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**GRAND JUNCTION CITY COUNCIL  
CITY HALL AUDITORIUM, 250 NORTH 5<sup>TH</sup> STREET  
AGENDA**

**WEDNESDAY, NOVEMBER 2, 2005, 7:00 P.M.**

**CALL TO ORDER**

Pledge of Allegiance  
Invocation – Miriam Greenwald, Congregation Ohr Shalom

**PROCLAMATIONS / RECOGNITIONS**

PROCLAIMING NOVEMBER, 2005 AS MARCH OF DIMES “PREMATURITY  
AWARENESS MONTH” IN THE CITY OF GRAND JUNCTION

PROCLAIMING NOVEMBER 11, 2005 AS “A SALUTE TO ALL VETERANS 2005” IN  
THE CITY OF GRAND JUNCTION

**APPOINTMENTS**

TO THE HOUSING AUTHORITY

**ELECTION RESULTS**

THE CITY CLERK WILL PRESENT THE CERTIFICATE OF ELECTION SO THAT THE  
COUNCIL CAN REVIEW AND CANVASS THE ELECTION RETURNS FOR BALLOT  
ISSUE 5B

**CITIZEN COMMENTS**

**\*\*\* CONSENT CALENDAR \*\*\*®**

1. **Minutes of Previous Meetings** [Attach 1](#)

*Action: Approve the Minutes of the August 10, 2005 Annual Joint Persigo Board Meeting, the Summary of the October 17, 2005 Workshop, and the October 19, 2005 Regular Meeting*

2. **Setting a Hearing on Zoning the Ruckman Annexation, Located at 2903 and 2909 B ½ Road** [File # ANX-2005-210] [Attach 2](#)

Introduction of a proposed zoning ordinance to zone the Ruckman Annexation RSF-4, located at 2903 and 2909 B ½ Road.

Proposed Ordinance Zoning the Ruckman Annexation to RSF-4, Located at 2903 and 2909 B ½ Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for November 16, 2005*

Staff presentation: Senta L. Costello, Associate Planner

3. **Setting a Hearing for the Prairie View South Annexation Located at 3028 and 3032 D ½ Road** [File #ANX-2005-233] [Attach 3](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 7.68 acre Prairie View South Annexation consists of 2 parcels.

**a. Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction**

Resolution No. 166-05 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Prairie View South Annexation, Located at 3028 and 3032 D ½ Road

*®Action: Adopt Resolution No. 166-05*

**b. Setting a Hearing on Proposed Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Prairie View South Annexation, Approximately 7.68 Acres, Located at 3028 and 3032 D ½ Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for December 7, 2005*

Staff presentation: Senta L. Costello, Associate Planner

\* \* \* END OF CONSENT CALENDAR \* \* \*

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\* \* \* ITEMS NEEDING INDIVIDUAL CONSIDERATION \* \* \*

4. **Contract for Banking Services with Alpine Bank** [Attach 4](#)

Based on the request for proposals for City banking services, which are solicited for every four years, staff recommends the selection of Alpine Bank for a four-year banking services contract as being in the City's best interest.

Resolution No. 167-05 - A Resolution Designating a Depository and Approving an Agreement for Banking Services Between the City of Grand Junction, Colorado, and Alpine Bank, Grand Junction

®Action: *Adopt Resolution No. 167-05*

Staff presentation: Ron Lappi, Administrative Services and Finance Director

5. **Public Hearing – Amendments to the Municipal Code Regarding Unclaimed and Contraband Property** [Attach 5](#)

Chapter 20, Section 29 of the Grand Junction Code of Ordinances governs whether and how the police department may retain, hold or dispose of objects and articles of property that come into its custody. Subsection (3) deals with potentially harmful or contraband items. This provision is outdated, referring to items which are no longer considered contraband, dangerous or illegal, and failing to make reference to more modern contraband. The proposed amendment updates the Code.

Ordinance No. 3837 – An Ordinance Amending Part of Chapter 20 of the City of Grand Junction Code of Ordinances Relating to Conversion and Disposal of Property by the Police Department

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3837*

Staff presentation: John Shaver, City Attorney

6. **Public Hearing – Revising and Refining the Zoning and Development Code** [Attach 6](#)

The Zoning and Development Code ("Code") was updated in January 2002 and has been amended by various ordinances since that time. With the passing of each ordinance the Code was codified. It was determined that not all printings of the Code after codification were the same. Three (3) different versions of the Code were found to be printed and in circulation for use. Each purported to have the most recent updates. This ordinance is to revise the Code to conform to the

ordinances that have passed since January 2002 with some changes for clarification.

Ordinance No. 3838 – An Ordinance Revising the Zoning and Development Code for the City of Grand Junction to be Published in Pamphlet Form

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3838*

Staff presentation: John Shaver, City Attorney

7. **Public Hearing – Ankarlo Annexation Located at 385 31 5/8 Road** [File #ANX-2005-194] [Attach 7](#)

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Ankarlo Annexation, located at 385 31 5/8 Road. The 10.31 acre Ankarlo Annexation consists of 1 parcel.

**a. Accepting Petition**

Resolution No. 168-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Ankarlo Annexation, Located at 385 31 5/8 Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3839 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ankarlo Annexation, Approximately 10.31 Acres, Located at 385 31 5/8 Road and a Portion of the 31 5/8 Road Right-of-Way

*®Action: Adopt Resolution No. 168-05 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3839*

Staff presentation: Senta L. Costello, Associate Planner

8. **Public Hearing – Emmanuel Baptist Church Annexation and Zoning Located at 395 31 5/8 Road** [File #ANX-2005-215] [Attach 8](#)

Acceptance of a petition to annex and consider the annexation and zoning for the Emmanuel Baptist Church Annexation. The Emmanuel Baptist Church Annexation is located at 395 31 5/8 Road and consists of 1 parcel on 4.36 acres. The zoning being requested is RSF-4.

**a. Accepting Petition**

Resolution No. 169-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Emmanuel

Baptist Church Annexation, Located at 395 31 5/8 Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3840 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Emmanuel Baptist Church Annexation, Approximately 4.36 Acres, Located at 395 31 5/8 Road

**c. Zoning Ordinance**

Ordinance No. 3841 – An Ordinance Zoning the Emmanuel Baptist Church Annexation to RSF-4, Located at 395 31 5/8 Road

*®Action: Adopt Resolution No. 169-05 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinances No. 3840 and No. 3841*

Staff presentation: Senta L. Costello, Associate Planner

9. **Infill/Redevelopment Incentive Request – 832 Rood Avenue** [Attach 9](#)

This is a request for infill/redevelopment incentives for a residential duplex to be built at 832 Rood Avenue. Requested incentives include deferral of the Transportation Capacity Fee (TCP), plant investment fees for sewer, school impact fee and the open space fee; financial assistance that would allow for architectural and site improvement upgrades; financial assistance for construction costs; and assistance finding a site to locate excavated dirt.

*Action: Decision on Incentive Requests*

Staff presentation: Bob Blanchard, Community Development Director

10. **NON-SCHEDULED CITIZENS & VISITORS**

11. **OTHER BUSINESS**

12. **ADJOURNMENT**

## **Attach 1**

### **Minutes from Previous Meetings**

#### **CITY OF GRAND JUNCTION CITY COUNCIL and BOARD OF COUNTY COMMISSIONERS FOR MESA COUNTY**

#### **ANNUAL JOINT PERSIGO MEETING AUGUST 10, 2005**

### **Call to Order**

The Grand Junction City Council and the Mesa County Commissioners met at 11:30 a.m. on August 10, 2005 at Holiday Inn, 755 Horizon Drive, for the Annual Joint Persigo meeting.

President of the Council Bruce Hill convened the meeting at 11:45 a.m. He asked the governing bodies to accept a change in the order of the agenda to do the public hearing first. They so approved. Councilmembers present were Council President Pro Tem Gregg Palmer and Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Jim Spehar and Doug Thomason.

From Mesa County, County Commissioner Chair Tilman Bishop and Commissioner Janet Rowland were present. Commissioner Craig Meis was absent.

Also present were City staffers City Manager Kelly Arnold, City Attorney John Shaver, Public Works and Utilities Director Mark Relph, Community Development Director Bob Blanchard, Utilities Manager Greg Trainor, Wastewater Treatment Superintendent Dan Tonello, Assistant to the City Manager Sheryl Trent, Planning Manager Kathy Portner, Utilities Engineer Bret Guillory and City Clerk Stephanie Tuin.

County staffers present were County Administrator Jon Peacock, County Attorney Lyle Dechant, Assistant County Attorney Valerie Robison, Planning and Development Director Kurt Larsen, Development Planner Linda Dannenberger, Public Works Director Pete Baier, Long Range Planning Director Keith Fife, Public Works Office Administrator Connie Hahn, Mesa County Attorney Office Administrator Brenda Foote and Clerk to the Board Bert Raley.

City Manager Kelly Arnold gave a short overview of what is to occur. As a joint board, the two bodies may act to add or delete properties from the Persigo 201 boundary. This joint board can take action and proper notice has occurred for such action.

### **PUBLIC HEARINGS**

The Joint Persigo Board then opened the public hearings at 11:49 a.m.

Utilities Manager Greg Trainor explained the past actions taken as far as inclusions and deletions. He gave examples of the reasons for such actions.

He then pointed out the four properties that have requested inclusion and the one property which has an exclusion request. The exclusion request may result in other alternatives that have been discussed. He then read a paragraph from the report regarding the area north of the interstate:

“The North Central Valley Plan specifically limited the Urban Growth Boundary (201 Boundary) to an area anticipated, at that time, to be able to be served by the Persigo plant. It is staff’s recommendation that this request is also premature. Continued piecemeal amendments without consideration of the larger policy assumptions are inappropriate and erode efforts for more compact growth opportunities within the Urban Growth Area. If amendments continue north of I-70, a logical boundary such as the Highline Canal should be established. The area north of I-70 should remain in low-density residential development currently supported by the North Central Valley Plan.”

INCLUSION REQUEST: Address 901 26 ½ Rd.

Fox Amendment Request  
Parcel #2701-233-00-562

This property is located at the northwest quadrant of I Road and 26 ½ Road and is designated Estate on the City’s Growth Plan and County’s Land Use Plan. This designation establishes a residential density of two to five acres per dwelling unit. The North Central Valley Plan map shows this property located within an area identified as Estate, 2 – 5. County zoning is AFT, Agriculture, Forestry, Transitional. The property is bordered by Del’s Country Estates on the south (a 5 acre subdivision), Autumn Brook Farms to the southwest (a 5 acre subdivision), and North Valley Subdivision (RSF-E) directly to the west. The subject property is partially constrained in the northeast corner by the Airport Critical Zone. Where possible no residential development is permitted within the Critical Zone and if property is wholly or substantially burdened with this designation, residential densities are limited to one unit per five acres. Staff’s recommendation is that the requested amendment to the 201 boundary is premature and should be denied at this time.

Mr. Trainor reviewed this first request and explained what would need to occur in order to allow sewer service to this property. It would be quite expensive for the owner due to the topography. The owner wants to have this property included in order to develop the property at two to five acres per dwelling unit. This piece of property is affected by the critical zone as laid out by the Airport Authority, which means it cannot be developed at a higher density.

Pam Fox, the applicant, spoke in favor of the inclusion. She said the areas around it have been built out and the area is needed for development. She is willing to install a pump station and pay the cost.

Councilmember Beckstein inquired about her plan for development.

Ms. Fox responded that she wants to build three units per acre and would like to model the development after some green projects in California, that is, low energy housing.

Council President Hill inquired as to the future land use designation on this property. Mr. Trainor responded it is designated Estate which is 2 to 5 acres per dwelling unit. Mr. Trainor noted that gravity sewer service is not available to this site right now so it would be cheaper to put in a lift station. The developer would have to pay for the installation and with a forced main, the cost would be around \$370,000.

Councilmember Beckstein asked if the site would be hooked up to the Paradise Hills sewer line. Mr. Trainor said yes, it would be that interceptor that would serve this site.

Councilmember Beckstein inquired about capacity in the future. Mr. Trainor responded that interceptor is able to carry the flows for properties now in the boundary.

Council President Hill asked about the surrounding areas Future Land Use designation. Mr. Trainor replied that it is all designated as Estate. He added that the maintenance of a lift station would be charged to the developer as part of the plant investment fee.

Council President Pro Tem Palmer asked if the alternative for this developer, if the property is not included, would be to develop with a septic system so then they would be adding septic systems. Mr. Trainor agreed and added that also in 25 years the property owners could have failing septic systems and then they would be coming to the City/Mesa County and needing assistance to solve the problem, at which time they would probably extend the sewer and include them.

City Council and County Commissioners discussed other issues relative to allowing septic systems to be installed. Ms. Fox noted that there is a lot of shale in that area and nearby properties currently have problems with existing septic systems. Commission Chair Bishop inquired about any state or federal grants to give assistance to sanitation districts and was advised that in the past such grants were available to existing low income properties but is not available for new developments.

Council President Hill asked for public comments.

Utilities Manager Trainor advised that a letter was received objecting to the inclusion from John Trotter, 886 26 ½ Road.

There were no public comments.

The public hearing was closed at 12:16 p.m.

Commission Chair Bishop suggested they not add parcels in around the interstate in a piecemeal fashion but rather create an ad hoc committee to look at what is happening in the valley and look at the existing 201 boundary and come back to this joint board with recommendations.

Council President Pro Tem Palmer agreed noting that inclusions then affect surrounding land for development. He queried if that is how they want the area to be developed. Rather they should set the infrastructure for a certain area in order to encourage development, try to work with the Strategic Plan and use infill policies to prevent sprawl.



Commissioner Rowland countered that they are creating sprawl when only allowing five acres parcels. The community has a large demand and by continuing to keep the boundaries where they are will result in increasing the cost of housing. She agreed with Commission Chair Bishop regarding an ad hoc committee that can look at the long term need and the need to continue to look at expanding the boundary.

Councilmember Spehar agreed that they should not be making parcel specific decisions. Additionally there are reasons to say no; as stated in the staff report there are existing development opportunities they have not developed yet. These kinds of developments will put the Paradise Hills interceptor at capacity.

Commission Chair Bishop noted there are lots of property owners wanting a decision so the joint boards should put some time limits on recommendations. He agreed that not expanding the boundary will make the cost of housing higher within the boundary.

Councilmember Coons agreed, noting they do not want to encourage installation of septs. She encouraged the committee be created as soon as possible.

Councilmember Doody inquired how annexation will occur if the property is included in the 201. City Attorney Shaver advised that anything in the 201 will be developed within the City, so annexation will be the natural consequence. Service delivery then follows.

Council President Hill said he doesn't mind looking at properties on a case by case basis but future land use does concern him. Since, sewer extension then results in a need to maximize the use, he would not be in favor of inclusion.

Councilmember Spehar moved to deny the Fox Amendment Request, Parcel #2701-233-00-562 located at 901 26 ½ Rd. Council President Pro Tem Palmer seconded. Motion carried.

Commission Chair Bishop advised that Commissioner Meis is out of town due to accident involving a family member.

Commission Rowland moved to deny the request to include into the Persigo boundary, the Fox Amendment Request, Parcel #2701-233-00-562, located at 901 26 ½ Rd. Commission Chair Bishop seconded. Motion carried with one Commissioner (Meis) absent.

Commission Chair Bishop suggested one representative from each board, the attorneys and the appropriate staff serve on the ad hoc committee. Councilmember Spehar volunteered to be the City Council representative.

#### INCLUSION REQUEST: 24 Rd. to 24 ½ Rd., north of I-70

Merkel Amendment Request  
Parcel #2701-332-00-133 & #2701-332-00-023

This property is located east of 24 Road and north of Interstate 70 in the northwest quadrant of I-70 and 24 ½ Road and is designated Estate on the City's Growth Plan and County's Land Use Plan. This designation establishes a residential density of two

to five acres per dwelling unit. The North Central Valley Plan map shows this property located within an area identified as Estate, 2 – 5. County zoning is AFT, Agriculture, Forestry, and Transitional. Staff's recommendation is that this request is also premature and should be denied.

Utilities Manager Greg Trainor described the location and the request. He advised that a request last year in the same vicinity was denied.

The applicant's rationale for the request is that they have property right next to it that is already in the 201. The cost for sewer extension is estimated at \$108,000.

Larry Beckner, an attorney representing the Merkel family, the owners, suggested that perhaps this parcel will be discussed in the ad hoc committee. However, he said this property is different from the Fox request. This property has been the subject of many requests since there is pressure to develop there. There is already a significant amount of commercial development in that area and the subject property adjoins a commercial zone. There is no need for transition from the adjacent commercial zone. The owner has nothing in mind for development but the property needs to be something besides residential, 2 to 5 acres. It is close to the interstate and needs to be given some planning opportunities, as opposed to being restricted, perhaps mixed use. Canyon View Park has an eight inch sewer main which ends in the middle of a soccer field. Proper sewer flow would go to the south for the subject property. He said he understands the argument of premature requests and the need for a study but there is development pressure now. He asked how long the study will take, noting he would like to see it in short order.

Commission Chair Bishop agreed that they should put a time frame on the ad hoc committee. The two Planning Commissions and the governing boards know about the development pressure; they see it every day.

Mr. Beckner noted that this property is south of the canal so it may be outside the study area.

Councilmember Spehar said he appreciates the desire on the time frame but recalled that the North Valley Plan was one of the most contentious plan developments, so whatever the process, it needs to involve those in that area to avoid controversy and antagonism.

Council President Hill asked for public comments.

Sam Suplizio, a realtor with Bray, noted that the flip side to restrictions on development is the driving up of prices and with commercial property, the stakes are even higher. With the oil and gas industry, there is an inadequate supply for these industries which in turn affects jobs. The real estate market is really suffering in some areas; the affordable housing market is starting to suffer.

Doug Baute, Bookcliff Ranches, agreed with the joint board on the need for a study. He would like to see sewer in the area but is concerned about the zoning. He agreed the community needs high paying jobs but was concerned on how inclusion would affect his property.

Jenny Thrailkill, owner of the adjacent property (766 24 Road), inquired how it will affect her property and the surrounding properties.

Councilmember Spehar noted the advantage in looking at the broader area.

Dale Beede, a real estate broker, felt the governing bodies needed to understand where the market is right now for commercial properties. The property at G and 23 Road was sold out in a couple of months, the properties around the airport have sold, two parcels in Railhead have been purchased as well as the last piece on the Blue Heron Trail, in western Grand Junction. With all this demand, commercial needs to go somewhere; the market doesn't have one year or two years to wait. Mr. Beede said he was on the Growth Plan Steering Committee and the plan put forward worked at that time, but it needs to grow with the community.

There were no further comments.

Council President Hill closed the public hearing at 12:51 p.m.

Councilmember Beckstein agreed that they need to review the Growth Plan and that there are needs now in the community for commercial development. She would not like to see companies have to put their plans on hold.

Councilmember Coons noted that the land owners and others that commented indicated the City and the County need to take an immediate but a broader look. She felt that granting a request today probably wouldn't address the need for additional industrial property but that they need to look at the whole area immediately.

Commissioner Rowland agreed with the urgency and suggested such studies take place in three to six months.

Commission Chair Bishop noted that Mesa County is in the process of updating their Master Plan. He was concerned that moving forward without a study of the area will cause problems.

Councilmember Doody agreed with the time frame suggested by Commissioner Rowland and agreed with Councilmember Spehar that the affected property owners should be involved in the discussions.

Council President Hill stated he probably could support the change now, but he is open to getting feedback from citizens as they may have additional perspectives. He supported east-west corridor (I-70) utilization and favored a speedy review.

Councilmember Spehar moved to deny the request for inclusion into the 201 boundary of the Merkel property, Parcels #2701-332-00-133 & #2701-332-00-023. Councilmember Coons seconded. Motion carried with Councilmembers Beckstein and Palmer voting NO.

Commissioner Rowland moved, in order to maintain consistency, to deny the request for inclusion of Parcels #2701-332-00-133 & #2701-332-00-023, owned by William

Merkel. Commission Chair Bishop seconded. Motion carried with one Commissioner (Meis) absent.

INCLUSION REQUEST: Vicinity of 789 23 Rd.

Alex Mirrow Amendment Request  
Parcel # 2701-311-00-518

This property is located at the southwest quadrant of H Road and 23 Road directly north of the 23 Road Park Plaza subdivision and is designated Estate on the City's Growth Plan and County's Land Use Plan. This designation establishes a residential density of two to five acres per dwelling unit. The North Central Valley Plan map shows this property located within an area identified as Estate, 2 – 5. County zoning is AFT, Agriculture, Forestry, and Transitional. At the joint Persigo meeting in 2000, this property requested to be included in the 201 boundary and was denied. Staff does not support this amendment considering it premature. Staff recommends this item be continued for public input on a more comprehensive amendment to the 201 boundary.

Utilities Manager Trainor reviewed the request and described the location and what it would take to get sewer to the property. There are several options to get sewer to the property. The preferred route would be to extend the service to the west and allow for gravity flow. The future land use designation is 2 to 5 acres per dwelling units.

Utilities Manager Trainor explained the reason that is the preferred route is there are residential properties that are on septic to the west which then they could get sewer if needed at a later time; this installation would allow sewer availability to the entire basin, for both existing and new development. Councilmember Coons inquired if existing homes would then be required to hook up to sewer. Utilities Manager Trainor replied that they would have to be included in the 201 boundary first.

Doug Baute, Bookcliff Ranches, said no one has asked to be hooked up but they do have concerns about existing systems. Currently there are 7 to 8 septic systems which are having problems out of the thirty existing homes. He expressed concerns about the zoning adjacent to his development.

Alex Mirrow, the applicant, said he has a contract to purchase the property and to subsequently develop it. He introduced Doug Gilliland, a partner in Triwest Investments, which has done development all over the world.

Mr. Gilliland said he has an interest in the area and is excited about the growth. He noted that Grand Junction is a regional market and is in a cycle of growth. The City can take advantage of that cycle which will avoid sprawl by getting ahead of the growth. He said in his experience, growth comes in layers; first it starts with jobs and he sees a lack of supply. Mr. Gilliland stated clearly decisions need to be made and he agrees with a study being done in a short period of time. He has already purchased a shopping center in Clifton. The applicant's property was already zoned in the early 80's; zoned industrial and has sewer to the south side of the property. The same zoning is on the property to the north but that piece is not in the 201 boundary. Sewer extension does not force the residents to hook onto sewer.

Alex Mirrow, the applicant, advised there will be no growth without sewer and if cities don't grow, they stagnate. Boom and bust cycles are a real issue and Grand Junction is currently losing high paying jobs to areas like Rifle and further east because the companies cannot find land in Grand Junction to locate to anymore. Mr. Beede stated there is no industrial land available, yet the gas industry wants to locate here. He referred to a newspaper article and the Listening to Business Report recently procured by the City. In reality, he could develop the property with septic systems but the location of the sewer plant and its proximity to the property in discussion seems to make expansion logical. Mr. Mirrow then deferred to Dan Wilson, the attorney representing Karen Marquette, the property owner.

Mr. Wilson advised that the zoning has already been in place since 1983, right before the bust, and a portion has already been platted. Stub roads indicate the plan for a second phase. The North Valley Plan and the Growth Plan overlooked the fact that the property was rezoned. The zoning map is in error and it doesn't make sense not to have sewer. The ad hoc study makes sense but questioned when the committee is done who will it report back to - does it have to come back to these two bodies? If so, could these two bodies reconvene within a sooner time frame rather than waiting another year when they would regularly meet.

Commission Chair Bishop questioned why this error was not discovered before.

Diane Atchison, 2272 G  $\frac{3}{4}$  Road, lives right next door to the property and does not want to be forced to connect to the sewer; her septic works properly. She had concerns over vandalism with the development so close.

There were no other public comments.

Council President Hill closed the hearing at 1:30 p.m.

Councilmember Spehar asked that Mesa County staff address the zoning error issue.

Linda Dannenberger, Mesa County Development Planner, said their researchers looked at the subject property and showed it was zoned Planned Industrial at the same time the southern piece was zoned. She believes there is a Zoning Map error, and there is a public process to amend the map.

Commission Chair Bishop felt there is a greater potential for this parcel but still felt a decision today would be premature. Again, he felt that the ad hoc study committee should be convened and be given a time frame to report back. He did not think the land value will change in six months, and the demand will still be there. He felt that this request, along with the others, should be denied until the study is complete.

Councilmember Spehar agreed, noting it would take a public process anyway to change the map.

Doug Baute encouraged the governing bodies to involve the residents and the property owners and do it in a timely fashion.

Council President Pro Tem Palmer noted that everyone seems supportive of the ad hoc committee approach but the study won't change the reality of this piece; this property is the exception and he supports including this one in the 201 boundary.

Councilmember Beckstein agreed as she felt the entire parcel should be all in or all out.

Council President Hill said he could approve of it if the Growth Plan showed it as Industrial, instead of Estate.

Councilmember Spehar moved to deny the Mirrow request, Parcel #2701-311-00-518, in the vicinity of 789 23 Rd. Councilmember Doody seconded. The motion carried with Councilmembers Beckstein and Palmer voting NO.

Commissioner Rowland moved to deny the inclusion request for Parcel #2701-311-00-518, by Alex Mirrow, for inclusion, to remain consistent and requested a quick study of the area. Commission Chair Bishop seconded. Motion carried with one Commissioner (Meis) absent.

#### INCLUSION REQUEST: East side of 22 Rd., north of I-70

WT Hall Property Amendment Request  
Parcel #2701-312-00-520

This property is located north and northeast of the interchange at Interstate 70 and Highway 6&50 and is designated Estate on the City's Growth Plan and County's Land Use Plan. This designation establishes a residential density of two to five acres per dwelling unit. The North Central Valley Plan map shows the portion of the property southeast of Persigo Wash located within an area identified as Estate, 2 – 5. Property northwest of Persigo Wash is outside the North Central Valley Plan area. County zoning is mostly AFT, Agriculture, Forestry, and Transitional with the area northwest of Persigo Wash zoned PI, Planned Industrial. Staff does not support this amendment, considering it premature.

Utilities Manager Trainor reviewed the request, the location and how the sewer could be extended to this property. Other property owners in this area have contacted Utilities Manager Trainor to ask for inclusion. Two parcels belong to the applicant Mr. Hall.

Tom Volkmann, attorney representing the applicant, advised that the applicant has two parcels under contract; one parcel is in the 201 boundary and not zoned the same. A sewer stub is in place across Highway 6&50. The northern boundary of the subject project is the canal, so it does not bring any other properties into play by extending the sewer; it is simply a line adjustment. This is the one property that could be outside the scope of the study. The applicant is amenable to the concept of the approval of extension conditional on getting the other parcel rezoned but would like to get this taken care of, conditional on future land use approvals.

City Attorney John Shaver advised that this conditional approval was discussed at the staff level and it was agreed that the inclusion could be made conditional.

City Manager Arnold advised that this body can meet more often; it must have at least an annual meeting. Commission Chair Bishop agreed that this body does have the ability to call additional meetings.

There were no public comments.

Council President Hill closed the hearing at 1:52 p.m.

Councilmember Spehar said he could support this inclusion conditionally, with the canal being the north boundary. Councilmembers Palmer and Beckstein agreed.

County Attorney Lyle Dechant inquired if the development review would be in the City or Mesa County; he didn't understand the conditional aspect.

City Attorney Shaver advised that the inclusion would allow the development review process to go through the City. Council President Hill was concerned that inclusion would be a conflict when the Growth Plan doesn't match the zoning.

City Attorney Shaver advised that the applicant would have to proceed at his own risk; everything is contingent.

Councilmember Coons said she could support the inclusion with that condition.

Commissioner Rowland asked for clarification why this parcel is different from the other requests. Councilmember Spehar explained that this is part of the same property already in the 201.

Councilmember Doody expressed that he would rather look at the whole big picture and make a well-informed decision, after the study.

Commission Chair Bishop said he would support the inclusion of this property but would rather be consistent and include it in the study. Commissioner Rowland agreed.

Councilmember Spehar moved to deny the Hall request, Parcel #2701-312-00-520, on the East side of 22 Rd., north of I-70, to stay consistent. Councilmember Doody seconded. Motion carried with Councilmembers Beckstein and Palmer voting NO.

Commissioner Rowland moved to deny the inclusion request from W.T. Hall, for Parcel #2701-312-00-520, on the east side of 22 Rd., north of I-70. Commission Chair Bishop seconded. Motion carried with one Commissioner (Meis) absent.

Council President Hill called a break at 2:02 p.m. The meeting reconvened at 2:17 pm

EXCLUSION REQUEST: Vicinity West side of Rosevale Rd., northwest of Little Park Rd.

Ken Scissors Amendment Request  
Parcel #2945-223-00-227

This property is located west of Rosevale Road and northwest of Little Park Road and is designated Estate on the City's Growth Plan and County's Land Use Plan. This designation establishes a residential density of two to five acres per dwelling unit. County zoning is RSF-4, Single Family Residential, 4 units per acre.

Utilities Manager Trainor reviewed the request, the location and the reason for the request for exclusion. Mr. Trainor said that another alternative is being considered, that the property remain in the 201 boundary but have them sign a Power of Attorney for inclusion into a sewer improvement district which would involve 84 lots, as part of the Septic System Elimination Program (SSEP). This will allow the development to develop with septic systems but it will not exclude it from the 201 Boundary.

Dr. Ken Scissors, the owner, stated that he and his wife Colleen own the property and they want to develop it. Since the property is in the 201 Boundary, a sewer extension of one-half mile, at a cost of several hundred thousand dollars, would be required. The other alternative is to develop on septic systems but put in the infrastructure of sewer lines, and agree to hook up later. Percolation tests show septic will be ok in the meantime. The plan is for a nice development, developed by working with Ed Chamberlain, which will blend in with environment.

City Manager Arnold inquired how the Power of Attorney would work. City Attorney Shaver advised a POA would be signed for the entire parcel and would run with the land even after development. Councilmember Spehar inquired if dry lines will be installed.

Utilities Manager Trainor said yes and when individual failed septic occur, they will have to connect to the sewer plant. Dr. Scissors added the hookups will be engineered so it will install easily.

Connie Schmaltz, 324 Rosevale Road, lives in that neighborhood and does not want to be removed from the 201 boundary as eventually her property will need to have sewer.

Carl Miller, owner of a neighboring property, inquired if under the SSEP, a property owner can still use the septic if it is functioning.

Utilities Manager Trainor responded that if the district is created, the property owner has to pay the prorated cost of construction. They can continue to use their septic system and won't be required to pay the tap fee or the cost of running a service line until they need to hook into the sewer system due to failing septic.

Council President Hill closed the public hearing 2:31 p.m.

Planning Manager Kathy Portner advised that the request for waiver needs to be approved by both entities, and then goes through another City step for final approval.

County Attorney Dechant inquired who owns the dry sewer line and who repairs it. Utilities Manager Trainor advised that once inspected and accepted, the City takes over responsibility.

Councilmember Spehar moved in the matter of the Scissors request, Parcel #2945-223-00-227, in the vicinity west side of Rosevale Rd., northwest of Little Park Rd., to



grant a waiver of the requirement that the development hook onto sewer immediately, with the dry lines installed and that a Power of Attorney be executed. Councilmember Doody seconded. Motion carried.

Commissioner Rowland moved that with the Scissors amendment, Parcel #2945-223-00-227, vicinity west side of Rosevale Rd., northwest of Little Park Rd., they waive the requirement to immediately hook up to sewer, that sewer be used when available and a POA be required. Commission Chair Bishop seconded. Motion carried, with one Commissioner (Meis) absent.

### Other Requests

Utilities Manager Trainor advised that he received some late requests for inclusion; requests from the Job Site, John Usher, First Assembly of God, and the Junction West RV Park have been received.

Council President Hill recommended they pick a date for another meeting to review the results of the study and to look at these other areas at that time.

Commission Chair Bishop noted that all of these late requests should be included as part of the study.

Workload and possible time frames were discussed, with six months or less being the goal.

Commission Chair Bishop moved to form an ad hoc committee with representatives of the two bodies of elected officials including one County Commissioner, two members of City Council, legal staff, planning staff, the City Manager and County Administrator, in six months or less, return a report, incorporating and involving the property owners of the areas being looked at, for possible inclusion into the 201 boundary. Councilmember Thomason seconded. The vote was unanimous with both bodies. Motion carried by the Joint Persigo Board.

County Administrator Jon Peacock volunteered to set up the first meeting. Commission Chair Bishop asked Commissioner Rowland to represent the County at these meetings and she agreed.

Council President Hill suggested the two bodies come back together in February, 2006.

Council President Hill adjourned the meeting at 2:48 p.m.

Stephanie Tuin, MMC  
City Clerk

**GRAND JUNCTION CITY COUNCIL**

## **WORKSHOP SUMMARY**

### **October 17, 2005**

The City Council of the City of Grand Junction, Colorado met on Monday, October 17, 2005 at 7:00 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Gregg Palmer, Doug Thomason and President of the Council Bruce Hill. Councilmember Jim Spehar entered at 7:06 p.m.

#### **Summaries and action on the following topics:**

1. **APPOINTMENTS TO BOARDS & COMMISSIONS:** City Clerk Stephanie Tuin reviewed the status of soliciting applications for the Housing Authority, the Commission on Arts and Culture, the Planning Commission/Zoning Board of Appeals, the Historic Preservation Board and the Visitor and Convention Bureau Board of Directors. She also presented the various issues and projects each board is involved with.

**Action summary:** City Clerk Stephanie Tuin was advised to send letters to all GJ101 graduates for soliciting applications. She will provide Commission on Arts and Culture applications to Council on Wednesday, October 19, 2005, prior to the Council meeting and will email possible dates for interviews.

2. **PRESENTATION OF THE DOWNTOWN DEVELOPMENT AUTHORITY BUDGET:** Ron Lappi, Administrative Services and Finance Director, introduced Harold Stalf, DDA Director, and indicated there were several DDA board members in attendance. Mr. Stalf noted that the TIF can only be used for capital expenditures and is therefore restrictive and said the other piece is the operating budget. The TIF is bonded out for three years and will be used for the parking structure and the 7<sup>th</sup> Street improvements. He said the real estate acquisition and housing projects are to enhance the quality of downtown.

Councilmember Coons asked about the decrease in rental income. Mr. Stalf said the properties acquired for the parking garage will be demolished for the garage so there will be no rental income. Councilmember Coons inquired about the decrease in utility expense. Mr. Stalf indicated the decrease was for the same reason, those buildings will be demolished.

Council President Hill applauded Mr. Stalf and the board for a balanced budget. He felt it would be good for Council to be re-educated on the TIF and future projections. Mr. Stalf said they are required to bond TIF funds and they are in the middle of the three year cycle. He said they anticipate paying off the bonds next year and issuing the next cycle of bonds but they may need a bridge loan between the bond issues for projects. Mr. Stalf said they have a positive group that looks at downtown with a lot of enthusiasm.

**Action summary:** Council accepted the proposed budget.

3. **COMMUNICATIONS UPDATE:** Communications and Community Relations Coordinator Sam Ranguet addressed City Council on communication matters. She reviewed what has taken place over the last year, what she is currently working on, and what is coming up in the future. Ms. Ranguet described her position as the Communications and Community Relations Coordinator. She described part of her position as communications which involves the responsibility of dealing with the media, written publications, and web based publications; anything that will communicate the City's story to the citizens. She said the second part of her position is being the Community Relations Coordinator which is to foster goodwill in the community and develop relationships between the City and the citizens. Ms. Ranguet said, besides her regular daily duties, she plans weekly events with some unanticipated "drop everything" events. She described several web pages that she created and said that she works closely with several other departments to communicate with the public. She said there are other projects she is currently working on that are coming up which are the City Calendar, which will have a historic theme again this year, a project with a Mass Communications class at Mesa State, the Employee Awards Banquet video, and the City's 125<sup>th</sup> anniversary celebration in 2007, along with a number of other things.

**Action summary:** Councilmember Palmer gave kudos to Ms. Ranguet and said she is doing a fabulous job. Councilmember Coons said this is the best web site she has seen. Ms. Ranguet said that is the Webmaster's doing, who does a really good job. Council President Hill said the monthly PIO reports are a good tool to use and said that he understands the fixit form is off to a good start. Ms. Ranguet said yes, that has been very successful.

Council President Hill called a recess at 8:12 p.m.

The meeting was back in session at 8:25 p.m.

4. **POLICE DEPARTMENT UPDATE:** Chief Morrison and Command Staff updated City Council on the employee work group process. Chief Morrison said he received a request from Council for an update a couple of weeks ago. He and the Command Staff are present to give that update. He reviewed recent history and some of the issues the Police Department has faced including the receipt of a letter alleging 40 instances of misconduct. Those allegations were investigated by a retired FBI agent the City hired. Conclusions were drawn and then a new Strategic Plan goal was developed to change the culture and to change to community policing. Chief Morrison noted it is hard to effect change, particularly in the culture as well as implementing new and modern policing strategies. The neighborhood officer program has pleased the neighborhoods and increased customer service. Since his employ, he has rewritten the Police Department manual, which received accolades from the Association of Chiefs of Police, and is now used as a model. Also in the last four years, crime is down.

In order to create an environment where employees could feel safe expressing their opinions, starting in April 2005, eight employee work teams were created with a member of the Command Staff as the facilitator.

Each facilitator described the subject matter of his or her focus group, relayed some of the comments made by the participants and listed and described the work group recommendations. One group focusing on Organizational Trust had more work to do and was waiting to see the results of the other groups before going forward.

Council President Hill called a recess at 9:59 p.m.

The meeting reconvened at 10:10 p.m.

Presentations by the facilitators continued.

Police Chief Morrison concluded the discussion by saying the Police Department has an incredibly talented Command Staff and he thanked all employees who participated in the employee work group process. He then announced that he will be retiring and will be resigning as opportunities have come forward for him to do some international consulting. He thanked employees, colleagues and the City Council.

**Action summary:** The City Council thanked Chief Morrison for his service and acknowledged the difficulty to air the Police Department issues in public. They wished the Chief all the best in his new endeavor. The City Council also acknowledged all the employees that participated in the work group process and thanked them for all their hard work.

## **ADJOURN**

The meeting adjourned at 11:22 p.m.

**GRAND JUNCTION CITY COUNCIL  
MINUTES OF THE REGULAR MEETING**

**OCTOBER 19, 2005**

The City Council of the City of Grand Junction convened into regular session on the 19<sup>th</sup> day of October 2005, at 7:05 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Gregg Palmer, Jim Spehar, Doug Thomason and President of the Council Bruce Hill. Also present were City Manager Kelly Arnold, City Attorney John Shaver and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Councilmember Beckstein led in the pledge of allegiance. The audience remained standing for the invocation by Scott Hogue, First Baptist Church.

**PRESENTATION OF CERTIFICATE OF APPOINTMENT**

TO THE URBAN TRAILS COMMITTEE

Dr. Ken Lane was present to receive his certificate.

**PROCLAMATIONS / RECOGNITIONS**

PROCLAIMING NOVEMBER 20 – 26, 2005 AS “FAMILY WEEK” IN THE CITY OF GRAND JUNCTION

RECOGNITION OF NEIGHBORHOOD ASSOCIATION – GRAND VIEW NEIGHBORHOOD

Assistant to the City Manager Sheryl Trent introduced the Grand View neighborhood representatives Shirley McCabe and Mark and Milly Gardner. She then described the neighborhood and the location. The neighborhood organization had a picnic and barbeque to meet and greet their neighbors. This has qualified them to be recognized by the City’s Neighborhood Program and qualifies them for the matching grants monies available. The representatives thanked the City Council for their support. Councilmember Beckstein read their certificate of recognition and presented it to them.

**CITIZEN COMMENTS**

Council President Hill recognized that the State Treasurer Mark Hillman was visiting. Mr. Hillman addressed the Council and complimented the Council on Grand Junction’s vibrancy.

**CONSENT CALENDAR**

It was moved by Councilmember Coons, seconded by Councilmember Doody and carried by roll call vote to approve Consent Calendar Items #1 through #12.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the September 19, 2005 Additional Workshop, the Summary of the October 3, 2005 Workshop and the Minutes of the October 5, 2005 Regular Meeting*

2. **Setting a Hearing on Amendments to the Municipal Code Regarding Unclaimed and Contraband Property**

Chapter 20, Section 29 of the Grand Junction Code of Ordinances governs whether and how the police department may retain, hold or dispose of objects and articles of property that come into its custody. Subsection (3) deals with potentially harmful or contraband items. This provision is outdated, referring to items which are no longer considered contraband, dangerous or illegal, and failing to make reference to more modern contraband. The proposed amendment updates the Code.

Proposed Ordinance Amending Part of Chapter 20 of the City of Grand Junction Code of Ordinances Relating to Conversion and Disposal of Property by the Police Department

*Action: Introduction of a Proposed Ordinance and Set a Hearing for November 2, 2005*

3. **Setting a Hearing on Revising and Refining the Zoning and Development Code**

The Zoning and Development Code ("Code") was updated in January 2002 and has been amended by various ordinances since that time. With the passing of each ordinance the Code was codified. It was determined that not all printings of the Code after codification were the same. Three (3) different versions of the Code were found to be printed and in circulation for use. Each purported to have the most recent updates. This ordinance is to revise the Code to conform to the ordinances that have passed since January 2002 with some changes for clarification.

Proposed Ordinance Revising the Zoning and Development Code for the City of Grand Junction to be Published in Pamphlet Form

*Action: Introduction of a Proposed Ordinance and Set a Hearing for November 2, 2005*

4. **Purchase of Windows for Replacement at Orchard Mesa Community Center Pool**

Labor, materials and equipment necessary to remove existing windows and install new windows at the Orchard Mesa Community Center Pool. The first phase of the project is to replace 27 windows in 2005 and the second phase is to replace an additional 25 to 30 windows as required in 2006.

*Action: Authorize the City Manager to Execute a Contract with G.R.O., Inc. Construction in Denver for the New Windows at the Orchard Mesa Community Center Pool in the Amount of \$58,550.00*

5. **Purchase of Software Interface for the Police Department**

Request is being made by the Police Department to purchase updated VisionTek software and programming for the Field Based Reporting System (FBR). VisionTek is the original equipment manufacturer and there are no regional distributors. VisionTek has been the vendor for the Mobile Data Computers (MDC) and field computing applications for the last six years. This software is an upgrade and enhancement of existing products and programs in place since 1991.

*Action: Authorize the Purchasing Division to Purchase VisionTek Software and Programming for the Police Department in the Amount of \$77,600*

6. **Purchase of Tasers for the Police Department**

Request is being made by the Police Department to purchase an additional 42 X26 Tasers. The X26 Taser is a less lethal weapon utilized by law enforcement agencies world wide. It is only available through one Colorado authorized dealer, Davidson's Law Enforcement. This purchase of tasers will complete a program started with a Local Law Enforcement Block Grant in 2003 when the Department purchased 26 tasers for Patrol Operations.

*Action: Authorize the Purchasing Division to Purchase 42 each X26 Tasers with Cartridge Holders for the Police Department in the Amount of \$37,128*

7. **Purchase of Events Management Software System for Two Rivers Convention Center**

Request is being made by Two Rivers Convention Center to purchase an Events Management software program for the Convention Center and Avalon Theatre from Ungerboeck Systems International. The software will schedule facilities, book events, create room layouts and allow users to view the calendar from multiple ports.

*Action: Authorize the Purchasing Division to Purchase the Ungerboeck Software Program for Two Rivers Convention Center in the Amount of \$56,996*

8. **Construction Contract for the Hallenbeck Reservoir #1 & #2 Outlet Rehabilitations**

The project will utilize "trenchless technology" to install cured-in-place-pipe (CIPP) to rehabilitate 228 feet of 18 inch corrugated metal pipe (Hallenbeck Reservoir #1) and 102 feet of 14 inch steel pipe (Hallenbeck Reservoir #2).

*Action: Authorize the City Manager to Sign a Construction Contract for the Hallenbeck Reservoir #1 and #2 Outlet Works Rehabilitation Project with Western Slope Utilities, Inc. in the Amount of \$72,656*

9. **Setting a Hearing on Zoning the Emmanuel Baptist Church Annexation, Located at 395 31 5/8 Road** [File #ANX-2005-215]

Introduction of a proposed zoning ordinance to zone the Emmanuel Baptist Church Annexation RSF-4, located at 395 31 5/8 Road.

Proposed Ordinance Zoning the Emmanuel Baptist Church Annexation to RSF-4, Located at 395 31 5/8 Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for November 2, 2005*

10. **Vacation of a Utility Easement Located at 3060 D Road in the River Run Subdivision** [File #PP-2005-073]

The proposed River Run Subdivision contains 22 single family lots on 5.19 acres. This request is to vacate the existing 20 foot utility easement located along the westerly boundary of the parcel as it exists and replace it with a 10 foot multi-purpose easement, except along the westerly boundary of the proposed Lot 9, which will be replaced with a 15 foot multi-purpose easement.

Resolution No. 162-05 – A Resolution Vacating a Utility Easement on Lot 1, of the Junction East Subdivision, Located at 3060 D Road, in Order to Accommodate the Proposed River Run Subdivision

*Action: Adopt Resolution No. 162-05*

11. **Horizon Drive Business Improvement District Operating Plan and Budget**

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30 each year. The City Council is then required to approve the plan and budget within thirty days and no later than December 5. Horizon Drive Association Business Improvement District filed their 2006 Operating Plan and Budget. It has been reviewed by Staff and found to be reasonable.

*Action: Approve Horizon Drive Association Business Improvement District's 2006 Operating Plan and Budget*

12. **2006 Auto Theft Prevention Program Grant Application**

In 2003, the General Assembly created the Automobile Theft Prevention Authority consisting of representatives of law enforcement, the insurance industry, prosecutors, business leaders, elected officials and others who have an interest in reducing motor vehicle thefts in Colorado. The Prevention Authority was given the



power to make grants available for the purpose of reducing motor vehicle thefts. Grant resources come from a trust fund established by the legislature. Voluntary contributions constitute the resources of that fund. No tax dollars are involved in the grants program. Applications are now being accepted from agencies in order to combat auto thefts through a variety of programs: Public Awareness/Education, Enforcement, Training, Prosecutorial Support, First-Time Offenders and Emergency Assistance.

*Action: Authorize the Police Department to Apply for Funds Provided Through the 2006 Colorado Automobile Theft Prevention Authority Grant Process*

## **ITEMS NEEDING INDIVIDUAL CONSIDERATION**

### **Sublet of Space Leased by KRMJ**

KVNF-FM of Paonia would like to relocate their FM translator to the antenna and building on the Grand Mesa currently being used by KRMJ. This relocation is being requested in order to improve their coverage of the Grand Valley. City Council authorization is required under the lease that KRMJ has with the City of Grand Junction as their equipment is located on City property.

David Varley, Assistant City Manager, reviewed this item and gave Councilmembers some of the background of the lease with KRMJ.

Council President Hill noted the time element as the installation needs to take place prior to snow fall on the Mesa.

Councilmember Thomason moved to allow Rocky Mountain PBS to sub-let space in the KRMJ transmitter building and tower on the Grand Mesa to KVNF-FM of Paonia, Colorado. Councilmember Beckstein seconded the motion. Motion carried.

### **Public Hearing – Amending the Smoking Ordinance**

Ordinance No. 3540 regulating smoking in public places was adopted on July 2, 2003 and went into effect on January 1, 2004. Since that date, questions have arisen regarding the terms and the intent of the ordinance. Amending the smoking ordinance as the ordinance was codified is proposed to clarify its intent, its meaning, and its enforcement.

The public hearing was opened at 7:23 p.m.

John Shaver, City Attorney, reviewed this item. He referred to the strike out version provided to the City Council. He reviewed the primary changes that will allow interpretation of the ordinance to become clearer prior to the effective date of January, 2006. One of the difficult sections was the definition of an attached bar. Other areas addressed were the physically enclosed definitions and the outdoor areas with a roof or

canopy. That definition is clarified. Lastly, the definitions for bowling alleys were unclear and those specific areas have now been defined. Other changes may be needed later, particularly as challenges and questions arise relative to exceptions.

Councilmember Coons asked about those establishments he has worked with and what problems have arisen. Mr. Shaver said most establishments have gone smoke-free and said the Code Enforcement Division has also worked with a variety of establishments.

Council President Hill thanked Mr. Shaver for bringing this forward and making these clarifications.

Council President Pro Tem Palmer said this ordinance is timely with the upcoming implementation.

The public hearing was closed at 7:30 p.m.

Councilmember Coons said there has been a real shift in the community's perception on smoking in public places and so many establishments have now gone smoke-free. She is pleased with the shift.

