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**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET**

MONDAY, SEPTEMBER 14, 2009, 7:00 P.M.

Call to Order

Pledge of Allegiance
Moment of Silence

Proclamations

Proclaiming the Week of September 17 through September 23, 2009 as "Constitution Week" in the City of Grand Junction

Proclaiming September 18, 19, and 20, 2009 as "Colorado Pro Rodeo Finals Days" in the City of Grand Junction

Proclaiming September 28, 2009 as "Family Day – A Day to Eat Dinner with Your Children" in the City of Grand Junction

Proclaiming October 2009 as "Poverty Awareness Month" in the City of Grand Junction

Proclaiming October 3, 2009 as "Oktoberfest Day" in the City of Grand Junction

Presentation

Presentation to City of Grand Junction from the United States Tennis Association (USTA) for Honorable Mention as Best Tennis Town, by Terry Walters, Executive Director, USTA Intermountain Section

Citizen Comments

Council Comments

*** Indicates New, Moved, or Changed Item
® Requires Roll Call Vote

***** CONSENT CALENDAR *****

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

Action: Approve the Minutes of the August 31, 2009 and the September 2, 2009 Regular Meetings

2. **Setting a Hearing on the Taylor III Rezone, Located at 2711 G Road** [File #RZ-2008-293] [Attach 2](#)

Request to rezone 0.07 acres located at 2711 G Road, from PD (Planned Development) zone district to R-5 (Residential 5 du/acre) zone district.

Proposed Ordinance Rezoning a Portion of the Property Known as the Taylor III Subdivision from PD (Planned Development) to R-5 (Residential 5 DU/Acre), Located at 2711 G Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for October 5, 2009

Staff presentation: Judith Rice, Associate Planner

3. **Setting a Hearing on Zoning the RQ Annexation, Located at 3131 D Road** [File #ANX-2009-144] [Attach 3](#)

A request to zone the 20.02 acre RQ Annexation, consisting of one parcel located at 3131 D Road, to R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation) districts.

Proposed Ordinance Zoning the RQ Annexation to R-8 (Residential 8 DU/Acre) and CSR (Community Services and Recreation), Located at 3131 D Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for October 5, 2009

Staff presentation: Judith Rice, Associate Planner

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

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

4. **Public Hearing—Fuoco Growth Plan Amendment, Located at 160 Hill Avenue**
[File #GPA-2009-147] [Attach 4](#)

Request approval of a Growth Plan Amendment for a 0.14 acre property located at 160 Hill Avenue from Residential High (12+ du/ac) to Commercial in anticipation of future commercial development.

Resolution No. 77-09—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 0.14 Acres Located at 160 Hill Avenue from Residential High (12+ DU/AC) to Commercial (Fuoco Growth Plan Amendment)

®Action: Adopt Resolution No. 77-09

Staff presentation: Scott D. Peterson, Senior Planner

5. **Public Hearing—Strategic Downtown Master Plan, Overlay Zone, 7th Street Historic District Overlay Zone** [File #PLN-2009-179] [Attach 5](#)

The Strategic Downtown Master Plan was developed through a public process involving a steering committee of interested downtown merchants, property owners, and policy makers during 2007-2008. Recognizing that a strong downtown core supports the economic and community development of an entire region, the goal of the plan was to quantify current conditions, identify opportunities, and recommend specific actions for the decision-makers of the Downtown Partnership and the City of Grand Junction. The primary implementation strategy is through an overlay zone and amending the 7th Street Historic District Planned Development zoning ordinance.

Resolution No. 78-09—A Resolution Adopting the Strategic Downtown Master Plan as a Part of the Grand Junction Growth Plan

Ordinance No. 4383—An Ordinance Amending the Zoning and Development Code to add Section 7.7 Strategic Downtown Master Plan Zoning Overlay Design Standards and Guidelines

Ordinance No. 4384—An Ordinance Amending Ordinance No. 2211 by Adoption of the 7th Street Residential Historic District Zoning Overlay Design Standards and Guidelines, Amending the Zoning and Development Code to Add Section 7.7

®Action: Adopt Resolution No. 78-09 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4383 and 4384

Staff presentation: Heidi Hoffman Ham, DDA Executive Director
Kathy Portner, Neighborhood Services Manager

6. **Non-Scheduled Citizens & Visitors**
7. **Other Business**
8. **Adjournment**

**Attach 1
Minutes**

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

August 31, 2009

The City Council of the City of Grand Junction convened into regular session on the 31st day of August 2009 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Tom Kenyon, Gregg Palmer, Bill Pitts, Linda Romer Todd, and Council President Bruce Hill. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Councilmember Pitts led in the Pledge of Allegiance followed by an invocation by Pastor Michael Ferguson, Providence Reform Evangelical Church.

Proclamation

Proclaiming the Month of September 2009 as "Fire Fighters Appreciation Month" in the City of Grand Junction

Proclaiming the Month of September 2009 as "National Preparedness Month" in the City of Grand Junction

Certificate of Appointment

Jennifer Moore was present to receive her certificate of appointment to the Urban Trails Committee.

Citizen Comments

There were none.

Council Comments

Councilmember Coons thanked the Visitor and Convention Bureau for their efforts at the recent event in Denver promoting Grand Junction. About 250 people showed up and a number of organizations from Grand Junction had booths at the event.

CONSENT CALENDAR

Councilmember Beckstein read the Consent Calendar and then moved to approve items #1 through #5. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the August 17, 2009 and the August 19, 2009 Regular Meetings

2. **Assign the City's 2009 Private Activity Bond Allocation to the Colorado Housing and Finance Authority**

Request approval to assign the City's 2009 Private Activity Bond Allocation to the Colorado Housing and Finance Authority (CHFA) for the purpose of providing single-family mortgage loans to low and moderate income persons and families. The amount of this assignment would be "banked" towards a future partnership with CHFA for a multi-family rental housing project serving low and middle income families.

Resolution No. 72-09—A Resolution Authorizing Assignment to the Colorado Housing and Finance Authority of a Private Activity Bond Allocation of the City of Grand Junction Pursuant to the Colorado Private Activity Bond Ceiling Allocation Act

Action: Adopt Resolution No. 72-09

3. **Setting a Hearing Accepting Improvements and Assessments Connected with Alley Improvement District No. ST-09**

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

- East/West Alley from 3rd to 4th, between Glenwood Avenue and Kennedy Avenue*
- East/West Alley from 9th to 10th, between Main Street and Rood Avenue*
- East/West T Alley from 17th to 18th, between North Avenue and Glenwood Avenue*
- East/West Alley from 11th to 12th, between Hill Avenue and Teller Avenue**

* Phase A Alleys

** Phase B Alley

Resolution No. 73-09—A Resolution Approving and Accepting the Improvements Connected with Alley Improvement District No. ST-09, Phase A, and Alley Improvement District No. ST-09, Phase B

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-09, Phase A and Alley Improvement District ST-09, 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

Action: Adopt Resolution No. 73-09 and Set a Public Hearing for October 5, 2009

4. **Vacation of Utility and Access Easements at Peppermill Lofts, Located at 2823 North Avenue** [File # SPR-2009-068]

Request to vacate a utility and access easement on lot 1 and part of lot 2 of Woodland Subdivision (Easement Vacation No. 1) and a 25 foot wide utility easement on the north, west and south sides of Lot 2 of Woodland Subdivision (Easement Vacation No. 2), located at 2823 North Avenue. The easements are not needed for access or utility purposes and the vacation of the easements will facilitate the development of the proposed Peppermill Lofts, a 48 unit, multifamily project.

Resolution No. 74-09—A Resolution Vacating a Utility and Access Easement Located in Part of Lot 1 and Part of Lot 2 of Woodland Subdivision as Part of the Peppermill Lofts Development

Resolution No. 75-09—A Resolution Vacating a Utility Easement on the North, West and South 25 Feet of Lot 2 of the Woodland Subdivision as Part of Peppermill Lofts Development

Action: Adopt Resolution Nos. 74-09 and 75-09

5. **Purchase of Computer Aid Dispatch System/Records Management System/Corrections Management System and Acceptance of Energy and Mineral Impact Grant**

Purchase of a County-wide Computer Aid Dispatch/Records Management/Correction Management System (CAD/RMS/CMS) that will provide a single, integrated public safety solution for the City of Grand Junction, Mesa County, the Grand Junction Regional Communications Center (GJRCC), and all police and fire agencies dispatched by the GJRCC. The systems currently in use are disparate, not integrated, and several are nearing the end of their vendor provided support.

Critical data is being reentered multiple times by the various agencies. As part of this project, a request is also being made to accept an Energy and Mineral Impact Grant.

Action: Authorize the City Manager to Sign the Grant Award and Authorize the Purchasing Division to Award Contracts to New World Systems of Troy, MI for the Purchase of an Integrated CAD/RMS/CMS System and the Purchase of the Necessary Hardware, Software and Related Services Up to the Value of the Approved Grants and Authorized 911 Funding Not to Exceed \$4,066,533

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Purchase of Aquastar Contact Clarifier for Kannah Creek Water Treatment Plant

This project will provide for doubling the production capability of the Kannah Creek Water Treatment Plant. The direct filtration equipment proposed to be utilized for the project is produced by Filter Tech Systems, Inc., the same manufacturer that produced the current water treatment components for the plant.

Terry Franklin, Deputy Utility and Street Systems Director, presented this item. He reviewed the history of the water system and how the area up in Kannah Creek obtained water; they originally had raw water taps and were treating the water themselves. In 2000 the City took over one of the private water companies that had 37 taps with plans to take over the other two water companies. That occurred and the package treatment plant was installed but the number of water customers has increased to over 350 users. It was in the business plan to add an additional clarifier to treat more water. He explained the reason for the sole source purchase and noted the company is a local company.

Councilmember Palmer said he doesn't like sole source purchases but the Staff Report explains the rationale thoroughly.

Councilmember Palmer moved to authorize a sole source purchase of a Filter Tech Systems, Inc. Aquastar Contract Clarifier to be used for the Kannah Creek Water Treatment Plant. Councilmember Kenyon seconded the motion. Motion carried.

Public Hearing—Maverik Annexation and Zoning, Located at 2948 F Road and 603 29 ½ Road [File #ANX-2009-023]

Request to annex and zone 3.02 acres, located at 2948 F Road and 603 29 ½ Road, to C-1 (Light Commercial) and R-4 (Residential 4 du/ac). The Maverik Annexation consists of 2 parcels and contains 0.62 acres of the 29 ½ Road right-of-way.

The public hearing was opened at 7:22 p.m.

Senta L. Costello, Senior Planner, presented this item. She described the site, the location and the request as well as the surrounding zoning and uses. For the southern 1.48 acres, the applicant is requesting a C-1 zoning but Staff is recommending a B-1 zoning. Staff feels it is a better fit. The uses allowed in a B-1 zone district are more compatible with a residential neighborhood. The Planning Commission also recommended a B-1 zoning.

Don Lilyquist, Maverik Convenience Stores out of Utah, representing the applicant, said they are excited to come into the Grand Junction area. They currently operate 200 convenience stores in southwest United States. The reason for asking for a C-1 zone is due to the hours of operation allowing them to be open 24 hours a day. Their competition across the street is allowed to be open 24 hours (they were grandfathered in). It would be hard to compete otherwise. They are investing a significant amount of money into this convenience store. He noted the concern of the Planning Commission that the C-1 zone would allow uses that would not be permitted use in a C-1 zone. He offered that Council grant a conditional approval; otherwise they may pursue a variance. The store is more secure if open 24 hours a day. Although they are not that busy those particular hours, employees can stock and clean and get ready for the next day's business and if there are customers that need something during those hours, they will be open.

Tina Million, 603 29 Road, said she lives across the street from a gas station and there is no noise, no light, and no crime. She has no complaints having a gas station next door. Being adjacent to Patterson Road, the noise is not good for residential, so a gas station would be good there.

Robert Million, 607 29 ½ Road, has seen other Maverik stations while traveling and said he would like to see the Maverik station go in. The existing house draws people and there are problems; he would like to see that house go away. No one will build along that street frontage.

There were no other public comments. Mr. Lilyquist did not want to add anything.

The public hearing was closed at 7:35 p.m.

Council President Hill asked John Shaver, City Attorney, to explain the issue with the Planning Commission recommending denial of a C-1 zoning. City Attorney Shaver advised that anytime a recommendation of denial comes forward it requires a super majority (five votes) to overturn. Regarding the conditional zoning, it is allowable under Colorado Law but he would recommend against it as there is always a question on the condition such as, what if the character of the store changes? How then, does the City then revoke the zoning when there has been significant investment in the property?

Councilmember Coons asked if there is any other C-1 zoning near this property and asked Ms. Costello to go into more depth about her reason for her recommendation.

Ms. Costello said there isn't any C-1 until one gets further east, it is C-1 in the County. There is also a planned development commercial nearby but it is not a true commercial zone. As far as the analysis, the hours of operation were a big part of her recommendation. Office uses would be a better fit for the residential neighborhood. Although a Maverik store there may work fine; other C-1 allowed uses are animal boarding and auto repair shops which are not compatible with residential neighborhoods.

Councilmember Coons asked about the other convenience store. Ms. Costello said it was annexed due to their remodel and was grandfathered in for that existing use.

Councilmember Coons asked if Ms. Costello has had any complaints about the existing station. She replied only since this new application has been submitted.

Councilmember Palmer asked if B-1 is allowed in that land use designation. Ms. Costello said a Growth Plan Amendment did change the 1.48 acres to commercial. He asked about hours of operation for B-1. Ms. Costello said that under B-1, no activity between 11:00 p.m. and 5:00 a.m. is allowed unless a variance is granted. Councilmember Palmer asked about the process for a variance. Ms. Costello said an application is reviewed and then referred to the Zoning Board of Appeals who would decide.

Councilmember Beckstein asked for further clarification on the hours. All the other uses mentioned close at 5 p.m. or 6 p.m. Ms. Costello noted that animal boarding would be allowed in C-1 and that activity would continue overnight. Councilmember Beckstein said she didn't see that much of a difference for their circumstance. Ms. Costello said there is a lighting impact and a certain amount of truck noise with the station.

Councilmember Pitts asked if there is a buffer between the subject property and the rest of the neighborhood. Ms. Costello said that area would be zoned residential and could have a home constructed on it.

Councilmember Kenyon noted the ordinance states a zoning for C-1. City Attorney Shaver clarified that Staff brings forward the applicant's request regardless of their recommendation.

a. Accepting Petition

Resolution No. 76-09—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Maverik Annexation, Located at 2948 F Road and 603 29 ½ Road Including a Portion of the 29 ½ Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4380—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Maverik Annexation, Approximately 3.02 Acres, Located at 2948 F Road and 603 29 ½ Road Including a Portion of the 29 ½ Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 4381—An Ordinance Zoning the Maverik Annexation to C-1 (Light Commercial) and R-4 (Residential 4 Du/Ac), Located at 2948 F Road and 603 29 ½ Road

Councilmember Kenyon moved to adopt Resolution No. 76-09 and Ordinance Nos. 4380 and 4381 and ordered them published. Councilmember Todd seconded the motion.

Council discussion ensued.

Councilmember Palmer said Council recognizes the traffic has changed in that area. If they want to preserve residential along Patterson, certain areas will sustain a change, like a corner, but not to the level of C-1. He said he is sorry about the issue with the competition but he will not support C-1.

Councilmember Todd referred to the concept of walkable communities and said she does not have a problem with the C-1; it is on a major thoroughfare. Regarding the lighting, she was not concerned.

Council President Hill clarified that the Council is very dedicated to the clarity of the process of how properties are zoned.

Motion carried by roll call vote five to two with Councilmembers Coons and Palmer voting NO.

Downtown Uplift Budget and Timeline

The Project Team will present the revised estimated budget and recommended schedule for the Downtown Uplift (Main Street) Project as approved by the DDA. The Council has already approved the design concept and asked for more information on costs and timing of the project.

Heidi Hoffman Ham, DDA Executive Director, presented this item. She acknowledged that there has been an incredible amount of work done since the last presentation. The only thing that has changed on the design is that some parking has been added back in to the 400 block. Thanks to the technical planning, they have a lot more confidence in the details. The Parking Management Advisory Group (PMAG) has reviewed the parking plan as well as the other parking in the downtown. Parking in the downtown will be

increased by 100 spaces. Merchants asked them to go forward but do it quickly. With the additional review, the plan was determined to be too complex to complete in one year. Splitting the project into two three block projects is what is being recommended by the Downtown Development Authority (DDA) board. The DDA has the funds to proceed with the first phase next year. The City would be providing administrative and project management as well as being the fiduciary agent. The request is that the DDA will repay their prior loan under a separate agreement at a later time.

Councilmember Palmer referred to a survey of the merchants along the 400 block that are opposed to losing any parking in that block. He asked what phase the 400 block is in. Ms. Ham said it is in the second phase. The intersection at 4th and Main will be in the first phase.

Councilmember Coons asked about the repayment plan; is City Staff in agreement with this? Ms. Ham said they have spoken with the City Staff about that but deferred to City Staff for comment.

City Manager Laurie Kadrich said this is almost the reverse of the proposal from before. The DDA has offered to reverse the payments. The first payment was going to be closer to \$4.5 million and the second was around \$2.7 million with interest. The current proposal is reversed.

Councilmember Pitts asked if the City has the money to go forward. City Manager Kadrich advised this is DDA's money; they also owe the City for projects done previously.

Councilmember Todd asked if the parking along Main Street will be free. Ms. Ham said the PMAG has stated that doesn't make sense but no one feels comfortable with charging the most for the close-in spots; it has been that way historically so she doubts that will change.

Councilmember Pitts asked how many are for or against the project. Ms. Ham said since the changes were made they have not conducted a survey but they had an open house and invited all the stakeholders. There is still a diversity of opinion and there is a camp of people that think nothing should change. There is diversity of opinion in the community. She thinks the final design reflects the diversity of opinions. She is comfortable that the current design is a fair representation of what they have heard.

Councilmember Palmer said most of the merchants are in favor of the overall plan but a group of merchants in the 400 block are against losing any parking.

Councilmember Pitts said the vote is either for or against the stakeholders.

Councilmember Palmer said the decision tonight is on the phasing and funding.

Councilmember Coons moved to approve the project schedule, separating the project into two phases, to authorize Staff to proceed with the construction schedule and final bid documents for Phase I, approval for DDA to repay in 2009 to the City \$3,021,099 of the \$7,889,256 outstanding loan, and authorize the City Manager to execute an agreement with the DDA for the City to carry the remaining balance of \$4,868,157 to bear interest at the City's internal rate of return with payment in full, at the latest, December 31, 2012. Councilmember Beckstein seconded the motion.

Council discussion ensued.

Councilmember Beckstein said she is the City's representative on the DDA board and at the meeting last week she felt the merchants are willing to give this a try and the parking concerns were somewhat alleviated. The Staff listened and answered questions honestly and clearly. She urged that the construction be managed for the least amount of impact. The parking may be an issue during construction and she has urged a plan to alleviate that issue as much as possible during construction. The improvements will enhance the downtown and will hopefully go better than anticipated.

City Manager Kadrich added that the community benefit is the repayment to the City. Under the State Statutes, the DDA must go into debt either by issuing bonds or borrowing from the City. That is why the two methods are being used this time.

Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

City Manger Laurie Kadrich introduced Interim Police Chief John Camper who is on loan from his department in Lakewood, Colorado. She described how Chief Camper came to the City and then allowed him to share some comments.

Interim Police Chief Camper said he was flattered to be asked and pleased that Lakewood sent him over. He has felt very welcomed.

Adjournment

The meeting was adjourned at 8:20 p.m.

Stephanie Tuin, MMC
City Clerk

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

September 2, 2009

The City Council of the City of Grand Junction convened into regular session on the 2nd day of September 2009 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Tom Kenyon, Gregg Palmer, Bill Pitts, Linda Romer Todd, and Council President Bruce Hill. Also present were City Manager Laurie Kadrich, 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.

Citizen Comments

Melissa LeHew, 3182 William Drive, from Mesa State College, an at-large senator for the associated student government, spoke to the City Council regarding a campaign to make Mesa State College a smoke-free campus. They are having a forum next Thursday, September 10th at 6:00 p.m. in the Academic Classroom Building, Room 104.

CONSENT CALENDAR

THERE ARE NO ITEMS FOR THE CONSENT CALENDAR

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Regulating the Use of City Medians

The incidence of persons standing on City medians has increasingly become a problem for motorists using the streets. Persons that stand, sit or otherwise occupy medians create a dangerous situation for motorists, pedestrians and traffic. City Staff recommends that an ordinance be adopted to regulate use of the City medians.

The public hearing was opened at 7:04 p.m.

John Shaver, City Attorney, presented this item. He described the provision contained within the proposed ordinance; specifically, the ordinance will make it illegal to occupy a median except as a pedestrian. The ordinance is very specific as to the behaviors that are allowed within a median. The term median is defined by function; it is designed for the regulation of traffic. The ordinance is not geared toward solicitation, although solicitation is not an allowed activity within the medians. The purpose of the ordinance is for safety and prohibits all kinds of solicitations within medians.

Councilmember Kenyon said a citizen felt the ordinance would prohibit City workers from being allowed to work within the median. He asked the City Attorney to elaborate. City Attorney Shaver said an exception could be written into the ordinance but generally a worker would have safety equipment in place. Councilmember Kenyon was agreeable to not including all the exceptions.

Councilmember Coons inquired if holding political signs would be prohibited. City Attorney Shaver said yes, including for protesting or demonstration purposes. Councilmember Coons asked if sidewalks are included in the ordinance. City Attorney Shaver said sidewalks are not in anyway addressed in the ordinance.

Karen Kulp, 581 Heidel Street, affiliated with gjresults.com, read into the record a statement which included a standard definition of a median. Her concern was that the functional definition may encompass sidewalks. She also took exception to comments made in the newspaper by Councilmember Palmer. She then read her statement (Attached).

She felt that if the ordinance does not include sidewalks and the grassy areas behind them, it should specifically exclude them.

Sister Karen Bland, representing the Chiefs Advisory Council, referred to a letter the group sent supporting the ordinance but there were also suggestions on how to address the other issues regarding solicitation. She suggested there be a ten year plan to put an end to homelessness. There are models around the Country to follow.

There were no other public comments.

The public hearing was closed at 7:19 p.m.

Councilmember Todd said the ordinance is not against free speech, it is about safety to protect all.

Councilmember Coons said she supports the ordinance as written. The Council found themselves trying to address a safety issue that did confuse the issue. Homelessness is a big issue and they need to take a look at all the different things they can do as a community. The ordinance deals with a very specific issue of people in the medians. She thanked Sister Karen for coming and addressing the issue.

Councilmember Beckstein said she supports the ordinance; the ordinance does not need to answer every question and meet every need. The City Council has a responsibility to protect citizens, having people in the median puts them and drivers in peril. She is encouraging Council to pursue the problem of aggressive panhandling. However, the City may not have the resources nor is it the City's responsibility to lead the charge on solving the panhandling problem.

Councilmember Pitts said he will support the ordinance.

Councilmember Kenyon thanked the Chiefs Advisory Council and said they have many good suggestions. For the audience, the Police Department has advised that there are currently sufficient laws on the books to handle aggressive panhandling but people have to report it for the problem to be addressed. The City Council is willing to let the Police Department and the Staff work within the existing laws.

Councilmember Palmer had nothing to add.

Council President Hill referred to the firefighters who in the past have solicited donations for MDA in the streets but they will lead by example and change their methods. It is a safety issue.

Ordinance No. 4382—An Ordinance Concerning the Use of City Medians

Councilmember Palmer moved to adopt Ordinance No. 4382 and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 7:30 p.m.

Stephanie Tuin, MMC
City Clerk

Attachment

What is wrong with the new City Ordinance entitled, “An Ordinance Concerning The Use Of City Medians?”

This ordinance is the product of an evolution. The original purpose as stated was an emergency ordinance to prohibit aggressive panhandling, but there was a problem. The courts have ruled that panhandling is a form of protected free speech. In order to regulate panhandling it is necessary to define it as a safety hazard. Thus it would fall under the City Council’s empowering statute of health and safety; there is a consequence that other forms of protected free speech would have to go along for the ride. That is the slippery slope. All but forgotten is the original purpose to prohibit aggressive panhandling. Under the present definition, attempts to communicate are deemed a safety hazard. Interestingly enough, what is prohibited and interpreted in this ordinance as a safety hazard on one side of the street would be perfectly legal and safe activity on the other side of the street, yet there is no material difference other than a constructed definition. Omitted from this new ordinance are all the definitions of aggressive panhandling: following, harassing, intimidating etc. It would appear that the intent and the purpose of the new ordinance is not to stop aggressive panhandling but rather to move it to a different location and along with it the constitutional protected right of effective free speech now defined as “political campaign activities” even though those activities have not included any type of solicitation but rather are prohibited as a safety hazard in an attempt to communicate, as defined in this ordinance which has all the earmarks of a camel from a Council whose original purpose was to design a horse. Going forward down this slippery slope will the eye of the beholder define free speech as a prohibited attempt to communicate and a safety hazard to the public because it is a distraction to or may result in a slow-down of government activities and present as such a safety hazard to the public, but isn’t that the purpose of free speech, to impede and even reverse the actions of government that the people find objectionable? And to that end how effective indeed, and of what use is the right of free speech, hidden away on the side streets. I would ask you to weigh in and balance the destruction of effective free speech. Even if this ordinance is successful and motivating aggressive panhandlers to pursue the version of free speech to the back street sidewalks and residential blocks which defy traffic going in opposite or different directions would it be any

less of a distraction or less objectionable to those neighborhoods? Certainly would be less effective as would non-solicitation free speech, is that the purpose of this ordinance or an unintended consequence as it is possible that this council is unaware of its evolutionary actions for much of the same reason that a fish does not realize it is wet. There is a price that must be paid by free people for liberty and the pursuit of that liberty, which historically has been fraught with hazards and has never been safe. It is not within the power of the government to right all wrongs, to restrict all behavior that some may find objectionable, or to replace individual responsibility with the force of the law. This ordinance that City Council has embarked upon is systematic destruction of the foundations of our liberty. That is the true destination of this slippery slope, and all in the misguided attempts to addressing minor annoyance which by conversion now hazards the very foundation of our beloved republic.



Date: September 1, 2009

Author: Judith Rice

Title/ Phone Ext: Associate Planner / 4138

Proposed Schedule: September 14 2009

2nd Reading (if applicable): October 5, 2009

Attach 2
Setting a Hearing on the Taylor III
Rezone, Located at 2711 G Road
CITY COUNCIL AGENDA ITEM

Subject: Taylor III Rezone Located at 2711 G Road
File # (if applicable): RZ-2008-293
Presenters Name & Title: Judith Rice, Associate Planner

Executive Summary:

Request to rezone 0.07 acres located at 2711 G Road, from PD (Planned Development) zone district to R-5 (Residential 5 du/acre) zone district.

How this item relates to the draft Comprehensive Plan Goals and Policies:

Goal 5: To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

Future plans for the entire 2711 G Road property include residential development which will facilitate meeting future demand for housing and an increase in neighborhood density. Rezone of the 0.07 area from PD to R-5 will provide consistency with the rest of the property's zoning which is R-5.

Goal 6: Land use decisions will encourage preservation and appropriate reuse.

Rezone of the 0.07 acres will facilitate residential use of this vacant property.

Action Requested/Recommendation:

Introduce a Proposed Ordinance and Set a Public Hearing for October 5, 2009.

Board or Committee Recommendation:

On September 8, 2009, the Planning Commission recommended to City Council approval of the requested rezone the 0.07 acre portion of 2711 G Road from PD (Planned Development) to R-5 (Residential 5 du/acre) district being consistent with the

goals and policies of the Growth Plan and Section 2.6.A of the Zoning and Development Code.

Background, Analysis and Options: See attached.

Financial Impact/Budget: None.

Legal issues: N/A

Other issues: None.

Previously presented or discussed: None

Attachments:

Site Location Map / Aerial Photo Map
Future Land Use Map / City Zoning Map
Ordinance

BACKGROUND INFORMATION					
Location:		2711 G Road			
Applicants:		Marion Jacobson			
Existing Land Use:		Vacant			
Proposed Land Use:		Vacant			
Surrounding Land Use:	North	Vacant			
	South	Commercial			
	East	Residential, Single Family			
	West	Residential, Multifamily			
Existing Zoning:		PD (Planned Development)			
Proposed Zoning:		R-5 (Residential 5 du/acre)			
Surrounding Zoning:	North	R-5 (Residential 5 du/acre)			
	South	C-1 (Light Commercial)			
	East	PD (Planned Development)			
	West	PD (Planned Development)			
Growth Plan Designation:		RM, Residential Medium (4 to 8 du/ac)			
Zoning within density range?		X	Yes		No

ANALYSIS:

1. Background

On July 22, 2009, the 0.07 acre portion of land, for which the rezone is being requested, was added to 2711 G Road from 1401 Racquet Way. The lot line adjustment re-plated Lot 1 (2711 G Road) of the Taylor II Subdivision adding the 0.07 acre strip of land and creating the Taylor III Subdivision.

Annexation of 1401 Racquet Way and 2711 G Road occurred in 1978 as part of the Nelson Stewart Annexation.

2711 G Road is zoned R-5 (Residential 5 du/acre). The newly added 0.07 acre strip of land, because it was previously part of 1401 Racquet Way, is zoned PD (Planned Development). In order provide consistent zoning for the 2711 G Road property, the Applicant is requesting that the 0.07 acre portion be rezoned from PD to R-5.

2. Consistency with the Growth Plan

The Growth Plan's Future Land Use designation is Residential Medium, 4 to 8 du/acre. Therefore the proposed R-5 zoning district is consistent with the Growth Plan.

3. Section 2.6.A of the Zoning and Development Code (Code)

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

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

The existing zoning of the 0.07 acres was not in error at the time of adoption. The area was part Lot 2 of the SS Subdivision which was zoned PD. A lot line adjustment has re-plated 2711 G Road to include the 0.07 acres. The property at 2711 G Road is zoned R-5.

2. *There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth/growth trends, deterioration, development transitions, etc.;*

The neighborhood consists of R-5 and R-4 zoned subdivisions and individual lots as well as Planned Development condominiums. The proposed zone of R-5 for the 0.07 acres would be consistent with the zoning of the rest of the property.

3. *The proposed rezone is compatible with the neighborhood, conforms to and furthers the goals and policies of the Growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations;*

The neighborhood is residential in character and includes R-4, R-5, multifamily PD and single family PD zoning. The Growth Plan's Future Land Use designation is Residential Medium which is implemented by the proposed R-5 zoning.

4. *Adequate public facilities and services are available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning;*

Services can be made available for development of the property. There is an existing 18 inch Ute Water line along G Road. The property lies within the Persigo 201 sewer service boundary and there is an 8 inch sewer service line 260 feet to the west of the property along G Road. In addition, there is an 8 inch

sewer line along the south boundary of the property. Other public facilities (electrical, cable, etc.) are available should development occur.

5. *The supply of comparably zoned land in the surrounding area is inadequate to accommodate the community's needs*

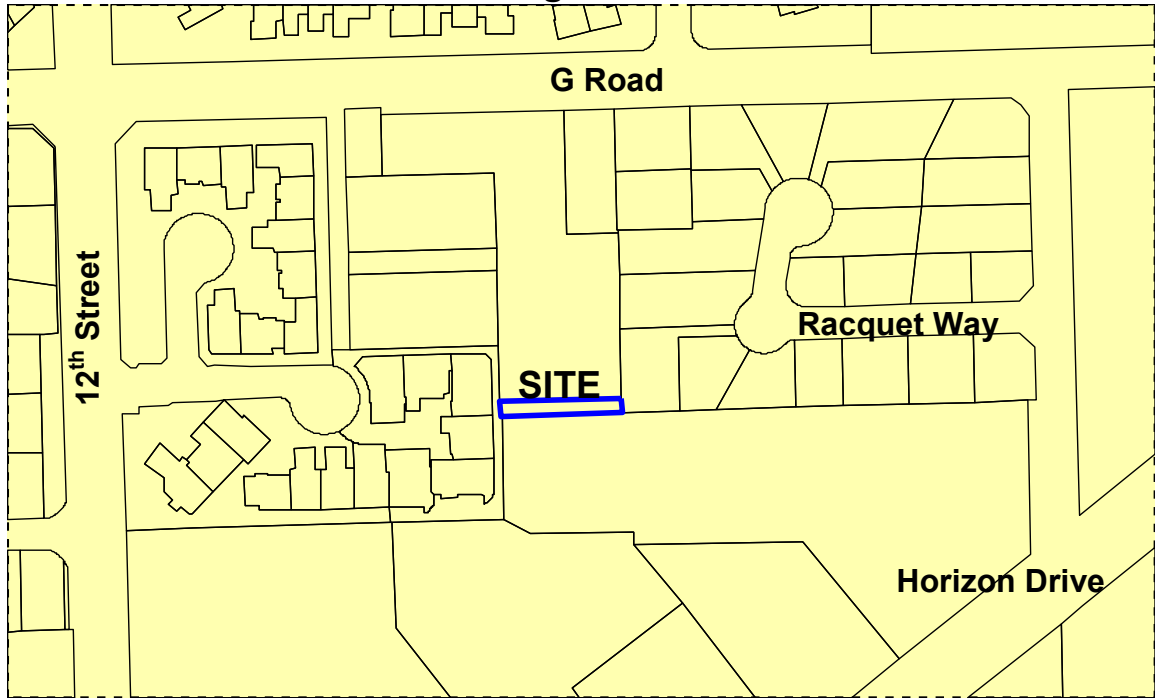
The rest of the parcel is zoned R-5. The applicant is requesting that the 0.07 acres be zoned R-5 in order provide consistent zoning for the 2711 G Road property.

6. *The community will benefit from the proposed zone.*

The applicant indicates that eventually residential development will take place which will provide housing for the community.

Site Location Map

Figure 1



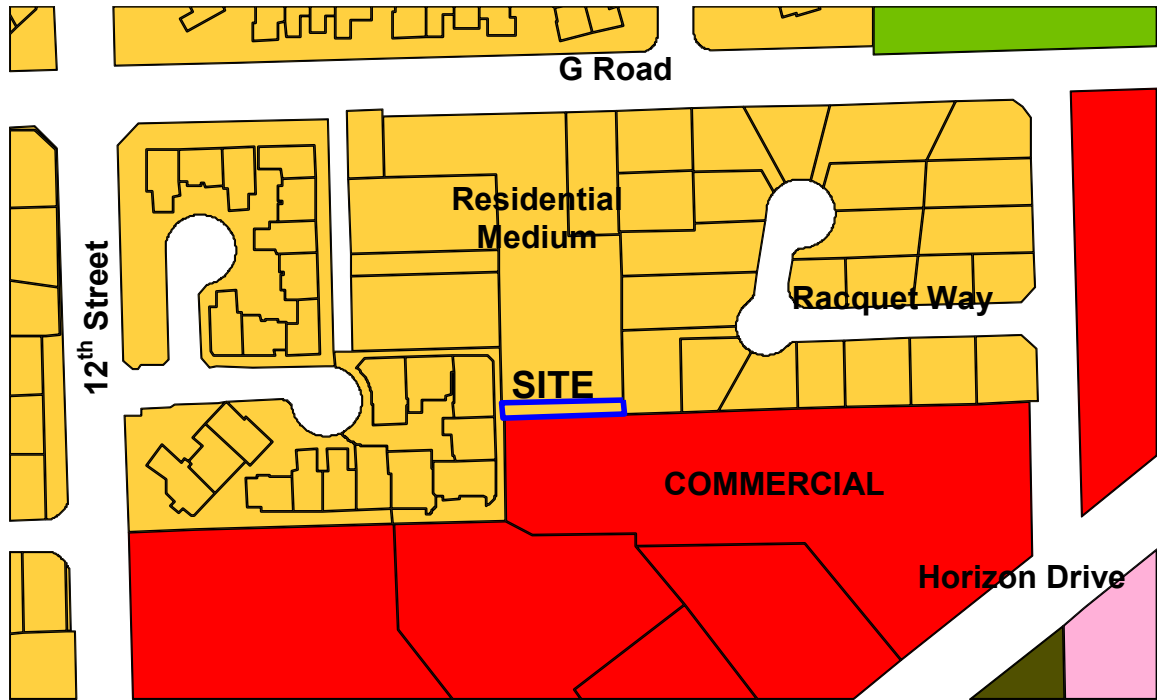
Aerial Photo Map

Figure 2



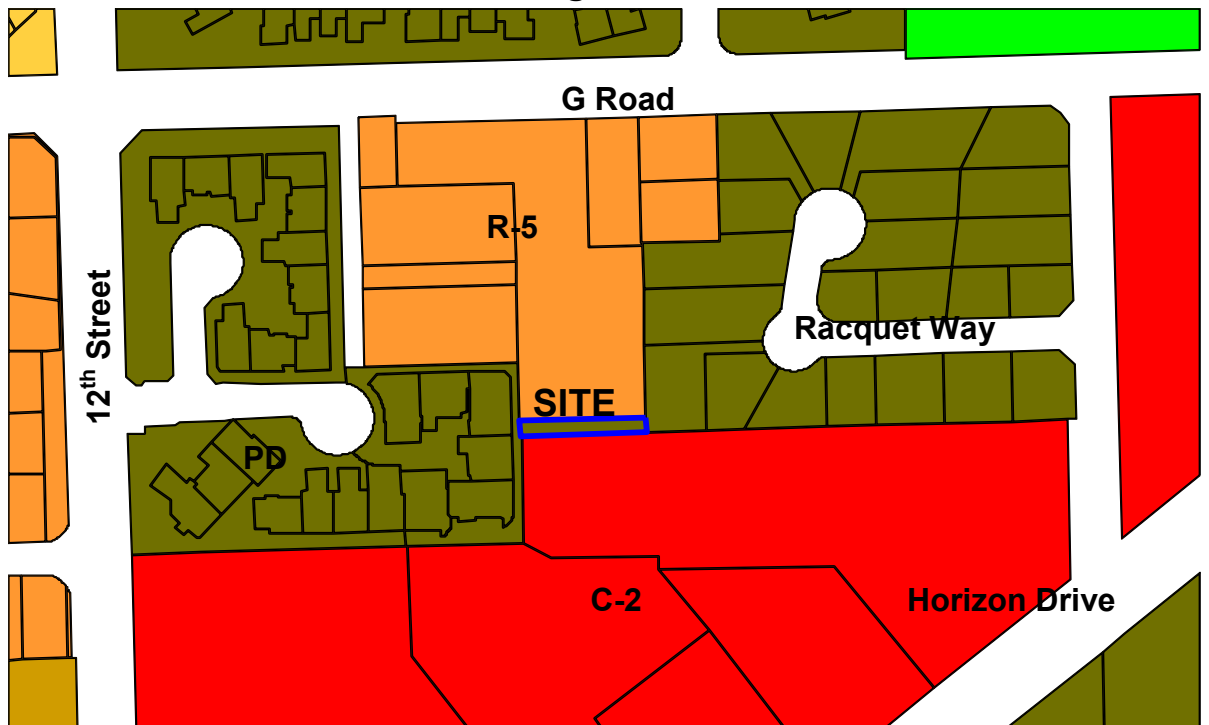
Future Land Use Map

Figure 3



City Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE REZONING A PORTION OF THE PROPERTY KNOWN AS
TAYLOR III SUBDIVISION
FROM PD (PLANNED DEVELOPMENT) TO R-5 (RESIDENTIAL 5 DU/ACRE)
LOCATED AT 2711 G ROAD**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, the Grand Junction Planning Commission recommended approval of rezoning property located at 2711 G Road to the R-5 (Residential 5 du/acre) zone district, finding that it conforms with 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 is generally compatible with land uses located in the surrounding area. The zone districts meet the criteria found in Section 2.6 of the Zoning & Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-5 (Residential 5 du/acre) zone district is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning & Development Code.

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

The following portion of the property be zoned R-5 (Residential 5 du/acre):

Beginning at the Southeast Corner of Lot 1 Taylor III Subdivision, and considering the South Line of said Lot 1 to bear South 89°57'24" West and all bearings contained herein to be relative thereto;
thence South 89°57'24" West along said South Line a distance of 167.97 feet to the Southwest Corner of said Lot 1;
thence North 00°11'48" East along the West Line of said Lot 1 a distance of 19.77 feet;
thence leaving said West Line North 89°55'25" East a distance of 167.15 feet to the East line of Said Lot 1;
thence along said East Line South 00°19'26" West a distance of 19.87 feet to the Southeast Corner of said Lot 1, which is the Point of Beginning.

Said portion of the property contains 0.07 acres, more or less, as described.

Introduced on first reading this ____ day of _____, 2009 and ordered published.

Adopted on second reading this ____ day of _____, 2009.

ATTEST:

President of the Council

City Clerk



Date: September 1, 2009

Author: Judith Rice

Title/ Phone Ext: Associate
Planner / 4138

Proposed Schedule: September
14, 2009

2nd Reading (if applicable):
October 5, 2009

Attach 3
Setting a Hearing on Zoning the
RQ Annexation, Located at 3131 D Road
CITY COUNCIL AGENDA ITEM

Subject: Zoning of the RQ Annexation Located at 3131 D Road
File # (if applicable): ANX-2009-144
Presenters Name & Title: Judith Rice, Associate Planner

Executive Summary:

A request to zone the 20.02 acre RQ Annexation, consisting of one parcel located at 3131 D Road, to R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation) districts.

How this item relates to the draft Comprehensive Plan Goals and Policies:

Goal 6: Land use decisions will encourage preservation and appropriate reuse.

Annexation will allow appropriate residential use of this property within the City's urban setting.

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

Annexation and future development will help to sustain a healthy, diverse economy with in the City's urban setting.

Action Requested/Recommendation:

Introduce a Proposed Zoning Ordinance and Set a Public Hearing for October 5, 2009.

Board or Committee Recommendation: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation) zone districts to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

Background, Analysis and Options: See attached.

Financial Impact/Budget: N/A

Legal issues: None

Other issues: None

Previously presented or discussed: August 17, 2009, adopted a Resolution referring the petition for annexation to City Council, set a hearing date for annexation and exercised land use control.

Attachments:

1. Staff report/Background information
2. Annexation/Site Location Map; Aerial Photo Map
3. Future Land Use Map; Existing City and County Zoning Map
4. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		3131 D Road		
Applicants:		River Trail II, Inc.		
Existing Land Use:		Residential Single Family		
Proposed Land Use:		Residential Single Family		
Surrounding Land Use:	North	Residential Single Family		
	South	Vacant / Division of Wildlife		
	East	Single Family and Agriculture		
	West	Vacant		
Existing Zoning:		County RSF-R (Residential Single Family Rural and AFT (Agriculture, Forestry and Traditional))		
Proposed Zoning:		R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation)		
Surrounding Zoning:	North	County RSF-5 (Residential 5du/acre)		
	South	County AFT (Agriculture, Forestry and Traditional)		
	East	R-8 (Residential 8 du/acre)		
	West	R-4 (Residential 4 du/acre)		
Growth Plan Designation:		Residential Medium and Conservation		
Zoning within density range?		X	Yes	No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation) zone districts is consistent with the Growth Plan designation of Residential Medium and Conservation, respectively. The existing County zoning is County RSF-R (Residential Single Family Rural and AFT (Agriculture, Forestry and Traditional)). 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.A.3 and 4 as follows:

- The proposed zone is compatible with the neighborhood, conforms to and furthers the goals and policies of the Growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations.

Response: The 14 acres of the property for which an R-8 zone is being requested is consistent with the surrounding County and City zones in the neighborhood. A County RSF-5 development lies north of the property. To the west and east are properties zoned R-4 and R-8 respectively. The proposed zone conforms to the Growth Plan's designation of Residential Medium. In addition, the R-8 zoning furthers the recommendation for the Pear Park Neighborhood Plan to develop the area for residential use.

The 6 acres for which a CSR zone is requested is consistent with the Growth Plan's Future Land Use Designation of Conservation and furthers the goal of the Pear Park Neighborhood Plan to conserve areas for wildlife and open space along the river corridor.

- Adequate public facilities and services are available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning;

Response: Adequate public facilities and services are available to accommodate the R-8 (Residential 2 du/acre) and CSR (Community Services and Recreation) zone districts. Water and sewer service is provided along D Road by 10 inch lines.

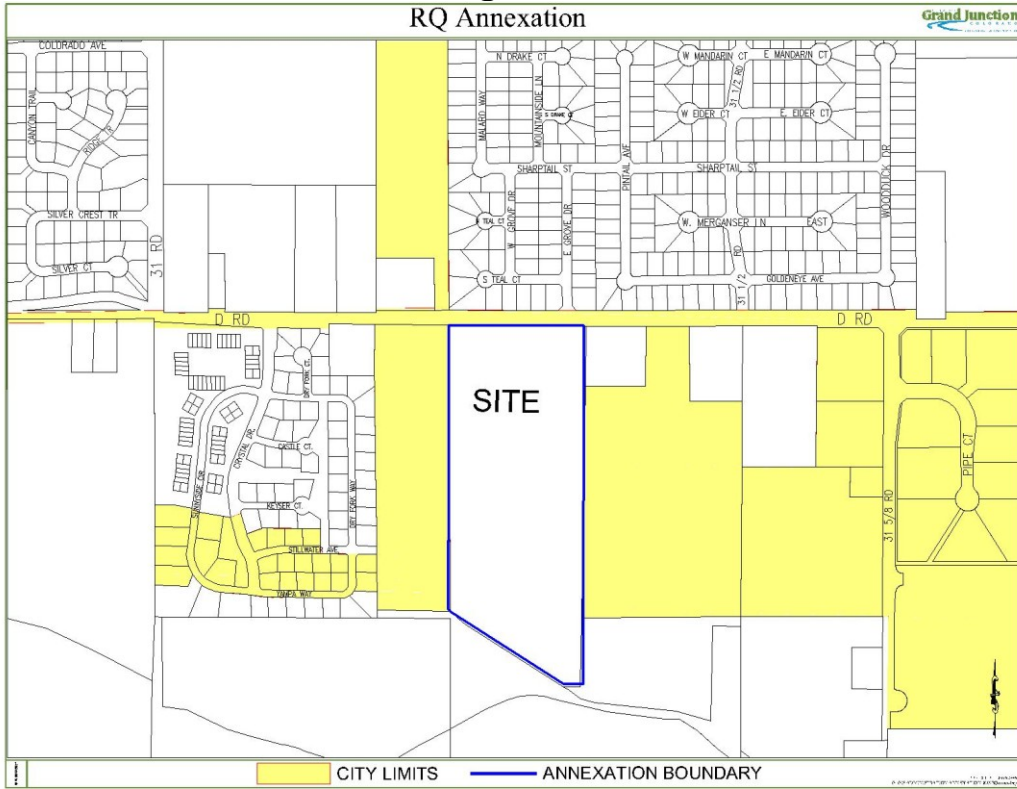
Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

1. The Residential Medium Future Land Use Designation also supports the following zone districts:
 - a. R-4 (Residential 4 du/acre)
 - b. R-5 (Residential 5 du/acre)
2. There are no other zoning districts that implement the Conservation Future Land Use Designation other than CSR.

If City Council chooses an alternative zone designation, specific alternative findings must be made.

Annexation/Site Location Map

Figure 1



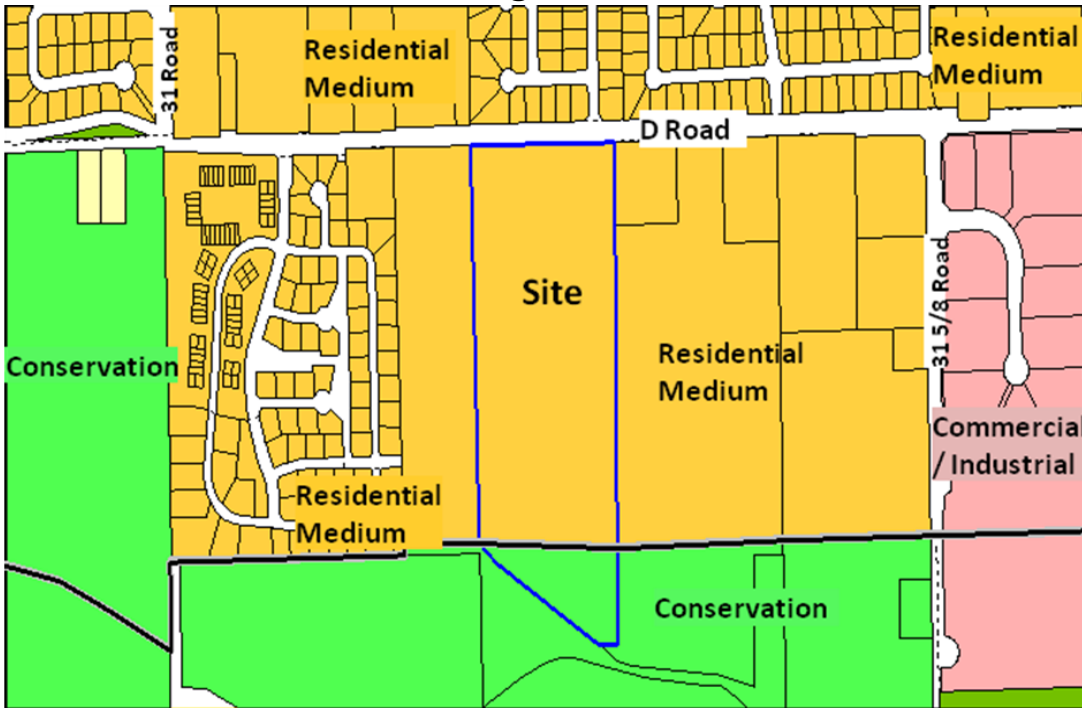
Aerial Photo Map

Figure 2



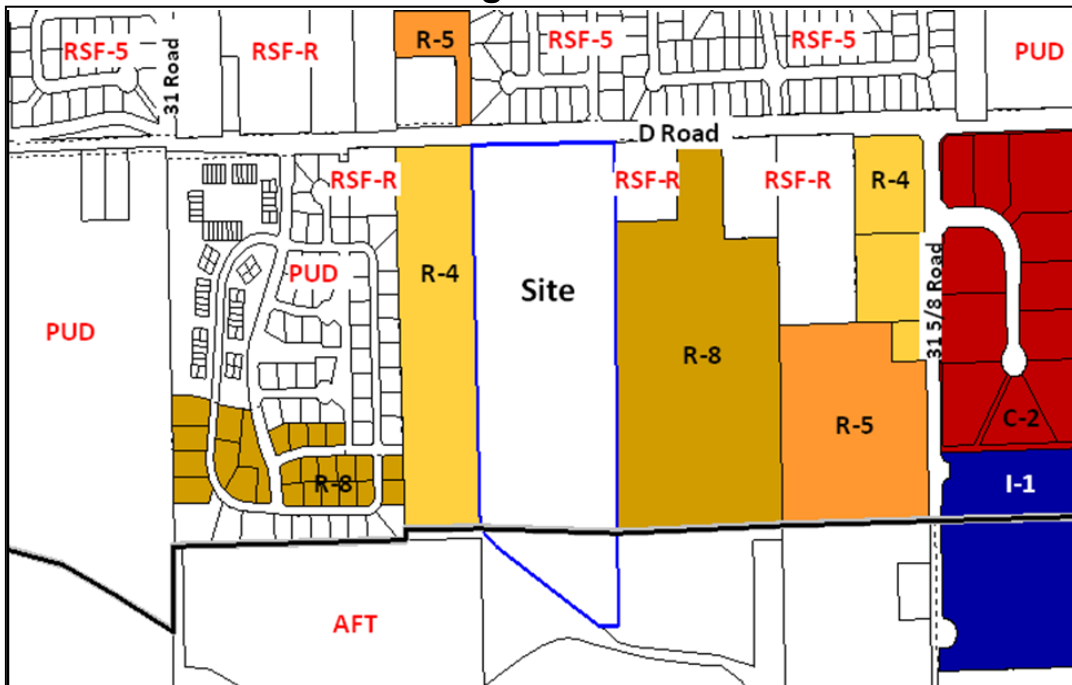
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE RQ ANNEXATION TO
R-8 (RESIDENTIAL 8 DU/ACRE) AND CSR (COMMUNITY SERVICES AND
RECREATION)**

LOCATED AT 3131 D 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 RQ Annexation to the R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation) zone districts finding that they conform with the recommended land use categories as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone districts meet the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation) zone districts are 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 be zoned R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation).

