



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

TUESDAY, August 22, 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 June 27th and July 18th meetings.

2. Zoning Board of Appeals Code Text Amendment

[Attach 2](#)

[File #ZCA-2017-365]

Request to amend Section 21.02.030 of the Zoning and Development Code regarding Zoning Board of Appeals Membership.

Action: Recommendation to City Council

Applicant: Director of Community Development

Location: N/A

Staff Presentation: Kathy Portner, Planning Manager

3. Industrial Properties Rezone

[Attach 3](#)

[File# APL-2017-176]

Request by RJ Properties (703 23 2/10 Road) and ZZYZ LLC (2350 G Road) to rezone properties from I-2: General Industrial to I-1: Light Industrial.

Action: Recommendation to City Council

Applicant: RJ Properties and ZZYZ LLC

Location: 1020 Grand Ave

Staff Presentation: Kristen Ashbeck, Sr. Planner

INDIVIDUAL CONSIDERATION

4. Zone of Caballero Annexation

[Attach 4](#)

[File# ANX-2017-211]

Request by the Applicants Audel and Guadalupe Caballero to zone 4.89 acres from County RSF-R (Residential Single Family – Rural) to a City R-8 (Residential – 8 du/ac) zone district. The property is located at 3149 D ½ Road.

Action: Recommendation to City Council

Applicant: Audel and Guadalupe Caballero
Location: 3149 D ½ Road
Staff Presentation: Lori Bowers, Sr. Planner

5. Fossil Trace Rezone

[Attach 5](#)

[File#RZN-2017-296]

Request by the Applicant, Fossil Trace LLC to rezone 8.41 +/- acres from R-R (Residential – Rural) to R-2 (Residential – 2 du/ac).

Action: Recommendation to City Council

Applicant: Fossil Trace LLC
Location: 465 Meadows Way
Staff Presentation: Scott Peterson, Sr. Planner

6. Ridges Mesa Rezone

[Attach 6](#)

[File#RZN-2017-361]

Request to revoke all previous approvals associated with the Ridges Mesa PD, and consider a zoning change on the lapsed PD to the previous R-2 zone district.

Action: Recommendation to City Council

Applicant: Community Development Director
Location: 382 and 384 High Ridge Drive
Staff Presentation: Kathy Portner, Planning Manager

7. Adjournment

Attach 1

**GRAND JUNCTION PLANNING COMMISSION
June 27, 2017 MINUTES
6:00 p.m. to 7:09 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, George Gatseos, Steve Tolle and Bill Wade.

In attendance, representing the Community Development Department – Tamra Allen, (Community Development Director), Kathy Portner, (Community Services Manager), and Dave Thornton (Principal Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lydia Reynolds was present to record the minutes.

There were 61 citizens in attendance during the hearing.

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

1. Minutes of Previous Meetings

Action: Approve the minutes from the May 23, 2017 meetings.

2. Hill Zone of Annexation

[File #ANX-2017-189]

Request to zone 1.09 acres from a County C-2 (General Commercial District) to a City C-2 (General Commercial) zone district.

Action: Recommendation to City Council

Applicant: Hill Business Complex LLC c/o Sean Brumelle
Location: 2905 Hill Avenue
Staff Presentation: Lori Bowers, Sr. Planner

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

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

MOTION: (Commissioner Wade) “Madam Chair, I move we accept the consent agenda as proposed.”

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

*****APPEAL*** (Continued)**

3. The Lofts Appeal of the Administrative Decision

[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

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

Chairman Reece briefly explained the appeal and noted that this meeting was a discussion among the Planning Commission and the Commission will not be taking any additional testimony.

Chairman Reece noted that a letter was received from Frederica Howie who has concerns about some perceived ex parte communication between Commissioner Wade and the Lofts’ developers. Chairman Reece stated that the Planning Commissioners will have some discussion regarding the content of the discussion between Commissioner Wade and the developer and then make a decision on whether the content should require that Commissioner Wade recuse himself from further discussion and making a decision on the item. Chairman Reece then asked Commissioner Wade to describe the conversation.

Commissioner Wade stated that after a continuance for the appeal was made at the last Planning Commission meeting, a short break was taken before the next item. At that time, Commissioner Wade stepped down from the dais and introduced himself to the applicant/developers and thanked them for coming and understanding the process that they needed to go through. Commissioner Wade stated the conversation lasted about a minute and a half. Commissioner Wade stated that Ms. Howe then came down the aisle and stopped next to them. Commissioner Wade explained that he thought Ms. Howe

wanted to speak with the developer and since he was finished thanking the applicant/developer, he turned around and walked back to his chair. Chairman Reece asked Commissioner Wade if he discussed any of the content of the appeal. Commissioner Wade replied “absolutely not”.

Commissioner Ehlers asked legal staff if, based on what she has heard, is there any legal necessity for Commissioner Wade to recuse himself from the appeal discussion.

Jamie Beard, Assistant City Attorney, stated that the letter that was received indicated an appearance of impropriety. Based on Commissioner Wade’s remarks, Ms. Beard stated that there does not appear to be a conflict of interest that would rise to the level that would indicate that he must be removed from the panel.

Ms. Beard noted that there is a resolution that City Council has approved as far as what the policy is for the City, particularly when you are an authoritative board rather than an advisory board. If the Commissioners feel that those actions rose to the level of an appearance of impropriety, such that they don’t think it is appropriate that he make a decision in regards to this matter, then that would be up to the Commissioners. Ms. Beard added if someone wanted to make a motion to that effect, then that would be up to the Commission as the decision maker to vote on the matter.

Commissioner Ehlers asked Commissioner Wade if he feels any part of that conversation would bias him one way or the other or impact his decision. Commissioner Wade stated that he feels it would not bias him but given there is a full Commission and an Alternate present, he felt it would be better for appearances that he recuses himself even though he feels it is an unfair situation. Commissioner Wade then left the room and Commissioner Gatseos took his seat at the dais.

Staff Presentation

Kathy Portner, Community Services Manager, stated that this item is an appeal of an Administrative decision on a site plan review approval issued for the Lofts development that was continued from the May 23rd meeting.

Since the continuance a letter was submitted by the appellants dated June 7, 2017 as an addition to their appeal, and a response was submitted by the applicant dated June 8th, both of which are part of the record and part of the Commissioners packet.

As outlined in the memo from staff, dated June 14th (also in the packet) nothing in the appellant’s addition to the appeal changes staff’s original assertion that the proposal clearly falls within the definition of multi-family.

Ms. Portner displayed a slide with the site plan of the project and explained the property located at the NE corner of 10th Street and Grand Avenue is zoned RO (Residential Office) and is within the Transitional District of the Greater Downtown Overlay.

The Lofts development was originally proposed as a 32 unit, three and four-bedroom multifamily development. Ms. Portner stated that through the review process, the applicant reduced the number of units to 27, with a total of 102 bedrooms and 61 parking spaces.

Ms. Portner stated that the Director issued a conditional letter of approval on April 3, 2017, finding that the application was in compliance with the Comprehensive Plan and the pertinent sections of the Zoning and Development Code.

An appeal of the administrative approval was filed on April 13, 2017, with an addition to the appeal filed on June 7th.

Ms. Portner explained that the Appellants basis of their appeal is that Staff inaccurately categorized the proposed use as multifamily resulting in the assignment of an inadequate parking requirement of 2 spaces per residential unit. As such, the Appellants argue that the Director made erroneous findings of fact and that the Director's decision was arbitrary and capricious.

Ms. Portner displayed a slide that illustrated the "Use" categories and explained that the appellants argue that the use as student housing is not multifamily, and better fits the definition of boarding house. Through the project review process, it was clarified that the applicant intended to lease each apartment as a whole, rather than individual leases for each room.

Ms. Portner explained that the Code defines multifamily as a building arranged, designed, and intended to be used for occupancy by three or more families living independently of each other and containing 3 or more dwelling units on the same or separate lots. Further, family is defined as 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.

Ms. Portner clarified that boarding and rooming house is defined as a building containing a single dwelling unit and 3 or more rooms where lodging is provided, with or without meals, for compensation.

Based on all of the available use definitions in the code, Ms. Portner stated that the Director determined that the development best fits the multifamily residential category under the Code in existence at the time of both the application and approval.

The next slide Ms. Portner displayed contained related parking requirements in the code. In accordance with section 21.06.050(c) of the Code, Multifamily uses require 2 parking spaces per unit for units with 3 or more bedrooms.

Ms. Portner noted that for this project and because it was 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 have a higher parking demand, the Director required as a condition of approval the applicant increase the on-site parking from

2 spaces per unit to .6 spaces per bedroom.

Ms. Portner explained that the applicant agreed to the increased parking ratio and in order to meet the Director's condition eliminated one building, thereby reducing the total number of apartments from 32 to 27, for a total of 102 bedrooms. The parking standard as applied from the Code would require only 54 spaces but 61 parking spaces are proposed exceeding the parking required by the Code.

Ms. Portner summarized that pursuant to Section 21.02.210 of the 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. 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.

Ms. Portner explained that 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."

Ms. Portner noted that should the Planning Commission vote to reverse or remand the Director's decision, please state the rationale and findings for making that decision.

Planning Commission Discussion

Regarding the review criteria, Commissioner Ehlers stated that he would like to go over the standard of review criteria. He added that the reason there is no public input is because they are not re-hearing what is being proposed, but considering the record.

Regarding the 4th item on the "Standard of Review" slide, Commissioner Ehlers stated that after reviewing information given, the staff reports, and final comments, he does not believe the Director acted arbitrarily, capriciously or abused her discretion.

Commissioner Ehlers pointed out that the 3rd item addresses failure to consider mitigating measures. Commissioner Ehlers stated that since the rooms were not being rented room by room, but rather as a complete unit, a determination was made that it fits a multifamily

definition by code. Commissioner Ehlers pointed out that the applicant agreed to provide more parking than required by code, therefore in his opinion, mitigating measures were considered and implemented.

The 2nd item addressed whether the Directors decision was “based on erroneous finding of fact”. Commissioner Ehlers stated that considering the evolution of the project, the final decision was not based on erroneous finding of fact.

The last review standard addressed whether the decision was “inconsistent with the Zoning and Development Code or other applicable laws”. Commissioner Ehlers stated that based on the evolution of the project and where it stood at the time of the decision making, this project does fit in with Zoning and Development Code and other applicable laws in being considered multi-family development.

Commissioner Ehlers referred to the desired density that the Comprehensive Plan calls for in this area and emphasized that the density in the downtown area is a way to prevent urban sprawl. Commissioner Ehlers noted that the Comprehensive Plan was a Community wide effort and fully vetted.

Commissioner Ehlers referenced the code definition of multifamily and stated that the parameters have been set by code, no more than 4 unrelated persons per unit. Addressing the neighbor’s concerns that the units will be leased by rooms and not units, Commissioner Ehlers stated that they cannot speculate that this, or any developer may not be telling the truth.

After several outbursts of protest by a few citizens, Chairman Reese reminded the audience that there is no public comment at this meeting and if it happened again, they would be asked to leave. One member of the audience continued to speak out and Chairman Reese asked him to leave. The gentleman said no. Chairman Reese restated that there is no opportunity for public comment at this meeting.

Commissioner Eslami stated that in his opinion, this project should have gone to public hearing from the beginning. Commissioner Eslami felt that this is a good project, but not at this location. He stated that he has visited the site several times and the 27 units is not his concern, but he has concerns regarding the use of the buildings.

Commissioner Eslami stated that he feels the floor plan is not for family living. Commissioner Eslami noted that he is a designer, developer, builder and engineer and in his opinion this is designed as a dormitory. Commissioner Eslami noted that there are 4 bedrooms and four bathrooms in each unit. He felt that a standard four-bedroom home would have 2 bathrooms and possibly a guest bathroom. Commissioner Eslami speculated that the additional bathrooms would add \$100,000 to \$150,000 to the project. He felt to recapture the cost, the rents would have to be about \$1,200 a month and a family would not pay that type of rent to live in a 1,200 square foot home with no garage.

Commissioner Eslami stated that he has spoken with many people including

subcontractors, contractors, realtors, plumbers, electricians and other people since this project came about. He has shown the plans to all of them and they all agree that this is a dormitory and not family living. Commissioner Eslami acknowledged that the code has been followed, however, there is an element of discretion that a project is not to "aggravate". Commissioner Eslami stated that this project aggravates the neighbors who enjoy a clean, manicured neighborhood. Commissioner Eslami speculated that the rooms will be rented to students (four per unit) and there will be noise, partying, parking problems etc. He did not feel the neighbors deserve that. Commissioner Eslami stated that he believes the floor plan should be changed to a three or four-bedroom home with two bathrooms which would be conducive to family living.

Commissioner Eslami noted that when the project was originally proposed, there were over 100 rooms for dormitory style living. When the parking became an issue, they changed the proposal to family living. Commissioner Eslami stated this project will not benefit the community and should be located around a more commercial area. Commissioner Eslami feels the Director made an error, however he was not certain which of the criteria it would fall under.

Commissioner Deppe stated that in looking at the floor design, it appears to lend itself to dormitory style living and parking will be an issue. Commissioner Deppe felt the staff had their hands tied because there is nowhere to fit this type of living in the code. It is not single family and it is not a rooming/boarding house. Commissioner Deppe added that she did not believe this was a proper location for the project.

Commissioner Gatseos stated that he has fully reviewed the record and he is in agreement with Commissioner Ehlers that regarding the review of the appeal, the criteria for the basis of the appeal have not been met. Commissioner Gatseos noted he feels the director was consistent with the zoning code, the decision was based on finding and fact that were not erroneous, the director did not act arbitrarily or capriciously or abused discretion. Regarding the mitigating measures, criteria, Commissioner Gatseos indicated he has concern about the dormitory style floor plan.

Chairman Reese reminded the Commissioners that there are three options available; 1) affirm the decision, 2) remand it back, or 3) deny.

Commissioner Gatseos added that the applicant has a right to develop according to code in the City and it is also important to consider their concerns. Commissioner Gatseos noted that the applicant has put a lot of time, effort and money into the project.

Commissioner Buschhorn reminded the audience that the Commissioners are volunteers who care about the community which is why they volunteered to be Commissioners. Commissioner Buschhorn stated that he agrees with all the Commissioners which puts him in a difficult position. Commissioner Buschhorn explained that they are bound by the code and there is no public comment at this appeal hearing.

In his review of the reports and considering the four criteria, Commissioner Buschhorn does

not see a reason to affirm the appeal and overturn the Director's decision. Under the strict reading of the code, Commissioner Buschhorn finds this current development application as a legitimate, legal, allowable and an accepted use, although he has a problem with the parking situation. Commissioner Buschhorn speculated that 102 units may need a minimum of 20 more parking spaces than has been provided. Commissioner Buschhorn stated that he does not believe the Director considered additional mitigation for the parking issue for 102 units. Commissioner Buschhorn explained his position would be to remand, for further consideration, with potential mitigation issues...or look at it again. Where it goes from there, is determined by the Code, the Director, and the parties...it is not determined by the Commission, although it may come back to them.

Commissioner Tolle stated that there is no good position on this matter. Referring to the turnout in the audience, Commissioner Tolle commented that this type of act of participation by the citizens of this City, is to be advertised, supported, and listened to. Commissioner Tolle explained that there is not a lot of latitude when they are restricted by the Code. Commissioner Tolle questioned the car/ratio calculation for parking. Commissioner Tolle felt that a better job can be done, and stated he would like the item to be remanded back to the staff.

Commissioner Ehlers expressed a concern that the comments being made by the Commissioners is in response to a review of the site plan and not to the review criteria for the basis of appeal. The process and the code has been adopted over years of consideration. Commissioner Ehlers cautioned that the code was not intended to address a site by site "not in my backyard" scenario but consider a bigger scale...a Community-wide scale which is why it is so important to stick to the Code and these criteria. Commissioner Ehlers acknowledged that these neighbors are impacted by this particular project, however, by reviewing it otherwise, the community is also impacted. Commissioner Ehlers added that as an authoritative body he assumes there is a legal requirement not to deviate from the criteria in the Code.

Commissioner Eslami stated that he is not looking at this as a site plan, but rather what is the intent of the project. Commissioner Eslami indicated that the site plan is a tool to help understand what the right decision would be. Commissioner Eslami stated the he feels the Director has followed the criteria but not enough, considering there are issues related to parking, noise etc.

Commissioner Ehlers indicated that it appears there are Commissioners that are defining "family", and in turn "multi-family", in a manner that is inconsistent with how the code specifically defines "family". Commissioner Ehlers stated that the "family" part of "a multi-family dwelling" is not defined as a Mom, Dad, kids etc. It is defined as "*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*". Those are considerations in the master planning of the Community fabric that allow for anything ranging from nurses, foster parents and those who can cohabitate but are unrelated. Commissioner Ehlers expressed concern that some of the other Commissioners are going by their personal definition of family and not by the code's

definition.

