



**PLANNING COMMISSION AGENDA  
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET  
TUESDAY, APRIL 24, 2018, 6:00 PM**

**Call to Order - 6:00 P.M.**

**1. Minutes of Previous Meetings**

There are no previous minutes to approve with this agenda.

**2. Freddy's Utility Easement Vacation**

**[Attach 1](#)  
FILE # VAC-2018-59**

Consider a request to vacate a public utility easement.

*Action: Recommendation to City Council*

Applicant: N3 Real Estate - Mark Huonder

Location: 2489 HWY 6 AND 50

Staff Presentation: Kristen Ashbeck

**3. Darla Jean Walkway Vacation**

**[Attach 2](#)  
FILE # VAC-2018-44**

Consider a request to vacate a platted Walkway located in the Darla Jean Subdivision.

*Action: Recommendation to City Council*

Applicant: Raquel Mollenkamp

Location: Darla Jean

Staff Presentation: Kristen Ashbeck

**4. Tallman Zone of Annexation**

[Attach 3](#)  
**FILE # ANX-2018-90**

Consider a request to zone 5.20 acres of the proposed Tallman Annexation including 3.79 acres from County RSF-4 (Residential-Single Family - 4 units per acre) to a City C-2 (Heavy Commercial) zone district and 1.41 acres from County RSF-4 (Residential-Single Family - 4 units per acre) to a City R-8 (Residential 8 du/ac)

*Action: Recommendation to City Council*

Applicant: Joyce Luster

Location: 2734 B 1/4 RD

Staff Presentation: Dave Thornton

**5. York Zone of Annexation**

[Attach 4](#)  
**FILE # ANX-2018-110**

Consider a request to zone 5.93 acres of the proposed York Annexation from County RSF-R (Residential-Rural) to a City I-1 (Light Industrial) zone district.

*Action: Recommendation to City Council*

Applicant: Dale & Cindy York

Location: 2122 H RD

Staff Presentation: Kathy Portner

**6. Tiara Rado East Subdivision**

[Attach 5](#)  
**FILE # CPA-2018-182 / RZN-2018-181**

Consider a request for a Comprehensive Plan Amendment to change the Future Land Use Designation from Park to Estate on 37 acres and rezone the property from CSR (Community Services and Recreation) to R-2 (Residential 2 du/ac).

*Action: Recommendation to City Council*

Applicant: City of Grand Junction - Rob Schoeber

Location: 2064 S BROADWAY

Staff Presentation: Kathy Portner

**7. Other Business**

**8. Adjournment**

Attach 1



**EXHIBIT LIST**

**FREDDY'S EASEMENT VACATION**

**FILE NO. VAC-2018-59**

Exhibit Item	Description
1	Freddy's Easement Vacation Information Submitted by Applicant
2	Staff Report dated April 24, 2018

**EXHIBIT 1**



**Development Application**

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For:

Please fill in blanks below **only** for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation	<input type="text"/>	Existing Zoning	<input type="text"/>
Proposed Land Use Designation	<input type="text"/>	Proposed Zoning	<input type="text"/>

Property Information

Site Location:	<input type="text" value="2489 Highway 6 &amp; 50"/>	Site Acreage:	<input type="text" value=".77"/>
Site Tax No(s):	<input type="text" value="2945-094-27-001"/>	Site Zoning:	<input type="text" value="C-2"/>
Project Description:	<input type="text" value="Freddy's Frozen Custard &amp; Steakburgers"/>		

Property Owner Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Applicant Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Representative Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

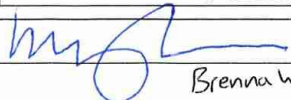
Fax #:

Contact Person:

Contact Phone #:

**NOTE: Legal property owner is owner of record on date of submittal.**

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application	<input type="text" value="Mark Huonder"/> Digitally signed by Mark Huonder Date: 2018.01.05 09:45:57 -06'00'	Date	<input type="text" value="January 5, 2018"/>
Signature of Legal Property Owner	 Brenna Wadleigh, CEO	Date	<input type="text" value="1/5/18"/>

**General Project Report  
Vacation of Access Easement**

**Freddy's Frozen Custard & Steakburgers  
Tax Parcel No. 2945-094-27-001  
2489 Highway 6 & 50,  
Grand Junction, CO**

**January 8, 2018**

**A. Project Description**

This is a request for the approval to vacate an existing utility easement located on the property at 2489 Highway 6 & 50, Grand Junction, CO. The underlying utilities that the original easement protected have been relocated as part of the Freddy's Frozen Custard and Steakburgers construction project, which completed construction in early 2017. The easement serves no further purpose and must be removed in order for the property owner to perform any number of real estate activities, to include sale or refinance.

**B. Public Benefit**

The public benefit is that the removal of this easement removes the obligation to the City to maintain a superfluous easement and frees the City from any easement enforcement activity.

**C. Neighborhood Meeting**

A neighborhood meeting was not required for this submittal, and therefore none was held.

**D. Project Compliance, Compatibility, and Impact**

1. **Adopted plans and/ or policies are being met-** The project complies with the adopted codes and proposed zoning requirements for this property.
2. **Land use in the surrounding area-** The land use in the immediate area is a mix of commercial uses, offices, and restaurants. This proposal is compatible with the current uses in the immediate and surrounding areas.
3. **Site access and traffic patterns-** There are no effects on access or traffic patterns because of the request to abandon the easement.
4. **Availability of utilities, including proximity of fire hydrants-** The request to abandon the easement will have no impact on nearby utilities.
5. **Special or unusual demands on utilities-** The request to abandon the easement will have no impact on nearby utilities.

- 6. **Effects on public facilities-** The effect on the approval of the request to vacate the existing access easement will have no effect on public facilities.
- 7. **Hours of operation-** The request to abandon the easement will have no impact on existing hours of operation.
- 8. **Number of employees-** The request to abandon the easement will have no impact on number of employees on staff at the subject property.
- 9. **Signage plans-** No changes to approved signage plans are proposed with the request to abandon the easement.
- 10. **Site Soils Geology-** Proposed project will have no impact on geologic features.
- 11. **Impact of project on site geology and geological hazards-** Proposed project will have no impact on geologic features.

**E. Must address the review criteria contained in the Zoning and Development Code for the type of application being submitted**

**21.02.100 Vacation of public right-of-way or easement.**

- (c) **Approval Criteria.** The vacation of the right-of-way or easement shall conform to the following:
  - (1) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City; *The vacation of the existing access easement conforms to all of the mentioned plans and policies of the City.*
  - (2) No parcel shall be landlocked as a result of the vacation; *No parcel will be landlocked as a result as a result of the vacation.*
  - (3) Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation; *The vacation of the utility easement will not restrict any parcel to the point where access is unreasonable, economically prohibitive nor does it reduce or devalue either parcel.*
  - (4) There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g., police/fire protection and utility services); *The vacation of the utility easement has no adverse impacts on health, safety and/or welfare of the general community. The quality of public facilities and services to either parcel will not be reduced.*
  - (5) The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06GJMC; *The vacation of the utility easement has no effect on the provision of adequate public facilities and services.*
  - (6) The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc. *The vacation of the utility easement unburdens the City from any easement enforcement activity.*









**Exhibit 2**

**PLANNING COMMISSION AGENDA ITEM**

**Project Name:** Freddy’s Utility Easement Vacation  
**Applicant:** DCTN3 470 Highway 6 & 50 LLC  
**Representative:** Mark Huonder  
**Location:** 2489 Highway 6 & 50  
**Existing Zoning:** C-2 (General Commercial)  
**Staff:** Kristen Ashbeck, Senior Planner  
**File No.** VAC-2018-59  
**Date:** April 24, 2018

**I. SUBJECT**

Consider a request to vacate a utility easement on the property located at 2489 Highway 6 & 50.

**II. EXECUTIVE SUMMARY**

The property located 2489 Highway 6 & 50 is currently occupied by Freddy’s Frozen Custard and Steakburgers and the property is requesting to vacate an existing utilities easement upon which the building was constructed. During construction of the building, the utilities that had been in the easement were relocated elsewhere on the site but the easement itself was not vacated. There are currently no utilities in the easement thus vacation of the easement will remove the encumbrance on the property.

**III. BACKGROUND**

The Freddy’s Frozen Custard and Steakburgers restaurant establishment located at 2489 Highway 6 & 50 completed construction in early 2017. A utilities easement that runs east-west across the site originally protected various dry utilities. However, prior to construction of the building, all utilities were relocated elsewhere on the site so the east-west easement was no longer needed but it was not formally vacated at that time. The easement must be vacated in order for the owner to clear the property of the encumbrance and be able to perform a number of real estate activities, including the sale or refinance of the property.

There is another easement that appears on the attached drawings that is perpendicular to the easement that is requested to be vacated and is also partially under the building. This easement was deeded specifically to Xcel and has been extinguished via quit claim deed from Xcel to the current property owner. Thus, is no longer an encumbrance to the property.

**IV. NOTIFICATION REQUIREMENTS**

Notice was completed consistent to the provisions in Section 21.02.080 (g) of the City’s Zoning and Development Code. Mailed notice of the application submittal in the form

of notification cards was sent to surrounding property owners within 500 feet of the subject property and the subject property was posted with an application sign on February 2, 2018. The notice of this public hearing was published April 3, 2018 in the Grand Junction Daily Sentinel.

## V. ANALYSIS

Pursuant to Section 21.02.100 of the Zoning and Development Code, the vacation of public right-of-way or easement shall conform to the following:

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

The proposed utility easement vacation is addressed by the following Goal of the Comprehensive Plan.

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

Vacation of this utility easement will have no impact on public facilities or services provided to the general public. Staff therefore finds this request conforms with this criterion.

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

The request to vacate the utility easement will not render any parcel landlocked. Therefore, staff finds the vacation request meets with this criterion.

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

No access to any parcel will be restricted by the vacation of this utility easement. Staff finds this criterion has been met.

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

The utility easement that is requested to be vacated no longer protects utilities provided to the site. There will be no adverse impacts to the community and no impacts on the public facilities and services that serve this or any adjacent parcel of land.

The application was reviewed by all potentially-affected utilities and the only comment was from Ute Water. There is an additional easement on the west end of the utility easement that is requested to be vacated. This additional easement is dedicated to Ute Water. While the Ute Water easement slightly overlaps the utility easement, vacation of the latter will not impact the Ute Water easement.

Staff therefore has found this request conforms with this criterion.

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

Adequate public facilities and services exist for this parcel without the need for this utility easement since there are no utilities within it. No facilities and services will be impacted or inhibited by this request. Staff has therefore found this request to conform with this criterion.

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

Vacation of this easement will provide benefit to the City by removing an encumbrance and allowing it to remain a viable commercially-developed property. Staff finds this request conforms with this criterion.

## **VI. STAFF RECOMMENDATION AND FINDINGS OF FACT**

After reviewing VAC-2018-59, a request to vacate a utility easement located on the property at 2489 Highway 6 & 50, the proposal was found to conform with Section 21.02.100 (c) of the Grand Junction Zoning and Development Code;

Therefore, staff recommends approval of the request to vacate the utility easement.

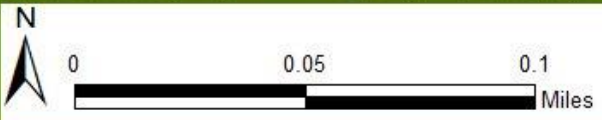
## **VII. RECOMMENDED MOTION**

Madam Chairman, on the request to vacate a utility easement located on the property at 2489 Highway 6 & 50, file number VAC-2018-59, I move that the Planning Commission forward a recommendation of approval with the findings of fact listed in the staff report.

### **Attachments:**

1. Vicinity Map
2. Improvement Survey Showing Easement to be Vacated
3. Easement Vacation Detail Sketch

### Freddy's Site - 2489 Highway 6 & 50 (pre development)



Printed: 3/29/2018

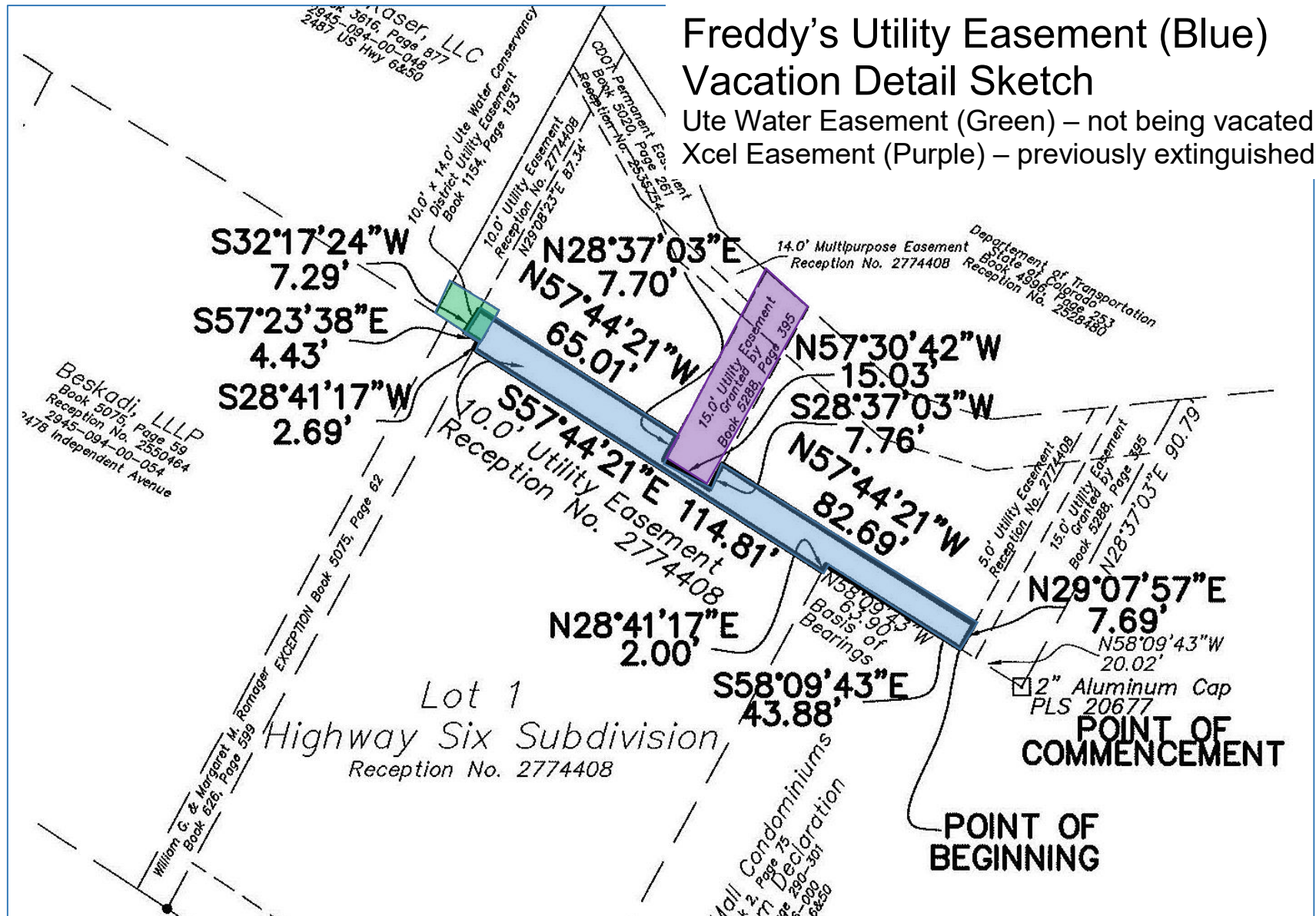
1 inch = 188 feet





# Freddy's Utility Easement (Blue) Vacation Detail Sketch

Ute Water Easement (Green) – not being vacated  
Xcel Easement (Purple) – previously extinguished



Attach 2



**EXHIBIT LIST**

**DARLA JEAN WALKWAY VACATION** **FILE NO. VAC-2018-44**

Exhibit Item	Description
1	Darla Jean Walkway Vacation Information Submitted by Applicant
2	Staff Report dated March 27, 2018
3	Correspondence from Citizens
4	Darla Jean Petition





# VACATION OF WALKWAY BETWEEN DARLA DRIVE AND JEAN LANE

January 10, 2018

## OVERVIEW

### 1. Project Background and Description

The property owners that live on both sides of the walkway 2881 Darla drive (Donald Mollenkamp), 2883 Darla drive (Brian Porter), also 2882 Jean Lane (George Freeman), 2884 Jean Lane (Curt Wilson). Have decided that vacating the walkway would be the best solution due to the crime and loitering that takes place in this area. The property owners have been maintaining this area at their own expense. The walkway is not part of the neighborhood property. Therefore, there is no financial support from the neighborhood. The walkway is very rarely used as a walkway, due to there being an alternative route.

### 2. Project Scope

Our plan for the property would be a Resident medium. Each resident would close the walkway off with fences. The walkway would be equally divided.

### 3. Meeting notes

A neighborhood meeting was held on October 12<sup>th</sup>, 2017. 10 Neighbors attended this meeting. Out of the 10 that attended, 5 agreed, 2 disagreed, and 3 were undecided. There were others that didn't attend due to prior obligations. After speaking to 3 of them, they are aware and agree with it. The concerns that were stated was mainly about the irrigation pipe that runs along the walkway. The concern was the easement and it being more difficult to fix a break if the walkway was closed off. Another concern was the change of a neighbor's view. She likes the openness of the walkway and doesn't want that to change.

### 4. Review Criteria

The proposed vacation leaves no parcel land locked. There is a reasonable alternative route through the neighborhood. The vacation does not devalue properties affected. There are no adverse impacts on the health, safety, and/or welfare of the general community. The quality of public facilities and services are in no way affected. The proposal will benefit the neighborhood, as it will minimize unwanted loitering and crime. It will improve the look of the street as it will no longer be vacant. Due to the land being part of the 4 property owners land. Increase in property taxes will benefit the City.

