and the preliminary plan approvals expired after a lapse of five years.

The proposed subdivision has public and private streets and utilizes the Cluster and Hillside Development standards of the City Zoning Code.

Mr. Jones showed a slide with the applicant's request as follows:

- 1) Planning Commission recommendation of approval to City Council for use of private streets per 21.06.060 (g)(5)
- 2) Planning Commission recommendation of approval to City Council for development of small area with greater than 30% slope on Elysium Drive and limited number of lots per 21.07.020 (f)(3)

Mr. Jones displayed a slide of the site design and explained that the road design utilized the natural contours to minimize the impacts of cuts and fill. Most of the streets are public, however two private streets will be used to provide access to lots and parking.

The next slide displayed was of the design profile for the private streets. Mr. Jones explained that CC&R provisions for maintenance of private streets shall be recorded with the final plat. In addition, signage will be posted on each private street to distinguish them from public streets.

Mr. Jones next slide showed the site plan with areas with greater than 30% slope in right-of-way highlighted. These areas account for 3778 sf or 0.19% of total site.

In the next slide, Mr. Jones had highlighted areas with greater than 30% slope in building envelope which accounted for 12,603 sf or 0.64% of total site. This slide also illustrated areas with greater than 30% slope within lots. 35,291 sf or 1.80% of total site. The total area of greater than 30% slope, including both right-of-way and lots is 2.6% of the total site.

Mr. Jones explained that all of the homes will be custom homes and will take advantage of the views and topography. All the homes will have engineered foundations and lot specific grading plans.

Mr. Jones displayed a slide with the Goals and Policies of the Comprehensive Plan that they have addressed in the project. In addition, the Hillside Development section of the code was displayed.

QUESTIONS FOR APPLICANT

Commissioner Wade asked if there was an anticipated timeframe for the development of each of the filings. Mr. Jones stated the initial filing would start this summer or fall. Subsequent filings would probably take 12 to 18 months depending on market conditions.

Commissioner Wade asked about the HOA maintenance of the private streets. Mr. Jones stated that typically a maintenance agreement would be signed and recorded by the homeowners along the private street as part of the title work.

Noting that the staff report states that the developer is not in agreement with the 7-year warranty period and plans to appeal to City Council, Commissioner Wade asked what Mr. Jones thought would be an acceptable timeframe for the warranty period. Mr. Jones stated that the code requires one year and they feel they should be able to get the same one-year warranty period that other developers in the area have. After discussions with staff, Mr. Jones stated that they would be willing to double that time to a two-year warranty.

PUBLIC COMMENTS

Janice Burtis, Remax 4000, 120 West Park Dr., STE 200, stated that two years ago, in the Redlands only, they sold 49 residential lots at approximately \$109,000 per lot. One year ago, they sold 46 lots with an average of \$138,000 per lot. Currently, Ms. Burtis stated that there are 111 lots available with the average price of \$246,000. Ms. Burtis explained that there is a need for lots in the price range of two years ago.

Ms. Burtis explained that she has personally developed three subdivisions in Mesa County and does not feel it is fair to hold the developer to a 7-year warranty period. Ms. Burtis stated that there is a private engineer, a City engineer and a geotechnical engineer all looking at the construction of the project. Ms. Burtis stated that if the developer is held to a 7-year warranty period, the lots would no longer be affordable to the buyers that need the lots.

Jeffery Fleming, 305 Main St., stated that he is an urban planner and thinks this proposal is a fabulous one. Mr. Fleming stated that anytime development can happen in the Redlands, it helps prevent urban sprawl. Less traffic, accidents, pollution were some of the reasons Mr. Fleming wanted to support an infill development.

Mr. Fleming suggested that the City take a wait and see approach and see how the first 1-4 filings perform. Mr. Fleming voiced his concern that additional requirements such as the 7-year warranty period may deter developers from developing in the community.

Richard Wihera, 2427 Bella Pago Dr., stated that he had a letter and a petition to enter into the record. Mr. Wihera handed the Commissioners the letter and noted that the petition contains 24 names of residents in the area that have concerns about the property.

Mr. Wihera stated the development does not meet code in several areas. Mr. Wihera noted that when the Colorado Geological Survey reviewed the plan in 2015, they noted concerns about the stability of the terrain and said they cannot recommend preliminary plans and plat approval unless the applicant demonstrates that the slopes and proposed cuts would be stable. In the second and third round of comments, none of the concerns were addressed by the developer. Mr. Wihera stated that he called the Colorado Geological Survey a week ago and asked if they have any new information about the project that would address the stability and they said no.

Mr. Wihera stated that although the proposed development meets the Cluster Development standards of the code, it does not meet the Hillside Development standards. Mr. Wihera stated that the developer's proposal does not meet the TEDS exception standards. Mr. Wihera noted that the City originally wanted a 10-year warranty and now they are settling for a 7-year.

Regarding Ridgeline Development standards, Mr. Wihera expressed concern about what would happen to the hillside when Filing 5 is developed. Mr. Wihera stated that the equivalence of 16,000 dump trucks of soil will be disturbed.

In conclusion, Mr. Wihera feels the viability of the entire project should be looked at as a

whole and not focus on snow removal or one street in particular.

Sarah Robinson, 385 Explorer Ct. #19, stated that she agrees with Mr. Wihera. Ms. Robinson felt that there is a particular onus placed on the HOA to protect the land underneath this development. Ms. Robinson stated that a dysfunctional or inefficient HOA happens more often than is recognized and that can pose a danger. Ms. Robinson expressed concern that the TEDS exception is over 10 years old. With the expansion of the lunch loop, there are significantly more bicyclists on the road especially since the access to the development is on a blind hill.

Ms. Robinson noted that she lives downhill and there have been runoff issues on Ridgeway Drive. More driveways and rooftops will create more runoff.

William Powers, 367 Plateau Dr., expressed concern about the issues that were listed in the staff report and stated that he agrees with many of the points Mr. Wihera brought up. Mr. Powers does not feel the density and clustering of this project is compatible with the adjacent developments. He noted concerns regarding the grade, slope, soil stability and safety of the proposed development and supports a longer warranty period.

Odis Schroeder, 2409 Hidden Valley, stated that he did not live in the area but his mother-in-law is 92 and has lived in the Ridges since 1987. He noted the poor condition of Mariposa Dr. and said Monument Rd. had to be rebuilt in parts because of unstable conditions. Mr. Schroeder stated that he thinks that 7-year warranty may not be long enough of a time period.

Mike Holland, 2398 Mariposa Dr., stated that he has lived in his home 20 years and he is concerned about the clay soil and runoff. Mr. Holland is in support of the 7-year warranty. He stated some of the roads are bad especially Mariposa. Mr. Holland understands they have a right to develop, but he has enjoyed the open space.

Stephanie Marsicovetere, 382 Ridgeway Dr., stated she is concerned about the water and soil stability. Ms. Marsicovetere explained she walks in that area 4 or 5 times a week and has noticed that rocks come down on the road all the time. Ms. Marsicovetere is concerned about the maintenance of the roads when they start to build, and noted that she agrees with the previous comments.

QUESTIONS FOR STAFF

Noting that there is an out-lot in the middle of the project area that is zoned for residential, Commissioner Ehlers asked if this proposal would impact that lot requiring future homes to internally sprinkle as well. Mr. Peterson explained that since there is no second access to the south, he would assume the fire department would treat that area the same.

Commissioner Ehlers asked if this project would be considered infill. Mr. Peterson stated that it would be considered infill due to its close proximity to the center of Grand Junction.

Commissioner Buschhorn asked if the Fire Department agreed to the 13% grade. Mr. Peterson stated that the Fire Department did agree as it was part of the TEDS exception committee.

Commissioner Wade asked if the layout looked the same when the TEDS exception was granted in 2007. Mr. Peterson noted that it was the same concept and that 79 lots had been proposed at that time and the current proposal is for 72 lots. Commissioner Wade asked if TEDS exceptions that are approved previously would be allowed to move forward without additional review. Mr. Peterson responded that it was re-reviewed as part of this proposal because they had lost their entitlements of the previously approved preliminary plan.

Commissioner Wade asked Mr. Peterson if he has seen the report that Mr. Wihera had provided to the Commissioners that evening. Mr. Peterson stated that he had not seen the report prior to the meeting, however, he has had discussions with Mr. Wihera in the past two years. Mr. Peterson stated that he has kept Mr. Wihera apprised of the proposal and comments via email as it worked through the review process.

Regarding the Colorado Geological Survey's (CGS) responses, Commissioner Ehlers asked if they will have the opportunity to have their concerns addressed at the time of the final plan. Commissioner Ehlers noted that significant Geotechnical reporting will need to be done regarding the earthwork and asked Mr. Dorris if CGS will have the opportunity to comment after the reports are done. Mr. Dorris stated that they will have the opportunity to comment during the final plan process and they welcome their input. Mr. Dorris added that City staff had put a long condition on the project requiring extensive geotechnical study at final design.

Discussion continued regarding references to overall slope noted in Mr. Wihera's letter and Mr. Peterson clarified that the slope percentage is based on each lot and not an average over the whole project.

Commissioner Ehlers noted that the City has identified specific ridgelines and view corridors that need to be protected and asked if this development falls into that requirement. Mr. Peterson stated that the Ridgeline Development Standards apply to this project because it can be seen from Monument Rd. which is one of the criteria. Mr. Peterson explained that the applicant will limit the homes to one story in the view corridor and little of the house can be seen. Commissioner Ehlers noted that South Camp Rd. and areas of Spyglass had similar restrictions as well.

Commissioner Ehlers stated that several concerns will be addressed by the design standards and he relies on experts such as the review of the TEDS exception committee to help make his decision. Commissioner Ehlers noted that he supports the infill development aspect of the project. He stated that he is concerned with the financial burden that a failed road can place on the City and at the same time he does not want to negatively impact the

property values of the existing homes in the area.

Mr. Ehlers asked if options other than the 7-year warranty had been considered. Mr. Dorris said there were other alternatives, but then noted that in his research of the requirements placed on Spyglass, there are parts that failed even with extensive earthwork done. The costs of those repairs could be five to six figures. Mr. Dorris noted that he has worked on many projects and looked at many geotechnical reports and this particular subdivision has him concerned enough that he feels the 7-warranty period is needed.

APPLICANTS REBUTTAL

Mr. Jones felt that the concept of the 7-year warranty was an extraordinary step taken by the City out of an abundance of caution. Mr. Jones feels there is no empirical evidence to support the need. Mr. Jones stated his staff conducted a survey of other communities in Colorado and cannot find such an extraordinary warranty ever being required. Mr. Jones stated that the City requires a one-year warranty but he did not find anything in the development code that allows a 7-year warranty. Mr. Jones noted that they have offered a 2-year warranty period. Mr. Jones objects to the warranty period and considers it a substantial burden and hardship that is being placed on the developer.

Mr. Jones explained that the City does not implement the warranty period until almost one year after construction is completed, therefore with a 2-year warranty period, there will actually be a 3-year timeframe. Mr. Jones feels that there is extensive oversight with the geotechnical engineers during the construction process.

Mr. Jones feels imposing a 7-year warranty is arbitrary, premature and not warranted. Mr. Jones stated that if the City feels a 7-year warranty is justified, they should amend the development code so developers know what is required. Mr. Jones speculated that if the City imposes this type of warranty on owners, they will stop development in Grand Junction.

Mr. Jones presented slides with photos of the three areas of street failure that had been mentioned by staff. In Spyglass subdivision, there are a few areas of road failing, however there are several miles of road in the subdivision. Shadow Lake Road in Redlands Mesa Subdivision was constructed 17 years ago. The next slide was Mariposa Drive, just west and south of the proposed site. Mr. Jones stated that he could not find evidence of a geotechnical report that had been completed or of any borings done for Mariposa Drive.

Mike Berry, 640 White Avenue, Unit B, stated he is representing Huddleston-Berry Engineering and Testing, LLC, and is part of the design team on the project. Mr. Berry gave a brief overview of his education and extensive experience in the field of geotechnical engineering.

Mr. Berry displayed typical pavement cross sections of Spyglass Hill Subdivision and the Ledges as well as a cross section for Pinnacle Ridge for comparison. Mr. Berry explained

the mitigation measures that will be used. Mr. Berry displayed several slides that illustrated the level of detail regarding compaction, fills, grading, and lab test results.

Mr. Berry noted that the CGS base their review on geologic borings reports, geologic maps and topographic maps and are not experts in the geology and engineering properties of materials in the Grand Valley and therefore make conservative assessments based on a limited set of data.

In conclusion, Mr. Berry stated that he feels that a 7-year warranty is excessive and not reasonable and appropriate for this project.

COMMISSIONER DISCUSSION

Commissioner Ehlers noted that he had asked about alternatives because to go beyond the code and apply a 7-year warranty is concerning. Commissioner Ehlers explained that he depends on the professional opinions of experts in the field. Commissioner Ehlers stated that he would like to support the project and have it move forward.

Chairman Reece asked Ms. Beard if Commissioner Ehlers chose to, could he make a motion that would modify the warranty period. Ms. Beard stated that if he would like to make a motion that would modify what is currently before him, then he would need to be clear as to what he is suggesting to be included.

Commissioner Deppe stated that over the years she has witnessed HOAs in the Valley become defunct. Commissioner Deppe asked what would happen if the HOA failed. Commissioner Deppe struggles with the building of homes on unstable soils and on ridges.

Commissioner Wade noted that as he reviews a project for compliance with the development codes, he relies on the subject matter expert of the staff and review agencies. Commissioner Wade stated that he feels the City should be able to add conditions that protect the City and make specific requirements such as an extended warranty. Commissioner Wade noted that the conditions placed on this development is as good as they can get and still give the developer an opportunity to develop a property with those challenges. Commissioner Wade urged citizens to stay on top of the project. Commissioner Wade stated that he is concerned about the traffic, but is in support of the project in general.

Commissioner Buschhorn agreed with Commissioner Wade and thought the one-year warranty is probably not enough and he does not believe the code says it is required to only be a one-year period and it does not negate the ability to go beyond that. Given the topography, Commissioner Buschhorn feels that a longer warranty period makes sense. Commissioner Buschhorn feels that this proposal with the conditions, strikes a balance that allows a developer to develop the project while also protecting the City.

Chairman Reece voiced her concern regarding what would happen if the HOA is disbanded

or does not do an adequate job. Chairman Reece noted the fact that this is an infill project and would like to see those types of projects be encouraged. In addition, Chairman Reece was concerned that all the conditions of approval had not been agreed upon in writing with the developer.

MOTION:(Commissioner Wade) “Madam Chairman, on item SUB-2015-120, I move that the Planning Commission forward a recommendation of conditional approval of the requested review of private streets and also public streets and residential lots traversing greater than 30% slopes for the proposed Pinnacle Ridge Subdivision, SUB-2015-120, to the City Council with findings of fact/conclusions and conditions as stated in the staff report.”

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

Other Business

None

Adjournment

The Planning Commission meeting was adjourned at 10:17 p.m.



Date: May 10, 2017

Author: Kathy Portner

Title/ Phone Ext: Community Services

Manager / x1420

Proposed Schedule: May 23, 2017

File # (if applicable): SPN-2016-573

Attach 2

PLANNING COMMISSION AGENDA ITEM

Subject: Hearing - Appeal of the Director’s Decision on a Site Plan Review Approval Issued for The Lofts, Located at 1020 Grand Avenue [This is a discussion among the Planning Commission, no additional public testimony will be accepted.]
Action Requested/Recommendation: Consideration of the Appeal
Presenter(s) Name & Title: Kathy Portner – Community Services Manager Shelly Dackonish – Senior Staff Attorney

Executive Summary:

Appeal of administrative approval of a development permit for a project called The Lofts consisting of 27 three and four bedroom multifamily units in 7 buildings, with a total of 102 bedrooms and 61 on-site parking spaces in a R-O (Residential Office) zone district. Appellants allege that the Director abused her discretion in determining the use type and parking requirements, and made erroneous findings of fact, and was arbitrary and capricious.

STANDARD OF REVIEW

Review Criteria. Pursuant to Section 21.02.210 of the Grand Junction Zoning and Development Code, the applicable legal standard for this appeal requires the Planning Commission to consider, based on evidence in the record, whether the Director’s conditional approval of the Lofts project (1) was inconsistent with the Zoning and Development Code of the City of Grand Junction or other applicable law, or (2) was based on erroneous findings of fact, or (3) failed to consider mitigating measures, or (4) acted arbitrarily, capriciously or abused her discretion. The Appellants bear the burden to show that one of these four has occurred.

Consistent with the findings in *Colorado State Board of Medical Examiners v. Johnson*, 68 P.3d 500 (Colo. App. 2002), if the Planning Commission finds the Director’s decision met one or more of these standards for appeal, the Planning Commission has the option to either 1) overrule the Director, or 2) remand the application for further findings. Should the Appellant fail to demonstrated one or more of these standards, the Director’s decision must be upheld. This is consistent with the ruling in *Lieb v. Trimble* (supra, at p. 704.), that affirms that administrative decisions are accorded a presumption of validity and regularity. All reasonable doubts as to the correctness of administrative rulings must be resolved in favor of the agency. In short, the Director’s decision, including findings of fact and legal conclusions, must be affirmed if supported by a reasonable basis.

The standard of review under the rule providing for review of the decision of a governmental body or officer claimed to have exceeded its jurisdiction or abused its discretion is whether, on the basis of the whole record, the findings of the agency are supported by any competent evidence; “no competent evidence” means the record is devoid of evidentiary support for the decision. *Puckett v. City of County of Denver*, 12 P.3d 313 (Colo. App. 2000).

PROCEDURAL HISTORY

Applicant, 1020 Grand, LLC (David Weckerly, managing member) proposed a development located at 1020 Grand Avenue known as The Lofts Apartments in the City of Grand Junction. A general meeting was held on June 20, 2016 and a pre-application conference on August 3, 2016. Applicant submitted a Site Plan Review application on December 1, 2016. The application went through two rounds of comments and was conditionally approved by the Director on April 3, 2017. Applicant subsequently submitted a revised site plan meeting Condition #1 of the Conditional Letter of Approval on April 19, 2017. Appellants, Lee and Jana Joramo, Ricki Howie, Myrna L. Audino, Joseph L. Audino, Mark and Denise McKenney, Jennifer Goldstein, Ron and Kim Harrison, Robert Noble, Joe Carter, Jessica Botkin, Cameron and Courtney Collard, Ronni McReynolds, Rick and Robin Rozelle, Karl and Jan Antwine, Jerry and Betty Jordan, Ron Walz, filed an appeal of the administrative approval on April 13, 2017. All documents referenced herein can be found in the project file #SPN-2016-573, which file is incorporated herein in its entirety by this reference

FACTUAL BACKGROUND AND APPLICABLE LAW

The Director of Community Development (who at the relevant time was designated as Kathy Portner), in accordance with GJMC §21.04.010(e) had the authority to determine in the appropriate land use category for the proposed development. Following a general meeting, Senior Planner Brian Rusche, in his general meeting notes, indicated that the proposed land use was **Multi-Family Residential** and referenced the associated parking standard of 2 spaces per 3+ Bedroom unit pursuant to GJMC §21.06.050(c).

The Code allows some flexibility for the decision maker(s) to review and decide land use applications so as

“to promote the health, safety and general welfare of the citizens and residents of the City. Not all situations will fall into easily identifiable processes and requirements. This code provides flexibility in dealing with situations in general, and especially those which do not fit well with typical processes and standard requirements. The elements that make up this code are interrelated and cannot be taken in isolation; all provisions and regulation must be taken within the context and intent of the entire code.”

The Applicant's General Project Report described the Lofts as "shared living," and the detailed drawings appeared to depict a configuration consistent with bedroom, rather than unit, rental. Following submission of the application with this "shared living" representation, planning staff determined [presumed means that no information was considered; presumed is definitely the wrong word to apply here] that it was the Applicant's intent to lease bedrooms individually/separately, together with a common leasehold interest in shared kitchen, living and dining areas and parking allocated to a given unit. In addition, Staff review comments suggested that in specific relation to parking the proposed use was most akin to a rooming/boarding house, and sought to apply the parking standards for a boarding/rooming house, which was 1 space per rented bedroom.

The Applicant objected to this characterization of the development and to the application of the rooming/boarding house parking standard. In a meeting held at the City on March 31, 2017 the Applicant, through Mr. and Mrs. Weckerly, indicated that they intended on leasing the units as a 3- or 4- bedroom single unit and that they would not be renting the units as separate bedrooms. The units are designed so that each bedroom is a master suite (has its own bathroom), but the purpose of this, according to the Weckerlys, is to attract higher rental rates, and not to rent bedrooms separately.

However, given the likelihood that unrelated individuals may rent the units, which typically increases the number of automobiles per unit, the Director requested that the Applicant increase the available onsite parking to .6 spaces per bedroom. This figure was derived from a strict interpretation of Multi-Family parking standard would have resulted in providing 54 on-site parking spaces (at 2 spaces per 3+ bedrooms) and parking requirements for "other group living" that had been proposed in pending Text Amendment that would allow for .8 spaces per bedroom. The Applicant agreed to provide the additional on-site parking in order to improve the parking for the development. By virtue of that agreement, the Director issued a Conditioned Letter of Approval of the Lofts site plan including the condition that the approval was for up to 27 units of three or four bedrooms each, with 61 on-site parking spaces and a maximum of 102 bedrooms.

APPELLANTS' CLAIMS

Claim #1: The Director abused her discretion in determining the use type applicable to the Lofts apartments.

During the review of the application process, it was unclear as to whether or not the Applicant would be leasing individual bedrooms or renting the units as a whole. The Applicant on March 31, 2017 provided clarification that the units would not be leased by the individual bedroom, but rather to individually lease each 3 or 4 bedroom unit as a single housekeeping unit. As such, this use type falls squarely within the definition of **Household Living: Multi-family (3+ bedrooms)**.

Multifamily residential development is a type of residential land use in the general category of household living. Household living is described in GJMC §21.04.020(c) as follows:

(c) Household Living.

(1) Characteristics. Household living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the retail sales and service and community service categories).

(2) Accessory Uses. Accessory uses commonly associated with household living are recreational activities, raising of pets, gardens, personal storage buildings, hobbies and parking of the occupants' vehicles. Home occupations and accessory dwelling units are accessory uses that are subject to additional regulations. (See GJMC §21.04.040.)

(3) Examples. Uses include living in houses, duplexes, triplexes, fourplexes and other multi-dwelling structures, retirement center apartments, manufactured housing and other structures with self-contained dwelling units.

(4) Exceptions. Lodging in a dwelling unit or where less than two-thirds of the units are rented on a monthly or longer basis is considered a hotel or motel use and is classified in the retail sales and service category.

Household means a family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit. GJMC §21.10.020.

Family means any number of related persons living together within a single dwelling unit as a single housekeeping unit, but not more than four persons who are unrelated by blood, marriage, guardianship or adoption. GJMC §21.10.020.

Multifamily means a building arranged, designed, and intended to be used for occupancy by three or more families living independently of each other and containing three or more dwelling units on the same or separate lots. GJMC §21.10.020

Unrelated individuals may live together in a single housekeeping unit. This is consistent with the definition of multifamily residential housing and with the term "family," which

allows up to four unrelated individuals to keep a single housekeeping unit together. (See GJMC §21.10.020).

Appellants state: “Any overnight stay of unrelated persons would be in violation of [the definition of a family].” This is inaccurate. An overnight stay, or even sequential overnights, does not make a “resident” of a guest. Residency is characterized under the Zoning and Development Code by tenancy of periods of thirty days or more; tenancy arranged for shorter period is not considered residential. See GJMC §21.04.020(c)(1).

Inclusion of multiple master suites in one unit does not, by itself, create dormitory style or other group living. For example, housing at 7th and Teller includes townhome-style units with more than one master suite per unit, and these were classified by the Director as multifamily residential under the same standards applicable to this project.

Appellants state that “the use of the project is rooming/boarding house, not multifamily.” Under the Code at the time of the application, a boarding and rooming house was defined as follows:

Boarding and rooming house means a building containing a single dwelling unit and three or more rooms where lodging is provided, with or without meals, for compensation. “Compensation” may include money, services or other things of value.

The purpose of the Lofts is not to provide *lodging*. The Lofts Apartments will be residences. Therefore the Lofts Apartments, as proposed and as approved, did/do not fit the definitions of a rooming/boarding house.

Given that, the Director determined that the development best fits the “Multi-Family residential” category under the Code in existence at the time of both the application and approval.

Claim #2: The Director abused her discretion in determining the parking requirements for the Lofts apartments.

In accordance with §21.06.050(c): Off-Street Required Parking, Multi-family uses require 2 parking spaces per unit for units with 3 or more bedrooms. In addition, and pursuant to §21.06.050(a) and (c), the Director has the authority to determine the parking requirement for any use that is not specifically listed in off-street required parking table.

For this project and because the Director anticipated that unrelated persons may be attracted to the units given the multiple master suites and proximity to the University, hospital and Downtown areas, which could demand more than two cars needing parking per unit, the Director requested the Applicant increase the required on-site parking from 2 space per unit to .6 spaces per bedroom. This is a range of 1.8 to 2.4 spaces per unit. This would serve to increase the parking for this project from 54 spaces to 61

spaces. This on-site parking increase was required in the Conditioned Letter of Approval (condition #1) and the Applicant modified the site plan accordingly and satisfied the condition. Therefore the parking provided with the project exceeds the applicable standards of the zoning and development code, which would have been 2 spaces per 3 or 4 bedroom unit. Therefore the Director's determination of the applicable parking standards was reasonable (that applicable to multifamily living) and the request for the applicant to exceed the parking standards for this project was also reasonable and was accepted by the applicant.

Claim #3: The Director made erroneous findings of fact .

The Appellants argue that the Director made erroneous findings of fact by mis-categorizing the use. Based on all the information available to the Director, which included the Applicant's verbal representation about how the units would be leased, and specifically that the units would be rented as a whole rather than by the bedroom, concluded that the use was Multi-Family. However, in order to try to accommodate some of the neighborhood concerns about parking, the Director requested additional on-site parking of .6 spaces per bedroom, which the Applicant agreed to provide, thus exceeding the standard for parking applicable to the use category applied. The Director's conclusion is therefore based on evidence in the record and sound and reasonable application of the requirements and standards of the Code.

Claim #4: The Director's decision was arbitrary and capricious.

For the purposes of the appeal review, "arbitrary" means that the Director's decision is not supported by any reasonable basis (*Lieb v. Trimble*, 183 P.3d 702 (Colo. App. 2008)). Arbitrary and capricious action has occurred only when a reasonable person, considering all of the evidence in the record, would fairly and honestly be compelled to reach a different conclusion; if not, the administrative decision must be upheld in accordance with *Colorado State Board of Medical Examiners v. Johnson*, 68 P.3d 500 (Colo. App. 2002).

The Appellants urge that the use should have been categorized as a rooming / boarding house, yet the proposed development does not meet any available definition of a rooming / boarding house. Staff correspondence may have created confusion and could have been more clear in referring to rooming and boarding house only for the purpose to create a more appropriate parking standard, and not as the use category. The use classification applied by the Director conforms to the definitions of *family* and *household* and to the descriptions of *household living* cited above, and was therefore reasonable and not arbitrary and capricious.

