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**PLANNING COMMISSION AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
TUESDAY, MAY 12, 2020 @ 6:00 PM**

This meeting will be conducted as a VIRTUAL MEETING

Due to COVID-19, the public may not attend in person; however, the public may participate in these ways:

1. Provide comment in advance or up to the close of the public hearing for each item at www.GJSpeaks.org
2. Leave a phone message at 970-244-1590 by 4 p.m. on May 12, 2020. This message will be public testimony and will be played for the Planning Commission to consider in review of each application.
3. View the meeting live or later at www.GJSpeaks.org.

Call to Order - 6:00 PM

Regular Agenda

1. Minutes of Previous Meeting(s) from April 28, 2020.
2. Consider a Request by S2E Developments (CO), LLC for a Comprehensive Plan Amendment from a Commercial and Commercial/Industrial Future Land Use designation to a Downtown Mixed Use Future Land Use designation and a Rezone from C-2 (General Commercial) to R-24 (Residential – 24 du/ac) for a 5.26-acre parcel located at 630 South 7th Street.
3. Consider a request by Mallard View LLC, for a Comprehensive Plan Amendment from Residential High Mixed Use (16 – 24 du/ac) and Residential Medium (4 – 8 du/ac) to Village Center and a rezone from R-E (Residential – Estate) to C-1 (Light Commercial) on a total of 17.84-acres located at 785 24 Road.
4. Consider a request by the City of Grand Junction to amend Title 21 of the Grand Junction Municipal Code regarding requirements for Neighborhood Meetings

Other Business

Adjournment

GRAND JUNCTION PLANNING COMMISSION
April 28, 2020 MINUTES
6:00 p.m.

The meeting of the Planning Commission was called to order at 6:00 p.m. by Chairman Christian Reece.

Those present were Planning Commissioners; Chairman Christian Reece, Vice Chair Bill Wade, George Gatseos, Andrew Teske, Ken Scissors, and Sam Susuras.

Also present were Jamie Beard (Assistant City Attorney), Tamra Allen (Community Development Director), Kristen Ashbeck (Principal Planner), Scott Peterson (Senior Planner), Lance Gloss (Associate Planner), and Isabella Vaz (Planning Technician).

This meeting was conducted virtually and is available via livestream video.

REGULAR AGENDA

1. Minutes of Previous Meeting(s)

The Planning Commission reviewed the meeting minutes from the April 14, 2020 meeting.

Commissioner Wade moved to approve the minutes as presented. Commissioner Susuras seconded the motion. Chairman Reece took a roll call vote:

Commissioner Gatseos YES
Commissioner Scissors YES
Commissioner Susuras YES
Commissioner Teske YES
Commissioner Wade YES
Chairman Reece YES

The motion carried unanimously 6-0.

2. Pear Park North Drainage Easement Vacation File # VAC-2020-99

Consider a request by the Applicants, McKee Homes and Construction LLC, et al Owners, to Vacate a Publicly Dedicated 30 foot wide Drainage Easement Located within Lots 1 through 11 and Tract F, Pear Park North Subdivision Filing 3 as granted to the City of Grand Junction within the original Tract C, Pear Park North Subdivision.

Staff Presentation

Scott Peterson, Senior Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at www.GJSpeaks.org.

Questions for Staff

Commissioner Teske asked a question regarding the area of the vacation.

Commissioner Reece asked a question regarding Grand Valley Drainage District.

Applicant's Presentation

The Applicant, Tom Logue, McKee Homes and Construction LLC, et al Owners, was present and made a comment regarding the request.

Public Comment

The public hearing was opened at 5 p.m. on Tuesday, April 21, 2020 via www.GJSpeaks.org and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Tuesday, April 21, 2020 as described on the meeting notice as well as the agenda.

No public comment was received.

The public hearing was closed at 6:15 p.m. on April 28, 2020.

Discussion

None.

Motion and Vote

Commissioner Gatseos made the following motion, "Madam Chairman, on the Pear Park North and Pear Park North Filing 3 Subdivision Vacation of a publicly dedicated 30-foot wide Drainage Easement, Located within Lots 1 through 11 and Tract F, Pear Park North Subdivision Filing 3, City file number VAC-2020-99, 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."

Commissioner Wade seconded the motion. Chairman Reece took a roll call vote:

Commissioner Gatseos YES
Commissioner Scissors YES
Commissioner Susuras YES
Commissioner Teske YES
Commissioner Wade YES
Chairman Reece YES

The motion carried 6-0.

3. Riverfront at Dos Rios Rights-of-Way and Easement Vacations File # VAC-2020-176

Consider a request by the City of Grand Junction to Vacate Seven Portions of Public Right-of-Way and a Public Sewer Easement within the proposed Riverfront at Dos Rios Development.

Staff Presentation

Kristen Ashbeck, Principal Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at www.GJSpeaks.org.

Questions for Staff

None.

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, April 21, 2020 via www.GJSpeaks.org and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Tuesday, April 21, 2020 as described on the meeting notice as well as the agenda.

No public comment was received.

The public hearing was closed at 6:23 p.m. on April 28, 2020.

Discussion

None.

Motion and Vote

Commissioner Susuras made the following motion, "Madam Chairman, on the request to vacate seven segments and pieces of public right-of-way and a sewer easement within the proposed Riverfront at Dos Rios development, City file number VAC-2020-176, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact and conditions as listed in the staff report."

Commissioner Teske seconded the motion. Chairman Reece took a roll call vote:

Commissioner Gatseos YES

Commissioner Scissors YES

Commissioner Susuras YES

Commissioner Teske YES

Commissioner Wade YES

Chairman Reece YES

The motion carried 7-0.

4. Zoning Code Amendment – Roosters Prohibition on Small Properties

File # ZCA-2020-123

Consider a Request by the City of Grand Junction to Amend the Grand Junction Municipal Code Title 21 Zoning and Development Code Regarding the Keeping of Roosters.

Staff Presentation

Lance Gloss, Associate Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at www.GJSpeaks.org.

Questions for Staff

Commissioner Susuras asked for clarification on roosters versus hens.

Commissioner Gatseos made a comment regarding the request.

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, April 21, 2020 via www.GJSpeaks.org and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Tuesday, April 21, 2020 as described on the meeting notice as well as the agenda.

Erin Chapman made a comment in favor of the request via GJSpeaks.

The public hearing was closed at 6:33 p.m. on April 28, 2020.

Discussion

Commissioner Wade made a comment regarding the request.

Motion and Vote

Commissioner Scissors made the following motion, “Madam Chairman, on the Zoning and Development Code Amendments, ZCA-2020-123. I move that the Planning Commission forward a recommendation of approval with the findings of fact as listed in the staff report.”

Commissioner Teske seconded the motion. Chairman Reece called a roll call vote:

Commissioner Gatseos YES

Commissioner Scissors YES

Commissioner Susuras YES
Commissioner Teske YES
Commissioner Wade YES
Chairman Reece YES

The motion carried 6-0.

5. Other Business

None.

6. Adjournment

Commissioner Wade motioned to adjourn the meeting. Commissioner Scissors seconded the motion. The meeting adjourned at 6:45 p.m.



Grand Junction Planning Commission

Regular Session

Item #2.

Meeting Date: May 12, 2020

Presented By: Lance Gloss, Associate Planner

Department: Community Development

Submitted By: Lance Gloss, Associate Planner

Information

SUBJECT:

Consider a Request by S2E Developments (CO), LLC for a Comprehensive Plan Amendment from a Commercial and Commercial/Industrial Future Land Use designation to a Downtown Mixed Use Future Land Use designation and a Rezone from C-2 (General Commercial) to R-24 (Residential – 24 du/ac) for a 5.26-acre parcel located at 630 South 7th Street.

RECOMMENDATION:

Staff recommends approval of the request.

EXECUTIVE SUMMARY:

The Applicant, S2E Developments (CO), LLC, is requesting both a Comprehensive Plan Amendment and a rezone for a 5.26-acre property located at 630 South 7th Street. The first request is to amend the Comprehensive Plan future Land Use designation for this property from Commercial and Commercial/Industrial to Downtown Mixed Use. The second request is to Rezone the same property from a C-2 (General Commercial) zone district to a R-24 (Residential – 24 du/ac) in anticipation of future multifamily residential development. The property is currently within the Downtown Commercial Corridor Overlay Zone District and is proposed to remain within this Downtown Commercial Corridor Overlay Zone District. The requested R-24 zone district is not consistent with the existing Comprehensive Plan Future Land Use Map designation of Commercial or Commercial/Industrial, but does work to implement the proposed designation of Downtown Mixed Use. While multifamily residential development is an allowed use under the current zoning because of the standards of the Downtown Commercial Corridor Overlay Zone District, the proposed rezone would allow for multifamily residential development without a limit on the number of units per

acre, whereas the density is limited to 24 dwelling units per acre under the current zoning. Rezoning would also have the effect of disallowing a range of commercial uses that are allowed on the property under the current zoning.

BACKGROUND OR DETAILED INFORMATION:

The 5.26-acre subject property is situated in the southern area of Downtown, adjacent to the main stem of the railroad tracks. The property which is Lot 1 of the Seventh & South Ave Subdivision, currently contains one commercial warehouse structure of approximately 48,628 square feet that was built in 1900 and was substantially reconstructed in 1985. The property was annexed into the City limits in 1909 as part of the South Alley of South Avenue Annexation. Over the last century, various commercial, industrial, and low-density residential structures have occupied the property. The northern side of the property was, until recently, similar in character to the residential areas to the north of the property (across South Avenue) and to the east of the property (across South 8th Street) as it had five small residential structures. The last small residential structures on the property were demolished in 2015. In 2016, all of the formerly separate properties that make up the subject property in its current configuration were combined into one lot by the Seventh and South Ave Subdivision. In 2015, a .26 acre portion of the property was rezoned, from I-1 (Light Industrial) to C-2 (General Commercial) to match the rest of the property. This C-2 zoning is consistent with the long history of commercial and light industrial uses on the southern portions of the property over the last century.

The subject property lies at the confluence of several districts with distinct character, some of which are in flux.

- To the north lies the Downtown Central Business District, with the Downtown core and a concentration of B-2 (Downtown Business) zoning several blocks to the northwest, a residential transitional area with R-O (Residential Office) zoning to the northeast, and—located immediately to the north—the commercial corridor along Pitkin Avenue, Ute Avenue, and South Avenue which is largely zoned C-2 and C-1 (Light Commercial) and falls largely within the Greater Downtown Commercial Corridor Overlay zone district.

- To the west and east lie districts with I-1 and I-2 (General Industrial) zoning, where historical residential uses persist in pockets among primarily industrial uses such as manufacturing, storage, and shipping.

- Directly south of the property, across the mainstem of the railroad tracks, the South 7th Street corridor extends toward the River District, with most properties that front onto South 7th Street being in the C-2 zone district and falling within the Greater Downtown Commercial Corridor Overlay zone district. To the southeast and southwest of the property, most properties are in the I-1 and I-2 zone districts and are currently in

industrial or commercial uses, with long-standing pockets of mostly single-family residential uses on properties that are no longer zoned for low-density residential use.

The site's main access is currently from South 7th Street, which is classified as a Major Collector, and access is also provided from South Avenue, 1st Avenue, and South 8th Street, all of which are classified as local roads. The site is approximately 375 feet from the I-70 Business Loop, which is classified as a Major Arterial and is a Colorado Department of Transportation Right-of-Way.

The Applicant has expressed the intent to remove the existing commercial warehouse structure and associated shipping facilities and redevelop the property with a multifamily residential land use. The Applicant seeks the R-24 zone due to the allowable land uses provided within the district and, in particular, multifamily residential uses without maximum density limits. The existing C-2 zoning does not allow for multifamily residential uses, although multifamily residential uses are currently allowed on the property as a result of it being within the Greater Downtown Commercial Corridor Overlay Zone District. That overlay stipulates that multifamily residential construction shall be allowed on these properties as if they were in the C-1 (Light Commercial) zone district, per GJMC Section 24.08.060(d). As the overlay would thus allow multifamily residential development of up to 24 dwelling units per acre, the intent and effect of the proposal to rezone to R-24 would be to increase the allowable density of residential development from a maximum of 24 dwelling units per acre to no maximum residential density.

The Comprehensive Plan Future Land Use Map identifies the property as Commercial, with a small portion (approximately 0.27 acres) in the southeast corner of the subject property designated as Commercial/Industrial. The proposed R-24 Zone District is not a zone district that implements the Commercial Future Land Use designation, nor the Commercial/Industrial designation. However, the proposal for the rezone is being concurrently reviewed alongside a proposal to amend the Comprehensive Plan Future Land Use Map designation for this property to Downtown Mixed Use. In addition to R-24 (Residential – 24 dwelling units/acre) the following zone districts would also work to implement the proposed Downtown Mixed Use designation.

- a. R-16 (Residential – 16 du/ac)
- b. R-24 (Residential – 24 du/ac)
- c. R-O (Residential Office)
- d. B-2 (Downtown Business)
- e. C-1 (Light Commercial)
- f. MXR, G & S (Mixed Use Residential, General and Shopfront)

Concerning the rezoning request, the purpose of the existing C-2 (General Commercial) zone district is to provide for commercial activities such as repair shops,

wholesale businesses, warehousing and retail sales with limited outdoor display of goods and even more limited outdoor operations. On the other hand, the purpose of the R-24 zone district is to provide for high density residential use, allowing multifamily development with no maximum density. R-24 may also serve as a transitional district between single-family and trade zones. This district is further intended to allow high density residential unit types provide a balance of housing opportunities in the community. As specified in the Grand Junction Municipal Code, the R-24 zone district is appropriate in the Village and Neighborhood Centers; per the Comprehensive Plan, it is also appropriate for the core area of Downtown, as is being considered here.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding a proposed rezone request and Comprehensive Plan would, under typical circumstances, be required in accordance with Section 21.02.080 (e) of the Zoning and Development Code. In this instance, no Neighborhood Meeting was held, because the requirement was waived by the City Council at their March 23, 2020, meeting as a component of the City's comprehensive response to the COVID-19 epidemic.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with an application sign on April 30, 2020. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on May 1, 2020. The notice of this public hearing was published May 5, 2020 in the Grand Junction Daily Sentinel.

ANALYSIS

Comprehensive Plan Amendment

Pursuant to section 21.02.130(c)(1), the City may amend the Comprehensive Plan, neighborhood plans, corridor plans, and area plans if the proposed change is consistent with the vision (intent), goals and policies of the Comprehensive Plan and:

(i) Subsequent events have invalidated the original premises and findings; and/or

The 2010 Comprehensive Plan includes a Future Land Use Map which identifies this property as Commercial and Commercial/Industrial. The Applicant is requesting a Future Land Use designation of Downtown Mixed Use to allow for high-density residential and business uses.

The original premise for the Commercial and Commercial/Industrial Future Land Use designation for the properties was essentially that this corridor would develop as a typical commercial area. Conversely, the recent trajectory of Downtown has been to a

broader mix of uses along the 7th street corridor inclusive of uses such as fitness gyms, entertainment, restaurants, and retail. South 7th Street has experienced multi-modal transportation upgrades and other streetscape improvements that make residential development increasingly viable. Thus, the current premise is that this corridor should, and increasingly does, serve as an artery for the expansion of a Downtown-like mixed-use environment southward from the vicinity of Main Street. Whereas commercial uses were once seen as the primary appropriate uses along 7th Street, the City now, through the recently adopted Vibrant Together Plan of Development, recognizes the need for a wider mix of uses including high-density residential.

