

Table of Contents

File 1989-0010

Name: 1989 Zoning and Development Code Update

	S c a n n e d	<p>A few items are denoted with an asterisk (*), which means they are to be scanned for permanent record on the in some instances, not all entries designated to be scanned by the department are present in the file. There are also documents specific to certain files, not found on the standard list. For this reason, a checklist has been provided.</p> <p>Remaining items, (not selected for scanning), will be marked present on the checklist. This index can serve as a quick guide for the contents of each file.</p> <p>Files denoted with (**) are to be located using the ISYS Query System. Planning Clearance will need to be typed in full, as well as other entries such as Ordinances, Resolutions, Board of Appeals, and etc.</p>		
X	X	Table of Contents		
X	X	Review Sheet Summary		
X		Application Form		
X		Review Sheets		
		Receipts for fees paid for anything		
		*Submittal checklist		
		*General project report		
		Reduced copy of final plans or drawings		
		Reduction of assessor's map.		
		Evidence of title, deeds, easements		
		*Mailing list to adjacent property owners		
		Public notice cards		
		Record of certified mail		
		Legal description		
		Appraisal of raw land		
		Reduction of any maps – final copy		
		*Final reports for drainage and soils (geotechnical reports)		
		Other bound or non-bound reports		
		Traffic studies		
X	X	*Petitioner's response to comments		
		*Staff Reports		
		*Planning Commission staff report and exhibits		
		*City Council staff report and exhibits		
		*Summary sheet of final conditions		
		*Letters and correspondence dated after the date of final approval (pertaining to change in conditions or expiration date)		
<u>DOCUMENTS SPECIFIC TO THIS DEVELOPMENT FILE:</u>				
X	X	Action Sheet	X	Updated Draft and Outdated Draft (each in their entirety)
X		Review Sheets		
X	X	Review Sheet Summary		
X	X	Development Summary – 5/4/89		
X	X	Development Application		
X	X	Ordinance No. 2432, - **		
X		Memo from Karl Metzner to Planning Commission re: Code Amendments – 3/9/89		
X		Opposition Letters from attys representing salvage yards to Code amendment		
X		Comments for the record signed by William Serviss, Frank Dunn Co., William R. Jarvis, Jr., American Auto Salvage, Inc., Dean H. Van Gundy, Van Gundy's Ampco, Inc. and Lew Inman, Lewco Iron & Metal, Inc. – 4/19/89		
X		Memo from Karl Metzner to Dan Wilson and Jim Shanks re: Draft – 12/28/88		
X	X	Letter from Joseph Skinner, Robb, Skinner, Achziger & Nugent atty at law to City Council re: Hearing 10-89 – 6/6/89		
X		Legal Ad – 4/25/89		
X		Memo from Karl Metzner to Barbara Creasman re: rationale fro deleting the PDD zone from the Code – 6/14/89		
X	X	Zoning Code Items that mya nee additional Review or Policy Considerations		



Grand Junction Planning Department
250 North Fifth Street
Grand Junction, Colorado 81501-2668
(303) 244-1430

MEMORANDUM

TO: Grand Junction Planning Commission

FROM: Karl Metzner *KOM*

DATE: March 9, 1989

RE: Zoning and Development Code Amendments

It has been almost three years since the last printing of the Zoning and Development Code, and numerous text amendments have been processed during that time. In preparation for an updated printing, we have discovered a number of minor corrections and changes that were needed. The City Attorney also has a number of changes in format that will improve the readability of the document.

The great majority of the changes do not affect intents, requirements or procedures, but there are several substantive amendments as well. Rather than dealing with these changes piecemeal, Dan Wilson and I felt that it would be more efficient to readopt the entire Code with all changes included.

The substantive amendments being proposed are summarized below, and copies will be forwarded for your review. Individual notices have been sent to the salvage yard owners or operators for their review of newly proposed operational standards.

Substantive Amendments

Section 2-2-2E: Clarifies requirement for preapplication conferences. Specifies that application requirements are determined at the conference, based on the type, scope, location, and potential impact of the proposal. Allows the department to request additional material throughout the process as may be necessary.

