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**PLANNING COMMISSION AGENDA
IN-PERSON/VIRTUAL HYBRID MEETING
CITY HALL AUDITORIUM, 250 N 5th STREET
TUESDAY, OCTOBER 12, 2021 @ 5:30 PM**

Register for the meeting using the link below:

<https://attendee.gotowebinar.com/register/8680143341448141584>

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

Call to Order - 5:30 PM

Consent Agenda

1. Minutes of Previous Meeting(s) from September 28, 2021.
2. Consider a request by Copper Village Apartments LLC, Silas Colman to vacate a portion of an emergency access easement totaling 0.26 acres, located within Tract C of Sundance Village Subdivision. | [Staff Presentation](#) | Phone-in comment code **9742**.

Regular Agenda

1. Consider a request by Colorado Mesa University (CMU) to vacate a portion of the Orchard Avenue right-of-way, located near 1040 Mesa Avenue (CMU baseball field). | [Staff Presentation](#) | Phone-in comment code **5001**.
2. Consider a request by Darin Carei to rezone 0.276 acres from R-5 (Residential 5 du/ac) to C-1 (Light Commercial), located at 2894 Presley Avenue. | [Staff Presentation](#) | Phone-in comment code **7063**.

Other Business

Adjournment

GRAND JUNCTION PLANNING COMMISSION
September 28, 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, Ken Scissors, Andrea Haitz, and Shanon Secrest.

Also present were Jamie Beard (Assistant City Attorney), Tamera Allen (Community Development Director), Dave Thornton (Principal Planner), Kristen Ashbeck (Principal Planner), Daniella Acosta (Associate Planner), Isabella Vaz (Communications Specialist), and Kalli Savvas (Planning Technician).

There were 11 members of the public in attendance.

CONSENT AGENDA

Commissioner Haitz moved to adopt Consent Agenda Item #1. Commissioner Secrest seconded the motion. The motion carried 5-0.

1. Approval of Minutes

Minutes of Previous Meeting(s) from September 14, 2021.

REGULAR AGENDA

1. Red Rock Auto Rezone

File # RZN-2021-655

Consider a request by LSM Red Rock, LLC to rezone 12.00 acres from I-1 (Light Industrial) to C-2 (General Commercial) located at 2211 Hallco Drive.

Staff Presentation

Jace Hochwalt, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

None.

Applicant Presentation

The applicant, Tim Valley, was present and available for questions.

Questions for Applicant

None.

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, September 21, 2021 via www.GJSpeaks.org.

No public comment.

The Public hearing was closed at 5:47 p.m. on September 28, 2021.

Discussion

Commissioner Gatseos made a statement in support of the request.

Chairmen Teske made a comment supporting the comprehensive plan.

Motion and Vote

Commissioner Gatseos made the following motion "Chairman, on the Red Rock Auto Rezone request from an I-1 (Light Industrial) zone district to a C-2 (General Commercial) zone district for the 12.00-acre property located at 2211 Hallco Drive, City File Number RZN-2021-655, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in this staff report."

Commissioner Secrest seconded the motion. The motion carried 5-0.

2. Fellowship Church Rezone File # RZN-2021-548

Consider a request by the Fellowship Church of Grand Junction ("Fellowship Church") to rezone one parcel totaling 26.673 acres from R-R (Rural Residential) to MXG-3 (Mixed Use General – 3) located at 765 24 Rd.

Staff Presentation

Daniella Acosta, Associate Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

None.

Applicant Presentation

The applicant was present and available for questions.

Questions for Applicant

None.

Public Hearing

The public hearing was opened at 5:00 p.m. on Tuesday, September 21, 2021, via www.GJSpeaks.org.

No public comment

The public hearing was closed at 5:59 p.m. on September 28, 2021.

Discussion

Commissioners Gatseos and Teske made a statement supporting the request.

Motion and Vote

Commissioner Haitz made the following motion, "Chairman, on the Fellowship Church Rezone request from an R-R (Rural Residential) zone district to an MXG-3 (Mixed Use General – 3) zone district for the 26.673-acre property located at 765 24 Rd, City File Number RZN-2021-548, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in this staff report."

Commissioner Secrest seconded the motion. The motion carried 5-0.

3. Phoenix Haus Zone of Annexation File # ANX-2021-494

Consider a request by 834 21 ½ RD, LLC to zone 2.98 acres from County PUD (Planned Unit Development) to I-1 (Light Industrial) located at 834 21 1/2 Road.

Staff Presentation

David Thornton, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

Chairman Teske asked about overlay requirements and compliance.

Applicant Presentation

The applicant was present and available for questions.

Questions for Applicant

None.

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, September 21, 2021, via www.GJSpeaks.org.

No public comment

The public hearing was closed at 6:13 p.m. on September 28, 2021.

Discussion

Commissioner Gatseos and Teske made statements supporting the request.

Motion and Vote

Commissioner Gatseos made the following motion, Mr. Chairman, on the Zone of Annexation for the Phoenix Haus Annexation to I-1 (Light Industrial) zone district, file number ANX-2021-494, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report.

Commissioner Scissors the motion. The motion carried 5-0.

4. Sage Creek Annexation and Comprehensive Plan Amendment File # RZN-2021-548

Consider a request by Sage Creek Investments, LLC for a Comprehensive Plan Amendment from Residential Low (2 to 5.5 du/ac) to Residential Medium (5.5 to 12 du/ac) and zone 5 acres from County RSF-R (Residential Single Family - Rural) to R-8 (Residential - 8 du/ac) located at 3038 D 1/2 Road.

Staff Presentation

David Thornton, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

Commissioners Gatseos asked Thornton to explain the tier 2 of comprehensive plan.

Applicant Presentation

The applicant Tracy States was present and available for questions.

Questions for Applicant

None

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, September 21, 2021, via www.GJSpeaks.org.

No public comment.

The public hearing was closed at 6:36 p.m. on September 28, 2021.

Discussion

Commissioners Gatseos made comment confirming two motions.
Commissioners Haitz and Teske made comment in support of request.

Motion and Vote

Commissioner Haitz made the following motion, Mr. Chairman, on the Comprehensive Plan Amendment request for the property located at 3038 D ½ Road, City file number CPA-2021-467, 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 Secrest seconded the motion. The motion carried 5-0.

Commissioner Haitz made the following motion: Mr. Chairman, on the Zone of Annexation request for the property located at 3038 D ½ Road, City file number ANX-2021-466, 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 and with the condition that City Council approves the Comprehensive Plan Land Use Map Amendment to Residential Medium.”

Commissioner Scissors seconded the motion. The motion carried 5-0.

5. Other Business

None.

6. Adjournment

Commissioner Scissors moved to adjourn the meeting. Commissioner Secrest seconded. The meeting adjourned at 6:39 p.m.



Grand Junction Planning Commission

Regular Session

Item #2.

Meeting Date: October 12, 2021
Presented By: Senta Costello, Planner
Department: Community Development
Submitted By: Senta Costello, Associate Planner

Information

SUBJECT:

Consider a request by Copper Village Apartments LLC, Silas Colman to vacate a portion of an emergency access easement totaling 0.26 acres, located within Tract C of Sundance Village Subdivision. | [Staff Presentation](#) | Phone-in comment code **9742**.

RECOMMENDATION:

Staff recommends approval of the request.

EXECUTIVE SUMMARY:

Copper Village Apartments is proposing on developing out the remainder of the Rimrock Landing Planned Development project located east of 24 ½ Road between F ¼ Road and Flat Top Lane. With the recording of the Sundance Village Plat, blanket easements were conveyed for emergency access to various portions of the development. The current final plan for a portion of Tract C would encroach on a portion of this blanket easement; however, would have townhomes over the area, that portion of the easement is no longer necessary.

BACKGROUND OR DETAILED INFORMATION:

In 2008, Sundance Village Subdivision plat was recorded. As a part of the plat, a public easement was conveyed on the plat as follows: "Tracts A-C are subject to a public easement across their entirety for emergency vehicle and personnel ingress and egress granted hereby."

The property has been purchased by Copper Village Apartments LLC along with the balance of the Planned Development ground that has yet to be developed with the intent of constructing a mix of housing types to finish out the project. As part of this project, the applicant proposes to develop with Phase 1, 17 townhomes units which

would partially encroach into Tract C. They are requesting to vacate emergency access easement that is located within the portion of Tract C that the townhomes are proposed to occupy, while maintaining the balance of Tract C as platted, including the emergency access easement.

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 October 1, 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 October 1, 2021. The notice of this public hearing was published on October 6, 2021 in the Grand Junction Daily Sentinel.

ANALYSIS

Vacation of Public Easements must show conformance with the approval criteria listed in Section 21.02.100(c) of the Zoning and Development Code. Approval Criteria is as follows:

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

Vacation of a portion of the access easement will facilitate finalizing development for the balance of the Rimrock Landing Planned Development which has been in various stages of development for several years. The current proposal includes 17 townhomes with Phase 1. This development implements the following principles of the Comprehensive Plan:

Principle 5.1.c – Promote more opportunities for housing choices that meet the needs of people of all ages, abilities, and incomes – Housing Types: Promote a variety of housing types that can provide housing options while increasing density in both new and existing neighborhoods, such as duplexes, triplexes, multiplexes, apartments, townhomes, and accessory dwelling units, while maintaining neighborhood character.

Principle 5.5.c – Foster the development of neighborhoods where people of all ages, incomes and backgrounds live together and share a feeling of community: Innovative Design – Encourage creativity, flexibility, and innovation in the design and construction of new developments and neighborhoods to adapt to unique site conditions and that promote an engaged community and facilitate active and healthy lifestyles.

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

The area proposed for vacation is on the perimeter of Tract C. The area remaining will still have access to Slick Rock Lane/Klondike Lane to the west and Thunder Mountain Drive to the north. No parcels will be landlocked should the area be approved to be vacated.

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

The area proposed for vacation is on the perimeter of Tract C. The area remaining will still have access to Slick Rock Lane/Klondike Lane to the west and Thunder Mountain Drive to the north. Access to the tract will be maintained.

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

The area proposed for vacation does not contain any public facilities and/or services nor provides access to any such facilities. Access to the tract of land will remain from both Slick Rock Land/Klondike Lane and Thunder Mountain Drive.

(5) The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 GJMC; and

The area proposed for vacation does not contain any public facilities and/or services nor provides access to any such facilities. Access to the tract of land will remain from both Slick Rock Land/Klondike Lane and Thunder Mountain Drive.

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

The intent of the easement is to provide unrestricted access for emergency personnel to Tract C. The proposal maintains access for emergency personnel to the area of the tract that will remain.

RECOMMENDATION AND FINDINGS OF FACT AND CONDITION

After reviewing the Copper Village Apartments LLC, Silas Colman easement vacation request, VAC-2021-697, for the property located on a portion of Tract C, Sundance Village Subdivision, the following findings of fact and condition have been made:

Therefore, Staff recommends conditional approval of the request with the following findings of fact and conditions.

1. The request conforms with Section 21.02.100(c) of the Zoning and Development Code.
2. Condition #1: Recording of the final plat for Rimrock Townhomes Filing 1 must occur concurrently with recording of the Resolution vacating the easement.

SUGGESTED MOTION:

Mr. Chairman, on the easement vacation request for the property located on a portion of Tract C, Sundance Village Subdivision, City file number VAC-2021-697, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact and condition as listed in the staff report.

Attachments

1. Easement Vacation Resolution
2. Maps

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

**A RESOLUTION VACATING A PUBLIC EMERGENCY VEHICLE AND PERSONNEL
INGRESS AND EGRESS EASEMENT
LOCATED WITHIN TRACT C OF SUNDANCE VILLAGE SUBDIVISION**

RECITALS:

A vacation of a portion of a public emergency vehicle and personnel ingress and egress easement has been requested by the property owner, Copper Village Apartments LLC, Silas Colman in anticipation of subdividing and developing the property for future residential development for the proposed Rimrock Landing Townhome Subdivision. With the recording of the Sundance Village Plat, Reception #2457553, blanket easements were conveyed for emergency access to various portions of the development, including Tract C. The proposed final plan for the Rimrock Landing Townhome project covers a portion of Tract C and includes townhome lots on a portion of this blanket easement making that portion of the easement no longer necessary.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, and upon recommendation of approval by the Planning Commission, the Grand Junction City Council finds that the request to vacate a public ingress and egress easement with conditions are consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Zoning & Development Code.

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

The following described public dedicated public emergency ingress and egress easement is hereby vacated subject to the listed conditions:

1. Applicant shall pay all recording/documentary fees for the Vacation Resolution, any easement documents and/or dedication documents.
2. Recording of a City approved final plat must occur concurrently with recording of the Resolution vacating the easement.

Public emergency ingress and egress easement to be vacated:

See attached Exhibits.

PASSED and ADOPTED this _____ day of _____, 2021.

ATTEST:

President of City Council

City Clerk

EXHIBIT

Tract C, Emergency Easement Vacation Description

A portion of the publicly dedicated Blanket Emergency Easement located on Trace C, of Sundance Village Subdivision, Reception Number 2457553, in the SW1/4 SE1/4 of Section 4, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows:

Beginning at the northwest corner of Tract C of said subdivision, whence the westerly line of Tract C of said subdivision bears S00°09'35"E, with all bearings being relative thereto, thence S00°09'35"E a distance of 2.22 feet, to the Point of Beginning; thence the following courses and distances;

1. S89°57'34"E for a distance of 6.19 feet;
2. S57°43'43"E for a distance of 6.00 feet;
3. S89°57'34"E for a distance of 116.00 feet;
4. S00°02'26"W for a distance of 73.10 feet;
5. S48°19'26"W for a distance of 24.10 feet;
6. N90°00'00"W for a distance of 108.95 feet;
7. N00°09'35"W for a distance of 92.41 feet, to the Point of Beginning.

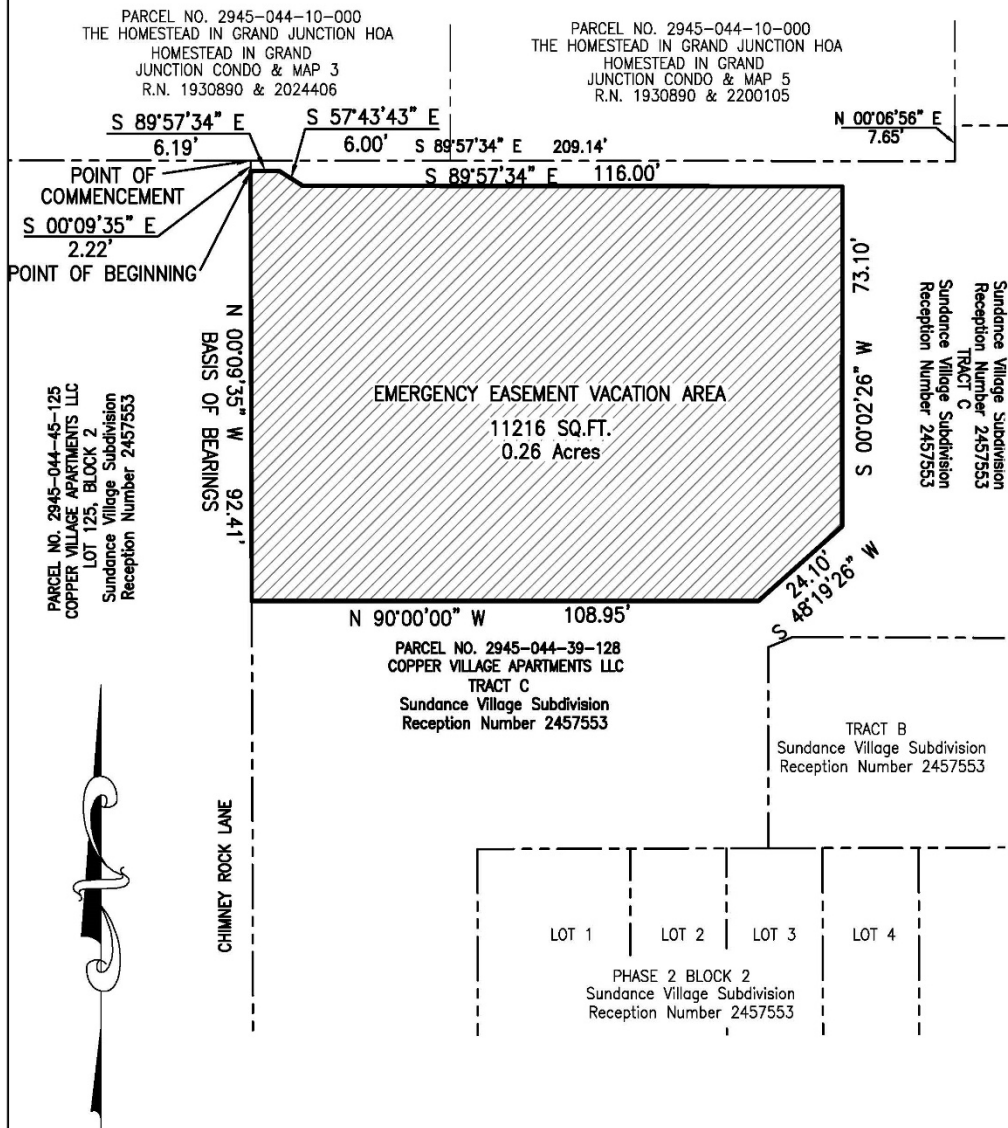
Containing approximately 11,216 square feet.

This description was prepared by Jodie Grein PLS-38075, for Rolland Consulting Engineers, 405 Ridges Blvd., Suite A Grand Junction, Colorado 81507 (970) 243-8300

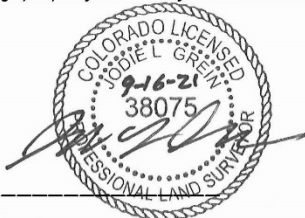


EXHIBIT

A PORTION OF LOTS 13-17 OF RIMROCK TOWNHOMES FILING 1
IN THE SW1/4 SE1/4 OF SECTION 4, TOWNSHIP 1 SOUTH, RANGE 1 WEST,
UTE MERIDIAN, CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO



The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.



Jodie L. Grein
Registered Professional Land Surveyor
P.L.S. No. 38075



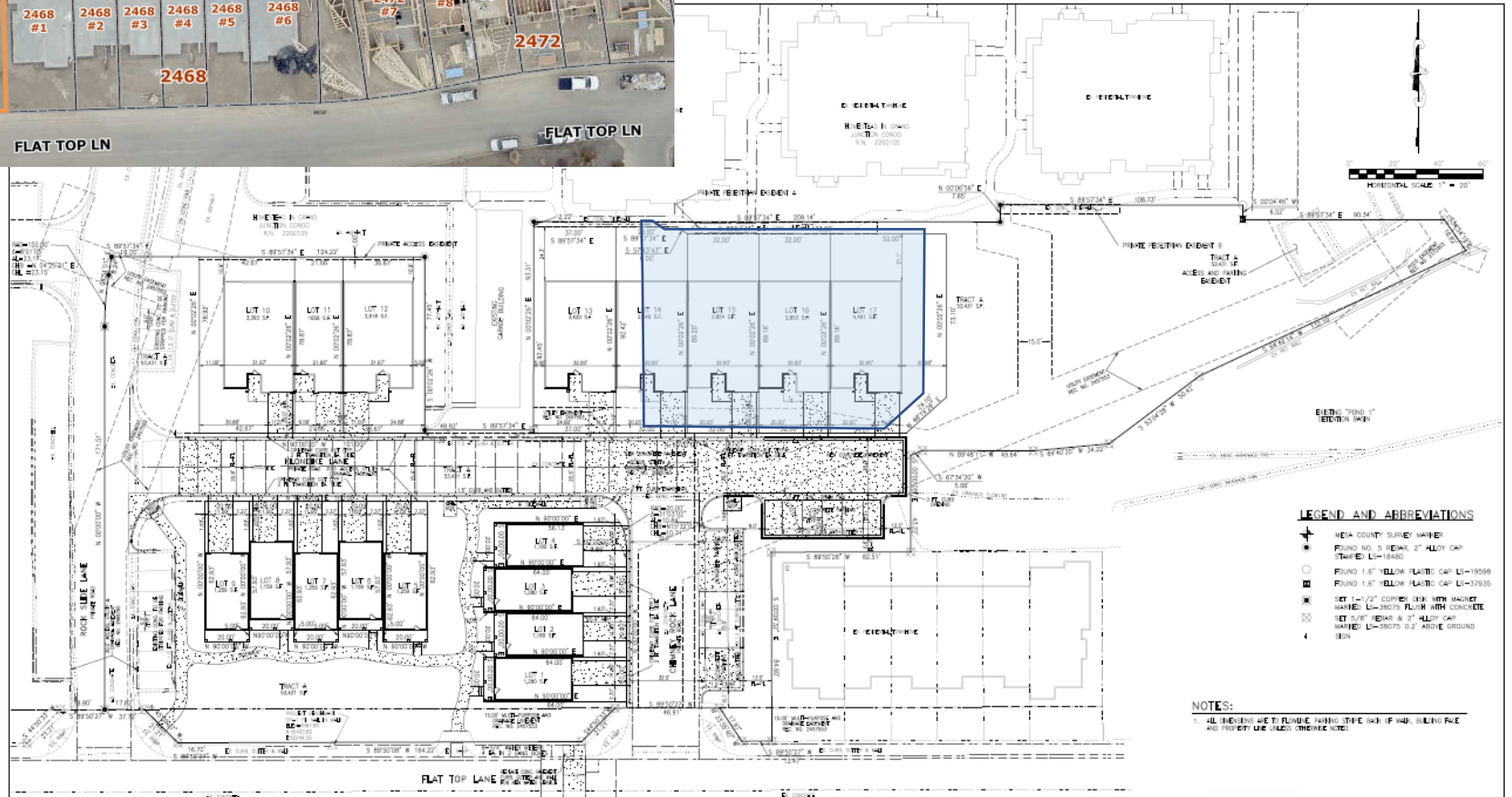
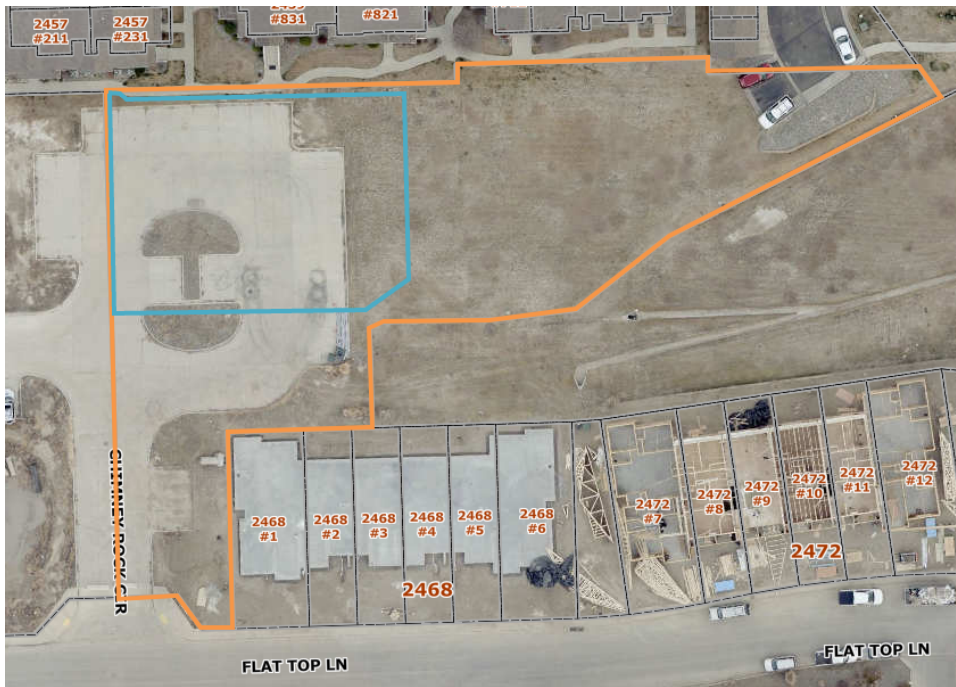
SCALE : 1"=30'
ALL LINEAL UNITS ARE
EXPRESSED IN U.S. SURVEY FEET