The Vibrant Together plan; officially the Plan of Development (POD) for the Downtown Development Authority was adopted by both the City and DDA in October 2019. The POD envisions significantly increased emphasis on pedestrian presence and streetscape vitality along South 7th Street, relative to previous plans such as the Greater Downtown Plan (2013). The POD also places added emphasis on the closely-related need for high-density housing. The POD even explicitly identified the subject property as a primary site for catalytic development that aligned with the vision of a densified, mixed use South 7th Street. The POD also calls for streetscape improvements that are significantly better aligned with the bulk standards and other development standards of such zone districts as B-2 and R-24 than with the standards applied under existing C-2 zoning. In sum, under the new conditions presented by the DDA's Plan of Development, Commercial and Commercial/Industrial designations are no longer the best means of achieving adopted goals.

Staff thus finds that this criterion is met.

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

For over a century, the vicinity of the subject property has been a predominately commercial and industrial area, owing largely to the presence of the railroad mainstem, railroad spurs, and the nearby intersection of the Colorado and Gunnison Rivers with their associated railroad routes. Much of the area to the south and east of the property remains in commercial and industrial use.

However, the subject property also sits at the periphery of an expanding and densifying Downtown Central Business District, as well as along the main thoroughfare connecting the Central Business District with the Riverfront at Las Colonias. The continuing development of the Las Colonias Park, particularly the new amphitheater and the present development of the Las Colonias Business Park with the PD zone district has created a re-assessment of what types of land uses best fit this section of the City. Given its location at the contact point between the Las Colonias area and the Central

Business District, the conditions surrounding the subject property have more recently evolved.

Moreover, the City has recently approved numerous projects in the Downtown core and the Riverfront area, including significant office construction in the vicinity of Main Street and 7th Street, new construction and rehabilitation of structures for small business in the vicinity of Colorado Avenue, and a mix of commercial and residential development directly adjacent to the Colorado River. In particular, the ongoing development of areas of office, retail, service, and manufacturing employment in the general vicinity of the property have likely increased demand for high-density residential opportunities in the Downtown, as would be encouraged by the Downtown Mixed Use Future Land Use designation. Likewise, improvements to pedestrian, bicycle, and motor vehicle infrastructure such as the establishment of Riverside Parkway as a principal arterial and Complete Streets improvements to South 7th Street have improved conditions for mixed-use development.

This is not to suggest that commercial and commercial/industrial land-uses have disappeared from the vicinity of the site. On the contrary, oil-related business are directly adjacent to the subject property to the east and west. Various industrial and commercial uses related to material supply, recycling, fabrication, and similar are found nearby. But so, too, are many uses typically associated with Business, Commercial, and Residential zone districts, with restaurant, single-family residential, multi-family residential, retail, light industrial, heavy industrial, medical marijuana cultivation, fitness, office, judicial, and entertainment uses within a one block radius of the site. The area thus represents a broad mix of uses that continues to evolve.

Staff has found that the character and condition of this area has changed and continues to change and therefore finds that this criterion has been met.

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

The subject property is advantaged by its position in the City's historical and present-day core, where services and utilities are robustly provided and where new development poses fewer demands for upgrades to primary utilities. At present, availability of services includes City water and sewer, Grand Valley Irrigation District, Xcel Energy electricity and natural gas, and cable network links. Public safety, fire, EMS and police services can adequately serve this area of the City. The subject property is also within walking distance of numerous community facilities, including several parks, arts and entertainment venues, a public library, and public transit stops. Based on the provision and concurrency of public utilities and community facilities to serve the future land use designation request, staff finds that this criterion has been met.

(iv) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

The Downtown Mixed Use Future Land Use designation is confined to a contiguous area, generally bounded by Riverside Parkway, Pitkin Avenue, Grand Avenue, and 8th Street, and also extends along Ute Avenue, Colorado Avenue, and Pitkin Avenue to approximately 14th Street. Generally, for Downtown to expand in the immediate vicinity of the existing Downtown in a manner consistent with the existing downtown character, more land will need to be designated Downtown Mixed Use or a similar Future Land Use. Specifically, only Downtown Mixed Use allows for B-2 (Downtown Business) zoning, which is specifically tailored to promote the urban form and mix of uses associated with downtown. Furthermore, despite the ongoing and planned expansion of Downtown-like uses and streetscape along South 7th Street to the Riverfront at Las Colonias, no Downtown Mixed Use designations have yet been extended along South 7th Street. Rather, South 7th Street remains under the Future Land Use designations of Commercial and Commercial/Industrial, which allow for zone districts and uses that may not be appropriate to fostering a Downtown-like character in parts of the Rail District.

Thus, staff finds that this criterion has been met.

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

The greatest benefit to be derived from the requested changes is the potential to support future growth and development of a vibrant, Downtown-like link between the vicinity of Main Street Downtown and the Riverfront at Las Colonias. This Comprehensive Plan Amendment would allow a greater mix of uses along the 7th Street Corridor, and crucially allow rezoning to such districts as B-2 (Downtown Business), R-24, and the Mixed Use Form Districts. These zone districts have standards for building form, streetscape, and uses that are more aligned with the Downtown character than currently available districts, such as C-2 (General Commercial). Amending the Comprehensive Plan to extend the area designated Downtown Mixed Use to the south, rather to the north, east, or west, also contributes to the conservation of long-established, medium-low density residential districts, while continuing to provide opportunities for housing near the urban core.

Thus, staff finds that the community and area would derive benefits from the proposed amendment and thus has found this criterion has been satisfied.

The proposed amendments implement the following guiding principle, goals and policies:

Guiding Principle 2: Sustainable Growth Patterns – Encourage infill and redevelopment.

Guiding Principal 3: Housing Variety – Allow/encourage more variety in housing types.

Goal 1: To implement the Comprehensive Plan in a consistent manner.

Policy C: The City will make land use decisions consistent with the goal of supporting and encouraging the development of centers. The Subject Property is located within the City Center.

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

Policy B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

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

Goal 8: Create attractive public spaces and enhance the visual appeal of the community through quality development.

Policy F: Encourage the revitalization of existing commercial and industrial areas.

Specifically, this amendment will work to encourage the invigoration of the South 7th Street Corridor, a vital connection between the Downtown Central Business District, the Rail District, and the River District typified by the Riverfront at Las Colonias.

Rezone

In advance, it must be noted that the subject property has a base zoning of C-2, but that the effect of this base zoning is significantly changed by the Greater Downtown Commercial Corridor Overlay which encompasses most of the South 7th Street corridor. That zoning overlay is intended to implement goals of the 2013 Downtown Plan, and includes many allowances and requirements aimed at fostering an improved pedestrian environment and greater visual interest along South 7th Street. Such standards include the reduction of front yard setbacks along South 7th Street to zero feet; allowance of multi-family development up to 24 du/ac, regardless of base zoning; required façade variation; and the requirement that all parking be outside the front yard setback. However, the treatment of criteria below focuses on the C-2 zoning with somewhat less regard to this overlay zone district, as the overlay is not proposed to

change.

The criteria for review of a rezone application is set forth in Section 21.02.140(a). The criteria provide that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following rezone criteria.

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

The existing C-2 zoning was most recently applied to portions of the property in 2015. The decision was premised on the notion that this corridor would serve as a general commercial area, albeit specifically tailored to serve pedestrian needs through the standards of the Greater Downtown Commercial Corridor Overlay. General commercial uses were then seen as the most appropriate uses of a corridor that was meant to connect the core area of Downtown with the River District while simultaneously buffering the industrial uses of the Rail District (generally, the vicinity of Winters Avenue). At the time of that rezoning action, and at time of the 2010 Comprehensive Plan's adoption, high-density residential uses were considered possible desired uses for the South 7th Street Corridor, but were considered secondary to Commercial uses as reflected in the name of the Greater Downtown Commercial Corridor Overlay.

Since that time, the City has invested significant resources in energizing the River District (directly to the South), including with the Riverfront at Las Colonias, a long-term project aimed at revitalizing the river's edge proximate to Downtown. More recently, the City has adopted the Downtown Development Authority's (DDA) Plan of Development, entitled "Vibrant Together," which emphasizes the need to increase vitality along South 7th Street and to make changes that support the pedestrian environment along that corridor. That Plan of Development goes further than previous adopted plans in emphasizing the need for a mix of uses (both vertically and horizontally) as well as concentrated residential uses that would support a round-the-clock pedestrian atmosphere. Specifically, that Plan calls to "extend the energy of Main to the River along 7th Street" including through the introduction of greater residential density (See p. 13, "Vibrant Together").

In essence, the premise today is that this corridor best serves the Downtown and the City at large if it is substantially re-developed to support a greater mix of uses, the presence of pedestrians on the street, and housing opportunities for those who seek to live and work Downtown. These aims are not particularly well-supported by C-2 zoning for the parcel, even with the Greater Downtown Corridor Commercial Overlay, and are arguably better supported by a district that provides for residential uses.

Staff thus finds that this criterion is met.

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

The character of South 7th Street has evolved and will continue to evolve substantially according to adopted plans. Many, though certainly not all, of the properties in the immediate vicinity of the subject property have transitioned away from an industrial-commercial mix to office-commercial mix of uses. Meanwhile, many long-standing residential uses have persisted longer than may have been anticipated when the area was slated for commercial and industrial uses. In the wider context, the DDA's Plan of Development on the City's Active Transportation Corridors map both called for greater development of residential uses and improvements to (and enlivening of) the streetscape along the South 7th Street corridor. Since the last rezone involving this property, South 7th Street has indeed received a significant upgrade to align with the City's adopted Complete Streets Policy, with new pedestrian, bicycle, and landscape amenities. The development of the Riverfront at Las Colonias at the south end of South 7th Street, combined with the identification of South 7th Street as the primary connection between Main Street and Las Colonias, further underscores the changing character, context, and condition of the subject property's vicinity.

Staff therefore finds that this criterion is met.

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

Adequate public and community facilities and services are available to the property and are sufficient to serve land uses associated with the C-1 zone district. The subject property is advantaged by its position in the City's historical and present-day core, where services and utilities are robustly provided and where new development poses fewer demands for upgrades to primary utilities. City Sanitary Sewer is located adjacent to the site in South Avenue, South 7th Street, and 1st Avenue, as well as across the site. City Water is likewise available, located in South Avenue and South 7th Street. The property is also served by Grand Valley Irrigation District, Xcel Energy electricity and natural gas, and cable network links. Public safety, fire, EMS and police services can adequately serve this area of the City. The subject property is also within walking distance of numerous community facilities, including several parks, arts and entertainment venues, a public library, and public transit stops. Public schools are also accessible by multiple modes of transportation. The primary non-educational need that is not served within easy walking distance is a large grocer.

In general, staff has found public and community facilities are adequate to serve the type and scope of the commercial land use(s) proposed. As such, staff finds this criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

The proposed R-24 zoning makes up approximately 1% of the total zoned acres within City Limits, whereas the existing C-2 zoning makes up about 3% of the City. R-24 is the only zone district that allows residential density to exceed 24 units per acre and is thus the primary means of allowing high density multifamily housing development in the City (the alternative being a Planned Development). In the immediate vicinity of the subject property, including the entirety of the Rail and River Districts, there are no properties zoned R-24. The only R-24 zoning in the entire area covered by the Greater Downtown Plan is located in two pockets: one at Main Street and 17th Street; one at 4th Street and Chipeta Avenue.

Staff thus finds this criterion has been met.

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

The community and area will benefit from this proposed rezone request by creating the potential for high-density residential land uses at a central Downtown location, without compromising the durability of established medium-low-density residential areas in other areas of Downtown. Furthermore, the ongoing vacancy of the subject property and the under-utilization of various commercial and industrial properties nearby suggests that the community will not suffer serious hardship as a result of rezoning the subject property out of the C-2 zone district. The community and area will also benefit from the potential for redevelopment of this underutilized site that, should it develop, will be required to meet current code standards for such site improvements as landscaping and other on-site improvements.

Therefore, Staff finds that this criterion has been met.

The rezone criteria provide the City must also find the request is consistent with the vision, goals and policies of the Comprehensive Plan. Staff has found the request to be consistent with the following goals and policies of the Comprehensive Plan:

Goal 1 / Policy A: Land use decisions will be consistent with Future Land Use Map.

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

Policy A: to create large and small “centers” throughout the community that provide services and commercial areas.

Policy B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

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

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

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the request for approval to amend the Comprehensive Plan Future Land Use Map (File no. CPA-2020-194), from a Commercial Future Land Use designation to a Downtown Mixed Use Future Land Use designation, and the request to rezone (File no. RZN-2020-190) from C-2 (General Commercial) to R-24 (Residential – 24 du/ac) with no change to the Greater Downtown Commercial Corridor Overlay Zone District designation for one property having a total of 5.26 acres and located at 630 South 7th Street, the following findings of fact have been made:

On the request for an amendment to the Comprehensive Plan, the following findings of fact have been made:

- 1) The request has met one or more of the criteria in Section 21.02.130(c)(1) of the Zoning and Development Code.
- 2) The request is consistent with the vision, goals and policies of the Comprehensive Plan.

On the request for rezoning, the following findings of fact have been made:

- 1) The request has met one or more of the criteria in Section 21.02.140 of the Zoning and Development Code.
- 2) The request is consistent with the vision (intent), goals and policies of the Comprehensive Plan.

Therefore, Staff recommends approval.

SUGGESTED MOTION:

Madam Chair, on the Comprehensive Plan Amendment request for the property located at 630 South 7th Street, City file number CPA-2020-194, and for the Rezone request for the same property located at 630 South 7th Street, City file number RZN-2020-190, 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.

Attachments

1. EVE II Rezone and CPA Development Application Packet
2. Maps and Locations
3. Draft Ordinance

Development Application

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

Petition For: Rezone / Comprehensive Plan Amendment

Please fill in blanks below only for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation Commercial

Existing Zoning C-2

Proposed Land Use Designation Residential

Proposed Zoning R-24

Property Information

Site Location: 630 S. 7th Street

Site Acreage: 5.25 Acres

Site Tax No(s): 2945-231-43-001

Site Zoning: C-2

Project Description: To amend the Comprehensive Plan and Rezone the parcel to R-24.

Property Owner Information

Name: EN-SIM PARTNERSHIP, LLP

Street Address: 701 Colorado Avenue

City/State/Zip: Grand Junction, CO 81501

Business Phone #:

E-Mail: robin.levine2012@gmail.com

Fax #:

Contact Person: Robin Levine

Contact Phone #: 970-270-8601

Applicant Information

Name: S2E Developments (CO), LLC

Street Address: 6400 South Fiddlers

City/State/Zip: Greenwood Village, CO 80111

Business Phone #: 303-359-7883

E-Mail: marissa@s2etech.com

Fax #:

Contact Person: Marissa Adelstein

Contact Phone #: 303-359-7883

Representative Information

Name: River City Consultants, Inc.

Street Address: 215 Pitkin Ave. #201

City/State/Zip: Grand Junction, CO 81501

Business Phone #: 970-241-4722

E-Mail: btomlinson@rccwest.com

Fax #:

Contact Person: Baillie Tomlinson

Contact Phone #: 970-241-4722

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

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

Signature of Person Completing the Application Doug Simons

Date 03/31/2020

Signature of Legal Property Owner Doug Simons

Date 03/31/2020

Project Report

EVE Park II

Sustainable Living Project on 630 S. 7th Street

Project Report

April 10th, 2020

Prepared for:

City of Grand Junction

Grand Junction, CO 81501

Prepared by:



215 Pitkin, Grand Junction, CO 81501

Grand Junction, CO 81506

Phone: (970) 241-4722

Fax: (970) 241-8841

A. Project Description

- 1) Location: The proposed project is located at 630 S. 7th Street, Grand Junction, Colorado (Parcel No. 2945-231-43-001).
- 2) Acreage: The project consists of approximately 5.26 acres in a C-2 (General Commercial) zone district and the Greater Downtown Commercial Corridor Overlay.
- 3) Proposed Use: This submittal is for a rezone from C-2 to R-24 with a Comprehensive Plan Amendment. This zoning is generally compatible with the surrounding mix of uses and with the site's proximity to the Central Business District.

