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File 1994-0082

Name: Fuoco Motor Company – Rezone – RMF-32 to B-3

P r e s e n t	S c a n n e d	<p>A few items are denoted with an asterisk (*), which means they are to be scanned for permanent record on the ISYS retrieval system. In some instances, 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.</p> <p>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
X		Receipts for fees paid for anything
X	X	*Submittal checklist
		*General project report
		Reduced copy of final plans or drawings
X		Reduction of assessor's map.
		Evidence of title, deeds, easements
X	X	*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	*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	X	Correspondence		
X	X	Vicinity Sketch		
X		Posting of Public Notice Signs		
X	X	City Council Minutes - ** - 6/15/94, 7/6/94,		
X	X	Ordinance No. 2755 - **		
X		Notice of Public Hearing mail-outs		
X		Appraisal – 3/25/94		
X		Planning Commission Notice of Public Hearing mail-out – 6/7/94		
X		Warranty Deed – Bk 1646 / Pg 130 – not conveyed to City		
X		Warranty Deed – not recorded – Vigil C. Laycock to Earl J. Fuoco and James E. Fuoco - not conveyed to City		

SUBMITTAL CHECKLIST

REZONE

Location: lots 15-18 blk 33

Project Name: _____

ITEMS		DISTRIBUTION													TOTAL REQD									
DESCRIPTION	SSID REFERENCE	City Community Development	City Dev. Eng.	City Utility Eng.	City Property Agent	City Attorney	City G.J.P.C. (8 sets)	City Downtown Dev. Auth.	City Council	City Parks and Rec.	City Fire Department	County Planning	Walker Field											
● Application Fee <i>\$330.00</i>	VII-1	<input checked="" type="checkbox"/>																						
● Submittal Checklist*	VII-3	<input checked="" type="checkbox"/>																						
● Review Agency Cover Sheet*	VII-3	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
● Application Form*	VII-1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
● 11"x17" Reduction of Assessor's Map	VII-1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
● Evidence of Title	VII-2	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>																			
● Appraisal of Raw Land	VII-1	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>														
● Names and Addresses	VII-3	<input checked="" type="checkbox"/>																						
● Legal Description	VII-2	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>																				
○ Deed	VII-1	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>																		
○ Easement	VII-2	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>																		
○ Avigation Easement	VII-1	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>																			
○ ROW	VII-3	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>																		
● General Project Report	X-7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
● Location Map	IX-1	<input checked="" type="checkbox"/>																						
● Vicinity Sketch	IX-3	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

NOTES: 1) An asterisk in the item description column indicates that a form is supplied by the City.
 2) Required submittal items and distribution are indicated by filled in circles, some of which may be filled in during the pre-application conference. Additional items or copies may be subsequently requested in the review process.
 3) Each submitted item must be labeled, named, or otherwise identified as described above in the description column.

PRE-APPLICATION CONFERENCE

Storage of damaged vehicles awaiting repair

Date: _____
Conference Attendance: _____
Proposal: _____
Location: _____

Tax Parcel Number: _____
Review Fee: _____

(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 _____ Signature(s) of Petitioner(s)
X _____ Signature(s) of Representative(s)



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We, the undersigned, being the owners of property situated in Mesa County,
 State of Colorado, as described herein do hereby petition this:

PETITION	PHASE	SIZE	LOCATION	ZONE	LAND USE
<input type="checkbox"/> Subdivision Plat/Plan	<input type="checkbox"/> Minor <input type="checkbox"/> Major <input type="checkbox"/> Resub				
<input checked="" type="checkbox"/> Rezone			lots 15-18, blk 33 City of G.J.	From: RMF To: C-2 32	
<input type="checkbox"/> Planned Development	<input type="checkbox"/> ODP <input type="checkbox"/> Prelim <input type="checkbox"/> Final				
<input type="checkbox"/> Conditional Use					
<input type="checkbox"/> Zone of Annex					
<input type="checkbox"/> Text Amendment					
<input type="checkbox"/> Special Use					
<input type="checkbox"/> Vacation					<input type="checkbox"/> Right-of-Way <input type="checkbox"/> Easement

<input checked="" type="checkbox"/> PROPERTY OWNER	<input checked="" type="checkbox"/> DEVELOPER	<input type="checkbox"/> REPRESENTATIVE
JAMES E + EARL J. TUOCO		
Name	Name	Name
741 NORTH FIRST ST.		
Address	Address	Address
GRAND JUNCTION, CO 81501		
City/State/Zip	City/State/Zip	City/State/Zip
863-242-1571		
Business Phone No.	Business Phone No.	Business Phone No.

NOTE: Legal property owner is owner of record on date of submittal.

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all hearings. In the event that the petitioner is not represented, the item will be dropped from the agenda, and an additional fee charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing Application James E. Tuoco Date 4/1/94

Signature of Property Owner(s) - Attach Additional Sheets if Necessary James E. Tuoco 4/1/94

Lots 1, 2 and 3 block 33
838 N. 1st
E. L. Sankey
3447 F Road
Clifton, Co. 81520

Lots 1, 2 and 3 Block 33
826 N. 1st
E. A. Sevik
609 Serenade Ave.
Grand Junction, Co. 81504

Lots 5 and 6 Block 33
A. G. Rose
758 Tulip
Grand Junction, Co. 81506

Lots 7 and 8 Block 33
H. H. Milner
127 Teller Ave
Grand Junction, Co. 81501

Lots 9 and 10 Block 33
C. A. Felder
135 Teller Ave
Grand Junction, Co. 81501

Lots 11 and 12 Block 33
M. E. Filkins
147 Teller Ave
Grand Junction, Co. 81501

Lots 1 and 2 Block 32
A. L. Wing
205 Teller Ave
Grand Junction, Co. 81501

Lots 3 and 4 Block 32
R. T. Ward
736 Tulip Dr.
Grand Junction, Co. 81506

Lots 5 and 6 Block 32
B. Taylor
720 Centauri Dr
Grand Junction, Co. 81506

Lots 27 and 28 Block 32
A. W. Switzler
5082 Old Oak Lane
Highland, Ut. 84003

Lots 29 and 30 Block 32
J. Switzler
212 Hall Ave.
Grand Junction, Co. 81501

Lots 31 and 32 Block 32
C. K. West
204 Hill Ave.
Grand Junction, Co. 81501

Lots 1 and 2 Block 32
M. A. Vasquez
201 Hill Ave.
Grand Junction, Co. 81501

Lots 13 and 14 Block 33
R. W. Winters
160 Hill Ave.
Grand Junction, Co. 81501

#82 94

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JIM FUOCO MOTOR CO.



741 North First Telephone 242-1571
GRAND JUNCTION, COLO. 81501-2235

April 1, 1994

To Whom It May Concern:

Concerning the request for rezoning Lots 15, 16, 17 and 18 Block 33, it is for two purposes:

1. Need to fence the property for security of vehicles that are either damaged, in process of repair, or completed repair awaiting delivery to owners. This is to comply with Colorado PUC regulation.
2. A future building expansion of approximately 2000 square feet for paint preparation. New technology requires an improved need for air control.
3. EPA is requiring improved air discharge on paint operations.

Sincerely

James E. Fuoco

JEF/dd

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From Office

#82 94



JIM FUOCO MOTOR CO.



741 North First Telephone 242-1571
GRAND JUNCTION, COLO. 81501-2235

Vicinity Sketch

Lots 15, 16, 17 and 18 Block 33

1. This property is tied to a presently zoned C-2 area.
2. It is across Hill Avenue from owned property of the Owner/Petitioner that is also zoned C-2.
3. We have never been a problem for our neighborhood. However, we have been a victim of the neighborhood for broken windows, graffiti and recently a devastating fire.
4. Our operation begins at 7:30 A.M. and ceases at 5:30 P.M.
5. We are one of the few in the area that maintains a weed free property.
6. We assist our neighbors with snow removal.
7. We have expanded from a 50x50 building in 1932 at 1st and Hill to over 40,000 square feet with employment to 60 people and average salaries of over \$30,000.00.
8. You either expand or die.

#82 94

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POSTING OF PUBLIC NOTICE SIGNS

The posting of the Public Notice Sign is to make the public aware of development proposals. The requirement and procedure for public notice sign posting are required by the City of Grand Junction Zoning and Development Code.

To expedite the posting of public notice signs the following procedure list has been prepared to help the petitioner in posting the required signs on their properties.

1. All petitioners/representatives will receive a copy of the Development Review Schedule for the month advising them of the date by which the sign needs to be posted. IF THE SIGN HAS NOT BEEN PICKED UP AND POSTED BY THE REQUIRED DATE, THE PROJECT WILL NOT BE SCHEDULED FOR THE PUBLIC HEARING.
2. A deposit of \$50.00 per sign is required at the time the sign is picked up.
3. You must call for utility locates before posting the sign. Mark the location where you wish to place the sign and call 1-800-922-1987. You must allow two (2) full working days after the call is placed for the locates to be performed.
4. Sign(s) shall be posted in a location, position and direction so that:
 - a. It is accessible and readable, and
 - b. It may be easily seen by passing motorists and pedestrians.
5. Sign(s) MUST be posted at least 10 days before the Planning Commission hearing date and, if applicable, shall stay posted until after the City Council Hearing(s).
6. After the Public Hearing(s) the sign(s) must be taken down and returned to the Community Development Department within three working days to receive full refund of the sign deposit. For each working day thereafter the petitioner will be charged a \$5.00 late fee. After eight working days Community Development Department staff will retrieve the sign and the sign deposit will be forfeited in its' entirety.

Community Development Department staff will field check the property to ensure proper posting of the sign. If the sign is not posted, or is not in an appropriate place, the item will be pulled from the hearing agenda.

I have read the above information and agree to its terms and conditions.

James Fuoco
SIGNATURE

5-17-94
DATE

FILE #/NAME 82-94 - Rezone (Fuoco) RECEIPT # CHK #1418 #1230

PETITIONER/REPRESENTATIVE: James Fuoco PHONE # 242-1571

DATE OF HEARING: 6-7-94 POST SIGN(S) BY: 5-27-94
city council 7/6/94

DATE SIGN(S) PICKED-UP _____

DATE SIGN(S) RETURNED 7-7-94 RECEIVED BY: *RSE*

chk #
40-072736

Received by James Fuoco

REVIEW COMMENTS

Page 1 of 2

FILE #82-94

TITLE HEADING: Rezone from RMF-32 to C-2

LOCATION: Lots 15-18, Block 33 / part of North side of Hill Ave between 1st & 2nd

PETITIONER: James & Earl Fuoco

PETITIONER'S ADDRESS/TELEPHONE: 741 N 1st Street
Grand Junction, CO 81501
242-1571

PETITIONER'S REPRESENTATIVE: Jim Fuoco

STAFF REPRESENTATIVE: Michael Drollinger

NOTE: WRITTEN RESPONSE BY THE PETITIONER TO THE REVIEW COMMENTS IS REQUIRED ON OR BEFORE 5:00 P.M., MAY 27, 1994.

CITY ATTORNEY 5/9/94
Dan Wilson 244-1505

Difficult to judge the merits of the request based on what was supplied.

CITY UTILITY ENGINEER 5/10/94
Bill Cheney 244-1590

No comment.

DOWNTOWN DEVELOPMENT AUTHORITY 5/9/94
Barbara Creasman 245-2926

No comment.

PARKS & RECREATION DEPARTMENT 5/12/94
Don Hobbs 244-1542

5% of appraised \$75,000 value = \$3,750 due for open space fees.

CITY DEVELOPMENT ENGINEER 5/18/94
Jody Kliska 244-1591

Site plan review of future building will look at driveway location, number, condition of sidewalk, site drainage, parking, etc.

COMMUNITY DEVELOPMENT DEPARTMENT
Michael Drollinger

5/18/94
244-1439

We do not support a rezoning of the subject parcel from RMF-32 to C-2. The requested C-2 zoning is not compatible with adjacent uses and is contrary to established policy. The subject parcel is adjacent to a residential area located to the east. Given the intensity of the uses permitted in the C-2 zone (commercial meat processing, truck terminals, inside shooting ranges, ranges, etc.) further intrusion of non-residential uses into an established residential area is not appropriate. In addition, the downtown recommendation that "encroachment of non-residential uses into existing residential area is discouraged."

3

MTD

STAFF REVIEW

FILE: #82-94

DATE: June 1, 1994

STAFF: Michael Drollinger

REQUEST: Rezone RMF-32 to C-2

LOCATION: Lots 15-18, Block 33 (North Side of Hill Str. between 1st and 2nd Str.)

APPLICANT: Jim Fuoco

EXISTING LAND USE: Vehicle Storage Lot

PROPOSED LAND USE: Storage Lot and Future Building Expansion

SURROUNDING LAND USE:

- NORTH: Residential
- SOUTH: Commercial
- EAST: Residential
- WEST: Commercial

EXISTING ZONING: RMF-32

PROPOSED ZONING: C-2

SURROUNDING ZONING:

- NORTH: RMF-32
- SOUTH: C-2
- EAST: RMF-32
- WEST: C-2

RELATIONSHIP TO COMPREHENSIVE PLAN:

No comprehensive plan exists for the area. The "Downtown Residential Neighborhood Guidelines" discourage "encroachment of non-residential uses into existing residential areas."

STAFF ANALYSIS:

The property, located on the north side of Hill Street between First and Second streets, is currently zoned RMF-32 and contains 15,000 square feet, or 0.34 acres. The parcel is used as

4 @ 25 x 25 lots

4 @ 25 x 150 lots

a vehicle storage lot, a non-conforming use, in conjunction with the automotive use which fronts on First Street. The property owner is proposing to rezone to a C-2 zone and to continue to use the parcel for vehicle storage and for future expansion of the adjoining building.

The subject property is presently bounded by residential uses to the north and east and is located at the edge of a residential neighborhood. Based on the type and intensity of uses permitted in the C-2 zone, the proposed zoning could create further conflicts and incompatibilities with the adjoining residential neighborhood. Given the established City policies regarding expansion of non-residential districts in the area, staff cannot support the rezoning of the entire tract. However, a rezoning of a portion of the tract to accommodate the petitioner's expansion proposal coupled with the provision of adequate screening from surrounding residential uses may be considered.

The following criteria must be considered for a rezoning request:

A. Was the existing zone an error at the time of adoption?

There is no evidence that the existing zone was an error at the time of adoption.

B. Has there been a change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc?

Staff feels that both the residential and non-residential components of the neighborhood are well established and that there has been no trend toward future non-residential encroachment in the area.

C. Is there an area of community need for the proposed rezone?

No specific studies of demand for commercial space exist for the area, however, the First Street corridor already contains a significant amount of commercial zoning.

D. Is the proposed rezone compatible with the surrounding area or will there be adverse impacts?

While the proposed rezone is consistent with the uses to the north, south and west, a rezone would permit further encroachment of non-residential uses into a residential area.

E. Will there be benefits derived by the community, or area, by granting the proposed rezone?

Benefits are not apparent.

F. Is the proposal in conformance with the policies, intents and requirements of this Code, with the City Master Plan, and other adopted plans and policies?

The "Downtown Residential Neighborhood Guidelines" specifically discourage additional non-residential encroachment into residential areas.

G. Are adequate facilities available to serve development for the type and scope

suggested for the proposed zone?

Adequate facilities are available.

Staff feels that the request for the non-residential zoning of Lots 15-18, Block 33 is not supported by the rezone criteria.

The following comments for a partial rezoning of the property should be considered if the Planning Commission chooses to approve the request:

1. Only those lots which are required for a reasonable future expansion should be rezoned to limit the extent of non-residential encroachment.
2. The building expansion and vehicle storage area should be screened from adjacent residential property with both a privacy fence and landscaping.
3. If approved, the applicant will need to obtain site plan approval prior to the construction of a building addition.

STAFF RECOMMENDATION:

Staff recommends denial of the request to rezone to C-2 from RMF-32 lots 15-18 in Block 33.

If the Planning Commission chooses to approve a partial rezoning of the property, staff recommends that the conditions as stated in the staff review be included.

SUGGESTED PLANNING COMMISSION MOTION:

Mr. Chairman, on item #82-94, a request to rezone to C-2, I move we deny the request.

STAFF REVIEW

FILE: #82-94
DATE: June 9, 1994
STAFF: Michael Drollinger
REQUEST: Rezone RMF-32 to C-2
LOCATION: Lots 15-18, Block 33 (North Side of Hill Str. between 1st and 2nd Str.)
APPLICANT: Jim Fuoco

EXISTING LAND USE: Vehicle Storage Lot

PROPOSED LAND USE: Storage Lot and Future Building Expansion

SURROUNDING LAND USE:

NORTH: Residential
SOUTH: Commercial
EAST: Residential
WEST: Commercial

EXISTING ZONING: RMF-32

PROPOSED ZONING: C-2

SURROUNDING ZONING:

NORTH: RMF-32
SOUTH: C-2
EAST: RMF-32
WEST: C-2

RELATIONSHIP TO COMPREHENSIVE PLAN:

No comprehensive plan exists for the area. The "Downtown Residential Neighborhood Guidelines" discourage "encroachment of non-residential uses into existing residential areas."

STAFF ANALYSIS:

The property, located on the north side of Hill Street between First and Second streets, is currently zoned RMF-32 and contains 15,000 square feet, or 0.34 acres. The parcel is used as

a vehicle storage lot, a non-conforming use, in conjunction with the automotive use which fronts on First Street. The property owner is proposing to rezone to a C-2 zone and to continue to use the parcel for vehicle storage and for future expansion of the adjoining building.

The subject property is presently bounded by residential uses to the north and east and is located at the edge of a residential neighborhood. Based on the type and intensity of uses permitted in the C-2 zone, the proposed zoning could create further conflicts and incompatibilities with the adjoining residential neighborhood. Given the established City policies regarding expansion of non-residential districts in the area, staff cannot support the rezoning of the entire tract. However, a rezoning of a portion of the tract to accommodate the petitioner's expansion proposal coupled with the provision of adequate screening from surrounding residential uses may be considered.

The following criteria must be considered for a rezoning request:

- A. **Was the existing zone an error at the time of adoption?**
There is no evidence that the existing zone was an error at the time of adoption.
- B. **Has there been a change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc?**
Staff feels that both the residential and non-residential components of the neighborhood are well established and that there has been no trend toward future non-residential encroachment in the area.
- C. **Is there an area of community need for the proposed rezone?**
No specific studies of demand for commercial space exist for the area, however, the First Street corridor already contains a significant amount of commercial zoning.
- D. **Is the proposed rezone compatible with the surrounding area or will there be adverse impacts?**
While the proposed rezone is consistent with the uses to the north, south and west, a rezone would permit further encroachment of non-residential uses into a residential area.
- E. **Will there be benefits derived by the community, or area, by granting the proposed rezone?**
Benefits are not apparent.
- F. **Is the proposal in conformance with the policies, intents and requirements of this Code, with the City Master Plan, and other adopted plans and policies?**
The "Downtown Residential Neighborhood Guidelines" specifically discourage additional non-residential encroachment into residential areas.
- G. **Are adequate facilities available to serve development for the type and scope**

suggested for the proposed zone?

Adequate facilities are available.

Staff feels that the request for the non-residential zoning of Lots 15-18, Block 33 is not supported by the rezone criteria.

The following comments for a partial rezoning of the property should be considered if the City Council chooses to approve the request:

1. Only those lots which are required for a reasonable future expansion should be rezoned to limit the extent of non-residential encroachment.
2. The building expansion and vehicle storage area should be screened from adjacent residential property with both a privacy fence and landscaping.
3. If approved, the applicant will need to obtain site plan approval prior to the construction of a building addition.

STAFF RECOMMENDATION:

Staff recommends denial of the request to rezone to C-2 from RMF-32 lots 15-18 in Block 33.

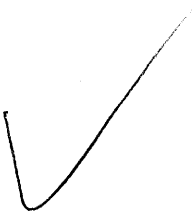
If the City Council chooses to approve a partial rezoning of the property, staff recommends that the conditions as stated in the staff review be included.

PLANNING COMMISSION RECOMMENDATION:

At the June 7, 1994 meeting, Planning Commission recommended approval of the rezoning request.

82-94 REZONE RMF-32 to C-2 FUOCO MOTOR CO. - Hill Ave. west of 1st
COMMUNITY DEVELOPMENT DEPARTMENT COMMENTS

1. We do not support a rezoning of the subject parcel from RMF-32 to C-2. The requested C-2 zoning is not compatible with adjacent uses and is contrary to established policy. The subject parcel is adjacent to a residential area located to the east. Given the intensity of the uses permitted in the C-2 zone (commercial meat processing, truck terminals, inside shooting ranges, ranges, etc.), further intrusion of nonresidential uses into an established residential area is not appropriate. In addition, the downtown residential neighborhood guidelines adopted by the City include a recommendation that "encroachment of non-residential uses into existing residential areas is discouraged."



Lots 1, 2 and 3 Block 33

Lots 1, 2, and 3 Block 33

Lots 5 and 6 Block 33

Lots 7 and 8 Block 33

Lots 9 and 10 Block 33

Lots 11 and 12 Block 33

Lots 1 and 2 Block 32

Lots 3 and 4 Block 32

Lots 5 and 6 Block 32

Lots 27 and 28 Block 32

Lots 29 and 30 Block 32

Lots 31 and 32 Block 32

Lots 1 and 2 Block 32

Lots 13 and 14 Block 33

#82 94

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City of Grand Junction, Colorado
250 North Fifth Street
81501-2668
FAX: (303) 244-1599

July 7, 1994

James Fuoco
741 North First Street
Grand Junction, CO 81501

Dear Mr. Fuoco,

On July 6, 1994 the City Council approved your rezoning request on Hill Street. As a condition of the approval and prior to the ordinance becoming effective, you are required to pay an open space fee of \$3,750 as per Section 5-4-6(A) of the City Code.

As a reminder, site plan review approval from our Department will be required prior to obtaining a permit for any building expansion.

If you should have any questions or require further information please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael T. Drollinger", written over a large, stylized scribble.

Michael T. Drollinger
Senior Planner

via certified mail