Recommendation

The Director believes she acted in a manner consistent with applicable law; that she made appropriate findings of fact and considered facts that are relevant to the

determination; that she did not act arbitrarily or capriciously; and that she considered mitigating measures, as shown with the increased parking ratio offered by the applicant. Therefore, the Director requests that the Planning Commission affirm the Director's conditional approval of The Lofts development.

Planning Commission Options and Recommended Motion

Section 21.02.210(c)(2) of the Zoning and Development Code states: "The appellate body shall affirm, reverse or remand the decision. In reversing or remanding a decision, the appellate body shall state the rationale for its decision. An affirmative vote of four members of the appellate body shall be required to reverse the Director's action."

Madame Chair, I move we (affirm/reverse/remand) the conditional approval of The Lofts, Located at 1020 Grand Avenue. (If reverse or remand, state reasons)

ATTACHMENTS

- Findings
- Conditioned Letter of Approval for The Lofts / 1020 Grand Avenue, File #SPN-2016-573
- Letter of Appeal
- Applicant's Response to Appeal
- Revised Site Plan (meeting Condition #1 in Conditioned Letter of Approval)
- Certified Record. In addition, a copy of the official record is on display in the office of the Community Development Division, City Clerk's Office and the City Council Office (Administration Division).

Findings Supporting the Decision of the Director

SPN-2016-573

The Lofts, located at 1020 Grand Avenue

The Lofts was proposed as a 32 unit, three and four-bedroom multifamily development, located at the northeast corner of Grand Avenue and 10th Street. The property is zoned R-O (Residential Office) and is within the Transitional District of the Greater Downtown Overlay. Multi-family development is an allowed use in the R-O zone district and there is no maximum density. Through the review process, the applicant reduced the number of units to 27, with a total of 102 bedrooms and 61 parking spaces.

The findings and conclusions also include the following attachments, which are incorporated herein by this reference as if fully set forth:

21.02.070 Administrative Development Permits

(a) Common Elements of Administrative Development Permits

(2) Application Requirements.

(i) Materials, Deadlines.

(ii) Application Fees.

(iii) Completeness.

The applicant submitted a complete application in accordance with the Submittal Standards for Improvements and Development manual V-25. Applicant paid the application fee.

(iv) Neighborhood Meeting.

This section does not require a neighborhood meeting for the project because it is an administrative review not involving a public hearing.

(3) Notice.

(i) Public notice is not required for administrative permits except for subdivision and major site plan applications.

Notice was provided pursuant to this Section.

(4) *General Procedures.*

(i) The Director shall evaluate each application for compliance with City requirements. The Director shall provide comments in writing to the applicant.

The Director evaluated the application for compliance with City requirements. The applicable requirements are discussed herein. The Director provided two rounds of comments to the applicant, to which the applicant substantively and timely responded.

(ii) The Director may forward copies of the applications to various agencies for their input and review.

(iii) Agency review and input is advisory only.

The Director forwarded the application to the following review agencies:

- City Development Engineer
- Grand Junction Fire Department
- Grand Junction Police Department
- Mesa County Building Department

- City Addressing

- Persigo WWTF

- Xcel

- Grand Valley Drainage District

- Downtown Development Authority

- City Sanitation

All rounds of comments are attached.

(iv) An application submitted to the City for review must be diligently pursued and processed by the applicant.

The applicant responded timely to all City staff comments.

(6) General Approval Criteria. No permit may be approved by the Director unless all of the following criteria are satisfied:

(i) Compliance with the Comprehensive Plan and any applicable adopted plan.

The proposed multi-family development is in compliance with the Comprehensive Plan. The land use also implements the following Goals and Policies of the Comprehensive Plan:

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

Policy A. *City and County land use decisions will be consistent with the Comprehensive Plan Future Land Use Map*

The property has a Future Land Use designation of Residential Medium and is zoned R-O, which is consistent with the designation of Residential Medium. The use is allowed in the R-O zoning and so is consistent with the Comprehensive Plan.

Goal 5: *To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.*

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

The proposed multi-family development provides a needed housing type in the downtown area.

(i) Compliance with this zoning and development code

The proposed project meets the intent and performance standards of the R-O zone district and the Greater Downtown Overlay by having separate buildings and dividing each building's mass into smaller components through varying roof designs, materials and colors. On-site parking is concealed under the buildings and further screened from view with walls and landscaping. Further, buildings will align with existing structures on both 10th Street and Grand Avenue. Building materials, roofs, doors and windows vary in height, size, and color to be more compatible with the surrounding area.

(ii) Conditions of any prior approvals.

There are no applicable conditions of prior approval.

(iii) Public facilities and utilities shall be available concurrent with the development.

All necessary public utilities: sewer, water, electricity, and gas, are available.

(iv) Received all applicable local, State and federal permits.

Not Applicable.

(g) Major Site Plan.

(i) No person shall begin any development, pour any structure foundation or move earth in preparation for construction without receipt of the Director's approval of a site plan. Construction plans, based upon the approved final site plan and consisting of detailed specifications and diagrams illustrating the location, design and composition of all improvements identified in the final site plan and required by this code, shall be submitted to the City for any project that necessitates the construction, reconstruction or modification of new or existing improvements. These documents shall include complete plans and specifications of all required improvements identified and approved as part of the final site plan phase. The City shall keep the plans as a permanent record of the required improvements.

The project was submitted and reviewed as a Major Site Plan.

21.04.030 Use-specific standards

(n) Multifamily Development

The project meets the intent of the Multifamily Development use-specific standards in the following ways:

- The development has been separated into smaller buildings, with varying roof designs, materials, windows and colors, to provide a better sense of scale and compatibility with the surrounding area.
- A common-courtyard is provided for the tenants.
- Screening of storage areas is provided, as well as a large area of covered bike storage.
- All parking is concealed under the residential structures.

- The site has been optimized for energy efficiency by taking advantage of summer shading and winter solar access and the buildings will be designed to exceed the energy code.

21.06.040 Landscape, buffering and screening standards

The project meets or exceeds the landscaping requirements.

21.06.050 Off-street parking, loading and bicycle storage

The Director determined that the development best fits the “multifamily residential” category under the Code in existence at the time of the application and approval. However, given the likelihood that unrelated individuals will rent the units, which typically increases the number of automobiles per unit, the Director requested that the Applicant increase the available onsite parking to .6 spaces per bedroom. This figure was a compromise between the standard applicable to multifamily residential (2 spaces per 4 BR unit) and the standard for “other group living” that had been proposed in the Text Amendment (.8 spaces per bedroom). The Applicant agreed to do so in order to improve the parking for the development. By virtue of that agreement, the Director issued a Conditioned Letter of Approval of the Lofts site plan including the condition that the approval was for up to 27 units of three or four bedrooms each, with 61 on-site parking spaces and a maximum of 102 bedrooms. Below is the parking table for Residential Uses (Section 21.06.050(c) of the Zoning and Development Code.

(c) **Off-Street Required Parking.** The table below shows the number of parking spaces required for the uses indicated. The number of spaces required may be modified through the alternative parking plan described.

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF VEHICLE SPACES
RESIDENTIAL		
Group Living	Nursing Homes; Assisted Living Facility; Treatment Facility; Group Living Facilities	1 per 4 beds + 1 per each 3 employees
Household Living	Business Residence	1 per residence + business parking
	Bed and Breakfast	1 per guest room + 2 spaces for owner’s portion

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF VEHICLE SPACES
	Rooming/Boarding House	1 per rooming unit
	Accessory Dwelling Unit	1 per unit
	Dormitories/Fraternities/Sororities	1 per 2 beds
	Single-Family, Two-Family	2 per unit
	Multifamily – 1 bedroom	1.25 per unit
	Multifamily – 2 bedroom	1.5 per unit
	Multifamily – 3+ bedroom	2 per unit



April 3, 2017

Mr. Eric Kraai
Kraai Design Inc.
362 Main Street
Grand Junction, CO 81501

RE: CONDITIONED LETTER OF APPROVAL FOR:
The Lofts / 1020 Grand Avenue

File # SPN-2016-573

Dear Eric:

As the representative for The Lofts, located at 1020 Grand Avenue, in an R-O (Residential Office) zone district, your project has been **conditionally approved for a total of 27 three and four bedroom multifamily units in 7 buildings, with a total of 102 bedrooms and 61 on-site parking spaces.**

The following are the remaining items to complete and fees to be paid to the City of Grand Junction, in order to obtain your Planning Clearances for the project. A Planning Clearance is required for each building.

1. Submit a revised site plan showing the reduction from 8 buildings to 7 buildings, thereby reducing the total number of bedrooms from 122 to 102.
2. Complete an Instrument to Combine Lots to be recorded. The fee will be \$13.00. (City form will be provided).
3. City Sanitation final comment: Please make sure there are provisions for trash collection.
4. Fire Department has the following final comments: Bollards and concrete pavement accepted. Per Plan Sheet C1.1. FDCs do not appear to be visible at some locations. ATTENTION GENERAL CONTRACTOR AND SPRINKLER CONTRACTOR-- CONTINUE TO COMMUNICATE AND POTENTIALLY RELOCATE FDCs AS REQUIRED BY GJFD. ACCEPTED AT THIS TIME. All previous plan comments remain effective unless otherwise noted.
5. Opens Space Acquisition Fee, based on the MAI Appraisal will be \$7,200.00.
6. Parks fee is \$225.00 per unit x 27 units = \$6,075.00.
7. There will be no TCP fee for this project.
8. There is no Undergrounding Utility Fee or Drainage Fee.
9. The Development Inspection Fee is \$450.00.

Validity -

This approval is valid for two years.

As with any administrative decision, an appeal of this decision can be made. The Zoning and Development Code provides a process for anyone who feels they have been aggrieved or claimed to be aggrieved by an interpretation or final action of the Director as follows:

- Section 21.02.210(b) of the Code provides the process for an appeal of an *interpretation*. In reviewing an appeal of a Director's interpretation, the Zoning Board of Appeals shall determine whether the interpretation by the Director was in accordance with the intent and requirements of this code.
- Section 21.02.210(c) of the Code provides a process for an appeal of a *final action of the Director* on an administrative development permit. An appeal of the action must be in accordance with the Section cited above, following the process provided in Section 21.02.060. The Planning Commission shall make the final determination.

Thank you for your cooperation. Should you have any additional questions regarding this project, please feel free to contact me at 970-244-1420.

Sincerely,



Kathy Portner, AICP
Planning Manager

cc: David Weckerly

April 13, 2017

Ms. Kathy Portner, AICP
City of Grand Junction Planning Manager
250 N. 5th Street
Grand Junction, CO 81501

Dear Ms. Portner;

Please accept this appeal of SPN-2016-573, The Lofts Apartments, decision, which occurred on April 3, 2017. The ability to appeal administrative decisions is granted by Section 21.02.210 Rehearing and Appeal of the Grand Junction Municipal Code (GJMC). The neighborhood and concerned citizens wish to appeal the Director's decision because it is our belief the code has been misinterpreted, there were erroneous facts used to make the decision, and the decision was arbitrary and capricious.

Basis for Appeal

POINT #1:

The Director misinterpreted the Code.

*b) **Appeal of Director's Interpretations.** Any person, including any officer or agent of the City, aggrieved or claimed to be aggrieved by an interpretation of this code rendered by the Director may request an appeal of the interpretation in accordance with this section.*

*(1) **Approval Criteria.** In granting an appeal of a Director's interpretation, the Zoning Board of Appeals shall determine whether the interpretation by the Director was in accordance with the intent and requirements of this code.*

- The use of the project is Rooming/boarding House, not Multifamily.

In the final approval letter, dated April 3, 2017, the Director states the project is approved as a Multifamily use. The neighbors adjacent to the development are aggrieved because the designation of Multifamily requires fewer on-site parking stalls than a use designation of Rooming/boarding House. Any parking not provided on-site will likely occur on the single-family residential streets adjacent to development where parking is already an issue.

The City stated in both rounds of comments (December 20, 2016 and March 8, 2017) that the project use is NOT Multifamily. In the March 8, 2016 (2017) review comments to the applicant, the City states in item #2. " *The proposed use is not multifamily. Apparently the proposal was not well enough understood when it was*

In the final approval letter, dated April 3, 2017, the director misidentifies the project as Multifamily. The records shows the City stated the project is Rooming / boarding House and not Multifamily.

In a December 21st email from the developer, the City is quoted as saying- *"I think this project falls more in line with a rooming or boarding house, which required 1 space per rooming unit. This distinction is made because the bedrooms are rented individually and share a kitchen/living room area. In checking with other communities that have this type of housing, the parking requirements are much greater than what is proposed with this application."*

The neighborhood agrees.

- The floor plan appears to be a Rooming / boarding House configuration.

The floor plans clearly show a private bathroom for each bedroom, or rentable housekeeping unit. There does not appear to be a common bathroom provided within the floor plan. These rooms are rented individually, as stated by in a December 21, 2016 email, and do not meet with definition of Multifamily development.

It is arguable that in a Multifamily unit, a common bathroom is standard and typically found.

- The GJMC addresses the higher parking impacts and the code provides flexibility for the Director when undefined.

Although not specifically defined in the code, the codes contemplates a Rooming / boarding House use. The GJMC considers the higher impacts of a Rooming / boarding House use over a Multifamily use through the GJMC parking standard 21.06.050.c. The parking required for a Rooming/boarding House is 1.0 parking space per rooming unit versus 2.0 parking spaces per Multifamily unit of three or more bedrooms.

This distinction is crucial to the application and the decision because it impacts the neighborhood. A Multifamily development in the Director's interpretation requires 2.0 parking spaces per unit or 54 parking spaces. Under the designation of a Rooming/boarding House, parking would be required at 1.0 parking space per rooming unit or 102 off-street parking spaces, per Section 21.06.050.c. This is almost doubles the required on-site parking spaces of a Multifamily development.

The GJMC allows flexibility to define the use as Rooming / boarding House by Section 21.01.040 which states that the City is allowed *"flexibility in dealing with situations in general, especially those which do not fit well with typical processes and standard requirements."* The record shows the Community Development Department repeatedly challenged the applicant on the use definition, recognized

the use was not Multifamily, and stated the use was "more in line with rooming / boarding houses" because the "bedrooms are rented individually".

Section 21.01.040 also states that the purpose and intention of the code is to "enable the City to uniformly and consistently evaluate, improve and approve, as appropriate, development changes to existing uses, future uses and activities and to promote the health, safety and general welfare of the citizen and residents of the City". In this instance, using the flexibility to define the use a Rooming / boarding House instead of Multifamily would better promote the safety and general welfare of the neighborhood by requiring more on-site parking, hence being less impactful to the neighborhood. As interpreted, the City's choice to define the use a Multifamily lessens the safety and general welfare of the adjacent neighborhood by reducing on-street parking for single-family homes. Residents have to walk further from their homes to their cars at night and the lack of parking adjacent to one's residence likely lessens the value of their home. The City notes the existing parking issues present in the area and states concern for overwhelming the neighborhood with additional off-site parking from this development in the March 8, 2016 (2017) Round of Comments.

Additionally, a definition of Rooming and boarding House is proposed in the recent Ordinance amending these sections of the GJMC. Under those amended provisions a neighborhood meeting would be required. A neighborhood meeting was not required under this application, yet the City could have required one or denied the application and required an appeal to the Planning Commission or Zoning Board of Appeals.

POINT #2:

The Director made erroneous findings of fact based on evidence and testimony on record - Section 21.020.210.c.1.ii

(c) Appeal of Final Action on Administrative Development Permits. Any person, including any officer or agent of the City, aggrieved or claimed to be aggrieved by a final action of the Director on an administrative development permit, may request an appeal of the action in accordance with GJMC 21.02.060 and this subsection (c).

(1) Appeal Criteria. In hearing an appeal of an administrative development permit, the appellate body shall consider, based on the information in the record before the Director, whether the Director:

(ii) Made erroneous findings of fact based on the evidence and testimony on the record;

• The Director made erroneous findings of the use of the project based on the evidence and testimony on the record:

Written record provides that the City believes the use is Rooming / boarding House in the December 21, 2016 email because the rooms are rented individually and states the Multifamily use designation was made in error in the second round of comments. The Second Round of Comments by the City, dated March 8, 2016 (2017) state, *"The proposed use is not multifamily. Apparently, the proposal was not well enough understood when it was erroneously classified as multi-family. Multi-family housing centers on the family unit as an occupant of a single dwelling unit. The proposed use of the Lofts is unrelated persons living together in a single dwelling units, renting exclusive use of a bedroom only, while sharing living, dining and kitchen areas."*

Section 21.01.040 states that the purpose and intention of the code is to *"enable the City to uniformly and consistently evaluate, improve and approve, as appropriate, development changes to existing uses, future uses and activities and to promote the health, safety and general welfare of the citizen and residents of the City."* This section also allows the City to provide *"flexibility in dealing with situations in general, especially those which do not fit well with typical processes and standard requirements."*

The City also erred in not defining the use as Rooming / boarding House while having the flexibility of doing so as noted in GJMC Section 21.01.040 quoted above and while being aware of the parking impacts the project would have on the neighborhood. In the Second Round of Comments dated March 8, 2016 (2017), the City states:

"Not only does a plain reading of the definition of household living preclude the proposed development, it would also not be in the best interest of the community, the neighborhood, or the tenants of the Lofts for us to treat them as multifamily housing. Doing so would result in the development being very badly under-parked, leading to street congestion, frustration and arguments among tenants and neighbors, and eventual difficult renting the units (especially as better-pared alternatives are build out). I have copied you on the comments from the neighborhood and I have to agree that parking is already a struggle with the two schools and Strive being under parked."

By defining the use as Rooming / boarding Housing, more off-street parking would be required. If based on rentable rooming units, as noted by the developer, 1.0 parking space would be required for each rentable room. In other words, 102 parking spaces would be required instead of 54. The worst scenario for the neighborhood would allow double occupancy per rented room (spouse, girlfriend,

boyfriend) with each occupant owning a car. Thus necessitating parking for 206 cars when counting the manager and his or her spouse. Only 62 on-site stalls are provided.

Furthermore, it is doubtful the units are conducive to rental by families because each bedroom is rented individually, thus making plausible that there will be no families renting rooms in this development.

The GJMC gives the City flexibility to define the use a Rooming / boarding House, but failed to do so. The Director made erroneous findings of fact based on the evidence and testimony on the record.

POINT #3

• The April 3, 2017 decision by the Director was arbitrary and capricious.

There is no clear line of record showing how the Director came to the decision to define the use as Multifamily. The information provided to the citizens appealing this decision was not provided with a clear line of record showing how the City went from adamantly stating the use was *"more like a rooming and boarding house"* in an email dated December 21, 2016 and *"not multifamily"* and *"erroneously classified as multi-family"* in the Second Round of Comments dated March 8, 2016 (2017) to approving the use as Multifamily on April 3, 2017. This action is arbitrary and capricious.

Secondly, while the GJMC allows flexibility in decision-making as stated in 21.01.040, the Director chose to define the use with the lesser of two parking requirements. This decision was arbitrary because typically when two provisions are in conflict the higher and the more restrictive requirement should have been utilized. The GJMC repeatedly states *"In case of conflicting standards and requirements, the more stringent standards and requirements shall apply."*

In summary, the authors of this appeal are requesting the appellate body remand the decision back the Director for review under the provisions of the code current at the time of the decision for the reasons stated herein. The authors of this appeal believe:

- The code was misinterpreted;
- The Director made erroneous findings based on the record, and
- The decision was both arbitrary and capricious.

We appreciate you taking the time to review and consider the appeal of this project. Your service to this community is invaluable.

Thank you.
The Concerned Neighbors and Grand Junction Citizens

Lee & Jana Joramo

970-261-8426

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Neighbor

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Grand Junction Resident

* Primary Contact

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Cameron & Courtney Collard,

Ronni McReynolds

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Karl and Jan Antwine

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Jerry and Betty Jordan

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970-243-5195

Neighbor

jbjordan@acsol.net

Ron Walz

1112 Ouray Ave

(970) 314-5188

Property Owner

ronwalz81@gmail.com



May 5, 2017

VIA E-MAIL (kathyp@gjcity.org)
Katherine Portner, AICP Planning Manager
City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501

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Terrance L. Farina
Gregg K. Kampf
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David M. Scanga
Michael J. Russell
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Laurie A. Cahill
David M. Dodero
Andrew H. Teske
John P. Justus
David A. Price
Anthony F. Prinster
Tammy M. Eret
* L. Richard (Dick) Bratton
** William A. Hillhouse II
** Eliza F. Hillhouse
Michael H. Luedtke
Daniel F. Fitzgerald
Nicholas H. Gower
Kellianne Chamberlain
Karoline M. Henning

William H. Nelson
(1926-1992)

Re: Appeal in SPN-2016-573, The Lofts Apartments

Dear Ms. Portner:

This firm represents 1020 Grand, LLC (“Applicant”), the developer of The Lofts Apartments (the “Project”) and the applicant in SPN-2017-573 (the “Application”). Our client is in receipt of a letter to your attention dated April 13, 2017, signed by “The Concerned Neighbors and Grand Junction Citizens” (the “Appeal”), which is intended as an appeal pursuant to Grand Junction Zoning and Development Code (the “Code”) § 21.02.210 of the decision by your office on April 3, 2017, to approve the Application. Our client has asked that we respond on its behalf to the various assertions made in the Appeal.

The Appeal identifies three “points” on which the Concerned Neighbors base their request that the Application be denied. Though these points are separately identified and addressed at some length, they really raise a single question: did the Director improperly classify the use of the Project as Household Living – Multifamily under the Code? The answer is no, and the Appeal should be denied.

I. Project Background

In early 2016, David and Sandra Weckerly (the members of Applicant) began looking for properties in the downtown area of the City of Grand Junction (“City”) for purposes of developing a multifamily apartment complex. By May 2016, the Weckerlys were under contract to purchase the real property located at 1020 Grand Avenue, Grand Junction, Colorado 81501 (the “Property”), where today a vacant church and funeral home exist. The Property is located in an R-O (Residential Office) zone district. The Weckerlys had carefully selected the site for its zoning and development potential under the Code.

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** Denver
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Denver, Colorado 80227
telephone 720.663.1940
fax 720.663.1941

Ms. Katherine Portner
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Thereafter, the Weckerlys met with the City's Community Development Division ("Division") to ensure the feasibility of the Project, including three rounds of meetings and review. In its Review Comments – Preapplication dated August 3, 2016 ("Preapplication Review"), the Division indicated:

Use (GJMC Section 21.04.010): The proposed use is classified as Household Living – Multifamily. Pursuant to GJMC Section 21.10.020, a "household" means a family living together in a single dwelling unit, with common access to and common use of all living and eating areas and facilities for the preparation and serving of food within the dwelling unit. A "family" means any number or related person[s] living together within a single dwelling unit as a single housekeeping unit, but not more than four persons who are unrelated by blood, marriage, guardianship or adoption. The proposal consists of 32 four-bedroom dwelling units, which appears to be consistent with the above definitions. The density of the project is 41.13 du/ac (32 units / 0.778). Pursuant to GJMC Section 21.03.070(a), there is no maximum density in the R-O (Residential Office) zone district.

....

A four-bedroom dwelling unit requires a minimum of two (2) off-street parking spaces. Based on the unit count of 32, 64 spaces are required and 65 are shown.

Relying on the Division's representations that the Project could be approved, the Weckerlys (through Applicant) closed on the Property in September 2016. In November 2016, Applicant submitted the Application to the Division for approval. The Project is intended to provide much-needed alternative, innovative, and economic housing to the community.

Unexpectedly, in the Division's Application of Review Comments dated December 20, 2016 (the "First Review"), the Division reversed course on its classification of the Project as multifamily use, indicating:

While the parking counts of this proposal meet the Zoning and Development Code requirements for dormitories or multi-family, I think this project falls more in line with a rooming or boarding house, which requires 1 space per rooming unit. This distinction is made because the bedrooms are rented individually and share the kitchen/living room area.

Ms. Katherine Portner
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On February 14, 2017, Applicant responded to the First Review by, among other things, reminding the Division of its prior position set forth in the Preapplication Review.

Nonetheless, in the Division's Application Review Comments dated March 8, 2017^[7] (the "Second Review"), the Division maintained that the Project had erroneously been classified as multifamily use, based once again on the Division's faulty assumption that: "The proposed use of the Lofts is unrelated persons living together in a single dwelling unit, renting exclusive use of a bedroom only, while sharing living, dining and kitchen areas."

On March 14, 2017, Applicant responded to the Second Review. Applicant explained to the Division that each apartment would be leased to a "family" as defined by the Code (i.e., each bedroom would not be individually leased) and how to correctly interpret the pertinent Code provisions. Applicant's response apparently addressed the Division's concerns because, by letter dated April 3, 2017, the Director conditionally approved the Project "for a total of 27 three and four bedroom multifamily units in 7 buildings, with a total of 102 bedrooms and 61 on-site parking spaces."

Soon thereafter, the Concerned Neighbors submitted the Appeal. The Appeal largely echoes the concerns described in the First Review and the Second Review. Specifically, the Concerned Neighbors argue that the Project should be classified as rooming/boarding house use instead of multifamily use because each bedroom is rented individually (which is incorrect), and therefore the more onerous on-site parking requirement for rooming/boarding house use (one space for each bedroom) should be required.

II. Discussion

The Director's approval of the Project was proper because: (1) the proposed use of the Project is multifamily under the Code, and (2) the on-site parking for the Project exceeds the Code requirements for multifamily use. Accordingly, the Appeal should be denied.

To classify the use of the Project, the starting point is the Code definition of "household,"¹ defined as "a *family* living together in a single *dwelling unit*, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit." Code, § 21.10.020 (emphasis added). "*Family* means any number of related persons living together within a single dwelling unit as a single housekeeping unit, but not more than four persons who are unrelated by blood, marriage, guardianship or adoption." *Id.* "*Dwelling unit* means one or

¹ Code, § 21.04.010 (Use Table) Household Living – Multifamily, "Household Living" means "residential occupancy of a dwelling unit by a 'household.'"

Ms. Katherine Portner
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more rooms designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.” *Id.* Relatedly, “*Dwelling, multifamily* means a building arranged, designed, and intended to be used for occupancy by three or more families living independently of each other and containing three or more dwelling units on the same or separate lots.” *Id.*

Applying the foregoing definitions, the proposed use of the Project is multifamily. Each apartment will be leased by a “family” of related persons or not more than four persons who are unrelated by blood, marriage, guardianship or adoption. Each apartment is a “dwelling unit” with rooms designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the apartment for the exclusive use of the family maintaining the household. There will not be any shared living or common spaces within an apartment (i.e., bedrooms are not leased on an individual basis with a shared right to use kitchen, dining, and living areas). Finally, the seven apartment buildings are a “multifamily dwelling” project intended for occupancy by three or more families that will live independently of each other and contains at least three dwelling units.

Given that the proposed use of the Project is multifamily, its on-site parking actually exceeds the Code requirement. The Project will have 27 three or four bedroom multifamily apartments and 61 on-site parking spaces. The Code requires two parking spaces for each multifamily apartment with three or four bedrooms. Code, § 21.06.050(c). Thus, the Code requirement of 54 on-site parking spaces for the Project is satisfied. Accordingly, the Director properly approved the Project because its on-site parking complies with the Code.

