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File 1979-0063
Date 11/27/00

Project Name: 580 Bookcliff Avenue – Rezone R1B to R-3

| | | |
|--|--|--|
| P r e s e n t | S c a n n e d | <p>A few items are denoted with an asterisk (*), which means they are to be scanned for permanent record on the ISYS retrieval system. In some instances, not all entries designated to be scanned are present in the file. There are also documents specific to certain files, not found on the standard list. For this reason, a checklist has been included.</p> <p>Remaining items, (not selected for scanning), will be marked present on the checklist. This index can serve as a quick guide for the contents of each file.</p> <p>Files denoted with (**) are to be located using the ISYS Query System. Planning Clearance will need to be typed in full, as well as other entries such as Ordinances, Resolutions, Board of Appeals, and etc.</p> |
|--|--|--|

| | | |
|----------|----------|---|
| X | X | *Summary Sheet – Table of Contents |
| | | Application form |
| | | Receipts for fees paid for anything |
| | | *Submittal checklist |
| | | *General project report |
| | | Reduced copy of final plans or drawings |
| | | Reduction of assessor's map |
| | | Evidence of title, deeds |
| | | *Mailing list |
| | | Public notice cards |
| | | Record of certified mail |
| | | Legal description |
| | | Appraisal of raw land |
| | | Reduction of any maps – final copy |
| | | *Final reports for drainage and soils (geotechnical reports) |
| | | Other bound or nonbound reports |
| | | Traffic studies |
| | | Individual review comments from agencies |
| | | *Consolidated review comments list |
| | | *Petitioner's response to comments |
| | | *Staff Reports |
| | | *Planning Commission staff report and exhibits |
| | | *City Council staff report and exhibits |
| | | *Summary sheet of final conditions |
| | | *Letters and correspondence dated after the date of final approval (pertaining to change in conditions or expiration date) |

DOCUMENTS SPECIFIC TO THIS DEVELOPMENT FILE:

| | | | | |
|----------|----------|--|--|--|
| X | X | Action Sheet – WITHDRAWN BY PETITIONER | | |
| X | X | Review Summary | | |
| X | X | Declaration of Covenants, Conditions and Restrictions | | |
| X | X | Lease Agreement | | |
| X | X | Signed petitions against rezone | | |
| X | | Petition and Application for Rezoning | | |
| X | X | Letter from Sue Drissel to Lark Washburn re: denial of petition to rezone - 8/29/79 | | |
| X | X | Letter from Frederick Aldrich to Karl Metzner re: removing matter from City Council agenda – 8/29/79 | | |
| X | X | Affidavit | | |
| X | | Letter from Frederick Aldrich to Karl Metzner re: restrictive covenant – 8/28/79 | | |
| X | X | Letter from Frederick Aldrich to Gerald Ashby re: petition rehearing- 8/14/79 | | |
| X | | Letter from Gregory Hoskin to Connie McDonough re: rescheduling – 8/9/79 | | |

Acres _____
Units _____
Density _____

ACTION SHEET

File # 63-79
Zone R1-B
Tax: Area Code _____

Activity Rezone R1B to R-3
Phase N/A
Date Submitted 2 July 1979
Date Mailed Out 7-3-79
Review Agencies _____

Date Neighbors Notified _____
Date CIC/MOC Legal Ad _____
PC Hearing Date 31 July 79
Review Period - Return By _____

- Send
- _____ COUNTY ROAD DEPARTMENT
 - _____ COUNTY HEALTH DEPARTMENT
 - _____ COUNTY SURVEYOR
 - _____ COMTRONICS
 - _____ GRAND VALLEY RURAL POWER
 - MOUNTAIN BELL
 - PUBLIC SERVICE
 - _____ SOIL CONSERVATION SERVICE
 - _____ SCHOOL DISTRICT 51
 - _____ STATE HIGHWAY
 - _____ STATE GEOLOGICAL
 - _____ STATE HEALTH - RADIOLOGICAL
 - _____ TRANSAMERICA TITLE

- Send
- FIRE
 - _____ IRRIGATION
 - _____ DRAINAGE
 - _____ WATER (UTE, CLIFTON)
 - _____ SEWER
 - CITY ENGINEER/UTILITIES
 - _____ MACK, LOMA, MESA, COLLEBRAN
 - _____ FRUITA, PALISADE
 - PD Ed VanderTook

| Board | Date | Comments |
|-------|---------|--|
| GUPC | 7-31-79 | REC DENIAL of R-3 ZONE. STAFF SHOULD RESEARCH PROPERTY to SEE WHAT COULD BE DONE |
| GUPC | 8-28-79 | REC DENIAL of R-3 zone because other better means of re-zoning are available (Planned Development) |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Common Location 580. Bookcliff Ave

Staff Comments
Zoning line presently splits property.

Original Documents

Imp. Agreement \$ _____ Appraisal x .05 = \$ _____ Open Space;
 Imp. Guarantee Receipt # _____ Check # _____
 Covenants _____ Open Space Dedication _____
 Power of Attorney _____
 Dev. Schedule _____

REVIEW SHEET SUMMARY

FILE # 63-79

DATE SENT TO REVIEW AGENCIES 7-5-79

ITEM REZONE R1B TO R3

DATE DUE 7-15-79

PC MEETING DATE _____

HCC/CC MEETING DATE _____

| <u>DATE REC.</u> | <u>AGENCY</u> | <u>COMMENTS</u> |
|------------------|---------------------------|-------------------------------|
| 7-10-79 | GRAND JUNCTION FIRE | Okay |
| 7-10-79 | PUBLIC SERVICE | Gas & Electric: No objections |
| 7-10-79 | MOUNTAIN BELL | No objection |
| 7-17-79 | CITY ENGINEER | No comments. |
| 7-17-79 | POLICE DEPT. (VANDERTOOK) | Okay |

DESIGN & DEVELOPMENT PLANNER

Recommend approval - park would provide buffer from adjacent residential area.

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made and declared this ____ day of _____, 1979, by LARK L. WASHBURN, hereinafter "Declarant".

W I T N E S S E T H:

WHEREAS, Declarant is the owner of the following real property situate in Mesa County, Colorado:

The West 74.92 feet of the following described parcel: Beginning at a point 922.27 feet East and 20 feet North of the SW Corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 1 South, Range 1 West, of the Ute Meridian, thence North 235 feet, thence East 241.13 feet, thence South 235 feet, thence West 241.13 feet, to the Point of Beginning;

hereinafter referred to as the "Subject Property";

WHEREAS, Declarant has petitioned the City of Grand Junction to have the Subject Property rezoned from R-1-B zone to R-3 zone; as defined by the City of Grand Junction Zoning Ordinances;

WHEREAS, Declarant desires to impose certain covenants, conditions and restrictions upon the Subject Property so as to limit the use thereof as an appurtenance to the adjacent multi-family complex known as the Villa De Oro.

NOW, THEREFORE, Declarant makes the following Declaration of Covenants, Conditions and Restrictions:

1. Use Restrictions. Notwithstanding a rezoning of the Subject Property from R-1-B to R-3, the Subject Property shall not be used for any purpose inconsistent with R-1-B zoning, except for parking or storage of motor vehicles and personal property of the residents and guests of Villa De Oro, and for ingress and egress to the parking and storage areas.

2. Building Restrictions. Notwithstanding the rezoning of the Subject Property from R-1-B to R-3, no structure or building shall be erected or maintained on the Subject Property not otherwise permitted within an R-1-B zone except for structures or buildings used in connection with the parking or storage of motor

vehicles and personal property of the residents and guests of Villa De Oro, including, but not limited to, paving for parking, construction of covered carports which may contain personal property storage areas. All structures, buildings and improvements for parking or storage of personal property shall observe and be subject to building height limitations and setback requirements of R-1-B zones in effect at the time of the issuance of the building permit, and be constructed in accordance with the Uniform Building Code then in effect.

3. Visual Screening. Declarant shall erect such fences and plant and maintain such vegetation or other visual screening so as to create a visual "buffer" area between the parking and storage structures and the adjacent St. Mary's park to the West and Bookcliff Avenue to the South as shall be recommended by the City of Grand Junction Planning Commission or the City of Grand Junction Council at the time the petition to rezone the Subject Property from R-1-B to R-3 shall be granted. Declarant shall also paint or surface the parking or storage structures, and maintain such surfacing, as shall be consistent with and complementary to the visual screening recommended by the City Planning Commission and City Council.

4. Benefit. The terms and provisions of this Declaration shall be a covenant running with the land and shall be binding upon the Declarant and his successors, grantees and assigns. The terms and provisions of this Declaration shall further inure to the benefit of the City of Grand Junction and adjacent land owners within 100 feet of the Subject Property exclusive of public streets.

5. Enforcement. Enforcement of the covenants, conditions and restrictions contained in this Declaration shall be as provided by the ordinances of the City of Grand Junction, State of Colorado, and the laws of the United States pertaining to the

enforcement of restrictive covenants.

6. Amendment. The terms and provisions of this Declaration may be amended only upon the written consent of 2/3rds of the property owners within 100 feet of the Subject Property exclusive of public streets. Any amendment shall be in writing and recorded in the Mesa County records.

IN WITNESS WHEREOF, the Declarant has set his hand and seal the year and date first above written.

Lark L. Washburn

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this _____ day of _____, 1979, by Lark L. Washburn.

My commission expires: _____.

Witness my hand and official seal.

Notary Public

A F F I D A V I T

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

William H. Nelson, the affiant, after first being duly sworn, does upon his oath state as follows:

1. My name is William H. Nelson, and the statements made in this Affidavit are based upon my personal knowledge.

2. Approximately ten years ago, I was the owner, with associates, of vacant land on which the Villa De Oro Apartments were later built. We also owned land to the East extending to Seventh Street and land to the North on which the Family Practice Center is now located. The land to the West, which is now St. Mary's Park, was then owned by Perry Olson.

3. Perry Olson and I had long negotiations regarding the development of his and our property. The general plan was to have single-family residences under an R-1-B zone throughout the area now known as St. Mary's Park, a zone of R-3 to the East thereof, and further East a professional office development fronting Seventh Street.

4. Pursuant to this plan, I petitioned to have the R-3 zone boundary moved Westward to its present location. The West 74 feet of our tract of land was left R-1-B zoned for use in connection with Perry Olson's land. We also dedicated a cul-de-sac and street to provide access to the R-1-B area.

5. For reasons not known to me, Perry Olson later changed his mind and ultimately conveyed his land to St. Mary's Hospital for a park.

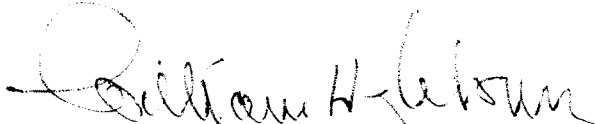
6. The effect of Perry Olson's conveyance of his land for park purposes has so changed the character of the area and the earlier plan of development that further efforts to complete the plan ceased.

7. The failure of this plan of development left a narrow

strip of land zoned R-1-B which could not reasonably be used for single family residential purposes.

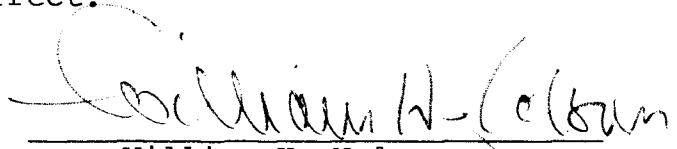
Further the affiant sayeth not.

Dated this 22nd day of August, 1979.



William H. Nelson

The affiant, upon first being duly sworn, does swear upon his oath that he has read the contents of the foregoing Affidavit and affirms to the best of his knowledge, information and belief that the same is true and correct.



William H. Nelson

SUBSCRIBED and sworn to before me this 22nd day of August, 1979, by William H. Nelson.

Witness my hand and official seal.

My commission expires: 9-13-80.



Notary Public

LEASE AGREEMENT

THIS LEASE AGREEMENT, entered into this 4th day of December, 1973, by and between the SISTERS OF CHARITY OF LEAVENWORTH, a Kansas non-profit corporation, doing business in Grand Junction, Colorado, as ST. MARY'S HOSPITAL (hereinafter referred to as "St. Mary's"), and the CITY OF GRAND JUNCTION, a municipal corporation (hereinafter referred to as "City"), WITNESSETH:

WHEREAS, St. Mary's has heretofore obtained certain lands south of the hospital complex by donation from J. PERRY OLSEN and LARUE OLSEN, said lands being described as follows:

Beginning at the SE Corner of Lot 16 of Bookcliff Heights Subdivision in the City of Grand Junction; running thence North 0°15' West along the East line of said Lot 16 a distance of 614.0 feet; thence South 75°02' West along the North line of said Lot 16, 294.6 feet; thence South 20°34' East 204.25 feet; thence South 02°16' West 335.35 feet to the North right-of-way of Bookcliff Avenue; thence along the Arc of a 390.0 foot radius curve to the left 93.9 feet (the chord of which bears South 83°01' East 93.7 feet); thence South 89°55' East 135.8 feet to the point of beginning; EXCEPT Beginning at a point on the East line of Lot 16, Bookcliff Heights Subdivision in the City of Grand Junction, North 00°15' West 310.88 feet from the SE Corner of said Lot 16, running thence North 00°15' West 303.12 feet, thence South 75°02' West 294.6 feet, thence Southeasterly to the point of beginning.

WHEREAS, St. Mary's is desirous that the City maintain said lands as a park;

NOW, THEREFORE, IT IS AGREED:

- 1) That St. Mary's does hereby lease said lands to the City to be maintained as a park;
- 2) The term of said lease shall be from January 1, 1974, to December 31, 1988, and for such period of time thereafter as may be in the interest of the parties hereto, at an annual rental of one dollar; provided that after January 1, 1984, by sixty (60) days' prior written notice to the City, St. Mary's may withdraw portions of said property from this lease for use thereafter by St. Mary's for hospital purposes

if written approval for such withdrawal is obtained from the
Elsens or the survivor of them.

3) St. Mary's will landscape and develop the
property according to plans prepared by Rod-Ross Associates,
(a copy of such plan, marked "Exhibit A" being attached hereto
and made a part hereof by reference) and will install a sprin-
kling system meeting the specifications of the City.


4) The City shall be responsible for operation and
general maintenance only.

5) In its operation of the park, the City will save
and hold harmless St. Mary's from any claims or demands arising
out of such operation.

IN WITNESS WHEREOF, the parties hereto have set their
hands and seals the day and year first above written.

CITY OF GRAND JUNCTION

By

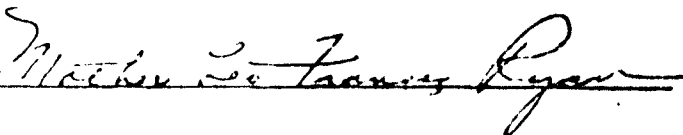

City Manager

ATTEST:

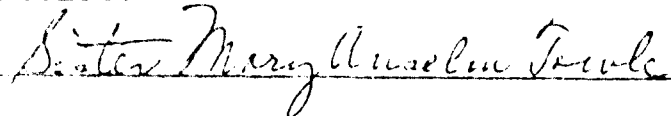

City Clerk

SISTERS OF CHARITY OF LEAVENWORTH,
a Kansas non-profit corporation,
d/b/a ST. MARY'S HOSPITAL

By



ATTEST:



To: GRAND JUNCTION PLANNING COMMISSION

Subject: Rezoning hearing for Lark Washburn property at 580 Bookcliff from present classification R1B, single family at 4.8 units per acre to R-3, 60 units per acre.

The following property owners and tenants in the area respectfully request that the zoning change be denied for the following reasons:

1. Some of the finest single family dwellings are in this neighborhood and were built here because of the restrictive zoning requirements as to density, underground utilities and other property protection. These property values are bound to deteriorate if the zoning is changed.
2. Since the St. Mary's Park adjacent to the above location was developed on land donated to St. Mary's Hospital and the City of Grand Junction by the Perry Olsens, this has become a delightful rest and recreation area for children in the neighborhood and the patients and employees at St. Mary's Hospital.
3. Due to the fact there are no sidewalks in much of this area, the increased traffic created by this multi-use classification will cause increased vehicular and pedestrian accidents, particularly with small children commuting to and from Immaculate Heart of Mary School and Tope Elementary School.
4. The St. Mary's Park has served not only as a wonderful recreation area for the neighborhood, but also as a buffer between the commercial area adjacent to 7th Street and the fine homes west and south of the park. A logical use for this property would be for it to be added to the St. Mary's Park area.