### 5. Affected parties

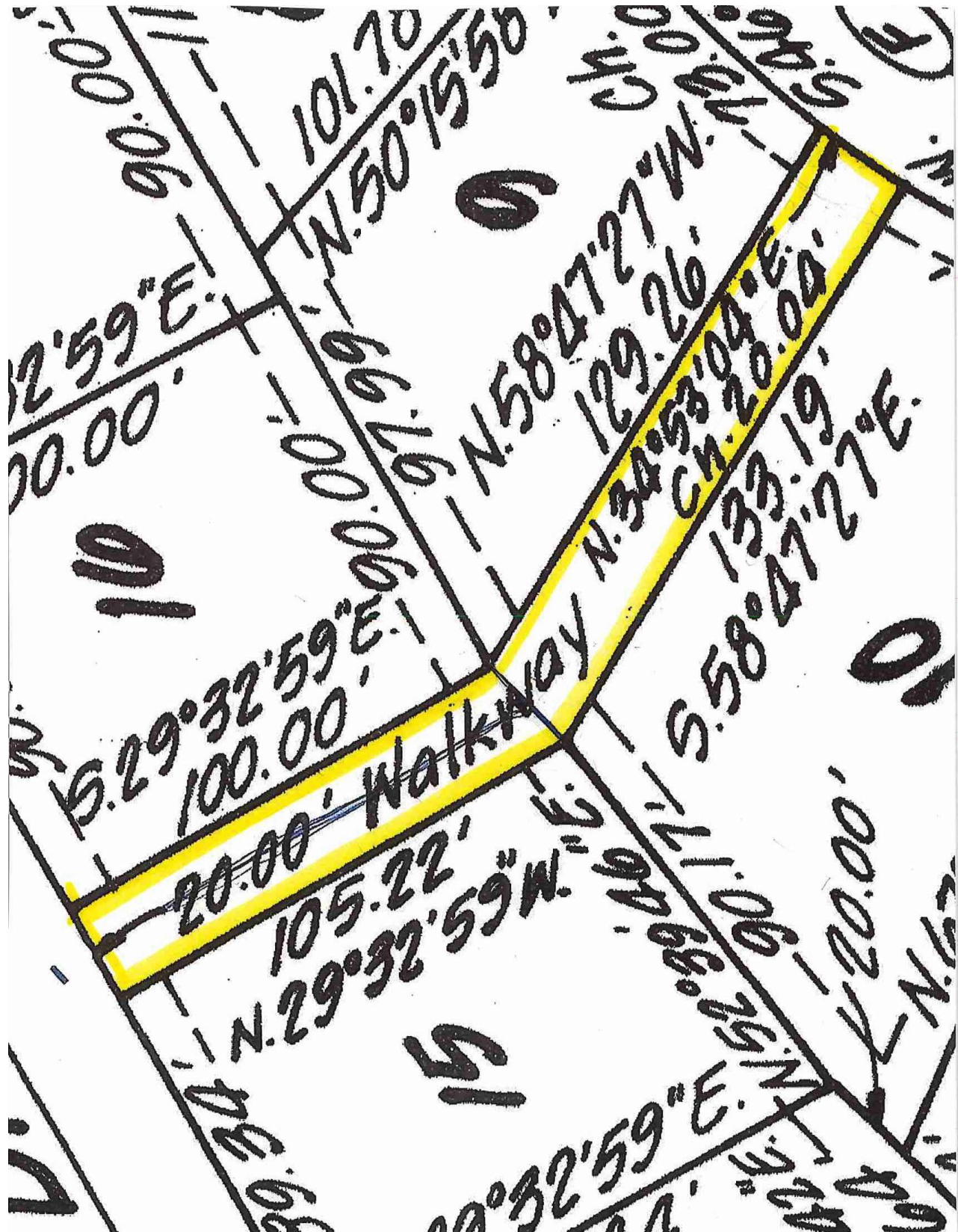
A utility locate request was submitted for Charter, Grand Valley Rural Power, Palisade Irrigation Dist, Ute Water Conservancy Dist, City of Grand Junction, Xcel Energy, and Century Link, with a positive response. There is a neighborhood irrigation line in the walkway. The irrigation line will not move. An easement will be provided.

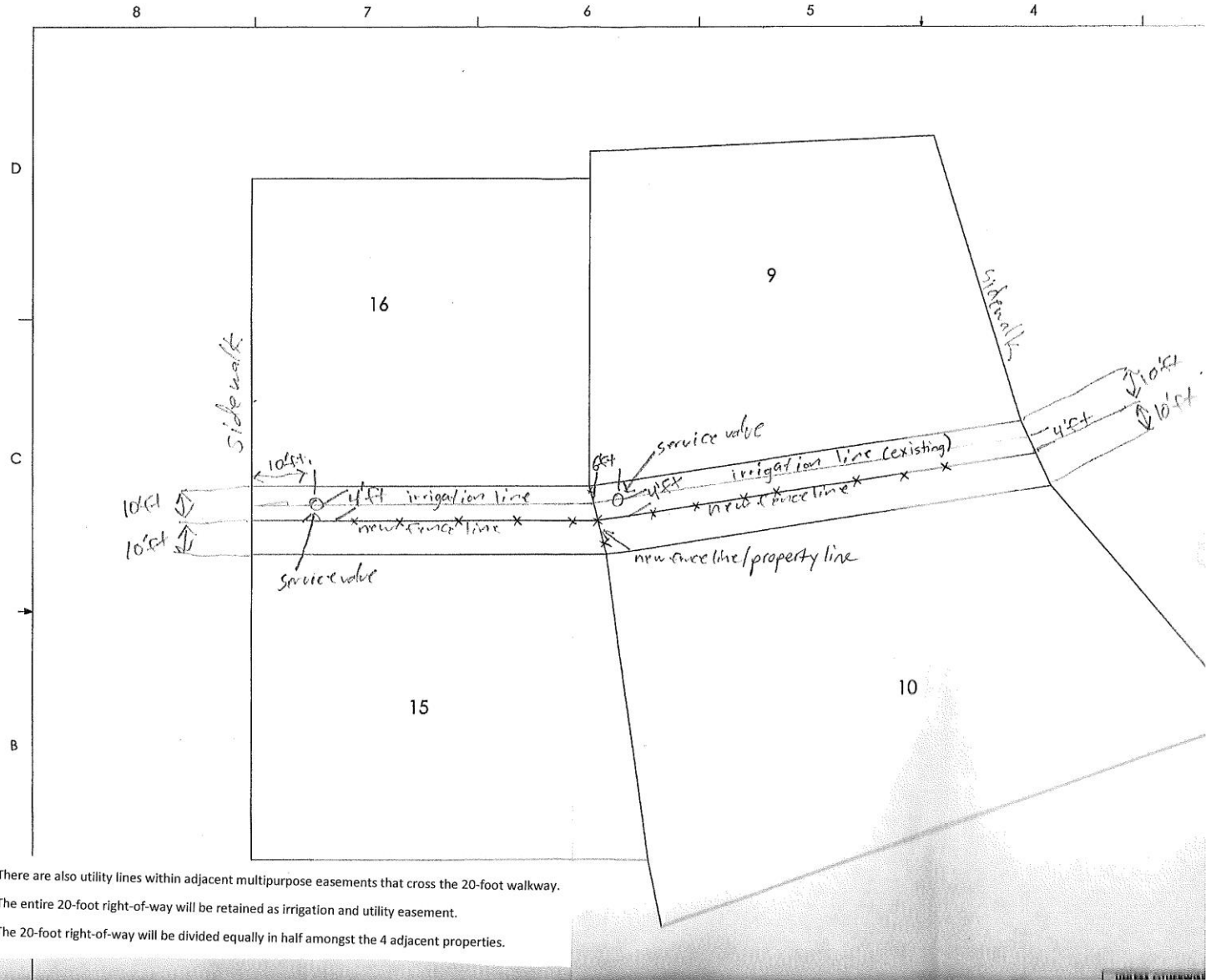
**LEGAL DESCRIPTION**

The entire 20-foot side right-of-way depicted on the Darla Jean Subdivision Plat as a Walkway, lying between Jean Lane and Darla Drive between Lots 9 and 10 and 15 and 16, Block 5.

There is an existing underground irrigation line within the walkway and there are utilities within the multipurpose easements along the street frontages of the lots that cross the walkway.

The entire 20-foot width will be retained as irrigation and utility easement.





There are also utility lines within adjacent multipurpose easements that cross the 20-foot walkway.  
The entire 20-foot right-of-way will be retained as irrigation and utility easement.  
The 20-foot right-of-way will be divided equally in half amongst the 4 adjacent properties.



**PLANNING COMMISSION AGENDA ITEM**

**Project Name:** Darla Jean Walkway Vacation  
**Applicant:** Raquel Mollencamp  
**Representative:** Raquel Mollencamp  
**Location:** Platted Walkway between Lots 15 and 16 and Lots 9 and 10, Block 5 Darla Jean Subdivision  
**Existing Zoning:** R-5 (Residential 5 dwelling units per acre)  
**Staff:** Kristen Ashbeck, Senior Planner  
**File No.** VAC-2018-44  
**Date:** March 27, 2018

**I. SUBJECT**

Consider a request to vacate a walkway tract within the Darla Jean Subdivision.

**II. EXECUTIVE SUMMARY**

The Darla Jean subdivision was platted in Mesa County in 1975 and annexed to the City in 1994. The subdivision plat includes a 20-foot wide tract of land indicated as Walkway that runs from Jean Lane to Darla Drive between Lots 9 and 10 and Lots 15 and 16 of Block 5 of the subdivision. There is no dedication language on the subdivision plat for the walkway; it is just depicted on the map; also, there is no recorded deed granting the tract to any person or entity, public or private. A reasonable presumption, given Colorado case law on missing dedication language, is that the intent was for the pedestrian right-of-way to be public. The four neighbors abutting the tract have requested that the public interest in the walkway be vacated.

**III. BACKGROUND**

The 33.32-acre Darla Jean subdivision includes 101 single family lots, a 2.798 public park site and a walkway that runs from Jean Lane to Darla Drive between four of the lots of the subdivision. There is no dedication language on the subdivision plat and no recorded deed conveying the tract. The 20-foot wide by approximately 240 feet long walkway has never been improved as such with a sidewalk or path; it has remained vacant with historically little maintenance.

The Darla Jean neighborhood has a water users' association (the Association) with an irrigation line serving the neighborhood running under the walkway tract that has been in use for many years. City staff recommends retaining and granting, without any warranties of title, an irrigation easement for/to the Association, in order to help protect the Association's interest in and ability to maintain the line in this area and to help perfect the Association's implied irrigation easement.

Written public comments have been received and are attached for review. In general, these written comments do not support the vacation, primarily due to potential maintenance of the irrigation line (in which the City has no interest or responsibility), not because of its use as a neighborhood walkway. It is intended that the reservation/grant of easement for the irrigation line will help address these neighbor concerns.

In addition, the area contains a power line administered by Grand Valley Power as well as other public utilities. Therefore, Staff recommends that the City retain a utility easement over the area for Grand Valley Power and other dry utilities within the tract.

**IV. NOTIFICATION REQUIREMENTS**

A Neighborhood Meeting was held on October 12, 2017 consistent with the requirements of Section 21.02.080 (e) of the Zoning and Development Code. Eleven citizens attended the meeting along with the Applicant. Comments were both supportive and against the proposal, with concerns raised about an existing irrigation line that is within the walkway tract and future access to it if needed.

Notice was completed consistent to the provisions in Section 21.02.080 (g) of the City's Zoning and Development Code. Mailed notice of the application submittal in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property and the subject property was posted with an application sign on January 23, 2018. The notice of this public hearing was published March 20, 2018 in the Grand Junction Daily Sentinel.

**V. ANALYSIS**

Pursuant to Section 21.02.100 of the Zoning and Development Code, the vacation of public right-of-way or easement shall conform to the following:

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

The proposed walkway vacation is supported by the following Goals and Policies of the Comprehensive Plan.

**Goal 8:** *Create attractive public spaces and enhance the visual appeal of the community through quality development.*

**Policy A.** *Design streets and walkways as attractive public spaces.*

This walkway is not an improved walkway nor does it have an entity charged with improving or providing for ongoing maintenance of the walkway. Thus, it is viewed as being potentially detrimental to the visual quality of this neighborhood. By virtue of it not meeting the above stated goal and policy of the Comprehensive Plan, vacation of the walkway would allow for this tract of land to become integrated into adjacent properties and have greater potential

for the property to be incorporated into the developed yards of the adjacent homeowners.

The Grand Valley Circulation Plan does not show, require or otherwise contemplate this particular pedestrian walkway. It is presently an undeveloped tract. Adjacent streets will not be impacted by the vacation of this presumed pedestrian right-of-way.

This request conforms with the Comprehensive Plan, the Grand Valley Circulation Plan and other adopted plans of the City. Staff therefore finds this request conforms with this criterion.

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

The request to vacate the walkway tract in Block 5, Darla Jean Subdivision, of approximately 0.1 acres, will not render any parcel landlocked. Moreover, the tract does not provide contiguous access to any adjacent parcel(s). Therefore, the vacation request meets with this criterion.

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

No access to any parcel will be restricted. The adjacent properties will continue to have access from the public streets along the front of the parcels. This criterion is met.

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

The walkway tract is not needed to provide emergency or sanitation services to adjacent parcels. Such services are provided from the public streets adjacent to the residential lots. The request was sent as a referral to all of the potentially-affected utility providers including Charter, Century Link, Grand Valley Power and Xcel Energy. Of these, Grand Valley Power indicated that there is underground high voltage single-phase power in the area to be vacated and that it should be retained as a utility easement and a no structure zone. The other utilities had no comment or concern but the applicants requested a utility locate and there appear to be other public utilities in portions of the tract. The City Development Engineer commented that an easement be retained for this tract to allow for the continued existence of the irrigation line.

Those requesting the vacation state that there are public safety concerns with the tract, specifically related to loitering and crime. City staff has not

independently verified these claims and has not determined whether vacation of the tract would result in a measurable improvement to public safety in the neighborhood. However, since the tract serves no real public purpose and its public nature is bothersome to abutting property owners, Staff recommends vacation of the public interest in the tract.

It is not anticipated that there will be any adverse impacts on the health, safety, and/or welfare of the general community, nor will the quality of public facilities and services provided to any parcel of land be reduced as a result of this vacation request. Staff therefore has found this request conforms with this criterion.

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

Adequate public facilities exist for these parcels. No additional services will be impacted or inhibited by this request. Staff has therefore found this request to conform with this criterion.

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

With the vacation of this walkway, the area can be included in the front and side yards of the adjacent parcels and may be improved by the owners to enhance the overall visual quality of the neighborhood. The City does not currently provide maintenance to this tract. With the vacation, there is potential for visual and aesthetic improvements, however no improvements are specifically guaranteed. Staff finds this request conforms with this criterion.

## **VI. STAFF RECOMMENDATION AND FINDINGS OF FACT**

After reviewing VAC-2018-44, a request to vacate a walkway tract within the Darla Jean Subdivision, the following findings of fact have been made:

1. The proposal conforms with Section 21.02.100 (c) of the Grand Junction Zoning and Development Code;
2. An irrigation easement should be reserved for and granted to the Darla Jean Water Users Association for maintenance of the irrigation line existing in the tract, without any warranties of title;
3. A utilities easement should be reserved for public utilities in the tract; and



4. The four abutting property owners should execute an easement in favor of the Darla Jean Water Users Association for maintenance of the irrigation line to be recorded concurrent with the vacation ordinance.

Therefore, staff recommends approval of the request to vacate the walkway tract within the Darla Jean Subdivision subject to the conditions that an easement for irrigation facilities be reserved for and granted to the Darla Jean Water Users Association and an easement be reserved for public utilities.

## **VII. RECOMMENDED MOTION**

Madam Chairman, on the request to vacate a walkway tract within the Darla Jean Subdivision, file number VAC-2018-44, I move that the Planning Commission forward a recommendation of approval with the findings of fact and conditions as listed in the staff report.

