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**PLANNING COMMISSION WORKSHOP AGENDA
CITY HALL, 250 NORTH 5TH STREET
COMMUNITY DEVELOPMENT CONFERENCE ROOM**

THURSDAY, FEBRUARY 20, 2020 @ 12:00 PM

Call to Order - 12:00 PM

Other Business

1. Preview of forthcoming agenda
2. Review amendments for regulation of accessory structure demolition in the North 7th Street Residential Historic District.
3. Discussion pertaining to proposed revision to the Zoning and Development Code clarifying the requirement for a Neighborhood Meeting.
4. Discussion pertaining to animal regulations and the keeping of roosters.

Adjournment



Grand Junction Planning Commission

Workshop Session

Item #1.

Meeting Date: February 20, 2020

Presented By: Tamra Allen, Community Development Director

Department: Community Development

Submitted By:

Information

SUBJECT:

Preview of forthcoming agenda

RECOMMENDATION:

EXECUTIVE SUMMARY:

BACKGROUND OR DETAILED INFORMATION:

SUGGESTED MOTION:

Attachments

None



Grand Junction Planning Commission

Workshop Session

Item #2.

Meeting Date: February 20, 2020

Presented By: Landon Hawes, Senior Planner

Department: Community Development

Submitted By: Landon Hawes

Information

SUBJECT:

Review amendments for regulation of accessory structure demolition in the North 7th Street Residential Historic District.

RECOMMENDATION:

EXECUTIVE SUMMARY:

Staff finds that the current North Seventh Street Historic Residential District Guidelines and Standards, Section 26.32 of the Zoning and Development Code pertaining to demolition of accessory structures, are onerous for applicants and potentially time-consuming for the City Council. This is because an application for demolition of accessory structures in a historic district must currently be reviewed by staff, the Historic Preservation Board, and City Council. Therefore, staff is submitting an amendment to the guidelines and standards to simplify the application process for demolition of accessory structures. This amendment also removes some requirements that an application for a Certificate of Appropriateness (COA) for demolition in the historic district must currently meet.

BACKGROUND OR DETAILED INFORMATION:

SUGGESTED MOTION:

Attachments

1. 7th Street demolition regs v4
2. 7th Street demolition regs ordinance v2



Grand Junction City Council/Planning Commission Regular Session

Meeting Date: February 25, 2020
Presented By: Landon Hawes
Department: Community Development
Submitted By: Landon Hawes

SUBJECT

Consider a request by the City of Grand Junction to amend the North Seventh Street Historic Residential District Guidelines and Standards (Section 26.32 of the Zoning and Development Code) regarding demolition of structures.

RECOMMENDATION

Staff recommends approval of the request.

EXECUTIVE SUMMARY

Staff finds that the current North Seventh Street Historic Residential District Guidelines and Standards, Section 26.32 of the Zoning and Development Code pertaining to demolition of accessory structures, are onerous for applicants and potentially time-consuming for the City Council. Therefore, staff is submitting an amendment to the guidelines and standards to simplify the application process for demolition of historic and non-historic structures. This amendment also removes some requirements that an application for a Certificate of Appropriateness (COA) for demolition in the historic district must currently meet.

BACKGROUND OR DETAILED INFORMATION

BACKGROUND

In October 2019, a resident within the North Seventh Street Historic Residential District applied for a Certificate of Appropriateness to demolish a detached accessory structure (shed) on his property. The shed was constructed in the 1980s and is not historic. However, by the current regulations of the historic district, any application for Certificate of Appropriateness for demolition of a structure (principal or accessory, historic or non-historic) must be reviewed by the Historic Preservation Board and a final decision rendered by City Council. Additionally, the submittal requirements for such an application include such items as 26.32.020(g), which requires the applicant to list the remaining balance on the mortgage for the property, and (k), which requests the real estate taxes on the property for the past two years. The applicant is waiting to see whether staff's amendment will pass before continuing with the COA process.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting is not required for a Code Amendment request. However, the City did solicit comment from property owners within the Historic District via a letter. Only three or four emails were received in reply; none expressed opposition to the proposal. In addition, the property owners were again noticed of the hearing dates for this Code amendment via mailed notice on January 17, 2020. The notice of this public hearing was published on January 28, 2020 in the Grand Junction Daily Sentinel.

