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**CITY COUNCIL AGENDA
WEDNESDAY, MARCH 15, 2017
250 NORTH 5TH STREET
6:15 PM – PRE-MEETING – ADMINISTRATION CONFERENCE ROOM
7:00 PM – REGULAR MEETING – CITY HALL AUDITORIUM**

To become the most livable community west of the Rockies by 2025

Call to Order, Pledge of Allegiance, Moment of Silence

Appointment

To the Ridges Architectural Control Committee

Proclamation

Proclaiming March 2017 as "Developmental Disabilities Awareness Month" in the City of Grand Junction

Proclaiming the Week of February 26 through March 4, 2017 as "Peace Corps Week Honoring their 56th Anniversary" in the City of Grand Junction

Citizen Comments

Council Reports

Consent Agenda

- 1. Approval of Minutes**
 - a. Minutes of the February 15, 2017 Regular Meeting
 - b. Summary of the February 27, 2017 Workshop
 - c. Minutes of the March 1, 2017 Executive Session

- 2. Set Public Hearing**
 - a. Legislative

- i. Ordinance Amending Sections of the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) Regarding Group Living and Set a Hearing for April 5, 2017
- b. Quasi-judicial
 - i. Ordinance Rezoning the Lusby Apartment Complex, Located at 1321 Kennedy Avenue and Set a Hearing for April 5, 2017
 - ii. Ordinance Approving a Rezone to PD (Planned Development) and an Outline Development Plan for the Mind Springs Health Campus, Located at 515, 521 28 3/4 Road and 2862 North Avenue and Set a Hearing for April 5, 2017

3. Resolutions

- a. Resolution Changing the Start Time for City Council Meetings

Regular Agenda

If any item is removed from the Consent Agenda, it will be heard here

4. Public Hearing

- a. Quasi-judicial
 - i. Ordinance Zoning Properties at 1313 and 1321 Wellington Avenue (Hilltop Bacon Center) to RO (Residential Office)
 - ii. Ordinance Amending the Commons Planned Development by Approving an Outline Development Plan with Default Zones of R-8 (Residential 8 Units/Acre), R-12 (Residential 12 Units/Acre) and MXOC (Mixed Use Opportunity Corridor), Located at 625 27 1/2 Road
- b. Legislative
 - i. Ordinance Amending Sections of the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) Regarding Electronic and Digital Signage

5. Non-Scheduled Citizens & Visitors

6. Other Business

7. Adjournment



Grand Junction City Council

Regular Session

Item #

Meeting Date: March 15, 2017

Presented By: City Council

Department: Admin - City Clerk

Submitted By: Stephanie Tuin, City Clerk

Information

SUBJECT:

To the Ridges Architectural Control Committee

RECOMMENDATION:

Appoint applicant recommended by the interview committee.

EXECUTIVE SUMMARY:

The interview committee interviewed one applicant on March 7, 2017 and will put forward their recommendation.

BACKGROUND OR DETAILED INFORMATION:

This board has had vacancies since 2012 and meets only when needed. With only three current members, they could use another member.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I move to (appoint/not appoint) the interview committee's recommendation to the Ridges Architectural Control Committee for a continuous term.

Attachments

None



Grand Junction City Council

Regular Session

Item #

Meeting Date: March 15, 2017

Presented By: City Council

Department: Admin - City Clerk

Submitted By: Stephanie Tuin, City Clerk

Information

SUBJECT:

Proclaiming March 2017 as "Developmental Disabilities Awareness Month" in the City of Grand Junction

RECOMMENDATION:

Read and present proclamation

EXECUTIVE SUMMARY:

The City receives a request for this proclamation annually.

BACKGROUND OR DETAILED INFORMATION:

Mr. Doug Sorter, STrive Development Vice President has requested this proclamation for the last several years.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A

Attachments

1. Proclamation - Developmental Disabilities Awareness Month



Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, individuals with development disabilities, their families, friends, neighbors, and co-workers encourage everyone to focus on the abilities of all people; and

WHEREAS, the most effective way to increase this awareness is through everyone's active participation in community activities and the openness to learn and acknowledge each individual's contribution; and

WHEREAS, policies must be developed, attitudes shaped, and opportunities offered for citizens with developmental disabilities to live as independently and productively as possible in our community; and

WHEREAS, we encourage all citizens to support opportunities for people with disabilities that include full access to education, housing, employment, and recreational activities.

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim March, 2017 as

“Developmental Disabilities Awareness Month”

in the City of Grand Junction and offer full support to efforts that assist people with developmental disabilities to make choices that enable them to live successful lives and realize their potential; furthermore, we urge all citizens to take time to get to know someone with a disability and ask ‘What’s Your Story?’ Every person’s story holds a promise to educate and inspire others.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 15th day of March, 2017.

Mayor





Grand Junction City Council

Regular Session

Item #

Meeting Date: March 15, 2017

Presented By: City Council

Department: Admin - City Clerk

Submitted By: Stephanie Tuin, City Clerk

Information

SUBJECT:

Proclaiming the Week of February 26 through March 4, 2017 as "Peace Corps Week Honoring their 56th Anniversary" in the City of Grand Junction

RECOMMENDATION:

Read and present proclamation

EXECUTIVE SUMMARY:

Recognize Peace Corps Volunteers on their 56th Anniversary

BACKGROUND OR DETAILED INFORMATION:

Councilmember Boeschstein has requested the proclamation honoring the 56th Anniversary of the Peace Corps.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A

Attachments

1. Proclamation - Peace Corps Volunteers 56th Anniversary

Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, the Peace Corps has become an enduring symbol of our nation's commitment to encourage progress, create opportunity, and expand development at the grass roots level in the developing world; and

WHEREAS, over 225,000 Americans have served as Peace Corps Volunteers and trainees in 140 host counties since 1961; and

WHEREAS, in 2016, 24,000 individuals volunteered for the Peace Corps and 3,800 were deployed; and

WHEREAS, Peace Corps Volunteers have made significant and lasting contributions around the world in agriculture, food security, business and civil society development, information technology, education, health and HIV/AIDS care and prevention, youth and community development, and the environment and have improved the lives of individuals and communities around the world; and

WHEREAS, Peace Corps Volunteers have strengthened the ties of friendship between the people of the United States and those of other countries, and they have been enriched by their experiences overseas, have brought their communities throughout the United States a deeper understanding of other cultures and traditions, thereby bringing a domestic dividend to our nation; and

WHEREAS, returned Peace Corps Volunteers nationwide are celebrating Peace Corps Week honoring the agency's 56th anniversary.

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim the week of February 26 through March 4, 2017 as

"Peace Corps Week Honoring their 56th Anniversary"

in the City of Grand Junction and ask all citizens help recognize all past and current Peace Corps Volunteers.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 15th day of March, 2017.

Mayor



GRAND JUNCTION CITY COUNCIL

MINUTES OF THE REGULAR MEETING

FEBRUARY 15, 2017

The City Council of the City of Grand Junction convened into regular session on the 15th day of February, 2017 at 7:00 p.m. Those present were Councilmembers Bennett Boeschstein, Chris Kennedy, Duncan McArthur, Rick Taggart, Barbara Traylor Smith, Martin Chazen, and Council President Phyllis Norris. Also present were City Manager Greg Caton, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Norris called the meeting to order. Councilmember Chazen led the Pledge of Allegiance which was followed by an Invocation by Kevin Lewis, Elders Quorum President with Melody Lane Ward, Church of Jesus Christ of Latter-day Saints.

Proclamation

Councilmember Taggart read the proclamation. Rafael Orozco, TRiO-Student Support Services (SSS) Advisor, Melissa Calhoon, TRiO-SSS Director, and student Taylor Bellhouse were present to receive the proclamation. TRiO-SSS was founded in 1964 and is a collection of federally funded programs designated to prepare low-income and first generation students (students from families whose parents do not have a four-year college degree) for college success. Ms. Taylor said she has been participating in TRiO-SSS for four years and it has positively changed her life. Mr. Orozco is also a recipient of TRiO-SSS and will graduate with a Master's Degree this year. He said he would not have achieved his academic goals without the TRiO-SSS.

Appointments

Forestry Board

Councilmember Kennedy moved to appoint Justin Drissel and reappoint Kamie Long to the Forestry Board for three year terms expiring November 2019 and appoint Josh Umberger as an alternate to the Forestry Board for a three year term expiring November 2019. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

Historic Preservation

Councilmember Boeschstein moved to appoint Ronald Parron to the Historic Preservation Board for a four year term expiring December 2020. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

Citizens Comments

Bruce Lohmiller, 3032 North 15th Street, #208, said he was hoping the Collective would attend the Council meeting. He mentioned speaking with City Manager Caton regarding the Downtown Event Center and watched a television interview of County District Attorney Rubenstein. Mr. Lohmiller suggested investments be made to law enforcement departments and schools. He mentioned encampments located within Whitman Park.

Mike Anton, 2111 Desert Hills Road, Chairperson for the Committee for the Event Center, addressed the upcoming ballot issue regarding the Event Center (2A). He said their committee has presented Downtown Event Center information at over thirty different events and listed a number of the service groups supporting the Event Center. Mr. Anton said this coming week will launch an ad campaign with handouts, posters, and door hangers. However, the Committee is still looking for additional volunteers. Mr. Anton said Landon Balding has been doing a fantastic job with the presentations and provided a website for this issue - www.gjeventcenter.com.

Council President Norris stated staff cannot get involved in ballot issues and she appreciates this Committee educating the community and getting citizens involved in City ballot issues.

Richard Swingle, 443 Mediterranean Way, presented an overview of the workshop that was held on Monday, February 13, 2017. He referred to a publication "The Next Generation Network Connectivity Handbook". He corrected some of the points that were made and disputed others. He encouraged Council to go forward to the next milestone. He pointed out that it appears the right-of-way acquisition is a big obstacle and encouraged Council to attend the Mountain Connect Conference.

Andrea Metz, 2430 Santa Rosa Lane, said she is concerned about some technologies that are being brought out and integrated without our knowledge. She described an ordinance for communities to adopt regulations on how the technologies are used. She recommended Council consider adopting a similar ordinance like the City of Santa Clara, California adopted called the Surveillance Technology Ordinance. She said these technologies can affect our livelihood and economic lives.

Council Reports

Councilmember McArthur said on February 3rd he attended the opening of a new downtown satellite office for Keller Williams Real Estate Company. He stated February 7th through February 10th he was in Denver where he participated in discussions regarding broadband and other issues with Colorado legislators, councilmembers, and mayors from other cities.

Councilmember Boeschenstein said on February 15th he attended the Horizon Drive Association Business Improvement District (HDABID) meeting, on February 13th he attended an Avalon Theatre marketing meeting and a Council Workshop, and on February 3rd he attended the Downtown Development Authority meeting. He announced on March 9th HDABID will be hosting a Council Candidate Forum at the Travelodge in Grand Junction. Lastly he read a list of the programs and services the Business Incubator Center (BIC) provides.

Councilmember Chazen said on February 13th he attended Council Workshop in which Charter Spectrum was one of the presenters and also on February 13th he attended the Associated Governments of Northwest Colorado (AGNC) regional meeting.

Councilmember Kennedy attended events related to Lesbian, Gay, Transgender, Bisexual, and Queer (LGTBQ) rights. He apologized to the community for possible confusion regarding the broadband issue and encouraged attendance at the February 23rd Club 20 Technology meeting.

Councilmember Traylor Smith attended the Grand Junction Economic Partnership (GJEP) meeting and is pleased with the new business growth coming to the community.

Councilmember Taggart said he had a busy two-week period attending several events.

Council President Norris said she attended the Council Candidate Orientation on February 6th and thanked staff for the presentation. She interviewed candidates for the Forestry Board, the Historic Preservation Board (HPB), and the Liquor License Authority, and attended the Visitor and Convention Bureau (VCB) Board meeting.

Consent Agenda

Councilmember Traylor Smith moved to adopt Consent Agenda items #1 through #4. Councilmember Boeschenstein seconded the motion. Motion carried by roll call vote.

1. **Approval of Minutes**
 - a. Summary of the January 16, 2017 Workshop
 - b. Minutes of the January 18, 2017 Regular Meeting
2. **Set public Hearing**
 - a. Legislative
 - i. Proposed Ordinance Amending the Grand Valley Circulation Plan, an Element of the Comprehensive Plan, specifically, to Revise the Street Classification of 23 ½ Road from Principal Arterial to a Minor Arterial with a Modified Arterial (aka D Road Section Design) Designation and Set a Hearing for March 1, 2017
3. **Resolutions**
 - a. Resolution No. 14-17 – A Resolution Approving the Election Notice the Regular Election April 4, 2017
 - b. Resolution No. 15-17 – A Resolution Amending the Purchasing Manual to Amend the Purchasing Threshold
4. **Other Action Item**
 - a. WITHDRAWN – Request Vacating Alley Public ROW in Block 84 City of Grand Junction, 310 N. 7th Street

Construction Contract for the 1st Street Reconstruction (Ouray Avenue to North Avenue)

This construction contract will reconstruct 1st Street from Ouray Avenue to North Avenue. The reconstruction will replace the existing four lane section with a three lane section complete with 8-foot wide detached sidewalks, 5-foot wide bike lanes, provide for on-street parking, medians, new light emitting diode (LED) street lighting, drainage, and landscaping. The proposed contract is with MA Concrete Construction, Inc. in the amount of \$2,102,074.60. Construction is scheduled from February 21 through July 14, 2017.

Trent Prall, Engineering Manager, presented this item. He stated the section of 1st Street from Ouray Avenue to North Avenue has a pavement condition index (PCI) between 24 and 39 and is too damaged for an overlay process; it will require a complete reconstruction.

He listed the goals and issues regarding the reconstruction of 1st Street: provide capacity for up to 14,000 vehicles per day as projected in the 2040 traffic model;

provide a safe transportation corridor for all modes including pedestrians, bicyclists, adhering to American with Disability Act (ADA) regulations, transit, vehicles, and trucks; address issues identified in the Comprehensive Plan and Greater Downtown Plan such as traffic growth, traffic calming, and intensified land uses in a neighborhood center; and accommodate existing businesses by providing safe access and allow for on-street parking.

Mr. Prall said the 1st Street Project will reconfigure the corridor from Ouray Avenue to North Avenue to a three-lane section with 8-foot wide detached sidewalks, 5-foot wide bike lanes, and on-street parking with medians. He said the additional upgrades include landscaping, drainage improvements, and street lighting LED conversion. Mr. Prall listed the details of the reconstruction and reconfiguration of 1st Street which includes safer access control with reduced left turn conflicts and rear end accidents. He showed the existing and proposed layouts of 1st Street and stated the proposed plan will accommodate future increased traffic levels. Mr. Prall said upon Council approval construction is scheduled to begin February 21st through July 14th and there are early completion incentives. He said the contractor is working closely with adjacent property owners to ensure business access.

Councilmember McArthur asked if 1st Street will be open during construction. Mr. Prall said yes. Councilmember McArthur asked if there are plans to restripe lanes on 1st Street from North Avenue to Orchard Avenue. Mr. Prall said not for this project, however, there are future plans to overlay or chip seal 1st Street from North Avenue to Orchard Avenue. Councilmember McArthur asked for an overview of the landscaping in medians. Mr. Prall provided the overview and said some medians will be used to protect crosswalks and slow traffic speeds. Councilmember McArthur thanked Mr. Prall and staff.

Councilmembers Boeschstein and Chazen said they are pleased with the improvements coming to 1st Street and are glad that it addresses pedestrian and bicycle traffic.

Councilmember Kennedy asked if conduit will be underground. Mr. Prall said there will be underground conduit on the east side with street and alley access points.

Councilmember Traylor Smith asked if there is any contingency. Mr. Prall said there is a contingency of \$100,000. Councilmember Traylor Smith asked if there was a solution to the car dealers unloading larger delivery trucks during the street repair. Mr. Prall said a solution has been worked out for the car dealers to unload car carriers using side streets and parallel parking areas. Councilmember Traylor Smith reminded the public that these companies are still open for business and not to be discouraged from frequenting them during the street repair.

Councilmember Taggart thanked staff for their hard work on this project. He asked about the restriping of the next mile north on 1st Street. Mr. Prall said the 1st Street

project is scheduled to be finished in July and staff will then coordinate the overlay and chip seal program that will impact 1st Street north of North Avenue.

City Manager Caton said he attended the Urban Trails Committee (UTC) meeting and explained that all overlay projects go to the UTC for input.

Council President Norris stated this project will take the existing four lanes on 1st Street and reduce them to three lanes. She stated, due to the poor condition of 1st Street, the repair cost is high and she stressed the importance of proper street maintenance as a cost effective measure.

Councilmember Boeschenstein moved to authorize the City Purchasing Division to enter into a contract with MA Concrete Construction from Grand Junction, CO for the 1st Street Reconstruction Project (Ouray Avenue to North Avenue) in the amount of \$2,102,074.60. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 8:11 p.m.

Stephanie Tuin, MMC
City Clerk

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY
February 27, 2017 – Noticed Agenda Attached

Meeting Convened: 5:30 p.m. in the City Hall Auditorium

Meeting Adjourned: 8:21 p.m.

City Council Members present: All Councilmembers

Staff present: Caton, Shaver, Valentine, Finlayson, Brinkman, Dackonish, Lanning, Schoeber, Rainguet, and Tuin

Also: Richard Swingle, Kristi Pollard (GJEP), Tim Pollard, Donnie Alexander, Scott Winans, (COPMOBA) Rich Sales, (Palisade Town Manager) Amy Hamilton (Daily Sentinel), Dennis Simpson, Keith Ehlers, Janie VanWinkle, Dean VanWinkle, Howard VanWinkle, Roger Timmerman, (Utopia Director) Coleman King (Chattanooga Fiber System Representative), Erling Freyr Gudmundsson, (Iceland Broadband CEO), Mike Harris, (SiFi/Nokia) and other representatives.

Agenda Topic 1. Update on the Palisade Plunge

Council President Norris called the meeting to order and thanked everyone for coming.

Rob Schoeber, Parks and Recreation Director, provided an update from a workshop about a month prior regarding questions that came from that meeting on this topic.

Richard Sales, Town Manager, Palisade, reviewed the planning processes thus far for design and engineering. The Palisade Town Board has expressed the desire for the Plunge to come into Palisade, but the North River Road has to be widened. In total they have about \$500,000 budgeted including grants. If they can get through the planning stage, they need to have a concept paper done by April to apply for the GOCO grants in 2018.

Scott Winans, COPMOBA, provided a brief overview of the preferred route, starting at Highway 65 and showed an updated route with the issues addressed that were brought up by the City Council regarding City property. Janie VanWinkle, lessee, spoke regarding the meetings they had to work through the issues. There are two issues – signage and trespassing. She said any trespassing off the trail will be prosecuted. Ms. VanWinkle said their hope now is to not be back in a couple of years revisiting all of these issues again. They want a Memorandum of Understanding (MOU) in place with help from the City of Grand Junction and Town of Palisade writing it, which will outline most of the items discussed, and the issues that were raised at the first meeting.

It was agreed to start drafting the agreements, move to the public outreach stage, and establish the MOU. Council's consensus was to move forward.

Agenda Topic 2. Discuss Moving Forward to Milestone Two of the Exclusive Negotiation Agreement

City Manager Caton reviewed the history of the project up to February. The purpose of this discussion is to share what all Council is thinking and what they have learned. Points brought up were:

- Time to take a step back
- Visit again with the Incumbents

- Have Council's goals changed?
- Is ubiquitous service still a goal?
- Is City-ownership (public/private ownership) with urban pricing still a goal?
- What is the demand for Gig service/and what was promised to the citizens?
- Take rates and price points/can Grand Junction get there?
- City is responsible to make the payments of the COP's
- Is there a more cost effective way to bring this to citizens?
- Some local vendors not known to Council
- Fiber has to be built no matter what, wireless technology still needs fiber
- Is fiber a marketing platform for economic development?
- Grand Junction is far behind right now in delivering high speed internet
- Does the model make sense?
- Can Grand Junction have a third party to look at the proposal? There is a State representative willing to look at it

Since there were representatives from other fiber communities they were asked to tell their stories.

Roger Timmerman, Utopia (a collaborative fiber system in Utah) Executive Director, stated they believe in the benefits of municipal fiber. He reviewed their project which he believes is a success:

- 11 City consortium
- First bond was in 2004, built in 2009
- Old information is still out there about their initial struggles
- Since 2009 there has been three bonds
- All payments covered on the bonds since 2009
- A good partnership with Nokia
- Municipal networks can be sustainable
- Across the system the take rate is 32% - the competition has been good for all

Coleman King, Chattanooga, TN, project manager since the beginning; reviewed their project, also a success:

- He helps other cities figure out good models and finds a models that will line up with the city's goals
- Their project began with a goal to modernize their electric system – used fiber for communication
- Valued the system 3 different ways
- Borrowed \$220 million, \$111 million came from Department of Energy to upgrade their smart grid system
- Business plan was built on having 42,000 customers, they currently have 90,000
- They met all of the goals on the smart grid
- New businesses are moving into town
- Incumbents want to talk, but not much will happen until competition actually starts being built

Mike Harris, SiFi, then introduced Erling Freyr Gudmonsson, CEO with Reykjavik Fibre Network, from Iceland

- Their plan is very similar to what SiFi/Nokia is offering in Grand Junction
- They are working with SiFi in Iceland/Denmark
- They got a \$50 million loan and are investing \$20 million annually
- The network started with three ISP's, currently they have 7 ISP's. (4 did not exist until this project was started)
- Landscape in Iceland is very rough
- The key is the installation to the homes
- Every connection is speed tested and documented
- It's hard to predict the need, but aim high
- He contrasted the different models
- He recommended not limiting the ISP's as long as they are acceptable with Key Bank

The decision on whether to go on to Milestone Two is on the March 1st City Council agenda.

Other Business.

City Manager Caton said there were two additional topics:

- Tour of the Moon National Byway discussion - Councilmember McArthur presented this request from Representative Willett to support a resolution designating the road to the Monument entrance as the Tour of the Moon National Byway. He was asking for a letter of support from the City Council. There was consensus for a support letter supporting the resolution.
- Support for a multimodal discussion, meaning more State Highway Funding for an NGO (Non-Governmental Organization). Since much of the impact to Western Slope funding is unknown, the Council declined to send a letter of support.

With no further business the meeting was adjourned.



**GRAND JUNCTION CITY COUNCIL
MONDAY, FEBRUARY 27, 2017**

**PRE-MEETING (DINNER) 5:00 P.M. ADMINISTRATION CONFERENCE ROOM
WORKSHOP, 5:30 P.M.
CITY HALL AUDITORIUM
250 N. 5TH STREET**

To become the most livable community west of the Rockies by 2025

1. Discussion Topics

- a. Update on the Palisade Plunge
- b. Discuss Moving Forward to Milestone Two of the Exclusive Negotiation Agreement with SiFi/Nokia

2. Next Workshop Topics

3. Other Business

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

MARCH 1, 2017

The City Council of the City of Grand Junction, Colorado met in Special Session on Wednesday, March 1, 2017 at 5:00 p.m. in the Administration Conference Room, 2nd Floor, City Hall, 250 N. 5th Street. Those present were Councilmembers Bennett Boeschstein, Marty Chazen, Duncan McArthur, Rick Taggart, and President of the Council Phyllis Norris. Councilmember Kennedy was in attendance via telephone.

Also present were City Manager Greg Caton, City Attorney John Shaver, Finance Director Jodi Romero, Public Works Director Greg Lanning, Engineering Manager Trent Prall, Parks and Recreation Director Rob Schoeber, and Principal Planner Dave Thornton.

Councilmember Chazen moved to go into Executive Session to Discuss the Purchase, Acquisition, Lease, Transfer, or Sale of Real, Personal, or Other Property Interest Under Colorado Revised Statutes Section 24-6-402(4)(a) of the Open Meetings Law and will not be returning to open meeting. Councilmember McArthur seconded the motion. Motion carried.

The City Council convened into executive session at 5:03 p.m.

Councilmember Barbara Traylor Smith arrived at 5:07 p.m.

Kristi Pollard, Grand Junction Economic Development Partnership entered the meeting at 5:26 p.m.

Councilmember Chazen moved to adjourn. Councilmember Traylor Smith seconded. Motion carried.

The meeting adjourned at 6:35 p.m.

Stephanie Tuin, MMC
City Clerk



Grand Junction City Council

Regular Session

Item #2.a.i.

Meeting Date: March 15, 2017

Presented By: David Thornton, Principal Planner

Department: Admin - Community Development

Submitted By: David Thornton, Principal Planner

Information

SUBJECT:

Ordinance Amending Sections of the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) Regarding Group Living and Set a Hearing for April 5, 2017

RECOMMENDATION:

Planning Commission heard this item at its February 28, 2017 meeting and forwarded a recommendation of approval to City Council (5-0).

EXECUTIVE SUMMARY:

The proposed ordinance addressing Group Living and Household Living reorganizes the text, better defines terminology, establishes appropriate regulations, simplifies by removing ambiguities, establishes spacing requirements between facilities, clarifies development versus registration requirements, identifies appropriate zone districts for group living land uses and establishes decision-making authority. The proposed ordinance repeals and replaces Section 21.04.030(p) of the Zoning and Development Code (Code) which provides standards and regulations for Residential Living.

BACKGROUND OR DETAILED INFORMATION:

Over time City staff, applicants, neighbors, aggrieved parties and boards have found it difficult to understand and apply the group living provisions of the Code. The use-specific regulations and related definitions are confusing, duplicative, contradictory, uncertain and not well organized. For example, it is unclear what constitutes a group living facility as opposed to a type of multi-family housing with special amenities, like fitness facilities, activity rooms and group dining options.

In addition, the Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA) prohibit (among other things) discrimination in housing. The prohibition extends to zoning and development regulations that place greater restrictions or burdens on group homes for any protected class (e.g., age, disability, gender, race, religion). In addition, state law does not allow Colorado towns and cities to exclude group homes from residential zone districts. The category of group living that is affected by these laws is the category of “group living facilities,” because the residents are typically in a protected class. Fraternities, sororities, boarding houses and other group living, such as dormitory style housing, are generally not protected by these laws because the residents are not typically in a protected class.

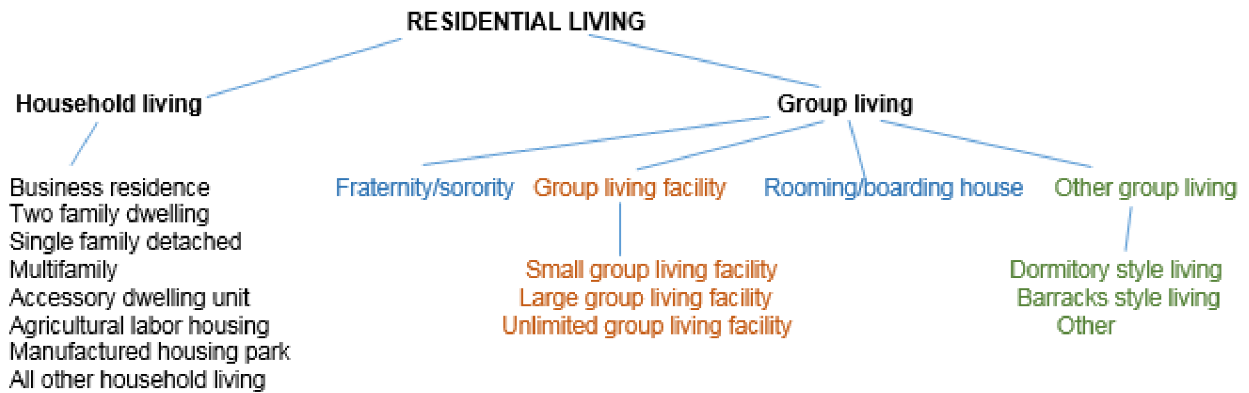
Since federal and state law do not allow local government to zone or regulate group homes out of residential areas or to impose restrictions on group living that do not apply to other types of residential land uses, it has been the City's policy to apply regulations that help integrate group living facilities into residential neighborhoods while protecting the residential character of the neighborhoods where group homes may be located.

To address these issues, planning staff held several workshops with the planning commission and met with a focus group consisting of individuals who own and/or manage small, medium and large group living facilities in our community to discuss how to improve the regulations.

The attached ordinance is the outcome of these meetings and workshops. It is intended to:

- eliminate outdated and unnecessary text,
- better organize the text so that the requirements and processes are more clear,
- promote the integration of group living into City neighborhoods while protecting their residential character,
- allow new types of group living that are currently prohibited (such as fraternities and sororities and dormitory style living) while creating regulations and processes to ensure adequate protection for the peace and quiet enjoyment of residential neighborhoods, and
- ensure that neighbors of group living homes and facilities have a process and a forum to register undesirable neighborhood impacts.

In the proposed ordinance, there are four categories of group living 1) fraternity/sorority, 2) group living facility, 3) rooming/boarding house, 4) “other group living” which includes dormitory style living but could also include other types of non-traditional housing not yet considered. Here is an illustration of the types of residential living proposed with these text amendments:



Three of these subcategories -- fraternity/sorority, rooming/boarded house, other group living – address types of living we expect to see more of in the community given demographic pressures. To preserve the character of residential neighborhoods, special (“use-specific”) standards and requirements are carried over from the previous code for group living facilities, with some modifications, and new ones are proposed for the first and third categories (fraternities/sororities and rooming/boarded houses); also proposed are geographic limitations on where fraternities and sororities can be located (within 500 feet of the CMU campus only). The fourth category, other group living, there is generally no use-specific regulations proposed, just increased parking standards and zone limitations.

The proposed ordinance is attached, see Attachment 2.

FISCAL IMPACT:

Not Applicable

SUGGESTED MOTION:

I move to introduce a Proposed Ordinance Amending Sections of the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) Regarding Group Living and Set a Hearing for April 5, 2017.

Attachments

1. Planning Commission Staff Report
2. Proposed Ordinance Group Living



PLANNING COMMISSION AGENDA ITEM

Date: February 14, 2017

Author: Dave Thornton and Shelly Dackonish

Title/ Phone Ext: Senior Planner/x1442; Sr.

Staff Attorney/x4042

Proposed Schedule: Planning Commission –

February 28, 2017

City Council 1st Reading – 15, 2017

2nd Reading (if applicable): April 5, 2017

File # (if applicable): ZCA-2012-355

Subject: Ordinance Amending Sections of the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) Regarding Group Living

Action Requested/Recommendation: Forward a Recommendation to City Council on an Ordinance Amending the Zoning and Development Code

Presenter(s) Name & Title: David Thornton, Principle Planner

Executive Summary:

The proposed ordinance repeals and replaces Section 21.04.030(p) of the Zoning and Development Code (Code) which provides standards and regulations for Group Living Facilities.

Background and Analysis:

Background. Over time City staff, applicants, neighbors, aggrieved parties and boards have found it difficult to understand and apply the *group living* provisions of the Code. The use-specific regulations and related definitions are confusing, duplicative, contradictory, uncertain and not well organized. For example, it is unclear what constitutes a *group living facility* as opposed to a type of multi-family housing with special amenities, like fitness facilities, activity rooms and group dining options.

To address these issues, planning staff held several workshops with the planning commission and met with a focus group consisting of individuals who own and/or manage small, medium and large group living facilities in our community to discuss how to improve the regulations. Specifically, staff held meetings as follows:

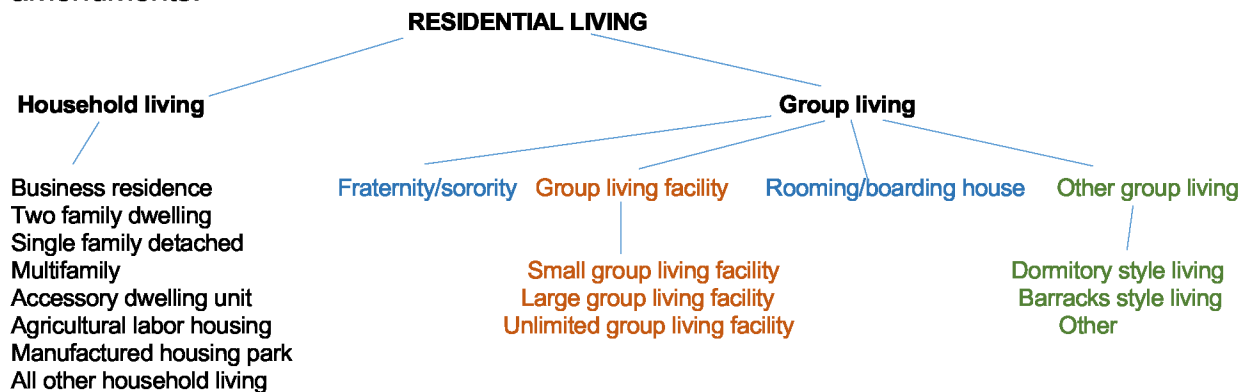
3/3/2016 Planning Commission Workshop
 5/19/2016 Planning Commission Workshop
 7/8/2016 Focus Group
 9/14/2016 Focus Group
 9/22/2016 Planning Commission Workshop
 11/3/2016 Planning Commission Workshop

The attached ordinance is the outcome of these meetings and workshops. It is intended to, and in staff's opinion does:

- eliminate outdated and unnecessary text,
- better organize the text so that the requirements and processes are more clear,
- promote the integration of group living into City neighborhoods while protecting their residential character,
- allow new types of group living that are currently prohibited (such as fraternities and sororities and dormitory style living) while creating regulations and processes to ensure adequate protection for the peace and quiet enjoyment of residential neighborhoods, and
- ensure that neighbors of group living homes and facilities have a process and a forum to register undesirable neighborhood impacts.

There are two categories of residential land uses in the Code: *household living* and *group living*.¹ Household living centers around the family unit; it can be single-family or multi-family. Group living accommodates unrelated people living together into a single living unit. Currently rooming/boarding houses are treated as household living in the zone/use table even though they do not meet the definition of household living. The proposed text amendments would treat rooming/boarding houses as a type of group living.

