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**CITY COUNCIL AGENDA
MONDAY, JUNE 1, 2020
250 NORTH 5TH STREET
6:00 PM – SPECIAL MEETING – CITY HALL AUDITORIUM**

To become the most livable community west of the Rockies by 2025

Call to Order, Pledge of Allegiance, Moment of Silence

REGULAR AGENDA

1. Public Hearings

a. Quasi-judicial

- i. An Ordinance Rezoning the Horizon Villas Property from PD (Planned Development) to R-8 (Residential - 8 du/ac) Located West of the Undeveloped Horizon Glen Drive Right-of-Way - [Staff Presentation](#)
- ii. An Ordinance Vacating a 25 Foot Wide by 400 Lineal Foot Portion of the Undeveloped 27 ½ Road Public Right-of-Way (ROW) Abutting the Eastern Property Line of the Property Located at Approximately 347 27 ½ Road - [Staff Presentation](#)

- iii. An Ordinance Amending the Comprehensive Plan Changing the Future Land Use Map Designation for a Property of 5.26 Acres from the Commercial and Commercial/Industrial Future Land Use Designations to the Downtown Mixed Use Future Land Use Designation and Rezoning said Property of 5.26 acres from a C-2 (General Commercial) Zone District to a R-24 (Residential - 24 du/ac) Zone District Located at 630 South 7th Street - [Staff Presentation](#)
 - iv. An Ordinance for a Comprehensive Plan Amendment from Residential High Mixed Use (16 – 24 du/ac) and Residential Medium (4 – 8 du/ac) to Village Center and a Rezone from R-E (Residential – Estate) to C-1 (Light Commercial) Located at 785 24 Road - **WITHDRAWN**
- b. Legislative
- i. An Ordinance Amending Title 21 of the Grand Junction Municipal Code Regarding Setbacks in the B-1, Neighborhood Business Zone District - [Staff Presentation](#)
 - ii. An Ordinance Amending the Grand Junction Municipal Code Title 21 Zoning and Development Code Regarding the Requirements for Conducting Neighborhood Meetings - [Staff Presentation](#)

2. Adjournment



Grand Junction City Council

Regular Session

Item #1.a.i.

Meeting Date: June 1, 2020

Presented By: Scott D. Peterson, Senior Planner

Department: Community Development

Submitted By: Scott D. Peterson, Senior Planner

Information

SUBJECT:

An Ordinance Rezoning the Horizon Villas Property from PD (Planned Development) to R-8 (Residential - 8 du/ac) Located West of the Undeveloped Horizon Glen Drive Right-of-Way - [Staff Presentation](#)

RECOMMENDATION:

The Planning Commission heard this item at its February 25, 2020 meeting and recommended approval (6-1).

EXECUTIVE SUMMARY:

The Applicant, Larson Building Solutions, Represented by Todd Larson, is requesting a rezone of Lot 17 of Horizon Glen Subdivision As Amended, a 2.22-acre lot located at Horizon Glen Drive at Horizon Drive from PD (Planned Development) to R-8 (Residential – 8 du/ac) in anticipation of future residential subdivision development. The requested R-8 zone district is consistent with the Comprehensive Plan Future Land Use Map designation of Neighborhood Center.

BACKGROUND OR DETAILED INFORMATION:

The subject 2.22-acre property is situated west of the platted right-of-way of Horizon Glen Drive, north of Horizon Drive. To date, the right-of-way for Horizon Glen Drive has not been constructed or developed as a roadway. The property, which is Lot 17 of the Horizon Glen Subdivision, As Amended is currently vacant. The property was annexed into the City limits in 1979 as part of the Foster Annexation and last zoned PR (Planned Residential) in 1991. The property is now currently zoned PD (Planned Development) and according to the subdivision plat of the Horizon Glen Subdivision,

which was platted in 1991, was proposed and labeled to be developed as a “Future Multi-Family Area.” The current PD zone district includes this property and the property located on the east side of Horizon Glen Drive along with the existing single-family home development located along Horizon Glen Court (see attached zoning maps). Since the “Future Multi-Family Area” was not developed in accordance with the approved Planned Development (PD) the PD has lapsed and expired. Therefore, any new development on this property will require either a rezone or the approval of a new Outline Development Plan (ODP) for the property.

The Applicant has expressed the intent to purchase the property and develop the property as a residential subdivision as allowed within the proposed R-8 (Residential – 8 du/ac) zone district. The zone district allows development with a density range between 5.5 dwelling units to 8 dwelling units an acre. The Comprehensive Plan Future Land Use Map identifies the property as Neighborhood Center. The proposed R-8 (Residential – 8 du/ac) zone district is a zone district that implements the Neighborhood Center future land use designation. In addition to R-8, the following zone districts would also work to implement the Neighborhood Center designation.

R-12 (Residential – 12 du/ac)

R-16 (Residential – 16 du/ac)

R-O (Residential Office)

B-1 (Neighborhood Business)

C-1 (Light Commercial)

MXR, G & S (Mixed Use Residential, General and Shopfront)

With the proposed R-8 zone district, the Applicant is proposing the least amount of residential density that the Future Land Use Map designation would allow. The purpose of the R-8 (Residential – 8 du/ac) zone district is to provide for medium-high density, attached and detached dwellings, two-family dwellings and multi-family. R-8 is a transitional district between lower density single-family districts and higher density multi-family or business development. A mix of dwelling types is allowed in this district. The property is adjacent to Horizon Drive which is classified as a Minor Arterial.

Properties adjacent to the subject property to the west are the existing single-family lots within the Horizon Glen Subdivision (with a Comprehensive Plan Future Land Use Map designation of (Residential Medium Low (2 – 4 du/ac)). This portion of Horizon Glen Subdivision has an existing density of less than 2-dwelling units to the acre. To the south and across Horizon Drive is Horizon Towers multi-family residential high-rise zoned PD (Planned Development) with a density range between 16 to 24 dwelling units an acre and to the north and east are vacant properties of land zoned R-8 (Residential – 8 du/ac) and PD (Planned Development) respectfully. The Applicant’s request would be adjacent to and a continuation of the existing R-8 zone district in this area.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed rezone request was held on December 11, 2019 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant, Applicant's Representative and City staff were in attendance along with about 20 area residents. Comments received regarding the rezone proposal centered around topics such as drainage, proposed residential density, lot layout/design and increased traffic.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with an application sign on January 6, 2020. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on February 14, 2020. The notice of the Planning Commission public hearing was published February 18, 2020 in the Grand Junction Daily Sentinel.

ANALYSIS

The criteria for review of a rezone application is set forth in Section 21.02.140 (a). The criteria provides that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following rezone criteria.

- (1) Subsequent events have invalidated the original premises and findings; and/or

The property is currently zoned Planned Development (PD) and was originally zoned PR-8 (Planned Residential – 8 du/ac) in 1981. As noted, the PD zone district and associated “plan” has not developed as proposed nor within the requisite time period of the approval. Therefore, the existing PD zone is not valid and has since expired requiring that either a rezone of the property occur, or a new Outline Development Plan approved. Staff finds this criterion has been met.

- (2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

The character and/or condition of the area has continued to change and expand over the last 29 years including the development of more residential and commercial developments within the near vicinity (ex: Little Creek Subdivision, Villas at Country Club, Safeway commercial center development, etc.). Vacant properties to the north are currently zoned R-8 and R-4 and total over 19-acres, and though the physical condition has not changed on these properties, they could also be ready for development, compatible and consistent with an R-8 zone designation at some point in the future. Based on changes that have occurred in the near vicinity of this property,

staff has found this criterion has been met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

Adequate public and community facilities and services are available to the property and are sufficient to serve land uses associated with the R-8 zone district. City sanitary sewer and Ute Water are both available within Horizon Drive. The property can also be served by Xcel Energy electric and natural gas. To the northwest, a short distance away is the Safeway commercial center along with associated restaurants, banks, hotels and offices, etc. Further to the southwest is St. Mary's Hospital. The adjacent street network of Horizon Drive, N. 12th Street and 26 ½ Road are all classified as Minor Arterials which are adequate to serve any type of residential development proposed for the property.

In general, staff has found public and community facilities are adequate to serve the type and scope of the residential land use(s) proposed. As such, staff finds this criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

R-8 zoned properties presently comprise approximately 9% of the total acreage within the City limits, which comprises the largest amount of residentially zoned land. However, in direct proximity to this site there is limited R-8 zoned property which in the context of this area, serves as a desirable transition between some of the low density housing available as well as some of the higher density housing and commercially used/zoned lands available. Staff therefore finds that the criterion has been met.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The requested zone district of R-8 will provide an opportunity for housing within a lower range of density that is still consistent with the Comprehensive Plan in this area to meet the needs of a growing community. This principle is supported and encouraged by the Comprehensive Plan and furthers the Plan's goal of promoting a diverse supply of housing types; a key principle in the Comprehensive Plan.

The community and area will also benefit from the potential for development of a currently vacant parcel of land and underutilized site, close to existing hospital and commercial services that, should it develop, will be required to meet current code standards for such subdivision improvements and other on-site improvements. Therefore, Staff finds that this criterion has been met.

The rezone criteria provide that the City must also find the request is consistent with the vision, goals and policies of the Comprehensive Plan. Staff has found the request to be consistent with the following goals and policies of the Comprehensive Plan:

Goal 1 / Policy A: Land use decisions will be consistent with Future Land Use Map.

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Policy B: Create opportunities to reduce the amount of trips generated for commuting and decrease vehicle miles traveled thus increasing air quality.

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

Policy C. Increasing the capacity of housing developers to meet housing demand.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Horizon Villas Rezone request, RZN-2019-714, from PD (Planned Development) to R-8 (Residential – 8 du/ac) for the property located at Horizon Glen Drive at Horizon Drive, the following findings of fact have been made:

1. In accordance with Section 21.02.140 (a) of the Zoning and Development Code, the request meets one or more of the rezone criteria.
2. The request is consistent with the goals and policies of the Comprehensive Plan.

Therefore, the Planning Commission recommends approval of the request.

FISCAL IMPACT:

This request does not have any direct fiscal impact.

SUGGESTED MOTION:

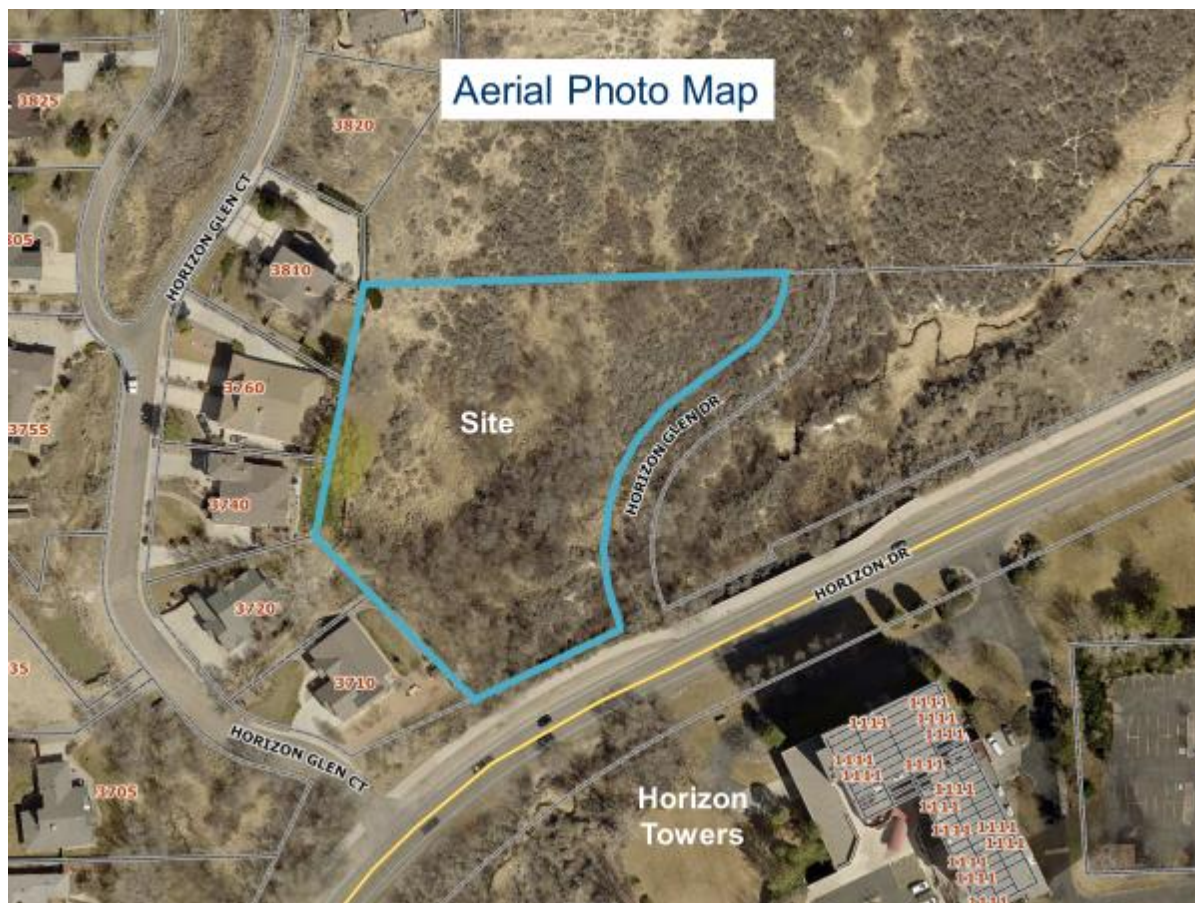
I move to (adopt/deny) Ordinance No. 4931, an ordinance rezoning Horizon Villas property from PD (Planned Development) to R-8 (Residential - 8 du/ac), located west of Horizon Glen Drive on final passage and order final publication in pamphlet form.

Attachments

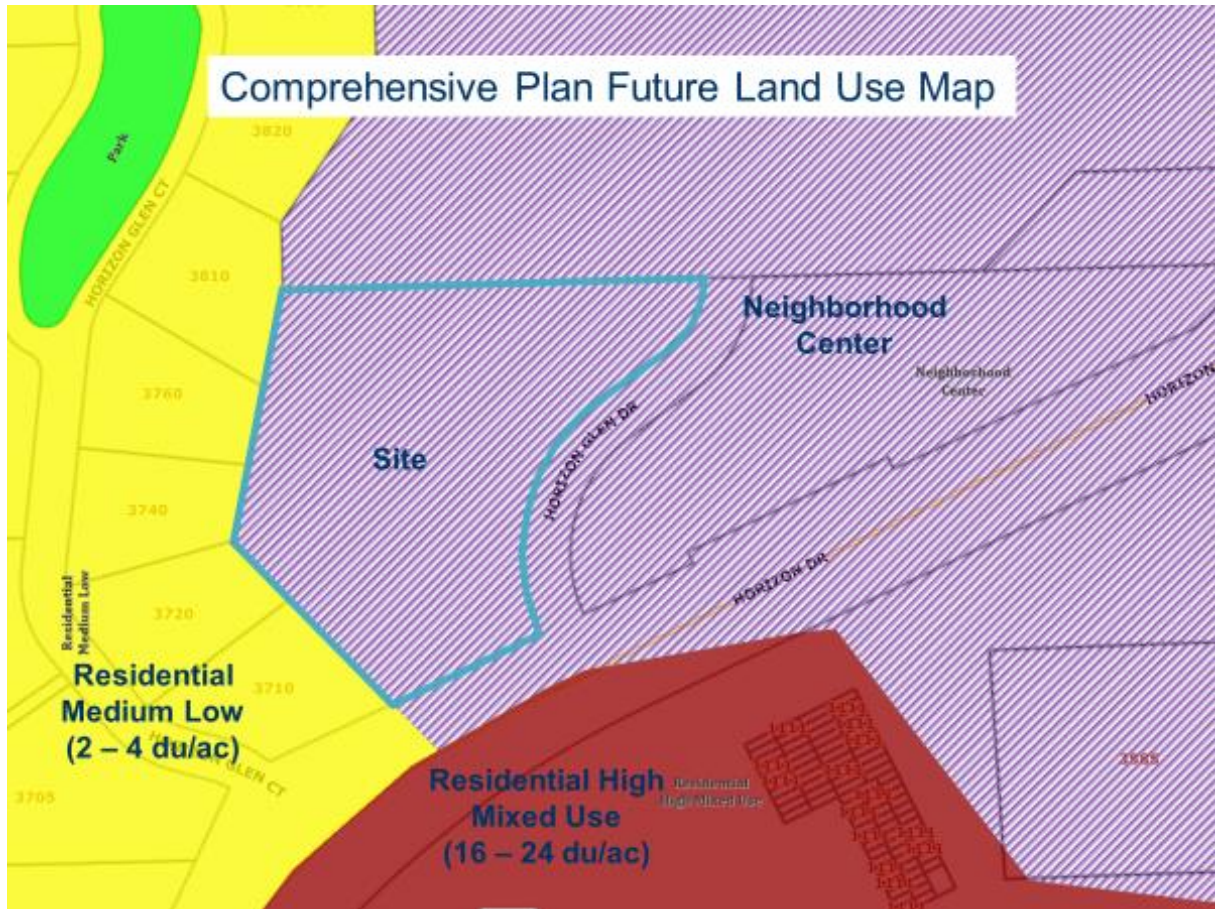
1. Site Location & Zoning Maps, etc
2. Development Application Dated 12-19-19

3. Subdivision Plat - Horizon Glen Subdivision As Amended
4. 1991 - Horizon Glen Outline Development Plan
5. July 3, 1991 - City Council Minutes - Horizon Glen Subd & ODP
6. Correspondence Received - Horizon Villas Rezone
7. Horizon Villas Rezone - Planning Commission Minutes - 2020 - February 25
8. Zoning Ordinance
9. Horizon Villas Rezone - Lily Fitch Public Hearing Documents

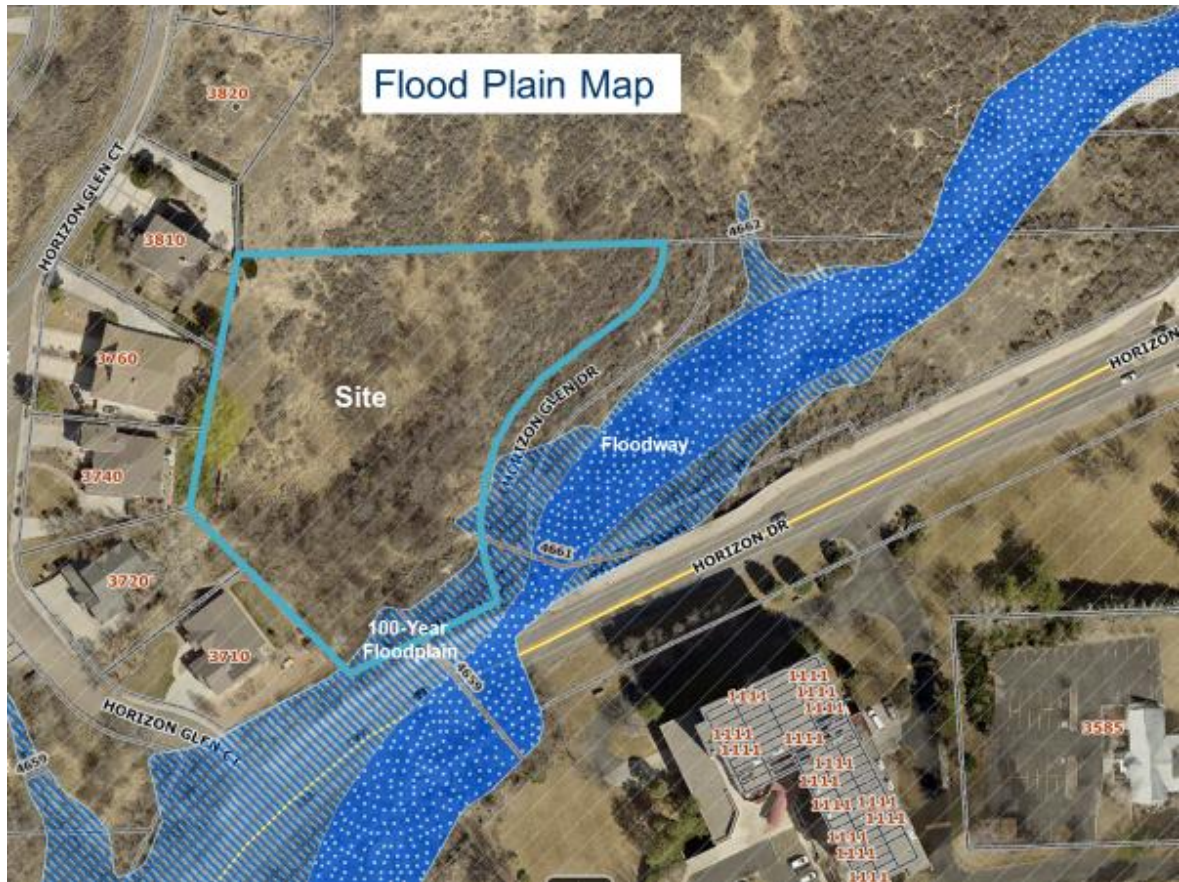




Comprehensive Plan Future Land Use Map









View of property from Horizon Drive

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: REZONE

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

Existing Land Use Designation: VACANT LAND

Existing Zoning: PD

Proposed Land Use Designation: DUPLEX/MULTI-FAMILY
RESIDENCE

Proposed Zoning: R-8

Property Information

Site Location: LOT 17 HORIZON GLEN SUBDIVISION

Site Acreage: 2.2 ACRES

Site Tax No(s): 2945-021-13-037

Site Zoning: PD

Project Description:

Rezone 2.2 acres from a PD to an R-8 with anticipation of
Proposing a Preliminary/Final subdivision for 12 units
(3 duplexes + 2 triplexes)

Property Owner Information

Applicant Information

Representative Information

Name: Margaret E. Foster Family
Partnership, LLP

Name: Larson Building Solutions

Name: Ciavonne, Roberts + Associates

Street Address: 301 E Dakota Dr.

Street Address: 2921 Crocus St.

Street Address: 222 N+n 7th St.

City/State/Zip: Grand Jct. CO 81506

City/State/Zip: Grand Jct. CO 81506

City/State/Zip: Grand Jct. CO 81501

Business Phone #: 970-244-6602

Business Phone #: 970-234-0258

Business Phone #: 970-241-0745

E-Mail: m.foster@crwest.com

E-Mail: larsonbuildingsolutions@gmail.com

E-Mail: ted@ciavonne.com

Fax #: N/A

Fax #: N/A

Fax #: N/A

Contact Person: Mike Foster

Contact Person: Todd Larson

Contact Person: Ted Ciavonne

Contact Phone #: 970-433-8374

Contact Phone #: 970-234-0258

Contact Phone #: 970-241-0745

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: [Signature]

Date: 12-17-19

Signature of Legal Property Owner: [Signature]

Date: 12-17-19

OWNERSHIP STATEMENT - PARTNERSHIP

(a) MARGARET E FOSTER FAMILY ("Partnership") is the owner of the following property:

(b) Lot 17 Horizon Glen Subdivision (2945-021-13-037)

A copy of the deed(s) evidencing the owner's interest in the property is attached. Any documents conveying some interest in the property to someone else by the owner is also attached.

I, (c) Timothy E. Foster, am the (d) Managing Partner

for Partnership. I have the legal authority to bind the Partnership to agreements concerning financial obligations and this property. I have attached the most recent recorded Statement of Authority for the Partnership.

☒ My legal authority to bind the Partnership both financially and concerning this property is unlimited.

☐ My legal authority to bind the Partnership financially and/or concerning this property is limited in the following manner:

All other partners and their authority to bind the Partnership financially and with respect to this property are listed and described here:

☒ Partnership is the sole owner of the property.

☐ Partnership owns the property with other(s). The other owners of the property are:

(e)

On behalf of Partnership, I have reviewed the application for the (f) Rezone

I understand the Partnership's continuing duty to inform the City planner of any changes in my authority to bind the Partnership and/or in any interest in the property, such as ownership, easement rights, rights-of-way, boundaries, encroachment, lienholder and any other interest in the property.

☒ I and the Partnership have no knowledge of any possible conflicts between the boundary of the property and abutting properties.

☐ I or the Partnership have the following knowledge and evidence concerning possible boundary conflicts between the property and the abutting property(ies): (g)

I swear under penalty of perjury that the information in this Ownership Statement is true, complete and correct.

Signature of Partnership representative:

Printed name of person signing: Tim Foster

State of Colorado

County of Alamosa) ss.



Subscribed and sworn to before me on this 17 day of December, 2019

by Timothy Foster

Witness my hand and seal.

My Notary Commission expires on 10/08/2021

[Signature]
Notary Public Signature

RECEPTION#: 2821430, at 11/16/2017 2:53:21 PM, 1 of 1

Recording: \$13.00, Sheila Reiner, Mesa County, CO. CLERK AND RECORDER

BARGAIN AND SALE DEED

SL VENTURES, INC., whose address is 301 E. Dakota Drive, Grand Junction, CO 81507, for the consideration of TEN DOLLARS (\$10.00) in hand paid, hereby sells and conveys to MARGARET E. FOSTER FAMILY PARTNERSHIP, LLLP, whose address is 301 E. Dakota Drive, Grand Junction, CO 81507, the following real property in the County of Mesa, State of Colorado, to wit:

Lot 17 and Lot 18, Horizon Glen Subdivision, together with an undivided interest in Tract "A" of Horizon Glen subdivision

with all of its easements and appurtenances.

Signed this 6 day of November, 2017.

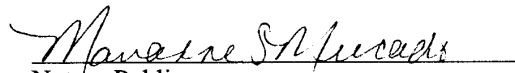
SL VENTURES, INC.

By 
Tim Foster, President

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 6 day of November, 2017, by Tim Foster, the President of SL Ventures, Inc. who is personally known to me.

My Commission expires: 03/30/2018
Witness my hand and official seal.


Marianne Mercado
Notary Public

THIS DEED IS BEING RE-RECORDED TO CORRECT THE SPELLING OF THE GRANTOR'S NAME IN THE DEED RECORDED AT RECEPTION NUMBER 2810315 OF THE RECORDS OF MESA COUNTY, COLORADO

MARIANNE MERCADO NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20104009287 MY COMMISSION EXPIRES MARCH 30, 2018

Horizon Villas Subdivision
Rezone
December 19, 2019
General Project Report

Project Overview

Margaret E Foster Family Partnership, LLLP presently owns the 2.2 acre parcel located at the NW corner of Horizon Glen Drive and Horizon Drive. It is currently zoned Planned Development, but without a plan the zoning is no longer valid. We are pursuing a rezone to R-8.

This is an infill project. It is abutting existing development on the west, vacant land on the north and east, and Horizon Drive abutting the south.

The Future Land Use promotes Neighborhood Center on this property. There are different zone options within a Neighborhood Center, but we are pursuing R-8 which is the lowest density zone allowed in Neighborhood Center.

A. Project Description

Location and Site Features

- The parcel is located at the NW corner of Horizon Glen Drive and Horizon Drive.
- There is a sewer main and water main in Horizon Drive.
- Surrounding land use /zoning is single family residence (R-4) to the west; Horizon Drive + multi-family residence (Horizon Towers zoned PD) to the south; vacant land (expired PD) to the east; and vacant land (R-8) to the north.
- There is currently an existing platted right-of-way (Horizon Glen Drive) which will be the primary access, and will stub to the north for future development. This road has not yet been constructed.
- The site currently slopes south east with a grade variation of 44 feet.

Existing Zoning

- The parcel is zoned PD, but has since expired.
- The proposed plan rezones to an R-8. This rezone meets the Future Land Use Plan requirement of Neighborhood Center.

B. Public Benefit:

- Infill development that utilizes existing infrastructure;
- Access and road interconnectivity to the property to the north;
- The efficient development of property adjacent to existing City services;

C. Neighborhood Meeting

A neighborhood meeting was held on Wednesday, December 11, 2019 at 5:30 p.m. About 20 neighbors attended the meeting. Neighborhood Meeting Notes are attached with this submittal.

D. Project Compliance, Compatibility, and Impact

1. Adopted Plans and/or Policies

The Future Land Use Plan; the Land Development Code.

2. Surrounding Land Use

Surrounding land use /zoning is single family residence (R-4) to the west; Horizon Drive + multi-family residence (Horizon Towers zoned PD) to the south; vacant land (expired PD) to the east; and vacant land (R-8) to the north.

3. Site Access and Traffic

There is currently not a built access, but there is an existing platted right-of-way (Horizon Glen Drive) which will be the primary access, but stub to the north for future development

4 & 5. Availability of Utilities and Unusual Demands

Sanitary Sewer: Sewer is provided by the City of Grand Junction. It is located in Horizon Drive.

Storm Sewer is provided by the City of Grand Junction via Horizon Drive. There is also a natural channel on the south end of the property.

Domestic water is provided by Ute Water via Horizon Drive.

6. Effects On Public Facilities

This addition of residential lots and the resulting new homes will have expected, but not unusual impacts on the fire department, police department, and the public school system.

7. Site Soils

This is not an issue for zoning, but will be addressed at time of subdivision.

8. Site Geology and Geologic Hazards

This is not an issue for zoning, but will be addressed at time of subdivision.

9. Hours of Operation N/A

10. Number of Employees N/A

11. Signage Plans N/A

12. Irrigation No

E. Development Schedule and Phasing

- TEDs Exception - Winter 2020
- Submit rezone - December 2019
- Submit Major Subdivision Winter 2020
- Approval of both mid-March 2020
- Begin Construction summer of 2020. The project will be constructed in a single phase.

HORIZON VILLAS NEIGHBORHOOD MEETING

December 11, 2019 @ 5:30pm

NOTES

A Neighborhood Meeting was held on December 11, 2019 regarding a proposed Rezone from PD to R-8 on a 2.2 acre piece of property at the NW corner of Horizon Glen Drive and Horizon Drive.

In Attendance:

Representatives: Todd & Crystal Larson (Larson Building Solutions)
Ted Ciavonne (Ciavonne, Roberts & Associates Inc.)
Scott Peterson (City of Grand Junction)

About 20 Neighbors attended the meeting and had the following comments and concerns:

- When a wetland study get done, when will be it available to look at? – At time of subdivision submittal.
- Is the entry road across from Horizon Towers? – Yes. It is an already platted ROW
- There are for sale signs on nearby property in this area. How does it fit in with this project?
– Those for sale signs are not part of this project. The Larsons are only concentrating on this 2.2 acre parcel.
- Why does it have to be R-8? – Because it is zoned PD without a plan, it requires a rezone. The FLU is our guiding document and this area is under Neighborhood Center. Neighborhood Center gives you a few zoning options and R-8 is the lowest of the choices.
- Can you do one house? –yes.
- Worries about dramatically changing the value of the adjacent neighborhood. – Back when the Horizon Glenn subdivision was platted, this area was designated as multi-family.
- What's the difference between duplex and shared single family? Seems like the same thing, both share a wall. – Duplex shares a lot, shared single family have their own lot with a lot line through the share wall. Duplex are most likely renters, and shared single family are most likely owners.
- Will these look like the ones in Summer Hill Subdivision? – We are not that far along on architecture, but they will be smaller in size.
- What about erosion planning? Will the CORE get involved? – A wetlands specialist has been involved, but this is only for the Rezone. We will have to do all of the required environmental studies at time of subdivision.
- The city has that area at 6 units per acre, what does that mean to R-8? – It's the average. An R-8 can be a minimum of 5.5 to a maximum of 8 units per acre.
- What is the target income level for these? Our homes are 500-800k. – In the low 300k range.
- What is the square footage of these? – 1200-2000 sf.
- Can you tell me more about the road? – It was already platted at this location. It has to be built from Horizon Drive to the north property line to allow access for the northern R-8 piece.

- Would the city look at widening Horizon Drive? – So far, we have been told that Horizon Drive does not need to be widened because of this project.
- Is there a water engineer involved? The bottom three buildings look like they will be sitting in a swamp. (Adjacent neighbor had to put in French drains to manage water issues) – A geotechnical engineer will get involved for subdivision to do the initial study. Then a homeowner would need to do more testing.
- What do you do if they are unbuildable? – Either clustering to get out of the wetland area or pull out the unbuildable area out of the calculation for density.
- So you are allowed to rezone before doing any of the site plan studies? Does not make sense. – That is the current city process and how we have to do things.
- Concerned that it may take too much energy, money & time that it might hurt the quality of the home.
- Will these be two story? – No.
- Are these low income housing? – No.
- Will all of these studies be transparent? – Yes. After Rezone, once subdivision is submitted, everything will be available to the public at the city planning office.
- We don't believe that it will be possible to build those bottom homes. – We won't know until the studies are done.
- Does the city support this? – The zone is in conformance with the Future Land Use plan. It will still go to planning commission, but so far it meets the criteria.
- So do PDs have to be rezoned? – Not all the time. Some can get reestablished, but that is an entire process as well. This one expired and doesn't have a plan so it needs to be rezoned.
- Can it be PD again? – It could be, but it would need to have major community benefit above and beyond the straight zone of an R-8.
- What kind of building can be on a PD? – PDs can potentially encompass all zones, but this one is a residential one. Single family/multi-family homes.
- Why can't it just be the same as Horizon Glen subdivision, an R-4? – Because of the Future Land Use. This area is in the Neighborhood Center and R-8 is the lowest.
- So the city is going through an entire plan change, but going to allow these rezones? – The process takes a year and a half
- So PD is any type of residential? – It has to be designated to something. Your PD was designated single family and this piece was multi-family, but has since expired.
- Any water rights? – No. Will mostly be xeriscape with domestic.
- This is concept 2. Are there other concepts? – There were, but just different layouts. There was no change in density.
- How far out do send out cards? – 500 feet.
- Concerned about wildlife. Does the Division of Wildlife get involved? – They are one of the review agencies.
- So these residences will have an 8 story building looking down on them. Something to think about – That's for potential owners to decide.
- Some subdivisions have put in overflow ponds. Is that a city requirement or..? – This subdivision will have to do detention and/or water quality. Up to the city engineers to decide what is needed.

* The takeaway: Neighbors are very opposed to the density, concerned about possible wetlands and the potential danger to the current wildlife habitat.

SIGN-IN SHEET

HORIZON VILLAS NEIGHBORHOOD MEETING

Wednesday December 11, 2019 @ 5:30pm

FOR: Rezone/Subdivision

NAME	ADDRESS	PHONE # OR EMAIL
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TED CRAWFORD	222 N. 7th	ted@crawford.com
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Lily + Bill Fitch	3760 Horizon Glen	lfitch50@gmail.com
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ED + Diana RAFF	3710 Horizon Glen	Bill @ fitchcpa.com
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Lesley Penoyer + Jason McGlynn	3805 Horizon Glen	dKraff55@charter.net
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Lauree McCauley + Michael Strange	3845 " "	JBm127@MSN.COM laureemccauley1@MSN.COM
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LeSLIE REQUIST	689 Tilmann Drive	patanaleshiemyles@outlook.com
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Kevin Triplett	3740 HORIZON Ct.	triplettmusclecars@BRESNAN.NC
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Joe + Stephanie Graham	3720 Horizon Glen Ct	stephanien.sauvage@hotmail.com
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Ché Bou-Matar	3830 Horizon Glen Ct.	cboumatar@gmail.com
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Linda Schave	1111 Horizon Dr. #108	G.T.
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Jan Cartledge	1111 Horizon DR #504	"
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Leonard + Lynne Harvey	699 Round Hill Dr	GD 81506
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Susan + Mark Madison	3840 Horizon Glen Ct.	madison.m@bresnan.net
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Dale P. Reece	1111 Horizon Drive 511 D	Reece@CypressroadFitness.com 970-254-0606
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SIGN-IN SHEET

HORIZON VILLAS NEIGHBORHOOD MEETING

Wednesday December 11, 2019 @ 5:30pm

FOR: Rezone/Subdivision

NAME

ADDRESS

PHONE # OR

EMAIL

SCOTT PETERSON

CITY PLANNING

SCOTT@GTCITY.ORG

December 1, 2019

Larson Building Solutions

Todd and Crystal Larson

City of Grand Junction

Re: Rezone application Horizon Villas Subdivision

As the Homeowners Association of Horizon Glen Court we are expressing our concerns and opinions to the "Proposed" Rezone application Horizon Villas Subdivision as follows:

Changing the zoning would be inconsistent with the residential character of the neighborhood. We are a single family home development with property values running from \$450,000 to \$800,000.

The current zoning of PD is not an error at the time of adoption of the parcel as the neighborhoods on the west side of Horizon Drive are primarily individual single family homes.

The Grand Junction City Comprehensive plan currently shows this proposed location as a 4-8 DU/Acre RM. Understanding the necessity of the Comprehensive Plan for the future of Grand Junction, we would like to see this area as low DU as possible so that the natural environment does not change as drastically as a rezoning to R8 would cause.

There are many animals in the area that would be terminated should a rezone to R8 go through as their habitat would be destroyed as well as their water source of survival.

We believe the area of Parcel Number 2945-021-13-037 contains jurisdictional wetlands per the Corps of Engineers. The lands in this area are very marshy. Since development of the current Horizon Glen Court area to the East side had to build containing walls and other sources of construction due to the water table in the area. A change to the current water sources could cause immense problems for these families.

The social impact would be distinctly adverse to the immediate sphere of the area.

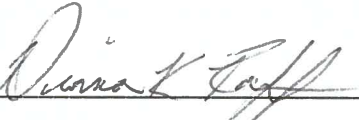
Traffic on Horizon Drive would be impacted by the additional 16 families in the area as there is only one way in and one way out. This area of entry is difficult for our subdivision and would cause more potential accidents as the area is known as a speeding location for drivers at over 40 mph.

In addition, it is requested that the Migratory Bird Treaty Act of 1918 be observed during any development of land on this parcel.

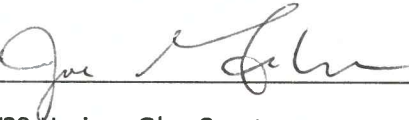
Respectfully Submitted by:



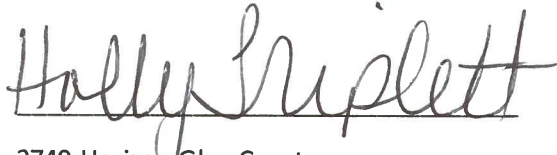
Jason McGlynn – Horizon Glen Court Homeowners Association President



3710 Horizon Glen Court



3720 Horizon Glen Court



3740 Horizon Glen Court



3760 Horizon Glen Court



3810 Horizon Glen Court

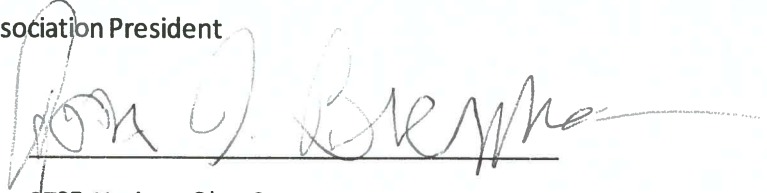
BW-C, LLC - Empty Lot

3820 Horizon Glen Court

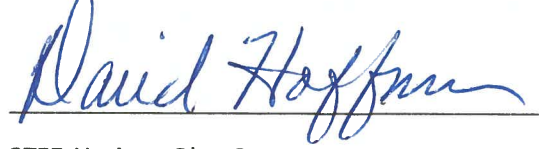
~~Duplicate~~

~~3705 Horizon Glen Court~~

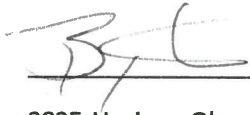
3735 Horizon Glen Court



3705 Horizon Glen Court



3755 Horizon Glen Court



3825 Horizon Glen Court



3835 Horizon Glen Court

3845 Horizon Glen Court



3840 Horizon Glen Court



3830 Horizon Glen Court



3805 Horizon Glen Court

December 11, 2019

Larson Building Solutions

Todd and Crystal Larson

City of Grand Junction

Re: Rezone application Horizon Villas Subdivision

As a homeowner that would be directly affected by the proposed R-8 rezoning and by the development of the property behind my house, I have several comments that I would like to address as well as questions:

- 1) I would like to put on record that I do not want this rezoning to go through. After research with my realtor, it is my belief that if townhomes are put in that area, it would bring down the value of my property as the area on the west side of Horizon Drive is primarily single family residences and which makes me believe this parcel is being handled as a spot zone at least on the west side of Horizon Drive.
- 2) After discussion with our contracted consultant, Dr. Mike Villa, it is believed that the property owner will have to go through formal reviews from three different federal agencies to obtain permits to develop this particular area as it is adjacent to lot #18 that was identified as jurisdictional wetlands. Dr. Villa can address this further in his report to you.
- 3) Since item 2 is in effect, my question is, will the City of Grand Junction wait till all formal review approvals have been received prior to approving any kind of rezoning?
- 4) What provisions will be made to the families south of my home as they have encountered difficulty with water issues in their homes?
- 5) I have great concern as to the traffic impact of additional development in our area as Horizon Drive is a speedway many people use. There is particular concern as turning into our street, Horizon Glen Court and the turning into the potential Horizon Glen Drive with the curve on Horizon Drive, makes it more susceptible to accidents.
- 6) I am concerned to the wildlife in the area. We have seven fox families, several deer and migratory birds in the area...what provisions are being made for their survival?

Respectfully submitted....

A handwritten signature in dark ink, appearing to read 'Lily Fitch', with a stylized flourish at the end.

Lily Fitch
3760 Horizon Glen Court
Grand Junction, Co.











NATURETECH CONSULTANT SERVICES CORP.

PO Box 86, Molina, CO 81646

(970) 250-5486 ~ email mjvilla1@mac.com

Lily, per the request of your Homeowners Association (HOA) to review the proposed conceptual design of the subject parcel known as "Parcel No 2945-021-13-037 (Horizon Glen Sub (14.77)). The subject parcel is a 2.22-acre parcel of land located near Horizon Drive and Horizon Glen Court. The subject parcel will be accessed from Horizon Drive and located on a future planned road known as Horizon Glen Drive. The subject parcel is currently vacant but is being considered for rezoning from Planned Development (PD) to (R-8) zoning. Per your request to review the potential environmental impacts associated with a conceptual design of a Planned Development at the site on the environmental resources in the area, I offer the following comments and analysis. The analysis of the site is based on the following information.

- Documentation provided to me by your association
- Aerial photography from the City of Grand Junction GIS Community Development Map
- Mesa County GIS Map
- United States Fish and Wildlife (USFWS)– National Wetland Inventory Map (NWI)
- Phone Conversation with United States Army Corps of Engineers (USACE) Acting Office Chief, Grand Junction – Travis Morse
- United States Bureau of Land Management (BLM) Map for Grand Junction Resource Area.
- My personal familiarity with the area in completing nearly 30 years of land use review in and near the area.

I offer the following specific comments as they relate to the potential environmental constraints currently existing at the subject property.

USFWS/USACE Concerns:

The subject parcel, shown in Figure 1, while not being formally mapped within the extent of the current NWI map, logically forms a connection with the existing NWI mapping (Figure 2). In addition, in 1996, Lot 18 Parcel No. 2945-021-13-038 (Figure 2) a formal "Jurisdictional Determination" was completed by Randy Snyder of the USACE and documented under PM No. 199675444. The wetlands identified as a result of that effort are supported hydrologically through both surficial and subsurface connections via unnamed tributaries to Leach Creek (Figure 3). In addition, the confluence of a larger unnamed tributary and Leach Creek are located immediately proximal to the intersection of Horizon Drive and Horizon Glen Court (Figure 4). Any development application contemplating disturbance of this site will require consultation with the USFWS by proxy through the USACE with respect to the "Clean Water Act".

Based on my review of the current mapping, data provided by you of the adjacent property and understanding of the watershed connectivity in the area, additional wetland permitting by the

applicant will likely be necessary. Impacts to the wetland resource may be significant on the site as it appears the parcel is significantly constrained by the extent of wetlands in the area. The amount of impact will dictate the level of permitting required for any development application.

Prior to formal planning of the site, a jurisdictional determination should be required to assure that impacts to Wetland and Waters of the United States (WOTUS) are considered. This will help with the development application process, because impact avoidance and minimization are a necessary component of the wetland permitting process.

As you are probably aware, any development application will also need to be reviewed with respect to the wildlife resource that exists on the site. The Colorado Division of Wildlife is tasked with the administration of both game and non-game species within the state. As such, they should be contacted to provide comment regarding the significance of maintaining movement corridors for wildlife species within the urban context. Living in the area, you have shown me in photos and told me stories of the wildlife that use the area. Open spaces within the context of urban environments are important habitat for wildlife that use them. With any development application, robust, mitigation measures specific to wildlife concerns should be developed. This should be done in order to minimize impacts to the wildlife resources that currently exist at the site. Design criteria such as density, fencing, landscaping, lighting, noxious weed plan, and nuisance wildlife measures should be incorporated in any planning effort. A general site plan with proposed features as well as improvements, construction documents and planting plans so that potential wildlife impacts can be considered is also advised.

These comments provide a general overview of the potential effects to natural resources in the area. Until a more detailed plan is proposed it is difficult to quantify the extent of the potential impacts that may occur as a result of implementation of that plan. Please let me know if you have additional questions regarding these comments.

Sincerely,

Dr. Michael J. Villa

NatureTech Consultant Services

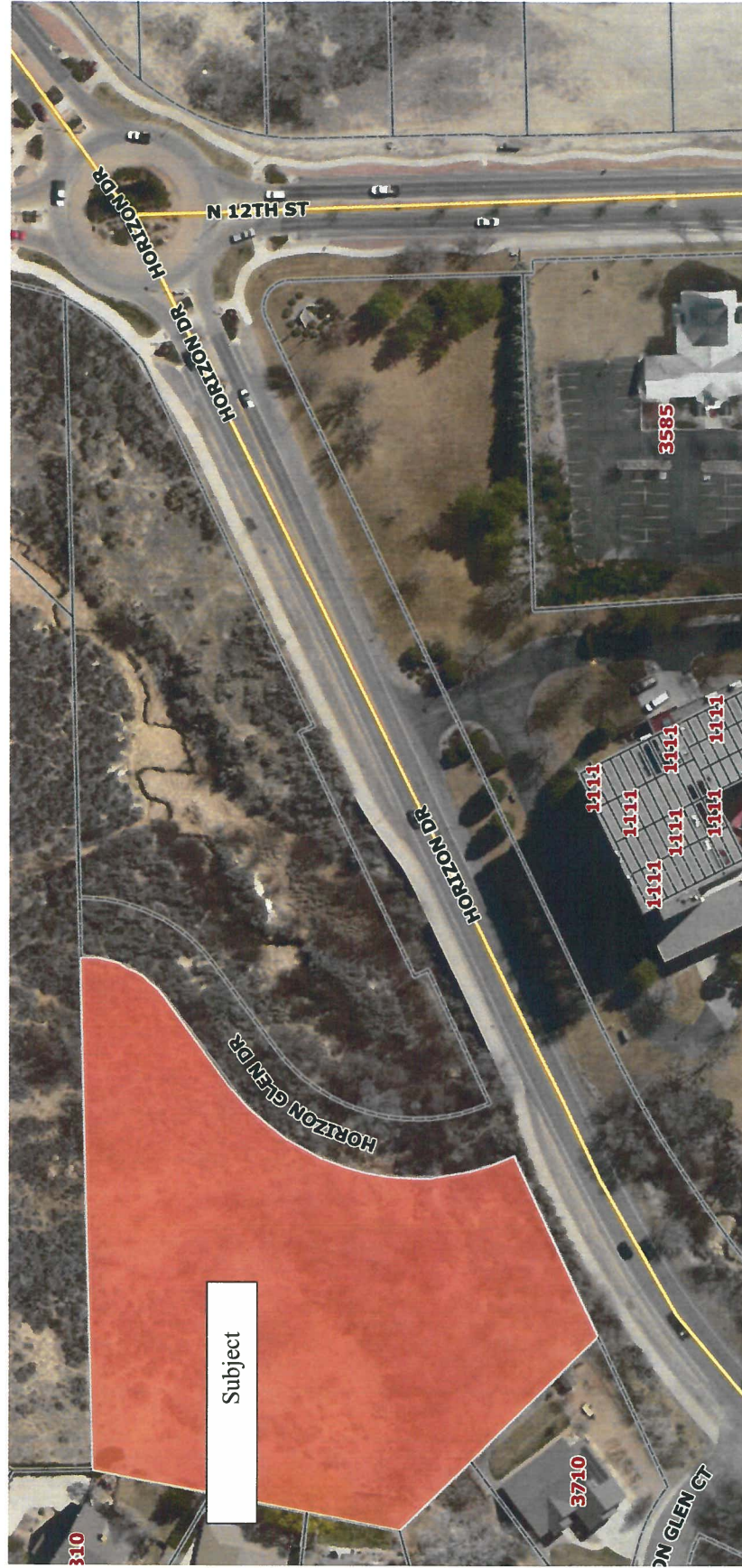


Figure 1. Subject Parcel 2945-021-13-037 – Lot 17. Horizon Glen Subdivision
City of Grand Junction GIS Mapping



Figure 2. National Wetlands Inventory Map

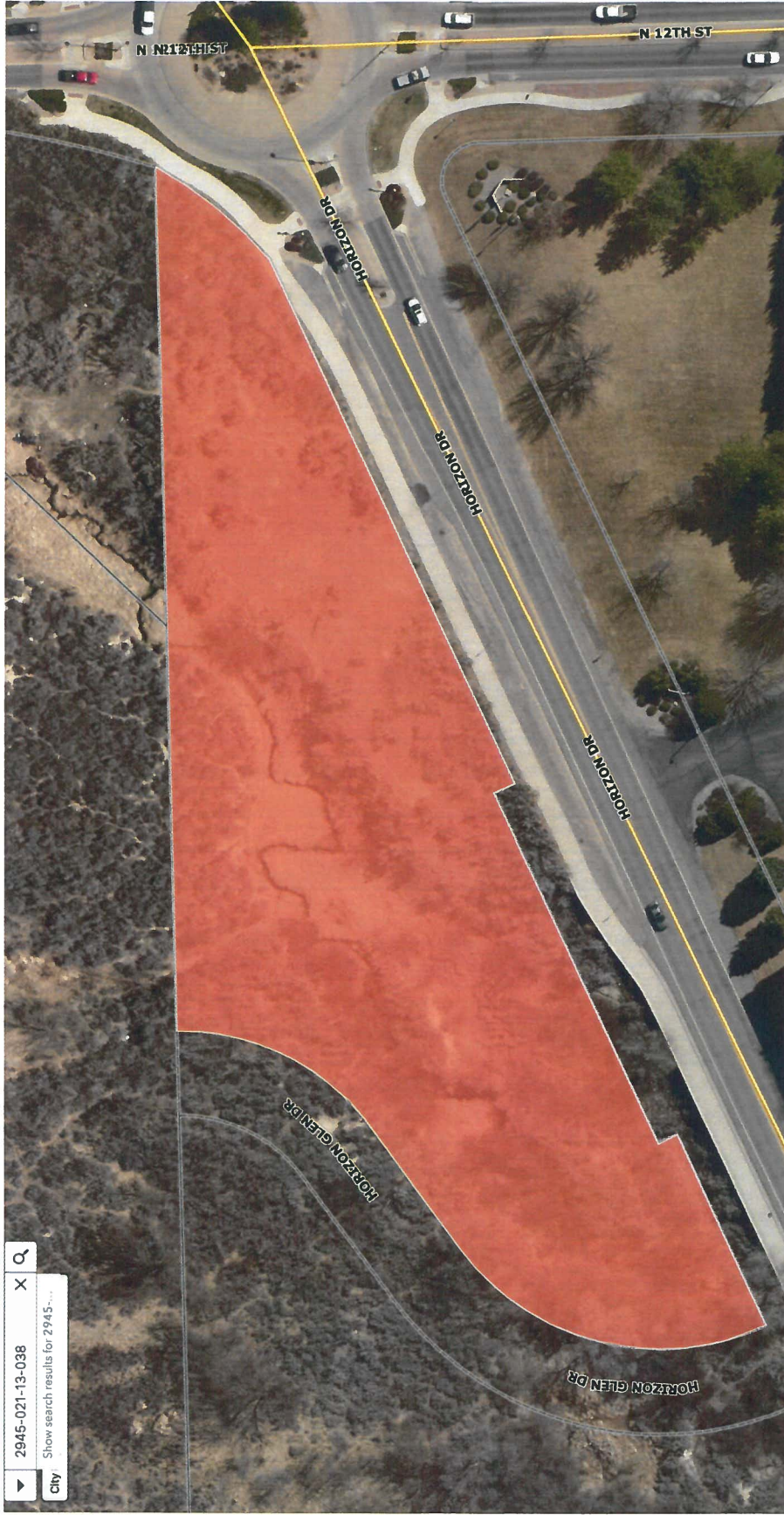


Figure 3. Lot 18 Horizon Glen Subdivision (USACE 199675444)
City of Grand Junction GIS Mapping

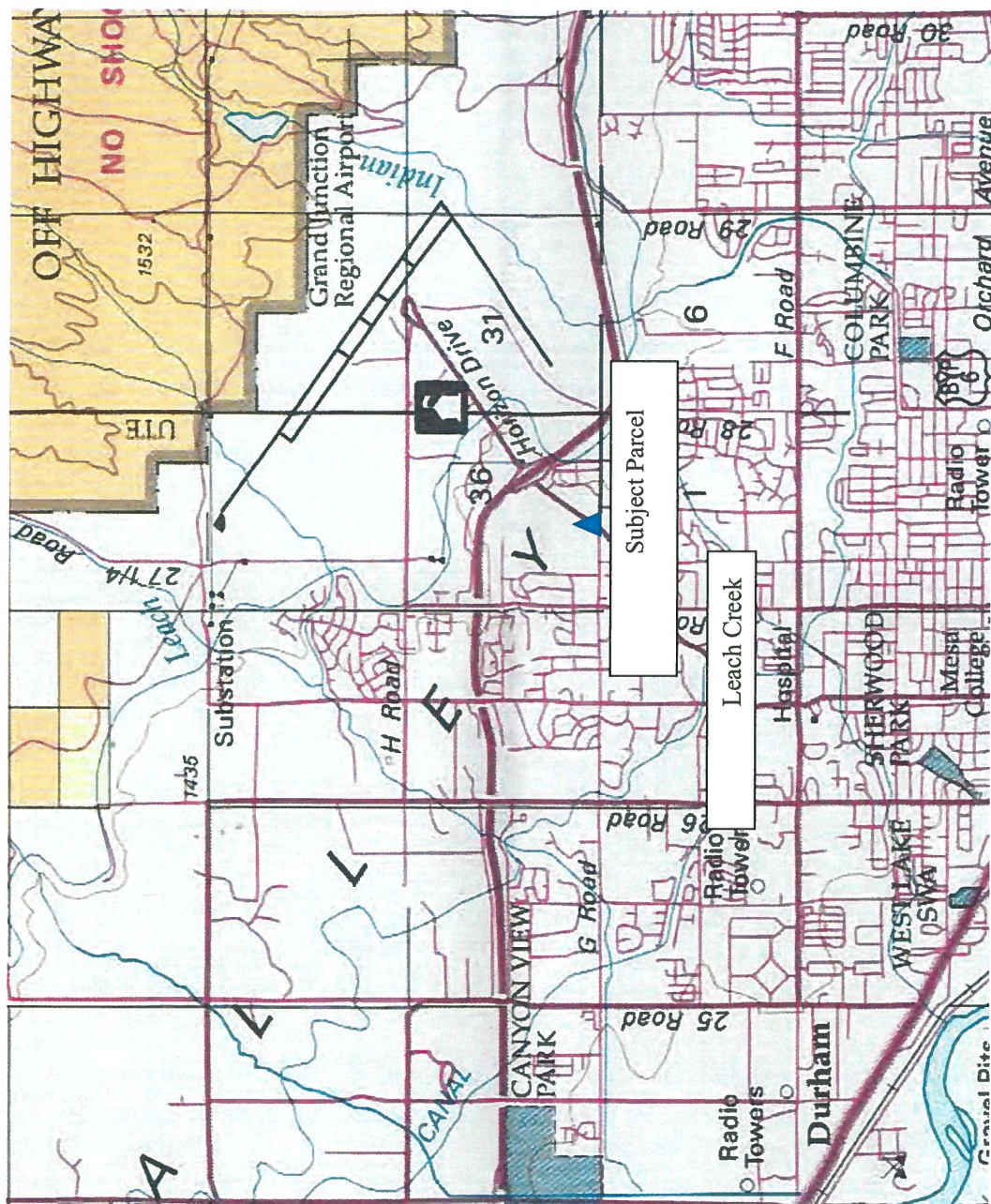


Figure 4. BLM Resource Conservation Area Map

Principal Scientist

PO Box 86, Molina, CO 81646
(970) 250-5486, mjvilla1@mac.com

Fields of Competence

- Resource Conservation Banking
- Resource Conservation Trading Systems
- Wetland Plant Ecology and Management
- Wetland Restoration and Mitigation
- Wildlife Habitat Assessment and Restoration
- Habitat Monitoring and Classification
- Technical Writing
- Environmental Permitting Regulatory Specialist
- NEPA / Biological Resources Reports
- Project Management
- Vegetative Surveys
- Experimental Design

Education

- Ph.D. Ecology – Kaplan University, New York
- M.S. Range Ecology – Colorado State University, Colorado.
- B.S. Wildlife Biology, emphasis Conservation Biology, – Colorado State University , Colorado.