| DATE | NAME | ADDRESS | PHONE # |
|--------------|-----------------|-------------------------|----------|
| Aug. 27 1979 | Edith Darnell | 2025 N. 6 th | 243-2438 |
| Aug 27 1979 | Betty Huff | 1920 N. 6 th | 243-0137 |
| Aug 27 1979 | Roberta H. Hall | 7020 No 6 th | 242-3126 |
| Aug. 27, 79 | Beverly Baker | 2030 N. 6 th | 242-0117 |
| Aug 27 79 | Ruth Smith | 2040 N. 6 th | 242-2040 |
| Aug 27, 79 | Edna E. White | 2010 No. 6th | 242-1068 |

July 31, 1979

To: GRAND JUNCTION PLANNING COMMISSION

Subject: Rezoning hearing for Lark Washburn property at 580 Bookcliff from present classification R1B, single family at 4.8 units per acre to R-3, 60 units per acre.

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2

| DATE | NAME | ADDRESS | PHONE # |
|---------------|--------------------------|------------------------------|---------------------|
| July 27, 79 | Mrs. Bante Rago | 507 Bookcliff Dr. | 242-0093 |
| July 27, 1979 | John Williams | 536 Bookcliff Dr. | 243-0450 |
| July 27, 1979 | Laurie Olsen | 510 Bookcliff Dr | 242-6992 |
| July 28, 1979 | Ann Kornelson | 500 Cedar Ave. | 242-4695 |
| " 28, | Mrs. A. J. Lety | 510 Cedar Ave - | 242-0301 |
| " 28 | Mr & Mrs. Roy Adamson | 526 Cedar Ave | 242-4521 |
| July 28 | David E. Flatt | 536 Cedar Ave | 243-1078 |
| 7/28 | Gordon E. Duran | 540 Cedar Ave. | 245-0709 |
| 7/28/ | Oral Hatch | 560 Cedar Ave. | 242-1007 |
| 7/28 | Reginald K. Adersquint | 539 Cedar Ave | 243-3098 |
| 7/28 | Earl W. Wark | 535 Cedar Ave. | 243-2018 |
| 7/28 | Jens Erik Jensen | 525 Cedar Ave | 245-9428 |
| 7/28 | McPherson | 575 Cedar Ave | 245-1998 |
| July 28, 1979 | Robert L. Nagel | 505 CEDAR AVE. | 242.3730 |
| 7/29 | Carly Coppelin | 435 CEDAR AVE | 242-2317 |
| 7/29 | Lawrence Stapp | 580 Bookcliff | 245-6566 |
| 7-29 | Elsie Schwarz | 2211 N 6th | 2-3810 |
| 29 July 79 | Wesley L. Fleury | 2211 N 6th St | 242-3810 |
| 7-29-79 | Ann H. Piper | 2131 N. 6th St. | 242-6770 |
| 7-29-79 | Alta L. Baird | 2015 7th St | 242-6706 |
| 7-31-79 | Charles E. Lowe | 570 W. 6th Ave | 242-6243 |

| DATE | NAME | ADDR | PHONE# |
|---------|-------------------------|--------------------|----------|
| 7/28/79 | James C. Spedano | 2131 N 6th | 242-6770 |
| 7/29 | Mary E. Moore | 570 Cedar Ave | 243-0646 |
| 7/29/79 | John B. Moot | 570 Cedar Ave. | 243-0646 |
| 7/29/79 | Grace H. Smith | 565 Cedar Ave. | 242-6352 |
| 7/29/79 | Clinton Smith | 568 Cedar | 242-6352 |
| 7-29-79 | Donnie McClung | 555 Cedar | 242-5509 |
| 7-29-79 | Jerry McClung | 555 Cedar Ave. | 242-5509 |
| 7/29/79 | Lena Fuzo | 440 Cedar Ave | 242-8420 |
| 7/29/79 | Eleanor E. Schmitt | 536 Brookcliff | 243-0450 |
| 7/29/79 | Queller Bayham | 2015 No 6th | 242-6706 |
| 7/29/79 | Amos Paso | 500 Walnut | 243-2006 |
| 7/30/79 | James A. Houk | 590 Walnut | 243-0523 |
| 7/30/79 | Or Turner | 581 Walnut | 243-2737 |
| 7/30/79 | Jean S. Turner | 581 Walnut | 243-2737 |
| 7/30/79 | Herbert L. Bacon | 353 Mayfair Dr. | 242-1174 |
| 7/31/79 | Howard H. McMillan | 2552 Mira Vista Rd | 242-8391 |
| 7/31/79 | Josephine Biggio | 430 Cedar Ave | 242-2985 |
| 7/31/79 | as on a hand | | 242-6058 |

