



Vortex Engineering, Inc.

JAN 05 2006

255 Vista Valley Drive
Fruita, CO 81521

Voice: 970-245-9051
Voice: 970-245-9052
Cell: 970-260-9082
Fax: 970-245-7639
Email: rjones@vortexeng.us
Web site: www.vortexeng.us

CONSTRUCTION MANAGERS & SITE PLANNERS *** PROJECT MANAGERS *** CIVIL & CONSULTING ENGINEERS

LETTER OF TRANSMITTAL

VIA: Hand Delivery

TO: City of Grand Junction
Community Development Dept.
250 N. 5th Street
Grand Junction, CO 8881501

RE: Prop. Rimrock Trade Center
Expansion/ Addition
2451 Hwy 6 & 50
Grand Junction, CO 81505

Attention: Bob Blanchard

DATE: 1/5/2006
VEI JOB NO.: F05-035

WE ARE SENDING YOU Shop drawings Copy of letter Attached Prints Change order

<u>COPIES</u>	<u>VEI JOB#</u>	<u>DATE</u>	<u>REVISION</u>	<u>REVISION DATE</u>	<u>SHEET NO.</u>	<u>DESCRIPTION</u>
Five (5)	F05-035	1-5-06	None	N/A	N/A	Board of Appeals Planning & Zoning Application
Five (5)	F05-035	August 2005	None	N/A	1 of 1	24"x36" Improvement Survey Plat prepared by DH Surveys Inc.
Five (5)	F05-035	8-26-05	None	N/A	2 of 7	24"x36" Site Plan prepared by Vortex Engineering, Inc.

These Are Transmitted: For approval For your use As requested
 For review and comment Approved as submitted Approved as noted
 Returned for corrections

REMARKS:

Please find enclosed the items listed above for the above-referenced project. Should you have any questions, or require additional information, please contact me at 970-245-9051. Thank you.

COPY TO:

SIGNED:

FILE


Robert W. Jones, II, P.E.

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Exhibit 'A' – 11" X 17" Site Vicinity Map

Exhibit 'A'- General Project Report

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255 Vista Valley Drive
Fruita, CO 81521

Voice: 970-245-9051
Voice: 970-245-9052
Fax: 970-245-7639
Email: rjones@vortexeng.us
Web Site: www.vortexeng.us



General Project Report For Rimrock Trade Center

Date: August 2, 2005
Revised: October 27, 2005

Prepared by: Robert W. Jones II, P.E.
Vortex Engineering, Inc.
255 Vista Valley Drive
Fruita, CO 81521
970-245-9051
VEI # F05-035

Submitted To: City of Grand Junction
Department of Public Works
Community Development Division
250 North 5th Street
Grand Junction, Colorado 81501

Type of Design: Commercial Addition

Owners: Jerry Carosella
2541 Hwy 6 & 50
Grand Junction, CO 81505

Property address: 2541 Hwy 6 & 50/Ligrani Lane
Grand Junction, CO

Tax schedule No.: 2945-103-37-014

1.0 Introduction/Site History

A. Property Location

The site is located along the south side of U.S. Hwy 6 and 50 and north of Rimrock Avenue in the City of Grand Junction, Colorado. The site is located near commercial uses.

By legal description, the property is Lot 3, Block 1 of the Rimrock Marketplace Subdivision in Section 10, Township 1 South, Range 1 West in Mesa County. The property is approximately 1.04 acres in size.

The site is bounded on the south by a vacant parcel of land and Rimrock Marketplace, Red Robin International to the east, Ligrani Lane and Innerbelt Business Center to the west, and U.S. Hwy 6 & 50 to the north. Please reference Exhibit 'A'—Vicinity Map within this report for further information.

B. Description of Property

As stated above, the property is approximately 1.04 acres in size. The site is currently developed for commercial use with an existing 3,303.71 square foot building and R.V. Storage/Sales Lot.

The site slopes from the north to the south, with slopes averaging 4.9 percent. The lowest elevations occur near the southwest corner of the property. Elevations vary from 4548 to 4550 feet.

According to the Natural Resource Conservation Service (NRCS), the soils across the site consist of the "Green River Clay Loam 0 to 2 percent slopes (GM). Hydrologic Soils Group "C". The Sagers, Saline family consists of very deep, well-drained soils formed on alluvial fans and terraces formed in alluvium from shale. Typically, the surface layer is a silty clay loam 12 inches thick. The upper part of the underlying material is silty clay loam about 13 inches, and the lower part of the underlying material to a depth below 60 inches silty clay loam. The soil description and soil interpretations of the "Sagers Silty Clay Loam" are included in Appendix I.

DH Survey completed a boundary and topographic survey for the planned development.

C. Purpose of General Project Report and Proposed Application.

The 1.04-acre parcel is currently developed with a commercial office and R.V. Storage/Sales Business. Rimrock Trade Center is planning to have an addition constructed with a single phase of construction. The addition will be constructed in place of an existing structure that is currently being used on site. The existing structure is approximately 3,303.71 s.f. in size. This structure will be partially demolished (approximately 1,265.04 s.f. of the building size) and renovated with a 2,100 s.f. addition. Thus, the construction will create a total building size of 4,137.97 s.f. This expansion represents a net increase of 834.26 s.f. and is a 25.3% building area size increase. Additionally, a continuous metal roof is proposed for the new section of the building and will continue over the original section of the existing roof area. A roof color to match that of the adjacent Walmart facility is proposed.

In accordance with Section 3.8.B.3 of the Zoning and Development Code, it is our belief that this site will not have to be brought up to full compliance because it falls below the 35% requirement of this section.

The purpose of this General Project Report is to provide a general review and discussion of the Site, Zoning, and Planning of the subject site for Staff to properly determine the compatibility of the proposed development in relation to the surrounding uses and classifications.

2.0 Existing Drainage Conditions

A. Major Basin Characteristics

This area of Mesa County consists of commercial land uses.

The general area dips to the south and west. The watershed for this site is located along the south side of Highway 6 & 50 in Mesa County, Colorado.

Drainage to the north of the site is collected into and channeled down various stormwater drain systems. Drainage to the west of the site is collected in the Red Robin drainage system and is piped to the south.

B. Site Characteristics

As stated above, the property is approximately 1.04 acres in size. The site is currently developed for commercial use with an existing 3,303.71 square foot building and R.V. Storage/Sales Lot. The site slopes from the north to the south, with slopes averaging 4.9 percent. The lowest elevations occur near the southwest corner of the property. Elevations vary from 4548 to 4550 feet.

The existing drainage patterns of the property, includes a combination of sheet flow and shallow concentrated flow. The cover type for the site is a bare soil, natural desert. Please refer to Exhibit 'B'- Pre-Development Drainage Area Map.

No planned stormwater management exists on site for this property. Water sheet flows across the site and collects at the southwest corner of the property or drains into the Red Robin drainage system and is piped to the south.

3.0 Proposed Drainage Conditions

A. Design Criteria & Approach

As expected in most developments, conversion and development of this property from bare ground to a commercial area will increase the stormwater runoff, both in peak rates and volumes. However, this site's minimal increase in runoff rates leaving the property will not significantly impact the downstream system.

The building's roofs will drain via gutters and down spouts discharging in the pavement areas of the parking lot and green areas of the landscape buffers, then sheet flow to the inlet off-site adjacent to the southwest corner of the property.

4.0 Current Use & Zoning Review

- a) Current Zoning: C-2 (General Commercial)
- b) Current Zoning Description: The C-2, General Commercial is primarily intended to provide for commercial activities such as repair shops, wholesale businesses, warehousing and retail sales with limited outdoor display of goods and even more limited outdoor operations. The C-2 District is appropriate in locations designated for the *commercial or commercial/industrial* future land use classifications in the GROWTH PLAN.
- c) Current Jurisdiction: City of Grand Junction
- d) Existing Use: Commercial Office and R.V. Sales.
- e) Proposed Use: Commercial Office and R.V. Sales
- f) Is the property located within the 201 Persigo Agreement Area? YES

5.0 Future Land Use Plan Review

The Future Land Use Plan of the Mesa Countywide Land Use Plan is designated to provide guidance for the 15-year period from 1996 to 2010. The goals, policies, and action items are intended to provide guidance, priorities, and implementation strategies needed to accomplish the principles and features of the Future Land Use Plan (Map). The Future Master Planned Zoning for this property Commercial. The proposed development and subsequent uses are in direct alignment with the future land use classification.

Adequate public facilities exist for this site and are further described in Section 6 of this report.

6.0 Utilities/Public Facilities

A. Electric

The provider for electric service in this area is Xcel Energy. It is estimated that there is adequate capacity to service the proposed development with electric power.

B. Water

The provider for water service in this area is Ute Water. A water main is located in Highway 6 & 50 and Rimrock Drive and a Fire Hydrant is stubbed out adjacent to the northwest corner of the property.

C. Sewer

The provider for sewer service in this area is the City of Grand Junction. The property is presently on an ISDS System. A Pump Station and Force Main into the existing 8" Sewer Main directly north of the property is proposed.

D. Natural Gas

The provider for gas service in this area is Xcel Energy. It is anticipated that this main will have the capacity to service the proposed subdivision.

E. Telephone

The provider for telephone service in this area is Qwest. It is estimated that there is adequate capacity to service the proposed subdivision with telephone services.

F. Cable Television

The provider for cable service in this area is Bresnan Communications. It is estimated that there is adequate capacity to service the proposed subdivision with cable services.

G. Irrigation

The provider for irrigation service in this area is the Grand Valley Irrigation Company.

H. Fire Protection

The provider for Fire Protection service in this area is the Grand Junction City Fire District.

I. Police Protection

The provider for Police Protection service in this area is the City of Grand Junction Police Department.

J. School District

The provider for public education in this area is Mesa County School District 51. It is not anticipated at this time that a this commercial development will have an impact on the existing facilities

K. Parks/Trails

Presently no park is located near this development.

7.0 Transportation

Currently the site is accessed from Ligrani Lane. Ligrani Lane is a 2-lane, paved, City owned and maintained roadway.

8.0 Public Benefit & Development Schedule/Phasing

This development appears to be an excellent opportunity and should serve an important community service by improving the aesthetics of an existing commercial use and expanding an existing business.

This development is to be completed in one (1) phase, upon final approval from the City of Grand Junction.

9.0 Limitations/Restrictions

This report is a site-specific investigation and is applicable only for the client for whom our work was performed. Use of this report under other circumstances is not an appropriate application of this document. This report is a product of Vortex Engineering Incorporated and is to be taken in its entirety. Excerpts from this report may be taken out of context and may not convey the true intent of the report. It is the owner and owner's agent's responsibility to read this report and become familiar with recommendations and findings contained herein. Should any discrepancies be found, they must be reported to the preparing engineer within five (5) days.

The recommendations and findings outlined in this report are based on: 1) The site visit and discussion with the owner, 2) the site conditions disclosed at the specific time of the site investigation of reference, 3) various conversations with planners and utility companies, and 4) a general review of the zoning and transportation manuals. Vortex Engineering, Inc. assumes no liability for the accuracy or completeness of information furnished by the client or municipality/agency personnel. Site conditions are subject to external environmental effects and may change over time. Use of this report under different site conditions is inappropriate. If it becomes apparent that current site conditions vary from those reported, the design engineer should be contacted to develop any required report modifications. Vortex Engineering, Inc. is not responsible and accepts no liability for any variation of assumed information.

Vortex Engineering, Inc. represents this report has been prepared within the limits prescribed by the owner and in accordance with the current accepted practice of the civil engineering profession in the area. No warranty or representation either expressed or implied is included or intended in this report or in any of our contracts.

10.0 References

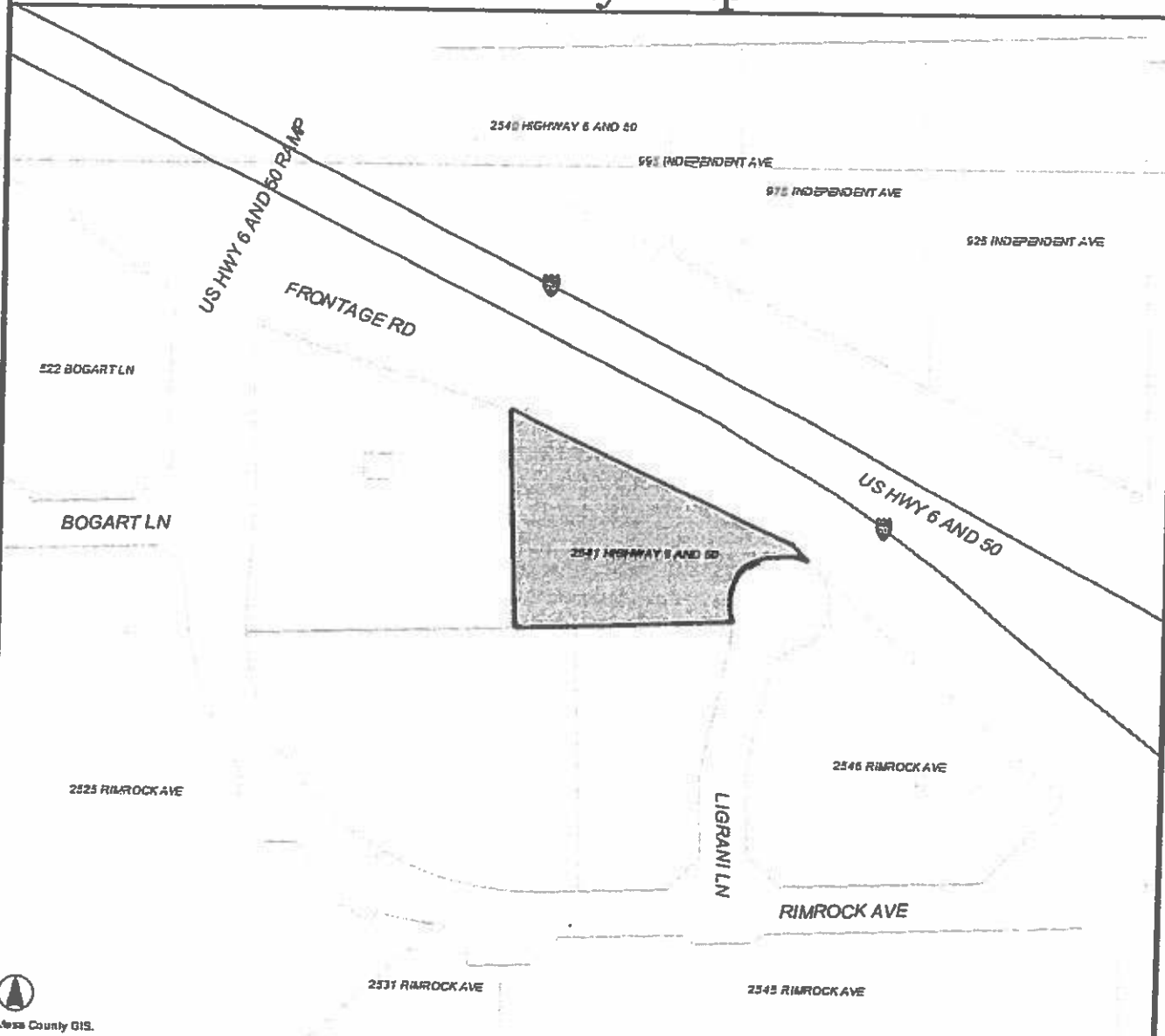
The following manuals and computer web sites were used for this General Project report:

- Storm water Management Manual, City of Grand Junction and Mesa County, May 1996.
- Zoning Ordinance Manual, City of Grand Junction, January 20, 2002.
- Mesa County Land Development Manual, Mesa County, May 2000.
- T.E.D.S. Manual, City of Grand Junction, July 2003.
- City of Grand Junction GIS Master Web Site and the Mesa County Web Site.
- Growth Plan Manual, City of Grand Junction, October 2, 1992.

EXHIBIT 'A'

SITE VICINTIY MAP

Vicinity Map














Mesa County GIS.



Mesa County GIS
544 Rood Ave.
Grand Junction, CO 81501

DISCLAIMER: The Geographic Information System (GIS) and its components are designed as a source of reference for answering inquiries, for planning and for modeling. GIS is not intended or does not replace legal description information in the chain of title and other information contained in official government records such as the County Clerk and Recorders office or the courts. In addition, the representations of locations in this GIS cannot be substituted for actual legal surveys.

LEGEND

- | | |
|--|--|
| + Hospitals |  Colorado National Monument |
| * Police Stations |  BLM Special Areas |
| ▲ Fire Stations |  Back Ridge Corridor |
| ⌚ Schools |  COLORADO CANYON'S NATIONAL CONSERVATION AREA |
|  State Highways |  BLM |
|  Roads |  National Forest |
|  Lakes | |
|  Canals | |

AGENDA TOPIC: MSC – 2006 – 003, Appeal of the Community Development Director's interpretation, 2451 Highway 6&50.

SUMMARY: On December 27, 2005, the Community Development Director issued an interpretation regarding a proposed expansion of the building located at 2451 Highway 6&50, the Rimrock Trade Center. The interpretation is that Section 3.8.B of the Zoning and Development Code, Non-Conforming Structures and Sites, applies and that the rebuilding of any portion of the building that is demolished is considered new construction and expansion for purposes of determining the extent of applying landscaping and screening/buffering requirements for non-conforming sites.

BACKGROUND INFORMATION				
Location:		2451 Highway 6&50		
Applicants:		Robert W. Jones II for Jerry Carosella (owner) Vortex Engineering, Inc 255 Vista Valley Drive Fruita, CO 81521		
Existing Land Use:		Commercial Office and Recreational Vehicle Storage and Sales		
Proposed Land Use:		Same		
Surrounding Land Use:	North	Highway 6&50, Commercial		
	South	Inline Retail, Rimrock Marketplace – WalMart, Lowes		
	East	Vacant		
	West	Inline Retail		
Existing Zoning:		C-1, Light Commercial		
Proposed Zoning:		Same		
Surrounding Zoning:	North	C-1, Light Commercial		
	South	C-1, Light Commercial		
	East	C-1, Light Commercial		
	West	C-1, Light Commercial		
Growth Plan Designation:		Commercial		
Zoning within density range?		X	Yes	No

ACTION REQUESTED: The appellants are asking that the Board of Appeals overturn the Director's interpretation which would result in the expansion criteria of the Code

being applied only to any additional square footage constructed beyond the area existing prior to any demolition.

ANALYSIS

1. Background

The appellants are the owner of the Rimrock Trade Center, Jerry Carosella, and his representative, Robert W. Jones II of Vortex Engineering. The property subject to the appeal, Rimrock Trade Center, is located at 2541 Highway 6 & 50. The property is zoned C-2, General Commercial, and is used for the sale and storage of recreational vehicles. While the use is allowed, the site is non-conforming due to the failure to meet the bulk requirements or performance standards and criteria of the C-2 zone district. Specifically, the site lacks in landscaping and perhaps parking which would be determined when a site plan is submitted.

The appellant is proposing to demolish 1,265 square feet of a 3,303 square foot building then build 2,100 square feet of new construction for a total square footage of 4,143. Because the site is non-conforming, Section 3.8.B, Non-Conforming Structures and Sites applies in this case and the interpretation is based on Section 3.8.B.3, Expansion:

In any continuous five (5) year period, additions to structures on non-conforming sites shall require correction of existing on-site nonconforming parking, landscaping and screening/buffering.

a. Complete redevelopment or expansions which would result in a 35% or greater increase of the gross square footage of the existing structure(s) require the entire property to meet all of the landscaping and screening/buffering requirements.

The interpretation of the Code is that the demolition results in a new, existing structure of 2,043 square feet. Therefore, the new construction of 2,100 square feet is considered the amount of expansion. Because the new construction is greater than 35% of the smaller building (actually 103%), the property is required to come into total compliance with current landscaping requirements.

The appellants do not disagree that the site is non-conforming. Their contention is that the expansion section of the Code cited above should only apply to the new construction above and beyond the square footage of the existing building prior to any demolition. In this case, the amount of building expansion would equate to 834 square feet (the new building size of 4,143 square feet minus the current building size prior to any demolition of 3,303 square feet) or 25%. If this

is applied, a corresponding percentage increase in compliance for landscaping and screening / buffering requirements would be required.

A formal interpretation was provided on December 27, 2005. The appeal was received in a timely manner on January 4, 2006.

2. Section 2.18.B of the Zoning and Development Code

Section 2.18.B outlines the application and review procedures for appeals of the Director's interpretations. The Code does not provide specific review criteria for the Board of Appeals to consider in making their determination. Instead, it requires:

The Director shall prepare a report detailing the specific provision(s) of this Code that are in question, his interpretation of the provision(s), and the general basis of the interpretation.

This staff report and attached correspondence should provide adequate information for the Board of Appeals to make a determination.

In making their decision, the Board of Appeals shall affirm, reverse or remand the decision. In reversing or remanding the interpretation back to the Director, the Board shall state the rationale for its decision.

FINDINGS OF FACT/CONCLUSIONS

The Director finds that Section 3.8.B.3 of the Zoning and Development Code is being applied appropriately and that any expansion of a structure should be calculated after demolition occurs, even if the demolition is only partial.

STAFF RECOMMENDATION:

It is recommended that the Zoning Board of Appeals deny the requested appeal with the findings and conclusions listed above.

RECOMMENDED BOARD OF APPEALS MOTION:

Mr. Chairman, on item MSC – 2006 – 003, I move that we overturn the Director's interpretation that the appropriate way to measure the amount of expansion for a structure on a non-conforming site is based on the size of the building after any demolition occurs.

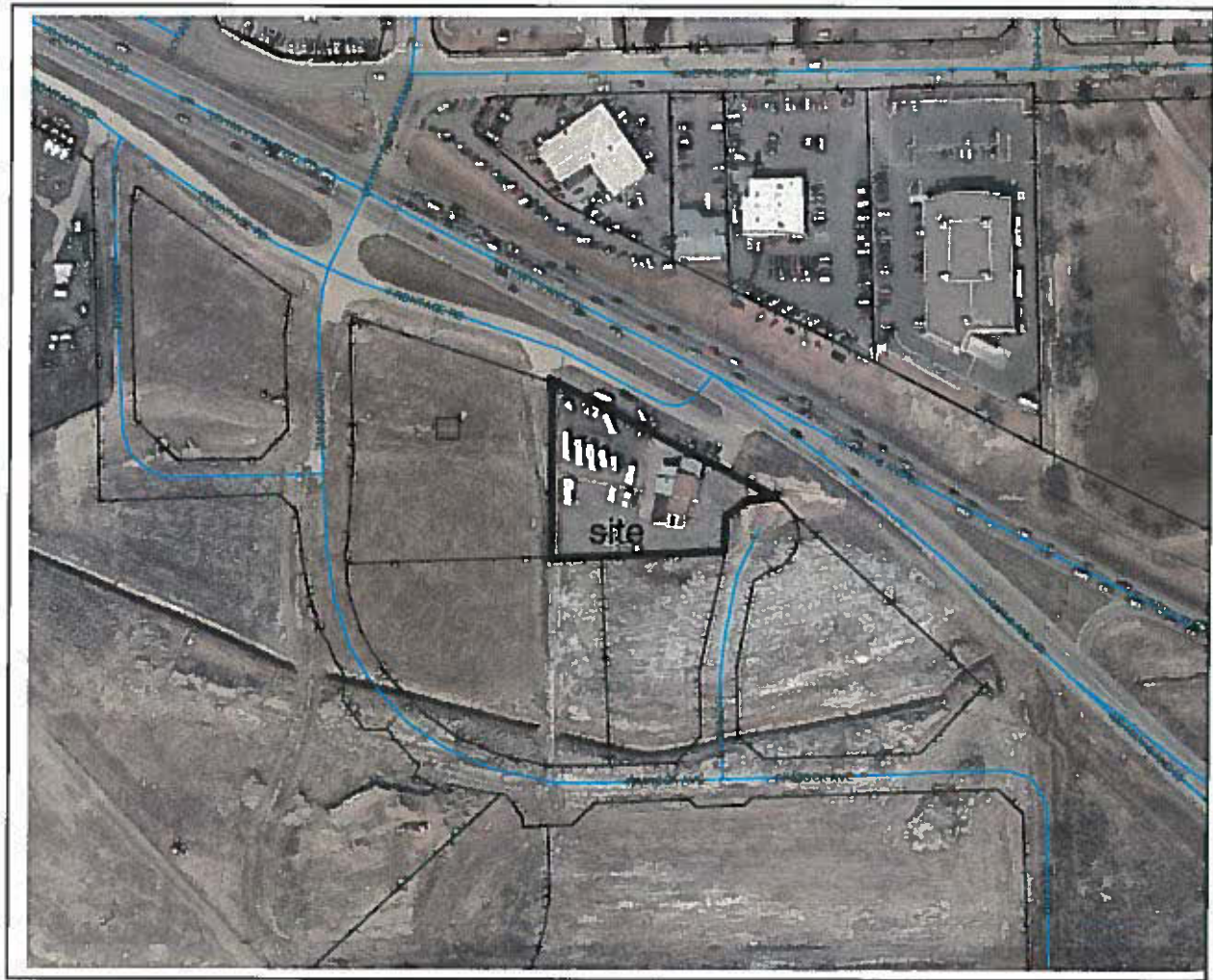
Attachments:

Vicinity map

Director's interpretation dated December 27, 2005

Appeal dated January 4, 2006

VICINITY MAP



December 27, 2005

Robert W. Jones, II, P.E.
Vortex Engineering, Inc.
255 Vista Valley Drive
Fruita, CO 81521

RE: Rimrock Trade Center Expansion

Dear Robert:

This is in response to your request for an official determination of required compliance for the proposed expansion of Rimrock Trade Center, located at 2541 Highway 6 & 50. It's my understanding that there is currently an existing, 3,303 square foot building on the property. The proposal is to demolish 1,265 square feet of the structure and build an addition of 2,100 square feet.

The property is zoned C-2 (General Commercial). As such, the R.V. storage and sales business is an allowed use. However, the property is considered a non-conforming site due to failure to meet the bulk requirements or performance standards and criteria of the C-2 zone district. Therefore, the pertinent section of the Zoning and Development Code for the proposed addition is 3.8.B, Non-Conforming Structures and Sites:

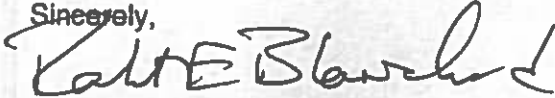
3. Expansion. In any continuous five (5) year period, additions to structures on non-conforming sites shall require correction of existing on-site nonconforming parking, landscaping and screening/buffering.
 - a. Complete redevelopment or expansions which would result in a 35% or greater increase of the gross square footage of the existing structure(s) require the entire property to meet all of the landscaping and screening/buffering requirements.

This section applies to the total new construction of 2,100 square feet. The demolition of 1,265 square feet of the original structure results in an existing structure of 2,038 square feet. The new construction results in a greater than 35% increase of the gross square footage requiring a full upgrade of the site to meet the landscaping and screening/buffering requirements of the Code. In addition, if the expansion necessitates an increase in the number of parking spaces, the site must be upgraded to provide all of the required parking.

As you know, you have the right to appeal this interpretation provided you meet the requirements of Section 2.18. While there are no specific timeframes for the filing of an appeal, please be mindful that appeals should be filed in a timely manner.

Should you have any questions regarding this determination or the appeal process, please contact me.

Sincerely,



Robert E. Blanchard, AICP
Community Development Director

cc: Scott Peterson, Associate Planner

C. **Lot Width.** Lot width is measured between side lot lines along a line that is parallel to the front lot line located at the minimum front setback distance from the front lot line. Minimum Lot width may be varied by the Planning Commission on irregularly shaped lots.

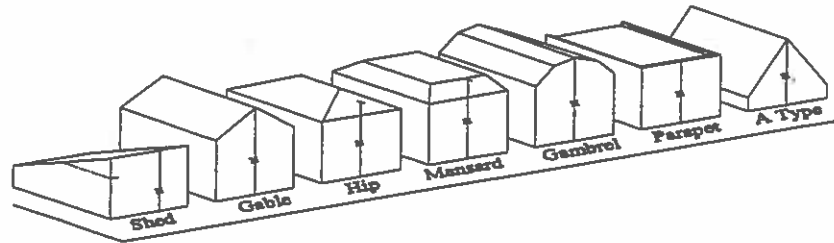
D. **Street Frontage.** Street frontage is measured between side lot lines along the front lot line.

E. **Setbacks.**

1. **Measurement.** Setbacks are measured as the unobstructed unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this section. Setbacks shall be unobstructed from the ground to the sky except as specified in this section. Structures shall meet the front yard setback from all Abutting Streets unless otherwise provided in this Code.
2. **Exceptions and Permitted Encroachments.** The following features may encroach into required setbacks:
 - a. Landscaping;
 - b. Bay windows, not to exceed three (3) feet;
 - c. Chimneys, not to exceed two (2) feet;
 - d. Clothesline posts;
 - e. Driveways, curbs and sidewalks;
 - f. Flagpoles;
 - g. Heating and cooling units, not to exceed three (3) feet;
 - h. Mailboxes;
 - i. Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed three (3) feet;
 - j. Underground utilities;
 - k. Signs;
 - l. Open steps, stairs or fire escapes (non-enclosed), not to exceed six (6) feet;
 - m. Uncovered, unenclosed terraces or porches not to exceed six (6) feet, but in no case closer than three (3) feet to any property line;
 - n. Fences or walls, if otherwise allowed by this Code;
 - o. Yard and service lighting fixtures and poles;
 - p. Required parking where not specifically prohibited; and
 - q. Open carports, up to one-half of the required side or rear yard setback for principal structures, but not closer than three (3) feet to the lot line.
3. **Setback Averaging.** Regardless of the minimum front setback required by the zoning district, a front setback may be reduced to the mean of the

G. **Floor Area Ratio (FAR).** FAR is the gross floor area of all buildings on a lot or parcel, divided by the lot area. See Section 3.6.B.

Exhibit 3.2 Building Height Measurement



H. Height.

1. Building height means the vertical distance between the mean finished grade between the lowest and highest grades along the foundation and the highest point of the roof or façade (see Exhibit 3.2).
2. Exceptions. Zoning district height limits do not apply to belfries, cupolas, spires, domes, monuments, airway beacons, radio/communication towers, windmills, flagpoles, chimneys, radio/television receiving antennas and chimney flues. (see Section 3.2.E.2) Height limits do not apply to any bulkhead, elevator, water tank, or to any similar structure or mechanical appurtenance or similar structure if total area of such structure(s) is less than 20% of the total area of the roof.
3. Any hazard or obstruction to aircraft as regulated by the FAA is prohibited. Buildings, belfries, towers, trees and flagpoles are examples of such hazards depending on location and height. The construction, maintenance, or establishment of any building, tree, smokestack, chimney, flagpole, wire, tower or other structure or appurtenances thereto, which may constitute a hazard or obstruction to safe air navigation, landing, or take-off of aircraft near an airport, is prohibited. Regulations adopted by the Federal Aviation Administration (FAA) shall be minimum standards. No request shall be approved if it violates FAA standards.
4. The maximum height for structures may be increased by up to twenty-five percent (25%) of the allowed height by the Planning Commission, except that in RSF-R, RSF-E, RSF-1, RSF-2, RSF-4 and M-U, additional height shall only be granted by a variance. The following criteria shall be used in reviewing a request for an increase in height:
 - a. Has a substantial change in character occurred in the area, such as zone changes, new growth trends, deterioration, or development transitions?

Zoning District	Minimum Lot Size		Minimum Street Frontage (ft.)	Minimum Setbacks ⁽¹⁾ (Principal/Accessory Building)			Max. Lot Coverage (%)	Max. FAR	Max. Height (ft.)
	Area (sq. ft.)	Width (ft.)		Front ⁽⁸⁾ (ft.)	Side (ft.)	Rear ⁽⁸⁾ (ft.)			
See Section	3.2.B	3.2.C	3.2.D	3.2.E	3.2.E	3.2.E	3.2.F	3.2.G	3.2.H

Non-Residential Zoning Districts, continued

I-2	1 Acre	100	N/A	15/25	0/0	10/10	N/A	2.00	40
CSR	1 Acre	100	N/A	15/25	5/5	10/5	N/A	1.00	65 ⁽⁴⁾
M-U	1 Acre	100	N/A	15/25	15/15	25/25	N/A	0.5	40 ⁽⁹⁾

GENERAL NOTE: See the Alternative Residential Development Standards of Chapter Five for additional information regarding flagpole lots, attached housing, zero lot line and cluster development.

Some properties might also be subject to additional restrictions and/or overlay zones.

FOOTNOTES:

- (1) Minimum front yard setback for garage, carport or other vehicle storage space (principal and accessory) shall be 20 feet, measured from the storage entrance to the property line.
- (2) Minimum street frontage on cul-de-sac is 30 feet.
- (3) RSF-R through RMF-5, the FAR (Floor Area Ratio) applies only to non-residential uses; RMF-8 through RMF-24, the FAR applies to multi-family and non-residential uses.
- (4) Maximum height is 40 feet if adjacent to any residential zoning district.
- (5) 10/5 foot setback if abutting a residential zone or use.
- (6) Maximum height for structures in the C-1 and I-O zone districts which are along Horizon Drive and north of G Road (including Crossroad Boulevard and Horizon Court) shall be 65 feet.
- (7) Setbacks may be reduced to zero feet (0') by the Director if located within the downtown area.
- (8) The setback from the street along the rear half of a double frontage lot shall be the greater of the required front yard setback or the required rear yard setback.
- (9) Maximum building height may be increased up to 65 feet if the building setbacks (front, side and rear) are at least 1.5 times the overall height of the building. A minimum of 50 percent of the resulting front yard setback area must be landscaped per Code requirements.

B. Lot Area Measurement.

1. Lot area means the amount of net land area contained within the property lines of a lot or parcel, not including street right-of-way. Lots that were legally created prior to adoption of this Code that are smaller than required may be developed if they meet the other provisions of this Code.
2. Essential unoccupied public utility installations, such as substations, shall be permitted in an area smaller than the minimum lot area prescribed by this Code. While coverage requirements shall not apply, all landscaping, screening and other requirements shall apply.



Vortex Engineering, Inc.

JAN 05 2006

255 Vista Valley Drive
Fruita, CO 81521

Voice: 970-245-9051
Voice: 970-245-9052
Cell: 970-260-9082
Fax: 970-245-7639

Email: rjones@vortexeng.us
Web Site: www.vortexeng.us

Via: Hand Delivery & U.S. Mail

January 4, 2006

City of Grand Junction
Zoning Board of Appeals
250 N. 5th Street
Grand Junction, CO 81501

Re: Prop. Rimrock Trade
Center Expansion/Addition
2451 Hwy 6 & 50
Grand Junction, CO 81505
VEI # F05-035

Attn: Mr. Paul Dibble, Chairman

Dear Mr. Dibble:

This letter is to request an Appeal of the official determination, rendered by the Director of Community Development, Mr. Bob Blanchard, of required compliance for our expansion project relative to Section 3.8.B.3 of the Zoning and Development Code for the above referenced project. The City of Grand Junction Planner for this project is Mr. Scott Peterson.

I have enclosed for your review a section from the General Project Report For Rimrock Trade Center that is found on Page 3 – Section C of that document.

C. Purpose of General Project Report and Proposed Application.

The 1.04-acre parcel is currently developed with a commercial office and R.V. Storage/Sales Business. Rimrock Trade Center is planning to have an addition constructed with a single phase of construction. The addition will be constructed in place of an existing structure that is currently being used on site. The existing structure is approximately 3,303.71 s.f. in size. This structure will be partially demolished (approximately 1, 265.04 s.f. of the building size) and renovated with a 2,100 s.f. addition in the location of the demolished building. Thus, the construction will create a total building size of 4,137.97 s.f. This expansion represents a net increase of 834.26 s.f., a 25.3% building area size increase.

Additionally, a continuous metal roof is proposed for the new section and old section of the building and will continue over the original section of the existing roof area. A roof color to match that of the adjacent Walmart facility is proposed.

In accordance with Section 3.8.B.3 of the Zoning and Development Code, it is our belief that this site will not have to be brought up to full compliance with the Zoning and Development Code because it falls below the 35% requirement of this section.

Paul Dibble
Page 2

The Official Determination letter from Mr. Blanchard, dated December 27, 2005, essentially states that because a portion of this structure is being demolished in conjunction with the addition, it cannot be counted as part of the existing square footage of the building. This is erroneous logic and does not serve as meeting the intent of the Zoning and Development Code. The existing structure is a fully operational business that occupies and utilizes the entire 3,303.71 s.f. of the building. The s.f. of the existing building is in fact, 3,303.71 s.f. at the time the Development Application was filed and therefore should be counted as part of the existing s.f. of the building. This project was recently submitted for Site Plan approval and was rejected, in part, based on Section 3.8.B.3.

Please reference the attached Exhibits 'A' titled "General Project Report", Exhibit 'B' titled "Existing Site Photographs", Exhibit 'C' titled Boundary and Topographical Survey, and Exhibit 'D' titled Site Plan for further information.

Upon your review of this document, should you have any questions or require additional information, please do not hesitate to contact me at 970-245-9051. Thank you for your time and consideration.

Sincerely,

Vortex Engineering, Inc.



Robert W. Jones II, P.E.

Enc: General Project Report For Rimrock Trade Center
Existing Site Photographs
Boundary and Topographical Survey
Site Plan

cc: Jerry Carosella, Owner w/ encl.
File

Exhibit 'C' - Boundary & Topographical Survey

Exhibit 'B'- Site Photographs



1. Standing in the parking lot looking north at the existing building.



2. Standing in the parking lot looking northwest at existing building.



3. Standing in the parking lot looking northeast at existing building.



4. Standing in the existing parking lot looking south at existing building. Note Wal-Mart Facility in background.



5. Standing adjacent to Highway 6&50 looking southwest at existing building and property.



6. Standing adjacent to Highway 6&50 looking southwest at existing building and property.



7. Standing adjacent to Highway 6&50 looking southwest at existing building and property.



8. Standing adjacent to Highway 6&50 looking southwest at existing building and property.



9. Standing adjacent to Highway 6&50 looking south at existing building and property.



10. Standing adjacent to Highway 6&50 looking southwest at existing property.



11. Standing adjacent to Highway 6&50 looking east at existing building and property.



12. Standing adjacent to Highway 6&50 looking east at existing building and property.



13. Standing in the parking lot looking west.

Exhibit 'D'- Site Plan

**GRAND JUNCTION BOARD OF APPEALS
FEBRUARY 8, 2006 MINUTES
12:05 p.m. to 12:45 p.m.**

The regularly scheduled Board of Appeals meeting was called to order at 12:05 p.m. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Board of Appeals, were Dr. Paul Dibble (Chairman), Mark Williams, Travis Cox, Patrick Carlow and Ken Sublett.

In attendance, representing the Community Development Department, were Bob Blanchard (Community Development Director) and Scott Peterson (Associate Planner).

Jamie Kreiling, Asst. City Attorney, was also present.

The minutes were recorded by Bobbie Paulson and transcribed by Terri Troutner.

Other than the appellant and his representative, there were no interested citizens present during the course of the meeting.

I. APPROVAL OF MINUTES

Available for consideration were the minutes of the January 11, 2006 public meeting.

MOTION: (Mr. Williams) "I move we approve the minutes."

Mr. Carlow seconded the motion. A vote was called and the motion passed by a vote of 3-0, with Dr. Dibble and Mr. Sublett abstaining.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Dr. Dibble extended a welcome to the newest board member, Ken Sublett.

III. FULL HEARING

MSC-2006-003 VARIANCE -- APPEAL OF DIRECTOR'S INTERPRETATION

A request for approval from the Board of Appeals to overturn the expansion criteria of the Zoning & Development Code.

Appellant: Robert Jones II for Jerry Carosella (owner)

Location: 2451 Highway 6 & 50

STAFF'S PRESENTATION

Bob Blanchard said that at issue was his interpretation of Code criteria and a decision he'd made last December regarding the potential demolition and expansion of the subject property. He noted the site's location on a 2002 aerial photo map. Surrounding business uses were also noted. The site currently accommodated a commercial office use in conjunction with the display and sale of recreational vehicles. Within the C-2 zone, the use was allowed; however, the site itself was non-conforming because it did not meet the Code's bulk standards regarding landscaping requirements and possibly parking.

The appellant had proposed demolishing approximately 1,265 square feet of an existing 3,300 square-foot building, then constructing a 2,100 square-foot addition, resulting in a new overall building size of 4,143 square feet. Because of the site's non-conforming status, Code section 3.8.B.3.a. had been applied,

which stated, "Complete redevelopment or expansions which would result in a 35% or greater increase of the gross square footage of the existing structure(s) require the entire property to meet all of the landscaping and screening/buffering requirements." As the Code was written, when part of an existing building was demolished, it created a new existing building. The entire proposed expansion area of 2,100 square feet had been used to calculate the degree of the site's Code conformance. Since that calculation exceeded 35%, 100% conformance to existing Code criteria had been required. While the appellants did not disagree that the site was non-conforming, they felt that the calculation should be based on just that amount of area that exceeded the building's existing 3,300 square feet.

Board members would be making their decision in accordance with section 2.18 of the Zoning & Development Code. Any decision rendered should include findings and a rationale for the board's conclusions. Denial of the appeal request was recommended.

QUESTIONS

Dr. Dibble asked for clarification of the Code's section regarding non-conforming uses. Mr. Blanchard said that the intent of that Code criteria was to address situations where, as non-conforming properties changed their use(s), expanded, or remodeled, that those sites were brought up to compliance with existing Code standards.

Dr. Dibble asked if a landscaping and parking plan would be incorporated into any site review plan submitted by the appellant. Mr. Blanchard referenced the Site Plan contained in board member packets and said that this represented the first time staff had seen any actual proposal.

Mr. Williams asked if the proposal would be subject to current Code requirements if the appeal were denied. Mr. Blanchard said that the remodel/expansion of the existing use was viewed as a new proposal, regardless. The only question was whether there would be a 100% adherence to landscaping requirements or if an incremental adherence percentage were appropriate.

Mr. Williams disclosed that he had worked previously for Mr. Carosella and greatly admired him. While not currently employed by the appellant, and while not having any financial interest in the outcome of the current request, he felt there might still be a perceived conflict of interest. When questioned further by Chairman Dibble and Ms. Kreiling, Mr. Williams felt that even though he may be influenced somewhat by his relationship to Mr. Carosella and his family, he felt he could consider the facts as presented and render an impartial decision based upon those facts. Mr. Williams understood that his decision could potentially impact all future requests of a similar nature. Ms. Kreiling concluded that no conflict of interest was present and that Mr. Williams could continue unless other board members felt uncomfortable. No dissention was expressed.