ANALYSIS

Staff's opinion is that many of the submittal requirements for a Certificate of Appropriateness for demolition are unnecessary and is therefore requesting that these be eliminated. Similarly, staff believes that the requirement that City Council review of demolition permits for non-historic structures in a historic district is unnecessary.

Because of this, staff is proposing changes to the way demolition permits for accessory structures in the North Seventh Street Historic District are reviewed. Under this proposal, staff would determine historicity when an applicant submits for a Certificate of Appropriateness for demolition of an accessory structure and would make a recommendation to the Historic Preservation Board, which would render a final decision on the case. The City Council would serve as the appeal body. The COA process for demolition of all or part of a principal structure will remain the same with a recommendation by staff to the Historic Preservation Board and a recommendation by the Board to City Council, which renders the final decision.

Staff believes these revisions will improve the COA process for the demolition of accessory structures in the North Seventh Street Historic Residential District.

STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing the City of Grand Junction's request for revision of regulations regarding accessory structure review in the North Seventh Street Historic Residential District, ZCA-2019-716, the following findings of fact have been made:

1. The request will streamline review of Certificates of Appropriateness for demolition of accessory structures in the North Seventh Street Historic Residential District.

Therefore, Staff recommends approval of the request.

SUGGESTED MOTION

Madam Chairman, on the request for revision of Section 26.32 of the North Seventh Street Historic Residential District Guidelines and Standards regarding review of demolition of accessory structures in the Historic District, City file number ZCA-2019-716, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report.

FISCAL IMPACT STATEMENT

There is no direct fiscal impact related to this request.

Attachments

[INCOMPLETE]

Label these as Exhibit 1, Exhibit 2, etc.

1. Exhibit 1 – Application Packet
2. Exhibit 2 – Location Maps and Photos (combine all maps and photos into one exhibit)
3. Exhibit 3 – Public Comment
4. Exhibit 4 – Previous approvals/ordinances
5. Exhibit 5 – Draft Resolution/Ordinance (Always last)

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 26.32 OF THE ZONING AND DEVELOPMENT CODE,
AMENDING REGULATIONS REGARDING DEMOLITION OF STRUCTURES**

Recitals:

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions and has directed that the Code be reviewed and amended as necessary.

The amendments to the Zoning and Development Code remove onerous and time-consuming regulations that burden applicants for Certificates of Appropriateness for demolition of an accessory structure in the North Seventh Street Historic Residential District, as well as the City Council.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed Code amendments.

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

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

Section 26.32 is amended as follows (additions underlined, deletions struck through):

26.32.010 Applicability

A. Any applicant/owner requesting demolition of all or part of an accessory structure shall apply for a Certificate of Appropriateness to be reviewed by staff and a recommendation and final decision made by the Historic Preservation Board. An appeal of the Board's decision shall be to City Council.

B. Any applicant/owner requesting demolition of all or part of a principal structure within the North Seventh Street Historic Residential District shall demonstrate that the demolition is

warranted. Approval of a Certificate of Appropriateness for the demolition may only be issued upon consideration by the City Council.

