

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. 4875**

**AN ORDINANCE ZONING THE CLUB DEAL 127- MERK GRAND JUNCTION LP  
DEVELOPMENT  
TO A PD (PLANNED DEVELOPMENT) ZONE,  
BY APPROVING AN OUTLINE DEVELOPMENT PLAN FOR POD 5,  
WITH A DEFAULT ZONE OF BP (BUSINESS PARK MIXED USE)**

**LOCATED AT 2372 G ROAD**

Recitals:

The applicant and owner, CD 127 Merk Grand Junction Development owner of 39.2 acres of land at 2372 G Road, (referred to herein and more fully described below as the "Property"), propose a rezone from Mixed Use (MU) to Planned Development (PD) and approval of an Outline Development Plan (ODP).

A request to rezone to PD and approval of an ODP with default zone of BP (Business Park Mixed Use) and with specific deviations from the default zone has been submitted in accordance with the Zoning and Development Code (Code).

This Planned Development zoning ordinance will establish the standards, default zoning, and adopt the Outline Development Plan for the "Property". If this approval expires or becomes invalid for any reason, the "Property" shall be fully subject to the default standards specified herein.

The City Council finds, after a public hearing and review of the proposed Rezone to Planned Development (PD) with its Outline Development Plan (ODP), determined that they satisfy the applicable criteria of the Code and are consistent with the purpose and intent of the Comprehensive Plan.

The Planning Commission found in a public hearing held on August 27, 2019, and the City Council hereby finds, in recommending and approving this Rezone to Planned Development (PD) and the Outline Development Plan (ODP) adopted therewith, the PD zoning ordinance and ODP satisfied the criteria of the Code, was consistent with the purpose and intent of the Comprehensive Plan, and achieved long-term community benefits through the provision of transportation amenities. They also find the minimum density of the default zone shall not apply. The following findings of fact have been made:

1. The Outline Development Plan conforms with the requirements of Section 21.02.150 (b) (2) of the Grand Junction Zoning and Development Code, including meeting more than one of the rezoning criteria provided in Section 21.02.140.
2. With an increase in residential housing options the PD and Plan achieves additional long-term community benefits by providing needed housing types and mix and reducing traffic demands.

3. Pursuant to 21.05.040(g) Deviation from Development Default Standards, it has been found to provide amenities in excess in what would otherwise be required by the code.
4. The Planned Development is consistent with the vision, guiding principles, goals and policies of the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS ZONED PLANNED DEVELOPMENT WITH THE FOLLOWING DEFAULT ZONES AND STANDARDS:

- A. This Ordinance applies to the following described property: The Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 32, Township 1 North, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado.
- B. The Community Pod 5 Outline Development Plan (ODP) is approved with the Findings of Fact/Conclusions, and Conditions listed in the Staff Report dated September 18, 2019 and including attachments and Exhibit A and Exhibit B attached to this ordinance.

C. Purpose

The proposed Planned Development will provide for a mix of office park employment centers, health care facilities, retail services, light manufacturing, multifamily residential, attached residential, and detached residential uses with appropriate screening, buffering and open space, and other amenities such as common landscape and streetscape character and a transportation corridor for non-motorized transportation within "The Community" Planned Development.

D. Unified Development

The project will be developed over time in a phased fashion, but in a unified manner with similar architectural styles and themes throughout. Pod 5 will be unified with the other four Pods previous approved in "The Community". In addition, detached sidewalks, where appropriate, along the arterial frontages are intended to provide for a safe multi-modal transportation haven and provide access to uses within the development. These detached sidewalks will also provide connectivity from the development to other existing and future points of interest adjacent to the subject property.

E. Default Zones

The default land use zone is BP (Business Park Mixed Use) with deviations contained within this ordinance.

F. Pod Character

The Community Pod 5 will be developed in a manner that is in character to the following primary uses as more particularly detailed in the Pod 5 Use Table:

Pod 5 Uses: Default zone – BP. Pod 5 will generally consist of Multi-Family Residential, Attached and Detached Residential, Hotel/Motel, Restaurants, General Offices, Light Industrial and Medical Office/Clinic. A list of allowed land uses is included under Section G. Authorized Uses in this Ordinance. All Single Family Detached, Single Family Attached, Duplexes land uses will have a minimum density of 5.5 dwelling units per acre and shall not exceed more than 70% of the acreage in Pod 5. Multi-Family residential uses shall have a density between 12 and 24 units per acre.

#### G. Authorized Uses

1. The list of authorized uses allowed within the BP zone includes only the following, which are allowed without the need for approval of a conditional use permit.

