

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4314

AN ORDINANCE TO ZONE THE MESA STATE DEVELOPMENT TO PD (PLANNED DEVELOPMENT) ZONE, BY APPROVING AN OUTLINE DEVELOPMENT PLAN WITH A DEFAULT M-U (MIXED USE) ZONE FOR THE DEVELOPMENT OF A MIXED USE DEVELOPMENT

LOCATED AT 2899 D 1/2 ROAD

Recitals:

A request to zone 154.05 acres to PD (Planned Development) by approval of an Outline Development Plan (Plan) with a default M-U (Mixed Use) zone has been submitted in accordance with the Zoning and Development Code (Code).

This Planned Development zoning ordinance will establish the standards, default zoning (M-U) and adopt the Outline Development Plan for the Mesa State Development. If this approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards of the M-U zone district.

In public hearings, the Planning Commission and City Council reviewed the request for the proposed Outline Development Plan approval and determined that the Plan satisfied the criteria of the Code and is consistent with the purpose and intent of the Growth Plan. Furthermore, it was determined that the proposed Plan has achieved "long-term community benefits" by proposing more effective infrastructure, needed housing types and innovative design.

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

A A certain parcel of land located in the Southeast Quarter of (SE 1/4) of Section 18, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southeast corner of said Section 18 and assuming the South line of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of said Section 18 bears N89°40'51"W with all other bearings contained herein being relative thereto; thence N89°40'51"W along said South line a distance of 1319.50 feet to the Southwest corner of said SE 1/4 SE 1/4; thence N00°21'19"W along the West line of said SE 1/4 SE 1/4 a distance of 30.00 feet to a point on the North line of Riverside Parkway (also known as D Road); thence N89°37'59"W along said North line a distance of 1328.65 feet to a point on the West line of the

Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of said Section 18, said North line also being the North line of the Darren Davidson Annexation, City of Grand Junction, Ordinance No. 3205; thence N00°06'35"W along said West line a distance of 1288.69 feet to the Northwest corner of said SW 1/4 SE 1/4; thence N00°25'09"W along the West line of the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of said Section 18 a distance of 903.48 feet to a point on the South line of the Southern Pacific Railroad Annexation, City of Grand Junction, Ordinance No. 3158; thence N73°01'14"E along said South line a distance of 1415.51 feet to a point on the North line of the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of said Section 18; thence N00°15'05"E a distance of 30.00 feet; thence N89°35'13"E along a line being 30.00 feet North of and parallel with the North line of said NE 1/4 SE 1/4 a distance of 1292.57 feet; thence S00°13'55"E along the East line of said NE 1/4 SE 1/4 a distance of 1350.87 feet to the Northeast corner of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of said Section 18; thence S00°13'09"E along the East line of said SE 1/4 SE 1/4, a distance of 1321.23 feet, more or less to the POINT OF BEGINNING.

Said parcel contains 154.05 acres (6,710,387 square feet), more or less, as described.

- B. Mesa State Development Outline Development Plan is approved with the Findings of Fact and Conclusions listed in the Staff Reports dated November 10, 2008 and November 17, 2008 including attachments and Exhibits.
- C. The default zone is M-U (Mixed Use) with deviations contained within this Ordinance.
- D. Unified Development

The project should be developed in a unified manner with similar architectural styles and themes throughout. Detached trails along the arterial frontages are intended to provide for safe multi-modal transportation haven and provide access to uses within the development. These detached trails will also provide connectivity from the development to other points of interest adjacent to the subject property including the Colorado River Front trail.

- E. Purpose

The proposed development will provide for a mix of light manufacturing, office park employment centers, retail, service and multifamily residential uses with appropriate screening, buffering and open space, enhancement of natural features and other amenities such as trails, shared drainage facilities, and common landscape and streetscape character.

- F. Intensity

1. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 2.0.
2. Nonresidential minimum lot size shall be one (1) acre, except commercial lots within a retail center.
3. Maximum building size of a retail commercial use shall be 250,000 square feet
4. Maximum overall gross residential density shall not exceed twenty-four (24) units per acre.
5. Minimum overall net residential density shall be eight (8) units per acres.
6. The minimum and maximum density shall be calculated utilizing Pods B, C and D. Individual lots or sites do not have to be density compliant.

G. Performance Standards

1. Any applicable overlay zone district and/or corridor design standards and guidelines shall apply, unless otherwise approved by the City, to encourage design flexibility and coordination of uses.
2. Loading docks and trash areas or other service areas when located in the side or rear yards must be screened from adjacent right-of-ways with either a wall or landscaping. Front façade loading docks shall be recessed a minimum of 20 feet behind the front façade of the building.
3. Vibration, Smoke, Odor Noise, Glare, Wastes, Fire Hazards and Hazardous Materials. No person shall occupy, maintain or allow any use in an M-U zone without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials.
 - a. Vibration: Except during construction or as authorized by the City, 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.
 - b. Noise: The owner and / or occupant shall regulate uses and activities on a lot so that the Day-Night Average Sound Level does not exceed sixty-five decibels (65 dB) at any point along the property line. This sound level is not intended apply to limited periods of landscape maintenance activity for the subject property.