A certain parcel of land located in the East Half (E 1/2) of the Northwest Quarter (NW 1/4) of Section 22, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 22 and assuming the North line of the NE 1/4 NW 1/4 of said Section 22 to bear S89°53'36"E with all bearings contained herein relative thereto; thence S00°13'57"W a distance of 30.00 feet along the West line of the NE 1/4 NW 1/4 of said Section 22 to the Point of Beginning; thence S89°53'36"E a distance of 602.17 feet along a line being 30.00 feet South of and parallel with the North line of the NE 1/4 NW 1/4 of said Section 22, said line also being the South line of Snidow Annexation No. 1, Ordinance No. 3344, City of Grand Junction; thence S00°13'57"W a distance of 1590.03 feet along the West line of River Trail Annexation, Ordinance No. 4023, City of Grand Junction; thence N89°53'45"W a distance of 83.41 feet; thence N57°27'33"W a distance of 598.24 feet; thence N42°32'44"W a distance of 19.34 feet to a point on the West line of the NE 1/4 NW 1/4 of said Section 22, said

point also being the Southeast corner of Heron's Nest Annexation No. 2, Ordinance No. 4045, City of Grand Junction; thence N00°13'57"E along the West line of the NE 1/4 NW 1/4 of said Section 22 a distance of 1254.95 feet, said line also being the East line of said Heron's Nest Annexation No. 2 and also being the East line of Heron's Nest Annexation No. 1, Ordinance No. 4044, City of Grand Junction a distance of 1254.95 feet to the Point of Beginning.

CONTAINING 20.02 Acres (872,060 Sq. Ft.), more or less, as described.

INTRODUCED on first reading the ____ day of _____, 2009 and ordered published.

ADOPTED on second reading the ____ day of _____, 2009.

ATTEST:

President of the Council

City Clerk



Date: August 27, 2009
 Author: Scott D. Peterson
 Title/ Phone Ext: Senior Planner
 1447
 Proposed Schedule: September
 14, 2009
 2nd Reading
 (if applicable): N/A.

Attach 4
Public Hearing-Fuoco Growth Plan Amendment,
Located at 160 Hill Avenue
CITY COUNCIL AGENDA ITEM

Subject: Fuoco Growth Plan Amendment, Located at 160 Hill Avenue
File # (if applicable): GPA-2009-147
Presenters Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

Request approval of a Growth Plan Amendment for a 0.14 acre property located at 160 Hill Avenue from Residential High (12+ du/ac) to Commercial in anticipation of future commercial development.

How this item relates to the draft Comprehensive Plan Goals and Policies:

By the continued support of jobs within the downtown area of the City Center, appropriate reuse of an existing property and the expansion of an existing business that supports Grand Junction as a regional provider of goods and services to help sustain, develop and enhance a healthy, diverse economy. The proposed request meets with Goals 4, 6 and 12 of the proposed Comprehensive Plan.

Goal 4: Support the continued development of the downtown area of the City Center into vibrant and growing area with jobs, housing and tourist attractions.

Goal 6: Land Use decisions will encourage preservation and appropriate reuse.

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

Action Requested/Recommendation:

Conduct a Public Hearing and Adopt Proposed Resolution

Board or Committee Recommendation:

The Planning Commission recommended approval of the requested Growth Plan Amendment at their August 25, 2009 meeting, finding that the proposed request is

consistent with the purpose and intent of the Growth Plan and Section 2.5 C. of the Zoning and Development Code.

Background, Analysis and Options:

See attached Staff Report.

Financial Impact/Budget:

N/A.

Legal issues:

None.

Other issues:

None.

Previously presented or discussed:

None.

Attachments:

Staff Report / Background Information
Site Location Map / Aerial Photo Map
Future Land Use Map / Existing City Zoning
Resolution

BACKGROUND INFORMATION				
Location:		160 Hill Avenue		
Applicant:		Fuoco Investments, LLC, Owner River City Consultants, Inc., Representative		
Existing Land Use:		Single-family residence		
Proposed Land Use:		Excess inventory parking lot for Honda automobiles		
Surrounding Land Use:	North	Single-family residential		
	South	Fuoco Honda		
	East	Single-family residential		
	West	Fuoco Motor Company Body Shop		
Existing Zoning:		R-O, (Residential Office)		
Proposed Zoning:		C-1, (Light Commercial)		
Surrounding Zoning:	North	R-O, (Residential Office)		
	South	C-1, (Light Commercial)		
	East	R-8, (Residential – 8 du/ac)		
	West	C-1, (Light Commercial)		
Growth Plan Designation:		Residential High (12+ du/ac)		
Zoning within density range?		X	Yes	No

1. Background:

The existing property is located at the northwest corner of N. 2nd Street and Hill Avenue and currently contains a single-family residence and detached structures and was recently purchased by the applicant, who desires to remove the existing structures and develop the property as a parking lot for excess inventory for Honda automobiles with no customer viewing. Fuoco Honda, owned and operated by the applicant, is located directly to the south, across Hill Avenue. Total acreage for the parcel requesting the Growth Plan Amendment is 0.14 acres (Lots 13 and 14, Block 33, Grand Junction). The applicant requests a change in the Growth Plan designation for this property so that the entire Block that they own can be uniform, designated Commercial. If this Growth Plan Amendment request is approved by the City, the applicant plans to apply for a rezone to C-1, (Light Commercial) and site plan review application in order to develop as part of their Fuoco Honda operations.

The existing R-O, (Residence Office) Zoning District does allow parking lots as a land use, however a Conditional Use Permit from the Planning Commission would be required and also the R-O District requires that parking be setback a minimum of 20' from the front property lines, which would greatly impact the usability of this property if the existing zoning and Growth Plan designations were to remain.

2. Section 2.5 C. of the Zoning and Development Code:

The Growth Plan can be amended if the City finds that the proposed amendment is consistent with the purpose and intent of the Growth Plan and meets the following criteria:

- a. There was an error such that then existing facts, projects or trends (that were reasonably foreseeable) were not accounted for; or

There was no error at the time of the adoption of the 1996 Growth Plan. The property contained a single-family residence, and there is no other indication than an error was made in designating the property Residential High (12+ du/ac).

- b. Subsequent events have invalidated the original premises and findings;

The N. 1st Street area has undergone changes through the years with the increase and expansions of existing and new commercial land uses. After adoption of the Growth Plan in 1996, this property, along with properties to the north was zoned to R-O (Residential Office) in 2000. The purpose of the R-O District is to “provide low intensity, non-retail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods.” The R-O District is used with Medium to High Density Residential and Commercial land use designations within the Growth Plan to achieve the purpose stated above and to provide an adequate buffer between commercial and residential land uses.

However, the majority of businesses along the N. 1st Street corridor between Grand and North Avenues are retail in nature, including automotive services.

The existing Growth Plan did not anticipate or allow for any future expansion by these existing businesses. Also, the existing residential properties which are located within the same block as commercial development have not transitioned into either offices or consolidated parcels to achieve higher density housing, as anticipated by the Growth Plan and the subsequent R-O zoning. Therefore, subsequent events have invalidated the original premise and findings.

- c. 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;

The character of the area is a mix of commercial development along N. 1st Street and single/multi-family residential uses along N. 2nd Street. The proposed amendment is acceptable because the change from Residential High (12+ du/ac) to Commercial will not adversely affect the residential land supply in the community and would be more in keeping with the existing commercial development, which is owned by the applicant, directly to the west. The small size of the property (0.14 acres – 6,098 sq. ft.) makes new multi-family or office development unlikely. The small amount of land, together with the current Code, off-street parking, open space, landscaping and buffering requirements make marketing of the property as R-O difficult.

- d. The change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans;

The proposed amendment is consistent with the following goals and policies within the Growth Plan:

Goal 5 from the Growth Plan is; *“to ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.”*

Policy 5.2 states that; *“the City and County will encourage development that uses existing facilities and is compatible with existing development.”*

Goal 11 as stated in the Growth Plan is; *“to promote stable neighborhoods and land use compatibility throughout the community.”*

Policy 11.2 states that; *“the City and County will limit commercial encroachment into stable residential neighborhoods. In areas designated for residential development the City and County may consider inclusion of small scale neighborhood commercial development that provides retail and service opportunities in a manner compatible with surrounding neighborhoods in terms of scale and impact.”*

Goal 18 as stated in the Growth Plan is to; *“maintain the City’s position as a regional provider of goods and services.”*

Policy 18.1 states that; *“The City and County will coordinate with appropriate entities to monitor the supply of land zoned for commercial and industrial development and retain an adequate supply of land to support projected commercial and industrial employment.”*

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

- e. Public and community facilities are adequate to serve the type and scope of the land use proposed;

Existing infrastructure facilities are adequate to serve the proposed commercial development. The existing property is located at the northwest corner of the intersection at N. 2nd Street and Hill Avenue. Sufficient access is available from Hill Avenue. No access would be permitted onto N. 2nd Street for further development of this site. Secondary access is available via an existing, alley directly to the north, provided that the alley is paved. The paving could be accomplished by the developer, applicant or through establishment of an Alley Improvement District.

- f. An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and

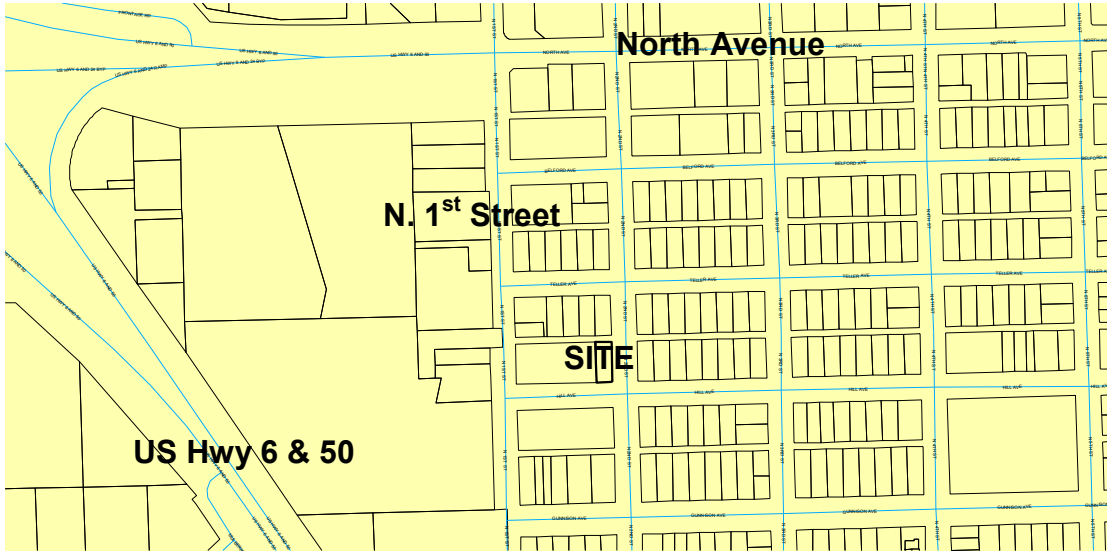
The applicant owns the existing parcels on this block and has recently purchased this property to allow for the continued expansion of their automobile business. The proposed Growth Plan Amendment request is a logical extension of the existing Commercial designation on this Block and will eliminate the remaining Residential High (12+ du/ac) designation so that the entire Block would become Commercial.

- g. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The adjacent neighborhood will benefit from the proposed Growth Plan Amendment in the respect that it may help with getting parked vehicles off the street and onto private property as the applicant’s automobile dealership continues to expand. The Planning Commission believed that the proposed Growth Plan Amendment, adjacent to the applicant’s property and within one block of a major transportation route, N. 1st Street, would be a responsible use of the land. Furthermore, N. 2nd Street provides an adequate buffer between Commercial and Residential land use designations.

Site Location Map

Figure 1



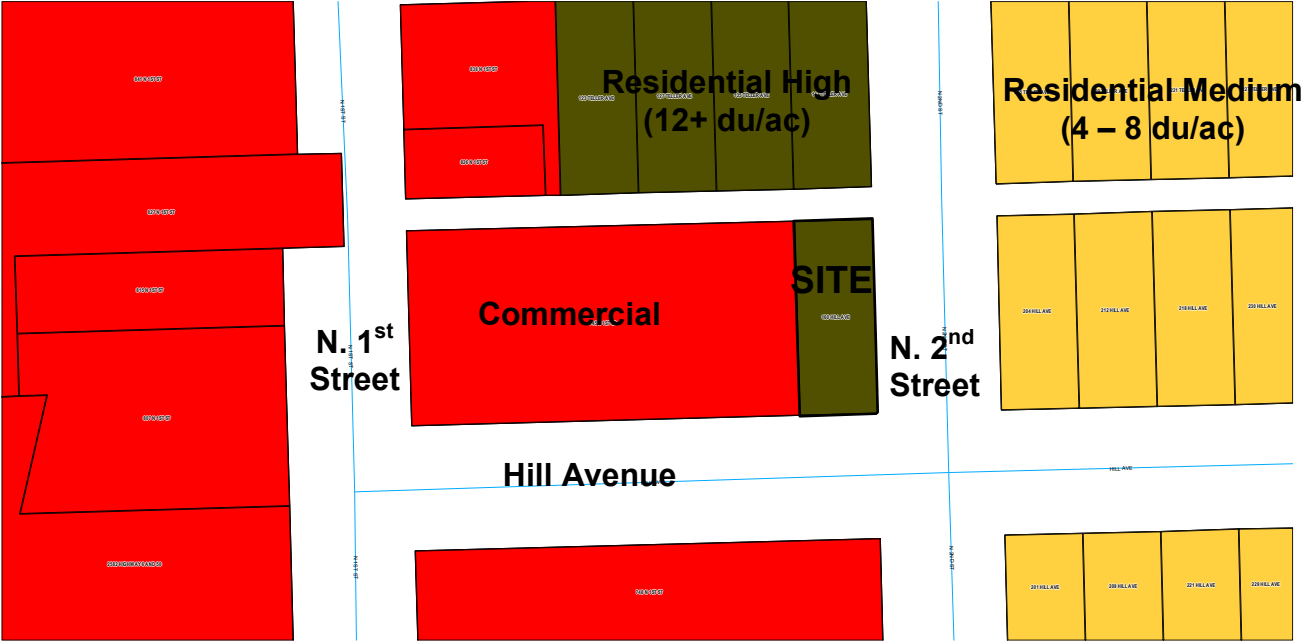
Aerial Photo Map

Figure 2



Future Land Use Map

Figure 3



Existing City Zoning

Figure 4



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

A RESOLUTION AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION TO DESIGNATE APPROXIMATELY 0.14 ACRES LOCATED AT 160 HILL AVENUE FROM RESIDENTIAL HIGH (12+ DU/AC) TO COMMERCIAL (FUOCO GROWTH PLAN AMENDMENT)

Recitals:

A request for a Growth Plan Amendment has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately 0.14 acres, located at 160 Hill Avenue be redesignated from Residential High (12+ du/ac) to Commercial on the Future Land Use Map.

In a Public Hearing, the City Council reviewed the request for the proposed Growth Plan Amendment and determined that it satisfied the criteria as set forth and established in Section 2.5 C. of the Zoning and Development Code and the proposed amendment is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REDESIGNATED FROM RESIDENTIAL HIGH (12+ DU/AC) TO COMMERCIAL ON THE FUTURE LAND USE MAP.

Fuoco Growth Plan Amendment

Lots 13 and 14, Block 33, City of Grand Junction

Said parcel contains 0.14 acres (6,098 +/- square feet), more or less, as described.

PASSED on this _____ day of _____, 2009.

ATTEST:

City Clerk

President of Council



Date: August 6, 2009
 Author: Kathy Portner
 Title/ Phone Ext: 1420
 Proposed Schedule: Sept. 14, 2009
 2nd Reading
 (if applicable): Sept. 14, 2009

Attach 5
Public Hearing-Strategic Downtown Master Plan, Overlay Zone, 7th Street Historic District Overlay Zone
CITY COUNCIL AGENDA ITEM

Subject: Strategic Downtown Master Plan, Strategic Downtown Master Plan Zoning Overlay and North 7 th Street Residential Historic District Zoning Overlay
File # (if applicable): PLN-2009-179
Presenters Name & Title: Heidi Hoffman Ham, DDA Executive Director Kathy Portner, Neighborhood Services Manager

Executive Summary:

The Strategic Downtown Master Plan was developed through a public process involving a steering committee of interested downtown merchants, property owners, and policy makers during 2007-2008. Recognizing that a strong downtown core supports the economic and community development of an entire region, the goal of the plan was to quantify current conditions, identify opportunities, and recommend specific actions for the decision-makers of the Downtown Partnership and the City of Grand Junction. The primary implementation strategy is through an overlay zone and amending the 7th Street Historic District Planned Development zoning ordinance.

How this item relates to the draft Comprehensive Plan Goals and Policies:

The Downtown Plan has been integrated into the Comprehensive Planning process and provides a more detailed strategy for the original square mile. It supports the following draft Comprehensive Plan goals and policies:

Goal 4: Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions.

- *The City and County will support the vision and implement the goals and actions of the Downtown Strategic Plan.*

Goal 5: To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

- *Encourage mixed-use development and identification of locations for increased density.*

- *The Strategic Downtown Master Plan encourages mixed use and a variety of housing in the Central Business District.*

Goal 8: Create attractive public spaces and enhance the visual appeal of the community through quality development.

- *Construct streets in the City Center, Village Centers, and Neighborhood Centers to include enhanced pedestrian amenities.*
- *Encourage the revitalization of existing commercial and industrial areas.*
- *The Strategic Downtown Master Plan supports streets with enhanced pedestrian amenities and the revitalization of the City core.*

Goal 9: Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle, air, and freight movement while protecting air, water and natural resources.

- *The Strategic Downtown Master Plan promotes a multi-modal transportation system in the City core.*

Action Requested/Recommendation:

Hold a Public Hearing and Consider Adoption of Proposed Resolution and Ordinances for the Strategic Downtown Master Plan, Strategic Downtown Master Plan Zoning Overlay and North 7th Street Residential Historic District Zoning Overlay.

Board or Committee Recommendation:

The Downtown Development Authority Board adopted the Strategic Downtown Master Plan in December, 2008.

The Grand Junction Historic Preservation Board, on August 11, 2009, made a motion indicating the Board's ability and willingness to review proposals in the 7th Street Historic District and finding that the North 7th Street Residential Historic District Zoning Overlay provides the guidance and tools necessary to do the review.

Financial Impact/Budget:

The Strategic Downtown Master Plan was budgeted and paid for in the 2007 and 2008 budgets of DDA and the City.

Legal issues:

The proposed Ordinance serves to amend Ordinance 2211, which zoned Lots 11 through 21, inclusive, Block 39; Lots 1 through 11, inclusive, Block 40; Lots 1 through 10, inclusive, Block 49; Lots 11 through 21, inclusive, Block 50; Lots 11 through 20, inclusive, Block 61; Lots 1 through 10, inclusive, Block 62; Lots 1 through 11, inclusive, Block 71; Lots 11 through 21, inclusive Block 72; Lots 11 through 13, inclusive, Block 83; Lots 14 through 16, inclusive, Block 83 and all of Block 84, City of Grand Junction,

Section 14 1s 1W except the right-of-way in the northwest corner, to PR-8. The proposed Ordinance also serves to amend the Zoning and Development Code to establish design standards and guidelines. Both Ordinances will be set for second reading and public hearing on September 14, 2009.

Other issues:

Citizen input includes the following concerns with the North 7th Street Residential Historic District Zoning Overlay:

- The lists of allowed residential uses include residential sub-units, accessory units and bed and breakfast (1 to 3 rooms). Some residents would like for those uses to require a public hearing process.
- The First Baptist Church representatives object to the provision limiting demolition.

Previously presented or discussed:

In February of this year, the Strategic Plan was presented to the City Council. Direction was given to clarify the subareas and the implementation steps. In March, a neighborhood meeting was held to gather additional input from residents and in June a meeting was held to discuss the issues specific to the 7th Street Historic District. Input from those meetings was considered in developing the Overlay Zone.

Background, Analysis and Options:

Since the establishment of the “Original Square Mile” in 1881, the heart of the Grand Junction community has been Downtown. Operation Foresight in the early 1960’s put the downtown shopping park on the map for its innovative serpentine street layout and inviting atmosphere. The 2008 Strategic Downtown Master Plan process builds on this long history of vision and progress by charting a course for future development of retail, residential, institutional, lodging, meeting, and community spaces in this jewel of the Grand Valley. The goals and actions of this Plan are complementary and consistent with the aims of the Comprehensive Plan and previous planning efforts and support the vibrant historic setting as well as the economic, cultural, and social vitality of the Downtown. It was accepted and approved by the DDA Board in December 2008.

A key goal identified in the Strategic Plan is to protect the existing residential neighborhoods and historic structures and districts. The implementation strategy proposed is through the use of overlay zones to address the unique attributes of the various areas. In addition, the Downtown Strategic Plan supports two projects currently underway, the Main Street Uplift and the City Center Catalyst Project.

The Strategic Plan and Overlay Zone establish separate and distinct areas within the original square mile. The Central Business District (CBD) encompasses the heart of the downtown retail and service area. The Transitional Area includes properties adjacent to the residential core that are currently zoned and/or used for non-residential uses. The CBD North includes the City Center Catalyst Project three blocks, as well as additional properties along Grand Avenue. The Residential Core includes the well established neighborhoods, generally north of Grand Avenue between 2nd Street and 7th Street and

north of Colorado between 7th Street and 12th Street. The 7th Street Historic District includes all the properties listed in the National Register of Historic Places in 1984.

Attachments:

Citizen Comments

Resolution adopting the Grand Junction Strategic Downtown Master Plan (which is attached)

Ordinance adopting the Strategic Downtown Master Plan Zoning Overlay (which is attached)

Ordinance adopting the North 7th Street Residential Historic District Zoning Overlay (which is attached)

Friday, August 21, 2009


Subject: Opinion Regarding the DeRoses Bed and Breakfast

As this topic has caused much upset between several neighbors on 7th St., I would like to offer my opinion on the matter. First, I see absolutely no problem with the DeRoses home being converted into a B&B. It is a lovely, historic home, quite large in size, and more than adequate to provide this type of service. A B&B is not a typical business where cars come and go, or where there is foot traffic. Instead a B&B is the same as having relatives come into town for a visit. They come, they park their car, they stay for a few nights, and then they leave.

As for the effect to our historic district, I think it would be very positive. It would generate more interest in our street, bring some added business to our area, and help preserve the historic character of the home and assist with its maintenance. This will only help to ensure that the home keeps its beautiful appearance and continue to enhance the historic charm of 7th St. In addition, this business will not have any of the negative side affects that are expected with a typical brick and mortar business.

I support the DeRoses in this endeavor, look forward to the addition of a B&B to our street and know they will do a fine job in running such a business.

Thomas F. Watson



Re: Proposed Bed & Breakfast
604 North 7th
Grand Junction, Colorado

August 3, 2009

I am writing to bring attention an issue I believe to be of economic importance to Grand Junction and also as an injustice to a family looking to open a Bed and Breakfast in the historical district of Grand Junction.

Why would the Derosé home on 604 N. 7th St not be allowed to receive a license for a bed and breakfast?

The beauty and elegance of this home in this historical district would be a great addition to Grand Junction.

Several Bed & Breakfast's were located within blocks of their home years ago. Giving them a license does not open up other businesses such as high rises or retail businesses. It's just an opportunity for hard working individuals to create opportunities for themselves and the local businesses around the downtown corridor.

The type of people that come to Bed and Breakfasts are from out of town and are a strong consumers, they purchase antiques, dine out, tour the wine vineyards and generally fashion conscious and motivated.

The historical district and many homes have been altered to include window siding and even **rentals**, even though historical guidelines are not met. I cannot see a single reason the Derosé family should not be awarded this opportunity. The Bed and Breakfast would be an asset to the community and with many fine antiques and architecture they possess would be an enjoyable experience to pass along those views to other potential travelers and shoppers to Grand Junction.

Please consider this a great addition to a beautiful historical district.

Sincerely,



Harry, L. Oliver

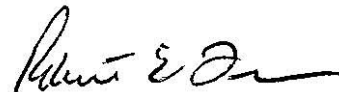
Grand Junction City Council

Dear Council Members,

This letter is in support of Ron and Sherri DeRose's request to establish a Bed and Breakfast on Seventh Street. As an historical district I can think of no better usage that would maintain the residential atmosphere yet allow for an economic activity that would help sustain and preserve the historical character of the area.

In my opinion, a Bed and Breakfast would not create a noticeable increase in traffic much the same as the boarding houses of past decades. In fact I can only think of positive benefits such as additional tourists and shoppers brought to the area.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Fuoco". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert E. Fuoco

To: City of Grand Junction:

I'm all for a "Bed'n Breakfast" place
Gives Grand Junction a touch of "Small
Town Class."

In the business of a convenience store
I work for, I've had customers ask
if one exists in this town.

I hope all goes well in our
town getting the first one running.

Ms. Jodie Whites
P.O. Box 45905
81504

Aug 28, 2009

To whom it may concern,

I would like to offer my support for the Bed and Breakfast proposed for 604 North 7th Street. Historical districts, across the nation, find Bed and Breakfasts a great way to utilize their larger homes.

What could be better than people coming into our neighborhood and appreciating our older homes, all the while spending money downtown and supporting the local economy.

Betty Kempton

2805 Mesh Avenue G S Co 81501

My feelings are for the bed & breakfast as
it will be a definite asset for the community

To whom it may concern,

I would like to offer my support for the Bed and Breakfast proposed for 604 North 7th Street. Historical districts, across the nation, find Bed and Breakfasts a great way to utilize their larger homes.

What could be better than people coming into our neighborhood and appreciating our older homes, all the while spending money downtown and supporting the local economy.

I feel it would be an
asset to downtown area.
It is beautiful downtown
and what a nice way to
share it with tourist.

Katherine Bay

September 6, 2008

Reference: Grand Junction Overlay

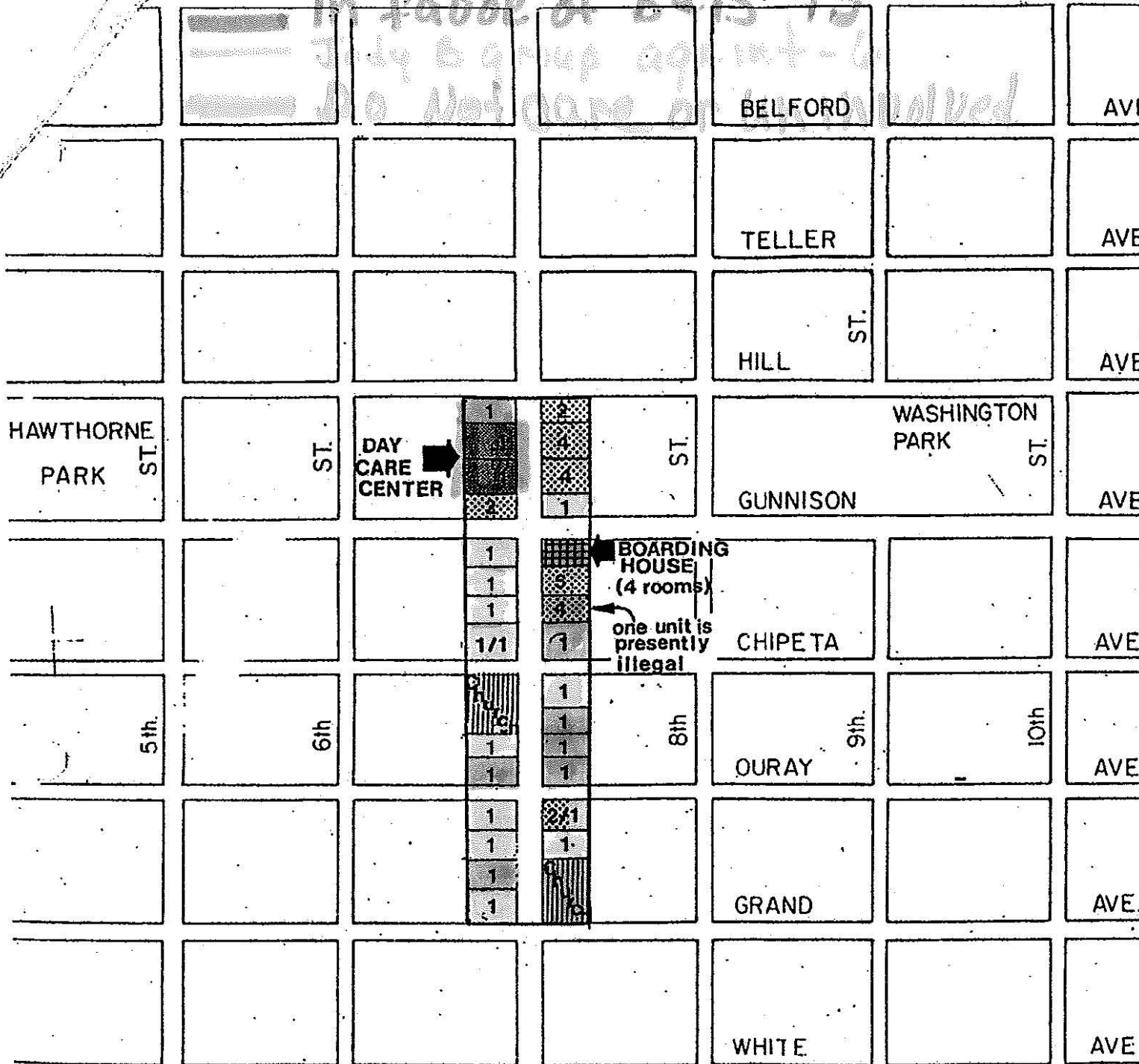
Dear City Council:

My name is Ron DeRose and I live at 604 North 7th Street, Grand Junction, CO 81501. I would like to commend the city for their hard work in producing the overlay for the downtown area, including the 7th Street historical district. I live in this district and as you well know my wife and I have applied and been approved for a Bed and Breakfast. I believe the overlay is very important to the continual success of the original square mile of Grand Junction. All across the nation we have witnessed downtown areas dying off with urban sprawl. Only the last few years have we seen cities trying to turn around the damage that has been done by neglect and lack of foresight. Thank you for stepping up to the plate and tackling this problem.

I do realize that there will be some resistance. In my neighborhood a small group of people, less than ¼ of the property owners living in the historical district, represented by Jody Behrmann, seem to be against everything. Please do not think they are a majority. I like and approve of the 7th Street overlay and I would like for you to consider the following points in making your decision.

- 1) The National Register of Historical Places, the Colorado Historical Board and the Local Grand Junction Historical Board and Society are concerned about the exterior of these old houses. It is very important that the exterior of these houses stay as authentic as possible. I believe the 7th Street overlay covers this area of our historical district as much as the property owners will allow. There is a very fine line between preservation and property owner rights. I personally believe property owners should have the "right to decide" concerning their property of course within the context of their zoning.
- 2) As long as the exterior of the buildings are not altered I believe the uses in the overlay are fair. Some of them exist already, matter of fact, some of

In favor of B-13
 7/4/84 up 99
 10/1/84



Legend 7th ST. REZONE

Multifamily & no. units
 drn 8/15/84

acres - 12.26
 units - 45



ROOD

MAIN

W.A.'s

7th Street document notice:

"Kristen Ashbeck" <kristena@ci.grandjct.co.us> wrote: > 7th Street Neighbors: > Attached is the draft document developed from the results of the survey that >was conducted in June/July, The City welcomes your comments and those can be >provided either in writing or at the upcoming City Council meetings. You >will be notified of the dates and times for those meetings. > > Thank you for your participation -adoption of a zoning overlay for the >District will be a large step towards preserving the neighborhood. > > Please let me know if you are unable to open the document. We can provide a >hard copy to you or it will be posted on the City's website at www.gjcity.org > > Kristen Ashbeck > Neighborhood Services

Downtown Overlay notice:

You are receiving this e-mail because of your interest and participation in the Downtown Plan. At the neighborhood meeting in March, regarding the original square mile, and in June, regarding the 7th Street Historic District, we received input from those in attendance and those who inquired, regarding various implementation strategies for the Downtown Strategic Plan. The Plan includes the residential core, transition area, the 7th Street Historic District, the Central Business District and the Central Business District North.

Using the feedback from the neighborhood meetings we have developed the attached recommendations for the overlay zone and plan that address the unique characteristics of each of the identified areas. The plan and overlay, when adopted, will serve to guide the growth and development of Downtown as part of the City's Comprehensive Plan.

If you are unable to view the attachments, you can view the documents on the City's website, www.gjcity.org. If you would like a hard copy, let me know. We will receive public comment on the proposed plan and overlay in writing and/or comments may be presented at the City Council hearing, which will likely occur either on August 17th or August 31st. Once the date is firmly set we will let you know and it will be posted to the website.

Kathy Portner, AICP
Neighborhood Services
Manager
kathyp@gjcity.org
(970)244-1420

>>> Kristen Ashbeck 8/17/2009 10:14 AM >>> Joe: Thank you for taking the time to look over the proposed zoning overlay for the 7th Street Historic District. We appreciate your comments and will try to address them.

Staff has re-calculated the questionnaire responses (attached) and eliminated the pie charts because they were the source of some confusion.

Regarding your question on Other Allowed Residential Uses a decision on those uses would be made by the Director of Public Works and Planning with the Planning Commission serving to hear appeals of the Director's decisions. An appeal could be made in accordance with the Zoning and Development Code. The draft overlay provides that the Historic Preservation Board would be a review agency on such an application. The Other Allowed Residential Uses were included in the draft in order to establish consistency with uses that are allowed throughout the residential zone districts in the City. From the staff perspective the Other Allowed Residential Uses are reasonable and should be identified in the 7th Street plan as acceptable residential uses. They are acceptable throughout the City and we are aware of no reason that they should not be acceptable on 7th Street. We understand from those folks responding to the questionnaire that they are not wholly in favor of other residential uses but because the R-8 zone district is the most appropriate underlying zone district and that district allows the uses it would follow that the uses should be allowed in the 7th Street District. This is certainly a point of discussion for neighbors and property owners to address with City Council when the overlay comes before Council.

The information that appears in the appendix of the document was compiled by a summer intern. She did a good job of gathering a lot of data in a short time. Before the overlay plan is completed we will correct minor errors such as the spelling of your home's builder. We appreciate the clarification that you offered and would ask that you feel free to offer additional comments or corrections.

Hopefully this clarifies your concerns. Please let us know if you have further comments, questions or suggestions.

Kristen Ashbeck
Neighborhood Services

>>> "joe hatfield" <joehatfield@bresnan.net> 8/12/2009 1:53 PM >>>

Kristen,

Thank you for putting this all together. I do have just a couple of comments/questions:

* My home at 407 was built by Heman Bull, not Herman Bull. I would not want this to be misidentified on anything official. Thank you.

* Some of the pie charts colorations do not match the percentage results given. The biggest and most crucial example is in regards to the land use change for a B&B. The responses are listed in numerics as 38% No and 62% Yes for the question of if a B&B should be allowed without public comment. However, the pie chart clearly shows a majority of residents responding "No" for this question. Could you please clear this up? This is on page 54.

* Finally, in regards to the section "C. OTHER ALLOWED RESIDENTIAL USES" (pg7-8) I have 2 questions. It states: "The following uses are allowed within the North Seventh Street Historic Residential Uses subject to review and compliance with the Zoning and Development Code. The City of Grand Junction Historic Preservation Board shall be a review agency for all such applications." Does this mean that these uses listed would not be subject to public comment before City Council?

Secondly, how was this decision determined? According to the survey, three out of four of those other uses were answered "No" by a majority of residents, and possibly all four depending on your response to my last question. Please correct me if I am mistaken, but it looks like our responses were disregarded in this case. The majority of residents said that these change of uses should require public comment, but the overlay would seem to indicate that they will be decided by the Historic Preservation Board. Could you please clarify?

Thank you again for putting this together. If you require additional information to answer any of my questions, please let me know.

Thanks.....Joe Hatfield, 407

>>> "Jan Logan" <jan.logan@bresnan.net> 8/13/2009 10:34 AM >>>
Hi, Kristen,

Thank you for sending me the draft of the 7th Street Historic District Zonine overlay. As a member of the First Baptist Church, there is considerable concern by the general membership that the proposed considerations are too restrictive and detrimental to the ownership of the church property, as well as other properties within the district, in the following sections of the proposal:

4. Design Guidelines and Standards

B. Architectural Considerations

9. Repairs and Renovations

Delete the language that "demolishing a building for any reason other than structural safety may not occur without consent of the City." Delete the language "no new primarily nonresidential structures shall be built in the district."

C. Demolition

Delete this paragraph in its entirety. This language puts potentially unlawful restrictions on the use and ownership of real property and should be eliminated.

Karen, we think it is damaging to property values and to the rights of the owner to place these type of restrictions on the property and, specifically, to place the decisions as to demolition in the hands of any committee or permission of the city.

Please enter the objections of the First Baptist Church to these proposals. If it would be helpful in your presentation, we can circulate a petition outlining these objections throughout our membership and present it at a future city meeting.

Thank you for your consideration.

Jan Logan Board of Trustees First Baptist Church

>>> "Sharon Snyder" <sharonsnyder@bresnan.net> 8/10/2009 10:15 AM >>> What is meant by the statement on page 6 of the overlay under general purpose of the guidelines and standards

....To stabilize and improve property values?

Maybe you do not know the property at 536 N. 7th has sold for \$399K which is a very good price in todays housing market. In the last five years 3 properties sold without even going on the market. According to my recent 7th. street search there is no property value problem in the district except for the two properties that are priced hundreds of thousands dollars above the market and/or tax property value. The two properties I am speaking about are 604 N. 7th. and 710 Ouray which have remained on the market for years because of the over pricing. 604 started at 1M. How can the city stabilize and improve the market?

This brings me to my second question which is the overlay explains that two properties have their front door facing the side streets because they are on corner lots. Doesn't that mean if their front door faces a side street their lawn facing the same side street would be their front yard? There is no clarification in the overlay. Why is that relevant? Because the fence codes for height and materials would be applied differently if it is the front yard vs the side yard. Please clarify.

thank you and I am looking forward to hearing from you soon, Sharon Snyder

>>> Kristen Ashbeck 8/18/2009 8:26 AM >>> Jan: Thank you for your comments on the zoning overlay for 7th Street. Your comments will be provided to City Council for its consideration. You are welcome to attend the City Council hearing on September 14th to voice your concerns as well. You will be receiving notification of the hearing in the mail. Please let me know if you have further questions and thank you again for your participation in the planning process.

Kristen Ashbeck
Neighborhood Services

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Thank you for your consideration.

Jan Logan Board of Trustees First Baptist Church

Kathy and Tim

Now that I've been able to more closely review the Proposed Comp Plan Preferred Land Use Plan (map dated 8/19/09) on your website, I realize the propose land use category for my property at 838 White Avenue is Residential High MU (RH) and not Residential High Density (RHD) as it appeared to be on the map in the Proposed Comp Plan Community Meeting held August 19.

The land use descriptions listed in the proposed comp plan (starting on page 22) do not include any guiding principals for any such designation (RH-MU). I will need to see the guiding principles of such proposed designation. Please forward the proposed guiding principles to me as soon as possible.

I am also requesting the proposed zoning standards for the Residential High MU (RH-MU).

Neither the principles or standards can be located on your website; I have searched both the existing regulations and proposed comp plan documents.

Once I receive these details, we can begin to discuss any additional concerns.

With the City Council decision coming soon regarding the Strategic Downtown Master Plan and Overlays, I am anxious to attempt to understand how the proposed Transitional Corridor and the proposed RH-MU Guiding Principle and Zoning Regulation will treat my residential neighborhood. My neighbors are anxious, as well.

I attempted to contact Kathy late this morning to discuss my questions, but since there was no answer, did not feel a phone message was appropriate.

Thank you for your time and for e-mailing me the requested details.

Regards, Sandra Alexander 838 White Avenue

On 9/2/2009 at 2:27 PM, <Donwaynebell@aol.com> wrote:

Re: comprehensive Plan

Last Saturday, I attended a meeting which had been announced by a group of people who appear to be very opposed to the Comprehensive Plan.

"I do not want any change" was the common refrain among many of the attendees (approximately 50). The problem with that attitude – if you resist the forces moving toward change, when change comes it is likely to come with much greater force and devastation than it would have had if it had been managed earlier.

Statements were made that indicate a belief that having a business in the neighborhood necessarily lowers the livability of the area. That may be true in some cases. However, it certainly is not true in all cases. For instance, opposition to the proposed Bed and Breakfast is based on such an assumption.

However, that is not likely the case. When my spouse and I petitioned Kitsap County (Washington State) for a variance to open our home to a Bed and Breakfast, 27 of our neighbors signed a petition asking that our variance be denied. Our request was granted over their objections. Within two years several (not all, but most) had apologized to us for their opposition. The basic issue had been that they did not want any change – until they realized the B&B caused no disturbance, and actually increased the value of their properties.

The second most common refrain at the meeting Saturday was "The City is not listening" From all the notices I have received in the last two years regarding the Plan, it appears to me that it is unlikely the city is not listening. My conclusion is that those who do not like the decisions the city has made (after listening) simply are not willing to accept the results of the planning for inevitable change, and instead complain that "The City is not listening..."

The Comprehensive Plan seems to be a reasonable approach toward managing the inevitable change which is caused by increased population.

We urge adoption of the Plan. We also support the establishment of a Bed & Breakfast on 7th ..

Don Bell & Sandra Lee 315
Ouray Ave Grand Junction,
CO 81501 970 263 4500

To Whom It May Concern:

Thank you for giving me the opportunity to participate in your proceedings by email, since I may be able to attend the neighborhood meeting on March 24th. I own four city lots on White Avenue between 8th and 9th Streets. I live in one of the five one bedroom apartments on the property, which holds two duplexes and a separate unit. I understand that you are trying to determine what is best for the entire city, not for individual property owners, but I believe that the best way to assure a reasonable supply of well maintained residential property downtown is to intermix commercial development, and consequently support commercial rezoning of the block where I live.

Absent various political impossible incentives and tax breaks, the market is not going to transform my neighborhood into an oasis of renovated, owner occupied, single family homes. The issue is how to assure that the area is not dominated by dilapidated eyesores. I have lived downtown for over ten years. According to everyone I know who owns downtown rental property, for all but the last year or so, it has been difficult to find good tenants who could pay sufficient rent to even adequately maintain the existing dwellings. Even when the local real estate market was strong, the market for renovated single family homes was very slow. None of the professionals that I have consulted have suggested that it would make economic sense to invest significant money in improving my properties.

Starting at 8th Street, the block holds a low income apartment building, my rental properties, a restored single family dwelling, a home with a rental unit, a house that has been unoccupied for at least five years, and one that is currently rented. Two of the single family homes have been on the market in the last year, but neither has been sold. The block is fairly typical of the downtown area, since most blocks include rented properties, a shabby house or two. and perhaps one renovated dwelling. Their interests should be considered when various commercial proposals are reviewed, Those who currently live in the renovated houses will be the principal opponents of commercial rezoning, but they may be worse off if the surrounding rental properties continue to deteriorate. No one expects massive office buildings to overtake residences in this area any time soon, a commercial zoning designation would put future purchasers of property on notice that the future of this neighborhood is probably commercial.

Irene May

3/22/09

Kathy,

Thank you for the clarification that the Catalyst Project as to who was invited. However, since the library property is only one block from my house I am interested in the development as to what kind of an impact that is going to have in this neighborhood.

Re the Downtown Plan. The representative that the city selected to be the neighborhood representative just didn't work out. I have kept in contact with several of the residents that were at the February meeting in 2008 who wanted to be kept up to date on the progress of the plan as it developed. The representative did not do that. Those of us who attended that meeting wanted to be kept in the loop. I expressed to you in a Feb. 2, 2009, e-mail that the representative had failed us. When I spoke to the neighborhood representative at the library meeting he said that he had not addressed our concerns in the steering committee meetings that he had attended. That is most unfortunate for these neighborhoods as our interests were not protected. Those who were interested in getting the information feedback from the neighborhood representative were from all areas of the remaining original square miles, not just one neighborhood. The concern of having a representative that would represent all neighborhoods was expressed to you in

2008.

After checking the names of those on the Steering Committee for the Downtown Plan, David Tashner, who was suppose to be the downtown residential neighborhood representative, is the only person "living" downtown. We were grossly under-represented. We had no voice at all.

But my question to Kris, "How is the public informed?" somehow got lost in the e-mail shuffle and was never "really" answered. Time is getting shorter and we have not been adequately involved.

But of even more concern is your statement that both the Downtown Plan and the 7th Street Overlay will go to Council in two weeks. I thought there were supposed to be additional meetings on the Downtown Plan before it went to Council, and I know that the 7th Street Overlay was supposed to involve much more input from the neighbors. We were specifically told that at the June 24 meeting. You assured us that it was only a preliminary meeting to gather some basic information and then we would have more meetings about developing the actual Overlay. The July GJ Historic Preservation meeting was cancelled because that information wasn't ready yet. Are you now saying that the Overlay is going to the Preservation Board and Council for final approval?? In two weeks? How is that possible?

Thank you for your time on this issue, Kathy Jordan

On Wed, 29 Jul 2009 17:35:55 -0600

"Kathy Portner" <kathyp@ci.grandjct.co.us> wrote: > Let me try to clarify the confusion with the library catalyst project. Last > week's meetings with the consultants was their kick-off visit to start > gathering information and data on the three block catalyst project. During > their time here, they visited with representatives from the DDA, Library, > City, County, Housing Authority and the church property investors. They also > wanted to get a feel for some of the neighborhood issues, so we invited just > a few of the neighbors to the north of the property for that focus group > discussion. None of these focus groups included everyone from each of those > agencies or groups. As this project moves forward, there will be community > involvement at all levels. > > On the Downtown Plan adoption, we will be proceeding with recommendations > for overlay zones to implement the goals outlined in the Downtown Strategy. > Those will be in conjunction with the recommendations for the 7th Street > District, which will be available for review at the end of next week and will > be considered by the Historic Preservation Board on Aug. 11th. We will > notify all those who have been involved in the process and will post the > updated information to the City's website. The City Council will consider > the recommendations at the Aug. 17th or 19th hearing. > > Kathy Portner, AICP > Neighborhood Services Manager > kathyp@gjcity.org > (970)244-1420 > >>>> Kristen Ashbeck 7/29/2009 10:11 AM >>>> > The meeting last week was not a neighborhood meeting, nor was it part of the > Downtown Plan so, no, nothing was published to my knowledge. The project for > the 3-block area is separate from the Downtown Plan. The consultant for the > 3-block area was merely on an initial community fact-finding visit and did > not intend for the meeting last week to be anything more than that with > various small groups. I am certain, once this plan progresses or if further > work is done on the Downtown Plan that the public will be informed. I don't > believe there is any set schedule for either plan at this point. > >>>> "Kathy Jordan" <kijt1@bresnan.net> 7/29/2009 10:04 AM >>>> > Kris, > > I just checked the City web site to find the next schedule meeting for the > Downtown Plan and I must not be looking in the right place because I > couldn't > find a meeting schedule list. > > After talking with Dave, the person we were told was our neighborhood rep, > that the reason he didn't keep those of us who had given him our contact > information is that things became intense in his neighborhood and also he > had > just started a new job. I told him that it would have been good if he had > let > you or Kathy know this so we could have had a representative to keep us > informed. Since there have been only two neighborhood meetings for all the > residential neighborhoods, and one for the district we would really like to > be > able to attend meetings so we know what is happening to our neighborhood and > keep others informed. If the plan is adopted the residents really do need to > know what we are in for. > > I spoke with Dave at the library last week when I attended a meeting that I > had no idea was happening until Betty Fulton ask if I was going, I told her > no > because I didn't know anything about it but I would now attend. I ask around > the neighbors within two to three blocks of the library and they had not > been > informed of the meeting either. Was it published somewhere and we just > missed > it? > > > > Thanks, > Kathy > Kathy,

During the meeting we had in June at the First Baptist Church we were told by city staff that that meeting was the first step, an information gather meeting, the information gathered at that meeting would be tabulated and another neighborhood meeting held to go over the results, then it would go to the Historic Preservation Board and possibly then to City Council. I think a step has been skipped.

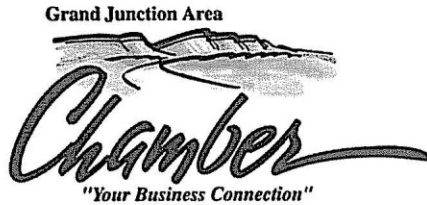
On Tue, 04 Aug 2009 16:31:24 -0600 "Kathy Portner" <kathyp@ci.grandjct.co.us> wrote:

> At the neighborhood meetings in March and June, we received input from those > in attendance and those who inquired, regarding various implementation > strategies for the Downtown Strategic Plan. The Plan includes the > residential core, transition area, the 7th Street Historic District, the > Central Business District and the Central Business District North. > > Using the feedback from the neighborhood meetings we are developing > recommendations for the overlay zone and plan that will address the unique > characteristics of each of the identified areas. The plan and overlay, when > adopted, will serve to guide the growth and development of Downtown as part > of the City's Comprehensive Plan. > > John Shaver has asked me to provide him with the 7th Street overlay as soon > as it is available so that he may forward it to Jodi Behrman and Tom Volkman. > I know that John has spoken with both Jodi and Tom and asked them to ask you > and your neighbors to review and comment on the plan and overlay. I know > that you are especially interested in the 7th Street component but because of > your overall interest in Downtown I would ask that you review and comment on > the entire plan. The 7th Street plan will include a use matrix and will > clearly spell out what steps are required to amend the plan once it is > adopted. > > The draft plan will be available for review by the end of this week or early > next week. Notice will go out via e-mail and regular mail to all those who > participated in past meetings. The draft plan will

also be available on the City's website. We will receive public comment on the proposed plan and overlay in writing and/or comments may be presented at the City Council hearing, which will likely occur either on August 17th or August 31st. Once the date is firmly set we will let you know and it will be posted to the website. Kathy Portner, AICP Neighborhood Services Manager > kathyp@gcity.org > (970)244-1420

On Mon, 02 Feb 2009 17:25:34 -0700

"Kathy Portner" <kathyp@ci.grandjct.co.us> wrote: > Sandra--First, let me apologize for the lack of notice that the plan summary >is scheduled for the City Council hearing tonight. We had originally >anticipated that the plan would not move forward until the City's >Comprehensive Plan came before the City Council, which was planned for later >this Spring. However, the Comp. Plan schedule has now been bumped back to >the summer and the Council asked that the Downtown Plan move forward, since >it had already been considered and adopted by the DDA. > > We did take your comments on the original document into account as we >completed our final review, and really appreciate the time you and Kathy >spent on it. We distilled the large document down to the attached goals and >action items, which is what the DDA approved and the City Council will >consider tonight. The attached resolution also further distinguishes the >goals for the residential area and the central business district. The goals >and action items specific to the residential area are to strengthen the >neighborhoods that already exist. They are very broad and will compliment >the efforts of the Comprehensive plan and future efforts in the downtown >area. > > Again, thank you for your commitment to the downtown and your neighborhood. > > > Kathy Portner, AICP > Neighborhood Services Manager > kathyp@gjcity.org > (970)244-1420 > > > > > "VINCENT KING" <slavak@bresnan.net> 2/2/2009 5:07 PM >>> > My husband and I attended both public meetings held last year introducing >the > study into the Original One Mile Square for Grand Junction. In those > meetings, we were encouraged to participate and assured we would receive > feedback information into the progress of the plan. Last summer, Kathy >Jordan > and I (with our spouses) met after finding the draft plan on the Grand > Junction website. It contained inaccuracies and we contacted Kris Ashbeck >to > provide direct comments and continued to reiterate our interest in being > updated. > > Unfortunately, I understand from Kathy Jordan a resolution to adopt the > executive summary of the downtown plan will be presented to City Council >this > evening. If it hadn't been for Kathy letting me know, I would not have been > informed of anything continuing regarding this plan and feel I as a resident > would have been wrongly represented. > > We are invested in our downtown residential community, both emotionally and > financially. We expect our representatives to maintain transparency in >their > representation to both the business and residential community. We would > expect, as we expressed in the original community meeting, to remain >informed. > We left our names, phone numbers, addresses and any pertinent areas of > interest we would like to be involved in. Neither my husband nor I have > received any direct information from the city or other parties. > > In closing, I believe this plan to contain more emphasis on business than > established, historically residential neighborhoods. I expect to be >informed > of future meetings regarding my downtown in the future. > > Regards, > Sandra Alexander



September 9, 2009

Dear Grand Junction City Officials;

The Grand Junction Area Chamber of Commerce, an organization dedicated to being the voice of business and promoting economic growth, supports the concept of home based businesses being established in residential areas within certain limitations meant to minimize the impact to neighborhoods.

The location of bed and breakfast facilities in particular is viewed as a viable business that is compatible with residential neighborhoods. Indeed, tourists who opt for the bed and breakfast experience are looking for such a home based experience. Anyone who has traveled to Europe has had the opportunity to stay in homes much older than those found in Grand Junction. Additionally there are over 200 bed and breakfast facilities already established in designated historical districts in the United States.

Conversion of single family residences to bed and breakfasts have also been used as community development tools to maintain established residential neighborhoods and avoid the blight that can occur when older homes are not maintained.

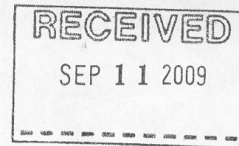
With regard specifically to the proposed bed and breakfast facility in the 7th Street Historical District, the Chamber supports the application approval granted by the City of Grand Junction Planning Department. It was consistent with the existing zoning and met the requirements. Consistency with the planning process has long been a joint goal of the Chamber and the City and consistency was clearly evident in the decision to grant this approval. It should be maintained by the City Planning Commission and the City Council.

Sincerely,

Dean Massey

Dean Massey
Chairman of the Board

From Kathy Jordan



1 HISTORY

The North Seventh Street Historic Residential District encompasses the area as shown on the map below - generally Seventh Street between Hill and White Avenues and the north-south alleyways on the east and west sides of Seventh Street. The North Seventh Street Historic Residential District was listed in the National Register of Historic Places in 1984. The district is the most intact historic residential area in the community and includes noted architect Eugene Groves' 1925 Lowell School. The District includes 35 structures, 21 of single family residential properties, out of that 21, three are currently being used as single family rentals, that were constructed in the community's early years by some of the most prominent and prosperous citizens of the time.

According to the first "Master Plan" of 1883, the 100-foot wide avenue, North Seventh Street, was designed to be a park-like residential area where prosperous residents, who were instrumental in the development of a young city out west, built their homes. Many merchants and professional people built homes along the boulevard between the 1890s and 1930s. The architecture reflects influences and interpretations of several popular turn-of-the-century styles including Queen Anne, Colonial Revival and Mission as well as a progression of development from modest cottages to elaborate bungalows. This resulted in a varied, eclectic and unique character along the boulevard that is enhanced by the wide tree-lined boulevard, with its planted median.

It is recognized that the shady, tree-lined stretch of North Seventh Street with its eclectic architecture deserves to be preserved and protected. To prevent business encroachment and protect the unique single-family residential character of the District, in 1984 the City Council rezoned the District to planned zoning (PR-8), limited the allowed land uses to those that existed at the time, and provided that changes in allowed uses would require a full public hearing process, a recommendation by the Planning commission, and final approval by City council. It is the intent of this Overlay to carry forward that zoning protection and ensure that the residents of the District are given a voice in future planning efforts for the District.

2 PROJECT BACKGROUND

The City's *Strategic Downtown Master Plan* identified goals, actions and tools for implementing the plan for the entire original square mile, including the North Seventh Street Historic Residential District. Because the North Seventh Street Historic Residential District is such a unique area in the community and in downtown, development of a separate zoning overlay for the District to clarify land use and specific design elements was identified as a necessary tool to protect the District.

3 LAND USE

A. UNDERLYING ZONING

The underlying zoning for that portion of the North Seventh Street Historic Residential District that is zoned Planned Development (PD - Dark Green) has an underlying Residential 8 (R-8).

Included in the North Seventh Street Historic Residential District are three properties south of Grand Avenue: two converted houses on the west side of 7th Street and R-5 High School on the east. The houses are zoned Downtown Business (B-2 - Bright Pink) and the school is zoned Community Services and Recreation (CSR - Bright Green). While the design section of the overlay applies to these properties, the zoning remains unchanged.

B. ALLOWED BASE USES

The specific uses in the North Seventh Street Historic Residential District are as listed below by address.

WEST SIDE

739 7th St - Single Family
731 7th St - Daycare
727 7th St - Daycare
715 7th St - Daycare
707 7th St - Single Family
639 7th St - Single Family
625 7th St - Single Family
621 7th St - Single Family
611 7th St - Single Family
605 7th St - Single Family w/1 unit
535 7th St - Church
515 7th St - Single Family
505 7th St - Single Family
445 7th St - Single Family
433 7th St - Single Family
417 7th St - Single Family
407 7th St - Single Family
337 7th St - Apartments - 4 units
327 7th St - Office - 10 units

EAST SIDE

750 7th St - Single Family
726 7th St - apartment 4 units/1 building
712-714 7th St - Duplex front w/4 units in back
706 7th St - Single Family
640 7th St - Boarding House 4 Rooms
626 7th St - 5 apartment units/1 building
620 7th St - 4 units/1 unit in back
604 7th St - Single Family
536 7th St - Single Family
522 7th St - Single Family
520 7th St - Single Family
710 Ouray - Single Family
440 7th St - 2 units w/1 back
428 7th St - Single Family
720 Grand -Church
310 7th Street - School

C. OTHER ALLOWED RESIDENTIAL USES (MINOR SITE PLAN CHANGE)

In addition to existing uses, only the following residential uses are allowed within the North Seventh Street Historic Residential District. Such uses are subject to administrative review, and compliance with the *Zoning and Development Code*.

Home Occupations pursuant to Code Section 4.1.H. 4.1.H.2. Permitted home occupations shall not interfere with the peace, quiet and dignity of the neighborhood. The following examples are of uses that would be acceptable as home occupations: low volume office (insurance, realty), beauty shop, seamstress, instruction (as limited in item number 7 of Table 4.1), home-based day care, word processing and other computer applications, and door-to-door sales.

D. ALL OTHER USES (MAJOR SITE PLAN CHANGE)

This Overlay Zone is not intended to categorically prevent any future use changes but to ensure that if they occur, they are carried out in a consistent manner and with appropriate opportunity for public input. Any proposed use other than strictly single family residential, or a home-based occupation permitted in accordance with section C, above, shall require a full public hearing process and a final decision by City Council. The public hearing procedure shall be in accordance with that of a rezone application in the *Zoning and Development Code*.

The City of Grand Junction Historic Preservation Board shall be a review board for all such applications. The Preservation Board has no policy making authority and operates as an advisory board to the planning department

In addition, any demolition, removal, addition, or replacement of any principal or accessory structure shall be reviewed in accordance with this paragraph.

E. REVIEW OF RESTORATION REPAIRS

Renovations and alterations to existing structures and/or site features, where the use of the property remains the same as identified in Section B, shall be subject to administrative review per the *Zoning and Development Code*. Appeals of a Director's decision and variance requests shall be heard by the Grand Junction Planning Commission. The City of Grand Junction Historic Preservation Board shall be a review for all such applications.

4 DESIGN GUIDELINES AND STANDARDS

A. STREETScape AND DISTRICT

1. Views. The North Seventh Street Historic Residential District's unique buildings are bordered by a mature, tree-lined street, which creates an extended horizontal view. This open view gives the buildings in the North Seventh Street Historic Residential District visibility and provides safety. Through application of the overlay the City will:

Maintain the direct visual line of sight up and down the North Seventh Street Historic Residential District corridor and at the cross street corners by minimizing unnecessary visual clutter and distraction.

Maintain and enhance the historic character of landscaping in the median and the park strip between the curb and sidewalk along North Seventh Street Historic Residential District. Materials will be primarily grass, street trees flowers and low ornamental plants.

Park strips should not be planted with dense, tall materials as they detract from the overall character of the streetscape and impede visibility and safety for pedestrians and vehicles.

Parking is not allowed in the park strip along North Seventh Street Historic Residential District. Non-residential parking is not allowed on the side streets.

2. Landscaping. The North Seventh Street Historic Residential District's unique streetscape enhances the architectural character. Through application of the overlay the City will:

Maintain and restore where missing, the historic spacing of mature street trees along the North Seventh Street Historic Residential District corridor. Street trees along North Seventh Street Historic Residential District provide full canopy coverage for shade for residents and pedestrians. Street trees should remain intact, with new trees planted to fill in where they may be missing or as aging trees are replaced.

Maintain and enhance the historic character of landscaping in the median and the park strip between the curb and sidewalk along North Seventh Street Historic Residential District. Materials should be primarily grass, street trees, flowers and low ornamental plants. Landscaping these areas with no living material is prohibited.

Park strips should not be planted with dense, tall materials as they detract from the overall character of the streetscape and impede visibility and safety for pedestrians and vehicles.

2A. RESIDENTIAL LANDSCAPING

Through application of the overlay property owners will:

Maintain and enhance the historic character of landscaping in their front yards

Materials should be primary grass, flowers, trees and low ornamental plants

No non-living material such as rock ground cover in place lawn

Zero scalping and the removing of mature trees needs to be review by the Grand Junction Preservation Board through a written request through the planning department.
Property owners hedges or natural property divisions should not impede the North and South and East and West view.

3. District Identification. Clear, legible, unified signage allows visitors to immediately recognize they have entered the North Seventh Street Historic Residential District. Currently, there are identification signs at either end of the North Seventh Street Historic Residential District but they are not consistent in appearance.

Through application of the overlay the City will:

Enhance the character of the North Seventh Street Historic Residential District by providing clear entrance signage and/or other design features that clearly identifies the North Seventh Street Historic Residential District

Replace historic street names in the sidewalk at all cross-street intersections within the District if need be determined by the North Seventh Street Historic Residential District property owners.

3A. IDENTIFICATION

Through application of the overlay the City will provide signage which is compatible with existing signage documenting the history of significant properties within the North Seventh Street Historic Residential District. This will provide downtown walking traffic the opportunity to learn about the unique historical background of significant residences within the North Seventh Street Historic Residential District.

B. ARCHITECTURAL CONSIDERATIONS

1. Building Proportions. Maintaining a building's historical massing and scale and a consistent building height gives the North Seventh Street Historic Residential District a unique appearance that helps preserve its historical character and reinforces the North Seventh Street Historic Residential District's architectural period and style.

You must apply for a building permit from the Mesa County Building Department prior to undertaking any architectural alternation

The arrangement of building components or volumes into a whole structure constitutes its mass and scale. The building's overall massing and form should honor its historical

style. In the North Seventh Street Historic Residential District, the building forms have historically reflected a human scale.

Buildings within the North Seventh Street Historic Residential District shall be no taller than three stories or 35 feet whichever is greater.

First floor facades that face North Seventh Street shall be of a height similar to adjacent buildings not to exceed 35 feet to further create visual unity.

2. Building Setbacks and Placement on the Lot. Cohesiveness within the North Seventh Street Historic Residential District begins with the alignment of individual properties, which gives way to cohesive blocks. Maintaining the setbacks/building placement is necessary.

Primary structures up and down the street shall visually align. Maintain a minimum front yard setback of 20 feet and a maximum of 30 feet for all primary structures.

Maintain the historic pattern of side yard setbacks for principal structures that establish a consistent spacing of facades on the streetscape.

3. Roofs. Severely altering a building's roof changes a building's height, façade, and support structures. This ultimately alters the building's historic form and does not preserve its historic character.

Roof shape, pitch and overhang shall keep the building's original construction and historical style.

Keeping rooftop features such as chimneys and other fixtures is encouraged to reinforce the building's historical style. Again any alternations of the chimneys and fixtures must be approved by use of a building permit obtained through the Mesa County Building Department, and will be reviewed by the Grand Junction Preservation Board.

The replacement of any roofing material on a significant structure where the roofing materials is important to the significance of the structure will be reviewed by the Grand Junction Preservation Board and through the application of a permit from the Mesa County Building Department and reviewed by the Grand Junction Preservation Board.

4. Entrances. The buildings in the North Seventh Street Historic Residential District were designed to face North Seventh Street. This is Grand Junction's only downtown residential example where entire blocks of houses face a north-south street. This detail is a defining characteristic for most of the North Seventh Street Historic Residential District and must be maintained. Modification of the size and/or location of the doorway changes the overall style of a building's façade.

Unless a building was originally designed differently on a corner property, the primary building entrances shall face North Seventh Street. The exceptions are 604 N. Seventh

St. and 710 Ouray Ave., because they were originally designed differently on a corner and their primary entrance does not face North Seventh Street.

Doorways shall keep the building's original construction and historical style. Replacement front doors must reflect the same historical style as the original.

5. Windows. Modification of the size and/or location of a building's windows change the overall style of its façade. Window shape, alignment and style must be protected to preserve the building's historic character.

Maintain the historic pattern of windows and their vertical and horizontal rhythms.

Openings should not be enlarged, closed off or otherwise altered in form.

Repair and maintenance of windows is a primary need. Replacement window sashes and frames or components with alternative materials other than the original materials requires a building permit from the Mesa County Building Department to preserve the historical value.

Shade structures such as awnings are appropriate additions to windows provided materials are consistent with the architectural style. Primary materials shall be cloth and wood. Plastic, vinyl and metal shade structures are not allowed.

6. Porches, Stairs and Entry Platforms. A key characteristic of many of the buildings in the North Seventh Street Historic Residential District is the pattern and prominence of the raised, first floor porches, regardless of the architectural style or period. This important element of the streetscape and its components of construction must be maintained.

Maintain porches as integral parts of the overall building character and style.

The ground plane of any entry platform or stairs must stand no higher than one-half a story.

An open porch can become a screen enclosed porch providing the original lines of the porch roof and eaves and supports are preserved. Enclosure of any porch other than screened is prohibited.

7. Accessibility and Fire Escapes. For any necessary handicapped building uses, access and/or fire access may be required. All ADA requirements will be honored

For accessible ramps, use the same materials and design ramps to be compatible with the architectural style of the building. The ramp must provide a non-skid surface and have no greater than a 1 to 12 slope.

The addition of a fire access should reflect the overlay design elements. A building permits through the Mesa County Building Department is requires as well as a review the Grand Junction Historic Preservation Board.

8. Exterior Materials. As historic homes age, exterior materials inevitably need replacing. Whether scientific advancement has deemed a certain material unsafe or a material is simply worn, it is important to replace these materials in a manner that reflects the building's historical style in order to preserve the North Seventh Street Historic Residential District 's overall character.

Exterior surfaces should be replaced with historically accurate materials monitored by the Grand Junction Historic Preservation Board.

If the former is not possible, exterior wall surfaces, foundation, roofing, trim, gutters, downspouts, exterior lighting and other unique detailing can be replaced with modern materials provided the Grand Junction Historic Preservation board has determined the appearance is consistent with the historical character.

Hazardous materials that do not pose a threat can remain a part of the structure. Hazardous building materials that must be replaced will be done in accordance with the regulations of the Mesa County Health Department. Materials will be replaced in a manner that keeps a building's historic style.

9. Repairs and Renovations. As historic homes age, repairs and renovations are inevitable. It is important to maintain a building's historic style in order to preserve the overall historic character of the North Seventh Street Historic Residential District. Demolishing a building for any reason other than structural safety will not occur without consent of the City.

No new nonresidential structures will be built in the District.

10. Additions and Secondary Buildings. The landmark structures along North Seventh Street historically define the North Seventh Street Historic Residential District. Each landmark structure must be maintained and each building's historical form should not be

altered to preserve the character of the North Seventh Street Historic Residential District

Secondary structures shall not be taller than the highest eave line of the primary structure.

Additions shall not exceed 35 percent of the gross square footage of the principal structure and not be visually prominent from North Seventh Street. The building/planning department will position and approve design plans so that they are subordinate to and does not alter the original portions of the front façade.

The planning/building department will maintain the historical alignment of buildings when approving additions.

If additional floors are constructed, the set back of the addition must preserve the historic eave or roof line of the original structure.

The height of the addition shall not exceed the overall height (roof peak) of the original structure.

The materials used for additions must be similar to materials used on the original building.

C. DEMOLITION

Designation of a structure within the North Seventh Street Historic Residential District does not mean that it cannot be demolished. The following guidelines will be considered when determining whether or not a structure may be demolished.

Whether the structure is an essential part of a unique street section or block and whether that can be appropriately reestablished a new structure.

Whether the structure is contributing landmark and has significant historical importance.

The state of repair and the structural stability of the building.

D. SIGNAGE AND SITE IMPROVEMENTS

1. **Fencing.** Fencing in the front yards of properties along North Seventh Street limits the north-south views and detracts from views of the architectural facades of the buildings. The front yard is determined by the placement of the primary structure on the lot. As referenced in the Planning Department definition section "Front yard."

Fencing is allowed on all sides of the property according to the *Zoning and Development Code*.

Fencing in rear and side yards shall be subject to the regulations of the *Zoning and Development Code*.

Front yard fencing within the North Seventh Street Historic Residential District shall not exceed 36 inches in height and be of an open design.

Front yard fencing materials should be in keeping with the building's historical style. The color and texture of the materials should be coordinated with the adjacent structures. Wood, brick and wrought iron are the most appropriate front yard fencing materials. The use of split rail, chain link and wire mesh is not allowed.

2. Parking. Front driveways and on-street parking along North Street is not allowed.

For all uses within the North Seventh Street Historic Residential District, maintain the historic pattern of automobile uses at the rear of the lot or off side streets. No parking is allowed in the front yard setback except on side streets if located in the rear half of the parcel. Front yard parking using alley access is not permitted. Using the alley as additional parking and that parking is visible from North Seventh Street is not permitted.

Paved parking spaces and accessory parking structures must be screened from views from North Seventh Street.

3. Individual Building Signage. Modern signage detracts from a building's visual impact and overshadows architectural detail.

Signage shall blend with the historical style of the building to reflect the district's overall historic character of the District.

Signage cannot exceed 1x2 square feet in size.

Design of a sign shall reflect the unique details, materials and colors of the site's architecture and landscape. Lighted signs, whether from the inside or a light reflecting on the sign are not permitted.

Hours of operation for B&B will be from 7:30 a.m. to 8 p.m. as relates to the hours of operation in the transition zone. This guideline is to prohibit additional after hour business traffic.

CITY OF GRAND JUNCTION, COLORADO
Resolution No.

**A Resolution Adopting the Strategic Downtown Master Plan as a Part of the
Grand Junction Growth Plan**

Recitals:

The Strategic Downtown Master Plan was developed through a public process involving a steering committee of interested downtown merchants, property owners, and policy makers during 2007-2008. Recognizing that a strong downtown core supports the economic and community development of an entire region, the goal of the plan was to quantify current conditions, identify opportunities, and recommend specific actions for the decision makers of the Downtown Partnership and the City of Grand Junction.

Since the establishment of the "Original Square Mile" in 1881, the heart of the Grand Junction community has been Downtown. Operation Foresight in the early 1960's put the downtown shopping park on the map for its innovative serpentine street layout and inviting atmosphere. The 2008 Strategic Downtown Master Plan process builds on this long history of vision and progress by charting a course for future development of retail, residential, institutional, lodging, meeting, and community spaces in this jewel of the Grand Valley. The goals and actions of this Plan are complementary and consistent with the aims of the Comprehensive Plan and previous planning efforts and support the vibrant historic setting as well as the economic, cultural, and social vitality of the Downtown. It was accepted and approved by the DDA Board in December 2008.

The Westside Downtown Redevelopment Plan, adopted by Resolution No. 06-04, remains in effect and is incorporated as a part of the Strategic Downtown Master Plan. Provisions of the Strategic Downtown Master Plan shall prevail where there are conflicts between the two plans.

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

The, Strategic Downtown Master Plan included as attached Exhibit A, is hereby adopted and made a part of the Grand Junction Growth Plan.

PASSED on this day of , 2009.

ATTEST:

City Clerk
Council

President of City



Grand Junction, Colorado

A Strategic Downtown Master Plan

“Readying the Environment for Investment”

Prepared for:
Downtown Grand Junction (DDA)

And
City of Grand Junction, Colorado

Prepared by:
 **LELAND CONSULTING GROUP**

Together with:
Parks and Gardens
DHM Design
Thira, Inc.
Drexel, Barrell & Co.



Vision for Downtown Grand Junction

“Downtown Grand Junction will be the principal center for economic, entertainment and meeting activity in the community and region. Together with other locations in the region, the Downtown will be a receiving ground for the region’s growth. Uses will include a mix of commercial, residential, institutional, lodging, meeting and public spaces. Historic elements and the Downtown’s unique character will be evident in private investment and the public realm. The Downtown

transportation network will connect to the region and support internal neighborhoods, shopping and activity districts.

Infrastructure will be financed through shared funding mechanisms, proactively phased and strategically located to leverage private investment.

Green treatments will enhance employment and commercial concentrations, neighborhoods and streets. Design standards will be more progressive than other areas of the community, and will be guided by distinct guidelines and standards.

Community marketing and promotion efforts will be aggressive and proactive,

targeting users which advance sustainability and Smart Growth principles.”

Overview

The Study Area, known as “The Original Square Mile,” is bound by 1st and 12th Streets, North Avenue and South Avenue, located in the south central portion of the City. The Area benefits from a number of characteristics that make it appropriate for development of retail, office, residential, institutional and community uses, including:

- On average, urban residents spend a greater percentage of their household income on retail expenditures, particularly on items such as apparel and food away from home. This indicates an opportunity for additional specialty retail and entertainment space in the Study Area.



- Downtown housing has been and is expected to continue to increase in density with smaller households comprised of young and old, and moderate and lower-income residents. However, with a growing concentration of middle-aged, moderate- to high-income households in the City as a whole, there is an opportunity for Downtown to attract a more diverse, higher-income resident base. The entirety of Grand Junction (urban and fringe) faces a growing shortage of quality affordable housing for its very low- and moderate-income residents, as well as working-wage families. At the onset of the planning process, participants emphasized the need for a set of strategies tailored specifically to the housing challenges present within the Original Square Mile.

- Downtown commercial vacancy and

rental rates are approaching levels required to support new development and/or redevelopment. However, “seed” money will likely be necessary to leverage private investment in projects that will catalyze reinvestment activity throughout the Study Area.

- Among the higher growth employment sectors in the county are service industries often consisting of small businesses. This represents an opportunity for Downtown to develop not only additional live/work units, but also to promote the adaptive re-use of historically-significant buildings and less traditional spaces including former church facilities.

- Forecasts indicate that more than 1.0 million square feet of employment space (office), more than 1.6 million square feet of retail space and nearly 1,100

residential units could be absorbed in the market over the next ten years, from which the Study Area could benefit. The degree to which Downtown is able to capture new demand within the Trade Area (and beyond) will be a function of the redevelopment process itself. Redeveloping key catalyst areas as residential, retail, employment and community destinations will necessarily increase its ability to capture not only a greater share of Trade Area demand, but also to reach beyond those boundaries.

Principles

A critical component of the implementation of the Downtown Strategy was identification of specific actions and clarification of roles and responsibilities. The range of actions presented and identified to move the Plan forward were selected based on a foundation of guiding principles which, while general in nature, were considered responsive to



prevailing conditions, market opportunities, catalyst concepts, framework elements, and stakeholder input. The principles are listed and described in greater detail below.

1) Downtown is One Sub-Market that Competes with the Fringe

Downtown is one sub-market, with several districts, that competes with other sub-markets in Grand Junction. The downtown environment, while presenting tremendous opportunity for investment in a setting uniquely positioned to offer both heart and history, carries with it certain limitations, particularly for land-intensive non-destination-oriented land uses. Development costs are generally higher while project revenues are generally lower. Several market sectors, however, not only survive, but also thrive in a downtown setting. Recognize the obstacles associated with downtown

development and encourage regulatory and financial solutions including public subsidies and creative financing mechanisms.

2) Downtown Must be Market-Responsive

As noted, Downtown is a competitive sub-market within the Grand Junction market. As such, the Downtown environment must be responsive to changing conditions, with implementation tools and mechanisms in place to both offset competitive disadvantages and capitalize on competitive assets. Implementation of this Plan should include continually monitoring market conditions and distributing this information to a broad audience including developers, business and property owners, lenders, city staff, elected and appointed officials and other members of the delivery system.

3) Downtown Infrastructure Must be Protected and Retained

“Infrastructure” as it is referred to here includes physical features (parks and open space, public improvements), service organizations (churches, schools, government offices), a mix of employers (retail, service, government – large and small users), historic residential neighborhoods and community attitudes toward Downtown. Unlike many communities across the country, Downtown Grand Junction’s existing infrastructure is more than sufficient to promote itself as a downtown neighborhood. These assets, which provide the impetus for investment, need to be protected and promoted. All too often, communities focus efforts on the attraction of new businesses and developments rather than on preserving and expanding its existing inventory.



4) Downtown Must be Greater than the Sum of its Parts

The synergy created by the mix and density of land uses in a downtown environment is unique. Within this environment, businesses, residents and visitors are attracted to the high concentration of activity occurring throughout the day and evening. To foster this level of activity and synergy, niche strategies must be formulated to strengthen and link the various individual land uses and infrastructure elements currently existing. As new projects are introduced, careful consideration should be given to their ability to further strengthen these linkages.

5) Downtown's "Tool Bag" Must Have Many Tools

As Downtown competes in the local and regional marketplaces, its "tool bag" must contain a variety of strategies and

mechanisms to attract investment. These tools can be financial (grants, loan programs, etc.), physical (infrastructure investment), market (planning/feasibility assistance), or organizational (Partnership, BID) in nature. They can be used independently or in various combinations. Given the obstacles associated with downtown development, it is imperative that whatever mix of tools is put in place it be comprehensive, flexible and creative.

6) Public Investment Must Leverage Private Investment

Historically, the planning, financing and implementation of projects in the downtown market were the primary responsibility of public sector entities. The City and the DDA were understood to have the largest and longest term interest and responsibility for downtown, which led to one or the other taking the obvious lead in any revitalization

or investment effort. It was also understood to be the logical conduit for local, regional, state and federal funding sources. However, while the public sector continues to play a significant role in most downtown efforts, a critical component to the success of any revitalization strategy today is participation by both the public and private sectors. Leveraging of resources is key, as no one entity, either public or private, has sufficient resources alone to sustain a long-term downtown improvement effort.

7) Public Policy Must Support Downtown Development

Experience has proven that main street or downtown development will best succeed if regional growth management programs reward efficient development patterns. If growth is allowed to occur in a land extensive, inefficient way that effectively subsidizes lower densities, main street



development will operate at a competitive disadvantage. Given the City's existing land use patterns, Downtown Grand Junction is susceptible to continued dilution of its role as the community's central business and shopping district.

8) Solutions Must Be Holistic

No single project will recreate a downtown. Rather, it is a series of projects occurring simultaneously over time which create excitement and capture the interest of potential investment partners. Just as the barriers to investment are multi-faceted, so too must the solutions be. Some communities consider adoption of governing regulations as the sole strategy to encourage reinvestment (tools such as comprehensive plans, zoning ordinances, planned unit development ordinances, design review/overlay regulations, and the like). While these regulations are necessary, they

are only the beginning of the implementation process. Solutions need to be more comprehensive in scope and include considerably more than just design for a regulatory framework.

9) Public-Private Partnerships are Essential

Under any investment strategy, local government needs to have strong involvement, a visible presence, perhaps be the entity that provides continuing leadership, and always provide regulatory incentives and seed capital for early projects. Not only does government have the legal responsibility to address many of the implementation components, but it is also the logical conduit to local, regional, state and federal funding sources.

Strategies

The national trend of stagnating and declining downtowns is evident not just in Colorado, but throughout the United States. Facing increasing competition from development on the "fringe," Downtown Grand Junction could experience a decline in commercial property values and market share unless specific actions are taken. Together, the public and private sectors face the challenge of maintaining Downtown and the Study Area. The leadership of the Downtown Partnership and the City recognize that infill, particularly Downtown, are at a distinct economic, social and market disadvantage compared to vacant greenfield sites. To that end, it is their responsibility to level the investment and regulatory playing fields. Private investment alone will not fill the financial gap; development will simply move elsewhere.



Goals and Actions

Goal: Maintain and enhance the economic, cultural and social vitality of the Downtown Original Square Mile.

Actions:

- Maintain and expand public amenities and services in Downtown
- Implement infill and redevelopment policies that support downtown
- Encourage a wide mix of uses, offering retail and commercial services along street level and business/office/residential on upper floors
- Monitor market conditions and actively promote vitality of Downtown locations
- Continue to support and expand Art-on-the-Corner
- Continue to support and expand the cultural offerings downtown, including theaters, museums and festivals
- Enhance and preserve Whitman and Emerson Parks to encourage use by the community

Goal: Promote downtown living by providing a wide range of housing opportunities in the Study Area.

Actions:

- Support a regional housing strategy with an emphasis on infill, downtown housing
- Educate developers about resources available for delivery of affordable units
- Amend zoning and building codes to accommodate vertical mixed-use development
- Educate local appraisers and real estate and financial institutions on valuing/under-writing mixed-use projects

Goal: Enhance the transportation system to accommodate automobiles, bikes and pedestrians, and provide adequate, convenient parking.

Actions:

- Partner in investments for public right-of-way improvements
- Encourage pedestrian movement through good design, safe crossings, and identifiable connections
- Reconfigure public thoroughfares to provide safe multi-modal transportation

- Advance and fund the Ute/Pitkin realignment to the south
- Manage vehicular traffic in high pedestrian areas
- Incorporate bike routes on all residential streets that connect to the commercial core
- Prepare a long-term parking plan to maximize shared parking facilities
- Modify the codes to limit the establishment of private parking lots and find ways to fund public parking in the downtown area

Goal: Stabilize and enhance the historic residential neighborhoods.

Actions:

- Discourage further encroachment of non-residential uses into the established residential neighborhoods
- Establish design standards for the transitional areas to include larger setbacks, detached sidewalks, appropriate building heights, and pedestrian-friendly features along the street
- Work with local lenders to offer low-interest rehabilitation loans for upgrades



- Establish a disbursement policy for service organizations
- Establish a replacement housing policy for loss of affordable units due to redevelopment initiatives
- Explore the options of a city-wide housing policy to address a variety of enforcement issues
- Promote the establishment of neighborhood watch and neighborhood organizations
- Explore adoption of a model blocks program

Goal: Establish and promote a unique identity for the Downtown Area

Actions:

- Advance a façade improvement program to preserve historic character and structures
- Develop a set of guidelines to address streetscape, landscape, building and façade design, as well as signage and parking standards specific to downtown
- Enhance the aesthetic appeal of the area through gateway improvements
- Identify and promote designation of historic structures

- Develop a public signage palette with varying sizes, poles and ornamentation, colors, fonts and logos

Goal: Jump-start the revitalization and reinvestment in the downtown area with strategic catalyst projects (see Appendix A)

Actions:

- Plan and budget for strategic property acquisition for future development
- Identify locations for and promote the concepts of catalyst projects, including Public Building/Housing/Mixed-Use, Live/Work Units, Mixed-Use Retail/Residential, and Mixed-Use Retail/Office

Conclusions

Successful implementation of the Strategic Downtown Master Plan will depend on committed leadership from the public and private sectors. So that it won't be vulnerable to the failure of one project, many projects should always be underway at any given

time, and a wide variety of stakeholders involved. Success will also be dependent on removing barriers to investment; therefore, regulations will need to allow and encourage what the City and Downtown advocates want and prohibit what they don't want. Victories, even minor ones, should be broadcast through a comprehensive communications strategy, and all policy and regulatory documents should be aligned towards the common goals expressed herein.

While the Downtown is the heart of the community, it is but one subset of a larger market and as such has strengths which can be capitalized on and limitations which should be overcome. Downtown has a tremendous influence on the economic well-being of the entire region. Therefore, it is widely accepted that early projects in any revitalization effort should be publicly assisted until market conditions reach levels where new construction can support itself.



The proposed approach to renaissance of the Original Square Mile is based on an approach which encourages strategic investment in a compact environment containing an appropriate mix of land uses, with a greater emphasis to multiple forms of access, resulting in a unique sense of place. The Plan is intended to assist the City of Grand Junction and the Downtown Partnership (DDA and DTA), business and property owners, and other advocacy partners with a technical framework for discussions regarding market opportunities, programming alternatives, and partnership strategies. The vision and directives referenced here were developed with input from the Steering Committee, Downtown stakeholders, and guidance from the Consultant Team.

The Strategic Downtown Master Plan is the roadmap to move the community's vision towards reality and to ensure that the

renaissance of Downtown is accomplished in a way that balances private investment objectives with community sustainability. Ultimately, the staff and citizenry of Grand Junction will select a final course of action for change. The information presented here is designed to provide for consideration and sound decision-making. It is the recommendation of the authors of this report that the information contained herein be reviewed and updated every three to five years as conditions change.

9 Principles of Downtown Revitalization

- 1 Make a Great Plan
- 2 Many, Many Projects
- 3 Many, Many Stakeholders
- 4 Committed, Ongoing Leadership
- 5 An Effective Organization
- 6 Development Standards
- 7 Communication and Marketing Programs
- 8 Supportive Government
- 9 Ongoing Review



Appendix A: Catalyst Concepts

The strategy for renaissance of the Study Area was based on development and targeted investment in key nodes, or catalyst areas, which hold investment potential despite select economic and other development challenges. These concepts are defined as urbanized places with concentrations of jobs, housing units, commercial uses, public spaces, and / or pedestrian activity, which in combination create a sense of place. Predominant land uses can be residential and non-residential, institutional or public. Within these relatively compact geographic areas, different land uses are found side by side or within the same structure. The mix of uses are frequently located in taller structures with minimal setbacks and reduced parking requirements, all in an effort to achieve rents

and sale prices necessary to support higher construction costs. These nodes of development serve as catalysts for public and private investment and economic activity, effectively building off the strengths of the surrounding area and connecting to adjacent neighborhoods.

Note: The catalyst concepts are not site-specific. Rather, several concepts may have application in many locations within the Study Area.

In order to evaluate a proposed project's potential as a catalyst investment it must first be evaluated based on accepted criteria. The premise behind a catalyst investment area assumes concentrating resources in select locations that will have a positive economic ripple effect in surrounding areas and neighborhoods. In this way, public partners (e.g., Downtown Partnership, City of Grand Junction, Mesa County, Library District, Housing Authority, etc.) can effectively

leverage investment efforts to overcome barriers and achieve desired outcomes.

Implementation and management of catalyst areas is generally the responsibility of a combination of entities including business organizations, special districts, neighborhood and other interest groups, and individual property owners. Potential criteria for catalyst projects in downtowns and/or urban redevelopment areas are outlined below:

1. Consistent with goals of plans and policy documents
2. Reflects findings of recent community surveying
3. Connects to larger community
4. Links sub-areas
5. Responds to market opportunities
6. Improves jobs-to-housing balance
7. Strengthens public realm
8. Reinforces key entryways or gateways
9. Communicates community identity
10. Encourages fiscal prudence
11. Leverages public investment



12. Addresses demonstrated community needs
13. Builds upon prevailing strengths of downtown and community
14. Recognizes / respects historic character

For the purposes of the Strategic Plan, four different types of potential catalyst projects were identified for Downtown Grand Junction. Among the most significant challenges facing potential catalyst project are the level of market education required to achieve project rents at the high end of the market, higher development costs associated with creating a “place” unique enough to attract tenants willing to pay a premium to live/work there; and the ability to overcome investor perceptions of the projects’ location as a transitional area. In the context of addressing these challenges and understanding the feasibility of these project concepts, the Consultant Team prepared a series of economic analyses designed to quantify the order of magnitude of any

financial “gap” that might result from the development and / or redevelopment of the key catalyst concepts listed above. A summary of the economic analyses for each concept is presented at the end of this report.

[Catalyst Project #1: Public Building / Housing / Mixed-Use](#)

The first catalyst concept is based on a public-private partnership to include a large public building, commercial retail space, 75 units of senior housing, 9 units of market-rate ownership housing above the retail space, and an urban housing project consisting of 18 row houses.

[Catalyst Project #2: Live/Work Units](#)

This concept assumes development of “live/work” units, which would include work space (gallery, office, studio, etc.) on the ground floor and living space on the upper floors (1-2 levels).

[Catalyst Project #3: Mixed-Use Retail / Residential](#)

This concept assumes a mixed-use development of retail space on the ground floor and a combination of rental and ownership housing on the upper floors. This concept envisions a mid-rise building up to 8 stories in height.

[Catalyst Project #4: Mixed-Use Retail/Office](#)

This concept assumes a mixed-use development of retail space on the ground floor and office space on the upper floors. This concept envisions a 3-story building.



Filling the Funding Gap

It is not unusual for downtown and urban redevelopment projects to generate economic gaps between 25% and 40%. The preliminary analysis summarized herein reflected gaps between 32% and 60%, yet most still within the reasonable range for strategic public investment. A successful public-private partnership may require the public sector to be a financial partner to this level. A 20% investment in one of these catalyst projects would leverage approximately \$4 in private investment for every \$1 spent by the public sector. This is the type of ratio the public sector should expect in a redevelopment partnership.

“Closing the gap” for these catalyst projects will not be accomplished through the use of one strategy or tool. Rather, many tools,

used in combination with one another, will be necessary to encourage or leverage private sector investment to the level shown in the analyses presented here. As shown, potential “gap filling” tools and mechanisms could include the following:

- Contributions to Land and Site Improvements (Parking)
- Tax Increment Financing
- Special Improvement Districts
- Streamlined Development Approvals
- Low Income Housing Tax Credits (LIHTC)
- Historic Rehabilitation Tax Credits
- Market Rent/Sale Write-down
- Others, as appropriate

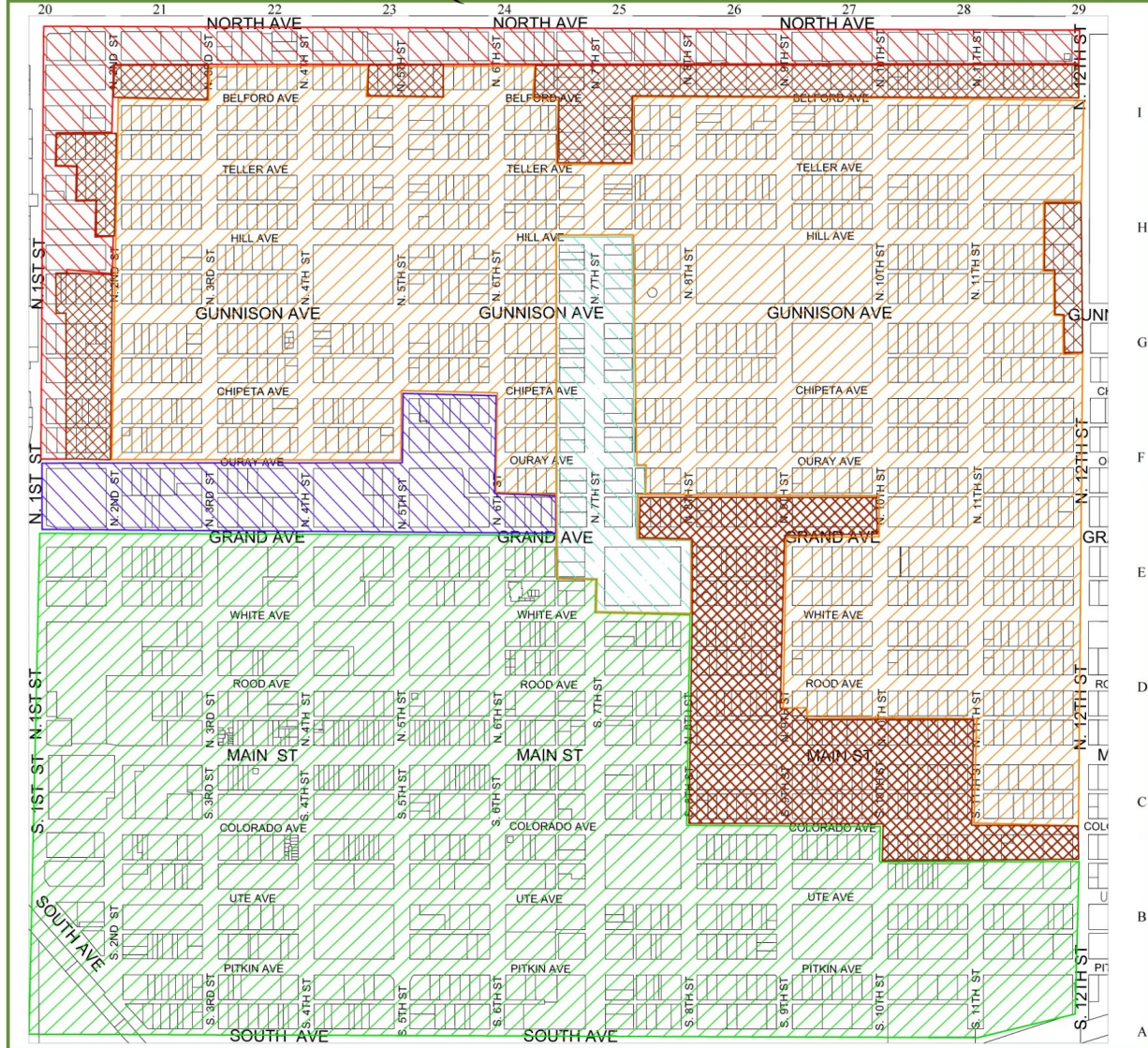


Conceptual Catalyst Scenarios

<i>Project Indicator</i>	<i>Catalyst Project Concepts</i>			
	<i>Public Building/ Housing/ Mixed Use</i>	<i>Live/Work With Retail</i>	<i>Mixed-Use Retail/Housing</i>	<i>Mixed-Use Retail/Office</i>
<i>Private Sector Investment</i>				
<i>Development Sq Ft:</i>				
Project Land Area (Acres)	3.1	1.6	1.3	1.0
Retail/Restaurant	14,400	0	7,500	10,000
Office	19,500	0	0	20,000
Residential (Rental)	60,000	0	45,000	0
Residential (For-Sale)	59,360	52,500	60,000	0
Total Private Development	153,260	52,500	112,500	30,000
Floor Area Ratio	113%	75%	199%	67%
Total Project Value (@ Build-Out)	\$15,150,825	\$8,137,500	\$16,092,188	\$4,886,250
Total Project Costs (@ Build-Out)	\$37,892,901	\$13,178,578	\$23,677,101	\$9,075,000
Project Margin/(Gap)	(\$22,742,076)	(\$5,041,078)	(\$7,584,914)	(\$4,188,750)
Project Margin/(Gap) %	-60%	-38%	-32%	-46%
<i>Potential Contributions to Gap</i>				
Land Writedown	\$6,076,620	\$1,393,920	\$1,132,560	\$900,000
Site Improvements Contribution	\$704,222	\$218,392	\$833,081	\$915,000
Supportable TIF (25 Years)	\$2,100,000	\$800,000	\$2,400,000	\$1,800,000
Sales Tax Sharing (10 Years)	\$500,000	\$0	\$300,000	\$300,000
Special Improvement District (20 Years)	\$900,000	\$300,000	\$600,000	\$600,000
Low Income Housing Tax Credit Equity	\$4,752,000	--	--	--
Total Contributions to Gap	\$15,032,842	\$2,712,312	\$5,265,641	\$4,515,000

Source: Leland Consulting Group.

ORIGINAL SQUARE MILE SUB-AREAS



Central Business District (CBD)	7th Street Historic District	Transitional Areas
Central Business District North (CBD North)	Residential Areas	Existing Commercial

* THE CITY OF GRAND JUNCTION - PREPARED - MARCH 2018
 THIS MAP IS ADAPTED FROM THE CITY OF GRAND JUNCTION
 FOR THE CITY OF GRAND JUNCTION. THE CITY OF GRAND JUNCTION
 DOES NOT WARRANT THE ACCURACY OF THIS MAP OR THE INFORMATION
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 AT 970-243-4774 OR VISIT US AT WWW.GJ.CO.EDU

Vision for Downtown Grand Junction

“Downtown Grand Junction will be the principal center for economic, entertainment and meeting activity in the community and region. Together with other locations in the region, the Downtown will be a receiving ground for the region’s growth. Uses will include a mix of commercial, residential, institutional, lodging, meeting and public spaces. Historic elements and the Downtown’s unique character will be evident in private investment and the public realm. The Downtown transportation network will connect to the region and support internal neighborhoods, shopping and activity districts. Infrastructure will be financed through shared funding mechanisms, proactively phased and strategically located to leverage private investment. Green treatments will enhance employment and commercial concentrations, neighborhoods and streets. Design standards will be more progressive than other areas of the community, and will be guided by distinct guidelines and standards. Community marketing and promotion efforts will be aggressive and proactive, targeting users which advance sustainability and Smart Growth principles.”

Overview

The Study Area, known as “The Original Square Mile,” is bound by 1st and 12th Streets, North Avenue and South Avenue, located in the south central portion of the City. The Area benefits from a number of characteristics that make it appropriate for development of retail, office, residential, institutional and community uses.

Downtown housing has been and is expected to continue to increase in density with smaller households comprised of young and old, and moderate and lower-income residents. However, with a growing concentration of middle-aged, moderate- to high-income households in the City as a whole, there is an opportunity for Downtown to attract a more diverse, higher-income resident base. Downtown commercial vacancy and

rental rates are approaching levels required to support new development and/or redevelopment. However, “seed” money will likely be necessary to leverage private investment in projects that will catalyze reinvestment activity throughout the Study Area. Forecasts indicate that more than 1.0 million square feet of employment space (office), more than 1.6 million square feet of retail space and nearly 1,100 residential units could be absorbed in the market over the next ten years, from which the Study Area could benefit. The degree to which Downtown is able to capture new demand within the Trade Area (and beyond) will be a function of the redevelopment process itself.

Conclusions

Successful implementation of the Strategic Downtown Master Plan will depend on committed leadership from the public and private sectors. Success will also be dependent on removing barriers to investment; therefore, regulations will need to allow and encourage what the City and Downtown advocates want and prohibit what they don’t want. All policy and regulatory documents should be aligned towards the common goals expressed herein.

While the Downtown is the heart of the community, it is but one subset of a larger market and has strengths which can be capitalized on and limitations which should be overcome. Downtown has a tremendous influence on the economic well-being of the entire region. Therefore, it is widely accepted that early projects in any revitalization effort should be publicly assisted until market conditions reach levels where new construction can support itself.

The proposed goals and actions are based on an approach which encourages strategic investment in a compact environment containing an appropriate mix of land uses, with a greater emphasis to multiple forms of access, resulting in a unique sense of place. The Plan is intended to assist the City of Grand Junction and the Downtown Partnership (DDA and DTA), business and property owners, and other advocacy partners with a technical framework for discussions regarding market opportunities, programming alternatives, and partnership strategies. The vision and directives referenced here were developed with input from the Steering Committee, Downtown stakeholders, and guidance from the Consultant Team.

9 Implementation Principles

- 1 Recognize that DT is one submarket that competes with the fringe.
- 2 Downtown must be market-responsive.
- 3 Infrastructure must be protected and retained.
- 4 Successful downtowns are greater than the sum of their parts.
- 5 An effective organization must have many tools.
- 6 Public funds should leverage private investment.
- 7 Public policy must support downtown development.
- 8 Solutions must be holistic in nature.
- 9 Public-private partnerships are essential.

Goals and Actions

Goal: Maintain and enhance the economic, cultural and social vitality of the Downtown Original Square Mile.					
Actions:	Maintain and expand public amenities and services in Downtown	Agency:	DDA	Tools:	Capital improvement planning
	Implement infill and redevelopment policies that support downtown		City		Establish concepts in overlay zone
	Encourage a wide mix of uses, offering retail and commercial services along street level and business/office/residential on upper floors in all except for residential areas		City		Establish in vision and intent of overlay zone
	Monitor market conditions and actively promote vitality of Downtown locations		DDA		Ongoing operational budget
	Continue to support and expand Art on the Corner		DDA		Ongoing operational budget
	Continue to support and expand the cultural offerings downtown, including theaters, museums and festivals		DDA, City		Ongoing operational budgets
	Enhance and preserve Whitman and Emerson Parks to encourage use by the community		City, DDA		Continuing to develop alternatives, work with partners
Goal: Promote downtown living by providing a wide range of housing opportunities in the Study Area.					
Actions:	Support a regional housing strategy with an emphasis on infill, downtown housing	Agency:	Multi-Agency	Tools:	Housing Strategy

	Educate developers about resources available for delivery of affordable units		Multi-Agency		Housing Strategy
	Amend zoning codes to accommodate vertical mixed-use development		City		Statement in zoning overlay to supplement existing zoning
	Educate local appraisers and real estate and financial institutions on valuing/under-writing mixed-use projects		Multi-agency		Housing Strategy
Goal: Enhance the transportation system to accommodate automobiles, bikes and pedestrians, and provide adequate, convenient parking.					
Actions:	Partner in investments for public right-of-way improvements	Agency:	City, DDA	Tools:	Ongoing partnerships
	Encourage pedestrian movement through good design, safe crossings, and identifiable connections		City		Ongoing directed effort on individual projects
	Reconfigure public thoroughfares to provide safe multi-modal transportation		City		Already reinforced through City transportation standards
	Advance and fund the Ute/Pitkin realignment to the south		Multi-agency		City-coordinated effort with DDA, CDOT
	Manage vehicular traffic in high pedestrian areas		City		Already reinforced through City transportation standards
	Incorporate bike routes on all residential streets that connect to the commercial core		City		Already reinforced through City transportation standards
	Prepare a long-term parking plan to maximize shared parking facilities		City, DDA		Ongoing partnerships, capital improvement planning

	Modify the codes to limit the establishment of private parking lots and find ways to fund public parking in the downtown area		City		Zoning overlay; consider option of PIL to parking fund in Central Business District
Goal: Stabilize and enhance the historic residential neighborhoods.					
Actions:	Discourage further encroachment of non-residential uses into the established residential neighborhoods	Agency:	City	Tools:	Zoning overlay
	Establish design standards for the transitional areas to include larger setbacks, detached sidewalks, appropriate building heights, and pedestrian-friendly features along the street		City		Zoning overlay
	Work with local lenders to offer low-interest rehabilitation loans for upgrades		City		Future infill/ redevelopment program
	Establish a dispersement policy for service organization facilities		City		Already addressed in current code
	Establish a replacement housing policy for loss of affordable units due to redevelopment initiatives		Multi-agency		Housing Strategy
	Explore the options of a regional housing policy to address a variety of enforcement issues		Multi-agency		Consider establishing a Housing Maintenance Code
	Promote the establishment of neighborhood watch and neighborhood organizations		City		Neighborhood Services

Goal: Promote and protect the unique identity of the Downtown Area					
Actions:	Advance a façade improvement program to preserve historic character and structures of commercial structures	Agency:	DDA	Tools:	Façade Improvement Grant Program
	Develop a set of guidelines to address streetscape, landscape, building and façade design, as well as signage and parking standards specific to downtown		City		Zoning overlay, revised B-2 zone, consider revising signage code
	Enhance the aesthetic appeal of the area through gateway improvements		DDA		Capital improvement planning and wayfinding improvements
	Identify and promote designation of historic structures		City		Historical Preservation Board
	Develop a public signage palette with varying sizes, poles and ornamentation, colors, fonts and logos		DDA, City		Wayfinding improvements for Central Business District with possible expansion to Original Square Mile
Goal: Jump-start the revitalization and reinvestment in the downtown area with strategic catalyst projects.					
Actions:	Plan and budget for strategic property acquisition for future development	Agency:	DDA	Tools:	Capital improvement planning
	Identify locations for and promote the concepts of catalyst projects, including Public Building/Housing/Mixed-Use, Live/Work Units, Mixed-Use Retail/Residential, and Mixed-Use Retail/Office		Multi-agency		Ongoing partnerships (e.g. City Center RFP); capital improvement planning

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

**AN ORDINANCE AMENDING THE ZONING AND DEVELOPMENT
CODE TO ADD SECTION 7.7
STRATEGIC DOWNTOWN MASTER PLAN ZONING OVERLAY
DESIGN STANDARDS AND GUIDELINES**

RECITALS:

Many of the recommendations of the Strategic Downtown Master Plan can be implemented through the use of an overlay zone district. Overlay zoning is one way to create a more flexible and discretionary alternative to traditional zoning. An overlay zone is defined as “a mapped overlay district superimposed on one or more established zoning districts which may be used to impose supplemental restrictions on uses in these districts, permit uses otherwise disallowed or implement some form of density bonus or incentive bonus program”.

An overlay zone supplements the underlying zone with additional requirements or incentives while leaving underlying zoning regulations in place. Examples might include special requirements such as design standards or guidelines, additional setbacks or height limits. A parcel within the overlay zone will thus be simultaneously subject to two sets of zoning regulations: the underlying and the overlay zoning requirements.

Overlay zone boundaries are also not restricted by the underlying zoning districts' boundaries. An overlay zone may or may not encompass the entire underlying zoning district. Likewise, an overlay zone can cover more than one zoning district, or even portions of several underlying zoning districts.

The Strategic Downtown Master Plan Design Standards and Guidelines are being proposed as an overlay district to cover the original square mile, bounded by 1st Street, 12th Street, North Avenue and South Avenue. The overlay includes standards and guidelines for the residential core, the central business district, the central business district north and the transitional area. Standards and Guidelines for the 7th Street Historic District are established under separate ordinance.

The Council, having reviewed and determined the uniqueness of the planning area and the importance of acting to specially regulate and protect the planning area, does hereby amend the Zoning and Development Code to add Section 7.7, Strategic Downtown Master Plan Zoning Overlay, Design Standards and Guidelines.

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

The Zoning and Development Code is hereby amended to add Section 7.7 entitled “Strategic Downtown Master Plan Zoning Overlay, Design Standards and Guidelines” to be applied to the area shown in Attachment A and authorizes the Clerk to publish the amendment by pamphlet.

Introduced on first reading this 17th day of August, 2009.

Passed and adopted on second reading the ____ day of _____, 2009.

ATTEST:

City Clerk
Council

President of the



**STRATEGIC DOWNTOWN
MASTER PLAN ZONING
OVERLAY**



DRAFT
August 2009

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1 INTRODUCTION

The Strategic Downtown Master Plan Zoning Overlay is intended to provide guidance and criteria for the planning, design and implementation of public and private improvements in the Downtown area. If properly administered and adhered to, the guidelines and standards should result in public and private development improvements (or a combination thereof) that achieve, as a minimum, a common level of quality in terms of site design, architectural design, landscaping and other site improvements.

The general purposes of the guidelines and standards are to support the overall goals of the *Strategic Plan* as stated in the Summary of Goals and Actions included as Appendix A:

- Maintain and enhance the economic, cultural and social vitality of the Downtown Original Square Mile
- Promote downtown living by providing a wide range of housing opportunities in downtown
- Enhance the transportation system to accommodate automobiles, bikes and pedestrians, and provide adequate, convenient parking
- Stabilize, preserve, protect and enhance the downtown residential neighborhoods
- Promote and protect the unique identity of the Downtown

The guidelines and standards were developed upon an analysis of the existing character of the Downtown Area. The area was divided into sub-areas based on existing zoning, character of existing development and potential for redevelopment opportunities. The sub-areas are shown on the map included as Appendix B. In addition, property owners within the area were surveyed for their input on the important characteristics of the area and the concepts for the preservation and protection of those characteristics. The results of the surveys are summarized in Appendix C.

These standards supplement other development regulations such as the City of Grand Junction Zoning and Development Code, which includes detailed criteria by zone district, planned development regulations, design and improvement standards, supplemental use regulations and sign regulations and the City Transportation and Engineering Design Standards (TEDS). In the instance the following standards are silent on a development concern, the existing regulations shall apply.

The standards identify design alternatives and specific design criteria for the visual character and physical treatment of private development and public improvements within the Downtown area. They are adopted through an overlay zoning district, which will establish the means by which the standards are administered and enforced. The

Director will make all decisions and appeals and variance requests will be heard by the City of Grand Junction Planning Commission.

2 AREA-WIDE GUIDELINES AND STANDARDS

The following guidelines and standards apply to all sub-areas of the Downtown Area.

A. GENERAL

1. Due to the constraint of many downtown properties and the City’s desire to promote improvement and redevelopment in the Downtown Area, the Director may make reasonable exceptions to the provisions of the *Zoning and Development Code* and the *Downtown Strategic Master Plan Overlay* for purposes of bulk standards (except for building height), landscaping, parking or other use-specific special regulations.

B. TRANSPORTATION

1. Emphasize “walkability” of the Downtown Area through ongoing improvements for accessibility and to pedestrian crossings and bicycle facilities (e.g. bike lanes on streets, bike racks at strategic locations).

C. ENTRYWAYS AND PUBLIC SIGNAGE

Implementation of the following guidelines and standards shall be in coordination with the Downtown Development Authority (DDA), utilizing the Wayfinding and Signage Strategy map developed for the Downtown Strategic Master Plan as a guide (included as Appendix D).

1. Establish and improve gateways to the Downtown Area
2. Establish a distinctive public sign palette for the original square mile to include street signs and directional signs that have recognizable poles, ornamentation, colors, fonts and logos.



3 CENTRAL BUSINESS DISTRICT (CBD) GUIDELINES AND STANDARDS

The following guidelines and standards apply to the CBD area shown on the map included in Appendix A. Further development and implementation of these concepts will be done in coordination with the DDA. The guidelines and standards are intended to apply to new development within the area.

A. LAND USE / ARCHITECTURE

1. Establish a cohesive character/theme and promote infill development that compliments and harmonizes new structures with the existing buildings through common materials, scale and basic architectural details as outlined below.



2. Building Height
 - Maximum building height in the CBD shall be 80 feet. Any additional increase in height requires rezoning. Taller buildings will be located in the center and southern and western tiers of the CBD, with lower buildings on the northern and eastern edges of the CBD.
3. Building Setbacks
 - Building setbacks from the public right-of-way of 0 to 2 feet are allowable.
 - Building setbacks from the public right-of-way between 2 and 8 feet are allowable only if there is a prescribed function for the space such as limited product display or seating.
 - Building setbacks from the public right-of-way between 8 and 20 feet are allowable if there is a prescribed function such as outdoor dining areas or small street parks.

- Building setbacks from the public right-of-way of greater than 20 feet are allowable only for the following uses: additional storefront area, private courtyards, outdoor dining or small street parks.
- As a general guide, no more than 20 percent of the buildings along a block frontage should be set back greater than 20 feet.

4. Building Facades / Windows / Doorways

- Buildings shall align with the edge of the sidewalk except as prescribed in the Building Massing and Setbacks section.
- Facades shall be visually interesting. Ornamentation such as building buttons, brick patterns, stone accents and window headers are acceptable ornamentation.
- Fenestration along all levels of the facades shall be similar to that of other downtown buildings. Primarily, windows on the street level should be larger than those above, with window size decreasing as the floor level increases.
- The parapet of the building should be finished with an articulated cornice.
- Façade detailing should be compatible with, but not be identical to, that of a neighboring historic building. New facades should have their own, unique design. To create continuity, horizontal lines should be in alignment with neighboring buildings.
- Awnings may overhang windows and shall be constructed of canvas or heavy cloth or metal (no plastic), utilizing primarily neutral colors.
- Entrances are often the primary focal point of a building and, as such, should be designed to fit with the overall character of the area.
- Doorways may be finished with paints, stains, metal and aluminum cladding set to match the existing trim colors.
- Single, double, revolving and corner doorways are acceptable in new construction.
- Doorways can be recessed a maximum of 4 feet from the plane of the façade.

5. Building Materials

- Typical materials found in the CBD include brick, sandstone, stucco, metal cladding, tiles, wood, glazing and decorative CMU. To facilitate the creation of a cohesive character/theme for buildings in the CBD, only the following exterior finishes are allowed: brick, sandstone, pre-cast metal facades in 19th Century commercial style, stucco. These materials are traditional and weather well. They allow a broad variety of looks within a traditional aesthetic, and will ensure buildings will be high quality.

- Allowed exterior materials should remain unpainted in all renovations and new construction, with the only exceptions being pre-selected locations for art to be provided on exterior walls.

6. Roofs and Parapets

- Roofs and parapets are a very traditional focus for ornament in buildings in the CBD. The design of every new building should use ornamentation of these features to enhance the building's identity and support the architectural character of downtown.
- Roofs may be either flat or gabled.
- All mechanical units on the roof must be hidden from view from 6 feet above street level measured from the centerline of the adjacent street either by placement back from the front edge of the roof or by visual shielding of material matching the roof or the façade.
- As required on flat roofs, the minimum parapet height is 2 feet above the rooftop.
- Each parapet should have a cornice ranging from 2 to 4 feet in height and 1 to 2 feet in depth or larger if needed to conceal mechanical equipment as above.
- Parapets design should be articulated and unique to the building.

7. Promote high density, vertically mixed use structures (e.g. retail at street level and residential or office above)



8. Preserve and restore significant historic structures.



B. SITE / AREA IMPROVEMENTS

1. Parking

- In order to maintain streetscapes dominated by buildings rather than surface parking lots, shared parking is encouraged. Single use, surface parking shall be minimized.
- Available parking in the entire CBD area may be used towards meeting the parking required for new development in the CBD.
- In order to minimize surface parking in the CBD, develop new means of paying for shared parking (e.g. develop a fee in lieu of required on-site parking that will be used to fund shared parking structures).
- The Director may make reasonable exceptions to the provisions of the *Zoning and Development Code* and the *Downtown Strategic Master Plan Overlay* for purposes of determining parking requirements.

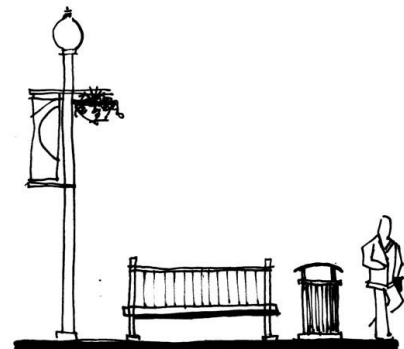
2. Streetscape

- Provide streetscape details that compliment the architectural character of downtown that includes:
 - Street trees
 - Lighting that is downlit and with historical style pole
 - Sitting/gathering areas such as small plazas, play areas and performance venues
 - Hardscaped areas (brick pavers or concrete) that also provide for furnishings, sculptures and planted areas
 - Downtown entries with landscaped medians, corner bulbs and special signs



The Director may make reasonable exceptions to the provisions of the *Zoning and Development Code* and the *Downtown Strategic Master Plan Overlay* for purposes of providing such amenities in a new development or redevelopment project.

- Provide streetscape details that compliment the architectural character of downtown Grand Junction. The DDA's palette of street furniture shall be used for all new development and redevelopment projects on private property and within the public spaces and rights-of-way.



3. Landscaping

- Landscaping in the CBD shall reflect an urban theme, utilizing streetscape and hardscape elements outlined above in addition to plantings.
- The Director shall determine landscaping requirements for new development or redevelopment, considering existing and proposed streetscape and/or the urban design character of the area.

C. SIGNAGE ON PRIVATE PROPERTY

1. The DDA will further develop sign standards and guidelines for private signage placed on buildings or as freestanding signs.

4 CENTRAL BUSINESS DISTRICT (CBD) NORTH GUIDELINES AND STANDARDS

A. LAND USE / ARCHITECTURE

1. Establish a cohesive character/theme and promote infill development that compliments and harmonizes new structures with the existing buildings within and adjacent to the area through common materials, scale and basic architectural details as outlined below.
2. Building Scale, Massing and Setbacks
 - The maximum building height of 65 feet may only be allowed along the Grand Avenue side. The buildings will “step down” so that the front of the buildings that are directly across the street from residential buildings or uses are a maximum of 40 feet in height or 3 stories, whichever is greater.

- Scale and massing of buildings or portions of buildings along Ouray and Chipeta Avenues will be compatible with residential scale.



- Buildings shall be set back a minimum of 15 feet from the rights-of-way on Chipeta and Ouray Avenues.

3. Building Materials

- To facilitate the creation of a cohesive character/theme for buildings in the CBD North area, materials for new buildings will compliment those of the surrounding residential buildings. Primary materials should include brick, wood and limited stucco. These materials are traditional and weather well. They allow a broad variety of looks within a traditional aesthetic, and will ensure buildings will be high quality.

4. Promote high density, vertically mixed use structures.



B. SITE / AREA IMPROVEMENTS

1. Streetscape along Grand Avenue and 4th and 5th Streets north to Ouray Avenue will continue in a design compatible with the existing improvements along Grand Avenue (e.g. decorative pavement and street trees).



2. The streetscape along 4th Street north of Ouray Avenue to Chipeta Avenue and along Ouray and Chipeta Avenues should transition between the urban hardscape and a more residential streetscape character. (e.g. detached sidewalk, landscaping in park strip between curb and sidewalk and street trees).
3. Where available, some parking for non-residential uses may be on the street but only in front of the actual use, not in front of other properties/uses.

5 RESIDENTIAL AREAS GUIDELINES AND STANDARDS

A. LAND USE AND INTENSITY / DENSITY

1. The downtown residential core will be preserved for residential uses, with no further encroachment by non-residential uses, higher intensity/density uses or more intensive zoning.
2. Where existing residential zoning allows, provide a diversity of housing types through development of multifamily housing that is in keeping with the character of the neighborhood (refer to Multifamily Development section on page 16).

B. STREETScape AND STREET / PEDESTRIAN SYSTEMS

1. Enhance access to and improvements within existing public open spaces (e.g. parks and school grounds) within the downtown residential core such as enhanced pedestrian crossings and lighting for safety.
2. Maintain and enhance the historic character of the streetscape with emphasis on the following elements: street trees, landscaping rather than parking or other uses in the park strip between sidewalk and curb, distinctive street signs and lighting and detached sidewalks.



C. ARCHITECTURAL CONSIDERATIONS

1. Demolition of existing historic homes in order to construct new residential structures is strongly discouraged.
2. Maintain the existing character of the house styles within the downtown residential core neighborhood. New construction and alterations shall be compatible with key architectural characteristics and site elements of the neighborhood.

- Building Alignment Along Streets. Each 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 and window sills) and plan (e.g. setbacks from the street and rear property lines and spacing between structures/setbacks from side property lines).



- Building Orientation/Style. Main entrances shall open onto a street and shall align with those of adjacent residential buildings. For example, on many of the downtown homes, raised foundations and steps that define the main entrance are prevailing characteristics. Door styles shall be similar to those found on residential buildings within the area.
- Building Mass/Scale and Proportion. New buildings or additions to existing buildings shall be visually compatible with the area. Visually compatible means compatible with adjacent and neighboring buildings including mass and scale, shape, windows, doors, openings, roof shape, roof pitch and orientation.
- Height. New buildings and additions 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 the maximum height of thirty-five (35) feet.
- Roof Shape. The roofs of new buildings shall be visually compatible with nearby dwellings. Roof pitch shall be at least 4:12.
- 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 many of the residential styles in the downtown area.



- Materials. The exterior materials of all new buildings, additions and alterations shall be similar in size and appearance to nearby dwellings.

D. ACCESSORY STRUCTURES

1. Accessory structures shall be no taller than the highest eave line of the principal structure.
2. The footprint size of an accessory structure shall be a maximum of 35 percent of the footprint of the principal structure.
3. Upon review and approval of the Director, new construction of accessory structures may be allowed to be built at historic setbacks (e.g. there could be a zero foot setback from the alley and 3 feet from neighboring property line).

E. FRONT YARDS / PARK STRIPS / PARKING

1. Maintain and enhance the pattern of landscaped front yards that gives the downtown residential core neighborhood a distinctive, friendly appearance.
2. Vehicular parking in the park strip area between the curb and detached sidewalk is not allowed.



3. Parks strips will be landscaped in a traditional style, including street trees, grass, and low plantings or a combination thereof. Park strip landscaping shall include some live material – use of all non-living material such as rock is discouraged. Use of drought-tolerant plants is encouraged.

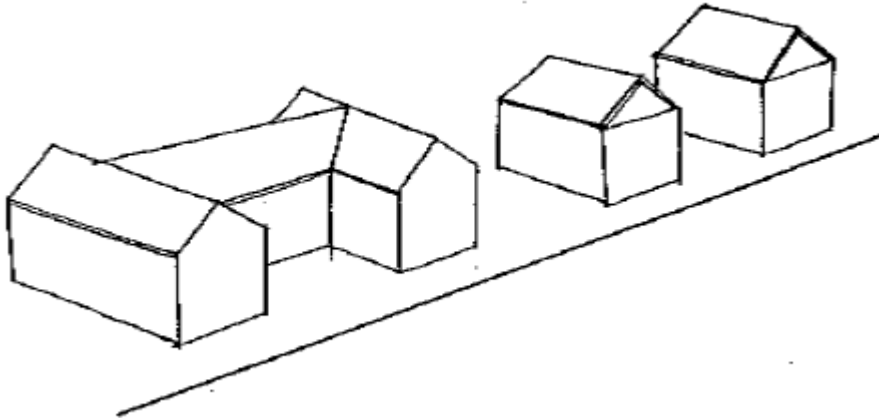


4. Where available, some required parking may be on the street but only in front of the actual use, not in front of other properties/uses.

F. MULTIFAMILY DEVELOPMENT

Infill of new multifamily buildings may occur where zoning allows within the downtown residential core. However, the site design and structures for this type of development must maintain a scale and character compatible with the area. In addition to the Architectural Considerations listed in C. above, multifamily development shall follow the guidelines and standards below.

1. Incorporate forms typical of the single family residential architecture of downtown including sloping roofs, porches, roof dormers and other architectural details.
2. Break up the mass of larger buildings into forms that are similar in scale to the single family residential character.
3. Facades must be composed of smaller sections, similar in scale and material finish to single family residential structures.



4. Off-street parking for multifamily development shall not be located in the front yard setback. Parking shall be in the rear or side yards.
5. Develop pedestrian links between the front sidewalk and building entrances and between parking and rear or side entrances.

6 TRANSITIONAL AREAS GUIDELINES AND STANDARDS

A. LAND USE / DEVELOPMENT INTENSITY

1. Uses within these areas shall be as allowed by the *Zoning and Development Code* for the respective zone district(s).
2. Any mix of residential and nonresidential uses on the same lot shall be located in the same structure.
3. No uses within the downtown transitional areas shall open earlier than 7:30 am and shall close no later than 8:00 pm.
4. Maximum building size shall not exceed 10,000 square feet unless a Conditional Use Permit is issued.
5. Outdoor storage and display areas associated with non-residential uses in the downtown Transitional areas are prohibited.

B. ARCHITECTURAL CONSIDERATIONS

New construction, including additions and rehabilitations, in the downtown Transitional areas shall be designed to look residential and shall be consistent with existing buildings in the adjacent residential areas. "Consistent" means the operational, site design and layout, and architectural considerations described below.



1. 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).
2. Building Orientation/Style. Main entrances shall open onto a street and shall align with those of adjacent residential buildings. For example, in areas adjacent to the downtown Transitional areas, raised foundations and steps that define the main entrance are prevailing residential characteristics. Door styles shall be similar to those found on residential buildings.
3. 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.

4. 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 (2½) stories shall be the maximum subject to maximum height of thirty-five feet (35').
5. Roof Shape. The roofs of new buildings shall be visually compatible with nearby dwellings. Roof pitch shall be at least 4:12.
6. 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 near the downtown Transitional areas.
7. 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 with materials used on the building façade.

C. SIGNS

Development in the downtown Transitional areas may directly abut existing residential areas. Thus, in order to maintain compatibility, more restrictive sign regulations shall apply.

1. Flush wall signs and monument signs shall be the only sign type allowed. One real estate sign advertising the property for sale or lease, shall not exceed 10 square feet.
2. Signs shall be located at least 10 feet behind the front property line. Total sign area, excluding real estate signs advertising the property for sale of lease, shall not exceed 25 square feet per street frontage. The sign allowance for one street frontage may be transferred to a side of a building that has no street frontage, but cannot be transferred to another street frontage. Monument signs shall not exceed 8 feet in height.



3. Illumination shall comply with provisions of the *Zoning and Development Code* pertaining to Nighttime Light Pollution. Illumination of signs is limited to authorized business hours.
4. The area of flush wall signs and monument signs shall be calculated according to the *Zoning and Development Code*. Sign enhancement features such as bases, pillars, and other decorative elements as part of monument signs shall not be counted as part of the maximum square footage of the sign, provided such features do not exceed the size of the sign face.

D. PARKING AND SITE DEVELOPMENT

1. Parking. Business uses in the downtown Transitional areas 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 *Zoning and Development Code*.
 - On-site parking spaces shall only be located in the side and rear yards; and screened from nearby residential uses by a solid wall, fence or vegetation having a height of not less than 4 feet nor more than 6 feet (vegetation may exceed 6 feet in height).
 - Where available, some required parking may be on the street but only in front of the actual use, not in front of other properties/uses.
 - Parking lots for businesses fronting on North Avenue or 1st Street may be allowed , but must include frontyard landscaped berms.
2. 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.
3. Use of Front Yard. Front yards, as defined by the zone district, shall be reserved for landscaping, sidewalks, driveway access to parking areas and signage.
4. Outdoor Lighting. Outdoor lighting shall comply with the lighting provisions of the *Zoning and Development Code*.

E. RESIDENTIAL USES

Residential uses within the Transitional Area shall be subject to the standards and guidelines of section 5.D and E for residential accessory structures and the use of front yards, park strips and parking.

APPENDICES

A : Strategic Downtown Master Plan Summary of Goals and Actions

B : Original Square Mile Sub-Areas Map

C : Property Owner Survey Results

D : Wayfinding and Signage Strategy Map

Vision for Downtown Grand Junction

“Downtown Grand Junction will be the principal center for economic, entertainment and meeting activity in the community and region. Together with other locations in the region, the Downtown will be a receiving ground for the region’s growth. Uses will include a mix of commercial, residential, institutional, lodging, meeting and public spaces. Historic elements and the Downtown’s unique character will be evident in private investment and the public realm. The Downtown transportation network will connect to the region and support internal neighborhoods, shopping and activity districts. Infrastructure will be financed through shared funding mechanisms, proactively phased and strategically located to leverage private investment. Green treatments will enhance employment and commercial concentrations, neighborhoods and streets. Design standards will be more progressive than other areas of the community, and will be guided by distinct guidelines and standards. Community marketing and promotion efforts will be aggressive and proactive, targeting users which advance sustainability and Smart Growth principles.”

Overview

The Study Area, known as “The Original Square Mile,” is bound by 1st and 12th Streets, North Avenue and South Avenue, located in the south central portion of the City. The Area benefits from a number of characteristics that make it appropriate for development of retail, office, residential, institutional and community uses.

Downtown housing has been and is expected to continue to increase in density with smaller households comprised of young and old, and moderate and lower-income residents. However, with a growing concentration of middle-aged, moderate- to high-income households in the City as a whole, there is an opportunity for Downtown to attract a more diverse, higher-income resident base. Downtown commercial vacancy and rental rates are approaching levels required to support new development and/or redevelopment. However, “seed” money will likely be necessary to leverage private investment in projects that will catalyze reinvestment activity throughout the Study Area. Forecasts indicate that more than 1.0 million square feet of employment space (office), more than 1.6 million square feet of retail space and nearly 1,100 residential units could be absorbed in the market over the next ten years, from which the Study Area could benefit. The degree to which Downtown is able to capture new demand within the Trade Area (and beyond) will be a function of the redevelopment process itself.

Conclusions

Successful implementation of the Strategic Downtown Master Plan will depend on committed leadership from the public and private sectors. Success will also be dependent on removing barriers to investment; therefore, regulations will need to allow and encourage what the City and Downtown advocates want and prohibit what they don’t want. All policy and regulatory documents should be aligned towards the common goals expressed herein.

9 Implementation Principles

- 1 Recognize that DT is one submarket that competes with the fringe.
- 2 Downtown must be market-responsive.
- 3 Infrastructure must be protected and retained.
- 4 Successful downtowns are greater than the sum of their parts.
- 5 An effective organization must have many tools.
- 6 Public funds should leverage private investment.
- 7 Public policy must support downtown development.

While the Downtown is the heart of the community, it is but one subset of a larger market and has strengths which can be capitalized on and limitations which should be overcome. Downtown has a tremendous influence on the economic well-being of the entire region. Therefore, it is widely accepted that early projects in any revitalization effort should be publicly assisted until market conditions reach levels where new construction can support itself.

The proposed goals and actions are based on an approach which encourages strategic investment in a compact environment containing an appropriate mix of land uses, with a greater emphasis to multiple forms of access, resulting in a unique sense of place. The Plan is intended to assist the City of Grand Junction and the Downtown Partnership (DDA and DTA), business and property owners, and other advocacy partners with a technical framework for discussions regarding market opportunities, programming alternatives, and partnership strategies. The vision and directives referenced here were developed with input from the Steering Committee, Downtown stakeholders, and guidance from the Consultant Team.

Goals and Actions

Goal: Maintain and enhance the economic, cultural and social vitality of the Downtown Original Square Mile.					
Actions:	Maintain and expand public amenities and services in Downtown	Agency:	DDA	Tools:	Capital improvement planning
	Implement infill and redevelopment policies that support downtown		City		Establish concepts in overlay zone
	Encourage a wide mix of uses, offering retail and commercial services along street level and business/office/residential on upper floors in all except for residential areas		City		Establish in vision and intent of overlay zone
	Monitor market conditions and actively promote vitality of Downtown locations		DDA		Ongoing operational budget
	Continue to support and expand Art on the Corner		DDA		Ongoing operational budget
	Continue to support and expand the cultural offerings downtown, including theaters, museums and festivals		DDA, City		Ongoing operational budgets
	Enhance and preserve Whitman and Emerson Parks to encourage use by the community		City, DDA		Continuing to develop alternatives, work with partners

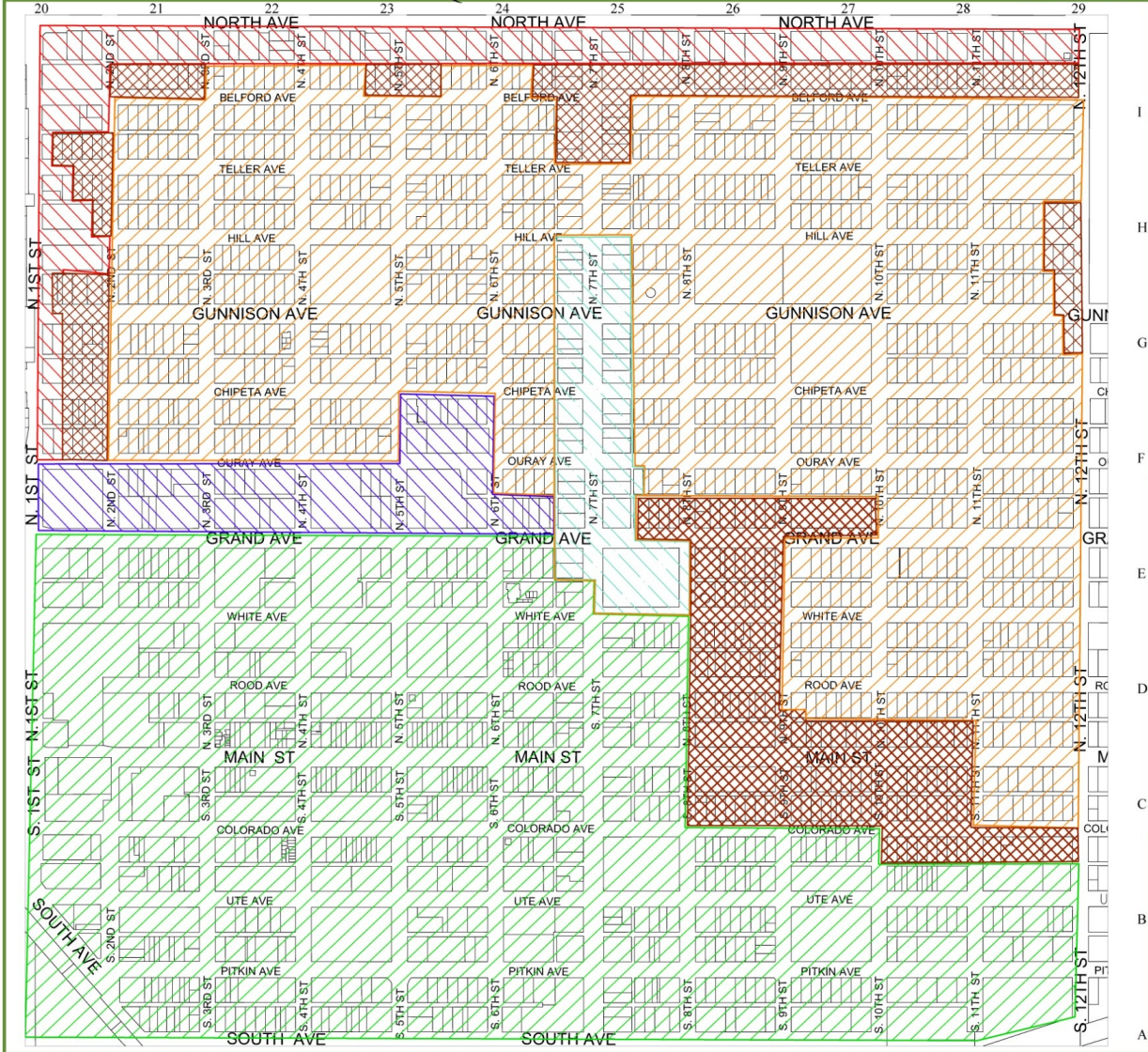
Goal: Promote downtown living by providing a wide range of housing opportunities in the Study Area.					
Actions:	Support a regional housing strategy with an emphasis on infill, downtown housing	Agency:	Multi-Agency	Tools:	Housing Strategy
	Educate developers about resources available for delivery of affordable units		Multi-Agency		Housing Strategy
	Amend zoning codes to accommodate vertical mixed-use development		City		Statement in zoning overlay to supplement existing zoning
	Educate local appraisers and real estate and financial institutions on valuing/under-writing mixed-use projects		Multi-agency		Housing Strategy
Goal: Enhance the transportation system to accommodate automobiles, bikes and pedestrians, and provide adequate, convenient parking.					
Actions:	Partner in investments for public right-of-way improvements	Agency:	City, DDA	Tools:	Ongoing partnerships
	Encourage pedestrian movement through good design, safe crossings, and identifiable connections		City		Ongoing directed effort on individual projects
	Reconfigure public thoroughfares to provide safe multi-modal transportation		City		Already reinforced through City transportation standards
	Advance and fund the Ute/Pitkin realignment to the south		Multi-agency		City-coordinated effort with DDA, CDOT
	Manage vehicular traffic in high pedestrian areas		City		Already reinforced through City

					transportation standards
	Incorporate bike routes on all residential streets that connect to the commercial core		City		Already reinforced through City transportation standards
	Prepare a long-term parking plan to maximize shared parking facilities		City, DDA		Ongoing partnerships, capital improvement planning
	Modify the codes to limit the establishment of private parking lots and find ways to fund public parking in the downtown area		City		Zoning overlay; consider option of PIL to parking fund in Central Business District
Goal: Stabilize and enhance the historic residential neighborhoods.					
Actions:	Discourage further encroachment of non-residential uses into the established residential neighborhoods	Agency:	City	Tools:	Zoning overlay
	Establish design standards for the transitional areas to include larger setbacks, detached sidewalks, appropriate building heights, and pedestrian-friendly features along the street		City		Zoning overlay
	Work with local lenders to offer low-interest rehabilitation loans for upgrades		City		Future infill/redevelopment program
	Establish a disbursement policy for service organization facilities		City		Already addressed in current code
	Establish a replacement housing policy for loss		Multi-		Housing Strategy

	of affordable units due to redevelopment initiatives		agency		
	Explore the options of a regional housing policy to address a variety of enforcement issues		Multi-agency		Consider establishing a Housing Maintenance Code
	Promote the establishment of neighborhood watch and neighborhood organizations		City		Neighborhood Services
Goal: Promote and protect the unique identity of the Downtown Area					
Actions:	Advance a façade improvement program to preserve historic character and structures of commercial structures	Agency:	DDA	Tools:	Façade Improvement Grant Program
	Develop a set of guidelines to address streetscape, landscape, building and façade design, as well as signage and parking standards specific to downtown		City		Zoning overlay, revised B-2 zone, consider revising signage code
	Enhance the aesthetic appeal of the area through gateway improvements		DDA		Capital improvement planning and wayfinding improvements
	Identify and promote designation of historic structures		City		Historical Preservation Board
	Develop a public signage palette with varying		DDA,		Wayfinding improvements

	sizes, poles and ornamentation, colors, fonts and logos		City		for Central Business District with possible expansion to Original Square Mile
Goal: Jump-start the revitalization and reinvestment in the downtown area with strategic catalyst projects.					
Actions:	Plan and budget for strategic property acquisition for future development	Agency:	DDA	Tools:	Capital improvement planning
	Identify locations for and promote the concepts of catalyst projects, including Public Building/Housing/Mixed-Use, Live/Work Units, Mixed-Use Retail/Residential, and Mixed-Use Retail/Office		Multi-agency		Ongoing partnerships (e.g. City Center RFP); capital improvement planning

ORIGINAL SQUARE MILE SUB-AREAS



Central Business District (CBD)	7th Street Historic District	Transitional Areas
Central Business District North (CBD North)	Residential Areas	Existing Commercial

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 CHECKED BY: JGARCIA
 DATE: 01/14/2011 10:35:21 AM

DOWNTOWN STRATEGIC PLAN AREA-WIDE CONCEPTS/THEMES

Establish and improve gateways to the Downtown Area (check those you agree with).

- | | | |
|-------------|-----|---|
| 17 = 47.22% | ___ | 7 th Street and North Avenue |
| 15 = 41.67% | ___ | 1 st Street and Grand Avenue |
| 10 = 27.78% | ___ | 12 th Street and Grand Avenue |
| 17 = 47.22% | ___ | 1 st and Main Streets |
| 12 = 33.33% | ___ | 12 th and Main Streets |
| 10 = 27.78% | ___ | 5 th Street and South Avenue |
| 10 = 27.78% | ___ | 7 th Street and Pitkin Avenue |
| 6 = 16.67% | ___ | Other – please describe or locate on the attached map |
| | | |
| 7 = 19.44% | ___ | No Answer |

Examine the possibility of making 4th and 5th Streets both 2-way streets between Grand and North Avenues

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
SA: 7 = 19.44%	A: 7 = 19.44%	N: 2 = 5.56%	D: 11 = 30.56%	SD: 9 = 25.00% NA: 0 = 0.00%

Establish a distinctive public sign palette for the original square mile to include street signs and directional signs that have recognizable poles, ornamentation, colors, fonts and logos.

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
SA: 18 = 50.00%	A: 5 = 13.89%	N: 12 = 33.33%	D: 1 = 2.78%	SD: 0 = 0.00% NA: 0 = 0.00%

Emphasize “walkability” of Downtown through ongoing improvements to pedestrian crossings, bicycle facilities (e.g. bike lanes on streets, bike racks at strategic locations).

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
SA: 28 = 77.78%	A: 5 = 13.89%	N: 3 = 8.33%	D: 0 = 0.00%	SD: 0 = 0.00% NA: 0 = 0.00%

CENTRAL BUSINESS DISTRICT (CBD) CONCEPTS/THEMES

I agree with the boundaries as shown for the Central Business District.

Yes 28 = 77.78% No 0 = 00.00% No Answer 8 = 22.22%

If no, please draw your proposed revisions on the attached map.

ARCHITECTURE

Establish a cohesive character/theme that harmonizes new structures with the existing buildings through common materials, scale and architectural details

Strongly Agree Agree Neutral Disagree Strongly Disagree

SA: 26 = 72.22% A: 4 = 11.11% N: 2 = 5.56% D: 1 = 2.78% SD: 0 = 0.00% NA: 3 = 8.33%

Promote high density, vertically mixed use structures (e.g. retail at street level and residential or office above)

Strongly Agree Agree Neutral Disagree Strongly Disagree

SA: 19 = 52.78% A: 11 = 30.56% N: 2 = 5.56% D: 2 = 5.56% SD: 0 = 0.00% NA: 2 = 5.56%

There should not be a height restriction in the CBD provided there are guidelines in place to address compatibility with surrounding uses and those are met by the proposed building.

Strongly Agree Agree Neutral Disagree Strongly Disagree

SA: 5 = 13.89% A: 9 = 25.00% N: 4 = 11.11% D: 11 = 30.56% SD: 5 = 13.89% NA: 2 = 5.56%

Taller buildings should be located in the center of the CBD, with lower buildings on the edges of the CBD.

Strongly Agree Agree Neutral Disagree Strongly Disagree

SA: 14 = 38.89% A: 10 = 27.78% N: 6 = 16.67% D: 4 = 11.11% SD: 0 = 0.00% NA: 2 = 5.56%

Preserve and restore significant historic structures

Strongly Agree Agree Neutral Disagree Strongly Disagree

SA: 30 = 83.33% A: 2 = 5.56% N: 2 = 5.56% D: 1 = 2.78% SD: 0 = 0.00% NA: 1 = 2.78%

Promote infill development that is compatible with the existing downtown character

Strongly Agree Agree Neutral Disagree Strongly Disagree

SA: 22 = 61.11% A: 11 = 30.56% N: 1 = 2.78% D: 1 = 2.78% SD: 0 = 0.00% NA: 1 = 2.78%

SITE/AREA IMPROVEMENTS

The streetscape will be dominated by buildings rather than parking lots

Strongly Agree Agree Neutral Disagree Strongly Disagree

SA: 16 = 44.44% A: 12 = 33.33% N: 3 = 8.33% D: 1 = 2.78% SD: 0 = 0.00% NA: 4 = 11.11%

Uses and activities in the CBD will have a maximum amount of parking that can be provided to encourage shared parking and reduce surface parking within the CBD.

Strongly Agree Agree Neutral Disagree Strongly Disagree

SA: 13 = 36.11% A: 12 = 33.33% N: 6 = 16.67% D: 0 = 0.00% SD: 0 = 0.00% NA: 5 = 13.89%

Explore new ways to pay for public parking.

Strongly Agree Agree Neutral Disagree Strongly Disagree

Strategic Downtown Master Plan Zoning Overlay

SA: 8 = 22.22% A: 14 = 38.89% N: 10 = 27.78% D: 1 = 2.78% SD: 0 = 0.00% NA: 3 = 8.33%

Provide streetscape details that compliment the architectural character of downtown Grand Junction.

Strongly Agree Agree Neutral Disagree Strongly Disagree

SA: 27 = 75.00% A: 8 = 22.22% N: 0 = 0.00% D: 0 = 0.00% SD: 0 = 0.00% NA: 1 = 2.78%

The most important streetscape characteristics to me are (check all that apply):

- 24 = 66.67% Downtown entries have landscaped medians, corner bulbs, special signs
- 27 = 75.00% Hardscaped areas (brick pavers or concrete) that also provide for furnishings, sculptures and planted areas
- 33 = 91.67% Street trees
- 28 = 77.78% Lighting that is down lit and with historical style poles
- 24 = 66.67% Distinctive street lighting for downtown residential core
- 28 = 77.78% Sitting/gathering areas such as small plazas, play areas and performance venues

CENTRAL BUSINESS DISTRICT (CBD) NORTH CONCEPTS/THEMES

I agree with the boundaries as shown for the CBD North area.

Yes 26 = 74.29% No 1 = 2.86% No Answer 8 = 22.86%

If no, please draw your proposed revisions on the attached map.

ARCHITECTURE

Establish a cohesive character/theme that harmonizes new structures with the existing buildings through common materials, scale and architectural details

Strongly Agree Agree Neutral Disagree Strongly Disagree
SA: 23 = 65.71% A: 6 = 17.14% N: 3 = 8.57% D: 1 = 2.86% SD: 0 = 0.00% NA: 2 = 5.71%

Promote vertically mixed use structures (e.g. retail at street level and residential or office above)

Strongly Agree Agree Neutral Disagree Strongly Disagree
SA: 18 = 51.43% A: 15 = 42.86% N: 1 = 2.86% D: 0 = 0.00% SD: 0 = 0.00% NA: 1 = 2.86%

The maximum building height of 65 feet shall only be allowed along the Grand Avenue side. The buildings should “step down” so that the fronts of buildings that are directly across the street from residential buildings or uses are only 35 feet in height.

Strongly Agree Agree Neutral Disagree Strongly Disagree
SA: 14 = 40.00% A: 8 = 22.86% N: 10 = 28.57% D: 0 = 0.00% SD: 0 = 0.00% NA: 3 = 8.57%

Scale and massing of buildings or portions of buildings along Ouray and Chipeta Avenues will be compatible with residential scale.

Strongly Agree Agree Neutral Disagree Strongly Disagree
SA: 28 = 80.00% A: 3 = 8.57% N: 3 = 8.57% D: 0 = 0.00% SD: 0 = 0.00% NA: 1 = 2.86%

SITE/AREA IMPROVEMENTS

Buildings should have a maximum setback of 25 feet so that parking and delivery areas must be located behind rather than in front of the buildings.

Strongly Agree Agree Neutral Disagree Strongly Disagree
SA: 18 = 51.43% A: 8 = 22.86% N: 7 = 20.00% D: 1 = 2.86% SD: 0 = 0.00% NA: 1 = 2.86%

Streetscape along Grand Avenue and 4th and 5th Streets will continue in a design compatible with the existing improvements along Grand Avenue (e.g. decorative pavement and street trees).

Strongly Agree Agree Neutral Disagree Strongly Disagree
SA: 23 = 65.71% A: 4 = 11.43% N: 6 = 17.14% D: 0 = 0.00% SD: 0 = 0.00% NA: 2 = 5.71%

Streetscape along Ouray and Chipeta Avenue will continue in a design compatible with the existing residential character (e.g. detached sidewalk, landscaping in park strip between curb and sidewalk, and street trees).

Strongly Agree Agree Neutral Disagree Strongly Disagree

SA: 24 = 68.57% A: 6 = 17.14% N: 2 = 5.71% D: 0 = 0.00% SD: 0 = 0.00% NA: 3 = 8.57%

Where available, some parking for non-residential uses may be on the street but only in front of the actual use, not in front of other adjacent uses.

Strongly Agree Agree Neutral Disagree Strongly Disagree

SA: 16 = 45.71% A: 7 = 20.00% N: 4 = 11.43% D: 3 = 8.57% SD: 2 = 5.71% NA: 3 = 8.57%

DOWNTOWN RESIDENTIAL CORE CONCEPTS/THEMES

I agree with the boundaries as shown for the downtown residential core.

Yes 28 = 77.78% No 5 = 13.89% No Answer 3 = 8.33%

If no, please draw your proposed revisions on the attached map.

No large-scale redevelopment projects will be allowed within the downtown residential core.

Strongly Agree Agree Neutral Disagree Strongly Disagree
SA: 23 = 63.89% A: 4 = 11.11% N: 5 = 13.89% D: 3 = 8.33% SD: 0 = 0.00% NA: 1 = 2.78%

The downtown residential core should be preserved for residential uses only with no further encroachment of non-residential uses.

Strongly Agree Agree Neutral Disagree Strongly Disagree
SA: 27 = 75.00% A: 1 = 2.78% N: 4 = 11.11% D: 3 = 8.33% SD: 0 = 0.00% NA: 1 = 2.78%

Maintain the existing character of the house styles within the downtown residential core neighborhood – new construction or alteration must be compatible with key architectural characteristics and site elements of the neighborhood.

Strongly Agree Agree Neutral Disagree Strongly Disagree
SA: 29 = 80.56% A: 4 = 11.11% N: 1 = 2.78% D: 2 = 5.56% SD: 0 = 0.00% NA: 0 = 0.00%

Maintain and enhance the pattern of landscaped front yards that gives the downtown residential core neighborhood a distinctive, friendly appearance.

Strongly Agree Agree Neutral Disagree Strongly Disagree
SA: 27 = 75.00% A: 3 = 8.33% N: 2 = 5.56% D: 2 = 5.56% SD: 0 = 0.00% NA: 2 = 5.56%

Regulate the scale of accessory structures to maintain their character as subordinate to the primary residence.

Strongly Agree Agree Neutral Disagree Strongly Disagree
SA: 27 = 75.00% A: 5 = 13.89% N: 3 = 8.33% D: 0 = 0.00% SD: 0 = 0.00% NA: 1 = 2.78%

New construction of accessory structures may be allowed to be built at historic setbacks (e.g. there could be a zero foot setback from the alley and only 3 feet from neighboring property line).

Strongly Agree Agree Neutral Disagree Strongly Disagree
SA: 11 = 30.56% A: 9 = 25.00% N: 9 = 25.00% D: 3 = 8.33% SD: 2 = 5.56% NA: 2 = 5.56%

Where existing residential zoning allows, provide a diversity of housing types through development of multi-family housing that is in keeping with the character of the neighborhood.

Strongly Agree Agree Neutral Disagree Strongly Disagree
SA: 13 = 36.11% A: 12 = 33.33% N: 6 = 16.67% D: 1 = 2.78% SD: 4 = 11.11% NA: 0 = 0.00%

Discourage tearing down existing historic homes in order to construct new residential structures.

Strongly Agree Agree Neutral Disagree Strongly Disagree
SA: 21 = 58.33% A: 7 = 19.44% N: 5 = 13.89% D: 1 = 2.78% SD: 2 = 5.56% NA: 0 = 0.00%

Strategic Downtown Master Plan Zoning Overlay

Regulate the spacing of non-traditional residential uses (e.g. service organizations, group homes) so as to equitably disburse them throughout the downtown residential area.

Strongly Agree Agree Neutral Disagree Strongly Disagree

SA: 19 = 52.78% A: 6 = 16.67% N: 8 = 22.22% D: 2 = 5.56% SD: 0 = 0.00% NA: 1 = 2.78%

DOWNTOWN TRANSITIONAL CORRIDORS CONCEPTS/THEMES

I agree with the boundaries as shown for the downtown transitional corridors.

Yes 21 = 60.00% No 9 = 25.71% No Answer 5 = 14.29%

If no, please draw your proposed revisions on the attached map.

Reuse of residential structures and new construction in the transitional corridors shall retain residential character.

Strongly Agree Agree Neutral Disagree Strongly Disagree
SA: 24 = 68.57% A: 6 = 17.14% N: 3 = 8.57% D: 0 = 0.00% SD: 0 = 0.00% NA: 2 = 5.71%

The most important residential characteristics to me are (check all that apply):

- 29 = 82.86% Maintain landscaped front yards (no parking in the front yard)
24 = 68.57% Setback of building from street
30 = 85.71% Small, low signage
31 = 88.57% Maintain or construct building forms that are typical of residential architecture (e.g. 1-1/2 to 2 stories, sloping roofs, window pattern, porches)
28 = 80.00% Use materials that are similar in color and texture as those in the residential neighborhood (e.g. roofing, siding)
29 = 82.86% Minimize the visual impact of parking provided for the transitional uses
3 = 8.57% Other – Please List, Describe _____
-

Front yards of transitional uses shall be reserved for landscaping, sidewalks and driveway access to parking areas and signage to maintain the residential character.

Strongly Agree Agree Neutral Disagree Strongly Disagree
SA: 24 = 68.57% A: 6 = 17.14% N: 3 = 8.57% D: 0 = 0.00% SD: 0 = 0.00% NA: 2 = 5.71%

Keep signs for the non-residential uses subordinate to the residential character.

Strongly Agree Agree Neutral Disagree Strongly Disagree
SA: 27 = 77.14% A: 6 = 17.14% N: 1 = 2.86% D: 0 = 0.00% SD: 0 = 0.00% NA: 1 = 2.86%

Regulate maximum building size in transitional corridors.

Strongly Agree Agree Neutral Disagree Strongly Disagree
SA: 24 = 68.57% A: 6 = 17.14% N: 1 = 2.86% D: 3 = 8.57% SD: 0 = 0.00% NA: 1 = 2.86%

Regulate hours of operation for transitional uses.

Strongly Agree Agree Neutral Disagree Strongly Disagree
SA: 13 = 37.14% A: 6 = 17.14% N: 11 = 31.43% D: 4 = 11.43% SD: 0 = 0.00% NA: 1 = 2.86%

Regulate building, site and signage lighting for transitional uses to minimize impact on adjacent residential core.

Strongly Agree Agree Neutral Disagree Strongly Disagree
SA: 26 = 74.29% A: 6 = 17.14% N: 1 = 2.86% D: 1 = 2.86% SD: 0 = 0.00% NA: 1 = 2.86%

Regulate parking and screening on non-residential sites to minimize impact on adjacent residential core.

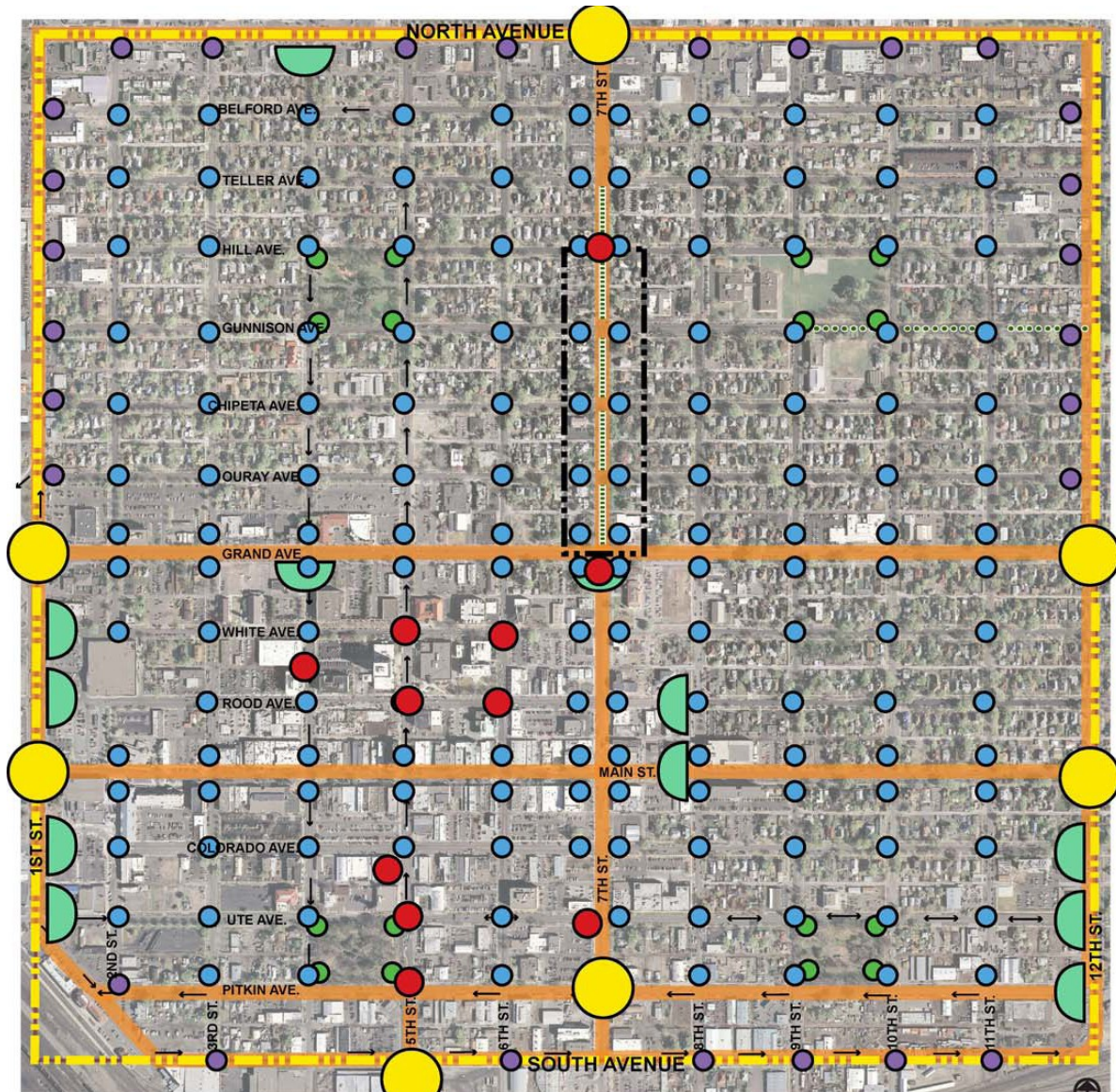
Strongly Agree Agree Neutral Disagree Strongly Disagree
SA: 24 = 68.57% A: 7 = 20.00% N: 1 = 2.86% D: 1 = 2.86% SD: 0 = 0.00% NA: 2 = 5.71%

Transitional uses should not be allowed to have outdoor storage areas.

Strongly Agree Agree Neutral Disagree Strongly Disagree
SA: 15 = 42.86% A: 6 = 17.14% N: 8 = 22.86% D: 3 = 8.57% SD: 1 = 2.86% NA: 2 = 5.71%

Where available, some parking for non-residential uses may be on the street but only in front of the actual use, not in front of other adjacent uses.

Strongly Agree Agree Neutral Disagree Strongly Disagree
SA: 16 = 45.71% A: 6 = 17.14% N: 6 = 17.14% D: 3 = 8.57% SD: 2 = 5.71% NA: 2 = 5.71%



(Aerial Photo, March 2007)



Wayfinding and Signage Strategy

Downtown Strategic Plan

May 12, 2008
Scale: 1" = 200'

LEGEND

- Study Area Boundary
- 7th Street District Boundary
- 7th Street Median
- Gunnison Ave. Tree Median
- Major Collectors
- One Way Street
- Two Way Street
- Original Square Mile Gateways
- Downtown Indicators and Directional Signage
- Identifiers
- Perimeter Street Signs
- Internal Street and Regulatory Signs
- Parks

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

**AN ORDINANCE AMENDING ORDINANCE NO. 2211 BY ADOPTION OF THE 7TH
STREET RESIDENTIAL HISTORIC DISTRICT ZONING OVERLAY DESIGN
STANDARDS AND GUIDELINES,
AMENDING THE ZONING AND DEVELOPMENT CODE TO ADD SECTION 7.7**

RECITALS:

Many of the recommendations of the Strategic Downtown Master Plan can be implemented through the use of an overlay zone district. In 1984 the City Council zoned A portion of the District PR-8. Almost 25 years later the City has completed a planning process that includes the 7th Street Historic District in its entirety. The 7th Street Historic District would benefit from overlay zoning because:

- 1) it is not clear whether a plan to implement the PR-8 zoning was adopted in 1984;
- 2) the 1984 plan, if adopted, is not clear and does not adequately address the unique historic character of the neighborhood; and
- 3) the planning area has not been, until now, comprehensively reviewed.

The 7th Street Historic District Design Standards and Guidelines are being proposed for the properties included in the designated National Register Historic District, which includes those properties adjacent to 7th Street between Teller and Grand Avenue, as well as the properties at the southeast and southwest corners of 7th Street and Grand Avenue. The Design Standards and Guidelines are incorporated as a part of the Planned Development zoning for the properties north of Grand Avenue, and as an overlay zone for the properties south of Grand Avenue.

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

That Ordinance No. 2211 is hereby amended to adopt, and as necessary or required, repeal the 1984 “Seventh Street Planned Development District PR-8”. Furthermore, be it ordained that the “7th Street Historic District Design Standards and Guidelines” be adopted and applied to the area shown In Attachment A and described as:

- Lots 11 through 21, inclusive, Block 39;
- Lots 1 through 11, inclusive, Block 40;
- Lots 1 through 10, inclusive, Block 49;
- Lots 11 through 21, inclusive, Block 50;
- Lots 11 through 20, inclusive, Block 61;
- Lots 1 through 10, inclusive, Block 62;
- Lots 1 through 12, +W19 ft. of lot 13, inclusive, Block 71;
- Lots 11 through 21, inclusive Block 72;
- Lots 11 through 13, inclusive, Block 83;
- Lots 14 through 16, inclusive, Block 83; and

All of Block 84, City of Grand Junction, Section 14 1s 1W except the right-of-way in the northwest corner,
All in the City of Grand Junction, Colorado.

Further, that the Zoning and Development Code be amended to add Section 7.7.

The City Council authorizes the Clerk to publish the amendment by pamphlet.

Introduced on first reading this 17th day of August, 2009.

Passed and adopted on second reading the ____ day of _____, 2009.

ATTEST:

City Clerk
Council

President of the



**NORTH 7th STREET RESIDENTIAL
HISTORIC DISTRICT ZONING OVERLAY**



**AUGUST 2009
DRAFT**

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1 HISTORY

The North Seventh Street Historic Residential District encompasses the area as shown on the map below – generally 7th Street between Hill and White Avenues and the north-south alleyways on the east and west sides of 7th Street. The North Seventh Street



Historic Residential District was listed in the National Register of Historic Places in 1984. The district is the most intact historic residential area in the community and includes noted architect Eugene Groves' 1925 Lowell School. The District includes 34 structures, primarily homes, that were constructed in the community's early years by some of the most prominent and prosperous citizens of the time.

The street itself was shown on the City's original town plat as a 100-foot wide avenue designed to serve, as it does today, as a major north-south thoroughfare to the downtown commercial area just three blocks to the south. The wide boulevard became home to many merchants and professional people in the area as they built homes along the corridor between the 1890s and 1930s. The architecture reflects influences and interpretations of several popular turn-of-the-century styles including Queen Anne, Colonial Revival and Mission as well as a progression of development from modest cottages to elaborate bungalows. This resulted in a varied, eclectic and unique character along the corridor that is enhanced by the wide tree-lined boulevard, with its planted median.

2 PROJECT BACKGROUND

The City's *Strategic Downtown Master Plan* identified goals, actions and tools for implementing the plan for the entire original square mile, including the North Seventh Street Residential Historic District. Development of a zoning overlay for the area was identified as one of the tools that could best address many of the desired goals and actions. Because the North Seventh Street District is such a unique area in the community and in downtown, it was suggested that a separate overlay zone be developed for the area.

It is recognized that the shady, tree-lined stretch of North 7th Street with its eclectic architecture deserves to be preserved yet, at the same time, this unique district is constantly changing. The North Seventh Street Historic Residential District Zoning Overlay is intended to provide guidance and criteria for maintaining the district as well as accommodating reasonable change as both public and private improvements are made to the properties within the neighborhood. If properly administered and adhered to, the guidelines and standards of the overlay zone should result in public and private development improvements (or a combination thereof) that achieve, as a minimum, a common level of quality in terms of site design, architectural design, landscaping and other site improvements.



The general purposes of the guidelines and standards are:

- To preserve the historical and/or architectural value of buildings.
- To create an aesthetic appearance of the properties and the streetscape within the district that complements the historic buildings.
- To stabilize and improve property values.

These guidelines and standards were developed upon an analysis of the existing character of the District as summarized in the information developed for each property as included in Appendix B. In addition, property owners within the District were asked to complete a questionnaire for their input on the important characteristics of the District and the concepts for the preservation and protection of those characteristics. The questionnaire process is summarized in Appendix C.

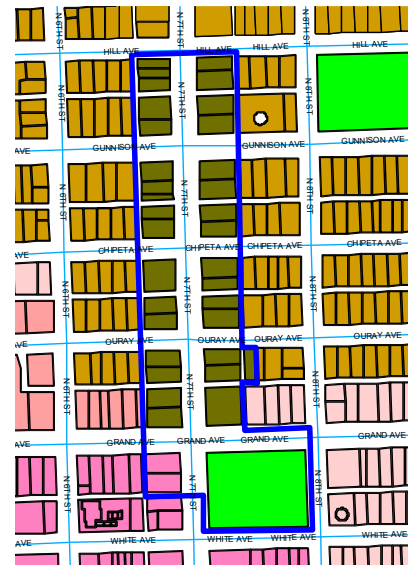
The guidelines and standards of this zoning overlay supplement other development regulations such as the *City Zoning and Development Code*, which includes detailed criteria by zone district, planned development regulations, design and improvement standards, supplemental use regulations and sign regulations and the City Transportation and Engineering Design Standards (TEDS). In the instance the guidelines and standards of this overlay are silent on a development concern, the existing regulations shall apply.

The guidelines and standards identify design alternatives and specific design criteria for the visual character and physical treatment of private development and public improvements within the North Seventh Street District. They are adopted through an overlay zoning district, which will establish the means by which the standards are administered and enforced.

3 LAND USE

A. UNDERLYING ZONING

The underlying zoning for that portion of the North 7th Street District that is zoned Planned Development (PD – Dark Green) shall be Residential 8 (R-8). Any zoning issue not addressed by the following guidelines and standards including but not limited to Intensity/Density, Performance Standards and Bulk Standards shall defer to the R-8 zone district as outlined in the *Zoning and Development Code* as amended.



Included in the District are three properties south of Grand Avenue: two converted houses on the west side of 7th Street and R-5 High School on the east. The houses are zoned Downtown Business (B-2 – Bright Pink) and the school is zoned Community Services and Recreation (CSR – Bright Green). While the overlay applies to these properties, the zoning remains unchanged. Because the zones are not Planned Development (PD) no underlying zoning need be identified.

B. ALLOWED BASE USES

The specific uses in the North Seventh Street Historic Residential District are as listed below by address.

WEST SIDE

- 739 7th St – Single Family
- 731 7th St – Daycare
- 727 7th St – Daycare
- 715 7th St – Daycare
- 707 7th St – Single Family
- 639 7th St – Single Family
- 625 7th St – Single Family
- 621 7th St – Single Family
- 611 7th St – Single Family
- 605 7th St – 2 units/2 bldgs; 1 unit each
- 535 7th St – Church
- 515 7th St – Single Family
- 505 7th St – Single Family

- 445 7th St – Single Family
- 433 7th St – Single Family
- 417 7th St – Single Family
- 407 7th St – Single Family
- 337 7th St – Office – 4 units

EAST SIDE

- 750 7th St – Single Family
- 726 7th St – 4 units/1 building
- 712 7th St – Single Family
- 706 7th St – Single Family
- 640 7th St – Boarding House 4 Rooms
- 626 7th St – 5 units/1 building
- 620 7th St – 4 units/1 building
- 604 7th St – Single Family
- 536 7th St – Single Family
- 522 7th St – Single Family
- 520 7th St – Single Family
- 710 Ouray – Single Family
- 440 7th St – 2 units / 2 bldgs; 1 unit each

- 428 7th St – Single Family
- 720 Grand – Church
- 310 7th Street – School

327 7th St – Office – 10 units

C. OTHER ALLOWED RESIDENTIAL USES

The following uses are allowed within the North Seventh Street Historic Residential Uses subject to review and compliance with the *Zoning and Development Code*. The City of Grand Junction Historic Preservation Board shall be a review agency for all such applications.

- Residential Sub-Units (subordinate to the primary residential use and located within the principal structure)
- Accessory Units (subordinate to the primary residential use and detached from the principal structure)
- Bed and Breakfast 1 to 3 Rooms
- Home Occupation
- Home-based Daycare

D. ALL OTHER USES

This Overlay Zone is not intended to categorically prevent any future use changes but to ensure that if they occur, they are carried out in a consistent manner and with appropriate opportunity for public input. Changes to uses other than the allowed residential uses listed in C. above, require staff review and recommendation to the Planning Commission. City Council shall be the decision maker. The public hearing procedure shall be in accordance with that of a rezone application in the *Zoning and Development Code*. The City of Grand Junction Historic Preservation Board shall be a review agency for all such applications. In addition, any demolition or removal of any principal structure shall be reviewed in accordance with this paragraph.

E. REVIEW OF ALTERATIONS

Alterations shall be subject to administrative review per the *Zoning and Development Code*. Appeals of a Director's decision and variance requests shall be heard by the Grand Junction Planning Commission. The City of Grand Junction Historic Preservation Board shall be a review agency for all such applications.

- The addition or removal of any accessory structure.
- Additions or major exterior alterations, such as siding, windows, doors and porch enclosure on a principal structure where there is no change of use.
- The addition or alteration of any major site features such as parking areas, accesses, fencing and signage.

4 DESIGN GUIDELINES AND STANDARDS

A. STREETScape AND DISTRICT IDENTIFICATION

1. **Views.** The District's unique buildings are bordered by a mature, tree-lined street, which creates an extended horizontal view. This open view gives the buildings in the District visibility and provides safety. Through application of the overlay property owners and the City will:
 - Maintain the direct visual line of sight up and down the North 7th Street corridor and at the cross street corners by minimizing unnecessary visual clutter and distraction.
 - Maintain and enhance the historic character of landscaping in the median and the park strip between the curb and sidewalk along North 7th Street. Materials should be primarily grass, street trees and low ornamental plants.
 - Park strips should not be planted with dense, tall materials as they detract from the overall character of the streetscape and impede visibility and safety for pedestrians and vehicles.
 - Parking is not allowed in the park strip along 7th Street or in the park strip along side streets.
2. **Landscaping.** The District's unique streetscape enhances the architectural character. Through application of the overlay property owners and the City will:
 - Maintain and restore where missing, the historic spacing of mature street trees along the North 7th Street corridor. Street trees along North 7th Street provide full canopy coverage for shade for residents and pedestrians. Street trees should remain intact, with new trees planted to fill in where they may be missing or as aging trees are replaced.
 - Maintain and enhance the historic character of landscaping in the median and the park strip between the curb and sidewalk along North 7th Street. Materials should be primarily grass, street trees and low ornamental plants. Landscaping



these areas with no living material is highly discouraged.

- Park strips should not be planted with dense, tall materials as they detract from the overall character of the streetscape and impede visibility and safety for pedestrians and vehicles.

3. District Identification. Clear, legible, unified signage allows visitors to immediately recognize they have entered the District. Currently, there are identification signs at either end of the District but they are not consistent in appearance. Through application of the overlay property owners and the City will:

- Enhance the character of the District by providing clear entrance signage and/or other design features that clearly identifies the District.



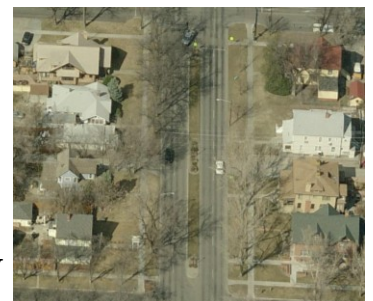
- Replace historic street names in the sidewalk at all cross-street intersections within the District.

B. ARCHITECTURAL CONSIDERATIONS

1. Building Proportions. Maintaining a building's historical massing and scale and a consistent building height gives the District a unique appearance that helps preserve its historical character and reinforces the distinct architectural period and style of the District.

- The arrangement of building components or volumes into a whole structure constitutes its mass and scale. The building's overall massing and form should honor its historical style. In the North 7th Street District, the building forms have historically reflected a human scale.
- Buildings within the district shall be no taller than three stories or 35 feet whichever is greater.
- First floor facades that face North 7th Street shall be of a height similar to adjacent buildings not to exceed 35 feet to further create visual unity.

2. Building Setbacks and Placement on the Lot. Cohesiveness within the District begins with the alignment of individual properties, which gives way to cohesive blocks. Maintaining the setbacks/building placement is necessary.



- Primary structures up and down the street shall visually align. Maintain a minimum front yard setback of 20 feet and a maximum of 30 feet for all primary structures.
- Maintain the historic pattern of side yard setbacks for principal structures that establish a consistent spacing of facades on the streetscape.

3. Roofs. Severely altering a building's roof changes a building's height, façade, and support structures. This ultimately alters the building's historic form and does not preserve its historic character.

- Roof shape, pitch and overhang shall keep the building's original construction and historical style.



- Keeping rooftop features such as chimneys and other fixtures is encouraged to reinforce the building's historical style.

4. Entrances. The buildings in the District were designed to face North 7th Street. This is Grand Junction's only downtown residential example where entire blocks of houses face a north-south street. This detail is a defining characteristic for the District and must be maintained. Modification of the size and/or location of the doorway changes the overall style of a building's façade.

- Unless a building was originally designed differently on a corner property, the primary building entrances shall face North 7th Street.
- Doorways shall keep the building's original construction and historical style.



5. **Windows.** Modification of the size and/or location of a building's windows changes the overall style of its façade. Window shape, alignment and style must be protected to preserve the building's historic character.

- Maintain the historic pattern of windows and their vertical and horizontal rhythms. Openings should not be enlarged, closed off or otherwise altered in form.

- Repair and maintenance of windows is a primary need. Replace window sashes and frames with components that match the originals as closely as possible.



- Shade structures such as awnings are appropriate additions to windows provided materials are consistent with the architectural style. Primary materials shall be cloth and wood. Plastic, vinyl and metal shade structures are not allowed.

6. **Porches, Stairs and Entry Platforms.** A key characteristic of many of the buildings in the North 7th Street District is the pattern and prominence of the raised, first floor porches, regardless of the architectural style or period. This important element of the streetscape and its components of construction must be maintained.



- Maintain porches as integral parts of the overall building character and style.
- The ground plane of any entry platform or stairs should stand no higher than one-half a story.
- Avoid enclosing a porch whenever possible. If it must be done, design the enclosure so that the original lines of the porch roof, eaves and supports are preserved.

7. **Accessibility and Fire Escapes.** For certain types of building uses, handicapped access and/or fire access may be required.

- For accessible ramps, use the same materials and design ramps to be compatible with the architectural style of the building. The ramp should provide a non-skid surface and have no greater than a 1 to 12 slope.
- For fire access, there are design alternatives available which are inexpensive and unobtrusive. Avoid construction of a large, intrusive metal or wooden structure on the front or visible side of a building whenever possible. A simple metal pole or ladder attached to a rear or secondary façade and painted in the wall or trim color is the recommended solution.

8. Exterior Materials. As historic homes age, exterior materials inevitably need replacing. Whether scientific advancement has deemed a certain material unsafe or a material is simply worn, it is important to replace these materials in a manner that reflects the building's historical style in order to preserve the district's overall character.

- Exterior surfaces should be replaced with historically accurate materials.
- If the former is not possible, exterior wall surfaces, foundation, roofing, trim, gutters, downspouts, exterior lighting and other unique detailing can be replaced with modern materials provided that the appearance is consistent with the historical character.
- Hazardous materials that do not pose a threat can remain a part of the structure. Hazardous materials that must be replaced should be done in a manner that keeps a building's historic style.

9. Repairs and Renovations. As historic homes age, repairs and renovations are inevitable. It is important to maintain a building's historic style in order to preserve the overall historic character of the District. Demolishing a building for any reason other than structural safety may not occur without consent of the City.

- Repairs and renovations may employ modern materials provided they blend in and do not detract from a building's historical style.
- Use of modern materials may be allowed provided they are not permanent and can be removed without damage to the underlying materials or structure of the building.
- No new primarily nonresidential structures shall be built in the District.

10. Additions and Secondary Buildings. The primary structures along North 7th Street historically define the District. Each primary structure must be maintained

and each building's historical form should not be severely altered to preserve the character of the district.

- Secondary structures shall not be taller than the highest eave line of the primary structure.
- Additions shall not exceed 35 percent of the gross square footage of the principal structure and not be visually prominent. Position and design additions so that they are subordinate to and do not alter the original proportions of the front façade.
- Maintain the historical alignment of buildings when constructing additions.
- If additional floors are constructed, set back the addition to preserve the historic eave or roof line of the original structure.
- The height of the addition shall not exceed the overall height (roof peak) of the original structure.
- The materials used for additions should be similar to materials used on the original building.
- Respect the character of existing openings and continue the pattern where feasible.

C. DEMOLITION

Designation of a structure within the North 7th Street Residential Historic District does not mean that it cannot be demolished. The following shall be considered when determining whether or not a structure may be demolished.

- Whether the structure is contributing and has significant historical importance.
- Whether the structure is an essential part of a unique street section or block and whether that can be appropriately reestablished by a new structure.
- The state of repair and the structural stability of the building.

D. SIGNAGE AND SITE IMPROVEMENTS

1. **Fencing.** Fencing in the front yards of properties along North 7th Street limits the north-south views and detracts from views of the architectural facades of the buildings.



- Fencing is allowed on all sides of the property according to the *Zoning and Development Code*.
- Fencing in rear and side yards shall be subject to the regulations of the *Zoning and Development Code*.
 - Front yard fencing within the 7th Street District shall not exceed 36 inches in height and be of an open design. On a corner lot, this shall apply to both the 7th Street frontage as well as the side street frontage. Along the side street, fencing from the rear corner of the principal structure to the north-south alleyway, may exceed 36 inches in height and be of a material acceptable under the *Zoning and Development Code*.
 - Front yard fencing materials should be in keeping with the building's historical style. The color and texture of the materials should be coordinated with the adjacent structures. Wood, brick and wrought iron are the most appropriate front yard fencing materials. The use of split rail, chain link and wire mesh is not allowed.
2. **Parking.** Front driveways and on-street parking along 7th Street are not allowed.
 - For all uses within the District, maintain the historic pattern of automobile uses at the rear of the lot or off side streets. No parking is allowed in the front yard setback except on side streets if located in the rear half of the parcel.
 - Commercial parking, paved parking lots and accessory parking structures shall be screened from views from 7th Street.
 3. **Individual Building Signage.** Modern signage detracts from a building's visual impact and overshadows architectural detail.
 - Signage shall blend with the historical style of the building to reflect the district's overall historic character of the District.

- Design of a sign shall reflect the unique details, materials and colors of the site's architecture and landscape.

APPENDICES

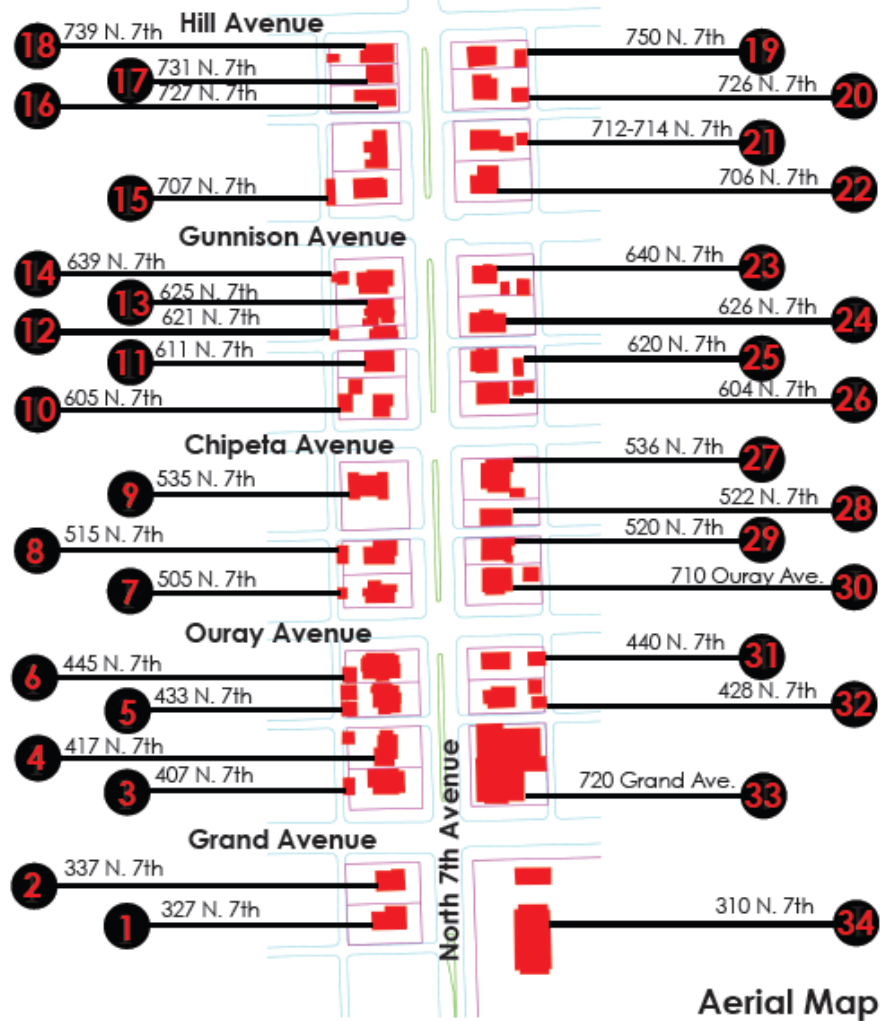
North 7th Street Historical Residential District



The North 7th Historical Residential District is Grand Junction's only nationally registered historic neighborhood. To the left is an aerial map of the district, and below is a collection of profile cards depicting the unique architectural stylings of all thirty-four houses in the district.

KEY

- median
- street/alley
- bldg footprint
- property line



1. Doc Shores House



Building Location

Address: 327 North 7th Street
Zone District: B-2, downtown business
Principal Use: office space
Original Owner: Cyrus "Doc" Shores
Date of Construction: 1893

Form/Shape

Bulk

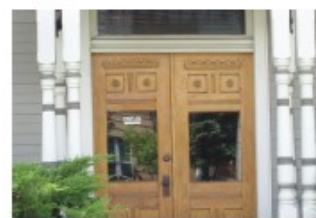
Height

Roof Shape/ Materials
 mansard gable flat hip

Wall
 stucco brick siding shingle wood trim

Foundation
 brick stone cement

Entryway



Style: Italiante
Platforms: side porch
Additions/Alterations: yes
Accessory Structures: none
Fencing/Walls: none
Landscaping: minimal
Signage: stand alone
Unique/Distinguishing Elements: unique columns and trim
Is Property a Focal Point or Orientation Landmark? yes
Observations: backyard consumed entirely by paving

2. White House



Address: 337 North 7th Street
Zone District: B-2, downtown business
Principal Use: office space
Original Owner: W. F. White
Date of Construction: 1893

Form/Shape



Bulk



Height



Roof Shape/ Materials



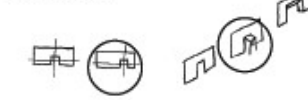
Wall



Foundation



Entryway



Style: Colonial Revival, Tudor Revival, Queen Ann
Platforms: small covered entrance
Additions/Alterations: yes
Accessory Structures: none
Fencing/Walls: none
Landscaping: minimal
Signage: stand alone
Unique/Distinguishing Elements: unique columns and windows
Is Property a Focal Point or Orientation Landmark? yes
Observations: backyard consumed entirely by paving



3. Herman Bull House

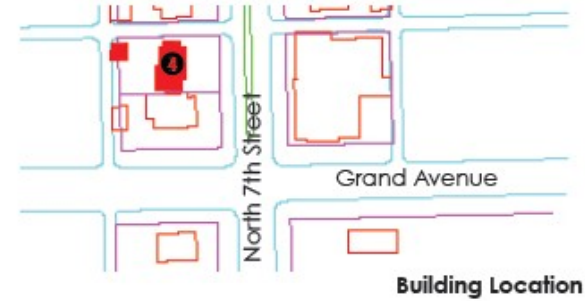


Address: 407 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residence
Original Owner: Dr. Herman Bull
Date of Construction: 1906

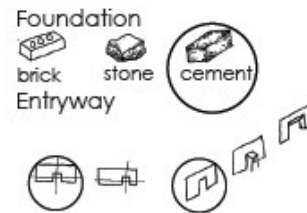
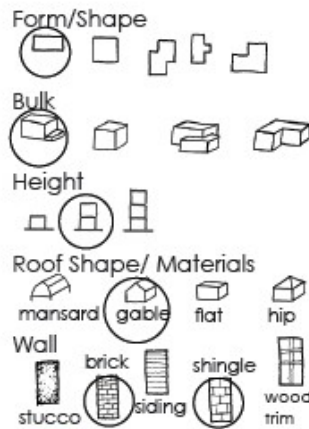
<p>Form/Shape</p>	<p>Foundation</p>
<p>Bulk</p>	<p>Entryway</p>
<p>Height</p>	
<p>Roof Shape/ Materials</p>	
<p>Wall</p>	

Style: Spanish
Platforms: enclosed front porch
Additions/Alterations: no
Accessory Structures: garage
Fencing/Walls: stone
Landscaping: Colorado
Signage: 2 stand alone
Unique/Distinguishing Elements: decorative arched parapets, arch motif
Is Property a Focal Point or Orientation Landmark? yes
Observations: interesting spiral detailing, strong representation of Spanish style

4. Warren House



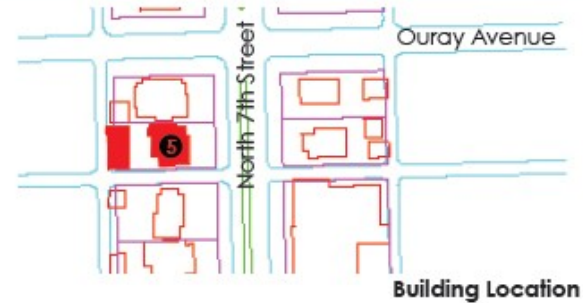
Address: 417 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residence
Original Owner: Dr. George and Nettie Warner
Date of Construction: 1902



Style: Eclectic
Platforms: back balcony
Additions/Alterations: yes
Accessory Structures: garage
Fencing/Walls: wood
Landscaping: flowering
Signage: none
Unique/Distinguishing Elements: double chimney, flowering landscape
Is Property a Focal Point or Orientation Landmark? no
Observations: beautiful landscaping



5. Fix House



Address: 433 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residence
Original Owner: John F. "Pony" and Irene Moore
Date of Construction: 1910

Form/Shape



Bulk



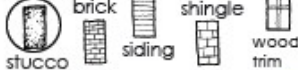
Height



Roof Shape/ Materials



Wall



Foundation



Entryway



Style: Eclectic

Platforms: none

Additions/Alterations: no

Accessory Structures: two garages

Fencing/Walls: brick, wrought iron

Landscaping: Colorado

Signage: none

Unique/Distinguishing Elements: hipped roof dormers, palladian windows, bracketed gutters, ornamentation

Is Property a Focal Point or Orientation

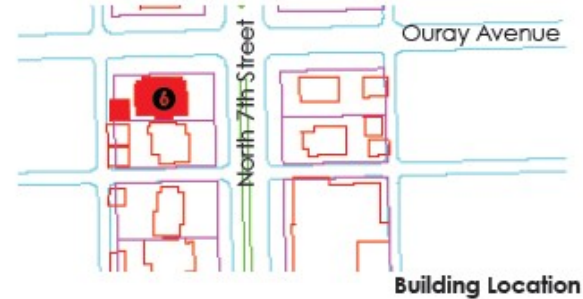
Landmark? yes

Observations: unique forms and massing

5

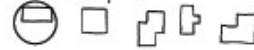
North 7th Street Historic Residential District

6. Martin House



Address: 445 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residence
Original Owner: F.C. "Clyde" and Carrie Martin
Date of Construction: 1923

Form/Shape



Bulk



Height



Roof Shape/ Materials



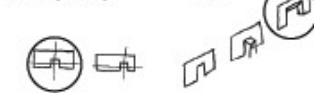
Wall



Foundation



Entryway



Style: Craftsman

Platforms: front and back porch

Additions/Alterations: no

Accessory Structures: garage

Fencing/Walls: wood

Landscaping: Colorado

Signage: none

Unique/Distinguishing Elements: Kellistone stucco, low pitched roofs

Is Property a Focal Point or Orientation

Landmark? yes

Observations: balanced use of vertical and horizontal elements

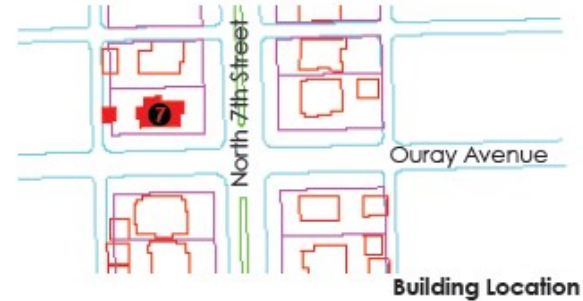


North 7th Street Historic Residential District



6

7. Sampliner House



Address: 505 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residence
Original Owner: Joseph M. Sampliner
Date of Construction: 1899

Form/Shape

Bulk

Height

Roof Shape/ Materials

Wall

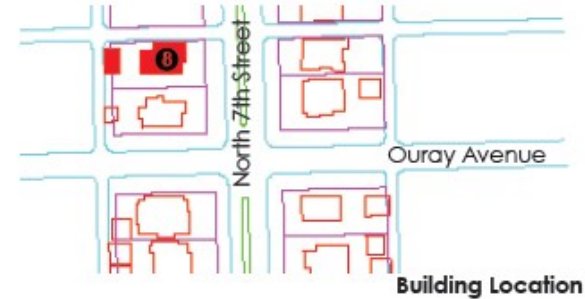
Foundation

Entryway



Style: Queen Anne, Tudor Revival
Platforms: none
Additions/Alterations: yes
Accessory Structures: shed
Fencing/Walls: wood
Landscaping: flowering
Signage: none
Unique/Distinguishing Elements: striped shingle siding
Is Property a Focal Point or Orientation Landmark? no

8. Sampliner House



Address: 515 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residence
Original Owner: Albert "Bert" Sampliner
Date of Construction: 1899

Style: Queen Anne
Platforms: enclosed front porch
Additions/Alterations: no
Accessory Structures: shed, garage
Fencing/Walls: stone, wood
Landscaping: screened, flowering
Signage: none
Unique/Distinguishing Elements: sunburst moulding, stained glass window
Is Property a Focal Point or Orientation Landmark? yes
Observations: beautiful representation of Queen Anne era housing

Form/Shape



Bulk



Height



Roof Shape/ Materials



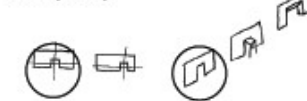
Wall



Foundation



Entryway



North 7th Street Historic Residential District



8

9. First Church of Christ, Scientist



Address: 535 North 7th Street
Zone District: PR-8, planned residential
Principal Use: church
Original Owner:
Date of Construction: 1929

Form/Shape



Bulk



Height



Roof Shape/ Materials



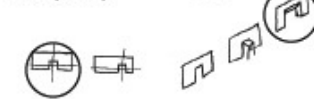
Wall



Foundation



Entryway



Style: Romanesque, Colonial Revival

Platforms: none

Additions/Alterations: no

Accessory Structures: none

Fencing/Walls: chain link

Landscaping: Colorado

Signage: stand alone

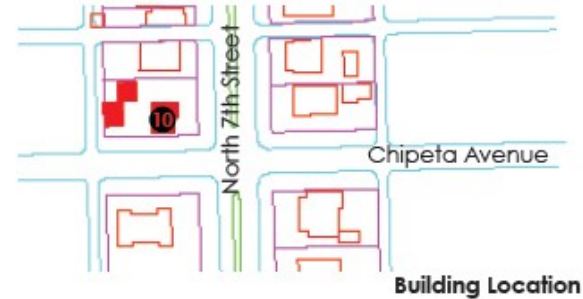
Unique/Distinguishing Elements: rounded arch, symmetry

Is Property a Focal Point or Orientation

Landmark? yes

Observations: unshaded parking lot

10. Brainard House



Address: 605 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residential
Original Owner: John and Maud Brainerd
Date of Construction: 1900

Form/Shape



Bulk



Height



Roof Shape/ Materials



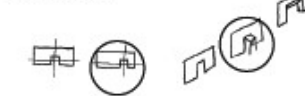
Wall



Foundation



Entryway



Style:

Dutch Colonial

Platforms: none

Additions/Alterations: no

Accessory Structures: garage, cottage

Fencing/Walls: wood, brick

Landscaping: flowering, pergola

Signage: none

Unique/Distinguishing Elements: gambrel roof, formal entrance, striped shingle siding

Is Property a Focal Point or Orientation

Landmark? yes

Observations: well-maintained



North 7th Street Historic Residential District



10

11. Blackstone House



Address: 611 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residential
Original Owner: Blackstone family
Date of Construction: 1909

Form/Shape

Bulk

Height

Roof Shape/ Materials
 mansard gable flat hip

Wall
 stucco brick siding shingle wood trim

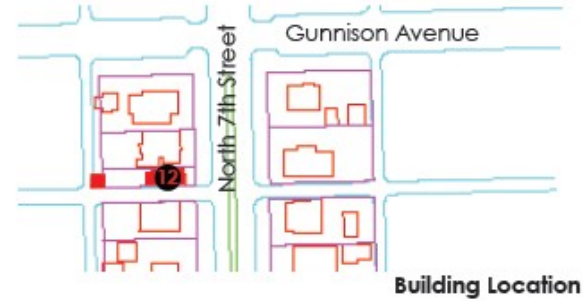
Foundation
 brick stone cement

Entryway



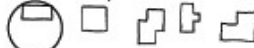
Style: Colonial Revival
Platforms: front porch
Additions/Alterations: no
Accessory Structures: shed
Fencing/Walls: wood
Landscaping: minimal
Signage: none
Is Property a Focal Point or Orientation Landmark? no

12. Honeymoon Cottage



Address: 621 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residential
Original Owner:
Date of Construction: 1902

Form/Shape



Bulk



Height



Roof Shape/ Materials



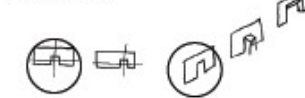
Wall



Foundation



Entryway



Style: Arts and Crafts Bungalow
Platforms: enclosed front porch
Additions/Alterations: no
Accessory Structures: shed
Fencing/Walls: wood
Landscaping: deciduous
Signage: none
Is Property a Focal Point or Orientation Landmark? no

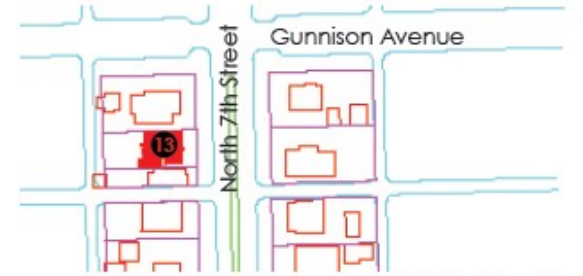


North 7th Street Historic Residential District



12

13. Hoisington House



Building Location

Address: 625 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residential
Original Owner: Julia Wilson
Date of Construction: 1922

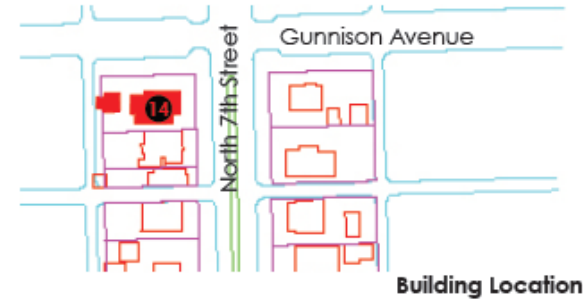
- Form/Shape**
- Bulk**
- Height**
- Roof Shape/ Materials**
- Wall**

- Foundation**
- Entryway**



Style: Arts and Crafts Bungalow
Platforms: none
Additions/Alterations: no
Accessory Structures: two sheds
Fencing/Walls: none
Landscaping: Colorado
Signage: none
Is Property a Focal Point or Orientation Landmark? no
Major Deficiencies: maintenance

14. Murr House



Address: 639 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residential
Original Owner: William and Hatti G. Murr
Date of Construction: 1926

<p>Form/Shape</p>	<p>Foundation</p>
<p>Bulk</p>	<p>Entryway</p>
<p>Height</p>	
<p>Roof Shape/ Materials</p>	
<p>Wall</p>	

Style: Bungalow Arts and Crafts
Platforms: front porch
Additions/Alterations: no
Accessory Structures: garage
Fencing/Walls: wood
Landscaping: flowering, Colorado
Signage: none
Unique/Distinguishing Elements: wood and stucco gables, facade color palette
Is Property a Focal Point or Orientation
Landmark? yes
Observations: striking example of Arts and Crafts style architecture



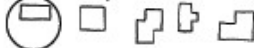
15. Wickersham House



Building Location

Address: 707 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residential
Original Owner: Lincoln and Ruth Wickersham
Date of Construction: 1910

Form/Shape



Bulk



Height



Roof Shape/ Materials



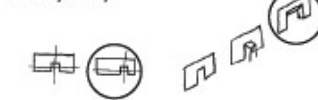
Wall



Foundation



Entryway



Style: Craftsman

Platforms: front porch

Additions/Alterations: no

Accessory Structures: garage

Fencing/Walls: wood

Landscaping: flowering

Signage: none

Unique/Distinguishing Elements: fenestration, simplicity

Is Property a Focal Point or Orientation

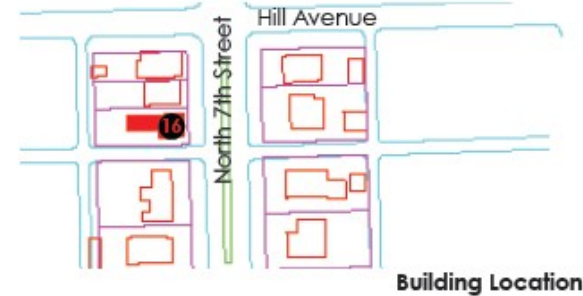
Landmark? yes

Observations: great example of Craftsman-style housing

15

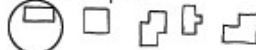
North 7th Street Historic Residential District

16. Learning Tree



Address: 727 North 7th Street
Zone District: PR-8, planned residential
Principal Use: day care
Original Owner: James W. Sinclair
Date of Construction: 1895

Form/Shape



Bulk



Height



Roof Shape/ Materials



Wall



Foundation



Entryway



Style: Eclectic

Platforms: none

Additions/Alterations: no

Accessory Structures: none

Fencing/Walls: chain link

Landscaping: sparse

Signage: none

Unique/Distinguishing Elements: mansard roof

Is Property a Focal Point or Orientation

Landmark? no

Observations: rare roof style



North 7th Street Historic Residential District



16

17. Residence



Building Location

Address: 731 North 7th Street
Zone District: PR-8, planned residential
Principal Use: day care
Original Owner: Clarence Lough
Date of Construction: 1909

Style: Queen Anne
Platforms: none
Additions/Alterations: no
Accessory Structures: shed
Fencing/Walls: chain link
Landscaping: minimal
Signage: attached
Unique/Distinguishing Elements: near mirror image layout to 739 North 7th
Is Property a Focal Point or Orientation Landmark? no

Form/Shape

Bulk

Height

Roof Shape/Materials

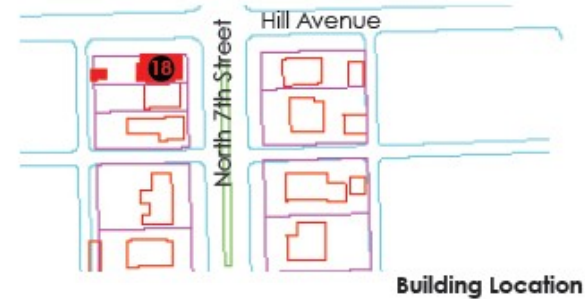
Wall

Foundation

 Entryway

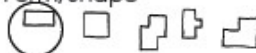


18. Residence



Address: 739 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residential
Original Owner: Owen W. Hoskins
Date of Construction: 1909

Form/Shape



Bulk



Height



Roof Shape/ Materials



Wall



Foundation



Entryway



Style: Queen Anne

Platforms: enclosed front porch

Additions/Alterations: no

Accessory Structures: garage

Fencing/Walls: brick, wood

Landscaping: sparse

Signage: none

Unique/Distinguishing Elements: near mirror image layout to 731 North 7th

Is Property a Focal Point or Orientation

Landmark? no



19. Residence



Building Location

Address: 750 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residential
Original Owner: Donald D. Akers
Date of Construction: 1952

Form/Shape



Bulk



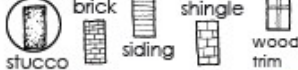
Height



Roof Shape/ Materials



Wall



Foundation



Entryway



Style: Spanish

Platforms: front porch

Additions/Alterations: no

Accessory Structures: garage

Fencing/Walls: stone

Landscaping: screened, Colorado

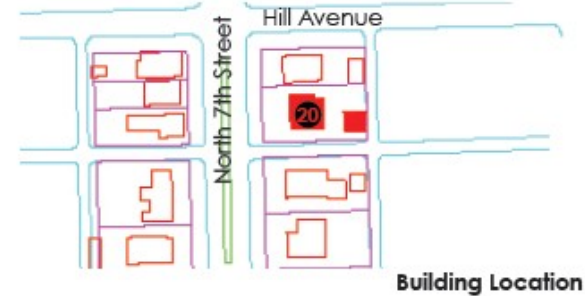
Signage: no

Is Property a Focal Point or Orientation

Landmark? no

Observations: overly large shrubs hide the structure's facade

20. Residence



Building Location

Address: 726 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residential
Original Owner: Alfred H. Davis
Date of Construction: 1909

Form/Shape



Bulk



Height



Roof Shape/ Materials



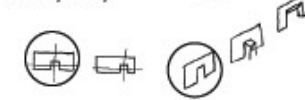
Wall



Foundation



Entryway



Style:

 Eclectic

Platforms: enclosed front porch

Additions/Alterations: no

Accessory Structures: garage

Fencing/Walls: stone

Landscaping: minimal

Signage: no

Is Property a Focal Point or Orientation

Landmark? no

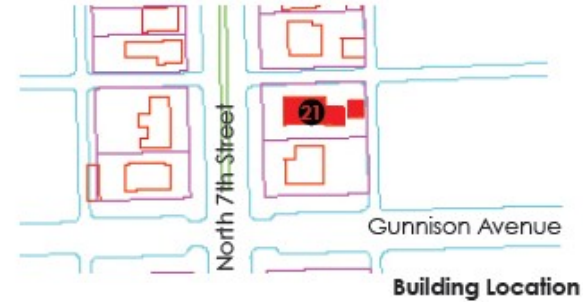


North 7th Street Historic Residential District

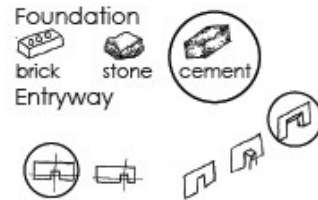
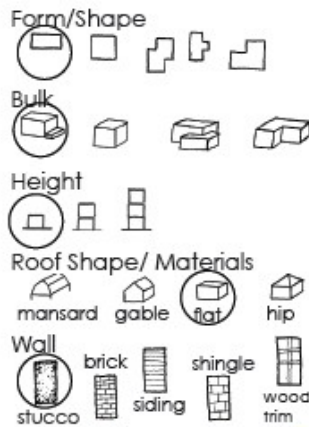


20

21. Residence

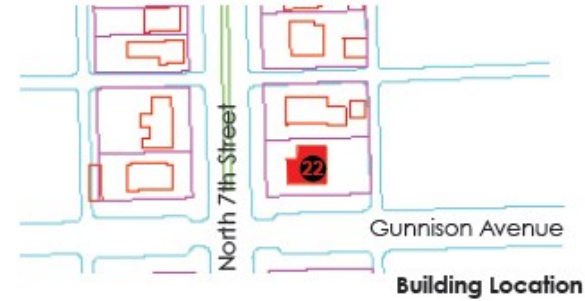


Address: 712 and 714 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residential
Original Owner:
Date of Construction: 1931



Style: Southwestern
Platforms: none
Additions/Alterations: no
Accessory Structures: garage
Fencing/Walls: chain link
Landscaping: Colorado
Signage: no
Unique/Distinguishing Elements: first duplex built in Grand Junction
Is Property a Focal Point or Orientation Landmark? no

22. Adron House



Address: 706 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residential
Original Owner: Adron family
Date of Construction: 1909

Form/Shape



Bulk



Height



Roof Shape/ Materials



Wall



Foundation



Entryway



Style: Southwestern

Platforms: front porch

Additions/Alterations: yes, second story

Accessory Structures: two sheds

Fencing/Walls: wood

Landscaping: deciduous

Signage: no

Is Property a Focal Point or Orientation

Landmark? no

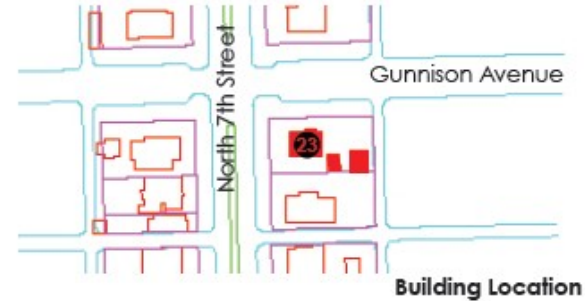


North 7th Street Historic Residential District

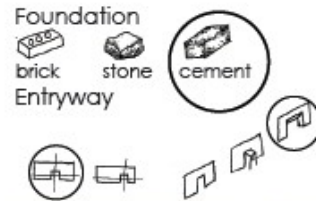
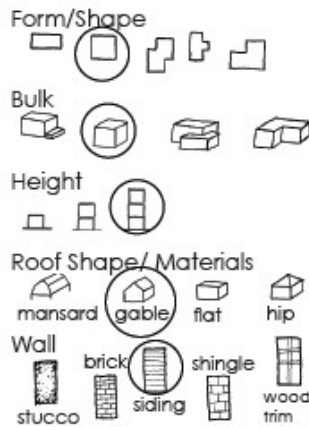


22

23. Furbrosh House

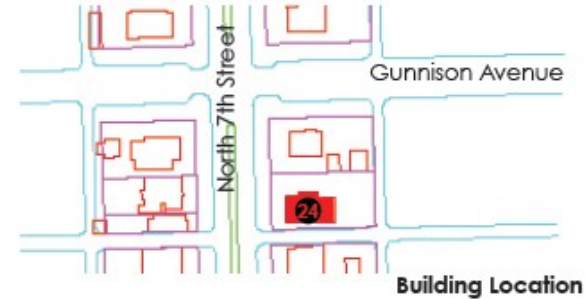


Address: 640 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residential
Original Owner: C.M. Ferbrache
Date of Construction: 1906



Style: Colonial Revival
Platforms: front porch
Additions/Alterations: no
Accessory Structures: garage, shed
Fencing/Walls: wood, chain link
Landscaping: screened, Colorado
Signage: no
Unique/Distinguishing Elements: color palette, heavily shaded
Is Property a Focal Point or Orientation
Landmark? yes
Major Deficiencies: landscaping screens a large portion of the facade

24. Apartment House



Address: 626 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residential
Original Owner: Henry S. Barkuloo
Date of Construction: 1900

Style: Colonial Revival
Platforms: none
Additions/Alterations: yes
Accessory Structures: none
Fencing/Walls: none
Landscaping: none
Signage: no
Is Property a Focal Point or Orientation Landmark? no
Observations: main building has been severely altered

Form/Shape



Bulk



Height



Roof Shape/ Materials



Wall



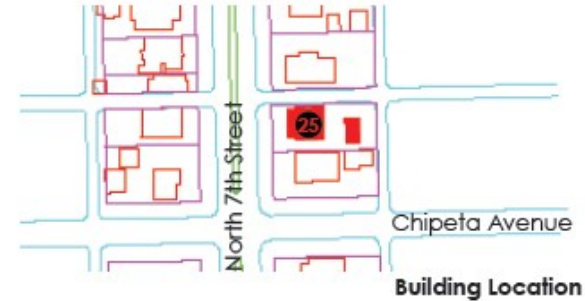
Foundation



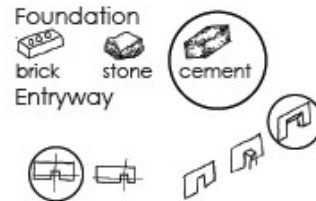
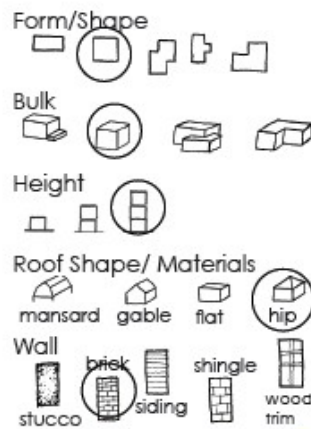
Entryway



25. Moyer House



Address: 620 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residential
Original Owner: William J. and Ida Moyer
Date of Construction: 1906



Style: Tudor Revival, Craftsman
Platforms: front porch
Additions/Alterations: yes
Accessory Structures: cottage
Fencing/Walls: brick
Landscaping: Colorado
Signage: no
Unique/Distinguishing Elements: wall built down the middle to become a duplex
Is Property a Focal Point or Orientation Landmark? yes
Observations: incorporates successful interior alterations that don't diminish exterior

25

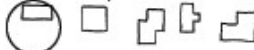
North 7th Street Historic Residential District

26. Goodwin House



Address: 604 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residential
Original Owner: Vernon Talbert
Date of Construction: 1907

Form/Shape



Bulk



Height



Roof Shape/ Materials



Wall



Foundation



Entryway



Style:

Tudor Revival

Platforms: covered side porch

Additions/Alterations: no

Accessory Structures: garage

Fencing/Walls: wood

Landscaping: flowering, Colorado

Signage: no

Unique/Distinguishing Elements: white stucco and stained timber gables

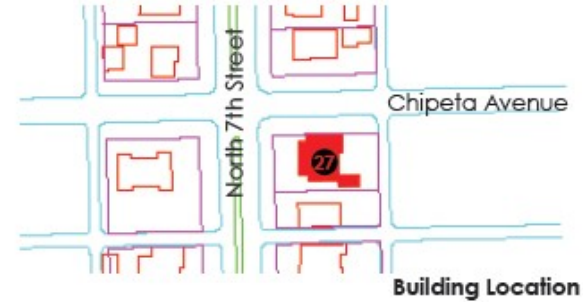
Is Property a Focal Point or Orientation

Landmark? yes

Observations: front entrance does not face North 7th Street

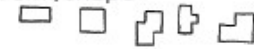


27. Smith-Schmidt House



Address: 536 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residential
Original Owner: Henry Barkuloo
Date of Construction: 1912

Form/Shape



Bulk



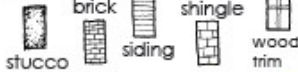
Height



Roof Shape/ Materials



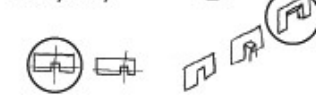
Wall



Foundation



Entryway



Style: Tudor Revival, Craftsman

Platforms: front porch

Additions/Alterations: no

Accessory Structures: none

Fencing/Walls: wood

Landscaping: Colorado

Signage: no

Unique/Distinguishing Elements: unique fenestration and bracketed gutters

Is Property a Focal Point or Orientation

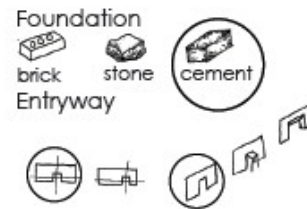
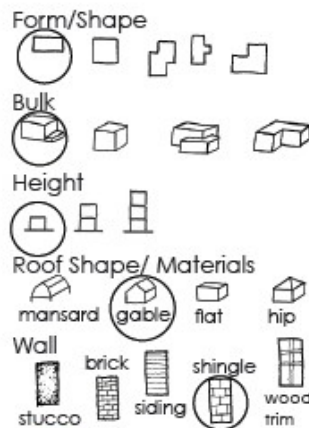
Landmark? yes

Observations: well-maintained

28. Residence



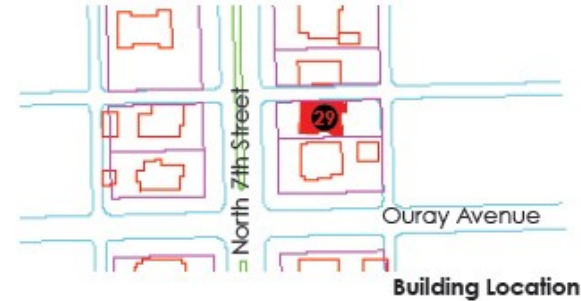
Address: 522 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residential
Original Owner: Edward and Elizabeth Brunner
Date of Construction: 1909



Style: Queen Anne
Platforms: screened front porch
Additions/Alterations: yes
Accessory Structures: garage
Fencing/Walls: wood
Landscaping: Colorado
Signage: no
Is Property a Focal Point or Orientation Landmark? no
Observations: facade needs serious maintenance, stairs leading to front door are missing



29. Ellison House



Address: 520 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residential
Original Owner: Orloff H. Ellison
Date of Construction: 1924

Form/Shape

Bulk

Height

Roof Shape/ Materials

Wall

Foundation

Entryway



Style: Arts and Crafts Bungalow

Platforms: front porch

Additions/Alterations: no

Accessory Structures: garage

Fencing/Walls: wood

Landscaping: flowering, Colorado

Signage: no

Unique/Distinguishing Elements: strong Bungalow elements

Is Property a Focal Point or Orientation

Landmark? yes

Observations: wonderful example of Bungalow-style architecture

30. Sickenberger House



Address: 710 Ouray Street
Zone District: PR-8, planned residential
Principal Use: residential
Original Owner: Jesse Urban Sickenberger
Date of Construction: 1923

Form/Shape



Bulk



Height



Roof Shape/ Materials



Wall



Foundation



Entryway



Style: Spanish, Craftsman
Platforms: covered entry
Additions/Alterations: yes
Accessory Structures: garage
Fencing/Walls: wrought iron
Landscaping: flowering, Colorado
Signage: no
Unique/Distinguishing Elements: strong horizontal lines
Is Property a Focal Point or Orientation Landmark? yes
Observations: beautiful landscaping

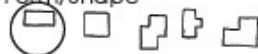


31. Jordan House



Address: 440 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residential
Original Owner: William and Eva Smith
Date of Construction: 1902

Form/Shape



Bulk



Height



Roof Shape/ Materials



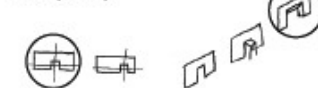
Wall



Foundation



Entryway



Style: Colonial Revival

Platforms: front porch

Additions/Alterations: no

Accessory Structures: garage, cottage

Fencing/Walls: wrought iron, brick

Landscaping: flowering, Colorado

Signage: no

Unique/Distinguishing Elements: color palette, front door detailing, yard sculptures

Is Property a Focal Point or Orientation

Landmark? yes

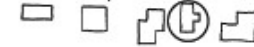
Observations: striking example of Colonial Revival architecture

32. Allison House



Address: 428 North 7th Street
Zone District: PR-8, planned residential
Principal Use: residential
Original Owner: Monroe "Roe" and Redie Allison
Date of Construction: 1900

Form/Shape



Bulk



Height



Roof Shape/ Materials



Wall



Foundation



Entryway



Style:

Eclectic

Platforms: front porch

Additions/Alterations: yes

Accessory Structures: garage, cottage

Fencing/Walls: wrought iron, brick, wood

Landscaping: Colorado

Signage: no

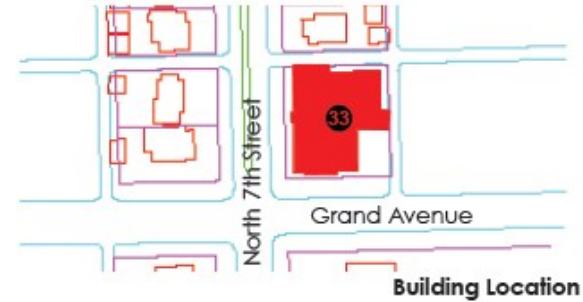
Is Property a Focal Point or Orientation

Landmark? no

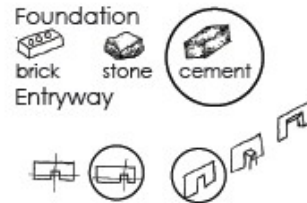
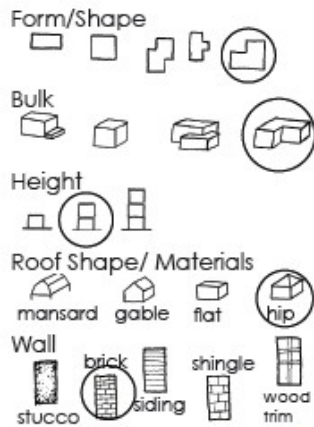
Observations: nice landscaping, well-maintained



33. First Baptist Church

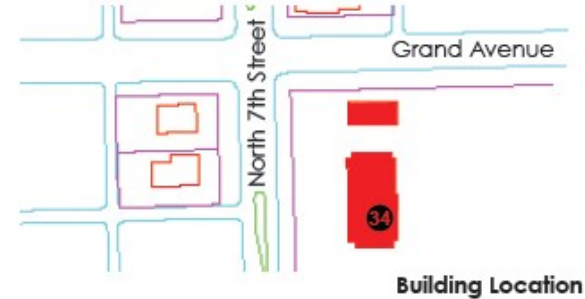


Address: 720 Grand Avenue
Zone District: PR-8, planned residential
Principal Use: church
Original Owner:
Date of Construction: 1912 - 1929



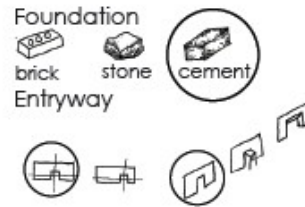
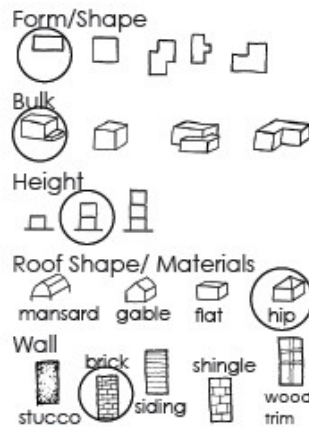
Style: Colonial Revival
Platforms: none
Additions/Alterations: no
Accessory Structures: none
Fencing/Walls: none
Landscaping: Colorado
Signage: attached
Unique/Distinguishing Elements: Greek columns, stained glass windows
Is Property a Focal Point or Orientation Landmark? yes
Observations: well-maintained, back parking is nicely screened

34. Lowell School



Address: 720 Grand Avenue
Zone District: CSR, Community Services and Recreation
Principal Use: high school
Original Owner:
Date of Construction: 1925
Architect: Eugene Groves

Style: Spanish Colonial Revival
Platforms: none
Additions/Alterations: no
Accessory Structures: secondary building
Fencing/Walls: none
Landscaping: Colorado
Signage: stand alone
Unique/Distinguishing Elements: tiled roof, arched windows
Is Property a Focal Point or Orientation Landmark? yes
Observations: well-maintained



Zoning Overlay Questionnaire for the North 7th Street Historic Residential District

Uses of buildings will remain as they currently are.

Strongly Agree/Agree: 78% Neutral: 11% Disagree/Strongly Disagree: 11%

Any change in use, with the exception of establishment of a home occupation and a home-based daycare as allowed per City Code, will require public input.

Strongly Agree/Agree: 89% Neutral: 0% Disagree/Strongly Disagree: 11%

Should any other uses currently allowed in residential zones also be allowed in the residential area of 7th Street without a public hearing such as:

Residential Sub Units: 18% support, 82% no

Duplex: 12% support, 88% no

Accessory Units: 6% support, 94% no

B&B 1-3 rm: 29% support, 71% no

1. Site Planning

A. Setbacks

Each lot's primary structure should be in alignment.

Strongly/Agree: 71% Neutral: 18% Disagree/Strongly: 0% No Answer: 11%

This alignment should continue immediately beyond the district's borders.

Strongly/Agree: 35% Neutral: 29% Disagree/Strongly: 12% No Answer: 24%

B. Building Placement

Primary buildings should be designated to a certain area on the lot.

Strongly /Agree: 71% Neutral: 0% Disagree/Strongly: 12% No Answer: 17%

Which placement looks most appropriate?

Placement A : 12% Placement B : 0% Placement C : 29% No Answer : 59%

C. Street Edge

The street edge is clearly defined and well maintained.

Strongly/Agree: 100%

D. Views

North-south views along North 7th Street are important.

Strongly /Agree: 100%

Strongly/Agree: 100%

E. Entrances

Key entrances are clearly marked.

Strongly/Agree: 71% Neutral: 24% Disagree/Strongly: 0% No Answer: 5%

Entrance signage is both visible and readable.

Strongly/Agree: 71% Neutral: 24% Disagree/Strongly: 0% No Answer: 5%

Entrance signage has a cohesive look.

Strongly/Agree: 77% Neutral: 0% Disagree/Strongly: 18% No Answer: 5%

F. Placement of Secondary Buildings

Secondary buildings should be restricted to certain areas of the property.

Strongly/Agree: 53% Neutral: 5% Disagree/Strongly: 18% No Answer: 24%

Placement A : 59% Placement B : 6% Placement C : 6% No Answer : 29%

G. Additions

Additions are appropriate.

Strongly/Agree: 41% Neutral: 23% Disagree/Strongly: 24% No Answer: 12%

Additions should have limited heights and square footages.

Strongly/Agree: 59% Neutral: 5% Disagree/Strongly: 24% No Answer: 12%

H. Parking and Parking Lots

Residential parking should not be visible from North 7th Street.

Strongly/Agree: 59% Neutral: 12% Disagree/Strongly: 29%

Parking lots should not be visible from North 7th Street.

Strongly/Agree: 76% Neutral: 6% Disagree/Strongly: 18%

I. Sidewalks

Sidewalks are properly maintained.

Strongly /Agree: 100%

Labeling street names on the sidewalks should be restored/continued.

Strongly/Agree: 76% Neutral: 18% Disagree/Strongly: 6%

J. Fencing

Fencing should be allowed on all sides of a property.

Strongly/Agree: 76% Neutral: 0% Disagree/Strongly: 24%

Height restrictions are needed.

Strongly/Agree: 95% Neutral: 0% Disagree/Strongly: 5%

Fencing materials should be regulated.

Strongly/Agree: 47% Neutral: 29% Disagree/Strongly: 34%

K. Trash Collection

Trash collection should be screened.

Strongly/Agree: 11% Neutral: 24% Disagree/Strongly: 65%

2. Building Proportions

A. Building Height

Total building height should be no higher than three stories.

Strongly/Agree: 95% Neutral: 0% Disagree/Strongly: 5%

Secondary structures should be no taller than the main building.

Strongly/Agree: 84% Neutral: 11% Disagree/Strongly: 5%

B. Façade Proportions

First floor facades of buildings should be of similar height.

Strongly/Agree: 53% Neutral: 12% Disagree/Strongly: 35%

3. Massing

A. Form

The building's overall form should honor its historical style.

Strongly/Agree: 95% Neutral: 0% Disagree/Strongly: 0% No Answer: 5%

B. Orientation

Primary building entrances should face North 7th Street.

Strongly/Agree: 53% Neutral: 18% Disagree/Strongly: 24% No Answer: 5%

4. Roof

A. Roof Shape, Pitch, and Overhang

Roof shape, pitch, and overhang should honor its historical style.

Strongly/Agree: 76% Neutral: 19% Disagree/Strongly: 0% No Answer: 5%

B. Chimneys and Fixtures

Chimneys and fixtures should honor the building's historical style.

Strongly/Agree: 71% Neutral: 25% Disagree/Strongly: 0% No Answer: 5%

5. Windows

A. Shape and Alignment

Window shape should honor the building's historical style.

Strongly/Agree: 53% Neutral: 37% Disagree/Strongly: 5% No Answer: 5%

Windows should maintain vertical and horizontal rhythms.

Strongly/Agree: 59% Neutral: 31% Disagree/Strongly: 5% No Answer: 5%

B. Shade structures and Awnings

Shade structures and awnings are appropriate.

Strongly/Agree: 54% Neutral: 35% Disagree/Strongly: 6% No Answer: 5%

6. Doorways

Doorways should honor the building's historical style.

Strongly/Agree: 71% Neutral: 18% Disagree/Strongly: 6% No Answer: 5%

7. Exterior Architectural Elements

A. Porches

Porches should honor the building's historical style.

Strongly/Agree: 76% Neutral: 14% Disagree/Strongly: 5% No Answer: 5%

The ground plane of the porch should stand no higher than half a story.

Strongly/Agree: 41% Neutral: 41% Disagree/Strongly: 6% No Answer: 12%

B. Entry Platforms and Stairs

The ground plane of entry platforms and stairs should stand no higher than half a story.

Strongly/Agree: 53% Neutral: 35% Disagree/Strongly: 6% No Answer: 6%

Handicap accessibility should be provided if the building's primary use is not single-family residential.

Strongly/Agree: 42% Neutral: 11% Disagree/Strongly: 41% No Answer: 6%

C. Individual Building Signage

Signage should reflect the historical style of the district.

Strongly/Agree: 89% Neutral: 0% Disagree/Strongly: 11%

8. Materials

A. Wall Surfaces, Foundation, Roofing, Trim, Gutters and Downspouts, Exterior Lighting

These items should be replaced and maintained with historically accurate materials.

Strongly/Agree: 41% Neutral: 24% Disagree/Strongly: 29% No Answer: 6%

These items can be replaced with modern materials given that the historical look is still consistent.

Strongly/Agree: 76% Neutral: 12% Disagree/Strongly: 6% No Answer: 6%

B. Hazardous Materials

Hazardous materials that do not pose an immediate threat can remain a part of the structure.

Strongly/Agree: 82% Neutral: 18% Disagree/Strongly: 0%

Hazardous materials should be replaced in a manner that upholds the building's historical style.

Strongly/Agree: 64% Neutral: 18% Disagree/Strongly: 18%

9. Color

A. Color Palette

The district should define a set color palette for the dominant color of each house.

Strongly/Agree: 5% Neutral: 11% Disagree/Strongly: 79% No Answer: 5%

The district should define a secondary color palette for accents and trim.

Strongly/Agree: 5% Neutral: 11% Disagree/Strongly: 79% No Answer: 5%

10. Landscaping

A. Street Trees and Mature Trees

Street trees should provide full canopy coverage that shades North 7th Street.

Strongly/Agree: 83% Neutral: 0% Disagree/Strongly: 6% No Answer: 11%

Street trees should be one uniform species.

Strongly/Agree: 79% Neutral: 5% Disagree/Strongly: 5% No Answer: 11%

Mature trees should be protected.

Strongly/Agree: 84% Neutral: 5% Disagree/Strongly: 0% No Answer: 11%

B. Median Plantings

The median strip down the center of North 7th Street needs planting regulations.

Strongly/Agree: 67% Neutral: 11% Disagree/Strongly: 11% No Answer: 11%

The space in between the sidewalk and the street needs planting regulations.

Strongly/Agree: 48% Neutral: 6% Disagree/Strongly: 35% No Answer: 11%

C. Residential Landscaping

Landscaping should mostly reflect species that are native or adaptive to western Colorado.

Strongly/Agree: 30% Neutral: 24% Disagree/Strongly: 35% No Answer: 11%

Landscaping should reflect historically accurate styles.

Strongly/Agree: 41% Neutral: 24% Disagree/Strongly: 29% No Answer: 6%

11. Repairs and Renovations

A. Modern Materials

Repairs and renovations will allow modern materials that blend in and do not impose on the building's historical style.

Strongly/Agree: 71% Neutral: 11% Disagree/Strongly: 18%

Modern materials that are not permanent (can be removed) should be allowed.

Strongly/Agree: 53% Neutral: 5% Disagree/Strongly: 42%

B. New Buildings and Demolition

No new primary residential structures should be built in the district.

Strongly/Agree: 53% Neutral: 23% Disagree/Strongly: 24%

Existing buildings should not be demolished unless there is a reason of structural safety.

Strongly/Agree: 65% Neutral: 17% Disagree/Strongly: 18%

metropolitan and that the d in an area bared by the of and that

ools, cultur- playgrounds, paces, trails, facilities, and water, light, proposed or ipated costs,

water. If the consult, with ion on water supplies and e reasonably (d) shall be rsuant to the es, contracts, ent, or use of

bandonment, ghts-of-way, ther municipi- or terminals,

of buildings te conditions of e height and ctures, trees,

using devel- location of nent for the residents of to a regional master plan, ant to section

the provision municipality; the projected e projections a objectives, or threatened ible land or of such areas,

hazards; ment of the endangered

(III) The United States Army Corps of Engineers and the United States Fish and Wildlife Service National Wetlands Inventory for defining and mapping wetlands;

(IV) The Federal Emergency Management Agency for defining and mapping floodplains, floodways, and flood risk zones;

(V) The Natural Resources Conservation Service of the United States Department of Agriculture for defining and mapping unstable soils and highly erodible land; and

(VI) The Colorado State Forest Service for locating wildfire hazard areas.

(2) As the work of making the whole master plan progresses, the commission may from time to time adopt and publish a part thereof. Any such part shall cover one or more major sections or divisions of the municipality of one or more of the foregoing or other functional matters to be included in the plan. The commission may amend, extend, or add to the plan from time to time.

(3) (Deleted by amendment, L. 2007, p. 613, § 2, effective August 3, 2007.)

(4) (a) Each municipality that has a population of two thousand persons or more and that is wholly or partially located in a county that is subject to the requirements of section 30-28-106 (4), C.R.S., shall adopt a master plan within two years after January 8, 2002.

(b) The department of local affairs shall annually determine, based on the population statistics maintained by said department, whether a municipality is subject to the requirements of this subsection (4), and shall notify any municipality that is newly identified as being subject to said requirements. Any such municipality shall have two years following receipt of notification from the department to adopt a master plan.

(c) Once a municipality is identified as being subject to the requirements of this subsection (4), the municipality shall at all times thereafter remain subject to the requirements of this subsection (4), regardless of whether it continues to meet the criteria specified in paragraph (a) of this subsection (4).

(5) A master plan adopted in accordance with the requirements of subsection (4) of this section shall contain a recreational and tourism uses element pursuant to which the municipality shall indicate how it intends to provide for the recreational and tourism needs of residents of the municipality and visitors to the municipality through delineated areas dedicated to, without limitation, hiking, mountain biking, rock climbing, skiing, cross country skiing, rafting, fishing, boating, hunting, and shooting, or any other form of sports or other recreational activity, as applicable, and commercial facilities supporting such uses.

(6) The master plan of any municipality adopted or amended in accordance with the requirements of this section on and after August 8, 2005, shall satisfy the requirements of section 29-1-207, C.R.S., as applicable.

(7) Notwithstanding any other provision of this section, no master plan originally adopted or amended in accordance with the requirements of this section shall conflict with a master plan for the extraction of commercial mineral deposits adopted by the municipality pursuant to section 34-1-304, C.R.S.

Source: L. 75: Entire title R&RE, p. 1147, § 1, effective July 1. L. 79: (1)(d) amended, p. 1162, § 10, effective January 1, 1980. L. 97: (3) added, p. 414, § 2, effective April 24. L. 2000: (1) amended, p. 874, § 2, effective August 2. L. 2001, 2nd Ex. Sess.: (4) and (5) added, p. 22, § 2, effective January 8, 2002. L. 2002: (5) amended, p. 1036, § 84, effective June 1. L. 2005: (6) added, p. 223, § 3, effective August 8. L. 2007: (1)(f) and (3) amended and (7) added, p. 613, § 2, effective August 3.

Editor's note: This section was contained in this title when it was repealed and reenacted in 1975. Provisions of this section, as it existed in 1975, are similar to those contained in § 31-23-106 as said section existed in 1974, the year prior to the repeal and reenactment of this title.

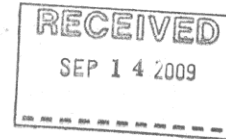
ANNOTATION

Law reviews. For comment, "Regionalism or Parochialism: The Land Use Planner's Dilemma", see 48 U. Colo. L. Rev. 575 (1977). For note, "The Permissible Scope of Compulsory Requirements for Land Development in Colorado", see 54 U. Colo. L. Rev. 447 (1983).

Documents Submitted After Packet Distribution

@ CITY CLERK

JAMES PURCELL HEIRS, LLC
615 White Avenue
P.O. Box 967
Grand Junction, CO 81501/81502



STATEMENT OF OBJECTION
TO PROPOSED
STRATEGIC DOWNTOWN MASTER PLAN
AND
STRATEGIC DOWNTOWN OVERLAY
DATED SEPTEMBER 14, 2009

James Golden, LLC
By James Golden, Esq.
615 White Avenue
P.O. Box 967
Grand Junction, CO 81501/80502
(970) 242-7324

SCHEDULE OF EXHIBITS

Attached and made a part hereof are the following exhibits

Exhibit	Description
A	Article XIV Amendment to the Constitution of the United States of America
B	Section II. <i>Ex post facto laws</i> of Article II of Bill of Rights to the Constitution of the State of Colorado
C	Section 15. <i>Taking Public Property for Public Use - Compensation now ascertained</i> of Article II of Bill of Rights to the Constitution of the State of Colorado
D	Section 6. <i>Home Rule for Cities and Towns</i> . Constitution of Colorado
E	Colorado Revised Statutes (C.R.S.) Article 23, Planning and Zoning, Part 2, Planning Commission, §§31-23-201 through 31-23-209 and §31-23-227 (10 pages)
F	City of Grand Junction Zoning and Development Code, adopted as Ordinance No. 3240, effective April 22, 2000, as amended, to-wit:
G	C.R.S. §43-2-301, <i>et seq.</i> VACATION PROCEEDINGS, ROAD, STREETS, HIGHWAY (4 pages)

Honorable Mayor, Members of the City Council, City Staff and Members of the public who are in attendance, my name is James Golden. I appear this evening as attorney for James Purcell Heirs, LLC, a Colorado limited liability company, whose office is located in Grand Junction, Colorado at 615 White Avenue, 81501 with a mailing address of P.O. Box 967, 81502. The telephone number is (970) 242-7324.

The LLC is the owner of five (5) store fronts located on the south side of the 400 block of Main Street of Grand Junction. The legal description for the property is Lots 3, 4, 5, 13 and 14 of Block 118 of the City of Grand Junction. The street address, and current tenant of each lot is: 411 Main - Off the Wall II; 413 Main - Western Anglers; 417 Main - Hart Music; 449 Main - Gelato Junction and 455 Main, effective September 1, 2009. Trendys.

The issues I address are the rights of the City and the owners of property adjoining Main Street in the paved portion of the 400 Block of Main Street. We offer the following analysis:

Colorado Revised Statutes (C.R.S.), Article 23, Planning and Zoning, Part 2, Planning Commission at §31-23-206(1), Master Plan (Exhibit E), obligates a duly appointed Planning Commission to adopt a plan of development for the City to “* * *show the commissions recommendations for the development of said municipality and outlying areas, including but not limited to * * *:

(e) The acceptance, removal, relocation, widening, narrowing, vacating, abandonment, modification, change of use, or extension of any of the public ways, rights-of-way, including the coordination of such rights-of-way with the rights-of-way of other municipalities, counties or regions, . . . referred to in paragraphs (a) to (d) of this subsection (1):” (Emphasis added.)

The Strategic Downtown Master Plan and the Strategic Downtown Overlay, incorporating provisions relating to the Downtown Master Plan (the “Plans”), now before the council for approval were prepared pursuant to §31-23-206(1). The Plans provide for the closing of a paved portion of

Main Street. The Plans fail to provide for the vacation of the portions of Main Street scheduled to be closed in compliance with the following provisions:

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

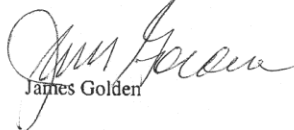
- A. Purpose. The purpose of this Section is to permit the vacation of surplus rights-of-way and/or easements.
- B. Applicability. Applications for vacations of any street, alley, easement or other public reservation may be made by the City or by any owner of property on which the street, alley or public reservation lies or adjoins.
- C. Approval Criteria. The vacation of the right-of-way or easement shall conform to the following: * * *
 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.
* * * ("Code §2.11")¹

Code §2.11 extends to the LLC a vested right and interest in the street in front of 411, 413, and 417 Main. The effect of the failure to address the rights of the LLC in Main Street renders the Plans fatally defective and inoperable.

If the Council should elect to adopt the Plans, the LLC's rights under the 14th Amendment of the United States Constitution and Sections 11 and 15 of the Bill of Rights of the Colorado Constitution will have been ignored. The LLC and other property owners similarly situated, will be possessed of the right to sue.

Dated September 14, 2009.

Respectfully submitted,


James Golden

¹ The City of Grand Junction Zoning and Development Code, adopted as Ordinance No. 3240, effective April 22, 2000, as Amended (Exhibit "F").

§ 2. Enforcement of article. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV

§ 1. Citizenship defined - privileges of citizens. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

§ 2. Apportionment of representatives among states. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

§ 3. Disability to hold office in certain cases. No person shall be a senator or representative in Congress, or elector of president or vice-president, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may, by a vote of two-thirds of each house, remove such disability.

§ 4. Validity of public debt. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave, but all such debts, obligations and claims shall be held illegal and void.

§ 5. Enforcement of article. The congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV

§ 1. Right of suffrage. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any state on account of race, color or previous condition of servitude.

§ 2. Enforcement of article. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XVI

Income tax. The congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.

16A

the sidewalk in a privately owned strip shopping center. The court concluded that the shopping center was not the functional equivalent of a downtown business district since it consisted of less than 25 small businesses, had no department stores, had parking for less than 400 cars, had no police substation, no military offices, and no movie theaters. *Rouse v. City of Aurora*, 901 F. Supp. 1533 (D. Colo. 1995).

Pretrial detainee was not deprived of freedom of speech by jail personnel who monitored his outgoing correspondence to another inmate. The mail was not censored, and a prisoner has fewer free speech rights when corresponding with another prisoner. *People v. Whalin*, 885 P.2d 293 (Colo. App. 1994).

An inmate has no constitutional right to photocopying services. There is no free speech violation in restricting the photocopying privileges of inmates who otherwise are able to write by hand. *Negron v. Golder*, 111 P.3d 538 (Colo. App. 2004).

Section 12-47.1-804 (1) did not impose unconstitutional restrictions on ballot access, the right to hold public office, and the right to vote where the state's substantial interest in avoiding corruption and the appearance of corruption in both the gaming industry and local government outweighed the limited burden that § 12-47.1-804 (1) placed on ballot access, the right to hold public office, or on the right to vote. *Lorenz v. State*, 928 P.2d 1274 (Colo. 1996).

Prospective political candidates lacked standing to challenge § 12-47.1-804 (1) on vagueness grounds where candidates owned a personal interest in gaming licenses or owned

corporations that held gaming licenses. *Lorenz v. State*, 928 P.2d 1274 (Colo. 1996).

For application of Miller v. California test for obscenity, see *People v. Seven Thirty-seven East Colfax, Inc.*, 697 P.2d 348 (Colo. 1985).

Applied in *Melcher v. Beeler*, 48 Colo. 231, 110 P. 181, 139 Am. St. R. 273 (1910); *People v. UMW, Dist. 15*, 70 Colo. 269, 201 P. 54 (1921); *Leighton v. People*, 90 Colo. 106, 6 P.2d 92 (1931); *Dill v. People*, 94 Colo. 230, 29 P.2d 1035 (1934); *Hamilton v. City of Montrose*, 102 Colo. 228, 124 P.2d 757 (1942); *Colo. High Sch. Activities Ass'n v. Uncompahgre Broad. Co.*, 134 Colo. 131, 300 P.2d 968 (1956); *Williams v. City & County of Denver*, 157 Colo. 374, 402 P.2d 615 (1965); *Houston v. Manerbino*, 185 Colo. 1, 521 P.2d 166 (1974); *People v. Berger*, 185 Colo. 85, 521 P.2d 1244 (1974); *Bolles v. People*, 189 Colo. 394, 541 P.2d 80 (1975); *People v. Tabron*, 190 Colo. 161, 544 P.2d 380 (1976); *Menefee v. City & County of Denver*, 190 Colo. 163, 544 P.2d 382 (1976); *People v. Hildebrandt*, 190 Colo. 167, 544 P.2d 384 (1976); *Hansen v. People*, 190 Colo. 457, 548 P.2d 1278 (1976); *People ex rel. VanMeveren v. County Court*, 191 Colo. 201, 551 P.2d 716 (1976); *Veterans of Foreign Wars, Post 4264 v. City of Steamboat Springs*, 195 Colo. 44, 575 P.2d 835, appeal dismissed, 439 U.S. 809, 99 S. Ct. 66, 58 L. Ed.2d 101 (1978); *Bergstrom v. Ricketts*, 495 F. Supp. 210 (D. Colo. 1980); *People in Interest of Baby Girl D.*, 44 Colo. App. 192, 610 P.2d 1086 (1980); *In re P.R. v. District Court*, 637 P.2d 346 (Colo. 1981); *Churchey v. Adolph Coors Co.*, 759 P.2d 1336 (Colo. 1988).

Section 11. Ex post facto laws. No ex post facto law, nor law impairing the obligation of contracts, or retrospective in its operation, or making any irrevocable grant of special privileges, franchises or immunities, shall be passed by the general assembly.

Source: Entire article added, effective August 1, 1876, see L. 1877, p. 30.

Cross references: For retrospective laws, see also § 12 of article XV of this constitution.

ANNOTATION

- I. General Consideration.
- II. Ex Post Facto Laws.
- III. Impairment of Obligation of Contracts.
- IV. Laws Retrospective in Operation.
- V. Irrevocable Privileges and Franchises.

I. GENERAL CONSIDERATION.

Am. Jur.2d. See 16A Am. Jur.2d, Constitutional Law, § 360; 16B Am. Jur.2d, Constitutional Law, §§ 643-647, 708, 712, 714, 715, 870.

C.J.S. See 16A C.J.S., Constitutional Law, §§ 424-427, 559, 561-564, 566, 567, 582-608.

Law reviews. For article, "The Case for Bill-board Control: Precedent and Prediction", see 36 *Dieta* 461 (1959). For article, "Constitutional Law", which discusses recent Tenth Circuit decisions dealing with retroactive legislation under due process clause, see 63 *Den. U. L. Rev.* 247 (1986).

Applied in *McNichols v. Walton*, 120 Colo. 269, 208 P.2d 1156 (1949); *Jackson v. Colo.*, 294 F. Supp. 1065 (D. Colo. 1968); *Wasson v. Hogenson*, 196 Colo. 183, 583 P.2d 914 (1978); *McClanahan v. Am. Gilsonite Co.*, 494 F. Supp. 1334 (D. Colo. 1980); *Denver Urban Renewal Auth. v. Byrne*, 618 P.2d 1374 (Colo. 1980); *First Lutheran Mission v. Dept. of Rev.*, 44

Colo. App. 417, 613 P.2d 351 (1981); *Mourning*, 642 P.2d 34 (Colo. App. 1982); *Tenth St. Corp. v. A-1 Plumbi*, 640 P.2d 1130 (Colo. 1982); *People v. K*, 648 P.2d 645 (Colo. 1982); *K Denver, Inc. v. Indus. Comm.* (Colo. App. 1986).

II. EX POST FACTO

Definition: Ex post facto variously as: Every law that done before the passing of it was innocent when done, crim such action; every law that a or makes it greater than it was every law that changes the inflicts a greater punishment nexed to the crime, when cor that alters the legal rules of ceives less, or different testir required at the time of the offense, in order to convict t v. District Court, 184 Colo. (1974).

Implication of term "ex term "ex post facto" necess or act done, after which the passed. *French v. Deane*, 14 609, 24 L.R.A. 387 (1894).

Ex post facto legislatio criminal law because it stig finality an act entirely innocet Police Pension & Relief B. Colo. 330, 338 P.2d 694 (19

This section applies sole take away or impair a ves visions of this section prohib laws retrospective in operat statutes which take away of acquired under existing law; new obligation, impose a ne new disability in respect to passed. *Vail v. Denver Bldg Council*, 108 Colo. 206, 11 Peoples Natural Gas Di Comm'n, 197 Colo. 152, 59 Gambler's Express v. Pub. P.2d 405 (Colo. 1994).

Neither an affirmative ena ing statute can be so consti constitution as to retroact take away accrued rights, w of law, and in the manner p been previously asserted. A true when such rights hav judgment. *Denver S. P. & P. A Colo. 662 (1878).*

[i. Aid] is aimed only at r prohibition against ex post f criminal cases, but it cannot a civil form to that which i

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condemn a private way of necessity. Dept. of Hwys. v. Denver & Rio Grande W.R., 789 P.2d 1088 (Colo. 1990); Bear Creek v. Genesee Found., 919 P.2d 948 (Colo. App. 1996).

An alternative route is not acceptable if it is impractical, unreasonable, or prohibited by cost grossly in excess of the value of the dominant estate. West v. Hinksmon, 857 P.2d 483 (Colo. App. 1992); Bear Creek v. Genesee Found., 919 P.2d 948 (Colo. App. 1996).

The trial court erred in not finding that a way of necessity should be restricted as the constitutional way of necessity only exists because of necessity and not by reason of implied grant. Because a constitutional way of necessity is not limited by the intent of the grantor, it should accommodate future uses when a condemnor can establish that the way is necessary for such reasonable use, but this is limited by the constitutional requirement of necessity. Bear Creek v. Genesee Found., 919 P.2d 948 (Colo. App. 1996).

The way of necessity must terminate if and when another route is procured to access the land, as condemnation only passes such interest as required to accomplish the purpose of condemnation. When a mere easement or terminable fee is created, the land reverts when condemnor ceases to use the grant for the purposes specified. Bear Creek v. Genesee Found., 919 P.2d 948 (Colo. App. 1996).

Trial court did not err in not instructing the commissioners that residual damages includes both diminution in value of all parcels, as well as present value of future development of all parcels, as the individual property owners in the development were not one economic unit. Bear Creek v. Genesee Found., 919 P.2d 948 (Colo. App. 1996).

In an action to condemn a way of necessity, if the defendant pleads the existence of an alternate route of private access across property not owned by defendant, defendant has the burden of establishing the existence of an acceptable alternate route and of proving that plaintiffs have the present enforceable legal

right to use it. West v. Hinksmon, 857 P.2d 483 (Colo. App. 1992).

Trial court’s determination in declaratory judgment action brought under this section that defendants failed to rebut plaintiff’s showing of an entitlement to a private way of necessity is not clearly erroneous. Trial court held plaintiff may condemn private way of necessity across defendants’ property pursuant to this section. Trial court’s determinations that plaintiff proved that a way of necessity is reasonably necessary and that defendants did not prove, in any concrete fashion, that plaintiff has either an alternate route of access or a present enforceable legal right to use one are not clearly erroneous. Tieze v. Killam, ___ P.3d ___ (Colo. App. 2007).

Adjacent landowner has no standing to challenge a contract involving a “landlocked” parcel of land on the theory that once the agreement is final, the new owner might seek to condemn a way of necessity across the adjacent owner’s land. Brotman v. E. Lake Creek Ranch L.L.P., 31 P.3d 886 (Colo. 2001).

In an action to condemn a way of necessity, defendant should be permitted to show that an alternate route across defendant’s property exists that would be less damaging than that proposed by plaintiff. West v. Hinksmon, 857 P.2d 483 (Colo. App. 1992).

Applied in Belknap Sav. Bank v. Lamar Land & Canal Co., 28 Colo. 326, 64 P. 212 (1901); Bd. of Comm’rs v. Otero Irrigation Dist., 56 Colo. 515, 139 P. 546 (1914); Reid v. Montezuma Valley Irrigation Dist., 56 Colo. 527, 139 P. 550 (1914); People ex rel. Bd. of Comm’rs v. Arthur, 67 Colo. 516, 186 P. 516 (1919); Driverless Car Co. v. Armstrong, 91 Colo. 334, 14 P.2d 1098 (1932); Vogts v. Guerrette, 142 Colo. 527, 351 P.2d 851 (1960); Rabinoff v. District Court, 145 Colo. 225, 360 P.2d 114 (1961); Abeyta v. City & County of Denver, 165 Colo. 58, 437 P.2d 67 (1968); Winter v. Tarabino, 173 Colo. 30, 475 P.2d 331 (1970); Buck v. District Court, 199 Colo. 344, 608 P.2d 350 (1980); Shaklee v. District Court, 636 P.2d 715 (Colo. 1981).

Section 15. Taking property for public use - compensation, how ascertained. Private property shall not be taken or damaged, for public or private use, without just compensation. Such compensation shall be ascertained by a board of commissioners, of not less than three freeholders, or by a jury, when required by the owner of the property, in such manner as may be prescribed by law, and until the same shall be paid to the owner, or into court for the owner, the property shall not be needlessly disturbed, or the proprietary rights of the owner therein divested; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.

Source: Entire article added, effective August 1, 1876, see L. 1877, p. 30.

Cross references: (1) For judicial aspects of the question of necessity when property is to be taken under this section for public or quasi-public purposes, see: Rothwell v. Coffin, 122 Colo. 140,

rights are affected are before them, determine the validity and effect of the measure—and only then. *Speer v. People ex rel. Rush*, 52 Colo. 325, 122 P. 768 (1912).

Section 6. Home rule for cities and towns. The people of each city or town of this state, having a population of two thousand inhabitants as determined by the last preceding census taken under the authority of the United States, the state of Colorado or said city or town, are hereby vested with, and they shall always have, power to make, amend, add to or replace the charter of said city or town, which shall be its organic law and extend to all its local and municipal matters.

Such charter and the ordinances made pursuant thereto in such matters shall supersede within the territorial limits and other jurisdiction of said city or town any law of the state in conflict therewith.

Proposals for charter conventions shall be submitted by the city council or board of trustees, or other body in which the legislative powers of the city or town shall then be vested, at special elections, or at general, state or municipal elections, upon petition filed by qualified electors, all in reasonable conformity with section 5 of this article, and all proceedings thereon or thereafter shall be in reasonable conformity with sections 4 and 5 of this article.

From and after the certifying to and filing with the secretary of state of a charter framed and approved in reasonable conformity with the provisions of this article, such city or town and the citizens thereof, shall have the powers set out in sections 1, 4 and 5 of this article and all other powers necessary, requisite or proper for the government and administration of its local and municipal matters, including power to legislate upon, provide, regulate, conduct and control:

a. The creation and terms of municipal officers, agencies and employments; the definition, regulation and alteration of the powers, duties, qualifications and terms or tenure of all municipal officers, agents and employees;

b. The creation of police courts; the definition and regulation of the jurisdiction, powers and duties thereof, and the election or appointment of police magistrates thereof;

c. The creation of municipal courts; the definition and regulation of the jurisdiction, powers and duties thereof, and the election or appointment of the officers thereof;

d. All matters pertaining to municipal elections in such city or town, and to electoral votes therein on measures submitted under the charter or ordinances thereof, including the calling or notice and the date of such election or vote, the registration of voters, nominations, nomination and election systems, judges and clerks of election, the form of ballots, balloting, challenging, canvassing, certifying the result, securing the purity of elections, guarding against abuses of the elective franchise, and tending to make such elections of electoral votes non-partisan in character;

e. The issuance, refunding and liquidation of all kinds of municipal obligations, including bonds and other obligations of park, water and local improvement districts;

f. The consolidation and management of park or water districts in such cities or towns or within the jurisdiction thereof; but no such consolidation shall be effective until approved by the vote of a majority, in each district to be consolidated, of the qualified electors voting therein upon the question;

g. The assessment of property in such city or town for municipal taxation and the levy and collection of taxes thereon for municipal purposes and special assessments for local improvements; such assessments, levy and collection of taxes and special assessments to be made by municipal officials or by the county or state officials as may be provided by the charter;

h. The imposition, enforcement and collection of fines and penalties for the violation of any of the provisions of the charter, or of any ordinance adopted in pursuance of the charter.

It is the intention of this article to grant and confirm to the people of all municipalities coming within its provisions the full right of self-government in both local and municipal matters and the enumeration herein of certain powers shall not be construed to deny such cities and towns, and to the people thereof, any right or power essential or proper to the full exercise of such right.

The statutes of the state of Colorado, so far as applicable, shall continue to apply to such cities and towns, except insofar as superseded by the charters of such cities and towns or by ordinance passed pursuant to such charters.

All provisions of the charters of the city and county of Denver and the cities of Pueblo, Colorado Springs and Grand Junction, as heretofore certified to and filed with the secretary of state, and of the charter of any other city heretofore approved by a majority of those voting thereon and certified to and filed with the secretary of state, which provisions are not in conflict with this article, and all elections and electoral votes heretofore had under and pursuant thereto, are hereby ratified, affirmed and validated as of their date.

Any act in violation of the provisions of such charter or of any ordinance thereunder shall be criminal and punishable as such when so provided by any statute now or hereafter in force.

The provisions of this section 6 shall apply to the city and county of Denver.

This article shall be in all respects self-executing.

Source: L. 01: Entire article added, p. 104. Initiated 12: Entire section amended, see L. 13, p. 669, effective January 22, 1913.

Cross references: For powers granted the city and county of Denver, see § 1 of this article; for amendment of charter or adoption of new charter, see § 5 of this article; for effect of conflicting constitutional provisions, see § 8 of this article; for power to regulate rates and service charges of public utilities in home rule cities, see article XXV; for the prohibition on appointment of outgoing officers, see § 24-50-402.

ANNOTATION

- I. General Consideration.
- II. State Powers Reserved.
- III. Powers Granted to Charter Cities.
 - A. Control of Local and Municipal Matters.
 - B. Specific Powers.
 - 1. In General.
 - 2. Control of Municipal Elections.
 - 3. Power to Raise Revenue.
 - 4. Regulation of Motor Vehicles.
 - 5. Violations of Municipal Ordinances.

I. GENERAL CONSIDERATION.

Am. Jur.2d: See 56 Am. Jur.2d, Municipal Corporations, Counties, and Other Political Subdivisions, §§ 107-123.

C.J.S. See 16 C.J.S., Constitutional Law, §§ 259-261, 288-301; 62 C.J.S., Municipal Corporations, §§ 88-90, 93.

Law reviews: For comment on City & County of Denver v. Henry appearing below, see Rocky Mt. L. Rev. 223 (1935). For comment on Woolverton v. City & County of Denver appearing below, see 34 Rocky Mt. L. Rev. 250 (1962). For note, "Colorado Municipal Government Authority to Regulate Obscene Materials", 51 Den. L.J. 75 (1974). For article, "Proposed Public Sector Bargaining Legislation for Colorado", see 51 U. Colo. L. Rev. 107 (1979). For article, "May Regulated Utilities Monopolies in the Sun", see 56 Den. L.J. 31 (1979). For comment, "Water: Statewide or Local Con-

cern?", City of Thornton v. Farmers Reservoir & Irrigation Co., 194 Colo. 526, 575 P.2d 382 (1978)", see 56 Den. L.J. 625 (1979). For article, "Cumulative Impact Assessment of Western Energy Development: Will it Happen?", see 51 U. Colo. L. Rev. 551 (1980). For article, "Antitrust", see 58 Den. L.J. 249 (1981). For article, "A Primer on Municipal Home Rule in Colorado", see 18 Colo. Law. 443 (1989). For article, "Home Rule Municipalities and Colorado's Open Records and Meetings Laws", see 18 Colo. Law. 1125 (1989). For article, "Civil Enforcement of Building and Zoning Codes in Municipal Court", see 19 Colo. Law. 469 (1990). For article, "Home Rule City Regulation of Oil and Gas Development", see 23 Colo. Law. 2771 (1994). For article, "Municipal Home Rule in the 1990s", see 28 Colo. Law. 95 (September 1999). For article, "Colorado's Municipal System", see 30 Colo. Law. 33 (December 2001). For article, "Transferable Development Rights and Their Application in Colorado: An Overview", see 34 Colo. Law. 75 (March 2005).

Construction of section: Narrow and technical reasoning is out of place in the interpretation of a constitution. This rule is not abrogated but rather enlarged by this section. City & County of Denver v. Mountain States Tel. & Tel. Co., 67 Colo. 225, 184 P. 604 (1919).

The rule was intended to reiterate unmistakably the will of the people that the power of a municipal corporation should be as broad as possible within the scope of a republican form

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Source: L. 75: Entire title R&RE, p. 1145, § 1, effective July 1.

Editor's note: This section was contained in this title when it was repealed and reenacted in 1975. Provisions of this section, as it existed in 1975, are similar to those contained in 31-1-409 as said section existed in 1974, the year prior to the repeal and reenactment of this title.

31-23-111. Owner construed. For the purposes of this part 1, any person having a legal or equitable interest in any lands shall be deemed an owner and proprietor. Nothing in this part 1 shall affect the rights of anyone other than those acknowledging any such plat.

Source: L. 75: Entire title R&RE, p. 1145, § 1, effective July 1.

Editor's note: This section was contained in this title when it was repealed and reenacted in 1975. This section, as it existed in 1975, is the same as 31-1-410 as said section existed in 1974, the year prior to the repeal and reenactment of this title.

31-23-112. Fees of recorder. The county clerk and recorder shall receive the same fees for filing and recording the plats provided for by this part 1 as are allowed for filing and recording original maps or plats of cities or towns.

Source: L. 75: Entire title R&RE, p. 1145, § 1, effective July 1.

Editor's note: This section was contained in this title when it was repealed and reenacted in 1975. This section, as it existed in 1975, is the same as 31-1-411 as said section existed in 1974, the year prior to the repeal and reenactment of this title.

Cross references: For fees for filing and recording maps or plats, see § 30-1-103.

PART 2

PLANNING COMMISSION

Law reviews: For article, "Land Use Decisionmaking: Legislative or Quasi-judicial Action", see 18 Colo. Law. 241 (1989).

31-23-201. Definitions. As used in this part 2, unless the context otherwise requires:

- (1) "Mayor" means the chief executive of the municipality, whether the official designation of his office is mayor, city manager, or otherwise; except that with respect to municipalities operating under the statutory city manager form of government, the term means the city manager;
- (2) "Subdivision" means any parcel of land which is to be used for condominiums, apartments, or any other multiple-dwellings units, unless such land was previously subdivided and the filing accompanying such subdivision complied with municipal regulations applicable to subdivisions of substantially the same density, or the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

Source: L. 75: Entire title R&RE, p. 1145, § 1, effective July 1. L. 81: (2) amended, p. 1512, § 1, effective June 4.

Editor's note: This section was contained in this title when it was repealed and reenacted in 1975. Provisions of this section, as it existed in 1975, are similar to those contained in 31-23-101 (3) and (6) as said section existed in 1974, the year prior to the repeal and reenactment of this title.

ANNOTATION

Law reviews. For article, "Cumulative Impact Assessment of Western Energy Development: Will it Happen?", see 51 U. Colo. L. Rev. 551 (1980).

Applied in Wood Bros. Homes v. City of Colo. Springs, 42 Colo. App. 15, 592 P.2d 1336 (1978).

31-23-202. Grant of power to municipality. Any municipality is authorized to make, adopt, amend, extend, add to, or carry out a plan as provided in this part 2 and to create by ordinance or resolution a planning commission with the powers and duties set forth in this part 2.

Source: L. 75: Entire title R&RE, p. 1146, § 1, effective July 1.

Editor's note: This section was contained in this title when it was repealed and reenacted in 1975. Provisions of this section, as it existed in 1975, are similar to those contained in 31-23-102 as said section existed in 1974, the year prior to the repeal and reenactment of this title.

31-23-203. Personnel of the commission. (1) The municipal planning commission, referred to in this part 2 as the "commission", shall consist of not less than five nor more than seven members; except that a home rule city or town shall not be limited in the size of its commission. Unless otherwise provided by ordinance, the membership and terms of members shall be as follows:

(a) When the commission is limited to five members, the membership shall consist of the mayor and a member of the governing body as ex officio members and three persons appointed by the mayor, if the mayor is an elective officer; otherwise by such office as the governing body may designate as the appointing power in the ordinance creating the commission.

(b) When the commission consists of seven or more members, there shall be four ex officio members consisting of the mayor, one of the administrative officials selected by the mayor, a member of the governing body selected by the mayor, and a member of the governing body selected by the governing body; the balance of the membership shall be appointed as provided in paragraph (a) of this subsection (1).

(2) All members of such commission shall be bona fide residents of the municipality and, if any member ceases to reside in such municipality, his membership on the commission shall automatically terminate.

(3) All members of the commission shall serve without compensation and the appointed members shall hold no other municipal office; except that one such appointed member may be a member of the zoning board of adjustment or appeals. The terms of ex officio members shall correspond to their respective official tenures; except that the term of the administrative official selected by the mayor shall terminate with the expiration of the term of the mayor who selected him. The term of each appointed member shall be six years or until his successor takes office; except that the respective terms of one-third of the members first appointed shall be two years, one-third shall be four years, and one-third shall be six years. Members other than the member representing the governing body may be removed, after public hearings, by the mayor for inefficiency, neglect of duty, or malfeasance in office, and the governing body may remove the member representing it for the same reasons. The mayor or the governing body, as the case may be, shall file a written statement of reasons for such removal. Vacancies occurring otherwise than through the expiration of term shall be filled for the remainder of the unexpired term by the mayor in the case of members selected or appointed by him, by the governing body in the case of the member appointed by it, and by the appointing power designated by the governing body in municipalities in which the mayor is not an elective officer.

(4) Notwithstanding any provisions of subsections (1) and (3) of this section to the contrary, the governing body of each municipality may provide by ordinance for the size, membership, designation of alternate membership, terms of members, removal of members pursuant to subsection (3) of this section, and filling of vacancies of the commission.

Source: L. 75: Entire title R&RE, p. 1146, § 1, effective July 1. L. 79: (4) added, 1188, § 1, effective June 19.

Editor's note: This section was contained in this title when it was repealed and reenacted in 1975. Provisions of this section, as it existed in 1975, are similar to those contained in 31-23-103 as said section existed in 1974, the year prior to the repeal and reenactment of this title.

31-23-204. Organization and rules. The commission shall elect its chairman from among the non ex officio members and shall create and fill such other of its offices as it may determine. The term of the chairman shall be one year, with eligibility for reelection. The commission shall hold at least one regular meeting in each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

Source: L. 75: Entire title R&RE, p. 1147, § 1, effective July 1.

Editor's note: This section was contained in this title when it was repealed and reenacted in 1975. Provisions of this section, as it existed in 1975, are similar to those contained in 31-23-104 as said section existed in 1974, the year prior to the repeal and reenactment of this title.

31-23-205. Staff and finances. The commission may appoint such employees as it deems necessary for its work; except that the appointment, promotion, demotion, and removal of such employees shall be subject to the same provisions of law as govern other corresponding civil employees of the municipality. The commission may also contract, with the approval of the governing body, with municipal planners, engineers, and architects and other consultants for such services as it requires. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the governing body, which shall provide the funds, equipment, and accommodations necessary for the commission's work.

Source: L. 75: Entire title R&RE, p. 1147, § 1, effective July 1.

Editor's note: This section was contained in this title when it was repealed and reenacted in 1975. Provisions of this section, as it existed in 1975, are similar to those contained in 31-23-105 as said section existed in 1974, the year prior to the repeal and reenactment of this title.

