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**PLANNING COMMISSION AGENDA
TUESDAY, MARCH 22, 2022 - 5:30 PM
CITY HALL AUDITORIUM - 250 N 5th STREET
[VIRTUAL MEETING](#)**

Call to Order - 5:30 PM

Consent Agenda

1. Minutes of Previous Meeting(s)
2. Consider a request by Anna Company LLC to Vacate a Public Alley Right-of-Way, Located south of 245 and 333 South Avenue.

Regular Agenda

1. Consider a request by Kent Slawson, Property Owner, to rezone 1.18 acres from R-4 (Residential - 4 du/ac) to R-8 (Residential – 8 du/ac) located at 702 25 Road. | [Staff Presentation](#) | Phone in comment code: **6510**
2. Consider a Request by the Emanuel Epstein Revocable Trust to Rezone One Parcel Totalling Approximately 2.46 acres from PD (Planned Development) to C-1 (Light Commercial) Located at the Northeast Corner of Horizon Drive and 27 ½ Road. | [Staff Presentation](#) | Phone in comment code: **1371**
3. **Rescheduled to April 12, 2022.** Consider an amendment to landscaping requirements applied to site development in the Zoning and Development Code Section 21.06.040 Landscape, buffering, and screening standards and related sections of the Grand Junction Municipal Code.

Other Business

Adjournment

GRAND JUNCTION PLANNING COMMISSION
March 8, 2022, 5:30 PM
MINUTES

The meeting of the Planning Commission was called to order at 5:33 p.m. by Chair Andrew Teske.

Those present were Planning Commissioners; Chair Andrew Teske, Ken Scissors, Keith Ehlers, George Gatseos, Sandra Weckerly, Kimberly Herek, and Melanie Duyvejonck.

Also present were Scott Peterson (Principal Planner) and Kalli Savvas (Planning Technician).

There were 2 members of the public in attendance and 0 virtually.

CONSENT AGENDA

1. Approval of Minutes

Minutes of Previous Meeting(s) from February 22, 2022.

Commissioner Gatseos, moved to accept consent agenda with spelling error correction. Weckerly seconded. Passed 7-0.

REGULAR AGENDA

1. Keyser Court Annexation

ANX-2021-877

Consider a request by BK Holdings II LLLP to zone 1.83 acres from County Planned Unit Development (PUD) to R-8 (Residential – 8 du/ac).

Staff Presentation

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

Applicant Presentation

The representative was present and available for questions.

Questions for Applicant or Staff

Public Hearing

The public hearing was opened at 5:00 p.m. on Tuesday, March 1, 2022, via www.GJSpeaks.org.

The public hearing was closed at 5:47 p.m. on March 8, 2022.

Discussion

Chair Teske asked for clarification on one of the slides in the presentation.

Motion and Vote

Commissioner Scissors made the following motion Mr. Chairman, on the Zone of Annexation request for the property located at 3110 through 3117 Keyser Court, City file number ANX-2021-877, 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 Ehlers seconded the motion. The motion carried 6-0. Teske, Ehlers, Gatseos, Weckerly, Herek, and Duyvejonck.

2. Other Business

None.

3. Adjournment

Commissioner Scissors moved to adjourn the meeting.

The vote to adjourn was 7-0. Herek, Scissors, Ehlers, Gatseos, Teske, Weckerly, and Duyvejonck.

The meeting adjourned at 5:55 p.m.



Grand Junction Planning Commission

Regular Session

Item #2.

Meeting Date: March 22, 2022

Presented By: Kristen Ashbeck, Principal Planner/CDBG Admin

Department: Community Development

Submitted By: Kristen Ashbeck

Information

SUBJECT:

Consider a request by Anna Company LLC to Vacate a Public Alley Right-of-Way, Located south of 245 and 333 South Avenue.

RECOMMENDATION:

Staff recommends conditional approval of the request.

EXECUTIVE SUMMARY:

The applicant, Anna Company LLC (Owner) is requesting vacation of an undeveloped east-west alley that lies south of 245 and the western portion of 333 South Avenue. The area to be vacated is a 10-foot wide and variable length strip of land, encompassing a total of 2,239 square feet. The vacation of the alley will eliminate the approximately one-foot encroachment of the building into a public right-of-way. The requested vacation conforms with the City's Comprehensive Plan and Circulation Plan.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The alley right-of-way in this portion of downtown Grand Junction first appeared in the 1882 town plat of the original square mile as right-of-way south of blocks 165 and 164 between 2nd and 4th Streets and south of South Avenue. However, it appears that the right-of-way has never been developed nor maintained as a formal alley but has been used to access the backs of the properties and buildings that now occupy blocks 165 and 164. Ordinance 1828 vacated an alley in Block 163 in 1979, but this portion of alley was not addressed at that time. During title search to prepare the property for sale, it was discovered that the right-of-way technically still exists and the building on the 245 South Avenue parcel encroaches into the right-of-way by approximately one foot. The owner of the building is requesting the vacation to alleviate this issue.

There are two sewer lines behind the buildings: one is an identified public line that is on the railroad property on the south side of the alley, the other is in the alley right-of-way to be vacated and carries combined sanitary sewer and storm sewer from the parking lot between 245 and 333 South Avenue westward and joins the line on the railroad property in the rail yard. It has not been determined whether the latter line is public or private. Without the Applicant confirming it is not a public line and without determining that those who use the line otherwise have easements or agreements, it is necessary to retain a utility easement. In addition, the City will need a north-south access easement through the parking lot between 245 and 333 South Avenue to be able to access the utility easement and the sewer line that is on the railroad property along the south side of the buildings. There is an existing north-south utility easement in this area, but it is for the sole benefit of Xcel Energy and cannot be used by the City to access the sewer line.

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 and 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 1,000 feet. and notice of the Planning Commission public hearing was published in the Grand Junction Daily Sentinel.

A Neighborhood Meeting regarding the proposed vacation was held on September 22, 2021 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. Along with City Staff, the landowner and their representative, there was one neighboring property owner in attendance that was interested in detail surrounding the request and indicated support of the alley vacation.

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 alley right-of-way conforms to 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 or private facilities or services provided, since they may continue to exist within the utility easement being retained.

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

Plan Principal 2: Resilient and Diverse Economy

Strategy 3. Promote Business Growth for a Diverse and Stable Economic Base.

Approval of the vacation request will allow for the existing building to continue to be used as a viable location for a business in downtown Grand Junction. Therefore, staff has found the request to vacate a portion of existing public right-of-way conforms 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 alley right-of-way has not been used for some time if it was ever used or maintained for public access. It has only been used to access the rear of the properties that face South Avenue for many years. Vacation of the alley right-of-way will not landlock any parcels. 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 alley right-of-way 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;
The proposed alley right-of-way vacation will not have adverse impacts on other nearby streets, infrastructure or other public facilities and services. 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 along the south side of the building for the existing combined storm and sanitary sewer line and a north-south access easement be provided from South Avenue to the sewer line, 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

With the utility easement being retained 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.

Since the alley is not currently maintained by the City, this criterion does not apply to this proposed right-of-way vacation.

FINDINGS OF FACT AND RECOMMENDATION

After reviewing the request to vacate an undeveloped alley right-of-way as set forth in the description and sketch attached to the proposed vacation ordinance, City file number VAC-2021-681, located south of 245 and 333 South Avenue, 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 conditional approval of the request with the following conditions:

1. A utility easement shall be retained along the southern side of the vacated right-of-way as shown on Exhibit B of the proposed ordinance; and
2. An access easement to benefit the City of Grand Junction shall be provided from South Avenue to the utility easement and any utilities on the railroad property to the south as described and shown on Exhibit C of the proposed ordinance.

SUGGESTED MOTION:

Mr. Chairman, on the request to vacate an undeveloped alley right-of-way as set forth in the description and sketch attached to the proposed vacation ordinance, City file number VAC-2021-681, located south of 245 and 333 South Avenue, I move that the Planning Commission forward a recommendation of conditional approval to City Council with the findings of fact listed in the staff report.

Attachments

1. Application Materials
2. Vacation Ordinance

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

Digitally signed by Tom Logue
DN: cn=Tom Logue, o=ou, email=talldc@msn.com, c=US
Date: 2015.09.29 05:46:22 -0600

Date

Signature of Legal Property Owner

Date

GENERAL PROJECT REPORT FOR:

VACATION APPLICATION

ALLEY SOUTH OF
245 SOUTH AVENUE

GRAND JUNCTION, COLORADO
August, 2021

PREPARED FOR:
ANNA COMPANY, LLC.
PO Box 489
GRAND JUNCTION, CO 81502
970-208-7527

**PART A
REQUEST**

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**PART B
EVALUATION OF THE REQUEST**

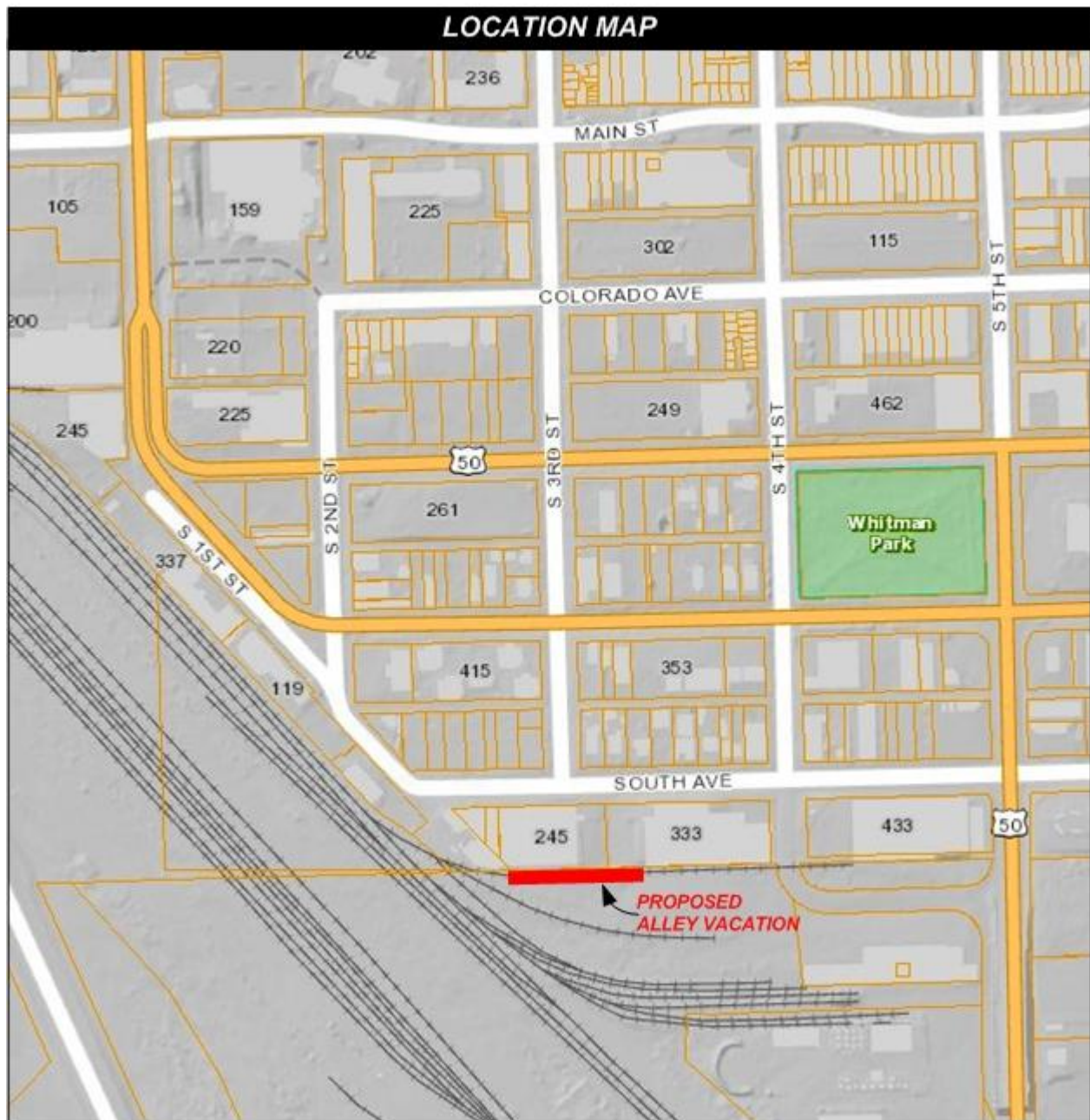
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THOMAS A. LOGUE LAND DEVELOPMENT CONSULTANT
537 FRUITWOOD DRIVE • GRAND JUNCTION • COLORADO • 81504 • 970-434-8215

SITE LOCATION DATA

Common Location South of 245 South Avenue
Aliquot Section: SE ¼ Section 14, Township 1 South, Range 1 East, Ute Meridian
Latitude and Longitude: 39° 03' 47", -108° 34' 05"



REQUEST - This application is a request to vacate 310 centerline feet of a 10 foot wide Alley south of 245 South Avenue comprising approximately 3,100 square feet. The land adjoining the requested vacated area is under the control of the applicant, Anna Company, LLC. Vacation of the alley will eliminate a approximate one foot building encroachment into the ally right-of-way.

The requested vacated areas will not impede access to any property not currently owned by the applicant. Drawings contained herein, illustrates the relationship of the proposed Alley vacation to the current adjacent land use and the existing land uses in the area surrounding the requested vacation.

LAND USE ZONING – An examination of the Grand Junction Zoning Map reveals that the property adjacent to the vacated area is zoned: C-2, (General Commercial) and I-2 (General Industrial).



EXISTING LAND USE – The land use north of the requested vacated alley is dominated by 23,350 square foot office/warehouse building that was constructed in 1970 and an adjoining 33,914 square foot office/warehouse building. A shared parking lot is located between the two buildings. A rail siding is located adjacent to the south side of the alley.



SURROUNDING LAND USE – The surrounding land uses in the vicinity of the proposed street and alley vacations are considered to be “high” intensity. The area is dominated by the adjoining office warehouse uses. Most the land in the surrounding area, not owned by the applicant consists of light commercial and auto related services. Some mature residential housing is located along the north side of South Avenue.

Evaluation of the **Vacation Request** is accomplished by using the six approval criteria for “Vacations of Rights-of-Way or Easements” in section 21.02.100 of the *Grand Junction Municipal Code*. The following response to each of the criteria illustrates compliance:

The vacation of the right-of-way or easement shall conform to the following:

Criteria 1: The Growth Plan, major street plan and other adopted plans and policies of the City;

RESPONSE: According to the major street plan South Avenue is classified as a: local street. The major street plan does not include any specific requirement for the subject alley and is not included in any other known adopted plans and policies.

Criteria 2: No parcel shall be landlocked as a result of the vacation;

RESPONSE: No parcels of land not under the control of the applicant will be landlocked as a result of the proposed vacation.

Criteria 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;

RESPONSE: Access to parcels not owned by the applicant will not be restricted as a result of the requested right-of-way vacation.

Criteria 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 service);

RESPONSE: Accessibility to public facilities and services will not substantially change once the alley is vacated.

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

RESPONSE: All necessary public facilities exist. A new easements can be dedicated in the event that access to facilities is necessary in the alley right-of-way.

Criteria 6: The proposal shall provide benefits to the City such as reduced maintenance requirement, improved traffic circulation, etc.

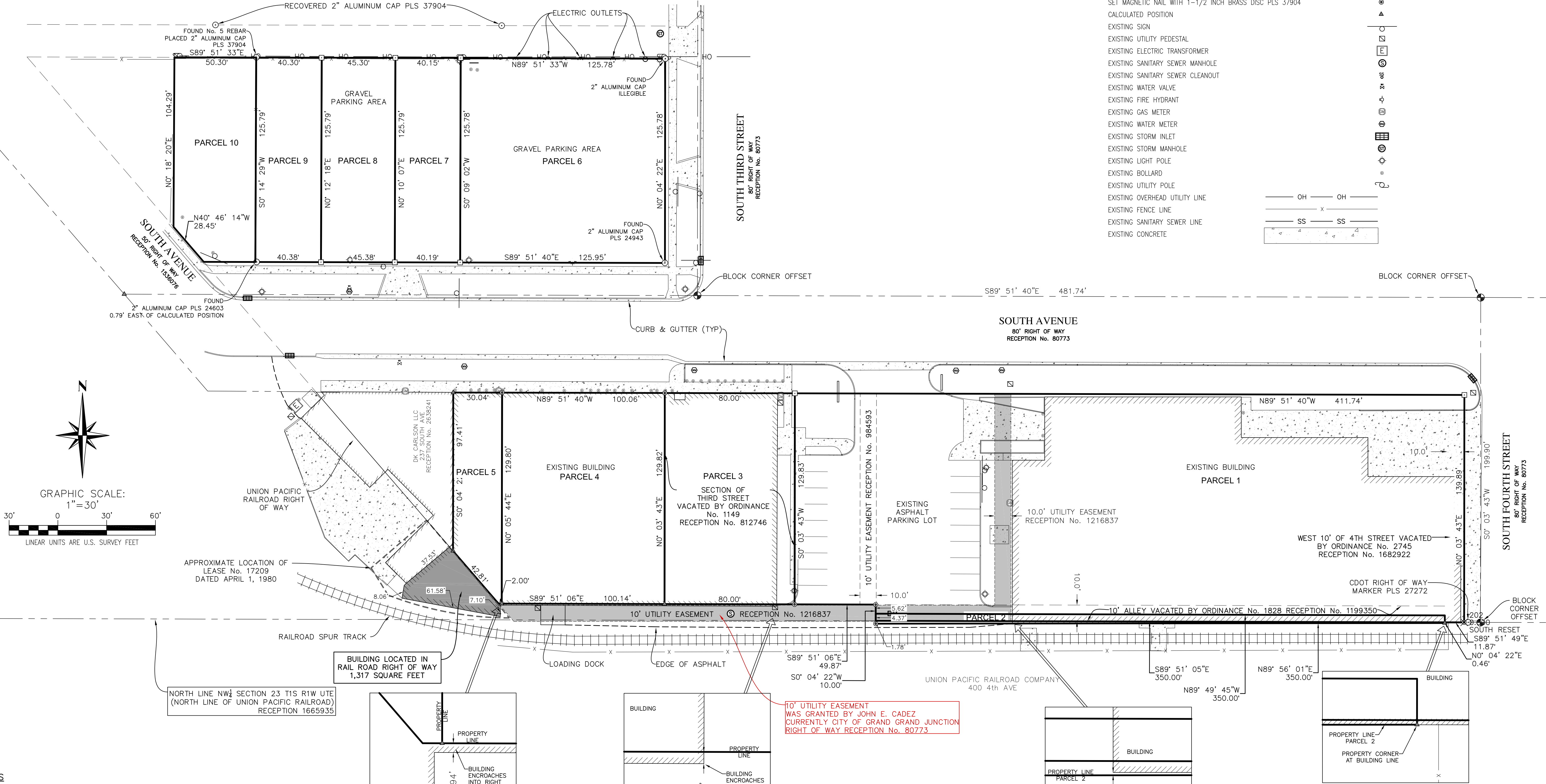
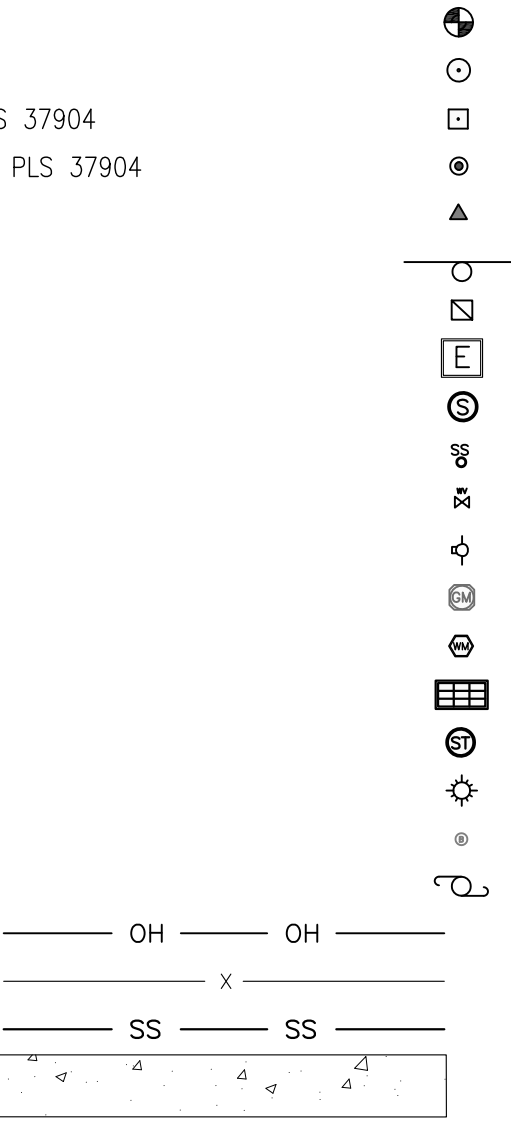
RESPONSE: Since the alley is not currently maintained by the City, this criterion does not apply.

IMPROVEMENT SURVEY

SITUATED IN THE SW¼ SECTION 14
TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN
AND BEING A PART PLAT OF PART OF SECOND DIVISION RESURVEY, AS AMENDED
COUNTY OF MESA, STATE OF COLORADO

LEGEND:

- FOUND BLOCK CORNER OFFSET AS DESCRIBED
- FOUND SURVEY MARKER AS DESCRIBED
- SET No. 5 REBAR WITH 2 INCH ALUMINUM CAP PLS 37904
- SET MAGNETIC NAIL WITH 1-1/2 INCH BRASS DISC PLS 37904
- CALCULATED POSITION
- EXISTING SIGN
- EXISTING UTILITY PEDESTAL
- EXISTING ELECTRIC TRANSFORMER
- EXISTING SANITARY SEWER MANHOLE
- EXISTING SANITARY SEWER CLEANOUT
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- EXISTING GAS METER
- EXISTING WATER METER
- EXISTING STORM INLET
- EXISTING STORM MANHOLE
- EXISTING LIGHT POLE
- EXISTING BOLLARD
- EXISTING UTILITY POLE
- EXISTING OVERHEAD UTILITY LINE
- EXISTING FENCE LINE
- EXISTING SANITARY SEWER LINE
- EXISTING CONCRETE



NOTES

- OWNERSHIP, RECORDED RIGHTS-OF-WAY, AND EASEMENT INFORMATION WAS DONE WITH A CURRENT TITLE POLICY BY LAND TITLE GUARANTEE COMPANY ORDER No. GJC65047471-2.
- BEARINGS ARE BASED ON THE BLOCK OFFSET LINE BETWEEN SOUTH THIRD STREET AND SOUTH FOURTH STREET AT THE INTERSECTION OF SOUTH AVENUE. THE VALUE USED S89°51'40"E. WAS CALCULATED USING THE MESA COUNTY LOCAL COORDINATE SYSTEM. CITY SURVEY MARKERS WERE FOUND AT THE EAST AND WEST ENDS OF SAID LINE AS SHOWN HEREON.
- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

IMPROVEMENT SURVEY

PITTS WEST INVESTMENTS, LLC

SITUATED IN THE SW¼ SECTION 14

TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN

COUNTY OF MESA, STATE OF COLORADO

JOB #: 2021-104

DATE: 6/29/21

FIELD WORK: SL

DRAWING NAME: SOUTH AVE.