26.32.020 Review criteria.

~~Any applicant/owner requesting demolition of part or all of a structure within the North Seventh Street Historic Residential District shall demonstrate that the demolition is warranted. Approval of a certificate of appropriateness for the demolition may only be issued upon consideration by the City Council of the following:~~

Approval of a Certificate of Appropriateness for a demolition may only be issued upon consideration by the Historic Preservation Board and/or City Council of the following:

- (a) Whether the applicant has made a good-faith effort to pursue reasonable, cost effective alternatives to demolition.
- (b) Whether the loss of part or all of the subject property would be detrimental to the quality and continuity of the site, District or surrounding neighborhood.
- (c) Whether denial of the application would result in an undue economic hardship for the owner/applicant. Based on a thorough analysis of the financial, economic, and engineering information described below, the City Council may determine that there is an undue economic hardship if the following criteria are met:
 - (1) No economically viable use consistent with zoning of the property will exist unless the demolition is approved. (Note: inability to put the property to its most profitable use does not constitute an undue economic hardship.)
 - (2) The hardship is peculiar to the building or property in question and must not be in common with other properties.
 - (3) The hardship is not self-imposed, caused by action or inaction of the owner, applicant or some other agent.
 - (4) The applicant/owner has attempted and exhausted all reasonable alternatives which would eliminate the hardship, such as offering the property for sale.

(Ord. 4508, 3-21-12)

26.32.030 Submittal requirements.

~~The applicant/owner for demolition of part or all of a structure shall provide information including but not limited to the following items in order for the City Council to evaluate the application:~~

- (a) — An estimate of the cost of the proposed demolition or removal and an estimate of any additional cost that would be incurred to comply with recommendations of the Historic Preservation Board.
- (b) — A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for economic rehabilitation.
- (c) — Estimated current market value of the property by a licensed real estate appraiser of the property both in its current condition and after completion of the proposed demolition or removal and all appraisals obtained within the previous two years by the applicant or owner in connection with the purchase, financing or ownership of the property.
- (d) — An estimate of the cost of restoration prepared by an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation or reuse of like structures in the District.
- (e) — Amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased and any terms of financing between the seller and buyer.
- (f) — If the property is income producing, the annual gross income from the property for the previous two years; and the depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
- (g) — Remaining balance on the mortgage or other financing secured by the property owner and annual debt service, if any, for the previous two years.
- (h) — All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property.
- (i) — Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years.
- (j) — Assessed value of the property according to the two most recent Mesa County assessments.
- (k) — Real estate taxes for the previous two years.
- (l) — Form of ownership or operation of the property, whether sole proprietorship, for profit or nonprofit corporation, limited partnership, joint venture, etc.
- (m) — Current photographs of the building and land from the front street showing as much of the land and building as possible.

~~(n) Current photographs of all exterior elevations from rooftop to ground.~~

~~(o) Current photographs of all interior rooms.~~

~~(p) A narrative summary of all special architectural features and details and materials used throughout the interior and exterior of the structure.~~

1. The applicant/owner for demolition of part or all of a structure that requires review by the Historic Preservation Board (demolition of all or part of a historic accessory structure shall provide information including but not limited to the following items in order for the Board to evaluate the application:

(a) A report from a licensed engineer, contractor or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for rehabilitation.

(b) Current photographs of the building and land from the front street showing as much of the land and building as possible.

(c) Current photographs of all exterior elevations from rooftop to ground.

(d) Current photographs of all interior rooms.

(e) A narrative description of all special architectural features and details and materials used throughout the interior and exterior of the structure.

2. The applicant/owner for demolition of part or all of a structure that requires review by the City Council (demolition of all or part of a principal structure) shall provide information including but not limited to items (a) through (e) above and the additional following items in order for the Board and City Council to evaluate the application:

(a) An estimate of the cost of the proposed demolition or removal and an estimate of any additional cost that would be incurred to comply with recommendations of the Board.

(b) Estimated current market value of the property prepared by a Colorado licensed real estate appraiser, for the property in its current condition and after completion of the proposed demolition or removal.

(c) An appraisal obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property.

(d) Assessed value of the property according to the two most recent Mesa County assessments.

(e) Real estate taxes for the previous two years.

(f) Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture, etc.

(Ord. 4508, 3-21-12)

26.32.040 Procedure.

~~(a) Upon submittal of the application for a certificate of appropriateness for demolition to the City, the Public Works and Planning Department shall review all the documentation submitted for completeness. The Department staff shall prepare a report with findings. The Historic Preservation Board will then review the report and make a recommendation to City Council.~~

~~(b) The application, with the findings and recommendations of the Department and the Historic Preservation Board, shall be presented to the City Council in accordance with the administrative procedures and notice requirements. The City Council will have 90 calendar days to consider and render its decision. If approved, the Public Works and Planning Department shall issue a certificate of appropriateness in order for the applicant/owner to obtain a building permit for the demolition.~~

~~(c) If the City Council finds that all reasonable possibilities for saving a part or all of the structure have been exhausted and approves the demolition, all salvageable building materials shall be collected and then the waste should be removed as provided by the permit and asbestos or other hazardous material disposal procedures. The site shall then be planted and maintained until a new use goes into effect.~~

(a) Upon submittal of the application for a Certificate of Appropriateness for demolition to the City, the Community Development Department shall review all the documentation submitted for completeness. The Department staff shall prepare a report with findings, including determining historicity. The Historic Preservation Board will then review the report and make a final decision and/or recommendation to City Council, depending on the type of structure to be demolished.

(b) If final decision is by City Council, the application, with the findings and recommendations of the Department and the Historic Preservation Board, shall be presented to the City Council in accordance with the administrative procedures and notice requirements. The City Council will have 90 calendar days to consider and render its decision. If approved, the Community Development Department shall issue a Certificate of Appropriateness in order for the applicant/owner to obtain a building permit for the demolition.

(c) If the City Council finds that all reasonable possibilities for saving a part or all of the structure have been exhausted and approves the demolition, all salvageable building materials shall be collected and then the waste should be removed as provided by the permit and asbestos or other hazardous material disposal procedures. The site shall then be planted and maintained until a new use goes into effect.

(Ord. 4508, 3-21-12)

26.32.050 Penalty.

If the applicant/owner of a structure within the North Seventh Street Historic Residential District abates or demolishes part or all of a building without first obtaining the certificate of appropriateness by following the procedures detailed herein, the applicant/owner shall pay a fine of \$250.00 per square foot of the affected area.

Introduced on first reading this 19th day of February, 2020, and ordered published in pamphlet form.

Adopted on second reading this 4th day of March, 2020 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Grand Junction Planning Commission

Workshop Session

Item #3.

Meeting Date: February 20, 2020

Presented By: Kristen Ashbeck, Principal Planner/CDBG Admin

Department: Community Development

Submitted By: Tamra Allen

Information

SUBJECT:

Discussion pertaining to proposed revision to the Zoning and Development Code clarifying the requirement for a Neighborhood Meeting.

RECOMMENDATION:

EXECUTIVE SUMMARY:

Staff would like to introduce an amendment to the code clarifying the requirement for a neighborhood which is consistent with past practice and that remains useful in achieving its intended purpose.

BACKGROUND OR DETAILED INFORMATION:

A neighborhood meeting is intended to help produce a better project through dialogue between the developer and neighbors prior to the submittal of an application. Neighborhood meetings are required before an application is submitted for certain types of projects. The code provides that a neighborhood meeting be required prior to a submittal of an application for any subdivision, however, the practice has been to hold them when there is a new subdivision versus at various continuums for the same project (new filings or phases). Staff would like to introduce an amendment to the code clarifying the requirement for a neighborhood which is consistent with past practice and that remains useful in achieving its intended purpose.

