

Table of Contents

File 1990-0029

Name 2119 North 7th Street – Resubdivision

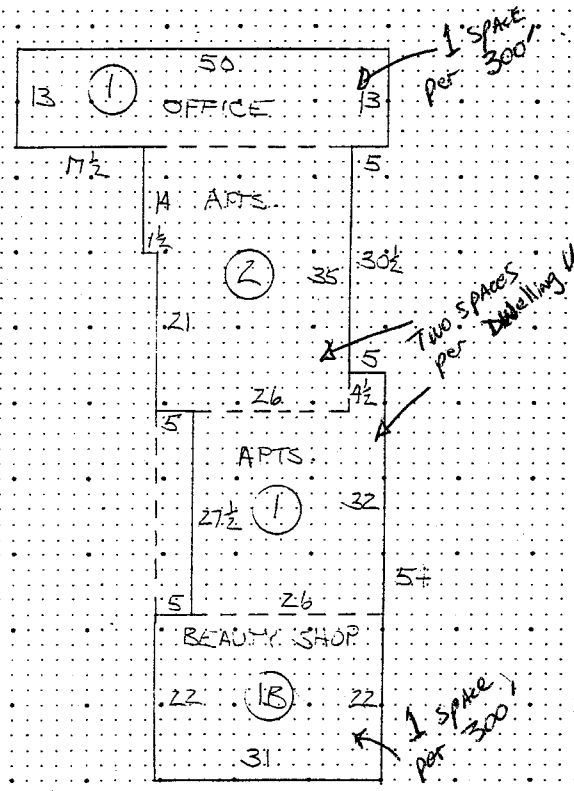
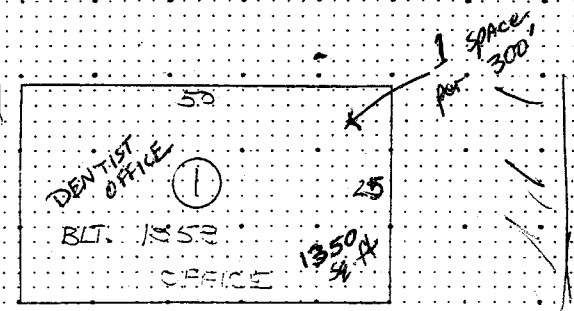
	S c a n n e d	<p>A few items are denoted with an asterisk (*), which means they are to be scanned for permanent record on the in some instances, not all entries designated to be scanned by the department are present in the file. There are also documents specific to certain files, not found on the standard 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>
X	X	Table of Contents
		Review Sheet Summary
		Application Form
		Review Sheets
X		Receipts for fees paid for anything
		*Submittal checklist
X	X	*General project report
		Reduced copy of final plans or drawings
		Reduction of assessor's map.
		Evidence of title, deeds, easements
		*Mailing list to adjacent property owners
		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 non-bound reports
		Traffic studies
X	X	*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)
<u>DOCUMENTS SPECIFIC TO THIS DEVELOPMENT FILE:</u>		
X	X	Action Sheet – None
X	X	Review Sheet Summary - None
X		Review Sheets
X		Development Application – 5/15/90
X		Warranty Deed – Viola Raso , Sanna Marle Poster, Carol Ann Newton and Andre Donald Raso convey to Everett M. Munro, Joseph J. Parker, Heman Bull and Rolland Raso – 1/30/63 – Reception No. 106819
X	X	City Council Minutes - ** - 7/5/90
X	X	Plat Plan
X	X	Memo from Dan Wilson to Karl Metzner re: parking requirements – 7/9/90
X	X	Letter from Karl Metzner to John Bull re: requirements for approval of plan- 7/10/90
X	X	Letter from John Bull to Karl Metzner re: Appeal of Administrative Decision – 7/27/90
X	X	Letter from Don Newton to Dr. John Bull daily traffic counts – 3/3/91

- 1) We propose the separation of the North 1/4 of Lot 5, Block 1, Bookcliff Park, from the remaining 3/4 of that same lot.
- 2) The parcel is located at 2119 North 7th Street and has a one doctor dental office.
- 3) The separation and sale of the parcel is to be completed within 90 days.
- 4-5) The buildings to the North are professional offices of similar construction in a stable use area for three blocks up to St. Mary's Hospital. The building to the South is a combined professional office and apartment building to the end of the Lot. The South side of Walnut & 7th Street is devoted to single family residences. The property across 7th Street is Tope Elementary School and the Medical Arts Professional Offices. To the East is a duplex then single family residences. This neighborhood has been configured in this stable use pattern since the 1950's and can be expected to continue for some time to come. During the past 30 years one gas station was replaced by a drug store and a grocery store replaced by a professional office in this block.
- 6) The building is to continue as a dental office as it has been the past eight years. The resubdivision is intended to perpetuate the present use and provide a saleable asset to enhance the value of the dental practice when sold in 20 -25 years.
- 7) Special circumstance variance request. Mill tailings are scheduled for removal in the area to be surveyed and a survey was completed in 1984 without preparation of a new plat. If the new survey monuments get in concrete now some of them will be destroyed by the tailings removal scheduled this summer.
The variance would be to allow a plat to be prepared on the basis of the 1984 survey monuments and presented to satisfy the document requirements, thereby complete the resubdivision procedure and allow the transfer of title to the land. After the restoration of the tailings removal project, the required monuments could be properly installed in Aug or Sept 1990.
- 8) The parking requirement is to be met with the creation of a common ingress and egress easement from the side of the lots adjacent to 7th Street. The green belt requirement is deficient as it has been since construction in 1955. This same deficiency is common to five of the six buildings in this block between Walnut and Bookcliff and no change is anticipated.

29 90

Original
Do NOT Remove
From Office ✓

AREA = 1450 #
 PERIMETER = 158 LF



AREA
 FIRST FLOOR - OFFICE = 650 #
 ARTS = 1065 #
 STORE = 632 #
 SECOND FLOOR - APT. = 931 #
 BASEMENT = 632 #
 TOTAL = 4610 #

PERIMETER
 FIRST FLOOR = 331 LF
 SECOND FLOOR = 125 LF

Tax ID #
 2945111-04-002

Preservation with plan
 0.74
 0. +
 0. *
 0. *
 0. *
 re subdivision 0. *
 33560 ÷
 2100 =
 15.98095238 *
 1450 * X
 15.98 =
 approx (23171. *)

Zone B-1



FOUNDATION		Grade	Quantity	Unit
A	Concrete		158 LF	
B	Block			
E	Beam Exc.			
EXTERIOR WALLS				
A	Frame			
B	8" Block			
C	12" Block			
D	Face Brick 4"		158 LF	
WINDOWS				
A	Double Hung			
B	Casement		122 #	
C	Sliding			
D	Fixed Sash			
E	Store Front		120 #	
F	Add'l Items			
STRUCTURAL				
A	Steel	Fire		
B	Reinf. Concrete			
C	Wood Timber			
ROOF				
1	Flt/BLT		1450 #	
A	Wood Joist			
B	Steel Deck			
C	Lam. Beam			
D	Reinf. Concrete			
TRUSS				
A	Bowstring			
B	Triangle or Howe			
C	Truss			
PITCHED L-M-H				
A	Laminated			
B	Wood			

FILE NO. #29-90

TITLE HEADING: ReSub L5 B1 Bookcliff Park

ACTIVITY: Resubdivision

PETITIONER: Dr. Bull

REPRESENTATIVE: Dr. John W. Bull & T. L. Hammer

LOCATION: 2119 North 7th Street

WRITTEN RESPONSE BY THE PETITIONER TO THE REVIEW COMMENTS IS REQUIRED.

6/20/90

CITY ENGINEER

Parking spaces shown in public right-of-way along 7th Street should be removed from the plat. If petitioner desires to continue parking in the right-of-way, a revokable permit will be required.

Also, a bumper block will be required in front of each parking space to prevent vehicles from encroaching onto the pedestrian sidewalk.

Painted parking stalls are required. Submit striping plan for parking to this office for approval.

6/20/90

PROPERTY AGENT

Plat appears to be creating a 5' wide utility easement across Lot 4. Is this an existing easement? If not, the petitioners probably do not have the authority to create this encumbrance. If this is the case, the easement should be removed from the plat and, if necessary, the easement should be obtained from the owners of Lot 4 by separate deed.

6/25/90

PLANNING DEPARTMENT

It is the petitioners responsibility to work out all problems or concerns with each review agency.

All requirements from review agencies must be met prior to approval from this office for the resubdivision.

Upon approval, the original mylar plat with signatures, a full size mylar copy, and one 11" X 17" mylar reduction must be submitted to this office. The original will then be recorded with the Mesa County Recorder's office.

All signatures on the plat shall be in permanent black ink.

Petitioner is responsible for all recording fees.

Dedication needs the following changes:

-- include "the City of Grand Junction" where Bookcliff Park is a part of Mesa County - (2 places).

(ReSub L5 B1 Bookcliff Park Continued)

Dedication needs the following changes continued...

- Replace "County of Mesa" to "the City of Grand Junction" where improvements shall be furnished by the seller or purchaser.
- In surveyor's Certificate: need to include that the plat conforms to applicable requirements of the Zoning and Development Code of the City of Grand Junction and all applicable state laws and regulations.

CITY ATTORNEY

(RESUB#29.DOC)

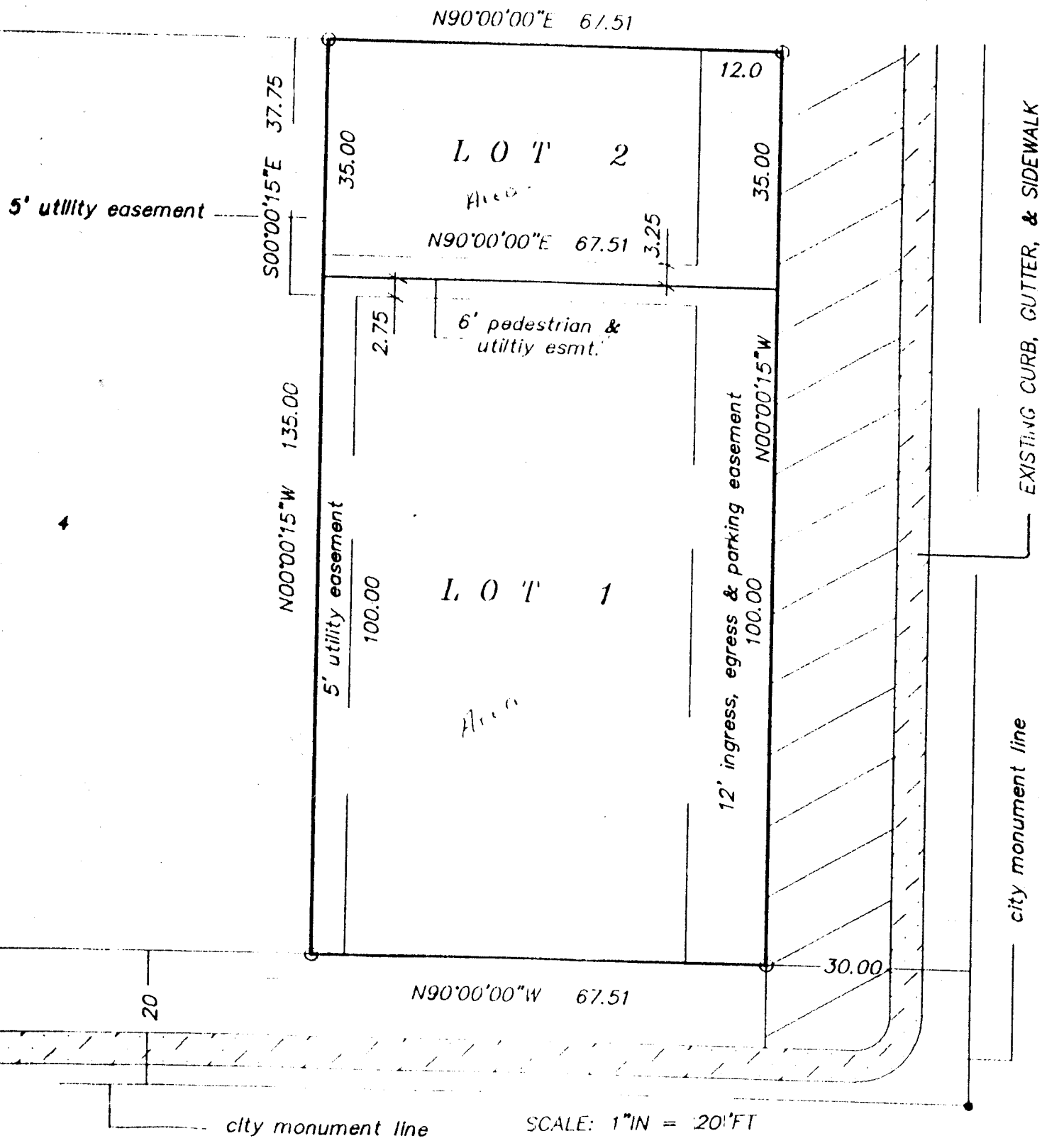
MEMORANDUM

DATE: July 9, 1990
TO: ✓Karl Metzner
FROM: Dan Wilson *DW*
SUBJECT: *Replot Lot 5*
BOOK CLIFF PARK Subdivison

The City cannot authorize a subdivision of a parcel unless adequate parking is provided for. Parking is not provided for if the only parking available involves the use of City right-of-way. The issuance of a revocable permit to authorize the City right-of-way for parking does not satisfy the requirements for a subdivision because the permit, by its nature, may be revoked.

This is true, even though the public has used the right of way for parking for many years, that use is permissive only.

DW:jj



SCALE: 1"IN = 20'FT



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

July 10, 1990

Mr. John W. Bull
2119 North 7th Street
Grand Junction, Colorado 81501

RE: Replat of Lot 5, Block 1, Bookcliff Park Subdivision, File
#29-90

Dear Mr. Bull:

The City Attorney, Mr. Dan Wilson, has reviewed your proposed resubdivision of Lot 5, Block 1, Bookcliff Park Subdivision, and it is his opinion that the resubdivision cannot be approved without the current required amount of off-street parking. I have attached a copy of his opinion.

Given the attorney's opinion, I must hereby deny the proposed resubdivision.

Please let me know if you have any additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karl G. Metzner".

Karl G. Metzner
Director of Planning

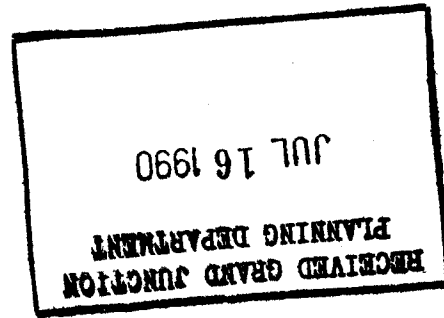
xc: Jim Shanks, Public Works Director
File #29-90



John W. Bull, D.D.S.

PEDIATRIC DENTISTRY

2119 N. 7th STREET
GRAND JUNCTION, CO. 81501
(303) 243-2855



July 16, 1990

Thru: Karl G. Metzner
Director of Planning

To: Grand Junction City Council
250 North Fifth Street
Grand Junction, CO 81501-2668

Re: Replot of Lot 5, Block 1, Bookcliff Park Subdivision
File # 29 - 90

Persuant to the City of Grand Junction Zoning and
Development Code, Section 2-2-2, C, 3 the Planning
Commission denial of the proposed resubdivision is hereby
appealed.

John W. Bull
John W. Bull
Petitioner

Dave

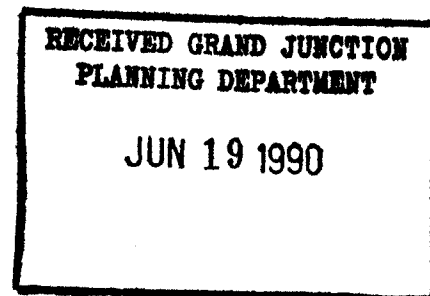
MEMORANDUM

To: Karl Metzner
From: Tim Woodmansee *Tim*
Date: June 19, 1990
Subj: Replat of Lot 5, Block 1, Bookcliff Park

This plat shows the right-of-way for North 7th Street immediately east of this property as being used for parking purposes. I am concerned that approval of the Plat with this delineation would put the City in an awkward position should the right-of-way be needed for road improvements.

I suggest the delineation be removed prior to approval. I also suggest the owners request a Revocable Permit to allow continued use of this area for parking purposes. I will schedule the Revocable Permit request for the July 5 Council meeting.

cc: Don Newton





90-4

John W. Bull, D.D.S.

PEDIATRIC DENTISTRY

2119 N. 7th STREET
GRAND JUNCTION, CO. 81501
(303) 243-2855

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT

JUL 27 1990

APPEAL OF ADMINISTRATIVE DECISION

July 27, 1990

Thru: Karl G. Metzner
Director of Planning

To: Zoning and Development Code Board of Appeals

Re: Replot of Lot 5, Block 1, Bookcliff Park Subdivision
File #29 - 90

Persuant to the City of Grand Junction Zoning and Development Code, Section 10-1-1B.1 and 10-1-1C.1, the administrative denial of a lot split is appealed.

The denial of a lot split by Karl Metzner, Director of Planning was derived from advice by Dan Wilson, city attorney, as a result of the resubdivision approval process.

A certified surveyor has prepared a plat and the lot split is workable. In fact, in the Review Comments from the City Engineer Property Agent and Planning Department, the minor changes required for approval are easily met. The single block to granting the lot split is the issue of parking located in the public right of way. A situation common to many, probably even a majority, of business zoned property prior to adoption of the 1973 Grand Junction Zoning and Development Code.

The stated purpose in Section 1-4 of "the code" is a "...development code for the city which promotes the health, safety and general welfare of the residents of the city. ...the attempt to provide flexibility ...within the context and intents of the entire code."

A key issue is found in Section 4-9-1 continuance states that a pre-existing non conforming use "shall be allowed to continue free of the provisions" of Section 4 and that this section "shall not prohibit normal maintenance of a non conforming use."

A key to interpretation of the continuance provision found in Section 1-6 Rules of Construction of Language - "the word 'shall' is always mandatory. The words 'may' and 'will' are permissive and are at the discretion of the governing body, planning commission or administrator as the context may require."

The parking requirement for the buildings on Lot 5, Bookcliff Park Subdivision have been met by use of the public parking space in the city right of way from the beginning. The continuance of this use is therefore allowed as a mandatory allowance not a permissive use.

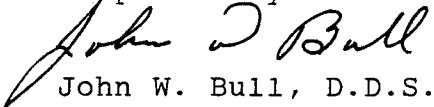
July 27, 1990

The city attorney is therefore simply in error stating that it was permissive and likewise in error stating that no subdivision (lot split) could be allowed because new development requirements demand private parking as opposed to public parking.

In fact, were the city attorney correct in this position the future sale and reconstruction of large downtown buildings as smaller units would be impractical and prohibited because of the city attorneys position that public parking could not be used to meet business parking requirements.

An additional issue favoring the approval of this lot split is that the public safety will be better served by allowance than by denial. Conditions of approval call for painting parking stall stripes and installing bumpers to stop the encroachment of vehicles onto the city sidewalk. Without approval of the lot split the impetus to undertake this additional expense is absent and other means to call for this action will need to be found.

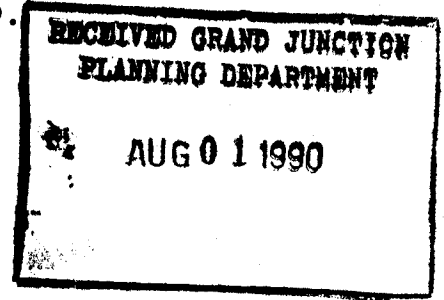
Respectfully submitted,


John W. Bull, D.D.S.



John W. Bull, D.D.S.

PEDIATRIC DENTISTRY
2119 N. 7th STREET
GRAND JUNCTION, CO. 81501
(303) 243-2855



RESPONSE TO REVIEW COMMENTS

July 30, 1990

To: Karl Metzner
Director of Planning

Re: Replot of Lot 5, Block 1 Bookcliff Park Subdivision
File #29 - 90

Response to City Engineer;

- A. Parking spaces shown have been removed from the plat.
- B. The revocable permit is tabled on advice of the city attorney and will be addressed in the Appeal of Administrative Decision now ongoing.
- C. Bumper blocks will be installed when the lot split purchase is approved.
- D. Painted parking stall plan is provisionally approved in initial draft. The final draft will contain the changes recommended by Don Newton.

Response to Property Agent;

- A. The separate deed is in the process of being prepared for the easment and an agent of the property owners assured us that it will be acceptable.

Response to Planning Department;

- A. Concerns are being addressed.
- B. The mylar plat is being corrected with the changes addressed in the balance of the planning review.

Response to City Attorney;

- A. The parking issue is addressed in the Appeal of Administrative Denial.

Respectfully Submitted,

John W. Bull
John W. Bull, D.D.S.



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

March 3, 1991

Dr. John Bull
2119 N. 7th Street
Grand Junction, CO 81501

Dear Dr. Bull:

Following are average daily traffic counts you requested on 7th Street between Orchard and Patterson Road.

We have no records past 1977.

1977	11,300 vehicles per day
1983	12,200 vehicles per day
1987	14,400 vehicles per day
1998	15,600 vehicles per day
1991	17,900 vehicles per day

I hope this information will meet your needs. Please call me at 244-1559 if you have any questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Don Newton".

Don Newton
City Engineer

xc: file

skw

file:bullcount