Ordinance No. 3829 – An Ordinance Amending Chapter 16, Article VI, Section 16-127, of the Code of Ordinances (Smoking)

Council President Pro Tem Palmer moved to adopt Ordinance No. 3829 on Second Reading and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

**Public Hearing – Ace Hardware Annexation and Zoning, Located at 2140 Broadway**  
[File # ANX-2005-177]

Acceptance of a petition to annex and consider the annexation and zoning for the Ace Hardware Annexation. The Ace Hardware Annexation is located at 2140 Broadway, is a 3 part serial annexation and consists of 1 parcel on 2.3 acres. The zoning being requested is B-1.

The public hearing was opened at 7:31 p.m.

Senta L. Costello, Associate Planner, reviewed this item. She described the site, the location, the current use of the parcel, and the surrounding uses as well as the request.

Council President Pro Tem Palmer inquired why the staff report said the original request was for C-1 zoning. Ms. Costello said that was the original request but after discussions, the applicant changed the request to B-1 and Planning Commission did agree.

There were no public comments.

The public hearing was closed at 7:37 p.m.

**a. Accepting Petition**

Resolution No. 163-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Ace Hardware Annexations #1, #2, and #3, Located at 2140 Broadway and Including a Portion of the Highway 340 Right-of-Way is Eligible for Annexation

**b. Annexation Ordinances**

Ordinance No. 3830 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ace Hardware Annexation #1, Approximately 0.03 Acres, Located Within the Highway 340 Right-of-Way

Ordinance No. 3831 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ace Hardware Annexation #2, Approximately 0.03 Acres, Located Within the Highway 340 Right-of-Way

Ordinance No. 3832 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ace Hardware Annexation #3, Approximately 2.24 Acres, Located at 2140 Broadway and Including a Portion of the Highway 340 Right-of-Way

**c. Zoning Ordinance**

Ordinance No. 3833 – An Ordinance Zoning the Ace Hardware Annexation to B-1, Located at 2140 Broadway

Council President Pro Tem Palmer moved to adopt Resolution No. 163-05 and Ordinances No. 3830, 3831, 3832, and 3833 on Second Reading and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

**Public Hearing – Abeyta-Weaver Annexation, Located at 3037 D ½ Road and 432 30 ¼ Road** [File # GPA-2005-188]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Abeyta-Weaver Annexation, located at 3037 D ½ Road and 432 30 ¼ Road. The 12.82 acre Abeyta-Weaver Annexation consists of 2 parcels.

The public hearing was opened at 7:38 p.m.

Senta L. Costello, Associate Planner, reviewed this item. She described the site, the location, the current use of the parcel, and the surrounding uses. The zoning request will come to Council at a later date.

There were no public comments.

The public hearing was closed at 7:39 p.m.

**a. Accepting Petition**

Resolution No. 164-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Abeyta-Weaver Annexations #1 and #2, Located at 3037 D ½ Road and 432 30 ¼ Road is Eligible for Annexation

**b. Annexation Ordinances**

Ordinance No. 3834 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Abeyta-Weaver Annexation #1, Approximately 0.07 Acres, Located at 3037 D ½ Road

Ordinance No. 3835 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Abeyta-Weaver Annexation #2, Approximately 12.75 Acres, Located at 3037 D ½ Road and 432 30 ¼ Road

Councilmember Beckstein moved to adopt Resolution No. 164-05 and Ordinances No. 3834 and 3835 on Second Reading and ordered them published. Council President Pro Tem Palmer seconded the motion. Motion carried by roll call vote.

**Disposal of City Owned Real Estate**

This action will permit the City to dispose of three pieces of excess City property as previously discussed at City Council workshops.

Mark Relph, Public Works and Utilities Director, reviewed this item. There are three properties for the Council to grant approval for disposal. The first parcel is near the airport. The City retained ownership and now Walker Field Airport will take ownership of the property. The second parcel is on Webster Road in Orchard Mesa; he said Council wanted to give that parcel to Habitat for Humanity, so they will take title. The third piece is in Monument Village, which was an overflow area for the lagoons and is no longer needed. The adjacent owner, Michael Queally, will purchase the property for \$1,500 with the condition that he combine it with the rest of his property.

Council President Pro Tem Palmer said this has been one of his goals to dispose of the City's surplus property and giving a lot to Habitat for Humanity is wonderful.

Council President Pro Tem Palmer moved to authorize the City Manager to execute three Special Warranty Deeds for the identified properties. Councilmember Thomason seconded the motion. Motion carried.

**Public Hearing – Assessments for Alley Improvement Districts 2005**

Improvements to the following alleys have been completed as petitioned by a majority of the property owners to be assessed:

- East/West Alley from 1<sup>st</sup> to 2<sup>nd</sup>, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 9<sup>th</sup> to 10<sup>th</sup>, between Rood Avenue and White Avenue
- East/West Alley from 9<sup>th</sup> to 10<sup>th</sup>, between Ouray Avenue and Chipeta Avenue

- East/West Alley from 11<sup>th</sup> to 12<sup>th</sup>, between Teller Avenue and Belford Avenue
- North/South Alley from 18<sup>th</sup> to 19<sup>th</sup>, between Ouray Avenue and Chipeta Avenue
- North/South Alley from 18<sup>th</sup> to 19<sup>th</sup>, between Chipeta Avenue and Gunnison Avenue
- North/South Alley from 23<sup>rd</sup> to 24<sup>th</sup>, between Ouray Avenue and Gunnison Avenue
- The South ½ off the North/South Alley, 6<sup>th</sup> Street to 7<sup>th</sup> Street, between Grand Avenue and Ouray Avenue (Alley Improvement District ST-05, Phase B)

The public hearing was opened at 7:45 p.m.

Councilmember Coons disclosed that she is a property owner in the Alley Improvement District and will be affected by this.

Mark Relph, Public Works and Utilities Director, reviewed this item. The work has been complete and this step is to approve the assessment to the properties. This is a popular program with a waiting list of up to three years. Petitions were signed in excess of 50% in favor to create the districts.

There were no public comments.

The public hearing was closed at 7:47 p.m.

Councilmember Coons was pleased with the work and the improvement.

Council President Pro Tem Palmer noted that the City does pay a portion of the cost of the improvements. Mr. Relph confirmed and advised that the City does not solicit neighborhoods for this program, citizens come to the City. When the improvements are made, the City also pays to upgrade the water and sewer lines and work with other utility companies for any upgrade they can make.

Ordinance No. 3836 – An Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement Districts No. ST-05 and ST-05 Phase B in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said Districts; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said Districts; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Councilmember Thomason moved adopt Ordinance No. 3836 on Second Reading and ordered it published. Councilmember Doody seconded the motion. Motion carried by roll call vote.

**Public Hearing – Intent to Create 26 Road and F ½ Road Sanitary Sewer Improvement District No. SS-47-05 and Award Construction Contract**

A majority of the owners of real estate located in the area of 26 Road and F 1/2 Road have submitted a petition requesting an improvement district be created to provide

sanitary sewer service to their respective properties. This is the final step in the formal process required to create the proposed Improvement District. Bids were received for the construction contract on August 2, 2005. M.A. Concrete Construction submitted the low bid.

The public hearing was opened at 7:52 p.m.

Mark Relph, Public Works and Utilities Director, reviewed this item. He noted this is part of the Septic System Elimination Program (SSEP). The intent is to create this district and he said bids have been received. He said staff is recommending the contract to be awarded to M.A. Concrete Construction. Mr. Relph said there are multiple steps in the process and this step is to create the district.

Councilmember Thomason questioned the amount to be awarded when two amounts appeared in the report. Mr. Relph was not sure and asked the motion be in an amount not to exceed \$108,200 (the higher amount).

The public hearing was closed at 7:56 p.m.

Resolution No. 165-05 – A Resolution Creating and Establishing Sanitary Sewer Improvement District No. SS-47-05, within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Installation of Sanitary Sewer Facilities and Adopting Details, Plans and Specifications for the Same

Council President Pro Tem Palmer moved to adopt Resolution No. 165-05 and authorize the City Manager to enter into a construction contract with M.A. Concrete Construction in an amount not to exceed \$108,200. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

### **Downtown Parking Structure Preconstruction and Management Services Contract**

A request for qualifications process was used to select Shaw Construction of Grand Junction as the Construction Manager/General Contractor for the Downtown Parking Structure. Three proposals were submitted and all three firms were interviewed. Shaw Construction was selected over Kiewit Construction Company of Englewood and Roche Constructors, Inc. of Greeley. This Contract is only for Pre-Construction and Management Services. A second contract will be developed and presented once design is complete and a guaranteed maximum price is established.

Mark Relph, Public Works and Utilities Director, reviewed this item. He advised this is the same process for design-build. The reviewing team recommends the award go to Shaw Construction. After preconstruction, a guaranteed maximum price would be prepared for the construction bid. Therefore, another contract will be coming to Council later.

Councilmember Doody asked if there is a general idea of what the garage will look like. Mr. Relph said there are some concepts on the design and function that were used for this bid. The façade is to look like a store front. The contractor is being asked to evaluate different types of structures such as steel, pre-cast, pour on site, etc.

Councilmember Doody asked how many spaces will be in the garage. Mr. Relph responded 324, approximately.

Councilmember Coons asked if the rest of the budget information is based on the entire project. Mr. Relph affirmed that. The guaranteed minimum price concept allows the City to realize additional cost savings if such savings are found by the contractor. Councilmember Coons asked about the incentive for the contractor to save money for the City. Mr. Relph said their books are open to the City, which is the advantage to this approach.

Council President Hill noted the construction can continue through the holidays as the location does not affect any existing parking. Mr. Relph said another advantage to this approach is to be able to control costs in a very volatile market for cement and other materials.

Councilmember Spehar noted that Shaw did the City-County garage and the current City Hall building by this design-build method which worked out well.

Councilmember Doody asked about the noise and disruption to adjacent properties. Mr. Relph said the City has asked Shaw to look at the cost of drilling instead of driving the pylons to reduce that disruption.

Councilmember Spehar moved to authorize the City Manager to execute a part 1 preconstruction and management services contract for the downtown parking structure with Shaw Construction in the amount of \$41,482. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

### **NON-SCHEDULED CITIZENS & VISITORS**

There were none.

### **OTHER BUSINESS**

There was none.

### **ADJOURNMENT**

The meeting adjourned at 8:10 p.m.

Stephanie Tuin, MMC  
City Clerk

**Attach 2**  
**Setting a Hearing on Zoning the Ruckman Annexation**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Zoning the Ruckman Annexation, located at 2903 and 2909 B ½ Road.						
<b>Meeting Date</b>	November 2, 2005						
<b>Date Prepared</b>	October 27, 2005			File #ANX-2005-210			
<b>Author</b>	Senta L. Costello		Associate Planner				
<b>Presenter Name</b>	Senta L. Costello		Associate Planner				
<b>Report results back to Council</b>	X	No		Yes	When		
<b>Citizen Presentation</b>		Yes	X	No	Name		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Introduction of a proposed zoning ordinance to zone the Ruckman Annexation RSF-4, located at 2903 and 2909 B ½ Road.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed zoning ordinance and set a public hearing for the 16<sup>th</sup> of November, 2005.

**Background Information:** See attached Staff Report/Background Information

**Attachments:**

1. Staff report/Background information
2. General Location Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Zoning Ordinance



**STAFF REPORT / BACKGROUND INFORMATION**

<b>Location:</b>		2903 and 2909 B ½ Road		
<b>Applicants:</b>		Owner/Developer: Ruckman, Inc – Terry Ruckman Representative: Ciavonne Roberts & Assoc – Keith Ehlers		
<b>Existing Land Use:</b>		Single Family Residential / Agricultural		
<b>Proposed Land Use:</b>		Single Family Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residential / Agricultural		
	<b>South</b>	Single Family Residential		
	<b>East</b>	Single Family Residential / Agricultural		
	<b>West</b>	Single Family Residential		
<b>Existing Zoning:</b>		County RSF-4		
<b>Proposed Zoning:</b>		City RSF-4		
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-4		
	<b>South</b>	County RSF-4		
	<b>East</b>	County RSF-4		
	<b>West</b>	County RSF-4		
<b>Growth Plan Designation:</b>		Residential Medium 4-8 du/ac		
<b>Zoning within density range?</b>	<b>X</b>	<b>Yes</b>		<b>No</b>

**Staff Analysis:**

**Zone of Annexation:** The requested zone of annexation to the RSF-4 district is consistent with the Growth Plan density of Residential Medium 4-8 du/ac. The existing County zoning is RSF-4. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

1. The existing zoning was in error at the time of adoption;

Response: The requested zoning is to place the property into an appropriate City zoning designation due to the annexation request. Therefore, this criterion is not applicable.

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 transitions, etc.;

Response: The zoning request is in conjunction with an annexation request. Therefore this criterion is not applicable.

3. The proposed zone 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 nuisances;

Response: The RSF-4 zone district is compatible with the neighborhood and will not create any adverse impacts. Any issues that arise with development of the land will be addressed through the review of the proposed project.

4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and policies, the requirements of this Code, and other City regulations and guidelines;

Response: The proposed zoning is consistent with the Goals and polices of the Growth Plan, the requirements of the Zoning and Development 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;

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

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

Response: The zoning request is in conjunction with an annexation request. Therefore this criterion is not applicable.

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

Response: The zoning request is in conjunction with an annexation request. Therefore this criterion is not applicable.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

- a. RMF-5
- b. RMF-8

## **STAFF RECOMMENDATION**

Staff recommends approval of the RSF-4 zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RSF-4 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

# Site Location Map

**Figure 1**  
Ruckman Annexation  
Figure 5



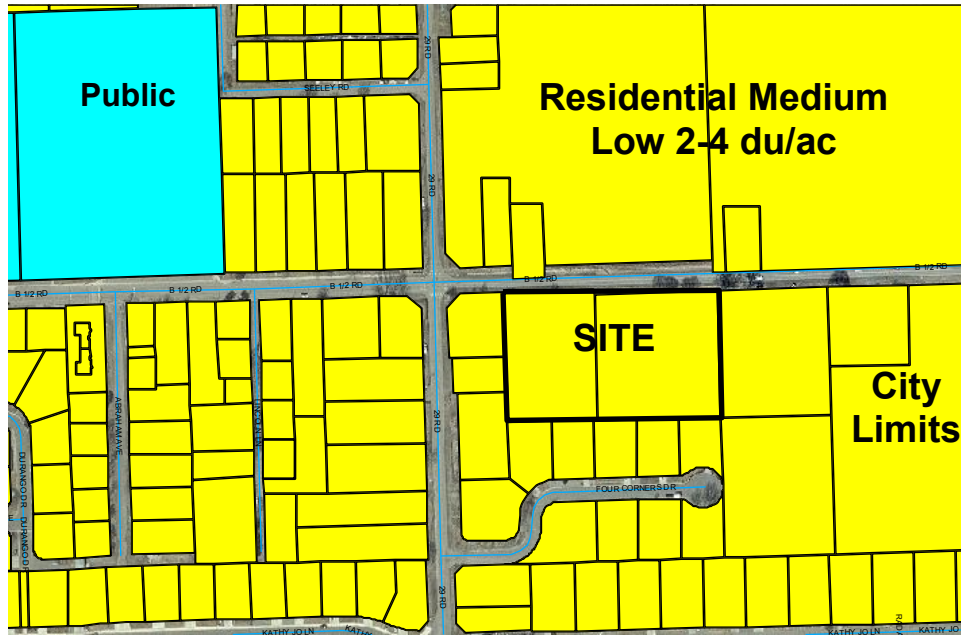
# Aerial Photo Map

**Figure 2**



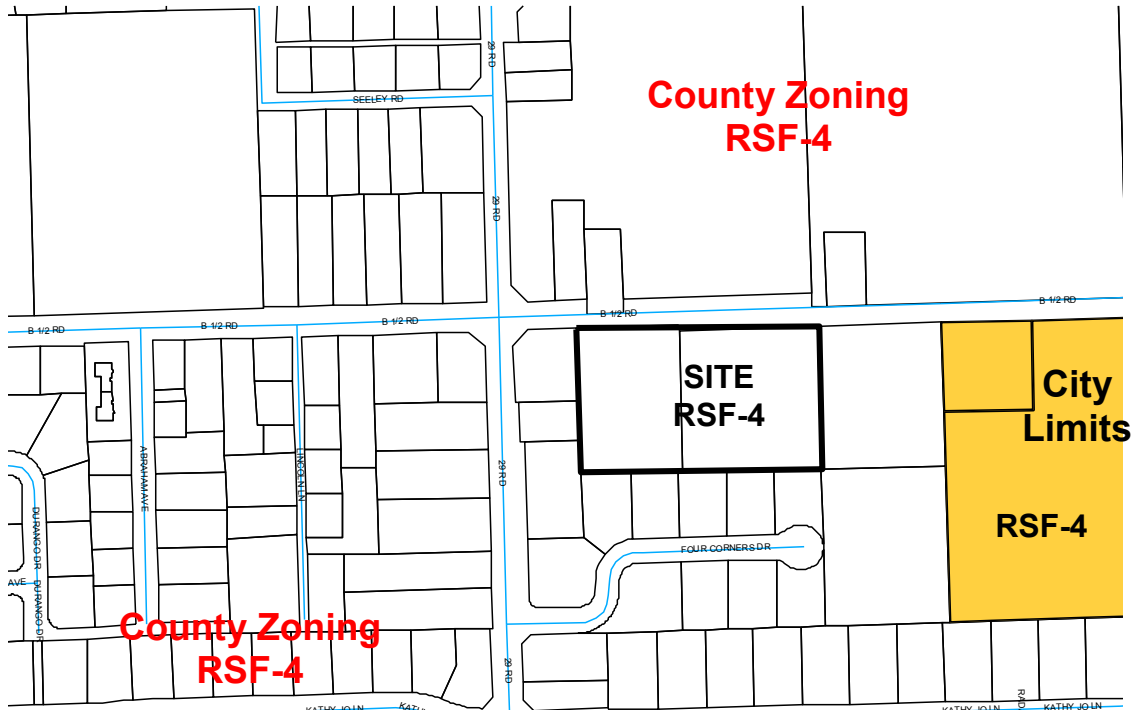
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE RUCKMAN ANNEXATION TO  
RSF-4**

**LOCATED AT 2903 AND 2909 B 1/2 ROAD**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Ruckman Annexation to the RSF-4 zone district for the following reasons:

The zone district meets the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and/or are generally compatible with appropriate land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-4 zone district be established.

The Planning Commission and City Council find that the RSF-4 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned RSF-4 with a density not to exceed 4 units per acre.

**RUCKMAN ANNEXATION**

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northwest corner of the NW 1/4 SW 1/4 of said Section 29 and assuming the North line of the NW 1/4 SW 1/4 of said Section 29 to bear N89°49'53"E with all bearings contained herein relative thereto; thence N89°49'53"E along the North line of the NW 1/4 SW 1/4 of said Section 29 a distance of 165.00 feet; thence S00°11'14"E a distance of 30.00 feet to a point on the Southerly right of way of B 1/2 Road and the Point of Beginning; thence along the Southerly right of way of said B 1/2 Road the following three courses: (1) N89°49'53"E a distance of 213.34 feet; (2) S00°11'14"E a distance of 10.00 feet; (3) N89°49'53"E a distance of 291.36 feet; thence S00°11'14"E leaving the Southerly right of way of said B 1/2 Road a distance of 294.85 feet to the Northeast corner of Lot 7, Block One of Four Corners Subdivision, as

recorded in Plat Book 12, Page 53, Mesa County, Colorado public records; thence S89°49'55"W along the Northerly line of said Four Corners Subdivision a distance of 504.70 feet to the Northwest corner of Lot 3, Block One of said Four Corners Subdivision; thence N00°11'14"W a distance of 304.85 feet more or less to the Point of Beginning.

Said parcel contains 3.47 acres (150,943 square feet) more or less as described.

Introduced on first reading this \_\_\_\_ day of \_\_\_\_\_, 2005 and ordered published.

Adopted on second reading this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**Attach 3**  
**Setting a Hearing for the Prairie View South Annexation**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA								
<b>Subject</b>		Setting a hearing for the Prairie View South Annexation located at 3028 and 3032 D ½ Road						
<b>Meeting Date</b>		November 2, 2005						
<b>Date Prepared</b>		October 27, 2005			File #ANX-2005-233			
<b>Author</b>		Senta L. Costello		Associate Planner				
<b>Presenter Name</b>		Senta L. Costello		Associate Planner				
<b>Report results back to Council</b>		X	No		Yes	When		
<b>Citizen Presentation</b>			Yes	X	No	Name		
	<b>Workshop</b>	X	<b>Formal Agenda</b>			X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Resolution referring a petition for annexation and introduction of a proposed ordinance. The 7.68 acre Prairie View South Annexation consists of 2 parcels.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the Prairie View South Annexation petition and introduce the proposed Prairie View South Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for December 7, 2005.

**Background Information:** See attached Staff Report/Background Information

**Attachments:**

1. Staff report/Background information
2. Annexation / Location Map; Aerial Photo
3. Growth Plan Map; Zoning Map
4. Resolution Referring Petition
5. Annexation Ordinance



STAFF REPORT / BACKGROUND INFORMATION					
<b>Location:</b>		3028 and 3032 D ½ Road			
<b>Applicants:</b>		Owner/Developer: Koos Tri-Star, South LLC – Steve Edwards; Representative: Rolland Engineering			
<b>Existing Land Use:</b>		Residential / Agricultural			
<b>Proposed Land Use:</b>		Residential			
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residential			
	<b>South</b>	Single Family Residential			
	<b>East</b>	Single Family Residential / Agricultural			
	<b>West</b>	Single Family Residential / Agricultural			
<b>Existing Zoning:</b>		County RSF-R			
<b>Proposed Zoning:</b>		City RMF-5			
<b>Surrounding Zoning:</b>	<b>North</b>	City RMF-5			
	<b>South</b>	County PUD – 3.61 du/ac			
	<b>East</b>	County RSF-R			
	<b>West</b>	County RSF-R			
<b>Growth Plan Designation:</b>		Residential Medium 4-8 du/ac			
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>		<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 7.68 acres of land and is comprised of 2 parcels. The property owners have requested annexation into the City as the result of needing a rezone in the County to subdivide. Under the 1998 Persigo Agreement all rezones require annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Prairie View South Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;

- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

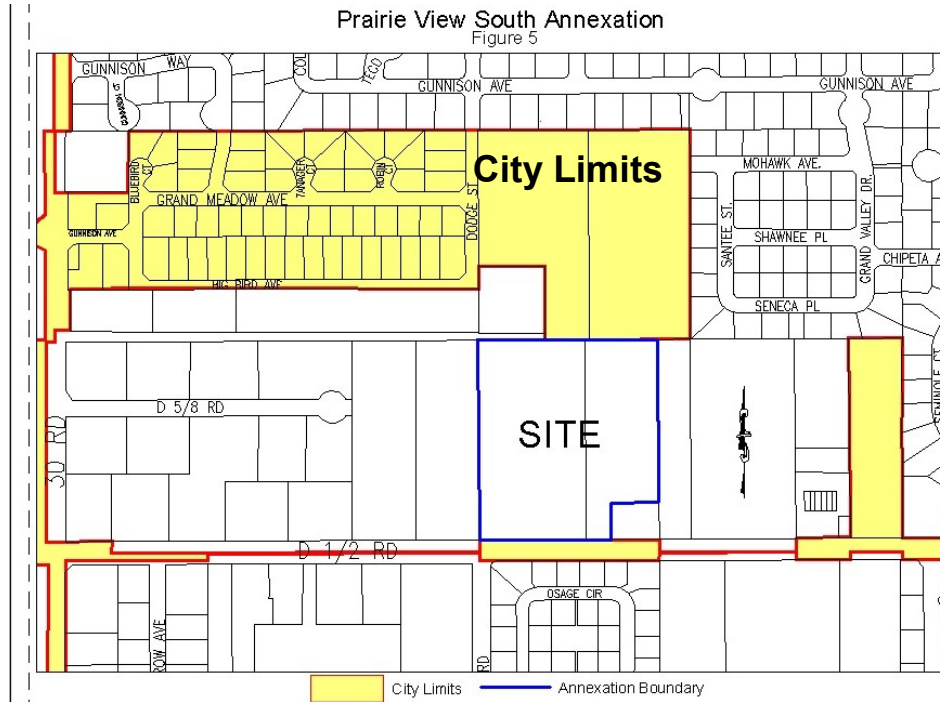
<i><b>ANNEXATION SCHEDULE</b></i>	
<b>November 2, 2005</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>November 8, 2005</b>	Planning Commission considers Zone of Annexation
<b>November 16, 2005</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>December 7, 2005</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>January 8, 2005</b>	Effective date of Annexation and Zoning

**PRAIRIE VIEW SOUTH ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2005-233	
<b>Location:</b>	3028 and 3032 D ½ Road	
<b>Tax ID Number:</b>	2943-162-51-023 and 2943-162-00-195	
<b>Parcels:</b>	2	
<b>Estimated Population:</b>	5	
<b># of Parcels (owner occupied):</b>	2	
<b># of Dwelling Units:</b>	2	
<b>Acres land annexed:</b>	7.68 acres	
<b>Developable Acres Remaining:</b>	7 acres	
<b>Right-of-way in Annexation:</b>	20,749 square feet of 30 ¼ Road	
<b>Previous County Zoning:</b>	RSF-R	
<b>Proposed City Zoning:</b>	RMF-5	
<b>Current Land Use:</b>	Residential / Agricultural	
<b>Future Land Use:</b>	Residential	
<b>Values:</b>	<b>Assessed:</b>	= \$15,890
	<b>Actual:</b>	= \$199,650
<b>Address Ranges:</b>	3028-3032 D ½ Road (even only)	
<b>Special Districts:</b>	<b>Water:</b>	Clifton Water
	<b>Sewer:</b>	Central Grand Valley Sanitation
	<b>Fire:</b>	Clifton Fire
	<b>Irrigation/Drainage:</b>	Grand Valley Irrigation / Grand Junction Drainage Dist
	<b>School:</b>	Mesa County School District #51
	<b>Pest:</b>	Upper Valley Pest

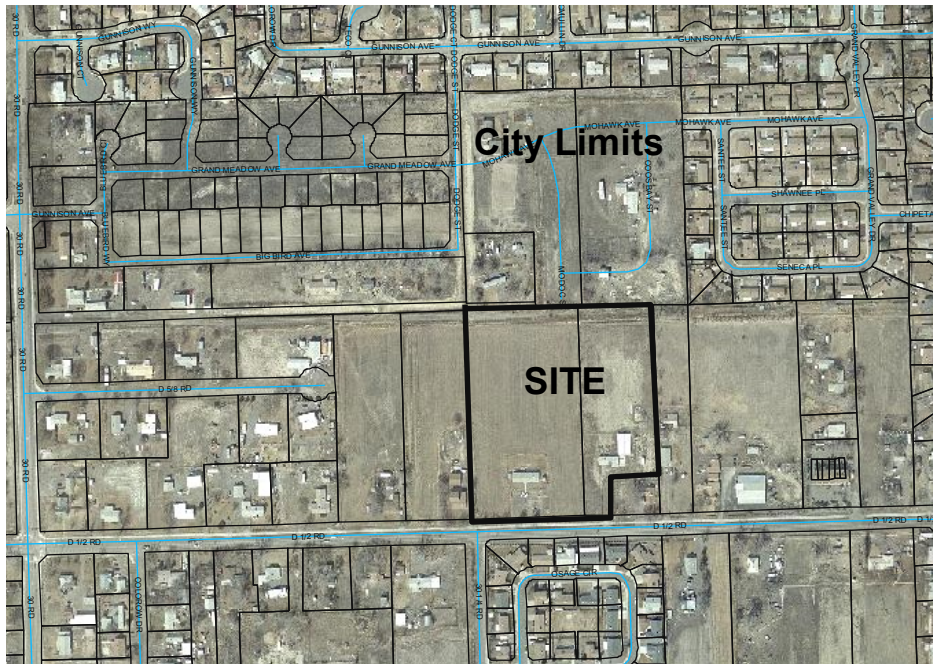
# Site Location Map

Figure 1



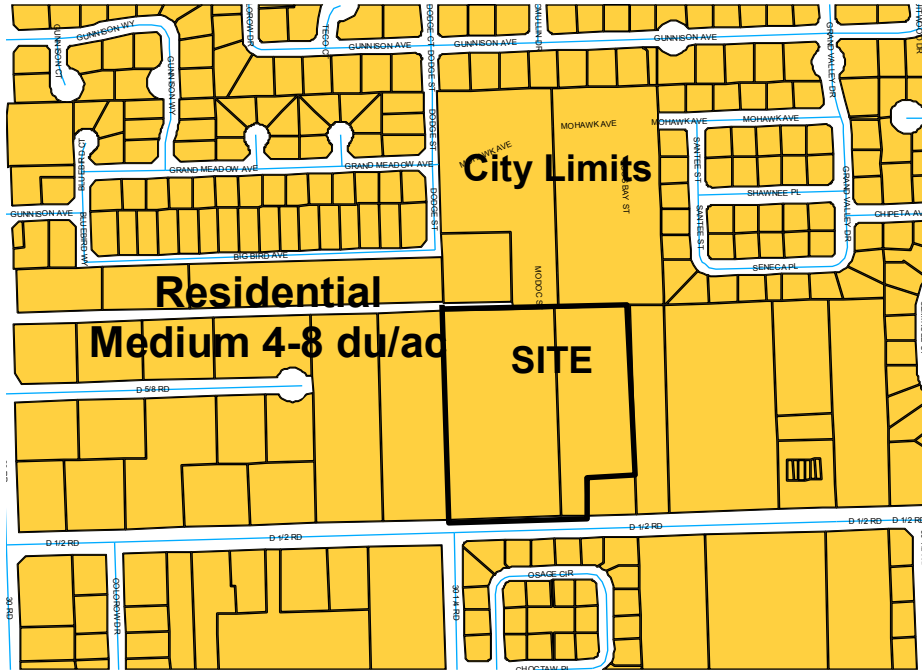
# Aerial Photo Map

Figure 2



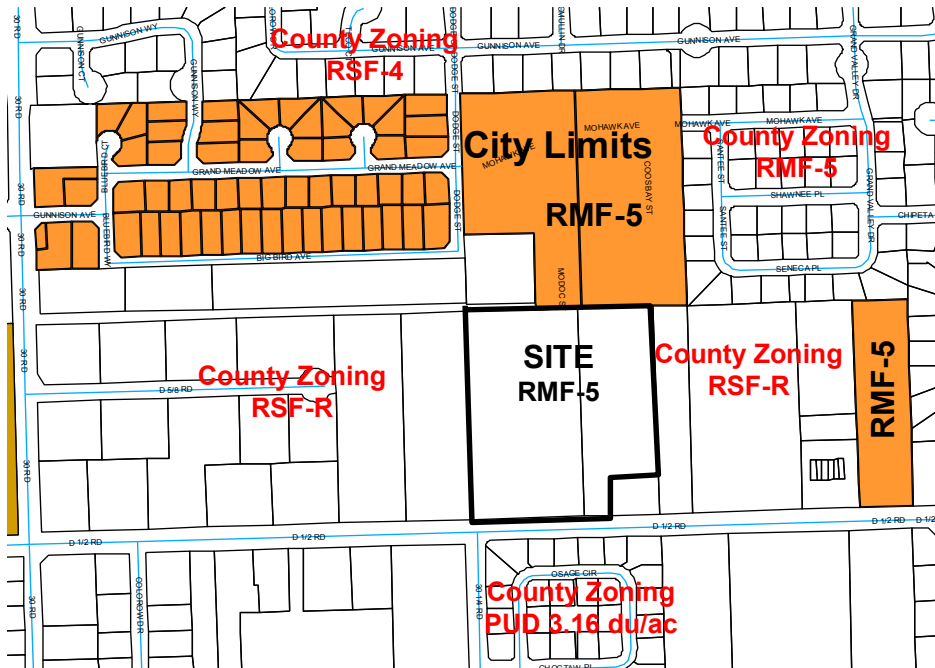
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

**NOTICE OF HEARING  
ON PROPOSED ANNEXATION OF LANDS  
TO THE CITY OF GRAND JUNCTION, COLORADO**

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 2<sup>nd</sup> of November, 2005, the following Resolution was adopted:

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION  
REFERRING A PETITION TO THE CITY COUNCIL  
FOR THE ANNEXATION OF LANDS  
TO THE CITY OF GRAND JUNCTION, COLORADO,  
SETTING A HEARING ON SUCH ANNEXATION,  
AND EXERCISING LAND USE CONTROL**

**PRAIRIE VIEW SOUTH ANNEXATION**

**LOCATED AT 3028 AND 3032 D ½ ROAD**

WHEREAS, on the 2<sup>nd</sup> day of November, 2005, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**PRAIRIE VIEW SOUTH ANNEXATION**

A certain parcel of land located in the Southwest Quarter Southeast Quarter of the Northwest Quarter (SW1/4 SE1/4 NW1/4) of Section 16, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Northwest corner of the SW1/4 SE1/4 NW1/4 of said Section 16 and also being the assuming the North line of the SW1/4 SE1/4 NW1/4 of said Section 16 to bear N89°55'20"E with all bearings contained herein relative thereto; thence N89°55'20"E along the North line of the SW1/4 SE1/4 NW1/4 of said Section 16 a distance of 560.28 feet; thence S00°00'03"W a distance of 513.61 feet; thence S89°54'19"W a distance of 150.00 feet; thence S00°00'03"E a distance of 116.09 feet to a point of the Northerly right of way of D 1/2 Road; thence along said Northerly right of way of D 1/2 Road the following three (3) courses: (1) S89°54'18"W a distance of 79.74 feet to the Southerly projection of the East line of the Replat of Victorian Manor, Plat Book 13, Page 524 Mesa County, Colorado public records; (2) thence N00°00'03"W along the said Southerly projected line a distance of 3.00 feet to the Southeast corner of said Replat of Victorian Manor; (3) thence S89°54'18"W a distance of 330.32 feet to the West line of the SW1/4 SE1/4 NW1/4 of said Section 16; thence N00°01'12"W along the West line of the SW1/4 SE1/4 NW1/4 of said Section 16 a distance of 626.87 feet to the Point of Beginning.

Said parcel contains 7.68 acres (334,379 square feet), more or less, as described.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

1. That a hearing will be held on the 7<sup>th</sup> day of December, 2005, in the City Hall auditorium, located at 250 North 5<sup>th</sup> Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2005.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk



**NOTICE IS FURTHER GIVEN** that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

---

City Clerk

<i><b>DATES PUBLISHED</b></i>
<b>November 4, 2005</b>
<b>November 11, 2005</b>
<b>November 18, 2005</b>
<b>November 25, 2005</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**PRAIRIE VIEW SOUTH ANNEXATION**

**APPROXIMATELY 7.68 ACRES**

**LOCATED AT 3028 AND 3032 D ½ ROAD**

**WHEREAS**, on the 2<sup>nd</sup> day of November, 2005, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 7<sup>th</sup> day of December, 2005; and

**WHEREAS**, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

**PRAIRIE VIEW SOUTH ANNEXATION**

A certain parcel of land located in the Southwest Quarter Southeast Quarter of the Northwest Quarter (SW1/4 SE1/4 NW1/4) of Section 16, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Northwest corner of the SW1/4 SE1/4 NW1/4 of said Section 16 and also being the assuming the North line of the SW1/4 SE1/4 NW1/4 of said Section 16 to bear N89°55'20"E with all bearings contained herein relative thereto; thence N89°55'20"E along the North line of the SW1/4 SE1/4 NW1/4 of said Section 16 a distance of 560.28 feet; thence S00°00'03"W a distance of 513.61 feet; thence S89°54'19"W a distance of 150.00 feet; thence S00°00'03"E a distance of 116.09 feet to a point of the Northerly right of way of D 1/2 Road; thence along said Northerly right of way of D 1/2 Road the following three (3) courses: (1) S89°54'18"W a distance of 79.74 feet to the Southerly projection of the East line of the Replat of Victorian Manor, Plat Book 13, Page 524 Mesa County, Colorado public records; (2) thence N00°00'03"W along the said Southerly projected line a distance of 3.00 feet to the

Southeast corner of said Replat of Victorian Manor; (3) thence S89°54'18"W a distance of 330.32 feet to the West line of the SW1/4 SE1/4 NW1/4 of said Section 16; thence N00°01'12"W along the West line of the SW1/4 SE1/4 NW1/4 of said Section 16 a distance of 626.87 feet to the Point of Beginning.

Said parcel contains 7.68 acres (334,379 square feet), more or less, as described.

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

**INTRODUCED** on first reading on the \_\_\_\_ day of \_\_\_\_\_, 2005 and ordered published.

**ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2005.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**Attach 4**  
**Contract for Banking Services with Alpine Bank**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Resolution Authorizing a Contract for Banking Services with Alpine Bank, Grand Junction					
<b>Meeting Date</b>	November 2, 2005					
<b>Date Prepared</b>	October 27, 2005				<b>File #</b>	
<b>Author</b>	Ron Lappi		Administrative Services Director			
<b>Presenter Name</b>	Ron Lappi		Administrative Services Director			
<b>Report results back to Council</b>		<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<b>Yes</b>		<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	<b>X</b>	<b>Formal Agenda</b>		<b>Consent</b>	<b>X</b> <b>Individual Consideration</b>

**Summary:** Based on the request for proposals for City banking services, which are solicited for every four years, we recommend the selection of Alpine Bank for a four-year banking services contract as being in the City's best interest.

**Budget:** This agreement will result in a net positive income to the City of approximately \$184,000 annually, depending upon where interest rates move.

**Action Requested/Recommendation:** Approve the resolution authorizing Alpine Bank as a depository for City funds, and authorizing the Finance Director to sign the contract.

**Attachments:** A brief analysis of the proposals.

**Background Information:** The City has adopted a policy that requires the solicitation for banking services through an RFP process every four years. The recent solicitation to all local banking institutions resulted in receipt of six proposals from qualified banks, all of which met the RFP guidelines. The six are Alpine Bank, American National Bank, Wells Fargo Bank, Bank of the West, Vectra Bank, and 1<sup>st</sup> National Bank of the Rockies. Attached is a brief analysis of the proposals. All are capable of providing the services for the City. The proposals from Alpine Bank and American National are clearly better than the others, with a lower compensating balance, and a 91-day treasury bill interest on the collected bank balance.

To make a recommendation between these to fine local banks was very difficult. The City has very good relationships with their professional staff. They both buy our bonds and provide us with quality services. Both are quite capable of providing us the needed banking services. Their financial proposals are really dead even, with a very small financial benefit with Alpine Bank over four years, from the American National Bank proposal (estimated at \$2,400, positive). The hard and soft costs to the City of making a banking change would far exceed this number.

Alpine Bank proposed a compensating balance of \$400,000 and proposed to pay the 90-day T-Bill rate, which is consistent with the past seven years. Given the results from the evaluation, and the fact that Alpine Bank's services have been very satisfactory, it is recommended that we remain with Alpine Bank for another four years.



## **BANKING SERVICES PROPOSALS**

October 17, 2005

<b>Bank</b>	<b>Compensating Balance</b>	<b>Interest Rate</b>
Bank of the West	\$2.5 Million	3.00%
Wells Fargo	\$1.16 Million	91
American National	\$397,500	91 + 1/100
<b>Alpine Bank</b>	<b>\$400,000</b>	<b>91</b>
Vectra Bank	\$499,000	91 - 50/100
1st National Bank of the Rockies	\$500,000	91

*Interest Rate is 91-day Treasury Bill rate.*

**RESOLUTION NO. \_\_\_\_-05**

**A RESOLUTION DESIGNATING A DEPOSITORY AND APPROVING AN AGREEMENT FOR BANKING SERVICES BETWEEN THE CITY OF GRAND JUNCTION, COLORADO, AND ALPINE BANK, GRAND JUNCTION**

**RECITALS:**

1. The City of Grand Junction (hereinafter called "City") solicited proposals from local banks and received six proposals. The proposal received from Alpine Bank, Grand Junction (hereinafter called "Bank"), being judged to be in the City's best interest.
2. Alpine Bank, Grand Junction, a banking corporation, is qualified as a depository for the funds of the City of Grand Junction.
3. The City has a legitimate need for which the Bank can provide the following services: normal banking operations which include General Operating, Accounts Payable Clearing, Payroll Clearing, Petty Cash Clearing, Worker's Compensation Clearing, Investigative Clearing, and additional services outlined in the attached agreement.

**NOW THEREFORE; BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, that:**

- a) The agreement for Banking Services between the City of Grand Junction and Alpine Bank, Grand Junction is hereby approved, effective January 1, 2006.
- b) The Finance Director is authorized to finalize and sign the contract on behalf of the City.
- c) The Bank is thereby authorized, as a depository for City funds, to accept on behalf of the City for credit and/or collection and all bills and notes payable when endorsed in the name of the City in writing, by rubber stamp or otherwise, and that all transactions in connection therewith shall be governed by the conditions, rules, regulations, customs and practices now or hereafter adopted or practiced by the Bank.
- d) The names and titles of the persons authorized to sign demands against the various accounts are as follows:

PAYROLL CLEARING: any two Kelly E. Arnold, City Manager  
Ronald M. Lappi, Finance Director

ACCOUNTS  
PAYABLE CLEARING: any two Kelly E. Arnold, City Manager

Ronald M. Lappi, Finance Director  
Lanny Paulson, Budget & Accounting  
Manager  
Jodi Romero, Customer Service  
Manager

WORKER'S COMPENSATION CLEARING: As authorized and directed by the Finance Director.

INVESTIGATIONS CLEARING: As authorized and directed by the Finance Director.

PETTY CASH CLEARING: Any employee of the City is authorized to sign a check for the Petty Cash Account. The Bank will not be held liable with the following stipulations:

- 1) No check will be honored if the amount is over \$100.
  - 2) No check will be honored unless it has the employee's signature and Identification Number on the check.
- e) The Bank is hereby authorized to pay any such instruments so signed or endorsed as above written, and presented to it for payment, including those drawn to the individual order of any officer or other person authorized to sign the same.

Adopted and Approved this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
President of the Council

ATTEST:

\_\_\_\_\_  
City Clerk



**Attach 5  
Public Hearing – Amendments to the Municipal Code Regarding Unclaimed and  
Contraband Property**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Amendments to the Municipal Code regarding unclaimed and contraband property					
<b>Meeting Date</b>	November 2, 2005					
<b>Date Prepared</b>	October 27, 2005				<b>File #</b>	
<b>Author</b>	Shelly Dackonish			<b>Staff Attorney</b>		
<b>Presenter Name</b>	John Shaver			<b>City Attorney</b>		
<b>Report results back to Council</b>		<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<b>Yes</b>	x	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	X		<b>Formal Agenda</b>	X	<b>Consent</b>
						<b>Individual Consideration</b>

**Summary:** An amendment concerning conversion and disposal of unclaimed or  
contraband property.

**Budget:** N/A

**Action Requested/Recommendation:** Consideration and adoption of proposed Code  
amendment.

**Attachments:** Amended ordinance. Additions are underlined, deletions are ~~struck~~  
through.

**Background Information:** Chapter 20, Section 29 of the Grand Junction Code of  
Ordinances governs whether and how the police department may retain, hold or  
dispose of objects and articles of property that come into its custody. Subsection (3)  
deals with potentially harmful or contraband items. This provision is outdated, referring  
to items which are no longer considered contraband, dangerous or illegal, and failing to  
make reference to more modern contraband. The proposed amendment updates the  
Code.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING PART OF CHAPTER 20 OF THE CITY OF GRAND JUNCTION CODE OF ORDINANCES RELATING TO CONVERSION AND DISPOSAL OF PROPERTY BY THE POLICE DEPARTMENT**

**Recitals.**

It is desirable to delete outdated provisions in Chapter 20, Section 29 of the Grand Junction Code of Ordinances.

It is also desirable to amend Chapter 20, Section 29 of the Grand Junction Code of Ordinances to address disposition of counterfeit money.

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

Chapter 20, Section 29 of the Code of Ordinances, City of Grand Junction, Colorado, is hereby amended to read as follows:

Notwithstanding any other provisions of this article, certain objects and articles of property as described in this article may be kept, held or disposed of as follows:

- (1) Nothing in this article shall be construed as amending any existing ordinances concerning the impoundment and disposition of livestock, dogs, poultry or other animals.
- (2) Unless ordered to the contrary by a court or otherwise required by state or national law, firearms or other weapons which may not lawfully be kept, possessed or retained by the owner or person otherwise entitled to the possession thereof, or which may not otherwise lawfully be released to the owner thereof, or which are unclaimed after notice to the owner, or the owner of which is not known, may be kept and used by the police department in its training program or otherwise, or may be donated to museums or historical societies as the chief of police may order for purposes of historical preservation. If the firearms or weapons are declared surplus by the chief of police, disposition of such firearms or weapons may be made as otherwise provided in this section.
- (3) If the property consists of any of the following: burglar tools of any description; firearms, cartridges, explosives, armored or bulletproof clothing, or other dangerous weapons; gambling apparatus or instruments; ~~articles or medicines for the purpose of inducing an abortion;~~ beer, wine, spirituous liquor or fermented malt beverages; soiled, bloody or ~~insanitary~~ unsanitary clothing; solids or liquids of unknown or uncertain composition; drugs, narcotics, hallucinogenic substances, hypodermic syringes and needles, or other drug paraphernalia; any poisonous, noxious or deleterious solids or liquids; counterfeit bills, coins or other fraudulent negotiable instruments; or any ~~other~~ property which reasonably

might result in injury to the health and safety of the public or be subject to unlawful use, the chief of police or his designee may destroy any such article. Any such article may be converted to police department use for training or other legitimate police or governmental purposes.

**All other provisions of Chapter 20 shall remain in full force and effect.**

PASSED for first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2005 on  
Second Reading.

---

Bruce Hill  
President of the Council

Attest:

---

Stephanie Tuin  
City Clerk

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AMENDING PART OF CHAPTER 20 OF THE CITY OF GRAND JUNCTION CODE OF ORDINANCES RELATING TO CONVERSION AND DISPOSAL OF PROPERTY BY THE POLICE DEPARTMENT**

**Recitals.**

It is desirable to delete outdated language in Chapter 20, Section 29 of the Grand Junction Code of Ordinances; and

It is desirable to amend Chapter 20, Section 29 of the Grand Junction Code of Ordinances to address disposition of counterfeit money.

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- (1) Nothing in this article shall be construed as amending any existing ordinances concerning the impoundment and disposition of livestock, dogs, poultry or other animals.
- (2) Unless ordered to the contrary by a court or otherwise required by state or national law, firearms or other weapons which may not lawfully be kept, possessed or retained by the owner or person otherwise entitled to the possession thereof, or which may not otherwise lawfully be released to the owner thereof, or which are unclaimed after notice to the owner, or the owner of which is not known, may be kept and used by the police department in its training program or otherwise, or may be donated to museums or historical societies as the chief of police may order for purposes of historical preservation. If the firearms or weapons are declared surplus by the chief of police, disposition of such firearms or weapons may be made as otherwise provided in this section.
- (3) If the property consists of any of the following: burglar tools of any description; firearms, cartridges, explosives, armored or bulletproof clothing, or other dangerous weapons; gambling apparatus or instruments; beer, wine, spirituous liquor or fermented malt beverages; soiled, bloody or unsanitary clothing; solids or liquids of unknown or uncertain composition; drugs, narcotics, hallucinogenic substances, hypodermic syringes and needles, or other drug paraphernalia; any poisonous, noxious or deleterious solids or liquids; counterfeit bills, coins or other fraudulent negotiable instruments; or any other property which reasonably might result in injury to the health and safety of the public or

be subject to unlawful use, the chief of police or his designee may destroy any such article. Any such article may be converted to police department use for training or other legitimate police or governmental purposes.

**All other provisions of Chapter 20 shall remain in full force and effect.**

INTRODUCED for first reading this 19<sup>th</sup> day of October, 2005.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2005 on  
Second Reading.

\_\_\_\_\_  
Bruce Hill  
President of the Council

Attest:

\_\_\_\_\_  
Stephanie Tuin  
City Clerk

**Attach 6**

**Public Hearing – Revising and Refining the Zoning and Development Code  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Revising and Refining the Zoning and Development Code					
<b>Meeting Date</b>	November 2, 2005					
<b>Date Prepared</b>	December 19, 2011				<b>File #</b>	
<b>Author</b>	Jamie B. Kreiling			<b>Assistant City Attorney</b>		
<b>Presenter Name</b>	John Shaver			<b>City Attorney</b>		
<b>Report results back to Council</b>		<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<b>Yes</b>		<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	<b>X</b>	<b>Formal Agenda</b>		<b>Consent</b>	<b>X</b> <b>Individual Consideration</b>

**Summary:** The Zoning and Development Code ("Code") was updated in January 2002 and has been amended by various ordinances since that time. With the passing of each ordinance the Code was codified. It was determined that not all printings of the Code after codification were the same. Three (3) different versions of the Code were found to be printed and in circulation for use. Each purported to have the most recent updates. This ordinance is to revise the Code to conform to the ordinances that have passed since January 2002 with some changes for clarification.

**Budget:** Costs for printed material.

**Action Requested/Recommendation:** Adopt Ordinance for Revising and Refining the Zoning and Development Code.

**Attachments:** The more substantive proposed changes to the Zoning and Development Code are attached for review. All of the changes are available for review in the City Council room. The proposed Ordinance adopting the Code is attached. The proposed Code is available for review in the City Council room and the City Clerk's office.

**Background Information:** The last major update of the Code occurred in January 2002 with City Council's adoption of Ordinance No. 3390. The Ordinance was codified and became available for use by City staff and the public. Six (6) ordinances have since been passed amending the Code: Ordinance No. 3398 (Adding Sections 4.1.1.2.c and 4.3.D, pertaining to existing and new salvage yards, recyclers and impound lots), Ordinance No. 3436 (amending the review and approval process for development applications in Chapter 2), Ordinance No. 3529 (house cleaning amendments to various chapters), Ordinance No. 3610 (addition of an exception for required improvements concerning the placement of utilities underground in Section 6.2.A.1.h), Ordinance No. 3625 (amending section 6.5 landscaping, buffering and screening

standards), and Ordinance No. 3641 (amending section 6.2 concerning the Transportation Capacity Payments). Each amendment was then added to the original codification. Mistakes occurred while codifying the Code. Different versions of the Code were updated at different times and then printed for use. This created more than one version of the Code being available. This led to additional errors, including when Ordinance No. 3625 was adopted, as it relied on an earlier version of the Code which did not include all of the amendments from Ordinance No. 3529.

Staff will be bringing forward new major updates to the Code for consideration by City Council in the near future. Before bringing those proposed changes, it is necessary to revise the Code so that the new updates will apply to a complete and proper version of the Code.

The Planning Commission considered the changes to the Code on October 25, 2005, and they recommend that City Council adopt the revised Code as the City's Zoning and Development Code.

Following is an explanation of the changes for each chapter of the Code:

The following words or any form of the words were corrected for spelling where found in the Code:

breakaway, collocate, freestanding, hookups, multifamily, nonadministrative, nonbinding, noncombustible, noncommercial, nonconforming, nonenclosed, nonexempt, nonferrous, nonintersecting, nonpoisonous, nonprofit, nonresidential, nonstructural, outpatient, overreliance, pickup, preapplication, prefabricated, prepayment, psychotherapy, reestablished, reseeding, resubdivide, revegetation, rezone, ridership, semiarid, semifinished, semiprivate, semisolid, semitrailer, statewide, and subunit

Where "major street plan" appeared in the Code it was replaced with "Grand Valley Circulation Plan", as the name of the City's street plan has been modified since the last annual update of the Code.

Chapters One, Five and Eight have not been changed since Ordinance No. 3390 was codified, except for the corrections mentioned above.

Chapter Two was amended with the passing of Ordinance Nos. 3436 and 3529. Additional changes for clarification, consistency of terms and presentation of the terms, and spelling and typographical corrections, either in the Zoning and Development Code and/or in the ordinances referenced above have been made and can be followed in the tracked changes presented for review for Chapter Two.

Chapter Three was amended with the passing of Ordinance No. 3529. Additional changes for clarification, consistency of terms and presentation of the terms, and spelling and typographical corrections, either in the Zoning and Development Code and/or in the ordinance referenced above have been made and can be followed in the tracked changes presented for review for Chapter Three.

Chapter Four was amended with the passing of Ordinance Nos. 3398 and 3529 and the corrections mentioned above.

Chapter Six was amended with the passing of Ordinance Nos. 3529, 3610, 3625, and 3641 and the corrections mentioned above. Any changes to Chapter 6 that were included in Ordinance No. 3625, other than those specifically made in Section 6.5, were not included in the Chapter Six that staff has proposed be adopted.

Chapter Seven was amended with the passing of Ordinance No. 3529 and the corrections mentioned above.

Chapter Nine was amended with the passing of Ordinance No. 3529 and the corrections mentioned above.



# CHAPTER TWO PROCEDURES

## 2.1 REVIEW AND APPROVAL REQUIRED

The policies and regulations in this Code apply to the use and/or development of all land. No person shall begin or change a land use or development in the City without first obtaining a permit or approval from the Director.

Table 2.1 summarizes the procedures, agencies and public bodies involved in the development proposal process. The procedures, applications, the agencies and public bodies involved in the process, and the methods of appeal are described in Sections 2.2 and 2.3.

**Table 2.1  
REVIEW PROCEDURES SUMMARY**

Application Process	General Meeting <sup>1,9</sup>	Neighbor-hood Meeting	Acting Body				Notices <sup>2</sup>		
			Director	PC	CC	ZBOA	Public	Mail	Sign
<b>ADMINISTRATIVE PERMITS</b>									
Planning Clearance	O-	-	D	-	-	A	-	-	-
Certificate of Occupancy	-	-	D	-	-	A	-	-	-
Home Occupation	-	-	D	-	-	A	-	-	-
Temporary Use	O-	-	D	-	-	A	-	-	-
Change of Use	M-	-	D	-	-	A	-	-	-
Site Plan Review (Major/Minor)	M (Major Only)	-	D	A	-	-	-	-	-
Fence	-	-	D	-	-	A	-	-	-
Sign	-	-	D	-	-	A	-	-	-
Floodplain Permit	M-	-	D	-	-	A	-	-	-

**Table 2.1 Continued**

Application Process	General Meeting <sup>1,9</sup>	Neighbor-hood Meeting	Acting Body				Notices <sup>2</sup>		
			Director	PC	CC	ZBOA	Public	Mail	Sign
<b>GROWTH PLAN AMENDMENT<sup>3</sup></b>									
Text Amendments	M-	-	R	R	D	-	M	-	-
Map Amendments	M-	M <sup>4</sup>	R	R	D	-	M	M <sup>6</sup>	M <sup>6</sup>
<b>CODE AMENDMENTS</b>									
Zoning Map Amendments	M-	M <sup>4</sup>	R	R	D	-	M	M <sup>6</sup>	M <sup>6</sup>
Text Amendments	M-	-	R	R	D	-	M	-	-
<b>MAJOR SUBDIVISION</b>									
Concept Plan (optional)	O	O	R <sup>8</sup>	- D <sup>8</sup>	-	-	-	-	-
Preliminary Plan not in conjunction with action requiring Council approval	M	M <sup>5</sup>	R	D <sup>7</sup>	A	-	M	M	M
Final Plat	M-	-	D	A	-	-	-	-	-
Development Improvement Agreements	-	-	D	-	-	-	-	-	-
<b>PLANNED DEVELOPMENT</b>									
ODP (optional)	M	O	R	R	D	-	M	M	M
Preliminary Plan	M	M <sup>4,5</sup>	R	R	D	-	M	M	M
Final Plan	M-	-	D	A	-	-	-	-	-
Plan Amendments Major Minor	M- -	M <sup>4,5</sup> -	R D	D A	A -	- -	M -	M M	M -
<b>OTHER APPLICATIONS</b>									
Conditional Use Permit	M	O	R	D	A	-	M	M	M
Historic Preservation	O-	-	R	-	D	-	M	-	-

**Table 2.1 Continued**

Application Process	General Meeting <sup>1,9</sup>	Neighbor-hood Meeting	Acting Body				Notices <sup>2</sup>		
			Director	PC	CC	ZBOA	Public	Mail	Sign
Revocable Permit	M-	-	R	-	D	-	-	-	-
Zoning of Annexation	M-	-	R	-R	D	-	M	M <sup>6</sup>	M <sup>6</sup>
Simple Subdivision	M	-	D	A	-	-	-	M	-
(Vacation Plat, Easement or Right-of-way)	M-	-	R	R	D	-	M	M	M
Variance City Council ZBOA	- M-	- -	R R	R -	D -	- D	M M	- M	- M
Vested Rights	M-	-	R	R	D	-	M	-	-
Appeal of Director Decisions	O-	<b>Table 2.1 Continued</b>				D	M	-	-
Institutional & Civic Facility Master Plans	M	M	R	R	D	-	M	M	M

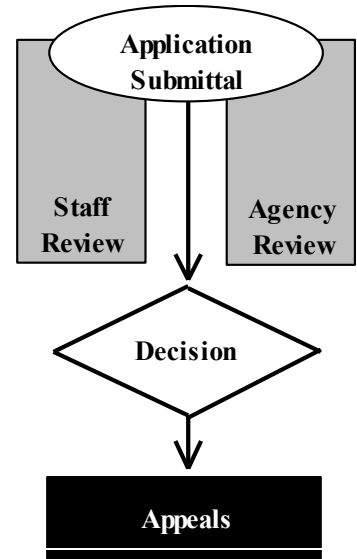
Application Process	General Meeting <sup>1,9</sup>	Neighborhood Meeting	Acting Body				Notices <sup>2</sup>														
			Director	PC	CC	ZBOA	Public	Mail	Sign												
<p><b>KEY:</b></p> <table> <tr> <td>M</td> <td>Mandatory</td> <td>R</td> <td>Review Body</td> </tr> <tr> <td>O</td> <td>Optional/Recommended</td> <td>D</td> <td>Decision Maker</td> </tr> <tr> <td>-</td> <td>No/Not Applicable</td> <td>A</td> <td>Appeal Body</td> </tr> </table> <p><b>Footnotes:</b></p> <p><sup>1</sup> Where required, a General Meeting with City staff must occur before a development application will be accepted. In addition, a Preapplication Conference with City staff is highly recommended for most subdivisions, multifamily, commercial and industrial projects, as the best way to ensure the success of a project.</p> <p><sup>2</sup> Some administrative review does require notice. See Section 2.2.B.3.</p> <p><sup>3</sup> The Joint City/County Planning Commission decides requests to amend the Growth Plan for unincorporated property in the Joint Urban Planning Area.</p> <p><sup>4</sup> A neighborhood meeting is required for a Growth Plan amendment or rezoning to a greater intensity/density.</p> <p><sup>5</sup> A neighborhood meeting is required if 35 or more dwellings or lots are proposed.</p> <p><sup>6</sup> Mailed notice and sign posting is not required for Growth Plan map amendments, rezonings or zoning of annexations relating to more than five percent (5%) of the area of the City and/or related to a Citywide or area plan process.</p> <p><sup>7</sup> The Director shall be the decision-maker for nonresidential condominium preliminary plans for platting.</p> <p><sup>8</sup> The Director may make recommendations. The Planning Commission members should react, comment, question, critique and give direction (Section 2.7).</p> <p><sup>9</sup> Even though a General Meeting may not be required, applicants should confer with City staff regarding potential issues with a proposed development, and to receive a submittal checklist.</p>										M	Mandatory	R	Review Body	O	Optional/Recommended	D	Decision Maker	-	No/Not Applicable	A	Appeal Body
M	Mandatory	R	Review Body																		
O	Optional/Recommended	D	Decision Maker																		
-	No/Not Applicable	A	Appeal Body																		

## 2.2 ADMINISTRATIVE DEVELOPMENT PERMITS

- A. Generally, the procedures for all applications have three (3) common elements: (1) submittal of a complete application, including required fees; (2) review by City staff and other review agencies; and (3) action and/or decision.
- B. **Common Elements of Procedures.** The following procedures apply unless modified by more specific provisions elsewhere. The times for the City to act are maximum number of working days. The Director may shorten any time frame specified herein.
- General Meeting/Preapplication Conference.**

- a. a. **General Meeting.** The general meeting allows the applicant to meet informally with the staff to discuss a project and provide feedback and ideas. Based on the detail and information provided, the staff will give direction on the merits, procedures and issues on a proposed project. A General Meeting is not required for all applications. A development application may not be submitted until after the general meeting is completed if required by the Director.
- b. **Pre-Application Preapplication Conference.** A preapplication conference (“preapp”) with City staff is highly recommended for most subdivisions, multifamily, commercial and industrial projects. The general purposes of a preapplication conference are to:
- (1) Understand the proposed project and the applicant’s specific objectives;
  - (2) Identify applicant time goals such as property closing dates, construction starts, and operation dates;
  - (3) Identify City approvals needed before any development can start;
  - (4) Identify documents, plans, drawings, fees and process other materials necessary for a complete application;
  - (5) Identify significant issues likely to arise to be dealt with; and
  - (6) Begin to familiarize the applicant with City requirements, and this Code.
- c. **Applicability.** Table 2.1 shows the permits for which a general meeting is required. The Director may waive the general meeting if it is not likely to help the neighborhood or applicant.
- d. **Application Requirements.** Submittal requirements for permits are listed in the SSID Manual; however, the scope or location of any specific proposal may require the applicant to provide different or additional information. At the general meeting or preapplication conference, the Director shall decide what information will be required to evaluate the proposal. At any time the Director may change his mind based on new information, mistakes or neighborhood concerns and require additional or different information. The Director shall give the applicant a form showing the decisions and requirements from the general meeting or preapplication conference.
2. **Application Requirements.**
- a. **Materials.** Lists of required application materials are available from the Director and are included in the SSID Manual.

**Administrative  
Development Permit  
Diagram**



- b. **Application Deadlines.** Application deadlines are included in the SSID Manual or by administrative policy.
  - c. **Application Fees.** The City Council sets fees to recover some of the costs of processing, publicizing, and reviewing applications. City Council may, by resolution, modify any fee at any Council meeting.
  - d. **Completeness.** The Director shall decide if the application is complete. If the application is not deemed complete, the Director shall notify the applicant and the submittal shall be returned. The Director shall retain a copy of the checklist identifying any submittal deficiency.
3. **Notice.** Public notice is not required for most administrative permits. The duty to provide notice, when required, is always the applicant's. Notice is provided as follows:
- a. Within five (5) working days of receipt of a complete application, the Director shall give notice, at the applicant's cost, by first class U.S. mail to each person shown as an owner within 500 feet and at the address by the County Assessor.
  - b. Notice should include a general description of the proposal, the location of the property and the soonest the Director can decide on the application.
  - c. The Director's failure to send any notice does not mean the proposal is approved since it is always the applicant's ultimate responsibility to see that all City rules, requirements and procedures are followed. The Director may require the applicant pay for additional notice, in any form for any type of proposal if he believes such notice will further the purpose or intent of this Code.
4. **General Procedures.**
- The Director shall evaluate each application for compliance with City requirements. The Director shall solicit other agency comments. The Director shall provide his/her comments in writing to the applicant.
- b. The Director may forward copies of the applications to various agencies for their input and review. Such other agencies include:
    - (1) Other City departments;
    - (2) Utilities;
    - (3) Law enforcement;
    - (4) Fire protection agencies;
    - (5) General purpose government;
    - (6) State agencies (*e.g.*, Geologic Survey, Transportation, Natural Resources, Wildlife); and
    - (7) Federal agencies (*e.g.*, Federal Emergency Management Agency, Bureau of Land Management, U.S. Army Corps of Engineers).
  - c. Agency review and input is advisory only.
  - d. An application submitted to the City for review must be diligently pursued and processed by the applicant. Accordingly, if the applicant, within ninety (90) calendar days of mailing of the City's review comments on any submittal (or resubmittal) of an application for approval of a development

application, does not resubmit revised documents to address comments from the City, the development application shall lapse and become null and void. The Director may grant one (1) extension of the foregoing ninety (90) day requirement, not to exceed thirty (30) days in length.

5. **Comments – Time to Respond.**

- a. The Director must approve, approve with conditions, or disapprove all complete applications for an administrative permit.

After receipt of the applicant's written response to comments/recommendations the Director shall, based on the applicable review criteria, approve, approve with conditions or disapprove the application. The Director may allow the applicant additional resubmittals and responses before the Director decides.

6. **Appeals and Amendments.** The Director's decision is final unless the Director receives written appeal within ten (10) working days of the date the City's records show the notice of decision was mailed. A permit shall be amended through the process it was originally approved.

7. **Validity.** Unless otherwise provided herein an administrative permit shall expire on the anniversary date, one (1) year after, except that the Director may extend the permit for up to 180 more days if the applicant proves he/she can complete the project in conformance with currently adopted codes and policies.

8. **Continued Compliance.** Once constructed, the owner(s) and developer shall be treated as an association (unless otherwise formed) and shall be liable for and responsible to maintain the development in substantial compliance with City regulations, approved plans and conditions. Failure to achieve substantial compliance including, but not limited to, the replacement of required plant materials that have died or are diseased, shall constitute a violation of this Code and may be enforceable by the City in Municipal Court subject to the provisions of Chapter Eight.

9. **Enforcement and Revocation.** In accordance with the provisions of Chapter Eight, the Director may revoke any permit for failure to comply with the conditions of the permit or failure to comply with any provision of this Code, or if any information, statement or documents supplied by or on behalf of an applicant are false, misleading or omit any material fact or information.

C. **Administrative Permits - General Types**

1. **Planning Clearance.**

- a. No person shall establish, modify or expand a use or a structure, other than a fence or sign regulated by this Code, until both a planning clearance and a building permit have been issued.

- b. Review Criteria. The proposed development shall:

- (1) Be located on a lot or parcel that is authorized for development by this Code;<sup>6</sup>

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<sup>6</sup> If the lot or parcel is "not authorized" only the Zoning Board of Appeals can approve the planning clearance.

- (2) Be consistent with the zone and use provisions established in Chapter Three of this Code;
      - (3) Be served by the required public facilities and services; and
      - (4) Have received all applicable local, state and federal permits.
    - c. Application, Review and Decision-Making Procedures. See Table 2.1 and Section 2.2.B, except that:
      - (1) Planning clearance shall expire 180 days after it is issued. If a building permit is obtained within such six (6) month period, the planning clearance shall be valid for as long as the building permit remains valid.
  - 2. **Building Permit.**
    - a. No person shall construct, modify or use a structure until a planning clearance has been obtained and a building permit has been issued.<sup>7</sup>
- D. **Administrative Permits - Use Types**
  - 1. **Home Occupation Permit.**
    - a. **Purpose.** Home occupation permits are needed to ensure that all home occupations are conducted in a safe manner without adverse affects on neighboring properties.
    - b. **Applicability.** No person shall conduct a home occupation until the Director has issued a home occupation permit.
    - c. **Review Criteria.** The applicant shall demonstrate that the proposed use conforms to the home occupation standards established in Chapter Four of this Code.
    - d. **Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.
  - 2. **Temporary Use Permit.**
    - a. **Purpose.** A temporary use permit helps ensure that temporary uses, including special events, are safe and minimizes adverse impacts on City infrastructure and neighboring properties.
    - b. **Applicability.** No person shall establish a temporary use for a period exceeding forty-eight (48) hours without a temporary use permit. Special events and activities conducted on public property, such as school sites and City parks, which have the consent of the owner, shall be exempt from the provisions of this Section 2.2.D. Only one (1) temporary use is permitted at any given time on a parcel or lot.
    - c. **Review Criteria.** The applicant shall demonstrate that:
      - (1) The use is an authorized temporary use pursuant to Section 4.3.L.;
      - (2) There is no other temporary use on the parcel or lot;
      - (3) The use will not be detrimental to the public health, safety and general welfare;
      - (4) The use is consistent with the purpose and intent of this Code and the

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<sup>7</sup> “Construct,” “use,” or “modify” means, in this context, that a building permit is required under the adopted Building Code.



- specific zoning district in which it will be located;
- (5) The use is compatible (intensity, characteristics and appearance) with existing land uses in the neighborhood. Factors to determine compatibility include: location, noise, odor and light, dust control and hours of operation;
  - (6) The use will not cause traffic to exceed the capacity of affected streets;
  - (7) Adequate off-street parking exists in accordance with Section 6.6 of this Code. The use shall not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site;
  - (8) Access to public right-of-way complies with City requirements, except that hard surface travel lanes are not required for a temporary use;
  - (9) Permanent hookups to utilities are not provided;
  - (10) Yard and property line setbacks are met for structures and/or display of merchandise. Displays shall not interfere with the sight visibility triangle of the intersection of the curb line of any two (2) streets or a driveway and a street. No personal property, including structures, tents, *etc.* shall be located within the public right-of-way;
  - (11) Signage is allowed only while the temporary use is permitted. A temporary use sign shall not exceed thirty-two (32) square feet, excluding signage fixed to an operable motor vehicle. There shall be no portable signs. No off-premise sign shall advertise a temporary use;
  - (12) At least thirty (30) calendar days have passed since any temporary use on the parcel or lot; and
  - (13) The temporary use will not exceed four (4) months.

d. **Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.

3. **Change of Use Permit.**

- a. **Applicability.** No person shall change the use of a structure or property to another principal use unless and until the Director has issued a change of use permit. A change of use from residential to any other use requires a site plan review. A change of use does not occur unless:
  - (1) The Code requires more off-street parking for the new use than is available on the property;
  - (2) There is any increase in traffic, actual or projected; or
  - (3) The amount of storm water runoff or impervious area is increased.
- b. **Criteria.** The applicant shall prove that:
  - (1) The change of use will be consistent with the zoning district and use provisions established in Chapter Three;
  - (2) Accessory uses conform with the provisions in Section 4.1;
  - (3) Parking for the previous use complied with the previous Code, and the change of use will increase the required parking by five (5) or

fewer spaces, in which case additional on-site parking is not required. The required parking spaces may be reduced by up to ten percent (10%) for each 200 square feet additional landscaped area provided for each parking space; and

- (4) New parking areas shall comply with the landscaping, access, paving and drainage requirements of this Code.
- c. **Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.
- 4. **Major Site Plan Review.** The Director reviews site plans to determine compliance with this Code, the Growth Plan, adopted corridor guidelines and other regulations. The siting of structures and site improvements are reviewed to promote compatibility with the neighborhood.
  - a. **Applicability.**
    - . Construction plans, based upon the approved final site plan and consisting of detailed specifications and diagrams illustrating the location, design and composition of all improvements identified in the final site plan and required by this Code, shall be submitted to the City for any project that necessitates the construction, reconstruction or modification of new or existing improvements. These documents shall include complete plans and specifications of all required improvements identified and approved as part of the final site plan phase. The City shall keep the plans as a permanent record of the required improvements. All development requires major site plan review except:
      - (A) A structure with one (1) or two (2) dwellings;
      - (B) Nonresidential, interior remodeling which will cost twenty-five percent (25%) or less of the fair market value of the existing structure;
      - (C) An approved home occupation;
      - (D) An approved temporary use;
      - (E) An approved fence and a wall;
      - (F) An approved sign;
      - (G) An approved change of use;
      - (H) Minor site plan development; and
      - (I) A Development which the Director determines does not require a major site plan review if the development will not adversely affect the neighborhood and meets the purpose and intent of this Code.
    - (2) Major site plan review shall occur prior to issuance of a planning clearance and a building permit.
  - b. **Review Criteria.** The Director will approve the major site plan if the applicant demonstrates that the proposed development complies with:
    - (1) Adopted plans and policies, such as:

- (A) The Growth Plan and any applicable corridor, special area or neighborhood plans; and
- (B) The Grand Valley Circulation Plan, trails plan and parks plan; conditions of any prior approvals;
- (3) Other Code requirements, including:
  - (A) Rules of the zoning district;
  - (B) The Use-specific standards in Chapter Three;
  - (C) The design and improvement standards provided in Chapter Six; and
- (4) Quality site design practices, including:
  - (A) The site shall be organized harmoniously and efficiently in relation to topography, the size and type of the property affected, the character and site design of adjoining property, and the type and size of structures. The site shall be developed to accommodate future growth in the neighborhood.
  - (B) To the maximum degree practical, the native floral bushes, grasses and trees and other landscaping shall be preserved, by minimizing vegetation disturbance and soil removal and by other appropriate site construction planning techniques. Wind and water erosion shall be minimized through site design.
  - (C) Fences, walls and live screening shall be provided to protect the neighborhood and the future uses of the site from adverse effects such as undesirable views, lighting and noise.
  - (D) Plant materials shall be in scale with the structures, the site and its uses and surroundings. Plantings should be arranged to harmonize in size, color, texture, and year-round characteristics of the structures and the site.
  - (E) The scale, character and orientation of structures shall be compatible with present and future uses.
  - (F) Exterior lighting shall be hooded so that no direct light is visible off the site.
  - (G) All utility service lines shall be underground including natural gas, electrical, telephone, and cable television lines.
  - (H) On-site parking, loading and vehicular and pedestrian circulation must be safe.

accesses shall be arranged to minimize negative impacts on the neighborhood. Off-site and on-site improvements may be required for safe vehicular and pedestrian movement.

  - (J) Emergency and utility vehicles must have obvious and ready access to all structures and areas of the site.
  - (K) Public facilities and utilities shall be available concurrent with the Development.

c. **The Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.

- d. **Validity.** Unless otherwise approved, a major site plan shall only be valid for 180 calendar days. If a building permit is obtained within said 180 calendar days, the major site plan approval shall be valid for as long as the building permit remains valid.
5. **Minor Site Plan.**
- a. This review process may be used by the Director to review lesser-intensity projects if a limited review of zoning, parking, circulation, access and minor drainage changes will be adequate. Construction plans, based upon the approved final minor site plan and consisting of detailed specifications and diagrams illustrating the location, design and composition of all improvements identified in the final minor site plan and required by this Code, shall be submitted to the City for any project that necessitates the construction, reconstruction or modification of new or existing improvements. These documents shall include complete plans and specifications of all required improvements identified and approved as part of the final site plan phase for minor site plan review. The City shall keep the plans as a permanent record of the required improvements.
  - b. The Director may use this review process if the proposed project is limited to:
    - (1) A new structure of up to 1,000 gross square feet only for storage, mechanical room, *etc.* if water and sewer services are not provided and if no structures currently exist on the parcel;
    - (2) An addition to a structure of up 1,000 gross square feet or a new structure of up to 1,000 square feet on a lot with one (1) or more structures;
    - (3) An existing parking lot or existing work area to be paved with asphalt or concrete;
    - (4) A temporary office trailer;
    - (5) Similar low-impact uses; or
    - (6) A proposed residential subunit or accessory unit.
  - c. **Criteria.** To receive approval the applicant must demonstrate that the development:
    - (1) Complies with the Growth Plan; and any applicable corridor, special area and neighborhood plans;
    - (2) Complies with the adopted Grand Valley Circulation Plan, trails plan and parks plan;
    - (3) Will be located on property that is authorized for development by this Code;
    - (4) Is consistent with the zoning and use provisions;
    - (5) Meets parking, access and drainage requirements;
    - (6) Is served by public facilities; and
    - (7) Has or is eligible to receive all applicable local, state and federal permits.

- . **The Application, Review and Decision-Making Procedures** . See Table 2.1 and Section 2.2.B.
- e. **Validity.** Unless otherwise approved, a minor site plan shall only be valid for 180 calendar days. If a building permit is obtained within said 180 calendar days, the minor site plan approval shall be valid for as long as the building permit remains valid.

E. **Other Administrative Permits.**

1. **Fence Permit.**

- a. **Applicability.** No person shall erect or maintain a fence or wall unless the Director has issued a fence permit. A fence or wall that exceeds six feet (6') in height is considered a structure and requires a planning clearance and building permit instead of a fence permit. (3) Fences may be required in any development to restrict or direct access to other property, right-of-way or for aesthetic purposes. Fences must comply with Section 4.1.J of the Code, any design guidelines and other conditions of approval. A fence or a wall may vary from the standards in Section 4.1.J if approved as part of a development plan;
  - (1) In a proposed planned development zone; or
  - (2) On a site with a conditional use permit.
- b. **Criteria.** No fence shall be built unless the Director has approved a plan showing the type and method of construction, anchoring of the posts and gates; the distance between the fence and the property lines including right-of-way; and the height of the fence.
- c. **The Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.
- d. **Validity.** A fence permit shall only be valid for 180 calendar days.

2. **Sign Permit.**

- a. **Applicability.** No person shall erect or display a nonexempt sign (see Section 4.2) unless the Director has issued a sign permit. An on-premise temporary sign may be erected without a permit if done as referred in Section 4.2.D. No person shall alter a sign face by painting or overlay such that the color, symbols, letters or other aspect is changed without a permit. Touching up or repainting existing letters, symbols, *etc.*, is maintenance and does not require a permit.
- b. **Criteria.**
  - (1) All signs shall be constructed and maintained in accordance with Section 4.2.
  - (2) A sign in a corridor overlay district shall comply with the design guidelines.
  - (3) The zoning district may further restrict and limit the type of sign.
  - (4) A sign shall be located on the property to which it refers unless permitted as off-premise sign. A sign shall be permanent except as allowed in Section 4.2.D.

- (5) An exterior sign shall be designed to withstand a wind load of thirty (30) pounds per square foot.
    - (6) No person shall place on or attach any sign to any public property, including any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface unless authorized by this Code or other City ordinance.
  - c. **The Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.
  - d. **Validity.** A sign permit or clearance shall only be valid for 180 calendar days.
- 3. **Floodplain Development Permit.**
  - a. **Applicability.** No person shall construct or maintain any use or structure nor make any development in a floodplain or within any area of special flood hazard (Section 7.1) unless the Director of Public Works and Utilities has issued a floodplain permit.
  - b. **Review Criteria.** The Director of Public Works and Utilities shall not issue a floodplain permit unless the applicant demonstrates conformance with Section 7.1 of this Code.
  - c. **The Application, Review and Decision-Making Procedures** are in Table 2.1 and Section 2.2.B. When base flood elevation data has not been provided in accordance with Section 7.1.C, the Director of Public Works and Utilities may use any flood elevation and floodway data available from a federal, state or other source as criteria to decide how and if construction, substantial improvements, or other development in the floodplain may be permitted.
  - d. **Director's Responsibilities.**
    - (1) Record Keeping. The Director of Public Works and Utilities shall obtain and maintain the following information:
      - (A) The actual elevation (relative to mean sea level) of the lowest floor (including basement) of each structure;
      - (B) For each new or substantially improved floodproofed structure, the actual elevation (relative to mean sea level) to which the structure has been floodproofed and the floodproofing certifications required in Section 7.1; and
      - (C) Records pursuant to Section 7.1.
    - (2) Alteration of Watercourses. The Director of Public Works and Utilities shall require proof that the applicant has:
      - (A) Notified adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse. The Director of Public Works and Utilities shall submit evidence of such notification to the Federal Emergency Management Agency; and
      - (B) Demonstrated that maintenance is provided for within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

- (3) **FIRM Boundaries.** The Director of Public Works and Utilities shall interpret the Flood Insurance Rate Maps (FIRM) to decide location of the boundaries of the areas of special flood hazard.
4. **Simple Subdivisions** (lot consolidations, lot splits, boundary adjustments and Plat corrections)
  - a. **Purpose.** The simple subdivision process allows the Director to approve a minor lot adjustment and a lot split and to correct a minor error in a plat.
  - b. **Applicability.** If requested in writing by every owner and every lienor, the Director may allow the simple subdivision process to be used to:
    - (1) Consolidate one (1) or more lots;
    - (2) Create only one (1) additional lot;
    - (3) Change a boundary line between two (2) abutting lots or parcels; or
    - (4) Change a plat to:
      - (A) Correct an error in the description;
      - (B) Indicate monuments set after death, disability or retirement of the engineer or surveyor;
      - (C) Correct any monument;
      - (D) Correct a scrivener or clerical error such as lot numbers, acreage, street names and identification of adjacent recorded Plats;
      - (E) Correct an error in a legal description of adjacent property;
      - (F) Change a lot line in order to cure an encroachment on or over a lot line or an easement; or
      - (G) Change a lot line between lots if the number of lots does not increase.
  - c. **Criteria.** The Director will approve a simple subdivision if the applicant demonstrates that:
    - (1) All lots comply with this Code, including Section 3.6.B and the density provisions;
    - (2) There is no change to existing easements or right-of-way (additional easements or right-of-way may be dedicated);
    - (3) The right-of-way shown on the Grand Valley Circulation Plan is not changed;
    - (4) The character of the plat and the neighborhood will not be negatively impacted; and
    - (5) No portion of the property has been the subject of a lot split in the preceding ten (10) years.
  - d. **Application and Review Procedures** are in Table 2.1 and Section 2.2.B, except:
    - (1) A general meeting is required;
    - (2) The neighborhood shall be given notice;
    - (3) A perfected appeal of a Director's decision shall be reviewed by the Planning Commission; and
    - (4) The final approval shall be the recording of the plat.

## 2.3 PERMITS REQUIRING PUBLIC HEARING

- A. Generally, the procedures for all applications have three (3) elements:
  1. Submittal of a complete application, including payment of fees;
  2. Review by City staff and other agencies; and
  3. A decision.
- B. **Common Elements of Procedures.** The following requirements are common to all applications. The times for the City to act are maximums stated in terms of working days. The Director may shorten any time frame specified herein.
  1. **General Meeting.** At a general meeting the applicant discusses the project with City staff in more depth to obtain general feedback and ideas. Based on the amount of detail and information the applicant presents, the staff shall attempt to give direction on a proposed project. After a general meeting a development application may be submitted. A general meeting is not required for all applications. The Director may waive the general meeting requirement if it is not likely to help the neighborhood or applicant.
  2. **Preapplication Conference.** A preapplication conference with City staff is highly recommended for most subdivisions, multifamily, commercial and industrial projects to:
    - a. Understand the project and the applicant's objectives;
    - b. Identify applicant deadlines such as property closing dates, preferred construction and operation dates;
    - c. Identify the needed approvals;
    - d. Identify the documents, plans, drawings, fees and other materials needed to complete the application;
    - e. Identify the most significant issues; and
    - f. Show the applicant how to meet the Code and other requirements.
  3. **Application Requirements.** The SSID Manual lists what is needed to apply for each type of permit. However, the particulars of a project may require different types or levels of information. At the preapplication conference, the Director will tell the applicant what information the applicant must supply to begin the assessment of the project. At any time during the process, the Director may require additional information to respond to issues or concerns. The Director will list the requirements/information told to the applicant at the preapplication conference and place the list in the file.
    - a. **Application Deadlines.** Important application deadlines are in the SSID Manual or by the Director's written policies.
    - b. **Application Fees.** The City Council sets fees in amounts sufficient to recover all or a portion of the taxpayer costs spent processing, giving notice, and reviewing development applications.
    - c. **Completeness.** The Director shall determine if the application is complete. If it is not complete, the Director shall notify the applicant and the submittal will be returned. The Director shall retain a copy of the checklist identifying any submittal deficiency.



4. **Neighborhood Meeting.** A neighborhood meeting should produce a better project through dialogue between the developer and neighbors leading to consensus.
  - a. **Neighborhood Meetings.** Some neighborhood meetings are optional before an application is submitted. If a neighborhood meeting has not been held, then the review body may continue at the first public hearing regarding the project and require that a neighborhood meeting be held before the application is reviewed further if:
    - (1) Neighbor(s) lack significant information or have significant missing information about the project;
    - (2) Neighbor(s) have identified to the review body significant impacts that the developer has not addressed adequately; or
    - (3) Neighbor(s) have suggested to the review body reasonable changes to the project to lessen negative impacts or make improvements to the neighborhood.
  - b. **Required Neighborhood Meetings.** A neighborhood meeting shall be held after the general meeting or preapplication conference, but before an application is submitted.
  - c. **Limitations to Directed Neighborhood Meetings.** If a neighborhood meeting has been held within three (3) months before the application, the review body may not continue a hearing to require a neighborhood meeting. An applicant may always request a continuance during public hearing in order to have a neighborhood meeting.
  - d. **The Neighborhood.** All properties any part of which is located within a radius of 500 feet of any portion of the project are considered “the neighborhood.” Each homeowner’s association, condominium association, other organized neighborhood group (such as a merchants association), or any member’s lot or parcel of which is within 1,000 feet of the project is part of the neighborhood, as are any other formal or informal organized groups known to the Director, which has registered with the Community Development Department is also considered “the neighborhood.” The Director will keep a list of the contact persons and addresses of such groups.
  - e. **Meeting Time and Location.** The applicant must provide a meeting room and must conduct the meeting. Meetings must be held on a weekday evening that is not a holiday beginning between 5:30 PM and 8:00 PM in a location that is accessible to the affected neighborhood. The Director may approve other times and locations. The meeting date, time and location must be approved by the Director. To qualify, a meeting must be held between 180 days and fourteen (14) days before the application.
  - f. **Meeting Content and Conduct.** At the meeting, the applicant shall present its development plans, describe project impacts, describe ways to mitigate impacts, and facilitate a discussion and answer questions. The applicant decides the format and conduct of the meeting so that attendees

have an opportunity to speak and to make written comments. City staff shall not organize or direct the meeting, but should gather information and explain the rules and requirements. Within seven (7) days of the meeting, the applicant must give the Director a written list of names and addresses of those given notice and those attending, along with a written summary of suggestions, comments, criticism and mitigating measures brought up by the applicant and attendees.

- g. **Notice.** The applicant shall provide written notice of the time, place and subject of the meeting to every owner and group in the neighborhood, as well as the City Community Development Department. The notice must be approved by the Director and shall be hand-delivered or delivered by first class mail. The notice must be hand-delivered or postmarked no later than ten (10) calendar days prior to the meeting.

5. **Procedures.**

**Staff Review.** Applications shall be reviewed by City staff and other appropriate agencies for compliance with City and agency codes and policies. Upon completion of staff review, the staff shall provide its comments in writing to the applicant.

- b. **Review by Other Agencies.** The staff shall forward copies of the applications to appropriate agencies for their comments. Examples of review agencies are:

- (1) City departments;
- (2) Telecommunications, gas, electric and other utilities;
- (3) Irrigation, drainage, water and sewage, sewer provider special districts;
- (4) School and fire agencies;
- (5) Law enforcement;
- (6) Mesa County staff, Planning Commission, or Board of Commissioners;
- (7) State agencies (*e.g.*, Colorado Geologic Survey, Colorado Department of Transportation, Colorado Department of Natural Resources, Colorado Division of Wildlife, *etc.*); and
- (8) Federal agencies (*e.g.*, Federal Emergency Management Agency, Bureau of Land Management, U.S. Army Corps of Engineers, *etc.*).

**Agency and Department Comments.** The agencies' review will be advisory in character, and does not constitute approval or disapproval. All comments shall be forwarded to the applicant for response.

**Applicant's Response.** An application submitted to the City for review must be diligently pursued and processed by the applicant. Accordingly, if the applicant, within ninety (90) calendar days of mailing of the City's review comments on any submittal (or resubmittal) of an application for approval of a e. development application, does not resubmit revised documents to address comments from the City, the development application shall lapse and become null and void. The Director may grant one (1) extension of

the foregoing ninety (90) day requirement, not to exceed thirty (30) days in length.

**Review of Response.** The Director shall determine if sufficient information has been provided to schedule the application for a hearing. If the Director deems the application insufficient for such purposes, he shall notify the applicant. The applicant shall be allowed additional resubmittals and responses before the application is scheduled for a hearing.

6. **Notice.**

a. **Purpose.** Notice of public hearings allow for community input and due process (the opportunity to be heard) for the applicant and neighbors. Accordingly, nothing herein shall prohibit the Director from providing public notice beyond that legally required, at the applicant's cost.

b. **Published Notice.**

(1) Unless otherwise provided in this Section a notice setting forth the date, time, place and purpose of such a public hearing, the name of the applicant and identification of the subject property must be published at least once. The Director shall be responsible for giving notice.

(2) In computing notice time, the day of the hearing shall be excluded.

(3) The applicant shall either provide the information for the notice, or pay the City to prepare the information.

c. **Mailed Notice of Public Hearing.**

(1) The Director must mail notice of a public hearing, as required in Table 2.3, by first class U.S. Mail at the applicant's cost to each owner at the address on file with the Mesa County, Colorado Assessor.

(2) At the applicant's cost, the Director shall also give notice to each person who attended any required neighborhood meeting.

(3) Mailed notice shall state the date, time and place of the hearing, a general description of the proposal, the location of the project, a statement explaining that any person will be heard at the public hearing and other such requirements. Newspaper clippings of the published notice shall not be used for mailed notice. Notice shall be delivered by first class U.S. mail.

d. **Property Sign.** When required by Table 2.3, the applicant shall post approved signs giving notice of the application. The applicant shall post at least one (1) sign on each street frontage of the property at least ten (10) calendar days before the initial public hearing. The applicant shall maintain the sign(s) on the property until the day after the final public hearing.

e. **Combined Notice.** If a project requires action on several permits at the same hearing, the Director may provide for a single, combined notice.

f. **Substantial Compliance.** Notice is sufficient if there is complete substantial compliance with the requirements of this Section. For

example, minor errors in the words of the notice, or in the number of signs on a property (where multiple signs are required) will not invalidate the notice. On the other hand, the requirements of the number of days of notice, the general type of notice for the correct time, date and place of a hearing, and the location of the property must be completely correct. If a question arises, the decision making body shall decide if adequate notice was given.

**Table 2.3**  
**PUBLIC HEARING NOTICE PROVISIONS**

<b>Type of Submittal or Request</b>	<b>Published Notice When Published <sup>1</sup></b> (minimum calendar days before hearing)	<b>Mailed Notice First Class Mail <sup>2</sup></b>	<b>Sign Notice Required <sup>3, 4</sup></b>
Growth Plan Map Amendment	7 Days	Owners within 500 ft. <sup>5</sup>	Yes <sup>5</sup>
Growth Plan Text Amendment	7 Days	Not Applicable	No
Subdivision Preliminary Plat	7 days	Owners within 500 ft.	Yes
Planned Development ODP	7 days 7 days	Owners within 500 ft. Owners within 500 ft.	Yes Yes
Rezoning & Map Amendment	7 days	Owners within 500 ft. <sup>5</sup>	Yes <sup>5</sup>
Code Text Amendment	7 days	Not Applicable	No
Zoning of Annexation	7 days	Owners within 500 ft. <sup>5</sup>	Yes <sup>5</sup>
	7 days	Owners within 500 ft.	Yes
Historic Preservation	7 days	Not Applicable	No
Variance – ZBOA	7 days	Owners within 500 ft.	Yes
Variance – Council	Not Applicable	Not Applicable	No
	7 days	Owners within 500 ft. Including Utilities	Yes
Grand Valley Circulation Plan Amendment	7 days	Not Applicable	No
Revocable Permit	Not Applicable	Not Applicable	No
Institutional & Civic Facility Master Plans	7 days	Owners within 500 feet	Yes

Type of Submittal or Request	Published Notice When Published <sup>1</sup> (minimum calendar days before hearing)	Mailed Notice First Class Mail <sup>2</sup>	Sign Notice Required <sup>3, 4</sup>
Vested Rights	Once within 10 days of approval	Not Applicable	No

**Footnotes:**

<sup>1</sup> All published notice shall be published in a local newspaper of general circulation recognized by the City.

<sup>2</sup> All mailed notice must be postmarked no less than ten (10) days before a Public Hearing and must include each homeowner's associations (HOAs) or other group registered with the Community Development Department within 1,000 feet.

<sup>3</sup> Signs must be posted at least ten (10) calendar days before the initial Public Hearing and remain posted until the day after the final hearing.

<sup>4</sup> One (1) sign per street frontage is required for zones of annexation of multiple parcels.

<sup>5</sup> Mailed Notice and Sign Posting is not required for Growth Plan map amendments, rezonings, or zoning of annexations for requests relating to more than five percent (5%) of the area of the City and/or related to a Citywide or area plan process.

**7. Request for a continuance prior to hearing.**

- a. An applicant shall have the right to one (1) continuance before the Planning Commission, Zoning Board of Appeals or City Council, only if a written request is filed with the City Clerk at least five (5) business days before the hearing.
- b. An applicant requesting a continuance shall make reasonable efforts to notify all persons previously advised of the hearing that a continuance has been requested. Reasonable efforts shall include, but not be limited to, personal notice, broadcast or print media notice and any other form of notice determined by the Director to be reasonable. The applicant shall reimburse the City and provide all materials necessary to provide written notice of the rescheduled public hearing date to surrounding property owners in the same manner and with the same time schedule as the original date.
- c. The review body shall grant one (1) continuance to a time, place and date certain, without taking any testimony, except pertaining to the adequacy of the notice.

- 8. Withdrawal of Application.** Before a hearing on an application is opened, the applicant may request in writing that the application be withdrawn. Fees will not be refunded. An applicant may ask to withdraw after the hearing is opened, but the decision making body will decide whether or not to approve the request.

9. **Public Hearing Procedures.**
  - a. **Timing.** The Director shall schedule an application for hearing only when all issues have been resolved and a determination of compliance with all codes and regulations is made.
  - b. **Applicant's Option.** An applicant has the right to request a hearing at any time during the review process.
  - c. **Conduct of Hearing.**
    - (1) Any person may offer relevant information in writing or in person. Every speaker representing one (1) or more other persons shall state his/her name, street address, and if an organization or group, the name and mailing address of the organization or group.
    - (2) The Director's written report and recommendations should be available three (3) calendar days before the public hearing.
    - (3) The Chair shall exclude testimony and evidence that is irrelevant, immaterial, unduly repetitious or disruptive. Ordinarily no one presenting testimony or evidence may ask questions of other persons appearing as witnesses; although the chairperson of the body may ask questions suggested by a person presenting testimony. At any point, members of the body conducting the hearing may ask questions of the applicant, staff or public.
    - (4) No person shall knowingly make a false statement nor present false, deceptive or slanderous testimony, comment or remarks at a public hearing.
  - d. **Continuance.** The decision making body may grant a continuance to:
    - (1) Increase the efficiency of the development review process;
    - (2) Reassess a design or a position;
    - (3) Reconsider an application; and/or
    - (4) Obtain coordinated and harmonious development.
  - d.e. **Additional Rules.** The body conducting the hearing may adopt its rules of procedure to limit the number of applications for development approval to be considered per meeting and to limit the time for each presentation or speaker.
10. **Decision-Making.** The decision making body shall make decisions based on policies, standards, plans, recommendations, the applicable law, the testimony and information presented at the hearing.
  - a. **Authority to Condition Development Approvals.** The decision making body may impose conditions to protect the neighborhood, implement this Code and other rules and regulations and ensure compliance with any applicable policy or requirement.

**Planning Commission as Recommending Body to City Council.** If the Planning Commission is the recommending body pursuant to Table 2.1, recommendations shall be forwarded to the City Council.

11. **Scope of Action.** The review body may take any action regarding the application that is consistent with notice, including approval with conditions or denial. The reviewing body may allow the applicant to amend the application if the amendment reduces the project density or FAR, reduces the impact of the project, or the amount of land involved in the project.
12. **Post-Decision Proceedings.**
  - a. **Rehearing.** Any aggrieved person, including the Director and the Director of Public Works and Utilities may request a rehearing, (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 five (5) days notice of such corrections by posting at City Clerk agenda board.
13. **Validity.**
  - a. **Noncompliance.** Upon a finding that any of the following conditions exist, all activities taken pursuant to such development application shall immediately cease, and no person shall continue construction or make use of or maintain any activity pursuant to such approval if:
    - (1) The applicant fails to satisfy any condition of the approval;
    - (2) The applicant fails to timely complete all work and construction set forth in a Development Improvements Agreement. If no time limit for satisfaction of conditions is specified in the original or revised approval of the development application, the time shall be presumed to be one (1) year from the date of approval; or
    - (3) The applicant fails to fulfill any promise made in writing or at any public hearing.
  - b. **Extension Procedures.**
    - (1) Considerations. Development approval deadline or a development phasing schedule may be set for greater than one (1) year, but not more than ten (10) years by the decision-making body. The decision-making body may extend any deadline if the applicant demonstrates why the original effective period or development phasing schedule was not sufficient and cannot be met. The decision making body shall consider when deciding to extend or change any deadlines if development regulations materially changed so as to render the project inconsistent with the regulations prevailing at the time the extension would expire.
    - (2) Requests. A request to extend any deadline shall be submitted in writing to the Director prior to the expiration of the original approval or deadline.



14. **Continued Compliance.** The owner of property which has been developed shall maintain the property and all infrastructure in order to remain in substantial compliance with all approved plans and conditions of approval. Failure to remain in substantial compliance, including the replacement of dead or diseased plants shall constitute a violation of this Code.
15. **Revocation of Permit or Approval.**
  - a. **Director Duties.** If the Director determines there are one (1) or more reasons to revoke a development permit or approval, he/she shall set a hearing before the decision-maker. If the Director made the planning clearance decision, then the Zoning Board of Appeals shall conduct the hearing. If the City Council decided, it may refer the proposed revocation to the Planning Commission for a recommendation hearing.
  - b. **Notice and Hearing.** Notice and hearings for a revocation are the same as for the original application.
  - c. **Decision and Appeals.** A decision to revoke a Development permit shall become final fourteen (14) calendar days after the date the decision is rendered, unless appealed. After such effective date of revocation, any activities continuing pursuant to such permit shall be deemed to be in violation of the Code.
  - d. **Right Cumulative.** The Director's right to revoke any approval, development permit, or other privilege or right, shall be cumulative to any other remedy.
16. **City Initiated Requests.** The City Manager, any Department Director or City Council may apply for a Development permit on behalf of the City, without payment of fees.

