

PRE-APPLICATION CONFERENCE

Date: 7/19/93
Conference Attendance: Trevor Brown, Kristen Ashbeck
Proposal: Right-of-way Vacation
Location: Peppertree

Tax Parcel Number: 2943 071 17 001 & 00 057
Review Fee: \$ 450
(Fee is due at the time of submittal. Make check payable to the City of Grand Junction.)

Additional ROW required?
Adjacent road improvements required?
Area identified as a need in the Master Plan of Parks and Recreation?
Parks and Open Space fees required? Estimated Amount:
Recording fees required? Estimated Amount:
Half street improvement fees required? Estimated Amount:
Revocable Permit required?
State Highway Access Permit required?
Applicable Plans, Policies and Guidelines
Located in identified floodplain? FIRM panel #
Located in other geohazard area?
Located in established Airport Zone? Clear Zone, Critical Zone, Area of Influence?
Avigation Easement required?

While all factors in a development proposal require careful thought, preparation and design, the following "checked" items are brought to the petitioner's attention as needing special attention or consideration. Other items of special concern may be identified during the review process.

- Access/Parking, Drainage, Floodplain/Wetlands Mitigation, Other, Screening/Buffering, Landscaping, Availability of Utilities, Land Use Compatibility, Traffic Generation, Geologic Hazards/Soils

Related Files:

It is recommended that the applicant inform the neighboring property owners and tenants of the proposal prior to the public hearing and preferably prior to submittal to the City.

PRE-APPLICATION CONFERENCE

WE RECOGNIZE that we, ourselves, or our representative(s) must be present at all hearings relative to this proposal and it is our responsibility to know when and where those hearings are.

In the event that the petitioner is not represented, the proposed item will be dropped from the agenda, and an additional fee shall be charged to cover rescheduling expenses. Such fee must be paid before the proposed item can again be placed on the agenda. Any changes to the approved plan will require a re-review and approval by the Community Development Department prior to those changes being accepted.

WE UNDERSTAND that incomplete submittals will not be accepted and submittals with insufficient information, identified in the review process, which has not been addressed by the applicant, may be withdrawn from the agenda.

WE FURTHER UNDERSTAND that failure to meet any deadlines as identified by the Community Development Department for the review process may result in the project not being scheduled for hearing or being pulled from the agenda.

X IBX Inc. Pat Tucker X [Signature] Signature(s) of Petitioner(s) Signature(s) of Representative(s)

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City of Grand Junction
Community Development
250 N. 5th Street
Grand Junction, CO 81501

IBX, Inc.
640 South 12th Street
Grand Junction, CO 81501

Rolland Engineering
405 Ridges Blvd, Suite A
Grand Junction, CO 81503

L. B. Parkerson
2910 Orchard Avenue
Grand Junction, CO 81501

John P. Rothhaupt
P. O. Box 2375
Grand Junction, CO 81502

Mr. & Mrs. William Graff
581 29 Road
Grand Junction, CO 81501

Phillip M. Armour
2889 F Road
Grand Junction, CO 81506

Natasha Von Zorn
590 W Indian Creek Dr #1
Grand Junction, CO 81501

L. Q. Griffith
590 W Indian Creek Dr #2
Grand Junction, CO 81501

Margaret P. Bullock
590 W Indian Creek Dr #3
Grand Junction, CO 81501

Pepper Tree Homeowners Assc
C/O Pat Tucker
640 S 12th Street
Grand Junction, CO 81501

Twin Peaks Holding, Inc.
C/O Pat Tucker
640 S 12th Street
Grand Junction, CO 81501

IBX, Inc.
640 S 12th Street
Grand Junction, CO 81501

Alice A. Miles
588 W Indian Creek Dr #3
Grand Junction, CO 81501

Brent R. Uilenberg
588 W Indian Creek Dr #4
Grand Junction, CO 81501

Betty J. Schumann
4001 Ptarmigan Piazza
Grand Junction, CO 81506

Mr. & Mrs. Tom Rolland
2561 H 3/4 Road
Grand Junction, CO 81505

Deanna Musgrave
2700 G Road
Grand Junction, CO 81506

Robert Graham
589 W Indian Creek Drive #1
Grand Junction, CO 81501

Nina I. Danner
587 W Indian Creek Dr #2
Grand Junction, CO 81501

Clyde M. Saunders
587 W Indian Creek Drive #1
Grand Junction, CO 81501

Paul E. Martin
585 W Indian Creek Dr #2
Grand Junction, CO 81501

Louis F. Rimbart
585 W Indian Creek Dr #1
Grand Junction, CO 81501

Michael Piontkowski
583 W Indian Creek Dr #3
Grand Junction, CO 81501

Carol J. Hansen
583 W Indian Creek Dr #2
Grand Junction, CO 81501

June L. Conn
589 W Indian Creek Dr #2
Grand Junction, CO 81501

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GENERAL PROJECT REPORT

Date: August 25, 1993

Project: Pepper Tree; Vacation of R.O.W. at South end of West Indian Creek Drive.

See attached Pepper Tree, Filing #4, Final Plan-Phase I for original project description.

The present proposal is to vacate part of an existing road/utility R.O.W. and change it into a temporary easement.

The proposed continuation of West Indian Creek Drive, as accepted in the Preliminary and Phase I submittals for Pepper Tree Filing #4, will require this portion of the existing R.O.W. be vacated at the South end of West Indian Creek Drive. The vacated R.O.W. will become a temporary easement, similar to the cul-de-sac at the South end of West Indian Creek Drive, that will vacate upon acceptance of final plans for Pepper Tree Filing #4. New R.O.W. dedications for extension of West Indian Creek Drive will be included on final plat.

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Pepper Tree Filing #4

Final Plan - Phase I

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PROJECT DESCRIPTION

Phase I of Pepper Tree Subdivision Filing #4 is a continuation of the existing Pepper Tree Subdivision. Pepper Tree is a townhome community located south of Patterson Road approximately 900 feet west of 29 Road and is located in Section 7, Township 1 South, Range 1 East. Five (5) townhome units are in Phase I out of a total of thirty-four (34) units proposed for Filing #4.

PROJECT COMPLIANCE, COMPATIBILITY, AND IMPACT

The existing covenants and homeowners association will be amended to include Phase I, Filing #4 of Pepper Tree (See Preliminary File for evidence of Title and covenants). All areas outside the platted lots are common open-space, and maintained by the Homeowners Association.

Flood potential is addressed in the geology report submitted in the preliminary package for Pepper Tree, Filing #4. The report indicates that no flood problem exists at Pepper Tree. (Geologic Hazards Report for Pepper Tree filing #4, City of Grand Junction, Colorado, March, 1993).

The land to the east and west on either side of the existing and proposed development is zoned R2 in Mesa County. The land to the east is being farmed and the land to the west is currently fallow. The area north of Patterson Road is zoned R2 in Mesa County and is developed into a single family subdivision. The land to the south is undeveloped and zoned RSF-5 in the City of Grand Junction.

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Immediately north of Filing #4, are the completed Pepper Tree Filings #1, 2 and 3 which were constructed in 1982. Pepper Tree Filing #1 was a replat of Pepperidge Filing No. 1 which was platted in 1979 but never developed. Filings 1, 2 and 3 contain 45 townhome units on approximately 4 acres.

The existing units range from 760 - 1,152 square feet in size. The new single level, two bedroom unit will contain 1,024 square feet and the two level, three bedroom unit will have 1,344 square feet. The proposed plan for Filing #4 of approximately 4 acres will have a total of 34 units (21 single and 13 two story units). This is a significant reduction from the original Outlined Development Plan which called for a total of 46 units. The five (5) new townhome units will be constructed in the same style as the existing units and the landscaping will be continued to conform to the current project. The parking lot for 588 and 590 West Indian Creek Drive will be expanded to accommodate the new units in Phase I.

Access to the Pepper Tree Subdivision is from Patterson Road. The main north-south street through the subdivision is West Indian Creek Drive. Cascade Avenue is a short east-west cross street which extends between the east and west property lines of the Pepper Tree property. Left hand turns west bound onto Patterson Road are a concern because of the single access nature of Pepper Tree. A left hand turn into Pepper Tree should not pose a problem because of the center turning median on Patterson Road. We believe that the characteristics of prospective homeowners at Pepper Tree are such that their traffic flow patterns will not contribute to existing peak flow traffic patterns.

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Existing utility and irrigation easements in Pepper Tree Filing #1, 2 and 3 are along the east and west boundary lines of the property. The utilities for the 5 new units in Phase I will be extended from the existing Utilities. A new 14 foot easement will be established along the new road right of way to service the balance of Filing #4. Phase I will not require any current easements to be relocated or vacated.

Utilities are provided by Public Service (electric and gas), U.S. West (phone system), Ute Water, Central Grand Valley Sewer, and TCI Cablevision. Utilities will be extended from the existing Pepper Tree subdivision and will be available from the current boundary easement. There is an existing 8" sanitary sewer (Central Grand Valley) that will service the five new units. The existing Ute Water main will service the 5 new units without any extension required.

Site soils, geology, geological hazards, and the impact on site geology are addressed in separate reports. A gamma radiation report was done for the entire Pepper Tree site during the original Pepper Tree planning stages. No radiation was found in the area of proposed construction. Radon testing will be done with each building permit.

The permanent Pepper Tree signage will not be changed and will remain at the entrance. New unit sales will require temporary signs announcing the opening of the final development of Pepper Tree. Temporary signs will remain in place until the final phase sellout is complete.

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DEVELOPMENT SCHEDULE AND PHASING

Filing #4 of Pepper Tree will be developed in phases. The first Phase will consist of five attached units to be constructed immediately south of Pepper Tree Filing #3 on the east side of West Indian Creek Drive. The initial Phase does not require any new roadways, utility line extensions or major site development. Adequate parking will be provided by expanding the existing parking lot adjacent to Phase I.

Construction will begin immediately upon final acceptance of the first phase of Pepper Tree Filing #4. The balance of the property will be developed and completed in several phases with anticipated completion in 1994-1995.

REVIEW COMMENTS

Page 1 of 2

DATE: September 1993

FILE #105-93 TITLE HEADING: Pepper Tree Subdivision

ACTIVITY: Vacation of R.O.W.

LOCATION: West Indian Creek Drive at F Road & 29 Road

PETITIONER: IBX, Inc

PETITIONER'S ADDRESS/TELEPHONE: 640 S. 12th Street
Grand Junction, CO 81501
241-0604

ENGINEER/REPRESENTATIVE: Rolland Engineering

STAFF REPRESENTATIVE: Kristen

**NOTE: WRITTEN RESPONSE BY THE PETITIONER TO THE REVIEW
COMMENTS IS REQUIRED ON OR BEFORE 5:00 P.M.,
September 28, 1993**

CITY AGENCIES:

CITY ATTORNEY

Dan Wilson 244-1505

None at this time.

CITY FIRE DEPARTMENT

George Bennett 244-1400

Access to existing buildings is not to be compromised.

POLICE DEPARTMENT

Mark Angelo 244-3587

Are they going to complete the roadway to the cul-de-sac? If so, one of my prior comments to have the radius of the cul-de-sac be done to our street standard was recommended.

DEVELOPMENT ENGINEER

Gerald Williams 244-1590

Temporary access and utility easement must be provided.

COMMUNITY DEVELOPMENT

Kristen Ashbeck 244-1437

Approval by UCC is required. Earliest meeting is October 13, 1993.

CITY UTILITIES ENGINEER

Bill Cheney 244-1590

No comment.

COUNTY & STATE AGENCIES:

MESA COUNTY PLANNING

Mike Joyce 244-1642

No comments - vacation makes good planning sense.

OTHER REVIEW AGENCIES:

PUBLIC SERVICE COMPANY

Harold Ball 244-2693

Electric & Gas: No objections.

U.S. WEST

Leon Peach 244-4964

No comments at this time.

UTE WATER

Gary R. Mathews 242-7491

No objections to the vacate. The 8" water main in this area needs extended or cut and capped at the end of the West Indian Creek Drive R.O.W. The proposed 8" water main extension must run 2-3 feet in oil and through the proposed turnaround. Ute Water is opposed to any extensions run in easements.

POLICIES AND FEES IN EFFECT AT THE TIME OF APPLICATION WILL APPLY.....

STAFF REVIEW

FILE: 105-93

DATE: September 29, 1993

STAFF: Kristen Ashbeck

REQUEST: Right-of-Way Vacation, Portion of West Indian Creek Drive

LOCATION: F Road and West Indian Creek Drive

APPLICANT: IBX, Inc.

EXISTING LAND USE: Multifamily Residential and Undeveloped

SURROUNDING LAND USE:

NORTH: Multifamily Residential
SOUTH: Undeveloped
EAST: Agricultural
WEST: Undeveloped

EXISTING ZONING: Planned Residential 20 units per acre (PR-20)

SURROUNDING ZONING:

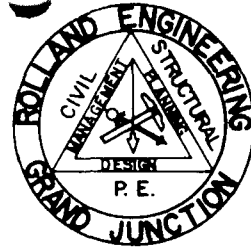
NORTH: Planned Residential 20 units per acre (PR-20)
SOUTH: Residential Single Family 5 units per acre (RSF-5)
EAST: R-2 (county zoning)
WEST: R-2 (county zoning)

STAFF ANALYSIS: The proposed vacation of a portion of West Indian Creek Drive is necessary to allow for the roadway to be realigned for future development in Peppertree as approved by Planning Commission at the June 1, 1993 hearing. The vacation meets the criteria set forth in Section 8-3 of the Zoning and Development Code. The vacated right-of-way will be retained as an access and utility easement until such time that the realigned cul-de-sac is constructed.

STAFF RECOMMENDATION: Approval

ROLLAND ENGINEERING

405 RIDGES BOULEVARD, SUITE A
GRAND JUNCTION, COLORADO 81503
(303) 243-8300



PETITIONER'S RESPONSE TO REVIEW COMMENTS

9-28-93

Pepper Tree Subdivision
Vacation of R.O.W.

City Fire Department

Access to existing buildings will not be compromised.

Police Department

All streets and cul-de-sacs will be built to City Standards.

Development Engineer

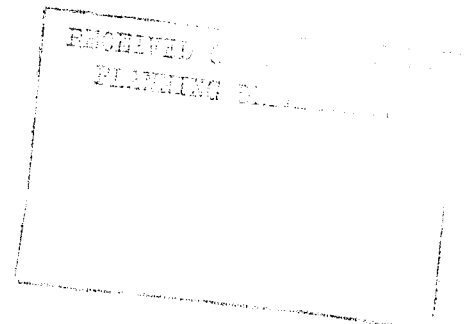
Temporary access and utility easements will be provided.

Community Development

Vacation Plan will be submitted for UCC approval.

Ute Water

All 8" water mains will run in the oil per Ute Water recommendations.



CITY OF GRAND JUNCTION, COLORADO

John Steiner
KRIS BITBECK

Ordinance No. _____
VACATING A PORTION OF THE WEST INDIAN CREEK DRIVE
RIGHT-OF-WAY LOCATED WEST OF 29 AND F ROADS

Recitals.

West Indian Creek Drive, as presently platted and constructed, ends in a temporary cul-de-sac south of the existing units in the Peppertree subdivision, all located west of 29 Road and south of Patterson Road. West Indian Creek Drive is to be reconstructed to the east of its present location to serve future phases of Peppertree, as approved by the Grand Junction Planning Commission on June 1, 1993.

THIS CURVE IS MISPLACED

IF THIS STATEMENT IS CORRECT THEN NO RIGHT-OF-WAY NOW

Future phases of the project contemplate vacation of a portion of dedicated right-of-way and dedication of new right-of-way for the configuration of West Indian Creek Drive as approved by the Planning Commission.

The right-of-way to be vacated shall be retained as an access and utility easement until such time as the plat dedicating right-of-way for the realignment of West Indian Creek Drive and providing access and utility easements is recorded, an Improvements Agreement and Guarantee for the West Indian Creek Drive roadway improvements ^{has} executed, and any other terms and conditions specified by the Grand Junction Planning Commission as conditions of approval of the Peppertree Preliminary Plan have been satisfied.

The Planning Commission at their October 5, 1993 hearing recommended approval of the vacation.

The City Council has duly considered the matter and the recommendation of the Planning Commission and finds that the requirements for vacation of a right-of-way, as set forth in section 8-3 of the Zoning and Development Code, have been met.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That the portion of the West Indian Creek Drive right-of-way described herein is hereby vacated subject to: recordation of the Plat(s) of Peppertree dedicating right-of-way for West Indian Creek Drive as approved by the Planning Commission and dedication of sufficient access and utility easements, execution and recordation of an Improvements Agreement and Guarantee for the West Indian Creek Drive roadway improvements, and conditions specified by the Planning Commission as conditions of approval of the Preliminary Plan for Peppertree. The effective date of this ordinance shall be the same as that specified as the expiration date on the recorded Improvements Agreement.

Commencing at the SW corner of the NE 1/4 of the NE 1/4 of said Section 7; thence N00°02'00"E 393.16 feet along the W line of said NE 1/4 of the NE 1/4 of Section 7, said line being the Basis of Bearing; thence S89°56'00"E 50.12 feet to the Point of Beginning; thence along the westerly right-of-way line of West Indian Creek Drive N45°01'45"E 21.81 feet; thence continuing along said westerly right-of-way line along the arc of a curve to the left 100.53 feet whose radius is 128.00 feet with a central angle of 45°00'00"; thence S89°58'11"E 44.00 feet to a point of reverse curvature on the easterly right-of-way line of West Indian Creek Drive; thence along said easterly right-of-way line along the arc of a curve to the right 114.24 feet whose radius is 172.00 feet with a central angle of 38°03'21"; thence N48°33'34"W 0.07 feet; thence N89°56'00"W 60.30 feet to the Point of Beginning containing 0.12 acres more or less, City of Grand Junction, County of Mesa, State of Colorado.

CITY OF GRAND JUNCTION DEVELOPMENT FILE 105-93, RIGHT-OF-WAY VACATION FOR A PORTION OF WEST INDIAN CREEK DRIVE LOCATED IN PEPPERTREE AT F ROAD AND WEST INDIAN CREEK DRIVE IN THE CITY OF GRAND JUNCTION HAS BEEN REVIEWED AND APPROVED BY THE UTILITY COORDINATING COMMITTEE.

Gary R. Mathews
CHAIRMAN

10-13-93
DATE

**PEPPER TREE
Right-Of-Way Vacation**

Commencing at the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 7; thence N00°02'00"E 393.16 feet along the West line of said Northeast 1/4 of the Northeast 1/4 of Section 7, said line being the Basis of Bearing; thence S89°56'00"E 50.12 feet to the Point of Beginning; thence along the westerly right-of-way line of West Indian Creek Drive N45°01'45"E 21.81 feet; thence continuing along said westerly right-of-way line along the arc of a curve to the left 100.53 feet whose radius is 128.00 feet with a central angle of 45°00'00"; thence S89°58'11"E 44.00 feet to a point of reverse curvature on the easterly right-of-way line of West Indian Creek Drive; thence along said easterly right-of-way line along the arc of a curve to the right 114.24 feet whose radius is 172.00 feet with a central angle of 38°03'21"; thence N48°33'34"W 0.07 feet; thence N89°56'00"W 60.30 feet to the Point of Beginning containing 0.12 acres more or less, City of Grand Junction, County of Mesa, State of Colorado.

**PEPPER TREE
EASEMENT**

A parcel of land for temporary road access and utility easement in the Northeast 1/4 of the Northeast 1/4, of Section 7, Township 1 South, Range 1 East, of the Ute Meridian, more particularly described as follows:

Commencing at the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 7; thence N00°02'00"E 393.16 feet along the West line of said Northeast 1/4 of the Northeast 1/4 of Section 7, said line being the Basis of Bearing; thence S89°56'00"E 50.12 feet to the Point of Beginning; thence along the westerly right-of-way line of West Indian Creek Drive N45°01'45"E 21.81 feet; thence continuing along said westerly right-of-way line along the arc of a curve to the left 100.53 feet whose radius is 128.00 feet with a central angle of 45°00'00"; thence S89°58'11"E 44.00 feet to a point of reverse curvature on the easterly right-of-way line of West Indian Creek Drive; thence along said easterly right-of-way line along the arc of a curve to the right 114.24 feet whose radius is 172.00 feet with a central angle of 38°03'21"; thence N48°33'34"W 0.07 feet; thence N89°56'00"W 60.30 feet to the Point of Beginning containing 0.12 acres more or less, City of Grand Junction, County of Mesa, State of Colorado.

This temporary easement will remain in effect until the future Filing of Pepper Tree Subdivision has been recorded in the office of the Clerk and Recorder of the County of Mesa. At such time said easement will be terminated.

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INTRODUCED for FIRST READING and PUBLICATION this 3rd day of November, 1993.

PASSED on SECOND READING this 17th day of November, 1993.

ATTEST:

City Clerk

President of City Council

