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File RZV-1995-122

Date 9/9/99

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, 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.</p> <p>Remaining items, (not selected for scanning), will be marked present on the checklist. This index can serve as a quick guide for the contents of each file.</p> <p>Files denoted with (**) are to be located using the ISYS Query System. Planning Clearance will need to be typed in full, as well as other entries such as Ordinances, Resolutions, Board of Appeals, and etc.</p>		
X	X	*Summary Sheet – Table of Contents		
X	X	Application form		
		Receipts for fees paid for anything		
X	X	*Submittal checklist		
X	X	*General project report		
		Reduced copy of final plans or drawings		
X	X	Reduction of assessor's map		
		Evidence of title, deeds		
X	X	*Mailing list		
		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 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		
X	X	*Planning Commission staff report and exhibits		
X	X	*City Council staff report and exhibits		
		*Summary sheet of final conditions		
		*Letters and correspondence dated after the date of final approval (pertaining to change in conditions or expiration date)		
<u>DOCUMENTS SPECIFIC TO THIS DEVELOPMENT FILE:</u>				
X	X	E-mail to Kristen Ashbeck from Hank Masterson – 10/19/95	X	Warranty Deed
X	X	E-mail to Michael Drollinger to Duncan Brown – 7/28/95	X	Treasurer's Certificate of Taxes Due – 6/12/95
X		Letter from William Waldeck to Commun. Dev. – 7/12/95		
X	X	Location Map		
X	X	Aerial Map		
X	X	Existing Zoning		
X	X	Letter from Douglas Morgan to Kristen Ashbeck re: Petitioner's Minor Subdivision Approval Extension Request – 7/15/96		
X	X	Letter to Verna Cox from Michael Drollinger – 4/29/97		
X		Letter from Douglas Morgan to Michael Drollinger – 3/31/97		
X	X	Planning Commission Minutes - ** - 8/1/95, 8/6/96		
X		Posting of Public Notice Signs		
X	X	Ordinance No. 2865 - **		
X	X	City Council Minutes – 8/16/95, 9/6/95		
X	X	Site Plan		
X	X	Memo from Verna Cox to Central Grand Valley Sanitation & Chris – 10/16/95		
X	X	Memo from Verna Cox to Commun. Dev. – 10/11/95		
X		Avigation Eastement		
X	X	Letter from Verna Cox to Michael Drollinger - change to submittal checklist-7/3/95		

SUBMITTAL CHECKLIST

MINOR SUBDIVISION / REZONE / VACATION OF EASEMENT

Location: 666 29 1/2 ROAD

Project Name: BLACK SHEEP FARM

ITEMS		DISTRIBUTION																					TOTAL REQ'D.									
DESCRIPTION (s/n)	SSID REFERENCE	● City Community Development	● City Dev. Eng.	● City Utility Eng.	● City Property Agent	○ City Parks/Recreation	● City Fire Department	● City Attorney	● City G.J.P.C. (8 sets)	○ City Downtown Dev. Auth.	X City Police	○ County Planning	○ County Building Department	● County Surveyor	● Walker Field	○ School Dist. #51	○ Irrigation District <i>Palisade</i>	● Drainage District - GV <i>Water Users</i>	● Water District - Ute	● Sewer District - Central <i>Grand Hall</i>	● U.S. West	● Public Service		○ GVRP	○ CDOT	○ Corps of Engineers	○ Colorado Geologic Survey	○ U.S. Postal Service	X Persigo WWTF	● TCI Cable		
● Application Fee \$400 + \$15/acre	VII-1	1																														1
● Submittal Checklist*	VII-3	1																													1	
● Review Agency Cover Sheet*	VII-3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	16	
● Application Form*	VII-1	1	1	1	1	1	1	1	8	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	24	
● Reduction of Assessor's Map*	VII-1	1	1	1	1	1	1	1	8	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	24	
● Evidence of Title	VII-2	1			1			1																							3	
○ Appraisal of Raw Land	VII-1	1			1	1																										
● Names and Addresses*	VII-2	1																													1	
● Legal Description*	VII-2	1			1																										2	
○ Deeds	VII-1	1			1			1																								
○ Easements	VII-2	1	1	1	1			1														1	1	1								
○ Avigation Easement	VII-1	1			1			1							1																	
○ ROW	VII-3	1	1	1	1			1														1	1	1								
○ Covenants, Conditions & Restrictions	VII-1	1	1					1																								
○ Common Space Agreements	VII-1	1	1					1																								
● County Treasurer's Tax Cert.	VII-1	1																													1	
○ Improvements Agreement/Guarantee*	VII-2	1	1	1				1																								
○ CDOT, 404, or Floodplain Permit	VII-3,4	1	1																													
● General Project Report	X-7	1	1	1	1	1	1	1	8	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	24	
● Location Map (Full-size assessor's map)	IX-21	1																													1	
○ Composite Plan	IX-10	1	2	1	1																											
○ 11"x17" Reduction Composite Plan	IX-10	1			1	1	1	8	1	1	1	1				1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		
● Final Plat	IX-15	1	2	1	1	1	1	8	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	25	
○ 11"x17" Reduction of Final Plat	IX-15	1						8	1	1	1			1	1	1	1	1	1	1	1	1	1				1	1				
○ Cover Sheet	IX-11	1	2																													
○ Grading & Stormwater Mgmt Plan	IX-17	1	2														1								1	1						
○ Storm Drainage Plan and Profile	IX-30	1	2														1				1	1	1									
○ Water and Sewer Plan and Profile	IX-34	1	2	1													1	1	1	1	1	1					1	1				
○ Roadway Plan and Profile	IX-28	1	2														1															
○ Road Cross-sections	IX-27	1	2																													
○ Detail Sheet	IX-12	1	2																													
○ Landscape Plan	IX-20	2	1	1																												
○ Geotechnical Report	X-8	1	1										1																			
○ Phase I & II Environmental Report	X-10,11	1	1																													
○ Final Drainage Report	X-5,6	1	2														1															
○ Stormwater Management Plan	X-14	1	2														1									1						
○ Sewer System Design Report	X-13	1	2	1																	1											
○ Water System Design Report	X-16	1	2	1														1														
○ Traffic Impact Study	X-15	1	2																						1							
● Site Plan	IX-29	1	2	1	1		1	8																							14	

NOTES: * An asterisk in the item description column indicates that a form is supplied by the City.



DEVELOPMENT APPLICATION

Community Development Department
250 North 5th Street, Grand Junction, CO 81501
(303) 244-1430

Receipt _____

Date _____

Rec'd By _____

File No. 244-95-100

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 checked="" type="checkbox"/> Subdivision Plat/Plan	<input checked="" type="checkbox"/> Minor <input type="checkbox"/> Major <input type="checkbox"/> Resub	7.4 ac - 3 lots	666 29 1/2 Rd	RSF4	SFR
<input checked="" type="checkbox"/> Rezone				From: RSFR To: RSF4	
<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"/> Variance					
<input type="checkbox"/> Special Use					
<input checked="" type="checkbox"/> Vacation			N edge of parent parcel	ABANDONED PALISADE CANAL	<input type="checkbox"/> Right-of Way <input checked="" type="checkbox"/> Easement
<input type="checkbox"/> Revocable Permit					

<input checked="" type="checkbox"/> PROPERTY OWNER	<input type="checkbox"/> DEVELOPER	<input type="checkbox"/> REPRESENTATIVE
DOUGLAS MORGAN VERNA COX		
Name	Name	Name
666 29.5 Rd		
Address	Address	Address
GRAND JUNCTION, CO 81504		
City/State/Zip	City/State/Zip	City/State/Zip
244-1637		
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 required 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.

X Verna Cox 6/15/95
Signature of Person Completing Application Date

X Douglas S. Morgan

X Verna Cox 6/15/95
Signature of Property Owner(s) - attach additional sheets if necessary Date

GENERAL PROJECT REPORT BLACK SHEEP FARM

REQUEST:

We are requesting that our 7.4 acre parcel be rezoned from RSF-R to RSF-4 and that it be divided into a total of 3 lots. We are also requesting that an easement for the maintenance of the Palisade or Price Canal be vacated since the canal was abandoned and filled in many years ago.

The property is presently developed with two single family homes, two garages and numerous agricultural structures. Each home is served by its own driveway, water, sewer, gas, electrical, telephone and cable TV services. We are proposing that Lots 2 and 3 share a driveway so that the number of driveways onto 29.5 Road is not increased. We are also proposing that the driveway for Lot 1 be abandoned prior to recordation of the final plat and that a new driveway be constructed on the northern edge of the parcel prior to construction of a new dwelling.

Because the property is zoned RSF-R, the present use of the property and setbacks of the two dwelling units are legally non-conforming. We want to upgrade the property by eliminating the non-conformities and making it possible to replace the mobile home with a new home and to create a new lot for a future home. The rezoning and division of the property will achieve these objectives while improving the character of our neighborhood.

REZONE CRITERIA:

A. Was the existing zone an error at the time of adoption? Perhaps. The property was zoned RSF-R upon its recent annexation to the City. Although this was done intentionally, the zoning is not a district which would implement the City's plan for the area. The proposed zoning is consistent with the plan for the area which shows residential, not rural and agricultural uses.

B. Has there been a change in character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc. ? Yes, the area is becoming increasingly developed. The area is served with water, sewer and all other necessary utilities. The area is a transitional area where development has been occurring for many years. The area includes agricultural uses, rural residential uses and urban density subdivisions. Northglenn Subdivision and Scott's Run Subdivision are located north of the site.

C. Is there an area or community need for the proposed rezone? Yes. As the population increases more homes are needed where necessary utilities, jobs and services are available.

**BLACK SHEEP FARM
PAGE TWO**

D. Is the proposed rezone compatible with the surrounding area or will there be adverse impacts? The proposed rezone is compatible with the surrounding area for the following reasons:

1. The frontage of the site is already developed with residences at the density allowed by the RSF-4 zone. No adverse impact to the neighborhood character will be created.
2. Much of the 29.5 Road neighborhood is characterized by homes on lots of one acre or less. Northglenn Subdivision and Scott's Run Subdivision have already set the precedent for similar residential densities in the area.

E. Will there be benefits derived by the community or area, by granting the proposed rezone? Yes. The existing older mobile home is served by all of its own utilities. But because it is legally non-conforming under the present zoning, it could not be replaced if it were removed. Due to the significant investment in the existing utilities, removal of the dwelling unit would be a loss of property value. The rezoning of the property will create the potential for the property to be subdivided. This will create the opportunity to remove and replace the mobile home with a substantial dwelling unit. This will have a positive visual impact on the neighborhood and will benefit surrounding properties by supporting or increasing their property values. In addition, it will provide the opportunity for additional homes to be built in an area where services already exist which is more economical to the community than developing areas which will require new services.

F. Is the proposal in conformance with the policies, intents and requirements of this Code and other adopted plans and policies? Yes. The setbacks of the proposed zone will be met by the existing development on the site. The proposal is also in conformance with the City's Annexation Plan and the County's policies for the area. In addition, the proposal is consistent with all of the proposed growth plan alternatives.

G. Are adequate facilities available to serve development for the type and scope suggested by the proposed zone? Yes. All facilities necessary to serve full development of the site are either directly available or could be reasonably extended.

GERRY E SPOMER
KATHERINE F DEPPE-SPOMER
676 29 1/2 RD
GRAND JUNCTION, CO 81504

REP-95-122

LADEEN SHUPING
670 29 1/2 RD
GRAND JUNCTION, CO 81504

JAMES F ELDRIDGE
CHARLENE L ELDRIDGE
663 29 1/2 RD
GRAND JUNCTION, CO 81504

RHODA L STECKEL
667 29 1/2 RD
GRAND JUNCTION, CO 81504

ROBERT L THAYER
JENNILEE
2084 N SAWMILL ST
CEDAR CITY, UT 84720

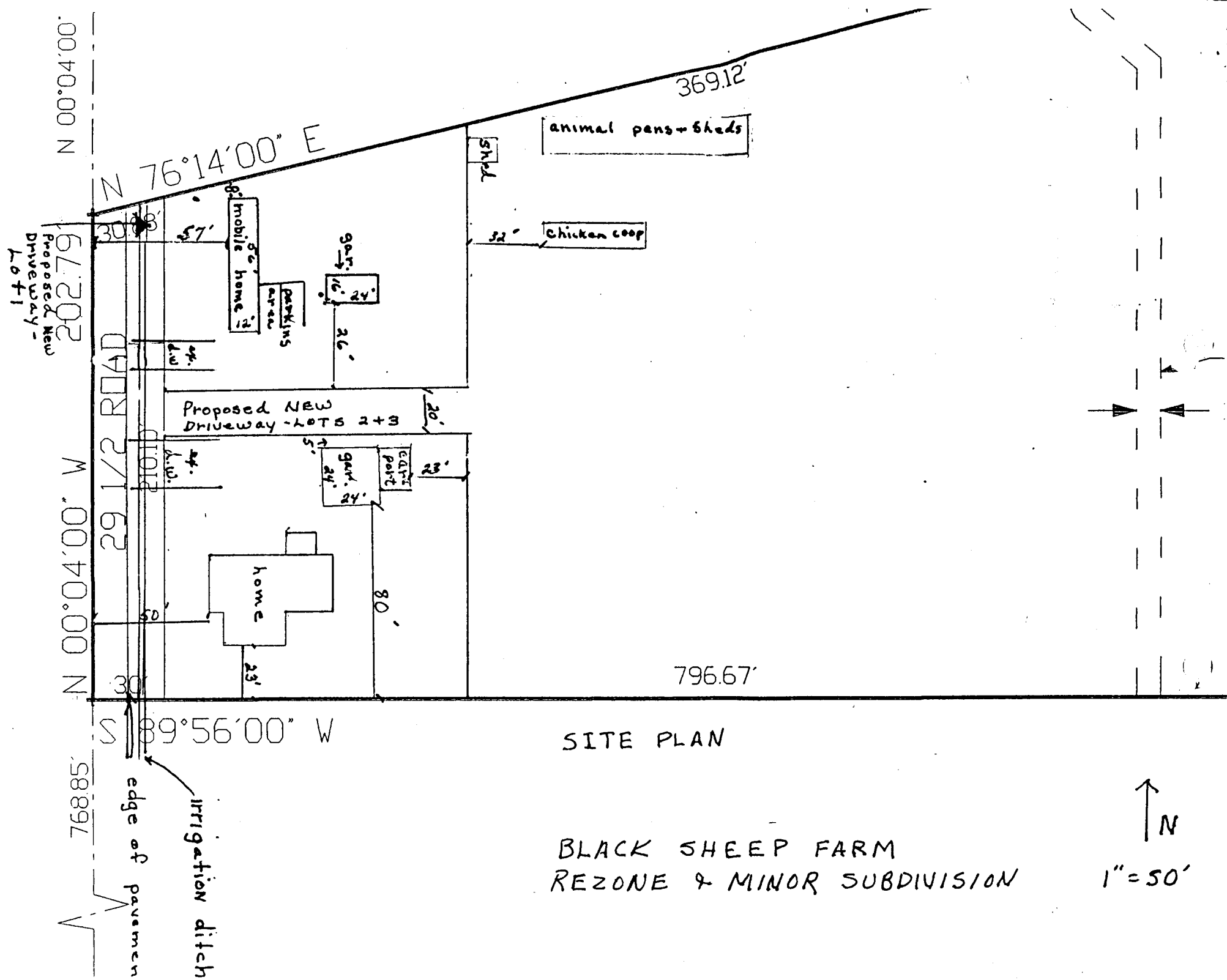
HOWARD D HENSON
ROSEMARY HENSON
664 29 1/2 RD
GRAND JUNCTION, CO 81504

ROBERT L DORSSEY
3122 AMERICANA DR
GRAND JUNCTION, CO 81504

VICKI KAREN MILLER
ROBERT J
661 29 1/2 RD
GRAND JUNCTION, CO 81504

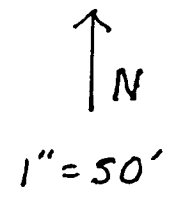
DOUGLAS MORGAN
VERNA COX
666 29.5 RD.
GRAND JUNCTION, CO 81504

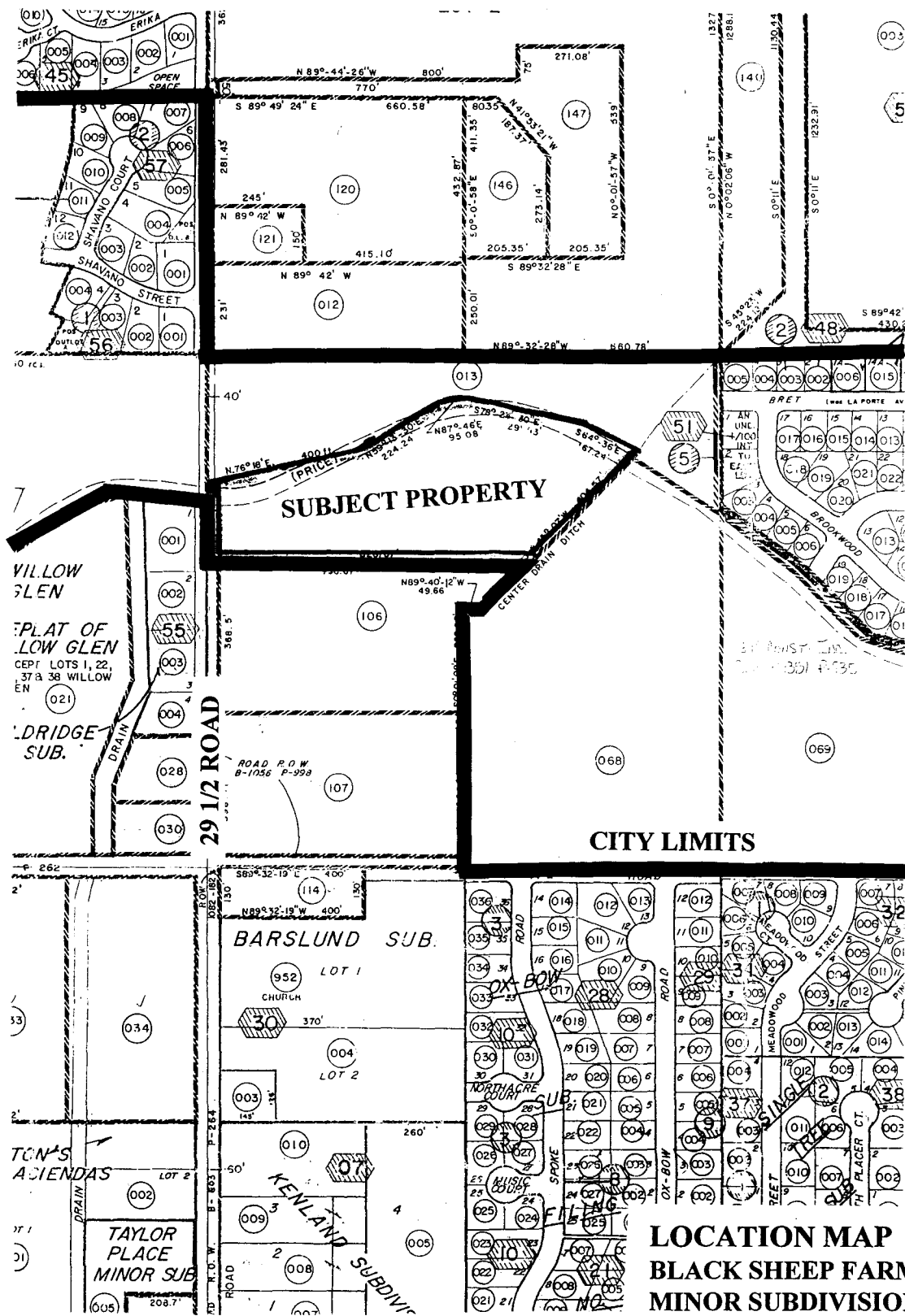
City of Grand Junction
Community Development Dept.
250 N 5th Street
Grand Junction, CO 81501



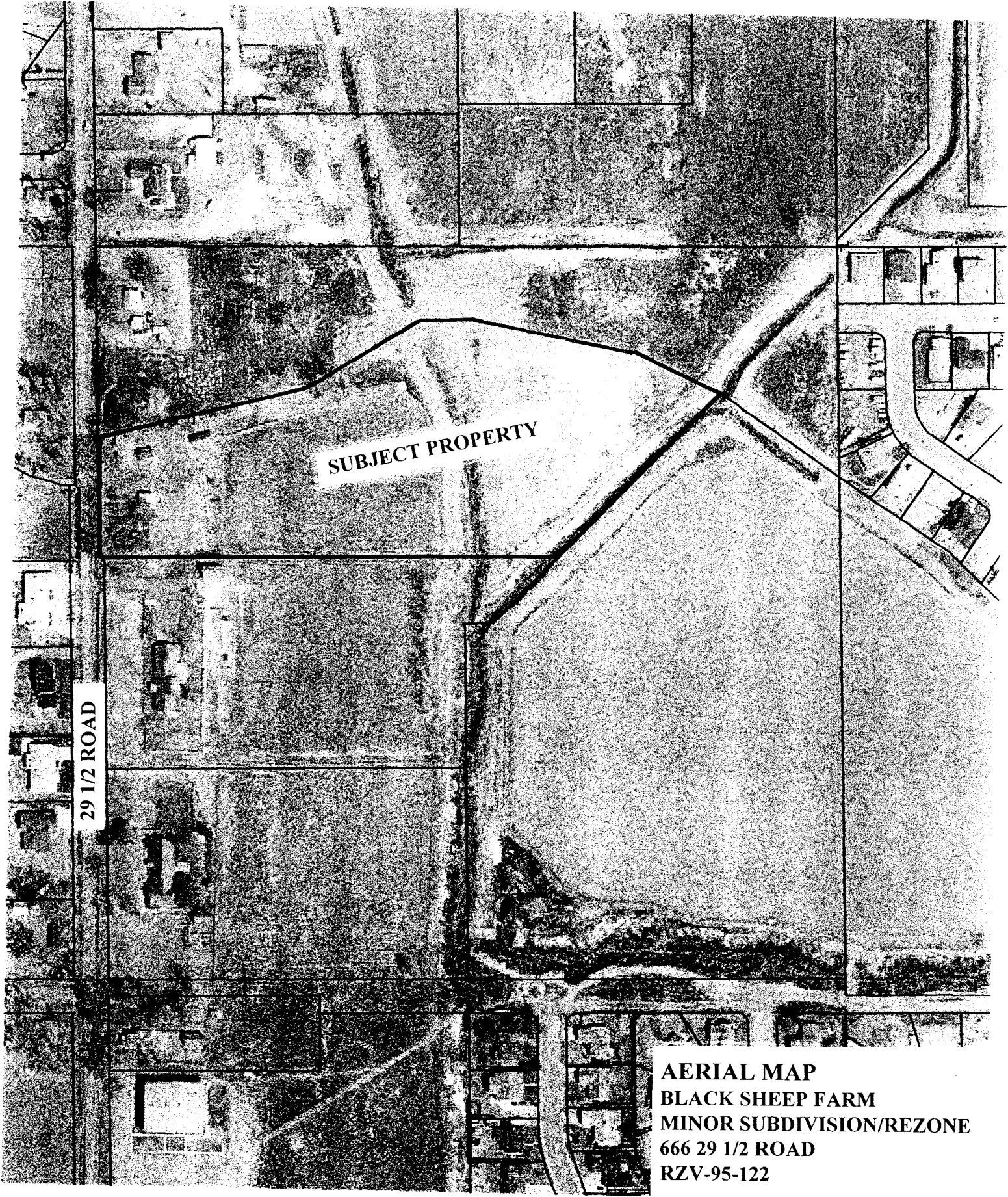
SITE PLAN

BLACK SHEEP FARM
 REZONE & MINOR SUBDIVISION





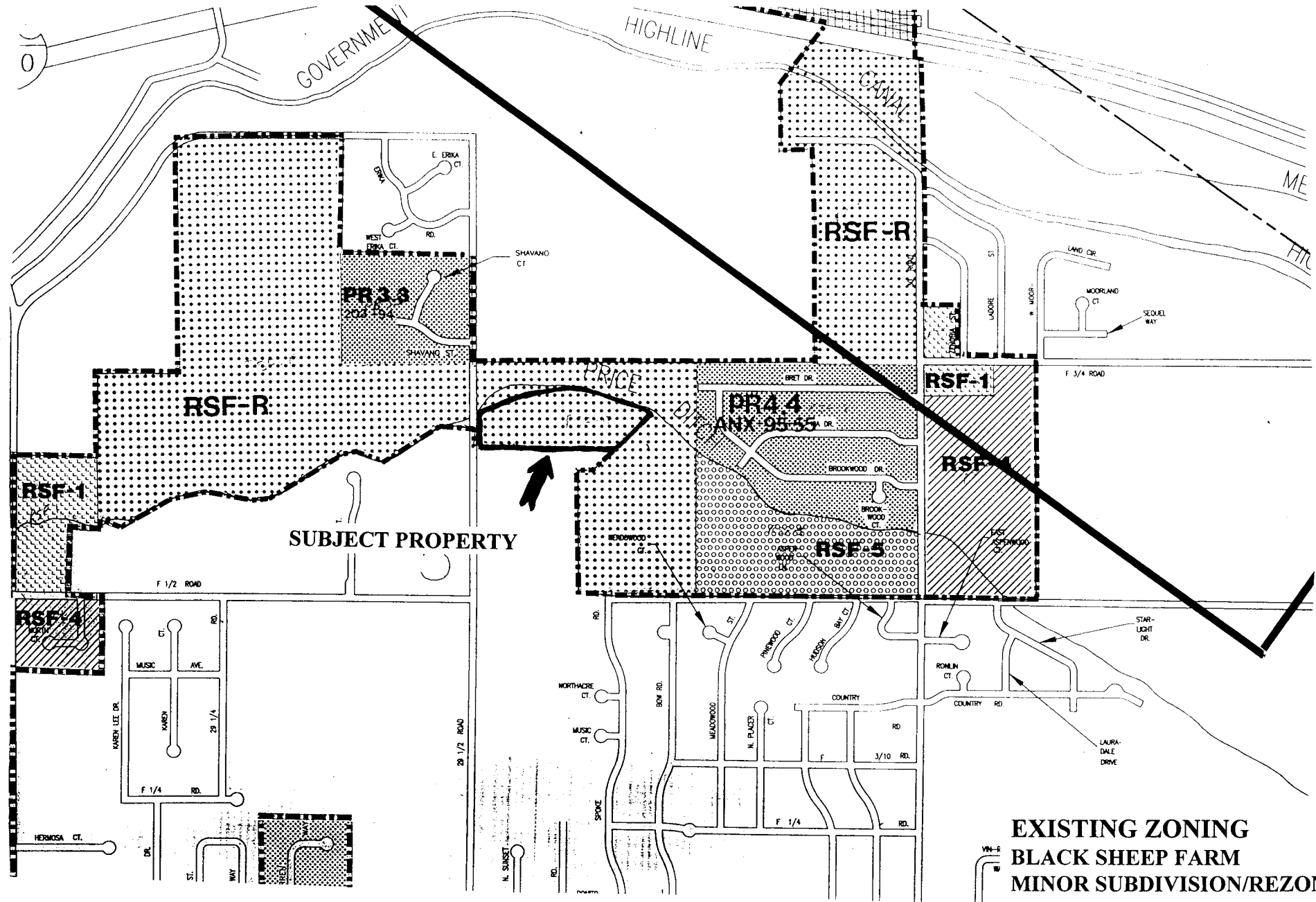
**LOCATION MAP
 BLACK SHEEP FARM
 MINOR SUBDIVISION/REZONE
 666 29 1/2 ROAD
 RZV-95-122**



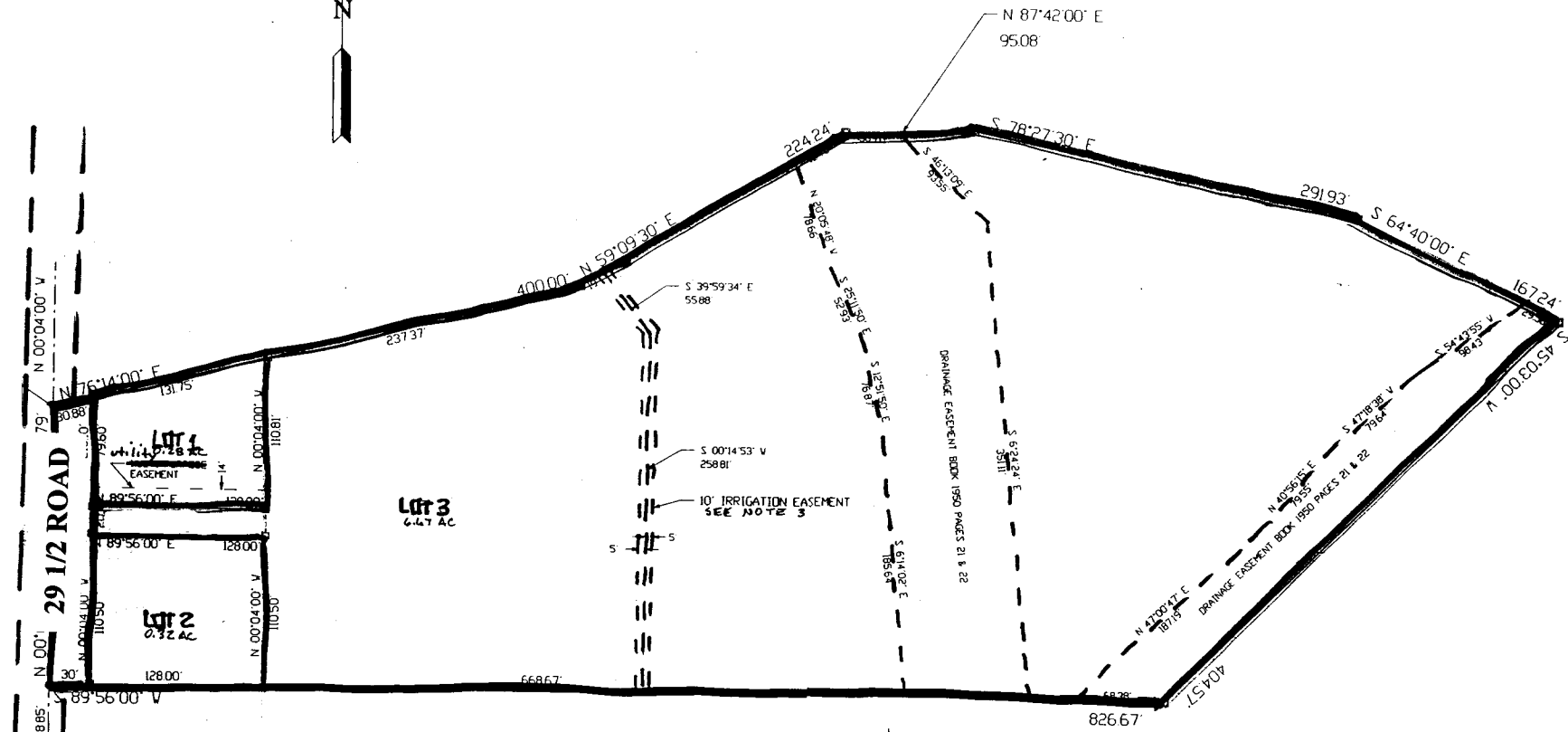
SUBJECT PROPERTY

29 1/2 ROAD

**AERIAL MAP
BLACK SHEEP FARM
MINOR SUBDIVISION/REZONE
666 29 1/2 ROAD
RZV-95-122**



EXISTING ZONING
BLACK SHEEP FARM
MINOR SUBDIVISION/REZONE
666 29 1/2 ROAD
RZV-95-122

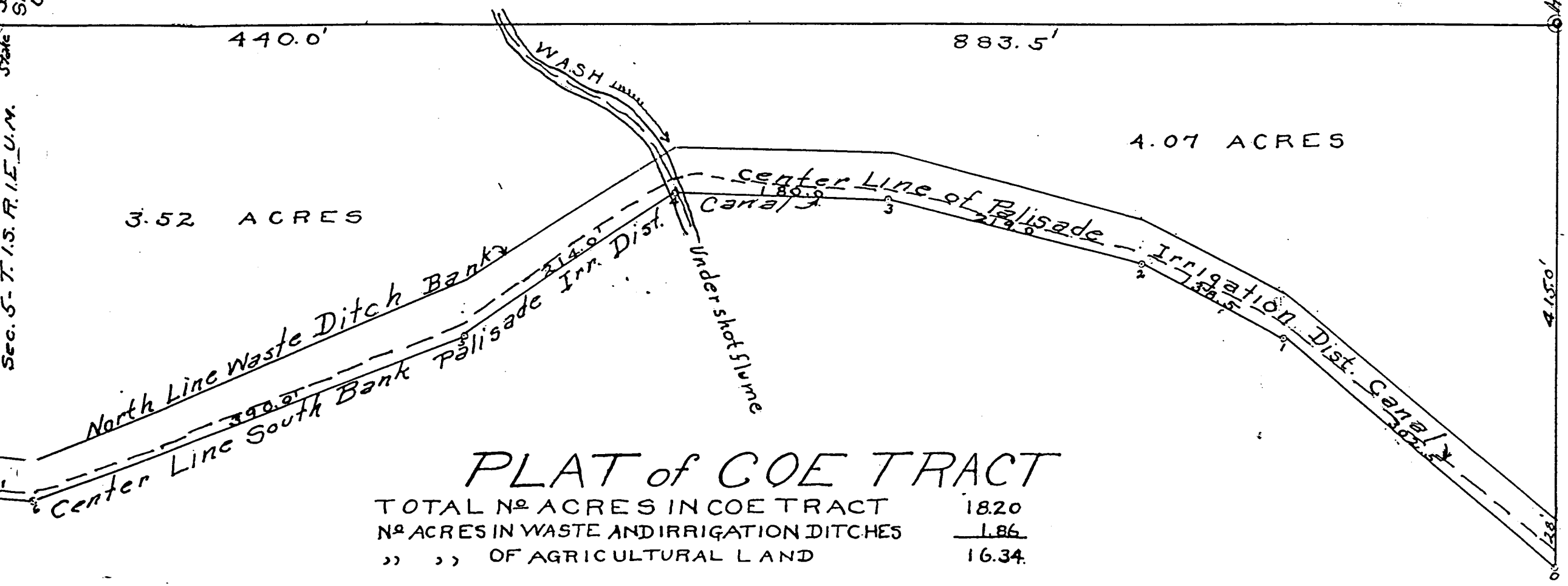


**PROPOSED PLAT
BLACK SHEEP FARM
MINOR SUBDIVISION/REZONE
666 29 1/2 ROAD
RZV-95-122**

3/4 1/4 NE 1/4
SEC. 5, T. 13. E.
R. 1. M.

Sec. 5 - T. 13. E. U.M.

Hardwood State



3.52 ACRES

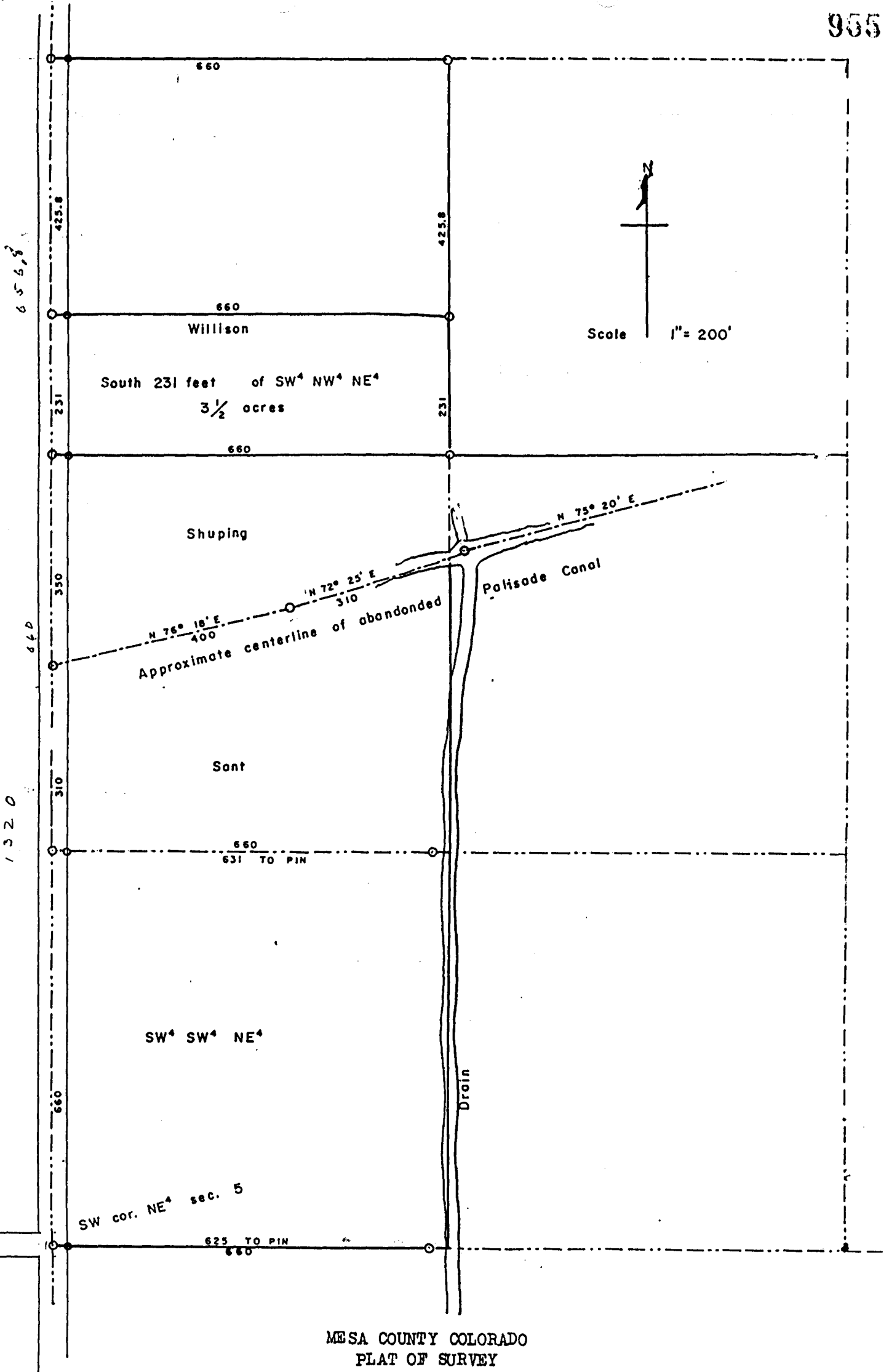
4.07 ACRES

PLAT of COE TRACT

TOTAL NO ACRES IN COE TRACT	18.20
NO ACRES IN WASTE AND IRRIGATION DITCHES	<u>1.86</u>
» » OF AGRICULTURAL LAND	16.34.

SCALE: 1 INCH = 100 FEET

SURVEYED OCT 23-1911
Fisk & Redding



MESA COUNTY COLORADO
PLAT OF SURVEY

Of several tracts of land in the NE⁴ section 5 T 1 S R 1 E Ute Meridian Survey May 31 1956.

Ray S. George
County Surveyor, R. S.

REVIEW COMMENTS

Page 1 of 3

FILE #RZV-95-122

TITLE HEADING: Black Sheep Farm - Rezone from RSF-R to RSF-4, Vacation of Easement & Minor Subdivision

LOCATION: 666 29 1/2 Road

PETITIONER: Douglas Morgan & Verna Cox

PETITIONER'S ADDRESS/TELEPHONE: 666 29 1/2 Road
Grand Junction, CO 81504
242-8941 / 244-1637

✓: review agency comments that need to be addressed

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., JULY 24, 1995.

UTE WATER 7/11/95
Gary R. Mathews 242-7491

No objections. Policies and fees in effect at the time of application will apply.

GRAND JUNCTION FIRE DEPARTMENT 7/10/95
Hank Masterson 244-1414

The nearest existing fire hydrant is 500' north of proposed Lot 1. A new fire hydrant is required along 29 1/2 Road located so that all proposed new lots are within 250' of the hydrant as measured along access roads. A good location would be on the west side of 29 1/2 Road and just south of the proposed new driveway for lots 2 and 3.

WALKER FIELD AIRPORT AUTHORITY 7/11/95
Marcel Theberge 244-9100

1. There's a contradiction regarding access. The plat states it's for Lot 2 only, but the narrative says lots 2 & 3 will share it?
2. ✓ This development lies within the Airport Area of Influence, as well as underlying common aircraft traffic patterns, so may be affected by overflight of aircraft. An Avigation Easement is required to be recorded at or before filing of the subdivision plat. Please send a copy of the recorded document to Walker Field Airport Authority following recording.
3. It is our recommendation that, due to this residential development's proximity to aircraft flight paths and the airport proper, that additional soundproofing insulation - as well as planned landscape features - be designed into each residence and site to help mitigate potential sound level perceptions.

GRAND JUNCTION DRAINAGE DISTRICT

7/10/95

John L. Ballagh

242-4343

✓ The easements granted to Grand Junction Drainage District are correctly shown on the plat submitted to the Drainage District for review. The existing open drains originate off-site and are functioning properly.

✓ In granting any vacation of the Palisade Irrigation District Price Ditch right-of-way the Drainage District requests that the existing GJDD easements, Book 1950 Page 21422, be protected. The Drainage District is holder of the easements.

CITY PROPERTY AGENT

7/14/95

Steve Pace

244-1450

- ~~1.~~ The 20' access easement should be described in the dedication.
- 2. In the description, top title block and lower right title block, the subject property is described as being in the Ute Principal Meridian, it should be Ute Meridian.
- 3. ✓ The legend shows a circle with an inserted triangle for #5 rebar & cap set in concrete, but the platted property shows a square with an inserted circle.

CITY DEVELOPMENT ENGINEER

7/17/95

Jody Kliska

244-1591

- 1. ✓ The 20' access easement is insufficient for any future development of lot three.
- 2. ✓ Dedications of right-of-way and easements on the plat need to be clearly state in the dedication. A copy of the City's guide to plat dedications is included for the petitioner's information.

PUBLIC SERVICE COMPANY

7/17/95

Dale Clawson

244-2695

✓ ~~1.~~ Request that the access easement to lot 3 also be dedicated as a utility easement so the gas service for lot 2 may be extended across it from the north.

GRAND VALLEY RURAL POWER

7/12/95

Perry Rupp

242-0040

No comments at this time.

CITY UTILITY ENGINEER

7/18/95

Trent Prall

244-1590

NO COMMENT.
SEWER - Fruitvale Sanitation District
WATER - Ute Water

COMMUNITY DEVELOPMENT DEPARTMENT
Michael Drollinger

7/18/95
244-1439

1. The merits of the rezone application will be addressed in the staff report for hearing.
2. Access to proposed Lot 3 insufficient for future development if more than one lot is anticipated. Recommend combination of Lots 1 & 3 to allow for sufficient access to 29 1/2 Road for future development of parcel at proposed RSF-4 density. Alternatively, Lot 3 could be deed restricted to permit development of no more than one (1) single family house.

TO DATE, COMMENTS HAVE NOT BEEN RECEIVED FROM:

City Attorney
Mesa County Surveyor
Grand Valley Water Users
Central Grand Valley Sanitation District
U.S. West
TCI Cablevision

**RESPONSE TO COMMENTS
BLACK SHEEP FARM
JULY 24, 1995**

Water-Office
GRAND JUNCTION FIRE DEPARTMENT: The site contains two dwelling units, one of which is a legally non-conforming 1969 mobile home. Approval of the proposal will allow the removal of the mobile home and replacement with a new dwelling. This will actually **reduce** the fire hazard. Approval of the proposal will also create the potential for only one additional dwelling unit (on proposed Lot 3). **The potential impact of the proposal does not warrant the installation of an off-site fire hydrant and attendant upgrade of the water line in 29.5 Road as requested by the Fire Department.** One alternative to the fire hydrant requirement would be to include the following statement on the plat: If the City standard for fire hydrants is not met at the time that a new dwelling unit is proposed on Lot 3, a residential sprinkler system meeting the NFPA 13R standard shall be installed in the new dwelling unit.

Moit
WALKER FIELD AIRPORT AUTHORITY: 1. Lot 3 is a "flag" lot with frontage on 29.5 Road. The "flagpole" portion of Lot 3 is also proposed to serve as the access for Lot Two. 2. An Avigation Easement will be provided. 3. The recommendation for additional soundproofing insulation is not necessary in this location, unless the airport is planning to allow frequent military jet flights at night.

Moit
GRAND JUNCTION DRAINAGE DISTRICT: All easements of the district will be protected.

Water-Office
CITY PROPERTY AGENT: These recommendations will be followed.

Water-Office
CITY DEVELOPMENT ENGINEER: The recommendation will be followed.

Moit
PUBLIC SERVICE COMPANY: Lots 1 and 2 already have gas services. Lot 3 has street frontage and a utility easement is proposed over Lot 1. The additional easement is unnecessary.

COMMUNITY DEVELOPMENT DEPARTMENT: A note on the plat or other recorded document could contain the statement that Lot 3 is restricted from future subdivision until such time that access which meets City standards is provided. This would achieve the same objectives as the suggested restrictions.

Moit
PALISADE IRRIGATION DISTRICT: We withdraw our request to vacate the easement for the maintenance of the Price Ditch. There is no such easement. We will be meeting with the Palisade Irrigation District Board on August 3, 1995, to address their concerns. We will also share the attached information provided by Barry L. Haag, Professional Surveyor, which demonstrates that the District has no right-of-way for a ditch which has not carried any irrigation water for over 50 years and, therefore, no easement to maintain the non-existent ditch. Even if they wish to protect the former ditch location for possible future use, it would encroach only 10 feet into the property along its northern property line. Relocation of the proposed access for Lot 1 to avoid the former ditch location will address the District's concern. Sufficient lot area will remain for improvements and setbacks on Lot 1.

Barry L. Haag
Professional Land Surveyor
3004 Bookcliff Avenue
Grand Junction, Colorado 81504
Phone: (970) 434-4679

Doug Morgan and Verna Cox
666 29 1/2 Road
Grand Junction, Colorado 81504

Dear Doug and Verna

The following is a summation of the information that I found while doing research on the easement along the north line of your property.

- 1) The ditch in question was originally called the Highline Mutual Irrigation Co. Ditch No. 1.
- 2) The Highline Mutual Irrigation Co. was created with Article of Incorporation recorded in Book 40 at Page 348 (June 27, 1894). There is no mention of easements or Rights-of-Way in this document.
- 3) Construction of the ditch was begun in 1896 according on the plat for this ditch, which is recorded in Ditch Plat Book 4 at Pages 14 & 15. There is no mention of easements or Rights-of-Way in this document.
- 4) There are three deeds that convey Rights-of-Way to the Highline Mutual Irrigation Co., none of which involves Section 5, T. 1 S., R. 1 E., U.M. (B. 46 P. 302, B. 56 P. 43, B. 69 P. 543). The Rights-of-Way in these documents is of an unspecified width for "maintenance" of the ditch "as constructed".
- 5) The first mention of the Palisade Irrigation District occurs on April 28, 1905 when said district purchases the Mt. Lincoln Irrigation Ditch, in Book 103 Page 414, and the Highline Mutual Irrigation District Ditches No. 1 & 2, in Book 103 Page 415. There is no mention of easements or Rights-of-Way in these documents.
- 6) There is a survey by Fisk & Redding, dated October 23, 1911, that shows the ditch in question. This survey is on the "Coe Tract", which is now the Shuping land that adjoins your land on the North side. There is no mention of easements or Rights-of-Way in this document. This survey does show the centerline of the ditch and the south bank of the ditch which scales at 10' +/- from centerline. This survey can be found in file #0833 of the Mesa County Land Records Office.

STAFF REVIEW

FILE: #RZ 95-122
DATE: July 18, 1995
STAFF: Michael Drollinger
REQUEST: Rezone RSF-R to RSF-4
LOCATION: 666 29 1/2 Road
ZONING: RSF-R

STAFF COMMENTS:

1. The merits of the rezone application will be addressed in the staff report for hearing.
2. Access to proposed Lot 3 insufficient for future development if more than one lot is anticipated. Recommend combination of Lots 1 & 3 to allow for sufficient access to 29 1/2 Road for future development of parcel at proposed RSF-4 density. Alternatively, Lot 3 could be deed restricted to permit development of no more than one (1) single family house.

STAFF REVIEW

FILE: #RZP-95-122

DATE: July 26, 1995

STAFF: Michael T. Drollinger

REQUEST: Rezone RSF-R to RSF-4 and Minor Subdivision

LOCATION: 666 29 1/2 Road

APPLICANT: Douglas Morgan
Verna Cox
666 29 1/2 Road
Grand Junction

EXECUTIVE SUMMARY:

A request for rezone from RSF-R to RSF-4 and minor subdivision approval for a parcel located at 666 29 1/2 Road and containing 7.4 acres. Surrounding land uses are residential and vacant residentially-zoned properties. No development is proposed at this time. The proposed zoning is consistent with the draft Grand Junction Growth Plan alternatives.

EXISTING LAND USE: Residential - Single Family

PROPOSED LAND USE: No change

SURROUNDING LAND USE:

NORTH: Residential - Single Family & vacant
SOUTH: Residential - Single Family & vacant
EAST: Vacant - Residential zoning
WEST: Residential - Single Family

EXISTING ZONING: RSF-R (Residential Single Family - not to exceed one unit per five acres)

PROPOSED ZONING: RSF-4 (Residential Single Family - not to exceed four units per acre)

SURROUNDING ZONING:

NORTH: RSF-R
SOUTH: AFT (County)
EAST: RSF-R & AFT (County)
WEST: AFT (County) & RSF-R

RELATIONSHIP TO COMPREHENSIVE PLAN:

No current comprehensive plan exists for the area. Three plan alternatives have been identified as part of the development of the Grand Junction Growth Plan. By late summer the Growth Plan Steering Committee will be recommending one plan alternative which will then be forwarded to Planning Commission and City Council for approval. The current plan alternatives for the site are:

Current Practices Alternative: Residential/ Medium density (4-8 DU/acre)
Concentrated Growth Alternative: Residential/Medium density (4-8 DU/acre)
Urban Core/Outlying Growth Centers Alternative: Residential/Medium-Low (2-4 DU/acre)

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.

The Development Proposal

The applicant is requesting a rezone to RSF-4 (Residential single family - 4 units per acre) and minor subdivision approval for a site containing 7.4 acres located on the east side of 29 1/2 Road north of F 1/2 Road. Surrounding land uses are residential and vacant residentially-zoned properties. There is no development proposed at this time. The existing zoning on the parcel is RSF-R (Residential Single Family - not to exceed one unit per five acres).

There are two existing structures on the parcel, a single-family house and a mobile home. The existing structures are nonconforming because the zone does not permit two principal structures on a lot. The minor subdivision request would make the existing condition conforming. Based on information provided by the petitioner, the setbacks of the residential structures would also be conforming under the proposed zoning.

The petitioner has withdrawn the request for easement vacation.

Planning Analysis

The proposal is located within an area of recognized future growth, although presently there is limited residential development. The draft Grand Junction Growth Plan alternatives support the proposed zoning of four (4) units per acre.

Staff's concern is with the configuration of the minor subdivision. As presently proposed, there is only a 20 foot access easement provided to access Lot 3 (the eastern lot) which has potential for future subdivision given the requested zoning. The access provided should be sufficient to accommodate a residential street which requires a minimum of 44 feet of right-of-way. Staff recommends that Lots 1 & 3 be combined to allow for a sufficient width to accommodate a future public street. Given the placement of the existing structures on the property, it would not be possible to widen the access from the 20 feet proposed to 44 feet.

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. The RSF-R designation was given recognizing the existing development pattern on the lot and was not intended as the build-out zoning for the property.

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 proposed development is located in an area which is still predominantly vacant. Some residential development is taking place in the general vicinity which is developing at densities that are similar to the density proposed.

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

The zoning proposed would provide for medium density single family housing sites.

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

The proposed residential zoning is compatible with surrounding uses.

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

The development will provide single family housing sites.

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 consistent with the draft Growth Plan alternatives which call for a similar density than what is proposed.

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 property as it exists. No development is proposed in conjunction with this application

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 the conditions listed below should be met:

1. ~~Sufficient access to the eastern part of the property must be provided (minimum 44 feet to accommodate a public street).~~ *Combining lots #1 & 3 allowing lot #2*
2. The plat must be modified to meet all staff and review agency comments. *to include driveway*

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning request and minor subdivision subject to the above conditions.

RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, on item RZP-95-122, a request for minor subdivision and rezone approval, I move that we approve the minor subdivision and that we forward the rezone to City Council with a recommendation for approval.

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*approved
5-1*

*note shown on plat
that should lot #3
be developed to
current code requirements*

STAFF REVIEW (City Council)

FILE: #RZV-95-122
DATE: August 10, 1995
STAFF: Michael T. Drollinger
REQUEST: Rezone RSF-R to RSF-4 and Minor Subdivision
LOCATION: 666 29 1/2 Road
APPLICANT: Douglas Morgan
Verna Cox
666 29 1/2 Road
Grand Junction

EXECUTIVE SUMMARY:

A request for rezone from RSF-R to RSF-4 and an appeal of a minor subdivision approval for a parcel located at 666 29 1/2 Road and containing 7.4 acres. Staff is appealing the Planning Commission approval of the minor subdivision approval on the grounds that the proposed lot configuration will not adequately permit future development of the property at the proposed zoning. Given adequate access, staff believes that the proposed zoning is appropriate and that it is consistent with the draft Grand Junction Growth Plan alternatives.

EXISTING LAND USE: Residential - Single Family

PROPOSED LAND USE: No change

SURROUNDING LAND USE:

NORTH: Residential - Single Family & vacant
SOUTH: Residential - Single Family & vacant
EAST: Vacant - Residential zoning
WEST: Residential - Single Family

EXISTING ZONING: RSF-R (Residential Single Family - not to exceed one unit per five acres)

PROPOSED ZONING: RSF-4 (Residential Single Family - not to exceed four units per acre)

SURROUNDING ZONING (see also attached map):

NORTH: RSF-R
 SOUTH: AFT (County)
 EAST: RSF-R & AFT (County)
 WEST: AFT (County) & RSF-R

RELATIONSHIP TO COMPREHENSIVE PLAN:

No current comprehensive plan exists for the area. Three plan alternatives have been identified as part of the development of the Grand Junction Growth Plan. By late summer the Growth Plan Steering Committee will be recommending one plan alternative which will then be forwarded to Planning Commission and City Council for approval. The current plan alternatives for the site are:

Current Practices Alternative: Residential/ Medium density (4-8 DU/acre)
 Concentrated Growth Alternative: Residential/Medium density (4-8 DU/acre)
 Urban Core/Outlying Growth Centers Alternative: Residential/Medium-Low (2-4 DU/acre)

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.

The Development Proposal

The applicant is requesting a rezone to RSF-4 (Residential single family - 4 units per acre) and minor subdivision approval for a site containing 7.4 acres located on the east side of 29 1/2 Road north of F 1/2 Road. Surrounding land uses are residential and vacant residentially-zoned properties. There is no development proposed at this time. The existing zoning on the parcel is RSF-R (Residential Single Family - not to exceed one unit per five acres).

There are two existing structures on the parcel, a single-family house and a mobile home. The existing structures are nonconforming because the zone does not permit two principal structures on a lot. The minor subdivision request would make the existing condition conforming. Based on information provided by the petitioner, the setbacks of the residential structures would also be conforming under the proposed zoning.

The petitioner has withdrawn the request for easement vacation.

Planning Analysis

The proposal is located within an area of recognized future growth, although presently there is limited residential development. The draft Grand Junction Growth Plan alternatives support the proposed zoning of four (4) units per acre.

Staff's concern is with the configuration of the minor subdivision. As presently proposed, there is only 20 feet of street frontage provided to access Lot 3 (the eastern lot) which has potential for future subdivision given the requested zoning. The access provided should be sufficient to accommodate a residential street which requires a minimum of 44 feet of right-of-way. Staff recommends that Lots 1 & 3 be combined to allow for a sufficient width to accommodate a future public street. Given the placement of the existing structures on the property, it would not be possible to widen the access from the 20 feet proposed to 44 feet.

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. The RSF-R designation was given recognizing the existing development pattern on the lot and was not intended as the build-out zoning for the property.
- 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 proposed development is located in an area which is still predominantly vacant. Some residential development is taking place in the general vicinity which is developing at densities that are similar to the density proposed.
- C. **Is there an area of community need for the proposed rezone?**
The zoning proposed would provide for medium density single family housing sites.
- D. **Is the proposed rezone compatible with the surrounding area or will there be adverse impacts?**
The proposed residential zoning is compatible with surrounding uses.
- E. **Will there be benefits derived by the community, or area, by granting the proposed rezone?**
The development will provide single family housing sites.

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 consistent with the draft Growth Plan alternatives which call for a similar density than what is proposed.

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 property as it exists. No development is proposed in conjunction with this application

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

Conditions of Approval

Should the City Council choose to favorably consider the subject application, staff believes that the conditions listed below should be met:

1. Sufficient access to the eastern part of the property must be provided (minimum 44 feet to accommodate a public street).
2. The plat must be modified to meet staff and review agency comments (as detailed at Planning Commission).

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning request and minor subdivision **subject to** the above conditions.

PLANNING COMMISSION RECOMMENDATION:

At their August 1, 1995 hearing, the Planning Commission approved the minor subdivision with the configuration proposed by the petitioner (20 feet of frontage for Lot 3) and with a note on the plat as follows: "should Lot 3 ever be subdivided, the current code requirements for right-of-way shall be obtained." Planning Commission also recommended approval of the rezone to RSF-4. The vote on the motion was 5 - 1.

PLANNING COMMISSION STAFF REPORT

FILE: #RZV-95-122
DATE: July 31, 1996
STAFF: Michael T. Drollinger
REQUEST: Extension of Final Plat Approval
BLACK SHEEP FARM

LOCATION: 666 29 1/2 Road

APPLICANT: Douglas Morgan
Verna Cox
666 29 1/2 Road
Grand Junction

EXECUTIVE SUMMARY:

A request for an amendment to a minor subdivision approval to extend the recording deadline for one year for a parcel located at 666 29 1/2 Road; petitioner presently has until August 1996 to record the plat. The reasons for the petitioner's request are detailed in the attached letter. Staff recommends approval of the extension.

EXISTING LAND USE: Single Family Residential

PROPOSED LAND USE: No change

SURROUNDING LAND USE:

NORTH: Residential - Single Family & vacant
SOUTH: Residential - Single Family & vacant
EAST: Vacant - Residential zoning
WEST: Residential - Single Family

EXISTING ZONING: RSF-4 (Residential Single Family - not to exceed four units per acre)

SURROUNDING ZONING:

NORTH: RSF-R
SOUTH: AFT (County)
EAST: RSF-R & AFT (County)
WEST: AFT (County) & RSF-R

STAFF ANALYSIS:

A rezone and minor subdivision request was approved for the subject property approximately one year ago. The applicant has indicated in the attached letter that there may be changes to irrigation easements on the approved plat to accommodate the location and/or relocation of irrigation lines on the subject property. Staff believes that the extension request is valid and recommends that the Planning Commission amend the petitioner's approval to permit the final plat to be recorded no later than August 6, 1997. Changes to the plat to locate or eliminate irrigation easements are subject to staff approval.

For reference and orientation please refer to the attached aerial photograph and maps which detail the location of the subject application.

STAFF RECOMMENDATION:

Staff recommends approval of the amendment to the final plat approval for Black Sheep Farm to permit the final plat to be recorded no later than August 6, 1997 subject to the conditions of the original approval.

RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, on item RZP-95-122, a request for an amendment to the final plat approval for Black Sheep Farm to extend the period for plat recordation to August 6, 1997, I move that we approve the extension request subject to the conditions of the original approval.

City of Grand Junction

Community Development Department
Planning • Zoning • Code Enforcement
250 North 5th Street
Grand Junction, CO 81501-2668

Phone: (970) 244-1430
FAX: (970) 244-1599



April 29, 1997

Verna Cox
666 29 1/2 Road
Grand Junction, CO 81504

RE: Black Sheep Farm Minor Subdivision (Our File #RZV-95-122)


Dear Ms. Cox:

As per your request and our recent phone conversation I have prepared this letter summarizing the items to be completed prior to recordation of the plat for Black Sheep Farm.

1. *Development Improvements Agreement* - complete agreement and attach City-approved improvements list (only required if hydrant still required by Fire Department - please advise)
2. *Improvements Guarantee* - select form of guarantee and supply required paperwork.
3. *Plat* - supply signed original; additional instructions to complete process to follow.
4. *Disk of Plat* - electronic copy on disk of final plat as required by SSID Manual.
5. *UCC Review*- item will be scheduled for next UCC meeting or you may seek review and sign-off from utilities on your own; we supply form for UCC signatures.
6. *City Surveyor Certificate* - supplied by our City Surveyor after submittal of final plat.

Payment of required fees is also due prior to recordation of the plat. I trust that the above information is satisfactory, however, do not hesitate to contact me if you have any questions.

Sincerely yours,


Michael T. Drollinger
Senior Planner

Encls.

cc: File #RZV-95-122

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JULY 3, 1995

MR. MICHAEL DROLLINGER
GRAND JUNCTION COMMUNITY DEVELOPMENT

DEAR MICHAEL:

I MADE A FEW CHANGES TO THE SUBMITTAL CHECKLIST (LIGHT GREEN HIGHLIGHTER).

1. I ADDED GRAND VALLEY RURAL POWER BECAUSE THEY SUPPLY OUR ELECTRICITY.
2. I ADDED THE PALISADE IRRIGATION DISTRICT BECAUSE ALTHOUGH OUR WATER COMES FROM THE HIGHLINE CANAL, WE ARE STILL TECHNICALLY IN THEIR DISTRICT. ALSO WE WANT TO VACATE THE EASEMENT FOR THE OLD PRICE DITCH WHICH WAS ABANDONED IN THE 1950'S.
3. I CHANGED THE REFERRAL FOR DRAINAGE FROM THE GRAND VALLEY WATER USERS TO THE GRAND JUNCTION DRAINAGE DISTRICT BECAUSE OUR PROPERTY INCLUDES ONE OF THEIR DITCHES AND BORDERS ANOTHER.

PLEASE LET ME KNOW IF THIS CAUSES ANY PROBLEMS OR SHORTAGES OF SUBMITTAL PACKAGES.

THANK YOU,



VERNA COX

DUFFORD, WALDECK, MILBURN & KROHN

ATTORNEYS AT LAW

744 HORIZON COURT, SUITE 300
GRAND JUNCTION, CO 81506
TELEPHONE: (970) 241-5500
FAX: (970) 243-7738

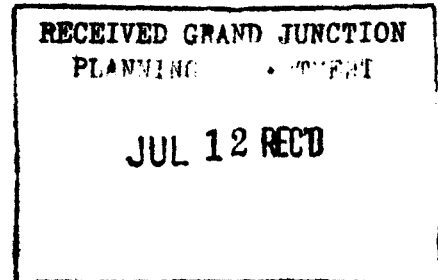
D.J. DUFFORD
OF COUNSEL

BETTY C. BECHTEL
WILLIAM H.T. FREY
RICHARD H. KROHN
LAIRD T. MILBURN
LINDA E. WHITE

WILLIAM G. WALDECK
OF COUNSEL

FLINT B. OGLE
MICHAEL C. SANTO

July 12, 1995



Grand Junction Community Development Department
250 North Fifth Street
Grand Junction CO 81501

Re: Palisade Irrigation District - Proposed Black Sheep Farm Development

Gentlemen:

This letter is written in furtherance of the telephone conversation which I have had with your office this afternoon. As I stated in such conversation, we are the attorneys for Palisade Irrigation District and have been asked by the District's Board to respond to the application which the Board has received for the above Development which is proposed by Douglas Morgan and Verna Cox.

In their Development Application, the proponents represent that the section of the easement for the Price Ditch which is owned by the District has been abandoned and ask for a "vacation" thereof. Please be advised that the District has not abandoned the section of the Price Ditch which is identified in the application and has no intention of doing so. In the past, the said section of the ditch was utilized by the District to transport irrigation water to certain of its water users residing in the subject area. An arrangement was made, however, with the Grand Valley Water Users Association to carry the water required for the District's users in this area through the Government Highline Canal on the basis of a carriage contract. Such a contractual arrangement, however, is not necessarily a permanent arrangement and the District must retain its easement rights in respect to the full reach of its Price Ditch in order to be assured of having a means for meeting its statutory duties to deliver water to the water users of its district.

If the proponents of the above Development wish to meet with the Board to discuss how the boundaries of the proposed development might be altered so as to exclude the District's easement, the Board will be willing to do so. In the meantime, however, the District wishes to register its objection to the present application for the Development for the reasons stated in this letter.

Yours very truly,

A handwritten signature in cursive script that reads "William G. Waldeck".

William G. Waldeck

pc: Douglas Morgan and Verna Cox

July 15, 1996

Ms. Kristen Ashbeck, Associate Planner
City of Grand Junction
Community Development Department
City Hall
Grand Junction, CO 81502

666 29 ½ Road
Grand Junction, CO 81504

Re: Black Sheep Farm Minor Subdivision

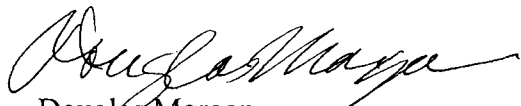
Dear Ms. Ashbeck:

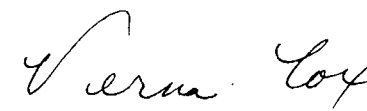
We request a one year extension to record the final plat for the above referenced subdivision for the following reason:

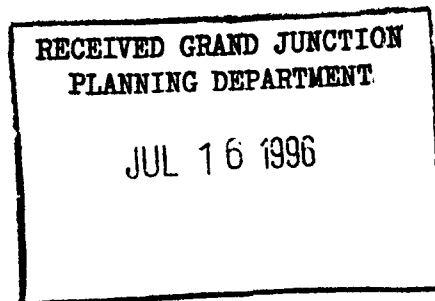
The Salinity Control Project has commenced piping the 29 ½ Road irrigation ditch. This means that instead of irrigating the agricultural portion of our property through the property north of ours, a new line will be run from 29 ½ Road. The Palisade Irrigation District has not yet determined where the irrigation line which will serve the agricultural portion of our property will ultimately be located. Also, the existing irrigation line which runs north to south through our property serving the property to the south will ultimately be abandoned, eliminating the need for the north to south irrigation easement which was shown on the plat. However, it is possible that another irrigation easement along the south side of our property will be needed to serve our neighbor's property. The Palisade Irrigation District has advised us that the installation of these lines may not take place until next summer. Therefore, we will need to make changes to the plat to reflect the changed conditions, but must wait until we know what to show on the plat.

Please let us know if you have any problems with recommending the approval of a one year extension for the plat. Other conditions in the vicinity have not changed since last year and we believe that an extension is justified.

Very truly yours,


Douglas Morgan


Verna Cox



To: Michael Drollinger
Cc: Jim Bright, Hank Masterson
From: Duncan Brown
Subject: Black Sheep Farm Comments
Date: 7/28/95 Time: 2:24p

When I had talked to Verna Cox about the Fire requirements for this subdivision, I informed her that removal of the 1969 non-conforming mobile home would reduce the fire hazard, but I also let her know that if a dwelling structure was built in place of it on the lot then a residential sprinkler system meeting NFPA 13R would need to be installed if the city standard for fire hydrants is not met at the time of a new dwelling on that lot. This would be the same requirement as on lot 3.

If you have any questions, let me know

Thanks, Duncan

+Chris

TO: Central Grand Valley Sanitation

FORM

Verna Col
Doug Morgan

SUBJECT Black Sheep Farm Trns Lot

DATE 10/16/95

MESSAGE This is to confirm, per our telephone conversation today, that the district's previous concerns for easements related to the third lot which has been eliminated. The district doesn't need any easements to serve the lots which were approved. A revised plat is enclosed. Thank you.

SIGNED

Verna Col

REPLY

~~Central Grand Valley Sanitation~~ ~~Dept. of~~ ~~Public Works~~: Kristen Ashbeck

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT
OCT 17 1995

SIGNED

DATE

To: Kristen Ashbeck
From: Hank Masterson
Subject: Black Sheep Farm
Date: 10/19/95 Time: 11:35a

Kristen, I talked to Jim Bright about Black Sheep farms. He feels that a hydrant must be required to provide fire protection before the plat for this subdivision is recorded. So, please add the following fire department comments for this proposal: A new fire hydrant is required for this subdivision. The hydrant should be located along the west side of 29 1/2 Road and must be within 250' of the new lot frontages.

Thanks for your help on this.