The Concerned Neighbors’ arguments to the contrary are without merit. The entire Appeal is premised on the Concerned Neighbors’ mistaken assumption that Applicant intends to lease bedrooms to individual tenants, who will then share the common space within each apartment. *See* Appeal, pp. 2-6. This is simply not the case. Applicant will lease each apartment to a “family,” as defined by the Code, and the family will utilize the space within the apartment however they so choose.² This arrangement is neither unusual nor does it turn the Project into a Household Living – Rooming/Boarding House use.

Instructive here is the recent amendment to the Code that defines a “rooming/boarding house” as follows:

² While it appears the Concerned Neighbors are unaware of this fact (based on their failure to reference Applicant’s response to the Second Review under Point #3 of the Appeal), this fact is fatal to the Appeal, as we suspect the Director recognized when the Director approved the Project.

Ms. Katherine Portner
Page 5
May 5, 2017

A rooming/boarding house is a single dwelling unit where a live-in or on-site owner provides lodging to others in three or more rooms, with or without meals, for compensation. "Compensation" may include money, services or other things of value. A boarding and rooming house differs from a rental house in that the owner lives on-site and rents out sleeping rooms and may provide common access to other areas of the house. A rooming/boarding house differs from a group living facility in that the residents do not receive care, treatment or assistance with daily living at the facility.

Code, 21.04.030(p)(3)(i).³ The Project does not have a live-in or on-site owner, and Applicant will not rent out sleeping rooms or control access within the apartments. Thus, the Project is not a rooming/boarding house in any sense.

The remainder of the Concerned Neighbors' arguments are merely an attempt to maximize their own parking along the City's public streets. *See* Appeal, p. 4. The Concerned Neighbors have no greater right to park their vehicles along the City's streets than any other person. There are both positives and negatives associated with living in the downtown area. One negative is the fact that people park their vehicles in front of your home. Such is life. Applicant has the right to develop its Property in accordance with the Code. Had the Director denied approval of the Project, the denial would have been arbitrary and capricious because the Project complies with the Code.

Therefore, Applicant respectfully requests that the Board deny the Appeal. If you have any questions, please do not hesitate to give me a call.

Sincerely,

HOSKIN FARINA & KAMPF
Professional Corporation

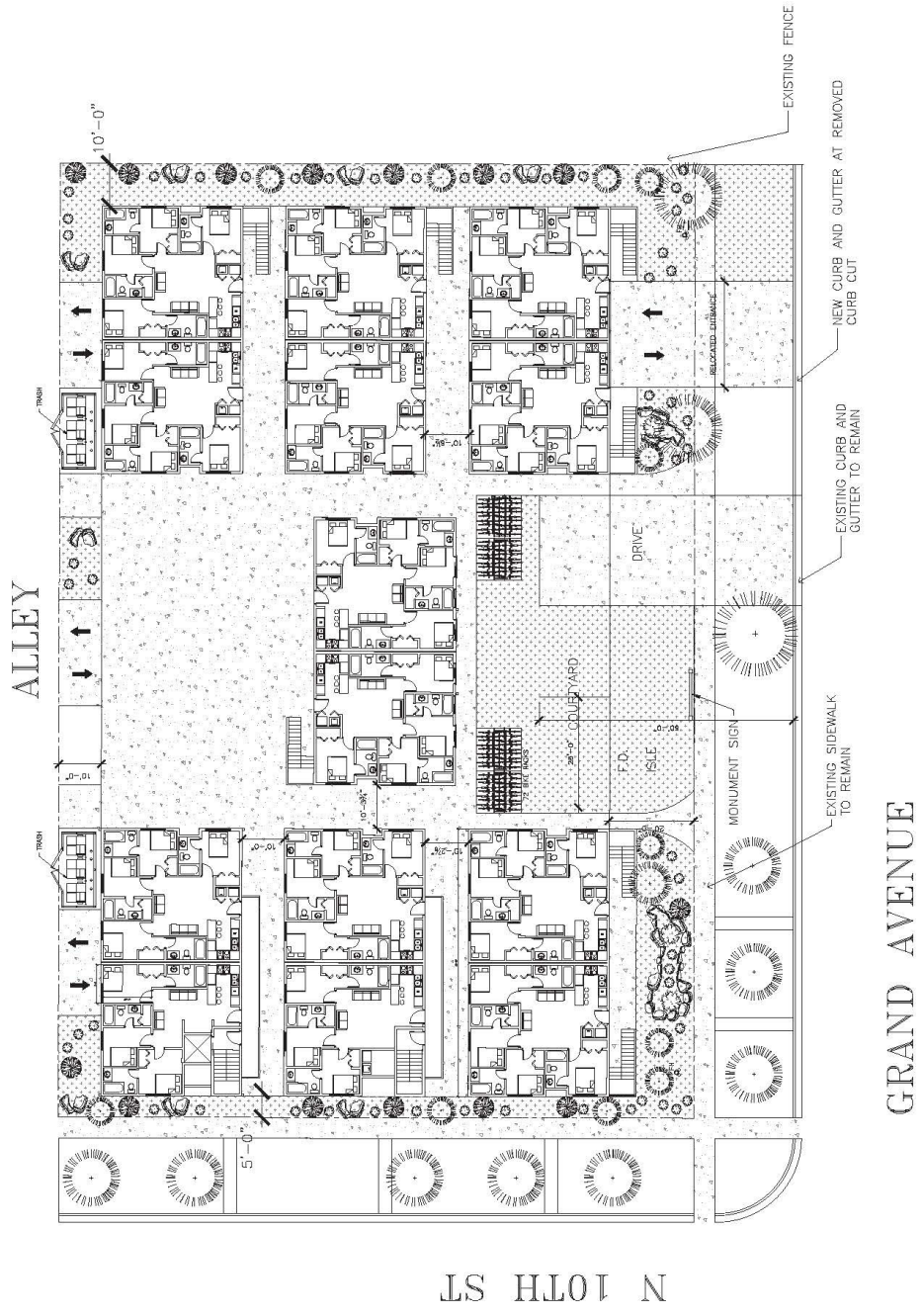


Andrew H. Teske

AHT:NHG
cc: client

³ This text amendment was approved on April 5, 2017 after the approval of the Application. Although the amendment supports Applicant's position, any application of the recent amendment to impair Applicant's vested rights would be unconstitutionally retrospective. *See City of Golden v. Parker*, 138 P.3d 285, 289-96 (Colo. 2006).

NO.	DATE	DESCRIPTION



LANDSCAPE PLAN
 1020 GRAND AVE

N 10TH ST



Date: April 12, 2017
 Author: Kathy Portner
 Title/ Phone Ext: Community Services
 Manager/1420
 Proposed Schedule: Planning
 Commission Meeting: April 25, 2017
 File #: FMP-2017-118

Attach 3

PLANNING COMMISSION AGENDA ITEM

Subject: Civic and Institutional Master Plan and Right-of-Way Vacation Request for Colorado Mesa University, Located at 1100 North Avenue
Action Requested/Recommendation: Forward a Recommendation to City Council of an Institutional and Civic Master Plan and Right-of-Way Vacation Request for Colorado Mesa University
Presenter(s) Name & Title: Kathy Portner, Community Services Manager

Executive Summary:

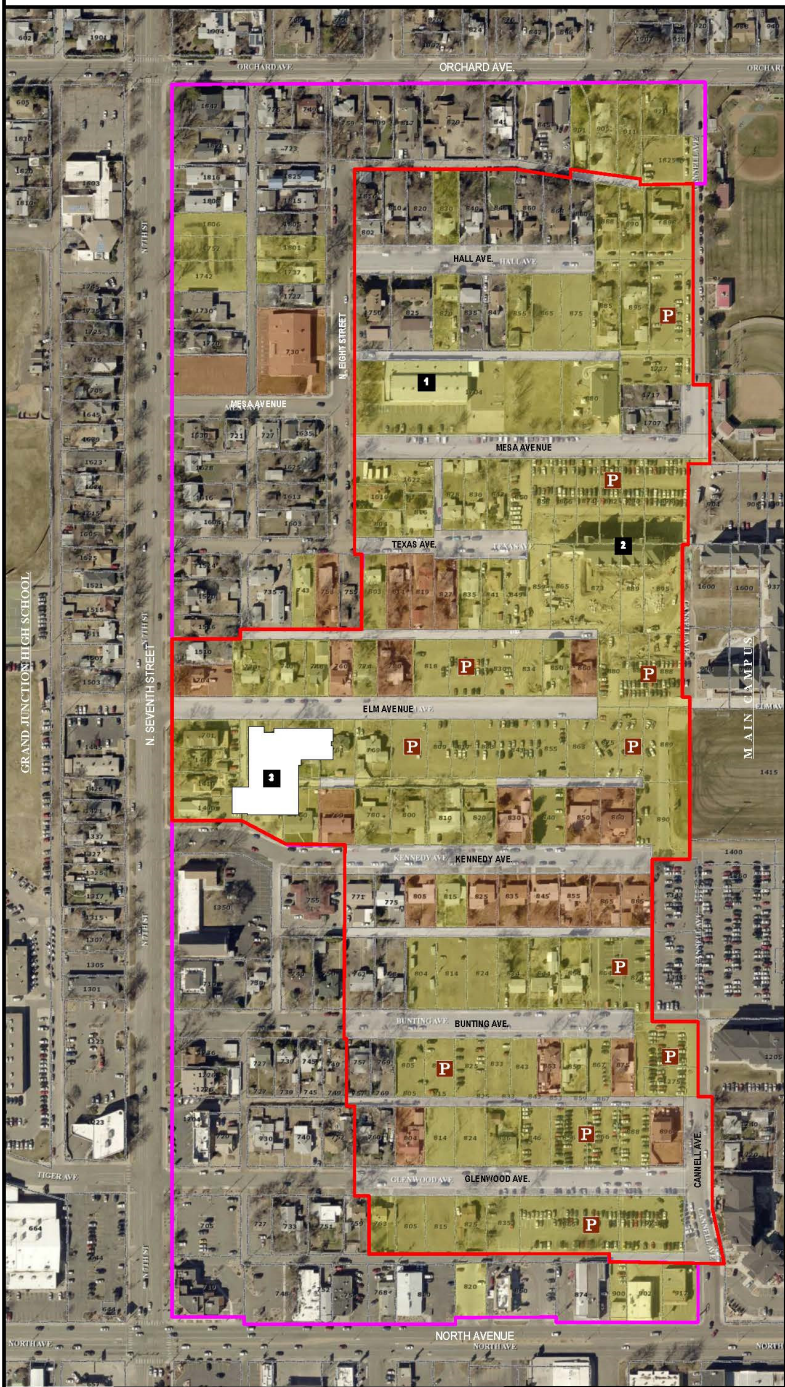
A request to approve an Institutional and Civic Master Plan for Colorado Mesa University and approval of an administrative process for future vacations of right-of-way interior to the campus once certain conditions are met.

Background, Analysis and Options:

Section 21.02.190 of the Zoning and Development Code sets forth a process to consider Master Plans for major institutional and civic facilities that provide a needed service to the community. The Colorado Mesa University (CMU) Campus Facilities Master Plan (attached) provides an overview of CMU’s future long term objective to expand the existing main campus westward toward N. 7th Street.

In conjunction with the Master Plan, CMU is requesting an administrative review process for future vacations of right-of-way interior to the campus, shown within the red outlined area on the following map, once certain conditions are met. Colorado Mesa University requests the vacation of alley and street right-of-ways in order to aid in the continued westward expansion efforts planned for the campus. Currently, the requests occur piecemeal as CMU acquires properties on both sides of any given right-of-way. CMU owns the vast majority of the property shown within the “2017 Master Plan” boundary, outlined in red and sections of right-of-way have already been vacated. All past vacations required that CMU own on both sides of the right-of-way, provide for general circulation, emergency access, private access easements, if necessary, and compliance with Xcel Energy easement requirements. All City utilities are subject to the terms and conditions of the *Colorado Mesa University and City of Grand Junction Utility Easement and Maintenance Agreement-CMU Main Campus*.

COLORADO MESA UNIVERSITY 2017 WEST CAMPUS MASTER PLAN



- 2017 Master Plan Boundary
- Future Master Plan Amendment (SL) Boundary
- Property Owned by CMC
- Short Term Property Acquisitions by CMU
- Existing Street and Alley To Be Vacated
- P Parking (Subject to Future Change)
- 1 Indicated Development Center (Under Construction)
- 2 Wingate Hall
- 3 Engineering Building (Under Construction)

2017 MASTER PLAN LAND USE SUMMARY		
USE	AREA (ac.)	% of TOTAL
Property Owned by CMC ¹	226	57.0
Short Term Property Acquisitions ²	3.8	9.6
Existing Street & Alley To Be Vacated	7.6	19.2
Property Not Owned by CMU	5.0	13.0
2017 Master Plan Boundary	39.5	100.0
Future Master Plan Area	23.9	

¹ Does include 2.8 ac. in Future Master Plan Area
² Approximate Area Calculation

Neighborhood Meeting:

A Neighborhood Meeting was held on March 6, 2017 with 24 area residents along with representatives from Colorado Mesa University and City staff were in attendance. President Foster presented an overview on the growth of the CMU campus. Most questions were on current projects being built on campus and on property acquisition timelines. A concern was raised about maintaining access to private property when right-of-way on either side was vacated. President Foster indicated that access is required to be maintained by CMU.

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

Colorado Mesa University's Master Plan helps to maintain and enhance the Grand Valley as a regional center and supports infill and redevelopment focused in the City Center. CMU supports the following goals of the Comprehensive Plan:

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

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

Board or Committee Recommendation:

There is no other committee or board recommendation.

Financial Impact/Budget:

Council has directed staff to evaluate on a case by case basis the value of selling Right-of-Way (ROW) at the time of a vacation request. ROW recently acquired by the City has been valued at \$5.00 to \$6.00 per square foot. The value of ROW will be determined at the time each vacation request is made; however, based on past City Council direction, the City has not been compensated for vacated ROW.

Other issues:

There are no other issues identified.

Previously presented or discussed:

This has not been previously discussed by the Planning Commission.

Attachments:

1. Staff Report/Background Information
2. Letter of Opposition
3. Applicant Project Report/CMU Master Plan
4. Ordinance

BACKGROUND INFORMATION				
Location:		1100 North Avenue		
Applicant:		Colorado Mesa University		
Existing Land Use:		CMU Campus and Residential		
Proposed Land Use:		CMU Campus expansion		
Surrounding Land Use:	North	Commercial & Residential		
	South	Commercial & Residential		
	East	Commercial & Residential		
	West	Residential & Residential		
Existing Zoning:		CSR (Community Services and Residential); R-8 (Residential, 8 units per acre)		
Proposed Zoning:		N/A		
Surrounding Zoning:	North	PD (Planned Development); R-8 (Residential, 8 units per acre)		
	South	C-1 (Light Commercial)		
	East	B-1, (Neighborhood Business); R-12 and R-16, (Residential – 12/16 du/ac); C-1; CSR		
	West	R-O (Residential Office); B-1		
Future Land Use Designation:		Business Park Mixed Use		
Zoning within density range?		X	Yes	No

Section 21.02.190 (c) of the Grand Junction Zoning and Development Code:

In reviewing a Master Plan, the decision-making body shall consider the following:

- (1) Conformance with the Comprehensive Plan and other area, corridor or neighborhood plans;

The Plan complies with the goals and policies of the Comprehensive Plan, specifically, Goals 4 & 12 by supporting the continued development of the City Center into a vibrant and growing area with jobs and also by being a regional provider of goods and services.

Therefore, this criterion has been met.

(2) Conformance with the Grand Valley Circulation Plan and general transportation planning requirements;

The Master Plan complies with the Grand Valley Circulation Plan and Transportation Engineering Design Standards (TEDS). Access to and through the campus is provided for in the Master Plan and interim access will be maintained with the phased expansion.

Therefore, the criterion has been met.

(3) Adequate parking, adequate stormwater and drainage improvements, minimization of water, air or noise pollution, limited nighttime lighting and adequate screening and buffering potential;

CMU provides for all parking, as well as stormwater and drainage improvements needed as development occurs. The campus setting and surrounding perimeter streets provides for large areas of separation of the CMU facilities and surrounding community.

Therefore, this criterion has been met.

(4) Adequacy of public facilities and services; and

Adequate public facilities and services are available to serve the campus.

Therefore, this criterion has been met.

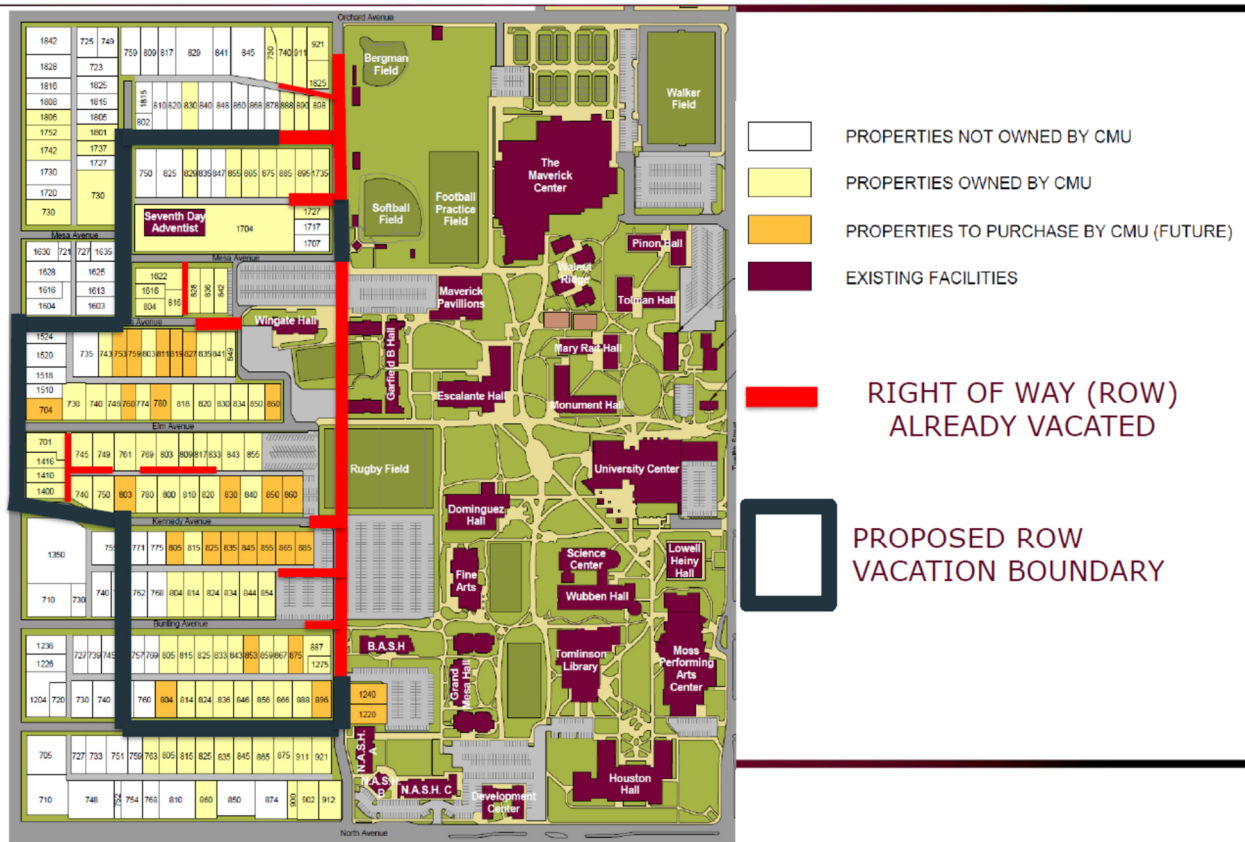
(5) Community benefits from the proposal.

CMU provides multiple community benefits as an educational institution and economic driver.

Therefore, this criterion has been met.

One of the purposes of the Institutional and Civic Master Plan review is to take a comprehensive look at the right-of-way to be vacated and incorporated into the overall campus expansion plan. To date, right-of-way has been vacated on a piecemeal basis as CMU acquires property. Each request must be approved by separate ordinance by the City Council. Rather than continuing to take each request forward as separate ordinances, the proposal is to allow the right-of-way within the identified boundary to be reviewed and approved administratively once certain conditions have been met.

Campus Master Planning



Sections 21.02.100 of the Grand Junction Zoning and Development Code:

The vacation of portions of the existing alley and street right's-of-way shall conform to the following:

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

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

Therefore, this criterion has been met.

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

A condition of vacating right-of-way is that CMU must own the property on both sides of the ROW and adequate and legal access must be maintained to any surrounding private property.

Therefore, this criterion will be met.

(3) Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation;

All properties abutting the proposed portions of any alley or street requested for vacation must be under the control of CMU and access to any adjoining properties not owned by CMU must be provided through a private "Easement Agreement" across CMU property(s) for the benefit of the remaining property owners. This recorded easement will ensure that the remaining residents will continue to be provided adequate and reasonable access to their properties.

Therefore, this criterion will be 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);

All past vacations required that CMU own on both sides of the right-of-way, provide for general circulation, emergency access, private access easements, if necessary, and compliance with Xcel Energy easement requirements. All City utilities are subject to the terms and conditions of the *Colorado Mesa University and City of Grand Junction Utility Easement and Maintenance Agreement-CMU Main Campus*.

All requested vacations will be reviewed for compliance with the above provisions assuring no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced.

Therefore, this criterion will be 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

All City utilities are subject to the terms and conditions of the *Colorado Mesa University and City of Grand Junction Utility Easement and Maintenance Agreement-CMU Main Campus*.

Therefore, this criterion will be met.

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

Maintenance requirements for the City will be reduced as a result of alley and street right-of-way vacations. The vacated right-of-way will be incorporated into the overall CMU campus expansion, thereby strengthening the University as an important asset to the City as a Regional Center.

Therefore, this criterion will be met.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Colorado Mesa University application, FMP-2017-118 for an Institutional and Civic Facility Master Plan, the following findings of fact and conclusions have been determined:

1. The requested Institutional and Civic Facility Master Plan, including the vacation of right-of-way, is consistent with the goals and policies of the Comprehensive Plan, specifically Goals 4 and 12.
2. The applicable review criteria in Section 21.02.190 (c) and 21.02.100 of the Grand Junction Zoning and Development Code have been met or addressed.
3. The foregoing Recitals are incorporated herein and made a part hereof.
4. Right-of-way vacation in the identified planning area (Exhibit A) is presumed and conditionally approved on condition that CMU petitions for vacation(s), which shall be reviewed and approved administratively subject to the Director finding that CMU has met all of the following conditions:
 - a. CMU must own properties on both sides of the right-of-way (streets and/or alleys) to be vacated; and,
 - b. Private easement agreements must be provided to benefit any remaining privately owned property(ies) where access to the property(ies) is or may be claimed by the owner(s) to be compromised by the vacation; and,
 - c. CMU shall plan for and propose circulation and emergency access to standards mutually acceptable and agreed to by the City and CMU, to establish and preserve public safety and legal access for both public and private users; and,
 - d. All City utilities shall be subject to the terms and conditions of the *Colorado Mesa University and City of Grand Junction Utility Easement and Maintenance Agreement-CMU Main Campus; and,*

- e. CMU shall dedicate as applicable necessary utility easements to Xcel Energy and/or other utility providers.
5. Notice shall be given of all vacation petition decisions right-of-way vacations in the designated Master Plan area and exceptions to the Director's decision shall be forwarded to the City Council for record review as provided in this Ordinance and the Recitals thereto.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the Institutional and Civic Facility Master for Colorado Mesa University, FMP-2017-118 to the City Council with the findings of facts and conclusions and conditions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on the Institutional and Civic Facility Master Plan for Colorado Mesa University, FMP-2017-118, I move that the Planning Commission forward to the City Council a recommendation of approval with the findings of facts and conclusions and conditions stated in the staff report.

From: Clark L Carroll To: Planning Commissions April 19, 2017 pg. 1 of 6
1220/1240 Cannell City Council
Grand Jct. CO 81501 Members of Community
Re: FMP-2017-118 CMU Opposition to Special element of proposal

My family has resided and are stakeholders on Cannell Ave for approx 65 years . I graduated at Mesa in 1984 and since the early 50s my family has been involved with raising funds for CMU and I have continued the tradition to current. Even though I support much of the university efforts, I cannot agree with the ideology of special element, or the proposed deannexation map boundaries CMU proposes.

Page 1 and 2 an effort is made to focus on key elements of this proposal that warrants my opposition against the special element, suggesting to eliminate public hearings. Pages 3-6 are random pro/ con related research and thoughts regarding public hearings which I included as part of this.

Regardless of a person or institution issue's, once they are not willing to go before the historically successful inclusive Public Hearing process we have in Grand Jct, to put up or shout up,, then it poses concern and raises red flags in my world. When are public hearings required? Does the University know? I would suggest every step of such university expansion be part of public hearing process. Beyond a shadow of a doubt.

In an Industry where universities and governments are involved with, receiving and spending public money, exchanges of public and private properties and zoning changes obviously impacting citizens then historically this is partly why public hearings are the body and soul or example of due process, law making and democratic debate, and any proposal that suggest to eliminate or call it something else, may lead to discussion of key words like Bureaucrats, Totalitarianism and concluding towards the end of conversation with Fascism. Because of many different philosophy's ,, various levels of government are constructed and exist especially the city to maintain order in a civil constitutional society among-st the different cultures, factions and individuals by a public hearing process. Weekly on national news I hear of at least a few Universities, professors and students activities across the nations campuses that may suggest an eliminating or regulating public speech. Is that what we have here locally? If not in Public hearing where can a person speak before the public at??? University safe zones????

If the City wants to and lets call it what it is, a deannexation process by Relinquishment of Authority to CMU that can handle it better, then, their is very little I can do about it now, other then to say,, our campus demonstrates the success of CMU and planning dept. The system is not broke, it doesn't need fixing. They get what they want? It doesn't need to be HANDLED(whatever that means) by CMU. I knew it would come time for many for paying for open enrollment campus expansion but I did not think it would cost a single citizen the benefits of the public hearing and free speech opportunity,, in a traditionally proven due process that provides order to our civilized community. CMU will do what is good for them understandably, however this proposal seems to be more of a bad thing for the city. That is,, to be part of any system that seeks to undermine, decay, make less, or reword and divert the public process potentially knowing this is where it starts. How long will it be before the University does not need Planning or City Council? Perhaps where close.

The Proposal introduction is narrowly defined and none inclusive of impacted or soon to be impacted residents and businesses in my vision. The public notices mailed indicate location of between 7th and Cannell, Orchard and North Ave. However on maps presented the red boundary lines of this proposal decision area may be none inclusive, meaning I do not know if all the people area described above have

received the Notices. Since CMU has purchased and is expanding East across 12th street(I believe eventually expanding to 15th street,) N of Orchard to just south of Tope Elementary and this is a proposal to completely rework the established planning process these people should be included. Perhaps all our citizens should be involved in an overall change to our planning process. Please note on maps lower right area how the boundary line is drawn in front of my properties. It is different then the one drawn in front of Ken Harris property W from soft ball field and others. Also note my neighbor W or across street is also private property 896 Glenwood. No part of Glenwood and Cannell intersection nor from me S to North Ave has been vacated therefore this area should not even be included and I recommend boundary lines be drawn correctly. Cannell should not be included in this proposal. CMU has taken over or exercised dominance by controlling parking in front of the private residence at 896 Glenwood and Houston Ave Vacations(Darrel Miller Property)in front of my residence I would ask "What are CMU objectives for drawing the boundary lines in front of my properties in this way?? causes concern. When I look a boundary lines " Boundary line should go right down the middle of Cannell Ave to just 30 feet N to behind my property. Once Cannell is vacated the owners of 1220 1240 and 896 Glenwood would control that portion of Cannell Ave not CMU if that's not the case then this could be a bigger issue. What if above private property owners make a motion to vacate Cannell Ave for a Hotel or Dormitory? Do we propose to the City or CMU. At some point these properties may be developed other then residential will this decrease my ability to sell my properties without access. Why did not CMU draw boundary line to Hwy 6? I assume they did not want to include DOT. I did and spoke with DOT because Cannell Ave is my access to Hwy 6. After all access easement, access permits come up in these types of conversation. When Mrs Kadwick was city manager the city council directed here with motion passing to define my access easements . I have made that request to each city manager since that time. I have received no info to date.

