

Table of Contents

RZV-1995-028

Date 7/19/99

P	S	A few items are denoted with a (*) are to be scanned for permanent record on the ISYS retrieval system. In some instances, not all entries designated to be scanned, 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 included.
r	c	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.
e	a	Files denoted with (**)
s	n	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.
n	e	
d	t	
X	X	*Summary Sheet - Table of Contents
		Application form
X		Receipts for fees paid for anything
X	X	*Submittal checklist
X	X	*General project report
		Reduced copy of final plans or drawings
X		Reduction of assessor's map
X		Evidence of title, deeds - ISYS Query
X	X	*Mailing list to adjacent property owners
		Public notice cards
		Record of certified mail
X		Legal description
		Appraisal of raw land
		Reduction of any maps - final copy
		*Final reports for drainage and soils (geotechnical reports)
		Other bound or nonbound reports
		Traffic studies
X		Individual review comments from agencies
X	X	*Consolidated review comments list
X	X	*Petitioner's response to comments
X	X	*Staff Reports
		*Planning Commission staff report and exhibits
		*City Council staff report and exhibits
X	X	*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		Proposed Zoning Map
X		Ordinance #2835 & #2834- **
X		Posting of Public Notice Signs - 2/27/95
X	X	Site Plan and Landscape Plan for Black Eyed Pea
X		Letter to Mike Drissel, D.H. Surveys, inc. to Michael Drollinger - 5/8/95
X		City Council Minutes - 5/3/95 - **
X		Planning Commission Minutes - 4/4/95 **
X		Letter from Michael Drollinger to John M. Eatwell - 2/8/95
X		Traffic Study
X		Letter from John Eatwell to Michael Drollinger - 2/1/95
X		Letter to Shari Raso for Michael Drollinger - 1/19/95
X		POA - Barbara Raso
		Motion and Order Supporting Deeds of Distribution
		Tax Report for 1994 - Shari Raso
X		Letter of Value of Lots 5 - 12, Block 77. Prepared by Arnie Butler & Company

SUBMITTAL CHECKLIST

From Office

REZONE / ROW VACATION

Location: NW Corner 2nd & Grand

Project Name: C-1, C-2; RMF-G4 TO B-3/P

ITEMS		DISTRIBUTION for Restaurant														TOTAL REQ'D.	
DESCRIPTION	SSID REFERENCE	City Community Development	City Dev. Eng.	City Utility Eng.	City Property Agent	City Attorney	City G.P.C. (8 seats)	City Downtown Dev. Auth.	City Council	City Parks and Rec.	City Fire Department	County Planning	Walker Field	Police Department	US West		Public Service
● Application Fee \$330	VII-1	1															
● Submittal Checklist*	VII-3	1															
● Review Agency Cover Sheet*	VII-3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
● Application Form*	VII-1	1	1	1	1	1	8	1	1	1	1	1	1	1	1	1	1
● 11"x17" Reduction of Assessor's Map	VII-1	1	1	1	1	1	8	1	1	1	1	1	1	1	1	1	1
● Evidence of Title	VII-2	1		1	1												
● Appraisal of Raw Land	VII-1	1		1						1							
● Names and Addresses	VII-3	1															
● Legal Description	VII-2	1		1													
○ Deed	VII-1	1		1	1												
○ Easement	VII-2	1	1	1	1	1											
○ Avigation Easement	VII-1	1		1	1												
○ ROW	VII-3	1	1	1	1	1											
● General Project Report	X-7	1	1	1	1	1	8	1	1	1	1	1	1	1	1	1	1
● Location Map <i>Full-size assessors map</i>	X-21	1															
● Neighborhood	X-33	1	1	1	1	1	8	1	1	1	1	1	1	1	1	1	1
● SITE PLAN		1	1	1	1	1	8	1	1	1	1	1	1	1	1	1	1

- 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.

Original
Do NOT Remove
From Office

RZV-95-28

GENERAL PROJECT REPORT

I am seeking a rezone of two parcels of land located in Block 77 in the City of Grand Junction.

One Parcel fronts on Ouray Avenue and consists of Lots 5, 6, 7, 8, 9, 10, 11 and 12. I wish to change the zoning on this parcel from RMF-64 to P. The other parcel fronts on Grand Avenue and consists of Lots 13, 14, 15, 16, 17, 18, 19 and the East 15.835 feet of Lot 20. I wish to change the zoning on this parcel from C-1 and C-2 to B-3.

The two parcels are separated by the east 200 feet of the east-west alley in Block 77. See attached. Concurrently with my application for a rezone of the parcels, I am seeking a right-of-way vacation of that east 200 feet of the alley.

The use planned for these parcels, including the portion of the alley to be vacated, is for a "Black-Eyed Pea" restaurant and parking lot. A typical "Black-Eyed Pea" building consists of approximately 5,400 square feet and reaches a height of 23 feet in some areas.

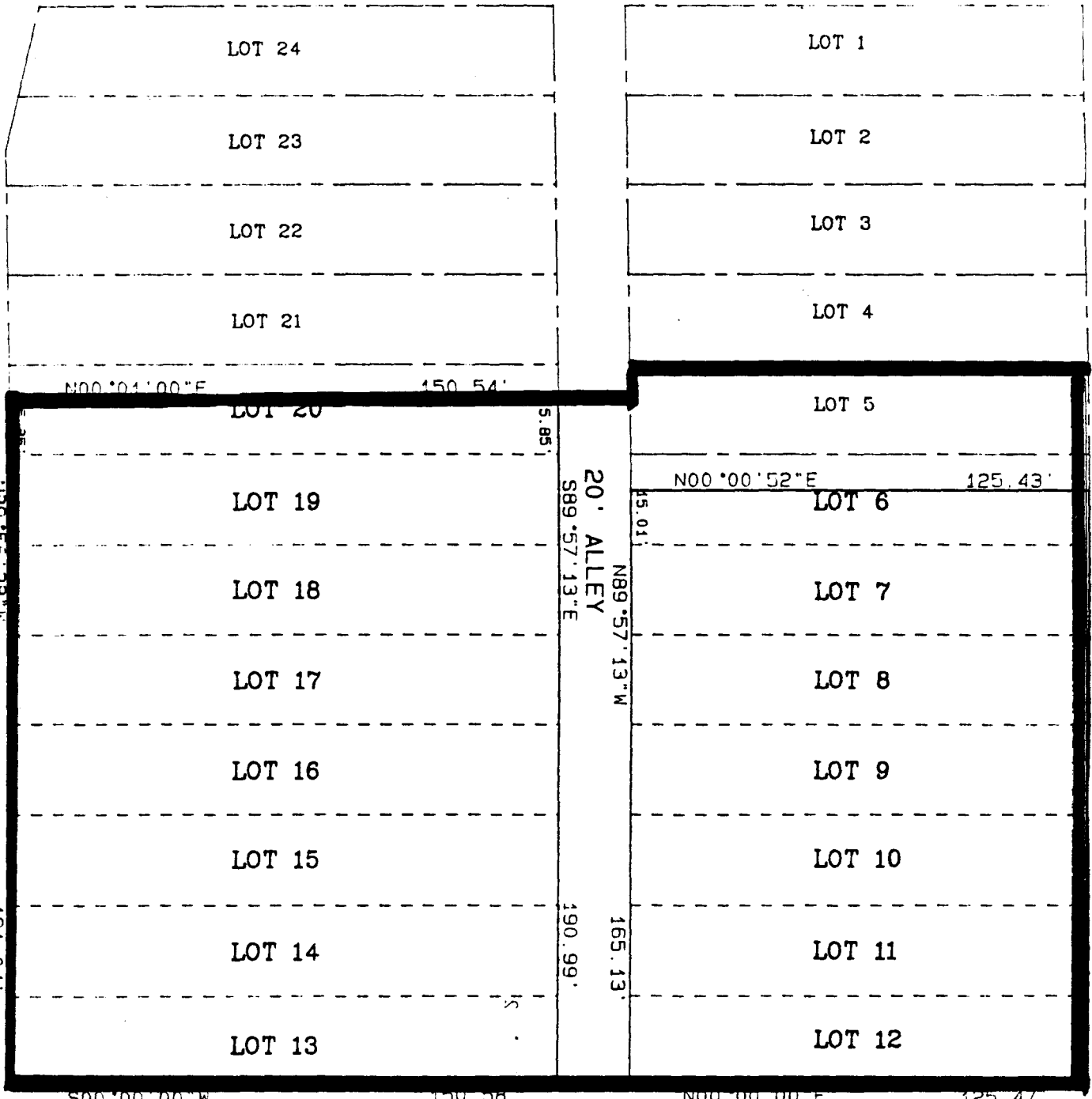
RZV-95-28

Original
Do NOT Remove
From Office

N00°01'43"E

375.90'

1st STREET



OURAY AVE.

GRAND AVE.

2nd STREET

376.06'

500'00"00"W

60'

2945-143-02-005
REYNOLD R REMINGTON
3337 NORTHBRIDGE DR
GRAND JUNCTION, CO 81506-1925

2945-142-36-006
LESLIE S TUCKER
MARLENE M
135 CHIPETA AVE
GRAND JUNCTION, CO 81501-2241

2945-142-36-012
MICHAEL W DRISSEL
STEVEN L HAGEDORN
118 OURAY AVE
GRAND JUNCTION, CO 81501-2246

2945-143-02-010
ARTHUR N TAFOYA
BISHOP OF PUEBLO
1001 N GRAND AVE
PUEBLO, CO 81003-2915

2945-143-02-011
ARTHUR N TAFOYA
BISHOP OF PUEBLO
1001 N GRAND AVE
PUEBLO, CO 81003-2915

2945-143-02-951
HANDY CHAPEL INC
C/O JOSEPHINE DICKEY
1336 WHITE AVE
GRAND JUNCTION, CO 81501-4538

2945-151-00-042
CAROLYN A MEYERS
EVELYN M STEELE
1107 23 RD
GRAND JUNCTION, CO 81505-9621

2945-151-00-043
VERA F PEARCE
1714 N 21ST ST
GRAND JUNCTION, CO 81501-6634

2945-142-36-011
GORDON ZIMMERMAN
GAY M
2739 B RD
GRAND JUNCTION, CO 81503-3203

2945-142-36-011
EVANGELINA BALERIO
124 OURAY AVE
GRAND JUNCTION, CO 81501-2246

2945-142-36-007
RICHARD E JONES
2495 H RD
GRAND JUNCTION, CO 81505-9672

2945-142-36-008
RICHARD E JONES
2495 H RD
GRAND JUNCTION, CO 81505-9672

2945-142-36-013
SHERRYN EBERLY
DBA COLORADO STAMP & SEAL
112 OURAY AVE
GRAND JUNCTION, CO 81501-2246

2945-142-35-017
ARTHUR L WALLACE
ARLEEN M
518 N 2ND ST
GRAND JUNCTION, CO 81501-2320

2945-151-00-092
JAMES A HOLMES
200 W GRAND AVE
GRAND JUNCTION, CO 81505-7304

2945-154-01-012
GAY JOHNSON'S INC
PO BOX 1829
GRAND JUNCTION, CO 81502-1829

2945-154-01-013
GAY JOHNSON'S INC
PO BOX 1829
GRAND JUNCTION, CO 81502-1829

2945-142-35-001
MARK ROSKOS
203 CHIPETA AVE
GRAND JUNCTION, CO 81501-2321

22V-95-28

Original
Do NOT Remove
From Office

2945-143-01-016
KAREN K MARQUETTE
RODNEY & GENE GANA
2125 BROADWAY
GRAND JUNCTION, CO 81503-1045

2945-143-01-020
PAUL SADE
ELEANOR-TRSTEEES C/O CITY MKT
PO BOX 729
GRAND JUNCTION, CO 81502-0729

2945-143-02-001
STEVEN R CONOLEY
BETTY J
203 GRAND AVE
GRAND JUNCTION, CO 81501-7816

2945-143-02-002
CAROLINA K MARYE
211 GRAND AVE
GRAND JUNCTION, CO 81501-7816

2945-143-02-003
BETTY JEAN KEMPTON
2805 MESA AVE
GRAND JUNCTION, CO 81501-4915

2945-143-02-004
REYNOLD R REMINGTON
MARGARET JOYCE
3337 NORTHRIDGE DR
GRAND JUNCTION, CO 81506-1925

2945-151-00-032
JERRY DERBY
360 W GUNNISON AVE
GRAND JUNCTION, CO 81505-7219

2945-151-17-002
MARY A GREEN
TRUSTEE OF MARY A GREEN TRUST
6184 S VAN GORDON WAY
LITTLETON, CO 80127-2396

2945-151-17-001
MARY A GREEN
TRUSTEE OF MARY A GREEN TRUST
6184 S VAN GORDON WAY
LITTLETON, CO 80127-2396

2945-151-00-107
ALLEN CHESTER
JANET GARDNER
2255 KNOWLWOOD LN
GRAND JUNCTION, CO 81505-7004

Original
Do NOT Remove
From Office

82-55-720

2945-142-38-013
SHAFT I
PO BOX 636
GRAND JUNCTION, CO 81502-0636

2945-142-38-018
SHAFT I
PO BOX 636
GRAND JUNCTION, CO 81502-0636

2945-142-38-019
COLORADO NATIONAL BANK-GRAND JUNCT
950 17TH ST STE 2400
DENVER, CO 80202-2828

2945-143-01-015
LIPSON III PROPERTIES
296 W MORRISON CT
GRAND JUNCTION, CO 81503-2500

2945-143-01-003
FAR/MAX LLC
359 MAIN ST STE 7
GRAND JUNCTION, CO 81501-2408

2945-142-37-002
HELEN WILLIAMS
LIFE ESTATE
115 OURAY AVE
GRAND JUNCTION, CO 81501-2245

2945-142-36-004
TED MUNKRES
121 CHIPETA AVE
GRAND JUNCTION, CO 81501-2241

2945-143-01-004
FAR/MAX LLC
359 MAIN ST STE 7
GRAND JUNCTION, CO 81501-2408

2945-143-01-007
RAYMOND C LANDMEIER
ESTATE & BERTHA L LANDMEIER
190 HALL AVE
GRAND JUNCTION, CO 81501-2130

2945-14 36-003
RONALD E EISENMAN
PO BOX 1530
PALISADE, CO 81526-1530

2945-142-36-014
CHARLES C KNIFFEN
OLIVE E
5338 PURDY MESA RD
WHITEWATER, CO 81527-9673

2945-142-38-001
SHAFT I
PO BOX 636
GRAND JUNCTION, CO 81502-0636

2945-142-36-001
GARY D ROBERTS
534 N 1ST ST
GRAND JUNCTION, CO 81501-2232

2945-142-36-002
GARY D ROBERTS
534 N 1ST ST
GRAND JUNCTION, CO 81501-2232

2945-142-38-002
SHAFT I
PO BOX 636
GRAND JUNCTION, CO 81502-0636

2945-142-38-003
TWO HUNDRED GRAND PROPERTIES
PO BOX 636
GRAND JUNCTION, CO 81502-0636

2945-142-38-004
SHAFT I
PO BOX 636
GRAND JUNCTION, CO 81502-0636

2945-142-38-005
BANK OF COLORADO
PO BOX 968
GRAND JUNCTION, CO 81502-0968

R2V-95-28

Original
Do NOT Remove
From Office

2945-142-35-016
LEW E WUNDERWALD
LEN E
PO BOX 952
GRAND JUNCTION, CO 81502-0952

2945-142-37-001
RAYMOND C BECKNER
RODNEY C POWER
PO BOX 1329
GRAND JUNCTION, CO 81502-1329

2945-142-36-009
MARJORIE L TUCKER
PO BOX 1601
GRAND JUNCTION, CO 81502-1601

2945-142-36-010
MARJORIE L TUCKER
PO BOX 1601
GRAND JUNCTION, CO 81502-1601

2945-142-35-014
CARMEN D HERRICK
PO BOX 2023
GRAND JUNCTION, CO 81502-2023

2945-142-35-002
MARTIN JON MILLER
2277 EL VERANO CT
GRAND JUNCTION, CO 81503-1213

2945-142-35-019
JAMES R KAMICAR
ELIZABETH ZALEK
674 S FLAMINGO CT
DENVER, CO 80222-1401

2945-142-35-003
MARTIN A MAGDALENSKI
ULRIKE M
221 CHIPETA AVE
GRAND JUNCTION, CO 81501-2321

2945-142-35-004
CHUCK BUDERUS
227 CHIPETA AVE
GRAND JUNCTION, CO 81501-2321

2945-154-01-010
MINNIE FUOCO
411 32 RD
CLIFTON, COLORADO 81520-9114

111

R2V-95-28
Original
Do NOT Remove
from Office

2945-154-01-007
MINNIE FUOCO
411 32 RD
CLIFTON, COLORADO 81520-9114

2945-142-35-015
JAMES R KAMICAR
SHERYL MANZ KAMICAR
674 FLAMINGO CT
DENVER, CO 80222-1401

2945-142-35-013
WALTER L HIATT
KATHLEEN H
246 OURAY AVE
GRAND JUNCTION, CO 81501-2324

2945-142-35-018
BRIAN L MATTFIELD
202 OURAY AVE
GRAND JUNCTION, CO 81501-2324

2945-142-36-005
EDWARD S DERRYBERRY
1305 GLENWOOD AVE
GRAND JUNCTION, CO 81501-4329

REVIEW COMMENTS

Page 1 of 2

FILE # RZV-95-28

TITLE HEADING: Rezone/R.O.W. Vacation -
Black-Eyed Pea Restaurant

LOCATION: NW corner 2nd Street and Grand Avenue

PETITIONER: Shari Raso

PETITIONER'S ADDRESS/TELEPHONE: P.O. Box 2328
Grand Junction, CO 81502
242-9180

PETITIONER'S REPRESENTATIVE: Shari Raso

STAFF REPRESENTATIVE: Michael Drollinger

NOTE: THE PETITIONER IS REQUIRED TO SUBMIT FOUR (4) COPIES OF WRITTEN RESPONSE AND REVISED DRAWINGS ADDRESSING ALL REVIEW COMMENTS ON OR BEFORE 5:00 P.M., FEBRUARY 24, 1995.

PUBLIC SERVICE
Dale Clawson

02/03/95
244-2695

Electric and Gas: Require the existing alley be retained as utility easement due to existing facilities.

GRAND JUNCTION FIRE DEPARTMENT
Hank Masterson

02/08/95
244-1414

A fire flow survey will be required-submit a complete set of building plans to the Fire Department. All construction must comply with the requirements of the 1994 Uniform Fire Code. If any additional hydrants are required, locations will be based upon fire flow requirements and any required fire suppression systems.

CITY PARKS AND RECREATION DEPARTMENT
Don Hobbs

02/07/95
244-1542

5% open space fee based upon \$70,000 appraised value = \$3,500 due in open space fees.

GRAND JUNCTION POLICE DEPARTMENT
Dave Stassen

02/14/95
244-3587

The proposed rezone of this property and the vacation of the alley is acceptable and causes no special needs or problems for the police department.

U.S. WEST
Max Ward

02/06/95
244-4721

U.S. West has a telephone cable down this alley; we will need to keep a utility easement in alley.

CITY UTILITY ENGINEER
Bill Cheney

02/15/95
244-1590

1. Prior to the construction of the parking lot the existing sewer line located in the alley would have to be TV'd and a decision made on whether to replace the line or not. If the alley is vacated, a 20' utility easement would have to be left for the sewer line and other utilities now located in the alley.
2. All applicable sewer fees are due prior to issuance of a building permit. A grease trap, approved by the Industrial Pretreatment Coordinator, shall be required.

CITY DEVELOPMENT ENGINEER
Jody Kliska

02/14/95
244-1591

An easement for existing utilities in the proposed alley vacation must be provided. A North-South alley must be provided. Dedication of Right-of-Way and construction of alley improvements is required.

Drainage Fees and Transportation Capacity Payment will be addressed with the Site Plan Review.

COMMUNITY DEVELOPMENT DEPARTMENT
Michael Drollinger

02/16/95
244-1439

1. The parcel should be replatted to reflect the relocated alley, requested easements and combine properties into one parcel.
2. Remainder of title work must be submitted.
3. An additional \$125.00 processing fee is due.

RASO PROPERTIES
101 SOUTH THIRD STREET, SUITE 300
GRAND JUNCTION, COLORADO 81502

MAILING ADDRESS
P.O. BOX 2328

TELEPHONE
(303)242-9180

FILE # RZV-95-28 TITLE HEADING: Rezone/R. O. W. Vacation
Black-eyed Pea Restaurant

PETITIONER: Shari A. Raso

PETITIONER'S ADDRESS/TELEPHONE: P. O. Box 2328
Grand Junction, CO 81502
242-9180

STAFF REPRESENTATIVE: Michael Drollinger

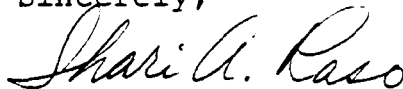
Dear Michael:

I received the City's Review Comments at my post office box on Monday, February 20, 1995, which, as you know, was a holiday. I have faxed these comments to the prospective lessee and to the lessee's architect. As of 4:15 February 24, I have had no response. Since you are not able to give me additional time in which to respond, I am submitting this to tell you that I have no problem with any of the comments made. I cannot, of course, speak for Black-eyed Pea.

I was hoping to be able to submit with this reponse a revised site plan from the lessee's architect, which would show the relocated alley and easements. Unfortunately Mr. Eatwell has not provided me with one yet, but I will get it to you as soon as he does. With this response I am submitting the additional \$125.00 processing fee you requested.

If you have any questions, please give me a call.

Sincerely,



Shari A. Raso

SAR:mk
Eclosure

MTD

STAFF REVIEW

FILE: #RZV-95-28

DATE: March 28, 1995

REQUEST: (Rezone C-1, C-2 & RMF-64 to B-3 and P)

for
1

LOCATION: Northwest corner 2nd Street and Grand Avenue

APPLICANT: Shari A. Raso

EXISTING LAND USE: see attached map

PROPOSED LAND USE: Restaurant and accessory parking

SURROUNDING LAND USE:

- NORTH: Residential - Single and Multifamily
- SOUTH: Commercial
- EAST: Office (Bank)
- WEST: Commercial (Used Car Sales/Office)

EXISTING ZONING: C-1, C-2 & RMF-64 (see attached map)

PROPOSED ZONING: B-3 & P (see attached map)

SURROUNDING ZONING:

- NORTH: C-2 & RMF-64
 - SOUTH: C-1
 - EAST: B-3
 - WEST: C-2
-

RELATIONSHIP TO COMPREHENSIVE PLAN:

No comprehensive plan exists for the area.

STAFF ANALYSIS:

The staff analysis is divided into four sections: (1) an overview of the proposal; (2) planning analysis

recommending approval of the rezone request; (3) analysis of rezone criteria and (4) suggested conditions of approval should the application be considered favorably.

The Development Proposal

③ The applicant is requesting a rezone to B-3 (Retail Business) and P (Parking, Off-Street) and a vacation of the east-west alley. ① The site contains Lots 5-12 in Block 77 and Lots 13-20 in Block 77 which are bisected by an east-west alley. Surrounding land uses are residential uses to the north, and nonresidential uses to the east, west and south. ④ The development plans for the parcel call for construction of a restaurant along the Grand Avenue frontage with associated parking to the rear.

② The existing zoning on the parcel is RMF-64 along Ouray Avenue and C-1 and C-2 along Grand Avenue. ⑥ The applicant requests a rezone for construction of a restaurant and associated parking.

⑤ The parcel is presently vacant along the Grand Avenue frontage and contains three residential structures along the Ouray Avenue frontage.

The site plan submitted with the application is preliminary. & is subject to Site Plans Review

* Planning Analysis

This rezoning request provides an opportunity to establish zoning which protects adjacent residential areas and the Grand Avenue Corridor. The proposal for B-3 zoning allows uses which are significantly less intense than those permitted in the commercial (C-1 & C-2) zoning. The less intense uses are generally more consistent with the type of uses found along Grand Avenue which serves as a gateway to the City and has recently undergone major publically funded improvements.

* The protection of the downtown residential neighborhood is also a City goal and policy. This proposal calls for the removal of three residences and the rezoning of approximately 0.5 acres from residential to non-residential uses. However, given that the north side of Ouray from Second Street to Sixth Street generally consists of nonresidential uses, primarily parking, future development of the south side of the 100 block of Ouray will likely also be of a nonresidential nature.

* Staff believes that the most appropriate zoning for the subject application on the south side of Ouray is the "P" off-street parking zone. The "P" zone requires a significant amount of screening while not permitting development of nonresidential structures. Considering the screening requirements and the requirement that all parking access be off of Second Street, staff concludes that the "P" zone, when developed, will not adversely impact the residential neighborhood to the north and will serve as an appropriate transition between the business uses along Grand Avenue and the downtown residential neighborhood.

The non-residential zoning proposed is consistent with the Downtown Development Strategy Plan and the Grand Avenue Corridor Guidelines. Given the transitional nature of the south side of Ouray

SEE MAP

SEE MAP

Relationship to Plans

Avenue, staff does not believe that the subject rezone will be detrimental to the downtown residential area or is in direct conflict with the intent of the Downtown Residential Neighborhood Guidelines.

→ Regarding the alley vacation request, staff feels that the vacation is appropriate and will not negatively impact the surrounding area. Sufficient alley right-of-way, however, will be required to be dedicated so that the alley can be relocated (north-south) terminating on Ouray Avenue and still providing for through traffic in the alley which serves adjacent businesses to the west. No traffic from the subject parcel should be permitted to utilize the alley, however, to prevent traffic from using the alley as a primary means to access First Street.

The east/west alley ROW would be preserved as a utility easement.

* Rezone Criteria

Section 4-4-4 of the Zoning and Development Code contains criteria which must be considered in the review of a rezone request. To minimize repetition, references are made to the previous section where applicable.

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?**

The uses along the south side of Ouray from First Street to Sixth Street are primary nonresidential uses or parking associated with nonresidential uses. The character of the uses along the south side of Ouray Avenue have been in transition from residential to primarily parking uses. Staff believes that appropriately designed parking along the south side of Ouray would serve as an appropriate transitional use between the businesses along Grand Avenue and the residential neighborhood along the north side of Ouray Avenue.

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

The proposed development is consistent with the permitted zoning and the character of the corridor. The proposal represents an infill development project.

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

The rezone as proposed will restrict the uses along Grand Avenue to those more appropriate for the corridor while the "P" off-street parking zone proposed provides for adequate buffering and will serve as an appropriate transitional use.

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

The B-3 zoning along Grand Avenue will insure uses which are more compatible with the corridor and which complement the public investment made in the streetscape.

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?**

This is covered in the planning analysis, but in short the proposal is in general conformance with adopted plans and policies.

G. **Are adequate facilities available to serve development for the type and scope suggested for the proposed zone?**

Adequate facilities are available to serve the proposed development.

*Based on
analysis of
rezone criteria*

Staff feels that the rezone request is supported by the rezone criteria.

Conditions of Approval

Should the Planning Commission and/or City Council choose to favorably consider the subject application, staff believes that at a minimum the condition below should be met:

1. Petitioner must replat lots and right-of-way vacation/dedication prior to the effective date of the zoning.

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning request and right-of-way vacation for the reasons discussed above and subject to the above condition.

RECOMMENDED PLANNING COMMISSION MOTION

Mr. Chairman, on item #95-28, request for rezone and right-of-way vacation, I make a motion that we forward this item to City Council with the recommendation of approval with the conditions detailed in the staff report.

STAFF REVIEW

FILE: #RZV-95-28

DATE: April 7, 1995

STAFF: Michael T. Drollinger

REQUEST: Rezone C-1, C-2 & RMF-64 to B-3 and P

LOCATION: Northwest corner 2nd Street and Grand Avenue

APPLICANT: Shari A. Raso

EXISTING LAND USE: see attached map

PROPOSED LAND USE: Restaurant and accessory parking

SURROUNDING LAND USE:

- NORTH: Residential - Single and Multifamily
- SOUTH: Commercial
- EAST: Office (Bank)
- WEST: Commercial (Used Car Sales/Office)

EXISTING ZONING: C-1, C-2 & RMF-64 (see attached map)

PROPOSED ZONING: B-3 & P (see attached map)

SURROUNDING ZONING:

- NORTH: C-2 & RMF-64
 - SOUTH: C-1
 - EAST: B-3
 - WEST: C-2
-

RELATIONSHIP TO COMPREHENSIVE PLAN:

No comprehensive plan exists for the area.

STAFF ANALYSIS:

The staff analysis is divided into four sections: (1) an overview of the proposal; (2) planning analysis recommending approval of the rezone request; (3) analysis of rezone criteria and (4) suggested conditions of approval should the application be considered favorably.

The Development Proposal

The applicant is requesting a rezone to B-3 (Retail Business) and P (Parking, Off-Street) and a vacation of the east-west alley. The site contains Lots 5-12 in Block 77 and Lots 13-20 in Block 77 which are bisected by an east-west alley. Surrounding land uses are residential uses to the north, and nonresidential uses to the east, west and south. The development plans for the parcel call for construction of a restaurant along the Grand Avenue frontage with associated parking to the rear.

The existing zoning on the parcel is RMF-64 along Ouray Avenue and C-1 and C-2 along Grand Avenue. The applicant requests a rezone for construction of a restaurant and associated parking.

The parcel is presently vacant along the Grand Avenue frontage and contains three residential structures along the Ouray Avenue frontage.

The site plan submitted with the application is preliminary.

Planning Analysis

This rezoning request provides an opportunity to establish zoning which protects adjacent residential areas and the Grand Avenue Corridor. The proposal for B-3 zoning allows uses which are significantly less intense than those permitted in the commercial (C-1 & C-2) zoning. The less intense uses are generally more consistent with the type of uses found along Grand Avenue which serves as a gateway to the City and has recently undergone major publically funded improvements.

The protection of the downtown residential neighborhood is also a City goal and policy. This proposal calls for the removal of three residences and the rezoning of approximately 0.5 acres from residential to non-residential uses. However, given that the north side of Ouray from Second Street to Sixth Street generally consists of nonresidential uses, primarily parking, future development of the south side of the 100 block of Ouray will likely also be of a nonresidential nature.

Staff believes that the most appropriate zoning for the subject application on the south side of Ouray is the "P" off-street parking zone. The "P" zone requires a significant amount of screening while not permitting development of nonresidential structures. Considering the screening requirements and the requirement that all parking access be off of Second Street, staff concludes that the "P" zone, when developed, will not adversely impact the residential neighborhood to the north and will serve as an appropriate transition between the business uses along Grand Avenue and the downtown residential neighborhood.

The non-residential zoning proposed is consistent with the Downtown Development Strategy Plan and the Grand Avenue Corridor Guidelines. Given the transitional nature of the south side of Ouray Avenue, staff does not believe that the subject rezone will be detrimental to the downtown residential area or is in direct conflict with the intent of the Downtown Residential Neighborhood Guidelines.

Regarding the alley vacation request, staff feels that the vacation is appropriate and will not negatively impact the surrounding area. Sufficient alley right-of-way, however, will be required to be dedicated so that the alley can be relocated (north-south) terminating on Ouray Avenue and still providing for through traffic in the alley which serves adjacent businesses to the west. No traffic from the subject parcel should be permitted to utilize the alley, however, to prevent traffic from using the alley as a primary means to access First Street.

Rezone Criteria

Section 4-4-4 of the Zoning and Development Code contains criteria which must be considered in the review of a rezone request. To minimize repetition, references are made to the previous section where applicable.

- 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?**
The uses along the south side of Ouray from First Street to Sixth Street are primary nonresidential uses or parking associated with nonresidential uses. The character of the uses along the south side of Ouray Avenue have been in transition from residential to primarily parking uses. Staff believes that appropriately designed parking along the south side of Ouray would serve as an appropriate transitional use between the businesses along Grand Avenue and the residential neighborhood along the north side of Ouray Avenue.
- C. **Is there an area of community need for the proposed rezone?**
The proposed development is consistent with the permitted zoning and the character of the corridor. The proposal represents an infill development project.
- D. **Is the proposed rezone compatible with the surrounding area or will there be adverse impacts?**
The rezone as proposed will restrict the uses along Grand Avenue to those more appropriate for the corridor while the "P" off-street parking zone proposed provides for adequate buffering and will serve as an appropriate transitional use.

- E. **Will there be benefits derived by the community, or area, by granting the proposed rezone?**
The B-3 zoning along Grand Avenue will insure uses which are more compatible with the corridor and which complement the public investment made in the streetscape.
- 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?**
This is covered in the planning analysis, but in short the proposal is in general conformance with adopted plans and policies.
- G. **Are adequate facilities available to serve development for the type and scope suggested for the proposed zone?**
Adequate facilities are available to serve the proposed development.

Staff feels that the rezone request is supported by the rezone criteria.

Conditions of Approval

Should the Planning Commission and/or City Council choose to favorably consider the subject application, staff believes that at a minimum the condition below should be met:

1. Petitioner must replat lots and right-of-way vacation/dedication prior to the effective date of the zoning.

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning request and right-of-way vacation for the reasons discussed above and subject to the above condition.

PLANNING COMMISSION RECOMMENDATION:

At their April 4, 1995 meeting, Planning Commission recommended approval of the request for rezone and ROW vacation with the condition in the staff report.

TRAFFIC STUDY REQUIREMENTS FOR

Date: 2-3-95

PROJECT NAME BLACK-EYED PEA RESTAURANT LOCATION 2ND & GRAND AVE.

DEVELOPER _____ TRAFFIC CONSULTANT _____ CITY _____ APPROVAL PROCESS _____
 Company COLORADO REST. MGT. Company _____ Project Engineer JODY KLYSKA City
 Contact _____ Project Engineer _____ Project Planner MICHAEL DROLLINGER COOF
 Phone _____ Phone _____ Phone 244-1591 Other

TRAFFIC STUDY FOR:	CONTENT OF REPORT TO INCLUDE			METHOD
			Site Impacts / Study Area Impacts	
Zoning	<input checked="" type="checkbox"/>	Land Use Description	<input checked="" type="checkbox"/>	
Platting		Trip Generation (+ Reduction Factors)	<input checked="" type="checkbox"/>	HTE TRIP GEN. - MAY USE
Building Permit	<input checked="" type="checkbox"/>	Trip Distribution/Trip Assignment	<input checked="" type="checkbox"/>	20% PASSBY
Access Permit		Parking Analysis (+ Shared Parking)		
Annexation		Accident Analysis		
		Traffic Signal Progression		

INTERSECTION CAPACITIES TO BE ANALYZED *	PEAK PERIODS				STREET A.D.T.S. TO BE PROVIDED		PROJECTION	
	A.M.	Noon	P.M.	Other	Existing	Build Out	20 Yr.	
<u>2ND & GRAND</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<u>COUNTS BY</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<u>2ND & OURAY</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<u>DEVELOPER</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

For Existing and Build Out Conditions.
 Traffic Consultants must meet with City staff to complete form. Traffic studies submitted without form being completed prior to study may not be accepted. All studies must conform to City Ordinance.
 Study Area Definition (see map if attached): SITE DRIVEWAYS, INTERSECTIONS 2ND & GRAND, 2ND & OURAY
 North: _____ South: _____
 East: _____ West: _____

RZV-95-28

Original
Do NOT Remove
From Office

1ST STREET

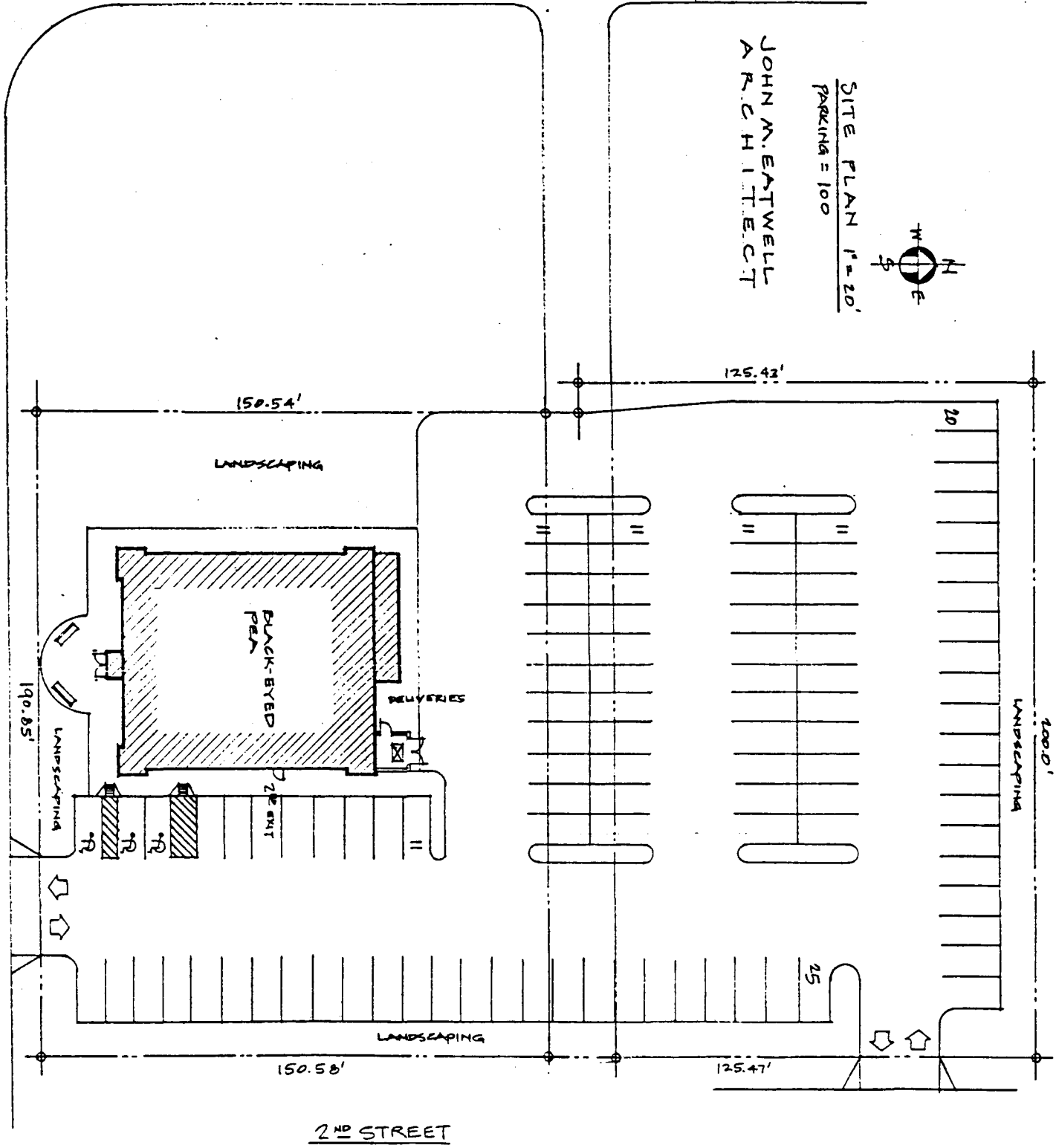
JOHN W. EATWELL
A.R.C.H.I.T.E.C.T

SITE PLAN 1"=20'
PARKING = 100



GRAND AVE.

DURANT AVE.
200.0'



LANDSCAPING

150.54'

BLACK-EYED
PEAN

DELIVERIES

25

LANDSCAPING

150.58'

125.42'

20

LANDSCAPING

200.0'

25

125.47'

2ND STREET