

Table of Contents

File 1993-0035

Name: Waiver of 1/2 Street Improvements - 2700 I-70 Business Loop

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, items are found on the list but are not present in the scanned electronic development file because they are already scanned elsewhere on the system. These scanned documents are denoted with (**) and will be found on the ISYS query system in their designated categories.</p> <p>Documents specific to certain files, not found in the standard checklist materials, are listed at the bottom of the page. Remaining items, (not selected for scanning), will be listed and marked present. This index can serve as a quick guide for the contents of each file.</p>
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X	X	Table of Contents
		*Review Sheet Summary
X	X	*Application form
X		Review Sheets
		Receipts for fees paid for anything
		*Submittal checklist
		*General project report
		Reduced copy of final plans or drawings
X		Reduction of assessor's map.
		Evidence of title, deeds, easements
		*Mailing list to adjacent property owners
		Public notice cards
		Record of certified mail
X	X	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
		*Review Comments
		*Petitioner's response to comments
X	X	*Staff Reports
		*Planning Commission staff report and exhibits
		*City Council staff report and exhibits
		*Summary sheet of final conditions

DOCUMENT DESCRIPTION:

X		Permit from CO Manufactured Housing Licensing Board	X	X	Grand Avenue Waterline Replacement Map - from 18 th Street to 28 Road - ** - GIS Historical Maps
X	X	Cost Estimate	X	X	Site Plan - ** - to be scanned
X		Correspondence			
X		Legal Ad - 3/30/93, 4/5/93			
X	X	City Council Minutes - ** - 4/7/93			
X	X	Planning Clearance - 3/15/93 - **			
X	X	Planning Commission Agenda/Minutes - 4/6/93 - **			
X	X	Illustrated photos			
X	X	Grand Avenue Waterline Replacement			
X	X	Agreement for road improvements - **			
X	X	Grand Junction Urbanized Area 1990 System Functional Classification			
X		Lease between Evelyn and Phillip Irwin and David Marye - 6/12/92			

COLORADO MANUFACTURED HOUSING LICENSING BOARD
1525 Sherman Street
Room 617
Denver, Colorado 80203-1767
(303) 866-2209
Mary L. Burgess
Executive Secretary

Department of Regulatory Agencies
Steven V. Berson
Executive Director
Division of Registrations
Bruce M. Douglas
Division Director



TO: LOCAL ZONING AUTHORITY

The Colorado Manufactured Housing Licensing Board requires a manufactured housing dealer to operate his business from a principal place of business devoted principally to and occupied for commercial purposes. See C.R.S. 1973 as amended, 12-51.5-116.

135 93

Principal Place of Business is defined to mean "a site at which a licensed manufactured housing dealer conducts business, including any business incidental to the sale, setup, or servicing of manufactured housing", see C.R.S. 1973 as amended, 12-51.5-101(7).

The undersigned certifies to the Colorado Mobile Home Licensing Board as follows:

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The property located at 2700 I-70 Bus Loop.
Grand Junction, Colorado 81501

is principally devoted to commercial purposes and may be used for business activities incidental to:

- Yes No
- Retail sale of mobile homes with on site display.
- Retail sale of mobile homes with no on site display.
- Contracting for setup of mobile homes.
- Contracting for servicing of mobile homes.

NAME OF OFFICIAL ZONING AUTHORITY OR AUTHORIZED OFFICIAL

By: City of Grand Junction Community Development, Planner
Name Title

Print Name: Kristen K. Ashbeck November 23, 1992
Date

Phone Number: 244-1430

Official Seal:



Grand Junction Community Development Department
Planning • Zoning • Code Enforcement
250 North Fifth Street
Grand Junction, Colorado 81501-2668
(303) 244-1430 FAX (303) 244-1599

March 19, 1993

Jan and David Marye
216 North Avenue #2
Grand Junction, CO 81501

Dear Mr. and Ms. Marye:

This is in follow up to our discussions on March 18th concerning your proposed development of the property located at Grand Avenue, 28 Road and I-70B. The property is zoned C-2 which allows mobile home sales. However, the development does require certain upgrades to the site as per the Zoning and Development Code. Those improvements include a dust free surface for the display area and customer parking area, landscaping and half-street improvements for the Grand Avenue frontage.

The Code requires a dust-free surface for all vehicular traffic areas. Gravel, as proposed, would be acceptable for the mobile home display area because of the low volume of traffic. City Engineering prefers the customer parking area be paved, however, a gravel surface would be acceptable if parking blocks were provided to delineate the spaces.

The landscaping requirement is calculated on street frontage. For the I-70B frontage the requirement is 551 square feet (147' x 5' x .75), along Grand Avenue the requirement is 862.5 square feet (90' x 10' x .75 and 50' x 5' x .75), for a total landscaping requirement of 1,413.5 square feet. Of that requirement the Code requires one tree per 500 square foot increment and that at least 40% of the landscaped area be in shrubs.

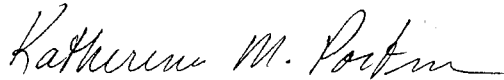
Half-street improvements are also required for any adjacent roadways not built to City standards. In the case of Grand Avenue that would include curb, gutter and sidewalk and half the pavement mat. The estimated cost for those improvements is \$45 to \$55 per linear foot.

As discussed in our meeting with Mark Achen, City Manager, the staff does not have the authority to waive any of those requirements. Variances to the landscaping requirement must be decided by the City Council upon recommendation by the Planning Commission. A request to waive the requirement for half street improvements must be made to the Board of Appeals. The Planning Commission meets the first Tuesday of every month and the Board of Appeals meets the second Wednesday of every month. The next hearing dates are April 6th for Planning Commission and April 14th

for Board of Appeals. To get on those agendas we must have a written appeal by you submitted to the Community Development Office no later than noon on Thursday, March 25th to meet our legal advertising requirement.

If you choose to go through with the development of the site the final site plan will have to be reviewed and approved by the Community Development Department and Public Works. Proposed signage must meet the requirements of the sign code and requires a permit to be obtained by a licensed sign contractor. If you have further questions please call me at 244-1446.