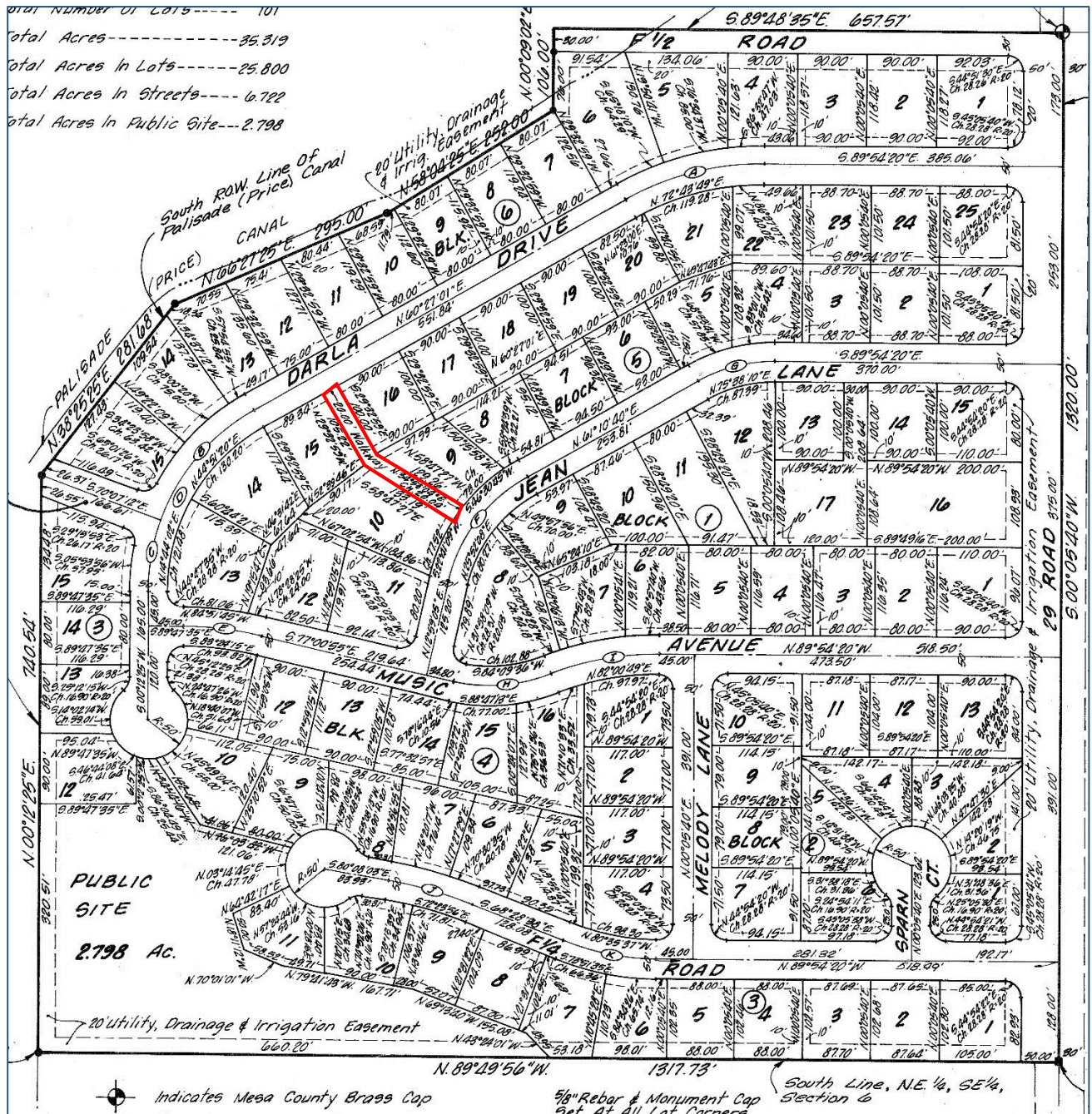
### **Attachments:**

4. Vicinity Map
5. Subdivision Plat Showing Subject Tract to be Vacated

# Darla Jean Walkway Vacation Vicinity Map



# Darla Jean Subdivision Plat



**EXHIBIT 3**

**Kristen Ashbeck**

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**From:** Jim.S.Parman@wellsfargo.com  
**Sent:** Wednesday, February 28, 2018 8:36 AM  
**To:** Kristen Ashbeck  
**Cc:** Jim.S.Parman@wellsfargo.com  
**Subject:** FW: darla jean subdivision alley vacation, revised.

I have resided at 2868 Darla Drive within Darla Jean Subdivision since 1986. I have also been a volunteer board member of the DJWUA (Darla Jean Water Users Association) multiple terms. I still am a member of that board although not currently an officer. The subdivision's irrigation system is maintained by and or under the direction the board. Board members must be an owner of one of the 105 or so households in the subdivision. It is funded by an annual assessment based on the estimated operating costs including scheduled and unscheduled maintenance.

The unscheduled maintenance can and usually does include leaks in an aging system that was installed more than 40 years ago. There is a high pressure irrigation line that pretty much travels right down the middle of the tract that is the subject of VAC2018-44. Whether this tract is called an alley, undivided easement, etc., it is the purpose VAC2018-44 to partition the aforementioned tract between the four adjoining property owners that abut this parcel. I understand that as it currently stands, this is a tract's ownership is unrecorded nor is it a dedicated right of way.

The subject tract has one of the main irrigation lines that does not currently require DJWUA to obtain permission, move fences, etc., or to enter any property owner's back yards for this line's maintenance. It also has a couple of block isolation valves that are used on a more frequent basis. In the past, we have had difficulty with some property owners in granting access despite a dedicated easement.

Please do not vacate this cleared right of way, alley, what other term one would like to use despite there not being a formal recording that was obviously an oversight by the original developer. Clearly, the intent was to leave this open for access to the utility lines and perhaps other reasons. I can attest that after this many years in the subdivision, there are times an urgent need arises to get unabated access to the high pressure irrigation lines. Delays can result in property damage, frustrated homeowners, and multiple other difficulties for subdivision.

It has been voiced this small tract has been burdensome for adjoining property owners. Their concerns include but not limited to upkeep, disturbances of their quiet property enjoyment, annoyances, etc. While I am very familiar with such issues as my property adjoins the Darla Jean Park on two sides and the old Matchet property to the west, I purchased my property knowing full well its issues. This undedicated alley with its easements is necessary for subdivision's utility maintenance. Its closure and restricted access will be a burden for all who are served by DJWUA whether they currently know it or not. The developer's intent dating back to 1974 was very clear.

This is in reference to the vacation of the WALKWAY and IRRIGATION PIPE EASEMENT -VAC-2018-44

I am opposed to this land grab by the 4 petitioners as The Darla Jean water users Assoc. has a significant amount of irrigation pipe and 3 isolation valves within the easement. This pipe and valves are unfettered at this time for easy repair and or replacement. If this easement is to be awarded to these people they will put fences, concrete, lean-to structures, unused cars, boats and campers on their newly acquired land grab. The ultimate cost for repair and replacement of these structures in case there is a maintenance problem on this easement will fall to the other 101 water users. Our dues will go up to compensate the water users assoc. for damage done to fences and structures for the repair.

We also have come up with a neighborhood volunteer group which will be responsible for the maintenance of the walk-way. Apparently in the last 25 years 3 beer bottles and 2 condoms have surfaced. We would keep this walkway clean. The 4 people who stand to gain will tell you there are problems in the walk-way but there has never been any reports to the police or sheriff's office.

In closing, I as a water user along with many of my neighbors implore you to leave this easement as is. It is not broken so why would you want to fix it? THIS IS NOTHING MORE THAN A LAND GRAB AT THE EXPENSE OF OTHERS. If we have a small strip of open land why do we have to fence it off? This strip also belongs to the other 101 residents of the Darla Jean subdivision and a vast majority are opposed to this petition

Richard Curfman, 24 year resident at  
2882 Darla Drive



## EXHIBIT 4

April 9, 2018

I, Andrea Christensen, and Chuck Howard, a fellow Darla Jean neighbor, are representing the undersigned neighbors on this petition.

Out of 76 Darla Jean Water User households surveyed 75 signed this petition opposing the vacation of the Darla Jean Walkway. Some spouses and renters signed to lend their support. The opposition is overwhelming.

As I walked around the neighborhood many neighbors told me how they liked to walk the walkway and how it connected our neighborhood. I also heard of their concern for the irrigation pipe, etc. Many did not know of and/or understand this proposed vacation.

In conclusion, we believe it is in the best interest of the Darla Jean Neighborhood and Water Users that the application for the vacation of the Darla Jean Walkway to be denied.

Thank you for your consideration.






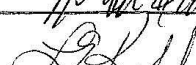
Andrea Christensen  
Chuck Howard

This submission includes this cover letter and 9 pages of the petition.

We the undersigned oppose the vacatton of the Darla Jean Walkway for these reasons, We want to continue to enjoy using the walkway as a walkway. There would be added cost and hassle to the Water Users if we need to access the irrigation pipe. We are concerned about visual quality. We have little control over what the current and future property owners will choose to do with their aquired property. As of now the two Darla properties have many used and unused vehicles, boat, camper etc on their properties.

Date	Printed Name	Signature	Address
3-24-18	Cheryl Hancock		2886 F 1/4 Rd.
3/24/18	Scott Layton		631 SPARN CT
3/24/18	YURA LAYTON		631 SPARN CT
3/24/18	Melissa Calkin		633 Spain Ct.
3/24/18	Roberta Carrsels		632 Spain ct
3/24/18	Leslie Estava		2899 F 1/4 Rd.
3/24/18	JACK SAARI		2895 F 1/4 Rd.
3/24/18	Tom Sheldon		630 melody lane
3-24-18	Jeanie Lange		2870 Darla Drive
3/24/18	Jennifer Watson		630 Sparn Ct
3/24/18	<del>Richard Watson</del>		630 Sparn Ct.
3/24/18	Jim Parnas		2868 Park

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Date	Printed Name	Signature	Address
3-24-18	Brandi Czerberich	Brandi Czerberich	2892 Darla Dr.
3-24-18	Nathan Gray	Nathan Gray	2899 Jean Lane
3-24-18	Sheena Starner	Sheena Starner	2894 Jean Lane
3-25-18	Wendy Jones		2890 Jean Lane
3/24/18	Machelle Williams	Machelle Williams	2890 Jean Ln.
3/24/18	Ashley Swofford	Ashley Swofford	2893 Jean Ln
3/24/18	Elizabeth Zeek		2888 1/2 Jean Ln
3/24/18	Mike Zeek		2888 1/2 Jean Lane
2-24-18	Terry Williams		2890 Jean Ln
3/24/18	Mike Kohl		639 29th Rd
3/25/2018	Leilani Kohl		639 29 Rd
3/24/2018	Cheryl Cooper	Cheryl Cooper	2877 Darla Dr.



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Date	Printed Name	Signature	Address
3/24/18	John Burdett	<i>John Burdett</i>	2885 Music Ave
3/24/18	Danny Rice	<i>Danny Rice</i>	2899 Darla Dr
3-29-18	Rich Guffman	<i>Rich Guffman</i>	2882 Darla Dr
3/24/18	Andrea Christensen	<i>Andrea Christensen</i>	2880 Darla Dr
3/24/18	Zachary Beckstead	<i>Zachary Beckstead</i>	2898 Darla Dr
3/24/18	Kara Taylor	<i>Kara Taylor</i>	2896 Darla Drive
3/24/18	Nancy Buettner	<i>Nancy Buettner</i>	2894 Darla Dr
3.24.18	Matt Martinez	<i>Matt Martinez</i>	2890 Darla Dr
3/24/18	Michelle Dasteel	<i>Michelle Dasteel</i>	2844 1/2 Darla Dr
3/24/18	Nathaniel Ruiz	<i>Nathaniel Ruiz</i>	2887 Darla Dr
3/24/18	Joy Thompson	<i>Joy Thompson</i>	2886 Darla Dr
3/24/18	Hannah Feasby	<i>Hannah Feasby</i>	2813 Darla Dr

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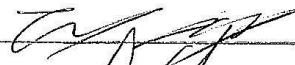
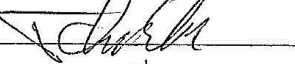




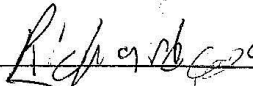
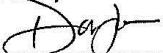
Date	Printed Name	Signature	Address
3-24-2018	Jose Juan Martinez	José J. Martínez	2889 Darla Dr
3/24/18	John & Joanne Martin	Joanne Martin	2885 Darla Dr.
3/24/18	Amy Henrie	Amy Henrie	2884 Darla Dr.
3-24-18	Crystal Martell	Crystal Martell	2876 1/2 Darla Dr
3-25-18	The <del>only</del> Only Reason I'm Against <del>the closure</del> the closure		

of the walkway as a past water board member I'd like access to those two main Irrigation Valves to be able to close them in case of a pipe break without having to deal with lock gates and dogs. Unless the owners agree and sign paperwork that stays with the property if they should sell later. They need to put a gate in to accommodate a back hoe. Greg Reis 1/4 Reis 2879 DARLA

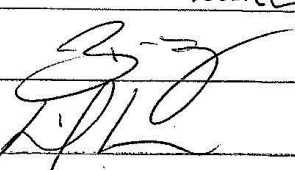
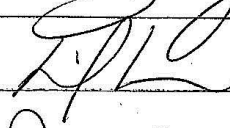
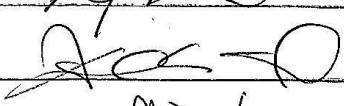
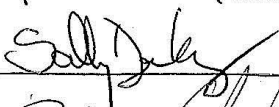
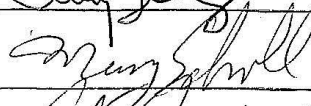
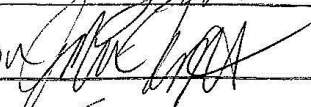

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Date	Printed Name	Signature	Address
3/24/18	Margaret Myers	Margaret Myers	2887 Darla Dr.
3/25/18	Judy Ann Taillan	Judy Ann Taillan	2891 Darla Dr.
3/25/18	John Rhonda Anderson	Rhonda Anderson	2897 Jean Lane
3/25/18	Crystal B. Cook	Crystal B. Cook	2891 Jean Lane
3/25/18	Kerth Pulliam	Kerth Pulliam	2889 Jean Lane
3/25/18	Connie M. Jiron	Connie M. Jiron	2887 Jean Ln. GJ
3/25/18	Charles M. Elliott	Charles M. Elliott	2880 Jean Ln. GJ
3-25-18	Jeff Muto	Jeffrey Muto	2880 Muto
3-25-18	Olivia	Olivia	2894 Darla Dr. we would like to see it as a walkway, cleaned up and also accessible to the pub division in case of irrigation problems.

We the undersigned oppose the vacation of the Darla Jean Walkway for these reasons. We want to continue to enjoy using the walkway as a walkway. There would be added cost and hassle to the water users if we need to access the irrigation pipe. We are concerned about visual quality. We have little control over what the current and future property owners will choose to do with their acquired property. As of now the two Darla properties have many used and unused vehicles, boat, camper etc on their properties.

Date	Printed Name	Signature	Address
3/25/18	Thomas Murphy		2879 Music Ave
3-25-18	Johnathan Leback		2881 Music Ave
3-27-18	Linda Crandell	Linda Crandell	2895 1/2 Jean Ln
3-27-18	Cody Crandell		2895 1/2 Jean Ln.
4-3-18	Jordan Keogh		2893 Darla Dr
4-9-18	Diane Blecha		2895 Darla Dr
4-7-18	Denick Rosales		2887 Music Ave
4-7-18	David Jones	DAVID JONES	639 1/2 29rd
4-7-18	Robert Cori		2898 Jean Ln
4/7/18	DAMON JONES		2883 MUSIC AVE.

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Date	Printed Name	Signature	Address
3/25/18	Robert B. Hobig	Robert B. Hobig	628 Melody Ln
3/25/18	Sharon Olson	Sharon Olson	633 Melody Ln
3/25/18	Jonna Crutchfield	Jonna Crutchfield	2880 F 1/4 Rd.
3/25/18	Maureen O'Donnell	Maureen O'Donnell	2879 F 1/4 Rd
3/25/18	BEN Vioic		2896 Music Ave
3-25-18	David Koons		2888 F 1/4 Rd.
3/25/18	Dave Lord		2887 F 1/4 Rd.
3/25/18	Sally Kroezer		2889 F 1/4 Rd
3/25/18	Mary Scholl		2893 F 1/4 Rd
3/25/18	Joshua Hampton		2888 music ave.
3/26/18	Mark Locke		2883 F 1/4 rd

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Date	Printed Name	Signature	Address
3-24-2018	Lillian E. Mercer	Lillian E. Mercer	2890 1/2 Music Ave
3-24-2018	DAWN FARRIS	Dawn Farris	2899 Music Ave
3-24-18	Lisa Trotter	Lisa Trotter	2895 Music Ave
3-24-18	Colleen Woods	Colleen Woods	2895 Music Ave
3-24-18	Timothy MARTINEZ	Timothy Mart	632 Melody Lane
3-24-18	Trisha Reid	Trisha Reid	1031 Melody Ln
3-24-18	Jenny Aker	Jenny Aker	2892 Music Ave
3-24-18	Dave Benjamin	Dave Benjamin	2891 F 1/4 Rd
3-24-18	Laurie Gomez	Laurie Gomez	2890 Music Ave
3-24-18	RANDAL J. BAKER	Randal J. Baker	2887 1/2 Music Ave
3-25-18	Ellie R Peck	Ellie R Peck	2894 Music Ave



Attach 3



**EXHIBIT LIST**

**TALLMAN ZONE OF ANNEXATION** **FILE NO. ANX-2018-90**

Exhibit Item #	Description
1	Application dated February 5, 2018
2	Staff Report dated April 24, 2018
3	Staff Presentation dated April 24, 2018



**Exhibit 1**

**GENERAL PROJECT REPORT**  
*For*  
**Annexation into the City of Grand Junction**  
**2734 B 1/4 Road and 2723 Highway 50**

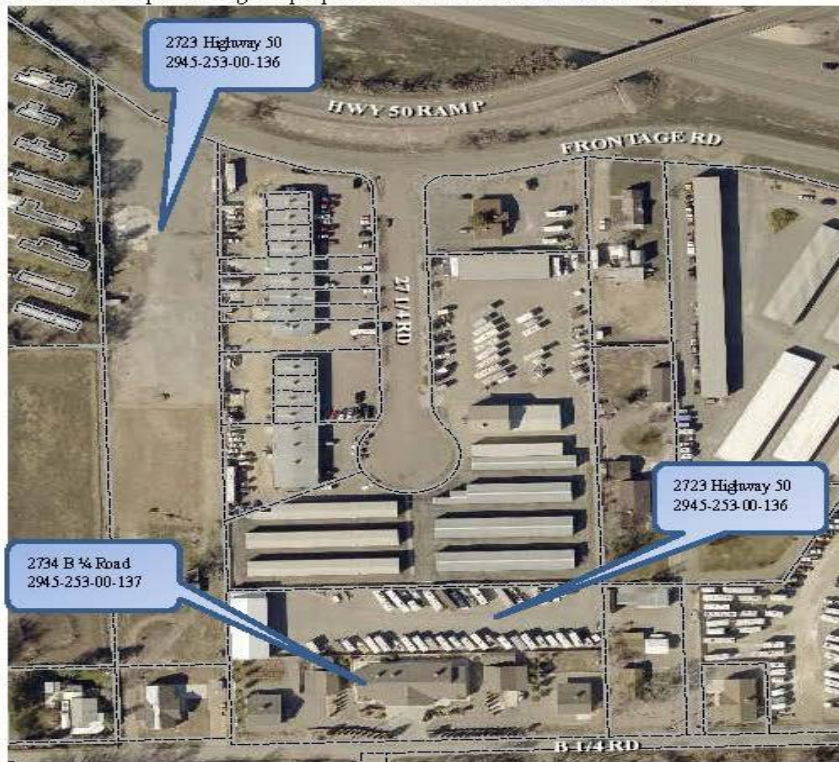
**Project Description (location, Acreage, Proposed Use)**

The purpose of this submittal is to annex two parcels of land consisting of approximately 5.20 acres from Mesa County to the City of Grand Junction. The properties are located at 2734 B 1/4 Road and 2723 Highway 50.

The currently both properties are zoned County RSF 4. The properties are located within the 201 Persigo Boundary and sanitary sewer is serviced by the Grand Junction 201 Service Area. The applicant is requesting a C-2 City Zoning for and R-8 City Zoning for 2734 B 1/4 Road.

A neighborhood meeting was held on February 2, 2018 and the notes and attendees are included with this submittal.

A location map showing the properties to be annexed is shown below.



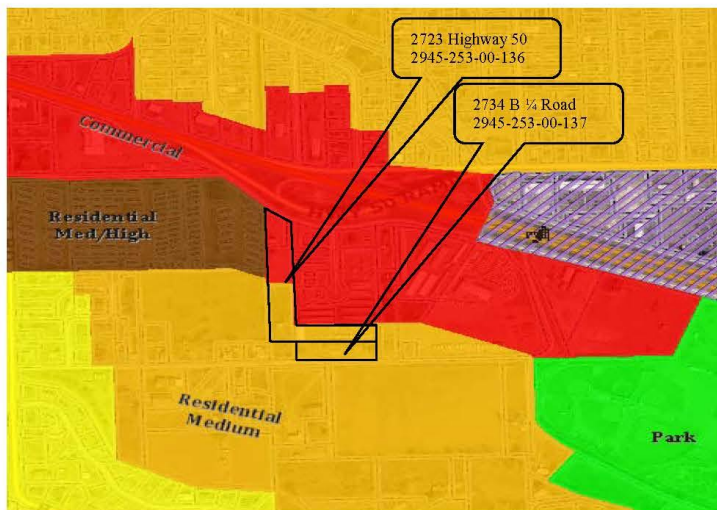
**GENERAL PROJECT REPORT**  
*For*  
**Annexation into the City of Grand Junction**  
**2734 B ¼ Road and 2723 Highway 50**

**Surrounding Land Uses and Zoning**

- North: Commercial, Mesa County C-2
- East: Single Family Residence, Mesa County RSF-4 and Commercial, Mesa County C-2
- West: Single Family Residence, Mesa County RSF-4
- South: Single Family Residence, City R-4 & Light Agricultural Mesa County RSF-4

Included with in this report is current City of Grand Junction Growth Plan Map for zoning referencing.

**CITY OF GRAND JUNCTION GROWTH PLAN MAP**



**GENERAL PROJECT REPORT**  
*For*  
**Annexation into the City of Grand Junction**  
**2734 B ¼ Road and 2723 Highway 50**

**Annexation Criteria**

To meet City of Grand Junction Code and Zoning Maps on the annexation of land to the City the following criteria must be met.

1. **Subsequent events have invalidated the original premise and findings.**  
 Response: Not applicable to this submittal.
  
2. **The character and/ or condition of the area has changed such that the amendment is consistent with the Plan.**  
 Response: The 201 Persigo Boundary was established requiring any land development within this area must connect to public sanitary sewer systems. An agreement was also made between Mesa County and the City that any land development within the 201 Persigo Boundary must be annexed into the City. The City of Grand Junction/Mesa County Future Land Use Maps indicate site zoning of Commercial and Medium density. Applicant’s request of City C-2 zoning for 2723 Highway 50 and R-8 zoning for 2734 B ¼ Road. Zoning is consistent with adopted plans and the existing site use.
  
3. **Public and community facilities are adequate to serve the type and scope of land use proposed.**  
 Response: All public facilities required for the subject site are adjacent to the site.
  
4. **An inadequate supply of suitable designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use..**  
 Response: There is an adequate supply of land available in the neighborhood and surrounding area to accommodate such requested zoning.
  
5. **The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.**  
 Response: The area is experiencing growth and with U.S. Highway 50 to the north of the property is a direct link between Grand Junction and Delta and other towns to the south. There will be no change in use of the properties.



## PLANNING COMMISSION AGENDA ITEM

**Project Name:** Zoning of the Tallman Annexation  
**Applicant:** Joyce Luster  
**Representative:** Austin Civil Group  
**Address:** 2734 B ¼ Road & 2723 Highway 50  
**Zoning:** Proposed R-8 and C-2  
**Staff:** David Thornton  
**File No.** ANX-2018-90  
**Date:** April 24, 2018

### I. SUBJECT

Consider a request to zone 1.41 acres from County RSF-4 (Residential Single Family, 4 dwelling units per acre) to City R-8 (Residential, 8 dwelling units per acre) and zone 3.79 acres from County RSF-4 (Residential Single Family, 4 dwelling units per acre) to City C-2 (Heavy Commercial) zone districts. The two properties are located at 2734 B ¼ Road & 2723 Highway 50 respectively.

### II. EXECUTIVE SUMMARY

The Applicant, Joyce Luster, is requesting zoning of two properties associated with the 5.197-acre Tallman Annexation. The request includes seeking an R-8 (Residential, 8 dwelling units per acre) zone district for 1.41 acres located at 2734 B ¼ Road and a C-2 (Heavy Commercial) zone district for 3.79 acres of property located at 2723 Highway 50. The 2734 B ¼ Road property proposed as R-8 is currently being used as residential with five residential buildings containing six dwelling units. The 2723 Highway 50 property proposed as C-2 has a residential duplex (2 units), not allowed in C-2 located at the north end with a commercial RV outdoor storage yard, allowed in C-2 on the south end. The middle portion of the lot is vacant. The proposed zoning is consistent with the Comprehensive Plan Future Land Use Map.

### III. BACKGROUND

The Tallman Annexation consists of two parcels of land for a total of 5.197 acres located at 2734 B ¼ Road & 2723 Highway 50. There is no right-of-way included in the annexation. The property owner has requested annexation for future development of the properties, which is anticipated to constitute "Annexable Development" and, as such, will be required to annex in accordance with the Persigo Agreement. Future development may include subdividing 2734 B ¼ Road into five lots and expanding the RV Storage facility on the 2723 Highway 50 property. In addition, annexation is being requested to resolve County Code violations, see below.

2734 B ¼ Road property

This property is 1.41 acres in size and is currently being used for residential purposes. The property is currently fully developed with five residential buildings containing 6 dwelling units located on it. The property owner has submitted a request to subdivide the property into five lots, each with a single detached dwelling unit except one lot will have a duplex.

The property owner is requesting a R-8 (Residential – 8 units per acre) zone district. The R-8 zone district allows single family, duplex and multi-family development, amongst other uses. The property is currently zoned in the County as RSF-4 (Residential Single Family, 4 dwelling units per acre). The R-8 zone district implements the Comprehensive Plan’s Future Land Use designation of Residential Medium (4 to 8 units per acre) and is needed to bring the existing property density into conformance with the Comprehensive Plan and allow for the property to be divided into individual lots each with an existing residential structure. The 2734 B ¼ property is in violation of County zoning for density and building permit violations, the proposed zoning of R-8 will bring this property into conformance and allow for the Building Department to issue certificates of occupancy for these residential dwellings.

2723 Highway 50 property

This property is 3.79 acres in size and is currently developed with a residential duplex (2 units) located at the north end of the property and has a RV outdoor storage yard on the south end of the property. The middle portion of the lot is vacant. The Applicant is requesting a zoning of C-2 (Heavy Commercial).

The C-2 zone district is a district for heavier commercial uses such as outdoor storage, but does not allow for residential land uses. C-2 is proposed for this property due to the existing land use of RV storage, adjacent commercial uses and zoning, and existing property access coming from the Highway 50 frontage road. The Future Land Use Map shows a split land use designation of Commercial and Residential Medium (4 to 8 units per acre) on the property allowing for either designation to be acceptable. The owner is seeking C-2 zoning for the entire approximate 3.79-acre property which would result in the existing RV storage being a conforming land use while rendering the existing duplex a legal but non-conforming use. Under Section 21.08.020(a) Nonconforming uses in the Zoning Code, “A lawful use made nonconforming by the adoption of this code or other City ordinances may continue only for so long as such use is not abandoned, expanded, increased or changed” except as provided in the Code which includes language related to expansion, abandonment and destruction. This property is currently zoned in the County as RSF-4 which allows for the residential duplex use, but is in violation with County zoning for the establishment of a commercial RV storage facility in RSF-4 where the land use is not allowed. The proposed C-2 zoning will permit this land use.

**IV. NOTIFICATION REQUIREMENTS**

A Neighborhood Meeting was held on February 1, 2018 consistent with the requirements of Section 21.02.080 (e) of the Zoning and Development Code. One neighbor attended the meeting along with the Applicant, Applicant’s representative and

City Staff. The Applicant discussed the proposed annexation and zoning and the plan to annex both properties and request zoning of R-8 and C-2, subdividing the existing residential structures into multiple lots and potential future request for an expansion of the existing RV storage were discussed. The neighbor expressed his concern with potential future residential development on other undeveloped properties along B ¼ Road that are not part of this application and the need to provide vehicular access from these potential developments to the Highway 50 frontage and road and pedestrian access through this area to the B 1/2 Road overpass.

Notice was completed consistent to the provisions in Section 21.02.080 (g) of the City's Zoning and Development Code. Mailed notice of the public hearing in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on April 12, 2018. The subject property was posted with an application sign on April 6, 2018 and notice of the public hearing was published April 17, 2018 in the Grand Junction Sentinel.

**V. ANALYSIS**

Pursuant to Section 21.02.140 (a) 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 as identified:

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

The current zoning in unincorporated Mesa County is RSF-4 (Residential Single Family, 4 units per acre) for the entire annexation area. However, the Future Land Use Map adopted in 2010, designated the southern portion of the annexation area as Residential Medium which can be implemented by the requested R-8 zone district, and the northern portion as Commercial, which can be implemented by the requested C-2 zone district. In addition, the Adams Annexation, also within this Residential Medium area was approved for R-8 zoning in February 2018, a change from the RSF-4 zoning previously zoned in Mesa County. Though the current zoning of RSF-4 is not in the City, the subsequent event of adopting the 2010 Comprehensive Plan and its associated land use designations therefore Staff finds that 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*

Properties to the east of the Tallman Annexation are still outside the City limits and zoned C-2 in Mesa County commercial businesses. Some properties to the west and south are inside the City limits and City R-8 and Residential Planned Development and County RSF-4. Development on those properties include a mobile home park (Western Hills) and single family and agricultural lands uses that have been there for 20 plus years. The area to the north is US Highway 50 and the B ½ Road overpass.

Staff has not found that the character of the area has changed and therefore finds this criterion has not 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 future development of uses allowed with the R-8 and C-2 zone districts. Ute Water and City sanitary sewer are both presently available in Highway 50 frontage road and B ¼ Road. Property can also be served by Xcel Energy natural gas and electric. Due to the proximity and availability of services and facilities, staff finds this criterion has been met.

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

The portion of this property that is proposed for C-2 zoning is within the commercial designation on the Future Land Use Map of the Comprehensive Plan. Commercial along this area of Highway 50 were identified along major highways in the community to serve business and citizen needs with a mix of commercial uses. The commercial designation includes a large area to the east that is already zoned C-2 in Mesa County and the City.

Nine percent of the City is zoned R-8. The R-8 zone district is the most flexible residential zone district in the City since it allows for a variety of housing types and choice. Housing types include single family, two family and multiple family type housing. Zoning land to R-8 within the Residential Medium land use designation on the Future Land Use Map provides for the anticipated densities of the Comprehensive Plan. The R-8 zone district has a minimum density requirement of 5.5 units per acre which better aligns with the Residential Medium Land Use designation of 4 to 8 units per acre. In contrast, the R-4 zone district has a minimum of 2 dwelling units per acre which does not meet the 4 to 8 dwelling unit range anticipate by the Comprehensive Plan.

Three percent of the City is zoned C-2, and the proposed C-2 zoning is conforming to the Future Land Use map's commercial designation in this area.

Based on both the Comprehensive Plan's recognition of these needed land use designations as well as the small percentages of the availability of these zoning districts, Staff finds that there is an inadequate supply of these zoning designations in this area and, therefore, has found this criterion to have been met.

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

The area and community, in general, would derive benefits from the proposed zoning of this property as it would provide additional commercial opportunities in the vicinity of Highway 50 and have the potential to increase population near a neighborhood center that includes an existing grocery store and other services located north of Highway 50. This supports the Comprehensive Plan and furthers the goal of promoting infill development. Because the community and area will derive benefits, staff has found this criterion has been met.

**Section 21.02.140** of the Grand Junction Zoning and Development Code states that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan.

The Comprehensive Plan Future Land Use Map designates the property as Residential Medium and Commercial. The request for a R-8 zone district is consistent with the Residential Medium designation and a request for C-2 zone district is consistent with the commercial designation. Both work to implement the Comprehensive Plan. Further, the zoning request is consistent with the following goals and policies of the Comprehensive Plan.

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

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

**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 number of trips generated for shopping and commuting and decrease vehicle miles traveled.

**Section 21.02.160(f)**

Section 21.02.160(f) of the Grand Junction Municipal Code, states that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. The Comprehensive Plan shows this area to develop in the Residential Medium and Commercial categories. The Applicants' request to zone the property to R-8 and C-2 is consistent with the Comprehensive Plan.

**VI. STAFF RECOMMENDATION AND FINDINGS OF FACT**

After reviewing the Zoning of the Tallman Annexation, ANX-2018-90, a request to zone the 1.41-acre property to the R-8 zone district and the 3.79-acre property to the C-2 zone district, the following findings of fact have been made:

1. For each property, the requested zone is consistent with the goals and policies of the Comprehensive Plan.
2. For each property more than one of the applicable review criteria in Section 21.02.140 of the Grand Junction Municipal Code have been met.



3. For each property the applicable review criteria in Section 21.02.160(f) of the Grand Junction Municipal Code have been met.

Therefore, Staff recommends approval.

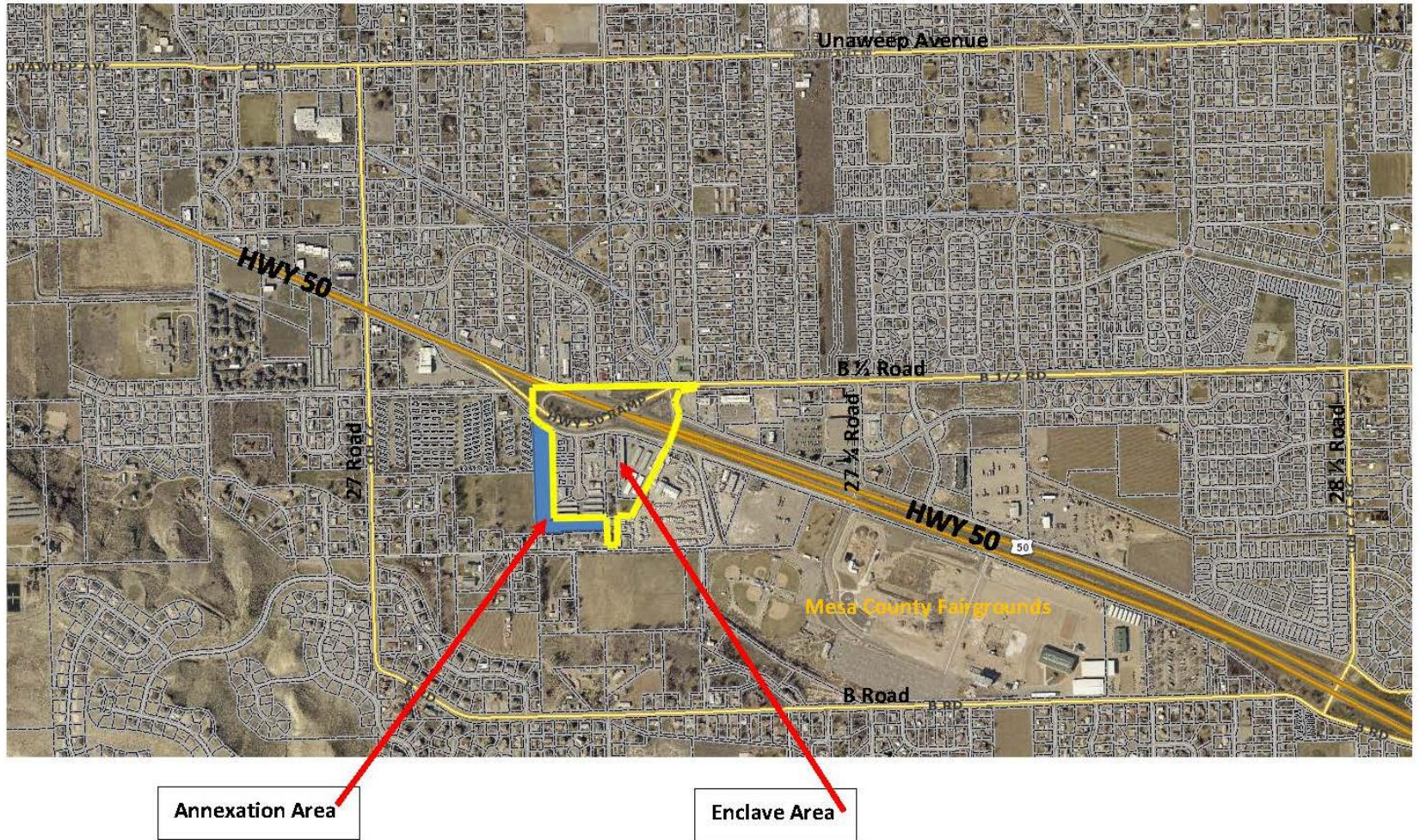
**VII. RECOMMENDED MOTION**

Madam Chairman, on the Tallman Annexation Zoning application, ANX-2018-90, I move that the Planning Commission forward to the City Council a recommendation of approval of the R-8 and C-2 zone districts with the findings of facts as listed in the staff report.

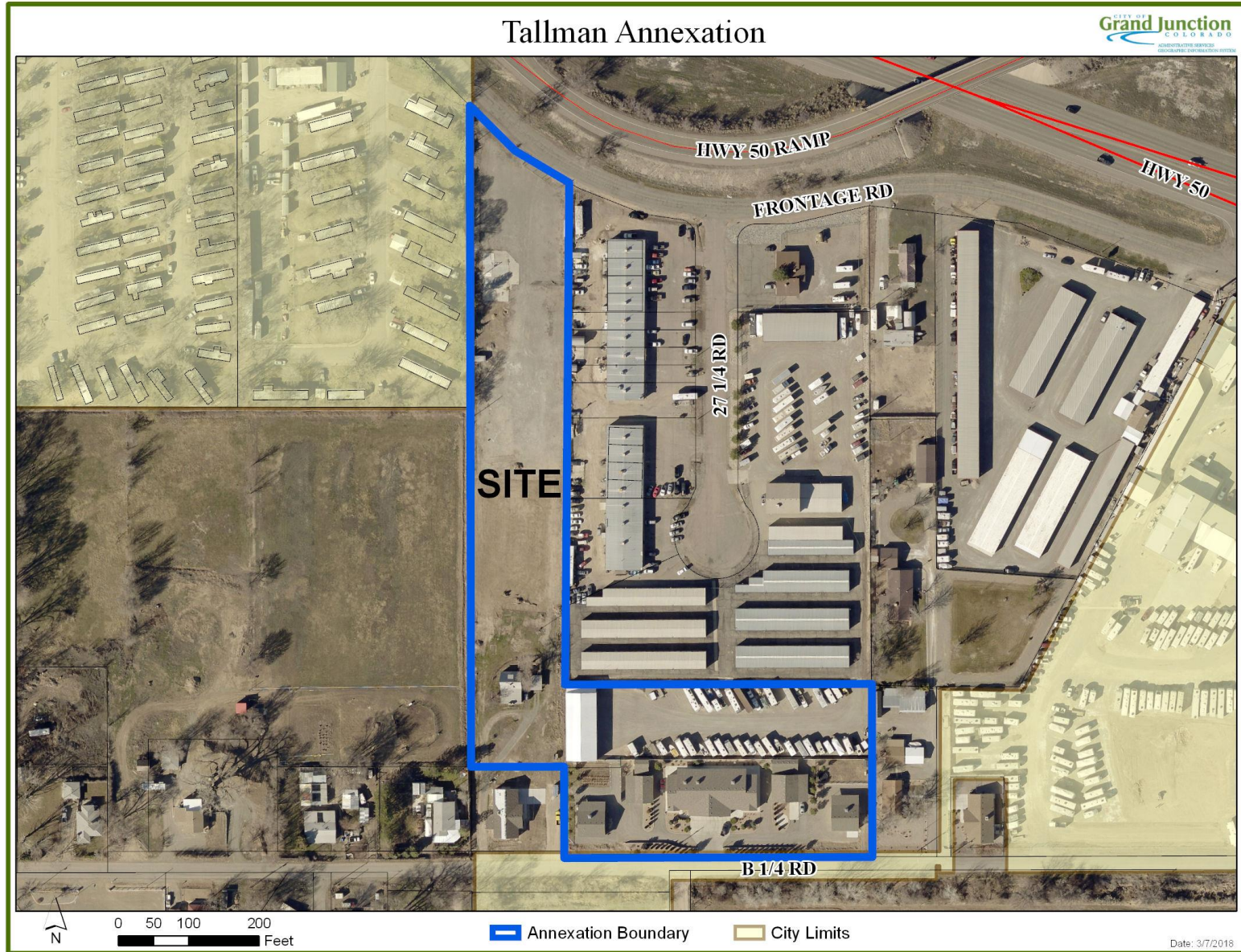
**Attachments:**

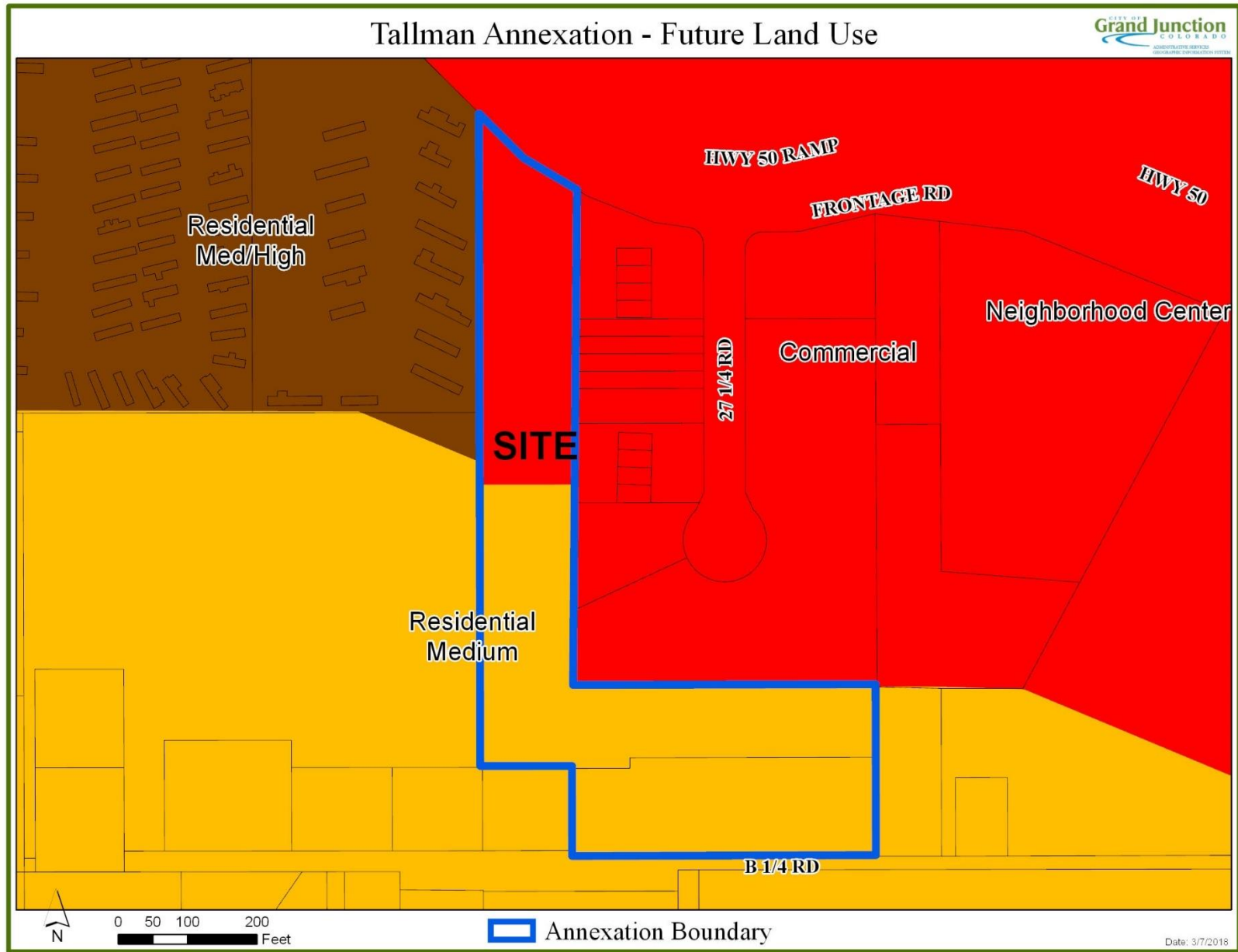
6. Vicinity Map
7. Location Map
8. Aerial Photo Map
9. Comprehensive Plan Future Land Use Map
10. City / County Existing Zoning Map
11. Site Photos

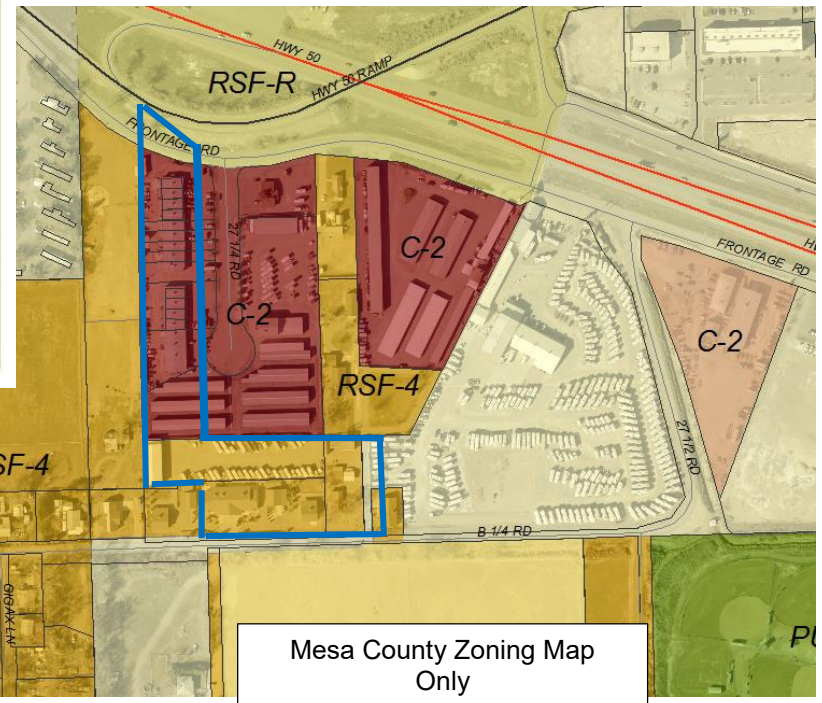
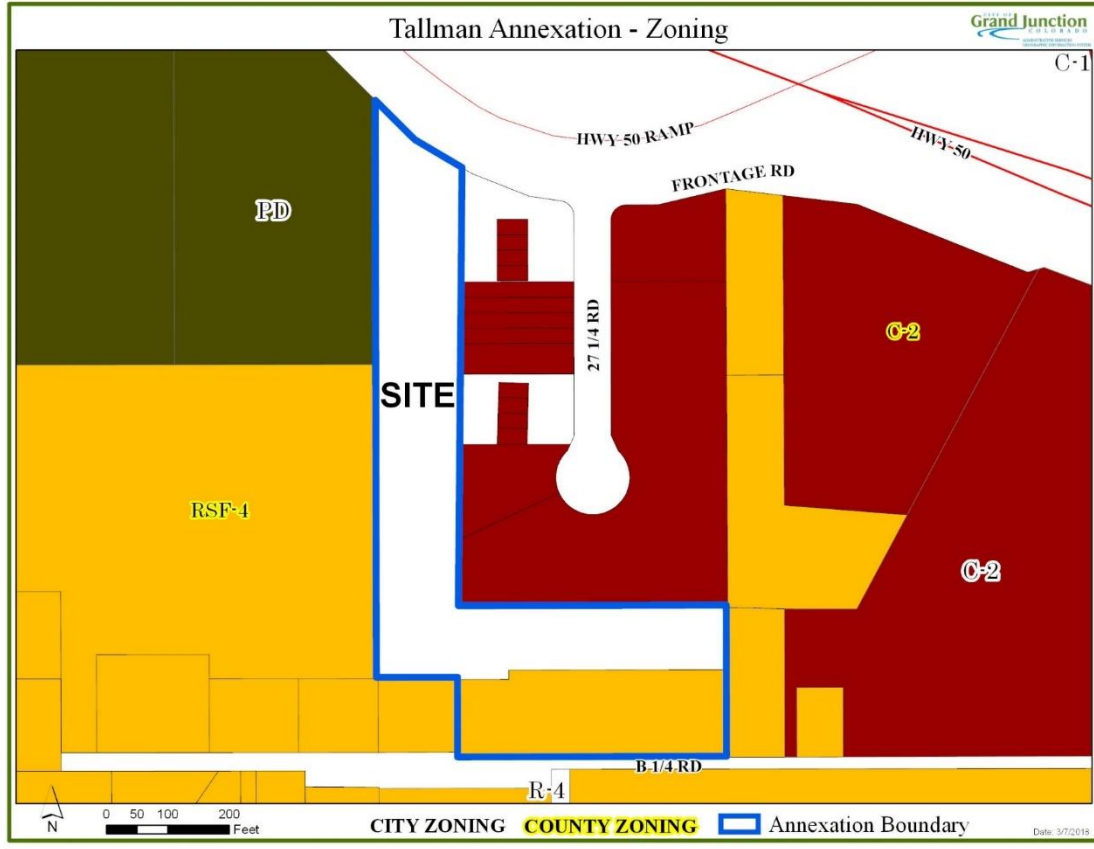
Vicinity Map – Tallman Annexation













2734 B ¼ Road - View from B ¼ Road looking north



**2723 Highway 50 - View from Hwy 50 Frontage Road looking south**





## EXHIBIT LIST

**RK ANNEXATION ZONING**

**FILE NO. ANX-2018-110**

Exhibit Item	Description
1	York Annexation Information Submitted by Applicant
2	Staff Report dated April 24, 2018
3	H Road/Northwest Area Plan Memo

**EXHIBIT 1**

Dale and Cindy York  
2122 H Road  
Grand Junction, CO 81505

February 27, 2018

City of Grand Junction  
205 North 5<sup>th</sup> Street  
Grand Junction, CO 81501

RE: General Project Report - Property location: 2122 H Road

To Whom It Concerns,

We, Dale York and Cindy York are converting the property at 2122 H Road to a storage yard for equipment. We own a traffic control business with offices located at 830 21 1/2 Road. We intend to use the storage yard for storing our equipment and vehicles while not in use. The property will have yard lights, chain link fence and two access gates.

The yard lights will have photo cells to turn on only when needed and the light beam will be restricted to our property.

The chain link fence is 6 feet high topped with three strand barbed wire.

The access gate on the south side of property will have an electric gate opener. A Fire Box has been installed by Taylor Fence that meets the City of Grand Junction specifications. The gate on the north side of the property will have a number combination-lock. The Drainage District will be given the combo for access.

Gravel has been installed on the property with drainage ditches on the east and west side of the property. The gravel was placed with a crown in the middle of the property allowing drainage to flow to the east and west the entire length. The ditches drain into the existing drainage ditch on the south side of the property.

Sincerely,



Dale York



Cindy York



## **PLANNING COMMISSION AGENDA ITEM**

**Project Name:** Zoning of the York Annexation

**Applicant:** Dale and Cindy York

**Representative:** Same

**Address:** 2122 H Road

**Zoning:** Proposed I-1 (Light Industrial)

**Staff:** Kathy Portner

**File No.:** ANX-2018-110

**Date:** April 24, 2018

### **I. SUBJECT**

Consider a request to zone approximately 5.9 acres from County RSF-R (Residential Single Family, Rural) to a City I-1 (Light Industrial) zone district. The property is located at 2122 H Road.

### **II. EXECUTIVE SUMMARY**

The Applicants, Dale and Cindy York, are requesting zoning of I-1 (Light Industrial) for 5.9 acres located at 2122 H Road currently being considered for annexation. The proposed zoning is consistent with the Comprehensive Plan Future Land Use Map. The property is currently being used as a large lot single-family residence. The owners have requested annexation for future development of the property for outdoor storage, which will constitute "Annexable Development" and, as such, would be required to annex in accordance with the Persigo Agreement.

### **III. BACKGROUND**

The York Annexation consists of one 5.943-acre parcel of land located at 2122 H Road, and also includes 196.07 lineal feet of half of the developed H Road which is not currently dedicated as Right-of-Way, but will be dedicated as part of the annexation. The property is currently used as a large lot single-family residence. The owners have requested annexation for future development of the property as an outdoor storage yard with a business residence for a traffic control business, which constitutes "Annexable Development" and, as such, is required to annex in accordance with the Persigo Agreement.

The property was zoned RSF-R (Residential Single Family, Rural) in the County. The Applicant is requesting I-1 (Light Industrial) zoning, which is consistent with the Comprehensive Plan Future Land Use Map designation of Commercial/Industrial.

**IV. NOTIFICATION REQUIREMENTS**

A Neighborhood Meeting was held on February 22, 2018 consistent with the requirements of Section 21.02.080 (e) of the Zoning and Development Code. Two citizens attended the meeting along with the Applicants and City Staff. The Applicant discussed the proposed annexation, zoning and the plan to establish a business with outdoor storage on the property. No concerns or objections were stated by the attendees.

Notice was completed consistent to the provisions in Section 21.02.080 (g) of the City’s Zoning and Development Code. Mailed notice of the application submittal in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on April 13, 2018. The subject property was posted with an application sign on April 13, 2018 and notice of the public hearing was published April 17, 2018 in the Grand Junction Sentinel.

**V. ANALYSIS**

Pursuant to Section 21.02.140 (a) 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 as identified:

*(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 of Commercial/Industrial that was adopted in 2010 subsequent to the original zoning. The Commercial/Industrial designation can be implemented by the requested I-1 zone district. Though the current zoning is not in the City, the subsequent event of adopting the 2010 Comprehensive Plan and its associated land use designations has invalidated the current/original zoning and therefore Staff finds that 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*

Properties to the east and west of the York Annexation are still outside the City limits and zoned RSF-R with large-lot single family uses. Properties to the south that are outside the City limits are zoned RSF-R and C-2, and those that are inside the City limits are zoned I-1. Properties to the north are inside the City limits and are zoned I-1. The surrounding properties have developed with uses consistent with the Commercial/Industrial Comprehensive Plan designation.