ALSO R. THREADGILL

July 31, 1979

To: GRAND JUNCTION PLANNING COMMISSION

Subject: Rezoning hearing for Lark Washburn property at 580 Bookcliff from present classification R1B, single family at 4.8 units per acre to R-3, 60 units per acre.

The following property owners and tenants in the area respectfully request that the zoning change be denied for the following reasons:

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3. Due to the fact there are no sidewalks in much of this area, the increased traffic created by this multi-use classification will cause increased vehicular and pedestrian accidents, particularly with small children commuting to and from Immaculate Heart of Mary School and Tope Elementary School.
4. The St. Mary's Park has served not only as a wonderful recreation area for the neighborhood, but also as a buffer between the commercial area adjacent to 7th Street and the fine homes west and south of the park. A logical use for this property would be for it to be added to the St. Mary's Park area.

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|---------|-----------------|-------------------------|----------|
| 8-27-79 | Paul N. Brown | 2000 W. 6 th | 242-6588 |
| 8-27-79 | Susan Brown | 2000 N. 6 th | 242-6588 |
| 8-27-79 | Wanda Chatfield | 1925 N. 6 th | 2-8164 |
| 8-27-79 | Mr & Mrs | 410 Walnut | 242-0666 |

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|---------|----------------------|---------------------|----------------|
| 7-28-79 | Ann & Chap | 448 Bookcliff Dr | 242-8032 |
| 7-28-79 | Mr. Washburn | 580 Bookcliff Ct. | 242-5964 |
| 7-28-79 | Marye Douglas | " " " " | " " |
| 7-28-79 | Vivian A. Crumbaker | 299 Bookcliff Court | 243-2267 |
| 7-28-79 | Lucille J. Crumbaker | 299 Bookcliff Ct. | " |
| 7-28-79 | Vincent R. Jones | 305 Bookcliff Ct. | 19243-0961 |
| 7-28-79 | Mary R. Pruster | 303 Bookcliff Ct | 242-6486 |
| 7-28-79 | Clarence J. Pruster | 303 Bookcliff Ct | " |
| 7-28-79 | Hart Chap | 448 Bookcliff Dr. | 242-8032 |
| 7/28-79 | John F. Press | 412 Bookcliff Dr. | 242-8094 |
| 7/28/79 | Clare S. Press | 412 Bookcliff Dr. | 242-1294 |
| 7/28/79 | Marney D. Albert | 400 BOOKCLIFF DR | 242-8157 |
| 7-28-79 | Chester B. Talbot | 400 BROOKCLIFF DR | 242-8157 |
| 7-28-79 | Jasper J. Talbot | 440 Cedar Ave | 242-2465 |
| 7-28-79 | Claudia J. Thomas | 320 Cedar Ct | 242-6418 |
| 7-28-79 | Tom Thomas | 320 CEDAR CT | 242-6418 |
| 7-29-79 | Stephan L. Bacon | 353 Mayfair Dr. | 242-1174 |
| 7-29-79 | Laura May Bacon | 353 Mayfair Dr. | 242-1174 |
| 7-29-79 | Pauline J. Bacon | 2512 Mira Vista | 245-5037 |
| 7.29.79 | Margaret T. Pruster | 2532 Mira Vista Rd. | 245-0170 |
| 7/29/79 | W. Doug Sh. S. | 2542 MIRA VISTA | page 1243-8652 |

| DATE | NAME | ADDRESS | PHONE# |
|--------------------|-----------------------------|---------------------|------------------------------|
| 7-29-79 | Palma A. Lamon | 2562 Mira Vista Rd. | 243-4812 |
| 7-29-79 | Robert L. Shanks | 336 Belaire Drive | 245-1734 |
| 7-29-79 | Chas. R. Bentley | 26 " " | 243 |
| 7-29-79 | Delores H. Prinster | 308 Bookcliff Ct. | 242-5401 242-5401 |
| 7-29-79 | Patricia A. Jones | 305 Bookcliff Ct. | 243-0961 |
| 7-29-79 | Mary A. Jones | 305 Bookcliff Ct. | 243-0961 |
| 7-30-79 | Samuel B + Vera M. Sears | 307 Bookcliff Ct. | 242-7445 |

July 31, 1979

To: GRAND JUNCTION PLANNING COMMISSION

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4. The St. Mary's Park has served not only as a wonderful recreation area for the neighborhood, but also as a buffer between the commercial area adjacent to 7th Street and the fine homes west and south of the park. A logical use for this property would be for it to be added to the St. Mary's Park area.

| DATE | NAME | ADDRESS | PHONE # |
|-----------------------|------------------------|------------------------------------|---------------------|
| July 30-79 | Mrs. Faye Kerne | 580 Bookcliff Ave Apt 3 | 242-1780 |
| July 30-79 | Ernie Kerne | 580 Bookcliff Ave apt 3 | 242-1780 |
| July 30, 1979 | Margaret J Jarvis | 580 Bookcliff Ave. apt 14 | 243-6664 |
| July 30 79 | Margaret Paul | 580 Bookcliff apt 4 | 242-4171 |
| July 30 79 | J. M. Cox | | |
| July 30, 1979 | Marguerite A. Melnick | 580 Bookcliff Apt 10 | 242-6584 |
| July 30, 1979 | Agnes R. Kiefer | 580 Bookcliff Apt. 28 | 243-6482 |
| July 30-79 | J. M. Cox | 580 BOOKCLIFF AVE | 243-6571 |
| July 30, 1979 | Dorothy J. Cox | 580 Bookcliff Ave | 243-6571 |
| July 30, 1979 | H E Stauffer | 580 Bookcliff Ave #19 | 242-4517 |
| July 30 1979 | Martha A. Stauffer | 580 Bookcliff Ave #19 | 242-4517 |
| July 30 1979 | Beatrice Fredosky | 580 Bookcliff ave H 7- | 242 6836 |
| July 30, 1979 | Jillie Wingen | 580 Bookcliff Ave. #20 | 242-7887 |
| July 30-79 | William E. Swann | 580 Bookcliff Ave. # 5- | 243-2084 |
| July 30-79 | Claire E. Swann | 580 Bookcliff Ave. # 5- | 243-2084 |
| July 31-79 | John Patkovich | 580 Bookcliff ave #24 | 242-3443 |
| July 31-79 | Mary Kalovich | 580 Bookcliff ave #24 | 242-3443 |

July 31, 1979

To: GRAND JUNCTION PLANNING COMMISSION

Subject: Rezoning hearing for Lark Washburn property at 580 Bookcliff from present classification R1B, single family at 4.8 units per acre to R-3, 60 units per acre.

The following property owners and tenants in the area respectfully request that the zoning change be denied for the following reasons:

1. Some of the finest single family dwellings are in this neighborhood and were built here because of the restrictive zoning requirements as to density, underground utilities and other property protection. These property values are bound to deteriorate if the zoning is changed.
2. Since the St. Mary's Park adjacent to the above location was developed on land donated to St. Mary's Hospital and the City of Grand Junction by the Perry Olsens, this has become a delightful rest and recreation area for children in the neighborhood and the patients and employees at St. Mary's Hospital.
3. Due to the fact there are no sidewalks in much of this area, the increased traffic created by this multi-use classification will cause increased vehicular and pedestrian accidents, particularly with small children commuting to and from Immaculate Heart of Mary School and Tope Elementary School.
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NELSON, HOSKIN, GROVES & PRINSTER
PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

