

**GRAND JUNCTION CITY COUNCIL  
WORKSHOP AGENDA**

**MONDAY, JANUARY 13, 2003, 7:00 P.M.  
CITY HALL AUDITORIUM, 250 N. 5<sup>TH</sup> STREET**

**MAYOR'S INTRODUCTION AND WELCOME**

**7:00 COUNCILMEMBER REPORTS**

**7:10 REVIEW FUTURE WORKSHOP AGENDAS**

[Attach W-1](#)

**7:15 CITY MANAGER'S REPORT**

**7:25 REVIEW WEDNESDAY COUNCIL AGENDA**

**7:30 VARIOUS PLANNING ITEMS WILL BE DISCUSSED INCLUDING THE  
GROWTH PLAN UPDATE:** Community Development Director Bob  
Blanchard will update City Council on a variety of issues.

[Attach W-2](#)

**ADJOURN**

This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

**Attach W-1  
Future Workshop Agenda**

# ***CITY COUNCIL WORKSHOP AGENDAS***

**FEBRUARY 3, MONDAY 7:00 PM:**

- 7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA &  
REVIEW FUTURE WORKSHOP AGENDAS
- 7:25 CITY MANAGER'S REPORT
- 7:30 STRATEGIC PLAN REVIEW & UPDATE
- 8:05 FACILITIES AND CONSTRUCTION IN CITY R-0-W ORDINANCE

**~~FEBRUARY 17, CANCELED FOR PRESIDENTS' DAY:~~**

**➔ FEBRUARY 19, WEDNESDAY Begin at 6:30 PM:**

**MARCH 3, MONDAY 7:00 PM:**

- 7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA &  
REVIEW FUTURE WORKSHOP AGENDAS
- 7:25 CITY MANAGER'S REPORT
- 7:30 STRATEGIC PLAN REVIEW & UPDATE

**MARCH 17, MONDAY 7:00 PM:**

- 7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA &  
REVIEW FUTURE WORKSHOP AGENDAS
- 7:25 CITY MANAGER'S REPORT
- 7:30 OPEN

**MARCH 30, MONDAY 7:00 PM:**

- 7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA &  
REVIEW FUTURE WORKSHOP AGENDAS
- 7:25 CITY MANAGER'S REPORT
- 7:30 STRATEGIC PLAN REVIEW & UPDATE

**APRIL 14, MONDAY 7:00 PM:**

- 7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA &  
REVIEW FUTURE WORKSHOP AGENDAS
- 7:25 CITY MANAGER'S REPORT
- 7:30 OPEN

# **FUTURE WORKSHOP ITEMS**

## **1. DISCUSSION OF TRANSIENTS ISSUE**

**Attach W-2  
Planning Items**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>		Community Development Department - Planning Issues				
<b>Meeting Date</b>		January 13, 2003				
<b>Date Prepared</b>		January 8, 2003			File #	
<b>Author</b>		Bob Blanchard Kathy Portner		Community Development Director		
<b>Presenter Name</b>		Bob Blanchard Kathy Portner		Community Development Director		
<b>Report results back to Council</b>		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When
<b>Citizen Presentation</b>		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name
<input checked="" type="checkbox"/>	Workshop	<input type="checkbox"/>	<b>Formal Agenda</b>		<input type="checkbox"/>	<b>Individual Consideration</b>

**Summary:** This agenda package represents a variety of projects, issues and updates from the Community Development Department.

**Action Requested/Recommendation:** If agenda items #7, 8, 9, and 13 are discussed, staff would like direction whether to add these to the Department work program.

**Background Information:** The agenda packet is arranged with an agenda of topics in a recommended sequence of discussion. Those items listed for discussion on the following agenda are topics that staff recommend be considered during the workshop. All other items will be discussed at Council discretion or as time allows. As Council reviews these items, you might consider if you would like to discuss them with the Planning Commission in a joint meeting.

AGENDA  
CITY COUNCIL WORKSHOP  
January 13, 2003

Discussion Items:

1. Growth Plan Update
2. Residential Business Zoning District (B-1 Revisions)
3. Growth Plan consistency determination
4. Rehearings
5. Single lot annexations

Information and Update Items:

6. Development Review - 2002
7. Public Notification for Amendments to Conditional Development Approval

Suggested Code amendment to require proposed amendments to PC/CC approved conditions to go back through same review process

8. PD – Planned Development Rezones.

Suggested Code amendment to require Council approval of additional community benefits for PD rezones prior to review of the remainder of the application

9. Coffee Kiosks

Information Items:

10. Upcoming staff report changes for consistency of reports and maps
11. Chamber survey/ Exit survey
12. Zoning Code Update
13. Telecommunication Facilities

## **Growth Plan Update**

The Growth Plan was adopted by both the City and County in 1996. As stated in the Plan, “the Urban Area Plan establishes a joint planning strategy to guide land use and development decisions through the year 2010”. The Plan also recommended periodic evaluations every three to five years. The 5-year update of the Plan was a goal of the City Council for 2002.

The work plan and steering committee for the update was agreed upon by the City Council committee of Cindy Enos-Martinez, Jim Spehar and Janet Terry. The goal of the update was to review the Future Land Use Map and goals and policies; identify other issues, goals and policies to be considered; and to prioritize the remaining action items and new action items. It was noted that this would not be a complete rewrite of the plan.

The steering committee has met 7 times over the last 8 months to discuss various issues. The discussions were based on input gathered from two public meetings, staff input and written comments and requests. The committee is recommending a number of “housekeeping” changes to the Future Land Use Map, as well as more substantive changes based on existing zoning and development. Any specific changes to the Future Land Use Map that were requested by property owners will be brought forward to the Planning Commission and City Council regardless of the steering committee’s recommendation. A brief summary of the proposed changes to the map will be presented at the workshop. The steering committee is also recommending some changes to the goals, policies and action items to reinforce a strong commitment to enhance the community’s appearance. The most significant proposed changes to the goals, policies and action items are attached.

The proposed schedule for consideration of the adoption of the Growth Plan update is a joint hearing of the City and County Planning Commissions in February and a City Council hearing in March.

**GROWTH PLAN UPDATE STEERING COMMITTEE  
RECOMMENDED CHANGES TO THE GOALS, POLICIES AND  
ACTION ITEMS OF THE GROWTH PLAN**

**JANUARY 8, 2003**

**Goal 2: To ensure orderly transitions or buffers in areas of joint concern between different communities (i.e., Grand Junction, Fruita, Palisade) that help define distinct communities within Mesa County.**

Policy 2.1: Grand Junction and Mesa County will coordinate with the City of Fruita to establish and maintain a transition area between Grand Junction and Fruita that includes the Cooperative Planning Area as defined in the Cooperative Planning Agreement of February 9, 1998. ~~proposed area of joint concern shown in Exhibit V.4.~~ Additional areas should be considered for inclusion in the Cooperative Planning Area. Mesa County and Grand Junction should coordinate the adoption of specific design standards for this area with Fruita to strengthen the visual transition between these communities.

Policy 2.2: Mesa County and Grand Junction will coordinate with the Town of Palisade ~~and other affected jurisdictions~~ to establish and maintain a transition area between the Clifton area and the Town of Palisade that includes the Cooperative Planning Area as defined in the Cooperative Planning Agreement of February 9, 1998. ~~proposed area of joint concern shown in Exhibit V.5.~~ Additional areas should be considered for inclusion in the Cooperative Planning Area. Mesa County and Grand Junction should coordinate the adoption of specific design standards for this area to strengthen the visual transition.

~~Policy 2.3: The City and County will support public and private investment in community gateway areas that enhance the aesthetic appeal of the community. (Move to Goal 13)~~

**Action Items:**

New Action Item: Conduct the 5-year review of the Cooperative Planning Agreements with Mesa County, Grand Junction, Fruita and Palisade. Consider adding additional areas to the Cooperative Planning Areas.

**Community Appearance and Design**

**Goal 13: To enhance the aesthetic appeal and appearance of the community's built environment. ~~community.~~**

Policy 13.1: The City and County will establish heightened aesthetic standards and guidelines for the gateway areas and high visibility corridors ~~listed in Exhibit V.9 and~~ mapped in Exhibit V.10.

Policy 13.2: The City and County will enhance the quality of development along key arterial street corridors. ~~Existing corridor plans listed in Exhibit V.9 will remain in effect. Until these plans are updated, †The Urban Area Plan will prevail when existing corridor plans, adopted prior to 1996, are inconsistent with this plan.~~

Policy 13.3: The City and County will foster improved community aesthetics through improved development regulations addressing landscaping, screening of outdoor storage and operations, building orientation, building design signage, parking lot design and other design considerations.

Policy 13.4: The community's streets and walkways will be planned, built, and maintained as attractive public spaces.

Policy 13.5: Community entryways will be enhanced and accentuated at key entry points to the city including interstate interchange areas, and other major arterial streets leading into the City.

Policy 13.6: Outdoor lighting should be minimized and designed to reduce glare and light spillage, preserving "dark sky" views of the night sky.

Policy 13.7: Views of Grand Mesa, Colorado National Monument and the Bookcliffs will be preserved from public spaces, such as Canyon View Park and Matchett Park, as well as along major corridors, as identified through specific corridor planning.

Policy 13.8: The City and County will encourage building and landscape designs which enhance the visual appeal of individual projects and the community as a whole. Design guidelines should provide flexibility while promoting aesthetics, traffic safety and land use compatibility.

Policy 13.9: Architectural standards and guidelines will be adopted that encourage well-designed, interesting and distinctive architecture that reinforce and reflect the community's desire for high quality development.

Policy 13.10: The City and County will develop Code provisions that enhance landscape requirements, yet are appropriate to the climate and available plant species of the Grand Valley.

Policy 13.11: The City and County will develop Code provisions that minimize the visual impact of telecommunication towers and facilities.

Policy 13.12: The City and County will adopt sign regulations that reduce the height, size and number of signs that contribute to the visual clutter along corridors.

### **Action Items:**

Action Item 7: Adopt standards and guidelines to address the screening of outdoor storage and operations for heavy commercial and industrial uses. Screening and



building design standards should vary based on location within the community, with more restrictive standards applied along high visibility corridors.

Action Item 53: Revise code standards for location and screening of outdoor storage, streetscaping, landscaping, signage, lighting, building orientation, building materials and parking lot design. ~~Establish gateway and corridor overlay districts for more stringent application of these standards.~~

New Action Item: Adopt architectural standards that encourage well-designed, interesting and distinctive architecture that reinforce/reflect the Community's overall defined identity/image, using high quality materials and innovative design that varies building heights and styles.

New Action Item: Establish gateway and corridor overlay districts that incorporate high-quality and innovative design requirements that reflect the desired image of the area.

Action Item 10: Adopt corridor/gateway design guidelines for public and private development, through the use of overlay districts. ~~Establish overlay zoning districts, as identified in Exhibit 10 to designate areas in which the guidelines will be applied.~~ Public enhancements should be coordinated with other capital projects in the overlay districts area.

Action Item 38: Adopt corridor development regulations for the major corridors Highway 6/50, 24 Road and Patterson addressing appropriate uses and development design. Guidelines should address parcel access, building orientation, landscaping, screening, bulk, parking, signage, streetscaping and view corridors.

New Action Item: Review/revise Code standards for landscaping to include provisions and incentives for use of xeriscape design and plants well-suited to the climate of the Grand Valley.

New Action Item: Adopt Code standards to address minimum on-going maintenance of landscaping.