## 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 (2) or more of the applicable portions of the plan appear to conflict; or
  2. The proposed development is inconsistent with one (1) or more applicable portions of the plan, or the overall intent of the plan if two (2) 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 of 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.

## 2.5 GROWTH PLAN AMENDMENT (GPA)

- A. **Purpose.** In order to maintain internal consistency within the Growth Plan, consistency determinations and proposed amendments to the Growth Plan and Future Land Use Map must be consistent with the stated purposes, goals and policies included in the plan.
- B. **Applicability.** All proposed amendments to the text of the Growth Plan or Future Land Use Map shall comply with the provisions of this Section 2.5. Any proposed Development that is inconsistent with any goals or policies of the Growth Plan or Future Land Use Map shall first receive approval of a Growth Plan amendment.
  - 1. **Jurisdiction.** For property within the City limits or which will be annexed, the City shall decide if the plan should be changed. Together, the City and the County shall decide questions of amending the plan for property that is outside the City and will not then be annexed, but within the Urban Growth Area (UGA) and for all text amendments.
  - 2. **Concurrent Review.** A Growth Plan Amendment request shall not be considered concurrently with any other development review process.
- C. **Review Criteria.** The City and County shall amend the plan if each finds that the amendment is consistent with the purpose and intent of the plan and if:
  - 1. There was an error such that then existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for;
  - 2. Subsequent events have invalidated the original premises and findings;
  - 3. The character and/or condition of the area have changed enough that the amendment is acceptable and such changes were not anticipated and are not consistent with the plan;
  - 4. The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans;
  - 5. Public and community facilities are adequate to serve the type and scope of land use proposed;
  - 6. 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
  - 7. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.
- D. **Decision-Maker.**
  - 1. **Outside of City.** The City and County Planning Commissions shall consider requests concerning property located outside of the City, but within the Urban Growth Area (UGA), which will not be then annexed. The City Planning Commission is the City's final action and may not be appealed. Affirmative action by both Commissions is required for an amendment.
  - 2. **Inside of City.** Concerning property within the City, or which will be annexed, the Director and City Planning Commission shall recommend and the City Council's action is the City's final action.
  - 3. **Failure of Amendment.** If an amendment request fails, any pending

Development application must be changed to be consistent with the plan.

E. **Application requirements and processing procedures** are in Table 2.1 and Section 2.3.B, except:

1. **Deadlines.**

- a. Map amendments and all text amendments shall be processed two (2) times per year according to a schedule adopted by the Director.
- b. Extraordinary Amendments. For property within the City, the City Council may authorize an extraordinary review if the failure to provide immediate review would mean: a public loss of some sort; some inability to meet City goals or policies, such as economic development, redevelopment, infill development, affordable housing; or significant diminution of property value or significant increase in expense to an owner.

2. **Application Requirements.**

- a. Minimum Requirements. In making a request for a plan amendment the applicant shall address each of the criteria provided in this Section.
- b. Optional Materials. In addition to the required written descriptions, justifications and responses, the City Council, Planning Commission or staff may request additional documents, reports, studies, plans and drawings as deemed necessary to fully evaluate the request. The Applicant may submit additional relevant materials.

3. **Notice.**

- a. Property Sign. Signs giving notice are not required for text amendment requests, nor for map amendments initiated by the City as a Citywide or area plan process or requests relating to more than five percent (5%) of the area of the City.
- b. Mailed Notice. A mailed notice is not required for a map amendment request relating to more than five percent (5%) of the area of the City and/or related to a Citywide or area plan process, or for text amendment requests; however, the Director shall give notice in an advertisement in a local newspaper of general circulation. (Section 2.3.B.6)

4. **Hearing.** If action by the City and the County is required, the Director will attempt to arrange a joint meeting of City and County Planning Commissions, although such joint meetings are not required. If a joint hearing is held, the chairpersons shall jointly determine how to conduct such a hearing. Each commission shall vote separately.

5. **Timing.** If both the City and County should act and thirty (30) calendar days have passed without action by the second party, the decision of the first party shall control.

## 2.6 CODE AMENDMENT AND REZONING

A. **Approval Criteria.** In order to maintain internal consistency between this Code and the Zoning Maps, map amendments must only occur if:

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 transitions, *etc.* and such changes were not anticipated and are not consistent with the plan;
  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;
  4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans and 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;
  6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs; and
  7. The community or neighborhood will benefit from the proposed zone.
- B. **Decision-Maker.**
1. The Director and Planning Commission shall make recommendations and the City Council shall make the final decision. Either the Planning Commission or the City Council may add additional property to be considered for a zoning change if such additional property is identified in the notice, in accordance with Section 2.3.B.6.
- 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, nor 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).

## 2.7 CONCEPT PLAN

- A. **Purpose.** The concept plan review is an optional process that provides an applicant with a general, nonbinding reaction from the Planning Commission prior to submittal of a development application.
- B. An applicant can get a concept plan review for any development that requires Planning Commission approval.
- C. **Decision-Maker.** Planning Commission members should react, comment, question, critique and give direction to assist the applicant with preparing a subsequent application for a development permit. Such comments should not be taken as an

indication of how the members may vote on any subsequent application for a development permit. To keep the concept plan informal, the Planning Commission shall not vote on any portion of the concept plan.

- D. **Application and Review Procedures** are in Table 2.1 and Section 2.3.B except:
1. Staff Review, Report and Recommendations. While he may, the Director is not required to review the plan, nor must he circulate the plan to other agencies, nor is he required to produce a report or make recommendations.
  2. Notice. Notice is not required, but will be given if requested by the applicant.

## 2.8 SUBDIVISIONS

- A. **Purpose.** No person shall record a plat of a subdivision nor prepare or execute any documents which purports to create or creates a new parcel, nor record or execute a deed of trust or a mortgage descriptive of the property other than all of a lot or parcel unless such plat, deed, deed of trust or mortgage has been approved by the City and unless it conforms to all of the provisions of this Code. The purpose of this Section 2.8 is to:
1. Ensure conformance with the Growth Plan and other adopted plans including all corridor design guidelines;
  2. Assist orderly, efficient and integrated development;
  3. Promote the health, safety, and welfare of the residents of the City;
  4. Ensure conformance of land subdivision plans with the public improvement plans of the City, County and State;
  5. Ensure coordination of the public improvement plans and programs of the several area governmental entities;
  6. Encourage well-planned and well-built subdivisions by establishing minimal standards for design and improvement;
  7. Improve land survey monuments and records by establishing minimal standards for survey and plats;
  8. Safeguard the interests of the public, the homeowner, and the subdivider;
  9. Secure equitable handling of all subdivision plans by providing uniform procedures and standards;
  10. Ensure that pedestrian and bicycle paths and trails are extended in accordance with applicable City plans;
  11. Preserve natural vegetation and cover, and to promote the natural beauty of the City;
  12. Prevent and control erosion, sedimentation, and other pollution of surface and subsurface water;
  13. Prevent flood damage to persons and properties;
  14. Restrict building in areas poorly suited for building or construction;
  15. Prevent loss and injury from landslides, mudflows, and other geologic hazards;
  16. Ensure adequate public facilities and services are available or will be available concurrent with the projected impacts of the subdivision; and
  17. Ensure the proposal will not impose hardship or substantial inconvenience to nearby landowners or residents.

**B. Preliminary Plat.**

1. **Applicability.** The preliminary plat provides general graphic information and text indicating property boundaries, easements, land use, streets, utilities, drainage, open space, parks and other information required to evaluate a proposed subdivision. A preliminary plat shall be required for every subdivision except as otherwise provided for herein.
2. **Review Criteria.** A preliminary plat will not be approved unless the applicant proves compliance with the purpose portion of this Section and with all of the following criteria:
  - a. The preliminary plat will be in conformance with the Growth Plan, Grand Valley Circulation Plan, Urban Trails Plan and other adopted plans;
  - c. The Subdivision standards in Chapter Six;
  - dc. The Zoning standards in Chapter Three;
  - ed. Other standards and requirements of this Code and other City policies and regulations;
  - fe. Adequate public facilities and services will be available concurrent with the subdivision;
  - gf. The project will have little or no adverse or negative impacts upon the natural or social environment;
  - hg. Compatibility with existing and proposed development on adjacent properties;
  - ih. Adjacent agricultural property and land uses will not be harmed;
  - ji. Is neither piecemeal development nor premature development of agricultural land or other unique areas;
  - k. j. There is adequate land to dedicate for provision of public services; and
  - lk. This project will not cause an undue burden on the City for maintenance or improvement of land and/or facilities.
3. **Decision-Maker.** The Planning Commission is the decision-maker for all applications for preliminary plats.  
**Application and Review Procedures** are in Table 2.1 and Section 2.3.B.a. Application Requirements. In an effort to expedite final plat approval, the applicant may provide more detailed information than is required for preliminary plat review.
- b5. **Validity.** The applicant may propose a development phasing schedule at the time of application for a preliminary plat for consideration by the Planning Commission. In the absence of an approved phasing schedule, preliminary plat approval shall be valid for only one (1) year, during which the applicant shall obtain final plat approval for all or a portion of the property. If a portion of the property in the preliminary plat is final platted within one (1) year, the rest of the preliminary plat shall be automatically renewed for an additional one (1) year following the recording of each final plat, unless the Director notifies the applicant, in writing, to the contrary. The applicant shall plat the entire property

included in the preliminary plat within five (5) years of the initial plan approval date. After five (5) years, approval of unplatted portions of the preliminary plat shall be considered void unless an extension is requested and approved by the decision making body.

C. **Final Plat.**

1. **Applicability.** The final plat provides detailed graphic information and associated text indicating property boundaries, easements, streets, utilities, drainage, and other information required for the maintenance of public records of the subdivision of land. A final plat shall be required for all subdivisions. The final plat shall conform to the approved preliminary plat. If a minor revision of a preliminary plat is required, the review of the revised preliminary plat may, at the discretion of the Director, proceed concurrently with final plat review.
2. **Approval Criteria.** The final plat shall demonstrate compliance with all of the following:
  - a. The same criteria as the preliminary plan in Section 2.8.B; and
  - b. The preliminary plat approval and any conditions attached thereto. A portion of the land area within the preliminary plat may be approved for platting.
3. **Decision-Maker.** The Director shall approve, conditionally approve or deny all applications for a final plat, unless the Planning Commission in its discretion, has required the final plat be returned to them for final action. In such cases, the Director shall provide a recommendation concerning the final plat.
4. **Application and Review Procedures.** Application requirements and processing procedures shall comply with those described in Table 2.1 and Section 2.2.B, with the following modifications:
  - a. Review of Covenants. The City Attorney shall review and approve all covenants and restrictions prior to final plat approval.
  - b. Notice. Notice of a final plat is not required unless the Planning Commission elects to take final action. In such instances, notice shall be provided in the same manner and form as is required with a preliminary plat.
  - c. Form of Final Action. The form of final approval by the Director shall be the recording of the plat as per Section 2.8.E. If the Planning Commission approves the final then the applicant's surveyor or engineer shall then make any changes necessary or required to comply with final approval conditions. The plat shall then be recorded within one (1) year of action by the Planning Commission or as directed in the approved phasing plan/development schedule.

D. **Construction Plans.**

1. **Applicability.** Construction plans, based upon the approved final plat and/or site plan and consisting of detailed specifications and diagrams illustrating the location, design and composition of all improvements identified in the final plat phase and required by this Code, shall be submitted to the City for any project



that necessitates the construction, reconstruction or modification of new or existing improvements. These documents shall include complete plans and specifications of all required improvements identified and approved as part of the final plat phase. The City shall keep the plans as a permanent record of the required improvements.

2. **Approval Criteria.** The construction plans shall be prepared in conformance with the approved final plat and the City's adopted standards for public improvements including those contained in this Code.
  3. **Decision-Maker.** The Director shall approve, conditionally approve or deny all applications for subdivision construction plans.
  4. **Application and Review Procedures.** Application requirements and processing procedures shall comply with those described in Table 2.1 and Section 2.2.B, with the following modifications:
    - a. **Application Requirements.** Construction plans shall be prepared for all subdivision improvements and public improvements for all other developments as required by and in accordance with this Code, the SSID Manual, the TEDS Manual and all other applicable adopted City codes and policies. A completed Development Improvements Agreement (DIA) for the public improvements and acceptable guarantee is required to be submitted with the construction drawings. As-built plans must be submitted to the Director prior to acceptance of public improvements for City maintenance.
- E. **Recording of Subdivisions.** The Director shall record all final plats and related documents as follows:
1. The original plat, together with any other required documentation such as, but not limited to the following, shall be submitted for recording along with all necessary recording fees: a Mylar copy and one (1) 11" x 17" Mylar reduction; improvements agreements; powers of attorney; easement or right-of-way dedications not shown on the plat; covenants; evidence of incorporation of homeowners association; deeds conveying property to the homeowners association; *etc.* The plat shall contain notarized signatures of each owner of the property, necessary engineer's and surveyor's signatures, and corporate seal, if required. All signatures on the plat shall be in permanent black ink.
  2. The Director shall obtain the applicable signatures of public officials required on the plat. Upon review and payment of fees by the applicant, the Director shall record the plat at the office of the County Clerk and Recorder.
  3. Upon recording the plat, applications for planning clearances and building permits may be submitted in accordance with the provisions of this Code.
  4. If the applicant does not complete all steps in preparation for recording within one (1) year of approval of the final plat, the plat shall require another review and processing as per the final plat processing procedure and shall then meet all the required current Code and regulations at that time. One (1) extension of six (6) months may be granted by the Director.
- F. **Guarantees for Public Improvements.**

1. Except as provided herein, before the plat is recorded by the Director, all applicants shall be required to complete, to the satisfaction of the Director, all street, sanitary, and other public improvements, as well as lot improvements on the individual lots of the subdivision or addition as required by this Code. The required improvements shall be those specified in the approved construction plans: or
2. As a condition of final plat approval, the City shall require the applicant to enter into a Development Improvements Agreement and post a guarantee for the completion of all required improvements as per Section 2.19.

## 2.9 CONDOMINIUMS AND LEASE HOLDINGS

- A. **Purpose.** The purpose of this Section 2.9 is the same as that of the major subdivision process.
- B. **Applicability.** The Subdivision of a structure into condominium ownership, consisting of a separate estate in an individual air space unit of a multiunit property together with an undivided interest in common elements, all as defined in Sections 38-33-101 *et seq.*, C.R.S. and 38-33.3-101, *et seq.*, C.R.S. shall be created through this process, which is generally the same as the process for a major subdivision of land. Standards set forth in the Colorado Revised Statutes (C.R.S.) and in this Section are applied to this type of subdivision to ensure consistency with the City's Growth Plan, adopted codes and policies and to ensure the maintenance and upkeep of common areas for the protection of individual unit owners. This Section also shall apply to leaseholdings if leasehold interest is applying to obtain development rights similar to a platted lot or parcel and the development is separate from the principal parcel from which the leaseholding is created. Nothing herein shall prohibit the creation of leaseholdings outside of this process. Leaseholdings created outside of this process shall not be recognized by the City as being separate lots or parcels with development rights that are separate and apart from those enjoyed by the principal parcel from which the leasehold interest is created.
- C. **Approval Criteria.**
  1. The condominiumization of a structure shall comply with:
    - a. Sections 38-33-105 and 38-33-106, C.R.S.;
    - b. The approval criteria for a Major Subdivision Preliminary Plan (Section 2.8.B.); and
    - c. The Condominium of individual air space units and limited common elements, as defined in Section 38-33.3-103, C.R.S. and general common elements, as defined in Section 38-33-106, C.R.S. may be constructed or retrofitted with a minimum one-hour fire wall, pursuant to Section 38-33.3-106, C.R.S.
  2. The creation of a leaseholding shall meet the same criteria as a simple subdivision as provided in Section 2.2.E.4.
- D. **Decision-Maker.** The Director shall make recommendations and the Planning Commission shall approve, conditionally approve, or deny all applications for a

Condominium or leaseholding, except the Director shall approve, conditionally approve, or deny all applications for a nonresidential Condominium.

E. **Application and Review Procedures.** The procedures for creation of a condominium are the same as are those required for final plat of a major subdivision with the following modifications:

1. **Preliminary Plan.** Approval of a preliminary plan is not required. An applicant can choose to submit the final condominium plat as the first step in the process. If the project has already been reviewed by the Planning Commission through some other process, such as Preliminary Plan or Conditional Use Permit, the final plat may be reviewed and approved by the Director.
2. **Application Materials.** The applicant shall submit an application and a plat or map to the Director which shall be in conformance with state law, the SSID Manual, and other applicable regulations. Applicants shall demonstrate that a common interest community shall be shown in detail in two (2) dimensions on a plat or in three (3) dimensions on a map, however, a map is required for a common interest community with units having a horizontal boundary. A plat and map may be combined.
3. **Condominium Declarations.** The Condominium Application shall:
  - a. Include a condominium declaration (Sections 38-33-105, 38-33-105.5 and 38-33.3-205, C.R.S.);
  - b. Address the exercise of development rights (Section 38-33.3-210, C.R.S.); and
  - c. Include the Unit Owner's Association Bylaws (Section 38-33-106, C.R.S.).
4. **Adjustments and Amendments to Condominiums.** The boundary lines shall be amended in accordance with this Section 2.9 and the applicable Sections 38-33-101 *et seq.*, C.R.S. Plats or maps shall be amended or vacated in accordance with this Chapter Two and the applicable Sections 38-33-101 *et seq.*, C.R.S.

## 2.10 VACATION OF PLATS

- A. **Purpose.** This Section is intended to provide a process for the vacation of plats and subdivisions that are no longer viable and to ensure the vacation will not have any adverse impacts on the applicant or surrounding property owners.
- B. **Applicability.** If a plat has not been developed or has been partially developed and the owner desires to vacate the undeveloped portion thereof, then the owner may apply for a vacation of the plat.
- C. **Approval Criteria.** The vacation of the plat shall conform to all of the following:
  1. The Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City;
  2. No parcel shall be landlocked as a result of the vacation;
  3. Access to any parcel shall not be restricted to the point that access is unreasonable, economically prohibitive, and/or reduces or devalues any property affected by the proposed vacation;

4. There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced ( *e.g.*, police/fire protection and utility services); and
  5. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of this Code.
- D. **Decision-Maker.** The Director shall make recommendations and the Planning Commission shall approve, conditionally approve or deny all applications for a plat vacation. If the plat to be vacated includes right-of-way or easements, the Director and Planning Commission shall make recommendations and the City Council shall approve, conditionally approve or deny all applications for a plat vacation.
- E. **Application and Review Procedures.** The procedures for plat vacations are the same as those required for a major subdivision except that no preliminary plan is required.

## 2.11 VACATIONS OF PUBLIC RIGHTS-OF-WAY OR EASEMENTS

- A. **Purpose.** The purpose of this Section is to permit the vacation of surplus rights-of-way and/or easements.
- B. **Applicability.** Applications for vacation of any street, alley, easement or other public reservation may be made by the City or by any owner of property on which the street, alley or public reservation lies or adjoins.
- C. **Approval Criteria.** The vacation of the right-of-way or easement shall conform to the following:
1. The Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City;
  2. No parcel shall be landlocked as a result of the vacation;
  3. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation;
  4. There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (*e.g.* police/fire protection and utility services);
  5. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of this Code; and
  6. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, *etc.*
- D. **Decision-Maker.** The Director and Planning Commission shall make recommendations and the City Council shall approve, conditionally approve or deny all applications for a vacation of a right-of-way or easement.
- E. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B, with the following modifications:

1. **Recording.** All vacations shall be recorded with the Mesa County Clerk and Recorder.

## 2.12 PLANNED DEVELOPMENT (PD)

- A. **Purpose.** The Planned Development (PD) district is intended to apply to mixed-use or unique single use projects to provide design flexibility not available through strict application and interpretation of the standards established in Chapter Three. The PD zone district imposes any and all provisions applicable to the land as stated in the PD zoning ordinance. The purpose of the PD zone is to provide design flexibility as described in Section 5.1. Planned Development rezoning should be used only when long-term community benefits that may be achieved through high quality development will be derived. Long-term community benefits include:
  1. More efficient infrastructure;
  2. Reduced traffic demands;
  3. More usable public and/or private open space;
  4. Recreational amenities; and/or
  5. Needed housing choices.
- B. **Outline Development Plan (ODP).**
  1. **Applicability.** An Outline Development Plan is an optional, but encouraged first step prior to an application for a preliminary development plan for a parcel of at least twenty (20) acres. The purpose of an ODP is to demonstrate conformance with the Growth Plan, compatibility of land use and coordination of improvements within and among individually platted parcels, sections or phases of a development prior to the approval of a preliminary plan. At ODP, zoning for the entire property or for each “pod” designated for development on the plan is established. This step is recommended for larger, more diverse projects that are expected to be developed over a long period of time. Through this process, the general pattern of development is established with a range of densities assigned to individual “pods” that will be the subject of future, more detailed planning.
  2. **Approval Criteria.** An ODP application shall demonstrate conformance with all of the following:
    - a. The Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies;
    - b. The rezoning criteria provided in Section 2.6;
    - c. The planned development requirements of Chapter Five;
    - d. The applicable corridor guidelines and other overlay districts in Chapter Seven;
    - e. Adequate public services and facilities shall be provided concurrent with the projected impacts of the development;
    - f. Adequate circulation and access shall be provided to serve all development pods/areas to be developed;
    - g. Appropriate screening and buffering of adjacent property and uses shall be provided;

- h. An appropriate range of density for the entire property or for each development pod/area to be developed;
  - i. An appropriate set of “default” or minimum standards for the entire property or for each development pod/area to be developed;
  - j. An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed; and
  - k. The property is at least twenty (20) acres in size.
3. **Decision-Maker.** The Director and Planning Commission shall make recommendations and the City Council shall approve, conditionally approve or deny all applications for an ODP and accompanying planned development rezoning.
4. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B, with the following modifications:
- a. **Simultaneous Review of Other Plans.** An applicant may file an ODP with a preliminary development plan or final development plan for a portion of the property, as determined by the Director at the preapplication conference.
  - b. **Validity.** The effective period of the ODP/phasing schedule shall be determined concurrent with ODP approval.
  - c. **Required Subsequent Approvals.** Following approval of an ODP, a preliminary development plan approval and a subsequent final development plan approval shall be required before any development activity can occur.
- C. **Preliminary Development Plan (PDP).**
- 1. **Applicability.**
    - a. **Approved ODP.** If the property has an approved ODP, the purpose of the preliminary development plan is to ensure consistency with the uses, density, bulk, performance and other standards of the approved ODP and PD rezoning ordinance for the specific area included in the preliminary plan. Unless specified otherwise with the ODP, the applicant shall have the option of proposing either a site development plan or a subdivision plan as provided in Chapter Five. The Planning Commission and/or Council may require a site development plan if it is found that a site development plan is necessary to ensure the proposed PD meets the purpose and intent of the ODP approval.
    - b. **No Approved ODP.** If the property has no approved ODP, rezoning of the property to planned development shall occur simultaneously with preliminary development plan review. The purpose of the process is to answer the question, "Should this use, with this specific density, designed in this particular manner, be constructed on this site?" In designing the plan, the applicant shall have the option of proposing either a site development plan or a subdivision plan as provided in Chapter Five. The Planning Commission and/or Council may require a

site development plan if it is found that a site development plan is necessary to ensure the proposed PD meets the purposes and intent of the Growth Plan and this Code.

2. **Review Criteria.** A preliminary development plan application shall demonstrate conformance with all of the following:
    - a. The ODP review criteria in Section 2.12.B;
    - b. The applicable preliminary plat criteria in Section 2.8.B;
    - c. The applicable site plan review criteria in Section 2.2.D.4;
    - d. The approved ODP, if applicable;
    - e. The approved PD rezoning ordinance, if adopted with an ODP;
    - f. An appropriate, specific density for all areas included in the preliminary plan approval; and
    - g. The area of the plan is at least five (5) acres in size or as specified in an applicable approved ODP.
  3. **Decision-Maker.**
    - a. **Approved ODP.** If the property has an approved ODP, the Director shall make recommendations and the Planning Commission shall approve, conditionally approve or deny all applications for a preliminary development plan.
    - b. **No Approved ODP.** If the property does not have an approved ODP, the Director and Planning Commission shall make recommendations and the City Council shall approve, conditionally approve or deny all applications for a preliminary development plan and accompanying planned development rezoning.
  4. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B, with the following modifications:
    - a. **Required Concurrent Review of Subdivision.** A preliminary plat shall be submitted and reviewed concurrently with a preliminary development plan.
    - b. **Density/Intensity Transfer.** If the property has an approved ODP, density may not be transferred between development pods/areas to be developed unless explicitly provided for with the ODP approval or by amending the ODP in the same manner as originally approved.
    - c. **Validity.** The effective period of the preliminary development plan shall be as determined by the ODP approval, if applicable, or at the time of preliminary development plan approval.
    - d. **Required Subsequent Approvals.** Following approval of a preliminary development plan, final development plan approval shall be required before any development activity can occur.
- D. **Final Development Plan (FDP)**
1. **Applicability.** The final development plan and final subdivision plat act as the literal blueprint for development of a PD project. The plan and the plat

- ensure consistency with the approved preliminary development plan and specific development and construction requirements of various adopted codes.
2. **Review Criteria.** A final development plan application shall demonstrate conformance with all of the following:
    - a. The approved ODP, if applicable;
    - b. The approved preliminary development plan;
    - c. The approved preliminary plat;
    - d. The approved PD rezoning ordinance, if applicable;
    - e. The SSID, TEDS and SWMM manuals and all other applicable development and construction codes, ordinances and policies;
    - f. The applicable site plan review criteria in Section 2.2.D.4; and
    - g. The applicable preliminary plat criteria in Section 2.8.B.
  3. **Decision-Maker.** The Director shall approve, conditionally approve, or deny all applications for a final development plan unless the Planning Commission in its discretion required the final plan be returned to it for final action. In such cases, the Director shall provide a recommendation to the Planning Commission concerning the final plan.
  4. **Application and Review Procedures.** Application requirements and processing procedures shall comply with those described in Table 2.1 and Section 2.2.B, with the following modifications:
    - a. **Required Concurrent Review of Subdivision.** Unless specified otherwise at the time of preliminary plan approval, if the form of preliminary plan approval was a site development plan, a final plat shall be submitted and reviewed concurrently with a final development plan; if the form of preliminary plan approval was a subdivision plan, a final plat may be approved and recorded prior to final plan approval for individual lots.
    - b. **Review of covenants.** The City Attorney shall review and approve all covenants and restrictions prior to final Development plan approval.
    - c. **Notice.** Notice of a final development plan is not required unless the Planning Commission elects to take final action. In such instances, notice shall be provided in the same manner and form as is required with a preliminary development plan.
    - d. **Form of Final Action.** The form of final approval by the Director shall be the recording of the plan. If the Planning Commission approves the final development plan then the surveyor or engineer shall make any changes necessary or required to comply with final approval conditions. The plan shall then be recorded within six (6) months of action by the Planning Commission or as directed in the approved phasing plan.
    - e. **Recording.** Upon final approval, the plan and plat shall be recorded in accordance with Section 2.8.E. The final plat shall, at a minimum, contain all of the following information that is pertinent to the PD: the bulk standards; a list of approved and/or specifically excluded uses; and any pertinent conditions or stipulations that were previously made or



imposed. The ordinance creating the PD shall become effective upon recording of the plat.

**E. Guarantees for Public Improvements.**

1. Except as provided herein, before the plan and plat are recorded by the Director, all applicants shall be required to complete, to the satisfaction of the Director, all street, sanitary, and other public improvements, as well as lot improvements on the individual lots of the subdivision as required by this Code. The required improvements shall be those specified in the approved construction plans as per Section 2.8.D; or
2. As a condition of final plan and plat approval, the City shall require the applicant to enter into a Development Improvements Agreement and post a guarantee for the completion of all required improvements as per Section 2.19.

**F. Amendments to Approved Plans.**

1. **Planned Development Rezoning Ordinance.** The use, density, bulk performance and default standards contained in an approved PD rezoning ordinance may be amended only as follows, unless specified otherwise in the rezoning ordinance:
  - a. No use may be established that is not permitted in the PD without amending the rezoning ordinance through the rezoning process. Uses may be transferred between development pods/areas to be developed through an amendment to the ODP and/or preliminary development plan, as applicable, provided the overall density and FAR for the entire PD is not exceeded;
  - b. The maximum and minimum density for the entire PD shall not be exceeded without amending the rezoning ordinance through the rezoning process. Density may be transferred between development pods/areas to be developed through an amendment to the ODP and/or preliminary development plan, as applicable, provided the overall density for the entire PD is not exceeded; and
  - c. The bulk, performance and default standards may not be amended for the entire PD or an entire development pod/area to be developed without amending the PD rezoning ordinance through the rezoning process. The bulk default standards may be varied on individual lots within the PD through an amendment to the preliminary development plan.
2. **Outline Development Plan.** The approved outline development plan may be amended only by the same process by which it was approved, unless the adopted PD rezoning ordinance provides otherwise. All subsequent preliminary development plans and final development plans must be consistent with the approved outline development plan and rezoning ordinance.
3. **Preliminary Development Plan.** Unless the adopted PD rezoning ordinance provides otherwise, the approved preliminary development plan may be amended as follows:

- a. **Minor Amendments.** The Director may approve the following amendments for individual lots within the area covered by a preliminary development plan provided all standards in the adopted PD rezoning ordinance are met:
    - (1) Decreases in density so long as the character of the site is maintained;
    - (2) Increases in gross floor area of up to ten percent (10%) so long as the character of the site is maintained;
    - (3) Changes in the location and type of landscaping and/or screening so long as the character and intent of the original design are maintained;
    - (4) Changes in the orientation or location of parking areas and vehicular and pedestrian circulation areas so long as the effectiveness and character of the overall site circulation, parking and parking lot screening are maintained; and
    - (5) theThe reorientation, but not complete relocation, of major structures so long as the character of the site is maintained.
    - (6) Simple Subdivision.
  - b. **Major Amendments Applicable to Only One (1) Lot.** Any change not listed above as a minor amendment to an individual lot shall be deemed a major amendment. Such amendments shall be reviewed by the Planning Commission using the same process as the preliminary development plan but with the following review criteria:
    - (1) Only the bulk or performance standards may be varied;
    - (2) The applicable variance review criteria in Section 2.16; and
    - (3) The amendment shall not represent a significant change in any of the agreed upon deviations from the default standards.
  - c. **Major Amendments Applicable to More Than One (1) Lot.** All other amendments to the preliminary development plan shall be reviewed by the Planning Commission using the same process and criteria used for Preliminary Plan review and approval.
4. **Final Development Plan.** Amendments to the final development plan may be approved by the Director using the same process and criteria used for preliminary development plan review and approval.
- G. **Lapse of Plan and Rezone.** If a Planned Development, or any portion thereof, has not been completed in accordance with the approved development schedule, a "lapse" shall have occurred and the terms of all approved plans for incomplete portions of the PD shall be null and void. If lapse occurs, the property shall be governed by the zoning district applied to the property immediately before the rezoning to PD, or an applicant may request hearing before the Planning Commission at which time a revocation of all prior approvals shall be considered. If the Planning Commission determines that a lapse has occurred, the Director shall record an appropriate legal notice. The Director may, if he deems it appropriate, initiate, without owner consent, a zoning change on a lapsed PD to another zone

district.

H. **General Provisions.**

1. **Contractual Agreement.** Approval of a PD allows the development and use of a parcel of land under certain, specific conditions. Conditions of approval shall be filed with the Director in the review process. No use of the parcel, nor construction, modification, or alteration of any use or structures within a PD project shall be permitted unless such construction, modification or use complies with the terms and conditions of an approved final development plan. Each subsequent owner and entity created by the Developer, such as property owner's associations or an architectural review committee, shall comply with the terms and conditions of approval. The Developer shall set forth the conditions of approval within covenants. Such covenants shall be recorded with the final approved plan and plat.
2. **Transfer of Ownership.** No person shall sell, convey, or transfer ownership of any property or any portion thereof within a PD zone until such person has informed the buyer of the property's status with respect to the PD process and conditions of approval. The City shall bear no liability for misrepresentation of terms and conditions of an existing approval.
3. **Planned Development Zone Designation.** The Director shall designate each approved PD on the Official Zoning Map.

## 2.13 CONDITIONAL USE PERMITS (CUPs)

- A. **Purpose.** The purpose of a conditional use review is to provide an opportunity to utilize property for an activity which under usual circumstances could be detrimental to other permitted uses, and which normally is not permitted within the same district. A conditional use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A conditional use is not a use by-right and one that is otherwise prohibited without approval of a conditional use permit.
- B. **Applicability.** A conditional use permit shall be required prior to the establishment of any conditional use identified in Chapters Three and Four or elsewhere in this Code.
- C. **Review Criteria.** The Application shall demonstrate that the proposed development will comply with the following:
  1. **Site Plan Review Standards.** All applicable site plan review criteria in Section 2.2.D.4 and conformance with SSID, TEDS and SWMM Manuals;
  2. **District Standards.** The underlying zoning districts standards established in Chapter Three;
  3. **Specific Standards.** The use-specific standards established in Chapters Three and Four;
  4. **Availability of Complementary Uses.** Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.

5. **Compatibility with Adjoining Properties.** Compatibility with and protection of neighboring properties through measures such as:
  - a. **Protection of Privacy.** The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;
  - b. **Protection of Use and Enjoyment.** All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property.
  - c. **Compatible Design and Integration.** All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include; buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.
- D. **Decision-Maker.** The Director shall make recommendations and the Planning Commission shall approve, conditionally approve or deny all applications for a conditional use permit.
- E. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B.
- 1F. **Validity.** Once established, a conditional use permit approval shall run with the land and remain valid until the property changes use or the use is abandoned and nonoperational for a period of twelve (12) consecutive months.

## 2.14 ANNEXATIONS

- A. **Purpose.** In accordance with state statutes, land may be annexed or de-annexed from the City as deemed appropriate by the City Council.
- B. **Applicability.** Any lands to be added to or deleted from the corporate limits of the City shall comply with this Section 2.14.
- C. **Review Criteria.** The application shall meet all applicable statutory and City administrative requirements. A complete copy of these requirements is available from the Community Development Department.
- D. **Decision-Maker.** The Director shall make recommendations and the City Council shall approve, conditionally approve or disapprove all applications for annexation or contraction of the municipal limits.
- E. **Application and Review Procedures.** Application requirements and processing procedures shall comply with those described in applicable state statutes. A summary of these procedures is available from the Community Development Department.

- F. **Zoning of Annexed Properties.** Land annexed to the City shall be zoned in accordance with Section 2.6 to a district that is consistent with the adopted Growth Plan or consistent with existing County zoning.

## 2.15 VESTED PROPERTY RIGHTS

- A. **Purpose.** The purpose of this Section 2.15 is to provide the procedures necessary to implement the provisions of Sections 24-68-101, *et seq.* and 29-20-101 *et seq.*, C.R.S.
- B. **Definitions.** The following definitions are for the purposes of administration of this Section 2.15 only and do not apply to any other Sections of this Code.
1. "Site-Specific Development Plan" (SSDP) means for all developments requiring a public hearing, the final step, irrespective of its title, which occurs prior to building permit application; provided, however, that if the landowner wishes said approval to have the effect of creating vested rights, pursuant to Sections 24-68-101, *et seq.*, C.R.S. the landowner must so request, in writing, at the time of application for said approval. Failure to so request renders the approval not a "Site-Specific Development Plan," and no vested rights shall be deemed to have been created.
  2. "Vested Property Right" means the right to undertake and complete the development and use of property under the terms and conditions of a SSDP.
- C. **Applicability.** An Applicant may request, in writing to have property rights vest with a SSDP. The SSDP shall be applicable only to:
1. propertyProperty zoned Planned Development with the approved Final Development Plan constituting the SSDP, or
  2. anyAny other application (*i.e.*, Outline Development Plan, Site Plan, Conditional Use, Subdivision Plat, Final Development Plan or Development Improvements Agreement) provided that:
    - a. the Applicant requests in writing that the Planning Commission hold a Public Hearing and approve a specific document/application as a SSDP; and/or
    - b. stateState law requires that a vested property right be granted in which case the Planning Commission shall determine, at its discretion, which, if any document/application shall constitute a SSDP.
- D. **Approval Criteria.** The application shall demonstrate compliance with all of the following:  
theThe provisions stated in Sections 24-68-101 *et seq.*, C.R.S.; and  
theThe more stringent of the Final Development Plan review criteria of Section 2.12.D.2 or any other specific document/application review criteria that the Planning Commission shall determine to be applicable.

- E. **Decision-Maker.** The Director and Planning Commission shall make recommendations and the City Council shall approve, conditionally approve or deny all applications for vested property rights.
- F. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B, with the following modifications:
1. **Waiver prior to Annexation.** Any landowner requesting annexation shall waive in writing any preexisting vested property rights in the petition for annexation, when such rights are consistent with ordinances or regulations which are general in nature and are applicable to property subject to land use regulation. An owner may consent in writing to waive any prior vested property rights.
  2. **Concurrent Review.** An application for approval of a SSDP shall be submitted and reviewed concurrently with an application for a final development plan or any other document that Planning Commission shall determine, at its discretion, constitutes a site specific development plan.
  3. **Payment of Costs.** In addition to any and all other fees and charges imposed by this Code, the applicant shall pay all costs incurred by the City as a result of the SSDP review, including publication of notices, public hearing and review costs.
  4. **Notice of Approval.** It is the applicant's responsibility to ensure that each final plan, map, plat or site plan, or other document constituting a SSDP contains the following language: "Approval of this plan may create a vested property right pursuant to 24-68-101, *et seq.* C.R.S." Omission of this statement shall invalidate the creation of the vested property right. In addition, the applicant shall, within 14 calendar days after the approval of the SSDP, satisfy the notice requirements of Section 24-68-103(1), C.R.S. by publishing at his expense a notice, in a newspaper of general circulation within the City, advising the public of the SSDP approval and creation of vested property rights pursuant to law, together with a legal description of the property at issue in the SSDP.
  5. **Notice to City.** Within fourteen (14) calendar days after the approval of a SSDP, the applicant shall acknowledge by written instrument that he confirms his obligation to satisfy all other requirements under the City Codes, rules and regulations including, but not limited to, all studies that may be required. Such studies may concern traffic, drainage, erosion control and utilities.
  6. **Other Provisions Unaffected.** Approval of a SSDP shall not constitute an exemption from, or waiver of, any other provisions of this Code pertaining to the development or use of property.
  7. The duration of any vesting shall be no longer than required by state law, unless a different duration is provided by written agreement between the owner and the City. Failure to comply with any condition of approval of a SSDP shall result in forfeiture of vested rights and the SSDP shall be declared void and lapsed and shall be reverted in accordance with Section 2.12 of this Code.

8. **Approval, Effective Date, Amendments.** A SSDP shall be deemed approved upon the last action by the City Council relating thereto. No amendment of a SSDP shall extend or change the effective date of vesting of a property right unless specifically provided by written agreement. In the event amendments to a SSDP are proposed and approved, the effective date of such amendments, for purposes of duration of vested property right, shall be the initial date of the approval of the SSDP.
9. **Waiver of Vesting.** Any waiver, be it in part or in full, of a vested property right shall be accomplished by written agreement between the owner and the City and shall be recorded in the Mesa County land records.
9. **10. Limitations.** Nothing in this Section 2.15 is intended to create any vested property right, but only to implement the provisions of Sections 24- 68-101, *et seq.* C.R.S. and Sections 29-20-101, *et seq.* C.R.S. In the event of the repeal of said Article or a judicial determination that said Article is invalid or unconstitutional, this Section 2.15 shall be deemed to be repealed, and the provisions hereof no longer effective.

## 2.16 VARIANCES

- A. **Purpose.** A variance is a departure from the dimensional or numerical requirements of this Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of the action of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship. Variances are permitted only to those portions of this Code as specified herein.
- B. **Applicability.**
  1. The Director may approve variances of up to ten percent (10%) of any bulk requirement. Requests for variances to the bulk, standards that are greater than ten percent (10%) and variances to the performance or use-specific standards of Chapter Four, all overlay district regulations of Chapter Seven, excluding corridor overlay districts, and the sign regulations of Chapter Four shall be heard by the Zoning Board of Appeals. Planning Commission shall hear variances to all other standards, unless otherwise specified.
  2. Variances shall not be heard or granted for:
    - a. The establishment or expansion of a use in a district in which such use is not permitted by this Code;
    - b. Residential development which would result in an increase in density greater than that permitted in the applicable zoning district; and
    - c. Changes or modifications to any definition contained in this Code.
- C. **Approval Criteria.**
  1. **Minor Deviation.**
    - a. The Director may permit up to a ten percent (10%) deviation from any bulk standard upon a finding of compliance with the criteria of this Section 2.16. The purpose of this process is to permit inconsequential deviations from the zoning district bulk standards that are created

through construction errors or where additions to existing structures are desirable but cannot be accommodated through a strict application of the bulk standards.

- b. A property may receive approval of a minor deviation to only one (1) bulk standard for the life of the structure. A contractor seeking relief for a construction error may receive approval of a minor deviation only once every three (3) years. All other requests shall be processed as variances as per this Section 2.16. Minor deviation shall be granted only when the applicant establishes that all of the following criteria are satisfied.

- (1) **Additions.** Requests for a minor deviation to accommodate an addition to an existing structure shall comply with all of the following:
  - (A) Conforming locations for the addition are impractical, significantly more expensive or have a significant adverse impact on the site plan in terms of overall site design or relationships between site plan elements including, but not limited to, structures, patios, driveways and landscaping;
  - (B) The location of the addition represents a logical extension of the existing floor plan in terms of function and design;
  - (C) The location of the addition does not result in the creation of unsafe conditions or create circulation conflicts;
  - (D) The exterior design of the addition represents a logical extension of the existing structure and is consistent with the design of the existing structure;
  - (E) Site and structural design elements of the addition shall be considered. Such elements include, but are not limited to:
    - (F) (i) Height of the addition relative to neighboring structures;
    - (ii) The location, number and size of windows, doors, porches, balconies and outdoor lights;
    - (iii) The location of patios and walkways;
    - (iv) The location, size and types of hedges, walls and fences; and
    - (v) The level of privacy to occupants of both neighboring properties and the addition. Such privacy shall be equal to or greater than that provided if the addition were located within the required setback;
  - (F) The addition complies with all building, fire and other adopted codes and policies;
  - (G) The requested deviation is only ten percent (10%) or less of a single bulk standard; and
  - (H) The deviation shall not result in physical encroachment into an easement, right-of-way or neighboring property.



- (2) **Construction Errors.** Requests for a minor deviation to accommodate a construction error shall comply with all of the following:
    - (A) All of the criteria applicable to additions;
    - (B) The error shall have been inadvertent; and
    - (C) The contractor responsible for the error shall not have been the recipient of another approved minor deviation in the past three (3) years.
2. **Decision-Maker.** The Director shall approve, approve with conditions or deny all requests for a minor deviation. Appeals from the Director shall be processed as a variance using the procedures provided in Section 2.16, but with the review criteria provided herein.
3. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.2.B, with the following modification:
  - a. **Consistency with Covenants.** The applicant shall provide proof that the requested minor deviation does not conflict with any recorded covenants applicable to the property, or demonstrate in writing that the entity responsible for enforcing the covenants has approved the requested deviation. In the event there is no single entity responsible for enforcing the covenants, and the requested minor deviation does not conform to the covenants, the Applicant shall provide a written statement acknowledging the inconsistency and that he shall indemnify and hold the City harmless for any action, damages claims or suits brought in the event the minor deviation is approved.
4. **Variance Requests from Bulk, Performance, Use-Specific and Other Standards.** A variance is not a right. It may be granted to an applicant only if the applicant establishes that strict adherence to the Code will result in practical difficulties or unnecessary hardships because of site characteristics that are not applicable to most properties in the same zoning district. The following criteria shall be used to consider variances from the bulk, performance and use-specific standards contained in Chapter Four, and any other standard in this Code for which specific variance criteria is not provided. Such variances shall be granted only when the applicant establishes that all of the following criteria are satisfied:
  - a. **Hardship Unique to Property, Not Self-Inflicted.** There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;
  - b. **Special Privilege.** The variance shall not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;

- c. **Literal Interpretation.** The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;
  - d. **Reasonable Use.** The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;
  - e. **Minimum Necessary.** The variance is the minimum necessary to make possible the reasonable use of land or structures;
  - f. **Compatible with Adjacent Properties.** The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements or be detrimental to the public health, safety or welfare. In granting a variance, the Board may impose conditions deemed necessary to protect affected property owners and to protect the intent of this Code. The Board may consider prospective financial loss or gain to applicant but consideration thereof shall not be sole reason for granting a variance;
  - g. **Conformance with the Purposes of this Code.** The granting of a variance shall not conflict with the purposes and intents expressed or implied in this Code; and
  - h. **Conformance with the Growth Plan.** The granting of a variance shall not conflict with the goals and principles in the City's Growth Plan.
5. **Variance from Sign Regulations.** A variance may be granted from the provisions or requirements of the sign regulations only if the applicant establishes that all of the following criteria are satisfied:
- a. **Undue and Unnecessary Hardship.** The literal interpretation and strict applications of the sign regulations would cause undue and unnecessary hardship to the sign owner because of unique or unusual conditions pertaining to the specific building or property in question;
  - b. **Not Contrary to Property Values.** The granting of a variance would not be materially detrimental to the property owners in the vicinity;
  - c. **Hardship Unique to Property, Not Self-Imposed.** The unusual conditions applying to the specific property do not apply generally to other properties in the City; and
  - d. **Conformance with Character of Area, Corridor Plans.** The granting of a variance shall not be contrary to the goals and objectives of any applicable corridor overlay district or to the general objective of moderating the size, number, and obtrusive placement of signs and the reduction of clutter.
6. **Variance from Floodplain, Geologic and Wildfire Hazard Regulations (Hazards).** A variance may be granted from the requirements of the overlay district provisions of Chapter Seven, except the corridor overlay districts, only after consideration is given to all technical evaluations, all relevant factors, the standards specified in applicable Sections of this Code, and:

- a. The danger that materials or fire may be swept onto other lands to the injury of others;
- b. The danger to life and property due to the presence of hazardous condition;
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity of the facility to a waterfront location, where applicable;
- f. The availability of alternative locations for the proposed use which are not subject to hazards;
- g. The compatibility of the proposed use with the existing and anticipated development;
- h. The relationship of the proposed use to the Growth Plan and floodplain management program for that area;
- i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- k. The costs of providing governmental services during and after hazard conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.

7. **Limitations on Floodplain Variances.**

- a. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- b. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- c. Variances shall only be issued upon:
  - (1) A showing of good and sufficient cause;
  - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- d. Any applicant to whom a variance is granted shall be given written notice that the structure shall be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

- D. **Decision-Maker.** The Director shall make recommendations and the Zoning Board of Appeals shall approve, approve with conditions or deny requests for variances to the bulk, performance or Use-specific standards of Chapter Four, all overlay district regulations of Chapter Seven, excluding corridor overlay districts, and the sign regulations of Chapter Four. Unless otherwise specified, requests for variances to all other standards shall be approved, approved with conditions or denied by Planning Commission, upon a recommendation from the Director.
- E. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B.

## 2.17 REVOCABLE PERMIT

- A. **Purpose.** A revocable permit is needed to ensure that any private development on public land is safely conducted in a manner that does not pose potential burdens on the public.
- B. **Applicability.** No structure, fence, sign or other permanent object shall be constructed, maintained, or erected, or a public right-of-way used, without a revocable permit. A revocable permit for irrigation and landscaping in the rights-of-way can be reviewed and approved at the staff level.
- C. **Approval Criteria.** Applications for a revocable permit shall demonstrate compliance with all of the following:
  - 1. There will be benefits derived by the community or area by granting the proposed revocable permit;
  - 2. There is a community need for the private development use proposed for the City property;
  - 3. The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property;
  - 4. The proposed use shall be compatible with the adjacent land uses;
  - 5. The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas;
  - 6. The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Growth Plan, other adopted plans and the policies, intents and requirements of this Code and other City policies; and
  - 7. The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, this Chapter Two and the SSID Manual.
- D. **Decision-Maker.** The Director shall make recommendations and the City Council shall approve, conditionally approve, or deny all applications for a revocable permit.
- E. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B.

## 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.

- B. **Appeal of Director's Interpretations.** Any person, including any officer or agent of the City, aggrieved or claimed to be aggrieved by an interpretation of this Code rendered by the Director may request an appeal of the interpretation in accordance with Section 2.18.
1. **Approval Criteria.** In granting an appeal of a Director's interpretation, the Zoning Board of Appeals shall determine whether the interpretation by the Director was in accordance with the intent and requirements of this Code.
  2. **Decision-Maker.** The Zoning Board of Appeals shall affirm, reverse or remand the decision. In reversing or remanding the interpretation back to the Director, the Board shall state the rationale for its decision.
  3. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B, with the following deviations:
    - a. **Application Materials.** The appellant shall provide a written statement citing the specific provision(s) of this Code that the appellant believes the Director has incorrectly interpreted and the appellant's interpretation of the provision(s).
    - b. **Notice.** Notice of the hearing is not required to anyone other than the appellant.
    - c. **Director's Report.** The Director shall prepare a report detailing the specific provision(s) of this Code that are in question, his interpretation of the provision(s), and the general basis of the interpretation.
- C. **Appeal of Final Action on Administrative Development Permits.** Any person, including any officer or agent of the City, aggrieved or claimed to be aggrieved by a final action of the Director on an administrative development permit, may request an appeal of the action in accordance with Table 2.1 and Section 2.18.C.
1. **Approval Criteria.** In granting an appeal of an administrative development permit, the appellate body shall find that the Director:
    - a. Acted in a manner inconsistent with the provisions of this Code or other applicable local, state or federal law; or
    - b. Made erroneous findings of fact based on the evidence and testimony on the record; or
    - c. Failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or
    - d. Acted arbitrarily, acted capriciously and/or abused his discretion.
  2. **Decision-Maker.** The appellate body for a particular administrative development permit shall be as specified in Table 2.1. The appellate body shall affirm, reverse or remand the decision. In reversing or remanding a decision, the appellate body shall state the rationale for its decision. An affirmative vote of four (4) members of the appellate body shall be required to reverse the Director's action.
  3. **Application and Review Procedures.** Requests for an appeal shall be

submitted to the Director in accordance with the following:

- a. **Application Materials.** The appellant shall provide a written request that explains the rationale of the appeal based on the criteria provided in Section 2.18.C.1.
- b. **Notice to Applicant.** If the appellant is not the applicant, the Director, within five (5) working days of receipt of the request for appeal, shall notify the applicant of the request and the applicant shall have ten (10) working days to provide a written response.
- c. **Preparation of the Record.** The Director shall compile all material made a part of the record of the Director's action. As may be requested by the appellate body, the Director also may provide a written report.
- d. **Notice.** No notice of the appeal is required.
- e. **Conduct of Hearing.** The appellate body shall hold a evidentiary hearing to determine whether the Director's action is in accordance with the criteria provided in Section 2.18.C.1. The appellate body may limit testimony and other evidence to that contained in the record at the time the Director took final action or place other limits on testimony and evidence as it deems appropriate.

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.
- E. **Appeal of Action on Nonadministrative Development Permits.** Any person, including any officer or agent of the City, aggrieved by or claimed to be aggrieved by a final decision of the Planning Commission may appeal the action in accordance with Table 2.1 and Section 2.18.E.
- 1. **Approval Criteria.**
    - a. **Findings.** In granting an Appeal to action on a nonadministrative development permit, the appellate body shall find:
      - (1) The decision maker may have acted in a manner inconsistent with the provisions of this Code or other applicable local, state or federal law; or
      - (2) The decision maker may have made erroneous findings of fact based on the evidence and testimony on the record; or
      - (3) The decision maker may have failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or

- (4) The decision-maker may have acted arbitrarily, acted capriciously, and/or abused its discretion; or
  - (5) In addition to one (1) or more of the above findings, the appellate body shall find the appellant was present at the hearing during which the original decision was made or was otherwise on the official record concerning the development application. The appellate body shall also find that the appellant requested a rehearing before the decision-maker in accordance with Section 2.18.D.
2. **Facts on Record.** In considering a request for appeal, the appellate body shall consider only those facts, evidence, testimony and witnesses that were part of the official record of the decision-maker's action. No new evidence or testimony may be considered, except City staff may be asked to interpret materials contained in the record. If the appellate body finds that pertinent facts were not considered or made a part of the record, they shall remand the item back to the decision-maker for a rehearing and direct that such facts be included on the record.
3. **Decision-Maker.** The appellate body for a particular development permit shall be as specified on Table 2.1. The appellate body shall affirm, reverse or remand the decision. In reversing or remanding the decision back to the decision-maker, the appellate body shall state the rationale for its decision. An affirmative vote of four (4) members of the appellate body shall be required to reverse the decision-maker's action. An affirmative vote of five (5) members of the appellate body shall be required to approve rezones and Growth Plan Amendment(s).
4. **Application and Review Procedures.** Requests for an appeal shall be submitted to the Director in accordance with the following:
  - a. **Application Materials.** The appellant shall provide a written request that explains the rationale of the appeal based on the criteria provided in Section 2.18.E.1. The appellant also 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 an appeal shall be submitted within ten (10) calendar days of the action taken by the decision-maker.
  - d. **Notice to Applicant.** If the appellant is not the applicant, the Director, within five (5) working days of receipt of the request for appeal, shall notify the applicant of the request and the applicant shall have ten (10) working days to review the request and provide a written response.
  - e. **Preparation of the Record.** The Director shall compile all material made a part of the official record of the decision-maker's action. As may be requested by the appellate body, the Director also may provide a



- summary report of the record.
- f. Notice. Notice of the appeal hearing shall be provided in the same manner as was required with the original action.
  - g. Hearing. The Director shall schedule the Appeal before the appellate body within forty-five (45) calendar days of receipt of the appeal. The appellate body shall hold a hearing and render a decision within thirty (30) calendar days of the close of that hearing.
  - h. Conduct of Hearing. At the hearing, the appellate body shall review the record of the decision-maker's action. No new evidence or testimony may be presented, except that City staff may be asked to interpret materials contained in the record.
- F. **Planning Commission Recommendation to City Council.** All recommendations, including recommendations of denial, which the Planning Commission makes to the City Council (i.e., the Planning Commission is not the final decision-maker) shall be heard by the City Council without necessity of Appeal. The applicant may withdraw in writing an application that has been heard by the Planning Commission and recommended for denial. Such hearings shall be de novo before the Council. Supermajority and other procedural requirements provided elsewhere in this Code shall be applicable.

## **2.19 DEVELOPMENT IMPROVEMENTS AGREEMENTS (DIAs)**

- A. **Development Improvements Agreement Authorized.**
- 1. The Director may defer the requirement for the completion of required improvements if the applicant enters into a Development Improvements Agreement (DIA) by which the applicant agrees to complete all required public improvements in accordance with an agreed schedule. The Director may require the Applicant to complete and dedicate some required public improvements prior to approval of the final plat and to enter into a DIA for completion of the remainder of the required improvements. The City Attorney shall approve any DIA as to form.
- B. **Agreement to Run with the Land.**
- 1. The Development Improvements Agreement shall provide that the requirements contained therein shall run with the land and bind all successors, heirs, and assignees of the Applicant. The DIA for subdivisions shall be recorded with the Mesa County Clerk and Recorder. All other DIA's may, at the Director's discretion, be recorded or deposited with the City Clerk. All existing lienholders shall be required to subordinate their liens to the guarantees contained in the DIA.
- C. **Performance Security.**
- 1. Whenever the Director permits an applicant to enter into a Development Improvements Agreement, the applicant shall be required to provide sufficient security to ensure completion of the required public improvements. The security shall be in the form of a cash deposit made to the City or a letter of

credit or disbursement agreement from an authorized financial institution, or a completed, unrecorded plat.

2. The guarantee shall be in an amount estimated by the Director of Public Works as reflecting 120 percent (120%) of the cost of the improvements in the approved construction plan and shall be sufficient to cover all promises and conditions contained in the DIA.
3. In addition to all other security, when the City participates in the cost of an improvement, the applicant shall provide a performance bond from the contractor, with the City as a co-obligee.
4. The issuer of any guarantee shall be subject to the approval of the City in accordance with adopted policies.

**D. Maintenance Bond for DIA.**

1. The applicant shall guarantee the improvements against defects in workmanship and materials for a period of one (1) year from the date of City acceptance of such improvements. The maintenance guarantee shall be secured by a letter of credit, cash escrow or other form acceptable to the Director in an amount reflecting twenty percent (20%) of the cost of the completed improvements.
2. To guarantee and warrant required improvements which have been addressed by a DIA, the City may require the owner to continue or extend the security, or post new security, in an amount equal to the estimated costs of repair, replacement or warranty work, plus twenty percent (20%).
3. If the applicant has not warranted and guaranteed required improvements pursuant to a DIA, the applicant shall give the City security equal to at least fifty percent (50%) of the cost of the required improvements.

**E. Offers to Dedicate Streets, Roads, and other Lands.**

1. **Acceptance of Dedication.** The City Council, or its designees, may accept, accept with conditions, or reject any offer to dedicate any land or facility. Any offer to dedicate made pursuant to or as a condition of a review or approval pursuant to this Code constitutes the owner(s) irrevocable warranty that such owner has the right, title and interest to convey to the City and that no hazardous or other regulated substance are present on, under or in the property.
2. **Acceptance of Maintenance.** Approval of a subdivision does not mean the City will accept any road, street or public site for maintenance. The City shall not be obligated to maintain any land(s) unless it explicitly agrees to do so in writing.

**F. Temporary Improvements.**

1. The Developer shall construct and pay for all costs of temporary improvements required by the City to protect the public, neighborhood or another person. The applicant shall maintain said temporary improvements for the period specified.

**G. Completion of Improvements.**

1. **Construction of Required Improvements.**

- a. Before construction begins, the developer must be familiar with the submittal, construction, plans and inspection requirements of each utility or agency.
  - b. After the City and/or other utility providers has inspected and approved all or a portion of the required improvements, the Developer may request, in writing, that the approved portion be accepted for maintenance by the appropriate agency. The City shall establish the Developer's limits of responsibility for the improvements. The City may condition its acceptance and may require additional guarantees and assurances for at least one (1) year following acceptance.
  - c. Even if the City does not accept all or a portion of the required improvements, or delays any acceptance, the City may require the Developer to correct such defects or deficiencies identified by the City, in which case, final acceptance may be extended for one (1) additional year.
2. **Release of Improvements Agreement and Guarantee.**
- a. The Developer shall submit a written request for a release from the Development Improvements Agreement for the improvements that have been accepted for maintenance by the appropriate agency proof of acceptance for maintenance and proof that there are no outstanding judgments or liens against the property shall accompany this request.
  - b. The City Council, or its authorized representative, shall review the request. If the requirements of the DIA concerning that portion requested for release have been complied with, the appropriate document of release shall be recorded with the Mesa County Clerk and Recorder's Office.
  - c. Release of the DIA does not constitute a Certificate of Completion and Release of Responsibility.
3. **Certificate of Completion and Release of Responsibility.** Upon expiration of the limits of responsibility established in this Code, the Developer may request a Certificate of Completion and Release of Responsibility from the appropriate agency.

H. **Extension of Development Improvements Agreement and Security.**

1. If the applicant is unable to complete all required improvements contained in an executed Development Improvements Agreement within the time stated therein, he shall provide written notice of same to the Director at least thirty (30) calendar days prior to the deadline of the milestones he will be unable to meet. The applicant shall make a formal written request for an extension of the DIA and security and provide a revised development schedule, which shall be reviewed by the Director. The Director shall approve, approve with conditions or deny the request for an extension. Based on the Director's decision the existing DIA may be amended, a new DIA drawn up and executed, or the Director may exercise any default provisions contained in the

approved DIA. Any amendments or new agreements shall be recorded in the same manner as the original DIA, if required by the Director.

2. If the DIA is to be extended or a new DIA is to be executed, the applicant shall provide sufficient security which may be the same as or greater than the original security, up to 120 percent (120%), as was required with the original guarantee. No amendment or replacement DIA shall be executed, recorded or effective until security acceptable to the Director is provided.

## **2.20 INSTITUTIONAL AND CIVIC FACILITY MASTER PLANS**

- A. **Purpose.** The purpose of a Master Plan review process is to provide an opportunity for the early review of major institutional and civic facilities that provide a needed service to the community, but might impact the surrounding community. The Master Plan review allows the City, through a public process, to assess any impacts early in the review process and direct the applicant on how best to address the impacts.
- B. **Applicability.** A Master Plan shall be required for any institutional and/or civic use, as that term is defined in Chapter Three, Table 3.5, when such project: consists of multiple phases of construction and when constructed will include 100,000 square feet in one (1) or more buildings; will result in significant modification of the existing transportation circulation patterns; and/or when the Director deems the project and/or the City would benefit from such a review.
- C. **Review Criteria.** In reviewing a Master Plan, the decision-making body shall consider the following:
  1. Conformance with the Growth Plan and other are, corridor or neighborhood plans;
  2. Conformance with the Grand Valley Circulation Plan and general transportation planning requirements;
  3. Compatibility with the surrounding neighborhood in terms of capacity of safety of the street network, site access, adequate parking, adequate storm water and drainage improvements, minimization of water, air or noise pollution, limited nighttime lighting and adequate screening and buffering potential;
  4. Adequacy of public facilities and services; and
  5. Community benefits from the proposal.
- D. **Decision-Maker.** The Director and Planning Commission shall make recommendations and the City Council shall approve, conditionally approve or deny a Master Plan.
- E. **Application and Review Procedures.** The application and processing procedures shall be as follows:
  1. The review of a Master Plan shall precede, or be concurrent with, any other required review process.
  2. The content of the Master Plan document shall be sufficient to generally assess the following:
    - a. Site access, traffic flow, pedestrian circulation/safety;
    - b. Adequate parking;
    - c. Location of open space and trails;

- d. Drainage and storm water management;
  - e. General building location and size; and
  - f. Adequate screening and buffering.
- 3. A General Meeting shall be required.
  - 4. A Neighborhood Meeting is mandatory.
  - 5. Required notice shall include public notice in the newspaper, mailed notice and sign posting notice.
- F. **Validity.** The Master Plan shall be valid for a minimum of five (5) years unless otherwise established by the decision-maker. All phases of projects being developed shall be in conformance with the approved plan. Amendments to the Master Plan may be proposed at any time through the regular Master Plan review process. An amended Master Plan is required if significant changes are proposed. Generally, significant changes are anything not deemed to be minor amendments as defined in Section 2.12.F.3.a.

# CHAPTER THREE

## ZONING

The substantive changes to Chapter Three are found here. (Spelling changes not shown here.)

### 3.3 RESIDENTIAL ZONING DISTRICTS

#### A. RSF-R: Residential Single Family - Rural

1. **Purpose.** To provide areas for low intensity agricultural operations and very low density single family uses in a rural setting. This district is appropriate where low-density development is desired or where terrain and/or lack of public facilities and services require low intensity development or a sense of openness is desired. RSF-R zoning implements the *Rural and Estate* future land use classification of the GROWTH PLAN.
2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RSF-R district.
1. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards of this Code, the following density provisions shall apply:
  - a. Maximum gross density shall not exceed one (1) dwelling per five (5) acres ( *i.e.* 0.2 dwelling unit per acre);
  - b. Minimum lot size shall be five (5) acres, except as provided in the cluster provisions; and
  - c. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.
2. **Sewer and Roads.** Only the City Council may waive the requirements that each structure be served by the Persigo sewer system. Rural road standards may apply.

#### RSF-R Summary

Primary Uses	Detached Single-Family, Agricultural, Institutional & Civic
Max. Density	1 unit/5 acres (cluster allowed)

**B. RSF-E: Residential Single-Family – Estate**

1. **Purpose.** To provide areas for low density, estate-type single-family residential development on lots of at least two (2) acres in size, RSF-E zoning implements the *Residential Low, Estate & Rural* future land use classifications of the GROWTH PLAN.

<b>RSF-E Summary</b>	
Primary Uses	Detached Single-Family, Civic
Max. Density	1 unit/2 acres (cluster allowed)

2. **Authorized Uses.** Table 3.5 lists the uses authorized in the RSF-E District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
- a. Maximum gross density shall not exceed one (1) dwelling per two (2) acres (i.e., 0.5 dwelling units per acre);
  - b. Minimum lot size shall be two (2) acres, except as provided in Section 6.7.D.5 cluster provisions; and
  - c. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.
4. **Sewer and Roads.** Only the City Council may waive the requirements that each structure be sewered by the Persigo sewer system. Rural road standards may apply.

**C. RSF-1: Residential Single Family - 1**

1. **Purpose.** To provide areas for low density residential uses in less intensely developed areas. RSF-1 tracts should abut or be in close proximity to existing large lot single family development, making RSF-1 an appropriate transition district between rural and higher

<b>RSF-1 Summary</b>	
Primary Uses	Detached Single-Family, Civic
Max. Density	1 unit/acre (cluster allowed)

- density areas. This District implements the *Residential/Low Density* future land use classification of the GROWTH PLAN.
2. **Authorized Uses.** Table 3.5 lists the uses authorized in the RSF-1 District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
  - a. Maximum gross density shall not exceed one (1) dwelling per acre;
  - b. Minimum lot size shall be one (1) acre, except as provided in the cluster provisions; and
  - c. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.



**D. RSF-2: Residential Single Family - 2**

1. **Purpose.** To provide areas for medium-low density, single-family residential uses where adequate public facilities and services exist. RSF-2 zoning implements the *Residential Low Density* and *Residential Medium Low Density* future land use classifications of the GROWTH PLAN.

<b>RSF-2 Summary</b>	
Primary Uses	Detached/Attached Single-Family, Civic
Max. Density	2 units/acre (cluster allowed)

2. **Authorized Uses.** Table 3.5 lists the uses authorized in the RSF-2 District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
  - a. Maximum gross density shall not exceed two (2) dwellings per acre;
  - b. Minimum lot size shall be 17,000 square feet, except as provided in the cluster provisions; and
  - c. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.
4. **Performance Standards.** No attached dwelling shall be constructed on a lot originally platted and zoned for detached dwellings unless a Conditional Use Permit has been issued.

**E. RSF-4: Residential Single Family - 4**

**Purpose.** To provide for medium-low density single family uses where adequate public facilities and services are available. Duplex dwellings may be allowed under special conditions. RSF-4 implements the *Residential Medium-Low and Medium Density* future land use classifications of the GROWTH PLAN.

<b>RSF-4 Summary</b>	
Primary Uses	Detached/Attached Single-Family, Duplex, Civic
Max. Density	4 units/acre (cluster allowed)
Min. Density	2 units/acre

**Authorized Uses.** Table 3.5 lists the authorized uses in the RSF-4 District.

3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
  - a. Maximum gross density shall not exceed four (4) dwellings per acre;
  - b. Minimum lot size shall be 8,000 square feet, except as provided in the cluster provisions;
  - c. Minimum net density shall not be less than two (2) dwellings per acre; and
  - d. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.
4. **Performance Standards.** Development shall conform to the standards established in this Code.
  - a. In a RSF-4 district, a duplex may be built only on a corner lot and then only if:
    - (1) The minimum lot size is 15,000 square feet;
    - (2) The garage of each unit fronts on a different street;
    - (3) The main entry of each unit fronts on a different street;
    - (4) The gross density of the subdivision shall not exceed four (4) dwellings per acre;
    - (5) The streets are classified as local streets or a local street and a residential collector; and
    - (6) Driveway locations must be in accordance with TEDS.
  - b. No attached dwelling or duplex shall be constructed on a lot originally platted and zoned for detached dwellings unless a Conditional Use Permit has been issued.

F. **RMF-5: Residential Multi Family – 5**

1. **Purpose.** To provide for medium density detached and attached dwellings, duplexes and townhouses in areas where large-lot development is discouraged and adequate public facilities and services are available. RMF-5 supports the GROWTH PLAN’S principles of concentrating urban growth and reinforcing existing community centers. A mix of dwelling types is allowed in this district. This district implements the *Residential Medium Density* future land use classification of the GROWTH PLAN.

<b>RMF-5 Summary</b>	
Primary Uses	Attached and Detached Single-Family, Duplex, Townhouse, Civic
Max. Density	5 units/acre (cluster allowed)
Min. Density	2 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RMF-5 District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
- a. Maximum gross density shall not exceed five (5) dwellings per acre;
  - b. Minimum lot size shall be 6,500 square feet for the first dwelling unit plus 5,000 square feet for each additional unit on the same lot, except as provided in the cluster provisions;
  - c. Minimum net density shall not be less than two (2) dwellings per acre; and
  - d. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.
4. **Performance Standards.** No attached dwelling shall be constructed on a lot originally platted and zoned for detached dwellings unless a Conditional Use Permit has been issued.

**G. RMF-8: Residential Multi-Family - 8**

1. **Purpose.** To provide for medium-high density attached and detached dwellings, duplexes, townhouses and multi-family units. RMF-8 is a transitional district between lower density single family districts and higher density multi-family or business development. A mix of dwelling types is allowed in this district. RMF-8 implements the *Residential Medium and Medium-High Density* future Land Use classifications of the GROWTH PLAN.

<b>RMF-8 Summary</b>	
Primary Uses	Attached and Detached Single-Family, Duplex, Townhouse, Multifamily Civic
Max. Density	8 units/acre
Min. Density	4 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RMF-8 District.

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

- a. Maximum gross density shall not exceed eight (8) dwellings per acre;
- b. Minimum lot size shall be 4,500 square feet for an initial dwelling unit plus 4,000 square feet for each additional unit on the same lot;
- c. Minimum net density shall not be less than four (4) dwellings per acre; and
- d. densityDensity shall also conform with the minimum and maximum densities identified in the Growth Plan.

4. **Performance Standards.**

- a. No attached unit shall be constructed on a lot originally platted and zoned for detached dwellings unless a Conditional Use Permit has been issued.
- b. For the purpose of calculating density on parcels smaller than five (5) acres, one-half (1/2) of the land area of all adjoining rights-of-way may be included in the gross lot area. The area of the right-of-way shall not be included to determine compliance with the minimum lot area requirements.

## H. RMF-12: Residential Multi-Family - 12

1. **Purpose.** To provide for high density development allowing several types of residential units within specified densities. RMF-12 may serve as a transitional district between single family and trade districts. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities in a neighborhood. RMF-12 implements the *Residential Medium High and High Density* future land use classifications of the GROWTH PLAN. This zone may be appropriate in lower density areas if used as a part of a mixed density development.

RMF-12 Summary	
Primary Uses	Attached and Detached Single-Family, Duplex, Townhouse, Multi-Family, Civic
Max. Density	12 units/acre
Min. Density	8 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RMF-12 District.

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

- a. Maximum gross density shall not exceed twelve (12) dwellings per acre;
- b. Minimum lot size shall be 4,000 square feet for an initial dwelling unit, plus 2,000 square feet for each additional unit on the same lot;
- c. Minimum net density shall not be less than eight (8) dwellings per acre; and
- d. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.

### 4. Performance Standards.

- a. For purpose of calculating density on parcels smaller than five (5) acres, one-half (1/2) of the land area of all adjoining rights-of-way may be included in the gross lot area.
- b. The area of the right-of-way shall not be included to determine compliance with the minimum lot area requirements.

## I. RMF-16: Residential Multi-Family - 16

1. **Purpose.** To provide for high density development allowing several types of residential unit types. RMF-16 may serve as a transitional district between single family and trade zones. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities in a neighborhood. RMF-16 implements the *Residential Medium High and High Density* future land use classification of the GROWTH PLAN. It may be appropriate in lower intensity areas if part of a mixed density development.

RMF-16 Summary	
Primary Uses	Attached and Detached Single-Family, Duplex, Townhouse, Multi-Family, Civic
Max. Density	16 units/acre
Min. Density	12 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RMF-16 District.

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

- a. Maximum gross density shall not exceed sixteen (16) dwellings per acre;
- b. Minimum lot size shall be 4,000 square feet for an initial dwelling unit plus 1,500 square feet for each additional unit on the same lot;
- c. Minimum net density shall not be less than twelve (12) dwellings per acre; and
- d. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.

**Performance Standards.**

- a. For purpose of calculating density on any parcel, one-half (1/2) of the land area of all adjoining rights-of-way shall not be included in the gross lot area.
- b. No right-of-way shall be counted to meet minimum lot area requirements.

**J. RMF-24: Residential Multi-Family - 24**

1. **Purpose.** To provide for high density residential use. This district allows several types of residential unit types within specified densities. RMF-24 may serve as a transitional district between single family and trade zones. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities in the neighborhood.

<b>RMF-24 Summary</b>	
Primary Uses	Attached and Detached Single-Family, Duplex, Townhouse, Multi-Family, Civic
Max. Density	24 units/acre
Min. Density	16 units/acre

RMF-24 implements the residential *High Density* future land use classification of the GROWTH PLAN. It may be appropriate in lower intensity areas where it is part of a mixed density development.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RMF-24 District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
  - a. Maximum gross density shall not exceed twenty-four (24) dwellings per acre;
  - b. Minimum area required shall be 4,000 square feet for an initial dwelling Unit plus 1,000 square feet for each additional unit on the same lot;
  - c. Minimum net density shall not be less than sixteen (16) dwellings per acre; and
  - d. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.
4. **Performance Standards.**
  - a. For purpose of calculating density on any parcel, one-half (1/2) of the land area of all adjoining rights-of-way shall not be included in the gross lot area.
  - b. No right-of-way shall be counted to meet minimum lot area requirements.

### 3.4 NONRESIDENTIAL ZONING DISTRICTS

#### A. RO: Residential Office

1. **Purpose.** To provide low intensity, nonretail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. Development regulations and performance standards are intended to make buildings compatible and complementary in scale and appearance to a residential environment. RO implements the medium, medium-high and high residential density and *Commercial* future land use classifications of the GROWTH PLAN in transitional corridors between single-family residential and more intensive uses.

RO Summary	
Primary Uses	Professional Offices, Attached and Detached Single Family, Duplex, Townhouse, Multifamily, Civic
Max. Intensity	0.4 FAR, 16 units/acre
Max. Bldg. Size	10,000 sq. ft.
Min. Density	4 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RO District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
  - a. Maximum gross density shall not exceed sixteen (16) dwellings per acre;
  - b. Minimum lot size shall be 5,000 square feet for all nonresidential uses and for an initial dwelling unit plus 1,500 square feet for each additional dwelling on the same lot;
  - c. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 0.4;
  - d. Maximum building size shall not exceed 10,000 square feet, unless a conditional use permit is issued.
  - e. Minimum net density shall not be less than four (4) dwellings per acre if the property is developed exclusively for residential use. Minimum density does not apply to mixed use properties.
4. **RO District Performance Standards.** New construction, including additions and rehabilitations, in the RO district shall be designed to look residential and shall be consistent with existing buildings along a street. “Consistent” means the operational, site design and layout, and architectural considerations described in the next subsections.
5. **Site Design, Layout and Operational Considerations.**
  - a. **Parking.** Business uses in the RO District shall be designed and operated not to increase on-street parking in front of dwellings in the neighborhood. On-site parking shall be provided pursuant to the parking rules. On-site parking spaces shall only be located in the side and rear yards; and screened from adjacent dwellings by a solid wall, fence or



vegetation having a height of not less than four feet (4') nor more than six feet (6') [vegetation may exceed six feet (6') in height].

- b. **Service Entrances.** Service entrances, loading areas and dumpster areas shall be located only in the rear or side yard. Each loading area shall be screened from each adjacent residential use or zone.
  - c. **Use of Front Yard.** Front yards shall be reserved for landscaping, sidewalks, driveway access to parking areas and signage.
  - d. **Hours of Business.** No uses in this district shall open earlier than 7:30 AM and shall close no later than 8:00 PM.
  - e. **Outdoor Storage and Display.** Outdoor storage and display areas associated with nonresidential uses are prohibited.
  - f. **Mixed Use.** Any mix of residential and nonresidential uses on the same lot shall be located in the same structure.
  - g. **Outdoor Lighting.** Outdoor lighting shall comply with the lighting provisions in this Code.
6. **Architectural Considerations.**
- a. **Building Alignment along Streets.** Every new building and addition shall be located so that it aligns with existing neighborhood buildings. "Aligns" means elevation (*e.g.*, horizontal lines of peaks of roofs, cornices, window sills) and plan (*e.g.*, setbacks from the street and rear property lines and spacing between structures/setbacks from side property lines).
  - b. **Building Orientation/Style.** Main entrances shall open onto a street and shall align with those of adjacent residential buildings. For example, in many RO areas, raised foundations and steps that define the main entrance are prevailing residential characteristics. Door styles shall be similar to those found on residential dwellings.

- c. **Building Mass/Scale Proportion.** Each new building, its mass in relation to open spaces and its windows, doors, and openings shall be visually compatible. Visually compatible means compatible with adjacent and neighboring buildings including mass, shape, window, doors, openings, roof shape, roof pitch and orientation. For example, a large building shall be compatible with surrounding smaller dwellings by dividing its mass into smaller components to create a building elevation that is more like the size and proportion of the nearby dwellings.
- d. **Height.** New buildings shall have the same number of stories and a height which is compatible with those of nearby dwellings. Two and one-half (2 1/2) stories shall be the maximum subject to maximum height of thirty-five feet (35').
- e. **Roof Shape.** The roofs of new buildings shall be visually compatible with nearby dwellings. Roof pitch shall be at least 4:12.
- f. **Fenestration.** Structures shall be visually compatible with surrounding residential structures. Visually compatible includes the relationship of width to height, and the spacing of windows and doors. For example, tall evenly-spaced rectangular windows are typical of certain residential styles in RO District areas.
- g. **Materials.** The exterior of all new buildings, additions and alterations shall be similar in size and appearance to nearby dwellings. Sign materials should be visually compatible to materials used on the building facade.
- h. **Signage.** See Section 4.2.G.1.d for sign standards in the RO District.

**B. B-1: Neighborhood Business**

1. **Purpose.** To provide small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses; a balance of residential and nonresidential uses. B-1 implements the residential high density and *commercial* future land use classifications of the GROWTH PLAN.

<b>B-1 Summary</b>	
Primary Uses	Offices, Retail, Services
Max. Intensity	0.5 FAR, 16 units/acre
Max. Bldg. Size	30,000 sq. ft. for office 15,000 sq. ft. for retail
Min. Density	8 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the B-1 District.

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 commercial center is subdivided with pad sites or other shared facilities;
- b. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 0.5;
- c. Unless a CUP is approved the maximum building size shall not exceed 30,000 square feet for office or any mixed uses, and 15,000 square feet for retail;
- d. Maximum gross density shall not exceed sixteen (16) dwellings per acre, excluding retail and office; and,
- e. Minimum net density shall not be less than eight (8) dwellings per acre if the only uses are 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. **Location.** B-1 Zones are to be limited to the intersection of any arterial or collector street with another collector or arterial street; however, existing retail and office uses which form an existing center as of the effective date of this Code are allowed as B-1.
- b. **Parking.** Business uses shall be designed and operated so as not to increase on-street parking in front of neighborhood dwellings. On-site parking shall be provided.
- c. **Hours of Business.** No use in this district shall open or accept deliveries earlier than 5:00 AM nor close later than 11:00 PM. “Close” includes no customers on-site, no deliveries and no illumination of signs.
- d. **Service Entrances.** Business service entrances, service yards and loading areas shall be located only in the rear or side yard.
- e. **Mixed Use.** Any mix of residential and nonresidential uses on one (1) lot or parcel shall be located in the same structure.

- f. **Outdoor Storage and Display.** Outdoor storage and permanent displays are prohibited. Portable display of retail merchandise may be permitted as elsewhere provided in this Code.
- g. **Rezone Application.** For the purpose of a rezone application to a B-1 district, the Planning Commission should consider the distance from other commercial and business zoning. New B-1 districts should be located at least eight-tenths (8/10<sup>th</sup>) of a mile from another business or commercial zone district.

**C. B-2: Downtown Business**

1. **Purpose.** To provide concentrated downtown retail, service, office and mixed uses not including major/regional shopping centers or large outdoor sales areas. The B-2 District promotes the vitality of the Downtown Commercial Core Area as provided by the GROWTH PLAN.

Thus, pedestrian circulation is encouraged as are common parking areas. This district implements the *commercial* future land use classification of the GROWTH PLAN.

2. **Authorized Uses.** Table 3.5 lists the authorized Uses in the B-2 District.

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

- a. Maximum gross density shall not exceed twenty-four (24) dwellings per acre;
- b. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 4.0; and
- c. Minimum net density shall not be less than eight (8) dwellings per acre if the only uses are residential. Minimum density shall not apply to mixed use developments.

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

5. **B-2 Performance Standards.**

- a. **Landscaping.** Landscaping requirements may be waived by the Director for any property fronting on Main Street, Colorado Avenue or Rood Avenue between 1<sup>st</sup> Street and 7<sup>th</sup> Street if street-scaping exists or will be provided in the right-of-way.
- b. **Service Entrances.** Service entrances, service yards and loading areas shall be located only in the rear or side yard. In a B-2 District a six-foot high solid fence or wall of stone, wood or masonry shall screen: each service yard or area from adjoining single family residential zones and uses which are not separated by a street (not counting an alley or any easement).

**B-2 Summary**

Primary Uses	Offices, Retail, Civic, Government, Services, Residential
Max. Intensity	4.0 FAR, 24 units/acre
Min. Density	8 units/acre

- c. **Mixed Use.** Mixed Use projects shall not exceed eight (8) dwelling units per acre.
- d. **Outdoor Storage and Display.** Outdoor storage and permanent display areas shall only be allowed in the rear half of the lot, beside or behind the principal structure, except for automotive display lots, which shall require approval of a Conditional Use Permit. Portable display of retail merchandise may be permitted subject to this Code.

**D. C-1: Light Commercial**

1. **Purpose.** To provide indoor retail, service and office Uses requiring direct or indirect arterial street access, and business and commercial development along arterials. The C-1 District should accommodate well-designed development on sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for orderly transitions and buffers between uses. This District implements the *commercial* future land use classification of the GROWTH PLAN.

<b>C-1 Summary</b>	
Primary Uses	Offices, Retail, Services
Max. Intensity	1.0 FAR/ 24 units /acre
Max. Bldg. Size	80,000 sq. ft.
Min. Density	12 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the C-1 District.

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

- a. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 1.0;
- b. Minimum lot size shall be 0.5 acre, except where a continuous commercial center is subdivided, with pad sites or other shared facilities;
- c. Maximum building size shall not exceed 80,000 square feet, without a conditional use permit;
- d. Maximum gross density shall not exceed twenty-four (24) dwellings per acre; and
- e. Minimum net density shall not be less than twelve (12) dwellings per acre if the only use is residential, except in a manufactured home park.

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

5. **C-1 Performance Standards.**

- a. **Service Entrances.** Building entrances to service yard and loading areas shall be located only in the rear and side yard.
- b. **Outdoor Storage and Display.** Outdoor storage and permanent display areas shall only be allowed in the rear half of the lot, beside or behind the principal structure, except for automobile sales lots for which a CUP has been issued. Portable display of retail merchandise may be permitted subject to this Code.

**E. C-2: General Commercial**

1. **Purpose.** To provide for commercial activities such as repair shops, wholesale businesses, warehousing and retail sales with limited outdoor display of goods and even more limited outdoor operations. The C-2 District is appropriate in locations designated for the *commercial or commercial/industrial* future land use classifications in the GROWTH PLAN.

<b>C-2 Summary</b>	
Primary Uses	General Retail & Services
Max. Intensity	2.0 FAR
Max. Bldg. Size	150,000 sq. ft.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the C-2 District.
3. **Intensity.** Subject to the development standards in this Code, the following intensity provisions shall apply:
  - a. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 2.0;
  - b. Minimum lot size shall be 0.5 acre, except where a continuous commercial center is subdivided, with pad sites or other shared facilities;
  - c. Maximum building size shall be 150,000 square feet, unless a Conditional Use Permit is issued.
4. **General Performance Standards Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.
5. **C-2 Performance Standards.**
  - a. **Rezone.** Rezoning to C-2 shall not be permitted adjacent to any residential single family zone.
  - b. **Outdoor Storage and Display.** Outdoor storage and display areas are not allowed within the front yard setback. Permanent and portable display of retail merchandise is permitted.



**F. I-0: Industrial/Office Park**

1. **Purpose.** To provide for a mix of light manufacturing uses, office park, limited retail and service uses in a business park setting with proper screening and buffering, all compatible with adjoining uses. This District implements the *commercial/industrial* and *industrial* future land use classifications of the GROWTH PLAN.

<b>I-0 Summary</b>	
Primary Uses	Light manufacturing, office, commercial services
Max. Intensity	0.75 FAR
Max. Bldg. Size	250,000 sq. ft.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the I-O District.
3. **Intensity.** Subject to the development standards in this Code, the following intensity provisions shall apply:
  - a. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 0.75;
  - b. Minimum lot size shall be one (1) acre, except where a continuous commercial center is subdivided;
  - c. Maximum building size shall be 250,000 square feet, unless a conditional use permit is issued.
4. **General Performance Standards Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.
5. **I-0 Performance Standards.**
  - a. **Retail Sale Area.** Areas devoted to retail sales shall not exceed: ten percent (10%) of the gross floor area of the principal structure, and 5,000 square feet on any lot or parcel.
  - b. **Loading Docks.** Loading docks shall be located only in the side or rear yards.
  - c. **Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards and Hazardous Materials.** No person shall occupy, maintain or allow any use in an I-0 District without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials. Conditional use permits for uses in this district may establish higher standards and conditions.

- (1) **Vibration:** Except during construction or as authorized by the City, activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel, shall not be permitted.
- (2) **Noise:** The owner and occupant shall regulate uses and activities on the property so that sound never exceeds sixty-five decibels (65 dB) at any point on the property line.
- (3) **Glare:** lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.
- (4) **Solid and Liquid Waste:** All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor(s). Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.
- (5) **Hazardous Materials:** Information and materials to be used or located on the site whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director.
- (6) **Outdoor Storage and Display.** Outdoor storage and permanent display areas shall only be located in the rear half of the lot beside or behind the principal structure. Portable display of retail merchandise may be permitted as provided in Chapter Four.

**G. I-1: Light Industrial**

1. **Purpose.** To provide for areas of light fabrication, manufacturing and industrial uses which are compatible with existing adjacent land uses, access to transportation and the availability of public services and facilities. I-1 Zones with conflicts between other uses can be minimized with orderly transitions of zones and buffers between uses. This district implements the *commercial/industrial* and *industrial* future land use classifications of the GROWTH PLAN.

<b>I-1 Summary</b>	
Primary Uses	Manufacturing, office, commercial services
Max. Intensity	2.0 FAR
Max. Bldg. Size	150,000 sq. ft.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the I-1 district.
3. **Intensity.** Subject to the development standards in this Code, the following intensity provisions shall apply:
- a. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 2.0;
  - b. Minimum lot size shall be one (1) acre, except where a commercial or industrial center is subdivided with pad sites or other shared facilities;
  - c. The maximum building size is 150,000 square feet, unless a conditional use permit is issued.
4. **General Performance Standards Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.
5. **I-1 Performance Standards.** The performance standards of the I-0 district shall apply in the I-1 district, except that:
- a. Principal and accessory outdoor storage and display areas shall be permitted in accordance with Chapter Four, with the following exceptions:
    - (1) Outdoor storage and displays shall not be allowed in the front yard setback;
    - (2) Screening shall be maintained in the frontage adjacent to arterial and collector streets and along that portion of the frontage on local streets which adjoin any zone except I-1 or I-2;
    - (3) Unless required to buffer from an adjoining district, screening along all other property lines is not required;
    - (4) Screening of dumpsters is not required; and
    - (5) Outdoor storage areas may be established as a principal use without a conditional use permit.

## H. I-2: General Industrial

1. **Purpose.** To provide areas of heavy and concentrated fabrication, manufacturing and industrial uses which are compatible with adjacent uses, easy semi-tractor trailer access to the state highway system and/or railroads and the availability of public services and facilities. Conflicts between the I-2 District must be minimized with other uses by orderly transitions and buffers between Uses. This District implements the *industrial* future land use classification of the GROWTH PLAN.
2. **Authorized Uses.** Table 3.5 lists the authorized uses in the I-2 district.
3. **Intensity.** Subject to the development standards in this Code, the following intensity provisions shall apply:
  - a. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 2.0; and
  - b. The minimum lot size shall be one (1) acre, except where a commercial or industrial center is subdivided.
4. **General Performance Standards Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.
5. **I-2 Performance Standards.** The performance standards for the I-1 district shall apply in the I-2 district except that the Director may approve outdoor storage as a principle use without requiring a conditional use permit.

### I-2 Summary

Primary Uses	Manufacturing, office, commercial services
Max. Intensity	2.0 FAR

**I. CSR: Community Services and Recreation**

1. **Purpose.** To provide public and private recreational facilities, schools, fire stations, libraries, fairgrounds, and other public/institutional uses and facilities. The district would include open space areas, to prevent environmental damage to sensitive areas, and to limit development in areas where police or fire protection, protection against flooding by storm water, or other services or utilities are not readily available. The CSR

<b>CSR Summary</b>	
Primary Uses	Parks, open space, schools, libraries, recreational facilities.
Max. Intensity	FAR 1.0 for public/Institutional FAR 0.4 for recreation/conservation uses
Max. Bldg. Size	80,000 sq. ft. (except subject to a CUP)

District would include outdoor recreational facilities, educational facilities, open space corridors, recreational, non-vehicular transportation, environmental areas and would be interconnected with other parks, trails and other recreational facilities. This District implements the *parks*, *conservation* and *Institutional* land use classifications of the GROWTH PLAN.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the CSR district.
3. **Intensity/Density.** Subject to the development standards in this Code, the following intensity/density provisions shall apply:
  - a. Nonresidential intensity shall not exceed an FAR of 1.0 for public/institutional uses and 0.4 for recreation/conservation uses;
  - b. Minimum lot size shall be one (1) acre;
  - c. The maximum building size shall be 80,000 square feet unless a conditional use permit is issued; and
  - d. Maximum gross density shall not exceed one (1) dwelling per five (5) acres (*i.e.*, 0.2 dwellings per acre). One (1) caretaker dwelling unit per lot is not counted when calculating maximum density.
4. **CSR Performance Standards.** Development shall conform to the standards established in this Code.
  - a. **Outdoor Storage.** Outdoor storage areas shall comply with the standards in Chapter Four, except that those associated with extractive uses, in which case no screening shall be required for an extractive use unless required by Chapters Four or Six in order to buffer from neighborhood uses or zones.

**J. M-U: Mixed Use**

1. **Purpose.** To provide for a mix of light manufacturing and office park employment centers, limited retail, service and multifamily residential uses with appropriate screening, buffering and open space and enhancement of natural features and other amenities such as trails, shared drainage facilities, and common landscape and streetscape character. This District implements the *commercial*, *commercial/industrial* and *industrial* future land use classifications of the Growth Plan, as well as serving as a transition between residential and nonresidential use areas.

<b>M-U Summary</b>	
Primary Uses	Employment, residential, limited retail, open space
Max. Intensity	Non-Residential Nonresidential: 0.50 FAR
Maximum Density	Residential: 24 units per acre
Minimum Density	Residential: 12 units per acre
Max. Bldg. Size	150,000 sq. ft. (30,000 sq. ft. for retail)

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the M-U district.
3. **Intensity.** Subject to the development standards in this Code, the following intensity provisions shall apply:
  - a. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 0.50;
  - b. Nonresidential minimum lot size shall be one (1) acre, except where a continuous commercial center is subdivided;
  - c. Maximum building size for all non-retail uses shall be 150,000 square feet unless a Conditional Use Permit is issued. Maximum building size for retail shall be 30,000 square feet;
  - d. Maximum gross residential density shall not exceed twenty-four (24) units per acre;
  - e. Minimum net residential density shall be twelve (12) units per acre.
  - f. Development parcels and/or projects containing greater than five (5) acres shall have a minimum of twenty percent (20%) of the gross land area in residential development. The required twenty percent (20%) may be transferred between parcels in the Mixed Use Zone District that are being planned at the same time.
4. **M-U Performance Standards.** Development shall conform to the standards established in this Code.
  - a. Refer to any applicable overlay zone district and/or corridor design standards and guidelines.
  - b. **Loading/Service Areas.** Loading docks and trash or other service areas shall be located only in the side or rear yards.
  - c. **Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards and Hazardous Materials.** No person shall occupy, maintain or allow any

use in an M-U District without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials. Conditional Use Permits for uses in this district may establish higher standards and conditions.

- (1) **Vibration:** Except during construction or as authorized by the City, activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel, shall not be permitted.
  - (2) **Noise:** The owner and occupant shall regulate uses and activities on the property so that sound never exceeds sixty-five decibels (65 dB) at any point on the property line.
  - (3) **Glare:** Lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.
  - (4) **Solid and Liquid Waste:** All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor(s). Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.
  - (5) **Hazardous Materials:** Information and materials to be used or located on the site whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including the site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director.
  - (6) **Outdoor Storage and Display:** Outdoor storage and permanent display areas shall only be located in the rear half of the lot beside or behind the principal structure. Portable display of retail merchandise may be permitted as provided in Chapter Four.
5. Performance and development standards for residential uses shall be derived from the underlying multifamily zone district, as defined in Chapter Three of this Code.
- a. The following standards shall apply to the required residential component.
    - (1) Final plans for the required residential component must be submitted and approved with the overall project.
    - (2) The required residential component must be built with the overall project, in accordance with the approved development schedule.
    - (3) Residential units may be built as part of any retail/commercial structure.
    - (4) The conditions of approval and development schedule shall be recorded against the title to all portions of the property, including

each nonresidential component, requiring that the required residential component be built within the approved development schedule. The City may enforce conditions of approval and the development schedule against the owners of any portion of the overall project jointly and separately.



# **CHAPTER FOUR**

## **ACCESSORY USES, SIGN REGULATION & USE SPECIFIC STANDARDS**

The substantive changes to Chapter Four are found in Sections 4.1.I.1, 4.1.I.2 and 4.3.D. (Spelling changes not shown here.)

### **Section 4.1.I.1 and 2**

#### **I. Outdoor Storage and Display.**

##### **1. Residential Outdoor Storage.**

- a. Outdoor storage is permitted in all residential districts. Residential outdoor storage is presumed if the following or like materials are outside of a dwelling for a period of longer than forty-eight (48) consecutive hours and occupy a volume of more than one hundred fifty (150) cubic feet:
  - (1) Appliances;
  - (2) Building materials, except for periods where a valid building period is in effect for construction on the property; and
  - (3) Inoperable automobile(s), truck(s), commercial vehicle(s) and RV'(s).
- b. Junk or rubbish shall not be stored.
- c. All outdoor storage shall be located in the rear half of the lot and shall be screened.
- d. A maximum of two (2) vehicles intended for repair or restoration, also known as "junk vehicles" may be stored on a property provided all of the following conditions are satisfied:
  - e. (1) Vehicle(s) shall be owned by the owner or occupant of the premises upon which the vehicles are located; and
  - f. (2) The vehicle(s) shall be kept in an enclosed garage or under an opaque cover designed for the vehicle or otherwise screened from off-premise view.
- a. All outdoor storage shall be screened. Acceptable screening consists of any combination of fences, walls, berms and landscaping that is at least six feet (6') in height and provides a permanent, opaque, year-round screening around the entire perimeter of the outdoor storage area. Plant materials are encouraged as screening.
- b. h. All outdoor storage shall meet the following additional requirements, as applicable:
  - (1) All storage shall conform to the performance standards of the zone as described in Section 3.3 for residential zoning;
  - (2) Except for integral units, stored items shall not project above the screening;
  - (3) Dumpsters and refuse containers for new multifamily dwelling,

commercial and industrial uses shall be enclosed in a solid, opaque enclosure constructed of brick, masonry, stucco or wood of at least six feet (6') tall; and

(4) Nonconforming property shall comply with Section 3.8.

2. **Non-Residential Nonresidential Outdoor Storage.** Where outdoor storage is permitted in nonresidential districts it shall be subject to the provisions of this Code. Nonresidential outdoor storage are materials stored outside of business or commercial uses for a period of longer than forty-eight (48) consecutive hours and occupying a volume of more than one hundred fifty (150) cubic feet:

- a. Junk or rubbish is not permissible outdoor storage unless the use is a permitted junkyard/salvage yard or landfill.
- b. If the principal use of the property is other than a legal vehicle repair operation, impound lot, junkyard/salvage yard or fleet vehicle service center; a maximum of two (2) vehicles intended for repair or restoration may be stored on a property provided all of the following conditions are satisfied:
  1. Vehicle(s) shall be owned by the owner or occupant of the premises upon which the vehicle(s) are located:
  2. The vehicle(s) shall be kept in an enclosed garage, under an opaque cover designed for the vehicle or otherwise screened from off-premise view; and
  3. There shall be no outdoor storage of vehicle parts.

**Existing Salvage/Recycling and Impound Lots:\*** If the principal use of the property is recycling to include car/auto recycler, end recycler (salvage yard) or wrecking yard storing inoperable vehicles, vehicle parts, dismantled machinery and associated parts, appliance recycler and impound lot and if the use was an existing legal use as of January 1, 2002, outdoor storage shall meet the following conditions.

1. Storage and dismantling areas shall require screening along all street frontages and along the first fifty feet (50') of the side perimeter from the street. Sites may use opaque slats in existing chain link fences or vegetation to meet the screening requirement as long as the screening is at least six (6) feet in height. Any new fencing shall be a minimum of six (6) feet.
2. If the recycler abuts a property with zoning which is not C-2, I-1 or I-2, the recycler shall also screen each perimeter that abuts such zone that is not C-2, I-1 or I-2. Buildings on property lines shall serve as screening.
3. No item shall be allowed to project above the screening except: integral units as defined in Chapter Nine of this Code; and stacking of no more than two vehicles on top of a wheel stand. Integral units shall

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\* Section 4.1.1.2.c.1 through 6. revised February 6, 2002 (Ordinance No. 3398)

include shelving up to twenty (20) feet in height for the purpose of storing recyclable parts. End recyclers are exempt from this requirement.

4. Each owner, operator, independent contractor and employee of a recycling business, and every other person who dismantles, repairs or installs motor vehicle parts or appliances or other equipment containing any fluid, gas or liquid or other regulated substance shall, in accordance with applicable laws and rules, control, contain, collect, and dispose of all fluids, hazardous wastes, and other regulated fluids in or generated by the dismantling, shredding, baling or storage of motor vehicles, appliances, other equipment or parts, including but not limited to oils, antifreezes, CFC's, transmission fluids, diesel fuel, and gasoline.
  5. Tires shall be stored as required by the Grand Junction Code of Ordinances.
  6. A recycler shall have a five day grace period to remove items placed outside of a perimeter fence. If the City gives a notice after the fifth working day, the recycler shall remove such items within five working days.
- d. If the principal use of the property is legal auto repair as of the adoption of this Code, the vehicles intended for repair shall not be stored in any right-of-way or in required parking spaces. Areas for storage of vehicles intended for repair must be screened along any street frontage.
  - e. Unless otherwise indicated, screening of all outdoor storage shall consist of any combination of fences, slats in chain link fences, walls, berms and landscaping that is at least six (6) feet in height and provides a permanent, opaque, year-round screening on all street frontages and the first fifty feet (50) of side perimeters of the outdoor storage area. Buildings on property line shall serve as screening. Plant materials are encouraged as screening.
  - f. All nonresidential outdoor storage shall meet the following additional requirements, as applicable:
    1. All storage shall conform to the Specific Zone Performance Criteria in Section 3.4 and the use-specific requirements of that particular use;
    2. Unless otherwise indicated, no outdoor storage shall be located in a required front yard setback or in any setback adjacent to a residential or business zone;
    3. Except for integral units, stored items shall not project above the screening;
    4. Dumpsters and refuse containers for new uses in all zones except I-1 and I-2 shall be enclosed in a solid, opaque enclosure constructed of brick, masonry, stucco or wood of at least six (6) feet tall. Nonconforming sites shall comply with Section 3.8;

## Section 4.3. USE-SPECIFIC STANDARDS

### Section 4.3.B.5.a Adult Entertainment.

#### 5. Definitions.

- a. **Adult Entertainment Establishments.** Any establishment which conducts as a Principal use of the premises or as a significant or substantial adjunct to another use of the premises, the sale, rental, display or other offering of live entertainment, dancing or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to specified sexual activities or specified anatomical areas , including but not limited to:
- (1) Adult bookstore: Any establishment which sells or rents adult material including but not limited to books, magazines, movies, films, slides, or other photographic or written material and/or devices;
  - (2) Adult hotel or motel: Any hotel or motel in which the presentation of adult material is the primary or a principal attraction; and
  - (3) Adult motion picture theater: Any fully enclosed theater in which the presentation of adult material is the primary or principal attraction;
  - (4) Adult cabaret, restaurant or place of business: a cabaret, restaurant or place of business, which features topless and/or bottomless dancers, waitresses, waiters, or entertainers, or any other depiction of adult material.

### Section 4.3.D

#### **New Car/Auto Recycler, End Recycler (Salvage Yard), Wrecking Yards, Appliance Recycler, Impound Lots.\*** For existing uses see section 4.1.I.2.c.

1. **Performance Standards.** New car/auto recycler, end recycler (salvage yard), wrecking yards, appliance recycler and impound lots shall be allowed to operate only with an approved conditional use permit and are subject to the following requirements. Salvage, dismantling, recycling or impound lot uses as accessory uses are permitted under the same status as the principal use and are subject to all requirements of the principal use in addition to the following requirements:
  - a. Recycling/wrecking/salvage yards and impound lots shall provide the screening and buffering required by Table 6.5 and provide a 6' high wall along the street frontage and along the first 50' of the side perimeter from the street. The wall shall be increased to 8' if the yard will contain any

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\* Section 4.3.D.1.a. through g. revised February 6, 2002 (Ordinance No. 3398)

stored items in excess of 6'. The required wall shall meet the required front yard setback with landscaping in the setback area.

- b. The wall shall be of solid, 100 percent opaque, construction of wood, masonry, chain-link with slats, or other material approved in writing by the Director (unless the screening and buffering required by Table 6.5 allows for only masonry or wood).
- c. All outdoor yards or storage lots shall comply with the following:
  - No yard or storage lot shall be placed or maintained within a required yard setback.
  - Stored items shall not project above the screening except for integral units as defined in Chapter Nine of this Code; and stacking of no more than two vehicles on top of a wheel stand. Integral units shall include shelving up to twenty (20) feet in height for the purpose of storing recyclable materials. Integral units shall not be stored within the first twenty (20) feet of the property from any street frontage property line.
  - All screening shall be installed in a professional and workmanlike manner, and maintained in good condition.
- d. All compaction, cutting and/or other material volume reducing operations shall be conducted to minimize the noise generated by the operation.
- e. Unusable items shall be disposed of and not be allowed to collect on the premises.
- f. All tires not mounted on operational vehicles shall be neatly stacked or placed in racks. If stacked, the stacks shall not be over six (6) feet in height; if on racks, the top of any tire on any rack shall not be over ten (10) feet in height.
- g. No garbage or other putrescent waste, likely to attract vermin, shall be kept on the premises. Gasoline, oil, or other hazardous materials which are removed from scrapped vehicles or parts of vehicles kept on the premises shall be disposed of in accordance with applicable federal, state and local regulations. All other regulations of the City such as, but not limited to, building codes, fire codes, weed regulations and health regulations shall apply to the operation of all such uses.

# CHAPTER SIX

## DESIGN & IMPROVEMENT STANDARDS

The substantive changes to Chapter Six are included here. (Spelling changes not shown unless included within the section shown.)

No changes to Section 6.1.

### 6.2 INFRASTRUCTURE STANDARDS

#### A. General.

1. **Public Improvements.** The improvements described in this section must be built by the applicant and constructed in accordance with adopted standards. The applicant/developer shall either complete construction of all such improvements (in this section “infrastructure”) prior to final City approval (such as a subdivision plat) or shall execute a Development Improvements Agreement. No improvements shall be made until the following required plans, profiles and specifications have been submitted to, and approved by, the City:
  - a. Roads, streets and alleys;
  - b. Street lights and street signs for all street intersections;
  - c. Sanitary sewer pipes and facilities;
  - d. Fire hydrants and water distribution system and storage;
  - e. Storm drainage system;
  - f. Irrigation system;
  - g. Right-of-way landscaping;
  - h. but not limited to, telephone, cable, television, electric, and natural gas shall be provided by, and paid for, by the developer. All utilities shall be installed underground, prior to street or alley surfacing or construction, except when the development has less than 700 feet of frontage and/or when half street improvements are not required to be completed along the perimeter of the development as part of the project, then in the discretion of the Public Works Director a payment of cash-in-lieu of construction may be accepted. The payment amount shall be determined as set forth in the adopted fee schedule. Necessary above-ground facilities (*e.g.*, pedestals, transformers, and transmission lines of 50 KV capacity or greater) and temporary overhead lines may be allowed if deemed necessary by the City Engineer;
  - i. Other improvements and/or facilities as may be required by changing technology and the approval process;
  - j. Permanent survey reference monuments and monument boxes, [C.R.S. 38-51-101].
2. **Guarantee of Public Improvements.** No development shall be approved until the City has accepted constructed infrastructure or the developer has executed a development improvement agreement along with adequate security [Section

2.19].

3. **City Participation.** The City may elect to require the developer to coordinate construction with the City as required in this Chapter on the following basis:
  - a. If the developer, in order to provide safe access and circulation, must build or improve an arterial or collector street, the City may choose to participate in paying for a portion of the costs of paving these streets, including engineering, site preparation, base and pavement mat.

**B. Streets, Alleys, Trails and Easements.**

**1. Design Standards.**

- a. Street and alley layouts shall conform to adopted street plans and other policies, as well as TEDS. No owner or developer shall propose a site design or plan which could result in the applicant controlling access to a street, alley or right-of-way.
- b. Easements shall be provided as required for improvements and utilities. Alleys for utilities and infrastructure may be used.
- c. A developer shall dedicate to the City such rights-of-way (*e.g.*, streets, sidewalks, trails, bicycle paths and easements) needed to serve the project in accordance with:
  - (1) The adopted Functional Classification Map and Major Street Plan as amended from time to time; and
  - (2) The Urban Trails Map, sidewalks, trails and/or bicycle plans and maps including riverfront trails.
- d. Streets, alleys, sidewalks, trails and bikepaths shall be constructed in accordance with applicable City standards. If needed to provide safe and adequate access and circulation for residents, visitors, users and occupants, the applicant shall provide off-site infrastructure.
- e. Each project with one or more buildings (except detached dwellings) shall provide paved pedestrian walkway/sidewalk connections to nearby rights-of-way. Said connections shall be separate from parking and driveway areas.
- f. Dedications required by Section 6.2.B.1.c shall be at no cost to the City. Dedications shall not be eligible for or require a refund or TCP credit.

**2. Transportation Capacity Payment (TCP) and Right-of-Way Improvements.**

The developer shall pay to the City a Transportation Capacity Payment (TCP) and Right-of-Way Improvements as required by the Public Works Director (Director).

- a. The Director may require that the developer pay for and/or construct improvements necessary for the safe ingress and/or egress of traffic to the development. Those improvements are defined as minimum street access improvements. Minimum street access improvements shall be defined by the most recent version of the City's Growth and Development Related Street Policy and/or TEDS. The Growth and Development Related Street Policy shall be reviewed by City Staff and adopted annually by Council Resolution.

- b. No planning clearance for a building permit for any use or activity requiring payment of the TCP shall be issued until the TCP has been paid and minimum street access improvements have been constructed, paid for or adequately secured as determined by the Director. Adequate security shall be that allowed or required for a Development Improvement Agreement (DIA) under Section 2.19 of this Code.
- c. The amount of the TCP shall be as set forth annually by the City Council in its adopted fee resolution. The TCP is minimally subject to annual adjustment for inflation based on the Consumer Price Index For All Urban Consumers (CPI-U), Western Region, size B/C, published monthly by the United States Department of Labor. (This information can be found at the internet site of <http://data.bls.gov/labjava/outside.jsp?survey=cu> ).
- d. The TCP shall be used by the Director to make capital improvements to the transportation facilities in the City in accordance with the City's Growth and Development Related Street Policy, this Section, and other applicable provisions of the Zoning and Development Code.
  - (1) To pay debt service on any portion of any current or future general obligation bond or revenue bond issued after July 6, 2004 and used to finance major road system improvements;
  - (2) For the reconstruction and replacement of existing roads, the construction of new major road systems and improvements and/or for the payment of reimbursable street expenses (as that term is defined from time to time by the City's Growth and Development Related Street Policy) that are integral to and that add capacity to the street system.
  - (3) Traffic capacity improvements do not include ongoing operational costs or debt service for any past general obligation bond or revenue bond issued prior to July 6, 2004 or any portion of any current or future bond issued after July 6, 2004 and not used to finance major road system improvements.
  - (4) Capital spending decisions shall be guided by the principles, among others, that TCP funds shall be used to make capacity and safety improvements but not used to upgrade existing deficiencies except incidentally in the course of making improvements; TCP fund expenditures which provide improvements which are near in time and/or distance to the development from which the funds are collected are preferred over expenditures for improvements which are more distant in time and/or distance.
  - (5) No TCP funds shall be used for maintenance.
  - (6) TCP funds will be accounted for separately but may be commingled with other funds of the City.
  - (7) The Director shall determine when and where TCP funds shall be spent.
    - (A) As part of the two-year budget process.
    - (B) As required to keep pace with development.



- (8) The TCP shall not be payable if the Director is shown by clear and convincing evidence, that at least one of the following applies:
  - (A) An alteration or expansion of an existing structure will not create additional trips;
  - (B) The the construction of an accessory structure will not create additional trips produced by the principle building or use of the land. A garage is an example of an accessory structure which does not create additional trips;
  - (C) The the replacement of a destroyed or partially destroyed structure with a new building or structure of the same size and use that does not create additional trips;
  - (D) a structure is constructed in a development for which a TCP fee has been paid within the prior eighty four (84) months or the structure is in a development with respect to which the developer constructed Street Access Improvements and the City accepted such improvements and the warranties have been satisfied.
- e. type of impact-generating development for which a building permit is requested is for a change of land use or for the expansion, redevelopment or modification of an existing development, the fee shall be based on the net increase in the fee for the new land use type as compared to the previous land use type.
- f. In the event that the proposed change of land use, redevelopment or modification results in a net decrease in the fee for the new use or development as compared to the previous use or development, the developer may apply for a refund of fees previously paid with the consent of the previous person having made the payment and or constructed the improvements.
- g. For fees expressed per 1,000 square feet, the square footage shall be determined according to gross floor area, measured from the outside surface of exterior walls and excluding unfinished basements and enclosed parking areas. The fees shall be prorated and assessed based on actual floor area, not on the floor area rounded to the nearest 1,000 square feet.
- h. Any claim for credit shall be made not later than the time of application or request for a planning clearance. Any claim not so made shall be deemed waived. Credits shall not be transferable from one project or development to another nor otherwise assignable or transferable.
- i. Rights-of-way and otherMinimum Street access improvements include street and road improvements required to provide for the safe ingress and egress needs of the development as determined by the Director. shall be TEDSDetermined by the Director. The Director shall determine the acceptable quality of service taking into consideration existing traffic, streets and proposed development.
  - (1) Required right-of-way dedications shall be at no cost to the City.

**Definitions.** The following terms and words shall have the meanings set forth for this Section.

- (1) Average trip length: The average length of a vehicle trip as determined by

the limits of the City, the distance between principle trip generators and as modeled by the City's, the County's, the State's or MPO's computer program(s). In the event that the models are inconsistent, the most advantageous to the City shall be used.

- (2) "Convenience store," "hotel/motel," "retail," and other terms contained and with the meaning set forth in the Trip Generation Manual.
- (3) Lane-mile: Means one paved lane of a right-of-way mile in length fourteen (14) feet in width, including curb and gutter, sidewalk, storm sewers, traffic control devices, earthwork, engineering, and construction management including inspections. The value of right-of-way is not included.
- (4) Percentage of new trips: Based on the most current version of ITE Transportation and Land Development Manual, and the ITE Trip Generation Manual.
- (5) Unimproved/under-improved floor area: Has the meaning as defined in the adopted building codes.

1. **Calculation of Fee.**

- (1) Any person who applies for a building permit for an impact-generating development shall pay a Transportation Impact Fee in accordance with the most recent fee schedule prior to issuance of a building permit. If any credit is due pursuant to Section i. above, the amount of such credit shall be deducted from the amount of the fee to be paid.

**Table 6.2.A**

Land Use Type	ITE Code	Unit	Fee	Factor
<b>Residential</b>				
Single Family	210	Dwelling	\$1,500	1.00
Multifamily	220	Dwelling	\$1,039	0.69
Mobile Home/RV Park	240	Pad	\$ 754	0.50
Hotel/Motel	310/320	Room	\$1,414	0.94
<b>Retail/Commercial</b>				
Shopping Center (0-99KSF)	820	1000 SF	\$2,461	1.64
Shopping Center (100-249KSF)	820	1000 SF	\$2,311	1.54
Shopping Center (250-499KSF)	820	1000 SF	\$2,241	1.49
Shopping Center (500+KSF)	820	1000 SF	\$2,068	1.38
Auto Sales/Service	841	1000 SF	\$2,223	1.48
Bank	911	1000 SF	\$3,738	2.49
Convenience Store w/Gas Sales	851	1000 SF	\$5,373	3.58
Golf Course	430	Hole	\$3,497	2.33
Health Club	493	1000 SF	\$2,003	1.34
Movie Theater	443	1000 SF	\$6,216	4.14

Restaurant, Sit Down	831	1000 SF	\$3,024	2.02
Restaurant, Fast Food	834	1000 SF	\$6,773	4.52
<b>Office/Institutional</b>				
Office, General (0-99KSF)	710	1000 SF	\$1,845	1.23
Office, General >100KSF	710	1000 SF	\$1,571	1.05
Office, Medical	720	1000 SF	\$5,206	3.47
Hospital	610	1000 SF	\$2,418	1.61
Nursing Home	620	1000 SF	\$ 677	0.45
Church	560	1000 SF	\$1,152	0.77
Day Care Center	565	1000 SF	\$2,404	1.60
Elementary/Sec. School	520/522/530	1000 SF	\$ 376	0.25
<b>Industrial</b>				
Industrial Park	130	1000 SF	\$1,091	0.73
Warehouse	150	1000 SF	\$ 777	0.52
Mini-Warehouse	151	1000 SF	\$ 272	0.18

- (2) If the type of impact-generating development for which a building permit is requested is not specified on the fee schedule, then the Director shall determine the fee on the basis of the fee applicable to the most nearly comparable land use on the fee schedule. The Director shall determine comparable land use by the trip generation rates contained in the most current edition of *ITE Trip Generation Manual*.
- (3) In many instances, a building may include secondary or accessory uses to the principal use. For example, in addition to the production of goods, manufacturing facilities usually also have office, warehouse, research and other associated functions. The TCP fee shall generally be assessed based on the principal use. If the applicant can show the Director in writing by clear and convincing evidence that a secondary land use accounts for over 25% of the gross floor area of the building and that the secondary use is not assumed in the trip generation for the principal use, then the TCP may be calculated on the separate uses.
- (4) **TCP fee Calculation Study.** At the election of the applicant or upon the request of the Director, for any proposed development activity, for a use that is not on the fee schedule or for which no comparable use can be determined and agreed by the applicant and the Director or for any proposed development for which the Director concludes the nature, timing or location of the proposed development makes it likely to generate impacts costing substantially more to mitigate than the amount of the fee that would be generated by the use of the fee schedule, a TCP fee calculation study may be performed.
- (5) The cost and responsibility for preparation of a fee calculation study shall be determined in advance by the applicant and the Director.
- (6) The Director may charge a review fee and/or collect the cost for rendering

a decision on such study. The Director's decision on a fee or a fee calculation study may be appealed to the Zoning Board of Appeals in accordance with Section 2.18.B of this Code.

- (7) The TCP Fee Calculation Study shall be based on the same formula, quality of service standards and unit costs used in the Impact Fee Study. The Fee Study Report shall document the methodologies and all assumptions.
- (8) The TCP Fee Calculation Study shall be calculated according to the following formula:

**Table 6.2.B**

	FEE	=	VMT x NET COST/VMT x RF
WHERE:	VMT	=	TRIPS x % NEW X LENGTH ÷ 2
	TRIPS	=	DAILY TRIP ENDS GENERATED BY THE DEVELOPMENT DURING THE WORK WEEK
	% NEW	=	PERCENT OF TRIPS THAT ARE PRIMARY, AS OPPOSED TO PASSBY OR DIVERTED-LINK TRIPS
	LENGTH	=	AVERAGE LENGTH OF A TRIP ON THE MAJOR ROAD SYSTEM
	÷ 2	=	AVOIDS DOUBLE-COUNTING TRIPS FOR ORIGIN AND DESTINATION
	NET COST/VMT	=	COST/VMT – CREDIT/VMT
	COST/VMT	=	COST/VMC x VMC/VMT
	COST/VMC	=	AVERAGE COST TO CREATE A NEW VMC BASED ON HISTORICAL OR PLANNED PROJECTS (\$306 EXCLUDING MAJOR STRUCTURES)
	VMC/VMT	=	THE SYSTEM-WIDE RATIO OF CAPACITY TO DEMAND IN THE MAJOR ROAD SYSTEM (1.0 ASSUMED)
	CREDIT/VMT	=	CREDIT PER VMT, BASED ON REVENUES TO BE GENERATED BY NEW DEVELOPMENT (\$82)
	RF	=	REDUCTION FACTOR ADOPTED BY POLICY AT 52.6%

- (9) A TCP Fee Calculation Study submitted for the purpose of calculating a Transportation Impact Fee may be based on data information and assumptions that are from:
- (A) An accepted standard source of transportation engineering or planning data; or
  - (B) A local study on trip characteristics performed by a qualified transportation planner or engineer pursuant to an accepted methodology of transportation planning or engineering that has been approved by the Director.

3. **Public Right-of-Way Use.**

- a. No structure, fence, sign, parking lot, detention/retention pond, or other temporary or permanent object or structure shall be constructed, maintained, or erected in any portion of any public right-of-way without first obtaining a revocable permit from the City. The City Engineer or other City official may allow traffic control devices, street signs, public notices, utility poles, lines and street banners [Chapter Four].
- b. No person shall use, store, display or sell any goods, merchandise or any structure without having first obtained a revocable permit, except that this provision shall not be enforced in a manner which limits unreasonably any persons freedom of speech or assembly.
- c. No commercial vehicle which exceeds one and one half (1-1/2) tons rated carrying capacity shall be parked in a public right-of-way which abuts any residential zone.
- d. Overnight camping shall not be allowed in public right-of-way or in any private parking lot made available to the public, unless specifically permitted by the City for such use. Parking of an RV or any vehicle for more than seventy-two (72) hours shall not be allowed in a public right-of-way.

4. **Partially Dedicated Street.** Prior to any development or change of use which is projected to increase traffic generation by the greater of five (5) percent or ten (10) vehicle trips per day, the applicant shall dedicate right-of-way required to bring abutting streets into compliance with the adopted street classification map, or as otherwise approved by the City Engineer. Upon receipt of the appropriate deed, and if all other requirements have been met, the final development permit shall be issued.

5. **Street Naming and Addressing System.** A street naming system shall be maintained to facilitate the provisions of necessary public services (police, fire, mail), reduce public costs for administration, and provide more efficient movement of traffic. For consistency, this system shall be adhered to on all newly platted, dedicated, or named streets and roads. The Director shall check all new street names for compliance to this system and issue all street addresses. Existing streets and roads not conforming to this system shall be made

conforming as the opportunity occurs.

**C. Irrigation Systems and Design.**

All required landscaped areas shall be irrigated according to section 6.5.B. The applicant shall comply with the standards in the SSID Manual.

**D. Potable Water System.**

1. All development and all uses shall be served by a water treatment and distribution system operated or approved by the City, unless such requirement is deemed unreasonable or impracticable, as determined by the Public Works and Utilities Director.
2. Fire hydrants shall be placed and have fire flow capabilities in accordance with the City's ordinances.

**E. Sanitary Sewer System.**

All lots and uses must be served by a sewer system connected to a public wastewater treatment facility.

**F. Stormwater Management.**

1. Requirement. All proposed development must provide for on-site runoff collection and conveyance in accordance with Stormwater Management Manual (SWMM) and applicable federal and state laws.
2. Drainage Fee In Lieu Of Providing Drainage Detention/Retention Facilities. Detention/retention and metered outlet facilities shall be required unless the Director of Public Works and Utilities, pursuant to the City's adopted stormwater drainage impact fee ordinance, finds:
  - a. the site runoff to private property will not increase due to development; and
  - b. the Director, or his designee, determines that off-site public streets or other public drainage conveyance facilities are adequate to receive and convey additional runoff from the proposed development site without adversely impacting the public's facilities, interest, health, or safety.
3. Generally, options will be restricted to proposed developments which are five (5) acres or less for all phases and/or filings. There may be circumstances, however, where the Director may allow an option for larger sites if they are located low in a watershed basin or adjacent to major outfall facilities.
4. The Director, or his designee, shall require submittal of certain information on the part of the developer in order to determine if the drainage fee option is allowed or if construction of drainage detention/retention facilities is required. Such information may include but is not necessarily limited to the type and percent of impervious surfaces, measurements of property including elevations, distance to conveyance structure(s), type of conveyance structure(s), availability of regional detention facilities, flood control structures and location of the development within the watershed.
5. Upon written approval from the Director, or his designee, the developer shall be given the option of paying a drainage fee in lieu of providing drainage detention/retention and metering facilities. The required drainage fee shall be accordance with the adopted fee schedule.

6. Developer selection of the drainage fee option, when allowed, does not waive the requirements for:
  - a. Providing an on-site grading and drainage plan; and
  - b. Construction of on-site collection and conveyance facilities and providing drainage calculations as required therefor. However, payment of the drainage fee, when approved by the Director or his designee, shall constitute compliance with City policy regarding development related increased runoff.
7. Drainage fees shall be paid to the City and will be allocated for the construction of drainage facilities at locations, determined by the City, in its sole and absolute discretion, to be of greatest priority. Fees shall be paid prior to the recording of residential plats, or prior to issuance of planning clearance for all other development.
8. The City may, from time to time, by resolution of the City Council, change the method or formula of calculating the drainage fee, based upon projections, estimates or opinions of the Director of Public Works or his designee, of the need for additional specific facilities, and/or upon the need of the drainage system.

**No changes to Sections 6.3 or 6.4.**

## **6.5 LANDSCAPE, BUFFERING AND SCREENING STANDARDS**

- A. **Purpose and Goals.** The purpose of this section is to enhance the aesthetic appeal of new development. Landscaping reduces heat and glare, facilitates movement of traffic within parking areas, shades cars and parking surfaces reducing local and ambient temperatures, buffers and screens cars from adjacent properties, promotes natural percolation of surface waters, improves air quality, buffers and screens potentially incompatible uses from one another, and conserves the value of property and neighborhoods within the City.
- B. **General Landscape Standards.**
  1. All landscaping required by this Code shall comply with the standards and requirements of this Section 6.5. The landscaping requirements of this Code shall not apply to a lot zoned for one or two dwellings. Landscaping for new developments shall occur in buffer areas, all interior parking areas, along the perimeter of the property, around new and existing structures, and along street frontages and within any right-of-way not used nor planned to be used for infrastructure.
  2. **Plant Quantities.** The amount of landscaping is based on gross area of proposed development.
  3. **Landscaping Standards.** All new development must install and maintain landscaping as required by this Code. [See Exhibit 6.5.A for an example of the landscaping requirements of this section.]
    - a. On-site frontage landscaping may not apply in the B-2 zone downtown

- commercial. [see Zone District standards]
- b. Landscaping in the abutting right-of-way is required in addition to overall site landscaping requirements.
  - c. Buffer landscaping is required in addition to overall site landscaping requirements.
4. **Acceptable Plant Material.** Vegetation must be suitable for Grand Junction's climate and soils. The Director may allow the use of any plant if sufficient information is provided to show suitability including salt tolerance, sun and shade requirements based on planting locations, growth habit, *etc.* Noxious weeds are not allowed [The Director will keep a list of suitable plants.]
5. **Minimum Plant Sizes are:**
- Shade Tree, 2" caliper (measured 6" above root ball) at time of planting. At maturity, a shade tree has a height and/or spread of thirty (30') feet or greater. If 2" caliper trees are not available due to seasonal shortages or shortages in desired varieties, the Director may approve the installation of smaller trees, provided the proportional difference in caliper inches is compensated for by installing additional trees. For example, the installation of six 1 1/2" caliper Shade Trees would result in a short fall of 3 caliper inches, which could be compensated for with two additional 1 1/2" trees. However, a minimum caliper of 1 1/2" shall be required.
- a. Ornamental Tree, 1 1/2" caliper (measured 6" above root ball) at time of planting. At maturity, an ornamental tree has a spread and height between 15' and 30'.
  - b. Evergreen tree, 6 feet tall at time of planting.
  - c. Deciduous shrub, 5-gallon container.
  - d. Evergreen shrub, 5-gallon container.
  - e. Perennials and ground covers, 1-gallon container.
  - f. Turf mix, native grasses and wild flower mix are the only vegetation that may be planted as seed.
6. **Irrigation.** All vegetation and landscaped areas must be provided with a permanent irrigation system.
- a. Non-potable irrigation water shall be used unless the Director allows the use of potable water.
  - b. An underground pressurized irrigation system and/or drip system is required for all landscape areas on the property and in any right-of-way.
  - c. If connected to a drinking water system, all irrigation systems require backflow prevention devices.
  - d. All irrigation for non-potable irrigation water systems must have adequate filters easily accessible above ground or within an appropriately sized valve box.
  - e. Native grasses must have a permanent irrigation source that is zoned separately from higher water demand landscapes. Once the grasses are established, irrigation to native grass areas can be reduced to a level that



maintains coverage typical of the grass mix and to suppress weed growth.

7. **Landscape Plans and Equivalent Plants.**

- a. Landscape plans must identify the species and sizes of vegetation [SSID Manual].
- b. All landscaping shall be installed as shown on the approved plan.
- c. An equivalent species may be substituted in the field without prior approval of the Director, provided a revised drawing is submitted to the Department. Plants are “equivalent” if they have the same growth habit and rate, same cover, leafing, shade characteristics and function, have similar water requirements, thrive in the same microclimate, soils and water conditions.
- d. All other changes to the landscape plan require prior approval from the Director.

All development plans shall designate required landscaping areas.

Subdivision plats shall designate required landscaping areas.

8. **Preservation of Significant Landscape Features.** Existing landscape features such as escarpments, large or old trees or stands, heavy vegetative cover, ponds and bluffs shall be identified by the Director as part of the development review process. To the extent the Director deems practicable, such features shall be preserved by the final plans and to such extent, count toward landscape and open space area requirements. Features to be preserved shall be protected throughout site development. If a significant live feature which was to be preserved dies or is substantially damaged the developer shall replace it with an equivalent feature as determined by the Director. No person shall kill or damage a landscape feature required to be preserved by this section. The developer shall protect trees from compaction under the canopy drip line of the tree unless the City Forester says otherwise.

- a. During construction, fencing or similar barriers shall isolate and protect the landscape features to be preserved.
- b. All protection measures shall be clearly identified on the construction and landscape plans.
- c. No vehicles or equipment shall be driven or parked nor shall any materials be piled within the canopy drip line of any tree to be preserved.

9. **Protection of Landscape Areas.** All landscape areas (except in the right-of-way where a street side curb does not exist) shall be protected from vehicles through the use of concrete curbing, large rocks, or other similar obstructions.

10. **Utility Lines.** If the location of utilities conflict with the landscaping provisions, the Director may approve an equivalent alternative.

- a. Utility composite plans must be submitted with landscape plans.
- b. Trees which will grow to a height of greater than 15 feet at maturity shall not be planted under electrical lines.
- c. Small deciduous Ornamental and evergreen trees planted under an electrical line may count towards the total tree requirement.

11. **Sight Distance.** The owner shall maintain all vegetation, fences, walls and berms so that there is no site distance hazard nor road or pedestrian hazard.
12. The Director shall decide all questions of soils, plant selection and care, irrigation installation and other vegetation and landscaping questions.
13. Soil in landscape areas must be amended and all vegetation planted in accordance with good horticultural practices.
  - a. Details for the planting of trees, shrubs and other vegetation must be shown on the landscaping plans.
  - b. The owner shall keep each fire hydrant unobscured by plant material.
  - c. Shrub beds adjacent to turf or native grass areas are to be edged with concrete, metal, brick or substantial wood material. Plastic and other light duty edgings are not allowed.
  - d. Mulch and weed fabric are required for all shrub beds.
  - e. The minimum square footage of planting area for a 5-gallon evergreen or deciduous shrub is 16 square feet. These minimum square footages may be varied by a qualified professional.
14. **Trees.**
  - a. Trees should not be planted near a light pole if eclipsing of light will occur at maturity. Placing light poles in the parking lot, away from landscape area and between parking bays, helps eliminate this conflict and should be considered.
  - b. Tree canopies may overlap by up to 20% of the diameter of the tree at maturity. Tree clustering may be allowed with some species so long as clustering does not adversely affect the mature canopy.
  - c. At planting, tree trunks must be reasonably straight with minimal doglegs.
  - d. Wire baskets, burlap wrappings, rope, twine or any similar shipping materials shall be removed before planting.
  - e. The minimum square footage of planting area for a shade tree is 140 square feet. The Director may vary the minimum square footage.
15. **Maintenance.** The owners, tenants and occupants for all new and existing uses in the City must:
  - a. Maintain landscaping in a healthy, growing, neat and well maintained condition;
  - b. Maintenance includes watering, weeding, pruning, pest control, trash and litter removal, replacement of dead or diseased plant material, reseeding and other reasonable efforts.
  - c. Any plant that dies must be replaced with an equivalent live plant within ninety (90) days of notification or, if during the winter, by the next April 1st.
  - d. Hay mulch used during the preparation or establishment of landscaping must be certified weed-free by the Colorado Department of Agriculture.
  - e. On his own or based on a citizen complaint, the Director may, without notice and without a warrant, walk on the landscaped portion of the

- property from time to time to inspect the condition of landscaping.
16. **Public Right-of-Way.** Except where a detached sidewalk exists or is proposed and approved (see d. below), landscaping on public right-of-way shall not be counted toward any landscape or open space requirements of this Code, unless specifically provided otherwise in this Code.
    - a. All unimproved right-of-way adjacent on the side abutting a development which is not in the City's five-year capital plan to be improved must be landscaped. All right-of-way landscaping shall be irrigated and maintained by the adjoining private property owner(s), unless the City agrees to accept it for maintenance. If it is to be maintained by the City, a separate irrigation system shall be provided.
    - b. At least seventy-five percent (75%) of the unpaved adjacent right-of-way shall be landscaped with turf, low shrubs or ground cover. The Director may vary the required landscaping to obtain a consistent appearance in the area or with existing or planned right-of-way landscaping.
    - c. The owner of the nearest property shall keep all rights-of-way, which is not hard surfaced, free of weeds, litter junk, rubbish and obstructions. To prevent weed growth, erosion and blowing dust, right-of-way areas not covered by vegetation or paving shall be covered with mulch, wood chips, bark chips, decorative rocks or cobble or similar natural materials, to be underlain by weed fabric or other barrier.
    - d. Where detached sidewalks exist, or are proposed, a maximum of 50% of the public right-of-way landscaping may be counted toward the total required landscaping. The right-of-way landscaping between the curb and sidewalk shall contain street trees spaced every forty feet (40').
    - e. The Director may allow decorative paving in landscaped areas in commercial or other high pedestrian traffic areas if the decorative paving is compatible with nearby right-of-way paving and landscaping.
  17. **Pervious Coverage.** Landscaped and buffer areas count toward the pervious area requirement.
  18. The Director may approve an applicant's request to vary from the required number and types of plants or landscaped area if:
    - a. The number of trees exceeds twenty-five percent (25%) of the minimum number of trees; and/or
    - b. Trees exceed the minimum caliper requirement by one inch or more; and/or
    - c. Additional berming or other attractive buffering, public art, enhanced paving treatments for public plazas (brick or concrete pavers, tinted and stamped concrete, etc.) is provided. The Director may grant up to a 10% reduction of the square footage of improved area used to calculate the landscape requirement where these types of enhancements are included in a development.
    - d. Additional trees or larger trees can be exchanged on a per caliper inch basis with three shrubs equaling one caliper inch. Credit for using larger

trees would be based on a direct exchange of caliper inches. For example: 10, 3” caliper trees equaling 30 caliper inches is the same as 15, 2” caliper trees equaling 30 caliper inches; 1, 2” caliper tree equals 6 shrubs. Trees may be substituted for shrubs, but shrubs may not be substituted for trees.

- e. If the total amount of required landscaping is provided, the Director may allow the owner to place the landscaping on another appropriate part of the lot.
19. If the Director is not the decision-maker, his authority shall be exercised by the decision-making body.
20. **Xeriscaping.** Because of Grand Junction’s desert environment, xeriscaping and the use of xeric (low water use) plants are strongly encouraged. Xeriscape designs shall employ the seven basic principles of xeric design which include “comprehensive planning and design for low water use, creating practical turf areas, selecting low water use plants and organizing plants by water usage, using adequate soil prep, using water conserving mulches, irrigating efficiently and maintaining the landscape appropriately”. (Source: Denver Water Board).
  - a. Low water use plants are encouraged for use in the “typical” urbanized landscape, especially where the plants can be irrigated (zoned) separately from higher water use plant material. This way of using xeric plants is compatible with any of the requirements of Zoning and Development Code.
  - b. Landscape designs that mimic the “desert” character of Grand Junction’s setting are also encouraged, but must be carefully designed so that the basic requirements for shade, screening and buffering are met. Because of this, the Director must approve “desert” landscape installations as well as variances from the required plant coverage ratios or minimum plant sizes (*e.g.*, where xeric plants are only available in one gallon containers).

**C. Parking Lots.**

1. Interior Landscaping Requirement. Landscaping is required in the interior of parking lots to direct traffic, to shade cars and structures, to reduce heat and glare and to screen cars from adjacent properties. The interior of all parking lots shall be landscaped as follows:
  - a. One landscaped island, parallel to parking spaces, is required for each twenty (20) parking spaces. In lieu of the standard landscape island, one “orchard style” landscape island may be used for every six (6) parking spaces. The orchard style landscape islands shall be evenly spaced between end landscape islands. (see Exhibit 6.5.B)
  - b. Landscape islands must be at least one hundred forty (140) square feet. The narrowest/smallest dimension of a parking lot island shall be eight feet (8’), measured from back of curb to back of curb.
  - c. One (1) landscaped divider island, parallel to the parking lot drive aisles,

- designed to prevent diagonal movement across the parking lot, shall be located for every three parking lot drive aisles.
- d. A landscape island is required at the end of every row of parking spaces, regardless of length or number of spaces.
  - e. Barrier curbing on all sides adjacent to the parking lot surface is required to protect each landscape islands from vehicles.
  - f. A corner area (where it is not feasible to park a vehicle) may be considered an end island for the rows on the perimeter of the parking lot.
  - g. Landscaping of the interior of a parking lot shall include trees and shrubs.

**Parking Lot Perimeter.** Landscaping is required around the entire perimeter of a parking lot to assist in the shading of cars, to assist in the abatement of heat and to reduce the amount of glare from glass and metal, and to assist in the screening of cars from adjacent properties. All landscape strips for parking lot perimeters must average 8' in width. The perimeter of a parking lot is defined as the curb line defining the outer boundaries of the parking lot, including dumpster enclosures, bike racks, or other support facilities that are adjacent to the outer curb. Entry drives between a parking lot and the street, drives connecting two internal parking lots or building entry plazas are not included in the perimeter area.

- a. Screening shall occur between a street and a parking lot and Street Frontage Landscape shall apply. [Sections 6.5.C.3 and 6.5.D]
  - b. The minimum dimension allowed for the parking lot perimeter landscape strip is six feet (6'). The width of a landscape strip can be modified by the Director, provided the intent of this Section is met.
  - c. Landscaping along the perimeter of parking lots shall include trees and shrubs.
  - d. Parking lots shared by more than one owner shall be landscaped around the perimeter of the combined lots.
3. **Screening.** All parking lots abutting rights-of-way, entry drives, and adjacent properties must be screened. For this subsection, a screen means a turf berm and/or shrubs.
- inch (30") high screen is required along seventy percent (70%) of parking lots abutting rights-of-way, entry drives, and adjacent properties, excluding curb cuts. The 30" screen shall be placed so as to maximize screening of the cars in the parking lot, when viewed from the right-of-way and shall be measured from the ground surface, or the Seventy percent (70%) elevation of the roadway if the adjacent road is higher than the property.
- a. The landscaped area Screening shall not be required between parking lots on adjoining lots where the two lots are designed to function as one.
  - b. If a landscape area is thirty feet (30') or greater between a parking lot and a right of way, the thirty inch (30") high screen is not required. This thirty foot (30') wide or greater area must be one hundred percent

- (100%) covered in plant material within three (3) years. Turf is allowed.
- c. The Director may approve a screen wall between a parking lot and a right-of-way if the lot or parcel is unusually small.
  - d. A screen wall must not be taller than thirty inches (30"), unless the adjacent roadway is higher than the property, in which case the screen wall shall be 30" higher than the adjacent roadway.
- A one (1)Two (2) five-gallon shrubs may be substituted for four (4) linear feet of wall.
- e. A column or jog or equivalent architectural feature is required for every twenty-five (25) linear feet of wall.
  - f. The back of the wall must be at least thirty inches (30") from the face of curb for bumper overhang.
  - g. Shrubs must be planted on the street side of the wall.
  - h. There must be at least five feet (5') between the right of way and the paved part of a parking lot to use a wall as a screen.
  - i. Wall elevations and typical cross sections must be submitted with the landscape plan at a minimum scale of one half inch = one foot ( $\frac{1}{2}'' = 1'$ ).
  - j. Walls shall be solid masonry with finish on both sides. The finish may consist of stucco, brick, stone or similar material. Unfinished or merely painted concrete block is not permitted.
  - k. Shrub plantings in front of a wall are not required in the B-2 Downtown District.

**D. Street Frontage Landscape.**

1. Street Frontages. Within all zones (except single family uses in Single Family Zone Districts), the owner shall provide and maintain a minimum 14' wide street frontage landscape adjacent to the public right-of-way.
2. A minimum of seventy-five percent (75%) of the street frontage landscape shall be covered by plant material at maturity.
3. The Director may allow for up to 50% of the 14' wide street frontage to be turf, or up to 100% turf coverage may be allowed if the parking lot setback from the right-of-way exceeds 30'. Low water usage turf is encouraged.
4. All unimproved right-of-way adjacent to new development projects shall be landscaped and irrigated by the owner and/or homeowners association as per the sections of this code.
5. Landscaping within the street frontage shall include trees and shrubs. If detached walks are not provided with street trees, street trees shall be provided in the street frontage landscape, including one tree for every forty feet (40') of street frontage.
6. Where detached walks are provided, a minimum street frontage landscape of five feet (5') is acceptable.

**E. Buffers.**

1. **Zone District Buffering.** Buffers shall be provided between different zoning districts as indicated on Exhibit 6.5.C.
  - a. Seventy-five (75%) of each buffer area shall be landscaped with turf,

- low shrubs or ground cover.
- b. One (1) medium sized tree is required per every forty (40) feet of boundary between different zones.

2. **Exceptions.**

- a. Where residential or collector streets or alleys separate zoning districts, the Director can require more landscaping instead of a wall or fence.
- b. Where walkways, paths, or a body of water separates zoning districts, the Director may waive a fence or wall requirement provided the buffering objectives are met by private yards.
- c. Where a railroad or other right-of-way separates zoning districts the Director may waive the buffer strip if the buffering objectives are met without them.

F. **Fences, Walls and Berms.**

- 1. **Fences and Walls.** Nothing in this Code shall require the “back-to-back” placement of fences and/or walls. If an existing fence or wall substantially meets the requirements of this section, an additional fence on the adjacent developing property shall not be required. (Table 6.5 should be referenced to determine when a wall or a fence is required. The more stringent standard shall apply *i.e.*, if a wall is required and a fence is in place, the wall must be placed adjacent to the fence.) Fences and walls must meet the following:
  - a. Maximum height: six feet (6’) outside of front setback, thirty-inch (30”) height within the front setback and must meet all sight distance requirements.
  - b. Fence type: solid wood or material with a similar appearance, finished on both sides.
  - c. Wall type: solid masonry finished on both sides. Finish may consist of stucco, brick, stone or similar material but unfinished or merely painted concrete block is not permitted.
  - d. Location: within three feet (3’) of the property line unless the space is needed to meet landscaping requirements.
  - e. A wall must have a column, or other significant architectural feature every thirty feet (30’) of length.
  - f. Any fence or wall over six feet (6’) in height requires a building permit
  - g. No person shall construct or maintain a fence or a wall without first getting a fence/wall permit from the Director.
- 2. **Berms.** Minimum requirements for berms are as follows:
  - a. Maximum slope of four to one (4:1) for turf areas and three to one (3:1) shrub beds; and
  - b. To control erosion and dust, berm slopes must be stabilized with vegetation or by other means consistent with the requirements for the particular landscape area.

G. **Residential Subdivision Perimeter Enclosures.**

- 1. **Intent.** The decision-maker may approve (if requested by the applicant) or require (where deemed necessary) perimeter enclosures (fences and/or walls)

around all or part of the perimeter of a residential development. Perimeter enclosures shall be designed to meet the following objectives of protecting public health, safety and welfare screen negative impacts of adjoining land uses, including streets; protect privacy; maintain a consistent or complementary appearance with enclosures in the vicinity; maintain consistent appearance of the subdivision; and comply with corridor overlay requirements.

2. **Specifications.** Unless specified otherwise at the time of final approval:
  - a. A perimeter enclosure includes fences, walls or berms, and combinations thereof, located within five (5) feet of the exterior boundary of a development.
  - b. The maximum height is six (6) feet (including within front setbacks); however, an enclosure constructed on a berm shall not extend more than eight (8) feet above the adjoining sidewalk or crown of road, whichever is lower.
  - c. New enclosures shall be compatible with existing enclosures in the vicinity, if such enclosures meet the requirements of this Code.
  - d. A perimeter enclosure in excess of six (6) feet is a structure and requires a building permit.
  - e. A perimeter wall must have a column or other significant architectural feature every thirty (30) feet.
3. **Required Perimeter Enclosures.** The decision-maker may require a perimeter enclosure as a condition of the final approval if:
  - a. Use or enjoyment of property within the development or in the vicinity of the development might be impaired without a perimeter enclosure.
  - b. A perimeter enclosure is necessary to maintain a consistent and complementary appearance with existing or proposed perimeter enclosures in the vicinity.
  - c. A perimeter enclosure is necessary to control ingress and egress for the development.
  - d. A perimeter enclosure is necessary to promote the safety of the public or residents in the vicinity.
  - e. A perimeter enclosure is needed to comply with the purpose, objectives or regulations of the subdivision requirements.
  - f. A perimeter enclosure is needed to comply with a corridor overlay district.
  - g. The Director will notify applicants of the need for a perimeter enclosure, if required.
4. **Design of Perimeter Enclosures.** A complete landscape plan for the required landscape buffer and a detail drawing of the perimeter enclosure must be submitted at the time of final approval: perimeter enclosure detail at a scale of one half inch equals one foot ( $\frac{1}{2}''=1'$ ).

**Landscape Buffer.** On the outside of a perimeter enclosure adjacent to a right-of-way, a fourteen-foot (14') wide landscape buffer shall be provided between the perimeter enclosure and the right-of-vegetation in the -way for Major and



Minor Arterial streets and Urban Collectors. A five foot (5') wide landscape buffer for side and rear yard perimeters shall be provided on all other streets between the perimeter enclosure and the right-of-way.

- a. Vegetation in the sight triangle (see TEDS) shall not exceed thirty inches (30") in height at maturity;
  - b. In the landscape buffer, one (1) tree per forty (40) linear feet of perimeter must be provided;
  - c. All perimeter enclosures and landscape buffers must be within a tract dedicated to d. Each owner or the owner's association shall maintain all such and maintained by the Homeowners' Association. The perimeter enclosure and landscaping must be installed by the developer and made a part of the Development Improvements Agreement.
  - e. The d. A minimum of seventy-five percent (75%) of the landscape buffer area shall be covered by plant material at maturity. Turf may be allowed for up to 50% of the 14' wide landscape strip, at the Director's discretion. Low water usage turf is encouraged.
  - e. Where detached walks are provided, a minimum buffer of 5' shall be provided. In which case, the right-of-way parkway strip (area between the sidewalk and curb) will also be planted as a landscape buffer and maintained by the HOA.
6. **Construction of Perimeter Enclosures.** The perimeter enclosure and required landscape buffer shall be installed by the developer and included in the Development Improvements Agreement.
  7. **Ownership and Maintenance.** The developer shall refer to the perimeter enclosure in the covenants and restrictions and so that perpetual maintenance is provided for either that the perimeter enclosure be owned and maintained by the owner's association or by individual owners. The perimeter enclosure shall be identified on the plat.
  8. **Alternative Construction and Ownership.** If the decision-maker finds that a lot-by-lot construction, ownership and/or maintenance of a perimeter enclosure landscape strip would meet all applicable objectives of this section and the design standards of Section 6.7 of this Code, the final approval shall specify the type and size of materials, placement of fence posts, length of sections, and the like.
  9. **Overlay District Conflicts.** Where in conflict, the perimeter enclosure requirements or guidelines of approved overlay districts shall supersede the requirements of this section.
  10. **Variances.** Variances to this section and appeals of administrative decisions (where this Code gives the Director discretionary authority) shall be referred to the Planning Commission.