Public Benefit

The proposed zoning will allow implementing development projects that will facilitate a sustainable lifestyle and use of multi-modal transportation linked to central downtown.

Diversification of uses in zoning allows the land to be used more efficiently. Residents will be able to live in the vicinity of where they work with this proposed rezone.

The proposed zoning enables the development to adapt an old, perhaps undesired property, and revitalize it into a centralized location for residents to reside in.

In this area, there is an abundance of drug-related crimes. Studies show that you can reduce crime by reshaping the environment with zoning.

The location of the project potentially will reduce the number of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

Neighborhood Meeting

A neighborhood meeting was required for this submittal; however, due to COVID-19 and limitations on the size of gatherings, the meeting requirement was waived by the City Council for the unforeseen future.

D. Project Compliance, Compatibility, and Impact

- 1) Adopted plans and/or policies:

The proposed zoning, in conjunction with a Comprehensive Plan Amendment, will comply with the adopted codes, plans and requirements for the property. The project is proposed to ensure all City requirements are met. Impacts on the infrastructure will be addressed including water, sewer, access, lighting, etc. will not be impacted by this rezone/Comprehensive Plan Amendment.

- 2) Land use in the surrounding area:

The uses contained within the surrounding area are commercial and industrial, as well as existing residences that have been rezoned to commercial and industrial zone districts to guide future redevelopment

- 3) Site access and traffic patterns:

Site access and traffic patterns have been considered due to a possible Site Plan submittal and will potentially be off South Ave.

4) Availability of utilities, including proximity of fire hydrants

The subject parcel is served by the following:

Grand Junction Water Service Area

City of Grand Junction Sewer

Grand Valley Irrigation Company

Xcel Energy

City of Grand Junction Fire- Station 1

Charter (Cable)

CenturyLink (Phone)

A Fire Flow Form will be included with a future site plan submittal.

5) Special or unusual demands on utilities:

There will be no unusual demand on utilities as a result of the Rezone and Comprehensive Plan Amendment.

6) Effects on public facilities:

The Rezone and Comprehensive Plan Amendment will have no adverse effect on public facilities.

7) Hours of operation:

Not applicable.

8) Number of employees:

Not applicable.

9) Signage

Not applicable.

10) Site Soils Geology:

Not applicable.

11) Impact of project on site geology and geological hazards:

None are anticipated.

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

21.02.140 Code amendment and rezoning.

(a) **Approval Criteria.** In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:

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

The proposed Rezone request to R-24 and Comprehensive Plan Amendment will add a buffer to the Greater Downtown Transitional Overlay.

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

The amendment would help revitalize the south downtown area and make the area more pedestrian-friendly. This development takes undesired property and proposes a centralized location for residents to thrive in. This is consistent with Goal 4 of the Comprehensive Plan: Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing, and tourist attractions. It is also consistent with Goal 5 of the Comprehensive Plan: 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.

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

Public and community facilities are existing and adequate and will support the proposed use, and are not affected as a result of the Rezone request.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

This parcel of land is adequately serviced by utilities and roadways. There is an inadequate supply of residential parcels in this area to accommodate residential development in the downtown area.

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

Pedestrian opportunities could be expanded in this area with the development of this parcel as well as revitalization to the downtown area. This is consistent with Goal 9 of the Comprehensive Plan: Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle, air, and freight movement while protecting air, water, and natural resources.

(6) General Approval Criteria. No permit may be approved by the Director unless all of the following criteria are satisfied:

(i) Compliance with the Comprehensive Plan and any applicable adopted plan.

This submittal is for a Comprehensive Plan Amendment and Rezone.

- (ii) Compliance with this zoning and development code.

This submittal is for a Rezone from C-2 to R-24. Once approved, the proposed use and subsequent site plan submittal will comply with the zoning and development code.

- (iii) Conditions of any prior approvals.

There are no prior approvals with this submittal.

- (iv) Public facilities and utilities shall be available concurrently with the development.

All public facilities and utilities shall be available concurrent with this development.

- (v) Received all applicable local, State and federal permits.

None needed for this Rezone and Comprehensive Plan Amendment submittal.

Legal Description

LOT 1 SEVENTH & SOUTH AVE SUBDIVISION SEC 14 & SEC 23 1S 1W UM RECD
R-2757389 MESA CO RECDS - 229,126 SF \ 5.26 AC

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) EN-SIM PARTNERSHIP, LLP ("Entity") is the owner of the following property:

(b) 630 S. 7th Street, Grand Junction, CO 81501

A copy of the deed(s) evidencing the owner's interest in the property is attached. Any documents conveying any interest in the property to someone else by the owner are also attached.

I am the (c) Partner for the Entity. I have the legal authority to bind the Entity regarding obligations and this property. I have attached the most recent recorded Statement of Authority of the Entity.

☒ My legal authority to bind the Entity both financially and concerning this property is unlimited.

☐ My legal authority to bind the Entity financially and/or concerning this property is limited as follows:

☒ The Entity is the sole owner of the property.

☐ The Entity owns the property with other(s). The other owners of the property are:

On behalf of Entity, I have reviewed the application for the (d) Rezone/Comprehensive Plan Amendment

I have the following knowledge or evidence of a possible boundary conflict affecting the property:

(e) None

I understand the continuing duty of the Entity to inform the City planner of any changes regarding my authority to bind the Entity and/or regarding ownership, easement, right-of-way, encroachment, lienholder and any other interest in the land.

I swear under penalty of perjury that the information in this Ownership Statement is true, complete and correct.

Signature of Entity representative: Doug Simons 03/31/2020

Printed name of person signing: Douglas S. Simons or Jamee E. Simons

State of Colorado)

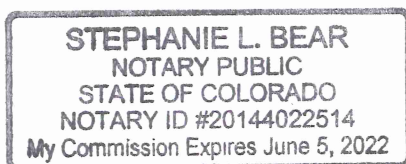
County of Mesa) ss.

Subscribed and sworn to before me on this 1st day of April, 20 20

by Doug S Simons

Witness my hand and seal.

My Notary Commission expires on June 5, 2022



Stephanie Bear
Notary Public Signature

904483

Book 3055 Page 258

STATEMENT OF AUTHORITY

C.R.S. Section 38-30-172

2049690 04/08/02 1251PM

MONIKA TODD CLK&REC MESA COUNTY CO
REC FEE \$5.00

1. This Statement of Authority relates to an entity [1] named EN-SIM PARTNERSHIP, LLP.
2. The type of entity is a:

☐ corporation	☒ registered limited liability partnership
☐ nonprofit corporation	☐ registered limited liability limited partnership
☐ limited liability company	☐ limited partnership association
☐ general partnership	☐ government or governmental subdivision or agency
☐ limited partnership	
☐ _____	
3. The entity is formed under the laws of Colorado.
4. The mailing address for the entity is 200 South 7th Street, Grand Junction, Colorado 81501.
5. The [X] name and [X] position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity are DOUGLAS S. SIMONS and JAMEE E. SIMONS, constituting all of the partners of the partnership.
- 6.[2] The authority of the forgoing persons to bind the entity is [X] not limited.
7. Other matters concerning the manner in which the entity deals with interests in real property: N/A
- 8.[3] This Statement of Authority is executed on behalf of the entity pursuant to the provisions of Section 38-30-172, C.R.S.

Executed this 5th day of April, 2002.

EN-SIM PARTNERSHIP, LLP

By

Douglas S. Simons

By

Jamee E. Simons

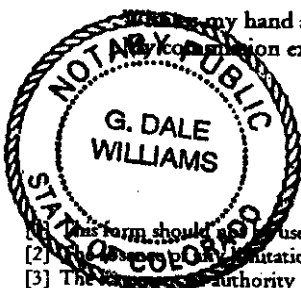
State of Colorado)

County of Mesa)

ss.

The foregoing instrument was acknowledged before me this 5th day of April, 2002, by DOUGLAS S. SIMONS and JAMEE E. SIMONS.

Witness my hand and official seal

My Commission expires: 4/7/2005

G. Dale Williams
Notary Public

- [1] This form should not be used unless the entity is capable of holding title to real property.
 [2] A statement of authority shall be prima facie evidence that no such limitation exists.
 [3] The statement of authority must be recorded to obtain the benefits of the statute.

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS, That LOJO PARTNERSHIP, L.L.P.,
a Colorado limited liability partnership, (whether one, or more than one), the
“Grantor,” whose legal address is 2303 W Ridges Blvd., Grand Junction,
Colorado 81507 of the County of Mesa and State of Colorado,

for the consideration of the sum of ---NO CONSIDERATION--- DOLLARS, (\$ 00.00), in hand paid, hereby sells and
conveys to EN-SIM PARTNERSHIP, L.L.P., a Colorado limited liability partnership (whether one, or more than
one), the “Grantee,” whose legal address is 701 Colorado Ave., Grand Junction, Colorado 81501, of the County of
Mesa and State of Colorado, the following real property situate in the County of Mesa and State of Colorado, to wit:

**Lot 1 of the Seventh & South Ave Subdivision, a re-plat of Block 159, City of Grand Junction,
Reception No. 87703, Block 1 & Block 5, Milldale Subdivision, Reception No. 41117, vacated First
Avenue and alleys, including a portion of South Avenue, 7th Street and 8th Street, S 1/2 of Sec. 14,
N 1/2 of Sec. 23, T1S, R1W, U. M., City of Grand Junction, Mesa County, Colorado**

**As recorded in the books and records of the Clerk and Recorder of Mesa County, Colorado at
Reception No. 2757390**

also known by street address as: 630 South 7th Street, Grand Junction, Colorado 81501

and assessor's schedule or parcel number: 2945-231-43-001

with all its appurtenances.

Signed this 8th day of October, 2019.

LOJO PARTNERSHIP, L.L.P., a
Colorado limited liability partnership

By [Signature]

Its: Partner

STATE OF COLORADO)

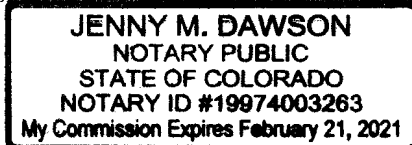
) ss.

County of Mesa)

The foregoing instrument was acknowledged before me this 8th day of October, 2019, by Douglas S. Simons
as Partner of LOJO Partnership, LLP, a Colorado limited liability partnership.

Witness my hand and official seal.

My commission expires:



[Signature]
Notary Public

Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)



Site Vicinity Map



Uses Map

GJPD / GJFD

PITKIN AVE

PITKIN AVE

Restaurant

Gasoline

Retail

Multi-family

Judicial

SOUTH AVE

SOUTH AVE

Single-Family

Fitness

1ST AVE

Oil-Related

CDOT

Auto Recycle

Oil-Related

Marijuana Greenhouse

Get Air Trampoline Park

Daily Sentinel

Distribution

2ND AVE

3RD AVE

3RD AVE

50



Site Context Map

Historically Residential Downtown

Main Street

Riverfront at Dos Rios

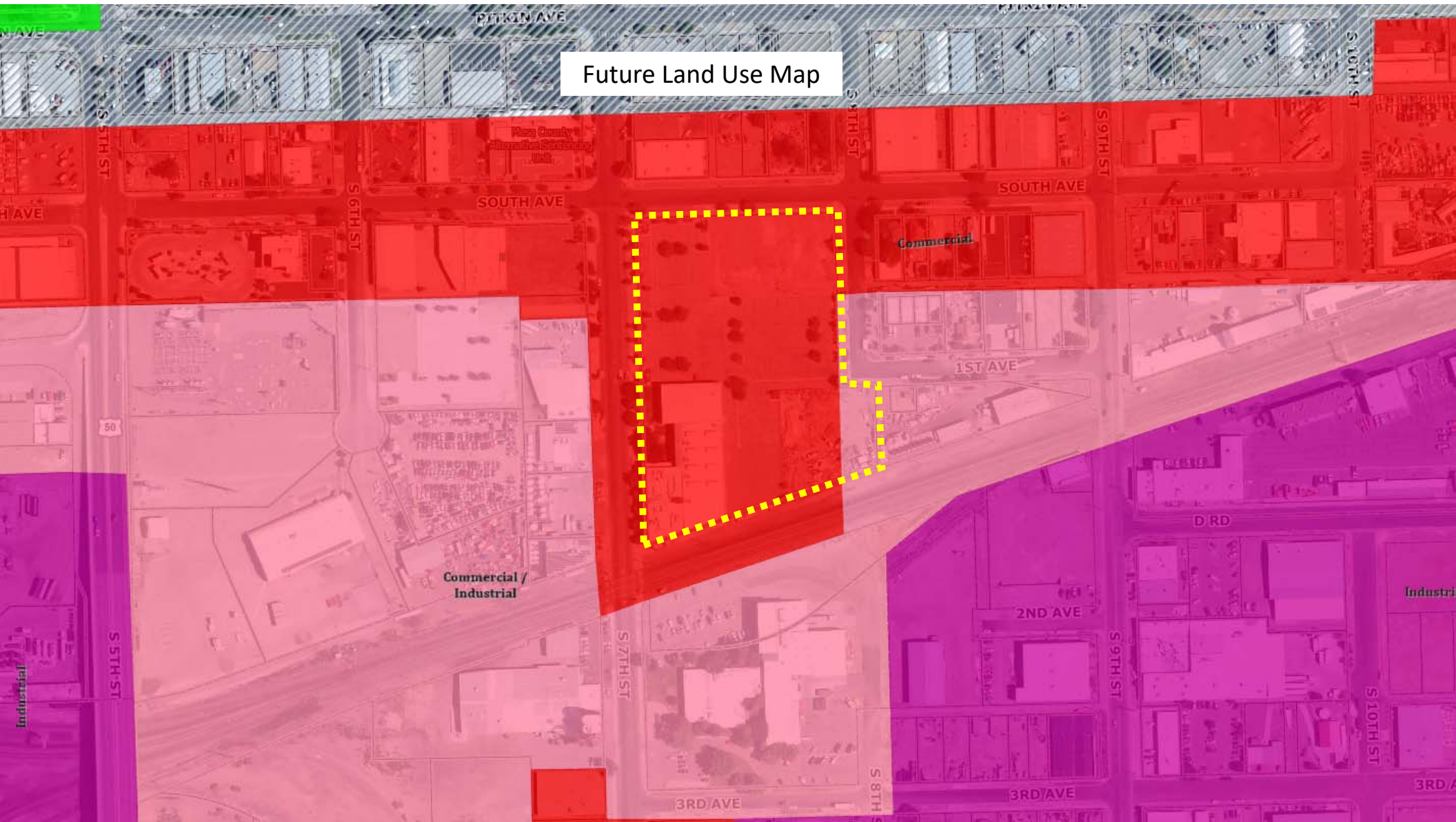
Industrial Core of Rail District

Riverfront at Las Colonias

Aerial Photographs



Future Land Use Map





CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE
MAP OF THE CITY OF GRAND JUNCTION FROM COMMERCIAL AND
COMMERCIAL/INDUSTRIAL TO DOWNTOWN MIXED USE FOR A PROPERTY OF
5.26 ACRES AND REZONING SAID PROPERTY OF 5.26 ACRES
FROM A C-2 (GENERAL COMMERCIAL) ZONE DISTRICT TO A R-24
(RESIDENTIAL – 24 DU/AC) ZONE DISTRICT**

LOCATED AT 630 SOUTH 7TH STREET

Recitals:

The applicant, S2E Developments (CO), LLC with consent of the owner, En-Sim Partnership, LLC, who owns 5.26 acres of land at 630 South 7th Street (referred to herein and more fully described below as the “Property”), proposes an amendment to the Comprehensive Plan Future Land Use Map from Commercial and Commercial/Industrial to Downtown Mixed Use and a rezone from C-2 (General Commercial) to R-24 (Residential – 24 du/ac).

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of amending the Comprehensive Plan Future Land Use designation for the Property from Commercial and Commercial/Industrial to Downtown Mixed Use, and recommended subsequent approval of zoning the S2E Developments (CO), LLC property to the R-24 (Residential – 24 du/ac) zone district, finding that it conforms to and is consistent with the Future Land Use Map designation of Downtown Mixed Use of the Comprehensive Plan and the Comprehensive Plan’s goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that amending the Comprehensive Plan Future Land Use Map from Commercial to Downtown Mixed Use for 5.26 acres of land at 630 South 7th Street is consistent with the vision, intent, goals and policies of the Comprehensive Plan and has met one or more criteria for a Comprehensive Plan amendment, as further described in the Staff Report introduced and admitted into the record. The City Council finds that a R-24 (Residential – 24 du/ac) zone district, as proposed in City file no. RZN-2020-190 is consistent and is in conformance with the Comprehensive Plan, Grand Junction Circulation Plan and other adopted plans and policies; and, the rezoning criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code; and, the applicable corridor guidelines and other overlay districts.

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

The following properties shall be redesignated to Downtown Mixed Use Future Land Use in the Comprehensive Plan and shall be zoned R-24 (Residential – 24 du/ac):

LOT 1 SEVENTH & SOUTH AVE SUBDIVISION SEC 14 & SEC 23 1S 1W UM RECD R-2757389 MESA CO RECDS

CONTAINING 229,126 Sq. Ft. or 5.26 Acres, more or less, as described hereon.

Introduced on first reading this ____ day of _____, 2020 and ordered published in pamphlet form.

Adopted on second reading this ____ day of _____, 2020 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Grand Junction Planning Commission

Regular Session

Item #3.

Meeting Date: May 12, 2020

Presented By: Scott D. Peterson, Senior Planner

Department: Community Development

Submitted By: Scott D. Peterson, Senior Planner

Information

SUBJECT:

Consider a request by Mallard View LLC, for a Comprehensive Plan Amendment from Residential High Mixed Use (16 – 24 du/ac) and Residential Medium (4 – 8 du/ac) to Village Center and a rezone from R-E (Residential – Estate) to C-1 (Light Commercial) on a total of 17.84-acres located at 785 24 Road.

RECOMMENDATION:

Staff recommends denial of the requested Comprehensive Plan Amendment and Rezone requests.

EXECUTIVE SUMMARY:

The Applicant, Mallard View LLC, is requesting a Comprehensive Plan Amendment from Residential High Mixed Use (16 – 24 du/ac) and Residential Medium (4 – 8 du/ac) to Village Center and a rezone from R-E (Residential – Estate) to C-1 (Light Commercial) for the entire 17.84-acres located at 785 24 Road in anticipation of future development. Staff has been unable to find the request for the full 17.84 acres to have met the required criteria.

BACKGROUND OR DETAILED INFORMATION:

The subject property is situated west of 24 Road, north of I-70 and south of H Road. Fellowship Church is located further to the south. The property currently contains a single-family detached home along with various accessory structures and is 17.84-acres in size. The Applicant is interested in preparing the property for future development that would be consistent with the scope and type of development envisioned by the Comprehensive Plan as a Village Center as currently identified on a

portion of the property.

The 2010 Comprehensive Plan includes a Future Land Use Map which identifies this property as having three designations; Village Center Mixed Use (~2.1 acres), Residential High Mixed Use (16 – 24 du/ac) (~12.1 acres) and Residential Medium (4 – 8 du/ac) (~3.5 acres). The purposes of these designations are as follows:

Village Center Mixed Use: Employment, residential, service, park and retail allowed. The Village Center is intended to be at a smaller scale (1 – 5 stories and smaller land area) than Downtown Mixed Use. A mix of uses, either horizontal or vertical, is expected unless otherwise designated in an adopted Area or Neighborhood Plan.

Residential High Mixed Use: All types of residential development may be permitted in these areas provided that gross densities are at least 16 and up to 24 du/acre. Modest amounts (dependent on zoning applied but not intended for more than 10% of a development) of service-oriented and retail commercial are allowed in the Residential High Mixed-Use Land Use Classification. Higher density residential (and neighborhood retail/service center development) may be permitted.

Residential Medium: A mix of residential development types with gross densities of 4 to 8 dwelling units per acre are anticipated in areas with this designation. Single family development will be integrated with other dwelling types, including duplexes, and low intensity attached residential development. Some low intensity multi-family development may be permitted.

The Applicant is requesting a future land use designation of Village Center for the entire 17.84-acres with a proposed zoning of C-1 (Light Commercial). The purpose of the C-1 (Light Commercial) zone district is to provide indoor retail, service and office uses requiring direct or indirect arterial street access, and business and commercial development along arterials. The C-1 district should accommodate well-designed development on sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for orderly transitions and buffers between uses. 24 Road is currently classified as a Minor Arterial north of I-70.

In addition to the C-1 (Light Commercial) zoning requested by the petitioner, the following zone districts implement the Comprehensive Plan designation of Village Center for the subject property.

- a. R-8 (Residential – 8 du/ac)
- b. R-12 (Residential – 12 du/ac)
- c. R-16 (Residential – 16 du/ac)
- d. R-24 (Residential – 24 du/ac)
- e. R-O (Residential Office)

- f. B-1 (Neighborhood Business)
- g. M-U (Mixed Use)

The following zone districts implement the Comprehensive Plan designation of Residential High Mixed Use:

- a. R-16 (Residential – 16 du/ac)
- b. R-24 (Residential – 24 du/ac)
- c. R-O (Residential Office)
- d. B-1 (Neighborhood Business)

The following zone districts implement the Comprehensive Plan designation of Residential Medium:

- a. R-4 (Residential – 4 du/ac)
- b. R-5 (Residential – 5 du/ac)
- c. R-8 (Residential – 8 du/ac)
- d. R-12 (Residential – 12 du/ac)
- e. R-16 (Residential – 16 du/ac)
- f. R-O (Residential Office)

Land use classifications do not always follow property lines and it is not unusual for a single parcel of land to have more than one land use classification, especially larger acreage such as this. When a parcel has more than one land use classification, it allows greater flexibility for the specific requested zoning of the property and the anticipated development.

Properties adjacent to the subject property to the east, across 24 Road are zoned C-1 (Light Commercial) and County RSF-R (Residential Single Family – Rural). Also, to the east, west and south is County RSF-R (Residential Single Family – Rural). Directly to the north is County residential Planned Unit Development (PUD) with a City B-1 (Neighborhood Business) to the northeast located at the intersection of 24 Road and H Road, which contains the Beehive Homes, assisted living facility. Further to the south is Fellowship Church that is zoned R-R (Residential - Rural).

NOTIFICATION REQUIREMENTS

Neighborhood Meeting:

A Neighborhood Meeting regarding the proposed rezone and comprehensive plan amendment requests were held on February 4, 2020 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant's Representative and City staff were in attendance along with approximately twelve citizens. Comments and concerns expressed by the attendees centered on what was going to be

developed on the property and what the impacts of the proposed C-1 zone district would have on the existing residential properties in the area.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with an application sign on April 28, 2020. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on May 1, 2020. The notice of this public hearing was published May 5, 2020 in the Grand Junction Daily Sentinel.

ANALYSIS

Comprehensive Plan Amendment

The criteria for review is set forth in Section 21.02.130 (c) (1). The criteria provides that the City may amend the Comprehensive Plan, neighborhood plans, corridor plans and area plans if the proposed change is consistent with the vision (intent), goals and policies of the Comprehensive Plan and;

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

The 2010 Comprehensive Plan includes a Future Land Use Map which identifies this property as having three designations; Village Center Mixed Use (~2.1 acres), Residential High Mixed Use (16 – 24 du/ac) (~12.1 acres) and Residential Medium (4 – 8 du/ac) (~3.5 acres). The original 2010 Future Land Use Map premise for these existing three designations was that the property would develop as a more residential medium to residential high area with an overall density designation (R-8 to R-24). The majority of the property (approximately 15.6 acres) is intended to have no commercial). By changing the entire property to Village Center the focus of the area would shift from primary residential to primarily commercial as the purpose of the Village Center is employment, residential, service, park and retail.

Though Village Center allows for and incorporates residential uses, it is not the overarching purpose of the designation and staff believes it does not align with the Comprehensive Plan's vision for this area of the community. Staff has been unable to identify a subsequent event that would invalidate the original premise and findings of the 2010 Comprehensive Plan and therefore, has found this criterion is not met.

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

The character and/or condition of the area has not changed in recent years as the properties located on the west side of 24 Road remain single-family residential located

on large lot/acreage and relatively rural in nature. The property located on the east side of 24 Road (782 24 Road) has a lavender farm and small distillery currently operating. All properties directly abutting the east side of 24 Road and between I-70 and H Road are designated Village Center but excluding the small distillery (approximately 3,700 square feet of space) remain as large acreage tracts of rural land. As such, Staff has not identified other character and/or condition changes that would support the affirmative finding of this criterion, therefore staff has not found this criterion to have been met.

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

Adequate public and community facilities and services are available to the property and are sufficient to serve land uses associated with the Village Center category as identified within the Comprehensive Plan. Ute Water and City sanitary sewer are presently available within 24 Road. Property is also currently being served by Xcel Energy electric and natural gas. A short distance away to the south is Community Hospital located on G Road. Further to the south on 24 Road is the Mesa Mall area which includes restaurants, retail and service centers, banks and a grocery store, etc.

In general, staff has found public and community facilities are adequate to serve the type and scope of the Village Center designation proposed. As such, staff finds this criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

The proposed Village Center designation for the entire 17.84-acre property could allow for a mixture of both commercial and higher density residential zoning districts. Presently the plan designates for a distance of approximately one-half mile on the east side of 24 Road, from I-70 north to beyond H Road, a large area of approximately 60 acres that is designated Village Center. In addition, west of 24 Road along the H Road Corridor for a distance of approximately .37 miles is another 34.5 acres of land designated Village Center, of which the Applicant's 2.1 acres of Village Center designated property is a part. With the exception of the Beehive Homes residential living facility and the Highlands Distillery, the balance of this acreage has not been developed consistent with the Village Center designation. Staff has been unable to find that there is an inadequate supply of suitably designated land available either in the community or the immediate surrounding area and therefore has found the criterion has not been met.

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

The community and area may benefit from this proposed Comprehensive Plan Amendment if the proposed request was modified to request the Village Center designation for only a portion along the 24 Road Corridor – consistent with the adopted Comprehensive Plan - which would allow the property to develop as a mixed use development of both light commercial and residential, thus meeting the intent of the 2010 Comprehensive Plan Future Land Use Map for this area of the community.

However, as proposed the requested Future Land Use Map change to Village Center for the entire 17.84-acres, would not ensure any (or a portion) of the site be developed for residential purposes, which is not be in conformance with the Comprehensive Plan's vision.

As proposed, the request does not work to implement multiple goals and a policy of the Comprehensive Plan. Specifically, the request significantly alters the plan's approach to providing housing and a variety of housing types in this area. Goals and the policy not found to be met are as follows:

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

Policy A: City and County land use decisions will be consistent with the Future Land Use Map.

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

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.

Further, there is no specific development such as an Outline Development Plan being reviewed concurrently that would provide for demonstrable public benefit.

Staff has been unable to identify tangible public benefits to the community in general or the area specifically, therefore, Staff does not find this criterion has been met.

Rezone

The criteria for review is set forth in Section 21.02.140 (a). The criteria provides that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following rezone criteria as identified:

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

The property is currently zoned R-E (Residential Estate) and was annexed into the City limits in 2006 (Arbogast Annexation # 1 & #2). The Applicant is requesting a zoning change to C-1 (Light Commercial) for the entire 17.84-acres in conjunction with a proposed Comprehensive Plan Future Land Use Map amendment to Village Center.

The 2010 Comprehensive Plan Future Land Use map was adopted subsequent to the Residential-Estate designation of the property. The Plan designated this property Village Center Mixed Use (~2.1 acres), Residential High Mixed Use (16 – 24 du/ac) (~12.1 acres) and Residential Medium (4 – 8 du/ac) (~3.5 acres). The existing zoning of R-E does not work to implement any of the current Future Land Use Map designations on the property. As such, staff has found that with the adoption of the 2010 Comprehensive Plan, the R-E zone district has been invalidated and has therefore found this criterion to be met.

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

The character and/or condition of the area has not changed in recent years as the properties located on the west side of 24 Road remain single-family residential located on large lot/acreage and relatively rural in nature. The property located on the east side of 24 Road (782 24 Road) has a lavender farm and small distillery currently operating. All properties directly abutting the east side of 24 Road and between I-70 and H Road are designated Village Center but excluding the distillery remains as large acreage tracts of rural land. As such, Staff has not identified other character and/or condition changes that would support an affirmative conclusion of character or condition changes in the area, and therefore staff has not found this criterion to have been met.

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

Adequate public and community facilities and services are available to the property and are sufficient to serve land uses associated with the Village Center category as identified within the Comprehensive Plan and the proposed C-1 zone district. Ute Water and City sanitary sewer are presently available within 24 Road. Property is also currently being served by Xcel Energy electric and natural gas. A short distance away to the south is Community Hospital located on G Road. Further to the south on 24 Road is the Mesa Mall area which includes restaurants, retail and service centers, banks and a grocery store, etc.

In general, staff has found public and community facilities are adequate to serve the type and scope of the C-1 zone district proposed. As such, staff finds this criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

Presently on the east side of 24 Road, north of I-70 and south of H Road is an area of approximately 38 acres zoned C-1 Commercial. Of this proximate acreage, 34 acres are vacant. To the west along what would be 24 ¼ Road there exists another approximate 26 acres of undeveloped C-1 zoned property. Staff has been unable to identify that there is an inadequate supply of suitably designated land available either in the community or the immediate surrounding area. Presently the C-1 zone district comprises the largest amount of commercially designated zoned land within the City limits (1,167-acres) and is primarily located, as planned, around the City's major transportation corridors including Patterson Road (Mesa Mall area), State Highway 6 & 50, State Highway 50, I-70 Business Loop, Horizon Drive, and along North Avenue. Staff finds that the criterion has not been met.

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

The community and area may benefit from this proposed rezoning for a small portion of the property – consistent with the adopted Comprehensive Plan's Village Center designation - which would allow for a small portion of the property to develop as a mixed use center thus meeting the intent of the Comprehensive Plan Future Land Use Map for this area. However, as proposed the requested C-1 Zoning for the entire 17.84-acres, would not ensure any (or a portion) of the site be developed for residential purposes, which is not be in conformance with the Comprehensive Plan's vision.