Sincerely,



Katherine M. Portner
Planning Supervisor

xc: Mark Achen, City Manager
J.D. Snodgrass

WILLIAMS, TURNER
& HOLMES, P.C.

ATTORNEYS AT LAW

ANTHONY W. WILLIAMS
BERNDT C. HOLMES
J.D. SNODGRASS

WILLIAM D. PRAKKEN
DONALD E. JORDAN
DAVID J. TURNER

MARK A. HERMUNDSTAD
SUSAN M. CORLE
JOHN P. GORMLEY

THOMAS C. VOLKMAN
Also Admitted in Arizona
GEOFFREY R. NIMS
Also Admitted in Utah

OF COUNSEL
WARREN L. TURNER
BERNARD A. BUESCHER

March 25, 1993

Larry Timm, Director
Community Development Department
City of Grand Junction
250 North 5th Street
Grand Junction, CO 81501

35 93

Re: NOTICE OF APPEAL: Half-Street Improvement Fee
2700 I-70 Business Loop
Evelyn L. and Phillip D. Irwin

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Office

Dear Mr. Timm:

This firm and the undersigned represent Evelyn L. and Phillip D. Irwin, the owners of property described in Exhibit A and located at 2700 I-70 Business Loop (the Property). A portion of the applicable Mesa County Assessor's plat has been attached as Exhibit B with the Property's location identified. The Irwins have leased the Property to David Marye. By letter dated March 19, 1993 to Jan and David Marye, a copy of which is attached as Exhibit C, the Community Development Department advised that, among other things, half-street improvements for Grand Avenue would be required (or the equivalent amount escrowed) before the Marye's could proceed with their use of the Property. This letter shall serve as the notice of appeal by the Irwins from the requirement that half-street improvements be made to Grand Avenue as further set forth in Sections 5-4-1(E, F, G and H) of the City of Grand Junction Zoning and Development Code (the Code). We request that this matter be placed on the agenda of the Zoning and Development Code Board of Appeals for hearing at its next regularly scheduled meeting, all in accordance with Chapter Ten of the Code.

Mr. and Mrs. Irwin request that their lessee, David Marye, be allowed to complete the placement on the Property of a manufactured home sales lot without the necessity of the payment of the half-street improvement fee as set forth in the Code sections cited above. Grand Avenue abuts the Property on the North and is designated by the City as a Collector street in this area. See Exhibit D attached. Indian Wash runs along and parallel with the eastern boundary of the Property.

The Irwin's have owned the Property for many years. An old structure that had been located on the Property was recently torn down. Up until 1986, the Property had been used for a mobile home sales lot but it has been completely vacant since 1986. Other than the concrete pad where the old structure was, there are no

35 93

In Re Appeal: Half-street improvement fee
2700 I-70 Business Loop (Irwin)
March 25, 1993 - Page Four

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C. Rice

Code as strictly applied will result in undue hardship and unfairness. Strict application of the Code in this instance does not seem to be in the best interests of the City.

The Irwins request that no half-street improvement fee be required of them at this time.

WILLIAMS, TURNER & HOLMES, P. C.

By: J. D. Snodgrass
J. D. Snodgrass
Attorneys for Evelyn L. Irwin
and Phillip D. Irwin

I ACKNOWLEDGE RECEIPT of the foregoing Notice of Appeal, with attached Exhibits A through F, this 25th day of March, 1993, at 11:37 o'clock a.m.

CITY OF GRAND JUNCTION

By: Marcia Peterson
Community Development Department

#35 93

In Re Appeal: Half-street improvement fee
2700 I-70 Business Loop (Irwin)
March 25, 1993 - Page Three

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Office

street improvements. It appears that in the few instances where the half-street improvement fee has been required, there have been substantial construction expenses involved on improvements to and on the property. Here, the required half-street improvement fee of approximately \$7500 approaches the cost of doing the other required improvements to the Property such as graveling, landscaping and signing. The other instances where half-street improvement fees have been required included major building projects and the potential of substantial increases of traffic.

The Code defines a development as, among other things, placement of a use on a parcel of land. Code, Chapter Twelve. A developer is, among other things, a person who participates in a development. Code, Chapter Twelve. Taken literally, any person within the City limits who "places a use" on his land may be required to pay half-street improvements for a collector or arterial street abutting his land. The requirement is not tied in any way to the increased use of the street or the size or nature of the "use." Likewise, there is no consideration given to the adverse economic impact on a property owner that is simply trying to put vacant property to some use without the inordinate expenditure of monies for which there will not be sufficient revenues to pay. Here, the Irwins receive rent from the Property of \$6000 per year (\$12000 for the two year term of the lease). They are being asked to pay more than one years worth of rent just to be able to gain a productive use of the Property where no major construction is being done on the Property. Conversely, the City will be benefitted by the enhancement of the Property and tax collections obtained from the use on the Property where there were none before. To require the payment of half-street improvements for curb, gutter and new paving when there are no curbs and gutters near the property seems inappropriate and unfair.

The purpose of the Code is to allow officials to "...respond to the demands of change rationally, uniformly, and consistently..." through a "...clear, orderly, efficient, and integrated development Code...which promotes the health, safety and general welfare of the residents of the City." This Code section goes on to state that while the majority of situations "...should fall into easily identifiable processes and requirements, there has been an attempt to provide flexibility in dealing with a situation which may fall outside these normal processes and requirements." The Board is urged to consider that this is a situation that does fall outside the normal processes and requirements and that the



Grand Junction Community Development Department
Planning • Zoning • Code Enforcement
250 North Fifth Street
Grand Junction, Colorado 81501-2668
(303) 244-1430 FAX (303) 244-1599

March 26, 1993

J.D. Snodgrass
Williams, Turner & Holmes, P.C.
200 N. 6th Street
P.O. Box 338
Grand Junction, CO 81502

Dear Mr. Snodgrass:

We are in receipt of the Notice of Appeal for half street improvement fees for 2700 I-70 Business Loop on behalf of your clients Evelyn L. and Phillip D. Irwin. I had originally indicated to you and your clients' lessees that an appeal of the requirement of section 5-4-1.E of the Zoning and Development Code would be heard by the Board of Appeals. After further review of the Code it has been determined that a request to waive the fee must be heard by Planning Commission for a recommendation to City Council as per section 5-4-16 of the Code. Therefore, the request has been scheduled for the Planning Commission Hearing on April 6, 1993 at 7:00 p.m. and the City Council Hearing on April 7, 1993 at 7:30 p.m., both in the City/County Auditorium. The property owners or their representative must be present at both hearings.

Please call me at 244-1446 if you have further questions.

Sincerely,

A handwritten signature in cursive script that reads "Katherine M. Portner".

Katherine M. Portner
Planning Supervisor

**WILLIAMS, TURNER
& HOLMES, P.C.**

ATTORNEYS AT LAW

ANTHONY W. WILLIAMS
BERNDT C. HOLMES
J.D. SNODGRASS

WILLIAM D. PRAKKEN
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THOMAS C. VOLKMAN
Also Admitted in Arizona
GEOFFREY R. NIMS
Also Admitted in Utah

OF COUNSEL
WARREN L. TURNER
BERNARD A. BUESCHER

April 6, 1993

Mr. Larry Timm, Director
Community Development
City of Grand Junction
250 North 5th Street
Grand Junction, CO 81501

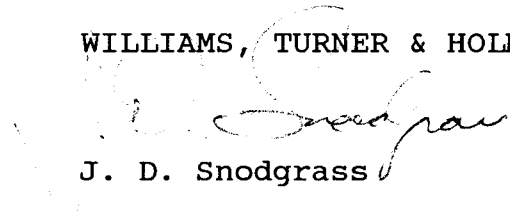
Re: Evelyn Irwin and Phillip Irwin (Property Owners)
2700 I-70 Business Loop
Appeal of Half Street Improvement Fees

Dear Mr. Timm:

On behalf of our clients, Evelyn Irwin and Phillip Irwin, our firm hereby appeals the decision reached at the Planning Commission meeting held last night, April 6, 1993, denying our request for waiver of the half street improvement fees.

Yours very truly,

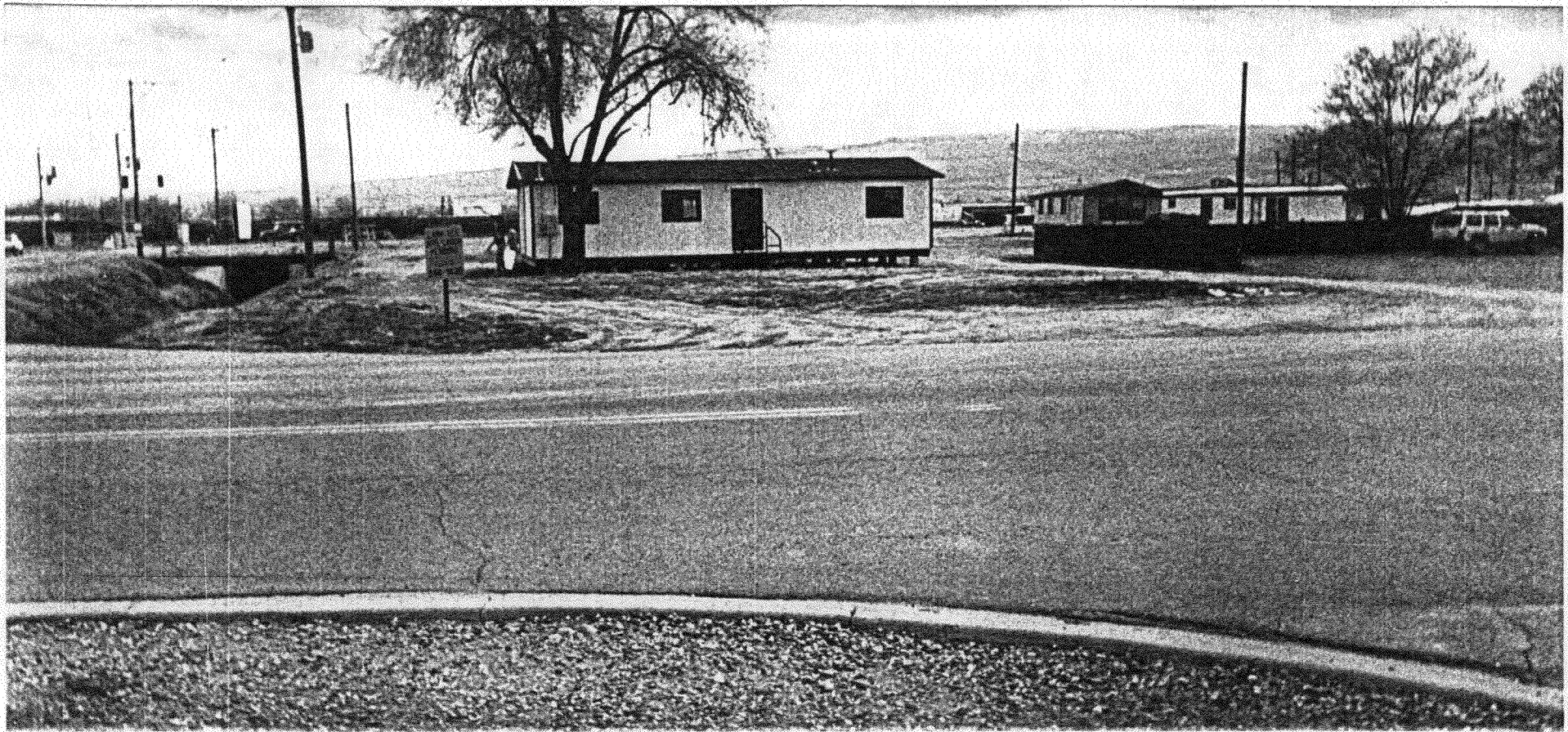
WILLIAMS, TURNER & HOLMES, P. C.


J. D. Snodgrass

JDS/csc

Re: Evelyn L. and Phillip D. Irwin (Property Owners)
Appeal for half street improvement fees for 2700 I-70 Business Loop

3



Date: April 1, 1993 (2:30 p.m.)

Photograph of property taken from north side of Grand looking south.

Re: Evelyn L. and Phillip D. Irwin (Property Owners)
Appeal for half street improvement fees for 2700 I-70 Business Loop

4

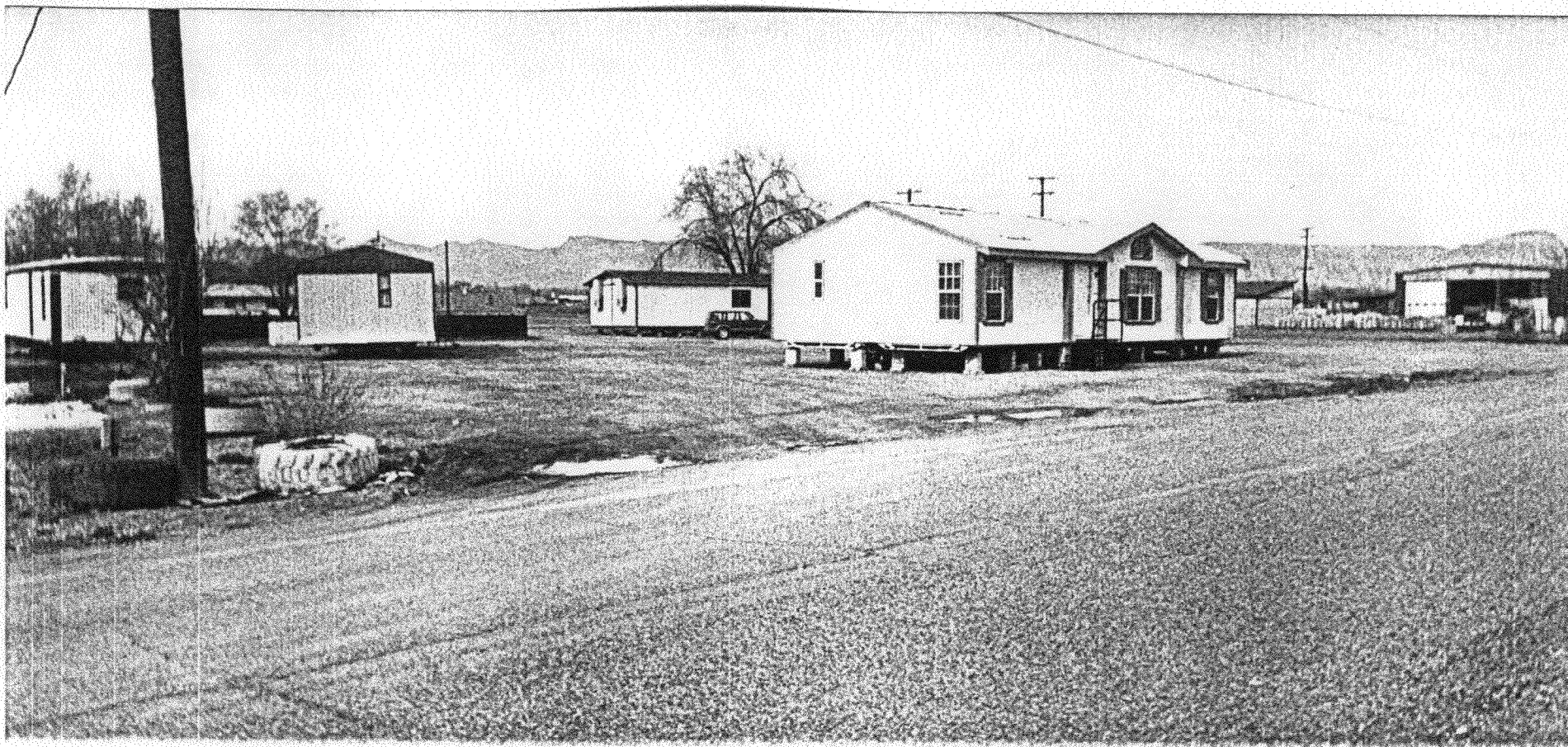


Date: April 1, 1993 (2:30 p.m.)

Photograph of property taken standing on north side of Grand Avenue, looking in a southeasterly direction

Re: Evelyn L. and Phillip D. Irwin (Property Owners)
Appeal for half street improvement fees for 2700 I-70 Business Loop

5



Date: April 1, 1993 (2:40 p.m.)

Photograph of south side of subject property looking in a northeasterly direction.

Re: Evelyn L. and Phillip D. Irwin (Property Owners)
Appeal for half street improvement fees for 2700 I-70 Business Loop

①

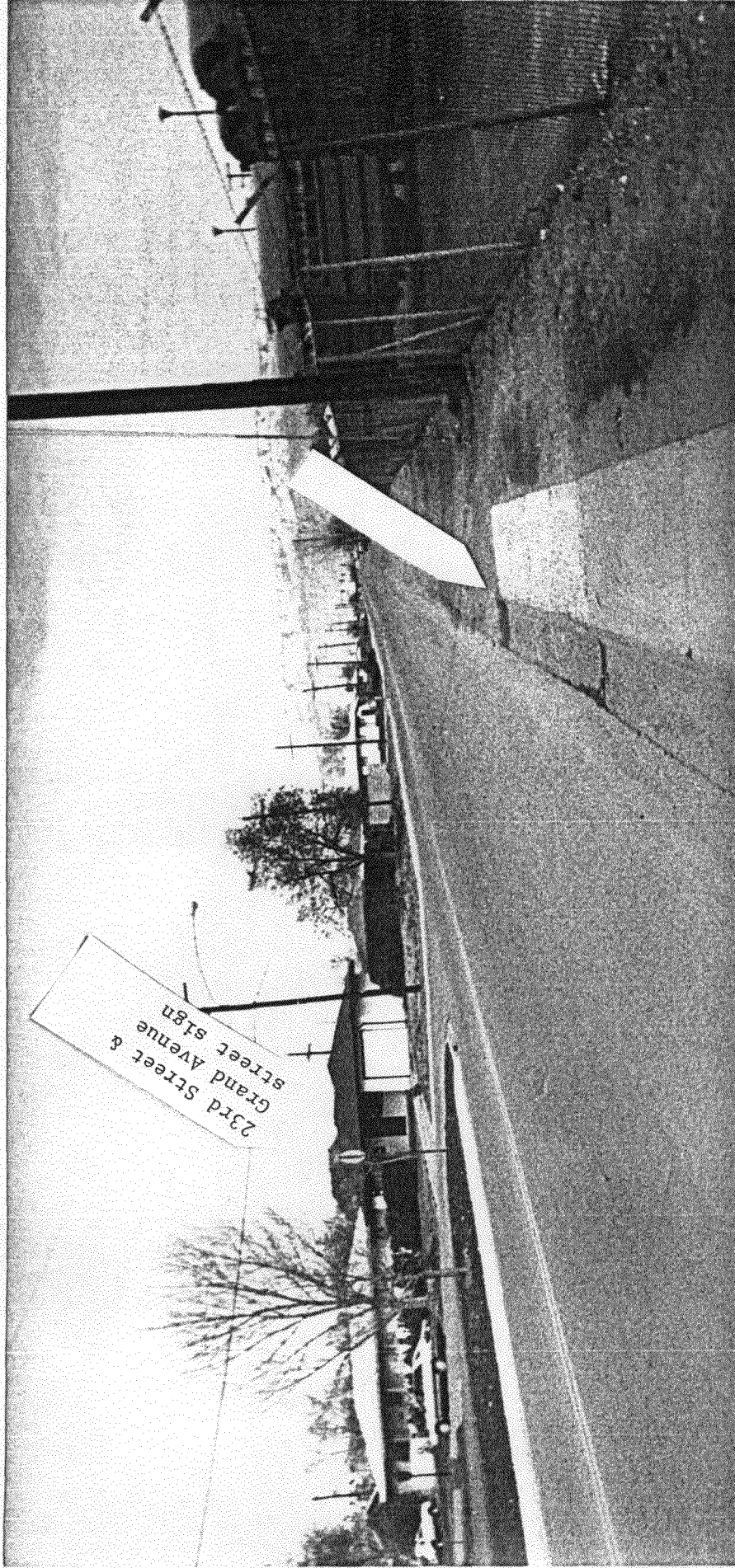


Date: April 1, 1993 (2:30 p.m.)

Photo of where curb and gutter ends on south side of Grand Avenue. Photograph taken approximately four blocks west of subject property; standing on north side of Grand Avenue just west of 23rd and Grand Avenue street sign.

Re: Evelyn L. and Phillip D. Irwin (Property Owners)
Appeal for half street improvement fees for 2700 I-70 Business Loop

2



Date: April 1, 1993 (2:30 p.m.)

Photo of where curb and gutter ends on south side of Grand Avenue (approximately four blocks west of subject property). Photograph taken standing on south side of Grand Avenue facing east.

COST ESTIMATE FOR STREET IMPROVEMENTS
AT 2707 GRAND

By J.D.N.
4-15-93

Property Frontage from bridge to
west property line = 100' ±

Existing pavement width
south of Monument Line = 20'
north of Monument Line = 16'

Property owner responsible
for half street improvement
based on Commercial Section

7' wide curb, gutter & sidewalk
18' wide pavement (20' pavement existing)
3' strip between gutter & existing pavement

COST EST.

7' Curb, gutter & sidewalk 100' x \$25 = \$2500

30' driveway section (add) 30' x 7' x \$1.00 = \$210

Hot Bituminous Pavement 100' x 3' = 300 sq ft.

6" thick @ \$3.32 sq ft. 300 sq ft. x ~~\$3.32~~ 3.32 = \$996

Saw Cut asphalt pavement

\$1.00 / Ln Ft.

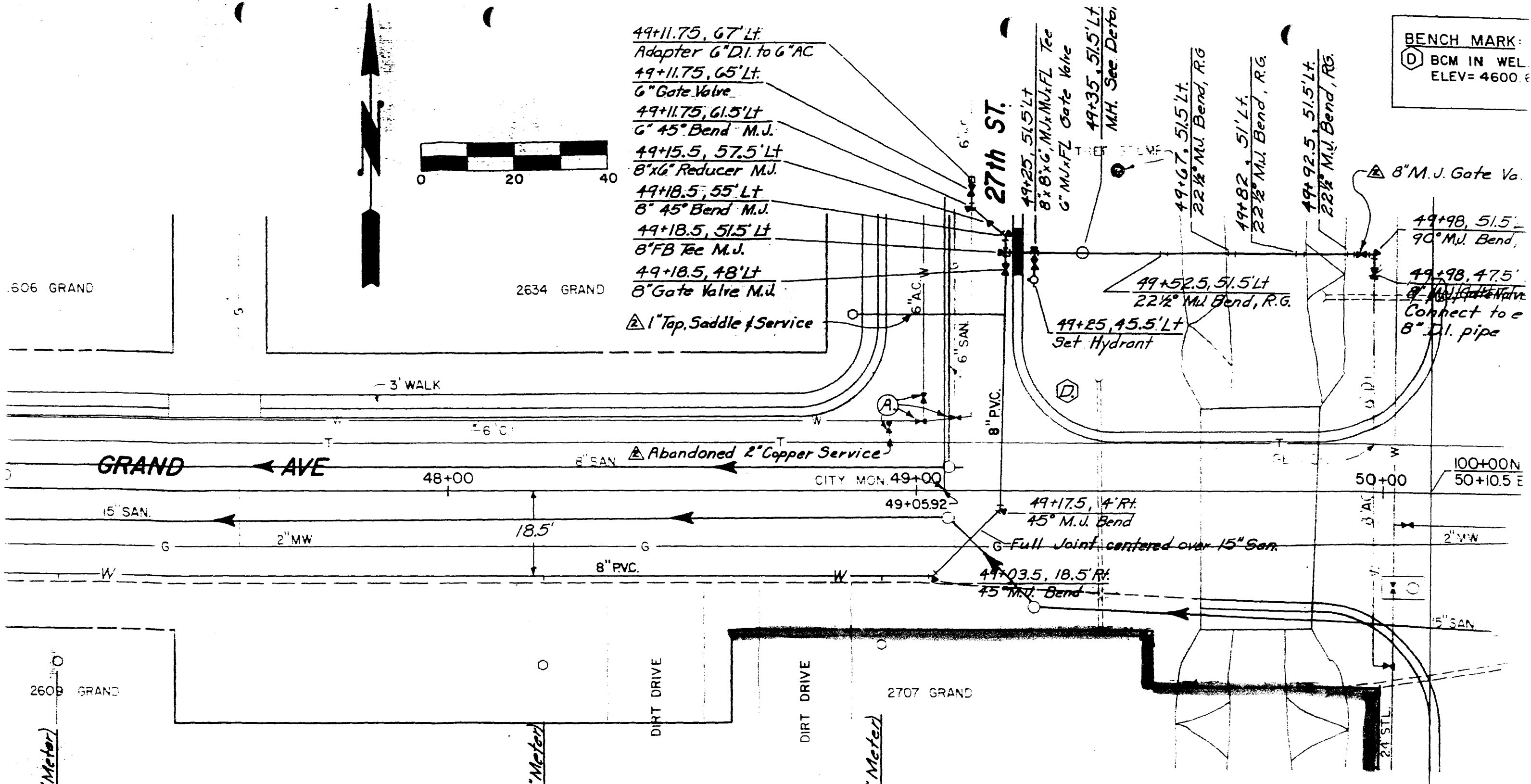
100' x \$1.00 = \$100.00

Total \$3,806.00

PARCEL I: Beginning 30 feet South of the East Quarter Corner of Section 13, Township 1 South, Range 1 West of the Ute Meridian, thence South 250.1 feet, thence South 72 Degrees 52' West 157 feet, thence North to a point West of Beginning, thence East to Beginning.

PARCEL II: Beginning at the East Quarter Corner of Section 13, Township 1 South, Range 1 West of the Ute Meridian, thence South 89 Degrees 48' West 150.43 feet, thence South 0 Degrees 08' East 142.5 feet for a point of beginning, thence South 89 Degrees 48' West 95.63 feet, thence South 00 Degrees 08' East 223.45 feet to the Northerly Right-of-way of U.S. Highway 6 & 24, thence along said Northerly Right-of-way North 72 Degrees 52' East 100.00 feet, thence North 00 Degrees 08' West 194.33 feet to the Point of Beginning.
County of Mesa, State of Colorado

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BENCH MARK:
 D BCM IN WELL
 ELEV= 4600.6

- 49+11.75, 67' Lt.
- Adapter 6" D.I. to 6" AC
- 49+11.75, 65' Lt.
- 6" Gate Valve
- 49+11.75, 61.5' Lt.
- 6" 45° Bend M.J.
- 49+15.5, 57.5' Lt.
- 8"x6" Reducer M.J.
- 49+18.5, 55' Lt.
- 8" 45° Bend M.J.
- 49+18.5, 51.5' Lt.
- 8" FB Tee M.J.
- 49+18.5, 48' Lt.
- 8" Gate Valve M.J.
- △ 1" Top. Saddle & Service

606 GRAND

2634 GRAND

3' WALK

GRAND AVE

48+00

CITY MON. 49+00

50+00

100+00N
50+10.5 E

2608 GRAND

DIRT DRIVE

DIRT DRIVE

2707 GRAND

47+15.5, 37.5' Rt. (1" Meter)
1" Top. & Service

- bridge across Indian Wash currently has curb & sidewalk - does not need to be included in per linear cost.

- when is Grand Ave. scheduled to be rebuilt

48+20.5, 37.5' Rt. (5/8" Meter)
See Note "H"

= asphalt line and curb

= property line

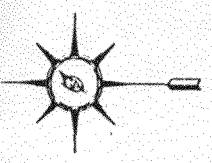
48+22.5, 33' Rt. (5/8" Meter)
1" H"

Portion of City of Grand Junction Department of Public Works and Utilities, Engineering Division map re:

GRAND AVENUE WATERLINE REPLACEMENT
18th STREET to 28th ROAD
 GRAND AVE.-27th ST. to 28 ROAD

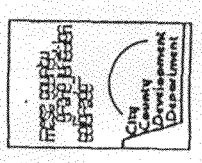
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SCALE 1" = 200'

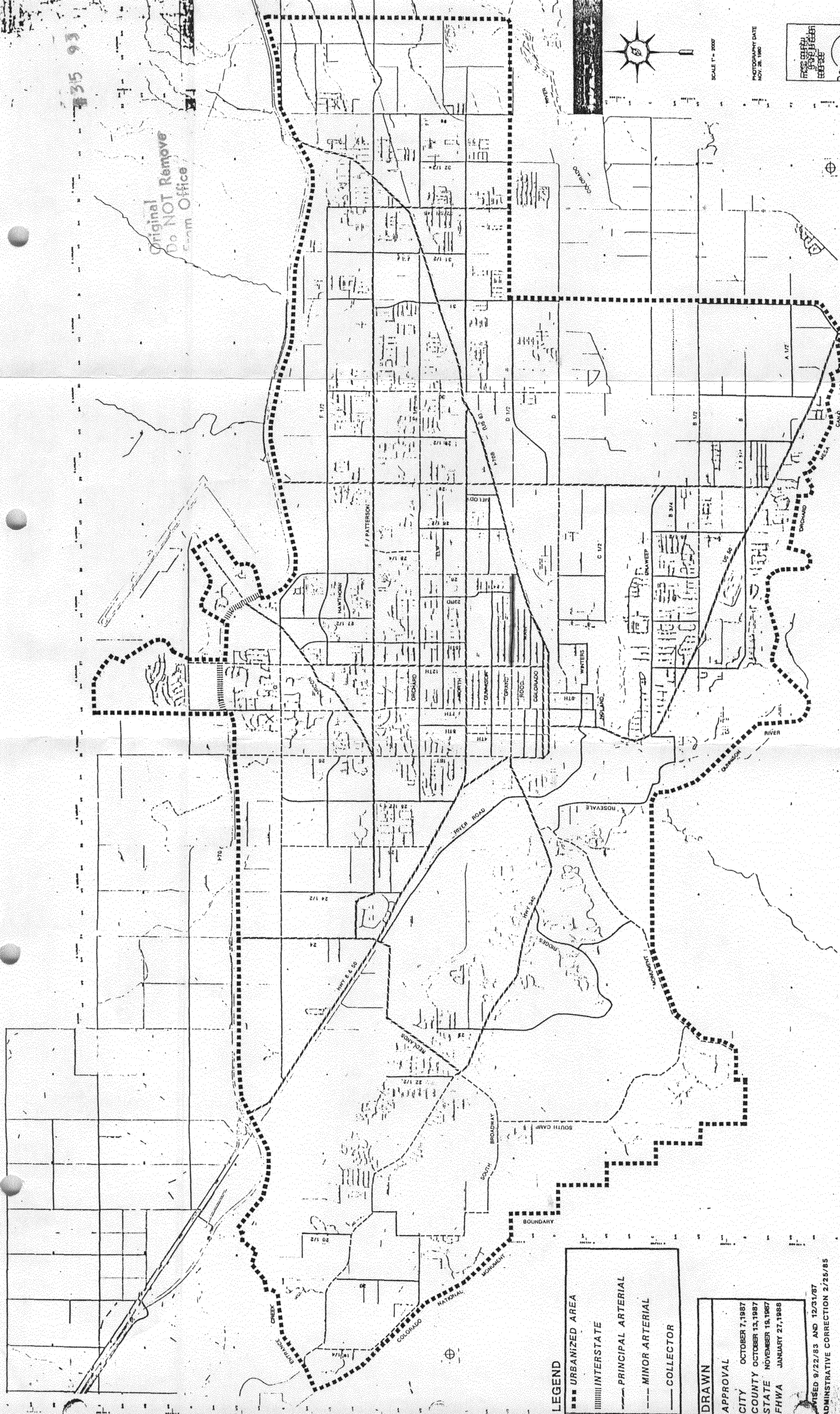
PHOTOGRAPHY DATE
NOV. 26, 1987



MAP NO.
COMPOSITE

Exhibit D

GRAND JUNCTION URBANIZED AREA
1990 SYSTEM
FUNCTIONAL CLASSIFICATION



LEGEND

- ▬ URBANIZED AREA
- ▬ INTERSTATE
- ▬ PRINCIPAL ARTERIAL
- ▬ MINOR ARTERIAL
- ▬ COLLECTOR

DRAWN

APPROVAL

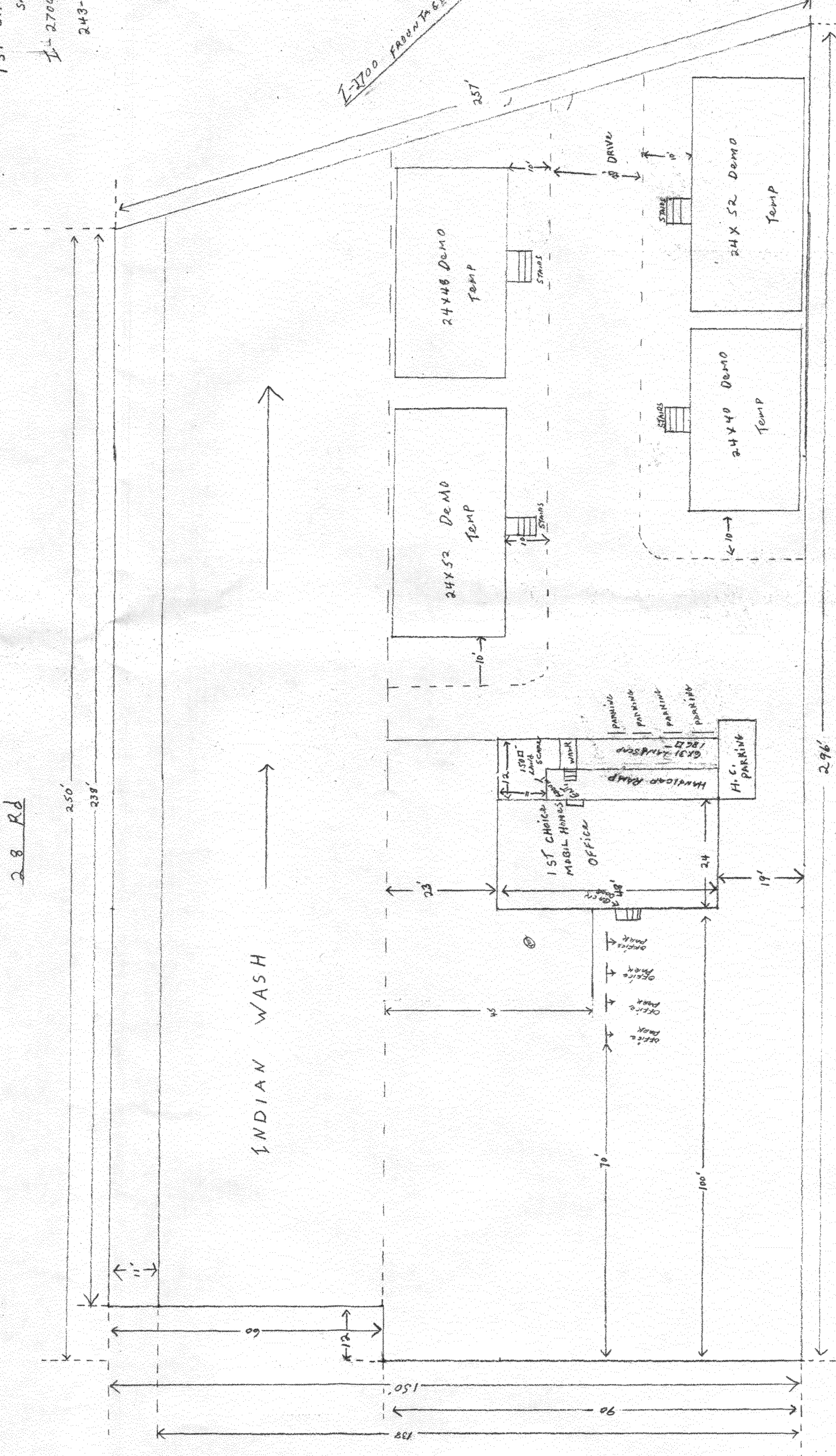
CITY	OCTOBER 7, 1987
COUNTY	OCTOBER 13, 1987
STATE	NOVEMBER 19, 1987
FHWA	JANUARY 27, 1988

REVISED 9/22/83 AND 12/31/87
ADMINISTRATIVE CORRECTION 2/25/85

1ST CHOICE MOBILE HOME
 SALES LOT
 2700 BUSINES
 243-3661

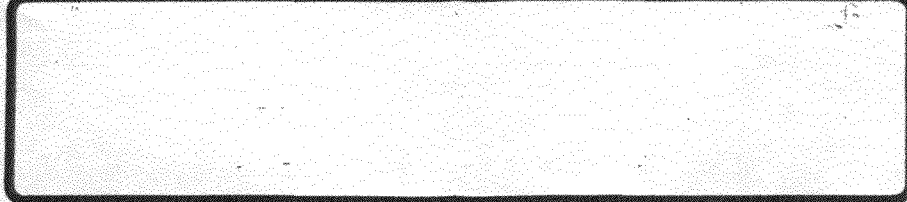
3/32 scale

ACCEPTED AP 1/20/93
 ANY CHANGE OF CONDITIONS MUST BE
 APPROVED BY THE CITY PLANNING
 DEPT. IT IS THE APPLICANT'S
 RESPONSIBILITY TO PROPERLY
 LOCATE AND IDENTIFY EASEMENTS
 AND PROPERTY LINES.



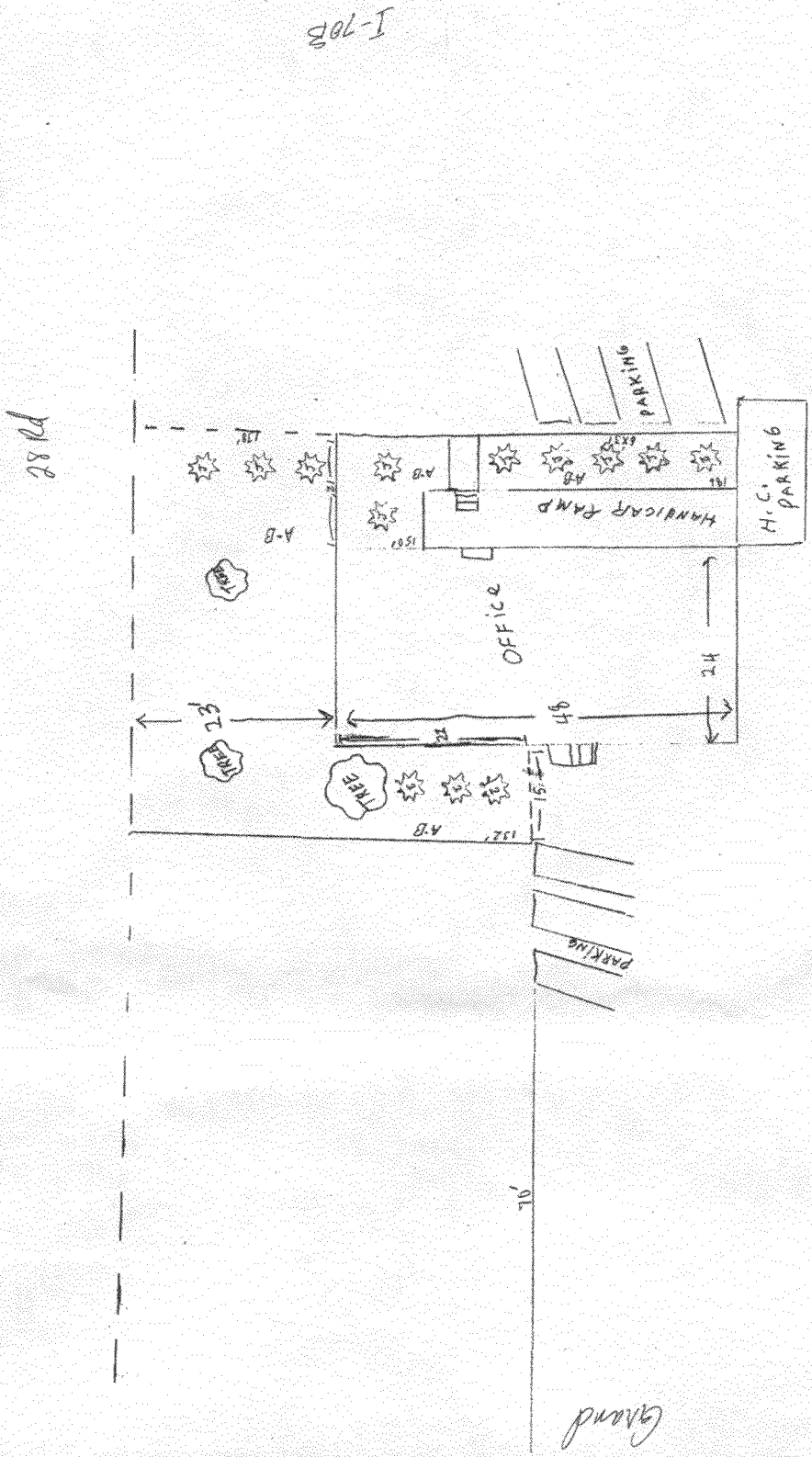
GRAND AVE

REVISIONS	BY



DRAWN	CHECKED	DATE	SCALE	JOB NO.	SHEET

ACCEPTED *A. H. 12/19/23*
 ANY CHANGE OF SECTION MUST BE
 APPROVED BY THE CITY PLANNING
 DEPT. IT IS THE APPLICANT'S
 RESPONSIBILITY TO PROPERLY
 LOCATE AND IDENTIFY EASEMENTS
 AND PROPERTY LINES.



14 Yd ASPEN BARK
 14-EVERGREEN PIFITZER (50)
 2-TREE SILVER MAPLE (50)
 TOTAL SHRUBS AREA
 606'

Grand

I-70B