



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

**TUESDAY, November 8, 2016 @ 6:00 PM**

**Call to Order – 6:00 P.M.**

**\*\*\*CONSENT CALENDAR\*\*\***

**1. Minutes of Previous Meetings**

[Attach 1](#)

*Action: Approve the minutes from the October 11, 2016 Meeting.*

**2. Connor Zone of Annexation**

[Attach 2](#)

[File# ANX-2016-470]

Request a Zone of Annexation from County RSF-R (Residential Single Family – Rural) to a City R-5 (Residential – 5 du/ac) on 6.35 acres.

*Action: Recommendation to City Council*

Applicant: Naomi E. Connor, Owner  
Location: 2839 Riverside Parkway  
Staff Presentation: Scott Peterson, Sr. Planner

**3. Other Business**

**4. Adjournment**

Attach 1

**GRAND JUNCTION PLANNING COMMISSION  
October 11, 2016 MINUTES  
6:00 p.m. to 7:16 p.m.**

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

Also in attendance representing the City Planning Commission were Jon Buschhorn, Kathy Deppe, Keith Ehlers, Ebe Eslami, George Gaseos, and Steve Tolle.

In attendance, representing the City's Administration Department - Community Development, was Greg Moberg, Development Services Manager, Lori Bowers (Senior Planner), Senta Costello, (Senior Planner), David Thornton (Principal Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lydia Reynolds was present to record the minutes.

There were six citizens in attendance during the hearing.

**\*\*\*CONSENT CALENDAR\*\*\***

**1. Minutes of Previous Meetings**

*Action: Approve the minutes from the September 13, 2016 Meeting.*

**2. Public Irrigation Easement Vacation**

[File# VAC-2016-475]

Request to vacate a public irrigation easement located within Lot 2, Retherford Subdivision.

*Action: Recommendation to City Council*

Applicant: Terry, Doug and Dennis Retherford, Owners  
Location: 2089 Broadway  
Staff Presentation: Scott Peterson, Sr. Planner

**3. Public Access Easement Vacation**

[File# VAC-2016-433]

Request to vacate a public access easement located within Lot A, Homestead Subdivision.

*Action: Recommendation to City Council*

Applicant: N3 Real Estate, Debbie Hanley  
 Location: 735 and 737 Horizon Drive  
 Staff Presentation: Senta Costello, Sr. Planner

**5. Public Right-of-Way Vacation**

[File# VAC-2016-407]

Request to vacate public Right-of-Way, known as Balanced Rock Way located within Sundance Village Subdivision.

*Action: Recommendation to City Council*

Applicant: Rimrock Landing Apartment Investors, LLC  
 Location: Between Flat Top Lane and F ¼ Road  
 Staff Presentation: Lori Bowers, Sr. Planner

Chairman Reece briefly explained the Consent Agenda and noted that the applicants of item number 4, the Public Right-of-Way Vacation known as Balanced Rock Way, located within Sundance Village Subdivision [File# VAC-2016-407], has requested that the item be postponed to the November 8<sup>th</sup> Planning Commission meeting.

Chairman Reece then invited the public, Planning Commissioners and staff to speak if they wanted the item pulled for a full hearing. With no requests to pull an item for full hearing, Chairman Reece asked for a motion.

**MOTION:(Commissioner Deppe)** “Madam Chairman, I request that we approve the modified Consent Agenda removing item number 4.”

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

**\*\*\*INDIVIDUAL CONSIDERATION\*\*\***

**6. Zoning and Development Code Amendment**  
 (Continued from September 13, 2016 Meeting)

[File# ZCA-2016-384]

Request to amend the Zoning and Development Code to establish content neutrality sign standards and regulate digital and/or electronic sign standards.

*Action: Recommendation to City Council*

Applicant: City of Grand Junction  
Location: Citywide  
Staff Presentation: David Thornton, Principal Planner  
Lori V. Bowers, Sr. Planner

**Staff Presentation**

David Thornton, Principal Planner explained that the request to amend the City’s Sign Code is a continuation of the Public Hearing with the Planning Commission on September 13, 2016. Mr. Thornton stated that there had been a couple workshops with the Planning Commission members to address concerns that were brought up at the September 13<sup>th</sup> meeting.

Mr. Thornton explained that he will be presenting the items that were brought up for further discussion as well as an additional item. The proposed changes to the sign code since the last meeting included; Sign Illumination (Residential), Nonconforming Signs, and Banner & Wind Driven Signs.

**Sign Illumination (Residential):**

A slide was shown with the following proposed changes highlighted in red:

(h) Sign Standards by Zone

(1) Residential Zones

~~(iii) (v) Illumination. Indirect or internal illumination only shall be utilized for letter faces and/or logos.~~ Signs may be externally illuminated; no other illumination of signs is allowed. **No projected images, whether moving, changing or static, are allowed.** All lights used for illumination of signs shall be arranged so as to confine direct light beams to the lighted sign and away from adjacent residential properties and out of the direct vision of motorists passing on adjacent streets. Illumination shall be extinguished between the hours of 11:00 pm and 5:00 am.

Mr. Thornton explained that the issue is whether or not signs created by “projector illumination” are allowed in residential zones. The original proposed language found in the ordinance provides no language that would limit the projection of a sign on an object. Although if allowed the object size would have to meet the maximum allowed which is 8 square foot for most signs except a 32 square foot sign when conditions permit them as described in Section (h)(1) Residential Zones.

Mr. Thornton stated that the recommendation is that no projected illumination should be allowed.

**Change #1:** The proposed ordinance shows new text that adds “No projected images, whether moving, changing or static are allowed.”

The next slide, Mr. Thornton addressed the changes in the Nonconforming Signs as shown below:

(e) **Nonconforming Signs.**

(1) All signage on site shall be brought into conformance with this code prior to approval of any new sign permit on the property.

(2) Any nonconforming sign that has been damaged in excess of 50 percent of its replacement cost by fire, wind or other cause except vandalism shall not be restored without conformance with the provisions of this regulation.

