

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. 4466**

**AN ORDINANCE AMENDING SECTION 21.06.010(b)(3), INFRASTRUCTURE STANDARDS, CONCERNING NONRESIDENTIAL STREETS**

Recitals:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, also known as Title 21 of the Grand Junction Municipal Code of Ordinances.

Staff makes the following proposals in an effort to maintain the effectiveness of the Zoning Code.

In many areas of the City, development occurred in the unincorporated areas of Mesa County without modern urban street and drainage facilities. In many areas the existing streets do not have curbs, gutters or sidewalks. Given that there are no serious safety or drainage problems associated with these streets, there is no current reason to improve these streets or to install curbs, gutters and/or sidewalks.

Under current Code provisions an owner in one of these commercial or industrial areas developing or subdividing a lot or parcel is required to construct street improvements. This often results in "short runs" of curbing, gutters and/or sidewalks that are of little value unless the improvements are extended off-site to connect to a larger system or until adjacent future development or improvement district connects them to other such facilities.

The Zoning and Development Code gives the Public Works and Planning Director the authority to determine the minimum acceptable residential street improvements that are required with development. When certain criteria (identified in the Code) have been satisfied, the Director may defer construction of the residential street improvements.

The proposed Code amendment is designed to allow the Director similar authority to determine the minimum acceptable street improvements for nonresidential streets in commercial and industrial areas and to defer nonresidential street improvements when specific criteria have been satisfied.

After public notice and a public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended approval of the proposed amendment for the following reasons:

1. The request is consistent with the goals and policies of the Comprehensive Plan.

2. The proposed amendment will help implement the vision, goals and policies of the Comprehensive Plan.

After public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds and determines that the proposed amendment will implement the vision, goals and policies of the Comprehensive Plan and should be adopted.

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

Section 21.06.010(b)(3) related to Infrastructure Standards is amended as follows.

(3) Existing Streets

(i) Existing Local Residential Streets. Many areas of the City were developed in the unincorporated areas of Mesa County without modern urban street and drainage facilities. In many such neighborhoods, the existing local residential streets do not have curbs, gutters or sidewalks. Where houses are already built on most or all of such lots, the character of the neighborhood is well established. Given that there are no serious safety or drainage problems associated with these local residential streets, there is no current reason to improve these streets or to install curbs, gutters and/or sidewalks. When an owner in one of these well established neighborhoods chooses to subdivide a lot or parcel, unless such improvements are extended off site to connect to a larger system, the new "short runs" of curbing, gutters and/or sidewalks are of little value as drainage facilities or pedestrian ways until some future development or improvement district extends them to other connecting facilities.

The Public Works and Planning Director shall determine the acceptable minimum improvements. The Director may defer street improvements if all of the following criteria are met:

(A) The development is for three or less residential lots;

(B) The zoning or existing uses in the block or neighborhood are residential. The Director shall determine the boundaries of the block or neighborhood, based on topography, traffic patterns, and the character of the neighborhood;

(C) The existing local residential street that provides access to the lots or development meets minimum safety and drainage standards, and has a design use of less than 1,000 average daily traffic ("ADT") based on an assumed typical 10 trips per day per residence and the volume is expected to be less than 1,000 ADT when the neighborhood or block is fully developed;

(D) At least 80 percent of the lots and tracts in the neighborhood or block are already built upon, so that the street and drainage character is well established;

(E) If an existing safety hazard or drainage problem, including pedestrian or bicycle traffic, exists and it can be improved or remedied without the street improvements being built; and

(F) There is at least 250 feet from any point on the development to the nearest existing street improvements (on the same side of the street) that substantially comply with the City standard for similar street improvements.

(G) If all of the criteria have been met, instead of requiring these "short run" improvements, the Public Works and Planning Director may in his or her discretion accept a signed agreement from the owner to form an improvement district for the construction of curbs, gutters, and sidewalks in lieu of construction. The agreement shall be in a form approved by the City Attorney. The agreement shall run with the land and shall be recorded with the Mesa County Clerk and Recorder.

(ii) Existing Local Nonresidential Streets. Many commercial and industrial areas of the City were developed in the unincorporated areas of Mesa County without modern urban street and drainage facilities. In many of these areas the existing local nonresidential streets do not have curbs, gutters or sidewalks. Given that there are no serious safety or drainage problems associated with these local nonresidential streets, there is no current reason to improve these streets or to install curbs, gutters and/or sidewalks. When an owner in a commercial or industrial area chooses to develop a lot or parcel, the new "short runs" of curbing, gutters and/or sidewalks are of little value as drainage facilities or pedestrian ways unless the improvements are extended off-site to connect to a larger system or until some future development or improvement district extends them to other connecting facilities.

The Public Works and Planning Director shall determine the acceptable minimum improvements. In order to promote development of infill properties the Director may defer nonresidential street improvements if all of the following criteria have been met:

(A) The development is for a single commercial or industrial lot or parcel that does not create a new lot or parcel;

(B) The proposed development or use of the lot or parcel must be consistent with the allowed uses and requirements of the current zone district;

(C) The lot or parcel size is 2 acres or less;

(D) The lot or parcel does not have more than 500 feet of frontage on the local nonresidential street;

(E) If an existing safety hazard or drainage problem, including pedestrian or bicycle traffic, exists and it can be improved or remedied without the local nonresidential street improvements being built; and

(F) There is at least 250 feet from any point on the development to the nearest existing street improvements (on the same side of the street) that substantially comply with the City standard for similar local nonresidential street improvements.

(G) If all of the criteria have been met, instead of requiring these "short run" improvements, the Public Works and Planning Director may in his or her discretion accept a signed agreement from the owner to form an improvement district for the construction of curbs, gutters and sidewalks in lieu of construction. The agreement

shall be in a form approved by the City Attorney. The agreement shall run with the land and shall be recorded with the Mesa County Clerk and Recorder.

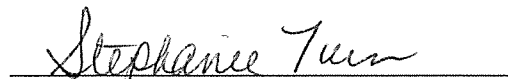
INTRODUCED on first reading the 4<sup>th</sup> day of April, 2011 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the 18<sup>th</sup> day of April, 2011 and ordered published in pamphlet form.

ATTEST:



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President of the Council

  
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City Clerk