Section 5-1-2 (Outdoor Storage): Allows a maximum of two vehicles to be stored for repair or restoration. The vehicles must be stored in a garage or in the rear yard under a car cover. All outdoor storage in excess of ~~80~~ cubic feet must be screened.

Section 5-4-13: Adds design and operational standards for outdoor flea markets. Establishes requirements for: parking, sanitary facilities, and screening of stored items. Requires all existing flea markets to come into compliance on or before June 1, 1990.

Section 5-4-14: Adds design and operational standards for junk/salvage yards. Establishes requirements for screening, landscaping, fire lanes and storage. ~~Requires all existing junk/salvage yards to be brought into compliance within five years.~~

Section 5-4-14D: Allows limited salvage/dismantling as an accessory use subject to screening. Requires existing operations to comply within one year.

Section 5-4-15: Adds standards for required landscaping, such as minimum size of planting materials.

~~Section 5-5: Increases landscaping requirements for parking lots.~~

~~Section 5-6-6: Adds requirement for consistent nomenclature on landscape plans.~~

Section 5-10: Revises animal regulations to clarify limitations and adds a limitation to the number of small animals, such as fowl or rabbits, which may be kept on residential lots.

Chapter 7: Deleted the Planned Downtown Development (PDD) zone in its entirety. This zone has not been used, or requested, since its inception in 1983.

Chapter 10: Reduced the membership of the Board of Adjustment from seven to five members, and reduced required quorum from four to three.

Chapter 13 (Definitions): Added or revised definitions of flea markets, junk, junkyards, junk vehicles, and landscaping.

KM/tt

Landscape Code Revision Suggestions

GJ Zoning & Development Code

ZONES IN CITY

- R64 from 15% to 20% minimum land area landscaped
- B-1 from 10% to 15% minimum land area landscaped
- change setbacks from centerline of ROW to edge of ROW
- PUD final plan should include grading in landscape areas.

BULK REQUIREMENTS

- 5' x frontage determines landscaped area, minimum width 8', 75% of frontage to be landscaped

PARKING LOT MINIMUMS

- 1 tree for every 6 parking spaces
- max 15 spaces without a landscape break
- parallel drive lanes to be separated by 8' landscape strip

LANDSCAPE GUIDELINES

- note index in Plants, People and Environment and use in guidelines
- include plant list with minimum plant sizes
 - initial planting- 1-1/2" trees
 - "mature" sizes for coverage
 - standard codes for planning dept. review of plans

ENFORCEMENT PROBLEMS

- bonding to eliminate after the fact review
- require professional landscape plans with all building permit clearances
- require concept plan to identify buffering, shading, aesthetics, identification (refer to Landscape Guidelines for elements). require that final plan follows concept plan
- education about Xeriscape techniques for water conservation

Landscape Code Revision Suggestions

GJ Zoning & Development Code

ZONES IN CITY

- R64 from 15% to 20% minimum land area landscaped
- B-1 from 10% to 15% minimum land area landscaped
- change setbacks from centerline of ROW to edge of ROW
- PUD final plan should include grading in landscape areas.

BULK REQUIREMENTS

- 5' x frontage determines landscaped area, minimum width 8', 75% of frontage to be landscaped

PARKING LOT MINIMUMS

- 1 tree for every 6 parking spaces
- max 15 spaces without a landscape break
- parallel drive lanes to be separated by 8' landscape strip

LANDSCAPE GUIDELINES

- note index in Plants, People and Environment and use in guidelines
- include plant list with minimum plant sizes
 - initial planting- 1-1/2" trees
 - "mature" sizes for coverage
 - standard codes for planning dept. review of plans

ENFORCEMENT PROBLEMS

- bonding to eliminate after the fact review
- require professional landscape plans with all building permit clearances
- require concept plan to identify buffering, shading, aesthetics, identification (refer to Landscape Guidelines for elements). require that final plan follows concept plan
- education about Xeriscape techniques for water conservation

MORE SUGGESTIONS FOR IMPROVEMENT TO CODE

-Landscape definition:

- exclude woods, stone, brick, rock, sand, concrete
- Landscaped ^{shrub} area shall be covered by a minimum of 75% plant material, with sizes determined by the standards set in the Landscape Guidelines for Development in Grand Junction. Areas covered in lawn shall be covered 100% within the first year after planting.
- require soil ammendments
- hose bibs to be @ 50' o.c. max, and able to cover entire landscape area with 50' hose.