#### **H. I-1 and I-2 Zone Landscape**

1. **Parking Lot Interior Landscape.** Landscaping for the parking lot interior shall be per Section 6.5.C.1, with the following additions:
  - a. Shade trees are to be provided at a rate of one (1) shade tree for every six

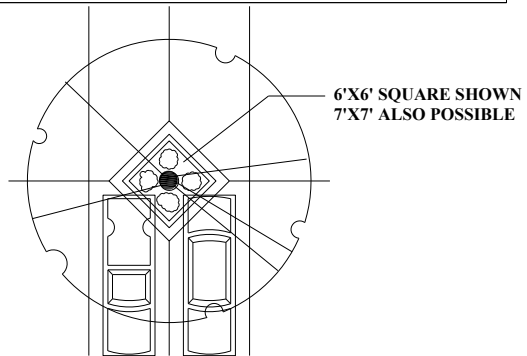
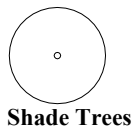
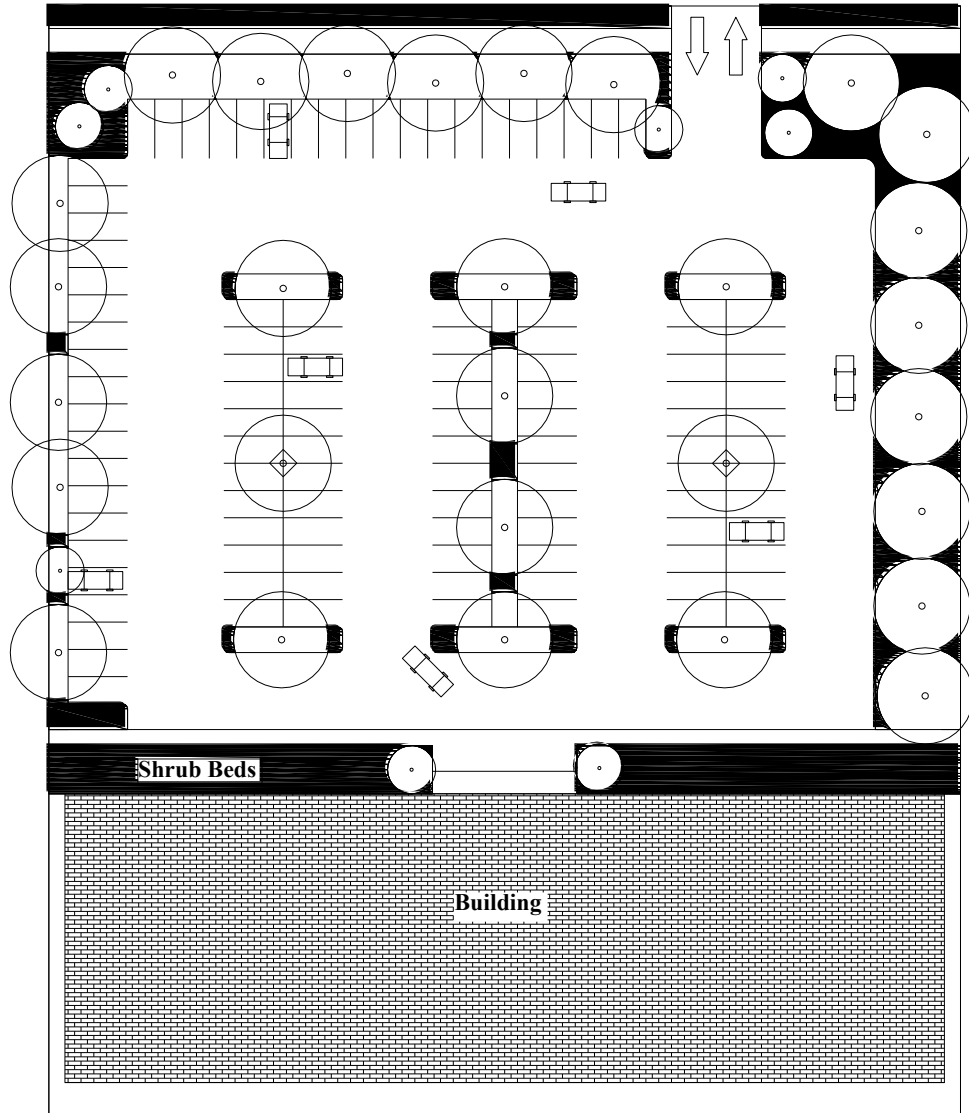
- (6) parking spaces and distributed throughout the landscape islands, perimeter landscape and screens to maximize shade and screening.
  - b. A minimum of one (1) shrub shall be provided for every twenty-five (25) square feet of each landscape island.
- 2. **Parking Lot Perimeter Landscape.** Landscaping for the parking lot perimeter shall be per Section 6.5.C.2 with the following addition:
  - a. Turf may be allowed for up to 50% of the parking lot perimeter, at the Director's discretion. Low water usage turf is encouraged.
  - b. A minimum of 75% of the parking lot perimeter landscape shall be covered by plant material at maturity.
- 3. **Street Frontage Landscape.** Landscaping for the street frontage shall be per Section 6.5.D with the following additions:
  - a. Vegetation in the sight triangle in the street frontage must not exceed thirty inches (30") in height at maturity.
  - b. One (1) tree for every forty linear feet (40') of street frontage (excluding curb cuts) must be provided, 80% of which must be shade trees.
- 4. **Side Yard Landscape.** The first fifty feet (50') of side yard (beginning at the front property line) shall be landscaped. The minimum width of this landscape area shall be six feet (6') and the landscape shall include at least one (1) shade tree, or two (2) ornamental trees, or two (2) evergreen trees, with the remainder of the ground plane covered with shrubs that will grow to at least 30" in height at maturity.
- 5. **Public Right-of-Way Landscape.** Landscaping for the public right-of-way shall be per Section 6.5.B.16.
- 6. **Maintenance.** Each owner or the owner's association shall maintain all landscaping.
- 7. **Other Applicable Sections.** The requirements of Exhibits 6.5.A, 6.5.B, 6.5.C and 6.5.D shall also apply.

## Exhibit 6.5.A LANDSCAPING REQUIREMENTS

Zoning of Proposed Development	Landscape Requirement	Location of Landscaping on Site
Single Family Residential (RSF Zones)	No Landscaping Required As required for uses other than single family residential; and as required in 6.5.G and 6.5.B.16	Not Applicable As required for uses other than single family residential; and Landscape Buffer and Public Right-of-Way
RMF-5, RMF-8, RMF-12, RMF-16, RMF-24, R-0, B-1, B-2, C-1, C-2, I-0, CSR, MU	One tree per 2,500 square feet of improved area, with no more than 20% of the total being Ornamental Trees or Evergreens. One 5-gallon shrub per 300 square feet of improved area.	Buffer, Parking Lot, Street Frontage Perimeter, Foundation Plantings and Public Right-of-Way
* Facilities listed below I-1, I-2	One 5-gallon shrub per 600 square feet of improved area As required in 6.5.H and in other Sections of Chapter 6.5 where applicable	Perimeter and Buffer Street Frontage, Parking Lots, Buffers and Public Right-of-Way
* Facilities listed below	One tree per 5,000 square feet of improved area One 5-gallon shrub per 600 square feet of improved area	Perimeter, Buffer and Public Right-of-Way
* Mining, Dairy, Vineyard, Sand or Gravel Operations, Confined Animal Feeding Operation, Feedlot, Forestry Commercial, Aviation or Surface Passenger Terminal, Pasture		
<p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. Twenty-five percent (25%) of the required shrubs may be converted to turf based on one 5-gallon shrub per 50 square feet of turf.</li> <li>2. Ten percent of the required shrubs may be converted to perennials and/or ground covers at a ratio of three 1-gallon perennials and/or ground covers for one 5-gallon shrub.</li> <li>3. A development with any overall requirement of more than 100 Species diversity: The percent of any one type of shrub that can be planted in a development shall be as follows: A development with any overall requirement of more than: 50% <ol style="list-style-type: none"> <li>a. 20 – 39 shrubs: 33%</li> <li>b. 40 – 59 shrubs: 25%</li> <li>c. 60 or more shrubs: 15%</li> </ol> </li> <li>4. Species diversity: The percent of any one type of tree that can be planted in a development shall be as follows: <ol style="list-style-type: none"> <li>a. 0 – 5 trees: No Limitation</li> <li>b. 6 – 21 trees: No more than 50% of one species</li> <li>c. 21 or more trees: No more than 20% of one species</li> </ol> </li> <li>5. When calculating tree and shrub quantities, any fraction of a shrub or tree or other requirement is rounded up to the next whole number.</li> </ol> <p>With the approval of the Director, the number of shrubs may be reduced in exchange for additional trees or tree size at a rate of three shrubs per caliper inch.</p> <ol style="list-style-type: none"> <li>6. Improved Area means the total lot area being used including the building, parking lot, and storage or display areas. The improved area can be adjusted by the Director.</li> </ol>		



**Exhibit 6.5.B**  
**An Example Tree Landscape Plan**  
**Demonstrating Tree Size and Parking Lot Island Options**



**ORCHARD-STYLE LANDSCAPE ISLAND**

**Exhibit 6.5.C**  
**BUFFERING BETWEEN ZONING DISTRICTS**

Zoning of Proposed Development	Zoning of Adjacent Property												
	SF	RMF-5	RMF-8	RMF-12 & RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2 & I-O	I-1	I-2	CSR
SF (Subdivisions)	-	-	-	-	-	-	F	F	-	W	W	W	-
RMF-5	-	-	-	-	-	-	F	F	-	W	W	W	-
RMF-8	A&F <sup>3</sup>	-	-	A or F	A or F	A or F	F	F	-	W	W	W	-
RMF-12 & RMF-16	A&F	A&F	A&F	A&F	A or F	A or F	F	F	W	W	W	W	-
RMF-24	A&F	A&F	A&F	A&F	A or F	A or F	F	F	W	W	W	W	-
RO	A	A	A	A	A	-	A or F	A&F	A or F	W	W	W	-
B-1	A&F	A&F	A&F	A&F	A&F	A&F	A&F <sup>2</sup>	A&F <sup>2</sup>	A&F <sup>2</sup>	A or F	A or F	A or F	-
B-2	A	A	A	A	A	A	-	-	-	-	A or F	A or F	-
C-1	A&W	A&W	A&W	A&W	A&W	A&W	-	-	-	-	A or F	A or F	F
C-2 & I-O	A&W	A&W	A&W	A&W	A&W	A&W	A&F	-	-	-	A or F	A or F	A&F
I-1	B&W	B&W	B&W	B&W	B&W	B&W	A&F	A&F	B or F	B or F	-	-	B&W
I-2	B&W	B&W	B&W	B&W	B&W	B&W	A&F	A&F	B or F	B or F	-	-	B&W
CSR <sup>3</sup>	-	-	-	-	-	-	-	-	-	B	B	B	-

**Notes**

A and B indicate landscape buffer types as described in Exhibit 6.5.D  
 F and W indicate a six (6)-foot fence and wall respectively as described in paragraph 1 of section 6.5.F.  
 A berm with landscaping is an alternative for a required fence or wall if the total height is a minimum of six feet (6')  
 The word "or" means either the landscape buffer or fence/wall may be provided.  
 The "&" means that both the landscape buffer and the fence/wall shall be provided.  
 Where alleys or streets separate different zone districts, the Director may approve increased landscaping rather than requiring a wall or fence.  
 The Director may modify this table based on the uses proposed in any zone district.

<sup>3</sup> Only required for multifamily development in RMF-8.

<sup>2</sup> Only B-1 that includes a residential component adjacent to nonresidential uses or zoning requires "A&F" buffer.

<sup>3</sup> Gravel operations subject to buffering adjacent to residential.

**Exhibit 6.5.D**  
**BUFFER REQUIREMENTS**

<b>Buffer Types</b>	<b>Landscaping Requirements</b>	<b>Location of Buffers on Site</b>
Type A	8 foot wide landscape strip with trees and shrubs	Between different uses Exhibit 6.5.C
Type B	25 foot wide landscape strip with trees and shrubs	Between different uses Exhibit 6.5.C

**Note:** Fences and walls are required for most buffers.

## 6.6 OFF-STREET PARKING, LOADING AND BICYCLE STORAGE

### A. Off-Street Parking.

1. **Standards.** New off-street parking (new construction and expansion of or changes to existing uses) standards follow. These are in addition to TEDS standards.
2. **Uses Not Identified.** The Director shall determine the parking requirement for a use which is not listed in Table 6.6. The applicant shall provide adequate information so that the Director can make such decision by including:
  - a. Type of uses;
  - b. Number of employees;
  - c. Building design capacity;
  - d. Square feet of sales area, service area, *etc.*;
  - e. On-site parking spaces;
  - f. Proposed off-site parking spaces; and
  - g. Hours of operation.
3. **Multiple Uses.** If there are accessory or multiple uses within one or more structures, these standards shall apply to each use and structure, resulting in a total parking requirement for the complex or property except as provided below (Shared Parking Facilities).
4. **Shared Parking Facilities.** Off-street parking requirements of a given use may be met by off-site off-street parking available on the property of another only if:
  - a. The off-site, off-street parking spaces are within 500 feet of the property except that the distance is 1,000 feet for employee parking;
  - b. Based on information supplied by the applicant, the Director, or other sources, the aggregate parking demands at the highest use time is less than the total parking spaces required; and
  - c. A written lease approved by the Director between the owner of the project and the owner of the off-site parking property is executed and recorded and contains the following terms: a term of at least 20 years; owner of the off-site property shall notify the Director if the lease is terminated prior to the terms; the lease is enforceable by the project owner. Should the lease expire or otherwise terminate, the use for which the off-site parking was provided shall terminate and no owner shall maintain such use without a substitute parking lease, approved by the Director. Continuation or expansion of the use shall be prohibited until the use is brought into compliance with the parking regulations of this Code.
5. **Location.** Except as provided above and in the downtown parking area, all parking shall be provided on the same property as the principal structure, unless the Director deems it impracticable. In a business, commercial or industrial district, the off-site parking must either be in a zone that allows parking as a principal use or be in the same zone as the use creating the parking need. Parking spaces in residential zones shall not be in a front yard



setback except for parking in driveways for single family or duplex structures. In no case shall parking be allowed in parkway strips (the area between the sidewalk and curb or edge of pavement).

6. **Parking Lot Landscaping.** Parking lots shall be landscaped [Section 6.5.C]. In cases of hardship or to increase safety, the Director may permit a portion of the required landscaping to be relocated or allow other deviation from the parking landscaping requirements.
7. **Pedestrian Crossings.** Pedestrian crossing areas shall be provided for each building egress or for every 125 feet of building which fronts a part of the parking area. Pedestrian crossing areas in parking lots shall be constructed of surface pavers, such as brick, stone blocks, interlocking brick pavers, stamped concrete or other materials as may be approved by the Director which form a smooth surface but contrast with asphalt. For parking lots of less than 50 cars, the Director may accept paint or similar markings.
8. **Parking Lot Lighting Requirements.** Adequate shielded lighting shall be provided for all parking facilities used at night.
9. **Vehicular Traffic Areas.** All driveways and parking areas, except for a single dwelling on one lot, shall comply with the following:
  - a. All required parking and vehicular traffic surfaces shall drain and be surfaced with concrete or bituminous pavement in accordance with City standards. The City Engineer may permit a gravel surface in overflow parking areas, a low traffic storage yard, or as in the next paragraph, if the applicant establishes that very little dust will be generated. "Overflow parking" is defined as "parking in addition to the minimum required by ordinance which is designed not to be used more than ten (10) times per year." A "low-traffic storage yard" is defined as "a storage area generating less than thirty (30) average daily trips."
  - b. All surfaces shall be maintained in good condition free of weeds, dust, trash and debris. All vehicular traffic areas shall be built according to the construction standards established by the City.
  - c. A temporary parking lot shall be used after the owner has an approved site plan. Temporary parking lots are parking areas, which serve during transition of a property during development and shall not be used for more than twenty four (24) months from issuance of a City site plan for such parking use.
  - d. A temporary parking lot:
    - (1) Is allowed only in B-2 , C-1, C-2, I-1, or I-2 zones and only if a site plan has been approved by the Director;
    - (2) Shall be hard surfaced or gravel;
    - (3) Shall be graded for drainage
    - (4) Shall be maintained in good condition free of weeds, dust, trash and debris;
    - (5) Shall be landscaped and screened;
    - (6) Parking spaces within a gravel lot shall be delineated with concrete

- "bumper blocks;" and
- (7) Only used for total of 24 months unless a site plan for a permanent lot usage is approved.
- e. Vehicular traffic areas shall be screened in the same manner as required for parking areas as per Section 6.5.C.
10. **Service Stations.** No above-ground equipment at any gasoline service station or retail garage for the service of gasoline, oil, air, water, *etc.* shall be closer than ten feet to any public right-of-way.
11. **Required Parking.** Table 6.6 shows the number of parking spaces required for the uses indicated.
12. **Downtown Area.** Parking regulations for uses in the downtown area are:
- a. There is no parking requirement for the reuse or remodel of an existing structure within an existing building envelope.
- b. There is no parking requirement for new construction replacing an existing use which is entirely within the building envelope which existed as September 30, 1991.
- c. Parking shall be provided for the additional square feet of any addition to an existing structure outside of the existing building envelope, and other new construction.
- d. Permanent parking available to the public and within 500 feet (1000 feet for employees) of the proposed construction counts towards the total parking requirement. Unless the Director determines that he has sufficient parking data, the applicant shall, at the time of application, collect parking data and survey information sufficient for the Director to determine if off-site parking is "available."
- e. Off-site parking, either public or private, used to meet the parking requirement must be available on the same side of 1<sup>st</sup> Street as the proposed development.

**Table 6.6  
OFF-STREET PARKING REQUIREMENTS**

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF SPACES	
		VEHICLE SPACES	BICYCLE SPACES
<b>Residential</b>			
<b>Group Living</b>	Nursing Homes; Assisted Living Facility; Treatment Facility; Small Group and Large Group Living Facilities	1 per 4 beds + 1 per each 3 employees	N/A
	Any Other Group Living	1 per 4 beds	N/A
<b>Household Living</b>	Business Residence	1 per residence + business parking	N/A
	Bed and Breakfast	1 per guest room + 2 spaces for owner's portion	N/A
	Rooming/Board House	1 per rooming unit	N/A
	Dormitories/Fraternities/Sororities Residential Subunit, Accessory Dwelling Unit	1 per unit	0.5 per unit N/A
	Single-Family, Duplex, Triplex, and Four-plex Dormitories/Fraternities/Sororities	2 spaces per dwelling unit 1 per 2 beds	N/A 0.5 per unit
	Multi Single-Family, Duplex, Triplex, and Four-plex	1.82 spaces per dwelling unit	0.5 per unit N/A
	All Other Residential Dwellings Multifamily	1.8 per unit	N/A 0.5 per unit
<b>Institutional</b>			
<b>College, Vocational/ Technical Schools</b>	College, Vocational/Technical Schools	1 per 2 students	1 per 5 vehicle spaces
<b>Community Services</b>	Community Center	1 per 250 square feet or 1 per 4 patrons, whichever results in more spaces	1 per 20 vehicle spaces
<b>Cultural</b>	Museums, Art Galleries, Opera Houses, Libraries	1 per 1,000 square feet	1 per 20 vehicle spaces
<b>Day Care</b>	Day Care	1.5 per employee + drop-off/pickup area	N/A
<b>Detention Facilities</b>	Jails, Honor Camps, Reformatories, Law Enforcement Rehabilitation Centers	1 per employee on maximum shift + 1 per service vehicle	N/A
<b>Hospital/Clinic</b>	Hospital/Clinic	1 per 2 beds + 1 per employee	1 per 30 vehicle spaces

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF SPACES	
		VEHICLE SPACES	BICYCLE SPACES
<b>Parks and Open Areas</b>	Campground	1 space (10'x30') campsite + 1 space (10'x20')/6 camp sites + 4 spaces/laundry & shower facility	N/A
	Golf Course	54 spaces per 9 holes	N/A
	All Other	20 spaces per athletic field or ball diamond or 1 per 4 seats, whichever results in more spaces	1 per 10 vehicle spaces
<b>Religious Assembly</b>	Religious Assembly	1 per 3 seats (one seat = 18")	1 per 30 vehicle spaces
<b>Safety Service</b>	Fire or Police Station; Emergency Response Service	1 per employee + 1 per 300 square feet of office space	3 spaces
<b>Schools</b>	Elementary and Junior Highs	2 per classroom	1 per 10 students
	High Schools	1 per 4 students	1 per 20 students
	Private Schools	1 space per 200 square feet	1 per 20 students
<b>Utilities, Basic</b>	Utilities, Basic	1 per employee	N/A
<b>Commercial</b>			
<b>Office</b>	General Offices; Governmental Offices	1 per 300 square feet	1 per 20 vehicle spaces
	Medical/Dental	4 spaces for each patient room or 1 space per 200 square feet	1 per 20 vehicle spaces
<b>Recreation and Entertainment, Outdoor</b>	Driving Range	1 per 20 feet of driving area	N/A
	Miniature Golf	2 per hole	N/A
	All Other Outdoor Recreation	(varies w/use)	(varies w/use)

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF SPACES	
		VEHICLE SPACES	BICYCLE SPACES
<b>Recreation and Entertainment, Indoor</b>	Assembly/Auditorium	1 per 4 seats or 1 per 50 square feet if not permanent seats	1 per 20 vehicle spaces
	Amusement Center	1 per 60 square feet	1 per 10 vehicle spaces
	Bowling Alley	4 per lane	1 per 10 vehicle spaces
	Clubs/Lodges	1 per 200 square feet	1 per 30 vehicle spaces
	Health Club/Fitness Center	1 per 200 square feet	1 per 20 vehicle spaces
<b>Drive-Thru Uses (see TEDS Manual for stacking or vehicle storage requirements)</b>	Automated Tellers	N/A	N/A
	Bank, Drive-Thru Facility	N/A	N/A
	Drive-thru Cleaners; Drive-thru Liquor	N/A	N/A
	Fuel: full service no repair/service facility; self-service	1 space per employee on largest shift + 1 space per 200 square feet	N/A
	Restaurant, Drive-In, no indoor seating	+ 1 per employee on largest shift	N/A
	Restaurant, Fast-Food with Drive-In Facilities	1 space per 3 seats	1 per 30 vehicle spaces
<b>Downtown Area</b>	All Uses	See Chapter Nine, Definitions and Section 6.6.A.12	Per adopted plans: Downtown District and Bicycle Plan
<b>Retail Sales and Service</b>	Bars/Nightclubs	1 per two persons	1 per 30 vehicle spaces
	Banks (Branch and Drive-In)	1 per 300 square feet	1 per 20 vehicle spaces
	Convenience Store	1 per 100 square feet	1 per 20 vehicle spaces
	Hotels/Motels; Inns	1 per room + 75 percent of spaces required for other associated uses (e.g., restaurants, bars, office, meeting areas)	N/A

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF SPACES	
		VEHICLE SPACES	BICYCLE SPACES
<b>Retail Sales and Service, continued</b>	Funeral Home / Mortuary / Crematorium	1 per four seats	N/A
	Restaurants	1 per three seats	N/A
	Shopping Centers < 15,000 square feet >15,000 to 400,000 square feet >400,000 to 600,000 square feet >600,000 square feet + With Theater	1 per 250 square feet 1 per 250 square feet  1 per 225 square feet 1 per 200 square feet add 1 per four seats	1 per 30 vehicle spaces
	Theaters	1 per four seats	1 per 20 vehicle spaces
	New & Used Vehicle Sales, including Recreational Vehicles/Boats	Spaces equal to 10 percent of vehicle display area One space for each 5,000 feet of open sales lot area devoted to the sale, display, and rental of said vehicles and one space for each 300 square feet of gross floor area	N/A
	Other Retail Sales, High Volume, Stand Alone (e.g., supermarkets, clothing and department stores, shopping complexes, hardware building supplies, book stores, big box stores and similar uses)	1 per 200 square feet	1 per 20 vehicle spaces
	Other Retail Sales/Services, Low Volume, Stand Alone (e.g., appliance and sales, repair shops, nurseries, green houses and similar uses)	1 per 500 square feet	1 per 30 vehicle spaces
	Other Service Businesses, Stand Alone (e.g., beauty/barber shops, frozen food lockers, laundries, and similar uses)	1 per 500 square feet	1 per 30 vehicle spaces
	<b>Self-Service Storage</b>	Self-Service Storage	1 per eight storage units + 1 per employee on maximum shift
<b>Vehicle Repair</b>	Vehicle Repair	2 per service bay + 1 per employee	N/A
<b>Vehicle Service, Limited (see TEDS manual for stacking)</b>	Car Wash, Self-Service	see TEDS	N/A
	Car Wash, Full-Service	1 space per employee	N/A

<b>or vehicle storage requirements)</b>	Service Stations; Oil, Lube, Muffler Service	4 per service bay + required stacking spaces	N/A
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USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF SPACES	
		VEHICLE SPACES	BICYCLE SPACES
<b>Vehicle Service, Limited</b> (see TEDS manual for stacking or vehicle storage requirements)	Other Limited Vehicle Service	2 per service bay + 1 per employee	N/A
	Tire, Batteries, Accessory Retailers	1 per 300 square feet	N/A
<b>Industrial</b>			
<b>Industrial Services and Operations</b>	Industrial Services and Operations (e.g., Asphalt Plants, Concrete, Pipe & Culvert Storage)	1.1 per employee or one per each 1,000 square feet of floor area, whichever is greater	1 per 30 vehicle spaces
<b>Manufacturing and Production</b>	Manufacturing and Production	1.1 per employee	1 per 30 vehicle spaces
<b>Warehouse and Freight Movement</b>	Warehouse and Freight Movement	1 per 1.5 employees or 1,000 square feet, whichever results in more spaces	1 per 30 vehicle spaces
<b>Waste Related Use</b>	Waste Related Use, Salvage	1.1 per employee	1 per 30 vehicle spaces
<b>Wholesale Sales</b>	Wholesale Sales	1.1 per employee plus one space per each 500 square feet of floor area open to the public for customer parking, in all cases, a minimum of 2 customer parking spaces	1 per 30 vehicle spaces
<b>Other</b>			
<b>Agriculture</b>	Feed Lots, Farming Airport	None	N/A
<b>Aviation, Surface Passenger Terminals</b>	Airport Terminals, Charter Airplane Terminals, Bus Stations, Train Stations	1 per employee + 1 space per peak embarking passengers	N/A
<b>Mining</b>	Gravel Extraction or Storage, Oil or Gas Drilling or Production	1 per employee + 1 per facility vehicle	N/A
<b>Telecommunication Facilities</b>	Television Station, Radio Station, Cable TV Retailer, Internet Provider, Telephone Switching Station/Offices	1 per employee	N/A



**Table 6.6 Notes:**

- Each parking space must be accessible independently of others.
- All square feet is gross floor area unless otherwise indicated.
- Spaces for seats or persons is designed capacity.
- A minimum of 3 spaces required for all use requiring bicycle spaces.
- ADA requirements are listed in the TEDS manual and at [www.accessboard.gov](http://www.accessboard.gov)

13. **Exceptions.** The Director has the authority to increase or decrease the required vehicle or bicycle parking, if:
  - a. Expected vehicle or bicycle ownership or use patterns vary from national standards or those typical for the use;
  - b. The parking demand varies during the day and week in relation to parking supply; or
  - c. The operational aspects of the use warrants unique parking arrangements.
- 13.14. **Appeals.** An appeal of a Director decision relating to parking will be heard by the Zoning Board of Appeals.
1415. **Dimensions.** Parking stall and aisle dimensions are detailed in TEDS.
1516. **Alternative Bike Parking.** The Director may allow bicycle parking for employees to be located within a structure for security reasons
- B. **Loading.** A site plan for a proposed business, commercial or industrial use shall identify loading/unloading areas and shall be built and maintained in accordance with TEDS.

**The only Change in Section 6.7 was to bold the title “Street Reserve Strips” in Section 6.7.E.6.**

**No change in Section 6.8.**

# CHAPTER SEVEN

## SPECIAL REGULATIONS

The substantive changes to Chapter Seven are found in Section 7.4. (Spelling changes not shown here.)

### 7.4 HISTORIC PRESERVATION

#### 7.4.B.2

**Term.** Members of the Historic Board shall be appointed by the City Council to serve four (4) year staggered terms from the date of appointment. Members may continue to serve until their successors have been appointed. Appointments to fill vacancies on the Historic Board shall be made by the City Council. All members of the Historic Board shall serve without compensation except for such amounts determined appropriate, in advance, by the City Council to offset expenses incurred in the performance of their duties. Members of the Historic Board may be removed by the City Council without cause being stated.

#### 7.4.G

**Review of Alterations.** The owner of any historic structure or site is requested to consult with the Historic Board before making any alteration. The Historic Board shall determine if the alteration is compatible with the designation.

#### 7.4.G.1.c – g

Corrected the lettering of the criteria because “b” had been used twice in a row.

# **CHAPTER NINE**

## **DEFINITIONS**

**The substantive changes to Chapter Nine are found in Section 9.32. (Spelling changes not shown here.)**

### **Section 9.32**

#### **ACCESSORY USE**

AThe use of land or of a building customarily incidental to, subordinate to, and supportive of the principal use of the parcel.

#### **GRAND VALLEY CIRCULATION PLAN (formerly known as Major Street Plan)**

A plan or plans showing the location of right-of-way which will be developed and for which development and uses must accommodate. Plans for areas smaller than the entire City are still “Grand Valley Circulation Plans or Major Street Plans.” The City relies on the authority in Title 31 C.R.S. in addition to its other powers and authority.

#### **MOTOR VEHICLE REPAIR SHOP**

A shop or place of business used for the repair and maintenance of motor vehicles and other motor vehicle equipment as defined in 42-1-102, C.R.S. The owner of all motor vehicle equipment on the property shall have a valid registration, have a registration or title applied for, or show a work order. Motor vehicle equipment for which the shop operator holds no valid registration or work order shall be classified as junk and shall not be kept, stored or worked on, in or on the property of a motor vehicle repair shop.

#### **OUTDOOR STORAGE**

The keeping, in an unenclosed area, unscreened, of any goods, junk, material, merchandise, vehicles and vehicles for repair, in the same place for more than 48 hours. See Section 4.1.I.

#### **RUBBISH**

Rubbish includes but is not limited to food waste, ashes and other solid, semisolid and liquid waste, by-products and generally decomposable residue taken from residences, commercial establishments and institutions. Rubbish may also be known as/referred to as “garbage,” “trash,” or “waste” as those terms are used and/or defined in this Code or any other City Code, law rule or regulation(s).

#### **SERVICE CLUB**

A group of people organized for a common purpose to pursue common goals, interests, or activities, are not commercial in nature, and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE REVISING THE ZONING AND DEVELOPMENT CODE  
FOR THE CITY OF GRAND JUNCTION  
TO BE PUBLISHED IN PAMPHLET FORM**

RECITALS: The last annual update of the Grand Junction Zoning and Development Code ("Code") was adopted on December 19, 2001, with an effective date of January 20, 2002. Council has requested that staff consider another update of the Code to determine whether any changes are needed. During the review of the Code it was determined that errors had occurred with the codification of the ordinances that have passed since December 19, 2001 affecting the Code. Before the update of the Code is considered, it is necessary to revise the Code to have a baseline version. The proposed revision is a compilation of changes and refinements from Ordinance Nos. 3398, 3436, 3529, 3610, 3625, and 3641 and includes corrections of matters not changing the substance of the Code.

Planning Commission considered the revised Code on October 25, 2005 and recommended that City Council adopt the revised Code as the City's Zoning and Development Code. Approval of this ordinance will replace the Zoning and Development Code previously adopted and replaces any previously printed versions of the Code.

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

The City's Zoning and Development Code, as presented and approved by the City Council at the November 2, 2005 hearing, is hereby adopted and replaces the Zoning and Development Code previously adopted.

Due to the length of this document, and because it is available in a readily used bound pamphlet form, the Clerk is authorized to publish the Zoning and Development Code adopted with this Ordinance by pamphlet.

Introduced on first reading the 19th day of October 2005.

Passed and adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

\_\_\_\_\_  
President of the Council

Attest:

City Clerk

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**Attach 7  
Public Hearing – Ankarlo Annexation Located at 385 31 5/8 Road  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Ankarlo Annexation located at the 385 31 5/8 Road					
<b>Meeting Date</b>	November 2, 2005					
<b>Date Prepared</b>	October 27, 2005				File #ANX-2005-194	
<b>Author</b>	Senta L. Costello		Associate Planner			
<b>Presenter Name</b>	Senta L. Costello		Associate Planner			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>
<b>Citizen Presentation</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>No</b>	<b>Name</b>
<input type="checkbox"/>	<b>Workshop</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Formal Agenda</b>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Consent</b>	<input checked="" type="checkbox"/> <b>Individual Consideration</b>

**Summary:** Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Ankarlo Annexation, located at 385 31 5/8 Road. The 10.31 acre Ankarlo Annexation consists of 1 parcel.

**Budget:** N/A

**Action Requested/Recommendation:** Public hearing on the annexation and acceptance of the petition. Approve resolution accepting a petition for annexation and approve second reading of the annexation ordinance.

**Background Information:** See attached Staff Report/Background Information

**Attachments:**

1. Staff report/Background information
2. General Location Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Acceptance Resolution
5. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		385 31 5/8 Road		
<b>Applicants:</b>		Owner: Ron Ankarlo; Developer: Ankarlo Hillday LLC – Ben Hill; Representative: MDY Consulting Engineers – Mark Young		
<b>Existing Land Use:</b>		Residential / Agricultural		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Residential / Agricultural		
	<b>South</b>	Residential / Agricultural		
	<b>East</b>	Industrial Park		
	<b>West</b>	Agricultural		
<b>Existing Zoning:</b>		County RSF-R		
<b>Proposed Zoning:</b>		Applicant Request:: RMF-8 Staff Recommendation: Depending on outcome of Mineral Resource Study and Review - RSF-R or RSF-4		
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-R		
	<b>South</b>	County AFT		
	<b>East</b>	City C-2; County PD – Halliburton		
	<b>West</b>	County RSF-R		
<b>Growth Plan Designation:</b>		Residential Medium 4-8		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 10.31 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City as the result of needing a rezone in the County to subdivide. Under the 1998 Persigo Agreement all rezones require annexation and processing in the City.

This property is identified in the Pear Park Neighborhood Plan as having potential mineral resources. Therefore, Section 7.2.1 of the Zoning and Development Code applies to this property. This section of the Code must be satisfied before the property can be zoned or developed.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Ankarlo Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;

- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

<i><b>ANNEXATION SCHEDULE</b></i>	
<b>September 21, 2005</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>To be determined</b>	Planning Commission considers Zone of Annexation
<b>To be determined</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>November 2, 2005</b>	Acceptance of Petition and Public Hearing on Annexation by City Council
<b>December 4, 2005</b>	Effective date of Annexation



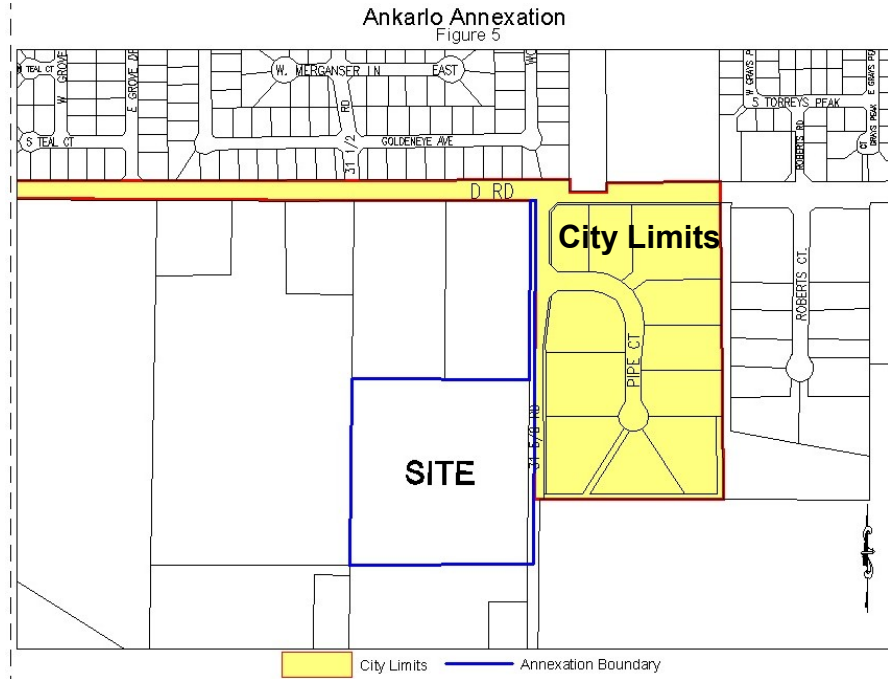
**ANKARLO ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2005-194
<b>Location:</b>	385 31 5/8 Road
<b>Tax ID Number:</b>	2943-221-00-105
<b>Parcels:</b>	1
<b>Estimated Population:</b>	2
<b># of Parcels (owner occupied):</b>	1
<b># of Dwelling Units:</b>	1
<b>Acres land annexed:</b>	10.31 acres
<b>Developable Acres Remaining:</b>	9.66
<b>Right-of-way in Annexation:</b>	28,376 sq ft of 31 5/8 Road right-of-way
<b>Previous County Zoning:</b>	RSF-R
<b>Proposed City Zoning:</b>	Applicant Request:: RMF-8 Staff Recommendation: Depending on outcome of Mineral Resource Study and Review - RSF-R or RSF-4
<b>Current Land Use:</b>	Residential / Agricultural
<b>Future Land Use:</b>	Residential
<b>Values:</b>	<b>Assessed:</b> = \$9,350
	<b>Actual:</b> = \$101,590
<b>Address Ranges:</b>	385 31 5/8 Road
<b>Special Districts:</b>	<b>Water:</b> Clifton Water
	<b>Sewer:</b> Central Grand Valley Sanitation
	<b>Fire:</b> Clifton Fire District
	<b>Irrigation/Drainage:</b> Grand Valley Irrigation/Grand Jct Drainage
	<b>School:</b> Mesa Co School District #51
	<b>Pest:</b> Upper Grand Valley Pest

# Site Location Map

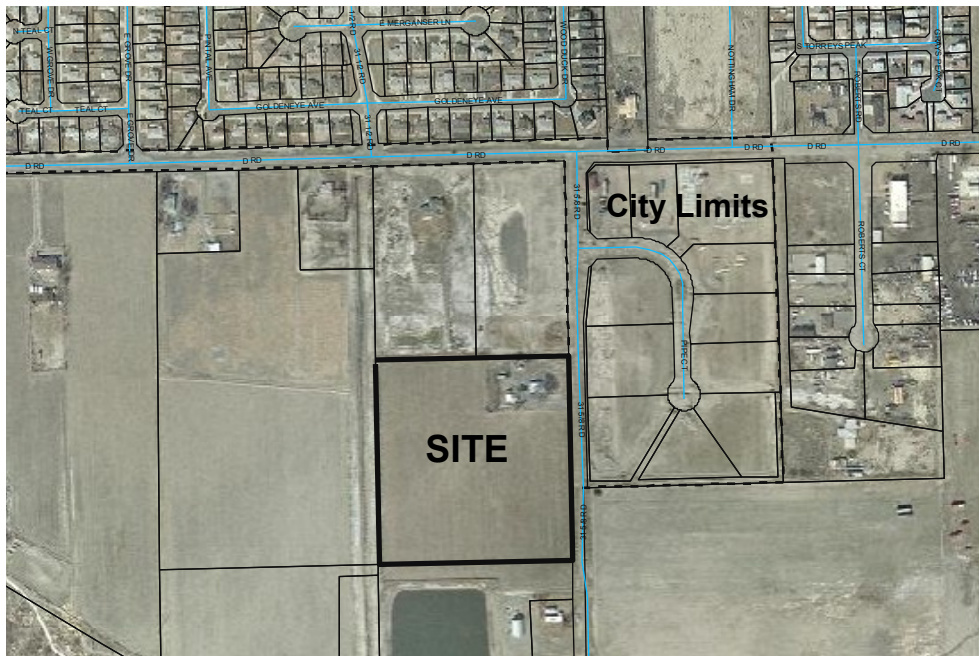
Figure 1

Ankaro Annexation  
Figure 5



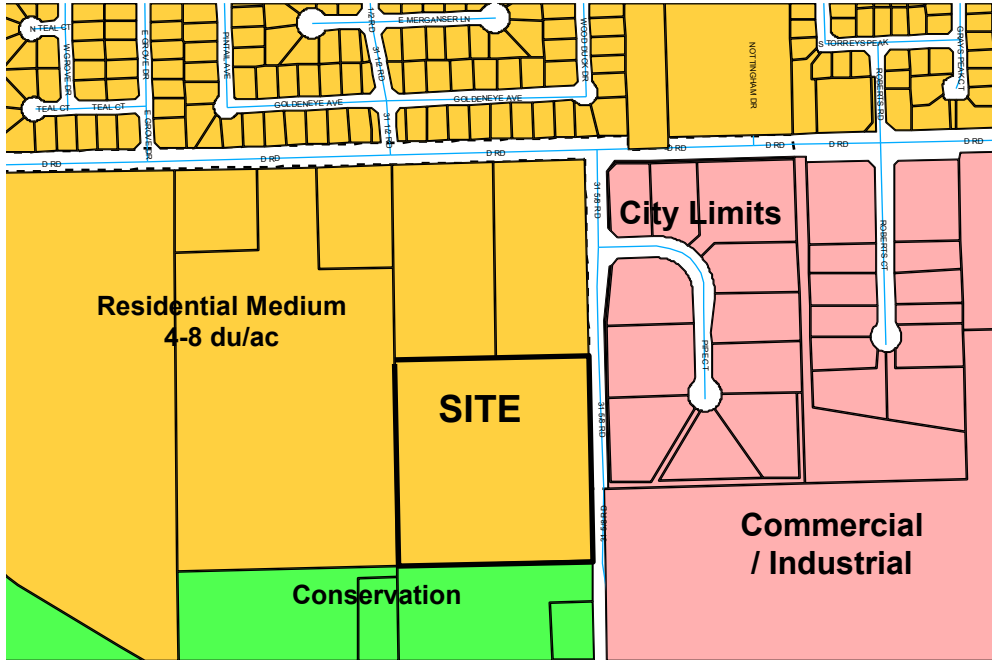
# Aerial Photo Map

Figure 2



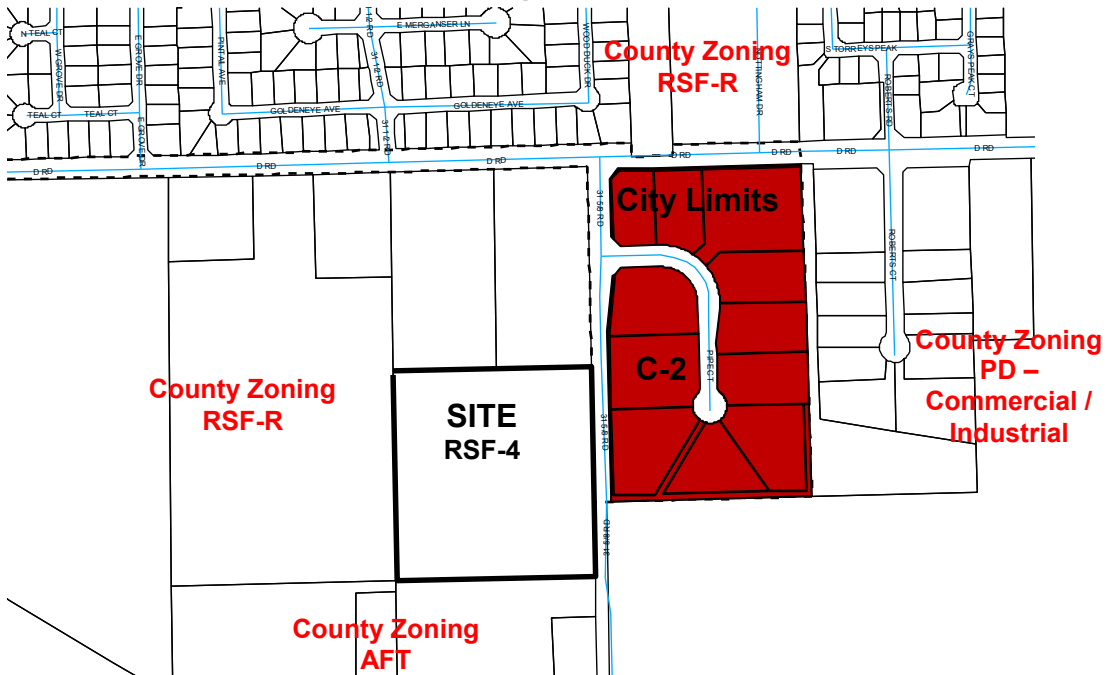
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION ACCEPTING A  
PETITION FOR ANNEXATION, MAKING CERTAIN  
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

**ANKARLO ANNEXATION**

**LOCATED AT 385 31 5/8 ROAD**

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 21<sup>st</sup> day of September, 2005, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**ANKARLO ANNEXATION**

A certain parcel of land located in the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 22, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northwest corner of the NW 1/4 NE 1/4 of said Section 22, and assuming the West line of the NW 1/4 NE 1/4 of said Section 22 to bear S00°28'30"W with all bearings contained herein relative thereto; thence S00°28'30"W along the West line of the NW 1/4 NE 1/4 of said Section 22 a distance of 656.91 feet to the Northwest corner of Parcel 1A, Ronnie Ankarlo Simple Land Division as recorded in Plat Book 17, Page 283, Mesa County, Colorado records, and the Point of Beginning; thence S89°53'08"E along the North line of said Parcel 1A, a distance of 634.55 feet to the Northeast corner of said Parcel 1A; thence N00°26'48"E along the East line of Parcel 2A of said Ronnie Ankarlo Simple Land Division a distance of 626.91 feet to the Northeast corner of said Parcel 2A, and the Southerly line of Snidow Annexation No. 2, Ordinance No. 3345, City of Grand Junction; thence S89°53'08"E along the Southerly line of said Snidow Annexation a distance of 22.00 feet to the Westerly line of said Snidow Annexation No. 2; thence S00°26'48"W along the Westerly line of said Snidow Annexation No. 2 and the Southerly extension thereof, a distance of 1289.83 feet to the South line of the NW 1/4 NE 1/4 of said Section 22; thence N89°53'21"W along the South line of the NW 1/4 NE 1/4 of said Section 22 a distance of 656.88 feet to the Southwest corner of the NW 1/4 NE 1/4 of said Section 22; thence N00°28'30"E along the West line of the NW 1/4 NE 1/4 of said Section 22 a distance of 662.96 feet to the Point of Beginning.

Said parcel contains 10.31 acres (449,147 square feet), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 2<sup>nd</sup> day of November, 2005; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT;**

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2005.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**ANKARLO ANNEXATION**

**APPROXIMATELY 10.31 ACRES**

**LOCATED AT 385 31 5/8 ROAD AND A PORTION OF THE 31 5/8 ROAD RIGHT-OF-  
WAY**

**WHEREAS**, on the 21<sup>st</sup> day of September, 2005, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 2<sup>nd</sup> day of November, 2005; and

**WHEREAS**, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

**ANKARLO ANNEXATION**

A certain parcel of land located in the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 22, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northwest corner of the NW 1/4 NE 1/4 of said Section 22, and assuming the West line of the NW 1/4 NE 1/4 of said Section 22 to bear S00°28'30"W with all bearings contained herein relative thereto; thence S00°28'30"W along the West line of the NW 1/4 NE 1/4 of said Section 22 a distance of 656.91 feet to the Northwest corner of Parcel 1A, Ronnie Ankarlo Simple Land Division as recorded in Plat Book 17, Page 283, Mesa County, Colorado records, and the Point of Beginning; thence S89°53'08"E along the North line of said Parcel 1A, a distance of 634.55 feet to the

Northeast corner of said Parcel 1A; thence N00°26'48"E along the East line of Parcel 2A of said Ronnie Ankarlo Simple Land Division a distance of 626.91 feet to the Northeast corner of said Parcel 2A, and the Southerly line of Snidow Annexation No. 2, Ordinance No. 3345, City of Grand Junction; thence S89°53'08"E along the Southerly line of said Snidow Annexation a distance of 22.00 feet to the Westerly line of said Snidow Annexation No. 2; thence S00°26'48"W along the Westerly line of said Snidow Annexation No. 2 and the Southerly extension thereof, a distance of 1289.83 feet to the South line of the NW 1/4 NE 1/4 of said Section 22; thence N89°53'21"W along the South line of the NW 1/4 NE 1/4 of said Section 22 a distance of 656.88 feet to the Southwest corner of the NW 1/4 NE 1/4 of said Section 22; thence N00°28'30"E along the West line of the NW 1/4 NE 1/4 of said Section 22 a distance of 662.96 feet to the Point of Beginning.

Said parcel contains 10.31 acres (449,147 square feet), more or less, as described.

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

**INTRODUCED** on first reading on the 21<sup>st</sup> day of September, 2005 and ordered published.

**ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2005.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**Attach 8  
Public Hearing – Emmanuel Baptist Church Annexation  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Annexation and zoning of the Emmanuel Baptist Church Annexation located at 395 31 5/8 Road					
<b>Meeting Date</b>	November 2, 2005					
<b>Date Prepared</b>	October 27, 2005				File #ANX-2005-215	
<b>Author</b>	Senta L. Costello		Associate Planner			
<b>Presenter Name</b>	Senta L. Costello		Associate Planner			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>When</b>	
<b>Citizen Presentation</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Name</b>	
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>			<b>Consent</b> <input checked="" type="checkbox"/> <b>Individual Consideration</b>

**Summary:** Acceptance of a petition to annex and consider the annexation and zoning for the Emmanuel Baptist Church Annexation. The Emmanuel Baptist Church Annexation is located at 395 31 5/8 Road and consists of 1 parcel on 4.36 acres. The zoning being requested is RSF-4.

**Budget:** N/A

**Action Requested/Recommendation:** 1) approve resolution accepting a petition for annexation, 2) public hearing to consider final passage of annexation and zoning ordinances.

**Background Information:** See attached Staff Report/Background Information

**Attachments:**

1. Staff report/Background information
2. Annexation - Location Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Acceptance Resolution
5. Annexation Ordinance
6. Zoning Ordinance



STAFF REPORT / BACKGROUND INFORMATION			
<b>Location:</b>		395 31 5/8 Road	
<b>Applicants:</b>		Owner/Applicant: Emmanuel Baptist Church – Dave Wens; Representative: Zao Engineers, LTD – Keith Mendenhall	
<b>Existing Land Use:</b>		Dormant Agricultural	
<b>Proposed Land Use:</b>		Church	
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residential	
	<b>South</b>	Single Family Residential / Agricultural	
	<b>East</b>	Industrial Park	
	<b>West</b>	Single Family Residential / Agricultural	
<b>Existing Zoning:</b>		County RSF-R	
<b>Proposed Zoning:</b>		City RSF-4	
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-R	
	<b>South</b>	County RSF-R	
	<b>East</b>	City C-2	
	<b>West</b>	County RSF-R	
<b>Growth Plan Designation:</b>		Residential Medium 4-8 du/ac	
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>
			<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 4.36 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City as the result of a request to develop the property in a non-residential manner in the County. Under the 1998 Persigo Agreement all non-residential developments require annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Emmanuel Baptist Church Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;

- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

**Zone of Annexation:** The requested zone of annexation to the RSF-4 district is consistent with the Growth Plan density of Residential Medium 4-8 du/ac. The existing County zoning is RSF-R. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

1. The existing zoning was in error at the time of adoption;

Response: The requested zoning is to place the property into an appropriate City zoning designation due to the annexation request. Therefore, this criterion is not applicable.

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 transitions, etc.;

Response: The zoning request is in conjunction with an annexation request. Therefore this criterion is not applicable.

3. The proposed zone 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 nuisances;

Response: The proposed zone district is compatible with the neighborhood and will not create any adverse impacts. Any issues that might develop will be dealt with during the Site Plan Review process.

4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and policies, the requirements of this Code, and other City regulations and guidelines;

Response: The proposed zoning is consistent with the Goals and polices of the Growth Plan, the requirements of the Zoning and Development 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;

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

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

Response: The zoning request is in conjunction with an annexation request. Therefore this criterion is not applicable.

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

Response: The zoning request is in conjunction with an annexation request. Therefore this criterion is not applicable.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

- a. RMF-5 – Residential Multi-Family not to exceed 5 du/ac
- b. RMF-8 – Residential Multi-Family not to exceed 8 du/ac

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RSF-4 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

The following annexation and zoning schedule is being proposed.

<b><i>ANNEXATION SCHEDULE</i></b>	
<b>September 21, 2005</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>September 27, 2005</b>	Planning Commission considers Zone of Annexation
<b>October 19, 2005</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>November 2, 2005</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>December 4, 2005</b>	Effective date of Annexation and Zoning

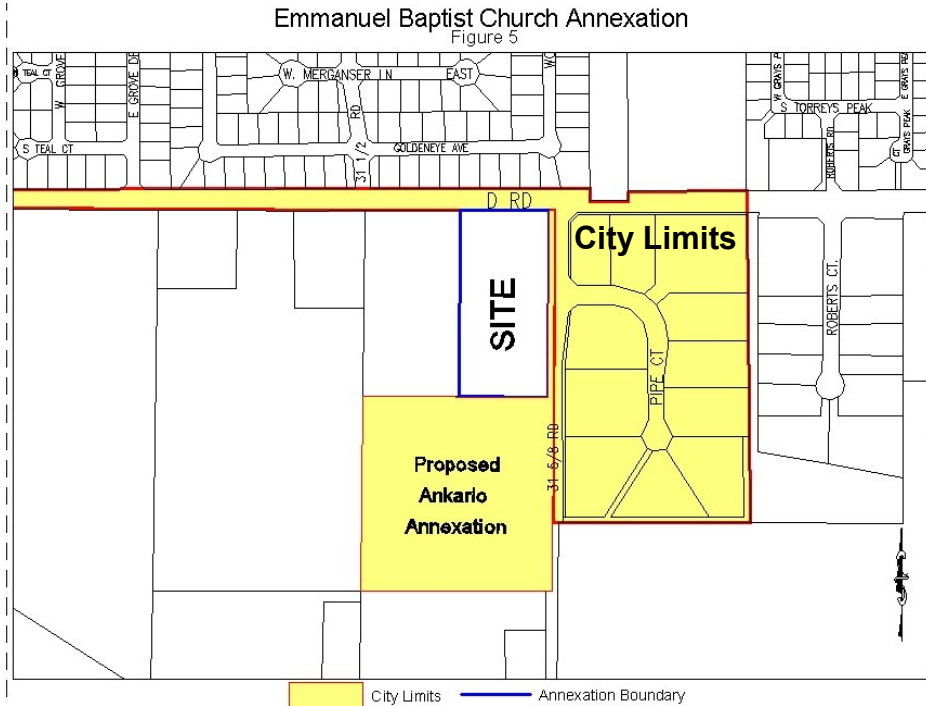
**EMMANUEL BAPTIST CHURCH ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2005-215	
<b>Location:</b>	395 31 5/8 Road	
<b>Tax ID Number:</b>	2943-221-00-106	
<b>Parcels:</b>	1	
<b>Estimated Population:</b>	0	
<b># of Parcels (owner occupied):</b>	0	
<b># of Dwelling Units:</b>	0	
<b>Acres land annexed:</b>	4.36 acres	
<b>Developable Acres Remaining:</b>	4.358 acres	
<b>Right-of-way in Annexation:</b>	0.0 acres	
<b>Previous County Zoning:</b>	RSF-R	
<b>Proposed City Zoning:</b>	RSF-4	
<b>Current Land Use:</b>	Dormant agricultural	
<b>Future Land Use:</b>	Church	
<b>Values:</b>	<b>Assessed:</b>	= \$20,300
	<b>Actual:</b>	= \$70,000
<b>Address Ranges:</b>	387-395 31 5/8 Rd (odd only); 3159 D Rd	
<b>Special Districts:</b>	<b>Water:</b>	Clifton Water & Ute Water
	<b>Sewer:</b>	Central Grand Valley Sanitation
	<b>Fire:</b>	Clifton Fire District
	<b>Irrigation/Drainage:</b>	Grand Valley Irrigation/Grand Jct Drainage
	<b>School:</b>	Mesa Co School District #51
	<b>Pest:</b>	Upper Valley Pest

# Site Location Map

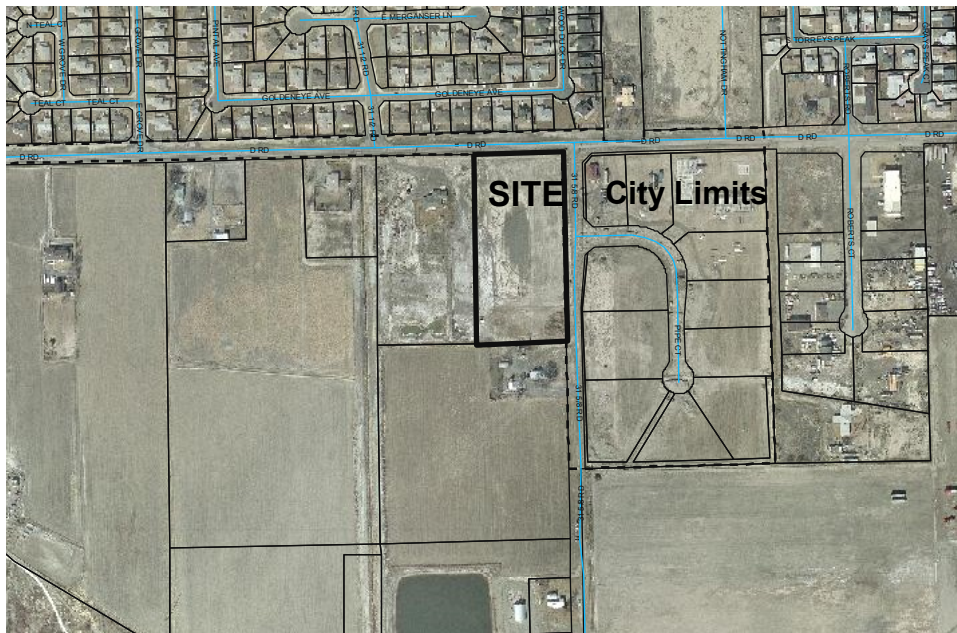
## Figure 1

Emmanuel Baptist Church Annexation  
Figure 5



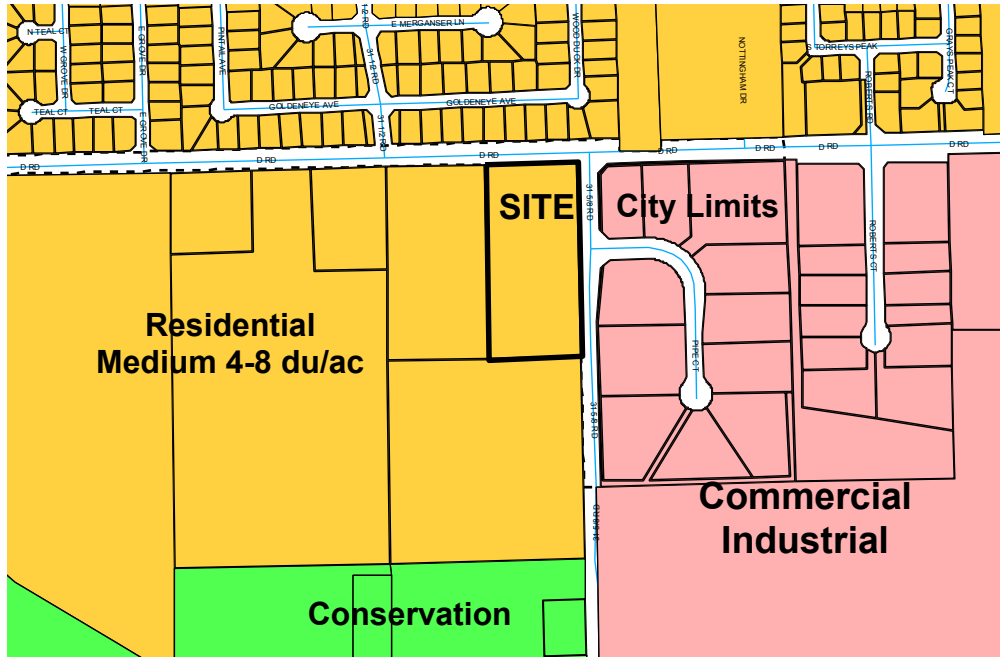
# Aerial Photo Map

## Figure 2



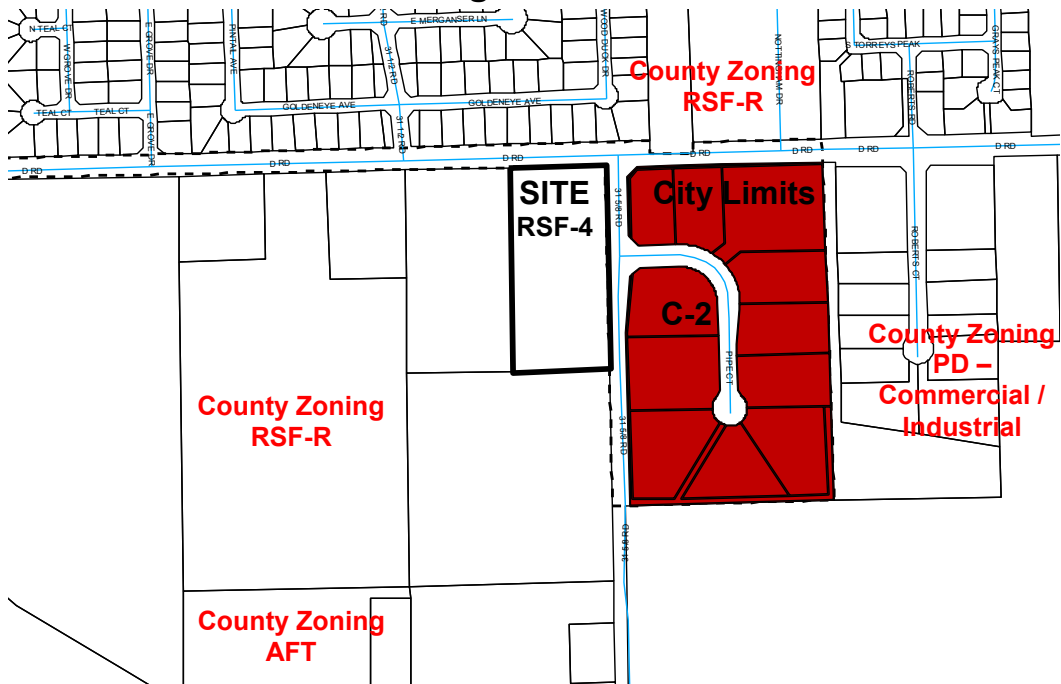
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION ACCEPTING A  
PETITION FOR ANNEXATION, MAKING CERTAIN  
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE  
EMMANUEL BAPTIST CHURCH ANNEXATION  
LOCATED AT 395 31 5/8 ROAD  
IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 21<sup>st</sup> day of September, 2005, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**EMMANUEL BAPTIST CHURCH ANNEXATION**

A certain parcel of land located in the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section 22, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northwest corner of the NW1/4 NE1/4 of said Section 22 and assuming the North line of the NW1/4 NE1/4 of said Section 22 to bear S89°53'08"E with all bearings contained herein relative thereto; thence S00°28'30"W along the West line of the NW1/4 NE1/4 of said Section 22 a distance of 30.00 feet to a point on the Southerly right of way of D Road; thence S89°53'08"E along said Southerly right of way of D Road a distance of 331.57 feet to the Northwest corner of Parcel 2A, Ronnie Ankarlo Simple Land Division as recorded in Plat Book 17, Page 283, Mesa County, Colorado records and the Point of Beginning; thence continuing S89°53'08"E along said Southerly right of way of D Road a distance of 302.67 feet to the Northeast corner of said Parcel 2A also being the Westerly right of way of 31 5/8 Court as recorded in Book 2390, Page 867; thence S00°26'48"W along the Westerly right of way of said 31 5/8 Court, a distance of 626.91 feet to the Southeast corner of said Parcel 2A; thence N89°53'08"W a distance of 302.98 feet to the Southwest corner of said Parcel 2A; thence N00°28'30"E along the West line of said Parcel 2A a distance of 626.91 feet to the Point of Beginning.

Said parcel contains 4.36 acres (189,841 square feet), more or less, as described.

*Revised December 19, 2011*

*\*\*\* Indicates New Item*

*® Requires Roll Call Vote*

WHEREAS, a hearing on the petition was duly held after proper notice on the 2<sup>nd</sup> day of November, 2005; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT;**

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2005.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**EMMANUEL BAPTIST CHURCH ANNEXATION**

**APPROXIMATELY 4.36 ACRES**

**LOCATED AT 395 31 5/8 ROAD**

**WHEREAS**, on the 21<sup>st</sup> day of September, 2005, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 2<sup>nd</sup> day of November, 2005; and

**WHEREAS**, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

**EMMANUEL BAPTIST CHURCH ANNEXATION**

A certain parcel of land located in the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section 22, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northwest corner of the NW1/4 NE1/4 of said Section 22 and assuming the North line of the NW1/4 NE1/4 of said Section 22 to bear S89°53'08"E with all bearings contained herein relative thereto; thence S00°28'30"W along the West line of the NW1/4 NE1/4 of said Section 22 a distance of 30.00 feet to a point on the Southerly right of way of D Road; thence S89°53'08"E along said Southerly right of way of D Road a distance of 331.57 feet to the Northwest corner of Parcel 2A, Ronnie

Ankarlo Simple Land Division as recorded in Plat Book 17, Page 283, Mesa County, Colorado records and the Point of Beginning; thence continuing S89°53'08"E along said Southerly right of way of D Road a distance of 302.67 feet to the Northeast corner of said Parcel 2A also being the Westerly right of way of 31 5/8 Court as recorded in Book 2390, Page 867; thence S00°26'48"W along the Westerly right of way of said 31 5/8 Court, a distance of 626.91 feet to the Southeast corner of said Parcel 2A; thence N89°53'08"W a distance of 302.98 feet to the Southwest corner of said Parcel 2A; thence N00°28'30"E along the West line of said Parcel 2A a distance of 626.91 feet to the Point of Beginning.

Said parcel contains 4.36 acres (189,841 square feet), more or less, as described.

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

**INTRODUCED** on first reading on the 21<sup>st</sup> day of September, 2005 and ordered published.

**ADOPTED** on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE EMMANUEL BAPTIST CHURCH ANNEXATION TO  
RSF-4**

**LOCATED AT 395 31 5/8 ROAD**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Emmanuel Baptist Church Annexation to the RSF-4 zone district for the following reasons:

The zone district meets the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and/or are generally compatible with appropriate land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-4 zone district be established.

The Planning Commission and City Council find that the RSF-4 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned RSF-4 with a density not to exceed 4 units per acre.

**EMMANUEL BAPTIST CHURCH ANNEXATION**

A certain parcel of land located in the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section 22, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northwest corner of the NW1/4 NE1/4 of said Section 22 and assuming the North line of the NW1/4 NE1/4 of said Section 22 to bear S89°53'08"E with all bearings contained herein relative thereto; thence S00°28'30"W along the West

line of the NW1/4 NE1/4 of said Section 22 a distance of 30.00 feet to a point on the Southerly right of way of D Road; thence S89°53'08"E along said Southerly right of way of D Road a distance of 331.57 feet to the Northwest corner of Parcel 2A, Ronnie Ankarlo Simple Land Division as recorded in Plat Book 17, Page 283, Mesa County, Colorado records and the Point of Beginning; thence continuing S89°53'08"E along said Southerly right of way of D Road a distance of 302.67 feet to the Northeast corner of said Parcel 2A also being the Westerly right of way of 31 5/8 Court as recorded in Book 2390, Page 867; thence S00°26'48"W along the Westerly right of way of said 31 5/8 Court, a distance of 626.91 feet to the Southeast corner of said Parcel 2A; thence N89°53'08"W a distance of 302.98 feet to the Southwest corner of said Parcel 2A; thence N00°28'30"E along the West line of said Parcel 2A a distance of 626.91 feet to the Point of Beginning.

Said parcel contains 4.36 acres (189,841 square feet), more or less, as described.

Introduced on first reading this 19<sup>th</sup> day of October, 2005 and ordered published.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**Attach 9  
 Infill/Redevelopment Incentive Request – 832 Rood Avenue  
 CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>		Infill/Redevelopment – 832 Rood Avenue				
<b>Meeting Date</b>		November 2, 2005				
<b>Date Prepared</b>		October 27, 2005			File #	
<b>Author</b>		Bob Blanchard Sheryl Trent Tim Moore Lanny Paulson		<b>Community Development Director Assistant To The City Manager Public Works Manager Budget And Accounting Manager</b>		
<b>Presenter Name</b>		Bob Blanchard Sheryl Trent		<b>Community Development Director Assistant To The City Manager</b>		
<b>Report results back to Council</b>		<input type="checkbox"/>	No	<input type="checkbox"/>	Yes	When
<b>Citizen Presentation</b>		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Name
<input type="checkbox"/>	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>	<input type="checkbox"/>	<b>Consent</b>	<input checked="" type="checkbox"/> <b>Individual Consideration</b>

**Summary:**

This is a request for infill/redevelopment incentives for a residential duplex to be built at 832 Rood Avenue. Requested incentives include deferral of the Transportation Capacity Fee (TCP), plant investment fees for sewer, school impact fee and the open space fee; financial assistance that would allow for architectural and site improvement upgrades; financial assistance for construction costs; and assistance finding a site to locate excavated dirt.

**Budget:**

The total of all requested incentives is \$36,000.00. All incentives would be direct financial contributions to offset costs. Potential sources of funds for incentives are discussed in the report.

**Action Requested/Recommendation:**

City Council should review the application, determine the merits of each request and choose to assist the developer with the award of any or all requested incentives or select to not participate in the development.

## **Attachments:**

Attachment 1 – Location Map

Attachment 2 – Photograph of existing home

Attachment 3 - Infill / Infill / redevelopment application by Frederic D. Tompkins

Attachment 4 - Photos of different foundation facing materials

Attachment 5 – Elevations, proposed duplex

## **Background Information:**

In September, 2004, City Council approved a resolution establishing an implementation program for the infill and redevelopment policies adopted as amendments to the Growth Plan. Specifically, the program consists of:

- Definitions of infill and redevelopment;
- Maps identifying areas where the application of infill and redevelopment incentives may be appropriate;
- A list of information to be provided to the Council for their consideration when acting on requests for incentives;
- A list of nine possible incentives; and,
- The establishment of a review committee consisting of representatives from:
  - City Manager's Office – Sheryl Trent
  - Administrative Services – Lanny Paulson
  - Public Works and Utilities – Tim Moore
  - Community Development – Bob Blanchard

Since that time, 12 applications have been reviewed. Of these, only three have been valid with most not meeting the definitions. The attached application, regarding property at 832 Rood Avenue by Frederic Tompkins is the second to be forwarded to the City Council for consideration.

## **Proposed Development**

The proposed development is a Victorian duplex to be built on two vacant lots adjacent to the applicant's home. The property is zoned Residential Office which allows residential development in a density range of 4 to 16 dwelling units per acres. Each of the vacant lots measures 25' x 125' which equals 3,125 square feet.

The applicant has submitted an application for Site Plan Review for the duplex. This application was approved August 1, 2005. A Planning Clearance was issued August 2, 2005.

At a total of 6,250 square feet, completely surrounded by development and within the adopted infill boundary, the property meets the definition of infill:

**“Infill”** development means: The development of a vacant parcel, or an assemblage of vacant parcels, within an established area of the City, and which is bordered along at least three-quarters of the parcel’s, or combined parcels’, perimeter by developed land. In addition, such parcel generally has utilities and street access available adjacent to the parcel, and has other public services and facilities available near-by. Generally, these sites are vacant because they were once considered of insufficient size for development, because an existing building(s) located on the site was demolished, or because there were other, more desirable or less costly sites for development. (For purposes of this definition, ‘developed land’ shall not include land used for agriculture, as “agriculture” is described in Section 9.27 of the Grand Junction Zoning and Development Code.)

## **Infill Application**

The application requests City assistance with four of the eight incentives:

### Financial Participation

The applicant is asking for financial assistance to make the project financially viable. This incentive would allow the applicant to provide covered porches with extra detail work; provide increased energy efficiency through upgraded insulation and the use of passive solar heating; use hot water heating rather than forced air; and, finish the attic space to provide additional living area. \$6,000.00 of this request is specifically to address the recent rapid increase in the cost of building materials and fuel. The estimated cost for these features is estimated at approximately \$25,350.00

### Contribution To Enhancements / Upgrades

The proposed architectural upgrade involves facing the foundation with river rock and possibly flagstone rather than stucco. Estimated cost for using river rock rather than stucco is an extra \$6,000.00. Using flagstone (which is not currently proposed in the total incentive request) would require an additional \$3,200.00. Examples of how these different treatments appear are included in an attachment.

There is also a proposal to upgrade the parking area from asphalt to concrete at a cost of \$1,700.00

### Off-Site Improvements

Additional assistance is being requested in the form of compensating the cost of a 1 ½" water meter at an estimated \$2,950.00. The Utility staff is recommending the applicant install two (2) 5/8 inch water meters with a plant investment fee of \$1,000.00 each for a total of \$2,000.00.

### Miscellaneous

The applicant has also asked for assistance in finding somewhere to place excavated dirt. The City owns property at the intersection of Monument Road and Mariposa Drive. The applicant could place approximately 200 cubic yards of clean fill material on this site at no cost.

### **Budget Considerations**

Although there is currently no budget authorized to fund requests associated with the "Infill and Redevelopment Program", the available fund balance in the Economic Development Fund is the most likely candidate to fund this request. This is the same source the previous infill/redevelopment incentives for the project at 7<sup>th</sup> Street and Rood Avenue were funded from. The projected fund balance for the year ending December 31, 2005, net of current year commitments, is \$116,279.00

Funding of the infill and redevelopment program has been identified as a specific decision item for the current budget cycle. The level and source for continued funding of this program will be the subject of a full discussion during budget deliberations later this year.

### **Recommendation for Council Consideration**

All of these requests meet the infill and redevelopment program goals. Each request is equally valid and appropriate.

This application meets both the definition of infill and all of the requirements in the submittal process. A few points for the City Council during consideration might include that this is a "classic" infill in that it is a vacant piece of property in the heart of the City. While it is a housing project, it is not affordable housing by the standards set by HUD or by the Grand Junction Housing Authority. The request for financial participation is based in the improvement of the project (i.e., hot water heating as opposed to forced air) and upgrade in the facade (river rock instead of stucco).

The applicant has stated that the project is not financially feasible without the City's contribution through this program. This is a privately owned rental property which will visually improve this area, and there has been a significant increase in the cost of building materials since the inception of the project. However, there is a private benefit to the City's financial participation in the project as requested.



Therefore, staff would recommend that the City assist with the infrastructure request only, in the following manner:

- Reimbursement for the water meters as recommended by City staff. The anticipated cost should not exceed \$3,000.
- Allow the applicant to place 200 cubic yards of clean fill material on City owned property at the intersection of Monument Road and Mariposa Drive. There is no cost associated with this.

Should Council support these recommendations, it is recommended that the Administrative Services Department reimburse actual costs based on receipts for completed work.

**REQUESTED INCENTIVES**  
**Frederic Tompkins**  
**832 Rood Avenue**

Requested Incentive	Amount Requested	Recommended Funding Source	Council Approval/Denial
Financial Participation	\$25,350.00	Economic Development Fund	
Contribution to upgrades of foundation facing	\$6,000.00	Economic Development Fund	
Upgrade parking area from asphalt to concrete	\$1,700.00	Economic Development Fund	
Pay for a new 1 ½ " water meter	\$2,950.00	Economic Development Fund	
Identify dumpsite for excavated materials	0	N/A	

# LOCATION MAP



## EXISTING HOUSE



**Infill /Redevelopment Application  
By Frederic D. Tompkins**



**Infill / Redevelopment  
Application**

Applicant FREDERIC D. TOMPKINS, JR.  
 Street Address 832 ROOD AVE.  
 City/State/Zip GRAND JUNCTION, CO 81501  
 Telephone 970 243 2991 Fax Number 970 243 2993  
 Email Address tomtompkins@prodigy.net  
 Project Name/Description Tompkins Duplex

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Site Location 832 ROOD AVE., GRAND JUNCTION, CO 81501  
 Tax Parcel Number(s) 2945-144-09-019

**Please answer the following questions**

Please attach additional paper if needed.

1. Is the site within the City's geographically mapped area for:  Infill  Redevelopment  
**YES.**
2. Does the site meet the definition of  Infill or  Redevelopment? **SEE ATTACHED.**
3. Describe how the site is compatible with the surrounding area and meets community values including compatibility with surrounding quality of design and site planning.  
**SEE ATTACHED.**
4. Describe the project's feasibility. This should include the developer's resume of experience, whether project financing is in place and, for non-residential projects, what tenant commitments are in place.  
**SEE ATTACHED.**
5. Within a distance of 1,000 feet, list any specific infrastructure projects planned and/or funded by the City or any proposed off-site contributions anticipated by the proposed project that address existing deficiencies as defined by the City.  
**SEE ATTACHED.**
6. What is the level of sharing of City vs. private participation for specific enhancement request or code requirements?  
**SEE ATTACHED.**

7. Does the proposed project include a mixture of uses? If so, describe the types and percentage.  
*SEE ATTACHED*
8. Is the proposed project part of an economic development recruitment.  
*SEE ATTACHED*
9. Will the proposed project preserve or enhance any historic structure or site? Has the structure or site been inventoried by the City?  
*SEE ATTACHED*
10. Does the proposed project include an affordable housing element? If so, provide details including how the project meets different HUD definitions for affordable housing.  
*SEE ATTACHED*
11. Does the proposed project go beyond current Code requirements and provide enhanced architectural and design elements? If so, describe.  
*SEE ATTACHED*
12. The following is a list of potential forms of City involvement. Please indicate (✓) the type of incentive you would like to be considered for and provide justification for your request.  
*SEE ATTACHED*

	Applicant ✓	City Staff Approval
a. Expedited development review process.		
b. Assistance with city agency review.		
c. Deferral of fees (examples may include permitting fees, tap fees and impact fees).		
d. Density bonuses for residential projects.		
e. Proactive city improvements, i.e., "prime the pump" by investing in various city improvements prior to any private development commitment.		
f. Financial participation – because many desired projects are not viable without city participation and/or to reduce the relative land cost for redevelopment versus vacant property.	✓	
g. Contribution to enhancements / upgrades versus typical standards (for instance upgrading a split face block building treatment to a stone building treatment.)	✓	
h. Off-site city improvements required by Code, i.e., access, undergrounding of utilities, streetscape, etc.	✓	
i. City assemblage of development parcels for redevelopment bids.		

1. Yes, the site is within the mapped area for Infill.
2. The building site is two vacant City lots, each 25' x 125', which are part of a parcel also containing a third lot with owner's home built in 1898. The vacant land is surrounded on all sides by already-developed land with residential and office uses.
3. The 800 block of Rood Avenue is a perfect place for the proposed Victorian duplex. By embodying the best of downtown this project will further uplift a block that is already sprinkled with a handful of distinguished buildings, old and new.

The RO zoning allows a total of 3 dwelling units (including existing house) on this 9,375 sq ft parcel of 3 city lots. Some of the properties on the block have more apartments than would now be allowed under the present RO zoning. Some of the heavier uses on the block appear derived from an earlier zoning designation. Owner has the impression this block was down-zoned a few years ago from B1 to RO. It appears the growth plan might allow a re-zoning in the future back to B1, Neighborhood Business, but everything in the proposed plan conforms to RO.

The owner's home is a beautiful example of Victorian architecture, but it is not excessively ornate. Overall the house is narrow, fitting on one of the three 25' x 125' lots, but it is deep and tall. The house has two chimneys and round shingles in the three gables, each gable descending from the one behind it. The house has a variety of distinctive window designs. You see inside that the original woodwork has never been painted. Over the years work has been done to lovingly preserve the home.

The owner's two vacant lots next door to the house are ideal for the two proposed narrow town-home-style apartments similar to the existing house. By combining the two into the appearance of one elegant Victorian house, the proposed plan will help to preserve the historic character of the neighborhood. This location close to downtown is suitable for the two 4-bedroom apartments that will serve small groups of students or people engaged in similar pursuits who like community living on a modest budget. Extra amenities will make the Tompkins Duplex the most distinguished rental property on Rood, while recognizing compelling demographics: the closer to downtown the likelier are single renters (rather than families.)

4. The project is feasible with help from the City of Grand Junction. The site plan review has been completed by Grand Junction Community Development and the Planning Clearance has been issued. Owner/Builder Frederic Tompkins, Jr is a residential general contractor licensed in Grand Junction. He was also a licensed residential and commercial general contractor in Arizona in the 1980's where he participated in many infill projects that upgraded older neighborhoods of Tucson, including town homes, apartments and duplexes. He has lived in Colorado for 18 years and in Grand Junction for 11 years, where he has invested work and vision in the revitalization of the downtown neighborhood east of the central business district. Tompkins is currently applying for financing, but finds the slightly higher interest rates and slightly higher cost for quality-of-life features are making the rental-return-

ratio too low for the needed loan amount. This is an obstacle the City can help to overcome.

5. The proposed location at 832 Rood Ave. is approximately 675' east of Seventh Street. Seventh is slated for a major street-scaping project in the near future that will make it similar to Main. The owner of subject property will be making several public improvements on Rood. He will replace any sections of sidewalk that are significantly deteriorated in front of his property, and will maintain (with automatic sprinkler system) the existing lawn in the ROW area between sidewalk and street.
6. Total of requested City participation is 10% of the project cost, if value of Builder's contributions in planning, building design, supervision, work and funds are included.
7. The project is residential only. But it is possible residents might have home offices within the guidelines of City zoning statutes.
8. No, the proposed project is not part of an economic development recruitment.
9. No. I do not believe the site has been inventoried by the City under any special designation. And I am not seeking formal recognition of my home (built in 1898) as historic, but I am doing all I can to preserve this beautiful example of early Grand Junction Victorian architecture. I believe by building a new Victorian style structure next door the cultural value of my home and others like it in the downtown area will be protected by enhanced public appreciation. Before this project I have made high quality improvements to four other downtown properties. I have been a leader and a worker in the resurgence of downtown community spirit. I have made the downtown neighborhood my home. I will continue to contribute in the rescue of this entire neighborhood from its run-down and ratty past.
10. The proposed project has not been designed to conform to HUD definitions of affordable housing, but it certainly contains an affordable housing element. The closer the location to downtown the more likely rentals are to be for single people. This has resulted in nice older homes being cut up into small living units, which tends to depress the quality of the neighborhood, but provides necessary affordable living for people in transition. By building larger higher quality homes (next to a distinguished existing home) the owner will be raising the quality of the neighborhood, while still providing a suitable environment for single people. The apartments will provide shared living space for people in micro-communities who enjoy the stimulating downtown environment while needing to economize, i.e. groups of students; artists who share a studio; people who study, worship or meditate together; people who are involved in a start-up business venture; or members of a particular extended family or ethnic group who share a distinct culture; in short, small groupings of people who reflect the wonderful variety of our downtown community. The high quality apartments proposed will help people on a tight budget to maintain a higher level of human value and conscious peer support.



11. This project goes beyond current Code requirements and provides enhanced architectural and design elements. Each of the two apartments has all of the expected elements of living room, bedrooms, kitchen, dining room, laundry etc., but also has Family/ Activities Room in attic; two master bedroom suites in each; and a modest-sized indoor lap pool (with exercise area) shared by the two apartments. Each has an area set aside at rear for a vegetable garden. And the apartments will share common areas with great trees and islands of green in the midst of Xeriscape, like GJ itself. The architectural design has that mixture of classical elements and unique features (such as a gambrel gable whose sides sweep down into wings) that model the playful artistry of our Victorian great-grandfathers. The fenestration is designed to be practical, pleasing, in step with the best of the neighborhood, and surprising!

12. The following are ways the City could help to make this project cost feasible and enable me to secure financing:

13.

f. Financial participation -- Grant of:	\$25,350	See uses next page
g. Contribution to enhancements		
Upgrade stucco on foundation to real river rock (Add an extra \$3,200 if for flagstone blocks)	6,000	
Upgrade parking lot from asphalt to concrete	1,700	
h. Off-site City Improvements		
New 1 1/2" Water Meter -- cost:	2,950	
Help locate a nearby dumpsite for 200 yards of excavated dirt, possibly on a low lying City property.		
TOTAL GRANT VALUE	\$36,000	

PURPOSE OF THE CONSTRUCTION GRANT:

Aerial photos back to the 1950's show lots 25 & 26 as always empty. The taxes on my property of \$845.05 in 2004 will be roughly triple in 2006 after construction, and the added 2/3 would repay the \$36,000 gift in 21 years. Better still, if property values and taxes continue to rise, the repayment term will be reduced to 14 years or less.

CULTURAL AND COMMUNITY VALUES

Since 2001 when I bought the two lots for development as part of my residential property I have envisioned building the duplex to portray the dignity and quality we see in the best

public buildings. I believe it is the responsibility of anyone developing land so near the center of town to provide inspiration to the community.

The following show the standards I want to meet along with specific needs. The itemized dollar amounts would be most helpful if received at completion of phases.

**Beauty:** Covered porches, elegant roof-lines, and unique architectural features add \$5,000 to the cost of structural components and \$5,000 to the cost of framing.

**Energy Efficiency:** ICF foam foundation forms, blown fiberglass in walls, R-30 batts in rafters, and R-30 blanket in attics provide a superior envelope. Translucent roof over sunken room creates a passive solar sink that will store & send heat through masonry stairwells into apartments above. Cost of extra energy efficiency: \$3,500.

**Quality of Life:** Cost of finishing the attic spaces to provide additional quality space for cultural, artistic, or family activities will be \$3,850, and cost of upgrading from forced air to hot water heat will be \$2,000.

**Civic Pride:** The upgrade from stucco facing of foundation to stone (using river rock option\*\*\*) and the choice of concrete parking surface over asphalt will add \$7,700. The rock-faced foundation will elevate the appearance of the building. The concrete parking lot surface will reduce environmental heat and improve cleanliness (try sweeping asphalt!) along the concrete public alleyway.

**In Addition:** Damage from recent gulf storms and the high cost of fuel for transportation are pushing up the cost of building materials at an accelerated rate. The grant request includes \$6,000 for contingency due to rising costs.

All in all, these improvements will make the duplex a landmark on the road to re-development for the center of Grand Junction. Property owners will recognize that there is more to be gained through excellence in the long run for quality of life, community ideals, and stabilized property values, than there is to be gained in the short run by building ugly, minimalist rental units. Building quality will have the overall effect of keeping the tax base strong and allowing Grand Junction to budget for the services that keep our city center vital.

\*\*\* Flagstone block would present a dignified, urbane, patriarchal style and would cost \$3,200 more than the amount proposed.

River rock, as proposed, will present a lovely, warm, earthy style that will go well with the timber-frame elements, local colors for exterior painting, and gambrel, eastern roof gable with the sweeping wings. The river rock is local and practical within the proposed grant of \$36,000.

## COST OF STONE FACING

Stone facing includes the following:

- (1) 9.5 gauge galvanized wire ties embedded in foundation at 1' oc all the way around outer perimeter in order to hang expanded metal lath that goes behind facing stone.
- (2) Install expanded metal lath and staple to fastening strips on ICF foundation forms that stay in place for insulation.
- (3) Flashing at base of siding.
- (4) River rock with mortar joints recessed and rocks well cleaned.
- (5) Need special ICF forms that extend out for "brick ledge"

450 square feet of stone masonry @ \$15.50 per square foot equals \$6,900. The added cost of the concrete forms is estimated at \$250.

The cost of the stucco would have been approximately \$1,150.

Therefore the difference in cost for the upgrade is \$6,000.

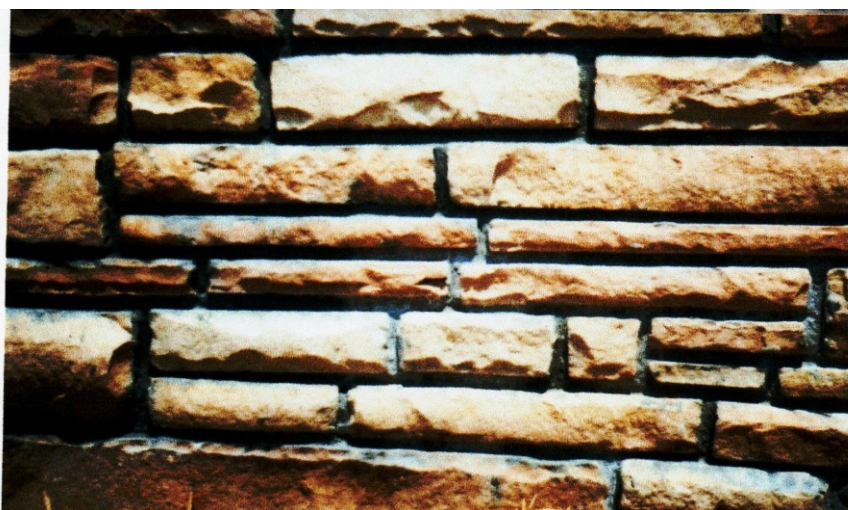
## Photos of Various Foundation Facing Materials



Shows a house foundation that has been stuccoed -- giving a rather flat & listless effect.



Shows an example of flagstone block -- not the best effect, and more expensive.

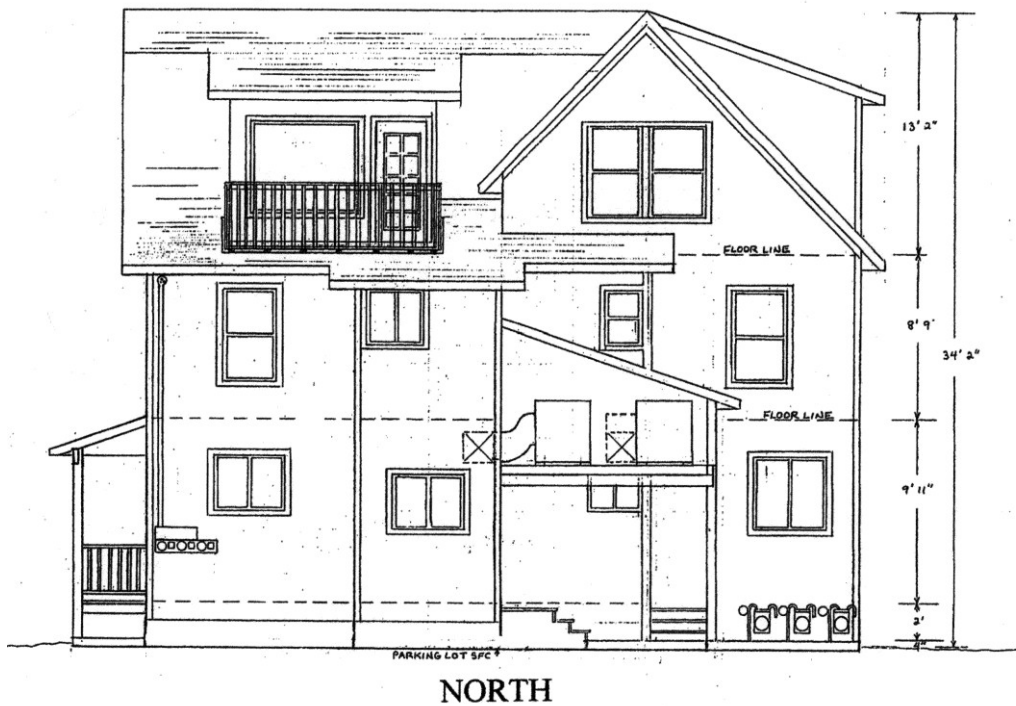


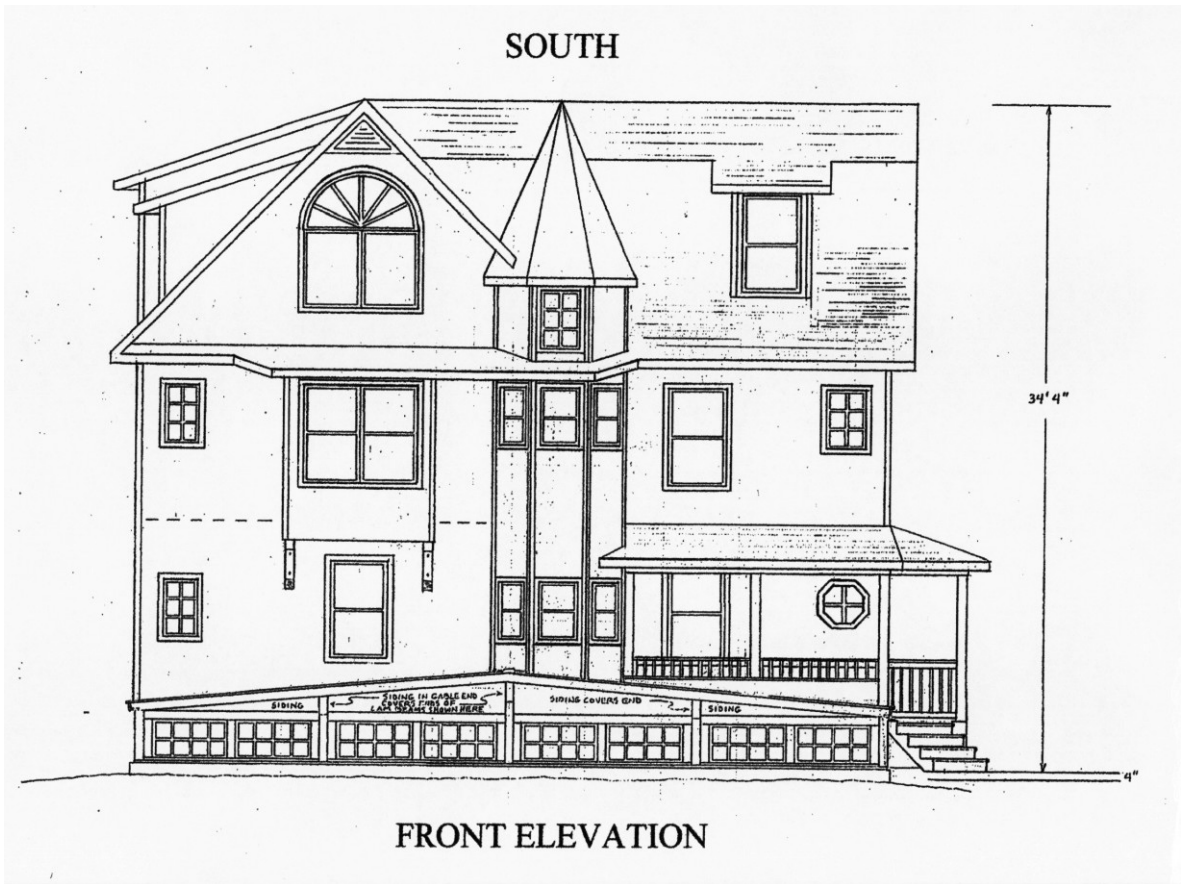
Shows an example of river rock masonry -- for best effect on house foundation.





# Elevations, Proposed Duplex







October 28, 2005

Grand Junction City Council  
RE: Infill Application for Tompkins Duplex

Dear Council Member:

Thank you for taking up my Infill Application. I hope you see the many ways my building project will benefit Grand Junction, from community inspiration to taxes.

Without the participation of the city government, I will not be able to secure financing for the project. Victorian architecture was a way to build a better box while maintaining economy. My project is Victorian, and better than the boxes we will see replacing older neighborhoods unless we invest as a community. I have invested a year of time and creativity in the design of an economical and beautiful Victorian building. And now I find the budget is higher than the available loan amount not because of extravagance but because of outside factors which the City has the power to influence.

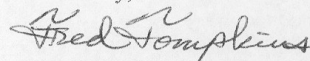
The loan amount is held down by underwriting guidelines that rely on comparables. Because infill lags behind expansion, there are no new comparables for a duplex built on the same parcel as an existing house. Mortgage companies do not have programs for this combination. Banks will only loan on the value of the larger of the two buildings. Yet the house-with-duplex will soon become a classical infill approach. New Victorian homes, duplexes and town homes will replicate and improve the older neighborhoods.

There are many large lots in zonings where more may be built than the one existing house. As the number of comparables grows lenders will adapt their programs.

If it had been possible to split my unbuilt land from my home parcel then financing for the duplex would have naturally followed. But I see the reason for community standards that restrict the splitting of lots when either part would be less than 5000 sq. ft. Infilling should not become a euphemism for squalor. Principles of minimum lot size and compatibility with neighborhoods should be upheld. At present these principles seem to conflict with feasibility. But historically this conflict is overcome when enough momentum is achieved. As people begin to prize central locations for the best of ventures lenders will support solid values with adequate loans. This needs your help.

My project will benefit Grand Junction and increase the tax base not just by the addition of one, but through a ripple effect. Achieving overall momentum will require a push here and a push there, at selected points. Look at all we have achieved in downtown Grand Junction during the past 11 years. Accomplishments have validated our gathering vision. I ask you to select my project as a key to growth and vote in favor of the grant.

Sincerely,

  
Fred Tompkins