WILLIAM H. NELSON
GREGORY K. HOSKIN
JOHN W. GROVES
ANTHONY F. PRINSTER
JON E. GETZ
FREDERICK G. ALDRICH
GREGG K. KAMPF

500 FIRST NATIONAL BANK BUILDING
P. O. BOX 40
GRAND JUNCTION, COLORADO 81501
TELEPHONE 242-4903
AREA CODE 303

VALDIS A. SILINS
WILLIAM H. KAIN III

August 14, 1979

Mr. Gerald J. Ashby
City Attorney
250 North 5th Street
Grand Junction, Colorado 81501

Re: Petition for Rezone No. 63-79,
R-1-B to R-3

Dear Gerry:

I briefly discussed with you the above referenced petition to rezone the West 74.92 feet of the property on which the Villa De Oro is located (at the intersection of 6th and Bookcliff). The purpose of the petition is to make this narrow strip of land available for use in connection with the Villa De Oro, the intention being to utilize it as a carport parking area for use by guests and residents. The neighbors have objected on the grounds of increased traffic, a fear of an additional multi-family structure being built on the 74 foot strip, and decrease in property values. They submitted a petition in opposition to the rezone.

We are now scheduled for a rehearing in front of the Planning Commission August 28th. Prior to that time, I would like to have your views on the following:

1. Restrictive Covenant. In that a main source of neighborhood fear was the potential of a third apartment unit on the property to be rezoned, we are prepared to offer a restrictive covenant in the form enclosed herewith restricting use of the property to be rezoned to parking and carport area. In addition, you will see that the restrictive covenant also provides liberal language for screening, plantings, etc. Do you feel, as we do, that this covenant is a valid and enforceable document which will have the effect intended, i.e. to restrict the use of the subject tract as stated?

2. Bulk Development. Our attention was drawn by the Planning Staff to that part of R-1-B zoning, Section 1.8, entitled

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Lynn
8/14/79*

*No. 10
Jared
see what
to what
planned*

August 14, 1979

residential bulk development. It was the thought of the Planning Staff, without researching this question in detail, that the 74 foot wide strip may be eligible for classification within Section 1.8 of the R-1-B zone, and thereby permit the installation of parking facilities appurtenant to the use of Villa De Oro. Do you feel that this is a correct interpretation of the residential bulk development section of R-1-B zone (refer to Page 6 of the City of Grand Junction Zoning Ordinances).

Please give me a call when you feel you have some opinion as to the questions proposed above. No matter how brief, I would like to know your thoughts as soon as possible, certainly prior to August 28th.

Very truly yours,



Frederick G. Aldrich

FGA:bb

Enclosure

City
County
Development
Department

CITY OF GRAND JUNCTION--MESA COUNTY--COLORADO 81501
559 WHITE AVE.--ROOM 60--DIAL (303) 243-9200 EXT. 343

August 29, 1979

Lark L. Washburn
2590 I Road
Grand Junction, Co 81501

Re: Rezone

Dear Sir:

On Tuesday August 28, 1979 the Grand Junction Planning Commission voted to deny your petition to rezone R1B to R3 because the Commission felt it would be more desirable to rezone to a Planned Development. You have the option to go before City Council if you so desire.

Please contact our office within the next week as to what action you have decided to take.

Sincerely,



Sue Drissel,
Planning Tech. I

cc file #63-79

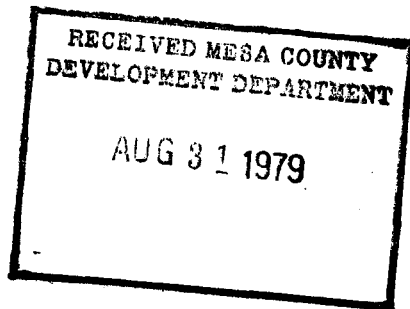
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August 29, 1979



Mr. Karl Metzner
Senior Planner
City and County Development Dept.
559 White Avenue - Room 60
Grand Junction, Colorado 81501

Re: Petitioner - Lark Washburn, No. 63-79

Dear Karl:

Please consider this our formal request to remove this matter from the next City Council agenda. In view of the fact that the Planning Commission has twice denied our request for rezoning, it is our present intent to abandon the existing petition.

Although we may consider a planned zoning in the future, we are undecided at this point as to what we intend to do. Thank you very much for your help.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Fred".

Frederick G. Aldrich

FGA:bb