Professional Summary

Dr. Michael J. Villa is a principal of NatureTech Consultant Services Corp. Environmental operating in Grand Junction, Colorado. Dr. Villa is the owner and operator of NatureTech Consultant Services Corp. He has 29 years of experience as a practicing professional wildlife biologist and range conservationist. His education includes a B.S. in Wildlife Biology, M.Sc. in Range Ecology, and PhD in Ecology. He has worked for the US Forest Service in multiple jurisdictions in Colorado and Wyoming as a professional wildlife biologist and range conservationist. He has also worked in Pitkin County (Aspen, CO) as a wildlife biologist and wetland coordinator. He maintains certifications as a wetland delineator, a green consultant through the Green Business League (GBL) and a pesticide applicator license through EPA. Because of extensive experience with many of the land agencies in western Colorado, he maintains excellent working relationships with the regulatory community and their offices (i.e., CDOW, USFS, BLM, ACOE).

In 1995, Michael formed NatureTech Consultant Services specializing in land use review related to wetland delineation, permitting, and banking. He has completed extensive work in wildlife review, BA/BE preparation and consultations associated with Sections 7 and 10 of the endangered species act, and has wide experience in vegetation analysis and wildlife habitat assessment. He has completed extensive training and implementation of wetland delineation, permitting, mitigation, and restoration as well as 404 permitting and habitat enhancement in Colorado and was the project manager for five wetland mitigation banks. Through his experience Michael has become proficient with complex site review and regulatory procedures. His primary area of interest is in developing resource credit markets in the Rocky Mountain States including Colorado, New Mexico, Montana, Utah and Wyoming. He has completed exhaustive review of wetland and resource mitigation bank across the US both personally and for the US Army Corps of Engineers.

He is a past member of the board of trustees for the Aspen Center for Environmental Studies where he acted as the co-chairman of the land management committee. He and his wife are owners of Springwater Ranch Wetland Mitigation Bank, which services Mesa, and portions of Delta and Garfield Counties in western Colorado.

Representative Projects

- **Stillwater Ohio Creek Wetland Mitigation Bank, Gunnison County, Colorado.** Project manager and lead wetland consultant for development of the first wetland mitigation bank in western Colorado. Prepared, submitted and gained successful certification of a 126 acre wetland mitigation bank in Gunnison Colorado. Certification was granted after 2 full years of planning and negotiating with a Mitigation Bank Review Team comprised of US Army Corps of Engineers, US EPA, US Fish and Wildlife Service, US Natural Resource Conservation Service, and Colorado Division of Wildlife. The wetland mitigation Bank was established under the 1995 Guidance on the Use and Establishment of Wetland Mitigation Banks. Tasks included baseline inventory, wetland functional assessments, jurisdictional determination, detailed wetland development plan, real estate provision, and credit and debiting procedures. In addition, on-going tasks have included the implementation of the plan and full construction, monitoring, maintenance and operations management of the mitigation bank.

- **Finger Rock Preserve Wetland Mitigation Bank, Routt County, Colorado.** Project manager and lead wetland consultant for development of the largest wetland mitigation bank in western Colorado. Prepared, submitted and gained successful certification of a 255 acre wetland mitigation bank in Routt County, near Steamboat Springs Colorado. Certification was granted after 2 full years of planning and negotiating with a Mitigation Bank Review Team comprised of US Army Corps of Engineers, US EPA, US Fish and Wildlife Service, US Natural Resource Conservation Service, and Colorado Division of Wildlife. The wetland mitigation Bank was established under the 1995 Guidance on the Use and Establishment of Wetland Mitigation Banks. Tasks included baseline inventory, wetland functional assessments, jurisdictional determination, detailed wetland development plan, real estate provision, and credit and debiting procedures. Tasks included the implementation of the plan construction oversight and development of monitoring procedures at the mitigation bank.
- **Springwater Ranch Wetland Mitigation Bank, Mesa County, Colorado.** Owner, project manager and lead wetland consultant for development of the wetland mitigation bank servicing Garfield, Mesa, and Delta Counties in western Colorado. Prepared, submitted and gained successful certification of a 60 acre wetland mitigation bank in Molina, Colorado. Certification was granted after 17 months of planning and negotiating with a Mitigation Bank Review Team. MBRT was comprised of US Army Corps of Engineers, US EPA, US Fish and Wildlife Service, US Natural Resource Conservation Service, Colorado Division of Wildlife. Tasks included full service turnkey organization and certification of the wetland mitigation bank. On-going tasks included the implementation of the plan, construction and operations management, monitoring maintenance of the mitigation bank including acting as transfer agent and negotiation of credit pricing strategy and sales closings.
- **Colorado Water Conservation Board Regional General Permit for Agricultural Water Development on Grand Mesa, Colorado.** Served as lead regulatory specialist for a two year feasibility study to determine the need for development of a US Army Corps of Engineers Regional General Permit. This project required significant public interaction including meeting facilitation with diverse interest groups such as environmental groups, forest users, ranchers, water providers, land management and regulatory agencies. Tasks included budget and contract administration, development of polls and surveys, coordination of agency personnel, interaction with government agencies, data review summary and presentation to Colorado River basin round table planning groups.
- **Bull Creek Reservoir Number 4.** Served as lead regulatory specialist for a two year planning team effort that culminated in the construction of a 256-acre feet expansion of a high elevation, high hazard dam. This project required negotiation of a complex US Army Corps of Engineers 404 Permit in coordination with the US Forest Service on an 1891 Access Easement and Special Use Permit. This project required significant regulatory and public interaction including meeting facilitation and high level negotiation between reservoir owners and the regulatory agencies responsible for management of the dam. Tasks included budget and contract administration, coordination of construction and agency personnel, interaction with government agencies, data review summary and presentation to both US Forest Service and US Army Corps of Engineers. Final certification of this project occurred in August of 2011.
- **Hunter Reservoir Environmental Impact Statement and 404 Permit.** Served as lead regulatory specialist responsible for the development of a complex 404 Individual Permit. The individual permit consisted of the review of 29 alternatives. Due to the complexity of this project, a new 404 (b)(1) process was established specifically to review alternatives associated with municipal and industrial water supply issues on the western slope of Colorado. This project required participation in high-level negotiations between the project proponent, (Ute Water Conservancy District) the US Forest Service, the Army Corps of Engineers, US Environmental Protection Agency and US Fish and Wildlife Service. Tasks included budget and contract administration, coordination of agency personnel, interaction with government agencies and team legal counsel, and the development of a new 404(b)(1) process matrix. The preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) was identified in April 2012 with implementation of final LEDPA decision pending issuance of Final Environmental Impact Statement.

Professional Affiliations and Training

Wildlife Society, member

Society of Wetland Scientists, member

National Association of Mitigation Bankers, member

City of Grand Junction

Review Comments

Date: January 13, 2020 **Comment Round No.** 1 **Page No.** 1 of 4
Project Name: Horizon Villas Rezone **File No:** RZN-2019-714
Project Location: Horizon Glen Drive at Horizon Drive

Check appropriate ☒ **if comments were mailed, emailed, and/or picked up.**
Property Owner(s): Margaret E. Foster Family Partnership LLLP – Attn: Mike Foster
Mailing Address: 301 E. Dakota Drive, Grand Junction, CO 81506
☒ **Email:** mfoster@cbcwest.com **Telephone:** (970) 433-8374
Date Picked Up: _____ **Signature:** _____

Representative(s): Ciavonne Roberts & Associates – Attn: Ted Ciavonne
Mailing Address: 222 N. 7th Street, Grand Junction, CO 81501
☒ **Email:** ted@ciavonne.com **Telephone:** (970) 241-0745
Date Picked Up: _____ **Signature:** _____

Developer(s): Larson Building Solutions – Attn: Todd Larson
Mailing Address: 2921 Crocus Street, Grand Junction, CO 81506
☒ **Email:** larsonbuildingsolutions@gmail.com **Telephone:** (970) 234-0258
Date Picked Up: _____ **Signature:** _____

CITY CONTACTS

Project Manager: Scott D. Peterson, Senior Planner
Email: scottp@gjcity.org **Telephone:** (970) 244-1447
Dev. Engineer: Jarrod Whelan
Email: jarrodw@gjcity.org **Telephone:** (970) 244-1443

City of Grand Junction

REQUIREMENTS

(with appropriate Code citations)

CITY PLANNING

1. Application is for a Rezone from PD (Planned Development) to R-8 (Residential – 8 du/ac) in anticipation of future residential development. Existing property is 2.22 +/- acres in size. Comprehensive Plan Future Land Use Map identifies the property as Neighborhood Center. The proposed R-8 (Residential – 8 du/ac) Zone District is an applicable zone district within the Neighborhood Center category. No additional response required.

Applicant's Response:

Document Reference:

2. Public Correspondence Received:

As of this date, City Project Manager has not received any additional public correspondence concerning the proposed rezone application, other than what was received at the Neighborhood Meeting. If any future correspondence is received, City Project Manager will forward to the applicant and representative for their information and file.

Applicant's Response:

Document Reference:

3. Planning Commission and City Council Public Hearings:

Planning Commission and City Council review and approval required for proposed Rezone request. City Project Manager will **tentatively** schedule application for the following public hearing schedule:

- a. Planning Commission review of request: February 25, 2020.
- b. First Reading of request by City Council: March 18, 2020.
- c. Second Reading of request by City Council: April 1, 2020.

Please plan on attending the February 25th Planning Commission meeting and the April 1st City Council Meeting. The March 18th meeting you do not need to attend as that is only scheduling the hearing date and the item is placed on the Consent Agenda with no public testimony taken. Both the February 25th and April 1st meetings begin at 6:00 PM at City Hall in the Council Chambers.

If for some reason, applicant cannot make these proposed public hearing dates, please contact City Project Manager to reschedule for the next available meeting dates.

Code Reference: Sections 21.02.140 of the Zoning and Development Code.

Applicant's Response:

Document Reference:

CITY DEVELOPMENT ENGINEER

No Exceptions Taken.

Applicant's Response:

Document Reference:

CITY FIRE DEPARTMENT – Matt Sewalson – mattse@gjcity.org (970) 549-5855

The Grand Junction Fire Department's Fire Prevention Bureau has no objections to the rezoning. All applicable Fire Codes will be addressed through a site plan review and building permit process. For questions call the Fire Prevention Bureau at 549-5800.

Applicant's Response:

Document Reference:

CITY ADDRESSING – Pat Dunlap – patd@gjcity.org (970) 256-4030

No comments regarding rezone.

Applicant's Response:

Document Reference:

OUTSIDE REVIEW AGENCY COMMENTS

(Non-City Agencies)

Review Agency: Mesa County Building Department

Contact Name: Darrell Bay

Email / Telephone Number: Darrell.bay@mesacounty.us (970) 244-1651

MCBD has no objections.

Applicant's Response:

Review Agency: Xcel Energy

Contact Name: Brenda Boes

Email / Telephone Number: Brenda.k.boes@xcelenergy.com (970) 244-2698

Xcel has no objections, however the Developer needs to be aware that at time of submitting an application with Xcel the following will be required and could happen:

1. Accurate BTU loads for the new homes will be required.
2. If determined by area engineer that reinforcement is needed to Xcel's gas main to support added loads from subdivision, said reinforcement will be at Developers expense.
3. Reinforcement costs are required to be paid prior to installation.
4. Tariff changes have taken effect as of 10/1/2019 effecting the cost of subdivision and townhome lots averaging under 60'. They will have a standard cost per lot.

Completion of this City/County review approval process does not constitute an application with Xcel Energy for utility installation. Applicant will need to contact Xcel Energy's Builder's Call Line/Engineering Department to request a formal design for the project. A full set of plans, contractor, and legal owner information is required prior to starting any part of the construction. Failure to provide required information prior to construction start will result in delays providing utility services to your project. Acceptable meter and/or equipment locations will be determined by Xcel Energy as a part of the design process. Additional easements may be required depending on final utility design and layout. Engineering and Construction lead times will vary depending on workloads and material availability. Relocation and/or removal of existing facilities will be made at the applicant's expense and are also subject to lead times referred to above. All Current and future Xcel Energy facilities' must be granted easement.

Applicant's Response:

Review Agency: Ute Water Conservancy District

Contact Name: Jim Daugherty

Email / Telephone Number: jdaugherty@utewater.org (970) 242-7491

- No objection to rezone.
- ALL FEES AND POLICIES IN EFFECT AT TIME OF APPLICATION WILL APPLY.
- If you have any questions concerning any of this, please feel free to contact Ute Water.

Applicant's Response:

Review Agency: Grand Valley Water Users

Contact Name: Kevin Conrad

Email / Telephone Number: office@gvwua.com (970) 242-5065

As stated in the General Project Report there is no irrigation water available. Grand Valley Water Users Assoc. have no further comment on the rezone.

Applicant's Response:

Review Agency: Colorado Parks and Wildlife

Contact Name: Albert Romero

Email / Telephone Number: albert.romero@state.co.us (970) 216-3847

CPW finds the impacts to wildlife to be negligible due to the location and type of project proposed. See attached letter for additional background information.

Applicant's Response:

REVIEW AGENCIES

(Responding with "No Comment" or have not responded as of the due date)

The following Review Agencies have responded with "No Comment."

1. N/A.

The following Review Agencies have not responded as of the comment due date.

1. N/A.

The Petitioner is required to submit electronic responses, labeled as "**Response to Comments**" for the following agencies:

1. N/A.

Date due: **N/A. Application will proceed to public hearing schedule.**

Please provide a written response for each comment and, for any changes made to other plans or documents indicate specifically where the change was made.

I certify that all of the changes noted above have been made to the appropriate documents and plans and there are no other changes other than those noted in the response.

Applicant's Signature

Date



COLORADO

Parks and Wildlife

Department of Natural Resources

Northwest Regional Office
711 Independent Avenue
Grand Junction, CO 81505

1/3/2020

Scott Peterson
City of Grand Junction
250 N 5th Street
Grand Junction, CO 81501

RE: Horizon Villas Rezone - RZN-2019-714

Dear Mr. Peterson,

Colorado Parks and Wildlife (CPW) has reviewed the project submittal to rezone parcel number 2945-021-13-037 from Planned Development to Residential-8. CPW is aware of the project, and notes that the parcel proposed for rezone is located within a developed portion of the City of Grand Junction.

Due to the location and the type of project proposed, CPW finds the impacts to wildlife to be negligible.

Colorado Parks and Wildlife appreciates the opportunity to comment on this project. If there are any questions or need for additional information, don't hesitate to contact District Wildlife Manager, Albert Romero at 970.216.3847.

Sincerely,

Albert Romero

District Wildlife Manager
Colorado Parks and Wildlife
711 Independent Ave.
Grand Junction, CO 81505

cc. Kirk Oldham, Area Wildlife Manager
File



HORIZON GLEN SUBDIVISION AS AMENDED

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

THAT THE UNDERSIGNED, S.L. VENTURES, INC., A COLORADO CORPORATION IS THE OWNER OF THAT REAL PROPERTY LOCATED IN THE CITY OF GRAND JUNCTION, (BOOK 1837 PG 337-339) COUNTY OF MESA, STATE OF COLORADO, AND BEING SITUATED IN THE SE 1/4 NE 1/4 SECTION 2, TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN AND A PART OF THE REPLAT OF LOT 2 FOSTER SUBDIVISION, AS RECORDED IN PLAT BOOK 14, PAGE 22, SAID PROPERTY AS SHOWN ON THE ACCOMPANYING PLAT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST ONE QUARTER NORTHEAST ONE QUARTER OF SECTION 2 (NW CORNER SE 1/4 NE 1/4), AND ASSUMING THE NORTH LINE OF THE SE 1/4 NE 1/4 OF SECTION 2 TO BEAR N 89°54'27" E, WITH ALL BEARINGS HEREIN RELATIVE THERETO; THENCE N 00°14'24" E 150.00 FEET; THENCE S 89°58'24" E 136.10 FEET; THENCE S 81°53'50" E 315.33 FEET; THENCE S 26°45'24" W 117.42 FEET TO THE SOUTHEAST CORNER OF LOT 2 OF FOSTER SUBDIVISION; THENCE N 89°54'27" E 73.99 FEET ALONG THE NORTH LINE OF THE SE 1/4 NE 1/4 OF SECTION 2; THENCE S 00°05'34" E 145.00 FEET; THENCE S 35°39'47" W 153.42 FEET; THENCE S 00°03'22" E 60.57 FEET; THENCE N 89°53'28" E 870.51 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 27 ROAD; THENCE FOLLOWING SAID RIGHT-OF-WAY ALONG A CURVE TO THE RIGHT A DISTANCE OF 75.97 FEET (SAID CURVE HAVING A RADIUS OF 191.00 FEET, A DELTA ANGLE OF 22°47'20", THE CHORD OF WHICH BEARS S 40°31'10" W 75.47 FEET) TO INTERSECT THE NORTH RIGHT-OF-WAY LINE OF HORIZON DRIVE; THENCE S 86°17'20" W 956.83 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF HORIZON DRIVE; THENCE S 26°30'01" W 245.93 FEET; THENCE LEAVING SAID RIGHT-OF-WAY S 89°51'23" W 216.92 FEET; TO INTERSECT THE WEST LINE OF THE SE 1/4 NE 1/4 SECTION 2; THENCE N 00°01'17" E 990.54 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 14.34 ACRES MORE OR LESS.

THE SAID OWNERS HAVE CAUSED THE SAID REAL PROPERTY TO BE LAID OUT AND SURVEYED AS HORIZON GLEN SUBDIVISION AS AMENDED, A SUBDIVISION OF A PART OF THE CITY OF GRAND JUNCTION, MESA COUNTY, STATE OF COLORADO.

THAT SAID OWNERS DO HEREBY DEDICATE AND SET APART ALL OF THE STREETS, ROADS AND R.O.W.'S AS SHOWN ON THE ACCOMPANYING PLAT TO THE CITY OF GRAND JUNCTION FOR THE USE OF THE CITY OF GRAND JUNCTION AND TO THE PUBLIC FOREVER, AND HEREBY DEDICATES TO THE PUBLIC UTILITIES THOSE PORTIONS OF SAID REAL PROPERTY WHICH ARE LABELED AS UTILITY EASEMENTS ON THE ACCOMPANYING PLAT AS PERPETUAL EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES, IRRIGATION AND DRAINAGE FACILITIES, INCLUDING BUT NOT LIMITED TO ELECTRIC LINES, GAS LINES, TELEPHONE LINES; TOGETHER WITH THE RIGHT TO TRIM INTERFERING TREES AND BRUSH; WITH PERPETUAL RIGHT OF INGRESS AND EGRESS FOR INSTALLATION AND MAINTENANCE OF SUCH LINES. SUCH EASEMENTS AND RIGHTS SHALL BE UTILIZED IN A REASONABLE AND PRUDENT MANNER.

THAT ALL EXPENSES FOR STREET PAVING OR IMPROVEMENTS SHALL BE FURNISHED BY THE SELLER OR PURCHASER, NOT THE CITY OF GRAND JUNCTION.

THE UNDERSIGNED, IN RECORDING THE ACCOMPANYING PLAT DESIGNATES TRACT "A" AS A PRIVATE COMMON OPEN SPACE FOR THE COMMON USE AND ENJOYMENT OF THE HOMEOWNERS IN HORIZON GLEN SUBDIVISION AND ANY AND ALL PROPERTIES HEREAFTER ANNEXED TO AND BROUGHT UNDER THE TERMS OF THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS DATED October 14th 1992, AND RECORDED WITH THE CLERK AND RECORDER OF MESA COUNTY, COLORADO ON NOVEMBER 6 1992, IN BOOK 1864 PAGE 682, RECEPTION NO. 1585581 (HEREINAFTER REFERRED TO AS THE DECLARATION). THE DESIGNATED PRIVATE COMMON OPEN SPACE IS NOT TO BE FOR USE BY THE GENERAL PUBLIC.

SAID DECLARATION IS HEREBY INCORPORATED INTO AND MADE A PART OF THIS PLAT.

IN WITNESS WHEREOF SAID OWNERS HAVE CAUSED THEIR NAMES TO BE HEREUNTO SUBSCRIBED THIS 11th DAY OF August A.D., 1992

S.L. VENTURES, INC., A COLORADO CORPORATION
William E. Foster II
WILLIAM E. FOSTER II, PRESIDENT

Timothy E. Foster
TIMOTHY E. FOSTER, SECRETARY

STATE OF COLORADO

COUNTY OF MESA

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 11 DAY OF August A.D., 1992, BY WILLIAM FOSTER II, PRESIDENT AND TIMOTHY E. FOSTER, SECRETARY, S.L. VENTURES, INC.

10-9-93
MY COMMISSION EXPIRES

Ann B. Bickley
NOTARY PUBLIC

CLERK AND RECORDERS CERTIFICATE

STATE OF COLORADO

COUNTY OF MESA

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT 11:15 O'CLOCK A.M. THIS 25th DAY OF May A.D., 1993, AND IS DULY RECORDED IN PLAT BOOK NO. 14 PAGE 22

Drawer: AA3
CITY APPROVAL Reception # 1640185
Book 1979
Page 203,204

THIS PLAT OF HORIZON GLEN SUBDIVISION AS AMENDED, A SUBDIVISION OF THE CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO, IS APPROVED AND ACCEPTED ON THIS 25th DAY OF March, 1993

Shirley Cochran
CITY MANAGER
Samy Tun
DIRECTOR OF DEVELOPMENT

Bill White
PRESIDENT OF COUNCIL
George Don Newton
CITY ENGINEER

Ron Halsey
CHAIRMAN, PLANNING COMMISSION

SURVEYOR'S CERTIFICATE

I, DENNIS W. JOHNSON, CERTIFY THAT THE ACCOMPANYING PLAT OF HORIZON GLEN SUBDIVISION AS AMENDED, A SUBDIVISION OF A PART OF THE CITY OF GRAND JUNCTION, COUNTY OF MESA HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS A FIELD SURVEY OF SAME. THIS PLAT CONFORMS TO THE REQUIREMENTS FOR SUBDIVISION PLATS SPECIFIED IN THE CITY OF GRAND JUNCTION ZONING AND DEVELOPMENT CODE AND APPLICABLE LAWS OF THE STATE OF COLORADO.

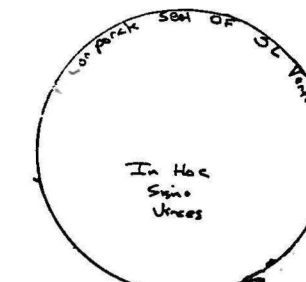
Dennis W. Johnson
DENNIS W. JOHNSON, PROFESSIONAL SURVEYING SERVICES
REGISTERED PROFESSIONAL LAND SURVEYOR L.S. 16835

3-3-92 DATE



Acco Approval
required

TCP Required - \$500
until it can be
shown payment was
made for Horizon Dr.

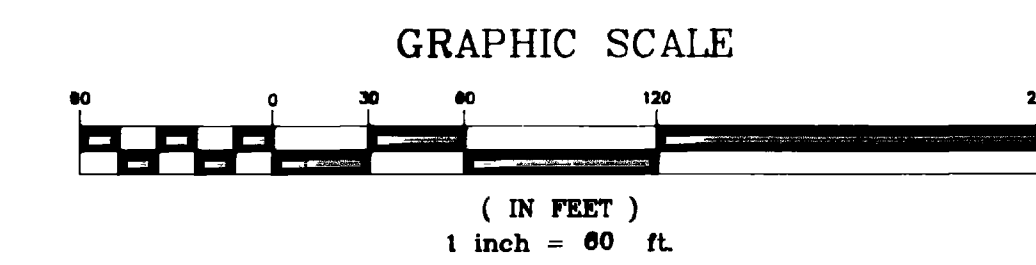
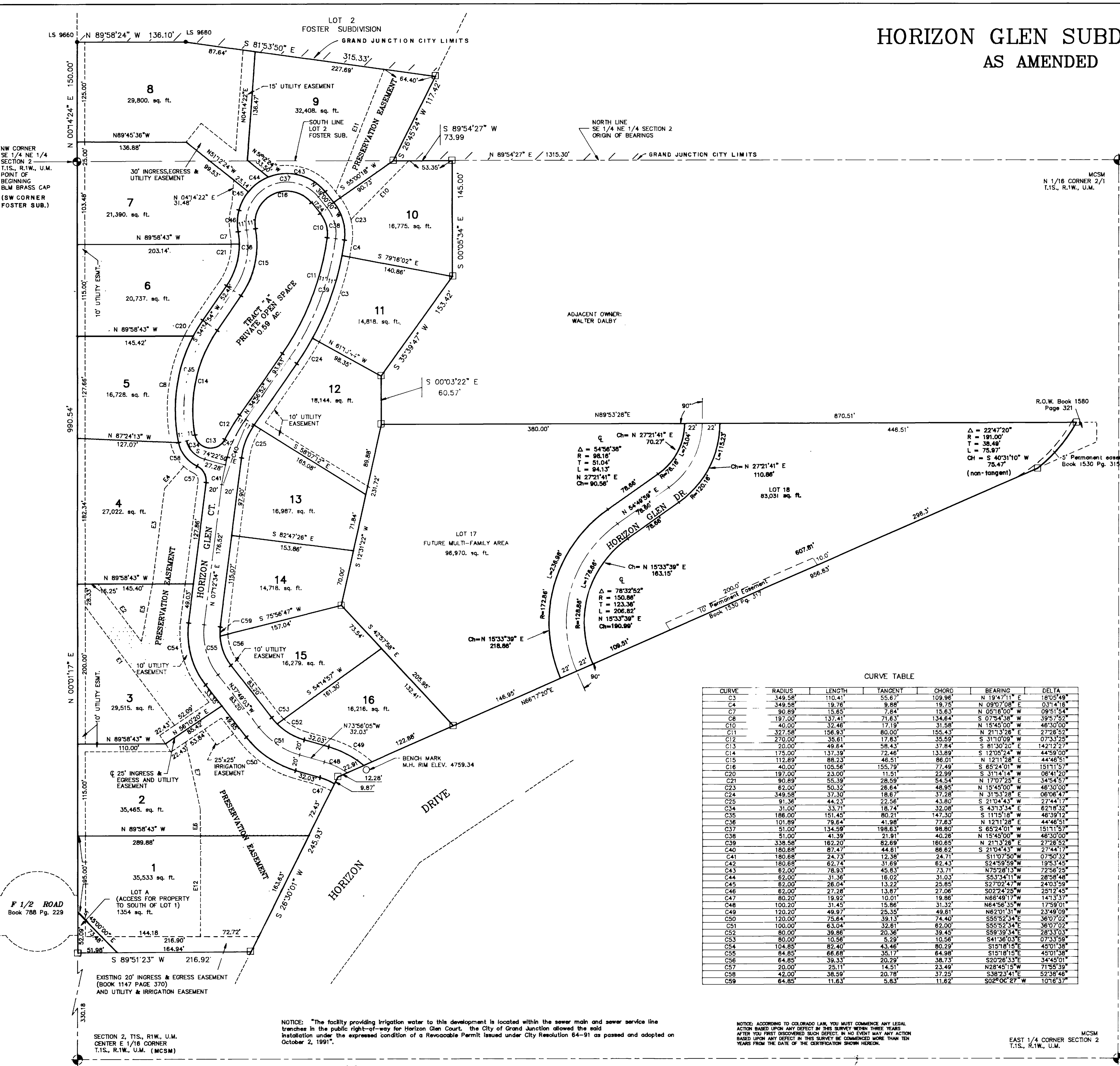


REVISED 2-27-92

SHEET 1 OF 2

HORIZON GLEN SUBDIVISION
AS AMENDED
Located in Part of the NE 1/4, Sec. 2, T.1S, R.1W, U.1M,
December 18, 1991
GRAND JUNCTION, COLORADO
PROFESSIONAL SURVEYING SERVICES
GRAND JUNCTION, COLORADO
(303) 241-3841

HORIZON GLEN SUBDIVISION
AS AMENDED



- LEGEND
- MESA COUNTY SURVEY MONUMENT or BLM CAP
 - FOUND SURVEY MONUMENT
 - SET REBAR & ALUMINUM CAP
SET IN CONCRETE BY PLS 16835
 - SET #5 REBAR AND CAP
AT ALL LOT CORNERS LS. 16835
- ROW = RIGHT-OF-WAY

AREA SUMMARY

AREA IN LOTS = 12.49 ACRES
AREA IN ROADS = 1.26 ACRES
AREA IN PRIVATE OPEN SPACE = .59 ACRES

TABLE FOR PRESERVATION EASEMENT
(See C.C. & R's)

LINE	DIRECTION	DISTANCE
E1	N 36°51'52" W	186.04'
E2	N 36°51'52" W	90.00'
E3	N 07°12'23" E	120.00'
E4	S 41°17'32" W	36.62'
E5	S 11°00'29" W	73.35'
E6	N 00°00'00" E	33.59'
E7	S 12°29'18" E	85.55'
E10	N 44°40'08" E	103.78'
E11	S 21°46'25" W	165.39'
E12	N 00°00'00" E	126.64'

CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C3	349.58'	110.41'	55.67'	109.96'	N 19°47'11" E	18°05'49"
C4	349.58'	19.76'	9.88'	19.75'	N 09°07'08" E	03°14'16"
C7	90.69'	15.65'	7.84'	15.63'	N 05°16'00" W	09°51'54"
C8	197.00'	137.41'	71.63'	134.64'	S 07°54'38" W	39°57'52"
C10	40.00'	32.46'	17.19'	31.58'	N 15°45'00" W	46°30'00"
C11	327.58'	156.93'	80.00'	155.43'	N 21°13'26" E	27°26'52"
C12	270.00'	35.61'	17.63'	35.59'	S 31°10'09" W	07°33'25"
C13	20.00'	49.64'	58.43'	37.84'	S 81°30'20" E	142°12'27"
C14	175.00'	137.39'	72.48'	133.89'	S 12°05'24" W	44°59'00"
C15	112.89'	88.23'	46.51'	86.01'	N 12°11'28" E	44°48'51"
C16	40.00'	105.56'	155.79'	77.49'	S 65°24'01" W	151°11'57"
C20	197.00'	23.00'	11.51'	22.99'	S 31°14'14" W	06°41'20"
C21	90.89'	55.39'	28.59'	54.54'	N 17°07'25" E	34°54'57"
C23	62.00'	50.32'	26.64'	48.95'	N 15°45'00" W	46°30'00"
C24	349.58'	37.30'	18.67'	37.28'	N 31°53'28" E	06°06'47"
C25	91.36'	44.23'	22.56'	43.80'	S 21°04'43" W	27°44'17"
C34	31.00'	33.71'	18.74'	32.08'	S 43°13'34" E	62°18'32"
C35	186.00'	151.45'	80.21'	147.30'	S 11°15'18" W	46°39'12"
C36	101.89'	79.64'	41.98'	77.63'	N 12°11'28" E	44°48'51"
C37	51.00'	134.59'	198.63'	98.80'	S 65°24'01" W	151°11'57"
C38	51.00'	41.39'	21.91'	40.26'	N 15°45'00" W	46°30'00"
C39	338.58'	162.20'	82.69'	160.65'	N 21°13'26" E	27°26'52"
C40	180.68'	87.47'	44.61'	86.82'	S 21°04'43" W	27°44'17"
C41	180.68'	24.73'	12.38'	24.71'	S 11°07'50" W	07°50'32"
C42	180.68'	62.74'	31.69'	62.43'	S 24°59'59" W	19°53'45"
C43	62.00'	76.93'	45.63'	73.71'	N 75°28'13" W	72°58'25"
C44	62.00'	31.36'	16.02'	31.03'	S 53°34'11" W	28°58'48"
C45	62.00'	26.04'	13.22'	25.85'	S 27°02'47" W	24°03'59"
C46	62.00'	27.28'	13.87'	27.06'	S 02°24'25" W	25°12'45"
C47	60.20'	19.92'	10.01'	19.86'	N 66°49'17" W	141°31'37"
C48	100.20'	31.45'	15.86'	31.32'	N 64°58'35" W	17°59'01"
C49	120.20'	49.97'	25.35'	49.61'	N 62°01'31" W	23°49'09"
C50	120.00'	75.64'	39.13'	74.40'	S 55°52'34" E	36°07'02"
C51	100.00'	63.04'	32.61'	62.00'	S 55°52'34" E	36°07'02"
C52	80.00'	39.86'	20.36'	39.45'	S 59°39'34" E	28°33'03"
C53	80.00'	10.56'	5.29'	10.56'	S 41°36'03" E	07°33'58"
C54	104.85'	82.40'	43.46'	80.29'	S 15°18'15" E	45°01'58"
C55	64.85'	68.68'	35.17'	64.98'	S 15°18'15" E	45°01'58"
C56	64.85'	39.33'	20.29'	38.73'	S 20°26'33" E	34°45'01"
C57	20.00'	25.11'	14.51'	23.49'	N 28°45'15" W	71°55'39"
C58	42.00'	36.59'	20.78'	37.25'	S 38°23'41" E	52°38'46"
C59	64.85'	11.63'	5.83'	11.62'	S 02°02'27" W	10°16'37"

NOTICE: "The facility providing irrigation water to this development is located within the sewer main and sewer service line trenches in the public right-of-way for Horizon Glen Court. The City of Grand Junction allowed the said installation under the expressed condition of a Revocable Permit issued under City Resolution 64-91 as passed and adopted on October 2, 1991."

NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

MCSM
EAST 1/4 CORNER SECTION 2
T.1S., R.1W., U.M.

AMENDED: DECEMBER 19, 1991

SHEET 2 OF

HORIZON GLEN SUBDIVISION
AS AMENDED

Located in Part of the NE 1/4, Sec. 2, T.1S., R.1W., U.M.
August 28, 1991

GRAND JUNCTION, COLORADO

PROFESSIONAL SURVEYING SERVICES
GRAND JUNCTION, COLORADO
(303) 241-3841

01105102.tif

SECTIONS OF THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE REGARDING SIGNS (PARKING) AND MISCELLANEOUS ADMINISTRATIVE PROCEDURES - (CONTINUED FROM MAY 15, 1991, AND JUNE 5, 1991)

AND

HEARING #5-91 - TEXT AMENDMENTS FOR 1991 - REQUEST TO REVISE CHAPTER 32, CODE OF ORDINANCES, SECTIONS 4-3-4, 5-5-1, AND 7-2-9 OF THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE REGARDING THE USE/ZONE MATRIX (PARKING AND LOADING STANDARDS) AND ZONING DESIGNATIONS FOR THE NORTHWEST AREA THAT IS BEING ANNEXED - (CONTINUED FROM JUNE 5, 1991) - CONTINUED TO JULY 17, 1991.

City Attorney Wilson stated that the Code requires on these kinds of items that the Planning Commission first review them, make a recommendation when talking about text amendments to the Zoning Code. Due to the failure of a quorum at the July 2 Planning Commission meeting they were unable to meet, and therefore, there is no recommendation to bring to Council. Staff is going to recommend that these items be continued until the Planning Commission has had an opportunity to address them.

Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried, the above items were continued to July 17, 1991.

HEARING #32-91 - PROPOSED ORDINANCE - HORIZON GLEN SUBDIVISION LOCATED ON THE NORTHWEST CORNER OF 12TH STREET AND HORIZON DRIVE. REQUEST FOR A FINAL PLAT AND FINAL PLAN FOR PHASE 1 FOR 17 SINGLE-FAMILY LOTS ON 9.7 ACRES; REQUEST FOR A REVISED OUTLINE DEVELOPMENT PLAN FOR PHASE 2 FOR 20 RESIDENTIAL UNITS ON 4.7 ACRES; AND A REQUEST FOR CHANGE OF ZONE FROM RESIDENTIAL SINGLE-FAMILY 4 UNITS PER ACRE (RSF-4) TO PLANNED RESIDENTIAL (PR) CONTINUED FROM JUNE 5, 1991.

The hearing was held for Horizon Glen Subdivision located on the northwest corner of 12th Street and Horizon Drive. This is a request for a final plat and final plan for Phase 1 for 17 Single-Family lots on 9.7 acres; request for a revised Outline Development Plan for Phase 2 for 20 residential units on 4.7 acres; and a request for change of zone from Residential Single-Family 4 units per acre (RSF-4) to Planned Residential (PR).

Bennett Boeschstein, Community Development Director, reviewed the petition. The major issue that is still unresolved is the second road off Horizon Drive. The petitioner has shown it on the Outline Development Plan as a dash line going north to the parcel just to the north. That is the extent of their commitment. They will show it on their Outline Development Plan. They do not want to deed it at this time. The Staff is recommending that they deed it at this time, deed it and have a survey as an unimproved road. That way there is a firm commitment to do it. He believed the property owner to the north is also requesting a deeded right-of-way rather than just a dash line on the Outline Development Plan. The parcel to the north that was in the County is in the process of

being annexed into the City. So the highest subdivision will be considered as a whole and will not be piecemealed. The other issues, the irrigation water, and they no longer want to use ditch water, that was in the original proposal, they were going to use ditch water and they were going to hold it in an irrigation pond. They are now proposing to use Ute Water for irrigation. Mr. Boeschstein said there needs to be a lot more detail on that. If they're going to irrigate the entire lot with Ute Water, the homeowners are going to be in for a rude awakening. He suggested that a small part of each lot be irrigated with Ute Water, but the rest be left to natural vegetation. In order to do that, they're going to have to re-write their covenants. And that brings us to the last two points. The covenants are incomplete and inadequate. The City Attorney has reviewed them and is not happy with them. There certainly should be a stipulation that the covenants be written to the satisfaction of the City Attorney. The final item: the height restrictions are vague and not enforceable the way they are written. It says "20 feet above ground level." What ground level? Is it the ground level before or after excavation. There's no way the Department can administer that. What they are now proposing, and what the Department would suggest, is "20 feet above the average ground level as surveyed in before the house lot is excavated." To summarize, Mr. Boeschstein reiterated the four points: (1) the road from Horizon Drive, (2) irrigation using Ute Water, (3) the covenants; and (4) building height.

City Attorney Wilson had talked with Tim Foster, one of the petitioners. He thought all of the points that Mr. Boeschstein made reference to in the covenants have been discussed. Mr. Foster is going to redraft them and ship them to Mr. Wilson who was comfortable with that, although irrigation limitations for limited areas were not an item that had been discussed. He asked if it was sufficient in the covenants, or are there areas of each lot that you would want to define as not being "bluegrass" or "irrigated?"

Mr. Boeschstein said that would be the best way of doing it; actually define it on each lot, and even on the plat as an area of nondisturbance and by covenant reference.

Mr. Tom Logue was present speaking on behalf of S.L. Ventures, of which two of the principals of the corporation were present, Bill and Tom Foster. In reference to the road access to the adjoining parcel to the north, Dalby property, the proposal has now been modified to a great extent since meeting with Council last month. Their proposal was to agree to a right-of-way dedication to what is Phase 2 on the Outline Development Plan. They have provided an access between their north property line and Horizon Drive, thus providing access to Dalby's property. They have never wavered from the fact as to whether or not that right-of-way should be dedicated. They feel it's important. They would like to look at having the ability to access this property north and east to 12th Street. The real question: when should the right-of-way be dedicated? In reviewing the land development code for the City of Grand Junction, it has some verbiage within the code that

describes what an Outline Development Plan is. It's general in nature. Its purpose is to generate input from technical review agencies, specifically with items of major concern, natural geologic hazards, flood area access problems and things of that nature. The Outline Development Plan also serves as a tool to notify those people in the neighborhood what the intentions of the property are in terms of the housing type or the intensity of development that is proposed. And finally it establishes some overall general design criteria in terms of areas that would be most suitable for open space, suitable for actual construction of buildings, as well as traffic circulation. So it's kind of a first step view, something you get out on paper, and generate comments from the public, the Staff and other review agencies. One of the reasons they preferred to defer the dedication of the right-of-way at this time is that they go through the process, this board, the Planning Commission, two of the planning staff members, the Engineering Department, the Public Works Department, Public Service, U.S. West, U.S. Army Corps of Engineers, and other agencies such as drainage and irrigation companies all get to take a shot at a preliminary plan and at the Outline Development Plan. So it's a somewhat changing, evolving, type of situation. If they were to dedicate a right-of-way at this time, Mr. Logue was confident that they would more than likely be back before this board with their preliminary final plan petitioning for a vacation or a relocation of that right-of-way once they received the detailed input from those agencies. They have not seen any definite plans as of this day to this position of the property or the development of the property. They are basically one step ahead of that property to the north at this time. The current procedures at a minimum would require two more public hearings before Planning Commission and the City Council prior to actual acceptance of a constructed roadway. Mr. Dalby's property has in excess of 1,000 feet of frontage on 12th Street, so by no means is it, they consider, a land-locked parcel. He does have access available to that. Mr. Logue noted that throughout the community there is, in the interest of planning in terms of inter-neighborhood connectors, there's little stub streets that maybe go a block or half a block from one lot to the development's property line, and then it sets that way for quite a few years until the adjoining property is developed. That allows things to fit together in terms of timing nature. Their proposal is much the same philosophy. They have communicated their proposal in writing to the petitioner's representative, and received responses back that indicate basically a rejection of the proposal. He quoted from a letter dated June 17th from Tim Foster to Richard Krohn (representing Mr. Dalby), that agrees to dedicate the right-of-way in the letter. There's a question of when, which they would go through in the normal process. One thing that's important that's in part of this letter, and he believed it is in the Staff file, says, "Furthermore, Mr. Dalby will participate equally in the planning and design of the roadway." They recognize his involvement, his interest in that, and they are encouraging him to participate in that process when they are ready to proceed with the various stages of development. Finally, we're talking about

timing. The petitioner does not have any definite development schedule for this particular parcel. Much as the case that existed with Phase 1, they do have some site constraints, traffic considerations, soil considerations, wetlands considerations, and floodplain. Because of some of the timing involved, a lot of times design standards change. It is their understanding that, for example, probably within the next few months or sometime this year the City will more than likely adopt a new set of road standards. In addition, to that there's an ongoing change, or appears to be, on the Federal level that relates to wetlands regulation. There's some regulation pending at this time that could affect the status of the wetlands within the property. Access and circulation needs change over a period of time as do recreational and open-space considerations. Part of their Outline Development Plan leaves the door open and suggests designation of part of the property as a public open-space along the Horizon Drive drainage channel. He pointed to the drawing on the upper left wall that represents the Outline Development Plan. He noted a faint red line. That represents the limits of flooding in the event of a one hundred year frequency storm in the Horizon Drive channel. Their roadway is going to be crossing that particular channel. That does fall under the jurisdiction of the City's flood plain administrator and the U.S. Army Corps of Engineers. Permits will obviously be required prior to construction. The Army Corps of Engineers do have a time limit on their permit once it's issued. They do review those on a periodic basis, so again, too far out in front of them and with their changes would not be prudent at this time.

Mr. Logue said that they review them after the first full year, end of December following. So if they applied for one today, it would be a year from December. He noted the one that they have on page 1 was granted until December. His feeling was they kind of look at conditions in the application to see if any changes are likely, and if they think they're more likely, then they shorten the time. If they think they're long-term, they will lengthen it. He has seen them as short as 90 days. That's based on their current situation, and whether that changes in the future, or not, who knows.

President Shepherd: "Basically, your response to concerns about the roadway and the dedication of the roadway are, 'things change with regard to street standards and Corps of Engineers standards, wetlands standards, things like that?' And that what you have indicated to us should be sufficient?"

Mr. Logue: "We've made a minimum of two dedicated rights-of-way between Horizon Drive and the north property line, and encourage Mr. Dalby to participate up front before we make the application, or in public hearings setting out all the documents that we'll submit when we get to the preliminary plan and engineering, will be a public directory available at the City Planning Department records, and notifications will be sent. Our preference is to do it in advance of an actual permit."

President Shepherd: "I'm in receipt of a hand delivered letter that was written to Bennett Boeschstein and copied to Tim Foster that says that they did make the effort to get together with you and work on the road with their people, and you were not going to allow that, so . . . "

Mr. Logue: "I'll have to refer that to Tim. I wasn't a part of that particular discussion. What is the date on the . . . ?"

President Shepherd: "June 21."

Mr. Logue: "Okay. I wasn't involved in that particular discussion so . . . "

City Attorney Wilson: "I think Tim's letter of the 17th, which I'm assuming that Mr. Krohn was responding to on the 21st, and Bennett indicated it might be in the Staff file, but I don't think Council has seen Mr. Foster's letter, and I think it would be appropriate, if we can get a copy, I'll go make some copies, and enter it for the record."

Councilman Theobald: "If we're going to make reference to the letter of the 17th and the letter of the 21st, I think we should all have a copy of both."

Mr. Wilson: "I'll go ahead and make copies for everyone."

Councilman Bessinger: "While we're waiting for Dan to do this I have a few points I'd like to have cleared up. You say the permit is good until December, but you didn't say which year. This year?"

Mr. Logue: "The permit on Phase 1 of Filing 1 for the 17 lots to the distant building within the wetlands is good through December of this year, 1991. They do have a provision where you can go in and go back through the process and update it. They do have a time line on it."

Councilman Bessinger: "Can you tell me what the motivation was for this project?"

Mr. Logue: "I sure can't. I will refer to it to the petitioner, Councilman."

Councilman Bessinger: "I'd like somebody to tell me what motivated the project."

Mr. Logue: "I think they'll have an answer for you."

Councilman Bessinger: "I'm waiting to hear it."

Mr. Tim Foster: "I'm Tim Foster, 593 Village Way. I don't know what order you want. If you want to go back to some of the issues for the road before we go to the other issues . . . "

Councilman Bessinger: "We're going to end up there one way or another."

Mr. Foster: "It doesn't matter to me. If you're on that swing, or if you want to wait until Dan comes back. The big issue from our perspective on the roadway in Phase 2 is one of getting the cart before the horse."

Councilman Bessinger: "Excuse me. I'm only concerned about the roadway in Phase 1 that started out 14 feet wide and ended up 18 feet wide in conflict with the Fire Code."

Mr. Foster: "Okay. Well, it is my understanding that's one of the big issues tonight, or at least one of the reasons we got carried over was the roadway through Phase 2. I don't have a lot of comment about the roadway. My understanding is it's acceptable to the Fire Department."

Councilman Bessinger: "Well, let's respond to some of these questions. Then we will see if it's acceptable. What was the motivation . . . "

Councilman Nelson: "Let me mention something before you run into that, and that is that the Council has already voted that that's acceptable, and at least as far as I'm concerned, that is not an issue tonight."

Councilman Bessinger: "Oh, I think it's still an issue."

Councilman Nelson: "Well, I guess it is with you. It isn't with anybody else on the Council."

Councilman Bessinger: "Well, let's wait and see."

Councilman Nelson: "Okay."

President Shepherd: "Could you respond to the concerns that we had in the Filing 2 regarding this road?"

Mr. Foster: "One of the things that we've discovered that has been a learning experience for us and everybody here, it's a small enough town that you're familiar with the corner we're talking about . . . it is an insignificant part wetlands. And we transition in and out of those wetlands depending on the core samples of the dirt. You figure out whether, in fact, it's wetlands. In order to design the road, and the road design changed as you can see. At first we had started much closer to Horizon Drive. Then up there behind John (pointing to plat), we obviously moved the loop up. One of the considerations in moving that loop up was where the wetlands began and where they laid, and the only way you know that is by going out and taking a core sample. Our feeling is to, and obviously the process is fairly extensive, the development is fairly extensive, which is why we've got a Phase 1 and a Phase 2. We're trying to concentrate our effort and money on

Phase 1 and deferring Phase 2 until later. Quite frankly, one of the primary reasons we did the ODP is to avoid some of the issues other developers have had when they have higher density development right alongside residential. So therefore we thought it was wise to go ahead and show people right up front there was going to be higher density development right next to them. That said, obviously, it would be of great expense to locate a road with enough certainty to know that, in fact, it would comply with wetlands criteria, that it would be engineered, etc., which is why we've tried to emphasize that we're willing, as good neighbors, to put a road through to the northern property owner. We don't think it makes any sense at all to plat one that you and I don't know whether it comes even close from a wetlands standpoint, from an engineering standpoint, with the expense that it will be, and quite frankly, we're too Scotch to want to spend the money on that road engineering, design and wetlands expertise right now. We would rather wait until after we're done with Phase 1 and then turn our attention to Phase 2, and we're in front of this Council again."

President Shepherd: "What's the cost estimate for that kind of . . . "

Mr. Foster: "You're looking somewhere . . . I think in talking with Tom Logue and Armstrong Engineers today, in the \$5,000 to \$10,000 range. It's just money that we can spend, quite frankly, more efficiently, developing the other lots. If we did that design work, now we step back and said to Mr. Dalby, "If you want to spend that money and incur that cost, okay, we can talk about having a road." He doesn't want to spend that money. He wants us to design the road, integrate the road, and have it there for him to utilize. It's a real tough decision to be in, and unfortunately, we have to prioritize what we spend the money on."

Councilman Baughman: "Tim, what's the project . . . on Filing 2, what's the projected building date on that? You really have none, do you?"

Mr. Foster: "If Phase 1 sells out this year, then we'll be on to Phase 2. If Phase 1 doesn't sell this year, and Paul, as a Realtor, can tell you, I don't have . . . we anticipate overprojecting, and we think we should have Phase 1 sold out in about three years, average about 5 or 6 lots a year. We figure once we're about two-thirds away through Phase 1, then we've got enough money to begin developing Phase 2. So anytime we get two-thirds of the way through we're going to start on Phase 2."

Councilman Baughman: "It might be five or ten years down the road, possibly."

Mr. Foster: "No, in 1980, people had stuff on the drawing board they thought they were going to do in six months, and it still isn't done. Well, there's a plat on this piece of property that included both parcels, and I think the City abandoned that plat

because it was never acted upon."

Mr. Wilson: "Tim, one of the discussions that Bennett and I had was that from Mr. Dalby's perspective, and I haven't talked to them about it, but it seemed as though platting a roadway had more advantages, formally dedicating, I should say, had more advantages than the ODP line, because then at least even if the wetlands limits weren't delineated, at least there was a public right-of-way, and it gave, it made it more likely than not . . . well, it's true you would come back and vacate, you'd do it at the same time the ODP was going through preliminary, and I wondered if you could address that possible solution to the dilemma."

Mr. Foster: "One of the issues, and at one point we were much more willing to do things like that, but quite frankly, I think we have a neighbor problem in that we don't have much faith in Mr. Dalby anymore, particularly since he tried to make us build right now Cascade Drive up on the top at \$80,000 to \$100,000. He tried to get that done with this Council. He tried even harder to get it done with the County Commissioners. And it was a road that didn't do us a bit of good. We tried to vacate it and said let's come down below. No, no. We just feel like if you give him a dedicated right-of-way, buildable or not, and he would argue as he did with that road. Everything is buildable if you throw enough money at it. If you want to put enough cut and fill between here and Grand Mesa you can build a roadway to the top of Grand Mesa. Our argument with Dalby is that if you plat that thing, we're going to have to stand in front of you and argue about whether we should vacate something. And quite frankly we don't even agree you can knowledgeably plat at this point. We're just saying wait until we've got the facts. We'll make whatever adjustments the Council wants, put whatever criteria inn the record, or what have you. I mean we haven't been at all bashful. We'll give you access through this piece of property. And, quite frankly, that's something that kind of irks me because he's, by no means or no stretch of the imagination, landlocked. He's got a frontage down 12th Street and he's looking for us to build him an access. If you look at the letter when Dan hands it to you, we've offered at other times and said 'Listen, we'll do this now, and we'll do these other things, we want you to pay your cost of the road.' You know, obviously, if we come in here and do the higher density, we don't need a roadway that goes all the way up the northern line. So if he wants to build his part of the road up that line, and then he can do so, and we're happy to enter into an agreement. His response is "No." He doesn't want to enter into that sort of agreement. So what he's trying to do is get you to plat a road that we'll build for him, and that reduces his development costs. We just don't think that's fair."

Mr. Wilson: "When I talked about . . . I, at least want the Council to understand, that I wasn't suggesting that you build that road. The concept I had was really described in a piece of ground on a map, but not doing anything in the field."

Mr. Foster: "And I would never suggest that this Council would consider that, but when you look at that blue line up above, which represents Cascade Drive, and then compared to Phase 1 which is outlined in red, there is enough land between Cascade Drive and this development, and the same fellow tried to get us to build that road. And it took a lot of expense and time for us to play defense, and say, 'We don't want to build that road now. It doesn't make any sense.'"

President Shepherd: "Would lack of an access through Phase 2 or through Cascade diminish the value of a potential development on the Dalby land?"

Mr. Foster: "If all you have is an access, I would argue, no. I mean Tom Logue speaks pretty tough, but he has visited some with the Planning Staff, and one of the issues is the lack of a cul-de-sac from 12th Street into the north portion of Mr. Dalby's property. They indicated that he's got large lots in there, and they're residential in nature. That the limitation on cul-de-sac length is one that they could probably live with an extension or a variance on, and that, therefore, it would be accessible. The easement of the access still exists from Cascade. Mr. Dalby has the double roads. And he's got that access whenever he decides to build that road into his property. I don't see . . . certainly, if we build a road into his property, his property value increases because it has been developed at our expense. If all you're talking about is there an access point, I would argue that now normally, changes the value of the property, but then you've got an access point, none of which are built from the east as well as from the south. I don't know how many roads you have to have on a piece of property."

President Shepherd: "And the loss of the property for the roadway itself may offset the gain . . . "

Mr. Foster: "That roadway that we're telling you we're willing to do when the time is right, is probably going to be very developable ground because what you're going to use as a roadway is going to be fairly flat and any terrain, and we aren't charging anybody any fee, and we aren't saying buy the easement from us, we're saying just building your portion and your cost of the road. We just don't want to build the roadway. Again, we don't need a roadway for this piece of property."

President Shepherd: "If I could move now to the second of the four issues, the irrigation of Ute water. To my mind, it's a market economy issue. If you can sell that to the potential buyer, more power to you. I don't know what . . . "

Councilman Nelson: "Could you briefly tell us how you got from where you were using irrigation, and let us understand what happened?"

Mr. Foster: "We've been frank with the Council and we've been

frank with the staff. We had proposed a pond that would overlap onto the two Roundhill lots, and quite frankly, . . . and the pond was going to work and they were going to have access to the pond, and they liked it for aesthetic purposes. Unfortunately, then, the attorneys got in the middle of it, and somebody said liability and those two lot owners decided they didn't want to have a pond on their property. They were sure somebody would drown in it, and they were afraid they would have some liability. They suggested they'd be happy to do so if, in fact, they received a lot line adjustment here in the County or in the City. We had just been through that process. We told them that if they wanted to get a lot line adjustment, we'd be happy to take the piece of property and put it into a pond. We are trying to reanalyze the size of the pond and where we could possibly put it. If we could put it out towards Horizon Drive, then we'll come through the process and try and take a piece of each of these lots, dedicate it back to the Homeowners' Association, and do the irrigated water, because we think it makes the lots a lot more saleable."

Councilman Nelson: "I cannot agree with that in any stronger terms."

Mr. Foster: "For right now, we can't tell you for sure we've got that worked out. So we've got to say, 'Today, we're using Ute water.' I agree with Conner. It's a market issue and you aren't going to see a lot of vegetation up there if you're irrigating with Ute water. We hope to be back with a new pond location design, etc., and asking you to concur with stripping a piece off of one of the private lots and giving it back to the Homeowners; Association. We really have to deal with what the facts are right now. So that' where this is. We do have some restrictions from the County with respect to the Architectural Control Committee reviewing not only construction, but also vegetation disturbance and those sorts of things. So we think we have a control in the covenants that Bennett would like to see us do on a map, but we think they're a little more, and will allow people who are out there living to have a little better control of them and make sure that somebody doesn't put in a putting green or something."

Councilman Nelson: "I sure hope that you can do something with the irrigation water. The results of that are obvious. I'd state two things, both Spring Valley, which I was involved with, and Paradise Hills both have ponds. Since the liability issue has been able to be tackled successfully and no one in fifteen years has drowned in either one of those places, so I sure hope you're able to crack that nut."

Mr. Foster continued that they have gone back, done balloons, done some different things. They figure two stories from base and they talked about this some today to the top of the roof is about 32 feet giving angles and everything. They would propose then to do just a 32-foot distance, but that's something that one of the five or six issues from the covenants that were discussed in the plan.

Mr. Wilson: "I assume, then, that he doesn't think he could see that height from his house?"

Mr. Foster: "Well, part of the discussion, from my understanding is, that he kind of was conceptualizing this house as big as the lot line is. And then once he saw that the building area was smaller and recognized that nobody is going to build a house equal to the building area, and then saw the house, it began to scale down a little better in his mind. Maybe he thought we were going to build a Motel 8 or something out there."

President Shepherd: "Would you then be comfortable if it was Council's pleasure to improve the final plat and plan of Phase 1 that we include an addendum that covenant and building height restrictions be negotiated with a mutually acceptable arrangement with the City Attorney?"

Mr. Wilson: "Actually, if you just simply said that it would provide for the 32-foot height limit, then we could make provision for the plat and have the CCR reflect it."

Mr. Foster: "I think everybody agrees about the average height before excavation. The foundation footprint is going to be a lot smaller than the building envelope that we've illustrated on the drawings."

Councilman Theobald: "Oh, obviously. Once they decide exactly where the envelope the footprint is going to be, that is what determines . . . "

Mr. Foster: "Another sidepoint on the height. We looked at 32 feet. We pulled that right out of the development ordinance with the zoning regulations. Our underlying zone on this particular piece of property is RSF-4 and within the maximum height within that zone. The maximum height in the County R-2 zone is that the depth immediately to the west of the property is also . . . We're not asking for anything higher than what you can currently build on the property under its underlying zone."

Mr. Wilson: "Bennett, is that average grade that they just described . . . is that the same concept you're comfortable with?"

Mr. Boeschenstein: "Yes. Before excavation, I think they agreed."

President Shepherd: "Does Council have other questions for the proponent?"

Councilman Bessinger: "I still have questions. From what you've said I take it then that this is a profit motivated venture?"

Mr. Foster: "Knock on wood."

Councilman Bessinger: "Knock on wood. Isn't that soil condition

kind of "iffy" with those wetlands in there? You don't really have any rock in there to stabilize it, do you?"

Mr. Tom Logue: "We had Webber & Associates, a geotechnical firm, go out and do about five or six test warrants throughout the property, and they took each one of the test warrants, did soil evaluations, and came up with specific foundation recommendations for the various lots within the subdivision. The soils engineer feels that the land is suitable for building. We've put all that . . ."

Councilman Bessinger: "So the soil isn't rocky, it isn't unstable, it's just good workable material?"

Mr. Foster: "Well, like all the soils engineers tell us, you've got to kind of let the soil in the valley and the City as being poor, it's just some are poorer than that for construction. If you have some expansive properties which are indicative in that shale layers, they did drill to, I think, twelve feet, and hit a weathered shale area on some of the lots, but its fairly in-depth report is extremely detailed, and it kind of gives you a summary overview. They felt that their recommendations, if followed, that suitable foundations can be founded on the property."

Councilman Bessinger: "So the foundations, then, will be designed lot by lot?"

Mr. Logue: "That's correct."

Councilman Bessinger: "In your original presentation, you came in with a 14 foot roadway. How was this determined? Was this an engineering recommendation, or what was it?"

Mr. Logue: "It was an effort between the Development Department, Engineering Department and petitioner, in conjunction also with the Fire Department. I think all the agencies realized that we had an extremely unique site, with wetlands considerations, relatively low-density compared to other areas within the City, and that the proposal was made to the Planning Commission at preliminary plan, and they made a recommendation. That recommendation was modified by this board, and we took that and presented it in the final plat that you see here."

Councilman Bessinger: "Are you telling me that someone in City government had told you early on that you were going to get some special consideration on this road?"

Mr. Logue: "No, I am not. We discussed the project early on in terms of some of the limitations, and indicated to the Staff people, particularly in Planning and Engineering, who were the key agencies of the land use proposal, that we had some difficult conditions, and were hoping that they would keep an open mind in finding some solutions in dealing with those. They didn't make any promises or commitments until they saw something on paper."

Councilman Bessinger: "When you say, 'open mind'. What does that mean to you?"

Mr. Logue: "Consider some new ideas."

Councilman Bessinger: "Such as 'violating the Fire Code.'"

Mr. Logue: "I believe the Fire Department has reviewed the proposal and accepted it."

Councilman Bessinger: "They have, but they didn't want to fight City Hall. But the Fire Code is a 20-foot minimum roadway, is that not so?"

Mr. Logue: "That is correct, and I believe that's what we have. We have a 14 foot roadway width . . . "

Councilman Bessinger: " . . . Four-foot concrete sidewalk makes 18 feet."

Mr. Logue: " . . . 18 feet and we have a 2-foot curb on the other side which makes 20."

Councilman Bessinger: "Could I see that drawing, please?"

President Shepherd: "The June 6 letter from Mike Thompson to Mark Achen reads: 'I feel confident that our decision to allow the developer to continue with the proposed project, not only meets the intent of the Code but also continues to assure adequate service to the rest of the City area.'"

Councilman Bessinger: "Well, you know, these people have to work for a living, and they saw the Council say, 'That's okay, go that way,' even though the Council had been advised, but the City Attorney just did not read the Fire Code. And somebody on Council said, 'We'll just have to write it up so it looks like it meets the Code.' And this is all on tape. You can verify that."

President Shepherd: "I think that's your interpretation of how it went. I think what you've got, Mr. Bessinger . . . "

Councilman Bessinger: "We'll play the tape then . . . "

President Shepherd: "What you have is a Council that is willing to look at unique problems and try to find solutions that are amenable to both the requirements of our population and the requirements of our Codes. We found, in this case, a very unique subdivision, and we thought and gnashed our teeth over finding an acceptable solution that could be satisfactorily to all concerned."

Councilman Bessinger: "Okay, so you do have a 4-foot walkway, 14 foot of pavement, and two feet of concrete on the outside?"

Mr. Logue: "The concrete is on the inside, the 4-foot width would be on the lot side . . . "

Councilman Bessinger: "Right, what's on the outside?"

Mr. Logue: "That would be the 4 foot, then the 2 foot would be on . . . "

Councilman Bessinger: "No, that's on the inside. The 4-foot is on the inside, isn't it, or on the outside, which is it?"

Mr. Logue: "The 4 foot would be on the outside of the one-way loop."

Councilman Bessinger: "Okay, and then there's 14 feet of blacktop, and then what?"

Mr. Logue: "Two feet of concrete on the inside."

Councilman Bessinger: "Okay, so that's not the way the thing was stated at the time. So that does, in fact, make 18 feet. Okay, I stand corrected."

Mr. Foster: "I can appreciate, Councilman, that we looked at their street proposals there, and two more there. I had to stop and think myself. We discussed it so much over the preliminary and final plan stage. And the 20 foot, the overall width, was an area where the Fire Department pretty much drew a line. They said 'It's got to be 20 feet, guys. We can't let you use anything less than that.'"

Councilman Bessinger: "Okay, well, if it's 20 feet as shown there, I agree with the Fire Department."

President Shepherd: "I'd also like to clarify to Mr. Bessinger that we have neither the hiring or firing authority for the Fire Chief. He does not have to respond to what our likes or dislikes are in order to keep his job."

Councilman Bessinger: "I'm aware of that. Thank you for reminding me."

Mr. Foster: "Are there any other questions?"

Councilman Bessinger: "No, that satisfies me. Thank you."

President Shepherd: "Are there any other proponents to the development? There were none. "We'd like to now hear from opponents or any others that would like to address this subdivision proposal? Please state your name and address for the record."

Mr. Rich Krohn: "My name is Rich Krohn, and my address is 1047

Gunnison. I represent Walter and Gertrude Dalby. I would like to think that I am 'other' and not particularly against the development. There is only one point that I'd like to speak to, and I'm sure none of them has a doubt, but the Dalbys do, in fact, request that the Council not change its prior requirement that there be a presently deeded road right-of-way across Phase 2 as part of the approval of the plan and plat of Phase 1. I need to respond to a couple of things that Tim mentioned. First, let me remind you that the original Staff recommendation on the Phase 1 development was for what was referred to then as Lot 17 right-of-way, which would have been, I believe, a 50-foot right-of-way across one of the south lots, and Lot 17 is most often mentioned, to provide a deeded right-of-way access from Phase 1 to Phase 2. And the petitioner was strongly against that because it would cost them a lot in Phase 1. They couldn't have developed. And one of the original reasons why, let's say, they didn't object to the concept of the Phase 2 road, was that it voided the necessity for them losing a lot in Phase 1, providing a deeded right-of-way access to Phase 2. It's just a reminder. You mentioned a second thing. There is a possibility there may never be a Phase 2. Councilman Nelson indicated he can remember 1980. Fortunately, I do not, but I can candidly tell you from personal experience, I think you will agree, based on your experience, that merely because you have an ODP before you tonight does not mean there is a guarantee at any given time, at all ever being, a future development of Phase 2 which will include the dedication of that Phase 2 road if you don't require it at this time. And the purpose of that dedication, obviously, is for the benefit of the Dalbys. But what it also does is provide your commitment to the potential possibility of future neighborhood traffic circulation. This may be the only chance to do it, and I don't think you should lose it. Another thing you must remember. Nobody is asking anybody to build anything. All the developer want to see, and what I believe is your present requirement, is for the dedication of a specific location for a road right-of-way across Phase 2. There was mention of Dalby having a significant access on 12th Street. I guess I would think you were referring to the Assessor's plat. There is a wash that is significant enough to be shown on the Assessor's map. To bridge that ditch, and again you have to look at the western portion of the Dalby property. In that regard Tim mentioned something to you about us wanting them to build Cascade Drive at a cost of \$100,000. I must correct him slightly. I'm sure it was an inadvertent mistake on his part. One hundred thousand dollars plus was the estimate of the cost for the whole road, and the contribution we were looking for from them was not relevant to the half-street improvements for the Foster lot frontage. So just to mention to you, the only relevance there is that it is true that the estimated cost of construction of the Cascade matter would be at least \$100,000, which should be . . . would be half that figure probably. And it's a little bit hard to give you exact figures because we have been repeatedly refused the right to allow our engineer physical access to the property in order to determine what would be the most efficient, logical, practical location for the Phase 2 right-of-way."

Mr. Wilson: "Why did that happen? What was the concern?"

Mr. Krohn: "I guess you would have to ask Mr. Foster that. Immediately after the Council meeting Bill Foster specifically denied us the right to go in. On the 18th, Tim confirmed that that was still the case. And at the meeting last Friday in Mr. Boeschstein's office, at which I was not present, I believe Tim repeated that we were not allowed to either personally or have any of our engineers or anybody go on their property. Obviously the purpose for us to do that would have been to try to fulfill the Council's requirement that we try to determine a desirable, likely location for a right-of-way. Keep in mind we're not talking about any construction. The reason we would want to go in there is to find the cheapest and most practical location because we're the ones, in all probability, that are going to have to build and use the road. Despite the 'we build' statement, we don't want them to build it, we don't expect them to build it. If they ever develop Phase 2 we assume, I assume, because that's what I would do, I would come in and say let's build a little temporary cul-de-sac here and go off with my Phase 2 development, and if Dalby ever comes in here then he can build the rest of the Phase 2 road. I fully expect that if we go first, we're going to build the whole thing, and if we go second, we're still going to look at having to construct a substantial portion of it because Phase 2 construction done by the petitioner will be blasted all over the road. A lot has been said about design standards being changed, wetlands requirements being changed, that's true. And all we're looking for is a footprint in the most practical area acknowledging that those things may happen, but giving us all some measure of certainty that we've done our best now to locate what looks like the best area for the future. Tim also said that Dalby categorically refused to contribute to the cost of the expense of, I think he said 'building road.' Concerns of locating the road, we are prepared to send our engineers and our land planners out there to work on locating a road, and I'm not sure what more we would be required to do, but we've made several attempts to do that. I think it's not quite fair to say that we've refused to contribute to the cost. I guess that's really all I have to tell you. I'd like to say, 'Why are we here?' because I think the Council's direction is fairly clear that the petition was to be tabled until the parties have worked an agreement, and that there was to be a dedicated access. I am more than willing to come tell you my story again. We think that there's a reasonably simple process for our engineer and their engineer to go out and look at the site, and say, knowing everything that we know today, 'This appears to be the best site for the future.' It is not a site which would be intended to go right through the middle of their developed area. This is not . . . on plat. The S curve that you see, the general location of those things, and I believe you can probably see it best by the ODP, there is a substantial lot across the eastern portion of their property, and any right-of-way platted by any of the parties is obviously going to take into that account, and is going to be pushed over to the east in order to leave them a . . .

and not use up their development land. We simply want an opportunity to go on the property to determine the best location for a roadway to be platted at this time knowing that that plat could be changed, if we apply in the future, if they apply in the future, through the planning process."

Mr. Wilson: "Would you be willing if Council said, 'We don't think it's fair to S.L. Ventures to pay for the engineering and land survey to dedicate the road', would you be willing to generate the information sufficient to describe it legally and/or draw up the milar if S.L. Ventures said 'We will sign it when the information is completed.'"

Mr. Krohn: "You're asking me a compounded, fairly complicated question."

Mr. Wilson: "I know you can handle it."

Mr. Krohn: "I will try to break it down into pieces, and say the obvious answer is I can't commit my client in his absence. And I apologize for his absence. That's number one. So anything I would say to you would have to be subject to his confirmation. If what we're talking about is the surveying, and milar of that road only as opposed to what is required, I think what we are talking about is cost around \$2500 to \$3000 dollars, somewhere in that range. It's hard for me to say . . . the most strongly I could say to you is that I would recommend to my client that . . . "

Mr. Wilson: "Let me ask it this way. What if Council said, 'If your client will pay for those costs, and if that work is done . . . ' My assumption, . . . let me ask the question, is that we are a week or two weeks from actually finally recording. We'll get improvements, language, etc., but at least we've got a few days left. And if, by that point in time, that information was available and they signed the plat, would cost them out of pocket, and your client could then make that judgement after tonight of whether or not that was money well spent, as a concept . . . "

Mr. Krohn: "I have no problem with that concept. I understand the concern of the petitioner that they not spend money in Phase 2 in building Phase 1. It will answer our concern to have present dedication of the road. I have not spoken to the surveyor and it would be nice to at least get on the land so that we could actually find out a little more definite number. I can tell you that I would recommend to my client that he bear" (turned tape over) . . .

Councilman Theobald: "Phase 2 has to be platted, dedicated . . . what do we say is the minimum that we need to require on that Phase 2 road?"

Mr. Wilson: "Our Code does not answer the question."

Councilman Theobald: "So by being unanswered, it's open?"

Mr. Wilson: "I believe that the Council can . . . "

Councilman Theobold: "It's our discretion?"

Mr. Wilson: "Yes, and I think there's sufficient evidence in the record that the record can support either of the decisions. Either you could say too much unknowns, we don't know about development to the north, nothing, or neighborhood circulations are an important concern, there's an issue about property to the north, and we will require a dedicated road, although not constructed at this point. I think we're safe either direction."

Councilman Theobold: "Okay. My reason for asking is that both parties make really good arguments on this, but I have a feeling that it's a matter of some talking past each other over concerns that they're trying to protect their own interests, which are maybe getting in the way of this, similar to what you had alluded to with the earlier line of questioning. I'm uncomfortable requiring the petition to dedicate a roadway for something that may not be developed to benefit a second party."

Mr. Wilson: "If I can explain the rationale for it."

Councilman Theobold: "Oh, I have no problem with that. I understand the rationale."

Mr. Wilson: "I wanted to make one point, mainly, that we may have forgotten over the several months. The parcel as we see it today is one parcel of ground, and so really we're not requiring dedication of a roadway on a second parcel that is not before you. We are subdividing a portion of it further than the lot, and that's why I think you have jurisdiction."

Councilman Theobold: "I'm not questioning jurisdiction. I'm questioning in my mind, as just one person, whether I think it's warranted. Weighted against that is the argument of the neighbors to the north that it's in the City's best interest to plan for future traffic, and I think that's where he's out of concern, but obviously I don't feel comfortable making the petitioner build or dedicate a road to benefit someone else, neither do I feel that the City should allow this development, even Phase 2, to go through without making provisions for that road to exist should the City determine that it is necessary as part of the overall development of that neighborhood. And what I'm fishing for is a way to guarantee that it can be platted and then would be dedicated either by whoever needs it first, because I think there should be a way that the petitioner can be comfortable with the location, and it will not be detrimental to their property, and that if the Dalby property is developed first, they then bear the responsibility to pay the expense to survey and deal with the Corps and deal with all these other things to create the road, because obviously it's now their road and it's their responsibility. And that's what I'm fishing for because I think

that essentially answers the very least the City's concern and it also makes me comfortable for what we're requiring of the petitioner. Having said all that, and you've listened to it, does that seem reasonable to you?"

Mr. Krohn: "Well, I guess I would . . . maybe I was too oblique in my earlier statement when I was mentioning that all of us can and will come before you again in this process. What bothers me, the assurance, the possibility of that road existing. Obviously, any of us could come forward later on and ask that it be vacated or that its location be changed, or that if we are Phase 2, we build only a small portion, or a cul-de-sac. And you said at those various times . . . What we're asking you is, while you have it, don't let it get away. But keeping in mind that this is only the first of many shots you're going to have at me."

Councilman Theobald: "Well, I suspect that your ultimate ambition is not so much to force them to create the road, but rather to insure that the road may be available at a point when your client will need it. That's what I think is reasonable. And I am assuming that the petitioner is willing to have that road available as long as all these things that we're trying to set aside such as "meets requirements, meets City specifications, does not adversely affect their land, etc." So it doesn't seem like we're that far apart, other than just a matter of . . . "

Mr. Krohn: "And that's why it was our hope to get our engineer and their engineer out there to say 'Based on what we know today, this is our best possible . . . ' Since nobody is building anything and the only expense is going to be . . . No. 5 in caps on the drawing, that they could come back later and ask you to change it as our plans and their plans are firmed up.

Councilman Theobald: "I understand why that raises your comfort level, but I also need to tell you that that's one step further than I'm willing to go. I think we should prepare for the future of the neighborhood for the overall good of that area, but I think your, the comfort level you're asking for is much further than I'm willing to go at this point. So be aware."

Mr. Krohn: "Okay. I guess my response to you is to keep in mind that you only have a shot at us when we're before you. It's easy for me to stand up here and throw stones because there isn't anything you could do to me right now. By the same token when I come back with my petition and the neighbors aren't happy with it for whatever reason, and I don't mean to single out the Fosters, but any of the neighbors, but if Phase 2 is not done before you, and you haven't sufficiently reserved for me to go through there, and as a lawyer, the right-of-way is the only way I know of, for sure, to block up specific location that we can use in the future, then I may be just all turned around where I'm standing there going, 'I can't do anything because you didn't reserve when you had a chance now.'"

Councilman Theobold: "Is what I'm suggesting legally possible?"

Mr. Wilson: "I have to tell you I'm not certain if I understand what you're suggesting."

Mr. Achen: "May I take an attempt at, perhaps you will view it a cross explanation or interpretation, but it seems to me this is an issue of vesting real property rights, and the petitioner's proposal does not vest any rights in any one other than the current owners of the property. It gives an indication of intent to future development without getting property right being conveyed. And what the neighboring property owners are asking for is, in essence, creation of a property right. No that accrues to them solely, but accrues to the public which gives them some right to that property because it has been set aside in reserve by dedication for public purposes, and being part of the public either the property owners or anybody else has some interest in that, but it is described on a piece of paper, and it no longer is solely under the control and ownership of the petitioner. And I think your decision on how you approach this sort of depends on your judgement about whether the petitioner should be required to convey that right to the general public, and it primarily benefits them, the owners of the existing property and the owners of the adjacent property, or whether you think it's not fair to require the petitioner to convey that property right at this point in time."

Mr. Krohn: "I think that's an excellent summary. The only clarification or expansion I would make is that not is it just being conveyed to the public, but it's being conveyed to you and those in control of the City, so you can make future decisions about whether, or if, it should be constructed, and under what conditions."

Councilman Theobold: "Having heard his explanation, my suggestion is, or what I'm trying to fish for, is there a way to convey that right without requiring the expense of the surveying and dedication. In other words can we say that right will exist at a future date subject to whoever wants to make it exist, paying the cost of creating it."

Mr. Achen: "Let me take one more stab at it. As I understand the whole operation of real estate laws, you cannot do that without actually dedicating a right-of-way because it will be under the property owner's prerogative to say 'I want to now dedicate that right-of-way' or 'I don't want to dedicate that right-of-way' however described it might be. From the petitioner's perspective they are trying to keep their options open plus whatever . . . and what other considerations they may have, and the neighboring property owner, there's probably no way for them to come in and say 'Now the Fosters must give this described piece of property for a right-of-way' without it being dedicated ahead of time."

Councilman Bessinger: "What's the ramification just having the

centerline for the road and saying . . . "

Mr. Wilson: "That really is just one way of describing it. You know the absurd end result would be to say "Phase 2 is a right-of-way, the whole thing" which will at some point in the future be limited to some particular 50 feet. That doesn't give the petitioner much comfort."

Mr. Foster: "Rich and I got together Monday and struggled with exactly what you're talking about, Reford, and our suggestion was to dedicate the road, but we want a sign-off by the Council that at the time we go through the platting process, that we can move the road for economic conditions or development reasons. The reply back was 'No way, that's too loose. We can't do that.' I don't want to mis-characterize, but that was exactly the kind of offer that we were going through to try and say, okay, if we do that and give it some ability for us, the answer was, 'That's not acceptable.'"

Mr. Wilson: "I understand the comment, but if we are dedicating to the City that decision will be made by initially Staff, making a recommendation to the City Council. That seems to me to solve it, because the two of you have to initially agree, but your decision is not final, because once we dedicate it it's not your road. It's the City's."

Mr. Krohn: "I think that's the point I've been trying to make is, if somebody did want to move it in the future, they could come and ask you, because you own that."

Mr. Wilson: "Then why not agree with at least that concept because knowing full well it's neither of you that is going to make the choice. It's going to be four members of the Council in a vote, either vacating, or not."

Councilman Bessinger: "By vacating this, would allow realignment?"

Mr. Achen: "Is it really possible that the City can move the road? In other words, dedicate the right-of-way and in the future if the petitioners don't have any plans for Phase 2, nothing happens, and the neighboring property decides to develop, so they come in and they submit a plan and do some additional studies, and say 'The road needs to be moved five feet east or west.' The City cannot do that, can it?"

Mr. Wilson: "Without condemnation, no."

Mr. Achen: "You would have to acquire the property and purchase it or whatever or have an agreement with the petitioner."

Mr. Krohn: "You see that's the basis for everything. Since it's their property if they want to move the road they can come to you and say 'We'd like to move the road.' And at least it's their property. If we come to you and say we'd like to move the road,

then you're either going to have to condemn, or they are going to have to agree."

Mr. Wilson: "Correct."

Mr. Krohn: "So that's why it's so crucial to us to have some certain location now because we don't have the option of . . . "

Mr. Wilson: "But the risk is, and what we're identifying is, we don't do wetlands and we don't do final engineering. We dedicate a road. Three years from now and you're first out of the shoot and you come back to the Council and say 'It's a \$300,000 road and we can't even use it.' And Mark is absolutely correct that the City says 'Well, that's the only choice you have. You have to build within that right-of-way.' Unless there is an agreement with the owner. And that's true. But that still is better for Mr. Dalby than nothing."

Mr. Krohn: "We're willing to take that risk."

Mr. Foster: "The crux of the problem is, and Mark I disagree with . . . the public road for public purpose . . . that road serves one property owner's purpose, and everybody's saying "neighbors". It's one neighbor. And that road increases the value of his property. It's not to the City of Grand Junction. It's Dalby. And what you struggle with and what we struggle with in trying to come up with the solution, is the appropriate time to determine where the road goes is when the development takes place. And part of one of our other proposals was we'll give you an easement across ours, you give us an easement across yours. 'No way.' Because we happen to be in front of Council, and this isn't even the Phase that we're developing, all of a sudden an adjacent property owner wants to increase the value of his property and get a road across there. And that's when we said the time to do that, Reford, is when you get a shot at us when we come in front of you and go through preliminary plat."

Mr. Wilson: "It's important in my mind that the Council, and the record reflect, that there is an additional public purpose to the road. And the additional public purpose, in my view, is a neighborhood circulation notion. Because I can see the day, if Dalby develops, when Cascade ties into the road we're talking about to the north, or some variance on that, and perhaps back out to the east to provide internal circulation. Now I'm not enough of an engineer to know if it can work, but at least on paper that's sort of an integration so it's a larger benefit than just to Mr. Dalby."

Councilman Bennett: "Well, Dan, I was just sitting here looking at this, and this whole area right now is served by cul-de-sacs and dead-end streets, this whole area. There's no way between 7th and 12th you can get here without going around here. For Fire Protection safety, the fire trucks have to go up, come over, come back down, land in a cul-de-sac, and I was just sitting here

looking at them at this end of town. Response time for Fire and Police, they've got to go all the way around."

Councilman Bessinger: "That's exactly right."

Councilman Baughman: "Why should we make Mr. Foster go use his land to get around that problem?"

Councilman Bennett: "Why did we make any landowner put in all the streets in the City of Grand Junction?"

Councilman Baughman: "I don't understand what you're saying there."

Councilman Bennett: "Well, any development, the streets have to go in. Every street you travel up and down in the City of Grand Junction . . . "

Councilman Theobald: "The real question is obviously, as both parties agree, it has purposes for both the S.L. Ventures property and the adjoining property, and that raises the question of the timing, sort of the dedication."

President Shepherd: "It sounds like we've degenerated into comments from Council. Why don't we close this hearing and then I'll solicit comments from Council, questions and conversations."

Councilman Baughman: "Dan, I've got a question. I think I've asked this before but I want to ask it again. It's not the law that Mr. Foster has to provide access to the Dalby property in his Filing 2, is that correct? There is no City law or State law that says that Mr. Foster must provide access across that, is this true?"

Mr. Wilson: "Let me answer this way, because I'm not going to give you a direct answer. But let me try to explain why. The Code allows the Council to plan areas larger than Foster's. So if you believe that this road could serve a larger area, a circulation area, let's talk either Police or Fire protection, or the like, the Code does authorize you to require the roadway. If you believe, as Tim indicated, that the only benefit behind the road is to serve Dalby, the north property owner, I don't think the Code authorizes you to require that. So it really depends on how you see this road working or functioning. If there's a larger service, I think we can require it legitimately. If you believe that it will only serve Dalby and there's no other member of the public, for instance that benefits, then we shouldn't require it."

President Shepherd: "I'd like to ask a question. Before us are two considerations. Consideration for the Final Plat and Plan for Phase 1 and consideration of the ODP for Phase 2. Can Council accept one, reject the other, and still go to a proposed ordinance?"

Mr. Wilson: "You could approve the final plat and plan, go to

proposed ordinance for the rezoning of that, and take no action on the ODP, or even deny the ODP. Does that answer your question?"

President Shepherd: "Yes. Two months ago we didn't think . . . "

Mr. Wilson: "Well Staff had recommended against that just because of this sort of area planning concept."

Councilman Bessinger: "Well that leaves this thing unsolved and still up for negotiations before they can . . . they could go ahead with the first half of it, right?"

Mr. Wilson: "Yes sir. They could final plat that and go ahead and sell Phase 1."

Councilman Bessinger: "Okay. Before they could do anything with the rest of it, they will have to come back, but if they don't come back . . . "

Mr. Wilson: "They never come back."

Councilman Bessinger: "And there's no road through there."

Mr. Wilson: "And that's the danger. That's why Mr. Dalby wants you to do it now, for that reason."

Councilman Bessinger: "Well, I just think that for public safety reasons, it ought to be through there, if nothing else."

Councilman Bennett: "Well, another thing. It was S & L Ventures that came to us and requested a second easement in here so they wouldn't lose Lot 17, which Staff recommended against, which Council approved. I was under the impression when I voted to grant this, they would plat the road."

Councilman Bessinger: "That's what I thought."

Councilman Bennett: "And I'll be honest with you. This thing has come before us so many times, and I honestly believe both parties are saying 'Well, Council, the Planning Commission will not settle our differences. Council, will you?'"

Councilman Bessinger: "Why don't you just table it until an agreement has been reached?"

Councilman Bennett: "Or deny it and say 'Start over.' And that way we can address how big this road is going to be, where these entrances are going to be, and we can go back to Phase 1 and start over, because we're . . . if both parties, or all parties, are not willing to resolve all these little things before they get to Council . . . this is what the fourth time it's been before us?"

Councilman Theobald: "I agree with what you're saying, John, and in a perfect world everybody would be able to agree with each

other, and everything would be resolved without us having to be the referee. But unfortunately frequently that's our role to say, 'You're right, you're right, or we'll cut the baby in half', or whatever has to be done, you know."

Councilman Bennett: "I am to sit here and determine where they get their irrigation from? I don't care where they get it from. He doesn't . . . if they don't want to build a pond, and they want to take it from Ute Water for irrigation purposes, and someone goes out there and buys there and says, 'My God, look at may water rates for irrigation', that's not my problem."

President Shepherd: "The petitioner would agree with you on that."

Councilman Bessinger: "Well, make a motion and I'll second it. Make one that suits you."

Councilman Theobald: "Let me ask you one question. You're talking about your recollection was that the agreement when they talked about Phase 1 whether the Phase 2 road be platted. Do you mean 'platted', 'dedicated', or 'built'? I think 'platted' is what they're asking for, 'dedicated' is what they're asking for."

Mr. Wilson: "I would say 'platted' and 'dedicated' are the same. It gives them the best advice that Mark is referring to. Building . . . "

Councilman Bennett: "I'm not talking about building. Just say this is where the road is . . . "

President Shepherd: "Who pays for that?"

Mr. Wilson: "That's up to the way we structure it. That's why I asked Mr. Krohn whether they could absorb the costs of preparing the legal description sufficient to get it dedicated."

Councilman Bessinger: "Is that your question, Conner? Or are you talking about the cost of the road?"

President Shepherd: "No, I'm talking about the cost of the plat."

Councilman Bessinger: "You know, I don't think that's a big deal either. It's not a great distance."

Councilman Baughman: "Well, I personally don't think that the Fosters ought to have to provide a road across this to the Dalbys. I feel that they have access on 12th Street here and I think it's extremely generous of them to have given permission for a future road in that location. And I think the problem is, according to law, we're having to be specific of where that road is. Isn't this the problem? It's not good enough to just say, 'There will be a road'? Or do we have to specifically say where the road is going to be?"

Mr. Wilson: "That's exactly right."

Councilman Bessinger: "Would you agree that a road is necessary for public safety?"

Councilman Baughman: "No."

Councilman Bessinger: "You would not. Well, that shot that."

Councilman Theobold: "Would you agree that the road ought to be there for the Phase 2 development only?"

Councilman Baughman: "No."

Councilman Bennett: "Because you just said we don't need a road in there."

Councilman Bessinger: "You don't need a road at all according to Jim."

Councilman Baughman: "I have a real hard time. I believe in personal property rights, and I have a real hard time of a gentleman wanting to develop his property, and having to provide access across to a neighbor that presently has access to that property."

Councilman Theobold: "The . . . is rigid, and not because the road was a minute ago from Horizon to the adjoining property, but rather the road is there to serve the overall development of that second lot, and the extension of that to the property line is frequently required, or almost always required, of any developer to allow for continuity, but from this much of the road, or whatever would serve this, there should be no question, if this is going to be developed."

Councilman Baughman: "Any road, but that doesn't mean it has to be there, does it?"

Councilman Theobold: " . . . and the last 50 feet or 100 feet or whatever, is what we, as a City, should require to insure contiguity and overall sound planning so that we don't have a bunch of developments of nothing but dead-ends, dead-ends, dead-ends everywhere, and no access from one area to another, except going around the loop."

President Shepherd: "Would someone like to entertain a motion?"

Councilman Bennett: "I will move that we deny all of it, and have them start over."

Councilman Bessinger: "I second the motion."

President Shepherd: "It has been moved and seconded that we deny the final plan and final plat for Phase 1 and the ODP for Phase 2."

All those in favor signify by saying AYE."

Bennett and Bessinger voted AYE.

President Shepherd: "All those opposed?"

Councilmembers THEOBOLD, NELSON, MCCURRY, BAUGHMAN and SHEPHERD voted NO.

President Shepherd: "The motion is defeated."

City Clerk Lockhart: "Mayor Shepherd, those who voted against it, would you please hold up your hand? Shall we call roll?"

Roll call resulted in the same as above.

President Shepherd: "Now, would you like to entertain another motion?"

Councilman Bessinger: "To adjourn, perhaps. Why is it that if Tim said that they are willing to give right-of-way across their property, if the people whom you represent would give a right-of-way across their property, what objection is there to that?"

Mr. Krohn: "That's something we really haven't discussed."

Councilman Bessinger: "Oh, you really hadn't discussed this?"

Mr. Krohn: "No, sir."

Councilman Bessinger: "Oh, well that puts it in a different light, doesn't it?"

Mr. Krohn: "Keep in mind one of the things, from my point of view, that we've talked about is the real difficulty of crossing that wash, so we've viewed our property as, more or less, two separate parcels, but legally it's not. But in terms of development, it's two separate areas. And, it has just never been under discussion because our point of view from the beginning has been that we have an extreme difficulty getting from one part of our property to the other. So I won't tell you anything other than it has never been a real subject of discussion."

Councilman Bessinger: "Do you think it has merit?"

Mr. Krohn: "Do I think it has merit?"

Councilman Bessinger: "Yes. Tim, does it have merit? You suggested you were willing to do this, is that right?"

Mr. Foster: "Well, Councilman. It was one of our proposals that they rejected. Our issue was, our understanding was that he wanted a loop through, as the discussion was centered around the circulation, and our contention is 'Gee, we can't get through 12th

Street', so what they really want is a road off of Horizon Drive. That's what we've tried to do. I don't know that . . . unless they're willing to agree to give us . . . "

Councilman Bessinger: "No, I don't think we're in a position to do anything."

Mr. Foster: "It's interesting because . . . because we are in front of you in the planning process there's . . . "

Councilman Bessinger: "Somehow I don't think that's going to be the answer. I think it's got to be immediately resolved some way. I don't know what the way is."

Councilman Baughman: "I've got a question. I thought of this at the time, a month ago, when we were talking about this, and I have been personally on this property. I don't know if this is a possibility. But is it possible with the loop here, that this could be rerouted where it's along the edge where access could be made off of the loop here? Is that possible, or not?"

Councilman Bessinger: "No, I think not."

Mr. Foster: "My engineer is shaking his head."

Councilman Bessinger: "I don't know about that. Well, let me have a shot at it."

Councilman Theobold: "I am formulating a motion. My assistant is helping draft part of it."

Councilman Bessinger: "Have you a solution?"

Councilman Theobold: "I think one may be coming. I'll now when I see it. Okay. The motion would be to approve final plat and final plat for Phase 1, and to approve the revised Outline Development Plan for Phase 2 contingent upon the agreement with the City Attorney on the covenants, which would include the Staff's recommendation on the description of the 32-foot height limit, . . . any suggestions to the motion on the road?"

Councilman Bessinger: "That's the question I asked you a little while ago."

Councilman Theobold: "I know. I expected that something would be forthcoming. It's not coming."

Councilman Bennett: " . . . dedicating an unimproved right-of-way to be recorded at this final. That is exactly what Staff is asking for."

Councilman Theobold: "Where did you get that from?"

Councilman Bennett: "Right here."

Councilman Bessinger: "Staff recommendations."

Councilman Bennett: "'The Staff and adjoining property owners would prefer the dedicated and unimproved right-of-way to be recorded at this time.'"

Councilman Theobald: "Do you want to make that an amendment to the motion?"

Mr. Wilson: "Might I suggest that you consider also the costs of generating the legal description be borne . . . "

President Shepherd: "Do we have the power to do this?"

Mr. Wilson: "Oh, let's wing it. Let's say 'yes.'"

Councilman Bessinger: "You can always add, 'if acceptable to said owner.'"

Councilman Theobald: "Well, if the adjoining landowner refuses to pay, the road just doesn't get dedicated, is that . . . "

Councilman Bessinger: "Sounds like the answer to me."

Councilman Bennett: "I don't care just as long as we get a dedicated road."

Mr. Wilson: "Well, what we just described may not accomplish that result, John. It depends on what Mr. Dalby does."

Councilman Bennett: "If they can get Mr. Dalby to say 'I'll pay for that', wonderful! But before this thing is approved, I'd like to see a dedicated road. And give them another entrance off of Horizon Drive so they would not lose a lot against that recommendation. And I'm not going to go against Staff recommendation a second time."

Councilman Theobald: "How about shared equally, 50-50."

Councilman Bessinger: "I don't think you're in a position to say that."

Councilman Bennett: "I don't care who pays for it as long as it is dedicated and I know where it's at."

Councilman Bessinger: "We could just simply table until said alignment has been agreed upon."

Councilman Nelson: "Reford, I'm not willing to hold out for a legal description."

Mr. Foster: "They aren't going to cover half the cost of all the engineering we think has to be done, and all you're going to do is

get us high-centered. If the Council wants a road through there, we'll do a legal description."

Mr. Wilson: "In other words, you would rather move forward now than get hung up on this issue."

Mr. Foster: "Yes."

Councilman Bessinger: "I think that makes sense."

Mr. Foster: "If the Council is in the business of condemning easements for other property owners, then, yes, we will give you a legal description."

Councilman Theobald: "As Councilman Bennett indicated, this road came up as an idea, and not by Staff recommendation, but by a concession to your interest in Phase 1. They are still tied together by virtue of being the same development and the same parcel, and I can appreciate your reluctance to get involved with the road, but also bear in mind, how it all came about."

Mr. Foster: "We showed the road definitely shows circulation of Staff's request. The road was not put there at our request. We just simply wanted to show . . . , so there's a misunderstanding with respect that I was asking for the road. We did it for circulation purposes only."

Councilman Theobald: "Would you like us to go back to Phase 1 and go through Lot 17? Is that what you're saying? That's what it sounds like you're saying."

President Shepherd: "We have a motion on the floor."

Councilman Theobald: "Is the motion clear?"

President Shepherd: "The motion is that Council approve the final plat and plan for Phase 1, approve the revised Outline Development Plan for Phase 2 with an acceptable dedicated roadway, that Phase 1 Plat and Plan is contingent upon acceptable covenants and height restrictions as approved by the City Attorney and the Community Development Director. Have I missed anything?"

Councilman Bessinger: "Is not the thing contingent upon an agreed upon roadway alignment?"

Mr. Wilson: "No, this motion would say they must simply dedicate a roadway."

Mr. Krohn: "Mr. Mayor, may I ask, is there any stipulation as to location at all?"

Councilman Bennett: "No. It is up to the Fosters. It's their road."

President Shepherd: "Obviously, it is restricted to wetlands requirements, etc., so it won't just go up . . . "

Mr. Krohn: "Well, my concern is we'd not like it aimed at a swamp, or through the deepest part of wetlands."

Mr. Wilson: "If Council were willing, then the Public Works Director is in the business of locating roads, and I'm sure he would be happy to work with Mr. Logue in developing an appropriate location."

President Shepherd: "Now is there a second to the motion?"

Councilman Nelson: "Yes."

President Shepherd: "All those in favor of the motion signify by saying AYE."

All Councilmembers voted AYE.

President Shepherd: "All opposed?"

None.

The following entitled proposed ordinance was read: CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY LOCATED NORTHWEST OF HORIZON DRIVE AND 12TH STREET, KNOWN AS HORIZON GLEN SUBDIVISION. Upon motion by Councilman Theobald, seconded by Councilman McCurry and carried, the proposed ordinance was passed for publication.

ORDINANCES ON FINAL PASSAGE - PROOFS OF PUBLICATION

Proofs of Publication on the following Ordinances proposed for final passage have been received and filed. Copies of the Ordinances proposed for final passage were submitted to the City Council prior to the meeting.

ORDINANCE NO. 2522 - INTERSTATE ANNEXATIONS NO. 1, NO. 2, NO. 3, AND NO. 4 - LOCATED EAST OF 23 ROAD AND SOUTH OF I-70

Upon motion by Councilman Bennett, seconded by Councilman McCurry and carried, the following entitled proposed ordinance was called up for final passage and read by title only: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, WHICH SHALL BE ACCOMPLISHED IN A SERIES.

There were no comments. Upon motion by Councilman Bennett, seconded by Councilman McCurry and carried by roll call vote with Councilman BAUGHMAN voting NO, the Ordinance was passed, adopted, numbered 2522, and ordered published.

ORDINANCE NO. 2523 - AMENDMENTS TO CHAPTER 25, CODE OF ORDINANCES, SEWERS, CONCERNING INDUSTRIAL PRETREATMENT PROGRAM

Presented to the Planning Commission at the February 25, 2020 meeting 6:00pm

Parcel Number 2945-021-13-037 (Exhibit A)

As an owner of property located at 3760 Horizon Glen Court, the parcel referenced above has been the major view of my back yard for over 12 years. During this time, I have enjoyed the beauty of the Colorado mountains, the wild animals and the changes of the seasons. It is unfortunate that construction will take place in this lovely solitude of an area located in the middle of town as many birds, seven fox families and several deer in this area will lose their homes due to this development. Which I have pointed out in my last letter at the previous informational meeting.

However, I have another issue I want you to consider when deciding whether or not to move this parcel of land to a R8 status. This being concerns about traffic and the new school that has come to our neighborhood, Juniper Ridge Community School. Juniper Ridge is located on 615 Community Lane some 2,632 feet from the parcel we are discussing now. (Exhibit B). The main adjoining street is 7th and Horizon Drive with one entry and one exit from the school. There are 382 children registered as of September 9, 2019 meaning...there are approximately 200 additional cars going through Horizon Drive and 7th Street twice a day to take their kids to and from school as there is no bus service available to this school. This puts the additional 32+ cars that could possibly be in proximity of ½ mile from this school zone, thus increased traffic flow.

The National Statistics on School Transportation Safe Routes to School National Partnership (Exhibit C) report shares that each year approximately 800 school-age children are killed in motor vehicle crashes during normal school travel hours. 74% occur in private passenger vehicles. More than half of these deaths overall are due to teenaged siblings taking their sibling to school. As much as 20 to 30% of morning traffic is generated by parents driving their children to schools. We do not want to become a part of this statistic.

In addition, in the Summary Report – School Walking & Bicycling Audits prepared by the Mesa County RTPO on Mesa County Regional Transportation Planning Office, (Exhibit D) Page 12 indicates in Mesa County, Colorado, the Morning and afternoon Travel Mode Comparison that 54 out of 60 use a family vehicle in the morning and 45 out of 60 use the family vehicle in the afternoon bringing their child to school.

Also, please note, according to the Senior Transportation Planner/Engineer Dean Bressler, the traffic counts in the area report Horizon Drive South to 7th (Exhibit E) in 2018 had 12,056 cars go through, 7th St. S Horizon Drive (Exhibit F) had 12,541 cars in 2015 and Horizon Drive East of 7th (Exhibit G) had 8,111 cars in 2015.

It is obvious that there are a lot of cars in the area between the new school and the parcel being discussed today. I hope that the planning committee will review these results before agreeing to increase this area to a R8 zone as there is no doubt that the additional 16 families, possible 32 more cars traveling these routes many times daily would cause additional concern of traffic flow.

Presented to the Planning Commission at the February 25, 2020 meeting 6:00pm

Parcel Number 2945-021-13-037 (Exhibit A)

Page 2

In addition, I would like to point out the concern about the condition of Horizon Drive right outside of the proposed entry way to the Horizon Glen Drive road. (Exhibit H) There is a curve on Horizon Drive that is very difficult to avoid accidents when trying to make a left turn going from Northeast turning North and many accidents have taken place on that turn. People are normally driving over 45+ miles per hour on Horizon Drive and the curve in the street makes it so they cannot stop in time, thus an accident. The proposed entrance of the new Horizon Glen Drive would have the same issue as Horizon Glen Court has and possibly worst as the proposed entrance as it is *after* the curve, a shorter distance of vision of cars and trucks behind them going from Northeast turning North. We have many commercial vehicles that travel that particular route as well.

In closing, the Grand Valley 2045 Regional Transportation Plan Updated Draft reporting (Exhibit I) states "Population growth will impact future transportation needs. More residents will mean more daily commuters on the region's roadways, buses and trails. More consumers will mean more truck traffic delivering goods and services. More traffic will increase the need for safety improvements at busy intersections and upgrades to major interchanges, as well as for shoulders, bike lanes and sidewalks along roadways and routes to school. There are two age groups that will change the most being 0-19 which will become a lower share of the population, while the share of people 65 and over will grow to 25% of residents, up from 19% today." "As the share of the traveling population ages, the region will see new demands on the transportation system. Nearly 40 percent of total population change between now and 2050 is a result of residents 65 and older. As the region's population continues to age, older adults will face increasing transportation challenges." Obviously, more families in this location will increase the amount of traffic currently facing the area being discussed today.

Please consider the impact zoning this property discussed above to an R8 and consider making this impact less to our neighborhood and possibly save lives.

Respectfully submitted.


Lily Fitch



Printer Friendly

Back to Search

Select Other Map

Property Information (Report Date: 1/19/2020)Parcel Number: [2945-021-13-037](#)

Account Number: R052273

Property Use: Residential

Location Address:

Mailing Address: 301 E DAKOTA DR
GRAND JUNCTION, CO 81507Owner Name: FOSTER MARGARET E FAMILY
PARTNERSHIP LLLP

Joint Owner Name:

Neighborhood: Horizon Glen Sub (14.77)

Associated Parcel: N/A

Approx. Latitude: 39.101380

Approx. Longitude: -108.555178

[TAC \(Tax Area Code\) Book](#)[Manufactured Homes Purging Titles/Classifying to Real Property](#)[Real Property Valuation F.A.Q.'s](#)

Date of Aerial Photo: 2019

Legal Description

LOT 17 HORIZON GLEN SUB AS AMENDED SEC 2 1S 1W & AN UND INT IN TRACTS - 2.22AC

Tax Information

Year	Property Code	Improvements (Actual)	Land (Actual)	Total (Actual)	Improvements (Assessed)	Land (Assessed)	Total (Assessed)	TAC Code	Mill Levy/1000	Water Assessment	Property Tax & Water
2019	0100	\$0	\$54,000	\$54,000	\$0	\$15,660	\$15,660	14100	0.0632190	\$0.00	\$990.00
2018	0100	\$0	\$48,000	\$48,000	\$0	\$13,920	\$13,920	14100	0.0693920	\$0.00	\$965.92
2017	0100	\$0	\$48,000	\$48,000	\$0	\$13,920	\$13,920	14100	0.0692570	\$0.00	\$964.04

For tax bill [Click Here](#)**Taxing Authority Detail**

Year	Agency Name	Agency Abbrev.	TAC Code	Mill Levy	Total (Assessed)	Tax Per Agency
2019	CITY OF GRAND JUNCTION	GRJCT	14100	8.0000	\$15,660	\$125.28
2019	COLORADO RIVER WATER CONSERVANCY	COLRW	14100	0.2350	\$15,660	\$3.68
2019	COUNTY - DEVELOP DISABLED	MCCCB	14100	0.2460	\$15,660	\$3.85
2019	COUNTY GENERAL FUND	MCGF	14100	6.1480	\$15,660	\$96.28
2019	COUNTY ROAD & BRIDGE-1/2 LEVY	MCRBS	14100	0.2620	\$15,660	\$4.10
2019	COUNTY TRANSLATOR TV FUND	MCTV	14100	0.0260	\$15,660	\$0.41
2019	GRAND RIVER MOSQUITO CTRL	GRMCD	14100	1.4520	\$15,660	\$22.74
2019	LIBRARY DISTRICT	LIBR	14100	3.0070	\$15,660	\$47.09
2019	MESA CNTY ROAD & BRIDGE-GRAND JCT	GJRB	14100	0.2620	\$15,660	\$4.10
2019	SCHOOL DIST# 51 2006 OVERID	SD51006	14100	2.1010	\$15,660	\$32.90
2019	SCHOOL DIST# 51 2017 OVERRIDE	SD51O_17	14100	3.4140	\$15,660	\$53.46
2019	SCHOOL DIST# 51 BOND	SD51B	14100	9.4310	\$15,660	\$147.69
2019	SCHOOL DIST# 51 GENERAL	SD51	14100	24.3260	\$15,660	\$380.95
2019	SCHOOL DIST# 51 OVERRIDE 96	SD51O	14100	2.6990	\$15,660	\$42.27
2019	SOCIAL SERVICES	MCSS	14100	1.6100	\$15,660	\$25.21
Total Mill:				63.2190	Total Tax:	\$990.00

[Tax Authority Contact Information](#)

Sales & Conveyance Information **

Date	Price	Reception Number (Click for Recorded Document)	Document Type
11/16/2017	\$0.00	2821430	BARGIN_SLE_DEED
8/10/2017	\$0.00	2810315	BARGIN_SLE_DEED
3/27/2008	\$0.00	2431143	Quit Claim Deed
		Search Clerk Records	Document Type Descriptions

** Viewing of recorded documents requires a subscription through the Mesa County Clerk and Records Office.
Click the associated reception number for Grantee and Grantor information via recorded document.

Land Description

Property Use Code	Property Use Type	Units
0100	RESIDENTIAL VACANT LOTS	1
Approximate Acres: 2.23 (Acreage is approximate and should not be used in lieu of Legal Documents)		

No Photos Available

No Sketches Available

There are no Miscellaneous items associated with this record

Historical Information

[Property Card](#)

[History Card](#)

[Building Permits](#)

History Card Page 1

2945-021-13-037

PARCEL NUMBER

14100

T.A.C.

WATER:

1

ACRES: .00

PRIOR PARCEL NUMBER: 2945-021-13-001

SL VENTURES INC

C/O TIM FOSTER

301 E DAKOTA DR

GRAND JUNCTION CO 81507-2586

LOCATION: 00000

LOT 17 HORIZON GLEN SUB AS AMENDED SEC 2 1S 1W & AN UND INT IN TRACTS --
2.22AC

GRANTEE	BOOK	PAGE	DATE	KIND OF INSTRUMENT	REMARKS

(B)

City of Grand Junction



2,632 sq
School to property

Printed: 2/13/2020
1 inch equals 376 feet
Scale: 1:4,514

0.25
mi

0.13

0





National Statistics on School Transportation

School Transportation Costs

- In 2004-05, the most recent year for which statistics are compiled, 55.3% of the 45,625,458 children enrolled in public K-12 schools were bused to school at public expense.
- The United States spends \$17.5 billion per year on school bus transportation at an average cost of \$692 per student transported.¹
- The percentage of children bused has been declining steadily since the mid-1980s, when slightly more than 60% of children were bused. At that time, the average expenditure per student transported was under \$300.²
- In FY2009, approximately \$180 million in federal Safe Routes to School funding will be made available to each state's Department of Transportation to help school districts make it safer for children to walk and bicycle to school.

School Transportation Funding Mechanisms

The majority of states provide some support to local school districts for pupil transportation, but the funding mechanisms vary widely. The primary types of funding include:³

- Five states provide no funding to local jurisdictions to support pupil transportation.
- In nine states, the state provides a lump sum to a school district for pupil transportation, based on the share of the state's pupils the jurisdiction transports.
- Nine states establish a list of the types of expenditures and percentage of expenditures they will reimburse and then provide allocations to each local school district based on expenditures.
- A total of nineteen states set a "unit cost" for each pupil transported or mile driven and allocate funds to a local school district based on their numbers. Ten of these states make adjustments to the formula based on geographic conditions.
- Eight states utilize formulas based on a combination of factors, including pupils transported, miles driven, and geographic disparities, to provide allocations to local school districts.

Cuts in School Budgets Affect School Transportation

- During the summer of 2008, rising fuel costs had a significant impact on the availability of school buses. According to a survey of school superintendents, one-third of school districts consolidated bus routes to conserve costs, and another third were considering eliminating bus routes or bus stops close to school.⁴
- While fuel costs have since dropped significantly, school districts are facing new financial challenges due to a worsening economy and state budget crises. As a result, at least 20 states have implemented or proposed budget cuts to K-12 education, including cuts in state per-pupil funding and education grants to local school districts.⁵
- Based on the average per-pupil expense and the average number of children per bus, a school district saves an estimated \$37,000 per school year by eliminating one bus route.

Replacing School Buses with Parent and Teen Vehicles

If students who lose access to school buses are instead driven by parents or older, teenaged siblings, there will be negative impacts on safety, traffic, health, and the environment.

- The average school bus transports 54 student passengers, replacing approximately 36 family vehicles.⁶
- Each parent that replaces a bus ride with driving their child to school uses approximately 180 additional gallons of fuel per year, spends an additional \$663 on fuel, and puts 3600 miles on their car.⁷
- Each year, approximately 800 school-age children are killed in motor vehicle crashes during normal school travel hours. About 2% of these deaths occur on school buses, while 74% occur in private passenger vehicles. Approximately 22% are bicycle or pedestrian accidents. More than half of these deaths overall are due to a teen driver.⁸
- As much as 20 to 30% of morning traffic is generated by parents driving their children to schools.⁹
- Pedestrians are more than twice as likely to be struck by a vehicle in locations without sidewalks.¹⁰
- Children exposed to traffic pollution are more likely to have asthma, permanent lung deficits, and a higher risk of heart and lung problems as adults.¹¹ One-third of schools in "air pollution danger zones" due to proximity to high-traffic areas.¹²

Increasing Walking and Bicycling to School

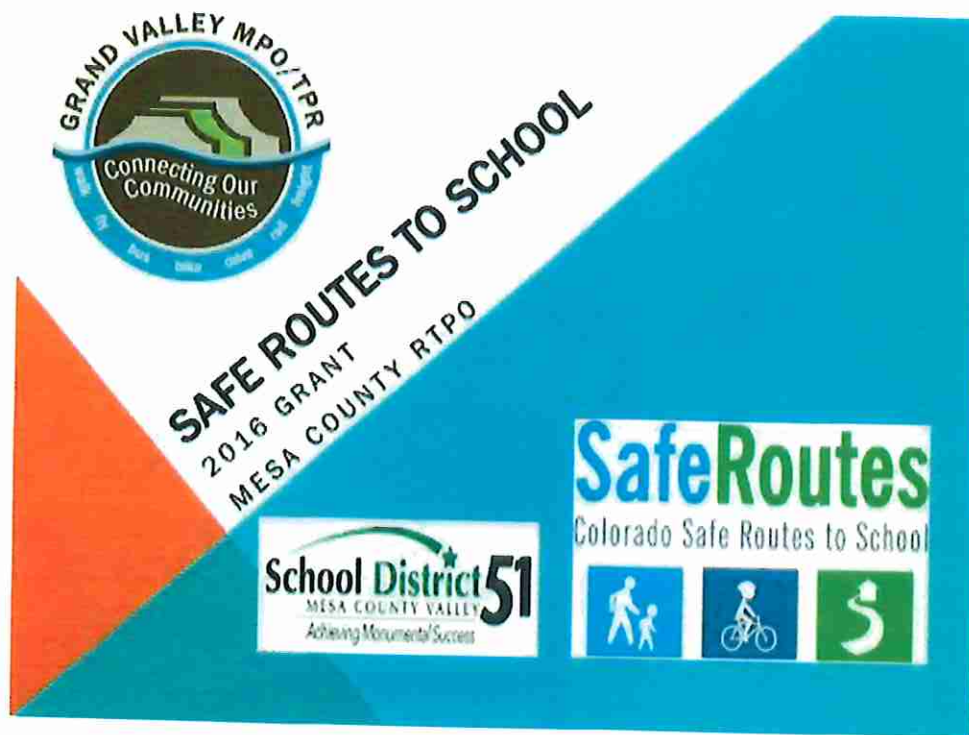
If the transition from school buses to walking and bicycling is done in a thoughtful, deliberate way through a Safe Routes to School initiative, many of the negatives impacts of increased car trips to school can be alleviated:

- A California study showed that schools that received infrastructure improvements through the Safe Routes to School program yielded walking and bicycling increases that were often in the range of 20 percent to 200 percent.¹³
- A safety analysis by the California Department of Transportation estimated that the safety benefit of the Safe Routes to School program was up to a 49 percent decrease in the childhood bicycle and pedestrian collision rates.¹⁴
- Kids are less active today, and 23% of children get no free time physical activity at all.¹⁵ Approximately 25 million children and adolescents—more than 33%—are now overweight or obese or at risk of becoming so.¹⁶ Walking one mile to and from school each day generates two-thirds of the recommended sixty minutes of physical activity a day. Plus, children who walk to school have higher levels of physical activity throughout the day.¹⁷
- Schools that are designed so children can walk and bicycle have measurably better air quality.¹⁸
- Returning to 1969 levels of walking and bicycling to school¹⁹ would save 3.2 billion vehicle miles, 1.5 million tons of carbon dioxide and 89,000 tons of other pollutants—equal to keeping more than 250,000 cars off the road for a year.²⁰

References

- ¹ "Digest of Education Statistics, 2007." U.S. Department of Education, National Center for Education Statistics, 2008.
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- ² "Digest of Education Statistics, 2007." U.S. Department of Education, National Center for Education Statistics, 2008.
http://nces.ed.gov/programs/digest/d07/tables/dt07_176.asp?referrer=list
- ³ "State Funding Approaches for Pupil Transportation: An Overview." State of Washington Office of Financial Management, February 2008.
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- ⁴ "AASA Fuel and Energy Snapshot Survey." American Association of School Administrators, July 2008.
<http://www.aasa.org/newsroom/pressdetail.cfm?itemNumber=10637>
- ⁵ "Facing Deficits, Most States are Imposing Cuts that Hurt Vulnerable Residents." Center on Budget and Policy Priorities, December 2008.
<http://www.cbpp.org/3-13-08sfp.pdf>
- ⁶ "School Bus Safety Overview." School Transportation News, http://www.stnonline.com/stn/data_statistics/safetyoverview/index.htm
- ⁷ "National School Bus Fuel Data." American School Bus Council, <http://www.americanschoolbuscouncil.org/index.php?page=fuel-calculator>
- ⁸ "The Relative Risks of School Travel: A National Perspective and Guidance for Local Community Risk Assessment." Transportation Research Board Special Report 269, http://www.nap.edu/catalog.php?record_id=10409
- ⁹ Dubay A. "See Dick and Jane Sit in Traffic," The Press Democrat, September 7, 2003 cited in Travel and Environmental Implications of School Siting. US Environmental Protection Agency EPA 231-R-03-004. October 2003. Available at www.epa.gov/smartgrowth/pdf/school_travel.pdf.
- ¹⁰ R. Knoblauch, B. Tustin, S. Smith, and M. Pietrucha. "Investigation of Exposure-Based Pedestrian Accident Areas: Crosswalks, Sidewalks, Local Streets, and Major Arterials." Washington DC: US Dept of Transportation; 1987.
- ¹¹ Gauderman, W. J., E. Avol, F. Lurmann, N. Kuenzli, F. Gilliland, J. Peters and R. McConnell, "Childhood Asthma and Exposure to Traffic and Nitrogen Dioxide," *Epidemiology*, Volume 16, No. 6, November 2005. AND
- ¹² Gauderman, W.J., H. Vora, R. McConnell, K. Berhane, F. Gilliland, D. Thomas, F. Lurmann, E. Avol, N. Kunzli, M. Jerrett, and J. Peters, "Effect of exposure to traffic on lung development from 10 to 18 years of age: a cohort study," *The Lancet*, Volume 368, February 2007.
- ¹³ Appatova, A. S., Ryan, P., LeMasters, G., Grinshpun, S. "Proximal exposure of public schools and students to major roadways: a nationwide US survey," *Journal of Environmental Planning and Management*, Volume 51, Issue 5, 2008.
- ¹⁴ Marla R. Orenstein, Nicolas Gutierrez, Thomas M. Rice, Jill F. Cooper, and David R. Ragland, "Safe Routes to School Safety and Mobility Analysis" (April 1, 2007). UC Berkeley Traffic Safety Center. Paper UCB-TSC-RR-2007-1. <http://repositories.cdlib.org/its/tsc/UCB-TSC-RR-2007-1>
- ¹⁵ Marla R. Orenstein, Nicolas Gutierrez, Thomas M. Rice, Jill F. Cooper, and David R. Ragland, "Safe Routes to School Safety and Mobility Analysis" (April 1, 2007). UC Berkeley Traffic Safety Center. Paper UCB-TSC-RR-2007-1. <http://repositories.cdlib.org/its/tsc/UCB-TSC-RR-2007-1>
- ¹⁶ "Physical activity levels among children aged 9-13 years—United States, 2002." *Morbidity and Mortality Weekly Report* 2003; 52[33]:785-8.
- ¹⁷ Ogden, C.L. et al., "Prevalence of Overweight and Obesity in the United States, 1999-2004." *Journal of the American Medical Association*, 295, no. 13 (2006). Available at <http://jama.ama-assn.org/cgi/content/full/295/13/1549#JOC60036T2>.
- ¹⁸ Alexander et al., The broader impact of walking to school among adolescents. *BMJonline*. AND
- ¹⁹ Cooper et al., Commuting to school: Are children who walk more physically active? *American Journal of Preventative Medicine* 2003; 25 (4)
- ²⁰ US EPA. Travel and Environmental Implications of School Siting, October 2003. Available at www.smartgrowth.umd.edu/pdf/SchoolLocationReport.pdf.
- ²¹ McDonald, N. "Active Transportation to School: Trends among U.S. Schoolchildren, 1969-2001," *American Journal of Preventive Medicine*, Volume 32, Number 6, June 2007.
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Summary Report – School Walking & Bicycling Audits



**Mesa County Regional Transportation
Planning Office**

When asked how much the child's school encourages or discourages walking or bicycling to school, the survey indicated 69% of parents thought schools did neither.

Parents' opinions about how much their child's school encourages or discourages walking and biking to/from school

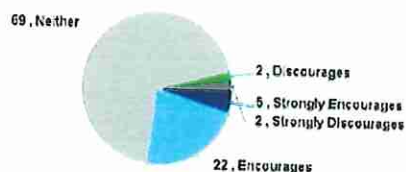


FIGURE 5: PARENTS' VIEW OF ENCOURAGEMENT.

Parents' opinions about how healthy walking and biking to/from school is for their child

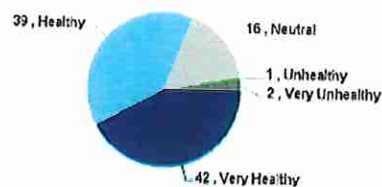


FIGURE 6: PARENTS SEE WALKING AS HEALTHY.

Parents overwhelmingly indicated, however, they believed walking or bicycling to school is healthy or very healthy.

The class tallies for 13 schools offers an overview of the travel modes for students arriving and departing from school in Figure 7. The combination includes both elementary and middle schools. Each of the eight middle schools has been provided with Grand Valley Transit passes to allow students to utilize the transit system. The graph indicates only 1% of students in the survey used the transit system. Providing passes and information on how to use the system may encourage additional use.

Morning and Afternoon Travel Mode Comparison

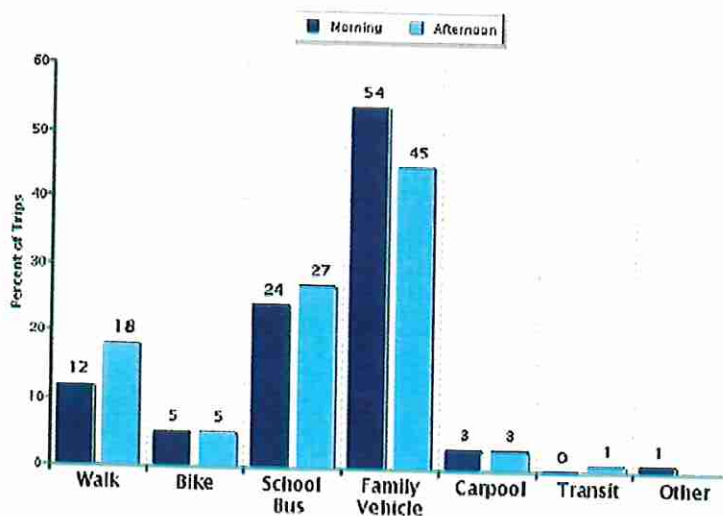
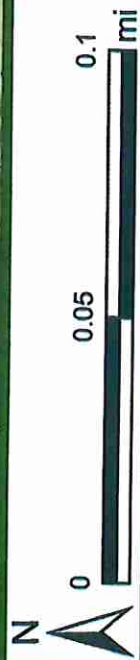
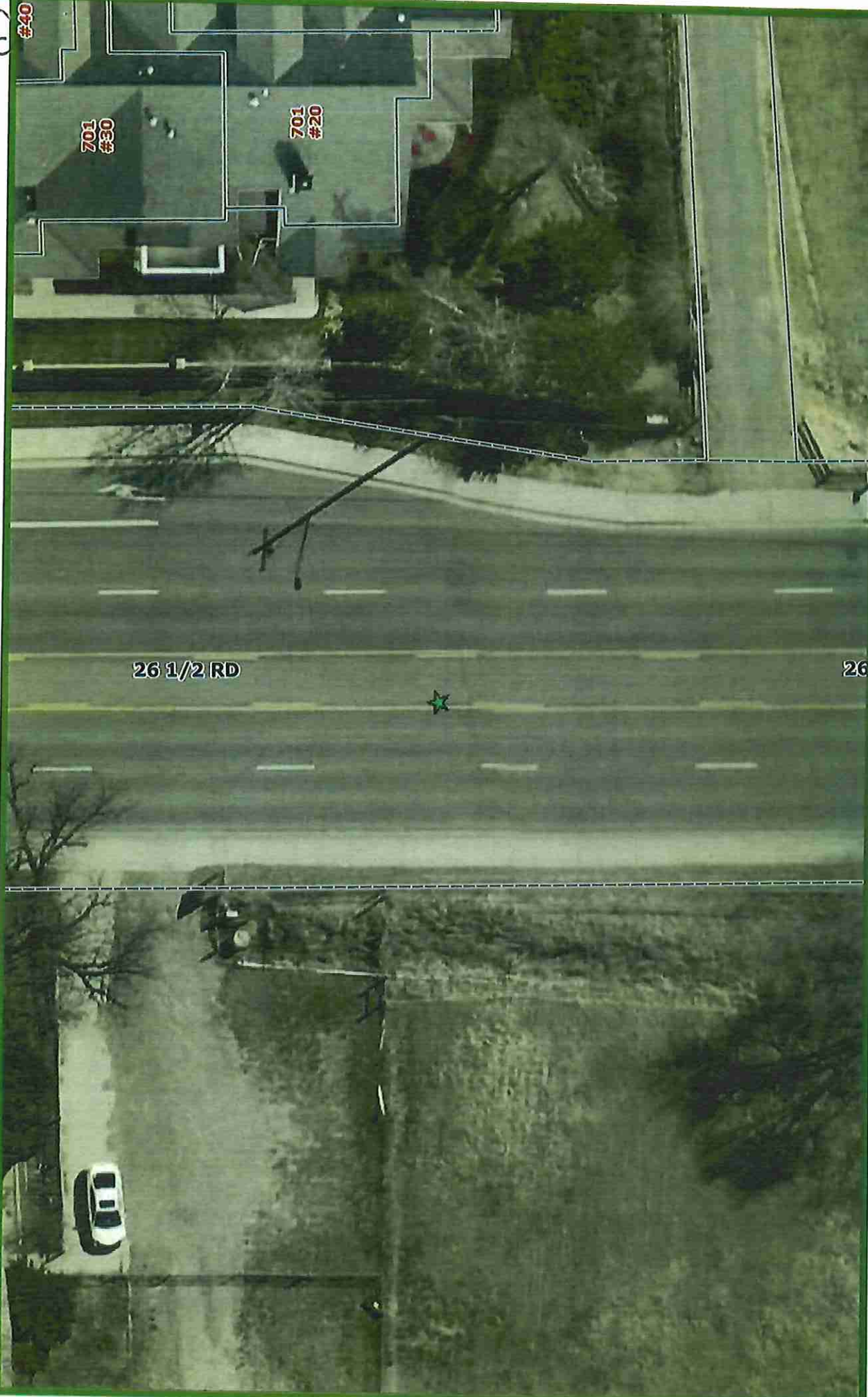


FIGURE 7: COMBINED TOTALS FROM 13 SCHOOLS ON TRAVEL MODES.

Horizon Drive by 7th City of Grand Junction 2018 12,056 county (E)



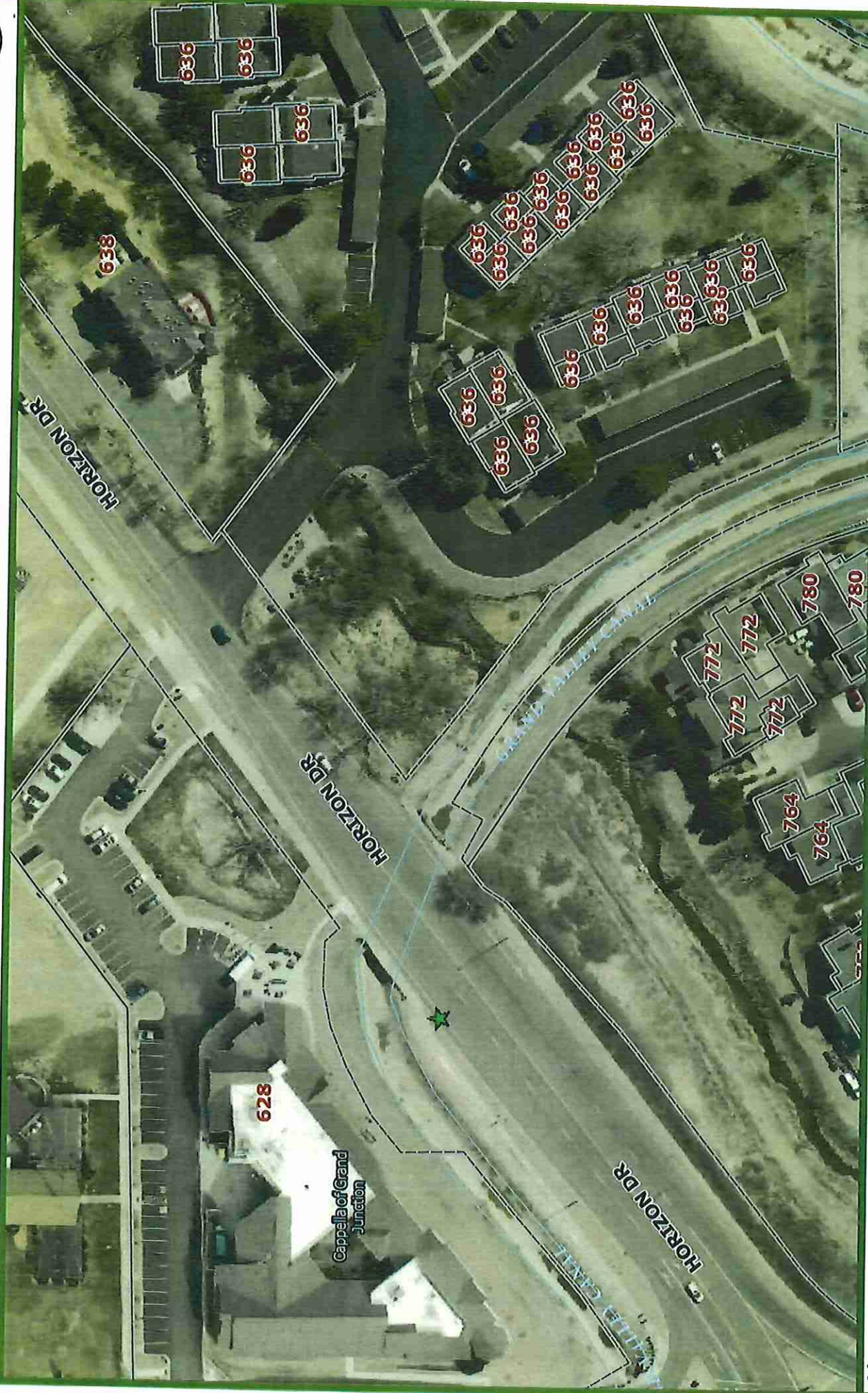
7th St + S Horizon Dr. City of Grand Junction 2015 12,541 counts (F)



2015 - 8,111 counts

City of Grand Junction Horizon Dr E of 7th

©



Printed: 2/14/2020

1 inch equals 94 feet

Scale: 1:1,128

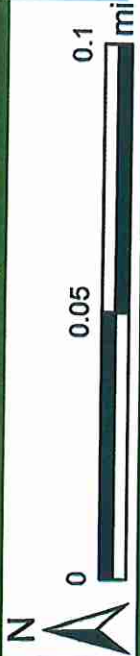
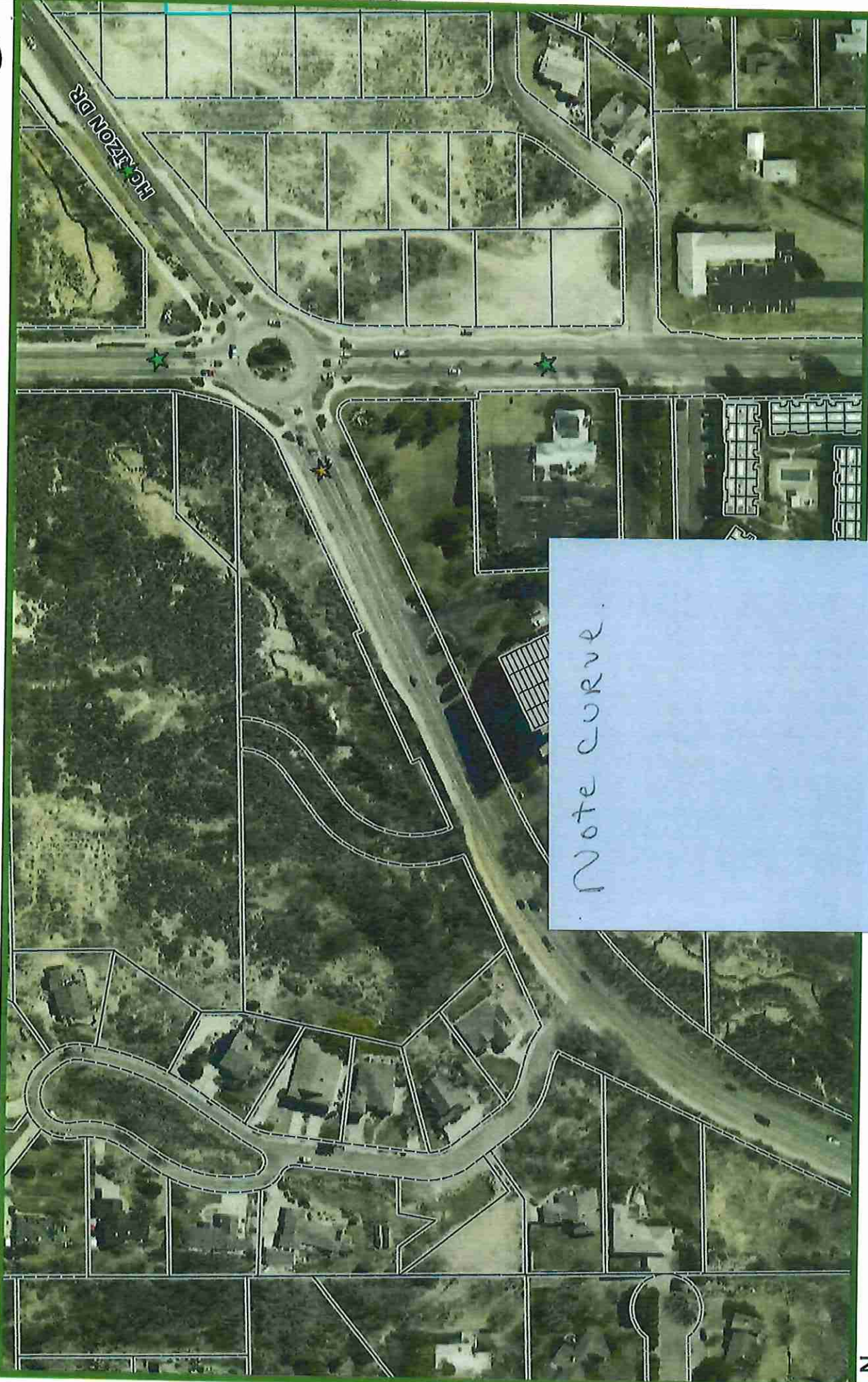
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City of Grand Junction

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Grand Valley

2045 REGIONAL TRANSPORTATION PLAN UPDATE

GRAND VALLEY 2045 REGIONAL TRANSPORTATION PLAN UPDATE

Draft Report February 2020

PREPARED BY

PREPARED FOR

FEHR & PEERS

518 17th Street
Denver, CO 80202



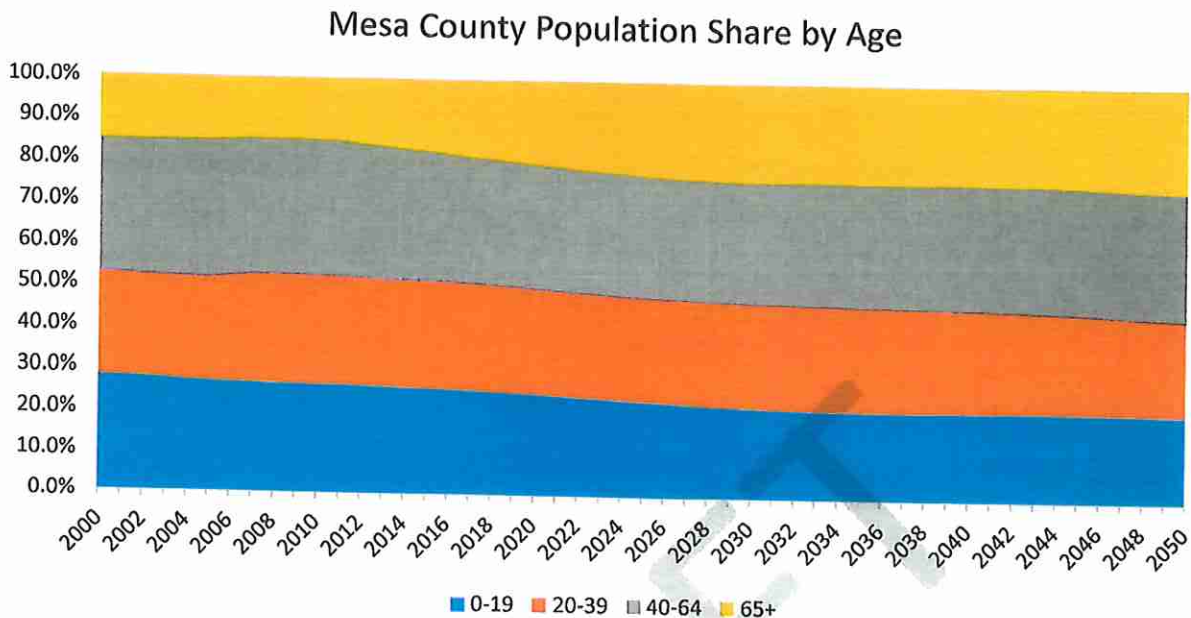


Figure 4.6: Share of Population by Age (2000 to 2050)

As the share of the traveling population ages, the region will see new demands on the transportation system – from larger signage, to more safety improvements, to additional transportation choices. Nearly 40 percent of total population change between now and 2050 is a result of residents 65 and older. As the region’s population continues to age, older adults will face increasing transportation challenges.

Population growth within the region may also be viewed in terms of the distribution of residents – or persons per square mile. All communities in Mesa County are expected to experience additional growth, development and build out to accommodate the anticipated 80,000 new residents by 2050. The majority of that growth is projected to occur in existing urban areas – particularly within Grand Junction, Fruita, Clifton and Palisade.

Unincorporated areas of the County, other municipalities such as DeBeque and Collbran and suburban areas such as the Redlands will continue to experience growth, but to a lesser extent and in less densely developed areas. Population growth in outlying areas will increase demand for the regional transportation system to connect communities and provide corridors for commuting and recreational travel. Growth in urban areas will increase demands for active transportation options, transit routes and road projects that improve safety and efficiency or reduce congestion.

Economic Trends

Mesa County’s economy is predominately based in service industries. Employment is concentrated in health care, retail, accommodation, education and public administration industries. This reflects the region’s status as the major health and educational center for Western Colorado and surrounding states, as a hub of shopping and services for the Western Slope and as Colorado’s western gateway and

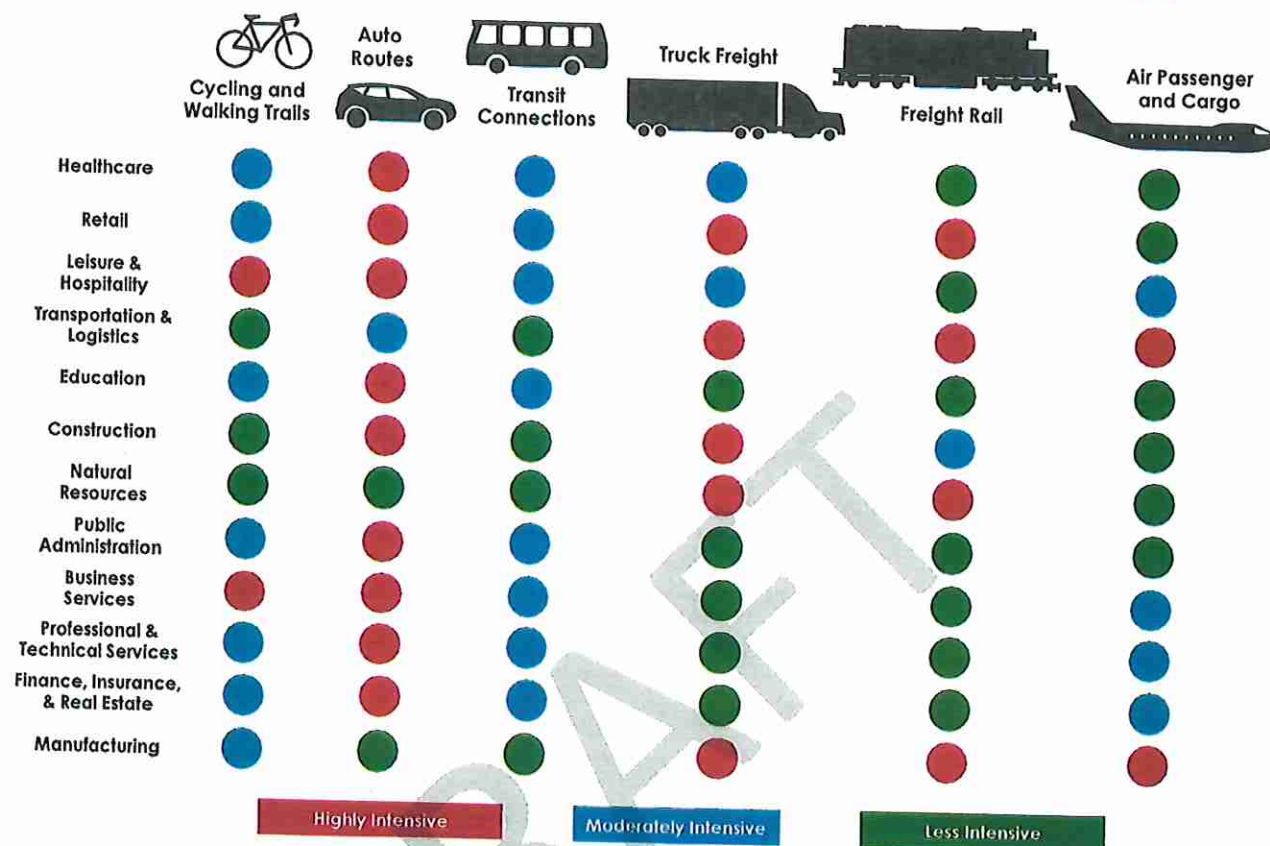


Figure 4.10: Transportation Demands by Industry

While employment is rising, wages are not witnessing the same increase. **Figure 4.11: Mesa County Wages by Industry** shows the breakdown of wages by industry for Mesa County workers in 2018. Half of all County workers have low-wage jobs while 21% are in high-income roles. This has implications for travel patterns because higher income workers tend to make more discretionary trips and be less reliant on transit service.



Citizen Comments

City of Grand Junction

Submitted On:
April 1st, 2020 @ 4:49pm

City Council Meeting Citizen Comment for April 1, 2020

Full Name	Lily Fitch
Your Comments:	I have previously notified City Planning of the concerns I have with regard to the traffic on Horizon Drive with the new school being only 1/2 a mile from the proposed development of parcel 2945-021-13-037. The increase of traffic and potential accidents due to the curve on Horizon Drive, see my letter dated February 25, 2020 page -2- paragraph one, is of major concern to me. This is a highly dangerous location for access to this particular property. You cannot see around the curve and there are quite a few trucks that use Horizon Drive as their access location. Also the concerns on developing that location and the houses located below 3760 Horizon Glen Court that have water issues already and how developing this area will affect them. This area is obviously jurisdictional wetlands as the Corps of Engineers indicated on September 27, 1996 on the adjacent property. We are requesting a formal determination be required to assure the impact to Wetland and Waters of the United States are considered as well as additional wetland permitting completed prior to any development taking place. Please take these items into consideration as you meet today. We disagree that we can not be present at this meeting to share our concerns and ask you to table this item of business due to the coronavirus. Respectfully submitted... Lily R. Fitch 3760 Horizon Glen Court Grand Junction, Co. 81506
Phone Number - Please include if you would like to receive a call back regarding your comments.	970-250-6966

NATURETECH CONSULTANT SERVICES CORP.

TO: LILY FITCH
FROM: DR. MICHAEL J. VILLA
SUBJECT: COMMENTS REGARDING CONCEPTUAL DESIGN SUBMITTAL FOR
DATE: 12/10/2019

Lily, per the request of your Homeowners Association (HOA) to review the proposed conceptual design of the subject parcel known as "Parcel No 2945-021-13-037 (Horizon Glen Sub (14.77)). The subject parcel is a 2.22-acre parcel of land located near Horizon Drive and Horizon Glen Court. The subject parcel will be accessed from Horizon Drive and located on a future planned road known as Horizon Glen Drive. The subject parcel is currently vacant but is being considered for rezoning from Planned Development (PD) to (R-8) zoning. Per your request to review the potential environmental impacts associated with a conceptual design of a Planned Development at the site on the environmental resources in the area, I offer the following comments and analysis. The analysis of the site is based on the following information.

- Documentation provided to me by your association
- Aerial photography from the City of Grand Junction GIS Community Development Map
- Mesa County GIS Map
- United States Fish and Wildlife (USFWS)– National Wetland Inventory Map (NWI)
- Phone Conversation with United States Army Corps of Engineers (USACE) Acting Office Chief, Grand Junction – Travis Morse
- United States Bureau of Land Management (BLM)Map for Grand Junction Resource Area.
- My personal familiarity with the area in completing nearly 30 years of land use review in and near the area.

I offer the following specific comments as the relate to the potential environmental constraints currently existing at the subject property.

USFWS/USACE Concerns:

The subject parcel, shown in Figure 1, while not being formally mapped within the extent of the current NWI map, logically forms a connection with the existing NWI mapping (Figure 2). In addition, in 1996, Lot 18 Parcel No. 2945-021-13-038 (Figure 2) a formal "Jurisdictional Determination" was completed by Randy Snyder of the USACE and documented under PM No. 199675444. The wetlands identified as a result of that effort are supported hydrologically through both surficial and subsurface connections via unnamed tributaries to Leach Creek (Figure 3). In addition, the confluence of a larger unnamed tributary and Leach Creek are located immediately proximal to the intersection of Horizon Drive and Horizon Glen Court (Figure 4). Any development application contemplating disturbance of this site will require consultation with the USFWS by proxy through the USACE with respect to the "Clean Water Act".

Based on my review of the current mapping, data provided by you of the adjacent property and understanding of the watershed connectivity in the area, additional wetland permitting by the applicant will likely be necessary. Impacts to the wetland resource may be significant on the site as it appears the parcel is significantly constrained by the extent of wetlands in the area. The amount of impact will dictate the level of permitting required for any development application.

Prior to formal planning of the site, a jurisdictional determination should be required to assure that impacts to Wetland and Waters of the United States (WOTUS) are considered. This will help with the development application process, because impact avoidance and minimization are a necessary component of the wetland permitting process.

As you are probably aware, any development application will also need to be reviewed with respect to the wildlife resource that exists on the site. The Colorado Division of Wildlife is tasked with the administration of both game and non-game species within the state. As such, they should be contacted to provide comment regarding the significance of maintaining movement corridors for wildlife species within the urban context. Living in the area, you have shown me in photos and told me stories of the wildlife that use the area. Open spaces within the context of urban environments are important habitat for wildlife that use them. With any development application, robust, mitigation measures specific to wildlife concerns should be developed. This should be done in order to minimize impacts to the wildlife resources that currently exist at the site. Design criteria such as density, fencing, landscaping, lighting, noxious weed plan, and nuisance wildlife measures should be incorporated in any planning effort. A general site plan with proposed features as well as improvements, construction documents and planting plans so that potential wildlife impacts can be considered is also advised.

These comments provide a general overview of the potential effects to natural resources in the area. Until a more detailed plan is proposed it is difficult to quantify the extent of the potential impacts that may occur as a result of implementation of that plan. Please let me know if you have additional questions regarding these comments.

Sincerely,

Dr. Michael J. Villa

NatureTech Consultant Services Corp.

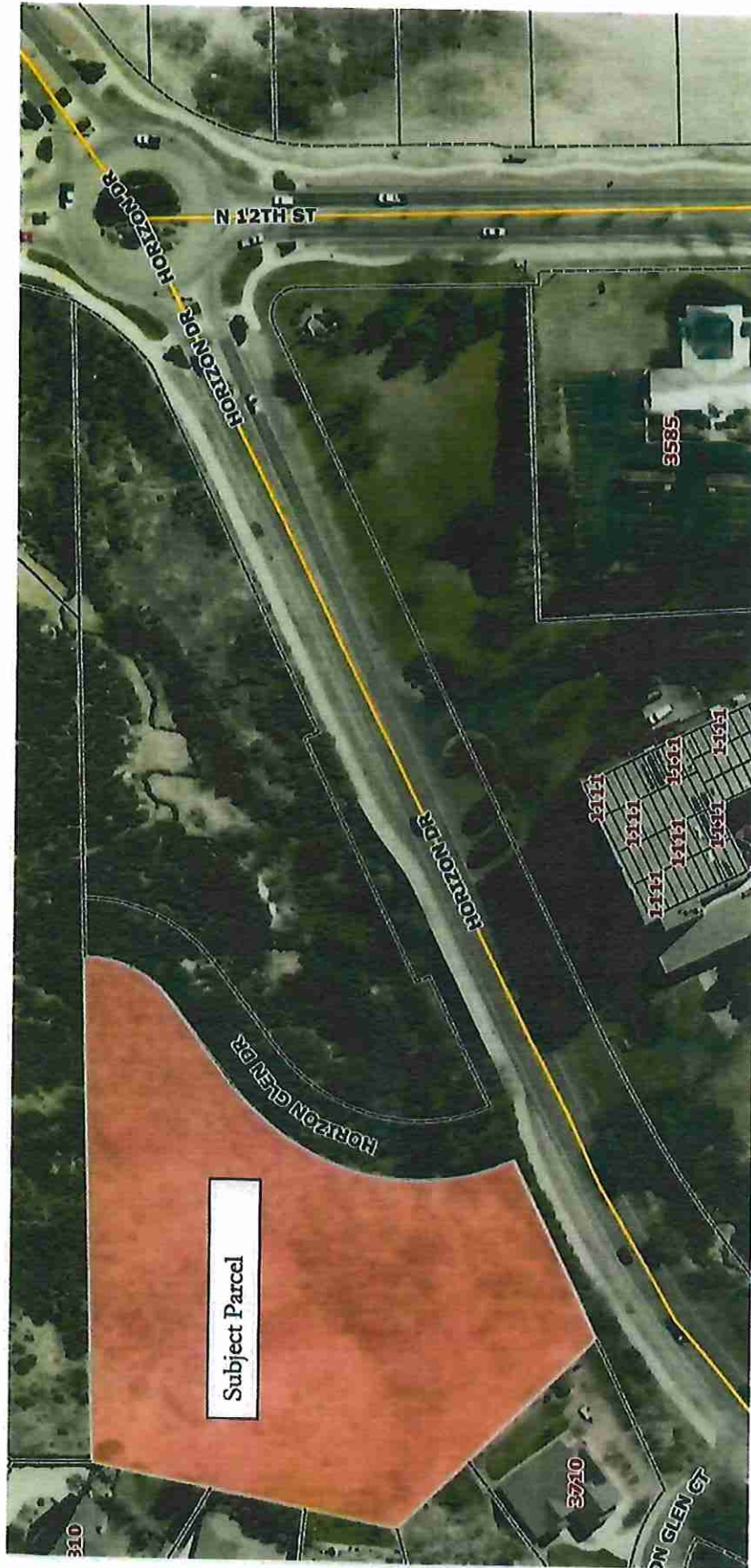


Figure 1. Subject Parcel 2945-021-13-037 – Lot 17. Horizon Glen Subdivision
City of Grand Junction GIS Mapping

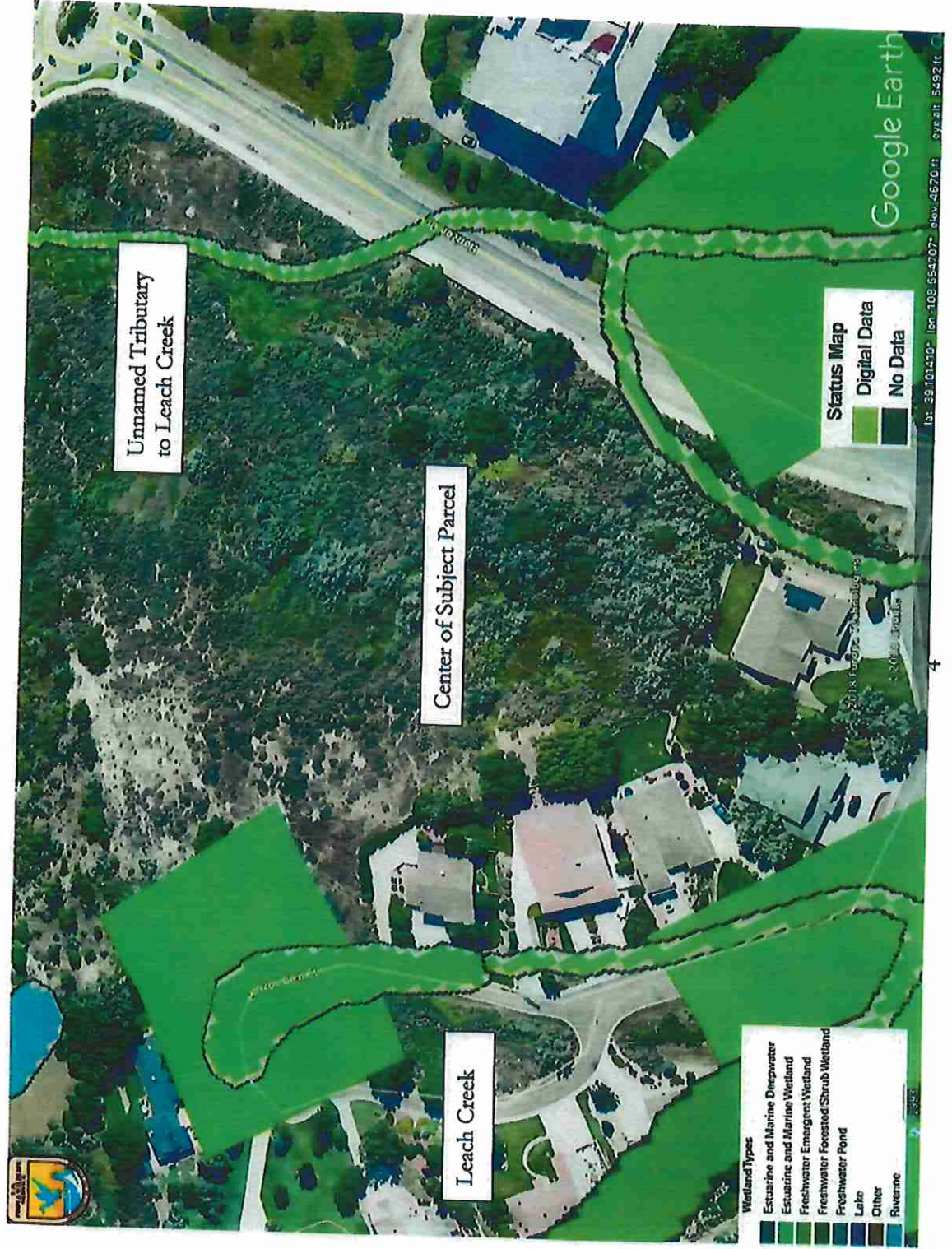


Figure 2. National Wetlands Inventory Map

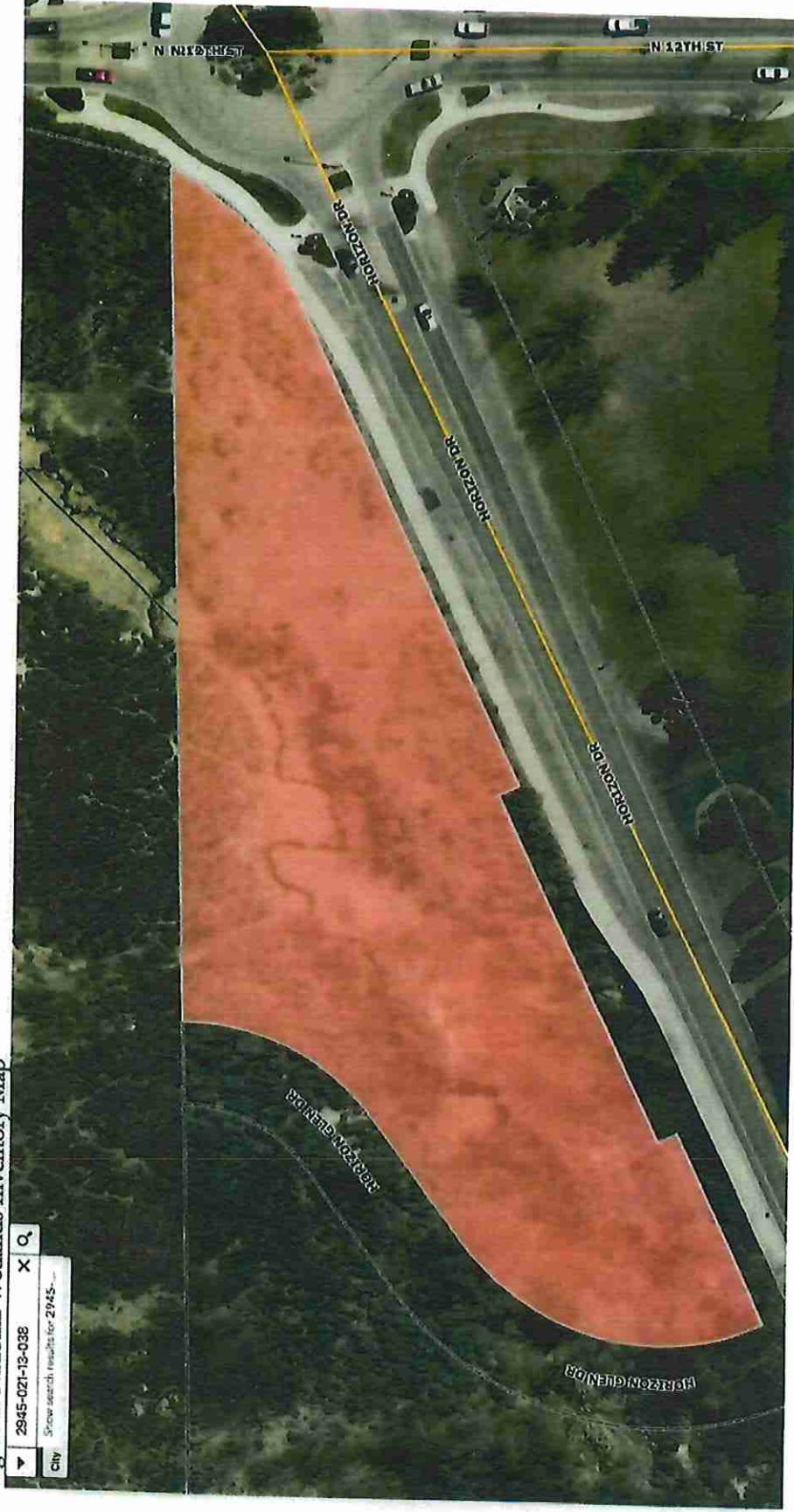


Figure 3. Lot 18 Horizon Glen Subdivision (USACE 199675444)
City of Grand Junction GIS Mapping

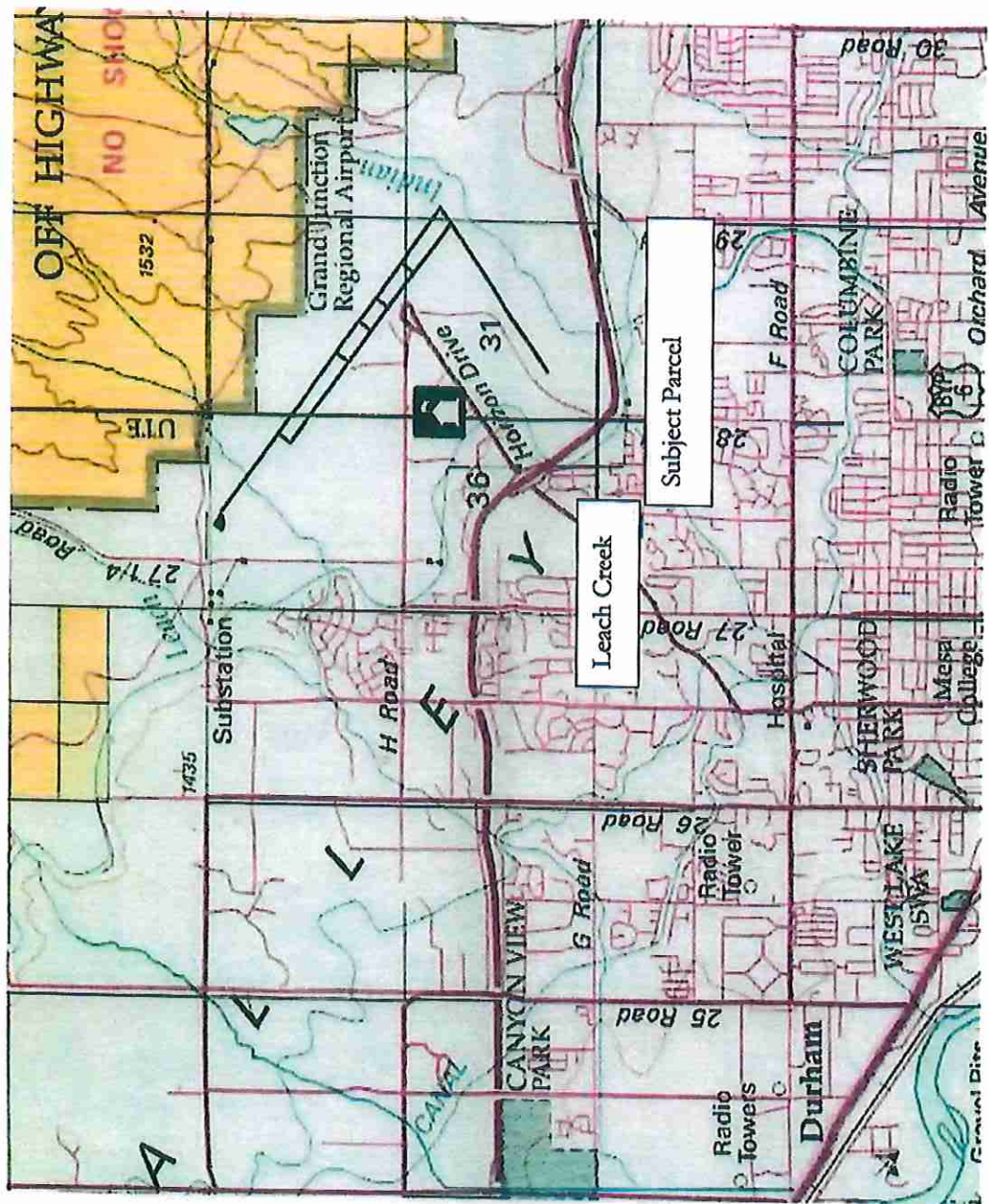


Figure 4. BLM Resource Area Mapping

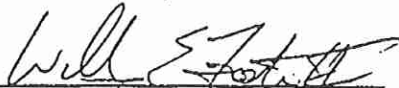
BOOK 1864 PAGE 670

1585578 03:05 PM 11/06/91
MONIKA TODD CLK&REC MESA COUNTY CO

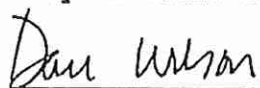
NOTICE

Lots 17 & 18 of Horizon Glen Subdivision, The Plat of which is recorded in Plat Book 111, at page 23, 24-25, of the records of the Mesa County Clerk and Recorder is in process of a Planned Unit Development Review by the Grand Junction Community Development Department.

S L Ventures, Inc.


BY: William E. Foster, II
President

City of Grand Junction


BY
CITY ATTORNEY

BOOK 1864 PAGE 671

DEVELOPMENT IMPROVEMENTS AGREEMENT

1585579 03:05 PM 11/06/91

MONIKA TODD CLK&REC MESA COUNTY CO

1. Parties: The parties to this Development Improvements Agreement ("the Agreement") are SL VENTURES, INC., ("the Developer") and THE CITY OF GRAND JUNCTION, Colorado ("the City").

THEREFORE, for valuable consideration, the receipt and adequacy of which is acknowledged, the Parties agree as follows:

2. Effective Date: The Effective Date of the Agreement will be the date that this Agreement is recorded which is not sooner than recordation of the first final plat for Horizon Glen Subdivision.

RECITALS

The Developer seeks permission to develop property within the City to be known as Horizon Glen ("the Subdivision"), which property is more particularly described on Exhibit "A" attached and incorporated by this reference ("the Property"). The City seeks to protect the health, safety and general welfare of the community by requiring the completion of various improvements in the Subdivision and limiting the harmful effects of substandard subdivisions. The purpose of this Agreement is to protect the City from the cost of completing subdivision improvements itself and is not executed for the benefit of materialmen, laborers, or others providing work, services or material to the Subdivision or for the benefit of lot or home buyers in the Subdivision. The mutual promises, covenants, and obligations contained in this Agreement are authorized by state law, the Colorado Constitution and the City's land development ordinances. The Developer's obligation to complete the improvements will be independent of any obligations of the City contained herein.

DEVELOPER'S OBLIGATION

3. Improvements: The Developer will design, construct and install, at its own expense, those on-site and off-site subdivision improvements listed on Exhibit "B" attached and incorporated by this reference. The Developer agrees to pay the City for inspection services performed by the City, in addition to amounts shown on Exhibit B. The city estimates that ~~NOT MORE THAN \$50,000~~ will be required for City inspection of the required improvements. *Handwritten: less 7.5% extra*

4. Security: To secure the performance of its obligations under this Agreement (except its obligations for warranty under paragraph 6), the Developer will enter into an agreement which complies with either option identified in paragraph 24.

5. Standards: The Developer will construct the Improvements according to the standards and specifications as adopted by the City as of the date of final plat recordation.

BOOK 1864 PAGE 672

6. **Warranty:** The Developer warrants that the Improvements, each and every one of them, will be free from defects for a period of twelve (12) months from the date that the City Engineer accepts or approves the improvements completed by the Developer.

7. **Commencement and Completion Periods:** The improvements, each and every one of them, will be completed within twenty-four months from the Effective Date of this Agreement (the "Completion Period").

8. **Compliance with Law:** The developer will comply with all relevant federal, state and local laws, ordinances, and regulations in effect at the time of final subdivision plat approval when fulfilling its obligations under this Agreement.

9. **Notice of Defect:** The Developer's Engineer will provide timely notice to the Developer, contractor, issuer of security and the City Engineer whenever inspection reveals, or the Developer's Engineer otherwise has knowledge, that an improvement does not conform to City standards and any specifications approved in the development application.

10. **Acceptance of Improvements:** The City's final acceptance and/or approval of improvements will not be given or obtained until Developer presents a document or documents, for the benefit of the City, showing that the Developer owns the improvements in fee simple and that there are no liens or other restrictions on the improvements. For purpose of this Agreement, mechanic's lien waivers from all contractors and subcontractors working on or supplying materials for the benefit of improvements to the subdivision will suffice.

Approval and/or acceptance of any improvements does not constitute a waiver by the City of any rights it may have pursuant to paragraph 6 hereinabove on account of any defect in or failure of the improvement that is detected or which occurs after the approval and/or acceptance.

11. **Use of Proceeds:** The City will use funds deposited with it or drawn under the bank disbursement agreement entered into between the parties only for the purpose of completing the Improvements or correcting defects in or failure of the Improvements.

12. **Events of Default:** The following conditions, occurrences or actions will constitute a default by the Developer during the Completion Period:

- a. Developer's failure to complete each portion of the Improvements in conformance with the agreed upon time schedule; the City may not declare a default until a fourteen calendar day notice has been given to the Developer and the Developer has failed or refused to

BOOK 1864 PAGE 673

take substantial steps to correct whatever deficiency the City has notified the Developer about;

- b. Developer's failure to demonstrate reasonable intent to correct defective construction of any improvement within the applicable correction period; the City may not declare a default until a fourteen calendar day notice has been given to the Developer;
- c. Developer's insolvency, the appointment of a receiver for the Developer or the filing of a voluntary or involuntary petition in bankruptcy respecting the Developer; in such event City may immediately declare a default without prior notification to Developer.

13. Measure of Damages: The measure of damages for breach of this Agreement by Developer will be the reasonable cost of satisfactorily completing the Improvements. However, neither that amount nor the amount of a letter of credit, the subdivision improvements disbursement agreement or cash escrow establish the maximum amount of the Developer's liability. For improvements upon which construction has not begun, the estimated costs of the Improvements as shown on Exhibit "B" will be prima facie evidence of the cost of completion.

14. No Waiver: No waiver of any provision of this Agreement by the City will be deemed or constitute a waiver of any other provision, nor will it be deemed or constitute a continuing waiver unless expressly provided for by a written amendment to this Agreement signed by both City and Developer; nor will the waiver of any default under this Agreement be deemed a waiver of any subsequent default or defaults of the same type. The City's failure to exercise any right under this Agreement will not constitute the approval of any wrongful act by the Developer or the acceptance of any improvement.

15. Amendment or Modification: The parties to this Agreement may amend or modify this Agreement only by written instrument executed on behalf of the City by the City Manager or his designee and on behalf of the Developer by its authorized officer. Such amendment or modification will be properly notarized before it may be effective.

16. Attorney's Fees: Should either party be required to resort to litigation to enforce the terms of this Agreement, the prevailing party, plaintiff or defendant, will be entitled to costs, including reasonable attorney's fees and expert witness fees, from the opposing party. If the court awards relief to both parties, the attorney's fees may be equitably divided between the parties by the decision maker.

17. Vested Rights: The City does not warrant by this Agreement that the Developer is entitled to any other approval(s)

BOOK 1864 PAGE 674

required by the City, if any, before the Developer is entitled to commence development of the Subdivision or to transfer ownership of property in the Subdivision.

18. Third Party Rights: No person or entity who or which is not a party to this Agreement will have any right of action under this Agreement.

19. Time: For the purpose of computing the Abandonment and Completion Periods, and time periods for City action, such times in which war, civil disasters, or acts of God occur or exist will not be included if such times prevent the Developer or City from performing its obligations under the Agreement.

20. Severability: If any part, term, or provision of this Agreement is held by the courts to be illegal or otherwise unenforceable, such illegality or unenforceability will not affect the validity of any other part, term, or provision and the rights of the parties will be construed as if the part, term, or provision was never part of the Agreement.

21. Notice: Any notice required or permitted by this Agreement will be deemed effective when personally delivered in writing or three (3) days after notice is deposited with the U.S. Postal Service postage prepaid, certified, and return receipt requested, and addressed as follows:

If to Developer: SL Ventures, Inc.
Timothy E. Foster
422 White Avenue, Suite 323
Grand Junction, CO 81501

SL Ventures, Inc.
William E. Foster II
101 South Third, Suite 375
Grand Junction, CO 81501

If to City: City of Grand Junction
Community Development Director
250 N. 5th Street
Grand Junction, CO 81501

22. Recordation: Developer will pay for any costs to record a memorandum of this Agreement in the Clerk and Recorder's Office of Mesa County, Colorado.

23. Personal Jurisdiction and Venue: Personal jurisdiction and venue for any civil action commenced by either party to this Agreement whether arising out of or relating to the Agreement, letter of credit, subdivision improvements disbursements agreement, or cash escrow agreement will be deemed to be proper only if such action is commenced in District Court for Mesa County. The Developer expressly waives his right to bring such action in or to remove such action to any other court whether state or federal.

BOOK 1864 PAGE 675

24. The improvements guarantee required by the City Code to ensure that the improvements described in the improvements agreement are constructed to city standards may be in the form of an agreement: (I) between a bank doing business in Mesa County and the City or as described in (II) below or between the City and the Developer as set forth in (III) below.

I. The agreement between a bank and the City (I) shall provide, among other things, for the bank to guarantee and warrant to the City that it shall:

a. have available money equal to the estimated costs of the required improvements, in an amount equal to the amount agreed upon in the Improvements Agreement;

b. only pay such amounts to contractors who have constructed required Improvements.

c. only pay such amount after the bank has received the written approval of the City Engineer, or his designee; the City Engineer shall inspect within three (3) working days of request;

II. The alternative to (I), above is identified as (II) and shall contain the following provisions:

The Finance Department of the City will act as disbursing agent and will account for disbursements to Developer contractors as required improvements are completed and accepted.

The City will accept a cash deposit from the Developer equal to the City approved estimate of the required improvements, for the purposes of securing and guaranteeing the construction of the required sewer, water, streets, and on-site improvements in the development plan. Such deposit(s), currently estimated at approximately \$138,310 plus interest shall be given to the City's Finance Department, commingled with other funds of the City and specifically invested in the short term market. Interest income shall be allocated to the Developer's escrow account monthly, in the same manner as other short-term investments of the City. TEF

Such interest income shall be used to reimburse the General Fund of the City for accounting and transaction costs incurred in making payments to the appropriate contractors. For purposes of this Agreement, the City's costs shall be \$100.00 for each check disbursement or other transaction which is made. After all required improvements have been made and accepted by the City, any surplus funds remaining in the account shall be returned to the developer within thirty (30) calendar days of said acceptance date. No guarantee as to the level of interest income or rate of return on the funds so deposited is either implied or made in this Agreement, the City agrees only to keep the funds invested as with other City funds. Any transaction costs which are not covered by the amount of the deposit plus accrued interest shall be paid to

in excess of 1% of total funds deposited on the calculated transaction costs whichever is greater TEF

BOOK 1864 PAGE 676

the City by the Developer in like manner within thirty (30) days of completion of the improvements.

e. in any event, Developer promises to construct the required improvements to the satisfaction of the City Engineer, in accordance with the approved plans and specifications.

III. The alternative to (I) and (II), above is identified as (III) and shall contain the following provisions:

The Agreement between the City and the Developer shall provide for the Developer to guarantee and warrant to the City that it shall:

a. have money available in a separate account to complete the required improvements in the amount set forth pursuant to this Agreement. EACH CHECK REQUIRES THE SIGNATURE OF DEVELOPER AND THE CITY

b. only pay such amounts to contractors who have constructed required improvements.

c. only pay such amounts to Contractors after receipt of written acceptance or approval of said work by the City Engineer or his designee; the City Engineer or his designee shall inspect within three (3) working days of receipt.

25. Benefits: The benefits of this Agreement to the Developer are personal and may not be assigned without the express written approval of the City. Such approval may not be unreasonably withheld, but any unapproved assignment is void. Notwithstanding the foregoing, the burdens of this Agreement are personal obligations of the Developer and also will be binding on the heirs, successors, and assigns of the Developer, and shall be a covenant(s) running with the property.

26. Immunity: Nothing contained in this Agreement constitutes a waiver of the City's sovereign immunity under any applicable state law.

Attest:

Neva B. Lockhart
Neva B. Lockhart
City Clerk

Jerusa J. Martinez

Attest:

[Signature]
Secretary

City of Grand Junction
250 North Fifth Street
Grand Junction, CO 81501

By:

Mark K. Achen
Mark K. Achen
City Manager

Horizon Glen Subdivision

By:

William E. Foster II
William E. Foster II
President

TEF
SMTA
L272

First Revision
CITY OF GRAND JUNCTION IMPROVEMENT AGREEMENT

RE: HORIZON GLEN SUBDIVISION, Filing No. One NW 12th St. & Horizon Drive
Name of Subdivision or Other Improvement Location

Intending to be legally bound, the undersigned subdivider hereby agrees to provide throughout this subdivision and as shown on the subdivision plat of HORIZON GLEN SUBDIVISION, Filing No. One date June 1991, the following improvements to City of Grand Junction standards and to furnish an

Improvements Guarantee in the form acceptable to the City for these improvements.
BOOK 1864 PAGE 677

Improvements	Quantity and Unit Costs	Estimated Cost	Estimated Completion Date
Street Grading	2600 CY @ 2 ⁰⁰	5,200 ⁰⁰	Oct. 1991
Street Base	1450 ton @ 8 ⁰⁰	11,600 ⁰⁰	Oct. 1991
Street Paving	490 ton @ 27 ⁰⁰	13,230 ⁰⁰	Oct. 1991
Curbs and Gutters	1350 LF @ 3 ⁰⁰	4,050 ⁰⁰	Oct. 1991
Sidewalks	1350 LF @ 6 ⁰⁰	8,100 ⁰⁰	Oct. 1991
Storm Sewer Facilities	4 CMP @ 500 ⁰⁰	1,500 ⁰⁰	Oct. 1991
Sanitary Sewers			
Mains	1322 @ 20 ⁰⁰	26,440 ⁰⁰	Oct. 1991
Laterals/House Connections	17 ea. @ 150 ⁰⁰	2,550 ⁰⁰	Oct. 1991
On-site Sewage Treatment	NA		
Water Mains	1500 LF @ 18 ⁰⁰	27,000 ⁰⁰	Oct. 1991
Fire Hydrants	2 ea. @ 1500 ⁰⁰	3,000 ⁰⁰	Oct. 1991
On-site Water Supply	NA		
Survey Monuments	NA		
Street Lights	2 ea @ 1000 ⁰⁰	2,000 ⁰⁰	Oct. 1991
Street Name Signs	21 ea @ 100 ⁰⁰	2,100 ⁰⁰	Oct. 1991
Construction Administration	—	3,500 ⁰⁰	Oct. 1991
Utility Relocation Costs	None		
Design Costs		5,500 ⁰⁰	Oct. 1991
SUB TOTAL			

Supervision of all installations (should not normally exceed 4% of subtotal) \$5320

TOTAL ESTIMATED COST OF IMPROVEMENTS AND SUPERVISION: \$ 138,370⁰⁰

The above improvements will be constructed in accordance with the specifications and requirements of the City or appropriate utility agency and in accordance with detailed construction plans, based on the City Council approved plan, and submitted to the City Engineer for review and approval prior to start of construction. The improvements will be constructed in reasonable conformance with the time schedule shown above. An Improvements Guarantee will be furnished to the City prior to recording the subdivision plat.

[Signature]
Signature of Subdivider
For: S.L. Velmes
(If corporation, to be signed by President and attested to by Secretary, together with the corporate seal.)

[Signature] Sec

DATE: 10/16 1991

I have reviewed the estimated costs and time schedule shown above and, based on the plan layouts submitted to date and the current costs of construction, I take no exception to the above.

[Signature]
City Engineer 10-16-91

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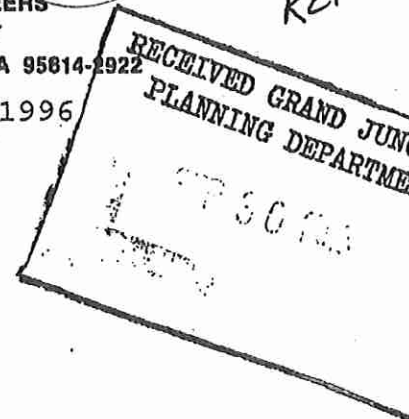
REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

September 27, 1996

Regulatory Branch (199675444)

Mr. Michael Drollinger
City of Grand Junction
Community Development Department
250 North 5th Street



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22 of 41

10/1/96

City of Grand Junction
Community Development Department
250 North 5th Street
Grand Junction, Colorado 81501

Dear Mr. Drollinger:

We are responding to your written request for comment on the proposed development of Horizon Glenn Subdivision Lot 18. The project is located within Section 2, Township 1 South, Range 1 West, Mesa County, Colorado.

Based on a site inspection by Randy Snyder of this office on September 27, 1996, we determined that property does contain jurisdictional wetland. In accordance with Section 404 of the Clean Water Act, A Department of the Army permit is required for any excavation or discharge (including mechanized land clearing) of dredged or fill material in waters of the United States, including wetlands. Federal law requires that any individual or entity proposing to excavate or discharge into waters of the United States obtain a Department of the Army permit prior to commencing just work. To aid the applicant, we have enclosed a list of wetland consultants who routinely perform wetland delineations and are familiar with the Section 404 permit process.

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process.

We have assigned number 199675444 to this determination. Please contact Mr. Randy Snyder and refer to this number if you have any questions regarding this matter and for permit requirements at (970) 243-1199 or the address below.

Sincerely,

Ken Jacobson
Ken Jacobson

171 Eight Mile Lane
Polson, MT 59860
October 4, 1996

City of Grand Junction
Community Development Dept.
250 North Fifth Street
Grand Junction, CO 81501

Dear Planning Commission Members:

RE: Request to Re-zone Horizon Glen Subdivision Lot #18

As owners of Lot #14, 3740 Horizon Glen Court, Horizon Glen division, we hereby express the following concerns and opin

1. Changing the zoning would be inconsistent with the residential character of the neighborhood.
2. The social impact would be distinctly adverse to the immediate sphere of influence.

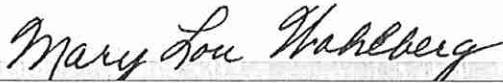
Community Development Dept.
Page 2
October 4, 1996

We hereby request that lot #18, Horizon Glen Subdivision be restricted to the current zoning (Planned Residential--1.8 per acre).

Yours truly,



Roy Wahlberg







The following criteria must be considered with any rezone request:

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

The existing zoning was not an error, in fact it was requested by the owner.

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 transit, etc.?

There has not been a change in character in the area. The area continues to develop residentially.

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

Staff believes there is not an area of community need for the rezone. There is an abundance of business and commercial zoning existing along the Horizon Drive corridor.

Draft to respond to
Dec 11th
meeting.

Based on denial of
rezone for
commercial
development

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

The applicant has worked closely with staff on the site design to make it as compatible with the surrounding area as possible. Some visual impacts are impossible to screen from surrounding residential areas because of elevation differences. Certainly the traffic and lighting impacts of the proposed businesses will be greater than if the site were to develop residentially as originally proposed.

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

Staff does not see any benefits to the community or area by the rezone.

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

The City's Growth Plan designates this area for residential medium low density (2 - 3.9 units per acre). The proposal is also in conflict with the following stated goals and policies of the Growth Plan:



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Page 2



Page 3



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Goal 8: To support the long-term vitality of existing centers of community activity as shown in Exhibit V.7 (identifying Mesa Mall Environs, Downtown Commercial Core, Mesa College, Airport Environs, Horizon Dr. and Clifton).

Policy 11.2: The City and County will limit commercial encroachment into stable residential neighborhoods. No new commercial development will be allowed in areas designated for residential development unless specifically approved as part of a planned development.

Policy 12.3: The City and County will protect stable residential neighborhoods from encroachment of incompatible residential and non-residential development.

Staff also finds the proposal to be in conflict with the following sections of the Zoning and Development Code:

4-1-1 The purpose of establishing zone districts:

A. Encourage the most appropriate use of land throughout the City and to ensure a logical and orderly growth and development of the physical elements of the City;

B. Prevent scattered, haphazard, suburban growth and guide orderly transitions of urban



Page 1



Page 2



Page 3



Page 4



Policy 12.3: The City and County will protect stable residential neighborhoods from encroachment of incompatible residential and non-residential development.

Staff also finds the proposal to be in conflict with the following sections of the Zoning and Development Code:

4-1-1 The purpose of establishing zone districts:

- A. Encourage the most appropriate use of land throughout the City and to ensure a logical and orderly growth and development of the physical elements of the City;
- B. Prevent scattered, haphazard, suburban growth and guide orderly transitions of urban areas;
- D. Protect and maintain the integrity and character of established neighborhoods;

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

Adequate facilities are available to serve the development or could reasonably be extended.

Staff finds that the rezone request cannot be supported by the above criteria.

STAFF RECOMMENDATION:

Staff recommends denial of the rezone and preliminary plan.

RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, on item RZP-96-197, I move we recommend approval of the rezone and approval of the preliminary plan.

NOTE: Staff recommendation is for denial of the motion.



Page 1



Page 2



Page 3



Page 4



Staff finds that the rezone request cannot be supported by the above criteria.

STAFF RECOMMENDATION:

Staff recommends denial of the rezone and preliminary plan.

RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, on item RZP-96-197, I move we recommend approval of the rezone and approval of the preliminary plan.

NOTE: Staff's recommendation is for denial of the motion.

My name is David Hoffman. I am a 25+ year resident of the Horizon Glen Subdivision, specifically 3755 Horizon Glen Court, and I am here this evening to speak about my concerns with the approval of a rezone on the 2.2 acres that are Lot 17 of the subdivision in which I reside; Horizon Glen (as amended). My concerns, and those of my neighbors are manyfold, but according to those at Community Development, the rezone request process is not the time for the airing of those concerns.

The one concern that is timely in any consideration of further development along Horizon Drive is that of increased traffic counts, and the effects of those increases. In a brief phone call to Scott Peterson of Community Development this Monday morning (2/24/20), I was informed that a "development engineer" had made a perfunctory perusal of the rezone submittal, but any concrete suggestions for mitigation would have to wait until the time of Subdivision. As with many of the neighborhood concerns; wetlands, wildlife corridor, traffic, etc. we have been told that all these concerns need to wait until a Subdivision proposal is submitted.

In many ways I understand this approach, as there is a Comprehensive Plan available that simplifies, and expedites the decision making process; helping keep much emotion at bay. It ^{work} allows for quick decisions for a volunteer commission that is often inundated with ~~requests~~ ^{any} requests.. The down side to this is a seeming "rubber stamp", and a loss of ~~much~~ ^{any} imagination in the process. "If the rules say this, then this is what we do".

I am saying that even a rezone approval may be premature at this point, until a longer view is taken of the acreage that abuts this parcel to the North and East. It is human nature to look only at the 2.2 acres and think "12 units won't be much of an impact", failing to see the larger picture of the later development of 20+ acres at an equal or greater density, and that with only 2 proposed avenues of ingress/ egress. Suddenly innocuous traffic concerns become monumental, greatly impacting quality of life.

In addition, I am wondering if the platting of a R.O.W. (Horizon Glen Drive) on the subject parcel meets the standards for roadways in 2020. Is there adequate width to accommodate future growth? Does something platted in 1990 handle pedestrian and bicycle issues? Mass transit? Aren't soil issues of paramount concern to the construction of public roadways? One need look no further than the failed parking areas of the nearby Safeway to see the issues inherent in building on wet, compressive soils.

I believe my questions and concerns to be legitimate, and at this juncture largely unaddressed. It is my feeling that these issues need more municipal engineering input before this process moves forward. Where Scott Peterson has suggested (at the end of his Staff Report) a motion to the Planning Commission for approval, I would suggest an alternative...that this request be tabled until more information can be brought to bear.

1. **Horizon Villas - Rezone**

File # RZN-2019-714

[Agenda item can be viewed at 16:43](#)

Consider a request by Larson Building Solutions to rezone 2.22-acres from PD (Planned Development) to R-8 (Residential 8 units per acre) located adjacent to Horizon Glen Drive at Horizon Drive.

Staff Presentation

Scott Peterson, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

There was discussion regarding traffic in the area and a proposed traffic impact study that has not been conducted.

Commissioner Reece asked a question regarding the neighborhood center zoning designation on the Comprehensive Plan Future Land Use Map. Mr. Peterson stated the applicable zone districts in the Neighborhood Center designation.

Applicant's Presentation

Ted Ciavonne, Ciavonne Roberts & Associates, representing Larson Building Solutions, was present and made a comment regarding the request.

Public Comment

The public hearing was opened at 6:37pm.

The following spoke in opposition of the request: David Hoffman, Lily Fitch, Bill Fitch, Joe Graham, Stephanie Graham, Kevin Triplett, and Susan Madison.

The public hearing was closed at 6:54pm.

Applicant's Response

Mr. Ciavonne provided a response to public comment.

Questions for Applicant

Commissioner Reece asked questions regarding potential drainage, wildlife, and wetlands issues.

Questions for Staff

Commissioner Reece asked a question regarding the Comprehensive Plan Future Land Use Map and the ability of a minor arterial to handle a certain capacity of traffic flow.

Commissioner Scissors asked a question regarding a density miscommunication between the public comments and the staff report.

Commissioner Reece asked a question regarding the review process (e.g. rezone versus a new outline development plan).

Discussion

Commissioner Wade made a comment regarding an additional exhibit presented to the Commission from Colorado Parks and Wildlife.

Commissioner Deppe made a comment in opposition of the request.

Commissioners Gatseos, Wade, Susuras, and Ehlers made comments in support of the request.

Commissioner Gatseos made a comment regarding lack of housing.

Motion and Vote

Commissioner Wade made the following motion, "Madam Chairman, on the Horizon Villas Rezone, a request to rezone to R-8 (Residential – 8 du/ac) for the property located at Horizon Glen Drive at Horizon Drive, City file number RZN-2019-714, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report."

Commissioner Susuras seconded the motion. The motion carried 6-1.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING HORIZON VILLAS PROPERTY
FROM PD (PLANNED DEVELOPMENT)
TO R-8 (RESIDENTIAL – 8 DU/AC)**

LOCATED WEST OF HORIZON GLEN DRIVE

Recitals:

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Horizon Villas Property to the R-8 (Residential – 8 du/ac) zone district, finding that it conforms to and is consistent with the Future Land Use Map designation of Neighborhood Center of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the R-8 (Residential – 8 du/ac) zone district is in conformance with at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following property shall be zoned R-8 (Residential – 8 du/ac):

Lot 17, Horizon Glen Subdivision As Amended

Introduced on first reading this _____ day of _____, 2020 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2020 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor

June 1, 2020

To the City Council Representatives and Honorable Mayor:

My name is Lily Fitch, 3760 Horizon Glen Court. The proposed development of parcel 2945-021-13-037 has many concerns for me that you have received in your package today. I will only highlight these as they are in detailed form previously given to you.

As indicated in Scott Peterson's presentation December 11, 2019 he stated that there were many concerns about drainage, density and increased traffic. This still remains an issue and I am unaware if any studies have been performed for traffic, reporting from the Army Corps of Engineers and I have sent an email to the Colorado Parks and Wildlife with more detailed information regarding the property for their review and I am waiting a response. It is my belief that the District Wildlife Manager, Albert Romero did not view the site discussed in person because if he had, he would have requested a variance be given for the animals living there to travel through. A variance that would be a remaining passageway for the animals to travel through. You state that you want "To become the most livable community west of the Rockies by 2025". If you continue to develop housing in every tiny open area you can find just because it fits a profile someone created, we will become the smaller version of the City of Denver with little views, lots of housing but loss of Colorado beauty. The views, the air, the animals...this is why I choose to live in Colorado for the past 35 years instead of New Jersey.

I am requesting you table your decision of rezoning this area until there is more information regarding how this will affect traffic, a written report from the Army Corps of Engineering and a written report from the Colorado Parks and Wildlife.

Respectfully submitted..



Lily R. Fitch

Lily Fitch

From: Lily Fitch
Sent: Friday, May 29, 2020 1:59 PM
To: albert.romero@state.co.us
Subject: Parcel Rezone RZN-2019-714 findings
Attachments: dear.jpg; dear 2.jpg; fox 1.jpg; dear 4.jpg

I am writing to you as a homeowner who will be affected by the approval of the Rezoning of parcel 2945-021-13-037 and I am asking you to take a closer look at the property they are proposing to develop. I am attaching the pictures of the animals that travel and live in this particular area and I am requesting as you indicated in your approval letter of January 3, 2020 that you request an area for the animals to continue to travel. A required space to **not** develop. We have five deer, seven fox families in this area and other wild birds, including owls, migrating birds and the such. If the passageway across Horizon Drive is closed to the deer's crossing, they will move closer to the round about and likely meet their demise. I also ask that the foxes be relocated as one of their burrows is right in line to where the development will take place.

Lily R. Fitch

Client Services Specialist

Fitch & Associates, CPA, LLC

2764 COMPASS DRIVE, #225

GRAND JUNCTION, Co. 81506

970-245-1520 (w), 970-250-6966 (m), 970-243-6366 (f)

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

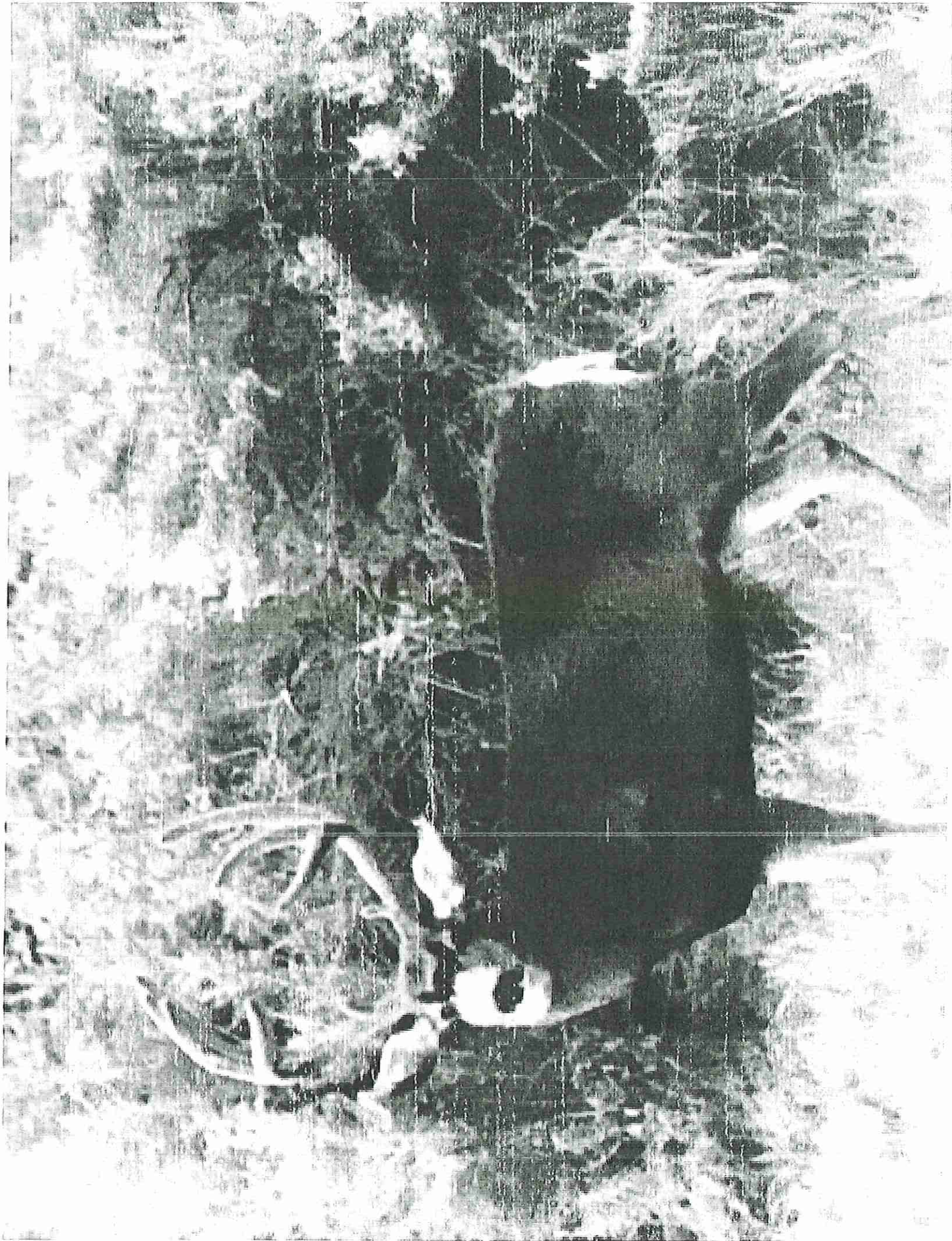
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COLORADO

Parks and Wildlife

Department of Natural Resources

Northwest Regional Office
711 Independent Avenue
Grand Junction, CO 81505

1/3/2020

Scott Peterson
City of Grand Junction
250 N 5th Street
Grand Junction, CO 81501

RE: Horizon Villas Rezone - RZN-2019-714

Dear Mr. Peterson,

Colorado Parks and Wildlife (CPW) has reviewed the project submittal to rezone parcel number 2945-021-13-037 from Planned Development to Residential-8. CPW is aware of the project, and notes that the parcel proposed for rezone is located within a developed portion of the City of Grand Junction.

Due to the location and the type of project proposed, CPW finds the impacts to wildlife to be negligible.

Colorado Parks and Wildlife appreciates the opportunity to comment on this project. If there are any questions or need for additional information, don't hesitate to contact District Wildlife Manager, Albert Romero at 970.216.3847.

Sincerely,

Albert Romero

District Wildlife Manager
Colorado Parks and Wildlife
711 Independent Ave.
Grand Junction, CO 81505

cc. Kirk Oldham, Area Wildlife Manager
File



July 3, 1991
Hearings 5-91

timing. The petitioner does not have any definite development schedule for this particular parcel. Much as the case that existed with Phase 1, they do have some site constraints, traffic considerations, soil considerations, wetlands considerations, and floodplain. Because of some of the timing involved, a lot of times design standards change. It is their understanding that, for example, probably within the next few months or sometime this year the City will more than likely adopt a new set of road standards. In addition, to that there's an ongoing change, or appears to be, on the Federal level that relates to wetlands regulation. There's some regulation pending at this time that could affect the status of the wetlands within the property. Access and circulation needs change over a period of time as do recreational and open-space considerations. Part of their Outline Development Plan leaves the door open and suggests designation of part of the property as a public open-space along the Horizon Drive drainage channel. He pointed to the drawing on the upper left wall that represents the Outline Development Plan. He noted a faint red line. That represents the limits of flooding in the event of a one hundred year frequency storm in the Horizon Drive channel. Their roadway is going to be crossing that particular channel. That does fall under the jurisdiction of the City's flood plain administrator and the U.S. Army Corps of Engineers. Permits will obviously be required prior to construction. The Army Corps of Engineers do have a time limit on their permit once it's issued. They do review those on a periodic basis, so again, too far out in front of them and with their changes would not be prudent at this time.

Mr. Logue said that they review them after the first full year, end of December following. So if they applied for one today, it would be a year from December. He noted the one that they have on page 1 was granted until December. His feeling was they kind of look at conditions in the application to see if any changes are likely, and if they think they're more likely, then they shorten the time. If they think they're long-term, they will lengthen it. He has seen them as short as 90 days. That's based on their current situation, and whether that changes in the future, or not, who knows.

President Shepherd: "Basically, your response to concerns about the roadway and the dedication of the roadway are, 'things change with regard to street standards and Corps of Engineers standards, wetlands standards, things like that?' And that what you have indicated to us should be sufficient?"

Mr. Logue: "We've made a minimum of two dedicated rights-of-way between Horizon Drive and the north property line, and encourage Mr. Dalby to participate up front before we make the application, or in public hearings setting out all the documents that we'll submit when we get to the preliminary plan and engineering, will be a public directory available at the City Planning Department records, and notifications will be sent. Our preference is to do it in advance of an actual permit."

NATURETECH CONSULTANT SERVICES CORP.

TO: LILY FITCH
FROM: DR. MICHAEL J. VILJA
SUBJECT: COMMENTS REGARDING CONCEPTUAL DESIGN SUBMITTAL FOR
DATE: 12/10/2019

Lily, per the request of your Homeowners Association (HOA) to review the proposed conceptual design of the subject parcel known as "Parcel No 2945-021-13-037 (Horizon Glen Sub (14.77)). The subject parcel is a 2.22-acre parcel of land located near Horizon Drive and Horizon Glen Court. The subject parcel will be accessed from Horizon Drive and located on a future planned road known as Horizon Glen Drive. The subject parcel is currently vacant but is being considered for rezoning from Planned Development (PD) to (R-8) zoning. Per your request to review the potential environmental impacts associated with a conceptual design of a Planned Development at the site on the environmental resources in the area, I offer the following comments and analysis. The analysis of the site is based on the following information.

- Documentation provided to me by your association
- Aerial photography from the City of Grand Junction GIS Community Development Map
- Mesa County GIS Map
- United States Fish and Wildlife (USFWS)- National Wetland Inventory Map (NWI)
- Phone Conversation with United States Army Corps of Engineers (USACE) Acting Office Chief, Grand Junction - Travis Morse
- United States Bureau of Land Management (BLM) Map for Grand Junction Resource Area.
- My personal familiarity with the area in completing nearly 30 years of land use review in and near the area.

I offer the following specific comments as they relate to the potential environmental constraints currently existing at the subject property.

USFWS/USACE Concerns:

The subject parcel, shown in Figure 1, while not being formally mapped within the extent of the current NWI map, logically forms a connection with the existing NWI mapping (Figure 2). In addition, in 1996, Lot 18 Parcel No. 2945-021-13-038 (Figure 2) a formal "Jurisdictional Determination" was completed by Randy Snyder of the USACE and documented under PM No. 199675444. The wetlands identified as a result of that effort are supported hydrologically through both surficial and subsurface connections via unnamed tributaries to Leach Creek (Figure 3). In addition, the confluence of a larger unnamed tributary and Leach Creek are located immediately proximal to the intersection of Horizon Drive and Horizon Glen Court (Figure 4). Any development application contemplating disturbance of this site will require consultation with the USFWS by proxy through the USACE with respect to the "Clean Water Act".

Based on my review of the current mapping, data provided by you of the adjacent property and understanding of the watershed connectivity in the area, additional wetland permitting by the applicant will likely be necessary. Impacts to the wetland resource may be significant on the site as it appears the parcel is significantly constrained by the extent of wetlands in the area. The amount of impact will dictate the level of permitting required for any development application.

Prior to formal planning of the site, a jurisdictional determination should be required to assure that impacts to Wetland and Waters of the United States (WOTUS) are considered. This will help with the development application process, because impact avoidance and minimization are a necessary component of the wetland permitting process.

As you are probably aware, any development application will also need to be reviewed with respect to the wildlife resource that exists on the site. The Colorado Division of Wildlife is tasked with the administration of both game and non-game species within the state. As such, they should be contacted to provide comment regarding the significance of maintaining movement corridors for wildlife species within the urban context. Living in the area, you have shown me in photos and told me stories of the wildlife that use the area. Open spaces within the context of urban environments are important habitat for wildlife that use them. With any development application, robust, mitigation measures specific to wildlife concerns should be developed. This should be done in order to minimize impacts to the wildlife resources that currently exist at the site. Design criteria such as density, fencing, landscaping, lighting, noxious weed plan, and nuisance wildlife measures should be incorporated in any planning effort. A general site plan with proposed features as well as improvements, construction documents and planting plans so that potential wildlife impacts can be considered is also advised.

These comments provide a general overview of the potential effects to natural resources in the area. Until a more detailed plan is proposed it is difficult to quantify the extent of the potential impacts that may occur as a result of implementation of that plan. Please let me know if you have additional questions regarding these comments.

Sincerely,

Dr. Michael J. Villa

NatureTech Consultant Services Corp.

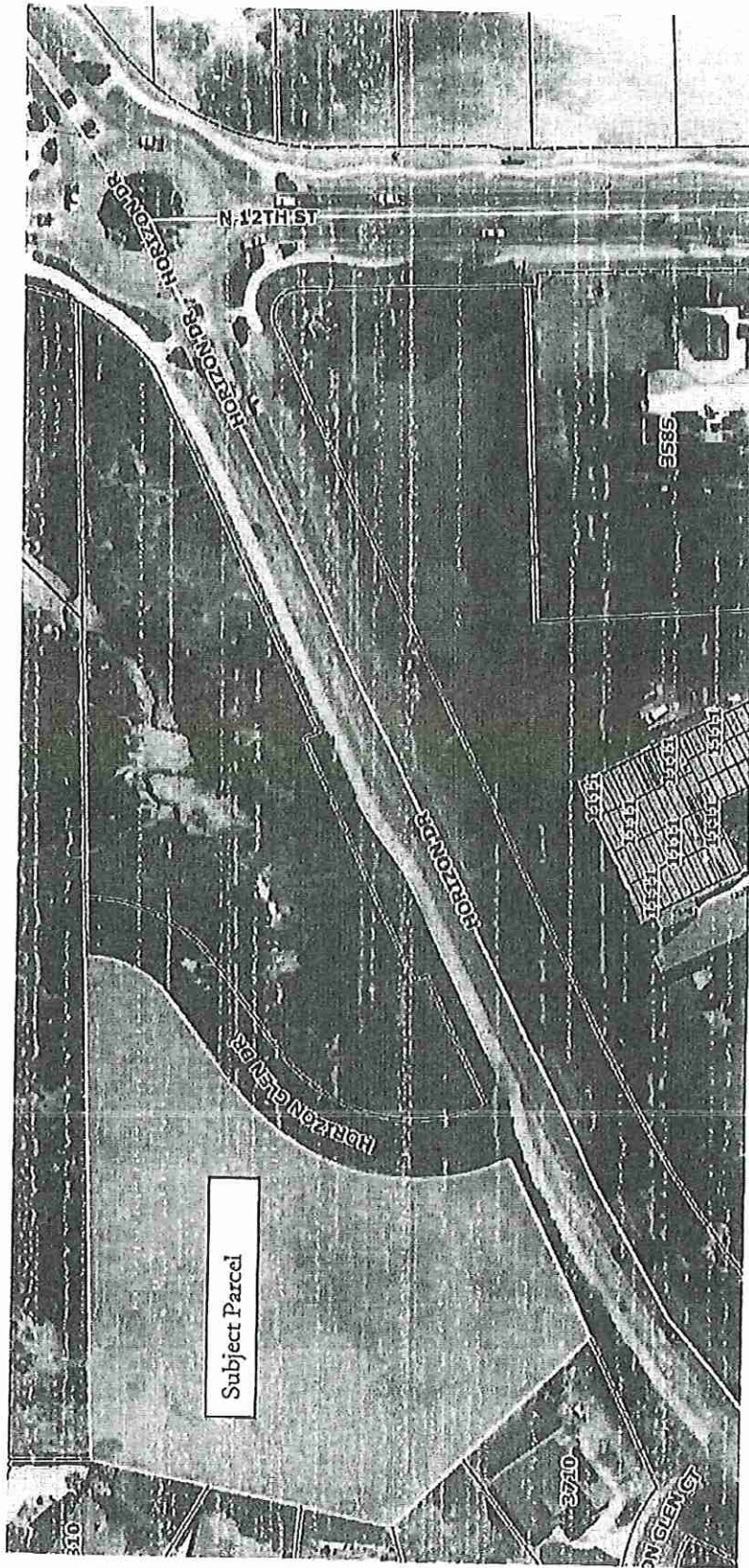


Figure 1. Subject Parcel 2945-021-13-037 – Lot 17. Horizon Glen Subdivision
City of Grand Junction GIS Mapping

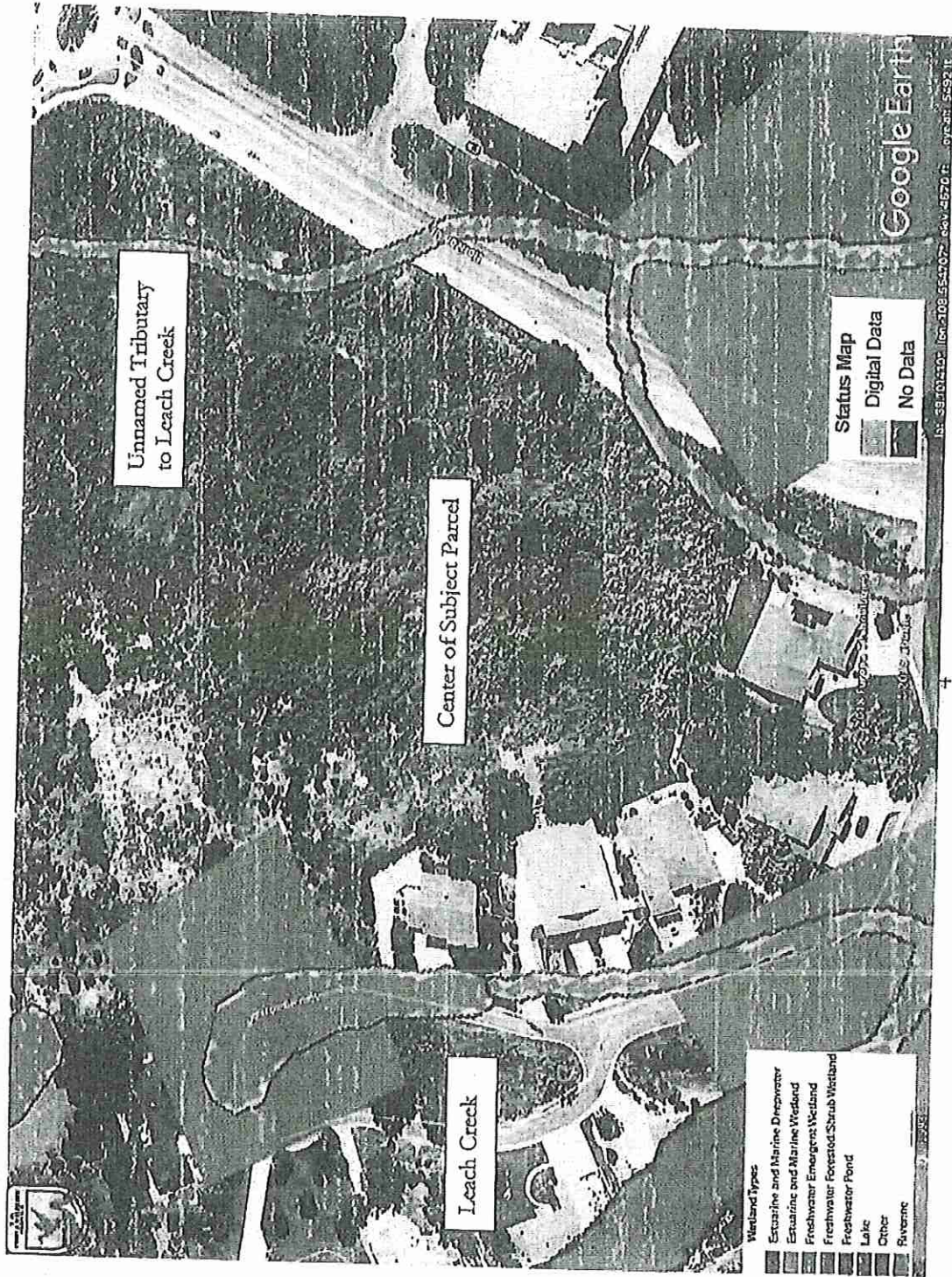


Figure 2. National Wetlands Inventory Map

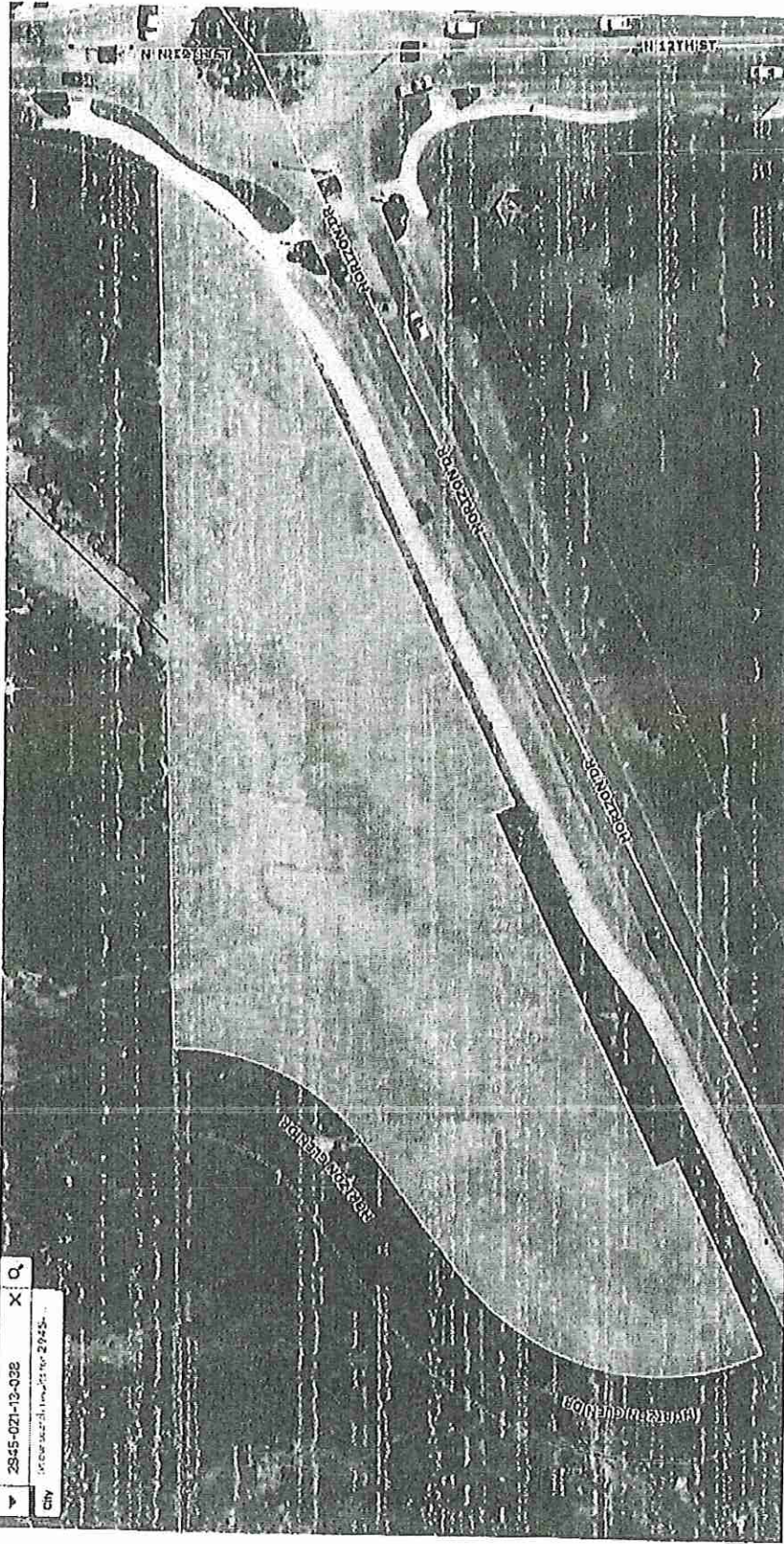


Figure 3. Lot 18 Horizon Glen Subdivision (USACE 199675444)
City of Grand Junction GIS Mapping

Presented to the Planning Commission at the February 25, 2020 meeting 6:00pm

Parcel Number 2945-021-13-037 (Exhibit A)

As an owner of property located at 3760 Horizon Glen Court, the parcel referenced above has been the major view of my back yard for over 12 years. During this time, I have enjoyed the beauty of the Colorado mountains, the wild animals and the changes of the seasons. It is unfortunate that construction will take place in this lovely solitude of an area located in the middle of town as many birds, seven fox families and several deer in this area will lose their homes due to this development. Which I have pointed out in my last letter at the previous informational meeting.

However, I have another issue I want you to consider when deciding whether or not to move this parcel of land to a R8 status. This being concerns about traffic and the new school that has come to our neighborhood, Juniper Ridge Community School. Juniper Ridge is located on 615 Community Lane some 2,632 feet from the parcel we are discussing now. (Exhibit B). The main adjoining street is 7th and Horizon Drive with one entry and one exit from the school. There are 382 children registered as of September 9, 2019 meaning...there are approximately 200 additional cars going through Horizon Drive and 7th Street twice a day to take their kids to and from school as there is no bus service available to this school. This puts the additional 32+ cars that could possibly be in proximity of ½ mile from this school zone, thus increased traffic flow.

The National Statistics on School Transportation Safe Routes to School National Partnership (Exhibit C) report shares that each year approximately 800 school-age children are killed in motor vehicle crashes during normal school travel hours. 74% occur in private passenger vehicles. More than half of these deaths overall are due to teenaged siblings taking their sibling to school. As much as 20 to 30% of morning traffic is generated by parents driving their children to schools. We do not want to become a part of this statistic.

In addition, in the Summary Report – School Walking & Bicycling Audits prepared by the Mesa County RTPO on Mesa County Regional Transportation Planning Office, (Exhibit D) Page 12 indicates in Mesa County, Colorado, the Morning and afternoon Travel Mode Comparison that 54 out of 60 use a family vehicle in the morning and 45 out of 60 use the family vehicle in the afternoon bringing their child to school.

Also, please note, according to the Senior Transportation Planner/Engineer Dean Bressler, the traffic counts in the area report Horizon Drive South to 7th (Exhibit E) in 2018 had 12,056 cars go through, 7th St. S Horizon Drive (Exhibit F) had 12,541 cars in 2015 and Horizon Drive East of 7th (Exhibit G) had 8,111 cars in 2015.

It is obvious that there are a lot of cars in the area between the new school and the parcel being discussed today. I hope that the planning committee will review these results before agreeing to increase this area to a R8 zone as there is no doubt that the additional 16 families, possible 32 more cars traveling these routes many times daily would cause additional concern of traffic flow.

Presented to the Planning Commission at the February 25, 2020 meeting 6:00pm

Parcel Number 2945-021-13-037 (Exhibit A)

Page 2

In addition, I would like to point out the concern about the condition of Horizon Drive right outside of the proposed entry way to the Horizon Glen Drive road. (Exhibit H) There is a curve on Horizon Drive that is very difficult to avoid accidents when trying to make a left turn going from Northeast turning North and many accidents have taken place on that turn. People are normally driving over 45+ miles per hour on Horizon Drive and the curve in the street makes it so they cannot stop in time, thus an accident. The proposed entrance of the new Horizon Glen Drive would have the same issue as Horizon Glen Court has and possibly worst as the proposed entrance as it is *after* the curve, a shorter distance of vision of cars and trucks behind them going from Northeast turning North. We have many commercial vehicles that travel that particular route as well.

In closing, the Grand Valley 2045 Regional Transportation Plan Updated Draft reporting (Exhibit I) states "Population growth will impact future transportation needs. More residents will mean more daily commuters on the region's roadways, buses and trails. More consumers will mean more truck traffic delivering goods and services. More traffic will increase the need for safety improvements at busy intersections and upgrades to major interchanges, as well as for shoulders, bike lanes and sidewalks along roadways and routes to school. There are two age groups that will change the most being 0-19 which will become a lower share of the population, while the share of people 65 and over will grow to 25% of residents, up from 19% today." "As the share of the traveling population ages, the region will see new demands on the transportation system. Nearly 40 percent of total population change between now and 2050 is a result of residents 65 and older. As the region's population continues to age, older adults will face increasing transportation challenges." Obviously, more families in this location will increase the amount of traffic currently facing the area being discussed today.

Please consider the impact zoning this property discussed above to an R8 and consider making this impact less to our neighborhood and possibly save lives.

Respectfully submitted.


Lily Fitch

Printer Friendly

[Back to Search](#)

Select Other Map

Property Information (Report Date: 1/19/2020)Parcel Number: 2945-021-13-037

Account Number: R052273

Property Use: Residential

Location Address:

Mailing Address: 301 E DAKOTA DR
GRAND JUNCTION, CO 81507

Owner Name: FOSTER MARGARET E FAMILY
PARTNERSHIP LLLP

Joint Owner Name:

Neighborhood: Horizon Glen Sub (14.77)

Associated Parcel: N/A

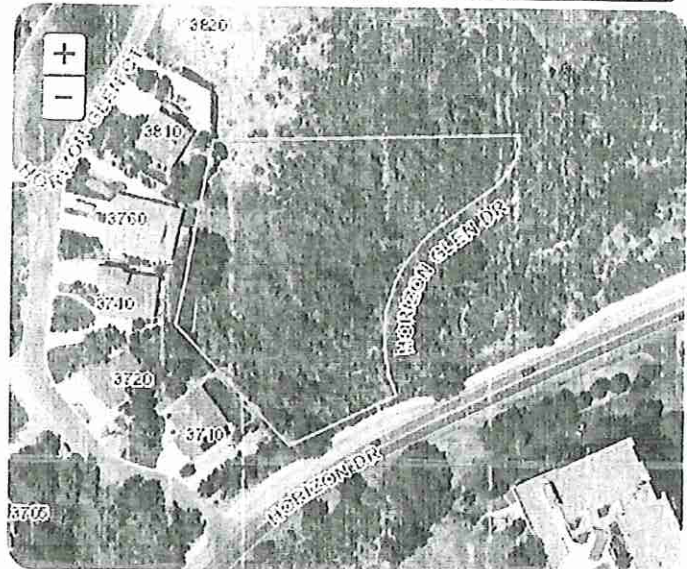
Approx. Latitude: 39.101380

Approx. Longitude: -108.555178

TAC (Tax Area Code) Book

Manufactured Homes Purging Titles/Classifying to Real Property

Real Property Valuation F.A.Q.'s



Date of Aerial Photo: 2019

Legal Description

LOT 17 HORIZON GLEN SUB AS AMENDED SEC 2 1S 1W & AN UND INT IN TRACTS - 2.22AC

Tax Information

Year	Property Code	Improvements (Actual)	Land (Actual)	Total (Actual)	Improvements (Assessed)	Land (Assessed)	Total (Assessed)	TAC Code	Mill Levy/1000	Water Assessment	Property Tax & Water
2019	0100	\$0	\$54,000	\$54,000	\$0	\$15,660	\$15,660	14100	0.0632190	\$0.00	\$990.00
2018	0100	\$0	\$48,000	\$48,000	\$0	\$13,920	\$13,920	14100	0.0693920	\$0.00	\$965.92
2017	0100	\$0	\$48,000	\$48,000	\$0	\$13,920	\$13,920	14100	0.0692570	\$0.00	\$964.04

[For tax bill Click Here](#)

Taxing Authority Detail

Year	Agency Name	Agency Abbrev.	TAC Code	M/I Levy	Total (Assessed)	Tax Per Agency
2019	CITY OF GRAND JUNCTION	GRJCT	14100	8.0000	\$15,660	\$125.28
2019	COLORADO RIVER WATER CONSERVANCY	COLRW	14100	0.2350	\$15,660	\$3.68
2019	COUNTY - DEVELOP DISABLED	MCCCB	14100	0.2460	\$15,660	\$3.85
2019	COUNTY GENERAL FUND	MCGF	14100	6.1480	\$15,660	\$96.28
2019	COUNTY ROAD & BRIDGE-1/2 LEVY	MCRBS	14100	0.2620	\$15,660	\$4.10
2019	COUNTY TRANSLATOR TV FUND	MCTV	14100	0.0260	\$15,660	\$0.41
2019	GRAND RIVER MOSQUITO CTRL	GRMCD	14100	1.4520	\$15,660	\$22.74
2019	LIBRARY DISTRICT	LIBR	14100	3.0070	\$15,660	\$47.09
2019	MESA CNTY ROAD & BRIDGE-GRAND JCT	GJRB	14100	0.2620	\$15,660	\$4.10
2019	SCHOOL DIST# 51 2006 OVERID	SD51006	14100	2.1010	\$15,660	\$32.90
2019	SCHOOL DIST# 51 2017 OVERRIDE	SD510_17	14100	3.4140	\$15,660	\$53.46
2019	SCHOOL DIST# 51 BOND	SD51B	14100	9.4310	\$15,660	\$147.69
2019	SCHOOL DIST# 51 GENERAL	SD51	14100	24.3260	\$15,660	\$380.95
2019	SCHOOL DIST# 51 OVERRIDE 96	SD51O	14100	2.6990	\$15,660	\$42.27
2019	SOCIAL SERVICES	MCSS	14100	1.6100	\$15,660	\$25.21

Tax Authority Contact Information

Total Mill:	63.2190	Total Tax:	\$990.00
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Sales & Conveyance Information **

Date	Price	Reception Number (Click for Recorded Document)	Document Type
11/16/2017	\$0.00	2821430	BARGIN_SLE_DEED
3/10/2017	\$0.00	2510315	BARGIN_SLE_DEED
3/27/2008	\$0.00	2431143	Quit Claim Deed
		Search Clerk Records	Document Type Descriptions

** Viewing of recorded documents requires a subscription through the Mesa County Clerk and Records Office.
Click the associated reception number for Grantee and Grantor information via recorded document.

Land Description

Property Use Code	Property Use Type	Units
0100	RESIDENTIAL VACANT LOTS	1

Approximate Acres: 2.23 (Acreage is approximate and should not be used in lieu of Legal Documents)

No Photos Available

No Sketches Available

There are no Miscellaneous items associated with this record

Historical Information

[Property Card](#)

[History Card](#)

[Building Permits](#)

History Card Page 1

2945-021-13-037

PARCEL NUMBER

14100

T.A.C.

WATER:

ACRES: .00

1

PRIOR PARCEL NUMBER: 2945-021-13-001

SL VENTURES INC

C/O TIM FOSTER

301 E DAKOTA DR

GRAND JUNCTION CO 81507-2586

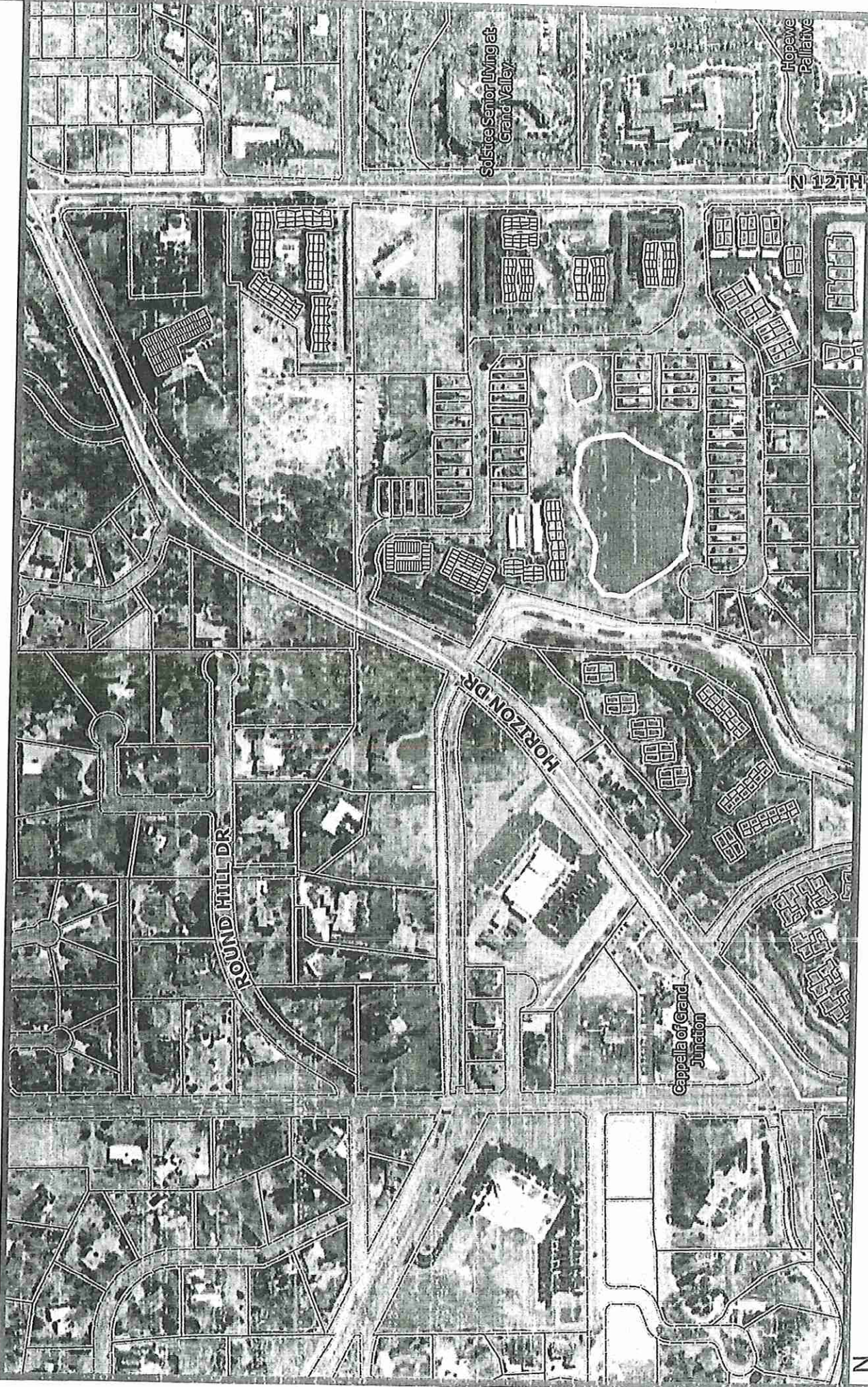
LOCATION: 00000

LOT 17 HORIZON GLEN SUB AS AMENDED SEC 2 1S 1W & AN UND INT IN TRACTS --
2.22AC

GRANTEE	BOOK	PAGE	DATE	KIND OF INSTRUMENT	REMARKS

City of Grand Junction

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0.13

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Printed: 2/13/2020

1 inch equals 376 feet

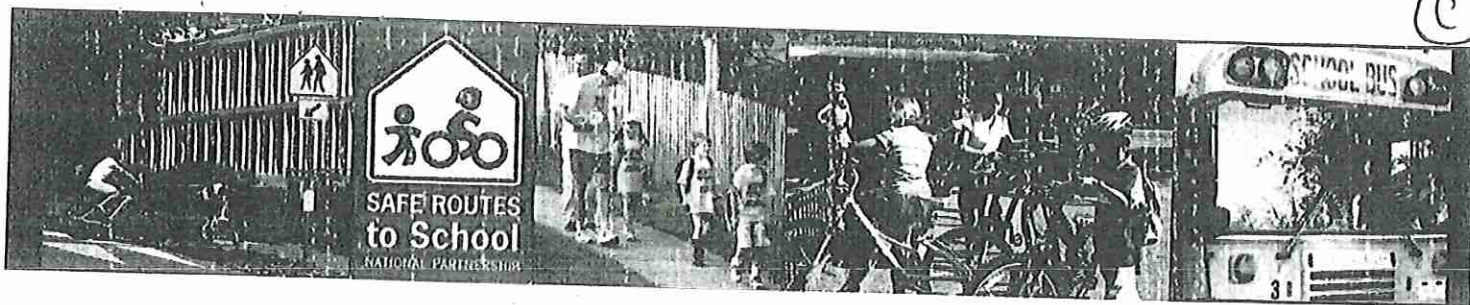
Scale: 1:4,514

2,632 St

School to property

CITY OF
Grand Junction
COLORADO

GEOGRAPHIC INFORMATION SYSTEM



National Statistics on School Transportation

School Transportation Costs

- In 2004-05, the most recent year for which statistics are compiled, 55.3% of the 45,625,458 children enrolled in public K-12 schools were bused to school at public expense.
- The United States spends \$17.5 billion per year on school bus transportation at an average cost of \$692 per student transported.¹
- The percentage of children bused has been declining steadily since the mid-1980s, when slightly more than 60% of children were bused. At that time, the average expenditure per student transported was under \$300.²
- In FY2009, approximately \$180 million in federal Safe Routes to School funding will be made available to each state's Department of Transportation to help school districts make it safer for children to walk and bicycle to school.

School Transportation Funding Mechanisms

The majority of states provide some support to local school districts for pupil transportation, but the funding mechanisms vary widely. The primary types of funding include:³

- Five states provide no funding to local jurisdictions to support pupil transportation.
- In nine states, the state provides a lump sum to a school district for pupil transportation, based on the share of the state's pupils the jurisdiction transports.
- Nine states establish a list of the types of expenditures and percentage of expenditures they will reimburse and then provide allocations to each local school district based on expenditures.
- A total of nineteen states set a "unit cost" for each pupil transported or mile driven and allocate funds to a local school district based on their numbers. Ten of these states make adjustments to the formula based on geographic conditions.
- Eight states utilize formulas based on a combination of factors, including pupils transported, miles driven, and geographic disparities, to provide allocations to local school districts.

Cuts in School Budgets Affect School Transportation

- During the summer of 2008, rising fuel costs had a significant impact on the availability of school buses. According to a survey of school superintendents, one-third of school districts consolidated bus routes to conserve costs, and another third were considering eliminating bus routes or bus stops close to school.⁴
- While fuel costs have since dropped significantly, school districts are facing new financial challenges due to a worsening economy and state budget crises. As a result, at least 20 states have implemented or proposed budget cuts to K-12 education, including cuts in state per-pupil funding and education grants to local school districts.⁵
- Based on the average per-pupil expense and the average number of children per bus, a school district saves an estimated \$37,000 per school year by eliminating one bus route.

Replacing School Buses with Parent and Teen Vehicles

If students who lose access to school buses are instead driven by parents or older, teenaged siblings, there will be negative impacts on safety, traffic, health, and the environment.

- The average school bus transports 54 student passengers, replacing approximately 36 family vehicles.⁶
- Each parent that replaces a bus ride with driving their child to school uses approximately 180 additional gallons of fuel per year, spends an additional \$663 on fuel, and puts 3600 miles on their car.⁷
- Each year, approximately 800 school-age children are killed in motor vehicle crashes during normal school travel hours. About 2% of these deaths occur on school buses, while 74% occur in private passenger vehicles. Approximately 22% are bicycle or pedestrian accidents. More than half of these deaths overall are due to a teen driver.⁸
- As much as 20 to 30% of morning traffic is generated by parents driving their children to schools.⁹
- Pedestrians are more than twice as likely to be struck by a vehicle in locations without sidewalks.¹⁰
- Children exposed to traffic pollution are more likely to have asthma, permanent lung deficits, and a higher risk of heart and lung problems as adults.¹¹ One-third of schools in "air pollution danger zones" due to proximity to high-traffic areas.¹²

Increasing Walking and Bicycling to School

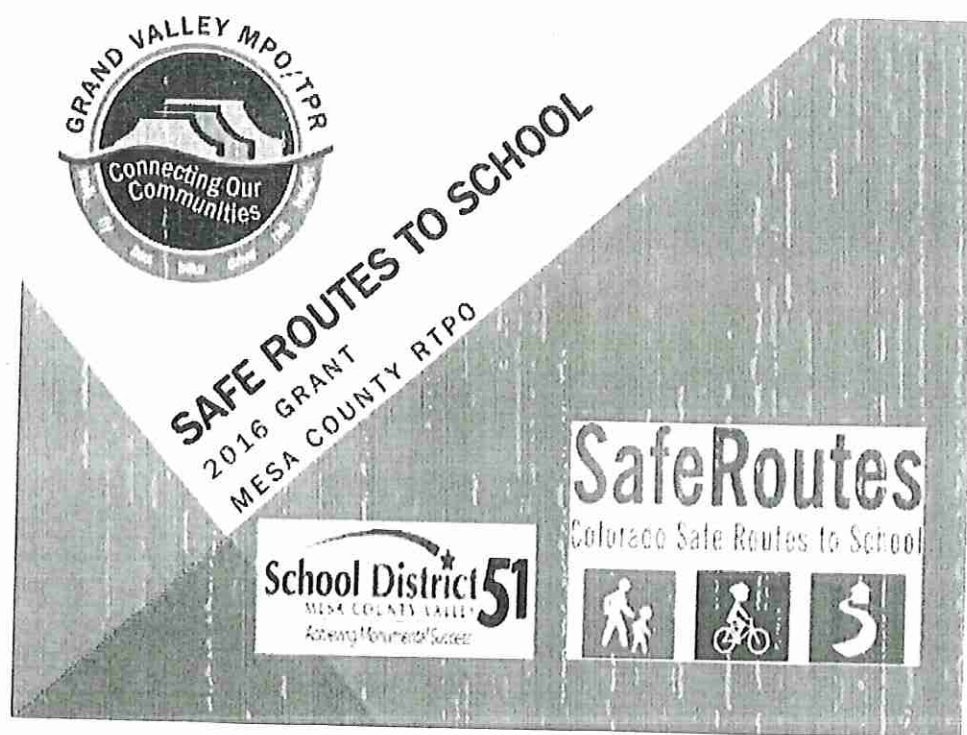
If the transition from school buses to walking and bicycling is done in a thoughtful, deliberate way through a Safe Routes to School initiative, many of the negatives impacts of increased car trips to school can be alleviated:

- A California study showed that schools that received infrastructure improvements through the Safe Routes to School program yielded walking and bicycling increases that were often in the range of 20 percent to 200 percent.¹³
- A safety analysis by the California Department of Transportation estimated that the safety benefit of the Safe Routes to School program was up to a 49 percent decrease in the childhood bicycle and pedestrian collision rates.¹⁴
- Kids are less active today, and 23% of children get no free time physical activity at all.¹⁵ Approximately 25 million children and adolescents—more than 33%—are now overweight or obese or at risk of becoming so.¹⁶ Walking one mile to and from school each day generates two-thirds of the recommended sixty minutes of physical activity a day. Plus, children who walk to school have higher levels of physical activity throughout the day.¹⁷
- Schools that are designed so children can walk and bicycle have measurably better air quality.¹⁸
- Returning to 1969 levels of walking and bicycling to school¹⁹ would save 3.2 billion vehicle miles, 1.5 million tons of carbon dioxide and 89,000 tons of other pollutants—equal to keeping more than 250,000 cars off the road for a year.²⁰

References

- ¹ "Digest of Education Statistics, 2007." U.S. Department of Education, National Center for Education Statistics, 2008. http://nces.ed.gov/programs/digest/d07/tables/dt07_176.asp?referrer=list
- ² "Digest of Education Statistics, 2007." U.S. Department of Education, National Center for Education Statistics, 2008. http://nces.ed.gov/programs/digest/d07/tables/dt07_176.asp?referrer=list
- ³ "State Funding Approaches for Pupil Transportation: An Overview." State of Washington Office of Financial Management, February 2008. http://www.ofm.wa.gov/k12transpo/20080213/20080213_pupil.pdf
- ⁴ "AASA Fuel and Energy Snapshot Survey." American Association of School Administrators, July 2008. <http://www.aasa.org/newsroom/pressdetail.cfm?ItemNumber=10637>
- ⁵ "Facing Deficits, Most State are Imposing Cuts that Hurt Vulnerable Residents." Center on Budget and Policy Priorities, December 2008. <http://www.cbpp.org/3-13-08sfj.pdf>
- ⁶ "School Bus Safety Overview." School Transportation News, http://www.stnonline.com/stn/data_statistics/safetyoverview/index.htm
- ⁷ "National School Bus Fuel Data." American School Bus Council, <http://www.americanschoolbuscouncil.org/index.php?page=fuel-calculator>
- ⁸ "The Relative Risks of School Travel: A National Perspective and Guidance for Local Community Risk Assessment." Transportation Research Board Special Report 269, http://www.nap.edu/catalog.php?record_id=10409
- ⁹ Dubay A. "See Dick and Jane Sit in Traffic," *The Press Democrat*, September 7, 2003 cited in Travel and Environmental Implications of School Siting. US Environmental Protection Agency EPA 231-R-03-004. October 2003. Available at www.epa.gov/smartgrowth/pdf/school_travel.pdf.
- ¹⁰ R. Knoblauch, B. Tustin, S. Smith, and M. Pietrucha. "Investigation of Exposure-Based Pedestrian Accident Areas: Crosswalks, Sidewalks, Local Streets, and Major Arterials." Washington DC: US Dept of Transportation; 1987.
- ¹¹ Gauderman, W. J., E. Avol, F. Lurmann, N. Kuenzli, F. Gilliland, J. Peters and R. McConnell, "Childhood Asthma and Exposure to Traffic and Nitrogen Dioxide," *Epidemiology*, Volume 16, No. 6, November 2005. AND Gauderman, W.J., H. Vora, R. McConnell, K. Berhane, F. Gilliland, D. Thomas, F. Lurmann, E. Avol, N. Kunzli, M. Jerrett, and J. Peters, "Effect of exposure to traffic on lung development from 10 to 18 years of age: a cohort study," *The Lancet*, Volume 368, February 2007.
- ¹² Appatova, A. S., Ryan, P., LeMasters, G., Grinshpun, S. "Proximal exposure of public schools and students to major roadways: a nationwide US survey," *Journal of Environmental Planning and Management*, Volume 51, Issue 5, 2008.
- ¹³ Marla R. Orenstein, Nicolas Gutierrez, Thomas M. Rice, Jill F. Cooper, and David R. Ragland, "Safe Routes to School Safety and Mobility Analysis" (April 1, 2007). UC Berkeley Traffic Safety Center. Paper UCB-TSC-RR-2007-1. <http://repositories.cdlib.org/its/tsc/UCB-TSC-RR-2007-1>
- ¹⁴ Marla R. Orenstein, Nicolas Gutierrez, Thomas M. Rice, Jill F. Cooper, and David R. Ragland, "Safe Routes to School Safety and Mobility Analysis" (April 1, 2007). UC Berkeley Traffic Safety Center. Paper UCB-TSC-RR-2007-1. <http://repositories.cdlib.org/its/tsc/UCB-TSC-RR-2007-1>
- ¹⁵ "Physical activity levels among children aged 9-13 years—United States, 2002." *Morbidity and Mortality Weekly Report* 2003; 52[33]:785-8.
- ¹⁶ Ogden, C.L. et al., "Prevalence of Overweight and Obesity in the United States, 1999-2004." *Journal of the American Medical Association*, 295, no. 13 (2006). Available at <http://jama.ama-assn.org/cgi/content/full/295/13/1549#JOC60036T2>.
- ¹⁷ Alexander et al., The broader impact of walking to school among adolescents. *BMJonline*. AND Cooper et al., Commuting to school: Are children who walk more physically active? *American Journal of Preventative Medicine* 2003; 25 (4)
- ¹⁸ US EPA. Travel and Environmental Implications of School Siting, October 2003. Available at www.smartgrowth.umd.edu/pdf/SchoolLocationReport.pdf.
- ¹⁹ McDonald, N. "Active Transportation to School: Trends among U.S. Schoolchildren, 1969-2001," *American Journal of Preventive Medicine*, Volume 32, Number 6, June 2007.
- ²⁰ "Emission Facts: Average Annual Emissions and Fuel Consumption for Passenger Cars and Light Trucks," U.S Environmental Protection Agency. Available at <http://www.epa.gov/otaq/consumer/f00013.htm>.

Summary Report – School Walking & Bicycling Audits



**Mesa County Regional Transportation
Planning Office**

When asked how much the child's school encourages or discourages walking or bicycling to school, the survey indicated 69% of parents thought schools did neither.

Parents' opinions about how much their child's school encourages or discourages walking and biking to/from school



Parents' opinions about how healthy walking and biking to/from school is for their child

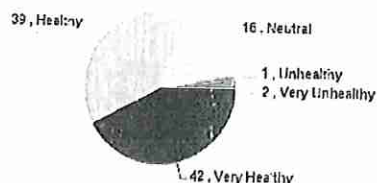


FIGURE 5: PARENTS' VIEW OF ENCOURAGEMENT.

FIGURE 6: PARENTS SEE WALKING AS HEALTHY.

Parents overwhelmingly indicated, however, they believed walking or bicycling to school is healthy or very healthy.

The class tallies for 13 schools offers an overview of the travel modes for students arriving and departing from school in Figure 7. The combination includes both elementary and middle schools. Each of the eight middle schools has been provided with Grand Valley Transit passes to allow students to utilize the transit system. The graph indicates only 1% of students in the survey used the transit system. Providing passes and information on how to use the system may encourage additional use.

Morning and Afternoon Travel Mode Comparison

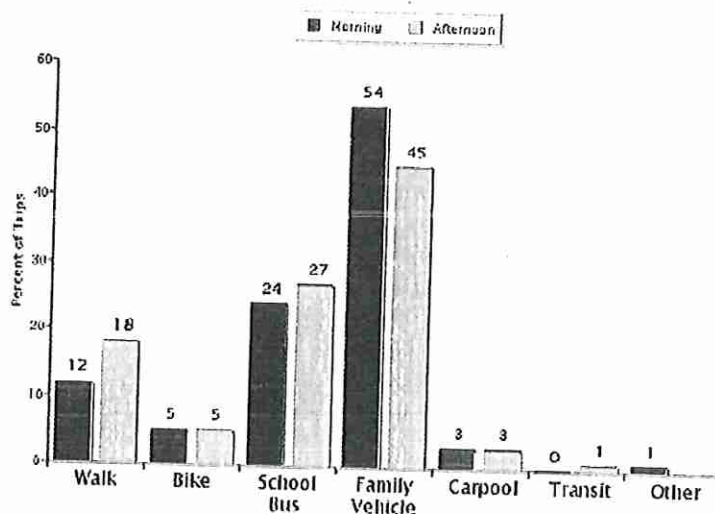
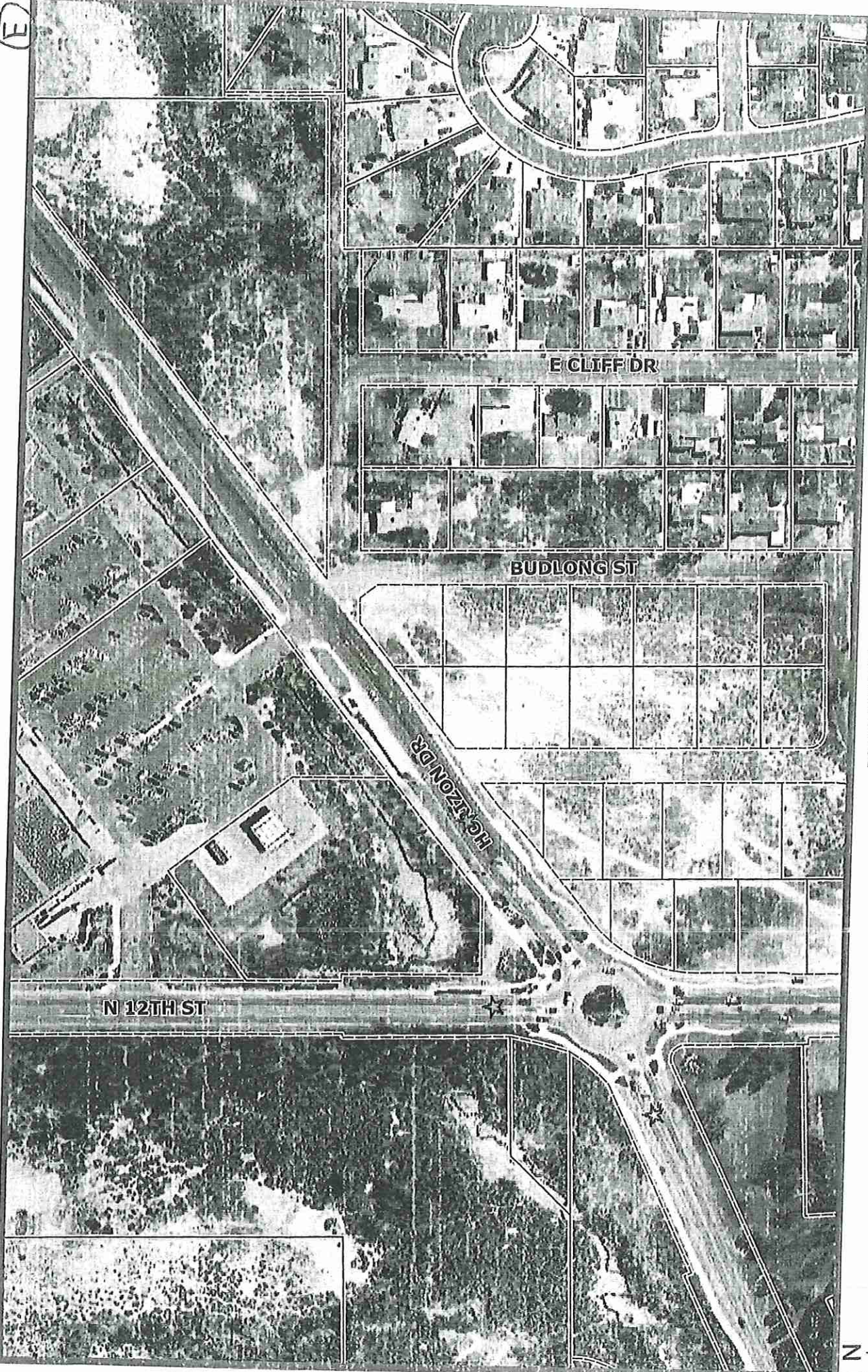


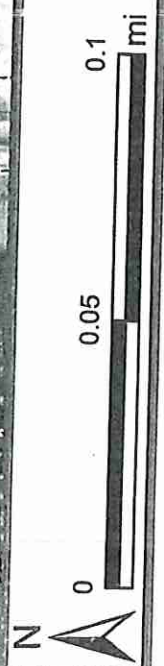
FIGURE 7: COMBINED TOTALS FROM 13 SCHOOLS ON TRAVEL MODES.

Horizon Drive by 7th City of Grand Junction 2018 12,056 county (E)

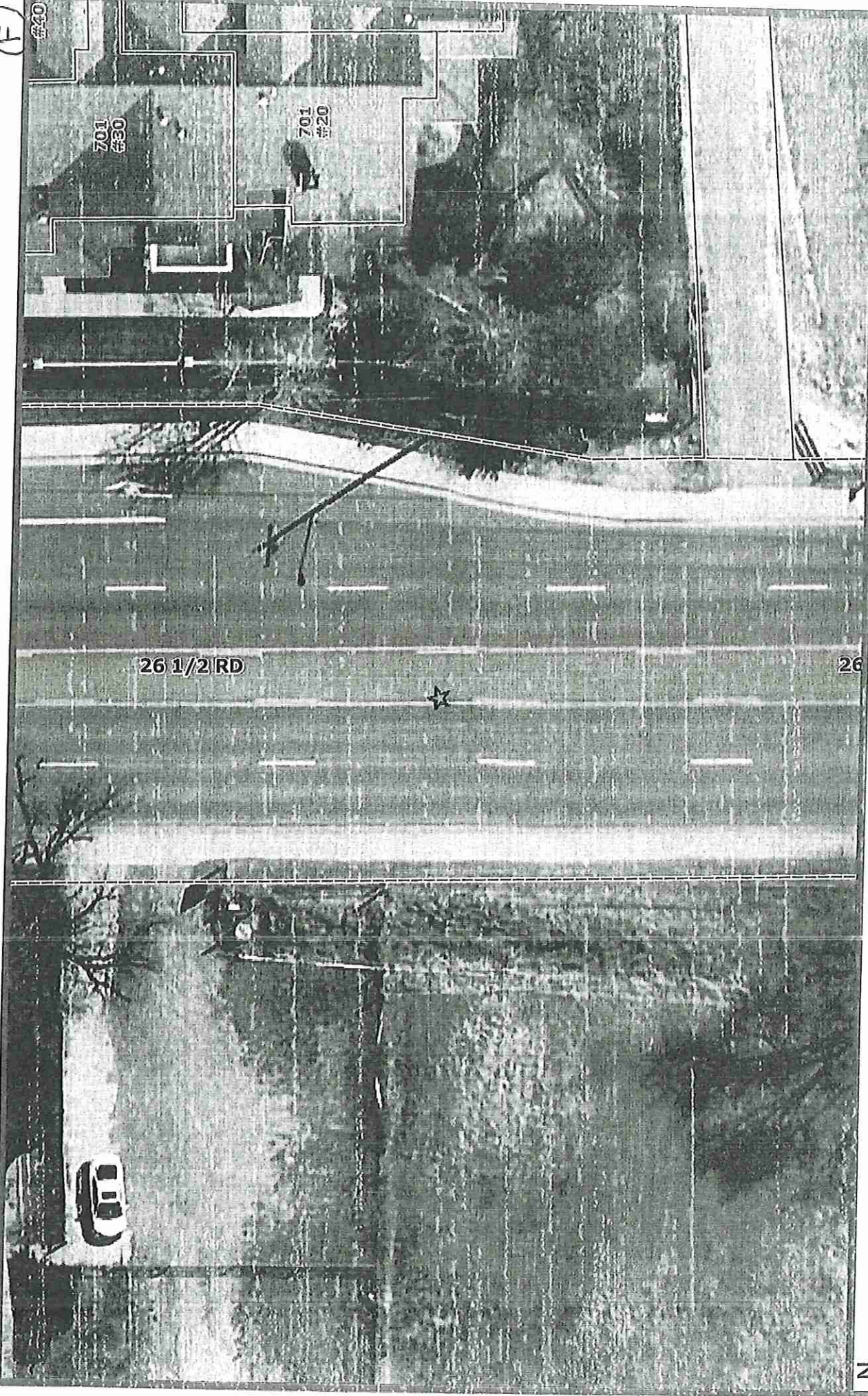


CITY OF
Grand Junction
COLORADO
GEOGRAPHIC INFORMATION SYSTEM

Printed: 2/14/2020
1 inch equals 188 feet
Scale: 1:2,257

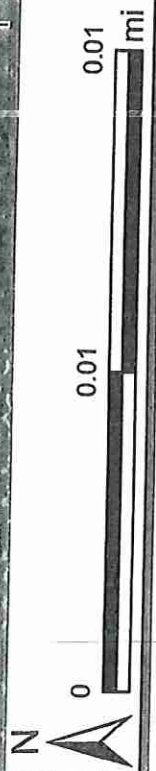


7th St S Horizon Dr. City of Grand Junction 2015 12,541 counts (F)



CITY OF
Grand Junction
COLORADO
CITY ENGINEERING DEPARTMENT

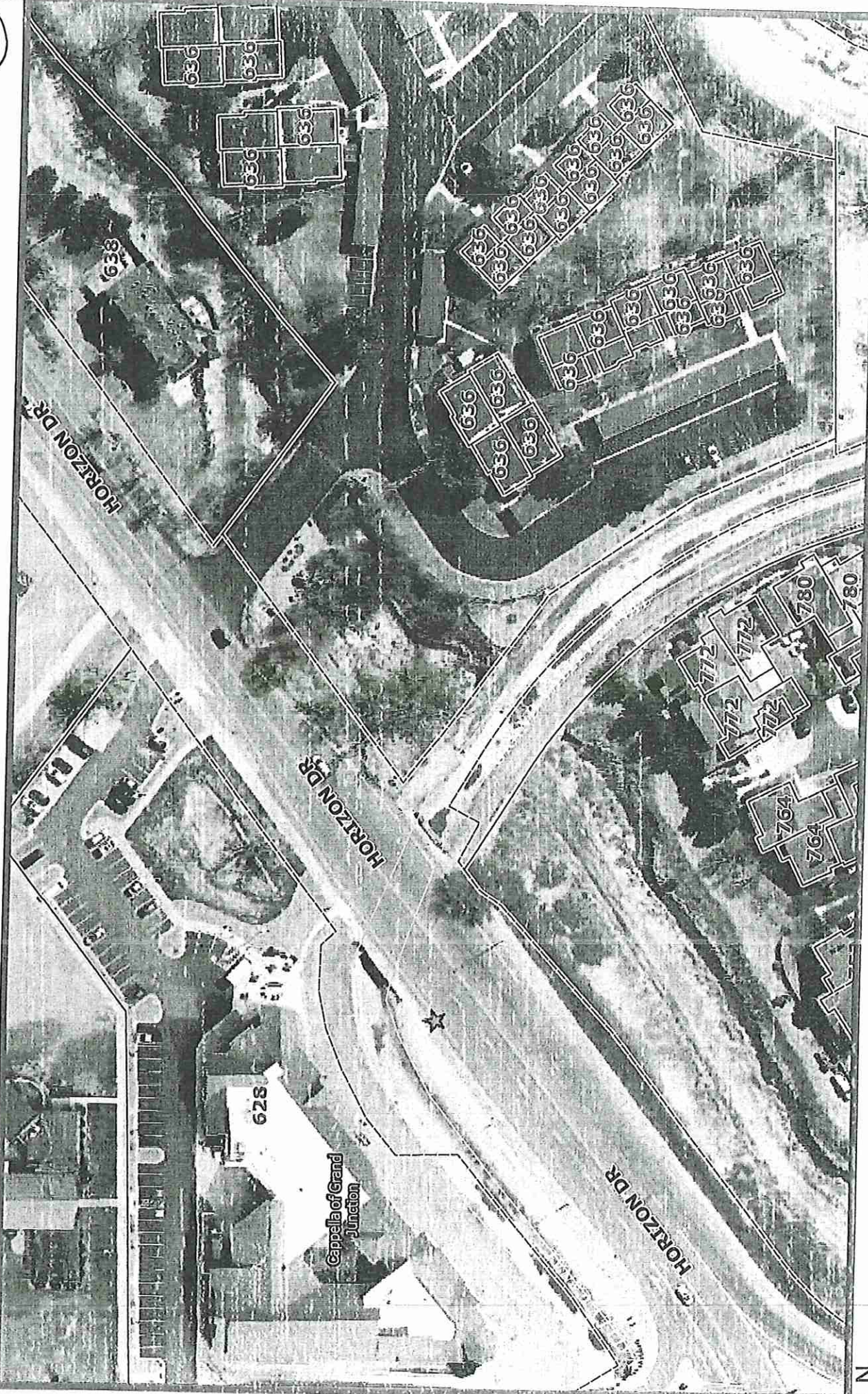
Printed: 2/14/2020
1 inch equals 24 feet
Scale: 1:282



2015 - 8,111 counts

City of Grand Junction Horizon Dr E of 7th

(C)



0.03

0.07

mi

Printed: 2/14/2020

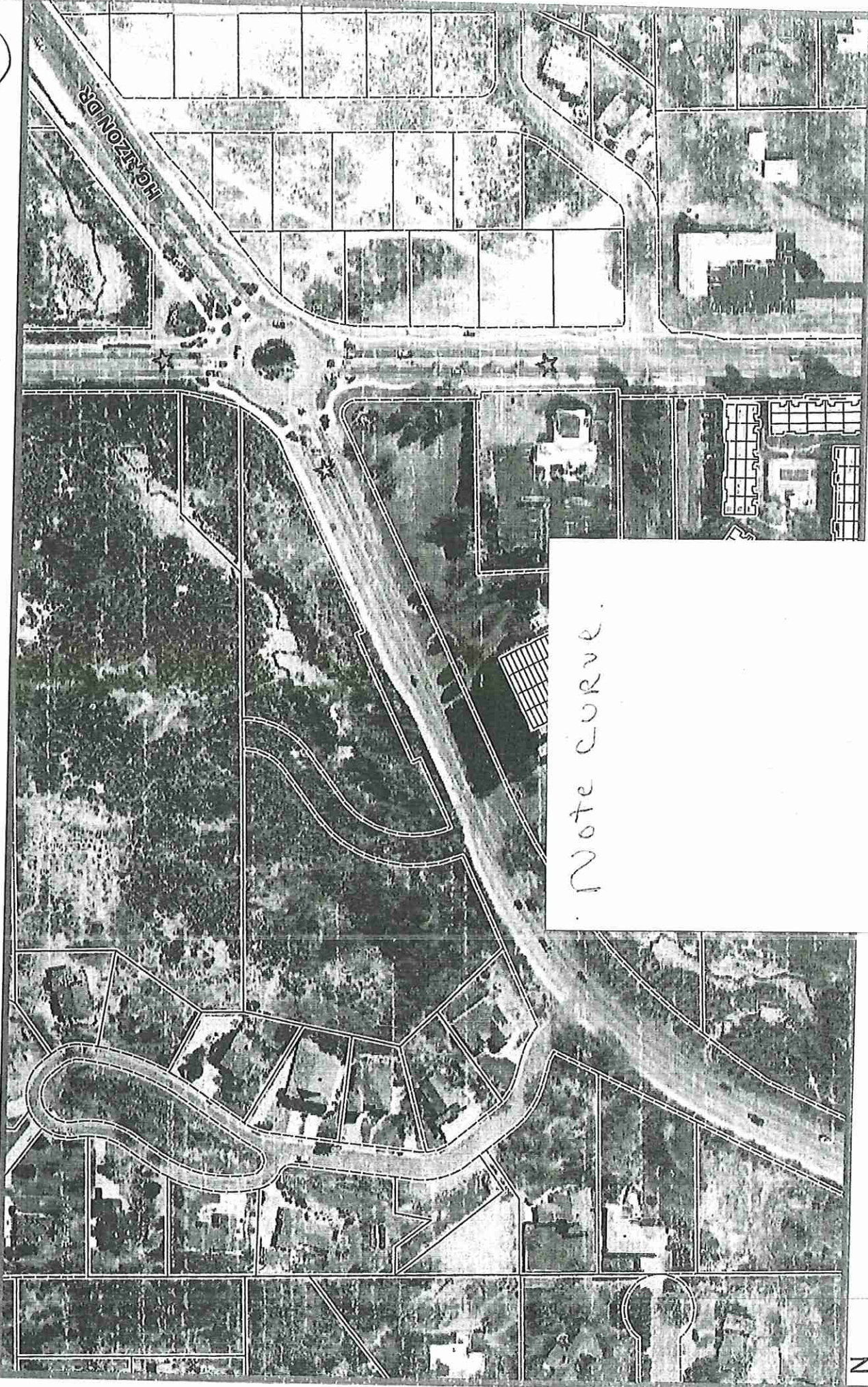
1 inch equals 94 feet

Scale: 1:1,128

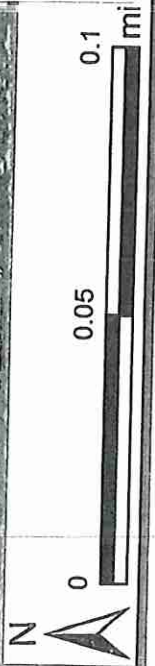
CITY OF
Grand Junction
COLORADO
GEOGRAPHIC INFORMATION SYSTEM

City of Grand Junction

(H)



Note curve.





Grand Valley

2045 REGIONAL TRANSPORTATION PLAN UPDATE

GRAND VALLEY 2045 REGIONAL TRANSPORTATION PLAN UPDATE

Draft Report February 2020

PREPARED BY

PREPARED FOR

FEHR & PEERS

518 17th Street
Denver, CO 80202





Mesa County Population Share by Age

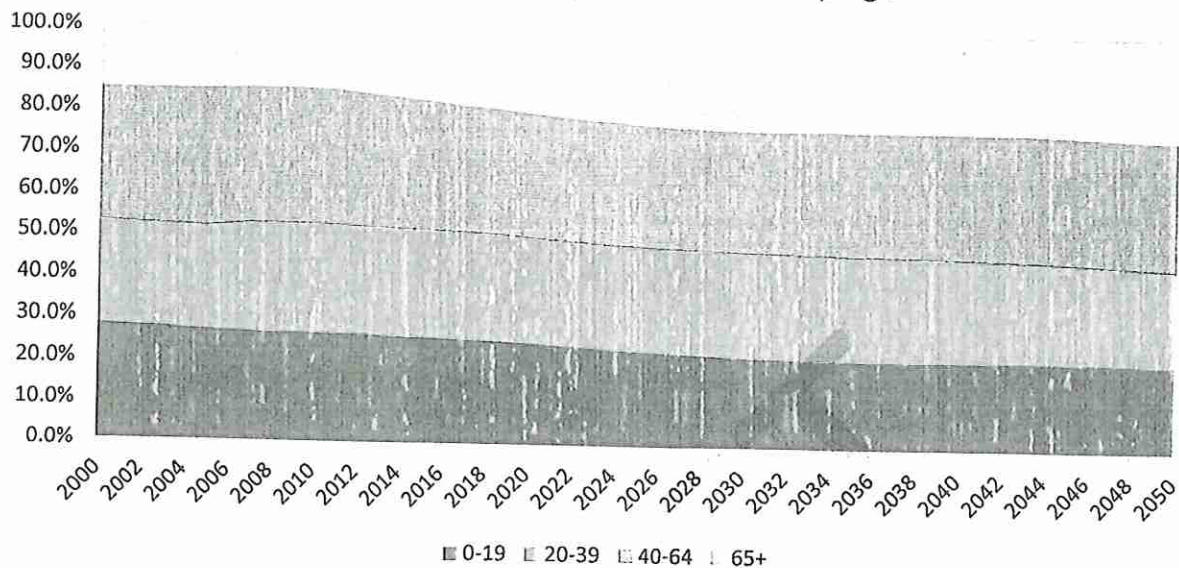


Figure 4.6: Share of Population by Age (2000 to 2050)

As the share of the traveling population ages, the region will see new demands on the transportation system – from larger signage, to more safety improvements, to additional transportation choices. Nearly 40 percent of total population change between now and 2050 is a result of residents 65 and older. As the region's population continues to age, older adults will face increasing transportation challenges.

Population growth within the region may also be viewed in terms of the distribution of residents – or persons per square mile. All communities in Mesa County are expected to experience additional growth, development and build out to accommodate the anticipated 80,000 new residents by 2050. The majority of that growth is projected to occur in existing urban areas – particularly within Grand Junction, Fruita, Clifton and Palisade.

Unincorporated areas of the County, other municipalities such as DeBeque and Collbran and suburban areas such as the Redlands will continue to experience growth, but to a lesser extent and in less densely developed areas. Population growth in outlying areas will increase demand for the regional transportation system to connect communities and provide corridors for commuting and recreational travel. Growth in urban areas will increase demands for active transportation options, transit routes and road projects that improve safety and efficiency or reduce congestion.

Economic Trends

Mesa County's economy is predominately based in service industries. Employment is concentrated in health care, retail, accommodation, education and public administration industries. This reflects the region's status as the major health and educational center for Western Colorado and surrounding states, as a hub of shopping and services for the Western Slope and as Colorado's western gateway and

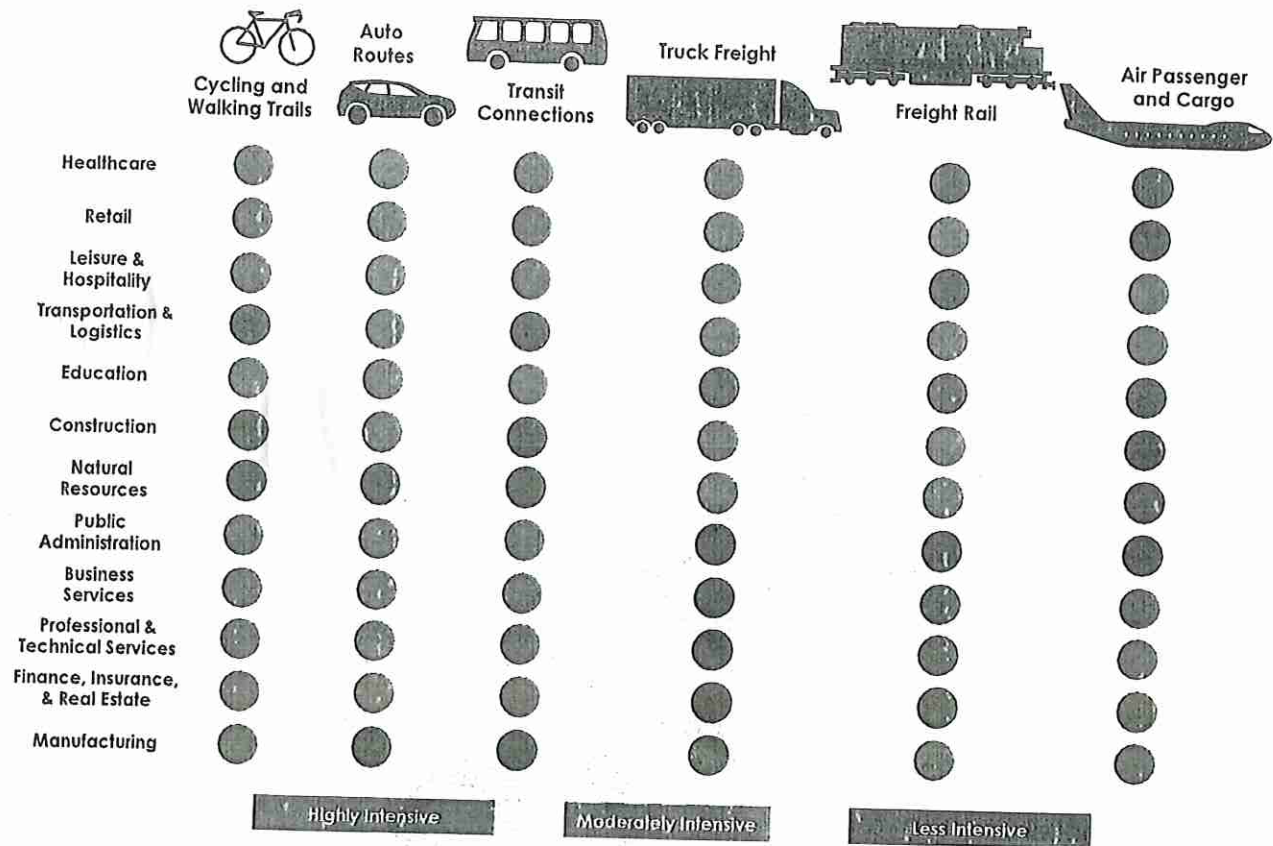


Figure 4.10: Transportation Demands by Industry

While employment is rising, wages are not witnessing the same increase. Figure 4.11: Mesa County Wages by Industry shows the breakdown of wages by industry for Mesa County workers in 2018. Half of all County workers have low-wage jobs while 21% are in high-income roles. This has implications for travel patterns because higher income workers tend to make more discretionary trips and be less reliant on transit service.



Grand Junction City Council

Regular Session

Item #1.a.ii.

Meeting Date: June 1, 2020

Presented By: Landon Hawes, Senior Planner

Department: Community Development

Submitted By: Landon Hawes, Senior Planner

Information

SUBJECT:

An Ordinance Vacating a 25 Foot Wide by 400 Lineal Foot Portion of the Undeveloped 27 ½ Road Public Right-of-Way (ROW) Abutting the Eastern Property Line of the Property Located at Approximately 347 27 ½ Road - [Staff Presentation](#)

RECOMMENDATION:

The Planning Commission heard this request at their April 14, 2020 meeting and voted 7-0 to recommend approval of the request.

EXECUTIVE SUMMARY:

The Applicant, Eddy at Grand JCT, LLC seeks to vacate a 400 lineal foot portion of the undeveloped public 27 ½ Road right-of-way that currently bisects their property in preparation for future development. This request for right of way vacation proposal complies with the Grand Valley Circulation Plan and Comprehensive Plan of the City of Grand Junction.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

Eddy at Grand JCT, LLC seeks to vacate a portion of the undeveloped 27 ½ Road, a public right-of-way that bisects two parcels of property both owned by Eddy at Grand JCT, LCC of 7.22 acres and 3.39 acres in size for a total of approximately 10.61 acres. One property is addressed as 347 27 ½ Road and the other property is unaddressed but maintains the parcel number 2945-244-00-080. The properties generally sit at the junction of 27 ½ Road and C ½ Road at a site frequently referenced as Brady Trucking or the Rendering Plant site. Several unused buildings are currently located at this site,

though the site is otherwise vacant. The Applicant has represented an intention to combine these lots as well as an additional lot located at 2757 C ½ Road into a single lot and develop a mixed-use project on the site. Thus, the section of 27 ½ Road ROW that runs north-south through the property is not desired by the Applicant in order to develop the property as a whole.

This segment of 27 ½ Road is not shown on the Grand Valley Circulation Plan nor is this portion of right of way in the City's long-term plans for construction of a future roadway. The 27 ½ road right of way currently terminates at the Colorado River and no alignment or right of way exists on the south side of the Colorado River.

Existing utilities owned and maintained by Xcel Energy are located within the undeveloped right of way that is being requested for vacation. Xcel Energy has indicated no opposition to the vacation of the road, however expressed the need, should the ROW be vacated, for a utility easement to be provided to Xcel Energy to ensure maintenance for the existing overhead power lines and gas pipe that currently are located within this right of way.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed rezone request was held on March 19, 2020 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant's representatives, as well as a city staff member, were present along with 7 attendees from the public. Questions were asked regarding geotechnical concerns, density, and trail easements pertinent to future development of the property. However, no specific questions or concerns were expressed regarding the request to vacate right of way. The attendees indicated that the recent rezone to C-1 for the property is a positive change for them.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with an application sign on November 15, 2019. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property, as well as neighborhood associations within 1000 feet, on April 3, 2020. The notice of this public hearing was published on April 7, 2020 in the Grand Junction Daily Sentinel.

ANALYSIS

Pursuant to Section 21.02.100 of the Zoning and Development Code, the vacation of public right-of-way shall conform to the following:

(1) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City;

The public right of way that is proposed to be vacated has not been identified as necessary for the future development of either 27 ½ Road or C ½ Road. As such, the vacation of this portion of roadway would not conflict with the Comprehensive Plan or Circulation Plan. Additionally, Goal 4 of the Comprehensive Plan is to “support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions.” The properties flanking the undeveloped right of way are adjacent to the Las Colonias Business Park and are part of the City Center district. The vacation of this right of way will help the Applicant create a more cohesive site that allows for efficient design and a wider range of potential uses.

(2) No parcel shall be landlocked as a result of the vacation;

No private or public parcels shall be landlocked as a result of the proposed vacation. Therefore, staff finds that this criterion has been met.

(3) Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation;

The site will continue to have access to 27 ½ and C ½ Roads and no other access will be restricted as a result of this vacation. Therefore, staff finds that this criterion has been met.

(4) There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g., police/fire protection and utility services);

Providers of city utilities and services received invitations to provide comments regarding this request. Comments received included remarks from Ute Water and Grand Valley Drainage District, who expressed no objection to the vacation. Xcel Energy provided comments that they currently possess an underground gas line and an overhead power line in or near to the existing ROW and requested that an easement be recorded where the existing ROW is now located, should the vacation be approved. The Applicant has been working directly with Xcel Energy to determine the appropriate easement and preparing documents to be executed should the vacation be approved. In general, the proposed easement is 32.8 feet in width on its main part and 20 feet wide on its northern section abutting C ½ Road and would run the full north/south length of the requested area of 27 ½ road right of way to be vacated; approximately 400 feet. Staff recommends that should the vacate request be approved, it be conditioned upon recordation of an agreed upon easement with Xcel Energy. Staff finds this criterion can be met subject to the recommended condition.

(5) The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Zoning and Development Code; and

As previously mentioned, Xcel Energy has requested an easement for the purpose of maintaining an existing underground gas line and overhead power line to the property. No other utility has indicated that vacation of the ROW would cause any reduction in quality of services provided. So long as an easement is executed for the purposes of continued use by Xcel Energy, staff finds that this criterion has been met.

(6) The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

The City does not currently maintain this right of way, as it is undeveloped. Should the right of way be vacated, the City will not have future maintenance requirements for this section of right-of-way. Vacation of this right of way may provide additional opportunity for this property to develop with uses complementary to those found in the City's Riverfront at Las Colonias. Therefore, staff finds that this criterion has been met.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the request by Eddy at Grand JCT, LLC for a vacation of City right-of-way, VAC-2019-459, for the approximate 25 foot by 400 lineal foot portion of the undeveloped 27 ½ Road abutting the eastern property line of that property located at 347 27 ½ Road, the following findings of fact have been made:

1. The request conforms with Section 21.02.100 of the Zoning and Development Code.

Therefore, staff recommends conditional approval of the request with the following conditions:

1. Prior to recording the vacation and subject to Xcel's review and approval, the Applicant shall grant and record an easement to Xcel Energy for the purpose of utility location, maintenance and access.

2. A pedestrian access easement shall be retained comparable to the pedestrian access easement that already exists on both properties, and comparable in size and location.

Therefore, the Planning Commission recommends approval of the request.

FISCAL IMPACT:

Average value of property and right of way can range broadly. The property adjacent to this right of way was subject to a recent transaction that valued the property at

\$193,876 per acre or \$4.45 per square foot. The request includes vacating approximately 10,000 square feet of right of way which would result in a value of approximately \$44,500. This estimation of value is for informational purposes only. No compensation is being requested for this vacation.

SUGGESTED MOTION:

I move to (adopt/deny) Ordinance No. 4932, an ordinance vacating a portion of 27 ½ Road Right-of-Way, located at 347 27 ½ Road on final passage and order final publication in pamphlet form.

Attachments

1. 27.5 Road ROW vacation application packet
2. 27.5 Road ROW Vacation Neighborhood Meeting Notes
3. 27.5 Road ROW Vacation Vicinity Map
4. 26' ROW Exhibit 3-16-20
5. XCEL Easement Exhibit_2020-01-30
6. 27.5 Road ROW Vacation - Minutes
7. 27.5 Road ROW Vacation Ordinance v2

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

Existing Zoning

Proposed Land Use Designation

Proposed Zoning

Property Information

Site Location:

Site Acreage:

Site Tax No(s):

Site Zoning:

Project Description:

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.

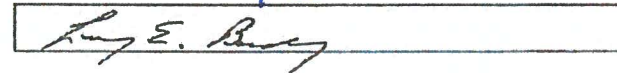
We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application 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



Date

Signature of Legal Property Owner



Date

347 27 ½ Road & 2757 C ½ Road
Vacation of ROW
August 9, 2019
Project Description

Project Overview

There are 12.2 acres currently in three parcels located on 347 27 ½ Road, a non-addressed property, and 2757 C ½ Road, which are slated to be developed by Rain Drop Partners. At present, SLB Enterprises LLC owns all three parcels.

Rain Drop Partners submitted a Comprehensive Plan Amendment along with Rezone requests, that resulted in the recent approval of all three properties being rezoned to C-1 (Light Commercial).

This proposal is to vacate the piece right-of-way of 27 ½ Road abutting the east edge of the property at 347 27 ½ and the west edge of the non-addressed property. There is no need for this piece of right-of way as it dead ends at the Colorado River. Vacating the right-of-way of 27 ½ Road would allow this development project to be more efficient.

A. Project Description

Location and Site Features

- The parcels are located on the corner of 27 ½ Road and C ½ Road adjacent to the Las Colonias Business Park. The property is in the City.
- There is an 8" sewer main in 27 ½ Road and C ½ Road. We understand that Ute Water provides sufficient capacity to the properties.
- Surrounding land use /zoning is Planned Development (Las Colonias) and I-1 to the north, County Zoning of RSF-R to the east; R-5 Residential and CSR to the south across the Colorado River; and Planned Development (Las Colonias) to the west.
- There is currently two access points off 27 ½ Road and C ½ Road. These properties have street frontage all along 27 ½ Road and C ½ Road.
- There are a few existing, abandoned buildings that will likely be demolished at some point in the future.
- The site is generally flat, sloping west and south towards the river.
- There is a drainage or irrigation ditch that defines the east boundary of the easternmost property.
- The purpose of the right-of-way-vacation is to allow a cohesive and efficient commercial/mixed use type development to better compliment the adjacent Las Colonias Business Park.

Existing Zoning

- The parcels have been recently rezoned to C-1.

B. Public Benefit:

- The removal of unnecessary City ROW; the addition of taxable real estate;
- Infill development that utilizes existing infrastructure;

- The cohesive and efficient development of three abutting parcels with similar FLU and zoning designations;

C. Neighborhood Meeting

A Neighborhood Meeting was held on March 19, 2019 for the Rezone/Comp Plan Amendment & ROW Vacation. About 7 neighbors attended and gave positive feedback overall. Official Neighborhood Meeting notes are included in this submittal.

D. Project Compliance, Compatibility, and Impact

1. Adopted Plans and/or Policies

The Future Land Use Plan; the Land Development Code.

2. Surrounding Land Use

Surrounding land use /zoning is under Planned Development/Industrial to the north, RSF-R to the east; the Colorado River / Residential to the south; and Planned Development to the west (Las Colonias Business Park).

3. Site Access and Traffic

There is currently one access point to C ½ Road, and 27 ½ Road extends into the properties.

4 & 5. Availability of Utilities and Unusual Demands

Sanitary Sewer: Sewer is provided by the City of Grand Junction. It is an existing 8" line located in 27 ½ Road and C ½ Road.

Domestic water will be provided by Ute Water.

6. Effects On Public Facilities

Future development of these properties will have expected, but not unusual impacts on the fire department, police department, and the public school system.

7. Site Soils

No unusual or unexpected soil issues are present at the proposed site.

8. Site Geology and Geologic Hazards

There is 'floodway designation along the river edge of the property; there is 100 year floodplain on much of the property.

9. Hours of Operation N/A

10. Number of Employees N/A

11. Signage Plans N/A

12. Irrigation

E. Development Schedule and Phasing

- Submit ROW Vacation – August 2019
- Submit Major Site Plan - Fall 2019

NEIGHBORHOOD MEETING NOTES

March 19, 2019 @ 5:30pm

A Neighborhood Meeting was held on March 19, 2019 regarding a proposed ROW Vacation of 27 ½ Road and proposed Rezone from I-1 & I-O to C-1 at 347 27 ½ Road, 2757 C ½ Road and the adjacent parcel to the west.

In Attendance:

Representatives: Ted Ciavonne & Mallory Reams (Ciavonne, Roberts & Associates Inc.)
Kathy Portner (City of Grand Junction)

About 7 Neighbors attended the meeting and had the following comments:

- So the adjacency allows the comp plan change? –Yes.
- That area is in the floodway/flood plain. Will they have to fill it? – Can't build in the floodway. There will most likely be a trail in that area eventually. As far as the rest of the area, the soil will have to raise least 1' above flood plain grade.
- They still found it unusual that residential would be planned here as it's in the flood plain.
 - Kathy Portner informed them to keep in mind that the entire Riverside Neighborhood is in the flood plain. The city has rules and regulations in place to plan/resolve things like this and minimize risk.
- What about foundations in that type of soil? – A Geotechnical Report will be done at time of Site Plan which will come with recommendations for foundations.
- Has a geotechnical report been done? – Not yet, but that will be the next step after this rezone/ROW vacation submittal.
- Has the price of the land been decided? Under contract? – No idea.
- On the westerly parcel, is that the bike trail that goes up and around it? Will it remain that way when this develops? – The city has a 50' trail easement along these three parcels. That trail will remain, but eventually there will be another trail along the river.
- The neighbors liked that it was going to change from industrial to commercial. They don't want industrial. They are concerned with light pollution and noise that goes along with industrial uses so this is a positive change for them.
- Where will the dog park be for Las Colonias? North of this property? – No, it has moved more to the west.
- What is the maximum density allowed? – Up to 24 units/acre for C-1 with a 40' height restriction
- Are you dealing with a single owner? – We are. It is not clear if there are other investors/owners involved at this time.
- So you don't know what the uses might be? – No, but it will be a mixed use type with office, retail and some sort of residential. The potential owner wants the uses to compliment what is happening at Las Colonias Business Park.

- The neighbors wanted to mention that their neighborhood across the river is very, very quiet with an abundance of different types of wildlife around. They want the potential owner to keep that in mind when deciding what to put here.
- They informed us we should look at the wash to the north and how to improve drainage when this project goes to site plan review.
- The property surrounding Indian Road to the North; what is that going to be? Will they go MU? – It was developed as an industrial park.
- Any landscaping? – Yes there will be. It's too early to tell what the design will look like, but the city has a landscape code that we will follow when the time comes.

SIGN-IN SHEET

NEIGHBORHOOD MEETING

Tuesday March 19, 2019 @ 5:30pm

FOR: REZONE @ 347 27 1/2 Road, 2757 C 1/2 Road and the adjacent parcel
to the west.

NAME	ADDRESS	PHONE # / EMAIL
Penny Heuscher (Pauline)	24601 Sorento Sorento LA Cedaridge, 81413 (own property on mtn view st received notice	pheuscher@gmail.com
Enno Heuscher	"	epheuscher@gmail.com
Janet Magoon	2752 Chayenne Dr.	janetmagoon@live.com
Paul Early	776 23 1/2 Rd	
Bennie Skinner	2773 C 1/2 Rd	Skinner Farm 2000@ YAHOO.COM
Harry Griffin	2636 Chestnut Dr. 91506	harryegllblaw. in
Diane Birmingham	333 Mtn View Ct.	dbbham52@ gmail. com
Kathy Portner		
Ted Ciaronne + Mallory Reams	City of GS Ciaronne, Roberts + Associates	

Vicinity Map



ROAD RIGHT OF WAY VACATION

A Parcel of land located within the NE1/4 of the SW1/4 and the NW1/4 of the SE1/4 of Section 24, Township 1 South, Range 1 West, Ute Meridian, County of Mesa, State of Colorado and being a part of a strip of land described in document recorded at Reception No.60138 of the Mesa County Records, being more particularly described as follows:

A 25.00 foot wide strip of land, the West line of the East 12.50 feet adjoins the West line of Government Lot 2 of said Section 24, the North line of said strip of land beginning 26.00 feet South of the North line of said Government Lot 2 and terminating at the North Bank of the Colorado River and the East line of the West 12.50 feet adjoins the East line of Government Lot 3 of said Section 24, the North line of said strip of land beginning beginning 26.00 feet South of the North line of said Government Lot 3 and terminating at the North Bank of the Colorado River.

Containing an area of 9,460 square feet (.217 acres) more or less as described.

This legal description prepared by:
Christopher C. Ransier CO PLS 38089
717 Centauri Drive
Grand Junction, CO 81506



CENTER 1/4 CORNER,
SECTION 24 SECTION 24,
TOWNSHIP 1 SOUTH,
RANGE 1 WEST,
UTE MERIDIAN

Located within the NE1/4 SW1/4 and
the NW1/4 SE1/4 of Section 24,
Township 1 South, Range 1 West, Ute Meridian,
County of Mesa, State of Colorado

GOVERNMENT
LOT 3

GOVERNMENT
LOT 2

VACATION AREA

OWNER: EDDY AT GRAND JUNCTION LLC
PARCEL NO. 2945-243-00-081
RECEPTION NO. 2909396

OWNER: EDDY AT GRAND JUNCTION LLC
PARCEL NO. 2945-244-00-080
RECEPTION NO. 2909396

TOP OF NORTH BANK
COLORADO RIVER

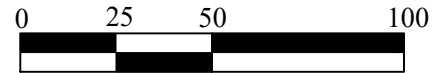
COLORADO RIVER

CENTER SOUTH 1/16 CORNER,
SECTION 24

C 1/2 ROAD
26.0'

25.0'

12.5'



SCALE IN FEET

1"=50'

*This Exhibit is not intended to be used for
establishing or verifying property boundary lines.
*Linear units are in U.S. Survey Feet.



CHRISTOPHER C. RANSIER
CO PLS 38089
717 CENTAURI DRIVE
GRAND JUNCTION, CO 81506

ALTA/NSPS LAND TITLE SURVEY
Located within the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 24,
Township 1 South, Range 1 West, Ute Meridian,
City of Grand Junction, County of Mesa, State of Colorado

PARCEL DESCRIPTION:

As Described in a Warranty Deed recorded at Reception No.2894815 in the office of the Mesa County Clerk and Recorder.

PARCEL 1:

ALL OF LOT 3, EXCEPT THE WEST 10 CHAINS THEREOF IN SECTION 24, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE C/4 CORNER OF SECTION 24, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN; THENCE ALONG THE NORTH LINE OF GOVERNMENT LOT 3 IN SAID SECTION 24 S89°56'19"W 12.50 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 27½ ROAD, BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE S89°56'19" 652.12 FEET; THENCE S00°06'53"E 534.28 FEET TO THE NORTH BANK OF THE COLORADO RIVER, WHICH IS ALSO THE SOUTH LINE OF GOVERNMENT LOT 3 IN SAID SECTION 24; THENCE ALONG SAID RIVER BANK THE FOLLOWING THIRTEEN (13) COURSES: 1. S82°54'10"E 17.50 FEET; 2. N73°04'18"E 49.98 FEET; 3. N82°36'10"E 205.52 FEET; 4. N84°59'11"E 36.42 FEET; 5. N84°27'00"E 76.02 FEET; 6. N75°18'35"E 56.11 FEET; 7. N82°35'07"E 9.02 FEET; 8. S52°59'28"E 9.53 FEET; 9. N61°06'48"E 19.97 FEET; 10. N70°44'38"E 63.80 FEET; 11. N74°23'15"E 70.58 FEET; 12. N61°19'12"E 30.61 FEET; 13. N70°38'06"E 23.73 FEET TO THE WEST RIGHT-OF-WAY LINE OF 27½ ROAD; THENCE ALONG SAID RIGHT-OF-WAY LINE N00°07'57"E 413.77 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

THE WEST 367.65 FEET OF ALL THAT PART OF LOT 2 IN SECTION 24, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN LYING WEST OF THE DRAINAGE DITCH OF THE GRAND JUNCTION DRAINAGE DISTRICT, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE C/4 CORNER OF SECTION 24, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN; THENCE S89°46'04"E 12.50 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 27½ ROAD, BEING THE TRUE POINT OF BEGINNING; THENCE S00°07'57"W 404.92 FEET TO THE NORTH BANK OF THE COLORADO RIVER, WHICH IS ALSO THE SOUTH LINE OF GOVERNMENT LOT 2 IN SAID SECTION 24; THENCE ALONG SAID RIVER BANK THE FOLLOWING EIGHT (8) COURSES: 1. S45°37'16"E 24.34 FEET; 2. S62°32'16"E 33.07 FEET; 3. N55°25'33"E 33.87 FEET; 4. N89°54'00"E 153.40 FEET; 5. N85°02'35"E 50.54 FEET; 6. S87°09'05"E 12.51 FEET; 7. N52°08'39"E 22.53 FEET; 8. S84°02'41"E 46.74 FEET; THENCE N00°07'57"E 403.55 FEET TO THE NORTH LINE OF SAID GOVERNMENT LOT 2; THENCE ALONG SAID NORTH LINE N89°46'04"E 355.15 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

A PARCEL OF LAND SITUATE IN G.L.O. LOT 2 OF SECTION 24, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE C/4 CORNER OF SECTION 24, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN; THENCE ALONG THE NORTH LINE OF THE NW¼ SE¼ OF SAID SECTION 24 S89°46'04"E 367.65 FEET; THENCE S00°07'57"W 30.00 FEET TO THE SOUTH RIGHT-OF-WAY OF C/4 ROAD, BEING THE TRUE POINT OF BEGINNING; THENCE ALONG SAID RIGHT-OF-WAY S89°46'04"E 335.18 FEET; THENCE S33°58'56"W 457.11 FEET TO A POINT ON THE NORTH BANK OF THE COLORADO RIVER; THENCE ALONG AND PARALLEL WITH THE COLORADO RIVER N55°58'04"W 97.06 FEET; THENCE N00°07'57"E 326.08 FEET TO THE POINT OF BEGINNING.
ALL IN COUNTY OF MESA, STATE OF COLORADO.

PARCEL DESCRIPTION AS SURVEYED:

PARCEL 1:

All of Government Lot 3, except the West 10 chains thereof in Section 24, Township 1 South, Range 1 West of the Ute Meridian, and being more particularly described as follows:

Commencing at the center 1/4 corner of Section 24, Township 1 South, Range 1 West of the Ute Meridian; thence along the North line of Government Lot 3 of said section 24 S89°56'42"W, a distance of 12.50 feet to a point on the West road right of way as described in document found at Reception No.60138 of the Mesa County Records and the Point of Beginning; thence continuing along said North line S89°56'42"W, a distance of 652.12 feet; thence S00°06'53"E, a distance of 534.35 feet to the North bank of the Colorado River; thence perpendicular to the median line of the Colorado River S03°33'44"E, a distance of 164.69 feet to a point on the median line of the Colorado River; thence Northeasterly along said median line to a point on the East line of said Government Lot 3; thence along the East line of said Government Lot 3 N00°07'10"E, a distance of 168.95 feet to a point on the North bank of the Colorado River and a point on the Southerly road right of way as described in document found at Reception No.60138, 26014 and 39754 of the Mesa County Records; thence along said road right of way S61°42'09"W, a distance of 14.25 feet; thence along said road right of way N00°07'10"E, a distance of 410.86 feet to the Point of Beginning.
Containing 9.586 Acres, more or less as described.

PARCEL 2:

The West 367.65 feet of all that part of Government Lot 2 in Section 24, Township 1 South, Range 1 West of the Ute Meridian lying West of the drainage ditch of the Grand Junction Drainage District, and being more particularly described as follows:

Commencing at the center 1/4 corner of Section 24, Township 1 South, Range 1 West of the Ute Meridian; thence S89°45'54"E, a distance of 12.50 feet to a point on the East road right of way as described in document found at Reception No.60138 of the Mesa County Records and the Point of Beginning; thence along said road right of way S00°05'19"W, a distance of 397.16 feet to the North bank of the Colorado River; thence along said road right of way S61°24'09"W, a distance of 14.25 feet to a point on the West line of said Government Lot 2; thence along the West line of said Government Lot 2 S00°07'10"W, a distance of 168.95 feet to the median line of the Colorado River; thence Northeasterly and Easterly along said median line to a point from which the center 1/4 corner of said Section 24 bears N32°46'02"W, a distance of 670.32 feet; thence perpendicular from said median line N01°22'02"E, a distance of 163.95 feet to a point on the North bank of the Colorado River; thence N00°08'07"E, a distance of 398.25 feet to a point on the North line of said Government Lot 2; thence along the North line of said Government Lot 2 N89°45'54"W, a distance of 355.15 feet to the Point of Beginning.
Containing 4.627 Acres, more or less as described.

PARCEL 3:

A parcel of land situate in Government Lot 2 of Section 24, Township 1 South, Range 1 West of the Ute Meridian, and being more particularly described as follows:

Commencing at the center 1/4 corner of Section 24, Township 1 South, Range 1 West of the Ute Meridian; thence along the North line of said Government Lot 2 S89°45'54"E, a distance of 355.15 feet; thence S00°08'07"W, a distance of 30.00 feet to the Point of Beginning; thence S89°45'54"E, a distance of 335.18 feet; thence S33°59'06"W, a distance of 457.11 feet to a point on the North bank of the Colorado River; thence perpendicular to the median line of the Colorado River S00°52'11"W, a distance of 153.21 feet to a point on the median line of the Colorado River; thence Westerly along said median line to a point from which the center 1/4 corner of said Section 24 bears N32°46'02"W, a distance of 670.32 feet; thence perpendicular from said median line N01°22'02"E, a distance of 163.95 feet to a point on the North bank of the Colorado River; thence N00°08'07"E, a distance of 398.25 feet to the Point of Beginning.
Containing 2.099 Acres, more or less as described.

ALTA/NSPS Land Title Surveys

TABLE A

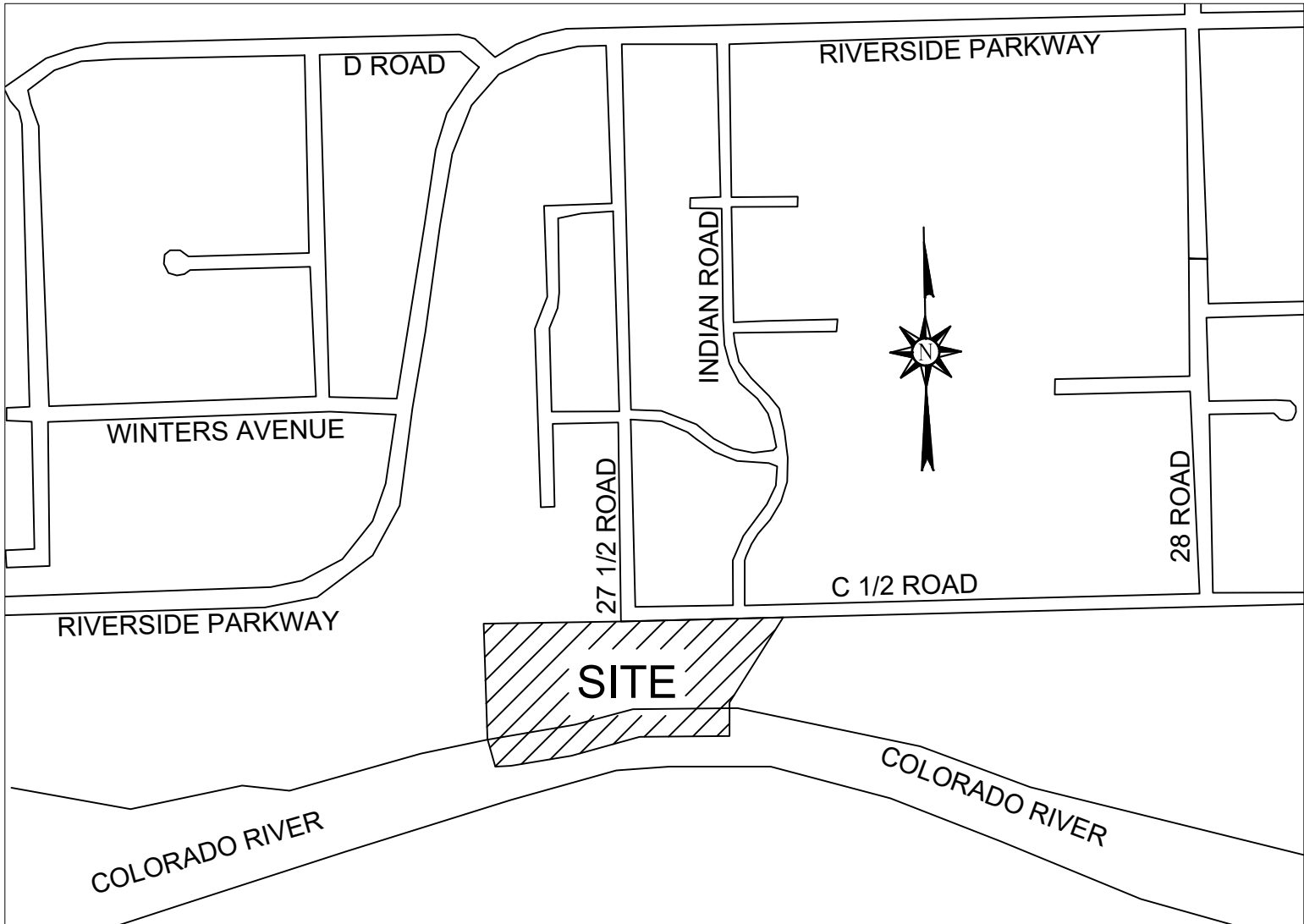
- Monuments placed (or a reference monument or witness to the corner) at all major corners of the boundary of the property, unless already marked or referenced by existing monuments or witnesses in close proximity to the corner. *Shown hereon.*
- Address(es) of the surveyed property if disclosed in documents provided to or obtained by the surveyor, or observed while conducting the fieldwork. *347 27 1/2 Road, Grand Junction, CO 81501 & 2757 C 1/2 Road, Grand Junction, CO 81501*
- The property shown hereon is located within Zone X and Zone AE according to FEMA Panel Map Number 08077C0816F Dated July 6, 2010. *Current Zoning Classification- Light Commercial (C-1) Zoning District, City of Grand Junction GIS map 12/21/2019*
- Gross land area (and other areas if specified by the client) *Land Area 12.540± Acres, Body of Water Area 3.770± Acres, Total 16.310± Acres.*
- Not Applicable to this survey.
- (a) If set forth in a zoning report or letter provided to the surveyor by the client, list the current zoning classification, setback requirements, the height and floor space area restrictions, and parking requirements. Identify the date and source of the report or letter. *Current Zoning Classification- Light Commercial (C-1) Zoning District, City of Grand Junction GIS map 12/21/2019*
Building Setbacks- Front 15 feet, Rear 10 feet, Sides 0 feet.
Building Height Maximum- 40 feet.
(b) If the zoning setback requirements are set forth in a zoning report or letter provided to the surveyor by the client, and if those requirements do not require an interpretation by the surveyor, graphically depict the building setback requirements. Identify the date and source of the report or letter. *City of Grand Junction GIS map 12/21/2019*
- Exterior dimensions of all buildings at ground level. *Shown hereon.*
Square footage of:
(1) exterior footprint of all buildings at ground level. Shown hereon.
- Substantial features observed in the process of conducting the fieldwork (in addition to the improvements and features required pursuant to Section 5 above) (e.g., parking lots, billboards, signs, swimming pools, landscaped areas, substantial areas of refuse). *Shown hereon.*
- Number and type (e.g., disabled, motorcycle, regular and other marked specialized types) of clearly identifiable parking spaces on surface parking areas, lots and in parking structures. Striping of clearly identifiable parking spaces on surface parking areas and lots. *no observed evidence of spaces or striping*
- Names of adjoining owners according to current tax records. *Shown hereon.*
- As specified by the client, distance to the nearest intersecting street. *Shown hereon.*
- Evidence of recent earth moving work, building construction, or building additions observed in the process of conducting the fieldwork. *No evidence of recent earth moving or construction.*
- Proposed changes in street right of way lines, if such information is made available to the surveyor by the controlling jurisdiction. *This surveyor is aware of proposed road right of way vacation between Parcel 1 and Parcel 2, currently submitted to the City of Grand Junction Planning. At the time of this survey no information was provided to the surveyor as to the outcome of the City of Grand Junctions decision.*
- If there has been a field delineation of wetlands conducted by a qualified specialist hired by the client, the surveyor shall locate any delineation markers observed in the process of conducting the fieldwork and show them on the face of the plat or map. If no markers were observed, the surveyor shall so state. *No observed evidence.*
- Include any plottable offsite (i.e., appurtenant) easements or servitudes disclosed in documents provided to or obtained by the surveyor as a part of the survey pursuant to Sections 5 and 6 (and applicable selected Table A items) (client to obtain necessary permissions). *Shown hereon.*

SURVEY NOTES:

- Underground utility marks were provided by a qualified utility locator.
- Linear units are in U.S. Survey Feet.
- Title research was supplied by Land Title Guarantee Company, File Number GJC65040774, Date: 12/19/2019.
- The bearings and distances shown hereon represent the results of the Legal Description rotated to grid north of the Mesa County Local Coordinate System with respect to the physical locations of accepted survey monuments.
- The Colorado River is defined as a Non-Navigable River. The ownership of lands on either side of the River shall extend to the Thalgew and the Thread, or Geometric (median line) center of the River. The Colorado River adjacent to this site is a natural meandering River and lands adjacent to the Colorado River may gain area due to accretion or lose lands due to erosion. According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.
-

BASIS OF BEARINGS:

The bearing between the center 1/4 of Section 24, Township 1 South, Range 1 West of the Ute Meridian and the center East 1/16 of Section 24, Township 1 South, Range 1 West of the Ute Meridian is S89°45'54"E, this bearing corresponds with grid north of the Mesa County Local Coordinate System. Both Monuments are in Monument Boxes.



VICINITY MAP
NOT TO SCALE

SCHEDULE B, PART II

ORDER NUMBER: GJC65040774

- ANY FACTS, RIGHTS, INTERESTS, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR THAT MAY BE ASSERTED BY PERSONS IN POSSESSION OF THE LAND. *NOT A SURVEY ISSUE.*
- EASEMENTS, LIENS OR ENCUMBRANCES, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS. *NOT A SURVEY ISSUE.*
- ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND AND NOT SHOWN BY THE PUBLIC RECORDS. *SHOWN HEREON.*
- ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS. *NOT A SURVEY ISSUE.*
- DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE OF THE PROPOSED INSURED ACQUIRES OF RECORD FOR VALUE THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT. *NOT A SURVEY ISSUE.*
- (A) TAXES OR ASSESSMENTS THAT ARE NOT SHOWN AS EXISTING LIENS BY THE RECORDS OF ANY TAXING AUTHORITY THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY OR BY THE PUBLIC RECORDS; (B) PROCEEDINGS BY A PUBLIC AGENCY THAT MAY RESULT IN TAXES OR ASSESSMENTS, OR NOTICES OF SUCH PROCEEDINGS, WHETHER OR NOT SHOWN BY THE RECORDS OF SUCH AGENCY OR BY THE PUBLIC RECORDS. *NOT A SURVEY ISSUE.*
- (A) UNPATENTED MINING CLAIMS; (B) RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; (C) WATER RIGHTS, CLAIMS OR TITLE TO WATER. *NOT A SURVEY ISSUE.*
- RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED AS RESERVED IN UNITED STATES PATENTS RECORDED AUGUST 21, 1897 IN BOOK 11 AT PAGE 504 UNDER RECEPTION NO. 25969. *BLANKET EASEMENT.*
- RIGHTS OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED AUGUST 21, 1897 IN BOOK 11 AT PAGE 504 UNDER RECEPTION NO. 25969. *BLANKET EASEMENT.*
- A STRIP OF LAND 30 FEET IN WIDTH, WHETHER IN FEE OR EASEMENT ONLY, ALONG THE ENTIRE EASTERN LINE OF SAID LOT THREE (3), AS SET FORTH IN DEED RECORDED OCTOBER 18, 1897 IN BOOK 46 AT PAGE 466 UNDER RECEPTION NO. 26210. *NOT APPLICABLE TO THE SURVEYED PROPERTY.*
- A STRIP OF LAND 10 FEET IN WIDTH FOR ROAD PURPOSES, AND RIGHTS INCIDENTAL THERETO, ALONG THE EAST END OF SAID LOT THREE (3), AS RESERVED IN DEED RECORDED SEPTEMBER 2, 1897 IN BOOK 57 AT PAGE 544 UNDER RECEPTION NO. 26014. *SHOWN HEREON.*
- A STRIP OF GROUND FOR ROAD PURPOSES, AND RIGHTS INCIDENTAL THERETO, ON THE WEST SIDE OF LOT TWO OF SAID SECTION 24, AS SET FORTH IN WARRANTY DEED RECORDED MARCH 28, 1902 IN BOOK 74 AT PAGE 396 UNDER RECEPTION NO. 39754. *SHOWN HEREON.*
- RIGHT-OF-WAY FOR C 1/2, AND RIGHTS INCIDENTAL THERETO, AS DISCLOSED IN THE RECORDS OF THE OFFICE OF THE MESA COUNTY ASSESSOR. *SHOWN HEREON.*
- ANY QUESTION, DISPUTE OR ADVERSE CLAIM AS TO ANY LOSS OR GAIN OF LAND AS A RESULT OF ANY CHANGE IN THE RIVER BED LOCATION BY OTHER THAN NATURAL CAUSES, OR ALTERATION THROUGH ACCRETION, RELICTION, EROSION OR AVULSION OF THE CENTER THREAD, BANK, CHANNEL OR FLOW OF WATERS IN THE COLORADO RIVER LYING WITHIN THE SUBJECT LAND; AND ANY QUESTION AS TO THE LOCATION OF SUCH CENTER THREAD, BED, BANK OR CHANNEL AS A LEGAL DESCRIPTION OR MARKER FOR PURPOSES OF DESCRIBING OR LOCATING THE SUBJECT LANDS. *SHOWN HEREON.*
- ANY RIGHTS, INTERESTS OR EASEMENTS IN FAVOR OF THE RIPARIAN OWNERS, THE UNITED STATES OF AMERICA, THE STATE OF COLORADO, OR THE GENERAL PUBLIC, WHICH EXIST, HAVE EXISTED, OR ARE CLAIMED TO EXIST IN AND OVER WATERS AND PRESENT AND PAST BED AND BANKS OF THE COLORADO RIVER. *NOT A SURVEY ISSUE.*
- ANY RIGHTS, INTERESTS OR EASEMENTS WHICH EXIST OR ARE CLAIMED TO EXIST IN FAVOR OF THE PUBLIC THROUGH THE SUBJECT PROPERTY FOR ACCESS TO THE COLORADO RIVER. *NOT A SURVEY ISSUE.*
- TERMS, CONDITIONS, STIPULATIONS AND PROVISIONS OF RIGHT-OF-WAY AGREEMENT, GRANTED TO CENTRAL GRAND VALLEY SANITATION DISTRICT, RECORDED MARCH 11, 1971 IN BOOK 956 AT PAGE 409 UNDER RECEPTION NO. 1001904. *SHOWN HEREON.*
- TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF EASEMENT AND AGREEMENT, IN FAVOR OF THE GRAND JUNCTION DRAINAGE DISTRICT, RECORDED NOVEMBER 14, 1983 IN BOOK 1464 AT PAGE 580 UNDER RECEPTION NO. 1345103. *SHOWN HEREON.*
- TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF EASEMENT AND AGREEMENT, IN FAVOR OF THE GRAND JUNCTION DRAINAGE DISTRICT, RECORDED MAY 20, 1987 IN BOOK 1643 AT PAGE 936 UNDER RECEPTION NO. 1455510. *SHOWN HEREON.*
- TERMS, CONDITIONS, STIPULATIONS AND PROVISIONS OF GRANT OF TRAIL EASEMENT, GRANTED TO THE CITY OF GRAND JUNCTION, A COLORADO HOME RULE MUNICIPALITY, RECORDED MARCH 10, 2014 IN BOOK 5579 AT PAGE 610 UNDER RECEPTION NO. 2684027. *SHOWN HEREON.*
- ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING FACTS SHOWN ON BOUNDARY SURVEY CERTIFIED NOVEMBER 20, 2006 PREPARED BY POLARIS SURVEYING, PATRICK CLICK, P.L.S., JOB #07-48. *SHOWN HEREON.*
- ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING FACTS SHOWN ON IMPROVEMENT SURVEY PLAT CERTIFIED AUGUST 13, 2019 PREPARED BY CR SURVEYING LLC, JOB #1051019. *SHOWN HEREON.*

CERTIFICATION:

To The Eddy at Grand Junction, LLC, a Colorado limited liability company, Land Title Guarantee Company and Old Republic National Title Insurance Company, and their respective affiliates, successors and assigns:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1.2, 3.4, 6(a), 6(b), 7(a), 7(b)(1), 8.9, 13.14, 16, 17, 18, 19 and 20 of Table A thereof. The fieldwork was completed on June 16th, 2019 and December 20th, 2019.

Date of Plat or Map: December 27th, 2019



Christopher C. Ransier
Colorado PLS 38089

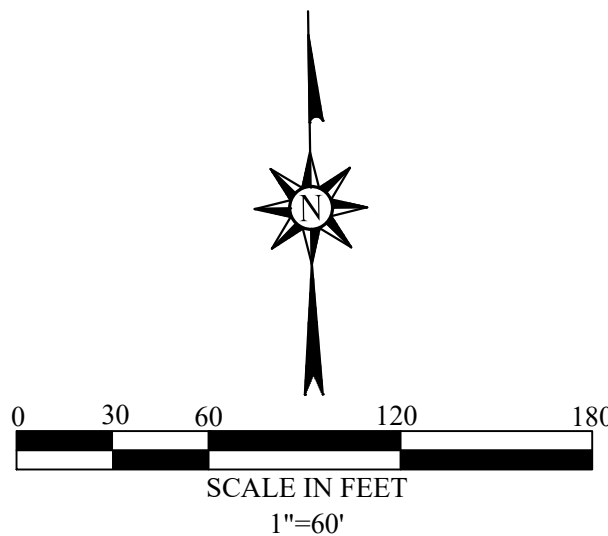
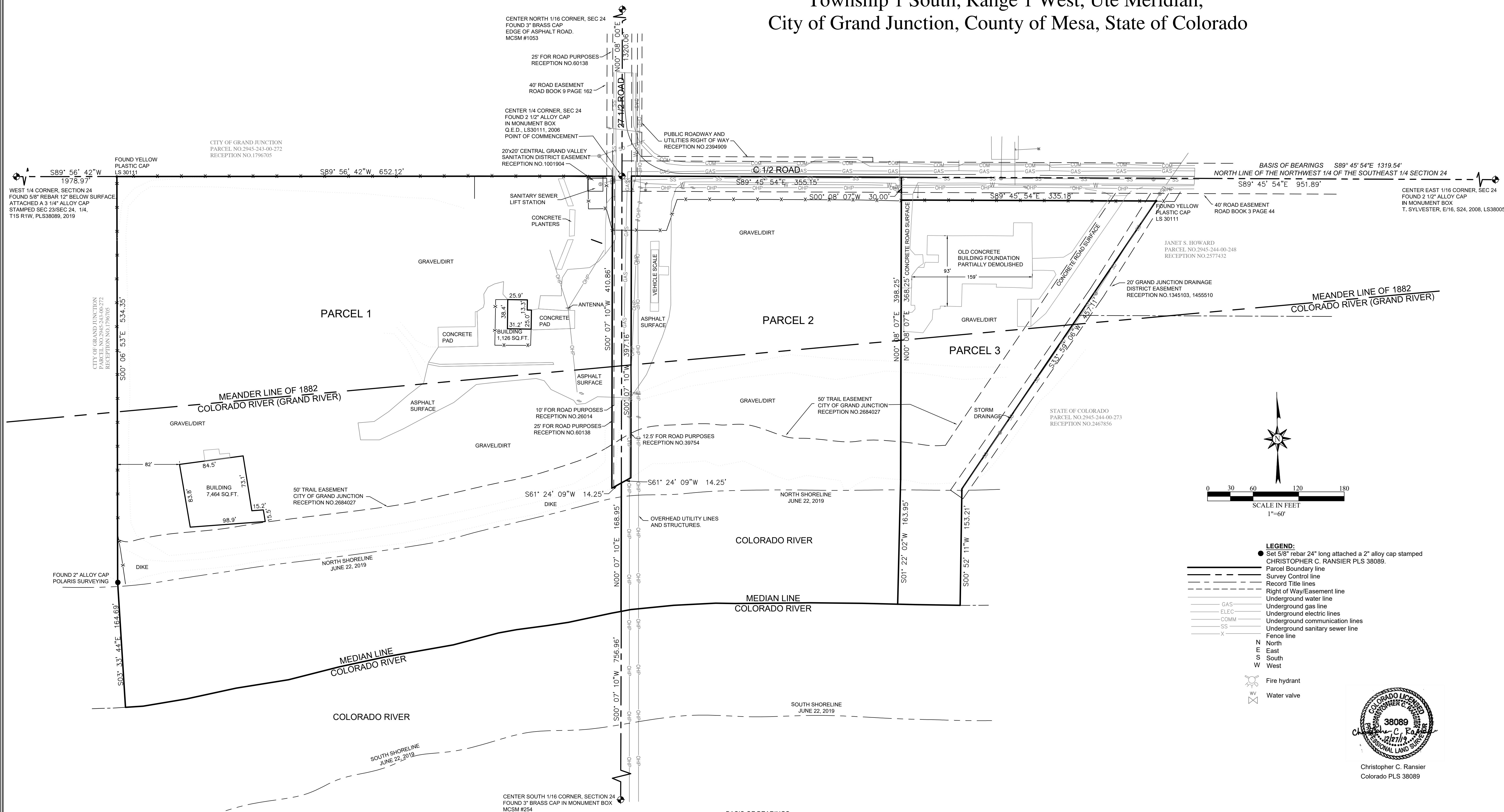
SHEET 1 OF 2

ALTA/NSPS LAND TITLE SURVEY
Located within the NE1/4 SW1/4 and
the NW1/4 SE1/4 of Section 24,
Township 1 South, Range 1 West, Ute Meridian,
City of Grand Junction, County of Mesa, State of Colorado

		CR SURVEYING, LLC 717 CENTAURI DRIVE GRAND JUNCTION, COLO 81506 970-201-4081	
SURVEYED BY: CCR	DRAWN BY: CCR	JOB #: 3014119	DATE: 12/27/2019

LAND SURVEY DEPOSITS
Mesa County Surveyor's Office
Date _____
Book _____ Page _____
Deposit No. _____

ALTA/NSPS LAND TITLE SURVEY
Located within the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 24,
Township 1 South, Range 1 West, Ute Meridian,
City of Grand Junction, County of Mesa, State of Colorado



- LEGEND:**
- Set 5/8" rebar 24" long attached a 2" alloy cap stamped CHRISTOPHER C. RANSIER PLS 38089.
 - Parcel Boundary line
 - Survey Control line
 - - - Record Title lines
 - - - Right of Way/Easement line
 - - - Underground water line
 - - - GAS
 - - - ELEC
 - - - COMM
 - - - SS
 - - - X
 - N North
 - E East
 - S South
 - W West
 - Fire hydrant
 - Water valve



Christopher C. Ransier
Colorado PLS 38089

BASIS OF BEARINGS:
The bearing between the center 1/4 of Section 24, Township 1 South, Range 1 West of the Ute Meridian and the center East 1/16 of Section 24, Township 1 South, Range 1 West of the Ute Meridian is S89°45'54"E, this bearing corresponds with grid north of the Mesa County Local Coordinate System. Both Monuments are in Monument Boxes.

- SURVEY NOTES:**
- Underground utility marks were provided by a qualified utility locator.
 - Linear units are in U.S. Survey Feet.
 - Title research was supplied by Land Title Guarantee Company, File Number GJC65040774, Date: 12/19/2019.
 - The bearings and distances shown hereon represent the results of the Legal Description rotated to grid north of the Mesa County Local Coordinate System with respect to the physical locations of accepted survey monuments.
 - The Colorado River is defined as a Non-Navigable River. The ownership of lands on either side of the River shall extend to the Thalgweg and the Thread, or Geometric (median line) center of the River. The Colorado River adjacent to this site is a natural meandering River and lands adjacent to the Colorado River may gain area due to accretion or lose lands due to erosion.
 - According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

LAND SURVEY DEPOSITS
Mesa County Surveyor's Office
Date _____
Book _____ Page _____
Deposit No. _____

SHEET 2 OF 2

ALTA/NSPS LAND TITLE SURVEY
Located within the NE1/4 SW1/4 and
the NW1/4 SE1/4 of Section 24,
Township 1 South, Range 1 West, Ute Meridian,
City of Grand Junction, County of Mesa, State of Colorado



CR SURVEYING, LLC
717 CENTAURI DRIVE
GRAND JUNCTION, COLO 81506
970-201-4081

SURVEYED BY: CCR DRAWN BY: CCR JOB #: 3014119 DATE: 12/27/2019

XCEL ENERGY EASEMENT

A Parcel of land located within the NW1/4 of the SE1/4 of Section 24, Township 1 South, Range 1 West, Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

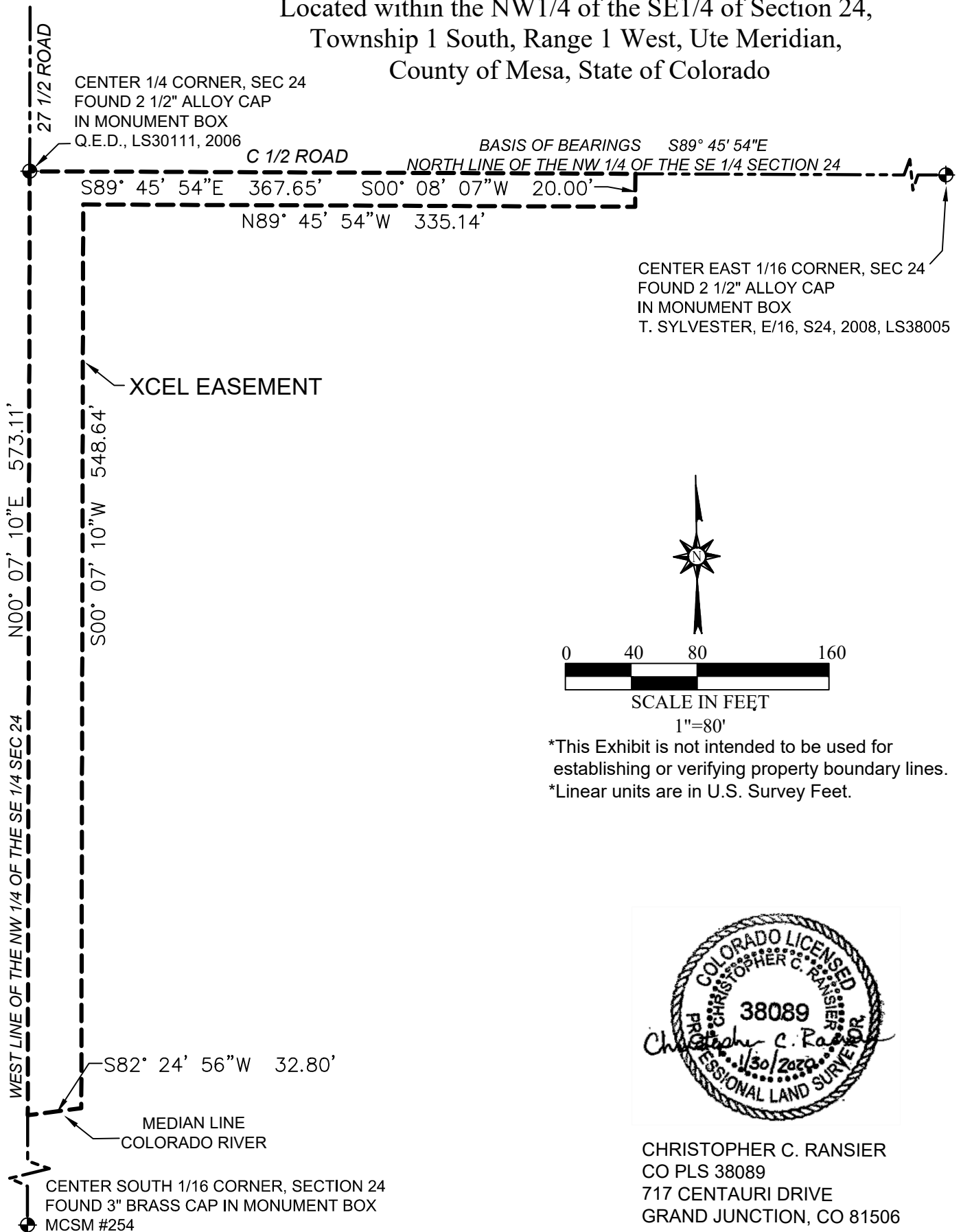
Beginning at the Center 1/4 corner of Section 24 whence the Center East corner of Section 24 bears S89°45'54"E with all bearings being relative thereto; thence S89°45'54"E, a distance of 367.65 feet; thence S00°08'07"W, a distance of 20.00 feet; thence N89°45'54"W, a distance of 335.14 feet; thence S00°07'10"W, a distance of 548.64 feet to the median line of the Colorado River; thence S82°24'56"W along the median line of the Colorado River, a distance of 32.80 feet; thence N00°07'10"E, a distance of 573.11 feet to the Point of Beginning.

Containing an area of 25,256 square feet (.579 acres) more or less as described.

This legal description prepared by:
Christopher C. Ransier CO PLS 38089
717 Centauri Drive
Grand Junction, CO 81506



Located within the NW1/4 of the SE1/4 of Section 24,
Township 1 South, Range 1 West, Ute Meridian,
County of Mesa, State of Colorado



CHRISTOPHER C. RANSIER
CO PLS 38089
717 CENTAURI DRIVE
GRAND JUNCTION, CO 81506

[agenda item can be viewed at 5:08](#)

Consider a request by Eddy at Grand JCT, LLC to Vacate a 25-foot-wide by 400 lineal foot Portion of the undeveloped 27 ½ Road Public Right-of-Way (ROW) abutting the eastern property line of the property located at approximately 347 27 ½ Road.

Staff Presentation

Landon Hawes, Senior Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at www.GJSpeaks.org

Questions for Staff

There was discussion regarding access to the Colorado River and pedestrian and utility easements.

Applicant's Presentation

The Applicant's representative, Ted Ciavonne, was virtually present in the meeting. Mr. Ciavonne did not supply a presentation but was available for questions.

Public Comment

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via www.GJSpeaks.org and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

No public comment was received.

The public hearing was closed at 6:31 p.m. on April 14, 2020.

Discussion

Commissioner Ehlers asked for clarification regarding the pedestrian easements.

Ms. Jamie Beard suggested adding a second condition that with the vacation of the right-of-way, a pedestrian access easement is retained comparable to the pedestrian access easement that already exists on the abutting properties and comparable in size and location

Motion and Vote

Commissioner Wade made the following motion, "Madam Chair, on the request for right of way vacation for an approximate 25 foot by 400 lineal foot portion of the undeveloped 27 ½ Road abutting the eastern property line of that property located at 347 27 ½ Road, City file number VAC-2019-459, I move that the Planning Commission forward a

recommendation of approval to City Council with the findings of fact and conditions as listed in the staff report.”

Commissioner Susuras seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES
Commissioner Gatseos YES
Commissioner Scissors YES
Commissioner Susuras YES
Commissioner Teske YES
Commissioner Wade YES
Chairman Reece YES

The motion carried 7-0.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF 27 ½ ROAD RIGHT-OF-WAY LOCATED AT 347 27 ½ ROAD

RECITALS:

Eddy at Grand JCT, LLC has requested to vacate 400 lineal feet of 27 ½ Road right-of-way, located at 347 27 ½ Road, in order to enable the orderly development of a future mixed-use campus on site.

Xcel Energy owns a gas line and overhead power lines that currently lie in the ROW to be vacated. The Applicant must grant an easement to Xcel Energy allowing for continued access to this gas equipment as a condition of approval.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Zoning and Development Code.

The Planning Commission, having heard and considered the requests, found the criteria of the Code to have been met, and recommended that the portion of 27 ½ Road right-of-way located at 347 27 ½ Road be vacated.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following described dedicated alley right-of-way is hereby vacated subject to the listed conditions:

A Parcel of land located within the NE1/4 of the SW1/4 and the NW1/4 of the SE1/4 of Section 24, Township 1 South, Range 1 West, Ute Meridian, Count of Mesa, State of Colorado and being a part of a strip of land described in document recorded at Reception No.60138 of the Mesa County Records, being more particularly described as follows:

A 25.00 foot wide strip of land, the West line of the East 12.50 feet adjoins the West line of Government Lot 2 of said Section 24, the North line of said strip of land beginning 26.00 feet South of the North line of said Government Lot 2 and terminating at the North Bank of the Colorado River and the East line of the West 12.50 feet adjoins the East line of Government Lot 3 of said Section 24, the North line of said strip of land beginning beginning 26.00 feet South of the North line of said Government Lot 3 and terminating at the North bank of the Colorado River.

Containing an area of 9,460 square feet (.217 acres) more or less as described.

Conditions of Approval:

1. Applicant shall grant an easement to Xcel Energy allowing for continued access to all Xcel equipment within the right-of-way area to be vacated.
2. Applicant shall pay all recording/documentary fees for the Vacation Ordinance.

Introduced for first reading on this 6th day of May, 2020 and ordered published in pamphlet form.

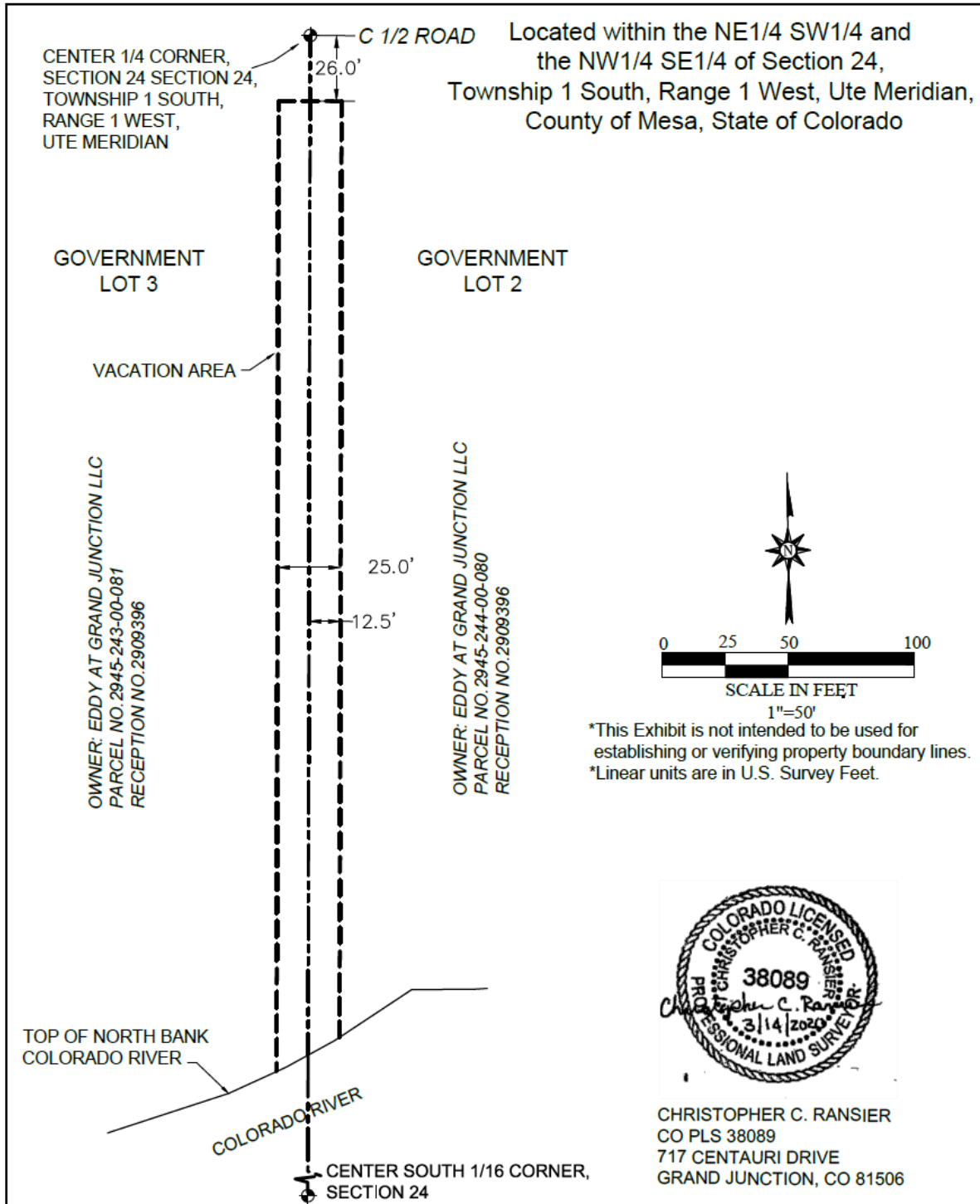
PASSED and ADOPTED this 1st day of June, 2020 and ordered published in pamphlet form.

ATTEST:

President of City Council

City Clerk

EXHIBIT A





Grand Junction City Council

Regular Session

Item #1.a.iii.

Meeting Date: June 1, 2020

Presented By: Lance Gloss, Associate Planner

Department: Community Development

Submitted By: Lance Gloss, Associate Planner

Information

SUBJECT:

An Ordinance Amending the Comprehensive Plan Changing the Future Land Use Map Designation for a Property of 5.26 Acres from the Commercial and Commercial/Industrial Future Land Use Designations to the Downtown Mixed Use Future Land Use Designation and Rezoning said Property of 5.26 acres from a C-2 (General Commercial) Zone District to a R-24 (Residential - 24 du/ac) Zone District Located at 630 South 7th Street - [Staff Presentation](#)

RECOMMENDATION:

The City of Grand Junction Planning Commission heard this request at their May 12, 2020 public hearing and voted (5-0) to recommend approval of the request.

EXECUTIVE SUMMARY:

The Applicant, S2E Developments (CO), LLC, is requesting both a Comprehensive Plan Amendment and a rezone for a 5.26-acre property located at 630 South 7th Street. The first request is to amend the Comprehensive Plan future Land Use designation for this property from Commercial and Commercial/Industrial to Downtown Mixed Use. The second request is to Rezone the same property from a C-2 (General Commercial) zone district to a R-24 (Residential – 24 du/ac) in anticipation of future multifamily residential development. The property is currently within the Downtown Commercial Corridor Overlay Zone District and is proposed to remain within this Downtown Commercial Corridor Overlay Zone District. The requested R-24 zone district is not consistent with the existing Comprehensive Plan Future Land Use Map designation of Commercial or Commercial/Industrial, but does work to implement the proposed designation of Downtown Mixed Use. While multifamily residential development is an allowed use under the current zoning because of the standards of

the Downtown Commercial Corridor Overlay Zone District, the proposed rezone would allow for multifamily residential development without a limit on the number of units per acre, whereas the density is limited to 24 dwelling units per acre under the current zoning. Rezoning would also have the effect of disallowing a range of commercial uses that are allowed on the property under the current zoning.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The 5.26-acre subject property is situated in the southern area of Downtown, adjacent to the main stem of the railroad tracks. The property which is Lot 1 of the Seventh & South Ave Subdivision, currently contains one commercial warehouse structure of approximately 48,628 square feet that was built in 1900 and was substantially reconstructed in 1985. The property was annexed into the City limits in 1909 as part of the South Alley of South Avenue Annexation. Over the last century, various commercial, industrial, and low-density residential structures have occupied the property. The northern side of the property was, until recently, similar in character to the residential areas to the north of the property (across South Avenue) and to the east of the property (across South 8th Street) as it had five small residential structures. The last small residential structures on the property were demolished in 2015. In 2016, all of the formerly separate properties that make up the subject property in its current configuration were combined into one lot by the Seventh and South Ave Subdivision. In 2015, a .26 acre portion of the property was rezoned, from I-1 (Light Industrial) to C-2 (General Commercial) to match the rest of the property. This C-2 zoning is consistent with the long history of commercial and light industrial uses on the southern portions of the property over the last century.

The subject property lies at the confluence of several districts with distinct character, some of which are in flux.

To the north lies the Downtown Central Business District, with the Downtown core and a concentration of B-2 (Downtown Business) zoning several blocks to the northwest, a residential transitional area with R-O (Residential Office) zoning to the northeast, and—located immediately to the north—the commercial corridor along Pitkin Avenue, Ute Avenue, and South Avenue which is largely zoned C-2 and C-1 (Light Commercial) and falls largely within the Greater Downtown Commercial Corridor Overlay zone district.

- To the west and east lie districts with I-1 and I-2 (General Industrial) zoning, where historical residential uses persist in pockets among primarily industrial uses such as manufacturing, storage, and shipping.

Directly south of the property, across the mainstem of the railroad tracks, the South 7th Street corridor extends toward the River District, with most properties that front onto

South 7th Street being in the C-2 zone district and falling within the Greater Downtown Commercial Corridor Overlay zone district. To the southeast and southwest of the property, most properties are in the I-1 and I-2 zone districts and are currently in industrial or commercial uses, with long-standing pockets of mostly single-family residential uses on properties that are no longer zoned for low-density residential use.

The site's main access is currently from South 7th Street, which is classified as a Major Collector, and access is also provided from South Avenue, 1st Avenue, and South 8th Street, all of which are classified as local roads. The site is approximately 375 feet from the I-70 Business Loop, which is classified as a Major Arterial and is a Colorado Department of Transportation Right-of-Way.

The Applicant has expressed the intent to remove the existing commercial warehouse structure and associated shipping facilities and redevelop the property with a multifamily residential land use. The Applicant seeks the R-24 zone due to the allowable land uses provided within the district and, in particular, multifamily residential uses without maximum density limits. The existing C-2 zoning does not allow for multifamily residential uses, although multifamily residential uses are currently allowed on the property as a result of it being within the Greater Downtown Commercial Corridor Overlay Zone District. That overlay stipulates that multifamily residential construction shall be allowed on these properties as if they were in the C-1 (Light Commercial) zone district, per GJMC Section 24.08.060(d). As the overlay would thus allow multifamily residential development of up to 24 dwelling units per acre, the intent and effect of the proposal to rezone to R-24 would be to increase the allowable density of residential development from a maximum of 24 dwelling units per acre to no maximum residential density.

The Comprehensive Plan Future Land Use Map identifies the property as Commercial, with a small portion (approximately 0.27 acres) in the southeast corner of the subject property designated as Commercial/Industrial. The proposed R-24 Zone District is not a zone district that implements the Commercial Future Land Use designation, nor the Commercial/Industrial designation. However, the proposal for the rezone is being concurrently reviewed alongside a proposal to amend the Comprehensive Plan Future Land Use Map designation for this property to Downtown Mixed Use. In addition to R-24 (Residential – 24 dwelling units/acre) the following zone districts would also work to implement the proposed Downtown Mixed Use designation.

- a. R-16 (Residential – 16 du/ac)
- b. R-24 (Residential – 24 du/ac)
- c. R-O (Residential Office)
- d. B-2 (Downtown Business)
- e. C-1 (Light Commercial)
- f. MXR, G & S (Mixed Use Residential, General and Shopfront)

Concerning the rezoning request, the purpose of the existing C-2 (General Commercial) zone district is to provide for commercial activities such as repair shops, wholesale businesses, warehousing and retail sales with limited outdoor display of goods and even more limited outdoor operations. On the other hand, the purpose of the R-24 zone district is to provide for high density residential use, allowing multifamily development with no maximum density. R-24 may also serve as a transitional district between single-family and trade zones. This district is further intended to allow high density residential unit types provide a balance of housing opportunities in the community. As specified in the Grand Junction Municipal Code, the R-24 zone district is appropriate in the Village and Neighborhood Centers; per the Comprehensive Plan, it is also appropriate for the core area of Downtown, as is being considered here.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding a proposed rezone request and Comprehensive Plan would, under typical circumstances, be required in accordance with Section 21.02.080 (e) of the Zoning and Development Code. In this instance, no Neighborhood Meeting was held, because the requirement was waived by the City Council at their March 23, 2020, meeting as a component of the City's comprehensive response to the COVID-19 epidemic.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with an application sign on April 30, 2020. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on May 1, 2020. The notice of this public hearing was published May 5, 2020 in the Grand Junction Daily Sentinel.

ANALYSIS

Comprehensive Plan Amendment

Pursuant to section 21.02.130(c)(1), the City may amend the Comprehensive Plan, neighborhood plans, corridor plans, and area plans if the proposed change is consistent with the vision (intent), goals and policies of the Comprehensive Plan and:

(i) Subsequent events have invalidated the original premises and findings; and/or

The 2010 Comprehensive Plan includes a Future Land Use Map which identifies this property as Commercial and Commercial/Industrial. The Applicant is requesting a Future Land Use designation of Downtown Mixed Use to allow for high-density residential and business uses.

The original premise for the Commercial and Commercial/Industrial Future Land Use

designation for the properties was essentially that this corridor would develop as a typical commercial area. Conversely, the recent trajectory of Downtown has been to a broader mix of uses along the 7th street corridor inclusive of uses such as fitness gyms, entertainment, restaurants, and retail. South 7th Street has experienced multi-modal transportation upgrades and other streetscape improvements that make residential development increasingly viable. Thus, the current premise is that this corridor should, and increasingly does, serve as an artery for the expansion of a Downtown-like mixed-use environment southward from the vicinity of Main Street. Whereas commercial uses were once seen as the primary appropriate uses along 7th Street, the City now, through the recently adopted Vibrant Together Plan of Development, recognizes the need for a wider mix of uses including high-density residential.

The Vibrant Together plan; officially the Plan of Development (POD) for the Downtown Development Authority was adopted by both the City and DDA in October 2019. The POD envisions significantly increased emphasis on pedestrian presence and streetscape vitality along South 7th Street, relative to previous plans such as the Greater Downtown Plan (2013). The POD also places added emphasis on the closely-related need for high-density housing. The POD even explicitly identified the subject property as a primary site for catalytic development that aligned with the vision of a densified, mixed use South 7th Street. The POD also calls for streetscape improvements that are significantly better aligned with the bulk standards and other development standards of such zone districts as B-2 and R-24 than with the standards applied under existing C-2 zoning. In sum, under the new conditions presented by the DDA's Plan of Development, Commercial and Commercial/Industrial designations are no longer the best means of achieving adopted goals.

Staff thus finds that this criterion is met.

(ii) The character and/or conditions of the area has changed such that the amendment is consistent with the Plan; and/or

For over a century, the vicinity of the subject property has been a predominately commercial and industrial area, owing largely to the presence of the railroad mainstem, railroad spurs, and the nearby intersection of the Colorado and Gunnison Rivers with their associated railroad routes. Much of the area to the south and east of the property remains in commercial and industrial use.

However, the subject property also sits at the periphery of an expanding and densifying Downtown Central Business District, as well as along the main thoroughfare connecting the Central Business District with the Riverfront at Las Colonias. The continuing development of the Las Colonias Park, particularly the new amphitheater and the present development of the Las Colonias Business Park with the PD zone district has

created a re-assessment of what types of land uses best fit this section of the City. Given its location at the contact point between the Las Colonias area and the Central Business District, the conditions surrounding the subject property have more recently evolved.

Moreover, the City has recently approved numerous projects in the Downtown core and the Riverfront area, including significant office construction in the vicinity of Main Street and 7th Street, new construction and rehabilitation of structures for small business in the vicinity of Colorado Avenue, and a mix of commercial and residential development directly adjacent to the Colorado River. In particular, the ongoing development of areas of office, retail, service, and manufacturing employment in the general vicinity of the property have likely increased demand for high-density residential opportunities in the Downtown, as would be encouraged by the Downtown Mixed Use Future Land Use designation. Likewise, improvements to pedestrian, bicycle, and motor vehicle infrastructure such as the establishment of Riverside Parkway as a principal arterial and Complete Streets improvements to South 7th Street have improved conditions for mixed-use development.

This is not to suggest that commercial and commercial/industrial land-uses have disappeared from the vicinity of the site. On the contrary, oil-related business are directly adjacent to the subject property to the east and west. Various industrial and commercial uses related to material supply, recycling, fabrication, and similar are found nearby. But so, too, are many uses typically associated with Business, Commercial, and Residential zone districts, with restaurant, single-family residential, multi-family residential, retail, light industrial, heavy industrial, medical marijuana cultivation, fitness, office, judicial, and entertainment uses within a one block radius of the site. The area thus represents a broad mix of uses that continues to evolve.

Staff has found that the character and condition of this area has changed and continues to change and therefore finds that this criterion has been met.

(iii) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

The subject property is advantaged by its position in the City's historical and present-day core, where services and utilities are robustly provided and where new development poses fewer demands for upgrades to primary utilities. At present, availability of services includes City water and sewer, Grand Valley Irrigation District, Xcel Energy electricity and natural gas, and cable network links. Public safety, fire, EMS and police services can adequately serve this area of the City. The subject property is also within walking distance of numerous community facilities, including several parks, arts and entertainment venues, a public library, and public transit stops. Based on the provision and concurrency of public utilities and community facilities to

serve the future land use designation request, staff finds that this criterion has been met.

(iv) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

The Downtown Mixed Use Future Land Use designation is confined to a contiguous area, generally bounded by Riverside Parkway, Pitkin Avenue, Grand Avenue, and 8th Street, and also extends along Ute Avenue, Colorado Avenue, and Pitkin Avenue to approximately 14th Street. Generally, for Downtown to expand in the immediate vicinity of the existing Downtown in a manner consistent with the existing downtown character, more land will need to be designated Downtown Mixed Use or a similar Future Land Use. Specifically, only Downtown Mixed Use allows for B-2 (Downtown Business) zoning, which is specifically tailored to promote the urban form and mix of uses associated with downtown. Furthermore, despite the ongoing and planned expansion of Downtown-like uses and streetscape along South 7th Street to the Riverfront at Las Colonias, no Downtown Mixed Use designations have yet been extended along South 7th Street. Rather, South 7th Street remains under the Future Land Use designations of Commercial and Commercial/Industrial, which allow for zone districts and uses that may not be appropriate to fostering a Downtown-like character in parts of the Rail District.

Thus, staff finds that this criterion has been met.

(v) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The greatest benefit to be derived from the requested changes is the potential to support future growth and development of a vibrant, Downtown-like link between the vicinity of Main Street Downtown and the Riverfront at Las Colonias. This Comprehensive Plan Amendment would allow a greater mix of uses along the 7th Street Corridor, and crucially allow rezoning to such districts as B-2 (Downtown Business), R-24, and the Mixed Use Form Districts. These zone districts have standards for building form, streetscape, and uses that are more aligned with the Downtown character than currently available districts, such as C-2 (General Commercial). Amending the Comprehensive Plan to extend the area designated Downtown Mixed Use to the south, rather to the north, east, or west, also contributes to the conservation of long-established, medium-low density residential districts, while continuing to provide opportunities for housing near the urban core.

Thus, staff finds that the community and area would derive benefits from the proposed amendment and thus has found this criterion has been satisfied.

The proposed amendments implement the following guiding principle, goals and policies:

Guiding Principle 2: Sustainable Growth Patterns – Encourage infill and redevelopment.

Guiding Principal 3: Housing Variety – Allow/encourage more variety in housing types.

Goal 1: To implement the Comprehensive Plan in a consistent manner.

Policy C: The City will make land use decisions consistent with the goal of supporting and encouraging the development of centers. The Subject Property is located within the City Center.

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Policy B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

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

Goal 8: Create attractive public spaces and enhance the visual appeal of the community through quality development.

Policy F: Encourage the revitalization of existing commercial and industrial areas.

Specifically, this amendment will work to encourage the invigoration of the South 7th Street Corridor, a vital connection between the Downtown Central Business District, the Rail District, and the River District typified by the Riverfront at Las Colonias.

Rezone

In advance, it must be noted that the subject property has a base zoning of C-2, but that the effect of this base zoning is significantly changed by the Greater Downtown Commercial Corridor Overlay which encompasses most of the South 7th Street corridor. That zoning overlay is intended to implement goals of the 2013 Downtown Plan, and includes many allowances and requirements aimed at fostering an improved pedestrian environment and greater visual interest along South 7th Street. Such standards include the reduction of front yard setbacks along South 7th Street to zero feet; allowance of multi-family development up to 24 du/ac, regardless of base zoning; required façade variation; and the requirement that all parking be outside the front yard

setback. However, the treatment of criteria below focuses on the C-2 zoning with somewhat less regard to this overlay zone district, as the overlay is not proposed to change.

The criteria for review of a rezone application is set forth in Section 21.02.140(a). The criteria provide that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following rezone criteria.

(1) Subsequent events have invalidated the original premises and findings; and/or

The existing C-2 zoning was most recently applied to portions of the property in 2015. The decision was premised on the notion that this corridor would serve as a general commercial area, albeit specifically tailored to serve pedestrian needs through the standards of the Greater Downtown Commercial Corridor Overlay. General commercial uses were then seen as the most appropriate uses of a corridor that was meant to connect the core area of Downtown with the River District while simultaneously buffering the industrial uses of the Rail District (generally, the vicinity of Winters Avenue). At the time of that rezoning action, and at time of the 2010 Comprehensive Plan's adoption, high-density residential uses were considered possible desired uses for the South 7th Street Corridor, but were considered secondary to Commercial uses as reflected in the name of the Greater Downtown Commercial Corridor Overlay.

Since that time, the City has invested significant resources in energizing the River District (directly to the South), including with the Riverfront at Las Colonias, a long-term project aimed at revitalizing the river's edge proximate to Downtown. More recently, the City has adopted the Downtown Development Authority's (DDA) Plan of Development, entitled "Vibrant Together," which emphasizes the need to increase vitality along South 7th Street and to make changes that support the pedestrian environment along that corridor. That Plan of Development goes further than previous adopted plans in emphasizing the need for a mix of uses (both vertically and horizontally) as well as concentrated residential uses that would support a round-the-clock pedestrian atmosphere. Specifically, that Plan calls to "extend the energy of Main to the River along 7th Street" including through the introduction of greater residential density (See p. 13, "Vibrant Together").

In essence, the premise today is that this corridor best serves the Downtown and the City at large if it is substantially re-developed to support a greater mix of uses, the presence of pedestrians on the street, and housing opportunities for those who seek to live and work Downtown. These aims are not particularly well-supported by C-2 zoning for the parcel, even with the Greater Downtown Corridor Commercial Overlay, and are arguably better supported by a district that provides for residential uses.

Staff thus finds that this criterion is met.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

The character of South 7th Street has evolved and will continue to evolve substantially according to adopted plans. Many, though certainly not all, of the properties in the immediate vicinity of the subject property have transitioned away from an industrial-commercial mix to office-commercial mix of uses. Meanwhile, many long-standing residential uses have persisted longer than may have been anticipated when the area was slated for commercial and industrial uses. In the wider context, the DDA's Plan of Development on the City's Active Transportation Corridors map both called for greater development of residential uses and improvements to (and enlivening of) the streetscape along the South 7th Street corridor. Since the last rezone involving this property, South 7th Street has indeed received a significant upgrade to align with the City's adopted Complete Streets Policy, with new pedestrian, bicycle, and landscape amenities. The development of the Riverfront at Las Colonias at the south end of South 7th Street, combined with the identification of South 7th Street as the primary connection between Main Street and Las Colonias, further underscores the changing character, context, and condition of the subject property's vicinity.

Staff therefore finds that this criterion is met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

Adequate public and community facilities and services are available to the property and are sufficient to serve land uses associated with the C-1 zone district. The subject property is advantaged by its position in the City's historical and present-day core, where services and utilities are robustly provided and where new development poses fewer demands for upgrades to primary utilities. City Sanitary Sewer is located adjacent to the site in South Avenue, South 7th Street, and 1st Avenue, as well as across the site. City Water is likewise available, located in South Avenue and South 7th Street. The property is also served by Grand Valley Irrigation District, Xcel Energy electricity and natural gas, and cable network links. Public safety, fire, EMS and police services can adequately serve this area of the City. The subject property is also within walking distance of numerous community facilities, including several parks, arts and entertainment venues, a public library, and public transit stops. Public schools are also accessible by multiple modes of transportation. The primary non-educational need that is not served within easy walking distance is a large grocer.

In general, staff has found public and community facilities are adequate to serve the type and scope of the commercial land use(s) proposed. As such, staff finds this

criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

The proposed R-24 zoning makes up approximately 1% of the total zoned acres within City Limits, whereas the existing C-2 zoning makes up about 3% of the City. R-24 is the only zone district that allows residential density to exceed 24 units per acre and is thus the primary means of allowing high density multifamily housing development in the City (the alternative being a Planned Development). In the immediate vicinity of the subject property, including the entirety of the Rail and River Districts, there are no properties zoned R-24. The only R-24 zoning in the entire area covered by the Greater Downtown Plan is located in two pockets: one at Main Street and 17th Street; one at 4th Street and Chipeta Avenue.

Staff thus finds this criterion has been met.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The community and area will benefit from this proposed rezone request by creating the potential for high-density residential land uses at a central Downtown location, without compromising the durability of established medium-low-density residential areas in other areas of Downtown. Furthermore, the ongoing vacancy of the subject property and the under-utilization of various commercial and industrial properties nearby suggests that the community will not suffer serious hardship as a result of rezoning the subject property out of the C-2 zone district. The community and area will also benefit from the potential for redevelopment of this underutilized site that, should it develop, will be required to meet current code standards for such site improvements as landscaping and other on-site improvements.

Therefore, Staff finds that this criterion has been met.

The rezone criteria provide the City must also find the request is consistent with the vision, goals and policies of the Comprehensive Plan. Staff has found the request to be consistent with the following goals and policies of the Comprehensive Plan:

Goal 1 / Policy A: Land use decisions will be consistent with Future Land Use Map.

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Policy A: to create large and small “centers” throughout the community that provide

services and commercial areas.

Policy B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

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

Goal 12: Being a regional provider of goods and services the City will sustain, develop and enhance a healthy, diverse economy.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the request for approval to amend the Comprehensive Plan Future Land Use Map (File no. CPA-2020-194), from a Commercial Future Land Use designation to a Downtown Mixed Use Future Land Use designation, and the request to rezone (File no. RZN-2020-190) from C-2 (General Commercial) to R-24 (Residential – 24 du/ac) with no change to the Greater Downtown Commercial Corridor Overlay Zone District designation for one property having a total of 5.26 acres and located at 630 South 7th Street, the following findings of fact have been made:

On the request for an amendment to the Comprehensive Plan, the following findings of fact have been made:

- 1) The request has met one or more of the criteria in Section 21.02.130(c)(1) of the Zoning and Development Code.
- 2) The request is consistent with the vision, goals and policies of the Comprehensive Plan.

On the request for rezoning, the following findings of fact have been made:

- 1) The request has met one or more of the criteria in Section 21.02.140 of the Zoning and Development Code.
- 2) The request is consistent with the vision (intent), goals and policies of the Comprehensive Plan.

Therefore, the Planning Commission recommends approval.

FISCAL IMPACT:

There is no direct fiscal impact from this request.

SUGGESTED MOTION:

I move to (adopt/deny) Ordinance No. 4933, an ordinance amending the

Comprehensive Plan Future Land Use Map of the City of Grand Junction from Commercial and Commercial/Industrial to Downtown Mixed Use for a property of 5.26 acres and rezoning said property of 5.26 acres from a C-2 (General Commercial) Zone District to a R-24 (Residential – 24 du/ac) Zone District located at 630 South 7th Street on final passage and order final publication in pamphlet form.

Attachments

1. EVE II Rezone and CPA Development Application Packet
2. Maps and Locations
3. Draft Ordinance
4. Public Comment _ EVE II RZN CPA _ GJSpeaks
5. EVE II - Planning Commission Minutes - 2020 - May 12
6. Letter of Support-Rezone-630 S. 7th Street

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: Rezone / Comprehensive Plan Amendment

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

Existing Land Use Designation Commercial

Existing Zoning C-2

Proposed Land Use Designation Residential

Proposed Zoning R-24

Property Information

Site Location: 630 S. 7th Street

Site Acreage: 5.25 Acres

Site Tax No(s): 2945-231-43-001

Site Zoning: C-2

Project Description: To amend the Comprehensive Plan and Rezone the parcel to R-24.

Property Owner Information

Name: EN-SIM PARTNERSHIP, LLP

Street Address: 701 Colorado Avenue

City/State/Zip: Grand Junction, CO 81501

Business Phone #:

E-Mail: robin.levine2012@gmail.com

Fax #:

Contact Person: Robin Levine

Contact Phone #: 970-270-8601

Applicant Information

Name: S2E Developments (CO), LLC

Street Address: 6400 South Fiddlers

City/State/Zip: Greenwood Village, CO 80111

Business Phone #: 303-359-7883

E-Mail: marissa@s2etech.com

Fax #:

Contact Person: Marissa Adelstein

Contact Phone #: 303-359-7883

Representative Information

Name: River City Consultants, Inc.

Street Address: 215 Pitkin Ave. #201

City/State/Zip: Grand Junction, CO 81501

Business Phone #: 970-241-4722

E-Mail: btomlinson@rccwest.com

Fax #:

Contact Person: Baillie Tomlinson

Contact Phone #: 970-241-4722

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 Doug Simons

Date 03/31/2020

Signature of Legal Property Owner Doug Simons

Date 03/31/2020

Project Report

EVE Park II

Sustainable Living Project on 630 S. 7th Street

Project Report

April 10th, 2020

Prepared for:

City of Grand Junction

Grand Junction, CO 81501

Prepared by:



215 Pitkin, Grand Junction, CO 81501

Grand Junction, CO 81506

Phone: (970) 241-4722

Fax: (970) 241-8841

A. Project Description

- 1) Location: The proposed project is located at 630 S. 7th Street, Grand Junction, Colorado (Parcel No. 2945-231-43-001).
- 2) Acreage: The project consists of approximately 5.26 acres in a C-2 (General Commercial) zone district and the Greater Downtown Commercial Corridor Overlay.
- 3) Proposed Use: This submittal is for a rezone from C-2 to R-24 with a Comprehensive Plan Amendment. This zoning is generally compatible with the surrounding mix of uses and with the site's proximity to the Central Business District.

Public Benefit

The proposed zoning will allow implementing development projects that will facilitate a sustainable lifestyle and use of multi-modal transportation linked to central downtown.

Diversification of uses in zoning allows the land to be used more efficiently. Residents will be able to live in the vicinity of where they work with this proposed rezone.

The proposed zoning enables the development to adapt an old, perhaps undesired property, and revitalize it into a centralized location for residents to reside in.

In this area, there is an abundance of drug-related crimes. Studies show that you can reduce crime by reshaping the environment with zoning.

The location of the project potentially will reduce the number of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

Neighborhood Meeting

A neighborhood meeting was required for this submittal; however, due to COVID-19 and limitations on the size of gatherings, the meeting requirement was waived by the City Council for the unforeseen future.

D. Project Compliance, Compatibility, and Impact

- 1) Adopted plans and/or policies:

The proposed zoning, in conjunction with a Comprehensive Plan Amendment, will comply with the adopted codes, plans and requirements for the property. The project is proposed to ensure all City requirements are met. Impacts on the infrastructure will be addressed including water, sewer, access, lighting, etc. will not be impacted by this rezone/Comprehensive Plan Amendment.

- 2) Land use in the surrounding area:

The uses contained within the surrounding area are commercial and industrial, as well as existing residences that have been rezoned to commercial and industrial zone districts to guide future redevelopment

- 3) Site access and traffic patterns:

Site access and traffic patterns have been considered due to a possible Site Plan submittal and will potentially be off South Ave.

4) Availability of utilities, including proximity of fire hydrants

The subject parcel is served by the following:

Grand Junction Water Service Area

City of Grand Junction Sewer

Grand Valley Irrigation Company

Xcel Energy

City of Grand Junction Fire- Station 1

Charter (Cable)

CenturyLink (Phone)

A Fire Flow Form will be included with a future site plan submittal.

5) Special or unusual demands on utilities:

There will be no unusual demand on utilities as a result of the Rezone and Comprehensive Plan Amendment.

6) Effects on public facilities:

The Rezone and Comprehensive Plan Amendment will have no adverse effect on public facilities.

7) Hours of operation:

Not applicable.

8) Number of employees:

Not applicable.

9) Signage

Not applicable.

10) Site Soils Geology:

Not applicable.

11) Impact of project on site geology and geological hazards:

None are anticipated.

**E. Must address the review criteria contained in the Zoning and
Development Code for the type of application being submitted**

21.02.140 Code amendment and rezoning.

(a) **Approval Criteria.** In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:

(1) Subsequent events have invalidated the original premises and findings; and/or

The proposed Rezone request to R-24 and Comprehensive Plan Amendment will add a buffer to the Greater Downtown Transitional Overlay.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

The amendment would help revitalize the south downtown area and make the area more pedestrian-friendly. This development takes undesired property and proposes a centralized location for residents to thrive in. This is consistent with Goal 4 of the Comprehensive Plan: Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing, and tourist attractions. It is also consistent with Goal 5 of the Comprehensive Plan: To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

Public and community facilities are existing and adequate and will support the proposed use, and are not affected as a result of the Rezone request.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

This parcel of land is adequately serviced by utilities and roadways. There is an inadequate supply of residential parcels in this area to accommodate residential development in the downtown area.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Pedestrian opportunities could be expanded in this area with the development of this parcel as well as revitalization to the downtown area. This is consistent with Goal 9 of the Comprehensive Plan: Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle, air, and freight movement while protecting air, water, and natural resources.

(6) General Approval Criteria. No permit may be approved by the Director unless all of the following criteria are satisfied:

(i) Compliance with the Comprehensive Plan and any applicable adopted plan.

This submittal is for a Comprehensive Plan Amendment and Rezone.

- (ii) Compliance with this zoning and development code.

This submittal is for a Rezone from C-2 to R-24. Once approved, the proposed use and subsequent site plan submittal will comply with the zoning and development code.

- (iii) Conditions of any prior approvals.

There are no prior approvals with this submittal.

- (iv) Public facilities and utilities shall be available concurrently with the development.

All public facilities and utilities shall be available concurrent with this development.

- (v) Received all applicable local, State and federal permits.

None needed for this Rezone and Comprehensive Plan Amendment submittal.

Legal Description

LOT 1 SEVENTH & SOUTH AVE SUBDIVISION SEC 14 & SEC 23 1S 1W UM RECD
R-2757389 MESA CO RECDS - 229,126 SF \ 5.26 AC

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) EN-SIM PARTNERSHIP, LLP ("Entity") is the owner of the following property:

(b) 630 S. 7th Street, Grand Junction, CO 81501

A copy of the deed(s) evidencing the owner's interest in the property is attached. Any documents conveying any interest in the property to someone else by the owner are also attached.

I am the (c) Partner for the Entity. I have the legal authority to bind the Entity regarding obligations and this property. I have attached the most recent recorded Statement of Authority of the Entity.

☒ My legal authority to bind the Entity both financially and concerning this property is unlimited.

☐ My legal authority to bind the Entity financially and/or concerning this property is limited as follows:

☒ The Entity is the sole owner of the property.

☐ The Entity owns the property with other(s). The other owners of the property are:

On behalf of Entity, I have reviewed the application for the (d) Rezone/Comprehensive Plan Amendment

I have the following knowledge or evidence of a possible boundary conflict affecting the property:

(e) None

I understand the continuing duty of the Entity to inform the City planner of any changes regarding my authority to bind the Entity and/or regarding ownership, easement, right-of-way, encroachment, lienholder and any other interest in the land.

I swear under penalty of perjury that the information in this Ownership Statement is true, complete and correct.

Signature of Entity representative: Doug Simons 03/31/2020

Printed name of person signing: Douglas S. Simons or Jamee E. Simons

State of Colorado)

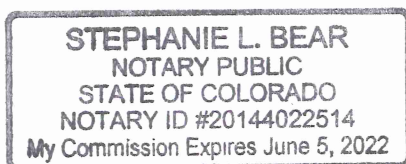
County of Mesa) ss.

Subscribed and sworn to before me on this 1st day of April, 20 20

by Doug S Simons

Witness my hand and seal.

My Notary Commission expires on June 5, 2022



Stephanie Bear
Notary Public Signature

904483

Book 3055 Page 258

STATEMENT OF AUTHORITY

C.R.S. Section 38-30-172

2049690 04/08/02 1251PM

MONIKA TODD CLK&REC MESA COUNTY CO
REC FEE \$5.00

1. This Statement of Authority relates to an entity [1] named EN-SIM PARTNERSHIP, LLP.
2. The type of entity is a:

☐ corporation	☒ registered limited liability partnership
☐ nonprofit corporation	☐ registered limited liability limited partnership
☐ limited liability company	☐ limited partnership association
☐ general partnership	☐ government or governmental subdivision or agency
☐ limited partnership	
☐ _____	
3. The entity is formed under the laws of Colorado.
4. The mailing address for the entity is 200 South 7th Street, Grand Junction, Colorado 81501.
5. The [X] name and [X] position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity are DOUGLAS S. SIMONS and JAMEE E. SIMONS, constituting all of the partners of the partnership.
- 6.[2] The authority of the forgoing persons to bind the entity is [X] not limited.
7. Other matters concerning the manner in which the entity deals with interests in real property: N/A
- 8.[3] This Statement of Authority is executed on behalf of the entity pursuant to the provisions of Section 38-30-172, C.R.S.

Executed this 5th day of April, 2002.

EN-SIM PARTNERSHIP, LLP

By

Douglas S. Simons

By

Jamee E. Simons

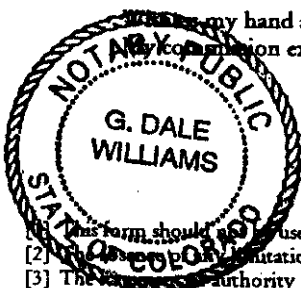
State of Colorado)

County of Mesa)

ss.

The foregoing instrument was acknowledged before me this 5th day of April, 2002, by DOUGLAS S. SIMONS and JAMEE E. SIMONS.

Witness my hand and official seal

My Commission expires: 4/7/2005

G. Dale Williams
Notary Public

- [1] This form should not be used unless the entity is capable of holding title to real property.
 [2] The signature of the authorized person shall be prima facie evidence that no such limitation exists.
 [3] The Statement of Authority must be recorded to obtain the benefits of the statute.

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS, That LOJO PARTNERSHIP, L.L.P.,
a Colorado limited liability partnership, (whether one, or more than one), the
"Grantor," whose legal address is 2303 W Ridges Blvd., Grand Junction,
Colorado 81507 of the County of Mesa and State of Colorado,

for the consideration of the sum of ---NO CONSIDERATION--- DOLLARS, (\$ 00.00), in hand paid, hereby sells and
conveys to EN-SIM PARTNERSHIP, L.L.P., a Colorado limited liability partnership (whether one, or more than
one), the "Grantee," whose legal address is 701 Colorado Ave., Grand Junction, Colorado 81501, of the County of
Mesa and State of Colorado, the following real property situate in the County of Mesa and State of Colorado, to wit:

**Lot 1 of the Seventh & South Ave Subdivision, a re-plat of Block 159, City of Grand Junction,
Reception No. 87703, Block 1 & Block 5, Milldale Subdivision, Reception No. 41117, vacated First
Avenue and alleys, including a portion of South Avenue, 7th Street and 8th Street, S 1/2 of Sec. 14,
N 1/2 of Sec. 23, T1S, R1W, U. M., City of Grand Junction, Mesa County, Colorado**

**As recorded in the books and records of the Clerk and Recorder of Mesa County, Colorado at
Reception No. 2757390**

also known by street address as: 630 South 7th Street, Grand Junction, Colorado 81501

and assessor's schedule or parcel number: 2945-231-43-001

with all its appurtenances.

Signed this 8th day of October, 2019.

LOJO PARTNERSHIP, L.L.P., a
Colorado limited liability partnership

By [Signature]

Its: Partner

STATE OF COLORADO)

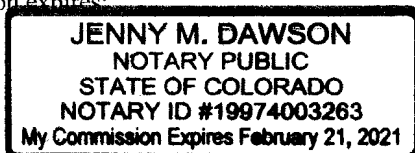
) ss.

County of Mesa)

The foregoing instrument was acknowledged before me this 8th day of October, 2019, by Douglas S. Simons
as Partner of LOJO Partnership, LLP, a Colorado limited liability partnership.

Witness my hand and official seal.

My commission expires:



[Signature]
Notary Public

Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)



Site Vicinity Map



GJPD / GJFD

PITKIN AVE

Uses Map

Restaurant

PITKIN AVE

Gasoline

S 10TH ST

S 5TH ST

Judicial

Retail

Multi-family

S 8TH ST

S 9TH ST

S 6TH ST

SOUTH AVE

SOUTH AVE

Single-Family

Fitness

1ST AVE

Oil-Related

CDOT

Auto Recycle

Oil-Related

D RD

Marijuana Greenhouse

2ND AVE

Distribution

Get Air Trampoline Park

Daily Sentinel

S 5TH ST

S 7TH ST

S 8TH ST

S 9TH ST

S 10TH ST

3RD AVE

3RD AVE



Site Context Map

Main Street

Historically Residential Downtown

Riverfront at Dos Rios

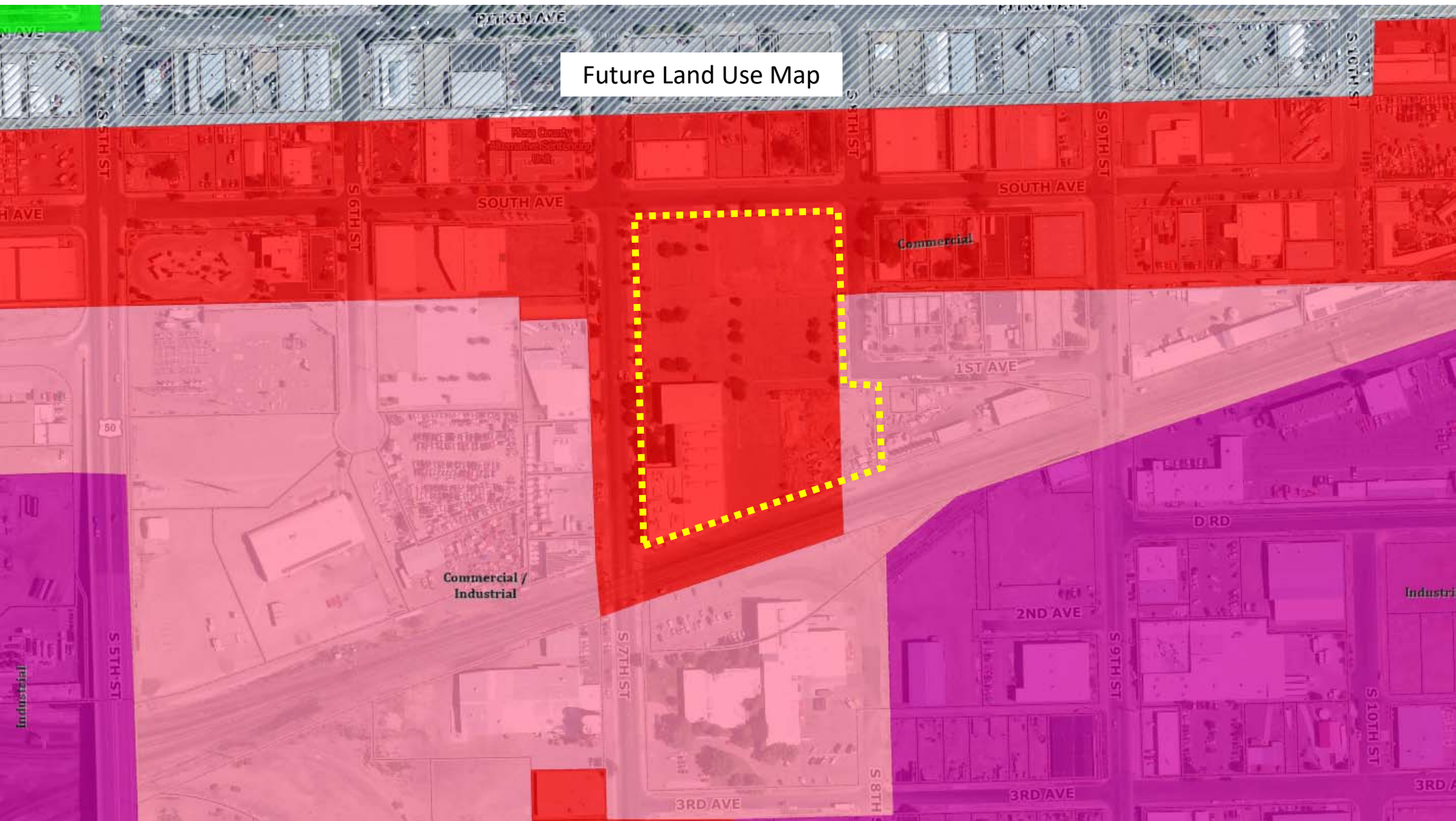
Industrial Core of Rail District

Riverfront at Las Colonias

Aerial Photographs



Future Land Use Map





Zoning Map

Greater Downtown
Industrial
Corridor Overlay

Greater Downtown
Commercial
Corridor Overlay

Overlay

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE
MAP OF THE CITY OF GRAND JUNCTION FROM COMMERCIAL AND
COMMERCIAL/INDUSTRIAL TO DOWNTOWN MIXED USE FOR A PROPERTY OF
5.26 ACRES AND REZONING SAID PROPERTY OF 5.26 ACRES
FROM A C-2 (GENERAL COMMERCIAL) ZONE DISTRICT TO A R-24
(RESIDENTIAL – 24 DU/AC) ZONE DISTRICT**

LOCATED AT 630 SOUTH 7TH STREET

Recitals:

The applicant, S2E Developments (CO), LLC with consent of the owner, En-Sim Partnership, LLC, who owns 5.26 acres of land at 630 South 7th Street (referred to herein and more fully described below as the “Property”), proposes an amendment to the Comprehensive Plan Future Land Use Map from Commercial and Commercial/Industrial to Downtown Mixed Use and a rezone from C-2 (General Commercial) to R-24 (Residential – 24 du/ac).

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of amending the Comprehensive Plan Future Land Use designation for the Property from Commercial and Commercial/Industrial to Downtown Mixed Use, and recommended subsequent approval of zoning the S2E Developments (CO), LLC property to the R-24 (Residential – 24 du/ac) zone district, finding that it conforms to and is consistent with the Future Land Use Map designation of Downtown Mixed Use of the Comprehensive Plan and the Comprehensive Plan’s goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that amending the Comprehensive Plan Future Land Use Map from Commercial to Downtown Mixed Use for 5.26 acres of land at 630 South 7th Street is consistent with the vision, intent, goals and policies of the Comprehensive Plan and has met one or more criteria for a Comprehensive Plan amendment, as further described in the Staff Report introduced and admitted into the record. The City Council finds that a R-24 (Residential – 24 du/ac) zone district, as proposed in City file no. RZN-2020-190 is consistent and is in conformance with the Comprehensive Plan, Grand Junction Circulation Plan and other adopted plans and policies; and, the rezoning criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code; and, the applicable corridor guidelines and other overlay districts.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following properties shall be redesignated to Downtown Mixed Use Future Land Use in the Comprehensive Plan and shall be zoned R-24 (Residential – 24 du/ac):

LOT 1 SEVENTH & SOUTH AVE SUBDIVISION SEC 14 & SEC 23 1S 1W UM RECD R-2757389 MESA CO RECDS

CONTAINING 229,126 Sq. Ft. or 5.26 Acres, more or less, as described hereon.

Introduced on first reading this ____ day of _____, 2020 and ordered published in pamphlet form.

Adopted on second reading this ____ day of _____, 2020 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor

Great addition to the City. We need and must encourage this type of development to realize the potential of our downtown.

05/05/2020 2:59 pm

Michael Bradney Higginbotham

664 JUBILEE CT, Jubilee Ct
Grand Junction, 81506

4 / 9 Planning Commissioners have viewed this comment

I highly encourage this zoning change. It is an excellent to opportunity to provide needed residential housing near downtown. This will also further enhance Seventh street as a major corridor to Los Colonias.

05/07/2020 4:10 pm

Rick Nisley

2845 1/2 Grand Cascade Court
Grand Junction, 81501

4 / 9 Planning Commissioners have viewed this comment

As an owner of properties in the Las Colonias Park area, and also working on and with projects that involve the expansion and connection of downtown and Las Colonias Park, I see this as a great opportunity to add a much needed high-quality residential component.

05/08/2020 10:13 am

Ray Rickard

2415 Red Ranch Drive
Grand Junction, 81505

4 / 9 Planning Commissioners have viewed this comment

Being a contractor/developer in Grand Junction for many years it is my opinion, long with many others, that we need more people living in, or near, the downtown area to create the vibrant downtown economy we all desire. This project, along with others being planned, will move Grand Junction in that direction. The 7th Street corridor will become the vital link for connectivity to the new Las Colonias Business/Recreation area to the South. This project will be a key element in achieving this transition. This developer's resume is impressive and and will bring innovative ideas and design to Grand Junction. This is exactly the type of project the community should embrace and support. I suggest the Planning Commission display our "Western Colorado charm" and appreciation by moving this project forward. Please approve the Comprehensive Plan Amendment and Rezone.
Bruce Milyard and Tyler Milyard
Western Constructors Inc.

05/08/2020 11:45 am

Bruce Milyard

730 Scarlet
Grand Junction, 81505

4 / 9 Planning Commissioners have viewed this comment

This project sounds like the perfect upgrade to the Los Colonias business park area. Residential units will be vital to the city's growth.

05/11/2020 3:57 pm

Rich Rochette

390 WHITE RIVER DR
Grand Junction, 81504

3 / 9 Planning Commissioners have viewed this comment

1. **EVE II – Comprehensive Plan Amendment and Rezone**

File # CPA-2020-194; CPA-2020-190 | [agenda item can be viewed at 05:20](#)

Consider a request by S2E Developments (CO), LLC for a Comprehensive Plan Amendment from a Commercial and Commercial/Industrial Future Land Use designation to a Downtown Mixed Use Future Land Use designation and a Rezone from C-2 (General Commercial) to R-24 (Residential – 24 du/ac) for a 5.26-acre parcel located at 630 South 7th Street.

Staff Presentation

Lance Gloss, Associate Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at www.GJSpeaks.org.

Questions for Staff

None.

Applicant's Presentation

The Applicant, S2E Developments (CO), LLC, represented by Marissa Adelstein, was present and available to ask questions regarding the previously submitted presentation available at www.GJSpeaks.org.

Public Comment

The public hearing was opened at 5 p.m. on Tuesday, May 5, 2020 via www.GJSpeaks.org and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Tuesday, May 5, 2020 as described on the meeting notice as well as the agenda.

Michael Bradney Higginbotham, Rick Nisley, Ray Rickard, Bruce Milyard, and Rich Rochette made comments in favor of the request.

The public hearing was closed at 6:23 p.m. on May 12, 2020.

Discussion

Commissioners Wade and Gatseos made comments in support of the request.

Motion and Vote

Commissioner Gatseos made the following motion, "Mister Chair, on the Comprehensive Plan Amendment request for the property located at 630 South 7th Street, City file number CPA-2020-194, and for the Rezone request for the same property located at 630 South 7th Street, City file number RZN-2020-190, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report."

Commissioner Teske seconded the motion. Vice Chair Wade took a roll call vote:

Commissioner Teske YES

Commissioner Gatseos YES

Commissioner Scissors YES

Commissioner Ehlers YES

Commissioner Wade YES

The motion carried 5-0.



May 27, 2020

RE: Letter of Support for Rezone at 630 S. 7th Street

Downtown Grand Junction (DDA/BID) supports S2E's rezone request from C-2 to R-24 on 630 7th Street. This rezone will help S2E to move forward with an innovative residential development project. This development will help bring much needed residential development to Downtown which will help drive economic activity and vibrancy in Downtown. This development also aligns with the Downtown Plan of Development and the City's Greater Downtown Plan and will encourage development and activity along the 7th Street Corridor which is a key connection between the Central Business District and River District. We appreciate City Council's consideration of this request.

Sincerely,

Brandon Stam

Brandon Stam
Executive Director
Downtown Grand Junction

May 29, 2020

City of Grand Junction Community Development Dept.
Attn: Scott Peterson, Senior Planner
250 N. 5th Street
Grand Junction, CO 81501

Re: Letter of Withdrawal for RZN-2020-100/CPA-2020-101
Request to Rezone from RE to C1

Dear Mr. Peterson,

Please accept this letter as a formal withdrawal of the application to request a rezone from the RE (Residential Estate) zone district to the C1 (Light Commercial) zone district for property located at 785 24 Road, TPN: 2701-321-00-027, Grand Junction.

After considering the comments and concerns of staff and the Planning Commission, the applicant has decided to withdraw the current application and will submit a new application with a modified rezone request.

Thank you for your assistance with this project. We look forward to working with you with the new application which will be submitted to the City in the next week.

Should you have any questions regarding this matter, please do not hesitate to contact me at 970-245-9051 or by email at rjones@vortexeng.us.

Sincerely,



Robert W. Jones II, P.E.
Vortex Engineering & Architecture, Inc.

cc: File



Grand Junction City Council

Regular Session

Item #1.b.i.

Meeting Date: June 1, 2020

Presented By: Landon Hawes, Senior Planner

Department: Community Development

Submitted By: Landon Hawes, Senior Planner

Information

SUBJECT:

An Ordinance Amending Title 21 of the Grand Junction Municipal Code Regarding Setbacks in the B-1, Neighborhood Business Zone District - [Staff Presentation](#)

RECOMMENDATION:

The Planning Commission heard this request at their April 14, 2020 meeting and voted 7-0 to recommend approval of the request.

EXECUTIVE SUMMARY:

Staff proposes to reduce the front setback in the B-1 (Neighborhood Business) zone district from 20 to 15 feet that would bring the setback into conformity with other similar commercial and industrial zones and would further the purpose of the zone district expressly the intent to design in scale with surrounding uses and to provide small areas for office and professional services. In addition, the request would implement certain goals and policies of the Comprehensive Plan.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

Staff proposes to reduce the front setback in the B-1 (Neighborhood Business) zone district from 20 feet to 15 feet.

The B-1 zone district is typically found adjacent to or near busier thoroughfares in the city such as North Avenue, 7th Street, Patterson Road, and 12th Street. As expressed in the Zoning and Development Code, the purpose of the B-1 zone district is to "provide small areas for office and professional services combined with limited retail uses,

designed in scale with surrounding residential uses; a balance of residential and nonresidential uses.” The proposed setback reduction works to provide smaller areas that citizens can use to establish compatible residential and nonresidential uses and is in harmony with the intent of the B-1 zone. Reducing the front B-1 setback will bring the zone into conformity with other zones in the City including the C-1, C-2, CSR, M-U, BP, I-O, I-1 and I-2 zone districts. The only two commercial zone districts that deviate from the 15 feet are the R-O and the B-2 zone districts. The R-O zone district requires a 20-foot setback and is generally found in areas such as Grand Avenue where historic residential homes have been converted into commercial uses while the B-2 zone district front setback is 0 feet.

Section 21.03.010 of the Development Code gives several reasons for the purpose of establishing zone districts. Two of the most relevant are to “encourage the most appropriate use of land throughout the City and to ensure logical and orderly growth and the development of the physical elements of the City” and to “implement the Comprehensive Plan.” Staff believes that reducing the front setback in the B-1 zone would support both goals. For instance, when the amount of buildable space on a lot is significantly reduced due to a 20-foot front setback, many developers make the logical choice to place parking in that setback. This conflicts with the pedestrian-oriented, “neighborhood business” style of development that the B-1 zone district is intended to promote. Staff’s opinion is that such development will be facilitated by a decrease in the front setback.

Similarly, Staff believes the reduction in the front setback continues to support a Goal of the Comprehensive Plan (Goal #3) to “create ordered and balanced growth and spread future growth throughout the community.” It also supports Policy B of Goal 5, which is to “encourage mixed-use development and identification of locations for increased density.”

NOTIFICATION REQUIREMENTS

Neighborhood meetings and mailed public notice are not typically required for a city-initiated Development Code amendment. The notice of this public hearing was published on April 7, 2020 in the Grand Junction Daily Sentinel.

ANALYSIS

In accordance with Section 21.02.140(c), a proposed text amendment shall address in writing the reasons for the proposed amendment. There are no specific criteria for review because a code amendment is a legislative act and within the discretion of the City Council to amend the Code with a recommendation from the Planning Commission. Reasons for the proposed amendments are provided in the Background section of this report.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the City of Grand Junction's request for a reduction in the B-1 zone district front setback from 20 feet to 15 feet, ZCA-2020-172, the following findings of fact have been made:

1. The request is justified in that it will help implement the expressed goals and policies of the Comprehensive Plan.
2. The request will further the purpose of the B-1 Neighborhood Business Zone District.
3. The request is consistent with the purpose of establishing zones as provided in Section 21.03.010.

Therefore, Planning Commission recommends approval of the request.

FISCAL IMPACT:

There is no direct fiscal impact related to this request.

SUGGESTED MOTION:

I move to (adopt/deny) Ordinance No. 4935, an ordinance amending the Mixed Use and Industrial Bulk Standards Summary Table of the Zoning and Development Code, Decreasing the Front Setback for the B-1 Zone District on final passage and order final publication in pamphlet form.

Attachments

1. B-1 Setback Reduction - Minutes
2. B-1 Setback Reduction Ordinance

Zoning Code Amendment – B-1 Setback Reduction

File # ZCA-2020-172

[Agenda item can be viewed at 01:48:35](#)

Consider a request by the City of Grand Junction to amend Title 21 of the Grand Junction Municipal Code regarding setbacks in the B-1: Neighborhood Business Zone District.

Staff Presentation

Landon Hawes, Senior Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at www.GJSpeaks.org.

Questions for Staff

Chairman Reece stated that this is an item the Planning Commission has workshopped and reviewed for the past few weeks.

Public Comment

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via www.GJSpeaks.org and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

No public comment was received.

The public hearing was closed at 7:56 p.m. on April 14, 2020.

Discussion

None.

Motion and Vote

Commissioner Wade made the following motion, “Madam Chair, on the B-1 setback reduction, City file number ZCA-2020-172, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report.”

Commissioner Susuras seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES
Commissioner Gatseos YES
Commissioner Scissors YES
Commissioner Susuras YES
Commissioner Teske YES
Commissioner Wade YES
Commissioner Reece YES

The motion carried 7-0.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE MIXED USE AND INDUSTRIAL BULK STANDARDS SUMMARY
TABLE OF THE ZONING AND DEVELOPMENT CODE, DECREASING THE FRONT SETBACK FOR
THE B-1 ZONE DISTRICT**

Recitals:

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions and has directed that the Code be reviewed and amended as necessary.

The amendment to the Zoning and Development Code decreases the front setback requirement for the B-1 zone district, which helps to implement Goal 3 of the Comprehensive Plan and brings the B-1 zone into greater conformity with other city zones.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed Code amendments.

After public notice and public hearing, the Grand Junction City Council finds that the proposed Code amendments are necessary to maintain effective regulations to implement the Comprehensive Plan.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION
THAT:**

The Mixed Use and Industrial Bulk Standards Summary Table is amended as follows (changes highlighted):

Mixed Use and Industrial Bulk Standards Summary Table

	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2
Lot											
Area (min. ft. unless otherwise specified)	5,000	10,000	n/a	20,000	20,000	1 ac	1 ac	1 ac	1 ac	1 ac	1 ac
Width	50	50	n/a	50	50	100	100	100	100	100	100
Frontage	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Setback											
Principal structure											
Front (min. ft.)	20	15	0	15	15	15	15	15	15	15	15
Side (min. ft.)	5	0	0	0	0	0	0	0	0	0	0
Side – abutting residential (min. ft.)	n/a	10	n/a	10	10	10	10	10	10	10	n/a
Rear (min. ft.)	10	15	0	10	10	10	10	10	10	10	10
Accessory structure											
Front (min. ft.)	25	25	25	25	25	25	25	25	25	25	25
Side (min. ft.)	3	0	0	0	0	0	0	0	0	0	0
Side – abutting residential (min. ft.)	n/a	5	n/a	5	5	5	5	5	5	5	n/a
Rear (min. ft.)	5	15	0	10	10	10	10	10	10	10	10
Other Dimensional Requirements											
Lot coverage (max.)	70%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Height (max. ft.)	40	40	80	65	65	65	65	65	65	50	50
Density (min. units per acre)	4	8	8	12	n/a	n/a	8	8	n/a	n/a	n/a
Density (max. units per acre)	n/a	16	n/a	24	n/a	n/a	24	24	n/a	n/a	n/a
Building size (max. sf)	10,000	15,000	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Notes											

B-1: Max. building size varies by use; retail – 15,000 sf (unless a CUP is approved), office 30,000

B-2: Parking front setback for parking as a principal use – 30 ft., as an accessory use – 6 ft.

Mixed Use and Industrial Bulk Standards Summary Table

	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2
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C-1: Min. rear setback – 0 if an alley is present

CSR: Maximum building height abutting residential – 40 ft.

Introduced on first reading this 6th day of May, 2020, and ordered published in pamphlet form.

Adopted on second reading this 1st day of June, 2020 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Grand Junction City Council

Regular Session

Item #1.b.ii.

Meeting Date: June 1, 2020

Presented By: Kristen Ashbeck, Principal Planner/CDBG Admin

Department: Community Development

Submitted By: Kristen Ashbeck

Information

SUBJECT:

An Ordinance Amending the Grand Junction Municipal Code Title 21 Zoning and Development Code Regarding the Requirements for Conducting Neighborhood Meetings - [Staff Presentation](#)

RECOMMENDATION:

Planning Commission heard this item at its May 12, 2020 meeting and voted (5-0) to recommend approval of this request.

EXECUTIVE SUMMARY:

Staff proposes to clarify requirements for a neighborhood meeting prior to a development application which is an ongoing planning process or of little consequence to neighboring properties but that remains useful in achieving the intended purpose of a neighborhood meeting.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The Zoning and Development Code requires an applicant to conduct a neighborhood meeting pertaining to a proposed development. A neighborhood meeting is required to occur no more than six months prior to the submittal of an application and is intended to help produce a better project through dialogue between the developer and neighboring property owners prior to the submittal of a development application. A neighborhood meeting is also intended to provide information about the project so that neighbors may gauge potential impacts and engage in a dialogue about mitigation of potential impacts. The Zoning and Development Code identifies the certain types of

proposed development for which neighborhood meetings are required before an application is submitted, whether approved administratively or whether the item requires final action by the Planning Commission and/or City Council. Section 21.02.070 addresses the requirement for administrative development permits and Section 21.02.080 addresses the requirement for permits that involve a public hearing/action by Planning Commission and/or City Council. The Planning Commission discussed this topic at its February 20, 2020 workshop and directed staff to proceed with the following proposed changes.

Neighborhood Meetings for Administrative Review Applications

Presently, for proposed development applications that are reviewed and approved administratively the code (21.02.070) provides that a neighborhood meeting be required prior to a submittal of an application for any subdivision except for simple subdivisions (creating only 1 new lot) and major site plan applications. The purpose of a neighborhood meeting makes sense when a project is proposed on vacant property, redevelops an existing site or adds more density or intensity of use to a neighborhood. In these instances it is staff's belief that it is both appropriate and essential to give neighbors the opportunity to learn about a project and to ask questions and provide comments prior to submittal of a land use application.

Staff also believes it does not make sense to hold a neighborhood meeting in instances where a neighborhood meeting was initially conducted for the overall proposed development such as a new subdivision but not when the already approved project is moving forward on implementing the approved plan through various stages of a project. A recent example is the Granite Falls Subdivision off South Camp Road. A neighborhood meeting was held prior to the submittal of the preliminary plan whereby neighbors attended and expressed comments regarding the project. The preliminary plan was then refined, submitted and ultimately approved by staff. The project has continued to be constructed consistent with its approved preliminary plan and is now moving forward with its third filing. As currently written, the Code would require that prior to the filing of each final plat, a neighborhood meeting would be held. However, the final plat is required to be consistent with the approved preliminary plan, so in effect, a neighborhood meeting is required but any new comments submitted would be unable to be utilized/incorporated if they were inconsistent with the approved preliminary plan; thereby creating an ineffective neighborhood meeting. To modify this section, staff is proposing to add language in Section 21.02.070(a)(2)(iv) that provides an exception for final plans for continuous phases/filings of a subdivision to not require a neighborhood meeting. The proposed exception to a neighborhood meeting in this instance is as follows:

(iii) Continuous phases and/or filings of an approved Preliminary Subdivision Plan

A second exception proposed to be added to the Neighborhood Meeting section is the

exemption for a subdivision application to be required to hold a neighborhood meeting if the proposed subdivision was presented as part of a previous neighborhood meeting. This instance frequently occurs when a property owner requests rezone of a property and, if approved, follows shortly thereafter with submittal of a subdivision application. It is required for a neighborhood meeting to be held prior to the submittal of a rezone application and it is commonplace for an applicant to also present and discuss the proposed future subdivision plans at the time of the neighborhood meeting. Requiring a second neighborhood meeting is generally perceived by staff as redundant so long as significant amount of time has not passed between the completion of a rezone and the filing of a subdivision application. The neighbors would continue to receive mailed notice that a subdivision application had been submitted for review. The proposed code modification is as follows:

(iv). Subdivision applications for which a neighborhood meeting was held for a concurrent application such as a rezone so long as information about the proposed subdivision was presented at a neighborhood meeting. The concurrent application must have been considered in a public hearing no more than 180 days prior to the subdivision application submittal.

The last exception for a Neighborhood Meeting is the need for clarification related to section 21.02.150(c) pertaining to a Final Development Plan for a Planned Development. Like the previous discussion about the preliminary and final plans, Outline Development Plan applications require a neighborhood meeting, but it is unclear for the final plan (that is equivalent to platting all or part of an ODP). The addition of the following section works to clarify this portion of the Code:

(v). An application for subdivision that is being filed as a Final Development Plan consistent with Section 21.02.150(c).

Neighborhood Meetings for Applications Requiring Public Hearing

In the case of development applications that require a public hearing/action by Planning Commission and/or City Council, Section 21.02.080 is presently silent on the specific types of applications for which a neighborhood meeting is required. The code simply lists neighborhood meetings as a requirement for all applications/permits requiring a public hearing. Similar to the discussion above, the requirement for a neighborhood meeting works to implement the purpose of the neighborhood meeting for most land use applications that require a public hearing, however, there are minor applications that require a proposal be reviewed at a public hearing but that have little, if any, impact on a neighborhood; in particular a proposal to vacate an easement on a property. In this instance, staff does not believe a neighborhood meeting would produce a better project or provide reasonable changes as vacation of public easement are generally technical details related specifically to City infrastructure and utilities. To modify this section, staff is proposing to add language in Section 21.02.100 that

provides a neighborhood meeting is not required for an easement vacation application, as follows:

21.02.100(e) A Neighborhood Meeting is not required prior to application for the vacation of an easement.

NOTIFICATION REQUIREMENTS

Notice was completed as required by Section 21.02.080(g). Notice of the public hearing was published on May 5, 2020 in the Grand Junction Daily Sentinel.

ANALYSIS

In accordance with Section 21.02.140(c), a proposed text amendment shall address in writing the reasons for the proposed amendment. There are no specific criteria for review because a code amendment is a legislative act and within the discretion of the City Council to amend the Code with a recommendation from the Planning Commission. Reasons for the proposed amendments are provided in the Background section of this report.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the City of Grand Junction Zoning and Development Code amendment request, ZCA-2020-173, the following findings of fact have been made:

1) The amendments to the Zoning and Development Code are useful in that they modernize the Code, remove unnecessary regulations, and refine processes to provide regulations that assist in logical and orderly development.

Therefore, the Planning Commission recommends approval of the request.

FISCAL IMPACT:

There is no direct fiscal impact related to this request.

SUGGESTED MOTION:

I move to (adopt/deny) Ordinance No. 4936, an ordinance amending Title 21 of the Grand Junction Municipal Code pertaining to the requirements for Neighborhood Meetings on final passage and order final publication in pamphlet form.

Attachments

1. Planning Commission Minutes - 2020 - May 12 - Draft Neighborhood Meetings
2. Neighborhood Meetings Proposed Ordinance

GRAND JUNCTION PLANNING COMMISSION
May 12, 2020 MINUTES
6:00 p.m.

The meeting of the Planning Commission was called to order at 6:05 p.m. by Vice Chair Bill Wade.

Those present were Planning Commissioners; Vice Chair Bill Wade, George Gatseos, Andrew Teske, Ken Scissors, and Keith Ehlers.

Also present were Jamie Beard (Assistant City Attorney), Tamra Allen (Community Development Director), Kristen Ashbeck (Principal Planner), Scott Peterson (Senior Planner), Lance Gloss (Associate Planner), and Isabella Vaz (Planning Technician).

This meeting was conducted virtually and is available via [livestream video](#).

There were approximately 4 virtual meeting attendees and 6 comments made via GJSpeaks.

REGULAR AGENDA

1. Zoning Code Amendment – Neighborhood Meetings File # ZCA-2020-173 | [agenda item can be viewed at 01:22:07](#)

Consider a request by the City of Grand Junction to amend Title 21 of the Grand Junction Municipal Code regarding requirements for Neighborhood Meetings.

Staff Presentation

Kristen Ashbeck, Principal Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at www.GJSpeaks.org.

Questions for Staff

Commissioner Scissors asked a question regarding the continuous phases and filings section and the time limit required.

Commissioner Ehlers asked a question regarding public participation.

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, May 5, 2020 via www.GJSpeaks.org and was available until the close of this public comment portion of the

hearing. Option for public comment via voicemail was also available starting Tuesday, May 5, 2020 as described on the meeting notice as well as the agenda.

No public comment was received.

The public hearing was closed at 7:41 p.m. on May 12, 2020.

Discussion

None.

Motion and Vote

Commissioner Scissors made the following motion, "Mister Chair, on the Zoning and Development Code Amendments, ZCA-2020-173, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report."

Commissioner Teske seconded the motion. Vice Chair Wade called a roll call vote:

Commissioner Teske YES
Commissioner Scissors YES
Commissioner Ehlers YES
Commissioner Gatseos YES
Commissioner Wade YES

The motion carried 5-0.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE PERTAINING TO THE REQUIREMENTS FOR NEIGHBORHOOD MEETINGS

Recitals:

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions and has directed that the Code be reviewed and amended as necessary.

The Zoning and Development Code requires an applicant to conduct a neighborhood meeting pertaining to a proposed development. The meeting is intended to help produce a better project through dialogue between the developer and neighboring property owners prior to the submittal of a development application. Presently, the Code is not clear regarding which types of applications for which a neighborhood meeting is required. The purpose of a neighborhood meeting makes sense when a project is proposed on vacant property, redevelops an existing site or adds more density or intensity of use to a neighborhood. In these instances it is not only appropriate but essential to give neighborhoods the opportunity to raise issues and voice concerns prior to submittal. However it does not make sense in instances where the application will have little impact on the neighborhood. Therefore, Staff recommended the Planning Commission and City Council modify the Code in order to provide clarity regarding Neighborhood Meeting requirements that provides some flexibility but that is consistent with the intended purpose of a neighborhood meeting.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed Code amendments.

After public notice and public hearing, the Grand Junction City Council finds that the proposed Code amendments are necessary to maintain effective regulations to implement the Comprehensive Plan.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING SECTIONS OF THE ZONING AND DEVELOPMENT CODE (TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE) BE AMENDED AS FOLLOWS (existing text strikethrough, new text underlined):

21.02.070 Administrative Development Permits (a)(2)(iv). Neighborhood Meeting

A neighborhood meeting is required for subdivision applications ~~except for simple subdivisions and minor exemption subdivisions~~ except as follows. See GJMC 21.02.080(e) for neighborhood meeting requirements.

- (i) simple subdivisions
- (ii) minor exemption subdivisions
- (iii) continuous phases and/or filings of an approved Preliminary Subdivision plan
- (iv) subdivision applications for which a neighborhood meeting was held for a previous application affecting the same property (e.g. rezone) so long as information about the proposed subdivision was presented at a neighborhood meeting. The previous application must have been considered in a public hearing no more than 180 days prior to the subdivision application submittal.
- (v) an application for subdivision that is being filed as a Final Development Plan consistent with Section 21.02.150(c).

21.02.100 Vacation of public right-of-way or easement.

(e) A Neighborhood Meeting is not required prior to application for the vacation of an easement.

Re-letter subsequent section as (f).

Introduced on first reading this ____ day of _____, 2020, and ordered published in pamphlet form.

Adopted on second reading this ____ day of _____, 2020 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor