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PLANNING COMMISSION AGENDA VIRTUAL MEETING

TUESDAY, MARCH 9, 2021 @ 5:30 PM

Options for Public Participation:

1. Provide written comment at www.GJspeaks.org or by emailing comdev@gjcity.org
2. Comment by phone. Dial the telephone number (970) 609-9688 and enter the four-digit code provided for each item on the agenda. You can then leave a message, which will be submitted as a public comment both as an audio file and as text translation.
3. Attend the meeting virtually using the link below:

<https://attendee.gotowebinar.com/register/1777711703856078608>

After registering, you will receive a confirmation email containing information about joining the webinar.

Please email the [Secretary to the Planning Commission](#) for more information on how to participate in Planning Commission meetings.

Call to Order - 5:30 PM

Consent Agenda

1. Minutes of Previous Meeting(s) from February 23, 2021.

Regular Agenda

1. Consider a request by Conquest Homes LLC and Surf View Development Company to amend the Red Rocks Valley Planned Development regarding phasing, setbacks, and home orientation located near the intersection of South Camp Road and Rock Valley Road. | [Staff Presentation](#) | Phone-in comments dial **4903**.

2. Consider a request by 1215-1217 Perry LLC to rezone two (2) properties from PD (Planned Development) to C-1 (Light Commercial), located at 287 27 Road and the adjacent Dixon Park, collectively comprising 8.7 acres; and, to rezone one property from PD (Planned Development) to M-U (Mixed Use), located at 288 27 Road, comprising 2.81 acres. | [Staff Presentation](#) | Phone-in comments dial **3647**.
3. Consider a request by H & M Trust to rezone four (4) properties from PD (Planned Development) to R-8 (Residential – 8 du/ac), located at 585 North Grand Falls Court A, B, C, and D, comprising 0.7 acres. | [Staff Presentation](#) | Phone-in comments dial **4653**.

Other Business

Adjournment

GRAND JUNCTION PLANNING COMMISSION
February 23, 2021 MINUTES
5:30 p.m.

The meeting of the Planning Commission was called to order at 5:30 p.m. by Chair Andrew Teske.

Those present were Planning Commissioners; Chair Andrew Teske, George Gatseos, Keith Ehlers, Sam Susuras, Ken Scissors, and Andrea Haitz.

Also present were Jamie Beard (Assistant City Attorney), Tamra Allen (Community Development Director), Trent Prall (Public Works Director), Dave Thornton (Principal Planner), Rick Dorris (Development Engineer), Scott Peterson (Senior Planner), and Senta Costello (Associate Planner).

There were 28 members of the public in virtual attendance: Linda Barker, Virginia Brown, Donald Coatney, Bill Crawford, Sarah Cuoco, John Edwards, Karen Floyd, Ken Frederick, David Hayden, Brenda Muhr, Karen Newell, Tom Parrish, Maggie Personeus, David Scanga, Rachel Strautins, Richard Talley, Jeff Tipton, Barbara Van Tassel, Davis Hoskins, Karen Burckhalter, Deborah Cantu, Moira Cross, Barbara Freeman, Ray Manspeaker, Marie Terebesi, Seth Thomas, Judy Wunderwald, and Raymond Camren Wilma.

CONSENT AGENDA

Chair Teske recused himself from the vote.

Commissioner Gatseos moved to adopt Consent Agenda Items #1-3. Commissioner Scissors seconded the motion. The motion carried 5-0.

1. Approval of Minutes

Minutes of Previous Meeting(s) from February 9, 2021.

2. Frog Pond – Vacation of Public Easement **File # VAC-2021-75**

Consider a request by the Applicant, Frog Pond LLC, to Vacate a Publicly Dedicated Drainage Easement Located at 2501 Monument Road as granted to the City of Grand Junction by Reception Number 2764922.

3. Planning Commission By-Law Amendment

Consider a Request by the City of Grand Junction to amend the Planning Commission Bylaws to Change the Start Time for Regularly Scheduled Monthly Meeting.

REGULAR AGENDA

1. NorthStar Towing Conditional Use Permit File # CUP-2020-754 **[Agenda item can be viewed online here at 20:32](#)**

Consider a request by NorthStar Towing for a Conditional Use Permit for an impound lot on 1.657 acres in a C-2 (General Commercial) zone district.

Staff Presentation

Senta Costello, Associate Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

None.

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, February 16, 2021 via www.GJSpeaks.org.

None.

The public hearing was closed at 5:52 p.m. on February 23, 2021.

Questions for Applicant or Staff

None.

Discussion

Commissioner Gatseos made a comment regarding the request.

Motion and Vote

Commissioner Gatseos made the following motion, "Mr. Chairman, on the Conditional Use Permit for the property located at 640 W. Gunnison Avenue, City file number CUP-2020-754, I move that the Planning Commission approve the request with the findings of fact as listed in the staff report."

Commissioner Ehlers seconded the motion. The motion carried 6-0.

2. Anderwith Rezone

File # RZN-2020-568

[Agenda item can be viewed online here at 34:29](#)

Consider a request by ABBA Enterprises LLC to rezone 2.15 acres from an I-2 (General Industrial) to an I-1 (Light Industrial) zone district.

Staff Presentation

Senta Costello, Associate Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

None.

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, February 16, 2021 via www.GJSpeaks.org.

None.

The public hearing was closed at 6:03 p.m. on February 23, 2021.

Questions for Applicant or Staff

None.

Discussion

None.

Motion and Vote

Commissioner Susuras made the following motion, "Mr. Chairman, on the Rezone for the property located at 711 S 15th Street, City file number RZN-2020-568, 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 Scissors seconded the motion. The motion carried 6-0.

3. Patterson Road Access Control Plan

File # CPA-2021-17

[Agenda item can be viewed online here at 44:25](#)

Consider a request by the City of Grand Junction to adopt the Patterson Road Access Control Plan (ACP), an element of the City's Comprehensive Plan as Title 38, Volume III, of the Municipal Code.

Staff Presentation

Dave Thornton, Principal Planner, introduced exhibits into the record.

Trent Prall, Public Works Director, Michelle Hansen, Stolfus and Associates, and Rick Dorris, Development Engineer, gave a presentation regarding the request.

Questions for Staff

Commissioner Gatseos asked a question regarding clarification on what safety or operational issue scenarios would trigger construction and implementation of the Plan.

Commissioner Gatseos asked if there were any publicly funded projects slated for Patterson Road.

Commissioner Scissors asked a question regarding non-motorized transportation along the Patterson corridor.

Commissioner Gatseos asked a question regarding how much Staff time has been spent with concerned citizens to explain the Plan.

Commissioner Ehlers asked a question regarding questions that came up in the public comment.

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, February 2, 2021 via www.GJSpeaks.org.

Comments from Lois Dunn, Ruth Kinnett, Nova Turner, Peter Firmin, William Ferguson, Heather Pool, Merton Fisher, Virginia Brown, John Edwards, Tim Kubat, Patricia Johns, KJ Kraich, Seth Thomas, and Robert Garrison were submitted via GJSpeaks regarding the request.

David Scanga, Jeff Tipton, Marie Frederick, Rachel Strautins, Tom Parish, Virginia Brown, and Karen Newell all spoke regarding the request.

The public hearing was closed at 7:47 p.m. on February 23, 2021.

Staff Response

Trent Prall and Michelle Hansen provided response to citizen comment.

Questions for Staff

Commissioner Teske had a question regarding the differences between the Patterson Road corridor and the North Avenue corridor.

Commissioner Teske asked a question regarding cross-access.

Discussion

Commissioner Gatseos made a comment regarding the request.

Commissioner Susuras made a comment opposing the request.

Commissioner Scissors made a comment regarding the request.

Commissioner Haitz made a comment regarding the request.

Commissioner Ehlers made a comment regarding the request.

Commissioner Gatseos made a comment regarding the request.

Motion and Vote

Commissioner Ehlers made the following motion, "Mr. Chairman, on the Patterson Road Access Control Plan, CPA-2021-17, I move that Planning Commission continue this item for the March 23rd meeting."

Commissioner Susuras seconded the motion. The motion carried 6-0.

4. Other Business

None.

5. Adjournment

Commissioner Ehlers moved to adjourn the meeting. Commissioner Scissors seconded the motion. The vote to adjourn was 6-0. The meeting adjourned at 8:33 p.m.



Grand Junction Planning Commission

Regular Session

Item #1.

Meeting Date: March 9, 2021

Presented By: Jace Hochwalt, Senior Planner

Department: Community Development

Submitted By: Jace Hochwalt, Senior Planner

Information

SUBJECT:

Consider a request by Conquest Homes LLC and Surf View Development Company to amend the Red Rocks Valley Planned Development regarding phasing, setbacks, and home orientation located near the intersection of South Camp Road and Rock Valley Road. | [Staff Presentation](#) | Phone-in comments dial **4903**.

RECOMMENDATION:

Staff recommends approval of the request.

EXECUTIVE SUMMARY:

The Applicants, Conquest Homes LLC and Surf View Development Co., are requesting amendments to the Red Rocks Valley Planned Development. The original application for the Planned Development (PD) and Outline Development Plan (ODP) received City Council approval in July of 2007. The Applicant is unable to meet the deadline set by the previously approved phasing schedule and is therefore requesting an extension of the ODP that would provide for completion of the remaining phases of development by December 31, 2029. In addition to a phasing schedule extension, the Applicant is requesting amendments specific to the patio home area as defined in the original ODP. These requests include the allowance of some patio home lots to access perimeter streets, removal of the requirement for building footprints to be recorded for patio homes, and revisions and clarification to the patio home area setback requirements.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The subject property totals 138.97 acres and was originally annexed into the City limits in June of 2006 as the Fletcher Annexation. An Outline Development Plan (ODP) was subsequently submitted, and the property was zoned Planned Development (PD) in August of 2007 via Ordinance No. 4109 (see Exhibit 5). The zoning ordinance and approved ODP allowed for a total of 155 residential units, inclusive of detached single-family homes (on ½-acre lots or larger) and patio homes (which could be attached or detached units). The plat phasing schedule was separated out into five phases, with the fifth phase having a required completion date of March 2, 2017.

Following the approval of the Outline Development Plan, a Final Development Plan (FDP) was submitted in October of 2007 (City File Number FP-2007-319). The intent of this plan was to subdivide 98 of the originally proposed 155 residential lots, dedicate tracts and open space, and designate areas for “future development” for the 57 remaining allowable lots. This FDP was approved and platted in October of 2008 as the Red Rocks Valley Subdivision. Of the lots platted, 46 lots were designated for detached single family homes on large lots, while the other 52 units were designated as patio homes with specific building footprints.

Following plat approval, infrastructure began for the development, which included public and private roads, and utility lines and stubs. Infrastructure was completed by 2010, but due to the 2008 financial crisis, new home construction saw a sharp decline. Many of the developable lots transferred ownership between 2009 and 2011, and no new homes were constructed until 2012. Because of the delay in home construction and change in ownership, the original Planned Development ordinance approved in 2007 was amended in 2012 to extend the construction phasing schedule. The amended ordinance extended the phasing schedule for all remaining undeveloped phases of the Planned Development to March 1, 2022, and was recorded as Ordinance 4511 (see Exhibit 6).

From 2012 to present, all 46 of the lots for single family detached homes on ½-acre (or larger) lots have been built out. However, the 52 building footprints for the proposed patio homes, as indicated in the recorded FDP Site Plan, were nullified in 2014, at which time the designated patio home area was separated into four blocks (reflected in City File SSU-2014-45). In 2014, one of the four patio home blocks was replatted and built out (inclusive of 12 homes). However, the three remaining patio home blocks have not yet been replatted or built-out (which is inclusive of 40 homes). In addition, there are multiple other developable parcels within the Red Rocks Valley Subdivision that could be developed with an additional 57 residences on large lots, but have yet to be platted. Due to the economic downturn and market conditions following the original approval of the ODP, the Applicant is requesting that the phasing schedule for the remainder of the developable area be extended to December 31, 2029. In addition to the phasing extension request, the Applicant is requesting other amendments to the ODP. These additional amendments are listed below and will be further evaluated in

the Analysis section of this report.

1) Allowance of perimeter patio home lots to access perimeter streets instead of access being required from interior private roads (as reflected in Exhibit 2.7).

2) Remove requirement for building footprints to be recorded for the patio homes, and clarify/revise patio home setbacks.

At the time of the original ODP approval, the City Council determined that the public benefit was met due to the sizable amount of dedicated private and public open space (33.6% of the entire property), a needed housing mix inclusive of large lot single-family residential as well as patio homes, and the preservation of natural resources and habitat areas.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed Planned Development Amendment request was held in-person on June 30, 2020 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant and City staff were present, along with approximately 20 area residents who attended the meeting. After the Applicant provided a presentation of the proposal, neighbors addressed their concerns related to reorientation of patio homes if access is allowed from perimeter streets, dust and weeds on the vacant parcels, expected construction timelines, and the potential of increased traffic and on-street parking within the subdivision.

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 December 15, 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, as well as neighborhood associations within 1000 feet, on February 26, 2021. The notice of the Planning Commission public hearing was published on March 2, 2021 in the Grand Junction Daily Sentinel.

ANALYSIS

Pursuant to Section 21.02.150 (e) of the Grand Junction Zoning and Development Code, requests for an Outline Development Plan (ODP) major amendment shall demonstrate conformance with all of the following:

a) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies (Section 21.02.150(b)(2)(i));

The Red Rocks Valley ODP was approved in 2007, at which time the property was designated Residential Low ($\frac{1}{2}$ to 2 acres per dwelling unit) by the Growth Plan in

place at that time. The Residential Low designation allowed for R-E zone (one dwelling unit per 2 acres) at the low end and R-2 (2 dwelling units per acre) at the high end. At time of original approval, the ODP proposal was consistent with the Growth Plan by providing an overall density of 1.12 dwelling units per acre. The Applicant is not proposing increasing density from the originally approved ODP, which proposed a total of 155 residential units on the 139-acre property.

The Grand Valley Circulation Plan shows only South Camp Road, which is classified as a Major Collector, and is the sole access for the development. Since approval of the original ODP, local and private streets were designed and constructed per the TEDS (Transportation Engineering Design Standards) manual. As indicated in the original ODP, there is a “100-lot rule” in the TEDS manual that establishes that no more than 99 homes can be accessed by a single point of ingress/egress. As previously indicated, the original ODP proposed 155 total residential units, and would require an eventual second access upon the construction of the 100th unit. This was also indicated in Ordinance 4511 and will remain in effect with this amendment proposal.

Further, the Outline Development Plan request is consistent with the following goals and/or policies of the Comprehensive Plan by providing a residential development conveniently located to services, a needed housing mix of small and large lot residential units, and the preservation of natural resources and habitat areas.

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

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 B: Encourage mixed-use development and identification of locations for increased density.

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

Goal 9: Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle, air and freight movement while protecting air, water and natural resources.

Policy D: A trails master plan will identify trail corridors linking neighborhoods with the Colorado River, Downtown, Village Centers and Neighborhood Centers and other desired public attractions.

Goal 10: Develop a system of regional, neighborhood and community parks protecting open space corridors for recreation, transportation and environmental purposes.

Policy B: Preserve areas of scenic and/or natural beauty and, where possible, include these areas in a permanent open space system.

b) The rezoning criteria provided in Section 21.02.140 (a) of the Grand Junction Zoning and Development Code (Section 21.02.150(b)(2)(ii));

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

The proposed amendments seek to allow perimeter patio home lots to access perimeter streets, remove the requirement for building footprints to be recorded for patio homes, and revision to the patio home area setback requirements as originally approved. These are requests by the Applicants, but no subsequent events have invalidated the original ODP premises and findings. As such, staff finds this criterion has not been met.

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

Since the approval of the original ODP ordinance in 2007 and the amended ordinance in 2012, the Red Rocks Valley subdivision has been constructed in phases with a large portion having been built out as of the date of this report. The character and condition of the area has not changed in a substantial way since original approval. As such, staff finds that this criterion has not been met.

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

The subject property is within an urbanized area of the City of Grand Junction. Adequate public and community facilities and services are available and sufficient to serve uses proposed within the PD. The subject site is currently served by Ute Water, Persigo Wastewater Treatment, and Xcel Energy (electricity and natural gas). Much of the infrastructure has already been constructed within the development. As such, staff finds that 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

While portions of the Red Rocks Valley Subdivision are suitable for immediate development (the patio home area in particular), there is ample developable/underdeveloped land for low density residential use within a mile of the subject site. Therefore, Staff finds this criterion has not been met.

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

As indicated previously, ample infrastructure has already been constructed within the Red Rocks Valley Subdivision. The patio home area is suitable for immediate development, with roads and utilities in place. If the area is not platted before the ODP lapses in 2022, the Applicants will need to go through a new zoning and/or Planned Development submittal process, which the extension of the phasing schedule would relieve. In addition, the Applicant has determined that allowing exterior patio homes to have direct access from exterior public roads will alleviate access conflicts within the private interior streets. With that said, staff is unable to conclude that the community will derive additional benefits from these amendments as compared to the original ODP approval.

The subject property is zoned PD, which is a zone category based on specific design and is applied on a case-by-case basis. In 2007, City Council concluded that the original ODP conformed with the rezoning criteria of the Zoning and Development Code. While the proposed amendments do not meet all the rezoning criteria, staff has determined that one or more of the criteria have been met as previously described.

c) The planned development requirements of Section 21.05 of the Zoning and Development Code (Section 21.02.150(b)(2)(iii));

Planned Development (PD) zoning should be utilized when long-term community benefits will be derived and the vision, goals and policies of the Comprehensive Plan can be achieved. In 2007, City Council concluded that the original ODP conformed with the planned development requirements of the Zoning and Development Code. There is no proposed change in density for the development (1.12 units/acre), open space dedication (33.6% of the property), trails, street networks, or parking. The proposed amendments reflect changes in the development phasing schedule, removal of the requirement for recorded building footprints for patio homes, revisions and clarification to setbacks for patio homes, and the allowance of access to perimeter patio homes from public streets (instead of just the existing private roads).

As per Section 21.05.040(f), Development Standards, exceptions may be allowed for setbacks in accordance with this section.

(1) Setback Standards. (i) Principal structure setbacks shall not be less than the minimum setbacks for the default zone unless the applicant can demonstrate that buildings can be safely designed and that the design is compatible with the lesser setbacks, (ii) reduced setbacks are offset by increased screening or primary recreation facilities in private or common open space, (iii) reduction of setbacks is required for protection of steep hillsides, wetlands or other environmentally sensitive natural areas.

The setback standards for the single-family homes on ½-acre (or larger) lots is consistent with the R-2 default zone: The front setback is 20 feet for the principle structure and 25 feet for accessory structures. Side setbacks are 15-feet for the principle structure and 3 feet for accessory structures. The rear setback is 30-feet for the principle structure and 3 feet for an accessory structure. The proposed amendments do not propose a deviation from the setbacks for these lots.

As indicated in the original ODP, setbacks for the patio home area are less than the default zone and were reduced because of the amount of common open space and the protection of the environmentally sensitive areas within the overall development. Per the originally approved ODP, a minimum 14-foot setback is required around the perimeter of the patio home area tract for the multi-purpose easement as well as a landscape buffer. No access will be obtained directly from these perimeter streets, and all access for the patio home area will be obtained from the interior private streets functioning more as a driveway than a street. A minimum front yard setback for garages is 20 feet. The principle structure front setback will be a minimum of 10-feet, measured from the back edge of the private street. The side setback between buildings is 10-feet, except for those units that are attached, and then a zero setback is allowed. A site plan shall be recorded to show the proposed building layout and further establish the setbacks that are proposed on the preliminary plan. The intent is for the patio home to be “the lot” surrounded by common open space, maintained by the HOA. No accessory structures will be allowed.

As indicated, the original intent of the patio homes was that they would be sold in fee simple where the footprints of the homes would act as the “lots”, and the areas surrounding the homes would be landscaped and maintained by the HOA. The intent of the proposed amendments are to subdivide the patio home areas into separate lots that do not contain common space, other than previously approved trails. As such, the HOA will not be responsible for landscaping and maintenance, and that will fall on the individual property owners. The requirements and setback standards for the patio home area (known as the Red Rocks Patio Homes subdivision) are as follows: The front yard setback shall be a minimum of 20 feet for the garage portion of a principal structure and 14 feet for the remainder of the principal structure. Side and rear yard setbacks shall be a minimum of 3 feet from the property line, with a minimum setback of 10 feet from adjacent lot principal structures. No structures shall be placed within easements. No recorded site plans reflecting building footprints shall be required at time of final platting. No accessory structures will be allowed. Perimeter patio homes may take access from public roads including Rock Valley Road, Red Point Road, Trail Ridge Road, and Ruby Mountain Road. Driveway locations will be reviewed at time of planning clearance to determine proper driveway spacing.

While the patio home setbacks will remain generally similar to the original ODP and subsequent FDP approved plans, the primary changes involve the elimination of the

building footprint requirement, clarification and revision of setback dimensions, and the allowance for perimeter patio homes to take access off either the private streets or public perimeter streets. While this may change the orientation of some of the patio homes as originally approved, staff is of the same conclusion as the original ODP, in that the clustering of the patio home area and reduction of setbacks are allowed to be less than the default zone because of the amount of common open space and the protection of the environmentally sensitive areas. In addition, the buildout of Red Rocks Homes Filing 1 has demonstrated that patio home buildings can be safely designed and that the design is compatible with the lesser setbacks. In conclusion, staff supports the proposed amendments to setback standards and finds this criterion has been met.

(2) Open Space. All residential planned developments shall comply with the minimum open space standards established in the open space requirements of the default zone.

This criterion was found to be met with the original ODP approval, and there are no proposed changes to areas or percentage of open space with the proposed amendments. For reference, the proposed open space is approximately 33.6% of the total development. As such, staff finds this criterion has been met.

(3) Fencing/Screening. Fencing shall comply with GJMC 21.04.040(i).

This criterion was found to be met with the original ODP approval, and there are no proposed changes to fencing/screening with the proposed amendments. Due to the natural site features, no perimeter fencing is required with this subdivision since the density and intensity of the surrounding subdivisions are similar, and in places it would be very difficult to install or would not serve a purpose. As such, staff finds this criterion has been met.

(4) Landscaping. Landscaping shall meet or exceed the requirements of GJMC 21.06.040.

Landscaping on individual single-family lots will be done by the homeowner with approval from the HOA, subject to easements for maintenance of slopes and berms in the sensitive areas. The originally approved ODP provides the required landscape buffer along South Camp Road and pedestrian trail per the Urban Trails Master Plan. Since the patio home area was originally designed for building footprints to act as "lots", the original ODP reflected that open space within the patio home area be landscaped and maintained by the HOA. The proposed amendments seek to eliminate building footprint requirements, and as such, landscaping on individual patio home lots will be done by the homeowner with the approval of the HOA. The proposed amendments do not create compliance issues with the landscaping code, and therefore staff finds this criterion has been met.

(5) Parking. Off-street parking shall be provided in accordance with GJMC 21.06.050.

This criterion was found to be met with the original ODP approval, and there are no proposed changes to parking with the proposed amendments. Parking will be provided in accordance with the Code, and as such, staff finds this criterion has been met.

(6) Street Development Standards. Streets, alleys and easements shall be designed and constructed in accordance with TEDS (GJMC Title 29) and applicable portions of GJMC 21.06.060.

The originally approved ODP provided adequate vehicle circulation throughout the proposed development by taking advantage of the TEDS manual using the alternative street standards and use of private streets. Currently, the primary access to the development is directly off South Camp Road, via Rock Valley Road. Road infrastructure as approved from the Final Development Plan in 2008 has been constructed. Future development areas will require a Final Development Plan submittal in which proposed roads will meet all City Standards, and/or alternative street designs will require future approval. The proposed amendments provide no revisions to streets, alleys, or easements. The only modification with regard to access is that perimeter patio home lots will have the option of having driveways which access the public streets which they front (see Exhibit 2.7). The perimeter and interior roads for the patio homes area have already been approved and constructed, and staff has determined that the access revision request for the patio homes will not be detrimental to the overall circulation and design of the development. As such, staff finds this criterion has been met.

In conclusion, the proposed amendments do not invalidate the original ODP approval and long-term community benefits provided therein. Staff finds that the planned development requirements of Section 21.05 of the Zoning and Development Code are met.

d) The applicable corridor guidelines and other overlay districts in the Grand Junction Municipal Titles 23, 24, and 25 (Section 21.02.150(b)(2)(iv));

There are no corridor guidelines or overlay district that are applicable for this development, nor was there at the time of the original ODP approval. As such, staff finds this criterion has been met.

e) Adequate public services and facilities shall be provided concurrent with the projected impacts of the development (Section 21.02.150(b)(2)(v));

Existing public and community facilities and services are available to the property and are sufficient to serve the residential uses allowed in the PD zone district. Many of

these services have already been extended throughout the development. This criterion was found to be met in the original ODP approval, and the proposed amendments provide no impacts on public services and facilities for the property. As such, staff finds this criterion has been met.

f) Adequate circulation and access shall be provided to serve all development pods/areas to be developed (Section 21.02.150(b)(2)(vi));

The originally approved ODP provided adequate vehicle circulation throughout the proposed development by taking advantage of the TEDS manual using the alternative street standards and use of private streets. Currently, the primary access to the development is directly off South Camp Road, via Rock Valley Road. Road infrastructure as approved from the Final Development Plan in 2008 has been constructed.

For the purpose of this amendment, changes to access and circulation are being proposed only as it relates to the patio home area. As approved in the original ODP, all patio homes were to be directly accessed via the private streets (inclusive of Red Vista Court, Red Vale Court, Red Wash Court, and Rocky Knoll Court). These private streets have a right-of-way width of 25 feet, which is narrower than the public perimeter streets (40 feet in width). The Applicant is requesting that perimeter patio home lots, as identified in Exhibit 2.7, be allowed to have direct access from the perimeter public streets (inclusive of Rock Valley Road, Ruby Mountain Road, Trail Ridge Road, and Red Point Road). The Applicant is requesting this amendment because of the noted increase in congestion on Red Vista Court, which is the private street that serves the 12 patio homes constructed as part of Red Rocks Patio Homes Filing 1. Within that subdivision, all patio homes were constructed between 2015 and 2016, and they all have access solely via the private street known as Red Vista Court. The narrow nature of the private streets in conjunction with the density of the patio home area has caused congestion for residents. Additionally, while “on-street” parking is not allowed on the private streets, it does happen on occasion, which causes more congestion issues.

The Applicant also states that from an aesthetic standpoint, the future perimeter patio homes will fit in better with the neighborhood if they access the public streets, as all the large lot single-family residences already constructed have direct access to the public streets. In conclusion, staff supports the Applicant’s request for revised access to perimeter patio homes. Driveway locations will be reviewed at time of planning clearance to confirm spacing requirements from intersections and other driveways meet development standards. As such, staff finds this criterion has been met.

g) Appropriate screening and buffering of adjacent property and uses shall be provided (Section 21.02.150(b)(2)(vii));

This criterion was found to be met with the original ODP approval, and there are no proposed changes to screening and buffering with the proposed amendments. Along the eastern most portion of the property is an extensive open space area that provides as a natural buffer. The northern most portion of the project abuts the Redlands Mesa Golf Course, therefore no screening or buffering is required. The western portion of the development abuts large-lot residential properties and there are no screening or buffering requirements for residential districts that adjoin other residential districts. As such, staff finds this criterion has been met.

h) An appropriate range of density for the entire property or for each development pod/area to be developed (Section 21.02.150(b)(2)(viii));

This criterion was found to be met with the original ODP approval, and there are no proposed changes to density standards due to the proposed amendments. The density for the overall development is 1.12 dwelling units per acre (155 residential units on 138.97 acres). The patio home area density, which is 9.66 acres, will be 5.38 dwelling units per acre (7.0% of the site). The single-family residential area consists of 55.91 acres, with a density of 0.80 dwelling units per acre (40.2% of the site). The open space area equals 46.69 acres (33.6%). Public right-of-way consists of 10.04 acres (7.2%). The remainder of the site, placed in tracts for various uses, equals 16.67 acres or 12.0% of the site. As such, staff finds this criterion has been met.

i) An appropriate set of “default” or minimum standards for the entire property or for each development pod/area to be developed;

As indicated in the original ODP, 155 residential units are allowed for the property, comprising 103 single-family residential lots with a size of ½ acre or larger, and 52 attached or detached patio homes. The default standard for the single-family residential areas on ½-acre lots is that of the R-2 zoning district. The front setback is 20-feet for the principle structure and 25-feet for an accessory structure. Side setbacks are 15-feet for the principle structure and 3-feet for accessory structures. The rear setback is 30-feet for the principle structure and 3-feet for an accessory structure. The proposed amendments have no impact on the setbacks of these ½-acre lots.

The proposed amendments do impact the patio home area. The original intent of the patio homes was that they would be sold in fee simple where the footprints of the homes would act as the “lots”, and the areas surrounding the homes would be landscaped and maintained by the HOA. The intent of the proposed amendments is to subdivide the patio home area into separate lots that do not contain common space, other than previously approved trails. Because the building footprint requirement is proposed to be eliminated, the setbacks must be clarified. As such, the requirements and setback standards for the patio home area is as follows: The front yard setback shall be a minimum of 20 feet for the garage portion of a principal structure and 14 feet

for the remainder of the principal structure. Side and rear yard setbacks shall be a minimum of 3 feet from the property line, with a minimum setback of 10 feet from adjacent lot principal structures. No structures shall be placed within easements. No recorded site plans reflecting building footprints shall be required at time of final platting. No accessory structures will be allowed. Perimeter patio homes may take access from public roads including Rock Valley Road, Red Point Road, Trail Ridge Road, and Ruby Mountain Road. Driveway locations will be reviewed at time of planning clearance to determine proper driveway spacing.

Staff supports the amendments as proposed. The patio home setbacks will remain generally similar to the original ODP and subsequent FDP approved plans, and staff has determined that the setbacks for the patio home area are appropriate because of the amount of common open space and the protection of the environmentally sensitive areas, and that the patio home buildings can be safely designed and that the design is compatible with the lesser setbacks. In conclusion, staff finds this criterion has been met.

j) An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed (Section 21.02.150(b)(2)(x));

In accordance with the Zoning and Development Code, a development phasing schedule may be set for greater than one year, but not more than 10 years pursuant to Section 21.02.080(n)(2). The Applicant's request to allow the remainder of the development to be completed by December 31, 2029 is consistent with the Code in regard to requisite timeframes for the overall project. As such, staff finds this criterion has been met.

In addition, Section 21.02.080 (n)(2)(i) states that the decision-making body may extend any deadline if the applicant demonstrates why the original effective period or development phasing schedule was not sufficient and cannot be met. The decision-making body shall consider when deciding to extend or change any deadlines if development regulations have materially changed so as to render the project inconsistent with the regulations prevailing at the time the extension would expire. The Applicants have remained active in the pursuit of completing the Planned Development, however, changes in ownership of developable areas has caused delays, and up until recently, completing the project has not been economically viable due to the past market conditions. The Applicants remain optimistic given current market conditions and indicators that the development could be completed by December 31, 2029, which is the requested extension date.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the request to amend the Red Rocks Valley Outline Development Plan, PLD-2020-693, located at South Camp Road and Rock Valley Road, the following

findings of fact have been made:

1. The Planned Development is in accordance with Section 21.02.150 (e) and all criteria in Section 21.02.150 (b) (2) and of the Grand Junction Zoning and Development Code.
2. Pursuant to Section 21.05.010, the Planned Development has been found to have long term community benefits including:
 - a. A greater quality and quantity of public and/or private open space.
 - b. Protection and/or preservation of natural resources, habitat areas and natural features; and/or Public art.
3. Pursuant to 21.05.040(f) Development Standards exceptions to setbacks; buildings can be safely designed to be compatible with lesser setbacks.
4. Pursuant to 21.05.040(g) Deviation from Development Default Standards, it has been found to provide amenities in excess in what would otherwise be required by the code.
5. The requested phasing schedule is in compliance with Section 21.02.080(n)(2) of the Zoning and Development Code.
6. The Planned Development is consistent with the vision, goals and policies of the Comprehensive Plan.

Therefore, Staff recommends approval of the requested amendment.

SUGGESTED MOTION:

Chairman, on the request to amend the previously approved Red Rocks Valley Outline Development Plan, located at South Camp Road and Rock Valley Road, City file number PLD-2020-693, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as provided within the staff report.

Attachments

1. Exhibit 1 - Application Packet
2. Exhibit 2 - Maps and Exhibits
3. Exhibit 3 - Neighborhood Meeting Documentation
4. Exhibit 4 - Public Comment Received
5. Exhibit 5 - Ordinance 4109 (2007)
6. Exhibit 6 - Ordinance 4511 (2012)

7. Exhibit 7 - ODP Staff Report and Documentation 2007
8. Exhibit 8 - Amended Ordinance (DRAFT)

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: MAJOR SUBDIVISION + PLANNED DEVELOPMENT AMENDMENT

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: 2280 RED WASH CT

Site Acreage: 2.13 AC.

Site Tax No(s): 2945-194-36-002

Site Zoning: PD

Project Description: RED ROCKS HOMES FILING 2 (13 PATIO HOME LOTS)

Property Owner Information

Name: CONQUEST HOMES LLC

Street Address: 1111 S. 12TH ST

City/State/Zip: GJ, CO 81501

Business Phone #: 970-243-1242

E-Mail: dc@conquestgj.com

Fax #:

Contact Person: Darren Caldwell

Contact Phone #: 970-906-5359

Applicant Information

Name: Same as Owner

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Representative Information

Name: ROLLAND CONSULTING ENG.

Street Address: 405 RIDGES BLVD

City/State/Zip: GJ, CO 81507

Business Phone #: 970-243-8300

E-Mail: eric@rcegj.com

Fax #: 970-241-1273

Contact Person: Eric Sliven

Contact Phone #: 970-243-8300

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 Eric Sliven

Date 2/18/20

Signature of Legal Property Owner Darren Caldwell

Date 2/25/20

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: Planned Development Amendment

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: Redlands Red Rocks Valley subdivision

Site Acreage:

Site Tax No(s):

Site Zoning:

Project Description:

Property Owner Information

Name: Surf View Dev. Co.

Street Address: PO Box 821

City/State/Zip: Rancho Santa Fe, Ca 92067

Business Phone #: 858-756-6253

E-Mail: fletcherdlsg@gmail.com

Fax #:

Contact Person: David Fletcher

Contact Phone #: 858-756-6253

Applicant Information

Name: Surf View Development Co.

Street Address: PO Box 821

City/State/Zip: Rancho Santa Fe, Ca 92067

Business Phone #: 858-756-6253

E-Mail: fletcherdlsg@gmail.com

Fax #:

Contact Person: David Fletcher

Contact Phone #: 858-756-6253

Representative Information

Name: David Fletcher

Street Address: PO Box 2243

City/State/Zip: Rancho Santa Fe, Ca 92067

Business Phone #: 858-756-6253

E-Mail: fletcherdlsg@gmail.com

Fax #:

Contact Person: David Fletcher

Contact Phone #: 858-756-6253

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

David L Fletcher

Date

2/25/21

Signature of Legal Property Owner

Surf View Development Co. David L Fletcher
president

Date

2/25/21

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) CONQUEST HOMES, LLC ("Entity") is the owner of the following property:

(b) Blocks 2, 3 and 4, Red Rocks Patio Homes

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) Manager 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) Final Development Plan (Subdivision) & Planned Development 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: 

Printed name of person signing: Darren Caldwell

State of Colorado)

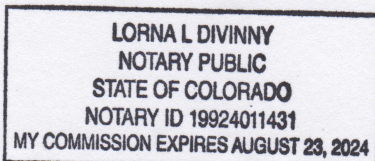
County of Mesa) ss.

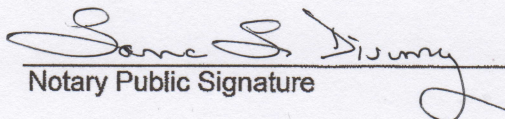
Subscribed and sworn to before me on this 4th day of December, 20 20

by Darren Caldwell

Witness my hand and seal.