In the proposed ordinance, there are four categories of group living 1) fraternity/sorority, 2) group living facility, 3) rooming/boarding house, 4) "other group living" which includes dormitory style living but could also include other types of non-traditional housing not yet considered. Here is an illustration of the types of residential living proposed with these text amendments:



Three of these subcategories are new² -- fraternity/sorority, rooming/boarding house, other group living – but address types of living we expect to see more of in the community given demographic pressures. To preserve the character of residential neighborhoods, special (“use-specific”) standards and requirements are carried over from the previous code for *group living facilities*, with some modifications, and new ones are proposed for the first and

¹ *Shelters* and *lodging* are not considered residential land uses because they provide only temporary shelter (based on a tenancy of less than 30 days).

² Rooming/boarding houses have been listed in the zone/use table but not defined or addressed in terms of development standards.

third categories (*fraternities/sororities* and *rooming/boarding houses*); also proposed are geographic limitations on where fraternities and sororities can be located (near the CMU campus only). The fourth category, *other group living*, is discussed in more detail below, but generally no use-specific regulations are proposed, just increased parking standards and zone limitations.

The second category, *group living facilities*, has been subject to use-specific regulations since the 2001 Code was adopted. Group living facilities provide important services in our community by creating a home environment with needed in-home services for those who cannot live on their own. State law governs and regulates the delivery of the social, mental health and other professional services provided to protected individuals in the group home setting. These aspects of regulation are pre-empted by state law; in other words, the City cannot regulate the health and other professional services and standards for provisions of such services offered at the home. Rather, zoning and development laws generally deal with the externalized effects of development and land uses.

Section 21.04.030(p) contains the use-specific regulations for group living. The proposed ordinance adds two new subsections – one for fraternities/sororities and another for rooming/boarding houses – and simplifies and reorganizes the existing text covering *group living facilities*. Because of the text reorganization, a redline of the text would be confusing and ultimately not helpful, so the proposed ordinance repeals and replaces Section 21.04.030(p).

Legal Issues:

The Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA) prohibit (among other things) discrimination in housing. The prohibition extends to zoning and development regulations that place greater restrictions or burdens on group homes for any protected class (e.g., age, disability, gender, race, religion). In addition, state law does not allow Colorado towns and cities to exclude group homes from residential zone districts. The category of group living that is affected by these laws is the category of “group living facilities,” because the residents are typically in a protected class. Fraternities, sororities, boarding houses and other group living, such as dormitory style housing, are generally not protected by these laws because the residents are not typically in a protected class.

Since federal and state law do not allow local government to zone or regulate group homes out of residential areas or to impose restrictions on group living that do not apply to other types of residential land uses, it has been the City's policy to apply regulations that help integrate group living facilities into residential neighborhoods while protecting the residential character of the neighborhoods where group homes may be located.

Analysis.

The analysis here is a higher level overview of the proposed changes; for more detail, please consult the attached table of changes, which describes each change and the reason for it.

Fraternities and Sororities

The current Code prohibits groups of more than 4 unrelated persons living in a single dwelling unit³ unless they meet the definition of a group living facility, which a fraternity or sorority house does not meet. Colorado Mesa University now has two sororities (Alpha Sigma Alpha and Gamma Phi Beta) and two fraternities (Kappa Sigma and Theta Xi), and is looking to expand collegiate “Greek life” to include more organizations over the next few years. At present these chapters do not offer housing for their members, and the University’s plan is to house members on campus in special dorms. However, once a fraternity or sorority is formed, it is up to the fraternal organization, and not the university, whether to create *off-campus* housing for the chapter. The fraternal organization can, like any other entity, purchase, lease and manage real property for its members.

Given that, a new group living category is proposed that would allow fraternity/sorority housing in a limited area (in certain zone districts within 500 feet of the core campus), and require annual registration and compliance with specific standards intended to protect neighborhood character and integrity. The “core campus” is the area from 7th to 12th Streets between Orchard and North Avenues, plus the area of the former Community Hospital campus from College Place to 12th Street between Walnut and Orchard Avenues. These requirements apply only to *off-campus* fraternity and sorority houses; campus housing is not regulated.⁴

Off-campus fraternal housing is required to:

- (a) be located within 500 feet of the core campus and in a residential zone;
- (b) register annually with the City and provide proof of good standing with the fraternal organization and with the university;
- (c) meet density requirements of the zone district, but have no more than 35 residents in a single residence or 4 in a single room;
- (d) provide sufficient off-street parking, space per occupant, buffering and screening (specifics are in the ordinance);
- (e) meet all fire, health, building and safety codes;
- (f) keep date on the number of police/emergency calls to the house each year; and

In addition, there is a process for neighbors to register complaints and for the Director to consider those when reviewing the annual registration. The process and requirements in this regard are similar to those for group living facilities.

The text was developed borrowing from other cities’ rules for fraternity/sorority housing. It was sent to the Greek advisor at Colorado Mesa University in September of 2016. CMU’s Assistant Director of Student Life has commented that the proposed regulations are “very fair and equitable.”

³ A dwelling unit is one or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family or group of four or fewer unrelated persons maintaining a household.

⁴ On-campus housing would be created by and subject to the regulations of the University administration as well as those of the fraternal organization.

Group Living Facilities

Text reorganization. Because of the way the current text is organized, it has been difficult for planners, applicants and neighbors to know what the processes are, what is required at what stage of the process, and what standards apply at those stages. For example, group living facilities must obtain a land use approval and also must register annually, but the text unclear as to which requirements relate to land use permitting and which relate to the registration, and/or how the two processes inter-relate. Because of this it is unclear to affected neighbors when and how to raise objections or concerns about the application and the applicable law. The text has been reorganized so as to make these things clearer.

Defining “group living facility”. The new text clarifies that a *group living facility* is characterized by unrelated persons living together and receiving professional services, assistance with daily living and/or care in the home setting. This is distinguished from retirement or other living that is more like apartment living with some limited on-site amenities, such as fitness centers, common social and/or dining areas, without any on-site treatment or care. In the latter case, if the individual living units have some cooking facilities, the facility would be considered multi-family, like an apartment; if cooking facilities are shared, it would be considered “other group living.” Other group living is discussed below.

Simplification. Several pages of text are removed from the *group living facility* regulations. Various facility-type distinctions and definitions that were drawn directly from state statutes are eliminated. Such definitions are useful in the state regulatory scheme, the purpose of which is to regulate the professional care given to residents with disabilities and special needs. But they have not proven useful from a land use regulatory perspective, and they tended to create unnecessary ambiguities that were confusing to applicants, neighbors and the general public. The zoning and land use regulations do not depend upon the professional services or the type of special needs shared by the residents, so these definitions were not necessary or useful. There are two exceptions to this: group living by sex offenders, and housing for individuals detained for criminal offenses. The special requirements for these types of group living facilities are maintained in the new text.

Spacing requirement. Group living facilities have been required to be at least 750 feet apart, with no guidance on how the spacing should be measured. Different measurement methods have been proposed by different applicants at different times, and the Director has had no guidance in the code text as to which to apply. The proposed amendments use the means of spacing measurement as that used for liquor establishments. In addition, the spacing requirement is made applicable only to facilities in lower density zone districts (R-R to R-8); in zone districts where multifamily development is common, spacing is inapplicable. The density limitations of the zone district are sufficient to mitigate impacts related to intensity.

Development vs. registration requirements. Under the current text it is confusing to applicants and neighbors what requirements apply to the initial land use application and permit and which apply to the annual registration. This confusion has bogged down the

review process. The proposed amendments clearly delineate the two different processes and spell out which requirements and processes apply when. For example, it is now clear that spacing and architectural standards are reviewed at the time of the initial application and cannot be retroactively applied to a facility that has been permitted, established and continued in place for a year or more. The Director can, however, still review these annually and if necessary abate any changes made during the previous year that do not comply with the Code, the permit terms or state license requirements.

Decision-making authority. Under the current text, it is uncertain who has the decision-making authority in some circumstances. For example, a planner can “refer” certain applications to the Planning Commission, but there are no criteria or other meaningful guidance on what triggers such a referral. This unfettered discretion leaves the City exposed to potential liability, and creates uncertainty in the process that hinders applicants, affected neighbors and staff. It also may run afoul of the ADA and FHA. The proposed amendments make clear that a land use application for a group living facility will be decided by the Director administratively, with a right of appeal to the planning commission. Likewise, the current text gives the Director discretion to “refer” the decision whether to renew a facility’s annual registration. Although there are some criteria given, they are very broad and do not provide adequate guidance to the Director on whether/when to refer the decision to the Planning Commission. It also leaves unclear what aspects of the decision are for the Planning Commission and what are for the Director. It should be clear to the applicant, to City staff, and to affected neighbors who the decision maker is in each process. Because it is an annual renewal, a “referral” could suspend the status of a facility’s land use permit for an uncertain and unduly long period of time. It affords better and more clear due process for the Director to conduct the annual registration review and make the decision, with a clear right of appeal to the Zoning Board of Appeals, so that is the process provided in the amended text. To summarize, in all cases except one, the initial application and the annual registration is decided by the Director, with a right of appeal to the Zoning Board of Appeals. The single exception is for sex offender housing, for which the Planning Commission hears and decided the initial application and the Director decided the annual renewal, with required in put from the Corrections Board. This remains consistent with the current Code. The ADA is not implicated because sex offenders are not in a protected class, and because the decision to “refer” is not discretionary but mandated, there is little potential for legal challenge based on abuse of discretion.

Rooming/Boarding House

Rooming and boarding houses have been mentioned in the zone/use table but not defined or otherwise regulated. Though listed in the current zone/use table under “household living,” rooming/boarding houses do not meet the definition of household living. The proposed amendments define a rooming/boarding house as a type of group living (thus respecting the Code’s definition of household living) and create development standards that are intended to protect residential neighborhoods from adverse impacts, including minimum lot area minimum per resident, increased parking requirements, and a density calculation of two rented rooms equal one dwelling unit. A neighborhood meeting is

required. Rooming/boarding houses are currently allowed in the R-8 through R-24 residential zone districts and in the R-O, B-1, B-2 and C-1 zone districts; no changes are proposed to that.

Other Group Living

Other types of non-household living are likely to become increasingly common with the continuing growth of Colorado Mesa University and with attempts to address the problems of increasing homelessness. Dormitory and “barrack” style living may provide living options that more people can afford. Dormitory style living is essentially the renting of a bedroom, with access to shared living, kitchen, dining and bathroom areas. Since the types of uses may be unusual and the neighborhood impacts more difficult to anticipate and/or more dependent upon specific circumstances, staff proposes allowing such uses only in the denser residential zone districts, and requiring a conditional use permit in zone districts that may allow multi family but are still primarily characterized by single family homes (R-5 and R-8). This would give neighbors an opportunity to participate in a public hearing on each specific project regarding neighborhood compatibility, use and quiet enjoyment of their property, neighborhood character and other types of protections, and give the planning commission the opportunity to impose conditions on the project that would enhance these protections. In higher density residential districts where multi-family development is allowed and is also more common, no CUP requirement is proposed. However, increased parking requirements (.8 spaces per bed) are proposed for *other group living* (including but not limited to dormitory style living) wherever they may be located. Density is calculated at 2 beds = 1 dwelling unit.

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

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

Group living facilities can range from small home type settings to large care facilities; offering a variety of services for people who cannot live on their own. They can provide housing for young adults, housing for college students or for those people desiring similar type housing. Services can include, but are not limited to medical care, therapy, supervision, transportation, social activities and security. The proposed amendments consider and provide for the needs of a variety of housing types.

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

Existing houses and other buildings can be reused for group living facilities, whether sororities/fraternities, homes for physically/mentally challenged citizens or elderly or rooming/boarding houses allowing them to integrate into existing neighborhoods, minimizing the impact.

Board or Committee Recommendation:

The Planning Commission will make a recommendation to City Council on February 28, 2017.

Other issues:

No other issues have been identified.

Previously presented or discussed:

The Planning Commission discussed amending the group living section of the code at workshops on March 3, 2016, May 19, 2016, September 22, 2016 and November 3, 2016. These workshops included broad policy discussions, review of various drafts of proposed changes, and discussion of the findings and recommendations of the focus group. Over the course of those workshops the attached ordinance was developed. The Planning Commission reviewed this report and the present iteration of the ordinance at the workshop on February 23, 2017.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested Group Living Facility Code Amendment, ZCA-2012-355, to the City Council with the findings and conclusions described in this staff report.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on the Group Living Code Amendment, ZCA-2012-355, I move that the Planning Commission forward a recommendation of the approval for the Group Living Code Amendment with the findings of fact, conclusions, and conditions listed in the staff report.

Attachments:

Group Living Text Amendment Summary Table
Ordinance

GROUP LIVING TEXT AMENDMENTS SUMMARY TABLE

Ref #	Former Section Number	New Section Number	Subject Matter	Description of change	Reason(s)
			§21.04.030(p)	USE SPECIFIC STANDARDS FOR	GROUP LIVING
1	§21.04.030 (p)(1)		calculating density	Moved	More logical organization
2	§21.04.030 (p)(2)	§21.04.030 (p)	definition and subcategories of group living	Moved; clarified that group living facilities are characterized by on-site care/supervision; added other types of group living	Definition better clarifies among the categories of household and group living, and among the subcategories of group living.
2a	§21.04.030 (p)(2)	§21.04.030 (p)	definition and subcategories of group living	Included foster child and parent, regardless of whether adoption is in process, in definition of "related"	Foster parents prefer to be considered a family and not a group living facility under the zoning code even where the foster child is not being adopted. This makes sense in terms of neighborhood impacts, which are substantially the same as with natural families. With this change foster parents will not have to register annually or comply with municipal group living zoning standards.
3	§21.04.030 (p)(2)	§21.04.030 (p)	prohibition of unrelated persons living together	Allow other types of group living not defined in the code with a CUP, including dormitory style living in R-5 and R-8. Allow Dormitory Style Living without a CUP in the R-12, R-16, R-24, R-O, B-1, B-2, C-1, M-U and BP zone districts.	To allow for the possibility of other types of group living, such as dormitory style living, not yet contemplated, allowing them in higher density residential and mixed use zones and allowing them with a CUP in R-5 and R-8. The CUP will help address neighborhood compatibility and gives neighbors an opportunity to be heard at a public hearing. See also #85, #103, #117 and #118 below.
			§21.04.030(p)(1)	FRATERNITY/ SORORITY	(NEW SUBSECTION)
4	n/a	§21.04.030 (p)(1)	Fraternity/sorority houses	To allow such housing (which is not allowed under current code) on or within 500 feet of core campus (core campus area is specifically defined; see map and description in proposed Ordinance); in R-4 through R-24 zone districts (not allowed in other zones)	CMU has two fraternities and two sororities now and is looking for more; CMU wants Greek housing to be on campus, but does not control this (chapters can purchase/lease housing for their members off campus); to protect quiet enjoyment of residential neighborhoods farther from campus.
5	n/a	§21.04.030 (p)(1)(i)	Definition, fraternity / sorority living	Defines as a house occupied by members of a fraternal organization in good standing with the national organization	To ensure that the group is cohesive and governed by some internal standards of behavior, rather than just a loosely associate large group of friends or roommates.

				and the university	
6	n/a	§21.04.030 (p)(1)(iii)	Density	Allows fraternal housing to exceed maximum density of zone district so long as parking, minimum square footage, maximum occupancy, buffering, screening and other requirements of ZDC are met. *	Other standards ensure adequate space, buffering, parking and other density- related factors are mitigated and minimized to protect character of neighborhoods within 500 feet of core campus. *
7	n/a	§21.04.030 (p)(1)(iv) (A)	Parking	Require off-street parking at 1.5 spaces for each sleeping room (limit of 4 beds per sleeping room), plus 1.5 spaces for every 4 non-resident members of the chapter, plus 1 space for every 3 staff. *	To minimize parking congestion on the public streets. *
8	n/a	§21.04.030 (p)(1)(iv) (B) and (C)	Interior space	Requires residential structure to have at least 100 square feet per resident; limits number of residents to 35; Limits number of beds in individual room to 4. *	To minimize crowding inside the structure as crowding tends to spill effects outside the structure into the neighborhood (more outdoor living activities). *
9	n/a	§21.04.030 (p)(1)(iv) (D)	Buffering and screening	Require a 6' tall solid fence and an 8' wide landscape strip abutting non-fraternity/sorority property. *	To buffer against noise and other impacts. *
10	n/a	§21.04.030 (p)(1)(v)	Review process	Land use application requires neighborhood meeting and notice to neighbors. Director decides; appeal to ZBOA. *	Same as process for other group living development. *
11	n/a	§21.04.030 (p)(1)(vi)	Annual registration	Require annual registration and compliance with rules and standards. *	Opportunity for neighborhood issues that may occur over time after the establishment of the fraternity/sorority house to be addressed. Substantially similar to process for other group homes. Also, to ensure continued good standing with university and national fraternity. *
12	n/a	§21.04.030 (p)(1)(vi)(A) through (G)	Annual registration	Requires annual proof of good standing, documentation of compliance with laws, codes and rules; statement of administrative activities of the house; proof that parking requirements are met; documentation of number of residents, total square footage of residence, number of sleeping rooms and beds; documentation of calls for emergency or police service to the home. *	To ensure continuing compliance with applicable laws, zoning regulations and fraternal and university rules and to allow city staff to evaluate on-going neighborhood impacts. Substantially similar to annual registration requirements for group living facilities. *
	n/a	§21.04.030	Revocation	Land use permit can be revoked if	To provide a remedy for adverse neighborhood

13		(p)(1)(vii)		foregoing standards not met, without waiving other enforcement opportunities of the city. *	impacts. Substantially similar to provisions for other group living. *
14	n/a	§21.04.030 (p)(1)(viii)	Annual inspection	Requires house to permit annual inspection by building, fire and code enforcement to ensure compliance with standards. *	To protect safety of residents and neighbors. Substantially similar to requirements for other group living. *
15	n/a	§21.04.030 (p)(1)(ix)	Validity period 1 year	Permit for fraternity/sorority house valid for 1 year, will be renewed by Director if standards, requirements continue to be met and that the facility does not adversely affect the neighborhood. *	Means of monitoring ongoing neighborhood impacts and remedy if they prove to be excessive. Substantially similar to requirements for other group living. *
16	n/a	§21.04.030 (p)(1)(ix) (G)(a) through (d)	Criteria for evaluating neighborhood effects of fraternity /sorority, off-campus	Criteria for determining neighborhood effects: public facilities not overburdened by the facility; no unreasonable interference with peace, quiet, dignity of neighborhood; no dangerous or unsafe conditions due to the facility or to criminal acts or residents or excessive emergency calls to the house. *	Means of monitoring ongoing neighborhood impacts and remedy if they prove to be excessive. Substantially similar to requirements for other group homes. *
17	n/a	§21.04.030 (p)(1)(x)	Appeal of decision on renewal	Allows anyone aggrieved by Director's decision to renew or non-renew or to impose a condition of renewal to appeal to the ZBOA.	Redress of grievances, due process
	NOTES:			*Applies only to off-campus housing. Housing on campus will be designed by CMU to fit the campus and subject to CMU's rules, so no need for municipal regulation. Also university housing likely exempt from such requirements and municipal review under state law.	
			§21.04.030(p)(2)	GROUP LIVING FACILITIES (GLF)	
18	§21.04.030 (p)(2)(i) §21.04.030 (p)(4)	§21.04.030 (p)(2)(i)(A)	Definition, group living facility	Moved provision that community corrections facilities are not group homes but rather are institutions that are not allowed in residential zone districts.	Public has been confused that group homes are or may be the same thing as corrections facilities; so this provision needs to be in a more prominent and logical place in the regulations. Corrections facilities continue to be allowed in the zone districts they were allowed in previous under the Use Table, none of which are residential zones.
	§21.04.030	§21.04.030	Definition, group	Add distinction between group home and	This distinction is not new; it has been in the code in

19	(p)(2)(i)	(p)(2)(i)(A)	living facility	shelters and between group homes and lodging.	another section (§21.04.020(b)) where a general definition of group living is given. It will be helpful to also include it here as the question of how to characterize shelters comes up fairly frequently.
20	§21.04.030 (p)(2)(i)	§21.04.030 (p)(2)(i)(A)	Definition, group living facility	Deleted “a separate City license is not required”	Statement does not relate to defining group living; also it was confusing to the public given that group homes were, and are, required to register annually with the City. The land use application and regulation process speak for themselves.
21	§21.04.030 (p)(2)(i) (A) through (C)	§21.04.030 (p)(2)(i)(B) through (D)	Categories of group homes based number of residents	Unlimited group home still 17+ residents; large group home now 10 to 16 residents, used to be 9 to 16); small group living facility now 5 to 9 residents, used to be 5 to 8. Text describing these is simplified.	Text simplified for clarity. Change in the number of residents in the small and large categories is to accommodate increasing demand for group living, at the request of the industry. (Small GLFs are allowed in more zone districts.) Density restrictions will still apply in each zone district.
22	§21.04.030 (p)(2)(iii)(A)	n/a	Definition of facility	Deleted	Definition has not been helpful in practice, and the provision can be too limiting to administer effectively. Group living facilities may be more like campuses and may function over more than one lot, which there may be good reasons not to combine. Given the spacing requirement, this may result in not allowing what would otherwise be an acceptable expansion of a group living facility.
23	§21.04.030 (p)(2)(ii) (B)	n/a	Special definition of “use” for group living	Eliminated the broad, unusual definition of land use that makes the “use” particular to the “mission” of the group home and to the identity of the landowner and/or the individuals who run the home.	Existing definition is confusing, unhelpful, impractical to implement. It unnecessarily burdens group homes with reporting requirements. It also conflicts with other provisions, such as those governing the annual registration requirements. The “mission” of the group home does not bear upon zoning and land use considerations (such as neighborhood character/impacts). There are no regulations that apply to one type or “mission” and not the others; the regulations are neutral in this regards, except in the limited exception of group living for sex offenders. A “change in the organization” is unclear and too broad for reasonable reporting requirements. Land use regulation is not typically particular to the identity of a landowner or operator of the facility; as long as the permit terms and rules are met, such identity does not matter. Annual registration is enough to ensure

					contact(s) for the facility are updated regularly.
24	§21.04.030 (p)(2)(ii) (C)	n/a	Definition of structure/building	Deleted from this section.	Superfluous text. Terms are already defined, and there is no need to redefine the terms just for group living facilities.
25	§21.04.030 (p)(2)(ii) (D)	§21.04.030 (p)	Definition of "related"	Moved and expanded to include foster child/parent whether or not the child is in the process of being adopted by the foster parent	Definition is integral to what a group living facility is, so it's important to address it in that location in the code. Reason for other change described in #2a above.
26	§21.04.030 (p)(2) (iii)	n/a	State licensure requires registration as a group living facility	Deleted.	Internally inconsistent, and inconsistent with other definitions and requirements. For example, a state license may be required for foster care, but a foster family is not required to register as a group home under the proposed text amendments. Also, state licensure is for the purpose of ensuring proper care for the residents, not for zoning impacts. Whether the state requires a license for the facility has, by itself, no bearing on neighborhood impacts; so there is no reason for state licensure, by itself, to dictate or trigger zoning and development requirements. The Code should be self-referential in this regard.
27	§21.04.030 (p)(2) (iii)	n/a	Group living facilities may or may not be licensed by the state.	Deleted.	Unhelpful. Group living facility is defined without reference to state licensure. While this may be true as a statement, there is no regulatory value to including it in the regulations.
28	§21.04.030 (p)(2) (iv)	§21.04.030 (p)	Prohibition of unpermitted group living	Moved	Fits more logically at the beginning of the section where group living is defined, in terms of both content and importance.
29	§21.04.030 (p)(3)	§21.04.030 (p)(2)(ii) (E)	Accessory uses	Moved	More logical placement; better organization.
30	§21.04.030 (p)(3)	n/a	Referral to the planning commission	Eliminated	Improper in terms of procedural process. Regular appeal process should (and will) apply; no reason to create a special appeal or "referral" process on a limited part of an overall land use application. It's impractical to have one aspect of a group living facility addressed by the planning commission and the rest of the application decided by the Director.
31	§21.04.030 (p)(4)	§21.04.030 (p)(2)(i)(A)	Corrections facility	Moved	See #18 above

			not a group home		
32	§21.04.030 (p)(4)	n/a	Director may refer question of compatibility with neighborhood to the planning commission	Eliminated	“Compatibility with the neighborhood” is not an applicable standard except with a CUP, which automatically goes to the planning commission anyway. There are no criteria to guide the Director as to which applications to refer to the commission, which creates potential exposure to legal challenge.
33	§21.04.030 (p)(4)(i) through (xxi)	n/a	List of examples of various types of group living facilities, based on types of services received/needed by residents	Eliminated	This list is not helpful to applicants, neighbors or staff; it creates confusion and has no bearing upon what regulations apply. Land use regulations do not vary according to the type of home, except in the limited instance of higher-risk population of sex offenders, which the law allows cities to treat differently. Focus group agreed that this list serves no regulatory purpose and only creates confusion. It is preferable to define group living generally and treat group homes the same. Also, the definitions of the various types are taken from state regulations and statutes, which change over time and make our definitions outdated and even more confusing. Also some of those listed are shelters or lodging rather than group homes under our code.
34	§21.04.030 (p)(5)	§21.04.030 (p)(2)(ii)(G)	Standards for group living in commercial zones	Moved to section governing applicable standard. Defer to standards of underlying zone district for group homes in commercial zones. Eliminate reference to “incompatibility with residential neighborhoods.”	More logical placement/better organization of text. Clarified that group living facilities in commercial zones must comply with the standards of the zone district, rather than merely referencing what standards <i>don’t</i> apply. Referencing what standards <i>don’t</i> apply is insufficient notice to applicants of requirements. Reference to compatibility with neighborhood is vague and confusing to applicants, neighbors and difficult for the Director to apply uniformly. Easier for applicants to find what standards apply to their development and address them in their applications.
35	§21.04.030 (p)(5)	§21.04.030 (p)(2)(ii)(H)	Standards for group living in residential zones	Changed negative references (what standards <i>don’t</i> apply where) to positive references (what standards do apply where)	Saying what standards do apply gives more useful information to an applicant than referencing what standards don’t apply. Easier for applicants to find out what standards apply to their development and address them in their applications.
36	§21.04.030 (p)(6) and (6)(ii)	§21.04.030 (p)(2)(vi)	Requiring annual registration for group living	moved	More logical location for this is where registration requirements are discussed. Current code is confusing as to what requirements relate to registration and which

			facilities		relate to land use approval. Re-organization of the text is proposed to clarify this.
37	§21.04.030 (p)(6)(i) §21.04.030 (p)(12)(iii)	n/a	Transitional victim homes	Deleted	Because they house people for fewer than 30 days, transitional victim homes are shelters (if very large) or community services (if smaller) and not group living facilities under the applicable definitions, under both the current code (§21.04.020(b)(1)) and under the proposed amendments (same section). Thus this text is in error and/or creates directly conflicting legal standards. Registration requirements do not apply to shelters and community services. Shelters and community services are only allowed in certain zone districts (see zone/use table).
38	§21.04.030 (p)(7)	n/a	Continuance of group living facilities prior to January 21, 2001	Deleted.	Nonconformities are extensively covered by Chapter 21.08 of the Code. Chapter 21.08 deals with all the aspects of nonconformities addressed in §21.04.030(p)(7). There is no need to have special nonconforming provisions for the particular limited subcategory of group living facilities. Removal of this section simplifies the code, eliminates duplication of provisions and eliminates conflicts among different code sections.
39	§21.04.030 (p)(7)(iii)	n/a	Continuance of group living facilities prior to January 21, 2001, Planning Commission approval	Deleted "...and the expansion shall be subject to approval by the Planning Commission after public hearing" as part of the deletion referenced in #38 above.	It is unnecessary and awkward to refer expansion of old or nonconforming group living facilities to the Planning Commission for decision, when all other aspects of the group living facility review are administrative. It is also confusing for applicants, aggrieved parties and staff because it is unclear whether the Commission is limited to review of the expansion only, or can also review and decide other aspects of the facility and/or nonconformity.
40	§21.04.030 (p)(8)	§21.04.030 (p)(2)(v)	Director's approval of annual registration	Moved	More logical place for this is in the section governing annual registration requirements.
41	§21.04.030 (p)(8)(i)	§21.04.030 (p)(2)(v)(A)	Proof of state licensure upon registration	Moved	More logical place for this is in the section governing annual registration requirements.
42	§21.04.030 (p)(8)(ii)	§21.04.030 (p)(2)(ii)(A)	Spacing requirement	Moved to "standards" section	The spacing requirement belongs among the standards/requirements for the initial land use approval, not among the annual registration

					requirements. It would expose the City to legal challenge if it were to apply the spacing requirement after the use has been lawfully established for a year or more (i.e., upon a subsequent annual registration event.) The time for ascertaining spacing is when the use is first established.
43	§21.04.030 (p)(8)(ii)	§21.04.030 (p)(2)(ii)(A)	Spacing requirement	Eliminated the spacing requirement for higher density residential zones where multi-family residential is allowed, while preserving it for lower density residential zone districts	Because the zone districts allow densities at the multi-family level, it was determined that it makes little planning sense to restrict spacing of group living facilities in the naturally more dense and/or intense use zone districts
44	n/a	§21.04.030 (p)(2)(ii)(A)	Spacing requirement - measuring	Added a provision stating how the distance between facilities will be measured	There was no clear guidance formerly on how to measure the distance, resulting in confusion among applicants and neighbors and difficulty in applying the standard evenly over time. Staff opted for a well-vetted means of measuring the distance, namely, the one that is used to measure spacing of liquor establishments. The purposes of the spacing requirements in both contexts is substantially similar; namely, to avoid a concentration of the use in one certain area, and to more evenly distribute impacts of the use
45	§21.04.030 (p)(8)(iii)	§21.04.030 (p)(2)(v)(A)	Proof of compliance with applicable codes	Moved	More logical place for this is in the section governing annual registration requirements.
46	§21.04.030 (p)(8)(iv)	§21.04.030 (p)(2)(ii) §21.04.030 (p)(2)(v)(F)	Architectural design of group living facility	Added to standards section, modified in registration section	The architectural design standards belong among the standards/requirements for the initial land use approval, not among the annual registration requirements. New or different architectural standards cannot equitably be imposed after the use has been lawfully established for a year or more (i.e., upon a subsequent annual registration event.) The time for imposing architectural standards is when the use is established. Annual registration does require a showing that all permit conditions and zoning standards are met, so this would allow the Director to address architectural changes made over time that may not conform.
47	§21.04.030 (p)(8)(v)	§21.04.030 (p)(2)(ii)(E)	Administrative activities allowed	Added to standards section and moved	Added requirement to standards section in the paragraph regarding accessory uses generally allowed with a group living facility (§21.04.030(p)(2)(ii)(E)); also

		§21.04.030 (p)(2)(v)(G)			moved to the annual registration section.
48	§21.04.030 (p)(8)(vi)	§21.04.030 (p)(2)(v)(F) And §21.04.030 (p)(2)(ii)(F)	Parking requirements	Moved, and added to standards section; added requirement of proof in the form of documentation.	Parking requirements must be reviewed during the initial land use review, not just upon annual registration; so the parking requirements are referenced in the standards section and not just in the annual registration section. Requires proof in the form of documentation so the Director can review annually to ensure adequate off-street parking is maintained.
49	§21.04.030 (p)(8)(vii)	§21.04.030 (p)(2)(v)(D)		Moved	More logical in section governing annual registration requirements; restated to require proof in the form of documentation
50	§21.04.030 (p)(9)	§21.04.030 (p)(2)(ii)(D)	Minimum lot size	Moved	More logical location is in the section describing the standards and requirements for the facility. Added to paragraph specifying density.
51	§21.04.030 (p)(10)	§21.04.030 (p)(2)(ii)(H)	Services to non-residents limited	Moved	Moved to standards section, and also referenced in registration section so this can be verified annually.
52	§21.04.030 (p)(11)		Conversion of multifamily – minimum lot space per resident	Moved	First part of paragraph maintained, but moved to standards where lot area per resident is discussed.
53	§21.04.030 (p)(11)	n/a	Conversion of multifamily – neighborhood compatibility	Deleted	The second part of the paragraph requiring “neighborhood compatibility” is too vague for the Director to determine administratively; applicant should have opportunity to be heard on a criterion that is as open-ended as this one. This criterion applies to uses requiring a CUP, but should not be applied to a use by right, so it has been eliminated. If a CUP is required in a specific zone district, this criteria will already be included.
54	§21.04.030 (p)(12) and (12)(i) and (ii)	§21.04.030 (p)(2)(iv)(A)	Neighborhood meeting and notice requirements	Moved	Moved to application process section
55	§21.04.030 (p)(12)(iii)	n/a	Transitional victim homes	Deleted	See # 37 above
56	§21.04.030 (p)(12)(iv)	§21.04.030 (p)(2)(vi)(E)	Effect of neighborhood comments	Moved	As this item relates specifically to observed neighborhood impacts of a specific facility over time, it belongs in the registration section where the neighborhood impacts are discussed, and not in the

					initial land use approval section (since where the use has never been established there can be no specific impacts for neighbors to report). Having this item in the neighborhood meeting section of the regulations has resulted in much confusion and in speculation being presented as if they were relevant facts. This is not helpful to the land use review process. Discussing actual neighborhood impacts, and whether the GLF should continue to be allowed in light of them, remains relevant, so the same factors apply, just in a more specific process.
57	§21.04.030 (p)(12)(iv)	§21.04.030 (p)(2)(vi)(E)	Effect of neighborhood comments	Modified	Eliminated the word “refer” since the too-discretionary option to “refer” applications to the planning commission (without any criteria) has been eliminated. See also #30 above.
58	§21.04.030 (p) (13)	§21.04.030 (p) (2)(v)(A)	Compliance with state licensure requirements; event of conflict with City requirements	Moved	Moved to registration requirements. The applicant needs a land use approval before it can obtain a state license; therefore it is only at the time of registration that the Director can verify state licensure and compare state requirements to those of the City code and as needed modify the terms of the permit.
59	§21.04.030 (p) (14)	§21.04.030 (p)(2)(iv)(B)	GLF for adult or juvenile offenders	Moved to new section entitled “Special review” and referenced in registration section	The special review provisions are not changed substantively. Because the special review process applies at initial land use application and upon annual registration (in both the existing code and in these proposed amendments), the section is moved to the initial land use application section and referenced in the annual registration section; for clarity and better organization
60	§21.04.030 (p) (15)	§21.04.030 (p)(2)(iv)(C)	GLF for sex offenders	Moved	No substantive changes. Moved to initial land use application section for more logical organization.
61	§21.04.030 (p) (16)	§21.04.030 (p)(2)(ii) AND/OR §21.04.030 (p)(2)(v)	Application requirements	Moved/reorganized	Those applicable at time of initial land use application are moved to that appropriate section; those applicable only upon annual registration are moved to the registration section; those applicable at both times are referenced in both places; for clarity and better organization.
62	§21.04.030 (p) (16)(i)	§21.04.030 (p)(2)(v)	Valid state license	Moved	Belongs in registration section; see #58 above
63	§21.04.030	§21.04.030	Spacing	Moved	Belongs in initial application section. Director cannot

	(p) (16)(ii)	(p)(2)(ii)			retroactively apply spacing requirement after the use has been permitted and established for a year. Time to verify spacing requirements are met is at the time a GLF is initially established.
63b	§21.04.030 (p)(16)(ii)	§21.04.030 (p)(2)(ii)	Spacing	Modified	Method of spacing specified where none was specified previously, for clarity and predictability. Spacing requirement applies only in lower density residential zones (R-R through R-8), because the impacts of a more intense use can be more naturally absorbed in zones where multi-family and more intense uses are allowed and are more common (R-12 through R-24 and mixed use zone districts). Density restrictions will still apply.
64	§21.04.030 (p) (16)(iii)	§21.04.030 (p)(2)(ii) And (2)(v)	Compliance with applicable codes	Moved	For better organization and clarify, this requirement is referenced in both initial application and annual registration sections
65	§21.04.030 (p) (16)(iv)	§21.04.030 (p)(2)(ii)	Architectural design	Moved	Belongs in initial application section. Inconsistent with due process for Director to retroactively apply architectural standards after the use has been permitted and established for a year or more. Time to apply such standards is at the time a GLF is initially established. However, Director can review changes to the site and structures annually and abate changes that do not comply with the permit and/or the Code. See also #46 above.
66	§21.04.030 (p)(16)(iv)	§21.04.030 (p) (2)(ii)(C)	Architectural design standards	Modified	Modified to allow multi-family looking structures in higher density zones (R-12 through R-24), rather than requiring single family house type structures in those zones. R-O standards (which require more of a single-family house styling) will still apply only in lower density residential zones (R-R through R-8); in higher density residential zones the facility must still be residential in character but multi-family style structures are allowed.
67	§21.04.030 (p) (16)(v)	§21.04.030 (p) (ii)(E) And (v)(G)	Limitation on administrative and office-type activities	Moved	Moved to the standards section; registration section also requires description of administrative activities conducted at the facility / on the facility site
68	§21.04.030 (p) (16)(vi) and (vii)	§21.04.030 (p)(2)(i) and (2)(v)	Parking requirements and	Reorganized/moved	Requirements unchanged; just re-organized for logic and clarity

			maximum number of residents		
69	§21.04.030 (p) (17)	§21.04.030 (p)(2)(v)	Annual registration	Moved	For better organization and clarity, moved to section governing annual registration
70	§21.04.030 (p)(17)	§21.04.030 (p)(2)(v)(H)	Description of changes to site, facility, use, licensure, etc	Reorganized/moved	Moved to section governing annual registration for clarity and better organization
71	§21.04.030 (p) (17)(i)	(v)	Failure to register	Moved	Moved to section governing annual registration for clarity and better organization
72	§21.04.030 (p)(17)(ii)	§21.04.030 (p)(2)(vi)(G)	Director's decision on annual registration	Moved	Moved to section governing the Director's decision on annual registration for clarity and better organization
73	§21.04.030 (p)(17)(ii)	n/a	Referral of decision on annual registration to the planning commission	Eliminated	Eliminated option for Director to refer decision to the planning commission. Option to refer is confusing and too uncertain for applicants and aggrieved neighbors. Appeal process is adequate for due process; Zoning Board of Appeals can review the Director's decision regarding adverse impacts to the neighborhood and other aspects of a decision to renew, non-renew or renew with modifications.
74	§21.04.030 (p)17(ii)	§21.04.030 (p)(2)(vi)(G)	Time period for Director decision on renewal	Moved and modified; added a requirement of a <u>complete</u> application before time period begins to run	For better organization and clarity, moved to section governing the Director's decision on annual registration; changed time period for Director to decide from 20 to 30 days from the date of receipt of a complete registration application in order to give the Director more time to review, to help ensure thorough review of all applications
75	§21.04.030 (p)(17)(iii)	§21.04.030 (p)(2)(vi)(H)	Appeal of Director's decision on renewal	Moved	For better organization and clarity, moved to section governing the Director's decision on annual registration
76	§21.04.030 (p)(18)(i)	§21.04.030 (p)(2)(vi)	Criteria for renewal	Moved; no substantive changes to criteria	For better organization and clarity, moved to section governing Director's decision upon annual registration.
77	§21.04.030 (p)(18)(ii)	§21.04.030 (p) (2)(vi)(F)	Modification of permit upon renewal	Moved and modified	Moved to "renewal" section. Clarified how the Director can change the permit. Changed reference to "multiple uses in one structure," to accessory uses, because multiple uses are not allowed in a GLF; only permitted accessory uses related to programming for or care of residents are allowed.
78	§21.04.030	§21.04.030	Criteria for	Moved and simplified language; no	Rather than restating each individual requirement,

	(p)(18)(iii)	(p)(2)	renewal	substantive change to renewal criteria	simplified language by referencing the requirements generally, since they are fully stated elsewhere, and added a reference to compliance with any/all conditions of the initial land use permit/approval.
79	§21.04.030 (p)(19)	§21.04.030 (p)(2)(iii)	Change in number of residents or types of accessory uses	Moved and modified	Moved to validity section. Modified to require a new permit/land use approval rather than a “change” permit. This encourages applicants to anticipate the maximum number of residents and types of accessory uses they will want at the time they first apply, and allows the same process to apply to a change that apply to the original permit (neighborhood meeting, notice) and allows the director to receive comments from reviewing agencies just as with the original land use approval process. Modified to specify that an increase in the number of residents and accessory uses are the only changes that require a new permit
80	§21.04.030 (p)(19)(i)	§21.04.030 (p)(2)(iii)	Refer change request to planning commission	Eliminated	Criteria for Director’s discretion are too broad and do not provide adequate guidance; it is also unclear what aspects of the decision are for the Planning Commission and what are for the Director. It should be clear to the applicant, to City staff, and to affected neighbors who the decision maker is in each process. Because it is an annual renewal, a “referral” could suspend the status of a facility’s land use permit for an uncertain and unduly long period of time. It affords better and more clear due process for the Director to conduct the annual registration review and make the decision, with a clear right of appeal to the Zoning Board of Appeals, so that is the process provided in the amended text. See also #30 above.
81	§21.04.030 (p) (19)(ii)	§21.04.030 (p)(2)(vi)(G) and (H)	Failure of Director to act	Modified, moved; added requirement of “complete” application before time period for decision starts ticking. Requires Director to notify applicant of application deficiencies.	Changed the time for the Director to make a decision from 20 to 30 days. Left in the provision that if Director does not act within the stated time the renewal is deemed granted. This latter is necessary for adequate due process; it would be fundamentally unfair to a permit holder for the permit to be in a state of suspension or uncertainty for a long period of time while renewal is considered. Eliminated the references to “change”, because the provision does not just apply to changes, but also to renewal of the land use permit

					where no changes have occurred.
			§21.04.030(p)(3)	ROOMING/BOARDING HOUSE	(NEW SUBSECTION)
82	n/a	§21/04/030 (p)(3)(i)	Definition of rooming/boarding house	Added	To define the use so that applicants and neighbors know what qualifies as a rooming/boarding house. The use is mentioned but not defined in the current code. In the definition, the use is distinguished from a rental unit and other types of group living.
83	n/a	§21.04.030 (p)(3)(ii)	Standards for rooming/boarding house	Added	Four standards are added to help mitigate impacts of unrelated individuals living together in a single dwelling unit; they include parking standards, minimum space, density and health and safety codes.
84	n/a	§21.04.030 (p)(iii)	Neighborhood meeting, notice	Require a neighborhood meeting and notice before a rooming/boarding house is established.	To give neighbors an opportunity to ask questions about and/or comment on the proposed project
				OTHER GROUP LIVING	
85	n/a	§21.04.030 (p)(4)	Other group living allowed, certain zones	Added subsection governing “other group living” subcategory and referenced zone/use table	To indicate where such uses will be allowed or will require a CUP; see also #3 above and #94, #103, #117 and #118 below.
86	n/a	§21.04.030 (p)(4)	Other group living, density calculation	Added standard for calculation of density of other group living subcategory	To mitigate neighborhood impacts and ensure appropriate intensity of use in the given zone district
87	n/a	§21.04.030 (p)(4)	Other group living, parking standards	Referenced parking table	To indicate parking standards for other group living
				ZONE/USE TABLE	
88	§21.04.010 (Use Table)	Same	Rooming / boarding house	move “Rooming/Boarding House” from household living to group living category	Rooming and boarding housing does not meet definition of household living. It is now specifically defined in the group living section 21.04.030(p)(3)
89	§21.04.010 (Use Table)	Same	“Other” household living	correct a typographical error by changing “housing living” to “household living”	“Household living” is a specifically defined term; “housing living” is a term that is ambiguous and not used
90	n/a	§21.04.010 (Use Table)		add a reference to the use-specific standards applicable to rooming/boarding house	To reference where a reader can find the standards, requirements and limitations applicable to rooming/boarding house
91	n/a	§21.04.010 (Use Table)	Fraternities /sororities	add the principal use “Fraternities / Sororities” to the Use Category section of “Group Living”, allowed in R-8, R-12, R-16 and R-24 zone districts but only near core campus area as provided in 21.04.020(p)1)(ii)	Fraternity/sorority living is not currently allowed under the zoning and development code. CMU has 4 such organizations on campus and is recruiting more, with the goal of having a thriving “Greek life” community. The proposed amendment will accommodate these in certain limited areas of the city near the CMU campus

92	n/a	§21.04.010 (Use Table)	Fraternities /sororities	add a reference to the use-specific standards of Section 21.04.020(p))1)	To reference where a reader can find the standards, requirements and limitations applicable to off-campus fraternity and sorority housing
93	§21.04.010 (Use Table)	Same	Large and unlimited group living facilities	eliminate CUP requirement for large and unlimited group living facilities in zone district where multi-family housing is allowed	CUP requirement in this context could be found to be discriminatory under the Americans With Disabilities Act and the Fair Housing Act. The Focus Group introduced and recommended this change to staff. Staff concurs that a CUP is not necessary where the zone district already accommodates the density/intensity of multi-family housing. The density limitations applicable to the zone district will still apply. CUP requirement is maintained for small group living facilities in non-residential zone districts because of the potential inherent conflicts with neighboring businesses uses and a group living facility residential use; a CUP allows mitigation of these on a case-by-case basis with specific mitigating site and or use features or limitations. Because small group living facilities are allowed by right in so many other zone districts, these few CUP requirements are not likely to run afoul of the Fair Housing Act or the Americans With Disabilities Act.
94	n/a	§21.04.010 (Use Table)	Other group living	add an "other group living" category allowing them in zone districts where multifamily housing is more common, while requiring a CUP in R-5 and R-8 zone districts, which allow multifamily but still contain predominantly single family homes; referenced use specific standards and definitions applicable to other group living	See also # 3 and #85 above and #103, #117 and #118 below. Limiting these to zone districts where multi family housing is allowed will help preserve the character of single-family housing zone districts. Requiring a CUP in those zone districts that are still most characterized by single family homes (R-5 and R-8) will allow for adequate public discussion and input and help ensure that unexpected impacts can be addressed on a case by case basis within the context of a specific zone district, neighborhood, structure(s) and proposal in these lower density zone districts. Overall density will be controlled by the standards applicable to the zone district generally.
SUMMARY OF AUTHORITY TABLE					
95	§21.02.060	Same	Summary of authority table	Clarified purpose of table, and deleted "rehearing and appeal" from table	To improve awkward wording and to eliminate ambiguities and contradictions. Rehearing and appeal category does not work in the format of the table and creates a conflict with text on rehearing and appeals, which text is more clear anyway.

96	§21.02.060	Same	Summary of authority table	Added categories for group living facility, group living facility for sex offenders, and fraternity or sorority	Table allows decision making process to be easily visualized
DEFINITIONS					
97	§21.04.020 (b)	Same			
98	§21.10.020 (Terms defined)	Same	Rooming / boarding house	Clarified and added to the definition in accordance with amended text in 21.04.030(p)(3)	For consistency. Although rooming and boarding house has been included as a type of residential living in the zone/use table, no one has been sure what falls in this category and what does not, so a definition was developed after reviewing zoning and development codes of other communities and giving consideration to the potential impacts and benefits of the use in residential neighborhoods.
99	§21.10.020 (Terms defined)	Same	Family foster home	Eliminate limit on number of children who can receive care in a foster family home in the City	Change requested by foster parent; State law provides limitations so municipal regulation not needed for child safety; there is no limit on the number of children parents can have in one home otherwise so neighborhood impacts are not different. Also to clarify that the care is received in a family setting, rather than in a group home setting.
100	§21.10.020 (Terms defined)	Same	Foster child, foster family, foster parent	Added definitions	To support the expanded definition of “related” in the group living use-specific standards
101	§21.10.020 (Terms defined)	Same	Fraternities, sororities	Added definition	Consistent with §21.04.030(p)(1)
102	§21.10.020 (Terms defined)	Same	Group living facilities, small, large and unlimited	Clarified definition of these categories	Clarification and to eliminate confusion and to be consistent with code sections defining group living facilities. Added the word “facility” to the definitions so as to distinguish between group living facilities, which include on-site professional care or supervision and are subject to certain use-specific standards and requirements but do not require a CUP (except in certain commercial zones), and “other group living,” which in certain residential zones require a CUP.
103	n/a	§21.10.020 (Terms defined)	Group living, other	Added definition of “other group living” which is referenced in the zone/use matrix and in Section 21.04.030(p), included example of “Dormitory Style Living”	Housing needs are changing in the community with the growth of CMU and with increasing homelessness. Allowing other types of non-household living, such as dormitory style living, will allow the City to

					accommodate such changes. See also #3, #85, and #94 above for discussion of where these are allowed and why; see also #117 and #118 below.
104	§21.10.020 (Terms defined)	n/a	"group residence" definition	Eliminated	This definition conflicts with other group living definitions and the term "group residence" is not used in the code, so defining it here is unhelpful, confusing and potentially creates ambiguity in whether/how the regulations apply to a given use.
105	§21.10.020 (Terms defined)	Same	Household living	Clarified definition	To be consistent with and support other code sections dealing with group and household living, added that household living includes up to four unrelated people living in a single dwelling unit
				§21.04.020(b) USE CATEGORIES	
106	§21.04.020 (b)(1)	Same	Definition of a group living facility	Added text	To clarify that GLFs are characterized by the provision of on-site treatment or supervision
107	§21.04.020 (b)(1)	Same	Tenancy of less than 30 days not group living	Added text to clarify	To clarify that shelters are not group living facilities because of the transitory nature of the stay
108	§21.04.020 (b)(1)	Same	Common eating areas	Added text to clarify	To clarify that a common eating area by itself does not entail a GLF, and to allow multifamily development or other types of group living to have common eating areas without thereby becoming a GLF subject to special regulation and registration
109	§21.04.020 (b)(3)	Same	"specific uses"	Changed to "subcategories"	For clarity, so it is clear that <i>group living</i> is a more general category of residential living, with four "subcategories" that may in turn have different types of group living within them (for example, <i>small</i> , <i>large</i> and <i>unlimited</i> GLFs in the GLF subcategory). That way it is clear that rules and definitions applicable to "group living" in general will apply to all of the subcategories and types; that each subcategory may have rules that apply only to that subcategory, and within the subcategory there may be different requirements for different types of housing. "Specific uses" does not capture this.
110	n/a	§21.04.020 (b)(3)(i)	Fraternity/sorority	Added definition	To define fraternities and sororities
111	§21.04.020 (b)(3)(i), (ii), and (iii)	§21.04.020 (b)(3)(ii), (iii), and	Unlimited, large and small group living facilities	Moved	To make room for definition of fraternities and sororities

		(iv), respectively			
112	§21.04.020 (b)(3)(i)	§21.04.020 (b)(3)(ii)	Unlimited group living facility definition	Simplified language	Simplification
113	§21.04.020 (b)(3)(ii)	§21.04.020 (b)(3)(iii)	Large group living facility definition	Simplified language and modified definition	Changed the number of residents to allow for more small group living facilities in the community. Density restrictions of each zone district and minimum lot space requirements still apply, which will mitigate allowing more small group living facilities. See also #21 above.
114	§21.04.020 (b)(3)(iii)	§21.04.020 (b)(3)(iv)	Small group living facility	Simplified language and modified definition	See the foregoing and #21 above.
115	n/a	§21.04.02 0(b)(3)(v)	Rooming/boarding house definition	Added definition	Although rooming and boarding house has been included as a type of residential living in the zone/use table, no one has been sure what falls in this category and what does not, so a definition was developed after reviewing zoning and development codes of other communities and giving consideration to the potential impacts and benefits of the use in residential neighborhoods
116	§21.04.020 (b)(3)(iv)	n/a	"Exceptions"	Deleted.	There were no exceptions listed, but the existence of the blank subcategory implied that there were exceptions, so this vague and ambiguous text created confusion among City staff, applicants and the public. No exceptions are proposed, so the subcategory is eliminated. What is not household living will either be a type of group living, or will not be permitted in residential zones, without exceptions.
117	n/a	§21.04.020 (b)(3)(vi)	Other group living	Defined	To define other types of group living that are not fraternity/sorority houses, GLFs, or rooming/boarding houses, such as dorm style living, which is becoming increasingly common with the expansion of CMU. Such housing is allowed in certain zones with specific parking requirements. See also #3, #85, #94, #103 above and #118 below.
PARKING TABLE					
118	§21.06.050 (c)	Same	Parking standards for group living housing types	Added parking standards for fraternity/sororities (applies off campus only), rooming and boarding house, and dormitory style/other group living	To ensure that these more intense living arrangements are adequate parked so as to mitigate neighborhood impacts and/or take up too much public street parking; see also #3, #85, #94, #103, #117.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS OF THE ZONING AND DEVELOPMENT CODE (TITLE 21 OF THE GRAND JUNCTION CODE OF ORDINANCES) REGARDING GROUP LIVING

Recitals:

City staff met with representatives who own and manage group living facilities in the community to discuss changing the group living provisions of the Zoning and Development Code.

Over the years since their enactment, the group living sections of the code have proven to be confusing, disorganized, duplicative, contradictory, difficult to apply and interpret evenly and fairly, and difficult for the public to use and understand. Some provisions now expose the City to potential liability under the Americans With Disabilities and the Fair Housing Acts.

Group living is a category of residential living that has increasing importance in our community. As baby boomers age and millennials find it increasingly difficult to afford traditional single family homes, and with a sharp rise in homelessness nation-wide, it becomes more important for zoning laws to accommodate new and innovative types of housing, while still protecting the values of good zoning and the character of neighborhoods. Colorado Mesa University has embraced “Greek life” and now has four affiliated fraternity/sorority organizations and seeks to increase that number over the next few years. These amendments allow such housing types, which have heretofore been prohibited, with regulations intended to protect residential neighborhoods from potential negative impacts.

Group living *facilities* comprise a special sub-category of group living that is characterized by the on-site provision of needed services and a home environment for those who may not be able to live on their own. Group living facilities provide important services in our community. The City's policy is to integrate these into residential neighborhoods (as required by law) but with development standards and registration requirements that will help mitigate neighborhood impacts.

The City Council finds that the amendments to the group living sections of the Zoning and Development Code were formulated in collaboration with community partners; that they help the City to comply with applicable federal law protecting individuals with disabilities from housing discrimination; that they help ensure that the City has adequate information regarding the location, services and neighborhood impacts of group living; and that they help ensure that the various types of group living are integrated into residential neighborhoods while preserving their residential character and mitigating potential neighborhood impacts of group living.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed amendments regarding group living.

The City Council further finds that the amendment is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

Section 21.04.030(p) of the Zoning and Development Code is repealed and re-enacted as follows:

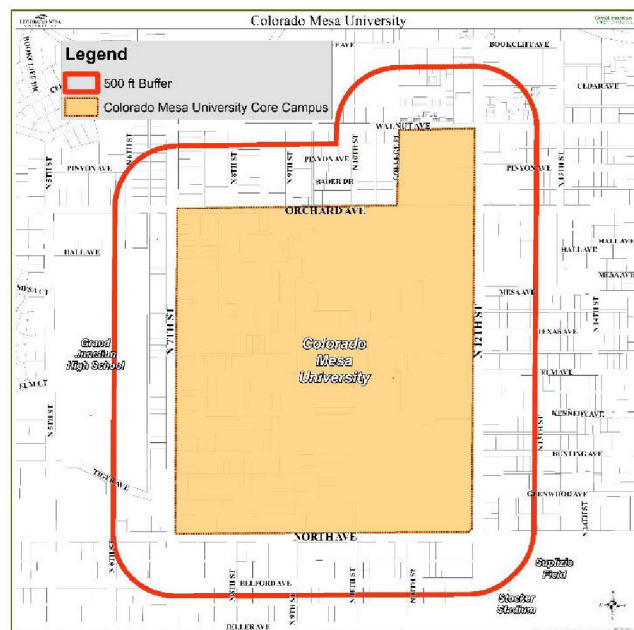
(p) Group Living.

It is a violation of this code for more than four unrelated persons to reside together in a single residential structure without a conditional use permit, unless permitted by the City as a fraternity/sorority, group living facility, rooming/boarding house or dormitory style living in accordance with the standards and requirements in this Section. "Related" means a person's child, stepchild, a foster child, or other descendant, spouse, aunt, uncle, niece, nephew, parent, grandparent, great grandparent, stepparent or foster parent. (See GJMC 21.10.020, "Group living," "family" and "household.") A household of more than four unrelated persons that is not a fraternity/sorority, group living facility or rooming/boarding house as defined herein is not allowed unless a conditional use permit has been approved.

(1) Fraternities and Sororities.

(i) Definition. A fraternity or sorority is a place of residence that is operated by a nationally or locally chartered membership organization and is used, occupied and maintained as living and dining quarters for its members who are enrolled in an accredited college or university or other accredited educational institution and which is recognized and subject to controls by such educational institution.

(ii) A fraternity or sorority is allowed only within the core campus of Colorado Mesa University or within 500 feet of the boundary of the core campus, and only in those zone districts so designated in the Use



Table, Section 21.04.010. The core campus is that area situated south of Orchard Avenue, west of North 12th Street, north of North Avenue and east of North 7th Street, and that area north of Orchard Avenue, west of 12th Street, south of Walnut Avenue, and east of College Place, and is depicted to the right. The limitations, standards and requirements of this section 21.04.030(p)(1) do not apply to a fraternity or sorority located entirely within the core campus.

(iii) A fraternity or sorority may exceed the maximum residential density of the applicable zone district so long as the standards described in this subsection (p)(1) are met.

(iv) Standards for fraternity/sorority.

(A) Parking. Off-street parking shall be provided according to the parking table in Section 21.06.050(c).

(B) Each residential structure shall provide a minimum of 100 square feet per occupant. Regardless of square footage, the number of residential occupants shall not exceed 35.

(C) No more than four beds in a single room.

(D) Buffering & Screening. Each property line abutting a right-of-way, open/undeveloped tract or another property that is not used as a fraternity or sorority, shall have, at a minimum, a 6' solid fence and an 8' wide landscaped strip located inside the fence.

(v) Process.

(A) Neighborhood meeting. Prior to establishing a fraternity or sorority, the applicant shall give mailed notice to property owners and homeowners' associations within 1,000 feet of the proposed fraternity or sorority and shall hold a neighborhood meeting for those owners/associations. In all other respects the neighborhood meeting and notice shall comply with Section 21.02.080(e).

(B) Decision and appeal. The Director shall approve, approve with conditions, or deny an application for a fraternity or sorority based on the standards and requirements of the Code. Within 10 days of the Director's decision, an individual aggrieved by the Director's decision may appeal the Director's approval or denial of an application or a condition imposed by the Director to the Zoning Board of Appeals. Appeals shall be in writing and perfected in accordance with Chapter 21.02.210(c) GJMC.

(vi) Annual registration required. A fraternity or sorority shall register with the City annually; that is, once every 12 calendar months. No person shall own, operate or manage a fraternity or sorority unless the facility is registered with the City. Annual registration shall include:

(A) Proof that the fraternity or sorority is recognized and in good standing with an accredited school, university or college;

(B) Proof that the fraternity or sorority is affiliated and in good standing with a nationally or locally chartered fraternal membership organization;

(C) Documentation that the fraternity or sorority has complied with the applicable City, State and other building, fire, health and safety codes as well as all applicable requirements of the zone district in which the fraternity or sorority is located;

(D) Statement that the only administrative activities conducted on the premises are those of the fraternal organization sponsored, conducted or related to the fraternity or sorority;

(E) Documentation that the fraternity or sorority complies with the applicable parking requirements, as demonstrated by accurate graphic depiction of parking lot(s), and/or copies of parking agreements, leases or licenses;

(F) Documentation that the maximum number of residents allowed is not exceeded, as demonstrated by the total square feet of the living areas, the number of residents, the number of sleeping rooms and the number of beds; and

(G) The total number of calls for police or emergency services to the premises within the previous year.

(vii) A fraternity or sorority that does not meet the standards and registration requirements of this subsection is subject to revocation of land use permit, abatement, prosecution and/or other enforcement as provided in this Code.

(viii) A fraternity or sorority is subject to and shall permit annual inspection by the building department, fire department and Code Enforcement division to ensure compliance with applicable standards.

(ix) Validity. A land use approval or permit for a fraternity or sorority is valid for a period of 12 months, with renewal by the Director upon a review of the facility's annual registration as described in subsection (vii) above and a finding that:

- (A) The fraternity or sorority is recognized and in good standing with an accredited school, university or college;
- (B) The fraternity or sorority is affiliated and in good standing with a nationally or locally chartered fraternal membership organization;
- (C) The fraternity or sorority is in compliance with applicable City, State and other building, fire, health and safety codes as well as all applicable requirements of the zone district in which the fraternity or sorority is located;
- (D) The only administrative activities conducted on the premises are those of the fraternal organization sponsored, conducted or related to the fraternity or sorority;
- (E) The fraternity or sorority complies with the parking requirements of this code;
- (F) The maximum number of residents allowed is not exceeded; and
- (G) The facility has not adversely affected the neighborhood. A facility is considered to have an adverse effect on a neighborhood if one or more of the following are shown:
 - a. Public and private services such as street, sewers, water and/or utility systems are burdened by the facility, to the extent that usage exceeds that normally associated with such a use or in the particular neighborhood;
 - b. The facility unreasonably interferes with the peace, quiet and dignity of the neighborhood;
 - c. The facility creates, imposes, aggravates or leads to inadequate, impractical, unsafe or unhealthy conditions; or
 - d. The facility is found to be dangerous or unsafe due to an increased number of police or emergency visits, or to a single criminal act by a resident involving serious bodily injury or extensive property damage, or to an increased number of incidences of criminal acts by residents of the facility involving bodily injury or property damage.
- (x) Within 10 days of the Director's renewal, non-renewal or condition of renewal, an individual aggrieved by the Director's decision may appeal to the Director to the Zoning Board of Appeals. Appeals shall be in writing and perfected in accordance with Chapter 21.02.210(c) GJMC.

(2) Group Living Facility.

(i) Definitions.

(A) A *group living facility* is a residential housekeeping unit for five or more unrelated persons receiving public or private supervision, care, support or treatment on-site. A community corrections facility is not a group living facility and thus is not allowed in a residential zone. A facility providing temporary lodging for less than 30 days for any one person is not a group living facility, but is considered either lodging (see retail sales and service categories) or a shelter (see community service categories) and treated as such.

(B) An *unlimited group living facility* is a group living facility with 17 or more residents.

(C) A *large group living facility* is a group living facility with 10 to 16 residents.

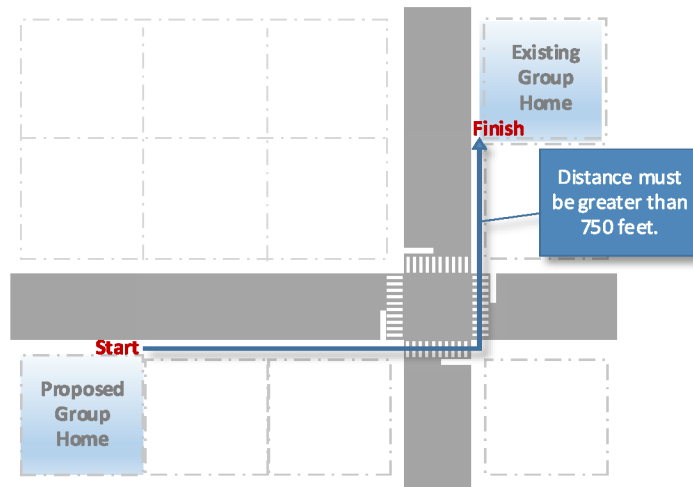
(D) A *small group living facility* is a group living facility with five to nine residents.

(ii) Standards.

(A) Spacing requirement. A group living facility in the R-R, R-1, R-2, R-4, R-5 or R-8 zone shall be at least 750 feet from every other group living facility in any such zone district. There is no spacing requirement where either one of the two group living facilities being measured against one another is in a zone district not listed in this paragraph. The separation distance shall be measured in the following manner:

Computed by direct measurement from the nearest property line of the land used for a group living facility to the nearest property line of an existing group living facility, using the most direct route of public pedestrian access, measured as a person would walk along public right-of-way, with right angles at crossings and with the observance of traffic regulations and traffic signals (see Fig. 1); except that a group living facility shall not be located adjacent to another even if by such route the distance is greater than 750 feet.

Figure 1



(B) The group living facility must comply with the applicable City, State and other building, fire, health and safety codes as well as all applicable requirements and development standards applicable to the zone district in which the group living facility is to be located except as modified in this subsection.

(C) For a group living facility in a residential zone, the architectural design of the group living facility must be residential in character, and the performance standards of the R-O zone district must be met (see Section 21.03.070(a)), except that if the zone district is R-12, R-16 or R-24, the R-O zone district standards shall not apply.

(D) Density and minimum lot area. Group living facilities are allowed in residential zones as specified in the zone/use table in Section 21.04.010, and must not exceed maximum density for the zone district, with density of the facility calculated as four beds equal one dwelling unit. The site must contain at least 500 square feet per resident, except where a multifamily structure is being converted to a group living facility, in which case the minimum adequate lot area shall be in accordance with the requirements of the zone district.

(E) Accessory uses. Accessory uses authorized with a group living facility are on-site recreational facilities, parking of vehicles for visitors, occupants and staff, and staff housing. The Director may approve other accessory uses that will have substantially similar impacts. Only the administrative activities of the person or organization operating the facility shall be conducted at the facility. No office or other space in the facility or on the site may be leased or used for activities unrelated to the group living facility.

(F) Parking. The group living facility must meet the requirements established for group living in Section 21.06.050(c).

(G) A group living facility located in a commercial or mixed use zone district shall meet the performance standards of the applicable zone district.

(H) A group living facility in a residential zone may provide services to non-residents, but only up to the total number of residents permitted in the facility. For example, if there are nine residents at a group living facility that is allowed to have 16 residents, no more than seven non-residents may use the services the facility provides at any one given time. This restriction does not apply in non-residential zones.

(iii) Validity. A land use permit/approval for a group living facility is valid for a period of 12 months, subject to renewal by the Director upon review of the facility's annual registration as described in subsection (vi) below. The permit/approval is specific to a maximum number of residents and specifically permitted accessory use(s); if the applicant wants to increase these, a new permit is required.

(iv) Process.

(A) Neighborhood meeting. Prior to establishing a new group living facility (whether a new structure or conversion of existing building(s)) the applicant shall give mailed notice to and hold a neighborhood meeting with property owners within 1,000 feet of the group living facility.

a. At the meeting, the applicant shall describe the proposed land use, including buildings, site, accessory uses and structures, residents served, and on-site services.

b. The neighborhood meeting shall be held at a location convenient to the neighborhood.

c. If a neighborhood meeting is required because of some other aspect of the development application, then only one neighborhood meeting is necessary, which shall be conducted in accordance with the more restrictive standards.

(B) Special review. An application for a group living facility for adult or juvenile offenders, defined as persons who have committed a crime or are accused of having committed a crime and are housed at the facility for that reason, shall be reviewed as follows:

a. The Mesa County Juvenile Community Corrections Board shall conduct the review, if the facility houses juvenile offenders or the Adult Community Corrections Board if the facility houses adult offenders. If the facility houses a combination of adult and juvenile offenders, the facility shall be reviewed by the Juvenile Board if there are a greater number of juveniles residing in the facility or and, if there are a greater number of adults than juveniles residing in the facility, by the Adult Board.

b. The review shall include but not necessarily be limited to criteria established by the Board and adopted by the City. Criteria shall be established and maintained by the Board and shall be based upon researched factors that have been demonstrated to be correlative to risk to the community, community expectations, prudent land use practices and legal standards. Before any criteria being used by the Board, the City shall review and adopt such criteria.

c. It is the responsibility of the group living facility that is being reviewed to provide to the Board with complete and accurate information regarding the types of offenders, the number of offenders, the average length of placements and responses to the other Board-established criteria.

d. The Board shall make a recommendation to the Director to approve, deny or approve with conditions the land use application for the facility. The Board shall take into consideration the interests of the community in light of the criteria established by the Board and approved by the City.

(C) Decision and appeal.

a. The Director shall approve, approve with conditions, or deny an application for a group living facility, except as provided in subsection(b) below, based on the standards and requirements of the Code. Within 10 days of the Director's decision, a person aggrieved by the Director's decision may appeal the Director's approval or denial of an application or a condition imposed by the Director to the Zoning Board of Appeals. Appeals shall be in writing and perfected in accordance with Chapter 21.02.210(c) GJMC.

b. The Director shall not render a decision on an application, notwithstanding a recommendation from the Juvenile and/or Adult Corrections Board(s), for a group living facility that houses one or more sex offenders, as defined by State law. The Planning Commission shall

determine any such application. In addition to the other criteria provided herein, the Planning Commission shall consider whether the proposed owner/operator has established by clear and convincing evidence that the facility will not adversely impact the neighborhood and/or its residents. An appeal from a Planning Commission decision made under this subsection shall be in accordance with Rule 106 of the Colorado Rules of Civil Procedure.

(v) Registration required. A group living facility shall register with the City annually; that is, once every 12 calendar months. No person shall own, operate or manage any group living facility unless the facility is registered with the City. A group living facility for adult or juvenile offenders shall also submit all registration documentation to the Juvenile and/or Adult Corrections Board for review in accordance with subsection §21.04.030(p)(2)(iv)(B) above. A group living facility that fails to register or does not meet the registration requirements may be denied renewal, abated, prosecuted and/or otherwise subject to enforcement action under this Code. Annual registration shall include:

(A) Proof that the group living facility has a valid Colorado license, if any is required by State law, and documentation showing that the facility complies with the requirements of the State license. In the event there is a conflict between a City and a State requirement for the facility, the more stringent rule shall apply;

(B) Documentation showing that the group living facility has complied with the applicable City, State and other building, fire, health and safety codes as well as all applicable requirements of the zone district in which the group living facility is located;

(C) Documentation showing that the group living facility complies with the parking requirements of this code;

(D) Documentation showing that the maximum number of residents allowed is not exceeded;

(E) For a group living facility housing adult or juvenile offenders, all documentation necessary for review by the Juvenile and/or Adult Corrections Board(s) in accordance with subsection (iv)(B) above;

(F) Documentation showing that any and all conditions of the initial land use permit/approval are met;

(G) Description of the administrative or other activities that occur on at the

facility, including number of staff and general duties of each staff member;

(H) Description and documentation of any changes to the site or structure(s) made since the prior registration.

(vi) Renewal. The Director may renew the land use approval for a group living facility upon an annual registration of the facility if the Director finds that the registration requirements have been met and that the facility has not adversely affected the neighborhood. A facility is considered to have an adverse effect on a neighborhood if one or more of the following are shown:

(A) Public and private services such as street, sewers, water and/or utility systems are burdened by the group living facility, to the extent that usage exceeds that normally associated with such a use or in the particular neighborhood;

(B) The group living facility unreasonably interferes with the peace, quiet and dignity of the neighborhood;

(C) The group living facility creates, imposes, aggravates or leads to inadequate, impractical, unsafe or unhealthy conditions; or

(D) The group living facility is found to be dangerous or unsafe due to an increased number of police or emergency visits, or to a single criminal act by a resident involving serious bodily injury or extensive property damage, or to an increased number of incidences of criminal acts by residents of the facility involving bodily injury or property damage.

(E) When considering whether an adverse impact exists, the Director shall consider the following:

a. Whether the impact is real or perceived based upon stereotypes of the population served by the group living facility;

b. The existence of alarms and/or fences in and of itself shall not constitute a safety issue which would be an adverse impact; or

c. Whether complaints and/or police calls regarding the group living facility have been founded or unfounded.

In determining whether an adverse impact exists, the Director may rely on comments received by the residents of the neighborhood or other interested persons in making the decision whether to renew, renew with conditions, or non-renew the permit upon annual registration. The Director shall not be

required to research the comment or otherwise investigate the motive of the commenting parties unless the Director relies on that information when making the decision.

(F) The Director may modify the land use permit/approval upon renewal (or renew with conditions) by limiting the number of residents and/or by limiting accessory uses if the Director finds that the neighborhood is adversely impacted by the number of residents or intensity or number of accessory uses occurring on the site.

(G) The Director shall issue a decision within 30 days of receiving a complete registration application from the facility; if a registration application is incomplete, the Director shall notify the registrant of the deficiencies and the time period to cure. If the Director does not issue a decision within 30 days of receiving a complete registration application, the registration shall be deemed renewed for the next year.

(H) Within 10 days of the Director's decision, an individual aggrieved by the decision may appeal the renewal, non-renewal or condition of renewal to the Zoning Board of Appeals. Appeals shall be in writing and perfected in accordance with Chapter 21.02.210(c) GJMC.

(3) Rooming/boarding house.

(i) Definition. A rooming/boarding house is a single dwelling unit where a live-in or on-site owner provides lodging to others in three or more rooms, with or without meals, for compensation. "Compensation" may include money, services or other things of value. A boarding and rooming house differs from a rental house in that the owner lives on-site and rents out sleeping rooms and may provide common access to other areas of the house. A rooming/boarding house differs from a group living facility in that the residents do not receive care, treatment or assistance with daily living at the facility.

(ii) Standards.

(A) The rooming/boarding house must comply with the applicable City, State and other building, fire, health and safety codes as well as all applicable requirements and development standards applicable to the zone district in which the boarding and rooming house is to be located, except as modified in this subsection.

(B) Density. A rooming/boarding house is allowed as shown in the Use Table in Section 21.04.010. In a residential zone the rooming/boarding house

must not exceed maximum density for the zone, with density calculated as two rented rooms equal one dwelling unit.

(C) The rooming/boarding house site shall contain at least 500 square feet for each resident or room/suite, whichever is greater.

(D) The rooming/boarding house must meet the parking standards established in Section 21.06.050(c) of this Code.

(iii) Neighborhood meeting and notice. Prior to establishing a new rooming/boarding house (including conversion of an existing building or buildings), the applicant shall give mailed notice to and hold a meeting inviting owners of property within 1,000 feet of the proposed facility.

(A) At the meeting, the applicant shall describe the facility and its proposed uses.

(B) The neighborhood meeting shall be held at a location convenient to the neighborhood.

(C) If a neighborhood meeting is required because of a development application then only one neighborhood meeting, conducted in accordance with the more restrictive or higher standards, shall be necessary.

(4) Other group living. Other types of group living, such as but not limited to dormitory style living, may be permitted as provided in the zone/use table (Section 21.04.010). Allowed density shall be as applicable to the zone district, with density calculated at 2 beds = 1 dwelling unit. Off-street parking shall be provided in accordance with the parking table in Section 21.06.050(c).

Section 21.02.060 (Summary of authority) is amended as follows (additions underlined, deletions ~~struck through~~):

21.02.060 Summary of authority. The following table summarizes the required review, decision-making and approval appeal authority provided under this zoning and development code.

Sec.	Procedure	Planning City			
		Director	Commission	Council	ZBOA
R = Review D = Decision A = Appeal					
21.02.070	Administrative development permit, all administrative	D	A		

	permits not listed herein				
21.02.070	Subdivision	D		A	
21.04.030(p)(2)	Group living facility (*except where a conditional use permit is required, see Conditional Use Permit, below)	<u>D*</u>			<u>A*</u>
21.04.030(p)(2)(vii)(C)(II)	Group living facility – sex offenders		<u>D</u>		
21.04.030(p)(1)	Fraternity or sorority	<u>D</u>			A
21.02.090	Vacation of plat without public right-of-way or easement	R	D	A	
21.02.090	Vacation of plat with public right-of-way or easement	R	R	D	
21.02.100	Vacation of public right-of-way or easement	R	R	D	
21.02.110	Conditional use permit	R	D	A	
21.02.120	Special permit	R	R	D	
21.02.120	Administrative changes to Comprehensive Plan	D		A	
21.02.130	Comprehensive Plan amendment	R	R	D	
21.02.140	Code amendment and rezoning	R	R	D	
21.02.150	Planned development	R	R	D	
21.02.160	Annexation	R		D	
21.02.170	Vested property rights	R	R	D	
21.02.180	Revocable permit – Landscaping and irrigation	D		A	
21.02.180	Revocable permit	R		D	
21.02.190	Institutional and civic facility master plans	R	R	D	
21.02.200	Variance	R			D
21.02.210	Rehearing and appeal –	-	-	-	-

	Director's decision	-	D	-	-
	Planning Commission decision	-	-	D	-

The table in Section 21.04.010 (Use Table) is amended to:

- move “Rooming/Boarding House” from household living to group living section
- correct a typographical error by changing “housing living” to “household living”
- add a reference to the use-specific standards applicable to rooming/boarding house
- add the principal use “Fraternities / Sororities” to the Use Category section of “Group Living” allowed in the R-8, R-12, R-16 and R-24 zones (but only near core campus area as provided in 21.04.020(p)1(ii))
- add a reference to the use-specific standards of Section 21.04.020(p)1)
- eliminate CUP requirement for group living facilities in zone district where multi-family housing is allowed
- add an “other group living” category with reference to Section 21.04.020(p)2)
- allow such “other” group living with a CUP in certain zone districts

all as shown in the table excerpt below (additions underlined; deletions struck through):

Key: A = Allowed; C = Conditional; Blank Cell = Not Permitted																								
USE CATEGORY	PRINCIPAL USE	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2	MX-	Std.
RESIDENTIAL																								
Household Living – residential occupancy of a dwelling unit by a “household”	Business Residence												A	A	A	A	A	A	A	A	A			21.04.030(i)
	Rooming/Boarding House						-	A	A	A	A	A	A	A	A							-		-
	Two Family Dwelling				A	A	A	A	A				A	C										See GJMC 21.03.090
	Single-Family Detached	A	A	A	A	A	A	A					A	C	C			A						21.04.030(m)
	Multifamily						A	A	A	A	A	A	A	A	A				A	A				21.04.030(n)

Key: A = Allowed; C = Conditional; Blank Cell = Not Permitted

USE CATEGORY	PRINCIPAL USE	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2	MX-	Std.
	Accessory Dwelling Unit	A	A	A	A	A	A	A	A			A		A										21.04.040(f)
	Agricultural Labor Housing	A															A							
	Manufactured Housing Park						C	C	C															21.04.030(f)
	All Other Housing Household Living						A	A	A															
Home Occupation	Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A						21.04.040(g)
Group Living – residential occupancy of a structure by a group of people who do not meet the definition of “Household Living”	Small Group Living Facility	A	A	A	A	A	A	A	A	A	A	A	A	C	C			C	A					21.04.030(p) & 21.04.020(b)
	Large Group Living Facility						A	A	A	A	A	A	A	C	C			A	C	A				21.04.030(p) & 21.04.020(b)
	Unlimited Group Living Facility								A	C	A	A	A	A	C	C			A	C	A			21.04.030(p) & 21.04.020(b)
	<u>Fraternities/ Sororities*</u>					<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>													<u>21.04.020(p)(1)</u> <u>* location restricted; see</u>

Key: A = Allowed; C = Conditional; Blank Cell = Not Permitted

USE CATEGORY	PRINCIPAL USE	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2	MX-	Std.
																								21.04.020(p)(1)(ii)
	<u>Rooming/Boarding House</u>							A	A	A	A	A	A	A	A									21.04.030(p)(3)
	<u>Other Group Living (e.g., dormitory style living)</u>						C	C	A	A	A	A	A	A	A			A	A					21.04.020(b) 21.04.030(p)(4)

All other provisions of the Use Table shall remain in full force and effect.

Section 21.04.020(b) (group living) is amended as follows (additions underlined, deletions struck through):

(b) Group Living.

(1) Characteristics. Group living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of household living. A group living facility is type of group living characterized by the provision of training, treatment, supervision or other professional support or care and who receive care, training, treatment, supervision or other support from caregivers or staff at the on site. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a typical family. Uses where tenancy may be arranged for a shorter period are not considered residential. ~~They they~~ are considered to be either a form of lodging (see the retail sales and service categories) or a temporary shelter (see and community service categories). Generally, group living structures have a common eating area for residents, but a common eating area by itself, without other care, treatment, supervision or other professional or health support services being provided on site, does not indicate a group living facility (a multifamily residential facility, such as apartments, may, for example, have a common eating area). ~~The residents may receive care, training, or treatment from caregivers at the site.~~

(2) Accessory Uses. Accessory uses commonly associated with group living are recreational facilities and parking of vehicles for occupants and staff.

(3) Examples. The group living category is further broken down into the following specific uses subcategories:

(i) Fraternity or sorority - a place of residence that is operated by a nationally or locally chartered membership organization and is used, occupied and maintained as living and dining quarters for its members who are enrolled in an accredited college or university or other accredited educational institution and which is recognized and subject to controls by such educational institution.

~~(i) (ii) Unlimited group living facility – a group living facility with shared by or the residence of 17 or more residents unrelated persons, exclusive of staff;~~

~~(ii) (iii) Large group living facility – a group living facility with 10 to 16 residents shared by or the residence of more than eight but fewer than 17 unrelated persons, exclusive of staff;~~

~~(iii) (iv) Small group living facility – a group living facility with 5 to 9 residents, shared by or the residence of more than four but up to eight unrelated persons, exclusive of staff; and~~

(v) Boarding and rooming house -- a single dwelling unit where a live-in or on-site owner provides lodging to others in three or more rooms, with or without meals, for compensation in the form of rent, "room and board," or in kind services.

~~(iv) Exceptions.~~ (vi) Other group living. Other group living includes dwelling units in a multi-unit complex shared by unrelated persons who have access to and common use of some living and eating areas and areas and facilities for the preparation and serving of food within the dwelling unit, and may include, by way of example and not limitation, dormitory-style living.

All other parts of Section 21.04.020 shall remain in full force and effect.

The table in Section 21.06.050(c) (parking table) is amended to add a row for the specific use of “Fraternities/Sororities” requiring a minimum of 1.5 parking spaces for each sleeping room plus 1.5 spaces for every 4 active non-resident members of the fraternity/sorority plus 1 space for every 3 staff employed at the facility, and to add a row for “Boarding and Rooming House” requiring a minimum of 1 space for each rented room plus two spaces, and to add a row for “Other Group Living (e.g., dormitory style living)” requiring 0.8 parking spaces per bed, as shown in the table excerpt below (additions underlined):

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF VEHICLE SPACES
RESIDENTIAL		
Group Living	Nursing Homes; Assisted Living Facility; Treatment Facility; Group Living Facilities	1 per 4 beds + 1 per each 3 employees
	<u>Fraternities / Sororities</u>	<u>1.5 spaces for each sleeping room plus 1.5 spaces for every 4 active non-resident members of the fraternity/sorority plus 1 space for every 3 staff employed at the facility.</u>
	<u>Boarding and Rooming House</u>	<u>1 space for each room available for rent plus 2 spaces</u>
	<u>Other Group Living (e.g., dormitory style living)</u>	<u>0.8 parking spaces per bed</u>
Household Living	Business Residence	1 per residence + business parking
	Bed and Breakfast	1 per guest room + 2 spaces for owner’s portion
	Rooming/Boarding House	1 per rooming unit
	Accessory Dwelling Unit	1 per unit
	Dormitories/Fraternities/Sororities	1 per 2 beds
	Single-Family, Two-Family	2 per unit
	Multifamily – 1 bedroom	1.25 per unit
	Multifamily – 2 bedroom	1.5 per unit
	Multifamily – 3+ bedroom	2 per unit

The following definitions of Section 21.10.020 (Terms defined) are added / amended as follows (additions underlined, deletions struck through):

Boarding and rooming Rooming/boarding house means a building containing a single dwelling unit and three or more rooms where lodging is provided, with or without meals, for compensation. “Compensation” may include money, services or other things of value. A rooming/boarding house differs from a group living facility in that a boarding and rooming house

does not have staff and its residents do not receive care, treatment or assistance with daily living at the facility. For purposes of this definition receiving compensation in the form of rent or "room and board" does not render someone "staff;" staff is compensated by a salary or rate of pay based upon hours worked or work accomplished.

Family foster home means a home which receives one to four children for regular full-time care in a family home.

Foster child means a child who receives regular full-time care by a family in a family home.

Foster family means a family that provides regular full-time care to a foster child in the family home.

Foster parent means an adult who provides regular full-time care to a foster child in the family home.

Fraternity or sorority means a place of residence other than a hotel, rooming or boarding house or dormitory that is operated by a nationally or locally chartered membership organization and is used, occupied and maintained as living and dining quarters for its members who are enrolled in an accredited college or university or other accredited educational institution and which is recognized and subject to controls by such educational institution.

Group living facility, large means a group living facility with 10 to 16 residents shared by or the residence of more than eight but fewer than 17 unrelated persons, exclusive of staff.

Group living facility, small means a group living facility with up to 9 residents shared by or the residence of more than four, but up to eight unrelated persons, exclusive of staff.

Group living facility, unlimited means a group living facility shared by or the residence of with 17 or more residents unrelated persons, exclusive of staff.

Group living, other means housing where unrelated persons live together in a single dwelling unit in a multi-unit complex with common access to and common use of some living and eating areas and areas and facilities for the preparation and serving of food within the dwelling unit; and may include, by way of example and not limitation, dormitory-style living.

Group residence means dormitory, sorority, fraternity, and/or lodging where three or more individual rooms are occupied by residents who stay for periods of at least 30 days.

Household or household living means a family, or a group of not more than four unrelated persons, living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

All other definitions in Section 21.10.020 shall remain in full force and effect.

Introduced on first reading this 15th day of March, 2017 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2017 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Grand Junction City Council

Regular Session

Item #2.b.i.

Meeting Date: March 15, 2017

Presented By: Lori Bowers, Sr. Planner

Department: Admin - Community Development

Submitted By: Lori Bowers, Senior Planner

Information

SUBJECT:

Ordinance Rezoning the Lusby Apartment Complex, Located at 1321 Kennedy Avenue and Set a Hearing for April 5, 2017

RECOMMENDATION:

Planning Commission heard this item at its February 28, 2017 meeting and forwarded a recommendation of approval to City Council (5-0).

EXECUTIVE SUMMARY:

The applicant is requesting approval of a rezone from R-16 (Residential-16 du/ac) to R-24 (Residential – 24 du/ac) for the Lusby Apartment Complex, located at 1321 Kennedy Avenue to allow for the development of additional residential units. The property is currently developed at the R-16 maximum density, yet approximately one half of the property is vacant. Rezoning to R-24 will allow for additional residential dwelling units to be constructed in an area shown as "Residential High" supporting 16 to 24 units per acre in the Comprehensive Plan.

BACKGROUND OR DETAILED INFORMATION:

The subject parcel is currently zoned R-16 (Residential – 16 units per acre) and is approximately 0.4 acres in size. There is potential for more residential development on this lot, but the owner is prevented from further development due to the existing zoning. Under the R-16 zoning, the site has met its maximum density. R-24 zoning (Residential – 24 units per acre) is to provide for high density residential uses. This district allows multifamily development with a minimum density 16 units per acre and no maximum density.

Approximately 2% all land in the City limits is zoned either R-16 or R-24 with only 6% of the R-16 land currently vacant and 39% of the R-24 land vacant. To provide for a mix of housing choice as the Comprehensive Plan envisions, there currently is not enough land zoned or available for higher density housing. Providing for additional density at this location supports the Comprehensive Plan's Guiding Principle of "Housing Variety", allowing more variety in housing types that will better meet the needs of our diverse population.

A Neighborhood Meeting was held on November 29, 2016, with seven members of the public in attendance. While most of the attendees stated they were not concerned with the rezone itself, they questioned why the whole block was not being rezoned. Most of the attendees were in favor of a higher density but were concerned with increased foot traffic and parking.

FISCAL IMPACT:

Zoning change does not have fiscal impact. However if additional residential units are constructed one-time sales and use tax will be collected on the construction materials and property taxes will be applicable.

SUGGESTED MOTION:

I move to introduce a proposed Ordinance rezoning the Lusby Apartment Complex from R-16 (Residential - 16 du/ac) to R-24 (Residential - 24 du/ac) located at 1321 Kennedy Avenue and set a public hearing for April 5, 2017.

Attachments

1. Lusby Staff Report
2. Lusby Ordinance



Date: February 7, 2017

Author: Lori V. Bowers

Title/ Phone Ext: Senior Planner / 4033

Proposed Schedule: PC February 28, 2017

CC 1st Reading: March 15, 2017

2nd Reading: April 5, 2017

File #: RZN-2016-608

PLANNING COMMISSIN AGENDA ITEM

Subject: Lusby Rezone, Located at 1321 Kennedy Avenue
Action Requested/Recommendation: Forward a recommendation to City Council for a request to Rezone .4 acres from R-16 (Residential—16 du/ac) to R-24 (Residential—24 du/ac)
Presenter(s) Name & Title: Lori V. Bowers, Senior Planner

Executive Summary:

The applicant is requesting approval of a rezone from R-16 (Residential-16 du/ac) to R-24 (Residential – 24 du/ac) for the Lusby Apartment Complex, located at 1321 Kennedy Avenue, to allow for the development of additional residential units.

Background, Analysis and Options:

The subject parcel is currently zoned R-16 (Residential – 16 units per acre) and is approximately 0.4 acres in size. There is potential for more residential development on this lot, but the owner is prevented from further development due to the existing zoning. Under the R-16 zoning, the site has met its maximum density. R-24 zoning (Residential – 24 units per acre) is to provide for high density residential uses. This district allows multifamily development with a minimum density 16 units per acre and no maximum density.

Approximately 2% all land in the City limits is zoned either R-16 or R-24 with only 6% of the R-16 land currently vacant and 39% of the R-24 land vacant. To provide for a mix of housing choice as the Comprehensive Plan envisions, there currently is not enough land zoned or available for higher density housing. Providing for additional density at this location supports the Comprehensive Plan’s Guiding Principle of “Housing Variety”, allowing more variety in housing types that will better meet the needs of our diverse population.

A Neighborhood Meeting was held on November 29, 2016, with seven members of the public in attendance. While most of the attendees stated they were not concerned with the rezone itself, they questioned why the whole block was not being rezoned. Most of the attendees were in favor of a higher density but were concerned with increased foot traffic and parking.

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

This project 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.

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.

By rezoning the property to R-24, it will increase the capacity and ability for developers to meet the differing housing demands of the community. It will enable a mix of housing types for different levels of incomes, family types and life stages and will allow infill in an area that is close to the University, shopping and medical services.

Board or Committee Recommendation:

Planning Commission will forward a recommendation to the City Council.

Financial Impact/Budget:

None

Other issues:

The only issue at hand is the condition of the adjacent alley right-of-way. The property owner will sign a Power of Attorney for alley improvements.

Previously presented or discussed:

This item has not been previously presented or discussed.

Attachments:

Staff Report/Background Information
Public Comment
Site Location Map
Comprehensive Plan Map
R-24 Zoning Map
Ordinance

BACKGROUND INFORMATION					
Location:		1321 Kennedy Avenue			
Applicants:		Eric Lusby, owner; Vortex Engineering Inc., representative, c/o Robert Jones.			
Existing Land Use:		Residential			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Single and Multi-family homes			
	South	Single-family homes			
	East	Single-family homes			
	West	Single and Multi-family homes			
Existing Zoning:		R-16 (Residential -16 dwelling units per acre)			
Proposed Zoning:		R-24 (Residential -24 dwelling units per acre)			
Surrounding Zoning:	North	R-16 (Residential – 16 dwelling units per acre)			
	South	R-16 (Residential – 16 dwelling units per acre)			
	East	R-16 (Residential – 16 dwelling units per acre)			
	West	R-16 (Residential – 16 dwelling units per acre)			
Future Land Use Designation:		Residential High Mixed Use			
Blended Residential Land Use Categories Map (Blended Map):		Residential High			
Zoning within density range?		X	Yes		No

Background:

The Lusby Apartment Complex, located at 1321 Kennedy Avenue, is on the south side of Kennedy Avenue and east of N 13th Street. It is in close proximity to Colorado Mesa University, shopping and medical facilities.

The subject parcel is currently zoned R-16 (Residential – 16 units per acre). The Lot is approximately 0.4 acres in size. The air photo below shows there is potential for more residential development, but the owner is prevented from further development of the site due to the existing zoning's maximum density. An attached map shows the limited areas of R-24 zoning within the City.



R-24 zoning (Residential – 24 units per acre) is to provide for high density residential uses. This district allows multifamily development within specified densities, with a minimum density of 16 units per acre and no maximum density. This district is intended to allow high density residential unit types and densities to provide a balance of housing opportunities in the community.

A Neighborhood Meeting was held on November 29, 2016. About seven people joined the meeting but only two people signed the attendance sheet. While most of the attendees stated they were not concerned with the rezone itself, they questioned why the whole block was not being rezoned. Most of the attendees were in favor of a higher density but were concerned with increased foot traffic and parking.

At the Neighborhood Meeting, most comments were on parking and the condition of the alley. Parking was referred to as “freeloader” parking for students, thus crowding out residents. They questioned why the City couldn’t establish some sort of resident parking permit for the areas around CMU. Secondly, they wondered why nothing had been done with the condition of the alley. An email was received after the neighborhood meeting (attached) citing their concerns with the alley right-of-way and trash pick-up in the alley. They also stated they were a proponent of increased densities in this area. Another email (attached) was provided about the poor condition of the site and her enjoyment of the neighborhood. Future development proposed on the site will be required to meet on-site parking requirements and to address the condition of the alley if access to the alley is proposed.

Section 21.02.140 of the Grand Junction Municipal Code

Zone requests must meet at least one of the following criteria for approval:

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

A review of the overall zoning map for residential uses within in the City shows that only 196 acres are zoned R-24, with only 45 acres currently vacant citywide. It becomes apparent that we have very little property zoned R-24. R-24 can be an infill type of zoning, especially where the lot is large enough to accommodate more density, as with the Lusby property. Please see the attached map showing properties currently zoned R-24.

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;

As Colorado Mesa University and the medical facilities in this area continue to grow, the housing demand increases. The R-24 zoning will allow a greater density in an area where it is most needed, within walking distance of the campus, shopping and medical services in the area.

This criterion has been met.

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

This is an ideal infill area where utilities are existing; it is within walking distance of the University, other schools, shopping and restaurants. There is transit service available in the area, all supportive of higher density.

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;

As evidenced by the attached map and limited R-24 zoning available for development, there is an inadequate supply of R-24 zoning throughout the City.

This criterion has been met.

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

The benefit will be increased density in an area where additional housing is needed and all services and utilities currently exist.

This criterion has been met.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Lusby Rezone, file number RZN-2016-608, a request to rezone the property from R-16 (Residential – 16 du/ac) to R-24 (Residential – 24 du/ac), 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 subsections 1 through 5 in Section 21.02.140 of the Grand Junction Municipal Code have been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested zone, file number RZN-2016-608, to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on item RZN-2016-608, I move that the Planning Commission forward a recommendation of approval of the requested Rezone from R-16 to R-24 for the property located at 1321 Kennedy Avenue, RZN-2016-608, to the City Council with findings of fact/conclusions and conditions as stated in the staff report.

From: David Hoffman <poundsnails@gmail.com>
Sent: Wednesday, January 04, 2017 9:27 AM
To: Lori Bowers
Subject: RZN-2016-608

Lori, I am writing to provide comment on the proposed rezone at 1321 Kennedy Avenue (Lusby Apartments). First, I would like to say that I am a proponent of increased densities in this area. That being said, as an area property owner of many years I have several concerns. First would be the general, often deplorable condition of the alley R.O.W. that lies between Bunting and Kennedy avenues, and second would be the lack of oversight regarding trash containers in that same R.O.W. Though it is unreasonable to think this applicant should be charged entirely with improving the alley surface, it may be time to resurrect the public/ private Alley Improvement Districts that the City (in more flush times) employed. The existing surface is often pot holed, and any appreciable moisture turns it rutted and bog like. As an area property owner I would be a willing participant in long range improvements to the alley surface. As regards the trash pickup, I understand the City's need for mechanical pickup, but any given Thursday afternoon the alley is a gauntlet of willy nilly containers often left in the R.O.W. Again, I see the sense in increased densities in the City, but I believe any proposals along those lines must address the impacted infrastructure. How much that onus falls on the applicant is City Council's decision.

Properties West, LLC
Avenue

Regards, David Hoffman -Mountain

1430 Bunting

From: Christine Coolidge <ishtar710@yahoo.com>
Sent: Thursday, January 26, 2017 4:54 PM
To: Lori Bowers
Subject: 1321 Kennedy, Grand Junction

Dear Ms. Bowers:

Thank you to the City Planning Department for notifying my neighborhood of a proposed change of zoning.

As you know well, this neighborhood (which I am considering here between 12th and 15th Streets west to east, and between North and Orchard Avenues south to north) is a mixup of single family and multi-family residences, as well having two sides bordered with commercial buildings. Here I wish to focus on residential uses.

Each type of residence has a separate goal, and each goal must, I believe, be considered. For single family residents, the quiet enjoyment of their property is of particular concern in a mixed-use neighborhood. For multi-family dwellings, proximity to work, school and/or play can be more the issue.

For single family dwellings, residency is generally a longer-term affair than in an apartment, and it is in the citizen's and the community's best interest for that property to be maintained and improved to keep the area out of "slum" definition. For multi-family dwellings, residency is generally shorter-term, and in addition, residents may also be "passing through," that is, maintaining their lodging only insofar as is needed to meet another goal. Protection of their investment or maintenance of a pleasant community are not pertinent. Thereby, maintenance of multi-family units can, in my rather lengthy experience, be minimal, in order to maximize profits for the investor.

In point of fact, 1321 Kennedy clearly would profit from a power washing and new front doors. It is NOT the block's most attractive building, although it is neat and reasonably free of garbage and litter, and all windows and doors appear sound. Would upgrades to this building be part of the overall plan? [I would not like to muck my way through the swamp to the west of the building now. Would it be leveled and graveled?]

Because of allowances for half the right of way and half the alley, the current building squeaks by the zoning requirements currently in place. Although the building is old enough to have fully amortized those land-use costs to the city for rights of way that are clearly public and not of use solely to the building's residents, this should not mean that a change to higher density is now a good idea.

In our telephone conversation, you had suggested that an additional duplex is an option for this land. I have no problem with that level of additional density, however, I wonder if a variance to an R-16 designation is not a better administrative choice than a change to an R-18 designation. Currently the property houses eight residents. Adding a duplex would put it out of code by just one residence. I would support a variance to R-16 for this.

An R-18 designation might be used in future to destroy the current building and allow a much-higher density building to be constructed, although this may not be the intent at all of the present landowner and/or manager. Since I plan to be here at least another 20 years, that is a necessary consideration. I like living in a mixed-use neighborhood -- I think that the high level of pedestrian and bicycle travel here makes it safer, and I think

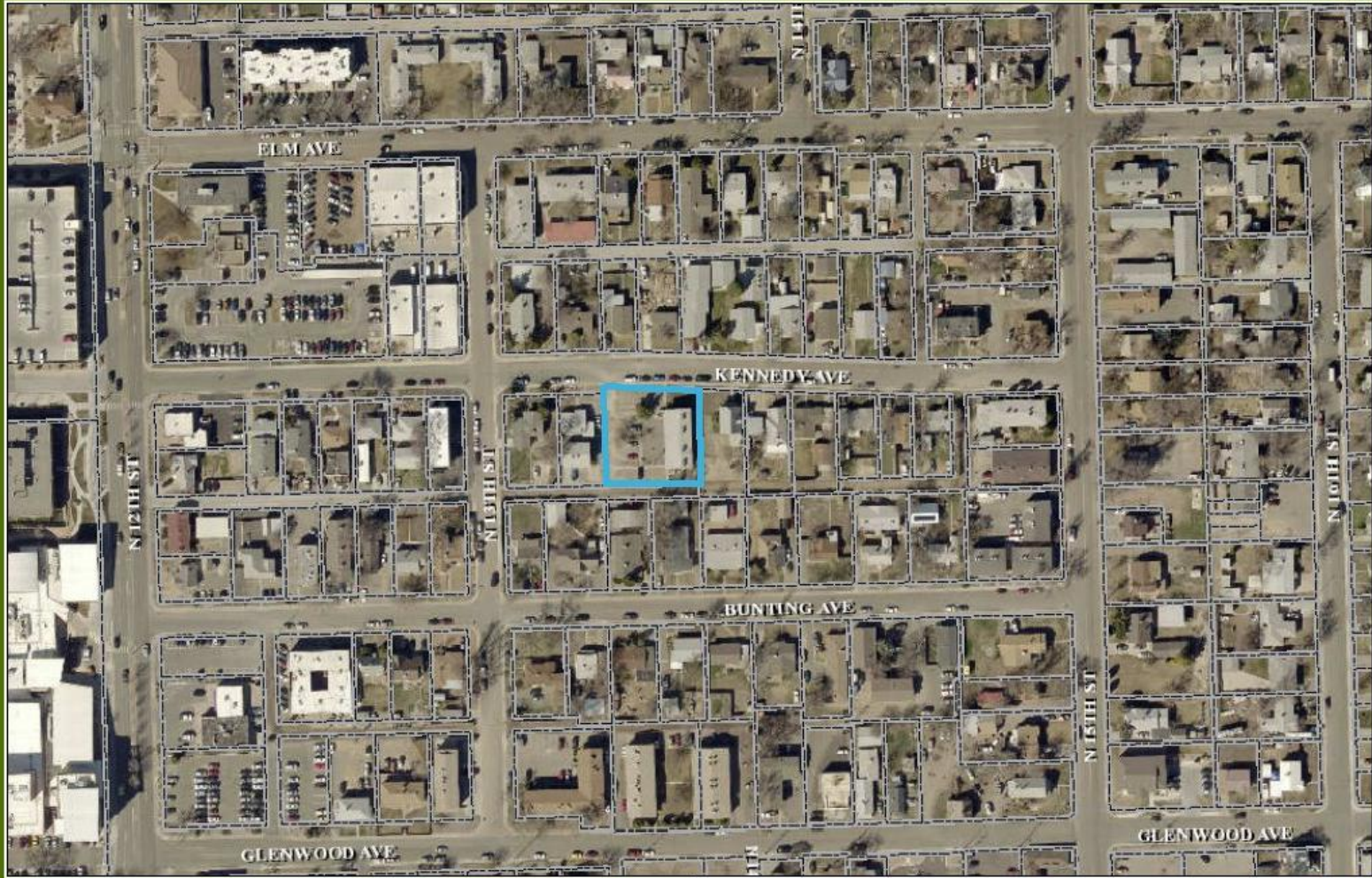
students and staff at CMU alike for that.

Thank you for allowing this area's residents the opportunity to speak to the possibilities for the future of our neighborhood. I believe the scattered islands of single families allow apartment residents a quieter place to live, while their presence allow us a safer and a more interesting one. I trust that we can keep this workable and important balance.

With best regards,

Chris Coolidge
1415 Elm Avenue

Site Location Map - 1321 Kennedy

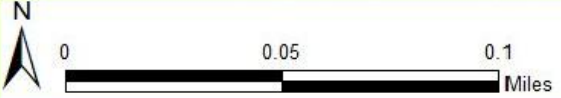
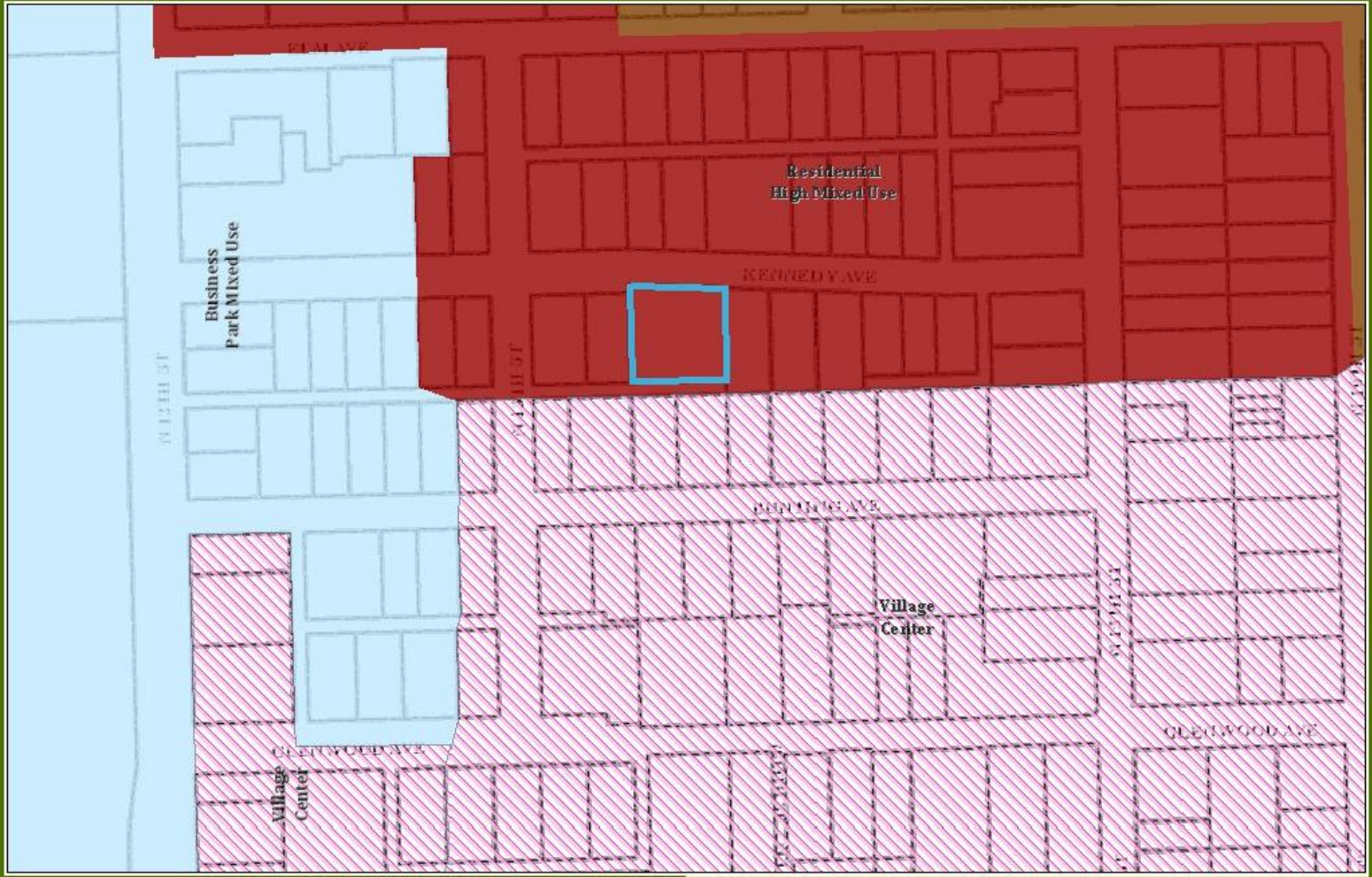


Printed: 1/27/2017

1 inch = 179 feet



Comprehensive Plan Map - 1321 Kennedy

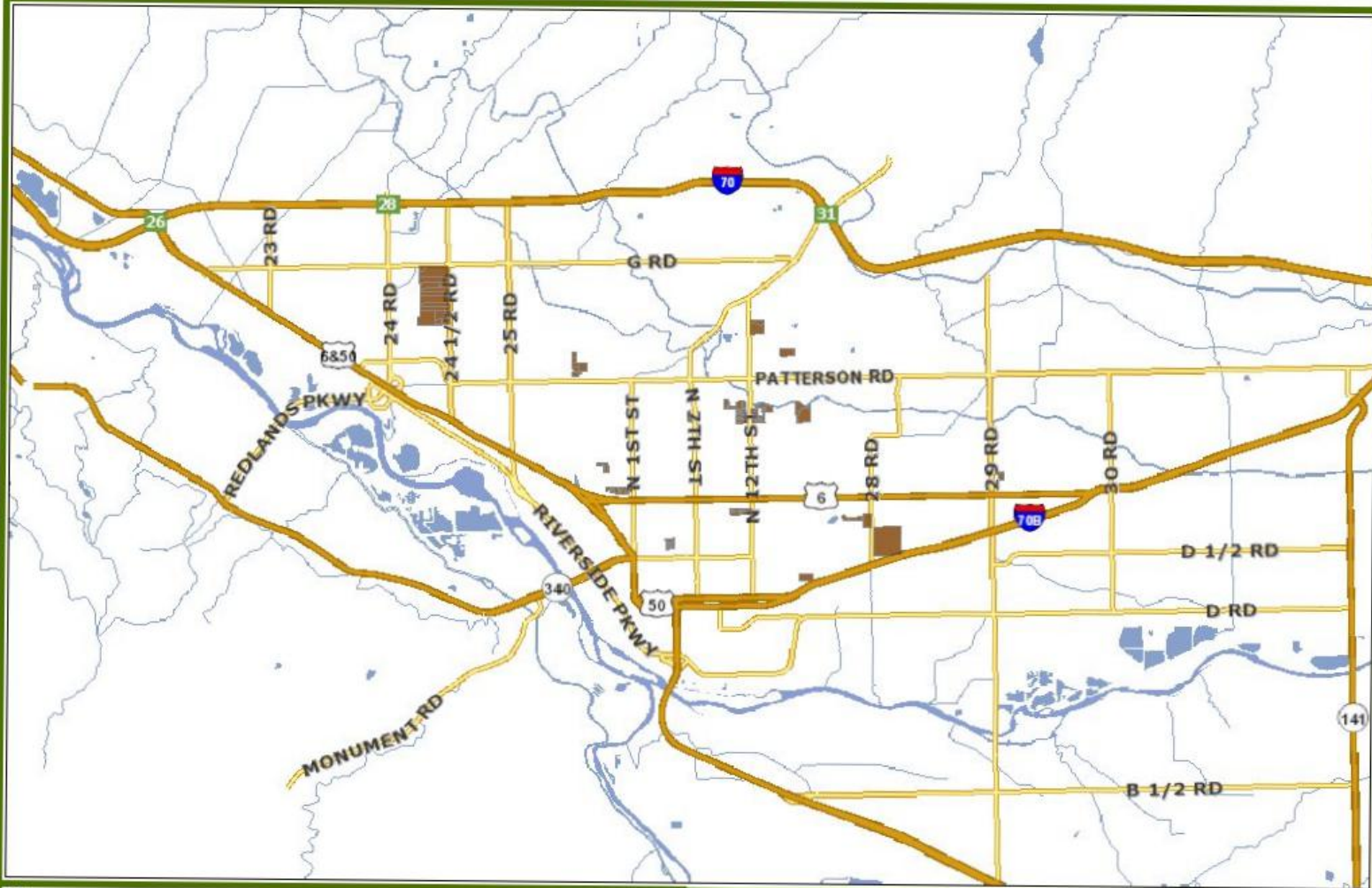


Printed: 1/27/2017

1 inch = 179 feet



R-24 Zoning in City Limits



Printed: 1/26/2017

1 inch = 5,732 feet



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING THE LUSBY APARTMENT COMPLEX
FROM R-16 (RESIDENTIAL – 16 UNITS PER ACRE) TO
R-24 (RESIDENTIAL – 24 UNITS PER ACRE)**

LOCATED AT 1321 KENNEDY AVENUE

Recitals:

The subject parcel is currently zoned R-16 (Residential – 16 units per acre). The Lot is approximately 0.4 acres in size. There is potential for more residential development on this lot, but the site has met its maximum density. R-24 zoning (Residential – 24 units per acre) is to provide for high density residential uses. This district allows multifamily development within specified densities, with a minimum density is 16 units per acre and no maximum density. This district is intended to allow high density residential unit types and densities to provide a balance of housing opportunities in the community.

It has been determined that there is an inadequate supply of R-24 zoned lands within the City limits, with a total of 196 acres zoned R-24 and only 45 acres vacant citywide.

In public hearings, the Planning Commission and City Council reviewed the request for the rezone and determined that the R-24 zone district meets the recommended land use category as shown on the future land use map of the Comprehensive Plan, Residential High Mixed Use, and the Comprehensive Plan's goals and policies and/or is generally compatible with appropriate land uses located in the surrounding area and is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING PROPERTY SHALL BE REZONED R-24 (RESIDENTIAL – 24 UNITS PER ACRE).

W2 N2 S2 OF LOT 7 GRAND VIEW SUB SEC 12 1S 1W EXC E 191.46FT + EXC KENNEDY AVE + EXC S 20FT FOR ALLEY AS DESC IN B-1056 P-397 CO CLERKS OFFICE

Introduced on first reading this ____ day of _____, 2017 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2017 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Grand Junction City Council

Regular Session

Item #2.b.ii.

Meeting Date: March 15, 2017

Presented By: Scott Peterson, Sr. Planner

Department: Admin - Community Development

Submitted By: Scott D. Peterson, Senior Planner

Information

SUBJECT:

Ordinance Approving a Rezone to PD (Planned Development) and an Outline Development Plan for the Mind Springs Health Campus, Located at 515, 521 28 3/4 Road and 2862 North Avenue and Set a Hearing for April 5, 2017

RECOMMENDATION:

Planning Commission heard this item at its February 28, 2017 meeting and forwarded a recommendation of approval to City Council (5-0).

EXECUTIVE SUMMARY:

The applicant, Mind Springs Health, requests approval of a Comprehensive Plan amendment, an Outline Development Plan (ODP), a Planned Development (PD) zone district with a default zone of C-1 (Light Commercial) for their 12.34 acre campus located at 515 28 ¾ Road, 2862 North Avenue and 521 28 ¾ Road, which will ultimately support a three-phase expansion including a 48 bed psychiatric hospital designed for future expansion up to 64 beds. The proposed resolution to amend the Comprehensive Plan will be considered with the second reading of the zoning ordinance.

BACKGROUND OR DETAILED INFORMATION:

Mind Springs Health is a regional provider of mental health services who seeks to expand its Grand Junction campus. Its property at 515 28 ¾ Road operates under a 2004 Conditional Use Permit for an Unlimited Group Living Facility. The facility is not, however, in fact a group living facility, but an in-patient treatment facility with stays that may in some instances exceed 30 days. Nonetheless it houses patients temporarily

with no intent that a patient will make a permanent home there. The Applicant and City staff propose that the Conditional Use Permit shall terminate at such time as the proposed Comprehensive Plan amendment, ODP and PD zoning ordinance are become effective. (See Findings, Conclusions and Conditions of Planning Commission, attached.)

Since 2004, the applicant has acquired adjacent properties at 2862 North Avenue and 521 28 ¾ Road for expansion. The proposal is that all three properties be rezoned to a Planned Development zone district with C-1 default standards in order to provide a flexible but consistent zoning classification for expansion of the outpatient behavioral health sciences and inpatient psychiatric hospital care campus.

The properties located at 515 28 ¾ Road and 2862 North Avenue are already zoned C-1. Under the proposed PD zone district, the applicant is requesting the following allowed uses: hospital/mental hospital, inpatient mental health treatment facility with stays that may exceed 30 days, a respite house, general medical and counseling offices and medical / counseling clinics. In a straight C-1 zone district, hospitals, inpatient treatment facilities, respite care facilities require a conditional use permit; general offices and medical clinics are allowed.

Also requested is a Comprehensive Plan Future Land Use Map change from Residential Medium (4 – 8 du/ac) to Village Center for the property located at 521 28 ¾ Road. This will accommodate the proposed underlying default zone of C-1. This is necessary because C-1 is not a zone that implements the Residential Medium category. The applicant's other two properties are already designated Village Center.

The applicant has also submitted a simple subdivision application to combine all three properties into one lot for development purposes (City file # SSU-2016-634). This application is being reviewed separately by the Director in accordance with the Zoning and Development Code.

FISCAL IMPACT:

Due to the exempt status of the property owner, property taxes and sales and use taxes will not be collected.

SUGGESTED MOTION:

I move to introduce a Proposed Ordinance Approving a Rezone to PD (Planned Development) with a Default Zone of C-1 (Light Commercial) and an Outline Development Plan for the Mind Springs Health Campus and Set a Hearing for April 5, 2017.

Attachments

1. Mind Springs Staff Report
2. Ordinance



Date: February 6, 2017
 Author: Scott D. Peterson
 Title/ Phone Ext: Senior
Planner/1447
 Proposed Schedule: February 28,
2017
 File #: PLD-2016-546

PLANNING COMMISSION AGENDA ITEM

Subject: Mind Springs Health Comprehensive Plan Amendment, PD Zoning Ordinance and Outline Development Plan
Action Requested/Recommendation: Forward a Recommendation to City Council for a Comprehensive Plan Future Land Use Map Amendment from Residential Medium to Village Center, a Rezone to PD (Planned Development) and an Outline Development Plan for the properties located at 515, 521 28 ¾ Road and 2862 North Avenue.
Presenters Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

The applicant, Mind Springs Health, requests approval of a Comprehensive Plan amendment, an Outline Development Plan (ODP), a Planned Development (PD) zone district with a default zone of C-1 (Light Commercial) for their 12.34 acre campus located at 515 28 ¾ Road, 2862 North Avenue and 521 28 ¾ Road, which will ultimately support a three-phase expansion including a 48 bed psychiatric hospital designed for future expansion up to 64 beds.

Background, Analysis and Options:

Mind Springs Health is a regional provider of mental health services who seeks to expand its Grand Junction campus. Its property at 515 28 ¾ Road operates under a 2004 Conditional Use Permit for an Unlimited Group Living Facility. The facility is not, however, in fact a group living facility, but an in-patient treatment facility with stays that may in some instances exceed 30 days. Nonetheless it houses patients temporarily with no intent that a patient will make a permanent home there. The Applicant and City staff propose that the Conditional Use Permit shall terminate at such time as the proposed Comprehensive Plan amendment, ODP and PD zoning ordinance become effective. (See Findings, Conclusions and Conditions of Planning Commission, attached.)

Since 2004, the applicant has acquired adjacent properties at 2862 North Avenue and 521 28 ¾ Road for expansion. The proposal is that all three properties be rezoned to a Planned Development zone district with C-1 default standards in order to provide a flexible but consistent zoning classification for expansion of the outpatient behavioral health sciences and inpatient psychiatric hospital care campus.

The properties located at 515 28 ¾ Road and 2862 North Avenue are already zoned C-1. Under the proposed PD zone district, the applicant is requesting the following allowed uses: hospital/mental hospital, inpatient mental health treatment facility with stays that may exceed 30 days, a respite house, general medical and counseling offices and medical / counseling clinics. In a straight C-1 zone district, hospitals, inpatient treatment

facilities, respite care facilities require a conditional use permit; general offices and medical clinics are allowed.

Also requested is a Comprehensive Plan Future Land Use Map change from Residential Medium (4 – 8 du/ac) to Village Center for the property located at 521 28 ¾ Road. This will accommodate the proposed underlying default zone of C-1. This is necessary because C-1 is not a zone that implements the Residential Medium category. The applicant's other two properties are already designated Village Center.

The applicant has also submitted a simple subdivision application to combine all three properties into one lot for development purposes (City file # SSU-2016-634). This application is being reviewed separately by the Director in accordance with the Zoning and Development Code.

Current Campus Make-Up

The property owned by the applicant contains five buildings. Four are located on the property at 515 28 ¾ Road; the fifth is on property located at 2862 North Avenue (see Site Plan).

Building A: a two-story, 32,000 square-foot administrative office and outpatient client therapy services building;

Building B: a one-story, 6,700 square-foot building housing an 11-bed crisis stabilization program;

Building C: a one-story, 7,600 square-foot 16 bed inpatient unit;

Building D: a one-story, 8,200 square-foot 16 bed inpatient unit.

Building E: a one-story building used as office and shop space housing patient medical records.

Proposed Changes to the Campus

The Applicant intends to demolish Building C to make way for the new 63,000 sq. ft., one-story hospital building, which initially will have 48 beds for in-patient psychiatric care and will be expanded to up to 64 beds in the future.

The vacant lot at 521 28 ¾ Road, acquired by the applicant in 2015, will be developed as a Respite House. The proposed building will house up to four outpatient clients to stay up to three nights under 24-hour supervision by Mind Springs staff. In addition to the four-bedroom home, an additional 4,000 sq. ft. office and group meeting facility will adjoin the residence and will support the activities of the Respite House.

A new medical records office (3,000 sq. ft.) and Facilities Management Office and Shop (4,000 sq. ft.) will also be constructed on the property located at 521 28 ¾ Road.

The Applicant intends that all three lots will be combined into one lot prior to construction of these new facilities.

Neighborhood Meeting:

The applicant held two Neighborhood Meetings, one on February 3, 2016 and another on December 13, 2016. No one from the public attended the December 13th meeting. Seven citizens along with City Staff attended the February 3rd meeting. No major objections to the proposed rezone or future campus expansion/development were received at the meeting. Neighboring citizens had questions concerning parking, screening and buffering, parking lot lighting and safety issues regarding patients, the campus and community.

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

The requested Outline Development Plan for Mind Springs Health meets the following goals and policies from the Comprehensive Plan by helping maintain the Grand Valley as a regional provider of health care/mental health services by serving all of western Colorado.

Goal 7: New development adjacent to existing development (of a different density/unit type/land use type) should transition itself by incorporating appropriate buffering.

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

Board or Committee Recommendation:

There is no other committee of board recommendation.

Financial Impact/Budget:

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

Other issues:

There are no other issues identified.

Previously presented or discussed:

This has not been previously discussed by the Planning Commission.

Attachments:

1. Staff Report/Background Information
2. Site Location Map
3. Aerial Photo Map
4. Comprehensive Plan Future Land Use Map
5. Existing Zoning Map
6. Existing Site Plan
7. Outline Development Plan
8. Proposed 48-bed Psychiatric Hospital Building Elevation Drawing
9. Resolution
10. Planned Development and Rezone Ordinance

BACKGROUND INFORMATION					
Location:		515, 521 28 ¾ Road and 2862 North Avenue			
Applicant:		Mind Springs Health, Owner			
Existing Land Use:		Mind Spring Health campus along with various support buildings			
Proposed Land Use:		63,000 sq. ft. psychiatric hospital, 4,000 sq. ft. respite house and associated support staff structures			
Surrounding Land Use:	North	Single-family detached			
	South	Commercial properties along North Avenue			
	East	Commercial properties along 28 ¾ Road and Grand Mesa Little League ball fields.			
	West	Manufactured home park and single-family detached			
Existing Zoning:		C-1 (Light Commercial) & R-8 (Residential – 8 du/ac)			
Proposed Zoning:		PD (Planned Development)			
Surrounding Zoning:	North	R-8 (Residential – 8 du/ac)			
	South	C-1 (Light Commercial)			
	East	C-1 (Light Commercial) & CSR (Community Services & Recreation)			
	West	C-1 (Light Commercial) & R-8 (Residential – 8 du/ac)			
Future Land Use Designation:		Village Center and Residential Medium (4 – 8 du/ac)			
Zoning within density range?		X	Yes		No

Density/Intensity: The proposed 80 bed facility at full build out of all phases and the associated offices, out-patient services and Respite House are well within the Density/Intensity requirements of the C-1 default zone district.

Access/Parking: The current Mind Springs Health campus currently has 214 parking spaces and meets all off-street parking requirements for the existing land use. The proposed ODP for the new hospital shows a total of 304 parking spaces. The area proposed for the Respite House and office buildings identifies another 39 spaces for a total of 343 off-street parking spaces provided at full build out, which exceeds the 339 spaces required by City Code.

The primary public access to the site will be from 28 ¾ Road, as currently exists. The existing North Avenue entrance is not intended for general access to the entire site, but is only utilized for Mind Springs staff employees working within Building E. The proposed internal ring road is not intended for public access and will, therefore, be gated in three locations in order to limit traffic to designated staff only.

Open Space: Open Space is not required for commercial development other than meeting applicable landscaping requirements, however, at full build-out of the site, over 164,000 sq. ft. or 31% of the total site will contain open space/landscape areas, excluding building footprints, sidewalks, hardscape features, stormwater detention areas and parking lots. Pedestrian connections will be provided from 28 ¾ Road and North Avenue to serve the property. The proposed open space will include extensive landscaping through-out the development per City zoning requirements.

Lot Layout: The applicant is proposing, and has submitted for administrative review, a Simple Subdivision application to combine all three properties into one lot for development purposes (City file # SSU-2016-634).

Phasing: The proposed Mind Springs Health campus additions are to be developed in three phases. The proposed phasing schedule is as follows (see attached Outline Development Plan):

- Phase 1: 48- bed hospital building - to be reviewed and approved by January 1, 2019
- Phase 2: Respite House, Offices and Facilities Shop – to be reviewed and approved by June 1, 2022
- Phase 3: 16-bed hospital addition - to be reviewed and approved by June 1, 2025

Long-Term Community Benefit: The intent and purpose of the PD zone is to provide flexibility not available through strict application and interpretation of the standards established in Section 21.03.070 of the Zoning and Development Code. The Zoning and Development Code also states that PD (Planned Development) zoning should be used only when long-term community benefits, which may be achieved through high quality planned development, will be derived. Long-term benefits include, but are not limited to:

1. More effective infrastructure;
2. Reduced traffic demands;
3. A greater quality and quantity of public and/or private open space;
4. Other recreational amenities;
5. Needed housing types and/or mix;
6. Innovative designs;
7. Protection and/or preservation of natural resources, habitat areas and natural features; and/or Public art.

The proposed Mind Springs Health Planned Development provides the following long-term community benefits:

1. Effective infrastructure design by consolidating needed psychiatric medical services into one centralized location.
2. Reduced traffic demands from what could be developed under the current conventional commercial zoning.
3. Greater quality and quantity of private open space with 3.77 acres (31% of the site) of the total 12.34 acres as landscaped open space that provides for well

designed, open atmosphere for outside activities and a visually appealing campus environment.

4. Innovative design with contemporary architecture that exceeds or matches existing buildings on-site. The proposed new hospital building will be a model, statewide for psychiatric hospital care, providing exterior patient recreation space, incorporating natural light throughout the building by means of roof “pop-ups” with high ceilings, patient activity space including crafts, music, gym and dining facilities.

Default Zone: The applicable dimensional standard for the C-1 (Light Commercial) zone as indicated in Section 21.03.070 (d) of the Zoning and Development Code, are as follows:

Density: Maximum: 24 dwelling units/acre. Minimum: 12 dwelling units/acre.

Front yard setback (Principal/Accessory): 15'/25'.

Side yard setback (Principal/Accessory): 0'/0'.

Side yard abutting residential (Principal/Accessory): 10'/5'

Rear yard setback (Principal/Accessory): 10'/10'

Maximum building height: 40'.

Deviations: Applicant is proposing no deviations to the above dimensional standards and will meet all applicable off-street parking, landscaping, screening and buffering and other City Code requirements upon development.

List of Allowed Land Uses for the proposed PD Zone District:

The land area encompassed by the proposed Mind Springs Health campus are only to be utilized for the following permitted land uses:

- a. Hospital/Mental Hospital
- b. Respite House
- c. General Offices
- d. Medical Clinic
- e. Counseling Services/Center
- f. Ancillary Facilities/Services buildings

Minimum District Size: A minimum of 5 acres is recommended for a planned development according to the Zoning and Development Code. This property is 12.34 +/- acres in size and therefore meets with district size requirements for the Planned Development zone.

**Comprehensive Plan Future Land Use Map Amendment
Section 21.02.130 (c) (1) of the Zoning and Development Code:**

The City may amend the Comprehensive Plan if the proposed change is consistent with the vision (intent), goals and policies of the Comprehensive Plan and meets one or more of the following criteria:

(1) Subsequent events have invalidated the original premises and findings; and/or

The property at 521 28 ¾ Road is currently designated as Residential Medium (4-8 du/ac). The applicant is requesting an Outline Development Plan for all three properties so that they may expand as a single campus offering in- and out-patient mental health and hospital services. The Applicant has become a regional mental health service provider.

These changes make it appropriate to change the future land use designation to that of the adjacent properties (Village Center) which it also owns and with which it will be combined to serve as a campus for regional mental health services. The changes also make it appropriate to create a planned development zone district.

Therefore, 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; and/or

The expansion of the mental health services in this location has changed the character of the neighborhood somewhat. The properties to the north and west remain residential;¹ however, the Applicant has acquired two adjacent properties that have and will continue to expand, offering inpatient and outpatient mental health services and housing related medical offices.

The proposed Planned Development zone district will best accommodate the needs of the expanding medical and hospital services as well as provide the best fit into the surrounding neighborhood.

Therefore, this criterion has been met.

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

Adequate public facilities and services (water, sewer, utilities, etc.) are currently available or will be made available concurrent with the existing and proposed development and can address the impacts of development consistent with the PD zone district with an underlying default zone of C-1. Mind Springs Health is located near the intersection of 28 ¾ Road and North Avenue and is within walking distance to other commercial retail developments and restaurants. Grand Valley Transit also offers numerous bus routes along North Avenue for public transit connections that will serve both clients and employees.

¹ Mind Springs Health has been well received by the existing neighborhood and has integrated reasonably well into the surrounding neighborhood. Grand Mesa Little now shares off-street parking with Minds Springs Health when additional parking is needed on weekends and for tournaments. Also Nisley School located nearby has encountered no problems with Mind Springs over the past 12 years, according to the applicant.

Therefore, 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; and/or

There is not an inadequate supply of commercially zoned properties in the community. However, Mind Springs Health is currently located on this site and has acquired two additional adjacent properties with the anticipation of growing their facility to meet the demands of a growing community and population of western Colorado. Constructing the proposed psychiatric hospital elsewhere would entail property acquisition, new construction costs and disconnection from Mind Springs current operations on this existing campus. Having client services as well as administrative personnel and staff located on one central campus benefits not only Mind Springs, but also the community.

This criterion has not been met.

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

The community and area will derive benefits from the proposed Planned Development by the utilization of effective infrastructure design by consolidating needed psychiatric medical services into one centralized campus location. The proposed zoning of PD (Planned Development) will allow the property to be developed and expanded as an in-fill project that is compatible with adjacent commercial and residential properties. The applicant is also providing extensive existing and new landscaped open space areas that provides for well designed, open and landscaped areas for outside activities and a visually appealing campus environment. The property will also be screened and buffered from the adjacent residential properties by the installation of a 6' tall masonry wall as required by the Zoning and Development Code.

Therefore, this criterion has been met.

Planned Development

Sections 21.02.150 of the Grand Junction Zoning and Development Code:

Requests for an Outline Development Plan (ODP) shall demonstrate conformance with all of the following:

- a) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies;

The proposed Outline Development Plan will comply with the Comprehensive Plan, Grand Valley Circulation Plan and other applicable adopted plans and policies. Under the proposed PD zone district, the applicant is requesting that hospital/mental hospital, be an "allowed" land use. Currently these land uses are

a “Conditional Use Permit” in the C-1 zone district. The proposed Planned Development would continue to provide support and comprehensive psychiatric care as the only mental health facility located in western Colorado.

The applicant is also requesting a Comprehensive Plan Future Land Use Map Amendment to change the property located at 521 28 ¾ Road from Residential Medium (4 – 8 du/ac) to Village Center to comply with the requested PD zone district and the default zone of C-1. Under the present Residential Medium category, the C-1 zone district is not permitted.

- b) The rezoning criteria provided in Section 21.02.140 of the Zoning and Development Code.

See above discussion of Section 21.02.130 (c) (1).

- c) The planned development requirements of Section 21.05.040 (f) of the Zoning and Development Code;

The proposed ODP is in conformance with the Planned Development requirements of Section 21.05 of the Zoning and Development Code through the use of setback standards conforming with the default zone of C-1, open space, screening and buffering, building heights, off-street parking and landscaping requirements of the Zoning and Development Code.

- d) The applicable corridor guidelines and other overlay districts in Chapter 21.07.

The property is located within the North Avenue Overlay Zone District and will meet all corridor guidelines and applicable requirements associated with new commercial development adjacent to North Avenue at time of Site Plan review.

- e) Adequate public services and facilities shall be provided concurrent with the projected impacts of the development.

Adequate public facilities and services (water, sewer, utilities, etc.) are currently available or will be made available concurrent with the existing and proposed development and can address the impacts of development consistent with the PD zone district with an underlying default zone of C-1. Mind Springs Health is located near the intersection of 28 ¾ Road and North Avenue and is within walking distance to other commercial retail developments and restaurants. Grand Valley Transit also offers numerous bus routes along North Avenue for public transit connections that serve both clients and employees.

- f) Adequate circulation and access shall be provided to serve all development pods/areas to be developed.

Adequate circulation and access will be provided to serve the campus. Primary public access to the site will be from 28 ¾ Road. The existing North Avenue entrance is not intended for general access to the entire site, but only utilized for Mind Springs staff employees working within Building E. Therefore, the applicant

is not intending to utilize the new internal ring road for public access. The new internal ring road will be gated in three locations in order to limit traffic to designated staff only.

- g) Appropriate screening and buffering of adjacent property and uses shall be provided;

Screening and buffering will be addressed during the Site Plan Review process. A minimum 6' tall masonry wall will be required to be installed adjacent to all residential zone districts along the west and north property lines in accordance with Code requirements.

- h) An appropriate range of density for the entire property or for each development pod/area to be developed;

The proposed 80 bed facility at full build out of all phases and the associated offices, out-patient services and Respite House are well within the Density/Intensity requirements of the C-1 default zone district.

- i) An appropriate set of "default" or minimum standards for the entire property or for each development pod/area to be developed.

The applicant is proposing a C-1 default zone district with no deviations.

- j) An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

The applicant has submitted a plan proposing the new campus expansions to be developed in three (3) phases over a total of eight (8) years with the first phase anticipated to be reviewed/approved and construction completed by no later than January, 2019.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Mind Springs Health application, PLD-2016-546, request for approval of an Outline Development Plan (ODP) as a Planned Development with a default zone of C-1 (Light Commercial) and also amend the Comprehensive Plan Future Land Use Map to Village Center for the property located at 521 28 ¾ Road, I make the following findings of fact/conclusions and conditions of approval:

1. The requested Planned Development, Outline Development Plan is consistent with the goals and polices of the Comprehensive Plan, specifically, Goals 7 and 12.
2. The review criteria in Sections 21.02.130 and 21.02.150 of the Grand Junction Zoning and Development Code have all been met or addressed.
3. Applicant shall submit a site plan for review and approval administratively for all phases of development prior to establishment of allowed land uses.

4. The 2004 Conditional Use Permit shall terminate on the effective date of the Planned Development zoning ordinance.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested Outline Development Plan as a Planned Development and also to amend the Comprehensive Plan Future Land Use Map to Village Center for the property located at 521 28 ¾ Road, PLD-2016-546, to the City Council with findings of fact/conclusions and conditions as stated in the staff report.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on item PLD-2016-546, I move that the Planning Commission forward a recommendation of approval of the requested Outline Development Plan as a Planned Development and also to amend the Comprehensive Plan Future Land Use Map to Village Center for the property located at 521 28 ¾ Road, PLD-2016-546, to the City Council with findings of fact/conclusions and conditions as stated in the staff report.





Aerial Photo Map

Grand Mesa Little League

Site

Texas Roadhouse

North Ave.

28 3/4 Rd.

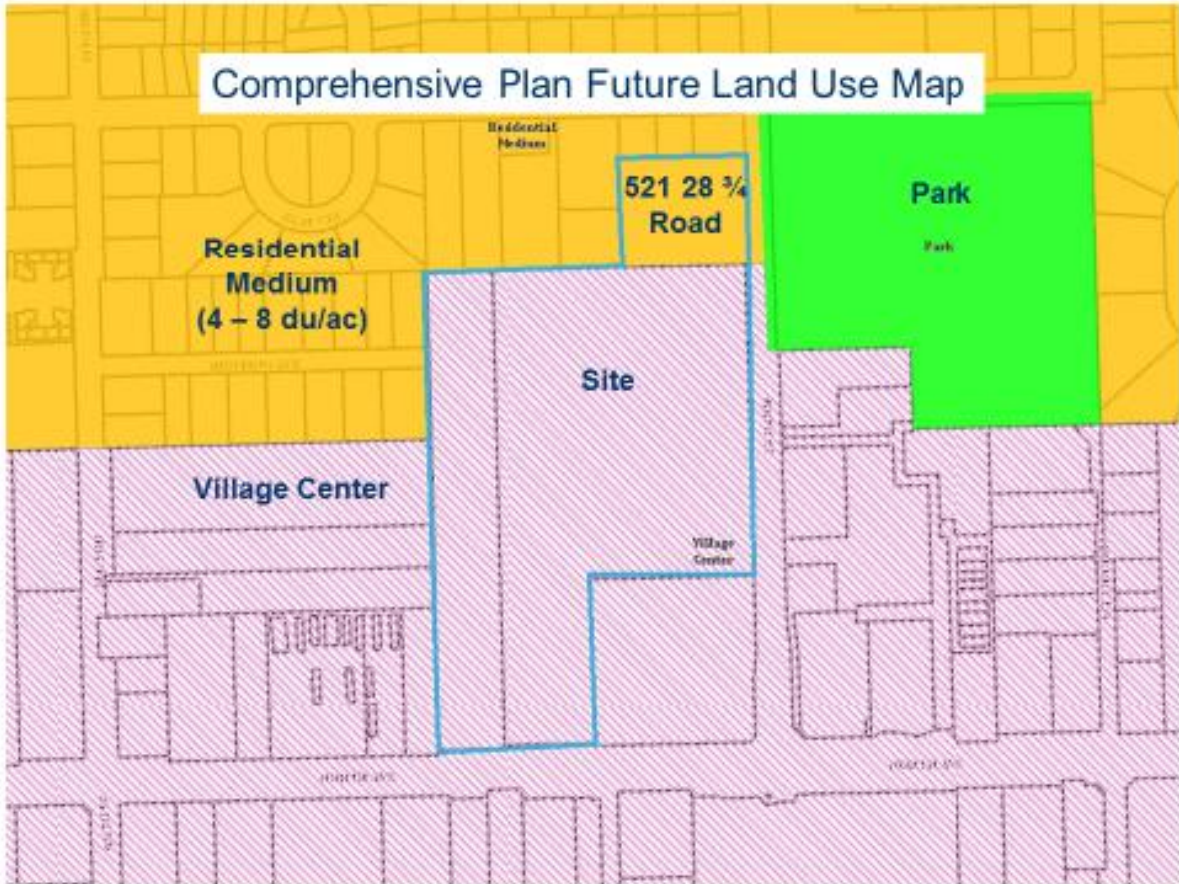
W. SATING AVE.

N. W. SATING AVE.

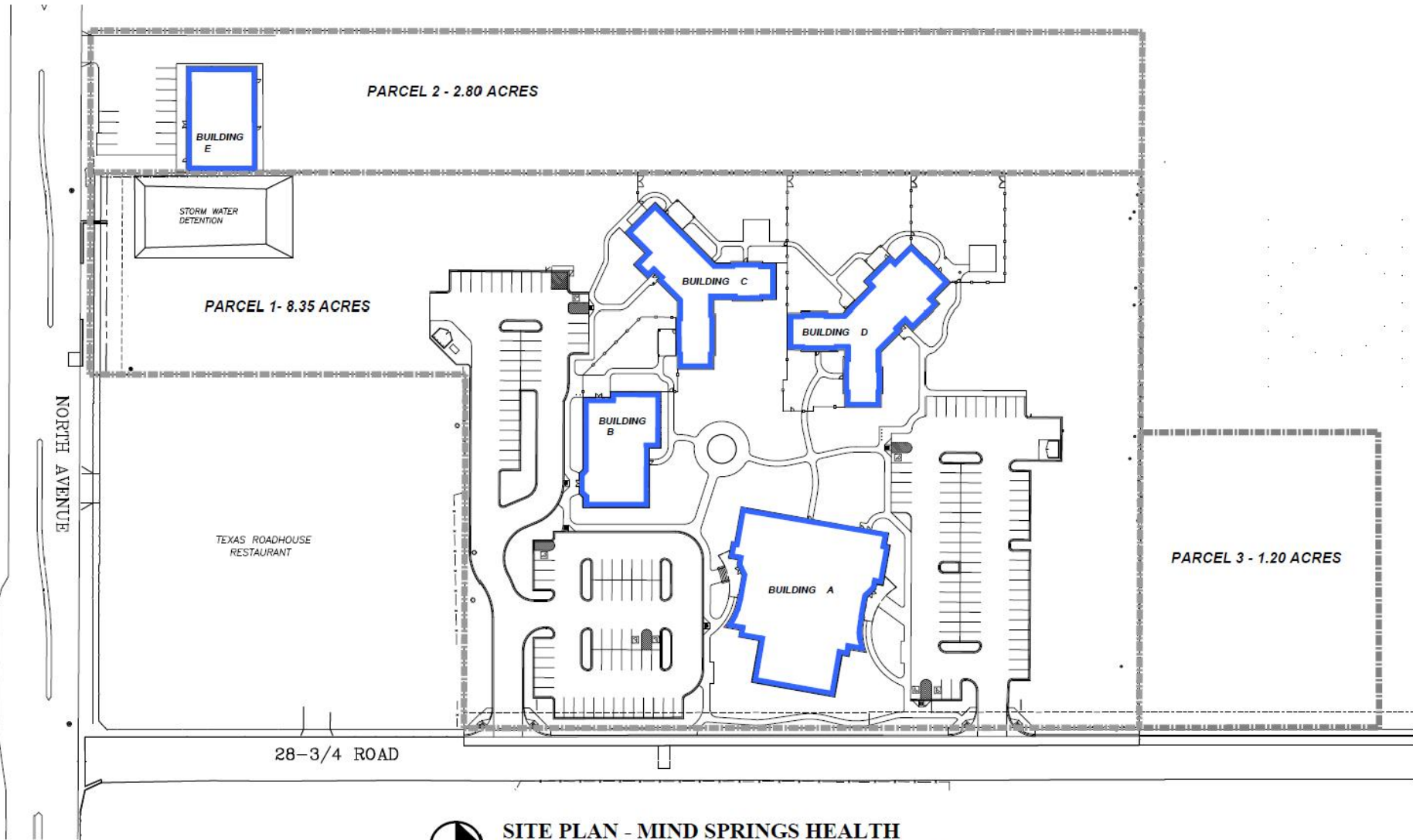
NORTH AVE.

NORTH AVE.

Comprehensive Plan Future Land Use Map

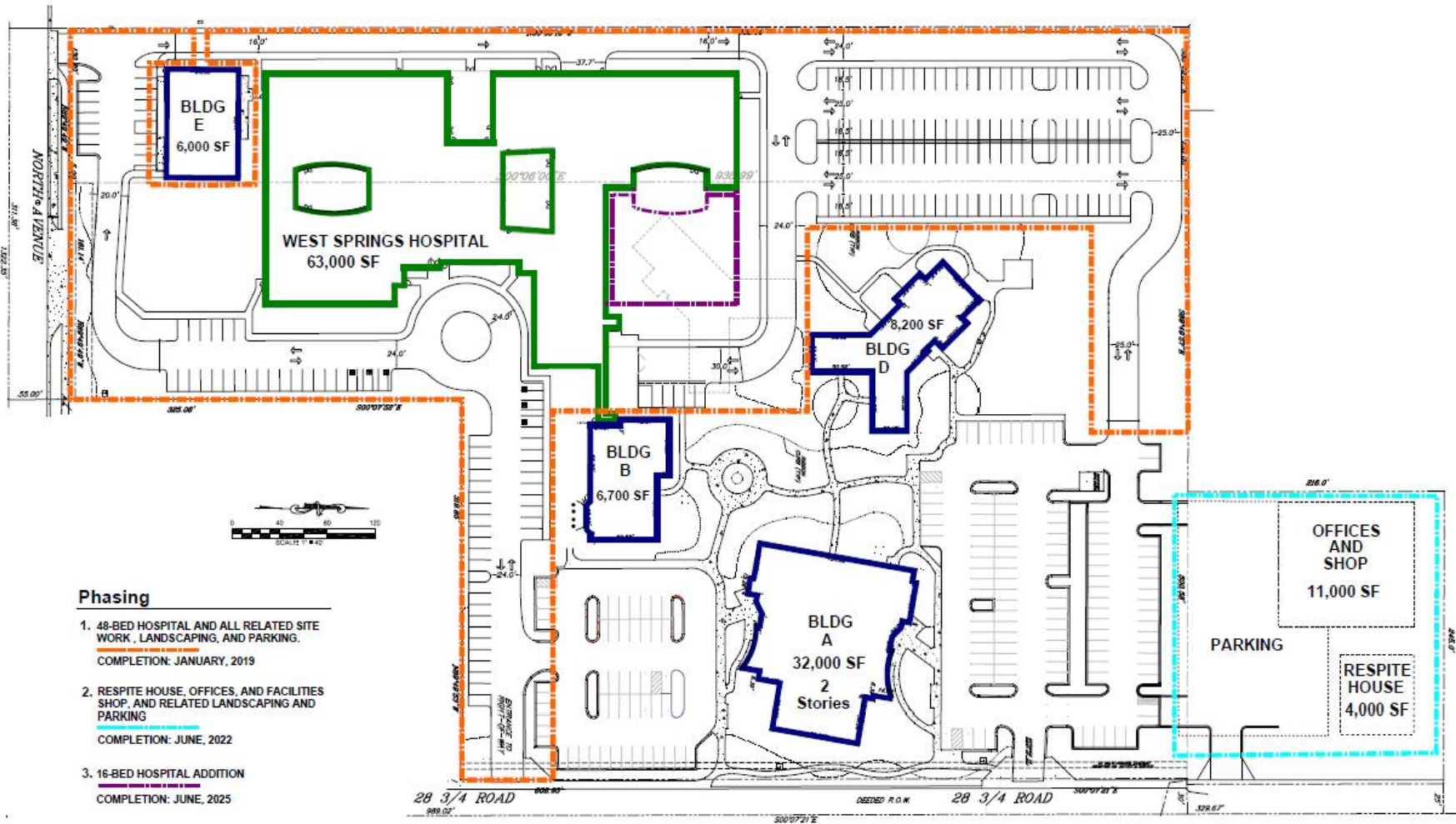






SITE PLAN - MIND SPRINGS HEALTH

MAY 14, 2015



OUTLINE DEVELOPMENT PLAN
MIND SPRINGS HEALTH



Proposed 48-bed Psychiatric Hospital Building

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE APPROVING A REZONE TO PD (PLANNED DEVELOPMENT) AND AN OUTLINE DEVELOPMENT PLAN FOR THE MIND SPRINGS HEALTH CAMPUS

LOCATED AT 515, 521 28 3/4 ROAD AND 2862 NORTH AVENUE

Recitals:

The applicant, Mind Springs Health, is requesting approval of a rezone to PD (Planned Development), with a default zone of C-1 (Light Commercial), and an Outline Development Plan, for property located at 515 and 521 28 ¾ Road and 2862 North Avenue in conjunction with the development of three additional phases of expansion with Phase 1 proposed as a 48 bed psychiatric hospital designed to expand to 64 beds all located on 12.34 +/- acres. The proposed rezone to PD will provide a uniform zone district to best fit the needs of the campus for future expansion of services and facilities.

In accordance with the Planning Commission's Findings, Conclusions and Conditions, the 2004 Conditional Use Permit will terminate upon the effective date of this Ordinance.

The request for the rezone and Outline Development Plan have been submitted in accordance with the Zoning and Development Code (Code).

This Planned Development zoning ordinance will establish the standards, default zoning (C-1), land uses and conditions of approval for the Outline Development Plan for Mind Springs Health.

In public hearings, the Planning Commission and City Council reviewed the request for the proposed Outline Development Plan and determined that the Plan satisfied the criteria of the Code and is consistent with the purpose and intent of the Comprehensive Plan. Furthermore, it was determined that the proposed Plan has achieved "long-term community benefits" by effective infrastructure design by consolidating needed psychiatric medical services into one centralized location; reducing traffic demands; providing greater quality and quantity of private open space; and innovative design with contemporary architecture that exceeds or matches existing buildings on-site (attached Exhibit A).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS ZONED TO PLANNED DEVELOPMENT WITH THE FOLLOWING DEFAULT ZONE AND STANDARDS:

- A. This Ordinance applies to the following described properties:

Combined Parcel 1, Parcel 2, and Parcel 3 – 515 28-3/4 Road, Grand Junction, CO 81501

COLORADO WEST ASSET MANAGEMENT LLC, is the owner of two parcels as demonstrated by deed recorded at Reception No. 2293433, and Reception Number 1381862 in the Office of the Mesa County Clerk and Recorder, said parcels being those certain tracts of land in the SW1/4 SE1/4 of Section 7, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, Mesa County, Colorado,

ALSO: COLORADO WEST REGIONAL MENTAL HEALTH INCORPORATED c/o MIND SPRINGS ACCT DEPT, is the owner of a parcel as demonstrated by deed recorded at Reception No. 2712753, in the Office of the Mesa County Clerk and Recorder, said parcels being those certain tracts of land in the SW1/4 SE1/4 of Section 7, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, all of which is more particularly described as follows:

Description by survey:

Commencing at a Mesa County Survey Marker for the East 1/16 Corner on the south line of said Section 7, whence a Mesa County Survey Marker for the South 1/4 Corner of Said Section 7 bears N89°49'48"W at a distance of 1322.45 feet, with all bearings being relative thereto; thence N89°49'48"W, a distance of 349.83 feet; thence N00°07'52"W, a distance of 55.00 feet, to a point on the northerly right-of-way of North Avenue and the Point of Beginning, thence the following courses and distances;

1. Along said northerly right-of-way N89°49'48"W, a distance of 181.14 feet;
2. Continuing along said northerly right-of-way, S00°05'24"E, a distance of 5.00 feet;
3. Continuing along said northerly right-of-way, N89°49'48"W, a distance of 130.22 feet;
4. Leaving said northerly right-of-way, N00°05'24"W, a distance of 938.99 feet;
5. S89°49'57"E, a distance of 390.58 feet;
6. N00°07'37"W, a distance of 215.73 feet;
7. S89°49'07"E, a distance of 245.00 feet, to a point on the westerly right-of-way of 28 3/4 road;
8. Along said westerly right-of-way, S00°07'37"E, a distance of 215.67 feet;
9. Continuing on said westerly right-of-way, N89°49'57"W, a distance of 5.00 feet;
10. Continuing along said westerly right-of-way, S00°07'37"E, a distance of 608.96 feet;
11. Leaving said westerly right-of-way, N89°49'53"W, a distance of 319.85';
12. S00°07'52"E, a distance of 325.06 feet, to the Point of Beginning.

Said parcel containing approximately 12.371 Acres more or less.

- B. The Mind Springs Outline Development Plan is approved with the Findings of Fact/Conclusions and Conditions listed in the Staff Report, including attachments and exhibits.
- C. If the Planned Development approval expires or becomes invalid for any reason, the properties shall be fully subject to the default standards of the C-1 (Light Commercial) Zoning District with the following changes; Front Yard 20'; Side Yard 10'; Rear Yard 10'; Maximum Lot Coverage 50%.
- D. The default zone shall be C-1 (Light Commercial) and subject to all development standards of the C-1 zone district with no deviations with the exception of paragraph C as identified. The authorized "allowed" uses shall be:
 - a. Hospital/Mental Hospital
 - b. Respite House
 - c. General Offices
 - d. Medical Clinic
 - e. Counseling Services/Center
 - f. Ancillary Facilities/Services buildings
- E. Phasing shall be as follows:
 - o Phase 1: 48- bed hospital building - to be reviewed and approved by January 1, 2019
 - o Phase 2: Respite House, Offices and Facilities Shop – to be reviewed and approved by June 1, 2022
 - o Phase 3: 16-bed hospital addition - to be reviewed and approved by June 1, 2025

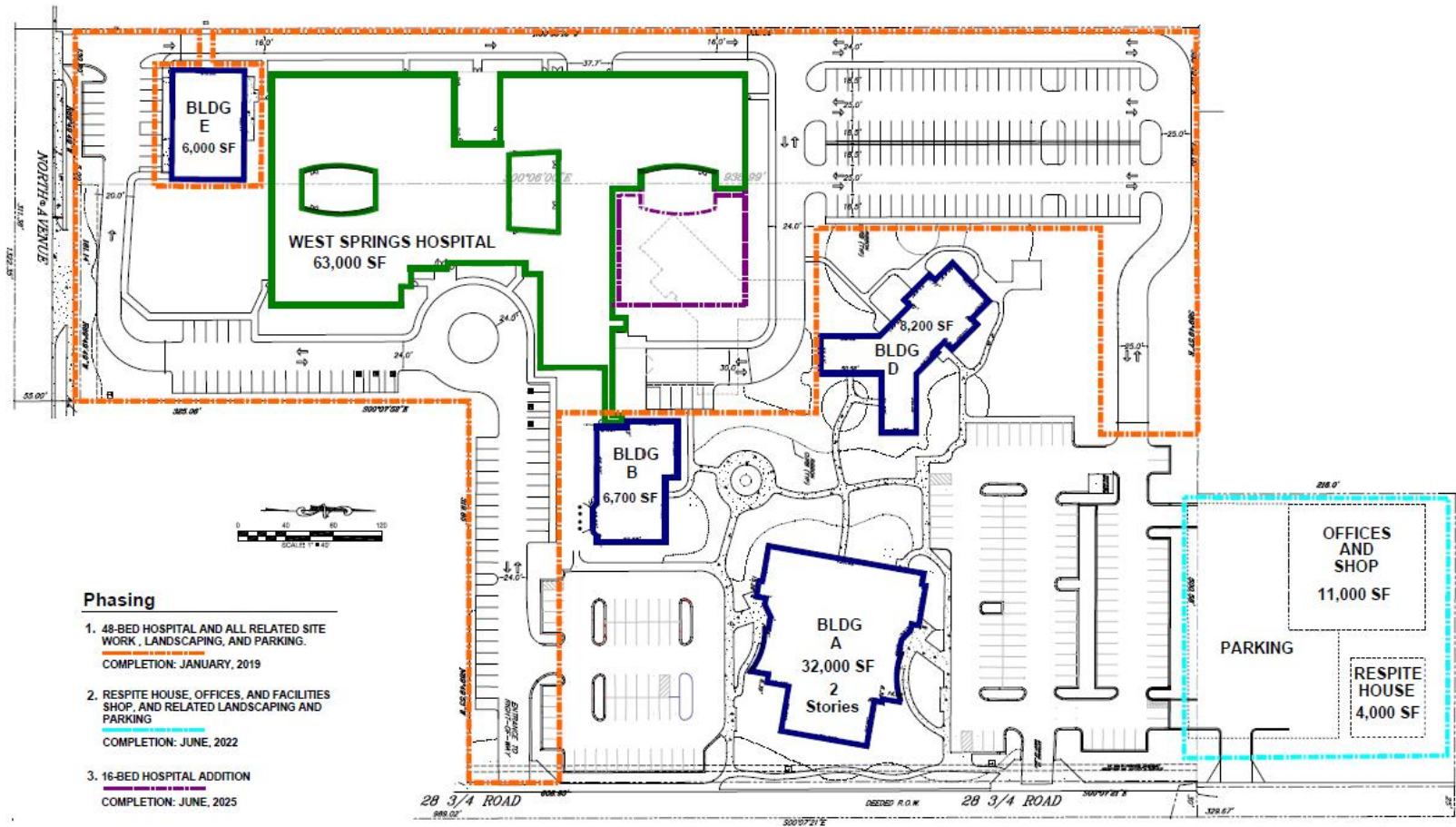
Introduced for first reading on this _____ day of _____, 2017 and ordered published in pamphlet form.

PASSED and ADOPTED this _____ day of _____, 2017 and ordered published in pamphlet form.

ATTEST:

President of City Council

City Clerk





OUTLINE DEVELOPMENT PLAN
MIND SPRINGS HEALTH

Exhibit A



Grand Junction City Council

Regular Session

Item #3.a.

Meeting Date: March 15, 2017

Presented By: Greg Caton, City Manager

Department: Admin - City Manager

Submitted By: Stephanie Tuin, City Clerk

Information

SUBJECT:

Resolution Changing the Start Time for City Council Meetings

RECOMMENDATION:

Staff recommends adoption of the attached resolution

EXECUTIVE SUMMARY:

The City Council has directed staff to make the necessary changes in order to implement an earlier start time for the regular City Council meetings. The City Council meetings have been starting at 7:00 p.m. on the first and third Wednesdays since June, 2005. The new start time will be 6:00 p.m.

BACKGROUND OR DETAILED INFORMATION:

Prior to June, 2005, City Council meetings started at 7:30 p.m. The City Council adopted a resolution changing the time from 7:30 p.m. to 7:00 p.m. City Council recently discussed moving the time up to better accommodate the public with the intent of starting earlier and the meeting being completed earlier, allowing more participation by the members of the public. It is therefore prudent to adopt a resolution establishing the new start time.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I move to adopt Resolution No. 18-17 - A Resolution Changing the Start Time for City

Council Meetings

Attachments

1. Change Meeting Time Resolution

CITY OF GRAND JUNCTION
RESOLUTION NO. _____-17
A RESOLUTION CHANGING
THE START TIME FOR CITY COUNCIL MEETINGS

Recitals.

The City Council of the City of Grand Junction is a "local public body" as defined in C.R.S. §24-6-402 (1)(a).

The City Council holds meetings to discuss public business.

The City Council, in accordance with State law and the City Charter (paragraphs 38 and 45) has determined that it is necessary to change, and does hereby fix and prescribe, the meeting time for regular City Council meetings.

In order that the public be properly notified of the change in its regular meeting time, the City Council does adopt the change and establish the new meeting time by and with this Resolution.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO THAT:

The meeting schedule for the regular meetings of the City Council is the first and third Wednesday of each month, the dates of which are listed in Resolution No. 01-17, at the hour of 6:00 p.m.

The City Council, may from time to time, have to schedule the start of the meeting at a different time and will notify the public through a properly posted notice at least twenty-four hours in advance as provided in C.R.S. §24-6-402 (2)(c). Each and every member of City Council shall be notified of any time change at least twenty-four hours in advance.

Read and approved this _____ day of _____, 2017.

Phyllis Norris
President of the Council

ATTEST:

Stephanie Tuin
City Clerk



Grand Junction City Council

Regular Session

Item #4.a.i.

Meeting Date: March 15, 2017

Presented By: Kristen Ashbeck, Sr. Planner/ CDBG Admin

Department: Admin - Community Development

Submitted By: Kristen Ashbeck, Senior Planner

Information

SUBJECT:

Ordinance Zoning Properties at 1313 and 1321 Wellington Avenue (Hilltop Bacon Center) to RO (Residential Office)

RECOMMENDATION:

Planning Commission heard this item at its February 28, 2017 meeting and forwarded a recommendation of approval to City Council (5-0).

EXECUTIVE SUMMARY:

Hilltop requests approval of a rezone of property, located at 1313 and 1321 Wellington Avenue, from R-8 (Residential-8 du/ac) to RO (Residential Office) zone district for the expansion of the adjacent Bacon Campus.

The two properties currently each have single family homes on them. Hilltop intends to utilize the houses and properties to expand housing and supportive services offered at the Bacon Campus for adults with traumatic brain injuries.

BACKGROUND OR DETAILED INFORMATION:

The subject properties, located at 1313 and 1321 Wellington Avenue, were recently purchased by Hilltop Health Service Corporation (Hilltop). Hilltop also owns and operates the Bacon Campus located just to the east at 1405 Wellington Avenue and would like to incorporate the two parcels to the west into the campus to be used for additional living facilities. The Bacon Campus provides adults with traumatic brain injuries the home, community, and support essential to maintaining health and independence.

The existing Bacon Campus has a zoning of Residential Office (RO) which is the requested zone for the two westerly parcels. The Comprehensive Plan Future Land Use Map for the existing campus is Residential Medium and the two westerly parcels are designated as Business Park Mixed Use. Both land use categories can be implemented with the RO zone district.

The proposed RO zone is compatible with (1) the Comprehensive Plan Future Land Use Map; (2) the surrounding B-1, PD and RO zoning; and surrounding mix of commercial and residential land uses.

Neighborhood Meeting:

A Neighborhood Meeting regarding the proposed zone change was held on May 2, 2016 with 6 citizens along with the applicant, applicant's representatives and City Project Manager in attendance. Area residents in attendance voiced no objections to the application to rezone the two residential parcels from R-8 to RO.

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

The proposed rezone meets the following Comprehensive Plan goals and policies:

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

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

The rezone of these properties will facilitate development of additional housing for special needs persons in our community.

FISCAL IMPACT:

Due to the tax exempt status of the property owner, sales and use tax and property tax will not be collected.

SUGGESTED MOTION:

I move to (approve or deny) Ordinance No. 4739 - An Ordinance Zoning Properties Located at 1313 and 1321 Wellington Avenue (Hilltop Bacon Center) to RO (Residential Office) on Final Passage and Order Final Publication in Pamphlet Form.

Attachments

1. Hilltop Bacon Center Rezone PC Staff Report
2. Hilltop Bacon Ordinance

PLANNING COMMISSION AGENDA ITEM

Subject: Hilltop Bacon Campus Rezone, Located at 1313 and 1321 Wellington Avenue

Action Requested/Recommendation: Forward a recommendation to City Council to Rezone 1.65 acres from R-8 (Residential – 8 du/ac) to RO (Residential Office) for the Hilltop Bacon Campus

Presenters Name & Title: Kristen Ashbeck, Senior Planner

Executive Summary:

Hilltop requests approval of a rezone of property, located at 1313 and 1321 Wellington Avenue, from R-8 (Residential -8 du/ac) to RO (Residential Office) zone district for the expansion of the adjacent Bacon Campus.

Background, Analysis and Options:

The subject properties, located at 1313 and 1321 Wellington Avenue, were recently purchased by Hilltop Health Service Corporation (Hilltop). Hilltop also owns and operates the Bacon Campus located just to the east at 1405 Wellington Avenue and would like to incorporate the two parcels to the west into the campus to be used for additional living facilities. The Bacon Campus provides adults with traumatic brain injuries the home, community, and support essential to maintaining health and independence.

The existing Bacon Campus has a zoning of Residential Office (RO) which is the requested zone for the two westerly parcels. The Comprehensive Plan Future Land Use Map for the existing campus is Residential Medium and the two westerly parcels are designated as Business Park Mixed Use. Both land use categories can be implemented with the RO zone district.

The proposed RO zone is compatible with (1) the Comprehensive Plan Future Land Use Map; (2) the surrounding B-1, PD and RO zoning; and surrounding mix of commercial and residential land uses.

Neighborhood Meeting:

A Neighborhood Meeting regarding the proposed zone change was held on May 2, 2016 with 6 citizens along with the applicant, applicant's representatives and City Project Manager in attendance. Area residents in attendance voiced no objections to the application to rezone the two residential parcels from R-8 to RO.

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

The proposed rezone meets the following Comprehensive Plan goals and policies:

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

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

The rezone of these properties will facilitate development of additional housing for special needs persons in our community.

Board or Committee Recommendation:

There is no other committee or board recommendation.

Other issues:

There are no other issues identified.

Previously presented or discussed:

This has not been previously discussed by the Planning Commission.

Attachments:

1. Background information
2. Staff report
3. Site Location Map
4. Comprehensive Plan Future Land Use Map
5. Existing Zoning Map
6. Proposed Zoning Ordinance

BACKGROUND INFORMATION					
Location:		1313 and 1321 Wellington Avenue			
Applicant:		Hilltop Health Services Corporation Owner and Applicant			
Existing Land Use:		Single-family detached homes			
Proposed Land Use:		Housing for Health Services Campus			
Surrounding Land Use:	North	Commercial – City Market			
	South	Grand Valley Canal and Multifamily Residential			
	East	Bacon Campus – Residential and Supportive Services			
	West	Multifamily Residential			
Existing Zoning:		R-2 (Residential – 2 units per acre)			
Proposed Zoning:		R-4 (Residential – 4 units per acre)			
Surrounding Zoning:	North	B-1 (Neighborhood Business)			
	South	Grand Valley Canal and R-24 (Residential – 24 du/ac)			
	East	RO (Residential Office)			
	West	PD (planned Development)			
Future Land Use Designation:		Business Park Mixed Use			
Zoning within density/intensity range?		X	Yes		No

Section 21.02.140 of the Grand Junction Zoning and Development Code:

The City may rezone property if the proposed changes are consistent with the vision (intent), goals and policies of the Comprehensive Plan and must meet one or more of the following rezone criteria:

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

There have been no subsequent events that have invalidated the original premise of this area being designated as Business Park Mixed Use in recognition of its existing and potential for a variety of uses including residential, office and general commercial in the vicinity of the intersection of two major roadways (12th Street and Patterson Road). This criterion has not been met.

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

The land use character within the immediate vicinity of the proposed rezone has changed and will continue to change to include a mix of residential and non-residential uses which is consistent with the Business Park Mixed Use land use category on the Comprehensive Plan Land Use Map. The rezone will create additional land upon which Hilltop can expand its Bacon Campus yet remain compatible with the mix of uses in the vicinity. This criterion has been met.

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

Adequate public and community facilities and services are available to the property and are sufficient to serve the future use of these properties. The nearby major streets (12th Street and Patterson Road) were recently improved with the City Market development to accommodate new development in this Business Park Mixed Use corridor (12th Street) and Mixed Use Opportunity Corridor (Patterson Road). 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; and/or

There is an inadequate supply of suitably designated land as the RO zone district comprises only a very small portion of land available in the community (approximately 98 acres) that offers the land use flexibility to create a mixed used campus such as the Bacon Campus in a neighborhood setting. 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 RO zone district would implement Goals 5 and 12 of the Comprehensive Plan by creating an opportunity for Hilltop to expand its housing and services provided at the Bacon Campus for persons with special needs. The recently-completed Grand Valley Housing Needs Assessment identified a need for housing for persons with special needs; thus, expansion of the Bacon Campus will provide a benefit to the community to help meet this need. This criterion has been met.

Alternatives: The following zone districts would also be consistent with the Future Land Use designation of Business Park Mixed Use for the subject property:

- a. R-8 (Residential 8 units/acre)
- b. R-12 (Residential 12 units/acre)
- c. R-16 (Residential 16 units/acre)
- d. R-24 (Residential – 24 units/acre)
- e. B-1 (Neighborhood Business)
- f. CSR (Community Services and Recreation)
- g. BP (Business Park Mixed Use)
- h. I-O (Industrial/Office Park)

In reviewing the other zoning district options, the residential zone districts of R-8, R-12, R-16 and R-24 could accommodate use of the properties for housing. The non-residential zones of CSR, BP, I-O are not as conducive to residential use. The RO zone district requested by the applicant allows the flexibility to accommodate the uses provided on the Bacon Campus. In addition, the existing Bacon Campus is zoned RO.

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 to City Council.

FINDINGS OF FACT AND CONCLUSIONS

After reviewing the Hilltop Bacon Campus Rezone, RZN-2016-444, a request to zone 1.65 acres from R-8 (Residential – 8 units/acre) to RO (Residential Office) 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. All review criteria outlined in Section 21.02.140 of the Grand Junction Municipal Code, except for criterion 1, have been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested rezone from R-8 (Residential 8 units/acre) to an RO (Residential Office) zone district for RZN-2016-444, to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on the Rezone request RZN-2016-444, I move that the Planning Commission forward a recommendation of approval for the Hilltop Bacon Campus Rezone of properties located at 1313 and 1321 Wellington Avenue from an R-8 (Residential 8 du/ac) to an RO (Residential Office) zone district with the findings of fact and conclusions listed in the staff report.

1313 and 1321 Wellington Site Location Map



1313 and 1321 Wellington Comprehensive Plan Future Land Use Map



1313 and 1321 Wellington Existing Zoning Map



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE ZONING PROPERTIES AT 1313 AND 1321 WELLINGTON AVENUE TO RO (RESIDENTIAL OFFICE)

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 proposed Bacon Campus Facility located at 1313 and 1321 Wellington Avenue to the RO (Residential Office) zone district, finding that it conforms to and is consistent with the Comprehensive Plan Future Land Use Map designation of Business Park Mixed Use, the goals and policies of the Comprehensive Plan, 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 RO (Residential Office) zone district is in conformance with at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING PROPERTY SHALL BE ZONED RO (RESIDENTIAL OFFICE):

PARCEL 1: DEED RECORDED AT RECEPTION NUMBER 2739270 -1313 Wellington BEGINNING AT A POINT 425.9 FEET EAST OF THE NORTHWEST CORNER OF BLOCK 9 OF FAIRMOUNT SUBDIVISION; THENCE EAST 104.1 FEET; THENCE SOUTH 350 FEET, MORE OR LESS, TO THE NORTHERLY BANK OF THE GRAND VALLEY CANAL; THENCE N88°54' WEST ALONG SAID CANAL 104.1 FEET; THENCE NORTH 348 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, COUNTY OF MESA, STATE OF COLORADO.

PARCEL 2: DEED RECORDED AT RECEPTION NUMBER 2734216 – 1321 Wellington BEGINNING AT A POINT 40 FEET EAST OF THE NORTHEAST CORNER OF BLOCK 9 OF FAIRMOUNT SUBDIVISION IN SECTION 12, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN; THENCE WEST 100 FEET; THENCE SOUTH 350 FEET TO THE GRAND VALLEY IRRIGATION CANAL; THENCE EASTERLY ALONG SAID CANAL TO A POINT DUE SOUTH OF THE POINT OF BEGINNING; THENCE NORTH TO THE POINT OF BEGINNING, COUNTY OF MESA, STATE OF COLORADO.

Introduced on first reading this 1st day of March, 2017 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2017 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Grand Junction City Council

Regular Session

Item #4.a.ii.

Meeting Date: March 15, 2017

Presented By: Kristen Ashbeck, Sr. Planner/ CDBG Admin

Department: Admin - Community Development

Submitted By: Kristen Ashbeck, Senior Planner

Information

SUBJECT:

Ordinance Amending the Commons Planned Development by Approving an Outline Development Plan with Default Zones of R-8 (Residential 8 Units/Acre), R-12 (Residential 12 Units/Acre) and MXOC (Mixed Use Opportunity Corridor), Located at 625 27 1/2 Road

RECOMMENDATION:

Planning Commission heard this item at its February 28, 2017 meeting and forwarded a recommendation of approval to City Council (5-0).

EXECUTIVE SUMMARY:

The applicant requests approval of a revised PD (Planned Development) zoning and Outline Development Plan (ODP) to continue development of a mixed use senior living campus with default zones of R-8 (Residential 8 units/acre), R-12 (Residential 12 units/acre) and MXOC (Mixed Use Opportunity Corridor), located at 625 27-1/2 Road (address of existing Commons Assisted Living Facility).

A PD zone district was originally established in 2002, primarily for the construction of the assisted living facility and some of the cottage units. Previous plans have expired and this PD zoning ordinance and ODP are an update to be consistent with the current Comprehensive Plan Future Land Use Map as well as allow for continued build-out of The Commons senior living campus.

BACKGROUND OR DETAILED INFORMATION:

The Commons senior living complex was originally zoned Planned Development (PD),

primarily for development of an assisted living facility which was constructed in 2002 with 14 attached single family cottages and a senior recreation center. In 2003, that ordinance was amended to add another 20 cottage units. In 2007, the plan was amended again since Hilltop had acquired the property on the northwest corner of 27-1/2 and Patterson Roads which was incorporated into the Plan to accommodate additional cottage units to replace the proposed recreation center. To date, the assisted living facility has a license for 185 beds (considered 46 housing units for purposes of calculating density at 4 beds per housing unit) and 38 of the cottage units have been constructed.

Hilltop Health Services would like to develop more of the previously-approved cottage units. However, the Preliminary Plan, last approved in 2007, has expired and the existing Zoning and Development Code requires that the property be brought into compliance with an updated PD zoning ordinance and an Outline Development Plan. In addition to the new Zoning and Development Code adopted in 2010, the City has adopted the Comprehensive Plan and new development has occurred along Patterson Road in the vicinity that influences future development of The Commons property.

When first developed, The Commons property had a split land use designation on the Future Land Use Map and the approved development plans averaged density over the site to accommodate both the assisted living facility and the cottages. The current Comprehensive Plan Future Land Use Map designates the entire property as Residential Medium High with a density range of 8 to 16 units per acre. In addition, the Patterson Road corridor is designated as a Mixed Use Opportunity Corridor. A new form-based zone district, MXOC (Mixed Use Opportunity Corridor) was established in 2014 and permits all types of group living facilities, along with other types of commercial uses. This is consistent with the types of development that have occurred along the corridor, including City Market, other expanded group living facilities, large church sites and the office complex at Village Park at 28-1/4 Road.

The applicant is requesting a revision to the existing PD zoning ordinance and approval of an Outline Development Plan. The Plan depicts three areas or “pods” of different land use intensity/density.

Pod 1 incorporates the existing assisted living complex and contemplates development of a similar care facility on the western side of the area. An underlying zone district of R-12 is proposed to accommodate this anticipated future development.

Pod 2 encompasses the cottage units, both existing and proposed, with an underlying zoning of R-8.

Pod 3 in the far south end of the site takes advantage of the Mixed Use Opportunity Corridor that gives the developer flexibility to provide additional housing and/or support

facilities, including an office or a central location for a property maintenance facility. The requested underlying zone district of MXOC (Mixed Use Opportunity Corridor) supports this potential range of uses.

A full analysis of the proposed ODP, including addressing applicable approval criteria, is included in the attached report.

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.

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.

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

The proposed updated zoning and ODP will create the opportunity for continued development of a senior living complex in this area of the community that addresses a regional need for senior housing choices along with supportive services and facilities.

Neighborhood Meeting:

A Neighborhood Meeting was held January 25, 2017 at 5:30 PM at Hilltop's corporate offices at 1331 Hermosa Avenue in Grand Junction. A brief presentation was given to 5 guests followed by a question and answer session and one-on-one conversations around the posted site plans and aerial photos. No opposition was expressed. An attendance roster is attached to this report.

FISCAL IMPACT:

Due to the exempt status of the property owner, property taxes and sales and use taxes will not be collected.

SUGGESTED MOTION:

I move to (approve or deny) Ordinance No. 4740 - An Ordinance Amending Ordinance No. 4019 Zoning the Commons Planned Development to Update the PD (Planned Development) Zoning for an Existing PD (Planned Development) Zone, by Approving an Outline Development Plan with Default Zones of R-8 (Residential 8 Units/Acre), R-12 (Residential 12 Units/Acre) and MXOC (Mixed Use Opportunity Corridor), Located at 625 27 1/2 Road (Address of Existing Assisted Living Facility) on Final Passage and Order Final Publication in Pamphlet Form.

Attachments

1. Commons ODP PC Staff Report
2. Ordinance



Date: February 8, 2017

Author: Kristen Ashbeck

Title/ Phone Ext: Senior Planner/1491

Presenter: Kristen Ashbeck

Proposed Schedule:

February 28, 2017

File #: PLD-2017-53

PLANNING COMMISSION AGENDA ITEM

Subject: Hilltop Commons, Revised PD Zoning Ordinance and Outline Development Plan, Located on Northeast Corner 27-1/2 and Patterson Roads.

Action Requested/Recommendation: Forward a recommendation to City Council of a revised Planned Development (PD) zoning Ordinance and an Outline Development Plan (ODP) for the Hilltop Commons senior living campus on 19.9 acres in a PD (Planned Development) zone district.

Presenters Name & Title: Kristen Ashbeck, Senior Planner

Executive Summary:

The applicant requests approval of a revised PD (Planned Development) zoning and Outline Development Plan (ODP) to continue development of a mixed use senior living campus with default zones of R-8 (Residential 8 units/acre), R-12 (Residential 12 units/acre) and MXOC (Mixed Use Opportunity Corridor), located at 625 27-1/2 Road (address of existing Commons Assisted Living Facility).

Background, Analysis and Options:

The Commons senior living complex was originally zoned Planned Development (PD), primarily for development of an assisted living facility which was constructed in 2002 with 14 attached single family cottages and a senior recreation center. In 2003, that ordinance was amended to add another 20 cottage units. In 2007, the plan was amended again since Hilltop had acquired the property on the northwest corner of 27-1/2 and Patterson Roads which was incorporated into the Plan to accommodate additional cottage units to replace the proposed recreation center. To date, the assisted living facility has a license for 185 beds (considered 46 housing units for purposes of calculating density at 4 beds per housing unit) and 38 of the cottage units have been constructed.

Hilltop Health Services would like to develop more of the previously-approved cottage units. However, the Preliminary Plan, last approved in 2007, has expired and the existing Zoning and Development Code requires that the property be brought into compliance with an updated PD zoning ordinance and an Outline Development Plan. In addition to the new Zoning and Development Code adopted in 2010, the City has adopted the Comprehensive Plan and new development has occurred along Patterson Road in the vicinity that influences future development of The Commons property.

When first developed, The Commons property had a split land use designation on the Future Land Use Map and the approved development plans averaged density over the site to accommodate both the assisted living facility and the cottages. The current

Comprehensive Plan Future Land Use Map designates the entire property as Residential Medium High with a density range of 8 to 16 units per acre. In addition, the Patterson Road corridor is designated as a Mixed Use Opportunity Corridor. A new form-based zone district, MXOC (Mixed Use Opportunity Corridor) was established in 2014 and permits all types of group living facilities, along with other types of commercial uses. This is consistent with the types of development that have occurred along the corridor, including City Market, other expanded group living facilities, large church sites and the office complex at Village Park at 28-1/4 Road.

The applicant is requesting a revision to the existing PD zoning ordinance and approval of an Outline Development Plan. The Plan depicts three areas or “pods” of different land use intensity/density.

- Pod 1 incorporates the existing assisted living complex and contemplates development of a similar care facility on the western side of the area. An underlying zone district of R-12 is proposed to accommodate this anticipated future development.
- Pod 2 encompasses the cottage units, both existing and proposed, with an underlying zoning of R-8.
- Pod 3 in the far south end of the site takes advantage of the Mixed Use Opportunity Corridor that gives the developer flexibility to provide additional housing and/or support facilities, including an office or a central location for a property maintenance facility. The requested underlying zone district of MXOC (Mixed Use Opportunity Corridor) supports this potential range of uses.

A full analysis of the proposed ODP, including addressing applicable approval criteria, is included in the attached report.

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.

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.

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

The proposed updated zoning and ODP will create the opportunity for continued development of a senior living complex in this area of the community that addresses a regional need for senior housing choices along with supportive services and facilities.

Neighborhood Meeting:

A Neighborhood Meeting was held January 25, 2017 at 5:30 PM at Hilltop's corporate offices at 1331 Hermosa Avenue in Grand Junction. A brief presentation was given to 5 guests followed by a question and answer session and one-on-one conversations around the posted site plans and aerial photos. No opposition was expressed. An attendance roster is attached to this report.

Board or Committee Recommendation:

There is no other board or committee recommendation.

Financial Impact/Budget:

Property tax levies and any municipal sales/use tax will be collected, as applicable.

Previously presented or discussed:

This has not been previously discussed by the Planning Commission.

Attachments:

1. Background Information
2. Staff Report
3. Location Map
4. Comprehensive Plan – Future Land Use Map
5. Existing Zoning Map
6. Applicant's General Project Report
7. Proposed Outline Development Plan (ODP)
8. Neighborhood Meeting Attendance List
9. Proposed Ordinance

BACKGROUND INFORMATION				
Location:		Northwest corner of 27-1/2 and Patterson Roads		
Applicant:		Hilltop Health Services Corporation (Hilltop) – Owner and Applicant Blythe Group and Austin Civil Group - Representatives		
Existing Land Use:		185-bed Assisted Living Facility and 38 Cottage Units		
Proposed Land Use:		Expanded Assisted Living Facility, additional Cottage units and mixed use area		
Surrounding Land Use:	North	Church and Multifamily Housing (Nellie Bechtel)		
	South	Attached and Detached Single Family Residential and Vacant Land		
	East	Single Family Residential and Park (Spring Valley 1)		
	West	Attached and Detached Single Family Residential		
Existing Zoning:		PD (Planned Development) – Expired Plan		
Proposed Zoning:		PD (Planned Development) – Updated Zoning Ordinance and Outline Development Plan (ODP)		
Surrounding Zoning:	North	R-8 (Residential 8 units/acre) and R-24 (Residential 24 units/acre)		
	South	R-8 (Residential 8 units/acre)		
	East	R-5 (Residential 5 units/acre) and CSR (Community Services and Recreation)		
	West	R-8 (Residential 8 units/acre)		
Future Land Use Designation:		Residential Medium High (8-16 units per acre) and Mixed Use Opportunity Corridor		
Blended Residential Category:		Residential Medium (4-16 units/acre)		
Zoning within density/intensity range?		X	Yes	No

Grand Junction Municipal Code (GJMC) Chapter 21.05 – Planned Development

Section 21.05.010 – Purpose: The planned development zone applies to mixed use projects where design flexibility is not available through application of the standards in Chapter 21.03.

This property originally developed under the Growth Plan which had a split land use designation and the Planned Development (PD) zone facilitated development of varied uses and residential densities across the site. Since the previous plan has expired, it is appropriate to update the zoning ordinance for the PD zone with an updated ODP to reflect the current land use designation with a Mixed Use Opportunity Corridor along Patterson Road. The updated PD and ODP provide for the flexibility to continue to develop the site for a variety of uses and residential densities.

Long-Term Community Benefit: This section also states that Planned Development zoning should be used when long-term community benefits, as determined by the Director, will be derived. Specific benefits include, but are not limited to:

- a) More effective infrastructure: The proposed plan will continue to make optimal use of existing infrastructure, including utilities, public streets and transportation.
- b) Reduced traffic demands: The traffic generated from the updated plan will not significantly increase traffic demands on public streets and the mix of uses and housing type and densities on the site may decrease the number of trips to and from the site in comparison to other types of land uses.
- c) Needed housing types and/or mix: The proposed plan will continue to provide a much needed and diverse housing type for both assisted and independent senior living. The new development will infill the vacant sites within the property.
- d) Innovative designs: Hilltop continues to strive for excellence in the design, construction and operation of its facilities to provide sustainable, comfortable living communities.

The applicant has presented, and planning staff concurs with, several long-term community benefits of the proposed PD, including more effective infrastructure and reduced traffic demand, filling a need for senior living housing types, and ongoing innovative design and construction for infill development.

Section 21.05.020 - Default standards.

The use, bulk, development, and other standards for each planned development shall be derived from the underlying zoning, as defined in Chapter 21.03 GJMC. In a planned development context, those standards shall be referred to as the default zone(s). The Director shall determine whether the character of the proposed planned development is consistent with the default zone(s) upon which the planned development is based.

The underlying zoning of the entire property at the time the previous PD zone was established was R-8 (Residential 8 units/acre). This density was within an acceptable range of the two land use categories of the Growth Plan of 8-12 units/acre in the north and 4-8 units/acre in the south. For the cottage residences that have developed and the areas proposed for additional cottages (Pod 2), a default zone of R-8 is consistent with the actual density of the cottages that are approximately 6 units per acre.

In order to accommodate the density of the existing assisted living facility and a contemplated similar care facility on the vacant property within Pod 1, a default zone district of R-12 (Residential 12 units/acre) is proposed. This density, averaged with the R-8 density of Pod 2 is consistent with the Comprehensive Plan Future Land Use designation of Residential Medium High 8-16 units/acre.

Pod 3 is within the Patterson Road Mixed Use Opportunity Corridor so the new plan proposes a default zone in this area of MXOC that will provide flexibility to develop a variety of uses on the site, depending on residential, office and/or support facility needs.

Deviations from any of the default standards may be approved only as provided in this chapter and shall be explicitly stated in the zoning ordinance. The applicant proposes to meet or exceed all of these minimum standards as part of the Final Development Plan with no deviations requested.

Section 21.05.030 - Establishment of Uses: The property will be developed as a cohesive campus with uses as allowed with the proposed default zone districts.

Section 21.04.030(p) Use-specific Standards: Potential uses within The Commons complex that have use-specific standards include group living, office, and multifamily. As new development occurs, the Final Development Plan for each will be reviewed for compliance with the standards as required.

Section 21.05.040 – Development Standards:

(a) **Generally.** Planned development shall minimally comply with the development standards of the default zones and all other applicable code provisions, except when the City Council specifically finds that a standard or standards should not be applied.

Residential Density: Given the default zone districts of R-12 and R-8 in Pods 1 and 2 respectively, the maximum number of total units in those areas is 171 which, if developed to this maximum results in an overall density of 9.7 units/acre. Currently 84 of the units exist on the site. This density is consistent with the Comprehensive Plan Future Land Use designation of Residential Medium high 8-16 units per acre. There is no maximum density under the default zone of MXOC proposed for Pod 3.

Minimum District Size: The Commons site exceeds the five-acre minimum Planned Development zoning district size.

Open Space: As uses within each pod develop, open space required for each area/use will meet requirements of GJMC Section 21.06.020 as applicable.

Landscaping: Landscaping shall meet or exceed the requirements of GJMC Section 21.06.040. A landscaping plan will be reviewed as part of the Final Development Plan as each area or subarea within the pods is developed and shall meet or exceed the requirements of GJMC Section 21.06.040.

Parking: Parking shall meet the requirements of GJMC Section 21.060.050. Parking will be reviewed as part of the Final Development Plan as each area or subarea within the pods is developed.

Street Development Standards: There are no new public streets proposed through the site. Access to development in the pods will be directly from existing public streets or from private access drives – some of which are already defined by the existing development. The access points and internal circulation will be evaluated with the Final Development Plan as each area or subarea develops and will conform to Transportation Engineering and Design Standards (TEDS).

Section 21.05.040(g) - Deviation from Development Default Standards: The applicant is not proposing any deviations to the default standards of the R-8 (Residential

8 units/acre), R-12 (Residential 12 units/acre) or MXOC (Mixed Use Opportunity Corridor) form district.

Section 21.05.050 - Signage: Section 21.05.050(c) of the Code requires that all signs in a planned development zone be approved as part of the development plan and allows for the maximum sign allowance to be aggregated and redistributed. The following signage shall be allowed for The Commons ODP:

Three (3) Existing Freestanding Identification Signs at east and west ends of Hermosa Avenue and on 27-1/2 Road in front of Assisted Living facility. Maximum Size: 12-feet wide x 5-feet high, with the maximum height of 6 feet. Signs shall be non-illuminated.

One (1) Existing Freestanding sign along the north side of Hermosa Avenue
Maximum Size: 4-feet wide x 5-feet high, with the maximum height of 5 feet. Sign shall be non-illuminated.

One (1) Freestanding Monument Sign along the north side of Hermosa Avenue near Commons Circle to identify potential new facility.
Maximum Size: 12-feet wide x 5-feet high, with the maximum height of 6 feet. Sign shall be non-illuminated.

Signs within the MXOC default zoning area (Pod 3) shall meet requirements of the zone district and GJMC Section 21.06.070 and will be reviewed with Final Development Plan(s). The MXOC zone district requires that all freestanding signs be monument style with a maximum height of 15 feet.

Section 21.02.150 of the Grand Junction Zoning and Development Code:

An Outline Development Plan (ODP) application shall demonstrate conformance with all of the following:

- i. The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies;

The proposed Outline Development Plan has been reviewed and found to comply with the Comprehensive Plan, Grand Valley Circulation Plan and other applicable adopted plans and policies.

- ii. The rezoning criteria provided in Section 21.02.140 of the Grand Junction Zoning and Development Code;

(1) Subsequent events have invalidated the original premises and findings; and/or

The previously approved Preliminary Development Plan for the property has expired. In addition, the adoption of the Comprehensive Plan in 2010 created a Mixed Use Opportunity Corridor along Patterson Road. The Mixed Use Opportunity Corridor allows for the consideration of non-residential uses along major corridors for some properties that previously could not be considered, provided that the properties are included in a Form-based District. The

designation as a Mixed Use Opportunity Corridor in the southern portion of the site changes the potential for that portion of the property (Pod 3). Also, the Zoning and Development Code adopted with the Comprehensive Plan requires a new Plan (ODP) be reviewed and developed under the new Code.

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; and/or

The Comprehensive Plan adopted since the previous plan for The Commons designates a different land use on the property as well as a Mixed Use Opportunity Corridor for Patterson Road. This designation supports the existing Commons development and newer development, including City Market, other expanded group living facilities, large church sites and the office complex at Village Park at 28-1/4 Road. The updated PD zone and ODP are consistent with the changes occurring in this area of the community.

This criterion has been met.

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

Adequate public facilities and services (water, sewer, utilities, etc.) are currently available or will be made available concurrent with the development and commiserate with the impacts of the development.

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; and/or

There is a growing demand for senior living and a variety of housing types as the population ages. This property has already been zoned and development has started. This zoning will support continued development to full build-out of the property.

This criterion has been met.

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

The long-term community benefits of the proposed PD include more effective infrastructure, reduced traffic demands compared with other potential uses, filling a need for senior living alternatives, and a sustainable mix of uses. In addition, it meets several goals of the Comprehensive Plan by addressing a regional need for senior living and care alternatives for an aging population.

This criterion has been met.

- iii. The planned development requirements of Chapter 21.05;

The proposed ODP has been reviewed by the Community Development Division and other review agencies and has been found to be in conformance with the Planned Development requirements of Chapter 21.05 of the Zoning and Development Code.

- iv. The applicable corridor guidelines and other overlay districts in Chapter 21.07;

This property is not subject to any corridor guidelines or other overlay districts.

- v. Adequate public services and facilities shall be provided concurrent with the projected impacts of the development;

Adequate public services and facilities, include Ute domestic water and Persigo 201 sanitary sewer are currently available adjacent to the property and will continue to be available for use by and commiserate with the proposed development.

- vi. Adequate circulation and access shall be provided to serve all development pods/areas to be developed;

Internal circulation will be evaluated with the subsequent Final Development Plans and will conform to Transportation Engineering and Design Standards (TEDS).

- vii. Appropriate screening and buffering of adjacent property and uses shall be provided;

Appropriate screening and buffering of adjacent property and uses will be provided and reviewed as part of the subsequent Final Development Plans.

- viii. An appropriate range of density for the entire property or for each development pod/area to be developed;

The overall proposed density falls within the range allowed by the Comprehensive Plan and the default zones of R-8, R-12 and MXOC.

- ix. An appropriate set of "default" or minimum standards for the entire property or for each development pod/area to be developed;

The minimum standards for the property for each pod area shall be those of the default zone districts established for the PD zone and ODP of R-8, R-12 and MXOC.

- x. An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

Section 21.02.080(n) of the Code states that a development phasing schedule may be set for greater than one year, but not more than 10 years by the decision-

making body. The applicant is requesting the maximum, which would be 10 years from the time of approval.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing The Commons application, PLD-2017-53, a request for approval of an Outline Development Plan (ODP) and Planned Development Ordinance, I make the following findings of fact/conclusions and conditions of approval:

1. The requested Planned Development - Outline Development Plan is consistent with the goals and polices of the Comprehensive Plan, specifically, Goals 3, 5 and 12.
2. The review criteria in Section 21.02.150 of the Grand Junction Zoning and Development Code have been addressed.
3. The review criteria in Section 21.05 – Planned Development have been addressed.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested Outline Development Plan as a Planned Development Ordinance, PLD-2017-53 to the City Council with findings of fact/conclusions and conditions of approval as stated in the staff report.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on item PLD-2017-53, I move that the Planning Commission forward a recommendation of approval to the City Council on the requested Outline Development Plan as a Planned Development Ordinance for The Commons, with the findings of fact, conclusions, and conditions identified within the staff report.

The Commons Location Map



The Commons Future Land Use Map



General Project Report

The Cottages of Hilltop
27-1/2 and Patterson Roads
Grand Junction, CO 81506
February 6, 2017

Project Description:

Location: Northwest corner of the 27-1/2 Road / Patterson Road intersection.

Acreage: Six parcels of 7.3, 2.6 and 1.0 acres (Lots 1, 3 and 4 of The Commons subdivision); and 4.5, 2.3 and 2.2 acres (Lots 1, 2 and 3 of the Hilltop Commons subdivision) for a total of 19.9 acres

Proposed Use: Development of the property for mixed use and residential use with varying densities of 5.5 – 12 units per acre.

Public Benefit:

Increased housing options and capacity to the senior community, better meeting the needs of aging baby boomers. More effective infrastructure and reduced traffic demand. Innovative design for an infill site.

Neighborhood Meeting:

Held January 25, 2017 at 5:30 PM at Hilltop's corporate offices at 1331 Hermosa Avenue in Grand Junction. A brief presentation was given to 5 guests followed by a question and answer session and one-on-one conversations around the posted site plans and aerial photos. No opposition was expressed. Attendance sheet is attached.

Project Compliance:

Adopted Plans and Policies:

Ordinance No. 3263-2000 rezoned the 616 27-1/2 Road property from RMF-8 to PD for development of an assistive living complex. This allowed for mixed residential (14 attached single family cottages), assisted living (306 beds) uses and a senior recreation center which met the goals and policies of the Growth Plan and Zoning and Development Code.

Ordinance No. 3527-2003 amended Ordinance No. 3263-2000 to specify the property to be lots 1 – 4 of The Commons Subdivision, changed the address to 625 27-1/2 Road and allowed for mixed residential (10 duplexes – total 20 single family cottages), assisted living (306 beds) uses and a senior recreation center (maximum size of 72,514 SF).

Ordinance No. 4019-2007 amended Ordinance No. 3263-2000 to include additional acreage within the project area (lots 1, 2A, 3 and 4 of The Cottages at the Commons subdivision) and specifies 10.6 units/acre with PD zoning and an underlying zone district of RMF-8. This ordinance also allowed for assisted living (up to 306 beds) and 62 attached single family cottage units which met the goals and policies of the Growth Plan and Zoning and Development Code.

To date, an assisted living facility with a license for 185 beds (considered 46 housing "units" for purposes of calculating density at 4 beds per "unit") and 38 of the cottages have been built.

Land use in the Surrounding Area: The parcels are surrounded primarily by residential uses, both single-family and multi-family, including both independent and assisted living. To the immediate north are a private home and the Calvary Bible Church. To the immediate east are dozens more private homes and a 3-acre open space that belongs to the City (Spring Valley I Park) at the intersection of Patterson and 27-1/2 Roads. To the immediate south are the Northeast Christian Church, a nursing home and several more single-family homes. To the immediate west are several duplex / triplex homes and apartments.

Site Access and Traffic Patterns: Access to this Hilltop campus is from 15th Street and 27-1/2 Road via Hermosa Avenue. Internal access to the campus is via private streets.

Availability of Utilities: Utilities are available on site now, some as public and others as private and will be extended as needed as development proceeds.

Special or Unusual Utility Demands: None anticipated.

Effects on Public Facilities: Moderate increases in services, traffic and utility use in accord with the pace of the development.

Hours of Operation: Not applicable to residences (non-business use); 24/7/365 for the assisted living facility and M-F 8AM to 5PM for the Senior Daybreak facility.

Number of Employees: Approximately 120 to operate the assisted living facility and to maintain the cottages. There are not normally any employees in the cottages – they visit only when they are performing maintenance.

Signage Plans: In accordance with the ordinances. Currently anticipated adds are street signs as more private streets are developed and building-mounted address numbers on the cottages. Signage within the development shall meet the standards of GJMC Section 21.06.070(g)(3).

Site Soils and Geology: Hilltop previously conducted a soils investigation and received a full engineering report from Geotechnical Engineering Group (their project #2441, dated 8/7/06). The soils were reported to be silty, sandy clay with gravel lenses overlaying shale at a depth varying from 4-1/2 to 21 feet with the surface sloping to the west at approximately 1%. No special geology was found and the report concluded that the proposed development was feasible.

Impact of Project on Site Geology and Geologic Hazards: No significant impact is anticipated. All earthwork will be done in strict accordance with the recommendations of the soils investigation and report. There are no known geologic hazards.

Review Criteria (Outline Development Plan):

1. The proposed Outline Development Plan meets Goals 3, 5, 7 and 12 of the Comprehensive Plan. In addition, the request will meet the Grand Valley Circulation Plan and other applicable adopted plans and policies.
2. The rezoning criteria provided in Section 21.02.140 of the Grand Junction Zoning and Development Code;

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

Subsequent events have not invalidated the original premises for the default zone of R-8. However, the addition of the Mixed Use Opportunity Corridor, allows for the consideration of commercial uses along major corridors for some properties that previously could not be considered. The designation as a Mixed Use Opportunity Corridor changes the potential uses allowed on the property.

- b. The character and/or condition of the area has changed such that the amendment is consistent with the Plan;

The character and/or condition of the area has not changed concerning the original default zone of R-8. However, creation of the Mixed Use Opportunity Corridor changed the conditions of the area such that the proposed default zone of MXOC is consistent with the Comprehensive Plan.

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

Adequate public facilities and services (water, sewer, utilities, etc.) are currently available to this site.

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

There is a growing demand for the type of housing offered by Hilltop and currently an inadequate supply of suitably designated land available in the community.

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

The long-term community benefits of the proposed PD include more effective infrastructure, reduced traffic demands and filling the demand for a needed housing type. In addition, it meets several goals of the Comprehensive Plan as stated above.

3. The planned development requirements of Chapter 21.05;

The proposed ODP is in conformance with the Planned Development requirements of Chapter 21.05 of the Zoning and Development Code.

4. The applicable corridor guidelines and other overlay districts in Chapter 21.07;

This property is not subject to any corridor guidelines or other overlay districts.

5. Adequate public services and facilities shall be provided concurrent with the projected impacts of the development;

Adequate public services and facilities, include water and sanitary sewer are currently available adjacent to the property.

6. Adequate circulation and access shall be provided to serve all development pods/areas to be developed;

Internal circulation will be evaluated with the Final Development Plan and will conform to Transportation Engineering and Design Standards (TEDS).

7. Appropriate screening and buffering of adjacent property and uses shall be provided;

Appropriate screening and buffering of adjacent property and uses shall be provided and reviewed as part of the Final Development Plan.

8. An appropriate range of density for the entire property or for each development pod/area to be developed;

The proposed density falls within the range allowed by the Comprehensive Plan and the default zones of R-8, R-12 and MXOC.

9. An appropriate set of "default" or minimum standards for the entire property or for each development pod/area to be developed;

Development of the three Pods will meet the minimum standards for the R-8, R-12 and MXOC default zones.

10. An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

It is requested that the development be given a 20-year window of time to fully develop.

11. Section 21.05.020 - Default standards. Pod 1 will have a default zone of R-12, Pod 2 will have a default zone of R-8 and Pod 3 will have a default zone of MXOC. The standards required within each Pod will meet or exceed the minimum required standards of each default zone as part of the Final Development Plan with no deviations requested.

12. Section 21.05.030 – Establishment of Uses: The uses allowed within each Pod will follow the uses allowed within the default zones with no deviations requested.

13. Section 21.04.030(p) Use-specific standards: At the time of this application, no use that requires use-specific standards as defined by Section 21.04.030 are anticipated. However, if a use allowed under the default zone requires use-specific standards, that use will meet the standards under Section 21.04.030.

14. Section 21.05.040 – Development Standards:

- a. Residential Density: The density will meet the requirements of the default zone. There is no maximum density under the default zone of MXOC.

b. Minimum District Size: The site is greater than five acres and therefore meets the minimum area recommended for a planned development

c. Landscaping: Landscaping shall meet or exceed the requirements of GJMC Section 21.06.040. Landscaping will be reviewed as part of the Final Development Plan and shall meet or exceed the requirements of GJMC Section 21.06.040.

d. Parking: Parking shall meet or exceed the requirements of GJMC Section 21.06.050. Parking will be reviewed as part of the Final Development Plan and shall meet or exceed the requirements of GJMC Section 21.06.050.

e. Street Development Standards: Access and internal circulation will be evaluated with the Final Development Plan and will conform to Transportation Engineering and Design Standards (TEDS).

f. Deviations from Development Default Standards: There are no deviations to the default standards proposed.

g. Signage: Signage within the development shall meet the standards of GJMC Section 21.06.070(g)(3).

Development Schedule and Phasing:

The purpose of this ODP is to gain approval for construction of structures such as additional cottage units, additional assisted living units and an office building as examples on the remaining vacant property. An exact schedule for completion of all the future buildings has not been determined although Hilltop intends to build 6 more cottages in 2017 and requests approval for the rest of the development within 20 years.

THE COMMONS OUTLINE DEVELOPMENT PLAN (ODP)



MEETING SIGN-IN SHEET – PLEASE PRINT

Project: Sage Cottage Expansion **Meeting Date:** 1/25/2017
Facilitator: CEO Mike Stahl, Senior Director Cathy Story **Place/Room:** Hilltop Corporate Office

Name	Address	City	Zip	E-Mail
Michelle Kelly	1696 Treehaven Et.	6 ft.	81506	MIKEHHATSEI cloud.com
M. Nichols	1532 Treehaven	GJ.	81506	
Kris Ashbeck	City			kristena@gjcity.org
Dannette Buck	GJHA			dbuck@gjha.org
Linda Pfman	Brickyard Wellington	GJ		@gjmil pfmanhomes

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE AMENDING ORDINANCE No. 4019 ZONING THE COMMONS
PLANNED DEVELOPMENT TO UPDATE THE PD (PLANNED DEVELOPMENT)
ZONING FOR AN EXISTING PD (PLANNED DEVELOPMENT) ZONE,
BY APPROVING AN OUTLINE DEVELOPMENT PLAN WITH DEFAULT ZONES OF
R-8 (RESIDENTIAL 8 UNITS/ACRE), R-12 (RESIDENTIAL 12 UNITS/ACRE) AND
MXOC (MIXED USE OPPORTUNITY CORRIDOR)**

**LOCATED AT 625 27-1/2 ROAD
(ADDRESS OF EXISTING ASSISTED LIVING FACILITY)**

Recitals:

A request to update the PD (Planned Development) zoning for an existing PD zone district on 19.9 acres with an ODP (Outline Development Plan – Attached Exhibit A) to continue to develop a senior living complex has been submitted in accordance with the Zoning and Development Code (Code).

This Planned Development zoning ordinance will establish the standards, default zoning, and adopt the Outline Development Plan for The Commons Senior Living Complex. If this approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards specified herein.

In public hearings, the Planning Commission and City Council reviewed the request for Outline Development Plan approval and determined that the Plan satisfied the criteria of the Code and is consistent with the purpose and intent of the Comprehensive Plan. Furthermore, it was determined that the proposed Plan has achieved “long-term community benefits” through more effective infrastructure, reduced traffic demands compared with other potential uses, filling a need for assisted living housing types, and sustainable design for a mixed use complex.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS ZONED PLANNED DEVELOPMENT WITH THE FOLLOWING DEFAULT ZONES AND STANDARDS:

- A. Lots 1 and 3 of The Commons, a Subdivision of a part of the City of Grand Junction, County of Mesa, Colorado; Lot 4a of Cottages at The Commons, a Subdivision of a part of the City of Grand Junction, County of Mesa, Colorado; and Lots 1, 2 and 3, Block 1 of the Hilltop Commons Subdivision, a Subdivision of a part of the City of Grand Junction, County of Mesa, Colorado, encompassing a total of 19.9 acres.
- B. The Commons Outline Development Plan is approved with the Findings of Fact/Conclusions and Conditions listed in the Staff Report including attachments and Exhibits.
- C. Default Zones and Authorized Uses

The default zone district for Pod 1 (Lot 1, The Commons) is R-12 (Residential 12 units/acre);

The default zone district for Pod 2 (Lots 3 The Commons, Lot 4A Cottages at the Commons, and Lots 1 and 2, Block 1 Hilltop Commons) is R-8 (Residential 8 units/acre);

And the default zone district for Pod 3 (Lot 3, Block 1 Hilltop Commons) is MXOC (Mixed Use Opportunity Corridor)

Reference GJMC Section 21.03 for Lot, Setback and Bulk Standards; and Section 21.04 for Allowed Uses

D. Sign Plan:

Three (3) Existing Freestanding Identification Signs at east and west ends of Hermosa Avenue and on 27-1/2 Road in front of Assisted Living facility. Maximum Size: 12-feet wide x 5-feet high, with the maximum height of 6 feet. Signs shall be non-illuminated.

One (1) Existing Freestanding sign along the north side of Hermosa Avenue
Maximum Size: 4-feet wide x 5-feet high, with the maximum height of 5 feet.
Sign shall be non-illuminated.

One (1) Freestanding Monument Sign along the north side of Hermosa Avenue near Commons Circle to identify potential new facility.
Maximum Size: 12-feet wide x 5-feet high, with the maximum height of 6 feet.
Sign shall be non-illuminated.

Signs within the MXOC default zoning area (Pod 3) shall meet requirements of the zone district and GJMC Section 21.06.070 and will be reviewed with Final Development Plan(s). The MXOC zone district requires that all freestanding signs be monument style with a maximum height of 15 feet.

E. Development Schedule – All phases of project completed by 2027 (10 years)

Introduced for first reading on this 1st day of March, 2017 and ordered published in pamphlet form.

PASSED and ADOPTED this _____ day of _____, 2017 and ordered published in pamphlet form.

ATTEST:

President of City Council

City Clerk



Grand Junction City Council

Regular Session

Item #4.b.i.

Meeting Date: March 15, 2017

Presented By: David Thornton, Principal Planner

Department: Admin - Community Development

Submitted By: David Thornton, Principal Planner

Information

SUBJECT:

Ordinance Amending Sections of the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) Regarding Electronic and Digital Signage

RECOMMENDATION:

The Planning Commission recommended approval of the original proposed ordinance addressing both content neutrality and electronic and digital signage at their October 11, 2016 hearing. The City Council, at their November 16, 2016 hearing, tabled the ordinance. The electronic and digital amendments have been separated out and are now before the City Council for adoption.

EXECUTIVE SUMMARY:

A proposed ordinance addressing both content neutrality and electronic and digital signage was tabled by City Council at their November 16, 2016 meeting with direction to get business input on the proposed changes, specifically to the electronic and digital sign regulations. The staff has been working with the Chamber of Commerce to garner input and is now bringing the electronic sign regulations portion of the ordinance back to City Council.

Based on direction given by City Council at the December 19, 2016 workshop, regulating brightness is the highest priority of the proposed amendments recommended by Planning Commission and should be included in the proposed electronic and digital provisions. This priority was also supported by those from the business community that attended a December 13th meeting at the Chamber of Commerce. The Council also requested that staff review the upgrade limitations imposed on outdoor advertising/ billboards that are non-conforming due to overlay

zone districts. Since that had not been considered with the original proposed ordinance, amendments specific to non-conforming billboards will be brought forth separately through the Planning Commission for recommendation and onto City Council for a final decision at a later date.

This proposed ordinance amends the existing sign code regulations to regulate the maximum level for brightness of digital signs to .3 (three-tenths) foot-candles to mitigate impacts to surrounding properties and traffic safety and to prohibit interactive signs. This is the same regulation the Colorado Department of Transportation uses to regulate electronic and digital signage. The provision to establish standards for animation and changeable copy for electronic and digital signs have been removed from the revised ordinance recommended by Planning Commission as the result of the feedback staff has since received from the business community and City Council.

BACKGROUND OR DETAILED INFORMATION:

Digital and Electronic Sign Regulations

At a July 21, 2016 Joint Workshop, staff was directed by Council and Planning Commission to proceed with amendments for digital and electronic signs consistent with the Colorado Department of Transportation (CDOT) regulations as a baseline. Many of the complaints and concerns about digital signs have to do with brightness and distraction to motorists.

The original ordinance recommended by Planning Commission established standards for animation, flashing, scrolling, changeable copy including full motion video. Following meetings in 2016 with City Council on November 16 and December 19th and a meeting with the business community at the Chamber of Commerce on December 13th, a proposed modified ordinance was written that establishes standards for brightness only for digital and electronic signs to mitigate impacts to surrounding properties and traffic safety. Since the vast majority of electronic and digital signs are along corridors under (CDOT's) jurisdiction, HWY 6/50, I-70 B, HWY 50 and North Avenue, the proposed amendments are consistent with their standards for brightness.

Summary of Proposed Amendments to the Code for Electronic and Digital Signs

1. Add definition for a Digital Sign and Interactive Sign.
2. Add standards for regulation of electronic/digital signs.
 - a. The maximum brightness levels for signs shall not exceed .3 (three tenths) footcandles over ambient light levels.
 - b. All new electronic display signs shall have photocell technology that will be used to dim the displays for appropriate nighttime viewing from dusk to dawn or when ambient light conditions warrant such changes.

c. Interactive signs, signs which contain QR codes or invites the viewer to capture an image with a camera or other device or otherwise physically interact with the sign in order to obtain a benefit, prize or discount are prohibited.

The proposed revised ordinance does not include regulation pertaining to animation, flashing, scrolling or traveling messages, or intermittent or full-motion video, or intensity, exposure or transaction of messages.

Staff received one phone call from the public objecting to digital signs in the community. The sign industry and the business community are generally in favor of the proposed amendments to the Sign Code.

The revised ordinance is attached, see Attachment 1.

FISCAL IMPACT:

Not Applicable

SUGGESTED MOTION:

I move to (approve or deny) Ordinance No. 4741 – An Ordinance Amending Sections of the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) Regarding Signage on Final Passage and Order Final Publication in Pamphlet Form.

Attachments

1. Proposed Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS OF THE ZONING AND DEVELOPMENT CODE (TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE) REGARDING SIGNAGE

Recitals:

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 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.

Signage is an important part of the economic engine of the community and an important means of communication of political, religious, educational, ideological, recreational, public service, and other messages. The Council also recognizes that the proliferation and disrepair of signs can deter the effectiveness of signs, cause dangerous conflicts with traffic control signs and signals, create safety hazards and contribute to visual pollution to the detriment of the general public.

Regulation of signage is a restriction on speech and therefore must conform to the First Amendment to the United States Constitution. A government may impose reasonable time, place and manner restrictions on speech so long as they are content-neutral and there is a rational basis for the restriction. In June of 2015, the United States Supreme Court changed the applicable definition of content-neutrality while striking down the sign code for the Town of Gilbert, Arizona in a decision known as *Reed v. Town of Gilbert*. Following *Reed*, if we have to read a sign to determine whether or how certain restrictions apply, the regulation is not content-neutral, but content-based.

A content-based regulation is presumptively unconstitutional. It is subject to strict scrutiny, meaning that it must be the least restrictive means necessary to further a compelling government interest. It is unlikely that a content-based restriction on signage would survive a First Amendment challenge.

Cities and towns across the nation have been struggling to bring sign codes into conformance with this expanded definition content-based regulation. Almost all sign codes at the time *Reed* was decided included common-sense accommodations for things like "for rent" and "for sale" signs, temporary directional signs, political signs, nameplates, historical and public interest plaques, and other categories of common signs. Grand Junction's sign code has such regulations, which, following *Reed*, are content-based, including those relating to temporary signs, exempt signs, and off-premise signs.

Because such regulations could be challenged on their face, regardless of how or even whether they are enforced, the City Council finds it necessary and beneficial to amend the City's sign regulations to comply with *Reed's* expansive interpretation of First Amendment protections for signs.

With these code amendments, content-based distinctions are eliminated in favor of regulations that are based on size, location, number, height, illumination, and other physical attributes of the signs not related to content.

Signs made non-conforming by this amendment are not, by this amendment, subject to phasing out or removal. Removal of signage is only required (whether the sign is conforming or non-conforming) where a sign has fallen into disrepair on property where a use has been abandoned.

The City Council finds that digital and electronic signs can visually disturb drivers, pedestrians and the peace and quiet enjoyment of residential properties. To mitigate these potentials, these amendments include limitations on brightness.

The City Council finds that the amendments to the City's sign regulations strike an appropriate and careful balance between protecting First Amendment rights and community aesthetics.

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

Section 21.06.070 *Sign regulation* is amended as follows (additions underlined, deletions struck through):

21.06.070 Sign regulation.

This regulation governs exterior signs on real property. The proliferation and disrepair of signs can deter the effectiveness of signs, cause dangerous conflicts with traffic control signs and signals, and contribute to visual pollution to the detriment of the general public. No sign shall be displayed in any zone district without a sign permit, except where the provisions of this Section expressly provide otherwise. Signs placed by a governmental entity are exempt from this Section.

(a) **Definitions.** As used in this Section 21.06.070, the following terms shall have the following meanings:

Digital sign or digital display or electronic sign: A display of a sign message or picture made of internally illuminated components that display an electronic image, which may or may not include text and is capable of changing the message periodically; including but not limited to television screens, holographic displays, programmable ink, LCD, LED or plasma displays.

Illuminated sign: A sign which is illuminated by a light source. *Internal illumination* or *internally illuminated* means a sign illuminated by a light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. *Indirect illumination* or *indirectly illuminated* means a sign that is illuminated with an artificial light located away from the sign and directed onto the sign face so that the message is visible in darkness.

Interactive sign; A sign which contains QR codes or invites the viewer to capture an image with a camera or other device or otherwise physically interact with the sign in order to obtain a benefit, prize or discount.

This Section shall mean and refer to Section 21.06.070, Sign regulation.

(b) **Prohibited Signs.** Prohibited signs are signs which:

- (1) Contain an obscene statement, word, or picture describing or depicting sexual activities or sexual anatomical areas;
- (2) Contain, or are an imitation of, an official traffic sign or signal or contain the words: "STOP," "GO SLOW," "CAUTION," "DANGER," "WARNING," or similar words;
- (3) Are of a size, location, movement, content, coloring or manner of illumination which may be confused with, or construed as, a traffic control device or which hide from view any traffic or street sign or signal;
- (4) Contain or consist of portable signs, tent signs, or strings of light bulbs not permanently mounted on a rigid background, except that one portable sign per business will be allowed next to the building in shopping areas where pedestrians circulate, so long as such portable sign is not placed in a parking lot or in any median, does not visually or physically obstruct vehicular or pedestrian circulation, and does not exceed 12 square feet in size and three feet in width;
- (5) Are erected after adoption of this code and do not comply with the provisions of this regulation;
- (6) Do not comply with the law, rules and regulations of the State of Colorado as now or hereafter enacted and/or amended. See § 43-1-401 C.R.S. et seq.;
- (7) Create a hazard for, or impede safe or efficient movement of, motorists or pedestrians;
- (8) Are placed in whole or in part in, on or over any part of a public right-of-way, except where the sign is placed by a governmental entity. The Director has the

authority to remove and dispose of any sign placed in or on or protruding into, onto or over any part of a public right-of-way without compensation to any person or entity; or

(9) Are interactive signs that are readable with normal vision from the public right-of-way. Interactive signs readable from the public right-of-way are prohibited because they distract drivers and pedestrians so as to constitute a significant safety risk.

(c) **Signs that do not require a permit.** The following signs are allowed on a lot/parcel in any zone district:

(1) One sign that is integral to or flush-mounted on a building or structure that is no greater than four square feet in area.

(2) A sign that is not illuminated, not digital or electronic, and not permanent in nature, for example, one that is planted into the ground or affixed to an object or structure by temporary means, does not have a foundation, is made of lightweight and thin materials such as a single sheet of plastic, thin metal, plywood or paper, except for wind driven signs and banners which are regulated separately in subsection (d) below, and except for prohibited signs discussed in subsection (b) above, with the following limitation:

(i) On a parcel of less than one acre, up to six such signs are allowed, so long as each sign is not greater than 6 square feet in area, except in that one of these signs may be up to 32 square feet in area when construction is occurring on a parcel or a subdivision of land is being developed.

(ii) On a parcel of one acre or larger, up to six such signs per acre are allowed, so long as each sign is not greater than 6 square feet in area, except that one sign per acre can be up to 32 square feet in area.

(d) Wind driven signs and banners

(1) A banner permit shall be required prior to any use of wind driven signs or banners.

(2) Banners and wind driven signs may be displayed for up to 30 consecutive days up to four times in a 12-month calendar year. Permit periods may run consecutively.

(3) All banners must be secured directly to the structure, fence, or post that is permanently affixed to the ground.

- (4) All wind driven signs must be professionally made, must be in good repair and appearance, and must also be so located and installed so as not to pose a safety hazard for motorists or pedestrians. Such signs shall not be attached to any object located in the public right-of-way.
- (5) In addition to other available penalties, failure to comply with the terms of a permit issued under this section shall result in the loss of a permit.

(e) Nonconforming Signs.

- (1) All signage on site shall be brought into conformance with this code prior to approval of any new sign permit on the property.
- (2) Any nonconforming sign that has been damaged in excess of 50 percent of its replacement cost by fire, wind or other cause except vandalism shall not be restored without conformance with the provisions of this regulation.
- (3) Any outdoor advertising sign on or near the Riverside Parkway that becomes nonconforming due to the adoption of this section may continue only in the manner and to the extent that it existed at the time of the adoption of the ordinance codified in this title. The sign must not be re-erected, relocated or replaced unless it is brought into conformance. If a sign is nonconforming, other than because of the adoption of the ordinance codified in this title, then the sign shall be discontinued and removed on or before the expiration of three years from the effective date of the ordinance codified in this title.

(f) Digital or Electronic Sign Standards

- (1) **Purpose and Intent.** Advancements in technology permit signs to change copy electronically, utilizing LED, LCD and other technologies. The impacts of these may disrupt the peace and quiet enjoyment of other properties in the area and create traffic hazards. Limitations on brightness is necessary in order to mitigate these impacts, protect public health and safety, and preserve the character of areas, especially residential neighborhoods.
- (2) The maximum brightness levels for signs shall not exceed .3 (three tenths) footcandles over ambient light levels. Measurements of light are based on the area of the sign versus measurement of the distance. Using a Footcandle meter, brightness shall be in conformance with the following distance table:

<u>AREA OF SIGN</u> (sq. ft.)	<u>MEASUREMENT DISTANCE</u> (ft. from sign)
----------------------------------	--

<u>0 – 10</u>	<u>30</u>
<u>10 – 24</u>	<u>45</u>
<u>25 – 49</u>	<u>55</u>
<u>50 – 99</u>	<u>90</u>
<u>100 – 149</u>	<u>110</u>
<u>150 – 199</u>	<u>135</u>
<u>200 – 300</u>	<u>150</u>

The measurement shall be conducted at least 30 minutes after sunset or 30 minutes before sunrise. Certification must be provided to the City upon installation that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the City at the permittee's expense, to ensure that the specified brightness levels are maintained at all times.

(3) Interactive signs are prohibited.

(4) All new electronic display signs shall have photocell technology that will be used to dim the displays for appropriate nighttime viewing from dusk to dawn or when ambient light conditions warrant such changes.

(g) (f) General Requirements.

(1) The following requirements shall apply to all signs in all zones unless otherwise indicated:

(i) A permit is required for placement or display of any new sign, except where otherwise stated or where specifically exempted by the provisions of this Section 21.06.070.

(ii) Touching up, or repainting or changing existing letters, text, symbols, graphics, or other content is considered maintenance and repair and not require a permit.

(iii) Only a licensed sign contractor can obtain a sign permit.

(iv) All signs shall be permanent in nature except for those non-permanent signs allowed herein under subsection (c) of this Section.

(v) All exterior signs shall be engineered to withstand a minimum wind load of 30 pounds per square foot.

(vi) No sign shall be placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property including the posting of handbills except as expressly authorized by this Section.

(vii) Regardless of sign allowances by zone district, no single sign shall exceed 300 square feet in area.

(2) The following shall apply to the measurement of signs:

(i) The total surface area of one sign face of freestanding signs and projecting wall signs shall be counted as part of the maximum total surface area allowance. Sign enhancement features such as bases, pillars, and other decorative elements, as part of monument signs shall not be counted as part of the maximum square footage of the sign, provided such features do not exceed the size of the sign face.

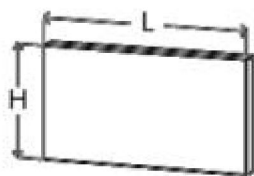
(ii) The total surface area of all sign faces of roof signs shall be counted as part of the maximum total surface area allowance.

(iii) For measurement of different shapes of signs, see the graphics below.

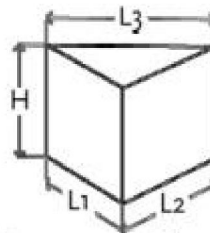
(iv) The total surface area of three-dimensional figures shall be counted as part of the maximum sign allowance.

(v) The area of flush wall signs with backing or a background that is part of the overall sign display or when backed by a surface which is architecturally a part of the building shall be measured by determining the sum of the area of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of each word, written representation (including any series of letters), logo or figure including all frames, face plates, nonstructural trim or other component parts not otherwise used for support.

(vi) The area of a facade sign shall be determined to be the sum of the area of each of the smallest perimeter enclosing the limits of each work and written or graphic representation, including letter, number, character, and/or logo used for advertising, offering or merchandising a product, or for service identification. The area of a mural painted on a wall shall not be included in the sign area calculation.



DOUBLEFACE SIGN
 $H \times L$

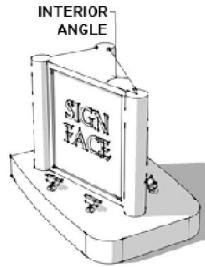


TRIANGULAR SIGN
 $[(H \times L1) + (H \times L2) + (H \times L3)] / 2$

Blade Sign

Double Face Sign

(vii) Only one display face is measured if the sign faces are parallel or form an interior angle of less than or equal to 60 degrees, provided that the signs are mounted on the same structure. If the faces are of unequal area, then sign area is equal to the area of the larger face.



- (3) No illumination of a sign is permitted unless the following criteria are met:
- (i) The light from any illuminated sign shall be so shaded, shielded and directed that the light intensity or brightness shall not be objectionable to surrounding areas.
 - (ii) Neither the direct or reflected light from a light source shall create a traffic hazard to operators of motor vehicles on public thoroughfares or approaches to public thoroughfares.
 - (iii) No exposed reflective type bulb or incandescent lamp, which exceeds 40 watts, shall be used on the exterior surface of a sign to expose the face of the bulb, light or lamp to any public street or adjacent property.
 - (iv) Electrical service provided to illuminated signs may require an electrical permit from the Building Department.
- (4) Identification and Marking. Each sign requiring a permit shall bear an identification plate stating the following information:
- (i) Date the sign was erected; and
 - (ii) Name of person, firm or entity responsible for its construction and erection.
- (5) Sign(s) placed in connection with a temporary use that requires a temporary use permit shall conform to the requirements, conditions and terms of the temporary use permit.

(h) (g) Sign Standards by Zone. The following restrictions and requirements apply to permanent signs in the given zone districts:

(1) Residential Zones.

(i) One permanent sign per residential lot not exceeding six square feet in area is allowed, subject to the standards below.

(ii) One permanent monument sign up to 32 square feet in area is allowed at a multi-family apartment/condominium building/complex and on each common area parcel that abuts a public right-of-way; for purposes of this subsection, "common area parcel" means a parcel that is owned by a homeowners' association for the benefit of all lot owners in a planned community, common interest community or condominium.

(iii) For a nonresidential use in a residential zone, one sign not to exceed 24 square feet in area is allowed per street frontage.

(iv) Location. Permitted signs may be anywhere on the property. If freestanding, the top shall not be over eight feet above the ground. If building mounted, the sign shall be flush mounted and shall not be mounted on a roof of the building or project above the roofline.

(v) Illumination. Indirect or internal illumination only shall be utilized for letter faces and/or logos.

(2) Residential Office Zone.

(i) General. The residential office zone provides a transition from residential to commercial development and consequently requires more restrictive sign regulations to maintain compatibility.

(ii) Types Allowed. Flush wall signs and monument signs shall be the only sign type allowed.

(iii) Location and Size. Signs shall be located at least 10 feet behind the front property line. Total sign area, shall not exceed 25 square feet per street frontage. The sign allowance for one street frontage may be transferred to a side of a building that has no street frontage, but cannot be transferred to another street frontage. Monument signs shall not exceed eight feet in height.

(iv) Illumination. Signs may be externally illuminated; no other illumination of signs is allowed. All lights used for illumination of signs shall be arranged

so as to confine direct light beams to the lighted sign and away from adjacent residential properties and out of the direct vision of motorists passing on adjacent streets. Illumination of signs shall comply with GJMC 21.06.080, "Outdoor lighting," and shall be limited to authorized business hours.

(v) Sign Area. The area of flush wall signs and monument signs shall be calculated as per the graphic shown under subsection (g)(2) of this Section.

(3) Business, Commercial, Industrial Zones (B-1, B-2, C-1, C-2, I-O, BP, MU, I-1, I-2, and PAD).

(i) General. This subsection shall apply to all zones designated in Chapter 21.03 GJMC as business, commercial, industrial or any variety of these types.

(ii) Types Allowed.

Signs in the business, commercial, and industrial zones may include facade signs, flush wall signs, freestanding signs, projecting signs and roof signs. All signs allowed in residential zones are also allowed in business, commercial or industrial zones.

(iii) Location and Size. Permitted signs may be anywhere on the premises except as specifically restricted in this subsection (see specific sign type and pertinent zoning regulation). The total amount of signage to be allowed on any property shall not exceed the sign allowance as calculated in accordance with subsection (h)(3)(v)(B) or (h)(3)(vii)(B) of this Section, whichever is greater. No single sign may be larger than 300 square feet. No projecting sign may exceed the allowances in subsection (h)(3)(vi) of this section.

(iv) Illumination. Unless specifically prohibited, all of the following signs may be illuminated within the limits allowed under subsection (f)(3) of this section and GJMC 21.06.080.

(v) Facade Signs, Flush Wall Signs and Roof Signs.

(A) The sign allowance shall be calculated on the basis of the area of the one building facade that is most nearly parallel to the street that it faces. Each building facade which faces a dedicated public street shall have its own separate and distinct sign allowance. The sign allowance for facade signs and flush wall signs on buildings located on interior lots

(lots not on a corner) which are oriented perpendicular to the street shall be based on the longer building facade. The total sign allowance, or any percentage thereof, of one frontage may be transferred to a building facade that has no frontage on a dedicated public street, provided the transferred amount does not exceed two square feet of sign area per linear foot of the facade on which it is being placed.

(B) Two square feet of sign area shall be allowed for each linear foot of building facade for facade signs, flush wall signs and roof signs. The measurement of a roof sign shall be based on the square footage of each sign face. Flush wall signs may extend up to 12 inches from the face of the building if the base of the sign is at least eight feet above ground level. (Show window signs in a window display of merchandise when incorporated with such display will not be considered part of the total sign allowance.)

(C) On any building which allows facade signs, flush wall signs, roof signs, or projecting signs, a maximum of two of these types may be used. If a flush wall sign and roof sign are used, the sign allowance of two square feet per linear foot of building may be divided between the two types of signs. If either a flush wall sign or roof sign and a projecting sign are used, the allowance for the projecting sign shall be subtracted from the flush wall sign or roof sign allowance.

(D) Roof signs shall be manufactured such that no guy wires, braces, or secondary supports shall be visible. Maximum height for roof signs shall be such that height of the structure and the sign together do not exceed the maximum height for the zone district.

(E) One sign that is flush-mounted on the rear façade of a structure that is no more than 16 square feet in area is allowed, which sign does not count toward the total sign allowance for the parcel or building (if there is more than one such sign, the other(s) shall count toward the total sign allowance).

(vi) Projecting Signs.

Signs may project up to 72 inches from the face of the building if located eight feet or more above grade. They shall not project beyond the back of curb, nor within two feet of the edge of the roadway if there is no curb. Total area per sign face shall not exceed one-half square foot per linear foot of building facade. If the projecting sign is the only

sign mounted on the building, the minimum sign allowance shall be 12 square feet.

(vii) Freestanding Signs. Freestanding signs shall comply with the following requirements.

(A) No more than one freestanding sign shall be permitted for any parcel for each street frontage. The sign allowance per frontage can only be used on that frontage and shall not be transferred to any other frontage, except where otherwise provided.

(B) Maximum sign allowance shall be calculated by the linear front foot of property on a public street right-of-way in conformance with the following:

a. Two traffic lanes: Maximum area of sign per face per front foot of property, three-quarters square foot; maximum height, 25 feet.

b. Four or more traffic lanes: Maximum area of sign per face per front foot of property, one and one-half square feet; maximum height, 40 feet.

(C) Signs may be installed at street right-of-way line. The sign face may project up to 72 inches into the right-of-way, if located 14 feet or more above grade, but shall not project closer than 24 inches to the back of the curb. If the existing street right-of-way width is less than that required in this code, the distance shall be measured from the line of such right-of-way as required by this code rather than from the existing right-of-way line. Ute and Pitkin Avenues shall be calculated using four lanes.

(D) On a corner lot, a freestanding sign shall not be placed within the sight-distance triangle, as defined in TEDS (GJMC Title 29), unless free air space is maintained as provided in TEDS (GJMC Title 29). A single pipe support with no sign structure or copy shall not be considered a violation of the free air space requirement.

(E) In addition to freestanding signs as allowed above, up to two additional freestanding signs per street frontage, not greater than 3 square feet in area and no more than 30 inches in height, are allowed.

(F) When electrical service is provided to freestanding signs, all such electrical service shall be underground.

(G) All freestanding signs shall require a building permit in addition to a sign clearance.

(viii) Flush wall or freestanding sign(s) with text so small as to not be readable with normal eyesight from a public right-of-way are allowed, so long as such sign does not exceed 32 square feet in area. Such signs shall not count toward the total sign allowance or the maximum free-standing sign allowance.

(4) Outdoor Advertising signs erected on ground or wall locations (and roof locations done within the regulations and limitations of roof signs) shall only be permitted in the C-2 (general commercial) and I-1 and I-2 (industrial) zones, subject to the following conditions, limitations and restrictions:

(i) Height Limitations. No Outdoor Advertising sign shall be erected higher than 40 feet above the level of the street or road upon which the sign faces, or above the adjoining ground level if such ground level is above the street or road level. No Outdoor Advertising sign shall have a surface or face area exceeding 300 square feet in area or containing less than 15 square feet in area.

(ii) Distance. For each square foot of surface or facing of the sign, two feet of space from adjacent Outdoor Advertising signs shall be maintained. Such distances shall be determined by using the largest sign as criterion. For example, no sign can be erected closer than 600 feet to an existing 300-square-foot sign. A maximum of one Outdoor Advertising sign shall be allowed per lot or parcel of land.

(iii) Location. A sketch, drawn to scale, depicting the size and location of the proposed billboard shall be provided. The sketch shall be prepared by a licensed surveyor and shall indicate dimensions from the proposed billboard to the closest adjacent aliquot section line and shall include coordinates. The sketch shall also include the location of the proposed billboard to the nearest adjacent right-of-way line, if applicable. The sketch shall be signed and sealed by the surveyor.

(iv) Outdoor advertising signs shall not be located within 600 feet from the centerline of the Riverside Parkway as depicted in [Figure A](#).

Click the graphic to view a higher-resolution version.

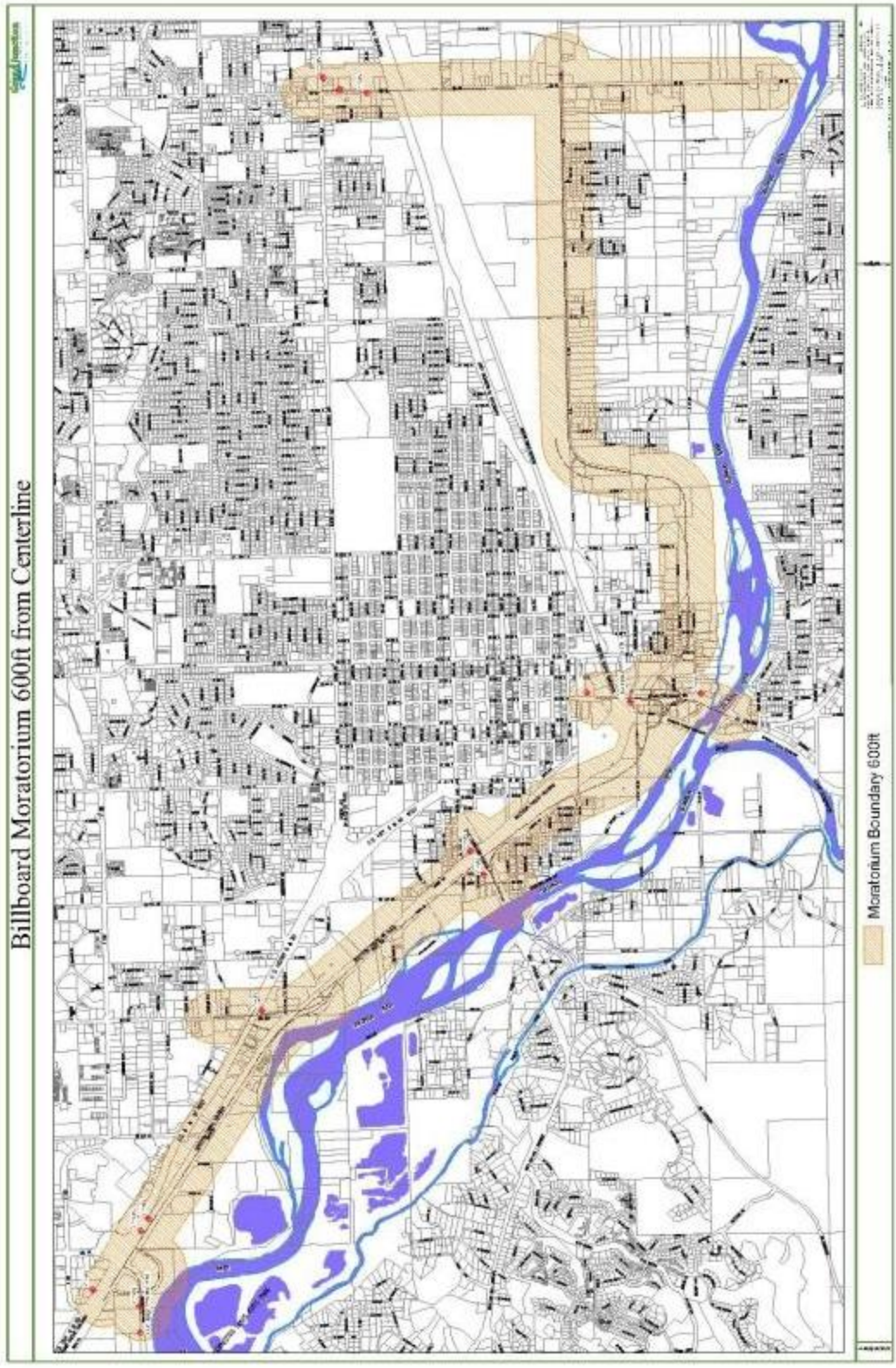


Figure A

(vi) Illumination. Outdoor advertising signs that are illuminated by indirect or external illumination shall use only downward facing, downcast light to confine direct light beams to the sign and out of the direct vision.

(vii) Prohibited signs are signs that do not comply with the law, rules and regulations of the State of Colorado as now or hereafter enacted or amended. See § 43-1-401 C.R.S. et seq.

(5) CSR. Signage on a property zoned CSR shall be limited to signage allowed in the surrounding zone districts.

(6) Form Districts. Signage shall conform to subsection (h)(3) of this Section except that all freestanding signs shall be monument style signs with a maximum height of 15 feet.

(7) Planned Developments. No sign other than those permitted in any zone district in subsection 21.06.070(d) ("Signs that do not require a permit") shall be allowed on properties in a planned development zone unless the sign has been approved as part of the development plan. Variance of the maximum total surface area of signs shall not be permitted, but the maximum sign allowance for the entire development or use may be aggregated and the total allowance redistributed.

(8) Sign Packages. A site or sites that consist of more than one developed parcel of land that are abutting and function as one through the sharing of vehicular access through, across, over, entrance onto, and/or exit from the site and/or parking (such as a shopping center) may be considered for a sign package through a sign package permit. Variance of the maximum total sign allowance shall not be permitted, but the maximum sign allowance for the entire site or sites may be aggregated and the total allowance redistributed for the same type of sign. For example, freestanding sign allowance may be redistributed among freestanding signs, but a freestanding sign allowance may not be redistributed for a facade sign. See GJMC 21.02.070(n).

(i) ~~(h)~~ Removal and Disposition of Signs.

(1) Maintenance and Repair.

(i) No person shall allow, on any premises owned or controlled by him, any sign that is in a dangerous or defective condition.

(ii) The Director shall require the owner of the sign and/or the owner of the premises upon which it is located to remove or repair any such sign. In cases of immediate danger to the public due to the defective nature of a sign, the Director may have the sign removed and assess the costs of the removal against the property. Such assessment shall constitute a first and prior lien on the property, equivalent to ad valorem taxes, and shall be collected in the same manner as the real estate taxes on the property.

(iii) All signs shall be safe and maintained in good appearance as well as safety including the replacement of defective parts, painting, repainting, cleaning and other acts required for proper maintenance. Failure to properly maintain a sign shall be a violation of this code.

(2) Abandoned Signs. Signs are allowed on otherwise vacant property so long as a permit is obtained (unless a permit is otherwise expressly not required) and so long as the sign allowance for the zone district is adhered to. However, a sign structure that has no content or is "blank" and has fallen into disrepair and which is located on property which is unoccupied for a period of twelve consecutive months or more shall be deemed abandoned.

An abandoned sign is prohibited; the owner of the sign or the owner of the premises shall remove the sign and supporting structure. An abandoned sign which is not removed in a timely manner may be removed by the Director under the provisions of this section.

INTRODUCED on first reading the 19th day of October, 2016 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2017 and ordered published in pamphlet form.

President of the Council

ATTEST:

City Clerk

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 3/15/17
Citizen's Name: Drew Jolley
Address: 3030 W 15th Street #208
Phone Number: _____
Subject: GSPD NIGHT PATROLS WHITMAN PARK

Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.