Staff finds that the character of the area has changed as the surrounding properties have developed in a manner consistent with the Light Industrial zone

district category and consistent with the Comprehensive Plan and therefore finds this criterion has been met.

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

The property is served by Ute Water and the existing water distribution system adjacent to or near the site consists of 2 inch lines, which would likely be inadequate to serve major development in the area. Further, the closest sewer lines are in 21 ½ Road, approximately 1,312 feet from this property. While the Applicants' existing use and proposed storage yard would not require extension of either of these services, significant upgrades would be required for most development allowed in the I-1 zone district. Therefore, given existing conditions, Staff finds this criterion has not been met.

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

The property and surrounding area is designated Commercial/Industrial on the Future Land Use Map of the Comprehensive Plan. Applicable zone district in Commercial/Industrial designation include C-2 (General Commercial), MU (Mixed Use), BP (Business Park), I-O (Industrial Office), and I-1 (Light Industrial). The Comprehensive Plan designated this area as Commercial/Industrial as it anticipated the need for the northwest area to accommodate a significant portion of the commercial and industrial development for the community. All of the surrounding properties that have been annexed into the City have been zoned I-1.

Consistent with the Comprehensive Plan, Staff finds that there is an inadequate supply of this zoning designation in this area and, therefore, has found this criterion to have been met.

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

The area and community, in general, would derive benefits from the proposed zoning of this property as it would provide additional property to accommodate the needed commercial/industrial development for the community. Because the community and area will derive benefits, staff has found this criterion has been met.

**Section 21.02.140** of the Grand Junction Zoning and Development Code states that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan.

The Comprehensive Plan Future Land Use Map designates the property as Commercial/Industrial. The request for I-1 zone district is consistent with the designation and works to implement the Comprehensive Plan. Further, the zoning request is consistent with the following goals and policies of the Comprehensive Plan:

**Goal 1 / Policy A:** Land use decisions will be consistent with the Future Land Use Map.

**Goal 12 / Policy B:** The City will provide appropriate commercial and industrial development opportunities.

**Section 21.02.160(f)**

Section 21.02.160(f) of the Grand Junction Municipal Code, states that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. The Comprehensive Plan shows this area to develop in the Commercial/Industrial category. The Applicants' request to zone the property to I-1 is consistent with the Comprehensive Plan.

**VI. STAFF RECOMMENDATION AND FINDINGS OF FACT**

After reviewing the Zoning of the York Annexation, ANX-2018-110, a request to zone the 5.943-acre property to the I-1 zone district, the following findings of fact have been made:

4. The requested zone is consistent with the goals and policies of the Comprehensive Plan.
5. More than one of the applicable review criteria in Section 21.02.140 of the Grand Junction Municipal Code have been met.
6. The applicable review criteria in Section 21.02.160(f) of the Grand Junction Municipal Code have been met.

Therefore, Staff recommends approval.

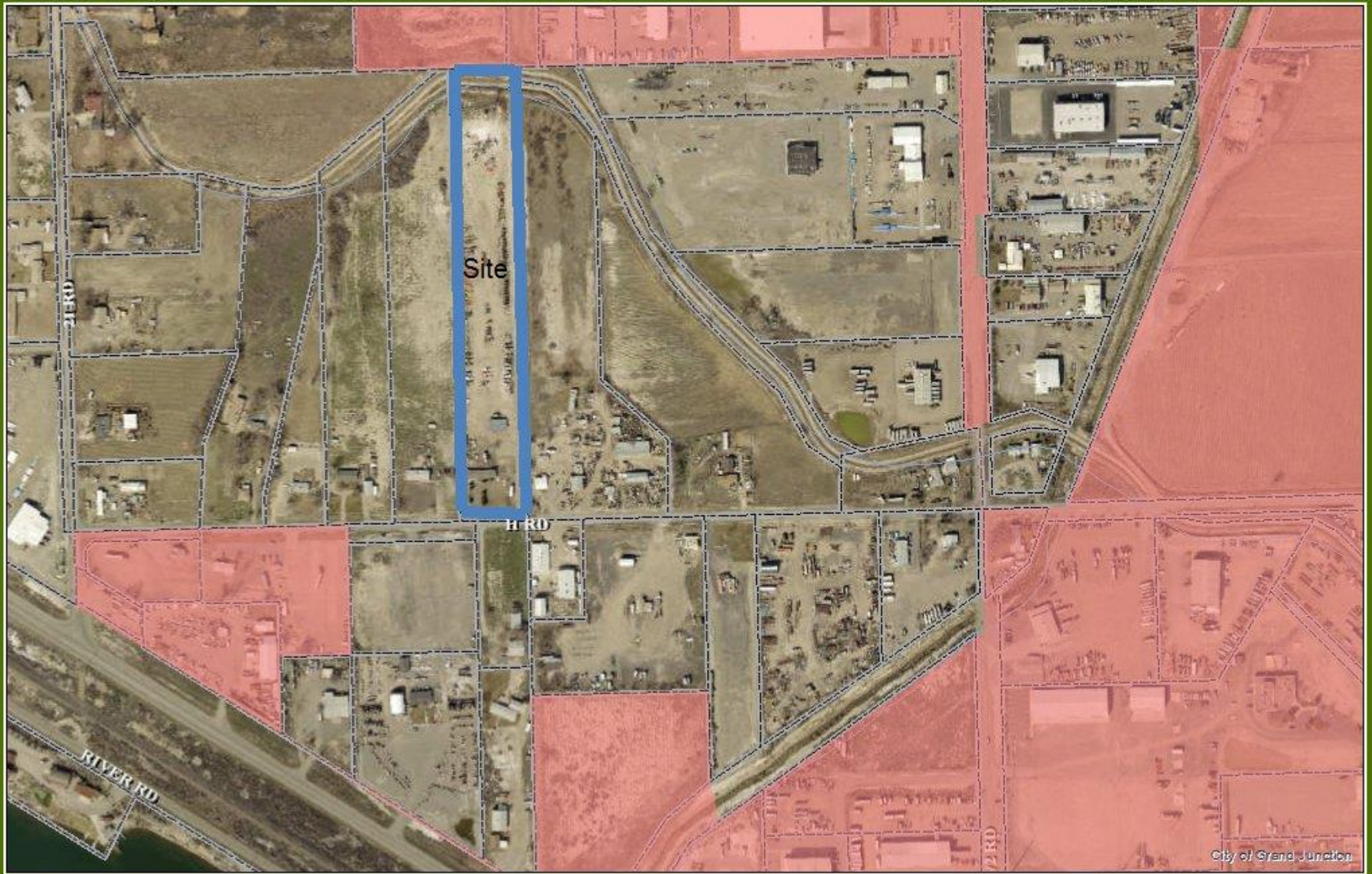
**VII. RECOMMENDED MOTION**

Madam Chairman, on the York Annexation Zoning application, ANX-2018-110, I move that the Planning Commission forward to the City Council a recommendation of approval of the I-1 zone district with the findings of facts as listed in the staff report.

**Attachments:**

12. Site Location Map
13. Comprehensive Plan Future Land Use Map
14. City / County Existing Zoning Map
15. Site Photos

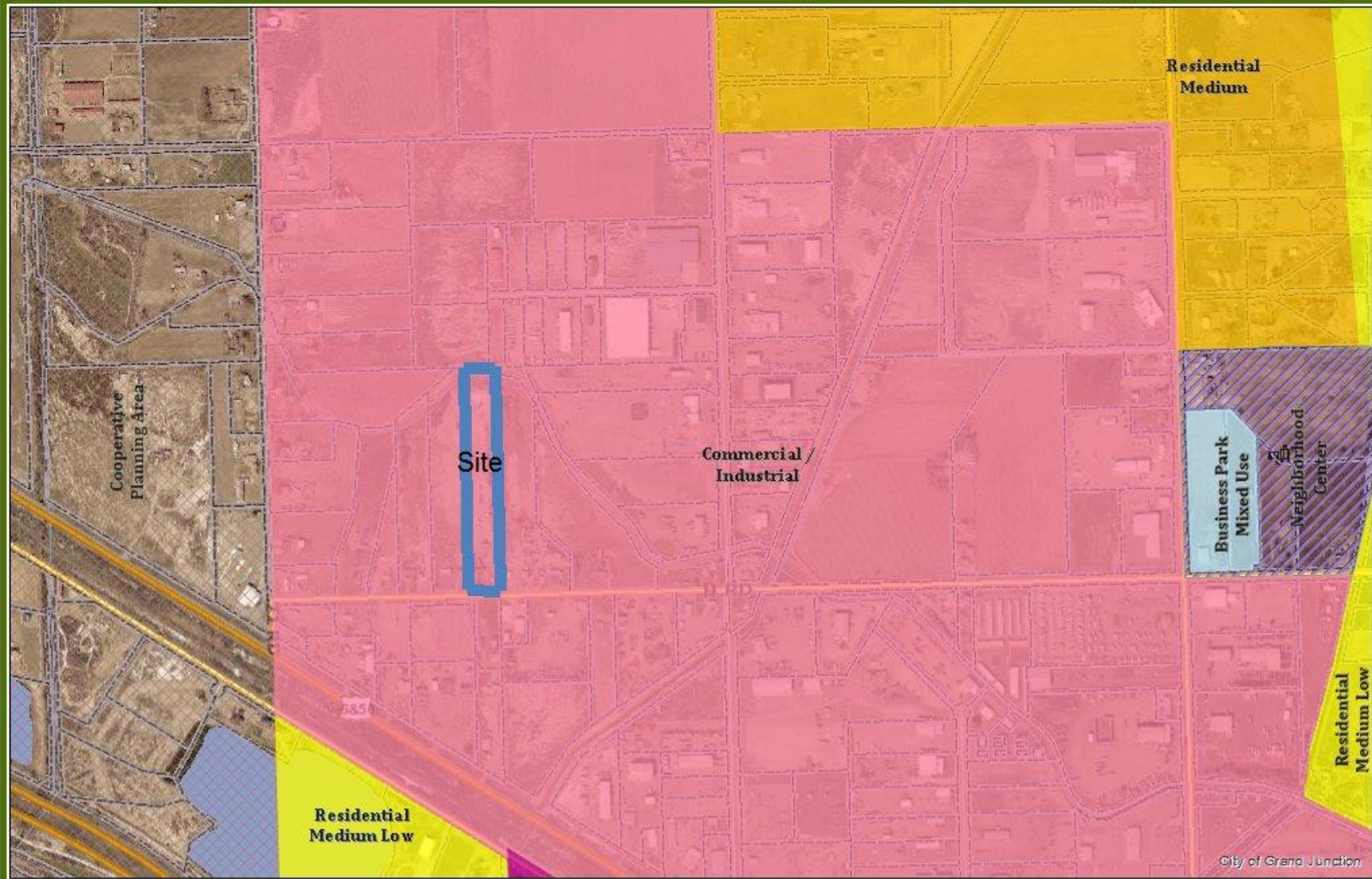
### Expanded City Limits Location Map



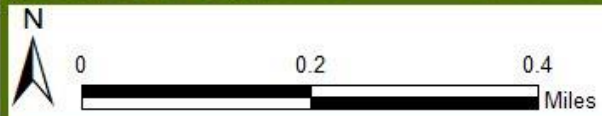
Printed: 3/31/2018

1 inch = 376 feet

### York Annexation Future Land Use



City of Grand Junction



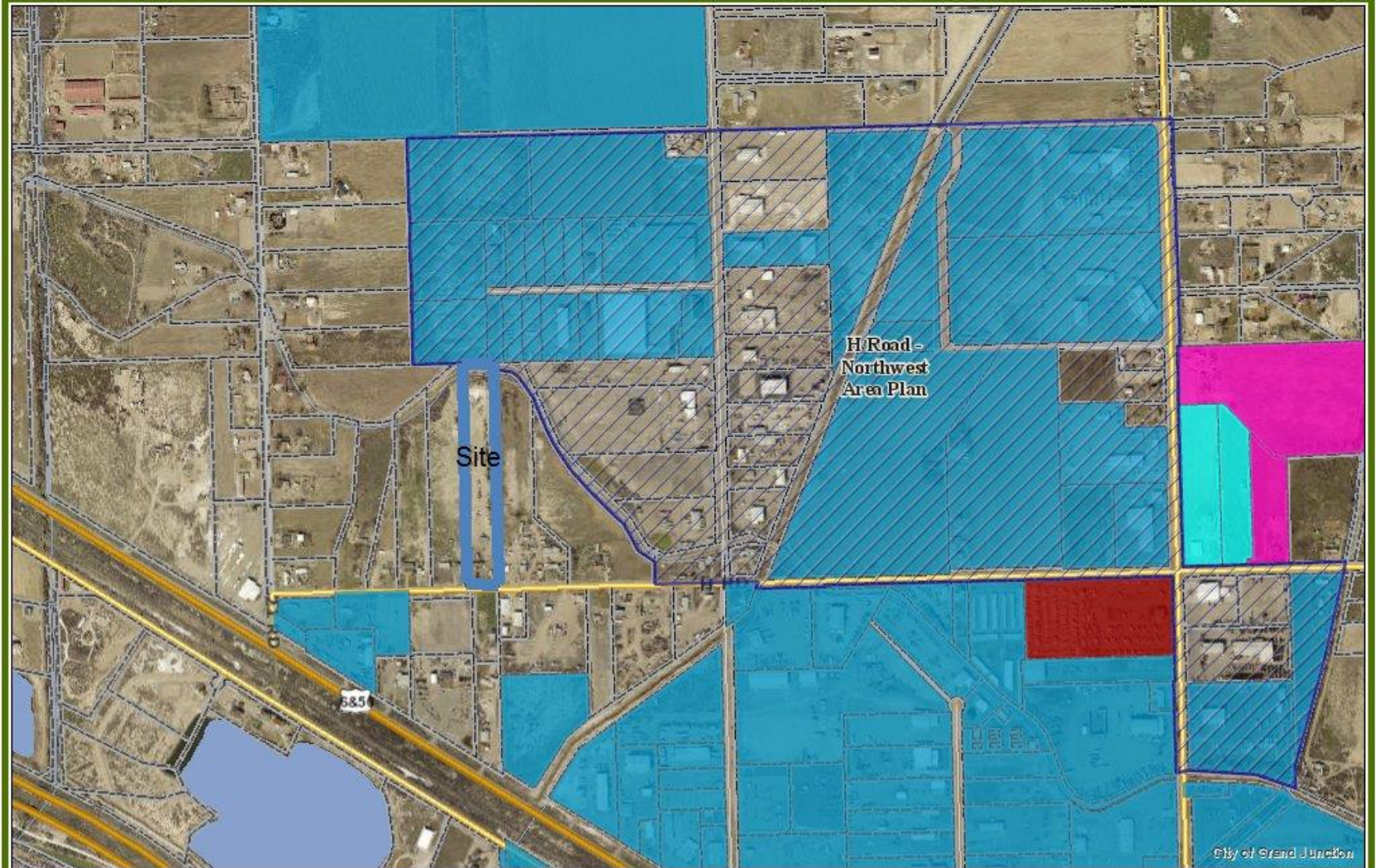
Printed: 3/31/2018

1 inch = 752 feet





# York Annexation Zoning



Printed: 3/31/2018

1 inch = 752 feet



2122 H Road looking north



## EXHIBIT LIST

TIARA RADO EAST REZONE

FILE NO. CPA-2018-182; RZN-2018-181

Exhibit Item	Description
1	Staff Report dated April 24, 2018
2	Public Comment

## PLANNING COMMISSION AGENDA ITEM

**Project Name:** Tiara Rado East Comprehensive Plan Future Land Use Map Amendment and Rezone

**Applicant:** City of Grand Junction

**Representative:** Rob Schoeber, Parks and Recreation Director

**Address:** 2064 South Broadway

**Zoning:** Proposed Estate Designation and R-2 (Residential, 2 units/acre) Zoning

**Staff:** Kathy Portner, Community Services Manager

**File No.** CPA-2018-182; RZN-2018-181

**Date:** April 24, 2018

### I. SUBJECT

Consider a request for a Comprehensive Plan Amendment and Rezone to change the Future Land Use Map designation to "Estate" and rezone to R-2 (Residential, 2 du/acre) 37 acres located at 2064 South Broadway.

### II. EXECUTIVE SUMMARY

The City owns 80 acres at 2064 South Broadway across from the Tiara Rado Golf Course. Approximately half of the property is being used for the existing driving range and irrigation ponds. The City intends to sell 37 acres of the unused property for purposes of future development and is requesting to change the Future Land Use Map designation from "Park" to "Estate" and rezone the property from CSR (Community Services and Recreation) to R-2 (Residential, 2 du/acre).

### III. BACKGROUND

The City owns 80 acres at 2064 South Broadway; the property is across from the Tiara Rado Golf Course. Approximately half of the property is being used for the existing driving range and irrigation ponds. The property was purchased in 1993 for possible expansion of the Golf Course. The driving range and irrigation ponds were completed in 1999. In 2006 a private developer proposed a residential development in conjunction with a possible expansion of the Golf Course. With the downturn in the golf market and the prior development proposal being non-viable, the City has determined that an expansion will not occur and is proposing to sell 37 acres for residential development.