DRAWN BY: OM

CHECKED BY: PC

POLARIS SURVEYING

PATRICK W. CLICK P.L.S.

3194 MESA AVE. #B

GRAND JUNCTION, CO 81504

PHONE (970)434-7038

LEGAL DESCRIPTION

A parcel of land situated in Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the 20 foot Block Corner offset monument at the Southeast Corner of Block 163 as shown on Plat of part of Second Division Resurvey, as Amended recorded at Reception Number 80773 of the Mesa County Records, from whence the Southwest Section Corner of said Section 14 bears N89°50'55"W a distance of 1324.53 feet for a Basis of Bearings with all bearings herein related thereto; thence N89°50'55"W a distance of 371.55 feet to a point on the South Line of an existing alley within the City of Grand Junction as shown on the plat thereof as recorded at Reception Number 2000000 of the Mesa County Records and the Point of Beginning;

thence continuing along said South Line N89°50'55"W a distance of 223.66 feet to a point on the Northeasterly line of the Union Pacific Railroad Right of Way; thence N40°46'14"W along said Right of Way a distance of 13.23 feet to a point on the South Line of Lot 12 as shown on said Plat of part of Second Division Resurvey; thence S89°50'55"E a distance of 232.32 feet to the Southeast Corner of Lot 2 in Block 163 of said Plat; thence S0°03'43"W a distance of 10.00 feet to the Point of Beginning.

Said parcel contains 2,280 square feet.

Above legal description written by:

Patrick W. Click

Colorado registered Professional Surveyor No. 37904

3194 Mesa Avenue Unit B

Grand Junction, Colorado 81504

245 and 333 South Avenue Alley Vacation Request

NEIGHBORHOOD MEETING

September 22, 2021

A Virtual Neighborhood Meeting to discuss the pending Alley Vacation Request for a alley along the south sides of property located at 245 and 333 South Avenue was held at 5:30 p.m. on September 21, 2021.

In addition to Jace Hockwalt, Community Development Department staff planner, the land owner and their representative, one neighbor who owns an adjacent property at 237 South Avenue was in attendance out of the approximately 38 that were notified of the meeting.

An overview of the proposed vacation and the City's approval process was presented by the owner's representative and the staff planner. The meeting lasted about 45 minutes. The adjoining owner was interested in some of the details surrounding the request and indicated support of the alley vacation.

Respectfully submitted,

Tom Logue, Representative for Anna Company, LLC, Michael Cadaz, Manager

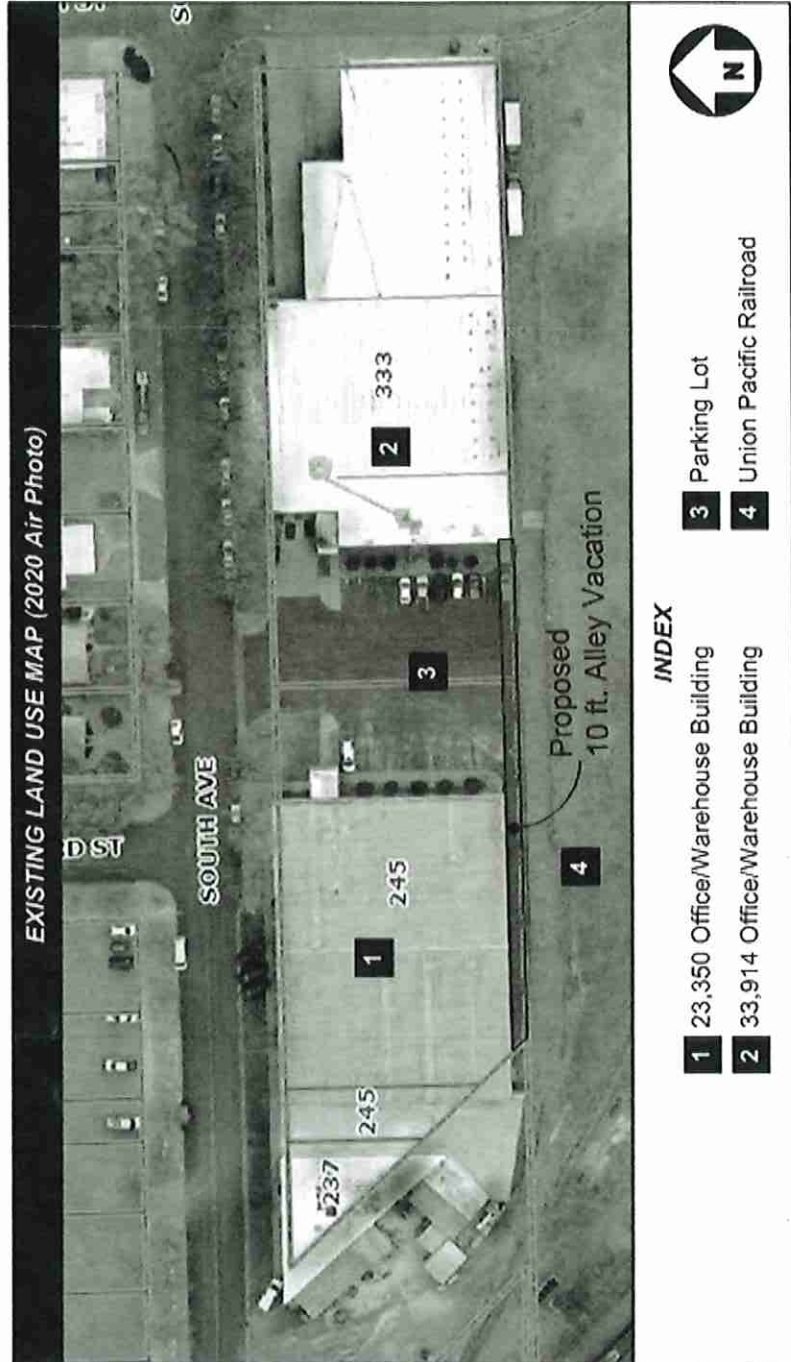
245 and 330 South Avenue, Alley Vacation Request
NEIGHBORHOOD MEETING

Dear Neighbor:

The City of Grand Junction required that we arrange a "Neighborhood Meeting" prior to their consideration of our proposed alley vacation request. This application is a request to vacate 310 centerline feet of a 10 foot wide Alley south of 245 and 330 South Avenue comprising approximately 3,100 square feet. The requested vacated area will not impede access to any property not currently owned by the applicant.

In addition to the development application team, a planner with the City's Community Development Department will be in attendance to discuss the proposal and answer any questions which may arise.

The exhibit shown below, illustrates the relationship of the proposed Alley Vacation to the current adjacent land use and the area surrounding the requested vacation.



245 and 333 South Avenue
Alley Vacation
NEIGHBORHOOD MEETING

Virtual Meeting

Date: Tuesday,
September 21, 2021

Time: 5:30 P.M.

To attend the virtual Meeting,
please go to: <https://zoom.us/join>
and enter:

Meeting ID: 853 7017 4443
Passcode: xE8iTh

If you have any questions prior to the
Neighborhood Meeting, do not hesitate to
contact anyone of the team members listed
below:

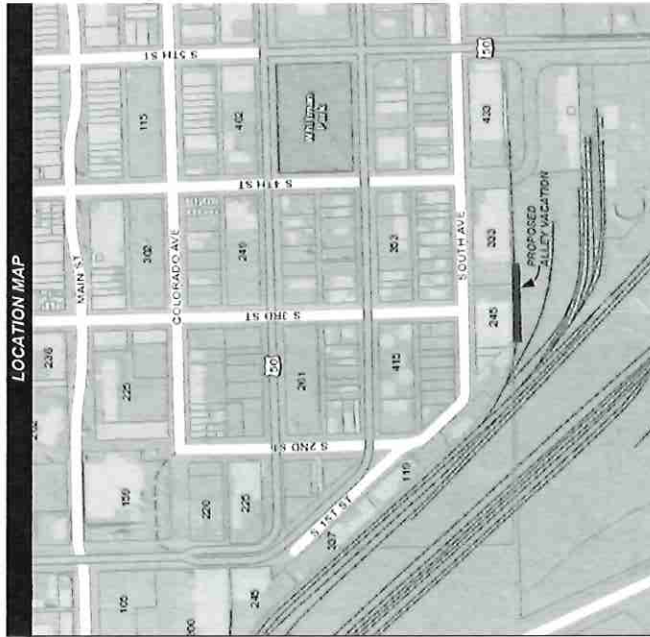
Owner/Applicant:
Anna Company, LLC
Michael Cadez
970-208-7572
micheal@centraldistributing.com

Project Manager:
Tom Logue
970-260-2911
talldc@msn.com

Sr. Planner, City of Grand Junction:
Jace Hockwalt
970-256-4008
jaceh@gjcity.org

Anna Company, LLC.
PO Box 489
Grand Junction, CO 81502

CITY OF GRAND JUNCTION
JACE HOCHWALT
250 N 5TH ST
GRAND JUNCTION CO 81501-2628



GH

JUNCTION CO-925

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OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) Anna Company, LLC. ("Entity") is the owner of the following property:

(b) See Attached Exhibit "A"

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) Central Distributing Alley Vacation

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

(e) Building encroachment on alley right-of-way

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: Gaylord M. Cadez

Printed name of person signing: Gaylord M. Cadez

State of Colorado)

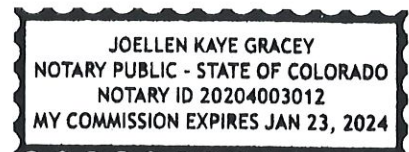
County of Mesa) ss.

Subscribed and sworn to before me on this 3rd day of August, 2021

by Gaylord M. Cadez, Manager, Anna Company, LLC.

Witness my hand and seal.

My Notary Commission expires on 1-23-24



Joellen Kaye Gracey
Notary Public Signature

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE VACATING AN UNDEVELOPED ALLEY RIGHT-OF-WAY
LOCATED SOUTH OF 245 and 333 SOUTH AVENUE**

Recitals:

The applicant, Anna Company LLC (Owner) is requesting vacation of an undeveloped east-west alley that lies south of 245 and the western portion of 333 South Avenue. The area to be vacated is a 10-foot wide and variable length strip of land, encompassing a total of 2,239 square feet. The vacation of the alley will eliminate the approximately one-foot encroachment of the building into a public right-of-way. The requested vacation conforms with the City's Comprehensive Plan and Circulation Plan.

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 public alley right-of-way, conforms 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 THE LISTED CONDITION:

1. A utility easement is hereby retained and reserved along the southern side of the vacated right-of-way as described and shown on Exhibit B of this ordinance attached and incorporated herein; and
2. An access easement to benefit the City of Grand Junction shall be provided by separate document from South Avenue to the utility easement and any utilities on the railroad property to the south as shown on Exhibit C of the proposed ordinance.

A parcel of land situated in Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

That portion of right of way as shown on the Plat of Part of Second Division Resurvey, as Amended and recorded at Reception Number 80773 of the Mesa County Records lying South of and adjoining Lots 1 and 2 of Block 163 of said Plat, Lots 12 thru 16 of Block 164 of said Plat and that portion Third Street vacated by Ordinance Number 1149

as recorded at Reception Number 812746 and lying West of and adjoining that portion Alley vacated by Ordinance Number 1828 as recorded at Reception Number 1199350;
And also lying East of and adjoining the Union Pacific Railroad Right of Way;
Said parcel contains 2,239 square feet more or less as depicted on Exhibit A.

Introduced on first reading this _____ day of _____, 2022 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2022 and ordered published in pamphlet form.

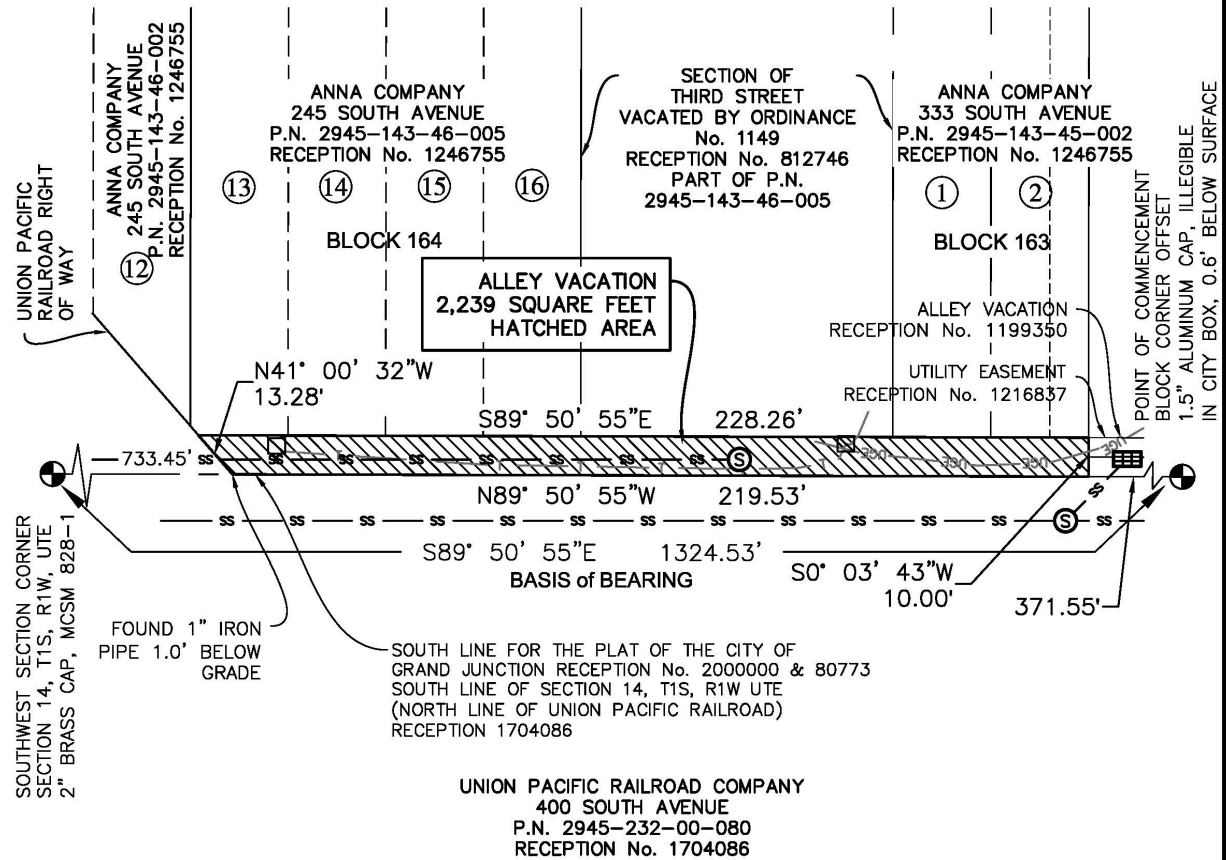
ATTEST:

Interim City Clerk

Mayor

EXHIBIT A

Legal Sketch



LEGAL DESCRIPTION SKETCH

ALLEY VACATION

245 SOUTH AVENUE
GRAND JUNCTION, COLORADO

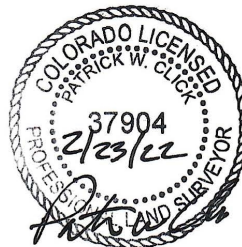
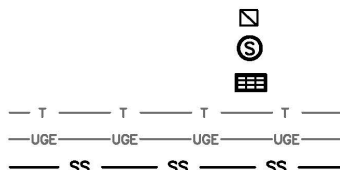
SW 1/4 SECTION 14

T1S, R1W, UTE

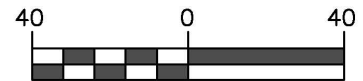
CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO

LEGEND

EXISTING UTILITY PEDESTAL
EXISTING SANITARY SEWER MANHOLE
EXISTING CATCH BASIN
EXISTING UNDERGROUND TELEPHONE LINE
EXISTING UNDERGROUND ELECTRIC LINE
EXISTING COMBINED SEWER LINE



GRAPHIC SCALE:
1"=40'



LINEAR UNITS ARE U.S. SURVEY FEET

POLARIS SURVEYING

PATRICK W. CLICK P.L.S.

3194 MESA AVE
GRAND JUNCTION, CO 81504
PHONE (970)434-7038

EXHIBIT B

A parcel of land situated in Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

The South 8.50 feet of the Plat of Part of Second Division Resurvey, as Amended and recorded at Reception Number 80773 of the Mesa County Records lying West of and adjoining that portion of Alley vacated by Ordinance Number 1828 as recorded at Reception Number 1199350;

And also lying East of and adjoining the Union Pacific Railroad Right of Way;

Said parcel contains 1,898 square feet more or less.

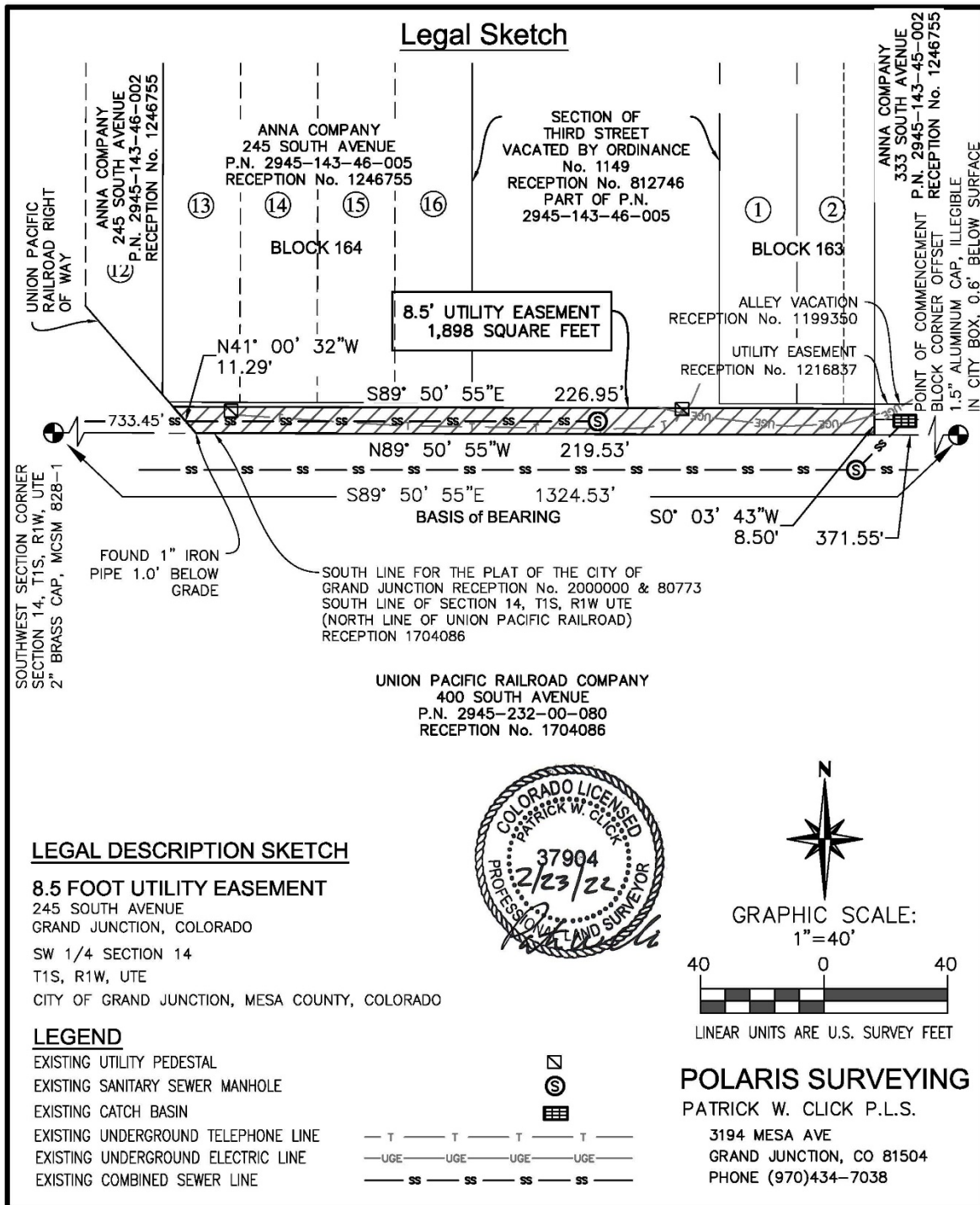


EXHIBIT C

A parcel of land situated in Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

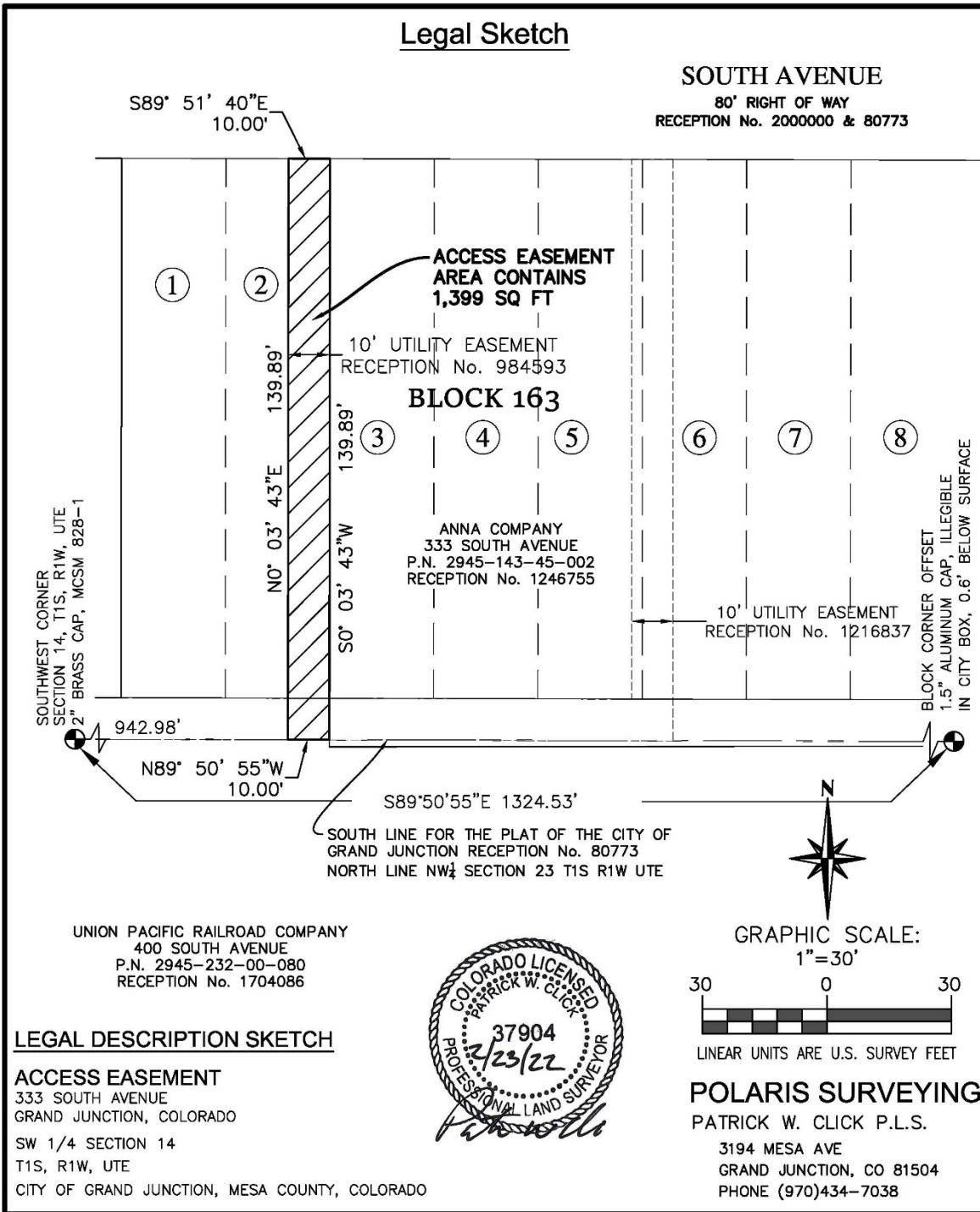
The East 10.00 feet of Lot 2 Block 163 Plat of Part of Second Division Resurvey, as Amended and recorded at Reception Number 80773 of the Mesa County Records.

And also

That portion of right of way as shown on the Plat of Part of Second Division Resurvey, as Amended and recorded at Reception Number 80773 of the Mesa County Records lying South of and adjoining the East 10.00 feet of said Lot 2 Block 163.

Said parcel contains 1,399 square feet more or less.

Legal Sketch





Grand Junction Planning Commission

Regular Session

Item #1.

Meeting Date: March 22, 2022

Presented By: Nicole Galehouse, Senior Planner

Department: Community Development

Submitted By: Nicole Galehouse, Senior Planner

Information

SUBJECT:

Consider a request by Kent Slawson, Property Owner, to rezone 1.18 acres from R-4 (Residential - 4 du/ac) to R-8 (Residential – 8 du/ac) located at 702 25 Road. | [Staff Presentation](#) | Phone in comment code: **6510**

RECOMMENDATION:

Staff recommends approval of the request.

EXECUTIVE SUMMARY:

The Applicant, Kent Slawson, Property Owner, is requesting a rezone from R-4 (Residential - 4 du/ac) to R-8 (Residential – 8 du/ac) for 1.18-acres located at 702 25 Road in anticipation of future development. The requested R-8 zone district would be consistent with the Comprehensive Plan Land Use Map designation of Residential Medium (5.5 – 8 du/ac), if approved.

BACKGROUND OR DETAILED INFORMATION:

The subject property is situated at the northeast corner of the intersection of 25 Road and G Road. The property currently has one single-family home on the site, along with several accessory structures and a tennis court. The applicant is seeking a change in zoning that implements the 2020 One Grand Junction Comprehensive Plan adopted by the City in December 2020 to expand options for future development on the site. The current City zoning for the property is R-4 (Residential 4 du/ac) which is not consistent with nor implements the adopted Comprehensive Plan.

The property has access to sewer service with a sewer trunk line running along G Road and water service with lines running along both G Road and 25 Road. The property was annexed by the City in 1991. It is located within Tier 1 on the Intensification and

Growth Tiers Map of the Comprehensive Plan, supporting the request to intensify land use through infill in this area. The “Residential Medium” land use designation within this category is implemented through zone districts requiring a minimum density of 5.5 units per acre.

The request for a rezone anticipates future subdivision and development on the property. Understanding that the Comprehensive Plan adopted in 2020 promotes growth through infill, the future land use requires a minimum density of 5.5 units per acre. The current zone district of R-4 (Residential – 4 du/ac) does not implement this goal, as the maximum permitted density (4 du/ac) is less than the minimum required by the Comprehensive Plan (5.5 du/ac). The R-4 zone district allows a minimum density of 2 du/acre while proposed R-8 (Residential – 8 du/ac) zone district has a minimum density requirement of 5.5 units per acre that aligns well with and implements the land use designation of Residential Medium.

The purpose of the R-8 (Residential – 8 du/ac) zone district is to provide for medium-high density attached and detached dwellings, two-family dwellings, and multi-family uses, providing a transition between lower density single-family districts and higher density multi-family or business developments. As noted above, the R-8 zone district ensures the minimum density of 5.5 dwelling units per acre is met.

In addition to the R-8 (Residential – 8 du/ac) zoning requested by the applicant, the following zone districts would also be consistent with the Comprehensive Plan designation of Residential Medium (5.5 – 12 du/ac):

- a. R-12 (Residential – 12 du/ac)
- b. CSR (Community Services and Recreation)
- c. MXR-3 (Mixed Use Residential)
- d. MXG-3 (Mixed Use General)
- e. MXS-3 (Mixed Use Shopfront)

The properties adjacent to the subject property to the north and east are zoned R-4, with a future land use designation of Residential Low. The R-8 zone districts would provide for a transition between lower density single-family districts and higher density residential development. The properties to the west and south have a land use designation of Residential Medium and a connection to Parks and Open Space per the 2020 Comprehensive Plan.

NOTIFICATION REQUIREMENTS

A virtual Neighborhood Meeting regarding the proposed rezone request was held through Zoom on Wednesday, January 12, 2022, in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The applicant, their representative, and City staff were in attendance; there were no neighbors present. The representative went through the presentation with City staff and discussed possible options for 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 a new application sign on January 31, 2022. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on March 11, 2022. The notice of this public hearing was published March 15, 2022 in the Grand Junction Daily Sentinel.

ANALYSIS

The criteria for review are set forth in Section 21.02.140 (a) of the Zoning and Development Code, which provides that the City may rezone property if the proposed changes are consistent with the vision, goals, and policies of the Comprehensive Plan and must meet one or more of the following rezone criteria as identified:

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

While the property owner could still develop under the R-4 zone district, they have requested a rezone to increase the density consistent with the Land Use Map in the 2020 Comprehensive Plan. The land use designation for this site remained Residential Medium through adoption of the 2020 Comprehensive Plan adoption, however the density range for Medium changed from 4-8 du/ac to 5.5-12 du/ac. This change to the Comprehensive Plan constitutes a subsequent event that invalidates the original premise of the zoning, which was in alignment with the density ranges from the 2010 Comprehensive Plan.

The subject property is also located within Tier 1 on the Intensification and Growth Tiers Map of the 2020 One Grand Junction Comprehensive Plan. The primary goal of Tier 1 is to support urban infill with a focus on intensifying residential growth. 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 existing structures on the site were built in the early 1900s. At this point in time, and for about 75 years after, the surrounding area was very sparsely populated and rural in character. Beginning in the late 1990s/early 2000s, the neighborhoods to the west and south of the subject property began to subdivide and develop as medium-density residential. These properties have zoning and developed densities that range from 5 du/ac to 8 du/ac. As this development has occurred, it is a logical progression to increase the density at this site. This property's location at the intersection of G Road and 25 Road make it an ideal site to allow for transition to the Residential Low properties to the north and east. The proposed R-8 zone district maximizes this opportunity while also implementing the goals of the 2020 Comprehensive Plan. Therefore, staff finds that this criterion has been met.

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

Public sanitary sewer service, Ute Water domestic water service, Grand Valley Power, Xcel electrical gas service, stormwater sewer through Grand Valley Drainage District, and irrigation through Grand Valley Irrigation Company are available to the site. Transportation infrastructure is generally adequate to serve development of the type and scoped associated with the R-8 zone district. The City Fire Department expressed no concern with providing service for the additional density proposed by the rezone. 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

As demonstrated in the City's recent Housing Needs Assessment, Grand Junction has a need for additional housing, both in terms of general quantity and as it relates to varied housing types and price ranges. Medium-density residential dwelling types are a critical piece in providing housing that is attainable to a wider demographic. There is limited undeveloped property in the area zoned for medium-density residential development, while demand for this product type remains high. Therefore, 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.

The current property use of a single-family home on 1.18 acres underutilizes the land use vision for this property/area as provided in the 2020 Comprehensive Plan. By rezoning the property to R-8 and developing at a minimum of 5.5 du/ac, the City will provide additional opportunity for housing to be constructed at a higher density; this may result in the construction of new, more attainable housing units in this area of the community. The location of the property also provides for convenient access and proximity to the recreational and retail activities, such as Canyon View Park and the Mesa Mall area. Equitable access to outdoor recreational amenities is a key principle within the Comprehensive Plan. It also provides proximate access to I-70, which allows for easier regional connections as well. Therefore, Staff finds this criterion to be met.

In addition to the above criteria, the City may rezone property if the proposed changes are consistent with the vision, goals, and policies of the Comprehensive Plan. The following provides an analysis of the relevant sections of the Comprehensive Plan that support this request.

Implementing the Comprehensive Plan. The proposed rezone to R-8 (Residential – 8 du/ac) implements the following Plan principles, goals, and policies of the Comprehensive Plan:

- Land Use Plan: Relationship to Existing Zoning
 - Requests to rezone properties should be considered based on the Implementing Zone Districts assigned to each Land Use Designation. As a guide to future zoning changes, the Comprehensive Plan states that requests for zoning changes are required to implement the Comprehensive Plan.
 - The 2020 Comprehensive Plan provides the subject property with a land use designation of Residential Medium. As outlined in the background section of this staff report, the R-8 zone district is a permissible district to implement the Residential Medium designation.
- Plan Principle 3: Responsible and Managed Growth
 - Goal: Support fiscally responsible growth...that promote a compact pattern of growth...and encourage the efficient use of land.
 - Goal: Encourage infill and redevelopment to leverage existing infrastructure.
 - The proposed rezone will provide for a higher density of development in an area of the City where infrastructure is readily available and other neighborhoods with similar densities have been constructed. The higher density implements a more compact pattern of growth, utilizing a smaller footprint for a greater number of residential units.
- Plan Principle 5: Strong Neighborhoods and Housing Choices
 - Goal: Promote more opportunities for housing choices that meets the needs of people of all ages, abilities, and incomes.
 - The R-8 (Residential – 8 du/ac) allows for flexibility in the type of housing units that can be built per the Zoning & Development Code, allowing for both single-family and multifamily construction. With this ability, it becomes easier to add diversity to the City's housing stock.
- Plan Principle 6: Efficient and Connected Transportation
 - Goal: Encourage the use of transit, bicycling, walking, and other forms of transportation.
 - The subject property is located on at the intersection of G Road and 25 Road. It is located 1.5 miles from the entrance to I-70, adding to ease of accessibility to the regional transportation system. The Active Transportation Corridor Map, part of the City's 2018 Circulation Plan, identifies a trail on the south side of G Road along Leach Creek, which will be easily accessible from this project site.
- Plan Principle 8: Resource Stewardship
 - Goal: Promote the use of sustainable development.
 - Plan Principle 8 encourages thoughtful planning as it relates to the natural resources and development occurring in the City. It promotes sustainable development through the concentration of development in areas that maximize existing infrastructure, which is already available on the site of the proposed rezone.
- Chapter 3 – Land Use and Growth: Intensification and Tiered Growth Plan

- Subject property is located within Tier 1 (Urban Infill) – Description: Areas where urban services already exist and generally meet service levels, usually within existing City limits, where the focus is on intensifying residential and commercial areas through infill and redevelopment.
- Policy: Development should be directed toward vacant and underutilized parcels located primarily within Grand Junction’s existing municipal limits. This will encourage orderly development patterns and limit infrastructure extensions while still allowing for both residential and business growth. Development in this Tier, in general, does not require City expansion of services or extension of infrastructure, though improvements to infrastructure capacity may be necessary.
- As previously discussed, the subject property has infrastructure that is already available on-site. It currently only has one single-family home on the property, which indicates that it is underutilized as the land use designation would allow up to 14 units on the site.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Slawson Rezone request, for a rezone from R-4 (Residential 4 du/ac) to R-8 (Residential – 8 du/ac) for the property located at 702 25 Road, the following findings of facts 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 request.

SUGGESTED MOTION:

Mr. Chairman, on the Rezone request for the property located at 702 25 Road, City file number RZN-2022-61, 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. EXHIBIT 2 - Development Application
2. EXHIBIT 3 - Site Maps & Pictures of Site
3. EXHIBIT 4 - Neighborhood Mtg Notes

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.

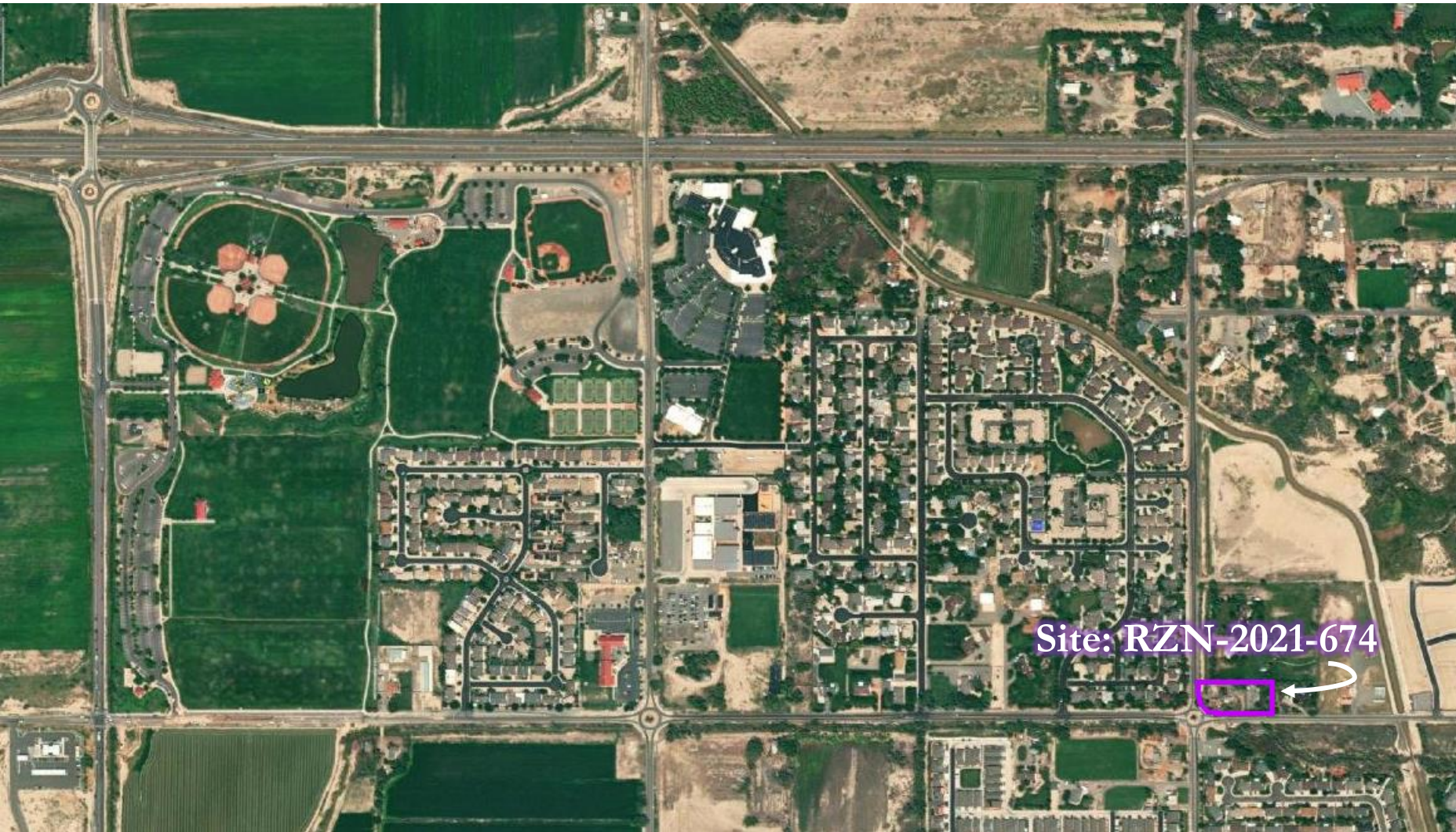
Signature of Person Completing the Application

Digitally signed by Tracy States
Date: 2022.01.20 16:11:04 -07'00'

Date

Signature of Legal Property Owner

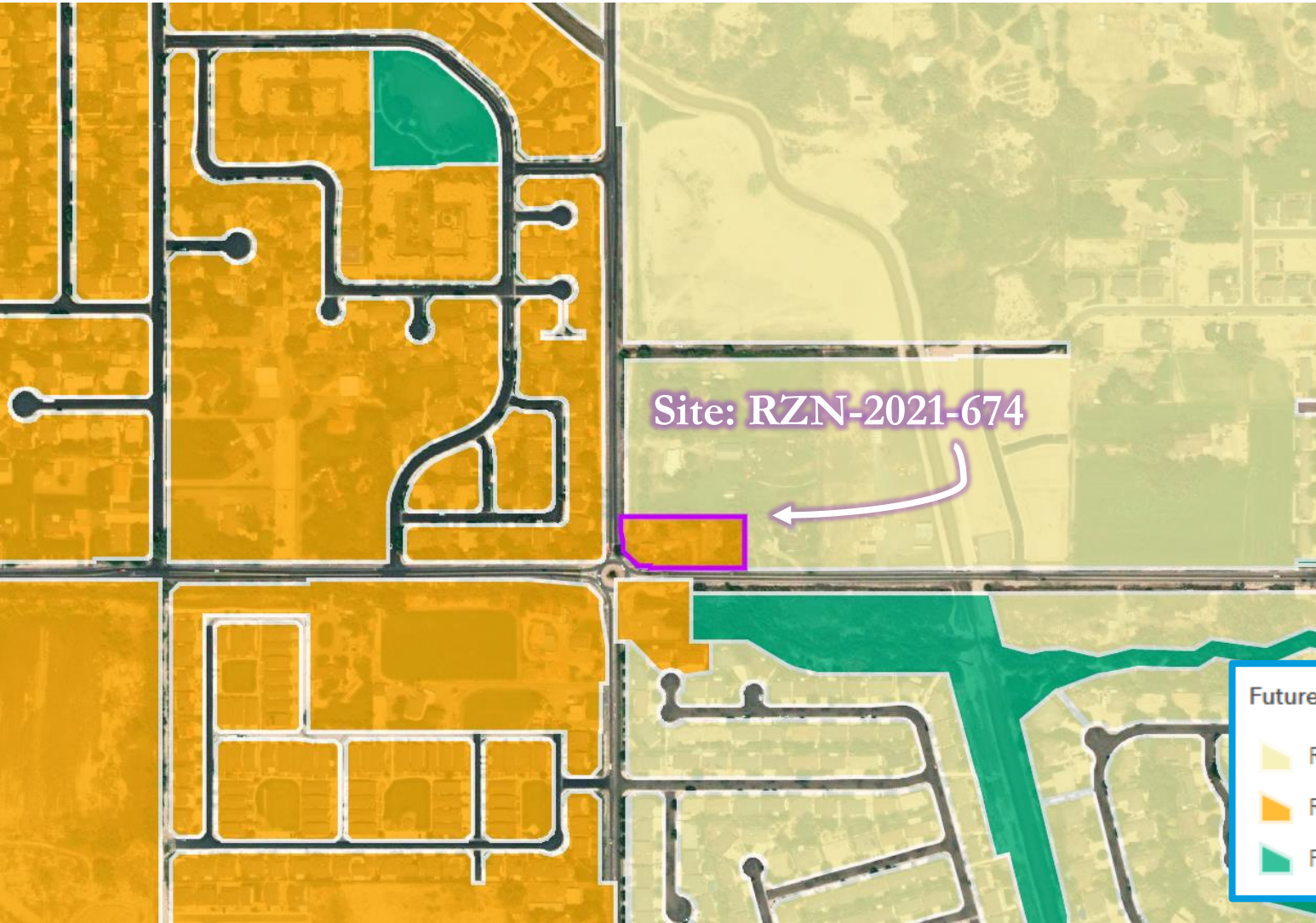
Date



Site: RZN-2021-674

Slawson Rezone

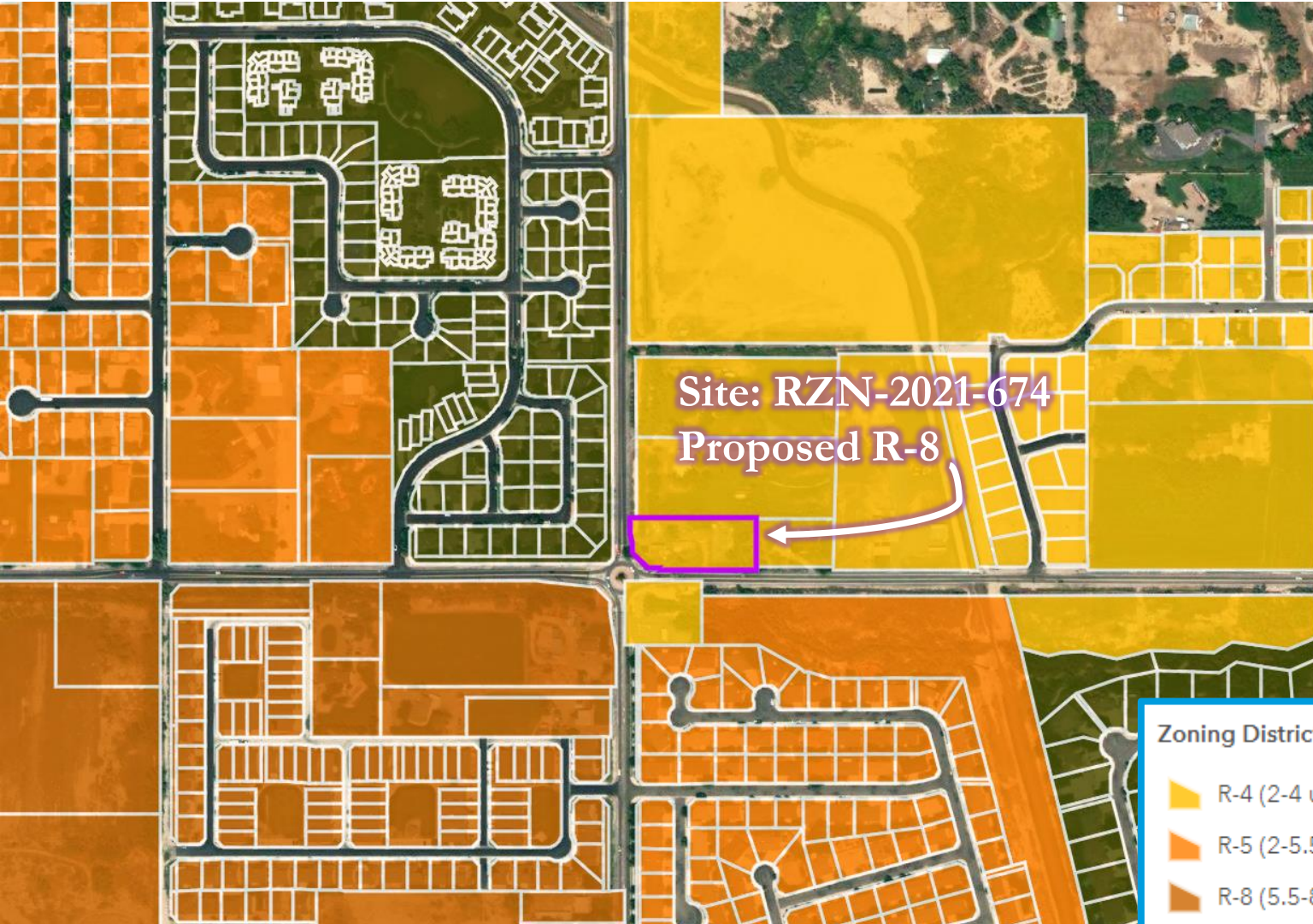
Site Location
Map



2858 Investors Rezone Land Use Map

Future Land Use

- Residential Low (2 -5.5 DU/Acre)
- Residential Medium (5.5 -12 DU/Acre)
- Parks and Open Space



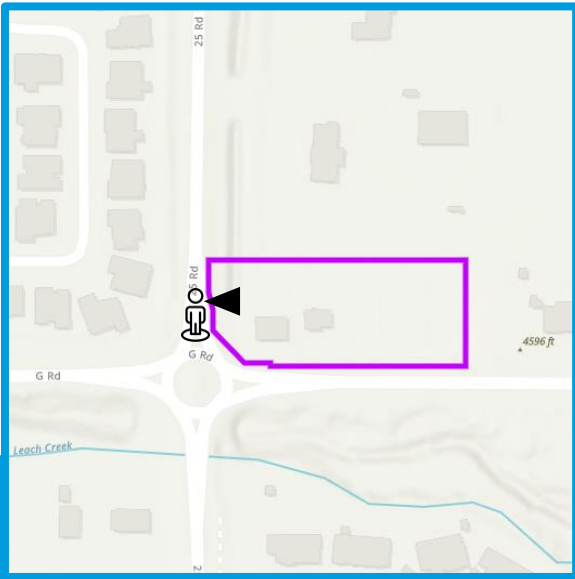
Slawson Rezone Zoning Map

Zoning Districts

- R-4 (2-4 units/acre)
- R-5 (2-5.5 units/acre)
- R-8 (5.5-8 units/acre)
- PD (Planned Development)

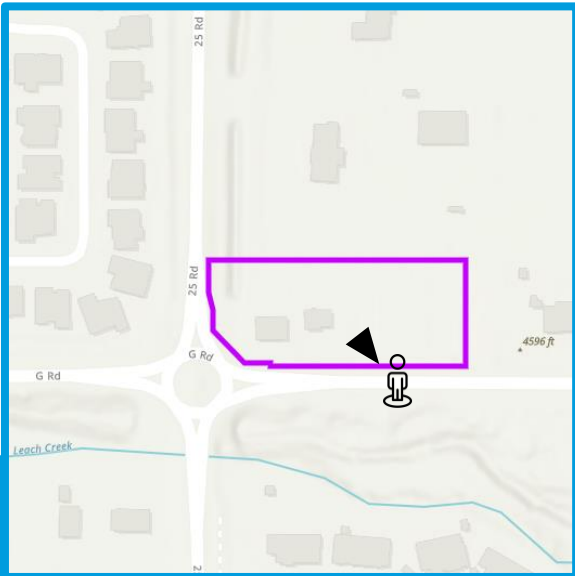
Slawson Rezone Site Photo

Google Maps street view of property looking east from 25 Road



Slawson Rezone Site Photo

Google Maps street view of property looking north from G Road





**702 25 Road, Grand Junction, CO 81505, REZONE
(Parcel No. 2701-343-00-105)**

**SUMMARY OF VIRTUAL NEIGHBORHOOD MEETING
TUESDAY, AUGUST 10, 2021 @ 5:30 PM
VIA ZOOM**

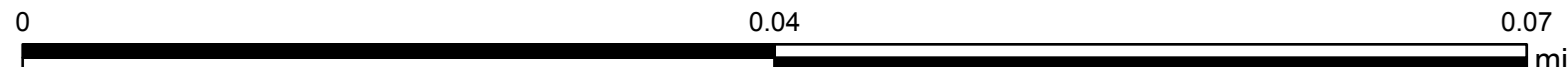
A virtual neighborhood meeting for the above-referenced Annexation and Zoning, was held Wednesday, January 12, 2022, via Zoom, at 5:30 PM. The initial letter notifying the neighboring property owners within the surrounding 500 feet was sent on December 30, 2021, per the mailing list received from the City of Grand Junction. There were three attendees including Tracy States, Project Coordinator, with River City Consultants, Kent Slawson, the Owner/Developer and Jace Hochwalt, Senior Planner with the City of Grand Junction. There were no neighbors in attendance.

With no one from the public in attendance, Tracy States explained to Jace Hochwalt what the plan was, to rezone the parcel from the existing zoning of R-4 to R-8 and showed him the maps intended to be used during the presentation. There was some discussion regarding possible plans once the rezone is completed.

The meeting adjourned at approximately 5:45 PM.

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Location Map

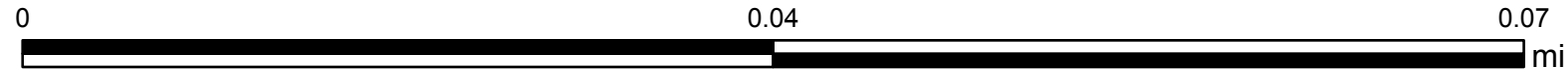
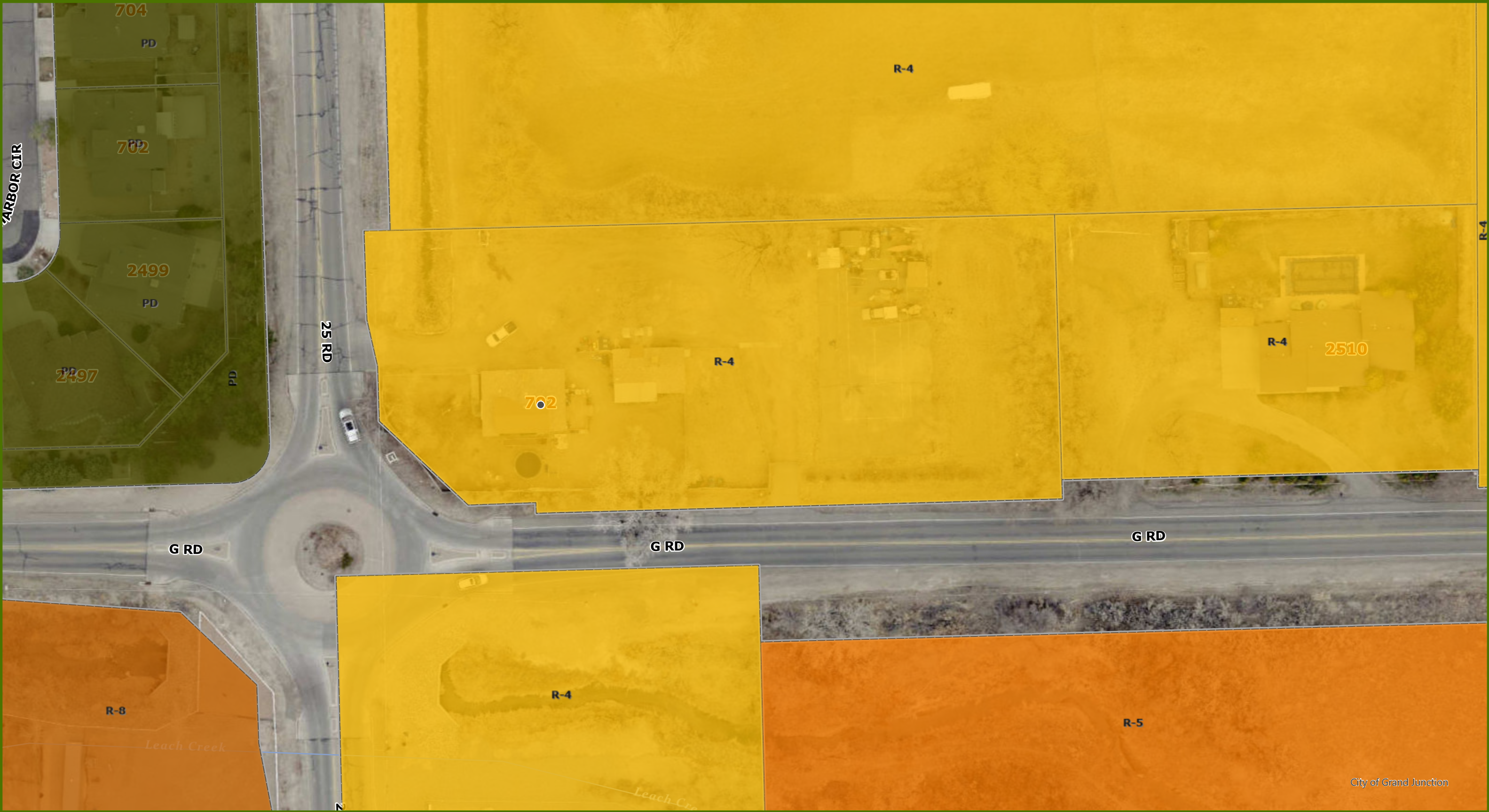


Printed: 1/12/2022
1 inch equals 47 feet
Scale: 1:564

City of Grand Junction



Existing Zoning



Printed: 1/12/2022
1 inch equals 47 feet
Scale: 1:564

2020 Comprehensive Plan Designation



Printed: 1/12/2022
1 inch equals 47 feet
Scale: 1:564

R-8: Residential – 8.

(1) Purpose. To provide for medium-high density attached and detached dwellings, two-family dwelling and multifamily. R-8 is a transitional district between lower density single-family districts and higher density multifamily or business development. A mix of dwelling types is allowed in this district.

The parcel is 0.88 acre which would allow for four to seven dwelling units. If the property is subdivided, a separate neighborhood meeting will be held to present the plan.



Grand Junction Planning Commission

Regular Session

Item #2.

Meeting Date: March 22, 2022
Presented By: Jace Hochwalt, Senior Planner
Department: Community Development
Submitted By: Jace Hochwalt, Senior Planner

Information

SUBJECT:

Consider a Request by the Emanuel Epstein Revocable Trust to Rezone One Parcel Totaling Approximately 2.46 acres from PD (Planned Development) to C-1 (Light Commercial) Located at the Northeast Corner of Horizon Drive and 27 ½ Road. | [Staff Presentation](#) | Phone in comment code: **1371**

RECOMMENDATION:

Staff recommends approval of the request.

EXECUTIVE SUMMARY:

The Applicant, Sid Squirrell, acting on behalf of the property owner, Emanuel Epstein Revocable Trust, is requesting the rezone of one parcel totaling approximately 2.46 acres from PD (Planned Development) to C-1 (Light Commercial) located at the northeast corner of Horizon Drive and 27 ½ Road. The requested C-1 zone district conforms with the Comprehensive Plan Land Use Map designation of Commercial.

BACKGROUND OR DETAILED INFORMATION:

The proposed rezone comprises one parcel totaling 2.46 acres situated at the northeast corner of Horizon Drive and 27 ½ Road that has sat vacant for several decades and has not been formally subdivided. The property was annexed into the Grand Junction city limits in 1978 as part of the Etter Annexation No. 2, and has a PD zone district which was approved in February of 2001 as City File Number ODP-2000-058. The subject site was only a portion of the approved Outline Development Plan (ODP), and had a Business/Commercial designation, which allowed for a number of commercial, multi-family, and retail type uses. At the time of approval, the Outline Development Plan had a three-year expiration, which was extended for another three years in April of 2004. There was no follow-up or development of the site following the 2004 extension,

and as such, the Outline Development Plan formally expired on April 7, 2007. While the site currently has a PD zoning designation, there is no active plan in place, and a rezone is required prior to any major development of the site.

The site is situated at the northeast corner of the Horizon Drive and 27 ½ Road intersection, and surrounded by several different uses. Adjacent to the north are hotels/motels, to the south is undeveloped land, to the east are two residential units followed by the Ptarmigan Estates subdivision, and to the west is the Azteca's Mexican Restaurant followed by the Bookcliff Country Club. Adjacent zoning to the north and west is Light Commercial (C-1), with the zoning to the south and east as Planned Development (PD). The 2020 One Grand Junction Comprehensive Plan classifies the subject property and adjacent properties to the north, south, and west with a Commercial land use designation. Zone districts that may implement the Commercial Land Use classification include Mixed Use (M-U), Business Park (B-P), Industrial Office Park (I-O), Light Commercial (C-1), General Commercial (C-2), as well as the form-based Mixed Use Residential and Commercial districts. As such, the Comprehensive Plan land use classification of Commercial does support the rezone request to C-1 (Light Commercial).

Because of the expiration of the formerly approved ODP that encompassed the subject site, the Applicant is proposing a rezone to C-1 (Light Commercial) to allow for future development of the site. While no development is currently proposed for the site aside from a lot split, if the rezone application is approved and a development is subsequently proposed, it would be required to go through a formal review process, likely in the form of a Major Site Plan Review.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed rezone request was held virtually on January 6, 2022 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant team and City staff were present, as well as four members of the public. The rezone request, as well as a right-of-way vacation request, were discussed, and some questions related to future uses of the site came up, although were not elaborated on by the Applicant team at that time.

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 2, 2022. 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 March 11, 2022. The notice of the Planning Commission public hearing was published on March 15, 2022 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 Comprehensive Plan Land Use Map identifies the subject property as Commercial, which is generally similar to the designation the property had in 2001 when the ODP was approved (which at the time was Mixed-Use). According to the 2001 ODP, the subject site had a designation of Business/Commercial, which allowed for a variety of commercial, multi-family, and retail uses. With that said, the ODP formally expired in April of 2007 and while the site has a zoning designation of Planned Development, no approved plan is in place. Therefore, no major development can occur on site until the property is either rezoned, or a new Outline Development Plan (ODP) is proposed. Although the ODP has expired, staff finds that the original premises of the prior land use classification of Business/Commercial under the approved ODP, which accommodated very similar uses to the C-1 (Light Commercial) zone district, are not invalidated. 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

As previously indicated, the subject site has not been subdivided and has remained vacant for several decades. There is still a sizable amount of vacant or underdeveloped land in the surrounding area, albeit much of the vacant land does have some topographical challenges, including the subject site. There has been some development in the surrounding area of the subject site since the original Outline Development Plan was approved in 2001, with the largest development being the Safeway and associated shopping center to the southwest which was constructed in phases between 2002 and 2008. While the rezone would allow for further development of the subject site, the character and/or condition of the area hasn't necessarily changed since the expiration of the ODP, and as such, staff finds that 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 in the north portion 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 many nearby properties, which include restaurants, hotels, gas stations, and grocery stores/shopping centers. The subject site is currently served by Ute Water, Persigo Wastewater Treatment, and Xcel Energy (electricity and natural gas). Additionally, multi-modal access to the site is sufficient, with multiple bus stops within a few hundred feet of the subject site. There is also a proposed roundabout currently under design for the Horizon and G Road/27 ½ Road intersection that will

likely be under construction in the next couple years. The application packet was sent out to applicable utility companies for this rezone 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 subject site has a Planned Development zoning designation, but has no approved plan that is in effect. As such, a rezone is necessary for future development of the site. The Applicant is proposing a zoning designation of C-1 (Light Commercial) to allow flexibility of uses on the site. The C-1 zone district accounts for approximately 1,158 acres of City zoned land (or 5.6%), and of that, approximately 67 acres are vacant within the City limits. While the site has been vacant for several decades, staff believes that there is land throughout the City (and in close proximity of the subject site) available to accommodate the diversity of uses allowed within the C-1 zone district. 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.

The site is well served by transportation infrastructure, utilities, and other community facilities, and is within close proximity to commercial and employment centers. While the site has a Planned Development zoning designation, there is no approved Outline Development Plan in effect, as it expired in 2007. As such, a rezone of the property will accommodate future development of the site that couldn't otherwise occur in its current capacity, thus providing benefits to the surrounding area and community. As such, staff finds this criterion has been met.

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

Plan Principle 3.1.b. Intensification and Tiered Growth – Support the efficient use of existing public facilities and services by directing development to locations where it can meet and maintain the level of service targets as described in Chapter 3, Servicing Growth. Prioritize development in the following locations (in order of priority).

Periodically consider necessary updates to the Tiers.

- i. Tier 1: Urban Infill
- ii. Tier 2: Suburban Infill
- iii. Tier 3: Rural Areas and County Development

Plan Principle 3.6.b. Mix of Uses - Support the creation of a mix of uses as in neighborhood centers and along prominent corridors that reflect the needs of adjoining residents and the characteristics of individual neighborhoods, including, but not limited

to retail, office, entertainment, schools, libraries, parks, recreation amenities, transit facilities, and other amenities.

FINDINGS OF FACT AND RECOMMENDATION

After reviewing the Horizon Cache Rezone, RZN-2022-52, rezoning one parcel totaling 2.46 acres from PD (Planned Development) to C-1 (Light Commercial) for the property located at the northeast corner of Horizon Drive and 27 ½ Road, the following findings of fact have been made:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan; and
2. In accordance with Section 21.02.140 of the Grand Junction Zoning and Development Code, one or more of the criteria have been met.

Therefore, Staff recommends approval of the request.

SUGGESTED MOTION:

Chairman, on the Horizon Cache Rezone request from a PD (Planned Development) zone district to a C-1 (Light Commercial) zone district for the 2.46-acre property located at the northeast corner of Horizon Drive and 27 ½ Road, City File Number RZN-2022-52, 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.

Attachments

1. Exhibit 1 - Application Packet
2. Exhibit 2 - Maps and Exhibits
3. Exhibit 3 - Past Ordinances & Staff Reports
4. Exhibit 4 - Proposed Zoning Ordinance

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: 702 Horizon Dr.

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

Existing Land Use Designation PD

Existing Zoning PD

Proposed Land Use Designation Commercial

Proposed Zoning C-1

Property Information

Site Location: 270 Horizon Dr. Grand Junction, CO 81501

Site Acreage: 2.46348

Site Tax No(s): 2945-012-00-93

Site Zoning: PD

Project Description: Rezone an expired PD to Light Commercial (C-1)

Property Owner Information

Name: Emanuel Epstein
Reversible Trust

Street Address: 37116 Mandarin Ave.

City/State/Zip: 2PM, FL 33541

Business Phone #: 727-320-7704

E-Mail: dronny2282@gmail.com

Fax #:

Contact Person: Deb Schreier

Contact Phone #: 727-320-7704

Applicant Information

Name: Sid Squirrel

Street Address: 244 N. 7th St.

City/State/Zip: GR JCT, CO 81501

Business Phone #: 970-263-2948

E-Mail: sid@jcommercial.com

Fax #: 970-241-6263

Contact Person: Sid Squirrel

Contact Phone #: 970-260-0121

Representative Information

Name: Mark Austin

Street Address: 123 N. 7th St.

City/State/Zip: GR JCT, CO 81501

Business Phone #: 970-242-7540

E-Mail: marka@custinicitygroup.com

Fax #: 970-255-1212

Contact Person: Mark Austin

Contact Phone #: 970-242-7540

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

Sid Squirrel

Date 1/12/22

Signature of Legal Property Owner

Debra Schreier Free

Date 1/19/22

OWNERSHIP STATEMENT - TRUST

(a) Deborah Schneide ("Trust") is the owner of the following property:

(b) Northwest corner of 27 1/2 Road and Horizon Drive

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) Deborah Schneide, 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:

NA

☒ Trust is the sole owner of the property.

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

(d) NA

On behalf of Trust, I have reviewed the application for the (e) rezoning, single sub., ROW vacation

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) NA

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

Signature of Partnership representative: Deborah Schneide TTS

Printed name of person signing: Deborah Schneide

State of Florida)

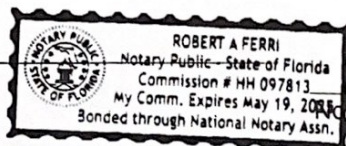
County of Pinellas) ss.

Subscribed and sworn to before me on this 19th day of January, 2022

by Robert A Ferri

Witness my hand and seal.

My Notary Commission expires on 05/19/2025



Robert A Ferri Notary Public Signature

QUITCLAIM DEED

This Quitclaim Deed made this 22nd day of July, 2019, by and between the Emanuel Epstein Revocable Trust Dated June 16, 2004, as Amended and Restated April 18, 2005 (Grantor) of 12701 126th Avenue North, #213, Largo, Florida 33774, for Ten Dollars (\$10.00) and other valuable consideration, hereby sell(s) and quitclaim(s) to the **Emanuel Epstein Revocable Trust Dated June 16, 2004, as Amended and Restated April 18, 2005** (Grantee), whose address is 12701 126th Avenue North, #213, Largo, Florida 33774, the real property interests located in the County of Mesa, State of Colorado bearing the following legal description:

That parcel of land located in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 1, Township 1 South, Range 1 West of the Ute Meridian in Grand Junction, Mesa County, Colorado and being more particularly described as follows:

PARCEL 1:

COMMENCING at the Northeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 1 South, Range 1 West, Ute Meridian, Grand Junction, Mesa County, Colorado, whence the Southeast corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ bears South 00°03'04" West, a distance of 1322.09 feet, for a basis of bearings with all bearings contained herein relative thereto; South 00°03'04" West, a distance of 230.05 feet; thence North 89°56'56" West, a distance of 40.00 feet to the West right-of-way line of 27 $\frac{1}{2}$ Road, as defined in Reception No. 718654, Mesa County records to the POINT OF BEGINNING; thence South 00°03'04" West, a distance of 133.81 feet, along said right-of-way line and that right-of-way line described in Reception No. 2075083; thence, along said right-of-way described in Reception No. 2075083 the following seven (7) courses: (1) with a non-tangent curve turning to the right having a delta angle of 25°33'38", a radius of 173.00 feet, an arc length of 77.18 feet, and a chord length of 76.54 feet, with a chord bearing of South 32°53'46" West; (2) South 45°40'34" West, a distance of 86.77 feet; (3) North 89°49'12" West, a distance of 40.54 feet; (4) North 44°19'26" West, a distance of 52.62 feet; (5) North 39°45'00" West, a distance of 150.48 feet; (6) North 44°19'26" West, a distance of 272.90 feet; (7) North 00°02'16" West, a distance of 30.03 feet; thence with a non-tangent curve turning to the left having a delta angle of 03°44'08", a radius of 1332.77 feet, an arc length of 86.89 feet, and a chord length of 86.88 feet, with a chord bearing of North 41°38'57" East, along the Southeasterly right-of-way line of Horizon Drive as dedicated in Reception No. 813634; thence North 89°59'29" East, a distance of 220.48 feet, along the South right-of-way line of G Road as dedicated in Reception No. 1322383; thence South 00°00'00" East, a distance of 184.98 feet; thence North 89°59'54" East, a distance of 189.77 feet to the POINT OF BEGINNING.

Said parcel containing an area of 2.46 Acres, as herein described.

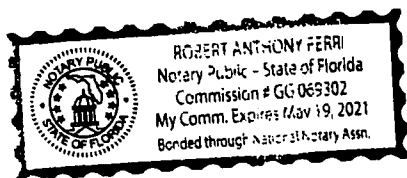
with all its appurtenances.

**EMANUEL EPSTEIN REVOCABLE TRUST
DATED JUNE 16, 2004, AS AMENDED AND
RESTATED ON APRIL 18, 2005**

By: Deborah Schneide TREG
Deborah Schneide, Trustee

STATE OF FLORIDA)
) ss.
County of Duval)

Witness my hand and official seal.
My commission expires: 05/14/2021





Notary Public

Legal Description Prepared by:
Jeffrey C. Fletcher PLS 24953
High Desert Surveying, LLC
1673 Highway 50 Unit C
Grand Junction, Colorado 81503

General Project Report
for
702 Horizon Dr. Rezone

Project Description (Location, Acreage, Proposed Use)

The purpose of this submittal is to obtain approval from the City of Grand Junction to rezone a 2.46-acre property located at 702 Horizon Drive in Grand Junction, Colorado. The project site is located on the northeast corner of 27 ½ Road and G Road at Horizon Drive. This location is depicted in the photo below:



Project Location

The property is currently zoned Planned Development (PD) in the City of Grand Junction and lies next to the intersection of Horizon Drive and 271/2 Road in an area compose of commercial properties. The applicant is requesting the property be rezoned to Light Commercial (C-1) at this time.

Adjacent properties and properties in the vicinity of the project site are zoned as Planned Development (PD) or Light Commercial (C-1).

Surrounding Land Uses and Zoning

The following adjacent properties are zoning accordingly:

DIRECTION	ZONING	CURRENT LAND USE
North/west	PD	Residential
North	C-1	Commercial
South	PD	Commercial

General Project Report
for
702 Horizon Dr. Rezone

East
West

PD
C-1

Residential
Commercial

The City of Grand Junction's current zoning surrounding this parcel is shown below.



Current City of Grand Junction Zoning

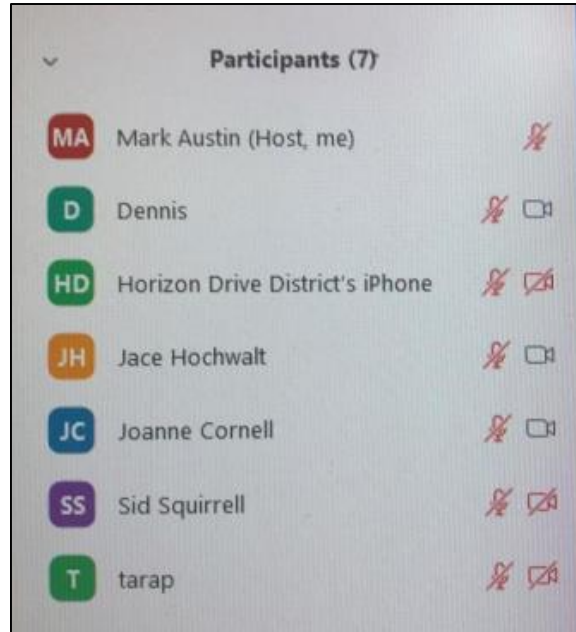


2020 Comprehensive Plan

**General Project Report
for
702 Horizon Dr. Rezone**

Neighborhood Meeting

A virtual neighborhood meeting was held on January 6, 2022, via Zoom, at 5:33 P.M. for the rezone and ROW vacation request for a 2.46-acre property located at the northeast corner of 27-1/2 Road and Horizon Drive in Grand Junction, Colorado. There were 7 participants in the Zoom meeting. A screen shot of the participant list is depicted below:



Participant List from Zoom Virtual Neighborhood Meeting

Site Access

The proposed rezone requests no changes to site access. The site is accessible from 27 1/2 Road and Horizon Drive. A future development project will likely require an access point at 27 1/2 Road and G Road.

Utilities

All utility services required for this project are currently located on, or adjacent to, the project site. No changes are proposed at this time for the rezone from PD to C-1.

An 8-inch PVC sanitary sewer line currently exists adjacent to the north side of the parcel on G Road. There is also an 8-inch PVC stubbed sanitary sewer line adjacent to the property on the southwest corner located along 27 1/2 Road. A 15-inch PVC sanitary main line exists on the west side of the parcel along Horizon Drive.

There are two 8-inch water lines owned by Ute Water that are adjacent to the property. One line is located on the east side of the property on 27 1/2 Court and runs from 27 1/2 Road to G Road.

General Project Report
for
702 Horizon Dr. Rezone

The second water line is adjacent to the north side of the property on G Road to Horizon Drive. There are two water mains owned by Ute Water within the vicinity of the property; an 18-inch water main adjacent to the south side of the property on 27 ½ Road and a 12-inch water main located on the west side of the property on Horizon Drive.

Three flow hydrants exist within the vicinity of the property; on the northeast corner of 27 ½ Court at G Road, on the north side of the property on G Road, and one located on the northwest side of Horizon Dr. A test hydrant exists on the southeast corner of 27 ½ Road at 27 ½ Court. The water lines and hydrants owned by Ute Water are depicted in the image below:



Map of Ute Water Lines and Hydrant Locations

City water does not currently exist on this site. Future development would likely utilize the previously listed water lines owned by Ute Water. Exact water distribution system requirements are yet to be determined. No changes are proposed at this time.

Irrigation water is present on the site, so use remains unchanged by the proposed zoning.

Development Schedule and Phasing

The project anticipates obtaining rezone approval in late March or early April of 2022.

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**

Response: The Comp Plan Land Use Map indicates this parcel as Commercial and since the current PD has expired with nothing done with property and nothing can be done until it's been rezone, so I would argue that this criterion has been satisfied.

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

Response: I do not feel that the area and character has changed substantially so therefore I don't think this criterion has been met.

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

Response: The rezone request would allow for a future land development project which is consistent with the surrounding area. There are ample and adequate community/public facilities to support this proposed zoning, therefore I believe 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**

Response: While there is ample supply of commercially zoned property in the community, I think there is a lack of it on the Horizon Dr corridor and this property is perfectly suited for this zoning, so I think this criterion has been met.

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

Response: This is great location that has gone way too long under developed and not generating its highest potential property tax and sales tax revenue that a business located on this site would generate and currently is a real eye sore compared to a new development. Therefore, I do believe this rezone meets this criterion as well.

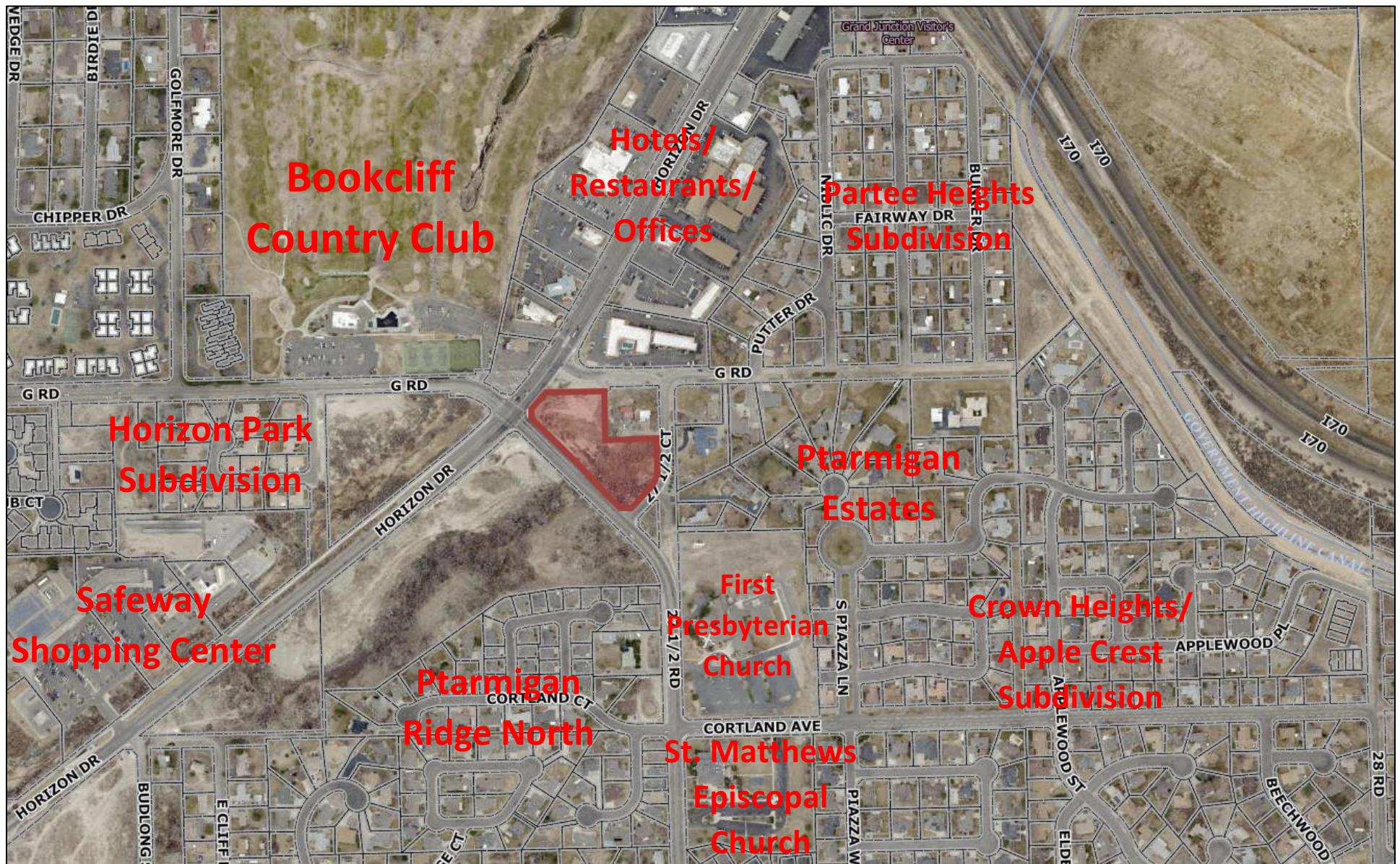
EXHIBIT A
LEGAL DESCRIPTION
NE CORNER 27 ½ & HORIZON DRIVE

That parcel of land located in the Northeast Quarter of the Northwest Quarter, also known as Government Lot 3 of Section 1, Township 1 South, Range 1 West of the Ute Meridian in Grand Junction, Mesa County, Colorado and being more particularly described as follows:

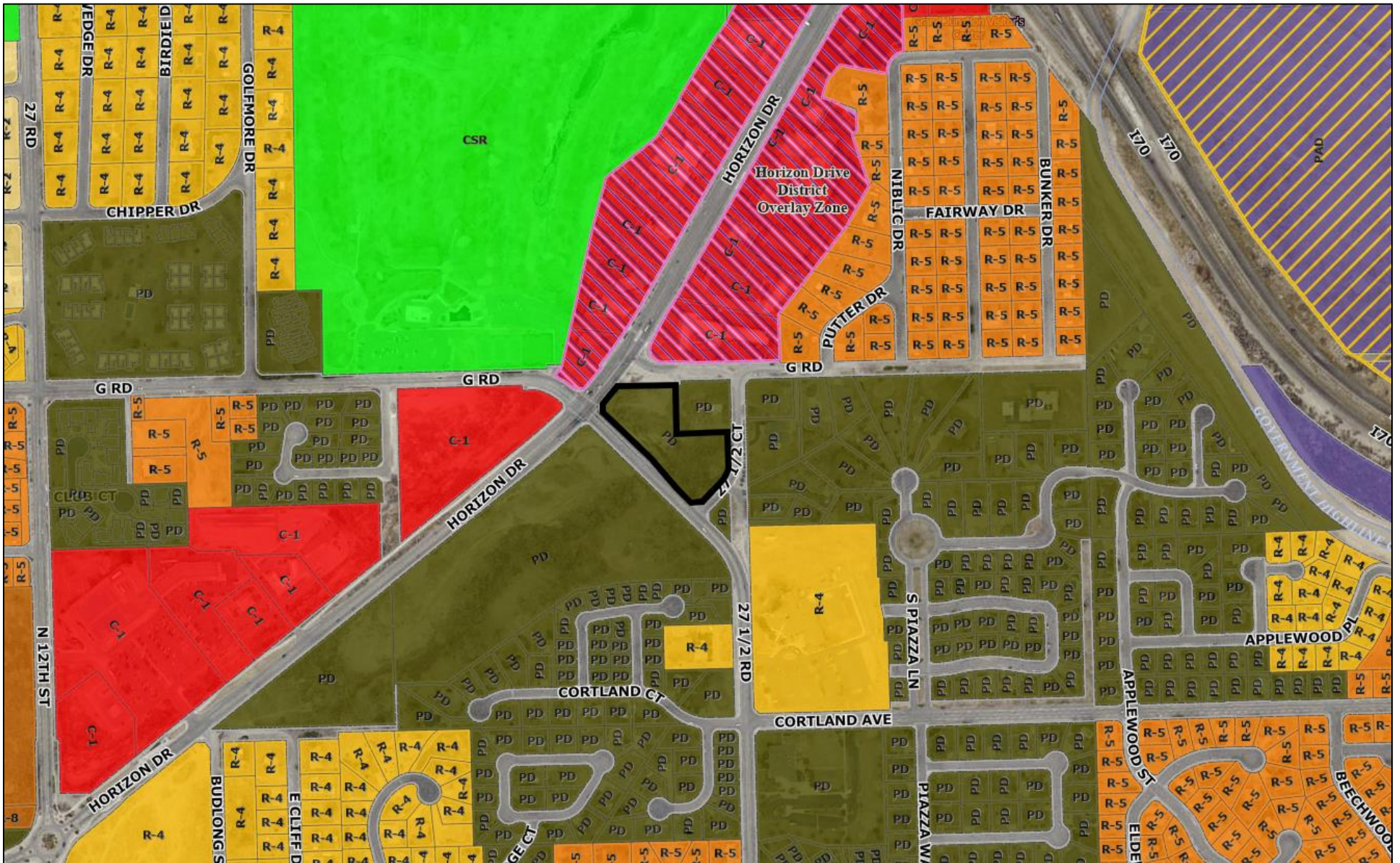
COMMENCING at the Northeast corner of said Government Lot 3 of Section 1, Township 1 South, Range 1 West, Ute Meridian, Grand Junction, Mesa County, Colorado, whence the Southeast corner of said Government Lot 3 bears South 00°03'04" West, a distance of 1322.09 feet, for a basis of bearings with all bearings contained herein relative thereto; South 00°03'04" West, a distance of 230.00 feet; thence North 89°56'56" West, a distance of 40.00 feet to the West right-of-way line of 27½ Road, as called to in Reception No.1376416, Mesa County records to the POINT OF BEGINNING; thence South 00°03'04" West, a distance of 133.82 feet, along said right-of-way line to that right-of-way line described in Reception No.2075083; thence, along said right-of-way described in Reception No.2075083 the following seven (7) courses: (1) with a non-tangent curve turning to the right having a delta angle of 25°33'38", a radius of 173.00 feet, an arc length of 77.18 feet, and a chord length of 76.54 feet, with a chord bearing of South 32°53'46" West ; (2) South 45°40'34" West, a distance of 86.77 feet; (3) North 89°49'12" West, a distance of 40.54 feet; (4) North 44°19'26" West, a distance of 52.62 feet; (5) North 39°45'00" West, a distance of 150.48 feet; (6) North 44°19'26" West, a distance of 272.90 feet; (7) North 00°02'16" West, a distance of 30.43 feet; thence with a non-tangent curve turning to the left having a delta angle of 02°31'58", a radius of 1960.00 feet, an arc length of 86.64 feet, and a chord length of 86.64 feet, with a chord bearing of North 41°48'21" East, along the Southeasterly right-of-way line of Horizon Drive as dedicated in Reception No.813634; thence North 89°59'53" East, a distance of 220.41 feet, along the South right-of-way line of G Road as dedicated in Reception No.1322383; thence South 00°03'04" West, a distance of 185.00 feet; thence North 89°59'53" East, a distance of 190.00 feet to the POINT OF BEGINNING.

Said parcel containing an area of 2.46 Acres, as herein described.

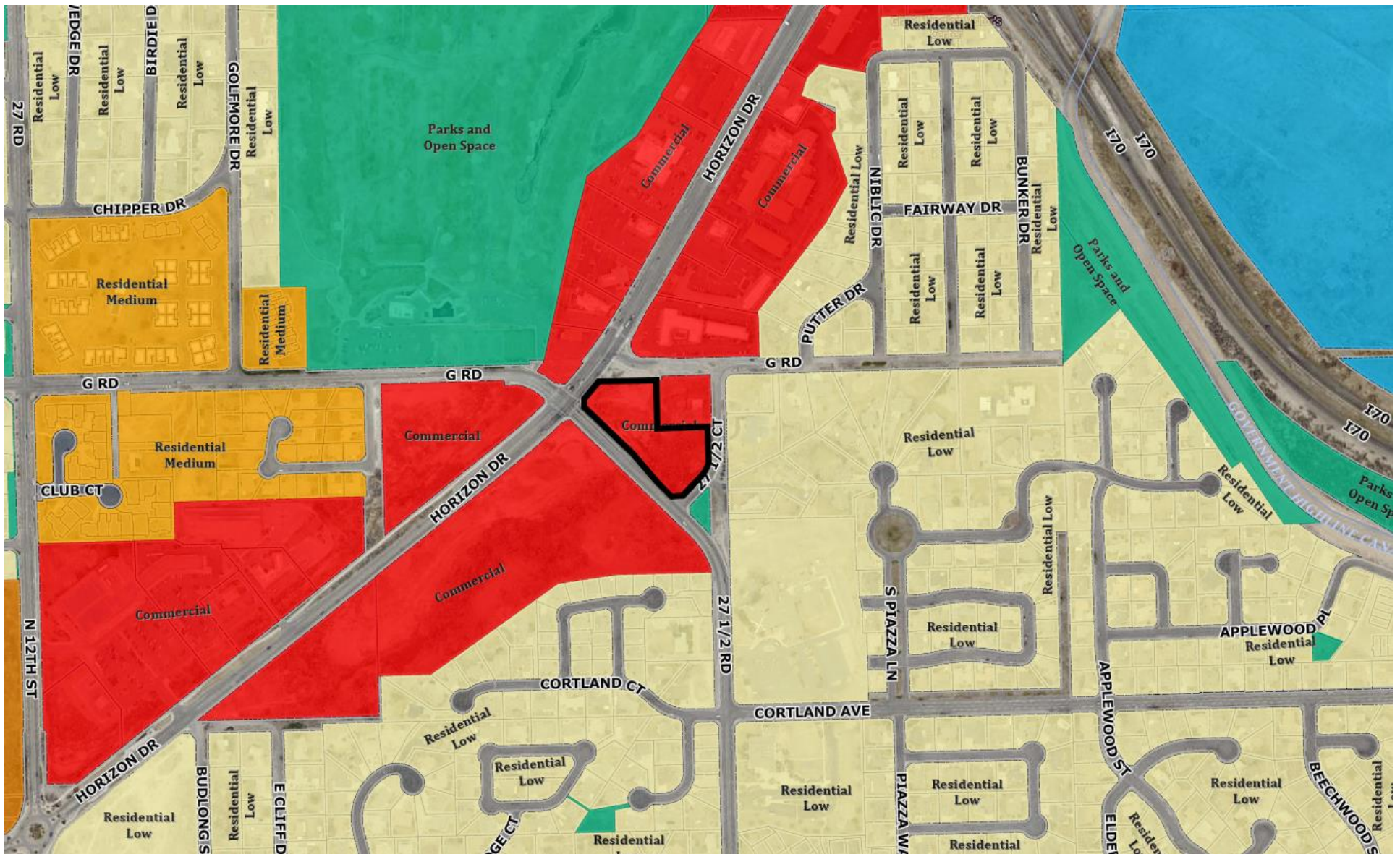
Vicinity Map



Zoning Map



Comprehensive Plan Land Use Map



1978 Annexation Ordinance

ORDINANCE NO. 1723

AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO.

WHEREAS, on the 4th day of January, 1978, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed as the petition was signed by the owners of one hundred percent of the territory petitioned for annexation;

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

That the following described territory, to wit:

Beginning at a point on the West right-of-way line of 27 1/2 Road, said point being 25 feet West and 230 feet South of the Northeast Corner of the Northeast Quarter of the Northwest Quarter of Section 1, Township 1 South, Range 1 West, Ute Meridian; thence South along the West right-of-way line of 27 1/2 Road 552.5 feet; thence West 383 feet; thence South 82° 49' West 220 feet; thence South 55° 57' West 596 feet; thence West 190 feet; thence South 176 feet; thence West approximately 200 feet to the East line of O'Nan Subdivision; thence North along the East line of O'Nan Subdivision 30 feet to the North right-of-way line of Cliff Drive; thence West along said right-of-way line to the Southeast right-of-way line of Horizon Drive; thence Northeasterly along said right-of-way line to the North right-of-way line of G Road; thence East along said right-of-way line to the Northerly extension of the West right-of-way line of 27 1/2 Road; thence South along said extension 60 feet to the South right-of-way line of G Road; thence West along said right-of-way line 205 feet; thence South 200 feet; thence East 205 feet to the point of beginning,

AND

That part of the Northeast Quarter of the Northwest Quarter of Section 1, Township 1 South, Range 1 West, Ute Meridian, lying North and West of County Highway (Horizon Drive), also that part of County Highway (Horizon Drive) adjacent on the South and East,

be, and the same is hereby, annexed to the City of Grand Junction, Colorado.

PASSED and ADOPTED this 1st day of February, 1978.

Lawrence L. Kozisek

President of the Council

Attest:

Neva B. Lockhart, CMC

City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1723, 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 4th day of January, 1978, 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 2nd day of February, 1978.

Neva B. Lockhart, CMC

Neva B. Lockhart
City Clerk

Published: January 8, 1978

Final Publication: February 5, 1978

Effective: March 7, 1978

ETTER ANNEXATION No 2

LEGAL DESCRIPTION

Part of the North Half of the NW quarter
of Section 1, Township 1 South, Range 1 West, Ute Meridian

More particularly described as: Beginning at a point on the West Right of Way line of 27 1/2 Road, said point being 25 feet West and 230 feet South of the NE corner of the NE quarter of the NW quarter of Section 1; Township 1 South; Range 1 West; of the Ute Meridian; Thence South along the West right of way line of 27 1/2 Road 552.5 feet; Thence West 383 feet; Thence South 82° 49' West 220 feet; Thence South 55° 57' West 596 feet; Thence West 190 feet; Thence South 176 feet; Thence West approximately 200 feet to the East line of the O'Nan Subdivision; Thence North along the East line of O'Nan Subdivision 30 feet to the North right of way line of Cliff Drive; Thence West along said right of way line to the Southeast right of way line of Horizon Drive; Thence Northeasterly along said right of way line to the North right of way line of G Road; Thence East along said right of way line to the Northerly extension of the West right of way line of 27 1/2 Road; Thence South along said extension 60 feet to the South right of way line of G Road; Thence West along said right of way line 205 feet; Thence South 200 feet; Thence East 205 feet to the point of beginning

LEGEND

BOUNDARY OF EXISTING CORPORATE LIMITS —————
BOUNDARY OF NEW CORPORATE LIMITS —————

AREA OF ANNEXATION

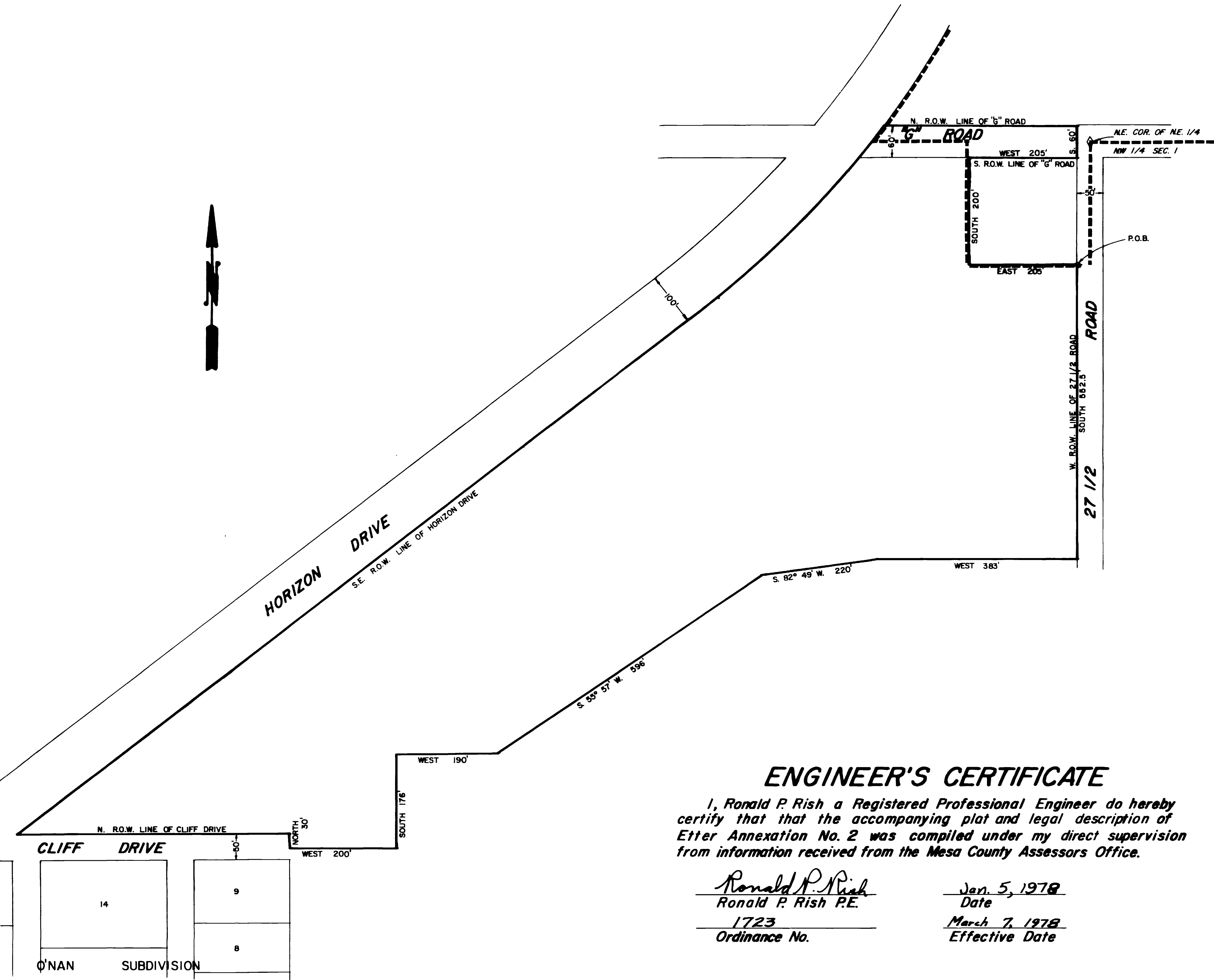
BOUNDARY CONTIGUOUS TO EXISTING CORPORATE LIMITS —
— APPROX. — 615 ft.
PERIMETER OF AREA TO BE ANNEXED —
— APPROX. — 6000 ft.
TOTAL ANNEXED AREA IN ACRES —
— APPROX. — 2.2 acres

ENGINEER'S CERTIFICATE

I, Ronald P. Rish a Registered Professional Engineer do hereby certify that that the accompanying plat and legal description of Etter Annexation No. 2 was compiled under my direct supervision from information received from the Mesa County Assessors Office.

Ronald P. Rish
Ronald P. Rish P.E.
1723
Ordinance No.

Jan. 5, 1978
Date
March 7, 1978
Effective Date



DESCRIPTION

DATE

DRAWN BY AS & LM DATE 1-4-78
CHECKED BY _____ DATE _____
APPROVED BY _____ DATE _____
FIELD BOOK NO. _____ PAGE _____

SCALE

PLAN PROFILE
HORIZ. 1" = 100' HORIZ. _____
VERT. _____

DEPARTMENT OF PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION
CITY OF GRAND JUNCTION, COLORADO

ETTER ANNEXATION NO. 2

SHEET NO. 1
OF 2
FILE NO. 01-539

ETTER ANNEXATION NO. 2

LEGAL DESCRIPTION

Part of the North half of the NE quarter of the NW quarter of Section 1 T1S, R1W of the Ute Meridian

More particularly described as: Beginning at the NW corner of the NE quarter of the NW quarter of said Section 1; Thence South along the West sixteen line also known as the center line of County Road called 27 1/4 Road, to a point that intersects with the SE Right of Way line of Horizon Drive; Thence Northeasterly along said Right of Way line to a point that intersects with the North line of said Section 1, also known as the center line of County Road called G Road; Thence West along said section line to the Point of Beginning.

LEGEND

BOUNDARY OF EXISTING CORPORATE LIMITS -----
BOUNDARY OF NEW CORPORATE LIMITS =====

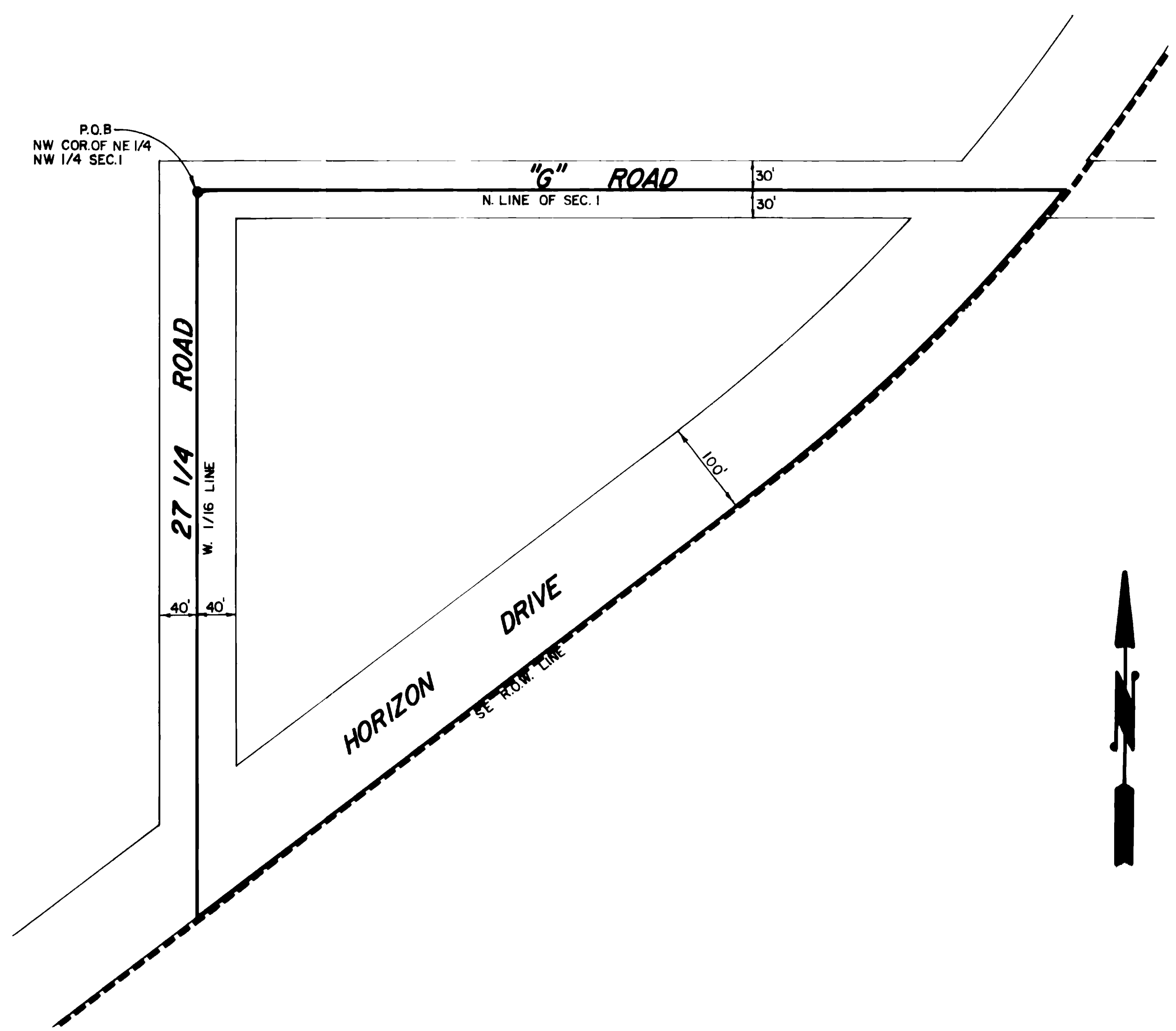
AREA OF ANNEXATION

BOUNDARY CONTIGUOUS TO EXISTING CORPORATE LIMITS approx. 1200 ft.
PERIMETER OF AREA TO BE ANNEXED approx. 2875 ft.
TOTAL ANNEXED AREA IN ACRES approx. 8.4 acres

ENGINEER'S CERTIFICATE

I, Ronald P. Rish a Registered Professional Engineer do hereby certify that the accompanying plat and legal description of Etter Annexation No. 2 was compiled under my direct supervision from information received from the Mesa County Assessor's Office.

SIGNED Ronald P. Rish DATE Jan. 10, 1978
ORDINANCE NO. 1723 EFFECTIVE DATE March 7, 1978



DESCRIPTION		DATE	DRAWN BY <u>SPS</u>	DATE <u>1-10-77</u>	SCALE		DEPARTMENT OF PUBLIC WORKS AND UTILITIES		ETTER ANNEXATION NO. 2		SHEET NO. <u>2</u>
REVISION Δ			CHECKED BY	DATE	PLAN	PROFILE	ENGINEERING DIVISION				OF <u>2</u>
REVISION Δ			APPROVED BY	DATE	HORIZ. <u>1" = 100'</u>	HORIZ.	CITY OF GRAND JUNCTION, COLORADO				FILE NO. <u>01-539</u>
REVISION Δ			FIELD BOOK NO.	PAGE	VERT.						

CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

CITY COUNCIL

Subject: Etter-Epstein ODP
Meeting Date: February 21, 2001
Date Prepared: February 12, 2001
Author: Kristen Ashbeck Senior Planner
Presenter Name: Same Same
Workshop X Formal Agenda

Subject: ODP-2000-058: Etter-Epstein Outline Development Plan (ODP)
Request for approval of an Outline Development Plan (ODP) to establish a Planned Development (PD) zone district consisting of Business/Commercial, Residential, and Open Space uses. Upon remand by City Council, Planning Commission approved the ODP and recommended approval of the PD zoning subject to conditions. The applicant has appealed the condition pertaining to maximum building height. The appeal will be heard with second reading of the proposed zoning ordinance.

Summary: The 22.56-acre Etter-Epstein property is located at the southeast corner of Horizon Drive and G Road and consists of three parcels of land. Approximately 1.4 acres of the property is public right-of-way due to the realignment of 27.5 Road and the Horizon Drive/G Road intersection. The parcels are presently zoned Planned Development (PD) but a plan has never been established for the property. The property owners are proposing propose this ODP to retain the PD zoning.

Background Information: See Attached Staff Report

Budget: N/A

Action Requested (by applicant): 1) Uphold appeal of applicant and approve the ODP for the Etter-Epstein property that establishes a PD zone district; and 2) Approve ordinance zoning land known as the Etter-Epstein Planned Development (PD).

Citizen Presentation: No X Yes If Yes,
Name: Bruce Phillips
Purpose: Representative

Report results back to Council: X No Yes When:

Placement on Agenda: X Consent Indiv. Consideration
Workshop

CITY OF GRAND JUNCTION DATE: February 12, 2001
CITY COUNCIL STAFF PRESENTATION: Kristen Ashbeck

AGENDA TOPIC: ODP-2000-058 Etter-Epstein Outline Development Plan (ODP)
Request for approval of an ODP for a Planned Development consisting of
Business/Commercial, Residential, and Open Space uses.

SUMMARY: The 22.56-acre Etter-Epstein ODP property consists of three parcels of land. The parcels are presently zoned Planned Development (PD) but a plan has never been established for the property. The property owners propose this ODP to establish a plan and maintain the PD zoning.

City Council remanded the application to Planning Commission with instructions to consider concessions made by the applicant and concerns expressed including building height, density, airport critical zone, set backs and buffering. Planning Commission, at its January 16, 2001 meeting, approved the ODP and recommended approval of the PD zoning subject to conditions. The applicant has appealed the condition pertaining to maximum building height.

BACKGROUND INFORMATION

Location: Southeast Corner Horizon Drive and G Road

Applicants: Etter Estate and Emanuel Epstein, Owners

Bruce Phillips, Representative

Existing Land Use: 1 Single Family Residence & Vacant

Proposed Land Use: Business/Commercial, Res., Open Space

Surrounding Land Use:

North Vacant & Commercial (Hotel)

South Single Family Residential (Ptarmigan Ridge, Ptarmigan Point & O'Nan)

East Single Family Residential (Ptarmigan Ridge) and Church

West Vacant

Existing Zoning: Planned Development (PD)

Proposed Zoning: Same

Surrounding Zoning:

North Light Commercial (C-1)

South PD (Residential)

East PD (Residential) & Residential Single Family 4 units per acre (RSF-4)

West C-1 & RSF-4

Growth Plan Designation: Residential Medium-Low: 2 to 4 units per acre &

Residential-High: 12+ units per acre

Zoning within density range? Yes X No

ACTION REQUESTED: Approve the ODP and zoning for the Etter-Epstein property that establishes a PD zone district.

Staff Analysis:

Project Background/Summary. The applicant has requested approval of an ODP for three parcels totaling 22.56 acres located on the southeast corner of Horizon Drive and G Road.

During the process to create the new zoning map, staff initially proposed to zone all three parcels Residential Single Family, 1 unit per 5 acres (RSF-R) due to the natural constraints of the property and its partial location within the Airport Critical Zone. However, Council agreed to adopt the new zoning map showing these parcels as Planned Development (PD) with the understanding that a plan for the property would have to be proposed and approved for the PD zoning to be maintained on the property.

The Future Land Use Map of the Growth Plan shows these parcels to remain residential, with the easterly two parcels at a low density of 2-4 units per acre and the westerly parcel high density of 12+ units per acre.

The purpose of this ODP is to establish a plan for the properties and demonstrate that the parcels can be compatible for the intended uses. The applicant's design intent is to serve as a transitional area between the commercial uses along Horizon Drive and the single family residential uses to the south. The following mix of uses is proposed as indicated on the ODP plan and stated in the applicant's narrative.

Business/Commercial	12.5 acres	125,000 to 250,000 sf
Residential, 4-8 du/ac	5.26 acres	Maximum 21 units (4 du/ac)
Open Space	3.18 acres	
27.5 Road Right-of-Way	1.62 acres	

Business/Commercial Land Use/Development Standards. The ODP proposes the uses listed below to be allowed in Business/Commercial areas 1, 2 and 3.

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility
General day care	Medical and Dental Clinics
Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Retail Alcohol Sales	Bar, Nightclub
Food Service, Catering	Food Service, Restaurant
Small appliance repair	Personal services
Car wash	Gasoline service station
Quick lube	Limited vehicle service
Community Activity Building/Community Services	
Museums, art galleries, opera houses, single screen theater, libraries	
Counseling centers (nonresident)	
General retail sales with indoor operations, display and storage	

The applicant agreed to remove some uses from Area 4 along 27.5 Road including:

- Bar, nightclub and retail alcohol sales, unless an accessory use to a motel or hotel
- Lube and oil change
- Automotive repair
- Gas station

A condition of approval from Planning Commission suggested that the list of uses to be excluded also include car wash and that the uses also be eliminated from Area 1 and the eastern portion of Area 3 (noted as the "Etter Residence" on the ODP). The applicant has agreed with this condition.

The applicant is proposing that the bulk requirements of the C-1 zone district apply to the business/commercial areas of the site except for building height limitations. The maximum height in the C-1 zone district in this area is 40 feet. The applicant is proposing that the maximum height in areas 1 and 4 be 35 feet which is compatible with the adjacent residential areas and 65 feet above the grade of Horizon Drive nor 35 feet from the old section of 27.5 Road in areas 2 and 3.

Planning Commission raised concerns with the proposed maximum building height and added a condition of approval that the height be restricted to 40 feet as measured from Horizon Drive and not to exceed 30 feet when measured along the old segment of 27.5 Road. The applicant has appealed this condition of approval.

Residential Land Use/Development Standards. A residential density of up to 4 units per acre, or a maximum of 21 dwelling units is proposed, with the following uses allowed:

Single family attached	Duplex
Single family detached	Multifamily
Townhome	Assisted Living Facility

Residential uses with a density of up to 4 units per acre may be allowed within the Airport Critical Zone, if a Conditional Use Permit is obtained and noise reduction measures are applied. The applicant is proposing that the bulk standards of the Residential Multifamily 8 units per acre (RMF-8) zone district apply to the residential area of the ODP (Area 5). A condition of approval from Planning Commission was that the rear or side yard setback as applicable in the residential Area 5, shall be a minimum of 25 feet from the southern property line (common with Ptarmigan Ridge and Ptarmigan Point). The applicant has agreed to this revision to the proposed setbacks

Open Space Land Use/Development Standards. Proposed uses allowed in the Open Space Area include:

- Underground utilities
- Road right-of-way
- Pedestrian and recreational amenities

No bulk standards were proposed for open space areas of the ODP. Therefore, it is assumed that the open space areas are to be considered "no build" areas.

Development Schedule. The applicant has not proposed a phasing plan with the ODP, but is requesting that the ODP be valid for a period of 3 years from the date of approval. Given the pace of development along the Horizon Drive corridor and the amount of vacant land along it, a three-year time frame for the ODP seems reasonable.

Site Access and Traffic Patterns. The recently completed road realignment and reconstruction work on Horizon Drive, G Road and 27.5 Road has a significant impact on site access and traffic patterns. The specific access points shown on the ODP plan will need to be analyzed in a traffic study at the Preliminary Plan phase to demonstrate that they can operate safely. Access to the proposed Business/Commercial areas will primarily be from Horizon Drive to minimize the traffic impact on existing residential areas to the south and east of the property. Planning Commission added a condition of approval that the use shall minimize traffic impacts to the old segment of 27-1/2 Road.

Other Constraints. Natural constraints on the Etter-Epstein property include topography and the potential for wetlands. There is a 30-foot topographical break that runs northeast-southwest through the property, parallel to Horizon Drive. Some of this was and still is being regraded with the 27.5 Road project to meet a 7 percent grade for the roadway. It is assumed that comparable site grading could be accomplished on the Business/Commercial sites along Horizon Drive, or the applicant has suggested that the sites could be terraced with "walk-out" multi-story structures. Staff is in agreement with this analysis. Determination of wetlands and the potential mitigation of disturbance will need to be addressed in greater detail prior to submittal of a Preliminary Plan.

Findings of Review.

a. Section 2.12 of the Zoning and Development Code lists criteria by which an ODP application shall be reviewed. An ODP application shall demonstrate conformance with all of the criteria. Staff's findings relative to the criteria and the plan revisions outlined above are listed below.

Growth Plan, Major Street Plan and Other Adopted Plans & Policies. The proposal is not in conformance with the Growth Plan, however, previous zoning on the site suggested that non-residential uses might be appropriate for the property. The residential use proposed at a density of 4 units per acre may be compatible with the Airport Environs Overlay, provided a Conditional Use Permit is approved at a subsequent phase of development.

Rezone Criteria. The proposal generally meets the rezone criteria.

Corridor Guidelines/Overlay Districts. The residential component of the proposal generally conforms to the Airport Environs Overlay, provided a Conditional Use Permit is approved at a subsequent phase of development.

Adequate Public Services. Since this is an infill site, adequate public services and facilities exist to the site.

Adequate Circulation and Access. Access and circulation are adequate to the site and were recently improved with the Horizon Drive reconstruction and G Road/27.5 Road realignment project.

Appropriate Screening and Buffering. Due to the natural amenities/constraints on the property, the plan can adequately provide for screening and buffering between land uses.

Appropriate Range of Density/Intensity. The residential component of the proposal may be appropriate for its location in the Critical Zone and is compatible with surrounding residential densities. The proposed intensity of the business/commercial component appears appropriate, but uses should be limited (as revised for Area 4) where these sites are directly adjacent to residential use or zoning (Area 1 just north of the O'Nan Subdivision and the eastern portion of Area 3 across the street from Ptarmigan Estates).

Appropriate Minimum Standards. The applicant proposed standards compatible with the straight zones of C-1 and RMF-8 with some modification to the maximum building height for business/commercial areas 2 and 3. Additional buffering between Area 5 and the existing residential area to the south is desirable. This can be addressed by increasing the required setback from the southern property line to be consistent with that in the adjacent established residential area and further with the Conditional Use Permit required for the proposed residential use in the Critical Zone.

Appropriate Phasing Schedule. The applicant has requested that the ODP be valid for a period of 3 years from the time the 27-1/2 Road street improvements are 100 percent complete. Staff recommends that the period be from the date of approval rather than completion of the street improvements.

Minimum 20-Acre Size. The Etter-Epstein property, less the area to be set aside as right-of-way is 20.94 acres.

b. Section 2.6 of the Zoning and Development Code lists criteria by which a rezone application shall be reviewed. Staff's findings relative to the criteria and the plan revisions outlined above are listed below.

Existing Zoning in Error. The existing zoning constitutes a planned zone without a plan. In conjunction with the ODP, adoption of the zoning ordinance will establish a plan to maintain the PD zoning.

Change of Neighborhood Character. The recently-completed Horizon Drive reconstruction and G Road/27.5 Road realignment project had a significant impact on this property and the surrounding neighborhood. The new streets make the Etter-Epstein property more developable for a mix of uses.

Neighborhood Compatibility. Due to the natural and man-made constraints, the Etter-Epstein property is conducive to a mixed-use zoning that provides a transition from the commercial uses on the Horizon Drive corridor to the adjacent single family residential areas to the south and east. The proposed ODP accommodates this necessary transition.

Community or Neighborhood Benefit. Infill development such as that proposed by this plan and zone is a community goal. It also meets the goal of minimizing vehicular traffic to and from neighborhood services if these can be provided adjacent to residential areas as proposed by this plan.

PLANNING COMMISSION RECOMMENDATION (1/16/01 - 7-0): Approval of the ODP and zoning for the Etter-Epstein property with the following conditions:

- 1) Uses to be excluded from Areas 1, 4 and the eastern area of 3 (Etter Residence): quick lubes, auto repair, gas station, car wash, bar/nightclub or retail liquor sales, unless an accessory use to a motel/hotel.
- 2) The rear or side yard setback as applicable in the residential Area 5, shall be a minimum of 25 feet from the southern property line (common with Ptarmigan Ridge and Ptarmigan Point).
- 3) The maximum building height shall be restricted to 40 feet as measured from Horizon Drive and not to exceed 30 feet when measured along the old segment of 27.5 Road, whichever is more restrictive. NOTE: minutes are not clear as to which areas this restriction applies to-40 feet is higher than the 35 feet applicant proposed in areas 1 and 4.
- 4) The use shall minimize traffic impacts to the old segment of 27.5 Road.

Conditions 2 and 3 have already been incorporated into the proposed zoning ordinance.

- ATTACHMENTS:
- a. Proposed Ordinance
 - b. Letter of Appeal
 - c. Aerial Photo Location Map
 - d. Assessor's Map
 - e. Minutes of 12/6/00 City Council
 - f. Draft Minutes of 1/16/01 Planning Commission
 - g. Materials Provided by Applicant - Plans & Narrative
 - h. Letters from Concerned Citizens

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. _____

ZONING THREE PARCELS OF LAND LOCATED
ON THE SOUTHEAST CORNER OF THE HORIZON DRIVE AND
G ROAD INTERSECTION

Recitals.

A rezoning of the property to establish a plan for a Planned Development (PD) has been requested for three properties located on the southeast corner of the intersection of Horizon Drive and G Road. The property is generally known as the Etter-Epstein property. The City Council finds that the request meets the goals and policies set forth by the Growth Plan. City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PROPERTY DESCRIBED BELOW IS HEREBY ZONED PLANNED DEVELOPMENT (PD):

Parcel 2945-012-00-008

Beginning at the NE corner NE4NW4 Section 1 1S 1W South 230 ft West 230 ft North 230 ft East to the Point of Beginning EXC road ROW as per Book 1426 Pages 244-245 Mesa County records; and also

Parcel 2945-012-00-075/076

That part of NW4 NW4 Section 1 1S 1W S + East of County Highway EXC road ROW as per Book 1426 Pages 244-245 Mesa County records; and also

Parcel 2945-012-00-073/074

Beginning Northeast corner NE4 NW4 Section 1 1S 1W S 782.5 ft West 408 ft South 82deg49' West 220 ft South 55deg57' W 596 ft West 190 ft to West LI NE4 NW4 North to County Highway Northeasterly along highway to North line 4 NW4 E to beginning EXC road on East + EXC North 230 ft of East 230 ft of NE4NW4 EXC Road ROW as per Book 1426 Pages 244-245 Mesa County Records.

The uses of the property allowed by the zoning shall be as generally depicted on the Outline Development Plan (ODP) attached as Exhibit A:

Business/Commercial	12.5 acres	125,000 to 250,000 sf
Residential, 4-8 du/ac	5.26 acres	Maximum 21 units (4 du/ac)
Open Space	3.18 acres	

A list of the types of allowed uses are as follows corresponding to denominated areas on Exhibit A.

BUSINESS/COMMERCIAL USES (Area 2 and western portion of Area 3):

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility
General day care	Medical and Dental Clinics
Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Retail Alcohol Sales	Bar, Nightclub
Food Service, Catering	Food Service, Restaurant
Small appliance repair	Personal services
Car wash	Gasoline service station
Quick lube	Limited vehicle service
Community Activity Building/Community Services	
Museums, art galleries, opera houses, single screen theater, libraries	

Counseling centers (nonresident)
General retail sales with indoor operations, display and storage

BUSINESS/COMMERCIAL USES (Areas 1, 4 and eastern portion of Area 3 (Etter Residence):

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility
General day care	Medical and Dental Clinics
Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Food Service, Catering	Food Service, Restaurant
Small appliance repair	Personal services
Community Activity Building/Community Services	
Museums, art galleries, opera houses, single screen theater, libraries	
Counseling centers (nonresident)	
General retail sales with indoor operations, display and storage	

RESIDENTIAL USES (Area 5 with a maximum of 21 dwelling units):

Single family attached	Duplex
Single family detached	Multifamily
Townhome	Assisted Living Facility

OPEN SPACE USES (No-Build areas):

Underground utilities
Road right-of-way
Pedestrian and recreational amenities

2) The bulk requirements for this zone and property shall be as follows:

Business/Commercial Areas: Same as Light Commercial (C-1) in section 3.4 of the March 7, 2000, City of Grand Junction, Zoning and Development Code except for: Maximum building height as follows (refer to Exhibit A attached).

Areas 1 & 4: 35 feet

Areas 2: Building heights shall not exceed 65 feet above Horizon Drive

Area 3: Building heights shall not exceed 65 feet above Horizon Drive nor 35 feet above the north/south section (old alignment) of 27.5 Road

Residential Areas: Same as Residential Multifamily 8 units per acre (RMF-8) in section 3.3 of the March 7, 2000, City of Grand Junction, Zoning and Development Code, EXCEPT for the rear or side yard setback as applicable in the residential Area 5, shall be

a minimum of 25 feet from the southern property line (common with Ptarmigan Ridge and Ptarmigan Point).

3) Per Section 7.3 of the March 7, 2000, City of Grand Junction, Zoning and Development Code, a Conditional Use Permit shall be required at a subsequent phase of development in order to establish a residential density of up to 4 units per acre within the Airport Critical Zone.

4) The ODP shall be valid for a period of 3 years from the date of approval.

INTRODUCED for FIRST READING and PUBLICATION this 7th day of February 2001.

PASSED on SECOND READING this 21st day of February 2001.

ATTEST:

City Clerk

President of Council

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. 3328

ZONING LAND LOCATED NEAR
THE SOUTHEAST CORNER OF THE HORIZON DRIVE AND
G ROAD INTERSECTION

Recitals.

The owners of the property described below have applied for approval of an outline development plan and concomitant for a Planned Development (PD) for the owners' three tax parcels located near the southeast corner of the intersection of Horizon Drive and G Road. The property is locally known as the Etter-Epstein property. The City Council finds that the request meets the goals and policies set forth by the *Growth Plan*. City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

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

1. The property consisting of the following three tax parcel descriptions is hereby zoned Planned Development (PD) subject to the conditions and provisions of the Zoning and Development Code and the approved plan:
 - (a) Parcel 2945-012-00-008
Beginning at the NE corner NE4NW4 Section 1 1S 1W South 230 ft West 230 ft North 230 ft East to the Point of Beginning EXC road ROW as per Book 1426 Pages 244-245 Mesa County records; and also
 - (b) Parcel 2945-012-00-075/076
That part of NW4 NW4 Section 1 1S 1W S + East of County Highway EXC road ROW as per Book 1426 Pages 244-245 Mesa County records; and also
 - (c) Parcel 2945-012-00-073/074
Beginning Northeast corner NE4 NW4 Section 1 1S 1W S 782.5 ft West 408 ft South 82deg49' West 220 ft South 55deg57' W 596 ft West 190 ft to West LI NE4 NW4 North to County Highway Northeasterly along highway to North line 4 NW4 E to beginning EXC road on East + EXC North 230 ft of East 230 ft of NE4NW4 EXC Road ROW as per Book 1426 Pages 244-245 Mesa County Records.

2. The uses of the 20.94 acre property allowed by the zoning shall be as generally depicted on the Outline Development Plan (ODP) attached as Exhibit A:
 - (a) Business/Commercial 11.36 acres less the eastern portion of Area 3*
(approximately 125,000-250,000 sf)
 - (b) Residential, 4 du/ac 6.4 acres plus eastern portion of Area 3*
 - (c) Open Space 3.18 acres
3. A list of the types of allowed uses are as follows corresponding to 2. (a), (b) and (c) as denominated on Exhibit A. The attached map classifies and designates the property into 5 acres.

(a) BUSINESS/COMMERCIAL USES (Area 2 and western portion of Area 3*):

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility
General day care	Medical and Dental Clinics
Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Retail Alcohol Sales	Bar, Nightclub
Food Service, Catering	Food Service, Restaurant
Small appliance repair	Personal services
Car wash	Gasoline service station
Quick lube	Limited vehicle service
Community Activity Building/Community Services	
Museums, art galleries, opera houses, single screen theater, libraries	
Counseling centers (nonresident)	
General retail sales with indoor operations, display and storage	

(b) BUSINESS/COMMERCIAL USES (Area 1):

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility
General day care	Medical and Dental Clinics
Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Food Service, Catering	Food Service, Restaurant
Small appliance repair	Personal services
Community Activity Building/Community Services	
Museums, art galleries, opera houses, single screen theater, libraries	
Counseling centers (nonresident)	
General retail sales with indoor operations, display and storage	

(c) RESIDENTIAL USES (Areas 4 and 5 and eastern portion of Area 3 – Etter Residence*):

Single family attached	Duplex
Single family detached	Multifamily
Townhome	Assisted Living Facility

(d) OPEN SPACE USES (No-build areas):

Underground utilities
Road right-of-way
Pedestrian and recreational amenities

4) The bulk requirements for this property shall be as follows:

(a) Business/Commercial area: Same as Light Commercial (C-1) in section 3.4 of the Zoning and Development Code except that: the maximum building heights are as follows (refer to Exhibit A, attached):

Area 1: 35 feet above grade

Area 2:

- South of the southern boundary of the Airport Critical Zone: 40 feet measured from the nearest portion of Horizon Drive
- Remainder of Area 2 (north of the line formed by the southern boundary of the Airport Critical Zone): 55 feet measured from the nearest portion of Horizon Drive

Area 3 (Western Portion*): 65 feet measured from the nearest portion of Horizon Drive

(b) Residential areas (4 and 5 and eastern Portion of Area 3*): Same as Residential Multifamily 8 units per acre (RMF-8) in section 3.3 of the Zoning and Development Code, EXCEPT that:

- 1) the rear or side yard setback in the residential Area 5 shall be a minimum of 25 feet from the southern property line (common with Ptarmigan Ridge and Ptarmigan Point); and
- 2) Height in the eastern portion of Area 3* shall be 35 feet measured from the existing grade of the Old 27-1/2 Road Right-of-Way (elevation of 4736 feet).

(c) * Note: Per City Council motion, the eastern portion of Area 3 (generally noted as the Etter Residence on Exhibit A) is to be residential with the exact area defined at the next phase of development.

5) A Conditional Use Permit shall be required at the next phase of development in order to establish a residential density of up to 4 units per acre within the Airport Critical Zone, as required by Section 7.3 of the Zoning and Development Code.

6) This zoning, and the concomitant ODP, are only valid until the 3rd anniversary of approval.

INTRODUCED for FIRST READING and PUBLICATION this 7th day of February, 2001.

PASSED on SECOND READING this 21st day of February, 2001.

ATTEST:

/s/ Stephanie Nye
City Clerk

/s/ Gene Kinsey
President of Council

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA

Subject Etter-Epstein Outline Development Plan (ODP) Request for Extension

Meeting Date March 17, 2004

Date Prepared March 9, 2004 File: ODP-2000-058

Author Kristen Ashbeck Senior Planner

Presenter Name Kristen Ashbeck Senior Planner

Report results back to Council X No Yes When

Citizen Presentation Yes X No Name

Workshop X Formal Agenda X Consent

Individual Consideration

Summary: A mixed-use Outline Development Plan (ODP) and Planned Development (PD) zoning ordinance for the Etter-Epstein property on the southeast corner of Horizon Drive and G Road was approved by City Council on February 21, 2001. The ordinance stated that the ODP would expire three years from the date of approval. Due to development and market trends and the difficulty and expense to develop this property, the plan has not yet evolved to the next phase of development - submittal of a Preliminary Plan. Thus, the property owners are requesting an extension to the three-year expiration for another three-year period.

Budget: NA

Action Requested/Recommendation: First reading of proposed revised ordinance extending the Etter-Epstein ODP for another three-year period and set a hearing for the April 7, 2004 City Council meeting. Planning Commission will hear this item at its March 9, 2004 meeting and make a recommendation to City Council.

Attachments:

- 1) Background Information / Analysis
- 2) Letters from Property Owners Requesting Extension of ODP
- 3) Proposed Planned Development Ordinance
- 4) Etter-Epstein Outline Development Plan

BACKGROUND INFORMATION

Location: Southeast Corner Horizon Drive and G Road

Applicants: The Estate of Jimmie Etter and Emanuel Epstein, Owners

Existing Land Use: 1 Single Family Residence and Vacant

Proposed Land Use: Business/Commercial, Residential, Open Space

Surrounding

Land Use:

North Vacant & Commercial (Hotel)

South Single Family Residential (Ptarmigan Ridge, Ptarmigan Point & O'Nan)

East Single Family Residential (Ptarmigan Ridge) and Church

West Vacant

Existing Zoning: Planned Development (PD)

Proposed Zoning: No Change Proposed

Surrounding Zoning:

North Light Commercial (C-1)

South PD (Residential)

East PD (Residential) & Residential Single Family 4 units per acre (RSF-4)

West C-1 & RSF-4

Growth Plan Designation: Mixed Use

Zoning within density range? X Yes No

ANALYSIS

1. Background: The 22.56-acre Etter-Epstein ODP property consists of three parcels of land. Approximately 1.4 acres of the property were transferred to the City as public right-of-way due to the realignment of 27-1/2 Road and the Horizon Drive/G Road intersection several years ago. The parcels were zoned Planned Development (PD) when the new zoning map was adopted in 2000 but with the agreement that a plan would be established to maintain the PD zoning shortly thereafter.

The ODP approved by City Council in early 2001 is specifically described in the attached proposed zoning ordinance. Item 7 in the proposed ordinance reads exactly as specifically stated in the original ordinance - that the ODP and the zoning were only valid until the 3rd anniversary of the approval date of February 21, 2001. Otherwise, the only change proposed in the new ordinance is the addition of Item 6 which is highlighted in italics.

2. Consistency with the Growth Plan: The Growth Plan was updated to reflect the ODP and zoning of the Etter-Epstein property, designating it as a Mixed Use future land use category.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Etter-Epstein ODP application, ODP-2000-058, for an extension request, staff makes the following findings of fact and conclusions:

1. The previously-approved Etter-Epstein Outline Development Plan is consistent with the Growth Plan.
2. The land development and market conditions in the Horizon Drive corridor area have not progressed as rapidly as may have been envisioned three years ago. While conditions have changed some with the start of development of the Safeway Center, conditions have not changed dramatically to warrant a re-review of the previously approved ODP for the Etter Epstein property. In addition, this property is difficult and likely costly to develop. Due to these factors, staff believes that the Etter-Epstein ODP as

approved is still relevant to the future land use and development in this area. However, this does not represent a commitment to any future extensions beyond this 3-year period.

3. Staff supports the ODP that was originally approved. The plan proposes reasonable land uses for the area and for the specific property as well as providing an acceptable transition from the Horizon Drive corridor to the residential areas east and south of the property. If the extension request is not approved, the City would be required to revert the PD zoning to a straight zone. Staff believes that any other straight zone would not fit the unique constraints and opportunities of this particular piece of property as well as the approved ODP does within a planned zone district.

4. The property owners have requested a 3-year extension for the Etter-Epstein ODP. Given the conditions described in 1 through 3 above, staff believes that this extension is a reasonable request.

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. _____

ZONING LAND LOCATED NEAR

THE SOUTHEAST CORNER OF THE HORIZON DRIVE AND G ROAD INTERSECTION

Recitals.

The owners of the property described below have applied for approval of an outline development plan and concomitant for a Planned Development (PD) for the owners' three tax parcels located near the southeast corner of the intersection of Horizon Drive and G Road. The property is locally known as the Etter-Epstein property. The City Council finds that the request meets the goals and policies set forth by the Growth Plan. City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

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

1. The property consisting of the following three tax parcel descriptions is hereby zoned Planned Development (PD) subject to the conditions and provisions of the Zoning and Development Code and the approved plan:

(a) Parcel 2945-012-00-008

Beginning at the NE corner NE4NW4 Section 1 1S 1W South 230 ft West 230 ft North 230 ft East to the Point of Beginning EXC road ROW as per Book 1426 Pages 244-245 Mesa County records; and also

(b) Parcel 2945-012-00-075/076

That part of NW4 NW4 Section 1 1S 1W S + East of County Highway EXC road ROW as per Book 1426 Pages 244-245 Mesa County records; and also

(c) Parcel 2945-012-00-073/074

Beginning Northeast corner NE4 NW4 Section 1 1S 1W S 782.5 ft West 408 ft South 82deg49' West 220 ft South 55deg57' W 596 ft West 190 ft to West LI NE4 NW4 North to County Highway Northeasterly along highway to North line 4 NW4 E to beginning EXC road on East + EXC North 230 ft of East 230 ft of NE4NW4 EXC Road ROW as per Book 1426 Pages 244-245 Mesa County Records.

2. The uses of the 20.94 acre property allowed by the zoning shall be as generally depicted on the Outline Development Plan (ODP) attached as Exhibit A:

- (a) Business/Commercial 11.36 acres less the eastern portion of Area 3*
(approximately 125,000-250,000 sf)
- (b) Residential, 4 du/ac 6.4 acres plus eastern portion of Area 3*
- (c) Open Space 3.18 acres

3. A list of the types of allowed uses are as follows corresponding to 2. (a), (b) and (c) as denominated on Exhibit A. The attached map classifies and designates the property into 5 acres.

(a) BUSINESS/COMMERCIAL USES (Area 2 and western portion of Area 3*):

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility
General day care	Medical and Dental Clinics
Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Retail Alcohol Sales	Bar, Nightclub
Food Service, Catering	Food Service, Restaurant
Small appliance repair	Personal services
Car wash	Gasoline service station
Quick lube	Limited vehicle service
Community Activity Building/Community Services	
Museums, art galleries, opera houses, single screen theater, libraries	
Counseling centers (nonresident)	
General retail sales with indoor operations, display and storage	

(b) BUSINESS/COMMERCIAL USES (Area 1):

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility
General day care	Medical and Dental Clinics

Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Food Service, Catering	Food Service, Restaurant
Small appliance repair	Personal services
Community Activity Building/Community Services	
Museums, art galleries, opera houses, single screen theater, libraries	
Counseling centers (nonresident)	
General retail sales with indoor operations, display and storage	

(c) RESIDENTIAL USES (Areas 4 and 5 and eastern portion of Area 3 - Etter Residence*):

Single family attached	Duplex
Single family detached	Multifamily
Townhome	Assisted Living Facility

(d) OPEN SPACE USES (No-build areas):

Underground utilities
Road right-of-way
Pedestrian and recreational amenities

4) The bulk requirements for this property shall be as follows:

(a) Business/Commercial area: Same as Light Commercial (C-1) in section 3.4 of the Zoning and Development Code except that: the maximum building heights are as follows (refer to Exhibit A, attached):

Area 1: 35 feet above grade

Area 2:

- South of the southern boundary of the Airport Critical Zone: 40 feet measured from the nearest portion of Horizon Drive

- Remainder of Area 2 (north of the line formed by the southern boundary of the Airport Critical Zone): 55 feet measured from the nearest portion of Horizon Drive

Area 3 (Western Portion*): 65 feet measured from the nearest portion of Horizon Drive

(b) Residential areas (4 and 5 and eastern Portion of Area 3*): Same as Residential Multifamily 8 units per acre (RMF-8) in section 3.3 of the Zoning and Development Code, EXCEPT that:

1) the rear or side yard setback in the residential Area 5 shall be a minimum of 25 feet from the southern property line (common with Ptarmigan Ridge and Ptarmigan Point); and

2) Height in the eastern portion of Area 3* shall be 35 feet measured from the existing grade of the Old 27-1/2 Road Right-of-Way (elevation of 4736 feet).

(c) * Note: Per City Council motion, the eastern portion of Area 3 (generally noted as the Etter Residence on Exhibit A) is to be residential with the exact area defined at the next phase of development.

5) A Conditional Use Permit shall be required at the next phase of development in order to establish a residential density of up to 4 units per acre within the Airport Critical Zone, as required by Section 7.3 of the Zoning and Development Code.

6) Subsequent applications to the City shall conform to the then-effective Zoning and Development Code.

6) This zoning, and the concomitant ODP, are only valid until the 3rd anniversary of approval.

INTRODUCED for FIRST READING and PUBLICATION this 17th day of March, 2004.

PASSED on SECOND READING this 7th day of April, 2004.

ATTEST:

City Clerk

President of Council

ORDINANCE NO. 3619
AN ORDINANCE ZONING LAND LOCATED NEAR
THE SOUTHEAST CORNER OF THE HORIZON DRIVE AND
G ROAD INTERSECTION TO PD

Recitals.

The owners of the property described below have applied for approval of an outline development plan and concomitant for a Planned Development (PD) for the owners' three tax parcels located near the southeast corner of the intersection of Horizon Drive and G Road. The property is locally known as the Etter-Epstein property. The City Council finds that the request meets the goals and policies set forth by the Growth Plan. City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

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

1. The property consisting of the following three tax parcel descriptions is hereby zoned Planned Development (PD) subject to the conditions and provisions of the Zoning and Development Code and the approved plan:

(a) Parcel 2945-012-00-008

Beginning at the NE corner NE4NW4 Section 1 1S 1W South 230 ft West 230 ft North 230 ft East to the Point of Beginning EXC road ROW as per Book 1426 Pages 244-245 Mesa County records; and also

(b) Parcel 2945-012-00-075/076

That part of NW4 NW4 Section 1 1S 1W S + East of County Highway EXC road ROW as per Book 1426 Pages 244-245 Mesa County records; and also

(c) Parcel 2945-012-00-073/074

Beginning Northeast corner NE4 NW4 Section 1 1S 1W S 782.5 ft West 408 ft South 82deg49' West 220 ft South 55deg57' W 596 ft West 190 ft to West LI NE4 NW4 North to County Highway Northeasterly along highway to North line 4 NW4 E to beginning EXC road on East + EXC North 230 ft of East 230 ft of NE4NW4 EXC Road ROW as per Book 1426 Pages 244-245 Mesa County Records.

2. The uses of the 20.94 acre property allowed by the zoning shall be as generally depicted on the Outline Development Plan (ODP) attached as Exhibit A:

- (a) Business/Commercial 11.36 acres less the eastern portion of Area 3*
(approximately 125,000-250,000 sf)
- (b) Residential, 4 du/ac 6.4 acres plus eastern portion of Area 3*
- (c) Open Space 3.18 acres

3. A list of the types of allowed uses are as follows corresponding to 2. (a), (b) and (c) as denominated on Exhibit A. The attached map classifies and designates the property into 5 acres.

(a) BUSINESS/COMMERCIAL USES (Area 2 and western portion of Area 3*):

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility
General day care	Medical and Dental Clinics
Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Retail Alcohol Sales	Bar, Nightclub
Food Service, Catering	Food Service, Restaurant
Small appliance repair	Personal services
Car wash	Gasoline service station
Quick lube	Limited vehicle service
Community Activity Building/Community Services	
Museums, art galleries, opera houses, single screen theater, libraries	
Counseling centers (nonresident)	
General retail sales with indoor operations, display and storage	

(b) BUSINESS/COMMERCIAL USES (Area 1):

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility
General day care	Medical and Dental Clinics
Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Food Service, Catering	Food Service, Restaurant
Small appliance repair	Personal services
Community Activity Building/Community Services	
Museums, art galleries, opera houses, single screen theater, libraries	
Counseling centers (nonresident)	

General retail sales with indoor operations, display and storage

(c) RESIDENTIAL USES (Areas 4 and 5 and eastern portion of Area 3 - Etter Residence*):

Single family attached	Duplex
Single family detached	Multifamily
Townhome	Assisted Living Facility

(d) OPEN SPACE USES (No-build areas):

- Underground utilities
- Road right-of-way
- Pedestrian and recreational amenities

4. The bulk requirements for this property shall be as follows:

(a) Business/Commercial area: Same as Light Commercial (C-1) in section 3.4 of the Zoning and Development Code except that: the maximum building heights are as follows (refer to Exhibit A, attached):

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(b) Residential areas (4 and 5 and eastern Portion of Area 3*): Same as Residential Multifamily 8 units per acre (RMF-8) in section 3.3 of the Zoning and Development Code, EXCEPT that:

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2) Height in the eastern portion of Area 3* shall be 35 feet measured from the existing grade of the Old 27-1/2 Road Right-of-Way (elevation of 4736 feet).

(c) * Note: Per City Council motion, the eastern portion of Area 3 (generally noted as the Etter Residence on Exhibit A) is to be residential with the exact area defined at the next phase of development.

5. A Conditional Use Permit shall be required at the next phase of development in order to establish a residential density of up to 4 units per acre within the Airport Critical Zone, as required by Section 7.3 of the Zoning and Development Code.

6. *Subsequent applications to the City shall conform to the then-effective Zoning and Development Code.*

7. This zoning, and the concomitant ODP, are only valid until the 3rd anniversary of approval.

INTRODUCED for FIRST READING and PUBLICATION this 17th day of March, 2004.

PASSED on SECOND READING this 7th day of April, 2004.

ATTEST:

/s/: Stephanie Tuin
City Clerk

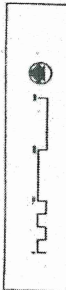
/s/: Jim Spehar
President of Council

DRAWING NO.

**CLAVONNE &
ASSOC., INC.**
LANDSCAPE AND
PLANNING ARCHITECTS
344 GRAND AVE.
GRAND JCT. CO. 81801
PH: 870-241-0748
FAX: 870-241-0785
EMAIL: info@clavonne.com

CITY OF GRAND JUNCTION COMMUNITY DEVELOPMENT

DATE	FILE	AS CLOSING
11/1/54	11/1/54	11/1/54
11/2/54	11/2/54	11/2/54
11/3/54	11/3/54	11/3/54
11/4/54	11/4/54	11/4/54
11/5/54	11/5/54	11/5/54
11/6/54	11/6/54	11/6/54
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1/25/55	1/25/55	1/25/55
1/26/55	1/26/55	1/26/55



AIRLINE SUMMARY		
LINE	AGENCY	PERCENTAGE
1	AMERICAN AIRLINES	33%
2	DELTA AIRLINES	25%
3	UNITED AIRLINES	20%
4	WESTERN AIRLINES	15%
5	ALASKA AIRLINES	7%
6	BOEING AIRLINES	0%
7	CRUISE SHIPS	0%
8	RAILROADS	0%
9	OTHER	0%
10	TOTAL	100%

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

AN ORDINANCE REZONING ONE PARCEL TOTALING APPROXIMATELY 2.46 ACRES FROM PD (PLANNED DEVELOPMENT) TO C-1 (LIGHT COMMERCIAL) LOCATED AT THE NORTHEAST CORNER OF HORIZON DRIVE AND 27 ½ ROAD

Recitals:

Emanuel Epstein Revocable Trust (Owner) owns the parcel located at the northeast corner of Horizon Drive and 27 ½ Road totaling approximately 2.46 acres (referred to herein and more fully described below as the "Property"). The Property is designated by the Comprehensive Plan Land Use Map as having a Commercial designation. The Owner proposes that the property be rezoned from PD (Planned Development) to C-1 (Light Commercial).

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 Property to the C-1 (Light Commercial) zone district, finding that it conforms to and is consistent with the Comprehensive Plan Land Use designation of Commercial, 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 C-1 (Light Commercial) zone district is in conformance with at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

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

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

That parcel of land located in the Northeast Quarter of the Northwest Quarter, also known as Government Lot 3 of Section 1, Township 1 South, Range 1 West of the Ute Meridian in Grand Junction, Mesa County, Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Government Lot 3 of Section 1, Township 1 South, Range 1 West, Ute Meridian, Grand Junction, Mesa County, Colorado, whence the Southeast corner of said Government Lot 3 bears South 00°03'04" West, a distance of 1322.09 feet, for a basis of bearings with all bearings contained herein relative thereto; South 00°03'04" West, a distance of 230.00 feet; thence North 89°56'56" West, a distance of 40.00 feet to the West right-of-way line of 27½ Road, as called to in Reception No.1376416, Mesa County records to the POINT OF BEGINNING; thence South 00°03'04" West, a distance of 133.82 feet, along said right-of-way line to that right-of-way line described in Reception No.2075083; thence, along said right-of-way described in Reception No.2075083 the following seven (7) courses: (1) with a non-tangent curve turning to the right having a delta angle of 25°33'38", a radius of 173.00 feet, an arc length of 77.18 feet, and a chord length of 76.54 feet, with a chord bearing of South 32°53'46" West ; (2) South 45°40'34" West, a distance of 86.77 feet; (3) North 89°49'12" West, a distance of 40.54 feet; (4) North 44°19'26"

West, a distance of 52.62 feet; (5) North 39°45'00" West, a distance of 150.48 feet; (6) North 44°19'26" West, a distance of 272.90 feet; (7) North 00°02'16" West, a distance of 30.43 feet; thence with a non-tangent curve turning to the left having a delta angle of 02°31'58", a radius of 1960.00 feet, an arc length of 86.64 feet, and a chord length of 86.64 feet, with a chord bearing of North 41°48'21" East, along the Southeasterly right-of-way line of Horizon Drive as dedicated in Reception No.813634; thence North 89°59'53" East, a distance of 220.41 feet, along the South right-of-way line of G Road as dedicated in Reception No.1322383; thence South 00°03'04" West, a distance of 185.00 feet; thence North 89°59'53" East, a distance of 190.00 feet to the POINT OF BEGINNING.

Said parcel containing an area of 2.46 Acres, as herein described.

Introduced on first reading this 6th day of April, 2022 and ordered published in pamphlet form.

Adopted on second reading this 20th day of April, 2022 and ordered published in pamphlet form.

ATTEST:

Wanda Winkelmann
City Clerk

C.B. McDaniel
President of City Council/Mayor



Grand Junction Planning Commission

Regular Session

Item #3.

Meeting Date: March 22, 2022

Presented By: Felix Landry, Planning Supervisor

Department: Community Development

Submitted By: Felix Landry, Planning Supervisor

Information

SUBJECT:

Rescheduled to April 12, 2022. Consider an amendment to landscaping requirements applied to site development in the Zoning and Development Code Section 21.06.040 Landscape, buffering, and screening standards and related sections of the Grand Junction Municipal Code.

RECOMMENDATION:

EXECUTIVE SUMMARY:

Section 21.06.040 of the Zoning and Development Code requires that site development include landscaping. Ordinance XXXX proposes revisions to the landscaping requirements. The ordinance balances many goals among them efficient water use; doable and successful maintenance; a robust tree canopy; diverse plantings; and distinctive site design.

Proposed revisions draw on stakeholder input from local landscape professionals and best practices for landscaping regulations in the Southwest. A Suitable Plants List is also provided for reference and is a critical supplement to the proposed Code revisions. Primary changes include requirements to identify and protect Significant Trees during development. The changes also allow for development to pursue alternative landscaping standards where designs maximize water conservation and native plants. Adjustments to site design standards and planting requirements also aim to balance needs, improving plant health and reducing maintenance costs.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

Section 21.06.040 of the Zoning and Development Code requires that site development

include landscaping. The City Community Development Department applies those regulations on landscaping to development proposals in the City. That section of the Code is complemented by several other sections of the Code, such as those concerning wildlife and wildfire (GJMC 21.07.020).

The Community Development Department, in collaboration with the Parks and Recreation Department, has drafted a revision to the landscaping regulation. The proposed includes many minor adjustments. It also includes substantive changes. These include stronger pathways to climate-appropriate landscaping, preservation of significant trees, and diverse landscapes planting.

The proposed regulations emerge from public discourse and public policy. They featured in discussions by the City's Development Roundtable, Forestry Board, City Council, and Planning Commission. They also recur in the process of development review, and in the experiences of development professionals, residents, conservation advocates, and staff. Sustainability and quality of life also appear as overarching goals in the City's most recent Strategic Plans, the 2020 One Grand Junction Comprehensive Plan, and the 2021 Parks, Recreation, and Open Space (PROS) Master Plan.

The One Grand Junction Comprehensive Plan discusses water conservation extensively and identifies updating landscaping regulations as a means of achieving this goal. Plan Principle 8: Resource Stewardship identifies directs the City to "Evaluate landscaping standards to promote the use of native and/or drought-tolerant plant materials, efficient irrigation, and appropriate soil amendments to support plant health and resiliency, and other water-conserving practices." The Comprehensive Plan also speaks to the need to "manage the City's urban forest," promote "water-wise landscaping within the City," and address "tree installation, replacement, and protection." Likewise, the 2021 PROS Master Plan calls for the "championing a healthy tree canopy."

To guide refinement of draft revisions, the Community Development Department has conducted two Planning Commission Workshops, a Forestry Board discussion, and a four-session stakeholder process involving a Landscaping Taskforce comprised of community landscaping experts. A primary aim of these workshops was to clarify goals for the revision, choose between policy approaches, and to draw on local expertise to ensure that changes benefit the health and manageability of landscape installations in the future. General goals to considered in workshop settings reflected the general goals of the revision, namely:

1. Eliminating discrepancies within the landscaping section and between the landscaping section and realistic design limitations.
2. Aligning landscaping requirements with strategic goals of sustainability, water conservation, and economic development where appropriate.
3. Producing supplemental materials and codified equivalency matrices to make the landscaping section easy to use, including lists of species suitable for use on private property and in public rights-of-way.

4. Establishing incentives and requirements that limit vulnerability to hazards and reduce disturbance of ecologically- and culturally-valuable landscape features during development.

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 . 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 . The notice of this public hearing was published on in the Grand Junction Daily Sentinel.

ANALYSIS

Existing Standards

The proposed changes to the landscaping requirement are broadly consistent with the existing approach to landscaping in the Zoning and Development Code. The standards continue to approach landscaping in four primary ways.

The first is by setting minimum standards for the portions of a development site that must be landscaped. The Code identifies the adjacent right-of-way, parking lots, screens, buffers, street frontages, and perimeter enclosures for residential subdivisions. Revisions retain this standard.

The second is a numerical approach to plantings. A minimum number of trees, shrubs, groundcover, and coverage of landscaped areas is based on improved area. Revisions seek to make coverage more flexible through equivalencies and substitutions. Landscape plans must meet these minimum plant counts.

A third, and more limited, component of regulation concerns how development may plant, irrigate, and maintain sites. The manner in which landscaping is carried out must align with best practices as specified in the Code. The Ordinance addresses those requirements to reflect growth in best practices and the evolution of the City's planning goals.

Fourth, when a landscape plan is approved for a property, a property owner must maintain the site in perpetuity. While challenging to enforce, maintenance is crucial to landscape health in the long-term. The proposed revisions retain the general approach of requiring maintenance per plan. However, the revisions add a requirement for a viable, long-term maintenance strategy as an element of the approved plan. This allows for a more dynamic version of perpetual maintenance without allowing landscapes to fall into disrepair (see *Plan Requirements* below).

Balancing Goals

Proposed revisions to the landscaping standard reflect compromise along several lines. One area of compromise is between site development constraints, on one hand, and best planting practices on the other. Two illustrative examples follow. Further below, the essential changes to the code are enumerated in detail.

For a first example, consider the landscaped area in which trees are planted. Shade trees are unlikely to succeed in a planting area that is less than eight feet wide; if they do, they tend to damage adjacent concrete. However, the existing requirement provides for landscape strips as narrow as five feet or six feet, depending on context. Adjusting the minimum width to eight feet as proposed represents a compromise resolved in favor of long-term landscape health outcomes. In short, some landscaping areas may increase in size so that healthier trees result. This is directly related to the adjust

Another critical area of compromise occurs between tree canopy coverage and water conservation. Even among healthy and climate-appropriate trees, many require supplemental irrigation. Yet canopy is essential to a livable environment within City limits. Achieving both goals without compromise requires a level of design detail and care that may not be reasonably assumed to occur in all landscape design. Moreover, reducing turf is a primary mechanism for reducing water use, but successful trees are often linked to the presence of adjacent turf. These factors are related in complex and challenging ways.

The proposed requirements achieve both canopy and conservation goals where possible. One clear pathway is by creating a substantial requirement to retain existing, mature trees. Water conservation goals are also served directly by requiring irrigation plans as part of development review. Where these goals are potentially in conflict, they are resolved through the creation of two alternative landscape plan options, wherein a high degree of water conservation in plant selection and design is accompanied by a reduction in total tree count.

Finally, all every workshop on this topic shared an emphasis on flexibility. The Landscaping Taskforce spoke to a “menu” option, which resulted in the drafting of two alternative standards for low-water designs and high desert areas to the baseline standards. This method was preferred to another approach, wherein different standards would be varied by their location on a property-by-property basis. Adoption of map-based variation in landscaping standards would require a level of public engagement and an assessment of property-by-property growing conditions that exceed the scope of this revision. Such a map-based approach to landscaping regulation is also without known precedent. Future revisions of this requirement may reconsider this conclusion. As proposed, Alternative Landscape Plans pivot away from the uniform requirement in place today, in favor of flexiibility.

Flexibility

An desire for increased flexibility on the part of licensed landscape architects—whose

stamp is required for most landscape designs—has been voiced during the revision process and in the review of many development applications. Revisions respond to this interest in several ways. One is to clarify and expand conversion rates when substituting among trees, shrubs, and groundcover. This may facilitate more responsiveness of landscape architects to specific site conditions.

The code also addresses flexibility by clarifying and slightly reducing the ratio of required tree plantings to disturbed or improved area. This occurs in the context of other changes that would restrict flexibility of site design. Chiefly, significant tree regulations would increase the required number of plantings in the many cases where significant trees exist. Thus, the total number of required trees is reduced in some zone districts. Specifically, two-caliper inches of tree plantings (equal to one minimum-size shade tree) are now required for every 3,000 square feet of improved area for all single-family, multifamily, business, and commercial zones, compared to the existing requirement of one tree per 3,000 square feet. Trees continue to be required at existing rates of one per 40 linear feet for street frontage landscaping.

Significant Trees

Significant trees often feature in the landscaping regulations of Colorado jurisdictions. A minimum diameter of a tree at breast height (“caliper”) is identified in the regulation. Size varies among jurisdictions. The proposed definition for a significant tree herein is a tree exceeding 15 inches in diameter. If a tree that currently exists on a property proposed for development is of that diameter or greater, then it is a significant tree. Significant trees are not currently regulated by the City, but the proposed revision would introduce such regulations.

A development proposal would be required to identify any existing significant trees at the time of application. Any development would be required to preserve at least 30% of significant trees found on the property at the time of application. Any significant trees to be removed would be required to be replaced at a rate of 1 new caliper inch of planted tree for every 2 inches of significant tree destroyed during development. The same ratio would apply remedially to any development that accidentally destroys a significant tree planned to be preserved.

This change is anticipated to resolve the recurring incidence of substantial canopy assets being lost during development. No credit is proposed to be extended for retaining significant trees. Rather, a strong requirement is proposed to ensure that more mature trees are retained or replaced. Because preserving significant trees may represent a substantial challenge for site design, this new regulation occurs alongside a minor reduction in the total number of trees required per area of disturbed property (see *Flexibility* above).

Alternative Landscape Plans

Currently, only one standard for landscape plans is applied to all development proposals, regardless of their planting composition or access to water. The public process for the proposed revisions generated substantial interest in creating standards

that might apply in water constrained areas or when water conserving design choices are made. In response, two alternative standards are provided: Waterwise Landscape Plans and High Desert Landscape Plans.

The Waterwise Landscape Plan alternative may be pursued by a development proposal if it meets a minimum number of low-water plantings per the Suitable Plant List (50% of shrubs and groundcover) and a maximum proportion of landscaped area that is planted with turf (25%). This strategy is incentivized by reducing costs to development. Specifically, a reduced size of groundcover is permitted at time of planting, and a 20% reduction in total required tree plantings is enforced.

A more intensive alternative is also available in the form of a High Desert Landscape Plan. To qualify for this alternative, development must demonstrate relevant geotechnical constraints, limited access to irrigation water, or a high desert ecological context. Development must also propose a higher minimum number of low-water plantings (90% of shrubs and groundcover), a minimum number of native plantings (50% shrubs and groundcover), and a maximum turf area of 15% of landscaped areas. As in the Waterwise Landscape Plan alternative, stricter planting standards apply. A reduced size of groundcover is permitted at time of planting. A 50% reduction in total required tree plantings is enforced. A higher minimum percentage (60%) of significant trees are required to be preserved. The intended effect, overall, create a water conserving pathway for sites with unique conditions.

Suitable Plant List

A Suitable Plant list is provided as a reference document in this packet. Previously, this list was not a major element of regulations. The current code refers to a list of plants to be maintained by the Director GJMC 21.06.040(b)(4)). The attached list is a departure from the previous, shorter version of the list. The list is not an adopted part of the Zoning and Development Code; it is an administrative document that need not be adopted or revised by a decision of the City Council.

The list reflects a blend of inputs. One is best practice, drawing on the expertise of City staff and Landscaping Taskforce members. Another is common practice: almost all plants included on landscaping plans approved by the City since 2017 are included. Another is water conservation goals, as high-water use plants are generally not included.

The Suitable Plants List is proposed to become more important to the Zoning and Development Code. It is to be used as the basis for water use expectations used to evaluate alternative landscape plans (see *Alternative Landscape Plans* above). Substitutions of plants in the field would be restricted to those plants on the list. Perhaps most importantly, it is designed to serve as a menu for landscape architects. Landscape plans should consist of species found on the list. However, landscape plans can propose using plants that are not on the Suitable Plants List and provide adequate detail to substantiate the proposal. Plants approved by the Director in this way may be administratively added to the Suitable Plants List.

City Forester and Trees in Right-of-Way

Private development is required to plant and maintain landscapes in the public right-of-way in many circumstances. An additional chapter of the Grand Junction Municipal Code (8.32 – Trees) addresses many of the relevant concerns for trees planted in the right-of-way. This revision clarifies the authority of the City Forester over landscaping in the right-of-way and the requirement for the City Forester’s permission to remove any tree in the right-of-way. The Ordinance also continues to require one tree per 40 feet of street frontage landscaping. It adjusts the language for coverage of planting areas in the right-of-way to allow canopy coverage as a surface area coverage pathway. And, it reduces the amount of right-of-way landscaped with turf to 50% of the right-of-way area associated with a development proposal, encouraging shrubs and groundcover.

Impervious Surfaces

Proposed revisions also address the need for pervious surface to allow groundwater to infiltrate soils. Pervious surface relates to both plant health and stormwater management. The regulation is to reduce the area of a development that is covered by impervious surfaces. One mechanism is direct, with the establishment of a maximum impervious surface coverage (“lot coverage”). Under today’s regulations, lot coverage refers to the area covered by structures. This is revised to mean impervious surfaces, including pavement.

The maximum lot coverage is also revised in GJMC 21.03 – Zoning Districts. Previously, up to 100% of lots in commercial, industrial, and business districts could be covered by impervious surfaces (except R-O). The revision reduces this coverage to 80% in most cases. The exceptions are for B-2 (Downtown Business) zones, at 100% coverage, and CSR (Community Services and Recreation) zones, at 75% coverage. This is potentially impactful where certain uses often result in large masses of impervious surface, such as auto storage associated with automobile dealerships (General Retail Sales, Outdoor Operations, Display or Storage).

Diversity Requirements

Minor adjustments are made to ensure a minimum species diversity in landscape designs. Minimum diversity ratios for trees and shrubs reflect slight increases. The regulation is also revised to require diversity at the botanical level of genus, rather than of species, to ensure that numerical diversity requirements result in an appreciable diversity of planting survival conditions.

Best Horticultural Practices

As discussed above, the City’s landscaping regulations address planting practices only to a moderate extent. This allows the Code to remain succinct and allows practitioners to operate based on their expertise. However, a series of essential requirements are proposed that may be critical to ensuring long-term plant survival and aesthetic outcomes. These include: reduced applications of weed fabric; removal of “orchard style parking island” options not viable for plant success; widened frontage strips and planting islands (to a minimum width of eight feet); requiring organic mulch for shrub

beds; and setting minimum widths for planting holes.

Plan Requirements

Additional changes are proposed that would increase the level of landscaping-related detail required to be submitted with development applications. Specifically, revisions call for landscape plans to include an irrigation plan and a maintenance plan.

An irrigation plan is commonly required by Colorado jurisdictions whenever a landscape plan is required. While the City maintains submittal standards for irrigation plans and such plans are referenced in GJMC 21.06.010(c), there is no clear requirement that such plans be provided. Under the proposed revisions, irrigation plans would be required as a component of landscape plan submittals.

Likewise, as discussed above, maintenance plans are required to be noted on landscape plans. This adjustment recognizes both existing practice and best practice. In terms of existing practice, and as discussed above, there are evident challenges in requiring that a landscape plan be maintained in perpetuity. In terms of best practice, irrigation and landscaping must often be adjusted to meet the needs of living plant material. By requiring maintenance notes as a component of landscaping plans, the City would facilitate maintenance that is reactive to practical conditions while remaining consistent with approved plans. This may assist private property owners to achieve ongoing compliance with required landscaping, weeds, junk, or other City nuisance codes and ordinances.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the proposed amendments to the Zoning and Development Code Section 21.06.040 Landscape, buffering, and screening standards and related sections of the Grand Junction Municipal Code, ZCA-2022-170, the following findings of fact have been made:

The Comprehensive Plan identifies the aim of implementing water conservation through adjusted landscaping requirements. The proposed revisions are found to be consistent with this and additional aims of the One Grand Junction 2020 Comprehensive Plan.

Therefore, Staff recommends approval of this request.

SUGGESTED MOTION:

Mr. Chairman, on the request to amend the Zoning and Development Code Section 21.06.040 Landscape, buffering, and screening standards and related sections of the Grand Junction Municipal Code, file number ZCA-XX-20XX, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report.

Attachments

None

