
**GRAND JUNCTION CITY COUNCIL
ADDITIONAL WORKSHOP AGENDA
JUNE 13, 2005, 11:30 A.M.
TWO RIVERS CONVENTION CENTER
159 MAIN STREET**

11:30 am **MEETING WITH THE PLANNING COMMISSION:** City Council will meet with the Planning Commission to discuss a variety of issues. A complete list of items is attached. [*Attach 1*](#)

1:00 pm **ADJOURN**

Attach 1
Agenda for Meeting with Planning Commission

GRAND JUNCTION CITY COUNCIL
GRAND JUNCTION PLANNING COMMISSION
WORKSHOP AGENDA

June 13, 2005

11:30 to 1:00

Two Rivers Convention Center

1. 24 Road Corridor Plan update and plan modification request [*information attached*](#)
 2. Big Box issues: definition, potential abandonment
 3. 2006-2007 budget issues: staffing, long range planning, corridor studies, Growth Plan update
 4. Annexation enclaves
 5. Private Streets
 6. How are work items for the Planning Commission developed?
-

24 Road Corridor Plan

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject		24 Road Corridor Plan Update and Modification Request				
Meeting Date		June 13, 2005				
Date Prepared		June 9, 2005			File PLN-2000-192	
Author		Kathy Portner		Planning Manager		
Presenter Name		Kathy Portner		Planning Manager		
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When
Citizen Presentation		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Name
<input checked="" type="checkbox"/>	Workshop	<input type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent
		<input type="checkbox"/>			<input type="checkbox"/>	Individual Consideration

Summary: The City has received a request from a number of property owners in the 24 Road Corridor Planning Area to amend the Mixed Use zone district, which implements the Mixed Use plan designation in the 24 Road Corridor Plan and Growth Plan. Prior to bringing the request to the Planning Commission and City Council, we would like to brief the current Planning Commission and City Council on the 24 Road Plan and zoning.

Budget: N.A.

Action Requested/Recommendation: Direction from the Planning Commission and City Council as to whether amendments to the current plan will be considered.

Attachments:

1. Original Staff Report, November 1, 2000 (Pages 2-11)
2. Planning Commission Minutes, October 17, 2000 (Pages 12-21)
3. City Council Minutes, November 1, 2000 (Pages 22-31)
4. Reconsideration Staff Report, November 15, 2000 (Pages 32-35)
5. City Council Minutes, November 15, 2000 (Pages 36-42)
6. Amendment Request Letter, January 21, 2005 (Pages 43-48)
7. Amendment Request Memo, May 6, 2005 (Pages 49-50)

Background Information: Please see the attachments, which are in chronological order, to get a better understanding of how the 24 Road Plan and zoning were established. The background will be presented at the workshop on June 13th. You can also refer to the “24 Road Corridor Subarea Plan” and “24 Road Corridor Design Standards and Guidelines” documents.

**CITY COUNCIL
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Adopting the 24 Road Corridor Subarea Plan, Amending the Zoning and Development Code, Adding a Mixed-Use Zoning District and Finalizing the Zoning, Design, Standards and Guidelines for the 24 Road Corridor	
Meeting Date:	November 1, 2000	
Date Prepared:	October 25, 2000	
Author:	Kathy Portner	Planning Manager
Presenter Name:	Kathy Portner	Planning Manager
	Workshop	x Formal Agenda

Subject:

- 1) Proposed Resolution Adopting the 24 Road Corridor Subarea Plan
- 2) Proposed Ordinance Amending the Zoning and Development Code, Adding a Mixed-Use Zoning District
- 3) Proposed Ordinance Adopting a Zoning Map for the 24 Road Corridor Subarea
- 4) Proposed Ordinance Adopting the 24 Road Corridor Design Standards and Guidelines

Summary:

The proposed Code amendment adding the Mixed-Use zone district, the zoning map and the 24 Road Design Standards and Guidelines were developed to implement the 24 Road Corridor Subarea Plan that was presented to Council last spring by the 24 Road Steering Committee.

Background Information:

After over a year of study, the 24 Road Steering Committee has made a recommendation on the future land use of the 24 Road Study area, which is generally bounded by 24 ½ Road on the east, Patterson Road and HWY 6 & 50 on the south, 23 Road and 23 ½ Road on the west and I-70 on the north. There are four documents that will be considered by the City Council on November 1, 2000. Those are:

1. **The 24 Road Corridor Subarea Plan**—This is the planning document that outlines the proposed general land uses for the area, as well as a vision for the area and implementation strategy. This subarea plan would become an element of the City's adopted Growth Plan and replace those sections that refer to this area. The subarea plan proposes to change the Future Land Use Map of the Growth Plan along the 24 Road corridor, north of F ½ Road. The original Growth Plan had designated the properties east of 24 Road as Residential Medium-High density, 8 to

12 units per acre and the area west of 24 Road as Commercial/Industrial. The proposed subarea plan proposed most of that area as Mixed Use, which is primarily for employment type uses, but would allow a mix of office, manufacturing, residential and limited retail. The subarea plan retains the residential designation along 24 ½ Road and the commercial designation for much of Patterson Road and HYW 6 & 50.

2. **Code Amendment Adding the Mixed-Use Zoning District**—One of the recommendations of the Subarea Plan was to create a new zone district to accommodate mixed use. The Mixed-Use (M-U) zone district is patterned off the Industrial-Office (I-O) zone district with an added residential component. Retail use is limited to neighborhood commercial with a 30,000 square foot maximum building size for retail. Staff is also proposing that for parcels greater than 5 acres in size, 25% of the land area must be designated for residential to ensure a true “mixed-use” development.

The Planning Commission also recommended general retail sales, indoor operations, display and storage be changed from an allowed use to require a Conditional Use Permit; adding a provision to allow for the transfer of the required 25% residential density within the mixed use zone district; and to change the maximum building height from 40’ to 65’ if the building front yard setback is at least 1.5 times the overall height of the building. For example, a 50-foot building requires a 75’ front yard setback and a 65’ building requires a 97.5’ setback. In addition, a minimum of 50 percent of the resulting front yard setback area must be landscaped per Code requirements.

One of the concerns raised with the proposed Mixed-Use designation for much of the 24 Road corridor was the lost potential for medium to high density residential, as was contemplated with the Growth Plan. The attached chart titled “Residential Units in the 24 Road Corridor Study Area” shows a comparison of potential residential units under the existing Growth Plan versus potential residential with the Mixed Use requiring 25% in residential. Under the Growth Plan, the potential number of units ranges from 2240 to 3440. Applying the Mixed Use zoning, with a 25% residential requirement, results in the potential number of units ranging from 2159 to 3809.

3. **Zoning of the 24 Road Plan Area**—At the time the City adopted the new zoning map, zoning in the 24 Road study area was not changed pending the outcome of this study. A new zoning map is proposed to implement the recommendations of the plan. The area along Patterson and HWY 6 & 50 is proposed to remain commercial, the area along 24 ½ Road is proposed as RMF-12, and the 24 Road corridor north of F ½ Road is proposed as the new Mixed Use zone.

The Planning Commission recommended a modification to the proposed zoning map as shown on the new attached map. The modification changed the line between the MU and Commercial zoning, west of 24 Road, to a diagonal and to designate the entire commercial west of 24 Road as C-2 rather than having some

C-1 and some C-2. Those changes were made in response to a request by the property owner and a recommendation by staff.

4. **Adoption of the 24 Road Corridor Design Standards and Guidelines**—The final component is a set of Design Standards and Guidelines that are proposed for the entire study area. The document includes guidelines and standards for Community Framework, Site Design, Landscaping, Architectural Design, Site Lighting and Signs. Some of the elements of the proposed standards are as follows:
- a. Leach Creek is proposed as an amenity, requiring gently sloping sides and naturalized vegetation and including a pathway system adjacent to it.
 - b. Site development that orients buildings into a campus-like setting where possible, preserves view corridors, and presents a buildings best sides to the public streets and open spaces.
 - c. Creates standards for setbacks for buildings and parking to enhance the streetscapes.
 - d. Creates special sign standards that limit the maximum height of signs to 12' from grade and maximum size to 100 s.f. per sign.

The Planning Commission recommended approval of the Design Standards and Guidelines with the following changes, as recommended by staff:

- a. Changes to the “Guideline” paragraph on p.2 to read, “Guidelines promote the goals defined by the Purpose statements. Achieving guidelines may help in identifying alternative approaches to achieving standards. While the term ‘guidelines’ is used, guidelines shall be applied unless the Director and/or Planning Commission otherwise determine.” And the following verbiage changes for the second paragraph under “Administration...” on p.2: “These standards and guidelines supplement City minimum regulations and may be more restrictive than other development regulations.” The remaining paragraph would be deleted.
- b. That the staff would review the document to make any other necessary changes for further clarification.

Staff also recommends that the following changes be made:

- a. Table 3.1 on page 29 should be clarified as follows:
24 Road –east; building setback—35’ from edge of Leach Creek Corridor
Note (2) All measurements are from the right-of-way line, unless otherwise noted
- b. Architectural Design, Building Form and Scale Standards: #8 on page 48 should be deleted. In the review of large retail structures, staff has found that the height often exceeds 35’ to incorporate the required roofline variations.

Action Requested/Recommendation: Staff and Planning Commission recommend approval with the changes as recommended.

CITY OF GRAND JUNCTION, COLORADO

Resolution No.

ADOPTING THE 24 ROAD CORRIDOR SUBAREA PLAN

Recitals:

After over a year of study and public input, the 24 Road Steering Committee has made a recommendation on the future land use of the 24 Road Study area, which is generally bounded by 24 ½ Road on the east, Patterson Road and HWY 6 & 50 on the south, 23 Road and 23 ½ Road on the west and I-70 on the north. The 24 Road Corridor Subarea Plan is a planning document that outlines the proposed general land uses for the area, as well as a vision for the area and implementation strategy. This subarea plan would become an element of the City's adopted Growth Plan and replace those sections that refer to this area. The subarea plan proposes to change the Future Land Use Map of the Growth Plan along the 24 Road Corridor, north of F ½ Road to Mixed Use. The subarea plan retains the residential designation along 24 ½ Road and the commercial designation for much of Patterson Road and HYW 6 & 50.

The Grand Junction Planning Commission, at their October 17, 2000 hearing, recommended approval of the 24 Road Corridor Subarea Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE 24 ROAD CORRIDOR SUBAREA PLAN IS HEREBY ADOPTED AND MADE A PART OF THE GRAND JUNCTION GROWTH PLAN.

PASSED on this _____ day of _____, 2000.

ATTEST:

City Clerk

President of Council

ORDINANCE NO.

**AMENDING TABLES 3.2 AND 3.5 AND SECTION 3.2.H.4, AND ADDING SECTION
3.4.J
TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE TO CREATE A
MIXED-USE ZONE DISTRICT**

RECITALS. One of the recommendations of the 24 Road Corridor Subarea Plan was to create a new zone district to accommodate mixed use. The Mixed-Use (M-U) zone district is patterned off the Industrial-Office (I-O) zone district with an added residential component. This zone district is being added to the Zoning and Development Code and will be applied to the area designated as “Mixed-Use” on the Future Land Use Map of the 24 Road Corridor Subarea Plan. The zone district would also be available for other areas of the City if found to be appropriate.

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

The Zoning and Development Code is hereby amended to add section 3.4.J and amend tables 3.2 and 3.5 as shown on attachment A and amend the first sentence of section 3.2.H.4 to read as follows:

“The maximum height for structures may be increased by up to twenty-five percent (25%) of the allowed height by the Planning Commission, except that in RSF-R, RSF-E, RSF-1, RSF-2, RSF-4 and **MU**, additional height shall only be granted by a variance.”

Introduced on first reading this 18th day of October, 2000.

Passed and adopted on second reading this day of , 2000.

ATTEST:

City Clerk

President of the Council

M-U: Mixed Use

1. **Purpose.** To provide for a mix of light manufacturing and office park employment centers, limited retail, service and multifamily residential uses with appropriate screening, buffering and open space and enhancement of natural features and other amenities such as trails, shared drainage facilities, and common landscape and streetscape character. This District implements the *commercial*, *commercial/industrial* and *industrial* future land use classifications of the Growth Plan, as well as serving as a transition between residential and non-residential use areas.

2. Summary.

Primary Uses: Employment, residential, limited retail, open space.

Maximum Non-Residential Intensity: 0.50 FAR

Maximum Residential Density: 24 units per acre

Minimum Residential Density: 12 units per are

Maximum Building Size: 150,000 sf; 30,000 sf for retail

3. **Authorized Uses.** Table 3.5 lists the authorized uses in the M-U District.

4. **Intensity.** Subject to the development standards in this Code, the following intensity provisions shall apply:

- a. Non-residential intensity shall not exceed a floor area ratio (FAR) of 0.50;
- b. Non-residential minimum lot size shall be one acre, except where a continuous commercial center is subdivided;
- c. Maximum building size shall be 150,000 sf, unless a Conditional Use Permit is issued; 30,000 sf for retail
- d. Maximum gross residential density shall not exceed 24 units per acre.
- e. Minimum net residential density shall be 12 units per acre.
- f. Development parcels and/or projects containing greater than 5 acres shall have a minimum of 25% of the gross land area in residential development. The required 25% may be transferred between parcels that are being planned at the same time.

5. M-U Performance Standards.

- a. Refer to any applicable overlay zone district and/or corridor design standards and guidelines.
- b. **Loading/Service Areas.** Loading docks and trash or other service areas shall be located only in the side or rear yards.
- c. **Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards and Hazardous Materials.** No person shall occupy, maintain or allow any use in an M-U District without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous

materials. Conditional Use Permits for uses in this district may establish higher standards and conditions.

- (1) **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.
 - (2) **Noise:** The owner and occupant shall regulate uses and activities on the property so that sound never exceeds 65 db at any point on the property line.
 - (3) **Glare:** Lights, spotlights, high temperature 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(s). 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 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.
 - (6) **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 of retail merchandise may be permitted as provided in Chapter Four.
- d. Performance and development standards for residential uses shall be derived from the underlying multifamily zone district, as defined in Chapter Three of this Code.

**ORDINANCE NO.
ADOPTING A NEW ZONING MAP FOR THE 24 ROAD CORRIDOR AREA**

RECITALS. The City has adopted the 24 Road Corridor Subarea Plan as a part of the Growth Plan.. The Subarea Plan includes a future land use map identifying uses for parcels within the study area. As a part of the implementation of the plan, a zoning map has been created that is consistent with the future land use map and vision as identified in the plan.

The Grand Junction City Council has determined that this new map for the 24 Road Corridor Area is necessary for the preservation of health, safety, and general welfare of the citizens of Grand Junction.

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

1. The existing maps depicting and describing the zones and districts of lands within the 24 Road Corridor Subarea of the City, which are a part of the City’s Zoning and Development Code (the “Zoning Code”) are hereby repealed and reenacted with the attached map. The Clerk may publish this map in conjunction with publication of the 24 Road Corridor Design Standards and Guidelines by pamphlet.
2. This reenactment shall not be construed to revive any ordinance or part thereof that had been previously repealed.
3. Nothing in this ordinance, nor any provision repealed by the adopted of this ordinance, shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or occurring before the effective date hereof.
4. Unless another provision is expressly provided in the Zoning Code, every person convicted of a violation of any provision of these newly provisions and maps shall be punished according to the City of Grand Junction Code of Ordinances, Chapter 1, Section 1-9.
5. If any zoning map or portion thereof adopted hereby or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of these zoning maps which can be given effect without the invalid provisions or applications, and to this end, the provisions of this ordinance are declared to be severable.

Introduced on first reading this 18th day of October, 2000.

Passed and adopted on second reading this day of , 2000.

ATTEST:

City Clerk

President of the Council

ORDINANCE NO.

**AMENDING THE ZONING AND DEVELOPMENT CODE TO ADD SECTION 7.5
24 ROAD CORRIDOR DESIGN STANDARDS AND GUIDELINES**

RECITALS. One of the recommendations of the 24 Road Corridor Subarea Plan was to create design standards and guidelines to implement the plan. The Steering Committee has recommended the 24 Road Corridor Design Standards and Guidelines be adopted as an overlay zone district to apply to the entire study area.

Overlay zoning is one way to create a more flexible and discretionary alternative to traditional zoning. An overlay zone is defined as “a mapped overlay district superimposed on one or more established zoning districts which may be used to impose supplemental restrictions on uses in these districts, permit uses otherwise disallowed, or implement some form of density bonus or incentive bonus program”.

An overlay zone supplements the underlying zone with additional requirements or incentives while leaving underlying zoning regulations in place. Examples might include special requirements such as design standards or guidelines, additional setbacks or height limits. A parcel within the overlay zone will thus be simultaneously subject to two sets of zoning regulations: the underlying and the overlay zoning requirements.

Overlay zone boundaries are also not restricted by the underlying zoning districts’ boundaries. An overlay zone may or may not encompass the entire underlying zoning district. Likewise, an overlay zone can cover more than one zoning district, or even portions of several underlying zoning districts.

The 24 Road Corridor Design Standards and Guidelines are being proposed as an overlay district to cover the entire 24 Road planning area, generally bounded by 24 ½ Road on the east, Patterson Road and HWY 6 & 50 on the south, 23 Road and 23 ½ Road on the west and I-70 on the north, and including several parcels north of I-70. The document includes guidelines and standards for Community Framework, Site Design, Landscaping, Architectural Design, Site Lighting and Signs.

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

The Zoning and Development Code is hereby amended to add section 7.5 entitled “24 Road Corridor Design Standards and Guidelines” to be applied to the area shown on Attachment A and authorizes the Clerk to publish the amendment by pamphlet.

Introduced on first reading this 18th day of October, 2000.
Passed and adopted on second reading this day of , 2000.
ATTEST:

City Clerk

President of the Council

PLANNING COMMISSION MINUTES 10-17-00

PLN-2000-192 PLAN—24 ROAD CORRIDOR SUBAREA PLAN

A request for: 1) approval of the 24 Road Corridor Subarea Plan; 2) approval of an amendment to the Zoning and Development Code, adding a Mixed-Use zoning district; 3) approval of zoning for the 24 Road Corridor subarea; and 4) approval of the 24 Road Corridor Design Standards and Guidelines.

Petitioner: City of Grand Junction

3.1.3 Disclosures were offered by both Commissioners Dibble and Prinster.

Commissioner Dibble indicated that he owned land adjacent to the subject area but that he would receive no economic gain by the Plan's adoption.

Commissioner Prinster said that he worked for City Market who owns property in the subject area. He also professed to have no financial interest, nor did he expect any financial gain, by the Plan's adoption.

Mr. Shaver said that he had spoken with each planning commissioner individually and could find no basis for conflict of interest. Chairman Elmer asked Commissioner Dibble if his property would receive a different zoning with adoption of the Plan, to which Commissioner Dibble responded negatively.

Having determined that no conflict of interest existed for either planning commissioner, both were permitted to participate in deliberations.

PETITIONER'S PRESENTATION

Kathy Portner presented a brief overview of the Plan and its facets. She recounted the history of the Plan and City Council's formation of a 24 Road Corridor steering committee. She suggested separate consideration of each facet of the application.

SUBAREA PLAN

Overheads of the 24 Road Mission Statement, Subarea Plan Concept and Subarea Plan Elements were presented (as contained in the file). Elements, she said, had changed from the original vision foreseen by the Growth Plan. Proposed changes to the Future Land Use Map reflected residential uses along 24 ½ Road but did not change uses north of I-70. It included Commercial along F Road, extending along the Hwy 6 & 50 corridor. Industrial would be located along 23 Road, and the bulk of area would be reflected as the newly proposed Mixed-Use zoning. The steering committee defined Mixed-Use as a combination of employment-based uses (e.g., manufacturing/business parks, office, office warehouse) and residential.

QUESTIONS

Commissioner Nall asked if there was any provision for commercial uses within the Mixed-Use zone district. Ms. Portner anticipated limited commercial development although the zoning district dictated the uses more specifically than did the Growth Plan.

PUBLIC COMMENTS

John Beilke (2450 Pheasant Trail, Grand Junction) asked planning commissioners to reconsider zoning at the northeast corner of I-70 and 24 Road. He said that the site's partial RSF-R zoning did not make sense given the magnitude of street improvements that would be required upon development of that property. "No developer of low-density residential units would be able to pay for the required overpass and other infrastructure improvements with such an impediment." Mr. Beilke referenced his previous submittal that had contained mixed uses and open space but had been denied by both the Planning Commission and City Council. Mr. Beilke felt that the City had an unrealistic expectation for that corner and again asked for reconsideration of either Mixed-Use or Commercial zoning for the entire tract.

When asked by Commissioner Putnam what Mr. Beilke foresaw for the corner, Mr. Beilke expressed disappointment that his project hadn't been taken more seriously. His project, he said, would have paid \$1.5M towards infrastructure improvements, provided approximately 150 high paying jobs and provided open space and water features. In keeping with the direction of the North Central Valley Plan, he reiterated that the entire tract should be zoned either Commercial or Mixed-Use. Not doing this, he said, would result in the routing of commercial traffic from the C-1 zoned portion of the tract through the residential portion.

Jim Langford (529 – 25 ½ Road, Grand Junction), representing clients interested in submitting a commercial development proposal within the subject area, said that the City's intention of providing some mix of residential uses along the north side of F ½ Road would be contrary to his clients' interests. He contended that residential development would not generate sufficient funds necessary for F ½ Road improvements. He urged consideration of commercial zoning along the north side of F ½ Road of a transitional zone.

Ed Hokanson (2277 Rio Linda, Grand Junction) felt that the market should dictate uses along the 24 Road corridor. Proposed restrictions, he said, would limit shopping opportunities. He said that the City was making it difficult for those who wanted to develop the subject area with more commercial-based uses. He agreed with previous comments that the high cost of infrastructure improvements could not be offset by residential development. Mr. Hokanson requested greater flexibility from the City.

Greg Schaefer (3845 Horizon Glen Court, Grand Junction), member of the 24 Road Steering Committee, disagreed with Mr. Hokanson's comments. He believed there were a number of creative ways to deal with land uses.

Mary Locke (2322 I Road, Grand Junction), member of the 24 Road Steering Committee, extolled the beautiful views of the National Monument as seen from the north. A lot of people cared about protecting those views, she said. The Committee specifically didn't want to see the area become another Horizon Drive or North Avenue with a proliferation of commercial uses and signage. The Community, she said, should not have to accept what developers say they have to accept. The proposed plan

represented a way to show the rest of the valley that quality could be both promoted and achieved. She said that a lot of time and effort went into the proposed Plan and it represented a labor of love. She said that “if developers didn’t like the Plan, they wouldn’t build there.” She didn’t feel that that was altogether negative since others could and would locate there.

DISCUSSION

Commissioner Nall asked for elucidation on Mr. Beilke’s proposal, which was provided by Chairman Elmer.

Commissioner Prinster asked staff if they were prepared to address the residential requirement mentioned by Mr. Langford. Ms. Portner replied that this element would be discussed in a later facet of the Plan.

Commissioner Dibble referenced Mr. Langford’s comments and asked staff if his general contention was that “big box” commercial uses would be allowed to the south of F ½ Road while the Mixed-Use zone district to the north may require some residential development. Ms. Portner replied affirmatively.

Commissioner Dibble recollected that the access off of I-70 had been a major issue with regard to development of the northeast corner referenced by Mr. Beilke. He thought there had been discussion over timing of CDOT’s work on the overpass, reconstruction of that section of 24 Road and access requirements further north. Ms. Portner said that what had been decided was that until staff had the design of the new overpass, the City didn’t know what the access to that property would be. She recalled that discussions from both Planning Commission and City Council, some members seemed to concur that Mr. Beilke’s proposal was premature.

Chairman Elmer said that one of the major findings of the corridor study was confirmation that there were sufficient numbers of commercially-zoned properties available in other areas of the valley. Mixed-Use zoning offered greater flexibility and consideration of market conditions.

Commissioner Grout agreed and expressed support for this section of the request as presented. He didn’t feel that Mixed-Use zoning would cause any undue stress on development flexibility.

Commissioners Putnam and Nall concurred. Commissioner Putnam didn’t feel that development of an area should be entirely market-driven; the City should appropriately have a say in what an area should look like. Commissioner Nall said that the current request basically put forth the notion that “we can do better than average.” He too supported this facet as presented.

Commissioner Binder said that in Denver there are huge areas of strip malls; in other towns she’d visited there were more mixed-use development. The mixture of uses, she said, always appeared to be of higher quality and accommodated people more

effectively. She agreed that the Mixed-Use zone district provided the flexibility needed for the 24 Road corridor.

Commissioner Dibble felt that the current Plan would provide an aesthetic entryway into the City, something the community as a whole could be proud of.

Commissioner Binder added that the market study referenced by Chairman Elmer not only verified the existence of sufficient commercially-zoned properties; the study also encouraged commercial development in this area to occur closer to the mall.

MOTION: (Commissioner Grout) “Mr. Chairman, on item PLN-2000-192, I move we recommend approval to City Council of the 24 Road Subarea Plan.”

Commissioner Binder seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

MIXED-USE ZONE DISTRICT

Kathy Portner passed out copies of the Mixed-Use (MU) zone district standards proposed for inclusion in the Development Code, the two options for height variance within the MU zone, and a letter from George Pavlakis (5670 East Evans Avenue, #200, Denver). Mr. Pavlakis served on the 24 Road Steering Committee and expressed reservations over making the residential component of the MU zone mandatory. Referencing an overhead outlining key points of the proposal, she noted that the maximum retail building size for this zone would be 30,000 square feet, with no CUP option to allow for increased size. With regard to the residential component, staff was concerned that if the entire MU area were to develop commercially, the City would lose the potential for residential uses in that area. Ms. Portner passed out copies of a table outlining the number of residential units possible within the MU zone. While the approach would differ from that of the Growth Plan, the resultant number of units would be very similar. The MU zone would be available for use in other areas of Grand Junction as well. The two building height variance options were outlined. Both would permit building heights of up to 65 feet, but the first option included specifications for front yard building setback. Under no circumstances could the 65-foot restriction be exceeded.

QUESTIONS

Commissioner Prinster asked if the 30,000-square-foot figure applied to just the retail building footprint, or did it apply to all units within a given commercial node (e.g., Eastgate Shopping Center)? Ms. Portner replied that the figure pertained to the gross square footage of any one building. Using Eastgate as an example, staff considered the entire Eastgate Shopping Center as one building.

Commissioner Dibble wondered about the type of uses this zone would preclude. Ms. Portner gave examples that included drive-thru restaurants, outdoor-oriented operations, indoor manufacturing and production with outdoor storage and operations and manufacturing and production with indoor operations and outdoor storage (the latter

requiring a CUP). Vehicle service uses (e.g., car washes, gas stations, quick lubes) would require a CUP, while vehicle repair shops would not be allowed.

Chairman Elmer wondered how someone would interpret the definition of “limited retail.” Ms. Portner said that they would have to refer to building size to make that distinction since 30,000 square feet would preclude larger shopping centers and typical, larger grocery stores. There would be nothing to preclude a proposal containing several smaller-sized retail buildings and a cluster of retail uses on a single property, but Ms. Portner didn’t think that, from a practical standpoint, that option would be desirable to most commercial developers. To allay concerns, Ms. Portner said that one option available could include requiring a CUP for all general retail sales proposed within a MU zone.

Commissioner Grout wondered how the 25 percent residential figure had been derived. Ms. Portner said that one of the prime motivators for including a residential component was to better ensure that the entire zone would not develop strictly as commercial.

Chairman Elmer said that property owners could utilize the option of transferring density rights within the zone (TDR’s). Mr. Shaver confirmed that addressing TDR’s within the specific Subarea Plan was possible. Chairman Elmer remarked that TDR specifics could be addressed following adoption of the overall Plan. Mr. Shaver agreed, adding that TDR’s could be addressed as an implementation item. Reminding the Commission to require a “giving” and a “receiving” parcel, at the same, was essential. As a member of the Growth Plan Steering Committee, Chairman Elmer said that he wanted to ensure protection of residential uses within this area.

PUBLIC COMMENTS

Jim Langford (529 – 25 ½ Road, Grand Junction) expressed support for the TDR option and felt that it would provide his clients with an equitable solution to their current development dilemma. He said that the biggest problems arising with any development usually involved transportation issues.

Ed Hokanson (2277 Rio Linda, Grand Junction) agreed that the 24 Road corridor served as a gateway into the community but he disagreed with limiting retail building sizes. If the variance options allowed building heights to extend to 65 feet, he felt that the building’s “mass” should also be increased to accommodate larger buildings. He again asked the City for flexibility.

Greg Schaefer (3845 Horizon Glen Court, Grand Junction) supported the 65-foot height variance since he thought there were areas where a hotel might be feasible. He felt that the view corridor could still be protected, even with inclusion of this option.

DISCUSSION

Commissioner Binder supported the TDR option for property owners/developers within the MU zone. She felt that there were a number of ways available to achieve desired goals of the Plan. She also supported the CUP requirement for all limited retail uses.

The height variance would not be a problem as long as the Design Standards and Guidelines were in place to protect the view corridor.

Commissioner Dibble expressed support for height variance option 1 which provided for additional setback. The community, he said, wanted assurances that the view corridor would be protected.

There was general assent among planning commissioners and staff that the first height variance option was preferable.

Commissioner Dibble asked how front yard setback would be determined, which was explained by Ms. Ashbeck.

Commissioner Nall asked staff if there had been any analysis to determine how the 65-foot height variance would impact the view corridor. Kristen Ashbeck explained the rationale behind the first height variance option. Commissioner Nall acknowledged that with the increased setback provision, the view may be better protected, with amenities such as additional landscaping possible.

Commissioner Prinster asked if the 1.5 multiplier for front yard setback applied also to side and rear yard setbacks. Ms. Ashbeck said that planning commissioners may want to consider it; however, the option, as written, only pertained to the front yard setback.

A brief discussion ensued over extending the 1.5 multiplier to side and rear yard setbacks. Chairman Elmer opposed this since it would effectively reduce the area available for parking. Ms. Portner agreed, adding that the Design Standards addressed specific building placement/orientation and buffering between uses.

Planning commissioners discussed formation of the motion. Chairman Elmer acknowledged the close proximity of the residential density figures as outlined in both the new Plan and the current Growth Plan. He felt that the 25 percent residential requirement should remain for the MU zone.

Commissioner Nall asked if the Code's 10 percent building height variance would also apply to buildings that were granted the 65-foot height variance. Ms. Portner acknowledged that staff had not previously addressed this element. She said that the current Code would allow up to a 25 percent height variance unless the MU zone was included under the "exceptions" category. General assent was received from planning commissioners that staff should include the MU zone as part of the exceptions category, limiting building height to no more than 65 feet under any circumstance.

MOTION: (Commissioner Grout) "Mr. Chairman, on item PLN-2000-192, I move that we recommend to City Council approval of the Code amendment to add the Mixed-Use zone district with the following conditions: 1) general retail sales for indoor operations, display, and storage uses will require a Conditional Use Permit; 2) to recommend to City Council some options being presented to allow for density transfers within the

residential uses of the Mixed-Use zone only, to achieve a minimum of 2,000 dwelling units for the Mixed-Use subarea as shown on the Subarea Plan, with the maximum number to be as stated in the 1996 Growth Plan; 3) for purposes of the Mixed-Use zone, the maximum building height shall be 65 feet with no increases allowed with the provision for the increased setback if it's above 40 feet as worded by the staff [to read...Maximum building height may be increased to 65 feet provided the building front yard setback is at least 1.5 times the overall height of the building.]”

Commissioner Dibble seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

PROPOSED ZONING MAP CHANGES

Kathy Portner presented an overhead visual of proposed zoning changes. She outlined changes and the areas affected. Ms. Portner referred to a section of C-1 zoned property along Hwy 6 & 50 belonging to Mr. Pavlakis. Mr. Pavlakis's letter stated a preference for following the original Growth Plan designation which would extend the commercial zoning diagonally to include a triangular portion of property directly adjacent to the F ½ Road alignment (an area denoted on the currently proposed zoning map as MU). Staff took no issue with Mr. Pavlakis's request. Mr. Pavlakis also requested C-2 zoning for his property instead of C-1. Given the implementation of proposed Design Standards, staff felt this request to be reasonable as well. Ms. Portner noted that property owners within this subarea would still retain the right to come before the City and request a rezoning of their properties.

QUESTIONS

Commissioner Grout asked for clarification on the demarcation line for Mr. Pavlakis's property, which was given.

PUBLIC COMMENTS

3.1.4 Greg Schaefer (3845 Horizon Glen Court, Grand Junction) referenced the northeast corner of the I-70/24 Road intersection mentioned previously by Mr. Beilke and acknowledged that perhaps it too should be more consistently zoned. He suggested MU zoning for the entire parcel.

DISCUSSION

Commissioner Binder agreed with Mr. Schaefer that it made more sense to zone the residential portion of the northeast corner to something other than Residential. The MU zone would provide a viable alternative. Mr. Shaver explained that a rezone for that property had already been considered by both the Planning Commission and City Council within the last year, the request having been denied by both bodies.

Commissioner Dibble concurred with Mr. Schaefer and Commissioner Binder's statements. He did not feel that the corner lent itself well to the split uses of commercial and low-end residential. He acknowledged statements made previously by Mr. Beilke that commercial traffic would end up being routed through a residential area. Noting that the I-70 intersection would be closed for some time in 2006 for improvements, he

thought the issue would require revisiting at some point but agreed that now was not the time.

Chairman Elmer expressed support for changing Mr. Pavlakis's property to the alignment and C-2 zone designation requested. Commissioner Binder also supported this request.

MOTION: (Commissioner Dibble) "Mr. Chairman, on item PLN-2000-192, I move we recommend approval of the Zoning Map of the 24 Road area as proposed by staff with the change as shown by staff tonight, with the diagonal line between 23 ¼ and 23 ¾ Roads, approximately, and the area currently depicted north of that line as Commercial will be designated as Mixed-Use, and the property currently depicted south of that line that's shown as C-1 in the small portion of Mixed-Use would now be shown as C-2."

Commissioner Binder asked if there were enough design criteria in place to control the appearance of the C-2 zone, if approved. Ms. Portner said that if the proposed Design Standards and Guidelines were approved, there would be control over screening of outdoor uses, storage, building height, orientation, etc.

Commissioner Prinster seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

24 ROAD DESIGN STANDARDS AND GUIDELINES

Kathy Portner referenced the Design Standards and Guidelines booklet passed to planning commissioners previously. Photos of examples of open spaces, public parks, trail systems, roadway systems, storm drainage areas, and streetscaping designs were presented. Photos of examples of key gateways, intersections and entries, architectural design variations, and signage design configurations were also presented. Ms. Portner briefly overviewed this section.

Mr. Shaver advised that on page 2, under "Guidelines," language be modified to make it very clear what a guideline was. He suggested verbiage to suggest that guidelines were something more akin to mandatory standards. This addition, he said, would clarify for both the staff and the community. Also on page 2, second paragraph under "Administration of the Design Standards and Guidelines," he suggested amending this section to preclude what these things aren't but to say instead what they are. He recommended deletion of the paragraph, replacing it with the following verbiage, "These standards and guidelines supplement City minimum requirements and may be more restrictive than other developed regulations." On page 8, the note at the bottom of Figure 2.2 referenced slope ratios; however, he could find no text to support them. He proposed having staff provide the Planning Commission with additional clarification. On page 29, Table 3.1, the parking setback referencing Leach Creek Corridor was unclear. What was the Leach Creek Corridor? Similarly, reference to Figure 2.3 in the Notes section of that table was also unclear since Figure 2.3 had no dimension. He suggested either adding a dimension or deleting the notation altogether. Page 30, paragraph 3 under "Standards," he felt that clarification was needed for the term "higher traffic

streets.” Page 32, paragraph 1 under “Standards,” the last full line of the paragraph should be reworded to say either that driveways either are or aren’t allowed. The term “shall minimize” wasn’t clear. On page 38, there was a strange symbol included next to the number 50 when referencing a typical commercial setback. He surmised that this symbol was included in error. On page 42, number 2, references to two-way bikeways were probably a misnomer because it suggested that there was such a thing as a one-way bikeway. On page 50, number 5, references to “first floors” were probably meant to reference “first stories.” He indicated a number of other small “fixes” may be required.

PUBLIC COMMENTS

Jim Langford (529 – 25 ½ Road, Grand Junction) suggested that the City needed to come up with ways to pay for its vision of recommended improvements. He said that for improvements that were more of a community benefit, the City should take the burden off of the individual developer and spread it out over a wider area (e.g., via special districts). He thought that perhaps now was the time for the City to consider acquiring additional right-of-way to better ensure that some of these desired amenities would come to fruition.

Ed Hokanson (2277 Rio Linda, Grand Junction) reiterated his request for flexibility and latitude. The property owner, he said, should have some say in how his land developed. He urged adoption of clear and definable standards.

Greg Schaefer (3845 Horizon Glen Court, Grand Junction) was convinced that the type of quality development sought for the corridor could and would be built.

DISCUSSION

Ms. Portner agreed that the City needed to consider other mechanisms for accommodating infrastructure; she said that a number of options are currently under investigation. Mr. Shaver reminded planning commissioners that the TEDS manual was also undergoing revision.

Commissioner Putnam supported the City’s investigation of other payment options for development of infrastructure. He wondered how best to address Mr. Shaver’s revision comments. Mr. Shaver said that with the exception, perhaps, of defining “guidelines,” all other issues could be directed to staff for clarification between now and the City Council hearing.

A brief discussion ensued over defining the term “guidelines.” The following verbiage was recommended by Mr. Shaver: Changes to the “Guideline” paragraph on page 2, to read “Guidelines promote the goals defined by the Purpose statements. Achieving guidelines may help in identifying alternative approaches to achieving standards. While the term ‘guidelines’ is used, guidelines shall be applied unless the Director and/or Planning Commission otherwise determine.” He also recommended the following verbiage changes for the second paragraph under “Administration...” on page 2: “These standards and guidelines supplement City minimum regulations and may be more restrictive than other development regulations.”

Commissioner Grout noted that if a term was “negotiable” and the Planning Director was authorized to make the final decision, the Planning Commission would only be involved if the decision were appealed. This idea met with general assent by planning commissioners.

Commissioner Nall acknowledged that the development community needed some idea of what their costs would be in complying with adopted Design Standards and Guidelines.

Discussion over how best to handle Leach Creek standards ensued. Chairman Elmer said that direction on this issue would have to originate with City Council and fell outside the purview of the Planning Commission.

MOTION: (Commissioner Grout) “Mr. Chairman, on item PLN-2000-192, I move we recommend approval to the City Council of the 24 Road Corridor Design Standards and Guidelines with the additions of Mr. Shaver’s verbiage [Changes to the “Guideline” paragraph on page 2 to read ‘Guidelines promote the goals defined by the Purpose statements. Achieving guidelines may help in identifying alternative approaches to achieving standards. While the term ‘guidelines’ is used, guidelines shall be applied unless the Director and/or Planning Commission otherwise determine.’ and the following verbiage changes for the second paragraph under ‘Administration...’ on page 2: ‘These standards and guidelines supplement City minimum regulations and may be more restrictive than other development regulations.’] and also that the staff look at details to further define the document in part by some issues.”

Commissioner Nall seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

With no further business to discuss, the meeting was adjourned at 11:45 P.M.

CITY COUNCIL MINUTES 11-1-00

PUBLIC HEARING - AMENDING THE ZONING AND DEVELOPMENT CODE, ADDING A MIXED-USE ZONING DISTRICT AND FINALIZING THE ZONING, DESIGN STANDARDS AND GUIDELINES FOR THE 24 ROAD CORRIDOR

FILE #PLN-2000-192]

The proposed Code amendment adding the Mixed-Use zone district, the zoning map and the 24 Road Design Standards and Guidelines were developed to implement the 24 Road Corridor Subarea Plan that was presented to Council last spring by the 24 Road Steering Committee.

The public hearing opened at 8:04 p.m.

Kathy Portner, Planning Manager, reviewed this four-part item that is the result of over a year of work of a very dedicated committee. She outlined the four parts for Council to consider. It was suggested that Kathy Portner make her presentation first before any voting takes place. Councilmember Terry inquired if the adoption of the plan will effectively amend the Growth Plan. Ms. Portner said yes.

Ms. Portner started her presentation by reviewing the 24 Road Corridor Subarea Plan. The committee took a broad look through a vision statement. She then outlined the elements in the document including the image as a gateway into the City, open space and public facilities as an anchor for the development, circulation, land use and implementation.

Councilmember Spehar asked about what would be the changes from the current Growth Plan. Ms. Portner pointed those out, noting the biggest changes being in the mixed use area.

Kathy Portner gave the reason for the creation of the mixed use zone district as being the City did not have a zone district that allowed the variety of uses being contemplated. It was patterned after the industrial/office zone district as in the newly adopted Code which includes a residential component that the existing industrial/office zone does not. Any retail use will require a Conditional Use Permit to be site specific as to where those retail centers would be approved.

Councilmember Terry asked if there is a minimum acreage that a mixed use zone district can be applied.

Ms. Portner said in the study area shown it is not an issue as the smallest parcel is 4.2 acres. Using the zone district in other areas in town that question will have to be addressed. The Conditional Use Permit will allow the Planning Commission to review the compatibility on a case by case basis.

Councilmember Spehar stated his concern with the housing component which is not required on parcels of less than 5 acres. He wondered what is to prevent this area from being subdivided into 5-acre parcels to avoid the requirement. Kathy Portner said that would be looked at the time of subdivision during the public hearing process.

Kathy Portner stated another key part of the Plan is residential densities would be 12 to 24 units per acre and that a minimum of 25% of the gross land area shall be in residential development. Maximum building height can be increased up to 65' providing the building front yard setback is 1.5 times height of building. Planning Commission questioned applying that to rear and side yard setbacks and is now recommending that to be applied to all sides. Taller buildings will have increased setback requirements all around the building.

Councilmember Terry said there is a need for medium to high density residential and asked if that goal is still in the plan. Ms. Portner said yes.

Kathy Portner, in discussing the recommendation for mixed use, referred to the recommendation sheet and noted the options. The Planning Commission recommended that 25% of the land be dedicated to residential, which can be transferred within the mixed use zone district if two projects are planned simultaneously.

Councilmember Terry was concerned about recommendation 2 d in that the developer is tied to the originally approved schedule. This could be somewhat problematic as building is often subject to the market demand. City Attorney Dan Wilson said that should include any amendments to that schedule granted in a public hearing, to delay or change the schedule. The intent is that the Community Development Department can pick and choose between 2 a thru e or any or combination thereof.

Ms. Portner reviewed the new zoning map being proposed and identified the changes from the current map. Councilmember Payne asked if there are currently any businesses in the area that are in violation of the C-2 zoning. Ms. Portner said C-2 does allow for those businesses and they would be considered grandfathered in.

Lastly, Ms. Portner highlighted the Corridor Design Standards and Guidelines.

She reviewed the recommendations for change to the proposed ordinance and clarified that the guidelines will apply to the entire study area, not just the mixed use.

Councilmember Terry thought the design standards might be a problem for the small parcels. Ms. Portner answered that they would look at the building location and how they will screen and buffer. She felt they could still be applied to the small parcels. Councilmember Terry asked about building materials. Ms. Portner said those would be the same. Councilmember Spehar confirmed that existing uses would be grandfathered. Ms. Portner said yes.

Public comment was divided into the three sections.

Mixed Use Zone District

Mary Ann Jacobson, 702 Golfmore Drive, displayed an aerial photo and complimented some of the things that have been done but felt this plan is too restrictive. She told the Council about several companies that have approached her and feel the plan is too restrictive. Also, the requirement that the landowners would be putting in the additional lanes on 24 Road is a very onerous requirement. The roundabout at 12th Street is too narrow and not convenient for the semi-trucks and was not planned out carefully. She feels this same kind of vision is being applied to this corridor.

Councilmember Theobald asked which element in particular was too restrictive.

Ms. Jacobson said height restrictions. Hotels want to build something similar to what is found in a larger city.

Councilmember Payne said 65' allows six stories. Ms. Jacobson said they wanted higher.

Councilmember Theobald said one reason for the height restrictions concerns the fire department and the problem of fighting fires in high rise buildings.

Kathy Portner confirmed that 65' is the maximum height under the current proposal.

Councilmember Theobald responded to Ms. Jacobson's concerns on the roadway, stating the City will be widening 24 Road over a few years. If the property owners want it sooner, then they would have to make a monetary contribution toward the construction of the roadway. Councilmember Spehar said the interchange is scheduled for 2006 – 2007.

Ms. Jacobson asked if the hotel were to come in, if it would be required to widen the street. Councilmember Terry said it would depend on the impact. They might have to contribute in terms of the building's impact.

Mike Joyce, Development Concepts, 2765 Compass Drive, an interested citizen, said they have done a lot of work on this plan. His concerns were like Ms. Jacobson's, motels and hotels could not be built in the mixed use.

Kathy Portner clarified that lodging is a separate category from retail, and 150,000 sq. ft. could be allowed without a Conditional Use Permit and site review for non-retail. Lodging would not be subject to the 30,000 sq. ft. limitation.

Mr. Joyce commented that one item that came up during several discussions is the higher intensity of commercial use at the intersection of I-70 and 24 Road. He had additional comments on the 25% residential requirement being too limiting. Councilmember Spehar asked how Mr. Joyce's suggestions would fit with the mixed use plan as opposed to the more traditional zoning. Mr. Joyce said he was viewing mixed use as more of

neighborhood commercial along with industrial and commercial use. He feels residential belongs more along 24½ Road.

Attorney Tom Volkmann, 422 White Avenue, referred to the recent change of the increase in setbacks around the buildings. He also referred to the proposal to move Leach Creek to the east of the property. Then, in addition, the residential requirement would be part of the mix. All these issues will really limit projects. He said it is prudent to plan this corridor as a gateway to the City, however the standards require high density residential with enhanced planning designs and guidelines that will further increase the cost of housing with the median income in Grand Junction being \$24,000, he wonders what the rental rates would be for these units. He said it seems that high-density housing is to go here because no one else wants it anywhere else. The guidelines will make these expensive multi-family housing and the market will not support it. When asked, he said he is not representing anyone in particular tonight. He doesn't think this experiment will work. He feels the 25% residential requirement is ill-advised for this corridor and that it be reconsidered. Councilmember Terry asked if the percent were lowered, would it be acceptable. Mr. Volkmann said the lower the better.

Councilmember Theobald asked why it is expensive. It seemed to him that commercial real estate is worth more than residential. The original Growth Plan has this property designated as residential. The reason the City is even looking at mixed use is because property owners there asked to be allowed to have some commercial. The value is based on location and use. It is premature to say the land is valuable based on zoning it does not currently have.

Councilmember Spehar said there is no shortage of commercial land in the community. The Growth Plan has created an opportunity, although the market does not demand it today, to site in a terrific location higher density housing. He was willing to take the chance on the mixed use concept and that this may be a noble experiment. He was not willing to give up the housing component totally.

Councilmember Payne said the per acre price does not seem too high for housing.

Stan Seligman, 3032 I-70 Business Loop, said the lack of location for major "big box" stores to come in was his main concern. He understood the mixed use concept, and generally the limitation is placed on retail space. He referred to Park Meadows in Denver. He said that is the future Grand Junction needs to look to. He agreed with Mr. Volkmann's comments on the multi-family. It is difficult to justify the cost for multi-family use in that area when compared to potential revenues lost from less retail.

Ed Hokason, realtor, 2277 Rio Linda Lane, expressed his concern from a realtor's point of view. He agrees with previous speakers, this is an opportunity for Grand Junction but the Council and Planning Department is also challenged to look 20 to 40 years into the future. There is a need for increased shopping opportunities and developers need to provided with what they need and want to be able to provide these services. I-70 is a regional high traffic corridor, and limiting retail to 30,000 sq. ft. is not feasible. Several components of

the Plan give the perception of micro managing the market. It is also is a mistake not to allow fast food or service station opportunities. A good Code needs to include everything that a developer needs to know and not be too subjective. The simpler the better. This corridor will be very important in the future. The increased traffic along the corridor would not be compatible with the residential component.

Jim Langford, Thompson-Langford Corp., 529 25½ Road, is working on a Super Target project for the area. His concerns are that this development company only does retail, not multi-family. They would have to build F½ Road and several roundabouts. He has worked on other major projects and it always comes down to transportation and off-site street improvements being major issues. The City almost lost Home Depot due to these issues and there is not a forum where these concerns can be shared with Council and how they all tie together.

Councilmember Terry defended Council in that the development community has been given ample opportunity to contact Council, and have not followed up on it.

Councilmember Spehar said Council shouldn't be hearing so much detail about a project that might be coming before Council in the future.

Mr. Langford said he would like to see some flexibility with the northern boundary for commercial use. When asked which plan he prefers, the old Growth Plan or the new proposal, he said neither.

Richard Mason, a resident living in the area north on the other side of I-70, said he would like Council to consider the elements of this Plan with a look to the future. There are plenty of campuses of big box stores in Denver. He didn't want to see it in his backyard. A certain amount of residential component will prevent the pollution of a lot of commercial venues.

RECESS

Mayor Kinsey called for a brief recess at 9:55 p.m. Upon reconvening at 10:05 p.m., all members of Council were present.

The Mayor asked the speakers to stay focused on the issue.

George Pavlakis, Denver, is a representative of the landowners of a larger tract, and was also on the 24 Road Corridor Steering Committee. He said the multi-use zoning concept was formulated as method of letting the market drive the use for these areas, as a compromise between the Growth Plan, the landowners' wishes and the desire to develop the area in an attractive and aesthetically pleasing way. The 25% residential component is appropriate in that it meets the old Growth Plan numbers but it takes away flexibility, as does the requirement for commercial. As the representative of the landowner, he agrees with the mixed use concept, however, he objects to the specific requirements of the 25% residential and the limitations on the commercial.

Councilmember Theobold asked if the market dictates, then how will it work in regards to the residential component? Mr. Pavlakis said the projections equated to a 20 to 30 year build-out, therefore certain areas would lend themselves to other uses including the residential.

John Usher, from Saratoga, California, bought some land in the study area in the 80's to help some people out financially. He became involved two years ago during a public meeting when asked what his vision was, and was asked to display drawings to assist Council to better understand the vision for his land. He wanted to have mainly office buildings and build for better jobs with some residential. The proposed guidelines are too onerous and a waste of taxpayers money. Multi-use is a great idea but he feels the market should drive it.

Councilmember Terry asked if he had specific concerns.

Mr. Usher said it is full of too specifics, size of signs, type of trees, setbacks, etc. He felt that guidelines were more appropriate than standards.

Brian Harris, 415 Morning Dove Court, had a question regarding Leach Creek and trail. Is this to be built by the City and end up under the Parks and Recreation Department? Councilmember Theobold said the wash itself is not the City's. As far as the trail location is concerned, it is intended to be at street level and is anticipated to be a City construction project at this point.

Mr. Harris asked about the housing requirement, clarifying the number of units on the ten acres.

Ted Munkres, Freestyle, Inc. Design & Building, 121 Chipeta, states he has no interest in the properties, but believes the idea of putting residential in with commercial and retail is not such a great idea. If there is to be mixed use, then reduce requirements and allow some transfers of the multi-use. High density is typically for empty nesters or young couples, whereas parks are more for family use. He stated that low residential density near the park is more appropriate than the higher density. He would like to see meaningful dialogue between concerned parties and Council.

Councilmember Spehar asked what his ideas were on transferring densities or uses within this plan and make it work. Mr. Munkres said it needs to be well thought out and addressed in some way. Commercial builders are not the same as residential builders. The commercial builder may be able to sell the property for the residential use. The idea of 25% residential is a high percentage for that type of development.

Gary Crist, 3173½ William Drive, is not representing anyone, asked where is this mixed use zoning used now in the State of Colorado and how can it be applied to Grand Junction? Kathy Portner said it is used in other areas such as Denver and resort communities.

Councilmember Spehar said another example would be the City Market store in Vail.

Mr. Crist questioned the size restrictions of the City Market compared to the 30,000 sq. ft. requirement as stated in this Plan. Councilmember Spehar replied there is plenty of opportunities to build that size store (119,000) and asked Ms. Portner to explain. Ms. Portner responded that retail development could be located in any of the commercial zones in the City. Virtually the entire 6 & 50 frontage is zoned commercial and the east end of valley. Mr. Crist said there is a need for grocery store in this location. Councilmember Spehar confirmed with Ms. Portner that a grocery store could be constructed anywhere in the commercial area.

Warren Jacobson, resides on the southwest corner of I-70 and 24 Road, said the committee has listened to everyone involved, and he disagrees with the 25% requirement. He asked if the State Highway Department might be interested in landscaping along the interstate. Both Councilmembers Theobald and Terry indicated the City has discussed landscaping with CDOT, who responded they do not do landscaping. They will be pursuing that issue with the State.

Roy Blythe, representing Dr. Merkel, said Dr. Merkel's idea of mixed use is quite different from the proposal. His perception of multi-use includes retail and commercial with some residential. He feels 25% is too large of a percentage for residential. Several property owners conducted feasibility studies and have had a difficult time making projects work economically with these requirements. Some specifics include whether the Council is looking at FAR ratios, and height restrictions and setback requirements. He stated there is no gain to go higher because of the required increased setbacks. He also asked if the square footage is regarded as a footprint or actual square footage. As an architect, he is looking for guidelines not standards. The setback requirements also do not make sense in that they will force parking along 24 Road, which is something the Plan intends to avoid.

Councilmember Theobald asked for clarification. Ms. Portner said the maximum is 30,000 gross square foot of retail space, and the remaining floors could be office space.

Pat Edwards, who has no special interest in this project, wanted to discuss what he knows is going in around the Mall area. A new bank, and Chiles is being constructed around the Mall and they have been pounded pretty heavy with traffic requirements. The City has enjoyed a lot from the sales tax from the Mall area and feels that the City needs to step up and participate in the traffic impacts. Retail sales generate more revenue and will pay for the traffic impacts but they are being put to the iron test of a Conditional Use Permit.

Terri Binder, 2148 Redcliff Circle, stated it was a privilege to serve on the 24 Road Committee. The Committee heard many of these same things that have been discussed tonight. She believed it is the best the Planning Commission could do with all the concerns they heard. Grand Junction is changing, which always brings discomfort. This is something new, and is an opportunity to raise the bar of expectations for development

in the City's last major corridor. This corridor can be an inviting corridor that will say there is something here for travelers to check out. Every community deals with traffic. Where does one put high-density homes, this is a place where it can be done. She listed examples that are working in other places. An example was Steve Reimer, Hawthorne Suites, the land was zoned residential, and now with mixed use is more valuable. The Committee began discussing the design standards and guidelines after being shown the vision of one of the large property owners.

Councilmember Scott asked if the Committee discussed a percentage. She responded no, but it was put forward by the Planning Commission to get the same number of units as in the current Growth Plan.

John Usher, the property owner Ms. Binder talked about, said, that in theory, the high density was to solve the traffic problem in Silicon Valley with people moving to where they worked, but it did not solve the traffic problem. His mixed use vision was more commercial, office and retail. The land is currently zoned Highway Oriented, not residential.

Councilmember Theobald said the Council would have changed the zoning to conform with the Master Plan had the Council not exempted this area out for further study.

Mary Ann Jacobsen said when she bought the land in the early 1960's it was commercial. Councilmember Theobald asked if one of the parcels she owned, at one point, was going to be an RV park? Ms. Jacobsen said no. Mr. Usher said it was his property.

There were no other public comments. The hearing closed at 11:00 p.m.

Councilmember Terry asked about the history of the 25% requirement for residential.

Kathy Portner stated discussions began with the Planning Commission, Steering Committee and Council wanting assurance of a residential component. Staff started working on the numbers and what would be a reasonable percentage. The goal was to maintain the total number of units within that area under the existing Growth Plan.

Councilmember Scott said the big problem is the 25% residential component.

Councilmember Theobald said his impression is that it is any percent and that people are also longing for a past that never was. There have been a lot of zoning perceptions that have not existed, or what they think it should be. The Growth Plan zoning, original zoning or the proposed zoning would not have allowed what they believe should be allowed there. Mr. Usher's dream started this, and unfortunately he is not happy with how it turned out. Restrictions wouldn't have to be created if everyone stuck to the standards.

Councilmember Terry said the Growth Plan was very specific on additional retail, and she felt strongly about that document. There has been plenty of opportunity for big box in this community. Planning and market-driven development do not always coincide. One of

the primary elements of this study is a market analysis. As far as street projects, Council spent over \$20 million in capital improvement projects this year. She was concerned on the 25% requirement and would be willing to do a range alternative if feasible.

Councilmember Enos-Martinez supported the concept, but she was struggling with the 25% residential component.

Councilmember Theobold liked where the 25% came from, that is, based on the number of units in the original Growth Plan.

Councilmember Spehar said that given those comments, discussions could include reducing the percent or talking about how the 25% was originally arrived at. It is possible to have the other more profitable uses be developed first, as long as it is planned up front, and have the development of some of those uses trigger the need to complete the 25%. He states that this is not too restrictive but more expansive, and too expensive when figured on a speculative use. The lack of opportunity for big box has been answered and there are plenty of opportunities to build the larger stores. In speculating what will this look like in 20 years, the plan was developed with that in mind. He suggested the Council proceed with the plan, stay close to the 25% and work on the trigger for that requirement.

City Attorney Dan Wilson gave some options for approving the draft at this point.

Councilmember Terry was concerned with the percentages. She wanted to look at the other options.

Councilmember Spehar would be willing to have more discussion on the percentages and trigger points. He suggested adopting recommendation a & b, and leaving c & d for further discussion.

Councilmember Payne would like more discussion to determine if the density can be lower than 25%. He believes that this is a good plan and suggests that the Council look at the Crossroads area, a multi-use area that works. He wants the 24 Road Corridor to be different.

There were no other comments. The hearing closed at 11:25 p.m.

a. Resolution

Resolution No. 109-00 - A Resolution Adopting the 24 Road Corridor Subarea Plan Upon motion by Councilmember Terry, seconded by Councilmember Theobold and carried by roll call vote, Resolution No. 109-00 was adopted. Councilmember Terry noted adoption of Resolution No. 109-00 creates an amendment to the Master Plan.

b. Ordinances

- (1) Ordinance No. 3304 – An Ordinance Adopting a New Zoning Map for the 24 Road Corridor Area
- (2) Ordinance No. 3305 – An Ordinance Amending the Zoning and Development Code to Add Section 7.5, 24 Road Corridor Design Standards and Guidelines

Upon motion by Councilmember Spehar, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3303 Amending the Sections 3.2 and 3.5, and Section 3.2.H.4, and Adding Section 3.4.J to the Grand Junction Zoning and Development Code to Create a Mixed-Use Zoning District with recommendations 1, 2 a, b, e, was adopted on second reading and ordered published, leaving c and d for future discussion.

Upon motion by Councilmember Spehar, seconded by Councilmember Theobald and carried by roll call vote, the residential requirement was designated at 25% subject to revision within two weeks and further discussion of the guarantees necessary to assure the construction.

It was moved by Councilmember Payne and seconded by Councilmember Enos-Martinez that Ordinances No. 3304 and 3305, with the recommended changes be adopted on second reading and ordered published.

Councilmember Payne amended the motion by adding adopting Ordinance No. 3305 with the recommended changes except for #5. Councilmember Enos-Martinez seconded the amendment.

Roll was called upon the amended motion and the motion carried.

**CITY COUNCIL
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Reconsideration of Ordinance 3303, Regarding the Residential Requirement in the Mixed Use Zone District		
Meeting Date:	November 15, 2000		
Date Prepared:	November 8, 2000		
Author:	Kathy Portner	Planning Manager	
Presenter Name:	Kathy Portner	Planning Manager	
	Workshop	x	Formal Agenda

Subject:

Reconsideration of Ordinance 3303 regarding the residential requirement in the Mixed Use Zone District.

Summary:

At the November 1st hearing, the City Council adopted the 24 Road Corridor Subarea Plan, amended the Code to add the Mixed Use zone district and adopted a zoning map and design standards and guidelines for the 24 Road study area. Council agreed to reconsider the ordinance creating the Mixed Use zone district to discuss and possibly amend the 25% residential requirement. Also, Council may want to discuss enforcement mechanisms for the residential requirement.

Background Information:

- Code Amendment Adding the Mixed-Use Zoning District**—One of the recommendations of the Subarea Plan was to create a new zone district to accommodate mixed use. The Mixed-Use (M-U) zone district is patterned off the Industrial-Office (I-O) zone district with an added residential component. Retail use is limited to neighborhood commercial with a 30,000 square foot maximum building size for retail and for parcels greater than 5 acres in size, 25% of the land area must be designated for residential to ensure a true “mixed-use” development.

A concern raised with the proposed Mixed-Use designation for much of the 24 Road corridor was the lost potential for medium to high density residential, as was contemplated with the Growth Plan. At the last hearing the City Council was shown a chart comparing the number of residential units possible under the original growth plan and the number of residential units possible with the proposed zoning for the 24 Road area. Under the original Growth Plan, the potential number

of units ranged from 2240 to 3440. Applying the Mixed Use, with a 25% residential requirement, results in the potential number of units ranging from 2159 to 3809.

The above numbers include the total number of residential units possible in the entire study area, not just the Mixed Use zone district. To simplify the comparison, the following numbers reflect the possible number of residential units in the area designated as Mixed Use. The zoning map adopted by City Council at the last hearing established 440 acres as Mixed Use zoning, which requires residential densities of 12 to 24 units per acre. Under the original Growth Plan, 160 acres of the 440 was designated as Residential, 8 to 12 units per acre, for a range of 1,280 to 1,920 residential units. The remainder of the 440 acres was designated for commercial/industrial development. Applying various percentage requirements for the residential component of the Mixed Use designation would result in the following number of units:

- 25% results in 1,320 to 2,640 potential residential units
- 20% results in 1,056 to 2,112 potential residential units
- 15% results in 792 to 1,584 potential residential units

Based on the above percentages, 25% would guarantee the minimum number of units that would have been built under the original Growth Plan. If the 15% or 20% options were built out at 12 units per acre, which is the minimum required in the Mixed Use zone district, the low end of the original Growth Plan numbers would not be achieved. However, it's likely that residential built in this area would be built toward the upper end of the density range to maximize return and be more compatible with surrounding uses.

Ordinance 3303, approved by the Council on November 1st (see attached) also revised the proposed section 3.4.J.4.f to add the following:

- a. Final plans for the required residential component must be submitted and approved with the overall project.
- b. The required residential component must be built with the overall project.
- c. Residential units may be built as part of the retail/commercial structure.

Other options to assure the required residential is built could include any of the following or any combination. These are listed in order of staff preference.

1. The required residential component shall be finally planned (receives final plan approval) prior to any structure being built anywhere within the overall project. All of the infrastructure (streets, open space and utilities) necessary for the residential development shall be included in a Development Improvements Agreement and Guarantee with the first phase of the development plan for the property. [This option would replace "a" and "b" above.]
2. All of the required residential component shall receive final plan approval with the first development plan that is considered for the property and at least 10%

- (or some percentage) of the required residential component must be built with the first phase of the project, with the rest of the residential units to be built in stages proportional with the other stages of the overall project. [This option would replace “a” and “b” above.]
3. A deed restriction shall be recorded against the title to all portions of the property, including each non-residential component, requiring that the required residential component be built within the approved development schedule. The City may enforce the deed restriction against the owners of any portion of the overall project, jointly and severally.

Staff recommends option 3 as the enforcement mechanism for the residential requirement.

1. Possible amendment to modify the required residential percentage.
2. Possible amendment(s) to modify or enhance the enforcement mechanism to assure the residential component is built.

**Adopted November 1, 2000
Publication Pending**

ORDINANCE NO.

**AMENDING TABLES 3.2 AND 3.5 AND SECTION 3.2.H.4, AND ADDING SECTION
3.4.J
TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE TO CREATE A
MIXED-USE ZONE DISTRICT**

RECITALS. One of the recommendations of the 24 Road Corridor Subarea Plan was to create a new zone district to accommodate mixed use. The Mixed-Use (M-U) zone district is patterned off the Industrial-Office (I-O) zone district with an added residential component. This zone district is being added to the Zoning and Development Code and will be applied to the area designated as "Mixed-Use" on the Future Land Use Map of the 24 Road Corridor Subarea Plan. The zone district would also be available for other areas of the City if found to be appropriate.

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

The Zoning and Development Code is hereby amended to add section 3.4.J and amend tables 3.2 and 3.5 as shown on attachment A and amend the first sentence of section 3.2.H.4 to read as follows:

"The maximum height for structures may be increased by up to twenty-five percent (25%) of the allowed height by the Planning Commission, except that in RSF-R, RSF-E, RSF-1, RSF-2, RSF-4 and **MU**, additional height shall only be granted by a variance."

Introduced on first reading this 18th day of October, 2000.

Passed and adopted on second reading this day of , 2000.

ATTEST:

City Clerk

President of the Council

CITY COUNCIL MINUTES 11-15-00

RECONSIDERATION OF ORDINANCE NO. 3303 CONCERNING THE RESIDENTIAL REQUIREMENT IN THE MIXED USE ZONING DISTRICT [FILE #PLN-2000-192]

At the November 1st hearing, the City Council adopted the 24 Road Corridor Subarea Plan, amended the Code to add the Mixed Use zone district and adopted a zoning map and design standards and guidelines for the 24 Road study area. Council agreed to reconsider the ordinance creating the Mixed Use zone district to discuss and possibly amend the 25% residential requirement. Also Council may want to discuss enforcement mechanisms for the residential requirement.

a. Reconsideration of Ordinance No. 3303

Upon motion by Councilmember Spehar, seconded by Councilmember Terry and carried, Ordinance No. 3303 was reopened for reconsideration for the limited purpose of discussing the residential requirement percentage amount and possible enforcement mechanisms for this requirement.

Residential Percentage Requirement – Mixed Use

Kathy Portner, City Community Development Department, presented information on the 25% residential requirement for the Mixed Use areas. This would apply to parcels greater than 5 acres. The staff did complete a comparison study using 15%, 20% and 25%. This report illustrates the Mixed Use area only to simplify matters. The 25% actually corresponds with the requirements under the original Growth Plan. Based on the 25% there would be 12-24 units/acre, which is required under the approved Mixed Use plan. This would result in 1320 to 2640 residential units.

Councilmember Spehar clarified that with the percentages there may be some reduction or improvements in number of units. It would be up to the property owner to make a value judgment or financial judgment as to the range they wanted to develop. Ms. Portner concurred.

Councilmember Terry asked Ms. Portner to comment on this type of zone district relative to creating a real Mixed Use and how the concept of using a percentage for determining residential was arrived at. Ms. Portner responded that the Steering Committee developed and recommended the land use, zoning and the Mixed Use concept. Their recommendation did not include a residential requirement as part of the mix. The developer would have a range of options. This was considered a good opportunity to create residential/urban density near employment and shopping areas in the 24 Road Corridor. It was felt the 25% would accomplish this goal.

Ms. Portner distributed a handout to the Council regarding residential mixed use concerns provided by Ed Hokason.

Councilmember Theobold stated the 20% range seems to come closer to the original plan. This area, as in Ms. Portner's assessment, would tend to develop in the highest end and feels the 20% to 25% range would be appropriate.

Councilmember Terry asked Ms. Portner if there was any basis for the number of residential units in the original Master Plan. Ms. Portner responded she was not sure if the exact number was looked at that closely. There are varying ranges of densities they were trying to accommodate to create a good mix of densities. This area was the easiest in which to accomplish this.

Councilmember Theobold stated as much as is focused on the 24 Road Corridor, it is important to keep in mind the values as a whole. Development is market driven and the overall market in the valley should be looked at rather than trying to squeeze whatever the market might dictate into this area. It makes sense to designate a high-density component somewhere in the valley for the long term without having to expand growth boundaries. By designating high growth in an area that is currently undeveloped and where there are no neighbors, the City can make everything compatible with each other and still honor the need for high density in either the short or long term. He stated he is willing to make this area a Mixed Use area and honor the residential component.

Ordinance No. 3303 – An Ordinance Amending Tables 3.2 and 3.5, and Section 3.2.H.4, and Adding Section 3.4.J to the Grand Junction Zoning and Development Code to Create a Mixed-Use Zone District

Upon motion by Councilmember Spehar, seconded by Councilmember Theobold and carried by roll call vote, Ordinance No. 3303 was amended to reflect the percentage of residential requirement for Mixed Use zone requirement was adjusted from 25% to 20%.

Enforcement Issues

Ms. Portner recapped the provisions that were discussed at the November 1, 2000 meeting. These included: final plans for the required residential component must be submitted and approved with the overall project and the required residential component must be built in a determined period of time. Other options include: residential component shall receive final plan approval prior to any structure being built on the overall project; all infrastructure necessary for the residential development shall be included in a development improvement agreement with a guarantee for the first phase of the development plan. This would assure the developer has invested substantial finances in the infrastructure which would more likely indicate the residential component would be constructed in a certain period of time; at least 10% of the residential component must be built with the first phase of the project, the remaining in relation with the remainder of the project; the infrastructure would be tied to the title of the property.

Councilmember Terry asked if the first requirement was a change of procedure from how business is currently done. Ms. Portner responded now the infrastructure requirement is

part of the first phase. Under the new requirement the developer would be required to put the money up front for all improvements for any of the residential requirement. Residential infrastructure must be in place before they are able to proceed with any commercial construction. Councilmember Terry asked about the feasibility of requiring the infrastructure for all residential up front. Ms. Portner said it depends on how the project is designed.

The general discussion of Council was that they do not favor #1 as it may not be logical, or reasonable, from a business standpoint.

Councilmember Spehar recommended a substitute for “b” stating that the residential component must be completed when the development of any other combination of Mixed Use exceeds 50% of the approved square footage in the development plan.

Councilmember Payne felt it was more appropriate to use acreage than square footage.

Dan Wilson, City Attorney, clarified the language, using the word “shall” rather than “must.” He also stated that it would be more consistent with the Plan to use square footage instead of acreage. Mr. Wilson also recommend considering Item #3.

Councilmember Terry added that this whole area would not involve large retail.

Councilmember Theobald stated that there would be large commercial with some retail.

Councilmember Terry asked Mr. Wilson if having the residential component tied to the title, would this ensure the development will be completed as approved. Current practice is to make notations on the plat. Mr. Wilson responded that including the requirement on the title would have the same result.

Councilmember Theobald asked Ms. Portner to clarify item “b” in relation to the current plan. Ms. Portner responded that her interpretation is that the City would expect the development and purchase agreement to include everything needed for both the commercial and residential components.

Mr. Wilson stated some trigger mechanism is important for City staff to have some idea of the time line required for a developer to complete the residential component.

Councilmember Theobald and Councilmember Spehar expressed their concerns on having a trigger mechanism. One concern stated was that any type of trigger mechanism would be artificial. Councilmember Spehar stated his concern was that if the residential was left until the final phase of development, there was the chance the residential component would be not be fulfilled.

Mayor Kinsey stated the goal was to have a true Mixed Use development planned together so it will fit together.

Ms. Portner confirmed that this applies to parcels over 5 acres, most of which were 40-acre parcels. At the time of subdividing the Mixed Use plan would need to be in place.

Mr. Wilson clarified the definition of property in the existing development code as being all of the holdings of a developer. This would indicate the overall project would be looked at as a whole.

Mayor Kinsey asked if there were any comments or questions from the audience regarding the enforcement of the 20% requirement.

Mary Ann Jacobson, 702 Golfmore Drive, strongly opposes the zoning requirements for 24 Road. Her objections focused on the requirement planning for the entire acreage. Ms. Jacobson stated the plan, as stated, would require a party to purchase all the property, even if they did not want all of the property, expect them to pay for all the infrastructure and fulfill all the requirements of this plan. They own 42 acres, which was originally zoned as commercial and now is zoned as Mixed Use. Mayor Kinsey reminded Ms. Jacobson that the discussion was to focus on the enforcement issue. She stated she felt that the Council should also consider the perspective of potential buyers along with their decision-making.

Councilmember Theobald again reiterated the issue at hand is to ensure that 20% of the property would be developed residential. Ms. Jacobson commented that Council was not understanding her point and asked to finish her comments. Councilmember Theobald stated her concerns were discussed at great length two weeks ago and that the enforcement of the residential aspect is the issue at hand.

Ms. Jacobson stated it would be impossible for a buyer to purchase property and then be required to build the residential portion up front. This is market driven and the Plan cannot be so restrictive.

Councilmember Spehar asked if Ms. Jacobson had any suggestions as to how to regulate and ensure that the 20% residential component would be built and not left to chance or to the end. Ms. Jacobson responded it would be more practical to have the residential component built later on, instead of up front. It would be difficult to have all planning completed up front.

Councilmember Spehar commented on an e-mail Council received regarding transferring obligations between parcels. Ms. Portner stated the ordinance approved allows for residential requirements to be transferred between parcels that are being planned at the same time. She cautioned on allowing the splits stating this area has large parcels that will better accommodate the compatible planning.

Ms. Jacobson asked that the Council delay their decision on the zoning so that market factors may be further evaluated.

Terry Fleming, 691 Country Meadows, was a member of the Steering Committee. The Committee wanted to keep this plan as flexible as possible. They were confident they could move forward with more restrictive requirements, standards and guidelines to meet their vision of the area. He cautioned Council about establishing a triggering mechanism. Mr. Fleming suggested in some situations the residential requirement possibly may be traded for open space.

Mr. Fleming was asked by Councilmember Terry if he felt the 50% was realistic. He stated that when considering non-local developers, the 50% trigger might not have any affect. They will do what they want within the City's parameters. However, when addressing local developers, the 50% trigger would be too stringent for them to move further.

Councilmember Scott asked if the Committee discussed open space and percentages. Mr. Fleming stated the Committee did not specifically address any percentages of residential. They were wanting to keep the Plan as flexible as possible to keep with the market.

Councilmember Spehar stated he was willing to make some compromises with this Plan but not willing in the context of can it be open space instead of housing. This area has high density housing opportunities and this is a logical area for it.

Mayor Kinsey stated zoning is restricted by its nature. With the Mixed Use zone it allows more flexibility with the property than if the property was zoned all commercial or all residential.

Mr. Fleming stated the Committee wanted to present a plan that would be flexible but as each item is reviewed, it seems to be becoming more rigid. Speaking for the Chamber, he stated that they do not endorse pushing a developer to develop any property, either commercially or residentially, where there is no market. That is the reason for the Mixed Use concept.

Councilmember Theobald asked Mr. Fleming if he had suggestions for enforcing the development of the residential component should there be no residential market. Mr. Fleming stated the developer would present the plan showing the various components and that no rezoning could take place. There would not be a time limit.

Kelly Arnold, City Manager, stated the staff recommended #3. It allows the developer to present a development schedule that is attached to a plat, which, if approved by Council, would be filed and a time line established. This still allows the developer to come back if the market changes and request modifications if necessary.

Ed Hokason, 2277 Rio Linda Lane, realtor, commented that the simplicity of the process the Council is discussing is critical for the development of the 24 Road Corridor. He asked that Council have the 20% requirement be as flexible as possible. He feels the standards and guidelines are adequate to provide for market changes.

Councilmember Spehar is concerned that if the 20% residential is left to the end of the development it may not be the attractive high density housing meeting Council's and the Steering Committee's expectations. Mr. Hokason responded that by following the standards and guidelines the area will attract people who want to live in that area.

Councilmember Theobold stated his concern is that if the 20% is left to the end, what means can be used to ensure an attractive and compatible development would occur.

Mr. Hokason again reiterated the use of the standards and guidelines which were finely written. He also suggested Council consider the market and who will be purchasing homes in that area.

Councilmember Terry asked City Manager Arnold if the development schedules are required to have a specific time line or just to have the phases in order.

Mr. Wilson, City Attorney, responded that the current code has a default of 12-18 months. If the plan is set up in phases, that would be part of the approval. The plan does have an end date that is negotiated with Council per Mr. Arnold, City Manager.

Councilmember Terry asked that should Council approve item #3, the wording be clarified.

Mayor Kinsey stated his understanding of the vision was coherent planning. There must be a trigger mechanism for the residential component to prevent a great disparity in the age of the buildings.

Councilmember Enos-Martinez questioned forcing a developer to build residential when there is no market. Councilmember Spehar indicated that this being a true Mixed Use, the planning would be developed with both in mind and if a developer wanted only commercial there are other opportunities in the area for that specific use.

Councilmember Theobold is inclined to go with Item #3 alone.

Councilmember Terry feels there should be more flexibility and the 20% requirement would satisfy the Mixed Use concerns. She recommended the Council stay with the original "a", "b" and "c" as it stands and require Item #3 with the following language change as suggested by Mr. Wilson, City Attorney, "The condition of approval and development schedule be recorded..."

Councilmember Payne did not agree with having the property owner forced to build residential units when the market does not support it.

b. Amending Ordinance No. 3303

It was moved by Councilmember Terry and seconded by Councilmember Theobald, regarding the language in Ordinance No. 3033: to leave in existence as it is worded in sections “a”, “b”, and “c” and include “d” with the following language: “Conditions of approval and a development schedule shall be recorded. The City will enforce the development schedule against the owners of any portion of the overall project jointly and separately.”

It was moved by Councilmember Spehar and seconded by Councilmember Payne to amend the motion to add the rest of the language listed in #3 to condition D which is: “Conditions of approval and development schedule shall be recorded against the title to all portions of the property including each non-residential component requiring that the required residential component be built within the approval development schedule. The City may enforce conditions of approval and the development schedule against the owners of any portion of the overall project jointly and separately.”

The amended motion passed.

SPIECKER, HANLON, GORMLEY & VOLKMANN, LLP

ATTORNEYS AT LAW

FRANK F. SPIECKER (RETIRED)
CLAY E. HANLON

JOHN P. GORMLEY
THOMAS C. VOLKMANN

January 21, 2005

Robert Blanchard, Director
Community Development Department
City of Grand Junction
250 N 5th Street
Grand Junction, CO 81501-2668

RECEIVED
JAN 21 2005
COMMUNITY DEVELOPMENT
DEPT.

Re: Proposed Text Amendment and Matrix Revisions to MU Zoning Designation

Dear Bob:

As we have discussed, please accept this letter as an application for a text amendment to the Zoning and Development Code. It is my understanding that your staff has certain proposed revisions pending in the process. It is my understanding that this proposal will be considered in connection with those other proposals, although I understand and expect that it may be our obligation to shepherd the proposal through the process. Should you desire additional copies of this letter or the attachments, please let me know and I will get them to you immediately.

This office represents the owners of property along the 24 Road Corridor identified on Exhibit A hereto (the "Applicants"). All of the properties owned by the Applicants along 24 Road are within the 24 Road Corridor Plan and have been zoned "MU" under the City Development and Zoning Code. The Applicants listed on Exhibit A hereto contacted this office recently to discuss a proposal to the City to amend the text of the Code. This letter constitutes the application for the text amendment, as contemplated in Section 2.6.C.1. of the Code.

The 24 Road Corridor represents a primarily undeveloped gateway to western Grand Junction from Interstate 70. In recognition of this gateway characteristic, the City has created certain amenities and improvement (i.e., Canyon View Regional Park, 24 Road improvements, etc.) to the area.

In November, 2000, the City Council adopted the 24 Road Corridor Plan (the "Plan") setting forth certain development standards applicable to this unique portion of the City. In addition, the City imposed upon this area the "MU" zone, which appears to be applicable exclusively to the properties along 24 Road, most of which are owned by the Applicants.

The Applicants, as owners of property subject to the MU zone along 24 Road, understand the uniqueness of the property, as well as the purposes and desired effects of the development standards provided in the Plan and the 24 Road Corridor Design Standards and Guidelines (the "Guidelines"). Therefore, the Applicants do not take issue with the imposition of these

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regulations to the subject properties. However, the full scope of the terms and restrictions of the MU zone render development of the subject property effectively impossible.

The development of the subject properties for commercial and retail use, which appears to be the properties' highest and best use, and the one for which a market exists, is prevented by the requirement that twenty percent (20%) of the space be planned and developed as high density residential (12 to 24 units per acre).

The purpose for the zoning, the Plan, and the Guidelines was to provide 24 Road's development as a "gateway to Grand Junction" from Interstate 70. However, in attempting to serve that purpose, the City Council tied the development of high density residential to any commercial or retail development along that corridor. As owners of several of the subject properties stated at the meeting, this imposition of high density residential in connection with commercial and retail represented a combination of apples and oranges that was going to prevent any development or sales activity in the area.

As evidence of this expressed concern, since the adoption of the MU zoning standard to the properties, no sales or development activity has occurred on any of the properties to which the zone applies. Numerous cases exist of interested buyers contacting the owners, only to back away upon a discovery of the terms and conditions of the MU zone. Thus, this entire area has remained stagnant since the adoption of that zone. Strangely, there appear to have been no developments in the entire valley at the residential densities required in the MU zone, even on properties to which the heightened design standards do not apply (resulting in such development being less expensive). The zone mandates the creation of a residential product for which no market exists in the valley, yet requires that such development occur at higher than market costs.

In short, none of the market opportunities identified in Table 8 of the Plan, either Short-Term or Mid-Term, have been experienced by any of the Applicants, notwithstanding the passage of over four years since the adoption of the Plan, Guidelines and zoning for the subject properties.

PROPOSED REVISIONS

The Applicants do not propose wholesale revisions to the terms and conditions of the MU zone, nor do they seek a re-zone of their property. Rather, they seek three (3) revisions to the terms and conditions of the MU zone provisions of the Code, found at page 32 of Chapter Three, to facilitate development in the area otherwise in compliance with the Plan. No changes are required to the Plan or the Guidelines in connection with this request.

The proposed changes are as follows:

1. Reduction of the minimum residential density from 12 units per acre to 4 units per acre;
2. Deletion of the reference to residential development being required as a twenty percent (20%) component of properties developed for commercial or retail uses; and
3. Removal of the 30,000 square foot maximum size for retail buildings.

Copies of the proposed changes, in the form of redlined versions of the MU zone standards and appurtenant revisions to the zone matrix, are attached hereto as Exhibit "B".

In support of these requests, the Applicants submit the following:

1. Reduction of Minimum Residential Density. The minimum residential density applied to this property, 12 units an acre, is nearly unobtainable in this area, as is evidenced from the fact that it does not generally exist in the Grand Junction market. Although the Applicants are aware of the City's desire for higher density residential development within the City limits, the inactivity on the subject property since the adoption of the MU zone shows that desired result cannot be obtained simply by attaching such a desired residential density to a piece of property.

The level of density required in residential projects within the MU zone is particularly inappropriate in light of the handling of residential density in the RO zone, which also provides or mixed-use development. That zone designation implements the medium, medium-high, and high residential densities and commercial future land use classifications in the Growth Plan. Yet, in the RO zone, as reference on page 18 of Chapter Three of the Code, the minimum residential density is set at 4 units per acre. Contrast this with the 12 units per acre minimum residential density in the MU zone, which by its terms implements the commercial, commercial/industrial and industrial future land use classifications of the Growth Plan.

Stranger yet is the fact that the RO zone minimum residential density provisions do not apply to "mixed use properties," yet the development of property within the MU zone requires 12 units per acre as a minimum regardless of the nature of the mixed use of the property.

2. Deleting Residential Development Requirements. Tying the residential development to the commercial and retail developments also renders sale or development practically impossible. It appears the purpose for tying the two together is an attempt to accomplish a subsidization of high-density residential development by the commercial or retail

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development in the area. However, there simply is no amount of margin in the development of commercial property sufficient to subsidize residential development that has no market or independent financial viability.

As can be seen by the total lack of actual activity in the area, this level of discrepancy renders any commercial or retail development with the appurtenant residential development, economically infeasible. The fact that numerous parties have inquired of the owners, placed properties in the area under contract, and/or met with City staff to discuss the parameters and application of the MU zone, only to walk away, evidences this fact.

The Guidelines provide significant and stringent requirements on the design, development, and construction of this 24 Road Corridor. In keeping with the concept of the Gateway to the City of Grand Junction, these requirements in the Guidelines would create what, for this valley would be a unique and new concept in multi-unit residential development. However, the market has not been a driven development at the required densities, even without those standards. Clearly, by anyone's estimation, the application of the Guidelines to multi-unit residential development will increase the cost of such development, as well as the lease for purchase applicable to the units.

3. Removal of Retail Maximum Square Footage. A maximum retail building size of 30,000 square feet was placed on the property, apparently to prevent or prohibit the placement of retail stores in the area. The existence of large retail stores would not detract from or minimize the "Gateway to Grand Junction" concept. Rather, the high density residential contemplated in the MU zone, would, in fact, have that effect, and yet was required to be planned and developed under the MU zone. The proximity of the subject properties to Mesa Mall and other retailers in western Grand Junction, make this property an appropriate extension for the allowance of large retailers. The big box retail standards of Section 4.3.M. of the Code, in combination with the heightened design and development standards included in the Plan and Guidelines, prevent such large retail development from detracting from the corridor as a gateway to the City.

It is also expected, and history confirms, that the development of the corridor will require extensive, and expensive, infrastructure and public improvements. These costs mandate development on large enough scales to be able to pay them. The limitation on the size of retail buildings in the MU zone severely inhibits the development's ability to accomplish the required improvements. Lastly, the existence of large retailers provides the economic and customer base for the placement of ancillary and satellite retail and commercial uses in the area. These anchor stores in retail developments are a necessary component of the retail development in the area.

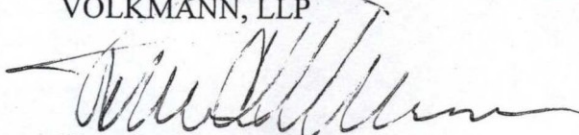
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The cap of 30,000 square feet in the retail building size represents only twice the maximum retail building size in the B-1 Neighborhood Business zone. However, as the gateway to the City, in the immediate vicinity of Mesa Mall, on a major connection from Interstate 70, such a limitation is inappropriate. The prospects for large retail uses in the corridor were recognized not only in Table 8 of the Plan, referred to above, but in the Guidelines, at page 32, relative to parking restrictions. The nature of retail development in this area will not be limited to a neighborhood or local portion of the City, but will instead be a regional retail and commercial center. Ironically, the only neighborhood to be served by the development under the existing standards under the zone would be the neighborhood that the zone requires the developers to create. In that there remains no market for such a neighborhood in this corridor, the treatment is effectively and logically backwards.

For the above reasons, and based upon the total lack of activity since the adoption of the MU zone for this area, the Applicants respectfully request that the above three changes be made to the text of the Code for the MU zone. Without such changes, no development will occur, and the planning efforts will have been wasted, for there is no benefit to planning where there is, in fact, no development.

Very truly yours,

SPIECKER, HANLON, GORMLEY &
VOLKMANN, LLP



Thomas C. Volkmann

TCV:jmd
Enclosures

cc:

Exhibit A

Applicants - 24 Road Corridor Text Amendment

John A. Usher

USHOV, LLC

WDM Corporation

W&D Merkel Family LLLP

Harold & Elizabeth Woolard

Marion Jacobson

TO: Kelly Arnold, City Manager
Dave Varley, Assistant City Manager

FROM: Bob Blanchard, Community Development Director *BB*

DATE: May 6, 2005

SUBJECT: 24 Road Corridor Growth Plan Amendment and Rezone Requests

We have received a request from Tom Volkman representing property owners in the 24 Road Corridor Planning Area to amend the text of the Mixed Use zone district which implements the Mixed Use plan designation in the 24 Road Corridor Plan and Growth Plan. Specifically they have requested:

- Reduce the minimum required residential density from 12 units per acre to 4 units per acre;
- Delete the requirement that residential development is required as 20% of the overall commercial project; and,
- Remove the maximum size of 30,000 square feet for retail buildings.

City staff has determined that in order to proceed with the requested zone text amendment that Growth Plan amendments would be required as well. Specific sections that would be amended include:

- Section V.D, Future Land Use Classes
 - Mixed Use. Mixed Use development to include employment, residential and open space. Retail commercial may be appropriate as a secondary use, integral to other uses and structures or as small (eight to ten acres) nodal development.
- Exhibit V.2: Future Land Use Categories Table
 - Land Use: Mixed Use. Intensity: Urban – 12 to 24 DU/A, non residential intensity based on location/services. Typical Uses: Employment, residential and open space, with limited retail

In addition, parts of the 24 Road Corridor Subarea Plan may need to be amended:

- o Section 6: "Preferred Plan" for the 24 Road Corridor, Land Use – Mixed Use Development: Mixed-use development is encouraged in the remaining areas to include employment, residential and open space. Retail commercial may be appropriate as a secondary use, integral to other uses and structures or as a small (eight to ten acres) nodal development at 24 Road and G Road intersection.
- o Executive Summary, Market Analysis - ...an important element of the 24 Road Subarea Plan and implementation will be to limit the types of retail commercial uses in the area. This would avoid undermining existing regional retail centers while allowing for neighborhood retail uses and some regional employment / commercial uses for which there are suitable alternative sites (i.e. large acreage) in the Grand Junction area. While this particular section might not require amendment, this is an important base assumption in the plan.

The 24 Road Plan was adopted in 2000. Since then, we have reviewed several projects within the planning area that were subject to the 24 Road Design Standards and Guidelines, but have not reviewed any projects within the Mixed Use area, although we've recently had several inquiries. Because of the uniqueness of this planning area, and having only one Council member that was a part of the approval process for the 24 Road Plan, we suggest scheduling a review and discussion of the Corridor Plan as a workshop item. The workshop would be an opportunity to bring the current Council up to speed on the history and specifics of the 24 Road Plan and Design Standards and Guidelines. It would also allow a discussion as to the willingness of Council to reconsider any parts of the Plan.

Depending on the direction from the workshop, Community Development staff could advise the applicants of the correct process to follow: Integrate their request into the reconsideration of the Plan or proceed with a Growth Plan map amendment to change the Mixed Use designation. If there are any questions regarding this request, please contact me. Staff is prepared to discuss the Plan at any of the upcoming workshops.

cc: John Shaver, City Attorney
Jamie Kreiling, Assistant City Attorney
Kathy Portner, Planning Manager
Pat Cecil, Development Review Supervisor