##### a) Pod 5 – BP Default Zone

- 1) Colleges and Universities
- 2) Multifamily
- 3) Single Family Detached, Single Family Attached, Townhomes, Accessory Dwelling Units, Duplexes, Business Residences
- 2) Vocational, Technical and Trade Schools
- 3) Community Activity Building
- 4) All other Community Service
- 5) Museums, Art Galleries, Opera Houses, Libraries
- 6) General Day Care
- 7) Medical and Dental Clinics
- 8) Physical and Mental Rehabilitation (Resident)
- 9) All other Health Care
- 10) Religious Assembly
- 11) Funeral Homes, Mortuaries, Crematories
- 12) Public Safety and Emergency Response Services
- 13) Hotels and Motels and Lodging
- 14) General Offices
- 15) Health Club
- 18) Drive Through Restaurants
- 19) Drive Through Retail
- 20) Food Service, Catering
- 21) Food Service, Restaurant (including Alcohol Sales)
- 22) Fuel Sales, Automotive/Appliance
- 23) General Retail Sales, Indoor Operations, Display and Storage
- 24) General Retail Sales, Outdoor Operations, Display or Storage
- 26) Personal Services
- 27) All other Retail Sales and Services
- 28) Mini-Warehouse- Self Storage
- 30) Car Wash, Gasoline Service Station
- 37) Bus/Commuter Stops
- 38) Agricultural Uses\*

- 39) Government and Public Use Facilities
- 40) Parks and Open Space

\* Agricultural Uses including indoor or outdoor activities primarily involving raising, producing or keeping plants or animals but excluding uses such as industrialized agricultural for example feedlots, pig farming, a use of a scale that requires significant structures or accessory structures, or a use that has the propensity to be a significant nuisance such as pig farming or other particularly odiferous. This use is intended to be interim in nature.

b) Uses Not Mentioned

- 1) To change uses from those specified above, the developer must request an amendment consistent to the Zoning and Development Code as amended, to allow a use which is not currently an allowed use for this pod.
- 2) If a question or interpretation arises regarding where, how or whether a proposed use fits into the list of uses found in this section, the Director shall decide if a use not specifically mentioned can reasonably be interpreted to fit into a principal use category or a general use category where similar uses are described as found in the Use Table within the City's Zoning and Development Code.

H. Dimensional and Intensity Standards

<b>Minimum Lot Area</b>	
Pod 5	1,800 sf

<b>Minimum Lot Width</b>	
Pod 5	20 feet

<b>Minimum Street Frontage</b>	
Pod 5	No minimum

<b>Minimum Setbacks</b>	<b>Principle Structure / Accessory Structure</b>
<b>Pod 5</b>	
Street (see footnote 1)	10' / 25'
Side / Rear yard	0' except identified Buffer Area is 15' / see default zone for accessory setbacks

<b>Density (Minimum/Maximum)</b>	
Pod 5	5.5 du/ac min. density for Single Family Attached, Single Family Detached, Townhomes, and Duplexes 12 du/ac to 24 du/ac max. for Multi-Family

<b>Maximum Height</b>	
Pod 5	65 feet

Footnotes:

1. Non-Residential buildings shall be setback a minimum of 30 feet from "Arterial" designated right-of-ways.

I. Deviations from bulk standards from default zones.

1. To provide for flexibility necessary for the unique, efficient and effective design of the site, the following deviations from the default zone standards shall be applied to the site:

- a. Minimum lot size shall be 1800 sf.
- b. Minimum lot width shall be 20'.
- c. Front (street) yard setback shall be 10'.
- d. Rear yard setback shall be 0'.

J. Development Schedule, Extensions and Lapse of Plan

1. Development and Phasing Schedule - A Preliminary Development Plan for Pod 5 must be approved within six (6) years of the PD Ordinance. A Final Development Plan and plat shall be approved within eight (8) years for Pod 5 approved with a Preliminary Development Plan, or the ODP will expire and the zoning will revert to the original MU.
2. Should the Development and Phasing Schedule need to be extended, the city shall consider and hear the request consistent with the provisions of the Code in place at that time. A request for extension shall be timely in that the request shall be received by the City prior to the lapse or expiration of one of the established phasing Thresholds.
3. Failure to develop the PD and ODP as shown in the adopted Development and Phasing Schedule will result in the lapse of approval of the PD and ODP. Upon lapse, the zoning of the property will revert back to MU (Mixed-Use) as shown in Exhibits A & B.

K. Other Regulations

- 1, Title 25, 24 Road Corridor Standards of the Zoning and Development Code shall apply, unless otherwise amended by the City.
2. Unless otherwise included in this PD Ordinance, the development regulations, standards and administration contained within Section 21.06 of the Code, as may be amended including any applicable overlay zones apply to this PD and ODP, except the following:

- a. There are no hours of operations limitations for uses in Pod 5
  - b. Loading docks and trash areas or other service areas shall be located only in the side or rear yards and must be screened from adjacent right-of-ways with either a wall, fence or landscaping.
  - c. Vibration, Smoke, Odor Noise, Glare, Wastes, Fire Hazards and Hazardous Materials. No person shall occupy, maintain or allow any use without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials.
    - 1) Vibration: Except during construction or as authorized by the City, an activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel shall not be permitted.
    - 2) Noise: The owner and occupant shall regulate uses and activities on the property so that sound never exceeds sixty-five decibels (65 dB) at any point along the property line.
    - 3) Glare: Lights, spotlights, high temperatures processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.
    - 4) Solid and Liquid Waste: All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor. Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.
    - 5) Hazardous Materials: Information and materials to be used or located on the site, whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including the site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director
  - d. Outdoor Storage and Display: Outdoor storage shall only be located in the rear half of the lot. Permanent display areas may be located beside or behind the principal structure. For lots with double or triple frontage the side and rear yards that are to be used for permanent display areas shall be established with site plan approval. Portable display of retail merchandise may be permitted as provided in GJMC 21.04.040(h).
3. Signage regulations and standards contained within Section 21.06 of the GJMC shall apply with the following modifications:
- a. A sign package will be required as part of each Final Development Plan and/or Site Plan.
  - b. New Outdoor Advertising Signs (Billboards) within the PD will not be permitted.
- L. All applications for the development of the property (subdivision, site plans, etc.) shall be subject to the Code in effect at the time of submittal, including the standards of this ODP and the PD Ordinance as may be amended.

Introduced for first reading on this 4<sup>th</sup> day of September, 2019 and ordered published in pamphlet form.

PASSED and ADOPTED this 18<sup>th</sup> day of September, 2019 and ordered published in pamphlet form.



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President of City Council

ATTEST:



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City Clerk



# EXHIBIT A Outline Development Plan (ODP)



DRAWN BY	DATE

**THE COMMUNITY POD 5**  
GRAND JUNCTION, CO

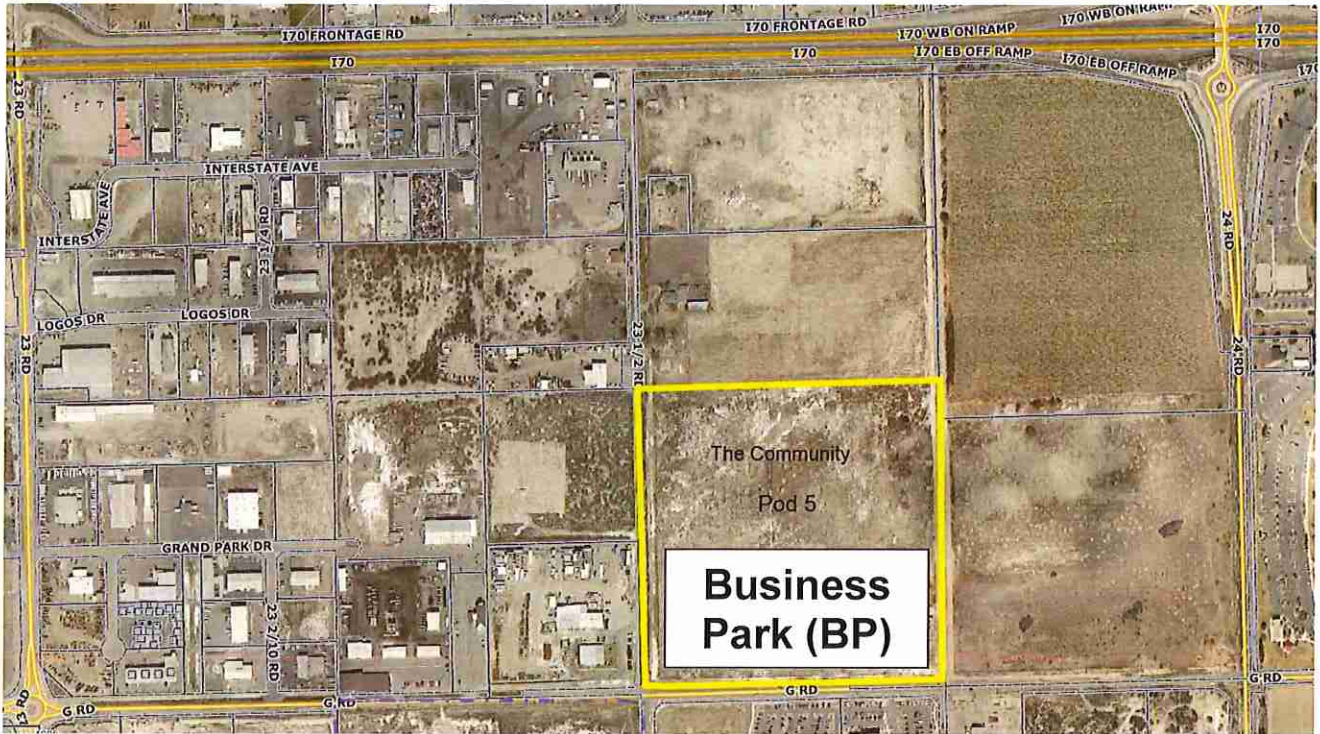


THE COMMUNITY  
POD 5  
OUTLINE DEVELOPMENT  
PLAN

SHEET NO.  
**2-2**



**EXHIBIT B**  
**Default Zone**



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4875 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 4<sup>th</sup> day of September, 2019 and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 18<sup>th</sup> day of September, 2019, at which Ordinance No. 4875 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 20<sup>th</sup> day of September, 2019.

  
\_\_\_\_\_  
Deputy City Clerk

Published: September 06, 2019  
Published: September 20, 2019  
Effective: October 20, 2019