100% spray, drip, or bubbler

→ minimum shrub - 40% of
L.S. AREA



Grand Junction Planning Department
250 North Fifth Street
Grand Junction, Colorado 81501-2668
(303) 244-1430

March 28, 1989

TO: Salvage Yard Owners and Operators
RE: Proposed Salvage Yard Standards

KGM

Thank you for your comments on the first draft of the proposed regulations. Based on those comments, the proposal has been amended and the second draft is attached for your review.

The following is in response to the combined comment sheet we received on March 20, 1989.

1. Definition of Junkyard and Junk Vehicle: The definition is structured to prevent the accumulation of junk on properties throughout the City, especially in residential areas. Storage of materials is permitted in side or rear yards, if screened, and two unregistered vehicles are permitted on a premises if they are stored in a garage or under a car cover. This should allow for the restoration or repair of inoperable vehicles or antiques. Provisions for automotive repair facilities are currently included in the Code.
2. Definition of Junk: We agree with your comment. The problem is that it is difficult, if not impossible, to define "art." We will continue to work with the City Attorney to try to refine this definition.
3. Landscaping: Definitions and standards will be included in the Code.
4. Use of new materials for fencing: This requirement has been deleted. The proposal now requires only that the materials be in good repair.
5. Equipment over 12 ft. in height: Proposal has been changed to allow the storage of integral units over 12 ft. in height.
6. A 20 ft. perimeter fire lane: Proposal has been changed to allow the Fire Department to determine what fire lanes may be needed.
7. Stacks of tires are limited to 6 ft. in height for safety reasons. If tires are placed in racks, they may exceed 6 ft. in height.

8. Oil and gas removal: The requirement for removal has been deleted.
9. We concur that salvage yards are a necessary use in the community and support the benefits of recycling.
10. The requirement for existing "grandfathered" salvage yards to comply with this regulation has been deleted.
11. Accessory uses are defined as uses incidental to, and supportive of, a primary use. Section 5-4-14D was added to allow operations like motorcycle dealers to dismantle and sell used parts without being considered a full scale salvage yard. The reference to unusable parts is to prevent the accumulation of piles of damaged materials that are not saleable.
12. Law requires that regulations provide an element of "due process," that is, they must be appealable. The City Council, as elected representatives of the citizens of Grand Junction, seem most appropriate to hear appeals of this section. The proposal has been changed to refer to developer or owner.

Review on these proposals has been extended to April 14, 1989. We will provide you with individual notice of all hearings and any other changes that may be made to this proposal.

DRAFT

- B. Off-street parking shall be provided at one and one-half spaces per booth/stall within a designated parking area, meeting standards of Section 5-5; and
- C. Sanitary facilities shall be provided on site; and
- D. All items for sale shall be stored indoors (or within an approved screened storage area) or removed from the site at the close of each business day. Flea markets shall not be open for business in excess of 16 hours per day; and
- E. No storage of items other than those available for retail sale may be stored on the premises unless confined within an approved screened storage area.
- F. The owner or operator of an existing flea market shall comply with all City regulations on or before June 1, 1990.

5-4-14 JUNKYARDS/SALVAGE YARDS (See Definitions)

A. Design Standards

- 1. All operations and storage, including equipment used in the business, shall be conducted within an enclosed building or within an area enclosed by a solid screening wall or fence.
- 2. All fences, walls and berms, or any combination of these, shall be a minimum of eight feet and shall not exceed twelve feet in height. Fences or walls which exceed eight feet in height and are located on street or highway frontages shall be set back five feet from the property line. The area between the fence and the property line shall be landscaped (also see requirements of Section 5-1-5B.2).
- 3. All fences and walls shall be constructed of materials in good repair and in a professional manner. If slatted chain link fence is used, the slats shall be a single color earthtone.
- 4. All fencing and landscaping shall be continuously and properly maintained in good condition.
- 5. No wrecked or dismantled vehicles, salvage, or junk shall be stored at a height greater than that of the surrounding fence or wall, except for integral units, and no such materials shall be placed or allowed to remain outside of the enclosed yard area.

B. Operational Standards

- 1. Fire lanes shall be maintained as required by the Fire Marshal.
- 2. All tires not mounted on a vehicle shall be neatly stacked or placed in racks. If stacked, the stacks shall not be stacked over six feet in height.

3. No garbage or other putrescent waste, likely to attract vermin, shall be kept on the premises.
 4. Gasoline and oil which is removed from scrapped vehicles or parts of vehicles kept on the premises shall be disposed of in accordance with applicable federal, state and local regulations.
 5. All other regulations of the City such as, but not limited to, building codes, fire codes, weed regulations, and health regulations shall apply to the operation of any junk/salvage yard.
- C. This regulation shall apply to all salvage yards within the City except those yards classified as a legal non-conforming use on the effective date of this ordinance.
- D. Salvage, dismantling, or recycling uses as accessory uses are permitted under the same status as principal use and subject to all requirements of Section 5-1-2C, plus the following:
1. Must be screened from all surrounding uses and all roadways or be in a totally enclosed building.
 2. Unusable items shall be disposed of and not allowed to collect on the premises.
 3. Operational standards of Section 5-4-14B.2-5 shall be maintained.
 4. The owner or operator of such an existing accessory uses shall comply with all City regulations on or before June 1, 1990.

5-4-15 LANDSCAPING STANDARDS (new section to be added)

5-4-16 VARIANCES OF THIS SECTION (5-4) - The Governing Body may, after study and recommendation by the Planning Commission, authorize variances from the provisions of Section 5-4 where:

- A. There are exceptional topographic, soil, or other subsurface conditions, or other conditions peculiar to the site; and
- B. An undue hardship would be created by the strict application of the provisions of this section; and
- C. Such hardship is not created by an action of the applicant; and
- D. Such variance would not be detrimental to the public welfare or impair the intent and purpose of this section.

IMPROVEMENTS

Right-of-way pavements, curbs, gutters, sidewalks, paths, bikeways, sedimentation control facilities, revegetation, water mains, sanitary and storm sewers, drainways, gas lines, electrical and telephone lines and appurtenances, street signs, trees and lights, lot pin monuments, range point boxes, and any other item required for compliance with the regulations of this Code or the conditions of approval.

INSTITUTIONAL SIGN

A sign setting forth the name of any public, charitable, educational, or religious institution.

INTEGRAL SIGN

Names of buildings, dates of erection, monumental citations, commemorative tablets and the like which are carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

INTEGRAL UNITS

Items, equipment, or machinery which are assembled or constructed to function as a single unit, such as, but not limited to, large cranes, drilling rigs or other large vehicles, large diameter pipes or culverts, large scale motors or transformers, etc.

JUNK

Old, second-hand, or scrap; ferrous and nonferrous metals; paper or paper products; fibers or fabrics, wood or wood products; manufactured rubber or plastic products; glass, clay, or porcelain products; trash or similar materials, and shall include dismantled machinery, equipment, junk vehicles, and parts. The term "junk" shall not include either materials or objects held and used by a manufacturer as an integral part of the manufacturing process or to outside storage permitted as an accessory use under the provisions of Section 5-4-14D.

JUNK VEHICLE

Any motor vehicle, trailer, or semi-trailer than is not operable in its existing condition because of damage or because parts necessary for operation such as, but not limited to, tires, engine, or drive train are removed, destroyed, damaged, or deteriorated. Any such motor vehicle, trailer, or semi-trailer shall be presumed to be a junk vehicle if no license plates are displayed thereon, or if license plates have been invalid for more than 60 days. The owner or possessor of such a motor vehicle, trailer, or semi-trailer may rebut such presumption by providing proof of current registration or licensing (see also Automotive Repair Garages).

JUNKYARD

A yard, lot, or other place, covered or uncovered, indoors or in an enclosed building, for the storage, keeping, sale, or abandonment of junk, including scrap metals or other scrap materials, or for the abandonment, dismantling, or demolition of automobiles or other vehicles or machinery, or parts thereof. The term "junkyard" shall not include the storage of agricultural vehicles on agriculturally used property or to those facili-

ties qualifying as a motor vehicle repair facility. The term "junkyard" shall include wrecking yard, salvage yard, and automobile impoundment lot, where stored vehicles are inoperative and/or unlicensed.

JURISDICTION

The sphere of responsibility of the Grand Junction City Council or a tax assessing district.

KENNEL

A facility in which four or more animals of the same species are housed, groomed, bred, boarded, or trained in return for compensation, or sold, and which may offer incidental medical treatment.

LANDLOCKED PARCEL

A parcel of land without access of record with the County Clerk and Recorder.

LANDSCAPE

An area set aside from structures and parking, which is developed with plantings, woods, stone, brick, rock, sand, textured or shaped concrete and/or pedestrian facilities (i.e. benches, tables, play facilities, paths, etc.).

LANDSLIDE

A mass movement where there is a distinct surface of rupture or zone of weakness which separates the slide material from more stable underlying material.

LAND USE

List of uses within categories enumerated in this Code for various uses of land in the City. (Uses that are not enumerated are determined by the Governing Body.)

LATERAL SEWER

A sewer which discharges into a trunk line and has only collection lines tributary to it. A line from a structure or use which discharges into a collection line is not a lateral.

LAW ENFORCEMENT REHABILITATION CENTER

A facility operated under the direction of a law enforcement agency, whose primary purpose is the rehabilitation of adults (18 years of age or older) convicted of criminal offense(s). A center may include living quarters, in-house counseling services and education facilities. Residents of such a center may not necessarily be kept confined, but shall be under twenty-four hour supervision.

LOADING SPACE

An off-street portion of a parcel for the temporary parking of commercial vehicles while loading or unloading materials for use or sale on the parcel. This space shall open onto a street or alley, and any use of the space shall not obstruct pedestrian or vehicular traffic upon the street or alley.

The Zoning and Development Code has not been reviewed in its entirety since its initial adoption in 1981. Numerous piecemeal amendments since that time have resulted in inconsistencies, incorrect references, and similar mechanical problems. There have also been numerous changes in this edition of the Code that the City Attorney felt were needed to enhance its legal standing and to make it more understandable to the average reader. While some of these changes have made the Code more objective to administer, they have not changed any intents, procedures, or requirements.

There are, however, a number of substantive changes proposed where it was felt that the Code failed to address current problems or concerns. These changes include:

1. The clarification that specific application requirements are determined at the preapplication conference.
2. Allows a maximum of two unlicensed or inoperable vehicles to be stored for repair or restoration. The vehicles must be owned by the occupant of the property and must be stored in a garage or under a car cover. All outdoor storage in excess of 150 cu. ft. must be screened.
3. Adds design and operational requirements for outdoor flea markets, including parking, sanitary facilities, and screening of stored items. Requires all existing operations to come into compliance by June 1, 1990.
4. Adds design and operational requirements for new salvage yards. Establishes requirements for screening, landscaping and storage. This change does not affect existing operations.
5. Adds an allowance for limited salvage/dismantling as an accessory use subject to screening.
6. Adds standards for landscaping that may be required in other parts of the Code such as minimum size and number of plantings.
7. Deletes the PDD (Planned Downtown Development) zone.
8. Reduces the Board of Appeals from 7 to 5 members.
9. Requires that all new development connect to the City domestic water system.

We ask that you recommend adoption of this Code as submitted with the following addendums.

ZONING CODE ITEMS THAT MAY NEED ADDITIONAL REVIEW OR POLICY
CONSIDERATIONS

1. 5-4-3 Irrigation systems and design: Need more specific standards. Consider type of acceptable systems; address maintenance responsibilities; address irrigation rights and shares. Policy statement about irrigation water being used whenever possible.
2. 5-5 Parking: Review and update entire section. Check on ITE manual order.
3. 5-8 Floodplain regulations: Dan has some minor changes. Changes will require recertification by FEMA.
4. 5-11 Airport standards: Review and update. Remove extraneous material, if any. Dan to get examples from other cities. Work with Airport Manager.
5. 4-2-17 PZ: Re-think concept; consider revising as an overlay to other zones. Establish standards and define issues.
6. 4-9-2B: Expansion of non-conforming uses. Consider deletion of this allowance.
7. Section ____: Consider requirement for open space in certain size of standard subdivisions.
8. Chapter 7: Consider a notification requirement for minor changes. Consider issue on type and scope of changes that need notification. Also, who gets notified? Dan has questions on philosophy.
9. Chapter ____: Consider special standards for downtown area. Define area needing special attention. Define needs.
10. Sign regulation: Consider amending special use permit to allow car dealers to use balloons, etc. one day per week throughout the year.

COMMENTS FOR THE RECORD RE:

Second Draft of Proposed Salvage Yard Standards of 3/28/89

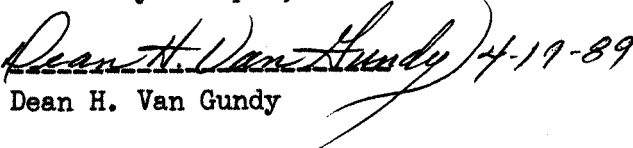
Thank you for being responsive to our concerns regarding the first draft. It is truly appreciated. Dialogue can only encourage cooperation and compliance.

1. We still need to have access to, and time to respond to, any proposed definitions and/or standards regarding landscaping of our yards.
2. Same applies to "junk". Administration of regulations must be based upon objective rather than subjective definitions in order to survive legal challenges.
3. Stacks of tires are limited to six feet unless racked for safety. No provision is made for baled tires.
4. Appeals procedures must be available to not only developers and owners, but also to operators at no cost to appellant.
5. Some latitude in time must be made for transitory storage, especially in preparation for eminent shipping.
6. No provision is made for allowance from height restrictions for trailers loaded with material overnight or longer and awaiting tractor transport.
7. Viaducts, bridges, and bluffs should be specifically identified as exceptional topographic conditions worthy of variance. Such identification would diminish possibility for conflict in the future.
8. Any variance granted should be without cost to applicant.
9. Any rule or regulation not readopted at any two year interval should automatically sunset.

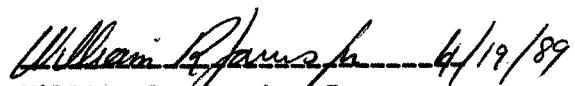
Frank Dunn Co.


William F. Serviss

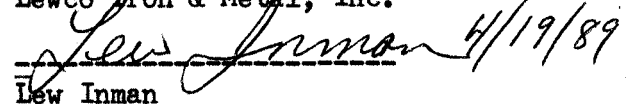
Van Gundy's Ampco, Inc.


Dean H. Van Gundy

American Auto Salvage, Inc.


William R. Jarvis, Jr.

Lewco Iron & Metal, Inc.


Lew Inman



Grand Junction Planning Department
250 North Fifth Street
Grand Junction, Colorado 81501-2668
(303) 244-1430

April 21, 1989

Mr. William Jarvis
American Auto Salvage
1001 South 3rd Street
Grand Junction, CO 81501

*This letter was also sent
to Leon VanGundy, Van Gundy
Amco Inc. &
Lew Jaman, Lewis Iron & Metal
William Jarvis, Frank Dunn Co. etc.*

Dear Mr. Jarvis:

Thank you for your comments on the second draft of the salvage yard standards. The following is in response to your comments.

1. The standards and definition of landscaping are attached for your review. These apply not only to salvage yards, but to any use where landscaping is required. We allow a great deal of flexibility in how and where the landscaping is installed, since site characteristics and the needs of a specific business can vary. Our main goal is simply to maintain a good community appearance.
2. I agree that definitions should be as objective as possible. We have attempted to do that with the definition of "junk," but it is a difficult concept to pin down since "one man's junk is another man's treasure." Since you gentlemen are much closer to the subject than we are, I would be happy to consider any suggestions for improving the definition.
3. I will clarify that baled tires are not restricted to the six foot height limitation.
4. Appeals procedures are available to anyone affected by a regulation. There is no cost for an appeal.
- 5/6. I will clarify 5-4-14A.5. to exempt items loaded in preparation for shipping.
7. We will add "viaducts, bridges and bluffs" as examples of topographic features that might qualify as a variance. It is, however, our hope that if salvage yards are relocated, we could find sites where such a variance would not be needed.

Mr. William Jarvis
April 21, 1989
Page 2

8. Variances differ from appeals in that they are a special exception for a specific site. There is a \$115 fee to cover the cost of processing and review.
9. I have referred this to the City Attorney for his opinion.

Dean asked if I could prepare a list of potential areas for relocation and explain how the approval process would work. UNC presently has two people working on preparing a list of potential sites. The current discussions about relocation have been initiated by UNC, since it may be a cheaper way to clean up those sites contaminated with uranium mill tailings. I will forward a copy of their list to you as soon as it is available.

Salvage yards are a conditional use in the City's Heavy Industrial (I-2) zone and the County's Industrial zone. In the City, a conditional use is acted upon by the Planning Commission after a review by agencies which may have an interest in the area where the use is proposed.

The type of materials required in application and the agencies which review it depend on the specific location and type of use. Any conditions of approval must be maintained for the life of the use.

I have included a copy of the application process sheet for your information. We will, of course, do everything we can to make the process as quick and easy as possible. I am assuming that UNC will also take a lead role in this process, since a relocation will be to its benefit.

Thank you for your cooperation and assistance.

Sincerely,



Karl G. Metzner
Director of Planning

KGM/tt

Attachments

development summary



File # 10-89 Name Zoning Code Update Date 5/4/89

PROJECT LOCATION:

1989 Zoning and Development Code update. Readoption of the Code in its entirety.

PROJECT DESCRIPTION:

REVIEW SUMMARY (Major Concerns)

POLICIES COMPLIANCE	YES NO*		TECHNICAL REQUIREMENTS	SATISFIED NOT SATISFIED*	
Complies with adopted policies			Streets/Rights Of Way		
Complies with adopted criteria			Water/Sewer		
Meets guidelines of Comprehensive Plan			Irrigation/Drainage		
			Landscaping/Screening		
			Other: _____		

* See explanation below

STATUS & RECOMMENDATIONS:

The Code has been rewritten to eliminate inconsistencies, correct references, and clarify language. Recommended substantive changes including standards for salvage yards, flea markets, and landscaping; requirements for screening of outdoor storage; reduce Board of Appeals from 7 to 5 members; and require new development to connect to City water system.

Planning Commission Action

5/2/89 PC recommended approval with addendums as submitted.

JAMES M. ROBB
JOSEPH H. SKINNER
JOHN A. ACHZIGER
EDWARD J. NUGENT

MILES KARA
SPECIAL COUNSEL

ROBB, SKINNER, ACHZIGER & NUGENT

ATTORNEYS AT LAW
601 VALLEY FEDERAL PLAZA
P.O. BOX 220
GRAND JUNCTION, COLORADO 81502

AREA CODE (303)
241-7835
TELEFAX: 243-4358

June 6, 1989

Grand Junction City Council
250 North 5th Street
Grand Junction, CO 81501

RE: HEARING NO. 10-89

Dear Council Members:

I am writing to you as the attorney for the Grand Junction, Colorado, Downtown Development Authority concerning Hearing No. 10-89 on the 1989 Zoning and Development Code Update. I would ask that these written comments be made a part of the record concerning that proposed update.

The proposed update apparently intends to delete the planned downtown development zone in its entirety. Before the City Council takes that action, I would like the council to be aware of some of the history involved in the enactment of the planned downtown development zone and why it was enacted. Then I would ask that the council receive, at the next hearing on this matter, the formal recommendations of the DDA Board concerning this matter.

The planned downtown development zone was enacted to further the policies of the City of Grand Junction and the Downtown Development Authority for the central business district. It was enacted at a time of extreme growth in the County and also at a time when major projects, such as hotels or superblock development, were being proposed for the downtown area.

At the time of its enactment, the majority of downtown property was zoned commercial and did not have other restrictions. Specifically, there was not then in the planning code any method of assuring the architectural or use conformity felt to be necessary within the central business district. In fact, under the then existing code, a building that was extensively designed for pedestrian amenities could be located next door to a structure that met the minimum building requirements and added nothing aesthetically to the downtown area. It was thought that some type of encouragement was needed for a project, especially a major project, to comply with streetscape designs and other aesthetic amenities.

Grand Junction City Council

June 6, 1989

Page -2-

As a result, the planned downtown development guide was enacted. Along with its enactment, certain other zoning changes were enacted to encourage a downtown developer to look at the planned downtown development guide as a way to maximize his use of the property. For example, height restrictions were reduced city-wide. It was thought that with the trade offs associated with the downtown development guide in place, a developer of a major project would be willing to design in the project the necessary amenities to gain the benefit of increased height, reduced parking requirements, and other advantages of the downtown development guide procedure.

Needless to say, since the enactment of the downtown development guide the economy has changed dramatically. We have apparently gone through a period in which massive downtown development was unlikely and, yet, there may be a need to again assure the coherence of design in the central business district in the future.

Overall, however, the most important aspect of the downtown development guide was the recognition, by the City, of the uniqueness of the central business district. It was an attempt to further the unity of the central business district and present an image of Grand Junction that would benefit the whole city. It also emphasized the joint efforts of the city and the DDA to achieve their common purposes.

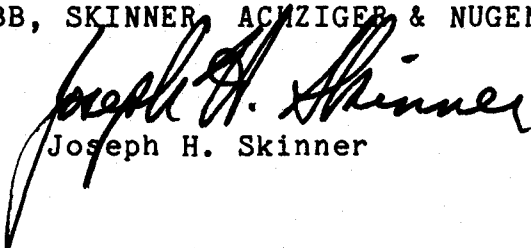
The DDA Board will be meeting between the first and second reading on the proposed update and, I anticipate, will have formal recommendations to make to the council before the second reading on this matter. I am not attempting to state, in any manner, what the Board may decide to do in its official capacity, but wanted to alert the council as to the policy reasons behind the original creation of the planned downtown development district.

Thank you for the opportunity to be heard.

Sincerely,

ROBB, SKINNER, ACZIGER & NUGENT

By


Joseph H. Skinner



Grand Junction Planning Department
250 North Fifth Street
Grand Junction, Colorado 81501-2668
(303) 244-1430

MEMORANDUM

TO: Barbara Creasman

FROM: Karl Metzner *KM*

DATE: June 14, 1989

RE: PDD Zone

I will not be able to attend your DDA board meeting on Friday, so I thought it would be appropriate if I set down some of my rationale for deleting the Planned Downtown Development zone (PDD) from the Zoning and Development Code.

The PDD zone concept was developed in 1983 by consultants retained by the DDA to prepare a downtown plan. It (PDD) is a complicated point system of evaluating development proposals, and at the time it was being developed, I expressed my opinion that it would serve to discourage rather than encourage development. There has not been one single request for a PDD since its adoption.

Downtown is presently zoned B-3 (Retail Business) which will accommodate almost any kind of development I could envision downtown (e.g. City Market). In the case of some major project which would not be covered under B-3, we could use our standard Planned Zones (PB and PC) to provide the type of design controls which the PDD was intended to provide. I have no quarrel with the intents expressed in the Planned Downtown Development Manual. I simply feel that those intents can be addressed under a standard planned zone more simply and with greater flexibility.

KM/tt

xc: File #10-89