New Action Item: Develop street standards and site design alternatives that incorporate street trees, parkway strips, medians and other features that contribute to the street as an attractive public space.

Action Item 55: Prepare a corridor design plan for HWY 50 and South 5<sup>th</sup> Street, extending from the river and north to Grand Avenue that provides for redevelopment of this downtown gateway.

Action Item 101: Incorporate sidewalks, landscaping and appropriate lighting and bikeway improvements into all roadway improvement projects.

New Action Item: Review and revise the outdoor lighting section of the Code to require lighting that minimizes glare and light-spillage, thus preserving the "dark sky".

New Action Item: Review and revise the Telecommunications Facilities/Towers section of the Code to implement measures that minimize the visual impacts.

New Action Item: Review and revise the sign code to reduce the height, size and number of signs that contribute to the visual clutter along corridors.

## **Cultural/Historic Resources**

**Goal 19: To retain and preserve historic and cultural resources that symbolize the community's identity and uniqueness.**

Policy 19.1: The City and County will support efforts to inventory, designate and protect valued historic structures.

Policy 19.2: The City and County will establish building code provisions that accommodate the safe and efficient use of historic structures, even though the structures may not comply with standards for new construction.

Policy 19.3: The City will consider providing aesthetic improvements (such as historic lighting, specialized pavers and other streetscape improvements) as an incentive for property owners to register and maintain historic structures.

Policy 19.4: The City will develop Code provisions to protect and maintain the historic character of the downtown central business district and other designated historic districts and sites.

### **Action Items:**

Action Item 33: Adopt flexible building code provisions to encourage development of second floor residences in the downtown area.

Action Item 35: Adopt a downtown overlay district that is applicable to all designated historic structures, sites and districts that addresses appropriate architectural materials and features (façade design), color schemes, and signs for historic buildings and new construction in historic areas. ~~establishes appropriate use, setback, height, streetscape and parking standards. Update design guidelines addressing materials and façade design for use with downtown development and redevelopment projects.~~

Action Item 72: Maintain and update the inventory of historic structures.

Action Item 73: Adopt codes to encourage retention and rehabilitation of historic structures throughout the urban area.

Action Item 74: Expand the use of specialized pavers, landscaping, street furniture and lighting fixtures which are appropriate to the character of the historic neighborhoods.

## **Parks and Open Space**

**Goal 26: To develop and maintain an interconnected system of neighborhood and community parks, trails and other recreational facilities throughout the urban area.**

Policy 26.1: The City will update and use the Parks Master Plan to guide future park and recreation development in Grand Junction and surrounding areas in Mesa County.

Policy 26.2: The City will develop and maintain a network of recreation areas and facilities.

Policy 26.3: The City and County will encourage the retention of lands that are not environmentally suitable for construction (e.g. steep grades, unstable soils, floodplains, etc.) for open space areas and, where appropriate, development of recreational uses. Dedications of land required to meet recreational needs should not include these properties unless they are usable for active recreational purposes.

Policy 26.4: The City and County will help preserve areas of outstanding scenic and/or natural beauty and, where possible, include these areas in the permanent open space system.

Policy 26.5: The City and County will obtain adequate park land needed to meet neighborhood, and community, and regional park needs, as urban development occurs, through the subdivision process and other appropriate mechanisms. Other public, quasi-public and private interests will be encouraged to secure, develop and/or maintain parks.

Policy 26.6: The City and County will coordinate with the school district to achieve cost savings through joint development of school and recreational facilities.

Policy 26.7: The City and County will ensure that medium-high and high density residential projects have adequate usable public or private open space incorporated into the project or linked to the project on adjacent parcels.

Policy 26.8: The City and County will require that provisions be made for on-going maintenance of open space areas by an appropriate public or private entity.

**Action Items:**

Action Item 8: Establish minimum standards for the creation and maintenance of usable public and private open space for various types of residential projects.

Action Item 107: Update and implement the Parks Master Plan, providing an interconnected system of neighborhood and community parks throughout the urbanized area.

New Action Item: Review and update the Code provisions for parks and open space dedication or fees-in-lieu.

**Goal 27: To include open space corridors and areas throughout the planning area for recreational, transportation and environmental purposes.**

Policy 27.1: The City and County will retain existing open space areas, identified in the Parks Master Plan, mapped in Exhibit V.13 for environmental and recreational purposes.

Policy 27.2: The City and County will prepare an open space plan to guide development and open space acquisition decisions.

Policy 27.3: The City and County will coordinate with appropriate agencies to mitigate the impact of recreational use of open space on its environmental value.

Policy 27.4: The City and County will seek public and private partnerships in efforts to secure open space.

**Action Items:**

New Action Item: Review and update Code provisions for open space dedication or fee-in-lieu.

Action Item 110: Adopt an open space plan that is coordinated with the parks and trails master plan. The plan should serve as a basis for site acquisition and to help prepare open space and recreation grants for the Grand Valley.

Action Item 112: Adopt a Trails Plan that prioritizes trail segments for acquisition and construction based on their transportation and recreational value.

Action Item 113: Establish a fund for open land preservation and acquisition

**Infill/Redevelopment**

**Goal 28: The City of Grand Junction is committed to taking an active role in the facilitation and promotion of infill and redevelopment within the urban growth area of the City.**

Policy 28.1: The City shall adopt precise and enforceable definitions of the terms “infill” and “redevelopment” consistent with the overall goal and shall use those terms consistently in its implementing actions, including any regulatory change.

Policy 28.2: The City shall identify specific geographic areas appropriate to implement the general goal of facilitating infill and redevelopment, while enabling the City to prioritize its focus and target limited resources in as efficient a manner as possible.

Policy 28.3: The City's elected officials and leadership will consistently advocate and promote the planning, fiscal, and quality of life advantages and benefits achievable through infill and redevelopment.

**Action Items:**

New Action Item: As opportunities arise and when the City is prepared to act, the City shall identify specific redevelopment areas within Grand Junction in which public sector efforts to encourage and facilitate redevelopment will be given the highest priority and where direct/active public participation will be considered.

New Action Item: The City shall identify the geographical reach of the term "infill", which is not intended to include the entire city, so that regulatory or other reforms and incentives to encourage/facilitate infill development may be targeted and tailored to the identified locations and/or neighborhoods.

New Action Item: The City's elected officials and leadership shall ensure that various city agencies' and departments' policies, regulations, and practices are consistent with the overall goal to encourage and facilitate infill and redevelopment in Grand Junction.

New Action Item: The City's leadership will work in partnership with Grand Junction's relevant civic and nonprofit organizations, the regional development community, and neighborhood organizations to provide information, educate, and promote grassroots advocacy of infill and redevelopment.

New Action Item: The City will gather and coordinate the dissemination of public or other city controlled information that can facilitate infill and redevelopment efforts, such as market studies; inventories of vacant, underutilized, and public-owned parcels in targeted geographic areas; demographic information; and tax and property assessment data.

New Action Item: The City will coordinate public infrastructure improvements with infill and redevelopment development needs, especially in areas identified as infill and redevelopment areas.

New Action Item: Review and evaluate existing land development regulations to ensure the infill and redevelopment policies are supported.

New Action Item: Explore and consider implementing financial incentives to facilitate and encourage infill and redevelopment, to be applied to specific infill and redevelopment projects on a case-by-case basis, consistent with established criteria.

**ADDITIONAL ACTION ITEM:**

Note: The Steering Committee would like to ensure that an area plan be done for the Pear Park area, since it has the potential for so much growth in the future that will require parks, schools and other infrastructure improvements.

New Action Item: Complete and area plan for Pear Park, addressing specific land use, park and school sites and other infrastructure needs.

### **RESIDENTIAL BUSINESS (RB) SUMMARY**

In September 1999, City Council passed Resolution 107-99 revising Policy 1.6 of the Growth Plan to read: *The City and County may permit the development of limited neighborhood service and retail uses within an area planned for residential land use categories.* To that end, after reviewing several proposals for various uses within areas shown as Residential on the Growth Plan Future Land Use Map since then, City Council directed staff to develop Zoning and Development provisions that would address implementation of this policy.

An initial proposal was reviewed by the Planning Commission in July 2002 and a recommendation of approval with a few minor modifications was forwarded to City Council. Council subsequently discussed the proposed amendments at a workshop in September 2002 with the following direction to staff:

- a) The focus of the amendments needs to be on provisions in areas shown as Residential on the Growth Plan Future Land Use Map – not in commercial areas. Suggest creating a new zone district that would apply only in areas shown as Residential on the Growth Plan Future Land Use Map. Leave the B-1 zone district as is to be applicable in the Commercial areas.
- b) As applicable in residential areas, mandatory spacing requirement seems appropriate but need to show on a map how this would affect development based on what is presently zoned business and commercial.
- c) Provide options for tenant mix requirement such as setting a threshold of square footage after which the minimum tenant mix would apply.

The revised proposed Code amendments are included in the attached staff report . The intent of the proposal is to create a new Zone District that provides opportunity for non-residential uses within residential areas to implement a wider range of residential density categories than the present B-1 Zone District. The proposed performance standards of the new zone district and amendments to the sign code address neighborhood compatibility of zone location, spacing and size, site design, uses and mix of uses, architectural design, pedestrian character and site amenities.

**AGENDA TOPIC:** TAC-2002-131 Zoning and Development Code Revisions

**SUMMARY:** Request approval for amending the Zoning & Development Code to create section 3.4.K. Residential Business (RB) (formerly suggested to be a Neighborhood Business-Residential (B-1R) zone) and revise section 4.4.G.1. pertaining to signage applicable to the RB Zone District.

**BACKGROUND/STAFF ANALYSIS:** In September 1999, City Council passed Resolution 107-99 revising Policy 1.6 of the Growth Plan to read: *The City and County may permit the development of limited neighborhood service and retail uses within an area planned for residential land use categories.* To that end, after reviewing several proposals for various uses within areas shown as Residential on the Growth Plan Future Land Use Map since then, City Council directed staff to develop Zoning and Development provisions that would address implementation of this policy.

These amendments were reviewed by the Planning Commission at its July 23, 2002 meeting and were forwarded to City Council with a recommendation of approval with a few minor modifications. Council subsequently discussed the proposed amendments at a workshop in September 2002 with the following direction to staff:

- a) The focus of the amendments needs to be on provisions in areas shown as Residential on the Growth Plan Future Land Use Map – not in commercial areas. Suggest creating a new zone district that would apply only in areas shown as Residential on the Growth Plan Future Land Use Map. Leave the B-1 zone district as is to be applicable in the Commercial areas.
- d) As applicable in residential areas, mandatory spacing requirement seems appropriate but need to show on a map how this would affect development based on what is presently zoned business and commercial. Staff subsequently mapped the effects of the spacing requirement as proposed which showed that the requirement may need revision due to the linear nature of the existing commercial relative to the residential areas within which the neighborhood commercial could apply.
- e) Provide options for tenant mix requirement such as setting a threshold of square footage after which the minimum tenant mix would apply.

The revised proposal is included as Attachment 1. The intent of the revisions are to propose a new Zone District that creates an opportunity for non-residential uses within residential areas to implement a wider range of residential density categories than the present B-1 Zone District. In proposing to do so, it was recognized by staff and City Council that, if non-residential uses were to be allowed within a greater spectrum of residential neighborhoods, then the performance standards of an applicable zone district must address neighborhood compatibility concerns. The performance standards



and proposed standards of the new zone district and amendments to the sign code address compatibility of zone location, spacing and size, site design, uses and mix of uses, architectural design, pedestrian character and site amenities.

## **MAJOR DISCUSSION ITEMS**

**Spacing.** At the first review of these proposed Code amendments, Planning Commission and Council specifically discussed the spacing requirement between residential business areas and other commercial areas. The wording proposed was: *New RB districts shall be located at least ¾-mile from another business or commercial zone district and at least 1.5 miles from another RB zone district or residential business center.* Planning Commission discussed the appropriateness of the language regarding spacing being a mandatory, specific number and recommended that the word *shall* be revised to *should* in the proposed Code amendment.

Council discussed this as well and the majority seemed to think that the mandatory language was appropriate, particularly if it was to be applied only in residential areas. A map has been developed that illustrates the impact of this requirement based on existing business and commercial zoned areas. The map shows that the requirement as stated above, ¾ mile from another business or commercial zone district and 1.5 miles from another RB zone district, leaves very few opportunities for creation of a residential business center. This is due to several factors including the linear nature of the existing commercial areas in the valley, the location of areas designated as medium, medium-high and high residential densities on the Growth Plan Future Land Use Map in which the RB could be implemented, and the scattered nature of some existing commercial nodes, some of which are not currently located within the City limits.

The recommendation on spacing is that the requirement be restated to eliminate the spacing requirement from an existing commercial or business zone and reduces the spacing requirement between RB zone districts. The proposed revision reads: *New RB districts shall be located at least ¾-mile from another property zoned Residential Business (RB).* This leaves all areas shown as medium, medium-high and high residential densities on the Growth Plan Future Land Use Map available for creation of an RB district – subject to other requirements such as access on an arterial or collector street, lot size, etc.

**Minimum Tenant Mix.** Another area discussed by Council is the proposed standard that would require a minimum of 3 storefronts in a residential business center. This requirement is closely related to the spacing recommendation with the intent of both being to encourage “trip-chaining” (a single trip for multiple purposes) and minimize the impact of single-use non-residential uses dispersed throughout a surrounding residential area. For these reasons, multiple use of a site is preferred over single-use sites spread out along a corridor, particularly as applied within areas shown as Residential on the Growth Plan Future Land Use Map. Council suggested that perhaps an option could be developed based on square footage of the site and/or building(s) – once a certain square footage was met on the site, then the minimum tenant mix would apply.

Option 1: Consider a 5,000 square-foot building as a typical (but large) residential-scaled building. This size structure requires 25 parking spaces for retail (315 sf/space), plus 10 percent for landscaping = approximately 1/3 acre (14,520 sf). Any site larger than 1/3 of an acre would require a minimum of 2 tenants/storefronts. Comparable existing examples of this size of commercial structure include the Sylvan Learning Center at 1655 North First Street (3,500 square feet), the LDS Institute at 1502 North 12<sup>th</sup> Street (5,200 square feet) and the Remax Office at 125 Grand Avenue (4,600 square feet).

Similarly, using the same analysis, any site larger than 2/3 acre (29,040 sf) would require a minimum of 3 tenants/storefronts.

#### ATTACHMENTS:

- A Proposed Amendments to the Zoning and Development Code
- B Resolution 107-99 Amending the Growth Plan

## ATTACHMENT A

### PROPOSED AMENDMENTS TO THE ZONING AND DEVELOPMENT CODE CREATING AND PERTAINING TO THE RESIDENTIAL BUSINESS (RB) ZONE DISTRICT

**1. Revise 3.4.B., B-1, so the last line of the paragraph reads:**

B-1 implements the commercial future land use classification.

**2. Create Section 3.4.K., Performance Standards, to read as follows:**

**K. RB: Residential Business**

- 1. Purpose.** To provide limited neighborhood service and retail uses that are compatible with adjacent residential neighborhoods. Development regulations and performance standards are intended to make non-residential buildings compatible and complementary in scale and appearance to a residential environment. RB implements the medium, medium-high and high residential density and Commercial future land use classifications of the Growth Plan.
- 2. Authorized Uses.** The following is the list of authorized uses in the RB District. This list will be incorporated into Table 3.5 in the proposed ordinance.

**Allowed Uses**

Business Residence	Rooming/Boarding House
Multifamily Residential	Home Occupation
Small Group Living Facility	Community Activity Building
Museums, Galleries, Libraries	Home-Based Daycare
General Day Care	Personal Services
Medical/Dental Clinic	Bed and Breakfast (1-3 Rooms)
General Offices	Food Service, Catering
Food Service, Restaurant	General Retail Sales, Indoor
Bus/Commuter Stops	Repair, Small Appliance
Produce Stands	

**Conditional Uses**

Single Family Attached	Duplex
Town Home All Other Housing	
Safety Services	Physical/Mental Rehab-Resident
Funeral Home/Mortuary	Recycling Collection Point
Bed and Breakfast (4-5 Rooms)	

3. **Intensity/Density.** Subject to the density bonus provisions of this Code and other development standards in this Code, the following intensity and density provisions shall apply:

- a. Minimum Lot Size shall be 10,000 square feet, except where a continuous residential business center is subdivided with pad sites or other shared facilities;
- b. Non-residential intensity shall not exceed a floor area ratio (FAR) of 0.5;
- c. Unless a Conditional Use Permit (CUP) is approved, the maximum building size shall not exceed 30,000 for office or any mixed uses, and 15,000 for retail;
- d. Maximum gross density shall be in accordance with the density indicated on the Growth Plan Future Land Use Map, excluding non-residential use area; and
- e. Minimum net density shall be in accordance with the density range indicated on the Growth Plan Future Land Use Map if the only use on the site is residential.

4. **Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. **Performance Standards**

- a. **Definition and Establishment of Zone District.** The major function of a residential business center is to provide goods (food, drugs and sundries) and services to an immediate neighborhood. Most customers come from within walking distance or 5-minute driving distance of their residence. Generally, the residential service area shall be surrounding population of 2,500 to 4,000 persons.

Location/Access. RB zone district areas shall be located along and shall have primary access from an arterial or collector street. Limited neighborhood business centers shall not utilize local residential streets as their principal access.

Spacing. For the purpose of a rezone application to an RB district, the Planning Commission shall consider the distance from all other commercial and business zoning. New RB districts should be located at least  $\frac{3}{4}$ -mile from another RB zone district.

Site Size. There is no established minimum parcel size for a residential business center except as required in Table 3.2. However, the site must meet access requirements and be large enough to accommodate the required number of uses (see below). Maximum size of a residential business center shall be 8 acres.

**b. Land Use**

Tenant Mix. Each neighborhood business center shall have a minimum of three (3) different storefronts. A single-use residential business center shall not be allowed. (Also refer to options discussed on page 2 of this report).

Mixed Use. Any mix of residential and non-residential uses on one lot or parcel shall be located in the same structure.

Hours of Business. No use in this district shall open or accept deliveries earlier than 6:00 am or close later than 10:00 pm. "Close" means no customers on site, no deliveries and no illuminated signs.

**c. Site Design. These site design standards ensure that the physical elements of the site plan for a residential business center are arranged: 1) adequately for the purposes of the proposed land use; 2) considering neighborhood character; and 3) to positively contribute to the visual quality of the neighborhood.**

Building Location. The maximum front yard setback for placement of a building shall not exceed 50 feet more than the front yard setback required per Table 3.2.

Building Integration. Buildings within a residential business center and those on abutting RB zoned parcels shall be of similar design and materials and be visually and functionally linked as a cohesive development.

Parking. A minimum of eighty (80) percent of all parking, both that required and additional that a developer may provide, for a residential business center shall be located to the rear or side of the buildings. Site design of a residential business center shall not increase on-street parking in front of neighborhood residences.

Pedestrian Character. The site shall be designed such that pedestrian character and amenities are prominent. Pedestrian amenities: 1) accommodate movement from the neighborhood to the site; and 2) provide safe and convenient pedestrian movement on the site. Pedestrian links between the public sidewalk, parking areas and entrances and between buildings shall be provided. Amenities such as bike racks, street furniture and accessible ramps that encourage and enhance pedestrian circulation are also required.

Circulation Separation. Separate pedestrians and vehicles where possible. Where complete separation of pedestrians and vehicles is not possible, use of special paving, grade separations, pavement marking or striping, bollards, landscaping, lighting, and/or other means to clearly delineate pedestrian areas is required.

Trash Collection Areas. Dumpsters and trash cans shall be placed in the back yard (if alley access) or side yard (if no alley access). Shared trash enclosures that can service several uses or buildings shall be provided. Screening of trash collection areas is required and materials used for the screening wall or fence shall be the same as or compatible with the architectural materials of the building(s) on the site.

Outdoor Storage and Display. Outdoor storage and permanent outdoor displays as defined in the Zoning and Development Code are prohibited in the RB zone district. Portable display of retail merchandise may be permitted as elsewhere provided in this Code.

Lighting. Lighting on the residential business center site shall be minimized. Security lighting of no greater than 0.2 footcandles in aggregate shall be allowed after the hours of operation described above. Uplighting of architectural or landscape feature(s) may be allowed after hours of operation provided the light is directed toward the building or feature only, and not off of any reflective surface. No outdoor lights shall be mounted more than twenty-five (25) feet above the ground.

- d. **Architectural Design.** A gradual transition between land uses is encouraged but may not always be possible. When land uses with significantly different visual character are proposed adjacent to each other, every effort should be made to create architectural compatibility through careful consideration of building form, materials and colors. All buildings within a residential business center shall have a consistent architectural style.

In areas where the existing architectural character of the neighborhood is less defined or less desirable, the architecture of the new development should present an attractive image and set a standard of quality for future projects or redevelopment in the area.

Building Form. The form of a building is an important consideration in determining whether or not a building is compatible with a neighborhood. Form is defined by the height, bulk, mass and scale of the building. In general, buildings within an RB zone district should be similar in form to other buildings in the neighborhood. Buildings can be made compatible through skillful design and careful orientation. Refer to Figure 3.1 below.

Roof Form. Typical roof forms such as sloping roofs, rectangular massing and height similar to the existing residential scale of the neighborhood shall be incorporated. Refer to Figure 3.1 below.

Facades and Fenestration. All sides/facades of a building shall be composed of several bays or sections, which are similar in scale to the residential structures in the surrounding neighborhood. Fenestration shall be visually compatible with surrounding residential structures. Visually compatible includes the relationship of width to height and the provision of windows and/or doors. Refer to Figure 3.1 below.



Figure 3.1 Treatment of Architectural Elements

Materials and Colors. Natural color and texture materials shall be used. A mixture of wood, brick, stucco and stone is encouraged. Metal facades are not allowed.

Service Entrances. Business service entrances, service yards and loading areas shall be located only in the rear or side yard and shall be screened with landscaping and/or a screening wall or fence of materials the same as or compatible with the architectural materials of the building(s) on the site.

Screening of Mechanical Equipment. Mechanical equipment, whether located on or off of a building shall be screened. The screen material shall include landscaping and/or be made of the same material and be of the same architecture style as the building.

e. **Signage.** See section 4.2.G.1.e. for sign standards in the RB District.

**3. Revise Table 3.2, Zoning District Dimensional Standards to include the RB zone district as follows:**

Minimum Lot Size: 10,000 square feet  
 Minimum Lot Width: 50 feet  
 Minimum Street Frontage: NA  
 Front Principal/Accessory Setbacks: 20/25 feet  
 Side Principal/Accessory Setbacks: 5/5  
 Rear Principal/Accessory Setbacks: 10/5  
 Maximum Lot Coverage: 70 percent  
 Maximum FAR: 0.40  
 Maximum Height: 35 feet

**4. Revise Table 6.5, Buffering Between Zoning Districts, to include the RB zone district as follows:**

SF	RMF-5	RMF-8	RMF-12/16	RMF-24	RO	B-1	C-1	C-2/IO	I-1
I-2	CSR								
A	A	A	A	A	A	A or F	A&F	W	W
W	--								

Type of Buffer

A = 8 foot wide landscape strip with trees and shrubs  
 F = 6-foot high fence  
 W = 6-foot high wall



## 5. Revise Section 4.2.G.1. of the Sign Code to Add the Following:

### e. Residential Business Zone.

- (1) **General.** The residential business zone provides for non-residential uses to be located within a residential area and consequently more restrictive sign regulations are necessary to ensure compatibility of the residential/non-residential uses.
- (2) **Types Allowed.** Flush wall signs and freestanding monument signs are allowed.

One (1) "real estate" sign per street frontage not exceeding ten (10) square feet is allowed. A real estate sign may advertise the property for sale, for lease or rent; management signs are not allowed. The total sign allowance for a site shall be additive, meaning the allowance as calculated in item (3) shall be added to the allowance as calculated in item (4). shall be additive; per street frontage, the sign allowance for a flush wall sign as calculated in (3) below shall be added to the allowance for a monument sign.as calculated in (4) below.

- (3) **Flush Wall Signs.** 0.65 square feet of sign area shall be allowed for each linear foot of building façade for flush wall signs. Calculation shall be per section 4.2.G.1.e(5)(A) and shall be allowed for each street frontage.
- (4) **Freestanding Monument Signs.** One (1) freestanding monument sign per street frontage shall be allowed. Monument signs shall be at least ten (10) feet behind the front property line. Total sign area, excluding real estate signs advertising the property for sale or lease, shall not exceed sixty-four (64) square feet. Monument signs shall not exceed eight (8) feet in height as measured from finished grade/ground elevation. The base or support for a monument sign shall be of the same materials as the building(s) on site.
- (5) **Illumination.** If lighted, signs shall be externally illuminated or interior illuminated with only the text lighted; lighting of the entire cabinet is not allowed. External uplighting of signage is not allowed.
- (6) All light sources shall be shielded to prevent glare.

**ATTACHMENT B**  
CITY OF GRAND JUNCTION, COLORADO  
Resolution No. 107-99  
AMENDING THE GROWTH PLAN OF THE  
CITY OF GRAND JUNCTION

Recitals.

After using the Growth Plan for over two years the staff has discovered several areas on the Future Land Use Map and the text which have been problematic. Staff has recommended the following changes to the map and the text.

The Grand Junction Planning Commission met jointly with the Mesa County Planning Commission, in accordance with the "Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan", and approved the amendments. The City Council finds that the amendments meet the criteria established for Plan amendments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE GRAND JUNCTION GROWTH PLAN IS AMENDED IN THE FOLLOWING WAYS:

FUTURE LAND USE MAP AMENDMENTS:

Overlay the North Central Valley Plan and Orchard Mesa Plan  
Redesignate the Rosevale area along the Colorado River at Hidden Lake to Residential Medium-Low (2 to 4 units per acre).  
Redesignate the Fruitvale/Pear Park area, generally bounded by 29 Road, 32 Road, the Southern Pacific Railroad and D Road, from Residential Low (.5 to 2 units/acre) and Residential Medium-Low (2 to 4 units/acre) to Residential Medium (4 to 8 units/acre).

NOTE: See attached maps.

TEXT AMENDMENTS:

Revise Policy 1.6 to read:  
The City and County may permit the development of limited neighborhood service and retail uses within an area planned for residential land use categories.

Revise Policy 11.2 to read:  
The City and County will limit commercial development into stable residential neighborhoods. In areas designated for residential development the City and County may consider inclusion of small scale neighborhood commercial development that provides retail and service opportunities in a manner compatible with surrounding neighborhoods in terms of scale and impact.

Revise Action Item 5 to read:

Revise development regulations to permit neighborhood service and retail uses in residential areas subject to appropriate compatibility standards and size and spacing limitations.

Include a definition of the Urban Growth Boundary as follows:

That area included in the Persigo Wastewater Treatment Plan 201 Service Area as amended and the Clifton Sanitation District #1 and #2 service areas as amended.

Add the following note to the Future Land Use Map:

The Urban Growth Boundary (UGB) coincides with that area included in the Persigo Wastewater Treatment Plant 201 Service Area as amended and the Clifton Sanitation Districts #1 and #2 service areas as amended.

Revise Exhibit V.2 and the Future Land Use Map legend to clarify land use intensities refer to densities and not minimum lot sizes.

PASSED on this 1st day of September, 1999.

ATTEST:

/s/ Stephanie Nye  
City Clerk

/s/ Gene Kinsey  
President of Council

Item 3  
Growth Plan Consistency Determinations

As a matter of course, consistency with the adopted Growth Plan is the first thing any Community Development staff person does when discussing a proposed development proposal with an applicant. As information is provided to a potential applicant, whether it is over the counter or in a general or pre-application meeting, this exercise is necessary to determine if the proposal might be allowed without first requested a Growth Plan Amendment.

The formal Growth Plan Consistency Review process had its genesis in the Agreement Between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan, commonly called the Interim Agreement (attached, see Section C1 through C7). In 2000, the Consistency Review process was codified as Section 2.4 of the Zoning and Development Code (attached).

A formal Plan Consistency review is optional and can be requested by an applicant, the Director, City Planning Commission, County Planning Commission or City Council. The few occasions this process has been used have been applicant requests.

The issue of Plan consistency was an issue during the City Market rezone hearing for the property at 12<sup>th</sup> Street and Patterson Road. Some Council members disagreed with the staff determination of consistency and have questioned the appropriateness of administrative determinations of Plan consistency.

Agreement between Mesa County and the City of Grand Junction  
 Providing for an Interim  
 Joint Plan Consistency Review and Plan Amendment Process  
 for the Joint Urban Area Plan

April, 1999

#### A. BACKGROUND

1. On October 2, 1996, the Grand Junction ("City") City Council adopted the *Growth Plan*. On October 17, 1996, the Mesa County ("County") Planning Commission adopted the *Mesa County Countywide Land Use Plan*, and certified it to the County Commissioners.
3. A *Joint Urban Area Plan* ("Plan") was the result of the City and the County having adopted identical plans for a specific urbanizing area ("Joint Planning Area") of Mesa County. The *Plan* contains a Future Land Use Map ("Map") as well as Goals and Policies in text form ("text"), including area plans.
3. The *Plan's* Key Action Item #1 provides for administration and implementation of the *Plan* through a City/ County Intergovernmental Agreement (*IGA*) that will establish standards and procedures which will apply within the City limits and in the Joint Planning Area.
4. The specific mechanics of amending the *Plan* will be determined in revised codes of the City and the County. Until revised codes are adopted, an interim process is necessary to allow for joint implementation. Implementation includes "consistency review" and amendment of the *Plan*.
5. On October 13, 1998, the City and the County signed the "1998 Intergovernmental Agreement between the City of Grand Junction and Mesa County Relating to City Growth and Joint Policy Making for the Persigo Sewer System" ("Persigo Agreement").
6. Other agreements may govern City/County relationships, including Cooperative Planning Agreements with Fruita and Palisade.

#### B. DEFINITIONS

1. "Plan consistency review" is a process to interpret whether a specific project is consistent with the *Plan*.
2. "Plan Amendment" is a text or map change, and may include changes to figures and exhibits within the *Plan*.
3. "Urban Growth Boundary" or "Urban Growth Area" ("UGA") is as shown in the *Plan*.

#### C. PLAN CONSISTENCY REVIEW

1. Authority for determining consistency will be governed by geographic location:
  - a. Within the City limits, the City solely may interpret for *Plan* consistency;
  - b. Outside of the City limits, but within the Urban Growth Area or properties proposed to be added thereto pursuant to the Persigo Agreement, consistency shall be determined jointly by the City and County.
2. The *Plan* consistency review process is intended to run concurrently with the review process of related development requests (e.g., rezonings and subdivisions).
3. Based on the location of the property, *Plan* consistency review requests shall first be referred to the applicable jurisdiction for interpretation consistent with the respective administrative policies of each, the Persigo Agreement, this agreement, and other adopted plans and agreements.
4. When acting to determine *Plan* consistency, the City and County shall find that either:
  - a. The proposed development is consistent with all applicable portions of the *Plan*, or the overall intent of the *Plan* if two or more of the applicable portions of the *Plan* appear to conflict; or
  - b. The proposed development is inconsistent with one or more applicable portions of the *Plan*, or the overall intent of the *Plan* if two or more of the applicable portions of the *Plan* appear to conflict.
5. At least one public hearing will be held and a vote shall be made within thirty (30) calendar days of the close of the hearing. A joint public hearing for property in the UGA but outside the City is permissible, but not mandatory. Such hearings shall be conducted as determined by the presiding chairperson. If a joint hearing is held, the chairpersons shall jointly determine how to conduct such a hearing.
6. When both the City and the County must act, failure to agree results in a finding of *Plan* Inconsistency.

7. If the finding is that the proposal is inconsistent with the *Plan*, the next, mandatory, step in the development review process is either to amend the *Plan*, or to change the proposed development so that it is consistent with the *Plan*, or both.

#### D. PLAN AMENDMENT

1. The City shall decide questions of amending the *Plan* for property within the City. Together, the City and the County shall decide questions of amending the *Plan* for property that is outside the City but within the UGA and for all text amendments.
2. The *Plan* amendment process is intended to run concurrently with the development review process (e.g., rezonings and subdivisions) provided, however, that *Plan* amendment requests shall be processed only twice [four times?] each calendar year in each jurisdiction.
3. A request to amend the *Plan* shall first be referred to the applicable jurisdiction for interpretation, consistent with the respective administrative policies of each, the Persigo Agreement, this agreement, and other adopted plans and agreements.
4. The parties shall only amend the *Plan* if they find that the amendment is consistent with the overall purpose and intent of the adopted *Plan*. Keeping in mind the broad legislative and other authorities of the parties to consider all relevant factors, the decision whether or not to amend the *Plan* shall consider, at a minimum, if:
  - a) There was an error in the original *Plan* such that then existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for;
  - b) Events subsequent to the adoption of the *Plan* have invalidated the original premises and findings;
  - c) The character and/or condition of the area has changed enough that the amendment is acceptable;
  - d) The change is consistent with the goals and policies of the *Plan*, including applicable special area, neighborhood and corridor plans;
  - e) Public and community facilities are adequate to serve the type and scope of land use proposed;
  - f) 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
  - g) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.
5. When the City and County both must act, failure to agree means the *Plan* is not amended. In such event, the proposed development must be changed until it is consistent with the *Plan*.

#### E. OTHER PROVISIONS

1. Administrative policies of the City and County will determine fees, application materials, and hearing requirements applicable within each respective jurisdiction.
2. For property outside the City and within the UGA when one party decides a *Plan* amendment or Consistency request, the other party shall have thirty (30) calendar days to take action on that same request or the decision of the first party shall control.
3. Administrative policies of the City and County will determine the procedural requirements for requesting a consistency review and *Plan* Amendment in each respective jurisdiction for those matters that are not otherwise addressed in this agreement.
4. This agreement shall be in effect until the *City Zoning and Development Code* and the *County Land Development Code* are revised providing for a *Plan* consistency review and *Plan* Amendment process. This agreement shall be reviewed at least annually until both Codes are amended.
5. Either party may terminate this agreement upon thirty (30) days written notice to the other. Any *Plan* consistency review or *Plan* Amendment request accepted as of the date of the termination shall be processed according to the terms of this agreement.

Dated this 12th day of April, 1999.

MESA COUNTY BOARD  
OF COUNTY COMMISSIONERS

Kathryn H. Hall  
Kathryn H. Hall, Chairman

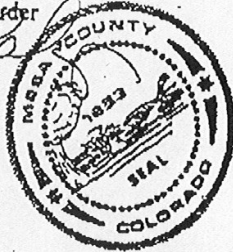
CITY OF GRAND JUNCTION

Janet Terry  
Janet Terry, Mayor

ATTEST:

Monika Todd  
Monika Todd, Clerk & Recorder

by Robert K. [Signature]  
Deputy



ATTEST:

Stephanie Nye  
Stephanie Nye, City Clerk

## **2.4 GROWTH PLAN CONSISTENCY REVIEW**

A. **Purpose.** Because the Growth Plan and accompanying Future Land Use Map (the “Plan” or “Plan and Map”) are comprehensive, complex documents, it is important that a formal consistency review process be provided to determine if a Development proposal is appropriate and consistent with the plan and map.

B. **Applicability.** An Applicant, the Director, City Planning Commission, County Planning Commission or City Council may request a formal consistency review for any proposed project.

1. **Jurisdiction.** Authority for determining consistency will be governed by geographic location:

a. Within the City limits, the City solely may interpret for Plan consistency; and

b. Outside of the City limits, but within the Urban Growth Area, consistency shall be determined jointly by the City and County pursuant to the intergovernmental agreement #MCA dated April 12, 1999.

2. **Concurrent Review.** The plan consistency review process should be processed at the same time as related development requests (e.g., rezoning and subdivisions).

C. **Review Criteria.** The reviewing entity may find that:

1. The proposed development is consistent with all applicable portions of the plan, or the overall intent of the plan if two or more of the applicable portions of the plan appear to conflict; or

2. The proposed development is inconsistent with one or more applicable portions of the plan, or the overall intent of the plan if two or more of the applicable portions of the plan appear to conflict.

D. **Decision-Maker.**

1. **Areas Outside of City.** For all plan consistency review requests relating to property located outside of the City but within the Joint Urban Planning Area which is not expected to be then annexed and is not currently subject to an annexation petition, the Director and County staff shall recommend and the City and County Planning Commissions separately shall make a determination of consistency. A finding of consistency by both Planning Commissions shall be required for a project to be deemed consistent with the Plan. Such Planning Commissions’ decision is final and may not be appealed under this Code.

2. **Areas Inside City.** For plan consistency review requests related to property within the City, or which is expected to be annexed, the Director and City Planning Commission shall recommend and the City Council shall take final action.

3. **Finding of Inconsistency.** If the finding is that the proposal is inconsistent with the plan, development may not proceed until either the plan is amended, or the proposed development is changed so that it is consistent with the plan, or both.

E. **Application and Review Procedures.** Procedures are in Table 2.1 and



Section 2.3.B, with the following modifications:

1. Based on the location of the property, plan consistency review requests shall first be referred to the applicable jurisdiction for consideration consistent with the respective administrative policies of each, the Persigo Agreement, this Code, and other adopted plans and agreements.

2. **Application Requirements.** Consistency review requests shall be considered concurrently with all related development requests. To request such a review the applicant shall, at a minimum, provide a written statement describing the project's consistency with the Future Land Use Map and the applicable goals and policies contained in the text of the Growth Plan. If the applicant believes there are conflicts between the text and the map or within the text itself, he shall provide a written rationale as to which of the items in conflict best suits the overall intent and purpose of the plan.

3. **Hearing.** Where action by the City and the County is required for a particular request, the Director will attempt to arrange a joint hearing of City and County Planning Commissions, although such joint hearings are not required. If a joint hearing is held, the chairpersons shall jointly determine how to conduct such a hearing, although each commission shall vote separately.

4. **Timing.** If the City and County take separate, then the action of the first party shall control if thirty (30) calendar days pass without the action of the other.

## Item 4 Rehearings

The ability to request a rehearing of any action of the Zoning Board of Appeals, Planning Commission or City Council is new to the 2000 Zoning and Development Code. It is contained in Section 2.18, Rehearing and Appeals of the Zoning and Development Code (the Purpose and Rehearing sections of Section 2.18 are attached).

The idea of allowing a rehearing was introduced at the time of the 2000 Zoning and Development Code adoption during the specific discussions of those applications where the Planning Commission was the final decision maker. After the Planning Commission hearing, the only way for an applicant or party of record to get a Council hearing was to appeal the Planning Commission decision. A rehearing was suggested as a way for an aggrieved party to “try again” – as an option to a formal appeal. A rehearing can also be requested of a Planning Commission recommendation to the Council although this serves no practical purpose since the final decision on these items are made by Council.

While there have been requests for a rehearing of a Planning Commission decision, they have never granted the request. Thus, the Planning Commission has never held a rehearing. One rehearing has been requested for a Zoning Board of Appeals decision. The rehearing request was granted and the original decision was reversed. There has only been one requested rehearing requested of a Council decision – for the Valley Meadows North rezone. This request was granted and a rehearing was held with the initial determination being upheld.

## **2.18 REHEARING AND APPEALS**

A. **Purpose.** The purpose of Section 2.18 is to provide for a rehearing and appeal process for decisions and actions by the Director, Zoning Board of Appeals, Planning Commission and City Council.

D. **Rehearing.** Any person, including any officer or agent of the City, aggrieved by or claimed to be aggrieved by a decision or final action of the Zoning Board of Appeals, Planning Commission or City Council may request a rehearing in accordance with Section 2.18.D. A rehearing does not have to be requested in order to perfect an appeal.

1. **Approval Criteria.** In granting a request for a rehearing, the decision-maker shall:

- a. Find that the person requesting the rehearing was present at the original hearing or otherwise on the official record concerning the development application;
- b. Find that the rehearing was requested in a timely manner as; and
- c. Find that in making its decision, the decision-maker may have failed to consider or misunderstood pertinent facts in the record or that information crucial to the decision was not made available at or prior to the decision being made.

2. **Decision-Maker.** A motion to grant a rehearing may be made only by a member of the decision-making body that voted in the majority of the decision requested to be reheard. Any other member may second the motion. If no motion is made or dies for lack of second, the request shall be considered to be denied.

3. **Application and Review Procedures.** Requests for a rehearing shall be submitted to the Director in accordance with the following:

- a. **Application Materials.** The person desiring the rehearing shall provide a written request that specifically identifies the pertinent facts in the hearing record that he/she asserts that the decision maker failed to consider or misunderstood and/or describes the information that was not made available at or prior to the decision. The person shall submit evidence of his/her attendance at the original hearing or other testimony or correspondence from him/her that was in the official record at the time of the original hearing.
- b. **Application Fees.** The appropriate fee, as may be approved by the City Council, shall be submitted with the request.
- c. **Application Deadline.** A request for a rehearing shall be submitted within ten (10) calendar days of the action taken by the decision-maker.
- d. **Notice to Applicant.** If the person requesting the rehearing is not the applicant, the Director, within five (5) working days of receipt of the request for rehearing, shall notify the applicant of the request and the applicant shall have ten (10) working days to provide a written response.
- e. **Hearing.** The Director shall schedule the rehearing request within forty-five (45) calendar days of receipt of a complete

request.

f. Notice. Notice of the request for rehearing shall be provided in the same manner as was required with the original action as shall notice for the rehearing itself if one is granted.

g. Conduct of Hearing. The decision-maker shall first decide whether to grant a rehearing. At its discretion, the decision maker may permit limited testimony as to the nature of and grounds for the rehearing request itself before making this decision. If a rehearing is granted, the rehearing shall be scheduled within forty-five (45) calendar days of the decision. The conduct of the rehearing shall be the same as that required for the original hearing.

h. Status of Appeal. If a rehearing is not granted, only the person requesting the rehearing shall have five (5) working days to file an appeal of the original decision. If a rehearing is granted, a new appeal period for any aggrieved party shall begin at the time a decision is made at the rehearing, even if the decision is the same as that made originally.

Item 5  
Single Lot Annexations

The Community Development Department recently received an inquiry about whether the City would support the voluntary annexation of a single residential lot within an approved unincorporated subdivision. In this particular case, the lot is within the Persigo 201 area. However, it is not part of a development application that requires annexation.

As staff discussed this issue, we recalled that previous Council policy (during the annexation debates) was that the City would annex all “annexable” property under the Agreement as well as all voluntary requests regardless of size. However, it is unclear, in light of the issues surrounding extensive flagpole annexations, whether this is still Council’s preference – especially in instances like this when the request is for one lot within an existing, developing subdivision.

Three potential scenarios are attached for discussion purposes:

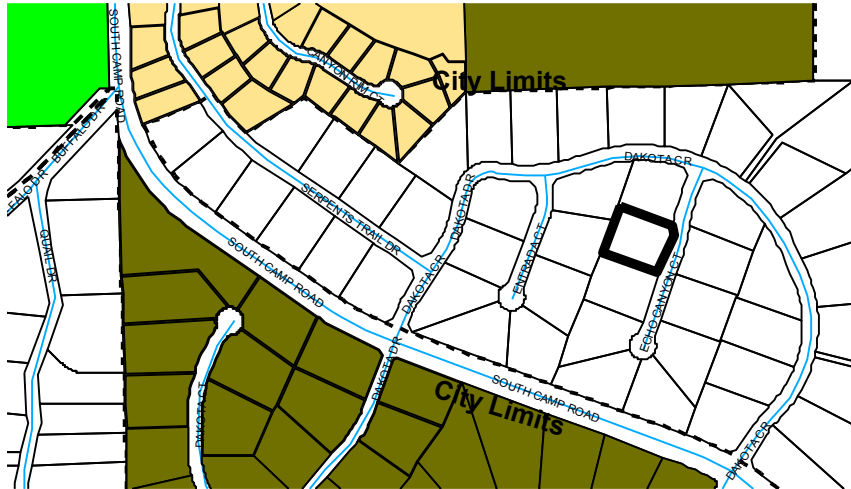
- First is a situation where the request is to annex a single lot in an existing subdivision when the property is not contiguous to the City limits;
- Second is when the request is to annex a single lot in an existing subdivision when the property is contiguous to the City limits; and,
- Third is there is a single existing parcel outside of a formal subdivision.

There appear to be three options that could be considered:

- Annex all petitions for annexation regardless of size or number of lots
- Annex only single lots that located contiguous to the City limits
- Annex only existing subdivisions where a majority of lot owners have petitioned for annexation.

# SINGLE LOT ANNEXATIONS

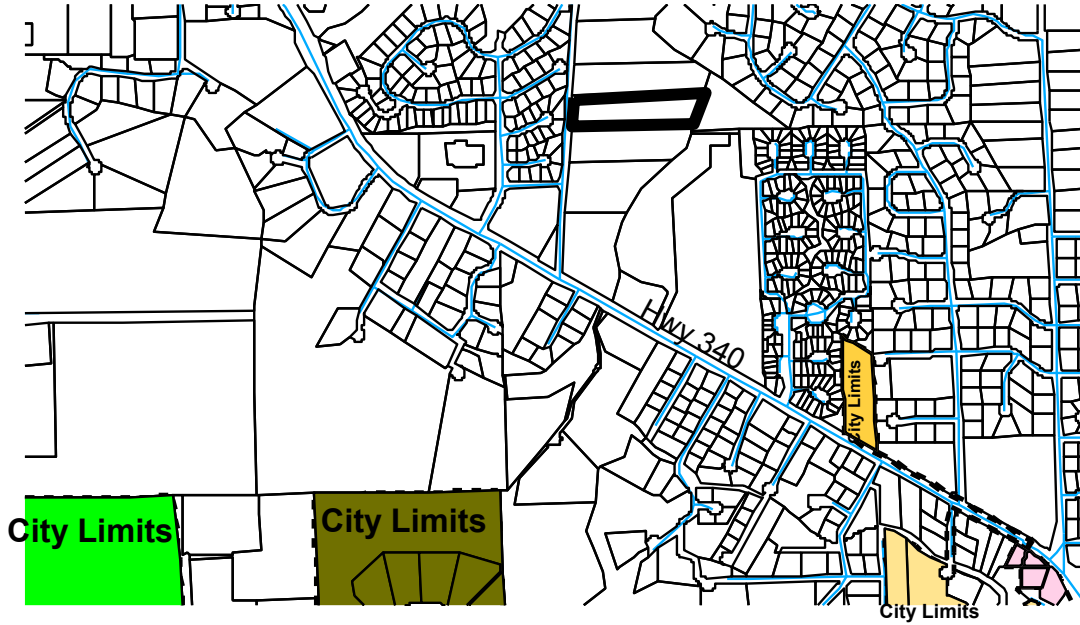
Subdivision Lot not adjacent to City Limits





# SINGLE LOT ANNEXATIONS

Un-subdivided property not adjacent to City Limits





The Community Development Department development review workload has remained fairly consistent over the last five years in terms of total number of applications received each year. The exception to this was 1999 when the number was substantially higher due to pending changes in development regulations that were adopted in 2000 (see attached graph – Total # of Project Files, 1998-2002). What seems to have changed is the type of submittal. It appears that there are less items like preliminary plats and site plan reviews and more final plans, conditional use permits, and rezones. The total number of submittals in 2002 was 250.

Along with the annual number of submittals, attached graphs show the relative numbers of four types of submittals. These were chosen because, with the exception of annexations, they are typically the ones that have the most issues and are the most complex. In addition, for informational purposes, is a comparison of the number of residential and non-residential lots created over the last five years.

Along with actual submittals, 267 general meetings on potential projects were held in 2002. Only six pre-submittal meetings were held.

In August, 2002, the department implemented changes to the development review process. The goal was to increase the quality of submittal (meaning that more submittals would be submitted according to the City's Codes or that the applicant would identify those areas where they were requesting variances at the time of submittal) which would allow staff to focus our review and ultimately decrease the development review time. There have been a limited number of applications that submitted and were approved entirely under the revised process, but an average time comparison graph is attached which does indicate that for two out of the three types of submittals, the total time in development review has been less. Because of the small number of projects included under the revised process, these numbers should not be used to indicate any type of a trend at this time.

## FOUR GRAPHS

Item 7  
Public Notification for Amendments  
To Conditional Development Approval

During the Fall of 2002, concern was expressed over construction traffic in the Summerhill Subdivision, a development that had been approved several years ago. Specifically, the concern related to construction traffic using local neighborhood streets when, in fact, there had been a condition of the original approval that required the construction of an internal road on a schedule so that construction traffic for subsequent filings could be restricted from the adjacent neighborhoods.

Researching the background on this issue, it became apparent that while the original review and approval followed the appropriate procedures regarding the posting of the property and notification of surrounding property owners, Council revised the conditions without renotifying neighbors.

The Community Development Department has implemented a policy to renotify surrounding property owners when there is a proposal to amend a conditional approval, however, adding the process to the Zoning and Development Code will make it mandatory.

Should Council desire that this become mandatory, an addition could be added to Section 2.3.B.12 (Common Elements of Procedures for Permits Requiring A Public Hearing) of the Code:

**2.3.B.12 Post-Decision Proceedings**

- a. **Rehearing.** Any aggrieved person, including the Director and the Director of Public Works and Utilities may request a hearing. (Section 2.18) or file an appeal of a final action (Section 2.18)
- b. **Amendments and Revisions to Approval**
  - (1) The Director may approve corrections and revisions he deems to be minor to an approved application, in writing, subject to appeal to the decision-maker. A minor revision is one necessary in light of technical considerations that does not substantively change the character of the development approval.
  - (2) The Director must give 5 (five) days notice of such corrections by posting at City Clerk agenda board.
- c. **Amendments to Conditional Approvals.** Proposed amendment(s) to “conditions of approval” set during a public hearing shall be reviewed and approved only if the

same process and criteria used for the original review and approval are followed for the proposed amendment(s). All required postings of the property and notification of surrounding property owners must be made as required by the Code for the original application.

Item 8  
Planned Development Rezone

During the recent review of the City Market application at 12<sup>th</sup> Street and Patterson Road, much of the Council discussion focused on the Zoning and Development Code requirement that “substantial community benefits” will be derived from granting the Planned Development (PD) zone and any subsequent development within that zoning district. Section 5.1.A of the Code states in part:

The Director shall determine whether substantial community benefits will be derived. Specific benefits that the Director may find that would support a PD zoning include, but are not limited to:

1. More effective infrastructure;
2. Reduced traffic demand(s);
3. A greater quality and quantity of public and/or private open space;
4. Other recreational amenities;
5. Needed housing types and/or mix;
6. Innovative designs; and/or,
7. Protection and/or preservation of natural resources, habitat areas and natural features.

The staff have interpreted this Code section as requiring community benefits that are above and beyond what is minimally required by other City regulations (“default standards”). While the Code indicates determination by the Director, staff has always included the proposed community benefits in staff reports so the Planning Commission and City Council can also be aware of the determination of adequacy.

Because of the nature of the Planned Development process (i.e. developing a rezone ordinance specific to the proposed development of an individual piece of property), the rezone is usually processed concurrently with an Outline Development Plan and/or a Preliminary Plan. This results in the applicant frequently completing substantial design work prior to knowing if the rezone will be approved..

One suggestion that came out of the Council hearing was to consider if Council would want a process to determine the adequacy of any proposed extraordinary benefits prior to hearing the remainder of the application. If Council so desires, the review process can be codified by adding the following language to section 5.1.A of the Zoning and Development Code (the application and review procedures section of the rezone process):

- C. Application and Review Procedures.** Application requirements and processing procedures are in Table 2.1 and Section 2.3.B except:

1. **Text Amendment.** An application for an amendment to the text of this Code shall address in writing the reasons for the proposed amendment.
2. **Notice.**
  - a. Property Sign. Notice signs are not required for a rezoning request initiated by the City as a City-wide or area plan process, or for a text amendment.
  - b. Mailed Notice is not required for a rezoning request relating to more than five percent (5%) of the area of the City and/or related to a City-wide or area plan process, nor for any text amendment request. The Director shall give notice in a local newspaper of general circulation (Section 2.3.B.6)
3. **PD – Planned Development Rezones.** Prior to any public hearing on a PD – Planned Development rezone, the Director and Planning Commission shall make a recommendation and the City Council shall make the final decision regarding the consistency of the proposed Community benefits accruing from the rezone and subsequent development with Section 5.1.A of the Zoning and Development Code.

Item 9  
Coffee Kiosks

Over the last few years, several drive through coffee “kiosks” have appeared around town. These have several characteristics that differentiate them from a typical building: they are typically located in an existing, paved parking lot; they are portable structures (they are not on permanent foundations); and, they may or may not have a water tap.

There was a request to place this item on the workshop agenda for possible discussion . Not knowing the areas of concern, two of the businesses were selected and background information collected. A comparison chart for Karen’s Sunrise Coffee, located at 644 North Avenue (the REI parking lot) and the Espresso Depot - 705 Glenwood Ave (the Fiesta Guadalajara parking lot) is attached.

If Council desires, how other communities address these businesses can be researched and reported back.

**Similarities**

3/4" water tap (not req'd)(installed for landscaping)  
Cond. Use Permit  
Portable Building  
Walk-up window  
2 Employees  
Landscaping along Glenwood Ave.  
No seating  
Pitched roof w/ shingles  
Wood construction  
Building Permit Req'd  
Building Dept Req'd - Building anchored to pre-treated timber foundation over asphalt or concrete surface  
If over 400 sq ft would require a permanent foundation

3/4" water tap (req'd)  
Cond. Use Permit  
Portable Building  
Walk-up-window  
2 Employees  
Landscaping along 7th St. and adjacent building  
No seating  
Pitched roof w/ shingles  
Wood Construction  
Building Permit Req'd  
Building Dept Req'd - Building anchored to pre-treated timber foundation over asphalt or concrete surface  
If over 400 sq ft would require a permanent foundation

**Differences**

Old Code  
Access Easement thru adj. property  
Hrs of Operation 6:30 am to 6 pm  
Shared Parking - Analysis req'd to verify enough - Req'd to provide all needed parking  
  
133 sq ft  
No sewer  
No sinks req'd

New Code  
No easement needed  
Hrs of Operation 6 am to Noon  
Shared Parking - Analysis req'd to verify enough - Dir. Granted exception to parking req'ts per Sec 6.6.12.b & c  
  
192 sq ft  
Sewer  
Sink's req'd per Health Dept



The Community Development Department is in the process of developing staff report templates for all applications that require public hearings. This is being done for several reasons:

1. Ensure completeness of analysis including consistency of applications with the Growth Plan and all applicable review criteria;
2. Ensure consistency and adequacy of information for decision makers;
3. Provide a common format so it's easier to locate information within the report; and,
4. Provide for legally defensible findings and conclusions to be used by decision makers;

In addition, each staff report where maps are appropriate will contain the following:

1. Site location map
2. Aerial photograph
3. Growth Plan Land Use map
4. Existing Zoning map.

When the application is an annexation request, a fifth map will be the standard annexation map (red and blue) with the addition of information to clarify where the City limits are.

One of the issues discussed during Council review of several annexations a few weeks ago was a desire to identify surrounding County zoning and development densities. As attempts to standardize information have proceeded, it has become clear that we cannot rely on existing information sources to determine County zoning. In fact, the County is in the process of updating their zoning map based on prior County rezone actions that were never mapped. Whenever a zoning map containing County information is attached to a staff report, a disclaimer will be included noting that accurate zoning information may not be available and anyone desiring this information should go directly to the Mesa County Planning Department.

Attached is a copy of a draft staff report template and an example of the 4 maps that will be included.

AGENDA TOPIC:

ACTION REQUESTED: Rezone property located at <> from <> to <>.

BACKGROUND INFORMATION				
Location:				
Applicants:				
Existing Land Use:				
Proposed Land Use:				
Surrounding Land Use:	North			
	South			
	East			
	West			
Existing Zoning:				
Proposed Zoning:				
Surrounding Zoning:	North			
	South			
	East			
	West			
Growth Plan Designation:				
Zoning within density range?			Yes	No

PROJECT DESCRIPTION:

RECOMMENDATION:

## ANALYSIS

### 1. Background

**<Annexation history, previous applications, etc>**

### 2. Consistency with the Growth Plan

### 3. Section 2.6.A of the Zoning and Development Code

Rezone requests must meet all of the following criteria for approval:

1. The existing zoning was in error at the time of adoption
2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transition, etc
3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances

The proposed rezone to <> is within the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with criterion 5 which requires that public facilities and services are available when the impacts of any proposed development are realized. **Staff has determined that public infrastructure can address the impacts of any development consistent with the <> zone district, therefore this criterion is met.**

4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of this Code and other City regulations and guidelines
5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development

**<Adequate public facilities are currently available and can address the impacts of development consistent with the <> zone district.>**

6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs

7. The community or neighborhood will benefit from the proposed zone

#### FINDINGS OF FACT/CONCLUSIONS

After reviewing the **<name>** application, **<file number>** for a rezone, staff makes the following findings of fact and conclusions:

1. The requested rezone **<is/is not>** consistent with the Growth Plan
2. The review criteria in Section 2.6.A of the Zoning and Development Code have all been met. **<or not>**
3. **Other (use if needed)**

#### STAFF RECOMMENDATION:

Staff recommends that the Planning Commission forward a recommendation of **approval/denial** of the requested rezone, **<file number>** to the City Council.

#### RECOMMENDED PLANNING COMMISSION MOTION:

#### Attachments:

Vicinity Map  
Aerial Photo  
Growth Plan Map  
Zoning Map  
**MAPS (5)**

Item 11  
Chamber of Commerce  
Development Review Survey  
And Exit Survey

During the week of December 30, 2002, Council received a copy of the Chamber of Commerce/City of Grand Junction Development Review Process Survey. This survey has been conducted annually since 1998.

The 2002 survey had the highest return rate since the first year (24.6%) with a total of 86 respondents out of 349 mailings. Along with quantifiable questions, several pages comments were received. The Community Development Department uses this annual survey to identify not only customer service areas that need continued work but also areas of improvement. The focus of this year's Department retreat is customer service and we will be specifically addressing some of the items in the survey.

The Department is developing an "exit survey" that will be provided to each development review applicant at the end of their review process. Working with the Chamber to identify the final form of the survey, this is designed to replace their survey. An exit survey will provide more timely responses and allow the Department to address developing trends to provide better service to our development review customers.

The current draft of the exit survey is attached. It has been reviewed by the Chamber of Commerce Board. It is expected that distribution of the survey will begin near the end of January.

## “HOW DID WE DO?”

The Community Development Department, wants to serve you, our customer better. In order to do this, we need your help! Please take a few moments to respond to this Customer Service Survey regarding your recent contact with the Department and the processing of your development application. Please return it in the attached postage-paid envelope. Your comments will help us gauge how well we performed in the development review process and will help us improve our quality of service.

Thank you for giving us the opportunity to serve you!

---

1. Please circle the following category which most accurately describes your role in this project and your relationship to the Community Development Department.

Home/landowner                  Attorney          Engineer          Land Surveyor

Architect                  Land Developer          Real Estate Agent

Contractor Commercial/Residential          Project Manager          Landscaper

Consultant                  Other \_\_\_\_\_

2. Based on your contact with the Department and the different review agencies involved in your project, please rate the level of satisfaction with our services in the following areas:

Excellent    Very Good    Good    Fair    Poor

Professionalism of staff  
Staff knowledge of Code requirements  
Staff understanding of your type of project  
Information made available to you  
Options & alternatives offered  
Timeliness of services  
Response time to phone calls/inquiries  
General courtesy  
Quality of service

3. Was your development review project accomplished to your satisfaction and were you satisfied, overall with the processing of your project?

Yes                          No

If no, please  
explain: \_\_\_\_\_

4. Recognizing that Code requirements might have changed your original submittal, do you feel that the development review staff worked with you to get your project approved?

Yes

No

If no, please explain. \_\_\_\_\_

5. Please share any comments or suggestions.

\_\_\_\_\_

\_\_\_\_\_

Name (optional) \_\_\_\_\_ -

Project name (optional) \_\_\_\_\_

Contact information \_\_\_\_\_

\_\_\_\_\_

**Thank you for participating in this survey and we look forward to working with you again in the future!**

Item 12  
Zoning and Development Code Update

Upon adoption of the 2000 Zoning and Development Code, it was anticipated that there would be an annual process to update the Code addressing not only minor editorial corrections but also correcting those elements of the Code that were found to not be working. While this did occur during the summer and fall of 2001, it did not occur in 2003.

Staff has compiled a listing of what are considered minor corrections and changes to the Code that will be brought to the Planning Commission (in March) and City Council (in March and April) (attached). In addition, there are some major sections of the Code that will be reviewed during 2003. Foremost among these is the landscape section of the Code. Since mid-2001, as staff has talked to developers and consultants, the number one issue with the Code is the landscaping requirements. A limited comparison of plant material requirements has been completed for one project from another City. A comparison of a local project that was developed under the pre-2000 Code is currently underway to compare with landscaping requirements in the current Code. Major changes to landscaping requirements are not expected. However, there are some requirements that are frequently challenged by developers that staff agrees should be reviewed. One example is having the same requirement for landscaping amounts for all land uses.

In addition, there may be significant additions to the Code as a result of the Growth Plan Update. Primary among these are expected design standards to address community appearance. This topic was a Council directive for the Plan Update and development of enhanced design standards is an action step in the Council's Strategic Plan that is due in December, 2003.



Proposed Zoning and Development Code Changes / Corrections / Clarifications:

Clarifications to Outdoor Storage

Expanding the definition section to include “Service Clubs”, further define “accessory”  
“Rubbish” “Motor Vehicle Repair Shop”

Wording change in Mineral Extraction section

Minor clarifications in the Parking section

Radio antennas (amateur)

Variances to area plans to be reviewed by Planning Commission, not BOA

Lots of proposed clarifications to Chapters 1 and 2. (who hears what, what appeals go where, table changes, etc.)

Looking at wording of Rezone criteria.

Wording on Minor Site Plan Review.

Traffic calming requirements

Historic Preservation Board to serve 4, not 3 years.

MAI vs. Certified General Appraiser’s License

Adding “Public Art” to Planned Developments as option for Public Benefit; to count towards landscaping requirements; add to Big Box/Superstore criteria.

Fencing clarifications

Item 13  
Telecommunication Facilities

During the Fall of 2001, City Council, along with the County Commissioners and the City and County Planning Commissions, attended a consultant presentation on the state of the telecommunications industry and how local governments can address local concerns. Staff notes from that presentation and the consultant's review of City Code provisions as well as some possible "next steps" at that time are attached. Also attached is Section 4.3.R, Telecommunication Facilities/Towers, of the Zoning and Development Code.

Since that time, no changes to the Code have been proposed. Telecommunication facilities have been identified as part of the community appearance issue in the Growth Plan Update.

## MEMORANDUM

TO: Bob Blanchard

FROM: Kathy Portner

DATE: February 21, 2002

RE: Personal Wireless Service Facilities (“cell towers”)

### Personal Wireless Service Facilities—Consultant’s bullet points

- Differentiate personal wireless service facilities from “antennas”, such as TV, radio and internet
- For all co-locates, need to look at structural integrity of the tower or structure
- Terms in the ordinance need to be better defined
- Recommended leaving our existing Code section as is and creating another section specific to Personal Wireless Service Facilities
- Reviews of facilities should be through the Site Plan Review or Conditional Use Permit process (minor SPR process should not be used)
- Submittal should include the following:
  - Elevations
  - Site lines
  - Back-up fuel supply
  - Location of landline or microwave
  - Future growth facilities should be clearly labeled and process defined
  - Be clear in the ordinance who does the various parts of the review
  - Liked the current Code provision requiring a 200% or 200’ “setback” (recommended not using the term setback) from residential property, but recommended clarifying what is a residential property
  - FCC has published a local government’s guide to the health risks of wireless service facilities
  - In reviewing a proposal, don’t try to argue the industry’s needs and requirements and don’t hire a RF engineer, argue the merits of the project on the basis of land use
  - The consultant’s recommended next steps include:
    - Ordinance revision
    - Wireless Master Plan—time consuming and expensive, but the cost can be recovered from future permits
    - Long-term strategy—moratorium, neighborhood workshops, public education, using ROW to locate facilities
    - Broader framework—include assessor, 800 MHz trunked system that would allow co-locates, public works, federal agencies and other towns
    - Code could require facility mounts as part of required infrastructure in all developments—so wireless facilities could be integrated into developments

- Section 4.1 of our Code also lists antennas as accessory uses, which is inconsistent with section 4.3.R
- Consistency with Telecommunications Act of 1996:
- City Code confuses “Telecommunication Facilities” with “Towers”
- City Code is consistent with regard to “Health Issues” except how does the City know whether FCC standards are being met?
- City Code strengths:
- Definitions are within the ordinance, but there are some internal inconsistencies
- FCC regulations must be met on interference
- Two-year review of all “new towers and facilities by the Planning Director required
- There are several goals and action items in the City’s Growth Plan that would support an ordinance regulating wireless facilities:
  - Goal 13 To enhance the aesthetic appeal of the community
  - Objective 53 Revise code standards for location and screening of outdoor storage, streetscaping, landscaping, signage, lighting, building orientation, building materials, and parking lot design. Establish gateway and corridor overlay districts for more stringent application of these standards.
  - Action Item 6 Revise zoning districts to include appropriate standards for the district size, building scale, development intensity, district location, authorized uses, and compatibility.
  - Action Item 7 Adopt standards and guidelines to address the screening of outdoor storage and operations for heavy commercial and industrial uses. Screening and building design standards should vary based on location within the community, with more restrictive standards applied along high visibility corridors.
  - Action Item 10 Adopt corridor/gateway design guidelines for public and private development.

### Observations and Comments

The consultant’s general overview and examples were very good, but his analysis of our ordinance was weak. The key points that I gleaned from what he presented were as follows:

- The federal law protects the provision of wireless service, not the right to build towers. The law does not prohibit local communities from regulating the placement and aesthetics of the service even if it costs the provider more.
- As with any regulation, you have to have a strong basis (community goals, etc.) to support the standards developed.
- As with any developer, certainty in the standards, review and outcome is probably more important to the provider than how strict the regulations are.
- We have many opportunities in our urban environment to co-locate wireless facilities with existing or other needed infrastructure, i.e. light poles, utility poles, buildings, bus benches...
- Co-location requirements or incentives lead to the construction of tall towers. Co-location should be limited to the facilities already in existence as outlined above.

- There is a great advantage in terms of control and revenue in having wireless facilities placed on public property, including the ROW.

### Next Step

There are many options the City could consider to implement the ideas discussed at the workshop. Those include:

1. Development of a Wireless Master Plan—This would require a major commitment by the City in terms of staff and financial resources.
2. Integrate discussion and development of specific policies on wireless facilities into the Growth Plan Update.
3. Consider minor changes to the Code with the 2002 update; incorporate major changes, if needed, with the 2003 update if additional goals and policies are developed with the 5-year update of the Growth Plan.

Staff recommends options 2 and 3 as the most feasible to pursue at this time.

### 4.3 USE-SPECIFIC STANDARDS

#### R. Telecommunication Facilities/Towers.

1. **Purpose.** The purpose of this section is to regulate the placement, construction and modification of towers and/or telecommunications facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of competitive wireless telecommunications in the City.
2. No telecommunications facilities and towers shall be altered, added to, installed or permitted unless the Director has approved a site plan review for the property and the facility or tower.
3. **Amateur Radio.** Radio communications, as licensed or regulated as such by the Federal Communications Commission that is less than ten (10) feet tall measured from grade or ten (10) feet higher than the highest point of the roof. This chapter does not apply to amateur radio equipment.
4. **Antenna.** Any device designed and intended for transmitting or receiving television, radio, microwave signals, or other electromagnetic waves. An antenna includes all mounting and stabilizing items such as a tower, a pole, a bracket, guy wires, hardware, connection equipment and related items.
5. **Co-Location.** The location of wireless communication facilities on an existing structure, tower, or building in a manner so that an additional tower, structure or facility is not required.
6. **Satellite Dish.** An antenna, consisting of radiation element(s) that transmit or receive radiation signals, that is supported by a structure with or without a reflective component to the radiating dish, usually circular in shape with a parabolic curve design constructed of a solid or open mesh surface and intended for transmitting or receiving television, radio, microwave signals or other electromagnetic waves to or from earth satellites.
7. **Concealed or Stealth.** Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land, buildings, structure and uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements and towers designed to not look like a tower such as light poles, power poles and trees. The term "stealth" does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole tower designs.
8. **Telecommunication Facilities.** Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure.
9. **Tower.** A self-supporting lattice, guyed or monopole structure constructed from grade which supports telecommunications facilities. The term "tower" shall not include amateur radio

operators' equipment, as licensed by the FCC.

10. No site plan shall be approved until the applicant establishes, to the satisfaction of the Director or other decision making body, that the following are satisfied:

a. Towers and telecommunications facilities shall be located to minimize any visual and other adverse impact to the neighborhood, especially residential areas and land uses. If the proposed location is on leased property, proof of possession is required.

b. Telecommunications facilities and towers shall be set back from all adjacent residentially zoned or used property by a minimum of two hundred (200) feet or two hundred percent (200%) of the height of the proposed tower or facility, whichever is greater. Setback requirements shall be measured from the outside perimeter of the base of the tower, and every other vertical component of the telecommunication facility or tower higher than ten (10) feet, to any portion of the other property. If notice to the affected property owner is given, the Director may reduce any such setback by up to twenty-five percent (25%) if such reduction will allow a tower to be located so that the visual impact on the neighborhood is reduced. For example, a setback could be reduced to allow a tower to be located next to trees in order to partially shield the tower from view.

c. All telecommunication facilities and towers shall be set back a minimum of eighty-five (85) feet from the property line or at a 2:1 ratio [two (2) feet of setback for every foot of tower height from the property boundary of the facility] which ever is greater, from non-residentially zoned or used property.

d. All telecommunications facilities and towers on public utility structures, facilities or property shall be exempt from the 2:1 setback requirement if they are no taller than the existing utility structure in said location and if approved by the Director.

e. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice or guyed, by a minimum of seven hundred fifty (750) feet.

f. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.

g. **Location.** Shared use/co-location of wireless communication facilities on existing structures, towers or buildings in a manner that precludes the need for the construction of a freestanding structure of its own is encouraged. To that end, an application for an integral, concealed tower or telecommunication facility may be issued by the Director.

h. **Height.** Amateur radio equipment, commercial antennas or equipment measured less than ten (10) feet tall from grade or ten (10) feet higher than the highest point of the roof may be

approved by the Director. This shall also include antennas that are co-located on an existing tower for which co-location was approved through the Conditional Use Permit process.

i. **City property and buildings.** Towers or facilities that can be constructed as an integral part or component of light standards, buildings, utility structure or other structures at City parks or other City buildings facilities are encouraged. To that end, upon the payment of an appropriate fee, and compliance with any conditions imposed, the Director and the head of the City department, which operates such property or building, may coissue a permit therefor.

j. No new tower or facility shall be permitted unless the applicant demonstrates to the satisfaction of the Director that no existing tower, structure or utility facility can be used in lieu of new construction for the applicant's use. At a minimum, such applicant shall demonstrate that:

(1) No existing tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements;

(2) No existing tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements and which has sufficient structural strength or space available to support the applicant's telecommunication facility and related equipment;

(3) The applicant's proposed telecommunication facility will not cause unreasonable electromagnetic or other interference with the antennas on existing towers, structures or utility structures or that such existing facilities would interfere with the applicant's uses such that co-location is not possible;

(4) There is some other reasonable factor that render existing towers, facilities or utility structures unsuitable;

(5) No owner of existing towers, structures or utility structures, including the City and other governments, within a distance which meets the applicant's engineering requirements, will allow the applicant to place its telecommunication facility thereon or require unreasonable payment or terms; and

(6) The applicant shall submit evidence concerning structural and engineering standards prepared by a Colorado registered professional engineer. The safety of the property and the neighborhood shall be protected.

11. Every tower and telecommunication facility shall meet the regulations of the Federal Communications Commission (FCC) regarding physical and electromagnetic interference.

12. Every tower and telecommunication facility shall meet applicable health and safety standards for electromagnetic field (EMF) emissions as established by the FCC and/or any other federal or



state agency having jurisdiction.

13. Only a concealed tower or telecommunications facility, the antennas of which all are located on existing vertical structures, is allowed within 1/8 mile from the right-of-way of: Grand Avenue from 1st Street to 12th Street; any portion of Monument Road within the City; 7th Street from North Avenue to the Colorado River; and other rights of way designated by resolution of the City Council.

14. Only a concealed tower or telecommunication facility is allowed within a historic zone or area as designated by the City Council by resolution.

15. In addition to other requirements of this Code, each applicant for a tower or telecommunication facility shall provide the Director with an inventory of all of the applicant's existing tower(s) and/or telecommunication, and facility(ies) or approved sites for the facilities that are either within the City or are within one mile of the then existing border of the City. This information shall include:

- a. A zone map specific to the application, from the City's zoning map drawn to scale, showing land uses and zoning designation of all uses within a quarter (1/4) of a mile.
- b. A computer generated visual analysis from all adjacent rights-of-way, showing the relationship of the tower/facility to the topography and other spatial relationships deemed necessary or required by the Director to assess compliance with the Code. If there are more than four (4) such rights-of-way, the Director shall designate which rights-of-way shall be analyzed.
- c. A description of the tower/facility's capacity which declares the number and type(s) of antennae(s) that it can accommodate or an explanation why their facility cannot be designated to accommodate other users.
- d. An agreement retained by the City which commits the facility owner and its successors to allow shared use of the facility if an additional user(s) agree in writing to the reasonable terms and conditions of shared use. The applicant shall annually report to the Director: the names, addresses and telephone numbers of every inquiry for co-location; and the status of such inquiry.
- e. The applicant shall provide evidence of mailed notice of a proposed tower or telecommunication facility to all abutting property owners within four (4) times the distance that the tower or facility is tall, or two hundred fifty (250) feet, whichever is greater, and to any neighborhood association that would be entitled to notice under this Code.
- f. Any other information as required by the Director to evaluate the request, especially technical information.

16. Tower or telecommunication facilities mounted on existing structures of public utilities which have a franchise or other written permission from the City and concealed towers/telecommunication

facility(ies) are permitted in all non-residential zoning districts, unless otherwise specified by this Code. The Director may approve the placement, extension or replacement of a tower or telecommunication facility on an existing public utility structure up to fifty (50) feet above the highest point on the same. The Director may waive public notice and may waive any other submission requirement if he deems that the public interest shall not be harmed.

17. Towers and telecommunication facilities shall be designed and maintained: to minimize visual impact; carry gravity loads, wind loads and with safety measures as required by applicable regulations including adopted building codes; using concealment or stealth methods, such as camouflaging towers to look like light poles or trees, if at all possible; if co-located, to match the color, shape and look of the structure or facility to which they are attached; to use only non-specular materials. In order to be considered a concealed tower or telecommunication facility, the tower or telecommunication facility shall:

- a. Be architecturally integrated with existing buildings, structures and landscaping, including height, color, style, massing, placement, design and shape;
- b. Be located to avoid a silhouette and preserve view corridors to the east and the west of the Grand Mesa and the Colorado National Monument, as determined from viewing the tower or facility from anywhere within the original square mile of the City;
- c. Be located on existing vertical infrastructure such as utility poles and public building or utility structures;
- d. Roof mounted antennas shall be located as far away as feasible from the edge of the building. Antennas attached to the building should be painted or otherwise treated to match the exterior of the building;
- e. Equipment shelters and antennas shall not extend more than ten (10) feet from the top of the building. Any deviation from this standard shall be reviewed and approved, disapproved or approved with conditions by the director;
- f. Be located in areas where the existing topography, vegetation, buildings or other structures provide screening; and
- g. The applicant/developer shall be required to structurally design the footing of the tower or antenna to support a tower or antenna which is at least fifteen (15) feet higher than that proposed by the applicant to accommodate co-locations.

18. The property on which a telecommunication facility or tower is located shall be landscaped and screened, as follows:

- a. A free-standing tower or telecommunication facility shall include landscaping planted and maintained according to a landscaping plan approved by the Director in accordance with the applicable landscaping requirements of the zoning district

where the tower or facility is located. Landscaping may be waived or varied by the Planning Commission where the Commission determines that existing site vegetation is equal to or greater than that required by the Code; and

b. A six foot (6') high wall or fence or other suitable buffer yard shall surround a freestanding tower or telecommunication facility. Chain link with slats shall not constitute acceptable fencing nor shall it satisfy the screening requirement.

19. Only lighting required by a federal agency is allowed. The location of the lighting fixture(s) shall be such that the lights do not shine directly on any public right-of-way and that the light emitted is otherwise in compliance with this Code.

20. Only signage that is required by state or federal law is allowed. No advertising shall be permitted.

21. Each exterior tower or telecommunication facility equipment building(s) or cabinet(s) shall:

a. Not contain more than four hundred (400) square feet of gross floor area and shall not be more than twelve (12) feet in height; and

b. Maintain the minimum setback, landscaping and screening requirements of the zone in which it is located.

22. Any tower or telecommunications facilities being modified, demolished or rebuilt shall be brought into compliance with the standards adopted in this Code.

23. Every owner of a tower or telecommunications facility shall take special care to operate, repair and maintain all such facilities so as to prevent failures and accidents which cause damage, injuries or nuisances to the neighborhood and public. All wires, cables, fixtures and other equipment shall be installed in compliance with the requirements of the National Electric Safety Code and all FCC, FAA, state and local regulations and in such a manner that shall not interfere with radio communications, electronic transmissions or all other electromagnetic communications or otherwise cause a safety hazard.

24. Each new tower or facility shall be subject to a two (2)-year review by the Director. The review shall determine whether or not the originally approved number of antenna and design are still appropriate and necessary to provide adequate communications services.

25. The wireless telecommunication facility owner shall remove all wireless telecommunications facilities, which are not in use for any six (6)-month period, within three (3) months of the end of such six (6)-month abandonment. As a part of such removal, the owner shall re-vegetate the site so that it is compatible with the neighborhood. Abandonment shall only be determined by the City Council, after the owner has had notice and an opportunity to be heard.

26. No person shall construct or alter a telecommunications tower or

facility without a permit therefor and without having first obtained the approval of the Director. To obtain such review, the applicant shall submit FAA Form 7460-1, Notice of Proposed Construction or Alteration. Form 7460-1 shall not be required for the following:

- a. An amateur radio antennae if owned and operated by a federally licensed amateur radio operator or used exclusively for a receive-only antennae;
- b. Any existing tower and antennae provided a building permit was issued for a tower or antennae prior to the adoption of this code;
- c. Emergency telecommunications facilities used exclusively for emergency services including, but not limited to, police, fire and operation of governmental entities; and
- d. Any antennae used for FCC licensees engaged in AM, FM or television broadcasting.

27. Appeals of any decision shall be in accordance with Table 2.1.

28. The Director may require the applicant to pay for any engineer or other consultant in order that the City may adequately evaluate the application.