My Notary Commission expires on 8-23-2024




Notary Public Signature

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) Surf View Development Co. ("Entity") is the owner of the following property:

(b) _____

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) President 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:

Eugene B. Fletcher, Jr. and Grant Lee Fletcher

On behalf of Entity, I have reviewed the application for the (d) _____

I have the following knowledge or evidence of a possible boundary conflict affecting the property:

(e) _____

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: David Lee Fletcher

Printed name of person signing: David Lee Fletcher

State of CALIFORNIA)

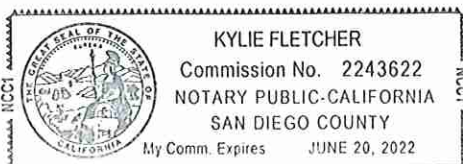
County of San Diego) ss.

Subscribed and sworn to before me on this 10th day of FEBRUARY, 20 21

by David Lee Fletcher

Witness my hand and seal.

My Notary Commission expires on 6/20/2022



Kylie Fletcher
Notary Public Signature

RECORDING REQUESTED BY:
WHEN RECORDED RETURN TO:

Benjamin P. Parrott, Esq.
Campbell Killin Brittan & Ray, LLC
270 Saint Paul Street, Suite 200
Denver, Colorado 80206

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made as of November 16, 2015, between RED ROCKS REAL ESTATE PARTNERS, LLC, a Colorado limited liability company ("**Grantor**"), CONQUEST HOMES, LLC, a Colorado limited liability company, whose legal address is 1111 South 12th Street, Grand Junction, Colorado 81501 ("**Grantee**").

WITNESSETH, that Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto Grantee, its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the Mesa County, State of Colorado, as more particularly described on Exhibit A attached hereto and incorporated herein by this reference, together with all and singular the rights, tenements, hereditaments, easements, appendages, ways, privileges and appurtenances, if any, thereto belonging, or in anyway appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of, in and to the Real Estate (the "**Real Estate**"), subject to all matters of record.

TO HAVE AND TO HOLD the said Real Estate above bargained and described with the appurtenances, unto Grantee, its successors and assigns forever. Grantor, for itself, its successors and assigns, does covenant and agree that it shall and will **WARRANT AND FOREVER DEFEND** the Real Estate in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person or persons claiming or to claim the whole or any part thereof by, through or under Grantor, except for all matters of record.

IN WITNESS WHEREOF, this Special Warranty Deed is executed by Grantor the day and year first above written.

GRANTOR:

RED ROCKS REAL ESTATE PARTNERS, LLC,
a Colorado limited liability company

By:



Mike Serra III, Authorized Signatory

**EXHIBIT A
TO
SPECIAL WARRANTY DEED**

LEGAL DESCRIPTION

Blocks 2, 3 and 4,
Red Rocks Patio Homes,
in the City of Grand Junction,
County of Mesa,
State of Colorado.

PUBLIC TRUSTEE'S CONFIRMATION DEED
(C.R.S. 38-38-502)
Public Trustee's Foreclosure #2011-0573

This Deed is made 11/23/2011, between the Public Trustee, of Mesa County, State of Colorado, and **SURF VIEW DEVELOPMENT CO**, Grantee, the holder of the Certificate of Purchase, whose legal address is P.O. BOX 821, RANCHO SANTA FE, CA 92067-0821.

WHEREAS, **REDLANDS VALLEY CACHE LLC**, did by Deed of Trust dated 4/10/2007, and recorded in the office of the Clerk and Recorder of the County of Mesa, Colorado, on 4/16/2007, at Reception No. 2374901, Book 4400, Page 305, convey to the Public Trustee, in Trust, the property hereinafter described to secure the payment of the indebtedness provided in said Deed of Trust, and **WHEREAS**, a violation was made in certain of the terms and covenants of said Deed of Trust as shown by the Notice of Election and Demand for Sale filed with the Public Trustee; the said property was advertised for public sale at the place and in the manner provided by law and by said Deed of Trust; Combined Notice of Sale and Right to Cure and Redeem was given as required by law; said property was sold according to said Combined Notice; and a Certificate of Purchase thereof was made and recorded in the office of the Mesa County Clerk and Recorder, and

WHEREAS, all periods of redemption have expired.

NOW, THEREFORE, the Public Trustee, pursuant to the power and authority vested by law and by the said Deed of Trust, confirms the foreclosure sale and sells and conveys to Grantee the following described property located in the County of Mesa, State of Colorado, to-wit:

**TRACT J; TRACT N; LOT AA IN BLOCK 2; LOT BB IN BLOCK 2; LOT CC IN BLOCK 6; BLOCK 7, ALL IN RED ROCKS VALLEY;
BLOCK E AND BLOCK F IN MONUMENT VALLEY SUBDIVISION, ALL IN COUNTY OF MESA, STATE OF COLORADO.**

TO HAVE AND TO HOLD the same, with all appurtenances, forever.

Executed 11/23/2011.



PAUL N. BROWN
Public Trustee, Mesa County
State of Colorado

By: *Sharon Ener*

Sharon Ener
Chief Deputy Public Trustee

Consideration: \$3,754,850.21

PUBLIC TRUSTEE'S CERTIFICATE OF PURCHASE
PT# 2011-0573

I, the undersigned Public Trustee, certify that pursuant to the power and authority vested in me by law and by the Deed of Trust described as follows:

Original Grantor	REDLANDS VALLEY CACHE LLC
Original Beneficiary	SURF VIEW DEVELOPMENT CO.
Current Beneficiary	SURF VIEW DEVELOPMENT CO
Date of Deed of Trust	4/10/2007
Recording Date of Deed of Trust	4/16/2007
Recorded in Mesa County	Reception No. 2374901 Book 4400 Page 305
Original Principal Amount	\$5,183,805.00
Outstanding Balance	\$3,339,964.38

AND, upon notice of election and demand being filed with me and recorded in Mesa County on:

7/1/2011, at Reception No. 2577336

Pursuant to §38-38-103, I first mailed a Combined Notice of Sale, Right to Cure, and Right to Redeem to the original grantor(s) of said Deed of Trust and to any persons required to be notified by C.R.S. §38-38-103, §38-38-104, §38-38-302, §38-38-303, and §38-38-305. I further published the Combined Notice of Sale, Right to Cure, and Right to Redeem in **The Daily Sentinel**, a newspaper of general circulation in said Mesa County, as prescribed by law.

AND, on November 2, 2011, at 10:00 a.m., the date and time to which said sale was duly continued, I exposed to public sale the property situated in Mesa County, State of Colorado, described as follows:

TRACT J; TRACT N; LOT AA IN BLOCK 2; LOT BB IN BLOCK 2; LOT CC IN BLOCK 6; BLOCK 7, ALL IN RED ROCKS VALLEY; BLOCK E AND BLOCK F IN MONUMENT VALLEY SUBDIVISION, ALL IN COUNTY OF MESA, STATE OF COLORADO.

At said sale, **SURF VIEW DEVELOPMENT CO**, Purchaser, whose legal address is, **P.O. BOX 821, RANCHO SANTA FE, CA 92067-0821**, bid the sum **\$3,754,850.21** for said property. Being the highest and best bid received therefor, the said property was struck off and sold to the said Purchaser. Unless a redemption is made, the said Purchaser or assignee of the Certificate of Purchase shall be entitled to a confirmation deed for said property at the end of all redemption periods allowed by law to all subsequent lienors, and other persons entitled to redeem.

The following documents are attached to and made a part of this Certificate of Purchase:

1. Copy of the executed Order Authorizing Sale
2. Mailing List(s) submitted to the public trustee for this foreclosure.

Executed on November 9, 2011.

Paul N. Brown
Public Trustee, Mesa County
State of Colorado



By: *Sharon Ener*

Sharon Ener
Chief Deputy Public Trustee

When Recorded Return to:

Mesa County Public Trustee

SURF VIEW DEVELOPMENT CO

BOARD OF DIRECTORS MEETING JUNE 9, 2016

8:15 AM CALL TO ORDER BY PRESIDENT DAVID FLETCHER

GRANT FLETCHER , EUGENE FLETCHER IN ATTENDANCE

AGENDA

REPLACEMENT OF ADMINISTRATIVE ASSISTANT

JANICE GROSSE HAS RETIRED HER POSITION AND WE ARE INTERVIEWING SUMMER LONERGAN
FOR HER POSITION

ALL AGREE ON HIRING SUMMER. JANICE AGREED TO TRAIN IN HER POSITION.

SHE WILL BE COMPENSATED AT THE RATE OF \$ 40.00 PER HOUR AND SURFVIEW WILL 1099 HER FOR
TAX PURPOSES

OTHER DISCUSSION INCLUDED BEACH HOUSE REMODEL AND PERSONAL LOANS TO SURFVIEW AS
NEEDED.

DAVID TO CHECK ON ELIMINATION OF MONTH FEES FROM CONSIDINE & CONSIDINE

DAVID TO ELIMINATE WATER SHARES IN COLORADO

GENE TO TAKE CARE OF BEACH HOUSE REMODEL PROJECT.

NEXT MEETING SCHEDULED FOR NOVEMBER 15 2016 FOR SURFVIEW EVALUATION

MEETING ADJOURNED AT 9:30 AM

GRANT FLETCHER

SECRETARY



405 RIDGES BOULEVARD, SUITE A
GRAND JUNCTION, COLORADO 81507
Phone: (970) 243-8300 • Fax (970) 241-1273
email: rce@rcegj.com

February 18, 2020

Jace Hochwalt, Associate Planner
City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501

Re: Request to Amend the Red Rocks Valley PD

On the behalf of Conquest Homes LLC, the following Amendments to Red Rocks Valley PD are being requested: 1) extension of the Final Plat deadline of the remaining phases and 2) removing the requirement that the Patio Homes obtain access from only the interior private streets.

1) Extend Final Plat Deadline

Conquest Homes LLC purchased the remaining three Blocks for Patio Home development, platted as Blocks 2, 3 and 4, Red Rocks Patio Homes (A Replat of Block 5 Red Rocks Valley). Conquest Homes LLC intends of building the remaining 40 Patio Homes in three filings over the next six years. Conquest Homes LLC has had a shortened development time since they purchased the lots later than the initial development. The Current Deadline to Plat all remaining phases is March 1, 2022. Since purchase, Conquest Homes LLC has remained active in the pursuit of this development. We reviewed site and engineering plans with the Planning Department to assure all elements of the project meet current criteria. We have revised and updated both exterior and interior elements of the housing units to meet current market preferences and demands. Conquest Homes remains committed to creating a quality patio homes in this planned subdivision that will improve and enhance the neighborhood and community.

We request that the deadline for recording the Final Plat of Remaining Phases to be December 31, 2029. It is our understanding that this extended deadline would also apply to Block 2, Lot AA, Tract N and Lot BB, Block 6, Lot CC and Block 7, Red Rocks Valley.

2) Driveway Access to Patio Homes

The original Red Rocks Valley PD states that the Patio Homes driveway access shall be from the interior Private Streets. Conquest Homes LLC request that the Patio Home Lots, being proposed in Blocks 2, 3 and 4 of Red Rocks Patio Homes (to be Platted as Red Rocks Homes Filings 2, 3 and 4) that are adjacent to the public Roads, have the option of having the driveways access those public roads. Using the Lot numbers and Filing sequence with the companion subdivision submittal for Red Rocks Homes Filing 2, 3 and 4, the lots to be considered with this request are Lots 13, 14, 15, 16, 24 and 25 in Homes Filing 2, Lots 26, 35, 36,

37, 38, 39 and 40 in Filing 3 and Lots 41, 42, 43, 44, 50, 51 and 52 in Filing 4. The actual Lot numbers and Filing order may change, so the Lots pertaining to this request are shown on the attached exhibit.

Reasons for this request follow:

- The three filings addressed in this report are all part of a greater development – Red Rocks Valley
- The first filing has all the lots in that filing (12 lots) accessed from the private road Red Vista Court.
- The private Roads, Red Vista Court, Red Wash Court, Rocky Knoll Court and Red Vale Court are narrower than the public access roads.
- As the homes accessed from Red Vista Court have been built out it has become apparent that there is considerable congestion along that private road. At most times, this congestion would present a safety issue for any first responders to the homes in the neighborhood which access Red Vista Court. Building the remaining homes with private access will only exacerbate the problem.
- If the access for the listed lots were transferred to the public access roads, it would cut the congestion for the remaining lots to be accessed from the private roads considerably, which in effect would provide greater safety for all the lots in Filings 2, 3 and 4.
- Transfer of access for the listed lots would not add sufficient traffic to the public roads to cause concern for the activity on those roads.
- All of the other homes located in the “master” subdivision that are along those public roads access from the public roads; and from an aesthetic concern, having those few homes that have been built out along the public road not access from the public road looks out of place. More homes built in this fashion will not correct the aesthetic issues, it will compound the irregular appearance for the overall subdivision.

Please submit this request for the extension of the Final Plat deadline and alternate driveway access to the Planning Commission and City Council for review and approval of this request. Should you have further questions or concerns or require additional information, please do not hesitate to contact me or Darren Caldwell.

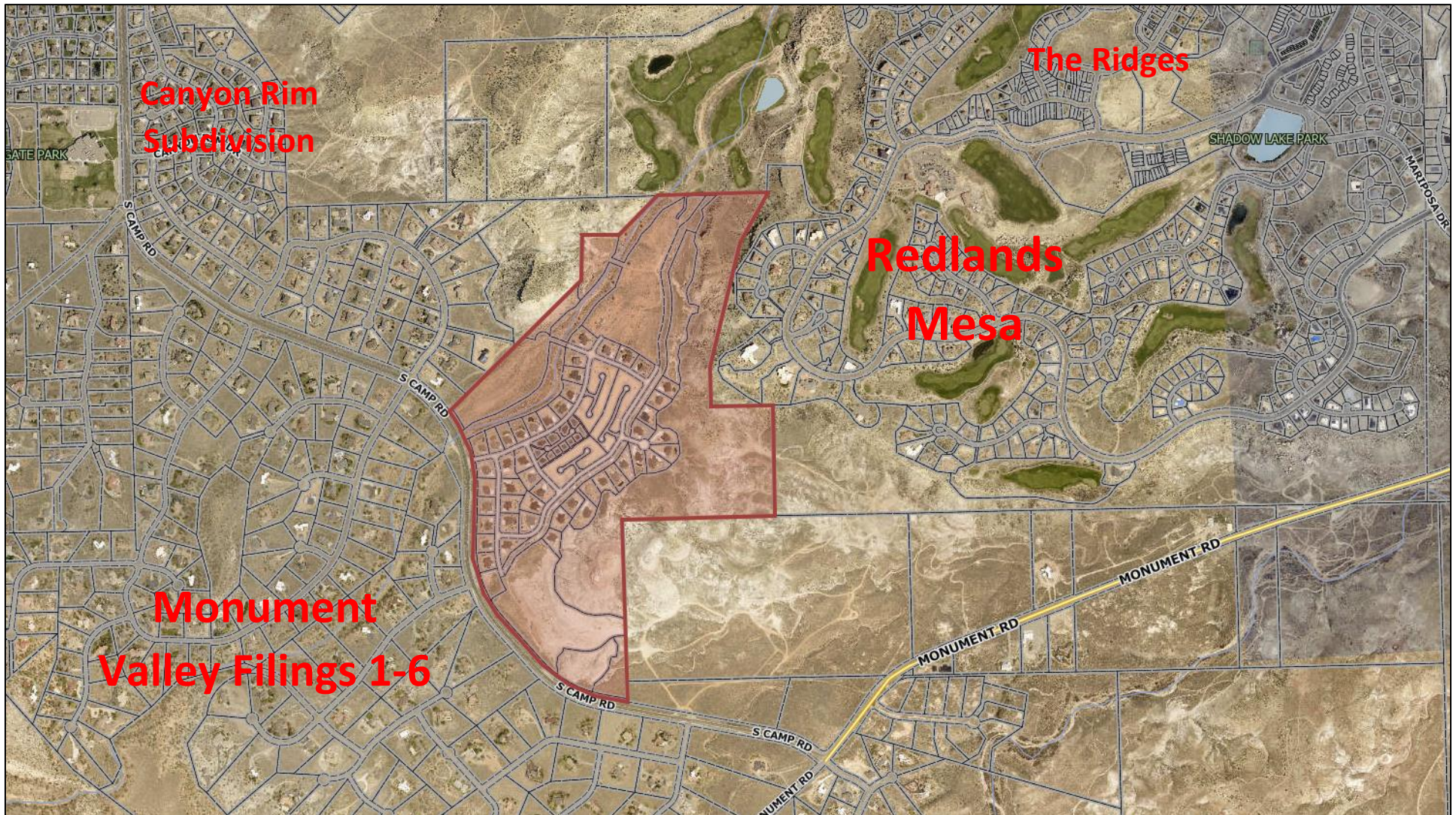
Respectfully Submitted,



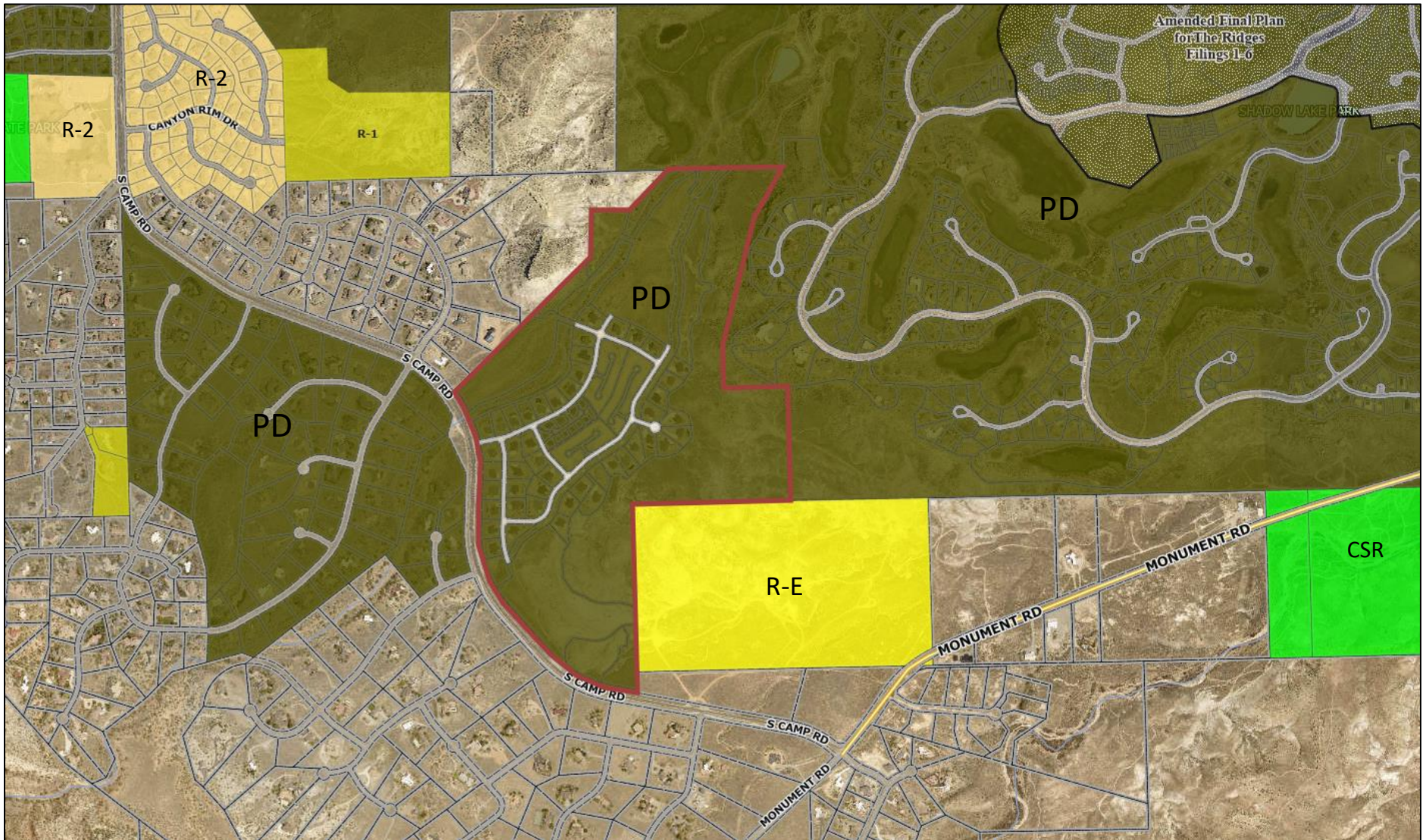
Eric S. Slivon, P.E
Rolland Consulting Engineers, LLC

For:
Darren Caldwell, Manager
Conquest Homes LLC

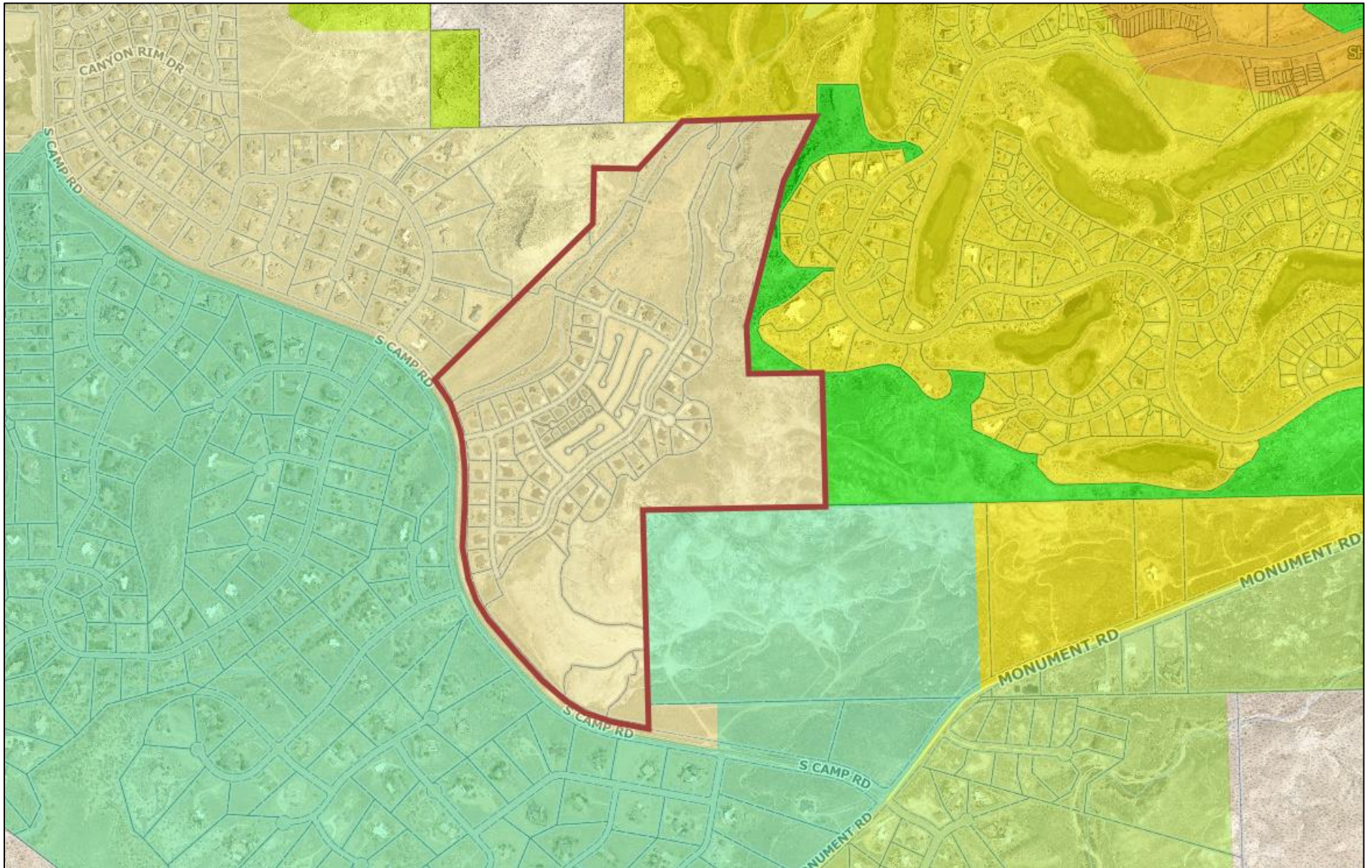
Vicinity Map (Exhibit 2.1)



Zoning Map (Exhibit 2.2)

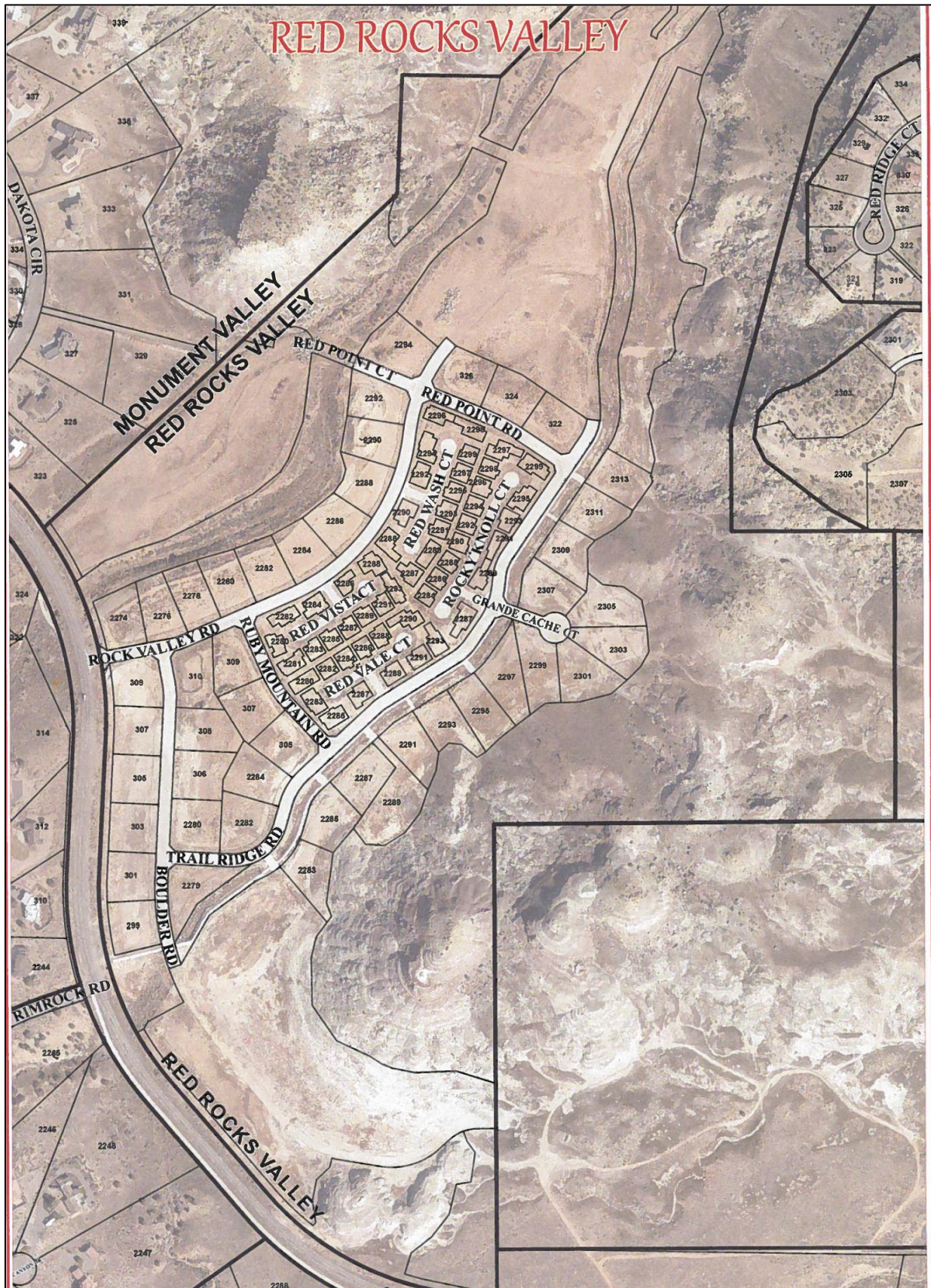


Future Land Use Map - 2010 (Exhibit 2.3)

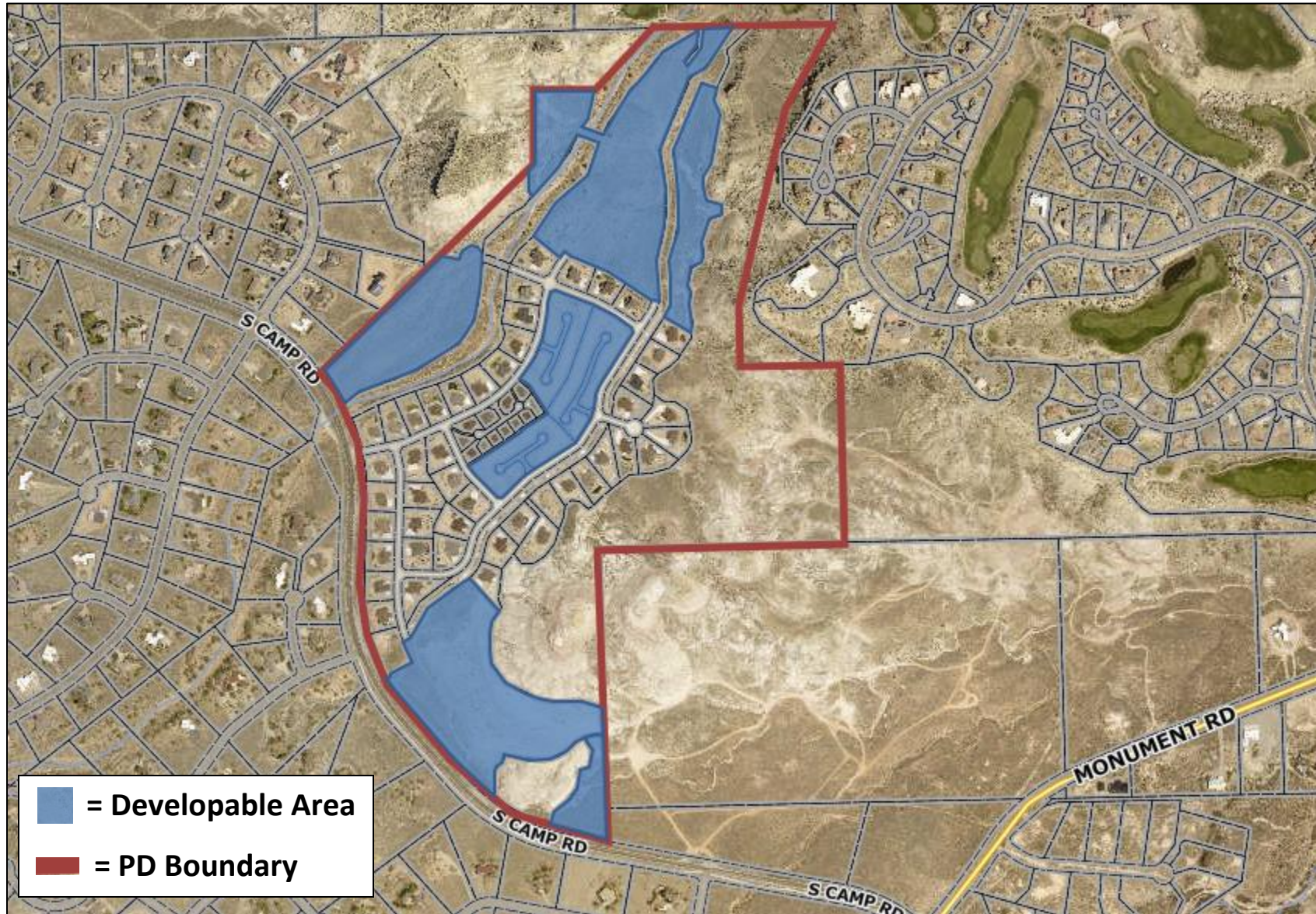


Packet Page 38 of 640

Final Development Plan - Site Plan Approved in 2008 (Exhibit 2.5)



Development Boundary/Remaining Developable Area (Exhibit 2.6)



Alternative Patio Home Driveway Illustration (Exhibit 2.7)



You are invited:

What: Neighborhood Meeting

When: June 30, 2020

Where: Red Rocks Homes, On Site (2280 Red Vale Court, see map below)

Conquest Homes, LLC has prepared a Development Application for the Major Subdivision of Red Rocks Homes Filing 2, containing 13 Patio Home lots. Development plans also include preliminary plans for Red Rocks Homes Filing 3 and 4, containing 15 and 12 Patio Home lots, respectively.

Conquest Homes, LLC is requesting an amendment to the Red Rocks Valley Planned Development (PD). The amendment includes an extension of the deadline for Final Plat recording of all remaining phases to December 31, 2029. A second amendment request is to allow the 20 Patio Homes in Red Rocks Homes Filing 2, 3, and 4, that are adjacent to exterior public roads to have driveway access to those exterior roads. City of Grand Junction requires a neighborhood meeting in advance of public hearings of this request.

If you are unable or uncomfortable attending the meeting in person, there will be an online presentation of the project available at GJ Speaks (<http://www.gjspeaks.org>). It will be available to view on or before June 25th. The GJSpeaks.org site allows you to submit comments viewable by all, as well as to submit questions you may have directly to either the project representative or City Staff.

Should you have any questions or concerns, please contact:

Jace Hochwalt, City of Grand Junction Associate Planner jaceh@gjcity.org

Darren Caldwell, Conquest Homes, LLC dc@conquestgj.com

Jami Hallett Conquest Construction, LLC jami@conquestgj.com

970-243-1242



Red Rocks Homes, Filings 2, 3, and 4

Neighborhood Meeting June 30, 2020

Attendees:

Brian Hart	2281 Red Vista Ct	bhartco@gmail.com
Tyson Goredey	2289 Trail Ridge Rd	303-905-2780
Bernie Ferrero	2289 Trail Ridge Rd	tysona@me.com
Richard Janson	2294 Red Point Ct	970-241-0213
Keith & Sally Jones	2307 Grande Cache Ct	208-861-9066
Greg & Patty Arnquist	2290 Rock Valley Rd	970-644-5044
David & Judy Barnett	2288 Red Vista Ct	rockbarn@gmail.com
Alan Emmendorfer	308 Boulder Rd	a.emmendorfer@msn.com
Sally Smith	2287 Trail Ridge Rd	mustangsgsmith@gmail.com
Brain & Helen Stone	2311 Trail Ridge Rd	brianstone575@gmail.com
Mark & Kathy Green	2291 Trail Ridge Rd	mwgreen1105@gmail.com
Ken Follett	2313 Trail Ridge Rd	
Jace Hochwalt	City of GJ Planning	970-256-4008
Eric Slivon, PE	Roland Consulting	eric@rcegj.com
Jami Hallett	Conquest Construction	jami@conquestgj.com
Darren Caldwell	Conquest Construction	970-243-1242 Dc@conquestgj.com

Meeting Summary:

The neighborhood meeting was held to allow residents near the development to ask questions about the proposed changes to the subdivision and to view the map detailing the reorientation of the perimeter driveways and other details of the neighborhood. Darren Caldwell, owner, and Jami Hallett were there from Conquest Construction to answer questions, along with Jace Hochwalt with City of Grand Junction Planning, and Eric Slivon, PE with Roland Consulting Engineers, who has worked on the design.

The main issue being addressed was the reorientation of the houses that abut an exterior street- these will be “flipped” so that the driveway and front of the homes will be visible from the main streets, rather than the backs or fences.

One attendee was particularly concerned about the weeds, and dust from empty lots blowing onto neighboring properties. He was assured that dust and weed mitigation will continue throughout the development process. The drought conditions this year have exacerbated the problem.

A couple residents worried that there would be increased traffic and parking on the exterior streets, but the number of lots and houses remains the same as the original development, and so no increased traffic will result from the changes proposed. As for parking, the covenants call for no long term on-street parking, and parking of vehicles in garages. This does not change that.

Most of the attendees agreed that moving the driveways of the perimeter lots to the exterior streets not only improves traffic flow but improves the appearance of the neighborhood as well.

In summary, the design for Red Rocks Homes, Filings 2, 3, and 4 were well received by the neighbors that attended the meeting.

January 5, 2021

Rudolph T. Textor
2297 Trail Ridge Rd.
Grand Junction, Co.
81507-1681

Planning Commission
c/o Jace Hochwalt, AICP
Community Development Department
City of Grand Junction
250 N. 5th St.
Grand Junction, Co. 81501-2628

Re: PLD-2020-694, Red Wash Court

Dear Planning Commission Members:

My name is Ted Textor and I live in the Red Rocks Valley subdivision, at the address noted above. I purchased my home new from the Pauls Corp., moved into it on September 1, 2015, and it is my sole and primary residence. I am writing to you to notify you of my concerns with respect to Conquest Construction's application to make two changes to Red Rocks Homes, Filing 2. I am enclosing nine photos with this letter, to which I will refer.

Pictures 1, 2, and 3, were taken on June 27, 2016, some months after Darren Caldwell, owner of Conquest Construction, purchased the remaining 42 lots of the subdivision. They depict the denuding of plant life from the lots due to repeated saturation of the land with highly toxic, cancer causing, chemical defoliant. Pictures 4, 5, and 6, were taken on July 29, 2018. When the wind kicks up, our homes are covered with, and subjected to infiltration from, the degraded and defoliated soils. There are other negative consequences, as well. Pictures 7, 8, and 9, depict the current state of the lots, five years after their purchase. Simply put, Mr. Caldwell has given the homeowners of RRV an industrial scale wasteland in the heart of our neighborhood for five long years.

The current state of Mr. Caldwell's lots has been, and is, depriving the homeowners from realizing the peaceful enjoyment of their homes. It is almost certainly negatively impacting the value of our homes and, by not building for five years, significant and needed tax revenues to the city have been lost. It is not helping to promote the reputation of Grand Junction as a city where the interests of all stakeholders are respected and balanced. I am suggesting that the appropriate city regulatory authority compels Mr. Caldwell to contact the Colorado State University Extension, and, with a qualified contractor, formulate a comprehensive and effective plan to remediate and restore his despoiled property, and implement it as soon as practicable.

(2)

Conquest's request to reverse the current and approved orientation of homes, and to add numerous driveways exiting into the four main thoroughfares of the subdivision, should be rejected. The Meeting Summary documenting the June 30, 2020, neighborhood meeting attached to the October 25, 2020, General Project Report, contains some important errors and has some relevant omissions. The Attendees Record has left out a number of residents who were there, including me. As to content, I don't believe it's fair to say, "Most of the attendees agreed that moving the driveways of the perimeter lots to the exterior streets not only improves traffic flow but improves the appearance of the neighborhood as well." No poll of the residents of this neighborhood has been conducted. If you review the comments posted to the GJSpeaks website some months ago, you will see representative sentiments of homeowners, which are consistent with some expressed at the meeting. Also, some residents of the Pauls Corp. lock and leave homes, have expressed their concerns that this request by Conquest, if approved, may negatively impact the value of their properties.

The fourth paragraph of the Summary states, in part, that, "As for parking, the covenants call for no long term on-street parking, and parking of vehicles in garages." For the five years that I have lived in RRV, on street parking has been a consistent and continuing problem. In November of 2019, there was a vehicle accident involving a parked vehicle in front of my house, which resulted in no injuries, but serious property damage. As to parking vehicles in garages, one or two homeowners refuse to park their vehicles in their garages to this day. This problem, and some related variants, has been the source of time consuming, costly, and bitter conflict. Mr. Caldwell has been directly involved in this issue and it is extensively documented. Due to this history, homeowners are rightfully concerned that such conflict will continue, and almost certainly worsen, if Conquest's request is granted. Mr. Caldwell has been, for five years, the most influential member of the RRV HOA Board, and accordingly, is in a position to correct this problem finally and effectively. We have a state-of-the-art HOA structure, with state-of-the-art procedures and remedies for violations of the CCRs, if utilized.

If the concerns noted above are fairly addressed, and adequate solutions are derived and implemented, I believe that Conquest Construction's build out of Mr. Caldwell's 42 lots can be successfully concluded to the satisfaction of all of the affected parties. If that happens, I think the effect will be very positive for the acceptance of, and future success of, the "Redlands 360" project, and for the future of residential development in the Redlands area, in general.

Thank you for your attention to and consideration of the content of this letter. Thanks also, to the city professionals who have put together a regulatory regime which invites citizen participation, and to the professionals who administer it.

Very truly yours,



Rudolph T. Textor











CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4109

**AN ORDINANCE ZONING THE FLETCHER ANNEXATION TO
PLANNED DEVELOPMENT 1.12 (PD)**

**LOCATED APPROXIMATELY 1/2 MILE WEST OF MONUMENT ROAD ON THE
NORTH SIDE OF SOUTH CAMP ROAD**

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 Fletcher Annexation to the PD zone district finding that it conforms with the recommended land use category as shown on the Future Land Use map of the Growth Plan, and the Growth Plan's goals and policies, and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code and the requirements of Chapter 5, regarding Planned Developments. The default zoning is R-2, Residential – 2 units per acre.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the PD zone district is in conformance with the stated criteria of Section 2.6 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 be zoned Planned Development not to exceed 1.12 dwelling units per acre.

**PERIMETER BOUNDARY LEGAL DESCRIPTION
FLETCHER ANNEXATION
2945-194-11-001 & 2945-301-12-001**

A certain parcel of land located in the Southeast Quarter (SE1/4) of Section 19 and the Northeast Quarter (NE1/4) of Section 30, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southeast corner of Block D, Monument Valley Subdivision, as same is recorded in Plat Book 16, page 269-270, Public Records of Mesa County, Colorado, and assuming the East line of the NW1/4 NE1/4 of said Section 30 bears S00°00'15"W with all other bearings contained herein being relative thereto; thence from said Point of Beginning; S11°52'16"W to a point on the South right of way line of

South Camp Road, as same is recorded in Book 997, pages 945-946, a distance of 100.00 feet; thence along said right of way N78°07'44"W a distance of 204.77 feet; thence 662.69 feet along the arc of a 1004.93 foot radius curve concave Northeast, having a central angle of 37°46'59" and a chord bearing N59°14'14"W a distance of 650.75 feet; thence N40°20'44"W a distance of 457.15 feet; thence 390.46 feet along the arc of a 1004.93 foot radius curve concave Northeast, having a central angle of 22°15'42" and a chord bearing N29°12'52"W a distance of 388.01 feet to a point on the centerline of Rimrock Drive, as same is shown on the plat of Monument Valley Subdivision Filing No. 5, as same is recorded in Plat Book 14, Pages 212-214, Public Records of Mesa County, Colorado; thence N71°52'16"E a distance of 50.00 feet to a point on the East line of the Monument Valley Annexation, City of Grand Junction Ordinance No. 2850, and the centerline of said South Camp Road; thence 353.46 feet along the arc of a 954.93 foot radius curve concave East, having a central angle of 21°12'28" and a chord bearing N07°28'38"W a distance of 351.45 feet; thence N03°07'36"E along a line 429.61 feet; thence 602.38 feet along the arc of a 954.93 foot radius curve concave West, having a central angle of 36°08'35" and a chord bearing N14°55'27"W a distance of 592.44 feet; thence N57°08'32"E a distance of 50.00 feet to a point on the North right of way of said South Camp Road; thence S32°59'44"E a distance of 45.59 feet; thence 633.56 feet along the arc of a 1004.93 foot radius curve concave West, having a central angle of 36°07'20" and a chord bearing S14°56'04"E a distance of 623.12 feet; thence S03°07'36"W a distance of 429.95 feet; thence 686.60 feet along the arc of a 904.93 foot radius curve concave Northeast, having a central angle of 43°28'20" and a chord bearing S18°36'34"E a distance of 670.25 feet; thence S40°20'44"E a distance of 457.15 feet; thence 596.27 feet along the arc of a 904.93 foot radius curve concave Northeast, having a central angle of 37°45'09" and a chord bearing S59°13'19"E a distance of 585.54 feet; thence S78°07'44"E a distance of 205.25 feet; more or less to the Point of Beginning, TOGETHER WITH Block C and Block D, of said Monument Valley Subdivision.

Said parcel contains 144.43 acres (6,291,761 square feet), more or less, as described.

This Ordinance prescribes as follows:

- 1) **Default zoning standards.** If the planned development approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards. The default standards of the R-2 zoning designation will apply.
- 2) **Phasing schedule.** The Phasing Schedule is:
First Phase shall be platted by March 1, 2008;
Phase 2 – by March 1, 2011;
Phase 3 – by March 1, 2013,
Phase 4 – by March 1, 2015
Phase 5 – by March 1, 2017.

A graphic depiction of the phasing is shown on sheet 3 of the approved preliminary drawings, dated 4/24/07, included in development file number PP-2006-217.

3) **Number of units allowed.** 155 residential units allowed – 103 single family residential lots, 1/2 acre in size or larger; 52 patio homes (attached and detached).

4) **Applicable setbacks.**

a) **Patio homes.** The setback standards for the patio homes are as follows: A minimum 14-foot setback is required around the perimeter of the patio home area. This setback is measured from the back of walk and includes Red Park Road, Red Point Road, Red Mesa Road, and Slick Rock Road. The front setback for all garages shall be 20 feet. The side setback between buildings is 10 feet, except for those units that are attached, and then a zero setback is allowed. No accessory structures will be allowed. A dimensioned final design of the patio home area will be recorded with the Final Plat.

b) **Other homes.** The setbacks for the single-family homes not designated as patio homes are as follows: The front setback is 20 feet for the principle structure and 25 feet for accessory structures. Side setbacks are 15-feet for the principle structure and 3 feet for accessory structures. The rear setback is 30-feet for the principle structure and 3 feet for an accessory structure. (These setbacks are consistent with the R-2 default zone.)

5) **Future development.** A tract (shown as Tract N on the approved preliminary drawings dated 4/24/07, found in development file number PP-2006-217) is reserved for future development to adjoin the property to the east.

6) **Construction restrictions.**

Construction outside of the designated building envelopes will not be permitted. Engineered foundations and site grading plans shall be required on all lots. The Final Plat shall include a note requiring construction with the designated building envelopes, engineered foundations and site grading plans for each and every lot.

Mitigation berms, swales for drainage and rock fall areas shall be constructed. City engineer(s) and Colorado Geological Survey representatives shall be permitted to supervise the construction of these features and these features must be inspected and approved by a City engineer. These features will be considered and treated as "as-builts." The construction of these features shall be guaranteed and secured by Development Improvements Agreement (DIA) and associated security. Maintenance of these features shall be provided by an association of the homeowners in perpetuity, and easements in favor of said association for this purpose shall be granted.

No planning clearance or building permit shall issue for any construction on the lot designated as Lot 1, Block 1 on the approved preliminary drawings dated 4/24/07, included in development file number PP-2006-217, and said lot shall not be sold, unless and until a secondary access is constructed in the subdivision to the east. No more than 99 homes shall be constructed in area comprised by the Plan (referred to presently

as the Red Rocks Valley Subdivision) unless and until a secondary access to a public roadway or street is constructed, whether within the Red Rocks Valley Subdivision or in the subdivision / development to the east. A Recording Memorandum setting forth in detail these restrictions shall be recorded so as to inform potential buyers of such restrictions. Construction of said secondary access shall be guaranteed and secured by a DIA and associated security.

If no access to South Camp Road that can serve as a secondary access for Red Rocks Valley Subdivision is completed in the subdivision / development to the east by the time a planning clearance or building permit for the 99th house issues, the developer shall promptly construct the secondary access in the location of Lot 1, Block 1 on the approved preliminary drawings dated 4/24/07, included in development file number PP-2006-217.

No planning clearance or building permit shall issue for any construction on the lot designated on the approved preliminary drawings, dated 4/24/07 and included in development file number PP-2006-217 as Lot 1, Block 5, unless and until the ingress/egress easement is vacated and the lift station associated with it has been relocated or is no longer needed, as determined by City staff. A Recording Memorandum setting forth in detail these restrictions shall be recorded so as to inform potential buyers of such restrictions.

The Final Plat shall show any and all "no-disturbance" and/or "no-build" zones as designated by the Army Corps of Engineers or City engineers.

7) **Private Streets Agreement.** Private streets as proposed by the Applicant are approved; an agreement for the maintenance of all private streets in the subdivision in accordance with City Transportation Engineering and Design Standards (TEDS) shall be required and shall be recorded with the Final Plat.

8) **Sidewalks.** The following sidewalks not shown on the approved preliminary drawings dated 04/24/07 included in development file number PP-2006-217 shall be provided:

- Sidewalk on both sides of Slick Rock Road.
- Sidewalks on both sides of Red Park Road.
- Sidewalk on both sides on Red Pointe Road between Red Mesa Road and Red Park Road.
- Sidewalk along north side of Boulder Road.

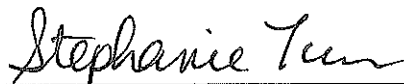
9) **Park land dedication.** The final plat shall include a dedication to the City for a public park holding in the corner of land which connects with and would make contiguous City's two holdings to the north and east of this parcel. Said dedication shall be sufficient, at a minimum, to allow maintenance access, and shall be to the reasonable specifications of the Parks and Recreation Department.

10) **Trails.** Existing public trails in the area shall connect through this subdivision.

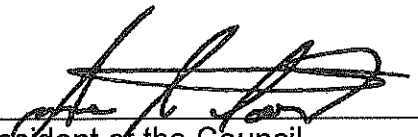
INTRODUCED on first reading the 18th day of July, 2007 and ordered published.

ADOPTED on second reading the 1st day of August, 2007.

ATTEST:



City Clerk



President of the Council

5 PAGE DOCUMENT

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4511

**AN ORDINANCE AMENDING ORDINANCE NO. 4109, WHICH ZONED THE
FLETCHER ANNEXATION (RED ROCKS VALLEY PD) TO PLANNED
DEVELOPMENT**

**LOCATED APPROXIMATELY ½ MILE WEST OF MONUMENT ROAD ON THE
NORTH SIDE OF SOUTH CAMP ROAD**

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 Fletcher Annexation to the PD zone district finding that it conforms with the recommended land use category as shown on the Future Land Use map of the Growth Plan, and the Growth Plan's goals and policies, and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 21.02.150 of the Zoning and Development Code and the requirements of Section 21.05, regarding Planned Developments. The default zoning is R-2, Residential – 2 units per acre.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the PD zone district is in conformance with the stated criteria of Section 21.02 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 be zoned Planned Development not to exceed 1.12 dwelling units per acre.

**PERIMETER BOUNDARY LEGAL DESCRIPTION
RED ROCKS VALLEY**

A certain parcel of land located in the Southeast Quarter (SE1/4) of Section 19 and the Northeast Quarter (NE1/4) of Section 30, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southeast corner of Block D, Monument Valley Subdivision, as same is recorded in Plat Book 16, page 269-270, Public Records of Mesa County, Colorado, and assuming the East line of the NW1/4 NE1/4 of said Section 30 bears S00°00'15"W with all other bearings contained herein being relative thereto; thence from said Point of Beginning; S11°52'16"W to a point on the South right of way line of

South Camp Road, as same is recorded in Book 997, pages 945-946, a distance of 100.00 feet; thence along said right of way N78°07'44"W a distance of 204.77 feet; thence 662.69 feet along the arc of a 1004.93 foot radius curve concave Northeast, having a central angle of 37°46'59" and a chord bearing N59°14'14"W a distance of 650.75 feet; thence N40°20'44"W a distance of 457.15 feet; thence 390.46 feet along the arc of a 1004.93 foot radius curve concave Northeast, having a central angle of 22°15'42" and a chord bearing N29°12'52"W a distance of 388.01 feet to a point on the centerline of Rimrock Drive, as same is shown on the plat of Monument Valley Subdivision Filing No. 5, as same is recorded in Plat Book 14, Pages 212-214, Public Records of Mesa County, Colorado; thence N71°52'16"E a distance of 50.00 feet to a point on the East line of the Monument Valley Annexation, City of Grand Junction Ordinance No. 2850, and the centerline of said South Camp Road; thence 353.46 feet along the arc of a 954.93 foot radius curve concave East, having a central angle of 21°12'28" and a chord bearing N07°28'38"W a distance of 351.45 feet; thence N03°07'36"E along a line 429.61 feet; thence 602.38 feet along the arc of a 954.93 foot radius curve concave West, having a central angle of 36°08'35" and a chord bearing N14°55'27"W a distance of 592.44 feet; thence N57°08'32"E a distance of 50.00 feet to a point on the North right of way of said South Camp Road; thence S32°59'44"E a distance of 45.59 feet; thence 633.56 feet along the arc of a 1004.93 foot radius curve concave West, having a central angle of 36°07'20" and a chord bearing S14°56'04"E a distance of 623.12 feet; thence S03°07'36"W a distance of 429.95 feet; thence 686.60 feet along the arc of a 904.93 foot radius curve concave Northeast, having a central angle of 43°28'20" and a chord bearing S18°36'34"E a distance of 670.25 feet; thence S40°20'44"E a distance of 457.15 feet; thence 596.27 feet along the arc of a 904.93 foot radius curve concave Northeast, having a central angle of 37°45'09" and a chord bearing S59°13'19"E a distance of 585.54 feet; thence S78°07'44"E a distance of 205.25 feet; more or less to the Point of Beginning, TOGETHER WITH Block C and Block D, of said Monument Valley Subdivision.

Said parcel contains 144.43 acres (6,291,761 square feet), more or less, as described.

This Ordinance prescribes as follows:

- 1) **Default zoning standards.** If the planned development approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards. The default standards of the R-2 zoning designation will apply.
- 2) **Phasing schedule.** Remaining Phases are to be Final Platted by March 1, 2022.
- 3) **Number of units allowed.** 155 residential units allowed – 103 single family residential lots, 1/2 acre in size or larger; 52 patio homes (attached and detached).
- 4) **Applicable setbacks.**

a) Patio homes. The setback standards for the patio homes are as follows: A minimum 14-foot setback is required around the perimeter of the patio home area. This setback is measured from the back of walk and includes Red Park Road, Red Point Road, Red Mesa Road, and Slick Rock Road. The front setback for all garages shall be 20 feet. The side setback between buildings is 10 feet, except for those units that are attached, and then a zero setback is allowed. No accessory structures will be allowed. A dimensioned final design of the patio home area will be recorded with the Final Plat.

b) Other homes. The setbacks for the single-family homes not designated as patio homes are as follows: The front setback is 20 feet for the principle structure and 25 feet for accessory structures. Side setbacks are 15-feet for the principle structure and 3 feet for accessory structures. The rear setback is 30-feet for the principle structure and 3 feet for an accessory structure. (These setbacks are consistent with the R-2 default zone.)

5) **Future development.** A tract (shown as Tract N on the approved preliminary drawings dated 4/24/07, found in development file number PP-2006-217) is reserved for future development to adjoin the property to the east.

6) **Construction restrictions.**

Construction outside of the designated building envelopes will not be permitted. Engineered foundations and site grading plans shall be required on all lots. The Final Plat shall include a note requiring construction with the designated building envelopes, engineered foundations and site grading plans for each and every lot.

Mitigation berms, swales for drainage and rock fall areas shall be constructed. City engineer(s) and Colorado Geological Survey representatives shall be permitted to supervise the construction of these features and these features must be inspected and approved by a City engineer. These features will be considered and treated as "as-builts." The construction of these features shall be guaranteed and secured by Development Improvements Agreement (DIA) and associated security. Maintenance of these features shall be provided by an association of the homeowners in perpetuity, and easements in favor of said association for this purpose shall be granted.

No planning clearance or building permit shall issue for any construction on the lot designated as Lot 1, Block 1 on the approved preliminary drawings dated 4/24/07, included in development file number PP-2006-217, and said lot shall not be sold, unless and until a secondary access is constructed in the subdivision to the east. No more than 99 homes shall be constructed in area comprised by the Plan (referred to presently as the Red Rocks Valley Subdivision) unless and until a secondary access to a public roadway or street is constructed, whether within the Red Rocks Valley Subdivision or in the subdivision / development to the east. A Recording Memorandum setting forth in detail these restrictions shall be recorded so as to inform potential buyers of such restrictions. Construction of said secondary access shall be guaranteed and secured by a DIA and associated security.

If no access to South Camp Road that can serve as a secondary access for Red Rocks Valley Subdivision is completed in the subdivision / development to the east by the time a planning clearance or building permit for the 99th house issues, the developer shall promptly construct the secondary access in the location of Lot 1, Block 1 on the approved preliminary drawings dated 4/24/07, included in development file number PP-2006-217.

No planning clearance or building permit shall issue for any construction on the lot designated on the approved preliminary drawings, dated 4/24/07 and included in development file number PP-2006-217 as Lot 1, Block 5, unless and until the ingress/egress easement is vacated and the lift station associated with it has been relocated or is no longer needed, as determined by City staff. A Recording Memorandum setting forth in detail these restrictions shall be recorded so as to inform potential buyers of such restrictions.

The Final Plat shall show any and all "no-disturbance" and/or "no-build" zones as designated by the Army Corps of Engineers or City engineers.

7) **Private Streets Agreement.** Private streets as proposed by the Applicant are approved; an agreement for the maintenance of all private streets in the subdivision in accordance with City Transportation Engineering and Design Standards (TEDS) shall be required and shall be recorded with the Final Plat.

8) **Sidewalks.** The following sidewalks not shown on the approved preliminary drawings dated 04/24/07 included in development file number PP-2006-217 shall be provided:

- Sidewalk on both sides of Slick Rock Road.
- Sidewalks on both sides of Red Park Road.
- On Grand Cache Court, continue the sidewalk around the entire cul-de-sac and both sides of the street.
- Sidewalk on both sides on Red Pointe Road between Red Mesa Road and Red Park Road.
- Continue sidewalk around the cul-de-sac on Crevice Court to the trail in Red Canyon.

9) **Park land dedication.** The final plat shall include a dedication to the City for a public park holding in the corner of land which connects with and would make contiguous City's two holdings to the north and east of this parcel. Said dedication shall be sufficient, at a minimum, to allow maintenance access, and shall be to the reasonable specifications of the Parks and Recreation Department.

10) **Trails.** Existing public trails in the area shall connect through this subdivision.

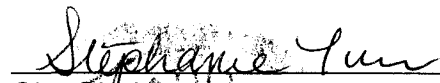
INTRODUCED on first reading the 7th day of March, 2012 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the 21st day of March, 2012 and ordered published in pamphlet form.

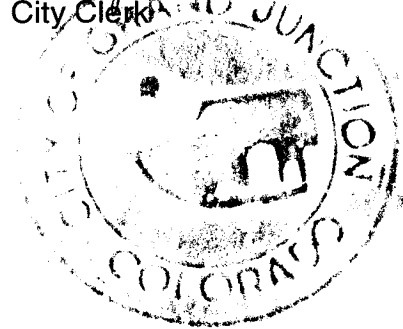
ATTEST:



President of the Council



City Clerk



CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		Zoning of the Fletcher Annexation located ½ mile west of Monument Road on South Camp Road							
Meeting Date		August 1, 2007							
Date Prepared		July 23, 2007					File # ANX-2006-108		
Author		Lori V. Bowers			Senior Planner				
Presenter Name		Lori V. Bowers			Senior Planner				
Report results back to Council			Yes	X	No	When			
Citizen Presentation		X	Yes		No	Name	Sid Squirrell		
	Workshop	X	Formal Agenda				Consent	X	Individual Consideration

Summary: Request to zone 139-acre Fletcher Annexation, on South Camp Road 1/2 mile west of Monument Road, Planned Development, 1.12 dwelling units per acre.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing on August 1, 2007 to adopt an ordinance zoning the Fletcher Annexation as Planned Development, not to exceed 1.12 dwelling units per acre (PD 1.12), and a Preliminary Development Plan (hereinafter "Plan"). Planning Commission recommend approval of the Plan, with the inclusion of private streets and sidewalks and paths described herein not shown on the Plan.

Attachments:

Site Location Map / Aerial Photo Map
 Future Land Use Map / Existing City and County Zoning Map
 Minutes from the Planning Commission meeting
 Letters from neighbors
 Preliminary Development Plan
 Zone of Annexation Ordinance

Background:

The proposed Red Rocks Valley Subdivision (also the Fletcher Annexation) is approximately 138.97 acres in size, located in the Redlands bounded on the southwest by South Camp Road, the northwest by the last filing of Monument Valley Subdivision, the north and east by Redlands Mesa Subdivision and the south by private property. The topography on part of the site is steep with approximately 160 feet of relief. Red Canyon Wash and another minor wash on the east side connecting to Red Canyon Wash cross through the parcel from southwest to northeast. The land use classification for the area is Residential Low.

BACKGROUND INFORMATION				
Location:		South Camp Road and Monument Road		
Applicant:		Redlands Valley Cache, LLC, owner and developer; LANDesign Consulting, Bill Merrell, representative.		
Existing Land Use:		Vacant land		
Proposed Land Use:		Residential subdivision		
Surrounding Land Use:	North	Redlands Mesa Golf and residential		
	South	Residential subdivision		
	East	Vacant land and Redlands Mesa		
	West	Residential subdivision		
Existing Zoning:		County PD		
Proposed Zoning:		PD (density 1.12 Du/Ac)		
Surrounding Zoning:	North	PD		
	South	RSF-E and PD		
	East	RSF-E and PD		
	West	PD		
Growth Plan Designation:		Residential Low (1/2 to 2 AC/DU)		
Zoning within density range?		X	Yes	No

The Applicant sought annexation into the City on March 31, 2006 with a zoning at R-2, a designation at the high end of the zoning allowed by the Growth Plan. A neighborhood meeting at Wingate Elementary on May 18, 2006 brought in approximately 25 neighbors who voiced concerns about sewer, drainage, road capacity for South Camp Road, flooding in the area, the site's geologic attributes, density and lighting. The Preliminary Development Plan (hereinafter "Plan") proposed at this time is considerably different from the plan presented at the neighborhood meeting. County zoning on this property was planned development at 3 units per acre.

The Applicant provided a site analysis as required by Zoning and Development Code (ZDC) Section 6.1, including map overlays indicating development potential of all areas and a description of assumptions and methodology used to reach those conclusions. Based on the site's physical constraints, Staff recommended the Applicant request a zoning designation of Planned Development (PD). The Applicants, its designers and engineers, City Staff and outside review agencies have come to what we feel is a workable and sensitive plan, developing the potential of the property while taking into account its physical constraints.

Planning Commission Recommendation:

1) The Planning Commission forwards a recommendation of approval of the Planned Development zone district, not to exceed 1.12 dwelling units per acre, for the Fletcher Annexation, ANX-2006-108 to the City Council with the findings and conclusions listed herein.

2) The Planning Commission forwards a recommendation of approval of the Preliminary Development Plan, file number PP-2006-217, to the City Council with the findings and conclusions listed herein, with the specific addition of direct sidewalk or path connections for those lots that do not have a direct connection shown on the proposed plan. This aspect of the recommendation is described more fully herein and is incorporated in the proposed Ordinance.

Minutes from the Planning Commission meeting of June 28, 2007, are attached.

Discussion of Key Features

1. Community Benefits.

Zoning and Development Code Sections 5.1 A and 2.12 A provide that PD zoning should be used only when long-term community benefits are derived. This proposed Plan provides the following community benefits.

(a) A greater quality and quantity of public and /or private open space (§5.1 A.3.) than that in a typical subdivision is provided. The Plan provides 46.69 acres of open space, 33.6% of the overall site.

(b) The Plan provides needed housing types and/or mix (§5.1 A.5). The housing mix includes large-lot single-family residential and patio homes, which are currently in demand in the Grand Valley. The housing mix will be that of large lot single-family residential as the Redlands area has been known for, and patio homes similar to the Seasons at Tiara Rado.

(d) The Plan includes innovative design features (§5.1 A.6.). The character of the site with steeper slopes on the north and east, and interesting geologic features shall be protected by no disturbance and no build zones to be shown on the Final Plat.

(e) The Plan protects and preserves natural resources, habitat areas and natural features (§5.1. A.7.). The character of the site with its steeper slopes on the north and east, and interesting geological features are protected by "no-disturbance" and "no-build zones," which will be shown on a final plat.

2. Physical hazards and mitigation.

The site's physical constraints include poor soils and the two washes referred to above, which carry the potential for flash flooding as evidenced by signs of past slope failure,

slope creep and rock fall throughout the site. To mitigate this potential and to protect the safety and welfare of the community, the proposed ordinance requires engineered foundations and strict building envelopes for all structures, site grading plans, drainage swales and berms with boulder barriers, to redirect small storm flows without radical changes from the natural drainage, placed so as to allow reasonable and necessary cleaning. These low-tech barriers may consist of existing larger boulders with additional boulders positioned to protect the building envelopes. These features must be constructed to the satisfaction of the City Engineer, treated as "as-builts," covered by a Development Improvements Agreement, and maintained in perpetuity by a homeowners' association.

The flash flood areas located in the site's two major drainage channels will require more review prior to recordation of a final plat. An analysis of possible wetlands areas and delineation of other waters was prepared by Wright Water Engineers and was submitted to the Army Corps of Engineers (hereinafter Corps) for their determination of their wetlands jurisdiction. Because the Corps has not yet determined what its requirements for these areas will be, the Applicant's engineer is requesting flexibility on how and where to design the required drainage basins. Staff feels that with the liberal amount of room in the channels and the placement of the channels in a Tract, it can support the general locations shown in the Plan regardless of how the Corps claims jurisdiction. The drainage basins will, however, need to be specified in more detail and in compliance with wetlands restrictions imposed by the Corps, if any, before a final plat is recorded.

The Colorado Geologic Survey (CGS) has also commented on the Plan, stating that the Lincoln DeVore study was detailed and suggesting that a CGS representative be on site during construction of the rock swales and berms, and that each feature be inspected and approved by the City Engineer (Ceclia Greenman letter dated May 9, 2007). This recommendation has been incorporated into the PD Ordinance.

The Colorado Natural Heritage Program was contacted by Wright Water Engineers for any concerns about endangered species or rarity of plat forms. The report area is extensive covering Glade Park, the Monument out to Fruita, etc. No significant findings are claimed for this parcel.

The Colorado Division of Wildlife, in their letter dated November 16, 2006, stated: "While it is always unfortunate to lose open space, given the location and the condition of the surrounding properties, the Division of Wildlife had no major issues with the development as proposed;" there is further discussion of this in this report.

3. Requested exceptions and alternatives.

(a) Reduced lighting. A Transportation Engineering Design Standards (TEDS) exception was requested to address the lighting concerns of the neighbors. Given that the Redlands Area Plan encourages reduced lighting intensity in streets and other public places, TEDS Exception #13-07 was granted, allowing for minimal placement of

street lights and low level lighting for the entrance to pedestrian areas. Street lights are limited to public street intersections and one is required on the bulb out on Red Point Court. These lights are required for police and fire protection services. No street lights will be required on the private streets in the patio home area.

(b) Alternate streets. Applicant requested benefit of the Alternate Residential Street Standards found in Chapter 15 of TEDS. City Staff supports their design, with one exception described below. The Applicant proposed non-traditional streets to create a less “urbanized” feel to the area, based on the fact that much of the neighboring area was developed in Mesa County where the requirement for sidewalks and pedestrian paths was minimal, or non-existent. The proposed design has one remaining flaw, however; its pedestrian facilities do not meet the Alternative Street Standards in Chapter 15 of TEDS, which requires equal or better than the existing adopted street sections. Based on these standards Staff recommends that direct access to a trail or sidewalk should be provided, while the Applicant proposes no sidewalks in certain areas (typically but not limited to cul-de-sacs). Further discussion of this item is found later in this Staff report.

(c) Private Streets. The Applicants requested private streets in the interior of the proposed subdivision (the patio home area). This request requires City Council approval. Staff recommends approval subject to a requirement of a private streets maintenance agreement in conformance with TEDS and recorded before the final plat.

Conformity with Code Standards and Criteria

1. Consistency with the Growth Plan:

The Plan is consistent with the following goals and policies of the Growth Plan:

Goal 1: To achieve a balance of open space, agricultural, residential and nonresidential land use opportunities that reflects the residents' respect for the natural environment, the integrity of the community's neighborhoods, the economic needs of the residents and business owners, the rights of private property owners and the needs of the urbanizing community as a whole.

The Plan meets this goal by providing 46.69 acres of open space, which is 33.6% of the overall site. The flood and drainage mitigation measures incorporate natural features, thereby respecting the natural environment.

Policy 1.4: The City and County may allow residential dwelling types (e.g., patio homes, duplex, multi-family and other dwelling types) other than those specifically listed for each residential category through the use of planned development regulations that ensure compatibility with adjacent development. Gross density within a project should not exceed planned densities except as

provided in Policy 1.5. Clustering of dwellings on a portion of a site should be encouraged so that the remainder of the site is reserved for usable open space or agricultural land.

The Plan clusters dwellings on the site in the "high" developable areas identified in the Site Analysis. Patio homes will be developed in this area. The outlying parcels are larger in size and reflect the adjacent neighborhoods. Several pedestrian paths are provided through the project for usable open space and interconnectivity to other properties.

Policy 13.6: Outdoor lighting should be minimized and designed to reduce glare and light spillage, preserving "dark sky" views of the night sky, without compromising safety.

This policy (which also reflects that of the Redlands Area Plan) is implemented by reduced street lighting, for which a TEDS Exception (#13-07) has been granted.

Redlands Area Plan goals.

The Redlands Area Plan was adopted as part of the Growth Plan. A goal of this plan is to minimize the loss of life and property by avoiding inappropriate development in natural hazard areas. The proposed subdivision was closely reviewed by the developer's engineers, City engineers, Colorado Geological Survey, Lincoln DeVore, and is currently undergoing review by the Army Corps of Engineers. The natural hazard areas have been mapped and mitigation measures have been proposed. The mitigation measures are addressed elsewhere in this report as well as in the proposed PD Ordinance. Staff believes that although the details of some of these measures are left to be worked out at a later development stage, which is not ideal, the Plan provides sufficient assurance that loss of life and property can and will be minimized by the features in the Plan and the proposed ordinance.

Another goal of the Redlands Area Plan is to achieve high quality development in terms of site planning and architectural design. The Plan proposed does not include any references to types of or to specific architectural design(s); however, the site analysis process has resulted in what Staff feels is a quality subdivision. The subdivision incorporates the natural hazard areas by grouping higher density patio homes in the "high" developable area, while the larger lots (minimum ½ acre in size) surround the patio homes in the "medium" developable areas. The lot sizes, proposed setbacks and bulk standards for the default zone of Residential – 2 dwelling units per acre (R-2) will work for this subdivision. The overall density proposed is 1.12 dwelling units per acre, which is just under the Redlands area average of 1.14 dwelling units per acre.

2. Section 2.12.C.2 of the Zoning and Development Code

Requests for a Planned Development Preliminary Development Plan must demonstrate conformance with all of the following:

a) The Outline Development Plan review criteria in Section 2.12.B of the Zoning and Development Code, which are as follows:

- 1) The Growth Plan, Major street plan and other adopted plans and policies.

The Growth Plan designation for this area is Residential Low ($\frac{1}{2}$ to 2 acres per dwelling unit), which allows for R-E zone (one dwelling unit per 2 acres) at the low end and R-2 (2 dwelling units per acre) at the high end. The proposal is consistent with the Growth Plan by providing an overall density of 1.12 dwelling units per acre.

The Grand Valley Circulation Plan shows only South Camp Road; the proposed subdivision will access this road. Private streets are proposed for the patio home area. All other local streets are designed using the alternate street standards as provided for in Chapter 15 of TEDS (Transportation Engineering Design Standards). The proposed subdivision needs a secondary access that is not included in the Plan. The Plan does include a proposed stub street to the property directly to the east (the Azcarraga property). The Applicant anticipates that the Azcarraga property will develop, including an access to South Camp Road, before 100 homes are constructed in the Red Rocks Subdivision, and that the stub street will provide the required secondary access. (The "100 lot rule" establishes the maximum number of homes that may be accessed by a single point of ingress/egress). In the event that this does not occur, a secondary access must be constructed across Lot 1, Block 1. The ordinance provides for the activation of the "100 lot rule" in the event that the Azcarraga property is not developed by the appropriate time, and requires a DIA with guarantee for the road's construction. It also requires that potential buyers be alerted to the existence of building restrictions by use of a recording memorandum.

