

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. 4360**

**AN ORDINANCE AMENDING THE EXISTING PLANNED DEVELOPMENT ZONE BY INCLUDING ADDITIONAL LAND WITH A REZONE OF THE ADDITIONAL LAND TO PLANNED DEVELOPMENT AND AMENDING THE PRELIMINARY PLAN WITH A DEFAULT R-8 (RESIDENTIAL – 8 DU/AC) ZONE DISTRICT FOR THE DEVELOPMENT OF 114 DWELLING UNITS FOR THE BELLA DIMORA SUBDIVISION, LOCATED SOUTH OF PATTERSON ROAD, NORTH OF GRAND FALLS DRIVE AND VALENTINO WAY**

Recitals:

A request for an amendment to the existing Planned Development zone and incorporating additional land area on approximately 13.87 acres by approval of a Preliminary Development Plan (Plan) with a default R-8, (Residential – 8 du/ac) zoning district, including deviations and condition of approval, have been submitted in accordance with the Zoning and Development Code (Code).

This Planned Development zoning ordinance will establish the standards, default zoning (R-8), deviations and conditions of approval and amend the Preliminary Development Plan for Bella Dimora subdivision (Lot 1, Block 1, The Legends Filing Two and Lot 18, Block 3, Legends East Filing Three).

In public hearings, the Planning Commission and City Council reviewed the request for the proposed amended Preliminary 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 effective infrastructure design and in-fill project with higher density development that provides for better utilization of streets, water and sewer services, recreational amenities that include an extensive network of off-street pedestrian trails, benches and landscaped open spaces throughout the subdivision and provides a needed mix of housing types for the community (attached Exhibit A).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE CURRENT PLANNED DEVELOPMENT ZONE IS AMENDED AND ALSO INCLUDE ADDITIONAL LAND AREA FOR THE AREA DESCRIBED BELOW WITH THE FOLLOWING STANDARDS, DEFAULT ZONE AND DEVIATIONS:

- A. Lot 1, Block 1, The Legends Filing Two and Lot 18, Block 3, Legends East Filing Three

Said parcels contain 13.87 +/- acres more or less.

- B. This Ordinance is further conditioned:
1. If the Planned Development approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards of the R-8, (Residential – 8 du/ac) Zoning District.
  2. Density: The proposed density for Bella Dimora will be approximately 8.21 dwelling units per acre. The Growth Plan Future Land Use Map indicates this area to be Residential Medium High (8 – 12 du/ac). However, since the applicants had previously developed single-family detached homes in The Vistas/Legends/Legends East Subdivisions that were lower than the required densities per the Growth Plan, therefore, the applicants must now “make up” for those lower densities in this “phase” of the Planned Development, more specifically to develop a minimum of 114 dwelling units with this proposed development in order to meet minimum density requirements of 6.4 du/ac which equates to 80% of the Growth Plan designation (Section 3.6 B. 9. a. of the Zoning and Development Code) for the approved The Vistas/Legends/Legends East plans. This plan does allow overall densities to meet minimum density standards.
  3. Access and Street Design: The proposed development has three (3) access points; Legends Way, Verona Drive and W. Naples Drive. All proposed streets, with the exception of Legends Way were approved as an Alternate Street right-of-way design per Chapter 15 of the TEDS Manual (Transportation Engineering Design Standards). For an alternate street design, no on-street parking will be allowed except in designated parking areas with the exception of E. Naples Drive which allows parking on both side of the street from Siena/Ravenna Court to Verona Drive.
  4. Open Space / Park: The applicant is proposing a series of 4’ wide concrete pedestrian paths that will meander throughout the subdivision for the benefit of the residents. Open space areas are proposed in each phase of development that will include extensive landscaping, pedestrian paths and park benches (7.65 acres total of open space – minimum 1 tree per 2,500 sq. ft. and 1 shrub per 300 sq. ft. in accordance with Exhibit 6.5 A. of the Zoning and Development Code). In some locations, pedestrian trails also serve as sidewalks for adjacent dwelling units since sidewalks will not be constructed adjacent to all street frontages. A Pedestrian Easement will be dedicated to the City of Grand Junction at the time of Final Plan approval for ingress and egress by the public on all pedestrian paths.

5. Lot Layout: The proposed subdivision has stacked dwelling units. A stacked dwelling unit is defined by the Code as a dwelling containing two single family units that are separated horizontally. The majority of the development will be two-family dwelling units that would be separated by a common wall. No single-family detached housing is proposed. The building footprint for each dwelling unit would be the "lot" with the exception of the stacked dwelling units. All areas outside of the building footprint would be designated as "Tracts" for maintenance responsibilities by the homeowner's association (upon recording of a plat, these tracts would become common elements or limited common elements).
6. Phasing: The proposed Bella Dimora subdivision is to be developed in three phases. The proposed phasing schedule is as follows (see attached Site Plans – Sheets S1 – S3):

Phase I: Range of development to be 30 +/- dwelling units. Phase 1 to be reviewed and approved by the year 2012.

Phase 2: Range of development to be 40 +/- dwelling units. Phase 2 to be reviewed and approved by the year 2015.

Phase 3: Range of development to be 44 +/- dwelling units. Phase 3 to be reviewed and approved by the year 2018.

7. Deviations

Building Setbacks:

20' Front Yard

15' Adjacent Side Street (Corner Lot)

10' Rear Yard

14' Rear Yard Setback (Adjacent to Patterson Road)

15' Rear Yard Setback (Adjacent to Legends Way)

Standard setbacks apply unless otherwise noted.

Masonry Wall: Six foot (6') tall masonry screen wall required to be located a minimum five feet (5') from north property line adjacent to Patterson Road per Section 6.5 G. 5. e. of the Zoning and Development Code.

Applicant is proposing to construct the masonry wall on the property line in order to give the unit property owners a larger backyard area as the rear yard setback adjacent to Patterson Road is 14'. Applicant is also proposing to construct the masonry wall in 30' segments and shift from the property line two feet (2') along Patterson Road which gives the wall architectural relief rather than constructing a standard monolithic wall. A detached sidewalk also exists along Patterson Road with varying landscape buffer dimensions between the sidewalk and wall so that the proposed wall would not be constructed directly adjacent to the sidewalk.

Minimum Lot Area/Width: There are no minimum lot areas or widths with this subdivision proposal.

8. Condition of Approval:

There is an existing 7' Irrigation and Drainage Easement along the west property line of the Legends East, Filing 3 Subdivision that was dedicated to the Legends Homeowner's Association that will impact proposed Units 63, 64, 100, 101 and 102 of Bella Dimora. Applicant will need to submit verification at the time of Final Plan review that the HOA has relinquished this easement since Legends East, Filing One dedicated this easement to the HOA.

**INTRODUCED** on first reading on the 3<sup>rd</sup> day of June 2009 and ordered published.

**ADOPTED** on second reading this 29<sup>th</sup> day of June 2009.

ATTEST:

/s/ Bruce Hill  
President of the Council

/s/ Stephanie Tuin  
Stephanie Tuin  
City Clerk