With some level of entertainment I ponder with proposal passage of CMU handling my streets if thats some kind of landlord tenant lease agreement where if I live on state ground I wont have to pay taxes anymore. CMU currently suggest they own my properties on Google Maps on occasion my mail is delivered to them,, its based on who the mail carrier is that day.

In conclusion with current proposal written as is. From my experience CMU will narrate and view this proposal passing as we are in charge of the streets and and most likely would rejoice from elimination of public accountability standards found in public hearings. CMU may conclude they control the front of the street for my or others homes. This at extremes may lend itself to turmoil, jurisdictional confusion and elements of anarchy for all parties. defined in Google search as "A state of disorder due to absence of nonrecognition of authority. Also absence of government and absolute freedom of the individual. I ask our city,,not to drink of this water,, to abrogate its authority or processes to CMU. It not a waste of time or money for our tax paying stakeholder citizens.

If we want to save time and money limit citizens comments to 1 minute and have meetings at 2pm in the afternoon. This is far more constitutional in my mind compared to proposal by CMU to eliminate public hearings. Feels like a form of censorship.

Respectfully , Clark L.Carroll

Following pages are misc related research and comments if reader chooses to continue past the jest of this letter.

I conducted several random samples allowing others to read Introduction to gain an impression from others on CMU Introduction regarding Notice of Application 2017-118. Not surprisingly approx 90% of the response was unfavorable to eliminating public hearings. Most asked, "Whats this mean"? My standard answer was, "I don't know". Its sold as an effort to save time and money. It must be good for the ones that know whats best.

A brief history. Approx. 10 years ago. CMU, State, County and City of Grand Jct entered into a partnership to support CMU land locked campus to expand in the spirit of economic development and enrichment to many community members. CMU has developed a fantastic campus, increased diversity, programs and enrollment of students. CMU is known across the nation and many places in the world as contending University for good education. It is successfully competing for state, county, local, alumni, investment and student dollars.

I assume some level of debt may of been incurred. It is my understanding that more the a few Universities across the nation have expanded incurring some kind of billions of debt. In an article in Forbes Magazine titled "The Hidden College Problem: When Universities, Not Just Students , Take on Debt" indicated how and why "Moody's downgraded University of California from Aa1 to Aa2"rating(?????) I hope in 10-15 years with changes in society (with computers and artificial intelligence) the regionally operated university industry will still exist as it may become cost prohibitive to operate, attend and compete with other known and not yet known ways to educate and train people. I remain optimistic CMU will continue to contribute to successful efforts of current and future society.

CMU completed a massive expansion efforts which was forecast to last 15 years it was completed in 5. Saving ten years of meetings. Had it not been the successful public hearing process perhaps they could of done it in 2.5 years. What reasonable impacts would home owners of experienced? I have not heard of one formal appeal of decisions in our current process on CMU expansion leading to the idea, our planning system is working well in fact CMU rapid expansion could indicate our planning dept is not only working but extremely efficient.

I have attempted in the past, to facilitate the goals of the state , county, city and CMU as was demonstrated in the Carroll Rezone Plan. Perhaps people gain more awareness when I speak of the importance of the CMU to our community and students while comparing and contrasting the importance of being a private property owner , stakeholder, in USA experiencing the unique and special impacts of elite capture, university expansion, exemptions and decreased leverage as a stakeholder.

Participedia\\ Public Hearing, author Czimmerman, June 2, 2010. Notes the following "The public hearing is perhaps the most widespread venue for public participation in the United States, used by all levels of government for a variety of purposes." [1] A public hearing is a type of public meeting, and much literature refers to it as such, however there are some distinctive aspects that make a hearing different. Abigail Williamson and Archon Fung define a public hearing as "an open gathering of officials and citizens are permitted to offer comments, but officials are not obliged to act on them or typically, even to respond publicly" [2] The main purpose of a public hearing is to allow citizens the chance to voice opinions and concerns over a decision facing a legislature, agency , or organization. More then 97% of local governments hold public hearings, and this high percentage is largely because the under most state and federal laws, government agencies are required to hold public hearings before making a final decision that will use government funds and effect general public. [1] Public hearings are comparable with Direct Representation.

According to Forester, the use of public hearings began following the process of the enclosure of public lands that occurred in Britain in the 18th and 19th centuries. This use of commissions to hear public concerns over the enclosure of land was one of the first examples of a public hearing, and emphasizes how most public hearings today are used when dealing with public lands as well as private properties[3] While many officials and citizens cringe at the idea of holding or attending a public hearing, there are many aspects that make it a good example of a deliberative process. First, by allowing citizens to present their views on issues, officials are able to get a better sense of the public support or opposition to a particular issue.[2] The chance to speak can also provide an opportunity for citizens to change the behavior of their elected representatives by providing information, making a show of support, delaying decisions, shaming, and agenda setting[1] However, although the ideal public hearing would have those deliberative aspects outlined above, that is usually not the case, and much of the literature published on the subject has outlined three major issues with public hearings, the first problem with public hearings is timing, since most hearings are held later in the decision-making process. (Webler and Renn) This timing invites more complaints from citizens, rather than a discussion of pros and cons, and causes those citizens to "perceive that those Hearing their input have already chose to ignore it[4] The second problem is the structure of the meeting. Citizens are usually only able to give brief statements, which does not provide the appropriate speaking time to develop different opinions. The testimonial format does not give a chance for citizens to develop and exchange ideas and solutions, and instead causes them to take on an Activist role advocating their cause.[1] A third problem that was exposed in a study by Cook, Delli, Carpini, and Jacobs found that the percentage of the public that attends public meetings is only at 25%. [5] Similarly, the majority of people who attend the meetings tend to be more educated and wealthy, leading to a disproportionate representation of view points. As Williamson argues, those who attend public meetings tend to be those with the most interest and economic stake in the outcome of the decision. Furthermore, those who speak tend to be those with the most intense opinions, whereas most people who attend a hearing do not speak at all. This disproportionately high level of extreme positions can make it difficult to arrive at any kind of consensus[1]"

Beyond Intractability, Sept. 2005, author Heidi Burgess and Cate Malck indicate, "The most common (but often most least effective) form of public participation is the public hearing. Here, government representatives give a presentation on a proposed decision, and then the public is asked to stand up and give a short (1-3 Minute) speeches indicating their thoughts on the proposal. Typically, only critics come to such hearings. Although the government agency can get a feel for the extent and nature of the opposition, public hearings rarely give a good indication of overall public opinion, nor do they yield good information about why people feel the way they do. Thus they do not contribute effectively to problem solving or mutual cooperation.

The International Association for Public Participation lists seven standards for public participation.

1. The public should have a say in decisions about actions that affect their lives.
2. Public participation includes the promise that the public's contribution will influence the decision.
3. The process communicates the interests and meets the process needs of all participants.
4. The process seeks out and facilitates the involvement of people potentially affected by the proposed decision.
5. The process involves participants in defining how they will participate thus how the process will be structured.

6. The public participation process provides participants with the information they need to participate in a meaningful way.

7. The public participation process communicates to participants how their input affected the decision"

The same article used Boulder CO Open Space Department as examples of consensus-process planning of not using or reducing public participation. Burgess and Malck state, "Even though public participation can slow the decision making process down, it is often legally required and can avoid costly lawsuits at the other end if unpopular decisions are made without adequate public input. "

Hart, Democratic Constitution Making, July 2003 suggest, "Genuine public participation requires social inclusion, personal security, and freedom of speech and assembly. A strong civil society, civic education, and good channels of communication between all levels of society facilitate this process. Only a considerable commitment of time and resources will make genuine public participation possible." [9]

Public hearings are a way by which citizens may receive benefits from participation. In a study Evaluating public inputs in National Park Management Plan reviews. Table 1. Benefits of public participation, from CNPPAM(2002) identify s the following as benefits.

- * Improved understanding of client expectations and user group needs.
- * Improved agency understanding of conservative issues.
- * Improved agency understanding of the role and contribution of the community.
- * Greater continuity in knowledge.
- * Ability to build community support for a project and to improve stakeholder relationships.
- * Improved public understanding of the agency responsibilities.
- * Improved staff and community technical knowledge.
- * Improved agency credibility within the community.
- * Improved quality of decision-making by agencies.
- * Enhancement of social capital and flow on social and economic benefits.
- * Enhanced and informed political process.
- * Greater compliance through increased ownership of a solution.
- * Greater community advocacy for biodiversity protection.
- * Greater access to community skills and knowledge.
- * Improved community understanding of conservation issues and responsibility for outcomes.

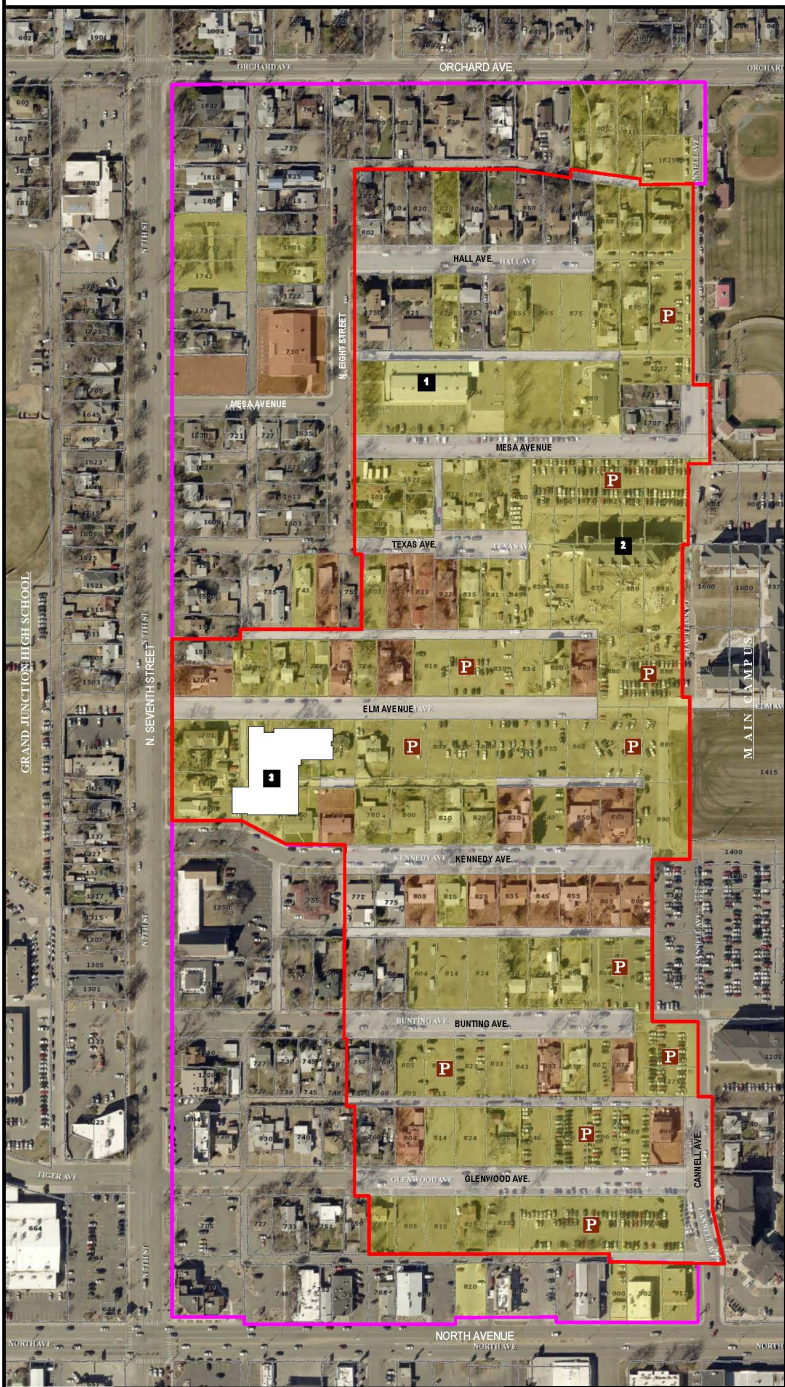
In related research a letter was titled: Eliminating public hearings for CAFOs a mistake, written by Jean Terpstra in Columbus Ohio on June 19, 2016. A portion of this letter states, "Removing the hearing requirement is the opposite of government transparency and will blind-side the community and silence those most directly affected by these massive, resource-intensive and polluting, concentrated livestock operations". She partly concludes, "*The individualized conditional use review process is the best way to deal with those special circumstances*".

Is the idea of eliminating public hearings or reducing requirements for them something many lawmakers wrestle with, it appears so. For example an article titled, "**Lawmakers speak out against proposal to ease public-hearing requirements.**" Here journal staff writer Patrick Anderson writes, "A hearing on whether the state's transportation planning process should have fewer hearings has brought out complaints from some state lawmakers. Reps. Sherry Roberts, R-West Greenwich, and Jared Nunes, D-Coventry, on Tuesday wrote separately of their concerns that a proposal to streamline the planning process would badly curtail public involvement". CMU Notice of Application seems not only to suggest curtailing but outright elimination of public hearings in an unbroken planning process, potentially eliminating the benefits of public-hearings unlike other officials in other areas.

Public Hearings DO

- Provide a demonstration democracy.
- Provide a place for appropriate free speech
- Provide environment for all voices to be heard.
- Provide a formal meeting environment whereby countering view points can be.
- Provide environment to reach mutual understanding.
- Provides opportunity to get the pulse of the issue.
- Provide opportunity for appropriate protest.
- Provide opportunity to provide ethics
- Provides and accountability process for community members

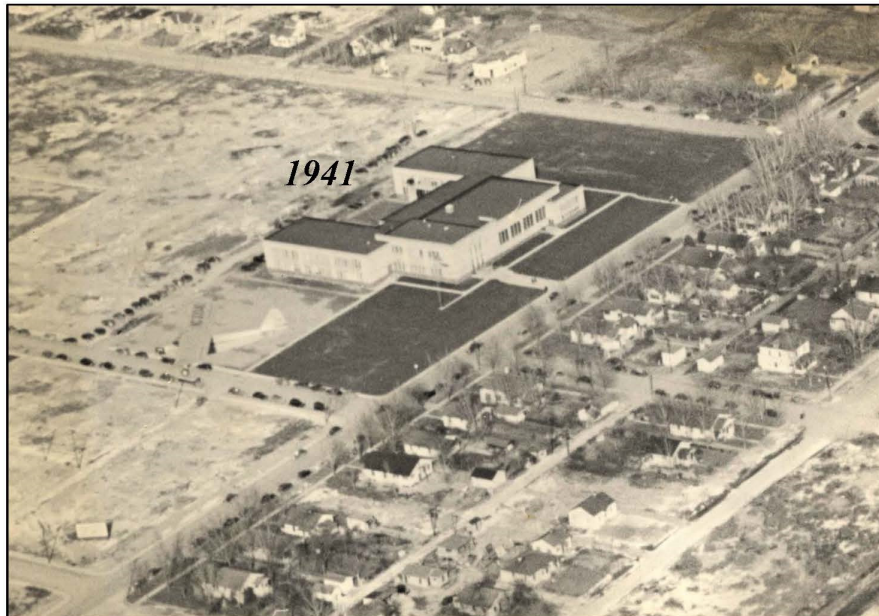
COLORADO MESA UNIVERSITY 2017 WEST CAMPUS MASTER PLAN



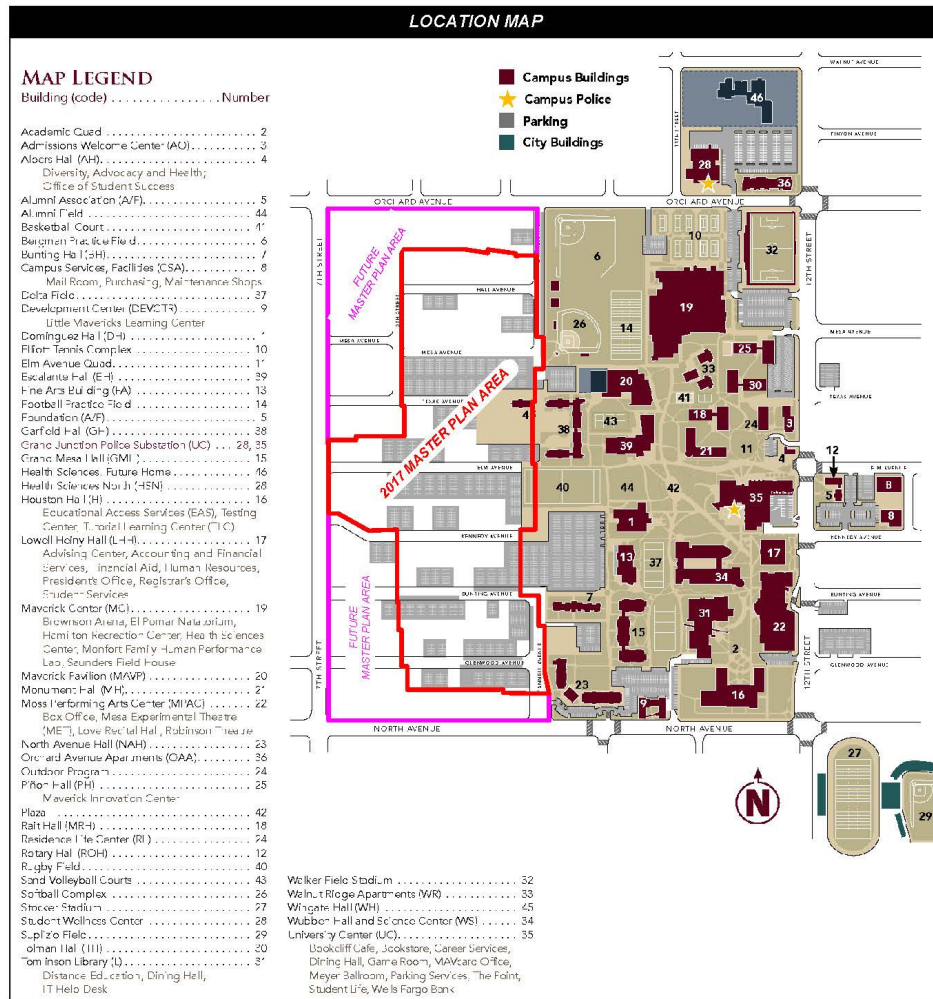
- 2017 Master Plan Boundary
- Future Master Plan Amendment (SL) Boundary
- Property Owned by CMC
- Short Term Property Acquisitions by CMU
- Existing Street and Alley To Be Vacated
- P Parking (Subject to Future Change)
- 1 Indicated Development Center (Under Construction)
- 2 Wingate Hall
- 3 Engineering Building (Under Construction)

2017 MASTER PLAN LAND USE SUMMARY		
USE	AREA (ac.)	% of TOTAL
Property Owned by CMC ¹	226	57.0
Short Term Property Acquisitions ²	3.8	9.6
Existing Street & Alley To Be Vacated	7.6	19.2
Property Not Owned by CMU	5.0	13.0
2017 Master Plan Boundary	39.5	100.0
Future Master Plan Area	23.9	

¹ Does include 2.8 ac. in Future Master Plan Area
² Approximate Area Calculation



LOCATION



INTRODUCTION

REQUEST – This application is a request in accordance with Section 21.02.190, Institutional and Civic Facility Master Plans, contained within the Grand Junction Municipal Code (GJMC) by Colorado Mesa University (CMU). According to the GJMC, “The purpose of a master plan review process is to provide an opportunity for the early review of major institutional and civic facilities that provide a needed service to the community, but might impact the surrounding community.” A specific element of this application includes a provision to allow CMU to handle future street and alley vacation requests as an administrative review process, thus, eliminating the need for public hearings resulting in a considerable processing and City staff time savings.

GENERAL – The information contained within this narrative statement is intended to provide an overview of CMU’s future long term objective to expand the existing main campus westward towards North 7th Street. Because of the nature of the future expansion efforts, this 2017 Master Plan area is broken into two areas; 2017 and Future Master Plan area. The Future Master Plan area will be submitted as a separate public review process, in the distant future, once CMU can forecast their long terms needs.

EXISTING CONDITIONS

EXISTING and SURROUNDING LAND USE – The dominate land uses in the 2017 West Campus Master Plan area is single family dwellings on small lots that are interspersed with various CMU activities. An Existing and Surrounding Land Use Map can be found on the following page. The map depicts the location of the land uses in relationship to the 2017 West Campus Master Plan.

EXISTING AND SURROUNDING LAND USE MAP



LAND USE ZONING – An examination of the Grand Junction Zoning Map reveals that the majority of the property within the Master Plan boundary is zoned: R-8, (Residential Multi Family). A patchwork of “CSR” (Community Services Recreational) zone designation for the main CMU campus can be found east of the master plan area.



FUTURE LAND USE PLAN – In 2010 the City adopted a Comprehensive Land Use Plan. According to the plan, “it is an Outline document but not a regulatory document; it is a basis for other actions and regulations, such as zoning and subdivision regulations. While zoning is regulatory and is applied to parcels, the future land use map designation of the Comprehensive Plan respond to topography and other context-sensitive considerations to give direction on how uses should be arranged on the land and what types of zoning may be appropriate”. The plan indicates several future land use designations that are designated as:

Residential Medium/High

Residential Medium

Neighborhood Center

The plan also includes a Business Park Mixed Use for the adjoining main CMU campus.

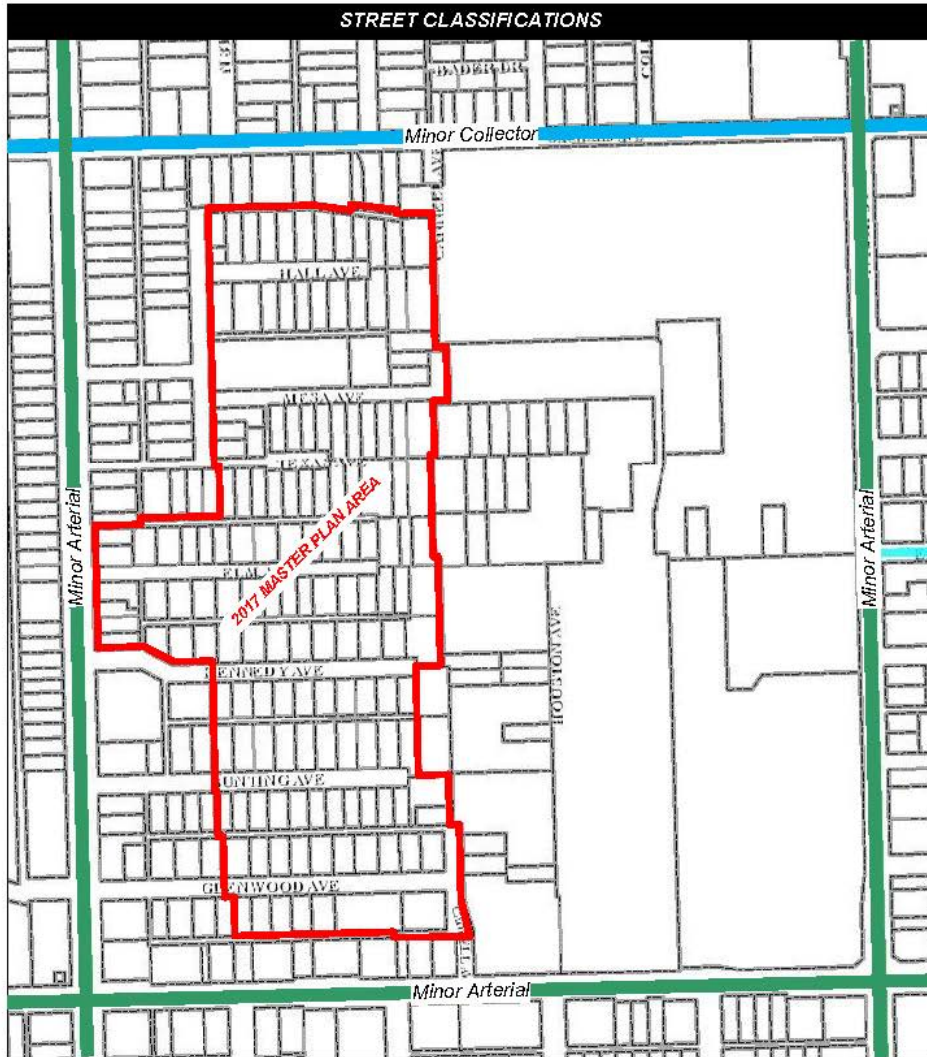


ACCESS - Since the Master Plan area is bounded by public roadways on three sides there are numerous access points to the property. All of the existing streets are fully improved and as is the case with most roadways in the City they are well maintained and in good condition. Because North Avenue is also a State highway, access onto and off of the street is administered by the Colorado Department of Highways.

The City has adopted a *Grand Valley Circulation Plan* (GVCP). The primary purpose of the GVCP serves to identify both major and minor routes for circulation and connectivity in the Grand Junction vicinity. All of the streets within the master plan boundary are designated as “Local”. The plan indicates the following classifications for the adjoining streets:

North Avenue - Minor Arterial
North 12th Street - Minor Arterial
Orchard Avenue - Major Collector

North Avenue is a primary east/west link across the City's core area. North 12th Street services as an important connection between downtown Grand Junction the Horizon Drive area and Interstate 70.



WEST CAMPUS MASTER PLAN

A study of the accompanying 2017 West Campus Master Plan boundary revealed the following:

- CMU owns, or will own, approximately 66.9 percent of the land area at this time.
- Approximately 5.5 areas remain to be acquired in the future.
- The largest single parcel in the boundary area, owned by CMU, is approximately 1.5 acres.

2017 West Campus Master Plan LAND USE SUMMARY				
TOTAL MASTER PLAN PARCELS	PARCELS OWNED BY CMU	SHORT TERM CMU PARCEL ACQUISITIONS	PARCELS OWNED BY OTHERS	AREA IN STREETS and ALLEYS
152/39.5 ac.	108/22.6 ac.	22/3.8 ac.	22/5.5 ac.	7.6 ac.

A specific element of this application includes a provision to allow CMU to handle future street and alley vacation requests as an administrative review process, thus, eliminating the need for public hearings resulting in a considerable processing and City staff time savings. The existing criteria within the GJMC will continue to be used for the evaluation of the future vacation request. The surrounding land owners will continue to be notified of requested vacations by mail and on-site signage.

Since 2014 the university has processed and received City acceptance of five separate street any alley vacation requests within the master plan area. A summary of the prior requests follows:

YEAR	DESCRIPTION	AREA
Jan. 2014	Parts of: Cannell Av., Elm Av., 2 alleys	1.2 ac.
Apl. 2015	Parts of: Cannell Av., Hall Av., Elm Av., Kennedy Av., Bunting Av., 5 alleys	2.9 ac.
Feb. 2016	Parts of: 1 alley	0.1 ac.
Jul. 2016	Parts of: 2 alleys	0.1 ac.
Aug. 2016	Parts of: Texas Av., 1 alley	0.3 ac.

An estimated time comparison between the current vacation process for CMU and the requested administrative review process follows:

During 2011 Mesa State College (now known as: Colorado Mesa University) prepared a *Program Plan, West Expansion Project* in accordance with the Colorado Commission on Higher Education guidelines. The plan provided an overview of demographics, past and future enrolment growth, anticipated facility needs forecasted to 2035. An abridged version of the plan can be found in APPENDIX "A".

EVALUATION OF REQUEST

Evaluation of the request is accomplished by using the criteria in Chapter 21.02.19, Institutional Civic Facilities Master Plan, in the *Grand Junction Municipal Code*. The following responses to each of the criteria illustrate compliance:

(c) *Approval Criteria. In reviewing a master plan, the decision-making body shall consider the following:*

(1) *Conformance with the Comprehensive Plan and other area, corridor or neighborhood plans;*

RESPONSE: The Comprehensive Plan states, "CMU as a key component of Grand Junction's status as a Regional Center that helps train workers for local employment, attracts students that contribute to the local economy, is a significant employer in its own right and brings recreational and cultural activities that appeal to the whole community." The plan also includes Special Use Overlay for CMU that is intended to allow adequate space around the college to accommodate school facility expansion as well as associated businesses (book stores, retail establishments, offices, etc.), restaurants and residential uses. The West North Avenue Corridor Plan will serve a guiding document for future growth within the West Campus area adjacent to the roadway.

(2) *Conformance with the Grand Valley Circulation Plan and general transportation planning requirements;*

RESPONSE: According to the major street plan the subject streets within the master plan boundary are classified as: local streets. The ultimate elimination of the existing local street and alley connections to the surrounding arterial roadways will enhance the capacity and improve safety along them.

(3) *Adequate parking, adequate stormwater and drainage improvements, minimization of water, air or noise pollution, limited nighttime lighting and adequate screening and buffering potential;*

RESPONSE: Other than the current construction of the Engineering Building, specific future improvements with the West Campus area have not be determined at this time. It is anticipated that the future improvements will be accomplished in the same manner as those that exist in the main campus area where the items included in this criteria have been historically met.

(4) *Adequacy of public facilities and services; and*

RESPONSE: The master plan area lies with the "City Center" area identified within the Comprehensive Plan. Because of this all public facilities and services exist and have available capacity to accommodate the anticipated growth within the West Campus Master Plan.

(5) *Community benefits from the proposal.*

RESPONSE: In addition the response in Approval Criteria (1) above, a primary benefit to the community is CMU's positive economic impact to the community. In 2017 CMU conducted an economic impact analysis (APPENDIX "B"). The analysis concluded a profound positive impact not only to the City. But, a major portion of the Western Colorado region. Results of the study revealed that the direct and indirect spending conservatively approaches \$450.0 million on an annual basis.

APPENDIX



MESA STATE COLLEGE

PROGRAM PLAN
WEST EXPANSION PROPERTY ACQUISITION PROJECT

APRIL 8, 2011



C H A M B E R L I N
A R C H I T E C T S

PREFACE

The project described herein continues the activities associated with the main campus land acquisition project begun in 1999. Since then, the Mesa State College Foundation has been acquiring property and, beginning in 2004 with the approval of the “House Demolition and Ground Recovery Project” program plan, began gifting the properties to the College. Originally the 2004 program plan was expected to take 15 years to complete; however, with only five remaining properties to be acquired, it is approaching its successful completion in half the time. This coupled with the unprecedented enrollment growth that has occurred during this time period places the College in a position where it needs to proceed with phase two its land expansion plan. Approval of this program plan will authorize the Foundation to acquire the additional properties described herein.

Coordinators for this project were Pat Doyle, Vice President, Finance and Administrative Services, Derek Wagner, Director, Strategic Initiatives, Kent Marsh, Director of Facilities Services; and Andy Rodriguez, Director of Purchasing. Program plan documentation was accomplished by Ed Chamberlin, Chamberlin Architects, Campus Architect. This document has been approved by Tim Foster, President of Mesa State College, as well as by the senior administration of the College.

This document responds to the outline requirements of CCHE policy Section III.E, *Guidelines for Facilities Program Planning* last revised April 5, 2001. Some outline sections have been omitted because the project does not deal with new capital construction or building renovation.

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EXECUTIVE SUMMARY

It is the purpose of this project to consolidate activities associated with the main campus land acquisition project begun in 1999. Since then, the Mesa State College Foundation has been acquiring property and giving it to the College through Foundation, Trustee, Colorado Commission on Higher Education, and Legislative actions. The College now needs to be able to accept the gift of additionally acquired properties and to consolidate those and prior associated properties into useful capital construction expansion sites.

This project is necessitated by the continued growth of Mesa State College. In the past ten years, unduplicated fiscal year FTE has increased from 4302 to 6555 or 52.4%. Likewise, unduplicated fiscal year headcount has grown from 5212 to 8131 or 56.0%. These figures indicate a growth rate of almost 4.5% per year.

The specific additional property being considered by the College by its Foundation consists of 214 residential lots, 2 churches, and 21 commercial properties comprising a total of 77.3 acres. Other property that is being given to the College consists of city streets and alleys that will become within the College boundaries.

The land gifts are part of the Land Acquisition Project begun in 1999 with donations from the City of Grand Junction, Mesa County, and numerous community organizations, institutions, leaders, and individuals. The original acquisition project was identified in the 1999 *Mesa State College Facilities Master Plan*. This project will allow for the acceptance of gifted properties within specified boundaries which have yet to be acquired by the College, the Mesa State College Foundation, or through subsequent capital construction projects. The boundaries for the main campus will be North Avenue on the south, Orchard Avenue on the north, Seventh Street on the west, and with the addition of one block east of 12th Street, 12th Street on the east. There are also two other large tracts that, if they become available, will be valuable additions to the campus. These are at the northwest and southeast corners of 12th and Orchard.

Consolidation of the properties into useful sites will consist of demolition of the existing structures and surveying and replatting of the individual lots, streets, and alleys into one parcel that belongs to the College. Existing structures include those being donated to the College under this project as well as those yet to be acquired by the Foundation. The consolidated parcel will then be available for construction of temporary parking lots and green spaces, provide ongoing revenue sources and sites for significant campus expansion projects.

The project will be self-financed over time by the College through the use of cash exempt funds and donations. As those funds become available, parts of the project will be finished. No endowment is included with the gifted properties. It is understood that the College will maintain them within its own budgeted resources.

PROGRAM INFORMATION

DESCRIPTION OF THE PROGRAM

For the past several years, Mesa State College has been increasing its enrollment. In 1996, it was recognized that this enrollment growth would require additional land and facilities, placing its main campus in need of a significant boundary expansion. Since approval of the *Mesa State College Facilities Master Plan* in 1999, the Mesa State College Foundation with the help of the City of Grand Junction, Mesa County, and numerous community organizations, institutions, leaders, and individuals, has acquired several properties to help meet expansion needs. The Foundation has already gifted many of these to the college. The project described herein continues this gifting process that began in 2004. The project gives additional properties to the college in accordance with current and future facilities master plan needs.

HISTORY, ROLE AND MISSION, NEEDS AND TRENDS

Mesa State College's current role and mission:

There is hereby established a college at Grand Junction, to be known as Mesa state college, which shall be a general baccalaureate and specialized graduate institution with moderately selective admission standards. Mesa state college shall offer liberal arts and sciences, professional and technical degree programs and a limited number of graduate programs. Mesa state college shall also maintain a community college role and mission, including career and technical education programs. Mesa state college shall receive resident credit for two-year course offerings in its commission-approved service area. Mesa state college shall also serve as a regional education provider.¹

As regional education provider, Mesa State College serves 14 counties in western Colorado. The region's population continues to grow, providing the College with additional students every year. According to the State's Demographic Office, all of the counties in Mesa State's region have grown and will continue to grow.² (The period in question is from 2000 to 2040 for 15 to 25 year olds. These dates are the period analyzed for the *Mesa State College Facilities Master Plan*.) Historically, well over half of the College's enrollment comes from this region.³ However, recent enrollment growth from outside Mesa County and outside Colorado has been dramatic. Non-resident student FTE has grown from 438 to 614 since 2007 – a 40% increase confirming the College's need for additional land to support its mission.

¹ Colorado Revised Statutes 23-53-101, College Established – Role and Mission.

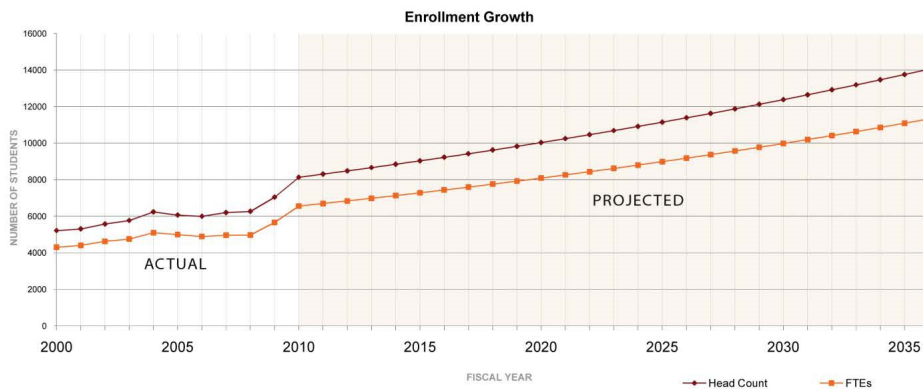
² Rather than reprint the demographic information within this document, the reader is referred to <http://dola.colorado.gov/demog/demog.cfm> for backup information from the Colorado Demography Office on the population trends for each county.

³ See Appendix A of this document for student demographic information.

RELATION TO ACADEMIC/STRATEGIC PLANS

Mesa State College anticipates continued enrollment growth. The *Mesa State College Strategic Plan*⁴ recognizes the need to balance sustainable growth with maintaining the institution's role as a regional education provider for 14 counties in western Colorado. With a focus on enhancing quality in the institution's programs, faculty, students, technology and facilities, sustainable enrollment growth is likely over the life of the plan. As financial support from the State of Colorado continues to dwindle, the institution is focused on strategic growth initiatives that enhance our competitiveness and strengthen our financial position.

The following graph presents enrollment growth, actual and projected, for the thirty-five year period from 2000 to 2035.



Using 2000 as the base year, the graph shows that for fiscal year 2010, the actual FTE of 6555 and actual headcount of 8131 represent a growth rate of over 2.1% and 4.5% respectively. The trend for both FTE and headcount is continued growth especially among out of town students who will need on-campus housing. The projection anticipates a growth rate of 2.125% per year.

The College is reevaluating its strategic planning documents in the light of the current economic climate in its current role and mission. However, it is known that, because of its designation as regional education provider for 14 counties, the College will need to be able to respond to the increasing educational needs of a growing western Colorado

⁴ <http://www.mesastate.edu/president/documents/StrategicPlan01-27-11.PDF>

population. It is anticipated that College growth and the subsequent need for additional land will continue.⁵

RELATION TO OTHER PROGRAMS OR AGENCIES

This program is integral to the college being able to fulfill its role and mission. Without the ability to expand the campus boundaries, the college will be limited in its ability to provide access to students outside of its immediate geographic location i.e. Mesa county. Having the capacity to continue to grow enrollment throughout Colorado and surrounding Western Undergraduate Exchange (WUE) states is key to the long term financial stability of the institution.

PROGRAM ALTERNATIVES

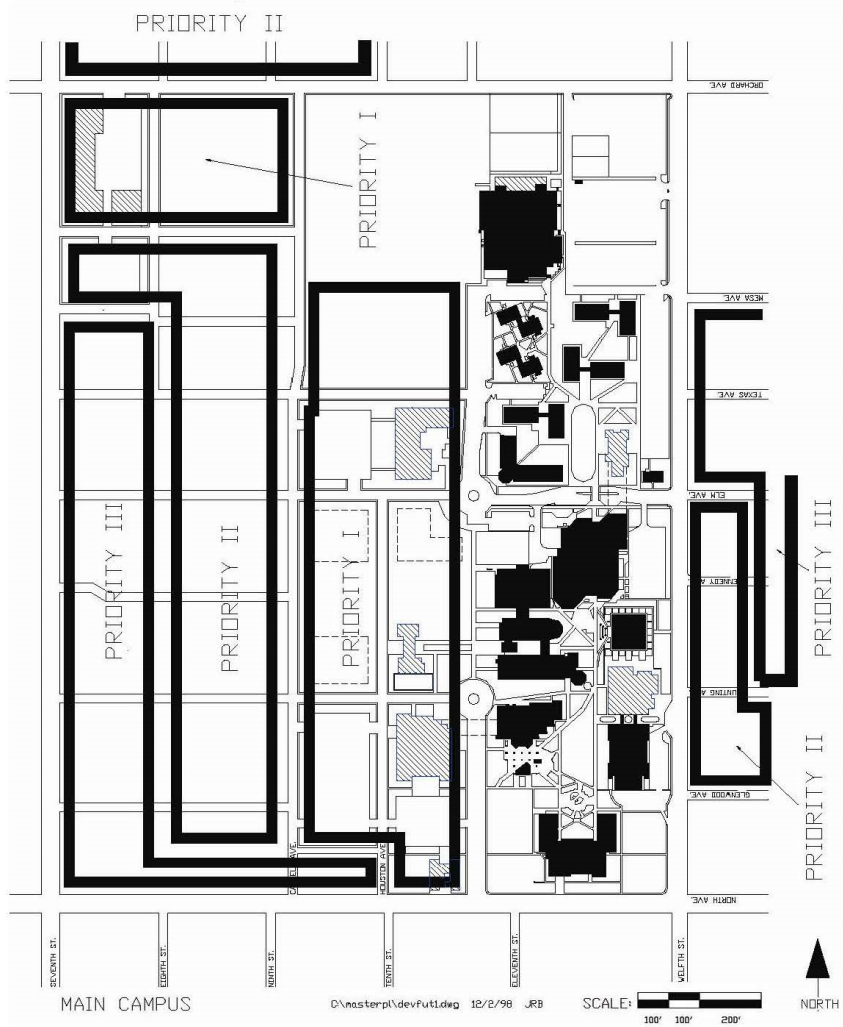
The only alternative to this project is to cap enrollment. This is not acceptable and contrary to the College's role and mission.

⁵ It should be noted that this Program Plan discusses only the needs of the main campus. Enrollment growth with subsequent land and facility needs are also anticipated for the UTEC and Montrose campuses.

FACILITIES NEEDS

TOTAL SPACE AND SITE REQUIREMENTS

Prior to the 2004 acquisition project, the main campus contained approximately 45 acres of land. The 1999 Facilities Master Plan identified several areas of potential expansion in accordance with the map shown below.⁶

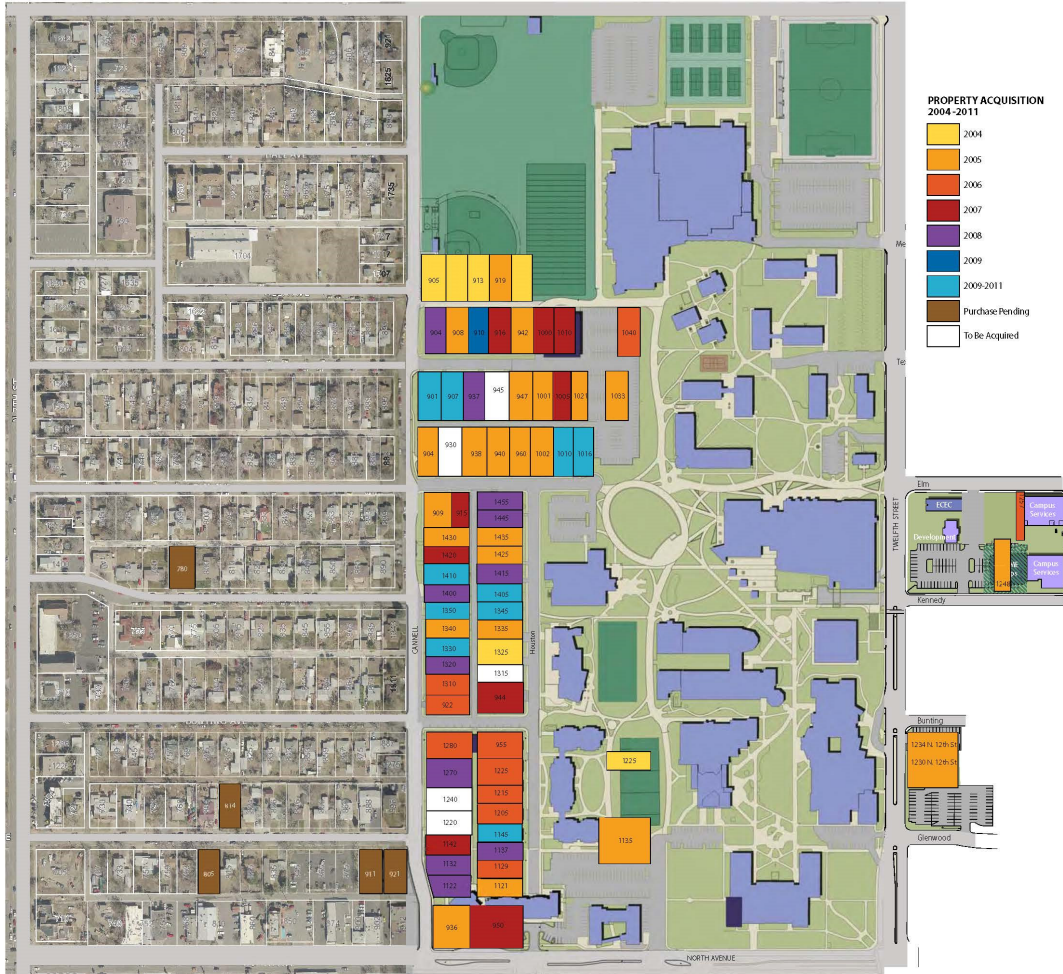


⁶ This map is a reprint of that in the 1999 *Mesa State College Facilities Master Plan*, page 113.

The background of this map shows concepts developed for the 1999 Facilities Master Plan. Several of the capital building projects indicated with diagonal lines on the map have already occurred.

The 2004 House Demolition & Ground Recovery project added most of the property between Cannell and Houston. All but 5 lots within this area have been acquired as shown on the inserted graphic titled Property Acquisitions 2004-2011.

The second inserted graphic titled Acquisition Priorities shows the new priority areas. Priority I areas are those the college is actively trying to purchase. Priority II areas are those the college will pursue if they become available.

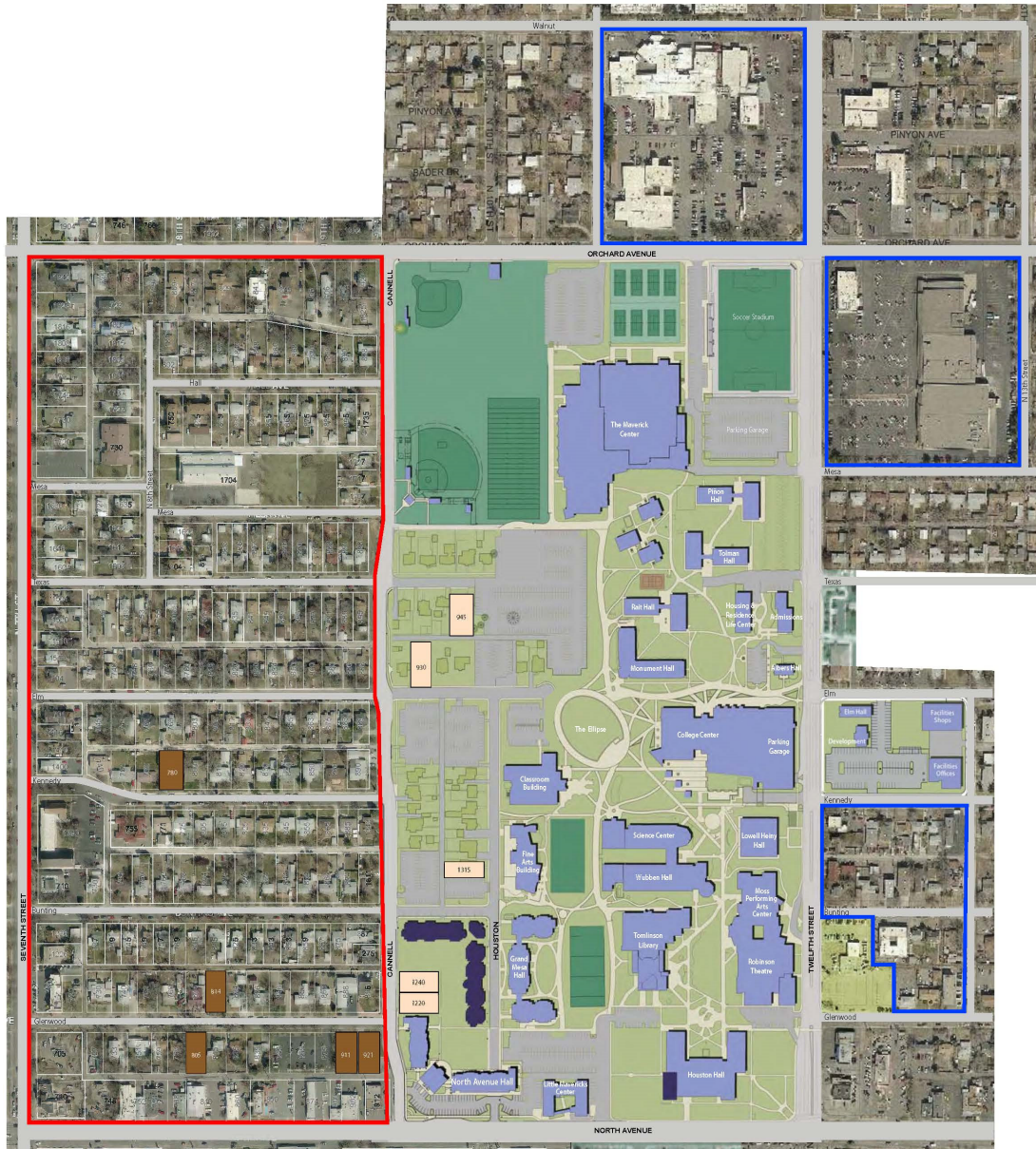




MESA STATE COLLEGE
 CAMPUS FACILITIES MASTER PLAN
 CAMPUS EXPANSION DRAFT
 ACQUISITION PRIORITIES

C H A M B E R L I N
 A R C H I T E C T S

April 6, 2011



- Priority I (59 Acres)
- Priority II (27 Acres)
- Under contract April 12, 2011
- To be acquired w/in campus area

ACQUISITION OF REAL PROPERTY

Appendix B includes a listing of properties under consideration by the College. The list indicates the street address and parcel number.

The property locations are shown by their street address number. Within the Priority I area there are 214 single family houses most of which were constructed in the 1950's and 1960's. Some are vacant while others are rentals. There are also 20 commercial and church properties.

Following discussion with the City of Grand Junction the streets and alleys will be vacated and deeded to the College in sections at different times where property ownership surrounding the various rights-of-way has been completed.

PROJECT DESCRIPTION

Improvements:

As stated, it is the intention of this phase of the land acquisition project to establish complete new boundaries for the main campus of Mesa State College. The western boundary from North Ave. to Orchard Ave. will move from Cannell Ave to Seventh Street. The southern boundary of North Ave. will not change. The eastern boundary of 12th Street will also not change except for the area bounded by Orchard Ave., 13th Street, and Glenwood Ave. The northern boundary may include the Community Hospital property if it becomes available.

Once acquired, it is the intention of the College to replat the land parcels into one parcel belonging to the College, remove structures, and to prepare the ground for construction of College related facilities, parking areas, and green space in accordance with the *Mesa State College Facilities Master Plan*.

The first part of this project will consolidate all properties between Cannell Street, North Avenue, Seventh Street and Orchard Avenue, and within the block shown east of 12th Street. The maps on the next several pages show the campus after completion of incremental consolidation work on a five year basis. Once all structures have been demolished, the lots, streets, and alleys will be surveyed and replatted to identify one parcel belonging to the College.

Initially, the area will become either green space or temporary parking. Green space work will consist of leveling the ground and providing dust and weed control. As more houses are removed and large areas become available, the area will be covered with grass and sprinklered. Lights and appropriate sidewalks will also be provided. Temporary parking work will consist of leveling the ground and providing a gravel surface with dust and weed control, parking bumpers, parking control equipment, and appropriate lighting. Mature trees in good condition will be flagged and protected during construction.

Mesa State College – Program Plan, West Expansion Property Acquisition Project

It will take a period of time to acquire all properties, remove all structures, and convert all areas to either parking or green space. All work under this program plan, whether designated as parking or green space, should be viewed as temporary, as all areas will serve as sites for future capital construction projects.⁷

The building areas, parking and land area requirements are based on projected enrollment by prorating approximate facilities in use today. A spreadsheet showing these projections follows.

Mesa State College													
Campus Expansion Projection											CHAMBERLIN ARCHITECTS		
April 7, 2011													
	2010-11 Factor			Growth	2015-16	Growth	2020-21	Growth	2025-26	Growth	2030-31	Growth	2035-36
Student Enrollment													
Main Campus only													
Headcount													
On Campus	1624	11%	5-year	180	1,804	200	2,004	222	2,226	247	2,473	274	2,747
Off Campus	6486	11%	5-year	719	7,205	799	8,004	887	8,891	986	9,877	1,095	10,972
Total	8,110			899	9,009	999	10,008	1,109	11,117	1,232	12,350	1,369	13,719
Buildings													
Main Campus only													
Academic	688,000	85 sf	per Student	76,272	764,272	84,727	848,999	94,120	943,119	104,554	1,047,673	116,145	1,163,818
Residence Halls	402,500	62 sf	per Student	44,621	447,121	49,568	496,689	55,063	551,752	61,167	612,919	67,948	680,867
Non-Academic	91,500	11 sf	per Student	10,144	101,644	11,268	112,912	12,517	125,429	13,905	139,334	15,447	154,781
Total	1,182,000	158	per Student	131,037	1,313,037	145,563	1,458,600	161,700	1,620,300	179,626	1,799,927	199,540	1,999,466
Parking													
Main Campus only													
Residential	1,056	65%	On Campus	117	1,173	130	1,303	144	1,447	160	1,607	178	1,786
Commuter	1,881	29%	Off Campus	209	2,089	232	2,321	257	2,578	286	2,864	318	3,182
Reserved													
Total				326	3,262	362	3,624	402	4,025	446	4,472	496	4,967
Land Area													
Main Campus only													
Total SF	3,189,330			353,569	3,542,899	389,719	3,932,618	432,588	4,365,206	480,173	4,845,379	532,992	5,378,370
Acres	73			8	81	9	90	10	100	11	111	12	123

⁷ Program Plans for future capital construction projects within the revised boundary areas will be submitted to CCHE for consideration and approval.

Project Cost Estimate:

Each property will be independently appraised to determine a fair acquisition price. Based on the results of the 2004 House Demolition and Ground Recovery project, the average purchase price over the past seven years was \$180,000. However, with the housing market somewhat depressed this may be higher than what the market currently reflects but can serve as a conservative estimate. In the end, each house will be based on its unique characteristics. Total estimated average recovery costs per parcel:

Property Acquisition (projected average):	\$180,000
Testing, Abatement, Demolition	\$ 36,000
Temporary Parking Improvements	\$ 16,500
Planning and Approvals	\$ 500

PER RESIDENTIAL LOT TOTAL \$233,000

The initial consolidation work includes environmental assessments and removal of hazardous material in accordance with current laws and regulations. Acquisition will be accomplished by the College or the Mesa State College Foundation through donation, nonexempt funds, or through other capital construction projects.

Projected acquisition cost for the residential lots is based on the average of 17 recently purchased in the neighborhood. The projected acquisition cost for commercial property is an average of the values on a per acre basis considering comparable sales, lease rates and other factors. Projected testing, abatement, demolition, lighting, grading and gravel cost is based on the average of 67 lots recently completed.

Financial Analysis:

The project will be self-financed by the College through the use of cash exempt funds and donations. The Board of Trustees will be requested to authorize the transfer of funds to the Mesa State College Foundation for property acquisition identified in this program plan. This request will be part of the annual budget process. It should be noted that funds to accomplish the entire project are not currently available.

Project Schedule:

It is anticipated that the project will be completed incrementally over the next ten years. Parts of the project will be completed as money becomes available and as the final properties become available for acquisition. In addition, many of the properties will become rentals providing a revenue stream that can assist in the funding of the acquisition program.

RELATION TO THE MASTER PLAN / OTHER PROJECTS

This project is part of “Project A1 – Land Acquisition, Main Campus” as described in the 1999 *Mesa State College Facilities Master Plan*, Volume 1, pages 114 – 116. In coordination with CCHE and the State of Colorado, Mesa State College has already accepted other properties under this project and will quite probably be working to accept additional properties as they become available within the priority areas established in this plan.



MESA STATE COLLEGE

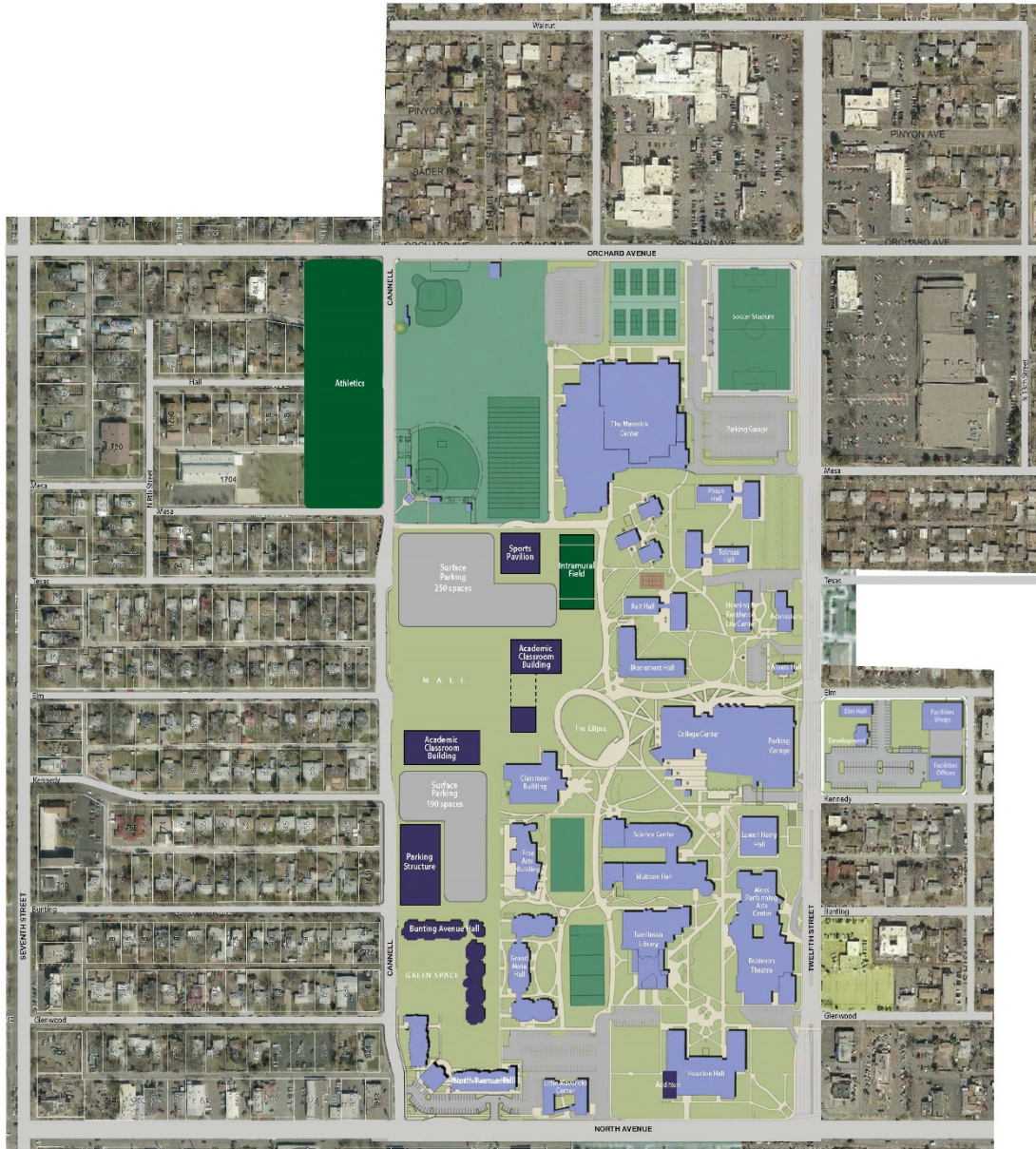
CAMPUS FACILITIES MASTER PLAN





CAMPUS EXPANSION DRAFT

2015-16

C H A M B E R L I N
A R C H I T E C T S

April 6, 2011



-  Building Future Construction
-  Sports Field Future construction
-  Green Space
-  Surface Parking



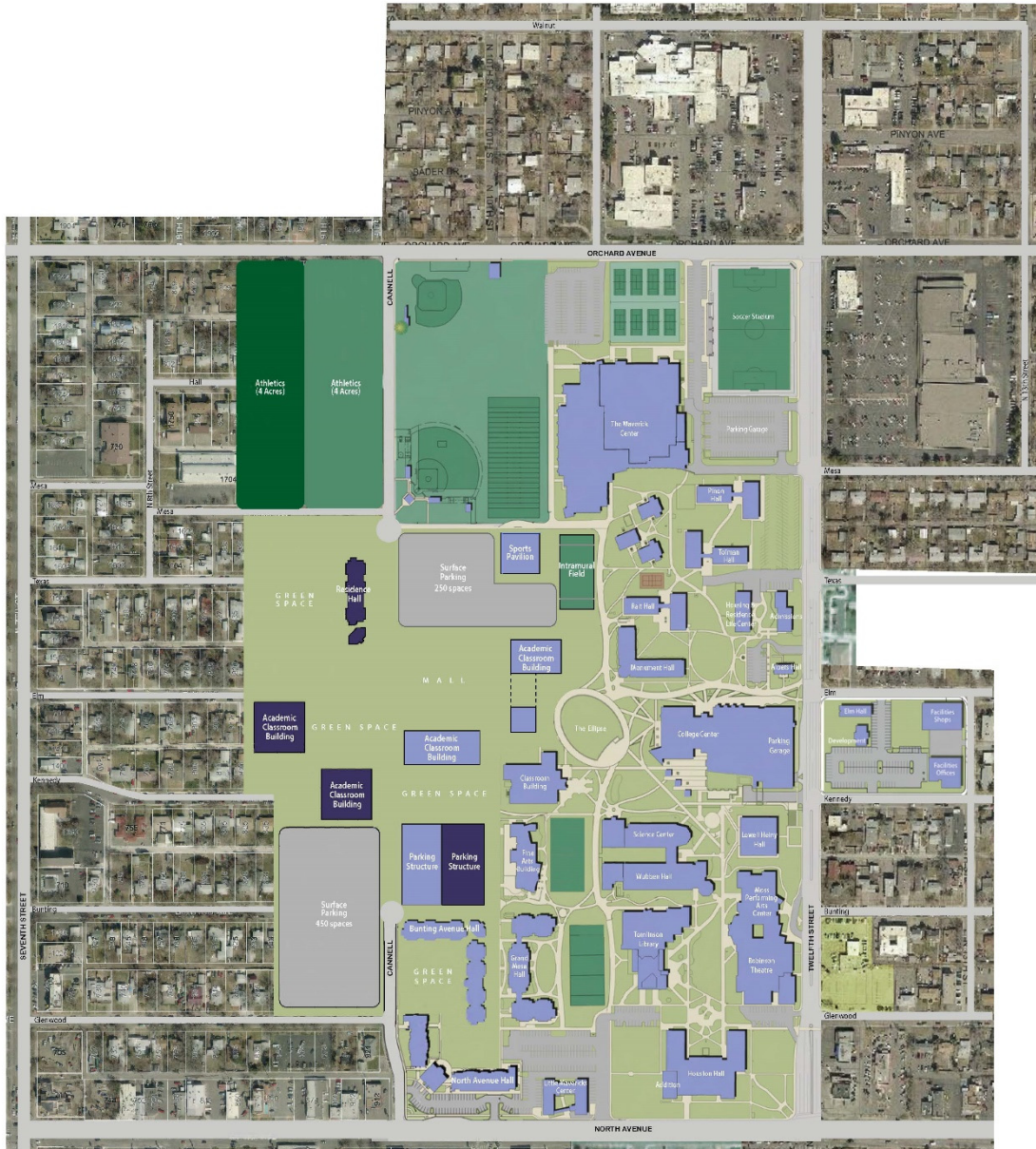
MESA STATE COLLEGE

CAMPUS FACILITIES MASTER PLAN

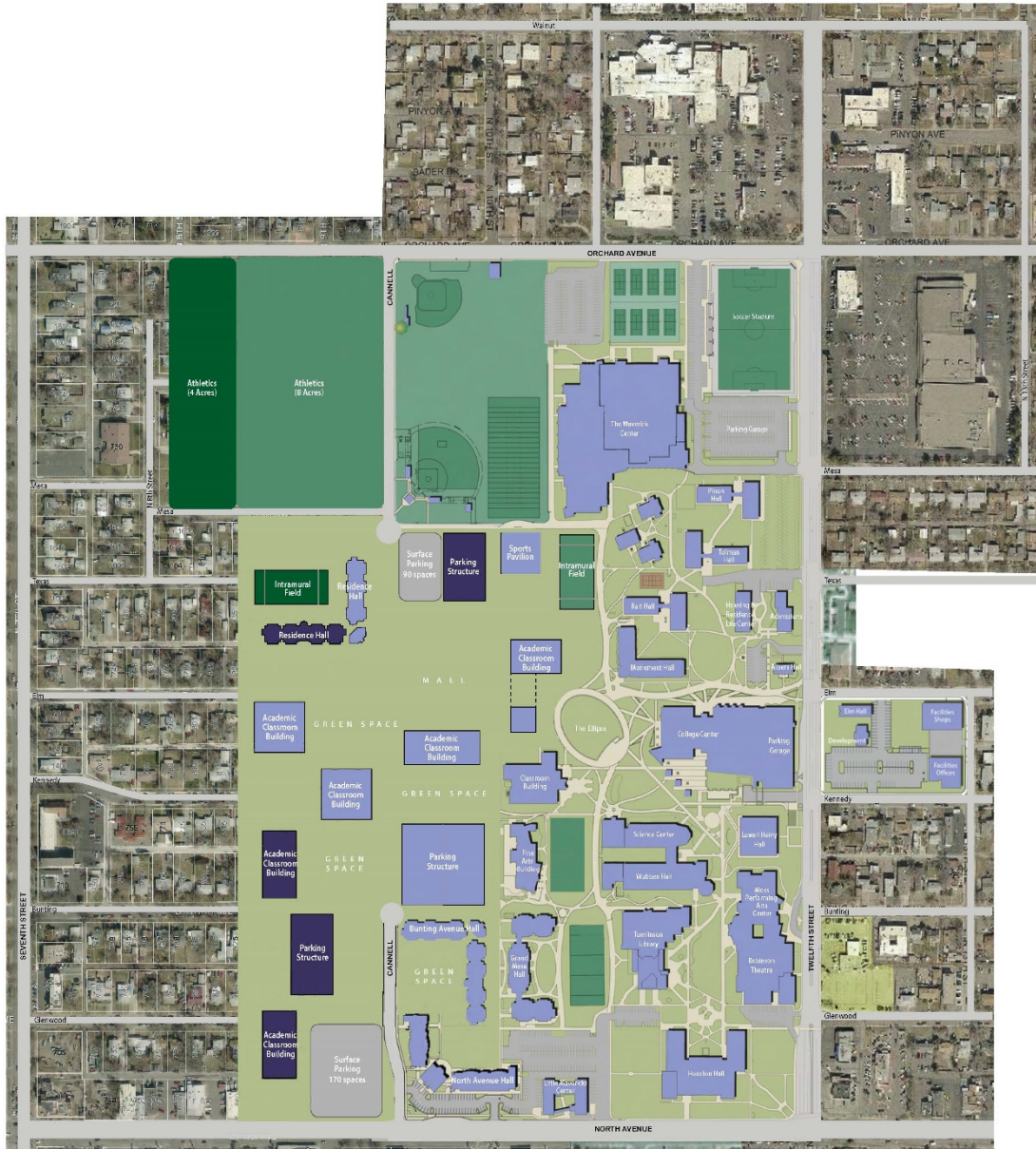
CAMPUS EXPANSION DRAFT 2020-21

C H A M B E R L I N
A R C H I T E C T S

April 6, 2011



- Building Future Construction
- Sports Field Future construction
- Green Space
- Surface Parking



- Building Future Construction
- Sports Field Future construction
- Green Space
- Surface Parking



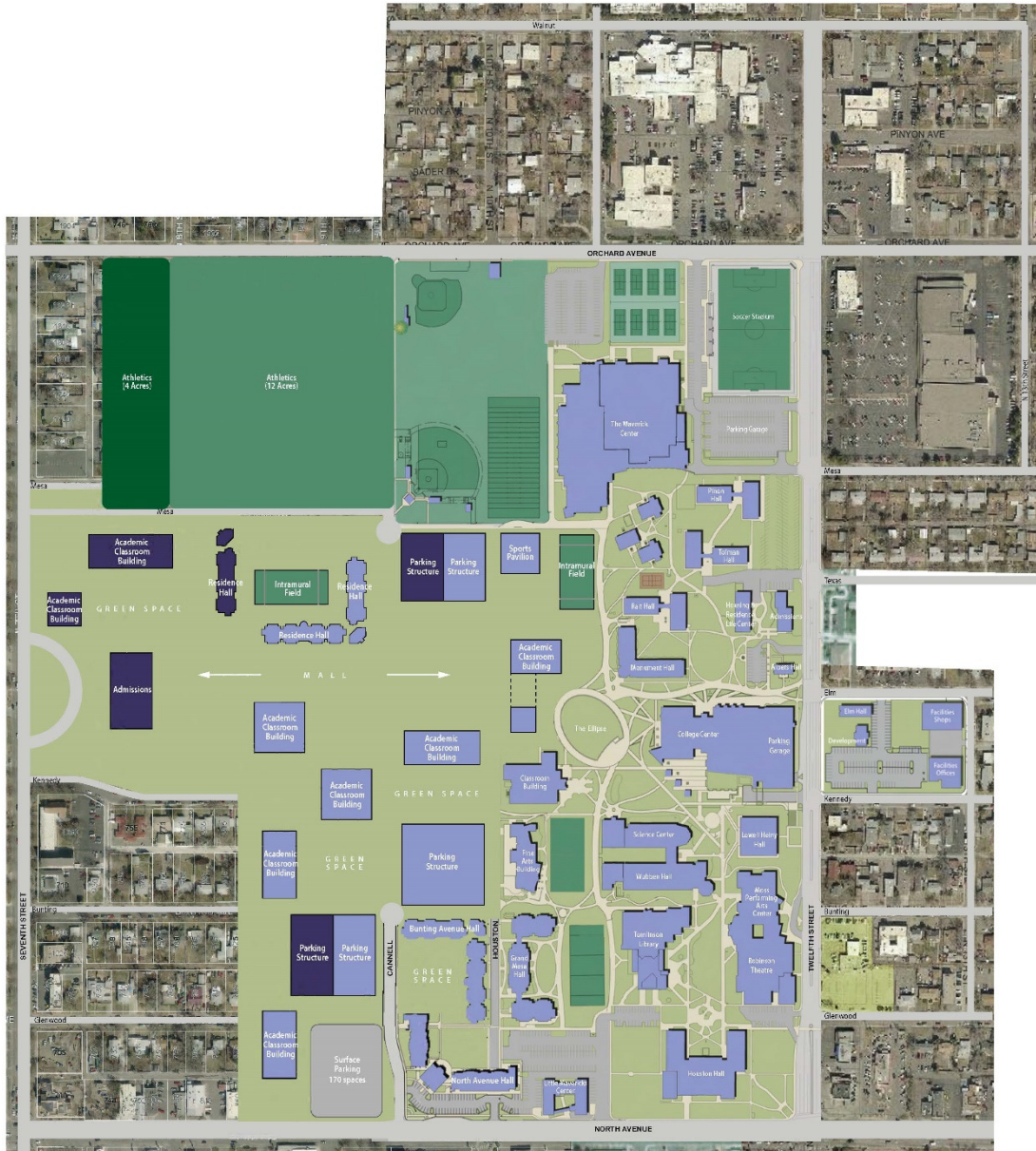
MESA STATE COLLEGE

CAMPUS FACILITIES MASTER PLAN

CAMPUS EXPANSION DRAFT 2030-31

C H A M B E R L I N
A R C H I T E C T S

April 6, 2011



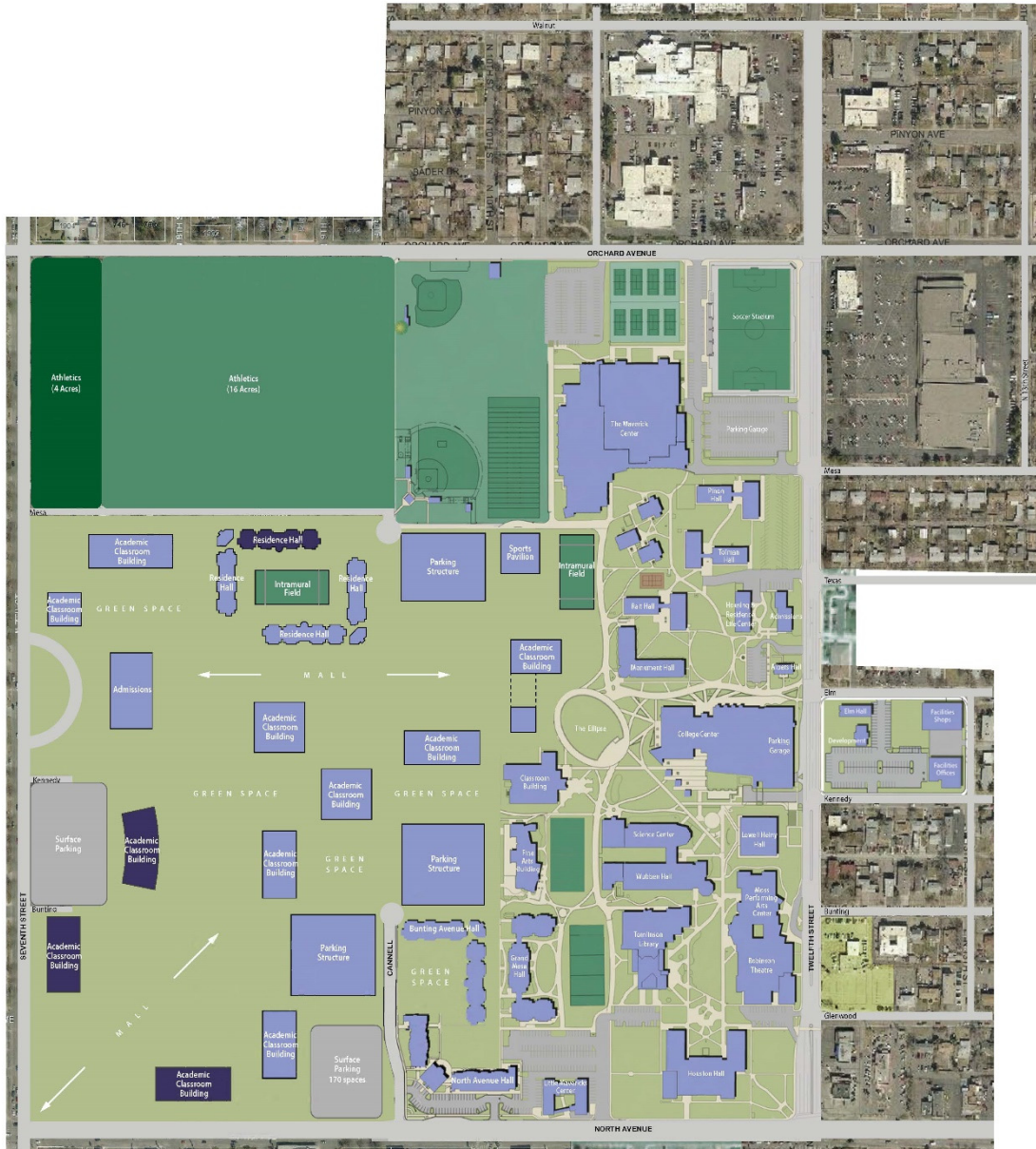
- Building Future Construction
- Sports Field Future construction
- Green Space
- Surface Parking



MESA STATE COLLEGE
 CAMPUS FACILITIES MASTER PLAN
 CAMPUS EXPANSION DRAFT
 2035-36

C H A M B E R L I N
 A R C H I T E C T S

April 6, 2011



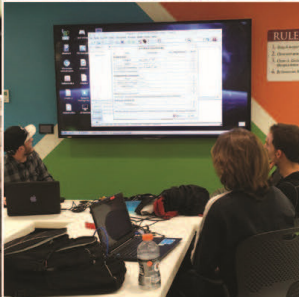
- Building Future Construction
- Sports Field Future construction
- Green Space
- Surface Parking




COLORADO MESA
UNIVERSITY

REGIONAL IMPACT STUDY

2017





9,481

Total student enrollment
(Preliminary Fall 2016)

78.1%

Full-time

85.3%

In-state students

27.7%

From under-represented
groups

55%

From western Colorado's
14 counties

45%

From elsewhere in Colorado/
out-of-state/out-of-country



87%

CMU seniors who rated
their overall experience as
"Excellent" or "Good"

84%

Rocky Mountain Public
Peers* who rated their overall
experience as "Excellent" or
"Good"

*CO School of Mines, Dixie State
Univ, Metropolitan State Univ of
Denver, Montana State Univ - Billings,
Montana State Univ - Havre, Southern
Utah Univ, Univ of CO Boulder, Univ of
CO - CO Springs, Univ of CO - Denver,
Univ of Montana, Univ of Utah, Utah
Valley Univ, Weber State Univ

Source: National Survey of
Student Engagement, 2016

Note: Data based on Academic Year
2015-16 unless noted otherwise.



\$75.6 million

Financial aid awarded

947

Number of students in AY
2015-16 awarded MavScholars
Academic Merit Scholarships



1,842

Number of degrees and
certificates awarded in
Academic Year 2015-16

Most popular majors:

Business Administration
Biological Sciences
Criminal Justice
Kinesiology
Nursing
Psychology

**Only Colorado public
institution** offering awards
from technical certificates
through the doctoral degree



**NCAA, Division II,
Varsity Sports:**

Baseball (M); basketball (M, W);
beach volleyball (W); cheerleading
(M, W); cross-country (M, W);
football (M); golf (M, W); lacrosse
(M, W); soccer (M, W); softball
(W); swimming and diving (M, W);
tennis (M, W); track and field (M,
W); volleyball (W);
and wrestling (M)



87.5%

Proportion of classes with
fewer than 40 students

46%

Proportion of classes with
fewer than 20 students



72.6%

Percentage of student credit
hours taught by full-time faculty

87.9%

Percentage of student credit
hours taught by full-time
faculty and staff



Tomlinson Library

190,784 books
79,755 e-books
218,253 journals
101 journal databases
465,011 government documents
57 million+ items through
Prospector and Mobius



2,518

Beds available in
residence halls



Institution Accreditation:

Higher Learning Commission

Programs with accreditation and/or approval by their respective professional organizations:

Athletic Training, Emergency Medical Services, Mechanical Engineering Technology (candidate status), Music, Nursing, Peace Officer Standards and Training (POST), Radiologic Technology, Social Work (candidate status), Teacher Education, Transportation Services



3,279

Computer workstations

850

Wireless access spots

297

Technology-enhanced classrooms



Facilities Certifications for Environmentally-sustainable Construction and/or Renovations:

LEED Gold - Dominguez Hall and Wubben-Science addition; Three Green Globes - Houston Hall, Tomlinson Library; Two Green Globes - Escalante Hall



**REGIONAL
IMPACT STUDY
2017**

by

Carol Futhey

Provost, Colorado Mesa University

This publication is an update of the study, *Achieving a Higher Degree of Leadership in Western Colorado*, by Carol Futhey, Colorado Mesa University (then Mesa State College), Grand Junction, Colorado (2004). The original publication and the updates focusing on the institution's regional impact, are available online at coloradomesa.edu/president/impactstudy.

Acknowledgments

Appreciation is extended to the following individuals who contributed to this study: Katlin Birdsall, Laura Bradley, Sonia Brandon, Annette Callaway, Krista Collins, Bryan Davis, Belinda Flynn, Tim Foster, Kandis Gillespie, Cindy Lueb, Ian Marks, Curt Martin, Breanne Meier, Jared Meier, Dana Nunn, Kelly O'Connell, Michael Poll, Sylvia Rael, Andy Rodriguez, Bryan Rooks, Derek Wagner and Kim Williams. Special thanks to Lisa Smith for the report's design.

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1100 North Avenue • Grand Junction, CO 81501-3122
coloradomesa.edu

INTRODUCTION

Colorado Mesa University (CMU) is a regional public institution, part of a sector of higher education that enrolls more students than research universities and community colleges. CMU is geographically accessible across the country and offers a wide range of academic degrees, majors, and technical programs. CMU frequently serves a significant number of middle- and low-income students as well as those who are first generation to college and has pricing that is among the most affordable levels of tuition and fees. Regional public institutions like CMU often are major employers in their communities, help stabilize regional economies particularly during an economic downturn and serve as social and cultural centers that improve the communities' quality of life. Yet the financial situation of regional public institutions is very challenging as state funding has declined significantly over the past decade to the point that two-thirds of the cost to attend college is now borne by students and their families.

Since regional public institutions typically do not have large endowments from which to draw funds and they place greater emphasis on faculty teaching rather than on competition for external research support, partnerships with local and regional businesses and agencies play a key role in the ability of these institutions to advance their missions. This is particularly true of Colorado Mesa University. CMU continues to be a responsive, nimble, and creative collaborator with a wide range of external private and public partners who, together, have leveraged resources in ways that have benefited both the University and its partners. These relationships have contributed to CMU's capacity to update existing academic and technical programs and add new ones, offer student internships and other applied learning opportunities, seek solutions to regional problems, support regional economic development and, most importantly, educate an informed citizenry and prepare a skilled workforce.

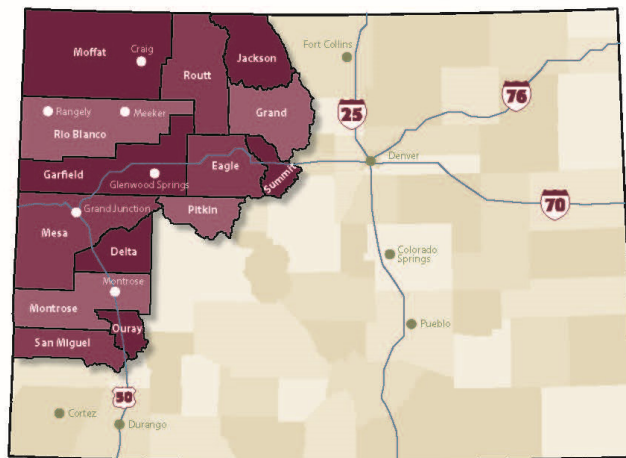
COLORADO MESA UNIVERSITY IN 2016

In Fall 2016, CMU enrolled nearly 9,500 students, building on a 91-year tradition of being the primary provider of higher education to residents of Colorado's West Slope. Approximately 55% of CMU undergraduates come from one of the 14 statutorily-defined counties comprising CMU's service region,¹ an area that spans nearly 30,000 square miles or approximately 30% of the State of Colorado (Figure 1). In Fiscal Year (FY) 2015-16, the University awarded 1,842 degrees and certificates, a 63.7% increase over the number of awards made five years earlier. Those completions are essential to meeting the state's human capital and workforce needs.

Among Colorado's 12 public four-year higher education institutions,² Colorado Mesa has a distinctive role and mission. At its core, CMU's goal is to raise the educational attainment of western Coloradans at all degree levels. Its focus is primarily at the baccalaureate

level with an expanding set of graduate programs. Workforce training also is offered through CMU's two-year division, Western Colorado Community College (WCCC). Both campuses are in Grand Junction, with

Figure 1: Map of Colorado Mesa University Service Region



¹ The service region for CMU includes the following counties: Delta, Eagle, Garfield, Grand, Jackson, Mesa, Moffat, Montrose, Ouray, Pitkin, Rio Blanco, Routt, San Miguel and Summit. Western Colorado Community College's service region is a subset of that group: Delta, Mesa, Montrose, Ouray and San Miguel Counties.

² CMU has a statutory four-year role and mission, as well as for two-year transfer and vocational education and graduate programming. Source: Colorado Revised Statutes § 23-53-101.

51% of CMU's alumni remain in the region, increasing the educational level of the workforce and attracting new businesses to the region.

selected programs and courses also available at CMU's Montrose Campus and through its Office of Distance Education.

Approximately 14,100 (or 51%) of the University's 27,750 alumni live in the 14-county western Colorado region served by CMU. The largest share of that total – approximately 10,700 graduates – are found in Mesa County and another 1,000 in Montrose County. An additional 9,100 graduates reside elsewhere in Colorado. With so many CMU graduates remaining in the region, they increase the educational level of the workforce, which is attractive to new businesses being recruited to the region.

Finally, CMU's students, faculty and staff members have created long-lasting partnerships with

community-based organizations through volunteer efforts.

For Fiscal Year 2015-16, CMU estimated its community service was valued at more than \$1.8 million,³ an amount not reflected in the calculations for this study.

What follows is a view of Colorado Mesa University from the perspective of its relationships with a variety of partners across western Colorado and has two broad components. It begins by examining some of the many contributions that the University makes while engaging with its partners. Not only does CMU gain from the arrangements but the relationships also enhance the region's quality of life and serve as an attraction for businesses. As an employer and purchaser of goods



63.7%

Increase in the number of awards made five years earlier

14,100

CMU alumni live in western Colorado

\$1.8 million

Estimated value of volunteer services by students, faculty and staff in FY 2015-16

and services, CMU's economic impact is more obvious and more readily quantifiable. That regional connection is the basis of the report's second section.

PROGRESS THROUGH PARTNERSHIPS

CMU has partnered with numerous state, local, and regional businesses, nonprofits, government agencies and private donors. In this section of the report, the relationships are grouped into four broad categories by which the University engages with its partners. First, the institution is an active supporter of the region's economic development efforts. Second, faculty members bring their expertise, not only to the education of CMU students, but also apply their knowledge to projects across the West Slope. Third, many of CMU's academic and technical programs offer the preparation needed for the region's 21st century workforce and fourth, an extensively renovated campus is a facility shared with many organizations and individuals beyond the University's students, faculty and staff. While examples of each are presented, the list is merely a sampling of the productive collaborations. In short, the partnerships are beneficial and crucial to the mutual progress of Colorado Mesa University and Colorado's West Slope.

Promoting Economic Development

The goal of economic development is to improve the economic well-being and quality of life for a region's residents by creating and/or retaining jobs, increasing revenues and growing the tax base. A key component to encourage companies to make a capital investment in a region is the availability of an educated and skilled workforce. In that context, Colorado Mesa University and Western Colorado Community College make a significant contribution to the recruitment package for the West Slope. Thus, for economic development efforts to effectively achieve their goals, they often require partnerships with universities.

Rural Jump-Start Program

CMU has been an active member of Grand Junction Economic Partnership (GJEP), the region's official economic development agency for the recruitment and retention of businesses in the Grand Valley. Among the most significant recent accomplishments of this collaboration has been the Rural Jump-Start program, whose goal is to make the region more competitive

³ Downloaded on November 28, 2016 from http://www.independentsector.org/programs/research/volunteer_time.html.

in attracting permanent, high-paying jobs to the region. Representatives from CMU were instrumental in conceptualizing the program and leading lobbying efforts that culminated in the 2015 passage of the Rural Jump-Start Act⁴ to assist economically-distressed areas like Mesa and Montrose counties. To date, seven new companies have established operations in Mesa County that range from agricultural production to geo-spatial mapping to chemical analytics with nearly a dozen students landing internships and two securing full-time employment with these new companies.

Maverick Innovation Center

As a complement to this initiative, Colorado Mesa opened the Maverick Innovation Center in Fall 2015 to encourage and develop creativity and encourage entrepreneurial thinking in CMU students. Among the resources available to University students, faculty and staff are workshops, an annual student business plan competition, support for an “entrepreneur in residence” mentoring program as well as space, technology, equipment, and supplies. CMU also offers courses and a certificate program in Entrepreneurship and co-sponsors Entrepreneurship Day each spring. By developing the next generation of innovators, CMU contributes to the region’s attractiveness to potential new businesses.

Campus Expansion

In the mid 1980’s, the campus found itself landlocked and unable to grow. The City of Grand Junction and Mesa County committed \$300,000 per year to assist the University in buying homes to enable the campus to grow within an area bounded by Orchard and North Avenues and Seventh and 12th Streets. After a decade, both entities doubled their commitment to \$600,000 annually which continues to this day. Supporting campus expansion has benefited the city by enabling CMU to serve as an economic anchor and stimulant to revitalizing the surrounding Grand Junction neighborhoods.

A similar, more recent, agreement began in 2014 between the University and the City of Montrose and Montrose County. Patterned after the main campus relationship, both the city and the county support the CMU-Montrose Campus through funding for scholarships and capital construction. The collaboration with these agencies led to closing a half-block of South Cascade Street, thereby expanding student support spaces and creating a campus mall.



A ceremonial groundbreaking was held September 6, 2016 at 1410 N. Seventh Street for CMU’s newest academic building which will house CMU’s engineering programs and the John McConnell Math & Science Center.

Engineering Programs

An academic program that is especially attractive in recruiting business and industry in many communities is Engineering. An expensive program to implement, CMU has partnered since 2008 with the University of Colorado Boulder (CU Boulder) to deliver a baccalaureate-level program in mechanical engineering, and, in 2016, the partnership expanded to include civil engineering. The degrees are conferred by CU Boulder but all coursework can be completed in Grand Junction. Thus far, 64 students have completed the blended CMU/CU Boulder Engineering Program. Graduates are expected to successfully pass the Fundamentals of Engineering (FE) Exam, a national test of the minimum student capabilities and knowledge an engineering graduate should have at the time of program completion. Pass rates on the FE exam for partnership students have been favorable. This success is due, in part, to the significant laboratory and project components required in each of the partnership courses. Because students must demonstrate both the discipline’s knowledge and its applications, program graduates are more competitive with potential employers.

The instructional partnership in engineering has led to other regional connections. The Industry Advisory Council, representing 16 Grand Junction industries, provides feedback for program improvements, hires graduates, teaches courses as needed and ensures comparability and coordination between the Boulder and Grand Junction programs. Yet another relationship is the Rural Engineering Education Program (REEP) which promotes preparation of K-12 students for study

⁴ Through its Economic Development Commission, the Colorado Office of Economic Development and International Trade must approve company applications to the Jumpstart Program. Legislation specifies that qualifying businesses cannot compete with existing operations, but rather must offer a product or service not already available in the region, create at least five new jobs, and partner with a higher education institution. They are exempt from paying state income taxes for four years and receive refunds on sales and use taxes on specific purchases if used exclusively in the tax-friendly zone. Employees of those businesses also are entitled to an income tax credit of all of their wages for the four-year period. Local communities can offer additional tax incentives.

in science, technology, engineering and mathematics (STEM) disciplines. REEP is supported by multiple organizations, with funding from private gifts through CU Boulder, work-study students from CMU's Teacher Education program and staff supervision from the John McConnell Math & Science Center. Elementary and middle school students participate in on-site, after-school and summer programs in STEM fields.

Greater Grand Junction Sports Commission

The Greater Grand Junction Sports Commission is a collaborative effort among Colorado Mesa University, the City of Grand Junction, Mesa County, the City of Fruita, and the Town of Palisade. Its purpose is to promote sport tourism by enhancing current sporting events and attracting new ones that capitalize on the region's assets. Events with which the commission has been involved include the Special Olympics Colorado Summer Games, Colorado Master's Swim Association Short Track State Championships, the Rim Rock Marathon, and the USA Cycling Collegiate and the Para Road national championships.



The torch was lit to open the Special Olympics Colorado Summer Games at Colorado Mesa University. More than 1,000 athletes participated in the event managed by the Greater Grand Junction Sports Commission.

Building a Future Workforce with 21st Century Knowledge and Skills

One of the most challenging University responsibilities is preparing students to be successful for their initial employment and their entire career. Numerous studies document that, regardless of major or degree level, graduates need to develop skills in thinking critically, evaluating information, applying their knowledge to real-world scenarios, working in a team, making ethical choices and communicating in writing and orally. Experiential learning is an important component of an undergraduate education at Colorado Mesa that helps students develop these skills. The opportunities for CMU students to combine practical experience with academic learning are quite diverse and can take

several forms, including participation in undergraduate research, student teaching, internships, capstone projects and service learning. Many of these options come about through CMU's relationships with its partners.

Colorado Mesa University offers a variety of majors in some of the key fields and subfields that will drive economic growth and/or policy discussions in upcoming years. Among them are Biochemistry, Computer Science, Emerging Business Markets, Sustainability, Applied Mathematics (under development), and Watershed Science, along with the Engineering programs delivered with CU Boulder. Additionally, students may select from seven foreign languages to study - French, German, Greek, Italian, Japanese, Latin, and Spanish. In sum, these and many other programs and courses ensure that graduates are prepared for the challenges of a fast-changing economy as part of developing the human capital of western Colorado.

Graduates from some academic and technical programs are particularly critical to the future of rural western Colorado communities. The West Slope is a region of small communities spread across a vast area, each with needs in healthcare, education, law enforcement, and business sectors. Because of the challenge of attracting employees in some of these high-demand careers, CMU adopted a "grow your own" philosophy in academic programs, wherever possible, to attract students from the region who intend to return to their home communities after graduation and address employment needs there. This scenario is perhaps best illustrated by four areas of study: Nursing, Public Safety, Teacher Education and Career and Technical Education.

Nursing and Allied Health

The nation-wide shortage of nurses is particularly acute in rural areas like western Colorado. During the past decade, Colorado Mesa University and area healthcare providers, such as St. Mary's Medical Center, Community, Montrose Memorial, and Delta County Memorial hospitals, have collaborated to significantly expand the University's offerings in nursing from a one-year certificate program to the clinical doctorate. Area agencies, such as the Colorado Health Foundation and the San Juan Healthcare Foundation, have also offered additional financial support, expertise, time and facilities to offset part of the cost of implementing the nursing programs at the master's and doctoral levels.

This shared support has led to a substantial number of awards over the past decade — 265 practical nursing certificates, 368 Associate of Applied Science/Registered Nurse degrees (AAS/RN) and 748 Bachelor of Science in Nursing degrees. CMU added a two-year nursing program in Montrose in 2006 and 157 students



CMU Health Sciences students train with St. Mary's Medical Center and other regional healthcare providers. Here, they gather at St. Mary's helipad.

(included in the above total) have earned an AAS/RN degree at that campus to date.

Equally noteworthy is the fact that for all undergraduate programs, the pass rate for the past five years on the National Council Licensure Exam (NCLEX) has averaged 86%. Most of these nurses have entered the workforce in one of the West Slope's hospitals, increasing the availability of medical care in these rural areas.

The greatest emphasis has been on preparing nurses at various degree levels. CMU and WCCC also have been active in expanding other health sciences programs recently that include Health Information Technology Systems, Medical Laboratory Technician, Medical Office Assistant, Paramedic, Radiologic Technology and Surgical Technology.

Law Enforcement

The Western Colorado Peace Officers Academy came about in 2006 through the efforts of CMU, WCCC, the Grand Junction Police Department, the Mesa County Sheriff's Office and the 21st Judicial District Attorney's Office. The academy is certified by the state and prepares students to pass the Colorado Peace Officer



Fall 2016 graduates of the Western Colorado Peace Officers Academy. The program is administered by Western Colorado Community College.

Standards and Training (POST) examination. Placement of the academy's graduates has not been limited to the 14 western Colorado counties making up CMU's service region but extends to positions across the State. Additionally, the academy now has relationships with numerous other West Slope law enforcement agencies.

The impact and the success of this coordinated effort is reflected in the following: 332 students have completed the training, with 95% either employed in law enforcement or continuing their education; 99.4% of those who have taken the state exam have passed, usually on their first attempt.

Education

To assist students in the transition from high school to college, Colorado Mesa has developed partnerships with local school districts. In partnership with Mesa County Valley School District 51, for example, CMU developed the Alpine Bank Student of the Month program which recognizes outstanding middle- and high school students monthly. Each is awarded a \$500 scholarship if they enroll at CMU. So far, 1,872 students have received awards. In conjunction with Grand Junction High School, CMU initiated RISE, a college prep course designed for students who might not otherwise pursue higher education. At CMU's Montrose Campus, the Montrose County School District is expanding concurrent enrollment opportunities for students in partnership with WCCC in career and technical education. The partners are exploring additional program needs at Montrose and Olathe High Schools.

CMU has joined with both school boards to provide financial assistance to teachers pursuing graduate coursework in their teaching fields. The University awards scholarships to teachers who deliver courses to students enrolled concurrently for high school and college credit. Another illustration of university/school district connections is through the Center for Teacher Education as a result of Mathematics and Science Partnership Grants from the Colorado Department of Education. Two districts are grant partners: Mesa County Valley School District 51 and Garfield District 16 in Rifle. Each is a multi-year grant in excess of one million dollars.

Career and Technical Education (CTE)

Through an arrangement between Western Colorado Community College and Mesa County Valley School District 51, career and technical education is available to college and high school students. The relationship is overseen by the Grand Valley Board of Cooperative Educational Services (GVBoces) and prepares students for entry directly into the workforce in a variety of specialized fields that range from Electric Linework to Manufacturing Technology, Nurse Aide,

Culinary Arts, Transportation Services, and Computer Networking. Among the newer programs now available are Aviation Technology and Viticulture and Enology.

Applying Expertise to Regional Issues

The collective professional knowledge of faculty members at Colorado Mesa University and Western Colorado Community College is a resource that serves western Colorado through a mix of group and individual efforts. Faculty members are employees of the institution and residents of the region's communities so they frequently invest their expertise and time regionally.

The Redifer Institute

This institute works closely with local, state and federal governments and stakeholders to strengthen public policy through data collection and analysis. Four units – the Ruth Powell Hutchins Water Center, the Natural Resource Center, the Center for Unconventional Energy, and the Social Research Center – support the institute's work. The applied research conducted through these centers provides a way for the University's expertise to have a positive impact on some of the region's most pressing problems.

- **Ruth Powell Hutchins Water Center**

This center coordinates research, delivers education and facilitates dialogue on issues facing communities in the Upper Colorado River Basin. The Center brings experts to the Grand Valley each year for events such as the Upper Colorado River Basin Water Forum to promote proactive thinking about potential solutions to future water challenges.

- **Natural Resource Center**

Through this center, a number of public lands projects contribute to an understanding of how the economic and community benefits of the public lands can be expanded in western Colorado. Recent projects include recreation and community engagement planning for the Grand Junction and Royal Gorge field offices of the Bureau of Land Management and the Grand Staircase-Escalante National Monument. The Natural Resource Center has also recently worked with Mesa County and Mesa County Valley School District 51 to involve more children in outdoor activities.

- **Unconventional Energy Center**

Managing a \$3.2 million endowment funded primarily by the University and the Mesa County Federal Mineral Lease District, the energy center invests annual proceeds in applied research and workforce development initiatives that have a regional and/or statewide impact. Partnerships



Tom Hutchins attended the naming of the Ruth Powell Hutchins Water Center. The center performs and supports research, education, outreach and discussion regarding water issues.

include collaborating with Garfield County to host the Fourth Annual Energy Symposium to exchange of ideas about how to responsibly develop natural resources across Colorado. A partnership with the Grand Junction Economic Partnership resulted in the white paper "Piceance to the Pacific Rim," which became the basis for the region to coalesce behind the Jordan Cove liquefied natural gas export terminal project.

- **Social Research Center**

The Social Research Center is the institute's newest partnership and involves the Center for Opinion Research at Franklin & Marshall College and Rocky Mountain PBS. The center conducted its inaugural Colorado Mesa University-Rocky Mountain PBS statewide political poll in September 2016 and plans a "State of Western Colorado" poll that examines the region's social, political, cultural and economic conditions in early 2017.

Joint Appointments

Another way partnerships facilitate sharing expertise is through hiring employees who are shared by the University and other local organizations. These appointments are an attractive recruiting tool. Examples include the Grand Junction Symphony Orchestra where the principal oboist also holds a faculty position in CMU's Music Department. Additionally, the conductor teaches coursework in music theory and some full-time faculty hold principal chairs in the symphony. The University's Mass Communication program shares an appointment with Rocky Mountain PBS, a producer/correspondent-in-residence who teaches and provides students with story opportunities to create content for Rocky Mountain PBS and its affiliates. Another example is the joint hire of a paleontologist by the Museum of the West and CMU's Geosciences Program who teaches a course and offers summer internships for CMU students in addition to responsibilities for the museum.



CMU's hockey team raised \$10,000 for St. Mary's Cancer Survivorship Program at their Pink the Rink event.

Individual Faculty Activities

CMU faculty members engage with leaders across the West Slope through a variety of interactions and collaborations. As referenced earlier, businesses and agencies often provide opportunities for students to apply their learning and community leaders frequently serve in an advisory capacity for curriculum development and review. Similarly, faculty members bring their expertise to a diversity of contributions and conversations. The ways in which faculty members volunteer their expertise span a wide range of activities that include making presentations to K-12 students, serving on boards of public companies and nonprofit agencies, mentoring high school students, participating as parent representatives on school committees and serving as judges in competitions.

Sharing Facilities

Higher education campuses are a mix of general purpose spaces that can be used for a variety of activities and specialized spaces designed for a singular use, such as science labs, painting studios and clinical labs. Both types of spaces represent significant investments by the University, just as facilities built by other organizations do. When multiple users can share in use and expense of the same spaces, the pooling of these resources is a more efficient and cost effective use of space and resources and can free up funds for investing in a wider range of facilities than could otherwise be built. This section summarizes how CMU and some of its partners have leveraged their investments for the benefit of the partners and the community.

Lincoln Park

Four other entities manage and financially contribute to Lincoln Park along with Colorado Mesa University – the City of Grand Junction, Mesa County, the Alpine Bank Junior College World Series and Mesa County Valley School District 51. Additionally, CMU makes many of its athletic facilities available to the School

District at no cost, including the swimming pool; softball, soccer and lacrosse fields; and the basketball and volleyball courts. CMU recently paid for the track renovation at Grand Junction High School for use by area schools.

Downtown Art Galley

In 2014, Colorado Mesa partnered with the Grand Junction Downtown Development Authority (DDA) to share the cost of renovating a space on Colorado Avenue that became CMU's art gallery, 437CO. While a part of the building is occupied by DDA offices, the gallery space is home to exhibits and presentations by CMU and visiting artists and has supported CMU's participation in the community-wide, "gallery hopping" First Friday event.

KRMJ

Thanks to a \$400,000 grant, RMPBS equipped the local PBS station located on the CMU campus, KRMJ, with high-definition, digital equipment that enables students to learn video production in a state-of-the-art studio and control room. In addition to using the equipment for producing material for distribution through Rocky Mountain PBS, the studio also is available to elementary school students who write and present their own newscasts, with CMU students staffing the cameras and control room.

Engineering Building

The newest facility partnership is the engineering building that will serve as the home to the Mechanical and Civil Engineering Programs co-delivered by CMU and CU Boulder as well as the John McConnell Math & Science Center. The 68,700 square-foot building will include engineering labs, classrooms and project spaces for use by University students and the center will have space to offer a wide range of STEM-related activities for K-12 students.



Students at the John McConnell Math & Science Center conducted an experiment at the engineering building groundbreaking.

CONTRIBUTING TO THE REGIONAL ECONOMY OF WESTERN COLORADO

The second part of this report focuses on the estimated impact of Colorado Mesa University on the region's economy by describing the components of the model used in the estimation. As will be shown in this section, most of the University's and individuals' spending was done locally, so when various expenditure estimates were limited to western Colorado and direct spending was coupled with the effects of indirect spending, CMU's estimated economic impact in FY 2015-16 was \$447.5 million. Further, an estimated 2,892 regional jobs came about due to CMU's spending.

Model Overview and Methodology

The calculations for estimating the economic impact of Colorado Mesa University on western Colorado are based on a short-term approach examining the impact on local economic activity from the presence of an institution. Economic impact is "... the difference between existing economic activity in a region given the presence of the institution and the level that would have been present if the institution did not exist."⁵ The model for estimating the economic impact of Colorado Mesa University during FY 2015-16 relies heavily on one developed by the American Council on Education by Caffrey and Isaacs.⁶ The model examines CMU's direct spending in five categories and then applies a multiplier to calculate indirect spending, thereby producing an estimated total economic impact.⁷

Direct Expenditure Categories

The Caffrey and Isaacs model examines five expenditure categories – the University's purchase of goods and services, employees' salaries, students' spending as well as that by visitors, and capital construction. Thus it encompasses the institution's non-payroll spending on everything from furniture to utilities to computers to food service to research lab equipment. CMU's employee contribution is analyzed in terms of its payroll, while the student component accounts for that sector's purchases in a separate category. Visitor spending is based on campus visits of many types along with athletic competitions, while capital expenditures reflect major campus construction and renovation projects as well as investments in technology.

DIRECT EXPENDITURE CATEGORIES

- College Expenditures
- Employee Salary/Wage Expenditures
- Student Expenditures
- Visitor Expenditures
- Capital Expenditures

College Expenditures

To determine the University's spending in the surrounding region, budgets for all departments and auxiliary accounts were analyzed and then adjusted to exclude out-of-state companies without a regional presence. The estimate is based on the myriad products and services that Colorado Mesa purchases from the surrounding region ranging from furniture to

Table 1: Colorado Mesa University Expenditures in Colorado, FY 2015-16

Goods and Services Purchased (excluding construction)	Amount	Percent
In Western Colorado	\$33,899,057	80.5%
Elsewhere in Colorado	\$8,218,717	19.5%
Total	\$42,117,774	

⁵ Roger Beck and Donald Elliott, "Economic Impact Study of Regional Public Colleges and Universities," Growth and Change, Spring 1995, Volume 26, Issue 2, p. 245.

⁶ John Caffrey and Herbert Isaacs, Estimating the Impact of a College or University on the Local Economy, Washington: American Council on Education, 1971.

⁷ The limitations of the estimates should be noted. They do not measure the economic contributions of organizations associated with CMU, such as the Alumni Association and the CMU Foundation; the economic impact of faculty and staff earnings from private consulting and intellectual property nor that of faculty and staff expertise used by businesses and organizations; volunteer activities; and other collateral economic activities. CMU offers health care benefits and insurance for faculty and staff, and these insurance plans help bolster the local health care community. The study also excludes the economic contributions by alumni living anywhere in Colorado who, when they enter the job market, earn salaries well above those of high school graduates. With these exclusions in mind, the economic impact of Colorado Mesa reported in this study understates its overall financial effect.

Table 2: Colorado Mesa University Employee Salaries, Taxes, and Benefits, FY 2015-16

Wages	Total
Gross Wages	\$43,102,255
Federal and State Taxes	\$5,404,390
Benefits	\$7,085,433
Other Adjustments	\$386,663
Net Wages	\$30,225,769
Less 10% non-local spending	\$3,022,577
Estimated Total Employee Local Spending	\$27,203,192

office supplies to utilities. Total in-state expenditures for FY 2015-16 exceeded \$42.1 million (Table 1). Further analysis documented that more than \$33.9 million, or 80.5%, of the amount spent on goods and services stayed in western Colorado, while most of the balance was spent elsewhere in the state.

Employee Salary/Wage Expenditures

For this category, all monies budgeted for salaries and wages for all University offices and auxiliary accounts — \$43.1 million — were reviewed to calculate employee salary/wage expenditure dollar amounts (Table 2). The total takes into account items purchased by CMU employees, from food to housing to entertainment to education to transportation. Employees contributed approximately \$5.4 million in federal and state taxes, which represented 12.5% of the total payroll, and benefits — including retirement, medical insurance, and life insurance — that amounted to another 16.4% of the total. Once taxes and benefits were deducted, net wages amounted to approximately \$30.2 million.

This calculation assumes that CMU employees spend most of their net income in the area's economy, given the University's location in western Colorado. The Bureau of Labor Statistics' Consumer Expenditure Survey reports that housing and transportation are the

two largest areas of consumer expenditures, and this direct spending multiplies through the economy. Thus it is appropriate to assume that there is little dollar leakage out of the region. Some activities, such as vacations and entertainment, however, are examples of dollars that might leave the regional economy, so the model assumes that 10% adequately accounts for leakage out of the region. This results in an estimated \$27.2 million in employee disposable income that was added to the western Colorado economy.

Student Expenditures

Spending by CMU students represents the single largest component of the University's economic impact. Because a significant share of the institution's students is from western Colorado, this model assumes most of their spending stays in the local economy. To calculate student spending, a mean monthly expenditure was determined by the CMU Financial Aid Office for purchases such as room, board, personal expenses, transportation, and entertainment. This produced an average expenditure of \$1,498 per month while enrolled during FY 2015-16. No distinction was made between on-campus and off-campus students.

Table 3 presents the amount of student expenditures estimated to stay in the regional economy, based

Table 3: Estimated Colorado Mesa University Student Spending, FY 2015-16

Term	Student Enrollment	Term Length (in months)	Average Student Monthly Expense	Total
Fall 2015 Enrollment	9,448	4	\$1,498	\$56,612,416
Spring 2016 Enrollment (including January Term)	8,872	5	\$1,498	\$66,451,280
Summer 2016 Enrollment	1,954	1	\$1,498	\$2,927,092
Estimated Annual Student Spending				\$125,990,788
Less 10% non-local spending				\$12,599,079
Estimated Total Student Local Spending				\$113,391,709

Table 4: Colorado Mesa University Estimated Visitor Expenditures, FY 2015-16

Visitors	Per Diem	Amount
Visitors from Western Colorado 311,278 visitors	\$51/day	\$15,875,177
Visitors from outside Western Colorado 153,316 visitors	\$140/day	\$21,464,243
Estimated Total Visitor Spending Locally		\$37,339,420

on the assumption that 90% of the total remained in western Colorado. At that rate, students infused approximately \$113.4 million into the local economy for items that include groceries, entertainment, and transportation. This amount is in addition to their spending at CMU for tuition, goods, or other services. While many of these students have chosen to forego earnings during their college years, the payback on their educational investment is financially worthwhile.⁸

Visitor Expenditures

Spending by visitors to Colorado Mesa contributes to the vitality of the local economy. This component of the model is based on CMU's draw of a significant number of individuals to Grand Junction to participate in a highly varied mix of activities. Families visit the campus for admissions visits, orientations, and graduations. Other visitors come for conferences, while many attend athletic events and arts and music performances. In so doing, these visitors — frequently from communities outside Grand Junction — purchase food, entertainment, lodging, and fuel. Because these dollars are out-of-area dollars, they are “new” dollars to the community and increase overall economic activity.

Based on estimates from academic, student, and athletic departments for the past year, nearly 12,000 individuals attended the University's Music and Theatre Programs and more than 71,000 fans attended athletic

events as part of an estimated visitor total of nearly 464,600 individuals. Assuming that 33% of the visitors — or approximately 153,000 individuals — came to the campus from outside the region, and spent at least the daily average of \$140 for at least one day,⁹ while the remaining 67% spent the estimated per diem for meals, shopping, and transportation, the estimated value to the regional economy from visitors is \$37.3 million (Table 4).

Capital Expenditures

CMU has been a major participant in the redevelopment and revitalization of the Grand Junction neighborhoods adjacent to the campus. The University's acquisition of older properties has been important to the expansion of its footprint, making way in recent years for new residence halls, academic buildings, other campus life activities, and outreach programs, thereby enabling the institution to fulfill its mission. This component of the model varies significantly from year to year since capital expenditures are dependent on the availability of funding for construction. Because of that variability, these expenditures typically are separated from all other University spending. That said, these investments not only create and sustain jobs in the region during construction periods, but their multiplier effects reach manufacturers, suppliers, and retailers throughout the region and the state.

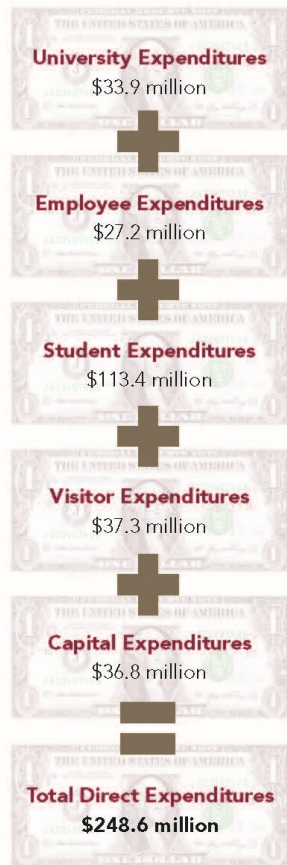
Table 5: Colorado Mesa University Capital Expenditures in Colorado, FY 2015-16

Project	Expenditure	Percent Spent Locally
Expenditures in Western Colorado	\$36,801,160	88.0%
Expenditures elsewhere in Colorado	\$5,040,327	12.0%
Total	\$41,841,487	

⁸ It should be noted that the above estimate of student spending excludes other ways that Colorado Mesa students affect the local economy. Approximately 45% of Colorado Mesa students come to the University from outside the region, thereby bringing money into western Colorado.

⁹ An estimated standard destination per diem within the continental U.S. of \$140 (\$89 for lodging and \$51 for meals and incidental expenses) was obtained from the U.S. General Services Administration. Source: <http://www.gsa.gov/portal/category/100120>. Downloaded November 28, 2016.

Figure 2: Summary of Colorado Mesa University Estimated Direct Expenditures, FY 2015-16



During FY 2015-16, CMU initiated, continued, and/or completed an extensive series of projects that resulted in this expenditure category exceeding \$41.8 million (Table 5). The funds were spent on construction projects — such as the expansion and renovation of Tomlinson Library — in addition to spending on residence halls; technology upgrades for classrooms, labs, and the TV studio; parking; and controlled maintenance. Of that amount, the proportion spent locally averaged 88% though the proportion differed from project to project due to the University's emphasis on buying within the region. Adjusting for a 10% leakage from the West Slope, total dollars spent in the regional economy on capital projects for the last year approximated \$36.8 million.

Direct Expenditures Summary

By combining the five expenditure categories, Colorado Mesa University infused over \$248.6 million directly into the regional economy in FY 2015-16 (Table 6 and Figure 2). The largest proportion of that year's spending was associated with students enrolled at Colorado Mesa University (45.6%), with the balance spread relatively evenly across the remaining four expenditure categories. To more accurately reflect the total economic contribution of Colorado Mesa on western Colorado, however, indirect expenditures also must be considered and are discussed in the next section.

Multiplier Effects

A multiplier captures the relationship between the dollars spent by one individual that then becomes the income of another person to be spent. The initial dollar, since it is being "re-spent," has a greater impact on the economy than just the original dollar so dollars, "grow" as they circulate through the economy. For example, the ripple effect of the wages paid to Colorado Mesa University faculty and staff members is the employees' "re-spending" on housing, food, clothing, entertainment, etc. The remainder of the earnings is withheld from the local economy in the form of savings, taxes and spending on goods and services outside the region, adjusted for in this study by their exclusion.

The multiplier effect magnifies the economic impact of the initial Colorado Mesa expenditures, with a large multiplier indicating a greater regional economic impact than a smaller one. Similarly, the revenues generated by area businesses from supplying goods and services to Colorado Mesa are paid out in wages and material purchases, which in turn are spent on living costs. In theory, this process continues through several rounds of activity with diminishing increments at each stage. This study, however, was limited to the secondary effects of spending.

Table 6: Estimated Economic Impact of Colorado Mesa University by Expenditure Category, FY 2015-16

Expenditure Category	Direct Impact	Multiplier (indirect impact)	Total Impact	Percent of Total
College	\$33,899,057	1.8	\$61,018,302	13.6%
Employees	\$27,203,192	1.8	\$48,965,746	10.9%
Students	\$113,391,709	1.8	\$204,105,076	45.6%
Visitors	\$37,339,420	1.8	\$67,210,956	15.0%
Capital	\$36,801,160	1.8	\$66,242,088	14.8%
Total	\$248,634,538	1.8	\$447,542,168	100.0%

Generally speaking, higher education studies that include multipliers reflect that the re-spending factor varies widely. For this study, a multiplier of 1.8 was chosen, one which is conservative compared with many other studies.¹⁰ Applying this multiplier to the University's direct expenditures, the total addition to the FY 2015-16 economy was estimated to be \$447.5 million due to the presence of Colorado Mesa University (Table 6 and Figure 3). Put differently, without the spending by CMU — including its faculty, staff, students, visitors, and all others affected by what the University does — the income flowing to western Colorado would be \$447.5 million less each year.

The money CMU spends on goods and services generates jobs in western Colorado in several ways. First is the direct employment of faculty, staff, and students in positions at the University and their accompanying spending. Last year there were 2,066 people who owed their jobs to the existence of CMU. Second, non-payroll regional expenditures create other jobs for workers who supply the goods and services to Colorado Mesa. A labor multiplier estimates the number of jobs created by the influx of Colorado Mesa's spending into the surrounding community. Again, when other impact studies were reviewed, a range of labor multipliers were found. Using a conservative labor multiplier of 1.4 to estimate the additional number of jobs due to Colorado Mesa expenditures, an approximately 2,892 full- and part-time jobs are estimated.

Figure 3: Estimated Impact of Colorado University's Direct and Indirect Spending, FY 2015-16



CONCLUDING COMMENTS

Colorado Mesa University's primary mission is to serve western Colorado by delivering excellent teaching, applying scholarly activity to the region's challenges and reaching out to residents to help them lead more productive lives. Without its many partners, CMU's ability to deliver the quality educational experience it does, in addition to sharing expertise and cultural opportunities with agencies, organizations, and individuals, would be seriously compromised.

As documented in the first section of this study, the numerous arrangements between CMU and a host of public and private partners

have yielded a collective progress benefiting numerous businesses, households, nonprofits, and local governments in western Colorado. The University's most significant contribution is to educate graduates who are prepared and competitive for employment in the ever-changing work environment they will enter in the 21st century. Additionally, the institution shares in the leadership for the region's economic development,

makes its expertise available to a wide range of audiences and has facilities that are used by individuals and groups beyond the campus community.

It is equally well-documented that CMU has a profound impact on the economy of western Colorado. This study estimates that in FY 2015-16, CMU was responsible for spending more than \$248.6 million directly in the regional economy; when indirect

spending is considered, the total exceeds \$447.5 million. Further, there were approximately 826 additional jobs beyond the 2,066 employed by Colorado Mesa University due to the

institution's spending in the region. Because this study used a conservative approach in its calculations and multipliers to estimate the total economic impact of CMU, some other community contributions are not included, such as the value of volunteerism to the region. As a result, it is highly likely that the economic impact of Colorado Mesa University is greater than the total estimated in this study.

The University's most significant contribution is to educate graduates who are prepared for employment.

¹⁰ A major criticism of economic impact studies that are produced internally is the temptation to inflate numbers, use larger multipliers than appropriate, and thus overstate the impact of an institution on its surrounding region. Source: Roger Beck and Donald Elliott, "Economic Impact Study of Regional Public Colleges and Universities," *Growth and Change*, Spring 1995, Volume 26, Issue 2, p. 245.



PHOTOS ON FRONT COVER:

1. The Alpine Bank Student of the Month program recognizes excellent middle and high school students monthly. Each is awarded a \$500 scholarship if they enroll at CMU, and to date, 1,872 students have received an award.
2. Maverick Center
3. Colorado Mesa University collaborates with the Greater Grand Junction Sports Commission to promote and attract sport tourism, such as the Rim Rock Marathon, that capitalize on the region's assets.
4. Students meet with donors to thank them for scholarships.
5. The John McConnell Math & Science Center will share space and offer STEM-related activities for K-12 students in the new engineering building in Fall 2017.
6. See #4
7. Mesa County Commissioner John Justman at a press conference announcing a grant from the state to assist Mesa County students who live on campus.
8. The first graduates in CMU's doctoral program for Nurse Practitioners.
9. University Center
10. Governor John Hickenlooper visits CMU to sign the Rural Jump-Start Act, which CMU officials helped create and pass.
11. Elementary students at the Spacetacular event in the University Center spoke with NASA astronaut Scott Kelly while he was aboard the International Space Station.
12. Culinary students from WCCC placed first in the American



MAIN CAMPUS
Grand Junction, Colorado



- 1** Engineering Building
John McConnell Math & Science Center
- 2** Health Sciences, future home
- 3** Maverick Pavilion (expanded)
- 4** University Center (dining services remodeled Fall 2016)
- 5** Wingate Hall (opened Fall 2016)

13. The renovated John Tomlinson Library re-opened January 2016.
14. The Ruth Powell Hutchins Water Center dedication was attended by Hutchins' sons, Tad and Will.
15. The CMU cycling center was named Chamberlin Cycling Center in recognition of his support from local architect Ed Chamberlin.
16. The Maverick Innovation Center promotes and supports

- entrepreneurial spirit in CMU students.
17. CMU and WCCC host a variety of summer camps for local children.
18. CMU's marching band performs en route to Stocker Stadium, a facility CMU helps to manage and financially support. CMU makes many of its athletic facilities available to the School District at no cost.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**CIVIC AND INSTITUTIONAL MASTER PLAN FOR COLORADO MESA UNIVERSITY
AND CONDITIONAL RIGHT-OF-WAY VACATION IN ACCORDANCE WITH THE
MASTER PLAN**

**LOCATED IN THE COLORADO MESA UNIVERSITY AREA
(Generally 7th to Cannell Streets and North to Orchard Avenue)**

RECITALS:

Section 21.02.190 of the Zoning and Development Code (Code) sets forth a process to consider Master Plans for major institutional and civic facilities that provide service to the community. The Colorado Mesa University (CMU) Campus Facilities Master Plan (attached) provides an overview of CMU's future long term objective to expand the existing main campus westward toward N. 7th Street.

In conjunction with the Master Plan, CMU is requesting approval of an administrative review process for future vacations of right-of-way interior to the campus, (shown within the red outlined area on Exhibit A to CMU Master Plan) upon satisfaction of the conditions established in the Master Plan and this ordinance.

In accordance with the development of the campus anticipated in the Master Plan, CMU requests the vacation of alley and street right-of-ways in order to aid in the continued westward expansion planned for the campus. Currently, right of way vacations requests occur in a piecemeal fashion, generally as CMU acquires properties on both sides of any given right-of-way. That process is unwieldy and tends to be confusing because the vacations may not be understood in the context of the overall plan of development. Presently CMU owns the majority of the property shown within the "2017 Master Plan" boundary, outlined in red on Exhibit A, and sections of right-of-way have already been vacated. Consistent with the terms of all prior vacations all vacations pursuant to this ordinance shall require that CMU own the property on both sides of the right-of-way, provide for general circulation, emergency access, private access easements, if necessary, and compliance with Xcel Energy easement requirements. City utilities will be addressed pursuant to the terms and conditions of the *Colorado Mesa University and City of Grand Junction Utility Easement and Maintenance Agreement-CMU Main Campus*. Upon application by CMU for a vacation(s) that is supported by the Master Plan and if the conditions provided in the Ordinance are met or are not met, as reasonably determined by the Community Development Director, in her sole discretion, the Director shall provide written notice to CMU of her findings; if no protest is made to the findings then the vacation will be approved (or denied) after the 20th business day after notice. As further provided in the Ordinance, CMU shall provide written notice of the Director's findings of satisfaction of

the conditions to the property owners 500 feet of the area of the petitioned vacation within 10 days of the date of the Director's notice to CMU finding satisfaction of the conditions.

If any owner takes exception to the Director's findings of satisfaction of the conditions, he/she may request in writing, stating with particularity the finding(s) to which exception is taken, that the Director's decision be considered by City Council.

If CMU takes exception to the Director's findings that conditions are not satisfied, it may request in writing, stating with particularity the finding(s) to which exception is taken, that the Director's decision be considered by City Council. The City Council shall schedule a review of the Director's decision, on the record, within 20 days of the property owner's request.

Upon finding of full and complete satisfaction of the conditions, whether by the Director or the City Council, the Director shall affect the vacation(s) by recording her findings, which shall include reference to the authority granted her by this Ordinance.

The City Council finds that the request to allow conditional approval of vacations of rights of way consistent with the CMU Master Plan is appropriate to and supported by the Comprehensive Plan, the Grand Valley Circulation Plan and Sections 21.02.190 (c) and 21.02.100 of the Grand Junction Zoning and Development Code.

The Planning Commission, having heard and considered the requests, found the criteria of the Code to have been met, and recommends approval of the Institutional and Civic Master Plan and conditional right-of-way vacation subject to full and complete satisfaction of the conditions set forth.

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

The Colorado Mesa University Institutional and Civic Facility Master Plan is approved subject to the following findings and conditions:

6. The requested Institutional and Civic Facility Master Plan, including the vacation of right-of-way, is consistent with the goals and policies of the Comprehensive Plan, specifically Goals 4 and 12.
7. The applicable review criteria in Section 21.02.190 (c) and 21.02.100 of the Grand Junction Zoning and Development Code have been met or addressed.
8. The foregoing Recitals are incorporated herein and made a part hereof.
9. Right-of-way vacation in the identified planning area (Exhibit A) is presumed and conditionally approved on condition that CMU petitions for vacation(s), which shall be reviewed and approved administratively subject to the Director finding that CMU has met all of the following conditions:
 - a. CMU must own properties on both sides of the right-of-way (streets and/or alleys) to be vacated; and,

- b. Private easement agreements must be provided to benefit any remaining privately owned property(ies) where access to the property(ies) is or may be claimed by the owner(s) to be compromised by the vacation; and,
- c. CMU shall plan for and propose circulation and emergency access to standards mutually acceptable and agreed to by the City and CMU, to establish and preserve public safety and legal access for both public and private users; and,
- d. All City utilities shall be subject to the terms and conditions of the *Colorado Mesa University and City of Grand Junction Utility Easement and Maintenance Agreement-CMU Main Campus*; and,
- e. CMU shall dedicate as applicable necessary utility easements to Xcel Energy and/or other utility providers.

10. Notice shall be given of all vacation petition decisions right-of-way vacations in the designated Master Plan area and exceptions to the Director's decision shall be forwarded to the City Council for record review as provided in this Ordinance and the Recitals thereto.

Introduced for first reading on this day of , 2017 and ordered published in pamphlet form.

PASSED and ADOPTED this day of , 2017 and ordered published in pamphlet form.

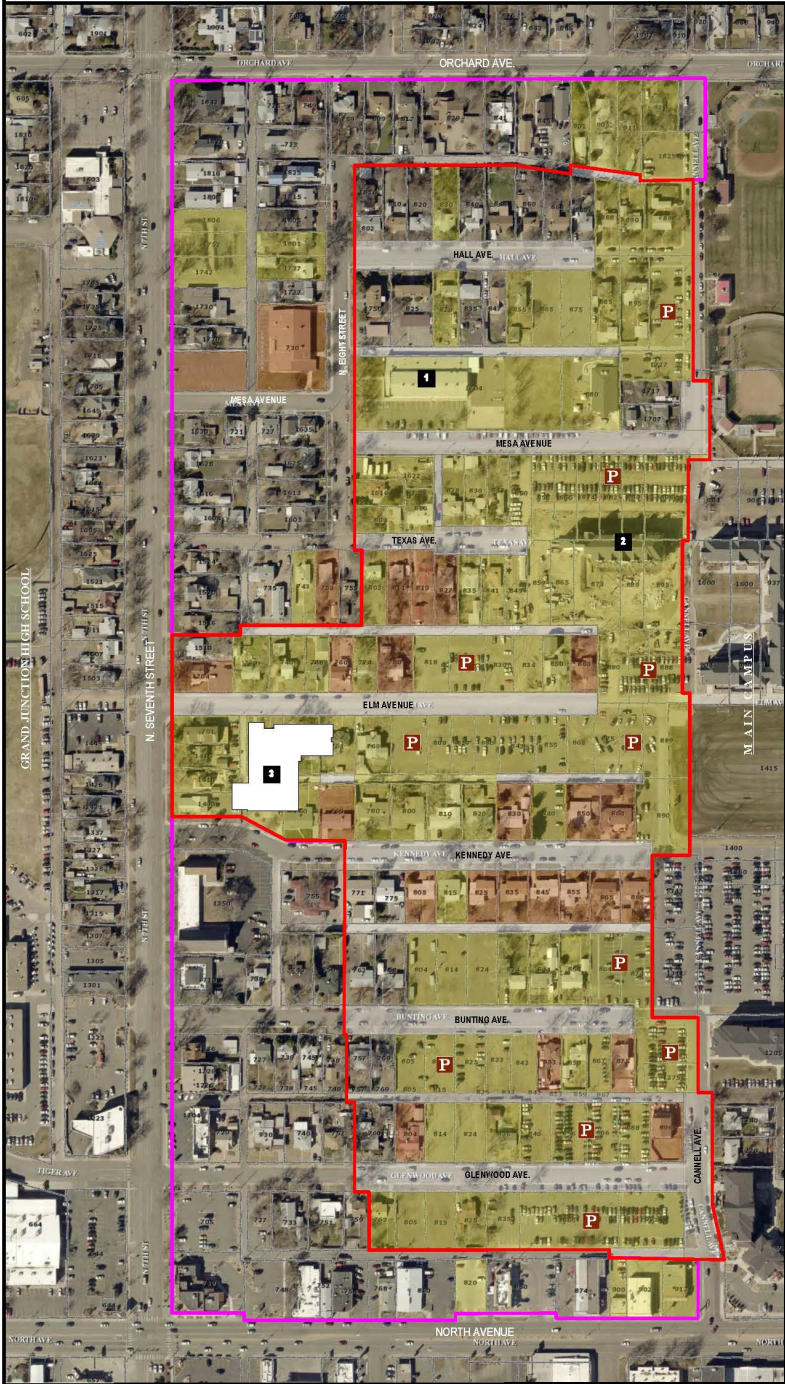
President of City Council

ATTEST:

City Clerk

Exhibit A

COLORADO MESA UNIVERSITY 2017 WEST CAMPUS MASTER PLAN

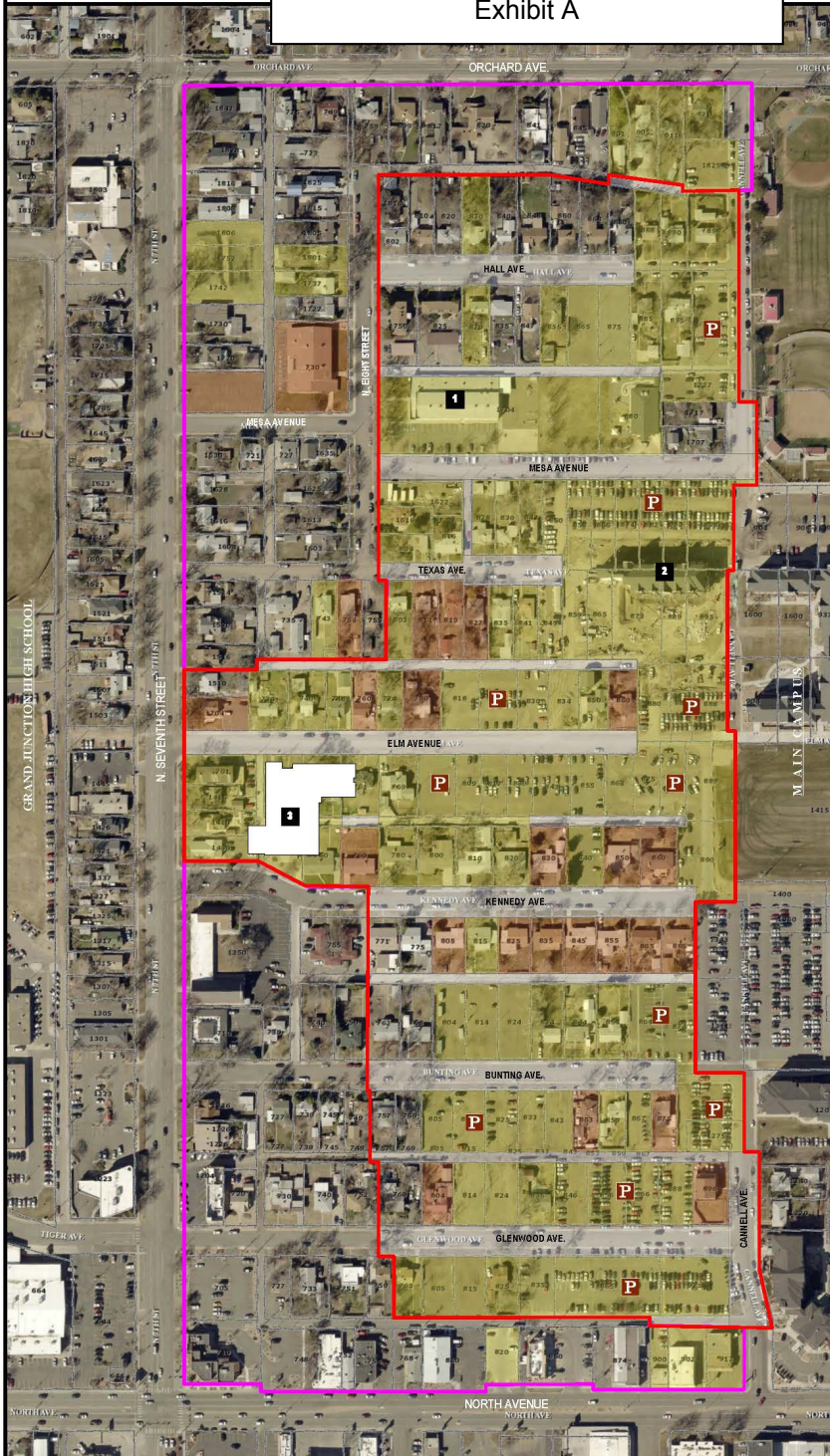


- 2017 Master Plan Boundary
- Future Master Plan Amendment(s) Boundary
- Property Owned by CMU
- Short Term Property Acquisitions by CMU
- Existing Street and Alley To Be Vacated
- P Parking (Subject to Future Change)
- 1 Relocated Development Center (Under Construction)
- 2 Wiggle Pad
- 3 Engineering Building (Under Construction)

2017 MASTER PLAN LAND USE SUMMARY		
USE	AREA (SQ. FT.)	% of TOTAL
Property Owned by CMU*	226	97.0
Short Term Property Acquisitions	38	9.6
Existing Street & Alley To Be Vacated	76	19.2
Property Not Owned by CMU	55	13.9
2017 Master Plan Boundary	395	100.0
Future Master Plan Area	239	

* Does include 2.8 ac. in Future Master Plan Area
 † Approximate area calculation

Exhibit A



- 2017 Master Plan Boundary
- Future Master Plan Amendment(s) Boundary
- Property Owned by CMC
- Short Term Property Acquisitions by CMU
- Existing Street and Alley To Be Vacated
- P Parking (Subject to Future Change)
- 1 Relocated Development Center (Under Construction)
- 2 Wingale Hall
- 3 Engineering Building (Under Construction)

2017 MASTER PLAN LAND USE SUMMARY		
USE	AREA ¹ (SQ)	% of TOTAL
Property Owned by CMC ¹	22.6	57.3
Short Term Property Acquisitions ²	3.8	9.6
Existing Street & Alley To Be Vacated	7.6	19.2
Property Not Owned by CMU	5.5	13.9
2017 Master Plan Boundary	39.5	100.0
Future Master Plan Area	23.9	

¹ Does include 2.0 ac. in Future Master Plan Area

² Approximate Area Calculation