



**PLANNING COMMISSION AGENDA  
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET**

**TUESDAY, JANUARY 13, 2015, 6:00 PM**

**Call to Order**

*Welcome. Items listed on this agenda will be given consideration by the City of Grand Junction Planning Commission. Please turn off all cell phones during the meeting.*

*Copies of the agenda and staff reports are located at the back of the auditorium.*

**Announcements, Presentations and/or Prescheduled Visitors**

**Consent Agenda**

*Items on the consent agenda are items perceived to be non-controversial in nature and meet all requirements of the Codes and regulations and/or the applicant has acknowledged complete agreement with the recommended conditions.*

*The consent agenda will be acted upon in one motion, unless the applicant, a member of the public, a Planning Commissioner or staff requests that the item be removed from the consent agenda. Items removed from the consent agenda will be reviewed as a part of the regular agenda. Consent agenda items must be removed from the consent agenda for a full hearing to be eligible for appeal or rehearing.*

**1. Minutes of Previous Meetings**

Approve the minutes from the November 12, 2014 regular meeting.

[Attach 1](#)

**2. Ruby Ranch Tract C Easement Vacation - Vacation**

Forward a recommendation to City Council to vacate a public easement, located in Tract C, Ruby Ranch Subdivision, which is no longer needed.

**FILE #:** VAC-2014-414

**APPLICANT:** City of Grand Junction

**LOCATION:** Along 26 Road within Tract C

**STAFF:** Lori Bowers

[Attach 2](#)

**3. Casas de Luz - Planned Development**[Attach 3](#)

Request a recommendation of approval to City Council to amend the phasing schedule of the previously approved Planned Development to allow 20 new residential lots and stacked condominium units on 1.88 +/- acres in a PD (Planned Development) zone district.

**FILE #:** PLD-2010-259  
**APPLICANT:** Robert Stubbs - Dynamic Investments Inc  
**LOCATION:** W Ridges Blvd at School Ridge Road  
**STAFF:** Scott Peterson

**4. AT&T Gunnison Avenue Tower - Conditional Use Permit**[Attach 4](#)

Consider a request for a Conditional Use Permit to construct a new 105' telecommunications tower on 1.003 acres in an I-1 (Light Industrial) zone district.

**FILE #:** CUP-2014-431  
**APPLICANT:** Lyndsay Ward - Pinnacle Consulting Inc  
**LOCATION:** 2976 Gunnison Avenue  
**STAFF:** Senta Costello

**5. AT&T Gunnison Avenue Telecommunications Tower - Variance**[Attach 4](#)

Consider a request for a Variance to use specific requirements for a new telecommunications tower on 1.003 acres in an I-1 (Light Industrial) zone district.

**FILE #:** VAR-2014-441  
**APPLICANT:** Lyndsay Ward - Pinnacle Consulting Inc  
**LOCATION:** 2976 Gunnison Avenue  
**STAFF:** Senta Costello

**\*\*\* END OF CONSENT CALENDAR \*\*\***

**\*\*\* ITEMS NEEDING INDIVIDUAL CONSIDERATION \*\*\***

**Public Hearing Items**

*On the following item(s) the Grand Junction Planning Commission will make the final decision or a recommendation to City Council. If you have an interest in one of these items or wish to appeal an action taken by the Planning Commission, please call the Planning Division (244-1430) after this hearing to inquire about City Council scheduling.*

**6. Amendment to Outdoor Display Ordinance - Zoning Code Amendment**[Attach 5](#)

Forward a recommendation to City Council to amend the Grand Junction Municipal Code, regarding Outdoor Display, Sections 21.03.070 and 21.04.040(h).

**FILE #:** ZCA-2014-478  
**APPLICANT:** City of Grand Junction  
**LOCATION:** City Wide  
**STAFF:** Lori Bowers

**General Discussion/Other Business****Nonscheduled Citizens and/or Visitors****Adjournment**

**Attach 1  
Minutes of Previous Meetings**

**GRAND JUNCTION PLANNING COMMISSION  
November 12, 2014 MINUTES  
6:00 p.m. to 9:18 p.m.**

The meeting of the Planning Commission was called to order at 6:00 p.m. by Chairman Reece. The public hearing was held in the City Hall Auditorium located at 250 N. 5<sup>th</sup> Street, Grand Junction, Colorado.

In attendance representing the City Planning Commission were Christian Reece (Chairman), Ebe Eslami (Vice-Chairman), Jon Buschhorn, Kathy Deppe, Keith Ehlers, Steve Tolle, and Bill Wade.

In attendance, representing the City's Administration Department - Community Development, were Greg Moberg, (Planning Supervisor), Lori Bowers, (Senior Planner), Senta Costello (Senior Planner) and Scott Peterson (Senior Planner), Rick Dorris (Development Engineer).

Also present was Jamie Beard (Assistant City Attorney).

Lydia Reynolds was present to record the minutes.

There were 33 citizens in attendance during the hearing.

**Announcements, Presentations and/or Prescheduled Visitors**

**None**

**Consent Agenda**

**1. Minutes of Previous Meetings**

Approve the minutes from the October 14, 2014 regular meeting.

**2. Cattail Creek Subdivision - Subdivision**

Request a two year extension to the approval of the Preliminary Subdivision Plan to develop 106 lots on 26.35 acres in an R-5 (Residential Multi-Family 5 du/ac) zone district.

**FILE #:** PP-2007-043  
**APPLICANT:** Shane Wilson - Bank of the San Juans  
**LOCATION:** 666, 670, 682 29 1/2 Road  
**STAFF:** Senta Costello

### **3. Short-Term Vacation Rentals - Zoning Code Amendment**

Forward a recommendation to City Council to amend the Grand Junction Municipal Code, to add Section 21.04.030 Short-Term Rentals.

**FILE #:** ZCA-2014-291  
**APPLICANT:** City of Grand Junction  
**LOCATION:** City Wide  
**STAFF:** Senta Costello

Chairman Reece briefly explained the Consent Agenda and invited the public, Planning Commissioners and staff to speak if they wanted an item pulled for a full hearing. With no amendments to the Consent Agenda, Chairman Reece called for a motion.

**MOTION: (Commissioner Wade) "I move that we approve the Consent Agenda as read."**

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

**\* \* \* END OF CONSENT CALENDAR \* \* \***

**\* \* \* ITEMS NEEDING INDIVIDUAL CONSIDERATION \* \* \***

#### **Public Hearing Items**

***On the following item(s) the Grand Junction Planning Commission will make the final decision or a recommendation to City Council. If you have an interest in one of these items or wish to appeal an action taken by the Planning Commission, please call the Planning Division (244-1430) after this hearing to inquire about City Council scheduling.***

### **4. Amendment to Outdoor Lighting Ordinance - Zoning Code Amendment**

Forward a recommendation to City Council to amend the Grand Junction Municipal Code, Section 21.06.080(c)(7) Outdoor lighting.

**FILE #:** ZCA-2014-355  
**APPLICANT:** City of Grand Junction  
**LOCATION:** City Wide  
**STAFF:** Lori Bowers

#### **Staff's Presentation**

Lori Bowers, Senior Planner, explained that this is a request for an amendment to the outdoor lighting ordinance, specifically lighting of outdoor fuel station canopies. Ms. Bowers continued with a slide presentation.

#### **Background**

Ms. Bowers stated that in September 2013, City Market requested a variance from the City of Grand Junction's outdoor lighting standards for a fueling station. That variance request was denied by the Planning Commission. The Planning Commission recommended that Staff compare other lighting ordinances in other communities and

compare existing lighting within the City and come back with some options for consideration for an amended lighting ordinance.

Ms. Bowers stated that over 23 Colorado communities were reviewed for comparison. In addition, Ms. Bowers noted that she reviewed lighting ordinances from Nevada, Texas and Arizona.

Ms. Bowers indicated that in the City Market Variance request, the applicant proposed an average luminance of 22.97 foot-candles and a maximum luminance of 29.9 foot-candles. It was the Applicant's assertion that the request was at the low end of the acceptable lighting levels as determined by the IESNA recommendation and well within the range of luminance of existing fuel sites.

Ms. Bowers added that the City's current ordinance states that canopy lighting shall not exceed an average of 10 foot-candles and a maximum of 15 foot-candles. For comparison purposes, Ms. Bowers noted that Fort Collins, Boulder, Silverthorne, and Castle Rock have an "under canopy" maximum of 30 foot-candles.

### **Recommendations**

Ms. Bowers stated that the IESNA (Illuminating Engineering Society of North America) recommends an average luminance of twenty (20) to thirty (30) foot-candles under a canopy. Also noted was that the Dark Sky Society (2009) recommended that gas station pump areas average 5 foot-candle; and gas station service areas average 3 foot-candle, but recommends the practices of IES or IESNA as an organization that establishes updated standards and illumination guidelines for the lighting industry.

Ms. Bowers explained that changing the Code to a maximum of 30 foot-candles would bring the Code in-line with or similar to many other communities and would make existing fueling stations come into conformance.

Ms. Bowers noted that a lighting consultant also suggested that a light loss factor of 1.0 be added to the language.

### **Public Comments received:**

Ms. Bowers stated that members of the Board of the Western Colorado Astronomy Club, in a letter dated September 7, 2014, made the following comments:

- 1) Having a local standard twice as strict as the national dark-sky recommendation makes little sense.
- 2) Granting variances was not the proper way to fix this.
- 3) The proper long-term solution would be to update the local code to be in line with the national recommendation.

## **Findings of Fact**

Ms. Bowers stated that an increase to a 30 foot-candle maximum will bring existing fueling stations into compliance with the Code that were made nonconforming with the adoption of the 2010 Code.

Ms. Bowers explained that adding a light loss factor of 1.0 is a correction factor used to account for the difference between laboratory test results and real world degradation of the lighting system aging over time resulting in reduced lumen output.

Ms. Bowers indicated that Tom Burrows with the Western Colorado Astronomy Club is here to make a presentation. Ms. Bowers wished to remind the Commissioners that before there were no maximums for lighting under canopies in the code. In 2009 the Dark Sky Society came out with their recommendations, and in 2010 the City accepted those recommendations. In 2011 the model lighting ordinance came out which was a collaboration of The Dark Sky Society and the IES. That collaboration supports the staff recommendation for what the maximum foot candle should be for the ordinance.

Chairman Reece invited Mr. Burrows to speak to the Commission. Mr. Burrows stated that he was the Vice President of the Western Colorado Astronomy club and the principle author of a handout he provided to the Commissioners. Mr. Burrows showed a slide presentation which included examples of lighting at gas station canopies. The slide illustrated the difference that lights shining downward can make as far as glare was concerned. Mr. Burrows noted that with lighting design, the fixtures, design of the shield and configuration of lights makes a large impact. Mr. Burrows stated that for these reasons, the Western Colorado Astronomy Society is supporting the code amendment.

## **Public Comment**

Chairman Reece opened the meeting for the public comment portion and asked anyone in favor of the project to line up at the podium. Having no one respond, Chairman Reece asked for those against the proposal to sign in and speak. With no one present wishing to speak against the proposal, Chairman Reece asked if there were any further questions the Commission has for staff.

Commissioner Buschhorn asked Ms. Bowers if the proposed change only applied to fueling station canopies. Ms. Bowers responded that in the lighting section, the code referred to the lighting of canopies and called out fuel station as an example.

With no additional questions, Chairman Reece closed the Public Comment portion of the hearing for this item.

**MOTION:(Commissioner Ehlers)** “Madam Chairman, on Code amendment ZCA-2014-355, I move that the Planning Commission forward a recommendation of approval for the amendment to the outdoor lighting ordinance, Section 21.06.080(c)(7) with the findings of fact, conclusions, and conditions listed in the staff report.”

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

## **5. City Market - Conditional Use Permit**

## ***See Verbatim Minutes***

### **6. Patterson Place Rezone - Rezone**

Forward a recommendation to City Council to rezone properties totaling 3.523 acres from a City R-8 (Residential 8 du/ac) to MXG-3 (Mixed Use General) and MXS-3 (Mixed Use Shopfront) zone districts.

**FILE #:** RZN-2014-262

**APPLICANT:** Ted Ciavonne - Ciavonne Roberts & Associates

**LOCATION:** 2570 Patterson Road

**STAFF:** Senta Costello

### **Staff's Presentation**

Ms. Costello gave a slide presentation regarding the applicants request for City Council to rezone three properties totaling 3.523 acres from a City R-8 (Residential 8 du/ac) to MXG-3 (Mixed Use General) and MXS-3 (Mixed Use Shopfront) zone districts in the 2500 block of Patterson Road.

Ms. Costello stated that the properties are located approximately halfway between 25 ½ Road and N 1<sup>st</sup> Street. Currently several single family homes are located on these properties. The current future land use designation for these properties is Residential Medium High (18-16 du/ac). Ms. Costello pointed out that there is a mix of future land use designations surrounding these properties. To the South, where Pomona Elementary is located, is a Park designation, to the east is a mix of Residential Low, Residential Medium and Village Center. To the northwest is Residential High Mixed Use.

Ms. Costello explained that the current zoning of the properties is R-8 and like the future land use, the surrounding properties are a mix of different zone districts. Directly to the east is also R-8, and further to the east there is R-1, R-4 and B-1 zone districts. To the west is R-0, PD, R-8 and R-24. To the north and south there are some Planned Development zones that have a variety of townhome type homes as well as single family.

Ms. Costello explained that the Blended Residential Map is Residential Medium, therefore has a range of up to 16 du/ac with the low end is 4 du/ac. To the northwest is Residential High (24+ du/ac).

Ms. Costello stated that the applicant is interested in rezoning roughly the northern third to MXG-3 which is a zone district that allows for professional office and medical type uses that typically have day time hours. The applicant wished to zone the southern two thirds of the property MXS-3 which has more retail type components.

Ms. Costello stated that a neighborhood meeting was held and well attended. Ms. Costello also noted that several of the neighbors were in attendance at this evening's meeting. The primary concerns voiced at the meeting were regarding site development and not the rezoning.

Ms. Costello noted that the properties are in the Mixed Use Opportunity Corridor Overlay, which allows for form based zoning opportunities as well as zone districts that specifically implement the future land use designations. After staff review, Ms. Costello stated that she recommends the rezone.

Chairman Reese asked if there were any question for staff. With no questions for staff, Chairman Reese asked if the applicant would wish to make a presentation. Noting that there were several neighbors in attendance that wished to speak before the Commission, Ted Ciavonne, representative for applicant, indicated that he wished to reserve his time for rebuttal.

Chairman Reese opened the Public Hearing portion of the meeting and asked for anyone opposed the zoning change to please line up at the podium to speak.

Commissioner Eslami stated that he had reviewed the letters provided, and the majority addressed secondary issues such as traffic or safety. Commissioner Eslami reminded everyone that the item for the public hearing was to rezone and not a plan review.

Mr. Chuck Wiman, 618 Saffron Way, stated that he was representing himself and the Board of Directors of the Beehive Estates Subdivision as well as several of his neighbors that were not in attendance. Mr. Wiman stated that had been informed a few days prior, that the public hearing was only for the rezone and therefore, he would not be addressing numerous concerns he had regarding any future development. Mr. Wiman asked if he was correct in understanding that future development plans would not come before the Planning Commission.

Chairman Reese stated that Mr. Wiman was correct and site plan reviews would be done by the Planning Department. Chairman Reese clarified that the rezone recommendation would move on to be heard at the City Council meeting in a month or two.

Commissioner Wade informed Mr. Wiman that he would be able to address the City Council as well.

Commissioner Ehlers clarified that although he would be able to address the City Council, he would have the same parameters, and could only address issues of the rezone and not on a future site plan.

Mr. Wiman expressed his frustration with the neighborhood meeting. He said the presentation drawing did not give much detail and had hoped that the applicant would get back with them to go over it with more detail. Mr. Wiman said without a detailed plan, he didn't see how the Commission could move forward with a recommendation.

Chairman Reese thanked Mr. Wiman for his comments and asked anyone else would like to comment in opposition.

Ted Jackson, 602 Saffron Way, stated that he had discussions with the Army Corp of Engineers, the City and others and his concern was a waterway that flows nearby. Mr. Jackson said that, according to his discussions with the Army Corp of Engineers, Ranchman's ditch is a free flowing form of water and it is a designated wetland. Mr.



Jackson noted that there is a variety of wildlife that use the wetlands and was told that there are some fairly rare ducks that winter in this area.

Chairman Reese stated that she would ask the applicant to address that topic.

Commissioner Ehlers reassured Mr. Jackson that any rezone approval would not supersede laws or development regulations.

Chairman Reese asked the applicant to address the Planning Commission with a rebuttal.

Ted Ciavonne, Ciavonne, Roberts and Associates, stated that he was representing the developers on the property. Mr. Ciavonne stated that the intent of this rezone was to transition density on the site from higher to lower. It would be desirable to utilize the MXS toward Patterson and the MXG toward the residential neighborhood. It was noted that at the neighborhood meeting, most comments were in favor of the rezone, however, it was not a detailed project at the time. Mr. Ciavonne noted that the waterway, he believed, was Beehive Drain versus Ranchman's Ditch that runs along the east side of the property. It was noted that if a project was proposed that would disturb the wetlands, they would be going through a Corps. process. It was stated that they are not at that point yet.

Commissioner Deppe asked what was on the drawing that was presented as she had not seen one. Mr. Ciavonne explained that a basic drawing is presented as a courtesy to help the neighbors understand what they are proposing to do.

Chairman Reese asked if there were any more questions. With no further questions, the public hearing portion of the meeting was closed.

Commissioner Eslami stated that he felt this area, along Patterson, was not suited for R-8 zoning and was more conducive to retail. For this reason, the proposed zoning made sense.

Commissioner Eslami stated that he would be in favor of the rezone for these reasons.

Commissioner Wade stated that this rezone appears to be a good fit for the property. Commissioner Wade stressed that there is a forum, with the Planning Department review, for neighbors to raise their concerns during the administrative process.

Chairman Reese stated she was open for a motion.

**MOTION:(Commissioner Wade)** "Madam Chairman, I move that we forward a recommendation to City Council to rezone properties totaling 3.523 acres from a City R-8 (Residential 8 du/ac) to MXG-3 (Mixed Use General) and MXS-3 (Mixed Use Shopfront) zone districts file number RZN-2014-262."

Commissioner Tolle seconded the motion. A vote was called and the motion passed by a vote of 5-1.

### **General Discussion/Other Business**

Mr. Moberg reminded the Planning Commission that there will not be a second meeting in November on the 25<sup>th</sup> however, there will be a workshop on the 20<sup>th</sup>.

Councilman Eslami wished everyone a Happy Thanksgiving.

### **Nonscheduled Citizens and/or Visitors**

None

### **Adjournment**

With no objection and no further business, the Planning Commission meeting was adjourned at 9:18 p.m.



Date: December 31, 2014  
 Author: Lori V. Bowers  
 Title/ Phone Ext: Senior Planner / 256-4033  
 Proposed Schedule:  
 PC: Jan 13, 2015  
 CC: February 4, 2015  
 File #: VAC-2014-414

**Attach 2**

**PLANNING COMMISSION AGENDA ITEM**

<b>Subject:</b> Ruby Ranch Easement Vacations
<b>Action Requested/Recommendation:</b> Forward a Recommendation to City Council to Vacate a Portion of a Trail Easement and a Portion of a Multipurpose Easement Located Within Tract C, Ruby Ranch Subdivision.
<b>Presenter(s) Name &amp; Title:</b> Lori V. Bowers, Senior Planner

**Executive Summary:**

Ruby Ranch Subdivision consists of 27 lots on 9.69 acres in an R-4 (Residential 4 du/ac) zone district. A portion of a 14-foot multi-purpose easement was dedicated in error as the City of Grand Junction (City) had previously agreed with Grand Valley Water Users Association (GVWUA) to not place a multi-purpose easement in the same location as the GVWUA easement. Upon learning of this error and discussions with GVWUA, staff has agreed that a portion of the trail on GVWUA’s easement may be vacated also. This request is to remove the portions of the easements that may conflict with GVWUA’s easement.

**Background, Analysis and Options:**

Ruby Ranch Subdivision was approved in October, 2013. The Final Plat was recorded July 7, 2014. This subdivision was a re-plat of the Sunpointe North Subdivision. The subdivision is bounded on the West by the Grand Valley Highline Canal; the North by G ½ Road; the East by 26 Road; and the South by an undeveloped 2.5 acre parcel.

In 2008, another developer began the process to create the Ruby Ranch Subdivision. At the same time the property to the east across 26 Road also had filed an application to develop a subdivision referred to as Jacobson’s Pond (the development was not finalized.) The City began reconstruction of the 26 Road intersection with G½ Road. The City had agreed, as part of its project, to relocate the irrigation pipe that carried water from the Jacobson’s Pond property across 26 Road and then down the east portion of the Ruby Ranch Subdivision to allow for improved designs of the two proposed subdivisions. The two developers were to pay a portion of the cost for the construction and for the relocation. During the reconstruction some irrigation and slope easements had to be moved and reconfigured. This impacted some facilities and existing easements belonging to GVWUA.

GVWUA agreed to cooperate with the changes effecting its facilities and its easement on the property now known as Ruby Ranch Subdivision as long and the City agreed that a multipurpose easement would not be granted to it that overlaid or overlapped the portion of GVWUA's easement that parallels 26 Road.

It is customary to plat a 14-foot multi-purpose easement adjacent to double frontage lots within a subdivision, which is the case in this instance. It was not realized until after the recording of the Ruby Ranch Subdivision that the dedication of the multipurpose easement conflicted with this earlier agreement.

A pedestrian trail easement was requested along the same area to allow for possible future pedestrian trails in this area, as shown on the Urban Trails Master Plan. In discussions with GVWUA, it was agreed to request a vacation of a portion of the trail easement that overlaps GVWUA's easement and to retain a portion with understanding that the two parties will cooperate in the actual locating of the trail on GVWUA's easement before construction. The intent and expectation is to place the trail in the northern area of the easement.

**How this item relates to the Comprehensive Plan Goals and Policies:**

The request is consistent with the goals and policies of the Comprehensive Plan.

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

In order to consistently implement the Comprehensive Plan between the City and service providers, such as GVWUA, City Staff strives to review and work with the utility companies when utilities may be impacted. It was not realized until after the recording of the Ruby Ranch Subdivision that the dedication of the multipurpose easement and the pedestrian trail conflicted with the earlier agreement.

**How this item relates to the Economic Development Plan:**

Goal: Continue to make investments in capital projects that support commerce and industry and provide for long-term economic competitiveness.

GVWUA cooperated with the City in the relocation of their utilities during the design of two new subdivisions. By honoring the original agreement that was missed during the re-platting of Ruby Ranch Subdivision, shows the City's commitment (and GVWUA willingness) to continue to cooperate and work with utility providers for future growth and expansion.

**Board or Committee Recommendation:**

The Planning Commission is requested to forward a recommendation to the City Council.

**Financial Impact/Budget:**

There should be no financial impact to the City due to the vacation of the subject easements.

**Other issues:**

There are no known issues at this time regarding the vacation of the easements.

**Previously presented or discussed:**

This item has not been previously discussed or presented.

**Attachments:**

- Site Location/Aerial Photo Map
- Comprehensive Plan Map
- Existing City Zoning Map
- Area of Easements
- Resolution with Exhibits

BACKGROUND INFORMATION					
Location:		Tract C, Ruby Ranch Subdivision along 26 Road; South of G ½ Road, West Side			
Applicants:		City of Grand Junction			
Existing Land Use:		Residential Subdivision			
Proposed Land Use:		Residential Subdivision			
Surrounding Land Use:	North	Bookcliff Gardens			
	South	Vacant Land			
	East	Vacant Land			
	West	Grand Valley Highline Canal			
Existing Zoning:		R-4 (Residential – 4 du/ac)			
Proposed Zoning:		No change			
Surrounding Zoning:	North	B-1 (Neighborhood Business)			
	South	R-4 (Residential – 4 du/ac)			
	East	R-4 (Residential – 4 du/ac)			
	West	R-4 (Residential – 4 du/ac)			
Future Land Use Designation:		Residential Medium (4 – 8 du/ac)			
Zoning within density range?		X	Yes		No

Section 21.02.100 of the Grand Junction Municipal Code

The vacation of the easements shall conform to the following:

- a. The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.

The Comprehensive Plan is met and is discussed above.

The vacation of the easements do not impact the Grand Valley Circulation Plan. 26 Road is designated as a Major Collector. The requested vacations do not reduce the amount of existing right-of-way.

The Urban Trails Master Plan shows a bike lane on 26 Road. The final design of the road and proposed striped bike lane has not been completed. GVWUA has agreed to work with the City when the design and construction of the trail is ready to move forward.

The agreement with GVWUA supersedes the City policy of placing a 14-foot multi-purpose easement along most rights-of-way for the purpose of adequate room for existing and future utilities. A 14-foot multi-purpose easement is provided on the west side of the double frontage lots adjacent to the requested vacation areas.

- b. No parcel shall be landlocked as a result of the vacation.

No parcel will be landlocked as a result of the proposed vacations.

- c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.

Access will not be restricted by vacation of the subject easements nor will it devalue the properties that are platted adjacent to this area.

- d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

There should be no adverse impacts to the health, safety or welfare of the community or the quality of public facilities.

- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Municipal Code.

Adequate utilities exist in this area and are available for future expansion if needed. The willingness of GVWUA to cooperate with the City for possible trail expansion will ensure that public facilities will be provided in the future as they are able to be funded.

- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

The proposed easement vacations are necessary to honor a previous agreement with GVWUA that was missed during the platting process of Ruby Ranch Subdivision. This is not a detriment to the City.

#### FINDINGS OF FACT/CONCLUSIONS

After reviewing the Ruby Ranch Easement Vacation application, VAC-2014-414 for the vacation of a portion of the 14-foot multi-purpose and a portion of a public trail easement located within Tract C, Ruby Ranch Subdivision I make the following findings of fact and conclusions:

1. The requested easement vacation is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.100 of the Grand Junction Municipal Code have all been met.

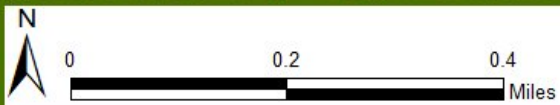
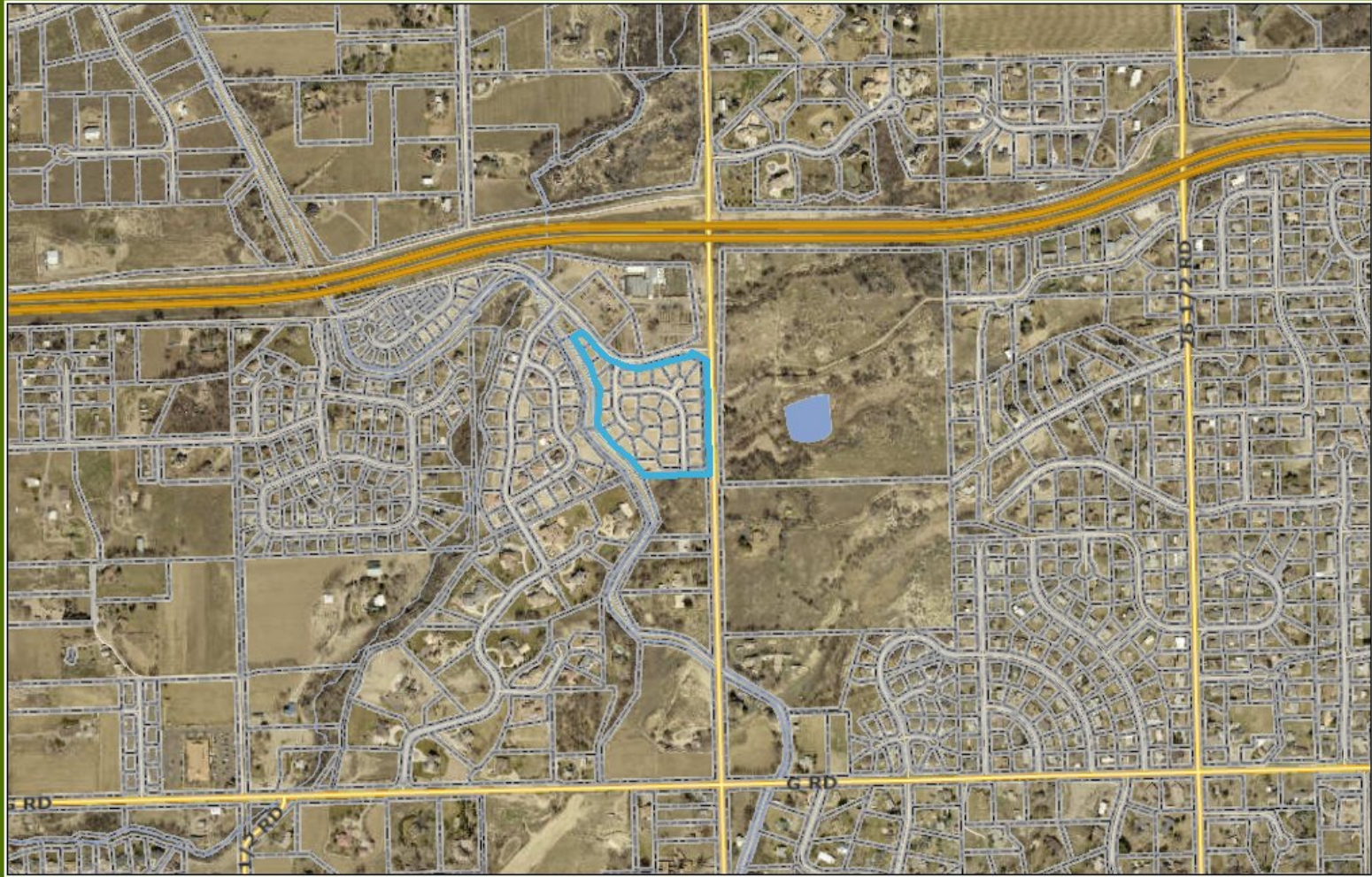
#### STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested easement vacations, file number VAC-2014-414 to the City Council with the findings and conclusions listed above.

#### RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on item VAC-2014-414, I move we forward a recommendation of approval to the City Council on the request to vacate a portion of a 14-foot multi-purpose easement and a portion of a public trail easement, located within Tract C, Ruby Ranch Subdivision with the findings of fact and conclusions in the staff report.

# Location / Air Photo Map



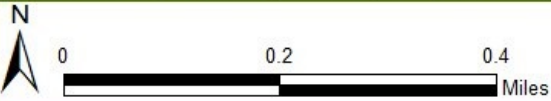
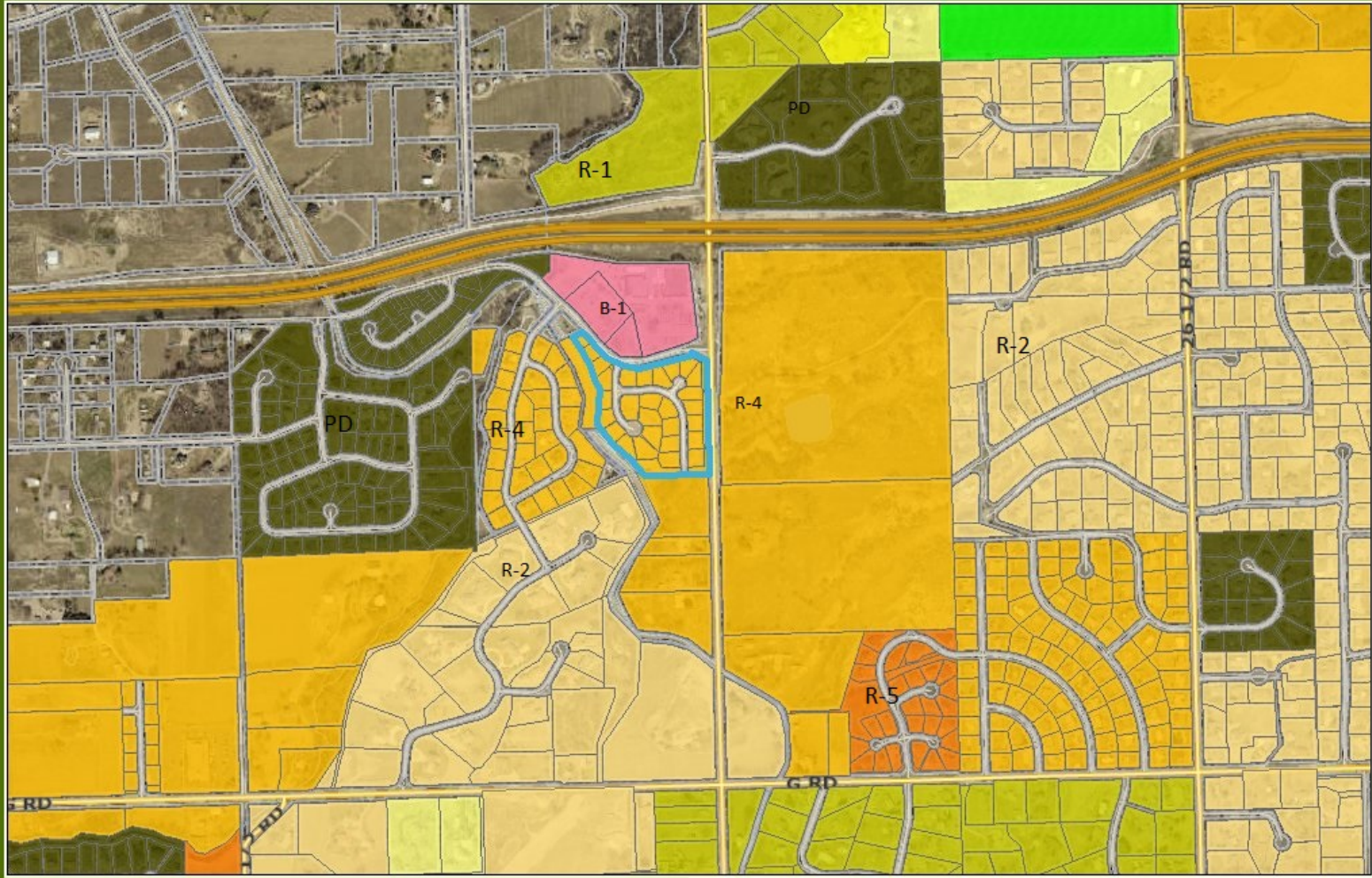
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1 inch = 716 feet





# Zoning Map

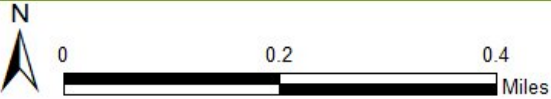
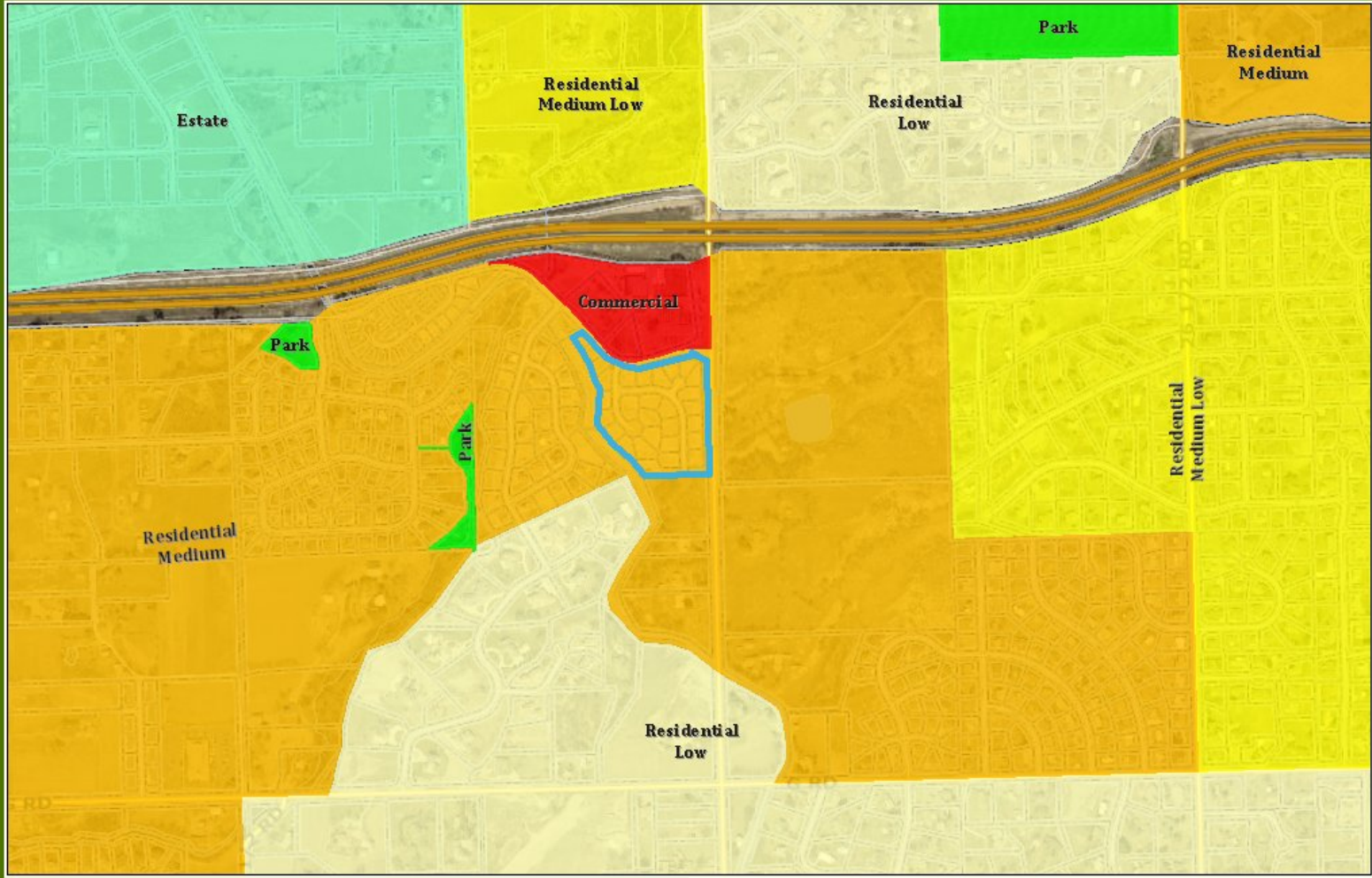


Printed: 12/31/2014

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# Comprehensive Plan Map

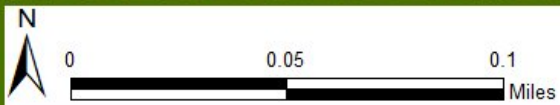
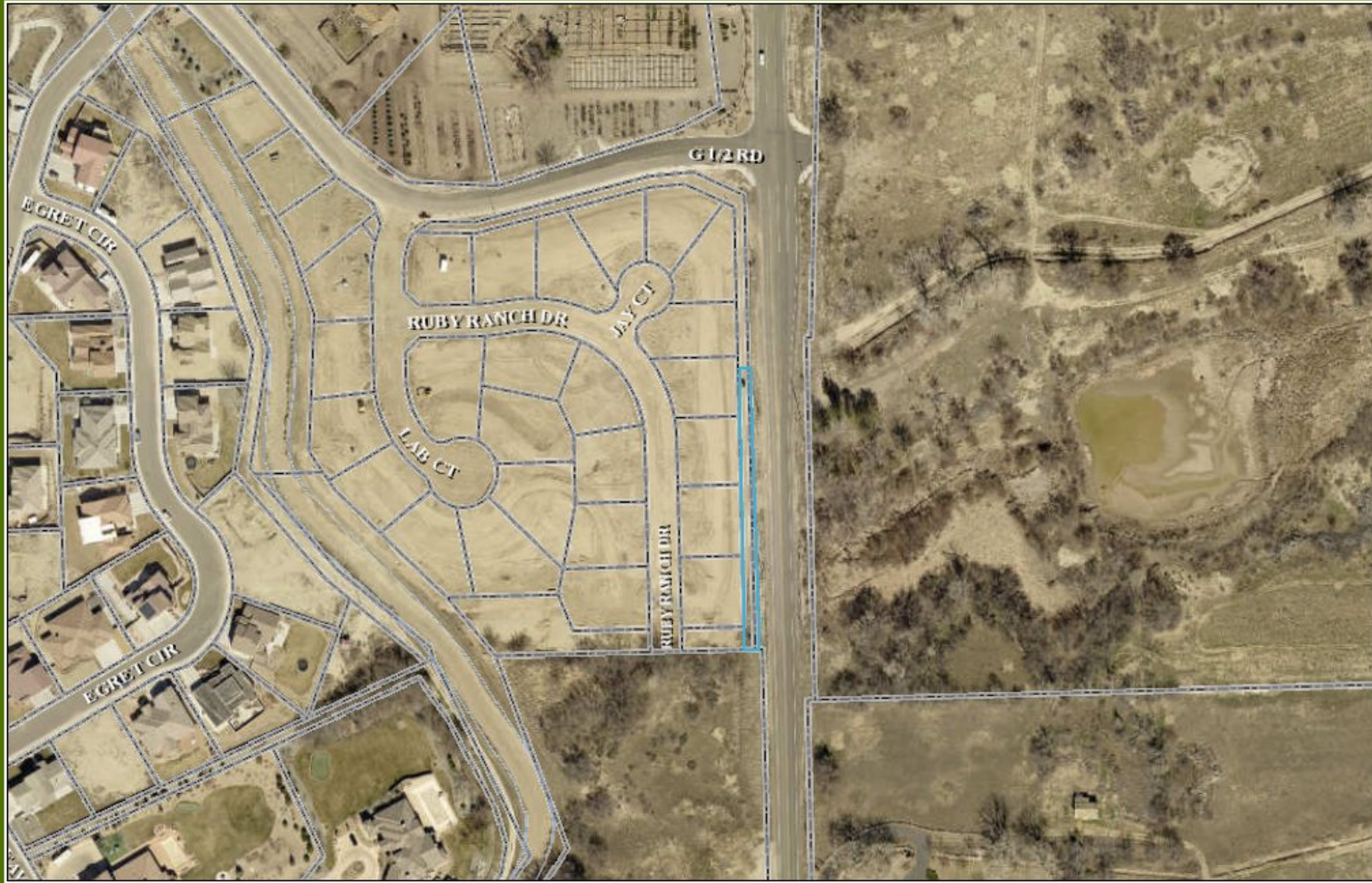


Printed: 12/31/2014

1 inch = 716 feet



# Area of Easements



Printed: 12/31/2014

1 inch = 179 feet



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

A RESOLUTION VACATING A PORTION OF A 14-FOOT MULTI-PURPOSE  
EASEMENT AND A PORTION OF A PUBLIC TRAIL EASEMENT  
LOCATED WITHIN TRACT C, RUBY RANCH SUBDIVISION,  
ADJACENT TO THE WEST SIDE OF 26 ROAD

Recitals:

A request for the vacation of a portion of a 14-foot multi-purpose easement dedicated in error on the Ruby Ranch Subdivision Final Plat and to vacate a portion of a trail easement in the same Tract on the subdivision. The City of Grand Junction (City) had previously agreed with Grand Valley Water Users Association (GVWUA) to not place a multi-purpose easement in the same location as GVWUA easement. This request is to remove the portions of the easements that may conflict with GVWUA's easement.

In a public hearing, the Planning Commission reviewed the request for the vacation of the easements and determined that it satisfied the criteria as set forth and established in Section 21.02.100 of the Grand Junction Municipal Code. The proposed vacations are consistent with the purpose and intent of the Comprehensive Plan and the City's Economic Development Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREAS SHOWN ON THE ATTACHED EXHIBITS A AND B, ARE HEREBY VACATED AS SHOWN ON THE RUBY RANCH SUBDIVISION FINAL PLAT, RECORDED AT BOOK No. 5618 PAGES 337 and 338.

PASSED on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

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City Clerk President of Council

**Portion of 14' MPE  
Ruby Ranch Subdivision**

A certain parcel of land lying in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 34, Township 1 North, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

A portion of a 14 foot Multipurpose Easement, graphically depicted and dedicated on the plat of Ruby Ranch Subdivision, as same is recorded in Book 5618, Pages 337 and 338, Public Records of Mesa County, Colorado lying within Tract C of said Ruby Ranch Subdivision, said portion lying North of the South line of said plat and South of the Northerly limits of the Grand Valley Water Users Association Easement, as same is recorded with Reception Number 2479274, Public Records of Mesa County, Colorado, all lying adjacent to the West right of way for 26 Road, as depicted on said plat.

CONTAINING 5,249 Square Feet or 0.12 Acres, more or less, as described and as shown on Exhibit A attached.

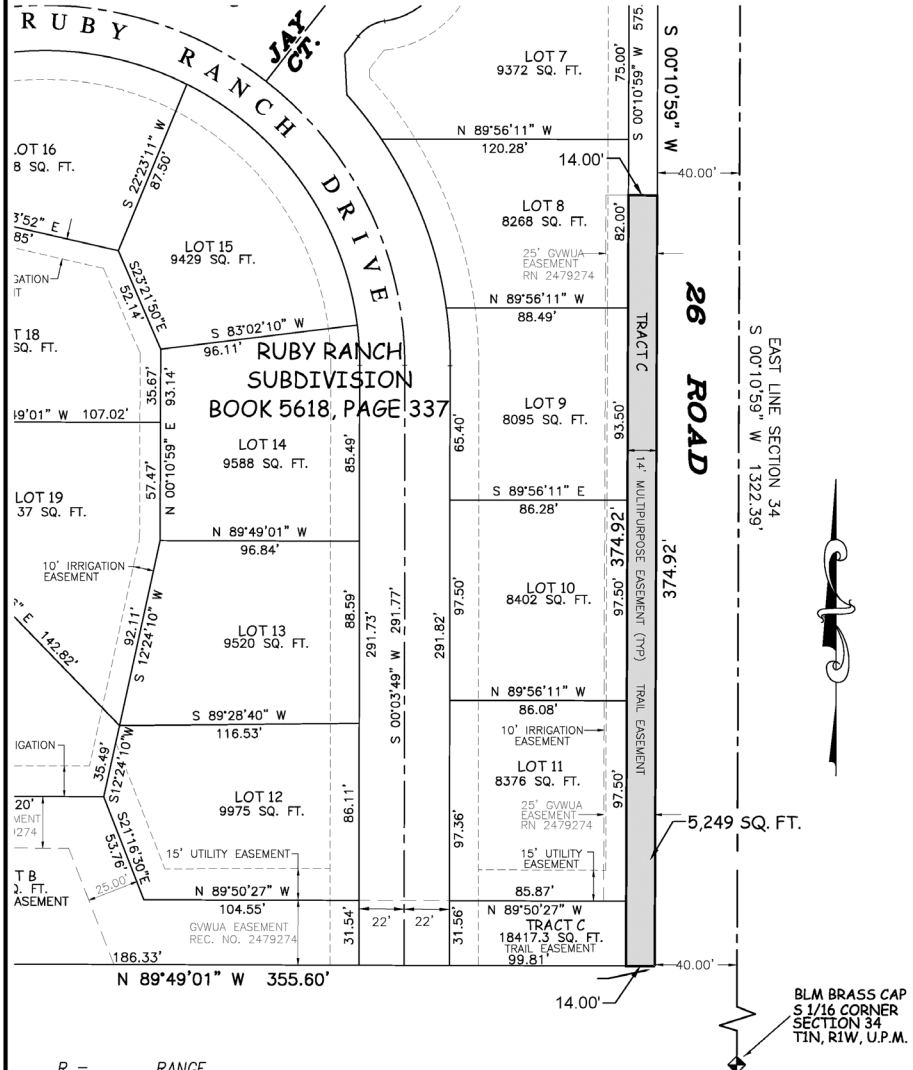
**Portion of Public Trail Easement  
Ruby Ranch Subdivision**

A certain parcel of land lying in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 34, Township 1 North, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

A portion of a Public Trail Easement, graphically depicted and dedicated on the plat of Ruby Ranch Subdivision, as same is recorded in Book 5618, Pages 337 and 338, Public Records of Mesa County, Colorado lying within Tract C of said Ruby Ranch Subdivision, said portion lying North of the South line and its Easterly prolongation of Lot 11 of said plat and South of the Northerly limits of the Grand Valley Water Users Association Easement, as same is recorded with Reception Number 2479274, Public Records of Mesa County, Colorado, all lying adjacent to the West right of way for 26 Road, as depicted on said plat.

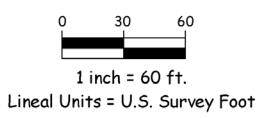
CONTAINING 4,806 Square Feet or 0.11 Acres, more or less, as described and as shown on Exhibit B attached.

# EXHIBIT "A"



R = RANGE  
 U.P.M. = UTE MERIDIAN  
 T = TOWNSHIP

The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.

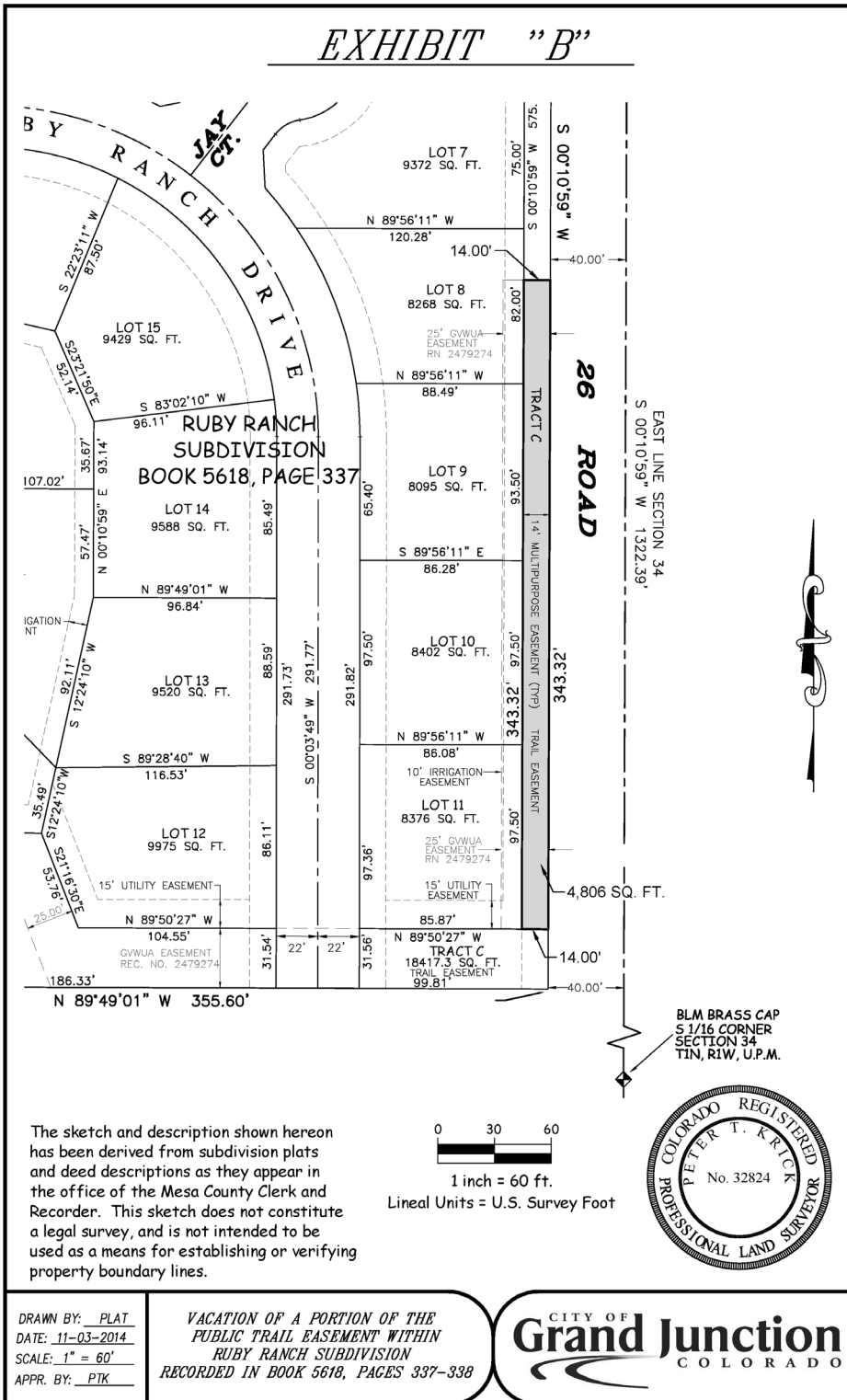


DRAWN BY: PLAT  
 DATE: 11-03-2014  
 SCALE: 1" = 60'  
 APPR. BY: PTK

VACATION OF A PORTION OF THE 14' MULTIPURPOSE EASEMENT WITHIN RUBY RANCH SUBDIVISION RECORDED IN BOOK 5618, PAGES 337-338



# EXHIBIT "B"



The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.

DRAWN BY: PLAT  
DATE: 11-03-2014  
SCALE: 1" = 60'  
APPR. BY: PIK

VACATION OF A PORTION OF THE  
PUBLIC TRAIL EASEMENT WITHIN  
RUBY RANCH SUBDIVISION  
RECORDED IN BOOK 5618, PAGES 337-338

CITY OF  
**Grand Junction**  
COLORADO

Date: December 30, 2014

Author: Scott D. Peterson

Title/ Phone Ext: Senior

Planner/1447

Proposed Schedule: January 13,  
2014

File #: PLD-2010-259

### Attach 3



## PLANNING COMMISSION AGENDA ITEM

<b>Subject:</b> Casas de Luz, Located at West Ridges Boulevard and School Ridge Road
<b>Action Requested/Recommendation:</b> Forward a recommendation of approval to amend the phasing schedule for the Casa de Luz Planned Development
<b>Presenters Name &amp; Title:</b> Scott D. Peterson, Senior Planner

### Executive Summary:

The applicant, Dynamic Investments Inc., requests an extension of the phasing schedule for the Casas de Luz Planned Development. The applicant received City Council approval for the Planned Development residential subdivision on September 21, 2011. The PD ordinance required platting of Phase 1 by December 31, 2014. Due to the economic downturn the applicant was unable to meet that deadline and now requests more time to plat the first three phases of the project.

### Background, Analysis and Options:

The 1.88 acre Casas de Luz (meaning; "Houses of Light") property is part of the Ridges Planned Development and is to be completed over a total of four phases. The property is presently platted into ten lots. Under the current Ridges PD each lot was designated for a maximum of two dwelling units (termed "A" lots in the Ridges PD plan). The total number of dwelling units proposed with the Casas de Luz development (20) is the same number as originally planned for this site, but the Casas de Luz development plan approved in 2011 consists of reconfigured residential lots, common areas and stacked condominium units.

The applicant, Dynamic Investments, Inc., reports that completing the project has not been economically viable during the economic downturn but is optimistic given current market indicators that it could be completed within the following proposed extended phasing schedule:

### Deadline from prior approval:Proposed new deadline:

Phase 1: December 31, 2014 December 31, 2017

Phase 2: December 31, 2017December 31, 2019

Phase 3: December 31, 2019 December 31, 2020

Phase 4: December 31, 2021December 31, 2021 (unchanged).



The owner is committed to completing the project. The public benefit supporting the original PD approval is still viable today by providing a needed housing type with innovative design and by utilizing the topography of the site. The design incorporates elements of clustering units to allow for more private open space within the development. Also, the development provides more effective use of infrastructure by eliminating public right-of-way and using three shared accesses to serve the 20 dwelling units which significantly minimizes the impact onto West Ridges Boulevard. The existing Planned Development will continue to provide benefits for additional residential development opportunities within the Ridges.

This extension of the phasing schedule is the only proposed amendment to the PD plan and ordinance.

The applicant requests that the Planning Commission forward a recommendation of approval of the revised phasing schedule to City Council. Staff supports the request.

**Neighborhood Meeting:**

Neighborhood Meeting will be held by the applicant on January 12, 2015. City Project Manager will provide the Planning Commission with an update of what was discussed during the Public Hearing on January 13<sup>th</sup>.

**Board or Committee Recommendation:**

There is no committee or board recommendation.

**Financial Impact/Budget:**

No financial impact for this item.

**Other issues:**

No other issues have been identified.

**Previously presented or discussed:**

Planning Commission recommended approval of the Casas de Luz Planned Development at their August 9, 2011 meeting; City Council approved the Casas de Luz PD on September 21, 2011, finding the approval criteria in GJMC 21.02.150 for establishment and amendment of a planned development were satisfied. Those approval criteria have not changed and the development plan, even with the proposed extension of the phasing schedule, still meets the applicable criteria.

**Attachments:**

1. Letter of Extension Request from Applicant
2. City Council Staff Report from September 21, 2011
3. Ordinance 4482
4. Proposed Ordinance

## **FINDINGS OF FACT AND CONCLUSIONS**

After reviewing the request to amend the Casas de Luz Planned Development phasing schedule, PLD-2010-259, the following findings of fact and conclusions were determined:

3. The request is consistent with the goals and polices of the Comprehensive Plan.
4. The review criteria in Section 21.02.150 (b) and (e) of the Zoning and Development Code have been met, as described in the staff report supporting the City Council's September 21, 2011 PD approval and PD ordinance.

## **STAFF RECOMMENDATION:**

I recommend that the Planning Commission forward a recommendation of approval of the request to extend the phasing schedule for Phase 1 from December 31, 2014 to December 31, 2017, for Phase 2 from December 31, 2017 to December 31, 2019 and for Phase 3 from December 31, 2019 to December 31, 2020, with the findings of fact and conclusions referenced above.

## **RECOMMENDED PLANNING COMMISSION MOTION:**

Madam Chairman, on item number PLD-2010-259, I move that the Planning Commission forward a recommendation of approval of the request to extend the phasing schedule for the Casas de Luz Planned Development from December 31, 2014 to December 31, 2017 for Phase 1, from December 31, 2017 to December 31, 2019 for Phase 2, and from December 31, 2019 to December 31, 2020 for Phase 3, with the findings of fact and conclusions referenced in the staff report.

October 27, 2014

Scott Peterson  
Senior Planner  
City of Grand Junction  
Grand Junction, CO

Dear Scott:

Dynamic Investments, Inc. hereby requests an extension of the approval and deadlines for development of the Casas de Luz project located in The Ridges, Grand Junction, Colorado. Dynamic has been unable to initiate development of the project due to market conditions and economic feasibility.

We request that the deadline for the filing of Phase One be extended from December 31, 21014 to December 31, 2017; Phase Two from December 31, 2017 to December 31, 2019; Phase Three from December 31, 2019 to December 31, 2020; and Phase Four deadline to remain unchanged at December 31, 2021.

Please submit this request for extension of the approval and development deadlines for Casas de Luz to the Planning Commission and City Council for review and approval of this request.

Should you have questions or require additional information, please do not hesitate to contact me.

Respectfully,

Mike Stubbs  
President  
Dynamic Investments, Inc.



**CITY COUNCIL AGENDA ITEM**

Date: September 2, 2011  
Author: Scott D. Peterson  
Title/ Phone Ext: Senior Planner/1447  
Proposed Schedule: September 7, 2011 (First Reading)  
2nd Reading  
(if applicable): September 21, 2011  
File # (if applicable): PLD-2010-259

<b>Subject:</b> Amending the Ridges Planned Development for Casas de Luz Residential Development, Located adjacent to West Ridges Boulevard and West of School Ridge Road in the Ridges Subdivision
<b>Action Requested/Recommendation:</b> Hold a Public Hearing and Consider Final Passage and Final Publication for Proposed Ordinance(s) and adopt Resolution
<b>Presenters Name &amp; Title:</b> Scott D. Peterson, Senior Planner

**Executive Summary:**

Request for approval for an amendment to the Planned Development zoning ordinance for the Ridges Planned Development (“Ridges PD”) for a portion of the property, Lots 34A-40A, Block Twenty-five of The Ridges Filing No. 5 and Lots 41A-43A of the Replat of Lots 22A through 30A, Block Twenty Five The Ridges Filing No. Five, within the Ridges PD located adjacent to West Ridges Boulevard, across from the driving range for Redlands Mesa Golf Course. The applicant is also requesting approval for the vacation of a dedicated frontage road (right-of-way) and utility and drainage easements in conformance with the new plan.

**Background, Analysis and Options:**

The applicant, Dynamic Investments, Inc., requests to resubdivide the existing ten platted lots and create new residential lots, tracts and stacked condominium units. The total number of dwelling units (20) is the same number of allowed dwelling units that were originally planned for this site. Project may be completed over four phases. The applicant is also requesting the vacation of a dedicated frontage road and utility and/or drainage easements that are not needed with the proposed development.

**How this item relates to the Comprehensive Plan Goals and Policies:**

The proposed residential development request for Casas de Luz furthers **Goals 3, 5, and 8** of the Comprehensive Plan by:

- Facilitating ordered and balanced growth and spreading future growth throughout the community;

- Providing a broader mix of housing types (two-family and multi-family dwelling units) in the community to meet the needs of a variety of incomes, family types and life stages, and
- By creating attractive public spaces and enhancing the visual appeal of the community through quality development.

**Board or Committee Recommendation:**

The Planning Commission recommended approval of the requested Amended Planned Development Ordinance and Right-of-Way, Utility and Drainage Easement Vacations at their August 9, 2011 meeting.

**Financial Impact/Budget:**

N/A.

**Legal issues:**

N/A.

**Other issues:**

None.

**Previously presented or discussed:**

First Reading of the Ordinance(s) was September 7, 2011.

**Attachments:**

Site Location Map/Aerial Photo Map  
Comprehensive Plan/Blended Residential Map  
Existing City Zoning Map  
Site Layout Plan  
Bulk Standards document prepared by Applicant  
Letter from Sue Carbone, Adjacent Property Owner  
Letter from Rick Thurtle, Adjacent Property Owner  
Ordinance for Amended Planned Development  
Ordinance for Vacation of Right-of-Way (Frontage Road)  
Resolution for Utility and Drainage Easement Vacation

BACKGROUND INFORMATION				
<b>Location:</b>		West Ridges Boulevard and School Ridge Road		
<b>Applicants:</b>		Dynamic Investments, Inc., Owner		
<b>Existing Land Use:</b>		Vacant land		
<b>Proposed Land Use:</b>		One Single-Family Detached, Two-Family and Multi-Family dwellings		
<b>Surrounding Land Use:</b>	<b>North</b>	Single-Family Attached dwelling units		
	<b>South</b>	Vacant land and driving range for Redlands Mesa Golf Course		
	<b>East</b>	Single-Family Attached dwelling units		
	<b>West</b>	Redlands Mesa Real Estate Office		
<b>Existing Zoning:</b>		PD, Planned Development		
<b>Proposed Zoning:</b>		PD, Planned Development		
<b>Surrounding Zoning:</b>	<b>North</b>	PD, Planned Development		
	<b>South</b>	PD, Planned Development		
	<b>East</b>	PD, Planned Development		
	<b>West</b>	PD, Planned Development		
<b>Future Land Use Designation:</b>		Residential Medium (4 – 8 du/ac) and Residential Medium Low (2 – 4 du/ac)		
<b>Zoning within density range?</b>		X	Yes	No

**1. Background:**

The 1.88 acre “Casas de Luz Property” consisting of Lots 34A-40A, Block Twenty-Five of The Ridges Filing No. 5 and Lots 41A-43A of the Replat of Lots 22A through 30A, Block Twenty Five The Ridges Filing No. Five as part of the Ridges Planned Development. The property is presently platted into ten lots. Under the current Ridges PD each lot is designated for a maximum of two dwelling units (“A” lots) within the overall PD.

The Ridges was originally approved as a Planned Unit Development (PUD) by Mesa County in the late 1970's. The original developer formed the Ridges Metropolitan District to provide services to the development since it was in unincorporated Mesa County. The PUD also provided open space (approximately 85 acres in Filings 1 through 6), numerous parks of varying sizes and a network of detached multi-use trails throughout the development. The approved PUD included a mix of land uses including

a variety of housing types – from apartments to detached single family units – offices and neighborhood commercial uses.

In 1992 the developed and undeveloped areas of the Ridges were annexed into the City limits. Upon annexation, an amended plan and zoning ordinance for the Ridges was adopted zoning the development Planned Development (PD). The plan allocated the remaining allowable dwelling units to the undeveloped parcels, including the multifamily parcels. Original platted parcels indicated the expected use, for example “A”, “B” or “C” lots. Multifamily sites were assigned specific densities.

The Casas de Luz Property was designated as “A” lots with a density of two family dwellings for each platted lot. However, it was specifically noted on the plat that the same area could be developed as a multifamily area. The area is limited to the maximum density of 20 dwelling units already determined for the ten “A” lots.

The applicant, Dynamic Investments, Inc., requests to resubdivide the existing ten platted lots and create new residential lots, tracts and stacked condominium units. The total number of dwelling units (20) is the same number of allowed dwelling units that were originally planned for this site. The new subdivision is proposed to be named Casas de Luz (meaning; “Houses of Light”) and may be completed over four phases. The proposed development shall be subject to the provisions of the Zoning and Development Code, except as deviated by the approved Casas de Luz Plan to be adopted as a part of the amended ordinance.

The applicant is also requesting the vacation of a dedicated frontage road and utility and/or drainage easements that are not needed with the proposed development. The existing frontage road provides access for seven of the existing ten lots. The frontage road provides a separate ingress/egress point for each lot without impacting traffic movements on West Ridges Boulevard. However, since the Casas de Luz development is modifying the existing lot configuration and proposing three access points to serve 20 dwelling units, this frontage road will no longer be necessary, except for the retaining of a 10’ multipurpose easement along the remaining right-of-way for utilities, including utilities presently in place.

The easements to be vacated appear on the Replat of Lots 22A through 30A, Block Twenty Five The Ridges Filing No. Five. The existing 10’ Drainage and Utility Easement on Lot 41A; a small portion of the 10’ Utility Easement on Lot 43A; and a portion of the 20’ Utility Easement on Lots 41A through 43A are to be vacated. The easements are not necessary for development and some interfere with the location of buildings within the proposed development. These existing easements do not contain any public utilities in the areas to be vacated.

#### Density

The Comprehensive Plan Future Land Use Map indicates this area of the Ridges to be Residential Medium (4–8 du/ac) and Residential Medium Low (2–4 du/ac). The Ridges

PD overall density is four dwelling units per acre which includes all lots, open space tracts, etc. The densities are consistent with the Comprehensive Plan. The above stated Ridges density is calculated as a gross density for the entire Ridges Plan, not site specific. The site specific density for this proposal would be 10.6 dwelling units an acre matching what was originally approved for this site. The proposed Casas de Luz development is a resubdivision of "A" lots within the Ridges development which allowed up to a maximum of two-family dwellings for each platted lot.

The applicant has not proposed a change to the density.

#### Access

Access for the Proposed Plan will be from West Ridges Boulevard in three different locations (see Site Layout Plan). Proposed internal access will be shared drives and parking areas (tracts), maintained by a homeowner's association.

#### Plan Layout

The Proposed Plan will have a mixture of two-family, multifamily, and/or single-family detached dwelling units. As proposed some of the multifamily dwellings will be stacked and will require approval of a condominium map. Generally, the building footprint for each dwelling unit in Filing One, Filing Two and Filing Four as designated on the Site Layout Plan will be a lot. The multifamily units are proposed as stacked dwelling units in Filing Three. If the units are to be created for separate ownership, a condominium map will be required with the building footprint generally being the exterior horizontal boundaries of the units. If the units are not created for separate ownership, then the building footprints shall generally be the boundaries of the lots. All areas outside of a building footprint shall be designated as "Tracts" for maintenance responsibility by a homeowner's association.

#### Landscaping

Landscaping shall be in conformance with the Zoning and Development Code for a multifamily residential development (see Ordinance for Landscaping Plan) with a total of 33 trees and 212 shrubs to be planted on 1.88 acres along with granite stone mulch and dryland grass seed mix in open space (tract) areas.

#### Phasing

The proposed Casas de Luz Plan shall be developed in four phases. The proposed phasing schedule is as follows (see Site Layout Plan):

The first phase shall be completed on or before December 31, 2014 with the recording of a plat with the Mesa County Clerk and Recorder consisting of all of the land in the Casa de Luz Property which includes all the lots in The Ridges Filing No. 5 abutting the frontage road to be vacated by eliminating the lot(s) or platting new lots in a manner



acceptable to the City's Public Works and Planning Director so that access to and from the newly platted parcels is accomplished in accordance with City standards.

The second phase shall be completed on or before December 31, 2017, with a written approval of a final plan and plat for that portion of the Casas de Luz Property.

The third phase shall be completed on or before December 31, 2019, with a written approval of a final plan and plat for that portion of the Casas de Luz Property.

The fourth phase shall be completed on or before December 31, 2021, with the written approval of a final plan and recording of a plat with the Mesa County Clerk and Recorder finalizing the Casas de Luz Plan.

#### Community Benefit

As this is an amendment to the original Planned Development ordinance for the Ridges, a community benefit is not required to be found by the decision-maker. However, the proposed amendment for the Casas de Luz Property does provide community benefit by providing a needed housing type with innovative design and by utilizing the topography of the site. The design incorporates elements of clustering units to allow for more private open space within the development. Also, the development provides more effective use of infrastructure by eliminating public right-of-way and using three shared accesses to serve the 20 dwelling units which significantly minimizes the impact onto West Ridges Boulevard.

#### Default Zoning

If the first phase for the Casas de Luz Plan is not completed as indicated in the approved amended ordinance and the amended Plan lapses, then the amended ordinance for the Casas de Luz Property shall have no force and effect and the previously amended Ordinance 2596 shall be in full force and effect as it applies to the Casas de Luz Property.

If the first phase is completed, but the entire Plan is not completed, then the Casas de Luz Development Plan proposes a default zone of R-8, which is in conformance with the Comprehensive Plan for this area. The dimensional standards for the R-8, (Residential-8 du/ac) zone, as indicated in Section 21.03.040 (h) of the Zoning and Development Code, are as follows:

Density: According to the City's Code density is not to exceed 8 dwelling units per acre. However, as this is an amendment to the Ridges PD, the density has already been determined for this area and the default for density purposes shall remain 10.6 dwelling units per acre for the Casas de Luz Property.

Minimum lot area, width, and frontage: (See below for proposed deviations from standards for the Proposed Plan.)

Detached Single-Family	minimum 3000 square feet of area minimum 40 feet width
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Two Family Attached	minimum 20 feet frontage minimum 6,000 square feet of area minimum 60 feet width
Multifamily	minimum 20 feet frontage No minimums for area, width, or frontage

**Setbacks:**

Front Yard Setback (Principal/Accessory): 20/25 (see deviation below)

Side Yard Setback (Principal/Accessory): 5/3

Rear Yard Setback (Principal/Accessory): 10/5

Maximum building height: 40' (The default maximum building height for single family attached and detached, including two family dwellings shall be 25' in conformance with the previously amended Ordinance 2596 for the Ridges PD.)

Deviations

1. Minimum Lot Area, Width and Frontage:

As the proposed Plan is designed to have each of the combined dwelling units to be surrounded by open space (see the Site Layout Plan) with shared drives for access to the right-of-way, the minimum lot area, width and frontage are not applicable.

2. Building Setbacks:

The Proposed Plan applies the front and rear yard setbacks to the exterior boundary of the Casas de Luz Property rather than the individual lot lines. The front yard setbacks are proposed to be deviated further as follows:

Front Yard (see Site Layout Plan): 15' for Filing One; 11' for Filing Two; 16' for Filing Four

Standard setbacks to the exterior boundary of the Casas de Luz Property setbacks apply unless otherwise noted.

Staff finds the reduced setbacks to be reasonable as there is additional right-of-way along the Casas de Luz Property that is not likely be developed as roadway because of the detached trail that is a part of the Ridges plan for the Planned Development. The trail and additional green space will provide a similar appearance to the area as would the standard setbacks.

3. Maximum Building Height:

The Ridges PD has an overall density of 4 units per acre. By the PD ordinance, the maximum height for a multifamily dwelling is 40' and for single family attached and

detached, including two family dwelling units is 25'. The applicant is proposing to amend The Ridges PD as follows:

All measurements for maximum heights are at sea level.

Unit 1: 4888'  
Unit 2: 4883'  
Unit 3: 4871'  
Unit 4: 4861'  
Unit 5: 4870'  
Units 6, 7 & Unit 8: 4868'  
Units 9, 10 & Unit 11: 4868'  
Units 12, 13, & Unit 14: 4868'  
Units 15, 16 and Unit 17: 4868'  
Unit 18: 4850'  
Unit 19: 4848'  
Unit 20: 4844'

(See Ordinance for building rendering exhibits for clarification of the building heights proposed by the applicant).

The Casa de Luz Property could be developed as a multifamily project without amending The Ridges PD. If all multifamily units were built, then the developer could build each up to 40' in height. With the Proposed Plan, all but two of the single family detached and attached dwellings are taller than originally allowed on an "A" lot in the Ridges PD, but the multifamily units are shorter than what would be allowed. As shown by the applicant in the exhibits, all of the building roofs will be lower than the roofs on the homes built on the nearest elevated landscape behind the development to the west. With the clustering of the buildings it opens more space between the buildings to reduce the overall obstruction of views. The applicant has taken into consideration the appropriate height for each building in the development.

It is the applicant's position and staff agrees that the development as proposed is reasonable considering the topography of the site, the immediately surrounding area, and the fact that all buildings are at least 5' below the allowed possible height of 40' for multifamily units.

#### 4. Multipurpose Easement:

City standards also require a development to dedicate a 14' multipurpose easement along right-of-ways abutting a development and along right-of-ways within a development. As previously explained, the right-of-way for West Ridges Boulevard is greater than needed for the constructed roadway. The additional right-of-way is used for a detached trail and additional green space. Four feet of this additional right-of-way may be used for the area that would normally encompass the 14' multipurpose

easement, so only a 10' multipurpose easement is needed along the abutting West Ridges Boulevard.

**2. Section 21.02.150 (b) and (e) of the Zoning and Development Code:**

Pursuant to Section 21.02.150(e)(1)(iii), to amend the bulk, performance, and/or default standards of a planned development, the zoning ordinance must be amended through the rezone process. Based on the City's Code, the rezone process includes considering the rezone criteria and the criteria for approving an Outline Development Plan (ODP) by demonstrating conformance with the following:

- a. The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies.

The Proposed Plan complies with the Comprehensive Plan which designates this area as Residential Medium Low (2-4 du/ac) and Residential Medium (4-8 du/ac) with the Blended Residential map allowing up to 16 residential units per acre. The Proposed Plan specifically meets Goal 5 of the Comprehensive Plan in providing a broader mix of housing types and encourages sustainable growth with development of a property that is infill. This area of the Ridges has been platted for single-family attached units since the very early 1980s with no homes being built. The land has remained vacant. The proposed variety of housing types allows more options with less risk for a developer to build these homes.

The Proposed Plan is in conformance with the Grand Valley Circulation Plan ("GVCP"). West Ridges Boulevard is already constructed and designated as right-of-way as part of the GVCP. The Proposed Plan is a safer option for development regarding the GVCP as only three accesses will be allowed to West Ridges Boulevard rather than ten separate accesses.

The Redlands Area Plan was approved by City Council in June 2002 long after the Ridges PD. The Proposed Plan is in conformance with the Redlands Area Plan with only the proposed changes requested from the original Ridges PD which do not conflict with the Redlands Area Plan. The changes are designed in a manner to allow more variety of housing types (all originally considered and allowed in the Ridges) and more efficiently and effectively using the land area and utilizing the infrastructure more safely.

- b. The rezoning criteria provided in Section 21.02.140 of the Zoning and Development Code.

A rezone must only occur if one or more of the following criteria are found.

- (1) Subsequent events have invalidated the original premises and findings; and/or
- (2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or
- (3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or
- (4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or
- (5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Criteria 3 and 5 are found. The public and community facilities are adequate to serve the scope of land use proposed and as previously explained the Ridges community and the Redlands area will derive benefits from the variety of housing and more efficient and effective use of the land and the infrastructure.

- c. The planned development requirements of Section 21.05 of the Zoning and Development Code.

The application has been developed in conformance with the purpose of Section 21.05 of the Zoning and Development Code by providing more effective use of infrastructure, a needed housing type and/or mix and improved landscaping. The existing Ridges PD previously provided open space, numerous parks of varying sizes and a network of detached multi-use trails throughout the development. Additional open space will come with this proposal.

- d. The applicable corridor guidelines and other overlay districts in Chapter Seven.

There are no overlay districts for these properties and the special regulations found in Section 21.07 of the Zoning and Development Code do not apply.

- e. Adequate public services and facilities shall be provided concurrent with the projected impacts of the development.

Adequate public facilities and services will be provided concurrent with the development as defined in the attached plans and phasing schedules. Ute Water and City sewer are both currently available within West Ridges Boulevard.

- f. Adequate circulation and access shall be provided to serve all development pods/areas to be developed.

Access for the proposed subdivision will be from West Ridges Boulevard in three (3) different locations (see Site Layout Plan). Proposed internal access will be shared drives and parking areas (tracts), maintained by a homeowner's association.

- g. Appropriate screening and buffering of adjacent property and uses shall be provided.

Not applicable since all adjacent land uses are residential in character. The Casas de Luz Plan proposes that all land area located outside of the building footprints are to be platted as tract(s) of land that will be owned and maintained by a homeowner's association and be fully landscaped in accordance with the Zoning and Development Code.

- h. An appropriate range of density for the entire property or for each development pod/area to be developed.

The existing plat designates ten two-family dwelling lots ("A" lots). The applicant is proposing a total of 20 units matching the original approved density.

- i. An appropriate set of "default" or minimum standards for the entire property or for each development pod/area to be developed.

The Casas de Luz Plan proposes an R-8 default zone with deviations identified and explained previously in this report.

- j. An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

The applicant has submitted a development schedule consisting of four phases with final plat recording with the Mesa County Clerk and Recorder as identified and explained previously in this report.

- k. The property is at least twenty (20) acres in size.

The Ridges PD is over 20 acres in size. This property, a portion of the Ridges PD, is 1.88 acres.

**3. Section 21.02.100 of the Zoning and Development Code:**

The vacation of the right-of-way and utility easements shall conform to the following:

- a. The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.

Granting the request to conditionally vacate right-of-way and to vacate utility easements and a drainage easement does not conflict with the Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City.

The right-of-way to be vacated is a frontage road that was dedicated to allow for additional roadway for someone exiting lots 34A through 40A of The Ridges Filing No. Five so as to better maneuver a vehicle safely into a position to more safely enter onto West Ridges Boulevard. With the redesign of the plan layout for the dwelling units and the reduced access points of the Proposed Plan, the additional roadway area will no longer be necessary.

The recommendation to vacate is conditioned because a plat must be recorded with the lots and or units platted in a manner that the frontage road is not needed for safety purposes. In addition, an easement is necessary to be retained for multipurpose use as utilities are located in the roadway and City standards requires a multipurpose easement.

The easements being vacated are not needed.

No parcel shall be landlocked as a result of the vacation.

No parcel will be landlocked as a result of these vacations.

- b. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.

As the right-of-way shall only be vacated with the recording of a new plat such that the right-of-way is not needed, then access will not be restricted.

- c. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

There will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced due to the vacation requests.

- d. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Municipal Code.

The provision of adequate public facilities and services will not be inhibited for any property as required in Chapter 21.06 of the Zoning and Development Code. No adverse comments were received from the utility review agencies during the staff review process.

- e. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

Maintenance requirements for the City will be slightly reduced with less right-of-way to maintain. A multipurpose easement will be reserved and improved traffic circulation will be continued by the limiting of access points to three (3) onto West Ridges Boulevard.

#### **FINDINGS OF FACT/CONCLUSIONS AND CONDITION OF APPROVAL**

After reviewing the Casas de Luz application, PLD-2010-259 for an Amendment to the previously amended Planned Development zoning ordinance for the Ridges Planned Development, Conditional Vacation of Right-of-Way, and Vacation of portions of Utility Easements and a Drainage Easement, the Planning Commission makes the following findings of fact and conclusions with conditions for the right-of-way vacation:

1. The requested amendments to the amended Ridges Planned Development ordinance are consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.150 (b) of the Zoning and Development Code have all been met for amendment of the Planned Development ordinance.
3. The review criteria in Section 21.02.100 of the Zoning and Development Code have all been met for vacating the frontage road with the condition that a plat be recorded with the first phase of the Plan with the Mesa County Clerk and Recorder including all the lots in The Ridges Filing No. 5 abutting the frontage road being eliminated or platted in a manner acceptable to the City's Public Works and Planning Director so that access for the newly platted parcels be accomplished in accordance with City standards. In addition, a 10' multipurpose easement shall be retained and reserved as needed for existing utilities.
4. The review criteria in Section 21.02.100 of the Zoning and Development Code have all been met for the portions of the Utility Easements identified to be vacated and the Drainage Easement to be vacated.



# Site Location Map

Figure 1



# Aerial Photo Map

Figure 2



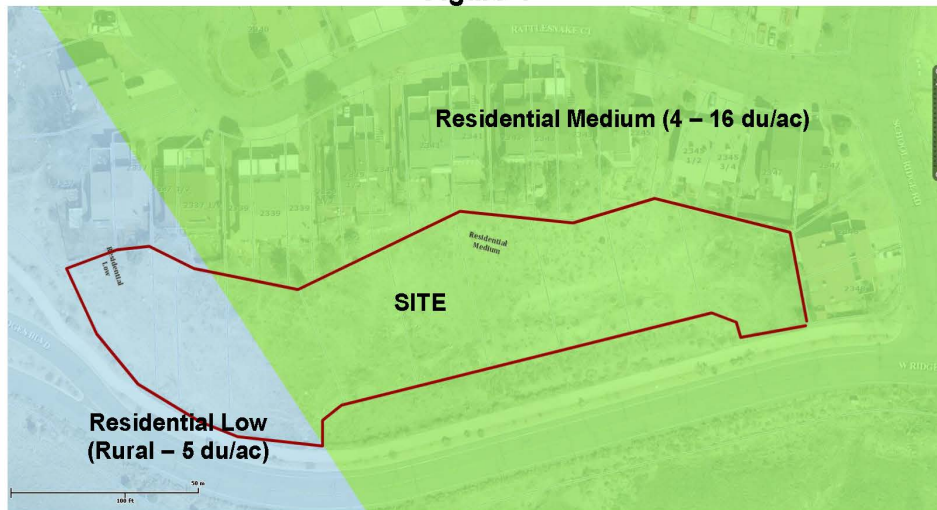
# Comprehensive Plan

Figure 3



# Blended Residential Map

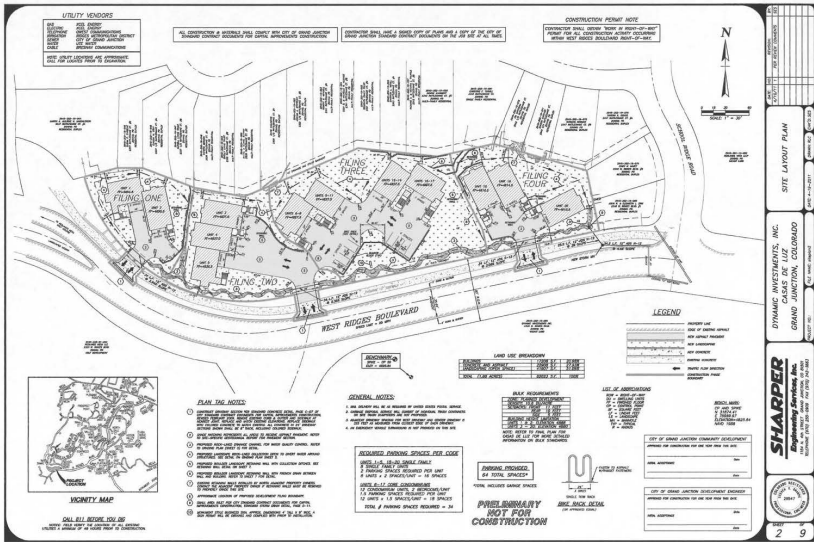
Figure 4



# Existing City Zoning

Figure 5





## **Bulk Standards – Casas De Luz**

### **Overview**

Dynamic Investments, Inc. has submitted a request for a Planned Development Preliminary / Final review as well as Easement & Right-of-Way Vacation for ten duplex lots located in The Ridges Filing 5 Planned Development. The property of interest is 1.88 acres located north and west of the intersection of School Ridge Road and West Ridges Boulevard off of West Ridges Boulevard.

The existing plat designates ten duplex lots to be constructed accessing off of West Ridges Boulevard. The proposal under review is for the same number of units, twenty, to be constructed in townhome and condominium design. The proposed design incorporates elements of clustering the units to allow for more private open space within the development. Additionally, the proposal uses three shared accesses, minimizing the impact on West Ridges Boulevard.

Before the Neighborhood Meeting, building and landscape architects were consulted to produce a design intended to minimize impacts on geographical features as well as neighboring properties. The bulk standards under review herein incorporate these design standards.

A Neighborhood Meeting was held September 8, 2010 to inform the neighbors of the design of Casas de Luz. Though ideas and concerns were heard at the meeting and any feasible requests were incorporated, the design presented to the neighbors is the same design that was submitted for review by the City of Grand Junction and appears detailed in this report.

### **Public Benefit**

The modification to the existing plat would be of public benefit. The visual appeal of the architecture of the buildings would benefit the public. The incorporation of using the existing land and landscaping the overall project would also carry visual appeal. Additionally, the infrastructure to the lots is currently in place and use of existing infrastructure benefits the public. Finally, the types of residences proposed are a benefit by giving the community a variety of housing.

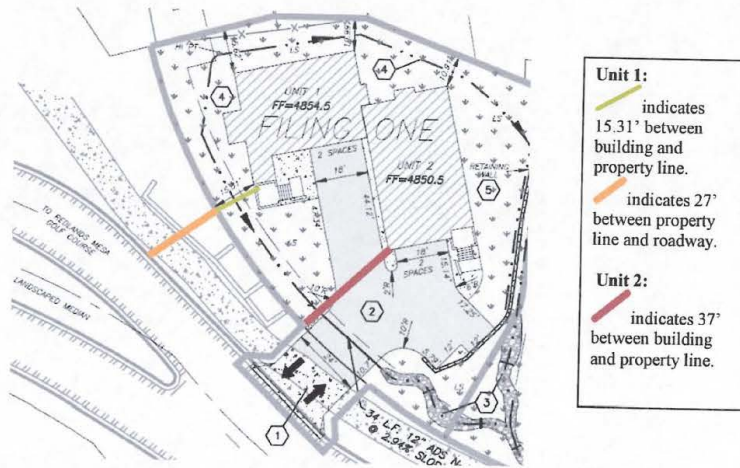
The main element that requires modification from existing requirements is that of the location of the property line. Because the property line is at the building footprint, rather than at the street or right of way, setbacks are non-existent between property line and the structure and therefore are obviously not met.

### **Setbacks**

Setbacks generally dictate the location of a building in relation to the area surrounding that building. As the design for Casas de Luz is to have the specific building footprints

be the property line, there are no setbacks from the property line. However, the ideals of the setback, being distance from surrounding features, have been taken into account. It is understood that generally setbacks allow for parking, sight distance and streetscape for and in adjacent roadways and proximity to neighboring buildings. This section will detail how each of these factors have been accounted for in the placement of each building.

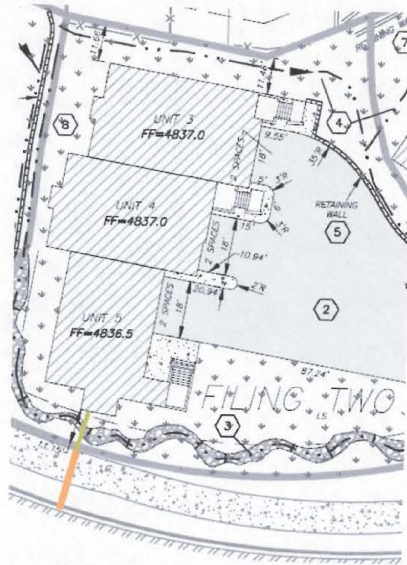
*Filing One*



All units in the proposed Casas de Luz are at least 10' from the rear and adjacent property lines. Each of these will be shown in the upcoming segments. In addition, the buildings within Casas de Luz are proposed with more than 20 feet of separation between structures.

The above excerpt from the Site Plan shows Units One and Two. As is colored on the above picture, there is a distance of 15.31 feet from Unit One to the property line. However, the Casas de Luz property line is 27' from the road, as indicated in orange. Therefore, the building is actually more than 43 feet from the roadway. Unit Two has more than 37 feet between the structure and the subdivision property line.

Filing Two



**Unit 5:**  
— indicates 11.1' between building and property line.  
— indicates 20' between property line and roadway.

In Filing Two, buildings are set back from the rear property line by over 10 feet. In addition, there is more than 20' of separation between these buildings and those found in the surrounding Filings One and Three. The main area of interest is that of the proximity of Unit 5 to the street. As shown on the above excerpt from the Site Plan in green, there is 11.1 feet of separation between the building and the subdivision property line. As shown by the line in orange, there is an additional 20 feet of separation between the property line and the roadway. Thus, in total Unit 5 is more than 30 feet from the roadway.

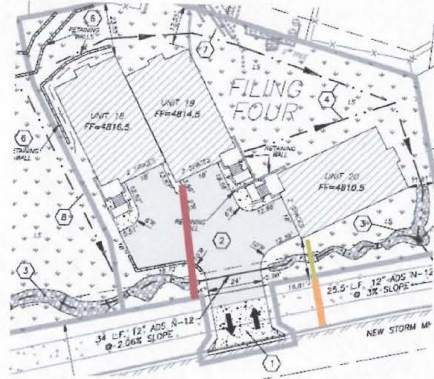
Filing Three



The units comprising Filing Three require little discussion for setbacks as the buildings are set back more than 75 feet from the property line. They are set at least 10 feet from the rear property line and there is more than 20 feet of separation between structures.



### Filing Four



#### Unit 19:

indicates 50' between building and property line.

#### Unit 20:

indicates 16.81' between building and property line.

indicates 23' between property line and roadway.

In Filing Four, all buildings are set at least 10 feet from adjacent property lines. Between structures, 20 feet of separation is also included in the design.

Units 18 and 19 are 50 and 55 feet from the property line, respectively. Unit 20 is 16.81 feet from the subdivision property line and an additional 23 feet from the roadway. Unit 20 is approximately 40 feet from the roadway.

As has been shown in this section, the design of the location of the buildings satisfies the intent of setbacks in proximity to adjacent elements. A sight distance analysis has also been performed to ensure the sight distance from each of the entrances is safe. None of the buildings hinder sight distance for traffic.

#### Height

The intent of the design of Casas de Luz is to create an aesthetically appealing architectural roof line. This means the heights of the buildings will vary. Several discussions have ensued in the planning portion for this design. Comparison will be made relating the height in two different measures. First, the measure of elevation in feet from sea level will be listed. Next, the height from finished grade to the top of the roof is given.

Unit 1 – 4887.8 – 27.8

Unit 2 – 4882.8 – 24.8

Unit 3 – 4870.3 – 25.8

Unit 4 – 4860.2 – 15.7  
Unit 5 – 4869.8 – 25.3  
Units 6, 7 & 8 – 4867.9 – 34.9  
Units 9, 10 & 11 – 4867.9 – 34.9  
Units 12, 13 & 14 – 4867.9 – 27.4  
Units 15, 16 & 17 – 4867.9 – 27.4  
Unit 18 – 4849.8 – 25.8  
Unit 19 – 4847.8 – 23.8  
Unit 20 – 4840.8 – 30.8

The Amended Final Plan for the Ridges does not include height limitations for structures such as those proposed with Casas de Luz, the previous prevailing document, the Protective Covenants for "The Ridges" PUD, does include such a discussion (Article 3, Section 5). The height limitation as determined by the Covenants is based on the adjacent ridge line. Buildings built on top of ridges or mesas, such as Units 1 and 2 in Casas de Luz, maximum building height shall not exceed 28 feet above natural ground. Buildings in lower elevations, such Units 3 through 20 in Casas de Luz, must not exceed 20 feet above the elevation of the closest adjacent ridge or mesa. As applied to Casas de Luz, the closest natural ridge line is at 4860 feet. The corresponding elevation line(s) are shown as a dashed line on the elevations also included with this document.

