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File 1987-0012

Project Name: Peterson House SE corner of 15th & Patterson - Rezone & Final

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 in some instances, not all entries designated to be scanned by the department 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 provided.</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>			
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X	X	Planning Commission Minutes - ** - 3/3/87	X		Preliminary Title Report - 2/20/53
X	X	Memo from Gerald Ashby to Mike Sutherland re: response to height question- 2/23/87	X		Vicinity Map
X		Development Application - 1/30/87	X	X	Site Plan
X	X	Memo from Mike Sutherland to Gerry Ashby re: feels development is in violation-2/22/88	X	X	Letter form Marc Fuller to Richard Fulton re: landscape intentions
X	X	Elevation Map	X	X	Letter from James G. Ensley to City Council re: areas of concern
X	X	Site Plan	X	X	Letter form Michael Sutherland to James G. Ensley re: clarification of discussion - 3/11/87
X		Certification of Plat - 1/15/86	X		Site & Grading Plan
X	X	Planning Clearance - ** - 12/8/87	X	X	Landscape Plan (to be scanned in 1986-0012- 2 of 2)
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X	X	Letter from James Shanks to Jim Ensley re: speed limits - speed surveys show that the speed limit is reasonable - 1/19/87	X		First Floor Plan
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X		Option Agreement - 1/15/87	X	X	District Court Case - 88CV535 - 7/12/87

2945-122-10-017

IRMA

IRMA

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2945-122-10-017

IRMA W. SABOL

1441 PATTERSON RD #501
GRAND JUNCTION, CO 81506

2945-122-19-018

GRACE E. HARDCASTLE

1441 PATTERSON RD #502
GRAND JUNCTION, CO 81506

2945-122-10-019

BARBARA K MEEKER

1441 PATTERSON RD #503
GRAND JUNCTION, CO 81506

2945-122-10-020

ADELINE M NASH

1441 PATTERSON RD #504
GRAND JUNCTION, CO 81506

2945-122-10-021

THOMAS Y. NIMIE

1441 PATTERSON RD #601
GRAND JUNCTION, CO 81506

2945-122-10-022

DAVID A & ARTHUR E BRANDT

50 SEDONA ST.
SEDONA, AZ 86336

2945-122-10-023

PETER JAMES FREGETTO

c/o MFRS HANOVER MTG CO
P.O. BOX 1800
FARMINGTON HILLS, MI 48018

2945-122-10-024

MICHAEL R GALLEGOS

1441 PATTERSON RD # 604
GRAND JUNCTION, CO 81506

2945-122-10-017

IRMA W. SABOL

2945-122-10-025

CLARENCE A & EULA JEANNE RECTOR

8001 E. BROADWAY # 7056
MESA, AZ 85208

2945-122-10-026

WM A & BARBARA J. SMITH

1253 ROAD 293
RIFLE, CO 81650

2945-122-10-027

WILLIAM H & GEORGIA L BIGUM

596 VILLAGE WAY
GRAND JUNCTION 81503

2945-122-10-028

JUNE H MILLER

1441 PATTERSON RD #704
GRAND JUNCTION, CO 81506

2945-122-00-030

JUNITA M VIGIL

1434 WELLINGTON AVE
GRAND JUNCTION, CO 81501

2945-122-00-031

ZIONS MORTGAGE CORP

10 POST OFFICE PLACE, STE 200
SALT LAKE CITY, UT 84101

2945-122-16-001

RICHARD E. FULTON

1556 WELLINGTON AVE
GRAND JUNCTION, CO 81501

2945-122-16-002

FIRST SECURITY SAVINGS & LOAN

1211 NORTH 7th STREET
GRAND JUNCTION, CO 81501

2945-122-00-001

GERALD L. KELLEY

2737 PATTERSON RD
GRAND JUNCTION, CO 81506

2945-122-00-003

L.A. BRODAK

2741 F ROAD
GRAND JUNCTION, CO 81506

2945-013-00-022

LAWRENCE ELY

1639 LOWELL LANE
GRAND JUNCTION, CO 81506

2945-013-00-023

LESLIE R WILLIAMS

607 1/2 BROKEN SPOKE
GRAND JUNCTION, CO 81504

2945-013-00-024

JACK L HIMELWRIGHT

P.O. BOX 1538
PLACE d'ARMS
MONTREAL PQ, CANADA 243K8

2934-013-00-026

LLOYD J DAVIS

2760 N 15th STREET
GRAND JUNCTION, CO 81506

2945-013-00-028

JOHN W. TATE

2726 F ROAD
GRAND JUNCTION, CO 81506

2945-013-00-029

BOB FAITH & BEN MILLER

640 GRAND AVE
GRAND JUNCTION, CO 81501

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2945-013-00-030
JAMES G ENSLEY
2734 F ROAD
GRAND JUNCTION, CO 81506

2945-013-00-031
DALE L. ELY
2736 F ROAD
GRAND JUNCTION, CO 81506

2945-013-00-032
LAWRENCE ELY
2738 F ROAD
GRAND JUNCTION, CO 81506

2945-013-00-033
ROBERT SISAC
2742 PATTERSON RD
GRAND JUNCTION, CO 81506

2945-013-00-036
DENNIS F OWEN
1511 LOWELL LANE
GRAND JUNCTION, CO 81506

2945-013-00-046
JAMES L VOYTILLA
2449 H ROAD
GRAND JUNCTION, CO 81505

2945-013-00-047
HUD
451 7th STREET SW
WASHINGTON DC 20410

2945-013-00-058
LLOYD J DAVIS JR
606 27 1/4 ROAD
GRAND JUNCTION, CO 81506

2945-013-11-002
HILLTOP FOUNDATION INC
1100 PATTERSON
GRAND JUNCTION, CO 81506

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RECEIVED GRAND JUNCTION
 PLANNING DEPARTMENT
 MAR 10 1987

City of Grand Junction, Colorado
 81501-2668
 250 North Fifth Street

January 19, 1987

Jim Ensley
 2734 Patterson
 Grand Junction, CO 81501

Re: Speed limits - Patterson Rd.

Dear Mr. Ensley:

We conducted speed surveys on Patterson Road before and after the change in speed limits. Speeds were recorded at various locations along Patterson Road from a sample of between 300 and 500 vehicles at each location. The before and after studies were taken at the same location and at the same time of day. We calculated the 85th percentile speed for traffic at each location. This value is a statistic that corresponds to the prevailing speed of traffic. Eighty five percent (85%) of traffic is traveling less than this speed.

The following is the result of those speed surveys along Patterson Road.

<u>Location</u>	<u>Previous Speed Count</u>	<u>Existing Speed Limit</u>	<u>85% Speed 12/18/86</u>	<u>85% Speed 1/15/87</u>
E Bound between 7th & 12th	35 mph	35 mph	44 mph	39 mph
W Bound between 7th & 12th	35 mph	35 mph	45 mph	41 mph
E Bound between 12th & 27 1/2 Rd.	35 mph	40 mph	44 mph	42 mph
W Bound between 12th & 27 1/2 Rd.	35 mph	40 mph	46 mph	46 mph
E Bound between 27 1/2 Rd. and 28 1/4 Rd.	35 mph	40 mph	45 mph	44 mph
W Bound between 27 1/2 Rd. and 28 1/4 Rd.	35 mph	40 mph	49 mph	48 mph

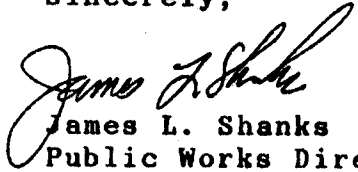
As you can see, the changing of the speed limit from 35 mph to 40 mph between 12th Street and 28 1/4 Rd. has not changed the prevailing speed of traffic in this section of roadway.

The speeds, both before and after the change, are higher than desired. We will address this problem through proper enforcement of the speed limits.

We feel that the posted speed limits are reasonable, given the existing roadway conditions and we will be able to better enforce realistic speed limits.

Please feel free to call if I can provide any additional information.

Sincerely,


James L. Shanks
Public Works Director

xc: File
Mark Achen
Chief Gary Leonard

JS:skw

THE PETERSON GROUP
102 South Tejon Street - Suite 1100
Colorado Springs, Colorado 80903
303-578-3330

January 28, 1987

City of Grand Junction
Planning Department
559 White Avenue
Grand Junction, CO 81501

RE: Impact Statement/Project Narrative
Rezone, Subdivision and Site Plan
Patterson Road at 15th St., Southeast Corner

The Peterson House is a 46 unit catered retirement suite building, one of these units is for the resident managers. The anticipated average age of the Peterson House residents is 83. Our building has very extensive and unique design features to enhance the total quality of life for the age disabled. For details of these features and the spirit of Peterson House please refer to the lengthy description on the Site Plan.

Following approval in March, 1987, construction would begin June, 1987 and be complete and operating no later than June, 1988. Our proposal is only for one building on one lot so no phasing is involved. The Peterson Group is not just the developer but also the long-term owners and managers of this project.

Area impact from our proposal is slight for a number of factors.

1. Approximately 70% of our site is used as open space, equal or better than most single family.
2. Generated traffic will be very low. According to standard traffic data the trip generation for retirement apartments is approximately 1/3 that for single family.
3. The location and compact low-rise nature of our building will have a very small impact on views.

For these reasons it is our opinion that the measurable impact area, at most, extends only 100 yards from the building.

Compatibility of The Peterson House with the surrounding area appears to be very good. This is reinforced by our low "effective density". Our project is a good buffer between the more congested multi-family and business zones to the west and lower density zones to the east desired by the corridor guidelines.

Primary services provided by The Peterson House for our residents are, a secure environment with 24-hour non-medical oversight, complete daily meal service if desired, social and activity services, housekeeping, mini-van transportation.

When reviewing our application's parking request please keep in mind the low traffic generation, and the fact that most seniors who still drive do not need The Peterson House. Therefore, while the requested parking may seem too little we will agree to guarantee expansion if required.

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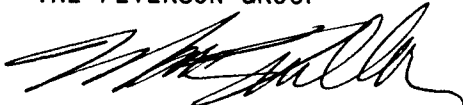
CITY OF GRAND JUNCTION
Page Two
January 28, 1987

Our proposal seems to satisfy the criteria for rezone. Street improvements, other zone changes and development transitions have changed the character in the area. Grand Junction and Mesa Counties large elderly population speaks well to our perceived need. Our requested rezone appears compatible with no adverse impacts. Many of the benefits are intangible but we will measurably contribute to taxes and employment. We believe our proposal is in compliance with the City of Grand Junction's policies and plans. Finally adequate facilities appear to be in place for service.

If further explanation or justification of our application is required we know you will allow us an opportunity to elaborate on our position. We again thank you for your consideration.

Sincerely,

THE PETERSON GROUP



Marc G. Fuller

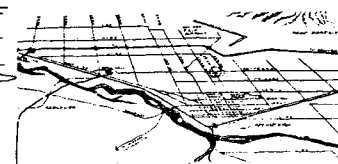
MGF/py

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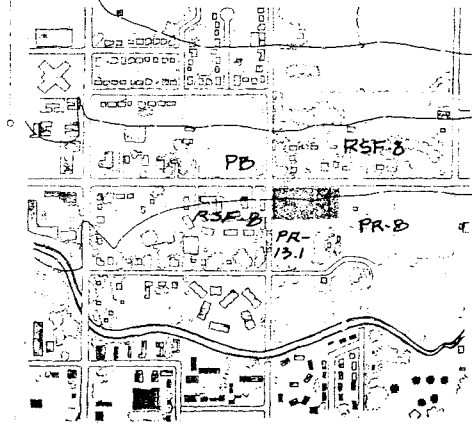
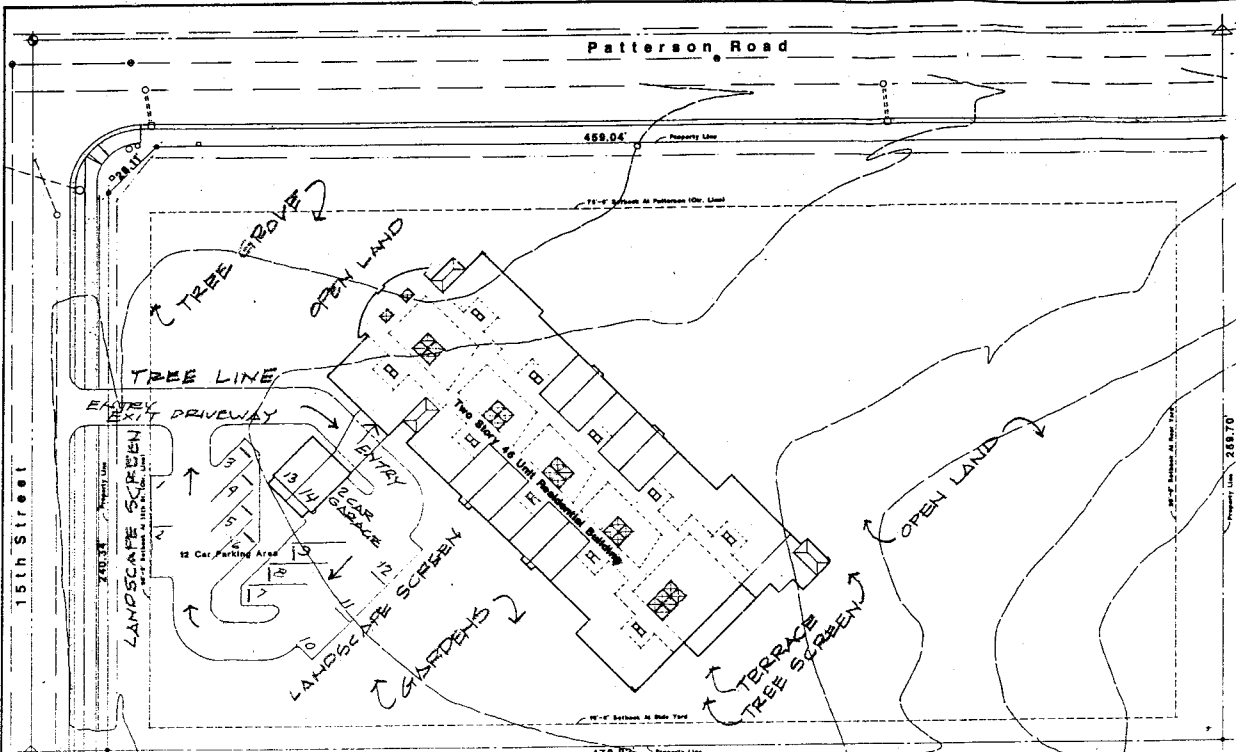
TPH
Grand Junction

The Peterson House
Peterson & Son
Grand Junction
The Peterson Group
102 South Taylor Street
Colorado Springs, Colo 80905



Regional Map

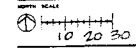
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Vicinity Map

Site Plan

Date: 1/30/87



CAPA

Project: _____
 Date: _____
 Scale: _____



CONSULTING ENGINEERS / LAND SURVEYORS

2150 Hwy 6 & 50, Grand Junction, CO 81501 • 303/242-5202

January 28, 1987

Mr. Mark Fuller
The Peterson Group
102 S. Tejon, Suite 1100
Colorado Springs, CO 80903

RE: Property on S.E. Corner of
Patterson & 15th Streets, Grand Junction, CO
[W.O. # 1812]

Mr. Fuller:

As requested, we are in the process of performing a subsurface soil investigation for the above property. The field work has been completed and the laboratory tests are in progress. The drill holes revealed formational Mancos Shale varying from exposed at the surface to 5 to 6 feet below the ground surface. Two different soil types were found to be overlying the shale. One is the silty, sandy pediment deposits washed in from the Bookcliffs to the North. The second surface material appears to be a fill composed of decomposed shale fragments. The shale normally provides a quite high bearing capacity; but, in some locations also exhibits a significant swell potential upon the addition of moisture. Because of the swell potential, we anticipate that a foundation capable of resisting or adjusting to this swell potential may be required. Such foundations include drilled and cast in place caissons, or on-grade structural slabs. The pediment deposits and the fill material is expected to be relatively compressible. As a result of the anticipated compressibility of the overburden materials and the swell potential of the shale, building elements supported near the surface (such as slabs) will be subject to a significant amount of movement. This means that slabs will likely have to either be eliminated or designed to move without affecting the integrity and usefulness of the buildings.

As you can see, we expect that soil conditions exist at the site which will require special design considerations. Nearby houses have experienced some serious foundation movement. However, these conditions are not uncommon in the Grand Junction vicinity and certain foundation configurations have been found to perform satisfactorily.

Submitted by:

WESTERN ENGINEERS, INC.

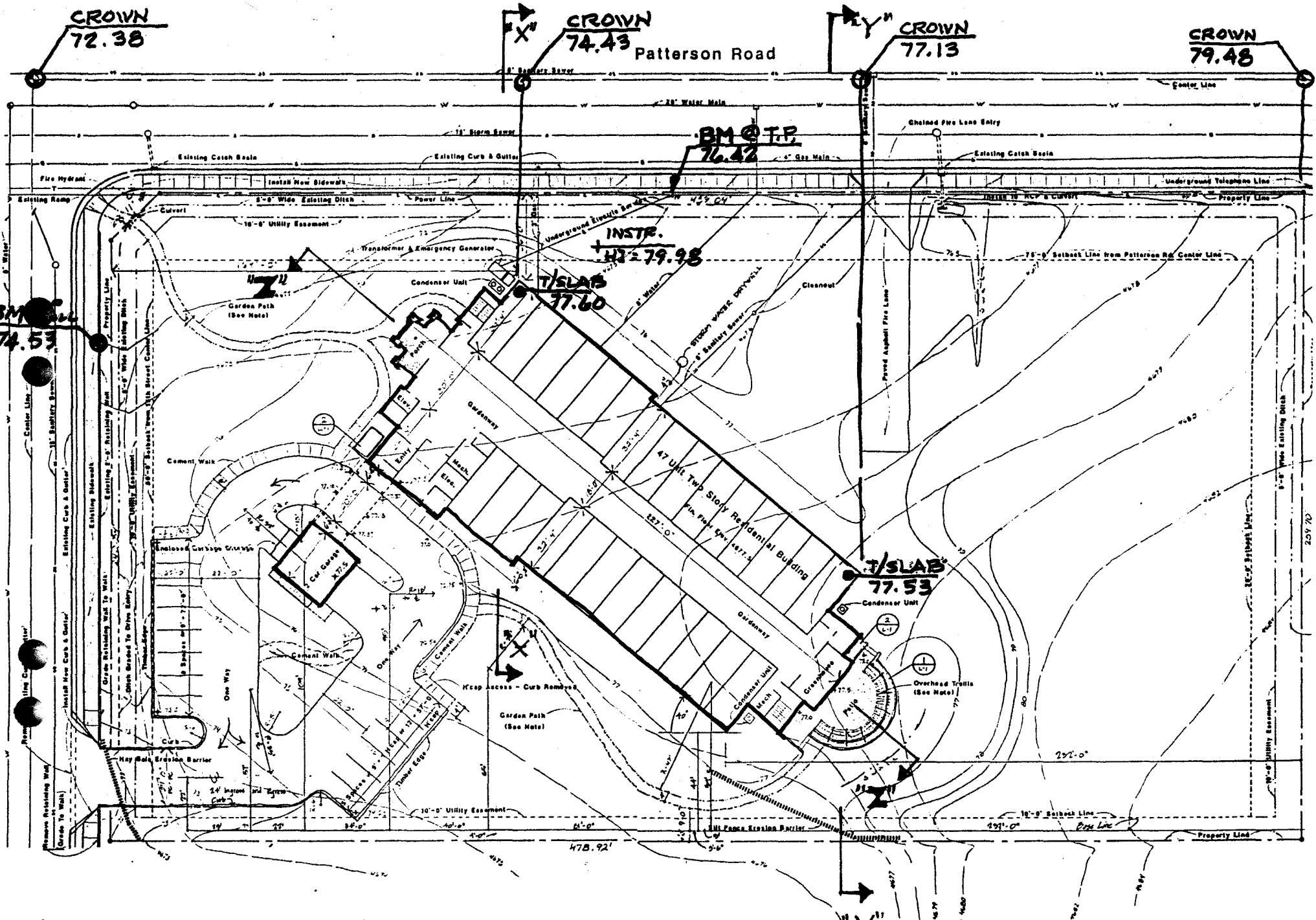
Bruce D. Marvin, P.E.
Vice President


BDM/sr

cc: Frank Wagner, Architect

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#12 87




SITE PLAN - TPH/GRAND JUNCTION
 NO SCALE

REVIEW SHEET SUMMARY

FILE NO. 12-87 TITLE HEADING The Peterson House DUE DATE 2-17-87

ACTIVITY - PETITIONER - LOCATION - PHASE - ACRES Subdivision Plat, Rezone, Site Plan
for the Peterson Group, Inc., Frank Wagner, rep., southeast corner of 15th St. and
Patterson Road on approximately 3.61 acres

PETITIONER ADDRESS 102 S, Tejon, Suite 1100, Colorado Springs, CO 80903

ENGINEER _____

<u>DATE REC.</u>	<u>AGENCY</u>	<u>COMMENTS</u>
2-03-87	G.J. Drainage	Out of district.
2-04-87	Building Dept.	State licensed architectural drawings required. Soils investigation and engineer designed foundation require. Strongly suggest that applicant submit preliminary drawings at earliest date for preliminary code check. Separate permits required for garage structure and resident structure.
2-05-87	Mt. Bell	Please change 3 foot utility easement on north side to a 10 foot. Also, please provide 10 foot utility easement along west side.
2-05-87	Police	I see no police problems.
2-06-87	Parks & Rec.	The appraisal is in good order and acceptable for use in determining the 5% open space fee. We see no problems with the landscaping. None of the landscaping appears to fall on right of way so no City services should be required.
2-09-87	Fire Dept.	This office has no objections to this rezone, however, before construction is started, we need to have further drawings & mechanical plans reviewed to determine fire flow and possible fire hydrant location on property. Also access to all sides of the building will be required for fire protection.
2-11-87	Public Service	Gas: No objections. Electric: Request 10 foot easement along west, south and east property lines.
2-13-87	County Planning	This appears to be a well designed project and is consistent with the County's adopted F Road Corridor policy of residential land uses except for major intersections along F Road. Mesa County Land Use & Development Policy #22(B).
2-17-87	Planning Dept.	This application is being considered as an uncommon apartment building in that the 46 units are housing for the elderly and are not entirely self-contained units. As with previous projects of this nature, the primary condition/criteria setting these units apart from common apartments is their not having individual kitchens. For this reason parking requirements will be established based on demonstrated need rather than the 1.5 spaces per dwelling unit required by the Grand Junction Zoning & Development Code. 1. This department questions whether 14 spaces will be sufficient with up to 6 employees working at one time. The remaining 8 spaces may be insufficient if: a. one-fifth of the residents own cars, or b. one-fifth of the residents all have visitors at any one time, or if a combination of those scenarios. Please plan for, and indicate a location for an additional 10-12 spaces to be provided if the 14 prove to be insufficient.

Written
 RECEIVED SUMMARY
 by March 2, 1987
 Sent 2-18-87
 Miller
 Design

REVIEW SHEET SUMMARY

FILE NO. 12-87 TITLE HEADING Peterson House Cont'd DUE DATE 2-17-87

ACTIVITY - PETITIONER - LOCATION - PHASE - ACRES _____

PETITIONER ADDRESS _____

ENGINEER _____

<u>DATE REC.</u>	<u>AGENCY</u>	<u>COMMENTS</u>
	Planning Cont'd	<p>2. Is the plan for drainage/runoff from the building and paved surfaces to flow into 15th Street? Please indicate.</p> <p>3. The soils investigation (2 copies) must be submitted at least 48 hours prior to the March 3rd public hearing.</p> <p>4. When the application was submitted there was not an original Development Application included. The Planning Department needs to have this with the original signatures to keep on file. Please provide this form ASAP.</p> <p>5. The Subdivision Summary form was submitted without completion of estimated water and sewage disposal requirements in gallons per day. Please provide this data ASAP.</p> <p>6. Any proposed parking (or other outdoor) lighting fixtures must be directional in nature to avoid shining into neighboring residences.</p> <p>7. If signage is proposed, please indicate location(s) on the revised site plan and include a graphic detail of the proposed signage. Any signage will require a separate sign permit.</p> <p>8. Please provide a revised site plan and a subdivision plat (including 18 copies of each in reduction form) as soon as possible which indicates additional easements, revised ingress/egress driveway, additional future parking, etc. Also, if available, please provide typical floor plans for the various unit designs. This may help answer potential public hearing questions.</p>
2-18-87	Health Dept.	All plans for the food service portion of the proposed facility must be submitted to the Mesa County Health Department for prior approval.
2-25-87	City Engineer	<p>I would prefer that the Ingress/Egress driveway be located further south near the south property line and at the end of the existing concrete retaining wall. The further the driveway is from Patterson Road, the fewer conflicts there will be with traffic at the intersection of 15th and Patterson. Would also recommend driveway width of 24 feet minimum.</p> <p>The number of parking spaces, proposed seems grossly inadequate for a 46 unit facility. Adequate parking should be provided on the site so that 15th St. does not become a parking lot.</p> <p>The new concrete sidewalk along the south side of Patterson Road should be 6 feet wide and constructed in accordance with City Standards.</p> <p>8 inch water and 8 inch sewer lines stubbed out to this property on Patterson Road.</p>

LATE

development summary



File # 12-87 Name Peterson House Date 3/5/87

PROJECT LOCATION: Southeast corner of 15th Street and Patterson Road.

PROJECT DESCRIPTION: A rezone and final development plan & plat for a 46 unit catered retirement building. The change in zoning is from Planned Residential (PR-28) to PR-16.2.

REVIEW SUMMARY (Major Concerns)

POLICIES COMPLIANCE	YES		NO *		TECHNICAL REQUIREMENTS	SATISFIED		NOT SATISFIED *	
Complies with adopted policies	X				Streets/Rights Of Way	X			
Complies with adopted criteria	X				Water/Sewer	X			
Meets guidelines of Comprehensive Plan	X				Irrigation/Drainage	X			
					Landscaping/Screening	X			
					Other: _____				

* See explanation below

The petitioners have revised their site design and landscape plan to accommodate the concerns of the affected neighbors, who now endorse the use at this site.

STATUS & RECOMMENDATIONS:

All technical concerns have been resolved. Several neighbors on Wellington Ave. voiced concern that construction and delivery trucks will be using Wellington Ave. which is an inadequate roadway under current conditions.

Planning Commission Action

Recommended approval for the rezone.
Approved the final development plan and plat (this is final unless an appeal is received by 5:00p.m. on Friday, March 6.)

THE PETERSON GROUP
102 South Tejon Street - Suite 1100
Colorado Springs, Colorado 80903
303-578-3330

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT

FEB 23 1987

February 18, 1987

Dr. Richard Fulton
1556 Wellington Ave.
Grand Junction, CO 81501

Dear Richard:

I appreciate the time you and your wife took to meet with me and discuss the Peterson House plans. This letter is to assure you of The Peterson Group's willingness to accommodate your concerns.

It is the intent of The Peterson Group to enhance and supplement the tree screen shown on the site plan at approximately mid-point of the south property line. The purpose of this enhancement will be to minimize the impact on your rear yard and protect your contemplated swimming pool. We will use techniques for the enhancement such as wood fence, low to medium height earth berms, and upright evergreens. Additionally, a 10 foot easement is being established on all property lines which I believe you may use for irrigation.

Richard, I hope this review is both satisfactory and accurate. Please call as any questions or considerations arise.

Sincerely,

THE PETERSON GROUP, INC


Marc Fuller

MF/py

cc: Mike Sutherland

MEMORANDUM

TO: Gerry Ashby
FROM: Mike Sutherland MS
DATE: Feb. 22, 1988
RE: Peterson House - file #12-87

Mr. Jim Ensley, who resides across Patterson Road from the Peterson House development, feels that the development is in violation of the approved Final Development Plan. Due to numerous vague questions the Planning Department has been unable to confirm that Mr. Ensley's contention is correct.

While we feel that an agreement between parties can be reached, there is the potential for conflict needing resolution or interpretation from a higher authority.

Mr. Ensley's contention is that the 22 feet referred to in the Planning Commission hearing meant 22 feet from the crown of the Patterson Road surface to the top of the building peak. The petitioner contends that his reference was 22 feet to the eave of the roof (which, in essence, is the top of the second story wall).

The plans submitted to the Planning Department indicate a parapet height of 20 feet and peaks at 26 feet. Their updated plans indicated a building height eave at 18 feet and gable peaks at 31 feet.

As a planned residential development (PR 16.2) there are no specific height restrictions for a PR zone. In a "straight" zone comparable to this development (RMF-16) the height restriction is 36 feet (per the Zoning and Development Code). In the absence of specific, conditional approval limitations in the Final Development Plan, the comparative straight zone limitations are enforced.

Mr. Ensley also believes that since he brought the subject up at the public hearing, the 22 ft. restriction becomes a specific condition for approval.

In reviewing the motion for approval, Commissioner Madsen included certain specific conditions of approval along with "approval subject to staff comments". Commissioner Transmeier agreed to second the motion only if the motion "ended at staff comments, period" specifically excluding any other conditions of approval. The motion was passed unanimously as such.

Since the condition regarding height was not specifically mentioned, and would likely have been omitted, our interpretation is that the Planning Commission did not intend to include a specific height limitation on this project.

As near as can be determined at this time, the development has not violated the approved plans assuming a 22 ft. maximum eave height and the maximum peak height of 36 ft. which normally would be allowed.

The developer will be requested to provide one or more cross-section views depicting as-built relationships of the construction with regard to the crown of Patterson Road. Upon receipt of these drawings we will arrange a meeting with Mr. Ensley, the builder Merv Heineke and City representatives to review the situation.

Please review this information and provide any input that you may find pertinent. Thank you.

TO: Mike Sutherland, Senior Planner

FROM: Gerald Ashby, City Attorney

DATE: February 23, 1988

Responding to the question of height at the Peterson House Development, I think sometimes we forget that Planned Developments are essentially for the benefit of developers. True, planned development does permit a more interesting design than is achieved by the more conventional grid system, but, in final analysis, we use planned development for a better utilization of the land for the developer. It is in this context that one has to look at what Jim Ensley is saying about a height restriction on the Peterson House development.

In my opinion we may not impose a lesser height restriction on the development unless that lesser height became necessary because of some part of the plan which deviated from the normal. An example might be, if we permitted development to the lot line, we might want to protect light and air for adjoining property by a lessening in height to allow conditions which would have existed had zero lot line not been permitted. The same would not hold true with the Ensley complaint that he is somehow entitled to have the same view as he would have had had the development not been permitted, so as to hold the height of the building to less than 36 feet. If one wants to hold a view one must purchase the view.

It is my opinion that the Peterson House development may build to whatever height would be available under similar conventional zoning. I think that this is 36 feet from grade.

THE PETERSON GROUP
102 South Tejon Street - Suite 1100
Colorado Springs, Colorado 80903
303-578-3330

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT

MAR 02 1987

February 25, 1987

Mr. Mike Sutherland
Planning Department
City of Grand Junction
559 White Avenue, Room 60
Grand Junction, CO 81501

RE: Review Sheet Summary - File No. 12-87
The Peterson House
Subdivision Plat, Reyone Site Plan
Southeast Corner - 15th Street - Patterson Road

Gentlemen:

In response to the requirements of the City of Grand Junction, we submit the following response to the Review Sheet Summary covering the subject File Number 12-87:

<u>AGENCY</u>	<u>RESPONSE</u>
1) G.J. Drainage	- Out of Jurisdiction - No response required.
2) Building Department	- All architectural drawings will have State of Colorado License Seal. Soils investigation reports have been submitted. Foundation design will conform to soils test recommendations. Preliminary plans will be submitted for department review. Appropriate building permits will be secured.
3) Mountain Bell	- Ten-foot easements for utilities to be provided on all four sides of the site.
4) Police	- No response required.
5) Parks and Recreation	- No response required. - fee pmt.?

MIKE SUTHERLAND
Page Two
February 25, 1987

- 6) Fire Department
 - The Life Safety Code will be stressed in the design of The Peterson House. A fire access lane off. Patterson Road will be provided in reponse to Fire Code - U.F.C. 10 27 A-L. Such lane will be chained but will have emergency access. Construction plans will be submitted for review.
- 7) Public Service
 - Ten-foot utility easement will be provided on all four property lines.
- 8) County Planning
 - We are in conformance to Mesa County Policy #22(B) - No response required.
- 9) City Planning Department
 - 1) In the revised site plan, we have provided an additional 10 spaces for future parking requirements if needed for additional parking is demonstrated.
 - 2) Drainage/runoff plan has been incorporated in the revised site plan per the discussions held between The Peterson House architects and Grand Junction City officials.
 - 3) Two copies of the Western Engineers, Inc. soils investigation were submitted February 24, 1987 by Frank Wagner.
 - 4) The original Development Application with appropriate signatures is on file.
 - 5) Estimated water and sewage disposal requirements in gallons per day have been incorporated into the proper Subdivision Summary form.
 - 6) Any outdoor lighting fixtures will be directional and will not be allowed to be objectionable to any neighboring residences.
 - 7) The decision relative to signage for The Peterson House has not yet been made. If it is desired we will indicate locations desired and submit graphics to the Planning Department for approval.

MIKE SUTHERLAND
Page Three
February 25, 1987

8) Eighteen copies of the revised site plan and subdivision plat along with typical floor plans have been provided to the Planning Department.

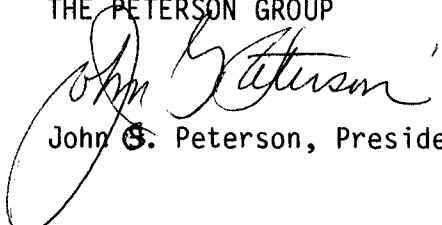
10) Health Department

- When completed plans for the food service areas will be submitted to Mesa County Health Department for approval prior to construction.

We hope this response will enable you to complete processing of our rezoning application. Please notify us if any additional information is needed.

Sincerely,

THE PETERSON GROUP



John S. Peterson, President

City Council
250 N. 5th St. G.J. 81501

2734 Patterson Rd.
Grand Jct. Co. 81506

March 10, 1987

Re: Rezone - 15th & Patterson

Ladies & Gentlemen,

There are two areas of concern to us regarding the rezone request submitted by the Peterson Group presently coming before you. You may wish to consider this request separate from the other consent items on your agenda. I speak for myself and several of my neighbors living east, west, and south of me.

1) First, there is the matter of safety. It is very dangerous for pedestrians to cross Patterson Road at or near 15th St, the proposed site for the new 46 unit retirement center. The director of Hilltop House Hospital stated at the Planning Commission meeting on 3 March that new facilities and their present ones, both located on the opposite side of Patterson Road would be used extensively by these new residents (average age 83 years old), as well as residents now living in the area. Mr. James Shank, your Director of Public Works, states in his speed survey (copy enclosed) that the average speed for the traffic at this location is nearly 50 miles per hour.

2) Our second concern involves the suitability of the proposed building for a college dormitory type use, as well as the proposed use for older people. The same type building is useful for the young as well as the very old. We would like some assurance that once the land is rezoned, the proposed use (justifying the rezone) is the only use to which the building will be put. A new owner 6 months or 6 years from now should be restricted to the same use.

In view of these concerns, we would like you to consider in your deliberations that the following conditions be met prior to granting the rezone request.

1) That a pedestrian crosswalk be provided at 15th St. across Patterson Rd. with a yellow flashing light to alert drivers that older and infirm pedestrians may be crossing. (The problem is already severe along this section of Patterson Rd. before adding this new input - no North/South crosswalks at all have been provided, even though this is still zoned a residential area and many residents and children must cross here).

2) That the speed zone along this section of Patterson Rd. be reduced back down to 35 miles per hour as it was prior to 5 Jan., 1987..

3) That you consider granting an exemption to present zoning for the conditional use the Peterson Group is requesting, rather than rezoning the property per se. This method, it seems to us, would permit the Peterson Group to proceed with their plans but would firmly restrict the use to the proposed use, and not allow creeping urbanization of an otherwise more rural/residential section of our town.

Respectfully,

James G. Ensley
James G. Ensley

Copies to James Shank, Public Works Director
Mike Sutherland, Planning Commission Staff

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT

MAR 10 1987



Grand Junction Planning Department
559 White Avenue, Room 60
Grand Junction, Colorado 81501-2643
(303) 244-1648

March 11, 1987

Mr. James G. Ensley
2734 Patterson Road
Grand Junction, CO 81506

Dear Mr. Ensley:

I received the copy of your letter and appreciate the fact that you are interested enough in the happenings around your neighborhood to get involved. It makes our jobs as staff easier to make informed recommendations and decisions.

There are a couple of points I would like to make that I probably could have clarified better during our telephone discussion. One is regarding the potential use of the Peterson House building under the unfortunate scenario of their not remaining in business in the long run. The second relates to the change in zoning.

Due to the nature of the Planned Development (PD) concept (in which the existing zone of PR8, as well as the proposed zone of PR16.2 are included), whatever proposal is approved as a final development plan is the only project that can be built or allowed on the property.

Should the Peterson House fail, then no other project could take its place without starting from ground zero, unless it was almost identical in nature to the Peterson proposal.

Using your example of the college dormitory, the owners would be required to submit a revised final plan to the Planning Department, appear before the Grand Junction Planning Commission at a public hearing (for which all neighbors within 200 feet of the property would be notified my mail), and most likely appear before the Grand Junction City Council. All neighbors would again have the opportunity to comment on the proposal.

Neither the Planning Department nor the City Council has a legal right to deny the property owner from proposing a different use on this property-- whether the Peterson House is approved or not. Therefore, there isn't any way of guaranteeing you that no other use will occur. Our only assurance is that if any use is proposed, the due process of a public hearing is guaranteed for all parties.

Mr. James G. Ensley
March 11, 1987
Page 2

Your suggestion that the City Council grant an exemption and Conditional Use for the Peterson House rather than a rezone has two inherent problems. These are:

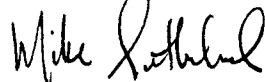
- 1) Under existing Zoning and Development Codes, there are no provisions for a variance (the more correct term than exemption) to "densities" under any zoning. Therefore, a variance cannot legally be granted without changing the regulations through the amendment process.
- 2) If a variance could, in fact, be granted, it would not affect the outcome in the event of a request for some other use. The procedure would again require application through the Planning Department and subsequent public hearings where it would be approved or denied based on the merits of the proposal.

It is the opinion of this department that your other concerns regarding safety along Patterson Road are indeed valid concerns. No matter whether the forty-six unit Peterson House is built, or twenty-four individual homes (under existing zoning), the issue of safety is very important, and a stoplight or crosswalk may be necessary.

The Planning staff will do everything we can to support the prevention of unneeded accidents at the 15th Street and Patterson Road intersection. Perhaps you would be willing to address the issue at the agenda review session on Monday, March 16. It will be held at Two Rivers Plaza at 7:00 p.m. in the evening and your attendance would be welcomed.

Again, Mr. Ensley, thank you for taking the time to provide input in this matter. If you would like any further information, please feel free to contact me.

Sincerely,



Michael E. Sutherland
City Development Planner

MES/tt

xc: City Council Members
Mark Achen
File #12-87



Grand Junction Planning Department
250 North Fifth Street
Grand Junction, Colorado 81501-2668
(303) 244-1430

May 18, 1987

Mr. Marc Fuller
The Peterson Group, Inc.
102 S. Tejon, Suite 1100
Colorado Springs, CO 80903

Dear Mr. Fuller:

This letter is to confirm details of the recently approved Peterson House project at the southeast corner of 15th Street and Patterson Road in Grand Junction, Colorado.

The approval was for a rezone and final development plan. The approved zone is PR-16.2 which translates to Planned Residential with up to 16.2 units per acre. The final development plan was approved for 46 units in a two-story building, with a specific site plan.

This proposal was approved by the Grand Junction Planning Commission on March 3, 1987 and City Council on March 18, 1987.

All necessary utilities are available to this site, with the City of Grand Junction providing sewer, water and trash pickup. Other private firms are available for trash disposal as well. Gas and electric utilities are available from Public Service Company of Colorado, and telephone service from Mountain Bell. It was stated at one public hearing that the property has existing irrigation water rights for use in landscape maintenance.

A building permit clearance will be necessary from the Planning Department prior to any construction, with the City-County Building Department issuing the actual building permit and, ultimately, the final sign permit as well.

If you or your associates need further information, please feel free to contact me at any time. Best of luck with your project.

Sincerely,

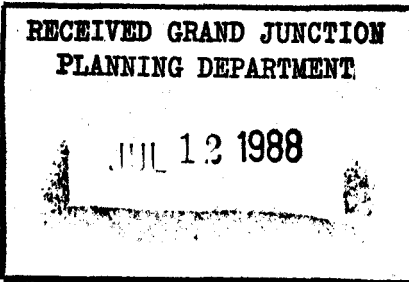
A handwritten signature in black ink that reads "Mike Sutherland". The signature is written in a cursive, somewhat stylized font.

Michael E. Sutherland
City Development Planner

MES/tt

xc: File #12-87

File Copy



DISTRICT COURT, MESA COUNTY, COLORADO

Case No. 88CV535

COMPLAINT

JAMES G. AND JOYCE D. ENSLEY

Plaintiffs,

v.

THE PETERSON GROUP, INC.; AND JOHN PETERSON, MARC FULLER, ED NOONAN, AL BULLOCK, MERV HIENECKE, AND DELCORE GENERAL CONTRACTORS, ALL DOING WORK FOR AND REPRESENTING THE PETERSON GROUP IN THE CONSTRUCTION OF "PETERSON HOUSE". THE CITY OF GRAND JUNCTION AND MIKE SUTHERLAND OF THE CITY PLANNING DEPARTMENT AND PAUL NELSON, CITY COUNCILMAN, BOTH MEN REPRESENTING THE CITY IN MATTERS RELATING TO THE CONSTRUCTION OF "PETERSON HOUSE".

Defendants

Plaintiff alleges and requests the following. That:

1. The District Court of Mesa County has jurisdiction in all the matters pertaining to this complaint.
2. Plaintiff has legal standing to sue. (Section 246, 82 Am Jur 2d page 779, Zoning and Planning).
3. Plaintiff requests a jury trial to hear this complaint.
4. Pursuant to Colorado Civil Rule No. 19.4: Plaintiff believes Paul Nelson (City Councilman), Mike Sutherland (City employee), and the City of Grand Junction should be equally liable co-defendants in this complaint. Plaintiff is informed, however, that the city operates as a sovereign and cannot therefore be made liable for damages caused by its actions. Accordingly, the City, Paul Nelson, and Mike Sutherland are joined in this action as defendants, only for purposes of the requested writ of Mandamus, or equivalent, unless the court determines otherwise.
5. Defendants have unlawfully caused by their actions a building called "The Peterson House", now nearing completion, to be erected on the southeast corner of Fifteenth street and Patterson Road in the city of Grand Junction, Colorado (Section 12-3-1, Grand Junction Zoning and Development Code, 1981). "Peterson House" abutts directly across the street from plaintiff's home.
6. "Peterson House", as constructed, substantially reduces the value and enjoyment of plaintiff's home. The building: a);

blocks plaintiff's view of the mountains, b); overwhelms and reduces the privacy of plaintiff's home because of its excessive height, and c); has an objectionable 6 by 48 foot lighted skylight high on the roof not allowed in the approved plans for the building.

7. The Peterson Group has erected the building in violation of the contract established between Mr. Marc Fuller (representing the Peterson Group), and plaintiff. The building is some 65 percent higher than agreed. Statement of agreement from records of the public hearing held by the City on March 3, 1987 (file No. 12-87) to assess the Peterson House proposal is attached (attachment No. 1).

8. The Peterson Group was given proper notice of plaintiff's concerns (see attached letter from Mr. Charles Traylor, attorney acting for plaintiff and delivered to defendants: Attachment No. 2).

9. The Peterson Group misled plaintiff in establishing the contract alluded to in Paragraph 7 in that they knew the building was to be higher than 22 feet when they made the agreement.

10. Defendant used the height statements "22 feet above the crown in the street," and "about as low as 2 stories can go" simply to prevent further objections, with respect to height, from plaintiff, and thereby gain approval of the planning commission for the proposed project.

11. The actual height of "Peterson House" as measured and reported by Peterson Group, is in excess of 36 feet (see attached document: Attachment No.3).

12. The building permit issued to Peterson Group on 8 December, 1987 for the construction of Peterson House was issued for a building of twenty-six feet in height, not thirty-six feet as presently constructed. The building erected does not conform to the building permit (see attached building permit and application: Attachment No.4).

13. The plans approved by the City of Grand Junction for the final plan and plat of the Peterson Group zoning change (see letter of approval: Attachment No. 5), are not the plans used to construct the Peterson House. These approved plans called for a flat roof on the main building.

14. The revised plans actually used to construct the building were not created until September 16, 1987, some six months after the final plan was approved by the City. The new plans call for a North/South silhouette some 12 feet higher than the approved plans. The new roof is a 16 foot high peaked roof some 180 feet long, not a flat roof, as had been approved.

15. The new plan caused the building to be constructed to a height some fifty-five percent higher than the approved plans called for.

16. Defendants did not comply with the planned Unit Development Amendment law as required by state law; Colorado Revised Statutes (CRS) 24-67-106, as amended dated 1973, which states in part: "No substantial modification...shall be permitted...except...following a public hearing...[and] does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the planned unit development...."

17. Defendants did not comply with state law CRS 24-67-104 as amended dated 1973 regarding notification to adjacent property owners of change or amendment to approved planned developments.

18. Defendants did not comply with the Grand Junction Zoning and Development Code as amended dated May 20, 1981, Section 7-5-6 regarding "Amendments to the final plan". No public hearing was held before the planning commission as required.

19. Defendants were made aware of plaintiff's concerns by; a) inviting City Councilman Paul Nelson to plaintiff's home to view the "Peterson House" construction and to review the problem on or about the afternoon of February 5, 1988 (problem to be forwarded to Peterson Group); b) a letter from plaintiff's attorney to Peterson Group (Attachment No. 2); c) going before the City Council in workshop and the City Planning Commission via agenda on or about February 20, 1988 to fully express plaintiff's concerns (to be relayed to defendants); d) several calls and personal contact with Mike Sutherland of the City Planning Department, (point man for the City permitting process vis-a-vis the Peterson project, December 1987 through present); e) two articles and editorial published on or about 3 March 1988 in the Daily Sentinel, and two stories on the Channel 8 television evening news describing plaintiff's complaints in some detail.

Wherefore plaintiff prays for relief as follows. That:

A. Civil penalties specified in the Grand Junction Zoning and Development Code 1981 section 12-4-2 be awarded to plaintiff as described therein.

B. 1) Compensatory damages be awarded to plaintiff for the devaluation of his home, and 2) for legal costs incurred due to actions or omissions undertaken by defendants.

C. Punitive damages be awarded to plaintiff in an amount the court/jury feels is sufficient to deter defendants further disregard for the law, for quasi-judicial public hearings, and for the rights of citizens.

D. The Court issue a writ of Mandamus, or equivalent, directing the City of Grand Junction and the administrator and responsible persons to abide by the intent, purpose, and letter of the Grand Junction zoning and development code, 1981 as amended. Specifically, that: 1) No changes by the administrator will be allowed in plans or proceedings that have been approved as a direct result of public hearings (Section 7-5-6), and 2) That the City take note and enforce section 2-2-2 C-1, regarding public hearings being "quasi-judicial in nature". Applicants (developers) must be held accountable by the city for their public testimony in so much as the central purpose of required public hearings is subverted when they are not.

E. An acceptable substitute for paragraph B1 is: a) defendants be required to remove the top portion of the "Peterson House" building (some 12 to 16 feet) above the 22 foot level and reconstruct same in accordance with the approved plans as the law requires, and b) that the planned unit development file, No. 12-87 approved March 18, 1987, be made null and void and that the zoning change from PR-8 to PR-16.2 be reversed as null and void since public hearings on amendments thereto were not held as required by state and local law (Section 244, page 775, and Section 245, page 777; 82 Am Jur 2d, Zoning and Planning).

Plaintiff Pro-se

James G. Ensley
 2734 Patterson Road
 Grand Junction, Colorado 81506
 Phone: (303) 242-5723

DEFENDENTS ADDRESSES:

The Peterson Group, Inc.
 102 South Tejon Street, Suite 1100
 Colorado Springs, Colorado 80903
 Phone (303) 578-3330

Headquarters
 Address

The Peterson Group, Inc.
 1501 Patterson Road
 Grand Junction, Colorado 81501
 Phone (303) 241-9706

Local
 Address

City Attorney
City of Grand Junction
250 North 5th Street
Grand Junction, Colorado 81501

Attachments:

- #1. Public meeting statement
- #2. Attorney's letter
- #3. Measurement on heights
- #4. Building Permit
- #5. Planning Department letter

Marc Fuller's rebuttal:

"Let me say overall on heights we're going to be about as low as two stories can go. We're going to average probably about 22 feet, above the native soil contours right now."

Mr. Ensley:

"Do you know where that is in relation to the street?"

Marc:

"O.K. in relation to the street we will be 22 feet above the crown in the street."

Unknown Questioner:

"Are you going to grade that off more level?"

Marc:

"Yes, the building inside is strictly one level, the foundation is one level; there's no stepping in the building, so we'll have to bring the site to a lower common denominator, so to speak. O.K., we'll take a lot of that crown off of the site. Lighting..."

Mr. Ensley:

"If it is 22 feet from the street up, then I can figure from that. The parking...."

TRAYLOR, ARNOLD, TOMPKINS & BLACK, P.C.

ATTORNEYS AT LAW

CHARLES J. TRAYLOR
RICHARD W. ARNOLD
JERRY B. TOMPKINS
PETER R. BLACK
ROBERT TRAYLOR
BARCLAY L. WESTERFELD

THE PROFESSIONAL BUILDING
443 NORTH 6TH STREET
MAILING ADDRESS: P. O. BOX 2540
GRAND JUNCTION, COLORADO 81502
303 • 242-2636

February 24, 1988

The Peterson Group
Attention: Marc Fuller

Gentlemen:

Mr. Jim Ensley has contacted our office regarding the total height of your nursing home.

In addition to other documents, he has furnished us with a verbatim statement taken from the Planning Commission hearing.

Marc Fuller's statement as recorded says: "O.K. in relation to the street we will be 22 feet above the crown in the street."

Relying upon this agreement and statements by your organization, Jim Ensley shook hands with all concerned and assumed the truthfulness of the above agreement. There is no question that everyone concerned understood that he was concerned that his view might be blocked if you exceeded the 22 feet.

No action was taken by him on a reliance of the above quotation by Marc Fuller.

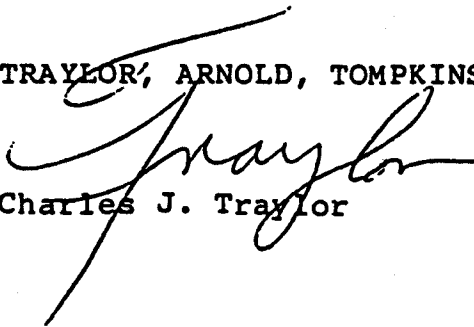
It appears after your visit to the Ensley home yesterday, that you intend to ignore your agreement with Mr. Ensley.

He advises me that unless you honor your agreement that he wishes me to consider what action he should take to require you to honor your agreement.

Mr. Ensley advised me that he certainly wants to be a good neighbor and hopes that you can arrange to comply with your agreement without any further time or expense.

Very truly yours,

TRAYLOR, ARNOLD, TOMPKINS & BLACK, P.C.


Charles J. Traylor

CJT/pr

Chicago Associates
Planners & Architects

February 26, 1988

Eight South Michigan Avenue
Chicago, Illinois 60603
312 332 5020

Mr. Mike Sutherland
Grand Junction Planning Department
250 North Fifth Street
Grand Junction, CO 81501-2668

Re: The Peterson House, 15th and Patterson Road

Dear Mike:

Enclosed are the heights and elevations you requested last Monday.

Merv Hienecke and I took these elevations on Tuesday, February 23rd with the jobsite transit.

If you have any questions, please contact Merv or myself.

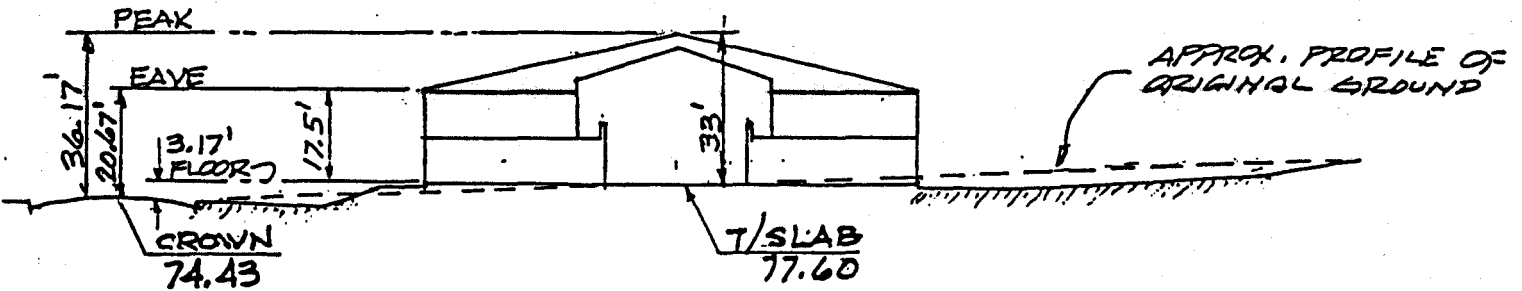
Very truly yours,



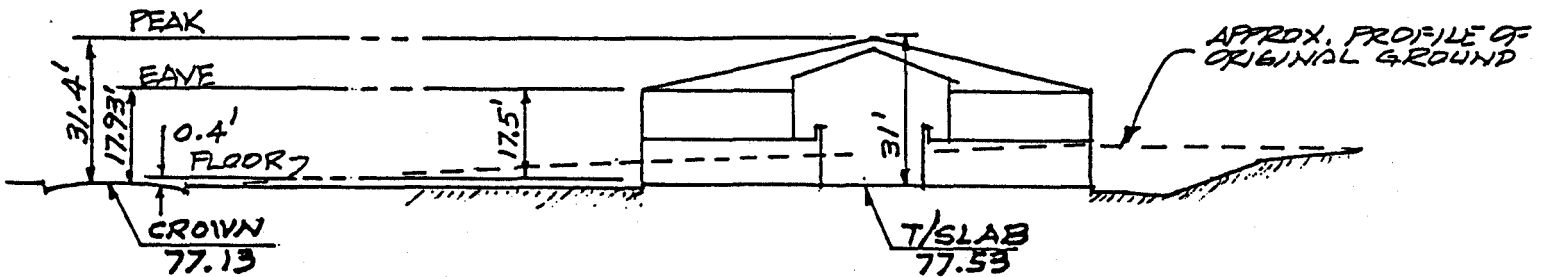
Al Bullock
Project Architect

cc: Merv Hienecke
Delcore General Contractors

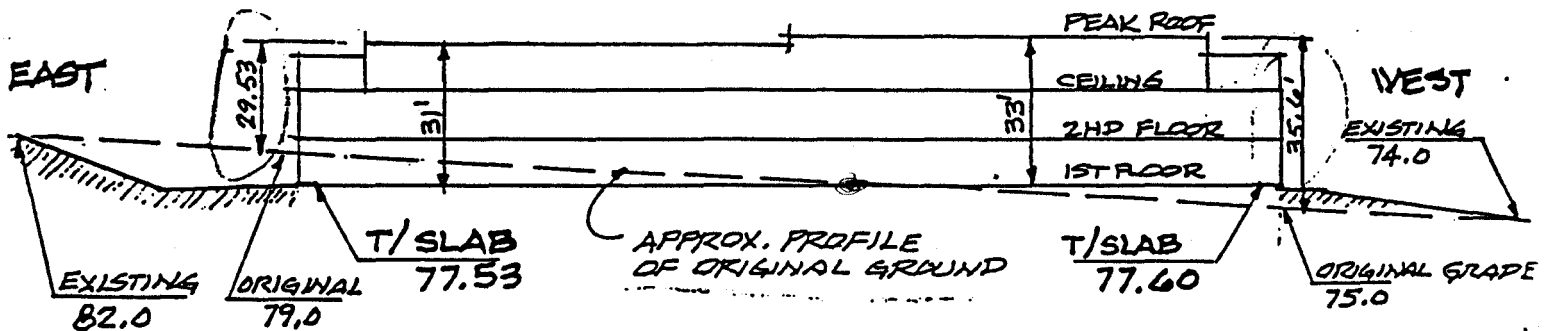
Ed Noonan
The Peterson Group



SECTION X-X AT WEST END OF BUILDING.

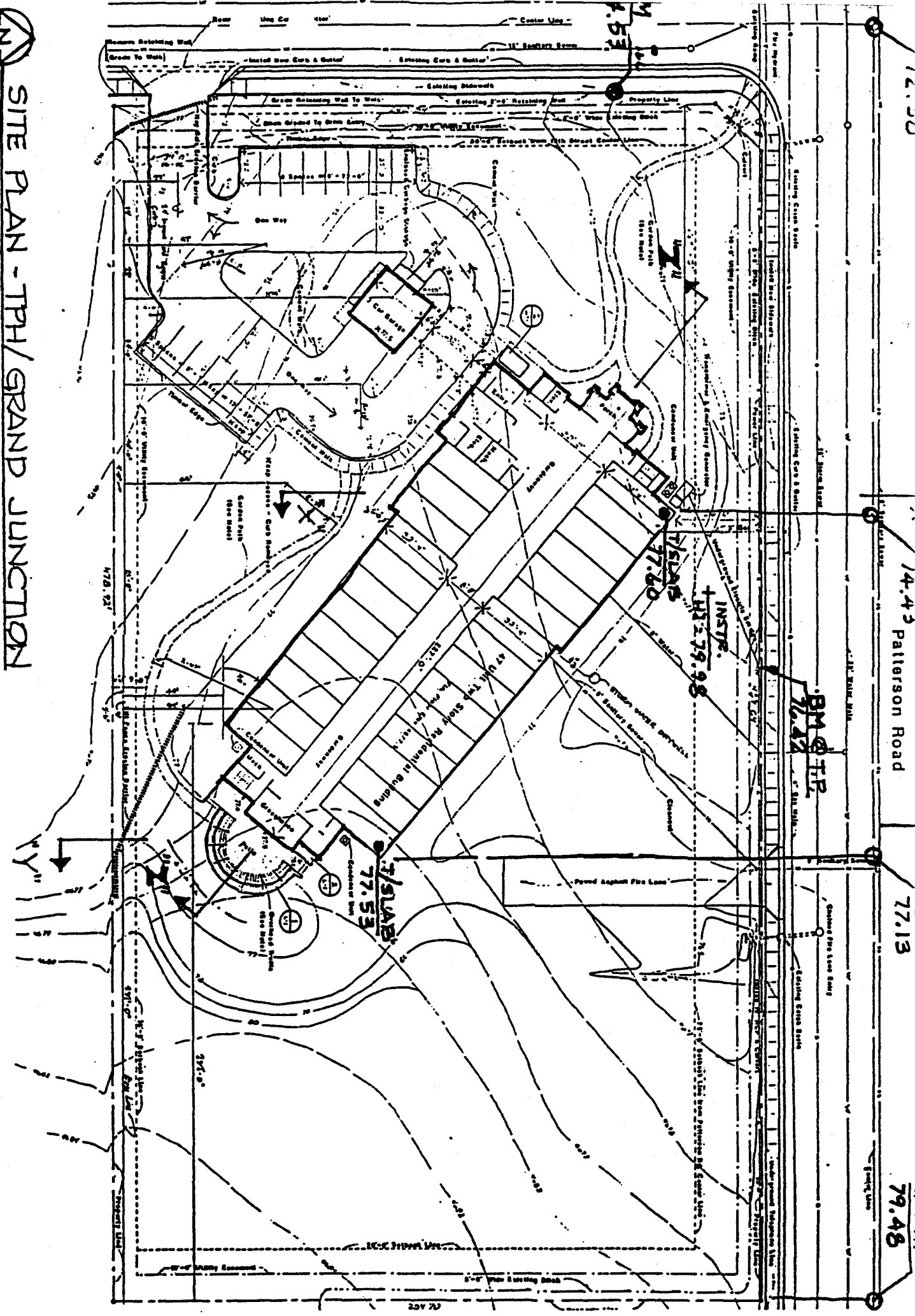


SECTION Y-Y AT EAST END OF BUILDING.



SECTION Z-Z THRU LONG AXIS OF BLDG.

SITE PLAN - TPH/ GRAND JUNCTION
NO SCALE



1 OF 2

2-22-88

14.20

14.45 Patterson Road

77.13

79.48

CITY _____
COUNTY _____

Permit No 292
DATE Sept 30

TO BE FILLED OUT BY APPLICANT

PLOT PLAN

VALUATION 1.3 million

NOTE: Show Easements, Property Line Dimensions All Other Structures, Specify North, and Street Name. For Odd Shaped Lots, Provide Separate Plot Plan.

LEGAL DESCRIPTION FCL 1506.00
MAIL ADDRESS 1501 Patterson Rd.
SUBDIVISION _____
FILING NO _____ LOT NO _____ BLK NO _____
TAX SCHEDULE NO 215-013-11002

OWNER NAME The Patricia Group
MAIL ADDRESS 102 S. Fejon St
CITY Co Spring PHONE _____

ARCH ENGINEER NAME _____
MAIL ADDRESS _____
CITY _____

CONTRACTOR NAME DAVID G.C.
ADDRESS 7400 E ORCHARD RY ST 2000
CITY Enid Okla Co. 73011
LICENSE NO 1095810400 PHONE 7704449

CLASS OF WORK 434-3896

NEW REMODEL _____ ADDITION _____
REPAIR _____ MOVE-ON _____ OTHER _____

Ft of Bldg 31066 Sq Ft of Lot 124312.2657
No of Floors 2 Height 26'
No of Family Units _____ No of Bedrooms _____

Occupancy:
Residence
Mobile Home _____
(HUD No.) _____
Commercial _____
Other _____

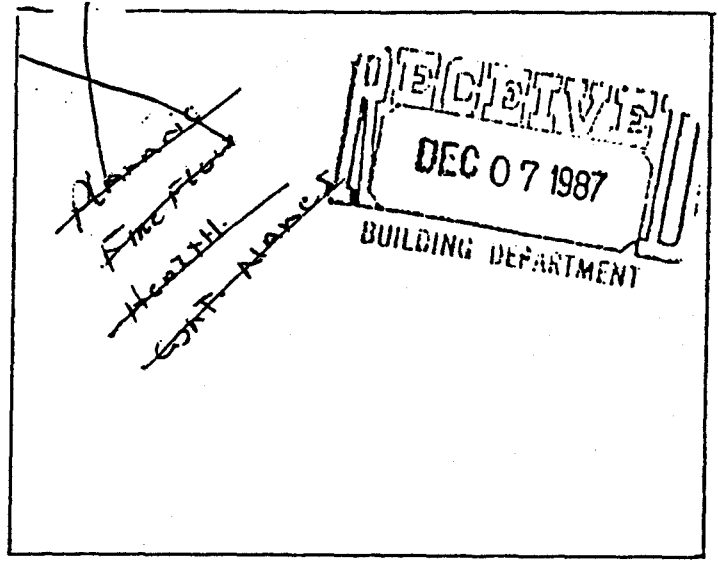
GARAGE: Single Dble CARPORT: Single NA Dble _____

FIREPLACE NA WOODSTOVE NA

Are Building Materials to be purchased outside Mesa County? Yes _____ No _____
State Sales Tax # NA

DOCUMENTS REQUIRED

- Radon Survey (248-7164)
- Building Plans
- Sanitary Sewer Clearance
- On-Site Sewage Disposal Permit
- Fire Flow Survey
- Planning
- Energy
- Food Handling - County Health Dept.
- Other _____



SHOW ALL SETBACKS FROM PROPERTY LINES

Description of Work Planned: In Construction of a 37 Unit Retirement Center

I hereby acknowledge that I have read this application and the above is correct and I agree to comply with all city and county ordinances and state laws regulating building construction.

NOTE TO APPLICANT: Reverse side of this form must be completed.

Merv Heinicke
SIGNATURE

FOR OFFICE USE ONLY

Approval Date 12-8-87 Bldg Dept By Boh
Special Conditions _____