The proposed amendment is as follows:

21.02.070 Administrative Development Permits (a)(2)(iv). Neighborhood Meeting.

A neighborhood meeting is required for subdivision applications except as follows:

- (i) simple subdivisions
- (ii) minor exemption subdivisions
- (iii) continuous phases and/or filings of an approved subdivision plan
- (iv) subdivision applications for which a neighborhood meeting was held for a concurrent application such as a rezone so long as information about the proposed subdivision was presented at a neighborhood meeting. The concurrent application must have been considered in a public hearing no more than 180 days prior to the subdivision application submittal.
- (v) an application for subdivision that is being filed as a Final Development Plan consistent with Section 21.02.150(c).

SUGGESTED MOTION:

Discussion Only

Attachments

None



Grand Junction Planning Commission

Workshop Session

Item #4.

Meeting Date: February 20, 2020

Presented By: Lance Gloss, Associate Planner

Department: Community Development

Submitted By: Lance Gloss, Associate Planner

Information

SUBJECT:

Discussion pertaining to animal regulations and the keeping of roosters.

RECOMMENDATION:

EXECUTIVE SUMMARY:

Recently complaints have been received regarding a rooster(s) and the nuisance they create for neighborhoods. The complainants have asked that the City consider regulation. The current Code does not regulate roosters. The Planning Commission discussed this item at their January 9, 2020 workshop.

BACKGROUND OR DETAILED INFORMATION:

Recently the City Manager has received two complaints regarding a rooster(s) kept in an Orchard Mesa neighborhood. The complainants have asked that the City consider regulation. Typically, Code Enforcement receives five to ten rooster noise complaints each year. The complainants typically report roosters crowing during all hours of the day and night, which they say results in serious disruption and inconvenience. The current Code does not regulate roosters.

Currently, the Code does not prohibit roosters in any zoning district. Section 21.04.030(a)(1)(i) does prohibit the keeping of animals that become a nuisance, hazard and/or create a public health problem; however, lacks definition of what constitutes a nuisance or when a nuisance is created. Section 8.16.010(a) prohibiting unnecessary and unusually loud noise during certain hours can be applied to the crowing of a

rooster, but enforcement would require a complainant to contact police dispatch and for an officer to observe the noise being made.

Staff would like to discuss possible amendments to the code that would prohibit roosters on properties of certain sizes. Specifically, staff would like to present a draft ordinance that would prohibit the keeping of roosters on all properties of 5 acres or less, allow roosters on all properties of greater than 5 acres, and define roosters as male chickens aged three months or older. This recommendation is consistent with best practices of US municipal regulations of fowl with high potential of causing chronic nuisance.

SUGGESTED MOTION:

Discussion only.

Attachments

1. Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 21.04.030 OF THE GRAND JUNCTION CODE OF ORDINANCES PERTAINING TO ANIMAL REGULATIONS BY IMPLEMENTING RESTRICTIONS ON THE KEEPING OF ROOSTERS.

RECITALS:

The Code Enforcement Division of the Grand Junction Police Department responds to five to ten rooster noise complaints each year. The complainants typically report roosters crowing during all hours of the day and night, which they say results in serious disruption and inconvenience.

Currently, the City Code ("Code") does not prohibit roosters in any zoning district. Section 21.04.030(a)(1)(i) does prohibit the keeping of animals that become a nuisance, hazard and/or create a public health problem; however, lacks definition of what constitutes a nuisance or when a nuisance is created. Section 21.04.030(a)(3) addresses the keeping of agricultural animals, including the number that are allowed with the keeping of fowl being allowed as proscribed by certain housing conditions.¹

Other jurisdictions take a variety of positions on the keeping of fowl, particularly stances on how to address roosters. Those include: 1) overall prohibition of roosters; 2) prohibition of roosters in specific zoning districts with some "grandfathering" by date or pre-dating regulation for a number of months or years from the passage of an ordinance to a date by which a rooster(s) may no longer be lawfully kept); 3) allowing a certain number of roosters in certain districts (primarily agricultural districts); and 4) allowance of a certain number of roosters in certain districts with time, cooping and duration of noise restrictions.

Recently the City Council has received a request to prohibit roosters and this ordinance contemplates that action by prohibiting roosters in certain districts and implementing regulations of the number, time, cooping and duration of noise. "Grandfathering" is not recommended as it is extremely difficult to identify the existing roosters from replacement birds when the existing die or are sold. Leg bands, which is one way of identifying roosters, can be altered and falsified. The only positive way of identifying

¹ Section 21.04.030(a)(3) is specific to large agricultural animals and small animals. In CSR, R-R, R-E, R-1 and R-2 districts, fowl is allowed subject to specific confinement requirements. Fowl is described as chickens (no specific reference to roosters), turkeys, ducks, and geese. Small animals kept outside the residence shall be confined in a fence, cage or pen that is no closer than 20 feet from the principal residence on an adjoining property. The maximum amount of adult animals allowed is currently based upon the size of the property: six on parcels one-half acre or less and 15 on parcels greater than one-half acre. In the R-R district, the number of small animals may be exceeded with the approval of a conditional use permit. The permit will state the maximum number of animals allowed.

roosters would be implantation of microchips which is very expensive and would increase the risk of injury for staff scanning each bird as well as increase the time staff would need to check and verify the information. "Grandfathering" also does not address the issue of persons being able to enjoy the peace and privacy of their property.

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

Chapter 21.04 Section 030 shall be revised as follows (additions are shown in **bold print** and deletions marked with ~~strike-through~~ notations):

(a) Animal Regulations.

(3) Agricultural Animals (see Definitions).

(i) The CSR, R-R, R-E, R-1 and R-2 districts shall not have more than one large agricultural animal per one-quarter acre of land and shall be subject to the fencing requirements of this chapter. In these districts, all types of fowl **except roosters** (e.g., chickens, turkeys, ducks, and geese) shall be allowed, subject to the confinement provisions of this subsection.

(ii) In all other districts, a maximum of one-large agricultural animal (e.g., horse, sheep, cow, mule or burro) shall be allowed per one-half acre of land.

(iii) **Roosters, of any breed, are prohibited in all districts except on properties of at least five acres. A rooster shall be defined as any adult male domestic chicken which is three months of age or older.**

~~(iii)~~ **(iv)** Agricultural animals shall be subject to the following provisions:

(A) All large agricultural animals kept on a parcel shall be fenced so that they are no closer than 100 feet from any residential structure on another property. For the purposes of this section, the first in time shall be the first in right. Written permission, if the animal were not first in time, for a lesser distance may be obtained from the property owner, or if not owner occupied, from the occupant.

(B) No person shall keep, house, or shelter one or more pig in any zone district other than R-R unless such person has obtained a conditional use permit in accordance with the provisions of GJMC 21.02.110.

(C) Small animals (e.g. chickens and rabbits) which are kept outside the residence, shall be confined by a fence, cage, or pen, **or coop** so as to be no closer than 20 feet from a principal residential structure on an adjoining property. A maximum of six adult animals shall be allowed on parcels of one-half an acre or less. On parcels greater than one-half an acre, 15 adult animals shall be allowed per acre. **Roosters are allowed only on parcels of 5 or more acres.**

(D) In the R-R zone district, the number of agricultural animals and small animals **(including roosters)** allowed under this subsection may be exceeded with a conditional use permit (see GJMC 21.02.110). If the conditional use application is approved, the permit shall state the maximum number of animals allowed by type and in the aggregate.

The provisions of Section (a)(3) pertaining to roosters shall become effective immediately; however, current owners of roosters that are prohibited pursuant to adoption of this section have one year from the effective date to comply.

ALL OTHER PROVISIONS OF CHAPTER 21.04 SECTION 030 SHALL REMAIN IN FULL FORCE AND EFFECT.

Introduced on first reading the _____ day of _____, 2019 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____ 2019 and ordered published in pamphlet form.

ATTEST:

J. Merrick Taggart
Mayor

Wanda Winkelmann
City Clerk