31-23-206. Master plan. (1) It is the duty of the commission to make and adopt a master plan for the physical development of the municipality, including any areas outside its boundaries, subject to the approval of the governmental body having jurisdiction thereof, which in the commission's judgment bear relation to the planning of such municipality. The master plan of a municipality shall be an advisory document to guide land development decisions; however, the plan or any part thereof may be made binding by inclusion in the municipality's adopted subdivision, zoning, platting, planned unit development, or other similar land development regulations after satisfying notice, due process, and hearing requirements for legislative or quasi-judicial processes as appropriate. When a commission decides to adopt a master plan, the commission shall conduct public hearings, after notice of such public hearings has been published in a newspaper of general circulation in the municipality in a manner sufficient to notify the public of the time, place, and nature of the public hearing, prior to final adoption of a master plan in order to encourage public participation in and awareness of the development of such plan and shall accept and consider oral and written public comments throughout the process of developing the plan. Such plan, with the accompanying maps, plats, charts, and descriptive matter, shall, after consideration of each of the following, where applicable or appropriate, show the commission's recommendations for the development of said municipality and outlying areas, including, but not limited to:

- (a) The general location, character, and extent of existing, proposed, or projected streets, roads, rights-of-way, bridges, waterways, waterfronts, parkways, highways, mass

transit routes and corridors, and any transportation plan prepared by any metropolitan planning organization that covers all or a portion of the municipality and that the municipality has received notification of or, if the municipality is not located in an area covered by a metropolitan planning organization, any transportation plan prepared by the department of transportation that the municipality has received notification of and that covers all or a portion of the municipality;

(b) The general location of public places or facilities, including public schools, culturally, historically, or archaeologically significant buildings, sites, and objects, playgrounds, squares, parks, airports, aviation fields, and other public ways, grounds, open spaces, trails, and designated federal, state, and local wildlife areas;

(c) The general location and extent of public utilities terminals, capital facilities, and transfer facilities, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes, and any proposed or projected needs for capital facilities and utilities, including the priorities, anticipated costs, and funding proposals for such facilities and utilities;

(d) The general location and extent of an adequate and suitable supply of water. If the master plan includes a water supply element, the planning commission shall consult with the entities that supply water for use within the municipality to ensure coordination on water supply and facility planning, and the water supply element shall identify water supplies and facilities sufficient to meet the needs of the public and private infrastructure reasonably anticipated or identified in the planning process. Nothing in this paragraph (d) shall be construed to supersede, abrogate, or otherwise impair the allocation of water pursuant to the state constitution or laws, the right to beneficially use water pursuant to decrees, contracts, or other water use agreements, or the operation, maintenance, repair, replacement, or use of any water facility.

(e) The acceptance, removal, relocation, widening, narrowing, vacating, abandonment, modification, change of use, or extension of any of the public ways, rights-of-way, including the coordination of such rights-of-way with the rights-of-way of other municipalities, counties, or regions, grounds, open spaces, buildings, property, utility, or terminals, referred to in paragraphs (a) to (d) of this subsection (1);

(f) A zoning plan for the control of the height, area, bulk, location, and use of buildings and premises. Such a zoning plan may protect and assure access to appropriate conditions for solar, wind, or other alternative energy sources; however, regulations and restrictions of the height, number of stories, size of buildings and other structures, and the height and location of trees and other vegetation shall not apply to existing buildings, structures, trees, or vegetation except for new growth on such vegetation.

(g) The general character, location, and extent of community centers, housing developments, whether public or private, the existing, proposed, or projected location of residential neighborhoods and sufficient land for future housing development for the existing and projected economic and other needs of all current and anticipated residents of the municipality, and redevelopment areas. If a municipality has entered into a regional planning agreement, such agreement may be incorporated by reference into the master plan.

(h) A master plan for the extraction of commercial mineral deposits pursuant to section 34-1-304, C.R.S.;

(i) A plan for the location and placement of public utilities that facilitates the provision of such utilities to all existing, proposed, or projected developments in the municipality;

(j) Projections of population growth and housing needs to accommodate the projected population for specified increments of time. The municipality may base these projections upon data from the department of local affairs and upon the municipality's local objectives.

(k) The areas containing steep slopes, geological hazards, endangered or threatened species, wetlands, floodplains, floodways, and flood risk zones, highly erodible land or unstable soils, and wildfire hazards. For purposes of determining the location of such areas, the planning commission should consider the following sources for guidance:

- (I) The Colorado geological survey for defining and mapping geological hazards;
- (II) The United States fish and wildlife service of the United States department of the interior and the Colorado wildlife commission for locating areas inhabited by endangered or threatened species;

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(III) The United States Army corps of engineers and the United States fish and wildlife service national wetlands inventory for defining and mapping wetlands;

(IV) The federal emergency management agency for defining and mapping floodplains, floodways, and flood risk zones;

(V) The natural resources conservation service of the United States department of agriculture for defining and mapping unstable soils and highly erodible land; and

(VI) The Colorado state forest service for locating wildfire hazard areas.

(2) As the work of making the whole master plan progresses, the commission may from time to time adopt and publish a part thereof. Any such part shall cover one or more major sections or divisions of the municipality of one or more of the foregoing or other functional matters to be included in the plan. The commission may amend, extend, or add to the plan from time to time.

(3) (Deleted by amendment, L. 2007, p. 613, § 2, effective August 3, 2007.)

(4) (a) Each municipality that has a population of two thousand persons or more and that is wholly or partially located in a county that is subject to the requirements of section 30-28-106 (4), C.R.S., shall adopt a master plan within two years after January 8, 2002.

(b) The department of local affairs shall annually determine, based on the population statistics maintained by said department, whether a municipality is subject to the requirements of this subsection (4), and shall notify any municipality that is newly identified as being subject to said requirements. Any such municipality shall have two years following receipt of notification from the department to adopt a master plan.

(c) Once a municipality is identified as being subject to the requirements of this subsection (4), the municipality shall at all times thereafter remain subject to the requirements of this subsection (4), regardless of whether it continues to meet the criteria specified in paragraph (a) of this subsection (4).

(5) A master plan adopted in accordance with the requirements of subsection (4) of this section shall contain a recreational and tourism uses element pursuant to which the municipality shall indicate how it intends to provide for the recreational and tourism needs of residents of the municipality and visitors to the municipality through delineated areas dedicated to, without limitation, hiking, mountain biking, rock climbing, skiing, cross country skiing, rafting, fishing, boating, hunting, and shooting, or any other form of sports or other recreational activity, as applicable, and commercial facilities supporting such uses.

(6) The master plan of any municipality adopted or amended in accordance with the requirements of this section on and after August 8, 2005, shall satisfy the requirements of section 29-1-207, C.R.S., as applicable.

(7) Notwithstanding any other provision of this section, no master plan originally adopted or amended in accordance with the requirements of this section shall conflict with a master plan for the extraction of commercial mineral deposits adopted by the municipality pursuant to section 34-1-304, C.R.S.

Source: L. 75: Entire title R&RE, p. 1147, § 1, effective July 1. L. 79: (1)(d) amended, p. 1162, § 10, effective January 1, 1980. L. 97: (3) added, p. 414, § 2, effective April 24. L. 2000: (1) amended, p. 874, § 2, effective August 2. L. 2001, 2nd Ex. Sess.: (4) and (5) added, p. 22, § 2, effective January 8, 2002. L. 2002: (5) amended, p. 1036, § 84, effective June 1. L. 2005: (6) added, p. 223, § 3, effective August 8. L. 2007: (1)(f) and (3) amended and (7) added, p. 613, § 2, effective August 3.

Editor's note: This section was contained in this title when it was repealed and reenacted in 1975. Provisions of this section, as it existed in 1975, are similar to those contained in § 31-23-106 as said section existed in 1974, the year prior to the repeal and reenactment of this title.

ANNOTATION

Law reviews. For comment, "Regionalism or Parochialism: The Land Use Planner's Dilemma", see 48 U. Colo. L. Rev. 575 (1977). For note, "The Permissible Scope of Compulsory Requirements for Land Development in Colorado", see 54 U. Colo. L. Rev. 447 (1983).

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(4) Any written instrument of vacation or a resubdivision plat purporting to vacate or relocate roadways or portions thereof which remains of record in the counties where the roadways affected are situated for a period of seven years shall be prima facie evidence of an effective vacation of such former roadways. This subsection (4) shall not apply during the pendency of an action commenced prior to the expiration of said seven-year period to set aside, modify, or annul the vacation or when the vacation has been set aside, modified, or annulled by proper order or decree of a competent court and such notice of pendency of action or a certified copy of such decree has been recorded in the recorder's office of the county where the property is located.

Source: L. 49: p. 621, § 3. CSA: C. 143, § 69(3). CRS 53: § 120-1-13. C.R.S. 1963: § 120-14-3. L. 88: (2) amended, p. 1122, § 2, effective April 20. L. 93: (2) amended, p. 615, § 2, effective April 30.

Cross references: For vacation by nonuser following admitted statutory dedication and acceptance, see Crane v. Beck, 133 Colo. 325, 295 P.2d 222 (1956), and Uhl v. McEndaffer, 123 Colo. 69, 225 P.2d 839 (1950).

ANNOTATION

Am. Jur.2d. See 39 Am. Jur.2d, Highways, Streets, and Bridges, § 163.

C.J.S. See 39A C.J.S., Highways, § 112.

Law reviews. For article, "Resubdividing and Replatting", see 28 Rocky Mt. L. Rev. 529 (1956).

Section not authority to declare road public. This section does not vest the board of county commissioners with the authority to declare that a road has become public by adverse use; rather, this section only gives commissioners the authority to relinquish any claims the public may have in a road. Williams v. Town of Estes Park, 43 Colo. App. 265, 608 P.2d 810 (1979).

Subsection (2)(a) requires a party seeking to establish vacation of a roadway to demonstrate that vacation will not create parcels without access. Bd. of County Comm'rs of Morgan County v. Kobobel, 74 P.3d 401 (Colo. App. 2002).

Subsection (2)(a) cannot be construed to mean that an abutting landowner has a title interest in any public road such that they can maintain an action under the federal Quiet Title Act. Staley v. United States, 168 F. Supp.2d 1209 (D. Colo. 2001).

"Private-access easement" as used in subsection (2)(a) means reasonable access. This is

a question of fact to be determined on a case-by-case basis. Adelson v. Bd. of County Comm'rs, 875 P.2d 1387 (Colo. App. 1993).

Municipal ordinance purporting to vacate road merely transferred control over the road to the county where ordinance did not meet vacation requirements set forth in statute at the time of the adoption of the ordinance. Martini v. Smith, 42 P.3d 629 (Colo. 2002).

The strict requirements of this section only apply if the roadway has been established and used as a public road. Martini v. Smith, 42 P.3d 629 (Colo. 2002).

If a road is a public road that has been used as such, then a disclaimer of interest filed by a county under the procedural provisions of C.R.C.P. 105(c) cannot operate to vacate the road. Rather, the county must comply with the mandates of this section in order to effect the vacation of the road. Martini v. Smith, 42 P.3d 629 (Colo. 2002).

Under subsection (2)(a), county cannot, without compensation, formally abandon a public road if such action would deprive abutting landowners of access to their property. Heath v. Parker, 30 P.3d 746 (Colo. App. 2000).

Applied in LeSatz v. Deshotels, 757 P.2d 1090 (Colo. App. 1988).

43-2-304. Limitation of actions. Any limitation established by this part 3 shall apply to causes of action which have accrued prior to May 5, 1949, as well as to all causes of action accruing thereafter. The right to institute an action shall not be barred by reason of the limitations prescribed in said part 3 until the expiration of six months from May 5, 1949. This part 3 shall not be construed as reviving any action or limitation barred by any former or other statute.

Source: L. 49: p. 622, § 4. CSA: C. 143, § 69(4). CRS 53: § 120-1-14. C.R.S. 1963: § 120-14-4.

For article, "Growth Management: Recent Developments in Municipal Annexation and Master Plans", see 31 Colo. Law. 61 (March 2002).

City in advisory role. There is nothing in this section and § 31-23-209 which indicates a legislative intent to broaden a city's authority. They place ultimate governmental authority in matters pertaining to land use in unincorporated areas in the county. In effect, a city is given only an advisory role. *Robinson v. City of Boulder*, 190 Colo. 357, 547 P.2d 228 (1976).

Standing of owner of property outside territory of authority to challenge rezoning. An

owner of property adjacent to property being rezoned but not within the territory of the zoning authority has standing to challenge the rezoning. *Bd. of County Comm'rs v. City of Thornton*, 629 P.2d 605 (Colo. 1981).

Sections 31-23-206 through 31-23-208 do not apply to rezoning or to a zoning change to a particular area. *Coates v. City of Cripple Creek*, 865 P.2d 924 (Colo. App. 1993).

Applied in *Margolis v. District Court*, 638 P.2d 297 (Colo. 1981).

31-23-207. Purposes in view. In the preparation of such plan, the commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality, with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire, flood waters, and other dangers, adequate provision for light and air, distribution of population, affordable housing, the promotion of good civic design and arrangement, efficient expenditure of public funds, the promotion of energy conservation, and the adequate provision of public utilities and other public requirements.

Source: L. 75: Entire title R&RE, p. 1147, § 1, effective July 1. L. 79: Entire section amended, p. 1163, § 11, effective January 1, 1980. L. 97: Entire section amended, p. 414, § 3, effective April 24.

Editor's note: This section was contained in this title when it was repealed and reenacted in 1975. Provisions of this section, as it existed in 1975, are similar to those contained in 31-23-107 as said section existed in 1974, the year prior to the repeal and reenactment of this title.

ANNOTATION

Law reviews. For comment, "Regionalism or Parochialism: The Land Use Planner's Dilemma", see 48 U. Colo. L. Rev. 575 (1977). For note, "The Permissible Scope of Compulsory Requirements for Land Development in Colorado", see 54 U. Colo. L. Rev. 447 (1983).

Sections 31-23-206 through 31-23-208 do not apply to rezoning or to a zoning change to a particular area. *Coates v. City of Cripple Creek*, 865 P.2d 924 (Colo. App. 1993).

Applied in *Margolis v. District Court*, 638 P.2d 297 (Colo. 1981).

31-23-208. Procedure of commission. The commission may adopt the plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan (said parts corresponding with major geographical sections or divisions of the municipality or with functional subdivisions of the subject matter of the plan) and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension, or addition, the commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the municipality and in the official newspaper of the county affected. The adoption of the plan, any part, amendment, extension, or addition shall be by resolution of the commission carried by the affirmative votes of not less than two-thirds of the entire membership of the commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the chairman or secretary of the commis-

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tion. An attested copy of the plan or part thereof shall be certified to each governmental body of the territory affected and, after the approval by each body, shall be filed with the county clerk and recorder of each county wherein the territory is located.

Source: L. 75: Entire title R&RE, p. 1148, § 1, effective July 1.

Editor's note: This section was contained in this title when it was repealed and reenacted in 1975. Provisions of this section, as it existed in 1975, are similar to those contained in 31-23-108 as said section existed in 1974, the year prior to the repeal and reenactment of this title.

ANNOTATION

Sections 31-23-206 through 31-23-208 do not apply to rezoning or to a zoning change to a particular area. Coates v. City of Cripple Creek, 865 P.2d 924 (Colo. App. 1993).

31-23-209. Legal status of official plan. When the commission has adopted the master plan of the municipality or of one or more major sections or districts thereof, no street, square, park or other public way, ground or open space, public building or structure, or publicly or privately owned public utility shall be constructed or authorized in the municipality or in such planned section and district until the location, character, and extent thereof has been submitted for approval by the commission. In case of disapproval, the commission shall communicate its reasons to the municipality's governing body, which has the power to overrule such disapproval by a recorded vote of not less than two-thirds of its entire membership. If the public way, ground space, building, structure, or utility is one the authorization or financing of which does not, under the law or charter provisions governing the same, fall within the province of the municipal governing body, the submission to the commission shall be by the governmental body having jurisdiction, and the planning commission's disapproval may be overruled by said governmental body by a vote of not less than two-thirds of its membership. The failure of the commission to act within sixty days from and after the date of official submission to it shall be deemed approval.

Source: L. 75: Entire title R&RE, p. 1148, § 1, effective July 1.

Editor's note: This section was contained in this title when it was repealed and reenacted in 1975. Provisions of this section, as it existed in 1975, are similar to those contained in 31-23-109 as said section existed in 1974, the year prior to the repeal and reenactment of this title.

ANNOTATION

City in advisory role. There is nothing in § 31-23-206 and this section which indicates a legislative intent to broaden a city's authority. They place ultimate governmental authority in matters pertaining to land use in unincorporated areas in the county. In effect, a city is given only an advisory role. Robinson v. City of Boulder, 190 Colo. 357, 547 P.2d 228 (1976).

Amendment to plan not subject to referendum powers. Being advisory only, an amendment to a municipal master plan is not legislation which is subject to the referendum powers reserved to the people. Margolis v. District Court, 638 P.2d 297 (Colo. 1981).

31-23-210. Publicity - travel - information - entry. The commission has power to promote public interest in and understanding of the plan and to that end may publish and distribute copies of the plan or any report and may employ such other means of publicity and education as it may determine. Members of the commission may attend city planning conferences, meetings of city planning institutes, or hearings upon pending municipal planning legislation, and the commission may pay, by resolution, the reasonable traveling expenses incident to such attendance. The commission shall recommend, from time to time, to the appropriate public officials programs for public structures and improvements and for the financing thereof. It shall be part of its duties to consult and advise with public officials

Omit Pages 30~~8~~⁸ to 314, including
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ing all evidence which appraisers has the right relevant to the question prior to the time fixed by the owner of the land incurred by such owner

and reenacted in 1975. Provisions of this section, as it existed in 1975, are similar to those contained in 31-23-121 as said title.

(1) The board of claims, shall file its claims, shall file its requests of compensation of such reservations once a week for two the municipality the thirty days after the may be filed with the board of appraisers board, and the board in its modified form

it to the board of n, may transmit its ly may approve or it shall provide for in ninety days after property owners who he claimants at the sons shall be made location is situated ice of distribution order of said court. nety days shall be ety days.

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oval of any such mpensation may h the appellant's the clerk of the body, together

with certified copies of the resolution thereof and of the notice of appeal. Thereafter the procedure shall be in accordance with the procedure specified by law.

Source: L. 75: Entire title R&RE, p. 1154, § 1, effective July 1.

Editor's note: This section was contained in this title when it was repealed and reenacted in 1975. Provisions of this section, as it existed in 1975, are similar to those contained in 31-23-123 as said section existed in 1974, the year prior to the repeal and reenactment of this title.

31-23-224. No compensation for buildings. The reservation of a street location, as provided in section 31-23-220, shall not prohibit or impair in any respect the use of the reserved land by the owner or occupant thereof for any lawful purpose, including the erection of buildings thereon. No compensations, other than the compensation awarded in the final report of said board of appraisers as approved by the governing body, as provided in section 31-23-222 or, in the case of an appeal, as awarded on such appeal as provided in section 31-23-223, shall at any time be paid by the municipality or public to or recovered from the municipality or public by any person for the taking of or injury to any building or structure built or erected within the period fixed in the resolution of the governing body upon any such reserved location. No compensation or damages for any such reservation shall be paid or recovered except as provided in sections 31-23-221 to 31-23-223.

Source: L. 75: Entire title R&RE, p. 1154, § 1, effective July 1.

Editor's note: This section was contained in this title when it was repealed and reenacted in 1975. Provisions of this section, as it existed in 1975, are similar to those contained in 31-23-124 as said section existed in 1974, the year prior to the repeal and reenactment of this title.

31-23-225. Major activity notice. When a subdivision or commercial or industrial activity is proposed which will cover five or more acres of land, the governing body of the municipality in which the activity is proposed shall send notice to the state geologist and the board of county commissioners of the county in which the improvement is located of the proposal prior to approval of any zoning change, subdivision, or building permit application associated with such a proposed activity.

Source: L. 75: Entire title R&RE, p. 1154, § 1, effective July 1. L. 2005: Entire section amended, p. 669, § 7, effective June 1.

Editor's note: This section was contained in this title when it was repealed and reenacted in 1975. This section, as it existed in 1975, is the same as 31-23-125 as said section existed in 1974, the year prior to the repeal and reenactment of this title.

Cross references: For duties of the state geologist upon receipt of a notice, see § 34-1-103 (4).

31-23-226. Applicability. This part 2 applies to municipalities, including home rule cities and towns, insofar as constitutionally permissible and except as limits are placed upon its application within the boundaries of home rule cities and towns by the charter or ordinance adopted pursuant thereto of said cities or towns.

Source: L. 75: Entire title R&RE, p. 1156, § 1, effective July 1.

Editor's note: This section was contained in this title when it was repealed and reenacted in 1975. Provisions of this section, as it existed in 1975, are similar to those contained in 31-23-101 (4) as said section existed in 1974, the year prior to the repeal and reenactment of this title.

31-23-227. Allocation of powers or duties. (1) The governing body of a municipality may, by ordinance, assume and exercise any power granted to or duty placed upon the municipal planning commission by this part 2 and may, by ordinance, delegate to the

municipal planning commission or other appropriate municipal body any power granted to or duty placed upon the municipal governing body by this part 2, providing that the right to appeal to the municipal governing body is retained in any such delegation; except that the power to impose fines and penalties may not be delegated.

(2) The governing body of a municipality may, by ordinance, enter into an intergovernmental agreement with the county or counties in which it is located for the purposes of joint participation in land use planning, subdivision procedures, and zoning for a specific area designated in the intergovernmental agreement. However, any action taken pursuant to the intergovernmental agreement that pertains to any land within the municipality is subject to final approval by the governing body of the municipality.

Source: L. 83: Entire section added, p. 1263, § 1, effective May 4. L. 96: Entire section amended, p. 575, § 1; effective April 25.

PART 3

ZONING

Cross references: For county planning and building codes, see article 28 of title 30.

Law reviews: For comment, "The King Can Do Wrong: Local Government Immunity from Zoning", see 57 U. Colo. L. Rev. 639 (1986); for article, "Pronouncements of the U.S. Supreme Court Relating to the Criminal Law Field: 1985-1986", which discusses a case relating to municipal zoning, see 15 Colo. Law. 1560 (1986); for article, "Land Use Decisionmaking: Legislative or Quasi-judicial Action", see 18 Colo. Law. 241 (1989); for article, "Substantive Due Process and Zoning Decisions", see 25 Colo. Law. 71 (March 1996).

31-23-301. Grant of power. (1) Except as otherwise provided in section 34-1-305, C.R.S., for the purpose of promoting health, safety, morals, or the general welfare of the community, including energy conservation and the promotion of solar energy utilization, the governing body of each municipality is empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the height and location of trees and other vegetation, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. Regulations and restrictions of the height, number of stories, and the height and location of trees and other vegetation shall not apply to existing buildings, structures, trees, or vegetation except for new growth on such vegetation. Such regulations shall provide that a board of adjustment may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules contained in such regulations. Subject to the provisions of subsection (2) of this section and to the end that adequate safety may be secured, said governing body also has power to establish, regulate, restrict, and limit such uses on or along any storm or floodwater runoff channel or basin, as such storm or floodwater runoff channel or basin has been designated and approved by the Colorado water conservation board, in order to lessen or avoid the hazards to persons and damage to property resulting from the accumulation of storm or floodwaters. Any ordinance enacted under authority of this part 3 shall exempt from the operation thereof any building or structure as to which satisfactory proof is presented to the board of adjustment that the present or proposed situation of such building or structure is reasonably necessary for the convenience or welfare of the public.

(2) The power conferred by subsection (1) of this section for flood prevention and control shall not be exercised to deprive the owner of any existing property of its future use or maintenance for the purpose to which it was lawfully devoted on February 25, 1966, but provisions may be made for the gradual elimination of uses, buildings, and structures, including provisions for the elimination of such uses when the existing uses to which they are devoted are discontinued, and for the elimination of such buildings and structures when they are destroyed or damaged in major part.

CITY OF GRAND Junction ZONING AND DEVELOPMENT CODE,
Adopted as Ordinance No. 3240 effective 4/22/00, as
Amended

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. Vacation of a right-of-way shall be determined by the passing of an ordinance by City Council. Vacation of an easement shall be determined by resolution of the City Council. The Director shall approve the vacation of an easement created for a temporary purpose, granted to the City by a separate instrument and not dedicated on a plat or map.
- E. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B.
- F. **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;

43-2-217. County treasurer fiscal agent. The county treasurer of such county shall be the fiscal agent of the county in connection with such highway anticipation warrants and shall administer said fund so as to retire such warrants therefrom at such times and in such manner as the board of county commissioners may prescribe in the issuance thereof, subject to the limitations provided in sections 43-2-214 to 43-2-218.

Source: L. 47: p. 750, § 5. CSA: C. 143, § 160. CRS 53: § 120-1-21. C.R.S. 1963: § 120-1-17.

43-2-218. Sections supplemental. Sections 43-2-214 to 43-2-218 are supplemental and in addition to all other powers and authorities by statute or otherwise granted and enjoyed by the respective counties of the state.

Source: L. 47: p. 750, § 6. CSA: C. 143, § 161. CRS 53: § 120-1-22. C.R.S. 1963: § 120-1-18.

43-2-219. County authority to privatize county highways and bridges - charge a toll. Notwithstanding any provision of law to the contrary, the board of county commissioners of a county may enter public-private initiatives, as defined in section 43-1-1201 (3), for county highways and bridges on behalf of the county. In addition, the board of county commissioners of a county may enter into contracts or other agreements on behalf of the county to privatize any county highway or bridge or charge a toll therefor. The board may also charge a toll for any county highway or bridge for the purpose of constructing, operating, or maintaining such bridge or highway.

Source: L. 98: Entire section added, p. 447, § 10, effective August 5.

Cross references: For the legislative declaration contained in the 1998 act enacting this section, see section 1 of chapter 154, Session Laws of Colorado 1998.

PART 3

VACATION PROCEEDINGS: ROADS, STREETS, AND HIGHWAYS

Cross references: For abandonment of town incorporation, see part 2 of article 3 of title 31.

43-2-301. Definitions. As used in this part 3, unless the context otherwise requires:

- (1) "Block" means that portion of a subdivision surrounded by streets, however designated, or other boundary lines and platted as a block, plot, tract, square, or other designated unit.
- (2) "Owner" or "owner of record" includes any person, firm, partnership, association, or corporation.
- (3) "Roadway" includes any platted or designated public street, alley, lane, parkway, avenue, road, or other public way, whether or not it has been used as such.

Source: L. 49: p. 620, § 1. CSA: C. 143, § 69(1). CRS 53: § 120-1-11. C.R.S. 1963: § 120-14-1.

43-2-302. Vesting of title upon vacation. (1) Subject to the requirements set forth in sections 43-1-210 (5) and 43-2-106 governing the disposition of certain property by the department of transportation, whenever any roadway has been designated on the plat of any tract of land or has been conveyed to or acquired by a county or incorporated town or city or by the state or by any of its political subdivisions for use as a roadway, and thereafter is vacated, title to the lands included within such roadway or so much thereof as may be vacated shall vest, subject to the same encumbrances, liens, limitations, restrictions, and estates as the land to which it accrues, as follows:

(a) In the event that or other tract of land is abutting the vacated roadway at the time the roadway was a part of the adjacent

(b) In the event that the vacated portion shall vest in the

(c) In the event that the roadway shall vest in the center of the roadway, or in the event that the boundary angle, the land included in subsection (1).

(d) In all instances in which the owners of the abutting roadway to which his land

(e) No portion of a

(f) Notwithstanding, the commissioners may provide public-access easement to the owner of the land abutting the roadway as access to the roadway who use the vacated roadway the land abutting the vacated roadway subsection (1), unless the set forth in this paragraph board.

Source: L. 49: p. 620, § 120-14-2. L. 96: IP 01, p. 591, § 1, effective September

Am. Jur.2d. See 39 Am. Jur.2d, Streets, and Bridges, § 84.

C.J.S. See 39A C.J.S. 41. By the dedication and original owner divests his disposition of the property with this legal power. Buell v. Seary, 205 F. Supp. 865 (D. Colo., 1961), 321 F.2d 468 (10th Cir. 1963).

This section vests can section operates to vest in not only the title which city and county but also both surface and subsurface roadway. Buell v. Seary, 205 F. Supp. 865 (D. Colo., 1961), 321 F.2d 468 (10th Cir. 1963).

Because vacation is abandonment, owners of roadway who had claimed abandoned, but had not vacated, could not be under this section. Moran County v. K. App. 2002).

Section does not constitute property unconstitutional.

er of such county shall be anticipation warrants and at such times and in such e issuance thereof, subject

§ 120-1-21. C.R.S. 1963:

3-2-218 are supplemental or otherwise granted and

§ 120-1-22. C.R.S. 1963:

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§ 120-1-11. C.R.S. 1963:

t to the requirements set forth in sition of certain property by the en designated on the plat of any nty or incorporated town or city se as a roadway) and thereafter is or so much thereof as may be ens, limitations, restrictions, and

(a) In the event that a roadway which constitutes the exterior boundary of a subdivision or other tract of land is vacated, title to said roadway shall vest in the owners of the land abutting the vacated roadway to the same extent that the land included within the roadway, at the time the roadway was acquired for public use, was a part of the subdivided land or was a part of the adjacent land.

(b) In the event that less than the entire width of a roadway is vacated, title to the vacated portion shall vest in the owners of the land abutting such vacated portion.

(c) In the event that a roadway bounded by straight lines is vacated, title to the vacated roadway shall vest in the owners of the abutting land, each abutting owner taking to the center of the roadway, except as provided in paragraphs (a) and (b) of this subsection (1). In the event that the boundary lines of abutting lands do not intersect said roadway at a right angle, the land included within such roadway shall vest as provided in paragraph (d) of this subsection (1).

(d) In all instances not specifically provided for, title to the vacated roadway shall vest in the owners of the abutting land, each abutting owner taking that portion of the vacated roadway to which his land, or any part thereof, is nearest in proximity.

(e) No portion of a roadway upon vacation shall accrue to an abutting roadway.

(f) Notwithstanding any other provision of this subsection (1), a board of county commissioners may provide that title to the vacated roadway shall vest, subject to a public-access easement or private-access easement to benefit designated properties, in the owner of the land abutting the vacated roadway, in other owners of land who use the vacated roadway as access to the owners' land, or in a legal entity that represents any owners of land who use the vacated roadway as access to the owners' land. Title shall vest to the owner of the land abutting the vacated roadway as otherwise required by paragraphs (a) to (d) of this subsection (1), unless the board expressly requires the title to vest pursuant to the authority set forth in this paragraph (f) in the resolution to vacate the roadway that is approved by the board.

Source: L. 49: p. 620, § 2, CSA: C. 143, § 69(2). CRS 53: § 120-1-12. C.R.S. 1963; 120-14-2. L. 96: IP(1) amended, p. 1456, § 3, effective June 14, 2007: (1)(f) added, p. 591, § 1, effective September 1.

ANNOTATION

Am. Jur.2d. See 39 Am. Jur.2d, Highways, Streets, and Bridges, §§ 162, 210.

C.J.S. See 39A C.J.S., Highways, § 136.

By the dedication under § 31-1-108, the original owner divests himself of the power of disposition of the property and vests the city with this legal power. Buell v. Sears, Roebuck & Co., 205 F. Supp. 865 (D. Colo. 1962), modified, 321 F.2d 468 (10th Cir. 1963).

This section vests complete legal title. This section operates to vest in the adjoining owner not only the title which initially passed to the city and county but the complete legal title to both surface and subsurface rights to vacated roadway. Buell v. Sears, Roebuck & Co., 321 F.2d 468 (10th Cir. 1963).

Because vacation is not the same as abandonment, owners of property abutting a roadway who had claimed that the roadway was abandoned, but had not claimed that it was vacated, could not seek title to the roadway under this section. Bd. of County Comm'rs of Morgan County v. Kobobel, 74 P.3d 401 (Colo. App. 2002).

Section does not deprive dedicator of property unconstitutionally. One dedicating high-

ways to the public by filing plats showing highways located thereon is not unconstitutionally deprived of its property by this section which provides that upon vacation of the highway the title shall vest in the abutting owner. Buell v. Sears, Roebuck & Co., 205 F. Supp. 865 (D. Colo. 1962), modified, 321 F.2d 468 (10th Cir. 1963).

Dedicator is on notice. A dedicator, even though not immediately divested of subsurface rights, is on notice at the time of dedication that if a portion of the dedicated street should be vacated by the city and county unconditional title would vest in the adjoining owner. Buell v. Sears, Roebuck & Co., 321 F.2d 468 (10th Cir. 1963).

Vacating resolution is final on enactment, and cannot be rescinded if the rights of third parties have vested. Sutphin v. Mourning, 642 P.2d 34 (Colo. App. 1981); LeSatz v. Deshotels, 757 P.2d 1090 (Colo. App. 1988).

Recording deed after vacation conveys lots only and not vacated street. Since in legal effect there was no deed outstanding, the recording of the original deed after the street vacation

served to convey only the lots and not a portion of the already vacated street, Sky Harbor, Inc. v. Jenner, 164 Colo. 470, 435 P.2d 894 (1968).

Subsection (1)(a) clearly contemplates the vacation of the entire roadway. Buell v. Sears, Roebuck & Co., 205 F. Supp. 865 (D. Colo. 1962), modified, 321 F.2d 468 (10th Cir. 1963).

While subsection (1)(b) was designed to cover the vacation of less than the entire width of a highway. Buell v. Sears, Roebuck & Co., 205 F. Supp. 865 (D. Colo. 1962), modified, 321 F.2d 468 (10th Cir. 1963).

Subsection (1)(d) prevents disjointed tracts. Subsection (1)(d) would appear to carry

out the policy of the general assembly to prevent the creation of any disjointed tracts. In all situations the vacated roadway vests in the owners of abutting land. Buell v. Sears, Roebuck & Co., 205 F. Supp. 865 (D. Colo. 1962), modified, 321 F.2d 468 (10th Cir. 1963).

Subsection (1)(e) expresses a clear intent to exclude an unvacated highway as an abutting owner. Buell v. Sears, Roebuck & Co., 205 F. Supp. 865 (D. Colo. 1962), modified, 321 F.2d 468 (10th Cir. 1963).

43-2-303. Methods of vacation. (1) All right, title, or interest of a county, of an incorporated town or city, or of the state or of any of its political subdivisions in and to any roadway shall be divested upon vacation of such roadway by any of the following methods:

(a) The city council or other similar authority of a city or town by ordinance may vacate any roadway or part thereof located within the corporate limits of said city or town, subject to the provisions of the charter of such municipal corporation and the constitution and statutes of the state of Colorado.

(b) The board of county commissioners of any county may vacate any roadway or any part thereof located entirely within said county if such roadway is not within the limits of any city or town.

(c) If such roadway constitutes the boundary line between two counties, such roadway or any part thereof may be vacated only by the joint action of the boards of county commissioners of both counties.

(d) If said roadway constitutes the boundary line of a city or town, it may be vacated only by joint action of the board of county commissioners of the county and the duly constituted authority of the city or town.

(2) (a) No platted or deeded roadway or part thereof or unplatted or undefined roadway which exists by right of usage shall be vacated so as to leave any land adjoining said roadway without an established public road or private-access easement connecting said land with another established public road.

(b) If any roadway has been established as a county road at any time, such roadway shall not be vacated by any method other than a resolution approved by the board of county commissioners of the county. No later than ten days prior to any county commissioner meeting at which a resolution to vacate a county roadway is to be presented, the county commissioners shall mail a notice by first-class mail to the last-known address of each landowner who owns one acre or more of land adjacent to the roadway. Such notice shall indicate the time and place of the county commissioner meeting and shall indicate that a resolution to vacate the county roadway will be presented at the meeting.

(c) If any roadway has been established as a municipal street at any time, such street shall not be vacated by any method other than an ordinance approved by the governing body of the municipality.

(d) If any roadway has been established as a state highway, such roadway shall not be vacated or abandoned by any method other than a resolution approved by the transportation commission pursuant to section 43-1-106 (11).

(e) Paragraphs (b), (c), and (d) of this subsection (2) shall not apply to any roadway that has been established but has not been used as a roadway after such establishment.

(f) If any roadway is vacated or abandoned, the documents vacating or abandoning such roadway shall be recorded pursuant to the requirements of section 43-1-202.7.

(3) In the event of vacation under subsection (1) of this section, rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances.

(4) An relocate roadway an effective the pendent set aside, m or annulled action or a county whe

Source: I § 120-14.4 § 615, § 2, et

Cross refer see Crane v. I P.2d 839 (195

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43-2-304. I to causes of ac action accruing the limitations p This part 3 shall or other statute.

Source: D.49 § 120-14.4.

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(4) Any written instrument of vacation or a resubdivision plat purporting to vacate or relocate roadways or portions thereof which remains of record in the counties where the roadways affected are situated for a period of seven years shall be prima facie evidence of an effective vacation of such former roadways. This subsection (4) shall not apply during the pendency of an action commenced prior to the expiration of said seven-year period to set aside, modify, or annul the vacation or when the vacation has been set aside, modified, or annulled by proper order or decree of a competent court and such notice of pendency of action or a certified copy of such decree has been recorded in the recorder's office of the county where the property is located.

Source: L. 49: p. 621, § 3. CSA: C. 143, § 69(3). CRS 53: § 120-1-13. C.R.S. 1963: § 120-14-3. L. 88: (2) amended, p. 1122, § 2, effective April 20. L. 93: (2) amended, p. 615, § 2, effective April 30.

Cross references: For vacation by nonuser following admitted statutory dedication and acceptance, see Crane v. Beck, 133 Colo. 325, 295 P.2d 222 (1956), and Uhl v. McEndaffer, 123 Colo. 69, 225 P.2d 839 (1950).

ANNOTATION

Am. Jur.2d. See 39 Am. Jur.2d, Highways, Streets, and Bridges, § 163.

C.J.S. See 39A C.J.S., Highways, § 112.

Law reviews. For article, "Resubdividing and Replatting", see 28 Rocky Mt. L. Rev. 529 (1956).

Section not authority to declare road public. This section does not vest the board of county commissioners with the authority to declare that a road has become public by adverse use; rather, this section only gives commissioners the authority to relinquish any claims the public may have in a road. Williams v. Town of Estes Park, 43 Colo. App. 265, 608 P.2d 810 (1979).

Subsection (2)(a) requires a party seeking to establish vacation of a roadway to demonstrate that vacation will not create parcels without access. Bd. of County Comm'rs of Morgan County v. Kobobel, 74 P.3d 401 (Colo. App. 2002).

Subsection (2)(a) cannot be construed to mean that an abutting landowner has a title interest in any public road such that they can maintain an action under the federal Quiet Title Act. Staley v. United States, 168 F. Supp.2d 1209 (D. Colo. 2001).

"Private-access easement" as used in subsection (2)(a) means reasonable access. This is

a question of fact to be determined on a case-by-case basis. Adelson v. Bd. of County Comm'rs, 875 P.2d 1387 (Colo. App. 1993).

Municipal ordinance purporting to vacate road merely transferred control over the road to the county where ordinance did not meet vacation requirements set forth in statute at the time of the adoption of the ordinance. Martini v. Smith, 42 P.3d 629 (Colo. 2002).

The strict requirements of this section only apply if the roadway has been established and used as a public road. Martini v. Smith, 42 P.3d 629 (Colo. 2002).

If a road is a public road that has been used as such, then a disclaimer of interest filed by a county under the procedural provisions of C.R.C.P. 105(c) cannot operate to vacate the road. Rather, the county must comply with the mandates of this section in order to effect the vacation of the road. Martini v. Smith, 42 P.3d 629 (Colo. 2002).

Under subsection (2)(a), county cannot, without compensation, formally abandon a public road if such action would deprive abutting landowners of access to their property. Heath v. Parker, 30 P.3d 746 (Colo. App. 2000).

Applied in LeSatz v. Deshotels, 757 P.2d 1090 (Colo. App. 1988).

43-2-304. Limitation of actions. Any limitation established by this part 3 shall apply to causes of action which have accrued prior to May 5, 1949, as well as to all causes of action accruing thereafter. The right to institute an action shall not be barred by reason of the limitations prescribed in said part 3 until the expiration of six months from May 5, 1949. This part 3 shall not be construed as reviving any action or limitation barred by any former or other statute.

Source: L. 49: p. 622, § 4. CSA: C. 143, § 69(4). CRS 53: § 120-1-14. C.R.S. 1963: § 120-14-4.

Sept. 14, 2009

City Council

I am concerned about not having a voice in the land use of my neighborhood. I am a resident in the Historical District. This is a four block area in the heart of Grand Junction. It is a unique and beautiful part of the city.

I believe that land use other than home occupation as cited in the city code, (which does not include a Bed and Breakfast) should have a full public hearing. How the land use is handled is important and will be more so in the future.

Therefore, I am requesting that the City Council send the overlay of North Seventh Street back to the planning staff. I ask that they include the land use standards in the overlay.

Thank you,

Amy Topper 611 North Seventh Street.

Sept. 11, 2009

City Council members

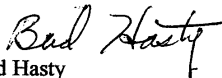
First I want to thank the City of Grand Junction for developing the Seventh Street Overlay. This is a big step in helping to preserve The North Seventh Street Historic Residential District for generations to come.

However, I urge the City Council to return this document to the planning staff to re-write the land use portion to add that needed protection for this one-of-a-kind pearl in Grand Junction.

Please have the land use section read to reflect the desire of the majority of those who filled out the survey in late June.

Please changed it to read that only home occupations be allowed as a minor change and any use that doesn't fall under the Home Occupation Code go through the proper process where resident have an opportunity to be heard at a public hearing. If this is done it would reflect what we were told that the intent of the Overlay was, to strengthen the 1984 plan that we have for our neighborhood for 25 years.

Thank you,


Bud Hasty
433 N. Seventh St.
Grand Junction, CO 81501

✓
9/4/09

TO: TIM MOORE
Public Works and Planning

RE: 7th Street overlay
Letter from Geo. Tracy owner of properties
between Grand & White
2 pages including cover

9-2-09



FARMERS



George Tracy, LUTCF
845 Grand Ave.
Grand Junction, CO 81501
Bus: 970-243-0280
Fax: 970-243-3644
gtracy1@farmersagent.com

To Grand Junction City
We all have concerns on
your intent to allow redevelopment
of 7th street instead of keeping
our beautiful historic district.

Once contractors and owners
decide to make the beautiful
homes into duplexes and other
alterations we totally remove the
ambiance of a historic district

Sincerely
George Tracy

Members of the Farmers Presidents Council are a select group of agents and district managers who demonstrate expertise in providing insurance to the American public

I WILL BE ADDRESSING THE NEWEST INFORMATION YOU RECEIVED
LAST WEEK.

1ST: I HAVE NO IDEA WHY THERE ARE LETTERS OF SUPPORT FOR THE
B& IN THIS PACKET. IT SHOULD BE EASILY UNDERSTOOD THAT THIS
HEARING IS ABOUT THE 7TH STREET OVERLAY.

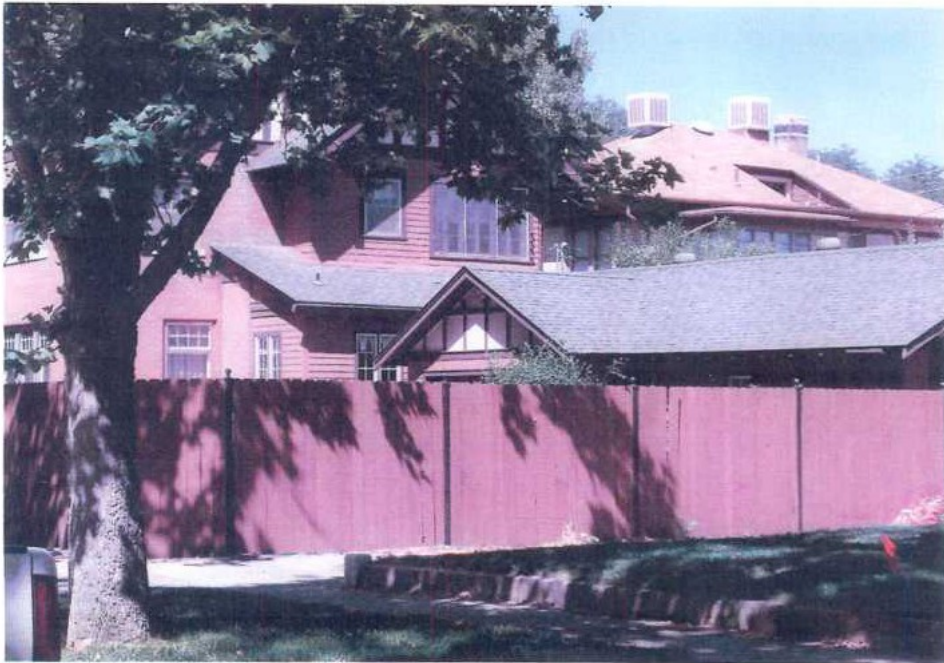
THIS HAS GONE ON FOR 5 MONTHS. ALL WE HAVE EVER WANTED WAS A
HEARING SO WE COULD HAVE A DIALOG REGARDING ISSUES THAT COME
WITH A MAJOR LAND USE CHANGE.

ONE OF THOSE CONCERNS IS A CONCRETE PARKING LOT IN THE FRONT
YARD.

View from CHIPETA WALKING WEST



Added Parking



ALSO WE HAVE ASKED OVER AND OVER WHY THE DECISION WAS CHANGED FROM A MAJOR LAND USE CHANGE APPLICATION BY THE TIMMENS TO A MINOR ONE. FOR THE DEROSSES AND SCOTT PETERSONS ANSWER WAS STAFF REALIZED THERE WAS GOING TO BE OPPOSITION TO THE APPLICATION.

2ND: A LETTER FAXED DIRECTLY TO TIM MOORE DATED 9/4 WRITTEN BY GEORGE TRACY DID NOT GET INTO YOUR PACKET . IT CAUTIONS THE CITY THAT ONCE DEVELOPERS HAVE THE CHANCE TO CHANGE THE INTERIORS OF THE STRUCTURES RELATED TO A LAND USE CHANGE, THE AMBIANCE OF THE HISTORICAL DISTRICT IS LOST FOREVER!



Member of
Presidents Council

9-2-09

George Tracy, LUTCF
845 Grand Ave.
Grand Junction, CO 81501
Bus: 970-243-0280
Fax: 970-243-3644
gracy1@farmersagent.com

To Grand Junction city planner
We all have concerns on
your intent to allow redevelopment
of 7th street instead of keeping
our beautiful historic district.

Once contractors and owners
decide to make the beautiful
homes into duplexes and other
alterations we totally remove the
ambiance of a historic district

Sincerely
George Tracy

Members of the Farmers Presidents Council are a select group of agents and district managers
who demonstrate expertise in providing insurance to the American public

A LETTER DATED SEPTEMBER 6, 2008 FROM RON DEROSE HAS SOME DATA THAT IS NOT FACTUAL HIS STATEMENT IMPLIES A LACK OF UNDERSTANDING. DEROSE QUOTE " ¼ OF THE PROPERTY OWNERS LIVING IN THE DISTRICT ARE REPRESENTED BY JODIE BEHRMANN"? IS THAT THE SAME AS 1% ARE REPRESENTED BY DAN WILSON?

AGAIN A QUOTE FROM MR. DEROSE

" THE NATIONAL REGISTER, COLORADO HISTORICAL BOARD AND LOCAL GJ HISTORICAL BOARD AND SOCIETY ARE CONCERNED ABOUT THE EXTERIOR OF THESE OLD HOUSES"

IT WAS MADE VERY CLEAR BY KRISTEN ASHBECK AT THE JUNE MEETING THAT ONLY THE CITY IS RESPONSIBLE FOR ANY GOVERNING OF THE DISTRICTS EXTERIORS. WHEN I CONTACTED THEM I WAS TOLD THAT THEY DID NOT MONITOR THE PRESERVATION OF THESE STRUCTURES THAT WAS UP TO THE CITY.

" THE LOCAL HISTORICAL PRESERVATION BOARD HAS AGREED TO USE THE OVERLAY AS A TOOL TO ASSIST THEM IN MAKING DESIGN SUGGESTIONS TO PLANNING DEPARTMENT. THEY FELT THAT THE OVERLAY WAS A GOOD START BUT EXPRESSED CONCERNS THAT THE OVERLAY WAS VAGUE IN MANY AREAS AND THAT AMENDMENTS WOULD HAVE TO BE MADE IN THE FUTURE.

INSTEAD OF THE HAND NON FACTUAL MAP SUPPLIED BY MR. DEROSE I HOPE YOU WOULD RELY ON THE OFFICIAL SURVEY SUPPLIED BY THE CITY WHICH PROVES THAT OUT OF 31 PROPERTIES, 17 OWNERS TOOK THE TIME TO FILL OUT THE SURVEY, 89% OF THOSE FEEL A PUBLIC HEARING IS NECESSARY FOR ANY LAND USE CHANGE . IRONICALLY THE 2009 SURVEY RESULTS SUPPORT THE LAND USE INTENT OF THE 1984 PLAN ADOPTED OCT. 3, 1984 SEE ATTACHMENTS. THE CITIES LEGAL DEPARTMENT QUESTIONS THAT THE 1984 WAS NOT FORMALLY ADOPTED AND NOT LEGAL I WOULD ASK THEM TO REVIEW THE MINUTES FROM THE COUNCIL MEETING ON OCT. 3,1974. ANOTHER SITUATION THAT SUPPORTS OUR POSITION IS THE DOVE DESIGN SITE PLAN APPLICATION. DOVE DESIGNS OWNER JUDY SMITH WAS REPRESENTED BY TIM FOSTER, THE SAME LOCAL TIM FOSTER CURRENTLY THE PRESIDENT OF MESA STATE COLLEGE. MY POINT HERE IS I HAVE NO DOUBT THAT IF TIM FOSTER HAD ANY QUESTIONS REGARDING THE LEGALITY OF THE 1984 PLAN AND ORDINANCE 2211 HE WOULD HAVE RAISED THAT QUESTION AT THE TIME.



10

City of Grand Junction, Colorado 81501
250 North Fifth St.,

MEMORANDUM

Property Owners in the 7th Street Rezone Area

FROM: Karl Metzner, City Planning Director

Handwritten signature of Karl Metzner in black ink.

August 14, 1984

7th Street Rezone

On August 1, 1984, the City Council referred the requested rezone from RMF-32 to RSF-8 back to the City Planning Commission for reconsideration. The Planning Commission will be rehearing this request on August 28, 1984 at 7:30 p.m. in the City/County Auditorium.

At this hearing, the Planning Department will also be presenting an alternative to the RSF-8 zone. We hope that this alternative will address the concerns of those opposing the RSF-8 zone while still accomplishing the intents of the petitioners. A copy of this alternative is attached for your review.

If you have questions or would like to discuss the alternative prior to the meeting, please call me at 244-1628.

KM/tt

Attachment



Handwritten initials and the number 11.

City of Grand Junction, Colorado 81501
250 North Fifth St.,

MEMORANDUM

Alternative to proposed RSF-8 zone
7th Street Historical District

The expressed purpose of the requested downzone in the 7th Street Historical District is to protect the appearance, character, and property values of the area.

Objections to the downzone have centered around properties that would be made non-conforming by the rezone. It was evidently feared that the non-conforming status would reduce the property values of the existing multi-family uses as well as the fact that if those uses are damaged over 50% of their value by fire or other causes, they cannot be replaced.

In reviewing both the intents of the petitioners and the concerns of the opponents, we feel that there may be an alternative which could accommodate both groups. We would propose rezoning the area to Planned Residential at a density equivalent to the existing density. The staff would prepare detailed information on the present status of all parcels (type of use, number of units, number of structures, etc.) and this information would become "the plan."

All existing uses would be made legal allowed uses. Change of use and increases in density would be handled as in any other planned zone by processing and approval through the Planning Commission and City Council. Other changes such as additions, which do not add units, or accessory structures could be handled by the department through the minor change process.


The benefits of this proposal are:

- 1) Existing single family structures would be protected by the public hearing process if changes of use or density are proposed.



- 2) The character of the 7th Street corridor would be protected through the provisions of the planned development zone.
- 3) No existing uses would be made non-conforming and property values would not be affected.
- 4) A property owner who desired to change the use or density could apply to do so by submitting a "revised final plan." Through the processing of such a submittal, the proper review would be done and concerned property owners would be able to have input.

We believe this proposal will meet the concerns of all parties and recommend that it be considered in place of the RSP-8 proposal.


Karl G. Metzner
Director, City Planning

12

GRAND JUNCTION PLANNING COMMISSION
Public Hearing -- August 28, 1984
7:30 p.m. - 9:27 p.m.

The public hearing was called to order by Chairman Ross Transmeier at 7:30 p.m. in the City/County Auditorium.

In attendance, representing the City Planning Commission were:

Miland Dunivent	Dick Litle
Bill O'Dwyer	Warren Stephens
Susan Rush	Mike Dooley
Ross Transmeier, Chairman	

In attendance, representing the City Planning Department were:

Bob Goldin	Karl Metzner
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Terri Troutner was present to record the minutes

There were approximately 27 interested citizens present during the course of the meeting.

Chairman Transmeier called the meeting to order.

I. APPROVAL OF MINUTES

MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, I MOVE THAT WE APPROVE THE MINUTES OF THE MEETING AS PRINTED FOR JULY 31, 1984."

Commissioner O'Dwyer seconded the motion.

A vote was called and the motion carried unanimously by a vote of 6-0.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Bob Goldin announced that the term of the Chairman was up and nominations for this position should be taken during tonight's meeting. Chairman Transmeier scheduled the election for the end of the meeting.

III. FULL HEARING

1. #11-84 REZONE RMF-32 TO RSF-8 OR PR-8

Petitioner: Kathy Jordan
Location: Both sides of 7th Street from Grand Avenue to Hill Avenue (7th Street Historic District)

A request to change from residential multi-family uses at 32 units per acre to single-family residential uses at 8 units per acre on approximately 6.91 acres excluding the street right-of-way. A proposal to substitute a PR (Planned Residential) zone in place of the requested RSF-8 may also be considered.

Chairman Transmeier commented that this proposal had been heard on May 29, 1984 and recommendation for approval for the RSF-8 zoning was given by the Planning Commission at that time. Since the item was sent back to the Grand Junction Planning Commission by the City Council, the City Planning Department has made a recommendation of a PR-8 zoning as an alternative to the RSF-8. Chairman Transmeier asked the planning staff to clarify the reason(s) behind this recommendation.

Karl Metzner, Director of Planning, stated that many of the residents at the City Council meeting objected to the RSF-8 zoning since it made many of the structures non-conforming. The City Council sent the proposal back to the Planning Commission for reconsideration and during this interim period, the planning staff had reevaluated the proposal. It was felt that the PR zoning would preserve the character of the area and still keep the present uses conforming.

Karl noted that since the change would be Planned Residential, changes in uses which would be primarily business would not be allowed. This would allow those home occupations, however, where the primary use remains residential.

What was being proposed, Karl continued, would be that requests for major changes of use such as the addition of dwelling units, or conversion of any structure allowed by the RMF or RSF zones, be done through an amended plan submitted to the Planning Commission for approval. This would also include the demolition of principal structures. Minor changes, such as the removal of an accessory structure or additions to the primary structure where there is no increase in density nor change in use would be handled through the City Planning Department.

QUESTIONS

Commissioner Rush questioned that if a daycare wanted to convert to a three story structure, would this be considered a Minor Change.

Karl responded that it may have to go through full hearing to determine if the proposed structure change would continue to reflect the character of the area. An instance of this type would be at the discretion of the Planning Department.

Chairman Transmeier asked how the procedure for changing an existing structure in an RSF-8 zone would differ from the same request for change in a PR zone.

Karl answered that the only real difference was that under a PR zone, major changes would be required to go through an amended plan process which would be easier and less expensive. Otherwise, the procedures were similar.

Chairman Transmeier asked if a multi-family structure were to be destroyed, could it be rebuilt.

Karl pointed out that this question was a major concern to many of the residents and owners of these multi-family structures since under the RSF-8 zoning, if such a structure was destroyed over 50%, it could not be rebuilt as a multi-family structure. Under a PR zoning, since the existing uses would be allowed uses, a structure could be rebuilt to its original density or less.

Mike Dooley wanted to know if the residents were made fully aware that if the PR-8 zoning was passed, it would not affect the current property values.

Karl felt that this was the case.

PUBLIC COMMENTS

FOR THE PROPOSAL:

Homer Moody, 416 Lilac Lane, was for the compromise of a Planned Residential zoning.

Audrey Thompson, 726 North 7th Street, spoke out in favor of the Planned Residential zoning.

AGAINST THE PROPOSAL:

Fern Cook, 737 Ouray Avenue, did not like the idea of multi-family residences in this area as she felt that owners of such residences did not take pride in their structures and keep them in good condition. She passed around pictures of several of the multi-family residences to Planning Commission members which she thought indicated this point. She was also concerned about the number of vehicles which would be traveling this area and cited a problem she experienced in the exhaust fumes coming into her residence from the parking lot at the First Baptist Church.

Jay Brodehl, 712 North 7th Street, was also opposed and wondered how any zoning change would be enforced.

STAFF COMMENTS

Karl stated that the Building Department had been checking on the various units and utilities being supplied to those units and any problems found were presently being resolved.

QUESTIONS

Chairman Transmeier commented that 7th Street is unique in that the residents participate in trying to affect changes in their area for the better, and also because the area is becoming a busier area with more traffic. He said also that any zone change would provide a basic guideline for the area, but that it was up to the individual residents to maintain their property.

Commissioner Rush made the comment that if this area is to be considered a historical district, it should be treated as such. She felt that more stringent standards should apply. She also felt that public input should always be kept in mind and was in favor of maintaining the prior approval of the RSF-8 zoning.

Chairman Transmeier closed the public hearing and requested a motion which would either "change" or "not change" the prior approval of the RSF-8 zoning.

MOTION: (COMMISSIONER LITTLE) "MR. CHAIRMAN, IN THE CASE OF FILE #11-84 REZONE FROM RMF-32, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION THAT WE AMEND OUR PREVIOUS PROPOSAL (RECOMMENDING APPROVAL FROM RMF-32 TO RSF-8) TO READ RMF-32 TO PR-8"

Commissioner O'Dwyer seconded the motion.

A vote was called and the motion passed by a vote of 4-2 with Commissioners Rush and Dooley opposing.

2. #22-84 HILLTOP EMPLOYEE PARKING PLAZA-FINAL PLAN

Petitioner: Hilltop Rehabilitation Hospital/Dennis Stahl
Location: The northwest corner of Patterson Road and 26 3/4 Road.

A request for a final plan (parking lot) on .4 acre in a planned business zone.

CITY OF GRAND JUNCTION, COLORADO
MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL

September 5, 1984

13

The City Council of the City of Grand Junction, Colorado, convened in regular session the 5th day of September, 1984, in the City-County Auditorium at City Hall. Those present were Betsy Clark, Frank Dunn, Robert Holmes, Christine Kreissler, Gary Lucero, Ray Phipps, and President of the Council Mike Pacheco. Also present were City Manager Mark Achen, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

Council President Mike Pacheco called the meeting to order and led in the Pledge of Allegiance.

INVOCATION - Dr. Aaron Long

MINUTES

Upon motion by Councilman Phipps, seconded by Councilwoman Clark and carried, the minutes of the August 15, 1984, Council meeting were approved.

BOY SCOUT VISITOR

Edward Eugene Freesman was acknowledged by City Council as a visitor to this meeting. Ed's father was also present.

HEARING - ID ST-84, PHASE C, THAT PART OF 15TH STREET FROM ORCHARD AVENUE TO WALNUT AVENUE - DEFERRED

Hearing on ID ST-84, Phase C, was deferred to a later date, but residents within the District were given the opportunity to voice their opinion.

Those speaking regarding the improvement district were:

Mary McTavish, 1330 Hermosa, representing Fairmount North, was concerned with the unequitable way in which the entire assessment has been set up. She explained that most of the Fairmount North residents do not use 15th Street as an access and do not feel that they should have to pay for the improvements.

Sue Gunn, 1949 N. 15th Street, stated that she as well as some of her neighbors are opposed to the improvements, mostly based on financial inability.

Mayor Pacheco stated that Councilman Ray Phipps and Councilwoman Christine Kreissler will be working with City Staff (Darrell Lowder and Ken Reedy) on refining the assessments, and can be contacted by any resident within the district concerning status of the district. Hearing on Improvement District ST-84, Phase C, will be held on September 19, 1984.

BEER/LIQUOR - APPLICATIONS TO RENEW LICENSES APPROVED

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the applications by the following licensees to renew their beer and liquor licenses were approved:

1. Stop 'N Save No.3, 723 Horizon Drive (3.2% Beer)
2. Gas Rite, 745 Horizon Drive (3.2% Beer)

Kathy Jordan, 440 N. 7th Street, representative for the petitioners, stated that the petitioners do support the Planning Commission's recommendation of Planned - Residential -8.

Upon motion by Councilwoman Clark, seconded by Councilman Phipps and carried with Councilmembers HOLMES and PACHECO voting NO, fact-finding was waived by Council.

The following entitled proposed ordinance was read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried the proposed ordinance was passed for publication.

PROPOSED ORDINANCE CORRECTING ORDINANCE NO. 2208 WHICH ANNEXED TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - FAIRWAY PARK ANNEXATION, N OF G ROAD, E OF 12TH STREET

The following entitled proposed ordinance was read: AN ORDINANCE AMENDING ORDINANCE NO. 2208 WHICH IS AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION TO CORRECT THE PROPERTY DESCRIPTION THEREIN. Upon motion by Councilwoman Kreissler, seconded by Councilman Phipps and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE AUTHORIZING ISSUANCE AND SALE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS FOR AIR TRAVEL CENTER PROJECT (AIRPORT HOTEL)

The following entitled proposed ordinance was read: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF \$ _____ AGGREGATE PRINCIPAL AMOUNT OF CITY OF GRAND JUNCTION, COLORADO, FLOATING RATE MONTHLY DEMAND, INDUSTRIAL DEVELOPMENT REVENUE BONDS (AIR TRAVEL CENTER PROJECT) SERIES 1984, TO FINANCE PROPERTY SUITABLE FOR COMMERCIAL OR BUSINESS ENTERPRISES; RATIFYING CERTAIN ACTIONS HERETOFORE TAKEN; AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A LOAN AGREEMENT, TRUST INDENTURE, BOND PURCHASE AGREEMENT, SAID BONDS AND CLOSING DOCUMENTS IN CONNECTION THEREWITH; AND REPEALING ACTION HERETOFORE TAKEN IN CONFLICT HERewith. It was moved by Councilman Phipps and seconded by Councilman Dunn that the proposed ordinance be passed for publication.

Those speaking in favor of the issuance of the bonds were:

Mike Boggs, Airport Manager
Bill Love, 1719 Crestview Drive, Chairman of the Airport Authority
David Humphries, 1925 Florida Court, Member of Airport Authority

Those speaking in opposition:

Sam Antonopolous, 3014 Lilac Lane, owner of Two Rivers Inn
Bobbie Englesbee, 3174 Stanford Court, Assistant Manager at Two Rivers Inn

After lengthy discussion, a vote was taken on the original motion.

Councilmembers voting AYE: CLARK, DUNN, KREISSLER, LUCERO, PHIPPS.

Councilmembers voting NO: HOLMES, PACHECO.

HEARING - APPLICATION BY 715 HORIZON DRIVE, INC., FOR HOTEL-RESTAURANT LIQUOR LICENSE AT 715 HORIZON DRIVE UNDER TRADE NAME OF BOARDWALK - APPROVED

Reports were given regarding the application by 715 Horizon Drive, Inc., for a hotel-restaurant liquor license at 715 Horizon Drive, under the trade name of Boardwalk. Reports from the Fire and Health Departments have been received with no problems regarding codes or safety regulations. City Attorney Ashby submitted a report from the Grand Junction Police Department on the background investigation of Fritz Easterberg and Joyce Aber, officers of the corporation.

Clay Hanlon, attorney representing 715 Horizon Drive, Inc., 620 Valley Federal Plaza Building, was present. Mr. Hanlon submitted a petition in favor of the issuance of the license with approximately 100 signatures of persons residing in the neighborhood of 715 Horizon Drive.

There were no opponents, letters or counterpetitions.

Councilman Holmes questioned City Attorney Ashby as to why a survey of the area was not conducted regarding this application. Mr. Ashby responded by explaining that since this application, as well as the previous application (Pepi's) was for a location that had been surveyed several times in the past, the determination was made that it was really in the nature of a change of ownership, thus waiving the requirement for survey of the areas.

The City Clerk reported that both properties (Boardwalk and Pepi's) were posted with signs giving Notice Of Hearing, and Notices of Hearing were published in The Daily Sentinel on August 24, 1984.

Upon motion by Councilwoman Clark, seconded by Councilman Phipps and carried with Councilmembers HOLMES and PACHECO voting NO, Council waived its policy to take this item to fact-finding.

Upon motion by Councilman Phipps, seconded by Councilwoman Kreissler and carried with Councilmembers HOLMES and PACHECO voting NO, the application by 715 Horizon Drive, Inc., for a hotel-restaurant liquor license at 715 Horizon Drive, under the trade name of Boardwalk, was approved.

VALLEY PLAZA LIQUORS

This item was continued for hearing on October 3, 1984

HEARING #11-84 - PROPOSED ORDINANCE - REZONE FROM RMF -32 TO PR-8 BOTH SIDES OF 7TH STREET FROM GRAND AVENUE TO HILL AVENUE (7TH STREET HISTORIC DISTRICT)

This item was discussed at the August 1, 1984, City Council meeting, and sent back to the Planning Commission for reconsideration and rehearing. The original request was to rezone from RMF-32 to RSF-8 both sides of 7th Street from Grand Avenue to Hill Avenue (7th Street Historic District). Planning Director Karl Metzner gave a lengthy report regarding Planning Commission's recommendation that the zoning be changed from RMF-32 to PR-8. The main purpose in changing to PR-8 is to avoid placing the multi-family units in a non-conforming status.

Mr. Metzner indicated that Mr. James Brodell is still in opposition to the change in zoning.

There were no other opponents, letters or counterpetitions.

Open In Native Application Image

Previous document Next document



Grand Junction, Colorado

841003.doc

First Hit: ORDINANCE NO 2211

Grand Junction, Colorado

October 3, 1984

The City Council of the City of Grand Junction, Colorado, convened in regular session the 3rd day of October, 1984, in the City-County Auditorium at City Hall. Those present were Betsy Clark, Frank Dunn, Robert Holmes, Christine Kreissler, Gary Lucero, Ray Phipps, and President of the Council Mike Pacheco. Also present were City Manager Mark Achen and City Clerk Neva Lockhart.

Council President Mike Pacheco called the meeting to order and led in the Pledge of Allegiance.

INVOCATION

Councilman Gary Lucero.

MINUTES

Upon motion by Councilman Phipps, seconded by Councilman Dunn and carried, the minutes of the September 19, 1984, meeting were approved.

PROCLAMATION DECLARING OCTOBER 14 THROUGH 21, 1984, "NATIONAL HOUSING WEEK"

PROCLAMATION DECLARING OCTOBER 8 THROUGH 14, 1984, "DOMESTIC VIOLENCE AWARENESS WEEK"

REQUEST NAMES FOR APPOINTMENT TO GRAND JUNCTION PLANNING COMMISSION, CONTRACTORS LICENSING BOARD, AIRPORT BOARD, PARKS & RECREATION ADVISORY BOARD, HOUSING AUTHORITY AND COMACT HOUSING

KIRK RIDER REQUESTS COUNCIL WAIVER OF HUD REGULATIONS REGARDING GRANT FUNDS

Mr. Kirk Rider, 1050 Gunnison Avenue, Grand Junction, appeared before Council explaining that the City of Grand Junction is the grantee of a HUD grant for the renovation and maintenance of downtown housing. The Housing Authority and the Downtown Development Authority are the administrators of said grant. Mr. Rider is a member of the Downtown Development Authority Board. He resides in the area that has been delineated to receive the low-interest loans. He requested that he be made eligible for the funds that are available to all of his neighbors. Mr. Rider has become ineligible because he is a member of the Downtown Development Authority. He went on

to explain that HUD makes provision for waivers of conflicts in certain cases, and asked that Council ask HUD to examine and consider his request for a waiver of those "conflict of interest" regulations.

Councilmen Phipps and Holmes felt that there was a possibility that there would be some favoritism shown Mr. Rider. Other applicants have been turned down for various reasons, and Mr. Rider could possibly be accused of being shown favoritism because of his being a member of the Downtown Development Authority Board. Councilmembers Dunn and Kreissler felt there was no problem with including Mr. Rider with those being considered as recipients of said grant funds.

Upon motion by Councilman Phipps, seconded by Councilman Lucero and carried with Council members DUNN and KREISSLER voting NO, and Councilwoman CLARK ABSTAINING, the request by Kirk Rider that Council ask HUD to examine and consider his request for a waiver of conflict of interest regulations regarding HUD grant funds was denied.

BEER-LIQUOR - APPLICATIONS TO RENEW LICENSES APPROVED

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the applications by the following licensees to renew their beer and liquor licenses were approved:

1. Loco Food Store, 107 Grand Avenue (3.2% Beer)
2. Stop 'N Save No. 2, 2050 North Avenue (3.2% Beer)
3. City Market, 2770 Highway 50 (3.2% Beer)
4. The Aspen Tree, 2828 H Road (Hotel-Restaurant)
5. Eugene's, 546 Main Street (Hotel-Restaurant)
6. Quincy's Bar & Grill, 609 Main Street (Tavern)

Hearings before the Hearing Officer will be scheduled on Stop 'N Save No. 2, 2050 North Avenue, and Quincy's Bar & Grill, 609 Main Street, for alleged violations.

APPLICATION BY EL ESCONDIDO, INC., DBA EL ESCONDIDO RESTAURANT, 509 281/2 ROAD, TO RENEW HOTEL-RESTAURANT LIQUOR LICENSE AND CHANGE IN CORPORATE STRUCTURE-STOCKHOLDERS

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, and Councilman LUCERO ABSTAINING, the application by El Escondido, Inc., dba El Escondido Restaurant, 509 281/2 Road, to renew its hotel-restaurant liquor license, and change in corporate structure-stockholders, was approved.

HEARING #16-84 - GRAND JUNCTION RETIREMENT RESIDENCE MESA VIEW - FINAL PLAT AND PLAN, LOCATED APPROX 1000 FT N OF F ROAD AND W OF 7TH STREET

A hearing was held after proper notice on the petition by Alfred B.

Carrick for a final plat and plan of 101 units on 3.65 acres in a Planned Residential Zone at 28 units per acre (Grand Junction Retirement Residence Mesa View). Planner Bob Goldin reviewed the petition.

Mesa View has agreed to pay the fair market value for a portion of the property - said money would be used to defer the costs of the County property directly to the north of the City property. The City would assume responsibility for the assessments along 7th Street for both the City and County-owned properties. The petitioner will be responsible for those assessments along 7th which is adjacent to his property. The remaining property not utilized by the petitioner would be deeded over for right-of-way for Horizon Place. Northridge No. 4 (Mr. Coleman) has agreed to pay for full street improvements of approximately 300 feet which is fronting along the north side of the petitioner's property, once Northridge No. 4 is developed.

The petitioner has agreed to provide an additional parking facility to the west of the property tying into the present parking lot. There are also provisions for on-street parking along Horizon Place which will allow for overflow parking should it become necessary.

Mr. Tom Logue, representing the petitioner, was present for the hearing. Alfred Carrick and Clifford Curry were also present.

The City will be providing the water under the general policy that if the City was providing water to that parcel prior to any development it would continue to do so. Mr. Logue stated that the petitioner is agreeable with the City's providing the water.

Upon motion by Councilman Dunn, seconded by Councilwoman Kreissler and carried, the final plat and plan for Grand Junction Retirement Residence Mesa View was approved.

The President declared a five-minute recess. Upon reconvening all members of Council were present.

ACKNOWLEDGEMENT OF REPRESENTATIVE JIM ROBB AND CITIZEN DEE WEITZEL IN TONIGHT'S AUDIENCE

HEARING - APPLICATION BY MESA COLLEGE FOR 3.2% BEER SPECIAL EVENTS PERMITS ON NOVEMBER 2 AND DECEMBER 1, 1984 - APPROVED

A hearing was held after proper notice on the applications by Mesa College for a 3.2% beer special events permits on November 2, 1984, from 5:00 p.m. to 11:00 p.m., at Saunders Field, Mesa College Campus (in case of inclement weather, move to Liff Auditorium) for First Halloween Party; and on December 1, 1984, from 8:00 p.m. to 12:00 midnight, at Liff Auditorium for Mr. Barley Hops Holiday Party.

Rosie Lambert, Programming Chairperson for the Activities Council at Mesa College, was present representing the College. There were no opponents, letters or counterpetitions.

Upon motion by Councilwoman Clark, seconded by Councilwoman Kreissler and

carried with Councilman HOLMES voting NO, the applications for 3.2% beer special events permits on November 2, 1984, and December 1, 1984, were approved.

HEARING - APPLICATION BY LATIN ANGLO ALLIANCE FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT AT TWO RIVERS PLAZA, 159 MAIN STREET, OCTOBER 27, 1984 - APPROVED

A hearing was held after proper notice on the application by Latin Anglo Alliance for a malt, vinous and spirituous liquor special events permit at Two Rivers Plaza, 159 Main Street, on October 27, 1984, from 8:00 p.m. to 2:00 a.m. for a fiesta and dance.

Michael Rodriguez, President of Latin Anglo Alliance, was present representing the organization. There were no opponents, letters or counterpetitions.

Upon motion by Councilwoman Clark, seconded by Councilwoman Kreissler and carried with Councilman HOLMES voting NO, the application for a malt, vinous and spirituous liquor special events permit on October 27, 1984, was approved.

ORDINANCE NO. 2211 - REZONE FROM RMF-32 TO PR-8 BOTH SIDES OF 7TH STREET FROM GRAND AVENUE TO HILL AVENUE

Upon motion by Councilwoman Kreissler, seconded by Councilman Lucero and carried, the following proposed ordinance was called up for final passage and the title only was read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING OF CERTAIN LANDS WITHIN THE CITY.

There were no comments. Upon motion by Councilman Lucero, seconded by Councilwoman Kreissler and carried by roll call vote with Councilman HOLMES voting NO, the Ordinance was passed, adopted, numbered 2211, and ordered published.

ORDINANCE NO. 2212 - CONCERNING ASSESSMENTS IN STREET AND ALLEY IMPROVEMENTS

Upon motion by Councilwoman Kreissler, seconded by Councilman Lucero and carried, the following proposed ordinance was called up for final passage and the title only was read: CONCERNING ASSESSMENTS OF PROPERTY IN LOCAL IMPROVEMENT DISTRICTS FOR STREETS.

There were no comments. Upon motion by Councilwoman Kreissler, seconded by Councilwoman Clark and carried by roll call vote, the Ordinance was passed, adopted, numbered 2212, and ordered published.

RESOLUTION NO. 55-84 ADOPTING MILL LEVY FOR DOWNTOWN DEVELOPMENT AUTHORITY (4.787 MILLS)

The following Resolution was read:

RESOLUTION NO. 55-84

LEVYING TAXES FOR THE YEAR 1984 IN THE CITY OF GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY

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

That in accordance with the provisions of 31-25-817 of Colorado Revised Statutes, 1973, there shall be and hereby is levied upon all taxable property within the Grand Junction, Colorado, Downtown Development Authority limits, for the year 1984 according to the assessed valuation of said property, a tax of four point seven eight seven (4.787) mills on the dollar (\$1.00) upon the total assessment of taxable property within the Grand Junction, Colorado, Downtown Development Authority, for the purpose of paying the expenses of said Authority for the fiscal year ending December 31, 1985.

APPROVED and ADOPTED this 3 day of October, 1984.

/s/ J.P. Mike Pacheco

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

Upon motion by Councilman Dunn, seconded by Councilman Lucero and carried, the Resolution was passed and adopted as read.

RESOLUTION APPROVING BUDGETS FOR THE EXPENDITURE OF TAX INCREMENT FINANCING BOND ANTICIPATION NOTE REVENUES AND DESIGNATING THE GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY AS ITS AGENT FOR THE EXPENDITURE OF SUCH FUNDS - REMOVED FROM AGENDA TO BE DISCUSSED AT COUNCIL WORKSHOP ON 10-16-84, TO BE SUBSEQUENTLY CONSIDERED BY CITY COUNCIL ON 10-17-84

5TH STREET BRIDGE PAVING

Councilman Holmes requested a report on the maintenance of the 5th Street Bridge. City Engineer Ken Reedy reported that the City has a contract with the State which pertains strictly to asphalt maintenance. It was suggested that Grand Junction be represented at upcoming State Highway hearings to make requests for remedies.

WATER COMMITTEE

Councilman Phipps reported that the Water Committee recently toured all

CITY OF GRAND JUNCTION, COLORADO
MEMORANDUM

(15)

Reply Requested
Yes No

Date
9/7/84

To: ~~(Frank)~~ Karl Metzner Planning Director From: ~~(Mark)~~ Mark K. Achen City Manager *MKA*

Re: 7th Street Historical District Rezoning

I commend you and the planning staff on the creative resolution of this difficult issue. I recognize that the Planning Commission undoubtedly made a contribution to the resolution, but suspect the planning staff played a significant if not primary role. Assuming so, I think you and your staff are to be congratulated on successfully achieving a good compromise on this issue.

MKA:jc

Bob ✓
Dan ✓

*good job Team
Karl*

AN EMAIL DATED AUG.17, 2009 FROM KRIS ASHBECK SAYS "THE
OTHER ALLOWED USES ARE ACCEPTABLE THROUGHOUT THE CITY AND
WE ARE AWARE
OF NO REASON THAT THEY SHOULD NOT BE ACCEPTABLE ON 7TH
STREET".

THIS SAYS VOLUMES

Sender: "Kristen Ashbeck" <kristena@ci.grandjct.co.us>

E-mail Source

Subject: Re: 7th Street Historic District Zoning Overlay

Date: Mon, 17 Aug 2009 10:14:15 -0600

To: "joe hatfield" <joeatfield@bresnan.net>

Joe:

Thank you for taking the time to look over the proposed zoning overlay for the 7th Street Historic District. We appreciate your comments and will try to address them.

Staff has re-calculated the questionnaire responses (attached) and eliminated the pie charts because they were the source of some confusion.

Regarding your question on Other Allowed Residential Uses a decision on those uses would be made by the Director of Public Works and Planning with the Planning Commission serving to hear appeals of the Director's decisions. An appeal could be made in accordance with the Zoning and Development Code. The draft overlay provides that the Historic Preservation Board would be a review agency on such an application.

The Other Allowed Residential Uses were included in the draft in order

Bresnan OnLine Message Center: INBOX Message

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to establish consistency with uses that are allowed throughout the residential zone districts in the City. From the staff perspective the Other Allowed Residential Uses are reasonable and should be identified in the 7th Street plan as acceptable residential uses. They are acceptable throughout the City and we are aware of no reason that they should not be acceptable on 7th Street. We understand from those folks responding to the questionnaire that they are not wholly in favor of other residential uses but because the R-8 zone district is the most appropriate underlying zone district and that district allows the uses it would follow that the uses should be allowed in the 7th Street District. This is certainly a point of discussion for neighbors and property owners to address with City Council when the overlay comes before Council.

The information that appears in the appendix of the document was compiled by a summer intern. She did a good job of gathering a lot of data in a short time. Before the overlay plan is completed we will correct minor errors such as the spelling of your home's builder. We appreciate the clarification that you offered and would ask that you feel free to offer additional comments or corrections.

Hopefully this clarifies your concerns. Please let us know if you have further comments, questions or suggestions.

Kristen Ashbeck
Neighborhood Services

970.244.1491 (desk)
970.256.4114 (fax)
kristena@gjcity.org

City of Grand Junction
333 West Avenue Building C

**IT IS ALSO IMPORTANT TO SEE THAT AS LATE AS 2002 TIM MOORE
DOCUMENTS TO COUNCIL THE THE 84 PLAN HAS BEEN WORKING VERY
WELL!**

MEMORANDUM

Date: July 25, 2000
To: City Council
Cc: David Varley, Mark Relph, Martyn Currie, Joe Stevens
From: Tim Moore

RE: 7th Street Historic District

The purpose of this report is to summarize the meeting which staff conducted with the residents of the 7th St. Historic District on March 31st. It is also a recap of several years of effort by the City and District residents to improve the 7th Street corridor. This report is for information and discussion and does not require City Council action.

March 31st Neighborhood Meeting

The focus of this meeting was to respond to a neighborhood request to reduce the number of travel lanes through the Historic District from two lanes in each direction to one lane each way. There were nineteen residents in attendance and six City representatives including Jim Spehar. Working with the Metropolitan Planning Organization (MPO) to project future traffic volumes, staff used a computer model to demonstrate the result of the lane reduction to the group. The computer model and supporting information indicated significant delays, traffic congestion, impacts to adjacent corridors, and the resulting negative impacts to the Historic District neighborhood. As a result of this analysis, the lane reduction request could not be supported by Public Works. Residents along the corridor recognized the impacts and readily accepted the recommendation.

The discussion then focused on truck traffic, school zones, and speeding. Ken Simms of the MPO addressed the group regarding a truck route study the RTPO/MPO has undertaken which will evaluate truck routes valley-wide and include the needs of all users on a system-wide basis. One of the first steps will be to obtain addresses from one of the local delivery truck firms and plot the thirty-day deliveries on a map. This will visually show where trucks drive on a regular basis; we anticipate schools, restaurants, and other small businesses will be seen on the map. From that point, it can be determined where truck routes ought to be placed, rather than a reactive prohibition street-by-street. As you are aware, the first open house to solicit public input was June 8th. Ultimately, the proposed truck route will be presented to the County Commissioners and City Planning Commission for adoption.

The neighborhood group discussed the potential need for school zone flashing lights on 7th Street to accommodate pedestrian traffic from Columbine Elementary. Staff indicated the lights would be considered as part of the establishment of policies for installation of school traffic control devices and the update to the waking route map now planned for next year.

Speeding issues were discussed and the group expressed a desire to have the speed limit

lowered from the posted 30 mph to 25 mph. Currently, the 85-percentile speed is 34 mph. Staff shared with the residents some of the difficulties when attempting to lower a posted speed without statistical data to support the change. Lieutenant Benoit explained the GJPD currently provides periodic traffic enforcement to the corridor. They frequently provide additional enforcement, as requested, through the presence of marked units. This is simply accomplished by altering the routes of police officers. GJPD has committed to formally placing the Historic District onto the speed enforcement maintenance list which will help insure visibility and speed maintenance efforts on an ongoing basis. The PD will continue to respond to any specific complaints, including taking into consideration information provided about specific companies with speeding drivers who frequently use the corridor.

Several of the residents at this recent meeting asked about landscaping. When we talked to the neighborhood prior to the construction of the crosswalks and bulbouts last year, we also discussed the possibility of additional landscaping in the medians. This would have served as a visual cue to drivers to slow down. Subsequent to this particular meeting, the Parks Department has planned some improvements to the median that are intended to enhance the corridor while keeping in mind the Historic District decor. The improvements generally consist of adding flowering trees and replacing the current flower beds with a combination of annual and perennial flowers, border plants and shrubs. These improvements are planned for this coming Fall. Additionally, where the opportunity exists to add street trees in the area between the existing sidewalks and the curb & gutter, Parks plans to contact each homeowner and offer to provide the trees and labor for installation.

Jon Schler with CU-Denver Colorado Center for Community Development was also in attendance at the request of the neighbors, and we talked with him about pursuing studies and possibly grants for defining and potentially fixing foundations of the houses. One of the complaints from the residents is that the traffic makes their walls and foundations rattle. Jon also advised the residents that in some cities, Historic Districts have undertaken ide-marketing efforts with their communities in an attempt to reduce traffic. He has been researching other historic neighborhoods throughout the country and may be able to provide our residents with some good ideas.

Some general discussion regarding the extensive modeling and forecasts provided by the RTPO, indicate that traffic volume growth on 7th Street will be less than that in other parts of the city, particularly when our long-range projects, such as the Riverside Bypass, are complete.

Accomplishments to date:

1975 - The City and residents installed the decorative lighting in the median through what is now the Historic District.

1984 - The City of Grand Junction recognized the significance of the District by adopting a Planned Residential (PR) zoning for the majority of the area (Hill to Grand Avenues).

The zoning ordinance included policies to support maintaining the existing uses in the area, preservation and restoration of existing structures, new construction to be consistent with the historic character of the area, and uses north of Grand Avenue to remain residential. To date, this zoning has been effective in its land use intent and the Planned Development (PD) zoning is being carried forward with the recently-adopted zoning map.

1986 - The City completely replaced the medians. This included concrete curbing, upgraded electrical service for the historic lighting, new planting beds, new (automated) irrigation system and re-seeded grass.

1996 - The residents formed a traffic calming committee which determined speeding & trucks were top concern; proposed lighted entry gate to historic district

1997 - Constructed entry gates; circulated petition for construction of concrete crosswalks at 7th & Gunnison, Grand, north entry; neighborhood education efforts were homemade signs, radar trailers, speedwatch letters

1998 - Council workshop presentation requesting traffic calming funds for crosswalk and bulbout construction; new signal reconstruction at 7th & Gunnison; truck letters sent to trucking firms recorded using 7th Street; project bids 50% over budget, project scheduled for 1999

1999 - Construction of crosswalks/bulbouts contract \$114,000 (all budgeted traffic calming funds for 3 years expended in this project)

2000 - Measured speeds have been reduced to 34 mph (85-percentile). The MPO truck route study is underway.

The Grand Junction Parks Department maintains the center islands which include annual plants of several varieties, flowers, and grass.

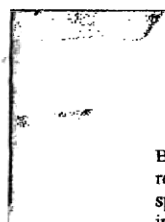
Recommendations:

Most of the elements for a great street are already incorporated in 7th Street through the Historic District, and we are approaching the bottom of our "toolbox". As staff, we will continue to seek out and evaluate opportunities for preserving the quality of life on 7th Street while still maintaining traffic control. Additionally, staff will complete the following:

Once the landscape improvements are completed in the median areas, PW staff will periodically monitor speeds to determine the impacts to traffic.

The Parks Department will add street trees, where the opportunity exists between the walk and curb, to further enhance the corridor and provide an additional buffer.

Continue a formalized traffic enforcement program through the corridor.



Because the average speed is currently 4 mph above the speed limit, PW staff is not recommending the installation of more aggressive traffic calming approaches such as speed tables at this time. City staff will, however, continue to look for new and innovative ways to calm traffic through the District.



THE STAFF REPORT FOR THE DOWNTOWN AND 7TH STREET OVERLAYS ARE GOOD EXAMPLES OF HOW THE STAFF HAS BUNDLED TOGETHER ALL OF THESE PLANS. THERE ARE 13 PROJECTS BUNDLED INTO ONE PEN STROKE FOR YOU. THIS IS A HUGE TRANSFER OF YOUR DECISION MAKING POWER TO STAFF.

THE AMENDMENT TO ORDINANCE 2211 THAT MAY BE SIGNED TONIGHT CHANGES THE LEGAL BOUNDRIES OF THE DISTRICT. THE NORTH SEVENTH STREET DISTRICT STARTS AT GRAND AND ENDS AT HILL!!!! THEY HAVE GRAND TO TELLER. IF THE CITY CANNOT GET THE BOUNDRIES OF THE OFFICIAL HISTORICAL DISTRICT CORRECT WHAT CAN I SAY!

IN 2002 MICHIGAN STATE UNIVERSITY EXTENSION PUBLISHED A DOCUMENT INTITALED "BED & BREAKFAST ZONING: A GUIDE TO REGULATIONS" CITIES AND COUNTIES THAT HAVE INSTITUTED ZONING ORDINANCES HAVE DONE SO TO PROMOTE THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE COMMUNITY. ZONING SHOULD BE BASED ON A COMPREHENSIVE PLANNING STUDY OF THE AREA. THE PURPOSE IS TO PROVIDE FOR ORDERLY GROWTH AND TO SEPARATE INCOMPATIBLE LAND USES. EVEN THOUGH ZONING ORDINANCES SHOW A GREAT DIVERSITY THIS DOCUMENT ADDRESSING SOME ZONING ISSUES EXPERIENCED BY OTHER CITIES IN THE U.S. THE ANSWER TO THE ZONING REGULATIONS SHOULD BE TRATED DEPENDING ON A NUMBER OF CONSIDERATIONS LIKE LOCAL ATTITUDES, TOURISM POTENTIAL, DENSITY OF B&BS

WE RECOMMEND THAT STAFF READ THIS REPORT AND THEN DRAFT GUIDELINES FOR FUTURE B&B'S. ISSUES THAT SHOULD BE ADDRESSED ARE: LENGTH OF STAY – FROM 30 DAYS TO ONE WEEK AND THAT REGISTRATION DOCUMENTS BE AVAILABLE TO REVIEW BY THE GRAND JUNCTION POLICE DEPARTMENT, BECAUSE OUR DISTRICT INCLUDES A LARGE DAYCARE CENTER AND EVERYONES MORAL JOB IS TO PROTECT THOSE CHILDREN FROM ANY DANGER FROM UNDESIRABLE PEOPLE.

Bed & Breakfast Zoning: A Guide to Regulations

Source: Iowa

Authors: Huss, Jim; Brown, N.; Huntington, S.; Ouverson, C.

ID: NCR358

Year: 1990

Bed and Breakfasts are a growing enterprise throughout the United States. For many travelers, these establishments represent a pleasant alternative to hotel or motel accommodations. But often with growth comes regulation. Zoning boards face several issues when addressing the B&B enterprise. As a result local zoning ordinances show great diversity as communities deal with their specific needs.

Most states authorize, but do not require, local zoning. Cities and counties that have instituted zoning ordinances have done so to promote the health, safety, and general welfare of the community.

Zoning should be based on a comprehensive planning study of the area. The purpose is to provide for orderly growth and to separate incompatible land uses. Zoning generally divides the community into several districts that fall into the overall categories of residential, Commercial, and industrial.

Residential Areas

Most B&Bs are located in residential areas. Constraints placed on land uses in residential areas are intended to make these districts both safe and attractive. Often residential zoning regulations govern such things as the size, location, and use of houses and other structures; the density of the population; the amount of open space; the volume of parking and traffic; and the size and appearance of signs.

Zoning Administration

Cities and counties that have zoning may have a person or office designated to handle zoning administration. The zoning administrator can be consulted to determine the specific provisions of local regulation and their pertinence to B&Bs. He or she also can explain if application for a zoning change must be made prior to

starting a B&B.

If a zoning change is needed, there will be a public hearing. It is essential for the property owners to keep neighbors informed about any proposed B&B and to address any concerns or questions they might have. It is much easier to begin working with neighbors early in the planning stages of the business than to stop rumors or organized opposition. By avoiding misunderstanding at the outset, the chance for approval by local officials is increased.

Zoning Regulations

Ideally, how should B&Bs be treated in zoning regulations? The answer will depend on a number of considerations, including:

- * Local attitudes toward B&Bs and other home businesses,
- * The way in which state law treats these types of uses,
- * The tourism potential of the region,
- * The historic significance of the neighborhoods in question, and
- * Ideas about the number and density of B&Bs that should exist within the community.

Because of these varied concerns, local officials in each community will set forth different standards that reflect the unique needs and desires of their community. Still, some general principles can be suggested.

Conformance with State Policy

Because of food service and hotel sanitation licensing requirements, building construction requirements, fire codes, and other regulations, some states have defined specific classes of B&Bs. For example, the Iowa Code defines a "bed and breakfast home" as: "A private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than two guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel, or motel, does not require reservations, and serves food only to overnight guests." Similarly, a "bed and breakfast inn" in Iowa is defined as: "A hotel which has nine or fewer guest rooms."

WE HAVE SUBMITTED ANOTHER VERSION OF THE PROPOSED OVERLAY FOR YOUR

CONSIDERATION USING ALL THE SAME DATA TAKEN FROM THE CITIES JUNE OFFICIAL SURVEY.

AGAIN THERE WERE 17 PROPERTY OWNERS OUT OF 31 PROPERTIES THAT WANTED

THEIR OPINIONS CONSIDERED. OUR VERSION UNLIKE THE CITIES CLEARLY REFLECTS

THE DESIRES OF THE MAJORITY OF THE PROPERTY OWNERS. ODDLY ENOUGH THE

SURVEY REFLECTS THE VERY SAME LAND USE OPINIONS AS THE 1984 PLAN 25 YEARS

EARLIER. 78% SAY " IF OTHER LAND USE CHANGES ARE CONSIDERED THEY MUST HAVE A PUBLIC HEARING." THIS IN NO WAY REMOVES ANYONES INDIVIDUAL PROPERTY RIGHTS. IT ONLY HELPS PRESERVE THE FACADES OF THE BUILDINGS BECAUSE IF YOUR LAND USE CHANGES THE CHARACTER OR AMBIANCE OF THE STREET WILL CHANGE.

THE EFFECTS OF POOR PLANNING ARE CLEARLY SEEN ON GRAND AVE.



1960
style
Planned



Orig
house
2001

ALL OF US REGOGNIZE THAT GOOD DESIGN STANDARDS ARE NEEDED FOR THE CONTINUED PRESERVATION OF THIS 4 BLOCK DISTRICT

THE DESIGN VERSION OF THE CITIES OVERLAY IS VAGUE, CANNOT BE ENFORCED,

INACURRATE, AND OF NO HELP TO THE RESIDENTS. ALL YOU HAVE TO DO IS READ SOME OF THE LINES:

EXAMPLE- "THE CITY AND PROPERTY OWNERS WILL BE RESPONSIBLE FOR THE MEDIUMS" QUESTION, WHO IS RESPONSIBLE THE CITY OR US???

EXAMPLE " PROPERTY OWNERS SHOULD RETAIN THEIR ORIGINAL ROOF LINES", QUESTION SHOULD OR MUST ?????

QUESTION "BUILDINGS SHOULD KEEP THEIR HISTORICAL CHARACTER?????" QUESTION WHO DECIDES WHAT THAT IS????????

EVEN THOUGH MOST PROPERTY OWNERS HAVE BEEN DOING AN EXCELLENT JOB MAKING THEIR OWN DECISIONS WHILE SPENDING AN ESTIMATE OF OVER 2 MILLION DOLLARS IN THE LAST 25 YEARS ON PRESERVATION GOOD GUIDELINES ARE STILL NEEDED. EVERYONE TRIES TO DO THEIR BEST BUT SOMETIMES IT DOES NOT WORK OUT. EXAMPLE IS FIXED BRICK PLANTERS IN THE 1960'S STYLE ADDED TO A TURN OF THE CENTURY HOME, OR MATURE HEALTHY LANDSCAPING REMOVED WHICH CONFUSES THE OBSERVER TO THE AGE AND HISTORICAL VALUE OF THE DISTRICT.



1960
style
Planned



Orig
house
2001

IN THE CITIES SURVEY THE FOLLOWING AREAS WERE IDENTIFIED AS THOSE OF POTENTIAL DETERIATION TO THE DISTRICT BUT NON WERE CLEARLY ADDRESSED BY THE CITY. THEREFORE WE SUGGESTED SPECIFIC GUIDELINES TO ADDRESS THE FOLLOWING ISSUES.

63% DO NOT WANT RESIDENTIAL PARKING LOTS TO BE VISIABLE FROM 7TH STREET

70% DO NOT WANT ANY PARKING LOTS SEEN FROM N. 7TH ST.

100% WANT SIDEWALKS PROPERLY MAINTAINED BY THE PROPERTY OWNER

88% WANT FENCING CODES FOR THE FRONT LAWNS TO BE ENFORCED

80% DO NOT WANT TRASH COLLECTION SCREEDNED

81% DO NOT WANT FRONT PORCHES ENCLOSED EXCEPT FOR SCREENING

65% WANT RESIDENTIAL LANDSCAPING TO REFLECT HISTORICAL STYLES

100% WANT VIEWS TO THE N-S-E-W VISIBLE WITHOUT OBSTRUCTIONS

-ADDITIONAL HISTORICAL INFORMATION WAS ADDED FOR A CLEARER UNDERSTANDING OF THE INTENT AND PURPOSE OF THE OVERLAY WHEN VIEWED BY FUTURE COUNCILS

PLEASE CONSIDER **OUR** VERSION OF THE OVERLAY IT WILL PROTECT THIS HISTORICAL JEWEL OF AN AREA.

AT THE VERY LEAST PLEASE SEND THE CITIES VERSION BACK TO STAFF

Jodie L Behrmann

Attorney-at-Law

107 Park Drive
Grand Junction, CO 81501
Telephone/Facsimile: (970) 314-2695
Cell: (720) 272-8210
email: jodie@behrmann.org

September 11, 2009

Via Email

Grand Junction City Council
c/o tinad@gjcity.org
for distribution to all members

Re. Comments regarding the draft 7th Street Zoning Overlay

Dear Council Members:

A public hearing on the City's proposal to adopt the Draft 7th Street Zoning Overlay as an ordinance has been scheduled for Monday, September 14, 2009. The draft Overlay raises a number of concerns for residents of the North 7th Street Historic Residential District, all of which derive from the City's refusal to respect their right to participate in the process of rezoning their neighborhood.

In 1984, thanks to the efforts of the residents, the District was listed on the National Register of Historic Places. It is the oldest, intact residential neighborhood in Grand Junction, and it is one of only two residential historic districts in all of Western Colorado. To protect the neighborhood's unique single-family residential character, City Council rezoned the District as a planned development and limited the allowed land uses to those that existed in 1984.

That planned zoning has served the District well. For a quarter century, as the City of Grand Junction grew up around it, the District remained unchanged, its unique single-family residential character preserved from encroachment by surrounding commercial and high density development. In cooperation with the City, District residents have generously committed their time, effort and money to maintain and improve the District, to educate the community regarding its roots, and to raise money from the annual home tour to support local charities. The District is a source of pride not only for its residents, but for the entire community. From streetlamps to holiday decor, the neighborhood has become a showplace, a gateway to Downtown, and a bridge to the past, all of which is made possible through the active participation of the neighborhood property owners.

In April of this year, the City abruptly broke faith with that cooperative effort. For the first time in 25 years, the City Planning Department refused to honor the District's planned zoning, and its provisions for public participation in addressing development within the District. When a District property owner sought approval for a new land use, the City cut off the residents' due process rights, refused to allow the issue to be addressed in a public hearing, and refused to allow City Council to consider the matter. When challenged, the City claimed that despite its consistent historical enforcement of the District's Plan, and despite City Council's reliance on that Plan to support the District's zoning, the Plan had never been "formally" adopted. The City planning department relied on a hyper-technicality to support its end run around private property rights.

When this Council was asked to place a moratorium on development in the District to give the residents time to address the technicality, it said no. When this Council was asked to take action to protect residents' rights and ratify the District's 1984 Plan, the proposal was killed in Council's legislative committee. The residents of the District were told "no," that a "better" Plan was needed.

The City had already noticed a neighborhood meeting for June 24th on the 7th Street Zoning Overlay. In addition to the problem that not everyone in the District actually received the notice, the notice made no mention of the fact that land use issues would be addressed. When we specifically pointed out to City Council members, via letter dated June 11, 2009, that the proposed Overlay could not substitute for the District's 1984 Plan because the Historic Preservation Board had no authority to address land use issues, the City made no attempt to correct us. We will never know how many additional people would have attended that meeting had they actually received proper notice informing them of the purpose of the meeting and what was at stake.

Those who did attend the meeting learned upon their arrival, that the City intended to address land use issues in the Overlay. Stapled to the front of the survey on design elements was a single page survey consisting of three very confusing and poorly worded questions regarding land use issues. In good faith that their input would be respected, residents completed the surveys and turned them in to the City planning staff.

No public input was received at the meeting. Instead, the meeting time was spent viewing a slideshow presentation and educating residents regarding very basic design elements and aesthetic standards that might or might not be appropriate for the District. There was no discussion of land use issues at all. Instead, attendees were encouraged to complete the survey forms and were assured that once the survey results had been tabulated, and some framework of priorities established, then additional meetings would be scheduled to allow residents to present and discuss their specific ideas and concerns.

That promised follow-up never happened. Instead, the City simply ignored the survey results, drafted the Overlay as it saw fit, and scheduled the ordinance for public hearing. That “better” plan is now before Council as the 7th Street Zoning Overlay. It is a plan developed wholly by City planning staff and reflects no input of any kind from the District’s residents. To the very limited extent that the District residents had any opportunity to provide input to the process, that input was simply ignored.

With respect to land use provisions, 78% percent of the residents want no change in uses; 89% want a public hearing on any proposed change in use other than home-based occupations; and 71% explicitly do not want to allow any additional uses without a public hearing. The draft Overlay directly contradicts those majority opinions and provides that uses allowed in other residential zoning districts will be allowed in the District. The only justification offered by the City for ignoring the very property owners who will be most affected by this Overlay was the following statement, which simply begs the question:

From the staff perspective the Other Allowed Residential Uses are reasonable and should be identified in the 7th Street plan as acceptable residential uses. They are acceptable throughout the City and we are aware of no reason that they should not be acceptable on 7th Street. We understand from those folks responding to the questionnaire that they are not wholly in favor of other residential uses but because the R-8 zone district is the most appropriate underlying zone district and that district allows the uses it would follow that the uses should be allowed in the 7th Street District.

Obviously, it is the City’s intention to rezone the District, without the inconvenience of actually adhering to either the process or the criteria for rezoning, and without the need to allow public participation in that process.

According to the City’s Zoning Code, the purpose of R-8 zoning is:

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

The purposes behind R-8 zoning are directly contrary to the preservation purposes of the District’s planned zoning. The District is not a transitional zone. It is a single-family residential District that both the residents and the City, at least until recently, have worked hard to preserve. Planned zoning does not incorporate categories of uses that are allowed by right, and for very

good reason. The purpose of the District's planned zoning is to protect the unique character of the District. That cannot be accomplished by equating the District with every other residential neighborhood in town. Planned zoning is designed to force consideration of the impact of each proposed use in the District on a case by case basis. This is particularly important because the District is only four blocks long. Allowing all properties in the District to become Bed and Breakfasts only ensures that no individual B&B can succeed, and that over time, the District will be converted to some version of a "flop house row." To adopt R-8 uses for the District is to allow the District to be swallowed by the surrounding zoning. The Overlay is not a "better" Plan, it is the absence of a Plan.

The residents understand, if the City does not, that the land uses allowed by the draft Overlay will impact the District in ways that are not addressed by the Overlay. Allowing income generating uses may benefit certain individual property owners in the short term, but over the long term, it merely forces everyone in the District to move away from single family residential uses in order to protect their market values and justify paying taxes on higher property assessments. The historical home tour will become a tour of condo conversions. The increased traffic and parking that come with higher density uses will destroy the landscape and aesthetic integrity of the District. Initially, yard space will be sacrificed. Eventually, a parking lot will become a necessity, and one or more of the District's historic structures will be sacrificed to provide the space. Higher density means fewer on-site property owners and less commitment to upkeep and maintenance. It means less neighborhood cohesiveness, and more locked doors, closed porches and privacy fences. It means more noise and light pollution. Over time, the District will become less and less attractive for owner-occupied residential purposes, and the neighborhood will degrade to a mini-mall of shops, offices, and apartment buildings hidden behind a quaint historical facade.

The narrative in the draft Overlay contains several misstatements of fact and omits other facts of relevance. Some are obvious errors, such as the incorrect identification of the District's Boundaries in the proposed Ordinance. Some are less obvious and far more damaging. There has been no "change" in the character of the District to support rezoning. That "change" is apparently the City's goal for the future, but it does not reflect the present-day reality. The narrative fails to identify any of the factors, other than building architecture, that make the neighborhood such a unique residential historical District. The narrative fails to acknowledge the residents' goals for their neighborhood or their contributions to the preservation of the District for the rest of the community. Adding insult to injury, the version of the Overlay that was submitted to Council was sanitized to replace all references to the word "survey" with the word "questionnaire."

The original survey results that were attached in the appendix contained numerous errors ranging from minor math miscalculations to the outright reversal of some results in the

presentation of the data. Rather than correct misleading pie charts that were originally created, staff opted to redraft the survey results for presentation to Council. They deleted the graphics entirely, changed the wording of some questions, omitted others, added new categories to the responses, and used inconsistent means for calculating the percentage results.

Lest anyone on this Council misunderstand, the land use provisions in the draft Overlay are in direct opposition to what the vast majority of the District's residents want for their neighborhood. The City's attempt to rezone the District over the property owners' objections is a betrayal of a 25 year cooperative effort that has worked to the benefit of the entire community. If this Council approves the Overlay in its present form, it not only risks a petition and/or lawsuit, it will lose the level of neighborhood support and commitment that built and maintained the District over the past 25 years.

Aside from the land use issues, both this Council and City staff have repeatedly voiced their concern that the District needs dimensional standards and design guidelines in place to ensure protection of the District's historic architecture and aesthetic appeal. This was the primary reason offered for rejecting the proposed ratification of the 1984 Plan. The District residents agree that these are important issues to address. Yet the draft Overlay fails utterly to provide any real guidance in either sense. Instead, the draft Overlay simply incorporates the underlying R-8 zoning to provide definitive answers on dimensional standards, makes suggestions as to what should be required in a design sense, and provides absolutely no enforcement, or accountability, for any of it.

The undersigned residents respectfully request that you reject the draft Overlay in its present form, and send it back to Planning Staff with directions to work with the District residents to craft an Overlay that will achieve both the future land use planning and the design standards that are needed to preserve both the aesthetic appeal and the unique single-family residential character of the 7th Street Historic District.

To facilitate that goal, and as a starting point, the residents have revised the Overlay to reflect the actual survey results. A copy of that version of the Overlay was delivered to City Hall earlier today with the request that it be provided to Council. In the meantime, we ask that you acknowledge that until it is properly amended or replaced, the 1984 Plan for the District's planned zoning remains in effect.

Grand Junction City Council
September 11, 2009
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Sincerely,



Jodie L. Behrmann, on behalf of:

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