Notwithstanding that the property has never been planned or programmed as a park or for a park use, the Comprehensive Plan/Future Land Use designation for the property is "Park." Plans for this site have never included traditional community park development, but rather a combination of residential development with limited golf expansion. The property was purchased through the golf fund, an enterprise account that is held separate from the City's General Fund, for the sole purpose of supporting the very specific activity of golf. In the event that another community use was desired for this property, it would require a purchase from the golf fund. The "Park" designation in the Comprehensive Plan would be more appropriately applied to an active park or recreation site with significant public access. The "Park" FLU designation on this property reasonably may be found to be in error. Because expansion of the golf course will not occur, the Park FLU designation is not valid and staff recommends the FLU Map be changed to "Estate." The properties surrounding the 37 acres are designated "Estate" by Comprehensive Plan/ Future Land Use map.

In addition to the Future Land Use Map, the Comprehensive Plan also includes a Blended Residential Land Use Categories Map ("Blended Map"). The Blended Map shows residential densities in three categories, Low, Medium and High and within each of those categories, although the zoning densities of each parcel may be different, compatibility is apparent because all uses are residential. The Blended Map provides some flexibility to accommodate residential market preferences and trends,

streamline the development process and support the Comprehensive Plan’s vision of providing for a mix of housing types by recognizes that use not specific density is an important consideration in determining compatibility. Having some “overlap” of zoning all within same residential use category allows for a mix of density for an area while still being compatible with adjacent development. The area surrounding the 37 acres is designated as Residential Low (maximum of 5 du/acre) on the Blended Map.

The property is currently zoned CSR (Community Services and Recreation), as is all of the Tiara Golf property. The Zoning and Development Code defines uses in the CSR zone district to include parks, open space, schools, libraries and recreational facilities, as well as environmentally sensitive areas. Because the intended use of the 37 acres is proposed to change, a rezone is being requested. With rezoning the property will be offered for residential development.

Properties to the north and east are not in the City limits – the County zone designations on those are RSF-4 (Residential Single Family, 4 du/acre.) Properties to the south (across Desert Hills Road) are in the City limits and are zoned R-E (Residential Estate, 1 du/acre).

**IV. NOTIFICATION REQUIREMENTS**

As required by § 21.02.080 (e) of the Zoning and Development Code a Neighborhood Meeting was held on January 29, 2018. Fifty people attended the meeting along with City Staff. The City presented information on the history of the property, the proposal to sell a portion of the property and the proposed rezone. Many concerns were voiced by those in attendance, including keeping the property in public ownership, the need for parks and open space in the area, the proposed zoning density being too high, not being compatible with the surrounding area and traffic issues.

Notice was provided in accordance with §21.02.080 (g) of the Zoning and Development Code. On April 13, 2018 notice of the application was mailed to property owners within 500 feet of the subject property. An application sign was posted on the property on or before April 13, 2018 and notice of the public hearing was published April 17, 2018 in the Daily Sentinel.

**V. ANALYSIS – Comprehensive Plan Amendment**

Pursuant to §21.02.130 the City may amend the Comprehensive Plan if the proposed changes are consistent with the vision (intent), goals and policies of the Comprehensive Plan and meets one or more of the following criteria:

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

The subject property is currently within the Future Land Use category of “Park”. The “Park” designation is for active park and recreation sites with significant public access. When the Comprehensive Plan was adopted in 2010, the entire 80 acres was considered for expansion of golf facilities. It has now been determined that the eastern 37 acres will not be developed as a golf course and the City desires to sell the property for development. Therefore, Staff finds 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 majority of the development that has occurred since the adoption of the Comprehensive Plan is south and west of South Broadway, adjacent to Tiara Rado Golf Course. The character and/or condition of the area adjacent to the Golf Course has seen significant development ranging in density from approximately 4 du/acre to 12 du/acre. While the area directly adjacent to the property has had very little development activity, the proximate area as a whole (within ½ to ¼ mile) has seen significant development and therefore, Staff finds that 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 as allowed with the Estate future land use designation; an 8-inch Ute water line, with fire hydrants, is in Desert Hills Road and sanitary sewer is also available in Desert Hills Road. Xcel Energy provides electric and gas. A neighborhood commercial center, including an office complex, bank, medical clinic, veterinary clinic, convenience store and car wash is located at Highway 340 and the Redlands Parkway. In addition, 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 finds 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*

This larger area of the Redlands, south of Highway 340, between Monument Road and 20 Road where it adjoins the Cooperative Planning Area (Buffer), has a variety of Future Land Use designations, from Rural (1 du/5 acres) to Residential Medium High (8-16 du/acre to accommodate a variety of residential densities and housing types. Because of the variety of designations in the proximate area, Staff finds that there is not an inadequate supply of any one designation and therefore this criterion has not been met.

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

The proposed amendment to the Comprehensive Plan Future Land Use Map to Estate is consistent with the designation of the surrounding properties and would allow for consideration of Residential zoning and development compatible with the surrounding area.

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. Therefore, staff finds that this criterion has been met.

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

**Guiding Principle 3:** Housing Variety—allow, encourage more variety in housing types (more than just large lot single family homes) that will better meet the needs of our diverse population—singles, couples, families, those just starting out, children who have left home, retirees, etc.

**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 B:** Encourage mixed-use development and identification of locations for increased density.

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

**VI. ANALYSIS--Rezone**

Pursuant to §21.02.140 (a) of the 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 as identified:

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

The current zoning of CSR reflects the ownership and intended use of the property for expansion of the golf facilities. The request to amend the Future Land Use designation to Estate would allow for the rezone to R-2. In addition to the Future Land Use Map, the Comprehensive Plan also includes a Blended Residential Land Use Categories Map (“Blended Map”). The Blended Map combines compatible residential densities in 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, while still being compatible with adjacent development. The surrounding area is designated as Residential Low (maximum of 5 du/acre) on the Blended Map.

The Future Land Use designation of Estate in conjunction with the Blended Map designation of Residential Low, allows for consideration of zoning of up to five dwelling units per acre. Therefore, the request to amend the Future Land Use designation to Estate would allow for the rezone to R-2 which has no minimum density but has a maximum density of 2 dwelling units per acre.

The determination that the 37 acres will not be developed for public purposes and the adoption of the Blended Map in 2010 are subsequent events that have invalidated the original zoning of CSR. Staff therefore finds 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 majority of the development that has occurred since the adoption of the Comprehensive Plan is south and west of South Broadway, adjacent to Tiara Rado Golf Course. The character and/or condition of the area adjacent to the Golf Course has seen significant development ranging in density from approximately 4 du/acre to 12 du/acre. While the area directly adjacent to the property has had very little development activity, the proximate area as a whole

(within ½ to ¼ mile) has seen significant development and therefore, Staff finds that 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 as allowed with the Estate future land use designation; an 8-inch Ute water line, with fire hydrants, is in Desert Hills Road and sanitary sewer is also available in Desert Hills Road. Xcel Energy provides electric and gas. A neighborhood commercial center, including an office complex, bank, medical clinic, veterinary clinic, convenience store and car wash is located at Highway 340 and the Redlands Parkway. In addition, 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 finds 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*

This larger area of the Redlands, south of Highway 340, between Monument Road and 20 Road where it adjoins the Cooperative Planning Area, has many different Future Land Use designations and zone districts, from R-R (Residential Rural) to R-12 (Residential, 12 du/acre) to accommodate a variety of residential densities and housing types. While there is a variety of zone district designations in the proximate area, there is very little R-2 zoning; therefore, Staff finds that there is an inadequate supply of the R-2 zone district and as a result 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 rezone 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.

The proposed R-2 zoning will provide a transition from the higher densities surrounding the Tiara Rado Golf Course to the large lot development to the south and east. Staff finds this criterion has been met.

**Section 21.02.140** of the Grand Junction Zoning and Development Code states that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan.

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

**Guiding Principle 3:** Housing Variety—allow, encourage more variety in housing types (more than just large lot single family homes) that will better meet the needs of our diverse population—singles, couples, families, those just starting out, children who have left home, retirees, etc.



**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 B:** Encourage mixed-use development and identification of locations for increased density.

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

**VII. STAFF RECOMMENDATION AND FINDINGS OF FACT**

After reviewing the Tiara Rado East Comprehensive Plan Amendment and Rezone (CPA-2018-182 and RZN-2018-181) a request to change the Future Land Use Map designation to “Estate” and rezone to R-2 (Residential, 2 du/acre) 37 acres, located at 2064 South Broadway, the following findings of fact have been made:

- 7. The requested Comprehensive Plan Amendment and Rezone is consistent with the goals and policies of the Comprehensive Plan.
- 8. More than one of the applicable review criteria in §21.02.130 of the Grand Junction Municipal Code have been met.
- 9. More than one of the applicable review criteria in §21.02.140 of the Grand Junction Municipal Code have been met.

Therefore, Staff recommends approval.

**VIII. RECOMMENDED MOTION**

The Planning Commission may approve, approve with conditions, deny or continue these requests. Staff recommends the Planning Commission consider two separate motions for the consideration of the two-part request for the amendment of the Comprehensive Plan and the Rezone, as follows:

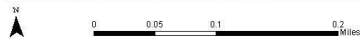
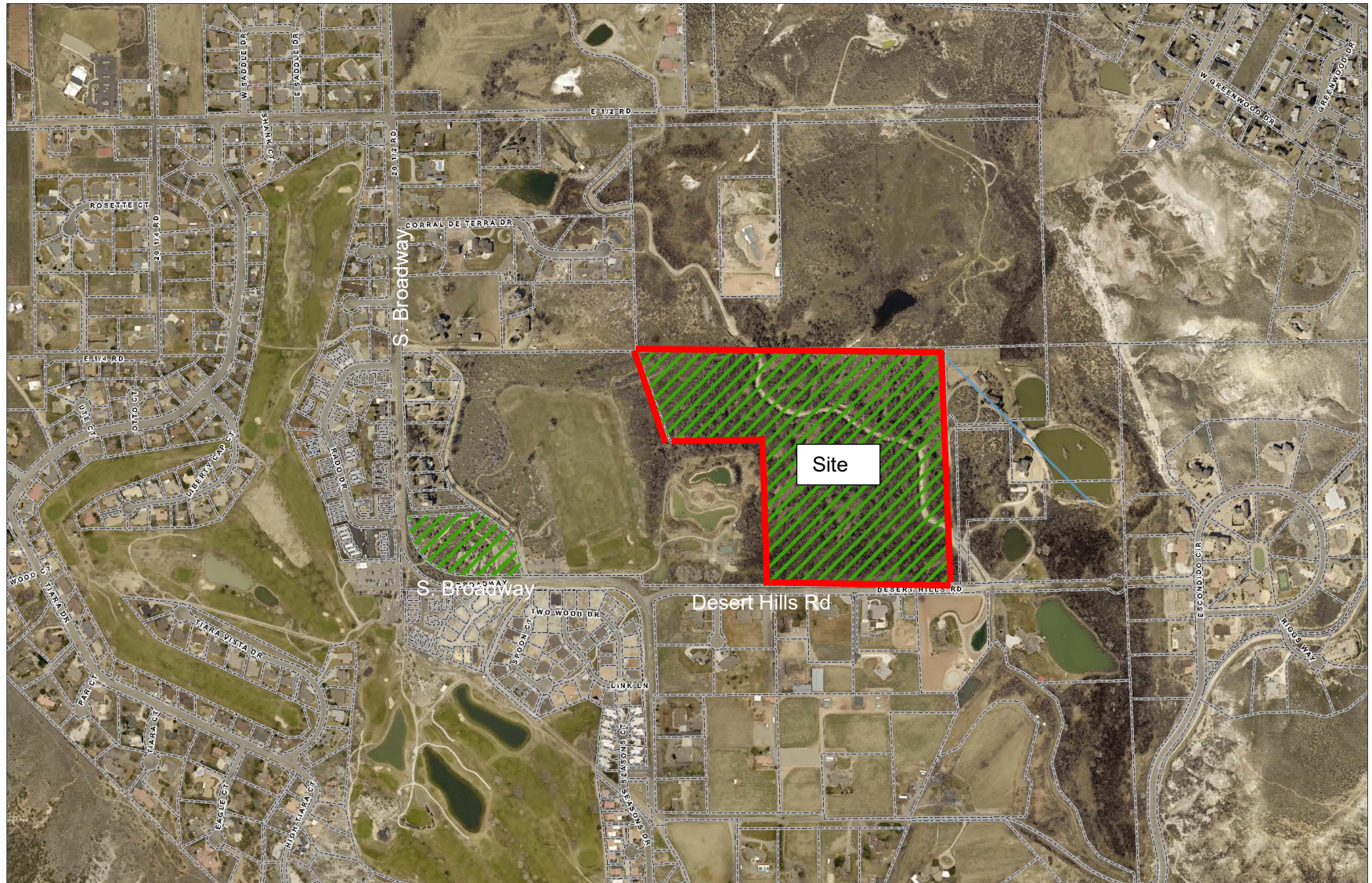
Madam Chairman, on the request to amend the Comprehensive Plan as presented in file CPA-2018-182, I move that the Planning Commission forward a recommendation of approval for a Comprehensive Plan Amendment to change the Future Land Use Map designation from "Park" to "Estate" on the 37 acres located at 2064 South Broadway with the findings of fact as listed in the staff report.

Madam Chairman, on the request to Rezone the subject property as presented in file RZN-2018-181, I move that the Planning Commission forward a recommendation of approval for a Rezone from CSR (Community Services and Recreation) to R-2 (Residential, 2 du/acre) on the 37 acres located at 2064 South Broadway with the findings of fact as listed in the staff report.

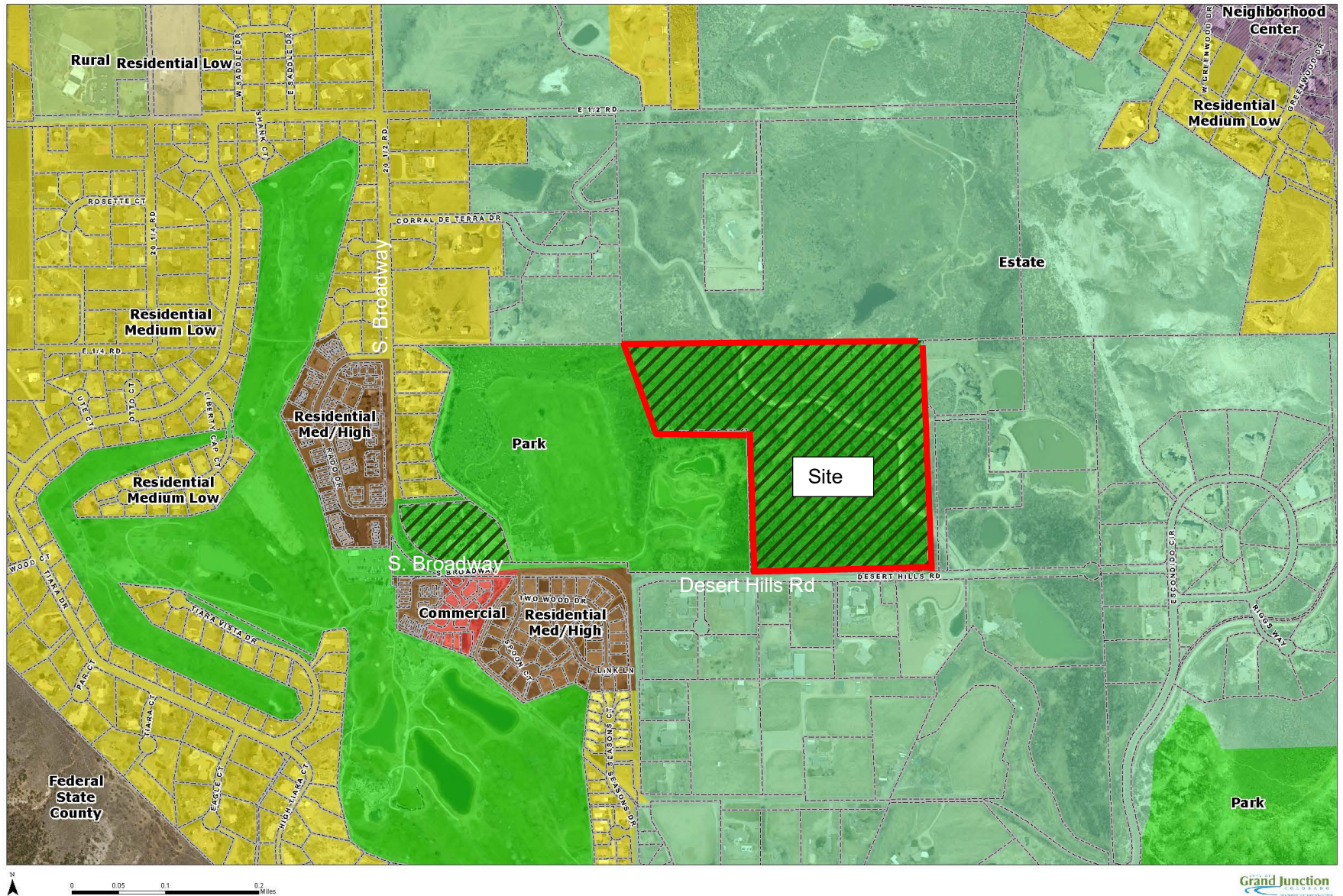
**Attachments:**

- 16. Site Location Map
- 17. Comprehensive Plan Future Land Use Map
- 18. City / County Existing Zoning Map
- 19. Site Photos

Proposed Tiara Rado East Subdivision



Proposed Tiara Rado East Subdivision - Future Land Use







Desert Hill Road looking west



East end of property looking north

TIARA RADO EAST  
PROPOSED REZONE AND SUBDIVISION

NEIGHBORHOOD MEETING  
January 29, 2018, 5:30 P.M.

Comment Sheet

Please include your name and address:

Don: Deb Ghiloni 2074 South Broadway  
deb@customindustriesinc.com

Our major concern with the re-zoning is the traffic increase on an already over used street we feel the road/street issue should be addressed BEFORE rezoning. Once its rezoned its too late. We also feel that it will be a disruption to existing homeowners who live on Desert Hills. We do feel they bought their homes with the knowledge across the street from them would never be homes. There has got to be a better plan for this land. Figure out the access to the property before. I do not feel like this valley does not or will never see the need for golf maybe sell Lincoln Park and put the resources

Comments can also be emailed to [kathyp@gjcity.org](mailto:kathyp@gjcity.org) or dropped off at City Hall, 250 N. 5th St.



to Tiara Rado.

We have also heard that Tiara Rado does make money.

Since Tiara Rado is a City owned course are their financials available to see for the public. I also have to agree with one of the attendees that the City should not be the ones to make a decision on property they would profit from. Doesn't seem ethical to me. One other thought would be if this does happen and it is rezoned could the City maybe think about designating the portion of property right along Desert Hills street as open space and make sure the access to the property is not on desert hills street. Seems like there could be a compromise here too. I still feel the streets being only 2 lane and no room for widening would not be safely handle the extra traffic.



DATE: February 8, 2018

TO: Kathy Portner, AICP  
 Community Services Manager  
 250 N. 5<sup>th</sup> Street  
 Grand Junction, CO 81501

FROM: Patrick Green and Kacey Conway  
 2045 S. Broadway  
 Grand Junction, CO 81507

RE: Potential sale of City property adjacent to Tiara Rado Driving Range

Dear Kathy:

We understand that the City is considering the sale of some of its property for development at Tiara Rado Golf Course. We live in the vicinity, and have a number of concerns in that regard: **Road access for maximum population density; and safety for pedestrians and cyclists along South Broadway – a section of the Tour of the Moon Byway.**

We believe that before any development by the City or private developers is to take place, a comprehensive road plan has to be put in place to address the issue of **road access** to CO State Highway 340 (Broadway).

We know that eventually this entire area will become part of the City of Grand Junction. Therefore, it is imperative that a road system be put in place to facilitate safe travel to the major highway for the maximum population density of the area. At present there are only two roads that service this entire area: South Broadway and 20 ½ to 20 ¾ Road. They both have several 90° curves and narrow sections, and in no way will be able to handle the full development of the area.

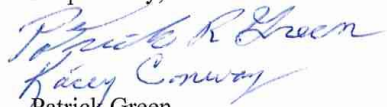
It appears to us that two major roads need to be developed at a minimum. E ½ Rd. needs to be extended to the east and connected to W. Greenwood Drive, as an access to Highway 340. This would require the purchase of the property at 551 W. Greenwood Dr. The city could develop the road; and to pay for the road, sell the remainder of the property to a developer. The second connecting road would be to develop a road along the east side of the current City property and extend it to E ½ Road. This along with the full development of Desert Hills Road to Escondido Circle, which is in an existing Right-of-Way, would help to eliminate the existing poor road circulation that exists.

All of that being said, we believe that another option for the City’s property adjacent to the golf course would be to retain it, and manage it as some type of park for the region. Currently, the Redlands area is the only part of the City without a major park. It would be a minimal cost for the City to develop the east side of the parcel as a rustic nature park. Currently, there is no place for citizens to walk, or to take their dogs for walks, except for the driving range at the golf course. The park is a much needed public area for the future of Grand Junction.

In addition, the issues surrounding the Tour of the Moon Byway, outlined in the information delivered a few weeks ago to the City and County Public Works staff, City and County law enforcement, City Council Members and County Commissioners would need to be addressed as part of the structural improvements planned for additional development in the South Broadway corridor.

We would appreciate your considering the future of the area, and giving our suggestions some serious thought.

Respectfully,



Patrick Green  
Kacey Conway  
(970) 256-7853  
[kcandpgj@msn.com](mailto:kcandpgj@msn.com)

TIARA RADO EAST  
 PROPOSED REZONE AND SUBDIVISION  
 NEIGHBORHOOD MEETING  
 January 29, 2018, 5:30 P.M.  
 Comment Sheet

Please include your name and address:  
 Mike MacLeod  
 491 Spoon Court

Thank you for hosting the neighborhood meeting on January 29 and for taking comments from neighbors. Your presentations and consideration of citizen input was very much appreciated.

Although I understand and appreciate the City's position with respect to re-zoning these parcels, I would like to ask that more consideration be given to re-zoning this land as park land or open space. I do not disagree that the property has significant value to the City as land to be sold for development, but I believe that it has greater intrinsic value as an open space. The area provides meaningful wildlife habitat from the ever dwindling supply in this area. It is frequented by deer, smaller mammals and a variety of bird species. This is a unique natural zone that could complement the City's other parks and open spaces. It is a precious parcel that will be lost forever once sold to a developer. As the Grand Valley continues to be developed we may find ourselves in a position one day where we wish we had kept at least a few remaining land parcels like this. The demand for golf may not be growing in Grand Junction but it does appear that the demand for parks and open spaces is. The land was originally purchased for public outdoor use. Re-zoning of this nature would maintain the spirit of that intent.

Outside of this reconsideration, I ask that you please consider re-zoning for low density, consistent with the surrounding estate properties. Also, that the larger parcel to the north be subdivided to preserve at least some natural habitat in the area. In addition, the smaller parcel to the west of the driving range seems like a "throw in". I encourage you to consider not including this small parcel for re-zoning. Its proximity to the driving range, golf club and numerous neighborhoods in the area makes this a high pedestrian traffic area. This small section of S. Broadway is along a steep and tight turn in the roadway making it quite dangerous for pedestrians. Instead of wedging a few houses into this parcel I recommend that it be utilized as a pedestrian corridor. Easy enough to do considering the fact that the City already owns this stretch of property along S. Broadway.

The impact of continually increasing traffic along S. Broadway was a popular topic of discussion at the meeting and I would like to continue to encourage you to explore options to improve this corridor for the safety of motorists, pedestrians and cyclists. Added development of this parcel will make what is already a tenuous public safety situation even worse. I am hopeful that you will *please* make this a priority with the re-zoning process so that we are prepared before we see even more increases in traffic. I wonder if perhaps the location of the parcels under consideration for re-zoning provides an opportunity to construct a S. Broadway bypass from the golf club to the entrance of Dessert Hills? Taking the pedestrians and cyclists off that section of S. Broadway might be easier than trying to improve the roadway, especially with limited right-of-way options.

Finally, I am concerned about traffic issues related to a single access point to a newly developed parcel at the entrance to Dessert Hills. Adding several hundred cars per day turning at this point will be quite hazardous at that location. Please consider road improvements at that location as part of the development process and a secondary access point.

Again, thanks for hosting this public meeting and your consideration of my input. If the area is to be re-zoned and developed it is my sincere hope that it will be done in a way that improves motorist/cyclist/pedestrian use on the surrounding roadways; is consistent with other development in the immediate vicinity; and, takes the natural habitat into consideration.

Kind Regards,  
 Mike MacLeod

Mail - kathyp@gjcity.org

Page 1 of 1

## Sale of City Property along Desert Hills Road

Bob Barrett <bob@gsi.us>

Mon 2/5/2018 11:23 AM

To: Katherine Portner <kathyp@gjcity.org>;

Cc: Linda Barrett <lbarrett202@gmail.com>;

Ms. Porter,

As per our conversation this date, I built and named Desert Hills Road and the two dwellings at 2108 and 2110 Desert Hills Road. I currently own a 900 foot by 50 foot parcel along the eastern border of your property that the City is considering offering for sale. I will support the City's position either way. I was hoping for a golf course, and I also think that parcel would be a great place for family dwellings. I would offer my property to be used as a road corridor under most conditions.

Regards,

Robert Barrett  
[549 South Broadway](#)  
[Grand Junction, CO 81507](#)

[P. O. Box 4](#)  
[Boca Grande, FL 33921](#)

<https://outlook.office365.com/owa/?realm=gjcity.org&exsvurl=1&ll-cc=1033&modurl=0&...> 2/5/2018

TIARA RADO EAST  
PROPOSED REZONE AND SUBDIVISION

NEIGHBORHOOD MEETING  
January 29, 2018, 5:30 P.M.

Comment Sheet

Please include your name and address: Sandi MacLeod, 491 Spoon Ct.

Thank you for hosting this neighborhood meeting and for asking for comments from neighbors.

I am not in favor of the proposal to rezone and sell the land at Tiara Rado East. I believe that the City of Grand Junction has a great opportunity to use this land as a park, open space and/or trail system. Many communities in Colorado are struggling to preserve open spaces and prevent over development, but they are finding it difficult to identify available land to purchase. Grand Junction is in the enviable position of already owning this kind of land. While I understand the idea of eliminating property that is not being used for its original intent, I think that this property is valuable in other ways. I think it would be unfortunate for the City of Grand Junction to sell off this property now, only to find itself searching for open spaces to purchase in the future.

If the decision is made, however, to move forward with rezoning and selling this land, I believe that the smaller parcel to the west of the driving range should not be included. Instead of adding to the infrastructure issues that will result from more development, this parcel could actually be used to help alleviate them by possibly allowing South Broadway to be widened or by creating a cycling/pedestrian path that would allow those users to be off of the roadway for some distance.

Finally, my observation is that South Broadway already has significant issues that would only become worse with this development. It continues to be used more and more by cyclists and pedestrians, while motor vehicle traffic is also increasing. It cannot effectively handle the ever increasing use. I believe that those issues should be researched, and viable solutions should be identified, before a decision is made to sell this land for development. The City of Grand Junction should ensure that solutions actually exist before it is too late.

I appreciate the opportunity to provide input. Thank you again.

To: Kathy Portner  
Community Services Manager  
Re: Rezoning city-owned parcel of 40 acres from CSR, in order to sell acreage.

The notes below are a compilation of a consensus of opinion with input from 2 households:

- 1) Thomas and Janet Abbott, 2105 Desert Hills Rd.
- 2) William and Roberta Abbott, 2072 South Broadway

Therefore, the correspondence is the same, or similar, and is submitted separately, by each household.

Our preference is for zoning to remain the same: CSR/recreational use.

Reasons for property to remain as zoned/CSR:

- There exists a conflict of interest. The property is city owned. The city would determine alternative zoning, and the city council would vote for approval.
- There exists further conflict of interest. The city's "real estate specialists" obviously may be chosen to market and sell the property, thereby receiving compensation/commissions. Would they really advise NOT to sell the property?
- The property itself, is unique, with wetlands and abundant wildlife, which is worth preserving.
- Would an environmental impact study prove that this property should remain as is, that is, not developed into residential lots?
- This property helps to maintain a pristine setting in the Redlands and Monument area, perhaps the prime reason we all chose this Redlands area in which to live.
- A highly developed area detracts from the beauty of our unique area, adjacent to the Colorado National Monument, a tourist attraction that generates revenue for the Valley.
- There is already approved additional residential development in the area. Will there be a future need for recreational areas/facilities, and open space, for which this area may be used?
- The city should look into a long-term need for more parks and recreational areas, as there are no parks in the area.
- There is already high volume traffic in the area, on South Broadway, with numerous hills, curves and blind spots. This already presents safety issues for auto traffic. It also presents safety issues for cyclists, as this is already a popular bike route, with limited areas for bike lanes.
- Given limited information, it appears that the only access would be from Desert Hills Road. Desert Hills Road and Desert Hills Court, now includes 14 residences, therefore the auto traffic is extremely limited. If the property is rezoned, the number of residences could increase by 76 (2 X approximately 38 usable acres, if the city rezones at 2 per acre), thereby increasing traffic by approximately five times the current amount of traffic!

If we must be forced into a rezoning, our preference is to rezone to residential estate, with minimum 2 acres per single family dwelling, the same as the 3 sides of the bordering property. We all feel that any rezoning, will have an adverse effect on our property values, particularly rezoning to ½ acre lots! We all purchased our lots/homes knowing that the adjoining property was zoned for recreational use, and that our home values would not decline due to smaller, less expensive properties.

After the January 29 meeting held at Tiara Rado, an informal poll showed an overwhelming support to maintain the existing zoning, by those directly affected residents. We concur. Retain the existing zoning.

We appreciate your concern in passing on our thoughts and objections to/for this project.  
Thank you.

Thomas and Janet Abbott  
2105 Desert Hills Rd.  
[janetabbott@yahoo.com](mailto:janetabbott@yahoo.com)  
[tabbott0908@yahoo.com](mailto:tabbott0908@yahoo.com)  
970-985-4568

TIARA RADO EAST  
PROPOSED REZONE AND SUBDIVISION

NEIGHBORHOOD MEETING  
January 29, 2018, 5:30 P.M.

Comment Sheet

Please include your name and address:

Bill Lintott 516 South Bldwy  
GJ. CO 81507

1st consideration of city should be safety, not money.

1) High density zoning of corner 3 acre lot would be  
very dangerous = additional traffic content.

2) Has any consideration been given to an additional  
road to the main traffic arteries to alleviate high  
traffic on South Broadway?

Comments can also be emailed to [kathyp@gjcity.org](mailto:kathyp@gjcity.org) or dropped off at City Hall, 250 N. 5<sup>th</sup> St.

TIARA RADO EAST  
PROPOSED REZONE AND SUBDIVISION

NEIGHBORHOOD MEETING  
January 29, 2018, 5:30 P.M.

Comment Sheet

Please include your name and address:

1) I am interested in the density  
of entrances & exits to the proposed  
developed 37 acres.

2) Also how can you possibly  
provide for the increased  
road traffic on 20314th Rd  
& South Broadway with all  
the proposed "new" houses &  
properties?

Thank you

Louis Ludington  
2101 Desert Hills Rd  
81507

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TIARA RADO EAST  
PROPOSED REZONE AND SUBDIVISION

NEIGHBORHOOD MEETING  
January 29, 2018, 5:30 P.M.

PLEASE SIGN IN

Name ERIC & DANA Cooper Address 514 S. BROADWAY Email Coopmem@gmail

We would appreciate it if the property was kept in parks + rec. for dog park, nature, trails etc. Drawing more people to open space might help increase interest in the golf course.

If the proposal goes through, we would appreciate 2 acre lots per parcel with lots of green space + nature walks to help alleviate the impact on the wild life in the area + minimize the loss of beauty + views.

Due to increase in traffic, more dangerous roads - that will impact Tour of the Moon + decrease interest in that tourism. Along with more traffic comes more issues.

Please do not destroy why we chose to live here.

TIARA RADO EAST  
PROPOSED REZONE AND SUBDIVISION

NEIGHBORHOOD MEETING  
January 29, 2018, 5:30 P.M.

Comment Sheet

Please include your name and address: Karen Anton

5111 Desere Hills RD

- 1- donate property to Mc Land Conservatory
- 2- if zoned, all property to be 1 home per acre  
we would all back you.

Comments can also be emailed to [kathyp@gcity.org](mailto:kathyp@gcity.org) or dropped off at City Hall, 250 N. 5<sup>th</sup> St.

TIARA RADO EAST  
PROPOSED REZONE AND SUBDIVISION

NEIGHBORHOOD MEETING  
January 29, 2018, 5:30 P.M.

Comment Sheet

Please include your name and address:

I very concerned about our wildlife  
in this area - and we are in need  
of a park and maybe a dog park -  
the corner that has been developed by  
the club house is ridiculous &  
disgusting.

Comments can also be emailed to [kathyp@gjcity.org](mailto:kathyp@gjcity.org) or dropped off at City Hall, 250 N. 5<sup>th</sup> St.

TIARA RADO EAST  
PROPOSED REZONE AND SUBDIVISION

NEIGHBORHOOD MEETING  
January 29, 2018, 5:30 P.M.

Comment Sheet

Please include your name and address: Mr. Grant & Allison Armour 2103 Desert Hills Rd.

The Property should not be sold, first of all. The impact to Wildlife and the surrounding area would be impacted very negatively, from displacing wildlife, to stressing existing infrastructure, and would potentially decrease surrounding property values drastically. People live in Grand Junction, and more specifically the Redlands, for the SOLE purpose of NOT wanting to live in Doherty. Grand Junction is the best kept secret in Colorado. It would be an absolute travesty to allow re-zoning of the property to a higher density than the surrounding area; meaning, One Home/Swelling per Two Acres.

*(Signature)* Allison Armour

Comments can also be emailed to [kathyp@gcity.org](mailto:kathyp@gcity.org) or dropped off at City Hall, 250 N. 5<sup>th</sup> St.

TIARA RADO EAST  
PROPOSED REZONE AND SUBDIVISION

NEIGHBORHOOD MEETING  
January 29, 2018, 5:30 P.M.

Comment Sheet

Please include your name and address: Robin Maddox

497 Desert Hill Crt robinemaddox@gmail.com

- we own a home on a 2 acre lot just off Desert Hill Rd + are very saddened by the proposal of the city rezoning + selling the land for ~~commercial~~ residential development.
- I have personally witnessed 1/2 dozen accidents from cars out of control at that tight turn on S. Broadway + Desert Hill Rd. I think the comment that the road's sharp turns prohibits high speed was very careless + made zero sense
- I am, of course, VERY against the idea of developing this property in any way + least of all to anything LESS THAN

Comments can also be emailed to [kathyp@gcity.org](mailto:kathyp@gcity.org) or dropped off at City Hall, 250 N. 5th St.

1 home per 2 acres which IS what the homes on Desert Hill Estates are zoned for.  
I have already endured the development directly

across the street from my backyard.  
That development is horrible; people looking  
into each other's bedrooms.

Please, consider we homeowners and

1. Think about other (out-of-the-box)  
options for generating funds from this  
land.
2. Please, nothing less than 1 home/acre.

To: Kathy Portner  
Community Services Manager  
Re: Rezoning city-owned parcel of 40 acres from CSR, in order to sell acreage.

The notes below are a compilation of a consensus of opinion with input from 2 households:

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We appreciate your concern in passing on our thoughts and objections to/for this project.  
Thank you.

William and Roberta Abbott  
2072 South Broadway  
122ott@comcast.net  
rjfrancis1949@comcast.net  
970-985-4018