A current zoning designation that would accompany densities such as those originally platted for this property would be an R-8 zone designation. The associated height limitation for such a zoning designation would be 40 feet for any structure. The tallest building in Casas de Luz is less than 36 feet, which means Casas de Luz complies with this requirement.

#### **Conclusion**

The Casas de Luz proposal is for a modified layout to ten duplex lots in the Ridges subdivision. The intent of this proposal is for visual harmony with the surrounding area by implementing landscaping and architectural design principles. Because of these design principles, the plat will look slightly different than a standard subdivision plat. Therefore, modified bulk requirements are sought to incorporate the societal benefit that a community such as Casas de Luz will provide.





Units 18-20

Susan P. Carbone  
2337 B Rattlesnake Ct.  
Grand Junction, CO 81507  
970-242-4379  
July 7, 2011

Grand Junction Planning Commission  
Grand Junction City Council  
250 N. 5<sup>th</sup> Street  
Grand Junction, CO 81501  
attn: Scott Petersen

RECEIVED  
JUL 21 2011  
COMMUNITY DEVELOPMENT  
DEPT.

Dear Planning Commission and City Council Members,

I urge you to reject the proposal for a new PD ordinance for the subdivision, Casas de Luz, from Dynamic Investments (Mike Stubbs and Mansel Zeck). Dynamic Investments is seeking a re-plat of land between Rattlesnake Ct. and West Ridges Blvd. I believe that this proposal is in no way advantageous to current homeowners and residents.

As native Chicagoans, my late husband and I purchased our town home at 2337 B Rattlesnake Ct. in the spring of 1987 and were delighted to have proximity both to town and to the recreational opportunities provided by the Ridges. Over the years, buildings have grown up around the cul-de-sac and many of the hiking trails are no longer accessible with the advent of the golf course. Ridges Blvd was also extended behind our town homes with greater noise from its traffic.

At the time of our town home purchase, we understood that the land adjacent to the home was platted as a duplex lot. Now, Dynamic Investments wants to have that land re-platted and has proposed a two story building that would extend across the entire width of my property and extending across the adjacent properties on either side of me. This proposed building would be 25 feet tall and be placed less than 10 feet from my back property line. I would not have considered making my home purchase had that plat existed in 1987.

"We want to create a feeling of spaciousness and views," declared Mr. Zeck in an article for The Daily Sentinel in August, 2010 but this comes at the price of Rattlesnake residents losing any semblance of spaciousness and obliterating any view. I also mourn the anticipated loss of my privacy. The impact to the passive solar capabilities of the condos already existing may be another casualty of this re-platting. I believe that proposal also violates the Adopted Bulk Standards of the Ridges Planned Development in the following areas:

1. Proposed building heights may exceed 25 feet from the highest grade lines.
2. The developer does not always meet the front yard setbacks of 20 feet from West Ridges Blvd.
3. The Ridges ACCO has stated that the proposed site plan is NOT consistent with the covenants which provide for no more than 2 units per lot.

Dynamic Investments addresses benefits of their proposed development to the golf course but not to current residents. They state the visual appeal as a benefit and that the types of residences proposed give a variety of housing to the area. These proposed buildings are not adequately buffered from our existing homes and adversely impact our properties. At a meeting with current residents in September,

2010, the developers were asked to consider leaving greater distances from our lot lines to their proposed buildings and to modify proposed heights of buildings. It appears that the developers have made no design changes to accommodate the concerns of current residents. The Ridges already has a large number of condos and town homes as provided by those recently build at Shadow Run and those proposed to be built at Redlands Vista Development (signage states that 56 sites are to be built).

The proposed re-platting of land is not in the best interest of the existing neighborhood. If the re-platting is approved, I fear it will compromise the quality of life enjoyed by Rattlesnake Ct. residents. Privacy will be compromised and crowding is not a healthy way of life. I do understand that the landowner and developer have a right to develop that land, but I believe they could do so under the current platting. Please allow current residents to maintain a quality environment in which to live.

Sincerely,

  
Sue Carbone

This is a formal request by the citizens of the Rattlesnake Ct. Concerned Citizens for denial of a request by Dynamic Investments for the proposed Casas De Luz planned development. The group feels this planned development is not in the best interest of all citizens in the area and cite the following reasons:

1. Dynamic Investments has not established how their proposed development, Casas de Luz, will benefit current Rattlesnake residents. In fact, it will adversely affect residents due to lack of adequate buffering from existing homes, lack of privacy, and may have a negative impact on our passive solar capabilities. Dynamic Investments acknowledges in page 1 of its Bulk Standards-Casas De Luz that the main element that requires modification from existing requirements is that of the location of the property line. Because the property line is at the building footprint, rather than at the street or right-of-way, set-backs are non-existent between property line and the structure and therefore obviously are not met.
2. Dynamic Investments proposal violates the Adopted Bulk Standards of the Ridges Planned development with building heights that may exceed 25 feet from the highest grade lines, not meeting the front yard setbacks of 20 feet from West Ridges Blvd, and that the site plan is not consistent with the covenants which allow for no more than 2 units per lot.
3. An additional concern is impeding traffic on West Ridges Blvd. Ingress and egress into this area could lead to traffic safety issues for those entering and exiting Redlands Mesa Golf Course and the surrounding homes in the area.
4. Concerns about whether the proposed development is adequately funded to carry through to completion (as has happened to the development on the southeast corner of Ridges Blvd and School Ridge). In addition to the Shadow Run Subdivision near Shadow Lake this would be the third development in the area and the first two have not been completed. The timetable of possible completion of the Casas De Luz project requested by Dynamic Investments if December 31, 2021. That is simply too long for residents in the area to be living in a construction zone.
5. Existing and future property values. The recent economic downturn in Mesa County has caused a decline in real estate values in the area. Will a long running construction project hamper future real estate values from stabilizing or increasing in the future? A more than 10 year window to complete the project is not acceptable to nearby residents.
6. Concerns about stability of the land and run off. Citizens are concerned it the development will cause building shift in the soil under their homes.

RECK THURTLÉ  
2343 B RATTLESNAKE CT.  
GRAND JUNCTION CO 81507

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. 4482**

**AN ORDINANCE AMENDING THE AMENDED PLANNED DEVELOPMENT ZONING ORDINANCE FOR THE RIDGES PD FOR LOTS 34A-40A, BLOCK TWENTY-FIVE OF THE RIDGES FILING NO. FIVE AND LOTS 41A-43A OF THE REPLAT OF LOTS 22A THROUGH 30A, BLOCK TWENTY FIVE THE RIDGES FILING NO. FIVE WITHIN THE RIDGES PD "CASAS DE LUZ PROPERTY" WITH A DEFAULT R-8 (RESIDENTIAL – 8 DU/AC) ZONE DISTRICT FOR THE DEVELOPMENT OF 20 DWELLING UNITS**

**LOCATED ADJACENT TO WEST RIDGES BOULEVARD AND WEST OF SCHOOL RIDGE ROAD**

Recitals:

The land zoned Planned Development under Ordinance 2596 "Zoning Certain Lands Annexed to the City Known as the Ridges Majority Annexation" in 1992 has not fully developed and/or built out. There are remaining parcels within the approved Ridges plan that are still vacant. A proposal for several of the platted "A" lots located adjacent to West Ridges Boulevard and west of School Ridge Road, specifically, Lots 41A, 42A and 43A, Block 25, Replat of Lots 22A through 30A, Block 25, The Ridges Filing No. 5 and Lots 34A through 40A, Block 25, The Ridges Filing No. 5, referred to as "Casas de Luz Property or Casas de Luz" has been presented to the Planning Commission to recommend to City Council an amendment to the Amended Planned Development Ordinance and to establish the underlying zone for these properties that total 1.88 acres.

The Grand Junction Planning Commission, at its August 9, 2011 public hearing, recommended approval of the amended Planned Development zoning ordinance for a maximum of 20 dwelling units for Casas de Luz Property with a default R-8, (Residential – 8 du/ac) zoning district, including some deviations.

This Planned Development zoning ordinance establishes the standards, default zone (R-8), and amends the original Planned Development zoning ordinance for the above mentioned properties.

In public hearings, the Planning Commission and City Council reviewed the request for the proposed amended Planned Development approval and determined that the Amended Plan satisfied the criteria of the Code and is consistent with the purpose and intent of the Comprehensive Plan. Furthermore, it was determined that the proposed Plan has achieved "long-term community benefits" by proposing effective infrastructure design and in-fill project. While the entire Ridges Planned Development provided long-term community benefits with the original PUD, the Casas de Luz project further provides a needed housing type, with innovative design and by utilizing the



topography of the site. The proposed design incorporates elements of clustering units to allow for more private open space within the development. Also, the development uses three (3) shared accesses to access the 20 dwelling units, minimizing the impact onto West Ridges Boulevard (attached Exhibit A).

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

- A. Lots 41A, 42A and 43A, Block 25, Replat of Lots 22A through 30A, Block 25, The Ridges Filing No. 5 and Lots 34A through 40A, Block 25, The Ridges Filing No. 5 and associated vacated Right-of-Way.

Said parcels contain 1.88 +/- acres more or less.

- B. This Ordinance is further conditioned:

1. Density

The density shall remain the same at 10.6 dwelling units per acre.

2. Access

Access for the Plan will be from West Ridges Boulevard in three different locations (see Site Layout Plan). Internal access will be shared drives and parking areas (tracts), maintained by a homeowner's association.

3. Plan Layout

The Plan shall have a mixture of two-family, multifamily, and/or single-family detached dwelling units. The multifamily dwellings will be stacked and will require approval of a condominium map. Generally, the building footprint for each dwelling unit in Filing One, Filing Two and Filing Four as designated on the Site Layout Plan will be a lot. The multifamily units are proposed as stacked dwelling units in Filing Three. If the units are to be created for separate ownership, a condominium map will be required with the building footprint generally being the exterior horizontal boundaries of the units. If the units are not created for separate ownership, then the building footprints shall generally be the boundaries of the lots. All areas outside of a building footprint shall be designated as "Tracts" for maintenance responsibility by a homeowner's association.

4. Landscaping

Landscaping shall be in conformance with the Zoning and Development Code (Code) for a multifamily residential development (see Landscaping Plan) with a total of 33 trees and 212 shrubs to be planted on 1.88 acres along with granite stone mulch and dryland grass seed mix in open space (tract) areas.

5. Phasing

The Casas de Luz Plan shall be developed in four phases. The phasing schedule is as follows (see Site Layout Plan):

The first phase shall be completed on or before December 31, 2014 with the recording of a plat with the Mesa County Clerk and Recorder consisting of all of the land in the Casa de Luz Property which includes all the lots in The Ridges Filing No. 5 abutting the frontage road to be vacated by eliminating the lot(s) or platting new lots in a manner acceptable to the City's Public Works and Planning Director so that access to and from the newly platted parcels is accomplished in accordance with City standards.

The second phase shall be completed on or before December 31, 2017, with a written approval of a final plan and plat for that portion of the Casas de Luz Property.

The third phase shall be completed on or before December 31, 2019, with a written approval of a final plan and plat for that portion of the Casas de Luz Property.

The fourth phase shall be completed on or before December 31, 2021, with the written approval of a final plan and recording of a plat with the Mesa County Clerk and Recorder finalizing the Casas de Luz Plan.

6. Community Benefit

The design incorporates elements of clustering units to allow for more private open space within the development. Also, the development provides more effective use of infrastructure by eliminating public right-of-way and using three shared accesses to serve the 20 dwelling units which significantly minimizes the impact onto West Ridges Boulevard.

7. Default Zoning

If the first phase for the Casas de Luz Plan is not completed in accordance with the approved scheduling phases and the amended Plan lapses, then the amended ordinance for the Casas de Luz Property shall have no force and effect and the previously amended Ordinance 2596 shall be in full force and effect as it applies to the Casas de Luz Property.

If the first phase is completed, then the Casas de Luz Property shall have a default zone of R-8, which is in conformance with the Comprehensive Plan for this area. The dimensional standards for the R-8, (Residential-8 du/ac) zone, as indicated in Section 21.03.040 (h) of the Zoning and Development Code, are as follows:

Density: The density shall remain 10.6 dwelling units per acre for the Casas de Luz Property.

Minimum lot area, width, and frontage: (See below for deviations from standards for the Proposed Plan.)

Detached Single-Family minimum 3000 square feet of area  
minimum 40 feet width  
minimum 20 feet frontage

Two Family Attached minimum 6,000 square feet of area  
minimum 60 feet width  
minimum 20 feet frontage

Multifamily No minimums for area, width, or frontage

Setbacks:

Front Yard Setback (Principal/Accessory): 20/25 (see deviation below)

Side Yard Setback (Principal/Accessory): 5/3

Rear Yard Setback (Principal/Accessory): 10/5

Maximum building height: 40' (The default maximum building height for single family attached and detached, including two family dwellings shall be 25' in conformance with the previously amended Ordinance 2596 for the Ridges PD.)

#### Deviations

1. Minimum Lot Area, Width and Frontage:

The Plan is designed to have each of the combined dwelling units to be surrounded by open space (see the Site Layout Plan) with shared drives for access to the right-of-way, the minimum lot area, width and frontage are not applicable.

2. Building Setbacks:

The Plan applies the front and rear yard setbacks to the exterior boundary of the Casas de Luz Property rather than the individual lot lines. The front yard setbacks are proposed to be deviated further as follows:

Front Yard (see Site Layout Plan): 15' for Filing One; 11' for Filing Two; 16' for Filing Four

Standard setbacks to the exterior boundary of the Casas de Luz Property setbacks apply unless otherwise noted.

Standard setbacks to the exterior boundary of the Casa de Luz Property setbacks apply unless otherwise noted.

3. Maximum Building Height:

All measurements for maximum heights are at sea level.

Unit 1: 4888'  
Unit 2: 4883'  
Unit 3: 4871'  
Unit 4: 4861'  
Unit 5: 4870'  
Units 6, 7 & Unit 8: 4868'  
Units 9, 10 & Unit 11: 4868'  
Units 12, 13, & Unit 14: 4868'  
Units 15, 16 and Unit 17: 4868'  
Unit 18: 4850'  
Unit 19: 4848'  
Unit 20: 4844'

(See attached building rendering exhibits for clarification of the building heights and reference to each unit).

4. Multipurpose Easement:

A 10' multipurpose easement is allowed along the abutting West Ridges Boulevard.

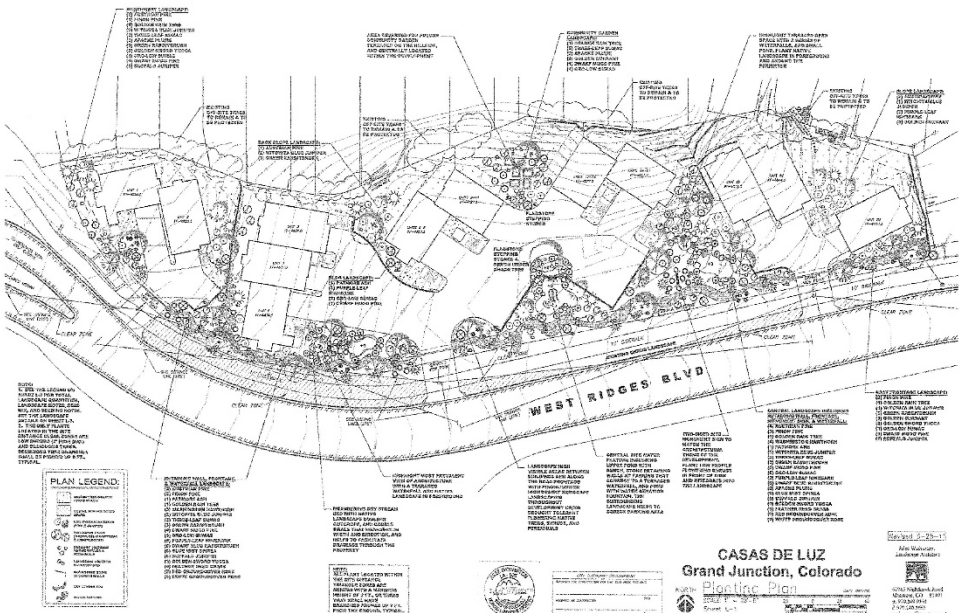
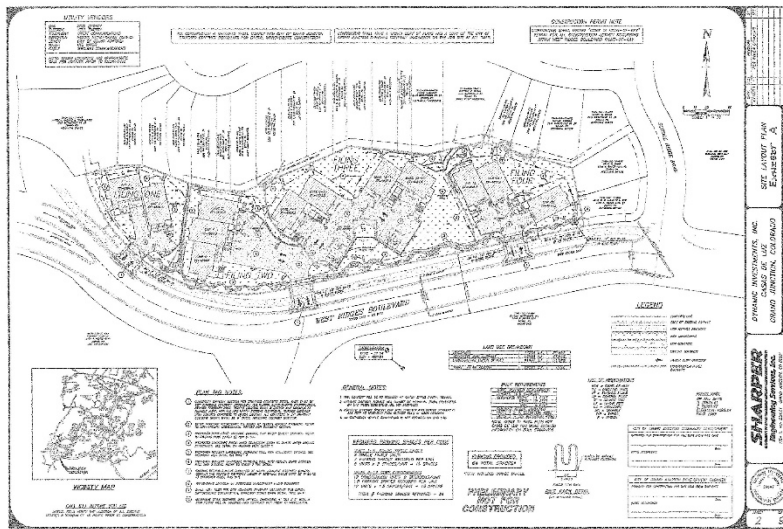
**INTRODUCED** on first reading on this 7<sup>th</sup> day of September, 2011 and ordered published in pamphlet form.

**PASSED AND ADOPTED** on second reading this 21<sup>st</sup> day of September, 2011 and ordered published in pamphlet form.

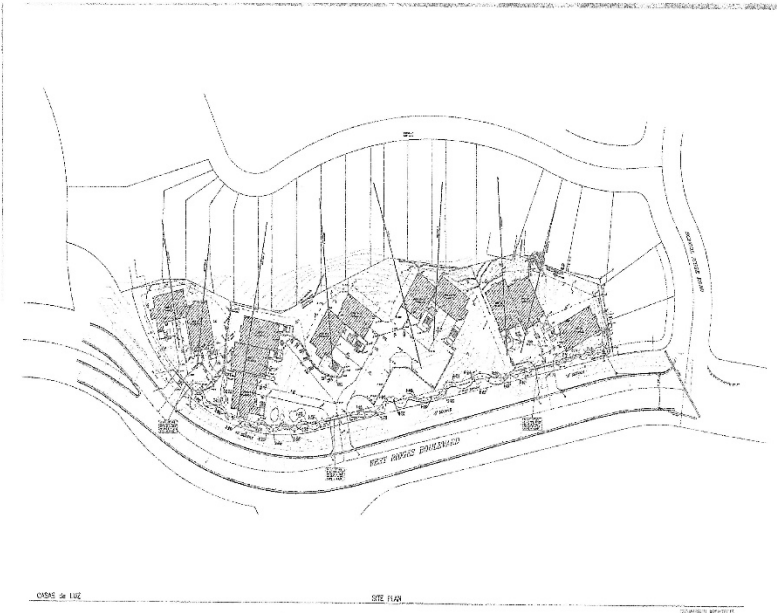
ATTEST:

  
Stephanie Tuin  
City Clerk

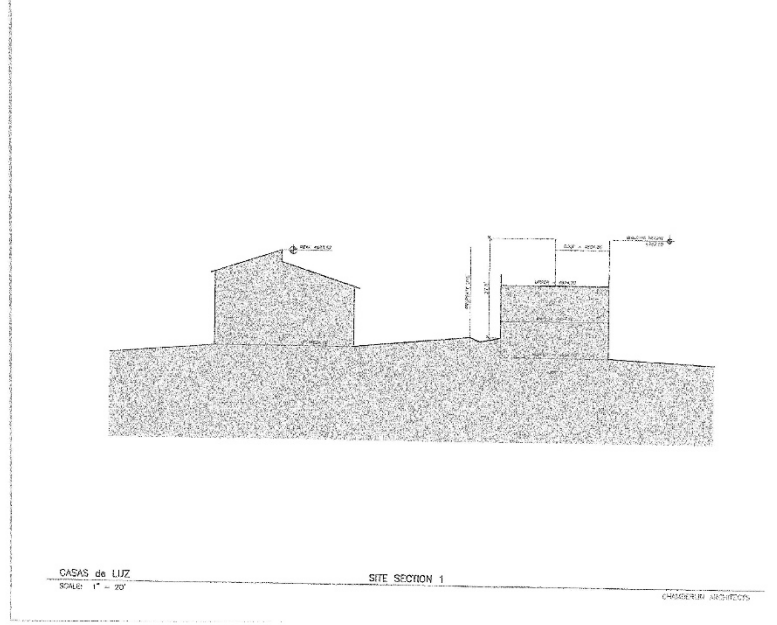
  
President of the Council





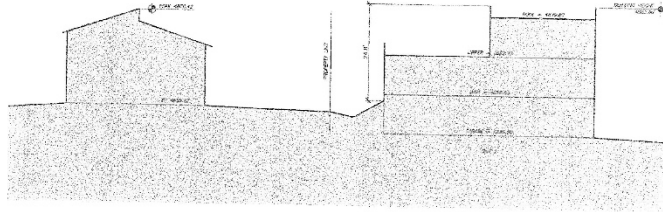


CASAS de LUZ SITE PLAN CHASENEUR ARCHITECTS



CASAS de LUZ SITE SECTION 1 SCALE: 1" = 20' CHASENEUR ARCHITECTS

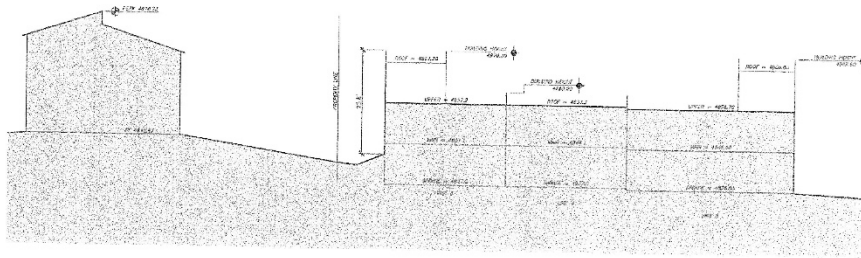




CASAS de LUZ  
SCALE: 1" = 20'

SITE SECTION 2

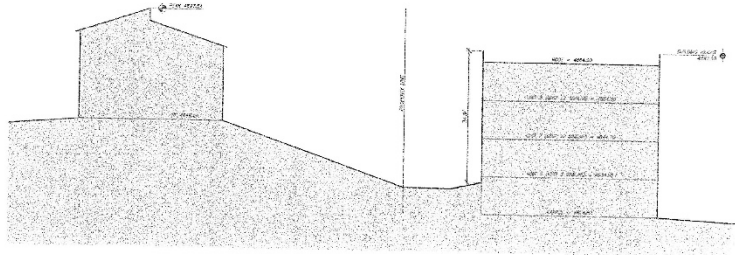
CHAMBERLIN ARCHITECTS



CASAS de LUZ  
SCALE: 1" = 20'

SITE SECTION 3

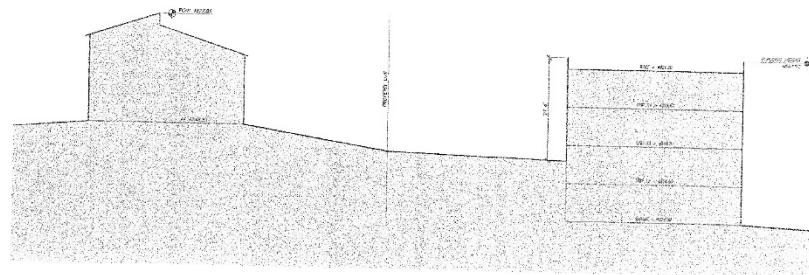
CHAMBERLIN ARCHITECTS



CASAS de LUZ  
SCALE: 1" = 20'

SITE SECTION 4

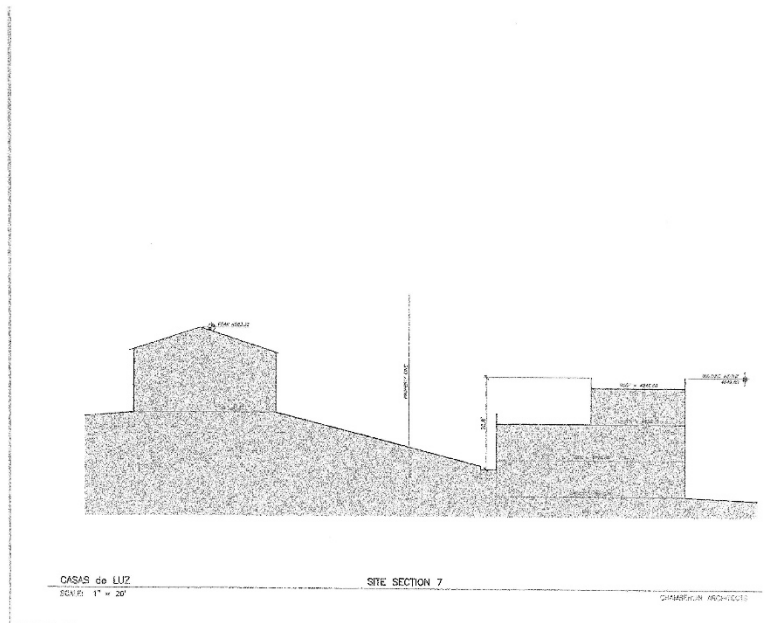
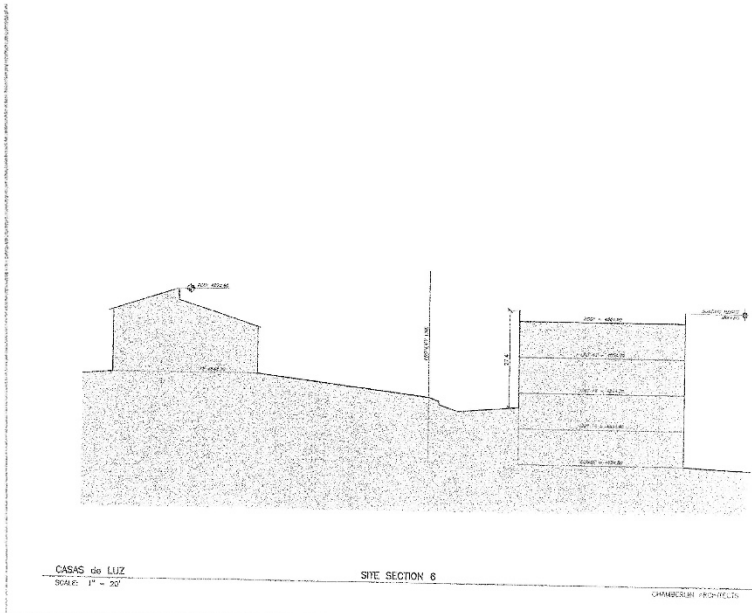
CHAMBERLIN ARCHITECTS

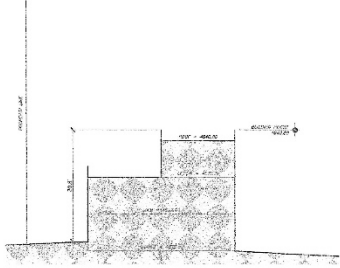


CASAS de LUZ  
SCALE: 1" = 20'

SITE SECTION 5

CHAMBERLIN ARCHITECTS





CASAS de LUZ  
Echelle: 1" = 20'

SITE SECTION 9

CHAMPERLAIN ARCHITECTS

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING ORDINANCE NO. 4482 FOR THE CASAS DE LUZ  
PLANNED DEVELOPMENT RESIDENTIAL SUBDIVISION REVISING THE  
PROPOSED PHASING SCHEDULE**

**LOCATED ADJACENT TO WEST RIDGES BOULEVARD AND  
WEST OF SCHOOL RIDGE ROAD**

Recitals:

The applicant, Dynamic Investments Inc., wishes to revise the proposed phasing schedule for the Casas de Luz Planned Development residential subdivision in order to develop (20) dwelling units on 1.88 +/- acres. The Casas de Luz residential development plan consists of proposed new residential lots, common areas and stacked condominium units on property zoned PD (Planned Development).

The purpose of this Ordinance is to extend the phasing schedule for the Casas de Luz Planned Development provided in Ordinance No. 4482, without modifying any other aspects of Ordinance No. 4482 or of the residential development plan.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the extended phasing schedule for the Casas de Luz Planned Development.

The City Council finds that the review criteria for the planned development that were established at the time Ordinance No. 4482 was adopted are still applicable and are still met and that the establishment thereof is not affected by the extension of the phasing schedule.

The City Council finds that extending the phasing schedule is reasonable in light of the economic downturn and is in the best interests of the community.

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

The development phasing schedule established by Ordinance No. 4482 is amended as follows:

Phase 1 plat must be recorded by December 31, 2017 (extended by three years, from December 31, 2014)

Phase 2 plat must be recorded by December 31, 2019 (extended by two years, from December 31, 2017)

Phase 3 plat must be recorded by December 31, 2020 (extended by one year, from December 31, 2019)

Phase 4 plat shall be recorded by December 31, 2021 (unchanged).

All other aspects of Ordinance No. 4482 shall remain in effect.

Introduced on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015 and ordered published in pamphlet form.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015 and ordered published in pamphlet form.

ATTEST:

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

\_\_\_\_\_  
Mayor

Date: December 15, 2014

Author: Senta Costello

Title/ Phone Ext: Senior Planner / x1442

Proposed Schedule: January 13, 2015

File # (if applicable): CUP-2014-431;

VAR-2014-441

## Attach 4



## PLANNING COMMISSION AGENDA ITEM

**Subject:** AT&T Telecommunications Tower – Conditional Use Permit and Variance located at 2976 Gunnison Avenue

**Action Requested/Recommendation:** Approval of a Conditional Use Permit for a new 105' monopole telecommunication tower, a Variance to the required 2:1 setback and a Variance to the required 750' separation from other towers.

**Presenter(s) Name & Title:** Senta Costello, Senior Planner

### Executive Summary:

The applicant is requesting approval of a Conditional Use Permit to construct a new 105' telecommunication tower, to be allowed a setback of 60' from the west property line, 63' setback from the east property line and a 20' setback from the north property line and to be 305' from another tower on 1.003 acres in an I-1 (Light Industrial) zone district.

### Background, Analysis and Options:

The property is part of the Banner Industrial Park subdivision, platted in 1978 and was annexed in 2003 as part of the Hubbart Annexation and zoned I-1 (Light Industrial).

The applicant has requested a Conditional Use Permit to construct a new telecommunication facility which includes a 105' monopole tower and ground support equipment. The new tower is designed to hold the equipment for AT & T and two additional carriers.

There is an existing 100' telecommunication facility also on Gunnison Avenue approximately 305' to the east that has four carriers located on tower. This tower contains the maximum number of carriers permitted and is structurally unable to support any additional carriers.

### Neighborhood Meeting:

A neighborhood meeting was held September 29, 2014. Two property owners from the neighborhood attended the meeting along with a representative of the applicant. The neighbors were curious about the details of what type of pole would be installed and where it would be located, but had no concerns regarding the project.

**How this item relates to the Comprehensive Plan Goals and Policies:**

This item implements the following Goals and Policies of the Comprehensive Plan:

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

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

The current zone district on the property is I-1 which is consistent with the Future Land Use designation of Commercial / Industrial. Telecommunication Facilities are an allowed use in the I-1 zone district with a Conditional Use Permit.

**How this item relates to the Economic Development Plan:**

This request relates to the following Goal and Action Step of the Economic Development Plan:

**Goal: Support and facilitate access and expansion of important technological infrastructure in the city.**

**Action Step** – Continue to map cell phone coverage and work with service providers to address deficiencies.

The applicant has provided documentation showing this area has a gap in coverage and how this proposed tower will help fill that gap.

**Board or Committee Recommendation:**

There is no committee or board recommendation.

**Financial Impact/Budget:**

There will not be a financial impact

**Legal issues:**

Federal law and Federal Communications Commission (FCC) regulations pre-empt some aspects of local government land use authority relating to siting of new telecommunications towers. Please keep in mind the following federal rules when rendering your decision:

1. Local governments must render a final decision on an application for a new telecommunications tower within 150 days of the date the application is submitted (or, if the application is incomplete, within the date the application is made complete). FCC 2009 Declaratory Ruling.



2. The decision must be in writing and must be based on substantial evidence in the record. Section 704 of the Telecommunications Act of 1996 (47 USC §332(c)(7)).
3. Pursuant to Section 704 of the Telecommunications Act of 1996 (47 USC §332(c)(7)), a local government decision on a new telecommunications tower cannot:
  - a. be based on concerns regarding impacts of electromagnetic signals or radio frequency radiation on human health (these determinations are pre-empted by and governed by FCC regulations);
  - b. prohibit or have the effect of prohibiting personal wireless services;
  - c. unreasonably discriminate among providers of functionally equivalent services.

These federal regulations may impact the application of the spacing and setback requirements. Building and safety code provisions can still be applied.

**Other issues:**

No other issues have been identified.

**Previously presented or discussed:**

Request has not been presented or discussed.

**Attachments:**

Attachments:

Site Location Map / Aerial Photo Map  
Comprehensive Plan Map / Existing Zoning Map  
General Project Report  
Site Plan  
Coverage Map/Analysis

BACKGROUND INFORMATION				
Location:		2976 Gunnison Ave		
Applicants:		Owner: Marsh Properties LLC – Matt Halterman Applicant – Pinnacle Consulting Inc – Nicholas Nittolo		
Existing Land Use:		Vacant		
Proposed Land Use:		Telecommunications Tower and support equipment		
Surrounding Land Use:	North	Commercial / Industrial		
	South	Commercial / Industrial		
	East	Commercial / Industrial		
	West	Commercial / Industrial		
Existing Zoning:		I-1 (Light Industrial)		
Proposed Zoning:		No change proposed		
Surrounding Zoning:	North	County I-2		
	South	I-1 (Light Industrial)		
	East	I-1 (Light Industrial)		
	West	I-1 (Light Industrial)		
Future Land Use Designation:		Commercial / Industrial		
Zoning within density range?		X	Yes	No

**ANALYSIS:**

Section 21.02.110 of the Grand Junction Municipal Code

To obtain a Conditional Use Permit, the Applicant must demonstrate compliance with the following criteria:

*(1) All applicable site plan review criteria in Section 21.02.070(g) of the Grand Junction Municipal Code (GJMC) and conformance with the SSID, TEDS and SWMM Manuals.*

The applicant is showing that the site plan review criteria will be met. This type of use does not have a parking requirement and no parking is proposed; screening is not required in an I-1 zone district. Standards of the SSID, TEDS and SWMM manuals have also be met.

This criterion has been met.

*(2) District Standards. The underlying zoning districts standards established in Chapter 21.03 GJMC, except density when the application is pursuant to GJMC 21.08.020(c) [nonconformities];*

The applicant has shown that all zone district bulk and performance standards will be met.

This criterion has been met.

(3) *Specific Standards. The use-specific standards established in Chapter 21.04 GJMC;*

#### **21.04.030(q) Telecommunications Facilities/Towers.**

(1) Purpose. The purpose of this subsection is to regulate the placement, construction and modification of towers and/or telecommunications facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of competitive wireless telecommunications in the City.

(2) No telecommunications facilities and towers shall be altered, added to, installed or permitted unless the Director has approved a site plan review for the property and the facility or tower.

(3) Amateur Radio. Radio communications antennas, as licensed or regulated as such by the Federal Communications Commission, that are less than 10 feet tall measured from grade or 10 feet higher than the highest point of the roof. This chapter does not apply to amateur radio equipment.

(4) Antenna. Any device designed and intended for transmitting or receiving television, radio, microwave signals, or other electromagnetic waves. An antenna includes all mounting and stabilizing items such as a tower, a pole, a bracket, guy wires, hardware, connection equipment and related items.

(5) Colocation. The location of wireless communications facilities on an existing structure, tower, or building in a manner so that an additional tower, structure or facility is not required.

(6) Satellite Dish. An antenna, consisting of radiation elements that transmit or receive radiation signals, that is supported by a structure with or without a reflective component to the radiating dish, usually circular in shape with a parabolic curve design constructed of a solid or open mesh surface and intended for transmitting or receiving television, radio, microwave signals or other electromagnetic waves to or from earth satellites.

(7) Concealed or Stealth. Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land, buildings, structures and uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements and towers designed to not look like a tower such as light poles, power poles and trees. The term "stealth" does not necessarily exclude the use of uncamoouflaged lattice, guyed or monopole tower designs.

(8) Telecommunications Facilities. Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure.

(9) Tower. A self-supporting lattice, guyed or monopole structure constructed from grade which supports telecommunications facilities. The term "tower" shall not include amateur radio operators' equipment, as licensed by the FCC.

(10) No site plan shall be approved until the applicant establishes, to the satisfaction of the Director or other decision-making body, that the following are satisfied:

(i) Towers and telecommunications facilities shall be located to minimize any visual and other adverse impact to the neighborhood, especially residential areas and land uses. If the proposed location is on leased property, proof of possession is required.

The proposed location minimizes visual impacts by locating the tower at a spot furthest from the street and near neighboring structures to help screen the tower either by blocking a portion of it or providing a backdrop.

(ii) Telecommunications facilities and towers shall be set back from all adjacent residentially zoned or used property by a minimum of 200 feet or 200 percent of the height of the proposed tower or facility, whichever is greater. Setback requirements shall be measured from the outside perimeter of the base of the tower, and every other vertical component of the telecommunications facility or tower higher than 10 feet, to any portion of the other property. If notice to the affected property owner is given, the Director may reduce any such setback by up to 25 percent if such reduction will allow a tower to be located so that the visual impact on the neighborhood is reduced. For example, a setback could be reduced to allow a tower to be located next to trees in order to partially shield the tower from view.

This criterion is not met. See Variance request.

(iii) All telecommunications facilities and towers shall be set back a minimum of 85 feet from the property line or at a 2:1 ratio (two feet of setback for every foot of tower height from the property boundary of the facility), whichever is greater, from non-residentially zoned or used property.

This criterion is not met. See Variance request.

(iv) All telecommunications facilities and towers on public utility structures, facilities or property shall be exempt from the 2:1 setback requirement if they are no taller than the existing utility structure in said location and if approved by the Director.

This criterion is not applicable as the facility is not proposed on a public utility structure, facility or property.

(v) Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice or guyed, by a minimum of 750 feet.

This criterion is not met. See Variance request.

(vi) Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.

This criterion is not applicable as this application is for a monopole tower.

(vii) Location. Shared use/collocation of wireless communications facilities on existing structures, towers or buildings in a manner that precludes the need for the construction of a freestanding structure of its own is encouraged. To that end, an application for an integral, concealed tower or telecommunications facility may be issued by the Director. Any 911 antenna that collocates on an existing tower, structure, or building shall have the application fee waived.

This criterion is not applicable as this is not a shared use/collocation or stealth request.

(viii) Height. Amateur radio equipment, commercial antennas or equipment measured less than 10 feet tall from grade or 10 feet higher than the highest point of the roof may be approved by the Director. This shall also include antennas that are collocated on an existing tower for which collocation was approved through the conditional use permit process.

This criterion is not applicable as the tower is greater than 10' from grade.

(ix) City Property and Buildings. Towers or facilities that can be constructed as an integral part or component of light standards, buildings, utility structure or other structures at City parks or other City buildings facilities are encouraged. To that end, upon the payment of an appropriate fee, and compliance with any conditions imposed, the Director and the head of the City department which operates such property or building may co-issue a permit therefor.

This criterion is not applicable as the proposed tower is not located on City property or buildings.

(x) No new tower or facility shall be permitted unless the applicant demonstrates to the satisfaction of the Director that no existing tower, structure or utility facility can be used in lieu of new construction for the applicant's use. At a minimum, such applicant shall demonstrate that:

(A) No existing tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements;

The tower located to the east meets engineering requirements for the location window needed to help alleviate the coverage gap in personal cellular service.

(B) No existing tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements and which has sufficient structural strength or space available to support the applicant's telecommunications facility and related equipment;

The existing tower located to the east is structurally and space approved for collocates at capacity for the number of carriers.

(C) The applicant's proposed telecommunications facility will not cause unreasonable electromagnetic or other interference with the antennas on existing towers, structures or utility structures or that such existing facilities would interfere with the applicant's uses such that collocation is not possible;

The proposed facility will not cause interference or have interference issues with the neighboring facility.

(D) There is some other reasonable factor that renders existing towers, facilities or utility structures unsuitable;

There are not any other existing towers that meet the engineering needs and no other facilities or utility structures exist within the window to fill the service gap.

(E) No owner of existing towers, structures or utility structures, including the City and other governments, within a distance which meets the applicant's engineering requirements, will allow the applicant to place its telecommunications facility thereon or require unreasonable payment or terms; and

There are no other existing facilities that meet the applicant's engineering requirements.

(F) The applicant shall submit evidence concerning structural and engineering standards prepared by a Colorado registered professional engineer. The safety of the property and the neighborhood shall be protected.

Applicant has submitted structural and engineering plans.

(11) Every tower and telecommunications facility shall meet the regulations of the Federal Communications Commission (FCC) regarding physical and electromagnetic interference.

Applicant has supplied copies of the FCC licenses for the proposal.

(12) Every tower and telecommunications facility shall meet applicable health and safety standards for electromagnetic field (EMF) emissions as established by the FCC and/or any other federal or State agency having jurisdiction.

The proposed tower will meet all applicable health and safety standards.

(13) Only a concealed tower or telecommunications facility, the antennas of which all are located on existing vertical structures, is allowed within one-eighth mile from the right-of-way of: Grand Avenue from 1st Street to 12th Street; any portion of Monument Road within the City; 7th Street from North Avenue to the Colorado River; and other rights-of-way designated by resolution of the City Council.

This criterion is not applicable as it is not located within the boundaries described.

(14) Only a concealed tower or telecommunications facility is allowed within a historic zone or area as designated by the City Council by resolution.

This criterion is not applicable as it is not in a historic zone or area.

(15) In addition to other requirements of this code, each applicant for a tower or telecommunications facility shall provide the Director with an inventory of all of the applicant's existing towers and/or telecommunications facilities or approved sites for the facilities that are either within the City or are within one mile of the then existing border of the City. This information shall include:

- (i) A zone map specific to the application, from the City's zoning map drawn to scale, showing land uses and zoning designation of all uses within one-quarter of a mile.
- (ii) A computer-generated visual analysis from all adjacent rights-of-way, showing the relationship of the tower/facility to the topography and other spatial relationships deemed necessary or required by the Director to assess compliance with the code. If there are more than four such rights-of-way, the Director shall designate which rights-of-way shall be analyzed.
- (iii) A description of the tower/facility's capacity which declares the number and type of antennas that it can accommodate or an explanation why their facility cannot be designated to accommodate other users.
- (iv) An agreement retained by the City which commits the facility owner and its successors to allow shared use of the facility if an additional user agrees in writing to the reasonable terms and conditions of shared use. The applicant shall annually report to the Director: the names, addresses and telephone numbers of every inquiry for colocation; and the status of such inquiry.
- (v) The applicant shall provide evidence of mailed notice of a proposed tower or telecommunications facility to all abutting property owners within four times the distance that the tower or facility is tall, or 250 feet, whichever is greater, and to any neighborhood association that would be entitled to notice under this code.
- (vi) Any other information as required by the Director to evaluate the request, especially technical information.

The applicant has provided or agreed to provide all of the above six (6) items for review and documentation.

(16) Tower or telecommunications facilities mounted on existing structures of public utilities which have a franchise or other written permission from the City and concealed towers/telecommunications facilities are permitted in all nonresidential zoning districts, unless otherwise specified by this code. The Director may approve the placement, extension or replacement of a tower or telecommunications facility on an existing public utility structure up to 50 feet above the highest point on the same. The Director may waive public notice and may waive any other submission requirement if he deems that the public interest shall not be harmed.

This criterion does not apply as the tower will not be located on an existing public utility structure.

(17) Towers and telecommunications facilities shall be designed and maintained: to minimize visual impact; carry gravity loads, wind loads and with safety measures as required by applicable regulations including adopted building codes; using concealment or stealth methods, such as camouflaging towers to look like light poles or trees, if at all possible; if colocated, to match the color, shape and look of the structure or facility to which they are attached; to use only nonspecular materials. In order to be considered a concealed tower or telecommunications facility, the tower or telecommunications facility shall:

- (i) Be architecturally integrated with existing buildings, structures and landscaping, including height, color, style, massing, placement, design and shape;
- (ii) Be located to avoid a silhouette and preserve view corridors to the east and the west of the Grand Mesa and the Colorado National Monument, as determined from viewing the tower or facility from anywhere within the original square mile of the City;
- (iii) Be located on existing vertical infrastructure such as utility poles and public building or utility structures;
- (iv) Roof mounted antennas shall be located as far away as feasible from the edge of the building. Antennas attached to the building should be painted or otherwise treated to match the exterior of the building;
- (v) Equipment shelters and antennas shall not extend more than 10 feet from the top of the building. Any deviation from this standard shall be reviewed and approved, disapproved or approved with conditions by the Director;
- (vi) Be located in areas where the existing topography, vegetation, buildings or other structures provide screening; and
- (vii) The applicant/developer shall be required to structurally design the footing of the tower or antenna to support a tower or antenna which is at least 15 feet higher than that proposed by the applicant to accommodate colocations.

The proposed tower is located to minimize visual impact and the applicant has supplied structural and engineering plans to document capacity to carry gravity loads, wind loads and meet standards and requirements of the building code. The tower is not a collocation on an existing structure nor is it intended to be considered a concealed tower/facility.

(18) The property on which a telecommunications facility or tower is located shall be landscaped and screened, as follows:

- (i) A freestanding tower or telecommunications facility shall include landscaping planted and maintained according to a landscaping plan approved by the Director in accordance with the applicable landscaping requirements of the zoning district where the tower or facility is located. Landscaping may be waived or varied by the Planning Commission where the Commission determines that existing site vegetation is equal to or greater than that required by the code; and
- (ii) A six-foot-high wall or fence or other suitable buffer yard shall surround a freestanding tower or telecommunications facility. Fences must comply with GJMC 21.04.040(i), any design guidelines and other conditions of approval. Chain link with slats shall not constitute acceptable fencing nor shall it satisfy the screening requirement.

(19) Only lighting required by a federal agency is allowed. The location of the lighting fixture shall be such that the lights do not shine directly on any public right-of-way and that the light emitted is otherwise in compliance with this code.

All proposed lighting complies with this criterion



(20) Only signage that is required by State or federal law is allowed. No advertising shall be permitted.

The applicant is not requesting any signage.

(21) Each exterior tower or telecommunications facility equipment building or cabinet shall:

(i) Not contain more than 400 square feet of gross floor area and shall not be more than 12 feet in height; and

The proposed equipment building is less than 400 square feet and under 12' in height.

(ii) Maintain the minimum setback, landscaping and screening requirements of the zone in which it is located.

The proposed equipment building meets the required setbacks, landscaping and screening requirements.

(22) Any tower or telecommunications facilities being modified, demolished or rebuilt shall be brought into compliance with the standards adopted in this code.

This is a new tower; therefore, this criterion does not apply.

(23) Every owner of a tower or telecommunications facility shall take special care to operate, repair and maintain all such facilities so as to prevent failures and accidents which cause damage, injuries or nuisances to the neighborhood and public. All wires, cables, fixtures and other equipment shall be installed in compliance with the requirements of the National Electric Safety Code and all FCC, FAA, State and local regulations and in such a manner that shall not interfere with radio communications, electronic transmissions or all other electromagnetic communications or otherwise cause a safety hazard.

The proposed tower will meet all requirements of this criterion.

(24) Each new tower or facility shall be subject to a two-year review by the Director. The review shall determine whether or not the originally approved number of antennas and design are still appropriate and necessary to provide adequate communications services.

Applicant understands and agrees to this standard.

(25) The wireless telecommunications facility owner shall remove all wireless telecommunications facilities, which are not in use for any six-month period, within three months of the end of such six-month abandonment. As a part of such removal, the owner shall revegetate the site so that it is compatible with the neighborhood. Abandonment shall only be determined by the City Council, after the owner has had notice and an opportunity to be heard.

Applicant understands and agrees to this standard.

(26) No person shall construct or alter a telecommunications tower or facility without a permit therefor and without having first obtained the approval of the Director. To obtain such review, the applicant shall submit FAA Form 7460-1, Notice of Proposed Construction or Alteration. Form 7460-1 shall not be required for the following:

- (i) An amateur radio antenna if owned and operated by a federally licensed amateur radio operator or used exclusively for a receive-only antenna;
- (ii) Any existing tower and antenna, provided a building permit was issued for a tower or antennas prior to the adoption of this code;
- (iii) Emergency telecommunications facilities used exclusively for emergency services including, but not limited to, police, fire and operation of governmental entities; and
- (iv) Any antennas used for FCC licensees engaged in AM, FM or television broadcasting.

Applicant has submitted a request for approval of a new tower and FAA Form 7460-1.

- (27) Appeals of any decision shall be in accordance with GJMC 21.02.060.
- (28) The Director may require the applicant to pay for any engineer or other consultant in order that the City may adequately evaluate the application.

The applicant has shown that all use-specific standards for telecommunications facilities will be met with the exception of the requested variances for the 2:1 ratio setback from property lines and the 750' spacing standard from other telecommunication facilities. Items 1-9 are line item for definitions and 27-28 are for appeals and other potential requirements.

This criterion has been met if the variance requests are granted.

*(4) Availability of Complementary Uses. Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.*

This project doesn't have a need for support uses as it is an unmanned site; however, the property is near 30 Road and I-70 Business Loop, both major transportation corridors. A shopping center, gas stations and an elementary school are also nearby.

This criterion has been met.

*(5) Compatibility with Adjoining Properties. Compatibility with and protection of neighboring properties through measures such as:*

- (i) Protection of Privacy. The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;*

The project is an unmanned facility and is located in the northeast corner of the property, maximizing the amount of land remaining for use by the property owner and minimizing the impact of the tower and support facilities. The nearest residence is located 1100'+/- to the northeast with six developed/used properties between the project site and the home. A six foot fence will also surround the tower site.

This criterion has been met.

*(ii) Protection of Use and Enjoyment. All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;*

The project is designed to maximize future development for the property owner and is surrounded by other commercial / industrial type uses to the south and east and the land directly to the north and west are vacant lands designated for commercial / industrial type development.

This criterion has been met.

*(iii) Compatible Design and Integration. All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include; buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.*

The proposed location creates the best relationship between this site and surrounding properties.

This criterion has been met.

## Section 21.02.22 of the Grand Junction Municipal Code

Requests for variance from the bulk, performance, use-specific and other standards of the Grand Junction Municipal Code (GJMC) will only be approved when the applicant establishes that all of the following criteria are met:

- i. **Hardship Unique to Property, Not Self-Inflicted.** There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property.

**Setback request:** AT & T represents there is currently a gap in personal wireless service coverage in the area where the tower is proposed to be constructed. There is a limited window where a new facility can be constructed to address the coverage need. The proposed tower is 105' tall, which would require a setback of 210' from all property lines. The proposed property is located within the window that will help fill the gap; however, is too small for the tower to meet setbacks, even if located in the center of the property. The tower is proposed to be located in the northeast corner of the property in order to address the coverage issue while still maximizing the developable area of the property for the owner. Due to the limited window that will work to address coverage, combined with the small size of the lot, not meeting the setbacks is not a self-imposed hardship and is unique to the property.

**Spacing from another telecommunication facility:** AT & T represents there is currently a gap in personal wireless service coverage in the area where the tower is proposed to be constructed. There is a limited window where a new facility can be constructed to address the coverage need. There is an existing tower located approximately 305' east of the proposed location. Typically, a provider trying to fill a coverage gap will co-locate if there is an existing tower within the window; however, the existing tower located on Gunnison Avenue is at capacity both for its number of approved carriers and structurally on what the tower can support. Due to these issues the spacing distance is not a self-inflicted hardship.

- ii. **Special Privilege.** The variance shall not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district.

**Setback request/spacing request:** The two variance requests are not a special privilege for the applicant as other towers located throughout the community located on similar type properties and similar issues (i.e. lot size,

structural stability, limited window for addressing coverage gaps) have also been permitted.

- iii. **Literal Interpretation.** The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant.

**Setback request/spacing request:** The two variance requests are not a special privilege for the applicant as other towers located throughout the community located on similar type properties and similar issues (i.e. lot size, structural stability, limited window for addressing coverage gaps) have also been permitted. If not permitted, the applicant is faced with a hardship in supplying coverage to an area experiencing a gap in coverage.

- iv. **Reasonable Use.** The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance.

**Setback request/spacing request:** If the tower were to be located in such a manner as to maximize the setbacks and the spacing, it would be located in the middle of the property, severely limiting the use of the property. The request, as proposed, leaves the property with the maximum area for use and/or development.

- v. **Minimum Necessary.** The variance is the minimum necessary to make possible the reasonable use of land or structures.

**Setback request/spacing request:** If the tower were to be located in such a manner as to maximize the setbacks and the spacing, it would be located in the middle of the property, severely limiting the use of the property. The request, as proposed, leaves the property with the maximum area for use and/or development.

- vi. **Conformance with the Purposes of this Code.** The granting of a variance shall not conflict with the purposes and intents expressed or implied in this Code.

**Setback request/spacing request:** The request is in conformance with the purpose and intent of the Code.

- vii. **Conformance with the Comprehensive Plan.** The granting of a variance shall not conflict with the goals and principles in the City's Comprehensive Plan.

**Setback request/spacing request:** The request is not in conflict any goals or principles of the Comprehensive Plan.

## **FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:**

After reviewing the AT & T Telecommunications Tower application, CUP-2014-431 for a Conditional Use Permit, I make the following findings of fact, conclusions and conditions:

5. The requested Conditional Use Permit is consistent with the Comprehensive Plan,
6. The review criteria 1-5 inclusive in Section 21.02.110 of the Grand Junction Municipal have all been met,
7. This project does not need nor is requesting any signage. If a need is determined in the future, all signage will meet the requirements of the Code in place at the time of the request.

After reviewing the AT & T Telecommunications Tower application, VAR-2014-441 for a variance to Section 21.04.030(q) of the Grand Junction Municipal Code, staff makes the following findings of fact and conclusions:

1. The requested variance is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.200(c)(1) of the Zoning and Development Code have all been met

## **STAFF RECOMMENDATION:**

I recommend that the Planning Commission approve the requested Conditional Use Permit, CUP-2014-431 with the findings, conclusions and condition of approval listed above.

I recommend that the Planning Commission approve the requested variance to Section 21.04.030(q) of the Grand Junction Municipal Code, VAR-2014-441 with the findings and conclusions listed above.

## **RECOMMENDED PLANNING COMMISSION MOTION:**

Madam Chairman, on the request for a Conditional Use Permit for AT & T Telecommunications Tower application, number CUP-2014-431 to be located at 2976 Gunnison Avenue, I move that the Planning Commission approve the Conditional Use Permit with the facts, conclusions and conditions listed in the staff report.

Madam Chairman, on the request for a Variance for AT & T Telecommunications Tower application, number VAR-2014-441 to be located at 2976 Gunnison Avenue, I move that the Planning Commission approve the Variance with the facts, conclusions and conditions listed in the staff report.

**AT&T Telecommunications Facility  
2976 Gunnison Ave.  
Grand Junction, CO**

1. **Project Description:** AT&T's proposed installation includes a 12' x 24' prefabricated equipment shelter with enclosure for emergency power generator, a new 105' collocatable monopole that can accommodate two additional carriers, 12 8' antennas and 12 remote radio heads mounted at 102' on the new monopole and a GPS antenna mounted to the proposed equipment shelter enclosed within a 6' high chain link fence. Last, a proposed 4' microwave dish.
  - a. **Location:** 2976 Gunnison Ave. Grand Junction, CO
  - b. **Acreage:** The proposed lease area is 2500 square feet
  - c. **Proposed Use:** Telecommunications facility
2. **Public Benefit:** Enhanced cellular coverage and network reliability in the area that has recently reached its maximum capacity. Additionally this will provide the abilities to incorporate next generation technologies including LTE.
3. **Neighborhood Meeting**
  - a. A public meeting was held on 9/29/14 with neighbors from surrounding parcels. It was held at Jubilee Family Church located at 483 30 Rd., Grand Junction, CO 81504 and was attended by Thomas Schaffer and Steve Edmonds. During this meeting Pinnacle Consulting (Nicholas Nittolo) presented information regarding the telecommunications facility and the effects it will have on the neighborhood. This included the need for the tower, the visual impact, construction process, long term aspects, why collocation was not an option, and general information regarding LTE service.
4. **Project Compliance, Compatibility, and Impact**
  - a. The circumstances justifying this request pertain to AT&T's chronic need for enhanced coverage which can be seen on the cell coverage map.
  - b. The site location is 2976 Gunnison Avenue that is zoned industrial all surrounding parcels are also industrial.
  - c. Traffic patterns will be unaffected as the proposed site is located at the end of a cul-de-sac which serves as a predetermined industrial park. Access to the site inside the parcel will remain the same as it has been traditionally.
  - d. A fire hydrant is located at the street directly in front of the existing entrance.
  - e. There will be no unusual or special demands on utilities that would exceed normal usage.
  - f. This site will be highly beneficial on the reliability and open access of E-911 and essential services both to AT&T subscribers and the citizens of Grand Junction.
  - g. This site will be constantly broadcasting once brought on air in compliance with FCC regulations.

- h. There will be no employees, this facility will be uninhabitable by nature and therefore will require no employees.
  - i. There will be no signage on this project at this time or in the future.
  - j. There will be no negative effects on site soils.
  - k. This project will have NO impact on site geology and create no geological hazards.
5. This application seeks to obtain a Variance and Conditional Use Permit.
- a. Variance Criteria
    - i. Due to these new structures location to the property line they do not meet the 2:1 setback requirement. This creates a hardship to the property because any more distance from Gunnison Ave. will create access issues for the tenant and property owner.
    - ii. The granting of this variance will not confer any special privilege that is denied to other land or structures in the zoning district.
    - iii. The literal interpretation of the code requires a 2:1 setback which is not possible for this facility since it will have access issues for both the tenant and landowner.
    - iv. Without the requested variance a telecommunications facility is not possible in this area. Without this facility there is lowered E911 coverage and limited cell coverage.
    - v. The variance will provide the smallest possible telecommunications facility that will efficiently serve the area and enhance E911 coverage. Therefore resulting in the minimum size necessary for functionality.
    - vi. Approval of this variance will conform to the purpose of this code and will not conflict with public interest.
    - vii. Upon approval, this variance will conform with the Comprehensive Plan and will not conflict with the goals and principles of the City's Comprehensive Plans. This variance will help improve cell coverage and E911 coverage of the area and help with the future and increased density, one of the goals addressed in the Comprehensive Plan.
    - viii. A Conditional Use Permit is needed due to the nature of the use as it does not comply with the industrial use the land is already zoned for. The proposed use will not be detrimental to existing and current uses by surround properties also zoned industrially.
  - b. Conditional Use Criteria
    - i. This project follows all site plan review standards and codes addressed in the GJMC.
    - ii. This project is located in a light industrial zone district overlay and will adhere to the code and be compatible with adjacent lots.
    - iii. This telecommunications facility meets the use standards that have been addressed in the GJMC. The setback requirement will be met



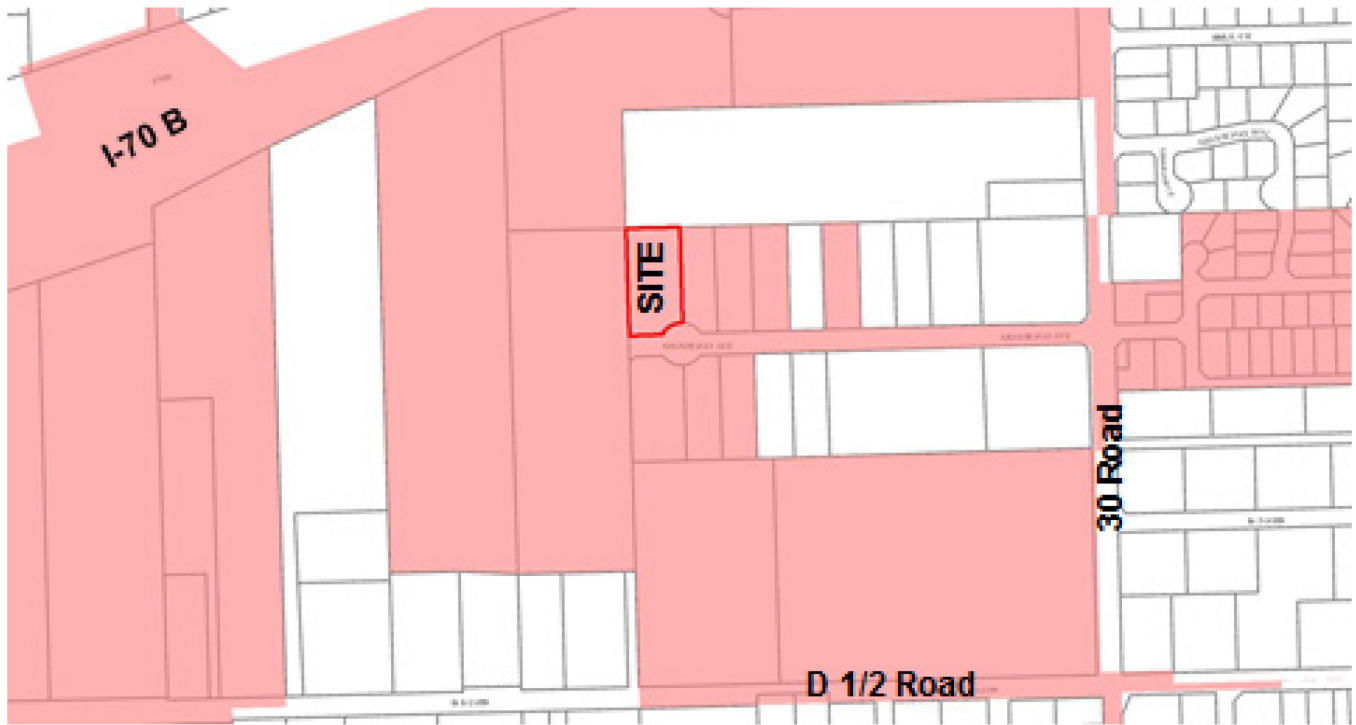
with a variance. According to the GJMC a telecommunications facility is allowed in this district with a Conditional Use Permit.

- iv. AT&T has exhausted all other candidates for this site and there is no availability for this type of facility in the area.
- v. Since this is located in an industrial zone this facility will be compatible with other adjacent properties.
  - 1. This facility will provide reasonable visual and auditory privacy for all dwelling units adjacent to this facility. There will be a fence surrounding the facility to ensure the safety of the facility and surrounding properties.
  - 2. This site has been designed to have a minimal negative impact on the use and enjoyment of adjoining property.
  - 3. This design is compatible and integrated in the district. It will coexist with other properties and will not cause injury or be detrimental to nearby properties.

## **6. Development Schedule and Phasing**

- a. Phase 1-Initial testing and modulation studies
  - i. This is a series of tests that will determine what frequencies are in use and if they could cause potential interference to AT&T's proposed facility.
  - ii. This normally takes 6-8 months
- b. Phase 2- Mobilization
  - i. Equipment will be procured and shipped to the site along with proper arrangements for man power and tools to be in place as this equipment will have to be custom fit.
  - ii. This is expected to take an additional 6-8 months
- c. Phase 3- Installation
  - i. A construction crew of no less than 3 but no greater than 8 will install all proposed antennas, arrays, and appurtenances necessary for the operation of the facility.
  - ii. This is anticipated to take a maximum of 2 months.
- d. Phase 4- Radio frequency optimization and closeout
  - i. Testing of the facility once it has been brought on air with FCC standards and guidelines.
  - ii. Closeout involves insuring the site is clean of all trash, materials, and debris. Also, in a well maintained condition as agreed to and approved by the landlord.

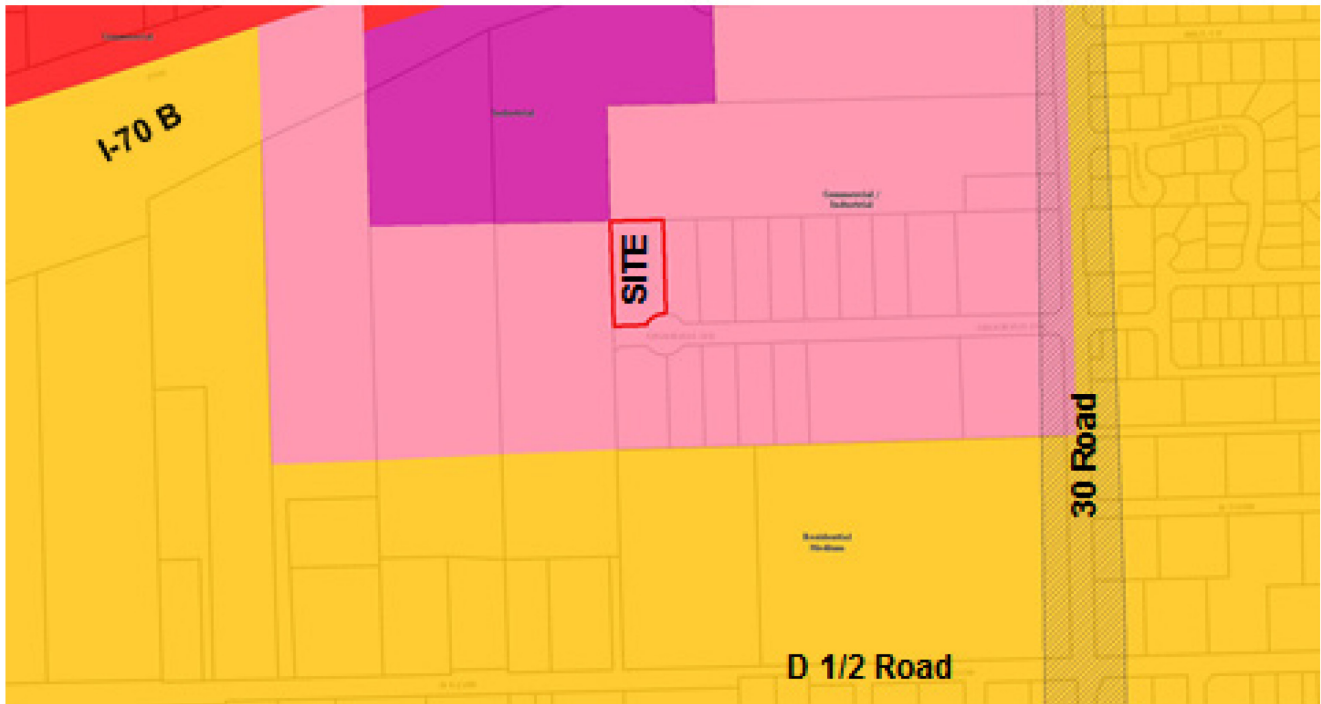
## Site Location Map



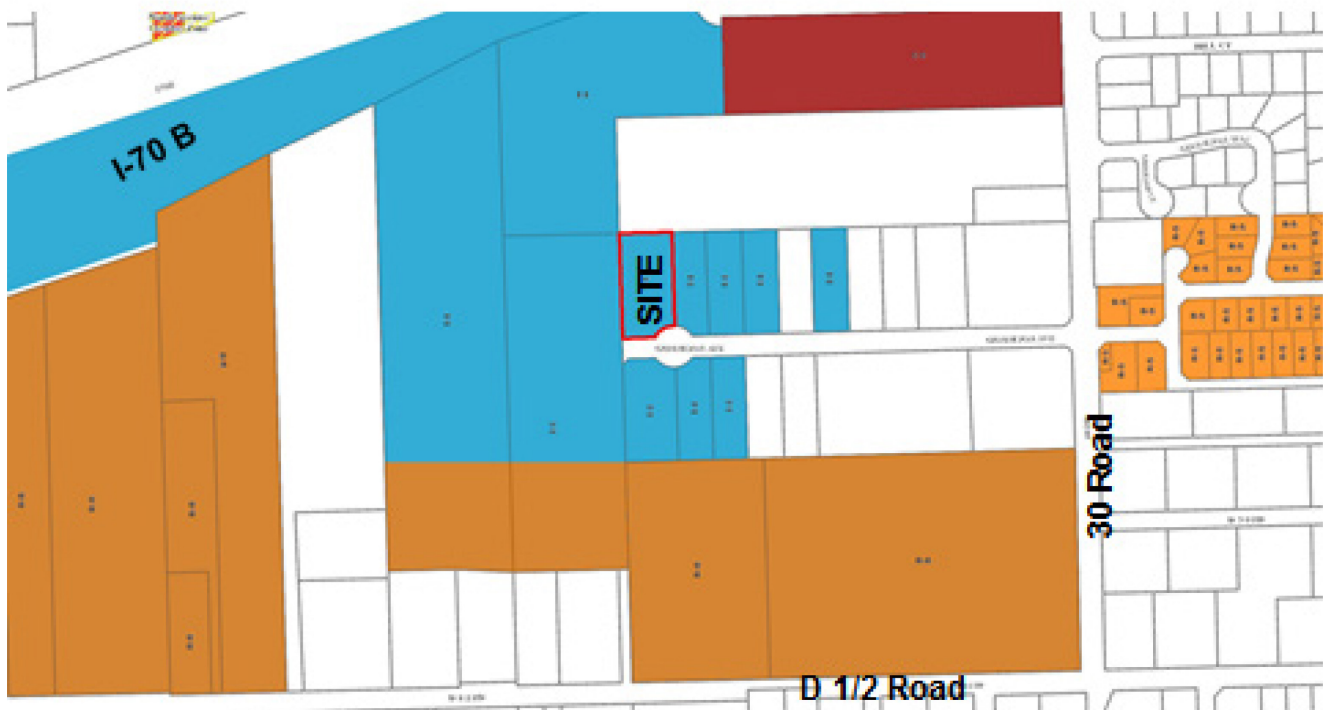
## Aerial Photo Map

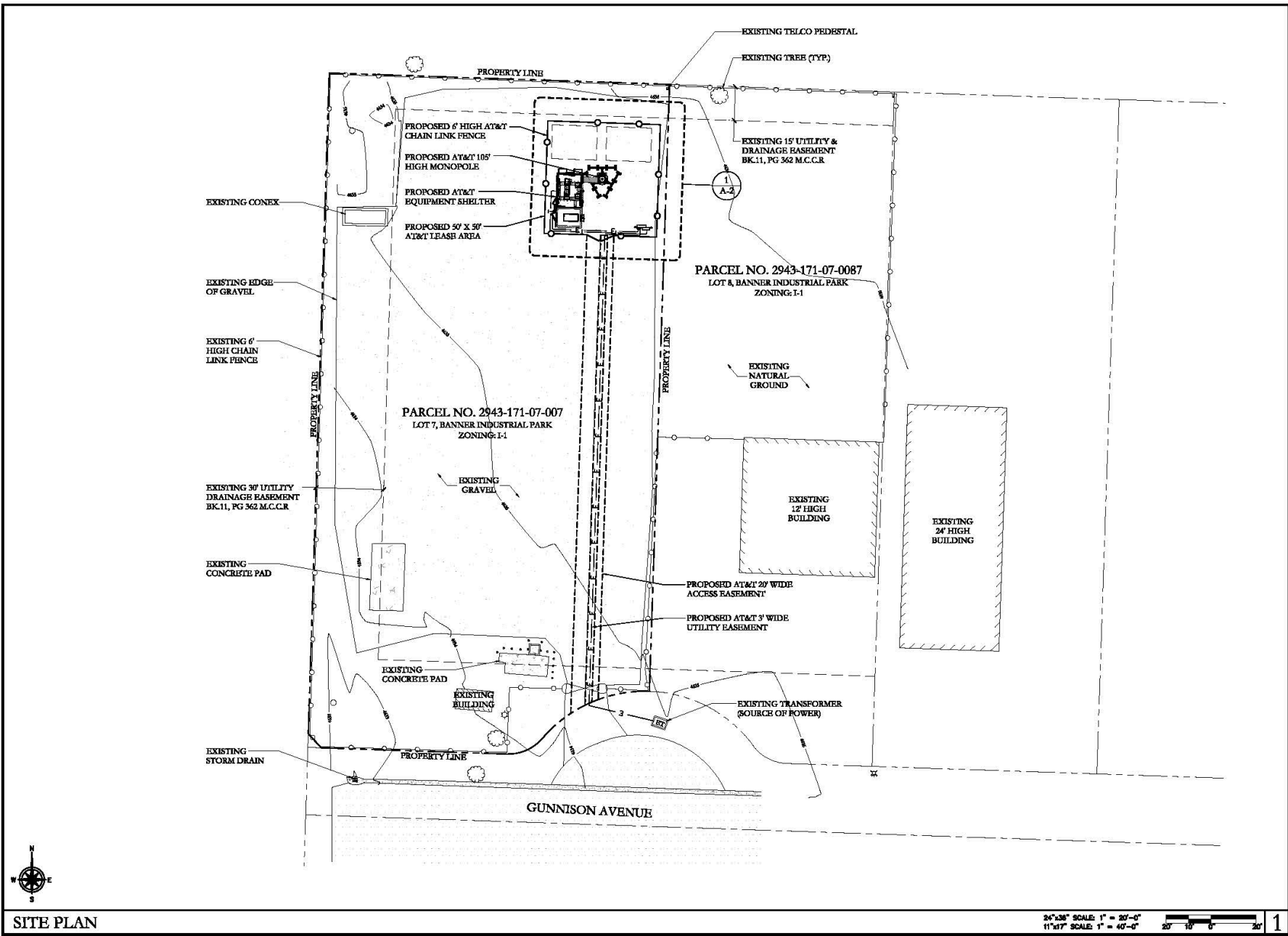


# Future Land Use Map



# Zoning Map






SITE PLAN


24"x36" SCALE: 1" = 20'-0"  
 11"x17" SCALE: 1" = 40'-0"  
 20' 10' 0' 20'

PREPARED FOR:



188 SUTHERLAND DRIVE WEST, SUITE 400  
 GREENWOOD, CO 80112

CONSULTING FIRM:



4480 EAST ORCHARD ROAD  
 SUITE 360  
 GREENWOOD VILLAGE, CO 80111

PROJECT NO.: 0000  
 DRAWN BY: CH  
 CHECKED BY: GH

REV	DATE	DESCRIPTION
0	06/06/14	ISSUE FOR ZONING
A	07/11/14	ISSUE FOR REVIEW

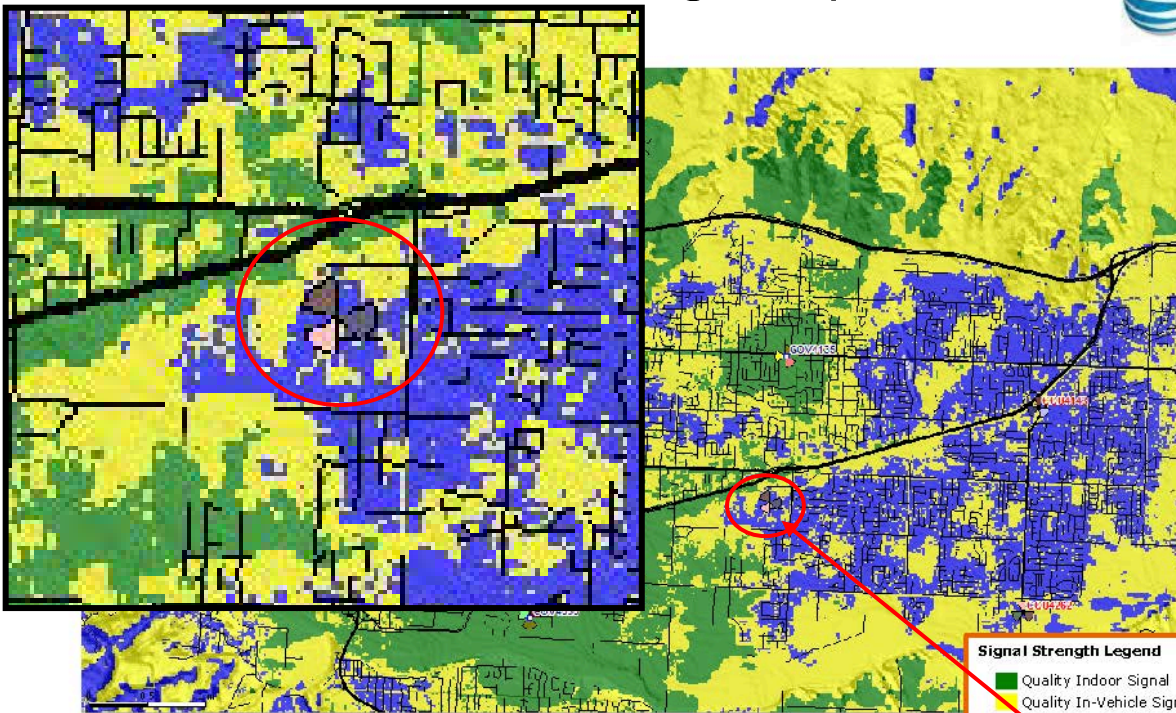
FOR REVIEW ONLY  
 NOT FOR CONSTRUCTION

NSB CO 30 RD AND  
 D 1/2 RD  
 COU4313  
 2976 GUNNISON AVE  
 GRAND JUNCTION, CO 81504

SHEET TITLE  
 SITE PLAN

SHEET NUMBER  
 A-1

# Current Coverage Map



**Signal Strength Legend**

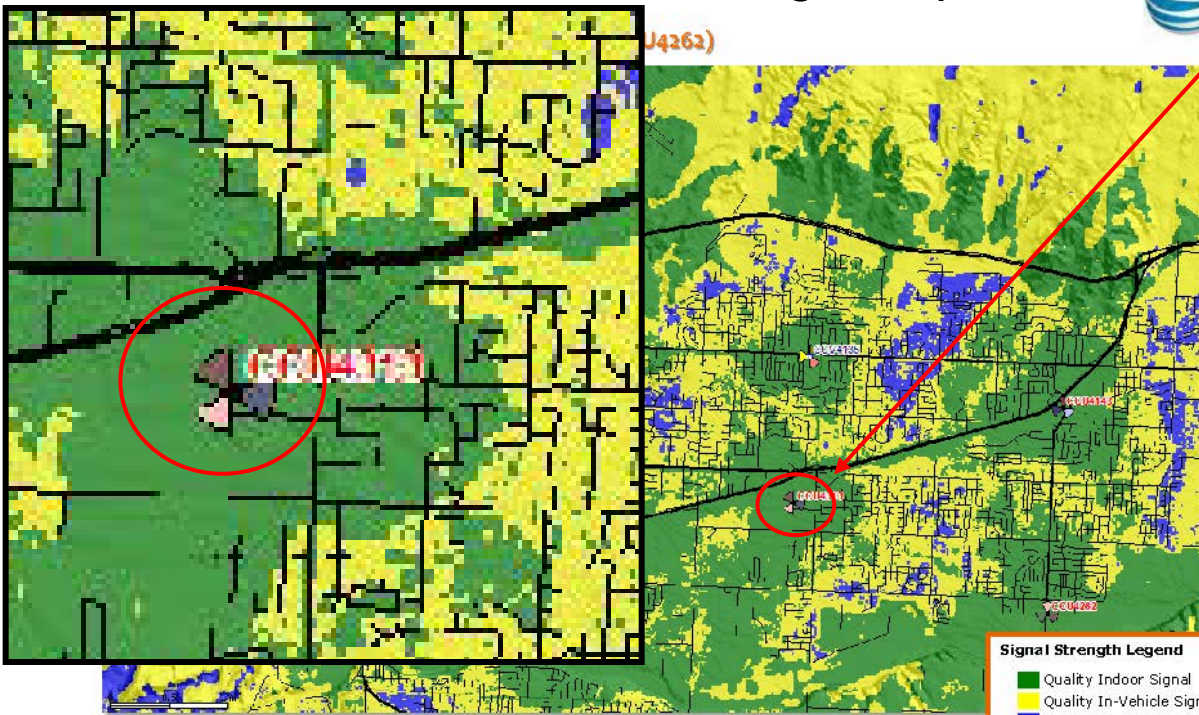
- Quality Indoor Signal
- Quality In-Vehicle Signal
- Quality Outdoor Signal

\* **Note:** Designs may not be final and coverage is based on predictive models (not actual)

# Post Construction Coverage Map



**Proposed Tower**



**Signal Strength Legend**

- Quality Indoor Signal
- Quality In-Vehicle Signal
- Quality Outdoor Signal

\* **Note:** Designs may not be final and coverage is based on predictive models (not actual)

**Attach 5****PLANNING COMMISSION AGENDA ITEM**

**Subject:** Amending Sections of the Zoning and Development Code to Allow Permanent Outdoor Display within the Front Yard in B-1, C-1 and C-2 Zone Districts, Including Seasonal Sales and Exempting Certain Display Areas

**Action Requested/Recommendation:** Forward a recommendation to City Council to amend the Grand Junction Municipal Code, Section 21.03.070 and 21.04.040(h).

**Presenter(s) Name & Title:** Lori V. Bowers, Senior Planner

**Executive Summary:**

The proposed amendment to the Zoning and Development Code clarifies outside storage and display in the B-1 zone district, allows permanent display areas within the front yard in the C-1 zone district without approval of a Conditional Use Permit, and clarifies where and how permanent outdoor display is allowed in the C-2 zone district. The proposed amendments do not change the outdoor storage restrictions along commercial corridors, but allow outdoor display of merchandise, such as automobiles, along street frontages. In addition, the amendment would allow display areas under eaves, canopies or other storefront features immediately connected to the building; because these are discreet and commonly accepted as simply an extension of the indoor display, staff has determined that they should not be treated as “outdoor display.”

**Background, Analysis and Options:**

In April, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code (GJMC). City Council has requested that staff propose amendments to Title 21 as needed to maintain a dynamic, responsive Zoning and Development Code. The proposed amendments will enhance the responsiveness of the Code to the concerns of citizens and enhance its effectiveness. In addition, City Council has recently developed an Economic Development Plan. The proposed amendments will implement the Plan by removing barriers and streamlining the review process by eliminating the requirement of a conditional use permit (CUP) for outdoor display in the C-1 zoning district and for displays that are adjacent to the building and integral to the indoor operations.

Merchandise displayed in doorway areas are increasingly common and expected with retail businesses. Staff feels that displays immediately adjacent to the primary façade near the customer entrance that do not negatively impact pedestrian and parking areas or beyond the roof overhang do not warrant special or conditional permitting.

The proposed amendment would have the effect of allowing vending machines such as Red Box video rental, newspaper stands, propane gas tank exchanges, soda and ice machines, and seasonal merchandise to be located “outdoors” but near the front door area, under the roof eaves or canopies. Under the proposed amendment, these types of displays will no longer be considered “outdoor display,” and will not require a CUP in any zone district.

Presently in the C-1 zone district outdoor storage and outdoor display are allowed only in the rear half of the lot, beside or behind the principal structure, unless a CUP has been issued. Since 2010 several CUPs have been issued for outdoor display in the C-1 zone. Given that, it is reasonable to conclude that front yard merchandise display is now considered consistent and compatible with the C-1 zone district. Outdoor storage, however, is generally not as aesthetically pleasing as display of outdoor merchandise, which are by their nature designed to attract customers; therefore outdoor storage will not be allowed in the front yard in the C-1 zone district.

Performance standards in the C-2 zone district state that “[o]utdoor storage and display areas are not allowed within the front yard. Permanent and portable display of retail merchandise is permitted,” creating an ambiguity. The distinction should be made between storage and display. The amendment clarifies that outdoor storage is not allowed in the front yard in the C-2 zone district, but outdoor display is allowed in the front yard. C-2 is a highly visible zone district, predominate along the western end of North Avenue heading west along Highway 6 and 50 to the Mall and past 24 Road. To clarify the difference for your consideration, auto dealerships “display” cars; storage units are displayed by business selling storage units; large pieces of granite and/or stone are displayed outdoors by retailers, as are other large items that are too large to either display indoors or move in and out of doors, either as purchased or at the end of the business day. But inoperable vehicles, pallets of building materials, items that a customer would not normally brose through to make a selection or that are not for immediate retail sale, would be considered “stored” items rather than “displayed” items.

**How this item relates to the Comprehensive Plan Goals and Policies:**

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

By clarifying the Code where it was unclear or contradictory regarding outdoor display vs. outdoor storage; and removing a step (CUP for outdoor display in the C-1 zone district) from the development review process will continue to provide quality development that is visually appealing.

**How this item relates to the Economic Development Plan:**

These amendments to eliminate barriers to economic growth by streamlining the review process, clarifying the commercial zone district performance standards to make development review more predictable, and eliminating special review for commercial activity that has become more commonplace and expected in commercial zones. They do so while continuing to respect the protections put in place through the Comprehensive

Plan. The proposed amendments relate to the following Action Step of the Economic Development Plan: Be proactive and business friendly and review development standards and policies to ensure that they are complimentary and support the common mission.

**Board or Committee Recommendation:**

Planning Commission will make a recommendation to City Council at their meeting of January 13, 2015.

**Financial Impact/Budget:**

No financial impacts have been identified.

**Other issues:**

No other issues have been identified.

**Previously presented or discussed:**

This proposed text amendment was discussed with Planning Commission at a Code workshop. It has not been discussed with or previously presented to the City Council.

**Attachments:**

Proposed Ordinance



**CITY OF GRAND JUNCTION, COLORADO  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTIONS 21.03.070(b), (d) and (e) and  
21.04.040(h)(3) OF THE GRAND JUNCTION MUNICIPAL CODE REGARDING  
OUTDOOR DISPLAY AND OUTDOOR STORAGE**

Recitals:

This ordinance amends Title 21 of the Grand Junction Municipal Code (known as the Zoning and Development Code), allowing display areas in the front yard in the C-1 zone district without a conditional use permit, clarifying the C-2 performance standards regarding outdoor display and outdoor storage, and exempting from specially regulated “outdoor display” display areas under eaves, canopies or other storefront features immediately adjacent to buildings, which are increasingly commonplace and integral to indoor retail operations.

The amendments enhance the effectiveness of the Code and its responsiveness to changing business practices and community expectations and implement the Economic Development Plan by removing unnecessary barriers to development and business expansion and streamlining development review processes.

The amendments eliminate the requirement of a conditional use permit for outdoor display in certain areas of lots in commercial and mixed use zones and exempt from special regulation displays that are in building entrance areas and more integral to indoor operations.

After public notice and public hearing as required by the Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the amendments.

The City Council finds that the amendments are in the best interest of the community and further the goals of the Comprehensive Plan and the Economic Development Plan.

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

**Section 21.03.070(b)(2) (B-1 performance standards) of the Grand Junction Municipal Code is amended as follows (deletions struck through; additions underlined):**

- (2) Performance Standards.

- (i) Parking. Business uses shall be designed and operated so as not to increase on-street parking in front of neighborhood dwellings. On-site parking shall be provided.
- (ii) Hours of Business. No use in this district shall open or accept deliveries earlier than 5:00 a.m. nor close later than 11:00 p.m. "Close" includes no customers on site and no deliveries.
- (iii) Service Entrances. Business service entrances, service yards and loading areas shall be located only in the rear or side yard.
- (iv) Outdoor Storage and Display. Outdoor storage ~~and permanent displays are~~ is prohibited. ~~Portable~~ Outdoor display of retail merchandise ~~may be~~ is permitted ~~as elsewhere provided in this code~~ subject to Section 21.04.040(h) of this Code.

**All other provisions of Section 21.03.070(b) shall remain in effect.**

**Section 21.03.070(d)(3) (C-1 performance standards) is amended as follows (deletions struck through; additions underlined):**

- (3) Performance Standards.
  - (i) Service Entrances. Building entrances to service yard and loading areas shall be located only in the rear and side yard.
  - (ii) Outdoor Storage and Display. Outdoor storage ~~and permanent display areas shall only be allowed in the rear half of the lot, beside or behind the principal structure except when a CUP has been issued~~ is not allowed within the front yard. ~~Portable~~ Outdoor display of retail merchandise ~~may be~~ is permitted subject to Section 21.04.040(h) of this code.

**All other provisions of Section 21.03.070(d) shall remain in effect.**

**Section 21.03.070(e)(3) (C-2 performance standards) is amended as follows (deletions struck through; additions underlined):**

- (3) Performance Standards. Outdoor storage ~~and display areas are~~ is not allowed within the front yard ~~setback.~~ ~~Permanent and portable~~ Outdoor display of retail merchandise is permitted subject to Section 21.04.040(h) of this code.

**All other provisions of Section 21.03.070(e) shall remain in effect.**

**Section 21.04.040(h)(3) is amended as follows (deletions struck through; additions underlined):**

(3) Outdoor Display. ~~A permissible outdoor~~ “Outdoor display” of merchandise is a includes portable display taken inside at the close of each business day or a display of ~~large-commercial~~ items of merchandise for immediate sale and open to customers for browsing (e.g., ~~such as, but not limited to,~~ operable autos, RVs, trucks, modular homes, hot tubs) that is ~~permanent~~ permanently located outdoors. ~~Retail sales areas located outdoors and generally on-grade will be considered permanent display if the area is open daily to customers for browsing.~~ Retail displays including shelving or rack areas higher than six feet, wholesale merchandise displays and other areas not accessible to the general public are considered outdoor storage and subject to the provisions of subsections ~~(h)(3)(vii)~~ (h)(1) and (2) of this section 21.04.040. “Outdoor display” does not include merchandise displayed immediately adjacent to the primary façade near the customer entrance(s) that does not protrude into parking areas or drive aisles or beyond the eaves, roof overhang or covered entrance area; rather, these displays are considered permissible extensions of the indoor retail operations. All ~~permissible~~ outdoor display areas shall comply with the following requirements, except as otherwise indicated:

- (i) All outdoor display shall conform to specific zone performance criteria in GJMC 21.03.070 and the use-specific requirements of that particular use;
- (ii) No permanent outdoor display area shall be located in a required landscaped area;
- (iii) Outdoor display areas shall meet all landscaping requirements, but shall not be subject to the screening requirements for storage lots;
- (iv) No portion of a right-of-way shall be used for any type of display without a valid revocable permit;
- (v) For vehicle sales, not more than one vehicle display pad, elevated up to six feet in height as measured at the highest point, shall be permitted per 100 feet of street frontage;
- (vi) Display lots shall be paved, except that only the access roads shall be required to be paved for lots displaying large merchandise, such as manufactured homes or heavy equipment;
- (vii) All outdoor display shall conform to all requirements of TEDS (GJMC Title 24) and the applicable sight distance triangle. Regardless of any provision to the contrary, no display shall be maintained in a location if it obstructs view, thereby constituting a traffic or pedestrian hazard; and
- (viii) Nonconforming sites shall comply with Chapter 21.08 GJMC.

**All other provisions of Section 21.04.040(h) shall remain in effect.**

Introduced on first reading this \_\_\_\_ day of January, 2015 and ordered published in pamphlet form.

Adopted on second reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

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

\_\_\_\_\_  
Mayor