APPELLANT'S PRESENTATION

Robert Jones, representing the appellant, reread Code section 3.8.B.3.a and felt that its verbiage, "Complete redevelopment or expansions which would result in a 35% or greater increase of the gross square footage of the *existing structure(s)*..." did not reference or pertain to the square footage of existing structure(s) after demolition; rather, that the Code's reference to *existing structure(s)* pertained to the structure(s) as it/they existed prior to demolition or expansion. The existing structure's area was currently 3,303 square feet. Following demolition and remodeling, the overall gain in area to the existing structure would be 835 square feet, or a 20% gross increase. Since that figure was well under the 35% threshold referenced by the Code, the appellant should not be bound to 100% conformance with existing landscaping/parking criteria. Had the project called for a simple addition with no demolition of any part of the existing structure, the appellant could have increased the building's overall area to 4,500 square feet and still not exceeded the Code's 35% expressed threshold.

QUESTIONS

Chairman Dibble said that as interpreted by the appellant, if the existing building were torn down, or all but, say, 200 square feet were torn down, one might argue that the square footage of the building prior to demolition should serve as the basis for any new construction. Mr. Jones reiterated that the existing structure was in existence and was currently being utilized to conduct the appellant's business. The illustration was not applicable in the current instance since the 3,303 square-foot structure had been in existence at the time of application and was in existence today. In that illustration, he would have interpreted that the 35% threshold would have occurred if an addition of 70 square feet or more were added on to the newly created structure (200 x 35%). Mr. Jones felt that upholding the Director's interpretation would penalize businesses with existing buildings in the following ways: 1) if any demolition of an existing structure occurred, the building's overall square footage would be reduced, and 2) it would minimize the amount of future expansion area. It didn't make sense that the Code would allow an additional 1,100 square foot expansion (assuming no demolition of the existing structure) with no penalty when an 835 square-foot expansion would result in less overall square footage but was subject to 100% conformance with existing landscaping and parking criteria. Chairman Dibble felt that the Code's applicable criteria had intended to improve non-conforming sites' aesthetics and upgrade parking. Mr. Jones clarified that the appellant was not unwilling to install landscaping, merely that 100% conformance was excessive given their interpretation of the Code.

Jerry Carosella, appellant, said that the portion of the structure slated for demolition was an old garage/storage room. The new addition would be for a shop large enough to undertake onsite RV repairs. The existing garage was unattractive; the new addition would be aesthetically pleasing and would match the existing building. A new metal roof would be installed similar to that of nearby Wal-Mart.

PUBLIC COMMENTS

There were no citizens present to offer public testimony.

DISCUSSION

Mr. Cox noted that the current situation was not about landscaping; rather, the interpretation of the Code. He felt that the intent of the applicable Code section was to bring non-conforming uses into conformance if significant development occurred. And if part of an existing structure were demolished, the Code considered that it no longer existed. He supported staff's original interpretation and felt that denial of the appeal was warranted.

Mr. Carlow asked if the appellant could use the same argument for any future expansion request. Ms. Kreiling said that if the board agreed with the applicant's interpretation of the Code, within a 5-year redevelopment period, the total square footage would factor into the Code's compliance threshold.

Mr. Sublett expressed a concern that if staff's position were not upheld, the City could potentially face a situation where an entire structure could be demolished and rebuilt with no requirement that the site conform to existing Code criteria. Support of the appeal could potentially set a precedent. As such, Mr. Sublett expressed support for staff's interpretation.

Mr. Williams concurred with the appellant's position and did not feel that the existing structure was being expanded more than 35%. He felt that the Code's criterion constrained the use of property, and that the Code's verbiage be strictly construed under the law. The "plain" language used in the Code's criterion allowed the appellant to do what he asked to do, and he should be allowed to do it.

Chairman Dibble felt that construction began when demolition ended. The demolition of any part of an existing structure created a new basis for an existing structure, and the threshold of compliance for non-conforming sites was based on that new basis. He reiterated that the intent of the Code was to upgrade the appearance of a non-conforming site, and the added landscaping and/or parking would do just that. He supported the Director's interpretation of the Code and felt that the appeal should be denied.

MOTION: (Mr. Cox) "Mr. Chairman, on item MSC-2006-003, I move that we overturn the Director's interpretation that the appropriate way to measure the amount of expansion for a structure on a non-conforming site is based on the size of the building after any demolition occurs."

Mr. Sublett seconded the motion. A vote was called and the motion failed by a vote of 1-4, with all but Mr. Williams opposing.

With no further business to discuss, the meeting was adjourned at 12:45 p.m.

Cox/Crawley
1-4

~~App~~
Interpretation Upheld

December 27, 2005

Robert W. Jones, II, P.E.
Vortex Engineering, Inc.
255 Vista Valley Drive
Fruita, CO 81521

RE: Rimrock Trade Center Expansion

Dear Robert:

This is in response to your request for an official determination of required compliance for the proposed expansion of Rimrock Trade Center, located at 2541 Highway 6 & 50. It's my understanding that there is currently an existing, 3,303 square foot building on the property. The proposal is to demolish 1,265 square feet of the structure and build an addition of 2,100 square feet.

The property is zoned C-2 (General Commercial). As such, the R.V. storage and sales business is an allowed use. However, the property is considered a non-conforming site due to failure to meet the bulk requirements or performance standards and criteria of the C-2 zone district. Therefore, the pertinent section of the Zoning and Development Code for the proposed addition is 3.8.B, Non-Conforming Structures and Sites:

3. Expansion. In any continuous five (5) year period, additions to structures on non-conforming sites shall require correction of existing on-site nonconforming parking, landscaping and screening/buffering.
 - a. Complete redevelopment or expansions which would result in a 35% or greater increase of the gross square footage of the existing structure(s) require the entire property to meet all of the landscaping and screening/buffering requirements.

This section applies to the total new construction of 2,100 square feet. The demolition of 1,265 square feet of the original structure results in an existing structure of 2,038 square feet. The new construction results in a greater than 35% increase of the gross square footage requiring a full upgrade of the site to meet the landscaping and screening/buffering requirements of the Code. In addition, if the expansion necessitates an increase in the number of parking spaces, the site must be upgraded to provide all of the required parking.