After several outbursts from the audience regarding a lack of public comment, Commissioner Deppe asked Ms. Portner to explain why there is no public comment at this hearing. Ms. Portner explained that this is a “use by right” under the code. In this case the property is zoned Residential Office (R-O) where all types of household living are an allowed use. Within the code, the only public notice required for anything that is an allowed use is a sign on the property and a mailed notice of the application.

(Original) MOTION: (Commissioner Buschhorn) “Madam Chair, I move to remand the conditional approval of the Lofts, located 1020 Grand Ave. for the reasons of considering additional mitigating measures”.

Commissioner Deppe seconded the motion.

Ms. Beard asked the Commissioners to please keep in mind when they are remanding the item back to staff, they will need to give them direction as to what it is they are expecting staff to look at. Ms. Beard indicated that “mitigating measures” may be too broad and may not specify what is they are supposed to be reviewing. Ms. Beard added that it should be clear if the Commissioners feel that what staff did is an erroneous finding of fact, or what those matters were that were not considered for mitigating measures.

Commissioner Eslami commented that the most important thing for them to be looking at is the parking issues and the site plan.

Commissioner Ehlers questioned that premise because if the determination has been made that this is multifamily then the parking exceeds that of which is required by code. Commissioner Eslami stated that although the parking may satisfy the code, it is not the right decision based on the project. Commissioner Ehlers asked for clarification that the recommendation is sending the item back on appellant based on an opinion held by at least one Commissioner, not based on code. Chairman Reece affirmed that is the motion on the table.

Commissioner Buschhorn requested, since he made the motion, to clarify what he thinks mitigating measures are. Commissioner Buschhorn stated that looking at the impact of the parking on the surrounding Community. Commissioner Buschhorn felt the project is unduly impacting the neighborhood based on the amount of parking they have for the amount of housing they propose to provide. Commissioner Buschhorn would like to know how many parking spots there actually are in the area verses how many would be needed for 102 bedrooms and would like to see where the overflow is proposed to go.

Commissioner Gatseos emphasized that an appeal is a legal determination and he must look at the facts and held to the code, however he sympathizes with the neighborhood.

Referring to the multifamily aspect and floor plan of the project, Commissioner Buschhorn asked if the site plan can be considered when discussing erroneous findings of fact. He

suggested that calling this multifamily housing may be an erroneous determination by the Director.

Commissioner Ehlers asked Ms. Beard how the law defines “erroneous”. Ms. Beard replied that it is defined as an error in the findings of the facts. Ms. Beard asked that they be specific as to what that error is.

Commissioner Ehlers expressed concern that if the Commission, as an authoritative legally binding entity, finds that there is an error in the findings of facts because there is a bathroom in each bedroom it would feel like it was based on opinion. Commissioner Eslami noted that they are obligated to the public not just the City. Commissioner Ehlers added that the public includes people beyond those who are present, as well as the applicant/developers.

Commissioner Gatseos stated that when he referred to remanding the matter back, he could only do that with mitigating measures to be considered. Commissioner Gatseos disagreed that there may be erroneous findings of facts which were based on the code.

Commissioner Ehlers emphasized that the Commission’s obligation is to the Community as a whole and there are Community wide implications for the decisions. Commissioner Ehlers restated that additional parking was added above and beyond the requirements of the code.

Ms. Beard asked for clarification of the motion before it goes to vote. Chairman Reece asked Commissioner Buschhorn to restate the motion.

(Revised) MOTION: (Commissioner Buschhorn) “Madam Chair, I move to remand the conditional approval of the Lofts, located 1020 Grand Ave. with direction to the Director to reconsider mitigating measures on the parking impact in the neighboring Community”.

Commissioner Deppe seconded the motion. A roll call vote was taken by Chairman Reece. Commissioners Buschhorn, Deppe and Eslami voted YES, and Chairman Reece, Commissioner Ehlers, Gatseos, and Tolle voted NO. The motion failed 4-3.

MOTION: (Commissioner Ehlers) “Madam Chair, I move we affirm the conditional approval of the Lofts, located 1020 Grand Ave.”

Chairman Reece seconded the motion. A roll call vote was taken by Chairman Reece. Commissioners Buschhorn, Deppe and Eslami voted NO, and Chairman Reece, Commissioner Ehlers, Gatseos, and Tolle voted YES. The motion passed 4-3.

Chairman Reece called for a five-minute break.

4. Other Business

Election of Officers

Commissioner Wade rejoined the Commissioners and Commissioner Gatseos stepped down from the dais.

Chairman Reece asked for a nomination for the office of Vice-Chair. Commissioner Tolle nominated Commissioner Wade. Commissioner Deppe seconded the nomination. With no other nominations requested, Chairman Reece called for a vote and the motion passed unanimously by a vote of 7-0.

Chairman Reece asked for a nomination for the office of Chairman. Commissioner Wade nominated Chairman Reece. Commissioner Ehlers seconded the nomination. With no other nominations requested, Chairman Reece called for a vote and the motion passed unanimously by a vote of 7-0.

5. Adjournment

The meeting was adjourned at 7:09 pm.

**GRAND JUNCTION PLANNING COMMISSION
July 25, 2017 MINUTES
6:00 p.m. to 6:34 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, Keith Ehlers, Ebe Eslami, George Gatseos, Steve Tolle and Bill Wade.

In attendance, representing the Community Development Department – Tamra Allen, (Community Development Director), Kathy Portner, (Community Services Manager), and Dave Thornton (Principal Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lydia Reynolds was present to record the minutes.

There were 25 citizens in attendance during the hearing.

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

1. Minutes of Previous Meetings

Minutes not available at this time.

Chairman Reece noted that the minutes of the previous meeting were not available at this time.

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

2. Adaptive Communication Telecommunication Tower CUP

[File #CUP-2017-266]

Request for a Conditional Use Permit for telecommunications tower on 9.218 acres in a C-2 (General Commercial) zone district.

Action: Approval or Denial of CUP

Applicant: Adaptive Communications, LLC
Location: 793 22 Road
Staff Presentation: Dave Thornton, Principal Planner

Chairman Reece briefly explained the item to be presented for individual consideration.

David Thornton, Principal Planner, explained that the request is for a Conditional Use Permit for the property at 793 22 Road for a Telecommunication facility to provide Broadband services for residential and commercial customers, owned and operated by the applicant, Adaptive Communications, LLC.

Mr. Thornton stated that a Neighborhood Meeting was held on May 31, 2017, with 3 citizens in attendance. Area residents in attendance expressed support for the proposal. Additionally, GJ Economic Partnership has expressed support for the project.

As part of the requirements, a Balloon Test showing the height of the tower at 100 feet was flown in the morning of June 28th.

Mr. Thornton displayed a slide of the proposed tower site and noted that the property is located on the southwest corner of 22 Road and H Road and currently contains a RV Park on the eastern 2/3 of the property and RV Storage on the western 1/3. It is owned and operated by TMG Real Estate LLC. Mr. Thornton stated that the applicant Adaptive Communications LLC is requesting a Conditional Use Permit to add to the site a Telecommunications facility.

Mr. Thornton noted that adequate public and community facilities and services are available to the property and are sufficient to serve the telecommunication use proposed with the CUP. To the east is TDS, Tire Distribution and other commercial warehouse facilities, to the north is Diesel Services and vacant land, to the west is mini storage. To the south is a commercial building currently a commercial supply company as well as vacant land.

Mr. Thornton displayed the Future Land Use Map showing the property as Commercial/Industrial. The next slide displayed was of the Zoning Map illustrating the current zoning of C2 (General Commercial).

Mr. Thornton displayed an aerial photo of the site and explained that the Tower location is within the existing RV Storage area with the eastern edge adjacent to the RV Park. The site lies in the northern portion of the property with allowance for future ROW dedication for H Road as a Principal Arterial street.

The tower is nonconcealed and 100 feet in height, far under the maximum of 150 feet the zoning allows. In the C-2 Zone district it requires a CUP.

Mr. Thornton explained that the tower is designed with breakpoint technology where failure of the tower falling or collapsing will occur within a 40' radius. Mr. Thornton noted that this is different than what was written in the Staff report. The staff report should say the height of the proposed breakpoint on the tower is 60', not 40'. This is important because it establishes the setback requirement for the tower from any dwelling unit. Staff is including Recreational Vehicles (RV's) under this definition as dwelling units.

The applicant revised the site plan (shown on the slide in front of you) to meet the required setback of 44 ft. from the tower (110% of the 40 ft. radius).

Mr. Thornton explained that the applicant had to address why an existing tower or facility was not available to justify a new tower facility. Mr. Thornton noted that this is included in the Staff report which is a part of this public hearing record.

Mr. Thornton stated that broadband services will be available to a large area of the Grand Junction community with this proposed facility. A large portion of Appleton and the western area of the Redlands, as well as the commercial and industrial areas of the 22 Road area will be within the service area. In addition, the tower structure has the capability for colocation, including cellular service.

Mr. Thornton noted that Structure Classification is a means to segregate structures based on their usage. Class I has the lowest nominal loading requirements, while III has the highest. Mr. Thornton explained that the Development Code refers to the structural standards as Series III. The industry refers to them as Class III. Staff concurs with the applicant that Series III and Class III are the same standards and these terms are referred to interchangeably.

Mr. Thornton emphasized that the applicant's engineer, DGP Engineering, LLC has issued a statement that all standards for Class III are and will be met with the proposed tower.

Findings of Fact/Conclusions

Mr. Thornton stated that after reviewing the Adaptive Communications LLC Telecommunications Tower CUP application, CUP-2017-266, request for a Conditional Use Permit, the following findings of fact, conclusions and conditions have been determined:

1. The requested Conditional Use Permit is consistent with the Comprehensive Plan and with the goal and polices of the Comprehensive Plan, specifically, Goal 12.
2. The review criteria, items 1 through 5 in Section 21.02.110 of the Grand Junction Zoning and Development Code have all been met or addressed.
3. Applicant shall be responsible for meeting all conditions as required by the City Fire Department and Mesa County Building Department as applicable from the International Fire and Building Codes for the installation and engineering for wind loads etc., for the installation of a 100 ft. tall noncealed telecommunications tower.

Questions for Staff

Commissioner Wade asked for clarification of the location of the tower to the RV park.

Commissioner Ehlers recalled a regulation in local land development where the setback required for a tower was twice the height of the tower. Commissioner Ehler's concern was that the applicant may get to the building department and hit a roadblock. Mr. Thornton stated that the "breakpoint" technology text was incorporated into the City Code that has been adopted and the setbacks are in compliance with the Code.

Public Comment

Kristi Pollard, Executive Director for the Grand Junction Economic Partnership, 122 N 6th Street. Ms. Pollard stated that they are in support of the proposal. Ms. Pollard noted that they have been working with Adaptive Communications and Adaptive Towers for several months and they are part of the State's Jump Start program. Ms. Pollard stated that not only is it an innovative technology, they will also be providing a wireless service to some of the remote areas of Grand Junction. Ms. Pollard emphasized that wireless service is important in recruiting companies to relocate to Grand Junction as well as for visitors.

Tracy Harmer, Delta CO, President of Adaptive Communications thanked the Planning Commission for reviewing the project and the audience members who came out in support of the project. Mr. Harmer stated that not only is his company providing internet service, but they are creating jobs by locating a new manufacturing plant to make the towers in Grand Junction.

Mari Garland, 793 22 Road, stated that she and her husband own Junction West RV Park where the adaptive tower will be located. Ms. Garland stated that they serve an average of 67 households per night that presently share the same internet service. Ms. Garland noted that they currently cannot get quality service at any price, and the high speed service they will be getting will be priced competitively.

Don Pettygrove, 8 Moselle Ct., stated that he is the manager and owner of DGP Engineering LLC and is the structural engineer for this project. Regarding the collapse mechanism and wind-loading, Mr. Pettygrove stated that the Code has very specific conditions that must be met. Mr. Pettygrove stated he had contacted the City several years ago regarding the possibility of getting improved service. Mr. Pettygrove stated that there is a neighbor across the street from a Verizon tower near his house/business that has taken the operators of the tower to court and there is now an injunction imposed on cell tower usage. Mr. Pettygrove stated as a result of this, for the past six months he has not had cell service in his residence/business.

Diana Herald, 4590 S 21 ½ Rd. Glad Park, stated that she has lived in the area for 30 years and although she lives in an area that will not benefit from this project, she is in support of the project that will improve and modernize the technology available. With no other comments or questions, Chairman Reece closed the public hearing portion of the meeting and asked for a motion.

MOTION: (Commissioner Wade) “Madam Chairman, on the matter of file number CUP-2017-266 a request for a Conditional Use Permit for a telecommunications tower on 9.218 acres in a C2 (General Commercial) zone district, I move we approve the tower.”

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

3. Other Business

None

4. Adjournment

The meeting was adjourned at 6:34 pm.

PLANNING COMMISSION AGENDA ITEM

Project Name: Industrial Properties Rezone
Applicant: RJ Properties and ZZYZ LLC
Representative: Theresa Englbrecht, Bray Real Estate - Commercial
Address: 703 23-2/10 Road and 2350 G Road
Zoning: I-2: General Industrial

I. SUBJECT

Consider a request by RJ Properties (703 23-2/10 Road) and ZZYZ LLC (2350 G Road) to rezone properties from I-2: General Industrial to I-1: Light Industrial.

II. EXECUTIVE SUMMARY

The Applicants are requesting approval to rezone two properties, located at 703 23-2/10 Road and 2350 G Road from I-2 (General Industrial) to the I-1 (Light Industrial) zone district. The property located at 703 23-2/10 Road is 1.3 acres in size and currently has a vacant office building on it. The second property located at 2350 G Road is 1.9 acres and currently is also developed with an office building that is currently unoccupied. The property owners are seeking the rezone to provide more flexibility in the types of uses that could occupy the existing office structures on the properties.

III. BACKGROUND

The subject properties, located at 703 23-2/10 Road and 2350 G Road, each have existing structures on them under separate ownership. The owners have applied for the rezone of the properties in a single application. Both properties have office structures on them that have been unoccupied for several years. The two buildings are primarily designed for office use, however, the existing General Industrial (I-2) zone district does not allow for the buildings to be used solely for office purposes. The requested Light Industrial (I-1) district would allow for more office-related uses to utilize the buildings.

Properties adjacent to the subject properties to north, east and west are heavy commercial and industrial uses on larger parcels with outdoor storage and operations. To the south, there are large, vacant parcels that are zoned I-1 and Planned Development (PD).

A Neighborhood Meeting regarding the proposed zone change was held on July 19, 2017. 6 citizens along with the Applicant, the Applicants' representative and City planning staff were in attendance. Area residents/property owners in attendance voiced no objections to the application to rezone the two parcels from I-2 to I-1.

IV. ANALYSIS

Pursuant to Section 21.02.140 of the Grand Junction Zoning and Development Code, the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following rezone criteria:

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

These properties as well as others in the area primarily supported the boom in the oil and gas industry in the early to mid-2000s (703 23-2/1 constructed in 2005 and 2350 G Road constructed in 2003). This industry presence has since been greatly reduced in the valley and the buildings have been vacant for several years (approximately 2 to 3 years). There is currently a greater need for these buildings to be occupied by office-oriented uses that are not allowed in the General Industrial (I-2) zone district. Staff believes this criterion has been met.

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

Staff has seen the land use character within the immediate vicinity of the proposed rezone change over time and anticipates that it will continue to change to include a broader mix of uses. Due to changes in the character of the area, Staff anticipates this area may begin to see pressures for uses other than those allowed within the I-2 zone district, such as those uses promoted by the 24 Road Corridor Plan that covers properties on the south side of G Road across from the properties requested to be rezoned. The recent construction of the new Community Hospital and Medical Office Building complex west of the southwest corner of 24 and G Roads (1/4-1/2 mile from subject properties) has significantly impacted land use in the area and will likely make it more conducive for the buildings on these two parcels to be used for offices to support the hospital campus rather than for strictly industrial uses. Staff believes this criterion has been met.

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

Adequate public and community facilities and services are available to the property and are sufficient to serve the future use of these properties. The nearby major streets (23, 24 and G Roads) have all been improved with recent development such as the Community Hospital Campus. In addition, both properties to be rezoned are already developed and have access to adequate services. Staff believes this criterion has been met.

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

There is three times more acreage within the City that is zoned I-1 (1,601 acres) versus I-2 (597 acres). However, many of the uses appropriate for I-2 are beginning to shift north, particularly since completion of the Community Hospital Campus and there are very few office buildings in the area that can accommodate uses to support the Campus. Thus, while there may be an adequate supply of I-1 zoned property, it may not be in a location that is conducive to redevelopment in this changing area of the City. Staff believes this criterion has not been met.

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

The proposed I-1 zone district would create an opportunity for greater flexibility in uses that can occupy these existing buildings. The community will benefit by the ability of owners to sell or lease these properties to companies or businesses that will add jobs and taxes to the community. In addition, the rezone of these properties will facilitate the reuse of existing buildings for uses that can support and help sustain surrounding development that improves the City's economy. Staff believes this criterion has been met.

This rezone request is consistent with the following vision, goals and/or policies of the Comprehensive Plan

Future Land Use Map: The Comprehensive Plan Future Land Use Map for the area is Industrial, within which both the I-1 and I-2 zone districts may implement the land use plan. Thus, the proposed I-1 zone district is compatible with the Comprehensive Plan Future Land Use Map, The proposed rezone is also compatible with the surrounding I-2, I-1, BP, MU and Planned Development zoning as well as the and surrounding mix of commercial and industrial land uses.

After review of the Comprehensive Plan, Staff believes that the proposed rezone meets the following Comprehensive Plan goals and policies:

Goal 6: Land use decisions will encourage preservation of existing buildings and their appropriate reuse.

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

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

V. STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Industrial Properties Rezone, RZN-2017-298, a request to zone two properties totaling 3.2 acres from I-2 (General Industrial) to an I-1 (Light Industrial) zone district, the following findings of fact have been made:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan;
2. In accordance with Section 21.02.140 of the Grand Junction Municipal Code, one or more of the criteria have been met.

Therefore, Staff recommends approval of the request to rezone the properties located at 703 23 2/10 Road and 2350 G Road from I-2 (General Industrial) to I-1 (Light Industrial).

VI. RECOMMENDED MOTION

Madam Chairman, on the Rezone request RZN-2017-298, I move that the Planning Commission forward a recommendation of approval for the Industrial Properties Rezone of parcels located at 703 23-2/10 Road and 2350 G Road from an I-2 (General

Industrial) to and I-1 (Light Industrial) zone district with the findings of fact as listed in the staff report.

Attachments:

1. Vicinity Map
2. Site Location Map
3. Comprehensive Plan Future Land Use Map
4. Existing Zoning Map
5. Correspondence Received from the Public
6. Proposed Zoning Ordinance

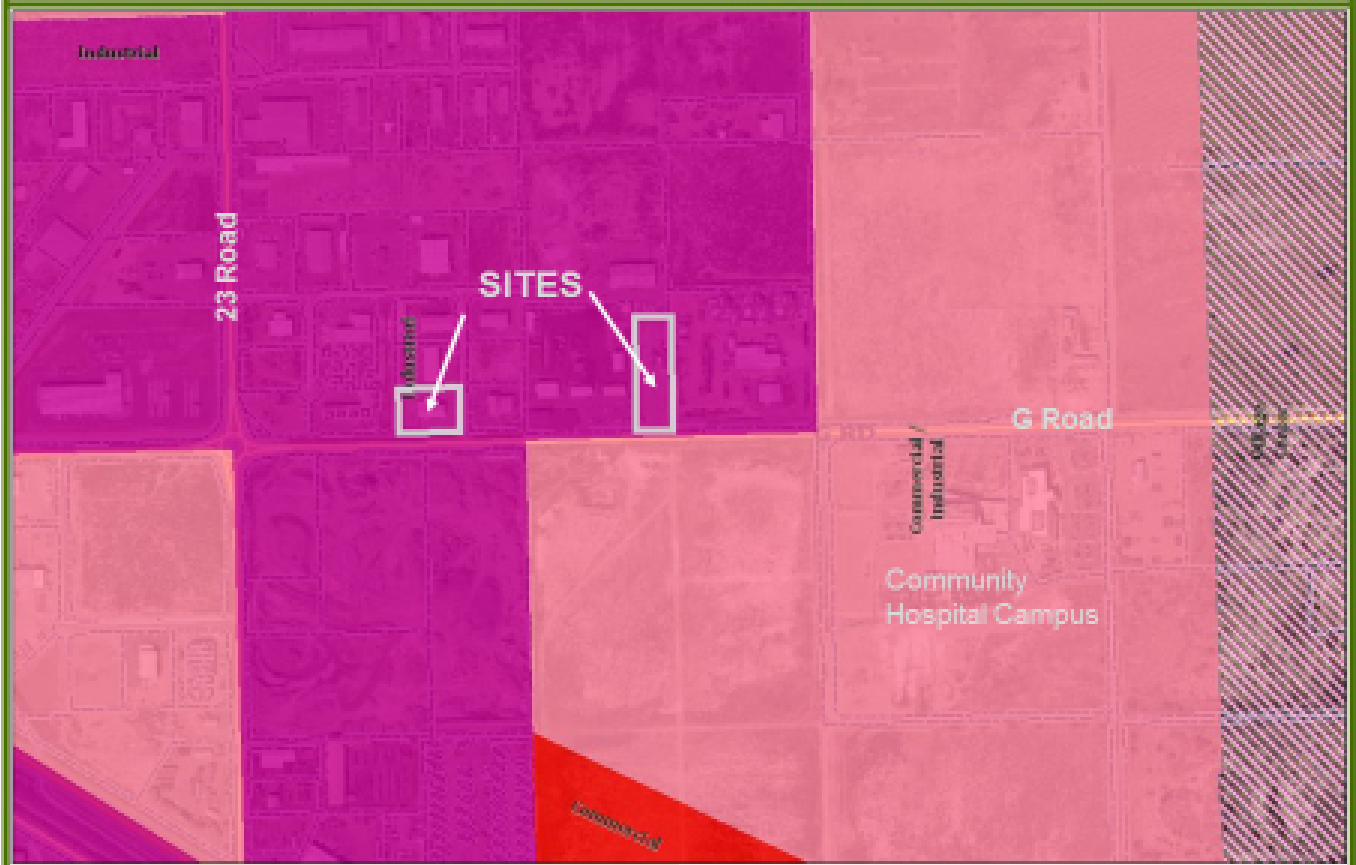
703 23-2/10 Road and 2350 G Road Vicinity Map



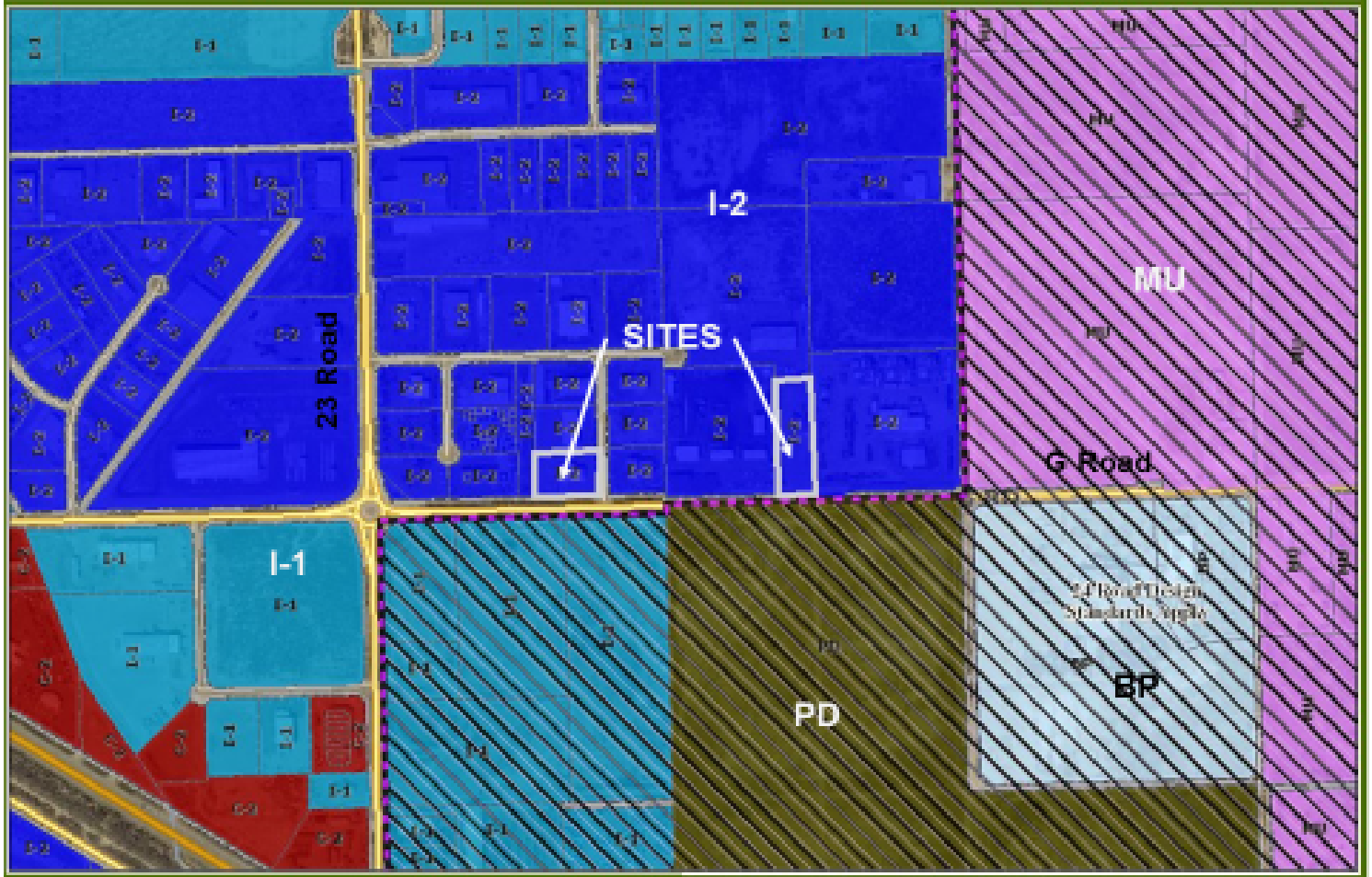
703 23-2/10 Rd and 2350 G Rd Site Location Map



703 23-2/10 Rd and 2350 G Rd Future Land Use Map



703 23-2/10 Road and 2350 G Road Existing Zoning Map



Scott Peterson

From: Jerry Paul <jerry.paulcfa@gmail.com>
Sent: Wednesday, July 05, 2017 4:37 PM
To: theresa@brayandco.com; Scott Peterson; Ray@gjpropeties.com
Cc: Timothy Whitney
Subject: G Road Property Rezoning

As the manager for Arctodus Realty, an owner of 4 properties in the area of rezoning, my partners and I fully support the rezoning request being made by our neighbor.

--

Sincerely,

Jerry Paul CFA

<http://www.linkedin.com/in/jerrypaul/>

303-956-7821

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE ZONING PROPERTIES AT 703 23-2/10 ROAD
AND 2350 G ROAD TO I-1 (LIGHT INDUSTRIAL)**

Recitals:

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the proposed Industrial Properties Rezone located at 703 23-2/10 Road and 2350 G Road to the I-1 (Light Industrial) zone district, finding that it conforms to and is consistent with the Comprehensive Plan Future Land Use Map designation of Industrial, the goals and policies of the Comprehensive Plan, and is generally compatible with land uses located in the surrounding area.

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING PROPERTIES SHALL BE ZONED I-1 (LIGHT INDUSTRIAL):

PARCEL 1: LOT 9 BLK 2 GRAND PARK SOUTH SEC 32 1N 1W - 1.29 AC

PARCEL 2: LOT 1 BLUE STAR PARK SIMPLE SUBDIVISION SEC 32 1N 1W - 1.81 AC

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

Adopted on second reading this _____ day of _____, 2017 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Date: August 3, 2017
 Staff: Kathy Portner
 File #: ZCA-2017-365

Attach 3

PLANNING COMMISSION AGENDA ITEM

Project Name: Zoning Board of Appeals Code Text Amendment
Applicant: Director of Community Development
Representative: Kathy Portner, Planning Manager
Address: N/A
Zoning: N/A

I. SUBJECT

Consider a request to amend Section 21.02.030 of the Zoning and Development Code regarding Zoning Board of Appeals Membership.

II. EXECUTIVE SUMMARY:

Due to the infrequency of meetings and a historic lack of interest in serving on this Board, the Director is proposing to amend Section 21.02.030 of the Zoning and Development Code to reduce the number of members of the Zoning Board of Appeals (ZBOA) from five members to three members. To avoid the challenge of finding new members, the three members are proposed to be comprised of the Chairman of the Planning Commission and the two designated Planning Commission alternates.

III. BACKGROUND

The ZBOA has the power and duty to decide requests to vary the bulk, performance, accessory use, use-specific standards or sign regulations, relief from the nonconforming provisions, and variances to any provision of the Code not otherwise assigned to another review body. A variance is a departure from the dimensional or numerical requirements of the Code. A variance is not a right and may only be granted if the applicant establishes that strict adherence to the Code will result in practical difficulties or unnecessary hardships because of site characteristics that are not applicable to most properties in the same zoning district.

The Zoning and Development Code adopted in 2010 established the authority for the Director to grant Administrative Adjustments, including a 10% deviation from any bulk standard and consideration of the placement of accessory structures, subject to specific criteria. This code revision has resulted in a significant reduction in the number of Variance requests received by the City. Since 2010, the Board has only met 3 times, with the last one being in 2013.

IV. ANALYSIS

The Code calls for the ZBOA to consist of five members, including the Chairman of the Planning Commission, the two designated Planning Commission alternates and two at-large members. The two at-large member seats are currently vacant. Given a number of factors, including the infrequency of Variance requests, the difficulty in recruiting members, and keeping members adequately trained, staff believes it would be helpful to reduce the number of Board members from five to three. In addition, it is proposed that the composition of the membership be comprised of the Chairman of the Planning Commission and the two designated Planning Commission alternates which will ensure that the ZBOA has a seated and trained membership for meeting that are held. Requests heard by the ZBOA are separate and distinct from those heard by the Planning Commission, so there would not be a conflict with the members acting in their capacity on each of the two Boards.

There are no specific criteria in the Zoning and Development Code for considering amendments to the Zoning and Development Code.

Currently, there are no adopted bylaws for the ZBOA.

V. STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing ZCA-2017-365, a request to amend the Zoning and Development Code, the following findings of fact have been made:

3. In accordance with the Zoning and Development Code, staff finds the proposed Code amendment to be consistent with the purpose and intent of the Zoning Board of Appeals.

Therefore, Staff recommends approval of the request to amend Section 21.02.030 of the Zoning and Development Code to reduce the membership from five members to three members and change the composition of the members to include the Chairman of the Planning Commission and the two designated Planning Commission alternates.

IV. RECOMMENDED MOTION:

Madam Chairman, on the Zoning Board of Appeals Code amendment, ZCA-2017-365, I move that the Planning Commission forward a recommendation of the approval with the findings of fact listed in the staff report.

Attachments:

1. Existing Code Section regarding ZBOA
2. Proposed Ordinance

21.02.030 Zoning Board of Appeals (ZBOA).

(a) **Composition.** The Zoning Board of Appeals for the City shall consist of five members, each of whom shall be a City resident and shall represent the interests of the City as a whole. The City Council shall consider citizens with experience in the fields of engineering, law, surveying, development, planning, architecture and construction, as well as citizens at large.

(b) **Identity of Members.** The membership of the Board shall be comprised of the Chairman of the Planning Commission, the designated Planning Commission alternates and two at-large members.

(c) **Term.** Members of the Board shall serve terms of four years coincident to their terms on the Planning Commission. Members are limited to two consecutive terms.

(d) **Vacancies.** All vacancies shall be filled by appointment of the City Council. A member's seat on the Board shall be vacant when the member ceases to reside in the City.

(e) **Removal.** The City Council may remove any member of the Board after public hearing for good cause including inefficiency, neglect of duty, malfeasance or misfeasance in office. The City Council shall make public a written statement of reasons for the removal prior to said public hearing.

(f) **Meetings.** The Board shall meet at least once a month, provided there is business to be brought before the Board. Special meetings may be held as provided by rules of procedure adopted by the Board. Three members constitute a quorum.

(g) **Voting.** A majority of a quorum of the Board shall be sufficient to conduct the business of the Board. A lesser number than a quorum may act to adjourn or continue a meeting.

(h) **Compensation.** Members shall be compensated as the City Council deems appropriate by resolution.

(i) **Powers and Duties.** Except as otherwise provided by this code, ordinance, rule, policy or regulation of the City Council, the Zoning Board of Appeals shall be governed by § 31-23-307 C.R.S. The Board shall have the power and duty to decide:

- (1) Appeals (See GJMC 21.02.060);
- (2) Requests to vary the bulk, performance, accessory use, use-specific standards or sign regulations of this code;
- (3) Requests for relief from the nonconforming provisions established in Chapter 21.08 GJMC; and
- (4) Variances to any provision of this code not otherwise assigned to another review body.

(Ord. 4419, 4-5-10)

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS OF THE ZONING AND DEVELOPMENT CODE (TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE) REGARDING ZONING BOARD OF APPEALS MEMBERSHIP

Recitals:

The Zoning Board of Appeals (ZBOA) has the power and duty to decide requests to vary the bulk, performance, accessory use, use-specific standards or sign regulations, relief from the nonconforming provisions, and variances to any provision of the Code not otherwise assigned to another review body. A variance is a departure from the dimensional or numerical requirements of the Code. A variance is not a right and may only be granted if the applicant establishes that strict adherence to the Code will result in practical difficulties or unnecessary hardships because of site characteristics that are not applicable to most properties in the same zoning district.

The 2010 Zoning and Development Code established the authority for the Director to grant Administrative Adjustments, including a 10% deviation from any bulk standard and consideration of the placement of accessory structures, subject to specific criteria, resulting in a significant reduction in the number of Variance requests. Since 2010, the Board has only met 3 times, with the last one being in 2013.

The current Code calls for the Zoning Board of Appeals to consist of five members, including the Chairman of the Planning Commission, the two designated Planning Commission alternates and two at-large members. The two at-large member seats are currently vacant. Given the infrequency of Variance requests and the need for the ZBOA to meet and the difficulty in recruiting members and keeping them adequately trained, staff recommends reducing the number of Board members from five to three, to be comprised of the Chairman of the Planning Commission and the two designated Planning Commission alternates.

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

Section 21.02.030 *Zoning Board of Appeals* is amended as follows (additions underlined, deletions struck through):

21.02.030 Zoning Board of Appeals (ZBOA).

(a) **Composition.** The Zoning Board of Appeals for the City shall consist of three members, each of whom shall be a City resident and shall represent the interests of the City as a whole. The City Council shall consider citizens with experience in the fields of

engineering, law, surveying, development, planning, architecture and construction, as well as citizens at large.

(b) **Identity of Members.** The membership of the Board shall be comprised of the Chairman of the Planning Commission and the two designated Planning Commission alternates.

(c) **Term.** Members of the Board shall serve terms of four years coincident to their terms on the Planning Commission. Members are limited to two consecutive terms.

(d) **Vacancies.** All vacancies shall be filled by appointment of the City Council. A member's seat on the Board shall be vacant when the member ceases to reside in the City.

(e) **Removal.** The City Council may remove any member of the Board after public hearing for good cause including inefficiency, neglect of duty, malfeasance or misfeasance in office. The City Council shall make public a written statement of reasons for the removal prior to said public hearing.

(f) **Meetings.** The Board shall meet at least once a month, provided there is business to be brought before the Board. Special meetings may be held as provided by rules of procedure adopted by the Board. Two members constitute a quorum.

(g) **Voting.** A majority of a quorum of the Board shall be sufficient to conduct the business of the Board. A lesser number than a quorum may act to adjourn or continue a meeting.

(h) **Compensation.** Members shall be compensated as the City Council deems appropriate by resolution.

All other parts of Section 21.02.030 shall remain in effect and are not modified by this text amendment.

INTRODUCED on first reading the ___ day of _____, 2017 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2017 and ordered published in pamphlet form.

President of the Council

ATTEST:

City Clerk

PLANNING COMMISSION AGENDA ITEM

Project Name: Zone of Caballero Annexation
Applicant: Audel and Guadalupe Caballero
Representative: Jose and/or Alicia Caballero
Address: 3149 D ½ Road
Zoning: County Single Family Residential – Rural (RSF-R)

I. SUBJECT

Consider a request by the Applicants Audel and Guadalupe Caballero to zone 4.89 acres from County RSF-R (Residential Single Family – Rural) to a City R-8 (Residential – 8 du/ac) zone district. The property is located at 3149 D ½ Road.

II. EXECUTIVE SUMMARY

The Applicant has requested annexation into the City of a 4.89-acre parcel and a zoning designation for the annexed property of Residential-8 (up to 8 du/acre). The property is located at 3149 D ½ Road. The annexation is being compelled by the Persigo Agreement due to the Applicant's interest in expanding their existing in-home day care facility as well as future subdivision of the property. Under the 1998 Persigo Agreement, developments within the 201 service area boundary which require a public hearing or land use review, are subject to annexation into the City.

III. BACKGROUND

The 4.89-acre Caballero Annexation consists of one parcel located at 3149 D ½ Road. The property owners have requested annexation into the City and a zoning of R-8 (Residential – 8 du/ac) to allow for an expansion of their current day care use as well as a future subdivision of property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment 201 boundary requires annexation and review by the City.

Under the 1998 Persigo Agreement with Mesa County, the City shall zone newly annexed areas with a zone district that is either identical to current County zoning or to a zone district that implements the City's Comprehensive Plan Future Land Use Map. The proposed zoning of R-8 implements the Future Land Use Map, which has designated the property as Residential Medium.

Properties adjacent to and surrounding the subject parcel are all residential. The nearest commercial uses are approximately ½ mile away.

A Neighborhood Meeting was held on July 6, 2017. Seven citizens were present at the meeting. Weeds and traffic in the area were the main discussion topic but these conversations were not specific to the subject parcel, they were more directed to the general area. The neighborhood seemed in favor of the proposal. Staff has received no additional comments from the public since the meeting.

IV. ANALYSIS

Pursuant to Section 21.02.140(a) of the Grand Junction Municipal Code the City may rezone a property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following criteria:

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

The current zoning in unincorporated Mesa County is RSF-R (Residential Single Family Rural), which is inconsistent with the Comprehensive Plan Future Land Use Map designation that was adopted subsequent to the original zoning. The Future Land Use Map, adopted in 2010, has designated the property as Residential Medium (4-8 du/ac) which is consistent with the requested zone district. Staff believes this criterion has been met.

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

As seen in the attached aerial photographs, this area could be described as a patchwork of developed properties, some in the City and some under County jurisdiction. The latest development in this area occurred in 2006, Chatfield III Subdivision, which is located northeast of the subject site, is within the City limits and is zoned R-5. This zoning designation is in conformance with the Comprehensive Plan. To the east is Dove Creek Subdivision, constructed in 2005. Dove Creek is not within the City limits but it's County zoning of RMF-5 is in conformance with the Comprehensive Plan. To the west is Brookdale Subdivision. Homes in this area were constructed in the '80s, and are not within the City limits except the undeveloped portion on the south. This portion is a large vacant parcel with R-5 zoning and is in conformance with the Plan. On the south end of the property is Grove Creek Subdivision, platted in 2001 and is not within the City limits. It too is zoned RMF-5, meeting conformance with the Comprehensive Plan.

As these larger lots are no longer used for agricultural purposes, the owners see the potential for further residential subdivisions which require annexation into the City. The parcel adjacent to the subject parcel on the east, is also currently zoned RSF-R, which is not in conformance with the Comprehensive Plan. There are a few larger parcels to the east and the west, that have been annexed and

zoned in conformance with the Comprehensive Plan, in anticipation of new residential subdivisions. When the economy turned in 2008, these potential subdivisions were abandoned. As the economy is regenerating, interest in development is returning for this area. Staff believes this criterion has been met.

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

There are adequate public utilities available in D ½ Road, which serves as the access to this parcel. Utilities include potable water provided by the Clifton Water District, sanitary sewer service maintained by the City and electricity from Xcel Energy (a franchise utility). Utility mains and/or individual service connections will be extended into the property as part of future development of the parcel(s).

The property is within the Chatfield Elementary school attendance boundary; Grand Mesa Middle School and Central High School. There is sidewalk extending down D ½ Road to Chatfield Elementary.

The property will remain served by the Clifton Fire Protection District, under an agreement with the City of Grand Junction. The Clifton Fire Station is just over two miles northeast on F Road.

Commercial uses, primarily convenience oriented, are located along 32 Road, one-half mile to the east. Staff believes this criterion has been met.

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

Nine percent of the City's area is zoned R-8 (1,8680.48 acres). Of the that nine percent, only 19 percent remains vacant. An estimated 32% of the R-8 zoned parcels are under-utilized (593.37 acres) therefore the need for more R-8 zoned parcels to be subdivided for future development is desirable. In this area of the City, R-5 zoning is the predominant zoning designation on either side of D ½ Road between 30 and 32 Road. There is some R-8 zoning across the street to the west along Duffy Drive, Summit View Meadows Subdivision, which is built out. Therefore, more R-8 zoning for this area is a desirable designation for land in this area. Staff believes this criterion has been met.

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

The R-8 zone district allows for a day care to have up to twelve individuals in a home-based day care as a by right use. There is significant and immediate benefit to the community to allow for a day care use considering the demand and current void in this area of this use. Staff believes this criterion has been met.

The rezone request is consistent with the following vision, goals and/or policies of 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.

Section 21.02.160(f) of the Grand Junction Municipal Code, states that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. Generally, future development should be at a density equal to or greater than the allowed density of the applicable County zoning district. The Comprehensive Plan shows this area to develop in the Residential Medium category which allows a density range of four to eight dwelling units per acre. The Applicant's request to rezone the property to R-8 fits into this density range. The Applicant will be able to expand their day care, which is an asset to this local community since a larger day care facility recently closed in this area. The Applicant will also be able to further subdivide the property for additional residential lots.

V. STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Caballero Annexation, ANX-2017-211, for a request to zone the 4.89-acre property to R-8 zone district, the following findings of fact have been made:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan.
2. The applicable review criteria in Section 21.02.140 of the Grand Junction Municipal Code have been met.
3. The applicable review criteria in Section 21.02.160(f) of the Grand Junction Municipal Code have been met.

Therefore, Staff recommends approval of the request to zone the Caballero Annexation at 3149 D ½ Road of 4.89 acres to Residential-8 (R-8).

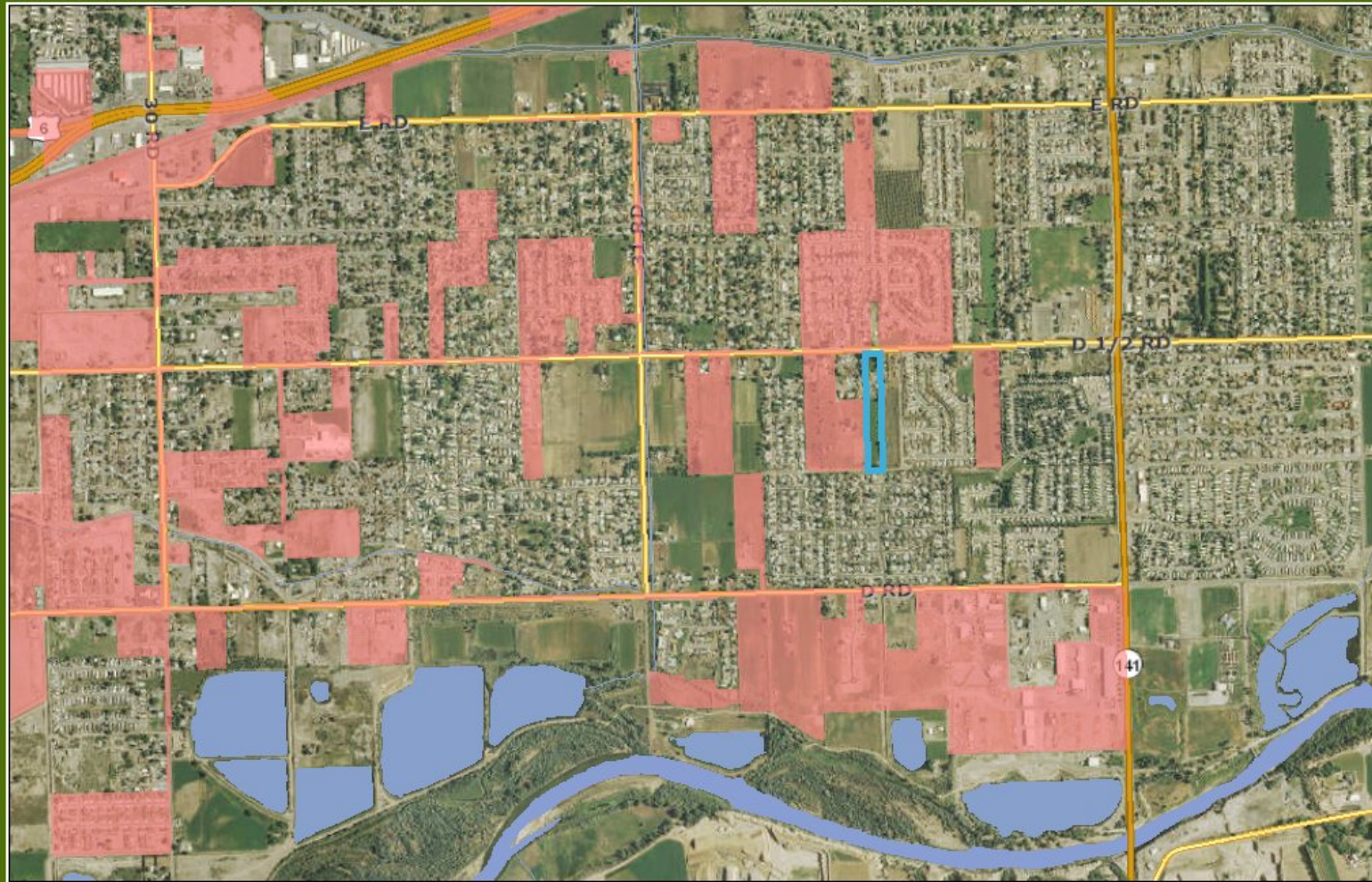
VI. RECOMMENDED MOTION

Madam Chairman, on the Caballero Zone of Annexation, ANX-2017-211, I move that the Planning Commission forward to the City Council a recommendation of approval of the R-8 (Residential-8 du/ac) zone district for the Caballero Annexation with the findings of fact listed in the staff report.

Attachments:

1. Expanded City Limits Location Map
2. Annexation boundary Map
3. Close in City Limits Map
4. Comprehensive Plan Future Land Use Map
5. Existing City and County Zoning Map
6. Ordinance

Expanded City Limits Location Map

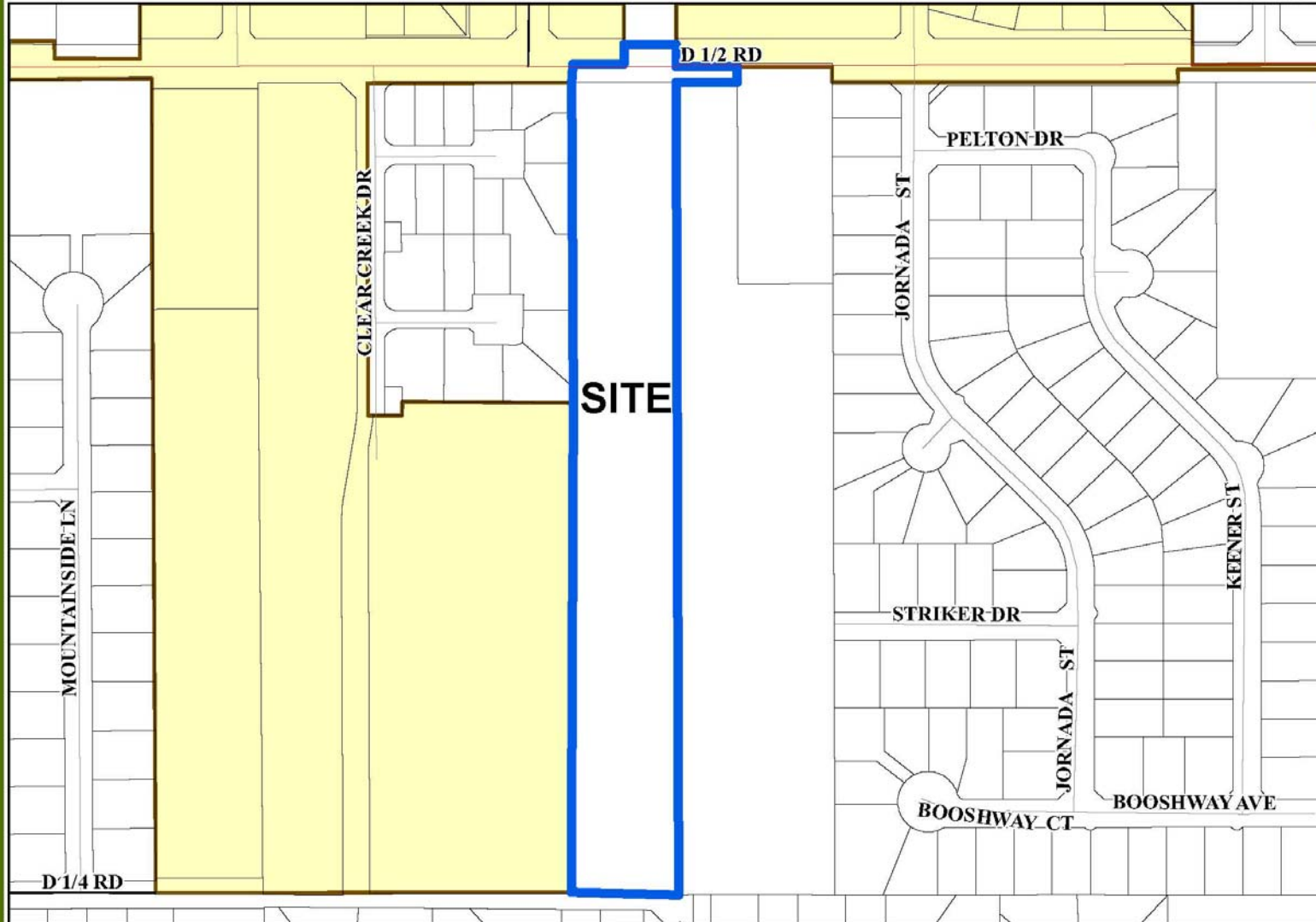


Printed: 8/7/2017

1 inch = 1,433 feet



Caballero Annexation



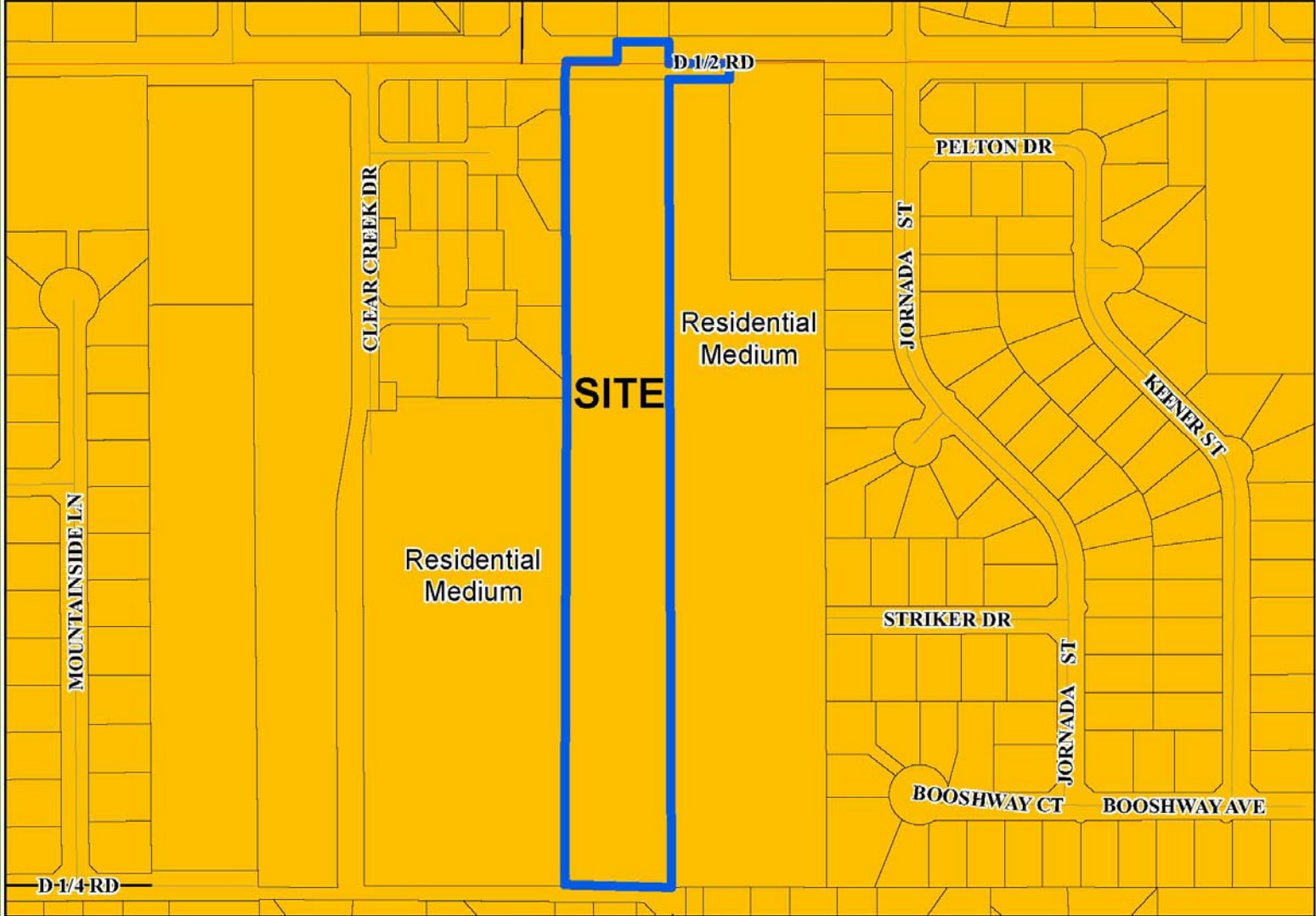
 City Limits  Annexation Boundary

Caballero Annexation



City Limits **Annexation Boundary**

Caballero Annexation - Future Land Use



 Annexation Boundary

Caballero Annexation - Zoning



CITY ZONING COUNTY ZONING  Annexation Boundary

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE CABALLERO ANNEXATION
TO R-8 (RESIDENTIAL – 8 DU/AC)**

LOCATED AT 3149 D ½ ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the Caballero Annexation to the R-8 (Residential – 8 du/ac) zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-8 (Residential – 8 du/ac) zone district is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property be zoned R-8 (Residential – 8 du/ac).

CABALLERO ANNEXATION

A certain parcel of land lying in the Northwest Quarter (NW 1/4), the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 15, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northeast corner of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of said Section 15 and assuming the North line of the NE 1/4 SW 1/4 of said Section 15 bears S 89°54'30" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 00°01'13" E, along the East line of the NE 1/4 SW 1/4 of said Section 15 and the West line of Fox Meadows Annexation No. 1, Ordinance No. 4687, as same is recorded with Reception No. 2751924, Public Records of Mesa County, Colorado, a distance of 5.00 feet; thence S 89°54'16" E, along the South line of said Fox Meadows Annexation No. 1, a distance of 97.01 feet; thence S 00°01'13" E, a distance of 25.00 feet to a point on the South right of way for D-1/2 Road, per deed recorded in Book 5262, Page 881, Public Records of Mesa County,

Colorado; thence N 89°54'16" W, along said South right of way, a distance of 97.00 feet to a point on the East line of the NE 1/4 SW 1/4 of said Section 15; thence S 00°01'13" E, along said East line, a distance of 1,289.60 feet, more or less, to a point being the Southeast corner of the NE 1/4 SW 1/4 of said Section 15; thence N 89°54'11" W, along the South line of the NE 1/4 SW 1/4 of said Section 15, a distance of 163.75 feet, more or less, to the Southeast corner of Third Replat of Brookdale, as same is recorded in Plat Book 13, Page 411, Public Records of Mesa County, Colorado and the Southeast corner of Ingle Annexation, Ordinance No. 4149, as same is recorded in Book 4562, Page 637, Public Records of Mesa County, Colorado; thence N 00°04'40" W, along the East line of said Third Replat of Brookdale, the East line of said Ingle Annexation and the East line of Replat of Brookdale, as same is recorded in Plat Book 13, Pages 262 and 263, Public Records of Mesa County, Colorado, a distance of 1319.59 feet, more or less, to a point on the North line of the NE 1/4 SW 1/4 of said Section 15; thence S 89°54'30" E, along said North line, a distance of 82.61 feet; thence N 00°05'30" E, a distance of 30.00 feet; thence S 89°54'30" E, along the North right of way for D-1/2 Road, per deed recorded in Book 5262, Page 884, Public Records of Mesa County, Colorado, a distance of 82.50 feet; thence S 00°05'30" W, a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 221,880 Square Feet or 5.093 Acres, more or less, as described.

INTRODUCED on first reading the ___ day of ___, 2017 and ordered published in pamphlet form.

ADOPTED on second reading the _____ day of _____, 2017 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk

PLANNING COMMISSION AGENDA ITEM

Project Name: Fossil Trace Rezone
Applicant: Fossil Trace LLC
Representative: River City Consultants Inc
Address: 465 Meadows Way
Zoning: Rural-Residential (R-R)

I. SUBJECT

Consider a request by the Applicant, Fossil Trace LLC to rezone 8.41 +/- acres from R-R (Residential – Rural) to R-2 (Residential – 2 du/ac).

II. EXECUTIVE SUMMARY

The Applicant, Fossil Trace Holdings LLC, is requesting a rezone of Lot 3, Rump Subdivision (8.41 +/- acres), located at 465 Meadows Way from the R-R (Residential - Rural) to the R-2 (Residential - 2 du/ac) zone district for the purpose of future subdivision.

III. BACKGROUND

The subject property (Lot 3, Rump Subdivision) is located at 465 Meadows Way in the Redlands area across the road from Riggs Hill. The property is currently vacant with portions of the property identified as wetlands and a portion within the floodplain. The Applicant, Fossil Trace Holdings LLC, is requesting to rezone the property to R-2 (2 du/acre) from its current zoning of R-R (Residential-Rural: 1 unit/5 acres). The Applicant is interested in developing a residential single-family detached subdivision to meet the R-2 zone district densities and may utilize the cluster provisions of the Zoning & Development Code to preserve the environmentally sensitive and open space areas of the property.

The property was annexed into the City in 2000 as part of the Desert Hills Estates Annexation No. 2. During the annexation process, the property was zoned R-R (Residential – Rural) which was in conformance with the Estate (1 – 3 acres) designation of the City’s Growth Plan at the time.

In 2010, the City and County adopted the Comprehensive Plan’s Future Land Use Map as well as the Blended Residential Land Use Categories Map (“Blended Map”). The current Future Land Use Map continues to designate the area where the property is located as Estate and identifies the Blended Residential Land Use Map category as Residential Low. The Residential Low designation within the Blended Map allows for the application of the any one of the following zone districts (R-R, R-E, R-1, R-2, R-4 and R-5) to implement the Estate future land use category, resulting in an allowance of up to five dwelling units per acre.

Properties adjacent to the subject property to the north is Riggs Hill, which is owned by the Museum of Western Colorado. To the south and east are single-family detached

residential subdivisions of Peregrine Estates and Monument Meadows. To the west are single-family detached homes located on larger acreage.

A Neighborhood Meeting regarding the proposed zone change and subdivision application was held on May 22, 2017. Approximately 16 citizens along with the Applicant, the Applicant's representatives and City planning staff were in attendance. Area residents in attendance voiced concerns regarding existing drainage conditions in the area, expansive bentonite soils and increased traffic on Meadows Way and S. Broadway. Written correspondence was received and is attached for review.

Although not the subject of the rezone hearing, Staff continues to receive calls to date about the future subdivision and development of this property, related to the above mentioned concerns expressed at the Neighborhood Meeting. These items will be addressed further at time of official subdivision application and review, should this application move forward.

IV. ANALYSIS

Pursuant to Section 21.02.140 of the Grand Junction Zoning and Development Code, the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following criteria:

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

The existing property was annexed and zoned Residential-Rural in 2000. In 2010 the City of Grand Junction and Mesa County jointly adopted a Comprehensive Plan, replacing the Growth Plan and establishing new land use designations. The Comprehensive Plan includes a Future Land Use Map and a Blended Residential Land Use Categories Map ("Blended Map"). The Blended Map blends compatible residential densities into three categories (Low, Medium and High), allowing overlapping of zones to provide flexibility to accommodate residential market preferences and trends, streamline the development process and support the Comprehensive Plan's vision. The overlap of zones allows for a mix of density for an area without being limited to a specific land use designation and does not create higher densities than what would be incompatible with adjacent development.

The adoption of the Blended Map in 2010 is a subsequent event or change that allows the property to be rezoned to a higher zone district which is compatible with the existing zoning in the area. The request to rezone to R-2 is both compatible and consistent with adjacent properties' zoning of R-2. Staff believes this criterion has been met.

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

The residential character within the immediate vicinity of the proposed rezone has not changed significantly since the area first developed in the 1970's with the exception of the adjacent Peregrine Estates and the Desert Hills Subdivision which developed in 2005 and 2000 respectfully. Peregrine Estates was annexed and

zoned R-2 and developed as a 25 lot residential subdivision located on 17.84 +/- acres.

Though the character and/or condition of the immediate vicinity of the property has not changed significantly within the last 40 years, the broader area has seen growth since the property was annexed and zoned in 2000. However, the requested zone district is compatible with the surrounding single family uses/densities and is consistent with the Comprehensive Plan. Staff believes this criterion has been met.

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

Adequate public and community facilities and services are available to the property and are sufficient to serve the residential land uses allowed in the R-2 zone district. Ute Water and City sanitary sewer are presently located within Meadows Way. The property can also be served by Xcel Energy electric and natural gas. Located within the vicinity and along Broadway (Hwy. 340), is a neighborhood commercial center that includes an office complex, bank, medical clinic, veterinary clinic, convenience store and car wash. In addition, Grand Junction Redlands Fire Station No. 5 is located within 2 miles of the property and the property is located nearby to Broadway Elementary School, Redlands Middle School and Wingate Elementary School. Staff believes this criterion has been met.

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

There is not an adequate supply of suitably designed land available in the community as the R-2 zone district comprises only 4% of the overall total acreage zoned within the City limits (residential, commercial and industrial). The R-2 zone district is, however, the fourth highest residential zone in the City, trailing only the R-4, R-5 and R-8 zone districts for the amount of residential acreage designated within the City limits (Less than 900 +/- acres within the City limits is zoned R-2). Staff believes this criterion has been met.

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

The community will derive benefits from the proposed amendment by creating an opportunity for future residential development on this property which will provide additional residential housing opportunities for residents of the community. The property is located within the highly desirable Redlands area and near neighborhood commercial centers, elementary and junior high schools, which could contribute positively to employers' ability to attract and retain employees. Staff believes this criterion has been met.

This rezone request is consistent with the following vision, goals and/or policies of the Comprehensive Plan:

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

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

Goal 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 will balance the needs of the community.

Policy C: Increasing the capacity of housing developers to meet housing demand.

V. STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Fossil Trace Rezone, RZN-2017-296, a request to rezone 8.41 +/- acres from R-R (Residential – Rural) to R-2 (Residential – 2 du/ac) zone district, the following findings of fact have been made:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan;
2. In accordance with Section 21.02.140 of the Grand Junction Zoning and Development Code, one or more of the criteria have been met.

Therefore, Staff recommends approval of the request to rezone the property located at 465 Meadows Way from R-R (Residential - Rural) to an R-2 (Residential – 2 du/ac) zone district.