~~(3) Any off-premises sign on or near the Riverside Parkway that becomes nonconforming due to the adoption of this section may continue only in the manner and to the extent that it existed at the time of the adoption of the ordinance codified in this title. The sign must not be re-erected, relocated or replaced unless it is brought into conformance. If a sign is nonconforming, other than because of the adoption of the ordinance codified in this title, then the sign shall be discontinued and removed on or before the expiration of three years from the effective date of the ordinance codified in this title.~~

~~(4) A nonconforming sign which use is upgraded or exempted in writing shall be considered an allowed sign.~~

(3) A sign permitted prior to October 31, 2016 on an otherwise vacant parcel where a new use is being established shall be considered a non-conforming sign whose square footage is not counted toward the sign allowance for the new use.

**OR**

(3) A sign permitted as an off-premise sign prior to October 31, 2016 shall be considered a non-conforming sign whose square footage is not counted toward the sign allowance for a new use or change of use established after October 31, 2016.

Mr. Thornton explained that the original proposed language in the ordinance provides for a sign that is established on a vacant parcel prior to October 31, 2016 be considered as non-conforming when a new use wants to install an additional sign on the property with the existing sign's size not affecting the sign allowance for the new sign. This provision only applies when the sign is on a vacant parcel.

Mr. Thornton noted that they had heard from the sign industry at the September public hearing that they would like to see this nonconforming status expanded to include all permitted off-premise signs, not just those on vacant properties.

**Change #2:** Keep the proposed language found in the amendments **OR** change it to include all permitted off-premise signs established before October 31, 2016 to be nonconforming where their square footage is not counted toward the sign allowance for the new use or change of use established after October 31, 2016.

Mr. Thornton explained that staff is asking Planning Commission to decide between the two options. Staff recommends the second option that includes all permitted off-premise signs established before October 31, 2016. Mr. Thornton also pointed out that the word "establish" was replaced with the word "permitted".

**Legal Non-Conforming Billboards**

Regarding Legal Non-Conforming Billboards, Staff recommends adding the following provision under the Nonconforming section of the Sign Code:

(4) A sign permitted as an off-premise sign prior to October 31, 2016, located in a C-2, I-1 or I-2 zone district and not within the following zoning overlays, 24 Road Zoning Overlay, Greater Downtown Zoning Overlay and Riverside Parkway/29 Road, shall be allowed to upgrade the sign structure and sign face incorporating new technologies. All upgrades to digital, electronic or lighting shall comply with the then applicable standards.

In addition, the sign industry has raised concern of being able to keep current with changing technologies. Specifically, being able to convert permitted legal billboards into digital faces in the future using technology as it exists today or the technological improvements that are sure to come.

This option will permit 31 of 66 existing Billboards in the City limits to be upgraded in the future. Under the current Code these same 31 Billboards are conforming and would be allowed to upgrade to new technologies and better structural standards. This provision would continue to allow for upgrades to those off premise signs that are currently conforming.

**Banners and Wind Driven Signs**

Mr. Thornton stated that staff has determined the need to consider minor changes to the Wind Driven and Banners section of the Sign Code. These proposed changes will help clarify and further improve the options for businesses that hold special events where banners and wind driven signs are displayed.

Currently, wind driven signs such as pennants are allowed for 14 consecutive days, no more than four times per year whereas banners are allowed 30 consecutive days, up to four times per year. It is proposed that wind driven and banners or both be allowed for 30 consecutive days up to four times per calendar year.

Regarding special events extending longer than 30 days, these have also been problematic due to permitting requirements and the definition of "consecutive". The work around has been for a business to display the banner for 29 days, take it down for one day then under a new permit, display it for another 29 days and so forth. The proposed language will clarify and provide flexibility allowing the business owner to obtain up to four months of permits in a calendar year and allow them to run consecutive.

**(d) Wind driven signs and banners.** ~~are subject to the following:~~

~~(A) A special events banner permit shall be required prior to any use of wind driven signs or banners except for those allowed under subsection (c)(6) of this section, Temporary Decorations or Displays.~~

~~Wind driven signs, excluding banners, may be displayed for up to 14 days, but not more than four times in a calendar year. The days shall be consecutive.~~

(G) Banners and wind driven signs may be displayed for a up to 30 consecutive days 30 day period, but not more than up to four times in a 12-month calendar year. Permit periods may run consecutively.

All banners must be secured directly to the building structure, fence, or post that is permanently affixed to the ground at all contact points.

All wind driven signs must be professionally made, must be in good repair and appearance, and must also be so located and installed so as not to pose a safety hazard for motorists or pedestrians. Such signs shall not be attached to any object located in the public right-of-way.

~~(2) (v) In addition to other available penalties, failure to comply with the terms of a permit issued under this section shall result in the loss of a permit for the following quarter.~~

~~(3) Signage for temporary uses requiring a temporary use permit shall conform to the requirements for a temporary use permit.~~

Recommended change:

**Change #3:** The proposed ordinance shows new language in the amendments that will provide for wind driven signs and banners to be treated the same, 30 consecutive days with each permit and provide the option for the permits to be consecutive.

Regarding the “legal non-conforming billboards”, Chairman Reece asked for clarification of the wording of “with **the then** applicable standards”. Mr. Thornton explained that if a sign was existing non-conforming and they wanted to upgrade, the digital, electronic or lighting standards in place at the time of upgrade will be used.

Commissioner Gatseos suggested that the “the then” be stricken for better clarity. Chairman Reece asked Ms. Beard if that would clarify it adequately. Ms. Beard noted that it still may not be clear if the “applicable standards” would be considered “at the time of application” or referring to standards at the time this code is passed. Ms. Beard suggested that they “shall comply with the applicable standards in place when the changes are made”. Chairman Reece agreed with that language.

Commissioner Ehlers asked if there was a concern that a sign could be upgraded just enough as to not look rickety, but not enough to trigger bringing it up to the existing standards at the time. Mr. Thornton explained that as an existing non-conforming sign (permitted as an off-premise sign prior to October 31, 2016), they would be allowed to upgrade the supports, for example, but that they are also allowed to stay current with new technologies.

Commissioner Buschhorn asked for clarification that the 35 non-conforming signs would not be allowed to be upgraded. Mr. Thornton stated that those 35 signs will fall under the same rules that they do now and will not be allowed to become digital. Those signs would only be able to have whatever maintenance repairs that are allowed by code currently. Mr. Thornton stated that it is hoped that they will be phased out since they are in residential zones or somewhere that is not a heavy commercial/industrial zone.

Commissioner Buschhorn asked about the definition of the abandoned signs. It appears that the sign would have to have no content to be considered abandoned. Mr. Thornton read the proposed section of the code and discussion continued as to whether it made a difference if there was content on the sign if it was on an abandoned on a vacant lot or is in obvious disrepair. Ms. Beard added that if there is a sign that is trying to portray information, which means it includes content, then it still has to be kept in good repair, whereas if it says nothing at all, it could be argued that it is no longer a sign.

Commissioner Ehlers asked if the “no projected signs” in residential zones will apply to holiday decorations. Mr. Thornton noted that the code could not state “except holiday displays” as that would be content specific. Discussion continued and Ms. Beard added that if you start being specific about the content, then you are no longer content neutral.

Chairman Reece asked if this is a problem that they need to address. Mr. Thornton explained it was a concern that was brought up by the commission at the September 13<sup>th</sup> meeting. Discussion continued and Commissioner Ehlers stated that it was an issue brought up during the review of the code revisions in order to close a loophole that may be present. After more research it may be determined that you can’t have it both ways.

Commissioner Ehlers asked how code enforcement for signage works and if it was like other code enforcement that is complaint driven. Ms. Beard noted that it is the policy in place that there is enforcement when there are complaints. Commissioner Buschhorn suggested that it may not even be a problem, and if it becomes one, they can revise the code at a later date to address it.

Mr. Moberg, Development Services Manager, added that there are new popular displays that project the whole house with lights. He foresees that there may very well be complaints if the projections are allowed.

Commissioner Ehlers asked about the mechanics of the motion. Ms. Beard noted that there are three separate issues so far. Ms. Beard cautioned the Commission be clear about what language they are discussing and voting on.

### **Public Comment**

Mark Gamble, owner of Colorado West Outdoor Advertising (CWOA) asked staff if the Commission had read his email. Chairman Reece stated they had been provided a copy. Mr. Gamble indicated that he has worked with staff on several issues, and he is satisfied with everything but one issue. Mr. Gamble gave a brief history of billboards and the marketplace. Mr. Gamble noted that the sign code was initiated in the code about 1974



and he has been in the business locally since 1978. At that time, billboards were allowed in three (3) of the six (6) zones. Mr. Gamble stated that he believes there are currently 16 commercial zones and that billboards are still only allowed in the three (3) zones. Mr. Gamble explained that in the early 80s to late 90s the City expanded and added zones but still only allowed billboards in the three (3) zones.

Mr. Gamble stated that the addition of "Corridor Overlays" were being used as a way to control and eliminate billboards and gave an example of the 24 Road Corridor Overlay, where billboards were banned regardless of zones.

Mr. Gamble stated that at the time of the Riverfront Parkway development, he met with the Community Development Director and the City Attorney and came up with a satisfactory agreement that billboards would have to be located at least 600 feet from centerline, which created a 1,200-foot buffer from the Parkway. Mr. Gamble then added that the Greater Downtown Overlay, covering a wide area including the 5<sup>th</sup> Street Bridge area, was added to code and eliminated billboards. Mr. Gamble expressed his frustration that the overlays are being added in the exact corridors where there is high traffic and visibility and therefore prime advertising opportunities for him.

Mr. Gamble stated that his other concern is the limitation placed on digital billboards. It is another way for him to grow his business. Along 29 Rd. and Riverside Parkway, the protected corridor area is 5,200 to 6,200 feet from centerline. Mr. Gamble speculated that the concern is that he would put digital on every billboard he has. Because each digital billboard face is about \$100,000 he would need to be able to recoup that money with advertising. However, his customers want the highest visibility opportunities. Mr. Gamble stated that there are only about 5 billboards that he would be interested in investing in digital boards, however they are all in corridor overlays. Mr. Gamble wanted to go on record that he feels the code, along with the revisions, have created regulations that eliminate the ability for his business to grow.

In summary, Mr. Gamble stated that he is in support of the sign code revisions, and plans to continue to work with staff on the other aspects.

### **Question for Public**

Commissioner Ehlers asked Mr. Gamble if any of the agreements that were made as part of the Riverside Parkway discussion were in writing. Mr. Gamble replied that they were not. Commissioner Ehlers stated that he feels if the City had agreements, they should honor them. Overlays are effective and have very good uses in many instances and they can become a work-around for planning to have a policy without changing the zoning codes. Commissioner Ehlers stated that if the intent of the overlays is to eventually remove or block billboards, then that should be recognized as such.

Mr. Gamble stated that the Riverside Parkway Corridor was specifically created to address billboards. Commissioner Ehlers asked staff if that was indeed the case. Mr. Thornton stated that it was, and nothing is changing in the code regarding that. Mr. Gamble noted that not only is there the 1,200-foot-wide corridor along Riverside Parkway, but there is also

the 29 Rd Corridor and the Riverside Parkway Corridor extends perpendicular at the intersection to cover even more. Mr. Thornton stated that the policy was put in place a decade ago and nothing is changing in the code regarding this. Mr. Gamble stated that the issue is that if he wants to upgrade existing signs in the corridor to digital signs, he is not allowed.

**Commissioner Discussion**

Commissioner Gatseos stated that although he was not able to attend the September 13<sup>th</sup> hearing, he had read the minutes and staff reports from that meeting and feels capable of voting on the issue.

Noting that Mr. Gamble's company may be the largest billboard company in the City, but he is not the only company, Commissioner Deppe asked what the other billboard companies may want to do.

Commissioner Gatseos stated that he wants to send forth the best public policy that not only considers the business community but the community as a whole.

Commissioner Ehlers noted the it is clear to him that Mr. Gamble is representing not only his own business, but the industry as well. Commissioner Ehlers noted that the public was involved with the planning process when these corridors were created. Commissioner Ehlers pointed out that where there are some areas of the corridor plans that may limit growth, however new opportunities for advertising may come into play as well.

Chairman Reece closed the public hearing portion of the meeting and showed a slide with the first portion of the proposed motion. Commissioner Buschhorn asked if the non-conforming sign can be upgraded to a digital sign. Mr. Thornton stated that this portion of the code addresses whether the non-conforming sign is counted toward the sign allowance.

Chairman Reece noted that the second item for the Commission to consider was the wording for upgrades to digital signs. Ms. Beard recalled that the Commission has suggested that they eliminate the word "then" and go with adding to the end of it "at time the application is made to upgrade the sign". Chairman Reece recapped that the sentence will now read that the standards are applied at the time of the time of the upgrade request.

Chairman Reece noted that the Commission had added a sentence to not allow projected images, however after discussion, it was determined that they wish to leave it out.

Chairman Reece stated that if there are no other questions or discussion, she will entertain a motion.

**MOTION:(Commissioner Ehlers)** "Madam Chair, I would motion to approve the amendments with the following revisions; that in section H1(v) regarding illumination of residential signs, that we strike the sentence "No projected images, whether moving, changing or static, are allowed". Next revision is the non-conforming signs, section E, that we select the option highlighted in red in staff's report that reads "item number 3, a sign

permitted as an off-premise sign prior to October 31<sup>st</sup> 2016 shall be considered a non-conforming sign whose square footage is not counted toward the sign allowance for a new use or a change of use established after October 31<sup>st</sup> 2016. The last revision would be in section 4 of the non-conforming signs. In the last sentence in section 4, we strike the words “the then applicable standards” and the sentence in whole shall read “all upgrades to digital electronic or lighting shall comply with the applicable standards at the time of application.”

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

**1. Other Business**

Mr. Moberg stated that there will be a workshop on the 20<sup>th</sup> of October, 2016 and they will be going over the group living section of the zoning code.

**2. Adjournment**

The meeting was adjourned at 7:16.



Date: October 6, 2016  
 Author: Scott D. Peterson  
 Title/ Phone Ext: Senior Planner/1447  
 Proposed Schedule: Planning  
 Commission Meeting: November 8, 2016  
 File #: ANX-2016-470

Attach 2

**PLANNING COMMISSION AGENDA ITEM**

<b>Subject:</b> Connor Zone of Annexation, Located at 2839 Riverside Parkway
<b>Action Requested/Recommendation:</b> Forward a recommendation of approval to City Council of a Zone of Annexation from County RSF-R (Residential Single Family – Rural) to a City R-5 (Residential – 5 du/ac) on 6.35 acres.
<b>Presenter(s) Name &amp; Title:</b> Scott D. Peterson, Senior Planner

**Executive Summary:**

A request to zone 6.35 acres from County RSF-R (Residential Single Family – Rural) to a City R-5 (Residential – 5 du/ac) zone district.

**Background, Analysis and Options:**

The property owner has requested annexation into the City limits in order to subdivide the existing property to create a free-standing lot for the existing single-family home and a second lot to market and sell in anticipation of future residential subdivision development. Under the 1998 Persigo Agreement with Mesa County, residential annexable development within the Persigo Wastewater Treatment Facility boundary (201 service area) triggers land use review and annexation by the City. The proposed zoning of R-5 implements the Comprehensive Plan Future Land Use Map, which has designated the property as Residential Medium (4 - 8 du/ac).

**Neighborhood Meeting:**

A Neighborhood Meeting was held on August 1, 2016 with eight citizens along with the applicant’s representative and City Project Manager in attendance. No major objections to the proposed annexation and zoning were received, however the neighborhood did have concerns regarding the proposed overall density that the area could have when the remaining acreage would be developed at time of future single-family residential subdivision development.

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

Annexation of the property will create consistent land use jurisdiction and allows for

efficient provision of municipal services. The proposed annexation also creates an opportunity to create ordered and balanced growth spread throughout the community in a manner consistent with adjacent residential development. The proposed Annexation may also provide additional housing opportunities and choices to meet the needs of a growing community, which implements the following goals and polices from the Comprehensive Plan.

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

**Goal 3:** The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

**Goal 5:** To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

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

The purpose of the adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees. Though the proposed Annexation does not further the goals of the Economic Development Plan as the proposed land use is for residential development, the proposal may provide additional residential housing opportunities for both professionals and retirees in the community, located within Pear Park.

**Board or Committee Recommendation:**

There is no other committee or board recommendation.

**Financial Impact/Budget:**

The provision of municipal services will be consistent with properties already in the City. Property tax levies and municipal sales/use tax will be collected, as applicable, upon annexation.

**Other issues:**

There are no other issues identified.

**Previously presented or discussed:**

This has not been previously discussed by the Planning Commission.

**Attachments:**

1. Staff Report/Background Information
3. Annexation/Site Location Map

4. Aerial Photo Map
5. Comprehensive Plan – Future Land Use Map
6. Existing City and County Zoning Map
7. Ordinance

STAFF REPORT / BACKGROUND INFORMATION					
<b>Location:</b>		2839 Riverside Parkway			
<b>Applicants:</b>		Naomi E. Connor, Owners			
<b>Existing Land Use:</b>		Single-family detached home			
<b>Proposed Land Use:</b>		Simple Subdivision to subdivide the existing property into (2) lots for future residential development			
<b>Surrounding Land Use:</b>	<b>North</b>	Veterans Memorial Cemetery of Western Colorado			
	<b>South</b>	Single-family detached			
	<b>East</b>	Single-family detached			
	<b>West</b>	Single-family detached			
<b>Existing Zoning:</b>		County RSF-R (Residential Single-Family – Rural)			
<b>Proposed Zoning:</b>		R-5 (Residential – 5 du/ac)			
<b>Surrounding Zoning:</b>	<b>North</b>	CSR (Community Services & Recreation)			
	<b>South</b>	R-8 (Residential – 8 du/ac)			
	<b>East</b>	County RSF-2 (Residential Single-Family – 2 du/ac)			
	<b>West</b>	R-8 (Residential – 8 du/ac)			
<b>Future Land Use Designation:</b>		Residential Medium (4 – 8 du/ac)			
<b>Zoning within density range?</b>		X	<b>Yes</b>		<b>No</b>

**Section 21.02.140 (a) of the Grand Junction Zoning and Development Code:**

Section 21.02.160 (f) of the Grand Junction Zoning and Development Code, states that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. The Comprehensive Plan Future Land Use Map designates the property as Residential Medium (4 – 8 du/ac). The request for an R-5 (Residential – 5 du/ac) zone district is consistent with this designation. Generally, future development should be at a density equal to or greater than the allowed density of the applicable County zoning district.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Grand Junction Zoning and Development Code must be made per Section 21.02.140 (a) as follows:

- (1) Subsequent events have invalidated the original premises and findings; and/or

The requested zoning is being triggered by the 1998 Persigo Agreement between Mesa County and the City of Grand Junction as the proposed development of the site is considered residential annexable development. The Persigo Agreement

defines Residential Annexable Development to include any proposed development that would require a public hearing under the Mesa County Land Development Code as it was on April 1, 1998 (GJMC Section 45.08.020 e. 1). The property owner intends to subdivide off a portion of the existing property in order to create a larger lot in order to market and sell in anticipation of future residential development. The property owner has petitioned for annexation into the City limits with a requested zoning district that is compatible with the existing Comprehensive Plan Future Land Use Map designation of Residential Medium (4 – 8 du/ac). The current zoning of County RSF-R (Residential Single-Family – Rural) is not compatible with the Comprehensive Plan Future Land Use Map designation of Residential Medium (4 – 8), therefore the rezone request is triggering the annexation request.

Therefore, this criterion has been met.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

The adoption of the Comprehensive Plan in 2010, designated this property as Residential Medium (4 – 8 du/ac). The applicant is requesting an allowable zone district that is consistent with the density range allowed by the Residential Medium category.

Existing properties to north, south and west are already within the City limits. Since 1998 the following subdivisions have been approved and developed; Summer Glenn, White Willows, and Skyler. Summer Glen is located adjacent to the west and is zoned R-8 (Residential – 8 du/ac). White Willows is located to the east and is zoned R-4 (Residential – 4 du/ac) and Skyler is located further to the east. Skyler is zoned PD (Planned Development) with a density of approximately 3.6 dwelling units per acre. The applicant's proposed zoning of R-5 (Residential – 5 du/ac) provides a transitional zoning between the existing R-8 and RSF-2 densities and would be in keeping with the Comprehensive Plan, therefore, the character and condition of the area has changed and the applicant is requesting a density that lies in the middle of the range allowed by the Residential Medium category.

Therefore, the criterion has been met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

Adequate public and community facilities and services are available to the property and are sufficient to serve land uses associated with the R-5 zone district. Ute Water is within Riverside Parkway and also stubbed to the property at Summer Glen Drive, S. Forest Lane and C  $\frac{3}{4}$  Road. City sanitary sewer is within the Riverside Parkway and also stubbed to the property at S. Forest Lane and C  $\frac{3}{4}$  Road. Property is being served by Xcel Energy electric and natural gas. The property is also within a ten-minute drive of either the city center or North Avenue for availability of retail shops and area restaurants. To the east, less than a mile from the property, along Riverside



Parkway is a new Maverik convenience store and gas islands presently under construction.

Therefore, this criterion has been met.

(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

There is not an inadequate supply of suitably designed land available in the community as the R-5 zone district comprises the third largest amount of residential acreage within the City limits behind the R-8 and R-4 zone districts (over 1,238 acres within the City limits is zoned R-5). However, the request to zone the subject property R-5 is consistent with the Comprehensive Plan Future Land Use Map designation of Residential Medium (4 – 8 du/ac).

Therefore, this criterion is not applicable or has not been met.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The proposed R-5 zone would implement Goals 1, 3 & 5 of the Comprehensive Plan by creating an opportunity for ordered and balanced growth spread throughout the community in a manner consistent with adjacent residential developments and provides a transition of density range between the existing RSF-2 and R-8 zone districts. The proposed Annexation may also provide additional housing opportunities and choices to meet the needs of a growing community when the larger vacant property develops as a residential subdivision, thus the community will derive benefits from the proposed zone of annexation request.

Therefore, this criterion has been met and addressed.

Alternatives: The following zone districts would also be consistent with the Future Land Use designation of Residential Medium (4 – 8 du/ac) for the subject property.

- a. R-4, (Residential – 4 du/ac)
- b. R-8, (Residential – 8 du/ac)
- c. R-12, (Residential – 12 du/ac)
- d. R-16, (Residential – 16 du/ac)
- e. R-O, (Residential – Office)

In reviewing the other zone district options, the residential zone districts of R-12, R-16 and R-O would have maximum densities that are not compatible with the existing properties located directly to the east and zoned RSF-2 in Mesa County, so those zone districts would not be an option. Both the R-4 and R-8 zone districts could be an option, however the applicant is proposing a middle density compromise between these two zone districts and requests the R-5 zone district, which City Staff is supportive.

The intent of the R-5 zone is to provide medium density detached, attached dwellings and multi-family in areas where large-lot development is discouraged and adequate public facilities and services are available.

If the Planning Commission chooses an alternative zone designation, specific alternative findings must be made as to why the Planning Commission is recommending an alternative zone designation to the City Council.

**FINDINGS OF FACT/CONCLUSIONS:**

After reviewing the Connor Annexation, ANX-2016-470 for a Zone of Annexation from County RSF-R (Residential Single Family – Rural) to a City R-5 (Residential – 5 du/ac), the following findings of fact and conclusions have been determined:

1. The requested zone of annexation is consistent with the goals and policies of the Comprehensive Plan, specifically Goals 1, 3 & 5.
2. The applicable review criteria, items 1, 3 and 5 in Section 21.02.140 (a) of the Grand Junction Zoning and Development Code have been met or addressed.

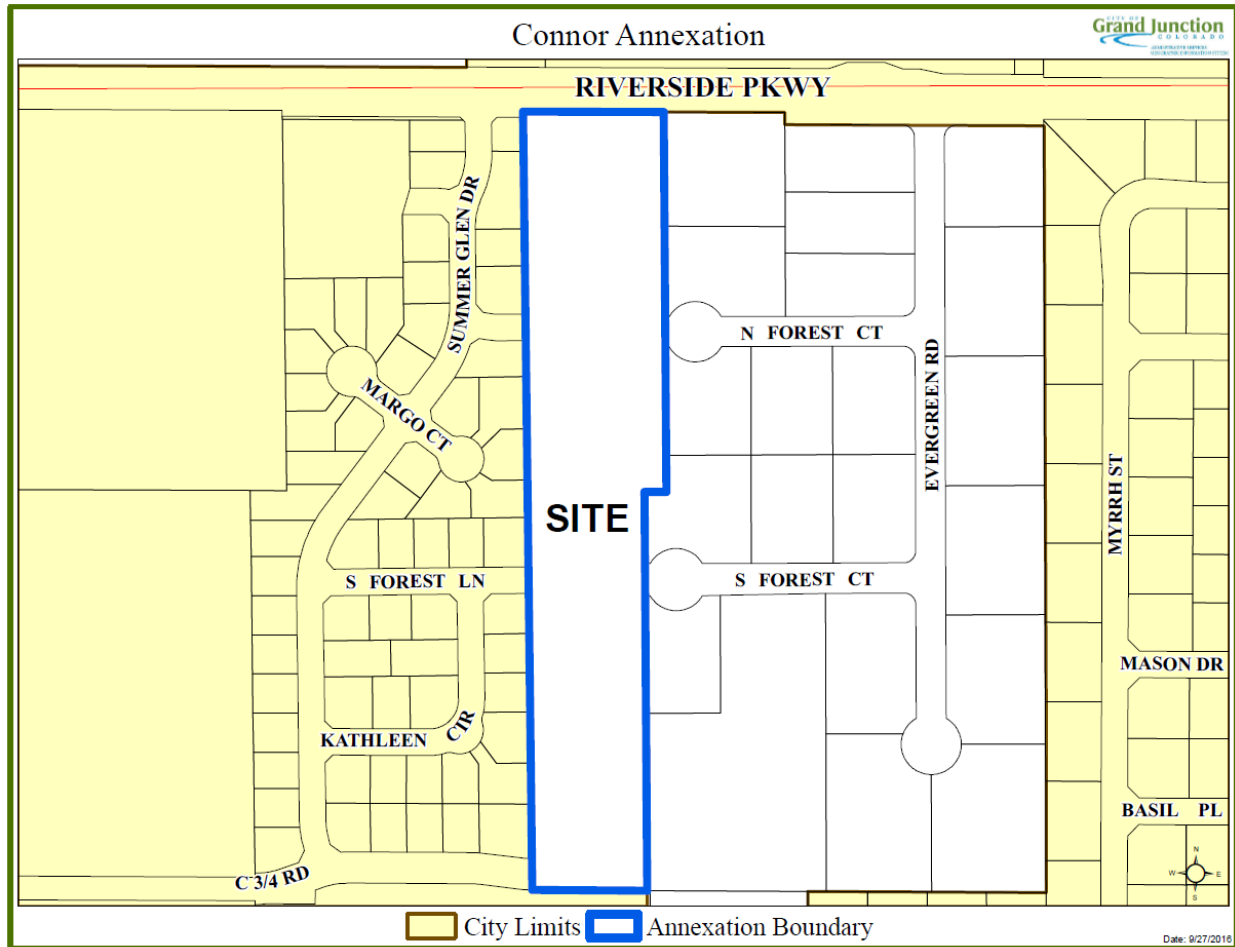
**STAFF RECOMMENDATION:**

I recommend that the Planning Commission forward a recommendation of approval of the Zone of Annexation from County RSF-R (Residential Single-Family – Rural) to a City R-5 (Residential – 5 du/ac) for the Connor Annexation, ANX-2016-470 to the City Council with the findings of facts and conclusions listed above.

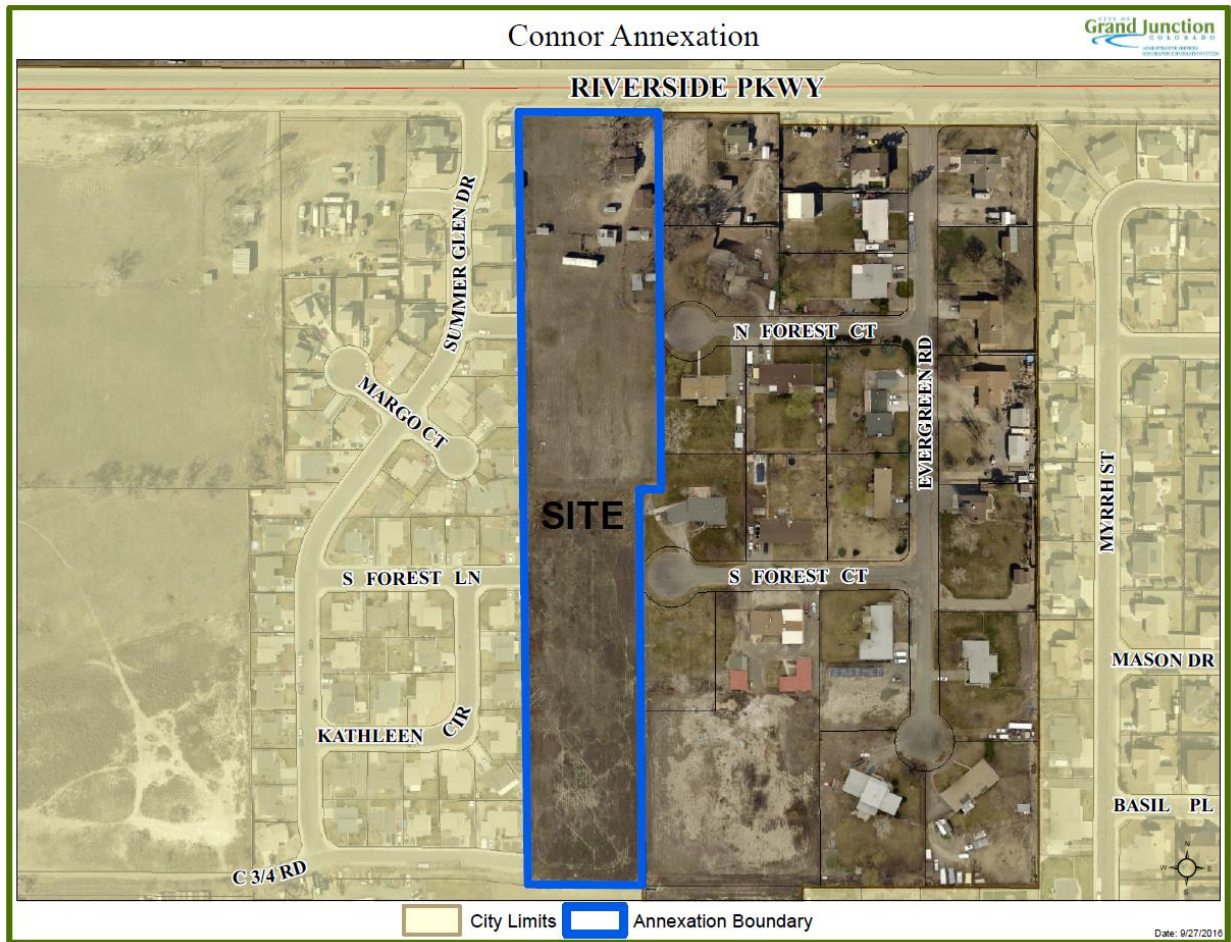
**RECOMMENDED PLANNING COMMISSION MOTION:**

Madam Chairman, on the Connor Zone of Annexation, ANX-2016-470, I move that the Planning Commission forward to the City Council a recommendation of approval of the Zone of Annexation from a County RSF-R zone district to a City R-5 zone district with the findings of facts and conclusions listed in the staff report.

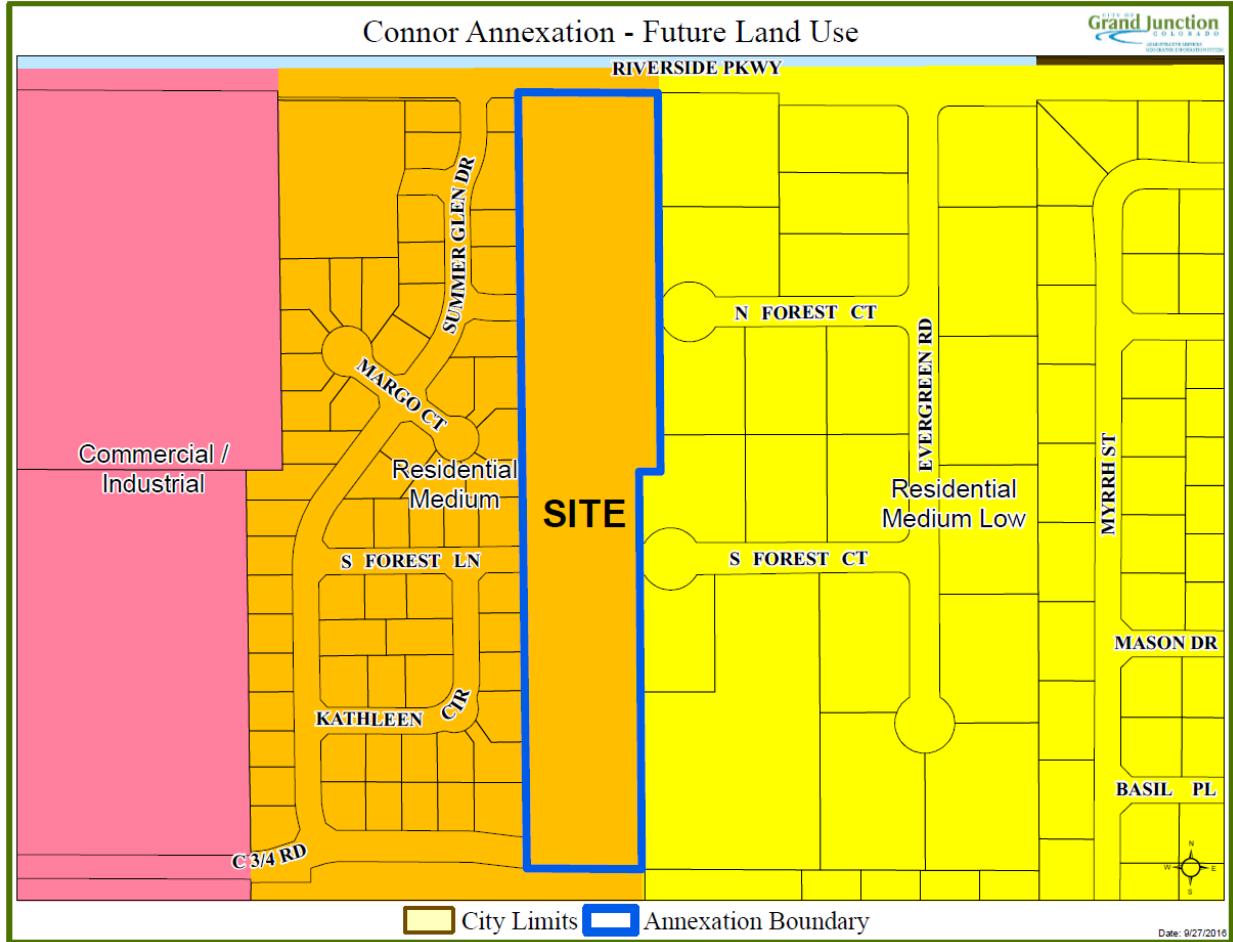
### Annexation /Site Location Map



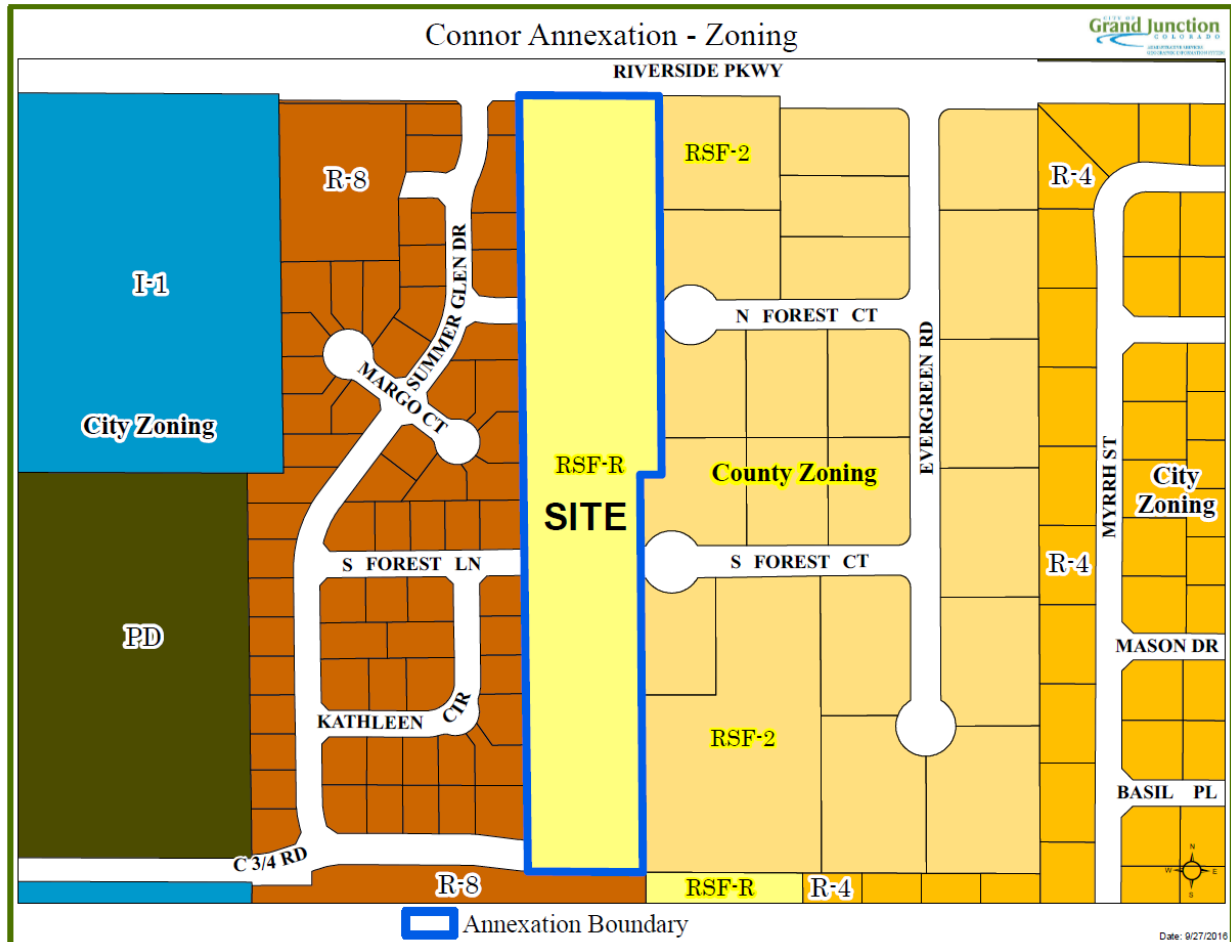
Aerial Photo Map



### Comprehensive Plan – Future Land Use Map



### Existing City and County Zoning Map



**CITY OF GRAND JUNCTION, COLORADO****ORDINANCE NO.****AN ORDINANCE ZONING THE CONNOR ANNEXATION  
TO R-5 (RESIDENTIAL – 5 DU/AC)****LOCATED AT 2839 RIVERSIDE PARKWAY**Recitals

The property owner has requested annexation into the City limits in order to subdivide the existing property to create a free-standing lot for the existing single-family home and a second lot in anticipation of future residential subdivision development.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Connor Annexation to the R-5 (Residential – 5 du/ac) zone district, finding that it conforms with the designation of Residential Medium (4 – 8 du/ac) as shown on the Future Land Use Map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the R-5 (Residential – 5 du/ac) zone district is in conformance with at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

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

The following property be zoned R-5 (Residential – 5 du/ac).

**CONNOR ANNEXATION**

A certain parcel of land lying in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 19, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of the NE 1/4 NW 1/4 of said Section 19 and assuming the North line of the NE 1/4 NW 1/4 of said Section 19 bears N 89°39'18" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°39'18" W, along the North line of the NE 1/4 NW 1/4 of said Section 19, a distance of 630.40 feet to a point on the Northerly projection of the West line of Pine Estates Filing No. Two, as same is recorded in Plat Book 11, Page 155, Public Records of Mesa County, Colorado; thence S 00°07'23" E, along said line, a distance of 30.00 feet to a point on the South right of way for Riverside Parkway and the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°07'23" E along said line, a distance of

631.92 feet; thence N 89°52'58" W, a distance of 33.21 feet; thence S 00°07'10" E, along the West line of said Pine Estates Filing No. Two, a distance of 662.01 feet to a point on the South line of the NE 1/4 NW 1/4 of said Section 19; thence N 89°38'55" W, along said South line, a distance of 192.34 feet, more or less, to a point being the Southeast corner of Summer Glen Subdivision, as same is recorded in Book 4055, Page 547, Public Records of Mesa County, Colorado; thence N 00°36'18" W, along the East line of said Summer Glen Subdivision, a distance of 1294.18 feet, more or less, to a point on the South right of way for Riverside Parkway; thence S 89°39'18" E, along said South right of way, a distance of 236.48 feet, more or less, to the Point of Beginning.

CONTAINING 6.358 Acres or 276,964 Square Feet, more or less, as described.

**INTRODUCED** on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ and ordered published in pamphlet form.

**ADOPTED** on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
President of the Council

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