		EXHIBIT TRACT C EMERGENCY EASEMENT VACATION	
405 Ridgely Blvd. Suite A Grand Junction, CO 81507 Voice: (970) 243-8300 Fax: (970) 241-1273 www.kcegs.com		IN THE SW1/4 SE1/4 OF SECTION 4 T1S, R1W, UTE MERIDIAN CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO	
Drawn	JLG	Designed	JLG
Checked	JAM	Printed	CO447
File Name:	c:\CD447\CD447Blanket Easement.dwg		Sheet 1 of 1

LOCATION MAP

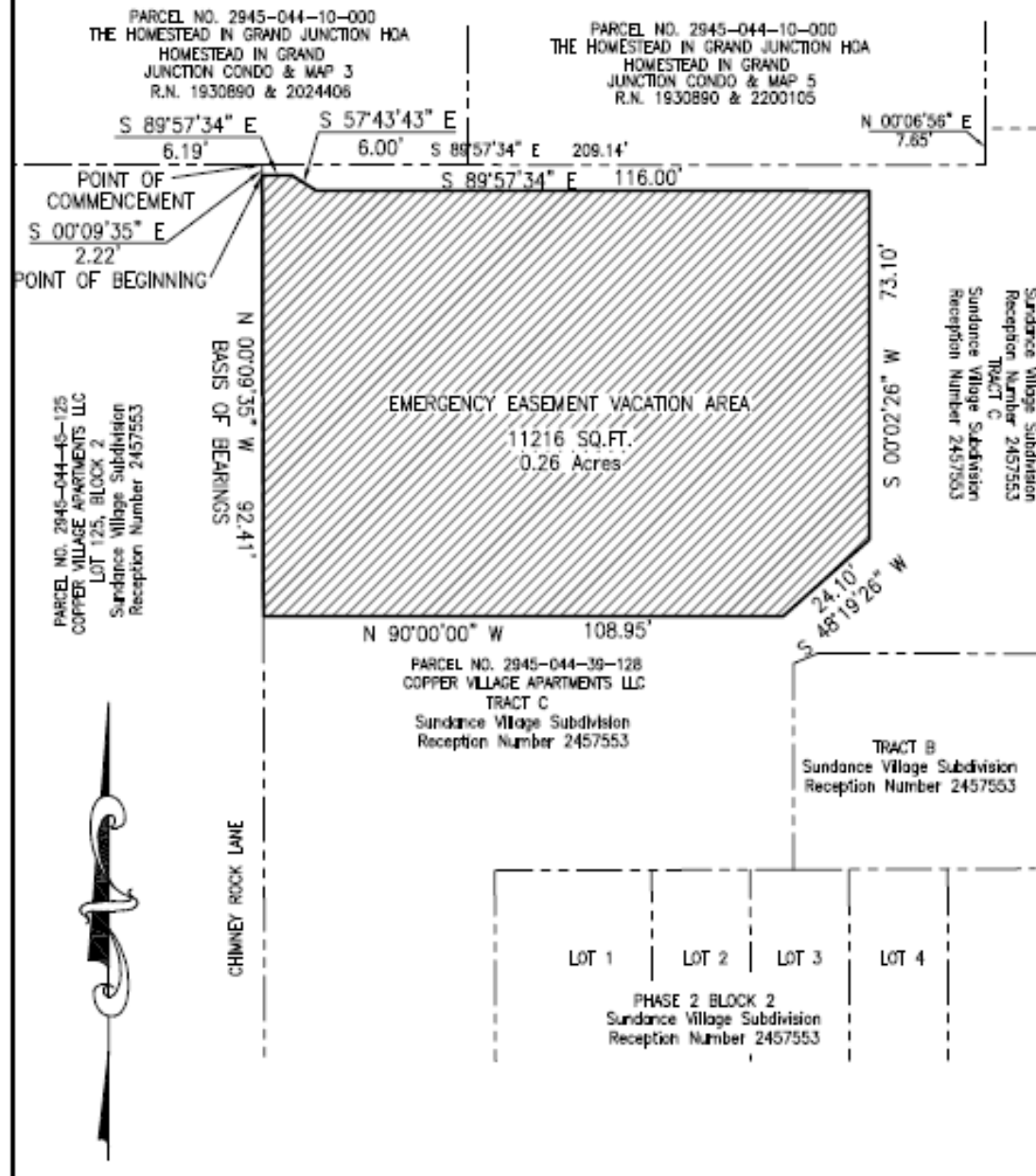


Closer View



EXHIBIT

A PORTION OF LOTS 13-17 OF RIMROCK TOWNHOMES FILING 1
IN THE SW1/4 SE1/4 OF SECTION 4, TOWNSHIP 1 SOUTH, RANGE 1 WEST,
UTE MERIDIAN, CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO





Grand Junction Planning Commission

Regular Session

Item #1.

Meeting Date: October 12, 2021

Presented By: Senta Costello, Planner

Department: Community Development

Submitted By: Kristen Ashbeck

Information

SUBJECT:

Consider a request by Colorado Mesa University (CMU) to vacate a portion of the Orchard Avenue right-of-way, located near 1040 Mesa Avenue (CMU baseball field). | [Staff Presentation](#) | Phone-in comment code **5001**.

RECOMMENDATION:

Staff recommends approval of the request.

EXECUTIVE SUMMARY:

The applicant, Colorado Mesa University (CMU) is requesting vacation of a portion of the south side of the Orchard Avenue public right-of-way in order to make improvements to the baseball field, track and pedestrian facilities on the south side of the street within the CMU campus that would encroach in the public right-of-way. The existing Orchard Avenue right-of-way in this vicinity was dedicated by subdivision plats in the 1940s. The applicant is requesting the vacation of a 6.5-foot wide by 497.95-foot long portion of the south side of this right-of-way (3,237 square feet) in order to construct the proposed improvements. The plans for the construction have been reviewed and approved by the City subject to this vacation request. The requested vacation is consistent with the City's Comprehensive Plan and Circulation Plan.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The existing right-of-way for Orchard Avenue in this vicinity of the City was dedicated by subdivision plats in the 1940s. The Applicant is currently in the process of constructing improvements to the baseball field, track and pedestrian facilities on the south side of the street within the CMU campus (refer to the attached site plans for details of proposed improvements). The requested right-of-way vacation is in the

vicinity of the former Cannell Avenue alignment along the west side of the baseball field. Cannell Avenue was previously vacated through processes approved by the City. As a result of the Cannell Avenue vacation, and the planned improvements to the track and baseball fields and pedestrian amenities, there are elements of the Orchard Avenue right-of-way that CMU wishes to improve. For example, the westbound turn lane that previously served as access to southbound Cannell Avenue has now become irrelevant since the right-of-way has been vacated and the street no longer exists. Additionally, the misaligned curb and sidewalk will be remedied, and a bus drop off location added as part of the proposed pedestrian plaza that will be constructed between the baseball field and the track as part of this project. With this proposal, the Applicant is requesting to vacate a 6.5-foot-wide by 497.95-foot-long portion of the south side of this right-of-way (3,237 square feet) in order to construct the described improvements. The applicant is requesting the minimum amount right-of-way to be vacated that is needed to accommodate the construction/improvement project.

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 July 28, 2021. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards were sent to surrounding property owners within 500 feet of the subject property, as well as neighborhood associations within 1000 feet. and notice of the Planning Commission public hearing was published in the Grand Junction Daily Sentinel.

A Neighborhood Meeting regarding the proposed vacation/campus improvement project was held on August 2, 2021 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. There were 11 neighbors in attendance along with CMU President John Marshall, CMU Vice President Derek Wagner and City staff. The Applicant described the proposed improvements and the reason for the vacation request. Questions and concerns expressed by neighbors primarily centered on traffic control during the construction but no opposition to the project or the vacation was expressed.

ANALYSIS

The criteria for review are set forth in Section 21.02.100 (c) of the Zoning and Development Code. The purpose of this section is to permit the vacation of rights-of-way and/or easements.

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

The vacation of this portion of right-of-way for Orchard Avenue does not conflict with the Comprehensive Plan, Grand Junction Circulation Plan or other adopted plans and policies of the City. The proposed vacation of right-of-way will have no impact on public facilities or services provided to the general public since they will continue to exist within the remaining right-of-way. The proposed project will improve and update the alignment and function of the street.

Further, the vacation request is consistent with the following goals and policies of the Comprehensive Plan:

Plan Principal 4: Downtown and University Districts

Strategy 1. Cultivate energetic and livable greater Downtown and university districts that balance the needs of residents, students and visitors

Therefore, staff has found the request to vacate a portion of existing public right-of-way does not conflict with the Comprehensive Plan, Grand Junction Circulation Plan or other adopted plans and policies of the City and therefore this criterion has been met.

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

The existing dedicated right-of-way for Orchard Avenue in this vicinity of the City has long been developed as a Major Collector. This vacation will not impact the continued flow of traffic along Orchard Avenue and will not landlock any parcel of land. Thus, staff has found this criterion has been met.

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

As provided in (2) above, the portion of Orchard Avenue requested to be vacated will not impact access to any parcel and as such, staff finds this criterion has been met.