The Urban Trails Master Plan requires useable public trails through this subdivision and along South Camp Road. These trails have been provided in coordination with requests from the Parks and Recreation Department and the Urban Trails Committee. The developer will work with the City to ensure that existing trails will connect through this subdivision. The Parks & Recreation Department requests a dedication of the corner of land which would connect and make contiguous the City's two holdings north and east of this parcel, sufficient to allow maintenance access. Also a trail access across Red Canyon is provided along the north end of the property adjacent to the Redlands Mesa Golf Course, providing bicycle/pedestrian access from Redlands Mesa to the west and the future trail development in the area. The developers are currently in conversation with the Parks and Recreation Department and by the time of final design the details of the trail connections and possible land dedication shall be in place. The area is currently part of an open space tract. A dedication of land in the area to attach to the other City owned parcels is above and beyond the Code requirements for open space.

- 2) The rezoning criteria provided in Section 2.6 of the Zoning and Development Code is applicable to rezones. Section 2.6.A.3 and 4

of the Zoning and Development Code are applicable to annexations:

Zone of Annexation: The requested zone of annexation to the PD district is consistent with the Growth Plan density of Residential Low. The existing County zoning is PD 3, although no plan was approved. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6.A.3 and 4 as follows:

- The proposed zone is compatible with the neighborhood, conforms to and furthers the goals and policies of the Growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations.

Response: The proposed zone is compatible with the surrounding neighborhood if developed at a density not exceeding 1.12 dwelling units per acre. The applicants have requested that the underlying default zoning of R-2. Other existing densities in the area are similar to the County RSF-1 (Residential Single-Family – one dwelling unit per acre). The overall average density throughout the Redlands, as provided in the Redlands Area Plan, is 1.14 dwelling units per acre. Therefore the PD zoning of 1.12 dwelling units per acre is similar to the existing area.

- Adequate public facilities and services are available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning;

Response: Adequate public facilities are available or will be supplied at the time of further development of the property.

3) The planned development requirements of Chapter Five of the Zoning and Development Code.

Chapter Five of the Code lists examples of types of community benefits that can support a planned development zoning designation. The Plan meets several of those as discussed earlier in this report under the heading "Community Benefits."

Further requirements of Chapter Five are to establish the density requirement for the Planned Development Ordinance. The proposed PD ordinance establishes the density requirement of 1.12 dwelling units per acre. The R-2 zone as a default zone is appropriate. It has the same bulk standards and setbacks as what is being requested for the new PD zone district. Deviations from the R-2 zone would be in the patio home

area. The Code states that the ordinance shall contain a provision that if the planned development approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards of the R-2 zone district. The patio home area could then be reviewed using the cluster provisions, but the density may drop in that area. The proposed setbacks for this PD are discussed further in this staff report.

4) Section 5.4, Development standards.

Setback standards shall not be less than the minimum setbacks for the default zone unless the applicant can demonstrate that the buildings can be safely designed and that the design is compatible with lesser setbacks. The setback standards for the single-family homes is consistent with the R-2 default zone: The front setback is 20 feet for the principle structure and 25 feet for accessory structures. Side setbacks are 15-feet for the principle structure and 3 feet for accessory structures. The rear setback is 30-feet for the principle structure and 3 feet for an accessory structure.

Setbacks for the patio home area are less than the default zone and are allowed to be reduced because of the amount of common open space and the protection of the environmentally sensitive areas that were determined through the Site Analysis process and is allowed through the Planned Development process of the Code. The Planning Commission will make recommendation to City Council that the patio home area setbacks are adequate as follows for what is being proposed for the ordinance: A minimum 14-foot setback is required around the perimeter of the patio home area tract for the multi-purpose easement as well as a landscape buffer. This setback is measured from the back of walk and includes Red Park Road, Red Point Road, Red Mesa Road, and Slick Rock Road. No access will be obtained directly from these perimeter streets. All access for the patio home area will be obtained from the interior private streets functioning more as a driveway than a street. This does require City Council approval. Required is a front setback for all garages at 20 feet. The principle structure front setback will be a minimum of 10-feet, measured from the back edge of the private street. The side setback between buildings is 10-feet, except for those units that are attached, and then a zero setback is allowed. At final, a site plan shall be recorded to show the proposed building layout and further establish the setbacks that are proposed on the preliminary plan. It is the intention of the patio home area of the subdivision to sell the patio homes in fee simple and the areas surrounding the homes to be landscaped and maintained by the HOA. No accessory structures will be allowed. This is a deviation of the Zoning and Development Code Section 9.32. which talks about single-family detached dwellings on a single lot; and two-family dwellings located on separate lots. The intent is for the home to be "the lot" surrounded by common open space, maintained by the HOA. At final design the applicant will provide a dimensioned final site plan depicting this area. This will be recorded with the final plat for verification of building placements

The Open Space requirements established in Chapter Six are exceeded with this plan. Over 33.6% of the site is dedicated to Open Space, which totals 46.69 acres. Fourteen Tracts of land are provided totaling 16.67 acres or 12.0% of the land. These Tracts are

for various purposes, and sometimes dual purposes, such as trails, utilities and drainage. Tract N is reserved for future development to adjoin the property to the east. This was a decision that was reached with the applicant when a good design for this area could not be found. It made sense to include it with the development of the property to the east when it develops.

Planned Developments are to provide uniform perimeter fencing in accordance with Chapter Six. It is Staff's position that no perimeter fencing is required with this subdivision since the density and intensity of the surrounding subdivisions are similar, and in places it would be very difficult to install, nor would it serve a purpose. This is further discussed in number 9 below.

Development standards require compatibility with adjacent residential subdivisions. Compatibility does not mean the same as, but compatible to. It is Staff's opinion that residential compatibility exists but single family lots abutting other single family lots on the west side.

Landscaping shall meet or exceed the requirements of Chapter Six. The landscaping requirements of the Code do not apply to a lot zoned for one (1) or two (2) dwelling units. Landscaping in the single-family area will be done by the home owner with approval from the HOA, subject to easements for maintenance of slopes and berms in the sensitive areas. The Plan provides the required landscape buffer along South Camp Road and pedestrian trail per the Urban Trails Master Plan. Landscaping in the patio home area will be maintained by the HOA. Because the soils report prepared by Lincoln DeVore recommends that the steeper slopes be non-irrigated due to the high possibility of slope failure, the majority of the steep slopes are in open space tracts. This should also serve to notify the developer of the soil conditions of this area and to landscape appropriately.

Colorado Division of Wildlife reviewed the proposal as the Redlands Area Plan (Figure 10, page 65) specified the Red Canyon Wash as having a potential impact to wildlife in this area. The DOW stated that they had no major issues with the development; however they recommended that the main drainage be left in its native state with a 100-foot buffer for wildlife to travel on their way to the Colorado River and back. They also strongly encouraged native and xeric landscaping for the existing wildlife of the area and not to disturb areas where it is not necessary beyond the roads and homes.

Parking has been addressed through a parking analysis done by the applicant to ensure adequate off-street parking exists for the patio home area and additional parking is obtained "on street" surrounding the development. Parking is further addressed below in item 8.

Deviation from the above development default standards shall be recommended by the Planning Commission to the City Council to deviate from the default district standards subject to the provision of the community amenities that include more trails other than

those listed on Urban Trails Master Plan and open space greater than the required 20% of the site.

- 5) The applicable corridor guidelines and other overlay districts in Chapter Seven.

Chapter Seven of the Zoning and Development Code addresses special regulations and are discussed below. There are no corridor guidelines in place for South Camp Road.

- 6) Section 7.2.F. Nighttime Light Pollution.

This section of the Code is to enforce that all outdoor lights mounted on poles, buildings or trees that are lit between the hours of 10:00 PM and 6:00 AM shall use full cutoff light fixtures. This in conjunction with the TEDS exception that was granted for reduced street lighting in this area. Reduced lighting should help protect the night sky and the neighborhood from excessive lighting. Minimal street lighting will be required where the TEDS committee determined it to be necessary for the public safety of this subdivision. Street lights will be required at the intersection of public streets, not private streets, and at the bulb out on Red Point Court. Low level lighting is encouraged at the entrance to pedestrian paths.

- 7) Adequate public services and facilities shall be provided concurrent with the projected impacts of the development.

Adequate public utilities are present in the area and the services will be extended throughout the subdivision. Sewer will be extended through the site and an existing lift station will be removed once all the sewer improvements are completed. Presently there is an ingress/egress easement on Lot 1, Block 5, for maintenance of the existing lift station. As part of the future requirements of the development, the easement will be vacated when the lift station is taken out of service. There is an existing 12" Ute Water line for service located in South Camp Road. Telephone, electric and gas is also available in South Camp Road.

- 8) Adequate circulation and access shall be provided to serve all development pods/areas to be developed.

LSC Transportation Consultants prepared the traffic analysis for this project. The study showed no need for improvements to South Camp Road.

The applicants have provided adequate vehicle circulation throughout the proposed subdivision by taking advantage of Chapter 15 in the TEDS manual using the alternative street standards (with the exception of the secondary access requirement, which is addressed elsewhere herein). The applicants are also requesting City Council approval of the private streets proposed in the patio home area.

The intent of using in the “Alternate Residential Street Standards” is to provide flexibility in the creation, approval and use of public street infrastructure that varies from the cross-sectional standards provided in Chapter 5 of TEDS. These proposals are approved administratively and the implementation of these standards should result in “a better solution” allowing alterations to the standard street section that produce benefits to the community. Staff supports the road layout and configuration but does not agree with the applicant as to their lack of sidewalks or paths in some areas.

Section 15.1.6 of TEDS states that the design must provide adequate pedestrian facilities equal or better than existing adopted street sections. Detached walk and additional walk width are encouraged by TEDS. Sidewalks are required to create continuous pedestrian walkways parallel with the public roadway. Generally, if lots front both sides of the street, sidewalk will be required on both sides of the street. In this proposal there are trails provided through open space areas that may be accessed from the rear or sides of the properties, therefore Staff agreed that sidewalks would not be needed on the street side where a path ran along the backside or side yard of the lots. The alternate streets, as proposed, include 40-foot right-of-way, sidewalk on one side of the street and only a 25-foot wide asphalt section. The applicants further feel that narrow streets will help with traffic calming. There is a network of pedestrian paths proposed to be installed. Most of these paved trails will include both a paved bicycle path and a smooth gravel jogging path.

There are several areas where the Plan does not provide direct access to sidewalks and/or paths from lots. Staff does not agree with the Applicant’s reasoning for not providing them since TEDS requires that the proposal “be a better solution”. The Applicants feels that the lack of sidewalks in the cul-de-sacs provides a more rural feel to the subdivision therefore less urbanized, and similar to other subdivisions in this area that were developed in the County. The Applicant requested the Planning Commission to determine if this is “a better solution”, and allow these areas to remain as proposed without direct access to a pedestrian feature. The Planning Commission declined to make this finding, and forwarded a recommendation to the Council of approval of the Plan with the addition of the specific sidewalk requirements described herein and prescribed in the proposed ordinance.

Private Streets are generally not permitted. The applicants are requesting the use of private streets in the patio home area of the plan. Section 6.7.E.5. requires the City Council to authorize the use of private streets in any development to be served by private streets. Since there will be no “on-street” parking allowed in the patio home area on the private streets, a parking analysis was provided to show that there is sufficient on street parking provided on the streets surrounding the patio home area. Sidewalks and paths will direct pedestrians from the exterior sidewalks to the interior sidewalks and to a 20-foot wide pedestrian trail that will run through this portion of the subdivision. While these will be classified as Private Streets, they will act more as driveways since they do not interconnect, they are a series of small drives with cul-de-sac turn-a-rounds at the end. Staff supports the private streets given the overall design

of the Plan including the effective clustering of home types and preservation of unique natural features.

- 9) Appropriate screening and buffering of adjacent property and uses shall be provided.

Along the eastern most portions of the site will be an extensive open space area that will provide a natural buffer. The northern most portion of the project abuts the Redlands Mesa Golf Course, therefore no screening or buffering is required. The western most portion of the project is where eight residential properties will abut another residential subdivision. There is no screening or buffering requirements for residential districts that adjoin other residential districts. The remainder of the site is adjacent to South Camp Road where a landscaping tract is being provided along that section of the road.

- 10) An appropriate range of density for the entire property or for each development pod/area to be developed.

The density for the overall site is 1.12 dwelling units per acre (138.97 acres). The patio home area density, which is 9.66 acres, will be 5.38 dwelling units per acre (7.0% of the site). The single-family residential area consists of 55.91 acres, with a density of 0.80 dwelling units per acre (40.2% of the site). The open space area equals 46.69 acres (33.6%). Public right-of-way consists of 10.04 acres (7.2%). The remainder of the site, placed in tracts for various uses, equals 16.67 acres or 12.0% of the site.

- 11) An appropriate set of "default" or minimum standards for the entire property or for each development pod/area to be developed.

The default standard for the single family residential areas on ½ acre lots will be those of the R-2 zoning district. The front setback is 20-feet for the principle structure and 25-feet for an accessory structure. Side setbacks are 15-feet for the principle structure and 3-feet for accessory structures. The rear setback is 30-feet for the principle structure and 3-feet for an accessory structure.

The patio home area standards are as follows:

A minimum 14-foot setback is required around the perimeter of the patio home area. This setback is measured from the back of walk and includes Red Park Road, Red Point Road, Red Mesa Road, and Slick Rock Road. The front setback for all garages shall be 20-feet. The side setback between buildings is 10 feet, except for those units that are attached, and then a zero setback is allowed. At final, a dimensioned site design plan shall be recorded with the Final Plat showing the exact building placements. No accessory structures will be allowed.

- 12) An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

A phasing schedule for the property has been provided. Five phases are proposed with the first phase to be platted by March 1, 2008; Phase 2 - March 1, 2011; Phase 3 - March 1, 2013, Phase 4 - March 1, 2015 and Phase 5 - March 1, 2017. A graphic depiction of the phasing is shown on sheet 3 of the drawings.

13) The property is at least twenty (20) acres in size.

The property is about 139 acres in size, well over the required 20 acre requirement.

b) The applicable preliminary plat criteria in Section 2.8.B of the Zoning and Development Code.

1) The Growth Plan, major street plan, Urban Trails Plan, and other adopted plans:

This was discussed above in regards to Section 2.12.C.2.

2) The purposes of this Section 2.8.B

The purpose of Section 2.8.B. is to ensure conformance with all the provisions of the Zoning and Development Code. Staff feels that the Applicant has addressed the seventeen criteria of conformance with the Growth Plan and other adopted plans and policies; coordination of the public improvements; safeguarding the interests of the public; preserving natural features of the property; prevention and control of erosion, sedimentation and other pollution of surface and subsurface water; restricting building in areas poorly suited for construction; and prevent loss and injury from landslides, mudflows, and other geologic hazards.

3) The Subdivision standards (Section 6.7)

The subdivision standards have been met by providing open space integrated with the subdivision and adjacent property to create an attractive area for active and passive use. There is adequate access to public roads and existing trails in the area. Additional interior trails are planned. Along with single family units there is also zero lot line development in the patio home area. This provides greater usable yard space as suggested in the Zoning and Development Code for Planned Developments, innovative design and a mix of housing types. Although the clustering provisions do not apply to planned developments, the concept is being employed here, derived through the site analysis process. Should the default zone of R-2 become effective due to the expiration or lapse of the Ordinance, the clustering provisions could be applied.

There are some shared driveways in the single family area, and there are several cul-de-sacs provided. The subdivision standards further require that the subdivision include and protect as much of the natural, geologic and other hazard areas as possible. The Plan identifies drainages, washes, and flash flood areas and the detention basins are generically shown on the Plans in the Red Canyon Wash channel. The Applicant's

Engineer is requesting flexibility on how and where to design the basins until the final design process because the Corps of Engineers has not yet determined their requirements. The general location shown on the Plan is still effective, from the Staff's point of view, because there is plenty of room within the channel, regardless of how the Corps claims jurisdiction, for location of the specific basins. Specific drainage basin design and location shall be shown on the final plat. Mitigation berms and swales for drainage and rock fall areas are shown on the Plan as easements, which shall be granted to the HOA and designated appropriately on the Final Plat. Based upon general agreement between Staff, Colorado Geological Survey, and Ed Morris of Lincoln DeVore, these will be treated as "as-builts" and covered in the Development Improvements Agreement (DIA). The City will further require that a representative be on site during construction of the rock swales and berms, and that each feature be inspected and approved by the City Engineer. Construction and installation of these berms is discussed in the report by Lincoln DeVore, Inc. Also a note on the final plat shall state that construction outside of the designated building envelopes is not permitted. Engineered foundations and site grading plans will be required for all lots. Each of these requirements is reflected in the proposed ordinance.

4) The Zoning standards (Chapter 3)

The Zoning of the subdivision to PD is consistent with Section 5.1 of the Zoning and Development Code. The desired flexibility is not available through the application of the standards established in Chapter Three, but the bulk standards of the R-2 district will apply to the single-family residential lots.

5) Other standards and requirements of the Zoning and Development Code and other City policies and regulations

Staff feels that the standards of the Zoning and Development Code as well as TEDS, SWMM and the Redlands Area Plan have been met with this application and can be applied at the Final Plat stage.

6) Adequate public facilities and services will be available concurrent with the subdivision

Adequate public facilities are in the area and can be extended to serve the proposed subdivision.

7) The project will have little or no adverse or negative impacts upon the natural or social environment

With the proposed easements and supervised construction there should be minimal adverse impacts upon the natural environment. The social environment will change as more needed housing is provided for the community when none existed previously, but this should not be an adverse impact.

8) Compatibility with existing and proposed development on adjacent properties

Compatibility will be obtained by providing single family residences on the periphery of the property where the development potential is more constrained, and cluster of higher density homes in the area where higher development potential exists. This was determined through the site analysis process.

9) Adjacent agricultural property and land uses will not be harmed.

There are no agricultural uses adjacent to this site. Adjacent residential uses will not be harmed by more residential uses.

10) Is neither piecemeal development nor premature development of agricultural land or other unique areas.

The proposed plan is neither piecemeal nor premature development of agricultural land. The property is unique in its geological formations; these are being preserved as open space areas.

11) There is adequate land to dedicate for provision of public services.

There is adequate land available throughout the proposed subdivision for easements for public utilities and services.

12) This project will not cause an undue burden on the City for maintenance or improvement of land and/or facilities.

The City should not see an undue burden for maintenance or improvements. There are currently discussions with the City's Parks and Recreation Department regarding land dedication or trail easements. The Parks Department would like to obtain a section of property that will connect two existing parcels owned by the City in the upper north east section of the project. The discussions are such that the area could be dedicated to the City for continuation and access of existing pedestrian trails, or easements provided for connecting the trails. At final design stages this will need to be decided. Ownership would then dictate who maintains the area.

The HOA will be responsible for maintenance of drainage and detention areas and the developer will be required to grant an access and maintenance easement to said HOA for this purpose. The City will also have access to these areas for stormwater management purposes in accordance with the law. The HOA will also be responsible for the maintenance of the private streets. TEDS as well as the proposed ordinance requires a TEDS-compliant Private Streets Agreement to be in place and recorded with the Final Plat.

- c) The applicable site plan review criteria in Section 2.2.D.4 of the Zoning and Development Code.

- 1) Adopted plans and policies such as the Growth Plan, applicable corridor or neighborhood plans, the major street plan, trails plan and the parks plan.

These items have previously been addressed in this Staff report.

- 2) Conditions of any prior approvals

There are no prior City approvals on this site. The County had previously zoned this property with a Planned Development designation but not other action was taken on the property that conditions it.

- 3) Other Code requirements including rules of the zoning district, applicable use specific standards of Chapter Three of the Zoning and Development Code and the design and improvement standards of Chapter Six of the Code.

These items have been addressed above and with the preliminary plat criteria in Section 2.8.B.

- 4) Quality site design practices:

Quality site design practices are outlined in Section 2.2.D.4.b (4) (A thru K) in the Zoning and Development Code. The Plan efficiently organizes the development in relation to the topography. Erosion areas are left to their natural state with the addition of mitigation measures described herein and sufficient to protect life and property. Exterior lighting will be minimized to lessen impact on night sky visibility. All utility service lines shall be undergrounded. Pedestrian and bicycle access are provided through the site. Some pedestrian accesses will also double as maintenance vehicle access points to drainage and detention areas. All public facilities and utilities shall be available concurrent with the development.

- d) The approved ODP, if applicable.

There is no approved ODP for this project.

- e) The approved PD rezoning ordinance, if adopted with an ODP.

The PD Ordinance is also the zone of annexation for this project. There is no ODP for this project, therefore the PD zoning shall be established with the Preliminary Development Plan and approved by City Council.

- f) An appropriate, specific density for all areas included in the preliminary plan approval.

The specific density for this project is 52 patio homes, which calculates to 5.38 dwelling units per acre; and 103 single family detached homes located on ½ acre or greater lots, for a density of 0.80 dwelling units per acre.

- g) The area of the plan is at least five (5) acres in size or as specified in an applicable approved ODP.

There is no ODP for this project and the plan extends well over five acres in size at almost 139 acres.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Fletcher Annexation, ANX-2006-108 and the Red Rocks Valley application, file number PP-2006-217 for a Planned Development, Preliminary Development Plan, Staff makes the following findings of fact and conclusions with respect to the zoning and Plan proposed by the Applicant:

1. The Planned Development zone and Preliminary Development Plan are consistent with the goals and policies of the Growth Plan.
2. The goals and policies of the Redlands Area Plan have been met.
3. The review criteria in Section 2.6.A.3 and 4 of the Zoning and Development Code have been met.
4. The review criteria in Section 2.12.C.2 of the Zoning and Development Code have been met.
5. The review criteria in Section 2.8.B of the Zoning and Development Code have all been met.
6. The review criteria in Section 2.2.D.4 of the Zoning and Development Code have all been met.
7. The review criteria of Section 15.1.6 of TEDS are not entirely met by the Plan due to the lack of a direct connection for some lots to sidewalks or paths in the subdivision. Staff and Planning Commission recommend direct connections from all lots to pedestrian facilities. These connections include:

Sidewalk on both sides of Slick Rock Road;
Sidewalks on both sides of Red Park Road;
Sidewalk on Grand Cache Court, continuing around the entire cul-de-sac and both sides of the street;

Sidewalk on both sides on Red Pointe Road between Red Mesa Road and Red Park Road.

Sidewalk around the cul-de-sac on Crevice Court to the trail in Red Canyon.

8. The proposed phasing schedule shall be as follows:
First phase to be platted by March 1, 2008;
Phase 2 - March 1, 2011;
Phase 3 - March 1, 2013,
Phase 4 - March 1, 2015 and
Phase 5 - March 1, 2017. A graphic depiction of the phasing is shown on sheet 3 of the drawings.
9. TEDS exception #13-07 has been granted for reduced lighting.
10. City Council approval is required for the private streets proposed for the patio home area. All other local streets meet the Alternate Residential Street Standards found in Chapter 15 of TEDS.
11. A dimensioned site plan for the patio home area is required with the final plat.
12. Trail connections near the existing City properties in the northeast area of the site shall be dedicated to the City and shown on the Final Plat being recorded.

Fletcher Annexation
Figure 5



**GRAND JUNCTION PLANNING COMMISSION
JUNE 26, 2007 MINUTES (condensed)
7:00 p.m. to 1:55 a.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 p.m. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Dr. Paul A. Dibble (Chairman), Roland Cole (Vice-Chairman), Tom Lowrey, Bill Pitts, William Putnam, Reggie Wall and Patrick Carlow (1st alternate). Commissioner Lynn Pavelka-Zarkesh was absent.

In attendance, representing the City's Public Works and Planning Department, were Lisa Cox (Planning Manager), Kristen Ashbeck (Senior Planner), Ronnie Edwards (Associate Planner), Lori Bowers (Senior Planner) and Ken Kovalchik (Senior Planner)

Also present were Jamie Beard (Assistant City Attorney), Rick Dorris (Development Engineer), Eric Hahn (Development Engineer and Jody Kliska (City Transportation Engineer).

Wendy Spurr (Planning Technician) was present to record the minutes. The minutes were transcribed by Lynn Singer.

There were approximately 200 interested citizens present during the course of the hearing.

6. ANX-2006-108 ANNEXATION – Fletcher Annexation

Request approval to zone 139 acres from a County PD (Planned Development) to a City Planned Development district.

PETITIONER: Redlands Valley Cache LLC
LOCATION: South Camp Road & ½ Mile West
Monument Road
STAFF: Lori Bowers, Senior Planner

7. PP-2006-217 PRELIMINARY PLAN – Red Rocks Valley Subdivision

Request approval of the Preliminary Development Plan to develop 155 lots on 139 acres in a PD (Planned Development) zone district.

PETITIONER: Redlands Valley Cache LLC
LOCATION: South Camp Road & ½ Mile West
Monument Road
STAFF: Lori Bowers, Senior Planner

APPLICANT'S PRESENTATION

Sid Squirrell appeared on behalf of applicant. Mr. Squirrell stated that a neighborhood meeting was conducted with regard to the Fletcher Annexation and Red Rocks Valley Subdivision. He stated that this project is located north of South Camp Road, west of

Monument Road and south of Redlands Mesa Golf Course and Subdivision. He stated that it was zoned under the County plan at 3 units per acre. The Growth Plan Amendment is zoned ½ acre to 2 acre sites. Applicant is proposing a total of 155 lots on the 139 acre site. He also pointed out that there are two drainages on the property which will not be built upon; however, a jogging trail and a bike trail will be built through the drainages. Mr. Squirrell stated that ½ acre lots will be on the outside of the property and patio homes would be clustered in the center of the property. Additionally, he pointed out that there would be 46 acres (33%) of open space in this project. He also stated that all utilities are existing and in place and were designed to accommodate 3 units per acre. He addressed the expansive soils and rockslide issues by stating that each site will have a designed drainage system that will incorporate and coordinate other lots. Additionally, drainage structures and berms will be built during construction to serve multiple lots so that water is collected above the lots and brought down between lots which will be maintained by the homeowners' association. Mr. Squirrell next stated that there will be 5 phases of the project. He also addressed architectural controls and street lighting that will be put in place.

QUESTIONS

Commissioner Putnam asked if applicant is proposing to complete all infrastructure before houses are constructed. Mr. Squirrell stated that they do not anticipate that lots will be sold and built upon immediately.

Commissioner Cole asked if there is only one access off of South Camp Road and if a traffic study has been performed. Mr. Squirrell stated that there will be only one entrance up until the 100th lot is sold. At that time, there will be a second entrance. Applicant has performed a traffic study.

Commissioner Wall asked how many of the 46 acres that will be dedicated as open space are buildable lots. Sid Squirrell stated that he was not sure but believed it would be a small percentage.

Commissioner Lowrey suggested that there should be a sidewalk on the proposed street that will provide the second access for safety concerns.

Chairman Dibble asked about the traffic study that has been performed. Mr. Squirrell stated that the traffic engineer is not present.

Commissioner Carlow asked if applicant believes the proposed reduced lighting will be adequate. Mr. Squirrell stated that applicant believes it will be adequate for this project.

Chairman Dibble asked what the minimum lot size is. Mr. Squirrell stated that the single-family lots are half acre lots.

STAFF'S PRESENTATION

Lori Bowers of the Public Works and Planning Department spoke first about the annexation criteria. She stated that the requested zone of annexation to the PD district is consistent with the Growth Plan density of Residential Low. The existing County zoning on this property was PD-3 although there was no approved plan. She further stated that the proposed zone is compatible with the surrounding neighborhood if developed at a density not exceeding 1.12 dwelling units per acre. Applicant has requested the underlying default zoning of R-2. Ms. Bowers finds that adequate public facilities are available or will be supplied at a time of further development of the property. Ms. Bowers stated that due to the size of the property, applicant was required to perform a site analysis of the property. She also stated that the final plat will require building envelopes for geotechnical reasons, part of the mitigation of the rockfall and drainage areas will be the construction of small drainage berms combined with boulder barriers. As part of the ordinance, applicant is required to have an inspector be on site during the construction of the berms and drainage pathways. She stated that staff is requesting that there be sidewalks around the entire perimeter of this area. Alternate street standards are being proposed by applicant. Staff is suggesting that all lots should have direct access either to a sidewalk or to a pedestrian path.

QUESTIONS

Commissioner Cole asked if there was any need for an accel/decal lane at the entrance of the property. Ms. Bowers stated that according to the information she has received an accel/decal lane is not warranted.

Commissioner Putnam asked if the proposed development is adjacent to the Colorado National Monument. Lori Bowers stated that it is not adjacent to the Colorado National Monument.

Chairman Dibble asked what the long term benefits of this development might be. Ms. Bowers enumerated those benefits to be protection of a lot of open space area, innovative design, protection of the flash flood areas, among others.

Chairman Dibble asked what the minimum lot size for the backup zoning would be. Lori said that that smallest lot on this plan is .49 acres with the largest being .89 acres.

STAFF'S PRESENTATION

Rick Dorris, City Development Engineer, confirmed that a traffic study has been done and turn lanes were not warranted on South Camp Road. A TEDS exception for reduced street lighting was submitted and it was determined the number of required street lights to be 11.

QUESTIONS

Commissioner Pitts asked if from an engineering standpoint that water will not come down the two water contributories. Mr. Dorris stated that applicant has analyzed the 100 year flood plain. He also stated that it is applicant's engineer's responsibility to calculate what the 100 year flow rate is to determine how wide that will be.

Chairman Dibble stated that he has a concern with only one entrance until the 100th lot is sold. Mr. Dorris confirmed that you can develop 99 lots with a single access provided there is stubbing for another access in the future. He also stated that applicant has provided a contingency plan to be able to develop the subdivision past the 99 lot threshold.

PUBLIC COMMENT

Karen Urban, 313 Rimrock Court, stated that the numbers the developers are providing are deceiving because of the 46 acres of open space. She believes that a park is needed more than bike paths. She further stated that she believes the density is inappropriate. "It will take away all of the rural feel of that whole end of South Camp Road."

Gary Liljenberg of 2297 Shiprock Road stated that school buses will have a great deal of difficulty turning into the subdivision without turn lanes. He stated his biggest concern is with the widening of Monument Road at the same time of this development and wants to assure that both roads are not closed at the same time.

Nancy Angle (325 Dakota Circle) stated that she has many concerns, some of which are wildlife issues, the drainage off Red Canyon, lights, traffic, density and irrigation.

Gary Pfeufer, 351 Dakota Circle, stated that he does not believe the traffic study. He believes South Camp Road will need to be widened with a third lane in the middle for turning all the way to Monument Road. Additionally, he does not believe the soil engineer's study of the water.

Gregory Urban, 313 Rimrock Court, stated that looking at the most critical portion of where this development is, it's a high density plan. "What this development does is place exceedingly high density housing right in the middle of that migratory pattern which is the only migratory path that these animals have from Monument to Broadway because there's sheer rock walls all of the rest of the distance and that is where all the animals travel." He suggests a review by the Division of Wildlife and National Park Service to see what kind of impact this development will have on the migratory patterns on the animals that come down the wash before any type of high density is approved.

John Frost (2215 Rimrock Road) stated that two items of concern are innovative slope failure control and the open space.

APPLICANT'S REBUTTAL

Sid Squirrel confirmed that they have addressed the wildlife issue with the Division of Wildlife. Further, the culverts will be engineered to allow the water to come through. They are proposing native plantings and xeriscaping using limited irrigation water.

QUESTIONS

Chairman Dibble asked about the use of sidewalk and gutter around certain portions of the development. Mr. Squirrell stated that, "We're trying to create an urban feel, trying to blend in with our surroundings and instead of having sidewalks, we'll have landscaping up to the roads or gravel. It's just a softer feel than a traditional two sidewalk neighborhood."

Commissioner Carlow asked whether or not South Camp Road would need to be expanded. Rick Dorris addressed the traffic study, which has been reviewed by the City, and stated that turn lanes are not warranted. He believes that ultimately South Camp Road would be expanded to three lanes all the way down to Monument Road. "It's not warranted now and it's not warranted twenty years from now based on the numbers used in the study."

Commissioner Pitts had a question regarding the need for only one entrance. Rick Dorris stated that it is fire code driven. It is necessary to have a second physical access when the 100th dwelling unit is built.

DISCUSSION

Commissioner Wall stated that he does not think that this planned development is compatible with other neighborhoods. "I think it's an abuse of the planned development code by saying that we're giving 47 acres to open space which basically 46 of it isn't usable."

Commissioner Pitts stated that he concurs with Commissioner Wall. "It doesn't conform with the neighborhood so I cannot support the proposal."

Commissioner Carlow stated that he is reluctant to vote without the Corps of Engineer's decision on this project.

Commissioner Lowrey stated that he can support the project. He believes that the density does conform with the Redlands. He finds the diversity is something that is needed and creates a healthier neighborhood. He also is in favor of applicant not building on geological features.

Commissioner Putnam stated that the patio home feature makes it attractive and supports the project.

Commissioner Cole stated that opponents and proponents of any project need to be considered as well as whether or not it is going to be an asset for the entire community. He believes a tremendous amount of planning has gone into this proposal.

Chairman Dibble stated that with regard to the zone of annexation, a default of R-2 would be appropriate. He believes the planned development overlay fits better because most of the surrounding development is an overlay district of planned development to

utilize the intricate conditions of the area. He also concurs that more sidewalks and pedestrian crosswalks are necessary.

MOTION: (Commissioner Cole) “Mr. Chairman, on the Fletcher Zone of Annexation, ANX-2006-108, I move that the Planning Commission forward to the City Council a recommendation of approval of the Planned Development (PD) zone district for the Fletcher Annexation with the facts and conclusions listed in the staff report.”

Commissioner Lowrey seconded the motion. A vote was called and the motion passed by a vote of 5-2.

MOTION: (Commissioner Cole) “Mr. Chairman, on item number PP-2006-217, I move that we forward to the City Council a recommendation of approval of the Preliminary Development Plan for Redrocks Valley Subdivision conditioned upon the applicant providing direct access to either a sidewalk or path for those lots that do not currently have direct access and a sidewalk on one side of Boulder Road its entire length.”

Commissioner Lowrey seconded the motion. A vote was called and the motion passed by a vote of 4-3, with Commissioners Pitts, Wall, and Carlow opposed.

A brief recess was taken.

July 14, 2006

Planning Commission
City Hall
250 North 5th Street
Grand Junction, Colorado 81501

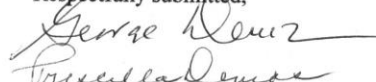
Attn: Lori Bowers

Re: ANX-2006-108 Fletcher Annexation

To whom it may concern:

We are residents of Monument Valley Estates and are writing to oppose the proposed development zoning request to zone 139 acres from a County PD to a City RSF-2 zone district. We believe that the appropriate zoning for the Development should be RSF-1 to match the existing neighboring developments. We have lived on Rimrock Court, one block off South Camp Road, for ten years. To develop the 139 acres across the street, as proposed, would change the character of the existing subdivision and create tremendous traffic problems. We concur with the opinions stated in the enclosed copy of a letter, dated June 8, from our neighbors, Greg and Karen Urban.

Respectfully submitted,


George and Priscilla Demos

309 Rimrock Court
Grand Junction, Colorado 81503

Enclosure

June 27, 2006

To: ATTN: Lori Bowers

Planning Commission

Grand Junction City Hall

250 N 5th St.

Grand Junction, CO 81501

RE: ANX-2006-108 Fletcher Annexation

To Whom It May Concern:

We oppose the proposed annexation and zoning change for this parcel. It does not fit with the existing contiguous neighborhood, and it presents traffic issues and lighting issues that compromise those existing developments.

Several items from the city's Context for Planning documents must be considered.

Is this development appropriate for the existing community? No. It's much higher density, presenting significant traffic impact on South Camp Rd.

Is there an identifiable focus on preserving environmental quality? No. Its density, its lack of concern for usable open space, its impact on local vegetation and wildlife all indicate the answer is no. Further, the developer proposes to significantly alter the native landscape, removing geological landmarks.

Are the factors that shape the quality of life in the neighborhood clear? No. Its density, its impact on traffic patterns, and its significant light and noise pollution argue against it.

It may be true that original zoning allowed 3 units per acre, but times have changed, and it's clear that the proposed density would overwhelm the existing neighborhood. The developer might argue that the request is only for 2 units, but that is deceptive given the amount of unusable land. The actual density would be much, much heavier.

We are particularly concerned with the major intersection the developers propose at the corner of South Camp and Rimrock Rd. As currently designed, this is where the bulk of traffic for the development will enter and leave. It is on an already strained curve. Traffic using Rimrock to the west must proceed with caution. We have witnessed many near accidents. A stop sign on South Camp would change the nature of the road, and probably end up causing even more accidents. A stop light would change the character of the neighborhood, also causing collateral problems.

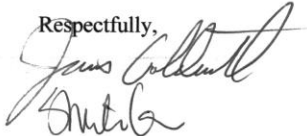
The current bicycle traffic is stressed at this stretch of road. Adding 300-400 cars using this intersection would be a disaster.

We cherish the absence of street lights in our neighborhood. We strongly oppose a development that would necessitate their use.

We request that the Planning Commission permit a rezone only to RSF 1, and that the Planning Commission ensure that the development fits the character of the existing community, and that it includes the open space and park land that a new community deserves. The development will happen only once. We urge the Commission to ensure that the development occur in a quality fashion.

In addition, we refer the Commission to the excellent letter submitted by Karen and Greg Urban. We agree with most of its substance.

Respectfully,

Handwritten signatures of James and Sheila Goldsmith in black ink. The signature for James is on top, and the signature for Sheila is below it.

James & Sheila Goldsmith
2244 Rimrock Rd.
Grand Junction, CO 81503

June 8, 2006

To: ATTN: Lori Bowers
Planning Commission
City Hall,
250 North 5th Street
Grand Junction, CO 81501

RE: ANX-2006-108 Fletcher Annexation

To whom it may concern:

We oppose the proposed Development zoning request to zone 139 acres from a County PD to a City RSF-2 zone district. The appropriate zoning for the proposed Development should be RSF 1 in order to match what already exists in ALL of the immediately adjacent developments. Also of special consideration is the contiguous location of the proposed Development to the East corridor entrance to the Colorado National Monument.

The City of Grand Junction's Context for Planning documents several items that must be considered upon the request for the zoning change for this new Development. Is the Development appropriate for the current community? Is there an identifiable focus on preserving environmental quality? Are the factors that shape the quality of life in a neighborhood clear for the proposed New Development? Items such as availability of parks and open space, a sense of tranquility and safety, friendliness and neighborhood pride should be considered. New development should be compatible with the existing neighbors and that is not what is visible in this proposed Development. The Growth Plan for the City of Grand Junction specifically states that a community must actively manage its growth and respond to changing circumstances if it is to meet the needs of its residents AND RETAIN THE QUALITY OF LIFE THAT INITIALLY ATTRACTED THOSE RESIDENTS TO THE COMMUNITY. We recognize that development will take place in this area; we require that the area maintain compatibility with the existing neighbors surrounding it. This may be accomplished by appropriate zoning that does not exceed RSF-1.

The City of Grand Junction Parks Master Plan clearly recommends several neighborhood parks located throughout the Redlands Area. They note specific criteria including that the park should be a 5-10 minute walk in a ½ mile radius. The Developer plans for nearly 100 new homes and no neighborhood park. The reason for Planning per the City of Grand Junction includes addressing the need for open space requirements and acknowledges that the dedication of adequate open space can help to ensure the long term integrity of individual neighborhoods. In the Growth Plan the context for planning notes that new development in areas which are not now urban must include parks to replace

some of the open space benefits of the undeveloped land. The new development should include:

1. Continuation of the paved walkway on the North Side of South Camp Road to provide symmetry like the rest of South Camp Road (except for the current undeveloped area).
2. A turn lane at all entrances and exits off of South Camp Road.
3. A bike lane. The proposed entrance/exit road (Rimrock Road) is located at a point where cars exiting the new development who want to turn left (east) onto South Camp have to deal with a curve and cars/bikes coming from the west are not seen in the distance Blind spot). Currently cars/bikes traveling west on South Camp Road wanting to turn left (South) onto Rimrock Road must proceed with caution due to the limited visibility of cars/bikes traveling east on South Camp Road.
4. At a recent neighborhood meeting, the Developers suggested a plan that included around 39 acres of what they called open space; however, the areas they include do not fit the definition of open space. The areas they included were part of the floodplain and nearly 39 acres of rock walls that are nearly unscaleable let alone buildable.

How does the proposed Development address the concerns clearly documented in the Redlands Neighborhood Plan as it notes the location of the Colorado National Monument? The proposed Development is contiguous to the Monument and so must follow the broad principles identified in the Plan. The proposed Development erases and blocks the primary migratory pathway (Red Canyon, for example) for wildlife moving between the Monument and the Colorado River. This includes packs of coyotes, mountain lions and bobcats.

How do the developers address the issue of the Floodplain (Red Canyon) which goes through the development? Do they ensure the safety of the persons and homes in the area? How? Are the potential owners of homes in or near the floodplain exposed to undo hazards? Do the developers protect the integrity of the floodplain?

Also, how do the Developers document their effort to avoid nighttime light pollution, minimize contact with domestic pets and enhance or maintain the movement corridor for the wildlife?

Based on the specific goal and policies of the Growth Plan, the impact of new development on the natural values and resources of the Monument should be minimized or avoided and we question how the new Development responds to that goal.

The Growth Plan also requires that new developments along the border of the Colorado National Monument not exceed 1 dwelling per 5 acres, promote the use of native plants for landscaping new developments adjacent to the Monument and WASHES coming from the development (like Red Canyon). It may also be noted that based on the present location of the proposed Development, it is impossible to maintain a native landscape as all of the adjacent neighborhoods do. By the presented plan, most of the lots would require significant infill to change the elevations to allow building. There has been suggestion of removing one of the hillsides of the horizon to accomplish this.

Land subject to hazardous conditions such as flash flooding shall be identified in all applications, and development shall not be permitted in these areas unless the application provides for the avoidance of the particular hazard. Does this proposed Development meet this requirement?

We request that the Colorado Division of Wildlife and the Museum of Western Colorado review the planned Development so that destruction of irreplaceable elements, a negative impact on a paleontologic/prehistoric or archaeological site does not occur. Alteration of a native wildlife corridor would put wildlife and current residents at risk. According to the Master Plan, a comprehensive inventory of paleontologic resources in the proposed Development in conjunction with the Museum of Western Colorado is appropriate.

Please note that according to the Grand Junction Redlands Neighborhood Plan the Red Canyon is a mapped drainage and wash and provides important value and function to the residents of the Redlands area and requires the use of best management practice and protection. This wash and canyon is contiguous and consistent with the absence of residential development in Redlands Mesa Golf Course.

The Community Image/Character Action Plan recognizes that the Monument Road and South Camp Road are important corridors on the Redlands because of their approach to the Colorado National Monument. It states that the Redlands has a distinct character, with the varying topography, scenic vistas, open and somewhat rural feel. One goal of the Plan is to achieve high quality development on the Redlands in terms of site planning and architectural design. The proposed Development is within 1 mile of the East entrance to the Colorado National Monument. The proposed Development is adjacent to Monument Valley which has homes on lots of over 1 acre to about 5 acres. Redstone is nearby with homes on lots of over 1 acre to about 5 acres. The proposed Development should be the same (RSF-1, which is low NOT RSF-2 which is medium low).

We request close review of the request and find ourselves with strong support from many residents of Monument Valley in our opposition to allow a higher density than what currently exists in the neighborhood so close to the Colorado National Monument. We moved here over 10 years ago to enjoy the views of the Monument, the peaceful and rural nature of the Monument Valley Development, the dark and beautiful night sky; we hope that this neighborhood may maintain the distinct and unique rural atmosphere that presently exists.

Respectfully submitted,

Karen & Greg Urban
313 Rimrock Court
Grand Junction, CO 81503

Cc: Division of Wildlife
Museum of Western Colorado

Lori,

After reading the staff report I have several comments about the zone of annexation and Red Rocks Valley Subdivision.

I have been interested in how this land would develop. With the natural topography and drainages on this property I knew it would be a challenge. After reading the report several things have come to mind.

1. Even though there is more open space than is required of a development of this size I question whether this open space is really usable for the future residents. It might be nice to look at but can they do anything with it? I would hope at final design there is open space that is actually usable by the residents rather than just drainages and steep hillsides.

2. I believe having private streets in the patio home area is not a good idea. What is the reasoning of the developer for private streets? Are they private so they can escape city street requirements? No on street parking is allowed in the patio homes since there will be no room. Where will visitors park? Will the visitors park on the streets behind the patio homes across from the single family dwellings? There must be parking within the patio home development for excess vehicles of residents as well as visitors.

Where will residents of the patio homes park their recreational vehicles? Many will have boats, RV's etc. Also, it is stated in the project report that the HOA will maintain the private streets. Will there be a separate HOA for the patio homes? It does not seem right that all the single family homes in the subdivision would be required to maintain the private streets in the patio home development.

3. When looking at the preliminary plans which I realize are not the final plans, I see a much denser subdivision than the existing subdivisions which surround this development. It does not appear to be compatible as most are on 1-5 acre lots. Because of the topographical issues with this parcel it appears the developer is trying to crowd as many homes into the subdivision as possible to make up for the topographical constraints.

4. The developer does not want to build sidewalks and connecting pedestrian trails in some portions of the development. I question the reasoning of the developer for wanting to build this subdivision similar to other developments that were built in the county. The county has not typically designed to urban standards since it deals with more rural settings. If the developer is asking for annexation to the city with all city services he should be required to design to city standards.

5. There was no mention of a traffic study. Doesn't there need to be a traffic study for a development of this size which will generate over a

thousand trips a day upon buildout?

6. What about accel and decel lanes on Southcamp Road?

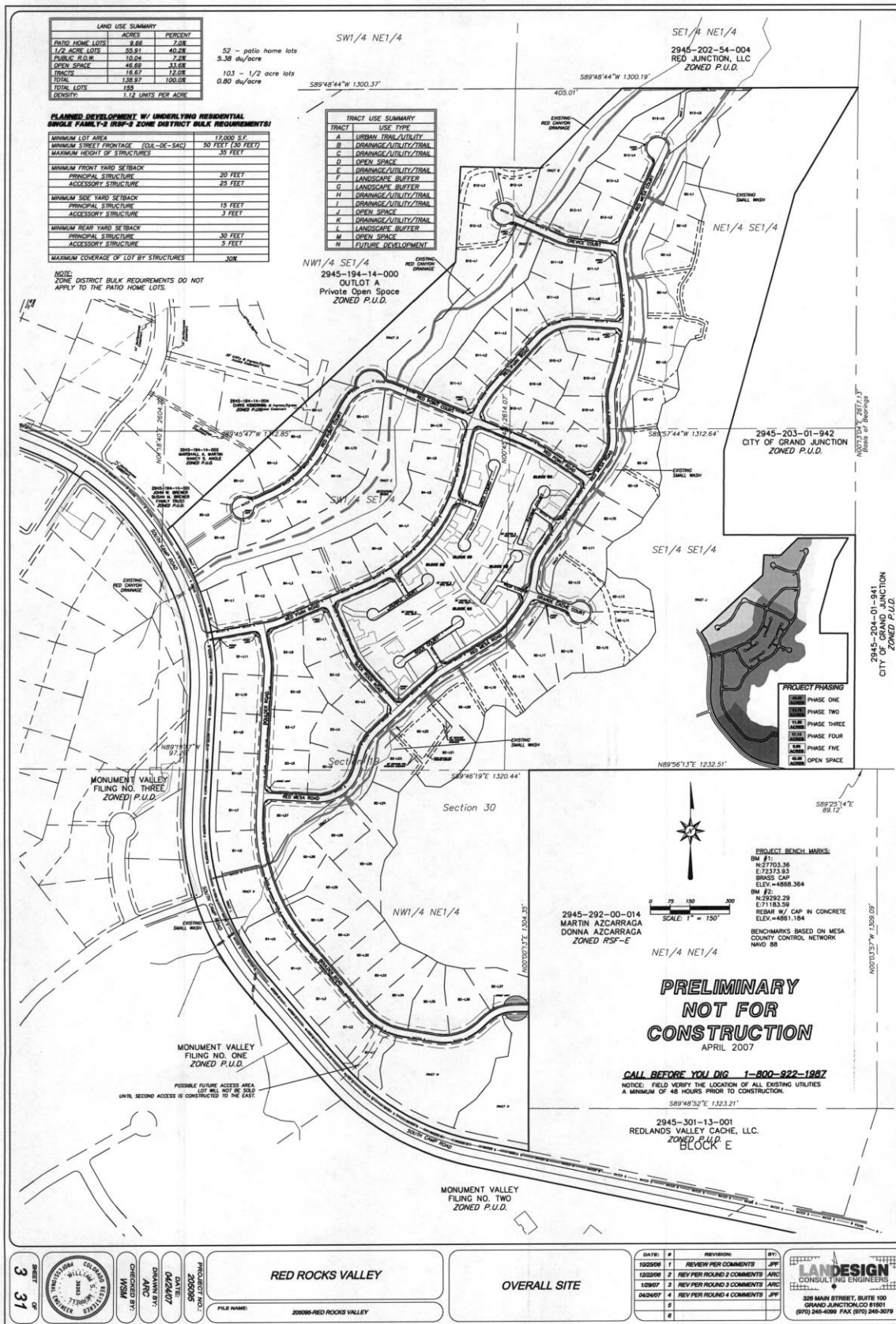
7. Will there be a provision for a street connection between the adjacent development to the north or to Redlands Mesa or will everyone have to go to Southcamp Road to access this subdivision by vehicle.

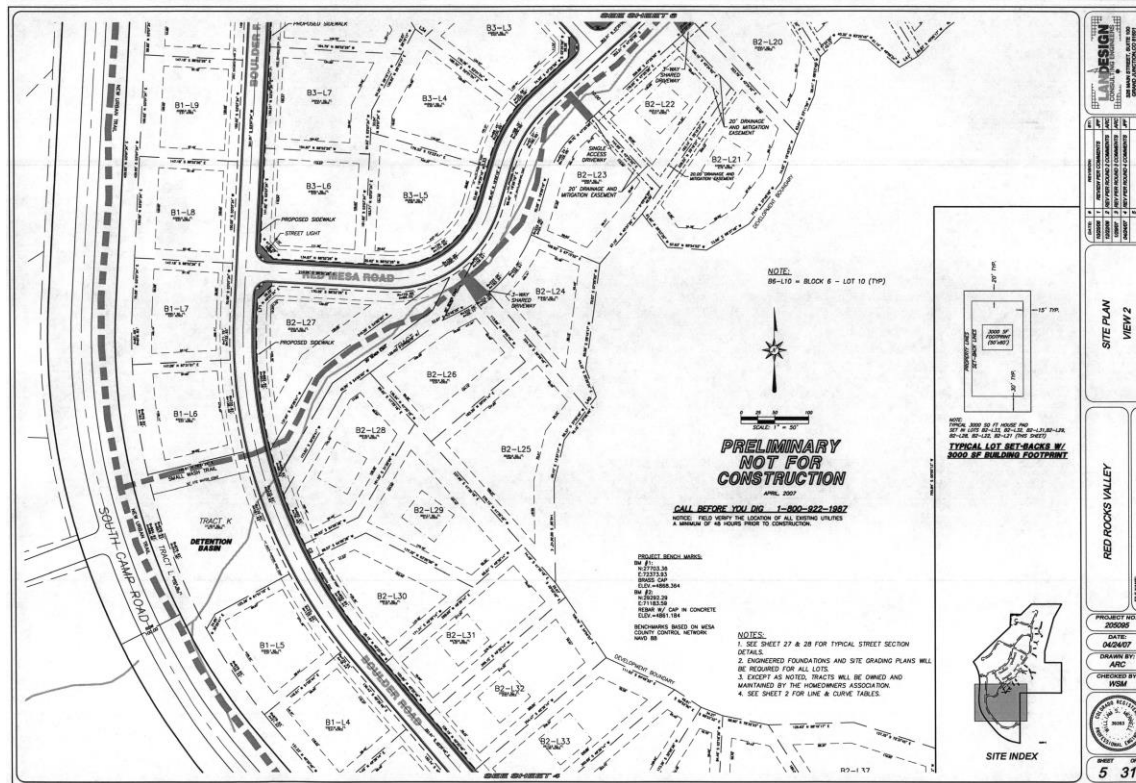
8. I see the old lift-station will be removed. Won't the developer have to build a new lift-station since much of this development is below Southcamp Road? Who is responsible for the maintenance of this lift-station if one is required?

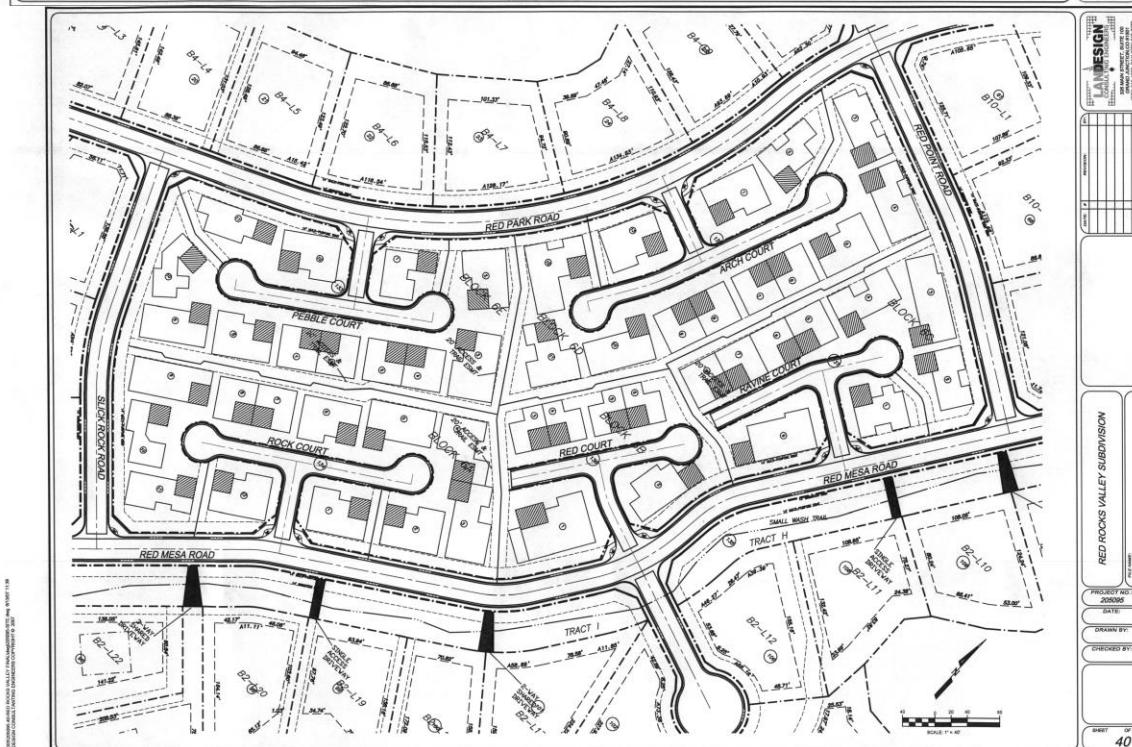
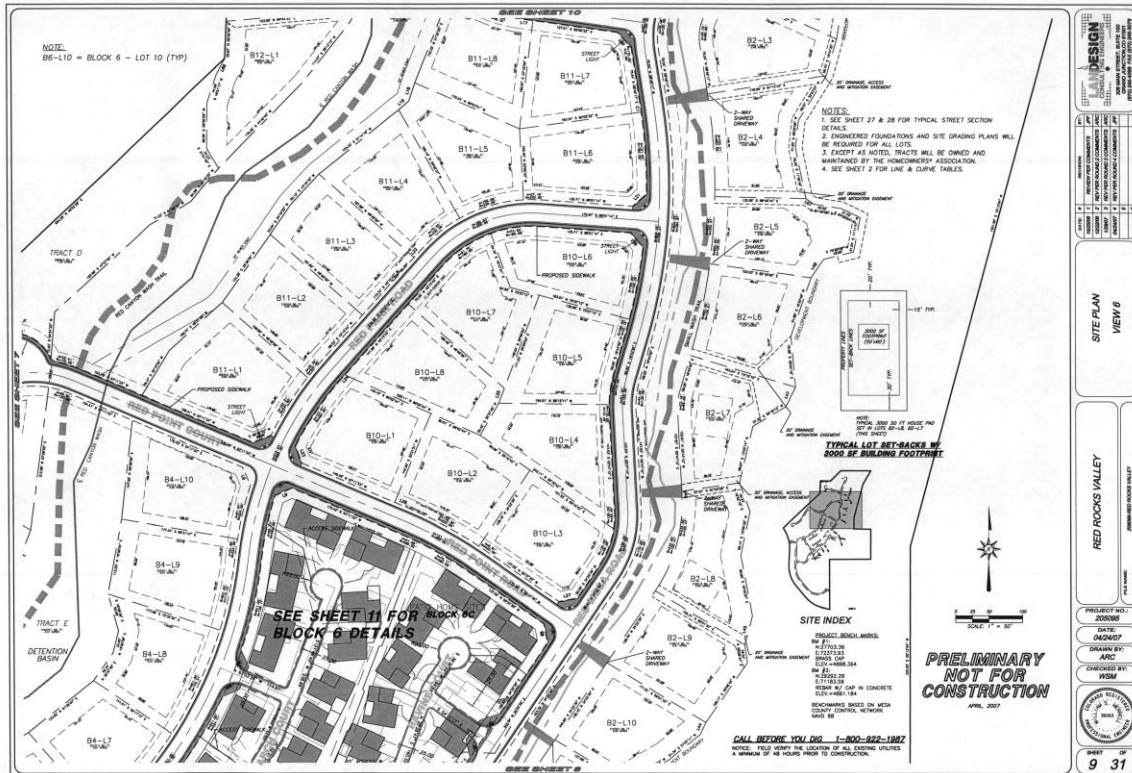
I believe this land will be developed but I question the density being proposed even though the developer is providing lots of open space. The questions is--Did he really have a choice due to the topography and is it really desirable for the future resident's use? Also, is this development compatible with existing developments adjacent to it? I think not.

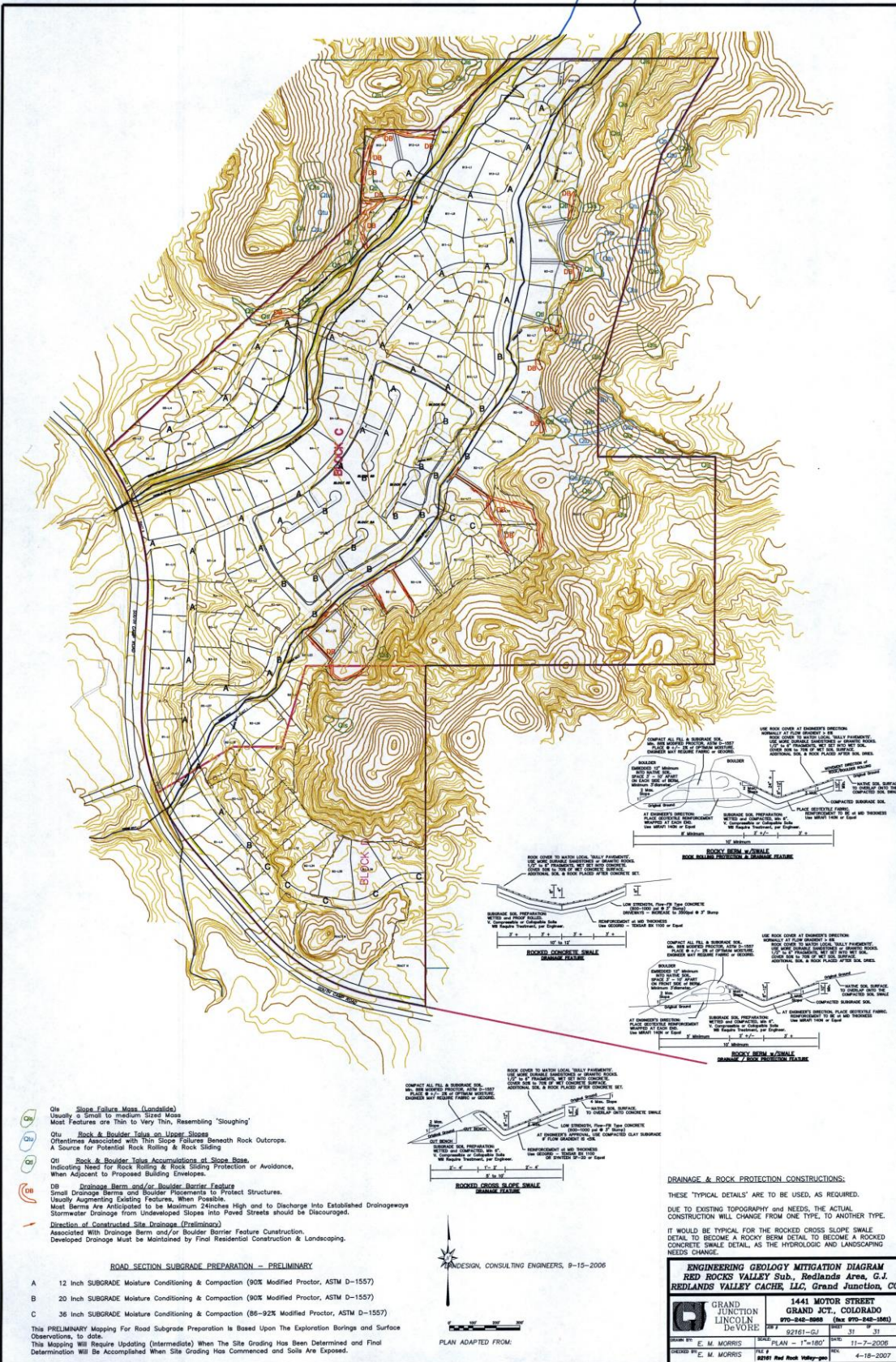
Thanks,

Terri Binder









CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE FLETCHER ANNEXATION TO
PLANNED DEVELOPEMET 1.12 (PD)**

**LOCATED APPROXIMATELY 1/2 MILE WEST OF MONUMENT ROAD ON THE
NORTH SIDE OF SOUTH CAMP ROAD**

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 Fletcher Annexation to the PD zone district finding that it conforms with the recommended land use category as shown on the Future Land Use map of the Growth Plan, and the Growth Plan's goals and policies, and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code and the requirements of Chapter 5, regarding Planned Developments. The default zoning is R-2, Residential – 2 units per acre.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the PD zone district is in conformance with the stated criteria of Section 2.6 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 be zoned Planned Development not to exceed 1.12 dwelling units per acre.

**PERIMETER BOUNDARY LEGAL DESCRIPTION
FLETCHER ANNEXATION
2945-194-11-001 & 2945-301-12-001**

A certain parcel of land located in the Southeast Quarter (SE1/4) of Section 19 and the Northeast Quarter (NE1/4) of Section 30, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southeast corner of Block D, Monument Valley Subdivision, as same is recorded in Plat Book 16, page 269-270, Public Records of Mesa County, Colorado, and assuming the East line of the NW1/4 NE1/4 of said Section 30 bears S00°00'15"W with all other bearings contained herein being relative thereto; thence

from said Point of Beginning; S11°52'16"W to a point on the South right of way line of South Camp Road, as same is recorded in Book 997, pages 945-946, a distance of 100.00 feet; thence along said right of way N78°07'44"W a distance of 204.77 feet; thence 662.69 feet along the arc of a 1004.93 foot radius curve concave Northeast, having a central angle of 37°46'59" and a chord bearing N59°14'14"W a distance of 650.75 feet; thence N40°20'44"W a distance of 457.15 feet; thence 390.46 feet along the arc of a 1004.93 foot radius curve concave Northeast, having a central angle of 22°15'42" and a chord bearing N29°12'52"W a distance of 388.01 feet to a point on the centerline of Rimrock Drive, as same is shown on the plat of Monument Valley Subdivision Filing No. 5, as same is recorded in Plat Book 14, Pages 212-214, Public Records of Mesa County, Colorado; thence N71°52'16"E a distance of 50.00 feet to a point on the East line of the Monument Valley Annexation, City of Grand Junction Ordinance No. 2850, and the centerline of said South Camp Road; thence 353.46 feet along the arc of a 954.93 foot radius curve concave East, having a central angle of 21°12'28" and a chord bearing N07°28'38"W a distance of 351.45 feet; thence N03°07'36"E along a line 429.61 feet; thence 602.38 feet along the arc of a 954.93 foot radius curve concave West, having a central angle of 36°08'35" and a chord bearing N14°55'27"W a distance of 592.44 feet; thence N57°08'32"E a distance of 50.00 feet to a point on the North right of way of said South Camp Road; thence S32°59'44"E a distance of 45.59 feet; thence 633.56 feet along the arc of a 1004.93 foot radius curve concave West, having a central angle of 36°07'20" and a chord bearing S14°56'04"E a distance of 623.12 feet; thence S03°07'36"W a distance of 429.95 feet; thence 686.60 feet along the arc of a 904.93 foot radius curve concave Northeast, having a central angle of 43°28'20" and a chord bearing S18°36'34"E a distance of 670.25 feet; thence S40°20'44"E a distance of 457.15 feet; thence 596.27 feet along the arc of a 904.93 foot radius curve concave Northeast, having a central angle of 37°45'09" and a chord bearing S59°13'19"E a distance of 585.54 feet; thence S78°07'44"E a distance of 205.25 feet; more or less to the Point of Beginning, TOGETHER WITH Block C and Block D, of said Monument Valley Subdivision.

Said parcel contains 144.43 acres (6,291,761 square feet), more or less, as described.

This Ordinance prescribes as follows:

- 1) **Default zoning standards.** If the planned development approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards. The default standards of the R-2 zoning designation will apply.
- 2) **Phasing schedule.** The Phasing Schedule is:
 - First Phase shall be platted by March 1, 2008;
 - Phase 2 – by March 1, 2011;
 - Phase 3 – by March 1, 2013,
 - Phase 4 – by March 1, 2015
 - Phase 5 – by March 1, 2017.

A graphic depiction of the phasing is shown on sheet 3 of the approved preliminary drawings, dated 4/24/07, included in development file number PP-2006-217.

3) **Number of units allowed.** 155 residential units allowed – 103 single family residential lots, 1/2 acre in size or larger; 52 patio homes (attached and detached).

4) **Applicable setbacks.**

a) Patio homes. The setback standards for the patio homes are as follows: A minimum 14-foot setback is required around the perimeter of the patio home area. This setback is measured from the back of walk and includes Red Park Road, Red Point Road, Red Mesa Road, and Slick Rock Road. The front setback for all garages shall be 20 feet. The side setback between buildings is 10 feet, except for those units that are attached, and then a zero setback is allowed. No accessory structures will be allowed. A dimensioned final design of the patio home area will be recorded with the Final Plat.

b) Other homes. The setbacks for the single-family homes not designated as patio homes are as follows: The front setback is 20 feet for the principle structure and 25 feet for accessory structures. Side setbacks are 15-feet for the principle structure and 3 feet for accessory structures. The rear setback is 30-feet for the principle structure and 3 feet for an accessory structure. (These setbacks are consistent with the R-2 default zone.)

5) **Future development.** A tract (shown as Tract N on the approved preliminary drawings dated 4/24/07, found in development file number PP-2006-217) is reserved for future development to adjoin the property to the east.

6) **Construction restrictions.**

Construction outside of the designated building envelopes will not be permitted. Engineered foundations and site grading plans shall be required on all lots. The Final Plat shall include a note requiring construction with the designated building envelopes, engineered foundations and site grading plans for each and every lot.

Mitigation berms, swales for drainage and rock fall areas shall be constructed. City engineer(s) and Colorado Geological Survey representatives shall be permitted to supervise the construction of these features and these features must be inspected and approved by a City engineer. These features will be considered and treated as “as-builts.” The construction of these features shall be guaranteed and secured by Development Improvements Agreement (DIA) and associated security. Maintenance of these features shall be provided by an association of the homeowners in perpetuity, and easements in favor of said association for this purpose shall be granted.

No planning clearance or building permit shall issue for any construction on the lot designated as Lot 1, Block 1 on the approved preliminary drawings dated 4/24/07, included in development file number PP-2006-217, and said lot shall not be sold, unless

and until a secondary access is constructed in the subdivision to the east. No more than 99 homes shall be constructed in area comprised by the Plan (referred to presently as the Red Rocks Valley Subdivision) unless and until a secondary access to a public roadway or street is constructed, whether within the Red Rocks Valley Subdivision or in the subdivision / development to the east. A Recording Memorandum setting forth in detail these restrictions shall be recorded so as to inform potential buyers of such restrictions. Construction of said secondary access shall be guaranteed and secured by a DIA and associated security.

If no access to South Camp Road that can serve as a secondary access for Red Rocks Valley Subdivision is completed in the subdivision / development to the east by the time a planning clearance or building permit for the 99th house issues, the developer shall promptly construct the secondary access in the location of Lot 1, Block 1 on the approved preliminary drawings dated 4/24/07, included in development file number PP-2006-217.

No planning clearance or building permit shall issue for any construction on the lot designated on the approved preliminary drawings, dated 4/24/07 and included in development file number PP-2006-217 as Lot 1, Block 5, unless and until the ingress/egress easement is vacated and the lift station associated with it has been relocated or is no longer needed, as determined by City staff. A Recording Memorandum setting forth in detail these restrictions shall be recorded so as to inform potential buyers of such restrictions.

The Final Plat shall show any and all "no-disturbance" and/or "no-build" zones as designated by the Army Corps of Engineers or City engineers.

7) **Private Streets Agreement.** Private streets as proposed by the Applicant are approved; an agreement for the maintenance of all private streets in the subdivision in accordance with City Transportation Engineering and Design Standards (TEDS) shall be required and shall be recorded with the Final Plat.

8) **Sidewalks.** The following sidewalks not shown on the approved preliminary drawings dated 04/24/07 included in development file number PP-2006-217 shall be provided:

- Sidewalk on both sides of Slick Rock Road.
- Sidewalks on both sides of Red Park Road.
- On Grand Cache Court, continue the sidewalk around the entire cul-de-sac and both sides of the street.
- Sidewalk on both sides on Red Pointe Road between Red Mesa Road and Red Park Road.
- Continue sidewalk around the cul-de-sac on Crevice Court to the trail in Red Canyon.

9) **Park land dedication.** The final plat shall include a dedication to the City for a public park holding in the corner of land which connects with and would make contiguous City's two holdings to the north and east of this parcel. Said dedication shall be sufficient, at a minimum, to allow maintenance access, and shall be to the reasonable specifications of the Parks and Recreation Department.

10) **Trails.** Existing public trails in the area shall connect through this subdivision.

INTRODUCED on first reading the 18th day of July, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2007.

ATTEST:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

AN ORDINANCE AMENDING ORDINANCE NO. 4109 & 4511 FOR THE RED ROCKS VALLEY PLANNED DEVELOPMENT RESIDENTIAL SUBDIVISION REVISING THE PROPOSED PHASING SCHEDULE AND CLARIFYING SETBACKS AND ALLOWED ACCESS FOR THE PATIO HOME AREA

LOCATED APPROXIMATELY ½ MILE WEST OF MONUMENT ROAD ON THE NORTH SIDE OF SOUTH CAMP ROAD

Recitals:

The Applicants, Conquest Homes LLC and Surf View Development Co, wish to amend the Red Rocks Valley Planned Development residential subdivision. The Red Rocks Valley residential development plan consists of 155 proposed residential units, common areas, and private drives on the 139.87-acre property. The Planned Development is partially developed, with undeveloped areas still remaining.

The purpose of this Ordinance is to extend the phasing schedule for the Red Rocks Valley Planned Development provided in Ordinance No. 4109 and subsequently amended in Ordinance No. 4511. In addition, this Ordinance will eliminate references to building envelopes and amend setbacks for future patio homes. Lastly, this Ordinance will allow patio homes to have the option of taking access from exterior public roads instead of private drives.

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 amendment for the Red Rocks Valley Planned Development.

The City Council finds that the review criteria for the Planned Development that were established at the time Ordinance No. 4109 was adopted are still applicable and are still met and that the establishment thereof is not affected by the proposed amendments.

The City Council finds that the amendments are reasonable in light of current market conditions and economic feasibility of the project and are in the best interests of the community.

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

The development phasing schedule established by Ordinance No. 4109 & 4511 is amended as follows:

Remaining Phases are to be Final Platted by December 31, 2029.

Patio Homes: The requirements and setback standards for the patio home area (known as the Red Rocks Patio Homes subdivision) are as follows: The front yard setback shall be a

minimum of 20 feet for the garage portion of a principal structure and 14 feet for the remainder of the principal structure. Side and rear yard setbacks shall be a minimum of 3 feet from the property line, with a minimum setback of 10 feet from adjacent lot principal structures. No structures shall be placed within easements. No recorded site plans reflecting building footprints shall be required at time of final platting. No accessory structures will be allowed. Perimeter patio homes may take access from public roads including Rock Valley Road, Red Point Road, Trail Ridge Road, and Ruby Mountain Road. Driveway locations will be reviewed at time of planning clearance to determine proper driveway spacing.

Introduced on first reading this 17th day of March, 2021 and ordered published in pamphlet form.

Adopted on second reading this 7th day of April, 2021 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Grand Junction Planning Commission

Regular Session

Item #2.

Meeting Date: March 9, 2021

Presented By: Lance Gloss, Senior Planner

Department: Community Development

Submitted By: Lance Gloss, Senior Planner

Information

SUBJECT:

Consider a request by 1215-1217 Perry LLC to rezone two (2) properties from PD (Planned Development) to C-1 (Light Commercial), located at 287 27 Road and the adjacent Dixon Park, collectively comprising 8.7 acres; and, to rezone one property from PD (Planned Development) to M-U (Mixed Use), located at 288 27 Road, comprising 2.81 acres. | [Staff Presentation](#) | Phone-in comments dial **3647**.

RECOMMENDATION:

Staff recommends approval of the request.

EXECUTIVE SUMMARY:

The application concerns three adjacent properties, including the property at 287 27 Rd which contains the Ametek building, the former Dixon Park property abutting to the west, and the property at 288 27 Road, which lies across 27 Road to the east. All three of these properties are currently zoned PD (Planned Development). The rezone is intended to provide for future commercial and residential development on the site, as both C-1 and M-U zones allow a range of commercial and multifamily residential uses. Staff considers the request to align with the goals and strategies of the 2020 One Grand Junction Comprehensive Plan, including the Comprehensive Plan Land Use designations for the properties, which are Commercial (for the properties proposed to be rezoned to C-1) and Mixed Use (for the property proposed to be rezoned to M-U). Staff also finds the proposal to meet all required criteria for a rezone, and recommends approval of this request.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

Each of the three adjacent properties considered here for rezoning have distinct historical uses. The Ametek property was developed with a warehouse in 1960, with the current manufacturing/warehouse structure of 103,238 square feet completed in 1990. Ametek manufacturing activities were subsequently moved out of state, and the facility is vacant and is in a state of neglect. The Dixon Park property was, until 2020, a privately-owned park that was previously available for public use by lease arrangement and consideration of \$1 per year between the City and the property owner. This arrangement has now ended. The property at 288 27 Road is currently vacant, and consists of natural scrub vegetation and a gravel area that has been used as parking in the past, also containing several streetlights.

The properties at 287 and 288 27 Road and the adjacent Dixon Park were zoned to PD (Planned Development) under Mesa County jurisdiction, and were annexed to the City's PD (Planned Development) zone in 1973. Perhaps due to this history, the PD zoning for this property is particularly narrow and ill-defined, relative to other PD zones throughout the City. For example, the only permitted use of the properties at 287 and 288 27 Road is manufacturing, with accessory uses such as office. No use whatsoever is clearly specified by the original PD ordinance that would indicate whether or not the property that was, until recently, Dixon Park is properly zoned for use as a park. Thus, in various ways, the PD is cumbersome, unclear, and not permissive of the continued development of the site. For an example of just how cumbersome this particular PD is, consider that the only other City file concerning this property since the zone of annexation was applied is a 1999 file, which demonstrates that a PD amendment – which is a zoning action – was required simply to permit the addition of 384 square feet to the warehouse structure at 287 27 Road.

The parameters and requirements of the existing PD zone can be summarized as being narrowly aligned with the operation of a warehouse and manufacturing structure for manufacturing, distribution, and engineering. Furthermore, City review of the rezone request yielded no substantial objections from review agencies, including City and County departments and private utilities.

NOTIFICATION REQUIREMENTS

Two Neighborhood Meetings regarding this rezone request were required in accordance with Section 21.02.080(e) of the Zoning and Development Code. The first Neighborhood Meeting was held virtually following proper notice on Monday, October 5, 2020. At that meeting, a different proposed zone district was provided by the Applicant for one of the properties; specifically, the property now proposed for rezoning to M-U was initially proposed for rezoning to R-8. Subsequent to this change of intent, the second Neighborhood Meeting was held virtually following proper notice on Thursday, January 14, 2021. Three members of the public attended. One attendee expressed concern about low-income multifamily housing being constructed at the

subject property. One attendee expressed concern about water rights associated with the irrigation ditch adjacent to the subject property. One attendee expressed concern about ongoing notifications related to future development.

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 February 25, 2021. Mailed notice of the public hearings before Planning Commission and City Council the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on February 28, 2021. The notice of this public hearing was published on March 2, 2021 in the Grand Junction Daily Sentinel.

ANALYSIS

Pursuant to Section 21.02.140 of the Grand Junction Municipal Code, in order to maintain internal consistency between this code and the zoning maps, rezones must only occur if the five criteria listed below are all met. Staff analysis of the criteria is found below each listed criterion.

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

The PD zoning that was applied to these properties has not been updated since 1999, and even then the change was only a minor amendment to PD zoning accepted by the City in 1973, which was itself existed previously under Mesa County jurisdiction. Numerous events have occurred in the City at large, and in the immediate area of the subject properties, since that time. These include the adoption of multiple Comprehensive Plans that affected these properties, including the 2010 Grand Junction Comprehensive Plan and the 2020 One Grand Junction Comprehensive Plan. One relevant change included in the 2020 One Grand Junction Comprehensive Plan is the redesignation of the Dixon Park property from Park Future Land Use to Commercial Land Use. This aligns with the recent termination of the City's lease on the property by determination of the City, a factor which substantially alters the premises for zoning of the property. Specifically, it is no longer appropriate for the PD zoning of the Dixon Park property to identify it as a park, when the arrangement that provides for park-like use of the property no longer exists. Further, and as explored in relation to criterion two below, the ongoing residential development of the Orchard Mesa neighborhood has appreciably increased the viability of medium- or high-density residential development for the property at 288 27 Road, which is currently underutilized. Finally, the relocation of Ametek operations that had formerly used the warehouse facility at 287 27 Road, which had been the primary use of that building since the establishment of the existing PD zoning, represents a major event that suggests the need to increase flexibility of the zoning for that property. Therefore, staff 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 the Orchard Mesa neighborhood has substantially changed since the last zoning decision to amend the previously existing PD zoning for this property was made in 1999. Specifically, residential development—primarily single-family residential development—has occurred in many of the former greenfield areas of Orchard Mesa since that time. Where similar changes have occurred citywide, the provision of adequate housing supply for the needs of current and future residents increasingly requires the development of housing typologies other than single-family residences. Providing adequate housing is a primary goal of the 2020 One Grand Junction Comprehensive Plan, which calls for housing to keep “pace with demand and the variety of housing options the needs of residents and families of all ages and income levels” (p. 25). Thus, it is logical that rezoning of properties with access to services to zone districts that allow for a range of high-density multifamily residential development (i.e. high-density infill development) is consistent with the Plan.

Similarly, the Plan identifies the need to provide for neighborhood services and a mix of uses within neighborhoods, while preserving the fabric of the neighborhood. Provision of neighborhood services is also a crucial element of the Comprehensive Plan, which calls for “neighborhood-serving retail such as grocers, pharmacies, childcare facilities, and other basic services” as provided for under C-1 and M-U zoning regulations (p. 23). In these ways, rezoning these properties to C-1 and M-U, both of which allow for multifamily residential and commercial services that serve neighborhoods, is consistent with the Plan because of the evolving character of the neighborhood. Staff thus 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

The subject property is well served by public and community facilities. The transportation network in the vicinity of the subject properties is well-developed, with the exception that adequate sidewalk is not found adjacent to the subject properties along 27 Road or David Street. The site has excellent access to arterial roads (Unawee Avenue) and the State highway system (Highway 50). A Grand Valley Transit (GVT) bus stop can be accessed within a 900-foot walk of the subject property. 27 Road is a minor collector, which provides for efficient automobile transportation to and from the subject properties. Public and private utilities are also available, with sanitary sewer located in 27 Road, David Street, and the alley abutting the subject properties to the north. City water service is available in these same locations. Xcel electrical and gas services are similarly available to the site, and currently serve the Ametek warehouse building. There is, overall, no appreciable utility deficiency to the site. There is also reasonable access to public schools of all grade levels. Therefore,

staff finds that this criterion is 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 supply of land in the M-U zone district is extremely limited in the Orchard Mesa neighborhood, and there is reason to assert that the Orchard Mesa neighborhood can continue to absorb additional land with C-1 zoning. There is currently no M-U zoning in the Orchard Mesa neighborhood, nor in proximate portions of the City Center or Redlands neighborhoods. While C-1 zoning exists along much of Highway 50, the City has continued to receive rezoning requests to C-1 in Orchard Mesa and throughout the City in recent years, and such properties continue to develop with both commercial services and multifamily residential. It is thus a reasonable assertion that the supply of M-U and C-1 zoning can continue to be increased to meet demonstrated community need. Thus, staff finds this criterion to be met.

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

PD zoning can have many benefits to the community and serves especially well when a proposed development has a specific vision that cannot be provided for by other zoning categories. The same feature of PD zoning—the ability to specifically tailor it to a project’s needs—can also present a challenge with the property’s use or configuration is contemplated to change. This particular PD zone, as illustrated in the Background, has functioned in essentially the same manner for nearly five decades. It is narrow in terms of use (allowing only manufacturing) and site design (requiring zoning action for minor additions).

Above all, the existing PD zones no longer aligns with the use or likely future use of the property, particularly given that the company that designed it no longer operates locally. Thus, the primary and significant benefit to be derived from rezoning is to restore flexibility to the property, both in terms of use and form. Rezoning to M-U and C-1 would allow for a wider range of development projects to take place on the subject properties, and for the property to develop its highest and best use. Rezoning will allow the current property owner and any future developer involved with the property to respond to demonstrated community need. Thus, staff finds that this criterion is met.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Ametek Rezone, City File RZN-2020-592, a request to rezone two (2) properties from PD (Planned Development) to C-1 (Light Commercial), located at 287 27 Road and the adjacent Dixon Park, collectively comprising 8.7 acres; and, to rezone one property from PD (Planned Development) to M-U (Mixed Use), located at 288 27 Road, comprising 2.81 acres, the following findings of fact have been made:

1. The request conforms with Section 21.02.140(a) of the Zoning and Development Code.

Therefore, Staff recommends approval of the request to rezone the properties from PD to C-1 and from PD to MU.

SUGGESTED MOTION:

Chairman, on the Rezone request for the property located at 287 27 Road, 288 27 Road, and the adjacent unaddressed property known as Dixon Park, City file number RZN-2020-592, 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.

Attachments

1. Draft Zoning Ordinance
2. 1974 Zoning Ordinance
3. Development Application Packet
4. Map Exhibits

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE REZONING THE AMETEK PROPERTIES
TO C-1 (LIGHT COMMERCIAL) AND MU (MIXED USE)**

LOCATED AT 287 27 ROAD, THE ADJACENT DIXSON PARK, AND 288 27 ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of rezoning the Ametek Properties located at 287 27 Road and the adjacent Dixson Park from PD (Planned Development) to C-1 (Light Commercial); and, rezoning the property located at 288 27 Road from PD (Planned Development) to M-U (Mixed Use), finding that it conforms with the recommended land use category as shown on the future land use map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the C-1 (Light Commercial) and MU (Mixed Use) zone districts are in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property be zoned C-1 (Light Commercial):

287 27 Road and Adjacent Dixson Park

287 27 Road:

BLOCKS 7 AND 9 IN PERKINS SUBDIVISION – FIRST ADDITION – REPLAT NO. 1,
COUNTY OF MESA, STATE OF COLORADO.

CONTAINING 213,481 Square Feet or 4.901 Acres, more or less, as described.

Dixson Park:

BLOCK 3 IN PERKINS SUBDIVISION – FIRST ADDITION – REPLAT NO. 1:
EXCEPT THAT PART OF DAVID STREET AS SHOWN ON THE PLAT OF REPLAT
OF PART OF BLOCKS 2, 3, & 4 of PERKINS SUB'D, 1 ST. ADD. REPLAT NO. 1 &
REPLAT OF PERKIN SUBDIVISION,

COUNTY OF MESA, STATE OF COLORADO.

CONTAINING 165,060 Square Feet or 3.789 Acres, more or less, as described.

AND

The following property be rezoned M-U (Mixed Use):

288 27 Road

THE WEST 285 FEET OF THE N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN;
EXCEPT BEGINNING AT THE NORTHEAST CORNER OF THE WEST 285 FEET OF SAID N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;
THENCE SOUTH 155 FEET;
THENCE WEST 150 FEET;
THENCE NORTH 155 FEET;
THENCE EAST TO THE POINT OF BEGINNING;

AND EXCEPT COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 25, AND CONSIDERING THE WEST LINE OF THE NW $\frac{1}{4}$ OF SAID SECTION 25 TO BEAR NORTH 00°00'00" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
THENCE SOUTH 89°50'00" EAST ALONG THE NORTH LINE OF THE NW $\frac{1}{4}$ OF SAID SECTION 25, 135.00 FEET;
THENCE SOUTH 00°00'00" WEST 30.00 FEET TO THE SOUTH RIGHT OF WAY OF "C" ROAD AND THE POINT OF BEGINNING;
THENCE CONTINUING SOUTH 00°00'00" WEST 125.00 FEET;
THENCE SOUTH 90°00'00" EAST 29.18 FEET;
THENCE SOUTH 00°00'00" WEST 50.13 FEET;
THENCE NORTH 90°00'00" WEST 134.18 FEET TO THE EAST RIGHT OF WAY OF 27 ROAD;
THENCE NORTH 00°00'00" EAST 175.43 FEET ALONG SAID EAST RIGHT OF WAY OF 27 ROAD TO THE SOUTH RIGHT OF WAY OF "C" ROAD;
THENCE SOUTH 89°59'00" EAST 105.00 FEET ALONG SAID SOUTH RIGHT OF WAY "C" ROAD TO THE POINT OF BEGINNING;

AND ALSO EXCEPT ROAD RIGHT OF WAY ACROSS THE WEST 30 FEET OF HEREIN DESCRIBED PROPERTY AS GRANTED TO MESA COUNTY BY INSTRUMENT RECORDED DECEMBER 9, 1959 IN BOOK 769 AT PAGE 581,

COUNTY OF MESA, STATE OF COLORADO

CONTAINING 122,231 Square Feet or 2.806 Acres, more or less, as described.

INTRODUCED on first reading the ____ day of ____, 2021 and ordered published in pamphlet form.

ADOPTED on second reading the ____ day of ____, 2021 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk

Published by Municipal Code Corporation

ORDINANCE NO. 1506

AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY ADDING THERETO THE ZONING ON CERTAIN LANDS WITHIN THE CITY.

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

That the Zoning Map, a part of Chapter 32 of the Code of Ordinances of the City of Grand Junction, be amended by adding the zoning on the following described land, situate in the City of Grand Junction, Mesa County, Colorado, to wit:

All that part of Section 23, Township 1 South, Range 1 West, U.M., included in the Central Orchard Mesa Annexation of December 19, 1973, to be zoned R-2-A (Two family Residential), EXCEPT that part of the SE 1/4 SE 1/4 lying South of the Colorado River to be zoned R-1-C (One family Residence), also EXCEPT beginning at the Northwest corner of the NE 1/4 SE 1/4 of said Section 23, thence South 503', thence West to the point of intersection with the City limits line prior to aforementioned annexation, thence North 2° 55' W 186 feet, thence North 2° 37' W 317 feet to the East-West Center Line of Section 23, Township 1 South, Range 1 West, U.M., thence East along said line to the point of beginning to be zoned I-2 (Heavy Industry), also EXCEPT beginning 503' South of the Northwest corner of the NE 1/4 SE 1/4 Section 23, Township 1 South, Range 1 West, U.M., thence South to the South bank of the Colorado River, thence Westerly along the South bank to the City limits line prior to aforementioned annexation, thence Northeasterly along said line 1231', thence East to the point of beginning to be zoned I-2 (Heavy Industry).

All that part of Section 26, Township 1 South, Range 1 West, U.M., included in the Central Orchard Mesa Annexation of December 19, 1973, to be zoned R-2-A (Two family Residence) EXCEPT beginning at the Northeast corner of said Section 26, thence South 660.9', thence West to the East right-of-way line of David Street, thence North to the North line of Section 26, Township 1 South, Range 1 West, U.M., thence East to the point of beginning to be zoned PD-B (Planned Development-Business), also EXCEPT beginning at the Southeast corner of Lot 8, Block 7, Fairley Subdivision, Section 26, Township 1 South, Range 1 West, U.M., thence North to the centerline of U.S. Highway 50, thence Northwesterly along said centerline to the point of intersection with the Southeasterly lot lines of Lots 3 & 4, Block 2, Fairley Subdivision projected, Section 26, Township 1 South, Range 1 West, U.M., thence Northeasterly along said lot lines 330' thence Southeasterly on a line parallel to and 330' North of the centerline of U.S. Highway 50 to the centerline of Palmer Street, thence South to the North line of the SW 1/4 NE 1/4, thence West to the point of beginning to be zoned H.O. (Highway Oriented), also EXCEPT beginning at the

Southeast corner of Lot 8, Block 7, Fairley Subdivision, in Section 26, Township 1 South, Range 1 West, U.M., thence West to the City limits prior to the Central Orchard Mesa Annexation of December 19, 1973, thence North to the Southwest lot line of Lot 4, Block 5, Fairley Subdivision, Section 26, Township 1 South, Range 1 West, U.M., thence Southeasterly along the Southwesterly lot lines of Lots 4 & 3, and the Northwesterly 25 feet of Lot 2, all in Block 5 of said Fairley Subdivision, thence Northwesterly at right angles to said Southwest lot lines to the center line of U.S. Highway 50, thence Southeasterly along said centerline to the East line of said Fairley Subdivision, thence South to the point of beginning to be zoned PD-M (Planned Development Mobile Home), also EXCEPT beginning at the intersection of the South line of the NW 1/4 NE 1/4, Section 26, Township 1 South, Range 1 West, U.M., and the Southwesterly right-of-way line of U.S. Highway 50, thence East along said quarter section line to the East line of Section 26, Township 1 South, Range 1 West, U.M., thence South to the Southwesterly line of U.S. Highway 50, thence Northwesterly along said right-of-way line to the point of beginning to be zoned H.O. (Highway Oriented), also EXCEPT beginning at the Southeast corner of Lot 10, Block 4, Fairley Subdivision in Section 26, Township 1 South, Range 1 West, U.M., thence North to the Southwesterly line of Lot 4, Block 5, said Fairley Subdivision, thence Southeasterly along said Southwesterly lot lines of Lots 4 & 3, and the Northwesterly 25 feet of Lot 2, thence Northeasterly at right angles to said Southwesterly lot lines to the centerline of U.S. Highway 50, thence Northwesterly along said centerline to the intersection of said centerline and the North line of Section 26, Township 1 South, Range 1 West, U.M., thence West along said line to the East line of the NW 1/4 NW 1/4 Section 26, Township 1 South, Range 1 West, U.M., thence South 660 feet, thence East to the point of beginning to be zoned H.O. (Highway Oriented).

All that part of Section 24, Township 1 South, Range 1 West lying South of the Colorado River to be zoned R-1-C.

All that part of Section 19, Township 1 South, Range 1 East, U.M., lying South of the Colorado River and included in the Central Orchard Mesa Annexation of December 19, 1973, to be zoned R-1-C (One Family Residence).

All that part of Section 25, Township 1 South, Range 1 West, U.M., included in the Central Orchard Mesa Annexation of December 19, 1973, to be zoned R-1-C (One family Residence), EXCEPT beginning 205.43' South of the Northwest corner of Section 25, Township 1 South, Range 1 West, U.M., thence East 285 feet, thence South 455.47 feet, thence West 285 feet, thence North to the point of beginning to be zoned PD-8 (Planned Development - Business), also EXCEPT beginning at the intersection of the West line of Section 25, Township 1 South, Range 1 West, U.M., and the centerline of Sherman Drive, thence East to the centerline of Dorothy Avenue, thence South to the Southwesterly right-of-way line of U.S. Highway 50, thence Northwesterly along said right-of-way line to the West line of Section 25, Township 1 South, Range 1 West, U.M.,

thence North along said line to the point of beginning to be zoned H.O. (Highway Oriented), also EXCEPT Lots 6 through 16, Block 6; Lots 6 through 16 and the South one-half of Lot 5, Block 7; Lots 17, 18, and the South one-half of Lot 16, Block 8; all in Artesia Heights Subdivision, Section 25, Township 1 South, Range 1 West, U.M., to be zoned H.O. (Highway Oriented).

PASSED and ADOPTED this 15th day of May, 1974.

Lawrence L. Kozisek

President of the Council

ATTEST:

Neva B. Lockhart

City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1506, was introduced, read and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 1st day of May, 1974, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City, this 16th day of May, 1974.

Neva B. Lockhart

Neva B. Lockhart
City Clerk

First Publication: May 5, 1974
Final Publication: May 19, 1974

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: Industrial

Existing Zoning: PD

Proposed Land Use Designation: Residential

Proposed Zoning: R8

Property Information

Site Location: 288 27 Rd. Grand Junction CO 81503

Site Acreage: 2.81 Acres

Site Tax No(s): R070882

Site Zoning: PD

Project Description: Future residential development

Property Owner Information

Name: ~~Aaron Nesbitt~~ 1215-1217 Perry LLC

Street Address: 3521 Osage St

City/State/Zip: Denver CO 80211

Business Phone #: 303-931-3307

E-Mail: nesbitt.broker@gmail.com

Fax #: _____

Contact Person: Aaron Nesbitt

Contact Phone #: 303-931-3307

Applicant Information

Name: Aaron Nesbitt

Street Address: 3521 Osage St

City/State/Zip: Denver CO 80211

Business Phone #: 303 931 3307

E-Mail: Nesbitt, broker@gmail.com

Fax #: _____

Contact Person: Aaron Nesbitt

Contact Phone #: 303-931-3307

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: Aaron Nesbitt

Date: 10/6/2020

Signature of Legal Property Owner: Aaron Nesbitt, manager

Date: _____

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: ~~PD~~ Industrial

Existing Zoning: PD

Proposed Land Use Designation: ~~PD~~ Commercial

Proposed Zoning: C-1

Property Information

Site Location: 287 27 Rd Grand Junction CO 81503

Site Acreage: 4.9 Acres

Site Tax No(s): R071493

Site Zoning: PD

Project Description:

~~Improve vacant space~~ Lease vacant space and improve property accordingly.

Property Owner Information

Name: 1215-1217 Perry LLC

Street Address: 3521 Osage St

City/State/Zip: Denver CO 80211

Business Phone #: 303-931-3307

E-Mail: nesbitt.broker@gmail.com

Fax #: _____

Contact Person: Aaron Nesbitt

Contact Phone #: 303-931-3307

Applicant Information

Name: Aaron Nesbitt

Street Address: 3521 Osage St.

City/State/Zip: Denver CO 80211

Business Phone #: 303-931-3307

E-Mail: ~~Aaron Nesbitt~~ nesbitt.broker@gmail.com

Fax #: _____

Contact Person: Aaron Nesbitt

Contact Phone #: 303-931-3307

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: Aaron Nesbitt

Date: 10/6/2020

Signature of Legal Property Owner: Aaron Nesbitt, manager

Date: 10/6/2020

Project Report For
Ametek Rezone Request -
287 27 Rd: PD (Planned Development) to C-1 (Light Commercial)
288 27 Rd: PD (Planned Development) to R-8 (Residential 4-8 du/ac)

Date: October 7th, 2020

Prepared by: Aaron Nesbitt, Manager
1215-1217 Perry, LLC

Submitted to: City of Grand Junction
250 N. 5th St
Grand Junction, CO 80501

Type of Design: Rezone request from PD to C-1 and PD to R-8

Property Owner: 1215-1217 Perry, LLC
3521 Osage St, Denver, CO 80211

Property Address: 287 & 288 27 Rd, Grand Junction, CO 80501

Tax Parcel: 2945-261-03-008 and 2945-252-00-099

1.) Project Intent:

This application is made to request a rezone of 287 27 Rd from PD (Planned Development) zone district to the C-1 (Light Commercial) zone district to support the revitalization of the Ametek building and surrounding area; 288 27 Rd from PD (Planned Development) zone district to the R8 (Residential 4-8 du/ac) zone district to support future residential development. The owner's intent is to revitalize the Ametek warehouse through physical improvements and improved occupancy, as well as improving the surrounding area through the future residential development of 288 27 Rd (currently vacant lot).

2.) Project Description:

The subject property 287 27 Rd is approximately 4.9 acres and 288 27 Rd is approximately 2.81 acres. Both proposed zoning changes align with the City's Comprehensive Plan for future land use.



Ametek originally built and occupied the entire 103,238 square foot warehouse located at 287 27 Rd. After moving their manufacturing out of state, much of the building has been left vacant and physical improvements have been neglected. Under the new ownership, Ametek is leasing back approximately 25% of building. The C1 zone district allows numerous applicable uses for the vacant space such as office space, light industrial, self-storage, manufacturing, medical/dental clinics, daycare, indoor/outdoor recreation, and animal care/boarding.

The applicant is requesting a rezone of 288 27 Rd from PD (Planned Development) to R8 zone district (Residential 4-8 du/ac). The residential area will allow the provision of a variety of housing types to serve the community.

Legal Description

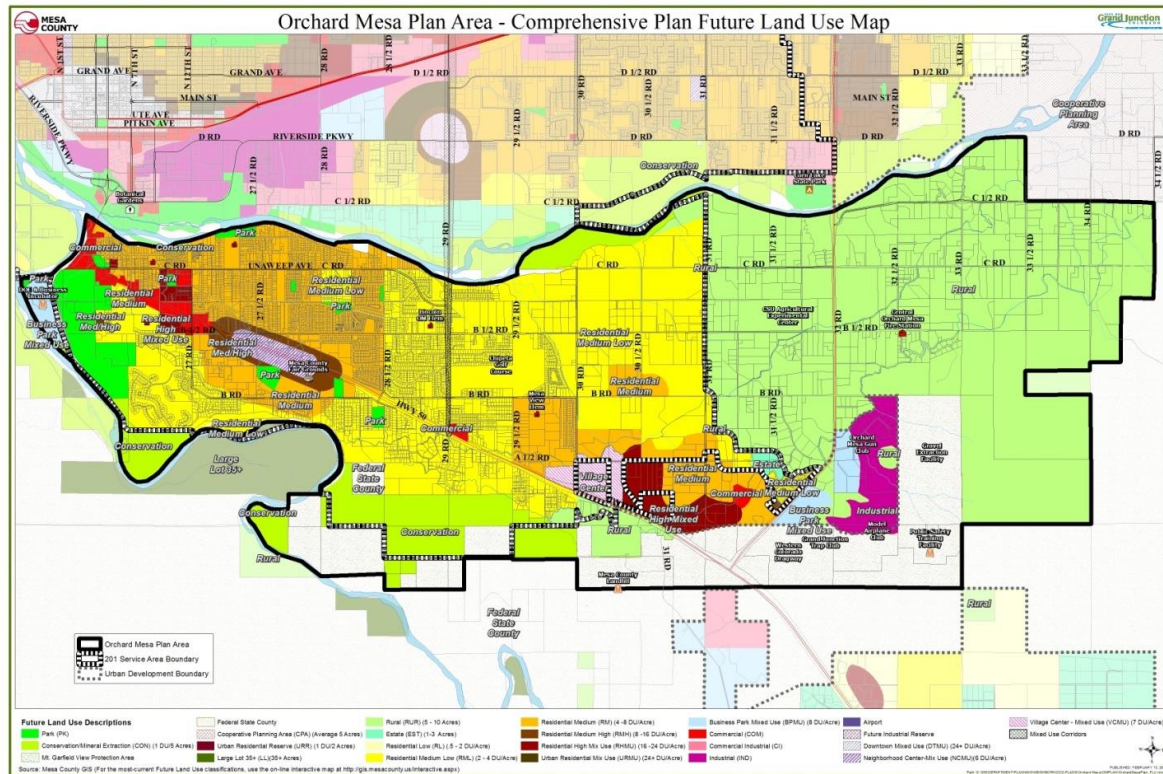
287 27 Rd: ALL BLKS 7 & 9 Perkins SUB 1st ADD Replat NO 1 R-941769 MESA CO RECDS SEC 26 1S 1W UM

288 27 Rd: BEG 205.43FT S OF NW COR SEC 25 1S 1W E 164. 18FT N 50.18FT TO E LI W 285FT NW4NW4NW4 S 505.6FT TO S LI NW4NW4NW4 W 285FT N 455.47FT TO BEG

3.) Neighborhood Meeting

A neighborhood meeting was held via Zoom at 5:30pm October 5th, 2020. The owner provided an overview of the proposed rezone requests and answered questions from attendees. 8 community members attended the Zoom meeting. The primary concern raised by community members was the risk of low-income housing being built on 288 27 Rd, which attendees fear would exacerbate crime and vandalism in community.

Both proposed rezoning requests align with the Comprehensive Plan's Future Land Use Map.



4.)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

Yes. Original owner (Ametek) moved much of their operation out of state, only utilizing a portion of the property and leaving 288 27 Rd lot vacant.

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

Yes. Proposed zoning is consistent with the Comprehensive Plan Future Land Use.

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

Yes. Water, sewer, electric and gas utilities are available to serve proposed land use.

(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

Yes. Proposed zoning is consistent with the Comprehensive Plan Future Land Use.

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

Yes. Comprehensive Plan shows 287 27 Rd as commercial zoning and 288 27 Rd as residential zoning. Since Ametek will no longer use the property for their manufacturing operation, proposed zoning changes will align both 287 and 288 27 Rd with the Comprehensive Plan's future land use.

5.) Conclusion:

After demonstrating how the proposed rezone request meets the goals and policies of the Comprehensive Plan and the approved criteria of the Grand Junction Municipal Code, the applicant respectfully requests approval of the request to rezone 287 27 Rd from PD to C1 and 288 27 Rd from PD to R8.

Approval of Deed, Bill of Sale and Tenancy

The undersigned **1215-1217 PERRY, LLC, A COLORADO LIMITED LIABILITY COMPANY** Buyer(s) hereby acknowledge that they intend to take title to the following described property:

PARCEL 1:

BLOCKS 7 AND 9 IN PERKINS SUBDIVISION - FIRST ADDITION - REPLAT NO. 1,

COUNTY OF MESA, STATE OF COLORADO.

PARCEL 2:

**BLOCK 3 IN PERKINS SUBDIVISION - FIRST ADDITION - REPLAT NO. 1;
EXCEPT THAT PART OF DAVID STREET AS SHOWN ON THE PLAT OF REPLAT OF PART OF BLOCKS 2, 3 & 4 OF PERKINS
SUB'D, 1 ST. ADD. REPLAT NO. 1 & REPLAT OF PERKIN SUBDIVISION,**

COUNTY OF MESA, STATE OF COLORADO.

PARCEL 3:

**THE WEST 285 FEET OF THE N½ NW¼ NW¼ OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE
MERIDIAN;**

EXCEPT BEGINNING AT THE NORTHEAST CORNER OF THE WEST 285 FEET OF SAID N½ NW¼ NW¼;

THENCE SOUTH 155 FEET;

THENCE WEST 150 FEET;

THENCE NORTH 155 FEET;

THENCE EAST TO THE POINT OF BEGINNING;

**AND EXCEPT COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 25, AND CONSIDERING THE WEST LINE
OF THE NW¼ OF SAID SECTION 25 TO BEAR NORTH 00°00'00" EAST WITH ALL BEARINGS CONTAINED HEREIN
RELATIVE THERETO;**

THENCE SOUTH 89°50'00" EAST ALONG THE NORTH LINE OF THE NW¼ OF SAID SECTION 25, 135.00 FEET;

**THENCE SOUTH 00°00'00" WEST 30.00 FEET TO THE SOUTH RIGHT OF WAY OF "C" ROAD AND THE POINT OF
BEGINNING;**

THENCE CONTINUING SOUTH 00°00'00" WEST 125.00 FEET;

THENCE SOUTH 90°00'00" EAST 29.18 FEET;

THENCE SOUTH 00°00'00" WEST 50.13 FEET;

THENCE NORTH 90°00'00" WEST 134.18 FEET TO THE EAST RIGHT OF WAY OF 27 ROAD;

**THENCE NORTH 00°00'00" EAST 175.43 FEET ALONG SAID EAST RIGHT OF WAY OF 27 ROAD TO THE SOUTH RIGHT OF
WAY OF "C" ROAD;**

**THENCE SOUTH 89°59'00" EAST 105.00 FEET ALONG SAID SOUTH RIGHT OF WAY OF "C" ROAD TO THE POINT OF
BEGINNING;**

**AND ALSO EXCEPT ROAD RIGHT OF WAY ACROSS THE WEST 30 FEET OF HEREIN DESCRIBED PROPERTY AS
GRANTED TO MESA COUNTY BY INSTRUMENT RECORDED DECEMBER 9, 1959 IN BOOK 769 AT PAGE 581,**

COUNTY OF MESA, STATE OF COLORADO.

As ☐ Joint Tenants ☐ Tenants in Common ☒ Other ENTITY

Whose mailing address is: **3521 OSAGE ST, Denver, CO 80211**

They have reviewed the and **Bill of Sale** dated **September 25th, 2020** from **AMETEK, INC., WHICH ACQUIRED TITLE AS
AMETEK AEROSPACE PRODUCTS, INC. to 1215-1217 PERRY, LLC, A COLORADO LIMITED LIABILITY COMPANY** and by
their signature hereto approve the deed and confirm that it correctly reflects the choice of tenancy, if applicable.

Date: **September 25, 2020**



OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) 1215-1217 Perry LLC ("Entity") is the owner of the following property:

(b) 287 & 288 27 Rd Grand Junction CO 81503

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) Manager 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

I have the following knowledge or evidence of a possible boundary conflict affecting the property:

(e) N/A

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: Aaron Nesbitt

Printed name of person signing: Aaron Nesbitt

State of Colorado)

County of Denver) ss.

Subscribed and sworn to before me on this 10 day of October, 2020

by AARON NESBITT

Witness my hand and seal.

My Notary Commission expires on 03/04/2024
TIANA MICKLOS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20204008838
MY COMMISSION EXPIRES 03/04/2024

Tiana Micklos
Notary Public Signature

Instructions

An ownership statement must be provided for each and every owner of the property.

- (a) Insert complete name of owner as it appears on deed by which it took title. If true name differs from that on the deed, please provide explanation by separate document
- (b) Insert legally sufficient description of land for which application has been made to the City for development. Include the Reception number or Book and Page for recorded information. Assessor's records and tax parcel numbers are not legally sufficient description. Attach additional sheet(s) as necessary, and reference attachment(s) here. If the legal description or boundaries do not match those on the plat, provide an explanation.
- (c) Insert title/capacity within the Entity of person who is signing.
- (d) Insert the type of development application request that has been made. Include all pending applications affecting the property.
- (e) Insert name of all other owners, if applicable.
- (f) Insert the type of development application request(s) that has/have been made. Include all pending development applications affecting the property.
- (g) Explain the conflict and/or possible conflict and describe the information and/or evidence available concerning the conflict and/or possible conflict. Attach copies of written evidence.

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Holland & Hart LLP
555 17th Street, Suite 3200
Denver, Colorado 80202
Attn: W. Craig Willis, Esq.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is dated as of the 23 day of September, 2020, between AMETEK, INC., a Delaware corporation, f/k/a AMETEK AEROSPACE PRODUCTS, INC., a Delaware corporation ("Grantor"), whose street address is 1100 Cassatt Rd, Berwyn, PA 19312, and 1215-1217 PERRY, LLC, a Colorado limited liability company ("Grantee"), whose street address is 3521 Osage Street, Denver, Colorado, 80211.

WITNESSETH, that Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto Grantee, all of that certain real property in the County of Mesa and State of Colorado that is legally described on Exhibit A attached hereto (the "Property");

TOGETHER WITH all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever, of Grantor, either in law or equity, of, in and to the Property;

TO HAVE AND TO HOLD the Property unto Grantee forever;

SUBJECT only to the matters set forth on Exhibit B attached hereto, provided that nothing in Exhibit B shall serve to reimpose any such matters.

AND Grantor hereby binds itself and its successors to warrant and defend the title, as against all acts of Grantor herein and none other, subject to the matters set forth in Exhibit B.

[remainder of page blank; signatures follow]

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed as of the day and year first written above.

AMETEK, INC., a Delaware corporation, which
acquired title as Ametek Aerospace Products, Inc.

By: Keith A. Reazin
Name: Keith A. Reazin
Title: Vice President

STATE OF Illinois)

COUNTY OF DuPage)

The foregoing instrument was acknowledged before me this 23rd day of September, 2020, by Keith A. Reazin, Vice President of AMETEK, INC., a Delaware corporation, which acquired title as Ametek Aerospace Products, Inc.

WITNESS my hand and official seal.

Signature Katherine A. Poe
(Seal)



EXHIBIT A
TO SPECIAL WARRANTY DEED

(Legal Description)

PARCEL 1:

BLOCKS 7 AND 9 IN PERKINS SUBDIVISION - FIRST ADDITION - REPLAT NO. 1,
COUNTY OF MESA, STATE OF COLORADO.

PARCEL 2:

BLOCK 3 IN PERKINS SUBDIVISION - FIRST ADDITION - REPLAT NO. 1;
EXCEPT THAT PART OF DAVID STREET AS SHOWN ON THE PLAT OF REPLAT OF
PART OF BLOCKS 2, 3 & 4 OF PERKINS SUB'D, 1 ST. ADD. REPLAT NO. 1 & REPLAT OF
PERKIN SUBDIVISION,

COUNTY OF MESA, STATE OF COLORADO.

PARCEL 3:

THE WEST 285 FEET OF THE N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 25, TOWNSHIP 1 SOUTH,
RANGE 1 WEST OF THE UTE MERIDIAN;
EXCEPT BEGINNING AT THE NORTHEAST CORNER OF THE WEST 285 FEET OF SAID
N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;
THENCE SOUTH 155 FEET;
THENCE WEST 150 FEET;
THENCE NORTH 155 FEET;
THENCE EAST TO THE POINT OF BEGINNING;

AND EXCEPT COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 25,
AND CONSIDERING THE WEST LINE OF THE NW $\frac{1}{4}$ OF SAID SECTION 25 TO BEAR
NORTH 00°00'00" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE
THERE TO;
THENCE SOUTH 89°50'00" EAST ALONG THE NORTH LINE OF THE NW $\frac{1}{4}$ FO SAID
SECTION 25, 135.00 FEET;
THENCE SOUTH 00°00'00" WEST 30.00 FEET TO THE SOUTH RIGHT OF WAY OF "C"
ROAD AND THE POINT OF BEGINNING;
THENCE CONTINUING SOUTH 00°00'00" WEST 125.00 FEET;
THENCE SOUTH 90°00'00" EAST 29.18 FEET;
THENCE SOUTH 00°00'00" WEST 50.13 FEET;
THENCE NORTH 90°00'00" WEST 134.18 FEET TO THE EAST RIGHT OF WAY OF 27
ROAD;
THENCE NORTH 00°00'00" EAST 175.43 FEET ALONG SAID EAST RIGHT OF WAY OF
27 ROAD TO THE SOUTH RIGHT OF WAY OF "C" ROAD;

THENCE SOUTH 89°59'00" EAST 105.00 FEET ALONG SAID SOUTH RIGHT OF WAY OF
"C" ROAD TO THE POINT OF BEGINNING;
AND ALSO EXCEPT ROAD RIGHT OF WAY ACROSS THE WEST 30 FEET OF HEREIN
DESCRIBED PROPERTY AS GRANTED TO MESA COUNTY BY INSTRUMENT
RECORDED DECEMBER 9, 1959 IN BOOK 769 AT PAGE 581,

COUNTY OF MESA, STATE OF COLORADO.

Property Address (for reference only): 287, 288 and TBD 27 Road, Grand Junction, CO 81503

EXHIBIT B
TO SPECIAL WARRANTY DEED

(Permitted Exceptions)

1. TAXES AND ASSESSMENTS FOR THE YEAR 2020 AND SUBSEQUENT YEARS, A LIEN, BUT NOT YET DUE OR PAYABLE.
2. 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 FEBRUARY 5, 1891 IN BOOK 11 AT PAGE 82 UNDER RECEPTION NO. 11107 (AFFECTS NW¼ NW¼ OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN) AND MARCH 21, 1891 IN BOOK 11 AT PAGE 82 UNDER RECEPTION NO. 11372 (AFFECTS E½ NE¼ OF SECTION 26, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN).
3. ALL VEINS AND DEPOSITS OF COAL THEREIN WITH THE RIGHT IN THE GRANTOR, HIS HEIRS AND ASSIGNS, TO MINE AND EXTRACT THE SAME THEREFROM IN ORDINARY MINE FASHION BUT NOT TO ENTER UPON THE SURFACE THEREOF, AS RESERVED BY W. H. LEE IN DEED RECORDED JANUARY 18, 1908 IN BOOK 128 AT PAGE 57 AND AS CONVEYED TO THE ORCHARD MESA COAL COMPANY BY INSTRUMENT RECORDED JANUARY 3, 1908 IN BOOK 93 AT PAGE 562. UNDER RECEPTION NO. 71914 AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.
4. ALL OF THE COAL VEINS AND DEPOSITS IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN, WITH THE PERPETUAL RIGHT IN THE GRANTEE AND ITS ASSIGNS, TO MINE, EXTRACT AND REMOVE ANY AND ALL OF THE VEINS OR DEPOSITS OF COAL SITUATED AND BEING UNDERNEATH THE SURFACE OF SAID LANDS IN ORDINARY MINE FASHION (BUT NOT TO ENTER UPON THE SURFACE THEREOF), AS GRANTED TO THE ORCHARD MESA COAL COMPANY IN WARRANTY DEED RECORDED NOVEMBER 8, 1907 IN BOOK 93 AT PAGE 545, UNDER RECEPTION NO. 70827, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.
5. RIGHTS OF SURFACE ENTRY AND ANY OTHER INCIDENTAL RIGHTS USED, CLAIMED OR ASSERTED UNDER ANY MINERAL RESERVATION, LEASE OR CONVEYANCE AFFECTING THE LANDS HEREIN.
6. THE RIGHT TO CONSTRUCT AND MAINTAIN A TWO INCH PIPELINE, AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN WARRANTY DEED RECORDED MARCH 25, 1955 IN BOOK 638 AT PAGE 78 UNDER RECEPTION NO. 629333. (AFFECTS PARCEL 3)

7. ANY AND ALL DITCHES AND DITCH RIGHTS OF WAY BELONGING WITH OR APPURTENANT TO LANDS LYING UNDER AND BEING IRRIGATED FROM WHAT IS KNOWN AS LATERAL 47 DITCH, FURNISHING WATER TO THE NW¼ NW¼ OF SECTION 25; AND THE SE¼ NE¼ NE¼ OF SECTION 26, IN TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN, AS CONVEYED TO LATERAL 47 ASSOCIATION, A NONPROFIT CORPORATION, IN DEED TO DITCHES AND DITCH RIGHTS OF WAY RECORDED APRIL 1, 1958 IN BOOK 729 AT PAGE 428 UNDER RECEPTION NO. 715895.
8. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF PERKINS SUBDIVISION RECORDED APRIL 05, 1960 IN BOOK 9 AT PAGE 101 UNDER RECEPTION NO. 765263.
9. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF PERKINS SUBDIVISION FIRST ADDITION RECORDED OCTOBER 18, 1963 IN BOOK 9 AT PAGE 177 UNDER RECEPTION NO. 850896.
10. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF PERKINS SUBDIVISION FIRST ADDITION - REPLAT NO. 1 RECORDED SEPTEMBER 05, 1967 IN BOOK 10 AT PAGE 47 UNDER RECEPTION NO. 941769.
11. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF REPLAT OF PART OF BLOCKS 2, 3 & 4 OF PERKINS SUBDIVISION, 1ST ADD. REPLAT NO. 1 & REPLAT OF PERKINS SUBDIVISION RECORDED OCTOBER 20, 1970 IN BOOK 11 AT PAGE 21 UNDER RECEPTION NO. 995333.
12. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF RIGHT OF WAY, GRANTED TO THE ORCHARD MESA IRRIGATION DISTRICT, RECORDED OCTOBER 15, 1986 IN BOOK 1609 AT PAGE 476 UNDER RECEPTION NO. 1434690.
13. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF UNRECORDED MEMORANDUM OF AGREEMENT WITH THE CITY OF GRAND JUNCTION, AS LESSEE, WHICH WAS EXTENDED BY AN EXTENSION OF MEMORANDUM OF AGREEMENT DATED JULY 31, 1984, AS DISCLOSED IN GENERAL WARRANTY DEED APRIL 3, 1995 IN BOOK 2136 AT PAGE 880 UNDER RECEPTION NO. 1713317.
14. RIGHT-OF-WAY FOR 27 ROAD, AND RIGHTS INCIDENTAL THERETO, AS DISCLOSED IN THE RECORDS OF THE OFFICE OF THE MESA COUNTY ASSESSOR.

15. ANY RIGHTS, INTERESTS OR EASEMENTS WHICH EXIST OR ARE CLAIMED TO EXIST IN FAVOR OF THE PUBLIC THROUGH OR WITHIN PARCEL 2 OF THE SUBJECT PROPERTY EXISTING BY REASON OF THE PARCEL BEING USED AS A PUBLIC PARK, AS DISCLOSED IN THE RECORDS OF THE OFFICE OF THE MESA COUNTY ASSESSOR.

16. ANY AND ALL UNRECORDED LEASES AND/OR TENANCIES IN EXISTENCE.

15395972_v1

**ADJACENT PROPERTY OWNER
NAME & ADDRESS ORDER FORM**

- ☒ Please check if labels are needed for a Neighborhood Meeting. Name & address lists are valid for 6 months only. If the project goes to Planning Commission later than 6 months from submittal, another request for names & addresses must be submitted, along with an additional \$50.

Tax Parcel #(s): 2945-261-03-009
Property Address: Dixon Park
Property Owner: 1215-1217 Perry LLC
Contact Person: Aaron Nesbitt
Mailing Address: 3521 Osage St, Denver CO 80211
E-Mail Address: Nesbitt.Broker@gmail.com

Applicant: Aaron Nesbitt
Contact Person: Aaron Nesbitt
Mailing Address: 3521 Osage St, Denver CO 80211
E-Mail Address: Nesbitt.Broker@gmail.com

Project Representative: Aaron Nesbitt
Contact Person: Aaron Nesbitt
Mailing Address: 3521 Osage St Denver CO 80211
Phone Number: 303-931-3307
E-Mail Address: Nesbitt.Broker@gmail.com

*This request for labels and/or the name and address list **MUST BE SUBMITTED A MINIMUM OF 2 WEEKS PRIOR** to a Neighborhood Meeting.

The adjacent property mailing list is created by pulling all property owners within 500 feet and all registered Homeowners Associations or citizens groups within 1000 feet of all properties involved in the project. The property owner information is put together using the information in the Mesa County Assessor's records and the HOA's and citizens' groups on record with the City of Grand Junction Community Development Department.

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) 1215-1217 Perry LLC ("Entity") is the owner of the following property:

(b) Dixon Park, Parcel # 2945-261-03-009

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) Manager 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) _____

I have the following knowledge or evidence of a possible boundary conflict affecting the property:

(e) _____

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: Aaron Nesbitt, manager

Printed name of person signing: Aaron Nesbitt

State of Colorado)

County of Denver) ss.

Subscribed and sworn to before me on this 16th day of NOV, 2020

by [Signature] Shane M Sunn

Witness my hand and seal.

My Notary Commission expires on 9/25/2024



[Signature]
Notary Public Signature

Legal Description: Parcel #2945-361-03-009, Grand Junction CO 81503

PARCEL 2:

BLOCK 3 IN PERKINS SUBDIVISION - FIRST ADDITION - REPLAT NO. 1;
EXCEPT THAT PART OF DAVID STREET AS SHOWN ON THE PLAT OF REPLAT OF PART
OF BLOCKS 2, 3 & 4 OF PERKINS SUB'D, 1 ST. ADD. REPLAT NO. 1 & REPLAT OF PERKIN
SUBDIVISION,

COUNTY OF MESA, STATE OF COLORADO.

Project Report For
Ametek Rezone Request -
287 27 Rd and Dixon Park Site: PD (Planned Development) to C-1 (Light Commercial)
288 27 Rd: PD (Planned Development) to MU (Mixed Use)

Date: January 18th, 2021

Prepared by: Aaron Nesbitt, Manager
1215-1217 Perry, LLC

Submitted to: City of Grand Junction
250 N. 5th St
Grand Junction, CO 80501

Type of Design: Rezone request from PD to C-1 (Dixon Park and 287 27 Rd) and PD to MU (288 27 Rd).

Property Owner: 1215-1217 Perry, LLC
3521 Osage St, Denver, CO 80211

Property Address: Parcel #2945-361-03-009, 287 and 288 27 Rd, Grand Junction, CO 80501

Tax Parcel: 2945-261-03-009, 2945-252-00-099, 2945-261-03-008

1.) Project Intent:

This application is made to request a rezone Dixon Park site and 287 27 Rd from PD (Planned Development) zone district to the C-1 (Light Commercial) zone district and 288 27 Rd from PD to MU (Mixed Use) to support the revitalization of the Ametek building and surrounding area. The owner's intent is to revitalize the Ametek warehouse and improve the surrounding area through future commercial and residential development.

2.) Project Description:

The subject property Dixon Park site is approximately 3.79 acres, 287 27 Rd is approximately 4.9 acres and 288 27 Rd is approximately 2.81 acres. Proposed zoning change aligns with the City's Comprehensive Plan for future land use.



Ametek originally built and occupied the entire 103,238 square foot warehouse located at 287 27 Rd. After moving manufacturing operation out of state, majority of the building has been vacant and physical improvements have been neglected. The C1 zone district allows numerous applicable uses for the vacant space such as office space, light industrial, self-storage, manufacturing, medical/dental clinics, daycare, indoor/outdoor recreation, and animal care/boarding.

The applicant is requesting a rezone of 288 27 Rd from PD (Planned Development) to MU zone district (Mixed Use) in anticipation of future development. The residential area will allow the provision of a variety of housing types to serve the community.

The applicant is requesting a rezone of Dixon Park parcel from PD to C1 zone district in anticipation of future development. The previous owner (Ametek Dixon) was maintaining a \$1 per year lease agreement for Dixon park site with the Parks and Recreation department. The risk associated with continuing this agreement are too high for the new ownership. The use of the parcel as “public space” encourages loitering, illegal dumping and other criminal behavior. The proposed C1 zone district provides numerous applicable uses for developing the parcel including residential development.

Legal Description

Dixon Park Site: BLK 3 PERKINS SUB 1ST ADD REPLAT NO 1 R-941769 MESA CO RECDS SEC 26 1S 1W UM

287 27 Rd: ALL BLKS 7 & 9 Perkins SUB 1st ADD Replat NO 1 R-941769 MESA CO RECDS SEC 26 1S 1W UM

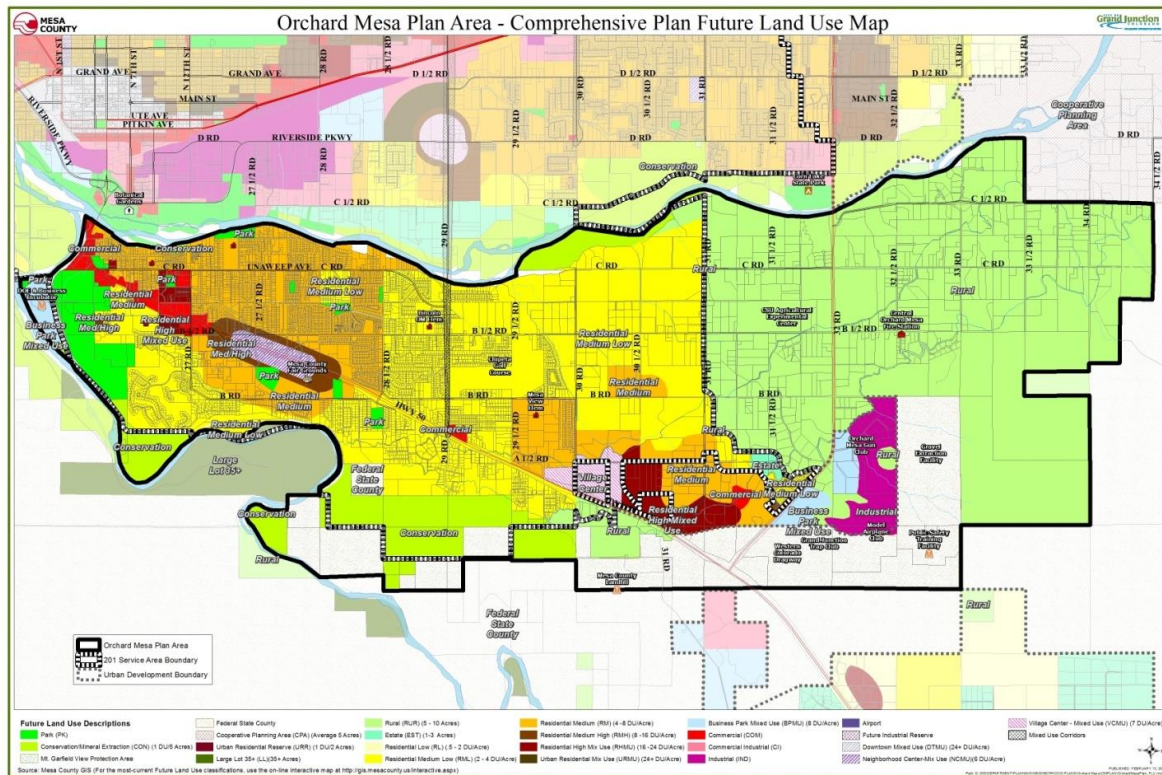
288 27 Rd: BEG 205.43FT S OF NW COR SEC 25 1S 1W E 164. 18FT N 50.18FT TO E LI W 285FT NW4NW4NW4 S 505.6FT TO S LI NW4NW4NW4 W 285FT N 455.47FT

3.) Neighborhood Meeting

A neighborhood meeting was held via Zoom at 5:30pm January 14th, 2020. The owner provided an overview of the proposed rezone request and answered questions from attendees.

4.) Comprehensive Plan

Proposed rezoning request aligns with the Comprehensive Plan's Future Land Use Map.



4.)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

Yes. Original owner (Ametek) Dixson park lease agreement with Parks and Recreation department has been terminated. Original owner (Ametek) moved much of their operation out of state, only utilizing a portion of the property and leaving 288 27 Rd lot vacant.

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

Yes. Proposed zoning is consistent with the Comprehensive Plan Future Land Use.

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

Yes. Water, sewer, electric and gas utilities are available to serve proposed land use.

(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

Yes. Proposed zoning is consistent with the Comprehensive Plan Future Land Use.

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

Yes. Comprehensive Plan shows 288 27 Rd as Mixed Use (MU) zoning, Dixon park site and 287 27 Rd as light commercial zoning (C1). Proposed zoning changes will align Dixon Park, 287 27 Rd and 288 27 Rd with the Comprehensive Plan's future land use.

5.) Conclusion:

After demonstrating how the proposed rezone request meets the goals and policies of the Comprehensive Plan and the approved criteria of the Grand Junction Municipal Code, the applicant respectfully requests approval of the request to rezone 288 27 Rd from PD to MU, 287 27 Rd and "Dixon Park" parcel from PD to C1.

Dixson Park, 287 & 288 27 Rd Rezone- Grand Junction

Neighborhood Meeting Minutes:

Zoom meeting began at 5:30pm 1/14/2021. Meeting concluded at 5:50pm.

Aaron Nesbitt hosted meeting.

Total of 5 attendees including Host and Scott Peterson.

Of the 3 neighborhood property owners that joined the Zoom meeting:

- 1 attendees expressed concern about low income multi-family housing being built on 288 27 Rd
- 1 attendee expressed concern about water rights to irrigation ditch off 288 27 Rd lot
- 1 attendee expressed concern about staying informed of future development

Regarding the attendees' concern about the prospect of low-income multi-family housing:

I explained that although I cannot guarantee specifically when 288 27 Rd will be developed or what will be built, my interests align with theirs. Whatever is built on 288 27 Rd will be directly across the street from 287 27 Rd. Building a low-income multifamily housing project across the street from 287 27 Rd would negatively impact the desirability and quality of tenant for the Ametek building commercial space.

In response to attendees' interest in staying informed of future plans:

Scott Peterson and I reiterated that neighbors would be kept informed of potential building plans through the site development plan process.

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: Park

Existing Zoning: PD

Proposed Land Use Designation: Commercial

Proposed Zoning: C1

Property Information

Site Location: Dixon Park

Site Acreage: 3.79

Site Tax No(s): 2945-261-03-009

Site Zoning: PD

Project Description: Rezone parcel from PD to C1

Property Owner Information

Name: 1215-1217 Perry LLC

Street Address: 3521 Osage St

City/State/Zip: Denver, CO 80211

Business Phone #: 303-931-3307

E-Mail: Nesbitt.Broker@gmail.com

Fax #: _____

Contact Person: Aaron Nesbitt

Contact Phone #: 303-931-3307

Applicant Information

Name: Aaron Nesbitt

Street Address: 3521 Osage St

City/State/Zip: Denver CO 80211

Business Phone #: 303-931-3307

E-Mail: Nesbitt.Broker@gmail.com

Fax #: _____

Contact Person: Aaron Nesbitt

Contact Phone #: 303-931-3307

Representative Information

Name: Aaron Nesbitt

Street Address: 3521 Osage St

City/State/Zip: Denver CO 80211

Business Phone #: 303-931-3307

E-Mail: Nesbitt.Broker@gmail.com

Fax #: _____

Contact Person: Aaron Nesbitt

Contact Phone #: 303-931-3307

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.

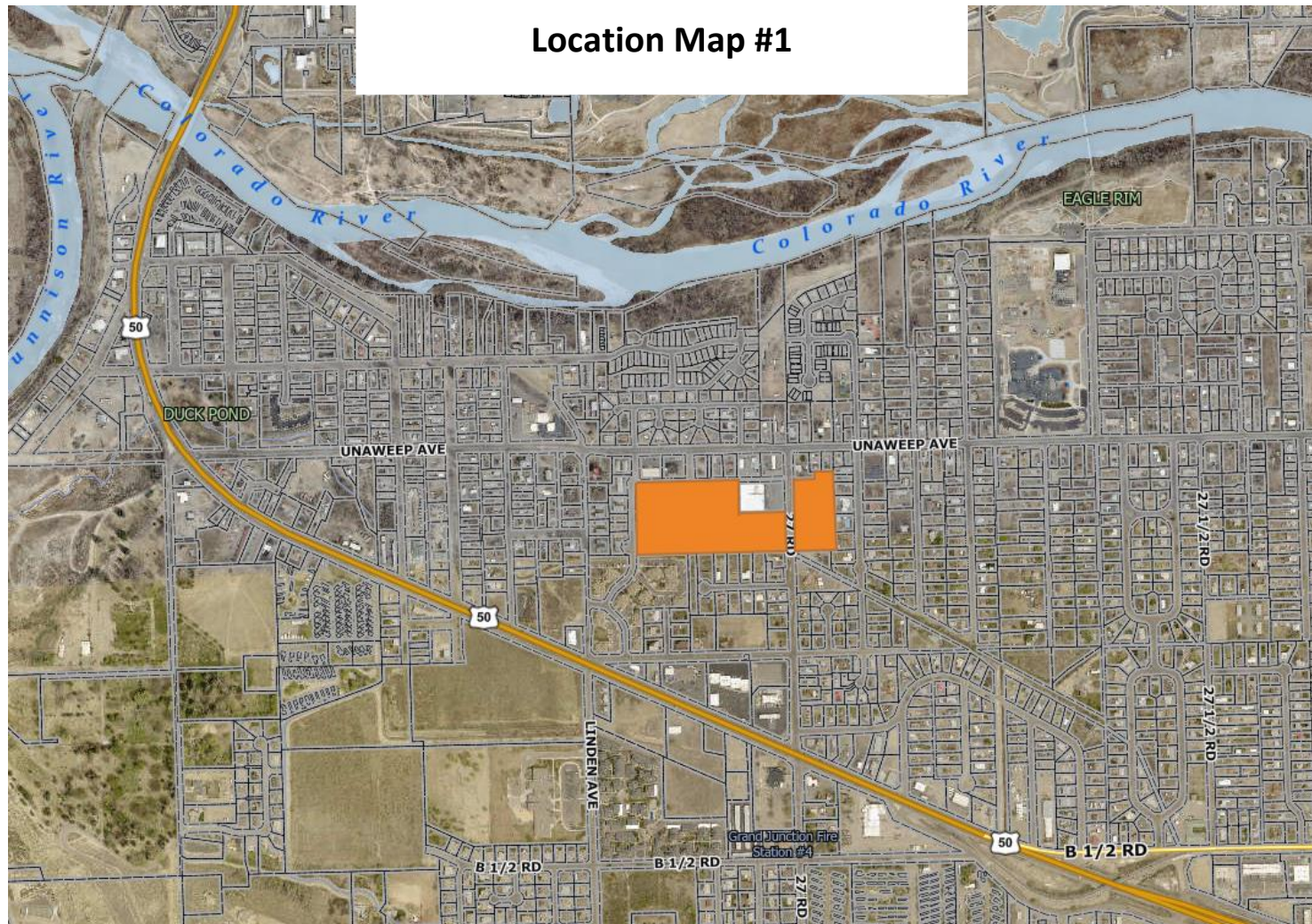
Signature of Person Completing the Application: Aaron Nesbitt, manager

Date: 11/16/2020

Signature of Legal Property Owner: Aaron Nesbitt

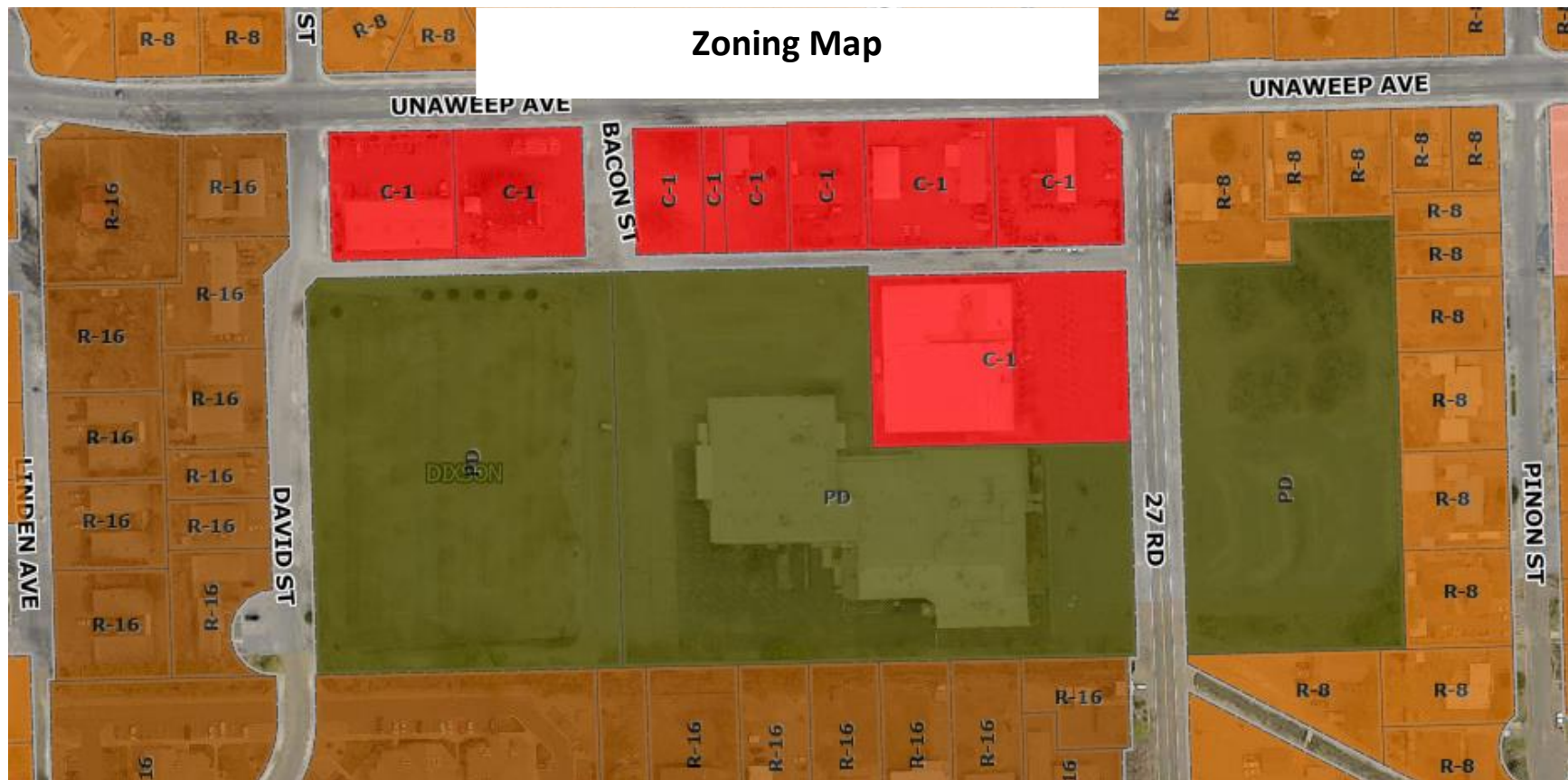
Date: 11/16/2020

Location Map #1

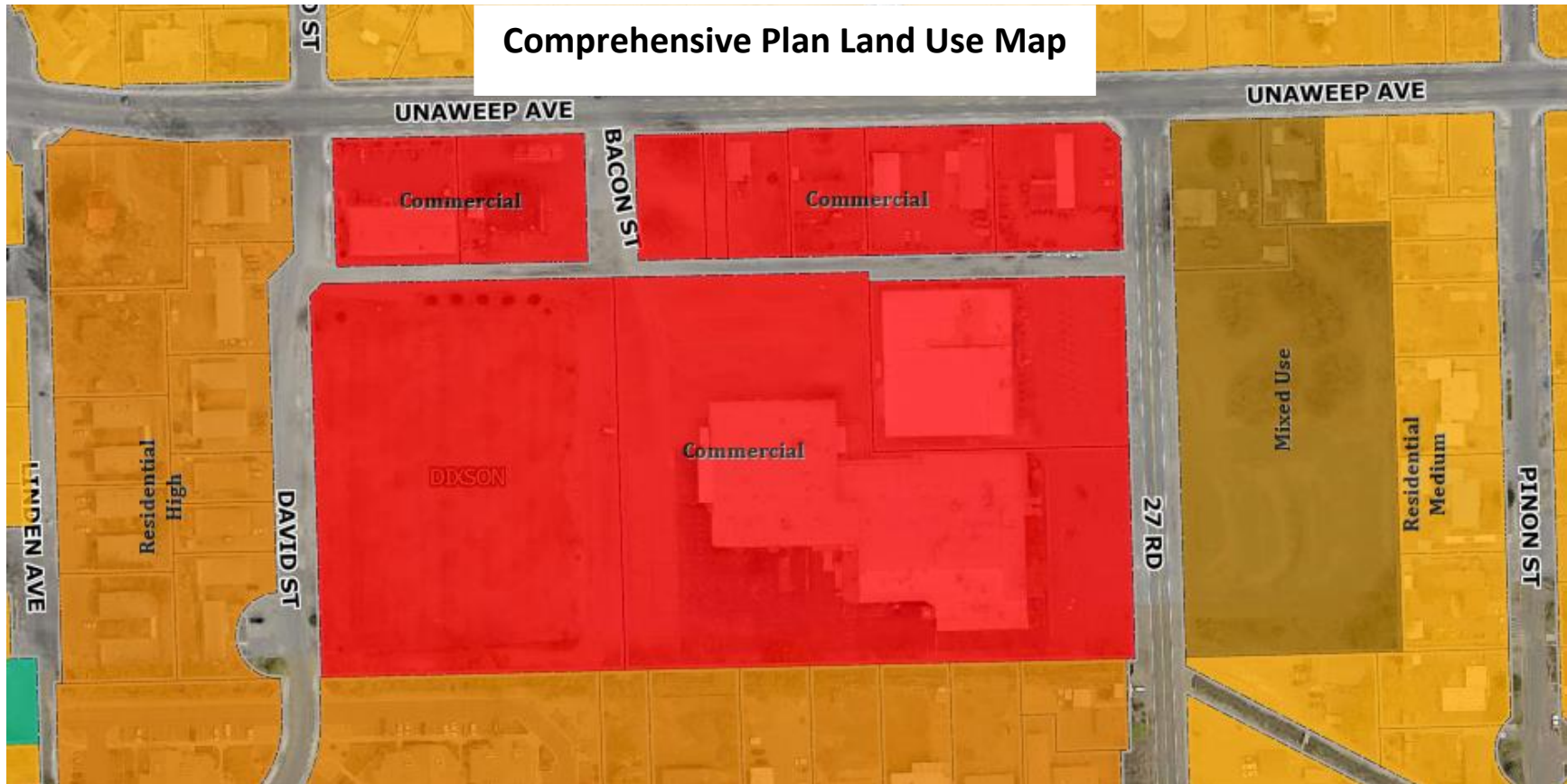


Location Map #2





Comprehensive Plan Land Use Map





Grand Junction Planning Commission

Regular Session

Item #3.

Meeting Date: March 9, 2021

Presented By: Lance Gloss, Senior Planner

Department: Community Development

Submitted By: Lance Gloss, Senior Planner

Information

SUBJECT:

Consider a request by H & M Trust to rezone four (4) properties from PD (Planned Development) to R-8 (Residential – 8 du/ac), located at 585 North Grand Falls Court A, B, C, and D, comprising 0.7 acres. | [Staff Presentation](#) | Phone-in comments dial **4653**.

RECOMMENDATION:

Staff recommends approval of the request.

EXECUTIVE SUMMARY:

During the development of The Falls Subdivision (c. 1981-1994), several lots were platted that were never developed. These include the four lots located at 585 North Grand Falls Court A, B, C, and D. These lots are currently zoned PD affiliated with The Falls Subdivision plans, but that PD zone no longer has an active plan; therefore, in order to establish development rights on the four properties, the Applicant has requested that the properties be rezoned to R-8 (Residential – 8 dwelling units per acre. R-8 zoning of these four lots would allow for the construction of a single-family dwelling (attached or detached) on each of the lots.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The four properties at 585 North Grand Falls Court were created by the 1994 subdivision plat for Falls Village Subdivision, itself a replat of the 1983 subdivision plat for The Falls – Filing No. 3 Subdivision. The majority of the 22 lots that were created by the Falls Village Subdivision were developed subsequent to plat recording, and now contain single family attached residences. Those lots and subdivisions were all

associated with the PD zoning that remains on the lots, and which—at the time—provided for development of the properties at a density approximating the City’s current R-8 zone district. Specifically, the Falls Village Subdivision created 18 lots on 2.51 acres, for a density of one 7.2 dwelling units per acre, which falls between the minimum and maximum densities in the R-8 zone district of 5.5 dwelling units per acre and 8 dwelling units per acre.

Per Section 21.05.010 of the Zoning and Development code, the Planned Development (PD) zone district is to apply to mixed-use or unique single-use projects where design flexibility is desired and is not available through the application of the standards established in the Code and when long-term community benefits will be derived and the vision, goals, and policies of the Comprehensive Plan can be achieved. Such benefits include more effective infrastructure, a greater quality and quantity of public and/or open space, other recreational amenities or innovative designs. In Staff’s analysis, there are no elements of this small project that would warrant the continued application of PD zoning to this parcel.

An example of the relative inefficiency of the PD zoning can be found in previous attempts to generate a viable project for the four parcels under the PD zoning. The four subject properties were considered for development in 1996 under City File No. MC-96-146. That application was for a minor change to the Planned Development zoning that would have allowed for slight reconfiguration of the development of four properties with attached single-family residences. This update was of very limited scope, and would not have required a zoning action in a zone other than PD, but was required due to the narrower constraints of the PD zone. The plan was approved but never carried out, and expired in 1996 site plan two years after approval. The four subject properties have remained in their current, undeveloped state with no active approvals. An R-8 zone has therefore been recommended by staff and applied for by the Applicant, so as to reduce the complexity of developing these already-platted lots in a manner consistent with their size and apparent highest and best use.

NOTIFICATION REQUIREMENTS

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 February 24, 2021. 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 February 28, 2021. The notice of this public hearing was published on March 2, 2021 in the Grand Junction Daily Sentinel.

ANALYSIS

Pursuant to Section 21.02.140 of the Grand Junction Municipal Code, in order to maintain internal consistency between this code and the zoning maps, zoning map

amendments must only occur if at least one of the five criteria listed below is met. Staff analysis of the criteria is found below each listed criterion.

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

The existing zoning for these properties is PD (Planned Development) without an approved plan; this PD closely approximates R-8 (Residential – 8 du/ac) zoning. The PD zoning that was applied to these properties has not been updated since 1996 and no longer provides for development rights on these properties, as approvals have lapsed. As discussed in the Background, the purpose of the PD zone district is to introduce design flexibility to achieve unique design goals. In staff's analysis, there are no unique elements of this small project that would warrant PD zoning. Moreover, the lapsing of the approved plan itself represents an event that establishes new premises for zoning. Therefore, staff 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 and/or condition of the immediate area of The Falls development has not changed. The Falls continues to exist as a Planned Development without a current plan. However, in the vicinity, there continues to be residential growth to the east and west of the site, making development of these infill properties more appropriate now than in the past few decades. The character of the broader area is now primarily residential, rather than undeveloped, owing to the development medium density residences, including attached single-family homes, on approximately three-quarters all properties within 1000 feet of the subject properties. The rezone to R-8 is also consistent with the Plan in that it meets the established goals of the Comprehensive Plan to provide housing of a range of types and densities and to focus infill development that makes "efficient use of existing public facilities and services" (p. 20). Therefore, staff finds this criterion to be met.

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

The subject property is well served by public and community facilities. The transportation network in the vicinity of the subject properties is well-developed, with the exception that adequate sidewalk is not found adjacent to the subject properties along the west side of North Grand Falls Court. The site has excellent access to arterial roads (28 ¼ Road and Patterson Road) as well as to bicycle-friendly facilities (28-1/4 Road and Orchard Avenue). Grand Valley Transit (GVT) bus stops can be readily accessed along Patterson Road and Orchard Avenue. Public and private utilities are also available, with sanitary sewer located in North Grand Falls Court. Ute Water service is available in the same location. Xcel electrical and gas services are similarly

available to the site. There is, overall, no appreciable utility deficiency to the site. Therefore, staff finds that this criterion is 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 City is broadly in need of medium-density residential zoning if it is to accommodate anticipated growth in population while retaining housing accessibility. Infill, of which these properties are a prime example, is a central strategy for meeting housing needs as outlined in the 2020 One Grand Junction Comprehensive Plan. The Comprehensive Plan explicitly identifies the relative lack of land suitable for the density of “missing middle” housing, which includes the types of attached dwellings for which these lots would be suitable if rezoned to R-8. Thus, while the proposed R-8 zoning is not entirely uncommon in the City or in the vicinity, more R-8 zoning is considered necessary in order to meet housing demand. Staff thus finds that this criterion is met.

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

PD zoning can have many benefits to the community, and serves especially well when a proposed development has a specific vision that cannot be provided for by other zoning categories. The same feature of PD zoning—the ability to specifically tailor it to a project’s needs—can also present a challenge with the property’s use or configuration is contemplated to change. This particular PD zone, as illustrated in the Background, has functioned in essentially the same manner for nearly five decades. Moreover, it is particularly inefficient for the City to retain PD zoning that no longer has a valid plan associated with it, as no further development can occur in that situation. Leaving the existing PD zoning in place effectively prevents the development of the subject properties. Rezoning to R-8 would provide for the development of these properties, which is not possible under current zoning, but which is necessary to meet the City’s housing provision goals as outlined above, and for the properties to serve their highest and best use. Staff therefore finds this criterion to be met.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the request by H & M trust to rezone the properties located at 585 North Grand Falls Court A, B, C, and D, City File RZN-2021-25, for the property located at 2103 North 7th St., the following findings of fact have been made:

1. The request conforms with Section 21.02.140(a) of the Zoning and Development Code.

Therefore, Staff recommends approval of the request.

SUGGESTED MOTION:

Chairman, on the rezone request for the property located at 585 Grand Falls Court A, B, C, and D, City file number RZN-2021-25, 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.

Attachments

1. Draft Zoning Ordinance
2. Map Exhibits
3. Development Application Packet

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING H & M TRUST PROPERTIES
FROM PD (PLANNED DEVELOPMENT)
TO R-8 (RESIDENTIAL – 8 DU/AC)**

LOCATED AT 585 N. GRAND FALLS COURT A, B, C, & D

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 H & M Trust properties to the R-8 (Residential – 8 du/ac) zone district, finding that it conforms to and is consistent with the Land Use Map designation of Residential Medium 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 properties shall be zoned R-8 (Residential – 8 du/ac):

LOTS 1, 2, 3 & 4 IN BLOCK 1 OF
FALLS VILLAGE
A REPLAT OF LOT 9, BLOCK TWO OF THE FALLS FILING NO. TWO, AND LOTS 11
AND 15, BLOCK TWO OF THE FALLS FILING NO. THREE
COUNTY OF MESA, STATE OF COLORADO

Introduced on first reading this 17TH day of March, 2021 and ordered published in pamphlet form.

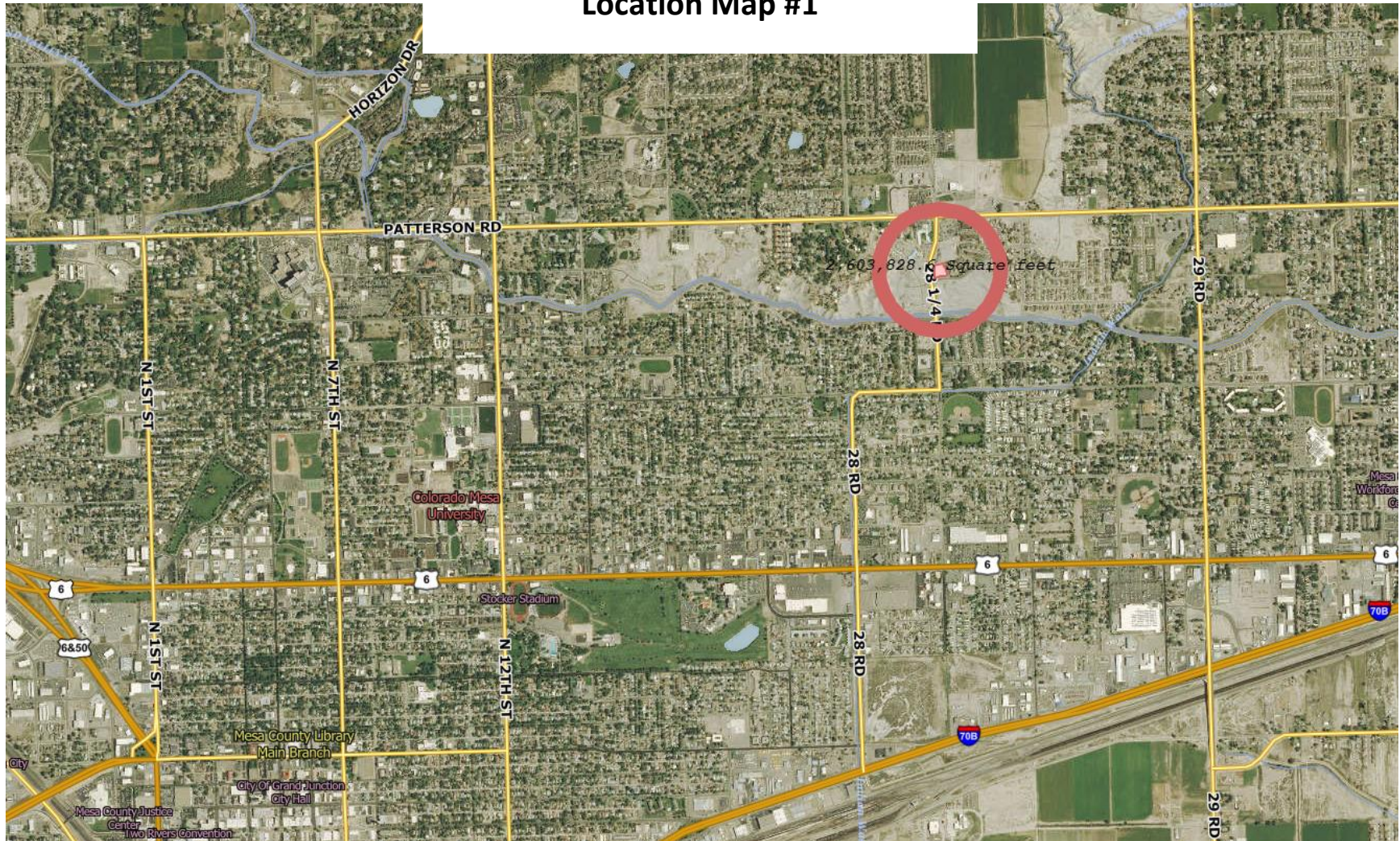
Adopted on second reading this 5th day of May, 2021 and ordered published in pamphlet form.

ATTEST:

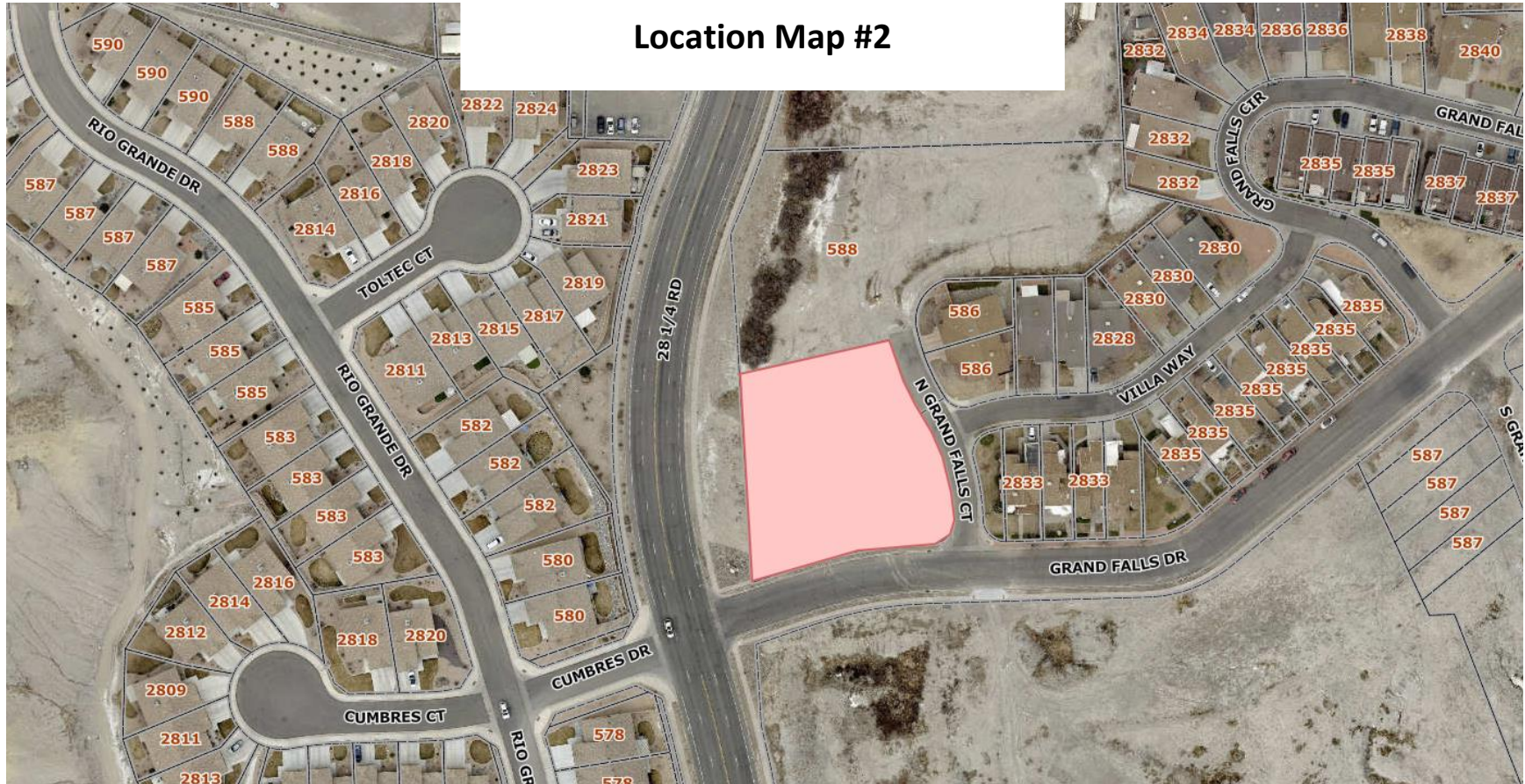
City Clerk

Mayor

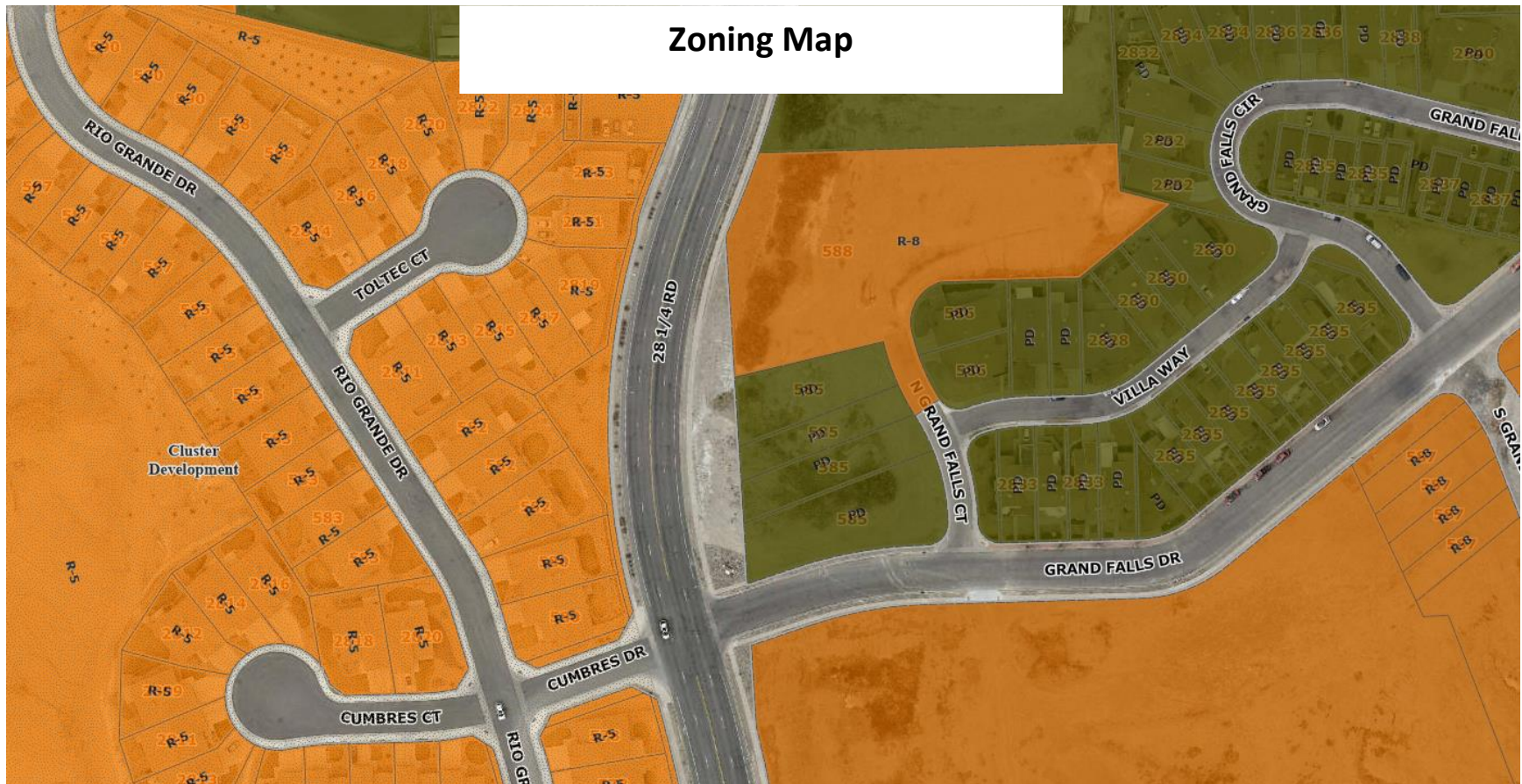
Location Map #1



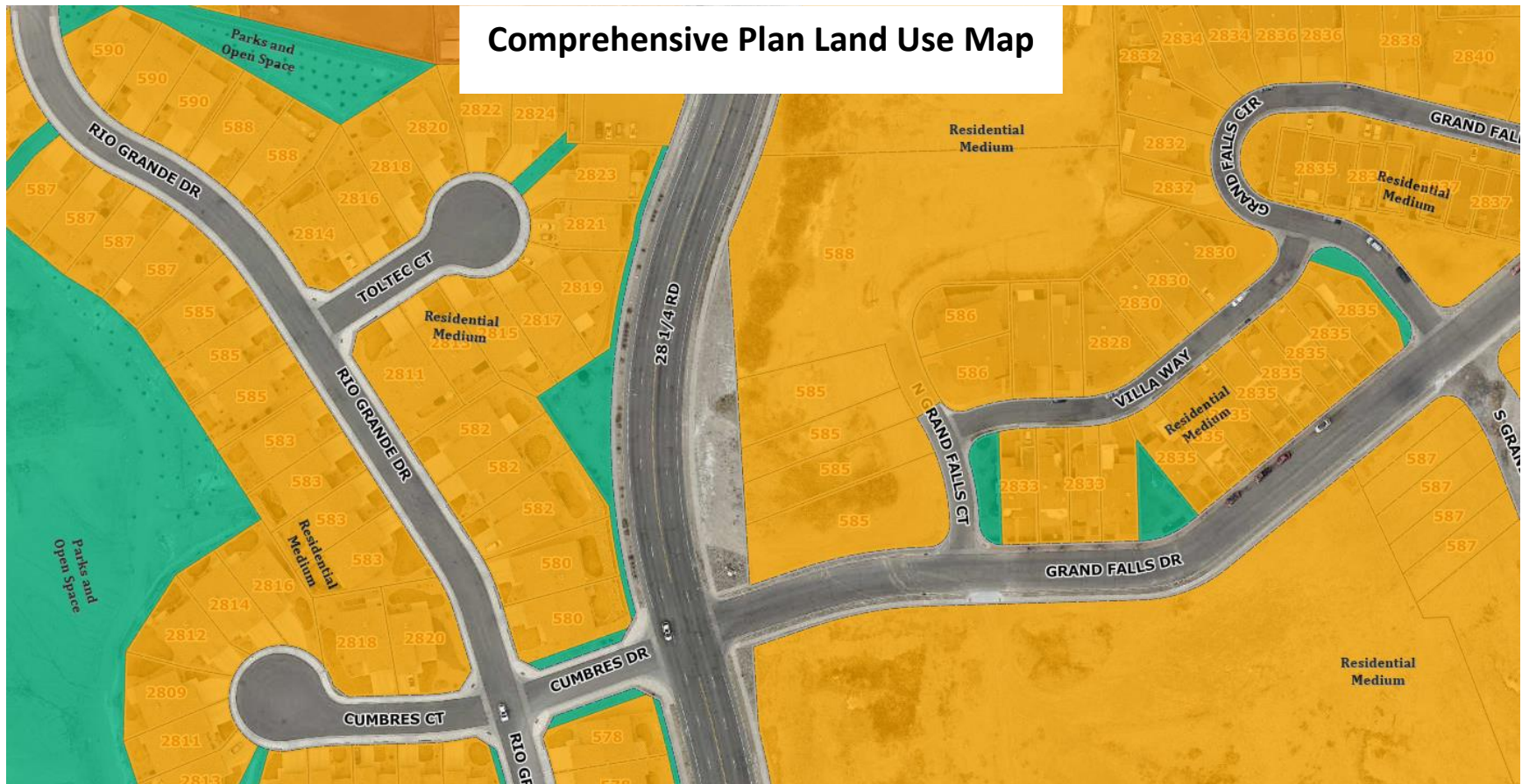
Location Map #2



Zoning Map



Comprehensive Plan Land Use Map



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: _____

Existing Zoning: None

Proposed Land Use Designation: Residential

Proposed Zoning: R-8

Property Information

Site Location: 585 North Grand Falls Ct., Units A through D

Site Acreage: .70 +/-

Site Tax No(s): 2943-072-28-001, 002,003,004

Site Zoning: None

Project Description: The property owner, H&M Trust, is requesting a rezone to establish zoning for these four lots. The Outline Development Plan for this PD expired without a base zoning district established, and therefore that the property is currently without a zone.

Property Owner Information

Name: H&M Trust

Street Address: 2664 Eagle Ridge Dr

City/State/Zip: Grand Jct., CO 81507

Business Phone #: _____

E-Mail: barbhm12@gmail.com

Fax #: _____

Contact Person: Barb Hinze

Contact Phone #: 970-201-4472

Applicant Information

Name: H&M Trust

Street Address: 2664 Eagle Ridge Dr

City/State/Zip: Grand Jct., CO 81507

Business Phone #: _____

E-Mail: ted.build@gmail.com

Fax #: _____

Contact Person: Ted Munkres

Contact Phone #: 970-270-1107

Representative Information

Name: Kim Kerk Land Consulting

Street Address: 355 Hancock St

City/State/Zip: GJ, CO 81504

Business Phone #: 970-640-6913

E-Mail: kimk355@outlook.com

Fax #: _____

Contact Person: Kim Kerk

Contact Phone #: 970-640-6913

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: 01/18/2021

Signature of Legal Property Owner: _____

Date: 01/18/2021

QUITCLAIM DEED

The "Grantors," Theodore W. Munkres and Barbara L. Hinze, whose legal address is 2664 Eagle Ridge Drive, Grand Junction, Colorado 81503, County of Mesa and State of Colorado, for the consideration of --NO CONSIDERATION--, hereby sell and quitclaim to the H & M Trust, dated June 3, 2020, the "Grantee," whose legal address is 2664 Eagle Ridge Drive, Grand Junction, Colorado 81503, County of Mesa and State of Colorado, the following real property, in the County of Mesa and State of Colorado, to wit:

Lots 1, 2, 3 & 4 in Block 1 of
FALLS VILLAGE,
a Replat of Lot 9, Block Two of The Falls Filing No. Two,
and Lots 11 and 15, Block Two of The Falls Filing No. Three

County of Mesa, State of Colorado

also known by street address as: 585 North Grand Falls Ct., #A, #B, #C, and #D, Grand Junction, Colorado 81501
and assessor's schedule or parcel numbers: 2943-072-28-001; 2943-072-28-002; 2943-072-28-003; and 2943-072-28-004

with all its appurtenances.

Signed this 3rd day of June, 2020.

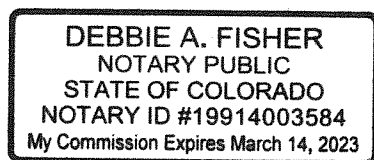
Theodore W. Munkres
Theodore W. Munkres

Barbara L. Hinze
Barbara L. Hinze

STATE OF COLORADO)
) ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 3rd day of June, 2020, by Theodore W. Munkres and Barbara L. Hinze.

Witness my hand and official seal.



Debbie A. Fisher
Notary Public



Rezone Request

585 North Grand Falls Ct.

Grand Junction, Colorado

Date: January 14, 2021

Prepared by: Kim Kerk, PM

Submitted to: Lance Gloss, Sr Planner

City of Grand Junction

250 N. 5th Street

Grand Junction, CO 81501

Project: Rezone Request to R-8 (default zoning)

Property Address: 585 North Grand Falls Ct., Units A, B, C, & D
Grand Junction, CO 81501

355 Hancock St. Grand Junction, CO 81504
Ph: (970) 640-6913 kimk355@outlook.com



Introduction:

585 N Grand Falls Ct. contains approximately .70 acres with 4 existing lots. The addresses are 585 N Grand Falls Ct. Units A, B, C, & D Grand Junction, CO 81501. The property owner H&M Trust is requesting a rezone to establish zoning for these four lots. Originally these 4 lots were part of the Falls Village Subdivision. Falls Village had an approved subdivision with the zoning of Planned Development (PD). The Outline Development Plan (ODP) for the PD Zoning was recorded on May 25th, 1994. The ODP which expired after 10 years, left this property without a base zoning in place. The default zoning for this property is R-8. Therefore, this request is for R-8 Zoning (Residential – 8 du/ac) zone district (5.5 – 8 du/ac allowed). This would yield a density of approximately 5.7 units per acre which is appropriate for an R-8 zone. Not only is the zoning appropriate but also an excellent opportunity for infill and beautifying the neighborhood.

Petitioners Intent:

The owners understand that 4 lots would be appropriate 4 for single-family attached or detached dwelling units. The proposed rezone will utilize the bulk standards for the R-8 default zone district; therefore, no deviations from bulk standards or design standards of the underlying zone district of R-8 are being requested. Allowed uses will be the same as those permitted in R-8 zoning.

➤ Property Locations/ Zonings and Legal

The properties are located at 585 North Grand Falls Ct., Units A through D, Grand Junction, CO 81501.

THE LEGAL DESCRIPTION OF THIS SITE IS AS FOLLOWS:

UNIT D: LOT 4 BLK 1 FALLS VILLAGE A REPLAT OF LOT 9 BLK TWO THE FALLS FILING NO TWO AND LOT 11 AND 15 BLK TWO THE FALLS FILING NO THREE SEC 7 1S 1E & ALSO INCLUDING THAT PTN OF VAC R.O.W. AS DESC IN B-2882 P-246/248 MESA CO RECDS

UNIT C: LOT 3 BLK 1 FALLS VILLAGE A REPLAT OF LOT 9 BLK TWO THE FALLS FILING NO TWO AND LOT 11 AND 15 BLK TWO THE FALLS FILING NO THREE SEC 7 1S 1E & ALSO INCLUDING THAT PTN OF VAC R.O.W. AS DESC IN B-2882 P-246/248 MESA CO RECDS

UNIT B: LOT 2 BLK 1 FALLS VILLAGE A REPLAT OF LOT 9 BLK TWO THE FALLS FILING NO TWO AND LOT 11 AND 15 BLK TWO THE FALLS FILING NO THREE SEC 7 1S 1E & ALSO INCLUDING THAT PTN OF VAC R.O.W. AS DESC IN B-2882 P-246/248 MESA CO RECDS

UNIT A: LOT 1 BLK 1 FALLS VILLAGE A REPLAT OF LOT 9 BLK TWO THE FALLS FILING NO TWO & LOT 11 AND 15 BLK TWO THE FALLS FILING NO THREE SEC 7 1S 1E & ALSO INCLUDING THAT PTN OF VAC R.O.W. AS DESC IN B-2882 P-246/248 MESA CO RECDS

355 Hancock St. Grand Junction, CO 81504
Ph: (970) 640-6913 kimk355@outlook.com

➤ **Development Schedule and Phasing:**

Development Schedule and/ or phasing is not applicable as the 4 lots are already in existence. The site is currently vacant and not occupied or used for any purpose. It is undecided at this point whether the owners will sell the vacant lots or elect to build the houses.

➤ **Current Use/Site Characteristics:**

Currently the property is vacant and has not been occupied or used for many years.

Zoning Review and Criteria: Impacts:

➤ **Neighborhood Impact:**

We will ensure that the existing services to adjacent properties continue and are not disturbed or negatively impacted.

➤ **Domestic Water Impact:**

The provider for domestic water service in this area is Ute Water Conservancy District.

➤ **Drainage Impacts:**

The builder will apply for all required permits required by the CDPHE Stormwater Management Manual (SWMM) and applicable local, state, and federal laws.

➤ **Fire Protection Impact:**

The service provider for fire protection in this area is the Grand Junction Fire Department. Fire hydrants shall be placed and have fire flow capabilities in accordance with the City's ordinances.

➤ **Flood Hazard Impact**

There are no mapped FEMA flood hazards in or near the proposed project area. In addition, based on requirements from the City of Grand Junction the peak 100-year discharge from developed conditions will be less than the historic conditions. Therefore, this subdivision will not create a flood hazard.

➤ **Historic Preservation Impact:**

No structures requiring preservation in accordance with City Standards exist on the site.

➤ **Irrigation Impact:**

Upon further design of the housing the irrigation system and its maintenance shall be an integral part of the project. We will ensure that the existing irrigation service to adjacent properties continue and are not disturbed or negatively impacted.

➤ **Natural Features and Environmental Protection Impacts:**

The site does not contain natural features or environmental resources.

➤ **Noise, Dust & Odor Impacts:**

The intent of the builder will be to limit the amount of unnecessary work which would pose a threat or be offensive to occupants of adjacent properties by reason of emission of noise, vibration, dust, smoke, odor, or particulate matter, toxic or noxious materials.

➤ **Public Facilities Impacts:**

The impact on public facilities (i.e., schools, fire, police, roads, parks, etc...) will be minimal given the size of this development and considering that the project is proposed to develop within the density allowed by existing zoning and the recommendations of the Growth Plan.

➤ **Sewer Impacts:**

All lots will be served by a sewer system connected to Persigo Wastewater Treatment Facility and serviced by Grand Jct. City Sewer.

➤ **Soils Impacts:**

The Natural Resources Conservation Service identifies 2 types of soils which are identified in the Drainage Report and are all typical of the vicinity.

➤ **Transportation and Traffic:**

All streets and/ or improvements will be constructed in conformance with current City of Grand Junction standards and specifications.



Legal Description: 585 N Grand Falls Ct.

Units A, B, C, and D

Lots 1, 2, 3 & 4 in Block 1 of

FALLS VILLAGE,

a Rep lat of Lot 9, Block Two of The Falls Filing No. Two, and Lots 11 and 15, Block Two of The Falls Filing No. Three

County of Mesa, State of Colorado

also known by street address as:

585 North Grand Falls Ct., #A, #B, #C, and #D, Grand Junction, Colorado 81501 and assessor's schedule or parcel numbers: 2943-072-28-001; 2943-072-28-002; 2943-072-28-003; and 2943-072-28-004



VIA: US Mail

Zoom Neighborhood Meeting

Adjacent Property Owner
Grand Junction, CO
RE: 585 N. Grand Falls Ct.
Grand Junction, CO 81501

Dear Property Owner:

The above referenced property will soon be the subject of a Rezone application with the City of Grand Junction's Community Development Department. A Neighborhood Meeting is being held to introduce the proposed 4 lot Rezone Request to you and answer any questions that you might have about the project.

The rezone area encompasses 4 lots located at 585 N. Grand Falls Ct., south of Patterson Road and west of 28 1/4 Rd. The property was originally part of The Falls Village Subdivision. Grand Junction City Development staff has verified that the Falls Village Outline Development Plan for this PD expired without a base zoning district established, leaving the 4 lots without a zone. This request is for R-8 (8 residential- dwelling units per acre), which is the default zone for this property.

The Neighborhood Meeting is held to allow the neighborhood an opportunity to see the area to be rezoned and to answer questions about the request. The property owner's representative, Kim Kerk, and a City Planner will attend the meeting to discuss the proposed rezone.

A Neighborhood meeting will be held via ZOOM in compliance with the City of Grand Junction's COVID Neighborhood Meeting process. The ZOOM meeting is designed to present information for you to learn more about the proposed project in a safe meeting environment. The meeting is scheduled for Monday **December 17, 2020 at 5:30 P.M.**

To attend and participate in the virtual ZOOM meeting, follow the link below and enter the meeting ID and password. You will be joined into the meeting and will have an opportunity to ask questions after.

Hello Neighbor,
You are invited to a Zoom meeting.
When: Dec 17, 2020 05:30 PM Pacific Time (US and Canada)

Register in advance for this meeting:

<https://us02web.zoom.us/join/tZ0kcumpqDoqGdYaxL4fmDI7I6lXaB8Dg5Hz>

After registering, you will receive a confirmation email containing information about joining the meeting.

Kim Kerk Land Consulting & Development
355 Hancock St., Grand Junction, CO 81504
Ph: 970-640-6913

A Site Location Map below shows the location of the property to be rezoned.

Sincerely,
Kim

Kim Kerk
kimk355@outlook.com
970-640-6913

Please do not hesitate to contact me at 970-640-6913 should you have any questions about this project.



Kim Kerk Land Consulting & Development
355 Hancock St., Grand Junction, CO 81504
Ph: 970-640-6913

OWNERSHIP STATEMENT - TRUST

(a) H & M Trust ("Trust") is the owner of the following property:

(b) 585 N. Grand Falls Ct. Lots A,B,C, and D 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 is also attached.

I, (c) Barbara Louise Hinze, co-trustee, and Theodore Wayne Munkres, co-trustee, am the Trustee for the Trust. I have the legal authority to bind the Trust to agreements concerning financial obligations and this property. I have attached the most recently recorded Statement of Authority of the Trust.

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

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

All other Trustees and their authority to bind the Trust are listed and described here:

☒ Trust is the sole owner of the property.

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

(d)

On behalf of Trust, I have reviewed the application for the (e)

I understand the continuing duty to inform the City planner of any changes in my authority to bind the Trust or regarding any interest in the property, such as ownership, easement, right-of-way, encroachment, boundary disputes, lienholder and any other interest in the property.

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

☐ I and the Trustees have the following knowledge (indicate who has the knowledge) and evidence concerning possible boundary conflicts between the property and the abutting property(ies):

(f)

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

X Signature of Partnership representative: Barbara Louise Hinze & Theodore Wayne Munkres

Printed name of person signing: Barbara Louise Hinze, co-trustee, and Theodore Wayne Munkres, co-trustee

State of Colorado

County of Mesa

) ss.

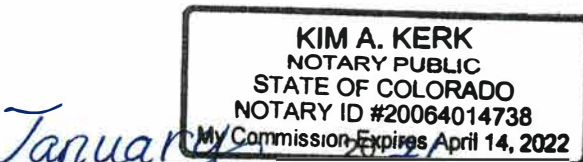
Subscribed and sworn to before me on this 20th day of January

by Barbara Louise Hinze & Theodore Wayne Munkres

Witness my hand and seal.

My Notary Commission expires on

04/14/2022



Kim A. Kerk
Notary Public Signature