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PLANNING COMMISSION AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET

TUESDAY, MARCH 26, 2013, 6:00 PM

Call to Order

Welcome. Items listed on this agenda will be given consideration by the City of Grand Junction Planning Commission. Please turn off all cell phones during the meeting.

Copies of the agenda and staff reports are located at the back of the auditorium.

Announcements, Presentations and/or Prescheduled Visitors

Consent Agenda

Items on the consent agenda are items perceived to be non-controversial in nature and meet all requirements of the Codes and regulations and/or the applicant has acknowledged complete agreement with the recommended conditions.

The consent agenda will be acted upon in one motion, unless the applicant, a member of the public, a Planning Commissioner or staff requests that the item be removed from the consent agenda. Items removed from the consent agenda will be reviewed as a part of the regular agenda. Consent agenda items must be removed from the consent agenda for a full hearing to be eligible for appeal or rehearing.

1. **Minutes of Previous Meetings** Attach 1
   Approve the minutes of the January 8 and February 12, 2013 regular meetings.

2. **Floodplain Ordinance amendment - Zoning Code Amendment** Attach 2
   Forward a recommendation to City Council of an amendment to Section 21.07.010 Flood Damage Prevention and Section 21.10.020 Terms Defined of the Zoning and Development Code (Title 21, GJMC).
   FILE #: ZCA-2013-107
   APPLICANT: Bret Guillory - City of Grand Junction
   LOCATION: Citywide
   STAFF: Bret Guillory

3. 1941 Palisade Street Rezone – Rezone Attach 3

Forward a recommendation to City Council on a request to rezone .243 acres from R-8 (Residential 8 du/ac) to R-12 (Residential 12 du/ac) zone district to allow an additional dwelling unit.

FILE #: RZN-2013-77
APPLICANT: Rhonda Christensen
LOCATION: 1941 Palisade Street
STAFF: Lori Bowers

*** * * END OF CONSENT CALENDAR * * ***

*** * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * ***

Public Hearing Items

On the following items the Grand Junction Planning Commission will make the final decision or a recommendation to City Council. If you have an interest in one of these items or wish to appeal an action taken by the Planning Commission, please call the Planning Division (244-1430) after this hearing to inquire about City Council scheduling.

General Discussion/Other Business

Nonscheduled Citizens and/or Visitors

Adjournment

Attach 1
Minutes

GRAND JUNCTION PLANNING COMMISSION
JANUARY 8, 2013 MINUTES
6:00 p.m. to 6:18 p.m.

The regularly scheduled Planning Commission hearing was called to order at 6:00 p.m. by Chairman Wall. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Reginald Wall (Chairman), Ebe Eslami (Vice Chairman), Gregory Williams, Keith Leonard, Jon Buschhorn, Christian Reece and Loren Couch.

In attendance, representing the City's Public Works, Utilities and Planning Department – Planning Division, were Lisa Cox (Planning Manager), Scott Peterson (Senior Planner), Jody Kliska (Transportation Engineer) and Rick Dorris (Development Engineer).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 8 interested citizens present during the course of the hearing.

Announcements, Presentations And/or Visitors
None.

Consent Agenda

1. **Minutes of Previous Meetings**
   None available at this time.

2. **Colorado Mesa University Rezone – Planned Development – Extension Request**
   Request a recommendation of approval to City Council for an extension of five (5) additional years until December 2017 for the previously approved Outline Development Plan to allow a mixture of residential, commercial and light industrial uses on 154.08 +/- acres in a PD (Planned Development) zone district.
   FILE #: ODP-2008-154
   APPLICANT: Colorado Mesa University Real Estate Foundation
   LOCATION: 2899 D 1/2 Road
   STAFF: Scott Peterson

3. **Stepaside Rezone – Rezone – CONTINUED TO A DATE UNDETERMINED**
   Request a recommendation of approval to City Council to rezone 0.986 acres from an R-1 (Residential 1 du/ac) to an R-2 (Residential 2 du/ac) zone district.
   FILE #: RZN-2012-533

APPLICANT: Sandra Pittenger
LOCATION: 679 Stepaside Drive
STAFF: Lori Bowers

Chairman Wall briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. Chairman Wall stated that he had been notified that this item had been requested to be continued to January 22, 2013. Lisa Cox, Planning Manager, confirmed that staff had a received a request for the item be continued to the January 22nd Planning Commission meeting. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on the Consent Agenda.

MOTION:(Commissioner Eslami) "Mr. Chairman, I make a motion that we approve the Consent Agenda as read."

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

Public Hearing Items

4. Grand Valley Circulation Plan Amendment – Comprehensive Plan Amendment

Request a recommendation of approval to City Council of a Comprehensive Plan Amendment to amend the Grand Valley Circulation Plan on and near the property (36 +/- acres) north of I-70 Business Loop between 28 and 28 1/4 Roads to add two future collector streets and an unclassified street in the area to improve future capacity, connectivity and circulation in an existing C-1 (Light Commercial) zoning district.

FILE #: CPA-2012-584
APPLICANT: Jody Kliska – City of Grand Junction
LOCATION: North of I-70 Business Loop between 28 and 28 1/4 Roads
STAFF: Jody Kliska

STAFF PRESENTATION

Jody Kliska, City Transportation Engineer, made a PowerPoint presentation on the proposed Comprehensive Plan Amendment to amend the Grand Valley Circulation Plan in the vicinity east of 28 Road and north of the I-70 Business Loop. Representatives of the property owners approached the City about amending the Circulation Plan. She stated the subject property was currently zoned for high density residential. Ms. Kliska indicated the property owners asked for more clarity regarding rights-of-way through and around this property.

According to the existing Circulation Plan, 28 Road was shown as a minor arterial with Grand Avenue as an extension. The amendment would have an extension of Gunnison Avenue on the north side of the property from 28 Road to 28 1/2 Road and the extension of Grand Avenue to approximately Chipeta Avenue and an unclassified street through the property. This would provide better circulation for the property.

Ms. Kliska said that there were six criteria for evaluation provided for in the Zoning and Development Code before the Circulation Plan could be amended. Those criteria and staff's analysis included the following: 1) There was an error such that then existing facts, projects or trends that were reasonably foreseeable were not accounted for. Response: Staff's analysis concluded that there was no error as the proposed Grand Valley Circulation Plan was being amended to anticipate and accommodate future growth patterns for the subject area as well as the community at-large; 2) Subsequent events had invalidated the original premises and findings. Response: It was determined that the area and the community would benefit from safer, and more efficient traffic circulation and interconnectivity around and through the property with anticipated development. New development would require good access and connectivity to surrounding streets to provide an efficient circulation plan for the community, as well as future residents and commercial development of the property; 3) The character and condition of the area had changed enough that the amendment was acceptable. Response: The current Grand Valley Circulation Plan was being updated to reflect how the Comprehensive Plan anticipated future development would take place. The Comprehensive Plan Future Land Use Map anticipated higher residential development and possible commercial development; 4) The community or area as defined by the presiding body would derive benefits from the proposed amendment. Response: The benefits to the area would include safer and more efficient traffic circulation and street interconnectivity around and through the property; 5) The change would facilitate safe and efficient access for all modes of transportation. Response: Staff believed that the proposed changes would provide good access and circulation for users of the transportation system with multiple ways to travel through the area and connect to larger transportation networks, and would also facilitate safe and efficient vehicular access; 6) The changes furthered the goals of circulation and connectivity. Good access to and through this large property would guide this property to provide an appropriate street network.

Ms. Kliska concluded that after review, staff made findings of facts and conclusions that the Grand Valley Circulation Plan Amendment was consistent with the goals and policies of the Comprehensive Plan by anticipating future development of the area as identified by the residential and commercial land use designations of the Comprehensive Future Land Use Plan, and that the applicable review criteria of the Zoning and Development had been met. Staff recommended that the Planning Commission forward a recommendation of approval for the requested Comprehensive Plan Amendment to amend the Grand Valley Circulation Plan to City Council.

Questions

With regard to the proposed map for the Circulation Plan, Commissioner Leonard asked if the proposed major collector and the unclassified designations were set in stone and, if so, how was that determined. Ms. Kliska said that the Circulation Plan showing the future roadways was mainly to guide what was envisioned and that the exact alignment did not need to follow that the Plan exactly; however, it would have to meet the criteria of the Transportation Engineering and Design Standards.

Public Comment
None.

Discussion
Commissioner Eslami stated that it seemed reasonable to him.

Commissioner Leonard asked if the lines were just generalized. Lisa Cox, Planning Manager, confirmed that the lines on the map gave the general indication of where a facility would be appropriate and the type of classification.

Chairman Wall agreed and thought it was consistent and made sense.

MOTION:(Commissioner Eslami) "Mr. Chairman, on item CPA-2012-584, I move that the Planning Commission forward a recommendation of approval of the request to the Comprehensive Plan to amend the Grand Valley Circulation Plan with the facts and findings listed in the staff report."

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

General Discussion/Other Business
Ms. Cox stated that there were a few citizens in the audience who came in after the meeting had started. She had explained at the beginning of the meeting that the Stepaside rezone had been pulled from this agenda. She then said that if anyone had any questions on the agenda that she would be available to help them or they could ask them now. Someone asked about the Stepaside Rezone request. Ms. Cox said that the item had been pulled from the agenda so staff could consider other information related to the rezone request that might be relevant to the entire community and all parcels zoned R-1 in the City. Rather than address the site specific request to rezone for one property, staff wanted to consider possible solutions that might be a greater benefit to all properties zoned R-1 in the community. Staff would consider other solutions which would be brought back to the Planning Commission. Ms. Cox confirmed that it was the City's intent to notify property owners that would be impacted which would also include parcels 500 feet from property zoned R-1. It would also have a different file number as it would be a separate development application processed.

Nonscheduled Citizens and/or Visitors
None.

Adjournment
With no objection and no further business, the Planning Commission meeting was adjourned at 6:18 p.m.

GRAND JUNCTION PLANNING COMMISSION
FEBRUARY 12, 2013 MINUTES
6:01 p.m. to 6:05 p.m.

Planning Manager Lisa Cox announced that neither Chairman Wall or Vice-Chair Eslami was able to attend the meeting and that the Commissioners would need to select someone to be the Acting Chairman for the meeting. Commissioner Couch volunteered to act as Chairman for the hearing. The other Planning Commissions agreed to have Commissioner Couch be the Acting Chair. The regularly scheduled Planning Commission hearing was called to order at 6:01 p.m. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Loren Couch, Acting Chairman, Gregory Williams, Jon Buschhorn, Christian Reece, William Wade (Alternate) and Steve Tolle (Alternate). Commissioners Reginald Wall (Chairman), Ebe Eslami (Vice Chairman) and Keith Leonard were absent.

In attendance, representing the City's Public Works, Utilities and Planning Department – Planning Division, were Lisa Cox (Planning Manager) and Senta Costello (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There was 1 interested citizen present during the course of the hearing.

Announcements, Presentations And/or Visitors
There were no announcements, presentations and/or visitors.

Consent Agenda

1. **Minutes of Previous Meetings**
   None available at this time.

2. **Library Alley Vacation – Vacation of Right-of-Way**
   Request a recommendation of conditional approval to City Council to vacate all remaining alleys between Grand Avenue and Ouray Avenue and North 5th Street and North 6th Street.
   FILE #: VAC-2012-419
   APPLICANT: Eve Tallman – Mesa County Public Library
   LOCATION: 530 Grand Avenue
   STAFF: Senta Costello

Acting Chairman Couch read and briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for

additional discussion. After discussion, there were no objections or revisions received from the audience, staff or Planning Commissioners on the Consent Agenda.

MOTION:(Commissioner Williams) "Mr. Chairman, I move we approve the Consent Agenda as read."

Commissioner Reece seconded the motion. A vote was called and the motion passed unanimously by a vote of 6 - 0.

General Discussion/Other Business
None.

Nonscheduled Citizens and/or Visitors
None.

Adjournment
6:05 p.m.

Attach 2
Floodplain Ordinance

CITY OF GRAND JUNCTION MEETING DATE: February 19, 2013
PLANNING COMMISSION PRESENTER: Bret Guillory, Utility Engineer

AGENDA TOPIC: ZCA-2013-107, Amendment to the Zoning and Development Code (Title 21, Grand Junction Municipal Code) to amend the language to be in compliance with the State of Colorado Rules and Regulations for Floodplains.

ACTION REQUESTED: Recommendation to City Council of an amendment to the Zoning and Development Code (Title 21, GJMC) to amend Section 21.07.010 Flood Damage Prevention and Section 21.10.020 Terms Defined.

RECOMMENDATION: Recommend approval of the proposed amendments.

BACKGROUND:

The Colorado Water Conservation Board (CWCB) is the agency responsible for administering the National Flood Insurance Program (NFIP) in the State of Colorado. In 2010, the CWCB adopted revised Rules and Regulations for Floodplains in Colorado (Rules). The Rules became effective as of January 14, 2011. The Rules provide higher floodplain management standards that will help Colorado communities to reduce the risks to people and property caused by flooding.

All Colorado Communities that participate in the NFIP are required to adopt the new Rules by January 14, 2014. The City has been an active participant in the NFIP since 1983.

Mesa County adopted the new Rules and Regulations in October of 2012.

Changes are proposed to the Zoning and Development Code ("Code") to include the Rules and are set forth in Exhibit A with strikethroughs being deletions from the sections indicated and the new additional language shown as underlined.

The main changes are to the following:

1. The "floodway" shall be defined with a one-half foot rise above the base flood elevation. This is a change from current definition with a one foot rise above the base flood elevation.

2. The addition of the definition for "Critical Facilities" and standards for critical facilities.

3. Additional terms are added in the definition section to define terms for easier understanding of the requirements.

4. Modification to Section 21.07.010(c)(5) to clarify restricted use of recreational vehicles for temporary dwellings within a special flood hazard area.

An Open House was held on March 7, 2013, for an opportunity to inform the community of the proposed changes and the need for the changes.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:
The proposed amendment is consistent with the following goals and policies of the Comprehensive Plan:

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

Policy: 1C. The City and Mesa County will make land use and infrastructure decisions consistent with the goal of supporting and encouraging the development of centers.

Mesa County adopted the Rules in October 2012.

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

The Rules provide necessary information for consideration of the appropriate type of development in different areas dependent upon the likelihood or not of flooding for that particular area.

Goal 10: Develop a system of regional, neighborhood and community parks protecting open space corridors for recreation, transportation and environmental purposes.

Policy:
10B. Preserve areas of scenic and/or natural beauty and, where possible, include these areas in a permanent open space system.

10C. The City and County support the efforts to expand the riverfront trail system along the Colorado River from Palisade to Fruita.

These Rules will help determine if development can be completed without creating too much risk, particularly along the river. Areas that are not appropriate for development or more intense development due to the greater risk of damage due to flooding can be better utilized in manners such as open space.

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

Policy:
11A. The City and County will plan for the locations and construct new public facilities to serve the public health, safety and welfare, and to meet the needs of existing and future growth.

The Rules regarding development of flood hazard areas provide relevant information in determining where public facilities and services may be best located for efficiencies and effectiveness.

Critical Facilities are those that are necessary at times when flooding has created public health, safety, and welfare issues. Following the standards set forth will reduce the likelihood that the facilities would not be available and/or /ineffective during a flood.

The proposed Code amendment supports the vision and goals of the Comprehensive Plan by providing additional relevant information to be considered as the City grows and develops.

FINDINGS OF FACT/CONCLUSIONS:
After reviewing ZCA-2013-107, amendment to the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) to amend Section 21.07.010 Flood Damage Prevention and Section 21.10.020 Terms Defined, the following findings of fact and conclusions have been determined:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

2. The proposed amendment will help implement the vision, goals and policies of the Comprehensive Plan.

STAFF RECOMMENDATION:
I recommend that the Planning Commission forward a recommendation of approval of the proposed amendment to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTIONS:
Mr. Chairman, on file ZCA-2013-107, an amendment to the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) to amend Section 21.07.010 Flood Damage Prevention and Section 21.07.020 Terms Defined. I move that the Planning Commission forward a recommendation of approval of the proposed amendment with the findings, facts and conclusions listed in the staff report.

Attachments:

Text changes with deletions shown with strikethroughs and additions underlined.
Proposed Ordinance

Proposed changes:

Deletions shown with strikethroughs and additions are underlined.

21.07.010 Flood damage prevention.

(a) **Purpose.** Flood damage prevention regulations promote the public health, safety and general welfare and minimize public and private losses due to flooding. The regulations are designed to:

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to critical facilities, infrastructure and other public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;

(6) Help maintain a stable tax base by providing for the sound use and development -of flood prone areas of special flood hazard so as to minimize future flood blight areas;

(7) Ensure that potential buyers are notified that property is in an area of special flood hazard; and

(8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

[Section (b) is intentionally not included as no changes are proposed to this section.]

(c) **General Provisions.**

(1) This chapter applies to all areas of special flood hazard areas and areas removed from the floodplain by the issuance of a Federal Emergency Management Agency (FEMA) Letter of Map Revision Based on Fill (LOMR-F) within the City.

(2) Basis for Establishing the Areas of Special Flood Hazard. The F~~ederal E~~mergency M~~anagement A~~gency has identified areas of special flood hazard in a scientific and engineering report entitled, "The Flood Insurance Study for Mesa county and Incorporated Areas~~Grand Junction~~," dated October 16, 2012. The

study together with the Flood Insurance Rate Maps (FIRMs) are hereby adopted by reference and declared to be a part of this code. The FIRMs may be superseded by local engineering studies approved by the Director, provided such studies fully describe and analyze, based on the FIRMs and generally accepted engineering practice, design floodwater build-out conditions.

(3) Compliance. No structure shall be constructed, located, extended, converted or altered without full compliance with the terms of this section and other applicable regulations. No land shall be developed without full compliance with the terms of this section and other applicable regulations. For waterways with base flood elevations (BFEs) for which a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the City's FIRMs, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the City. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, The City may approve certain development in Zones A1-30, AE, AH, on the City's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

(4) This section does not and it is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. If this section and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions on use and development shall prevail and be applied.

(5) All terms and provisions of this section shall be:

(i) Considered as minimum requirements;

(ii) Liberally construed in favor of the City; and

(iii) Deemed neither to limit nor repeal any other powers granted or reasonably construed or interpreted under law, charter, rule or regulation.

(6) Warning and Disclaimer of Liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased because of manmade or natural causes. This section

does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the City, or any officer or employee thereof, or the F~~ederal E~~~~mergency M~~~~anagement A~~~~gency~~ for any flood damage that results from reliance on this section or any administrative decision lawfully made hereunder.

(7) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

(8) The Director ~~of Public Works and Planning~~ shall maintain records obtained as part of a floodplain development permit, including but not limited to the lowest floor and floodproofing elevations for new and substantially improved construction.

(9) In riverine situations, notice shall be given by the Director ~~of Public Works and Planning~~ to an adjacent community(ies) prior to any alteration or relocation of a watercourse.

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

(1) General Standards. The following standards shall apply to all property located in special flood hazard areas:

(i) Anchoring.

(A) All new construction and substantial improvement shall be anchored to prevent flotation, collapse or lateral movement of the structure and as anchored must be capable of resisting the hydrostatic and hydrodynamic loads.

(B) All manufactured homes shall be elevated and anchored to resist flotation, collapse or lateral movement and as anchored is capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, over the top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:

a. Over the top ties provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side;

b. Frame ties provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;

c. Each component of the anchoring system shall be capable of carrying a force of 4,800 pounds; and

d. Any addition to the manufactured home shall be similarly anchored.

(ii) Construction Materials and Methods.

(A) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(B) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(C) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding.

(iii) Utilities.

(A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood-waters into the system;

(B) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood-waters into the systems and discharge from the systems into flood-waters; and

(C) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(iv) Subdivision Proposals.

(A) All subdivision proposals shall be consistent with the need to minimize flood damage;

(B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(D) BFE~~ase flood elevation~~ data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres (whichever is less).

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

(i) New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least one foot above the BFE~~base flood elevation~~.

(ii) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated at least one foot above the level of the BFE~~base flood elevation~~; or, together with attendant utility and sanitary facilities, shall:

(A) Be flood-proofed so that below the BFE~~base flood elevation~~ the structure is watertight with walls being substantially impermeable to the passage of water;

(B) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(C) Be certified by a Colorado registered professional engineer. The certification shall state that the design and methods of construction are in accordance with accepted standards of practice and meet the minimum provisions of this code. Such certifications shall be provided to and reviewed by the Director.

(iii) Openings in Enclosures Below the Lowest Floor. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall be certified by either a Colorado registered professional engineer or architect and must meet or exceed the following minimum criteria:

(A) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

(B) The bottom of all openings shall be no higher than one foot above grade;

(C) Openings may be equipped with screens, louvers, or other coverings or devices; provided~~,~~ that they permit the automatic entry and exit of floodwaters.

(iv) Manufactured Homes.

(A) All manufactured homes that are placed and/or substantially improved on a site:

a. Outside of a manufactured home subdivision;

b. In a new manufactured home park or manufactured home subdivision;

c. In an expansion to an existing manufactured home park or manufactured home subdivision; or

d. On an existing manufactured home park or manufactured home subdivision on which a manufactured home has incurred substantial damage as a result of a flood;

(B) Shall be anchored and elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the BFE~~base flood elevation~~;

(C) The manufactured home shall be securely anchored to an anchored foundation system in order to resist flotation, collapse and lateral movement; and

(D) Manufactured homes that are placed or substantially improved on sites in existing manufactured home parks or manufactured home subdivisions that are not subject to the provisions of this subsection shall be elevated so that either:

a. The lowest floor of the manufactured home is at least one foot above the BFE~~base flood elevation~~; or

b. The manufactured home frame or chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and securely anchored to an anchored foundation system in order to resist flotation, collapse and lateral movement.

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

(A) Be permitted only where allowed in appropriate zone districts according to Section 21.04.010;

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

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

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

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

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

(G) Include no permanently attached additions; and

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

(3) Specific Standards for Areas of Shallow Flooding. Specific standards are required for special flood hazard areas associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(i) Residential Construction. All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the City's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer.

(ii) Nonresidential Construction. With the exception of critical facilities, all new construction and substantial improvements of nonresidential structures, must have the lowest floor (including basement) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the City's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado professional engineer or architect shall submit a certification which shall state that the design and methods of construction are in accordance with accepted standards of practice and meet the minimum provisions of this code.

Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

(~~43~~) Specific Standards for Floodways. A floodway is an area within a special flood hazard area. The floodway is extremely hazardous due to the velocity of floodwaters, debris and erosion potential. To mitigate those hazards the following provisions apply:

(i) Encroachments, including fill, new construction, substantial improvements and other development are prohibited unless a Colorado registered professional engineer ~~or architect~~ certifies in writing with a No-Rise Certificate that encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge. The supporting technical date for the No-Rise Certificate shall be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), unless otherwise approved by the Director.

(ii) All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

(5) Specific Standards for Alteration of a Watercourse. For all proposed developments that alter a watercourse within a special flood hazard area, the following standards apply:

(i) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment

transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

(ii) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

(iii) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.

(iv) Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or certified professional hydrologist.

(v) All activities within the regulatory floodplain shall meet all applicable Federal, State and City floodplain requirements and regulations.

(vi) Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado professional engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions floodway resulting from the project, otherwise known as a No-Rise Certification.

(vii) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

(6) Specific Standards for Properties Removed From the Floodplain by Fill. Construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) shall be constructed with a lowest floor elevation placed below the BFE with one foot of freeboard that existed prior to the placement of fill.

(7) Specific Standards for Critical Facilities. A critical facility is a structure or related infrastructure, but not the land on which it is situated, as classified below, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the City at any time before, during and after a flood.

(i) Classification of Critical Facilities. Critical facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services.

(A) Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

These facilities consist of:

a. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);

b. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and nonambulatory surgical structures but excluding clinics, doctors offices, and nonurgent care medical structures that do not provide these functions);

c. Designated emergency shelters;

d. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);

e. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and

f. Air transportation lifelines [airports (municipal and larger)], helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), nonpotable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it is demonstrated to the satisfaction of the Director that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are otherwise compliant with all floodplain regulations, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. A development approval includes the condition that evidence of ongoing redundancy be provided to the Director upon the Director's request.

(B) Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

These facilities include:

a. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);

b. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;

c. Refineries;

d. Hazardous waste storage and disposal sites; and

e. Above ground gasoline or propane storage or sales centers.

Hazardous materials facilities shall be determined by the Director to be critical facilities if they produce or store materials in excess of threshold limits. If the owner and/or operator of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, and the chemical(s) is stored in quantities equal to or greater than the threshold planning quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also

known as extremely hazardous substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence as of (*insert date of effective ordinance*), but exclude later amendments to or editions of the regulations.

Specific exemptions to this category include:

a. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the Director by hazard assessment and certification by a qualified professional as determined by the Director that a release of the subject hazardous material does not pose a major threat to the public.

b. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as critical facilities otherwise.

(C) At-risk population facilities include medical care, congregate care, and schools.

These facilities consist of:

a. Elder care (nursing homes);

b. Congregate care serving 12 or more individuals (day care and assisted living);

c. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);

(D) Facilities vital to restoring normal services including government operations.

These facilities consist of:

a. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);

b. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the Director that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are otherwise compliant with all floodplain regulations and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Director on an as-needed basis as determined by the Director upon request.

(ii) Protection for Critical Facilities. All new and substantially improved critical facilities and new additions to critical facilities located within the special flood hazard area shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of critical facilities, protection shall include one of the following:

(A) Location outside the special flood hazard area; or

(B) Elevation or floodproofing of the structure to at least two feet above the BFE.

(iii) Ingress and Egress for New Critical Facilities. New critical facilities shall, when practicable as determined by the Director, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a100-year flood event.

The following additions and deletions are made to the Terms Defined in Section 21.10.020:

Area of shallow flooding means a designated Zone AO or AH on the City's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does

not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base flood elevation (BFE) means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement means any area of a building having its floor subgrade (below ground level) on all sides.

Conditional letter of map revision (CLOMR) is FEMA's comment on a proposed project which does not revise an effective floodplain map that would upon construction affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Critical facility means a structure or related infrastructure, but not the land on which it is situated, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the City at any time before, during and after a flood.

Five-hundred-year (500-year) flood means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood).

Five-hundred-year (500-year) floodplain means an area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland waters; and/or

(2) The unusual and rapid accumulation or runoff of surface waters from any source. (See graphic.)

(3) Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood control structure means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodway means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than ~~one foot~~ a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). (See graphic.)

Freeboard means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Material Safety Data Sheet (MSDS) – A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

No-Rise Certification is a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a registered Colorado professional engineer.

One-hundred-year (100 year) flood means a flood having a recurrence interval that has a one percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood).

One-hundred-year (100-year) floodplain means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood, including the low land near a watercourse which has been, or may be, covered by water of a flood of 100-year frequency, as established by engineering practices of the U.S. Army Corps of Engineers and/or the Colorado Water Conservation Board. ~~It shall also mean that a flood of this magnitude may have a one percent chance of occurring in any given year.~~

Special flood hazard area means the land in the floodplain within the City subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Threshold planning quantity (TPQ) – A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 21.07.010 FLOOD DAMAGE PREVENTION AND SECTION 21.10.020 TERMS DEFINED OF THE GRAND JUNCTION MUNICIPAL CODE

Recitals:

The Colorado Water Conservation Board (CWCB) is the agency responsible for administering the National Flood Insurance Program (NFIP) in the state of Colorado. In 2010, the CWCB adopted revised Rules and Regulations for Floodplains in Colorado (Rules). The Rules became effective as of January 14, 2011. The Rules provide higher floodplain management standards that will help Colorado communities to reduce the risks to people and property caused by flooding.

All Colorado Communities that participate in the NFIP are required to adopt the new Rules by January 14, 2014. The City has been an active participant in the NFIP since 1983.

Mesa County adopted the new Rules and Regulations in October of 2012.

On March 26, 2013 the Grand Junction Planning Commission reviewed the proposed changes and recommended that the City Council adopt the changes as presented.

The Grand Junction City Council encourages updating of the Zoning and Development Code in order to maintain its effectiveness and responsiveness to the citizens' best interests.

The City Council finds that adoption of the proposed amendments promotes the health, safety and welfare of the community.

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

Section 21.070.010(a) shall read as follows:

(a) **Purpose.** Flood damage prevention regulations promote the public health, safety and general welfare and minimize public and private losses due to flooding. The regulations are designed to:

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to critical facilities, infrastructure and other public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;

(6) Help maintain a stable tax base by providing for the sound use and development of flood prone areas of special flood hazard so as to minimize future flood blight areas;

(7) Ensure that potential buyers are notified that property is in an area of special flood hazard; and

(8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Section 21.070.010(c) shall read as follows:

(c) **General Provisions.**

(1) This chapter applies to all areas of special flood hazard areas and areas removed from the floodplain by the issuance of a Federal Emergency Management Agency (FEMA) Letter of Map Revision Based on Fill (LOMR-F) within the City.

(2) Basis for Establishing the Areas of Special Flood Hazard. FEMA has identified areas of special flood hazard in a scientific and engineering report entitled, “The Flood Insurance Study for Mesa County and Incorporated Areas,” dated October 16, 2012. The study together with the Flood Insurance Rate Maps (FIRMs) are hereby adopted by reference and declared to be a part of this code. The FIRMs may be superseded by local engineering studies approved by the Director, provided such studies fully describe and analyze, based on the FIRMs and generally accepted engineering practice, design floodwater build-out conditions.

(3) Compliance. No structure shall be constructed, located, extended, converted or altered without full compliance with the terms of this section and other applicable regulations. No land shall be developed without full compliance with the terms of this section and other applicable regulations. For waterways with base flood elevations (BFEs) for which a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the City's FIRMs, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point

within the City. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the NFIP regulations. The City may approve certain development in Zones A1-30, AE, AH, on the City's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

(4) This section does not and it is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. If this section and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions on use and development shall prevail and be applied.

(5) All terms and provisions of this section shall be:

(i) Considered as minimum requirements;

(ii) Liberally construed in favor of the City; and

(iii) Deemed neither to limit nor repeal any other powers granted or reasonably construed or interpreted under law, charter, rule or regulation.

(6) Warning and Disclaimer of Liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased because of manmade or natural causes. This section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the City, or any officer or employee thereof, or FEMA for any flood damage that results from reliance on this section or any administrative decision lawfully made hereunder.

(7) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

(8) The Director shall maintain records obtained as part of a floodplain development permit, including but not limited to the lowest floor and floodproofing elevations for new and substantially improved construction.

(9) In riverine situations, notice shall be given by the Director to an adjacent community(ies) prior to any alteration or relocation of a watercourse.

Section 210.070.010(d) shall read as follows:

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

(1) General Standards. The following standards shall apply to all property located in special flood hazard areas:

(i) Anchoring.

(A) All new construction and substantial improvement shall be anchored to prevent flotation, collapse or lateral movement of the structure and as anchored must be capable of resisting the hydrostatic and hydrodynamic loads.

(B) All manufactured homes shall be elevated and anchored to resist flotation, collapse or lateral movement and as anchored is capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, over the top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:

a. Over the top ties provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side;

b. Frame ties provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;

c. Each component of the anchoring system shall be capable of carrying a force of 4,800 pounds; and

d. Any addition to the manufactured home shall be similarly anchored.

(ii) Construction Materials and Methods.

(A) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(B) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(C) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding.

(iii) Utilities.

(A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(B) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

(C) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(iv) Subdivision Proposals.

(A) All subdivision proposals shall be consistent with the need to minimize flood damage;

(B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(D) BFE data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres (whichever is less).

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

(i) New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least one foot above the BFE.

(ii) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated at least one foot above the level of the BFE; or, together with attendant utility and sanitary facilities, shall:

(A) Be flood-proofed so that below the BFE the structure is watertight with walls being substantially impermeable to the passage of water;
(B) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(C) Be certified by a Colorado registered professional engineer. The certification shall state that the design and methods of construction are in accordance with accepted standards of practice and meet the minimum provisions of this code. Such certifications shall be provided to and reviewed by the Director.

(iii) Openings in Enclosures Below the Lowest Floor. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall be certified by either a Colorado registered professional engineer or architect and must meet or exceed the following minimum criteria:

(A) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

(B) The bottom of all openings shall be no higher than one foot above grade;

(C) Openings may be equipped with screens, louvers, or other coverings or devices; provided that they permit the automatic entry and exit of floodwaters.

(iv) Manufactured Homes.

(A) All manufactured homes that are placed and/or substantially improved on a site:

a. Outside of a manufactured home subdivision;

b. In a new manufactured home park or manufactured home subdivision;

c. In an expansion to an existing manufactured home park or manufactured home subdivision; or

d. On an existing manufactured home park or manufactured home subdivision on which a manufactured home has incurred substantial damage as a result of a flood;

(B) Shall be anchored and elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the BFE;

(C) The manufactured home shall be securely anchored to an anchored foundation system in order to resist flotation, collapse and lateral movement; and

(D) Manufactured homes that are placed or substantially improved on sites in existing manufactured home parks or manufactured home subdivisions that are not subject to the provisions of this subsection shall be elevated so that either:

a. The lowest floor of the manufactured home is at least one foot above the BFE; or

b. The manufactured home frame or chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and securely anchored to an anchored foundation system in order to resist flotation, collapse and lateral movement.

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

(A) Be permitted only where allowed in appropriate zone districts according to Section 21.04.010;

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

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

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

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

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

(G) Include no permanently attached additions; and

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

(3) Specific Standards for Areas of Shallow Flooding. Specific standards are required for special flood hazard areas associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(i) Residential Construction. All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the City's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer.

(ii) Nonresidential Construction. With the exception of critical facilities, all new construction and substantial improvements of nonresidential structures, must have the lowest floor (including basement) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the City's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado professional engineer or architect shall submit a certification which shall state that the design and methods of construction are in accordance with accepted standards of practice and meet the minimum provisions of this code.

Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures.

(4) Specific Standards for Floodways. A floodway is an area within a special flood hazard area. The floodway is extremely hazardous due to the velocity of floodwaters, debris and erosion potential. To mitigate those hazards the following provisions apply:

(i) Encroachments, including fill, new construction, substantial improvements and other development are prohibited unless a Colorado registered professional engineer certifies in writing with a No-Rise Certificate that encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge. The supporting technical date for the No-Rise Certificate shall be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the FIRM or Flood Boundary and Floodway Map (FBFM), unless otherwise approved by the Director.

(ii) All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

(5) Specific Standards for Alteration of a Watercourse. For all proposed developments that alter a watercourse within a special flood hazard area, the following standards apply:

(i) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

(ii) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

(iii) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.

(iv) Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or certified professional hydrologist.

(v) All activities within the regulatory floodplain shall meet all applicable Federal, State and City floodplain requirements and regulations.

(vi) Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado professional engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions floodway resulting from the project, otherwise known as a No-Rise Certification.

(vii) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

(6) Specific Standards for Properties Removed From the Floodplain by Fill. Construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) shall be constructed with a lowest floor elevation placed below the BFE with one foot of freeboard that existed prior to the placement of fill.

(7) Specific Standards for Critical Facilities. A critical facility is a structure or related infrastructure, but not the land on which it is situated, as classified below, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the City at any time before, during and after a flood.

(i) Classification of Critical Facilities. Critical facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services.

(A) Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

These facilities consist of:

a. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);

b. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and nonambulatory surgical structures but excluding clinics, doctors offices, and nonurgent care medical structures that do not provide these functions);

c. Designated emergency shelters;

d. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);

e. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines,

buried pipelines, transmission lines, distribution lines, and service lines); and

f. Air transportation lifelines [airports (municipal and larger)], helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), nonpotable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it is demonstrated to the satisfaction of the Director that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are otherwise compliant with all floodplain regulations, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. A development approval includes the condition that evidence of ongoing redundancy be provided to the Director upon the Director's request.

(B) Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

These facilities include:

a. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);

b. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;

c. Refineries;

d. Hazardous waste storage and disposal sites; and

e. Above ground gasoline or propane storage or sales centers.

(C) At-risk population facilities include medical care, congregate care, and schools.

These facilities consist of:

a. Elder care (nursing homes);

b. Congregate care serving 12 or more individuals (day care and assisted living);

c. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);

(D) Facilities vital to restoring normal services including government operations.

These facilities consist of:

a. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);

b. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the Director that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are otherwise compliant with all floodplain regulations and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Director on an as-needed basis as determined by the Director upon request.

(ii) Protection for Critical Facilities. All new and substantially improved critical facilities and new additions to critical facilities located within the special flood hazard area shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of critical facilities, protection shall include one of the following:

(A) Location outside the special flood hazard area; or

(B) Elevation or floodproofing of the structure to at least two feet above the BFE.

(iii) Ingress and Egress for New Critical Facilities. New critical facilities shall, when practicable as determined by the Director, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a100-year flood event.

The following defined terms shall be changed to read as follows or added to Section 21.010.020:

Area of shallow flooding means a designated Zone AO or AH on the City's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base flood elevation (BFE) means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement means any area of a building having its floor subgrade (below ground level) on all sides.

Conditional letter of map revision (CLOMR) is FEMA's comment on a proposed project which does not revise an effective floodplain map that would upon construction affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Critical facility means a structure or related infrastructure, but not the land on which it is situated, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the City at any time before, during and after a flood.

Five-hundred-year (500-year) flood means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood).

Five-hundred-year (500-year) floodplain means an area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland waters; and/or

(2) The unusual and rapid accumulation or runoff of surface waters from any source. (See graphic.)

(3) Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood control structure means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodway means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). (See graphic.)

Freeboard means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Material Safety Data Sheet (MSDS) – A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

No-Rise Certification is a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado professional engineer.

One-hundred-year (100 year) flood means a flood having a recurrence interval that has a one percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood).

One-hundred-year (100-year) floodplain means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood, including the low land near a watercourse which has been, or may be, covered by water of a flood of 100-year frequency, as established by engineering practices of the U.S. Army Corps of Engineers and/or the Colorado Water Conservation Board.

Special flood hazard area means the land in the floodplain within the City subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Threshold planning quantity (TPQ) – A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

All other provisions of Section 21.07.010 and 21.10.020 shall remain in full force and effect.

INTRODUCED on first reading the _____day of _____, 2013 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2013 and ordered published in pamphlet form.

ATTEST:

_____
President of the Council

_____
City Clerk

Attach 3
1941 Palisade Street Rezone

CITY OF GRAND JUNCTION **MEETING DATE:** March 26, 2013
PLANNING COMMISSION **PRESENTER:** Lori V. Bowers

AGENDA TOPIC: 1941 Palisade Street Rezone – RZN-2013-77

ACTION REQUESTED: Forward a recommendation to City Council on a request to rezone property located at 1941 Palisade Street, from R-8 (Residential – 8 units per acre) to R-12 (Residential – 12 units per acre).

BACKGROUND INFORMATION					
Location:		1941 Palisade Street			
Applicants:		Rhonda Christensen, owner			
Existing Land Use:		Residential			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Residential			
	South	Vacant commercial land			
	East	Vacant land and credit union			
	West	Residential and warehouse			
Existing Zoning:		R-8 (Residential – 8 units per acre)			
Proposed Zoning:		R-12 (Residential – 12 units per acre)			
Surrounding Zoning:	North	R-8 (Residential – 8 units per acre)			
	South	C-1(Light Commercial)			
	East	R-8 (Residential – 8 units per acre) and C-1(Light Commercial)			
	West	R-8 (Residential – 8 units per acre) and C-1(Light Commercial)			
Future Land Use Designation:		Residential Medium (4-8 units)			
Blended Residential Land Use Categories Map		Residential Medium (4-16 units)			
Zoning within density range?			Yes	X	No

PROJECT DESCRIPTION: A request to rezone 0.24 acres, located at 1941 Palisade Street, from R-8 (Residential – 8 units per acre) zone district to R-12 (Residential – 12 units per acre) zone district.

RECOMMENDATION: Recommend approval to City Council.

ANALYSIS:

1. Background:

The subject parcel is located in the Orchard Mesa Heights Subdivision which was platted in 1890. This area was annexed into the City in 1973 as part of the Central Orchard Mesa Annexation. There are two residences located on the property. The original house was constructed in 1926. An additional dwelling unit was constructed in 1938. The Assessor's office classifies the uses on this property as a single-family residence and a townhouse.

The applicant purchased the property in November 2012. The older front house is currently a rental house. The larger house, which is located behind the older home, is currently vacant and is in desperate need of repair and renovation. It has two very large bedrooms and two midsized bedrooms with only one bathroom and one kitchen which are not sufficient for such a large dwelling. The applicant would like to convert the larger house into a duplex with two bedrooms in each unit. This will create a third dwelling unit on the property.

The property currently exceeds the maximum number of allowed dwelling units in the R-8 zone district because it is only 0.243 acres. The applicant would like to rezone their property to R-12, which would allow a greater density on their property and thereby allow conversion of the larger house into a duplex.

The Comprehensive Plan Future Land Use Map designates this area as Residential Medium which allows zoning up to R-8. This is the maximum zoning permitted under the current land use designation.

Blended Residential Land Use Categories Map and Rezone Request

The purpose of the Blended Residential Land Use Categories Map ("Blended Map") is to allow an appropriate mix of density for a specific area without being limited to a specific land use designation. It does not create higher densities than what would be compatible with adjacent development. It blends compatible densities into three land use categories of Residential Low, Residential Medium and Residential High. In the Residential Low category the expected housing type is a single family detached house. In the Residential Medium category the type of housing would range from single family small lot with a detached residence to a multi-family development including small apartment buildings. In the Residential High category large condominium and apartment complexes would be allowed. Establishing residential housing using these three categories allows for flexibility in the residential market, helps streamline the development process and supports the Comprehensive Plan's vision and commitment to the establishment of Neighborhood Centers, Village Centers and concentrating compact growth in the City Center.

The Blended Map allows a property owner to request a rezone of their property to a zone district that implements the broader land use category. For example, the Residential Medium category allows a compatible range of densities from four dwelling units per acre up to sixteen dwelling units per acre. A property owner with R8 zoning could use the Blended Map to request a rezone to R16. Market conditions help establish demand for higher residential densities and a wider mix of housing types. The broader range of densities and mix of housing types will occur within the same land use category such as Residential Medium (4 du/ac to 16 du/ac).

Utilizing the Comprehensive Plan's Blended Map, the applicant is requesting a rezone to R-12, which will allow a higher density. The adoption of the proposed zoning ordinance to R-12 would allow the applicant to proceed with an interior remodel to provide a third dwelling unit. Since no exterior expansion or additions are proposed, the neighborhood appearance remains the same even though one additional dwelling unit will be added.

Floodplain

The subject property is located in the non-FEMA flood plain that was identified by the Ayers Engineering Study in 2009. The 5-2-1 Drainage Authority commissioned the study for the Orchard Mesa area realizing there were potential flooding problems in this area. The potential for flooding has been created over time as the agricultural drain system was sized and built for irrigation tail water. As the area has become more urbanized, these agricultural drains have also been used for storm drains. The Ayers Study has been submitted to FEMA. If approved, the City anticipates that the floodplain areas of the Ayers Study will be identified on future FIRM map(s). A Floodplain Elevation Certificate will not be required if there is no new external building construction and the proposed remodel will be less than 50% of the value of the structure.

Neighborhood Meeting

A Neighborhood Meeting was held on February 13, 2013 at First Congregational Church, located at 1425 N 5th Street. No one attended the meeting. To date, there have been no inquires about the proposed rezone.

2. Consistency with the Comprehensive Plan

This project is consistent with the following Goals and Policies of the Comprehensive Plan:

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

By renovating the property and separating the larger house into a duplex, a mix of housing types will be obtained on this property. The single-family residence remains

and two, two bedroom duplex type units will be added. In today's emerging market, two bedroom units seem to be more desirable than a traditional large four bedroom unit with only one bath.

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

The creation of the additional dwelling unit by an interior remodel will not increase the size or the footprint of the house. This is an appropriate reuse and preservation of the original house that also creates an additional needed housing type which is consistent with the Comprehensive Plan.

The Comprehensive Plan states that market conditions will help establish appropriate residential densities creating a wider mix of housing types and densities all within the same land use designation. The Blended Map Residential Medium category allows a range of compatible densities between four dwelling units per acre and sixteen dwelling units per acre that support a broad range of housing types.

3. <u>Section 21.02.140(a) of the Grand Junction Municipal Code</u>

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

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

Response: The original premises and findings are still valid.

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

Response: The character of the area has changed due to the aging of older, inefficient homes built in the 1900's, 1930's, 1940's, and 1950's through 1996. This is an eclectic neighborhood, with some properties well cared for and others not as much. The condition of the subject parcel has become rundown and in need of renovation. The Comprehensive Plan predicts that market conditions will help establish appropriate residential densities creating a wider mix of housing types and densities all within the same land use designation as reflected on the Blended Map. Dividing the larger house into two separate units (each unit with their own bathroom and kitchen) makes the housing more desirable, affordable and creates a needed housing type. Rezoning to R-12 will allow the interior remodel to create two separate dwelling units.

This criterion is met.

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

Response: The two existing houses currently are served by City water and sewer. There is a six inch water line in Palisade Street and an eight inch sanitary sewer line located in the alley on the west side of the property. Existing water and sewer lines have adequate capacity for the new water tap and a new sanitary sewer tap required for the conversion of the house to a duplex. The Fire Flow form shows there is adequate capacity to support an additional dwelling unit. The alley is un-improved. Palisade Street is a local street with no curb, gutter or sidewalk. A signed Power of Attorney committing the property to participation in any future Street and/or Alley Improvement District is required. Although community facilities are impacted by a new dwelling unit, these impacts are mitigated by the collection of a Transportation Capacity Payment (TCP) fee, School Impact fee and a Parks and Open Space fee.

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

Response: There is an inadequate supply of land in the community designated for higher density that supports a range of housing types. Use of the Blended Map allows a range of compatible densities that support a mix of housing types and supports the applicant's request to rezone to a higher zone district to create a needed housing type.

This criterion has been met.

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

Response: The Blended Map allows the applicant to request a rezone to the R12 which supports Goals 5 and 6 of the Comprehensive Plan (as stated above under Consistency with the Comprehensive Plan). The benefit to the neighborhood will be a renovated and improved structure that will provide a clean and desirable place to live, and creation of a broader mix of needed housing types.

This criterion has been met.

Alternative Zone Districts

Although the Residential Medium category of the Blended Map would allow densities that range from four dwelling units per acre to sixteen dwelling units per acre, the only zone district that would increase density for the subject property is R12. The property is too small to meet the density requirements of the R16 zone district and the density

requirement is too much for this area without a better transition between existing density and new development.

The RO zone district is a transitional zone that is suitable for residential areas that are transitioning from residential to commercial land uses. This area is not experiencing that type of transition. In my opinion the most appropriate zone district that supports the Comprehensive Plan goals and policies is the R12 zone district.

The R4 and R5 zone districts implement the Residential Medium category but do not support the mix of housing types that the Comprehensive Plan encourages.

In addition to the zoning that the applicant has requested, the following zone districts would also implement the Blended Map Residential Medium category for the subject property:

a. R16 (Residential – 16 units per acre)
b. R-O (Residential – Office)
c. R4 (Residential 4 dwelling units per acre)
d. R5 (Residential 5 dwelling units per acre)

If the Planning Commission chooses an alternative zone designation, specific alternative findings must be made.

FINDINGS OF FACT/CONCLUSIONS/CONDITIONS:

After reviewing the 1941 Palisade Street Rezone, RZN-2013-77, a request to rezone the property from R-8 (Residential – 8 units per acre) to R-12 (Residential – 12 units per acre), the following findings of fact, conclusions and conditions have been determined:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan.

2. The review criteria in Section 21.02.140(a), specifically criteria 2, 3, 4 and 5 of the Grand Junction Municipal Code have been met.

3. New water and new sanitary sewer taps are required for the conversion of the house to a duplex and shall be obtained prior to issuance of a Planning Clearance.

4. A signed Power of Attorney committing the property to participation in any future Street and/or Alley Improvement District is required prior to the issuance of a Planning Clearance.

5. All required development fees are due and shall be paid upon issuance of a Planning Clearance.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested zone, RZN-2013-77, to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

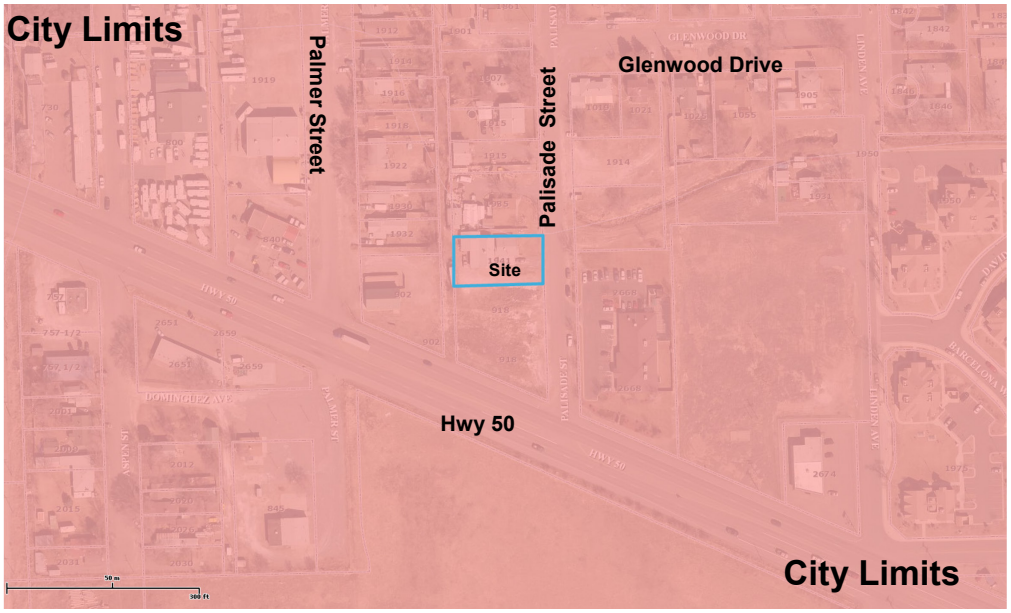
Mr. Chairman, on Rezone, RZN-2013-77, I move that the Planning Commission forward a recommendation of the approval for the 1941 Palisade Street Rezone from R-8 to R-12, with the findings of fact, conclusions, and conditions listed in the staff report.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Existing City Zoning Map
Blended Residential Map
Ayres 100 Year Floodplain Map
Ordinance

Site Location Map

1941 Palisade

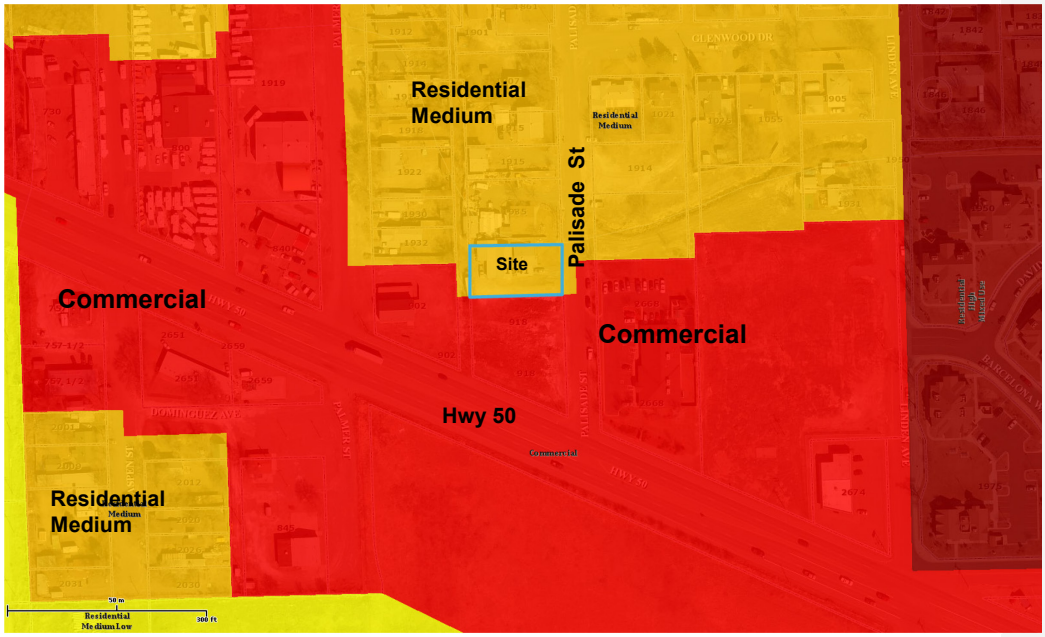


Aerial Photo Map

1941 Palisade Street

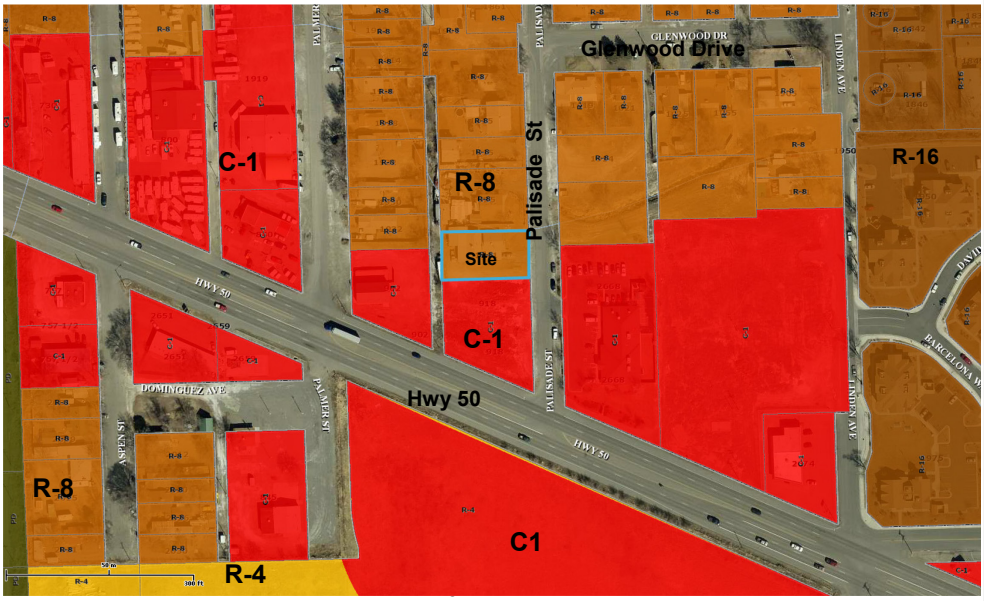
Comprehensive Plan Map

1941 Palisade Street



Existing City Zoning Map

1941 Palisade



Blended Residential Map

AYRES 100 YEAR FLOODPLAIN MAP

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE REZONING 1941 PALISADE STREET FROM R-8 (RESIDENTIAL – 8 UNITS PER ACRE) TO R-12 (RESIDENTIAL – 12 UNITS PER ACRE)

LOCATED AT 1941 PALISADE STREET

Recitals:

The applicant purchased the property in November 2012. The older front house is currently a rental house. The larger house, which is located behind the older home, is currently vacant and is in desperate need of repair and renovation. It has two very large bedrooms and two midsized bedrooms with only one bathroom and one kitchen which are not sufficient for such a large dwelling. The applicant would like to convert the larger house into a duplex with two bedrooms in each unit. This will create a third dwelling unit on the property.

The property currently exceeds the maximum number of allowed dwelling units in the R-8 zone district because it is only 0.243 acres. The applicant would like to rezone their property to R-12, which would allow a greater density on their property and thereby allow conversion of the larger house into a duplex.

The Comprehensive Plan Future Land Use Map designates this area as Residential Medium which allows zoning up to R-8. This is the maximum zoning permitted under the current land use designation.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the 1941 Palisade Street property from R-8 (Residential – 8 units per acre) to the R-12 (Residential – 12 units per acre) zone district for the following reasons:

1) The R12 zone district is supported by the Residential Medium category of the Blended Map. The purpose of the Blended Map is to allow an appropriate mix of density for a specific area without being limited to a specific land use designation.

2) 1941 Palisade Street Rezone meets the Comprehensive Plan's goals and policies and is generally compatible with appropriate land uses located in the surrounding area.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the R-12 zone district to be established.

Comment [LC1]: Please carry forward any relevant changes from the body of the staff report to this section of the ordinance.

The Planning Commission and City Council find that the R-12 zoning is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property shall be rezoned R-12 (Residential – 12 units per acre).

2945-261-16-005

1941 PALISADE STREET

Lots 11, 12 and 13 in Block 21 of Orchard Mesa Heights, as same is recorded in Plat Book 1 Page 16, Public Records of Mesa County, Colorado, and,
Beginning at the Southeast corner of said Lot 13 of said Block 21; thence East 15 feet; thence North to a point 15 feet East of the Northeast corner of said Lot 11; thence West 15 feet to the Northeast corner of said Lot 11, thence South to the Point of Beginning,
As vacated by Order recorded April 21, 1949 in Book 503 at Page 70, County of Mesa, State of Colorado.

Introduced on first reading this ___ day of _____, 2013 and ordered published.

Adopted on second reading this _____ day of _____, 2013.

ATTEST:

_____ _____

City Clerk Mayor