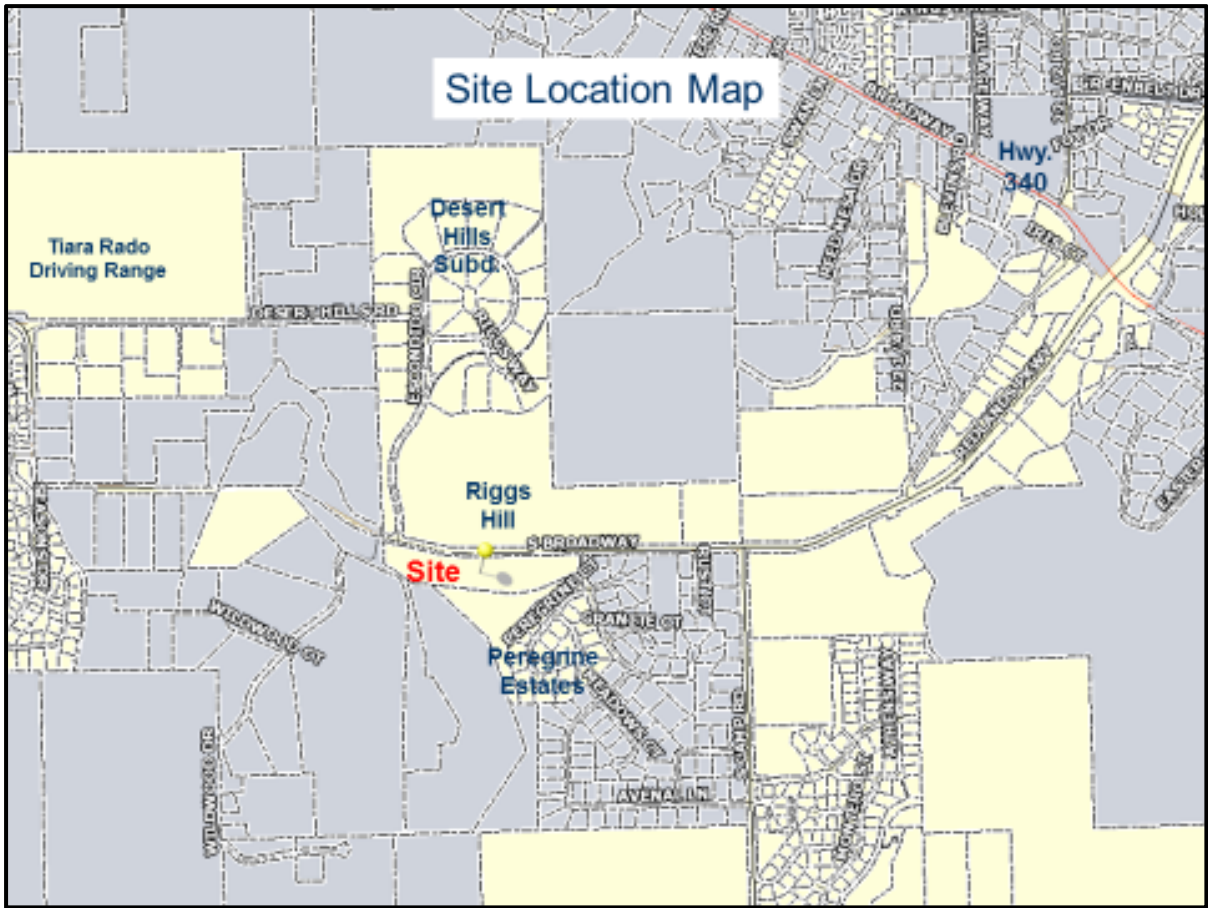
VI. RECOMMENDED MOTION

Madam Chairman, on the Rezone request RZN-2017-296, I move that the Planning Commission forward a recommendation of approval for the rezone of 465 Meadows Way from R-R (Residential – Rural) to R-2 (Residential – 2 du/ac) zone district with the findings of fact listed in the staff report.

Attachments:

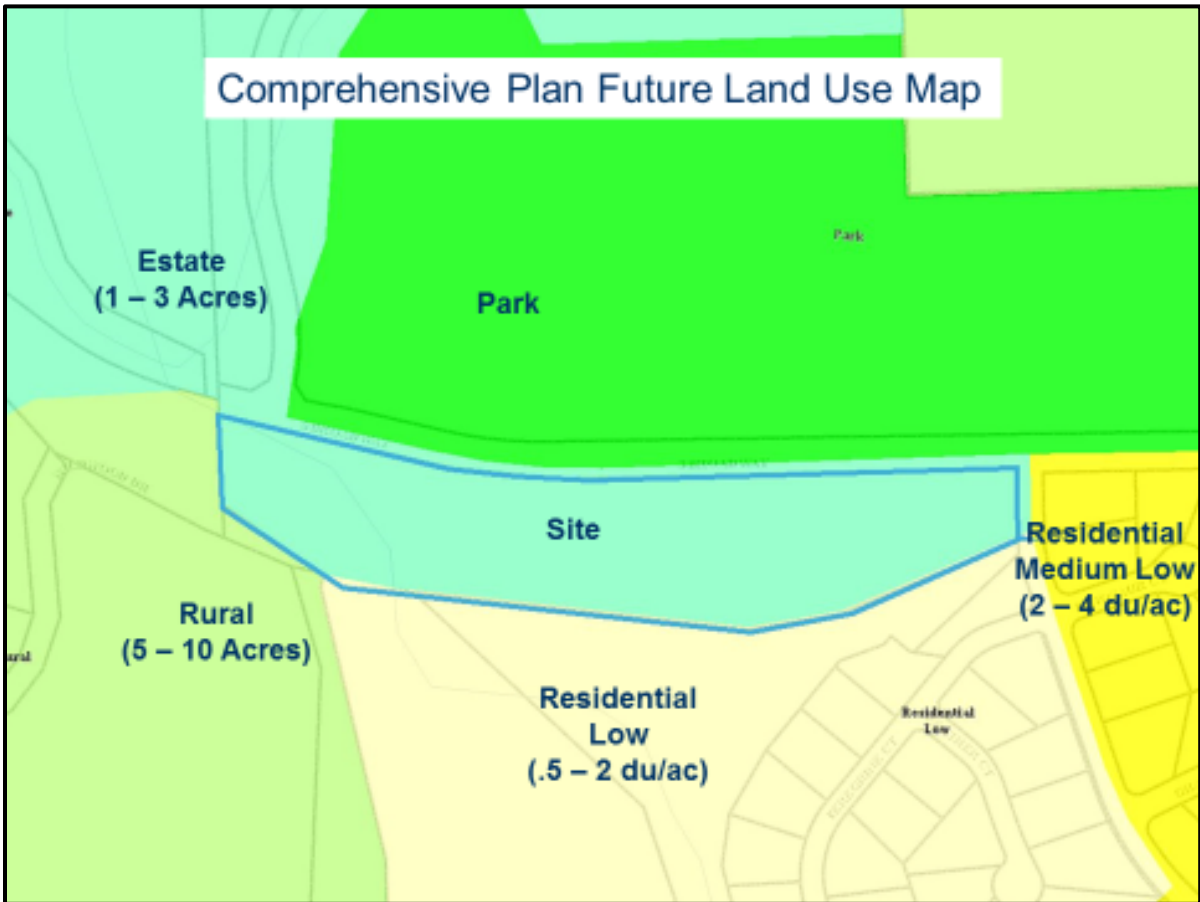
1. Site Location Map
2. Aerial Photo Map
3. Comprehensive Plan Future Land Use Map
4. Blended Residential Land Use Categories Map
5. Existing Zoning Map
6. Correspondence received from the public
7. Ordinance

Site Location Map





Comprehensive Plan Future Land Use Map



Blended Residential Map

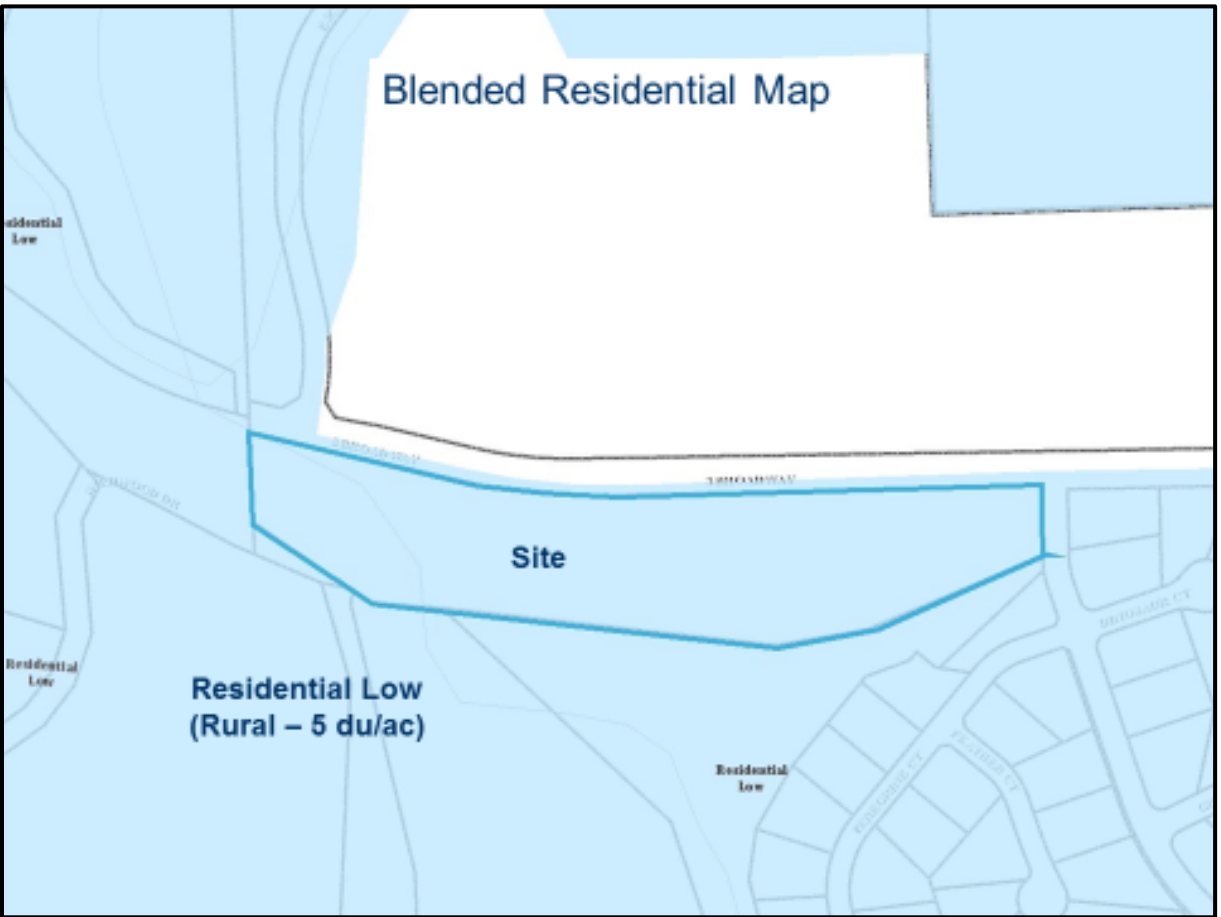
Residential
Low

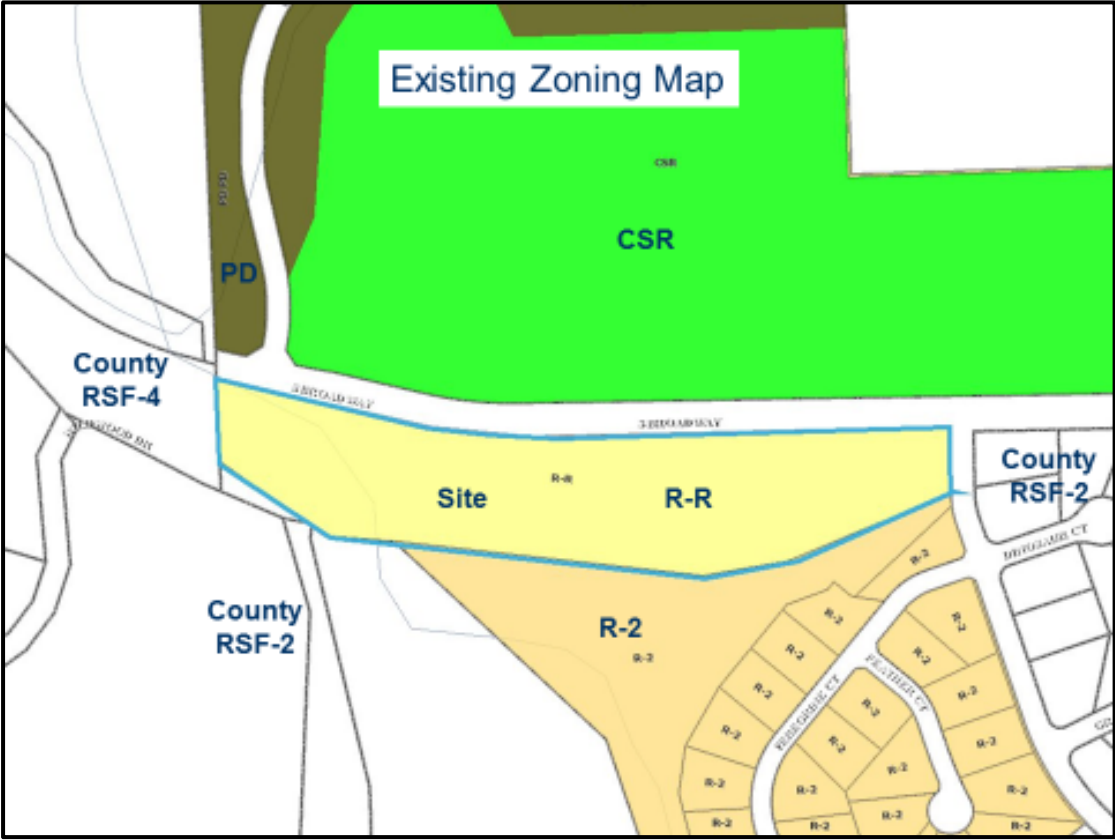
Residential
Low

**Residential Low
(Rural – 5 du/ac)**

Site

Residential
low





June 2, 2017

Peregrine Estates HOA
c/o 460 Feather Court
Grand Junction, CO 81507

City of Grand Junction
Attn: Scott Peterson, Senior Planner, Planning Department
250 North 5th Street
Grand Junction, CO 81501

via email scottp@gjcity.org

Dear Scott:

Thanks for taking the time at the May 22 meeting, at Tiara Rado, to discuss and answer our questions, regarding the proposed Fossil Trace Subdivision, which would be adjacent to our HOA. To increase efficiency, with solidarity, we are sending one HOA letter to go on record with our concerns related to Fossil Trace.

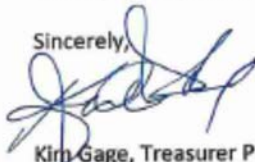
- Water
 - While we have many concerns, this is the most important, as there is a history of drainage issues during heavy downpour event. Will their system handle an event like had 2-3 years ago...two events in span 2-3 months? Also, will their system not further slow the drainage of water from LimeKiln Creek to Colorado River.
 - There is a grave concern about further raising underground water table. There is underground spring which flows from SE out of Meadows development underneath NE corner, then just about down center of Peregrine Ct. and then turns NW about on the north side of 2172 Peregrine Court (Wilding residence) into the marsh area.
 - Wetlands – will this development protect the area?
- Traffic
 - Having the entrance road for new development so close to intersection of So. Broadway and Meadows Way, it is a concern for the children of the neighborhood and the likelihood of rear end incidents, backups at stop sign and, possibly during egress onto S.

Broadway, cars will likely creep out of Fossil Trace and block southbound on Meadows Way. Also, to be neighborly, the property at 464 Meadows Way, on the corner of S. Broadway, will be opposite the proposed development, will experience a high volume of traffic and the continuous nuisance of direct vehicle headlights.

- o Home Density
 - o Peregrine Estates, as well as surrounding neighborhoods, have low density housing. We are concerned about the incongruity of the number of homes proposed, as well as small lot sizes. This affects not only the appearance of the area, but will likely impact the value of our homes.
- o Open Space
 - o While we cannot dictate development or not, we all purchased here to enjoy the open space feel, which will be destroyed with this development
- o Landscape
 - o The perimeter of Peregrine Estates has a "sheer barrier" of trees, including many Russian Olives. This barrier provides a sound shield from S. Broadway, as well a bit of privacy. What is the proposal related to the trees and landscape?
- o Long Term
 - o While we have many concerns, if this development is approved – what is the long term plan for the community to prevent water issues or remediate if subsequent issues occur? Who will be responsible for this? Will their HOA assess enough and have reserves to restore and fix, if anything happens? Water is a grave concern, as homes on the north side of Peregrine Court currently have continually water issues. Their homes are at risk in many ways, with the potential of disturbing the water table, as are many of the other PEHOA homes.

While we understand Grand Junction is a growing community and appreciate economic development, we all disagree with Fossil Trace being approved because of the aforementioned reasons. This letter is being submitted on behalf of the 25 homes/lots /owners in Peregrine Estates HOA. We want to be notified of any planning meetings, to attend and voice our concerns. As well, we are available to further discuss any of the above issues with you.

Thank you for your time, please contact us if you need anything or have any questions.

Sincerely,


Kirp Gage, Treasurer PEHOA, 460 Feather Court

(See next page for residents who provided electronic approval, as signors in agreement with this letter)

Peregrine Estates Residents Providing E-Approval to this Letter

Patrick Gage, 460 Feather Court

Tim Donovan, President PEHOA, 457 Feather Court

Lynne O'Connell, 457 Feather Court

Susan Kendrick, Secretary PEHOA, 2171 Peregrine Court

Steven Kendrick, PEHOA, 2171 Peregrine Court

Sam Stirlen, PEHOA ACC Committee, 2161 Peregrine Court

Theresa Stirlen, 2161 Peregrine Court

Andy Smith, PEHOA ACC Committee, 2175 Peregrine Court

Miranda Smith, 2175 Peregrine Court

Val Samii, 2168 Peregrine Court

Don Krueger, 2168 Peregrine Court

Pamela Williams, 454 Feather Court

Rick Wilding, 2172 Peregrine Court

Janey Wilding, 2172 Peregrine Court

Karen Saef, 2162 Peregrine Court

Jerold Saef, 2162 Peregrine Court

Jim Majors, 450 Feather Court

Kira Funderburk, 2170 Peregrine Court

Joe Funderburk, 2170 Peregrine Court

Sasha Bourkovski, 2160 Peregrine Court

Heather Bourkovski, 2160 Peregrine Court

John Flanagan, 456 Feather Court

Jen Roller, 456 Feather Court

John Cassity, 2174 Peregrine Court

Tisha Reed Cassity, 2174 Peregrine Court

Cindy Wilbur, 458 Feather Court

John Whiteside, 458 Feather Court

Christopher Taggart, 452 Feather Court

Sudy Jahangiri, 452 Feather Court

Monument Meadows Property Owners Association
PO Box 1894
Grand Junction, CO 81502
MMPOAGJ@Gmail.Com

July 14, 2017

City of Grand Junction
Scott Peterson, City Planner
250 N. 5th Street
Grand Junction, CO 81501

Re: Fossil Trace Subdivision, 2947-262-32-003, 465 Meadows Way, Grand Junction, CO 81507

Mr. Peterson:

Thank you for allowing Monument Meadows Property Owners Association to comment on the proposed Fossil Trace Subdivision. We have some concerns that we would like to see addressed in the process of this proposed project. We recognize that this application is in the beginning stages regarding changing the zoning to RR to R2. Specific details are not revealed in the Applicants Development Application package regarding traffic, wetland delineation, geologic conditions poorly suited for building or construction, erosion control measures and drainage issues. We have many questions and issues regarding these topics. Maybe our comments will not be taken into consideration during this current phase of the rezoning measures and proposal, but we would like this comment letter to be considered for the rezoning procedure as well as the planning phase of the Fossil Trace Subdivision, where more details will be available to the public.

Issue #1- Traffic

One of two entrances to our subdivision is Meadows Way where the proposed subdivision entrance will obtain access. We are concerned that the proposed entrance will create a safety issue for traffic turning onto Meadows Way from the west and east and also traffic coming out of the Peregrine Subdivision and Dinosaur Court. We request that a traffic study be prepared to acknowledge the impacts of traffic on Meadows Way. There is already limited site distance from South Broadway and the house located at 464 Meadows Way blocks views from the east. There are 68 homes in the Monument Meadows Subdivision and 23 homes in the Peregrine Subdivision that all use the Meadows Way access road into this area. The Meadows Way entrance is already quite busy. Maybe a better option to consider is to have the entrance to Fossil Trace Subdivision be accessed from Wildwood Drive to the West. In addition, according to the preliminary drawing the proposed entrance to the development is where there is currently a sign that says "This area is protected by the Clean Water Act". We do hope this will be addressed, but will address this issue in another concern we have with Wetland Delineation.

Issue #2- Wetland Delineation

To comply with Federal and State rules regarding the Clean Water Act and wetland/riparian areas, we request that a Wetland Delineation Study be conducted to ensure that Section 404 of the Clean Water Act is followed and enacted. This area has the potential to be a jurisdictional wetland. We also request that when this study is completed by the Army Corps of Engineers that we are made aware of the document and can review it as a part of the public record.

Issue #3- Geologic Conditions

There are several Geologists that live in Monuments Meadows Subdivision that know the area well and has been confirmed in the past that most if not all of the 8.41 acre parcel proposed as a subdivision sits on the Morrison Formation which consists of Bentonite Soils. In fact, one home site across the street near Riggs Hill was abandoned during the construction process due to this type of soil. One of the Rules outlined in 21.02.070(q)(15) of the City's Review Criteria states that restriction of building in areas poorly suited for building or construction and (16) states that preventing loss and injury from landslides, mudflows and other geologic hazards. We do not feel as if this would be an ideal location to build homes due to pure negligence in recognizing the hazards to potential foundation problems. It would be really unfair to future homeowners to have their foundations crack within one year of building their home. We recognize that the foundations would have to be a special engineered foundation, but the price is extremely high for that type of foundation. From our understanding, there was a Geotechnical Survey completed at this parcel in 2007 that deemed the property unbuildable. We request that a Geotechnical Survey be completed. History also reveals that a packaged Sewer Treatment plant once was located on the parcel of land that is proposed to be the Fossil Trace Subdivision. We do hope you look into that.

Issue #4- Erosion Control Measures and Drainage Issues

To the east of the proposed development, there are rumors that there is a French drain under the area of Dinosaur Court. We request that this be looked into further, for it could cause some issues to the properties on Dinosaur Court. We would also like to see a plan for internal drainage for the streets. Based on Rule 21.02.070(q)(13)&(14) it states that a proposed development such as a subdivision requires to prevent and control of erosion, sedimentation and other pollution of surface and subsurface water and prevent flood damage to persons and properties. We request that these items be addressed in the proposed development.

Issue #4- Wildlife

This area is known to have deer, pheasant's, quail, coyotes, foxes and even mountain lions and bears. We hope this the proposed area will not have negative impacts to these wildlife species. If there is a possibility to have a wildlife survey to address the potential impacts, we would like to be aware of such a study

Thank you again for giving us the opportunity to comment on our concerns regarding the Fossil Trace Subdivision. If you have any questions or need to reach us, the best way would be through our Association's email at mmpoag@gmail.com

Also, please keep us informed of meetings or public hearings regarding this development.

Sincerely,



Stephanie Mitchell, Dave Alstatt and Henry Snyder
Monument Meadows Property Owners Association

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE PROPOSED FOSSIL TRACE REZONE
TO R-2 (RESIDENTIAL – 2 DU/AC)**

LOCATED AT 465 MEADOWS WAY

Recitals:

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the proposed Fossil Trace Rezone to the R-2 (Residential – 2 du/ac) zone district, finding that it conforms to and is consistent with the Future Land Use Map designation of Estate and the Blended Residential Land Use Map category of Residential Low of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the R-2 (Residential – 2 du/ac) zone district is in conformance with at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned R-2 (Residential – 2 du/ac):

Lot 3, Rump Subdivision as identified in Reception # 1992762 in the Office of the Mesa County Clerk and Recorder.

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

Adopted on second reading this _____ day of _____, 2017 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Date: August 22, 2017
 Staff: Dave Thornton, ACIP
 File #: RZN-2017-361

Attach 6

PLANNING COMMISSION AGENDA ITEM

Project Name: Ridges Mesa Rezone
Applicant: Community Development Director
Representative: N/A
Address: 382 and 384 High Ridge Drive
Zoning: Planned Development (PD)

I. SUBJECT

Consideration of a request for the Planning Commission to 1) revoke all previous approvals associated with the Ridges Mesa PD, and 2) consider a zoning change on the lapsed PD to the previous R-2 zone district.

II. EXECUTIVE SUMMARY

The Applicant is requesting the Planning Commission 1) revoke all previous approvals associated with the Ridges Mesa PD, and 2) consider a zoning change on the lapsed PD to the previous R-2 zone district.

The request by the property owner to develop under the 2008 ODP under the zoning of PD is no longer desired and has submitted a letter on August 4, 2017 requesting the City revoke or recognize that a “lapse” of approval has occurred. The property owner’s intent is to no longer be bound to the previously approved ODP plan and to revert the property back to the original zoning of R-2.

The Zoning and Development Code provides that “The Director may initiate, without owner consent, a zoning change on a lapsed PD to another zone district.” It also provides that “If [a] lapse occurs, the property shall be governed by the zoning district applied to the property immediately before the rezoning to PD.”

Pursuant to these code provisions, the Director is initiating a rezone of properties consisting of 51.03 acres, located at 382 and 384 High Ridge Drive, currently known as Ridges Mesa, from PD (Planned Development) to R-2 (Residential up to 2/dwelling units per acre) zone district.

III. BACKGROUND

Ordinance 4163 rezoned this property from R-2 to PD (planned Development) on January 14, 2008. With that ordinance, an Outline Development Plan (ODP) for Ridges Mesa development was also approved. In 2009 the ODP received approval to extend the Ridges Mesa “Development Schedule” to the end of 2016. The applicant for Ridges Mesa submitted their application for Ridges Mesa in December of 2016 securing and extending

their right to continue future development under the 2008 approved ODP.

The request by the property owner to develop under the 2008 ODP under the zoning of PD is no longer desired. The Applicant for Ridges Mesa filings 2 and 3 currently under review by the City, has requested this lapse to occur since they are no longer interested in pursuing this project with a PD zone and with the current ODP. The lapse is the result of the applicant withdrawing their development submittals for Ridges Mesa (see attached letter) and therefore not meeting the ODP development schedule and requirements.

IV. ANALYSIS

Section 21.02.150(f) of the Zoning and Development Code regarding Planned Developments provides:

“Lapse of Plan and Rezone. If a planned development, or any portion thereof, has not been completed in accordance with the approved development schedule, a “lapse” shall have occurred and the terms of all approved plans for incomplete portions of the PD shall be null and void. If lapse occurs, the property shall be governed by the zoning district applied to the property immediately before the rezoning to PD, or an applicant may request hearing before the Planning Commission at which time a revocation of all prior approvals shall be considered. If the Planning Commission determines that a lapse has occurred, the Director shall record an appropriate legal notice. The Director may initiate, without owner consent, a zoning change on a lapsed PD to another zone district.”

In accordance with this section of the Zoning and Development Code, the Applicant has requested a hearing before the Planning Commission to 1) revoke all previous approvals and 2) consider a zoning change to revert the property to the previous R-2 zone district. The maximum density approved as part of the 2008 ODP was 101 dwelling units. The R-2 zone is compatible with (1) the Comprehensive Plan Future Land Use Map of Residential Low (RL); and the surrounding City and Mesa County Zoning.

Section 21.02.150(f) of the Zoning and Development Code clearly provides that the property will revert back to the R-2 zone district. However, under Section 21.02.010 and Section 21.02.020 the Planning Commission has the designated responsibility of making recommendation to change to the Zoning Map and the City Council maintains the authority to “decide all requirements for making changes to zones and the zoning maps...” Because the City Council is the only entity that can modify the Zoning Map, the reversion to the R-2 zone district must be considered by both bodies.

V. STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Ridges Mesa Rezone, RZN-20176-361, a request to revoke previous approvals and revert to the previous R-2 zone District for the project known as Ridges Mesa; a project of 51.04 acres and currently zoned PD (planned Development)), the following findings of fact have been made:

1. Pursuant to Section 21.02.150(f) of the Zoning and Development Code, the Applicant has demonstrated that a lapse has occurred;
2. Pursuant to Section 21.02.150(f) of the Zoning and Development Code it has been discovered in Ordinance 4163 that the property, prior to the PD designation, was zoned R-2; an action that occurred on January 14, 2008.

Therefore, Staff recommends approval of the request to acknowledge the lapse of the Planned Development zone district and to revert the property to the R-2 (Residential – 2 du/ac) zone district.

VI. RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on the Rezone request RZN-2017-361, I move that the Planning Commission forward a recommendation of approval for the Ridges Mesa Rezone consisting of properties located at 382 and 384 High Ridge Drive from a PD (Planned Development – 2 units per acre) to R-2 (Residential – 2 units/acre) zone district with the findings of fact listed in the staff report.

ATTACHMENTS:

1. Letter from Ridges Mesa Developer
2. 2008 approved Rezone to PD Ordinance & Outline Development Plan (ODP)
3. Site Location Map
4. Comprehensive Plan Future Land Use Map
5. Existing Zoning Map
6. Proposed Zoning Ordinance

A ■ C ■ G

Austin Civil Group, Inc.

Land Planning ■ Civil Engineering ■ Development Services

August 4, 2017

Mr. David Thornton
City of Grand Junction Planning
250 North 5th Street
Grand Junction, CO 81501

**Re: Ridges Mesa Planned Development
PLD-2016-600 & PLD-2017-151**

Dear Mr. Thornton:

The purpose of this letter is to request the above major subdivision applications be withdrawn from the City of Grand Junction's development review process and allow the Ridges Mesa Planned Development approval to lapse.

Austin Civil Group, Inc. (ACG) are the Owner' Representatives for Dennis and Alice McCary and McCary Development, LLC, who currently own the property. The owners understand the Ridges Mesa Planned Development schedule has not been met and the original Planned Development project will lapse. They also understand because the Planned Development will lapse, the property zoning will default back to R-2 zoning in the City of Grand Junction.

ACG is working with the McCary's to develop a new subdivision plan for the property with utilizing the R-2 zoning. We will be making a new pre-application submittal for the proposed layout and look forward to a fresh start in developing this challenging site. If you have any additional questions or concerns, please give me a call at 970-242-7540.

Sincerely,



Austin Civil Group, Inc.

Mark Austin, P.E.
President

cc: Dennis McCary

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4163

**AN ORDINANCE REZONING APPROXIMATELY 51.04 ACRES FROM R-2 TO PD
(PLANNED DEVELOPMENT)**

**THE RIDGES MESA PLANNED DEVELOPMENT
LOCATED EAST OF HIDDEN VALLEY DRIVE AND HIGH RIDGE DRIVE**

Recitals:

A request for a Rezone and Outline Development Plan approval has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately 51.04 acres located east of Hidden Valley Drive, High Ridge Drive and north of Bella Pago, be rezoned from R-2 (Residential, 2 units per acre) to PD (Planned Development) retaining R-2 as the default zoning designation.

The PD zoning ordinance will establish the default zoning and maximum and minimum number of dwelling units. It also shows approximate areas of proposed open space and areas of slopes greater than 30%. Possible roadway connections and trails are also shown. Deviations from the R-2 bulk standards, specific design standards and entrance signage details shall be established with the preliminary plan for each phase, if required.

In public hearings, the Planning Commission and City Council reviewed the request for the proposed Rezone and Outline Development Plan approval and determined that it satisfied the criteria as set forth and established in Section 2.12.B.2 of the Zoning and Development Code and the proposed Rezone and Outline Development Plan is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REZONED FROM R-2 TO PD WITH AN R-2 DEFAULT ZONE:

Property to be Rezoned:

Tax Parcel Number 2945-212-17-007; Lot 7, Ridge Point Filing 1, recorded at Plat Book 14, Pages 348-350 of the Mesa County Clerk and Recorders Office.

PD Phases:

See Attached Exhibit A, Outline Development Plan

- Phase 1 – Maximum number of residential units – 28 / totaling 14.16 acres
- Phase 2 – Maximum number of residential units – 45 / totaling 22.58 acres
- Phase 3 – Maximum number of residential units – 28 / totaling 14.30 acres

The minimum number of dwelling units will be at a density of 0.5 dwelling units per acre.

The public benefit to be obtained by the Planned Development will be that the applicants have committed to a trail system within the open space areas that will be available for public use. This trail system is not shown on the Urban Trails Master Plan, and therefore is above and beyond the Code requirements. The Open Space provided will exceed that required by the Code in single-family residential developments.

INTRODUCED on first reading on the 17th day of December, 2007 and ordered published.

ADOPTED on second reading this 14th day of January, 2008.

ATTEST:

/s/ James J. Doody
President of Council

/s/ Stephanie Tuin
City Clerk

Exhibit A



VFRipley
 17700 Arapahoe Ave.
 Suite 201
 Park County, CO 80831
 (970) 224-8888
 (970) 224-8888 (fax)

APPLICANT

17700 Arapahoe Ave.
 Suite 201
 Park County, CO 80831
 (970) 224-8888
 (970) 224-8888 (fax)

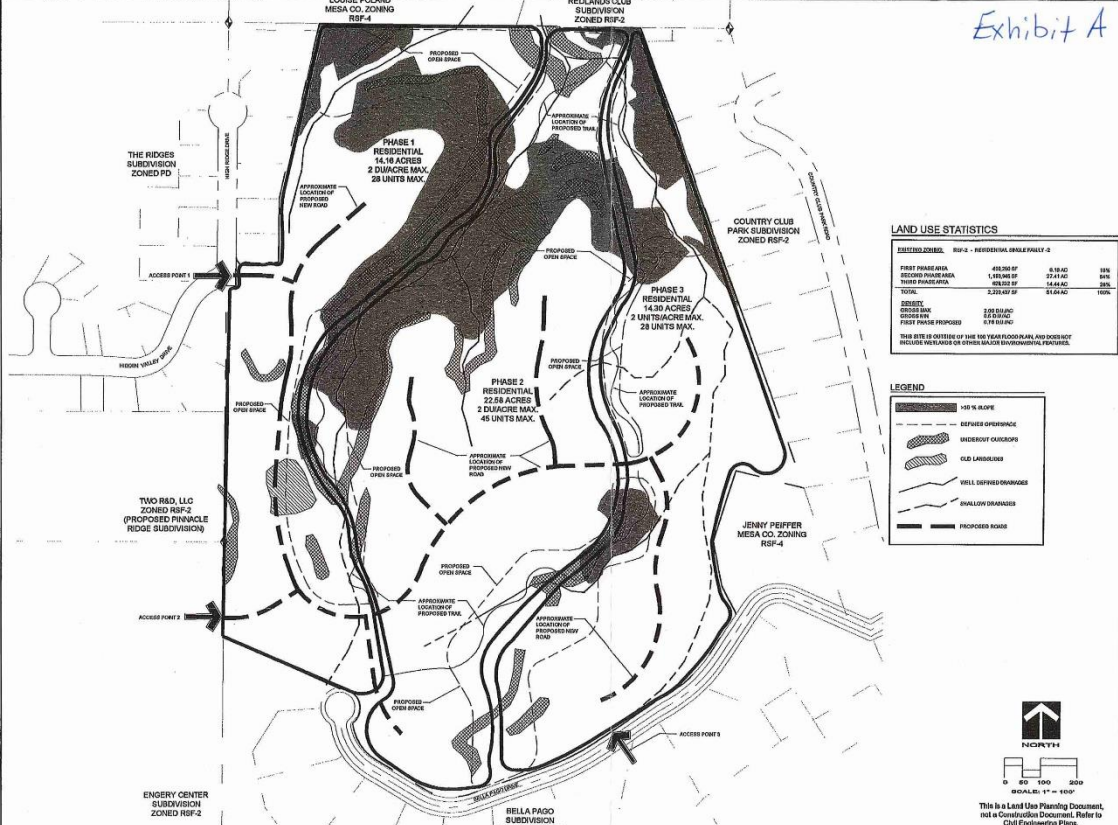
CHRYM B.R.
 17700 Arapahoe Ave.
 Suite 201
 Park County, CO 80831
 (970) 224-8888
 (970) 224-8888 (fax)

BLURVED R.
 17700 Arapahoe Ave.
 Suite 201
 Park County, CO 80831
 (970) 224-8888
 (970) 224-8888 (fax)

RIDGES MESA
 GRAND JUNCTION COLORADO

OUTLINE DEVELOPMENT PLAN

DATE	10/20/16
SCALE	AS SHOWN
PROJECT	RESIDENTIAL
OWNER	CHRYM
DESIGNER	CHRYM
REVISION	0001
DATE	10/20/16



LAND USE STATISTICS

EXISTING ZONING: RSP-2 - RESIDENTIAL SINGLE-FAMILY-2			
FIRST PHASE AREA	458,200 SF	6.58 AC	100%
SECOND PHASE AREA	1,836,000 SF	27.14 AC	100%
THIRD PHASE AREA	829,100 SF	14.44 AC	100%
TOTAL	2,223,300 SF	51.64 AC	100%

PROPERTY
 275,000 SF
 4.00 AC

EXISTING OPEN SPACE
 375,000 SF
 5.44 AC

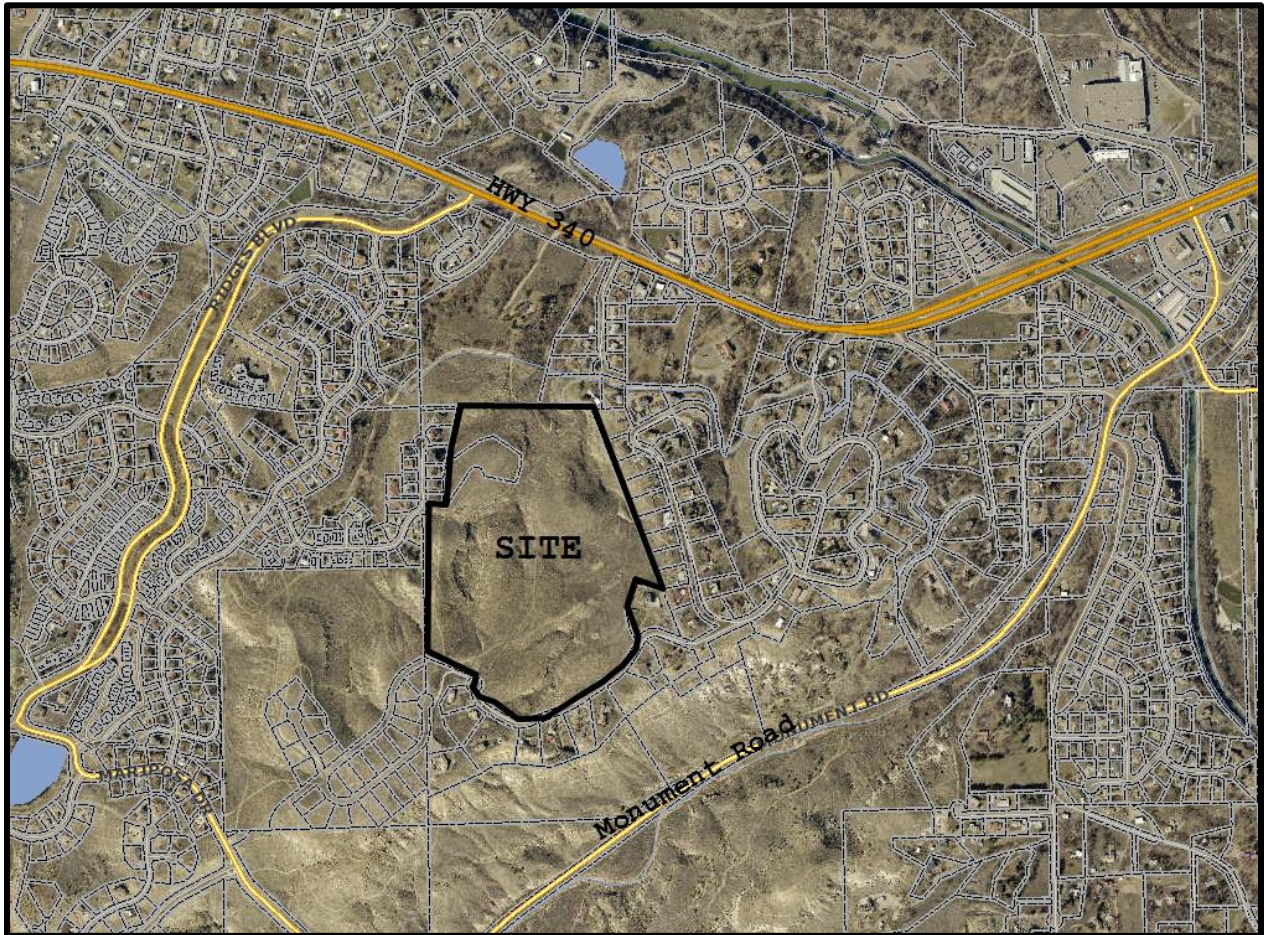
THIS SITE IS OUTSIDE OF THE 100-YEAR FLOODPLAIN AND DOES NOT INCLUDE ISLANDS OR OTHER MAJOR ENVIRONMENTAL FEATURES.

LEGEND

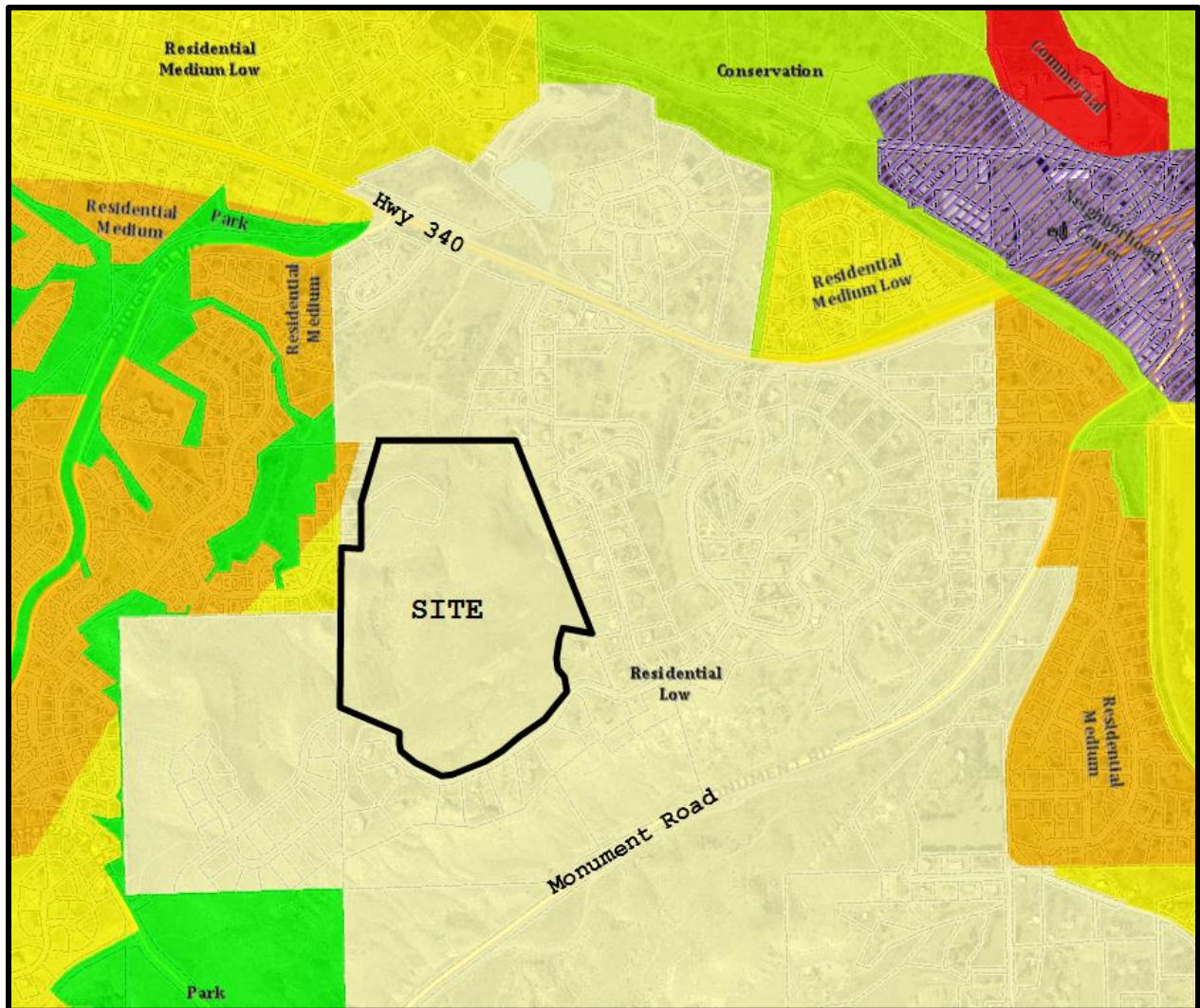
- 10% SLOPE
- REFINED OPEN SPACE
- UNDERFOOT CURBS
- OLD LANDSCAPING
- WELL-DEFINED DRAINAGE
- SHALLOW DRAINAGE
- PROPOSED ROADS



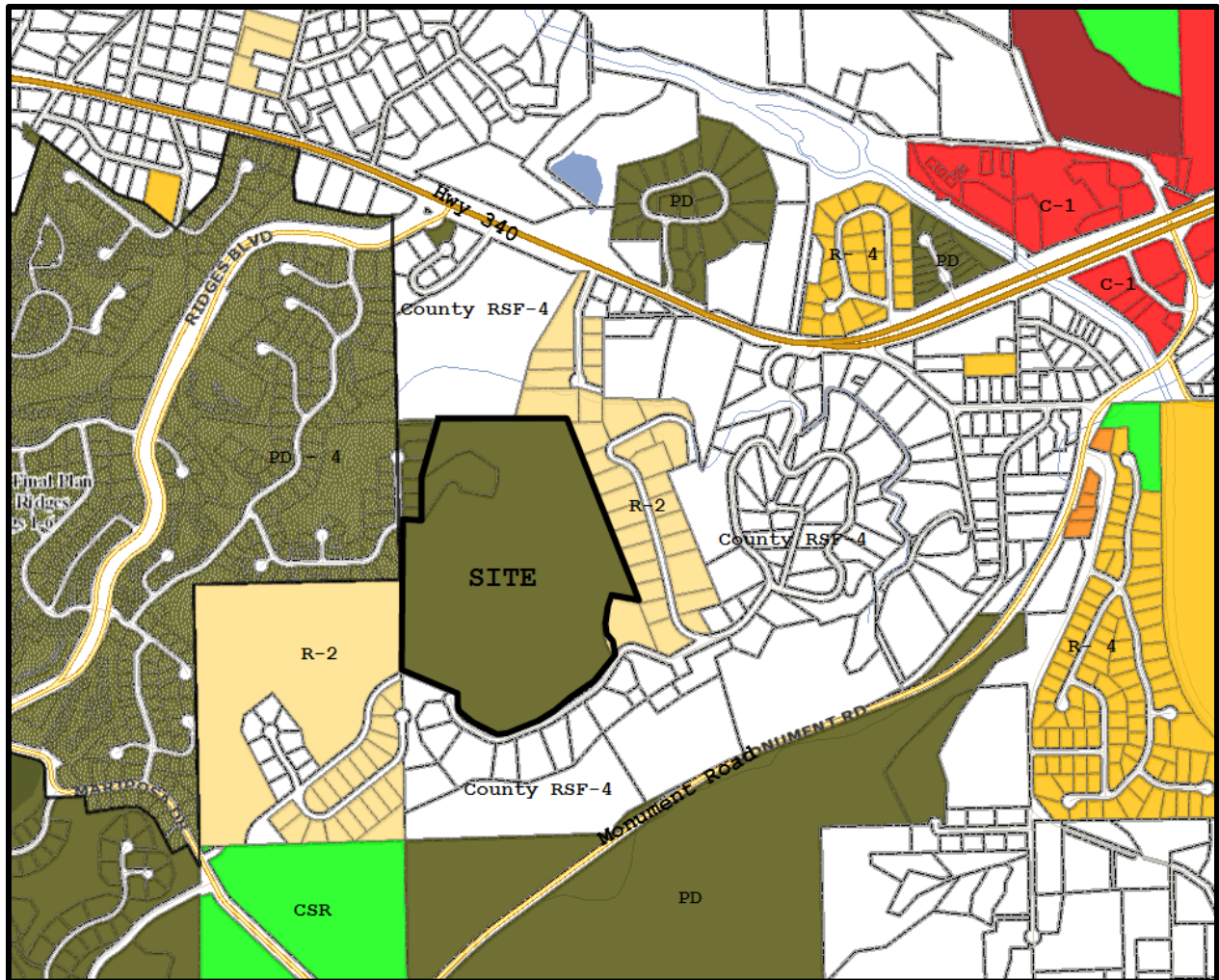
This is a Land Use Planning Document, not a Construction Document. Refer to CH2 Engineering Plans.



Site Location Map



Comprehensive Plan Future Land Use Map



Existing Zoning Map

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE ZONING PROPERTIES AT 382 AND 384 HIGH RIDGE DRIVE TO R-2
(RESIDENTIAL – 2 DWELLING UNITS PER ACRE)**

Recitals:

The properties located at 382 and 384 High Ridge Drive were zoned “planned development” (PD) and an outline development plan (ODP) adopted by Ordinance No. 4163 on January 14, 2008. The ODP has lapsed by virtue of the fact that the property owner has failed to develop a final plan within the time period prescribed by the Zoning and Development Code.

In the event of a lapse of an ODP, the Zoning and Development Code, Section 21.02.150(f), provides that zoning shall default to the previous zone district, which in this case is the same as the underlying zone district (R-2).

The current property owner does not object to the proposed rezone.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the proposed Ridges Mesa located at 382 and 384 High Ridge Drive to the R-2 (Residential – 2 dwelling units per acre) zone district, finding that it conforms to and is consistent with the Comprehensive Plan Future Land Use Map designation of Residential Low, is compatible with land uses located in the surrounding area, and complies with Section 21.02.150(f) governing lapse of outline development plans.

After public notice and public hearing, the Grand Junction City Council finds that the R-2 (Residential – 2 dwelling units per acre) zone district is consistent with the Comprehensive Plan Future Land Use Map designation of Residential Low, is compatible with land uses located in the surrounding area, and meets the Code provision governing lapsed ODP.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING PROPERTY SHALL BE ZONED R-2 (RESIDENTIAL 2 DWELLING UNITS PER ACRE):

PARCEL 1 (384 High Ridge Drive): LOT 1 RIDGES MESA SEC 21 1S 1W UM RECD R-757612 MESA CO RECDS - 2.35AC, COUNTY OF MESA, STATE OF COLORADO.

PARCEL 2 (382 High Ridge Drive): LOT 2 RIDGES MESA SEC 21 1S 1W UM RECD R-757612 MESA CO RECDS - 48.69AC, COUNTY OF MESA, STATE OF COLORADO.

Introduced on first reading this 20th day of September, 2017 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2017 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor