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ZONING BOARD OF APPEALS

TUESDAY, JULY 23, 2019 @ 12:00 PM

Call to Order - 12:00 PM

1. Minutes of Previous Meeting(s) from June 4, 2019
2. Consider a Request by Senegy Builders, LLC for a Variance to Reduce the Required First Floor Height from 15 feet to 12 feet 4 inches Located at 130 North 4th Street.

Other Business

Adjournment

GRAND JUNCTION BOARD OF APPEALS
June 4, 2019 MINUTES
12:00 p.m.

The scheduled Board of Appeals meeting was called to order at 12:00 p.m. by Chairman Christian Reece. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Board of Appeals, were Board Members; Christian Reece (Chairman), Ken Scissors, and Sam Susuras.

Also present were Jamie Beard (Assistant City Attorney), Tamra Allen, (Community Development Director), and Jace Hochwalt (Associate Planner). The minutes were recorded and transcribed by Isabella Vaz (Planning Technician).

Approximately 16 citizens, including the applicant, were present.

I. APPROVAL OF MINUTES

Action: None. Minutes from previous meeting have already been approved.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. PUBLIC HEARING

VAR-2018-359 VARIANCE – Variance to Bulk Standards

Consider a request from the Applicant, Jana Franklin, located at 703 Caleb Street, for approval of a variance to the rear yard setback in the R-4 zone district from 25 feet to 16 feet 9 inches.

STAFF PRESENTATION

Jace Hochwalt, Associate Planner, presented all exhibits entered into the record.

Mr. Hochwalt presented a PowerPoint on the variance request to the bulk standards of the R-4 zone district standards on the rear yard setback from 25 feet to 16 feet 9 inches and provided staff's recommendation of denial of the request.

PETITIONER'S PRESENTATION

Kim Kerk, Kerk Land Consulting & Development represented the Applicant. Ms. Kerk gave a presentation on behalf of the applicant.

Ms. Franklin made a comment in support of her variance request.

QUESTIONS

Board Member Scissors asked the applicant a question about the agreement with the contractor and Jana Franklin responded.

PUBLIC COMMENT

Public comments were received from Donald Pettigrove, Karen Daughtery, Laura Rhodes, Lin Benoit, and Ronda Sutton. All spoke in support of Ms. Franklin and the variance request.

Board Member Susuras asked Ms. Daughtery if the addition affects the quality of her property. Ms. Daughtery replied that it does not.

Chairman Reece closed the public comment period.

REBUTTAL

Chairman Reece asked if the applicant had a response to the comment period. The Applicant's representative provided additional information about not obtaining a planning clearance for the project.

Chairman Reece asked Jamie Beard, Assistant City Attorney, if the approval of the variance request could open up litigation in the future. Ms. Beard confirmed that it could.

Chairman Reece closed the public hearing.

DISCUSSION

Board Member Susuras stated that he is in favor of the variance request.

Board Member Scissors stated he believed that the appeal falls short of the required criteria and does not support the request and supported the Staff's finding for denial.

Chairman Reece stated that she feels the criteria for approving a variance have not been met. Chairman Reece stated that she also supports the Staff's finding for denial.

MOTION

Board Member Susuras moved to approve the request from the Applicant, Jana Franklin, located at 703 Caleb Street, for approval of a variance to the rear yard setback in the R-4 zone district from 25 feet to 16 feet 9 inches.

Chairman Reece seconded the motion. A vote was called and the motion was not approved by a vote of 2-1.

With no further business to discuss, the meeting was adjourned at 1:06PM.



Grand Junction Planning Commission

Regular Session

Item #2.

Meeting Date: July 23, 2019

Presented By: Kristen Ashbeck, Principal Planner/CDBG Admin

Department: Community Development

Submitted By: Kristen Ashbeck, Principal Planner

Information

SUBJECT:

Consider a Request by Senergy Builders, LLC for a Variance to Reduce the Required First Floor Height from 15 feet to 12 feet 4 inches Located at 130 North 4th Street.

RECOMMENDATION:

Staff recommends denial of the request.

EXECUTIVE SUMMARY:

The Applicant is requesting a variance for a decrease in the minimum first floor height of a proposed 5-story mixed use structure for the purpose of being able to match the floor levels of the adjacent parking garage and provide for direct access from the existing elevator in the garage from each of the floors in the proposed building. The B-2 zone district requires that the first floor of any structure be 15 feet in height. The purpose of the height requirement is to create street level spaces that are conducive to non-residential uses and be consistent with the historic pattern of development and downtown building architectural style. The property is a vacant parcel located at 130 North 4th Street on the western end of the parking garage along Rood Avenue.

BACKGROUND OR DETAILED INFORMATION:

The property at 130 North 4th Street is located on the southeast corner of 4th Street and Rood Avenue on the west end of an existing parking garage. The property is currently vacant and was transferred to the current owner (Senergy Builders LLC) from the Downtown Development Authority (DDA) in March 2017. The transfer included a Purchase Agreement that stipulated that the property be developed for mixed use and include a residential component. In addition, it was implied at time of sale that the

property would be able to utilize the existing elevator in the parking garage to access the new development and the elevator was intended to serve future development of this “endcap.” This same “endcap” type of property is also located on the eastern side of the parking garage and is intended to develop in a similar fashion if/when it is developed in the future.

The subject property is zoned B-2 (Downtown Business). The bulk standards for the B-2 Zone District include a first floor height minimum of 15 feet. This bulk standard was instituted with the rewrite of the Zoning and Development Code in 2010. The parking garage was completed in 2008 which was prior to establishment of the new bulk standards. The west and east facades of the parking garage were constructed with “block-outs” (see attached photos) for two purposes: 1) to provide visual relief on the blank east and west facades until the endcap properties were (re)developed; and 2) to possibly be able to knock out the block-outs and provide through access to the elevators and provide doors between an adjacent new building and all levels of the parking garage. The proposed new development on the west endcap property is attempting to connect the two structures and utilize the existing block-outs as originally designed and intended. However, the block-outs do not align with a new building if a 15-foot floor height is required on the first floor.

ANALYSIS

Pursuant to Section 21.02.200 of the Zoning and Development Code, a variance may be granted only if the Applicant establishes that strict adherence to the code will result in practical difficulties or unnecessary hardships because of site characteristics that are not applicable to most properties in the same zoning district. The following criteria shall be used to consider variances from the bulk, performance and use-specific standards. A variance may only be granted if the Applicant establishes that **all** of the criteria have been met.

a. Hardship Unique to Property, Not Self-Inflicted. There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zoning district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;

Based on the General Project Report, the Applicant has stated that the hardship is the construction of the parking garage under a different Zoning and Development Code and Building Code from that currently being used. In addition, the Applicant is proposing to match the floor levels of the adjacent parking garage and provide for direct access from the existing elevator in the garage from each of the floors in the proposed building. However, the building can certainly be constructed such that it meets the 15-foot first floor height requirement and utilize the parking garage, just not physically connect to the elevator on each floor. As such, there is no hardship and the

need for the variance is self-inflicted by the applicant's design that has been completed without regard to the Code standards.

Consistent with the Code, variances should be granted only when a property owner has a unique and unusual hardship created by the physical characteristics of a particular piece of property. Thus, staff finds that this criterion has not been met.

b. Special Privilege. The variance shall not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;

The Applicant provides that the variance request does not grant any special privileges to the property that is denied to other lands or structures in the same zone district due to the unique situation of this property intending to utilize the adjacent parking garage. However, there are several other downtown projects in the B-2 zone district that are currently under design that are working within the parameters of the Code, including the 15-foot first floor height requirement. Granting this variance would afford a special privilege to this property that has not been extended to other properties in the B-2 zone district. Staff therefore finds that this criterion has not been met.

c. Literal Interpretation. The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;

The literal interpretation of the Code that includes the requirement of a 15-foot first floor height does not deprive the applicant of rights commonly enjoyed by other properties in the B-2 zone district. The subject property may still enjoy development rights for the scale and type of project proposed without the variance. Staff concludes that this criterion has not been met.

d. Reasonable Use. The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;

Based on the General Project Report, the Applicant has stated that the purchase agreement with the DDA stipulates that the property be developed in a manner that will fulfill the goals of the DDA and the housing study by developing a mixed use structure on the site. To the City's knowledge, the agreement does not stipulate that the building be attached to or directly access the parking garage on each floor. Again, the subject property may still derive a reasonable use and be developed such that it meets the DDA's requirements without the need for the variance. Therefore, staff finds that this criterion has not been met.

e. Minimum Necessary. The variance is the minimum necessary to make possible the reasonable use of land or structures;

The request is to vary the first floor to a buildable height of 12 feet 4 inches in order to match the access points on the parking garage on each level is a variance of 2 feet 8 inches. This is difference needed to align the first floor height with the parking garage elevator openings and thus is the minimum necessary to make possible the use of this proposed structure. Staff therefore, finds this criterion has been met.

f. Conformance with the Purposes of this Code. The granting of a variance shall not conflict with the purposes and intents expressed or implied in this code; and

The purpose of the code is to create uniformity and cohesiveness of development within the B-2 zone district. At the same time, the Applicant provides the project is also attempting to balance and meet the goals of the Comprehensive Plan, the Greater Downtown Plan such as providing housing in the downtown, and the stipulations of the Purchase Agreement with the DDA. The Applicant further provides the proposed project is within the Central Business District and, as such, is a unique project within the community. It is understood that the intent is to have buildings with a mass and scale that is suitable for an urban downtown core. Staff finds that this proposed multi-story mixed use development is consistent with the purposes and intents expressed or implied in the Zoning and Development Code and in other community-adopted plans and policies. Staff therefore finds this criterion has been met.

g. Conformance with the Comprehensive Plan. The granting of a variance shall not conflict with the goals, policies and guiding principles of the City's Comprehensive Plan.

The Applicant provides that the variance request does not conflict with the goals, policies and guiding principles of the City's Comprehensive Plan, citing that the proposed development is consistent with Goal 5 of the Comprehensive Plan which includes policies that land use decisions will balance the needs of the community, encourage mixed-use development and increase the capacity for developers to meet housing demand. In addition, the proposed development meets the goal of the Greater Downtown Plan to increase density and intensity of development in the Central Business District.

The Comprehensive Plan does not explicitly address zoning and bulk standards on properties, therefore Staff finds that there is not an apparent conflict between the requested variance and the goals and principles of the Comprehensive Plan and therefore finds this criterion to be met.

STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing VAR-2018-298, a request for a variance to reduce the minimum first floor height 15 feet to 12 feet 4 inches at 130 North 4th Street in a B-2 zone district staff finds that not all of the variance criteria have been met and therefore recommends

denial of the request.

SUGGESTED MOTION:

The Zoning Board of Appeals may either vote to approve or deny the variance request.

Staff recommends the following motion:

Madam Chairman, on the request for a setback variance, VAR-2019298, I move to deny the request with findings of fact as included in the staff report.

Attachments

1. Application
2. Site Map and Photographs

Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For:

Please fill in blanks below only for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation <input type="text" value="Commercial"/>	Existing Zoning <input type="text" value="B-2"/>
Proposed Land Use Designation <input type="text" value="Commercial"/>	Proposed Zoning <input type="text" value="B-2"/>

Property Information

Site Location: <input type="text" value="130 North 4th Street"/>	Site Acreage: <input type="text" value="0.144013"/>
Site Tax No(s): <input type="text" value="2945-143-56-004"/>	Site Zoning: <input type="text" value="B-2"/>
Project Description: <input type="text" value="Final Plan Review for one mixed-use building Variance"/>	

Property Owner Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Applicant Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Representative Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

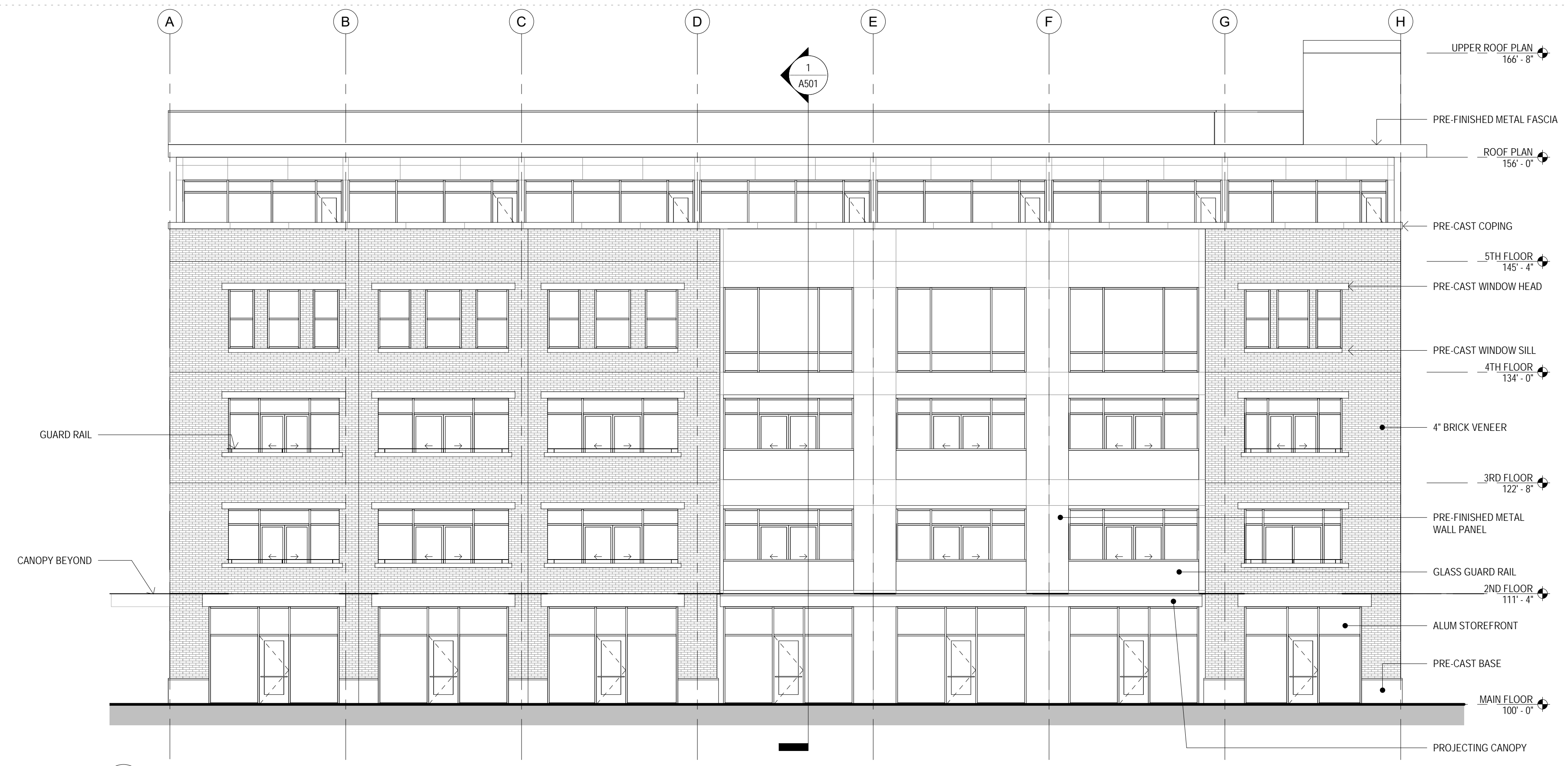
NOTE: Legal property owner is owner of record on date of submittal.

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 may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

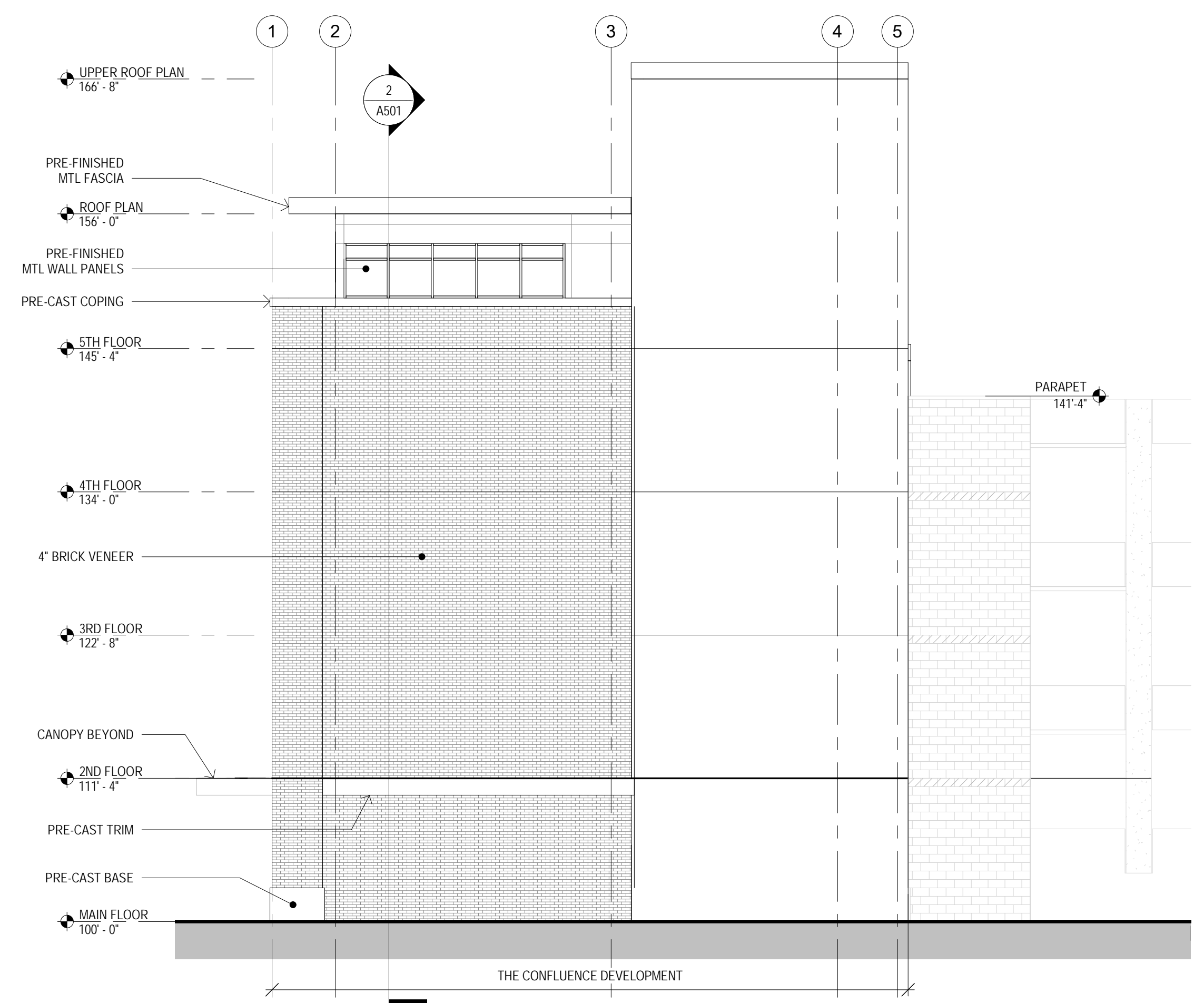
Signature of Person Completing the Application <input type="text" value="Baibig Tomlin"/>	Date <input type="text" value="4-10-19"/>
Signature of Legal Property Owner <input type="text" value="Darin Carei"/>	Date <input type="text" value="4-10-19"/>

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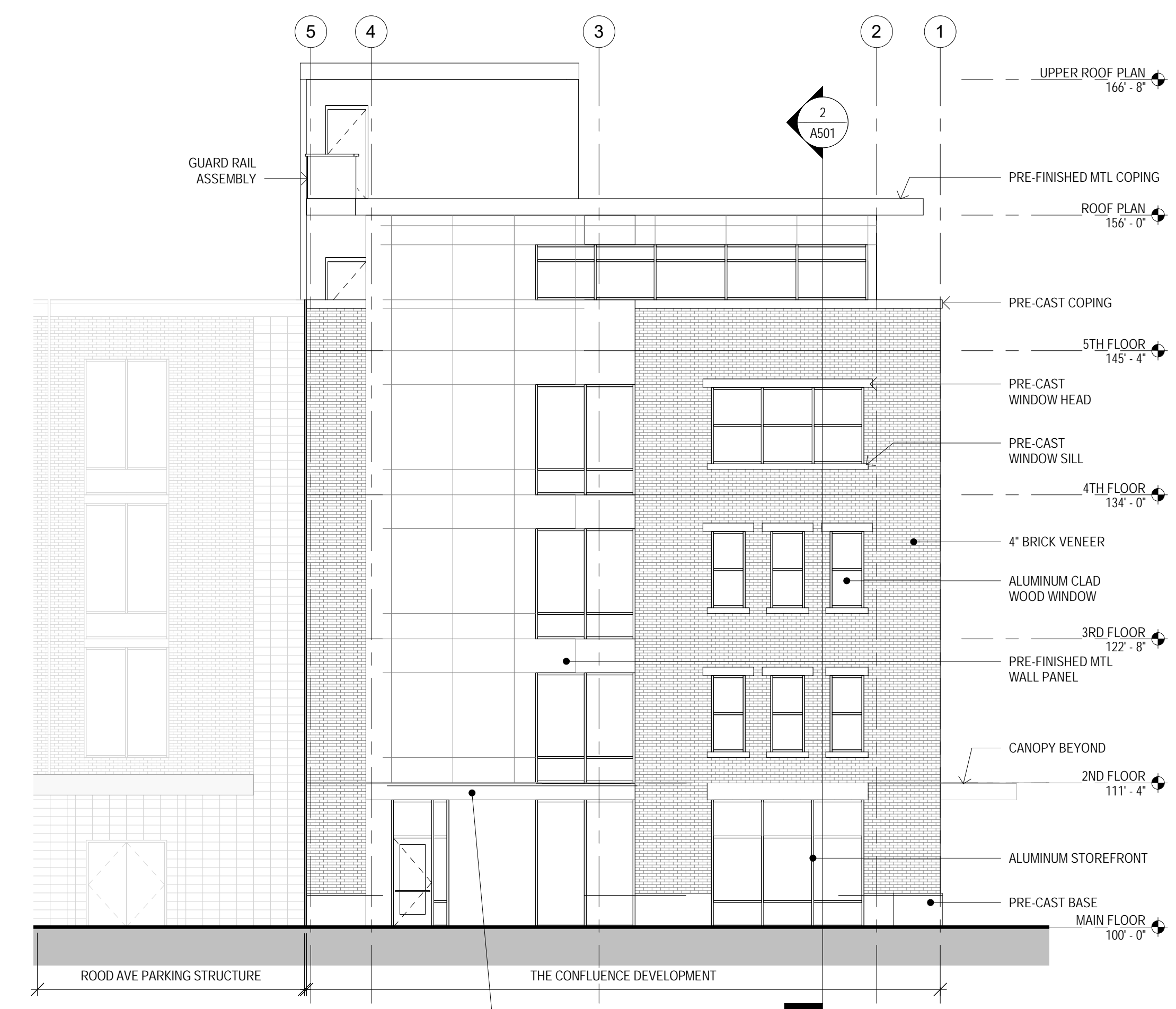
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1 WEST EXTERIOR ELEVATION
A201



2 SOUTH EXTERIOR ELEVATION
A201



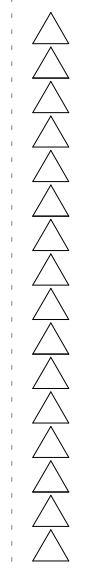
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THE CONFLUENCE DEVELOPMENT

GRAND JUNCTION, COLORADO

EXTERIOR ELEVATIONS

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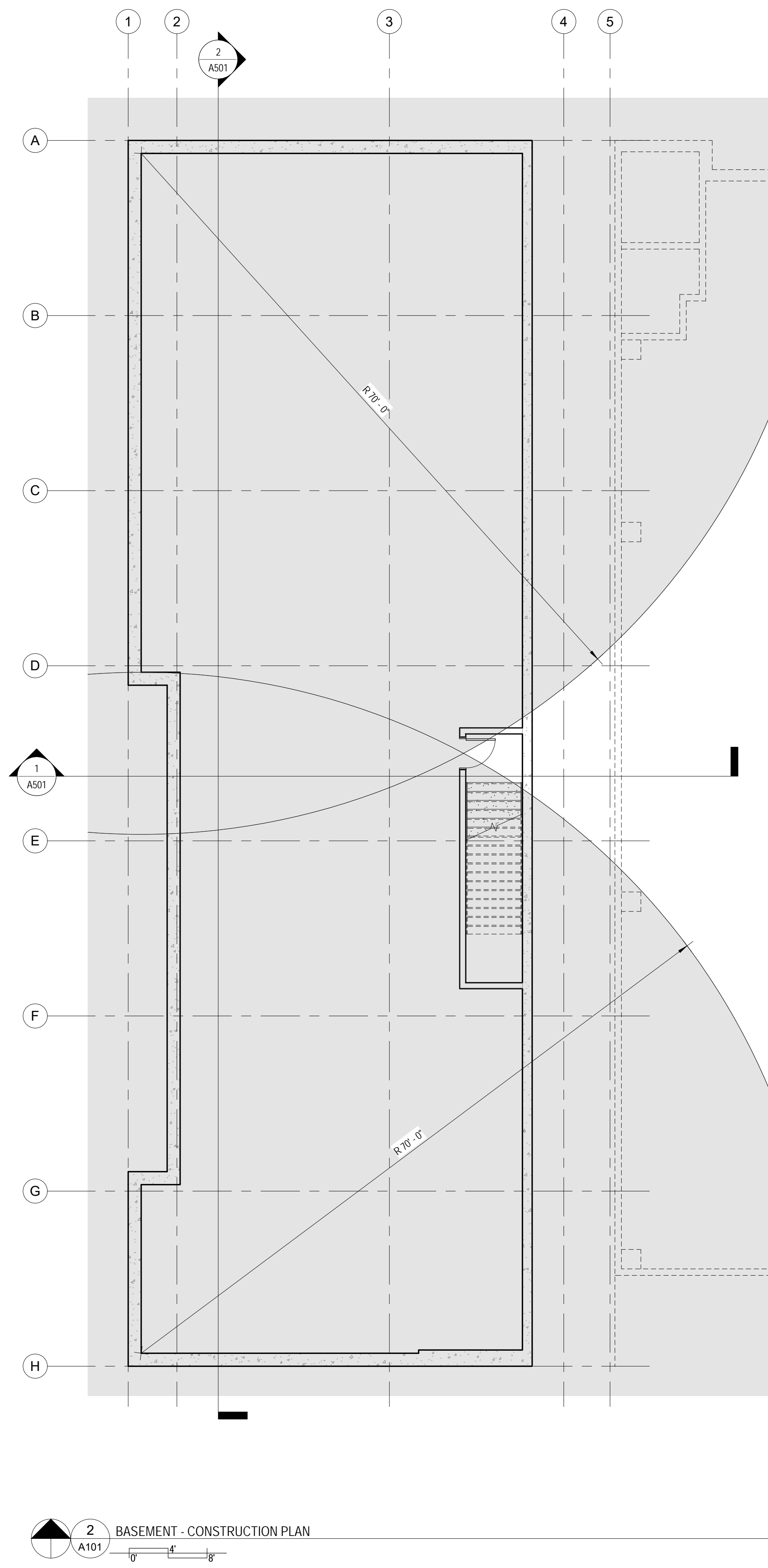
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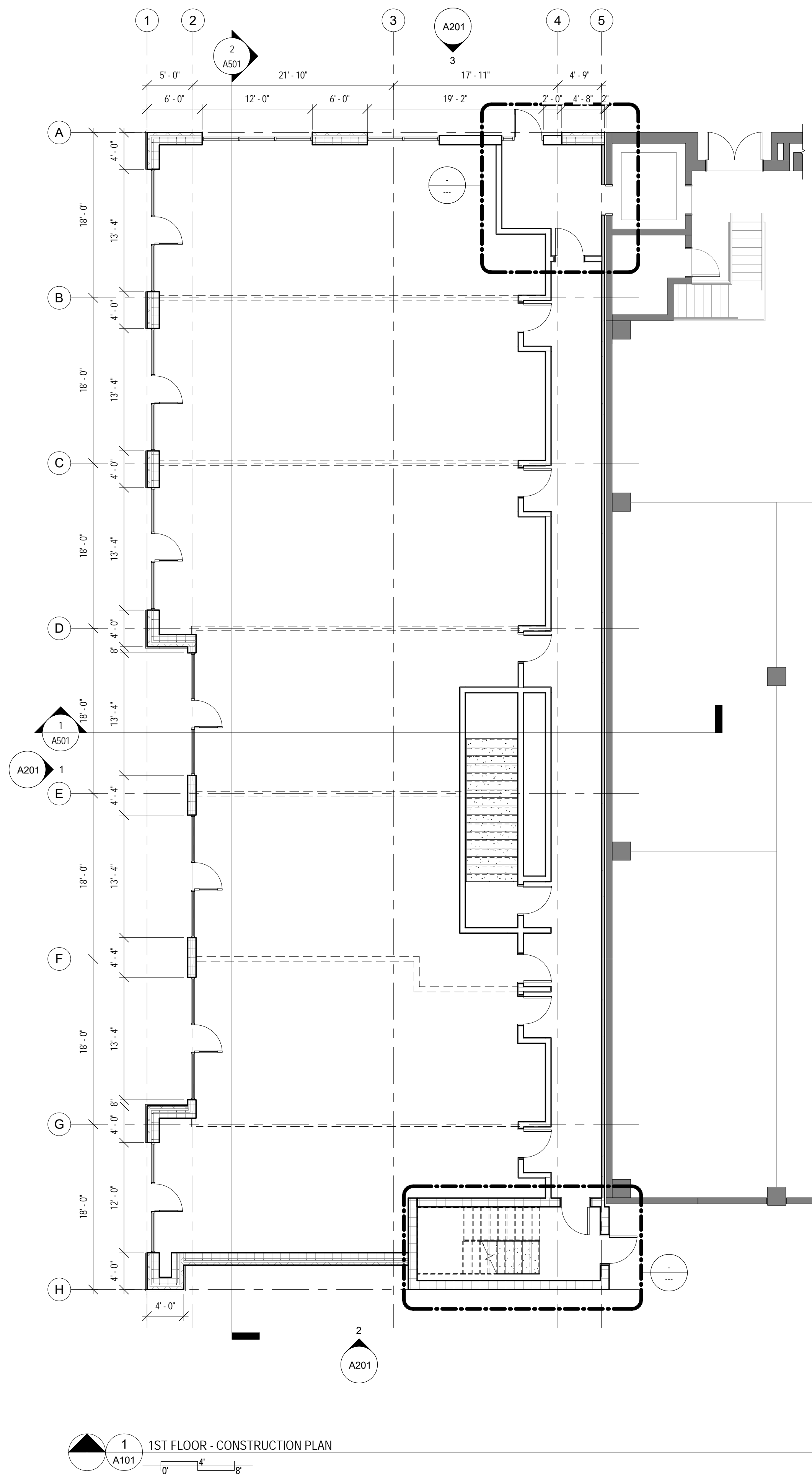
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2 BASEMENT - CONSTRUCTION PLAN
A101



1 1ST FLOOR - CONSTRUCTION PLAN
A101

GENERAL NEW CONSTRUCTION NOTES

1. DO NOT SCALE DRAWINGS. IF DIMENSIONS ARE IN QUESTION THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING CLARIFICATION FROM THE ARCHITECT PRIOR TO CONTINUING CONSTRUCTION.
2. ITEMS NOT NOTED ON THE DRAWINGS SHALL BE CONSIDERED THE SAME AS NOTED ITEMS WHICH ARE GRAPHICALLY REPRESENTED IN THE SAME MANNER.
3. PROVIDE TREATED SOLID WOOD BLOCKING FOR ALL WALL EQUIPMENT, TOILET ACCESSORIES, MILLWORK AND OTHER WALL MOUNTED ITEMS. SEE ELEVATIONS AND EQUIPMENT SPECIFICATIONS FOR ADDITIONAL INFORMATION.
4. CONTRACTOR SHALL CAULK AT THE INTERFACE OF INTERIOR FACES OF DOOR FRAMES WITH ADJACENT MATERIALS THOUGH JOINT MAY NOT BE VISIBLE.
5. PROVIDE TRANSITION STRIPS BETWEEN FLOOR MATERIALS OF DISSIMILAR HEIGHTS. CENTER TRANSITION STRIPS UNDER DOORS OR OTHER PLACES OUT OF SIGHT.
6. EW RATED STUD WALLS ARE TO BE GA #WP 1072- 1HR RATED WITH 3-1/2" FIBERGLASS BATTS WITH A 47 STC.
7. PROVIDE POSITIVE SLOPE ON ALL FLOOR DRAINS, MINIMUM OF 1/8" PER FOOT. SLOPE FLOOR ALL AROUND FROM ADJACENT WALLS TO FLOOR DRAINS. DO NOT DEPRESS ONLY THE AREA IMMEDIATELY AROUND THE DRAIN.
8. REFER TO THE MECHANICAL, ELECTRICAL, AND PLUMBING DRAWINGS FOR THE LOCATIONS OF PIPING, VENTS, DUCTS, CURBS, FANS AND OTHER ITEMS WHICH PENETRATE THE ROOF PLANE.
9. DOOR JAMB LOCATION OFF FACE OF WALL IS 4" TYPICAL, UNLESS NOTED OTHERWISE.

LEGEND

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	EXISTING ITEM TO REMAIN
	NEW WALL
	NEW ITEM

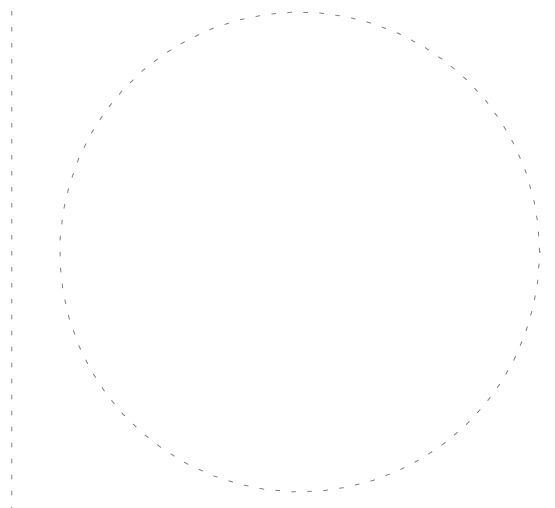
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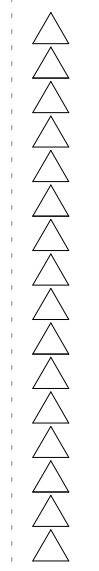


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GRAND JUNCTION, COLORADO

BASEMENT & 1ST FLOOR PLAN

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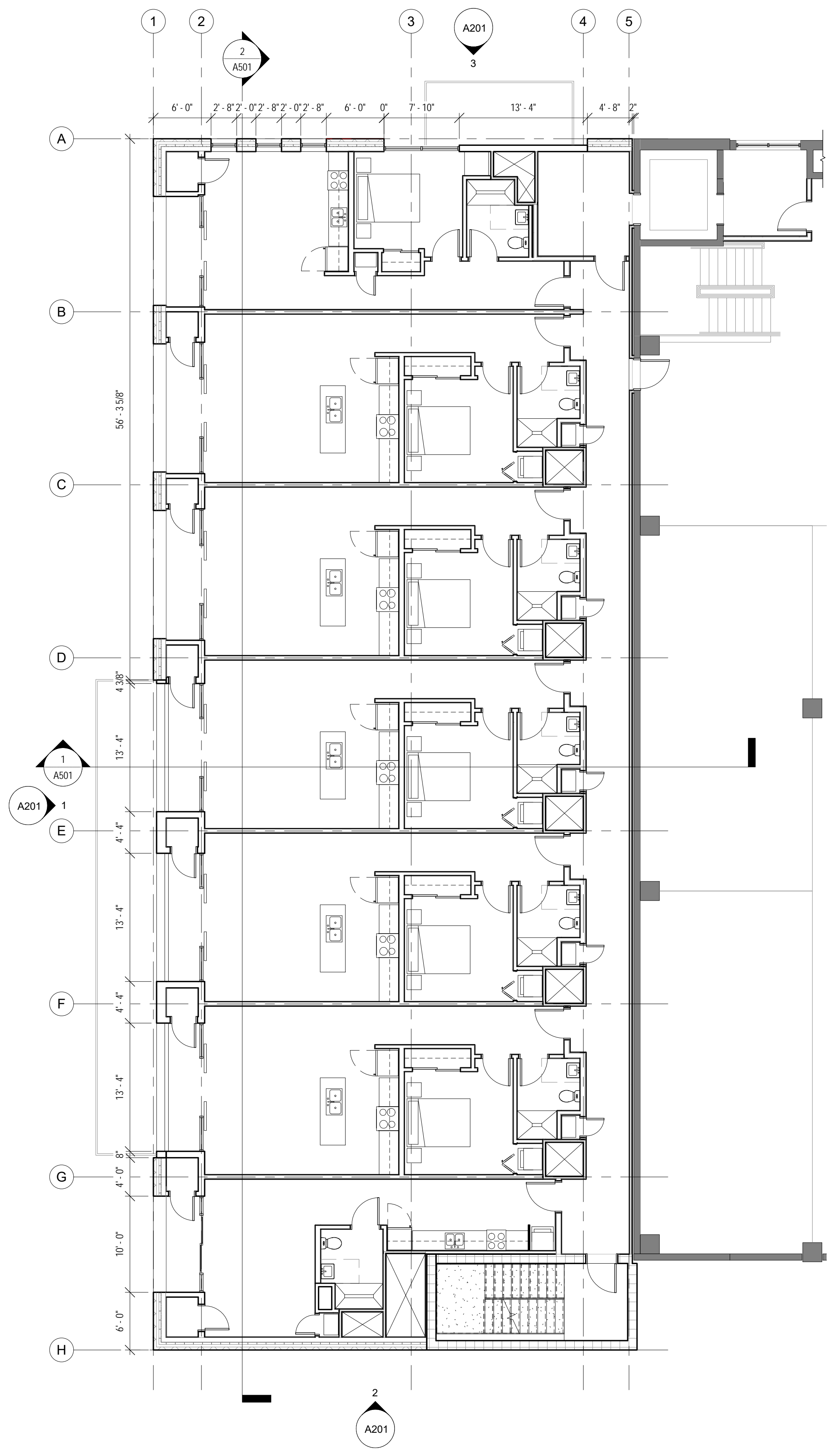
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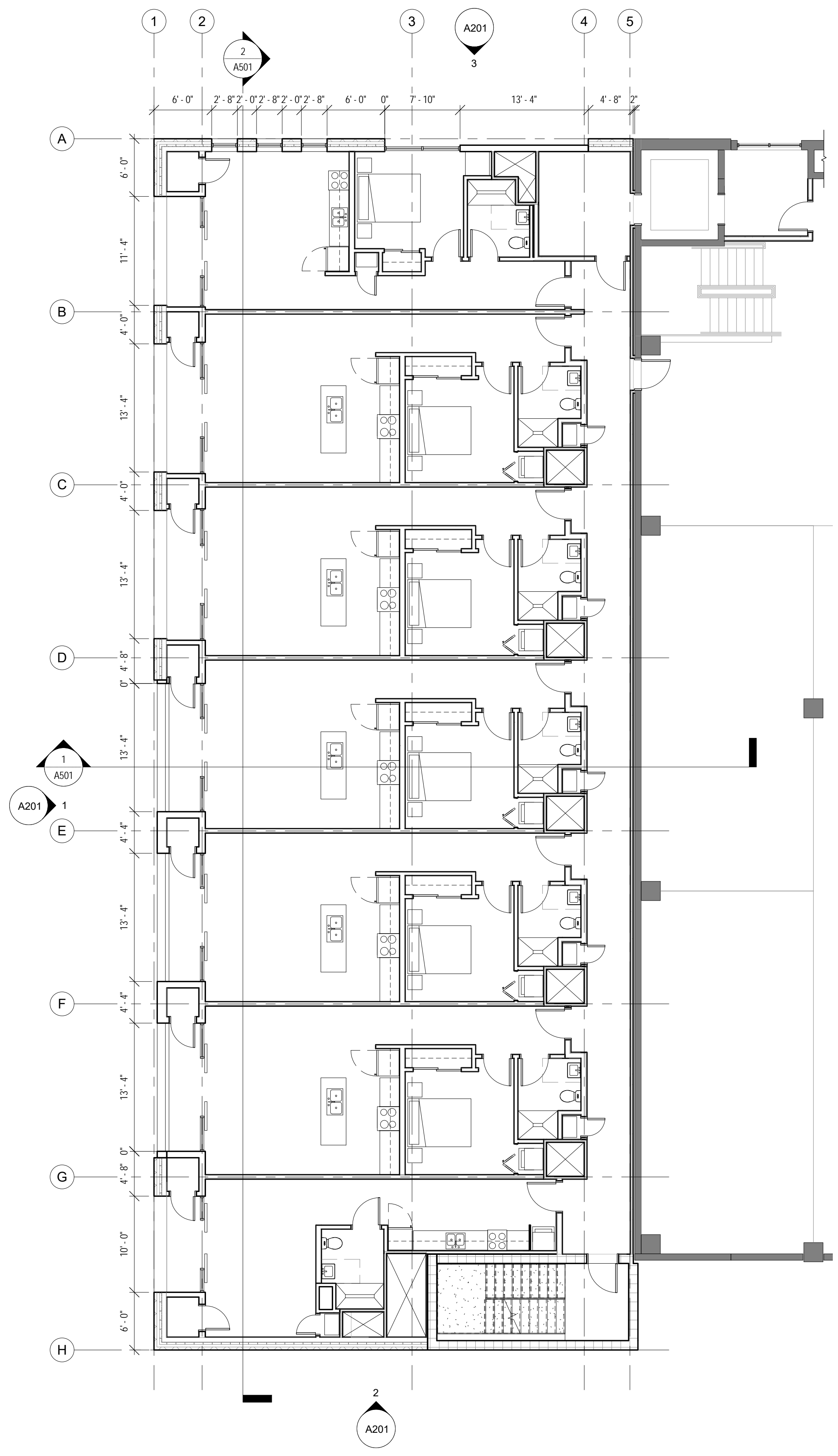
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2 2ND FLOOR - CONSTRUCTION PLAN
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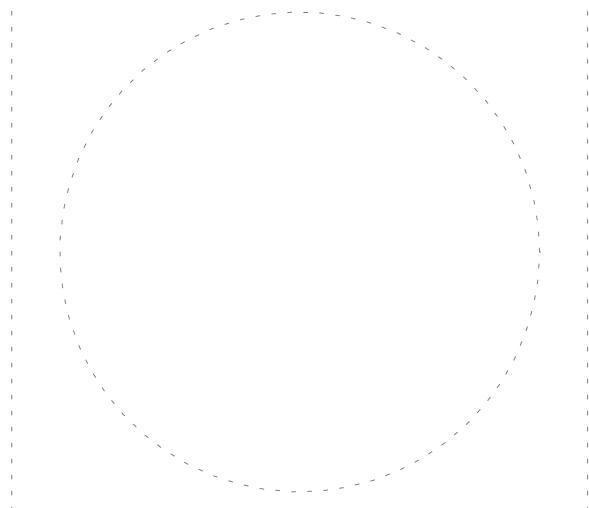
1 3RD FLOOR - CONSTRUCTION PLAN
A102

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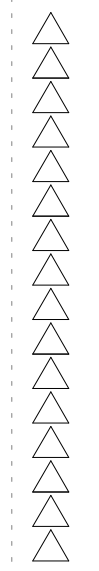


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GRAND JUNCTION, COLORADO

2ND & 3RD FLOOR PLAN

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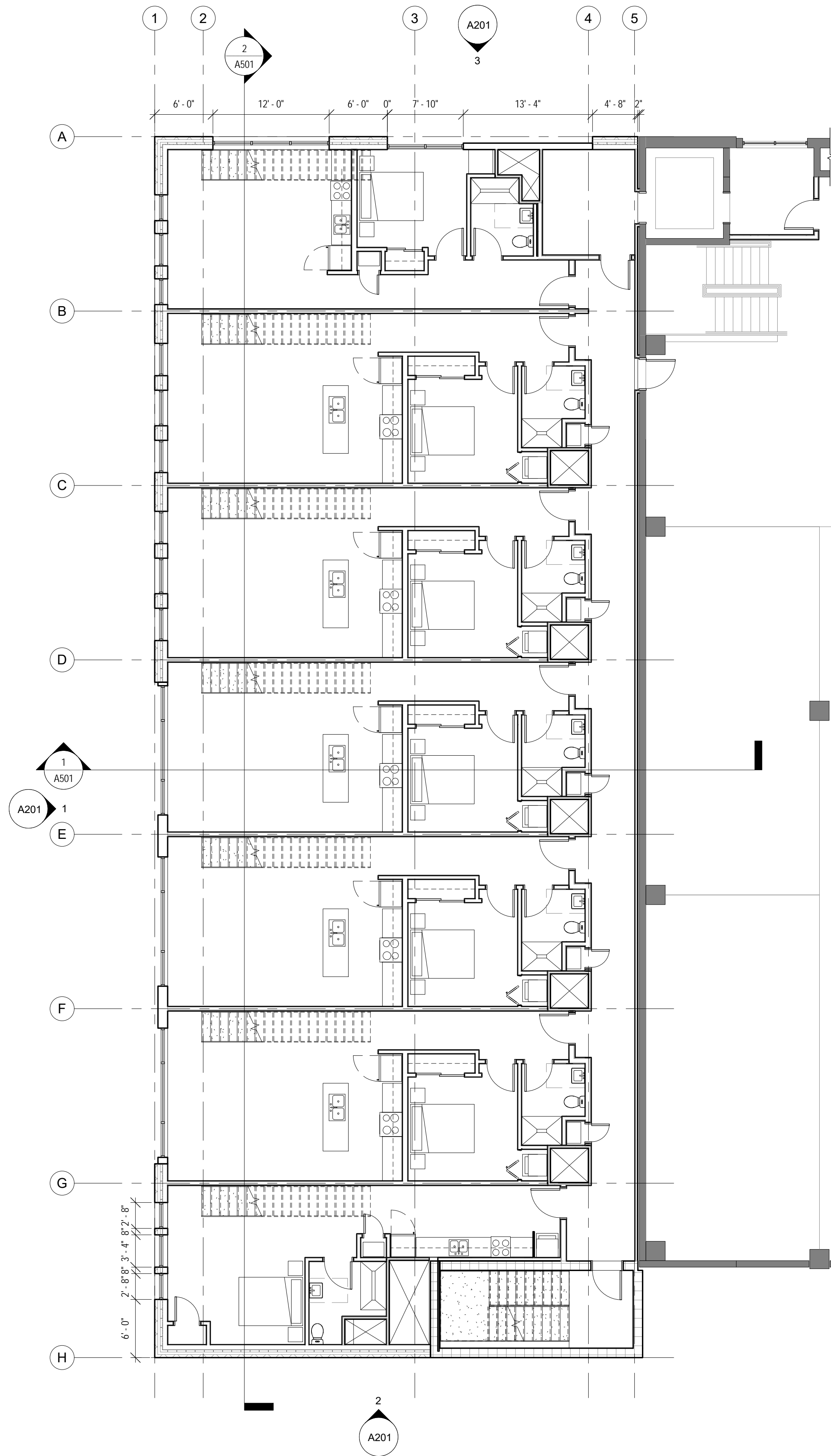
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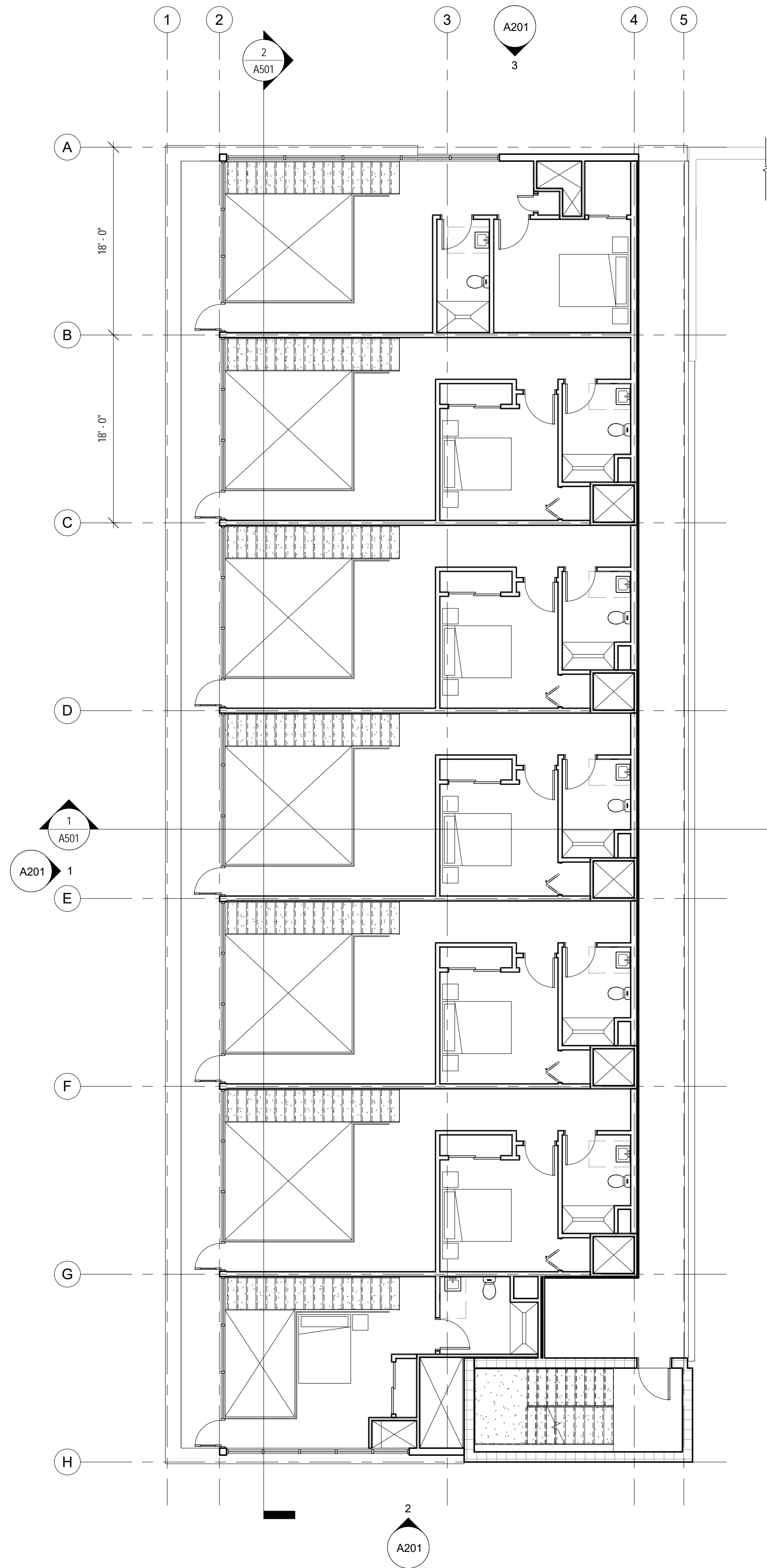
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1 4TH FLOOR - CONSTRUCTION PLAN
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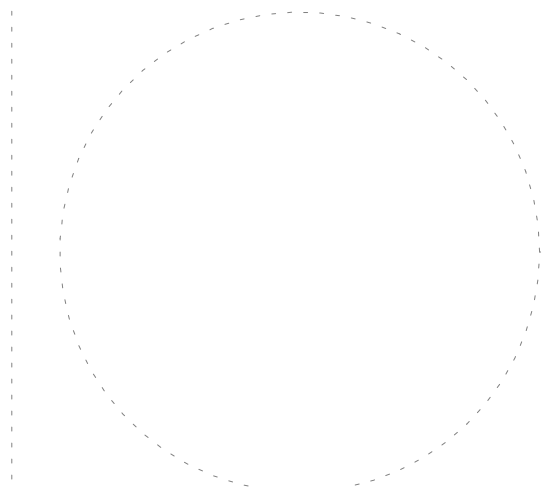
2 5TH FLOOR - CONSTRUCTION PLAN
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4TH & 5TH FLOOR PLANS

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PROJECT NO: 1648 A103

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Variance Project Report

The Confluence

at 4th & Rood Ave

"You can't rely on bringing people downtown, you have to put them there." - Jane Jacobs



Project Developer



Report Written and Presented by Colorado Land Advisor, Ltd.

Designing Great Colorado PLACES

Planning+Land Advisor+Civil Engineering+Site Design

General Project Report

The Confluence

This report is the property of

Senergy Builders, LLC., it's successors, and assigns.

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Prepared by:



Jeffery Fleming - Principal
Colorado Land Advisor, Ltd.
300 Main Street | Suite 308
Grand Junction, CO. 81501
970.812.3288

LandAdvisor@ColoradoLandAdvisor.com

As an urban planner much experience and research has gone into compiling data for this report. Information was collected from various sources and every attempt has been made to acknowledge the contributing sources. Any errors of omission are unintentional and should be brought to the attention of the author as soon as possible.



The Confluence

Design and Construction Team

Company	Name	Phone	Email
Developer Senergy Builders, LLC	Darin Carei	970.234.0708	DCarei@SenergyBuilders.com
Urban Planner Colorado Land Advisor, Ltd.	Jeffery Fleming	970.234.3466	LandAdvisor@ColoradoLandAdvisor.com
Architect Chamberlin Architects	Jonathan West	970.242.6804	jwest@chamberlinarchitects.com
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Civil Engineer Colorado Land Advisor, Ltd.	Brynn Boyd P.E.	970.812.3288	Engineer@ColoradoLandAdvisor.com
Geotechnical Engineer Huddleston Berry Engineering	Michael Berry	970.255.8005	mberry@huddlestonberry.com
Structural Engineer Lindauer Dunn	Frank Rinaldi	970.241.0900	frank@lindauerdunn.com
Landscape Architect Nvision Design Studio, Inc.	Rob Breeden	970.210.2155	rb@nviz.biz
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The Confluence

Project Introduction

The Confluence is an urban mixed-use, multi-family project that will be located in the downtown core of Grand Junction, Colorado. The project consists of 28 condominium units in 7 stories with a projected construction start date of Spring 2019. Senergy Builders, LLC has worked closely with Colorado Land Advisor, Ltd to produce a project that will provide a much needed mix of high quality urban housing units over new retail shops and restaurants. The Downtown Development Authority and City of Grand Junction have had input into the design and concept. Both are excited about the project and it's impacts within the city's core.

Exterior finishes will take traditional and historical architecture of downtown and update them with a touch of post-modernism. Interior finishes will be decidedly urban lofts with a minimalist approach to interior décor featuring high ceilings, exposed steel, ducts, and brick accents. Kitchen and baths will have high quality cabinets, tile accents, stainless steel appliances, and quartz countertops. Options for upscale urban treatments will be available to be picked from the interior designer.

Commercial units will be aggressively marketed to Colorado grown companies seeking to expand into the Grand Valley. A mix of restaurant and retail is expected to fill the flexible spaces. A Colorado based co-working space and other professional service providers have expressed interest in expanding into this mixed-use property.

The real estate landscape is changing, as our city refocuses economic development efforts and its identity around the city's downtown area. Entertainment and recreational opportunities include trails, parks, arts, restaurants, festivals and rivers. Together these provide an unmatched lifestyle and a high quality of life. New museums and cultural centers are being envisioned by artists and business leaders. Big growth at Colorado Mesa University, enhancements to the river trail system and Las Colonias Park are creating a synergy of growth. Much of the focus has been on utilizing the outdoor lifestyle that Western Colorado has to offer. These are just some efforts under way that reflect the new investment and energy in Grand Junction, "Colorado's Western Capital".



The Confluence

Project Introduction continued

Following input and recommendations provided by focus groups throughout the charettes, downtown housing is being reborn with the first for-rent and for sale downtown lofts built in the downtown core. Fresh new stores, restaurants, major streetscape improvements all contribute to a thriving downtown. Civic engagement has focused around a hopeful new arts district anchored by the Art Center. Sustainably reusing old schools, train depots, warehouses and historic buildings is creating a lot of excitement. New projects such as a revitalized library, new hotels and expanded event center converge to make Grand Junction the hippest spot West of Denver. All of these amenities come with brief commute times. There are numerous projects and millions of dollars being invested today in a city laid out by visionaries a hundred and thirty years ago.

With higher than average percentage of downtown's land being vacant or underused, and land prices lower than in Denver, Grand Junction represents the next wave of opportunity! The catalyst for this movement is people living downtown, as the oft quoted Jane Jacobs was so fond of saying "You can't rely on bringing people downtown, you have to put them there." The Confluence development will create a place at which people will come together in an innovative way for Grand Junction. The Confluence will embody the known economic benefits of developing mixed use, infill, downtown development. It is our hope that The Confluence can assist in stimulating private investments in order to build comprehensive, collaborative real estate further stimulating economic development in the downtown core, rejuvenating the city similar to the way Joe Lacy did in the 1960's with Operation Foresight.



The Confluence

urban loft living | <unparalleled quality> |

ENERGY ST★R RATED | cOMMUNITY gARDEN |

4 Urban Home Designs | *good karma* | **Community Recycling**

WiFi enabled | covered *PARKing* | *outdoor common areas*

a three minute ride to the Colorado Riverfront

42 restaurants within walking distance | **Art Galleries adjacent**

<<PANORAMIC VIEWS>> | *downtown shopping*

GYM AND SPA MEMBERSHIP | **Downtown Partnerships**

A Confluence of Lifestyle



The Confluence

Site Data

Address:

130 North 4th Street Grand Junction, CO 81501

Site Area:

Acreage: .145 Square Feet: 6321.4

City of Grand Junction Zoning: B-2

Future Land Use: Downtown MU

Previously Developed ->Previous structure demolished in 2006 -> Now vacant

Building Data

Statistical Depiction of Building

Building Size

Building Footprint	6321 SF
Width along 4 th street-facing	125.95 Ft
with steel/glass sunshade	134.25 Ft
Depth along Rood Avenue	50.19 Ft
with steel/glass sunshade	58.19 Ft
Height	67.80 Ft

Square Footage by Use

Residential		21359 SF
Studios	820 SF	
1 Bedroom	9504 SF	
2 Bedroom	8785 SF	
Private Verandas	2820 SF	
Commercial		5628 SF
Offices co-space	984 SF	
Restaurants	3168 SF	
Retail	1473 SF	
Common space		3452 SF
Corridors	2540 SF	
Shared Outdoor Space	480 SF	
Sidewalk Dining Area	432 SF	
Basement		5628 SF
Storage	3500 SF	
Mechanical (est)	2128 SF	
Total Square Footage		36069 SF / 33255 Leaseable

The Confluence



The Confluence

Supporting Criteria for the Variance

21.02.200 Variance.

(a) **Purpose.** *The purpose of this section is to provide a process for consideration of variances from certain standards of the code.*

(b) **Applicability.**

(1) *A variance may be requested for a departure from bulk standards, performance or use-specific standards of Chapter 21.04 GJMC, all overlay district regulations of Chapter 21.07 GJMC, excluding corridor overlay districts, and the sign regulations of Chapter 21.06 GJMC.*

(2) *Variances shall not be requested for:*

(i) *The establishment or expansion of a use in a district in which such use is not permitted by this code;*

(ii) *Residential development which would result in an increase in density greater than that permitted in the applicable zoning district; and*

(iii) *Changes or modifications to any definition contained in this code.*

(c) **Approval Criteria.** *A variance may be granted only if the applicant establishes that all of the following criteria have been met:*

(1) *There are exceptional conditions creating an **undue hardship**, applicable only to the property involved or the **intended use thereof**, which do not apply generally to the other land areas or uses within the same zoning district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;*

An undue hardship in following the Code was created by the construction of the Rood Avenue Parking Garage (RAPP) under the 2000 International Building Code and the Zoning and Development Code (ZDC) of 2006. The design of the RAPP was such that the intent was to connect the two Endcap buildings to the RAPP in such a way as to gain access to the RAPP elevators. Two elevators were constructed within the RAPP. Each of these elevators was constructed on the exterior adjoining walls of the RAPP with the Endcap properties. The Elevators were built in such a way as to be modified to connect to the Endcap properties. Both the control panels and rear panels were selected and constructed in a way that they were intended to be removed and replaced at some point in the future as as to accommodate the Endcap properties. This was done in an effort to share parking in the garage.

The DDA owns 62 spaces in the RAPP which they intend to divide up between the two Endcap properties, 31 parking spaces for the West Endcap and 31 spaces for the East Endcap. These parking spaces, on the second and fourth levels are intended for the owners of the Endcap properties to use. Construction plans reveal that access to these 31 spaces on each end was envisioned to be gained through the elevators, The plan also included 'block-outs' for man doors at each level of the RAPP. In order to accomplish this the elevators were installed diametrically opposed to one another at the end faces of the project. The idea is to open the walls, replace the back wall panels with door openings activated through the control panels. This would allow owners of the Endcap parcels to access the street level from any of their floors.



Supporting Criteria for the Variance

The Applicant is not asking that this Variance apply to any other land areas or uses within the B2 Zone. The conditions that created this hardship was created by the actions of the RAPP design in 2006. This design was reviewed and approved by the City Planning Department as well as the Mesa County Building Department. At that time they did not foresee the changes within the Zoning and Development Code or the International Building Code which the City has since adopted. The Downtown Development Authority (DDA) as owners of the property has had several turnovers on it's leadership and thus they did not realize that the changes in the ZDC would impact their property in such a way. This need for a variance was not discovered until the property was sold to Senergy Builders, LLC. And Senergy retained Colorado Land Advisor, Ltd. To begin the development application process.

The purchase contract that was agreed upon and executed between Senergy Builders, LLC and the DDA stipulates that the property be developed as a mixed use property having multiple stories and containing residential uses, retail uses, office uses, and/or restaurant uses within the single building. The DDA has also agreed to lease 31 parking spaces in the RAPP for project use.

(2) The variance shall not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;

The purchase contract that was agreed upon and executed between Senergy Builders, LLC and the DDA stipulates that the property be developed in a manner that will fulfill the goals of the DDA and their 2015 Downtown Grand Junction Housing Study. Due to the properties location within the core of the Downtown Business District it was determined that the parcel be developed as a mixed use development. No other mixed use development has been proposed downtown since the Reed Building was redeveloped in 2003 and Platted in 2004 as a mixed use property having multiple stories and containing residential uses, retail uses, office uses, and/or restaurant uses within the single building. This project will be the first new residential project in the last 15 years within the Downtown Business District. This variance would not deny nor grant others any special privilege.

(3) The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;

The literal interpretation is that the first floor be 15 feet in height. This is likely due to the desired appearance of having an architectural form that follows the perceived function of downtown in providing spaces to commercial businesses. While this is agreeably so desirable, many of the existing downtown buildings do not meet this criteria. The applicant is seeking to match the RAPP first floor height of 12 feet 4 inches as was intended in the design of RAPP.



Supporting Criteria for the Variance

The architect has brought the glass line up to the ceiling height and then pushed up each of the steel canopy's an additional 2 feet in order to give the appearance of compliance while achieving the desired architectural standard. See architectural drawing sheet A201. It was the intent of the City and the DDA to build building on each of the RAPP Endcaps and connect the two structures to the parking garage and; to share the use of the two elevators. A 15 foot first floor height makes this unworkable.

(4) The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;

The reasonable use is limited by the purchase of the property from the DDA. In the Purchase Agreement the Seller (DDA) stipulated that a mixed-use property be developed on the site and that access to the RAPP could be achieved at each level. The use of the elevator was implied upon the purchase of the property from the DDA. Raising the First Floor to 15 feet means that the intended access at each level could not be attained due to the roughly 3 feet offset at each level. In order to use the elevator a person would enter the elevator and push the button to go up 3 feet each time. This is similar to what was constructed at the College Center/University Center between the parking garage and the building. This resulted in a nearly half million dollar lawsuit as the elevator was basically in-tolerable. The applicant cannot in good conscience consider this design.

(5) The variance is the minimum necessary to make possible the reasonable use of land or structures;

The request is to vary the first floor to a buildable height of 12 feet 4 inches in order to match the RAPP on each level. This will accommodate parking for residents of The Confluence while minimizing wear and tear on the elevator. Increased Fire, life, & safety concerns would also be minimized by creating 4 additional egress points, allowing another entrance and exit at each of the 4 floors.

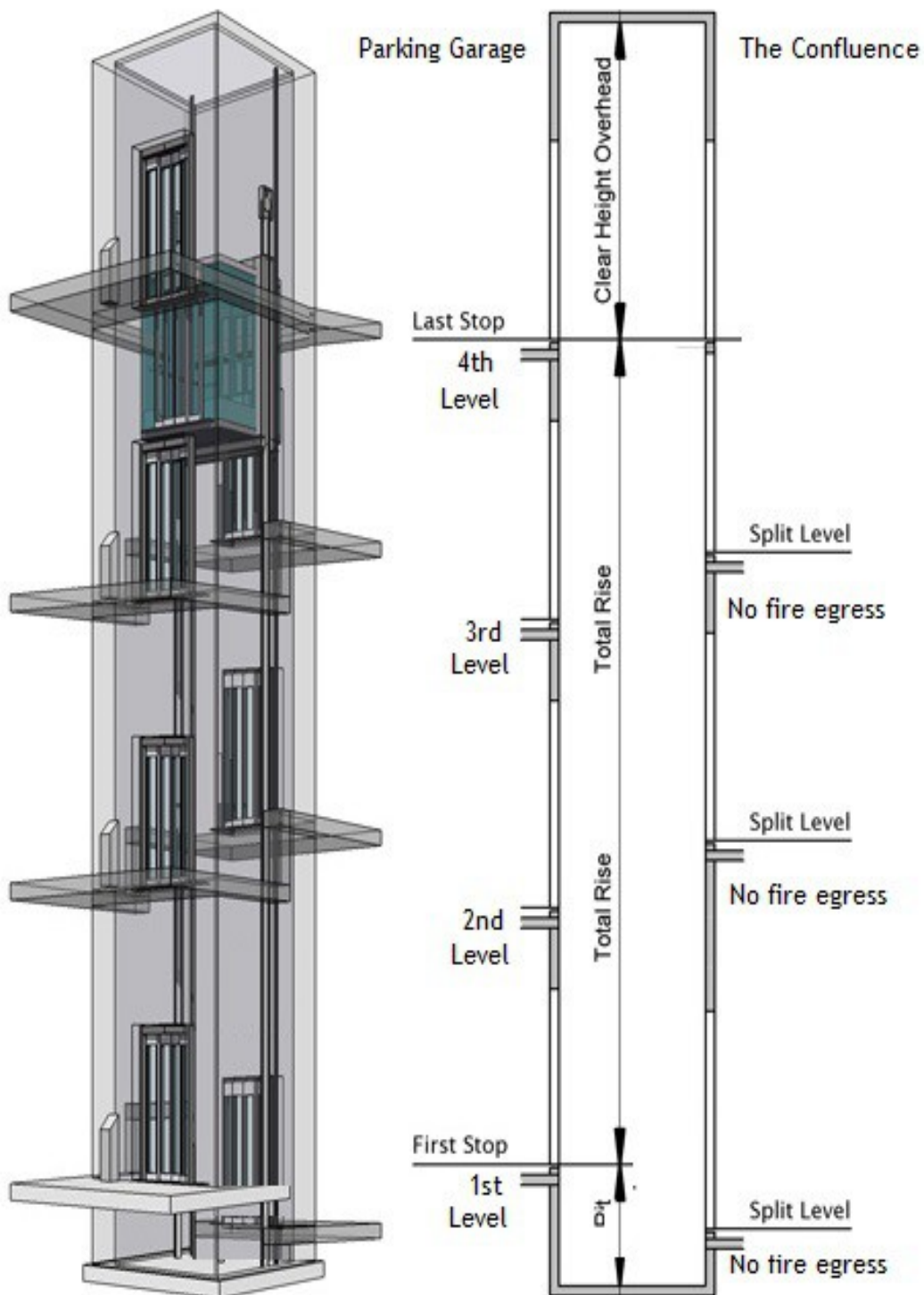
If the first floor is required to be 15 feet, the 4 additional egress points, one more on each level, would be lost due to the nearly 3 feet offset between the floor of The Confluence and the RAPP. The loss of these 4 safety egress points makes the project much less desirable, much less safe.

[see the graphic on the next page]



Supporting Criteria for the Variance

Loss of additional fire egress at each floor as displayed below





The Confluence

Supporting Criteria for the Variance

(6) The granting of a variance shall not conflict with the purposes and intents expressed or implied in this code; and

The purpose of the code is to create a uniform standard for the B2 district. The Confluence is downtown and is thus attempting to meet several other considerations. The Confluence is attempting to meet the **Goals of the Comprehensive Plan**. The Confluence is attempting to meet the **DDA's mixed-use requirement** for the site. The Confluence is attempting to meet some of the recommendations of the **2015 Downtown Grand Junction Housing Study**. The Confluence is attempting to create infill in the **Central Business District**. The Confluence is attempting to meet the **Goals of the Strategic Downtown Master Plan**. The Confluence is attempting to meet requirements of the **Downtown Overlay District**. The Confluence is attempting to meet requirements of the **2013 Greater Downtown Plan**. The Confluence is attempting to meet requirements of the **2018 International Building Code**. The Confluence is attempting to meet requirements of the **2018 Fire Code**

The intent of the Code is to create uniformity and cohesiveness within a district. The Confluence is sited within the Central Business District and as such a unique project within all of Grand Junction. The intent to have buildings with a mass and scale that is suitable for downtown is understood. The Confluence will accomplish this while providing upscale housing to 21 households. As Jane Jacobs said, "You can't rely on bringing people downtown, you have to put them there." The Confluence will be the first to do this within the Downtown Core. The applicant believes this mixed-use project fits within the intent of: the City, the DDA, the Downtown Housing Study, and others.

(7) The granting of a variance shall not conflict with the goals, policies and guiding principles of the City's Comprehensive Plan.

The City's current Comprehensive Plan states:

Goal 5: The Confluence will provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

Policies:

A. In making land use and development decisions, the City and County will balance the needs of the community.

B. **The Confluence will** Encourage mixed-use development and identification of locations for increased density.

C. **The Confluence will** Increase the capacity of housing developers to meet housing demand.

The City Center includes the historic square mile of Downtown, North Avenue, Colorado Mesa University (formerly Mesa State College) and the medical community in and around



The Confluence

Supporting Criteria for the Variance

St. Mary's Hospital, Community Hospital and Veterans Hospital.

The vision for the City Center is that The Confluence will expand more offices and residential uses in taller buildings and more residential density in the area immediately surrounding Downtown.

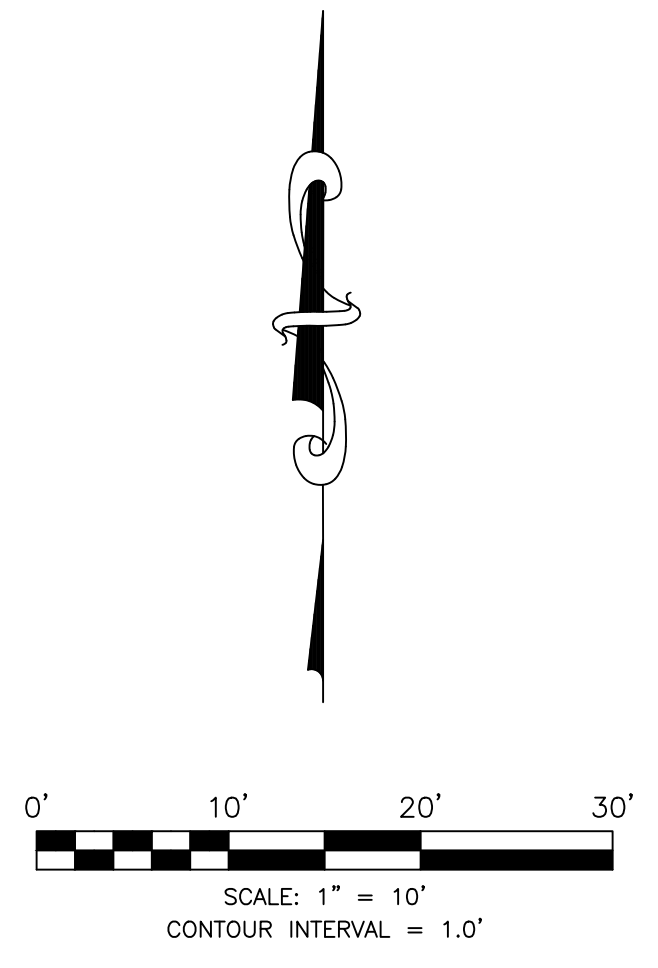
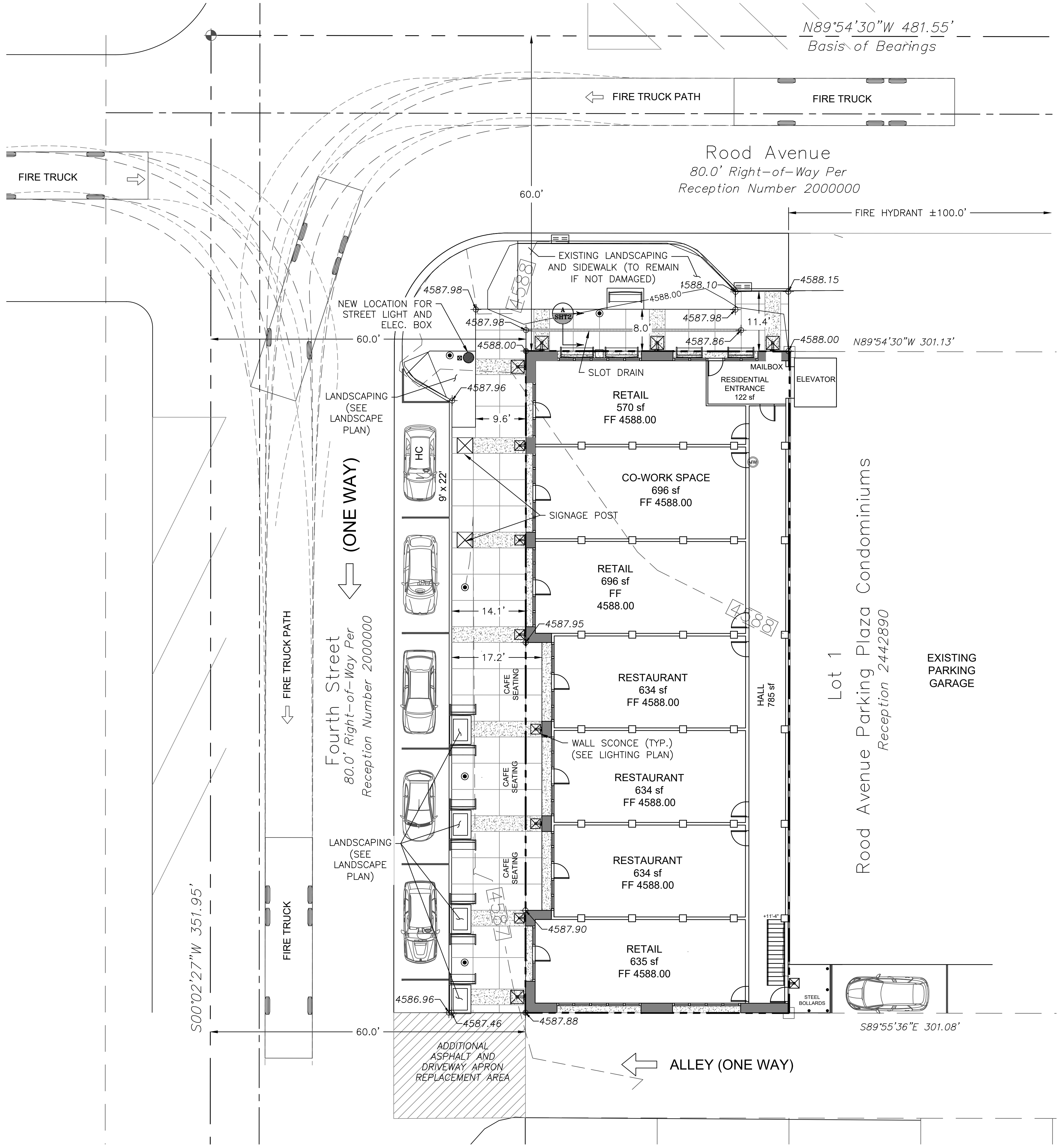
The Confluence, with strong emphasis on increased density and mixed-use development, will expand opportunities downtown both horizontally and vertically.

The Confluence will fulfill the desire for more mixed-use projects with retail and/or commercial services on the street level (near high volumes of pedestrian activity) and office or residential uses on the upper floors.

The Confluence will provide housing options at much higher densities and have different land use patterns from those that exist today within the City Center, where a mixed-use development pattern makes more efficient use of land and infrastructure. The Confluence represents 145 du/ac.

The Confluence will bring shopping closer to residential areas and encourage walking for most needs, thus protecting air quality and water quality by reducing the demand for automotive transportation.

It is our contention that The Confluence will fulfill these Comprehensive Plan goals, policies and guiding principles while fulfilling an envisioned partnership between the RAPP and the adjoining development(s).



LEGEND	
	PROPERTY LINE
	SECTION LINE
	ROAD CENTERLINE
	EXISTING CONTOUR
	PROPOSED CONTOUR
	EDGE OF PAVEMENT/CONCRETE

NOTE:
 ANY BROKEN OR DAMAGED SIDEWALK, CURB AND GUTTER
 ALONG PROPERTY FRONTAGE SHALL BE REPLACED AS PART
 OF THIS PROJECT.

ACCEPTANCE BLOCK

THE CITY OF GRAND JUNCTION REVIEW CONSTITUTES GENERAL COMPLIANCE WITH THE CITY'S DEVELOPMENT STANDARDS, SUBJECT TO THESE PLANS BEING SEALED, SIGNED, AND DATED BY THE PROFESSIONAL OF RECORD. REVIEW BY THE CITY DOES NOT CONSTITUTE APPROVAL OF THE PLAN DESIGN. THE CITY NEITHER ACCEPTS NOR ASSUMES ANY LIABILITY FOR ERRORS OR OMISSIONS. ERRORS IN THE DESIGN OR CALCULATIONS REMAIN THE RESPONSIBILITY OF THE PROFESSIONAL OF RECORD.

CONSTRUCTION MUST COMMENCE WITHIN ONE YEAR FROM THE DATE OF PLAN SIGNATURE.

CITY PLANNER _____ DATE _____

NOT FOR CONSTRUCTION

THE CITY OF GRAND JUNCTION REVIEW CONSTITUTES GENERAL COMPLIANCE WITH THE CITY'S DEVELOPMENT STANDARDS, SUBJECT TO THESE PLANS BEING SEALED, SIGNED, AND DATED BY THE PROFESSIONAL OF RECORD. REVIEW BY THE CITY DOES NOT CONSTITUTE APPROVAL OF THE PLAN DESIGN. THE CITY NEITHER ACCEPTS NOR ASSUMES ANY LIABILITY FOR ERRORS OR OMISSIONS. ERRORS IN THE DESIGN OR CALCULATIONS REMAIN THE RESPONSIBILITY OF THE PROFESSIONAL OF RECORD.

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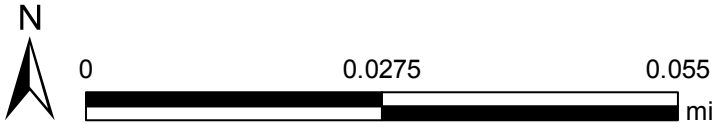
CITY DEVELOPMENT ENGINEER _____ DATE _____

#	REVISION	DESCRIPTION	DATE

SENERGY BUILDERS LLC.
 THE CONFLUENCE
 SITE PLAN

PROJ.# _____
 DESIGNED BY _____
 DRAWN BY _____
 DATE _____
 DRAWING NUMBER
 03
 OF 06 DWGS

The Confluence Location Map



Printed: 6/13/2019

1 inch = 94 feet



West-Facing Façade of Parking Garage – Showing Block Outs and Subject Property in Foreground



North-Facing Façade of Parking Garage – Showing Location of Elevator/Stairwell
Subject Endcap Property on Right

