



**PLANNING COMMISSION AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET**

TUESDAY, June 9, 2015 @ 6:00 PM

Call to Order – 6:00 P.M.

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

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

Action: Approve the minutes from the May 12, 2015 Planning Commission Meeting.

2. Hutto-Panorama Zone of Annexation [File #ANX-2014-308] [Attach 2](#)

A request to zone approximately 7.921 acres from County RSF-4 (Residential Single-Family) to a City CSR (Community Services and Recreation) zone district.

Action: Recommendation to City Council

Applicant: City of Grand Junction
Location: Approximately 676 Peony Drive
Staff presentation: Brian Rusche, Senior Planner

3. Rodgers Zone of Annexation [File #ANX-2014-474] [Attach 3](#)

A request to zone 1.924 acres from County RSF-4 (Residential Single-Family 4 du/ac) to a City R-4 (Residential 4 du/ac) zone district.

Action: Recommendation to City Council

Applicant: Richard and Melinda Tope
Location: 2075 South Broadway
Staff presentation: Brian Rusche, Senior Planner

INDIVIDUAL CONSIDERATION

4. Zoning and Development Code Amendments [File # ZCA-2015-11] [Attach 4](#)

A request to change side and rear yard setbacks in the CSR, MU, BP I-O and I-1 zone districts and eliminate maximum building sizes (and correspondingly the CUP requirement for buildings exceeding the maximum) in the C-1, C-2, CSR, MU, BP, I-O and I-1 zone districts.

Action: Recommendation to City Council

Applicant: City of Grand Junction

Location: 250 N. 5th Street

Staff presentation: Dave Thornton, Principal Planner

5. Cray Valley Conditional Use Permit (CUP) [File # CUP-2015-62] [Attach 5](#)

A request for a Conditional Use Permit to construct a storage building along with two outside industrial tank areas for flammable materials storage on 3.53 +/- acres in an I-2 (General Industrial) zone district.

Action: Approval or denial of CUP

Applicant: Ricon Resin, Inc.

Location: 561 24 ¼ Road

Staff presentation: Scott Peterson, Senior Planner

6. Verizon Wireless Telecommunications Tower - CUP [File #CUP-2015-191][Attach 6](#)

A request for a Conditional Use Permit for a new 60' monopole telecommunication tower.

Action: Approval or denial of CUP

Applicant: Verizon Wireless

Location: 2115 Grand Avenue

Staff presentation: Senta Costello, Senior Planner

7. Nonscheduled Citizens and/or Visitors**8. Other Business****9. Adjournment**

Attach 1

**GRAND JUNCTION PLANNING COMMISSION
May 12, 2015 MINUTES
6:00 p.m. to 6:34 p.m.**

The meeting of the Planning Commission was called to order at 6:00 p.m. by Chairman Reece. The public hearing was held in the City Hall Auditorium located at 250 N. 5th Street, Grand Junction, Colorado.

In attendance representing the City Planning Commission were, Jon Buschhorn, Keith Ehlers, George Gatseos, Steve Tolle and Bill Wade.

In attendance, representing the City's Administration Department - Community Development, were Greg Moberg, (Development Services Manager), and Scott Peterson (Senior Planner) and Brian Rusche (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lydia Reynolds was present to record the minutes.

There were 7 citizens in attendance during the hearing.

Announcements, Presentations And/or Visitors

There were no announcements, presentations and/or visitors.

Consent Agenda

Minutes of Previous Meetings

1. *Approve the minutes from the April 14, 2015 Planning Commission Meeting.*
2. **Dere Special Permit** [File # SPT-2015-113]

A request for a Special Permit to temporarily place a single manufactured home on 4.88 +/- acres in an R-24 (Residential – 24 du/ac) zone district.

Action: Recommendation to City Council

Applicant: Brian Dere
Location: 675 ½ 24 ½ Road
Staff presentation: Scott Peterson, Senior Planner

3. **1020 Grand Avenue Rezone** [File # RZN-2015-152]

A request to rezone 0.778 acres from an R-8 (Residential 8 du/ac) to an R-O (Residential Office) zone district.

Action: Recommendation to City Council

Applicant: Joseph Sprague
Location: 1020 Grand Avenue
Staff presentation: Brian Rusche, Senior Planner

Chairman Reece briefly explained the Consent Agenda and invited the public, Planning Commissioners and staff to speak if they wanted an item pulled for a full hearing.

Commissioner Buschhorn stated that prior to the motion for the Consent Agenda, he moves to add two items, number four and five on the Public Hearing items, to the Consent Agenda. Commissioner Tolle seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

Chairman Reece asked the staff and public if they wanted to move either of the two new items off the Consent Agenda. With no further amendments to the Consent Agenda, Chairman Reece called for a motion.

MOTION: (Commissioner Wade) "I move that we approve the Consent Agenda as revised."

Commissioner Ehlers seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

4. 24 Road Corridor Design Standards Amendment [File #ZCA-2015-124]

A request to amend the Grand Junction Municipal Code (GJMC) Section 25.28, to remove the maximum letter height for building (wall mounted) signs.

Action: Recommendation to City Council

Applicant: City of Grand Junction
Location: 24 Road Corridor
Staff presentation: David Thornton, Principal Planner

5. Industrial Loading Dock Standards [File #ZCA-2015-167]

A request to amend the Grand Junction Municipal Code (GJMC) Section 21.03.080(a)(3), Section 21.03.080(b)(3), and Section 21.03.080(c)(3) to remove a restriction on the location of loading docks and to remove redundant standards.

Action: Recommendation to City Council

Applicant: City of Grand Junction
Location: City of Grand Junction
Staff presentation: Brian Rusche, Senior Planner

*****ITEMS NEEDING INDIVIDUAL CONSIDERATION*******6. Vistas at Tiara Rado, Phase 2 Outline Development Plan [File #PLD-2015-53]**

A request for an Outline Development Plan to develop 14 single family detached and attached dwelling units on 3.16 +/- acres in a proposed PD (Planned Development) zone district with a default zoning district of R-O (Residential Office).

Action: Recommendation to City Council

Applicant: Robert Hatch
Location: 2063 S. Broadway
Staff presentation: Scott Peterson, Senior Planner

Staff Presentation

Scott Peterson (Senior Planner) stated that the applicant requests approval of an Outline Development Plan (ODP) for Vistas at Tiara Rado, Phase 2 as a Planned Development (PD) zone district with a default zone of R-O (Residential Office) to develop 14 single-family detached and attached dwelling units on 3.16 +/- acres.

Mr. Peterson noted that the applicant held a Neighborhood Meeting on January 5, 2015 with 14 citizens attending the meeting along with City Staff, the applicant and applicant's representatives. Positive feedback was given regarding the lower density proposed but also some negative feedback was given regarding the potential loss of views and overall building heights, etc. However, after the Neighborhood Meeting, it appeared that the adjacent property owners in attendance felt more comfortable about the request after talking with the applicant.

Mr. Peterson displayed the site location map and noted the property is adjacent to Tiara Rado Golf Course in the Redlands. The applicant is Hatch Investments, LLC. The applicant is requesting approval of the Outline Development Plan to develop the property with 14 single family detached and attached units on 3.16 acres.

Presenting a slide with an aerial view, Mr. Peterson stated the subject property is currently vacant but historically contained a 7,589 sq. ft. building. Known as the "Beach" property, the site contained a clubhouse, outdoor pool and tennis courts. The clubhouse, pool and tennis courts were demolished in 2011-2012. In 2011 (City file # SPN-2011-711), the applicant submitted a site plan for the property located to the west (2061 S. Broadway). The site plan was approved for 10 single-family attached dwelling units located within 5 buildings known as Vistas at Tiara Rado, Phase 1. Once the buildings were constructed, the applicant proceeds to condominiumize the buildings as market conditions warrant in order to sell the individual units with a Homeowner's Association responsible for outside maintenance. To the south, adjacent to the property is Hole 10 of the Tiara Rado Golf Course and to the east is Fairway Villas Subdivision.

The Comprehensive Plan's Future Land Use Map shows this property as Commercial. Currently the property is zoned B-1 (Neighborhood Business). The request includes

approval of an Outline Development Plan (rezone to PD, Planned Development) with a default zone of R-O (Residential Office). The applicant is requesting a default zone of

R-O as the minimum residential density allowed is 4 dwelling units/acre and single-family detached homes are a permitted land use.

The property is currently zoned B-1(Neighborhood Business) which requires a minimum of 8 dwelling units to the acre and requires a Conditional Use Permit for single-family detached homes. Mr. Peterson stated that the applicant is proposing no commercial or office land uses with this PD proposal.

The applicant now wishes to develop the remaining 3.16 +/- acres as Phase 2 of the Vistas at Tiara Rado. The proposal is to create 11 single-family detached and 3 single-family attached dwelling units resulting in a density of 4.43 dwelling units per acre.

Mr. Peterson showed a site plan and noted that the proposed Planned Development will utilize the existing access on South Broadway which was approved with the development of Phase 1 to accommodate both phases of development. A proposed Tract A will serve as a private drive within the development that will serve all of the properties. Off street parking will not be allowed on either side of the private drive and will be signed as no parking. Each proposed lot will provide a minimum of two off-street parking spaces. A parking pad, providing five additional spaces for guests is also provided in the site plan. All entrances to the garage will be set back a minimum of 20 feet from the private drive, with the exception of lots 4 through 9, which are adjacent to hole number 10.

Mr. Peterson stated he wished to amend, for the record, a typo in the Planning Commission's staff report. The report had lots 4 through 6 would have the garages set back, however it should read lots 4 through 9. Lots 7 through 9, the larger homes, are going to have the garages fronted up to the private drive, however they will be side loaded.

Mr. Peterson showed a slide of the anticipated Phasing Schedule which included 3 Phases. Mr. Peterson noted that although the construction timeline would be market driven, the applicant anticipates completing the entire development within three to four years. Mr. Peterson stated that Phase 1, per the ODP recommendation would be completed by 2017, Phase 2 by 2019 and Phase 3 by 2021.

Mr. Peterson showed a slide that listed the long-term community benefits of the proposal which included reduced traffic demands, greater quality and quantity of private open space, needed housing type and providing transition of residential density between the adjacent residential developments.

Findings of Fact/Conclusions

Mr. Peterson stated that after reviewing the Vistas at Tiara Rado, Phase 2 application, staff determined that the plan is consistent with the goals and policies of the Comprehensive plan (specifically goals 3 and 5) and the review criteria in Section 21.02.150 of the Grand Junction Zoning and Development Code have all been met or addressed.

After Mr. Peterson's presentation, Chairman Reece asked if the applicant wished to make a presentation. Mr. Peterson noted that the applicant was not present, but that one of his representatives (Mr. Springer) was present.

Questions for Applicant

Todd Springer, with Springer Construction, stated that he was representing the owner, Robert Hatch. Commissioner Wade asked about the walking plan along the southern edge of the property as noted at the notes from the neighborhood meeting.

Mr. Peterson interjected that the neighbor was inquiring about the continuation of an 8 foot path that extends along South Broadway frontage on the north side of the property. Mr. Peterson stated that the continuation of this path will be part of this proposal.

Questions/Comments from Public

Mark Kautsky, 493 Spoon Court, asked what provision is being made by applicant for crossing the irrigation canal. In addition, Mr. Kautsky asked about the weed ordinance for this property and the irrigation ditches. Mr. Kautsky also wanted to know how this is monitored.

Mr. Peterson noted that there is a Redlands Water and Power Irrigation Canal that bisects this subdivision with the Fairway Villas subdivision and there will be some type of crossing. Commissioner Wade asked to see the crossing on the map. Mr. Peterson pointed out the future crossing on the northeast corner of the property.

Mr. Peterson noted that with this site plan review approval, the applicant would need to submit a landscaping plan for staff review. The detention pond area would need to have grass trees and shrubs which run along the east side. In the meantime, Mr. Peterson stated that if there is a weed/code violation, it could be addressed by the City's code enforcement department. If the project gets approved and moves forward, grading and dirt work would be started this summer and should help with the weed abatement.

Questions for Staff

Referring to a citizens concern addressed in a letter in the report, Commissioner Gatseos asked how drainage would be handled on the site. Mr. Peterson stated that the existing detention was built large enough to handle water from both Phase 1 and 2.

Chairman Reece closed the Public portion of the meeting and asked if any additional discussion from Commissioners is requested. Hearing none, Chairman Reece asked for a motion.

MOTION:(Commissioner Ehlers) “Madam Chairman, I move to approve item six, Vistas at Tiara Rado, Phase 2 Outline Development Plan.”

Commissioner Wade seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

General Discussion/Other Business

Election of Officers

Chairman Reece noted that there is one item under other business which is the election of officers for the Planning Commission. Starting with the Vice Chair, Chairman Reece asked for nominations. Commissioner Tolle nominated Commissioner Ebe Eslami for Vice Chairman. Chairman Reece asked for a vote to approve Commissioner Eslami for Vice Chairman and the motion passed unanimously by a vote of 6-0.

Chairman Reece asked for nominations for Chairman. Commissioner Wade nominated Chairman Reece for another year as Chairman. Chairman Reece asked for a vote to approve Commissioner Reece for Chairman and the motion passed unanimously by a vote of 6-0.

Other Business

Greg Moberg, Development Services Manager, noted that there will not be a second workshop for the month of May, but there will be a second Planning Commission in June.

Adjournment

The Planning Commission meeting was adjourned at 6:34 p.m.



Date: May 26, 2015
 Author: Brian Rusche
 Title/Phone Ext:
Senior Planner/4058
 Proposed Schedule:
June 9, 2015
 File #: ANX-2014-308

Attach 2

PLANNING COMMISSION AGENDA ITEM

Subject: Hutto-Panorama Zone of Annexation, Located at approximately 676 Peony Drive
Action Requested/Recommendation: Forward a recommendation of approval to City Council to zone approximately 7.921 acres from County RSF-4 (Residential Single-Family) to a City CSR (Community Services and Recreation) zone district.
Presenters Name & Title: Brian Rusche, Senior Planner

Executive Summary:

A request to zone approximately 7.921 acres from County RSF-4 (Residential Single-Family) to a City CSR (Community Services and Recreation) zone district.

Background, Analysis and Options:

This property was originally developed as the location of a sewer lagoon for the Panorama Improvement District. The City, for the benefit of the Persigo 201 Sewer System, took over the District in 2002, including ownership of this property. The lagoon has since been decommissioned and the property now functions as open space, with access to a lift station and other sanitary sewer infrastructure.

City ownership and integration of the property into the City is the impetus for the requested rezoning.

Neighborhood Meeting:

A Neighborhood Meeting was held on April 10, 2014.

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

Goal 11: Public facilities and services for our citizens will be a priority in planning for growth.

The annexation of this property will facilitate continued use of this site for access to critical sanitary sewer infrastructure, while simultaneously conserving land adjacent to the Colorado River which functions as open space to the adjacent neighborhood.

How this item relates to the Economic Development Plan:

This property was acquired to provide improve sanitary sewer service to a portion of the Redlands that was developed prior to the current Wastewater Treatment Plant (WWTP). Ownership and jurisdiction of this property will facilitate continued access to critical infrastructure. The Economic Development Plan specifically identifies as a Goal to provide infrastructure that enables and supports private investment. (Goal 1.4 – Page 7).

Board or Committee Recommendation:

There is no other committee or board recommendation.

Financial Impact/Budget:

The City has held ownership of this property since 2002, when it acquired, on behalf of the Persigo 201 Sewer System, the assets of the Panorama Improvement District.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This has not been previously discussed by the Planning Commission.

Attachments:

1. Background information
2. Staff report
3. Annexation Map
4. Aerial Photo
5. Comprehensive Plan Future Land Use Map
6. Existing City Zoning Map
7. Ordinance

BACKGROUND INFORMATION					
Location:		Approximately 676 Peony Drive			
Applicant:		City of Grand Junction			
Existing Land Use:		Vacant (formerly sewer lagoons)			
Proposed Land Use:		Open Space			
Surrounding Land Use:	North	Open Space			
	South	Single-Family Residential			
	East	Vacant			
	West	Single-Family Residential			
Existing Zoning:		County RSF-4 (Residential Single-Family)			
Proposed Zoning:		CSR (Community Services and Recreation)			
Surrounding Zoning:	North	County AFT (Agricultural Forestry Transitional)			
	South	County RSF-4 (Residential Single-Family)			
	East	County RSF-4 (Residential Single-Family)			
	West	R-2 (Residential 2 du/ac)			
Future Land Use Designation:		Conservation			
Zoning within density/intensity range?		X	Yes		No

Sections 21.02.140 - Grand Junction Zoning and Development Code:

Section 21.02.160 of the Grand Junction Municipal Code (GJMC), states that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. The Comprehensive Plan designates the property as Conservation.

In addition to a finding of compatibility with the Comprehensive Plan, one or more of the following criteria set forth in Section 21.02.140 (a) of the Code must be met in order for the zoning to occur:

(1) Subsequent events have invalidated the original premise and findings;

This property was originally developed as the location of a sewer lagoon for the Panorama Improvement District. The City, for the benefit of the Persigo 201 Sewer System, took over the District in 2002, including ownership of this property. The lagoon has since been decommissioned and the property now functions as open space, with access to a lift station and other sanitary sewer infrastructure. City ownership and integration of the property into the City is the impetus for the requested rezoning.

This criterion has been met.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan;

This property was originally developed as the location of a sewer lagoon for the Panorama Improvement District. The City, for the benefit of the Persigo 201 Sewer System, took over the District in 2002, including ownership of this property. The lagoon has since been decommissioned and the property now functions as open space, with access to a lift station and other sanitary sewer infrastructure. City ownership and integration of the property into the City is the impetus for the requested rezoning.

This criterion has been met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed;

This property was originally developed as the location of a sewer lagoon for the Panorama Improvement District. The City, for the benefit of the Persigo 201 Sewer System, took over the District in 2002, including ownership of this property. The lagoon has since been decommissioned and the property now functions as open space, with access to a lift station and other sanitary sewer infrastructure. City ownership and integration of the property into the City is the impetus for the requested rezoning.

This criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use;

This property was originally developed as the location of a sewer lagoon for the Panorama Improvement District. The City, for the benefit of the Persigo 201 Sewer System, took over the District in 2002, including ownership of this property. The lagoon has since been decommissioned and the property now functions as open space, with access to a lift station and other sanitary sewer infrastructure. City ownership and integration of the property into the City is the impetus for the requested rezoning.

This criterion has been met.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

This property was originally developed as the location of a sewer lagoon for the Panorama Improvement District. The City, for the benefit of the Persigo 201 Sewer System, took over the District in 2002, including ownership of this property. The lagoon has since been decommissioned and the property now functions as open

space, with access to a lift station and other sanitary sewer infrastructure. City ownership and integration of the property into the City is the impetus for the requested rezoning.

This criterion has been met.

Alternatives: The following zone districts are consistent with the Conservation Future Land Use Comprehensive Plan designation(s) for the subject property:

- a. CSR (Community Services and Recreation)

The CSR (Community Services and Recreation) zone district is the only option for the property and for implementing the goals and policies of the Comprehensive Plan.

If the Planning Commission chooses to recommend one of the alternative zone designations, specific alternative findings must be made as to why the Planning Commission is recommending an alternative zone designation the City Council.

FINDINGS OF FACT AND CONCLUSIONS

After reviewing the Hutto-Panorama Zone of Annexation, ANX-2014-308, a request to zone approximately 7.921 acres from County RSF-4 (Residential Single-Family) to a City CSR (Community Services and Recreation) zone district, the following findings of fact and conclusions have been determined:

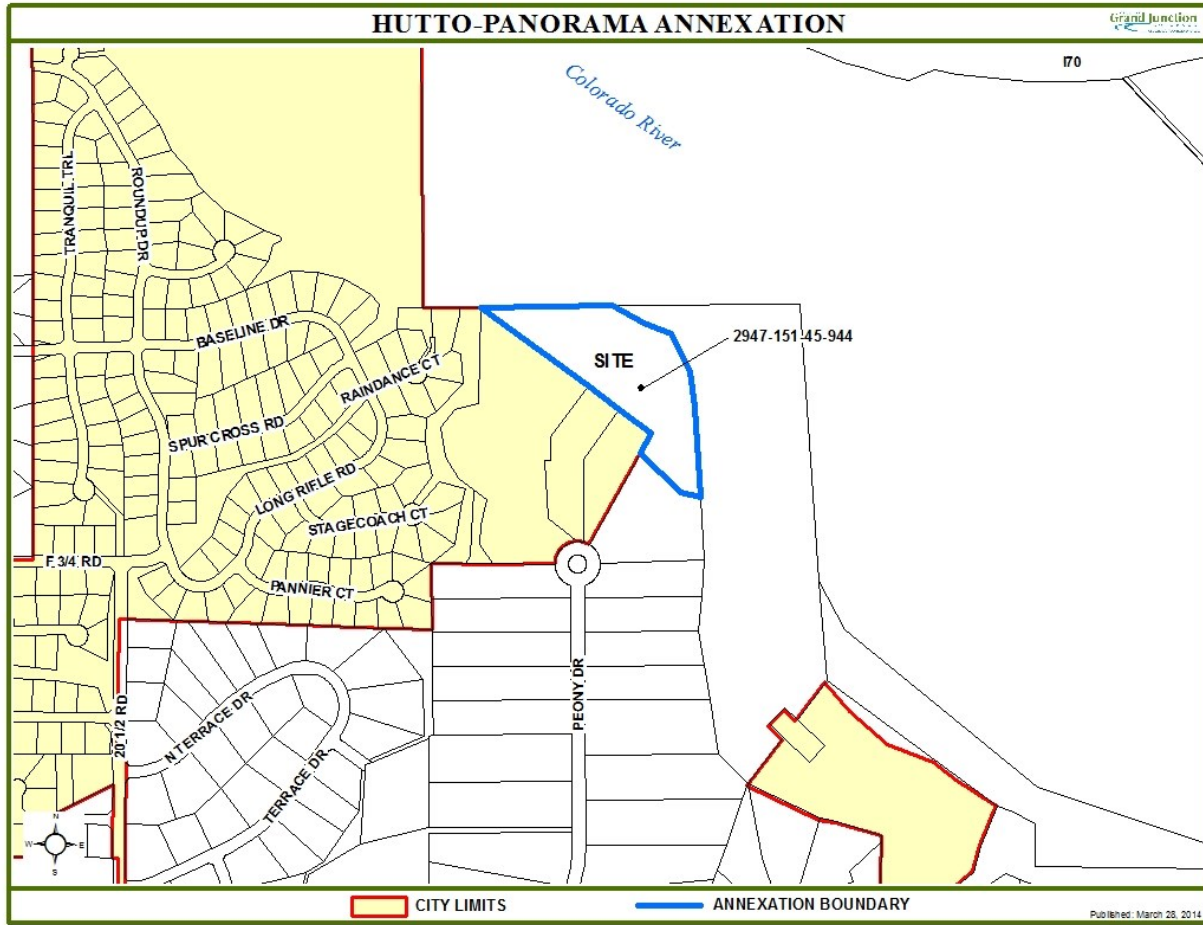
1. The requested zone is consistent with the goals and policies of the Comprehensive Plan;
2. The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have all been met.

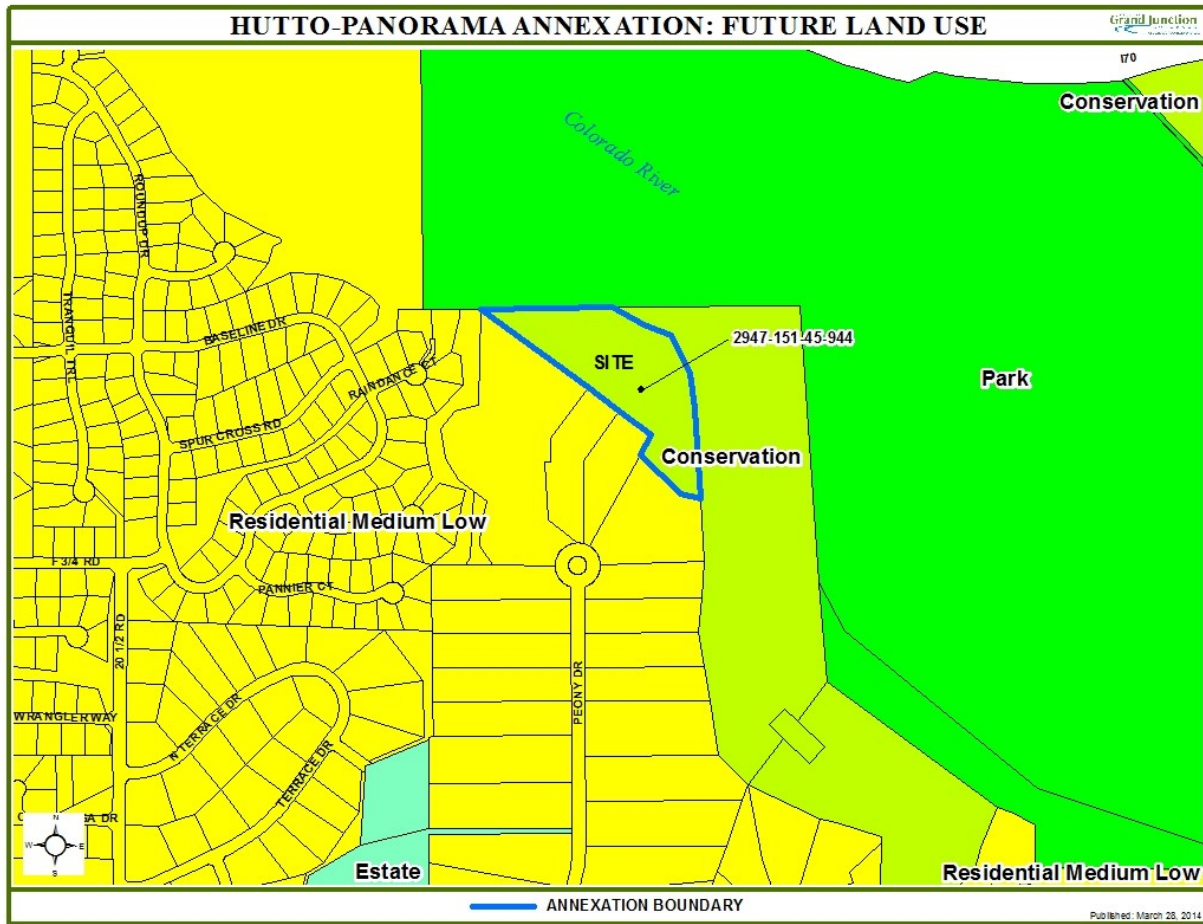
STAFF RECOMMENDATION:

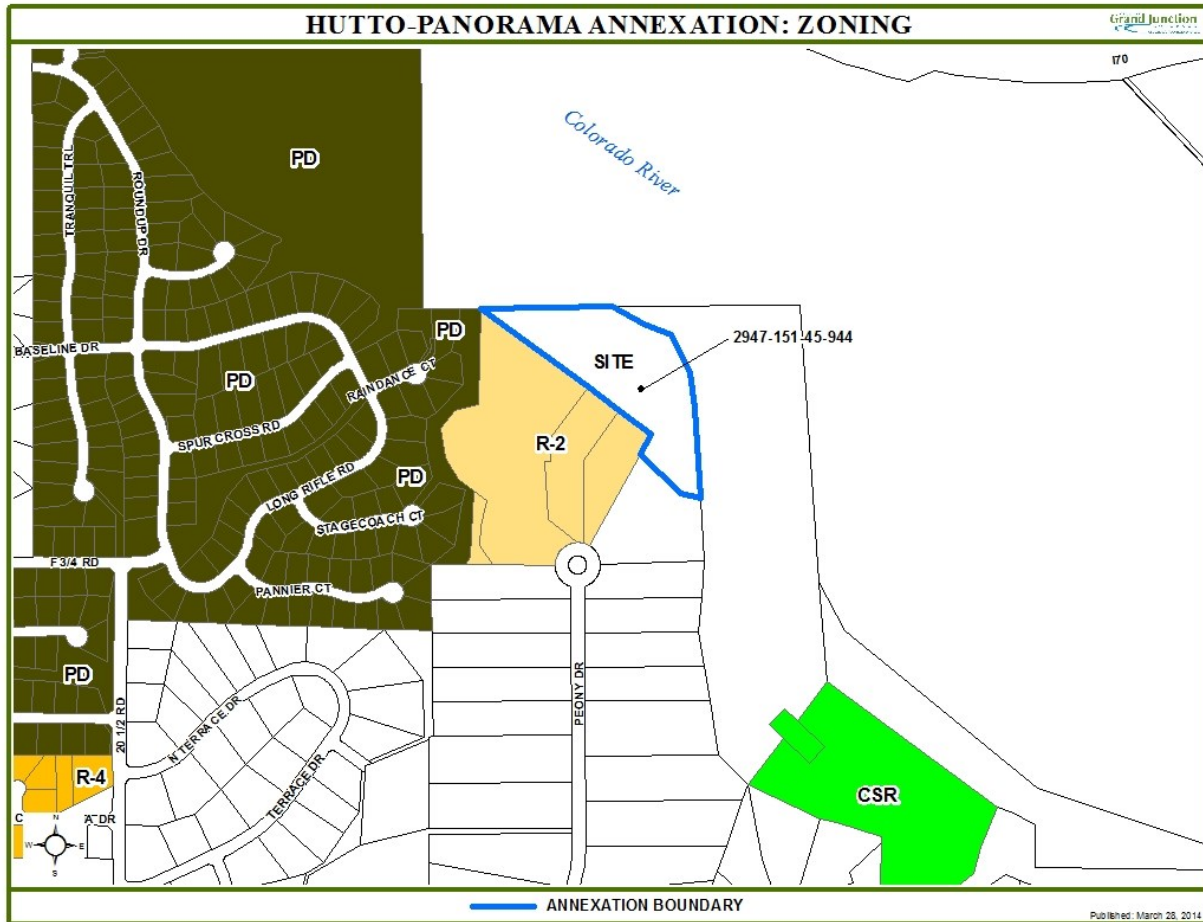
I recommend that the Planning Commission forward a recommendation to City Council of approval of the CSR (Community Services and Recreation) zone district for the Hutto-Panorama Zone of Annexation, ANX-2014-308 with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on the Hutto-Panorama Zone of Annexation, ANX-2014-308, I move that the Planning Commission forward to City Council a recommendation of approval of the CSR (Community Services and Recreation) zone district, with the findings of fact and conclusions listed in the staff report.







CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE HUTTO-PANORAMA ANNEXATION
TO CSR (COMMUNITY SERVICES AND RECREATION)
LOCATED AT APROXIMATELY 676 PEONY DRIVE**

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 Hutto-Panorama Annexation to the CSR (Community Services and Recreation) zone district, finding that it conforms with the land use category of Conservation as shown on the Future Land Use Map of the Comprehensive Plan and the Comprehensive Plan’s goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the CSR (Community Services and Recreation) zone district is in conformance with the stated criteria of Sections 21.02.140 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned CSR (Community Services and Recreation):

A certain parcel of land lying in the North-half (N 1/2) of Section 15, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of Parcel 1, Hutto Subdivision, as same is recorded in Plat Book 18, Page 134, Public Records of Mesa County, Colorado.

CONTAINS 345,051 Square Feet or 7.921 Acres, more or less, as described.

Introduced on first reading this _____ day of _____, 2015 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2015 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Date: May 27, 2015
 Author: Brian Rusche
 Title/Phone Ext:
Senior Planner/4058
 Proposed Schedule:
June 9, 2015
 File #: ANX-2014-474

Attach 3

PLANNING COMMISSION AGENDA ITEM

Subject: Rodgers Zone of Annexation, Located at 2075 South Broadway
Action Requested/Recommendation: Forward a recommendation to City Council to zone 1.924 acres from County RSF-4 (Residential Single-Family 4 du/ac) to a City R-4 (Residential 4 du/ac) zone district.
Presenters Name & Title: Brian Rusche, Senior Planner

Executive Summary:

A request to zone 1.924 acres from County RSF-4 (Residential Single-Family 4 du/ac) to a City R-4 (Residential 4 du/ac) zone district.

Background, Analysis and Options:

The property owners have requested annexation into the City and a zoning of R-4 (Residential 4 du/ac) to facilitate the development of a residential subdivision. Under the 1998 Persigo Agreement with Mesa County all proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation and processing in the City.

There will be difficulties in subdividing the property. Due to safety issues with traffic on South Broadway only access for one single-family residence is allowed under City standards. Any other access will have to occur onto another right-of-way. The only feasible access at this time is on to Seasons Drive. However, there is a tract of land between this property and the right-of-way owned by a homeowners association. The property owners understand that obtaining additional access to another right-of-way is required before the property may be subdivided creating any additional lots.

Staff recommends an R-4 zone as this is an appropriate zone for the property but for the lack of additional access. Any zone will have this same concern. The property owners may develop one single-family residence in the R-4 zone. Though one of the lower density zones may first appear more appropriate, if this access becomes available more density is in conformance in this area with the Comprehensive Plan and the Future Land Use Map.

Neighborhood Meeting:

A Neighborhood Meeting was held on November 24, 2014. A summary of the discussion and attendance is attached.

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

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Annexation of the property will create an opportunity to develop a vacant parcel in a manner consistent with adjacent residential development.

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.

Annexation of the property will create an opportunity for additional housing units to be brought to market.

How this item relates to the Economic Development Plan:

Goal: Be proactive and business friendly. Streamline processes and reduce time and costs to the business community while respecting and working within the protections that have been put into place through the Comprehensive Plan.

Annexation of the property provides the developer with consistent development standards as other residential subdivisions under development in the City and is consistent with the Blended Residential Land Use Category of Residential Low identified in the Comprehensive Plan.

Board or Committee Recommendation:

There is no other committee or board recommendation.

Financial Impact/Budget:

The provision of municipal services will be consistent with adjacent properties already in the City. Property tax levies and municipal sales/use tax will be collected, as applicable, upon annexation.

Other issues:

The property is presently accessible from South Broadway for one single-family residence. Access to Seasons Drive is precluded by the presence of a strip of land owned by The Master Subdivision of the Seasons at Tiara Rado Owners Association (The Seasons HOA or HOA). The Applicants have assured staff that they are negotiating with

the HOA for mutually agreeable terms that would allow access to Seasons Drive by incorporating the strip into the future subdivision of the property.

The proposed zoning of the property is a precursor to review by the City of a proposed subdivision. Applicants understand that further subdivision of the property creating any additional lots shall not occur due to inability to access Seasons Drive. Any development shall be consistent with standards which limits development to one single-family residence with the only access available being South Broadway. If additional access is obtained to Seasons Drive, then the number of lots that may be created will be contingent on the access obtained, City standards, and the zone requirements.

Previously presented or discussed:

This has not been previously discussed by the Planning Commission.

Attachments:

8. Background information
9. Staff report
10. Annexation Map
11. Aerial Photo
12. Comprehensive Plan Future Land Use Map
13. Blended Residential Category Map
14. Existing City Zoning Map
15. Ordinance

BACKGROUND INFORMATION			
Location:		2075 South Broadway	
Applicant:		Richard and Melinda Tope	
Existing Land Use:		Vacant (former residence demolished)	
Proposed Land Use:		Single-Family Residential	
Surrounding Land Use:	North	Single-Family Residential	
	South	Single-Family Residential	
	East	Single-Family Residential	
	West	Single-Family Residential	
Existing Zoning:		County RSF-4 (Residential Single-Family)	
Proposed Zoning:		R-4 (Residential 4 du/ac)	
Surrounding Zoning:	North	County RSF-2 (Residential Single-Family)	
	South	PD (Planned Development)	
	East	County RSF-4 (Residential Single-Family)	
	West	PD (Planned Development)	
Future Land Use Designation:		Estate	
Blended Land Use Category:		Residential Low (Rural – 5 du/ac)	
Zoning within density/intensity range?	X	Yes	No

Sections 21.02.140 - Grand Junction Zoning and Development Code:

Section 21.02.160 of the Grand Junction Municipal Code (GJMC), states that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. The Comprehensive Plan Blended Residential Category Map designates the property as Residential Low (up to 5 du/ac). The request for an R-4 (Residential 4 du/ac) zone district is consistent with the Blended Residential Category of Residential Low and is equal to the density of the previous County RSF-4 (Residential Single-Family) zone district.

In addition to a finding of compatibility with the Comprehensive Plan, one or more of the following criteria set forth in Section 21.02.140 (a) of the Code must be met in order for the zoning to occur:

(1) Subsequent events have invalidated the original premise and findings;

The requested annexation and zoning is being triggered by the Persigo Agreement (1998) between Mesa County and the City of Grand Junction in anticipation of development. The Persigo Agreement defines Residential Annexable Development to include any proposed development that requires approval of a subdivision plat resulting in the creation of more than one additional lot or parcel (GJMC Section 45.02.020.e.1.xi). The property owner wishes to develop the

property in the near future for a residential subdivision of single-family detached dwelling units. Because of the requirement for annexation found within the Persigo agreement, the property cannot be developed as a subdivision creating additional lots in unincorporated Mesa County, despite its RSF-4 (Residential Single-Family 4 du/ac) zoning.

Based on the original County zoning of RSF-4 and the densities surrounding this property, the original premise and findings have not been invalidated by subsequent events.

However as access is presently not available to Seasons Drive, subdivision of this property is not possible at this time and therefore this criteria is not met.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan;

The adjacent properties on the west and south have been subdivided and developed, beginning with The Seasons at Tiara Rado Filing No. 3 in 1993 and Filing No. 4 in 1994. Additional phases of The Seasons have been developed south and west of Tiara Rado golf course, changing the character of the area west of the Redlands Second Lift Canal from large vacant parcels to a developed neighborhood.

To the north is a recent development, Fairway Villas, which is steadily progressing toward build-out of single-family detached residences at a density of 3.89 du/ac.

The original residence on the subject property, built in 1940, was recently demolished in anticipation of development.

This criterion has been met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed;

There are public utilities available in Seasons Drive, including potable water provided by the Ute Water Conservancy District, sanitary sewer service maintained by the City, and electricity from Xcel Energy (a franchise utility). Utility mains and/or individual service connections will be extended into the property as part of the development of the parcel.

The property is presently accessible from South Broadway for one single-family residence. Access to Seasons Drive is precluded by the presence of a three (3) foot strip of land owned by The Seasons HOA separating the property from the public right-of-way. The property owners and the HOA are negotiating mutually agreeable terms that would allow access to Seasons Drive by incorporating the strip into the future subdivision of the property.

The property is within the Wingate Elementary school attendance boundary. Wingate is approximately two (2) miles southeast on South Camp Road.

Fire Station No. 5 is located just under three (3) miles driving distance northeast on Broadway (CO Highway 340).

All public and community facilities are adequate to serve the type and scope of land use proposed, however, as access is presently not available to the Seasons Drive this criteria is not met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use;

The subject property is adjacent to The Seasons at Tiara Rado, which has a total of 140 lots (17 are currently vacant) for an overall density of 2.6 du/ac. To the north is a recent development, Fairway Villas, which is steadily progressing toward build-out of single-family detached residences at a density of 3.89 du/ac.

Unplatted land adjacent to the Tiara Rado Golf Course is virtually nonexistent. Developable properties do exist within the vicinity of the golf course but must be annexed and zoned prior to development.

Because there are currently no other properties that are developable at a density of 4 dwelling units per acre (R-4), there is an inadequate supply of suitably designated land available in the community and therefore this criterion has been met.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The proposed R-4 zone would implement Goals 3 and 5 of the Comprehensive Plan by creating an opportunity to develop a vacant parcel and bring additional housing units to the market in a manner consistent with adjacent residential development.

This criterion has been met.

Alternatives: The following zone districts would also be consistent with the Blended Residential Category of Residential Low for the subject property:

- b. RR (Residential Rural)
- c. R-E (Residential Estate)
- d. R-1 (Residential 1 du/ac)
- e. R-2 (Residential 2 du/ac)
- f. R-5 (Residential 5 du/ac)

The intent of the R-4 (Residential 4 du/ac) zone is to provide for medium-low density single-family uses where adequate public facilities and services are available. This zone is consistent with the density (+/- 3 du/ac) of the adjacent filings of The Seasons

subdivision to the south and west. If the property were zoned less than R-4, the allowed density would be less than the present County zoning; this is inconsistent with Section 21.02.160(f) of the Grand Junction Zoning and Development Code, which states that generally, future development should be at a density equal to or greater than the allowed density of the applicable County zoning district. In contrast, the R-5 zone district would allow density that exceeds that of the surrounding neighborhoods.

I recommend the R-4 (Residential 4 du/ac) zone district in order to prepare the property for future subdivision, consistent with City standards, and for implementing the goals and policies of the Comprehensive Plan.

If the Planning Commission chooses to recommend one of the alternative zone designations, specific alternative findings must be made as to why the Planning Commission is recommending an alternative zone designation the City Council.

FINDINGS OF FACT AND CONCLUSIONS

After reviewing the Rodgers Zone of Annexation, ANX-2014-474, a request to zone 1.924 acres from County RSF-4 (Residential Single-Family) to a City R-4 (Residential 4 du/ac) zone district, the following findings of fact and conclusions have been determined:

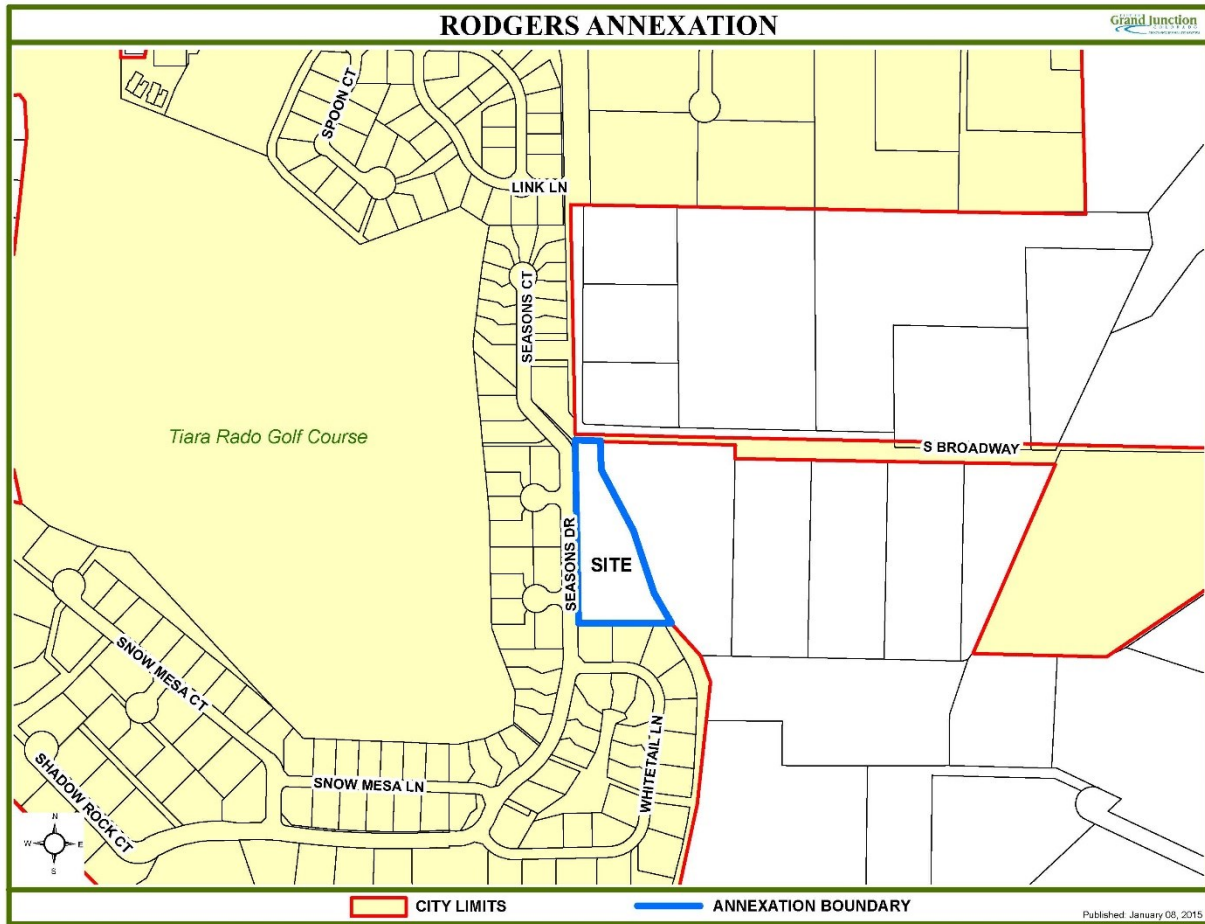
1. The requested zone is consistent with the goals and policies of the Comprehensive Plan;
2. The review criteria 1, 2, 4, and 5 in Section 21.02.140 of the Grand Junction Municipal Code have all been met.

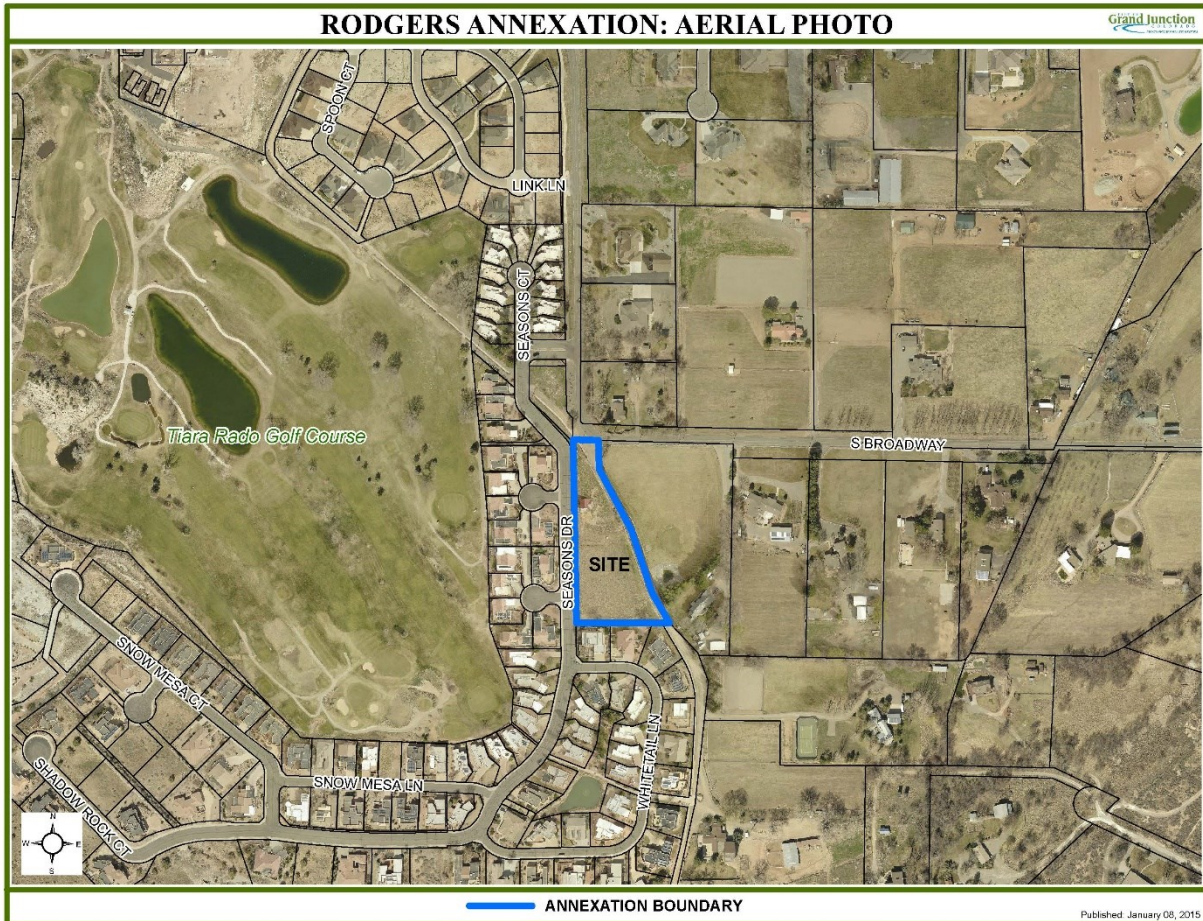
STAFF RECOMMENDATION:

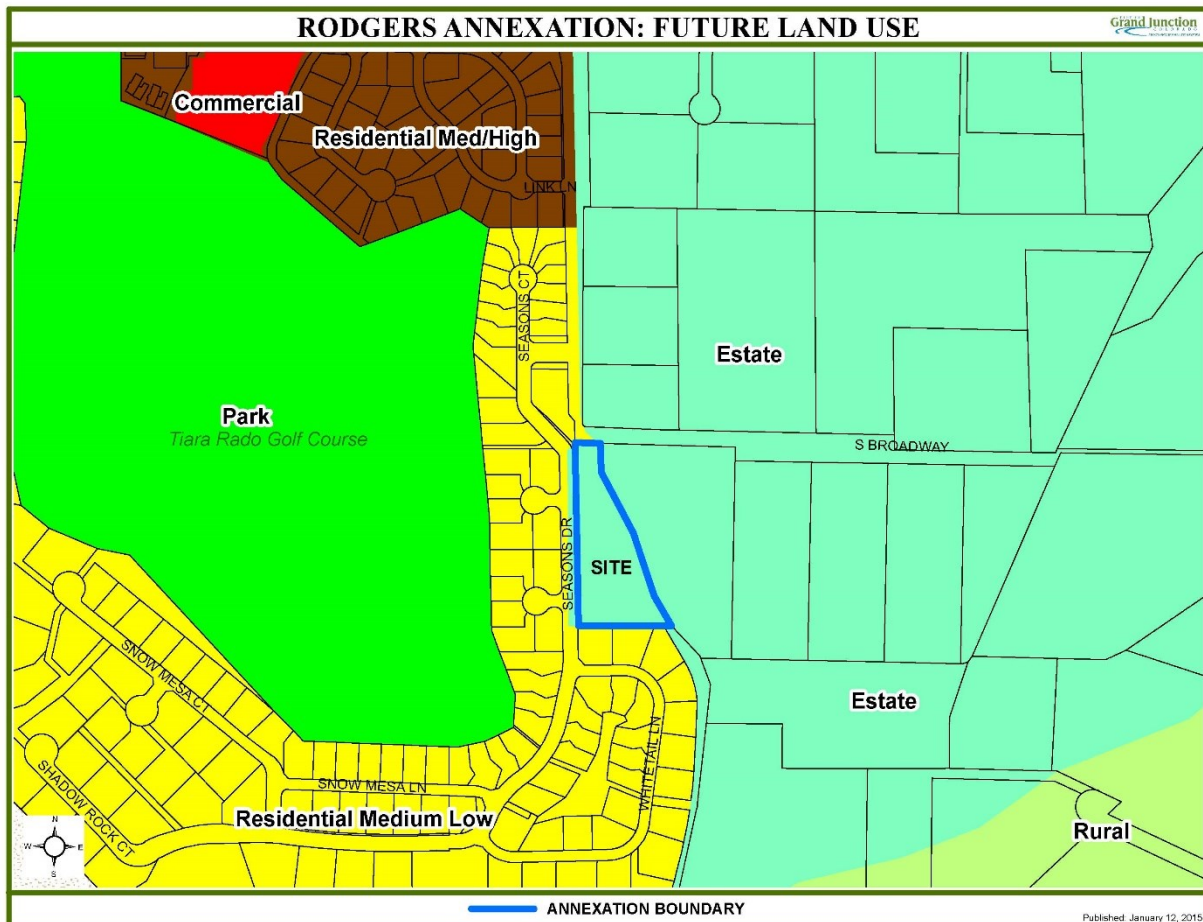
I recommend that the Planning Commission forward a recommendation to City Council of approval of the R-4 (Residential 4 du/ac) zone district for the Rodgers Zone of Annexation, ANX-2014-474 with the findings and conclusions listed above.

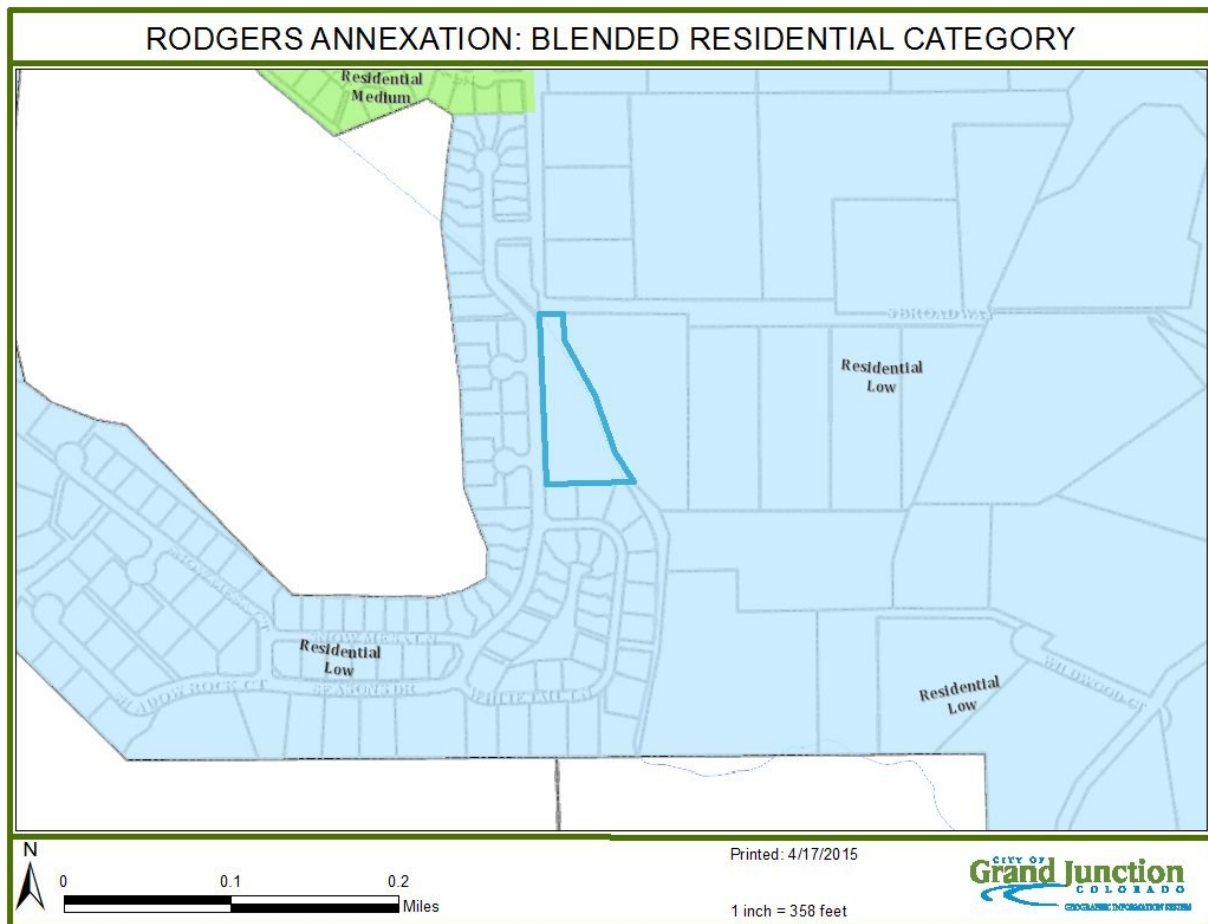
RECOMMENDED PLANNING COMMISSION MOTION:

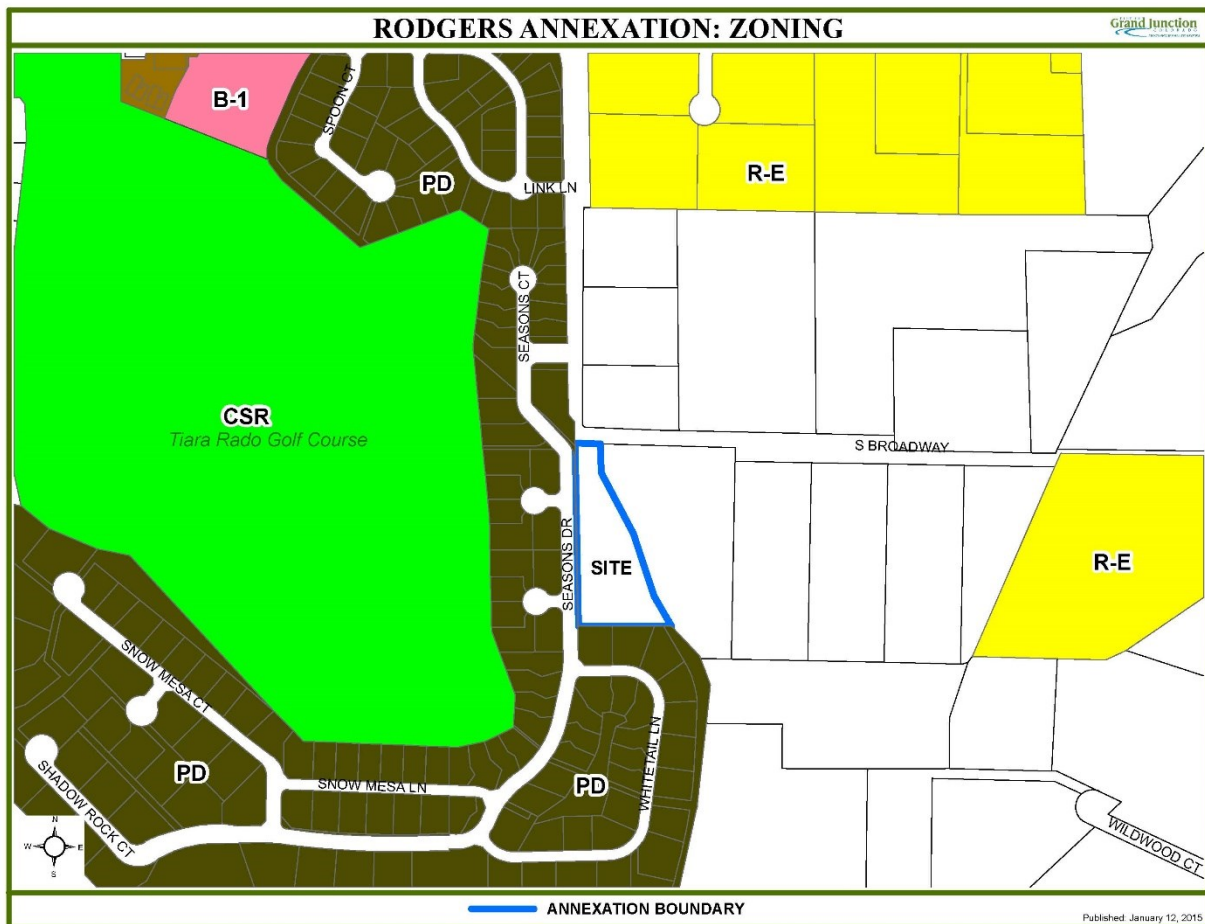
Madam Chairman, on the Rodgers Zone of Annexation, ANX-2014-474, I move that the Planning Commission forward to City Council a recommendation of approval of the R-4 (Residential 4 du/ac) zone district, with the findings of fact and conclusions listed in the staff report.











CITY OF GRAND JUNCTION, COLORADO**ORDINANCE NO.****AN ORDINANCE ZONING THE RODGERS ANNEXATION
TO R-4 (RESIDENTIAL 4 DU/AC)****LOCATED AT 2075 SOUTH BROADWAY**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 Rodgers Annexation to the R-4 (Residential 4 du/ac) zone district, finding that it conforms with the Blended Residential category of Residential Low as shown on the Blended Residential Category Map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area. Reaching the density of the R-4 zone will not be possible unless additional right-of-way is obtained as City of Grand Junction's standards for traffic and engineering will only allow one access for a single-family residence onto South Broadway. It is possible to develop one single-family residence on the property in the R-4 zone. If additional access becomes available, the greater density allowed under the R-4 zone is appropriate for this area.

After public notice and public hearing, the Grand Junction City Council finds that the R-4 (Residential 4 du/ac) zone district is in conformance with the stated criteria 1, 2, 4 and 5 of Sections 21.02.140 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned R-4 (Residential 4 du/ac):

A certain parcel of land lying in the East-half of the Northeast Quarter (E 1/2 NE 1/4) of Section 27, Township 11 South, Range 101 West of the 6th Principal Meridian and being more particularly described as follows:

BEGINNING at the Northwest corner of Lot 19, The Seasons at Tiara Rado Filing No. 4, as same is recorded in Plat Book 14, Page 221, Public Records of Mesa County Colorado and assuming the West line of the E 1/2 NE 1/4 of said Section 27 bears N 00°46'55" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°46'55" W, along the West line of the E 1/2 NE 1/4 of said Section 27, a distance of 541.89 feet; thence S 88°50'57" E, a distance of 75.13 feet; thence Southerly and Southeasterly along a line being described in a Boundary Line Agreement, as same is recorded in Book 5680, Page 607, the following four (4) courses:

1. S 00°00'00" W, a distance of 102.60 feet; thence
2. S 28°15'00" E, a distance of 189.26 feet; thence

3. S 18°44'00" E, a distance of 193.90 feet; thence
4. S 30°12'00" E, a distance of 101.59 feet; thence departing said line, N 89°54'43" W, along the North line of The Seasons at Tiara Rado Filing No. 4, a distance of 270.68 feet, more or less, to the Point of Beginning.

CONTAINING 83,825 Square Feet or 1.924 Acres, more or less, as described.

Introduced on first reading this _____ day of _____, 2015 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2015 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Date: May 18, 2015
 Author: David Thornton
 Title/ Phone Ext: Principal Planner / 1450
 Proposed Schedule: June 9, 2015
 File # ZCA-2015-11

Attach 4

PLANNING COMMISSION AGENDA ITEM

<p>Subject: Zoning and Development Code amendments changing side- and rear-yard setbacks in the CSR, MU, BP, I-O, and I-1 zone districts and eliminating maximum building sizes (and correspondingly the CUP requirement for buildings exceeding the maximum) in the C-1, C-2, CSR, MU, BP, I-0, and I-1 zone districts.</p>
<p>Action Requested/Recommendation: Forward to City Council a recommendation to adopt proposed amendments to City Council</p>
<p>Presenter(s) Name & Title: David Thornton, Principal Planner</p>

Executive Summary:

Amendments to the Zoning and Development Code changing side- and rear-yard setbacks in the CSR, MU, BP, I-O, and I-1 zone districts and eliminating building size restrictions (and correspondingly the requirement of a conditional use permit for buildings larger than the maximum) in the C-1, C-2, CSR, MU, BP, I-O, and I-1 zone districts.

Background, Analysis and Options:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code (codified as Title 21 of the Grand Junction Municipal Code). City Council has requested that staff propose amendments to Title 21 as needed to maintain a dynamic, responsive Zoning and Development Code. The proposed amendments will enhance the responsiveness of the Code to the concerns of citizens and enhance its effectiveness. City Council also recently developed an Economic Development Plan. The proposed amendments implement this Plan by streamlining processes and eliminating restrictions that are arguably unnecessary to protect the community.

The purposes/goals of building size limitations and setbacks in zoning regulations are to address the built environment of our communities and accommodate the needs of the community. Often in our quest to protect existing development we do so at the peril of not accommodating modern needs by business and our citizens. Since the first zoning ordinance was adopted by the City of New York in 1916, municipalities and local

governments have embraced zoning codes regulating the built environment addressing building setbacks and building size. We live in a dynamic and changing world and the

needs of the community continue to change. As Grand Junction continues to grow and modern business looks to larger facilities to accommodate that growth, larger buildings are needed and becoming more common. Community expectations have changed significantly with the proliferation of larger commercial buildings as in the example of Wal-Mart and Target Super Centers that have taken the place of smaller retail stores. In addition, business needs for larger warehouses that supply smaller business within a region are paramount.

This does not mean that regulations should not be carefully considered protecting neighborhoods from development built in a way that ignores human scale and aesthetics. These Code amendments carefully consider these things and only propose appropriate changes to zone districts where greater building mass and scale or building size and building setbacks will not adversely impact the community and that support the City’s economic development priorities.

Building Size Limitation

The following table shows the maximum building sizes in seven mixed use and industrial zone districts and that in six of the seven those limits can be exceeded with a conditional use permit:

Zone	Bldg Size	CUP Option
C-1	80,000	Yes
C-2	150,000	Yes
CSR	80,000	Yes
MU	150,000	Yes
BP	200,000	Yes
I-O	250,000	Yes
I-1	150,000	No

In the Light Industrial (I-1) zone district, there is no option to construct a building larger than 150,000 square feet. This limits potential commercial industry from locating in the I-1 zoned areas of the City.

Local Examples of Building Size

The Wal-Mart store at Rimrock Shopping Center in a Light Commercial (C-1) zone is approximately 214,000 square feet,



exceeding the maximum of 80,000 square feet by more than 2 ½ times, pursuant to a conditional use permit.

American Tire warehouse/distribution center located at 2139 Bond Street in a Light Industrial (I-1) zone is approximately 130,000 square feet in size. Even though the square footage does not exceed the maximum, it dwarfs the surrounding industrial buildings due to its height. From a planning perspective, building size is limited not only by a strict numerical dimensional standard, but also by other site requirements such as setbacks, parking, landscaping, site circulation, drainage mitigation and site



features required by the “big box” standards. It is my professional opinion that these other standards adequately prevent the building mass, scale of development and visual impacts, in each of the seven zone districts, such that the underlying values are adequately protected.

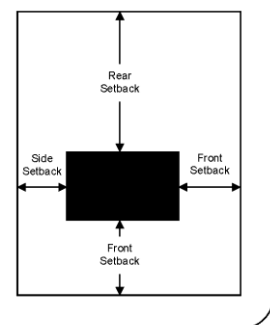
In addition, the maximum building size limit does not take into account the parcel/site size so there is little scientific justification for the standard. (See existing Bulk Standards table below.) A different maximum could easily be justified, as exemplified by the City’s past approval of conditional use permits for increased building size. There is a great deal of variation among the zoning codes of various cities in maximum building sizes, and these differences do not necessarily correspond to the population or location of the community. Having a strict building size limitation that is applied regardless of site considerations may discourage the construction of larger buildings or relocation of industrial or commercial land uses.

In addition, the Code’s “big box” standards already provide development standards addressing human scale, visual and aesthetic attributes for retail commercial structures over 50,000 square feet like shopping centers and large stores. However, these standards are not required for non-retail commercial buildings, and limiting the size, scale or mass of buildings is not a goal or policy of the City’s Comprehensive Plan. This tends to indicate that aesthetic considerations relating to mass and scale in non-retail commercial and industrial areas are not as important to the public as in the retail areas of these zones, where the big box standards are protective. In areas where the Community has defined a need for more aesthetics in commercial development there are existing standards that apply.

Therefore City staff proposes to eliminate maximum building sizes in these seven zone districts to help implement the Economic Development (ED) Plan and remove barriers to development. The proposed amendments permit any size building that, considering the size and topographic conditions of the site, conform to the remaining bulk standards including height restrictions, building setbacks (except note that some modifications to setback are also proposed; see below), parking areas, drainage facilities, landscaped areas, site circulation and “big box” standards.

Setbacks

There is some concern that residential uses could be adversely impacted by larger buildings in close proximity to residential uses. In the C-1, C-2, MU and I-1 zone districts there is already a requirement for an increase in the side yard setback to 10 feet when the property abuts a residential use. In order to protect the same interests in the other zone districts in which maximum building size is being eliminated, the proposed Code amendment includes adding a similar requirement in the other three zone districts (CSR, BP, I-O), while reducing the side setback to zero where the parcel does not abut residential. Also, the existing buffering standards further reduce the



potential negative impacts for large buildings abutting residential zones. No additional buffering/screening standards are being proposed at this time.

In addition, setbacks currently vary among the mixed use and industrial zone districts. The proposed amendments make the principal structure side- and rear-yard setbacks more consistent across the mixed use, commercial and light industrial zone districts. (No changes to *front* yard setbacks are proposed.)

Other Site Requirements that Regulate Building Size	
1. Landscaping	<ul style="list-style-type: none"> • Frontage – 14 ft. wide strip • Perimeter of Parking lots – 6 ft. wide strip • Interior in Parking lots – 8 ft. wide islands/140 sq. ft.
2. Parking	<ul style="list-style-type: none"> • Based on Land Use
3. Buffering Standards	
3. Onsite Drainage Facilities	<ul style="list-style-type: none"> • Water Quality and Quantity
4. Various Easements – Multi-purpose, Drainage, etc.	

The proposed Setback changes are:

- (1) Reduce the side yard setback in all the mixed use and light industrial zone districts except for R-O (Residential Office) to zero feet (thus allowing buildings to be constructed right to the side property line), except where the site abuts a residential use;
- (2) Make the rear setback consistently 10 feet is proposed for all zone districts except B-1 (Neighborhood Business). This reduces the rear yard setback in the MU, BP, and I-O Zone Districts from 25 to 10 feet;
- (3) Require a 10 feet side setback for principal structures abutting residential for all mixed use and industrial zone districts except R-O, B-2 and I-2;
- (4) Require a 5 feet side setback for accessory structures abutting residential in the CSR, BP, and I-O zone districts making this setback consistent with the other mixed use and industrial zone districts except R-O, B-2 and I-2 which have an accessory side setback of 3 feet for R-O and zero for the other two zone districts.

No changes in setbacks are proposed in the I-2 zone district. In addition, Staff and the Planning Commission considered and discussed reductions in setbacks in the residential office (R-O) and neighborhood business (B-1) zone districts. It was determined that they should not be included due to concerns over impacts on existing residential neighborhoods that generally surround areas zoned R-O or B-1. The purpose of the R-O zone district is to provide low intensity, nonretail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. Development regulations and performance standards are intended to make buildings compatible and complementary in scale and appearance to a residential environment. Eliminating the maximum size of buildings and reducing the building setback to a “commercial” building setback therefore does not support the intended purpose of the R-O zone District.

The B-1 zone district is to provide small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses; a balance of residential and nonresidential uses. Again eliminating maximum building size and reducing setbacks is not in keeping with the intent of the B-1 zone district.

The B-2 zone district is found only in downtown. It implements and supports the vision of the Greater Downtown Plan and Downtown Zoning Overlay District and promotes the vitality of the downtown area as described in the Comprehensive Plan. It includes

downtown retail, service, office and mixed uses. Pedestrian circulation is encouraged as are common parking areas. Since the existing setbacks and standards support the development found and desired in Downtown, no setback changes are proposed for the B-2 zone district.

The B-1 zone district is to provide small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses; a balance of residential and nonresidential uses. Again eliminating maximum building size and reducing setbacks is not in keeping with the intent of the B-1 zone district.

The B-2 zone district is found only in downtown. It implements and supports the vision of the Greater Downtown Plan and Downtown Zoning Overlay District and promotes the vitality of the downtown area as described in the Comprehensive Plan. It includes downtown retail, service, office and mixed uses. Pedestrian circulation is encouraged as are common parking areas. Since the existing setbacks and standards support the development found and desired in Downtown, no setback changes are proposed for the B-2 zone district.

EXISTING BULK STANDARDS SUMMARY TABLE

Zone District	Front	Side	Rear	Side	Accessory	Height	Maximum Stories	Minimum	Maximum Building Size
	Principal Setbacks	Structure	Abutting Res	Side abut Res	Lot Area Sq Ft				
R-O	20	5	10	n/a	n/a	40	3	5,000	10,000
B-1	20	0	15	10	5	40	3	10,000	15,000 Retail 30,000 Office
B-2	0	0	0	n/a	n/a	80	5	n/a	n/a
C-1	15	0	10	10	5	40	3	20,000	80,000
C-2	15	0	10	10	5	40	3	20,000	150,000
CSR	15	5	10	n/a	n/a	65	5	43,560	80,000
MU	15	15	25	10	5	65	5	43,560	150,000
BP	15	15	25	n/a	n/a	65	5	43,560	200,000
I-O	15	15	25	n/a	n/a	65	5	43,560	250,000
I-1	15	5	10	10	5	50	4	43,560	150,000
I-2	15	0	10	n/a	n/a	50	4	43,560	n/a

Note: Numbers/Letters in “Red” are proposed to change.

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

The proposed amendment is consistent with the following goals and policies of the Comprehensive Plan:

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Policy 3B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

Eliminating maximum building size and reducing minimum setbacks in zone districts where much of the community's commercial and industrial employment exists will allow for more intense development consisting of larger buildings and more of the lot being developable within these already zoned areas. This leads to the notion that the need to zone additional undeveloped lands to accommodate the community's need for commercial and industrial square footage will be lessened. For I-1 zoned properties the maximum size of a building potentially limits industry that needs buildings square footage greater than 150,000 square feet. Eliminating this maximum will create opportunities for business. The vision of the Comprehensive Plan is to become the most livable community west of the Rockies by 2025. Achieving this vision includes providing places for employment and preserving the rural and agricultural lands that surround our community today.

How this item relates to the Economic Development Plan:

Reducing required setbacks supports more flexibility in site layout and design; and eliminating maximum building size along with the Conditional Use Permit now required to increase building size, both support the City's 2014 Economic Development Plan. They support specifically Section 1.5 Supporting Existing Business: Streamline processes...while working within the protections that have been put in place through the Comprehensive Plan. Action Step: Be proactive and business friendly and review development standards and policies to ensure that they are complimentary and support the common mission.

Board or Committee Recommendation:

On June 9, 2015, the Planning Commission will hear this item and make a recommendation to City Council.

Financial Impact/Budget:

No financial impacts have been identified.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This proposed text amendment was discussed with Planning Commission at a Code workshop.

Findings of Fact/Conclusions

After reviewing the proposed Zoning and Development Code amendments to rear- and side-yard setbacks in the CSR, MU, BP, I-O, and I-1 zone districts and eliminating maximum building sizes in the C-1, C-2, CSR, MU, BP, I-0, and I-1 zone districts; and Remove the Requirement for a Conditional Use Permit to Increase Building Sizes, the following findings of fact and conclusions have been determined:

1. The proposed amendments are consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendments will help implement the vision, goals and policies of the Comprehensive Plan.
3. The reasons for the proposed amendments are as addressed in the staff report.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission forward a recommendation of approval of the requested amendment to the Zoning and Development Code regarding maximum building size and setbacks ordinance, File number ZCA-2015-11, to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on Code amendment ZCA-2015-114, I move that the Planning Commission forward a recommendation of approval of the requested amendment to the Zoning and Development Code regarding maximum building size and setbacks ordinance, Chapter 21 of the Grand Junction Municipal Code with the findings of fact, conclusions, and conditions listed in the staff report.

Attachments:

1. Proposed Ordinance

CITY OF GRAND JUNCTION, COLORADO**ORDINANCE NO. _____****AN ORDINANCE AMENDING SECTIONS 21.03.070(d), (e), (f), (g), (h) and 21.03.080(a), (b) OF THE ZONING AND DEVELOPMENT CODE (TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE) REGARDING MAXIMUM BUILDING SIZE AND SETBACKS****Recitals:**

This ordinance amends the Title 21 of the Grand Junction Municipal Code (known as the Zoning and Development Code), by reducing principal structure side and rear setbacks, and accessory structure side yard setbacks so they are uniform across the C-1, C-2, CSR, MU, BP, I-O and I-1 Zone Districts and eliminating maximum building size in these districts including eliminating the requirement of a conditional use permit to exceed a maximum building size in these zone districts. This allows site features and other zoning bulk standards to limit the maximum size of a building relative to the property size, and provides developers and property owners with more flexibility in the use of land without significantly compromising the purposes that underlie building size limits.

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions.

The City Council has also recently developed an Economic Development Plan and desires that the zoning and development code be reviewed and amended where necessary and possible to facilitate economic development.

The amendments enhance the effectiveness of the Code and its responsiveness to changing business practices and community expectations and implement the Economic Development Plan by removing unnecessary barriers to development and business expansion and streamlining development review processes.

After public notice and a public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended adoption of the proposed amendments, finding the proposed amendments consistent with the vision, goals and policies of the Comprehensive Plan.

Following public notice and a public hearing as required by applicable law, the Grand Junction City Council finds and determines that the proposed amendments implement the vision, goals and policies of the Comprehensive Plan, and that they are in the best interest of the community and its citizens, and should be adopted.

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

Subsections 21.03.070(d), (e), (f), (g), (h) are amended to as follows (deletions struck through, additions underlined):

21.03.070 Mixed Use Districts.

(d) C-1: Light Commercial.

Primary Uses		
Offices, Retail, Services See GJMC 21.04.010, Use Table		
Lot		
Area (min. sq. ft.)		20,000
Width (min. ft.)		50
Frontage (min. ft.)		n/a
Setback	Principal	Accessory
Front (min. ft.)	15	25
Side (min. ft.)	0	0
Side abutting residential (min. ft.)	10	5
Rear (min. ft.)	10 (0 alley)	10 (0 alley)
Bulk		
Lot Coverage (max.)		n/a
Height (max. ft.)		40*
Height (max. stories)		3
Density (min.)		12 units/acre
Density (max.)		24 units/acre
Building Size (max. sf)		<u>n/a</u> 80,000 unless a CUP is

- (1) Purpose. To provide indoor retail, service and office uses requiring direct or indirect arterial street access, and business and commercial development along arterials. The C-1 district should accommodate well-designed development on sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for orderly transitions and buffers between uses.
- (2) Street Design. Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

- (3) Performance Standards.
 - (i) Service Entrances. Building entrances to service yard and loading areas shall be located only in the rear and side yard.
 - (ii) Outdoor Storage and Display. Outdoor storage and permanent display areas shall only be allowed in the rear half of the lot, beside or behind the principal structure except when a CUP has been issued. Portable display of retail merchandise may be permitted subject to this code.
- (4) Height*. Maximum height for structures in the C-1 and I-O zone districts which are north of G Road and east of 27 Road along Horizon Drive and north of G Road (including Crossroad Boulevard and Horizon Court) shall be 65 feet, except by special permit for additional height.

(e) C-2: General Commercial.

Primary Uses		
General Retail and Services See GJMC 21.04.010, Use Table		
Lot		
Area (min. sq. ft.)		20,000
Width (min. ft.)		50
Frontage (min. ft.)		n/a
Setback	Principal	Accessory
Front (min. ft.)	15	25
Side (min. ft.)	0	0
Side abutting residential (min. ft.)	10	5
Rear (min. ft.)	10	10
Bulk		
Lot Coverage (max.)		n/a
Height (max. ft.)		40
Height (max. stories)		3
Building Size (max. sf)		<u>n/a</u> 150,000 unless a CUP is

- (1) Purpose. To provide for commercial activities such as repair shops, wholesale businesses, warehousing and retail sales with limited outdoor display of goods and even more limited out- door operations.
- (2) Street Design. Effective and efficient street design and access shall be considerations in the determination of project/district intensity.
- (3) Performance Standards. Outdoor storage and display areas are not allowed within the front yard setback. Permanent and portable display of retail merchandise is permitted.

(f) CSR: Community Services and Recreation.

Primary Uses		
Parks, Open Space, Schools, Libraries, Recreational Facilities See GJMC 21.04.010, Use Table		
Lot		
Area (min. acres)		1
Width (min. ft.)		100
Frontage (min. ft.)		n/a
Setback	Principal	Accessory
Front (min. ft.)	15	25
Side (min. ft.)	<u>50</u>	5
Side abutting residential (min. ft.)	10	5
Rear (min. ft.)	10	5
Lot Coverage (max.)		n/a
Height (max. ft.)		65
Height (max. stories)		5
Height abutting residential (max. ft.)		40
Building Size (max. sf)	<u>n/a</u> 80,000 unless a CUP is	

- (1) Purpose. To provide public and private recreational facilities, schools, fire stations, libraries, fairgrounds, and other public/institutional uses and facilities. The district would include open space areas, to prevent environmental damage to sensitive areas, and to limit development in areas where police or fire protection, protection against flooding by stormwater, or other services or utilities are not readily available. The CSR district would include outdoor recreational facilities, educational facilities, open space corridors, recreational, nonvehicular transportation, environmental areas and would be interconnected with other parks, trails and other recreational facilities. The district may also be used for public property, environmentally sensitive lands, and extractive uses (gravel pits) regardless of the land use designation.
- (2) Performance Standards. Development shall conform to the standards established in this code. Outdoor storage areas shall comply with the standards in GJMC 21.04.040(h), except those associated with extractive uses, in which case no screening shall be required for an extractive use unless required by Chapter 21.04 or 21.06 GJMC in order to buffer from neighborhood uses or zones.

(g) M-U: Mixed Use.

Primary Uses		
Employment, Residential, Limited Retail, Open Space See GJMC 21.04.010, Use Table		
Lot		
Area (min. acres)		1
Width (min. ft.)		100
Frontage (min. ft.)		n/a
Setback	Principal	Accessory
Front (min. ft.)	15	25
Side (min. ft.)	150	15
Side abutting residential zone (min. ft.)	10	5
Rear (min. ft.)	25	25
Bulk		
Lot Coverage (max.)		n/a
Height (max. ft.)		65
Height (max. stories)		5
Density (min.)		8 units/acre
Density (max.)		24 units/acre
Building Size (max. sf)		n/a 150,000 unless a CUP is

- (1) Purpose. To provide for a mix of light manufacturing and office park employment centers, retail, service and multifamily residential uses with appropriate screening, buffering and open space and enhancement of natural features and other amenities such as trails, shared drainage facilities, and common landscape and streetscape character.
- (2) Performance Standards. Development shall conform to the standards established in this code.
 - (i) Refer to any applicable overlay zone district and/or corridor design standards and guidelines.
 - (ii) Loading/Service Areas. Loading docks and trash or other service areas shall be located only in the side or rear yards.
 - (iii) Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards and Hazardous Materials. No person shall occupy, maintain or allow any use in an M-U district without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials. Conditional use permits for uses in this district may establish higher standards and conditions.

- (A) Vibration. Except during construction or as authorized by the City, an activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel shall not be permitted.
 - (B) Noise. The owner and occupant shall regulate uses and activities on the property so that sound never exceeds 65 decibels at any point on the property line.
 - (C) Glare. Lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.
 - (D) Solid and Liquid Waste. All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor. Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.
 - (E) Hazardous Materials. Information and materials to be used or located on the site whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including the site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director.
- (iv) Outdoor Storage and Display. Outdoor storage shall only be located in the rear half of the lot. Permanent display areas may be located beside or behind the principal structure. For lots with double or triple frontage the side and rear yards that are to be used for permanent display areas shall be established with site plan approval. Portable display of retail merchandise may be permitted as provided in Chapter 21.04 GJMC.

(h) BP: Business Park Mixed Use.

Primary Uses		
Employment, Light Manufacturing, Multifamily, Commercial Services See GJMC 21.04.010, Use Table		
Lot		
Area (min. acres)		1
Width (min. ft.)		100
Frontage (min. ft.)		n/a
Setback	Principal	Accessory
Front (min. ft.)	15	25
Side (min. ft.)	<u>45</u> ₀	15
Side abutting residential (min. ft.)	10	
<u>5</u>		
Rear (min. ft.)	<u>25</u> ₁₀	25
Lot Coverage (max.)		n/a
Height (max. ft.)		65
Height (max. stories)		5
Density (min.)		8 units/acre
Density (max.)		24 units/acre
Building Size (max. sf)		<u>n/a</u> 200,000 unless a CUP is

- (1) Purpose. To provide for a mix of light manufacturing and employment centers, limited commercial services, and multifamily residential uses in a business park setting with proper screening and buffering, all compatible with adjoining uses.
- (2) Street Design. Effective and efficient street design and access shall be considerations in the determination of project/district intensity.
- (3) Performance Standards.
 - (i) Loading Docks. Loading docks shall be located only in the side or rear yards.
 - (ii) Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards and Hazardous Materials. No person shall occupy, maintain or allow any use in a BP district without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials. Conditional use permits for uses in this district may establish higher standards and conditions.

- (A) Vibration. Except during construction or as authorized by the City, an activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel shall not be permitted.
 - (B) Noise. The owner and occupant shall regulate uses and activities on the property so that sound never exceeds 65 decibels at any point on the property line.
 - (C) Glare. Lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.
 - (D) Solid and Liquid Waste. All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor. Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.
 - (E) Hazardous Materials. Information and materials to be used or located on the site, whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director.
- (iii) Outdoor Storage and Display. Outdoor storage shall only be located in the rear half of the lot. Permanent display areas may be located beside or behind the principal structure. For lots with double or triple frontage the side and rear yards that are to be used for permanent display areas shall be established with site plan approval. Portable display of retail merchandise may be permitted as provided in GJMC 21.04.040(h).

(Ord. 4623, 2-19-14; Ord. 4419, 4-5-10)

All other parts of Section 21.03.070 shall remain in full force and effect.

Subsections 21.03.080(a), (b) and the Mixed Use and Industrial District Summary Table at the end of Section 21.03.080 are amended to as follows (deletions struck through, additions underlined):

21.03.080 Industrial districts.

(a) I-O: Industrial/Office Park.

Primary Uses		
Light Manufacturing, Office, Commercial Services See GJMC 21.04.010, Use Table		
Lot		
Area (min. acres)		1
Width (min. ft.)		100
Frontage (min. ft.)		n/a
Setback	Principal	Accessory
Front (min. ft.)	15	25
Side (min. ft.)	<u>45</u>	15
<u>Side abutting residential</u> (min.ft.)		10
		<u>5</u>
Lot Coverage (max.)		n/a
Height (max. ft.)		65
Height (max. stories)		5
Building Size (max. sf)		<u>n/a 250,000 unless a CUP is-</u>

- (1) Purpose. To provide for a mix of light manufacturing uses, office park, limited retail and service uses in a business park setting with proper screening and buffering, all compatible with adjoining uses.
- (2) Street Design. Effective and efficient street design and access shall be considerations in the determination of project/district intensity
- (3) Performance Standards.
 - (i) Retail Sale Area. Areas devoted to retail sales shall not exceed 10 percent of the gross floor area of the principal structure, and 5,000 square feet on any lot or parcel.
 - (ii) Loading Docks. Loading docks shall be located only in the side or rear yards.
 - (iii) Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards and Hazardous Materials. No person shall occupy, maintain or allow any use in an I-O district without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire

hazards and hazardous materials. Conditional use permits for uses in this district may establish higher standards and conditions.

- (A) Vibration. Except during construction or as authorized by the City, an activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel shall not be permitted.
 - (B) Noise. The owner and occupant shall regulate uses and activities on the property so that sound never exceeds 65 decibels at any point on the property line.
 - (C) Glare. Lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.
 - (D) Solid and Liquid Waste. All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor. Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.
 - (E) Hazardous Materials. Information and materials to be used or located on the site, whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director.
- (iv) Outdoor Storage and Display. Outdoor storage and permanent display areas may be located beside or behind the principal structure. For lots with double or triple frontage the side and rear yards that are to be used for permanent display areas shall be established with site plan approval. Portable display of retail merchandise may be permitted as provided in GJMC 21.04.040(h).

(b) I-1: Light Industrial.

Primary Uses		
Manufacturing, Office, Commercial Services See GJMC 21.04.010, Use Table		
Lot		
Area (min. acres)		1
Width (min. ft.)		100
Frontage (min. ft.)		n/a
Setback	Principal	Accessory
Front (min. ft.)	15	25
Side (min. ft.)	<u>50</u>	5
Side abutting residential (min. ft.)	10	5
Rear (min. ft.)	10	10
Bulk		
Lot Coverage (max.)		n/a
Height (max. ft.)		50
Height (max. stories)		4
Building Size (max. sf)		<u>n/a</u> 150,000

- (1) Purpose. To provide for areas of light fabrication, manufacturing and industrial uses which are compatible with existing adjacent land uses, access to transportation and the availability of public services and facilities. I-1 zones with conflicts between other uses can be minimized with orderly transitions of zones and buffers between uses.
- (2) Street Design. Effective and efficient street design and access shall be considerations in the determination of project/district intensity.
- (3) Performance Standards.
 - (i) Retail Sale Area. Areas devoted to retail sales shall not exceed 10 percent of the gross floor area of the principal structure, and 5,000 square feet on any lot or parcel.
 - (ii) Loading Docks. Loading docks shall be located only in the side or rear yards.
 - (iii) Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards and Hazardous Materials. No person shall occupy, maintain or allow any use in an I-1 district without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials. Conditional use permits for uses in this district may establish higher standards and conditions.

- (A) Vibration. Except during construction or as authorized by the City, an activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel shall not be permitted.
 - (B) Noise. The owner and occupant shall regulate uses and activities on the property so that sound never exceeds 65 decibels at any point on the property line.
 - (C) Glare. Lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.
 - (D) Solid and Liquid Waste. All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor. Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.
 - (E) Hazardous Materials. Information and materials to be used or located on the site, whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director.
- (iv) Outdoor Storage and Display. Portable display of retail merchandise may be permitted as provided in GJMC 21.04.040(h).
- (A) Outdoor storage and displays shall not be allowed in the front yard setback;
 - (B) Screening shall be maintained in the frontage adjacent to arterial and collector streets and along that portion of the frontage on local streets which adjoin any zone except I-1 or I-2;
 - (C) Unless required to buffer from an adjoining district, screening along all other property lines is not required; and
 - (D) Screening of dumpsters is not required.

Mixed Use and Industrial District Bulk Standards Summary Table

	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2
Lot											
Area (min. ft. unless otherwise specified)	5,000	10,000	n/a	20,000	20,000	1 ac	1 ac	1 ac	1 ac	1 ac	1 ac
Width	50	50	n/a	50	50	100	100	100	100	100	100
Frontage	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Setback											
Principal structure											
Front (min. ft.)	20	20	0	15	15	15	15	15	15	15	15
Side (min. ft.)	5	0	0	0	0	5 0	15 0	15 0	15 0	5 0	0
Side – abutting residential (min. ft.)	n/a	10	n/a	10	10	n/a 10	10	0 n/a	n/a 10	10	n/a
Rear (min. ft.)	10	15	0	10	10	10	25 10	25 10	25 10	10	10
Accessory structure											
Front (min. ft.)	25	25	25	25	25	25	25	25	25	25	25
Side (min. ft.)	3	0	0	0	0	5	15	15	15	5	0
Side – abutting residential (min. ft.)	n/a	5	n/a	5	5	n/a 5	5	n/a 5	n/a 5	5	n/a
Rear (min. ft.)	5	15	0	10	10	5	25	25	25	10	10
<u>Bulk-Other Dimensional Requirements</u>											
Lot Coverage (max.)	70%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Height (max. ft.)	40	40	80	40	40	65	65	65	65	50	50
Height (max. ft.)	3	3	5	3	3	5	5	5	5	4	4
Density (min. units per acre)	4	8	8	12	n/a	n/a	8	8	n/a	n/a	n/a
Density (max. units per acre)	n/a	16	n/a	24	n/a	n/a	24	24	n/a	n/a	n/a

Notes

- B-1:** Max. building size varies by use; retail – 15,000 sf (unless a CUP is approved), office 30,000
- B-2:** Parking setback for principal structure – 30 ft., for accessory 6 ft.; first floor min. height – 15 ft.
- C-1:** Min. rear setback – 0 if an alley is present; ~~building size max. – 80,000 sf unless a CUP is approved~~
- C-2:** ~~Building size max. – 150,000 sf unless a CUP is approved~~
- CSR:** ~~Building size max. – 80,000 sf unless a CUP is approved~~
- M-U:** ~~Building size max. – 150,000 sf unless a CUP is approved~~
- BP:** ~~Building size max. – 200,000 sf unless a CUP is approved~~
- I-O:** ~~Building size max. – 250,000 sf unless a CUP is approved~~

All other parts of Section 21.03.080 shall remain in full force and effect.



Date: May 20, 2015
 Author: Scott D. Peterson
 Title/ Phone Ext: Senior
Planner/1447
 Proposed Schedule: June 9,
2015
 File #: CUP-2015-62

Attach 5

PLANNING COMMISSION AGENDA ITEM

Subject: Cray Valley Conditional Use Permit (CUP), Located at 561 24 1/4 Road
Action Requested/Recommendation: Consider a request for a Conditional Use Permit to construct a storage building along with two outside industrial tank areas for flammable materials storage on 3.53 +/- acres in an I-2 (General Industrial) zone district.
Presenters Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

The applicant, Ricon Resin Inc., requests approval of a Conditional Use Permit (CUP) to construct a storage building along with two outside industrial tank areas for flammable materials storage in accordance with Section 21.02.110 of the Zoning and Development Code.

Background, Analysis and Options:

The applicant currently owns two properties located at the intersection of Riverside Parkway and 24 1/4 Road. The company, Cray Valley, provides hydrocarbon resins and rubber coagents. These products are used as raw materials for adhesives, rubber and other applications. The subject property (Lot 2, Blue Heron Industrial Park) consists of 3.53 +/- acres, contains a 10,000 gallon industrial storage tank and tank truck loading area that was reviewed and approved in January 2012 (SPN-2012-16). The property owner now wishes to expand the use of this property in order to store hazardous/flammable materials within a proposed 1,950 sq. ft. building and also within two separate outside industrial storage tank areas (see attached Site Plan) that will be constructed over three phases. Hazardous occupancy/materials storage requires a CUP within the I-2 (General Industrial) zone district in accordance with Section 21.04.010 of the Zoning and Development Code. All adjacent properties are zoned I-2.

The applicant is proposing to store styrene, a flammable liquid, in a tank located in the proposed styrene storage area as identified on the Site Plan. This storage area will have sufficient space for three (3) additional similarly sized tanks. It is expected that these future tanks will also store flammable liquids (potential chemicals are heptane, toluene or xylene). 1,3-butadiene, also flammable will be stored in two (2) tanks in the proposed

BD storage area as identified on the Site Plan. This storage area will have sufficient space for one (1) additional similarly sized BD storage tank. The flammable liquids that

could be stored in drums or totes in the proposed Storage Building as identified on the Site Plan are heptane, styrene, tetrahydrofuran, toluene and xylene.

The City Fire Department has reviewed the proposed application and has no objection to the site as long as the application meets the 2012 International Fire Code (IFC) Chapter 50 Hazardous Materials and Chapter 57 Flammable and Combustible liquids. The Mesa County Building Department also has no objections to the proposed application as long as the project meets all Building and Fire Code issues. Complete review of project by the City Fire Department and Mesa County Building Department will be done prior to Building Permit issuance. The applicant has been working closely with representatives from these two agencies providing emergency response plans to help define the risks in the event of a fire. The project site will require the use of foaming agents to address fire concerns along with liquid containment berms surrounding the tank areas.

A portion of the site is located within the flood plain and will be required to obtain all applicable flood plain certificates prior to Planning Clearance issuance for each phase of development.

The applicant is proposing to develop the site in three (3) phases as identified on the submitted Site Plan. It is anticipated that proposed Phases 1 & 3 will be constructed and developed in 2015 or early 2016 with Phase 2, the construction of the storage building to be delayed until 2016 or 2017. The applicant requests CUP approval until December 31, 2018 in order complete all three phases of the Site Plan application in accordance with Section 21.02.080 (n) (2) (i) of the Zoning and Development Code. Phase 1 is to be completed by December 31, 2016.

The applicant's main property adjacent to the north (569 24 1/4 Road - Lot 1, Blue Heron Industrial Park) currently does not have a Conditional Use Permit to allow the storage of flammable materials. However, flammable materials have been and are presently being stored at the site since the mid 1980's under different company and ownership names. Applicant is aware that any future expansion of this property and site will require the applicant to obtain a Conditional Use Permit for flammable materials storage and bring the site up to current Codes regarding non-conforming sites at that time.

Conditional Use Permit:

Conditional Uses are not uses by right, it is one that is otherwise prohibited within a given zone district without approval of a Conditional Use Permit. A Conditional Use Permit, once the use is established, runs with the land and remains valid until the property changes use or the use is abandoned and/or non-operational for a period of twelve (12) consecutive months. Failure to develop or establish such use accordingly is sufficient grounds to revoke the permit.

Neighborhood Meeting:

The applicant held a Neighborhood Meeting on December 18, 2014 to discuss the proposed application. Four adjacent property owners attended the meeting along with

the City Project Manager. After a brief explanation of the project by the applicant, the property owners in attendance were supportive of the application.

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

The site is currently zoned I-2 (General Industrial) with the Comprehensive Plan Future Land Use Map identifying this area as Industrial. The Cray Valley Conditional Use Permit application meets the Comprehensive Plan by being a regional provider of goods and services in supporting of a healthy and diverse economy.

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

Policy A. Through the Comprehensive Plan's policies the City and County will improve as a regional center of commerce, culture and tourism.

Policy B. The City and County will provide appropriate commercial and industrial development opportunities.

Economic Development Plan:

The purpose of the adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees. The proposed Conditional Use Permit for Cray Valley meets with the goal and intent of the Economic Development Plan by supporting an existing business/company within the community as its expands their present site along with the possible opportunity to provide additional jobs.

Board or Committee Recommendation:

N/A.

Financial Impact/Budget:

No direct financial impact on the City budget for this item.

Previously presented or discussed:

This proposal has not been previously discussed.

Attachments:

1. Staff report/Background information
2. Site Location Map / Aerial Photo Map
3. Comprehensive Plan Future Land Use Map / Existing Zoning Map
4. Site Plan
5. Landscaping Plan

BACKGROUND INFORMATION					
Location:		561 24 1/4 Road			
Applicant:		Ricon Resins Inc., Owner Austin Civil Group Inc., Representative			
Existing Land Use:		Industrial			
Proposed Land Use:		Industrial building and tanks for flammable materials storage			
Surrounding Land Use:	North	Industrial			
	South	Industrial			
	East	Industrial			
	West	Industrial			
Existing Zoning:		I-2 (General Industrial)			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	I-2 (General Industrial)			
	South	I-2 (General Industrial)			
	East	I-2 (General Industrial)			
	West	I-2 (General Industrial)			
Future Land Use Designation:		Industrial			
Zoning within density range?		X	Yes		No

Section 21.02.110 of the Grand Junction Zoning and Development Code:

To obtain a Conditional Use Permit, the Applicant must demonstrate compliance with the following criteria:

- (1) *Site Plan Review Standards. All applicable site plan review criteria in Section 21.02.070(g) of the Grand Junction Zoning and Development Code and conformance with the SSID (Submittal Standards for Improvements and Development), TEDS (Transportation Engineering Design Standards) and SWMM (Stormwater Management) Manuals.*

The proposed site plan is in conformance with the Comprehensive Plan and Section 21.02.070(g) of the Zoning and Development Code. Proposed landscaping, drainage, access, dimensional, bulk and performance standards are all in conformance with the Zoning and Development Code, the SSID, SWMM and the TEDS Manuals.

Therefore, this criterion has been met.

(2) District Standards. The underlying zoning districts standards established in Chapter [21.03](#) Zoning and Development Code, except density when the application is pursuant to [21.08.020\(c\)](#) [nonconformities];

“All Other Industrial Service, Including Hazardous Occupancy per the International Fire Code or International Building Code” requires a CUP within the I-2 zone district. The underlying zone district’s performance standards established in Section 21.03.080 (c) of the Zoning and Development Code are also in compliance with this application.

Upon approval of the requested CUP, this criterion will be met.

(3) Specific Standards. The use-specific standards established in Chapter [21.04](#) GJMC;

“All Other Industrial Service, Including Hazardous Occupancy per the International Fire Code or International Building Code” requires a CUP within the I-2 zone district. All use-specific requirements for this request as stated in Chapter 21.04 of the Zoning and Development Code are in compliance with this application. Proposed storage tanks will be affixed to the ground and classified as a “structure,” so therefore opaque screening of the fence would not be required per the Zoning and Development Code for outdoor storage and display areas (Section 21.04.040 (h) (2) (v) of the Zoning and Development Code) and also referenced in the definition of “structure” in Section 21.10.020 of the Zoning and Development Code.

Therefore, this criterion has been met.

(4) Availability of Complementary Uses. Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.

The property is located south of the Riverside Parkway and west of 24 1/4 Road in an existing industrial area. A short distance to the west is Redlands Parkway, 24 Road and Highway 6 & 50 for easy truck access to I-70. The property also contains a rail spur. To the north is Mesa Mall and area restaurants, etc. Community Hospital is also presently under construction and close by along G Road along with associated medical facilities in cases of a medical emergency.

Therefore, this criterion has been met.

- (5) *Compatibility with Adjoining Properties. Compatibility with and protection of neighboring properties through measures such as:*

(i) Protection of Privacy. The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;

All adjacent properties are zoned I-2 which do not require any additional screening or buffering between properties. There are no residential properties nearby. The property is surrounded by an existing 6' tall chain-link fence to provide security for the facility.

Therefore, this criterion has been met.

(ii) Protection of Use and Enjoyment. All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;

The site provides efficient access and appropriate screening and landscaping as required by City regulations protecting the use and enjoyment of adjoining properties.

Therefore, this criterion has been met.

(iii) Compatible Design and Integration. All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include; buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

The proposed development will not adversely impact the adjacent industrial area as all required International Fire and Building Codes will be met for the project. Because this property is adjacent or near transportation corridors, is presently zoned I-2 (General Industrial) and is in close proximity to existing industrial uses, the proposed use will coexist in a harmonious manner with nearby existing and anticipated development.

Therefore, this criterion has been met.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Cray Valley CUP application, CUP-2015-62, request for a Conditional Use Permit, the following findings of fact, conclusions and conditions have been determined:

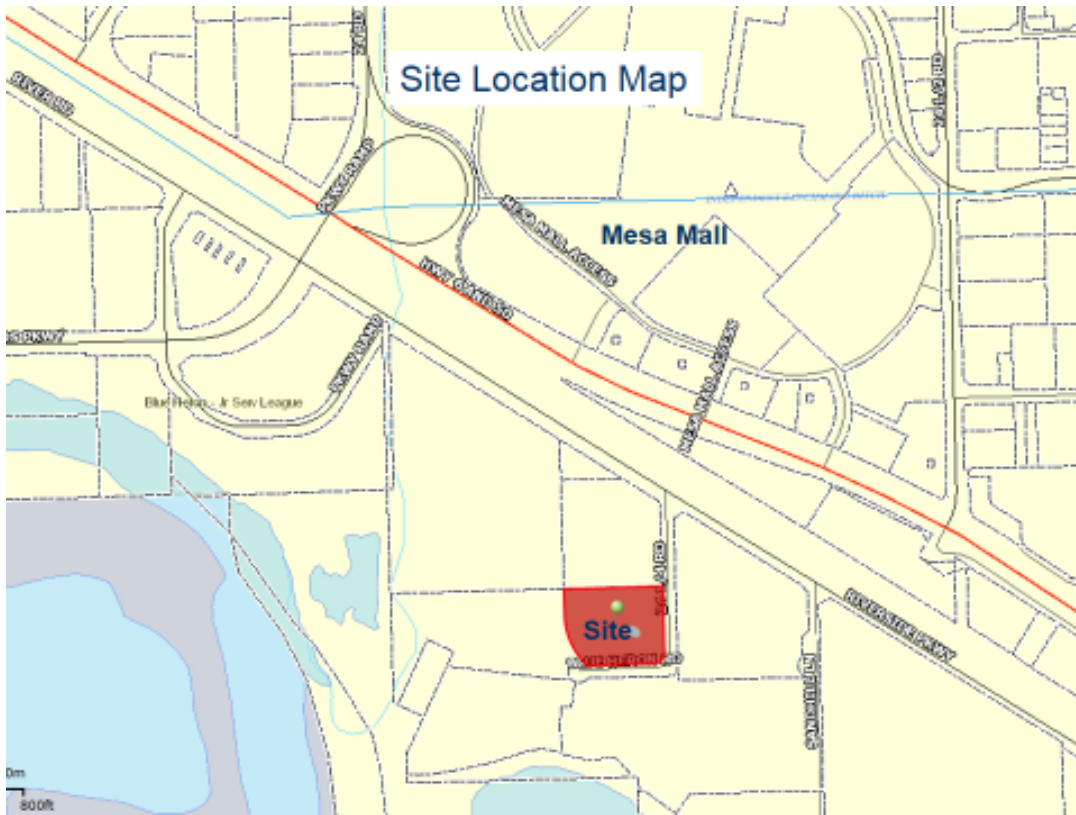
1. The requested Conditional Use Permit is consistent with the Comprehensive Plan and with the goal and polices of the Comprehensive Plan, specifically, Goal 12.
2. The review criteria, items 1 through 5 in Section 21.02.110 of the Grand Junction Zoning and Development Code have all been met.
3. Applicant shall be responsible for meeting all conditions as required with the separate approval of the Site Plan application regarding phasing timelines, obtaining flood plain certificates and meeting all requirements of the City Fire Department and Mesa County Building Department as applicable from the International Fire and Building Codes for the storage of hazardous/flammable materials and obtaining all required permits.
4. Phase 1 shall be completed no later than December 31, 2016.
5. This Conditional Use Permit shall be approved until December 31, 2018. At which time all three phases shall be completed.

STAFF RECOMMENDATION:

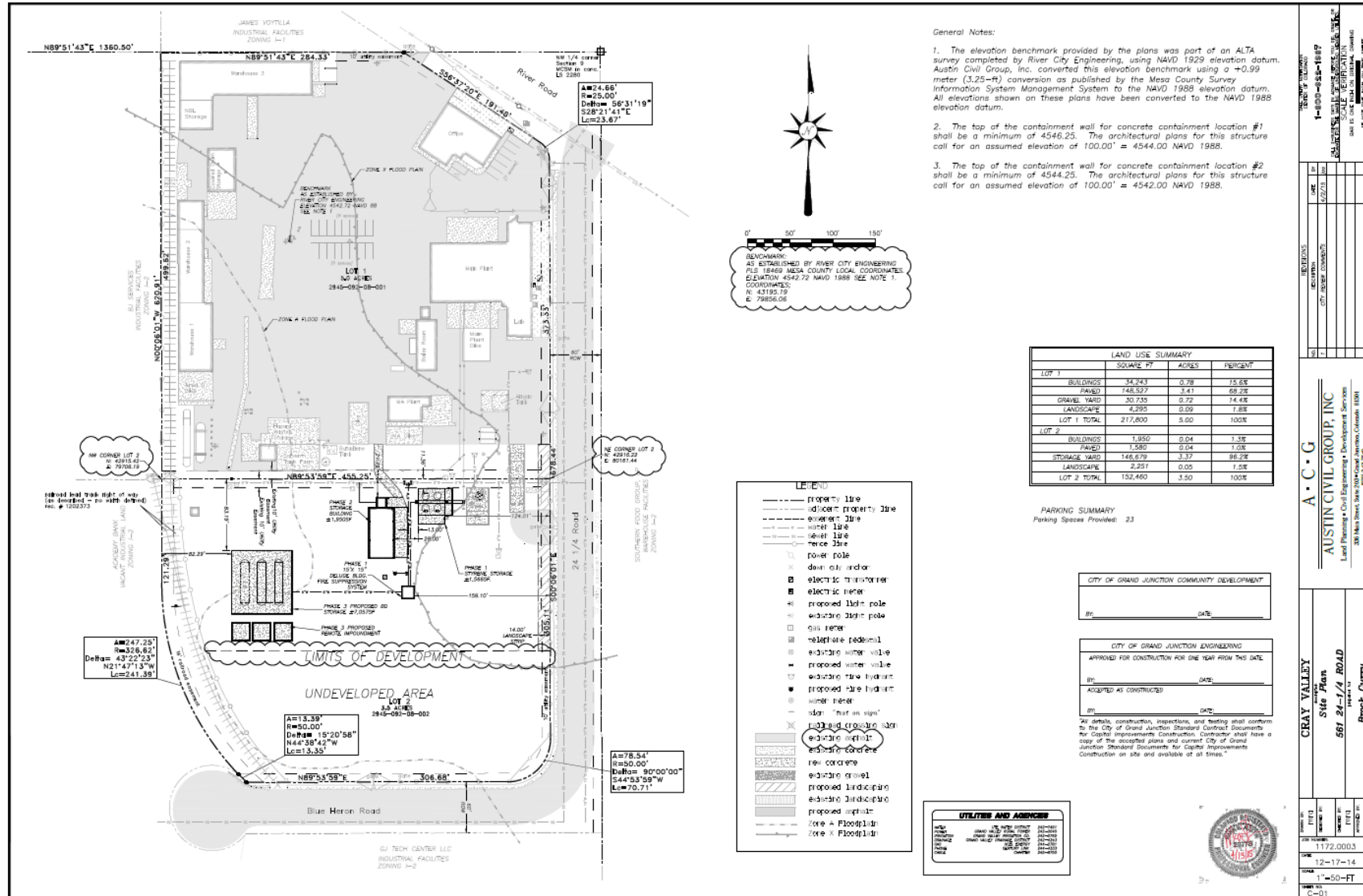
I recommend that the Planning Commission approve the requested Conditional Use Permit for the storage of hazardous/flammable materials storage with the findings of fact, conclusions and conditions as defined in the staff report.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on the request for a Conditional Use Permit, City file number CUP-2015-62, I move that the Planning Commission approve the Conditional Use Permit with the findings of fact, conclusions and conditions listed in the staff report.









Date: May 18, 2015
 Author: Senta Costello
 Title/ Phone Ext: Senior Planner / x1442
 Proposed Schedule: June 9, 2015
 File # (if applicable): CUP-2015-191

Attach 6

PLANNING COMMISSION AGENDA ITEM

Subject: Verizon Telecommunications Tower – Conditional Use Permit located at 2115 Grand Avenue
Action Requested/Recommendation: Approval of a Conditional Use Permit for a new 60’ monopole telecommunication tower.
Presenter(s) Name & Title: Senta Costello, Senior Planner

Executive Summary:

The applicant is requesting approval of a Conditional Use Permit to construct a new 60’ telecommunication tower on 8.244 acres in a C-2 (General Commercial) zone district.

Background, Analysis and Options:

The property consists of two parcels and was annexed in 1958 as the School District 51 Annexation and 1969 as part of the East Grand Annexation.

The applicant has requested a Conditional Use Permit to construct a new telecommunication facility which includes a 60’ monopole tower and ground support equipment. The new tower is designed to hold the equipment for Verizon and one additional carrier.

Neighborhood Meeting:

A neighborhood meeting was held April 22, 2015. No one attended the neighborhood meeting other than the applicant and staff.

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

This item implements the following Goals and Policies of the Comprehensive Plan:

Goal 1: To implement the Comprehensive Plan in a consistent manner between the City, Mesa County and other service providers.

Policy A: City and County land use decisions will be consistent with the Comprehensive Plan Future Land Use Map.

The current zone district on the property is C-2 which is consistent with the Future Land Use designation of Commercial. Telecommunication Facilities are an allowed use in the C-2 zone district with a Conditional Use Permit.

How this item relates to the Economic Development Plan:

This request relates to the following Goal and Action Step of the Economic Development Plan:

Goal: Support and facilitate access and expansion of important technological infrastructure in the city.

Action Step – Continue to map cell phone coverage and work with service providers to address deficiencies.

The applicant has provided documentation showing this area has a gap in coverage and how this proposed tower will help fill that gap.

Board or Committee Recommendation:

There is no committee or board recommendation.

Financial Impact/Budget:

There will not be a financial impact

Legal issues:

Federal law and Federal Communications Commission (FCC) regulations pre-empt some aspects of local government land use authority relating to siting of new telecommunications towers. Please keep in mind the following federal rules when rendering your decision:

1. Local governments must render a final decision on an application for a new telecommunications tower within 150 days of the date the application is submitted (or, if the application is incomplete, within the date the application is made complete). FCC 2009 Declaratory Ruling.
2. The decision must be in writing and must be based on substantial evidence in the record. Section 704 of the Telecommunications Act of 1996 (47 USC §332(c)(7)).
3. Pursuant to Section 704 of the Telecommunications Act of 1996 (47 USC §332(c)(7)), a local government decision on a new telecommunications tower cannot:

- a. be based on concerns regarding impacts of electromagnetic signals or radio frequency radiation on human health (these determinations are pre-empted by and governed by FCC regulations);
- b. prohibit or have the effect of prohibiting personal wireless services;
- c. unreasonably discriminate among providers of functionally equivalent services.

These federal regulations may impact the application of the spacing and setback requirements. Building and safety code provisions can still be applied.

Other issues:

No other issues have been identified.

Previously presented or discussed:

Request has not been presented or discussed.

Attachments:

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Existing Zoning Map
General Project Report
Site Plan
Simulation
Coverage Map/Analysis

BACKGROUND INFORMATION			
Location:	2115 Grand Ave		
Applicants:	Owner: Mesa Co School District #51 – Phil Onofrio Applicant: Verizon Wireless – Chad Weber Representative: Black & Veatch – Jeff Sherer		
Existing Land Use:	Mesa Co School District #51 offices and maintenance facilities center		
Proposed Land Use:	Telecommunications Tower and support equipment		
Surrounding Land Use:	North	Vacant, Multifamily and Single-Family Residential	
	South	Commercial	
	East	Commercial and Single-Family Residential	
	West	Single-Family Residential	
Existing Zoning:	C-2 (General Commercial)		
Proposed Zoning:	No change proposed		
Surrounding Zoning:	North	B-1 (Neighborhood Business); R-16 (Residential 16 du/ac); R-8 (Residential 8 du/ac)	
	South	C-2 (General Commercial)	
	East	C-2 (General Commercial); R-O (Residential Office)	
	West	R-8 (Residential 8 du/ac)	
Future Land Use Designation:	Commercial		
Zoning within density range?	X	Yes	No

ANALYSIS:

Section 21.02.110 of the Grand Junction Municipal Code

Please see the attached General Project Report from the Applicant’s representative for their responses to the Conditional Use Permit.

To obtain a Conditional Use Permit, the Applicant must demonstrate compliance with the following criteria:

- (1) All applicable site plan review criteria in Section 21.02.070(g) of the Grand Junction Municipal Code (GJMC) and conformance with the SSID, TEDS and SWMM Manuals.

The applicant is showing that the site plan review criteria will be met. This type of use does not have a parking requirement and no parking is proposed. Standards of the SSID, TEDS and SWMM manuals have also been met.

This criterion has been met.

(2) District Standards. The underlying zoning districts standards established in Chapter 21.03 GJMC, except density when the application is pursuant to GJMC 21.08.020(c) [nonconformities];

The applicant has shown that all zone district bulk standards will be met.

This criterion has been met.

(3) Specific Standards. The use-specific standards established in Chapter 21.04 GJMC;

21.04.030(q) Telecommunications Facilities/Towers.

(1) Purpose. The purpose of this subsection is to regulate the placement, construction and modification of towers and/or telecommunications facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of competitive wireless telecommunications in the City.

(2) No telecommunications facilities and towers shall be altered, added to, installed or permitted unless the Director has approved a site plan review for the property and the facility or tower.

(3) Amateur Radio. Radio communications antennas, as licensed or regulated as such by the Federal Communications Commission, that are less than 10 feet tall measured from grade or 10 feet higher than the highest point of the roof. This chapter does not apply to amateur radio equipment.

(4) Antenna. Any device designed and intended for transmitting or receiving television, radio, microwave signals, or other electromagnetic waves. An antenna includes all mounting and stabilizing items such as a tower, a pole, a bracket, guy wires, hardware, connection equipment and related items.

(5) Colocation. The location of wireless communications facilities on an existing structure, tower, or building in a manner so that an additional tower, structure or facility is not required.

(6) Satellite Dish. An antenna, consisting of radiation elements that transmit or receive radiation signals, that is supported by a structure with or without a reflective component to the radiating dish, usually circular in shape with a parabolic curve design constructed of a solid or open mesh surface and intended for transmitting or receiving television, radio, microwave signals or other electromagnetic waves to or from earth satellites.

(7) Concealed or Stealth. Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land, buildings, structures and uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements and towers designed to not look like a tower such as light poles, power poles and trees. The term "stealth" does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole tower designs.

(8) Telecommunications Facilities. Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure.

(9) Tower. A self-supporting lattice, guyed or monopole structure constructed from grade which supports telecommunications facilities. The term "tower" shall not include amateur radio operators' equipment, as licensed by the FCC.

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

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

The proposed location minimizes visual impacts by locating the tower at a spot away from the street and neighboring structures to help screen the tower either by blocking a portion of it or providing a backdrop. The applicant has provided a copy of the lease with Mesa County School District #51

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

This criterion is met. The proposed location for the tower is over 200' from the closest residentially zoned or used property.

(iii) All telecommunications facilities and towers shall be set back a minimum of 85 feet from the property line or at a 2:1 ratio (two feet of setback for every foot of tower height from the property boundary of the facility), whichever is greater, from non-residentially zoned or used property.

The proposed tower location is in excess of 167' from all perimeter property lines (120' feet is required) and approximately 32' from an interior property line. The interior property line splits the site into two properties but the two properties act as one with no visual division, fences or circulation break. The structure that houses the facilities needed for the tower meets the required side yard setback for a C-2 zone and does not encroach onto the internal property line. The setback, required for the tower, from the internal property line is the only setback that does not meet this criteria. It is the interpretation of the Director that this requirement is for perimeter property lines only as this criteria relates to the distance of a telecommunications facility and tower from adjacent non-residentially zoned or used property. Therefore this criterion is met.

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

This criterion is not applicable as the facility is not proposed on a public utility structure, facility or property.

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

This criterion is met. The nearest tower to this site is over 2000' away.

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

This criterion is not applicable as this application is for a monopole tower.

(vii) Location. Shared use/colocation of wireless communications facilities on existing structures, towers or buildings in a manner that precludes the need for the construction of a freestanding structure of its own is encouraged. To that end, an application for an integral, concealed tower or telecommunications facility may be issued by the Director. Any 911 antenna that collocates on an existing tower, structure, or building shall have the application fee waived.

This criterion is not applicable as this proposal is not a shared use/colocation of wireless communications facilities on an existing structure, tower or building nor is this request for an integral, concealed tower or telecommunications facility.

(viii) Height. Amateur radio equipment, commercial antennas or equipment measured less than 10 feet tall from grade or 10 feet higher than the highest point of the roof may be approved by the Director. This shall also include antennas that are collocated on an existing tower for which collocation was approved through the conditional use permit process.

This criterion is not applicable as the tower is greater than 10' from grade.

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

This criterion is not applicable as the proposed tower is not located on City property or buildings.

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

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

The applicant stated within the submitted project report that there are no other existing towers in the area experiencing a service gap and no other facilities or utility structures exist within the window to fill the service gap. The applicant has also provided information regarding a total of five sites that were considered for this project. Of the five, one property owner was not interested and the three not selected were not as centrally located within the window needed to fill the service gap. A facility needs to be as centrally located as possible in order to maximize the efficiencies of the service provided and avoid future failures in the network.

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

The applicant stated within the submitted project report that there are no other existing towers in the area experiencing a service gap and no other facilities or utility structures exist within the window to fill the service gap. The applicant has also provided information regarding a total of five sites

that were considered for this project. Of the five, one property owner was not interested and the three not selected were not as centrally located within the window needed to fill the service gap. A facility needs to be as centrally located as possible in order to maximize the efficiencies of the service provided and avoid future failures in the network.

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

The proposed facility is regulated by the FCC and FAA which restricts the applicant to certain frequencies and standards of electromagnetic levels. These standards and regulations are enforced by these agencies. The applicant has stated within the project report that the proposed telecommunication facility will meet the FCC and FAA regulations.

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

The applicant stated within the submitted project report that there are no other existing towers in the area experiencing a service gap and no other facilities or utility structures exist within the window to fill the service gap. The applicant has also provided information regarding a total of five sites that were considered for this project. Of the five, one property owner was not interested and the three not selected were not as centrally located within the window needed to fill the service gap. A facility needs to be as centrally located as possible in order to maximize the efficiencies of the service provided and avoid future failures in the network.

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

The applicant stated within the submitted project report that there are no other existing towers in the area experiencing a service gap and no other facilities or utility structures exist within the window to fill the service gap. The applicant has also provided information regarding a total of five sites that were considered for this project. Of the five, one property owner was not interested and the three not selected were not as centrally located within the window needed to fill the service gap. A facility needs to be as centrally located as possible in order to maximize the efficiencies of the service provided and avoid future failures in the network.

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

Applicant has submitted structural and engineering plans prepared by a Colorado registered professional engineer.

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

Applicant has supplied copies of the FCC licenses for the proposed tower.

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

The proposed facility is regulated by the FCC and FAA which restricts the applicant to certain health and safety standards of electromagnetic levels. These standards and regulations are enforced by these agencies. The applicant has stated within the project report that the tower and telecommunications facility will meet all applicable health and safety standards for electromagnetic field emissions as established by the FCC and/or any other federal or State agency having jurisdiction.

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

This criterion is not applicable as the site for the proposed tower is not located within the boundaries described.

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

This criterion is not applicable as the site for the proposed tower is not in a historic zone or area.

(15) In addition to other requirements of this code, each applicant for a tower or telecommunications facility shall provide the Director with an inventory of all of the

applicant's existing towers and/or telecommunications facilities or approved sites for the facilities that are either within the City or are within one mile of the then existing border of the City. This information shall include:

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

The applicant has provided or agreed to provide all of the above six (6) items for review and documentation.

(16) Tower or telecommunications facilities mounted on existing structures of public utilities which have a franchise or other written permission from the City and concealed towers/telecommunications facilities are permitted in all nonresidential zoning districts, unless otherwise specified by this code. The Director may approve the placement, extension or replacement of a tower or telecommunications facility on an existing public utility structure up to 50 feet above the highest point on the same. The Director may waive public notice and may waive any other submission requirement if he deems that the public interest shall not be harmed.

This criterion does not apply as the tower will not be located on an existing public utility structure.

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

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

The proposed tower is located to minimize visual impact and the applicant has supplied structural and engineering plans to document capacity to carry gravity loads, wind loads and meet standards and requirements of the building code. The tower is not a collocation on an existing structure nor is it intended to be considered a concealed tower/facility.

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

(i) A freestanding tower or telecommunications facility shall include landscaping planted and maintained according to a landscaping plan approved by the Director in accordance with the applicable landscaping requirements of the zoning district where the tower or facility is located. Landscaping may be waived or varied by the Planning Commission where the Commission determines that existing site vegetation is equal to or greater than that required by the code; and

(ii) A six-foot-high wall or fence or other suitable buffer yard shall surround a freestanding tower or telecommunications facility. Fences must comply with GJMC 21.04.040(i), any design guidelines and other conditions of approval. Chain link with slats shall not constitute acceptable fencing nor shall it satisfy the screening requirement.

The site is considered a non-conforming site in regards to landscaping. The proposed tower and support facilities are less than a 1% expansion to the gross square footage of the existing structures and outdoor operations of the District 51 site making the percentage upgrade in the landscaping so low to have little to no impact on the site improvements.

The location of the proposed tower and support facilities is centrally located on the site, adjacent to an existing building and surrounded by truck and bus parking areas. This combined with the tower lease area setback 167' from Grand Avenue creating a large buffer yard between the proposed tower and support facilities and the surrounding neighborhood.

Installation of a wall, fence and/or landscaping around the facility does not further the purpose of those installations required by the Zoning and Development Code by beautifying or screening the facility along the street frontage.

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

All proposed lighting complies with this criterion

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

The applicant is not requesting any signage.

(21) Each exterior tower or telecommunications facility equipment building or cabinet shall:

(i) Not contain more than 400 square feet of gross floor area and shall not be more than 12 feet in height; and

The proposed equipment building is less than 400 square feet and under 12' in height.

- (ii) Maintain the minimum setback, landscaping and screening requirements of the zone in which it is located.

The proposed equipment building meets the required setbacks.

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

This is a new tower; therefore, this criterion does not apply.

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

The proposed tower will meet all requirements of this criterion.

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

Applicant understands and agrees to this standard.

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

Applicant understands and agrees to this standard.

- (26) No person shall construct or alter a telecommunications tower or facility without a permit therefor and without having first obtained the approval of the Director. To obtain such review, the applicant shall submit FAA Form 7460-1, Notice of Proposed Construction or Alteration. Form 7460-1 shall not be required for the following:

- (i) An amateur radio antenna if owned and operated by a federally licensed amateur radio operator or used exclusively for a receive-only antenna;

- (ii) Any existing tower and antenna, provided a building permit was issued for a tower or antennas prior to the adoption of this code;
- (iii) Emergency telecommunications facilities used exclusively for emergency services including, but not limited to, police, fire and operation of governmental entities; and
- (iv) Any antennas used for FCC licensees engaged in AM, FM or television broadcasting.

Applicant has submitted a request for approval of a new tower and FAA Form 7460-1.

(27) Appeals of any decision shall be in accordance with GJMC 21.02.060.

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

The applicant has shown that all use-specific standards for telecommunications facilities will be met. Items 1-9 are line item for definitions and 27-28 are for appeals and other potential requirements.

(4) Availability of Complementary Uses. Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.

This project does not have a need for support uses as it is an unmanned site; however, the property is near 28 Road, North Avenue and I-70 Business Loop, all major transportation corridors. A shopping, restaurants and financial uses are also located along the North Avenue corridor.

This criterion has been met.

(5) Compatibility with Adjoining Properties. Compatibility with and protection of neighboring properties through measures such as:

- (i) Protection of Privacy. The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;

The project is an unmanned facility and is located internal to the property, located in front of an existing building, minimizing the impact of the tower and support facilities.

This criterion has been met.

(ii) Protection of Use and Enjoyment. All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;

The project is an unmanned facility and is centrally located on the property, located adjacent to an existing building thereby having minimal negative impact on the use and enjoyment of adjoining property.

This criterion has been met.

(iii) Compatible Design and Integration. All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include; buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

The proposed location creates the best relationship between this site and surrounding properties.

This criterion has been met.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Verizon Telecommunications Tower application, CUP-2015-191 for a Conditional Use Permit, I make the following findings of fact, conclusions and conditions:

1. The requested Conditional Use Permit is consistent with the Comprehensive Plan,
2. The review criteria 1-5 inclusive in Section 21.02.110 of the Grand Junction Municipal have all been met,
3. This project does not need nor is requesting any signage. If a need is determined in the future, all signage will meet the requirements of the Code in place at the time of the request.

STAFF RECOMMENDATION:

I recommend that the Planning Commission approve the requested Conditional Use Permit, CUP-2015-191 with the findings, conclusions and condition of approval listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on the request for a Conditional Use Permit for Verizon Telecommunications Tower application, number CUP-2015-191 to be located at 2115 Grand Avenue, I move that the Planning Commission approve the Conditional Use Permit with the facts, conclusions and conditions listed in the staff report.

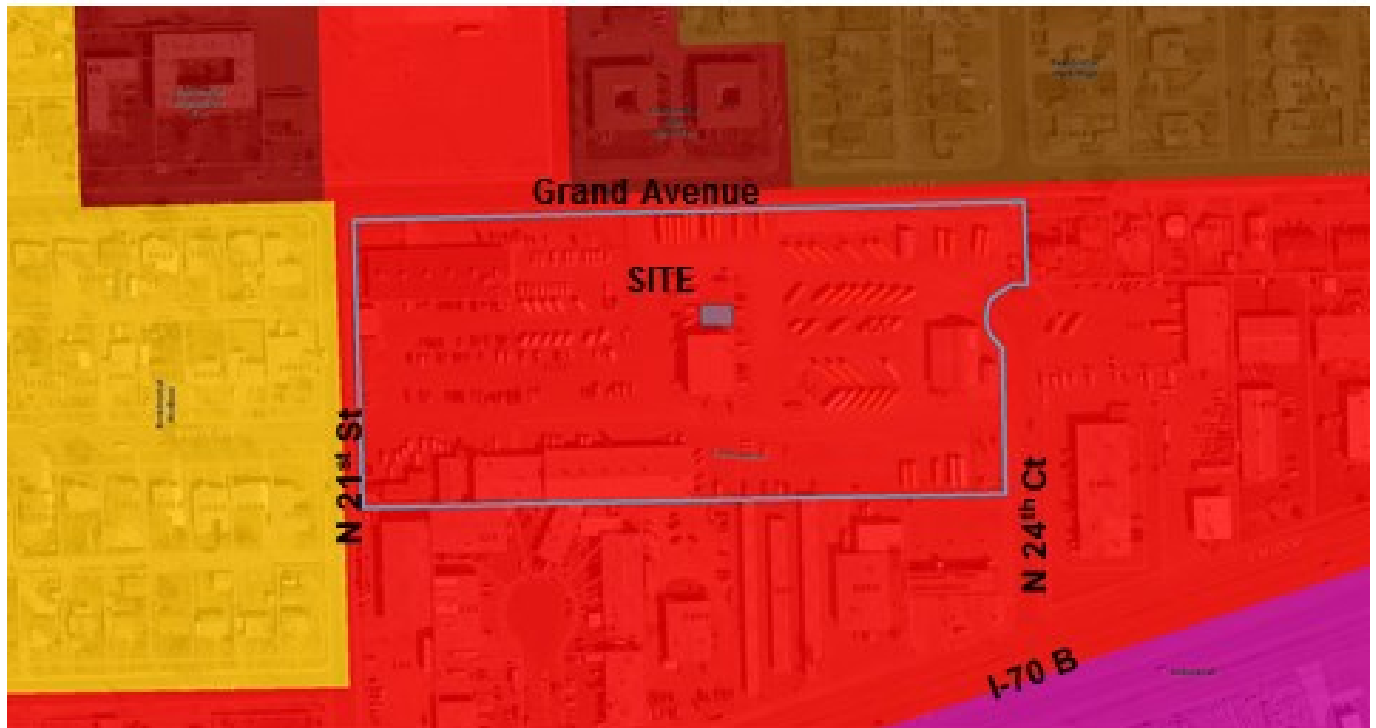
Site Location Map



Aerial Photo Map



Future Land Use Map



Zoning Map



City of Grand Junction
CONDITIONAL USE PERMIT- TELECOMMUNICATION FACILITIES/TOWERS
NARRATIVE

Verizon Wireless the nation's largest wireless telecommunication provider has, through extensive testing and customer feedback, determined that their wireless communication network in and around the City of Grand Junction, because of a consistently growing customer base and increasing demand for data, will be experiencing increasing capacity problems in the immediate future. To avoid these problems and to optimize existing service, Verizon Wireless is proposing capacity off load communication facilities. Such a facility is proposed for the Mesa County Valley School District Service Center at 2115 Grand Avenue, Grand Junction CO.

Whenever feasible, Verizon Wireless strives to acquire sites that blend with the local character and are unobtrusive to the community. Existing structures such as water tanks, building rooftops and competitor –owned towers are often the first choice for sites. When construction of a new structure is required, sites are chosen by their proximity to the target objective and the proposed compatibility to surrounding land uses. It is important to remember that wireless communications facilities must be considered as part of network, not as individual locations. Communication facilities can be likened to links in a chain, one link adds to the next, making the network design larger and in this case, adding capacity to that existing network.

After drive testing the area the District Service center at 2115 Grand Avenue was determined to be the highest rated candidate. Other candidates, like the existing tower at 17th St and the I-70 Business were too far from the off load objective and were not situated to prevent other future capacity problems.

Proposal Description

As proposed this Verizon Wireless facility will consist of three sectors of antennas placed on new 60' foot monopole tower. Associated radio equipment will be housed in outdoor cabinets situated at the base of the tower. A 48 KW emergency diesel generator is also included in the design. The approximate size of the lease area is 1000 square feet. The location of the proposed facility is adjacent to a service building near the center of property. This location does not interfere with the primary use (Bus Depot) and allows for unimpeded traffic flow. Needed utilities (electric & fiber) are available in close proximity in the public ROW. Detailed drawings including site plan and elevations are included in this CUP application.

Compliance with Federal, State and Local Regulations.

Verizon Wireless will comply with all Federal Communication Commission (FCC) rules governing construction requirement, technical standards, interference protection, power and height limitations and radio frequency emission standards. In addition, the carrier will comply with all FAA rules on site location and operation.

With respect to the City of Grand Junction standards, the underlying property is zoned C-2 and Communication Facilities are a permitted use within the District with a Conditional Use Permit. Accordingly, the Carrier is requesting a Conditional Use Permit per the requirements of Chapter 4, Section 21.04.030 (q) of the Zoning & Development code.

On November 18, 2009 the Federal Communications Commission adopted rules (94 FCC Rcd. 13934) that affect the local tower siting process for both applicants and local jurisdictions. Specifically, the FCC established time frames within which a local zoning authority must take action on a siting application. On May 9, 2014, The State of Colorado adopted the same rules regarding siting application time frames (§ 29-27-403(1)(a)-(b), C.R.S.).

Affirmations

The applicant affirms;

The proposed Facility will be constructed so that the tower can accommodate co-location of additional antennas for future users and the Carrier, will not act to exclude or to attempt to exclude any other competitor from using the same facility for other antennae.

All antennas will comply at all times with the current American National Standards Institute or the Federal Communication Commission standards, whichever is more stringent for cumulative field measurements of radio frequency power densities and Electromagnetic fields. If requested, after installation, but prior to putting the antennas in service, the antenna owner will provide a certification by an independent engineer to that effect.

The Facility will not interfere with any public safety frequencies servicing the city and its residents.

The Facility shall not cause localized interference with reception of television and radio broadcasts.

CITY OF GRAND JUNCTION

CONDITIONAL USE PERMIT STANDARDS

21.02.110 Conditional use permit (CUP).

(a) **Purpose.** The purpose of a conditional use review is to provide an opportunity to utilize property for an activity which under usual circumstances could be detrimental to other permitted uses, and which normally is not permitted within the same district. A conditional use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A conditional use is not a use by right; it is one that is otherwise prohibited within a given zone district without approval of a conditional use permit.

(b) **Applicability.** A conditional use permit shall be required prior to the establishment of any conditional use identified in Chapter 21.04 GJMC or elsewhere in this code.

Per the requirement of this section the Applicant is requesting approval of this Conditional Use Permit application.

(c) **Approval Criteria.** The application shall demonstrate that the proposed development will comply with the following:

(1) Site Plan Review Standards. All applicable site plan review criteria in GJMC 21.02.070(g) and conformance with Submittal Standards for Improvements and Development, Transportation Engineering Design Standards (GJMC Title 29), and Stormwater Management Manual (GJMC Title 28) manuals;

A site plan and elevation is submitted with this application. Prior to any construction the Applicant will submit studies, as specifically requested by the City staff. All studies will conform to the City standards.

(2) District Standards. The underlying zoning districts standards established in Chapter 21.03 GJMC, except density when the application is pursuant to GJMC 21.08.020(c);

With respect to the C-2 Zone District standards, this application conforms as follows:

- 1. Telecommunication uses are permitted per the CUP process.**
- 2. Zone setbacks, though not applicable to the equipment cabinets and tower are met**
- 3. The zone standards are silent to tower height. The height of the tower will not exceed the height necessary to provide the service the applicant is seeking for its own use. If additional height is required for a collocator, a revised site plan will be submitted to the city for review and approval.**

(3) Specific Standards. The use-specific standards established in Chapter 21.04 GJMC;

Specific standards for Telecommunication facilities are addressed in this application and adhered to as required. Where a standard is not met, a justification is provided and approval is requested.

(4) Availability of Complementary Uses. Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities;

The proposed application is to permit a Telecommunication facility. The facility will provide improved communications to and from the surrounding area including residences, businesses, transportation and government agencies.

(5) Compatibility with Adjoining Properties. Compatibility with and protection of neighboring properties through measures such as:

(i) Protection of Privacy. The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;

The facility will be located within the existing Mesa School District 51 Service and Transportation Center. The nearest multi-family residential units are over 200' to the north with the nearest single family unit at least 250' away. Because the height of the tower is only 60 feet and the bus yard activities separate the facility from the residences, negative impacts are minimal at most. In fact, the improved service resulting from this new facility will make the lives of nearby residents easier and more enjoyable.

(ii) Protection of Use and Enjoyment. All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;

As noted in the section above, the proposed communication facility has been designed so that negative impacts are at most minimal while positive impacts more than likely. This general feeling is evident in the response to the required Neighborhood meeting. Notice of a neighborhood meeting was sent to all neighbors within 500' of the proposed communication facility (69 notices sent) and no negative responses were received and in fact, one party took the time to call the City to voice his support for the proposal.

(iii) Compatible Design and Integration. All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include: buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

As noted, the facility has been designed and placed to mitigate impacts. The facility is unmanned and fully automated, visited once or twice a month by a technician. Accordingly, traffic generation is minimal and since the facility does not require water or sewer service, impacts to the infrastructure is nonexistent. Other impacts such as noxious emissions, glare, dust, odor and lighting are not associated with an unmanned telecommunication facilities. Outdoor storage and additional buildings are not planned. Further, the radio equipment will be placed on a concrete pad in an existing blacktop parking lot and no landscaped or open space areas will be impacted. Mountain views from adjacent single family residences are primarily to the north and northwest. This proposed facility is southwest out of the direct view planes. Therefore, it can be said this proposed Conditional Use Permit application has been designed and integrated so that it does not negatively impact surrounding existing and anticipated development and in fact by improving local communications, furthers the health, welfare and safety of local citizens.



**City of Grand Junction
Telecommunications Facilities/Towers
Standards and Requirements
Site Name: CO3 R2D2 2115 Grand Avenue Grand Junction. CO**

21.04.030(q) Telecommunications Facilities/Towers.

(1) Purpose. The purpose of this subsection is to regulate the placement, construction and modification of towers and/or telecommunications facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of competitive wireless telecommunications in the City.

The proposed Verizon Wireless facility will enhance the health, safety and welfare of Grand Junction by improving the wireless coverage in the area of the site. Robust wireless coverage enhances safety by allowing people to connect with loved ones or emergency service providers when needed. Significantly more than 70% of all 911 calls are now made from wireless devices. Also, Emergency Service providers rely on commercial wireless providers for citizen communication during major catastrophic events and/or emergencies. For those reason, robust and reliable wireless service is critical for the health, safety and welfare of the public.

(2) No telecommunications facilities and towers shall be altered, added to, installed or permitted unless the Director has approved a site plan review for the property and the facility or tower.

Verizon Wireless understands the above code provision and for that reason is seeking approval to install the proposed wireless site detailed in this application.

(7) Concealed or Stealth. Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land, buildings, structures and uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements and towers designed to not look like a tower such as light poles, power poles and trees. The term "stealth" does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole tower designs.

The approval requested is for a new Verizon Wireless monopole. The facility is located in a heavily used School District bus depot compound and does not in itself stand out from the uses on the property. Additionally, the communication facility does not negatively impact or hinder the primary uses of the District 51 operation.

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



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

The proposed wireless facility is to be located on the school services and bus depot property and has little direct impact on surrounding neighborhoods. As depicted on the accompanying site plan, the facility is in the middle of the yard adjacent to a maintenance building and will be partially screened by buses. Negative impacts are minimal. The facility is fully automated and once in operation, only is visited once or twice a month by a tech in a van or pickup truck. Additionally, water and sewer service are not required. The facility will not produce noise, light, odors or other negative impacts. As noted above the facility will be located on Mesa County Valley School District 51 property and the District Board has authorized the submittal of this application.

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

The Verizon Wireless facility is approximately 206' to a multifamily property line north of the proposed location. The closest single family property line is approximately 250' to northeast. Additionally, owners of all properties surrounding the facility were notified an active application was in process and invited to a neighborhood meeting. Two (2) neighbors responded and neither was opposed to the facility.

(iii) All telecommunications facilities and towers shall be set back a minimum of 85 feet from the property line or at a 2:1 ratio (two feet of setback for every foot of tower height from the property boundary of the facility), whichever is greater, from nonresidentially zoned or used property.

The proposed facility consists of a sixty foot (60') monopole and outdoor equipment cabinets. The setbacks to the North, South and West exceed the required 120'. The underlying District's Administrative Service Center property is divided into two separate lots and though the communication facility is very close to the center of property and is approximately 370' to the east edge, the Assessor's map shows a lot line much closer; within 10' of the proposed facility. It should be noted that the proposed location best suits the District and is generally the overall least impacting location with respect to daily operations, physical limiting site characteristics and



the Director and the head of the City department which operates such property or building may co-issue a permit therefor.

This new communication facility is proposed for property owned by Mesa Valley County School District 51. The Carrier will enter into a lease agreement with the District. All land use approvals will be through The City of Grand Junction.

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

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

The purpose of this new facility is to off load existing Verizon Wireless sites which are becoming overtaxed by growing number of customers and their increasing demand for wireless data. The Radio Frequency engineers call this condition "breaking sectors". Typically, when this condition exists service becomes spotty and data downloads are slowed and calls are dropped. Currently communication facilities to the north, south & east have reached or are approaching critical breaking sector levels. This new facility will significantly improve the situation and because of the location, prevent future critical occurrences at surrounding facilities. A map showing the condition is attached to this application.

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

As noted above, there are no existing facilities within the area defined by the Verizon Wireless Engineers.

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

This new facility, like all Verizon Wireless facilities, is approved and regulated by the FCC & FAA. Verizon's license with the federal government obligates them to certain frequencies and standards of electromagnetic levels. If a VZW site causes interference, VZW must shut down and correct the problem or be penalized and possibly lose their license. At all times Verizon conforms to government electromagnetic field emission standards.



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

As noted above, there are no facilities, existing towers or utility structures in the immediate area that can provide the type of service required to fix the existing problem and prevent future critical breaking sector problems at adjacent sites.

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

As noted above there are no existing communication facilities within a reasonable distance meeting the VZW engineering requirements. The proposed facility will be located at the Mesa 51 District offices and bus depot. The carrier is working with the District preparing lease agreement beneficial to the District and the Carrier.

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

The tower plans are being prepared by a licensed Colorado Architect. When the final drawings are submitted for a building permit the tower drawings will be stamped by a registered Colorado Professional Engineer.

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

Verizon Wireless's proposed facility shall meet the regulations of the FCC regarding physical and electromagnetic interference.

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

Verizon Wireless's proposed facility shall meet the regulations of the FCC regarding EMF.

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



Since the location of this facility is not within any of the specific areas above, this provision is not applicable to this application.

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

This proposed facility is not located in a historical area and accordingly, this standard does not apply.

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

An inventory of existing Verizon Wireless towers in the Greater Grand Junction area is included in this application.

- (i) A zone map specific to the application, from the City's zoning map drawn to scale, showing land uses and zoning designation of all uses within one-quarter of a mile.*

A zoning map showing land uses and zoning designations within ¼ mile of the facility is included in this submittal.

- (ii) A computer-generated visual analysis from all adjacent rights-of-way, showing the relationship of the tower/facility to the topography and other spatial relationships deemed necessary or required by the Director to assess compliance with the code. If there are more than four such rights-of-way, the Director shall designate which rights-of-way shall be analyzed.*

A photosimulation from an adjacent single family residential property is included with this application.

- (iii) A description of the tower/facility's capacity which declares the number and type of antennas that it can accommodate or an explanation why their facility cannot be designated to accommodate other users.*

This wireless facility has been designed to accommodate additional users. An area for future 2nd Carrier's antennas is shown on the attached elevation. Any collocator will need to work with the property owner (District 51) to obtain ground space for their equipment.

- (iv) An agreement retained by the City which commits the facility owner and its successors to allow shared use of the facility if an additional user agrees in writing to*



the reasonable terms and conditions of shared use. The applicant shall annually report to the Director: the names, addresses and telephone numbers of every inquiry for colocation; and the status of such inquiry.

The Carrier is agreeable to this requirement of this section and will provide the required agreement prior to issuance of a CO for the facility.

(v) The applicant shall provide evidence of mailed notice of a proposed tower or telecommunications facility to all abutting property owners within four times the distance that the tower or facility is tall, or 250 feet, whichever is greater, and to any neighborhood association that would be entitled to notice under this code.

Prior to submittal of this application a neighborhood meeting was held. Notice of the meeting was mailed, per City staff instruction to neighbors within 500' of the proposed facility. Therefore, this requirement is met.

(vi) Any other information as required by the Director to evaluate the request, especially technical information.

Verizon Wireless will comply with this requirement as the Director needs.

(16) Tower or telecommunications facilities mounted on existing structures of public utilities which have a franchise or other written permission from the City and concealed towers/telecommunications facilities are permitted in all nonresidential zoning districts, unless otherwise specified by this code. The Director may approve the placement, extension or replacement of a tower or telecommunications facility on an existing public utility structure up to 50 feet above the highest point on the same. The Director may waive public notice and may waive any other submission requirement if he deems that the public interest shall not be harmed.

This standard is not applicable to this application.

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

This proposed facility is for a standard monopole facility and accordingly the requirements and standards for a faux facility do not apply. None the less, the facility has been located & designed so that it has minimal visual impact and meets all building codes.



- (i) *Be architecturally integrated with existing buildings, structures and landscaping, including height, color, style, massing, placement, design and shape;*
- (ii) *Be located to avoid a silhouette and preserve view corridors to the east and the west of the Grand Mesa and the Colorado National Monument, as determined from viewing the tower or facility from anywhere within the original square mile of the City;*
- (iii) *Be located on existing vertical infrastructure such as utility poles and public building or utility structures;*

None of the above three standards are applicable to this application.

(iv) Roof mounted antennas shall be located as far away as feasible from the edge of the building. Antennas attached to the building should be painted or otherwise treated to match the exterior of the building;

This provision is not applicable.

(v) Equipment shelters and antennas shall not extend more than 10 feet from the top of the building. Any deviation from this standard shall be reviewed and approved, disapproved or approved with conditions by the Director;

This provision is not applicable.

(vi) Be located in areas where the existing topography, vegetation, buildings or other structures provide screening; and There is existing topography and screening in the area. The building provides screening and there is existing and proposed landscaping that will help screen the facility

Though this application is not for a faux or concealed facility, the Applicant & the property owner have tried to locate the facility so that existing buildings and the numerous parked buses are utilized for screening.

(vii) The applicant/developer shall be required to structurally design the footing of the tower or antenna to support a tower or antenna which is at least 15 feet higher than that proposed by the applicant to accommodate colocations.

When a BP is submitted, it will include a structural design which will include the addition of a 15 foot tower extension.

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

- (i) A freestanding tower or telecommunications facility shall include landscaping planted and maintained according to a landscaping plan approved by the*



Director in accordance with the applicable landscaping requirements of the zoning district where the tower or facility is located.

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

The proposed facility sits in the middle of a secure fenced bus depot and service area. The immediate area of the tower is asphalt and accordingly the applicant is requesting the City waive the landscape requirement since the existing conditions won't support landscaping or any decorative vegetation.

(ii) A six-foot-high wall or fence or other suitable buffer yard shall surround a freestanding tower or telecommunications facility. Fences must comply with GJMC 21.04.040(i), any design guidelines and other conditions of approval. Chain link with slats shall not constitute acceptable fencing nor shall it satisfy the screening requirement.

The facility is located within an existing bus depot approximately 165' from the nearest Public ROW. The bus yard is a secure area with controlled access and fencing. A chain link fence is proposed for the Communication Facility for added security and the Applicant is requesting the City waive the solid fence requirement.

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

No lighting is proposed except a small down focusing light on the equipment. The light will not shine directly on any public ROW in compliance with this requirement.

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

No additional signage is proposed.

(21) Each exterior tower or telecommunications facility equipment building or cabinet shall:

(i) Not contain more than 400 square feet of gross floor area and shall not be more than 12 feet in height; and

As detailed on the attached plans, the proposed VZW equipment pad and generator is approximately 200 square feet. Therefore, this standard is met.

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



The facility will be placed and constructed as depicted on the attached drawings. Changes that impact the screening, setbacks or any landscaping will be submitted to the City for review and approval.

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

This proposed new tower is not applicable to this provision.

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

Verizon Wireless understands this provision and will install and maintain the facility in compliance with all government regulations and standards to insure the safety, health and welfare of the community.

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

Verizon Wireless understands this provision and agreeable to the two- year review.

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

Verizon Wireless acknowledges this provision and agrees to the site removal if the facility is no longer necessary to the operation of their network.

(26) No person shall construct or alter a telecommunications tower or facility without a permit therefor and without having first obtained the approval of the Director. To obtain such review, the applicant shall submit FAA Form 7460-1, Notice of Proposed Construction or Alteration. Form 7460-1 shall not be required for the following:

Verizon Wireless understands this provision and will submit the necessary forms as needed.



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

(27) *Appeals of any decision shall be in accordance with GJMC 21.02.060.*

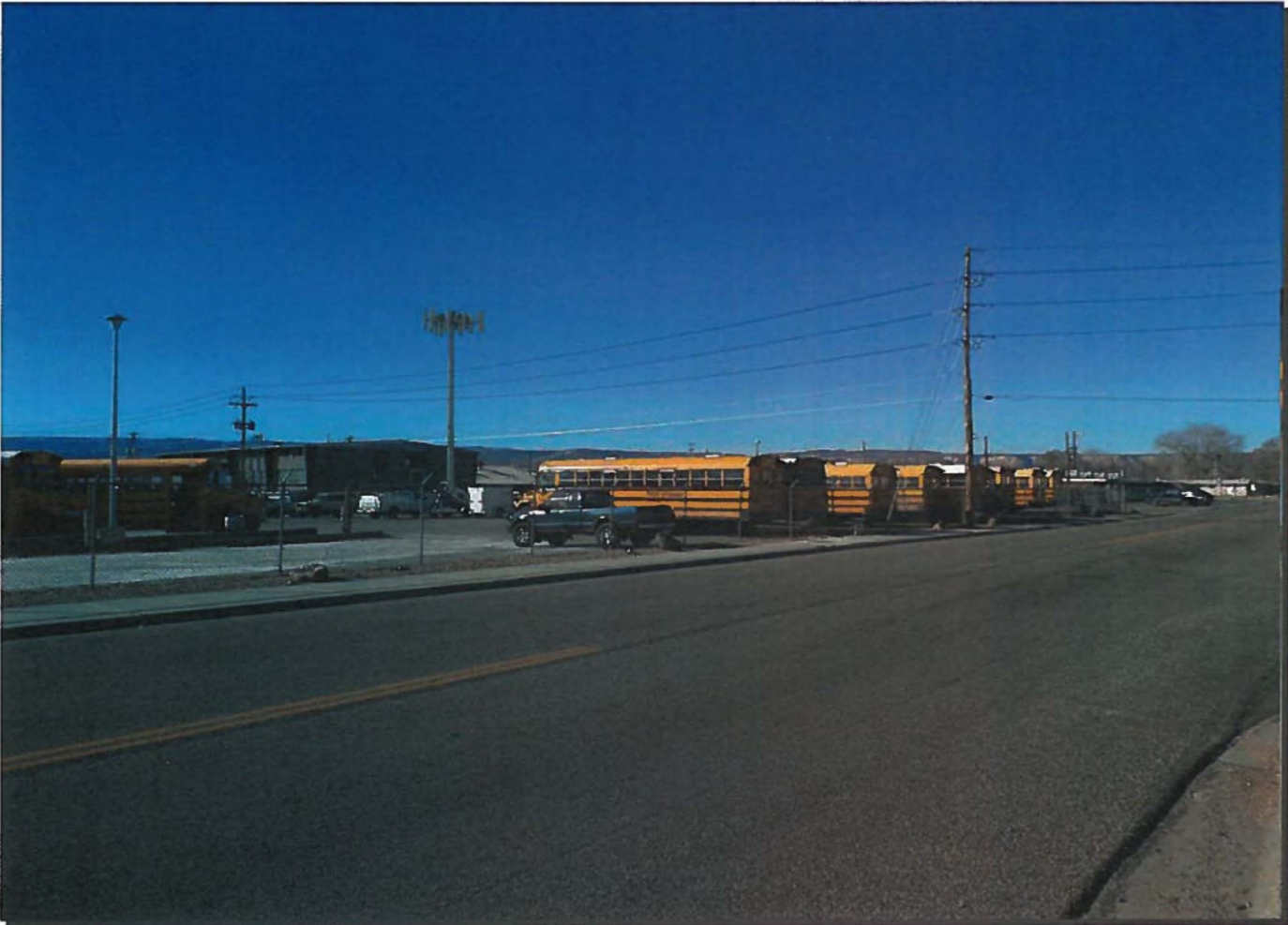
Verizon Wireless understands this provision.

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

Verizon Wireless understands and agrees with this provision.



C03 R2D2
VIEW NORTHEAST



CHARLES
STECKLY
ARCHITECTURE

PROPOSED CONDITIONS

(This photo simulation is for illustrative purposes only)

Coverage Map

