



RE: ADMINISTRATIVE REGULATION NO. 01-09
Zoning and Development Code
City of Grand Junction

ISSUED BY: /s/ Tim Moore
Tim Moore, Director of Public Works and Planning

9/17/09
Date

Topic:
7th Street Historic District Development Applications

Background and Purpose:

On September 14, 2009 the City Council held a public hearing to consider adoption of the Strategic Downtown Master Plan (“Plan”) and zoning overlay design standards and guidelines for implementation of the Plan.

The proposed design standards and guidelines included specific principles for the 7th Street Residential Historic District. One of those principles was an amendment of the *planned zone* (PR-8) designation. The district was zoned PR-8 in 1984. There is some question whether a plan was formally adopted at that time; however, with adoption of the proposed Plan that uncertainty would be resolved in favor of a new planning document. There is also some question how the Plan would be incorporated in to the City’s current Comprehensive Plan.

Following a lengthy hearing the City Council continued its deliberations and decision on the Plan, the implementing design standards and guidelines and the amendment of the planned zone designation.

This Administrative Regulation is necessary to interpret, clarify and effectuate the existing provisions of the Grand Junction Zoning and Development Code in light of the fact that the Plan was neither approved nor disapproved by the City Council. Specifically the question that is addressed by this Administrative Regulation is what process shall apply and which body shall decide any development application filed on or after the effective date of this Regulation and prior to decision on the Plan and/or 7th Street standards and guidelines.

This Administrative Regulation is pursuant to and under the authority of 2-61 of the Grand Junction Code of Ordinances.

Chapter 1, Section 1.4 of the Zoning and Development Code provides

The Code is intended to enable the City to uniformly and consistently evaluate, improve and approve, as appropriate, development, changes to existing uses, future uses and activities and to promote the health, safety and general welfare of the citizens and residents of the City. Not all situations will fall into easily identifiable processes and requirements. This Code provides flexibility in dealing with situations in general, and especially those which do not fit well with typical processes and standard requirements. The elements that make up this Code are interrelated and cannot be taken in isolation; all provisions and regulations must be taken within the context and intent of the entire Code.

Furthermore, the Code in Chapter 7, Section 7.4 provides

This Section enhances the community's local resources and promotes the public health, safety, prosperity and welfare through the protection and preservation of the City's architectural, historic and cultural heritage, as embodied in designated Historic Structures, sites and districts, by application of appropriate regulations and incentives. Those regulations and incentives include:

1. The establishment of a City Register listing designated Structures, Sites and Districts; and
2. The provision of educational opportunities to increase public appreciation of Grand Junction's unique heritage.

Chapter 7 also provides that

City Council Review.

- a. The City Council shall hold a Public Hearing on the designation application no more than thirty (30) days after receipt of the Board's recommendation.
- b. The City Council shall review the application for conformance with the established criteria for designation and with the purposes of this Section.

Notably the 7th Street Historic District is not on the local historic register; however, it is listed on the State and National Registers. While City Council has authority under this section of the Code to review nominations to the local register it has never had an opportunity to exercise that authority over the whole of the district. Because of the continuing deliberations involving the Plan and the implementing guidelines and strategies, the Council may wish to consider additional information regarding the local district and/or if property owners in the district may desire to petition for inclusion on the local register.

Because the Plan, the standards and guidelines and the proposed amendment to the PR-8 zoning of the District are all still pending before the City Council and because certain consideration is contemplated by the Code for preservation of historic structures, this regulation will ensure that any application filed after the effective date hereof will be uniformly and consistently evaluated. In order to be most consistent and uniform that evaluation will occur by the City Council.

To satisfy the purpose of the Code and this Administrative Regulation the Director of the

Department of Public Works and Planning does find and implement the following administrative interpretation.

Administrative Interpretation:

In accordance with Section 1.4 development applications for any property within the designated historic district shall be submitted to City staff for review. Staff will evaluate and customarily review the application(s) in accordance with criteria provided in the May 2007 Zoning and Development Code. The staff will then forward its recommendation to City Council. City Council shall be the decision-maker for each such development application.

It is the considered opinion of the Director that utilization of this provision for all applications during the interim period pending decision on the Plan and/or implementing standards and guidelines is in the best interest of the City and its citizens.