(4) There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g., police/fire protection and utility services; This portion of Orchard Avenue has served as an east-west Major Collector in this part of the City for many years as well as providing for utilities to located within it. The proposed vacation and campus improvement project will not have adverse impacts on the function of the roadway or on the general health, safety and/or welfare of the community. The planned improvements will enhance public safety along the street, particularly for pedestrians. No comments were received from utilities or other service providers that this vacation request would impact any existing utilities, create any adverse impacts, or that facilities or services would be diminished. Provided an easement is retained on the eastern end of the vacated right-of-way area staff found that this criterion has been met.

(5) The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 GJMC; and

As provided in (4) above, neither staff, including the Fire Department, nor utility providers have identified that the requested right-of-way vacation would inhibit the provision of adequate public facilities and services, therefore staff finds that this criterion has been met.

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

Maintenance requirements for the City will not significantly change as a result of the proposed vacation request since the remaining right-of-way and street itself will continue to function and require maintenance as it presently exists. As described the proposed project will remedy the misalignment of pedestrian and curb facilities and eliminate unnecessary existing improvements (left turn lane) such that the public will benefit from improved safety along the street. In addition, the project will provide for an improved GVT transit stop which will benefit the community. As such, Staff finds that this criterion has been met.

FINDINGS OF FACT AND RECOMMENDATION

After reviewing the request to vacate a portion of the right-of-way of Orchard Avenue as set forth in the attached description and sketch, City file number VAC-2021-561, located near Orchard Avenue and North 10th Street, the following findings of fact have been made:

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

Therefore, Staff recommends approval of the request with the following conditions:

1. A utilities easement shall be retained on the eastern end of the vacated right-of-way as shown on Exhibit B of the proposed ordinance.

2. Applicant shall pay all recording/documentary fees for the Vacation Ordinance, any right-of-way/easement documents and/or dedication documents.

SUGGESTED MOTION:

Mr. Chairman, on the request to vacate a portion of the Orchard Avenue public right-of-way as set forth in the attached description and sketch, City file number VAC-2021-561, located near Orchard Avenue and North 10th Street, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact and conditions as listed in the staff report.

Attachments

1. Development Application
2. Maps and Locations
3. Draft Ordinance

July 20, 2021

Dear Neighbor,

We like to get together with our neighbors a few times each year to make sure you know about everything that is happening at Colorado Mesa University. With faculty and students on their way back to campus soon, there will be no shortage of fun things happening at CMU this Fall.

Please join me for a Neighborhood Meeting at **6:00 pm on Monday, August 2nd** in the Gallegos Board Room on the third floor of Dominguez Hall. As the new President of CMU, I would like to introduce myself and hear how CMU can continue being a good neighbor.

At the meeting, I will provide a brief overview of CMU campus facilities, upcoming activities and information about a pending application with the City of Grand Junction to vacate a right-of-way at the intersection of Orchard Avenue and Cannell Avenue (please see reverse side for additional detail).

If you have any questions about the meeting, please call my office at the number listed above or e-mail my assistant at moneill@coloradomesa.edu.

I look forward to seeing you on March 25th.

Sincerely,

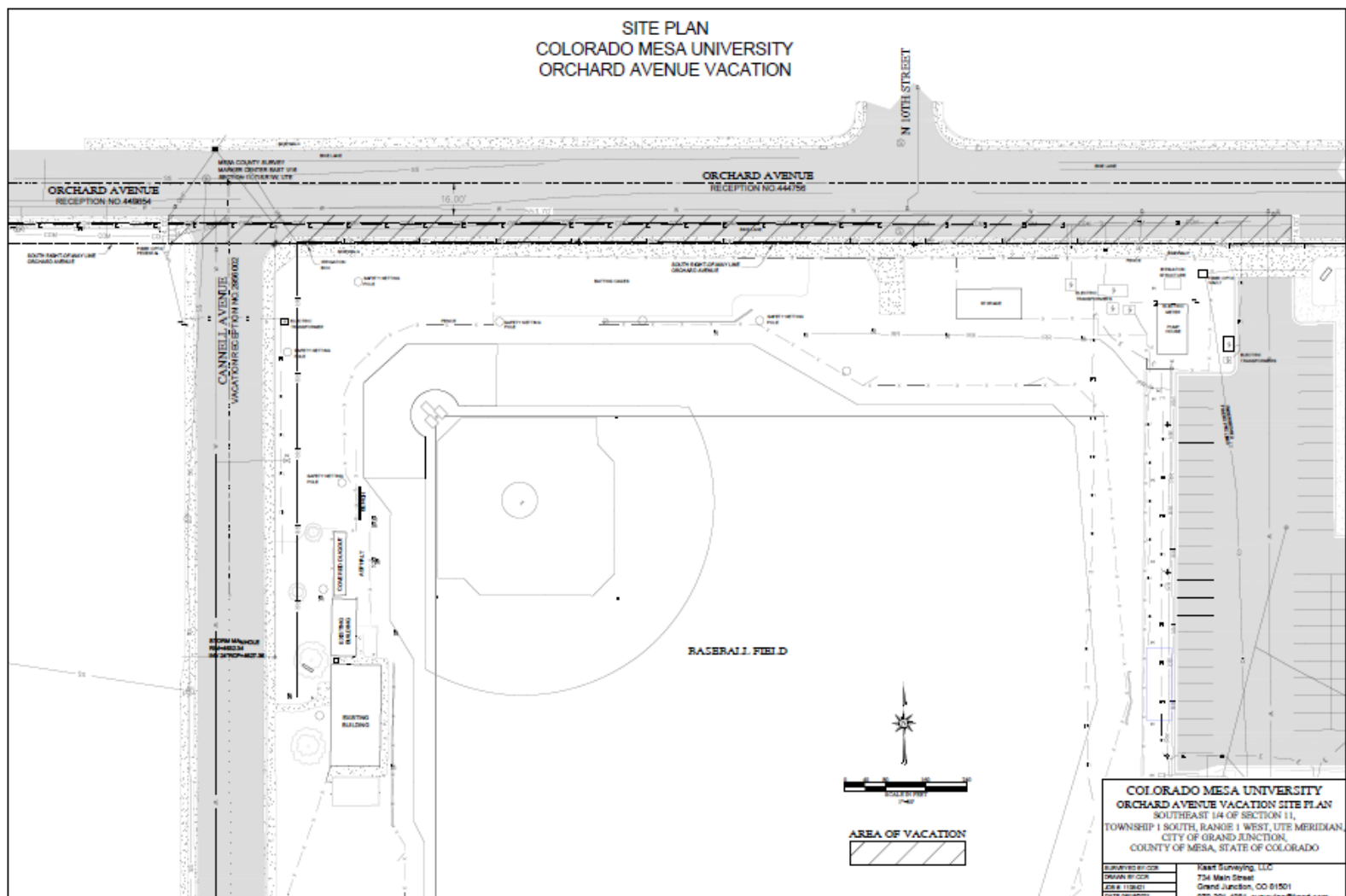
John Marshall
President

Notification of Neighborhood Meeting

Re: Request to vacate a portion of Orchard Avenue Public Right of Way.

I. General Description

As part of the implementation of the approved Institutional Master Plan of Colorado Mesa University (CMU) a proposal to vacate a portion of the Orchard Avenue public right of way (ROW) adjacent to the CMU Bergman Baseball Field which will ultimately facilitate the construction of the baseball stadium while eliminating the left turn lane from Orchard Avenue to (now vacated) Cannell Avenue. See below for details.



NEIGHBORHOOD MEETING NOTES

AUGUST 2, 2021 6:00 PM

CMU MAIN CAMPUS DOMINGUEZ HALL GALLEGOS BOARD ROOM

11 neighbors were in attendance along with CMU President John Marshall, CMU VP Derek Wagner, City of Grand Junction Principal Planner Dave Thornton and ____ (sorry, I didn't catch name and title of the more junior planner in attendance).

President Marshall introduced himself and asked each neighbor to do the same. After introductions, President Marshall described the improvements taking place @ Orchard Avenue and Cannell Avenue to improve the current baseball practice field in order to facilitate hosting actual competitions on campus. President Marshall described the improvements to straighten out Orchard Avenue and make the curb align from east to west from the CMU track east towards North 12th Street. The President described the portion of City of Grand Junction Right of Way that needed to be vacated in order to facilitate the project and he took questions from neighbors. After some discussion about which method of traffic control was best during construction (flag crews vs a detour to the north through the neighborhood), the reaction from neighbors was mixed. Whichever method is selected, the owners of a commercial operation at 829 Orchard Avenue (Alterations by Kim) requested special attention be paid to inform customers that their business is open during construction.

The meeting adjourned at approximately 6:46 pm with no neighbors expressing opposition to the Right of Way vacation application.

Welcome Neighbors and thank you for coming to our Neighborhood Meeting!

PLEASE SIGN IN

Name _____

Address

E-mail/Phone

Steve Allenbu

1945 N 9

sballerton@gmail.com 970 2010307

Kim McCormick

829

Jerry Bigley

Orchard

Kerlin's Desk

g4e H211

970 261 3536

Cathy A. Fardner

935 Bader Dr

(970) 243-0007

Arts & Sciences

935 Cedar Dr

970/243-0007

[Handwritten signature]

Dennis Cannon

835 Hk/1

(970) 243-3258

Doyle McCain

938 Orchard Ave

970-245-4448

Sheri Schmidt

930 Orchard

970-243-2646

SCOTT VANGEMEREN

 $2028 \approx 10^{14} \text{ s}$

970-799-0838

Development Application

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

Petition For:

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

Existing Land Use Designation

Existing Zoning

Proposed Land Use Designation

Proposed Zoning

Property Information

Site Location:

Site Acreage:

Site Tax No(s):

Site Zoning:

Project Description:

Property Owner Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Applicant Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Representative Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

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

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application



Date

Signature of Legal Property Owner

Date



Orchard Avenue ROW Vacation at Cannell Ave Intersection

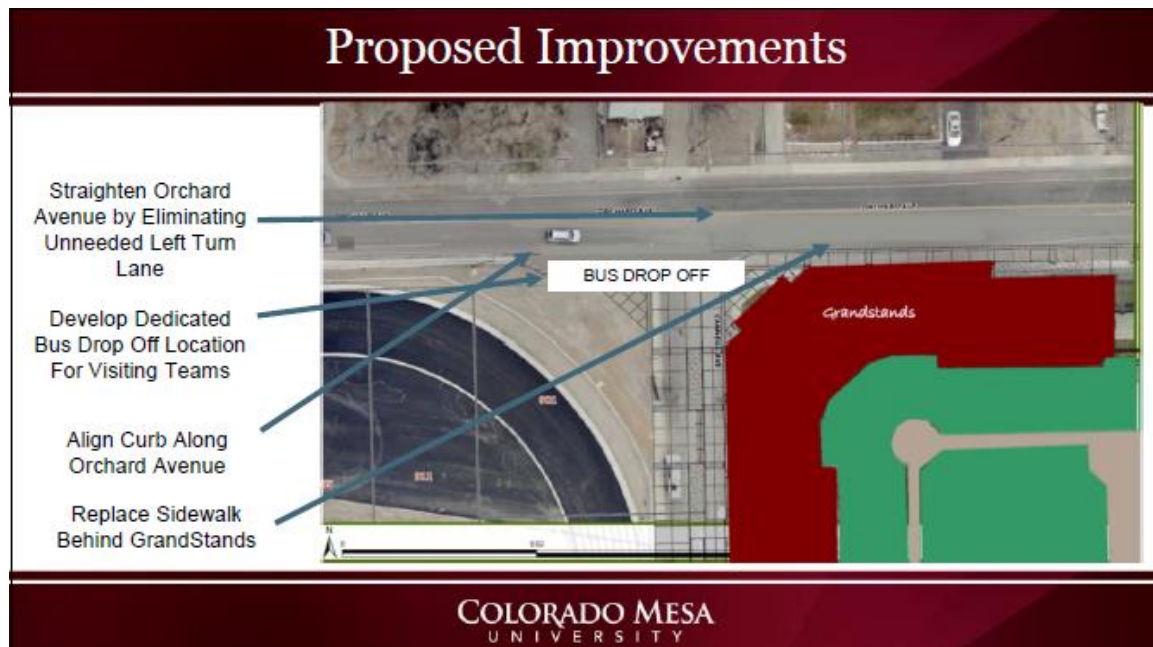
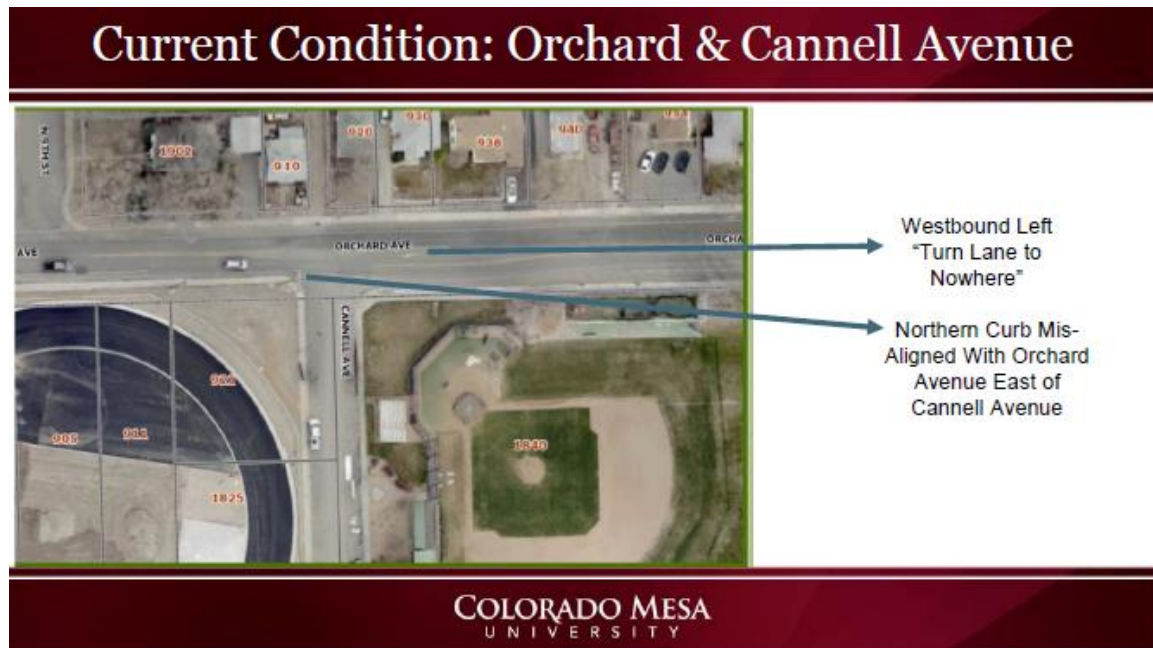
General Project Report

CMU hereby requests vacation of a portion of the south side of Orchard Avenue right of way to support the kick off of improvements for the CMU Track and Bergman Field (Baseball Stadium) project.



The right of way vacation is in the vicinity of the Cannell Ave intersection. Cannell Ave was previously vacated through processes approved by the City of Grand Junction. As a result of the Cannell Ave. vacation, and the planned improvements for the track and baseball fields, there are elements of the Orchard Avenue right of way that warrant improvement. For example, the westbound turn lane that previously served access to Cannell Ave has become irrelevant now that Cannell Ave. has been vacated. Additionally, the misaligned curb and sidewalk can be remedied and a bus drop off location will be installed as part of

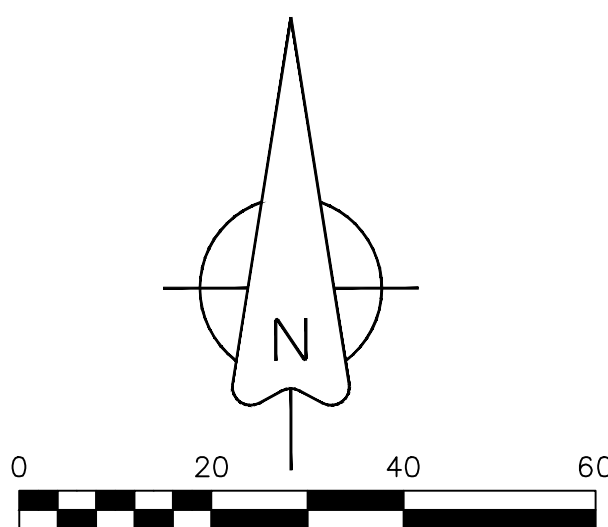
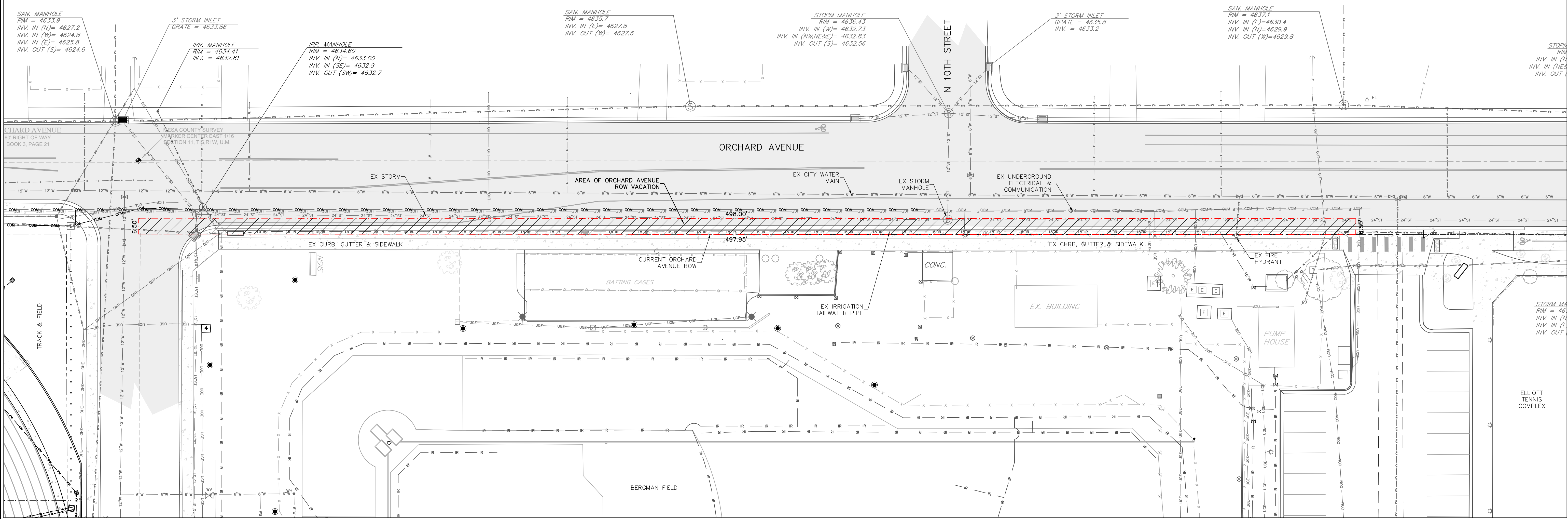
the pedestrian plaza planned in the area between the track and baseball field improvements.



The proposed right of way vacation satisfies applicable review criteria and will benefit the public in the form of cleaning up current conditions and providing additional opportunities for pedestrian and bus transit access. Thank you for considering this application.

CMU ORCHARD AVENUE VACATION LOCATION MAP





ROW VACATION AREA 

811

Know what's below.
Call before you dig.

SCALE VERIFICATION
BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET
ADJUST SCALES ACCORDINGLY

NO.	DATE	DESCRIPTION	BY

ORCHARD AVENUE ROW VACATION

EXISTING CONDITIONS

CMU CAMPUS

GRAND JUNCTION, COLORADO

prepared for
CMU

DOWN BY: STS

DESIGNED BY: STS

CHECKED BY:

APPROVED BY:

JOB NUMBER:
1162.0036

DATE:
09-16-21

SCALE:
1"=20'

SHEET NO:
ROW1

A • C • G

AUSTIN CIVIL GROUP, INC

Land Planning • Civil Engineering • Development Services

123 N. 7th Street, Suite 300 • Grand Junction, Colorado 81501

(970) 242-7540

Know what's below.
Call before you dig.

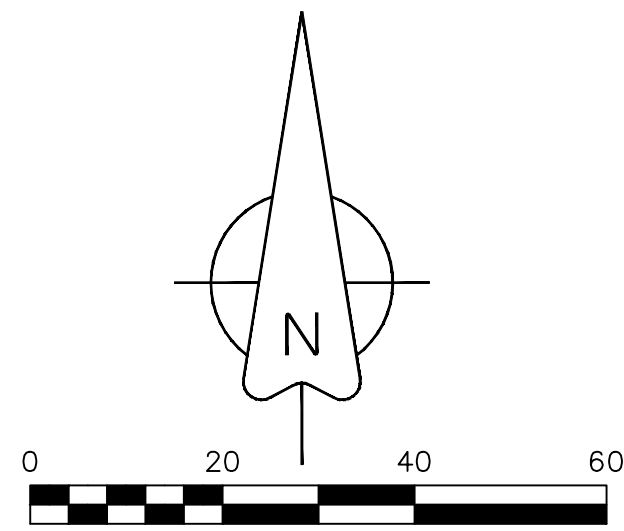
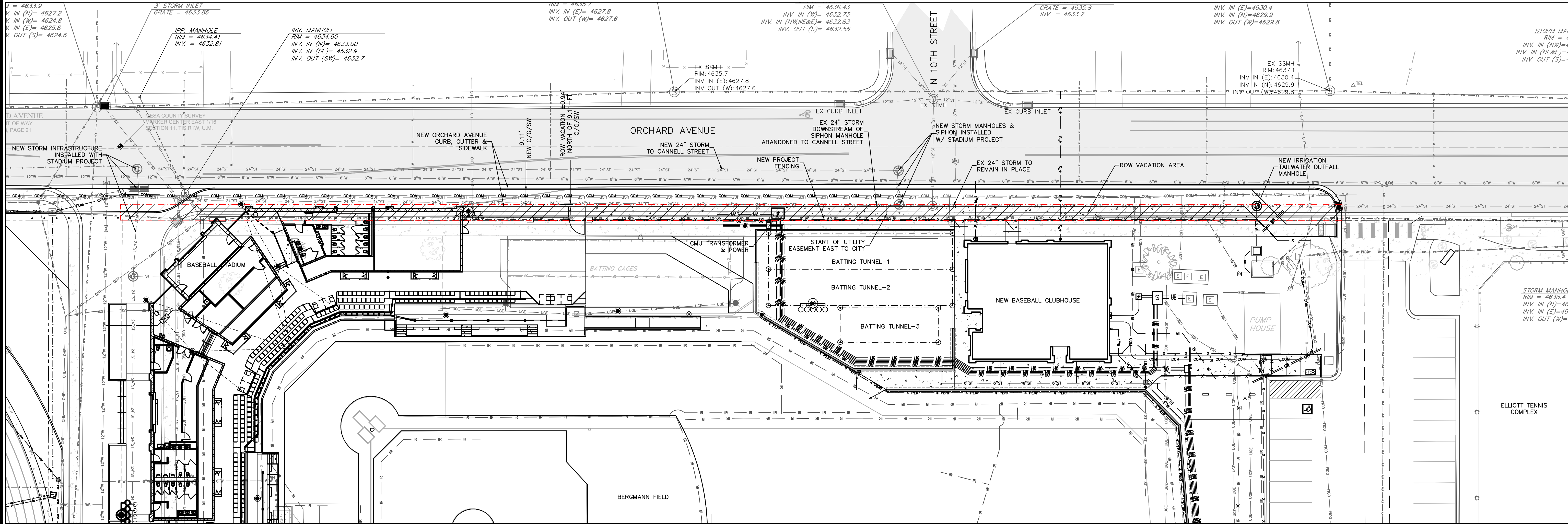
811

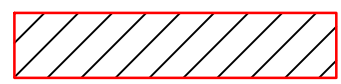
SCALE VERIFICATION
BAR IS ONE INCH ON ORIGINAL DRAWING
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ADJUST SCALES ACCORDINGLY

Packet Page 30

ORCHARD AVENUE RIGHT OF WAY (RECEPTION NO.444756)
LOCATED WITHIN THE NE 1/4 OF THE SE 1/4 OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 1 WEST
CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO





ROW VACATION AREA 

DOWN BY: STS
DESIGNED BY: STS
CHECKED BY:
APPROVED BY:

JOB NUMBER:
1162.0036

DATE:
09-16-21

SCALE:
1"=20'

SHEET NO:
ROW2

ORCHARD AVENUE ROW VACATION

DEVELOPED CONDITIONS
CMU CAMPUS
GRAND JUNCTION, COLORADO

prepared for
CMU

A • C • G
AUSTIN CIVIL GROUP, INC
Land Planning • Civil Engineering • Development Services
123 N. 7th Street, Suite 300 • Grand Junction, Colorado 81501
(970) 242-7540

REVISIONS		DATE	BY
NO.	DESCRIPTION		



Know what's below.
Call before you dig.

SCALE VERIFICATION
BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET
ADJUST SCALES ACCORDINGLY

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE VACATING A PORTION OF ORCHARD AVENUE RIGHT-OF-WAY
LOCATED NEAR NORTH 10th STREET**

Recitals:

Colorado Mesa University (CMU) has requested vacation of a portion of public right-of-way of Orchard Avenue. CMU, as the adjacent property owner proposes to construct improvements to adjacent athletic facilities and pedestrian amenities. The existing right-of-way for Orchard Avenue City was dedicated to the City by subdivision plats in the 1940s. The proposed right-of-way vacation will have no impact on public facilities or services provided to the public because they will continue to exist within the remaining right-of-way or within an easement retained on the eastern end of the right-of-way. The proposed project will improve and update the alignment and function of the street.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, and upon recommendation of approval by the Planning Commission, the Grand Junction City Council finds that the request to vacate a portion of public right-of-way for Orchard Avenue, is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING RIGHT-OF-WAY DESCRIBED BELOW AND ON EXHIBIT A IS HEREBY VACATED SUBJECT TO:

A utilities easement shall be retained for the use and benefit of the City on the eastern end of the vacated right-of-way as shown on Exhibit B; and,

The Applicant shall pay all recording/documentary fees for the Vacation Ordinance, any right-of-way/easement documents and/or dedication documents.

A portion of Orchard Avenue Right-of-Way as dedicated on the plat of Garfield Park Subdivision Reception Number 444756 of the Mesa County Records, situated in the Northeast Quarter of the Southeast Quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; being more particularly described as follows:

Commencing at the Center East 1/16 corner of Section 11, Township 1 South, Range 1 West of the Ute Meridian whence the East 1/4 corner of said Section 11 bears S89°58'20"E with all bearings contained herein being relative thereto;

Thence S00°12'15"E a distance of 23.50 feet to the Point of Beginning;
Thence S89°58'20"E, a distance of 497.95 feet;
Thence S00°12'15"E, a distance of 6.50 feet to a point on the South Right of Way line of Orchard Avenue as described at Reception No.444756;
Thence N89°58'20"W along said Right of Way line, a distance of 497.95 feet;
Thence N00°12'15"W, a distance of 6.50 feet to the Point of Beginning.

Containing an area of 3,237 square feet more or less, as described herein and depicted on EXHIBIT A.

AND retaining a utilities easement being more particularly described below:

An easement located within a portion of Orchard Avenue Right-of-Way as dedicated on the plat of Garfield Park Subdivision Reception Number 444756 of the Mesa County Records, situated in the Northeast Quarter of the Southeast Quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; being more particularly described as follows:

Commencing at the Center East 1/16 corner of Section 11, Township 1 South, Range 1 West of the Ute Meridian whence the East 1/4 corner of said Section 11 bears S89°58'20"E with all bearings contained herein being relative thereto;
Thence S00°12'15"E a distance of 23.50 feet;
Thence S89°58'20"E, a distance of 312.36 feet to the Point of Beginning;
Thence S89°58'20"E, a distance of 185.59 feet;
Thence S00°12'15"E, a distance of 6.50 feet to a point on the South Right of Way line of Orchard Avenue as described at Reception No.444756;
Thence N89°58'20"W along said Right of Way line, a distance of 185.59 feet;
Thence N00°12'15"W, a distance of 6.50 feet to the Point of Beginning.

Containing an area of 1,206 square feet more or less, as described herein and depicted on EXHIBIT B.

Introduced on first reading this 6th day of October 2021 and ordered published in pamphlet form.

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

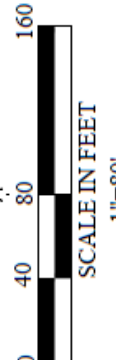
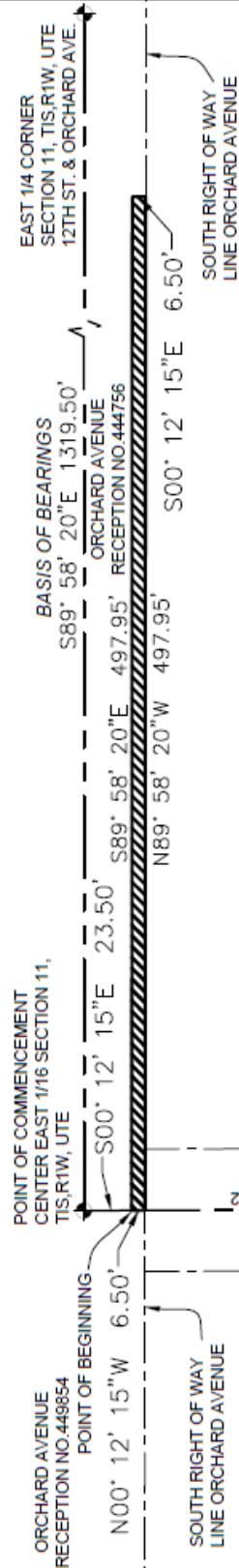
ATTEST:

Wanda Winkelmann
City Clerk

C.B. McDaniel
City Council President

EXHIBIT A

ORCHARD AVENUE VACATION
 SOUTHEAST 1/4 OF SECTION 11,
 TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN,
 CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO

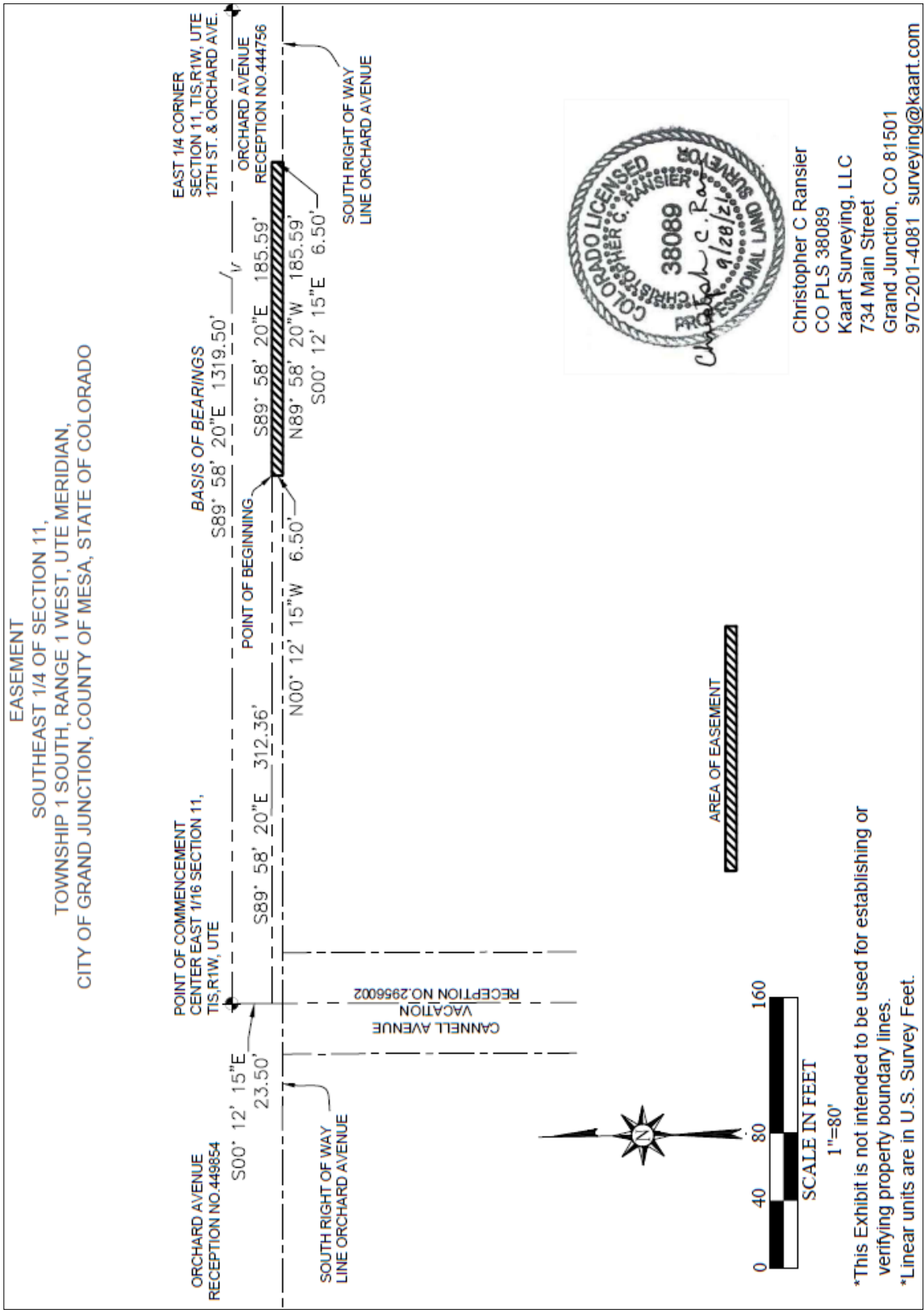


*This Exhibit is not intended to be used for establishing or
 verifying property boundary lines.
 *Linear units are in U.S. Survey Feet.



Christopher C Ransier
 CO PLS 38089
 Kaart Surveying, LLC
 734 Main Street
 Grand Junction, CO 81501
 970-201-4081 surveying@kaart.com

EXHIBIT B





Grand Junction Planning Commission

Regular Session

Item #2.

Meeting Date: October 12, 2021
Presented By: Senta Costello, Planner
Department: Community Development
Submitted By: Senta Costello, Associate Planner

Information

SUBJECT:

Consider a request by Darin Carei to rezone 0.276 acres from R-5 (Residential 5 du/ac) to C-1 (Light Commercial), located at 2894 Presley Avenue. | [Staff Presentation](#) | Phone-in comment code **7063**.

RECOMMENDATION:

Staff recommends approval of the request.

EXECUTIVE SUMMARY:

The Applicant, Darin Carei, is requesting a Comprehensive Plan Amendment from Residential Medium (5.5 – 12 du/ac) to Commercial and a rezone of one parcel totaling approximately 0.276 acres located at 2894 Presley Avenue, more particularly described as Lot 1, Block 1 of the Graff Meadows Filing One subdivision, from R-5 (Residential 5 du/ac) to C-1 (Light Commercial). The requested C-1 (Light Commercial) zone district would be consistent with the Comprehensive Plan Land Use Map designation of Commercial, if approved.

BACKGROUND OR DETAILED INFORMATION:

The 0.276-acre parcel is located just west of the northwest corner of 29 Road and Presley Avenue, adjacent to Graff Dairy. The property was originally platted as a part of Lot 1, Woodsmoke Subdivision in 1982, replatted in 1998 as a part of Lot 2, Graff Minor Subdivision and most currently platted as Lot 1, Block 1 of Graff Meadows Filing One subdivision, intended for a single-family house. Located directly to the east is Graff Dairy, an ice cream shop/dairy originally opened in 1964. The business closed in 2014 but was purchased and reopened in 2015 by Mr. Carei. In the last 6 years the business has flourished, creating traffic and circulation problems on the property and

surrounding streets.

Mr. Carei proposes to rezone the residential lot in Graff Meadows Filing One, combine it with the Graff Dairy property at 581 29 Road, more particularly described as Lot 1 of Graff Minor Subdivision and make site improvements for additional parking and improved overall circulation for the business and motorists on surrounding streets. Simple Subdivision and Site Plan Review applications have been submitted for the proposed improvements.

For the property to be rezoned to the requested C-1 zone district, a Comprehensive Plan Amendment is required. The applicant has submitted for a Comprehensive Plan amendment concurrent with the rezone request and this staff report and accompanied ordinance provides for concurrent consideration by Planning Commission and City Council. Without a change to the Land Use Map as requested in the Comprehensive Plan Amendment, the rezone request to C-1 is not supported by the Comprehensive Plan. Support for a rezone to C-1 is conditioned upon an amendment to the Land Use Map of Commercial for the property.

COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT

Presently, the Comprehensive Plan designates the property's land use as Residential Medium (5.5 – 12 du/ac). The Applicant is requesting to change the Land Use Map from Residential Medium to Commercial to allow for light commercial land uses.

The primary land uses found in the Commercial land use category are commercial, offices, retail, medical campus/hospitals and service-oriented uses. The secondary land uses include higher density housing, small warehouses, lighter industrial uses such as manufacturing, assembly, technology and distribution, places of worship and other public/institutional uses.

The area surrounding this site is designated on the Land Use Map as Residential Medium to the north, south and west, and Commercial to the east on the Graff Dairy site.

REZONE REQUEST

The Applicant is interested in preparing the property for future development that is proposed to include additional parking and circulation for the Graff Dairy customers and employees.

In addition to the C-1 (Light Commercial) zoning requested by the petitioner, the following zone districts would also be consistent with the Comprehensive Plan designations of Commercial:

- a. Mixed Use (M-U)
- b. Business Park (BP)
- c. Industrial/Office Park (I-O)
- d. General Commercial (C-2)

- e. Mixed Use Residential (MXR-8)
- f. Mixed Use General (MXG – 3, 5, 8)
- g. Mixed Use Shopfront (MXS – 3, 5, 8)
- h. Mixed Use Opportunity Corridor (MXOC)

In reviewing the other zoning district options for the proposed Commercial category, the M-U, BP and C-2 zone districts allow for retail and food production type developments.

The property adjacent to the subject property to the north, south and west are zoned east zoned R-5, established under the 2020 Comprehensive Plan's land use designation for Residential Medium (5.5 to 12 du/ac). The zoning east of subject property (Graff Dairy site) is zoned C-1 (Light Commercial).

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed rezone request was held on December 7, 2020 virtually in accordance with Section 21.02.080 (e) of the Zoning and Development Code. Two neighbors attended the meeting. They were supportive of the project overall as well as the rezone to facilitate an improved site layout and traffic circulation.

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 28, 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 September 17, 2021 and again October 1, 2021. The notice of this public hearing was published on September 21, 2021 and October 5, 2021 in the Grand Junction Daily Sentinel.

ANALYSIS - COMPREHENSIVE PLAN AMENDMENT

The criteria for review are set forth in Section 21.02.130 (c) (1). The criteria provide that the City may amend the Comprehensive Plan, neighborhood plans, corridor plans and area plans if the proposed change is consistent with the vision (intent), goals and policies of the Comprehensive Plan and at least one of the criteria outlined below;

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

The decision to designate the property as Residential Medium Land Use under the Comprehensive Plan was made approximately nine months ago with the adoption of the One Grand Junction Comprehensive Plan. No substantial changes to the infrastructure, development context, or development potential of the subject property has occurred since that time. Therefore, staff finds that this criterion is not 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 area has not been changed in a substantive way since the Comprehensive Plan was adopted. The surrounding land-uses remain predominately residential and consist of medium-density residential development. Therefore, staff finds this criterion is not 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 associated with the Commercial Future Land Use designation. The type and scope of land use allowed within the Commercial Future Land Use designation is similar in character and extent to the existing non-residential land use of nearby properties, which contain a mix of office, retail, restaurant and multifamily uses. The subject site is currently served by Ute Water, Persigo Wastewater Treatment, and Xcel Energy (electricity and natural gas). Commercial and employment opportunities such as retail, offices, and restaurants are found nearby along Patterson Road. Additionally, multi-modal access to the site is sufficient, with 29 Road having dedicated bike lanes, and multiple Grand Valley Transit (GVT) routes and stops in close proximity. The application packet was sent out to applicable utility companies for this proposal, and there were no objections expressed during the review process. Based on the provision of adequate public utilities and community facilities to serve the rezone request, 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

Graff Dairy has been a historical use in the area, providing a variety of dairy products and ice cream to valley residents. Since it reopened in 2015, the success of the business has grown to a point that on-site parking, access and circulation have become problematic with customer lines trying to access the site backing up in both directions within the 29 Road right-of-way. While the subject site does provide a unique opportunity to preserve and potentially expand the existing Dairy use to the east, providing the opportunity to alleviate the growing traffic and circulation issues and facilitating it being able to remain in the neighborhood, there is nothing that suggests that there is an inadequate supply of land available that can accommodate the proposed land use. Based on these considerations, staff finds that this criterion has not been met.

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

Graff Dairy has been a historical use in the area, providing a variety of dairy products and ice cream to valley residents. Since it reopened in 2015, the success of the business has grown to a point that on-site parking, access and circulation have become problematic with customer lines trying to access the site backing up in both directions

within the 29 Road right-of-way. The subject site provides a unique opportunity to preserve and expand the existing Dairy use west, providing the opportunity to alleviate the growing traffic and circulation issues and facilitating it being able to remain in the neighborhood. The site's location is well-served by transportation infrastructure, utilities, and other community facilities. As such, staff finds this criterion has been met.

Changes are consistent with the vision, goals and policies of the Comprehensive Plan. Implementing the Comprehensive Plan. The proposed Land Use Map Amendment to Commercial implement's the following Plan Principles, goals and policies of the Comprehensive Plan:

Principle 2.1: Resilient and Diverse Economy – Foster a vibrant, diverse, and resilient economy

Principle 2.3 – Promote Business Growth for a Diverse and Stable Economic Base

ANALYSIS

Pursuant to Section 21.02.140 of the Grand Junction Zoning and Development Code, the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following criteria:

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

The decision to designate the property as Residential Medium Land Use under the Comprehensive Plan was made approximately nine months ago with the adoption of the One Grand Junction Comprehensive Plan with the Graff Dairy site to the east having a Commercial designation. The property was originally platted as part of the Graff Meadows Filing 1 Subdivision as a lot for a new single family house. During that time the Graff Dairy business to the east has continued to thrive and grow. This lot is directly abutting the Dairy site along the full length of its eastern border, sits on the edge of the residential subdivision and has remained vacate since recording of the plat. However, no substantial changes to the infrastructure, development context in the neighborhood, or development potential as originally planned of the subject property has occurred. Therefore, staff finds that this criterion is not met.

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

The construction of the viaduct over the railroad tracks further south on 29 Road in 2011-2012 increased the ease of accessibility along the 29 Road corridor, changing the character of the area to a more commercial corridor along the northern end as 29 Road approaches Patterson Road. However, there have not been changes in the character and/or conditions in the area, since the current 2020 Comprehensive Plan was adopted. Therefore, 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 associated with the C-1 zone district. The type and scope of land use allowed within the C-1 zone district is similar in character and extent to the existing land use of nearby properties, which contain a mix of office, retail, restaurant and multifamily uses. The subject site is currently served by Ute Water, Persigo Wastewater Treatment, and Xcel Energy (electricity and natural gas). Commercial and employment opportunities such as retail, offices, and restaurants are found nearby along Patterson Road. Additionally, multi-modal access to the site is sufficient, with 29 Road having dedicated bike lanes, and multiple Grand Valley Transit (GVT) routes and stops in close proximity. The application packet was sent out to applicable utility companies for this proposal, and there were no objections expressed during the review process. Based on the provision of adequate public utilities and community facilities to serve the rezone request, 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

The existing zoning of R-5 is not limited, accounting for approximately 6% of all property within the City limits. The proposed zoning of C-1 is also not limited, accounting for 6% of all property within the Grand Junction City limits.

While the subject site does provide a unique opportunity to preserve and potentially expand the existing Dairy use to the east, facilitating it being able to remain in the neighborhood, there is nothing that suggests that there is an inadequate supply of land available that can accommodate the proposed land use. Based on these considerations, staff finds that this criterion has not been met.

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

Graff Dairy has been a historical use in the area, providing a variety of dairy products and ice cream to valley residents. Since it reopened in 2015, the success of the business has grown to a point that on-site parking, access and circulation have become problematic with customer lines trying to access the site backing up in both directions within the 29 Road right-of-way. The subject site provides a unique opportunity to preserve and expand the existing Dairy use west, providing the opportunity to alleviate the growing traffic and circulation issues and facilitating it being able to remain in the neighborhood. The site's location is well-served by transportation infrastructure, utilities, and other community facilities. As such, staff finds this criterion has been met.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing Mr. Carei's Comprehensive Plan Amendment from Residential Medium

to Commercial and rezone from R-5 to C-1 requests, RZN-2020-739, for the property located at 2894 Presley Avenue, the following findings of fact and condition have been made:

On the request for an amendment to the Comprehensive Plan, the following findings of fact have been made:

- 1) The request has met one or more of the criteria in Section 21.02.130(c)(1) of the Zoning and Development Code.
- 2) The request is consistent with the vision, goals and policies of the Comprehensive Plan.

On the request for rezoning, the following findings of fact have been made:

- 1) The request has met one or more of the criteria in Section 21.02.140 of the Zoning and Development Code.
- 2) The request is consistent with the vision (intent), goals and policies of the Comprehensive Plan.

Therefore, Staff recommends approval of the requested Comprehensive Plan Amendment and Rezone requests.

SUGGESTED MOTION:

Two separate motions (Motion 2 cannot be approved without approval of Motion 1)

Motion 1: Mr. Chairman, on the Comprehensive Plan Amendment request for the property located at 2894 Presley Avenue, 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.

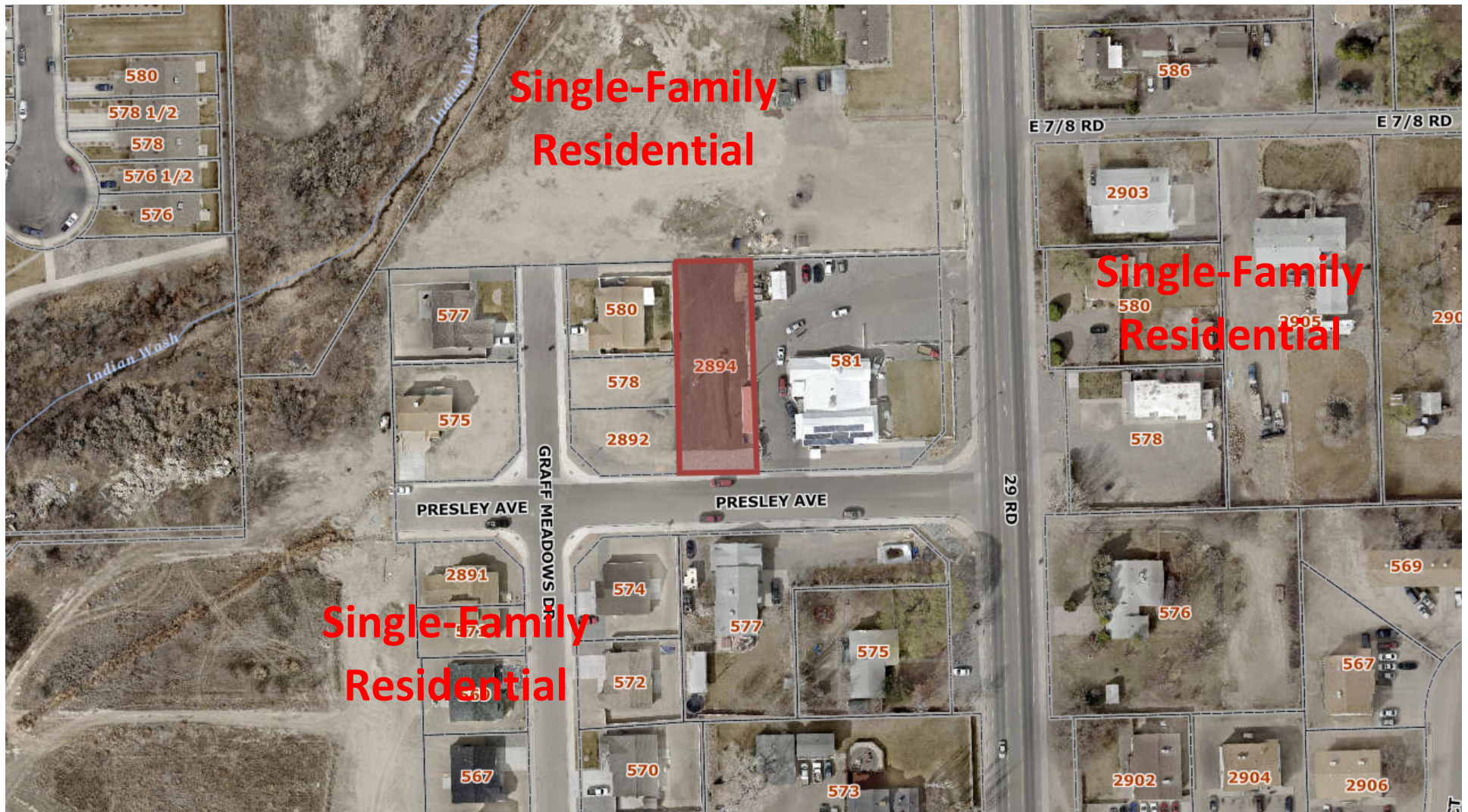
Motion 2: Mr. Chairman, on the rezone for the property located at 2894 Presley Avenue, City file number RZN-2020-739, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report and with the condition that City Council approves the Comprehensive Plan Land Use Map Amendment to Commercial.

Attachments

1. Maps
2. Combined CPA and Zoning Ordinance

Exhibit 1

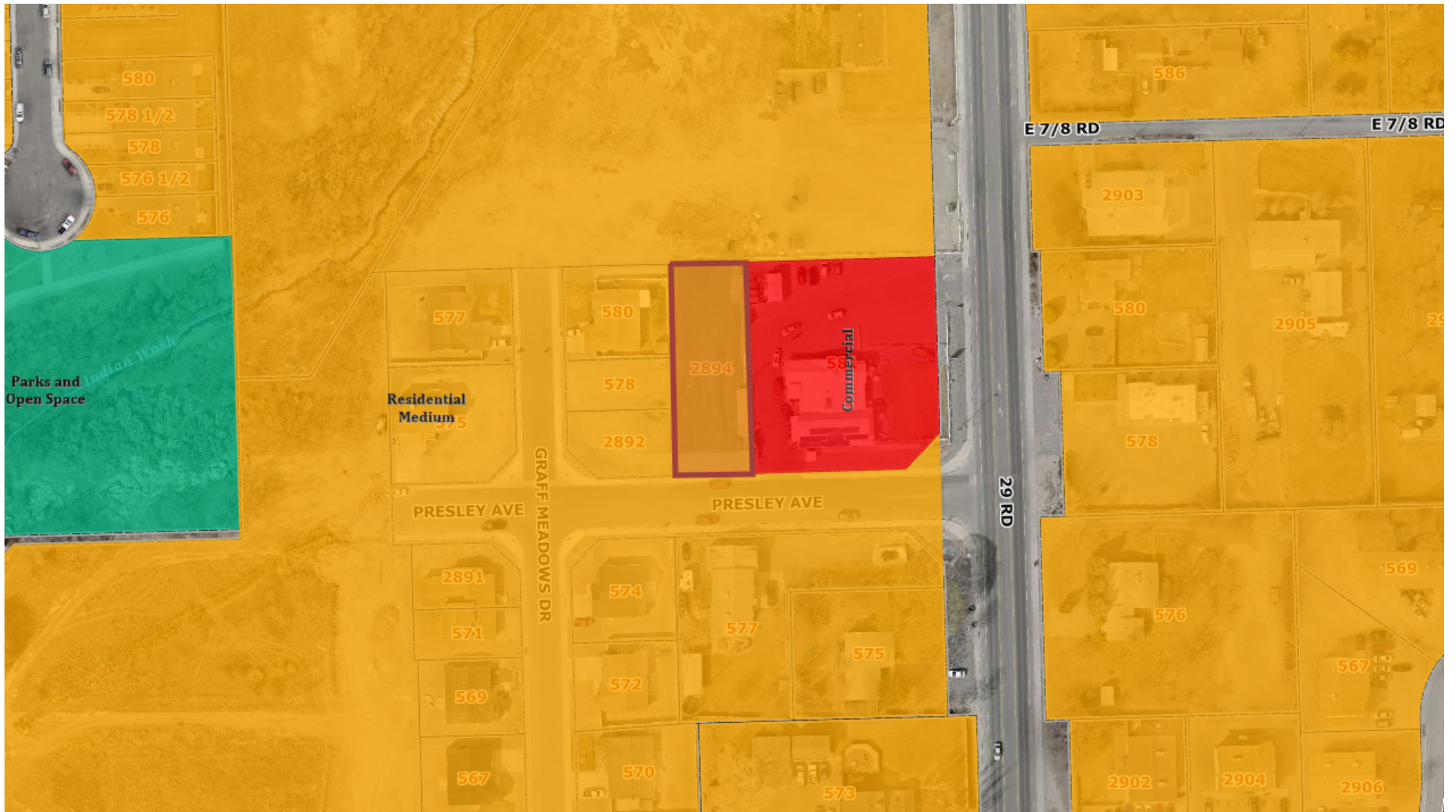
Location Map



**Location Map
(Broader View)**



Future Land Use Map



Zoning Map



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN LAND USE MAP OF
THE CITY OF GRAND JUNCTION FROM RESIDENTIAL MEDIUM (5.5 -16 DU/ACRE)
TO COMMERCIAL AND REZONING FROM R-5 (5 DU/ACRE) TO C-1 (LIGHT
COMMERCIAL) ZONE DISTRICT**

LOCATED AT 2894 PRESLEY AVENUE

Recitals:

The property owner, Darin Carei, proposes an amendment to the Comprehensive Plan Land Use Map from Residential Medium (5.5 – 12 du/ac) to Commercial and a rezone from R-5 (Residential – 5 du/ac) to C-1 (Light Commercial) on a total of 0.275-acres, located at 2894 Presley Avenue.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of amending the Comprehensive Plan Future Land Use designation for the Property from Residential Medium (5.5 – 12 du/ac) to Commercial and recommended subsequent approval of changing the zoning from R-5 (Residential – 5 du/ac) to C-1 (Light Commercial) for the property, finding that it conforms to and is consistent with the Land Use Map designation of Commercial of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that amending the Comprehensive Plan Land Use Map from Residential Medium (5.5 – 12 du/ac) to Commercial and rezoning from R-5 (Residential – 5 du/ac) to C-1 (Light Commercial) for the property, is consistent with the vision, intent, goals and policies of the Comprehensive Plan and has met one or more criteria for a Comprehensive Plan amendment, the City Council also finds that the C-1 (Light Commercial) zone district, is consistent and is in conformance with the Comprehensive Plan and at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

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

The following property shall be re-designated as Commercial on the Land Use Map of the Comprehensive Plan and shall be zoned C-1 (Light Commercial) on the zoning map:

Lot 1, Block 1 Graff Meadows Filing One, Reception 2870118, in the Northeast Quarter of Section 7, T1S, R1E, Ute Meridian, Grand Junction, Mesa County, Colorado.

Introduced on first reading this ____ day of _____, 2021 and ordered published in pamphlet form.

Adopted on second reading this ____ day of _____, 2021 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor