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**PLANNING COMMISSION AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
TUESDAY, JULY 24, 2018, 6:00 PM**

Call to Order - 6:00 P.M.

1. Minutes of Previous Meetings

[Attach 1](#)

Action: Approve the minutes from the June 26, 2018 meeting.

2. Dual Immersion Academy

[Attach 2](#)

FILE # VAC-2018-188

Consider a request to vacate a sanitary sewer easement located at 552 West Main Street.

Action: Recommendation to City Council

Applicant: Mesa County School District 51

Location: 522 W MAIN ST

Staff Presentation: Dave Thornton

3. River Walk Subdivision (Rezone)

[Attach 3](#)

FILE # RZN-2018-273

Consider a request to rezone 9.37 acres from R-4 (Residential - 4 du/ac) to R-8 (Residential - 8 du/ac) located at 3125 D Road.

Action: Recommendation to City Council

Applicant: 3125 D Road LLC - Dustin Gehrett

Location: 3125 D RD

Staff Presentation: Scott Peterson

4. Short Term Rentals

[Attach 4](#)

FILE # ZCA-2018-316

Consider a request to amend Sections 21.04.030(h), 21.10.020, 21.04.010 and 21.06.050 of Title 21, allowing and regulating Short Term Rentals and incorporating Bed and Breakfasts as Short Term Rentals.

Action: Recommendation to City Council
Applicant: City of Grand Junction
Location: City wide
Staff Presentation: Tamra Allen

5. Greater Downtown Plan Amendment

[Attach 5](#)

FILE # ZCA-2018-317

Consider a request to amend Sections 24.12.130, 24.12.140, 24.12.160, Section 24.12.170 and 24.12.180 of Title 24, modifying design standards and guidelines in the Transitional and Residential areas of the Greater Downtown Overlay

Action: Recommendation to City Council
Applicant: City of Grand Junction
Location: Greater Downtown Plan area
Staff Presentation: Tamra Allen

6. Voting procedures/organization revisions

[Attach 6](#)

FILE # ZCA-2018-335

Consider a request to amend certain text in Chapters 1, 2 and 7 of Title 21, to establish voting procedures of the Planning Commission and to simplify, clarify and better organize other text describing the authority of the zoning and development decision-making bodies.

Action: Recommendation to City Council
Applicant: City of Grand Junction
Location: City wide
Staff Presentation: Tamra Allen

Other Business

Adjournment

Attach 1

GRAND JUNCTION PLANNING COMMISSION June 26, 2018 MINUTES 6:02 p.m. to 9:40 p.m.

The meeting of the Planning Commission was called to order at 6:02 p.m. by Chairman Reece.

Those present were Planning Commissioners Christian Reece, Kathy Deppe, Keith Ehlers, George Gatseos, Brian Rusche, and Steve Toole.

Also present were Community Development Department–Tamra Allen, (Community Development Director), Kristen Ashbeck (Senior Planner) and Scott Peterson (Senior Planner) and David Thornton, (Principal Planner).

City Attorney John Shaver and Secretary Lydia Reynolds.

There were approximately 42 citizens in attendance during the hearing.

Chairman Reece thanked Jon Buschhorn for his years of service as he has resigned from the Planning Commission.

1. Minutes of Previous Meetings

Action: Approve the minutes from the May 8th 2018 and May 22, 2018 meetings

Chairman Reece asked for a motion to approve the minutes.

Commissioner Ehlers moved to approve the minutes as written.

Commissioner Deppe seconded the motion. The motion passed unanimously by a vote of 6-0.

Chairman Reece explained the purpose of the meeting and outlined the order of the public hearing.

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

2. Mosaic Planned Development Consolidated Service Plan FILE #SDS-2018-301

Consider a request for review and approval of the Consolidated Service Plan for the Mosaic Metropolitan Districts Nos. 1-6 for the Mosaic Planned Development on 68.2 Acres.

The applicants, Club Deal 113/114 Park Plaza were represented by Attorney John Justice (Hoskin Farina and Kampf), Mark Austin, (Austin Civil Group) and financial planner Steve Saules (Development, Planning and Finance Group).

Chairman Reece began by asking if the required public notice was given pursuant to the City's noticing requirements. Mr. Thornton replied in the affirmative.

Staff Presentation

Dave Thornton (Principal Planner) stated that this request is to consider a request for review and approval of the Consolidated Service Plan for the Mosaic Metropolitan Districts Nos. 1-6 for the Mosaic Planned Development on 68.2 Acres. The applicant for this request is Club Deal 113/114 Park Plaza.

Applicants Presentation

The Applicants were present and gave a presentation on their proposed project.

Questions for Applicant

The applicants answered questions from the Planning Commission regarding costs for sewer, applicant's investments, liabilities and the how metro district financing is set up.

Public Comment

Chairman Reese opened the public hearing for public comment. No comment was received.

Questions for Staff

Mr. Thornton addressed questions from the Planning Commission regarding accountability for the project as it goes through the process. Ms. Allen clarified that the Metro-District is the financial component and the review process of the subdivision will have the same warranties and requirements as all other subdivisions.

Mr. Shaver answered questions from the Planning Commission regarding approval criteria.

Commissioner Discussion

Discussion ensued regarding eventual approval of the development plan and off site costs that may be involved.

Motion and Vote

Commissioner Ehlers moved to recommend approval to City Council with conditions.

Commissioner Deppe seconded the motion. The motion passed unanimously by a vote of 6-0.

3. Darla Jean Public Walkway Vacation

FILE #VAC-2018-44

Consider a request to zone vacate a platted walkway located in the Darla Jean Subdivision.

The applicant Raquel Mollenkamp was present along with three of the other property owners; Brian Porter, Curt Wilson and George Freeman.

Chairman Reece began by asking if the required public notice was given pursuant to the City's noticing requirements. Ms. Ashbeck replied in the affirmative.

Staff Presentation

Ms. Ashbeck stated that the request is to consider a request to vacate a platted walkway located in the Darla Jean Subdivision. The applicant for this request is Raquel Mollenkamp.

Applicants Presentation

The Applicant was present and addressed access to utility valves.

Public Comment

Chairman Reese opened the meeting for public comment. The following citizens provided comments; Charles Howard, Dave Lord, Diane Saari, Richard Curfman, Connie Jiron, Charles Elliot, Jack Saari, and Andrea Christensen.

Applicants Rebuttal

The applicants explained their reasons for wanting to vacate the property. The applicants clarified the location of the water valves.

Questions for Staff

Staff answered questions from the Planning Commission regarding the conditions of the easement, the ownership of the walkway and use rights.

Commissioner Discussion

Commissioner discussion included review criteria and neighborhood relations.

Motion and Vote

Commissioner Gatseos moved to recommend approval to City Council.

Commissioner Rusche seconded the motion. The motion failed by a vote of 3-3 with Nay votes from Commissioners Deppe, Toole, and Ehlers.

4. Fossil Trace Rezone#RZN-2018-219

Consider a request to rezone 8.41 acres from R-R (Residential - Rural) to R-1 (Residential - 1 du/ac).

The applicant Fossil Trace Holdings LLC was present.

Chairman Reece began by asking if the required public notice was given pursuant to the City's noticing requirements. Mr. Peterson replied in the affirmative.

Staff Presentation

Mr. Peterson stated that the request is consider a request to rezone 8.41 acres from R-R (Residential - Rural) to R-1 (Residential - 1 du/ac). The applicant for this request is Fossil Trace Holdings.

Applicants Presentation

The Applicant, Kevin Bray (Fossil Trace Holdings LLC) stated that Tracy States, (River City Consulting) and Nick Gower (Hoskins, Farina and Kampf) were also present. The Applicant gave a PowerPoint presentation of the proposed project.

Public Comment

Chairman Reese opened the hearing for public comment. The following citizens provided comments: Janey Wilding, Kim Gage, Steve Kendrick, Alice Smith, Tim Donovan, Sam Stirlen and Andy Smith,

Applicants Rebuttal

The Applicant addressed the public's comments and noted that they are asking for a rezone and they do not have a development plan at this time.

Commissioner Discussion

Commissioner discussion included review criteria and density.

Motion and Vote

Commissioner Rusche moved to recommend approval to City Council.

Commissioner Gatseos seconded the motion. The motion passed unanimously by a vote of 6-0.

5. Other Business

None

6. Adjournment

The meeting was adjourned at 9:40 PM.

Attach 2



EXHIBIT LIST

**DUAL IMMERSION ACADEMY EASEMENT VACATION
FILE NO. VAC-2018-188**

Exhibit Item	Description
1	General Project Report - Dual Immersion Academy Easement Vacation Information - Submitted by Applicant
2	Staff Report dated July 24, 2018
3	Staff Presentation dated July 24, 2018

General Project Report
For
Dual Immersion Academy Sewer Easement Vacation And Adjustment

Project Description (Location, Acreage, Proposed Use):

The purpose of this submittal is to obtain approval from the City of Grand Junction for a Sanitary Easement Vacation and sewer main relocation at Dual Immersion Academy (DIA) / Riverside School property located at 552 West Main Street in Grand Junction, Colorado. The general location of the project vacation areas is depicted below:



Project Location Map

School District 51 is currently finalizing construction plans for a school expansion that will connect the existing DIA building to the Riverside School building. This expansion will occur over an existing 6-inch sewer main currently operated and maintained by the City of Grand Junction. The plan calls to relocate the 6-inch sewer main along the DIA north property line.

The 6-inch sanitary sewer main currently provides sewer services to five property located along the north side of West Main Street (522, 538, 542 and 552 West Main Street). All of the connections, with the exception of 520 Main Street, are owned by The School District. As part of the project construction, the DIA Contractor will be required to manage the sewer discharge from the private residence at 520 Main Street while the line is under construction.

DIA will grant a new sewer easement to the City of Grand Junction for the relocated 6-inch main as generally depicted on the air photo above. The detailed legal descriptions and map exhibits for the easement documents are included with this submittal as well as the sewer line re-location plans.

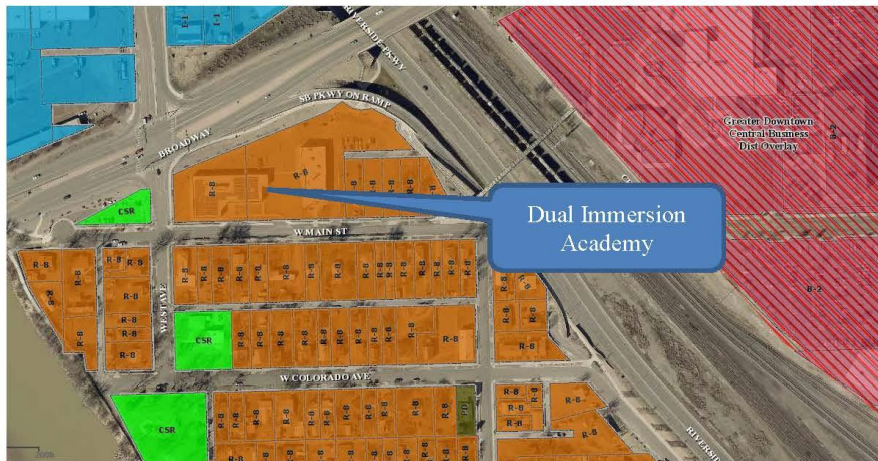
General Project Report
For
Dual Immersion Academy Sewer Easement Vacation And Adjustment

Surrounding Land Uses and Zoning:

The following adjacent properties are zoning accordingly:

DIRECTION	ZONING	CURRENT LAND USE
North:	I-1	Industrial Business
South:	R-8	Residential
East:	B-2	Mesa County Detention Facility
West	CSR	Parking Area

The City of Grand Junction zoning surrounding this parcel is listed below:



Current City of Grand Junction Zoning

The project is located south of Highway 340 (Broadway), West Main Street on the south, West Avenue on the west and the Riverside Parkway on the east.

Site Access:

Utilities:

All utility services are currently located within the West Avenue ROW and West Main Street ROW.

Stormwater

The school has existing storm water drainage that will not be disturbed with the vacation of the sanitary sewer easement.

Development Schedule and Phasing

The school construction will start as soon as school is out in May 2018.

DIA Sewer Vacation General Project Report

General Project Report
For
Dual Immersion Academy Sewer Easement Vacation And Adjustment

Sewer Easement Vacation Approval Criteria (21.02.100 (c)):

(c) **Approval Criteria.** The vacation of the right-of-way or easement shall conform to the following:

- (1) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City;

Response: Vacating the sanitary sewer easement on the District 51 school property at 552 West Main Street will not hamper the Comprehensive Plan or the Grand Valley Circulation Plan or any other plan within the City of Grand Junction.

- (2) No parcel shall be landlocked as a result of the vacation;

Response: No parcel will be land locked as a result of vacation of the sanitary sewer easement.

- (3) 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;

Response: No parcel will be restricted for access by the sanitary sewer easement vacation, as a new easement for the relocated line will be provided.

- (4) 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);

Response: There will be no adverse impacts and no services will be reduced by the sanitary sewer easement vacation and relocation.

- (5) The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter [21.06](#) GJMC; and

Response: The vacation of the sanitary sewer easement will not inhibit any property as required in Chapter 21.06 GJMC.

- (6) The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

Response: The City will benefit by having the sanitary sewer easement vacated and relocated because the sewer main will be located farther way from the main building, making maintenance and repair work much easier to accomplish.

PLANNING COMMISSION AGENDA ITEM

Project Name: Dual Immersion Academy Sanitary Sewer Easement Vacation
Applicant: School District 51
Representative: Andy Anderson, The Blythe Group
Location: Dual Immersion Academy School campus at 552 W. Main Street
Existing Zoning: R-8 (Residential Single Family – 8 du/ac)
Staff: David Thornton, Principal Planner
File No.: VAC-2018-188
Date: July 24, 2018

I. SUBJECT

Consider a request to vacate a portion of a sanitary sewer easement on School District 51's Dual Immersion Academy school property located at 552 W. Main Street.

II. EXECUTIVE SUMMARY

The Dual Immersion Academy school property located at 552 W. Main on the north side of the 500 block houses an elementary school that is currently expanding. A sewer easement dedicated to the City of Grand Junction runs east-west across the site and is used for a sewer trunk line that provides sewer service to properties on the north side of West Main Street. The School District is requesting to vacate a portion of the sewer easement that will run underneath the proposed addition to the school. The School District constructed a new sewer line around the proposed school addition and has abandoned a portion of the existing sewer trunk line that lies under the proposed addition. A new easement dedicated to the City for the new line has been executed.

III. BACKGROUND

School District 51 is constructing an addition to the Dual Immersion Academy at 552 W. Main Street. A sanitary sewer easement dedicated to the City of Grand Junction runs east-west across the site and is used for a sewer trunk line that provides sewer service to properties on the north side of the 500 block of West Main Street.

As part of the construction of the school addition, a new section of sewer trunk line has been constructed and rerouted to the north around the school building. The abandoned portion of line is underneath the proposed school addition (currently under construction) is no longer needed, see Attachments 2 and 3. The section of easement encompassing the abandoned line needs to be vacated to clear the property of the encumbrance due to the construction of the addition while a new easement in the location of the new sewer trunk line has been executed and recorded. Attachment 4 shows the area where the 20-ft. wide new sewer easement is. The newly constructed sewer trunk line lies within this easement area.

The school-owned campus includes much of the service area for this trunk line. There are two properties not owned by the School District that will continue to be served by the trunk line. The two properties include 520 West Main Street, a single-family home which remains under private ownership and a vacant property at the end of the block that is owned by the City of Grand Junction.

IV. NOTIFICATION REQUIREMENTS

Notice was completed consistent to the provisions in Section 21.02.080 (g) of the City's Zoning and Development Code. Mailed notice of the application submittal in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on July 13, 2018 and the subject property was posted with an application sign on May 21, 2018 along the W. Main frontage and a second sign on July 13, 2018 was posted along the West Avenue frontage. A neighborhood meeting (not required) was held May 17, 2018. The notice of this public hearing was published July 17, 2018 in the Grand Junction Daily Sentinel.

V. ANALYSIS

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

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

The proposed sewer easement vacation is addressed by the following Goal of the Comprehensive Plan.

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

Vacation of this sewer easement will have no impact on public facilities or services provided to the general public. 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 sewer easement will not render any parcel landlocked. Therefore, staff finds the vacation request meets 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 by the vacation of this sewer easement. Staff finds this criterion has been met.

- 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).

The sewer easement that is requested to be vacated is no longer needed. The sewer line has been abandoned and lies underneath the new addition to the school building. There will be no adverse impacts to the community and no impacts on the public facilities and services that serve this or any adjacent parcel of land. In fact, near the abandoned line a new sewer trunk line has been constructed to provide sewer service to this block, replacing the old portion of the line located under the new addition. An easement has been dedicated to the City for the new sewer trunk line location. Staff therefore has found 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.

Adequate public facilities and services exist for this parcel without the need for this sewer easement since there is no active line within the easement area. No facilities and services will be impacted or inhibited by this request. In fact, near the abandoned line a new sewer trunk line has been constructed to provide sewer service to this block, replacing the old portion of the line located under the new addition. An easement has been dedicated to the City for the new sewer trunk line location. Staff has therefore found this request to conform with this criterion.

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

Thought not a benefit to the City directly, this request to vacate an easement will create a more viable property for the School District 51 to develop an addition to this school facility which provides a significant benefit to residents of the City, the neighborhood and the community at large. Staff finds this request conforms with this criterion.

VI. STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing VAC-2018-188, a request to vacate a sewer easement located on School District 51's Dual Immersion Academy school property located at 552 W. Main Street, the following findings of fact have been made:

1. The request to vacate an easement conforms with the approval criteria of Section 21.02.100 (c) of the Grand Junction Zoning and Development Code.

Therefore, staff recommends approval of the request to vacate the sewer easement located at 552 W. Main with the findings of fact listed in the staff report.

VII. RECOMMENDED MOTION

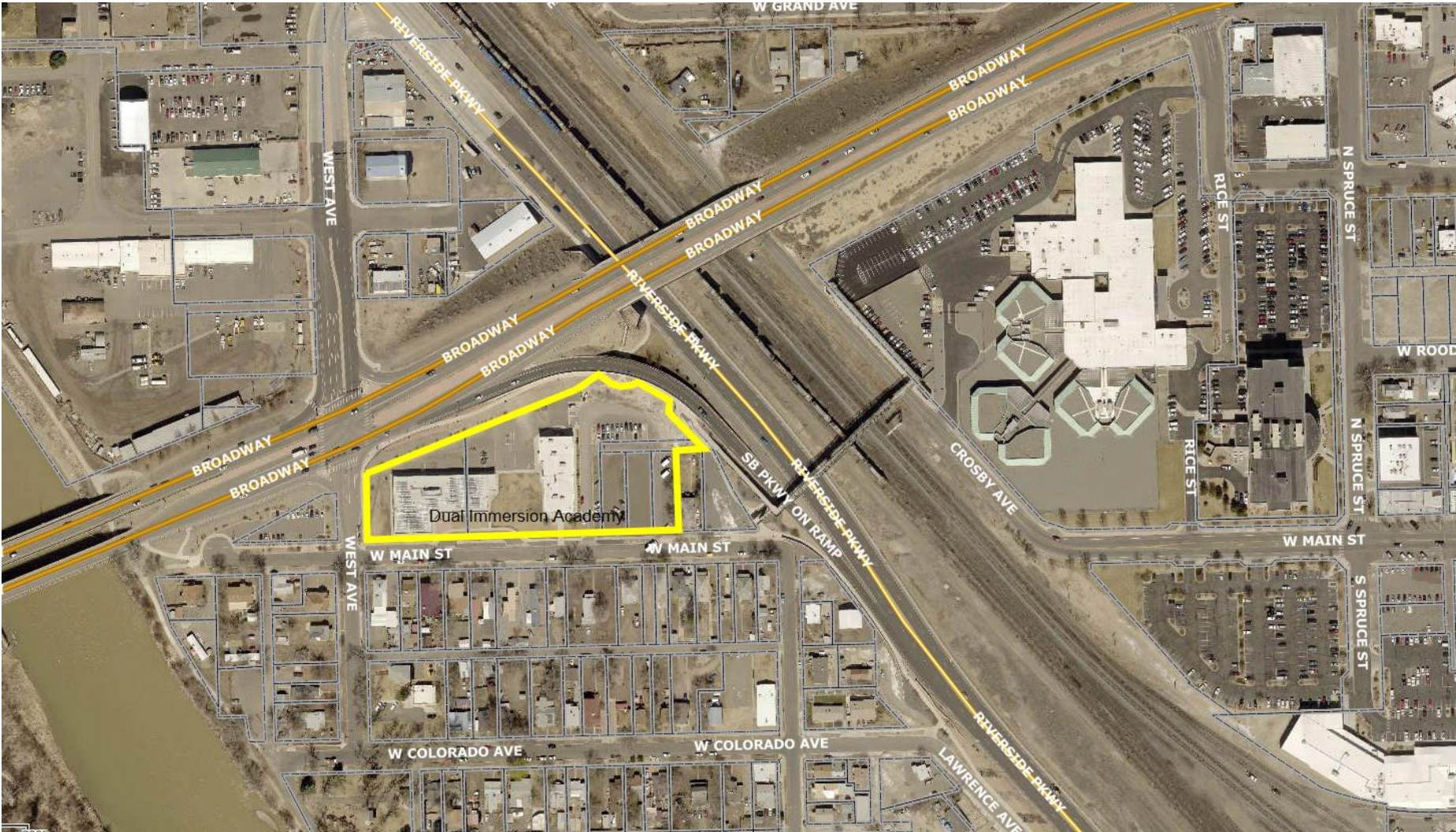
Madam Chairman, on the request to vacate a portion of a sanitary sewer easement located on School District 51's Dual Immersion Academy school property located at 552 W. Main Street, file number VAC-2018-188, I move that the Planning Commission forward a recommendation of approval with the findings of fact listed in the staff report.

Attachments:

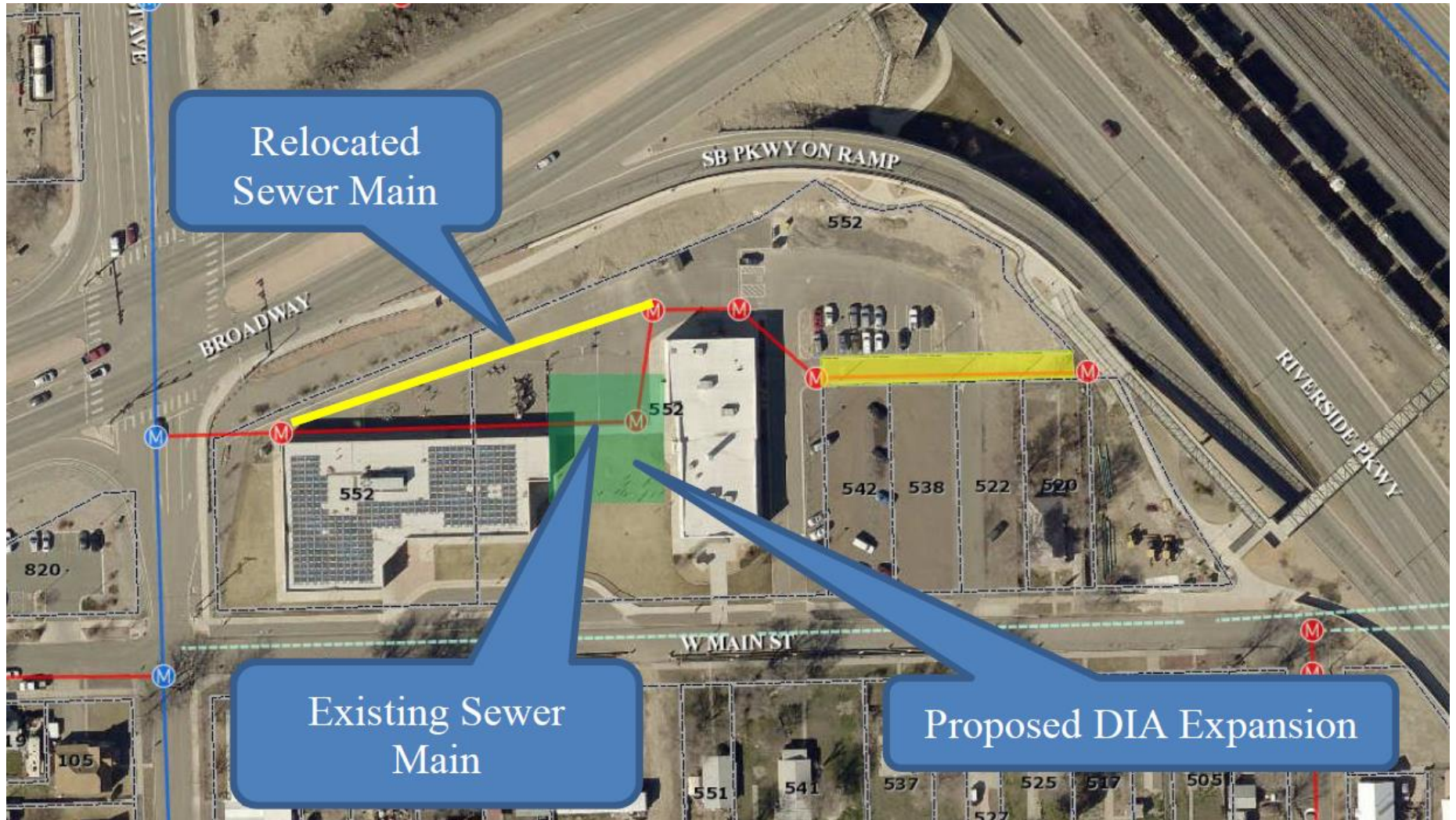
1. Vicinity Map

2. Site Plan
3. Old Easement - Abandoned Detail Sketch
4. New Easement - Area Dedicated Detail Sketch

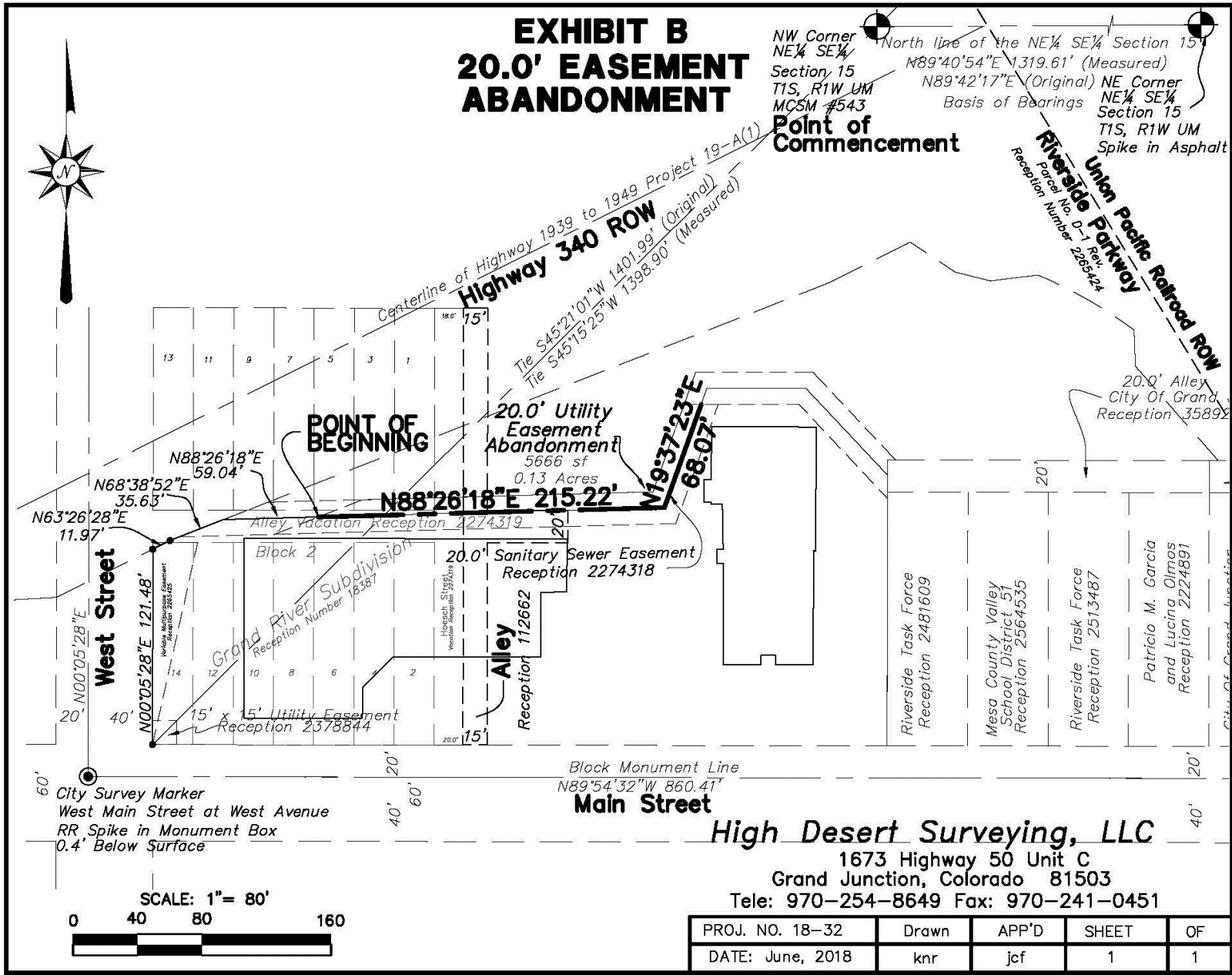
Vicinity Map



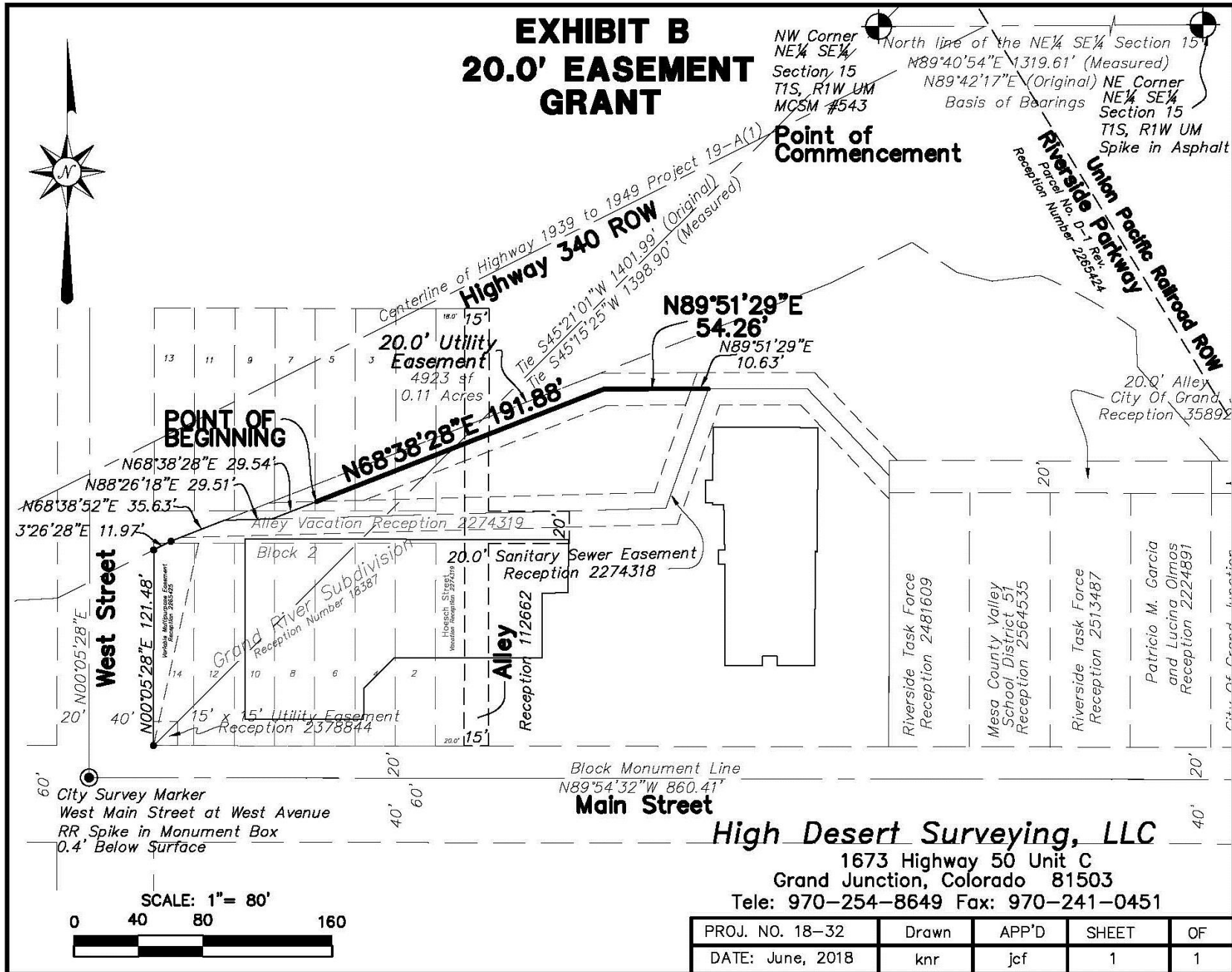
Site Plan



Easement Vacation - Detail Sketch



New Easement Being Dedicated - Detail Sketch



Attach 3



EXHIBIT LIST

**RIVER WALK REZONE TO R-8, (RESIDENTIAL – 8 DU/AC)
FILE NO. RZN-2018-273**

Exhibit Item #	Description
1	Application dated May 24, 2018
2	Staff Report dated July 24, 2018
3	Staff Presentation dated July 24, 2018



Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For:

Please fill in blanks below <i>only</i> for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:			
Existing Land Use Designation	<input type="text" value="Residential Medium"/>	Existing Zoning	<input type="text" value="R-4 (4 du/acre)"/>
Proposed Land Use Designation	<input type="text" value="Residential Medium"/>	Proposed Zoning	<input type="text" value="R-8 (8du/acre)"/>

Property Information

Site Location: <input type="text" value="3125 D Road, Grand Junction, CO 81504"/>	Site Acreage: <input type="text" value="Approx. 9.37 Acres"/>
Site Tax No(s): <input type="text" value="2943-222-00-096"/>	Site Zoning: <input type="text" value="R-4"/>
Project Description: <input type="text" value="To rezone the property to R-8 (8 du/ac)."/>	

Property Owner Information

Applicant Information

Representative Information

Name: <input type="text" value="3125 D Road, LLC"/>	Name: <input type="text" value="Same as Owner"/>	Name: <input type="text" value="River City Consultants, Inc."/>
Street Address: <input type="text" value="2129 N 22ND ST"/>	Street Address: <input type="text"/>	Street Address: <input type="text" value="744 Horizon Ct. #110"/>
City/State/Zip: <input type="text" value="Grand Junction, CO 81501"/>	City/State/Zip: <input type="text"/>	City/State/Zip: <input type="text" value="Grand Junction, CO 81501"/>
Business Phone #: <input type="text" value="970-201-2088"/>	Business Phone #: <input type="text"/>	Business Phone #: <input type="text" value="970-241-4722"/>
E-Mail: <input type="text" value="dgehrett@apexdesigndrafting.com"/>	E-Mail: <input type="text"/>	E-Mail: <input type="text" value="tstates@rccwest.com"/>
Fax #: <input type="text"/>	Fax #: <input type="text"/>	Fax #: <input type="text" value="970-241-8841"/>
Contact Person: <input type="text" value="Dustin Gehrett, Member"/>	Contact Person: <input type="text"/>	Contact Person: <input type="text" value="Tracy States"/>
Contact Phone #: <input type="text" value="970-201-2088"/>	Contact Phone #: <input type="text"/>	Contact Phone #: <input type="text" value="970-241-4722"/>

NOTE: Legal property owner is owner of record on date of submittal.

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application <input type="text" value="Dustin Gehrett, member"/>	Date <input type="text" value="5/18/18"/>
Signature of Legal Property Owner <input type="text" value="Dustin Gehrett, member"/>	Date <input type="text" value="5/18/18"/>

**General Project Report
Rezone**

**River Walk Rezone
2943-222-00-096
3125 D Road, Grand Junction, CO
May 7, 2018**

A. Project Description

1. This is a request for the approval of a rezone for a property subdivision located at 3125 D Road, Grand Junction, Colorado. It is intended to submit a Preliminary Plan while the rezone request is being processed. The parcel is located within the City limits of Grand Junction.
2. The parcel contains approximately 9.66 acres, more or less.
3. The proposed zone for the parcel is R-8 (Residential-8 DU/AC). The existing zoning is R-4 (Residential-4 DU/AC). The request to rezone to R-8 zoning is being made in accordance with future land use map which recommends Residential Medium density for the parcel. The Residential Medium Zone District implements the R-4, R-5, R-8 and R-12 zone districts. The rezone request is compatible with surrounding densities of R-8 and County PUD on the south side of D Road, adjacent to the subject property, and R-5, County RMF-5 and RSF-R on the north side of D Road.

B. Public Benefit

The public will benefit with the addition of single family lots and professional land planning of this sight, that is consistent with future land use plans. Any future development will make optimal use of the existing infrastructure.

C. Neighborhood Meeting

A neighborhood meeting was held as required and meeting minutes are included with this submittal.

D. Project Compliance, Compatibility, and Impact

1. **Adopted plans and/ or policies are being met-** The proposed zoning is in compliance with the adopted codes and requirements for this property. A Concept Plan was shown to the attendees of the neighborhood meeting containing 52 lots, which meets the minimum density requirement of the R-8 zone district.

2. **Land use in the surrounding area-** The land uses in the immediate area are low to medium density residential. The rezoning of the parcel to R-8 is compatible with the current uses in the immediate and surrounding areas.
3. **Site access and traffic patterns-** Access must be taken from the far northeast corner of the parcel, per the Pear Park Plan. The approval of the rezone will have no effect on existing traffic patterns.
4. **Availability of utilities, including proximity of fire hydrants-**
 The subject parcel is and/or will be served by the following:
 Clifton Water District
 City of Grand Junction Sanitation District
 Xcel Energy
 Charter/Spectrum
 Century Link
 Grand Valley Irrigation Company
 City of Grand Junction Fire
 All utilities are existing in D Road and can be extended into to the site.
5. **Special or unusual demands on utilities-** The rezone request will have no impact on utilities. The infrastructure is in place to meet the demand for future development.
6. **Effects on public facilities-** There will be no effect on public facilities (i.e. police and fire services) as a result of the approval of the rezone.
7. **Hours of operation-** N/A for the rezone request.
8. **Number of employees-** N/A.
9. **Signage plans-** N/A for the rezone request.
10. **Site Soils Geology-** Soils testing has been completed and the site was found suitable for future development.
11. **Impact of project on site geology and geological hazards-** N/A for the rezone request.

E. Must address the review criteria contained in the Zoning and Development Code for the type of application being submitted

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

The future land use map indicates an appropriate density for this area of Residential Medium which implements several zone districts. The proposed rezone request to R-8 is consistent with surrounding densities.

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

The amendment is consistent with the future land use map and with surrounding zone districts.

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

Public and community facilities are existing and adequate, and will not be affected as a result of the rezone request.

(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

This parcel of land is adequately serviced by utilities and roadways and will be best utilized with future development of residential medium density zoned land. Demand indicates an inadequate supply of R-8 zoned properties.

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

There is a shortage of residential housing supply in Grand Junction and the surrounding communities. The community will benefit from the addition of residential building lots.

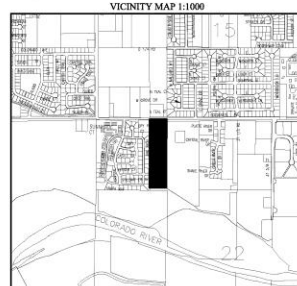
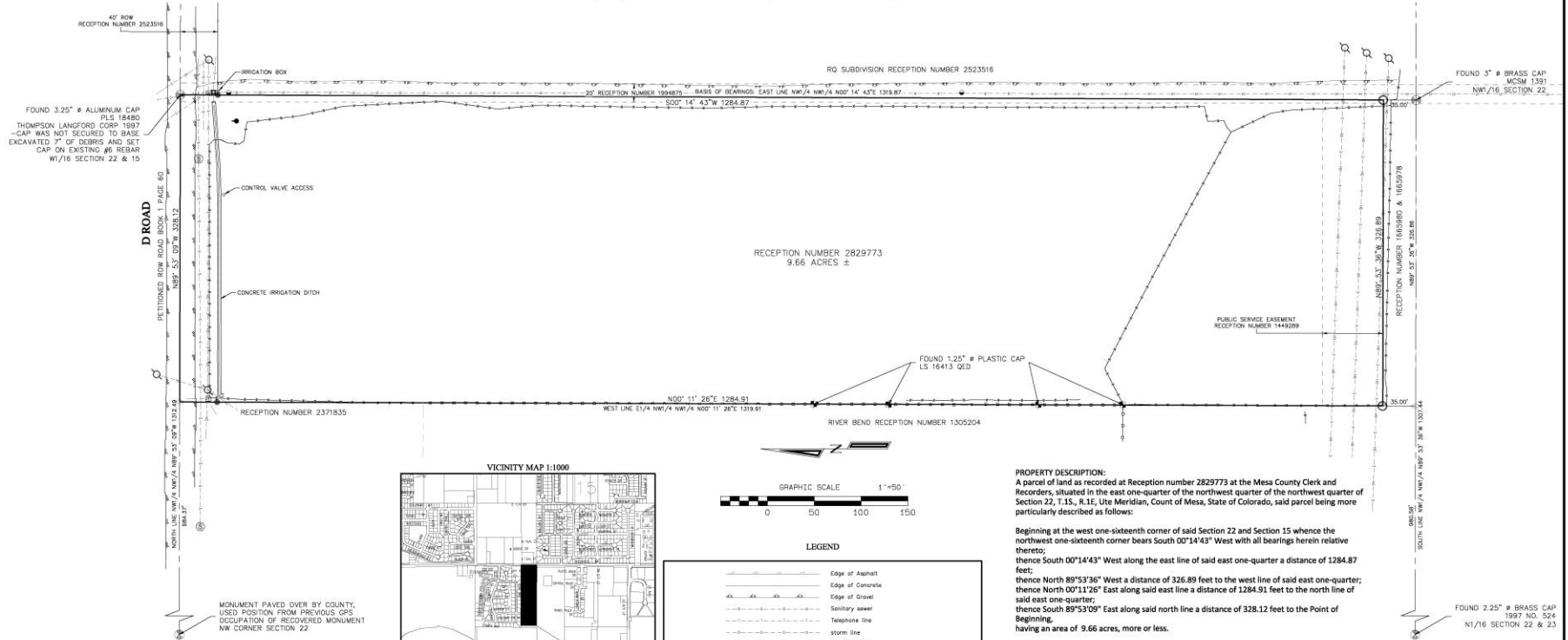
F. Development Schedule and Phasing

Not applicable to the rezone.

Improvement Survey Plat

Reception Number 2829773

East one-quarter of the Northwest quarter of the Northwest quarter of Section 22, T.1S., R.1E., Ute Meridian.
City of Grand Junction, Mesa County, Colorado



LEGEND

	Edge of Asphalt
	Edge of Concrete
	Edge of Gravel
	Sanitary sewer
	Telephone line
	storm line
	Irrigation line
	Wire fence
	Gate
	Wood Fence
	Existing Overhead Electric
	Existing Storm Drain
	Parcel boundary
	Easement
	Aliquot line
	Sewer Manhole
	Yard Hydrant
	Utility Pedestals
	Guy Wire
	Utility Pole
	Irrigation riser
	SET 2" ϕ ALUMINUM CAP ON 24" ϕ REBAR PLS 38274 RIVER CITY CONSULTANTS A/E/C
	CALCULATED POSITION
	FOUND 2" ϕ ALUMINUM CAP LS 24337 M/C

PROPERTY DESCRIPTION:
A parcel of land as recorded at Reception number 2829773 at the Mesa County Clerk and Recorders, situated in the east one-quarter of the northwest quarter of the northwest quarter of Section 22, T.1S., R.1E., Ute Meridian, Count of Mesa, State of Colorado, said parcel being more particularly described as follows:
Beginning at the west one-sixteenth corner of said Section 22 and Section 15 whence the northwest one-sixteenth corner bears South 00°14'43" West with all bearings herein relative thereto;
thence South 00°14'43" West along the east line of said east one-quarter a distance of 1284.87 feet;
thence North 89°53'36" West a distance of 326.89 feet to the west line of said east one-quarter;
thence North 00°11'26" East along said east line a distance of 1284.91 feet to the north line of said east one-quarter;
thence South 89°53'09" East along said north line a distance of 328.12 feet to the Point of Beginning,
having an area of 9.66 acres, more or less.

This plat is a representation of the surveyed location of the property as described in the aliquot description referenced herein. The bearings and distances of the boundary lines as shown herein represent the results of this survey of said description rotated to grid north of the Local Coordinate System described herein and respecting the locations of the accepted monuments.

This survey plat does not constitute a title search by the undersigned surveyor or River City Consultants, Inc. and no certification as to title or ownership of any parcels shown hereon is made by either. All information regarding ownership, rights-of-way, easements of record, adjoiners, and other documents that may affect the quality of title to this property are from documents available at Mesa County online records. Other documents may exist which would affect this property.

Subsurface and environmental conditions were not examined or considered as a part of this survey. No statement is made concerning the existence of underground vessels that may affect the use or development of this land.

Utility locates were executed by American Utility Specialists as part of this survey. No excavations were made during this survey to determine exact locations and depths of underground utilities and structures. Existence and locations of all underground utilities and structures should be verified prior to any construction on this property.

SURVEYOR'S STATEMENT
I, Alec K Thomas, a registered Professional Land Surveyor in the State of Colorado, do hereby state: the Improvement Survey represented hereon was performed by me or under my responsible charge; it is based upon my knowledge, information and belief; it is in accordance with applicable standards of practice. This statement is not a guaranty, either expressed or implied.



Alec K Thomas,
Colorado PLS 38274

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

Lineal Units of Measurement are U.S. Survey Foot.
TRANSVERSE MERCATOR PROJECTION
POINT OF ORIGIN:
LATITUDE: 39°06'22.72756" N (NAD83)
LONGITUDE: 108°32'01.43463" W (NAD83)
NORTHING: 50,000 FT
EASTING: 10,000 FT
SCALE FACTOR: 1.0002181798
PROJECT/SCALE FACTOR HEIGHT: 4644 FT (NAVD88)
GEOID 12A

BASIS OF BEARINGS:
The bearings hereon are based on grid north of the above described projection, referenced by observed positions of the northwest sixteenth corner of Section 22, T.1S., R.1E., Ute Meridian and the west sixteenth corner of said Section 22 and Section 15 being N 00°14'43"E, as shown hereon.

LAND SURVEY DEPOSITS

Mesa County Surveyor's Office

Date _____

Book _____ Page _____

Reception No. _____

Improvement Survey Plat
Reception Number 2829773
East one-quarter of the Northwest quarter of the Northwest quarter of Section 22, T.1S., R.1E., Ute Meridian.
City of Grand Junction, Mesa County, Colorado

Sheet 1 of 1	Date: 03/19/2018	Job No: 1749-001
Surveyed: ACT	Drawn: ACT	Checked: KST
Drawing: 100% (1:1) (AS BUILT) (NO FIELD NOTES REQUIRED)		

LEGAL DESCRIPTION

THE E $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN; EXCEPT BEGINNING AT A MESA COUNTY SURVEY MARKER AT THE NORTHWEST CORNER OF LOT TWO OF SAID SECTION 22, FROM WHENCE MESA COUNTY SURVEY MARKER NO. 1382 AT THE NORTHEAST CORNER OF SAID LOT TWO BEARS N89°59'40"E 1307.47 FEET; THENCE S89°59'40"W ON THE SOUTH LINE OF SAID NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 22, 326.89 FEET TO THE EAST LINE OF RIVER BEND SUBDIVISION; THENCE N00°04'13"E ON SAID EAST SUBDIVISION LINE 35.00 FEET; THENCE N89°59'40"E 326.92 FEET TO THE EAST LINE OF SAID NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 22; THENCE S00°07'30"W 35.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR THE DRAINAGE OF AGRICULTURAL WASTE WATER AS RESERVED IN INSTRUMENT RECORDED DECEMBER 29, 1993 IN BOOK 2037 AT PAGE 223, COUNTY OF MESA, STATE OF COLORADO.



**EXHIBIT A
RIVER WALK SUBDIVISION
3125 D ROAD
GRAND JUNCTION, CO**

**SUMMARY OF NEIGHBORHOOD MEETING
MONDAY, APRIL 16, 2018
HELD AT CHATFIELD ELEMENTARY
3188 D ½ ROAD @ 6:00 PM**

A neighborhood meeting for the above referenced project was held Monday, April 16, 2018 at Chatfield Elementary School at 6:00 PM. A letter notifying the neighbors within the surrounding 500 feet of each project was sent on April 5, 2018, per the mailing list received from the City. Representing the project was Tracy States, Project Coordinator with River City Consultants, and Dustin Gehrett, the property owner and developer. In attendance for the City of Grand Junction was Scott Peterson, Senior Planner. There were nine neighboring property owners in attendance. An attendance list, comment cards, and a copy of the exhibit used at the meeting are provided as part of this Exhibit.

Ms. States introduced herself, Dustin Gehrett and Scott Peterson. She explained the proposed rezone of the property from R-4 to R-8 zoning, how it fit with existing zoning in the area and how it met the City of Grand Junction future land use plan. Ms. States explained that although an increase in density was being requested, the proposed subdivision density was at the minimum density required for the R-8 zone district at 5.5 dwelling units per acre with a total of 52 proposed single family residential lots. She explained the rezone process and advised the attendees that there would be two public hearings and that the attendees would be notified of those dates. Ms. States then turned the presentation over to Mr. Gehrett.

Mr. Gehrett pointed out the amenities that were proposed as part of the subdivision. He talked about the two parks proposed within the loop lanes and said the vision for these areas was to have a place to gather with possibly a gazebo in one park and a grassy area where people could gather and to have an area to play football, etc. in an area that was larger than the individual yards. Mr. Gehrett explained that they would be landscaped and maintained by the HOA. He explained the proposed shared driveway for lots 31, 32, 33 and 34. Mr. Gehrett said that higher density than what is shown was investigated, but it did not present a very appealing subdivision in their opinion as they wanted to provide amenities to the residents. Mr. Gehrett pointed out the formal trail access that will be provided to the existing Riverfront Trail and the benefits of this connection. He then opened the floor for questions and discussion.

One of the attendees wanted to know if it was planned for the developer to build all of the homes. Mr. Gehrett explained that yes, that is the original intent, but it may not be possible depending on the market, etc.

One of the attendees expressed his concern over smaller lots and their property values in Grove Creek with large lots. Mr. Gehrett answered that price per square foot of the home is what dictates the value, not the size of the lot.

Another attendee inquired about the setbacks and Mr. Gehrett advised that they were 20' from the street, 5' side setbacks and 10' rear setbacks. The comment was made that that was pretty close but Mr. Gehrett clarified that there would be 10 feet between homes with the setbacks combined.

Attendees were concerned that traffic would be added to their subdivision (to the west) with the extension of Stillwater Avenue. Ms. States explained that there would be end of road markers at both ends of Stillwater Avenue. Mr. Peterson explained that Stillwater to the west had not been constructed yet within their subdivision. There are platted, privately owned lots and right of way exists, but development of that portion of the subdivision has yet to occur. When it is developed the connection will be made, but not until then.

Lisa Pfalzgraff with Lateral 110 was in attendance and began a lengthy conversation regarding irrigation and what the lateral needs. Mr. Gehrett explained that he did not currently have water shares and it was undecided as to how irrigation would be handled at this time. He asked if they could continue their conversation later and it was promised to keep her in the loop as the project progresses.

One of the attendees suggested making proposed Lot 21 parking to address concerns with people parking on the street to access the trail. Mr. Gehrett explained that it was not desired to direct vehicle traffic to the trail, rather pedestrian and bicycle traffic. He explained that vehicle traffic would not likely access the trail through River Walk as people who were driving to access the trail would likely drive to parks adjoining the trail.

The attendees wanted to know the depth and width of the lots. It was explained that the depth of the lots ranged from 75' to 85' and it was estimated that the width of the lots was 50'. Concerns were expressed with regards to two story homes. Mr. Gehrett explained that while most of the homes would likely be ranch style homes, the code allows for two story homes and there would likely be a small percentage of two story homes as well. The attendees asked if it was planned to install perimeter fencing along the west boundary. Mr. Gehrett said that there was no plan currently to install perimeter fencing.

The attendees appeared satisfied with the information and answers presented. There were three formal comment cards received addressing density, traffic and style of homes. The meeting adjourned at approximately 6:50 PM.

Monday, April 16, 2018 – River Walk Subdivision
Neighborhood Meeting @ 6:00 PM
Chatfield Elementary
Located at 3188 D ½ Road, Grand Junction, CO

Name	Address	Phone # (Optional)
1. Art & Jan Thompson	3126 L. Lead Ct.	—
2. Scott Peterson	CITY PLANNING	244-1447
3. Yisa Pfalzgraff	WULO #110	234-2883
4. Rick MARSH	3125 ½ N. TEAL Ct.	640-8202
5. Pete Schopp	3125 N. TEAL Ct	234-4413
6. Benny Hopkins	3119 Castle Ct	712-2588
7. Christine Nelson	386 ½ Dry Fork Wy	—
8. Jenica Gehrett	2129 N 22nd	
9. Ray Gehrett	465 DODGE ST GJ COLO	970-201-3231
10. Dustin Gehrett	Owner/Developer	20-2088
11. Tracy States	RCC	241-4722
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		

LOT DENSITY 6 OR LESS!

Maximum of 6 lot density

- 1) the possible traffic coming into our subdivision to ours
- 2) keeping horses ranch so we can possibly still see mesa
- 3) ~~Don't let that lady talk at these things who needs to shut up!!~~

Christine Nelson
386 1/2 Dry Forkway
El f 70 81504



PRELIMINARY

RIVER CITY
 CONSULTANTS

1515 N. WILSON AVENUE, SUITE 110
 DENVER, COLORADO 80202
 WWW.RIVERCITYCONSULTANTS.COM

PROJECT # 1515151515
 DRAWN BY: AS
 CHECKED BY: N/A

DATE: 08/15/2022
 HORIZ: AS
 VERT: N/A

RIVER WALK SUBDIVISION

CONCEPTUAL PLAN

1515151515



Special Warranty Deed
(Pursuant to 38-30-115 C.R.S.)

State Documentary Fee
Date: August 31, 2011
\$ 11.90

THIS DEED, made on **August 31, 2011** by **BANK OF COLORADO** Grantor(s), of the County of LaVimer and State of Colorado for the consideration of **(\$119,000.00) *** One Hundred Nineteen Thousand and 00/100 ***** dollars in hand paid, hereby sells and conveys to **DUSTIN A. GEHRETT AND JENICA G. GEHRETT** Grantee(s), as Joint Tenants whose street address is **727 BEAVER LODGE GRAND JUNCTION, CO 81505**, County of Mesa, and State of **COLORADO**, the following real property in the County of Mesa, and State of Colorado, to wit:

gg
dg

SEE ATTACHED "EXHIBIT A"
also known by street and number as: **3125 D ROAD GRAND JUNCTION CO 81504**

with all its appurtenances and warrants the title against all persons claiming under the Grantor(s), subject to *general taxes for the year 2011 and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Section 8.1 (Title Review) of the Contract to Buy and Sell Real Estate relating to the above described real property; distribution utility easements, (including cable TV); those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were accepted by Grantee(s) in accordance with Section 8.2 (Matters not Shown by the Public Records) and Section 8.3 (Survey Review) of the Contract to Buy and Sell Real Estate relating to the above described real property; inclusion of the Property within any special tax district; and other*

BANK OF COLORADO

Tom Goding
TOM GODING, AS PRESIDENT



MY COMMISSION EXPIRES:
November 1, 2014

Shawn Osthoff
SHAWN OSTHOFF, AS EXECUTIVE VICE PRESIDENT

State of **COLORADO**)
County of LaVimer) ss.

The foregoing instrument was acknowledged before me on this day of August 31, 2011
by **TOM GODING AS PRESIDENT AND SHAWN OSTHOFF AS EXECUTIVE VICE PRESIDENT OF BANK OF COLORADO**

Witness my hand and official seal.
My commission expires November 1, 2014

Linda Bechtel
Notary Public

When Recorded Return to: **DUSTIN A. GEHRETT AND JENICA G. GEHRETT**
727 BEAVER LODGE GRAND JUNCTION, CO 81505



RECEPTION #: 2583987, BK 5196 PG 725 09/06/2011 at 04:20:47 PM, 2 OF 2, R
\$15.00 S \$1.00 D \$11.90 Sheila Reiner, Mesa County, CO CLERK AND RECORDER

EXHIBIT A

THE E 1/4 NW 1/4 NW 1/4 OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN;
EXCEPT BEGINNING AT A MESA COUNTY SURVEY MARKER AT THE NORTHWEST CORNER OF LOT TWO OF SAID SECTION 22,
FROM WHENCE MESA COUNTY SURVEY MARKER NO. 1382 AT THE NORTHEAST CORNER OF SAID LOT TWO BEARS N89
degrees59'40"E 1307.47 FEET;
THENCE S89 degrees59'40"W ON THE SOUTH LINE OF SAID NW 1/4 NW 1/4 OF SECTION 22, 326.89 FEET TO THE EAST LINE OF
RIVER BEND SUBDIVISION;
THENCE N00 degrees04'13"E ON SAID EAST SUBDIVISION LINE 35.00 FEET;
THENCE N89 degrees59'40"E 326.92 FEET TO THE EAST LINE OF SAID NW 1/4 NW 1/4 OF SECTION 22;
THENCE S00 degrees07'30"W 35.00 FEET TO THE POINT OF BEGINNING.
TOGETHER WITH AN EASEMENT FOR THE DRAINAGE OF AGRICULTURAL WASTE WATER AS RESERVED IN INSTRUMENT
RECORDED DECEMBER 29, 1993 IN BOOK 2037 AT PAGE 223,
COUNTY OF MESA, STATE OF COLORADO.

Quit Claim Deed
(Pursuant to 38-30-116 C.R.S.)

THIS DEED, made on February 2, 2018 by Dustin A. Gehrett and Jenica G. Gehrett Grantor(s), of the County of Mesa and State of Colorado for the consideration of *** None *** dollars in hand paid, hereby sells and quitclaims to 3125 D Road, LLC Grantee(s), a Colorado Limited Liability Company whose street address is 2129 N 22nd Street, Grand Junction County of Mesa, State of Colorado, the following real property in the County of Mesa, and State of Colorado, to wit:

LEGAL DESCRIPTION

THE E $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN;
EXCEPT BEGINNING AT A MESA COUNTY SURVEY MARKER AT THE NORTHWEST CORNER OF LOT TWO OF SAID SECTION 22, FROM WHENCE MESA COUNTY SURVEY MARKER NO. 1382 AT THE NORTHEAST CORNER OF SAID LOT TWO BEARS N89°59'40"E 1307.47 FEET;
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THENCE N00°04'13"E ON SAID EAST SUBDIVISION LINE 35.00 FEET;
THENCE N89°59'40"E 326.92 FEET TO THE EAST LINE OF SAID NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 22;
THENCE S00°07'30"W 35.00 FEET TO THE POINT OF BEGINNING.
TOGETHER WITH AN EASEMENT FOR THE DRAINAGE OF AGRICULTURAL WASTE WATER AS RESERVED IN INSTRUMENT RECORDED DECEMBER 29, 1993 IN BOOK 2037 AT PAGE 223,
COUNTY OF MESA, STATE OF COLORADO.

also known by street and number as 3125 D Road, Grand Junction, Colorado 81501
with all its appurtenances.

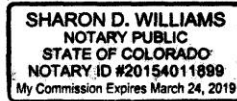
Dustin A. Gehrett
Dustin A. Gehrett

Jenica G. Gehrett
Jenica G. Gehrett

State of Colorado)
County of Mesa)ss

The foregoing instrument was acknowledged before me this day of February 2, 2018 by Dustin A. Gehrett and Jenica G. Gehrett

Sharon D. Williams
Notary Public
My commission expires 03-24-2019



When recorded return to: 3125 D Rd LLC
2129 N. 22nd St.
Grand Junction, CO 81501

STATEMENT OF AUTHORITY

This Statement of Authority concerns an entity named:

3125 D Road, LLC
and is executed on behalf of the entity pursuant to the provisions of Section 38-30-172,
C.R.S.

The type of entity is: LLC

The entity is formed under the laws of the State of Colorado

The mailing address for the entity is: 2129 N 22nd St
Grand Junction, CO 81501

The name and position of each person authorized to execute instruments conveying,
encumbering, or otherwise affecting title to real property on behalf of the entity is:

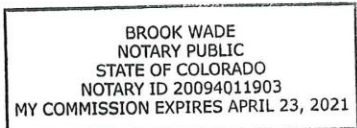
Dustin Andrew Gehrett, Michael Brinton Gehrett

The authority of the foregoing person(s) to bind the entity is (not limited) (limited as follows):

not limited

Other matters concerning the manner in which the entity deals with interests in real property:

Executed this 18th day of May, 2018.



Brook Wade

Signature (Type or Print Name Below)

Brook Wade

STATE OF COLORADO)
)ss.
COUNTY OF Mesa)

The foregoing instrument was acknowledged before me this 18th day of May, 2018, by Dustin Gehrett (insert name of individual) as Member (insert office held or role (President, Vice President or member, manager or managing member for LLCs) for 3125 D Road LLC (insert name of corporation or LLC).

Witness my hand and official seal.
My commissioner expires: April 23, 2021

Brook Wade

Notary Public

City of Grand Junction Review Comments

Date: June 19, 2018 **Comment Round No.** 1 **Page No.** 1 of 3
Project Name: River Walk Subdivision (Rezone) **File No:** RZN-2018-273
Project Location: 3125 D Road

Check appropriate if comments were mailed, emailed, and/or picked up.

Property Owner(s): 3125 D Road LLC – Attn: Dustin A. Gehrett
 Mailing Address: 2129 N. 22nd Street, Grand Junction, CO 81501
 Email: dgehrett@apexdesigndrafting.com **Telephone:** (970) 201-2088
 Date Picked Up: _____ **Signature:** _____

Representative(s): River City Consultants Inc. – Attn: Tracy States
 Mailing Address: 744 Horizon Court, Suite 110, Grand Junction, CO 81506
 Email: tstates@rccwest.com **Telephone:** (970) 241-4722
 Date Picked Up: _____ **Signature:** _____

Developer(s):
 Mailing Address:
 Email: _____ **Telephone:** _____
 Date Picked Up: _____ **Signature:** _____

CITY CONTACTS

Project Manager: Scott D. Peterson, Senior Planner
Email: scottp@gjcity.org **Telephone:** (970) 244-1447
Dev. Engineer: Jarrod Whelan
Email: jarrodw@gjcity.org **Telephone:** (970) 244-1443

City of Grand Junction REQUIREMENTS (with appropriate Code citations)

CITY PLANNING

1. Application is for a Rezone from R-4 (Residential – 4 du/ac) to R-8 (Residential – 8 du/ac) in anticipation of future residential subdivision development. Single-family detached homes are an “Allowed” land use within the proposed R-8 zone district. Existing property is 9.37 +/- acres in size. Comprehensive Plan Future Land Use Map identifies the property as Residential Medium (4 – 8 du/ac). No additional response required.

Applicant's Response:

Document Reference:

2. Public Correspondence Received:

As of this date, City Project Manager has not received any public correspondence concerning the proposed rezone application. If any future correspondence is received, City Project Manager will forward to the applicant and representative for their information and file.

Applicant's Response:

Document Reference:

3. Planning Commission and City Council Public Hearings:

Planning Commission and City Council review and approval required for proposed Rezone request. City Project Manager will **tentatively** schedule application(s) for the following public hearing schedule:

- a. Planning Commission review of request: July 24, 2018.
- b. First Reading of request by City Council: August 1, 2018.
- c. Second Reading of request by City Council: August 15, 2018.

Please plan on attending the July 24th Planning Commission meeting and the August 15th City Council Meeting. The August 1st meeting you do not need to attend as that is only scheduling the hearing date and the item is placed on the Consent Agenda with no public testimony taken. Both the July 24th and August 15th meetings begin at 6:00 PM at City Hall in the Council Chambers.

If for some reason, applicant cannot make these proposed public hearing dates, please contact City Project Manager to reschedule for the next available meeting dates.

Code Reference: Sections 21.02.140 of the Zoning and Development Code.

Applicant's Response:

Document Reference:

CITY DEVELOPMENT ENGINEER

No exceptions taken.

Applicant's Response:

Document Reference:

CITY SURVEYOR – Peter Krick – peterk@qicity.org (970) 256-4003

No comments at this time.

Applicant's Response:

Document Reference:

CITY FIRE DEPARTMENT – Mike Gazdak – mikega@qicity.org (970) 549-5854

The fire department has no objections to the proposed rezone of the property.

Applicant's Response:

Document Reference:

OUTSIDE REVIEW AGENCY COMMENTS

(Non-City Agencies)

Review Agency: Grand Valley Drainage District

Contact Name: Tim Ryan

Email / Telephone Number: tim.admin@gvdd.org (970) 242-4343

GVDD has no comment.

Applicant's Response:

Review Agency: Mesa County Building Department

Contact Name: Darrell Bay

Email / Telephone Number: Darrell.bay@mesacounty.us (970) 244-1651

No objections.

Applicant's Response:

Review Agency: Xcel Energy

Contact Name: Brenda Boes

Email / Telephone Number: Brenda.k.boes@Xcelenergy.com (970) 244-2698

Xcel has no objections at this time.

Completion of this City/County review approval process does not constitute an application with Xcel Energy for utility installation. Applicant will need to contact Xcel Energy's Builder's Call Line/Engineering Department to request a formal design for the project. A full set of plans, contractor, and legal owner information is required prior to starting any part of the construction. Failure to provide required information prior to construction start will result in delays providing utility services to your project. Acceptable meter and/or equipment locations will be determined by Xcel Energy as a part of the design process. Additional easements may be required depending on final utility design and layout. Engineering and Construction lead times will vary depending on workloads and material availability. Relocation and/or removal of existing facilities will be made at the applicant's expense and are also subject to lead times referred to above. All Current and future Xcel Energy facilities' must be granted easement

Applicant's Response:

REVIEW AGENCIES

(Responding with "No Comment" or have not responded as of the due date)

The following Review Agencies have not responded as of the comment due date.

1. City Transportation Engineer
2. Grand Valley Irrigation Company
3. Clifton Water Department

The Petitioner is required to submit electronic responses, labeled as "**Response to Comments**" for the following agencies:

1. **N/A. Application will proceed to public hearing schedule.**

Date due: N/A.

Please provide a written response for each comment and, for any changes made to other plans or documents indicate specifically where the change was made.

I certify that all of the changes noted above have been made to the appropriate documents and plans and there are no other changes other than those noted in the response.

Applicant's Signature

Date

PLANNING COMMISSION AGENDA ITEM

Project Name: River Walk Subdivision Rezone

Applicant: 3125 D Road LLC

Representative: River City Consultants Inc.

Address: 3125 D Road

Zoning: Residential – 4 du/ac (R-4)

I. SUBJECT

Consider a request by the Applicant, 3125 D Road LLC, to rezone 9.37 acres from R-4 (Residential – 4 du/ac) to R-8 (Residential – 8 du/ac).

II. EXECUTIVE SUMMARY

The Applicant, 3125 D Road LLC, is requesting a rezone of a 9.37-acre parcel of land located at 3125 D Road from R-4 (Residential – 4 du/ac) to the R-8 (Residential - 8 du/ac) zone district for the purpose of future residential subdivision development. The requested R-8 zone district is consistent with the Comprehensive Plan Future Land Use designation for the property of Residential Medium (4 – 8 du/ac).

III. BACKGROUND

The subject property is located at 3125 D Road in the Pear Park area. The property is currently vacant, undeveloped land. The Applicant is requesting to rezone the property to R-8 (8 dwelling units/acre) from its current zoning of R-4 (Residential – 4 dwelling units an acre). The Applicant is interested in developing a residential subdivision to meet the R-8 zone district densities.

The property was annexed into the City in 2007 as part of the Heron's Nest Annexation #2. During the annexation process, the property was zoned R-4 (Residential – 4 du/ac). The R-4 zone district was in conformance with the Residential Medium (4 – 8 du/ac) designation of the City's Growth Plan at the time. Also in 2007, a Preliminary/Final Subdivision Plan application was filed with the City to develop 29 single-family detached lots on the property (Heron's Nest Subdivision), which received approval from the City Planning Commission in 2008, however due to the beginning of the local downturn in the economy at the time, the Final Subdivision Plan proposal never materialized and eventually the application expired in 2011.

Properties adjacent to the subject property to the east is vacant land (19 acres in size) and a residential subdivision (River Trail Subdivision – 5.71 dwelling units to the acre), both of which are currently zoned R-8 in the City. To the west is the River Bend Subdivision that contains areas that are located in both the City and County jurisdictions and provides a mixture of single-family detached and attached dwelling units. The area of River Bend that is located within the City is zoned R-8 with the County portions zoned PD (Planned Development) with an overall subdivision residential density of 4.82 dwelling units to the acre. Directly to the south is a portion of the Riverfront Trail system located on property owned by the Colorado Division of Wildlife and to the north

are single-family detached homes located on larger acreage with a mixture of City and County jurisdiction including R-5 zoning (Residential – 5 du/ac) in the City and RSF-R zoning (Residential Single Family – Rural) in the County. Also to the northeast is the Grove Creek Subdivision located within Mesa County and zoned RMF-5 (Residential Multi-Family – 5 du/ac) with an estimated density of 4.32 dwelling units to the acre.

IV. NOTIFICATION REQUIREMENTS

A Neighborhood Meeting was held on April 16, 2018 consistent with the requirements of Section 21.02.080 (e) of the Zoning and Development Code. Approximately nine citizens along with the Applicant, the Applicant's representative and City planning staff were in attendance. Area residents in attendance did voice concerns over the proposed additional density and additional traffic that would be generated within the area when the property would be developed.

Notice was completed consistent to the provisions in Section 21.02.080 (g) of the City's Zoning and Development Code. Mailed notice of the Planning Commission Public Hearing, in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on July 13, 2018. The subject property was posted with an application sign on June 22, 2018 and notice of the public hearing was published July 17, 2018 in the Grand Junction Daily Sentinel.

V. 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 criteria:

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

The existing property was annexed and zoned R-4 in 2007. In 2010 the City of Grand Junction and Mesa County jointly adopted a Comprehensive Plan, replacing the Growth Plan and establishing new land use designations. The Comprehensive Plan includes a Future Land Use Map which identifies this property to be designated as Residential Medium (4 – 8 du/ac), which is the same designation that was identified on the property when the property was annexed and zoned in 2007. Both the Applicant's proposed zoning of R-8 as well as the existing zoning of R-4 implements the Future Land Use Map designation of Residential Medium (4 – 8 du/ac). The existing zoning of R-4 continues to be a valid zoning under the Comprehensive Plan, nor has staff found other subsequent events to have invalidated the original premise of the existing zoning, therefore finds 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 residential character within the immediate vicinity of the proposed rezone has changed in that it has continued to be developed with new residential structures/subdivisions with densities allowed within the R-8 zoning district. This includes the addition of the adjacent River Trail Subdivision that first developed in 2012 and has an existing zoning designation of R-8.

The general character of the area is residential with a mix of attached and detached single-family product. The number of dwelling units in the area continues to increase and the broader area of the Pear Park area has seen a variety of development pressures including single-family and multi-family residential product since the property was annexed and zoned in 2007. Staff has found the area has changed overtime with additional R-8 zoning being added to the area including the River Trail and River Bend Subdivisions and therefor the zoning request is consistent with both the Comprehensive Plan and the surrounding uses and densities. 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 property and are sufficient to serve the residential land uses allowed in the R-8 zone district. Clifton Water and City sanitary sewer are presently located within the D Road right-of-way. The property can also be served by Xcel Energy electric and natural gas. Access to commercial facilities, retail, offices and restaurants, etc., can be accessed from either 30 or 32 Roads via D Road. Grand Valley Transit (GVT) also provides bus service stops along D Road. In addition, the property is located nearby to Chatfield Elementary School. Staff has found there to be adequate public and community facilities available to serve the R-8 zone district and its potential uses therefore, 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

The R-8 zone district comprises the largest amount of residential acreage within the City limits at over 1,868 acres. Much of the recent and current development activity that has taken place within the city in the R-8 zone districts has been developed at the lowest end of the allowable density range at a density of 5.5 dwelling units per acre. Because development continues to put downward pressure on the overall developed densities of properties within the City there is a growing need to be able to accommodate the longer-term future growth of the City's population. It is therefore Staff's opinion that there is an inadequate supply of suitably designated lands (R-8 or higher) to accommodate for the densities necessary to accommodate for future residential growth and the proposed land use herein. Staff therefore, finds this criterion has been met.

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

The community will derive benefits from the proposed rezone by creating an opportunity to develop from 5.5 dwelling units per acre up to 8 dwelling units per acre on the property. This zone district provides additional residential housing opportunities near existing neighborhoods that have compatible densities and are also within easy access of both necessary infrastructure and community amenities for future residents. The proposed R-8 zone district implements the Comprehensive Plan Future Land Use Map designation of Residential Medium (4 – 8 du/ac) as well as have the potential to provide for a diversity of housing types. The property is located within Pear Park and near neighborhood commercial centers, an elementary school, which could contribute positively to employers' ability to attract and retain employees. Therefore, staff finds this criterion has been met.

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

Goal 3: The Comprehensive Plan will 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 increasing air quality.

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.

Policy A: In making land use and development decisions, the City will balance the needs of the community.

Policy C: Increasing the capacity of housing developers to meet housing demand.

V. STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing the River Walk Subdivision Rezone, RZN-2018-273, a request to rezone 9.37 acres from R-4 (Residential – 4 du/ac) to R-8 (Residential – 8 du/ac) 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 Grand Junction Zoning and Development Code, one or more of the criteria have been met.

Therefore, Staff recommends approval of the request to rezone the property located at 3125 D Road from R-4 (Residential – 4 du/ac) to an R-8 (Residential – 8 du/ac) zone district.

VI. RECOMMENDED MOTION

Madam Chairman, on the Rezone request RZN-2018-273, I move that the Planning Commission forward a recommendation of approval for the rezone of 3125 D Road from R-4 (Residential – 4 du/ac) to R-8 (Residential – 8 du/ac) zone district with the findings of fact listed in the staff report.

Attachments:

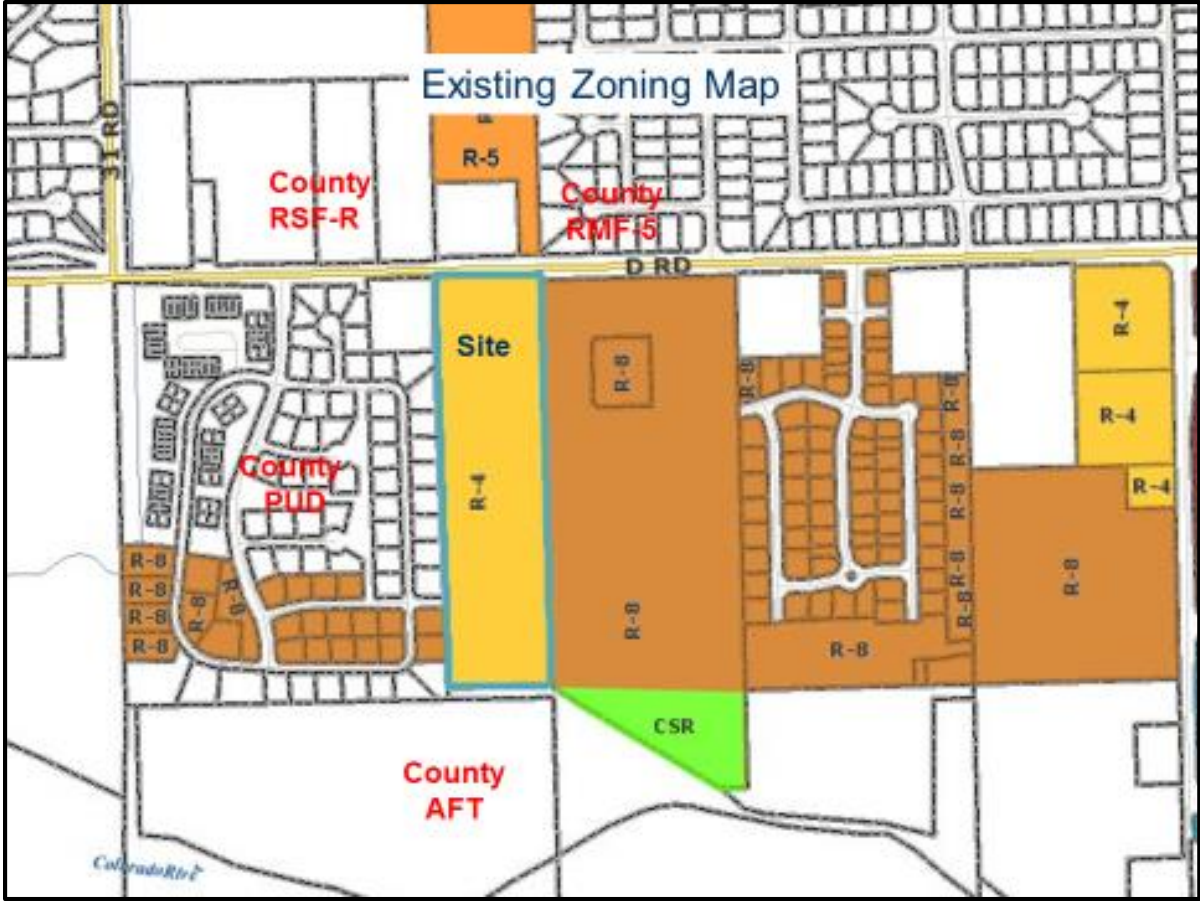
5. Site Location Map
6. Aerial Photo Map
7. Comprehensive Plan Future Land Use Map
8. Existing Zoning Map





Comprehensive Plan Future Land Use Map





Attach 4



EXHIBIT LIST

**CODE TEXT AMENDMENT SHORT TERM RENTALS
FILE NO. ZCA-2018-316**

Exhibit Item #	Description
1	Staff Report dated July 24, 2018
2	Staff Presentation dated July 24, 2018

PLANNING COMMISSION AGENDA ITEM

Project Name: Amending Section 21.04.030(h), 21.10.020, 21.04.010, and 21.06.050 regarding Short Term Rentals and Bed and Breakfasts

Applicant: City of Grand Junction

Address: N/A

Zoning: N/A

I. SUBJECT

Consider proposed amendments to the Zoning and Development Code regarding Short Term Rentals and Bed and Breakfast uses.

II. EXECUTIVE SUMMARY

The Applicant is requesting amendments to Sections 21.04.030(h), 21.10.020, 21.04.010, and 21.06.050 of the Zoning and Development Code allowing and regulating Short Term Rentals and incorporating Bed and Breakfast as a Short Term Rentals.

III. BACKGROUND

Despite the presence and growing supply of short-term rentals, the Grand Junction Municipal Code (GJMC) only allows these uses in commercially zoned areas and it does not allow for these uses in residentially zoned areas. Most short-term rentals are currently operating in zone districts that do not allow this use, however, the City has not actively pursued enforcement of code violations of these units. Because of the uniqueness of this use, most communities have found short-term rentals fall outside of the traditional definitions of Lodging and thus warrant their own unique definition and in many cases their own standards.

The City Council and Planning Commission met in a March 8, 2018 workshop to discuss Short Term Rentals, revenue collection and potential regulations. Direction received therein was to convene a group of stakeholders that could discuss and make recommendations to the Planning Commission and Council regarding potential regulations.

Staff convened a Short Term Rental Working Group (Working Group) comprised of 14 diverse individuals representing current short term rental property owners/managers, traditional lodging facilities, real estate professionals, and neighborhood associations as well as City staff from legal, planning, and Visit Grand Junction and the contract Building Official from Mesa County. The Working Group met on April 13, 2018 and May 14, 2018 to discuss short term rentals in the City of Grand Junction. The group was asked to provide recommendations regarding the use and any regulations the City should consider adopting.

The group considered and discussed five major regulatory areas relating to potential impacts of short term rentals in a community:

1. Protection of Neighborhood Environment. Noise, late night parties, trespassing, increased traffic, and visitors generally not being neighborly.
2. Protection of Physical Characteristics. Absentee property owners can be less attentive to routine maintenance such as painting, lawn maintenance, tree and shrub pruning and trash removal.
3. Revenue. If the property owner does not obtain a State sales tax license, this can mean loss of both sales tax and lodging tax revenue for the City.
4. Fairer Competition with Licensed Lodging. Lack of regulation for short-term rentals results may in unfair competition for hotels, motels and bed and breakfasts that must pay higher taxes and abide by more stringent site development and building codes.
5. Protection of Renter Safety. Health and safety concerns may be present in residential units which are rented like a commercial establishment but are not required to meet commercial building codes.

Drawing from regulations established by other communities and from their respective areas of expertise, the members of the Working Group recommended that the City focus on three areas of regulation, in order of importance: 1) Guest Safety, 2) Revenue Collection, and 3) Protection of Neighborhoods.

Guest Safety. The safety of the public and the guests using the short term rental facilities was of paramount concern to the Working Group. The group recommended that there be mandatory life-safety requirements for short term rental properties to protect the life, health and welfare of guests, including:

- Installation of preventative equipment, including smoke detectors, fire extinguishers and carbon monoxide monitors;
- Required posting within the unit of emergency information including building exits, emergency contact information, and local property manager/representative contact;
- Maximum occupancy limit for each unit based on two people per bedroom, plus two additional people unless otherwise approved by the Director;
- Allowing only rooms with adequate egress to be rented as sleeping space.

To ensure basic life-safety equipment is installed and appropriate information made available to guests, the Working Group recommended each property be required to complete a one-time initial inspection by the Mesa County Building Department for these life safety issues. The Mesa County Building Official was involved in this discussion and noted that this is something his staff could manage and that the Mesa County Building Department currently charges \$35 for this type of inspection. The Building Official would also report back to the City and rental unit operator what the maximum occupancy would be based on bedroom count, egress and additional safe sleeping space.

Revenue Collection. The Working Group's second concern was that short term rental facilities were seen as legitimate businesses and as such they needed to pay the required sales and lodging tax. To help ensure they collect and remit taxes, the group recommended that owners of short term rentals be required to demonstrate they had obtained a sales tax license from the City.

Protection of Neighborhood. Protection of the neighborhood environment was the third area of impact the Working Group considered important. The focus from the Working Group in this area was to not create any new or specialized restriction, but to ensure that the property owner/manager and renters are made aware of the City's regulations regarding excessive noise, parking, and trash removal, and that posting on the property included such information.

- **Noise.** Currently noise is regulated by Sections 8.16.010 and 9.04.030 of the Grand Junction Municipal Code. Section 8.16.010 declares it unlawful to make, continue or cause any unusually loud noise between the hours of 8 p.m. and 6 a.m., and Section 9.04.030 prohibits unreasonably loud or unusual noises which seriously inconvenience other persons in the area. The Group recommended that each permit issued provide this information to the owner/operator of the rental unit and that posting of the unit include information about the noise ordinances.
- **Parking.** The City's Zoning and Development Code prescribes that each new single family home have two parking spaces per unit while each multi-family home is required to have 1.25 per unit for one parking space bedroom units, 1.5 parking spaces per unit per two bedroom units and 2 parking spaces per unit for 3+ bedroom units. However, many homes in existing historic areas may not meet these requirements due to existing site conditions. The Working Group did not want to impose any additional requirements on short term rentals that operate within single- family and multi-family home units, but wanted to ensure that guests of units were made aware of appropriate places to park versus areas that may be a nuisance to surrounding residential homes.
- **Required Posting.** The Working Group recognized that not all information that is delivered to the operator is conveyed to the guests. Though most online rental platforms have a "house rules" agreement that guests are required to sign, few likely read them. To address this, the Working Group recommended there be a required posting (internal to the property) that indicates the following information:
 - City Permit Number
 - Maximum Occupancy
 - Emergency Contact Information
 - Local Representative's 24-hour Contact Information
 - City "Quiet Hours" 8 p.m. to 6 a.m.
 - Trash pickup and trash instructions

To implement these regulations, the Working Group recommended the following:

Permitting. The Working Group recommended creating a mandatory permitting requirement, with the primary purpose of ensuring these regulations were followed and to ensure the collection of sales and lodging tax. The Working Group recommended that all owners of short term rentals, new and existing, be required to submit an application and site plan sketch for review, provide its tax license, completion of an on-site inspection for life safety issues, and obtain a permit. The permit would run with the land, but would require a no-cost annual update affirming that the property continues to be used for the short term rental purpose, that the permit requirements are still being met, and updating contact information that may have changed since the prior registration. The annual update would likely be distributed by a brief survey form online or by mail.

Being Neighborly. Of utmost importance to the Working Group was the community's expectation and culture regarding the operations and maintenance of short term rental properties. The Working Group wanted to help promote and encourage each unit operator to be neighborly and attentive to potential issues and complaints that might occur. To help deliver this information to current and future operators, the Working Group recommended that an informational brochure be created and distributed during the permitting process that provides "best practices" and community expectations for those operating the rental units that would serve to foster a culture of respect and neighborliness between those operating rental units and the surrounding neighborhood. This brochure would include information about contacting adjacent property owners, managing trash, yard maintenance, licensing and permitting requirements, and other pertinent information.

Parity for other Lodging Facilities. During the discussion regarding short term rental facilities, it was noted that the City should consider equitable regulations for other types of lodging facilities, specifically Bed and Breakfasts. For example, Bed and Breakfast facilities with 4 to 5 rooms are required to seek a Conditional Use Permit requiring a planning commission hearing if they are located within a residential zone district ranging from R-R to R-8. Other standards (regardless of the number of rooms) require Bed and Breakfast facilities to limit length of stay to 30 days, require guestrooms to be located only within a principle structure (not an Accessory dwelling unit), and approval by the building department based on building code prior to permitting. The Working Group recommended the City review the standards for Bed and Breakfasts along with other lodging facilities to ensure that there was parity, as appropriate between the different uses and their required standards.

Based on this direction, Staff reviewed the definition, standards and other regulations pertaining to Bed and Breakfast uses. It was found this use is substantially similar to short term rentals and as such, staff recommends including bed and breakfasts within the definition of short term rentals, thereby subjecting them to the same set of standards, permitting and regulations as required for short term rentals.

Zoning and Development Code Revisions. Four sections of the Zoning and Development Code need to be modified to implement the Group's recommendations: (1) inclusion of use-specific standards for short term rental use, (2) modification of the Use Table allowing Short Term Rentals in all zone districts allowing residential uses, (3) deletion of special requirements for bed and breakfasts, and (4) including a definition of short term rental and modifying the definition of bed and breakfast in the Definitions section (21.10) of the Code.

The City Council and Planning Commission met in a workshop held on June 14, 2018 to review the working group's recommendations. The direction from that workshop was to move forward with the proposed modifications to the Zoning and Development Code reflecting the Working Group's recommendations. Proposed revisions are attached for review.

IV. NOTIFICATION REQUIREMENTS

As required in Section 21.02.080 (g) of the City's Zoning and Development Code, notice of the public hearing was published on July 13, 2018 in the Grand Junction Sentinel.

V. ANALYSIS

In accordance with Section 21.02.140(c), an Application for a text amendment must address in writing the reasons for the proposed amendment. No further criteria for review are provided. Reasons for the proposed amendments are given in Section III. Background of this staff report.

VI. STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing the proposed amendments to Sections 21.04.030(h), 21.10.020, 21.04.010, and 21.06.050 allowing and regulating Short Term Rentals and incorporating Bed and Breakfast as a Short Term Rental, ZCA-2018-316, the following findings of fact have been made:

1. The amendments adequately define short term rentals and provide appropriate standards, regulation and administration processes governing that land use within the City.

Therefore, staff recommends approval of the request to amend the Zoning and Development Code.

VII. RECOMMENDED MOTION

Madam Chairman, on the Zoning and Development Code Amendments, ZCA-2018-316, move that the Planning Commission forward a recommendation of approval with the findings of fact as listed in the staff report.

Attachments:

- A. Proposed Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 21.04.030(H), 21.10.020, 21.04.010, AND 21.06.050 OF THE ZONING AND DEVELOPMENT CODE (TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE) ALLOWING AND REGULATING SHORT TERM RENTALS AND INCORPORATING BED AND BREAKFAST AS A SHORT TERM RENTALS.

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)

21.04.030 (h) ~~Bed and Breakfast.~~ All bed and breakfast uses shall be subject to the following standards:

- ~~(1) Structures shall not be altered in a way that changes the general residential appearance;~~
- ~~(2) A minimum of one parking space shall be provided for each guest bedroom and two spaces for the owner. Additional parking shall be required if reception or party space is available. If four or more uncovered off-street parking spaces are provided, visual screening from adjacent residential uses shall be required;~~
- ~~(3) One sign shall be allowed, with a size limit of two square feet on roads with a speed limit of 30 miles per hour or less and six square feet on roads with a speed limit greater than 30 miles per hour. Internally illuminated signs are not allowed. Externally illuminated signs must meet the standards of GJMC 21.06.070;~~
- ~~(4) No receptions, private parties or similar activities for which the owner receives a fee shall be permitted unless expressly approved through the review and approval of a conditional use permit;~~
- ~~(5) The maximum length of stay shall be 30 days;~~
- ~~(6) All guestrooms shall be located within the principal structure;~~

~~(7) Other than registered guests, no meals shall be served to the general public unless expressly approved. No cooking facilities shall be allowed in the guest rooms;~~

~~(8) All bed and breakfast establishments must comply with Mesa County Health Department regulations. Written approval by the Mesa County Health Department is required prior to approval by the City; and~~

~~(9) All bed and breakfast establishments shall comply with fire code and building code requirements. Written approval by the governing fire district and building department is required prior to approval by the City.~~

Short-Term Rentals

(1) Purpose

The purpose of this regulation is to allow short-term rentals in certain zone districts in the City with a permit and with regulation to assist in protecting the health, safety, and welfare of property owners, neighbors, and occupants.

(2) Applicability

These regulations apply to all uses meeting the definition of short-term rental. Private covenants running with land may restrict or prohibit short-term rentals; it is the responsibility of the property owner, not the City or any employee or agent thereof, to ensure compliance with restrictive covenants.

(3) Definitions

Short-term rental is a type of lodging wherein a dwelling unit, either in full or in part, is rented to a temporary occupant(s) for monetary consideration for fewer than thirty (30) consecutive days. A bed and breakfast is, for purposes of this Title 21, a type of *short-term rental*. Likewise, a home used similar to a Rooming/Boarding House but where stays are fewer than 30 consecutive days is also a *short-term rental*. *Short-term rental* does not include shelters or other transient lodging as defined as a Community Service use.

(4) Permit Required.

No person or entity shall sell lodging to a temporary occupant(s) a dwelling unit for fewer than 30 consecutive days without first having obtained a short-term rental permit issued by the City and complying with any conditions or restrictions thereof. A short-term rental permit is valid for the life of the short-term rental use, subject to annual re-registration in a form prescribed by the City. A separate short-term rental permit is required for each short-term rental unit. A short-term rental permit may be issued only to the owner of the property used for short-term rental. A short-term rental permit may be issued by the Director upon finding that the requirements of this section 21.04.030.h. are met. A permit may contain conditions and restrictions.

(5) Occupancy.

(i) The number of occupants at any given time in a short-term rental unit shall not exceed two (2) persons per bedroom plus two (2) additional renters, including the operator, except where the Director determines that the size, configuration and/or structural features of the unit allow greater or lesser occupancy.

(ii) The permit shall specify the maximum occupancy of the unit.

(6) Designated local responsible party.

(i) The property owner shall designate one or more local person(s) who will be permanently available and responsible for immediately responding to complaints about or violations of law or of permit terms. "Local" as used herein means having a permanent address within a twenty (20) mile radius from the short-term rental property and a 24-hour contact phone number.

(ii) The designated local responsible party may be the owner of the property if he or she meets the "local" criteria.

(iii) The designated local responsible party must be authorized by the property owner to permit inspection of the premises by the City and/or its agent or employee to ensure compliance with applicable fire and building codes and with the requirements for and/or of the short-term rental permit.

(7) General Requirements. The owner of a dwelling used or to be used as a short-term rental shall:

(i) obtain a tax license from the City of Grand Junction and collect and remit all applicable local, state, and federal taxes;

(ii) demonstrate and certify that the unit contains the following on the premises at all times:

- (A) a smoke detector in good working order;
- (B) a carbon monoxide detector in good working order;
- (C) a fire extinguisher in good working order;
- (D) adequate and functional building egress from each sleeping room in the unit;
- (E) posted notice providing in detail the following information in a highly visible location and readily accessible form:
 - a. location of building exits and fire extinguishers
 - b. 24-hour emergency contact information
 - c. parking areas and parking restrictions, including a notice that parking on lawns is not allowed
 - d. noise restrictions and quiet hours
 - e. trash disposal instructions including trash pickup location and schedule
 - f. maximum occupancy restrictions
 - g. City permit number

(iii) permit inspection of the premises by the City or its agent or employee during the pendency of the permit application, and thereafter upon reasonable notice;

(iv) provide with its application a sketch or drawing of the unit that depicts all rooms, doors and windows, including dimensions, and shows on-site areas available for guest parking;

(v) if the short-term rental unit is accessed by a shared driveway, provide the City with a copy of a written instrument authorizing use of the driveway for short-term rental purposes;

(vi) provide the name, address and phone number of the designated local responsible party to the City, and update such information with the City whenever it changes;

(vii) register annually with the City, within 30 days of the anniversary date of the permit, certifying that the permit terms and requirements are still being met and updating any material changes to the unit or property;

(viii) where food is prepared and served to guests/lodgers on the premises, demonstrate compliance with Mesa County Health Department regulations.

(8) Revocation, suspension, and appeal.

(i) A short-term rental permit may be suspended or revoked for any of the following reasons:

(A) The owner or designated responsible party has failed to comply with a requirement of this Section 21.04.030(v).

(B) The owner or designated responsible party has failed to comply with a condition of or restriction set forth in the short-term rental permit.

(C) The owner has failed to collect or remit lodging taxes as required by this Code.

(D) Materially false or misleading information has been provided to the City by the applicant, owner or designated responsible party on an application.

(E) The City has received excessive and substantial complaints by neighbors or affected persons that were not adequately and timely addressed by the owner or designated responsible party.

(ii) Notice of revocation shall be provided to the owner, who shall then be given an opportunity to be heard on the matter. The City will issue any decision to revoke or suspend a permit within 10 days of the hearing.

(iii) Any aggrieved person may appeal the issuance, denial, suspension, or revocation of a short-term rental permit to the Zoning Board of Appeals within 10 days of the issuance of the decision.

The definition of *bed and breakfast* in Section 21.10.020 is amended as follows (additions underlined; deletions struck through):

Bed and breakfast means a house, or portion thereof, where short-term lodging rooms and meals are provided and where the.—~~The operator of the house in~~ shall live ~~lives~~ on the premises or in adjacent premises. A bed and breakfast is a type of short-term rental.

A definition of *short-term rental* is added to Section 21.10.020 as follows (additions underlined; deletions struck through):

Short-term rental is a type of lodging wherein a dwelling unit, either in full or in part, is rented to a temporary occupant(s) for monetary consideration for fewer than thirty (30) consecutive days.

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

The table in Section 21.04.010 (Use Table) is amended to add a row for the principle use of “Short-Term Rentals” allowed in all zone districts where residential uses are allowed, and referencing the use-specific standards of Section 21.04.030(v), and deleting the principal use of “Bed and Breakfast,” which

shall be a use type that is included in the principal use “Short-Term Rentals,” 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.
COMMERCIAL																								
Lodging – hotels, motels, short-term rentals and similar establishments	Hotels and Motels													A	A	A		A	A	A				
	Bed and Breakfast (1–3 Guest Rooms)	A	A	A	A	A	A	A	A	A	A	A	A	A					A	A				
	Bed and Breakfast (4–5 Guest Rooms)	C	C	C	C	C	C	C	A	A	A	A	A	A					A	A				
	<u>Short-Term Rentals</u>	A	A	A	A	A	A	A	A	A	A	A	A	A					A	A				
																								See GJMC 21.03.090
																								21.04.030(h)
																								21.04.030(h)
																								21.04.030(h)

The other sections of the Use Table shall remain unchanged hereby and in full force and effect.

The table in Section 21.06.050 (Parking Table) is amended to delete the reference to the parking required for a bed and breakfast, which shall now be considered a *short-term rental* and regulated as such, as follows (deletions struck through):

(c) **Off-Street Required Parking.** The table below shows the number of parking spaces required for the uses indicated. The number of spaces required may be modified through the alternative parking plan described.

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
	Fraternities/Sororities	1.5 spaces for each sleeping room plus 1.5 spaces for every 4 active nonresident members of the fraternity/sorority plus 1 space for every 3 staff employed at the facility.
	Boarding and Rooming House	1 space for each room available for rent plus 2 spaces
	Other Group Living (e.g., dormitory style living)	0.8 parking spaces per bed
Household Living	Business Residence	1 per residence + business parking

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF VEHICLE SPACES
	Bed and Breakfast	1 per guest room + 2 spaces for owner's portion
	Accessory Dwelling Unit	1 per unit
	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 other sections of the Parking Table shall remain unchanged hereby and in full force and effect.

Introduced on first reading this _____ day of _____, 2018 and ordered published in pamphlet form.

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

ATTEST:

City Clerk

Mayor

Attach 5



EXHIBIT LIST

**CODE TEXT AMENDMENT GREATER DOWNTOWN DESIGN STANDARDS
FILE NO. ZCA-2018-317**

Exhibit Item #	Description
1	Staff Report dated July 24, 2018
2	Staff Presentation dated July 24, 2018

PLANNING COMMISSION AGENDA ITEM

Project Name: Amending Design Standards and Guidelines in the Greater Downtown Overlay

Applicant: City of Grand Junction

Address: N/A

Zoning: N/A

I. SUBJECT

Consider proposed amendments to the Greater Downtown Overlay, Downtown District Standards and Guidelines regarding Residential Areas Standards including Section 24.12.130 (Standards) and Section 24.12.140 (Guidelines) and regarding Transitional Areas Standards and Guidelines including Section 24.12.160 (Policy), Section 24.12.170 (Standards) and Section 24.12.180 (Guidelines).

II. EXECUTIVE SUMMARY

The Applicant is requesting amendments to Sections of the Greater Downtown to revise design standards and guidelines for the Residential and Transitional areas. In general, these revisions include creating more consistent language for defining terms, to remove specific requirements for pitched roofs, and to remove the term “residential” from architectural references in the Transitional Area.

III. BACKGROUND

The Planning Commission has been actively reviewing issues related to potential redevelopment in the downtown neighborhoods. At its April 5, 2018 workshop, the Planning Commission discussed the design standards and guidelines for the Residential and Transitional areas. After discussing projects that had been constructed implementing the existing design standards and guidelines, the Commission felt that the standards and guidelines struck a good balance between being too prescriptive and not prescriptive enough. The Commission emphasized that it was important to recognize the historic character of the area but that new projects should also be recognizable as new and be encouraged to incorporate new or more contemporary designs while utilizing designs that are sensitive to their surroundings.

Based on the application of the design standards and guidelines in several recent projects, staff and the Commission, at their April 19, 2018 meeting, found that some of the text would be improved by more consistent language; that the highly prescriptive requirement for pitched roofs should be removed; and that removing the term “residential” from the architectural references for projects in the transitional area would be helpful given that a significant number of structures are not currently being used for residential purposes. The recommended revisions to the standards and guidelines are attached in the proposed ordinance.

The Planning Commission met with the City Council on June 14, 2018 to review the findings and recommendations from these workshop discussions. The boards jointly directed staff to bring forward a text amendment capturing the recommendations of the Planning Commission regarding the modifications to the design standards and guidelines of the Residential and Transitional area overlays.

IV. NOTIFICATION REQUIREMENTS

As required in Section 21.02.080 (g) of the City's Zoning and Development Code, notice of the public hearing was published on July 17, 2018, in the Grand Junction Sentinel.

V. 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 are provided. Reasons for the proposed amendments are described in Section III. Background of this staff report. Proposed revisions are attached.

VI. STAFF RECOMMENDATION AND FINDINGS OF FACT

Staff finds that the proposed amendments to the Greater Downtown Overlay assist in meeting the intent and goals of the City regarding the purpose, intent and policies related to the Residential and Transitional Areas of the Greater Downtown Overlay.

VII. RECOMMENDED MOTION

Madam Chairman, on the Zoning and Development Code Amendments, ZCA-2018-317, I move that the Planning Commission forward a recommendation of approval finding that the amendments assist in meeting the intent and goals of the guidelines and standards for the Residential and Transitional Areas of the Greater Downtown Overlay.

Attachments:

- A. Proposed Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING PARTS OF THE DOWNTOWN OVERLAY (TITLE 24 OF THE GRAND JUNCTION MUNICIPAL CODE) REGARDING POLICIES, STANDARDS AND GUIDELINES OF THE RESIDENTIAL AND TRANSITIONAL AREAS.

Recitals:

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan and Greater Downtown Master 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.

The proposed amendments to sections of the Greater Downtown Overlay address revisions to the design standards and guidelines for the Residential and Transitional areas. In general, these revisions include creating more consistent language for specific terms, removing specific requirements for pitched roofs, and removing the term "residential" from architectural references in the Transitional Area.

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 Greater Downtown Overlay amendments.

After public notice and public hearing, the Grand Junction City Council finds that the proposed Greater Downtown Overlay amendments are necessary to maintain effective regulations to implement the Greater Downtown Master Plan.

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

Subsections 24.12.130(a) and (c) of the Grand Junction Municipal Code (Development Regulations - Downtown District Guidelines and Standards) is amended as follows (additions underlined, deletions struck through):

24.12.130 Standards.

(a) Architectural Considerations.

- (1) Building Style and Character. Maintain the existing character of the house styles within the residential neighborhoods in the Downtown District. New construction and alterations shall be compatible with key architectural characteristics and site elements of the ~~neighborhood~~ area.

(2) Accessory Structure Setbacks. The setback for accessory structures is a zero-foot setback from the alley and three feet from neighboring property line(s).

(3) Building Mass/Scale and Proportion. New buildings or additions to existing buildings shall be visually compatible with the area. Visually compatible means compatible with adjacent and neighboring buildings including mass and scale, shape, windows, doors, openings, roof shape, roof pitch and orientation.

(4) Roof Shape. The roofs of new buildings shall be visually compatible with adjacent buildings. ~~dwelling~~s. ~~If pitched, the roof pitch shall be at least 4:12.~~

(5) Fenestration. The pattern of windows and doors on structures shall be visually compatible with ~~surrounding residential buildings in the area~~ structures. Visually compatible includes the relationship of width to height, and the spacing of windows and doors. For example, tall evenly-spaced rectangular windows are typical of many of the residential styles in the downtown area.

(6) Materials. The exterior materials of all new buildings, additions and alterations shall be similar in size and appearance to ~~adjacent area buildings~~ dwellings.

(7) Setbacks. On a corner lot, the front yard setback for that part of the yard that extends to and along the side property line on the street side may be reduced to 10 feet on properties within the Downtown District residential subareas. On corner lots where an existing parkway strip exceeds 10 feet in width between a sidewalk and the curb, the front yard setback on a side street may be reduced to 5 feet.

(c) **Multifamily Development.**

(2) Break up the mass of larger buildings into forms that are similar in scale to the ~~single-family~~ residential character.

(3) Facades must be composed of smaller sections, similar in scale and material finish to ~~single-family~~ residential structures.

The remaining subsections of Section 21.12.130 shall remain in full force and effect.

Subsections 24.12.140(c) and (e) are amended as follows (additions underlines, deletions struck through):

24.12.140 Guidelines.

(c) Each new building and addition should be located so that it aligns with existing ~~neighborhood buildings in the area~~. "Aligns" means elevation (e.g., horizontal lines of peaks of

roofs, cornices and window sills) and plan (e.g., setbacks from the street and rear property lines and spacing between structures/setbacks from side property lines).

(e) New buildings and additions should have the same number of stories and a height which is compatible with buildings ~~within the same block~~ in the area.

The remaining subsections of Section 21.12.130 shall remain in full force and effect.

Sections 24.12.160 is amended as follows (additions underlines, deletions struck through):

24.12.160 Policy.

The peripheral areas of the CBD provide a mix of established residential uses and low intensity, nonretail, neighborhood service and office uses that are compatible with adjacent residential uses and neighborhoods. New development or reuse of existing structures will maintain compatibility with ~~residential~~ building scale and appearance in the area.

Section 24.12.170 is amended as follows (additions underlines, deletions struck through):

24.12.170 Standards.

(a) Land Use and Development Intensity.

~~(1) Any mix of residential and nonresidential uses on the same lot shall be located in the same structure.~~

(2) ~~No~~ Non-residential uses within the transitional subareas shall not open earlier than 7:30 a.m. and shall close no later than 8:00 p.m.

(b) Architectural Considerations. New ~~residential or nonresidential~~ construction, including additions and rehabilitations, in the transitional subareas shall be designed to have a ~~single-family~~ residential character consistent with existing buildings in the area. "Consistent" means the operational, site design and layout, and architectural considerations described below.

~~(1) Every n~~ New principal buildings shall be located ~~so that it~~ to aligns with existing buildings ~~within the same block~~ in the area. "Aligns" means elevation (e.g., horizontal lines of peaks of roofs, cornices, window sills) and plan (e.g., setbacks from the street and rear property lines and spacing between structures/setbacks from side property lines).

(2) Main Building entrances shall ~~open onto~~ face a street or architectural features shall be provided that visually suggest an entrance. ~~and shall vertically align with those~~

~~of adjacent residential buildings in the same block. For example, in areas adjacent to the transitional subareas, raised foundations and steps that define the main entrance are prevailing residential characteristics.~~ Door styles shall be similar to those found on residential buildings.

(3) Each new principal building, its mass in relation to open spaces and its windows, doors, and openings shall be visually compatible. Visually compatible means compatible with ~~adjacent and neighboring~~ buildings in the area, including mass, shape, window, doors, openings, roof shape, roof pitch and orientation. For example, a large building shall be compatible with surrounding smaller dwellings by dividing its mass into smaller components to create a building elevation that is more like the size and proportion of the ~~nearby single-family homes~~ buildings in the area.

(4) The roofs of new principal buildings or additions to principal buildings shall be visually compatible with buildings ~~within the same block~~ in the area. ~~When pitched, the roof pitch shall be at least 4:12.~~

(5) Window and door spacing on structures shall be visually compatible with ~~surrounding residential~~ structures in the area. Visually compatible includes the relationship of width to height, and the spacing of windows and doors. For example, tall evenly-spaced rectangular windows are typical of certain residential styles near the transitional subareas.

(c) **Signs.**

(1) Flush wall signs and monument signs shall be the only sign type allowed. ~~Only one real estate sign advertising the property for sale or lease shall be allowed and shall not exceed 10 square feet.~~

(2) Signs shall be located at least 10 feet behind the front property line. Total sign area, ~~excluding real estate signs advertising the property for sale or lease,~~ 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.

(d) **Parking and Site Development.**

(1) Non-single-family uses in the transitional subareas shall be designed and utilized not to increase on-street parking in front of single-family dwellings in the neighborhood.

- ~~On-site parking shall be provided pursuant to the Zoning and Development Code; and~~

(2) Service entrances, loading areas and dumpster areas shall be located only in the rear or side yard. If the property has more than one street frontage, the rear or side shall mean on the opposite side of the building from the front door or the main public door entrance to the building; and each loading area shall be screened from each abutting residential use. ~~or zone.~~

Section 24.12.180 is amended as follows (additions underlines, deletions struck through):

24.12.180 Guidelines.

(a) New buildings should have the same number of stories and a height which is compatible with those of ~~nearby single-family residential~~ buildings in the area.

(b) The exterior of all new buildings, additions and alterations should be similar in size and appearance to ~~nearby dwelling~~ buildings in the area.

(c) Sign materials should be visually compatible with materials used on the building facade.

The remainder of Title 24, Chapter 12 (Downtown District Guidelines and Standards) shall remain in full force and effect and not modified by this Ordinance.

Introduced on first reading this _____ day of _____, 2018 and ordered published in pamphlet form.

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

ATTEST:

City Clerk

Mayor

Attach 6



EXHIBIT LIST

**CODE TEXT AMENDMENT VOTING AND OTHER MINOR MODIFICATIONS
FILE NO. ZCA-2018-335**

Exhibit Item #	Description
1	Staff Report dated July 24, 2018
2	Staff Presentation dated July 24, 2018

PLANNING COMMISSION AGENDA ITEM

Project Name: Zoning Code Text Amendment, Title 21, Chapters 1, 2 and 7
Applicant: City of Grand Junction
Address: City Wide
Zoning: N/A

I. SUBJECT

Amend the Zoning and Development Code to establish the voting procedures of the Planning Commission and to simplify, clarify, better organize other text on Code administration.

II. EXECUTIVE SUMMARY

Consider amendments to the Zoning and Development Code to establish the voting procedures of the Planning Commission and simplify, clarify and better organize the text describing the authority of the zoning and development decision-making bodies.

III. BACKGROUND

The Planning Commission has been advised by the City Attorney to require a majority of the membership (four of seven members) to pass a motion rather than deferring to the quorum requirement and passing a vote by a majority of those present. This method of voting may impact the result of a vote taken when five or fewer members of the Commission are present at a meeting. For example, with five members present, at least a 4:1 vote would be required for a motion to pass (3:2 would not pass). Similarly, with four members present, a unanimous vote would be required to pass a motion.

It is important to note that with a recommendation of denial from the Planning Commission on rezoning and Comprehensive Plan amendments, Section 21.02.210 requires a super-majority of the City Council to approve or enact. Though relatively rare, this situation bears consideration when establishing requirements for making and passing motions.

This method of voting has not been codified nor made a part of the Commission's bylaws, making it unclear to the Commission, applicants, staff and the public how a motion gets passed when fewer than seven members of the Planning Commission are present at a meeting.

The Planning Commission discussed this topic at its June 7th and June 21st workshops and looked to the voting practices of the City Council for guidance. The City Attorney provided the City Council's voting practice was to require a majority of membership vote (at least four votes for passage of a motion) for all actions of the Council. The Planning Commission consensus was that it is preferable to be consistent with the City Council as to how motions are passed.

Other proposed changes include:

- Moving the sections on the general authority of decision-makers, boards and commissions to administer the Code from Chapter 2 to Chapter 1;
- Moving text establishing the decision-making authority of the Historic Preservation Board from Chapter 7 (Special Regulations) to Chapter 1 with the general authority of other boards and decision-making bodies;
- Clarifying and making more complete what applications are heard and decided by the various boards;
- Re-formatting the subsections on boards and commissions for greater simplicity, consistency, clarity;
- Deleting unnecessary text;
- Renaming "Director of Public Works and Planning" to simply "Director."

The proposed revisions are attached for review in ordinance form with changes shown in underlined and struck through text.

IV. NOTIFICATION REQUIREMENTS

Notice was completed as required by Section 21.02.080(g). Notice of the public hearing was published on July 17, 2018, in the Grand Junction Daily Sentinel.

V. ANALYSIS

In accordance with Section 21.02.140(c), a proposed text amendment shall address in writing the reasons for the proposed amendment. There are no criteria for review because a code amendment is a legislative act within the discretion of the City Council. Reasons for the proposed amendments are provided in the Background section of this report.

VI. STAFF RECOMMENDATION AND FINDINGS OF FACT

Staff finds that the proposed amendments to the Zoning and Development Code are useful in that they define voting procedures that have been heretofore unclear and provide better organization and clarity of the authority, responsibilities and processes of the various governmental bodies responsible for acting on development and zoning applications.

VII. RECOMMENDED MOTION

Madam Chairman, on the Zoning and Development Code Amendments, ZCA-2018-335, I move that the Planning Commission forward a recommendation of approval finding that the amendments assist in defining voting procedures and providing necessary amendments to the organization and clarity of the Code, specifically those related to administrative duties.

Attachments:

Proposed Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING AND DEVELOPMENT CODE (TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE) REGARDING THE ZONING AND DEVELOPMENT DECISION-MAKING AUTHORITY OF BOARDS, COMMISSIONS AND THE DIRECTOR

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):

A new section 21.01.130 is added to Title 21, Chapter 1, as follows:

21.01.130 Decision-making authority.

(a) City Council. In addition to the powers and duties in City Charter Article VI, the City Council shall:

(1) Appoint members to the Planning Commission, the Zoning Board of Appeals, and the Historic Preservation Board.

(2) As it deems appropriate, decide, adopt and/or amend a:

(i) comprehensive plan

(ii) area, corridor, neighborhood, circulation, street or annexation plan

(iii) vacation of right-of-way and of lesser interest in land such as an easement

(iv) designation of a local historic site, structure and/or district, and revocation of such designation

(v) fee to pay for, at least in part, the impacts of development

(3) Hear and decide requests for:

(i) annexation and change to the City's limits

(ii) zoning and/or change to zone or a zoning map, including a planned development zone

(iii) special permit

- (iv) planned development outline development plan or change thereto
 - (v) preliminary plan for a planned development without a valid outline development plan
 - (vi) revocable permit for use or occupancy of a City right-of-way or public place (except that the City Council may delegate such authority to the Director for minor or temporary uses or occupancies such as landscaping or irrigation facilities)
 - (vii) vested right as provided in this code for a site-specific development plan
 - (viii) appeal of Planning Commission and Director decisions as provided in this Code
 - (ix) street name change
 - (x) fee in lieu of land dedication waiver
 - (xi) sewer variance
 - (xii) appeal of decisions of Historic Preservation Board

(b) Planning Commission.

(1) **Composition.** The Planning Commission shall consist of seven regular members and two alternate members. Alternate members shall attend Planning Commission meetings, and shall serve and vote as may be required during the temporary unavailability of any regular member. The City Council shall, at the time of appointment, designate a first alternate and a second alternate; each shall fill in during the temporary absence of a regular member according to the priority.

(2) **Member qualifications.** Regular and alternate members shall be residents of the City of Grand Junction and shall represent the interests of the City as a whole. No member shall be employed by the City, hold any other City office, or be a contractor with the city. The members shall be selected from the fields of engineering, planning, architecture, construction trades, and/or law, and from citizens at large.

(3) **Term.** Members shall serve terms of four years. Members are limited to two consecutive terms.

(4) **Vacancies.** When there is a vacancy among the regular members of the Commission, the first alternate shall be appointed to fill it, the second alternate shall become the first alternate, and a new second alternate shall be appointed. All vacancies shall be filled by appointment by the City Council. If a member ceases to reside in the City, his/her membership on the Commission shall immediately terminate and an appointment made to fill the unexpired term.

(5) **Removal.** Members may be removed after public hearing by the City Council on grounds of inefficiency, neglect of duty, malfeasance or misfeasance in office. The City Council shall make public a written statement of reasons for removal prior to any public hearing seeking removal of a member.

(6) **Meetings.** Planning Commission meetings shall be regularly scheduled not fewer than one time per month, provided there are pending items or matters to be brought before the Commission, at a time and place designated annually by resolution of the City Council. Special meetings may be held as provided by rules of procedure adopted by the Commission and/or this code or law.

(7) **Voting.** The presence of four voting members shall constitute a quorum. All recommendations to the City Council and all final decisions of the Planning Commission shall require an affirmative vote of no fewer than four members (a majority of the seven members of the Commission, which may be comprised of regular, or regular plus alternate, members).

(8) **Compensation.** Members shall be compensated at a rate established by the City Council by resolution.

(9) **Powers and duties.** Except as otherwise provided by this code, or by ordinance, rule, policy or regulation of the City Council, the Commission shall be governed by §31-23-201 C.R.S. *et seq.* and shall have the powers provided therein. The Commission's actions shall be governed by the procedures set forth in this Code, and/or law, ordinance, rule, regulation or policy of the City Council. The powers and duties of the Planning Commission include, but are not limited to:

(i) Provide a recommendation to the City Council on adoption of or amendment to any of the following:

- (A) comprehensive plan
- (B) area, corridor, neighborhood, circulation or traffic plan
- (C) code provision
- (D) zoning
- (E) review fee
- (F) impact fee

(ii) Hear and make a recommendation to the City Council upon any request for a:

- (A) vacation of public right-of-way or easement
- (B) zoning or change to a zone or zoning map, including planned development zoning
- (C) special permit
- (D) planned development outline development plan or major amendment thereto
- (E) vested right as provided in this code for a site-specific development plan
- (F) sewer variance.

(iii) Decide:

- (A) an appeal from an administrative decision as provided in this code
- (B) plat vacation
- (C) conditional use permit
- (D) variance as provided by this code
- (E) Other tasks as assigned by the City Council.

(c) Zoning Board of Appeals.

(1) **Composition.** The Zoning Board of Appeals shall consist of three members who shall represent the interests of the City as a whole. Members shall be appointed by the City Council.

(2) **Member qualifications.** Each member shall be a resident of the City, and shall be drawn from the fields of engineering, law, surveying, development, planning, architecture, construction, and from citizens at large.

(3) **Term.** Members shall serve terms of four years and shall be limited to two consecutive terms.

(4) **Vacancies.** All vacancies shall be filled by appointment by the City Council. If a member ceases to reside in the City, that seat shall be deemed vacant.

(5) **Removal.** The City Council may, after a public hearing, remove any member of the Board for good cause including inefficiency, neglect of duty, malfeasance or misfeasance in office. The City Council shall make public a written statement of the reasons for the removal prior to the public hearing.

(6) **Meetings.** The Board shall meet at least once a month, provided there is business to be brought before the Board. Special meetings may be held as provided by rules of procedure adopted by the Board.

(7) **Voting.** The presence of two members shall constitute a quorum of the Board. A majority of a quorum of the Board shall be sufficient to conduct the business of the Board. A lesser number than a quorum may act to adjourn or continue a meeting.

(8) **Compensation.** Members shall be compensated at a rate established by the City Council by resolution.

(9) **Powers and duties.** Except as otherwise provided by this code, ordinance, rule, policy, or regulation of the City Council, the Zoning Board of Appeals shall be governed by §31-23-307 C.R.S. The Board shall have the power and duty to decide:

(i) appeals as provided in this code

(ii) requests to vary from the bulk, performance, accessory use, use-specific or sign standards or regulations of this code

(iii) requests for relief from the nonconforming provisions established in Title 21, Chapter 8 of this code;

(iv) other variances as provided in this code, including those not assigned to a review body.

(d) Building Code Board of Appeals. For appeals relating to building codes, see the International Building Code (IBC) in effect at the time of the appeal.

(e) Director. For purposes of administration of this code, the Director shall be designated by and shall serve at the direction of the City Manager. The Director shall serve as staff to the Planning Commission, the Zoning Board of Appeals and the Historic Preservation Board, and shall have such other duties and responsibilities as specifically prescribed in this code.

(1) **Powers and duties.** The Director shall render the decision on every request for a:

(i) planning clearance

(ii) home occupation permit

(iii) temporary use permit

(iv) change of use permit

(v) site plan review (major or minor)

- (vi) fence permit
- (vii) sign permit and sign package
- (viii) boundary adjustment
- (ix) floodplain development permit
- (x) subdivision plat
- (xi) major subdivision construction plan
- (xii) major subdivision preliminary plan
- (xiii) minor exception subdivision
- (xiv) planned development final plan and minor amendment thereto
- (xv) minor deviation from any zoning district bulk standard
- (xvi) development improvement agreement
- (xvii) administrative adjustment as authorized by this code
- (xviii) revocable permit for landscaping and irrigation in the public right-of-way and other such use of the right-of-way as delegated by the City Council
- (xix) TEDS exception as authorized in Title 29 GJMC
- (xx) administrative change to the Comprehensive Plan
 - (f) Historic Preservation Board.

(1) **Composition.** The Historic Board shall consist of not fewer than five nor more than seven members appointed by the City Council. The City Council shall determine the number of members when it makes an appointment. Members shall be appointed to provide a balanced, community-wide representation.

(2) **Member qualifications.** When there are more than five members, at least four shall be professionals or have expertise in a preservation-related discipline such as history, architecture, planning or archaeology; when there are five members, at least three shall have such qualifications. One member shall be a member of the Downtown Development Authority (DDA) board or an employee of the DDA.

(3) **Term.** Members shall serve four-year terms. City Council shall stagger the terms from the date of appointment. A member may continue to serve until his or her successor has been appointed.

(4) **Vacancies.** Vacancies shall be filled by appointment by the City Council.

(5) **Removal.** Members may be removed by the City Council without cause.

(6) **Meetings.** The Historic Board shall establish a regular meeting schedule. Minutes shall be kept of all proceedings. The Board shall conduct its business in accordance with the Open Meetings and Public Records Acts and other laws applicable to public bodies.

(7) **Voting.** A quorum shall require three members if the Historic Board consists of five members; four if it consists of more than five members. A quorum shall be required for

the Board to conduct any business, and an affirmative vote of the majority of those present shall be required to pass any motion.

(8) **Compensation.** Members serve without compensation, except that the City Council may authorize, in advance, payment of such amounts it determines appropriate to offset expenses incurred in the performance of board duties.

(9) **Powers and duties.** The Historic Board shall, after public notice and solicitation of public comment:

- (i) Recommend eligibility criteria for the designation of historic resources and for review of proposals to alter designated resources;
- (ii) Review and determine qualifications of properties nominated for designation as either an historic structure, site or district and recommend to City Council approval or denial of a designation;
- (iii) Upon property owner's request, review and make recommendations to the owner on proposed alterations to a designated historic structure, site or district;
- (iv) Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the City Register, the State Register and the National Register of Historic Places;
- (v) Develop and assist in public education programs including, but not limited to, walking tours, brochures, a marker program for historic properties, lectures, exhibits and conferences;
- (vi) Conduct surveys of historic sites, properties and areas for the purpose of defining those of historic significance and prioritizing the importance of identified historic areas. The Historic Board may create a list of structures of historical or archeological merit which have not been designated;
- (vii) Advise the City Council on matters related to preserving the historic character and substance of the City and recommend easements, covenants, licenses and other methods which would implement the completion of the purposes of this section;
- (viii) Actively pursue financial assistance for preservation-related programs;
- (ix) Review and decide applications for a Certificate of Appropriateness for alteration to a site and/or structure in the North Seventh Street Historic Residential District;

(x) Review and decide applications for changes to other historic sites and structures as specifically prescribed by this code for a duly designated historic site, district or area.

(g) Summary of authority. The following table summarizes the review and approval authority provided in this code. If there is a discrepancy between this table and the text where the authority is specifically prescribed, the text shall control.

Sec.	Procedure	Planning HPB City				
		Director	Commission		Council	ZBOA
R = Review D = Decision A = Appeal						
21.02.070	Administrative development permit, all administrative permits not listed herein	D	A			
21.02.070	Subdivision	D			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	
21.02.120 130(d)	Administrative changes to Comprehensive Plan	D			A	
21.02.130(e)	Comprehensive Plan amendment, Plan Amendments	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, <u>other</u>	R			D	
21.02.190	Institutional and civic facility master plans	R	R		D	
21.02.200	Variance	R				D
21.04.030(p)(1)	Fraternity or sorority	D				A
21.04.030(p)(2)	Group living facility (*except where a conditional use permit is required, see "Conditional use permit")	D*				A*
21.04.030(p)(2)(vii)(C)(II)	Group living facility – sex offenders		D			

Sec.	Procedure	Planning HPB City				
		Director	Commission		Council	ZBOA
R = Review D = Decision A = Appeal						
21.070.040(d)	Designation of Historic Structures, Sites and Districts and Revocation of Designation	R		R	D	
21.07.040(g)(2)	Certificate of Appropriateness, N. Seventh Street Historic District	R		D		

The remaining sections of Title 21, Chapter 1 shall remain in full force and effect and unchanged.

Sections of Title 21, Chapter 2 shall be deleted, as follows (deletions struckthrough):

**Chapter 21.02
ADMINISTRATION AND PROCEDURES**

Sections:

- 21.02.010 ~~City Council.~~ [Reserved]
- 21.02.020 ~~Planning Commission.~~ [Reserved]
- 21.02.030 ~~Zoning Board of Appeals (ZBOA).~~ [Reserved]
- 21.02.040 ~~Building Code Board of Appeals.~~ [Reserved]
- 21.02.050 ~~Director of Public Works and Planning.~~ [Reserved]
- 21.02.060 ~~Summary of authority.~~ [Reserved]
- 21.02.070 Administrative development permits.
- 21.02.080 Permits requiring a public hearing.
- 21.02.090 Vacation of plat.
- 21.02.100 Vacation of public right-of-way or easement.
- 21.02.110 Conditional use permit (CUP).
- 21.02.120 Special permit.
- 21.02.130 Comprehensive Plan amendment (CPA).
- 21.02.140 Code amendment and rezoning.
- 21.02.150 Planned development (PD).
- 21.02.160 Annexation.
- 21.02.170 Vested property rights.
- 21.02.180 Revocable permit.
- 21.02.190 Institutional and civic facility master plans.
- 21.02.200 Variance.
- 21.02.210 Rehearing and appeal.

~~21.02.010 City Council.~~

In addition to the powers and duties in City Charter Article VI, the City Council shall:

- (a) ~~Appoint members to the:~~

- ~~(1) Planning Commission;~~
- ~~(2) Zoning Board of Appeals; and~~
- ~~(3) Historic Preservation Board.~~

~~(b) As it deems appropriate, decide, adopt and/or amend:~~

- ~~(1) The Comprehensive Plan;~~
- ~~(2) Special area plans, corridor plans and neighborhood plans;~~
- ~~(3) The street plans and components of it;~~
- ~~(4) Annexation plans;~~
- ~~(5) Vacations of rights of way and lesser interests in land such as easements;~~
- ~~(6) Designation of local historic sites, structures and districts; and~~
- ~~(7) Fees to pay for, at least in part, the negative impacts of development.~~

~~(c) Hear and decide all requests for:~~

- ~~(1) Annexation and changes to the City's limits;~~
- ~~(2) Making changes to zones and the zoning maps, including rezonings and planned developments;~~
- ~~(3) Approval of a special permit;~~
- ~~(4) Approval and/or amendment to planned development outline development plans;~~
- ~~(5) Approval and/or amendment to planned development preliminary plans for those developments for which the City does not recognize a valid outline development plan;~~
- ~~(6) Revocable permit for use or occupancy of a City right-of-way or public place;~~
- ~~(7) Approval of a vested right as provided in this code for a site-specific development plan;~~
- ~~(8) Appeals of Planning Commission decisions and recommendations (See GJMC [21.02.060](#));~~
- ~~(9) Street name changes;~~

~~(10) Fee in lieu of land dedication waiver; and~~

~~(11) Sewer variances.~~

21.02.020 Planning Commission.

~~(a) **Membership and Meetings.** The Planning Commission for the City shall consist of seven regular members and two alternate members. The alternate members shall otherwise have the qualification of regular members of the Commission. At the time of appointment, the City Council shall designate one alternate member as the first alternate and the other as second alternate. Each alternate member shall attend all meetings and shall serve during the temporary unavailability, including recusal, of any regular Commission member as may be required. Alternate members, in addition to other duties prescribed by this code, shall be allowed to vote in the absence of regular members according to their priority: the first alternate shall fill the first vacancy and both alternates shall vote in the absence of two regular members. When a regular member resigns, is removed or is no longer eligible to hold a seat on the Commission, the first alternate shall fill the vacancy and the second alternate shall be designated as the first alternate. The City Council shall then name a replacement second alternate. The Planning Commission alternates, the Chairman and two other persons to serve at large, shall serve as the Zoning Board of Appeals and shall discharge the duties of the Board as described and provided for in this code. The Director of the Grand Junction Public Works and Planning Department and/or appointed representative shall serve as staff to the Commission.~~

~~(b) **Identity of Members.** The members shall be residents of the City of Grand Junction and shall represent the interests of the City as a whole. No member shall be employed by the City, hold any other City office nor be a contractor with the City. The Commission members shall be selected from the fields of engineering, planning, architecture, construction trades, and law and citizens at large.~~

~~(c) **Term.** Members of the Commission shall serve terms of four years. Members are limited to two consecutive terms.~~

~~(d) **Vacancies.** All vacancies shall be filled by appointment of the City Council. If a Commission member ceases to reside in the City, his/her membership on the Commission shall immediately terminate and an appointment made to fill the unexpired term.~~

~~(e) **Removal.** Members of the Commission may be removed after public hearing by the City Council. Removal may be for inefficiency, neglect of duty, malfeasance or misfeasance in office. The City Council shall make public a written statement of reasons for removal prior to any public hearing seeking removal of a member.~~

~~(f) **Meetings/Voting.** Planning Commission meetings shall be regularly scheduled not less than once a month, provided there are pending items or matters to be brought before the~~

~~Commission, at a time and place designated annually by resolution of the Council. Special meetings may be held as provided by rules of procedure adopted by the Commission and/or this code or law. The presence of four voting members is necessary to constitute a quorum.~~

~~(g) **Compensation.** All members of the Commission shall be compensated, as the City Council deems appropriate by resolution.~~

~~(h) **Powers and Duties.** Except as otherwise provided by the code, ordinance, rule, policy or regulation of the City Council, the Commission shall be governed by § 31-23-201 C.R.S., et seq. The Commission and other City officials mentioned in § 31-23-201 C.R.S., et seq. shall have all the powers provided for therein and shall be governed by the procedures set forth by this code and/or law, ordinance, rule, regulation or policy of the City Council. The Planning Commission's powers and duties include, but are not limited to:~~

~~(1) Recommend to the City Council all requests for adoption or amendments to:~~

~~(i) The Comprehensive Plan;~~

~~(ii) Special area plans, corridor plans and neighborhood plans;~~

~~(iii) The Grand Valley Circulation Plan;~~

~~(iv) The text of this code and the Zoning Map, including zoning for newly annexed territory;~~

~~(v) Review fees and impact fees;~~

~~(2) Hear and recommend to the City Council all requests for:~~

~~(i) Vacating public right-of-way and easements pursuant to § 43-2-301 C.R.S., et seq.;~~

~~(ii) Zoning changes, including rezonings and zoning of planned developments;~~

~~(iii) Special permits;~~

~~(iv) Planned development outline development plan approvals and major amendments;~~

~~(v) A vested right as a part of any site-specific development plan; and~~

~~(vi) Sewer variances.~~

~~(3) Decide all requests for:~~

- ~~(i) Appeals (See GJMC [21.02.060](#));~~
- ~~(ii) Vacating any plat;~~
- ~~(iii) Conditional use permits;~~
- ~~(iv) Variances to the landscape, buffering, and screening requirements;~~
- ~~(v) Variances to the 24 Road Corridor Design Standards and Guidelines (GJMC Title [25](#)); and~~
- ~~(vi) Other tasks as assigned by the City Council.~~

21.02.030 Zoning Board of Appeals (ZBOA).

~~(a) **Composition.** The Zoning Board of Appeals for the City shall consist of three members, each of whom shall be a City resident and shall represent the interests of the City as a whole. The City Council shall consider citizens with experience in the fields of engineering, law, surveying, development, planning, architecture and construction, as well as citizens at large.~~

~~(b) **Identity of Members.** The membership of the Board shall be comprised of the Chairman of the Planning Commission and the two designated Planning Commission alternates.~~

~~(c) **Term.** Members of the Board shall serve terms of four years coincident to their terms on the Planning Commission. Members are limited to two consecutive terms.~~

~~(d) **Vacancies.** All vacancies shall be filled by appointment of the City Council. A member's seat on the Board shall be vacant when the member ceases to reside in the City.~~

~~(e) **Removal.** The City Council may remove any member of the Board after public hearing for good cause including inefficiency, neglect of duty, malfeasance or misfeasance in office. The City Council shall make public a written statement of reasons for the removal prior to said public hearing.~~

~~(f) **Meetings.** The Board shall meet at least once a month, provided there is business to be brought before the Board. Special meetings may be held as provided by rules of procedure adopted by the Board. Two members constitute a quorum.~~

~~(g) **Voting.** A majority of a quorum of the Board shall be sufficient to conduct the business of the Board. A lesser number than a quorum may act to adjourn or continue a meeting.~~

~~(h) **Compensation.** Members shall be compensated as the City Council deems appropriate by resolution.~~

(i) ~~**Powers and Duties.** Except as otherwise provided by this code, ordinance, rule, policy or regulation of the City Council, the Zoning Board of Appeals shall be governed by § 31-23-307 C.R.S. The Board shall have the power and duty to decide:~~

- ~~(1) Appeals (See GJMC 21.02.060);~~
- ~~(2) Requests to vary the bulk, performance, accessory use, use-specific standards or sign regulations of this code;~~
- ~~(3) Requests for relief from the nonconforming provisions established in Chapter 21.08 GJMC; and~~
- ~~(4) Variances to any provision of this code not otherwise assigned to another review body.~~

~~**21.02.040 Building Code Board of Appeals.**~~

~~For appeals relating to building codes, see Section 112 of the International Building Code (IBC).~~

~~**21.02.050 Director of Public Works and Planning.**~~

~~(a) **Powers and Duties.** The Director of the Public Works and Planning Department (“Director”) serves at the direction of the City Manager. The Director shall decide requests for a:~~

- ~~(1) Planning clearance;~~
- ~~(2) Home occupation permit;~~
- ~~(3) Temporary use permit;~~
- ~~(4) Change of use permit;~~
- ~~(5) Major site plan review;~~
- ~~(6) Minor site plan review;~~
- ~~(7) Fence permit;~~
- ~~(8) Sign permit;~~
- ~~(9) Boundary adjustments;~~
- ~~(10) Floodplain development permit;~~
- ~~(11) Simple subdivision;~~

- ~~(12) Major subdivision final plat;~~
- ~~(13) Major subdivision construction plan;~~
- ~~(14) Major subdivision preliminary plan approval;~~
- ~~(15) Minor exception subdivisions;~~
- ~~(16) Planned development final plan;~~
- ~~(17) Planned development final plan minor amendment;~~
- ~~(18) Minor deviations to any zoning district bulk standard;~~
- ~~(19) Development improvement agreement;~~
- ~~(20) Administrative adjustment;~~
- ~~(21) Sign packages;~~
- ~~(22) Revocable permits for landscaping and irrigation;~~
- ~~(23) TEDS (GJMC Title [29](#)) exceptions; and~~
- ~~(24) Comprehensive Plan administrative changes.~~

~~(b) **Director's Responsibilities.**~~

~~(1) Record Keeping—Flood Damage Prevention. The Director of Public Works and Planning shall obtain and maintain the following information:~~

~~(i) The actual elevation (relative to mean sea level) of the lowest floor (including basement) of each structure;~~

~~(ii) For each new or substantially improved floodproofed structure, the actual elevation (relative to mean sea level) to which the structure has been floodproofed and the floodproofing certifications required in GJMC [21.07.010](#); and~~

~~(iii) Records pursuant to GJMC [21.07.010](#).~~

~~(2) Alteration of Watercourses. The Director of Public Works and Planning shall require proof that the applicant has:~~

~~(i) Notified adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse. The Director of Public Works and~~

Planning shall submit evidence of such notification to the Federal Emergency Management Agency; and

(ii) Demonstrated that maintenance is provided for within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(3) FIRM Boundaries. The Director of Public Works and Planning shall interpret the Flood Insurance Rate Maps (FIRM) to decide location of the boundaries of the areas of special flood hazard.

21.02.060 Summary of authority.

The following table summarizes the required review and approval authority provided under this zoning and development code.

Sec.	Procedure	Planning Director	City Commission	City Council	ZBOA
R = Review D = Decision A = Appeal					
21.02.070	Administrative development permit, all administrative permits not listed herein	D	A	-	-
21.02.070	Subdivision	D	-	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	-

Sec.	Procedure	Planning- City-			
		Director	Commission	Council	ZBOA
R = Review D = Decision A = Appeal					
<u>21.02.180</u>	Revocable permit— Landscaping and irrigation	D	-	A	-
<u>21.02.180</u>	Revocable permit	R	-	D	-
<u>21.02.190</u>	Institutional and civic facility master-plans	R	R	D	-
<u>21.02.200</u>	Variance	R	-	-	D
<u>21.04.030(p)(1)</u>	Fraternity or sorority	D	-	-	A
<u>21.04.030(p)(2)</u>	Group living facility (*except where a conditional use permit is required, see “Conditional use permit”)	D*	-	-	A*
<u>21.04.030(p)(2)(vii)(C)(II)</u>	Group living facility— sex offenders	-	D	-	-

The remaining parts of Title 21, Chapter 2 shall remain in full force and effect and unchanged hereby.

A new subsection of Section 21.07.010 shall be added, as follows:

(e) **Data, information and interpretation.** The Director shall obtain and maintain the following information:

- (i) The actual elevation, relative to mean sea level, of the lowest floor, including basement, of each structure;
- (ii) For each new or substantially improved floodproofed structure, the actual elevation, relative to mean sea level, to which the structure has been floodproofed and the required floodproofing certifications;
- (iii) Proof that an applicant has, prior to altering or relocating any watercourse or part thereof, notified adjacent communities and the Colorado Water Conservation Board of such alteration and demonstrated that there is adequate maintenance within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished. The Director shall also submit evidence of such notification to the Federal Emergency Management Agency.

The Director shall interpret the Flood Insurance Rate Maps (FIRM) to decide location of the boundaries of the areas of special flood hazard.

The remaining parts of Section 21.07.010 shall remain in full force and effect.

Section 21.07.040(b) regarding the Historic Preservation Board is amended as follows (deletions struck through, additions underlined):

(b) **Board Established.** The City Council hereby creates a Historic Preservation Board, which may be hereinafter referred to as the Historic Board or Preservation Board. The Historic Board shall have principal responsibility for matters of historic preservation, and shall have such membership, authority, duties, and responsibilities as further provided in Title 21, Chapter 1 of this code.

~~(1) — Composition. The Historic Board shall consist of not less than five members and not more than seven members. Historic Board members shall be appointed to provide a balanced, community-wide representation. When there are more than five members of the Historic Board, at least four members shall be professionals in or have expertise with a preservation-related discipline including, but not limited to, history, architecture, planning or archaeology. When there are five members of the Historic Board, there shall be at least three such professionals. One member shall be a member of the Downtown Development Authority (DDA) Board or an employee of the DDA. The Director shall serve as staff to the Historic Board. The Council shall determine, by resolution, the number of members of the Historic Board at such time as the Council makes appointments to the Historic Board.~~

~~(2) — Term. Members of the Historic Board shall be appointed by the City Council to serve four-year staggered terms from the date of appointment. Members may continue to serve until their successors have been appointed. Appointments to fill vacancies on the Historic Board shall be made by the City Council. All members of the Historic Board shall serve without compensation except for such amounts determined appropriate, in advance, by the City Council to offset expenses incurred in the performance of their duties. Members of the Historic Board may be removed by the City Council without cause being stated.~~

~~(3) — Voting. Three members if a five-member board; four members if a six- or seven-member board constitutes a quorum. A quorum is necessary for the Historic Board to conduct business including holding a public hearing. A roll call vote shall be taken upon the request of any member. A tie vote shall be deemed a denial of any motion or action.~~

~~(4) — Chairperson/Vice-Chairperson. The Historic Board shall, by majority vote, elect one of its members to serve as chairperson to preside over meetings and one member to serve as vice-chairperson. The vice-chairperson shall act in the absence of the chairperson. The chairperson and vice-chairperson shall serve in these capacities for terms of one year.~~

~~(5) — Meetings. The Historic Board shall establish a regular meeting schedule. Minutes shall be kept of all proceedings.~~

~~(6) — Powers and Duties. The Historic Board shall, after solicitation of public comment, at a properly noticed public meeting:~~

- ~~(i) — Recommend eligibility criteria for the designation of historic resources and for review of proposals to alter designated resources;~~
- ~~(ii) — Review and determine qualifications of properties nominated for designation as either an historic structure, site or district and recommend to City Council approval or denial of a designation;~~
- ~~(iii) — Upon property owner's request, review and make recommendations to the owner on proposed alterations to a designated historic structure, site or district;~~
- ~~(iv) — Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the City Register, the State Register and the National Register of Historic Places;~~
- ~~(v) — Develop and assist in public education programs including, but not limited to, walking tours, brochures, a marker program for historic properties, lectures, exhibits and conferences;~~
- ~~(vi) — Conduct surveys of historic sites, properties and areas for the purpose of defining those of historic significance and prioritizing the importance of identified historic areas. The Historic Board may create a list of structures of historical or archeological merit which have not been designated;~~
- ~~(vii) — Advise the City Council on matters related to preserving the historic character and substance of the City and recommend easements, covenants, licenses and other methods which would implement the completion of the purposes of this section;~~
- ~~(viii) — Actively pursue financial assistance for preservation-related programs; and~~
- ~~(ix) — Review and conduct hearings to decide applications for a Certificate of Appropriateness for alteration to a site and/or structure in the North Seventh Street Historic Residential District.~~

~~(7) — Public Records. The Board shall conduct its business in accordance with the open meetings and Public Records Acts and other laws applicable to local public bodies.~~

~~(8) — Bylaws. The Historic Board shall propose bylaws to the City Council as it deems necessary.~~

The remaining parts of Section 21.07.040 shall remain in full force and effect.

Introduced on first reading this _____ day of _____, 2018 and ordered published in pamphlet form.

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

ATTEST:

City Clerk

Mayor