- c. Glare: Lights, spotlights, high temperatures processes or otherwise, whether direct or reflected, shall not be visible from any other lot, parcel or any right-of-way.
- d. 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(s). Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.
- e. 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. Such information regarding the activity shall be provided to the Director at the time of any proposed change, use or expansion, even for existing uses.
- f. Outdoor Storage and Display: Outdoor storage and permanent display areas shall only be located in the rear half of the lot beside or behind the principal structure. Portable display or retail merchandise may be permitted as provided in Chapter four of the Zoning and Development Code.

H. Pod Character

The property will be developed into three distinct areas within the development that have a character similar to the following uses:

- 1. Pod A – Light Industrial (Commercial is allowed)
- 2. Pods B and C – Commercial (Multifamily residential is allowed)
- 3. Pod D – Multifamily Residential (Ground floor commercial is allowed)

I. Authorized Uses

- 1. The list of authorized uses allowed within the M-U zone is hereby amended to include and exclude the following. The following uses are allowed without the need for approval of a conditional use permit.

a) POD A – LIGHT INDUSTRIAL

- 1) All other community service
- 2) Golf Driving Ranges
- 3) Utility Basic (indoor or outdoor)

- 4) General Offices
- 5) Office with Drive-through
- 6) Commercial Parking
- 7) Skating Rink
- 8) Shooting Range, Indoor
- 9) All other indoor recreation
- 10) Animal Care / Boarding / Sales, Indoor
- 11) Delivery and Dispatch Services
- 12) Fuel Sales, automotive/appliance
- 13) General Retail Sales, outdoor operations, display and storage
- 14) Landscaping Materials Sales/Greenhouse/Nursery
- 15) All other sales and services
- 16) Auto and Light Truck Mechanical Repair
- 17) Body shop
- 18) Car wash
- 19) Gasoline Service Station
- 20) Quick Lube
- 21) All other vehicle service, limited
- 22) Indoor Operations and Storage
 - i. Assembly
 - ii. Food Products
 - iii. Manufacturing/Processing
- 23) Indoor Operations with Outdoor Storage
 - i. Assembly
 - ii. Food Products
 - iii. Manufacturing/Processing
- 24) Outdoor Operations and Storage
 - i. Assembly
 - ii. Food Products
 - iii. Manufacturing/Processing
- 25) Contractors and Trade Shops
- 26) Indoor operations and outdoor storage (heavy vehicles)
- 27) Warehouse and Freight Movement
- 28) Indoor Storage with Outdoor Loading Docks
 - i. Outdoor Storage or Loading
- 29) Sand or Gravel Storage
- 30) Wholesale Sales – allowed
 - i. Wholesale Business
 - ii. Agricultural Products
 - iii. All other Wholesale Uses
- 31) Telecommunications Facilities

b) PODS B & C – COMMERCIAL

- 1) Community Service
- 2) Cultural Uses
- 3) Multi-family residential
- 4) General Day Care
- 5) Entertainment Event,
 - i. Indoor Facilities
 - ii. Outdoor Facilities
- 6) Hotels / Motels
- 7) General Offices
- 8) Office with drive-through
- 9) Commercial Parking
- 10) Health Club
- 11) Movie Theater
- 12) Skating Rink
- 13) Arcade
- 14) Bar / Nightclub
- 15) Alcohol Sales
- 16) Drive-through Uses (restaurants)
- 17) Drive-through Uses (retail)
- 18) Food Service, Catering
- 19) Food Service, Restaurant (including alcohol sales)
- 20) Farmers Market
- 21) General Retail Sales, Indoor Operations, display and storage
- 22) Gasoline Service Station
- 23) Repair, small appliance
- 24) Repair, large appliance
- 25) Personal Service
- 26) All other retails sales and service
- 27) Utility Service Facilities (underground)
- 28) All other Utility, Basic
- 29) Transmission Lines, (above ground)
- 30) Transmission Lines, (underground)

c) POD D – RESIDENTIAL

- 1) Multifamily residential
- 2) Non-residential uses are limited to a combined total of 10,000 square feet in POD D.
 - i. Large Group Living Facilities
 - ii. Unlimited Group Living Facilities
 - iii. General Day Care
 - iv. Bar / Nightclub
 - v. Food Service, Restaurant (including alcohol sales)

- vi. Farmers Market
- vii. General Retail Sales, Indoor Operations, display and storage

d) Restricted Uses

The uses below are not allowed within any of the Pods.

- 1) Cemetery
- 2) Golf Course
- 3) Religious Assembly
- 4) Funeral Homes/Mortuaries/Crematories
- 5) Schools – Boarding, Elementary, Secondary
- 6) Transmission Lines (above ground)
- 7) Bed and Breakfast (1 – 3 guest rooms)
- 8) Bed and Breakfast (4 or more guest rooms)
- 9) Amusement Park
- 10) Miniature Golf
- 11) All other outdoor recreation
- 12) Adult Entertainment
- 13) Farm Implement / Equipment Sales / Service
- 14) Fuel Sales, heavy vehicle
- 15) Mini warehouse
- 16) Agriculture
- 17) Winery
- 18) Aviation
- 19) Helipads

J. Dimensional Standards

Minimum Lot Area	
Pod A	1 acre minimum
Pods B and C	No minimum when part of a retail center 1 acre when stand alone
Pod D	No minimum

Minimum Lot Width	
Pod A	100' Minimum
Pods B and C	No minimum when part of a retail center 100' when stand alone use
Pod D	No minimum

Minimum Street Frontage	
Pod A	100' Minimum
Pods B and C	No minimum when part of a retail center 100' when stand alone use

Pod D	No minimum
-------	------------

Pod A Minimum Setbacks	Principle Structure / Accessory Structure
Front	15' / 25'
Side	5' / 5'
Rear	25' / 5' ^a

Pods B and C Minimum Setbacks	Principle Structure / Accessory Structure
Front	15' / 25'
Side	0 / 0
Rear	10' / 10'

Pod D Minimum Setbacks	Principle Structure / Accessory Structure
Front	15' / 20'
Side	5' / 3'
Rear	10' / 5'

Maximum Lot Coverage	
Pod A	N/A
Pods B and C	N/A
Pod D	N/A

Maximum FAR	
Pod A	2.0 FAR
Pods B and C	2.0 FAR
Pod D	N/A

Maximum Height	
Pod A	40'
Pods B and C / Mixed Use Buildings	40'/65'
Pod D	65'

1. Footnotes: The applicable footnotes in Table 3.2 of the Zoning and Development Code shall be referenced including the following:

- a. A 50 foot wide building setback is required along the western property line of the development adjacent to the Department of Military and Veterans Affairs Cemetery.

K. Other Regulations

1. Fencing: A fence is required along the western most boundary of the property (adjacent to the Department of Military and Veterans Affairs Cemetery).
2. Construction Cessation: During military funerals, services or veterans ceremonies, construction on any and all projects will cease until these funerals, service or ceremonies have ended. Each general contractor will contact the Department of Military and Veterans Affairs to work out details for construction cessation during the requested periods of time.
3. Landscape Buffer
 - a. A 25 foot wide landscape buffer, including a six (6) foot fence, is required along the western property line of the development. The landscape buffer will count towards the overall landscape requirements of each site.
 - b. A 50 foot wide building setback is required along the western property line of the development adjacent to the Department of Military and Veterans Affairs Cemetery.
4. Parking per Section 6.6 of the Zoning and Development Code with the following modifications:
 - a. Commercial – Per Shopping Center Calculations (1 parking space per every 250 square feet of gross floor area).
 - b. Mixed-use structures – parking calculated per use per floor of structure (Shopping center parking calculation can be used for ground floor commercial uses at 1 parking space per every 250 square feet of gross floor area).
5. Landscaping shall meet Section 6.5 of the Zoning and Development Code.
6. Buildings shall meet Section 4.3 M. of the Zoning and Development Code.
7. Sign Regulations shall meet Section 4.2 with the following exceptions:
 - a. Freestanding signs shall be limited to monument type signage.
 - b. Freestanding signs shall not exceed 8' in height – sign face calculated per Section 4.2.
 - c. Only one freestanding monument sign shall be allowed at each intersection along Riverside Parkway and 29 Road.

- d. A sign package will be required as part of each Preliminary Development Plan.

8. Hours of Operation

- a. Pod A – unrestricted
- b. Pods B and C – unrestricted
- c. Pod D – non-residential uses shall be restricted from 5 am to 11 pm.

9. Mixed-Use Development

- a. The maximum residential densities within Pod C shall not exceed twenty-four (24) dwelling units per acre, minus (1) dwelling unit per 2,000 square feet of nonresidential development or portion thereof. In Pod C, residential uses shall not constitute more than seventy-five percent (75%) of the total floor area. In no case shall the total number of dwelling units in Pod C exceed 370 dwelling units.
- b. The total number of residential dwelling units on the project shall not exceed 24 dwelling units per acre.
- c. Mixed-use development in Pod D shall not exceed the plan density minus one (1) dwelling unit per 1,000 square feet of nonresidential development or portion thereof. No more than ten percent (10%) of the land area may be dedicated to commercial uses.
- d. Multifamily residential development in Pod D is eligible for density bonuses pursuant to Chapter 3.6.B.10.

10. Definitions

- a. Mixed-use structure: Any mix of residential and nonresidential uses in the same building.

INTRODUCED on first reading on the 1st day of December, 2008 and ordered published.

ADOPTED on second reading this 15th day of December, 2008.

ATTEST:

/s/: Gregg Palmer
President of the Council

/s/: Stephanie Tuin
City Clerk