



**PLANNING COMMISSION AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
TUESDAY, DECEMBER 12, 2017, 6:00 PM**

Call to Order - 6:00 P.M.

***** CONSENT CALEDAR *****

1. Minutes of Previous Meetings

[Attach 1](#)

Action: Approve the minutes from the November 28th meeting.

***** INDIVIDUAL CONSIDERATION *****

2. 1st Church of the Nazarene Rezone

FILE # RZN-2017-577

[Attach 2](#)

A request to rezone the property located at 2802 Patterson Road from R-4 (Residential, 4 du/ac) to MXOC (Mixed Use Opportunity Corridor).

Action: Recommendation to City Council

Applicant: First Church of the Nazarene of Grand Junction, Larry Chovancek

Location: 2802 Patterson Road

Staff Presentation: Kathy Portner

3. H Road Comprehensive Plan Amendment and Rezone and RZN-2017-544

FILES # CPA-2017-520

[Attach 3](#)

Request to amend the Comprehensive Plan from Neighborhood Center to Business Park MU and rezone the properties to I-O (Industrial Office) on 8.6 acres.

Action: Recommendation to City Council

Applicant: Jerry Patterson and; TEK Leasing, LLC

Location: 2202 and 2202 1/2 H Road

Staff Presentation: Lori Bowers

4. Hilton Tru Alley Vacation**FILE # VAC-2017-516**[Attach 4](#)

Request to vacate the east/west alley ROW for the future development of a new hotel on 1.2 acres in a B-2 (Downtown Business) zone district.

Action: Recommendation to City Council

Applicant: Western Hospitality LLC, Kevin Reimer
Location: 243 Colorado Avenue
Staff Presentation: Lori Bowers

5. Amendment to Various Sections of the Zoning and Development Code**FILE # ZCA-2017-580**[Attach 5](#)

A request to amending various sections of the Zoning and Development Code regarding administration and procedure, setbacks, cluster development, fences and flood damage prevention.

Action: Recommendation to City Council

Applicant: City of Grand Junction, Community Development Director
Location: City wide
Staff Presentation: Kathy Portner

Other Business**Adjournment**

Attach 1

**GRAND JUNCTION PLANNING COMMISSION
November, 2017 MINUTES
6:00 p.m. 6:12 to p.m.**

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

Also in attendance representing the City Planning Commission were Jon Buschhorn, Kathy Deppe, Keith Ehlers, George Gatseos, Steve Tolle and Andrew Teske.

In attendance, representing the Community Development Department – Kathy Portner (Community Services Manager), and Kristen Ashbeck (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lydia Reynolds was present to record the minutes.

There were 4 citizens in attendance during the hearing.

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

1. Minutes of Previous Meetings

Action: Approve the minutes from the September 26, and October 24, 2017 meeting.

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

Commissioner Wade requested that item number 2, the R-5 School ROW Vacation be pulled from the Consent Agenda for a full hearing.

Chairman Reece called for a motion to approve the modified Consent Agenda.

MOTION:(Commissioner Wade) “Madam Chairman, I move approve the Consent Agenda as amended.”

Commissioner Deppe seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

*****INDIVIDUAL CONSIDERATION*****

- 2. R-5 School ROW Vacation** [FILE # VAC-2017-539]
 Request to vacate a portion of alley right-of-way in Block 84, Original City Plat.

Action: Recommendation to City Council
Applicant: Jeremy Nelson - REgeneration Development Strategies
Location: 310 N 7th St
Staff Presentation: Kristen Ashbeck

Staff Presentation

Kristen Ashbeck, Senior Planner explained this is a request to vacate a segment of the east-west alley in Block 84 of the original City plat, also known as the R-5 block.

Ms. Ashbeck displayed a PowerPoint slide depicting the location of the property and stated that it is an entire City block located at 310 North 7th Street on the southeast corner of Grand Avenue and 7th Street and is the site of the historic R-5 High School.

Ms. Ashbeck explained that the Downtown Development Authority (DDA) currently owns the entire Block and is in the process of subdividing it in order to transfer ownership of the easterly 2/3 of the block to a developer. The DDA will retain the historic high school building but there is a platted right-of-way that runs through the middle of the school building.

The next slide Ms. Ashbeck displayed was an aerial photo of the site, highlighting the alley segment to be vacated. Ms. Ashbeck noted that the platted, although not developed, east-west and north-south alley rights-of-way bisect the block.

Ms. Ashbeck pointed out that the westerly end of the east-west alley is viewed as an encumbrance on the historic high school site and building. Therefore, the DDA requests approval to vacate this segment of the east-west right-of-way in Block 84 of the Original City Plat. Ms. Ashbeck added that this portion of the east-west alley right-of-way is not improved and the R-5 High School building was constructed upon it. There are no existing utilities within this segment of the alley.

Ms. Ashbeck displayed the survey drawing attached to the vacation ordinance that shows the 20-foot wide east-west ally as originally platted in Block 84 and the easterly 143 feet that is proposed to be vacated.

Ms. Ashbeck explained that the vacation of this segment of the alley right-of-way will remove the encumbrance from the high school site and will eliminate the City's responsibility for construction and maintenance of the alleys.

No parcels will be landlocked as a result of this alley vacation and it will not change the access or restrict access to any properties, particularly since it is not developed as an

alley. In addition, there are no existing public facilities or services within the segment of alley requested to be vacated.

Ms. Ashbeck noted that the primary benefit to the public is that the high school building that is owned by a separate entity will no longer have a public alley running through it. In addition, the future redevelopment of this lot is viewed by staff as a benefit to the public and to the City.

Staff recommends approval of the proposed vacation based on the following findings:

- 1) The requested vacation of alley rights-of-way does not impact the Grand Valley Circulation Plan and is consistent with the Comprehensive Plan and Greater Downtown Plan to promote infill development in the downtown area.
- 2) The review criteria of the Zoning and Development Code have all been met.

Public Comment

Chairman Reece asked if there was anyone from the public who would like to speak in favor of, or against the proposal. With no one coming forward, Chairman Reece closed the public hearing portion of the meeting.

Chairman Reece asked the Commissioners if there were any questions, and if not, she would entertain a motion.

MOTION:(Commissioner Wade) “Madam Chairman, on the request to vacate that certain right-of-way presented within Block 84 City of Grand Junction known as the R-5 Block, VAC-2017-539, I move that the Planning Commission forward a recommendation of approval with the findings of fact as listed in the staff report.”

Commissioner Ehlers seconded the motion. A vote was called and the motion passed unanimously 7-0.

Other Business

Chairman Reece reminded the Commissioners that there is a training Thursday at Mesa County.

Chairman Reece welcomed the two new Planning Commission alternates, Andrew Teske and Brian Rusche.

Adjournment

The meeting was adjourned at 6:12 PM.

Attach 2



Date: November 21, 2017

Staff: Kathy Portner

File #: RZN-2017-577

PLANNING COMMISSION AGENDA ITEM

Project Name: 1st Church of the Nazarene Rezone
Applicant: 1st Church of the Nazarene
Representative: Pastor Larry Chovancek
Addresses: 2802 Patterson Road
Existing Zoning: R-4: Residential, 4 dwelling units per acre

I. SUBJECT

Consider a request by the 1st Church of the Nazarene to rezone the property at 2802 Patterson Road from R-4 (Residential-4 dwelling units per acre), to MXOC (Mixed Use Opportunity Corridor).

II. EXECUTIVE SUMMARY

The Applicant, 1st Church of the Nazarene, requests a rezone of a 6.2 acre property located at 2802 Patterson Road from R-4 (Residential-4 dwelling units per acre) to MXOC (Mixed Use Opportunity Corridor) zone district. The purpose of the rezone request is to enable the Applicant to erect signage consistent with a non-residential zone district. The MXOC zone district is consistent with the Future Land Use designation of Mixed Use Opportunity Corridor along this section of Patterson Road. The MXOC zone district allows for mixed use development and has specific site design and architectural standards to provide for a compatible transition to the surrounding residential neighborhoods. The signage standards require monument style signs not exceeding 15 feet in height and 300 square feet in size (based on the property’s street frontage) and allow for digital displays, as desired by the Applicant.

III. BACKGROUND

The 1st Church of the Nazarene, inclusive of Heaven’s Little Steps Child Care Center, is located on 6.2 acres at the northeast corner of Patterson Road and 28 Road. The property has over 590 linear feet along Patterson Road and 440 linear feet along 28 Road and is currently zoned R-4 (Residential, 4 du/ac).

Adjacent properties to the east are zoned Planned Development with commercial development at the northwest corner of Patterson Road and 28 ¼ Road and multifamily and assisted living proposed on the remainder of the property; properties to the south across Patterson Road are zoned R-5 (Residential, 5 du/ac) with single family and assisted living development; to the west across 28 Road properties are zoned PD (Planned Development) with townhomes; and the property to the north is zoned R-4 (Residential, 4 du/ac) and contains a stormwater detention facility owned by the City.

Currently the property has a 24 square foot internally illuminated sign along the Patterson Road frontage. The Applicant would like to replace the sign with a larger, more visible sign with digital display. However, Section 21.06.070(h)(1) of the Zoning and Development Code restricts permanent signs in a residential zone district to 24 square feet in size and does not allow digital display. The Applicant requested a Variance to that provision from the Zoning Board of Appeals, but was denied in a unanimous decision due to the lack of ability to demonstrate compliance with the required criteria.

The Applicant is now requesting a rezone to MXOC (Mixed Use Opportunity Corridor) to accommodate the proposed sign. The MXOC zone district is consistent with the Future Land Use designation of Mixed Use Opportunity Corridor along this section of Patterson Road. The MXOC zone district allows for mixed use development and has specific site design and architectural standards to provide for a compatible transition to the surrounding residential neighborhoods. The signage standards require monument style

signs not exceeding 15 feet in height and 300 square feet in size (based on the property's street frontage). Digital display is allowed, but must adhere to brightness standards found in the Code. These signage parameters meet the desire of the Applicant for new signage for their facilities.

A neighborhood meeting was held on November 14, 2017. There was nobody from the general public that attended.

IV. ANALYSIS

Pursuant to 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, goals and policies of the Comprehensive Plan and must meet one or more of the following rezone criteria, which are addressed below.

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

The R-4 zoning on this property predates the 2010 Comprehensive Plan that designated this section of Patterson Road as a Mixed Use Opportunity Corridor. The adoption of the Comprehensive plan with the expressed vision for this corridor to be mixed use, invalidates the original premise that resulted in the residential zoning (R-4) that is the current zone district designation. Because the City's Comprehensive Plan has been update, providing for this property to be considered for an MXOC zone district, staff has found 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

This property has operated as a church and daycare for approximately 20 years. The property directly to the east is zoned PD (Planned Development) and is a mixed use development with commercial and multifamily uses. East of 28 ¼ Road is another large church and the 200+ acres Matchett Park property, planned for a Regional Park. In addition, a property located approximately ½ mile east of the church was rezoned MXOC for future development. In general, existing uses fall within a mixed use category and the Comprehensive Plan recognized that Patterson is now a major arterial street for the City, where lower density residential development is both unlikely and undesirable.

The Comprehensive Plan designation in 2010 of Mixed Use Opportunity Corridor recognized the change in character that has occurred along this section of Patterson Road and, as such, staff finds the requested rezone is consistent with the Plan due to changes in the character and condition of the area.

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

Access to the subject property is provided directly from the adjacent 28 Road and the site is adequately served by other public and community facilities including fire stations, hospitals, schools and public transit. Staff finds adequate public and community facilities and services are available to the property and are sufficient to serve the existing use of the property as well as the additional uses that would be allowed under the MXOC zoning.

(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

The existing land use as a church and daycare facility is allowed in a wide variety of zone districts. Though there is a significant supply of land available in the community for use by a church, there is only one property currently zoned MXOC along Patterson Road, located approximately ½ mile east of this property at 2872 Patterson Road. Because supply of suitably designated land is available in the community for this use, Staff finds 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 proposed MXOC zoning would create an opportunity at this key location along Patterson Road to provide for additional uses that could serve the community and will provide for an appropriate scale of signage along this important transportation corridor. MXOC allows for all types of household living, institutional and civic uses and limited commercial uses, including entertainment, lodging, office, recreation, and retail sales and service. The zone district also has design and architectural standards to address compatibility with surrounding residential areas. The implementation of this Plan-supported zone district will provide future options to this property for reuse and/or redevelopment that aligns with the vision of the Comprehensive Plan and will therefore further the goals of the community and will provide community benefit. Staff therefore finds this criterion has been met.

Section 21.02.140(c)(2) of the Zoning and Development Code further requires: *Residentially zoned property within a Mixed Use Opportunity Corridor designated on the Future Land Use Map in the Comprehensive Plan that are currently zoned for residential purposes may be rezoned to the Mixed Use Opportunity Corridor form district so long as the depth of the lot measured perpendicular to the corridor is at least 150 feet.*

The depth of the property measured perpendicular to Patterson Road is 440 feet.

When considering a form district, the City Council shall consider the following:

- (i) The extent to which the rezoning furthers the goals and policies of the Comprehensive Plan; and*

The rezone request is consistent with the following vision, goals and/or policies of the Comprehensive Plan, as described in discussion regarding Section 21.02.140, below.

- (ii) The extent to which the proposed rezoning would enhance the surrounding neighborhood by providing walkable commercial, entertainment and employment opportunities, as well as alternative housing choices.*

The MXOC zone district allows service, retail and office commercial uses, as well as a variety of housing types and density. It is intended to create mixed use development opportunities along arterial corridors in a pedestrian friendly environment while providing for compatibility with surrounding neighborhoods through design and architectural standards.

Section 21.02.140 of the Grand Junction Zoning and Development Code states that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan.

Future Land Use Map: The Comprehensive Plan Future Land Use Map for the area is Mixed Use Opportunity Corridor, allowing for a rezone to MXOC, which allows service, retail and office commercial uses. The MXOC zone district is intended to create mixed use development along the corridor in a pedestrian-friendly environment while accommodating the more automobile-centric nature of the area. Further, the MXOC district provides a transition from nonresidential to existing neighborhood residential uses.

The proposed rezone is also compatible with the surrounding zone districts, as well as the surrounding mix of residential and commercial land uses.

After review of the Comprehensive Plan, Staff believes that the proposed rezone meets the following Comprehensive Plan goals and policies:

Goal 3: Create ordered and balanced growth and spread future growth throughout the community.

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

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

Policy B: Encourage mixed-use development and identification of locations for increased density.

V. STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing the 1st Church of the Nazarene Rezone, RZN-2017-577, a request to zone the 6.2 acre property located at 2802 Patterson Road from R-4 (Residential 4 dwelling units per acre) to MXOC (Mixed Use Opportunity Corridor) zone district, the following findings of fact have been made:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan;
2. In accordance with Section 21.02.140 of the Zoning and Development Code, Criteria 1, 2, 3 and 5 have been met.
3. In accordance with Section 21.02.140(c)(2) of the Zoning and Development Code the residentially zoned property has a lot depth greater than 150 feet, and consideration has been made for the extent to which the rezone furthers the goals and policies of the Comprehensive Plan as the extent to which the proposed rezoning would enhance the surrounding neighborhood.

Therefore, Staff recommends approval of the request to rezone the property located at 2802 Patterson Road, from R-4 (Residential 4 dwelling units per acre) to MXOC (Mixed Use Opportunity Corridor).

VI. RECOMMENDED MOTION

Madam Chairman, on the Rezone request RZN-2017-577, I move that the Planning Commission forward a recommendation of approval for the 1st Church of the Nazarene Rezone of 6.2 acres, located at 2802 Patterson Road, from an R-4 (Residential 4 dwelling units per acre) to MXOC (Mixed Use Opportunity Corridor) zone district with the findings of fact as listed in the staff report.

Attachments:

1. Applicant's Project Report
2. Vicinity Map
3. Site Location Map
4. Comprehensive Plan Future Land Use Map
5. Existing Zoning Map
6. Site Photographs
7. Proposed Zoning Ordinance

**Applicant's Submittal
General Project Report**

**Grand Junction 1st Church of the Nazarene 2802 Patterson Road,
G.J., CO**

21.02.140 Code amendment and rezoning.

(a) **Approval Criteria.** In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:

- (1) Subsequent events have invalidated the original premises and findings; and/or
- (2) **The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or**
- (3) **Public and community facilities are adequate to serve the type and scope of land use proposed; and/or**
- (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
- (5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

(2) The character and/or condition of the area has changed especially to the East of our property along Patterson Rd. On the North side of Patterson this development includes the following: the Medical/Dental and other offices at 28 ¼ Rd plus the future development of the property immediately to the East of us with a planned Senior Citizens housing facility. The future development along the North side of Patterson Road also includes the Matchett Park. On the South side of Patterson Rd to the East of our property is Grand Valley Child Care center, the Mantey Heights Rehabilitation and Care complex, Grand Junction Fire Station #2 and the Retreat at the Cove Seniors complex.

(3) Being that the change of zoning is not to impact the use of our property which is planned to continue as a Church and Child Care center, the public and community facilities will continue to meet the needs.

A. Project Description

- 1. **2802 Patterson Road, Grand Junction, CO 81506**
- 2. 6.1 acres
- 3. Church & Child Care Center

B. **Public Benefit:** The request for mixed use zoning is to permit a larger more visible sign to enable the neighborhood and those who utilize our facilities to better locate and be aware of functions both of the Church, Child Care center, as well as the greater community. These usages include a number of Home Owners Associations, Grand Junction High School choirs and a number of children and youth soccer teams which all use our facilities every year.

C. **Neighborhood Meeting:** Held Thursday, November 15, 2017 at 6:15 pm. Representation of the Planning Board and Pastor Larry were present to witness that zero (0) additional individuals attended the meeting.

D. Project Compliance, Compatibility and Impact

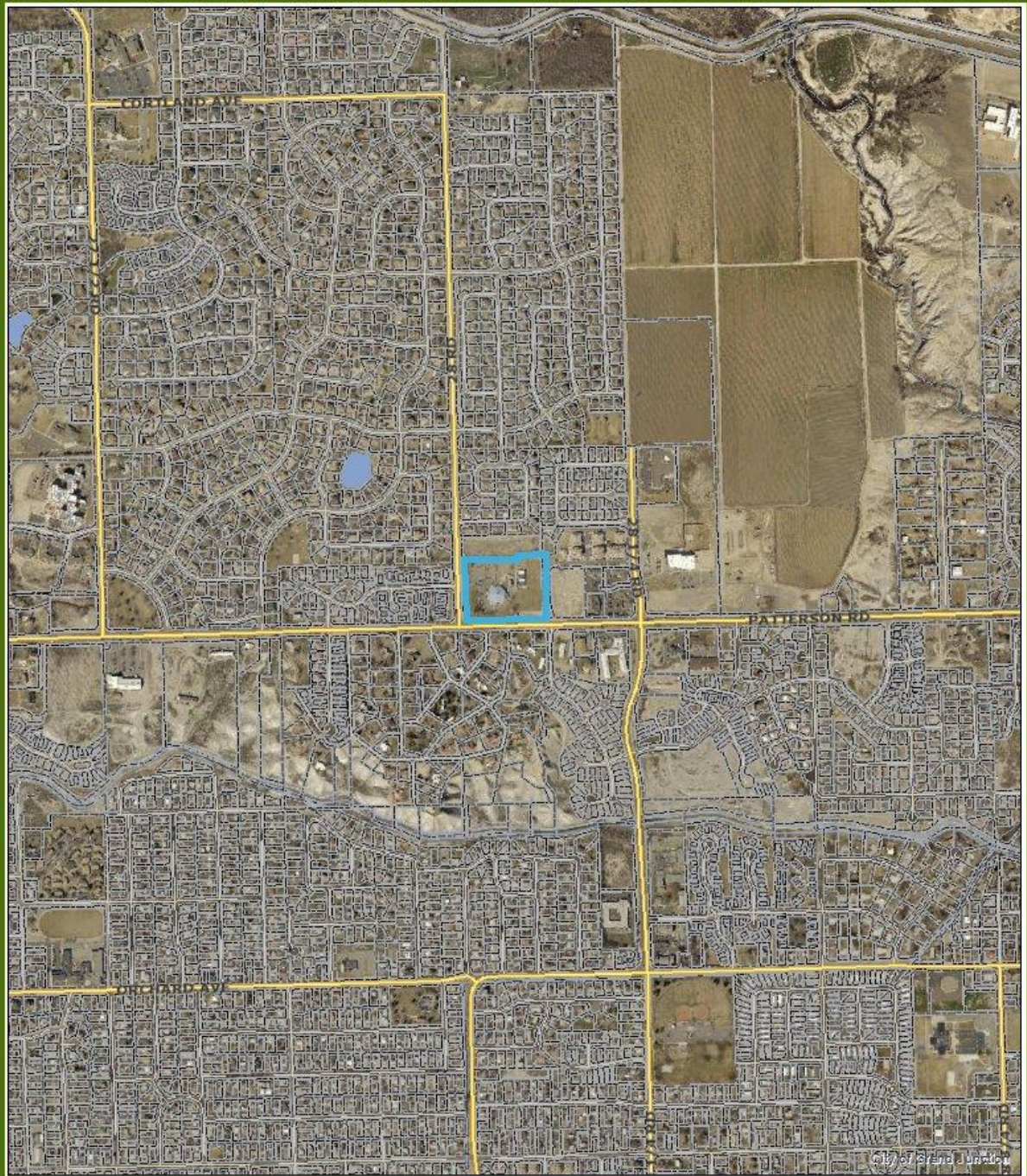
- 1. Plans for the property will not change. The present use is for a Church and Child Care Center. The rezoning is to solely permit the installation of a sign that is larger than the present R4 zoning permits.

2. Land use around us is mixed use including the following commercial uses. (a) Although not yet constructed the plan for the property immediately to the east of us is for a senior's residence facility. (b) The property further east includes a number of doctors and dentist's offices as well as other mixed-use offices. (c) Immediately to the west of our property across 28 Road is a subdivision including single housing units as well as a link home structure. (d) On the south side of Patterson Road are a few single-family homes.
3. Site Access and Traffic. Our property is only accessible from 28 Road, which intersects, with Patterson Road at the south-west corner of our property.
4. Utilities. All utilities including: water, electric, and sewer, presently serve our property. We also have a fire hydrant located on our property.
5. Special demands. There are no special or unusual demands on utilities, now or planned.
6. Effects on Public Facilities. Due to no planned change of the use of the facilities there are no unusual demands on fire, police, sanitation, roads, parks, schools, irrigation etc.
7. Hours of Operation: The Child Care Center is open 7:00 am to 6:00 pm, Monday –Friday. The Church has services mainly on Sunday mornings and evenings as well as throughout the week for children, teens, adult and seniors.
8. The Child Care Center presently has sixteen (16) employees and the Church has five (5).
9. The plan is to replace the twenty-year-old sign with a new, larger and higher, dual faced, static and electronic sign on the same footprint.
10. Sight soils and geology remain the same as when the original Church building was constructed twenty years ago.
11. No impact is seen to affect the site geology and or geological hazards.

E. Zoning and Development Code: Changing to a Mixed Use is in compliance with the city approved plans for the Patterson Road Corridor.

F. Development Schedule: Plan is to have the new sign installed and operational by April 2018.

Vicinity Map



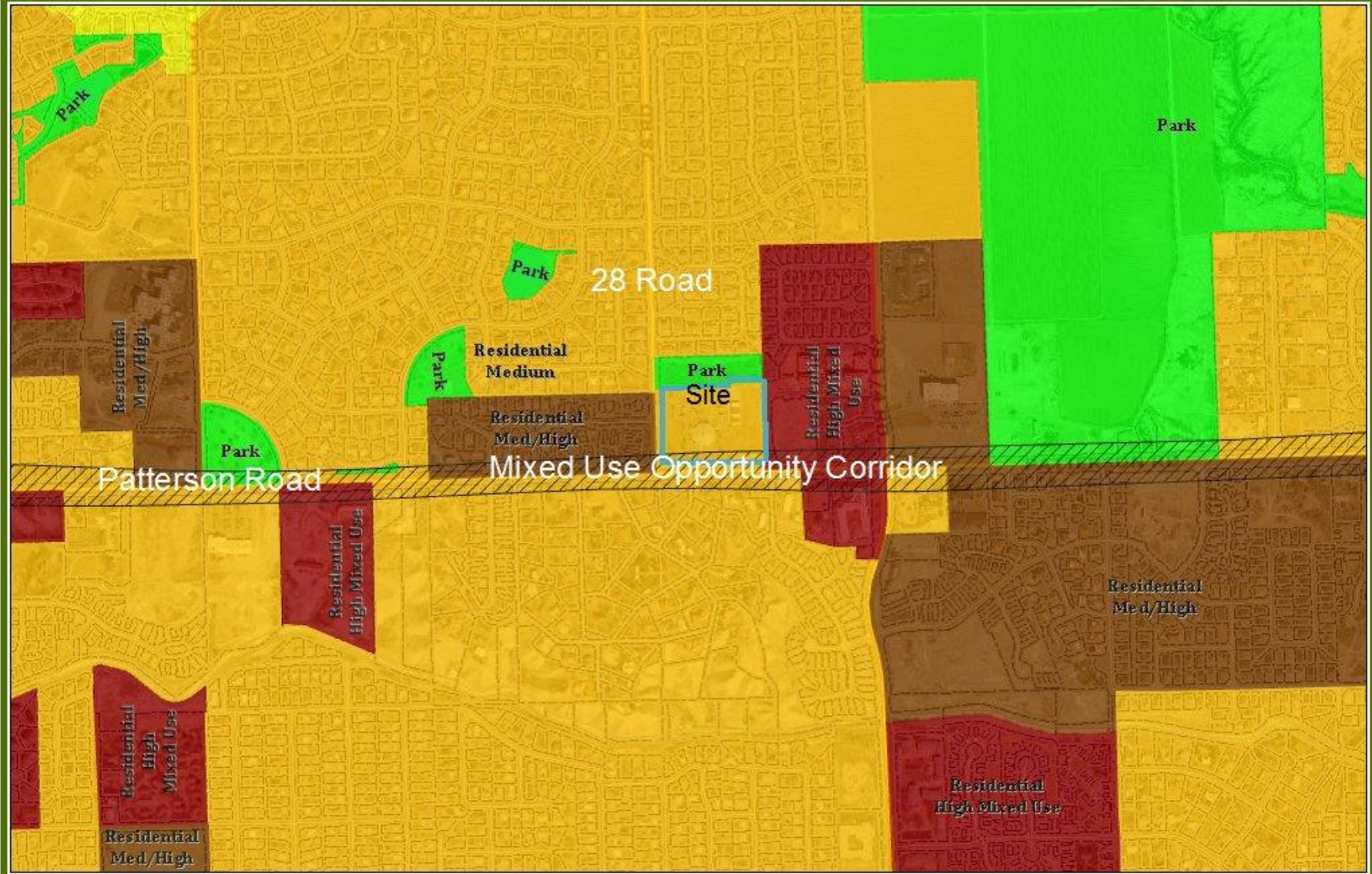
0 0.275 0.55
Miles

Printed: 10/18/2017

1 inch = 943 feet



Future Land Use Designation

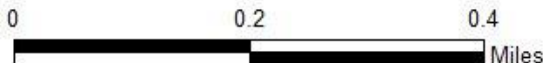
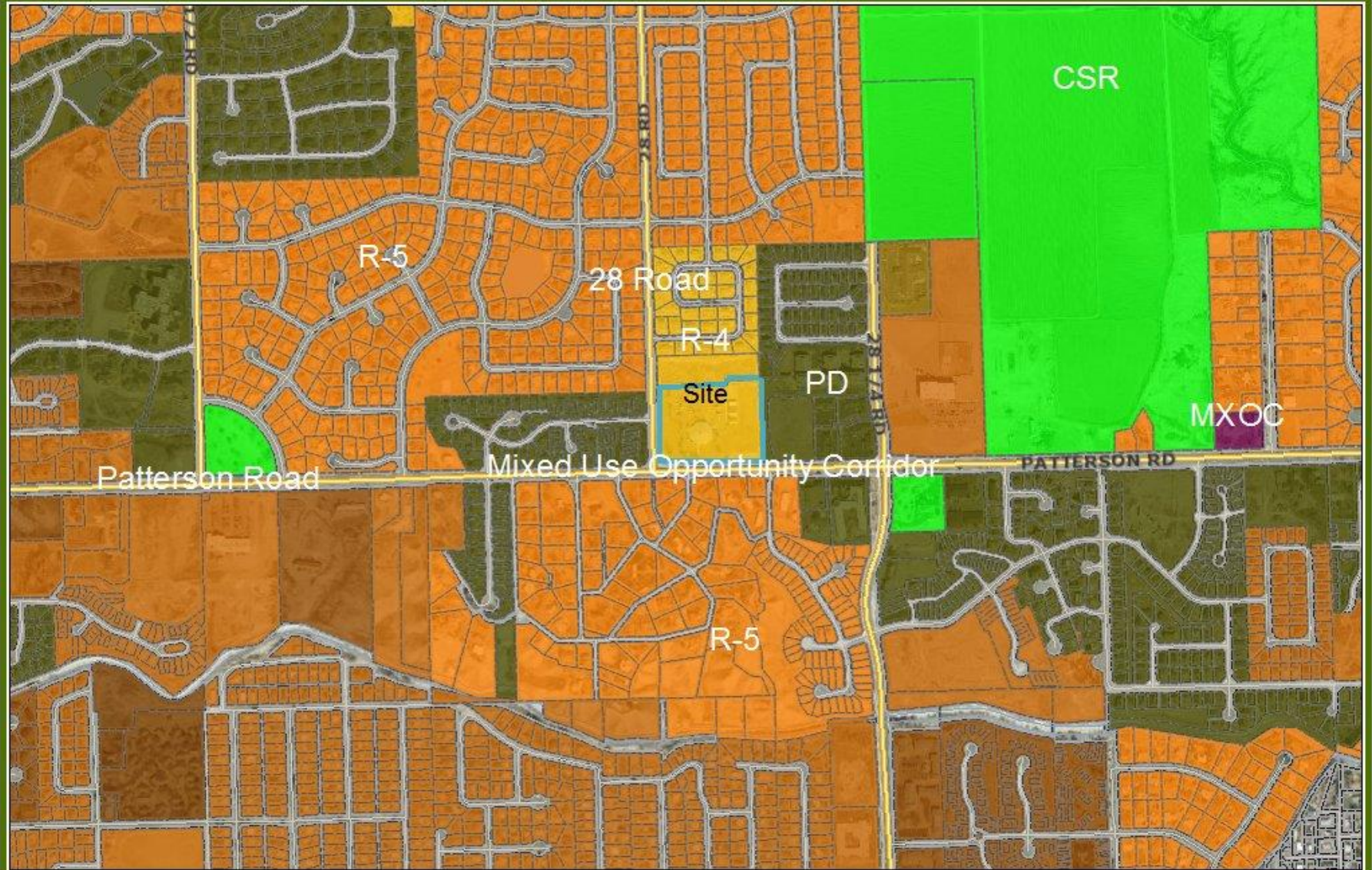


Printed: 11/21/2017

1 inch = 752 feet



Existing Zoning



Printed: 11/21/2017

1 inch = 752 feet



SITE PHOTOS



1st Church of Nazarene Looking Northwest from Patterson Road



1st Church of Nazarene Looking Northeast from Intersection of 28th and Patterson Road



1st Church of Nazarene Looking Northwest from Patterson Road



1st Church of Nazarene Looking southeast from 28th Road

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE REZONING PROPERTY LOCATED AT
2802 PATTERSON ROAD
FROM R-4 (RESIDENTIAL, 4 DU/AC) TO MXOC (MIXED USE OPPORTUNITY CORRIDOR)**

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 the rezoning proposed for the 1st Church of the Nazarene from an R-4 (Residential 4 dwelling units per acre) to MXOC (Mixed Use Opportunity Corridor) zone district, finding that it conforms to and is consistent with the Comprehensive Plan Future Land Use Map designation of Mixed Use Opportunity Corridor, 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 MXOC (Mixed Use Opportunity Corridor) 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, LOCATED AT 2802 PATTERSON ROAD, SHALL BE ZONED MXOC (MIXED USE OPPORTUNITY CORRIDOR):

BEG N 0DEG03'19SEC E 686.19FT & S 89DEG59'07SEC E 40FT FR SW COR SEC 6 1S 1E S
89DEG59'07SEC E 596.09FT S 0DEG01'54SEC W 636.03FT W 588.33FT N 45DEG W 11.33FT N
0DEG03'19SEC E 628.17FT TO BEG EXC NLY 2.49A TO CITY OF GJ IN B-2158 P-221/222 & EXC ROAD

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

Attach 3

Date: November 27, 2017Staff: Lori BowersFile #: CPA-2017-520 &RZN-2017-544

PLANNING AGENDA ITEM

Project Name: H Road Comprehensive Plan Future Land Use Map Amendment and Rezone

Applicants: Jerry Patterson and TEK Leasing, LLC

Representative: Kim Kerk

Addresses: 2202 and 2202 ½ H Road

Existing Zoning: MXG-3 (Mixed Use General-Low)

I. SUBJECT

Consider a request for a Comprehensive Plan Amendment and Rezone to change the Future Land Use Map designation from "Neighborhood Center Mixed Use" to "BPMP (Business Park Mixed Use)" and Rezone from MXG-3 (Mixed Use General-Low) to I-O (Industrial/Office Park) Zone District on two parcels of property totaling 8.59 +/- acres located at 2202 and 2202 ½ H Road.

II. EXECUTIVE SUMMARY

The Applicants, Jerry Patterson and TEK Leasing, LLC, are requesting an amendment to the Comprehensive Plan Future Land Use Map designation for properties located at 2202 and 2202 ½ H Road from "Neighborhood Center Mixed Use" to "Business Park Mixed Use" and to rezone the properties from MXG-3 (Mixed Use General-Low) to I-O (Industrial/Office Park) zone district on 8.59 acres, in anticipation of future development. The allowed uses in the MXG-3 zone district do not allow for outdoor storage which the properties owners would like to develop, which the I-O zone district does support. The requested rezone to I-O is currently not supported by the underlying Comprehensive Plan designation of Neighborhood Center which has resulted in a two-part request to first amend the current Comprehensive Plan designation to Business Park Mixed Use followed by a request to rezone the property to I-O.

III. BACKGROUND

The property located at 2202 H Road owned by Jerry Patterson consists of 4.99 acres. It is currently developed with a single family residence and a garage/hay barn. The parcel located at 2202 ½ H Road owned by TEK Leasing, LLC consists of 3.6 acres of vacant land. The parcels were annexed in 2007 and zoned to Mixed Use (M-U) at that time. When the 2010 Comprehensive Plan was adopted by the City, these parcels were designated as "Neighborhood Center Mixed Use" on the Future Land Use Map. Neighborhood Center Mixed Use is an area intended for limited employment, residential, open space and limited retail focused on uses that provide convenience items to the immediate neighborhood. In this designation, residential uses are encouraged to integrate with commercial uses. Upon adoption of the 2010 Comprehensive Plan, the properties retained the M-U zone district which resulted in an inconsistency with the Neighborhood Center designation because it allows manufacturing and production, industrial services, indoor operations and storage; contractors and trade shops, warehouse and freight movement, and wholesale sales. At that time none of these uses seemed appropriate and therefore the properties were rezoned to MXG-3 in 2011 to be in conformance with the Comprehensive Plan. Since the rezone to MXG-3, the Applicants have represented that they have seen interest in their property but the zoning is not compatible with how perspective buyers would like to use the land. The purpose of I-O zoning is to provide for a mix of light manufacturing uses, office park, limited retail and service uses in a business park setting with proper screening and buffering. These uses are uses that the property owners would like to be able to develop on their properties. Therefore, the request to amend the Future Land Use map to Business Park Mixed Use, and rezone the properties to I-O.

Surrounding the subject parcels, to the west is property zoned I-1 (Light Industrial), which is home to Diesel Services Inc. and a large contracting service building. To the southwest is property zoned C-2 and home to Junction West RV Park. Directly south is land zoned PUD in Mesa County and is leased to an oilfield

supply company. Directly north and south are properties zoned MXG-3, which is the current zoning of the subject parcels. This area is currently not pedestrian friendly and has heavy truck traffic.

The Applicants feel their properties have been passed on by potential buyers who would like to use the land for purposes other than the allowed uses in the MXG-3 (Mixed Use General) zone district. The MXG-3 zone district is a form based zone district that is intended to create pedestrian-friendly urban areas. The building form in this zone district is intended for ground floor office and personal services uses (but does not include sales, repair or entertainment oriented uses) with upper-story residential or offices.

Based on the desire of the Applicants to be able to develop/redevelop their properties for a use such as outdoor storage, it was discussed that the current Comprehensive Plan designation does not support rezoning to I-O, but that an amendment to the Comprehensive Plan may be considered to assign the properties a designation of "Business Park Mixed Use." In the opinion of staff, this would still meet the intent of the Comprehensive Plan to buffer the residential areas to the north from the heavier industrial uses to the west.

The Future Land Use Map designation of Business Park Mixed Use allows the zoning designations of R-8, R-12, R-16, R-24, R-O B-1 CSR, BP, and I-O. With these zoning designations, the category contemplates a mix of business, light industrial, employment-oriented areas with the allowance of multifamily development. The requested rezone to I-O is currently not supported by the underlying Comprehensive Plan designation of Neighborhood Center which is why this request has resulted in first a request to amend the current Comprehensive Plan designation to Business Park Mixed Use and subsequently to rezone the property to I-O.

Neighborhood Meeting:

The Applicants held a Neighborhood Meeting on October 18, 2017 at Appleton Elementary School. Four citizens attended the meeting. There were a few general questions about the description of the proposed Comprehensive Plan Amendment /Rezone to (BPMU Business Park Mixed Use/ I-O Industrial/Office Park). There was one objection to the requested rezone. The attendee in opposition expressed concerns about the sale of his own property having to compete with the rezoned properties, which he felt would make their property more attractive to potential buyers than his.

IV. ANALYSIS – Comprehensive Plan Amendment

Pursuant to Section 21.02.130 (Comprehensive Plan amendment) the City may amend the Comprehensive Plan if the proposed changes are 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 premise and findings; and/or

The subject properties are currently all within the Future Land Use category of Neighborhood Mixed use. Neighborhood Mixed Use contemplates limited employment, residential, open space and limited retail, focused on uses that provide convenience items for the immediate neighborhood. Residential uses are encouraged to integrate with commercial uses. The land that has developed around this pod of Neighborhood Mixed Use is much higher in intensity and currently supports a variety of light and heavier industrial types of uses that are inconsistent with the intent of the neighborhood mixed use designation. The Applicant's request is to amend the Comprehensive Plan to Business Park Mixed Use, is in keeping with the current and growing heavier industrial uses in this area. There will be approximately 23 +/- acres that will remain designated as a Neighborhood Center, surrounding the subject parcels on the north and the east. Staff finds 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 character and condition of the area has changed considerably. 22 Road from Highway 6 & 50 north to H 1/2 Road has seen a growth in businesses including the

addition of Grand Valley Rural Power and Ute Water Conservancy District. This request to amend the Comprehensive Plan is compatible with the existing uses in the vicinity. The request is not consistent with the current future land use plan, however, other elements of the plan, including those cited in Goal 3, Policy A, Goal 12 and Policy B (below) that support such concepts as ordered and balanced growth, being a regional provider of services and provision of appropriate commercial and industrial opportunities. Staff believes the character and condition of the area has changed and the amendment would further the written policies of the Plan. Staff therefore finds this criterion has been met.

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

Policy A: To create large and small “centers” throughout the community that provide services and commercial areas.

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

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

(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 properties and are sufficient to serve the future use as allowed with the BPMU future land use map category. There exists a 12-inch water line in 22 Road and 24-inch line in H Road. Sanitary Sewer is available at 22 and H Road, but would need to be extended between 70 feet up to 300 feet to the individual properties for service. Grand Valley Power is the electrical service provider for this area. Staff finds 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 the BPMU designated properties in this area. The closest area designated BPMU is adjacent to the Riverside Parkway, over five miles away, southeast of the subject parcels. By amending the Plan to BPMU there would be an additional area for this designation. Staff therefore finds that 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 amendment to Comprehensive Plan Future Land Use Map to Business Park Mixed Use will allow for the implementation of the plan through the rezone of the property to I-O (Industrial/Office) zone district. This zone district designation would in turn create an opportunity for storage or other commercial uses that are both consistent with the goals and policies of the plan as well as provides purportedly more immediate development potential. Some of the other possible uses allowed within the I-O zone district range from business residence, medical and dental clinics,

hotels and motels, general offices, auto repair, warehousing, contractor and trade shops, oil and gas support, outdoor storage and operations. The purpose of this zone is to provide for a mix of light manufacturing uses, office park, limited retail and service uses in a business park setting with proper screening and buffering, all compatible with adjoining uses. The ability to provide a land use designation that has a range of realistic development potential that is consistent with surrounding development provide both a community and area benefit, therefore Staff finds this criterion has been met.

This Comprehensive Plan amendment request is consistent with the following vision, goals and/or policies of the Comprehensive Plan

Future Land Use Map: Granting the amendment to the Comprehensive Plan Future Land Use Map and rezoning the parcels to I-O will allow the applicants to sell their land to potential buyers who were turned away for their proposed use as it was not consistent with what is allowed in an MXG-3 Zoning District. The proposed Comprehensive Plan amendment and the rezone supports the following goals and policies from the Comprehensive Plan.

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

Policy A: To create large and small “centers” throughout the community that provide services and commercial areas.

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

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

V. ANALYSIS – Rezone

Pursuant to Section 21.02.140, Code Amendment and Rezoning the City may rezone and amend the Comprehensive Plan if the proposed changes are 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 premise and findings; and/or

The Applicants’ request to amend the Comprehensive Plan to Business Park Mixed Use will allow for the rezone to I-O. I-O zoning allows uses that are complementary and consistent to the existing uses to the west and south. I-O zoning also supports light manufacturing uses, office park, limited retail and outdoor storage with proper screening and buffering. MXG-3 zoning is intended to be a mix of apartments, townhomes, multi-family uses with small neighborhood businesses. These are much less intense uses than what is in the area currently. This area currently serves as a base for businesses with large trucks and is not very pedestrian friendly as originally envisioned by the MXG zoning designation and as such works to invalidate the original premise that an MXB zone district category is an appropriate zone district for these properties. Staff finds 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 character and condition of the area has changed since 2010. 22 Road from Highway 6 & 50 north to H ½ Road has seen a growth in businesses including the addition of Grand Valley Rural Power and Ute Water Conservancy District. This rezone request is compatible with the existing uses in the vicinity. Assuming there is favorable consideration of the amendment of the plan to BPMU, this request will be consistent with Plan and reflective of the changing condition and character of the area, therefore, staff finds 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 properties and are sufficient to serve the future use of these properties. There exists a 12-inch water line in 22 Road and 24-inch line in H Road. Sanitary Sewer is available at 22 and H Road, but would need to be extended anywhere from 70 to 300 feet, to the individual properties for service. Grand Valley Power is the electrical service provider for this area. Staff finds 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

Most of the surrounding land in this area is still in unincorporated Mesa County. Of lands within the City limits, zoned I-O there are 458.19 acres, or 2% of the total zoned lands. There are 172.36 acres that remain vacant or 30% of the zoned land. Underutilized land, meaning that there may be a single-family residence on an I-O property make up about 28% of that land. Staff believes that because there is such a limited supply of available I-O zoned land that approximately 30% of it is vacant that there is an inadequate supply of this designated land. In further support, staff has heard anecdotally that I-O is a sought-after zoning designation as it provides for a range of uses that are currently in demand for development. Staff therefore find 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 I-O zone district would create an opportunity for storage or other commercial uses that the owners have been approached by potential buyers to develop. Examples of other possible uses within the I-O zone district range from business residence, medical and dental clinics, hotels and motels, general offices, auto repair, warehousing, contractor and trade shops, oil and gas support, outdoor storage and operations. The purpose of this zone is to provide for a mix of light manufacturing uses, office park, limited retail and service uses in a business park setting. In addition, I-O zoning has performance standards that require appropriate screening and buffering to adjacent properties. These performance standards help to transition the uses to possible residential and neighborhood type uses that will remain unchanged adjacent to the subject parcels.

In general, Staff believes the area will derive benefit from this proposed rezoning due to the type and variety of uses that are allowed within the I-O zone district as well as these uses being generally consistent and compatible with existing proximate uses to these properties. Staff therefore finds this criterion has been met.

This rezone request is consistent with the following vision, goals and/or policies of the Comprehensive Plan:

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

I-O zonings performance standards will require adequate screening and buffering for the adjacent properties that will remain MXG-3.

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

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

V. STAFF RECOMMENDATION AND FINDINGS OF FACT – COMPREHENSIVE PLAN AMENDMENT

After reviewing the H Road Comprehensive Plan Amendment and Rezone (CPA-2017-520 and RZN-2017-544), a request to amend the Future Land Use Map from "Neighborhood Center Mixed Use" to "Business Park Mixed Use" and Rezone the subject parcels from Mixed Use General-Low to Industrial/Office Park Zone District on 8.59 +/- acres, the following findings of fact have been made:

4. In accordance with Pursuant to Section 21.02.130 of the Grand Junction Municipal Code, the requested amendment to the Comprehensive Plan has met Criteria 1, 2, 3, 4 and 5 and the requested amendment to the Comprehensive Plan is consistent with the goals and policies of the Comprehensive Plan;
5. In accordance with Sections 21.02.140 of the Grand Junction Municipal Code, the requested rezone has met Criteria 1, 2, 3, 4, and 5 have been met and the requested rezone is consistent with the goals and policies of the Comprehensive Plan;

Therefore, staff recommends approval of the request to amend the Comprehensive Plan Future Land Use Map from "Neighborhood Center Mixed Use" to "Business Park Mixed Use" and Rezone the properties located at 2202 and 2202 ½ H Road from Mixed Use General-Low (MXG-3) to Industrial/Office Park (I-O) Zone District.

VI. RECOMMENDED MOTION

The Planning Commission may approve, approve with conditions, deny or continue these requests. Staff recommends the Planning Commission consider two separate motions for the consideration of the two-part request for the amendment of the Comprehensive Plan and the Rezone, as follows:

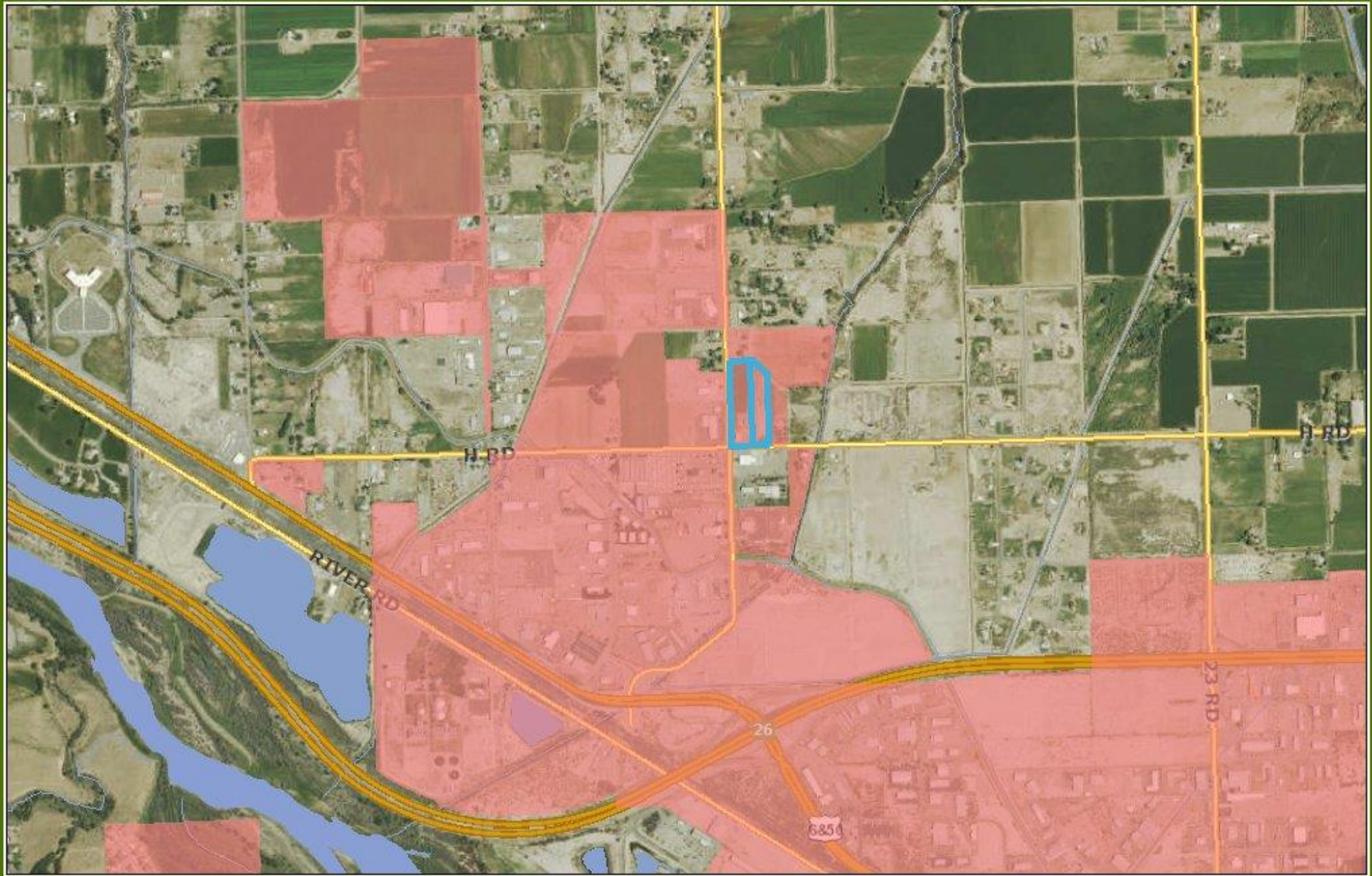
Madam Chairman, on the request to amend the Comprehensive Plan as presented in file CPA-2017-520, I move that the Planning Commission forward a recommendation of approval for a Comprehensive Plan Amendment to change the Future Land Use Map designation from "Neighborhood Center Mixed Use" to "Business Park Mixed Use" on the 8.59 +/- acres located at 2202 and 2202 ½ H Road with the findings of fact as listed in the staff report.

Madam Chairman, on the request to Rezone the subject parcels as presented in file RZN-2017-544, I move that the Planning Commission forward a recommendation of approval for a Rezone to Rezone from MXG-3 (Mixed Use General-Low) to I-O (Industrial/Office Park) Zone District on the 8.59 +/- acres located at 2202 and 2202 ½ H Road with the findings of fact as listed in the staff report.

Attachments:

8. Vicinity Map
9. Site Location Map
10. Comprehensive Plan Future Land Use Map
11. Existing Zoning Map
12. Site Photograph
13. Proposed Resolution
14. Proposed Zoning Ordinance

2202 and 2202 1/2 H Road Vicinity Map with City Limits (pink)



Printed: 11/22/2017

1 inch = 1,433 feet

Site Location Map

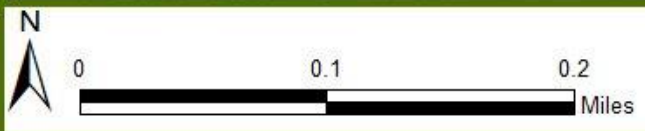
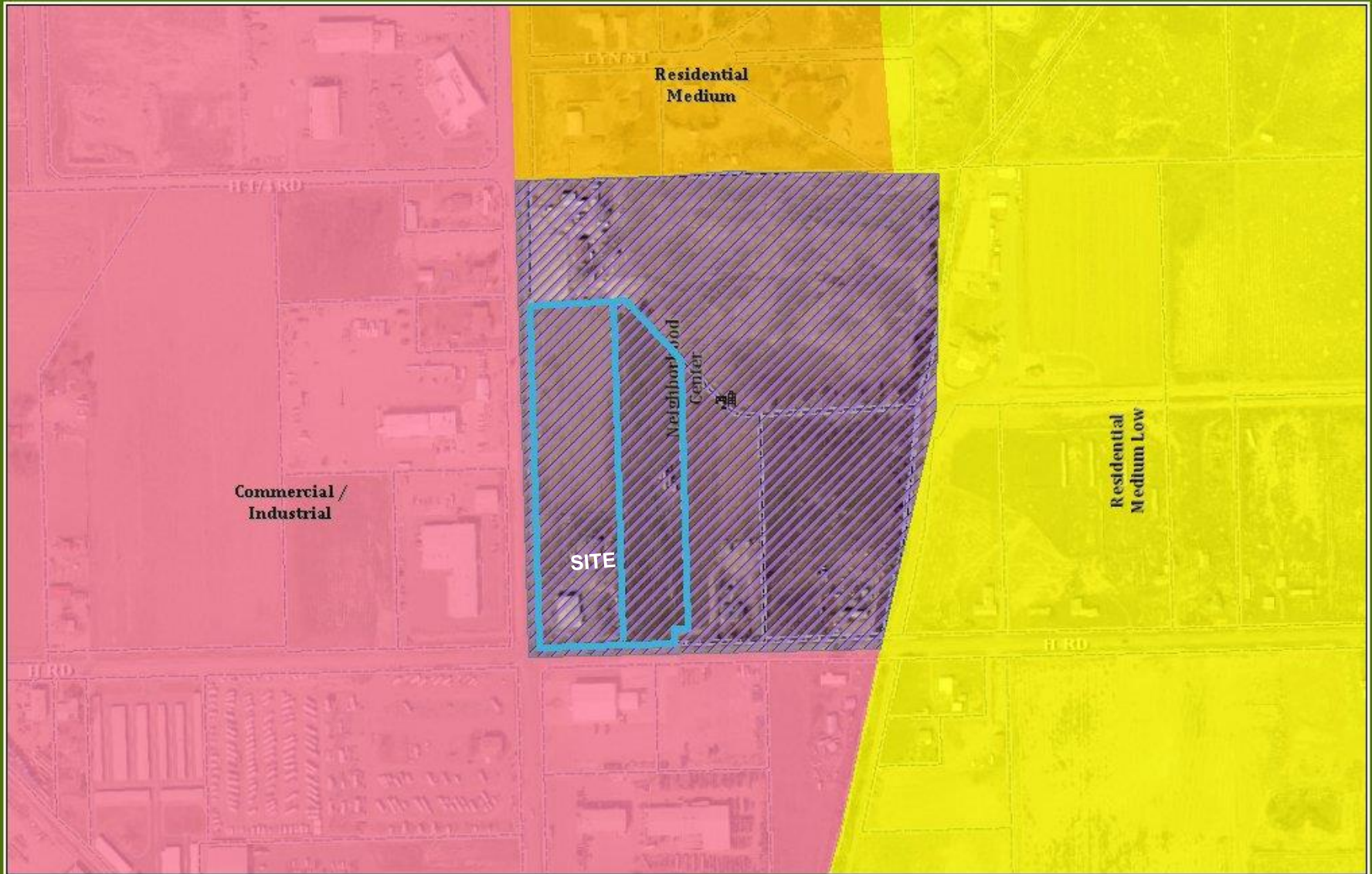


Printed: 11/22/2017

1 inch = 358 feet



Future Land Use Map

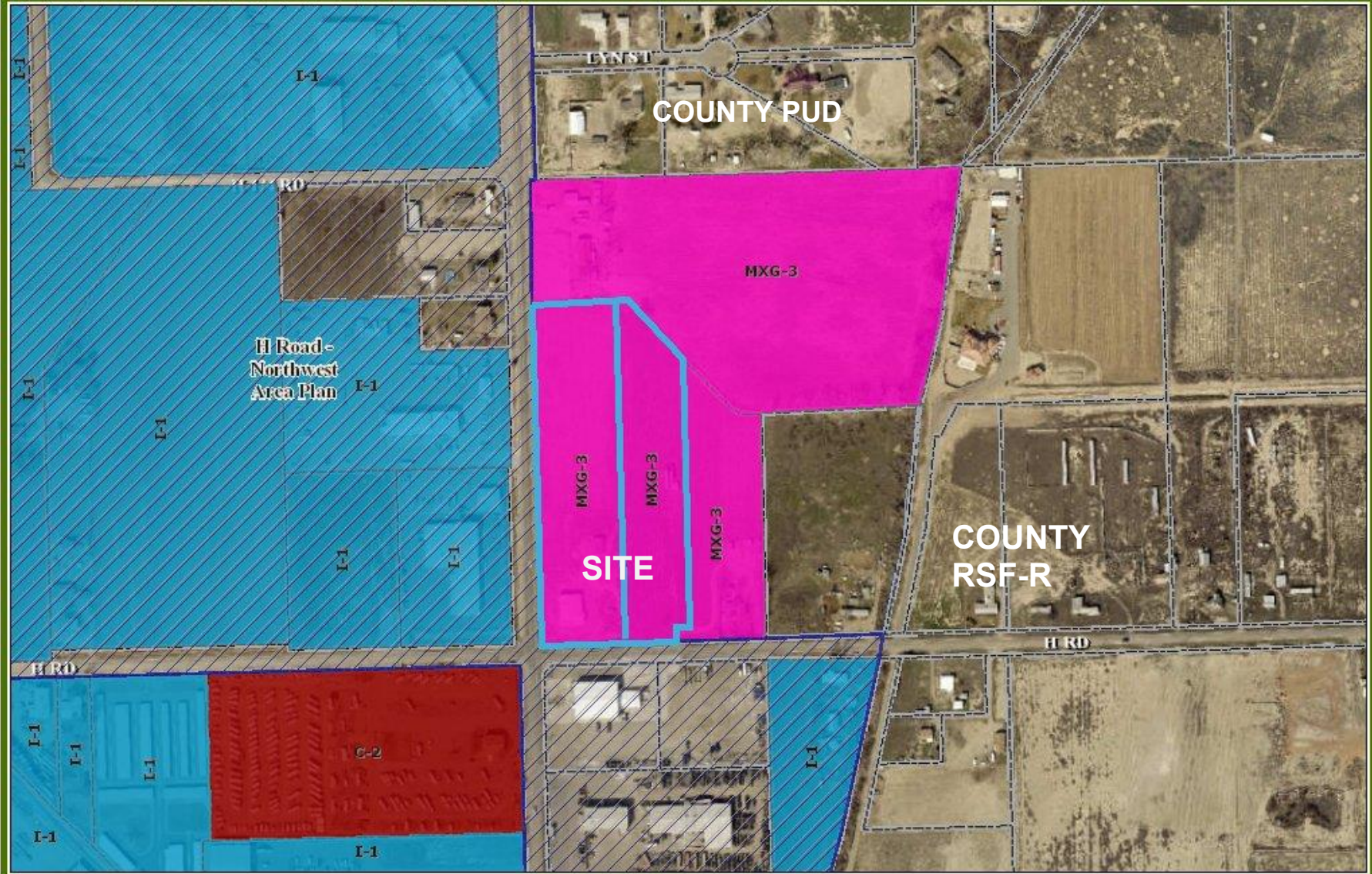


Printed: 11/22/2017

1 inch = 358 feet



Existing Zoning Map



Printed: 11/22/2017

1 inch = 358 feet



2202 H Road – View to the North



2202 H Road – View to the Southeast



2202 1/2 H Road – View to the Southeast



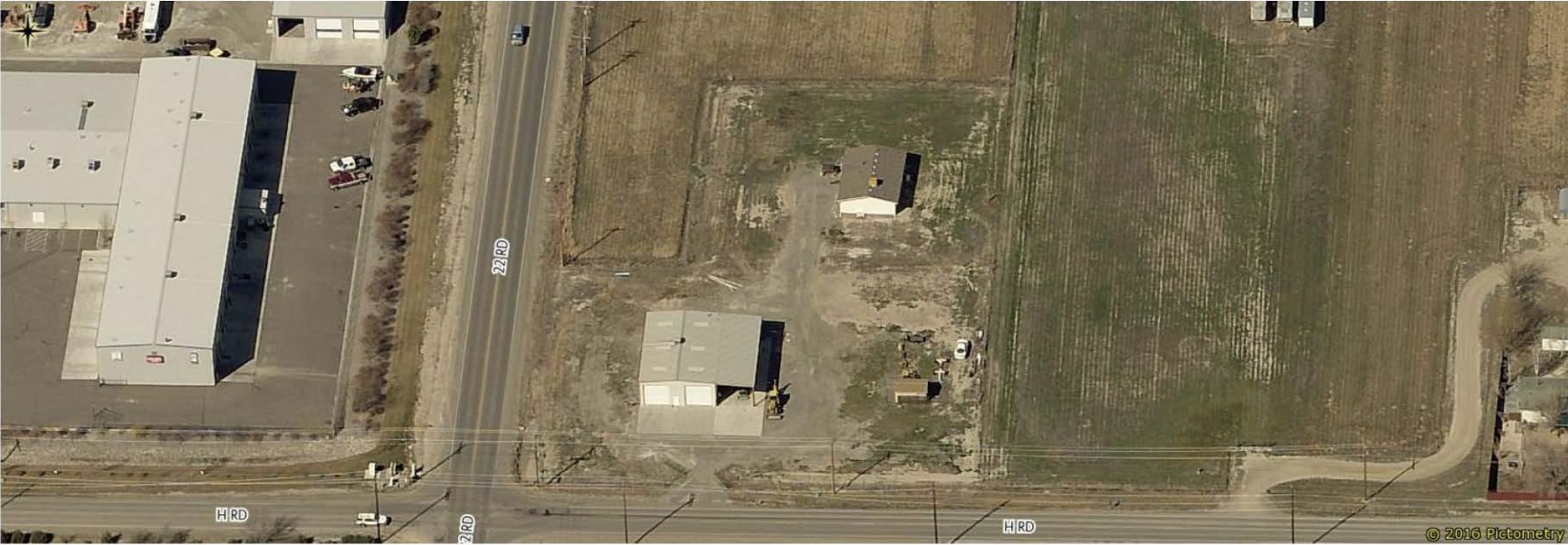
2202 1/2 Road – View to the Northeast



2202 H Road – View to the Southwest

Overhead View of Site

picture of site



03/10/2016

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

A RESOLUTION AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP OF THE CITY OF GRAND JUNCTION FROM NEIGHBORHOD CENTER MIXED USE TO BUSINESS PARK MIXED USE

LOCATED AT 2202 AND 2202 1/2 ROAD

Recitals:

A request for a Comprehensive Plan Future Land Use Map Amendment has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately 8.59 +/- acres, located at 2202 and 2202 1/2 Road be redesignated from Neighborhood Center Mixed Use to Business Park Mixed Use on the Future Land Use Map.

In a public hearing, the City Council reviewed the request for the proposed Comprehensive Plan Future Land Use Map Amendment and determined that it satisfied the criteria as set forth and established in Section 21.02.130 of the Zoning and Development Code and the proposed amendment is consistent with the purpose and intent of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REDESIGNATED FROM NEIGHBORHOOD CENTER MIXED USE TO BUSINESS PARK MIXED USE ON THE FUTURE LAND USE MAP.

PARCEL A REIGAN SIMPLE LAND DIVISION SEC 30 1N 1W - 5.00AC AND LOT 1 RAM'S SUBDIVISION SEC 30 1N 1W - 3.6AC.

Said parcels contain 8.6 +/- acres, more or less, as described.

PASSED on this _____ day of _____, 2017.

ATTEST:

City Clerk

President of Council

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE ZONING PROPERTIES LOCATED AT
2202 and 2202 1/2 H ROAD
I-O (Industrial/Office Park)**

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 parcels located at 2202 and 2202 1/2 H Road from MXG-3 (Mixed Use General-Low) to I-O (Industrial/Office Park) Zone District on 8.59 +/- acres 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 I-O 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 WHICH IS COMPRISED OF TWO PARCELS SHALL BE ZONED I-O (INDUSTRIAL OFFICE):

PARCEL A REIGAN SIMPLE LAND DIVISION SEC 30 1N 1W - 5.00AC AND LOT 1 RAM'S SUBDIVISION SEC 30 1N 1W - 3.6AC. TOTALING 8.6 ACRES.

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

Attach 4



Date: Nov 27, 2017
 Staff: Lori V. Bowers
 File #: VAC-2017-516

PLANNING COMMISSION AGENDA ITEM

Project Name: Alley Right-of-Way Vacation for Hilton Tru Hotel
Applicant: Western Hospitality, LLC
Representative: Kevin Reimer
Address: 243 Colorado Avenue
Zoning: B-2 (Downtown Business)

I. SUBJECT

Consider a request to vacate the 20-foot wide alley right-of-way of Block 123 of the original townsite (between 2nd and 3rd Streets), between Colorado Avenue and Ute Avenue while retaining utility easements and cross access easements for service and emergency responders. This request has been brought forth by Western Hospitality, LLC to be able to implement the proposed site plan for a new hotel (Hilton Tru) at 243 Colorado Avenue.

II. EXECUTIVE SUMMARY

The Applicant, Western Hospitality, LLC is requesting to vacate the entire alley right-of-way of Block 123 of the original townsite (between 2nd and 3rd Streets), between Colorado Avenue and Ute Avenue while retaining utility easements and cross access easements for service and emergency responders This request has been brought forth to be able to help facilitate the implementation of the Applicant's preferred site plan for a new hotel (Hilton Tru) at 243 Colorado Avenue. The Alley vacate request pertains to the entire east-west alley right-of-way, in Block 123.

III. BACKGROUND

The Applicant has assembled approximately 1.2 acres of currently vacant land to develop a new hotel. The properties combined form a reverse "L" shape, with the southernmost property line bounding Ute Avenue, and the western most property line bounding 2nd Street. The proposed alley vacation will facilitate the Applicant's desired traffic flow for the new hotel parking lot. The Applicant plans on fencing the parking lot to increase security and safety for hotel guests and their vehicles. Currently there is significant transient foot traffic through this area. Utility easements will be provided along with cross-access easements for service and emergency responders.

A Neighborhood Meeting was held on September 20, 2017. Three neighbors (adjacent property owners) were present at the meeting. The Applicant also indicated that they had spoken in person, by phone, and by email with other property owners adjacent to the alley regarding the proposal. All comments were supportive of the proposal and did not object to the alley vacation.

IV. ANALYSIS

Pursuant to Section 21.02.100 of the Zoning and Development Code, the vacation of public right-of-way shall conform to the following:

- a. *The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.*

The proposed alley vacation is supported by the following Goals and Policies of the Comprehensive Plan.

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

Policy C: The City and Mesa County will make land use and infrastructure decisions consistent with the goal of supporting and encouraging the development of centers.

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

Policy A: The City and County will support the vision and implement the goals and actions of the Downtown Strategic Plan.

The Grand Valley Circulation Plan does not address alley right-of-ways, but neither of the adjacent streets will be impacted by the alley vacation.

This request conforms with the Comprehensive Plan, the Grand Valley Circulation Plan and other adopted plans of the City. Staff therefore finds this request conforms with this criterion.

b. No parcel shall be landlocked as a result of the vacation.

The request to vacate the entire Alley in Block 123, will not leave any parcel landlocked. Properties will continue to have access from Colorado Avenue and Ute Avenue, therefore, staff finds this request conforms with this criterion.

c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.

No access to any parcel will be restricted as all properties will continue to have access from Colorado Avenue and Ute Avenue. Access easements for service and emergency responders shall be provided. Staff has found this request conforms with this criterion.

d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

This request was sent as a referral to both the Fire Department and Police Department for review and comment. The Fire Department provided they do not object to the alley vacation and noted that they will be able to continue to provide adequate emergency access to the properties within this block. The Police Department had no comments on the alley vacation. Therefore, there shall be no adverse impacts on the health, safety, and/or welfare of the general community. The quality of public facilities and services provided to any parcel of land will not be reduced as a result of this vacation request; therefore, this request conforms with this criterion.

e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Municipal Code.

All existing easements and services located within the right-of-way shall be retained, and/or provided as necessary therefore, this request conforms with this criterion.

f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

New underground utilities will help clean up the appearance of the alley and improve vehicular access. The City will be relieved of any future maintenance of this alley. Staff finds this request conforms with this criterion.

V. STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing VAC-2017-516, a request to vacate the entire alley right-of-way and maintain existing easements and cross access easements for safety and emergency responders, the entire east-west alley right-of-way of Block 123, First Division, Resurvey, Town of Grand Junction Plat the following findings of fact have been made:

1. The proposal conforms with Section 21.02.100 (c) of the Grand Junction Zoning and Development Code.

Therefore, staff recommends approval of the request to vacate the subject alley right-of-way and retain existing easements and provide access easements for service and emergency responders.

VI. RECOMMENDED MOTION

Madam Chairman, on the request to vacate the alley right-of-way and retain easements and provide access easements for safety and emergency responders within the vacated east-west alley, between 2nd and 3rd Streets south of Colorado Avenue, Block 123, First Division, Resurvey, Town of Grand Junction Plat, file number VAC-2017-516, I move that the Planning Commission forward a recommendation of approval with the findings of fact as listed in the staff report.

Attachments:

15. Vicinity Map
16. Site Location Map
17. Proposed Ordinance

Vicinity Map



Printed: 11/28/2017

1 inch = 188 feet



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE VACATING THE EAST-WEST ALLEY RIGHT-OF-WAY
BETWEEN 2ND AND 3RD STREETS, SOUTH OF COLORADO AVENUE**

Recitals:

Having assembled approximately 1.2 acres of undeveloped land, the combined properties form a reverse "L" shape, with the southernmost property line bounding Ute Avenue, and the western most property line bounding 2nd Street. The eastern portion ends mid-block. These properties abut the subject alley right-of-way. The proposed alley vacation will facilitate better traffic flow for the new hotel parking lot. The parking lot will be fenced to increase security and safety for hotel guests and their vehicles. Utility easements will be retained and access for utility and public safety providers will be provided. The ability to consolidate the number of trash dumpsters in the alley will help the overall appearance and functionality of the alley.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, and upon recommendation of approval by the Planning Commission, the Grand Junction City Council finds that the request to vacate the alley right-of-way and retain the easements within the subject alley, is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING DESCRIBED DEDICATED RIGHT-OF-WAY IS VACATED AND THE VACATED ALLEY IS RETAINED AS A UTILITY EASEMENT:

A 20-foot strip of alleyway, situate in Block 123, First Division, Resurvey, Town of Grand Junction recorded under Reception No. 3206, adjoining Lots 1-32, inclusive. Said strip contains 0.16 acres more or less, as depicted on Exhibit A attached.

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

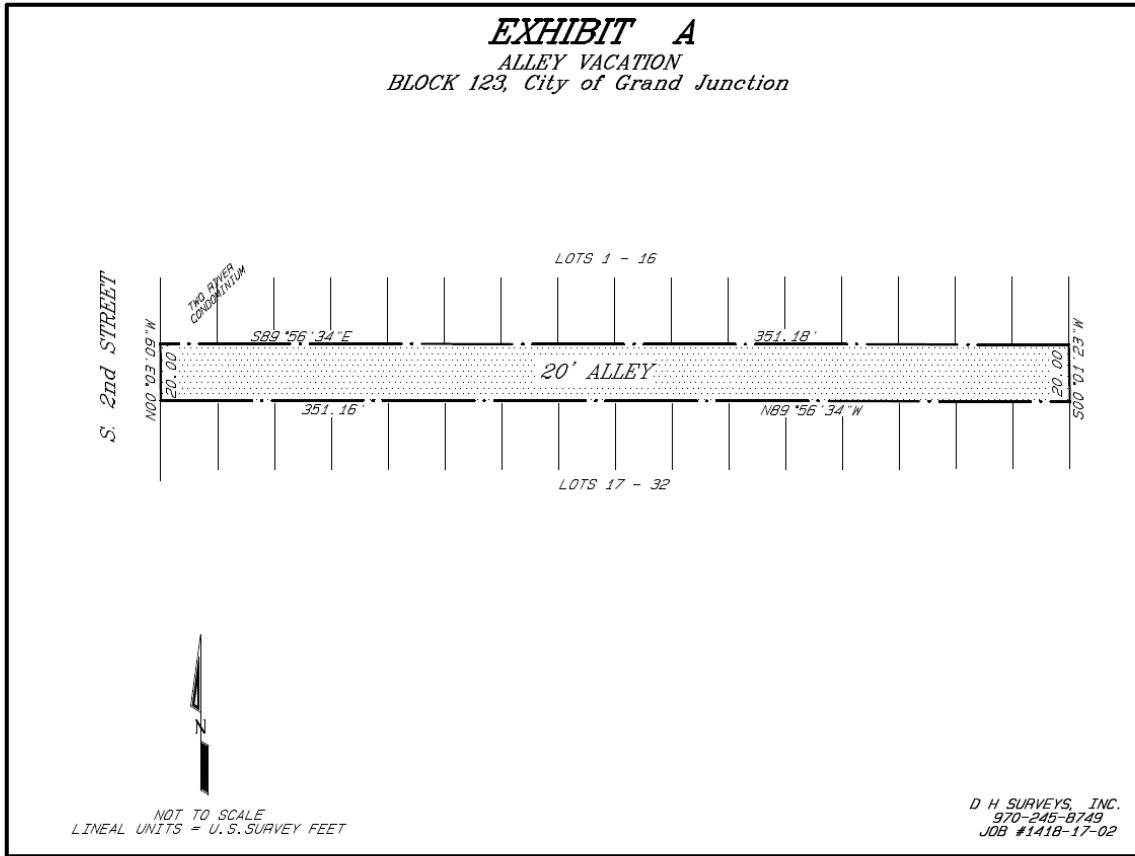
Adopted on second reading this _____ day of _____, 2017 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor

Exhibit A



ALLEY VACATION DESCRIPTION

A 20-foot strip of alleyway, situate in Block 123, First Division, Resurvey, Town of Grand Junction recorded under Reception No. 3206, adjoining the following lots;

Lots 1 – 32, inclusive.

Said strip contains 0.16 acres more or less.

Attach 5



Date: November 22, 2017
 Staff: Kathy Portner
 File #: ZCA-2017-580

PLANNING COMMISSION AGENDA ITEM

Project Name: Amending Various Sections of the Zoning and Development Code
Applicant:Community Development Director
Representative:Kathy Portner
Addresses:N/A
Existing Zoning:N/A

I. SUBJECT

Consider a request to amend various sections of the Zoning and Development Code regarding administration and procedures, setbacks, cluster development, fences and flood damage prevention.

II. EXECUTIVE SUMMARY

The Applicant is requesting amendments to various sections of the Zoning and Development Code to address issues of relevancy, clarity, organizational changes and other minor corrections. The proposed changes include changes to Chapters 2, 3, 4 and 7 of the Zoning and Development Code.

III. BACKGROUND

General descriptions of the proposed amendments are proposed as follows. The specific proposed redlines of these Code sections are provided in Attachment A.

General

Since the original adoption of the Zoning and Development Code, the structure of the Department has changed from the Public Works and Planning Department to the Community Development Department. The proposed amendment would replace all references to the Public Works and Planning Department and/or Director with the Community Development Department and/or Director.

21.02 Administration and Procedures

Section 21.02.070(a)

Proposed changes to Section 21.02.070(a) include formatting changes and the deletion of “Building Permits” from Section 21.02.070(a)(8)(i) showing expiration of permits, since Building Permits are issued by the Mesa County Building Department and can often times be extended for periods greater than 180 days.

Section 21.02.070(l)

Proposed changes to Section 21.02.070(l) Administrative Adjustment clarifies the criteria to be used in considering a request for a 10% deviation from bulk standards, including setbacks for additions and construction errors. It also modifies the existing provision allowing the Director to permit an accessory structure in a front yard or side yard of a corner lot to allow an accessory structure in any setback, including fences and retaining walls, subject to specific criteria.

Section 21.02.200

Proposed revisions to Section 21.02.200, Variances, consolidates the criteria and deletes redundancy and clarifies that all of the criteria must be met for a variance to be granted.

21.03 Zoning Districts

Section 21.03.030(d)(2)(xiii)

The proposed change to section 21.03.030(d)(2)(xiii) is to correct an error to one of the allowed encroachments into a required setback. This section allows for uncovered terraces, patios and porches to extend into a required setback up to 6 feet, but no closer than 3 feet to a property line. The proposed amendment clarifies that the allowed 6 feet encroachment is into the setback and it corrects the inconsistency in the text that states “uncovered, unenclosed terraces, patio ‘covers’ or porches...” by deleting the term “covers”.

Section 21.03.060.

The proposed changes to 21.03.060 Cluster Provisions include corrections to the table showing examples of lot size modifications allowed based on percentage of open space provided. The specific equation used to calculate lot size is also added and is the example of the formula already provided and maintained in the Code.

21.04 Uses

Section 21.04.040(i)

This proposed amendment deletes the section allowing the Director to increase the allowable fence height, with or without a retaining wall, and places that provision in Section 21.02.070(l) as an Administrative Adjustment.

21.07 Special Regulations

Section 21.07.010

In 2012, the City adopted floodplain management regulations in accordance with minimum standards established by the National Flood Insurance Program (NFIP) and the State of Colorado. Guidance was provided by the Colorado Water Conservation Board with a model ordinance. In a side-by-side comparison, staff found the section specific to Recreational Vehicles includes two significant deviations. One is a prohibition of Recreational Vehicles being located in a special flood hazard area between April 1st and June 30th of each year. Since that prohibition is not in the model ordinance staff are proposing to delete it, finding that all the other regulations in place provide adequate protection. The other proposed amendment appears to be a scrivener’s error where “and” was used rather than “or” between sections that detail requirements as a temporary structure versus a permanent structure.

IV. ANALYSIS

In accordance with Section 21.02.140(c), an Application for an amendment to the text of this Code shall address in writing the reasons for the proposed amendment. No further criteria for review is provided. Staff has provided reasoning for the proposed amendments in Section III. Background of this staff report.

V. STAFF RECOMMENDATION AND FINDINGS OF FACT

Staff finds that the proposed amendments to the Zoning and Development Code are necessary to provide consistency and clarity to the Code provisions and therefore recommends approval.

VI. RECOMMENDED MOTION

Madam Chairman, on the Zoning and Development Code Amendments, ZCA-2017-580, I move that the Planning Commission forward a recommendation of approval finding that the amendments are necessary to provide consistency and clarity to the Zoning and Development Code.

Attachments:

- A. Redlines of Zoning and Development Code Sections
- B. Proposed Ordinance

Attachment A

General

Find and replace all references to the Public Works and Planning Department and/or Director with the Community Development Department and/or Director.

21.02 Administration and Procedures

21.02.070 Administrative development permits.

(a) **Common Elements of Administrative Development Permits.**

~~(7) Appeals and Amendments. The Director's decision is final unless the Director receives written appeal within 10 working days of the date the City's records show the notice of decision was mailed. A permit shall be amended through the process it was originally approved.~~

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(8) Appeals. An aggrieved party may appeal the Director's decision by submitting a written appeal within 10 working days of the Director's decision.

21.02.070 Administrative development permits.

(a) **Common Elements of Administrative Development Permits.**

(8) Validity.

(i) Administrative permits shall expire after the issue date according to the following table:

Permit Type	Expiration
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Minor and Major Site Plans	Two years

21.02.070 Administrative development permits.

(l) **Administrative Adjustment.**

(1) The Director may permit ~~up to a 10 percent~~ deviation from any bulk standard, ~~including maximum building size,~~ upon a finding of compliance with the ~~goals and policies of the Comprehensive Plan criteria as set forth in this section.~~ The purpose of this process is to permit inconsequential deviations from the zoning district bulk standards where deviation(s) are desirable but cannot be accommodated through a strict application of the bulk standards.

~~(2) — The Director may permit an accessory structure in a required front yard or the side yard of a corner lot upon a finding of compliance with the criteria of GJMC 21.02.200, Variance.~~

~~(3) — An administrative adjustment shall be granted only when the applicant establishes that all of the following criteria are satisfied.~~

(i) Additions. Requests for an administrative adjustment to accommodate an addition to an existing structure shall comply with all of the following:

(A) Conforming locations for the addition are impractical, significantly more expensive or have a significant adverse impact on the site plan in terms of overall site design or relationships between site plan elements including, but not limited to, structures, patios, driveways and landscaping;

(B) The location of the addition represents a logical extension of the existing floor plan in terms of function and design;

(C) The location of the addition does not result in the creation of unsafe conditions or create circulation conflicts;

(D) The exterior design of the addition represents a logical extension of the existing structure and is consistent with the design of the existing structure;

(E) Site and structural design elements of the addition shall be considered. Such elements include, but are not limited to:

a. Height of the addition relative to neighboring structures;

b. The location, number and size of windows, doors, porches, balconies and outdoor lights;

c. The location of patios and walkways;

d. The location, size and types of hedges, walls and fences; and

e. The level of privacy to occupants of both neighboring properties and the addition. Such privacy shall be equal to or greater than that provided if the addition were located within the required setback;

~~(F) The addition complies with all building, fire and other adopted codes and policies;~~

(G) The requested deviation is only 10 percent or less; and

(H) The deviation shall not result in physical encroachment into an easement, right-of-way or neighboring property.

(ii) Construction Errors. Requests for an administrative adjustment to accommodate a construction error shall comply with all of the following:

~~(A) All of the criteria applicable to additions~~ Complies with all building, fire and other adopted codes and policies;

~~(B) The requested deviation is only 10 percent or less;~~

~~(C) The deviation shall not result in physical encroachment into an easement, right-of-way or neighboring property;~~

~~(B)(D)~~ The error shall have been inadvertent; and

~~(C)(E)~~ The contractor responsible for the error shall not have been the recipient of another approved administrative adjustment in the past three years.

(2) The Director may permit a fence or retaining wall that are considered structures, in a required setback upon the finding that:

(a) There are unique or unusual conditions pertaining to the specific building or property; and

(b) The granting of an adjustment would not be materially detrimental to the property owners in the vicinity.

(c) The deviation shall not result in physical encroachment into an easement, right-of-way or neighboring property.

~~(4)~~ (3) Decision-Maker.

(i) The Director shall approve, approve with conditions or deny all requests for an administrative adjustment.

~~(ii) Appeals from the Director shall be processed as a variance using the procedures provided in GJMC 21.02.200, but with the review criteria provided herein.~~

~~(5) (4) Application and Review Procedure. Application requirements and processing procedures are described in subsection (a) of this section. In addition, the applicant shall provide proof that the requested administrative adjustment does not conflict with any recorded covenants applicable to the property, or demonstrate in writing that the entity responsible for enforcing the covenants has approved the requested deviation. In the event there is no single entity responsible for enforcing the covenants, and the requested administrative adjustment does not conform to the covenants, the applicant shall provide a written statement acknowledging the inconsistency and that he/she shall indemnify and hold the City harmless for any action, damages claims or suits brought in the event the administrative adjustment is approved.~~

21.02.200 Variance.

(a) **Purpose.** The purpose of this section is to provide a process for consideration of variances from the certain standards of the Code.

(b) **Applicability.**

~~(1) A variance may be requested for a departure from The Director may approve variances of up to 10 percent of any bulk requirement. Requests for variance to the bulk standards, that are greater than 10 percent and variances to the performance or use specific standards of Chapter 21.04 GJMC, all overlay district regulations of Chapter 21.07 GJMC, excluding corridor overlay districts, and the sign regulations of Chapter 21.06 GJMC shall be heard by the Zoning Board of Appeals. Planning Commission shall hear variances to all other standards, unless otherwise specified.~~

(2) Variances shall not be ~~heard or granted~~ requested for:

(i) The establishment or expansion of a use in a district in which such use is not permitted by this code;

(ii) Residential development which would result in an increase in density greater than that permitted in the applicable zoning district; and

(iii) Changes or modifications to any definition contained in this code.

(c) **Approval Criteria.**

~~(1) Variance Requests from Bulk, Performance, Use Specific and Other Standards. A variance is not a right. It may be granted to an applicant only if the applicant establishes that strict adherence to the code will result in practical difficulties or unnecessary hardships because of site characteristics that are not applicable to most properties in the same zoning district. The following criteria shall be used to consider variances from the bulk, performance and use specific standards contained in Chapter 21.04 GJMC.~~

A variance may be granted only if the applicant establishes that all of the following criteria have been met:

- (i) ~~Hardship Unique to Property, Not Self Inflicted.~~—There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;
- (ii) ~~Special Privilege.~~—The variance shall not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;
- (iii) ~~Literal Interpretation.~~—The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;
- (iv) ~~Reasonable Use.~~—The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;
- (v) ~~Minimum Necessary.~~—The variance is the minimum necessary to make possible the reasonable use of land or structures;
- (vi) ~~Conformance with the Purposes of this Code.~~—The granting of a variance shall not conflict with the purposes and intents expressed or implied in this code; and
- (vii) ~~Conformance with Comprehensive Plan.~~—The granting of a variance shall not conflict with the goals, policies and guiding principles of in the City's Comprehensive Plan.

(d) Decision-Making

(1)A variance from bulk standards, performance or use specific standards of Chapter 21.04 GJMC, all overlay district regulations of Chapter 21.07 GJMC, excluding corridor overlay districts, and the sign regulations of Chapter 21.06 GJMC shall be heard and decided by the Zoning Board of Appeals.

(2)Variances to all other standards, unless otherwise specified, shall be heard and decided by the Planning Commission.

21.03 Zoning Districts

21.03.030(d) Setbacks.

(2) Exceptions and Permitted Encroachments. The following features may encroach into required setbacks:

(xiii) Uncovered, unenclosed terraces, patios ~~covers~~ or porches, not to exceed six feet into the setback, but in no case closer than three feet to any property line;

21.03.060 Cluster Development

(c) Unless provided otherwise by the subdivision approval, cluster subdivisions must meet the following standards:

- (1) Twenty percent of the gross acreage must be open space.
- (2) The minimum lot size is the percentage of open space of total acres of the entire development multiplied by 1.5. The minimum lot size requirement of the underlying zoning district may then be reduced by the resulting percentage. Minimum lot size shall also be subject to other provisions, such as GJMC [21.07.020\(f\)](#), Hillside Development, which might further restrict lot size. The following table provides example lot sizes based on various open space reservations.

Minimum Lot Size = (existing min. lot size) – (% open space x 1.5 x existing min. lot size)

- (3) In no event shall any lot be less than 3,000 square feet.
- (4) Bulk standard requirements for clustered lots are those of the district which has the closest lot sizes. For example, if an R-2 district is developed with 30 percent open space then the bulk requirements of the R-4 district apply.
- (5) The bulk standards of the R-8 district apply to every lot of less than 4,500 square feet.

	Min. Req. Lot Size	20 Percent Open Space	30 Percent Open Space	50 Percent Open Space	66 Percent Open Space
R-R	5 acres	3.5 acres	2.75 acres	1.25 acres	3,000 sq. ft.
R-E	1 acre	30,492 sq. ft.	23,958 sq. ft.	16,890 sq. ft.	3,000 sq. ft.
R-1	30,000 sq. ft.	21,000 sq. ft.	16,500 sq. ft.	7,500 sq. ft.	3,000 sq. ft.
R-2	15,000 sq. ft.	10,500 sq. ft.	8,250 sq. ft.	3,750 sq. ft.	3,000 sq. ft.
R-4	7,000 sq. ft.	4,900 sq. ft.	3,850 sq. ft.	3,000 sq. ft.	3,000 sq. ft.
R-5	4,000 sq. ft.	3,000 sq. ft.	3,000 sq. ft.	3,000 sq. ft.	3,000 sq. ft.

21.04 Uses

21.04.040(i) Fences.

- (1) General Standards.
 - (i) The Director shall review fences proposed under this subsection in accordance with special permit criteria. See GJMC 21.02.120(c).
 - (ii) All fences shall meet all TEDS (GJMC Title 29) requirements.

(iii) A fence or wall that exceeds six feet in height and retaining walls four feet or higher are considered a structure and require a planning clearance and building permit instead of a fence permit, and shall comply with the International Building Code and all required setbacks.

(2) Fence Height Measurement.

(i) The height of fences shall be determined by measurement from the ground level upon which the fence is located. Grade shall not be altered for the sole purpose of increasing fence height. An increase of up to two inches in height shall be allowed when spacing for drainage under the fence is needed.

(ii) For fences erected on retaining walls, the height of the retaining wall shall be included in the height of the fence.

~~(iii) The Director may approve an increase in fence height with or without a retaining wall, where the unique feature of a property would warrant such an increase and the increase would not be detrimental to surrounding public or private properties.~~

21.07 Special Regulations

21.07.010 Flood damage prevention.

(d) **Provisions for Flood Hazard Reduction.**

(2) Specific Standards. The following provisions, as determined from BFE data, are required for all special flood hazard areas:

(v) Recreational Vehicles. Recreational vehicles occupied as a temporary dwelling in a special flood hazard area shall:

(A) Be permitted only where allowed in appropriate zone districts according to GJMC [21.04.010](#);

(B) Be authorized by an appropriate land use approval(s) from the City in accordance with the balance of this code (if no appropriate land use approval has been granted, the use is not allowed);

~~(D)(C)~~ Be on the site for fewer than 180 consecutive days

~~(C) Not be on the site between April 1st and June 30th of each year;~~

~~(E)(D)~~ Be fully licensed and ready for highway use;

~~(F)(E)~~ Be attached to the site only by quick disconnect type utilities and security devices;

~~(G)(F)~~ Include no permanently attached additions; ~~and or~~

~~(H)(G)~~ Meet the permit requirements, elevation and anchoring requirements for resisting wind forces as required for manufactured homes.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE ZONING AND DEVELOPMENT CODE (TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE) REGARDING ADMINISTRATION AND PROCEDURES, SETBACKS, CLUSTER DEVELOPMENT, FLOOD DAMAGE PREVENTION AND FENCES

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 and has directed that the Code be reviewed and amended as necessary.

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 Zoning and Development Code amendments.

After public notice and public hearing, the Grand Junction City Council finds that the proposed Zoning and Development Code amendments are necessary to maintain effective regulations to implement the Comprehensive Plan.

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

The Zoning and Development Code is amended as follows (additions underlined, deletions struck through):

General

Find and replace all references to the Public Works and Planning Department and/or Director with the Community Development Department and/or Director.

21.02 Administration and Procedures

21.02.070 Administrative development permits.

(a) Common Elements of Administrative Development Permits.

~~(7) Appeals and Amendments. The Director's decision is final unless the Director receives written appeal within 10 working days of the date the City's records show the notice of decision was mailed. A permit shall be amended through the process it was originally approved.~~

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(8) Validity.

(i) Administrative permits shall expire after the issue date according to the following table:

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21.02.070 Administrative development permits.

(l) Administrative Adjustment.

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(E) Site and structural design elements of the addition shall be considered. Such elements include, but are not limited to:

- a. Height of the addition relative to neighboring structures;
- b. The location, number and size of windows, doors, porches, balconies and outdoor lights;
- c. The location of patios and walkways;
- d. The location, size and types of hedges, walls and fences; and

e. The level of privacy to occupants of both neighboring properties and the addition. Such privacy shall be equal to or greater than that provided if the addition were located within the required setback;

(F) ~~The addition complies with all building, fire and other adopted codes and policies;~~

(G) The requested deviation is only 10 percent or less; and

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~~(4) (3) Decision-Maker.~~

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- (iii) ~~Literal Interpretation.~~—The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;
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21.04 Uses

21.04.040(i) Fences.

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~~(C)~~— Not be on the site between April 1st and June 30th of each year;—

~~(E)~~(D) Be fully licensed and ready for highway use;

~~(F)~~(E) Be attached to the site only by quick disconnect type utilities and security devices;

~~(G)~~(F) Include no permanently attached additions; ~~and or~~

~~(H)~~(G) Meet the permit requirements, elevation and anchoring requirements for resisting wind forces as required for manufactured homes.

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

Adopted on second reading this _____ day of _____, 2018 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor