

**CITY OF GRAND JUNCTION, COLORADO**

**PERMIT NO. 2013-01**

**SPECIAL PERMIT PURSUANT TO SECTION 21.02.120 OF THE GRAND JUNCTION MUNICIPAL CODE (ZONING AND DEVELOPMENT CODE) FOR AN INTERIM USE OF WAREHOUSE WITH INDOOR STORAGE AND INDOOR OPERATION ON PROPERTY LOCATED AT 461 GLENWOOD AVENUE IN GRAND JUNCTION, COLORADO**

Findings:

An application for a special permit has been reviewed by staff in accordance with the Zoning and Development Code (Code). K & N Investors LLC, is the owner of the property located at 461 Glenwood Avenue in Grand Junction Colorado, consisting of one lot and is under contract to sell the property to ATD Investments LLC, dba Premier Tire.

The applicant is requesting approval to use the property for indoor operations/storage with outside loading warehouse.

The property is zoned C-2, while the Comprehensive Plan's designation for the property is Neighborhood Center. To resolve the tension between the zoning and the community's vision for future uses that conflict with current zoning, the City Council provided for a Special Permit in the Code (Section 21.02.120).

The business hours are 7:30 am – 5:30 pm and use three delivery trucks consisting of two pickup trucks and one box truck not to exceed 24', which leave the site between 8:00 am and 8:30 am Monday – Friday and return at approximately 5:00 pm the same day. The trucks will be loaded from the alley and parked in the parking spaces south of the building after returning in the evening. The business will use the alley for primary access for ingress/egress from the property. The delivery vehicles will be traveling south from the site to access the main thoroughfare – North Avenue. The warehouse will also receive inventory deliveries Monday – Thursday at approximately 7:30 am that arrive on a 16'-24' box truck. The use of the alley for ingress/egress and the vehicles traveling south rather than toward the high school minimize any conflicts and/or interaction with the pedestrian traffic, which primarily consists of students crossing North 5<sup>th</sup> Street from the main high school campus to the classroom building located on the northwest corner of Glenwood Avenue and North 5<sup>th</sup> Street.

The C-2 zone district permits the proposed use of an indoor operations/storage with outside loading warehouse. The landowner has submitted a site plan. A special permit provides flexibility when considering a land use that may be less than permanent or temporary in nature, and may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A special permit is a possibility when more flexibility is required beyond that

afforded to the Director of Public Works and Planning through the administrative adjustment process.

The Special Permit allows applicant's use as particularly described herein, subject to the stated conditions, while adequately providing for future redevelopment of the property in accordance with the applicable zoning and the Comprehensive Plan. In approving the Special Permit, the City Council has considered the approval criteria for a Special Permit as set forth in the Staff Report. The findings and conclusions in the Staff Report support the issuance of this Special Permit.

Approval of the Special Permit promotes the following goals of the Comprehensive Plan:

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

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

The proposed Special Permit furthers Goals 6 and 12 of the Comprehensive Plan by allowing the interim use of the property for indoor operations/storage with outside loading warehouse, a necessary service, without substantial site improvements while keeping the potential for the land to be redeveloped for future commercial businesses with more permanent site features such as landscaping, irrigation, structures and screening, where required, when the market is ripe.

The Special Permit furthers the goals and policies of the Comprehensive Plan.

The Permit complies with the underlying zoning district standards for C-2 established in Chapter 21.03 of the Code. It satisfies the review criteria found in Section 21.02.120(c).

NOW THEREFORE, BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT A SPECIAL PERMIT IS APPROVED, PURSUANT TO SECTION 21.02.120 OF THE GRAND JUNCTION MUNICIPAL CODE (ZONING AND DEVELOPMENT CODE), ALLOWING THE FOLLOWING USES ON THE PROPERTY DESCRIBED BELOW WITH THE FOLLOWING CONDITIONS, WITH THE ABOVE FINDINGS BEING AN INTEGRAL PART HEREOF:

1) The site is described as follows:

LOT 5 BLK 11 SHERWOOD ADDITION SEC 11 1S 1W EXC S 10FT

Also known as 461 Glenwood Avenue. The area governed by this Special Permit includes the entire area of the one lot and shall be referred to herein as the Site.

2) Use of the Site is limited to indoor operations and indoor storage. Outdoor loading of the warehouse is allowed; no other outdoor operations are allowed. No outdoor storage is allowed.

3) Business hours shall be 7:30 am to 5:30 pm.

4) Operations include use of two pickup trucks and a box truck not to exceed 24' and inventory deliveries that arrive on a 16'-24' box truck. All such trucks shall use the alley for primary access to the site. The Glenwood Avenue door may be used as a secondary access with the exception of the hours of 10:30 am – 12:30 pm, during the time periods Grand Junction High School is in session (excluding summer school). When leaving the site, trucks shall use the alley and turn south on 5<sup>th</sup> Street. Trucks are not authorized to turn North on 5<sup>th</sup> Street, for the safety of high school students who must cross 5<sup>th</sup> Street at Glenwood in order to access classrooms.

5) Trucks shall be parked on the site along south side of building or inside the building when not in use. Parking of trucks on the streets around the site is not authorized. This condition is also imposed for the safety of high school students crossing 5<sup>th</sup> Street at Glenwood to access classrooms.

6) If the type of items stored is changed from tires to another type of inventory, the permittee must submit the proposed change to the Director, who shall determine if the permit terms are still met by the proposal. If the Director determines there is no substantial change to the intensity of the warehouse use, the permit shall remain valid (until otherwise extinguished). Intensity of use shall be determined with reference to the following, without limitation: number of trips per day, size and number of trucks, change to traffic circulation pattern, scope of services offered. In the event of a non-substantial change, the Director may impose additional permit conditions to ensure compliance with applicable fire, building code, Persigo/waste treatment, health department and/or environmental regulations. If the Director determines that the proposed change is substantial due to the increase in intensity of use, a new appropriate land use approval will be required. The Special Permit shall terminate upon approval of the new appropriate land use.

7) Uses not specifically described herein, regardless of type or classification and regardless of whether such uses appear as "allowed" uses in the zone/use table of the City's Zoning and Development Code, are prohibited on this site during the term of this Special Permit, unless the Director determines that such a use is accessory to and reasonably incidental and necessary for the specified uses, in which case the Director shall so specify in writing.

8) Historical drainage patterns shall be maintained on the Site.

9) The Site Plan is fully incorporated herein. No changes to the site or structure(s) thereon shall be made without prior approval by the Director, who shall determine whether such changes substantially comply with the terms of this permit.

10) No additional permanent or temporary, principle or accessory, buildings shall be constructed or installed on the Site.

11) Any proposed signage shall meet with the standards as set forth in the Zoning and Development Code Section 21.06.070.

12) This Special Permit runs with the land but is valid only for the specific use as described herein. The Special Permit shall terminate if indoor operations/storage with outside loading warehouse (by non-use) for twelve months or longer or if the property is redeveloped into any other use.


13) The failure of this permit to specify other applicable local, state or federal laws or regulations shall not be construed to affect the enforcement thereof. A violation of such applicable laws or regulations may constitute a basis for revocation of the Special Permit, in addition to and not in lieu of any other appropriate remedies or penalties.

14) The Director may administratively approve minor changes to the Site Plan and this Permit, if he determines that the intent of this Special Permit is maintained, the operational needs of the applicant will be benefitted, and no injury to the public will ensue.

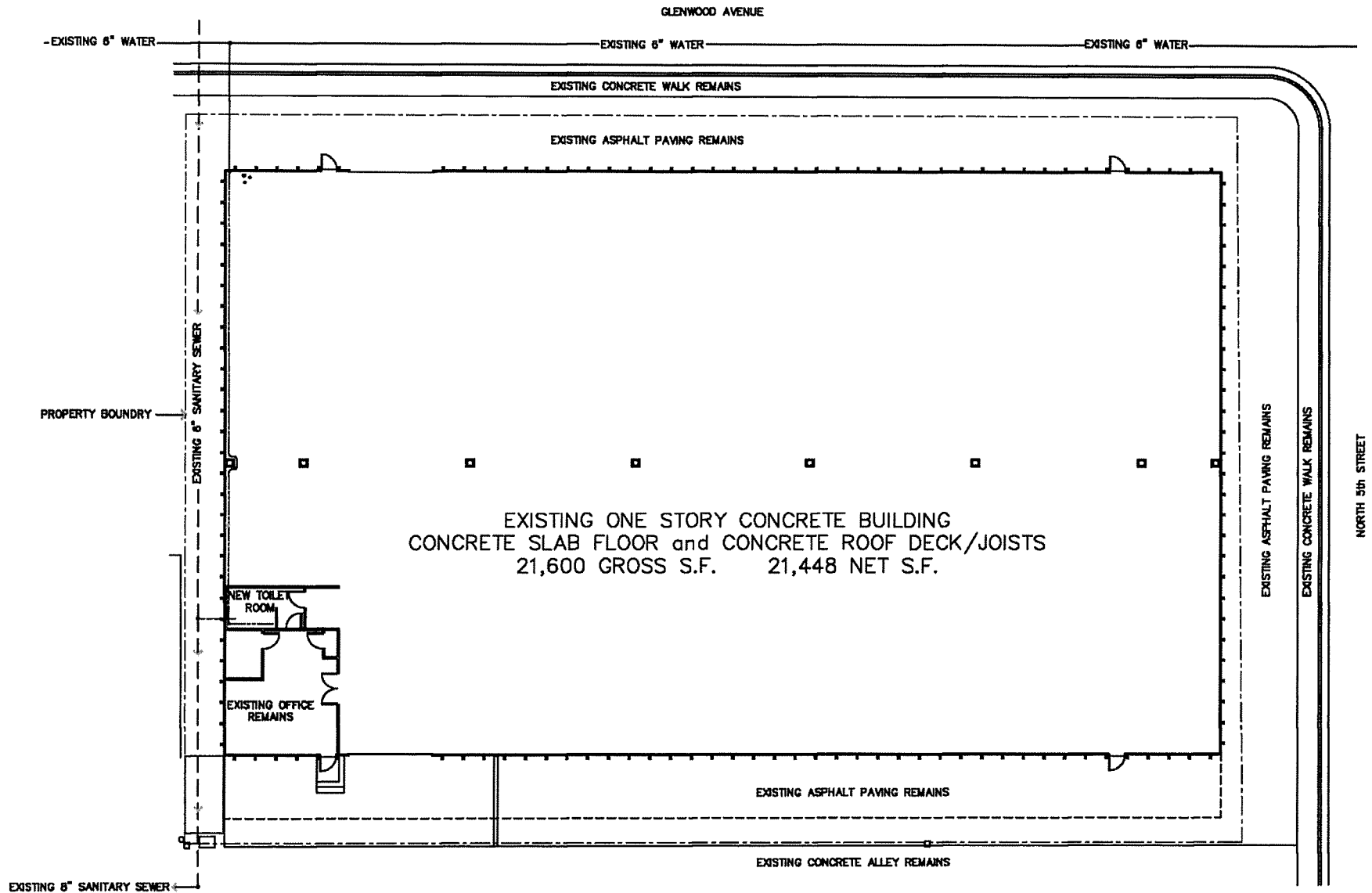
Passed and adopted this 20<sup>th</sup> day of March 2013.

ATTEST:

  
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President of City Council

  
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City Clerk





SITE PLAN

1/8" = 1'-0"

