

October 17, 2008

Tracy Moore
River City Consultants, Inc.
744 Horizon Court, Suite 110
Grand Junction CO 81501

Re: TED-2008-306 Horizon Court Parking Lot


The TED's Exception Committee has approved your request as submitted.

If you have any questions, please feel free to contact the Development Engineer in charge of your project or Tim Moore, Public Works and Planning Director at 970.244.1557.

Sincerely,



Sue Mueller
Sr. Administrative Assistant

Cc: Kent Harbert, Development Engineer
Wendy Spurr, Planning Technician


Transportation Engineering Design Standards (TEDS) Exception Approval / Denial Form

Project Number: TED- 2008-306

Site Location: 740 Horizon Ct.

Applicant: Gramiger Holdings Grand Junction, LLC

Representative: River City Consultants, Inc.

Development Engr.: Kent Harbert, PE

Parent Project:

Name: Horizon Court Parking Lot

File No.: MSP-2008-197

Planner: Wendy Spurr

TEDS Exception Request #1: TEDS Section 4.1.1 – Driveway Spacing

Approved as requested.

Approved with the following modification(s):

Denied.

The following additional information is required before a decision can be made:

TEDS Review Committee:

Public Works: 

Date: 10-14-08

Planning Division: 

Date: 10-14-08

Fire Department: 

Date: 10/14/08

Transportation Engineering Design Standards (TEDS) Exception Recommendation Form

Date: October 4, 2008

To: TEDS Review Committee

From: Kent Harbert, Development Engineer

Project Number: TED- 2008-306

Project Location: 740 Horizon Court

Parent Project:

Name: 740 Horizon Court Parking Lot

File No.: MSP-2008-197

Planner: Wendy Spurr

TEDS Exception Request #1: TEDS 4.1.1 – Driveway Spacing

Comment: The applicant is proposing to redevelop the property at 740 Horizon Court as a parking lot for use by the tenants of the building at 744 Horizon Court, which is also owned by the applicant. Although the parking lot is intended to be used by 744 Horizon Court the applicant wants reserve the right to sell or lease this parcel separately in the future.

In the review of the minor site plan for the parking lot (MSP-2008-197) staff noted that the existing driveway will need to be closed under TEDS 4.1.1 because the distance between this driveway and the driveways on both of the adjacent properties is less than 50'. According to the TEDS Exception Request there is no separation between this driveway and the one to 743 Horizon Court and 26' between this one and the one to 744 Horizon Court.

In addition to the position presented in the TEDS Exception Request the applicant also provided a "response to comments" for the parent project. A copy with the staff comments and the applicant's responses is attached.

It has been recommended by staff that access to this lot be established via one of the two adjacent driveways with the establishment of a cross-access agreement or easement. The establishment of a cross-access agreement or easement would preserve the owner's right to sell or lease this parcel separately in the future while providing safe and legal access in accordance with City standards.

In paragraph 1 of the “Exception Considerations” section of the TEDS Exception Request the applicant points out that the driveway configuration has been in place for at least 30 years. Development standards have changed over those years. As long as the property has remained under the same use they have not been required to modify the driveway configuration to conform to current standards. However, with the change in use, which triggered the minor site plan, the site is required to be brought up to current standards.

Also in paragraph 1 of the “Exception Considerations” section, the applicant points out that the likelihood of a traffic conflict is extremely low. This is a valid point. However, the number of parking spaces would increase from 15 existing to 49 proposed. An existing bush between this driveway and the one for 744 Horizon Court may encroach on the sight triangle, but it could be trimmed to eliminate any safety concerns it would cause.

In paragraph 2 of the “Exception Considerations” section, the applicant states that the existing driveway is the only legal access to the parcel. That may be correct, but a cross-access easement or agreement can be used to establish a new legal access. There are two viable alternatives. One would be a cross-access agreement for use of the driveway at 744 Horizon Court, which should be doable since both properties are owned by the same party. The other would be a cross-access easement for the use of the driveway for 743 Horizon Court. As can be seen from the aerial photos there has been historical access into the 740 Horizon Court parking lot via the 743 Horizon Court driveway for probably as long as the driveways have been in place.

In paragraph 3 of the “Exception Considerations” section, the applicant points out that there are many locations within the City where driveways do not meet TEDS spacing standards. It is through the development review process where these locations are required to bring the site up to current standards. Staff is not aware of a location where a site has been allowed to redevelop without meeting the current driveway spacing criteria when viable alternatives are available.

Recommendation:

- Approve as requested.
- Approve with the following modification(s):
- Deny.
- Hold until the following additional information is submitted and reviewed:

CITY DEVELOPMENT ENGINEER

Review Comment: Review Comments - Round 2

Site circulation:

Since 740 Horizon Court and 744 Horizon Court are under the same ownership the time and opportunity is right to establish a cross access agreement. This will allow the closure of existing driveway to 740 and shared access through 744. The parking lot is proposed to function as an expansion of the parking lot for 744, as evidenced by the explanation for not providing any additional handicap parking spaces. So, connecting the lots makes sense for operations as well as coming into compliance with the driveway spacing requirement in TEDS 4.1.1.

Even though the function of this parking lot is to create additional parking for 744 Horizon, this is a separate parcel. We have provided the appropriate handicap parking spaces per the number of spaces contained in this lot to truly make it a stand alone parking lot. The owner of this parcel reserves his legal right to sell or lease this parcel separately in the future. Therefore, closure of the existing driveway is not acceptable or possible as this is the only legal access that this parcel has.

The legal description for 740, according to Mesa County GIS, includes some vacated right of way. Therefore, based on the improvements shown on the Site Sketch Plan this property encompasses a majority of the driveway that serves this property and 743 Horizon Court. The applicant could enter into a cross access agreement with 743 and make this driveway the access to the proposed parking lot, rather than connecting to 744.

The Mesa County GIS incorrectly shows the ownership of the vacated right of way. A previous owner of Lot 12 (Harve R. Chappell) Quit Claimed his interest in the vacated right-of-way to the owners of Lots 13, 14 & 15 (Los Luneros) in 1980 at Book 1274 Page 726. Therefore this comment is not applicable.

The applicant can apply for a TEDS Exception to allow the existing driveway to remain. However, unless there is compelling evidence presented and since there are viable alternatives, it is not expected that staff will recommend approval of the exception.

The existing access point was approved with the Site Plan review for the Veterinary Clinic back in 1976. This parcel has legal right to access. A TEDS Exception is included with this response. We would not expect staff to deny this parcel legal right to access.

Applicant's Response:

Document Reference:

CITY CODE ENFORCEMENT

Requirements: No further comments

Applicant's Response: ***No response required.***

Document Reference:

CITY SURVEYOR – Peter Krick

**TEDS EXCEPTION SUBMITTAL
DISTRIBUTION LIST**

File #: TED - 2008-306
Date of submittal: Sept. 26, 2008
Site location: 740 Horizon Court
Parent Project:
Name: Horizon Ct Parking Lot
File No.: MSP-2008-197

Distribution List:

Development Engineer: Kent Haubert
Planner: Wendy Spurr
PW&P Director: Tim Moore
Planning Manager: Lisa Cox
Fire Department: Chuck Mathis
Transportation Engineer: Jody Kliska
Other: _____

Date and Time of Development Review Meeting: Oct 14, 2008 11:00 AM

To be scheduled at least seven days after review packet distribution date.

Place: Conference Room 135, Planning Division, City Hall, 250 N. 5th Street

Committee Meeting: _____

Attendance is expected of all agencies involved with the TEDS Exception process

APPLICATION
Transportation Engineering Design Standards (TEDS)
Exception Request

City File No.: TED- _____ (To be filled in by City Staff)
Project: 740 Horizon Court Parking Lot
Site Address: 740 Horizon Court
Applicant: Gramiger Holdings Grand Junction, LLC
Representative: River City Consultants, Inc.
Date: September 22, 2008
Parent Project:
Project Name: Horizon Court Parking Lot
City File No.: MSP-2008-197

1. Referenced section in TEDS and a brief description of the request(s)

Request #1 - TEDS Section 4.1.1 Spacing

2. Site Description: *The proposed Horizon Court Parking Lot is located at 740 Horizon Court. This parcel was previously used as an office site. The building that occupied the site has been demolished and the site is now vacant. The site is located at the end of the cul-de-sac of Horizon Court. To the north is an office building and associated parking (744 Horizon Court). To the east is the canal. To the south/southwest are more office buildings and associated parking. The site is approximately 0.651 acre.*

REQUEST #1 –

A. Description: *The proposed parking lot is to provide additional parking for the tenants of 744 Horizon Court which is under the same ownership. It is not the intent of the owner/applicant to relinquish his legal rights to either of these individual parcels. Rather, the subject site previously contained a vacant, run down building, weeds, etc. The owner's intent is to improve the subject site, bringing landscaping up to code, making it a usable site that would benefit the tenants of his adjacent ownership and compliment the surrounding properties/uses until such a time as the parcel is sold and/or leased. TEDS Section 4.1.1 Spacing states that "On local commercial and industrial streets, driveways shall be spaced a minimum of 50 feet, measured from edge of access to edge of access." The existing access has been in place since at least 1976 when the original office use was approved. There is 0' from edge of access to edge of access between 743 and 740 Horizon Court. There is approximately 26' from edge of access to edge of access between 740 and 744 Horizon Court.*

B. Exception Considerations

1. How will the exception affect safety? *The requested exception is in regards to an existing driveway that has been used in a similar manner as to what is proposed for at least 30 years. The owner is not aware of any past problems, i.e. traffic accidents. Given the fact that the proposed use is similar or the same as to the previous use, the likelihood of a traffic conflict is extremely low as demonstrated in the past.*
2. Have other alternatives been considered that would meet the standard? *This is the only legal access for this parcel.*
3. Has the proposed design been used in other areas? *Yes, there are many locations within the City where driveways do not meeting TEDS spacing standards.*
4. Will the exception require CDOT or FHWA coordination? *No.*
5. Is this a one-time exception or a request to change the TEDS manual? *One time exception.*