The criteria provides that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan. The rezoning request to C-1, absent an approved Comprehensive Plan Amendment is not consistent with the adopted Future Land Use Map. In addition, as currently requested by the applicant is not consistent with the following goals and policies of the Comprehensive Plan. Specifically, the request significantly alters the plan's approach to providing housing and a variety of housing types in this area.

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

Policy A: City and County land use decisions will be consistent with the Future Land Use Map.

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

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.

Further, there is no specific development such as an Outline Development Plan being reviewed concurrently that would provide for demonstrable public benefit.

Staff has been unable to identify tangible public benefits to the community in general or the area specifically, therefore, Staff does not find this criterion has been met.

STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Mallard Comprehensive Plan Amendment & Rezone requests, for a Comprehensive Plan Amendment from Residential High Mixed Use (16 – 24 du/ac) and Residential Medium (4 – 8 du/ac) to Village Center Mixed Use and a rezone from R-E (Residential – Estate) to C-1 (Light Commercial) for the property located at 785 24 Road, the following findings of facts have been made:

On the request for an amendment to the Comprehensive Plan, the following findings of fact have been made:

1. The request has met one or more of the criteria in Section 21.02.130(c)(1) of the Zoning and Development Code.
2. The request is not consistent with the vision, goals and policies of the Comprehensive Plan.

On the request for rezoning, the following findings of fact have been made:

1. The request has met one or more of the criteria in Section 21.02.140 of the Zoning and Development Code.
2. The request is not consistent with the vision (intent), goals and policies of the Comprehensive Plan.

SUGGESTED MOTION:

Madam Chairman, on the Comprehensive Plan Amendment from Residential High Mixed Use (16 – 24 du/ac) and Residential Medium (4 – 8 du/ac) to Village Center and a rezone from R-E (Residential – Estate) to C-1 (Light Commercial), City file numbers RZN-2020-100 & CPA-2020-10, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report as presented by the applicant.

Attachments

1. Site Location, Aerial, Future Land Use & Zoning Maps, etc
2. Development Application Dated February 2, 2020
3. Combined CPA and Zoning Draft Ordinance

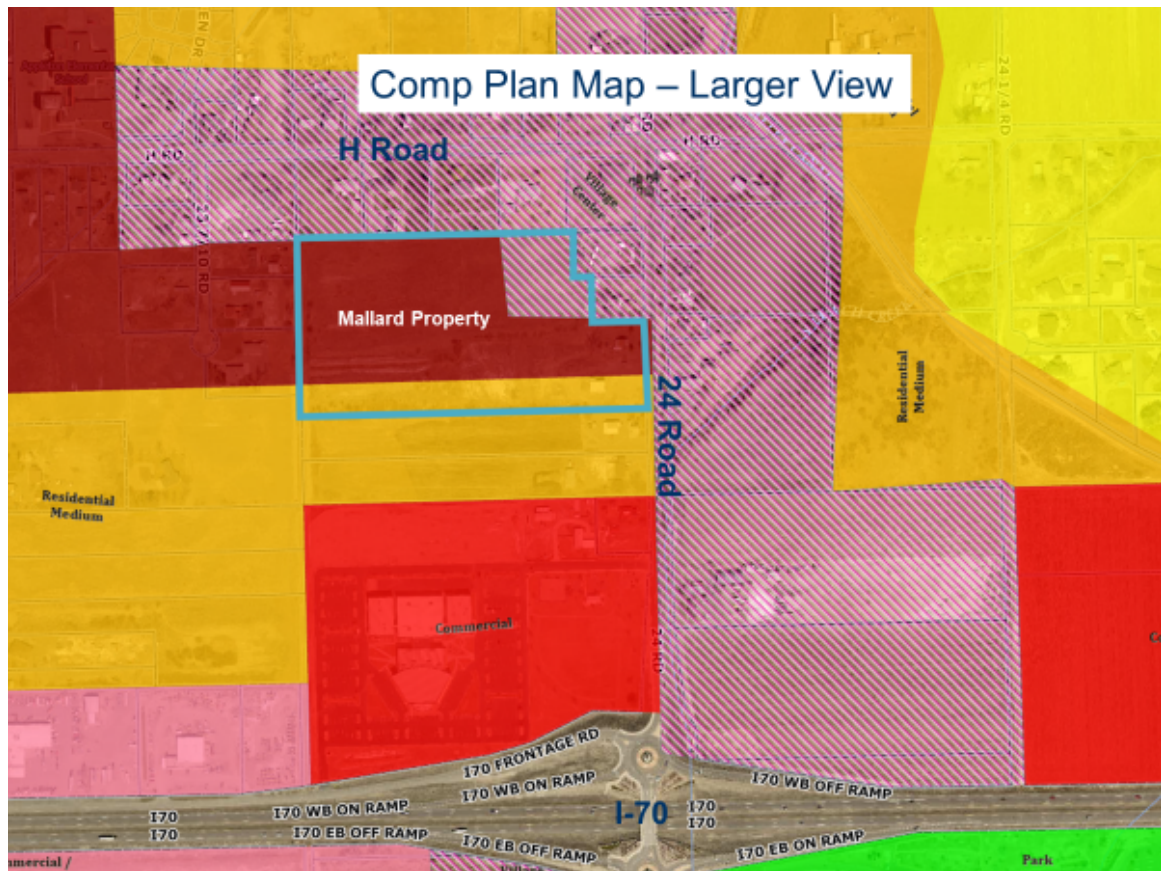


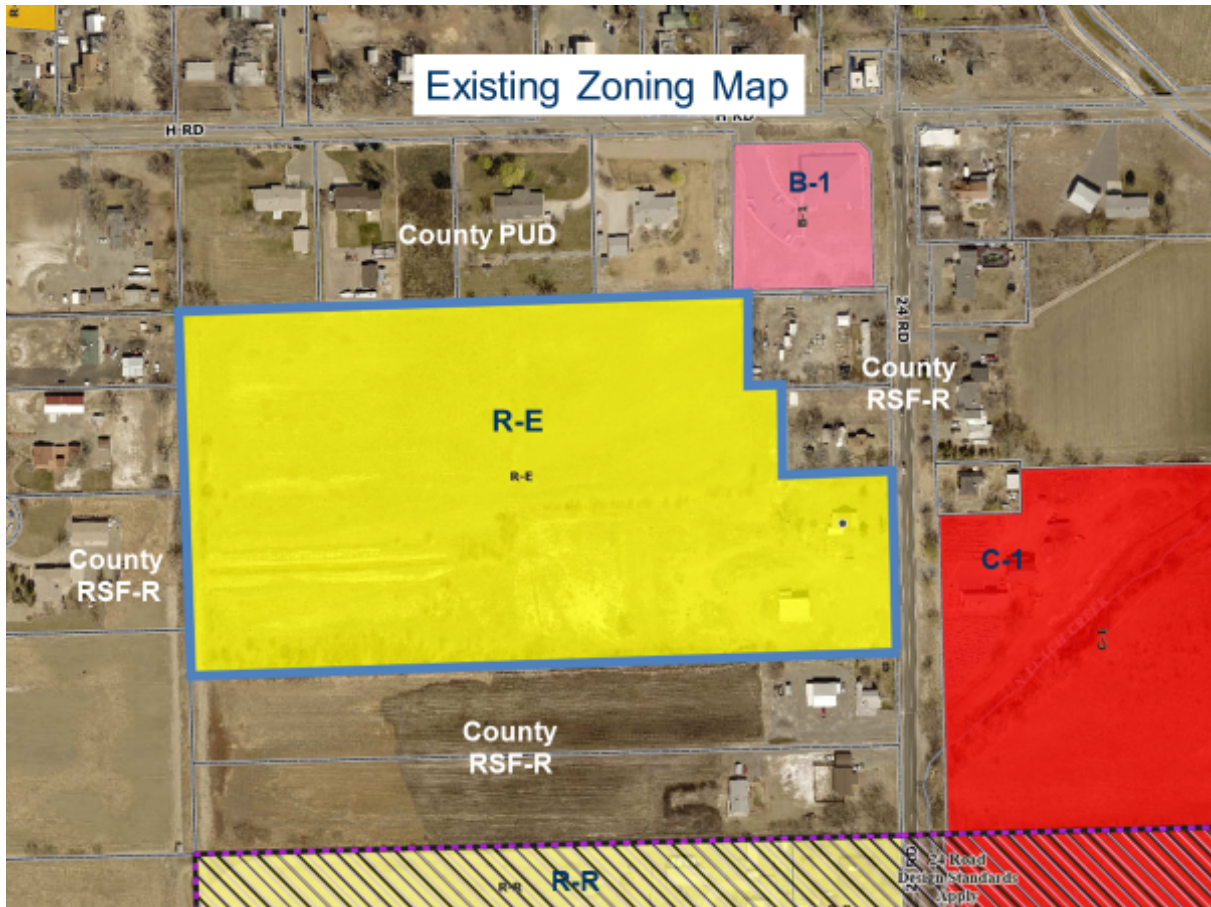


Comprehensive Plan Future Land Use Map



Comp Plan Map – Larger View







Google Maps Street view of property from 24 Road, looking northwest – July 2019

Development Application

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

Petition For:

Please fill in blanks below only for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation

Existing Zoning

Proposed Land Use Designation

Proposed Zoning

Property Information

Site Location:

Site Acreage:

Site Tax No(s):

Site Zoning:

Project Description:

Property Owner Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Applicant Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Representative Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

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

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

Signature of Person Completing the Application

Digitally signed by Jennifer Christensen
Date: 2020.02.03 11:30:48 -07'00'

Date

Signature of Legal Property Owner

Date

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) Mallard View, LLC ("Entity") is the owner of the following property:

(b) 785 24 Road, Grand Junction, CO 81505

A copy of the deed(s) evidencing the owner's interest in the property is attached. Any documents conveying any interest in the property to someone else by the owner are also attached.

I am the (c) Manager for the Entity. I have the legal authority to bind the Entity regarding obligations and this property. I have attached the most recent recorded Statement of Authority of the Entity.

☒ My legal authority to bind the Entity both financially and concerning this property is unlimited.

☐ My legal authority to bind the Entity financially and/or concerning this property is limited as follows:

☒ The Entity is the sole owner of the property.

☐ The Entity owns the property with other(s). The other owners of the property are:

On behalf of Entity, I have reviewed the application for the (d) Rezone

I have the following knowledge or evidence of a possible boundary conflict affecting the property:

(e) N/A

I understand the continuing duty of the Entity to inform the City planner of any changes regarding my authority to bind the Entity and/or regarding ownership, easement, right-of-way, encroachment, lienholder and any other interest in the land.

I swear under penalty of perjury that the information in this Ownership Statement is true, complete and correct.

Signature of Entity representative: _____

Printed name of person signing: _____

John Davis

State of Colorado)

County of Mesa) ss.

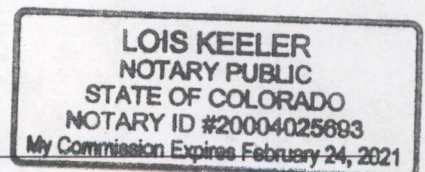
Subscribed and sworn to before me on this 11 day of February, 2020

by John Davis

Witness my hand and seal.

My Notary Commission expires on 2.24.21

Lois Keeler
Notary Public Signature



Instructions

An ownership statement must be provided for each and every owner of the property.

- (a) Insert complete name of owner as it appears on deed by which it took title. If true name differs from that on the deed, please provide explanation by separate document
- (b) Insert legally sufficient description of land for which application has been made to the City for development. Include the Reception number or Book and Page for recorded information. Assessor's records and tax parcel numbers are not legally sufficient description. Attach additional sheet(s) as necessary, and reference attachment(s) here. If the legal description or boundaries do not match those on the plat, provide an explanation.
- (c) Insert title/capacity within the Entity of person who is signing.
- (d) Insert the type of development application request that has been made. Include all pending applications affecting the property.
- (e) Insert name of all other owners, if applicable.
- (f) Insert the type of development application request(s) that has/have been made. Include all pending development applications affecting the property.
- (g) Explain the conflict and/or possible conflict and describe the information and/or evidence available concerning the conflict and/or possible conflict. Attach copies of written evidence.

WARRANTY DEED

Grantor(s):
Steve V. Arbogast

whose address is , ,

*County of

, and State of

SEVEN HUNDRED NINETY NINE THOUSAND NINE HUNDRED AND NO/100-
-----dollars, in hand paid, hereby sell(s)

and convey(s) to:

Mallard View, LLC

whose address is P.O. Box 2867, Grand Junction, Colorado 81505

*County of Mesa

, and State of

Colorado

, the following real

property, in the

*County of

Mesa

, and State of Colorado, to wit:

TAX SCHEDULE NUMBER: 2701-321-00-027

A parcel of land situate in the Northeast Quarter of the Northeast Quarter of Section 32, Township 1 North, Range 1 West of the Ute Meridian, Mesa County, Colorado, as described in Book 2990 at Page 652 of the records of said Mesa County, being more particularly described as follows:

The North Half of the South Half of the Northeast Quarter of the Northeast Quarter and the South Half of the North Half of the Northeast Quarter of the Northeast Quarter of said Section 32;

EXCEPT:

Commencing at the Northeast Corner of said Section 32, being a found Mesa County survey marker, the basis of bearing being S00°02'59"W to the North 1/16 corner of said Section 32, being another found Mesa County survey marker;

thence S00°02'59"W a distance of 330.22 feet to the Point of Beginning;

thence S00°02'59"W a distance of 330.22 feet;

thence N89°58'07"W a distance of 222.75 feet;

thence N00°02'59"E a distance of 160.21 feet;

thence N89°58'17"W a distance of 61.00 feet;

thence N00°02'29"E a distance of 170.00 feet;

thence S89°58'17"E a distance of 283.75 feet to the Point of Beginning.

also known by the street and number as 785 24 Road, Grand Junction, Colorado 81505

with all its appurtenances, and warrant(s) the title to the same, subject to:

general taxes for the year and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Section 8a (Title Review) of the Contract to Buy & Sell Real

Estate relating to the above described property; distribution utility easements (including cable TV); those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were

accepted by Grantee(s) in accordance with Section 8b (Matters Not Shown by the Public Records) and Section 8c (Survey Review) of the Contract to Buy & Sell Real Estate relating to the above described real property; inclusion of the Property

within any special tax district; and, the benefit and burdens of any declaration and party wall agreements, if any.

Signed this 26 th day of May , 2006

Steve V. Arbogast

Steve V. Arbogast

STATE OF COLORADO

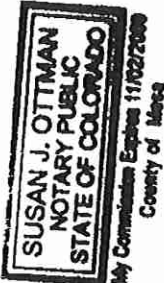
*County of MESA

} ss.

The foregoing instrument was acknowledged before me this 26 th day of May 2006

BY: Steve V. Arbogast

My Commission expires



Witness my hand and official seal.

[Signature]
Notary Public

*If in Denver, insert "City and"

Legal Description

785 24 Road
Grand Junction, CO 81505

TP#: 2701-321-00-027

N2S2NE4NE4 + S2N2NE4NE4 SEC 32 1N 1W EXC BEG 322.5FT S OF NE COR SEC 32 W 258.75FT S 170FT E
36FT S 160FT E 222.75FT N TO BEG

**Project Report
for
Mallard Rezone Request**

Date: February 17, 2020

Prepared by: Robert W. Jones II, P.E.
Vortex Engineering and Architecture, Inc.
861 Rood Avenue
Grand Junction, CO 81501
(970) 245-9051
VEI# F10-050

Submitted to: City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501

Type of Design: Rezone Request

Property Owner: Mallard View, LLC
637 25 Road
Grand Junction, CO 81505

Property Address: 785 24 Road
Grand Junction, CO 81505

Tax Parcel No: 2701-321-00-027

1. Project Intent

This application is made to request a rezone from RE (Residential Estate) zone district to the C1 (Light Commercial) zone district which supports the Comprehensive Plan's goal for development of a Village Center in the Appleton Neighborhood area of the community. The owner's intent is to prepare the subject property for future development that will be consistent with development as envisioned by the Comprehensive Plan.

2. Project Description

The subject property is located at 785 24 Road and is approximately 17.84 acres. The property is located in an area of the City that has seen recent annexations and development of properties with residential and non-residential development. As the City moves forward with their efforts to update the existing Comprehensive Plan, the Appleton Neighborhood has been identified as an area likely to see increased interest in development. The applicant would like to prepare the subject property for future development that is consistent with the type of development envisioned by the Comprehensive Plan as a Village Center.

The property is ideally located to provide development that will support the Village Center with uses as allowed by the C1, Light Commercial zone district. Such uses include medical clinics, hotels, office buildings, health club and a variety of retail sales and services, as well as indoor and outdoor recreational and entertainment uses.

The current zoning of the subject property is Residential Estate which is not consistent with the Village Center envisioned by the Comprehensive Plan. The property must be rezoned to enable development to occur in accordance with the Comprehensive Plan.



Legal Description

The legal description of this site is:

N2S2NE4NE4 + S2N2NE4NE4 SEC 32 1N 1W EXC BEG 322.5FT S OF NE COR SEC 32 W 258.75FT S 170FT E 36FT S 160FT E 222.75FT N TO BEG

3. Neighborhood Meeting

A Neighborhood Meeting was held on Tuesday, February 4, 2020, from 5:30 to 6:30 pm at the Canyon View Vineyard Church, located at 736 24 ½ Road, Grand Junction. The owner's representative provided an overview of the rezone request and answered questions from area residents. Scott Peterson, Senior Planner with the City of Grand Junction Community Development Department, also attended the meeting to answer questions about the review and approval process.

The meeting was well attended by approximately eighteen citizens, although not all citizens signed the attendance sheet. A list of all those attending the meeting has been included with this application, as well as the primary issues of concern that were discussed during the meeting. Most comments raised during the meeting concerned what the proposed use will be, the maximum height and possible uses allowed in the C1 district, truck traffic on 24 Road and availability of utilities such as sewer and water.

Public notice for this application will be provided in accordance with Sec. 21.02.080(g) of the Grand Junction Municipal Code, including posting the subject property on the public right-of-way.

4. Comprehensive Plan

The Comprehensive Plan's Future Land Use Map shows the subject property with three different land use classifications: Village Center Mixed Use (VCMU, 7 du/ac), Residential High Mixed Use (RMH, 16-24 du/ac) and Residential Medium (RM, 4-8 du/ac).

Because land use classifications do not always follow property lines, it's not unusual for a single parcel of land to have more than one land use classification. When a parcel has more than one land use classification, it allows greater flexibility for the specific zoning of the property and the future development.

The applicant is requesting a rezone from the existing Residential Estate (RE, 1 du/ac) zone district to the C1 (Light Commercial) zone district based on Grand Junction Municipal Code (GJMC) Section 21.02.130(d)(1)(v), which states that where the City of Grand Junction has sole jurisdiction, the Director has the authority to "Allow the processing of a rezone application or request without a plan amendment when the proposed zoning is inconsistent with the Comprehensive Plan and the property is adjacent to the land use designation that would support the requested zone district."

Due to the different land use classifications assigned to the subject property, Section 21.02.130(d)(1)(v) is applicable to this rezone request.

The proposed rezone meets a number of the goals and policies of the Comprehensive Plan:

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

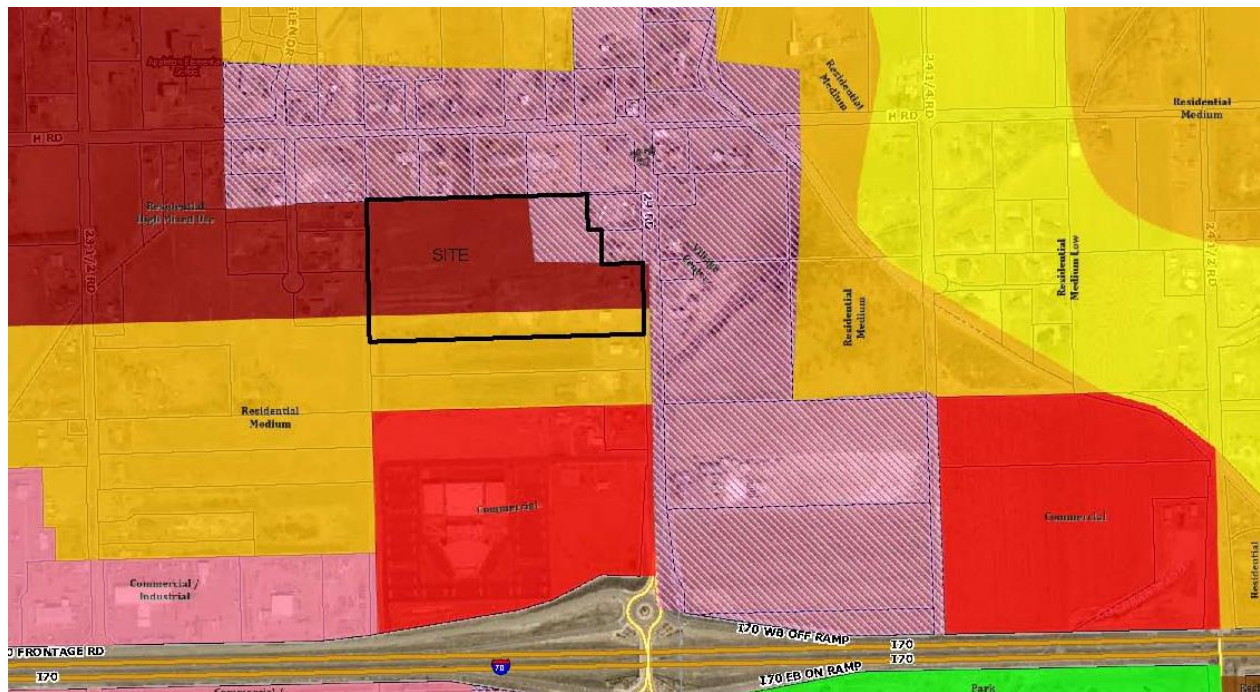
Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Goal 3, Policy A: To create large and small “centers” throughout the community that provide services and commercial areas.

In addition to the goals and policies, the proposed development also meets the following Guiding Principles of the Comprehensive Plan:

Guiding Principle 1: Concentrated Centers – The Plan calls for three types of centers: The City Center, Village Centers and Neighborhood Centers. The Plan establishes “Mixed Use Opportunity Corridors” along some major corridors.

Guiding Principle 2: Sustainable Growth Patterns – Fiscal sustainability where we grow efficiently and cost-effectively. Encourage infill and redevelopment and discourage growth patterns that cause disproportionate increases in cost of services.



5. Zoning and Surrounding Areas

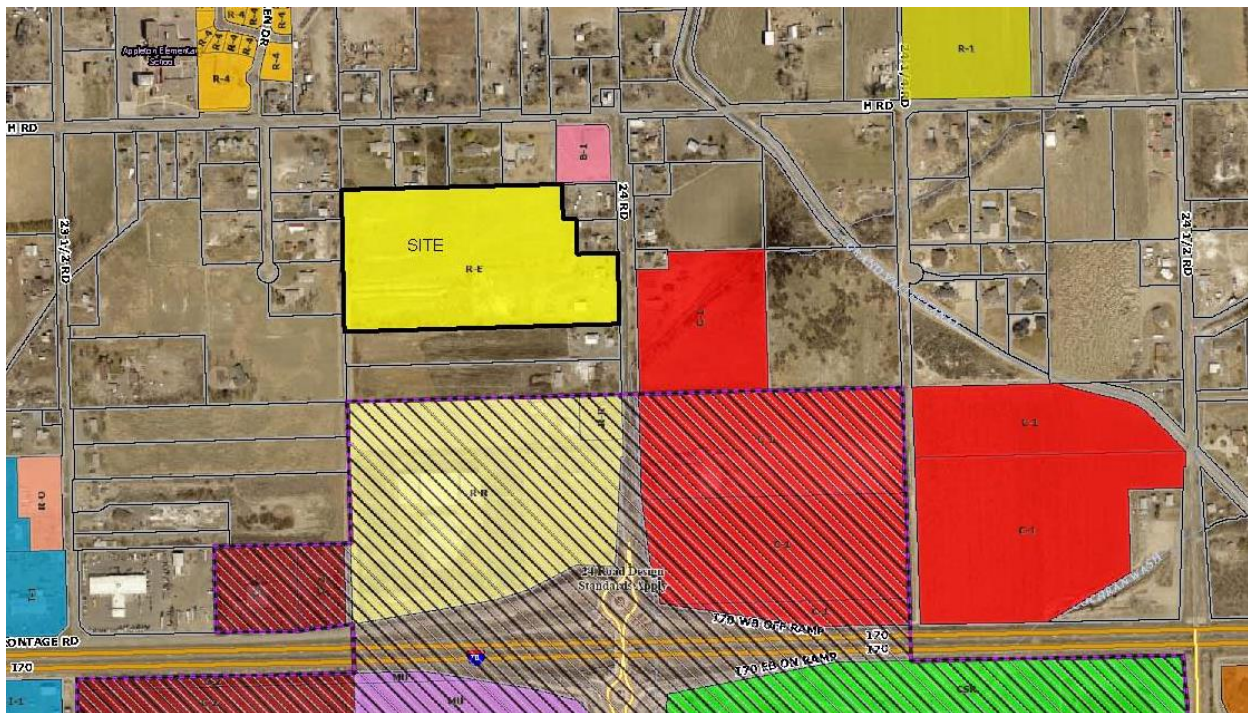
The applicant is requesting a rezone from the existing Residential Estate (RE, 1 du/ac) zone district to the C1 (Light Commercial) zone district to better prepare the subject property for future development.

The Residential Estate zone district does not implement any of the assigned land use classifications of the Comprehensive Plan and is therefore not consistent with the Plan. The C1 (Light Commercial) zone district implements the Village Center Mixed Use land use classification and would therefore be consistent with the Plan in addition to meeting a number of the goals and policies of the Plan. In addition, there are six parcels located on the east side of 24 Road that are currently zoned C1 which support the Comprehensive Plan and future development as anticipated by the Village Center land use classification.

Surrounding area zoning and land uses include:

- North – Mesa County Planned Unit Development (PUD) with single family land uses
- South – Mesa County RSF-R with single family and agricultural land uses
- West – Mesa County RSF-R with single family land uses
- East – Mesa County RSF-R with single family land uses

The subject property is not located within any Neighborhood Area plans; the Appleton Area plan was sunset with adoption of the 2010 Grand Junction Comprehensive Plan and the 24 Road Corridor Plan does not extend north to include this property.



6. Utility Providers

All required and necessary utilities shall be provided concurrent with development of the subject property. Utility providers for the development have the capacity and willingness to serve the development. Public facilities such as medical, schools, parks and public safety are available to serve development on this site.

Utility providers for the site are as follows:

Sewer: City of Grand Junction/Persigo Wastewater Treatment Plant

Water: Ute Water Conservation District

Gas/Electric: Xcel Energy and Grand Valley Power

Drainage: Grand Valley Drainage District

Irrigation: Grand Valley Irrigation Company

All utilities shall be constructed to the design specifications and standards of the utility providers.

7. Drainage

The subject property has a gentle slope from east to west with an elevation of 4590 feet sloping to 4576 on the western side of the site. Stormwater and water quality for the site will be addressed at the time of actual development. It is anticipated that drainage will be detained onsite and discharged to an appropriate facility off-site at the time of development.

8. Wetlands and Floodplain

The subject property is located in Zone X – outside the 0.2% annual chance floodplain on FEMA Panel #0801G. There are no wetlands on the subject property that are identified on the City and Mesa County’s GIS website maps.



9. Approval Criteria

Section 21.02.140(a), Approval Criteria, states that “In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if”:

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

Response: When the 2010 Plan was adopted, the City proactively rezoned several parcels to eliminate any discrepancies between the zoning and the land use classifications of the new Comprehensive Plan. The subject property was not rezoned at that time and the current zoning does not support the Comprehensive Plan.

Because the existing Residential Estate zoning does not implement any of the assigned land use classifications of the Comprehensive Plan, the current zoning is not consistent with the Comprehensive Plan. The C1 (Light Commercial) zone district implements the Village Center Mixed Use land use classification and would therefore be consistent with the Plan in addition to meeting a number of the goals and policies of the Plan.

This criterion is not applicable because the 2010 Grand Junction Comprehensive Plan anticipated higher density and more intensive use than the current zoning reflects. The City did not change the zoning after adoption of the 2010 Plan to reflect the goals and policies of the new Plan for the subject property. The current zoning is likely consistent with the Growth Plan which preceded the 2010 Comprehensive Plan.

(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 with the Proietti Annexation (2014), Taurus Park Plaza Annexation (2018), South Twenty Annexation (2019) and the Maverick Estates Annexation (2019) as well as the recently developed Apple Glen Subdivision (2018), a new subdivision under review for 73 lots located at 2335 H Road and the Phase II expansion of the Beehive Homes Assisted Living facility.

The requested rezone is consistent with the recent trend of developing properties in the Appleton Neighborhood area and is consistent with the 2010 Comprehensive Plan.

This criterion has been MET.

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

Response: Public and community facilities providing services in medical, education, recreational, retail, sales and personal services are available within 2 miles of the subject property. All utilities have the willingness and capacity to serve the site when it develops.

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: Although there are six parcels located east of the subject property that are currently zoned C1, the total acreage of the six parcels is not sufficient to support development of the Village Center as envisioned by the Comprehensive Plan. There is a wide variety of uses that combine to make up a Village Center and the applicant would like to rezone the subject property to prepare the site for future development that will support the Village Center.

This criterion has been MET.

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

Response: Future development of the subject property will provide jobs during the construction phase of development and services with new businesses to the area. Development of the site will also encourage infill development in the Appleton Neighborhood area, resulting in more compact development and less urban sprawl. The provision of services and potential employment within the Village Center will provide benefit to the local community and overall City.

This criterion has been MET.

10. Development Schedule

There is no schedule for the future development of the subject property at this time. A development schedule will be provided with any future land use application when requesting approval for development.

11. Conclusion

After demonstrating how the proposed rezone request meets the goals and policies of the Comprehensive Plan and the approval criteria from Section 21.02.140(a) of the Grand Junction Municipal Code, the applicant respectfully requests approval of the request to rezone from Residential Estate zone district to the C1, Light Commercial, zone district.

12. Limitations/Restrictions

This report is a site-specific report and is applicable only for the client for whom our work was performed. The review and use of this report by City of Grand Junction, affiliates, and review agencies is fully permitted and requires no other form of authorization. Use of this report under

other circumstances is not an appropriate application of this document. This report is a product of Vortex Engineering, Inc. and is to be taken in its entirety. Excerpts from this report when taken out of context may not convey the true intent of the report. It is the owner's and owner's agent's responsibility to read this report and become familiar with recommendations and findings contained herein. Should any discrepancies be found, they must be reported to the preparing engineer within 5 days.

The recommendations and findings outlined in this report are based on: 1) The site visit and discussion with the owner, 2) the site conditions disclosed at the specific time of the site investigation of reference, 3) various conversations with planners and utility companies, and 4) a general review of the zoning and transportation manuals. Vortex Engineering, Inc. assumes no liability for the accuracy or completeness of information furnished by the client or municipality/agency personnel. Site conditions are subject to external environmental effects and may change over time. Use of this report under different site conditions is inappropriate. If it becomes apparent that current site conditions vary from those reported, the design engineering should be contacted to develop any required report modifications. Vortex Engineering, Inc. is not responsible and accepts no liability for any variation of assumed information.

Vortex Engineering, Inc. represents this report has been prepared within the limits prescribed by the owner and in accordance with the current accepted practice of the civil engineering profession in the area. No warranty or representation either expressed or implied is included or intended in this report or in any of our contracts.

February 10, 2020

City of Grand Junction
Community Development Department
Attn: Scott Peterson, Senior Planner
250 N. 5th Street
Grand Junction, CO 81501

RE: Mallard Rezone Neighborhood Meeting
Date: Tuesday, February 4, 2020
Time: 5:30 – 6:30 PM
Location: Canyon View Vineyard Church

Dear Mr. Peterson:

On Tuesday, February 4, 2020, a Neighborhood Meeting was held from 5:30 – 6:30 pm at the Canyon View Vineyard Church for the proposed Mallard Rezone. An overview of the proposed rezone request from the RE, Residential Estate zone, to the C1, Light Commercial zone was presented by Lisa Cox of Vortex Engineering, Inc., followed by questions from the neighborhood residents.

The meeting was well attended with approximately eighteen citizens, Scott Peterson from the City of Grand Junction, and Lisa Cox, Robert Jones and Jennifer Christensen from Vortex Engineering, Inc. Comments, questions and concerns were voiced during the meeting.

Lisa Cox, with Vortex Engineering, Inc., provided an overview of the requested rezone from RE, Residential Estate, to the C1, Light Commercial zone district, as well as a list of allowed uses in the C1 zone. Ms. Cox stated that the C1 zone district supports the Comprehensive Plan's goal of creating a Village Center in the Appleton area of 24 Road and H Road. The current zoning of property in the Appleton area was also reviewed, including the six parcels to the east that are currently zoned C1.

Ms. Cox stated that the current zoning does not implement the Future Land Use Map of the Comprehensive Plan and that the property will have to be rezoned to be developed. Ms. Cox reviewed the other possible zone districts that implement the City's Future Land Use Map for the property that support the Village Center concept.

The following is a synopsis of the questions posed by the neighborhood residents:

- What was the maximum height allowed in the C1 zone district?
- What was going to be developed on the property?
- Does C1 support warehousing like FedEx and UPS?
- Will citizens get a handout from the City of allowed uses in the C1?

- Where are utilities coming from?
- Why isn't the church zoned C1?

Ms. Cox reviewed the ways that citizens will receive notice of the application when it has been received by the City and that the application will be processed with two public hearings through the Planning Commission and City Council. There would be multiple opportunities for public input during the review process.

At 6:25 p.m. Lisa Cox thanked those who attended the neighborhood meeting and shared their concerns. The meeting was then closed.

Upon review of the meeting notes, please do not hesitate to contact me by phone at 970-245-9051 or by email at rjones@vortexeng.us should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert W. Jones II".

Robert W. Jones II, P.E.
Vortex Engineering & Architecture, Inc.

Cc: File

**Mallard Rezone
Neighborhood Meeting Sign-In Sheet
Tuesday, February 4, 2020**

	Full Name (Printed)	Address	City	Zip
1	Jennifer Christensen	861 Road Ave.	GJ	81501
2	LISA Cox	861 Road Ave.	GJ	81501
3	Alan Smith	782-23 1/2 Rd	GJ	81505
4	Dick Pennington	780-23 1/2 Rd	GJ	81505
5	Wendell Gates	2395 H Road	GJ	81505
6	Sarah Abraham	2387 H Road	GJ	81505
7	James Abraham	"	"	"
8	Kimberly V Cloud	2391 H Rd	GJ	81505
9	Allen Etcheverry	777 24 Rd	GJ	81505
10	Shellie Etcheverry	779 24 Rd	GJ	81505
11	Scott Peterson	CITY PLANNING		81501
12	Scott Love	786 24 Rd	GO	81505
13	Ron Gray	2364 H Rd	GJ	81505
14	Barbara Justice + Scott Ryden	792 23 1/2 Rd	GJ	81505
15	Robert W. Jones, II	861 Road Avenue	GJ	81501
16				

Scott Peterson

From: Sarah Abraham <dpgraves785@gmail.com>
Sent: Wednesday, February 5, 2020 1:02 PM
To: Scott Peterson
Subject: Mallard View Rezone

**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****

We oppose the rezone to C-1 for the Mallard View property at 785 24 Road for the following reasons:

- 1) The apparent unwillingness of the developer to share even tentative plans for the property.
- 2) Traffic Issues: The C-1 designation states, " . . . development on sites that provide *excellent transportation access*." 24 Road and H Road in that area are essentially 2-lane country roads. There is always a back-up at the intersection before and after school hours at Appleton School. There have been a number of minor accidents on H Road in the afternoon when parents are trying to get their children home.
- 3) Loss of Birds and other Wildlife: We have had as many as 16 different species of birds in our yard at various times. If trees are removed and the pasture is turned into streets, sidewalks and buildings, their habitat is lost.
- 4) Light Pollution: If there are stores and offices, there will also be streets and street lights. Depending on what types of businesses are chosen for the property, there might be lights (and noise) well into the night or even all night.

Additionally, we believe that the developer should be willing to work with us, the adjacent property owners, to help in maintaining our current property values, such as a buffer zone between the properties that would be beneficial to us both. If this happens, we would consider withdrawing our opposition.

Thank you for your consideration.

Sincerely,

James H. Abraham
Sarah S. Abraham
2387 H Road
Grand Junction, CO 81505

City of Grand Junction Review Comments

Date: March 17, 2020

Comment Round No. 1

Page No. 1 of 4

RZN-2020-100

Project Name: Mallard Rezone & Comp Plan Amendment

File No: CPA-2020-101

Project Location: 785 24 Road

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

Property Owner(s): Mallard View LLC – Attn: John Davis

Mailing Address: 637 25 Road, Grand Junction, CO 81505

☒ **Email:** jdavis@bluestarindustries.com **Telephone:** (970) 640-4320

☐ **Date Picked Up:** _____ **Signature:** _____

Representative(s): Vortex Engineering Inc. – Attn: Robert Jones II

Mailing Address: 861 Rood Avenue, Grand Junction, CO 81501

☒ **Email:** rjones@vortexeng.us **Telephone:** (970) 245-9051

☐ **Date Picked Up:** _____ **Signature:** _____

Developer(s):

Mailing Address:

Email:

Telephone:

☐ **Date Picked Up:** _____ **Signature:** _____

CITY CONTACTS

Project Manager: Scott D. Peterson, Senior Planner

Email: scottp@gjcity.org **Telephone:** (970) 244-1447

Dev. Engineer: Jarrod Whelan

Email: jarrodw@gjcity.org **Telephone:** (970) 244-1443

City of Grand Junction REQUIREMENTS

(with appropriate Code citations)

CITY PLANNING

1. Application is to request a Rezone from R-E (Residential Estate) to C-1 (Light Commercial) along with a Comprehensive Plan Future Land Use Map Amendment from Residential High Mixed Use (16 - 24 du/ac) and Residential Medium (4 - 8 du/ac) to Village Center, in anticipation of future commercial development. Existing property is 17.84 +/- acres in size. The proposed C-1 (Light Commercial) Zone District is an applicable zone district within the Village Center category.

Applicant's Response:

Document Reference:

2. Public Correspondence Received:

As of this date, City Project Manager has received one (1) email concerning the proposed application from Sarah Abraham which has been previously forwarded to the applicant's representative. This email was not in favor of the proposed request. If any future correspondence is received, City Project Manager will forward to the applicant and representative for their information and file.

Applicant's Response:

Document Reference:

3. Proposed Zoning Designation:

Has the applicant given thought to request the C-1 or other applicable zone districts such as R-O (Residential -Office) or B-1 (Neighborhood Business) that would also be compatible within the Village Center designation for the eastern quarter of the property adjacent to 24 Road and rezone the remainder of the property either R-8 (Residential – 8 du/ac) or R-12 (Residential – 12 du/ac), which would be in conformance with the other Future Land Use Map category of Residential Medium as identified on the property? Currently there is no C-1 zone district located west of 24 Road, north of I-70. By splitting the property into two (2) zone districts, it would be more in keeping with the current three (3) Future Land Use designations on the property and compatible with existing residential densities in the area. Please address or if applicant would like to discuss these and/or other options further.

Applicant's Response:

Document Reference:

4. Planning Commission and City Council Public Hearings:

Once proposed applications are ready to move forward, City Project Manager will schedule for the next available Planning Commission and City Council meetings. Due to the current Coronavirus outbreak, potential meeting dates could be sporadic over the coming months.

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

Applicant's Response:

Document Reference:

CITY DEVELOPMENT ENGINEER

No Exceptions Taken.

Applicant's Response:

Document Reference:

CITY FIRE DEPARTMENT – Matt Sewalson – mattse@gjcity.org (970) 549-5855

Grand Junction Fire Department's Fire Prevention Bureau has no comments.

Applicant's Response:

Document Reference:

CITY ADDRESSING – Pat Dunlap – patd@gjcity.org (970) 256-4030

No comments.

Applicant's Response:

Document Reference:

OUTSIDE REVIEW AGENCY COMMENTS

(Non-City Agencies)

Review Agency: Mesa County Building Department

Contact Name: Darrell Bay

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

MCBD has no objections to this project.

Applicant's Response:

Review Agency: Xcel Energy

Contact Name: Brenda Boes

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

Xcel has no objections to rezone this property.

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

Applicant's Response:

Review Agency: Ute Water Conservancy District

Contact Name: Jim Daugherty

Email / Telephone Number: jdaugherty@utewater.org (970) 242-7491

- No objection to rezone or to comprehensive plan amendment.
- ALL FEES AND POLICIES IN EFFECT AT TIME OF APPLICATION WILL APPLY.
- If you have any questions concerning any of this, please feel free to contact Ute Water.

Applicant's Response:

Review Agency: Grand Valley Drainage District

Contact Name: Tim Ryan

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

GVDD has no comment or objection.

Applicant's Response:

Review Agency: Grand Valley Power

Contact Name: Perry Rupp

Email / Telephone Number: prupp@gvp.org (970) 242-0040

1. The project is not in the Grand Valley Power (GVP) service area.

2. Thanks for the opportunity to review the project.

Applicant's Response:

REVIEW AGENCIES

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

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

1. Grand Valley Irrigation Company

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

1. Please follow-up with City Planning as necessary.

Date due: **June 17, 2020**

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

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

Applicant's Signature

Date

March 31, 2020

TO: City of Grand Junction – Planning Department
Attn: Scott Peterson, Senior Planner
250 North 5th Street
Grand Junction, CO 81501

FILE #: RZN-2020-100 & CPA-2020-101

RE: Mallard Rezone Request
Response to Comments – Round 1
785 24 Road
Grand Junction, CO 81505

VEAI #: F10-050

Dear Mr. Peterson,

Mallard View, LLC is requesting a rezone to the C-1, Light Commercial, zone district for property located at the above-referenced address in the City of Grand Junction. The following information is provided in response to Round 1 Review Comments dated March 17, 2020, from various City Departments and outside agencies.

CITY PLANNING

Comments:

1. Application is to request a Rezone from R-E (Residential Estate) to C-1 (Light Commercial) along with a Comprehensive Plan Future Land Use Map Amendment from Residential High Mixed Use (16 - 24 du/ac) and Residential Medium (4 - 8 du/ac) to Village Center, in anticipation of future commercial development. Existing property is 17.84 +/- acres in size. The proposed C-1 (Light Commercial) Zone District is an applicable zone district within the Village Center category.

Response: Comment acknowledged.

2. Public Correspondence Received:

As of this date, City Project Manager has received one (1) email concerning the proposed application from Sarah Abraham which has been previously forwarded to the applicant's representative. This email was not in favor of the proposed request. If any future correspondence is received, City Project Manager will forward to the applicant and representative for their information and file.

Response: Comment from citizen received and acknowledged.

3. Proposed Zoning Designation:

Has the applicant given thought to request the C-1 or other applicable zone districts such as R-O (Residential -Office) or B-1 (Neighborhood Business) that would also be compatible within the Village Center designation for the eastern quarter of the property adjacent to 24 Road and rezone the remainder of the property either R-8 (Residential – 8 du/ac) or R-12 (Residential – 12 du/ac), which would be in conformance with the other Future Land Use Map category of Residential Medium as identified on the property? Currently there is no C-1 zone district located west of 24 Road, north of I-70. By splitting the property into two (2) zone districts, it would be more in keeping with the current three (3) Future Land Use designations on the property and compatible with existing residential densities in the area. Please address or if applicant would like to discuss these and/or other options further.

Response: The applicant has given considerable thought to their request to rezone the subject property to C-1. In undertaking their due diligence for the property, the applicant has investigated

several development concepts for the site and made a final determination based on the goals and policies, as well as the Future Land Use Map of the Comprehensive Plan, that the City's goals and their (applicant's) development plans could best be achieved through the flexibility of the C-1 zone district.

The C-1 zone district is ideally suited to achieve a mix of land uses which include not only commercial but also higher residential density (the C-1 zone district allows 12-24 du/ac). The applicant has considered development concepts that are strictly residential as well as mixed land use concepts. Because the C-1 zone is classified as a mixed-use zone district by the City's Zoning Code, it allows a mix of uses that achieve the maximum flexibility with commercial and residential land uses.

There are a wide variety of uses that combine to make up a Village Center (one of the current land use classifications of the property) and the applicant would like to rezone the subject property to prepare the site for future development that will support the Village Center and to be able to take advantage of the close proximity to the I-70 interchange and the 24 Road corridor.

The applicant would like the flexibility of the C-1 zoning that allows commercial and residential development opportunities without the awkward situation of having split zoning for a single parcel of land. There are many different zoning requirements between commercial and residential zoning such as buffering, screening, landscaping and bulk standards. Split zoning would increase the complexity and possibly the cost of development. The applicant would like to have a single zone district for the property as you find for 99% of all parcels within the City.

4. Planning Commission and City Council Public Hearings:

Once proposed applications are ready to move forward, City Project Manager will schedule for the next available Planning Commission and City Council meetings. Due to the current Coronavirus outbreak, potential meeting dates could be sporadic over the coming months.

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

Response: Comment acknowledged. The applicant requests that this request be scheduled for the earliest available meeting dates for the Planning Commission and City Council.

CITY DEVELOPMENT ENGINEER

No Exceptions Taken.

Response: Comment acknowledged.

CITY FIRE DEPARTMENT – Matt Sewalson – mattse@gjcity.org (970) 256-4030

Grand Junction Fire Department's Fire Prevention Bureau has no comments.

Response: Comment acknowledged.

CITY ADDRESSING – Pat Dunlap – patd@gjcity.org (970) 256-4030

No Comments.

Response: Comment acknowledged.

**OUTSIDE REVIEW AGENCY COMMENTS
(Non-City Agencies)**

Mesa County Building Department

Contact Name: Darrell Bay

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

MCBD has no objections to this project.

Response: Comment acknowledged.

Xcel Energy

Contact Name: Brenda Boes

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

Xcel has no objections to rezone this property.

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

Response: Comment acknowledged.

Ute Water Conservancy District

Jim Daugherty

Email/Telephone Number: jdaugherty@utewater.org (970) 242-7491

- No objection to rezone or to comprehensive plan amendment.
- ALL FEES AND POLICIES IN EFFECT AT TIME OF APPLICATION WILL APPLY.
- If you have any questions concerning any of this, please feel free to contact Ute Water.

Response: Comment acknowledged.

Grand Valley Drainage District

Contact Name: Tim Ryan

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

GVDD has no comment or objection.

Applicant's Response:

Response: Comment acknowledged.

Grand Valley Power

Contact Name: Perry Rupp

Email / Telephone Number: prupp@gvp.org (970) 242-0040

1. The project is not in the Grand Valley Power (GVP) service area.
2. Thanks for the opportunity to review the project.

Response: Comment acknowledged.

REVIEW AGENCIES

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

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

1. Grand Valley Irrigation Company

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

1. Please follow-up with City Planning as necessary.

Date due: **June 17, 2020**

Vortex Engineering, Inc. looks forward to working successfully with the City of Grand Junction to successfully permit this project.

Upon your review of this information, should you have any questions or require additional information, please do not hesitate to contact me at 970-245-9051. Thank you.

Sincerely,
Vortex Engineering, Inc.



Robert W. Jones, II, P.E.

Cc: File

City of Grand Junction Review Comments

Date: April 27, 2020

Comment Round No. 2

Page No. **1 of 2**

RZN-2020-100

Project Name: Mallard Rezone & Comp Plan Amendment

File No: CPA-2020-101

Project Location: 785 24 Road

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

Property Owner(s): Mallard View LLC – Attn: John Davis

Mailing Address: 637 25 Road, Grand Junction, CO 81505

☒ Email: jdavis@bluestarindustries.com Telephone: (970) 640-4320

Date Picked Up: _____ Signature: _____

Representative(s): Vortex Engineering Inc. – Attn: Robert Jones II

Mailing Address: 861 Rood Avenue, Grand Junction, CO 81501

☒ Email: rjones@vortexeng.us Telephone: (970) 245-9051

Date Picked Up: _____ Signature: _____

Developer(s):

Mailing Address:

Email:

Telephone:

Date Picked Up: _____ Signature: _____

CITY CONTACTS

Project Manager: Scott D. Peterson, Senior Planner

Email: scottp@gjcity.org Telephone: (970) 244-1447

Dev. Engineer: Jarrod Whelan

Email: jarrodw@gjcity.org Telephone: (970) 244-1443

City of Grand Junction REQUIREMENTS (with appropriate Code citations)

CITY PLANNING

1. Planning Commission and City Council Public Hearings:

Planning Commission and City Council review and approval required for proposed Comprehensive Plan Future Land Use Map Amendment and Rezone requests. City Project Manager will **tentatively** schedule application(s) for the following public hearing schedule:

- a. Planning Commission review of applications: **May 12, 2020** (This may be a virtual public meeting – additional details to follow).
- b. City Council review of applications (1st Reading of Ordinance): **June 3, 2020** (Consent Agenda – setting upcoming Public Hearing date).
- c. City Council review of applications (2nd Reading of Ordinance – Public Hearing): **June 17, 2020** (Please plan on attending meeting in case the City Council has any questions).

However, due to the current Coronavirus outbreak, potential meeting dates could be sporadic, or agenda items moved to other meeting dates over the coming months. Additional details may follow. Both the Planning Commission and City Council meetings begin at 6:00 PM.

If applicant cannot make the above scheduled public hearing dates, please notify City Project Manager and we can reschedule for later meeting dates.

Code Reference: Sections 21.02.130 and 140 of the Zoning & Development Code.

Applicant's Response:

Document Reference:

2. City Staff Report:

FYI. Once Planning Commission City Staff Report is complete, City Project Manager will email Report to Applicant and Project Representative for their information and files. At this time, City Staff does not support the applicant's proposal and requested zone district of C-1 (Light Commercial) for entire 17.84-acres.

Applicant's Response:

Document Reference:

REVIEW AGENCIES

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

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

1. N/A.

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

1. **N/A. Applications will proceed to public hearing schedule as outlined within City Planning review comments.**

Date due: **N/A.**

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

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

Applicant's Signature

Date

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE
MAP OF THE CITY OF GRAND JUNCTION FROM RESIDENTIAL HIGH MIXED USE
(16-24 DU/ACRE) AND RESIDENTIAL MEDIUM (4-8 DU/ACRE) TO VILLAGE
CENTER AND REZONING FROM R-E (RESIDENTIAL ESTATE) ZONE DISTRICT TO
C-1 (LIGHT COMMERCIAL) ZONE DISTRICT**

LOCATED AT 785 24 ROAD

Recitals:

The property owner, Mallard View LLC, proposes an amendment to the Comprehensive Plan Future Land Use Map from Residential High Mixed Use (16 – 24 du/ac) and Residential Medium (4 – 8 du/ac) to Village Center and a rezone from R-E (Residential – Estate) to C-1 (Light Commercial) on a total of 17.84-acres, located at 785 24 Road.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of amending the Comprehensive Plan Future Land Use designation for the Property from Residential High Mixed Use (16 – 24 du/ac) and Residential Medium (4 – 8 du/ac) to Village Center and recommended subsequent approval of changing the zoning from R-E (Residential – Estate) to C-1 (Light Commercial) for the property, finding that it conforms to and is consistent with the Future Land Use Map designation of Village Center of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that amending the Comprehensive Plan Future Land Use Map from Residential High Mixed Use (16 – 24 du/ac) and Residential Medium (4 – 8 du/ac) to Village Center and rezoning from R-E (Residential – Estate) to C-1 (Light Commercial) for the property, is consistent with the vision, intent, goals and policies of the Comprehensive Plan and has met one or more criteria for a Comprehensive Plan amendment, the City Council also finds that the C-1 (Light Commercial) zone district, is consistent and is in conformance with the Comprehensive Plan and at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

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

The following property shall be re-designated as Village Center on the Future Land Use Map of the Comprehensive Plan and shall be zoned C-1 (Light Commercial):

A parcel of land situate in the Northeast Quarter of the Northeast Quarter of Section 32, Township 1 North, Range 1 West of the Ute Meridian, Mesa County, Colorado, as described in Book 2990 at Page 652 of the records of said Mesa County, being more particularly described as follows:

The North Half of the South Half of the Northeast Quarter of the Northeast Quarter and the South Half of the North Half of the Northeast Quarter of the Northeast Quarter of said Section 32;

EXCEPT:

Commencing at the Northeast Corner of said Section 32, being a found Mesa County survey marker, the basis of bearing being

S00 02'59"W to the North 1/16 corner of said Section 32, being another found Mesa County survey marker;

thence S0002'59"W a distance of 330.22 feet to the Point of Beginning;

thence S0002'59"W a distance of 330.22 feet;

thence N8958'07"W a distance of 222.75 feet;

thence N0002'59"E a distance of 160.21 feet;

thence N8958'17" a distance of 61.00 feet;

thence N0002'29"E a distance of 170.00 feet,

thence S89°58'17"E a distance of 283.75 feet to the Point of Beginning,

CONTAINING 777,237 Sq. Ft. or 17.84-Acres, more or less, as described hereon.

Introduced on first reading this ____ day of _____, 2020 and ordered published in pamphlet form.

Adopted on second reading this ____ day of _____, 2020 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Grand Junction Planning Commission

Regular Session

Item #4.

Meeting Date: May 12, 2020

Presented By: Kristen Ashbeck, Principal Planner/CDBG Admin

Department: Community Development

Submitted By: Kristen Ashbeck

Information

SUBJECT:

Consider a request by the City of Grand Junction to amend Title 21 of the Grand Junction Municipal Code regarding requirements for Neighborhood Meetings

RECOMMENDATION:

Staff recommends approval of the request.

EXECUTIVE SUMMARY:

Staff proposes to clarify requirements for a neighborhood meeting prior to a development application which is an ongoing planning process or of little consequence to neighboring properties but that remains useful in achieving the intended purpose of a neighborhood meeting.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The Zoning and Development Code requires an applicant to conduct a neighborhood meeting pertaining to a proposed development. A neighborhood meeting is required to occur no more than six months prior to the submittal of an application and is intended to help produce a better project through dialogue between the developer and neighboring property owners prior to the submittal of a development application. A neighborhood meeting is also intended to provide information about the project so that neighbors may gauge potential impacts and engage in a dialogue about mitigation of potential impacts. The Zoning and Development Code identifies the certain types of proposed development for which neighborhood meetings are required before an application is submitted, whether approved administratively or whether the item

requires final action by the Planning Commission and/or City Council. Section 21.02.070 addresses the requirement for administrative development permits and Section 21.02.080 addresses the requirement for permits that involve a public hearing/action by Planning Commission and/or City Council. The Planning Commission discussed this topic at its February 20, 2020 workshop and directed staff to proceed with the following proposed changes.

Neighborhood Meetings for Administrative Review Applications

Presently, for proposed development applications that are reviewed and approved administratively the code (21.02.070) provides that a neighborhood meeting be required prior to a submittal of an application for any subdivision except for simple subdivisions (creating only 1 new lot) and major site plan applications. The purpose of a neighborhood meeting makes sense when a project is proposed on vacant property, redevelops an existing site or adds more density or intensity of use to a neighborhood. In these instances it is staff's belief that it is both appropriate and essential to give neighbors the opportunity to learn about a project and to ask questions and provide comments prior to submittal of a land use application.

Staff also believes it does not make sense to hold a neighborhood meeting in instances where a neighborhood meeting was initially conducted for the overall proposed development such as a new subdivision but not when the already approved project is moving forward on implementing the approved plan through various stages of a project. A recent example is the Granite Falls Subdivision off South Camp Road. A neighborhood meeting was held prior to the submittal of the preliminary plan whereby neighbors attended and expressed comments regarding the project. The preliminary plan was then refined, submitted and ultimately approved by staff. The project has continued to be constructed consistent with its approved preliminary plan and is now moving forward with its third filing. As currently written, the Code would require that prior to the filing of each final plat, a neighborhood meeting would be held. However, the final plat is required to be consistent with the approved preliminary plan, so in effect, a neighborhood meeting is required but any new comments submitted would be unable to be utilized/incorporated if they were inconsistent with the approved preliminary plan; thereby creating an ineffective neighborhood meeting. To modify this section, staff is proposing to add language in Section 21.02.070(a)(2)(iv) that provides an exception for final plans for continuous phases/filings of a subdivision to not require a neighborhood meeting. The proposed exception to a neighborhood meeting in this instance is as follows:

(iii) Continuous phases and/or filings of an approved Preliminary Subdivision Plan

A second exception proposed to be added to the Neighborhood Meeting section is the exemption for a subdivision application to be required to hold a neighborhood meeting if the proposed subdivision was presented as part of a previous neighborhood meeting.

This instance frequently occurs when a property owner requests rezone of a property and, if approved, follows shortly thereafter with submittal of a subdivision application. It is required for a neighborhood meeting to be held prior to the submittal of a rezone application and it is commonplace for an applicant to also present and discuss the proposed future subdivision plans at the time of the neighborhood meeting. Requiring a second neighborhood meeting is generally perceived by staff as redundant so long as significant amount of time has not passed between the completion of a rezone and the filing of a subdivision application. The neighbors would continue to receive mailed notice that a subdivision application had been submitted for review. The proposed code modification is as follows:

(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.

The last exception for a Neighborhood Meeting is the need for clarification related to section 21.02.150(c) pertaining to a Final Development Plan for a Planned Development. Like the previous discussion about the preliminary and final plans, Outline Development Plan applications require a neighborhood meeting, but it is unclear for the final plan (that is equivalent to platting all or part of an ODP). The addition of the following section works to clarify this portion of the Code:

(v) An application for subdivision that is being filed as a Final Development Plan consistent with Section 21.02.150(c).

Neighborhood Meetings for Applications Requiring Public Hearing

In the case of development applications that require a public hearing/action by Planning Commission and/or City Council, Section 21.02.080 is presently silent on the specific types of applications for which a neighborhood meeting is required. The code simply lists neighborhood meetings as a requirement for all applications/permits requiring a public hearing. Similar to the discussion above, the requirement for a neighborhood meeting works to implement the purpose of the neighborhood meeting for most land use applications that require a public hearing, however, there are minor applications that require a proposal be reviewed at a public hearing but that have little, if any, impact on a neighborhood; in particular a proposal to vacate an easement on a property. In this instance, staff does not believe a neighborhood meeting would produce a better project or provide reasonable changes as vacation of public easement are generally technical details related specifically to City infrastructure and utilities. To modify this section, staff is proposing to add language in Section 21.02.100 that provides a neighborhood meeting is not required for an easement vacation application, as follows:

21.02.100(e) A Neighborhood Meeting is not required prior to application for the vacation of an easement.

NOTIFICATION REQUIREMENTS

Notice was completed as required by Section 21.02.080(g). Notice of the public hearing was published on May 5, 2020 in the Grand Junction Daily Sentinel.

ANALYSIS

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

STAFF RECOMMENDATION AND FINDINGS OF FACT

Staff finds that the proposed amendments to the Zoning and Development Code are useful in reducing process redundancy and clarify and modify procedures to be consistent with the purposes of this section.

Therefore, Staff recommends approval of the request.

SUGGESTED MOTION:

Madam Chair, on the Zoning and Development Code Amendments, ZCA-2020-173, 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.

Attachments

1. Neighborhood Meetings Proposed Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE PERTAINING TO THE REQUIREMENTS FOR NEIGHBORHOOD MEETINGS

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 Zoning and Development Code requires an applicant to conduct a neighborhood meeting pertaining to a proposed development. The meeting is intended to help produce a better project through dialogue between the developer and neighboring property owners prior to the submittal of a development application. Presently, the Code is not clear regarding which types of applications for which a neighborhood meeting is required. The purpose of a neighborhood meeting makes sense when a project is proposed on vacant property, redevelops an existing site or adds more density or intensity of use to a neighborhood. In these instances it is not only appropriate but essential to give neighborhoods the opportunity to raise issues and voice concerns prior to submittal. However it does not make sense in instances where the application will have little impact on the neighborhood. Therefore, Staff recommended the Planning Commission and City Council modify the Code in order to provide clarity regarding Neighborhood Meeting requirements that provides some flexibility but that is consistent with the intended purpose of a neighborhood meeting.

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 THE FOLLOWING SECTIONS OF THE ZONING AND DEVELOPMENT CODE (TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE) BE AMENDED AS FOLLOWS (existing text strikethrough, new text underlined):

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

A neighborhood meeting is required for subdivision applications ~~except for simple subdivisions and minor exemption subdivisions~~ except as follows. See GJMC 21.02.080(e) for neighborhood meeting requirements.

- (i) simple subdivisions
- (ii) minor exemption subdivisions
- (iii) continuous phases and/or filings of an approved Preliminary Subdivision plan
- (iv) subdivision applications for which a neighborhood meeting was held for a previous application affecting the same property (e.g. rezone) so long as information about the proposed subdivision was presented at a neighborhood meeting. The previous 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).

21.02.100 Vacation of public right-of-way or easement.

(e) A Neighborhood Meeting is not required prior to application for the vacation of an easement.

Re-letter subsequent section as (f).

Introduced on first reading this ____ day of _____, 2020, and ordered published in pamphlet form.

Adopted on second reading this ____ day of _____, 2020 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor