

To access the Agenda and Backup Materials electronically, go to [www.gjcity.org](http://www.gjcity.org)



**CITY COUNCIL AGENDA  
WEDNESDAY, OCTOBER 3, 2018  
250 NORTH 5<sup>TH</sup> STREET  
5:15 PM – PRE-MEETING – ADMINISTRATION CONFERENCE ROOM  
6:00 PM – REGULAR MEETING – CITY HALL AUDITORIUM**

*To become the most livable community west of the Rockies by 2025*

**Call to Order, Pledge of Allegiance, Invocation**

Pastor David Crowley, The Gathering

*The invocation is offered for the use and benefit of the City Council. The invocation is intended to solemnize the occasion of the meeting, express confidence in the future, and encourage recognition of what is worthy of appreciation in our society. During the invocation you may choose to sit, stand, or leave the room.*

**Presentations**

Fire Department Personnel Recognition

**Proclamations**

Proclaiming October 7 - 13, 2018 as Fire Prevention Week in the City of Grand Junction

**Certificates of Appointment**

To the Commission on Arts and Culture

**Citizen Comments**

*Individuals may comment regarding items scheduled on the Consent Agenda and items not specifically scheduled on the agenda. This time may be used to address City Council about items that were discussed at a previous City Council Workshop.*

**City Manager Report**

**Council Reports**

**CONSENT AGENDA**

*The Consent Agenda includes items that are considered routine and will be approved by a single motion. Items on the Consent Agenda will not be discussed by City Council, unless an item is removed for individual consideration.*

**1. Approval of Minutes**

- a. Summary of the September 17, 2018 Workshop
- b. Minutes of the September 19, 2018 Regular Meeting

**2. Set Public Hearings**

*All ordinances require two readings. The first reading is the introduction of an ordinance and generally not discussed by City Council. Those are listed in Section 2 of the agenda. The second reading of the ordinance is a Public Hearing where public comment is taken. Those are listed in Section 5 of the agenda.*

- a. Quasi-judicial
  - i. Introduce an Ordinance for 1) A Comprehensive Plan Future Land Use Amendment from Commercial Industrial to Residential High and Residential Medium and Residential Medium Low on Approximately 30 Acres Located within the Twenty Three Park Plaza Filing No. One Replat Located on the NW Corner of 23 Road and I-70; 2) Rezone and Zone of Annexation to Planned Development (PD) with Default Zones of R-5, R-8 and R-24 and B-1 and an Outline Development Plan (ODP) for Mixed Use Development on Approximately 70 acres, Located on the NW Corner of 23 Road and I-70 and Including 789 23 Road, and Set a Public Hearing for October 17, 2018, and

Introduce an Ordinance for a Vacation of Rights-of-Way and Easement Vacations for the Property Known as Twenty Three Park Plaza Filing No. One Replat Consisting of 30.85 Acres, and Set a Public Hearing for October 17, 2018

**3. Contracts**

- a. Construction Contract for the 2018 Sewer Line Replacement Project - Phase B



- b. 2018 CDBG Subrecipient Agreements between STRiVE and HopeWest and the City of Grand Junction
- c. Contract for Grand Junction Horizon Drive Crosswalks Project

#### **4. Resolutions**

- a. A Resolution Issuing a Revocable Permit to Breckenridge Ale House GJ, LLC for Existing Fencing, Masonry Wall, and Landscaping and New Signage within the Public Right-of-Way Adjacent to 2531 N. 12<sup>th</sup> Street

### **REGULAR AGENDA**

*If any item is removed from the Consent Agenda by City Council, it will be considered here.*

#### **5. Public Hearings**

- a. Legislative
  - i. An Ordinance Describing the Functions of the Municipal Court
- b. Quasi-judicial
  - i. An Ordinance Rezoning Lot 1, Rooted Gypsy Farms Subdivision, From R-R (Residential Rural) to R-E (Residential Estate), Located at 2575 G Road
  - ii. An Ordinance Rezoning Timberline Bank Property from C-1 (Light Commercial) to M-U (Mixed Use), Located at 649 Market Street
  - iii. An Ordinance Rezoning Elevation 4591 to PD (Planned Development) with a Default Zone of R-8 (Residential, 8 du/ac) and an Outline Development Plan for 18 Residential Units on 3.23 Acres, Located at 2524 F 1/2 Road

#### **6. Non-Scheduled Citizens & Visitors**

*This is the opportunity for individuals to speak to City Council about items on tonight's agenda and time may be used to address City Council about items that were discussed at a previous City Council Workshop.*

#### **7. Other Business**

**8. Adjournment**



## Grand Junction City Council

### Regular Session

Item #

---

**Meeting Date:** October 3, 2018

**Presented By:** Ken Watkins, Fire Chief

**Department:** Fire

**Submitted By:** Ken Watkins, Fire Chief

---

### **Information**

#### **SUBJECT:**

Fire Department Personnel Recognition

#### **RECOMMENDATION:**

Informational only.

#### **EXECUTIVE SUMMARY:**

Three Fire Department employees are being recognized with a Fire Department *Letter of Excellence* for their contribution and assistance to the Mesa County District Attorney's Office in solving an attempted arson/attempted murder case.

#### **BACKGROUND OR DETAILED INFORMATION:**

The Mesa County District Attorney's Office contacted the Fire Chief to provide information and thanks for the contribution and assistance that three Fire Department employees provided on a recent jury trial. Inspector/Investigator Brian Gies, EMS Officer Brian Lurvey and Firefighter Jason Wytulka are being recognized with *Letters of Excellence* for their help in reaching a successful outcome in an Attempted Arson and Attempted 1st Degree Murder Extreme Indifference case.

This recognition is being conducted in conjunction with City Council's proclamation of Fire Prevention Week.

#### **FISCAL IMPACT:**

No Fiscal Impact

**SUGGESTED MOTION:**

N/A

**Attachments**

None

# Grand Junction

State of Colorado

## PROCLAMATION

*WHEREAS, public safety is a top priority in Grand Junction; and*

*WHEREAS, safety from fire is important both to citizens and local firefighters, who put their lives on the line with every response to fire; and*

*WHEREAS, first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and*

*WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and*

*WHEREAS, in 2016 U.S. fire departments responded to 1,342,000 fires causing 3,390 fire fatalities, 14,650 civilian fire injuries, and \$10.6 billion in direct property loss; and*

*WHEREAS, the Grand Junction Fire Department is joining the National Fire Protection Association in teaching lifesaving messages in conjunction with Fire Prevention Week; and*

*WHEREAS, Fire Prevention Week's 2018 message "Look. Listen. Learn. Be aware. Fire can happen anywhere." is an important reminder for all citizens of Grand Junction.*

*NOW, THEREFORE, I, Barbara Traylor Smith, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim the week of October 7 - 13, 2018, as*

### *"FIRE PREVENTION WEEK"*

*in the City of Grand Junction. This week is commemorated across North America and supported by the public safety efforts of fire departments, schools, and other safety advocates in partnership with the National Fire Protection Association.*

*For more information on how you can support "Fire Prevention Week" go to [FPW.org](http://FPW.org) and develop your home fire escape plan.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 3<sup>rd</sup> day of October, 2018.*



*Barbara Traylor Smith*  
Mayor





## Grand Junction City Council

### Regular Session

Item #

---

**Meeting Date:** October 3, 2018

**Presented By:** Wanda Winkelmann, City Clerk

**Department:** City Clerk

**Submitted By:** Wanda Winkelmann

---

### **Information**

#### **SUBJECT:**

To the Commission on Arts and Culture

#### **RECOMMENDATION:**

Present Certificate of Appointment.

#### **EXECUTIVE SUMMARY:**

Appointed member Dean Harris will accept his Certificate of Appointment to the Commission on Arts and Culture.

#### **BACKGROUND OR DETAILED INFORMATION:**

Dean Harris was appointed to the Commission on Arts and Culture at the September 5, 2018 meeting.

#### **FISCAL IMPACT:**

N/A

#### **SUGGESTED MOTION:**

N/A

### **Attachments**

None

**GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY**  
**September 17, 2018**

**Meeting Convened:** 5:31 p.m. in the City Hall Auditorium

**Meeting Adjourned:** 7:40 p.m.

**City Councilmembers present:** Councilmembers Chris Kennedy, Duncan McArthur, Phyllis Norris, Rick Taggart, and Mayor Barbara Traylor Smith.

**Staff present:** City Manager Greg Caton, City Attorney John Shaver, Finance Director Jodi Romero, Director of General Services Jay Valentine, Recreation Superintendent Traci Wieland, Public Works Director Trent Prall, Human Resources Director Claudia Hazelhurst, Benefits Coordinator Shelly Williams, and City Clerk Wanda Winkelmann.

---

Mayor Traylor Smith called the meeting to order.

**Agenda Topic 1. Discussion Topics**

a. Health Services Agreement with Marathon Health, LLC

City Manager Caton introduced the topic. The City of Grand Junction is planning to open a near-site health clinic as one of several initiatives to manage health care costs. The clinic will be used by current employees, their dependents, and retirees who are enrolled in a City health insurance plan. The goal of the clinic is that of offering a convenient, no cost medical, mental health, and wellness benefit to eligible patients but also to target, identify, and manage chronic illness to reduce future long-term medical costs. The clinic will be staffed and operated by Marathon Health, LLC, a company with over 35 years of experience in this field.

Randy Rush from Hub International discussed the history of the employer-sponsored health care model and clinics. Disruptive changes in the health care industry have created new solutions for employee health needs.

Project Manager David Ridley reviewed Marathon Health's history, including their 98% patient satisfaction and 96% employee satisfaction. In Colorado, they have eleven health centers. Mr. Ridley noted the clinics will offer urgent and acute care, and have a focus on preventive care. Mental health services will also be provided.



Expected outcomes include an approximate return on initial investment in the first year, and subsequent year returns (based on redirected care and predicated cost avoidance) results in approximate 2:1 return on investment.

Mr. Caton noted that the model is expandable in the event more hours are needed.

Fees for the initial year of this agreement are \$492,576 plus a one-time implementation fee of \$62,880. There will also be ongoing annual operating costs for the clinic space and related expenses. The expenses will be funded through the self-insurance program similar to other benefit and insurance programs of the City.

Understanding the positive effect a clinic can have on health care utilization, RMHP has agreed to contribute \$400,000 toward the first year cost of the clinic.

Discussion ensued about the hiring of local citizens as providers at the clinic, the availability of medical professionals, quotas of 12-15 appointments per day (with 25 minute appointments), increase in utilization, patient billing, benefit to employees, cost of facilities, contract termination, marketing to employees, wellness program, and an online portal.

Support was expressed for this item to be brought forward at the September 19 City Council meeting for formal consideration.

#### **b. HopeWest Expansion Project**

HopeWest is a constellation of programs, services and businesses operating across five rural counties of Western Colorado dedicated to building a community that transforms the experiences of aging, illness and grief for every family.

President and CEO Christy Whitney and Chief Development Officer Kathy O'Shea were present for this discussion. HopeWest has designed the Center for Living Your Best where participants will have access to an enriching environment and social gathering place, as well as access to services designed to enable people to stay in their own home as long as possible. HopeWest's goal is to create a healthy and meaningful life style for the aging population through The Center for Living Your Best.

Ms. Whitney reported they will be adding about 200 jobs over the next five years. She expressed her appreciation for being able to present this project to City Council.

#### **c. Park and Open Space System**

City Manager Caton presented the topic. The City's parks and open space system has many



acres of both developed and undeveloped land. City staff has identified undeveloped acreage within the system that has a higher and better uses either in furtherance of economic development or for park development. The properties that have been identified are a) 15 acres of the Las Colonias Business Park, b) 14 acres on the south side of the Matchett property frontage on Patterson Road and c) 41 acres (37 acres east of the driving range and a 4.2-acre parcel on the corner of South Broadway adjacent to the Tiara Rado Golf Course driving range). In accordance with the City Charter, property used or held for park purposes cannot be sold without a vote of the citizens.

Discussion ensued about how the sale proceeds would be spent, the fact that the City purchased the property known as Matchett Park, and Charter requirements regarding the sale of parks property.

Support was expressed for this endeavor. Next steps include amending the Matchett Park Master Plan and the Las Colonias Master Plan, which would include an extensive public process.

### **Agenda Topic 2. Next Workshop Topics**

City Manager Caton reported the October 1 Workshop will be a presentation of the major departments operating budgets. The Workshop will begin at 4 p.m.

### **3. Other Business**

Councilmember Norris suggested that a meeting be held with the irrigation company boards as talking face-to-face has value (instead of sending a letter). Support was expressed for this approach.

### **Adjournment**

The Workshop adjourned at 7:40 p.m.

# **GRAND JUNCTION CITY COUNCIL**

## **MINUTES OF THE REGULAR MEETING**

**September 19, 2018**

The City Council of the City of Grand Junction convened into regular session on the 19<sup>th</sup> day of September 2018 at 6:00 p.m. Those present were Councilmembers Chris Kennedy, Phyllis Norris, Rick Taggart, Duke Wortmann and Council President Barbara Traylor Smith. Councilmembers Bennett Boeschstein and Duncan McArthur were absent. Also present were City Manager Greg Caton, City Attorney John Shaver, City Clerk Wanda Winkelmann and Deputy City Clerk Janet Harrell.

Council President Traylor Smith called the meeting to order. Councilmember Wortmann led the Pledge of Allegiance which was followed by an invocation by Michael Denna, Pastor of Providence Reformed Evangelical Church.

### **Certificates of Appointment**

#### **To the Commission on Arts and Culture**

Councilmember Kennedy presented Mark Marino with his Certificate of Appointment to the Commission on Arts and Culture for a term ending February 2021.

#### **To the Grand Junction Housing Authority**

Councilmember Norris presented Scott Proper with his Certificate of Appointment to the Grand Junction Housing Authority for a partial term ending October 2019.

#### **To the Urban Trails Committee**

Councilmember Taggart presented David Lehmann with his Certificate of Appointment for a term ending June 2021 and Devon Balet with his Certificate of Appointment for a partial term ending June 2020 to the Urban Trails Committee.

### **Citizens Comments**

Bruce Lohmiller spoke on Conditional Use Permits, alternative energy and school violence.

Ed Kowalski spoke about public safety.

**City Manager Report**

City Manager Caton gave an update on how and where the Grand Junction Fire Department is helping with wildfires.

**Council Reports**

Councilmember Wortmann said he had been on vacation.

Councilmember Norris attended the Grand Junction Fire Department 9-11 Ceremony, a water forum and a presentation by a State demographer.

Councilmember Taggart did not give a report.

Councilmember Kennedy spoke on personal experiences regarding diversity.

Council President Traylor Smith did not give a report.

**Consent Agenda**

Councilmember Norris moved to adopt items #1 - #4 on the Consent Agenda. Councilmember Taggart seconded the motion. Motion passed unanimously by voice vote.

**1. Approval of Minutes**

- a. Minutes of the September 5, 2018 Regular Meeting

**2. Set Public Hearings**

- a. Quasi-judicial
  - i. Introduce an Ordinance Rezoning Lot 1, Rooted Gypsy Farms Subdivision, From R-R (Residential Rural) to R-E (Residential Estate), Located at 2575 G Road, and Set a Public Hearing for October 3, 2018
  - ii. Introduce an Ordinance Rezoning Timberline Bank Property from C-1 (Light Commercial) to M-U (Mixed Use), Located at 649 Market Street, and Set a Public Hearing for October 3, 2018

- iii. Introduce an Ordinance Rezoning Elevation 4591 to PD (Planned Development) with a Default Zone of R-8 (Residential, 8 du/ac) and an Outline Development Plan for 18 Residential Units on 3.23 Acres, Located at 2524 F ½ Road and Set a Public Hearing for October 3, 2018

### **3. Contracts**

- a. A Resolution Authorizing Agreement with CDOT for Traffic Maintenance
- b. Contract for Lewis Wash Bridge Replacement
- c. 2018 CDBG Sub Recipient Agreements between the Counseling and Education Center, The Arc Mesa County, St. Mary's Hospital Foundation Gray Gourmet Program and Mesa Youth Services dba Mesa County Partners and the City of Grand Junction
- d. Health Services Agreement with Marathon Health, LLC

### **4. Resolutions**

- a. Resolution Vacating a Public Utility Easement on Property Located at 2410 Blue Heron Road
- b. Resolution Issuing a Revocable Permit to Allow for the Encroachment of an Existing Garage in the Bookcliff Avenue Right-of-Way Along the East Side of the Property Located at 300 Cedar Court
- c. Resolution Authorizing a Telecommunication Facility at Columbine Park

### **A Resolution Regarding a 2019 Ballot Question(s) Regarding a Community Center**

PLACE (People for Local Activities and Community Enrichment) is committed to achieving its goal of having a Community Center in Grand Junction before the year 2025 and has pledged to initiate, for the 2019 City election, the ballot question(s) necessary to support its construction and operation. At the City Council work session on July 16<sup>th</sup>, PLACE asked the City Council to refer a question(s) to the April 2019 election rather than PLACE taking up the initiative petition process for a ballot question. PLACE indicated to the City Council that its initiative campaign would be for/include a question to raise the City's sales tax.

Parks and Recreation Director Rob Schoeber provided background on the outreach PLACE coordinated.

Discussion included the proposed tax increase, scope of the project(s), Council priorities, the intent of the resolution and financing.

Councilmember Wortmann moved to adopt Resolution No. 62-18, a Resolution regarding a 2019 ballot question(s) for a community center at Matchett Park.

Councilmember Kennedy seconded the motion. Motion carried unanimously by roll call vote.

**An Ordinance Amending Section 24.12.140, 24.12.160, 24.12.170, and 24.12.180 of the Greater Downtown Overlay (Title 24 of the Grand Junction Municipal Code) Regarding Design Guidelines and Standards in the Greater Downtown Transitional and Residential Area (Continued from August 15, 2018)**

Initiated by the Community Development Director, this request is to amend sections of the Greater Downtown Overlay to revise design standards and guidelines for the Residential and Transitional areas. In general, these revisions include creating more consistent language for defining terms, to remove specific requirements for pitched roofs and to remove the term “residential” from architectural references in the Transitional Area.

Community Development Director Tamra Allen provided background and detail on the proposed amendments.

The public hearing was opened at 6:49 p.m.

There were no public comments.

The public hearing was closed at 6:50 p.m.

Councilmember Kennedy moved to adopt Ordinance No. 4812, an Ordinance amending parts of the Downtown Overlay (Title 24 of the Grand Junction Municipal Code) regarding policies, standards and guidelines of the residential and transitional areas on final passage and ordered final publication in pamphlet form. Councilmember Taggart seconded the motion. Motion carried unanimously by roll call vote.

**An Ordinance Rescinding Ordinance No. 4810 Regarding the Fossil Trace Rezone**

Ordinance No. 4810 rezoning an 8.41 acre property owned by Fossil Trace, LLC which was adopted on August 1, 2018 and would become effective on September 2, 2018. This Ordinance approved the rezone of the property from Residential-Rural to

Residential-1. After passage of the ordinance staff discovered a flaw in the written notice that was required to be mailed to surrounding property owners. In order to ensure due process, a new public hearing with City Council needs to be conducted again after completion of notice, as required by the Grand Junction Municipal Code.

Senior Planner Scott Peterson further explained the reason for the rescission request and City Attorney Shaver provided information on the process.

The public hearing was opened at 6:53 p.m.

There were no public comments.

The public hearing was closed at 6:54 p.m.

Councilmember Taggart moved to adopt Ordinance No. 4816, an Ordinance rescinding and repealing Ordinance No. 4810, an Ordinance rezoning the property at 465 Meadows Way known as Fossil Trace on final passage and ordered final publication in pamphlet form. Councilmember Kennedy seconded the motion. Motion carried unanimously by roll call vote.

**An Ordinance Rezoning the Fossil Trace Holdings, LLC Property from R-R (Residential – Rural) to R-1 (Residential - 1 du/ac), Located at 465 Meadows Way**

As previously explained, a new public hearing is being conducted after completion of the notice as required by the Grand Junction Municipal Code. As this is a new hearing and new information may be introduced, the findings and decision made at the August 1<sup>st</sup> hearing may be different.

Senior Planner Scott Peterson detailed the request and neighborhood concerns.

Applicant representative Kevin Bray presented additional information regarding the request process.

The public hearing was opened at 7:14 p.m.

Public comments against the rezone were made by Janey Wilding, Andrew Smith, John Cassidy, Rick Wilding, Valerie Samii, John Flanagan, Kim Gage, Pat Gage, Douglas Close, Don Krueger proxy for Jerold Saef, Tony Walters, Chris Taggart (no relation to Councilmember Taggart), Joseph Funderburk, Jean Deberry, Sam Stirlen and Tim Donovan.

The public hearing was closed at 7:58 p.m.

Applicant representative Kevin Bray addressed concerns expressed during public comment.

Discussion included concerns regarding the Clean Water Act, raising water tables, the Planning Commission's decision, the cluster provision, elements of a possible subdivision review, adhering to the rezoning process, the current zoning density, how much of the area could be developed, safety considerations specifically related to speed limits, transportation capacity limits, ingress/egress possibilities if the property is developed and the development approval process for subdivisions.

Councilmember Taggart moved to adopt Ordinance No. 4817 - an Ordinance rezoning the Fossil Trace Holdings, LLC property from R-R (Residential - Rural) to the R-1 (Residential - 1 du/ac), located at 465 Meadows Way on final passage and ordered final publication in pamphlet form. Councilmember Kennedy seconded the motion. Motion failed with Councilmembers Norris and Wortmann voting NO.

Councilmember Kennedy moved to reconsider Ordinance No. 4817 with the full Council since only five were present. Councilmember Wortmann seconded the motion. Motion carried unanimously by roll call vote.

### **Non-Scheduled Citizens & Visitors**

Patsy Patton thanked Council for their work and said the Matchett Park property was intended to be a park by Dr. Kenneth Matchett, Jr.

Beau Flores, Colorado Mesa University Student Trustee, commented on the City government process and Councilmember Kennedy's report.

### **Other Business**

There was none.

### **Adjournment**

The meeting was adjourned at 8:30 p.m.

---

Wanda Winkelmann, MMC  
City Clerk



## Grand Junction City Council

### Regular Session

Item #2.a.i.

---

**Meeting Date:** October 3, 2018

**Presented By:** David Thornton, Principal Planner

**Department:** Community Development

**Submitted By:** David Thornton, Principal Planner

---

### **Information**

#### **SUBJECT:**

Introduce an Ordinance for 1) A Comprehensive Plan Future Land Use Amendment from Commercial Industrial to Residential High and Residential Medium and Residential Medium Low on Approximately 30 Acres Located within the Twenty Three Park Plaza Filing No. One Replat Located on the NW Corner of 23 Road and I-70; 2) Rezone and Zone of Annexation to Planned Development (PD) with Default Zones of R-5, R-8 and R-24 and B-1 and an Outline Development Plan (ODP) for Mixed Use Development on Approximately 70 acres, Located on the NW Corner of 23 Road and I-70 and Including 789 23 Road, and Set a Public Hearing for October 17, 2018, and

Introduce an Ordinance for a Vacation of Rights-of-Way and Easement Vacations for the Property Known as Twenty Three Park Plaza Filing No. One Replat Consisting of 30.85 Acres, and Set a Public Hearing for October 17, 2018

#### **RECOMMENDATION:**

Planning Commission recommended approval 5-0 at their September 11, 2018 public hearing.

#### **EXECUTIVE SUMMARY:**

The Applicant, Club Deal 113/114 Park Plaza and Grand Junction Limited Partnership, is requesting multiple actions on the 70 +/- acre site located at the southwest corner of H Road and 23 Road, bordered by H Road on the north, 23 Road on the east, Interstate 70 on the south and Bookcliff Ranches Subdivision on the west. These actions include a Comprehensive Plan Amendment, Rezone and Zone of Annexation to Planned Development with an Outline Development Plan and including Right-of-way and Easement Vacations. The purpose of the request is to rezone the property to



Planned Development (PD) with an Outline Development Plan to accommodate a higher density/intensity in anticipation of future mixed-use of single-family residential, multi-family residential and neighborhood business land uses.

The proposed Mosaic development incorporates a range of housing units from 500 to 625 units on approximately 70 acres with an overall density of between 7 and 9 dwelling units per acre. The proposed development includes Single Family Residential (Detached Residential, Attached Residential, and Townhome), High Density Residential (Apartment, Condominiums), Mixed Residential / Neighborhood Center, and Open Space.

### **BACKGROUND OR DETAILED INFORMATION:**

The Applicant, Club Deal 113/114 Park Plaza and Grand Junction Limited Partnership, is requesting a Comprehensive Plan Amendment, Rezone and Zone of Annexation/Outline Development Plan and Plat Vacation, including Right-of-Way and Easement Vacations, for the proposed Mosaic Planned Development. The 70-acre site is located at the southwest corner of H Road and 23 Road. It is bordered by H Road on the north, 23 Road on the east, Interstate 70 on the south, and Bookcliff Ranches Subdivision and Bookcliff Ranches Phase II subdivision on the west. To the north and east of the site is agricultural land with scattered homes. The area is currently identified for future residential, commercial/industrial and neighborhood commercial growth on the Future Land Use Map.

The southern half of the site was platted in 1984 as Twenty Three Park Plaza as an industrial park that has not developed. It was annexed in 2005 and zoned Industrial Office (I-O), consistent with the prior County zoning. Subsequently, the 2010 Comprehensive Plan Future Land Use Map honored the existing zoning and designated the property as Commercial/Industrial. The Applicant is requesting to vacate the rights-of-way and easements in the Twenty Three Park Plaza. The northern portion of the site was recently annexed into the City, effective on March 11, 2018. Zoning for the annexation is being considered with this request.

The Applicant is requesting a Planned Development (PD) zone district for the entire site with an Outline Development Plan (ODP) for a mixed use project that is predominantly a mixture of residential densities and product types, along with a limited area of business uses. The proposed PD includes default zoning of R-5, R-8, R-24 and B-1 to reflect the mix of land uses shown in the ODP. The proposed uses and default zoning would be consistent with the existing Comprehensive Plan Future Land Use Map designations of Residential Medium Low, Residential Medium and Neighborhood Center on the north half of the property and consistent with the proposed map amendment from the Commercial Industrial designation to Residential High, Medium and Medium Low designation on the south half of the property.

The proposed Outline Development Plan incorporates a range of 500 to 625 units for an overall density of between 7 and 9 du/ac, including over 33 acres of single family residential (detached residential, attached residential and townhomes), 8 acres of high density residential (apartments and condominiums), 2+ acres of mixed residential/neighborhood center, in excess of 13 acres of open space and more than 12 acres of dedicated public right-of-way.

The Future Land Use Map currently designates the 70+/- acre site as Neighborhood Center, Residential Medium Low (2-4 du/ac), Residential Medium (4-8 du/ac) and Commercial/Industrial. The proposal is to make no changes to the Neighborhood Center designation and Residential designations on the northern acreage while modifying the southern area (30+/- acres) from Commercial/Industrial Land Use designation to include areas of Residential Medium Low, Residential Medium and Residential High designations.

The Outline Development Plan (ODP) includes three separate Pod's or areas of development consisting of different densities or intensities with underlying default zoning of B-1, R-5, R-8 and R-24. The proposed plan for Mosaic will provide between 500 and 625 residential dwelling units, up to 25,000 sq. ft of neighborhood retail and services and over 13 acres of developed open space.

Pod A, located in the northeast corner of the development, is over 2 acres in size and is designated "Neighborhood Center" on the Future Land Use Map of the Comprehensive Plan. The proposed underlying zone district of B-1 is permitted in a Neighborhood Center and supports neighborhood commercial uses and multi-family residential uses as a mixed-use neighborhood center. As noted previously, there is no proposed change to the Future Land Use designation of Neighborhood Center.

Pod B is 58 acres in size and located within the existing Residential Medium Low (2 to 4 du/ac), Residential Medium (4 to 8 du/ac), and Commercial/Industrial designations on the Future Land Use map. The Applicant is requesting to amend the Future Land Use designations in this area to Residential Medium for the majority of the Pod and Residential Medium Low for approximately 8 acres along the western boundary of the site. The proposed underlying zone districts are R-5 (du/ac) for the portion of the property adjacent to the Bookcliff Ranches subdivision and R-8 (8 du/ac) for the remainder of Pod B. The total number of dwelling units proposed for Pod B is between 350 to 420.

Pod C is 8 acres and is located along the I-70 frontage. This area is currently designated as Commercial/Industrial on the Future Land Use Map. The Applicant is requesting to amend the Future Land Use designation to Residential High (16-24 du/ac). The proposed underlying zone district is R-24 (24 du/ac). The total number of dwelling units proposed for Pod C is between 128 to 192.

#### Establishment of Uses:

Commercial uses in Pod A will be consistent with what is allowed in the City's B-1 zone district with the following additional uses and exceptions. Land uses not allowed as part of the PD that are otherwise allowed in the B-1 zone district include cemeteries, golf courses/driving ranges, funeral homes/mortuaries, boarding schools, elementary schools, secondary schools and commercial parking lots (does not include parking lots required for businesses).

Allowed land uses proposed in Pod B are residential land uses as permitted in the R-5 and R-8 default zone districts. Land uses not allowed in the PD but allowed in the R-8 zone district include cemeteries and golf courses.

Allowed land uses proposed in Pod C will be residential uses as permitted in the R-24 default zone district. Land uses not allowed in the PD but area allowed in the R-24 zone district include cemeteries and golf courses.

#### Density/Intensity:

The proposal for Pod A includes a maximum of 25,000 square feet of neighborhood commercial development and up to 34 residential units. Mixed use buildings or second story residential uses are permitted consistent with this B-1 default zone district.

The proposed overall density for Pod B is between 350 (6.03 du/ac) to 420 (7.4 du/ac) dwelling units with allowed housing types to include single family detached and attached (duplex), townhome and multi-family of varying lot sizes. The western boundary of the property is proposed to have an R-5 default zone district and allow only single family detached housing as a transition to the adjacent Bookcliff Ranches subdivision. That area is approximately 8 acres in size and would allow 16 to 32 dwelling units. The remainder of Pod B is proposed to have an R-8 default zone district that will allow for densities and housing types consistent with that zone district. The area is approximately 49 acres and would allow 269 to 392 dwelling units. The proposed overall density range of Pod B meets the density requirements of the default zone districts.

The proposed density for Pod C is 128 (16 du/ac) to 192 (24 du/ac) dwelling units. The area is approximately 8 acres and meets the density requirements of the proposed default zone of R-24.

#### Access/Transportation System:

As part of the application, the Applicant completed a Traffic Impact Study. The study identified transportation improvements that will be warranted over time due to the project generated traffic as well as increasing traffic volumes anticipated to occur with or without the project. The traffic impact study identifies specific street improvements

that would mitigate the traffic impacts of the project. The study indicates that the necessary increase in roadway capacity for vehicles could be accomplished through intersection improvements and street widenings for turn lanes. The traffic study looks at four intersections along 23 Road, including the I-70 Frontage Road intersection, G Road intersection and the I-70 Business Loop intersection; and two intersections along H Road, at 23 Road and 24 Road, that would all warrant improvements at full build out.

The Study indicates that the project at full build-out would generate a total of 5,893 trips (a rate assuming approximately 580 dwelling units and 30,000 sq. ft. of office, retail and restaurant mixed use) over the course of an average 24-hour weekday. Peak hour volume estimates are 156 inbound and 324 outbound trips during the morning peak hour and 408 inbound trips and 255 outbound trips during the evening peak hour. The Traffic Impact Study makes assumptions on how the trips will be dispersed primarily by determining existing traffic patterns with traffic counts. In this manner it can be estimated how many peak hour vehicle trips would be added to the existing “background” peak hour volumes at each of the study intersections.

#### Key Intersections - Level of Service with build-out in 2040

- 23 Road and I-70 Frontage Road - This stop-controlled intersection is anticipated to operate at an acceptable Level of Service D or better through Year 2040 with or without the site generated traffic. The traffic study states that eventually this intersection will likely require signalization, therefore it recommends either a signal or a round-about be constructed long term.
- 23 Road and G Road - This roundabout is anticipated to operate at an acceptable Level of Service A or better through Year 2040 with or without the site-generated traffic.
- 23 Road and I-70 Business Loop - This intersection approximately one mile south is currently signalized in a Florida-T configuration and is anticipated to operate at an acceptable Level of Service C through Year 2040 with or without site-generated traffic.
- H Road and 23 Road - This stop-controlled intersection is anticipated to operate at an acceptable Level of Service C or better through Year 2040 with or without the site generated traffic.
- H Road and 24 Road - This stop-controlled intersection is anticipated to operate at an acceptable Level of Service C or better through Year 2040 with or without the site generated traffic.
- 23 Road and G  $\frac{3}{4}$  Road (Plaza Road)- This stop-controlled intersection is anticipated to operate at an acceptable Level of Service C or better through Year 2040 with or without the site generated traffic. The traffic study currently states that eventually this intersection will likely require signalization, therefore it recommends either a signal or a round-about be constructed long term.
- 23 Road: The study currently recommends adding an additional lane from the I-70 Frontage Road to H Road in order to create a two-way left turn lane to improve traffic flow. This would accommodate the increased 23 Road traffic flows, with or without the construction of roundabouts.

Auxiliary turn lane requirements for intersections going into the Mosaic development as well as external impacted intersections studied for level of service were analyzed but will be updated at Preliminary Plan review. It is anticipated that the development would warrant accel and deceleration turn lanes into the development along both H and 23 Roads. The traffic study will also determine at what phase turn lanes into the development will need to be constructed.

The City's 10-year Capital Improvement Program is reviewed and modified each year based on changing community needs and priorities. Currently there are no improvements proposed for the 23 Rd, G Road, or H Road corridors near this development. The Active Transportation Corridor Plan map, as adopted as part of the Grand Junction Circulation Plan, identifies 23 Road and H Road as important corridors to provide connections for non-motorized travel. Active transportation improvements will be provided incrementally with street maintenance projects and, eventually, as part of the full reconstruction of the existing "farm-to-market" roads. The City continues to work with the Mesa County Regional Transportation Planning Office and CDOT on the eventual replacement of all structures over I-70 with facilities that can accommodate all modes of travel.

Under current City policy, a developer is only required to construct roads internal to their projects. Any other required improvements including safety improvements are, under the same policy, required to be constructed by the City. Improvements to the transportation network will be considered with each phase of development and will be subject to the policies in place at that time.

#### Fire Protection and Emergency Response:

New to this proposal, City staff has identified the area of 23 Road and H Road as a key location for a future fire station to serve the growth expected for the Appleton area. Incorporating a two acre fire station site within the Mosaic development was discussed with the applicant. They have stated that they will work with the City to dedicate land in lieu of a portion of their fees, providing a site within their 70 acres and will do an analysis and preliminary layout of where placement of a fire station will work best for the City and the Mosaic development. Location of the site will be finalized with the preliminary/final approval of the Mosaic development.

Fire protection and emergency response is available and will continue to be provided to this part of the City as the Mosaic site develops even though response times are not at the same level as some other areas of the community as discussed below. These response times will improve when future facilities are constructed in locations identified in the Fire Services plan.

Currently, fire and emergency medical response times to the area north of I-70 and

east of 22 Road, including the area of the proposed subdivision, is an average of 12.5 minutes, which is significantly longer than National Fire Protection Association recommended response of 6 minutes that is typical in the core area of the City. Build out of the proposed development is estimated to increase the fire and EMS demand by approximately .09% or 140-150 incidents per year. The City has been working to address the current and future fire and EMS coverage demands of this area and has identified the need for a station in the vicinity of 23 and I Road.

#### Open Space Amenities:

The Zoning and Development Code requires a typical subdivision to dedicate 10% of land to open space or pay a fee in lieu of dedication. The Applicant has pursued a PD and an outline development plan for a subdivision greater than 10 lots (Section 21.06.020 (b) (1)), therefore the open space requirement is the minimum open space standards of the R-5 and R-8 default zones which is 10%.

The Mosaic ODP includes 13.65 acres of open space, or 20% of the site, which includes “the development of irrigated and turfed central park areas, greenbelt linkages and roadway landscapes, and extensive on-street and off-street parking and pedestrian walkways, allowing resident to park their vehicles and walk throughout the development” as described in the ODP. The amount of open space proposed exceeds the minimum 10% open space dedication requirement of Section 21.06.020(b)(1) of the Zoning and Development Code.

#### Phasing:

The Applicant’s proposed ODP provides for eight (8) phases of development. The following phasing schedule is proposed (date for approval of final plat):

- o Filing One (+/- 74 Lots): 2019
- o Filing Two (+/- 69 Lots): 2021
- o Filing Three (+/- 75 Lots): 2023
- o Filing Four (+/- 67 Lots): 2025
- o Filing Five (+/- 56 Lots): 2026
- o Filing Six (+/- 54 Lots): 2027
- o Filing Seven (+/- 50 to 100 Lots): 2028
- o Filing Eight (+/- 50 to 100 Lots): 2028

The eight phases are proposed to be completed with the filing of the Phase 8 plat in a 10-year schedule. Specific phases of the project can be found on the proposed ODP map. Pursuant to Section 21.02.150(B)(4)(iii) Validity, the effective period of the ODP/phasing schedule shall be determined concurrent with ODP approval. However, the phasing schedule is limited to a period of performance between one year but not more than 10 years in accordance with Section 21.02.080(n)(2)(i). The schedule as proposed meets this 10-year period.

#### Default Zone:

Per Section 21.05.040(a), Planned Developments must minimally comply with the development standards of the default zone and all other applicable code provisions, unless the City Council specifically finds that a standard should not be applied. The PD zoning ordinance must include any deviations of the default standards and contain a provision that if the planned development approval expires or becomes invalid for any reason, the property shall be fully subject to the default zone standards.

The Applicant is proposing four (4) default zones within the Mosaic ODP to accommodate the variety of land uses and housing types proposed in the ODP. Proposed deviations from default zone standards are as follows.

#### Development Standards for Planned Development Zoning

The planned development requirements of Section 21.05.040 (f) of the Zoning and Development Code establishes standards for setbacks, open space, fencing/screening, landscaping, and parking in Developments zoned PD;

Setback Standards. Principal structure setbacks shall not be less than the minimum setbacks for the default zone unless the applicant can demonstrate that the design is compatible with lesser setbacks.

#### TABLE 1 PROPOSED ZONE DIMENSIONAL STANDARDS

Please refer to Attachments for ODP-Table 1.

Table 1 (attached) shows the proposed dimensional standards for each of the pods. The requested deviations are detailed below and include an analysis of conformance with Section 21.05.040(f)(1) and (g) as found in the analysis section of this staff report.

#### Deviations from Zone District Standards:

The following deviations to the zone district standards are being requested.

Pod A on the ODP -- B-1 Zone District as default zone

#### B-1 Bulk Standard deviations

- Reduce Minimum Lot area from 10,000 sq. ft to 2,000 sq. ft.
- Reduce Minimum Lot width from 50 ft. to 20 ft.

#### B-1 Performance Standard deviations

- o Modify Section 21.03.070(b)(2)(ii) to allow for business hours outside of 5:00 a.m. to 11:00 p.m. with a Conditional Use Permit, as follows: 1) Hours of business, no use in

this district shall be open or accept deliveries earlier than 5:00 am nor close later than 11:00 pm unless a CUP is approved. "Closed" includes no customers on site and no deliveries.

o Modify Section 21.03.070(b)(2)(iii) to allow service entrances, yards and loading areas in the front if mitigated, as follows: 2) Service entrances. Business service entrances, service yard and loading areas shall be located in the rear or side yard or, if in the front yard, architecturally and aesthetically blended with the front of the building.

Pod B on the ODP – R-8 Zone District as default zone

R-8 Bulk Standard deviations

- Reduce Minimum Lot width from 50 ft. to 35 ft. for single family.
- Increase Maximum Lot Coverage from 70% to 90% for single family.
- Reduce Minimum Lot width from 60 ft. to 50 ft. for two family residential.
- Increase Maximum Lot Coverage from 70% to 90% for two family residential.
- Reduce Minimum Lot area from 20,000 sq. ft. to 1,800 sq. ft. for multi-family.
- Reduce Minimum Lot width from 30 ft. to 20 ft. for multi-family.
- Reduce Minimum Front setbacks from 20 ft. for principal and 25 ft. for accessory to 15 ft. for multi-family, with garages requiring a minimum of 20'
- Increase Minimum Rear setbacks for accessory from 5 ft. to 10 ft. for multi-family.
- Increase Maximum Lot Coverage from 70% to 90% for multi-family.

Pod C on the ODP – R-24 Zone District as default zone

R-24 Bulk Standard deviations

- Reduce Minimum Lot width from 30 ft. to 20 ft.
- Increase Maximum Lot Coverage from 80% to 90%.

Landscaping and Fencing:

Fencing will be provided around the perimeter of the subdivision and in the open space areas and will comply with GJMC 21.04.040(i). As required as part of the Preliminary Plan review, landscaping will meet or exceed the requirements of GJMC 21.06.040. Landscaping is generally proposed to be provided in all open space tracts and a 14-foot-wide landscape buffer outside any proposed perimeter enclosures adjacent to arterial and collector streets.

Signage:

The Applicant is proposing to have a subdivision entrance sign at the three major entrances to the development, one on H Road and two on 23 Road. Subdivision signage will be placed in an HOA tract that abuts the public right-of-way. For the Neighborhood Center, freestanding and flush wall signage is proposed.

All signage will conform to the underlying zone districts established including



commercial sign regulations for B-1 in Pod A, and residential sign regulations in Pods B and C. Residential Subdivision signage standards will apply as allowed in the R-5, R-8 and R-24 zoning districts respectively.

#### Long-Term Community Benefit:

The intent and purpose of the PD zone is to provide flexibility not available through strict application and interpretation of the standards established in Section 21.03.040 of the Zoning and Development Code. The Zoning and Development Code also states that PD zoning should be used only when long-term community benefits, which may be achieved through high quality planned development, will be derived. As defined by the Code, long-term benefits include, but are not limited to:

1. More effective infrastructure;
2. Reduced traffic demands;
3. A greater quality and quantity of public and/or private open space;
4. Other recreational amenities;
5. Needed housing types and/or mix;
6. Innovative designs;
7. Protection and/or preservation of natural resources, habitat areas and natural features; and/or
8. Public art.

The Applicant has provided that the proposed development provides the following long-term community benefits:

#### # 1 More effective infrastructure;

Infrastructure that serves higher density and intensity development is more efficient, therefore making it more effective. It serves more people, residents, buildings per linear foot than low density, low intensity development and is more cost effective. This infrastructure includes utility extensions, upgrades and improvement that will provide the opportunity for further extension into adjacent developed areas and provide connectivity to adjacent undeveloped properties.

The Mosaic Planned Development is the catalyst for the Persigo sewer extension into this north area of Grand Junction. The size of the Mosaic development makes it economically feasible to partner with the City and to extend the sewer trunk line from the Love's Truck Stop at 22 Road and US Hwy 6 & 50 to the southwest corner of the Mosaic property. The Mosaic development will be paying their share of the line extension in addition to extending the line through the development to H Road. In addition, the sewer extension will provide the opportunity for adjacent properties, currently served by on-site septic systems, to hook onto the sanitary sewer system.

#### #2 Reduced traffic demands;

According to the ODP, the Mosaic development will include an “extensive on-street and off-street parking and pedestrian walkways, allowing resident to park their vehicles and walk throughout the development”. A higher density residential development adjacent to a Neighborhood Center increases the potential for fewer vehicular trips between uses. The ODP identifies Pod A, located in the northeast corner of the development, as a Neighborhood Center supporting neighborhood commercial uses that can provide the goods and services close by. This can reduce traffic demand on external roads for these services to other parts of town, providing for a long-term community benefit of decreasing traffic.

The ODP also proposes 13.65 acres of developed open space amenities for residents, providing close by park amenities within walking distance, minimizing the need to drive to a City park outside this development.

**#3 Greater quality and quantity of public and/or private open space;**

The Mosaic Planned Development is proposing 13.65 acres of open space or 20% of the total acreage of the property; only 10% is required by the Zoning and Development Code. As stated in the ODP, “The open space includes the development of irrigated and turfed central park areas, greenbelt linkages and roadway landscapes, and extensive on-street and off-street parking and pedestrian walkways, allowing resident to park their vehicles and walk throughout the development.”

**#5 Needed housing types and/or mix.**

The Mosaic Planned Development proposes a wide diversity of housing types, including detached Single Family, attached Single Family, Zero Lot Line, Townhome products and apartments. The ODP allows for product flexibility to respond to market “needs”. The proposed mix of housing types at different price points can help with affordability and provide housing choice for various life stages and income. In addition, there are currently very few options in the market for for sale homes other than a single-family detached home.

**#6 Innovative Designs.**

As stated in the General Project Report, the proposed development “will incorporate planning approaches with the most current technologies in geothermal, solar and smart home systems to facilitate a net-zero energy capable community”. This has not been done anywhere in Grand Junction at this level. If this project comes to fruition, providing residential living in a net-zero energy community with a choice of housing type and neighborhood park space with clubhouse and swimming pool amenities provides innovation in design unique in the Grand Junction market.

## **ANALYSIS**

### **A. Comprehensive Plan Amendment**

Pursuant to section 21.02.130(c)(1) The City may amend the Comprehensive Plan, neighborhood plans, corridor plans, and area plans if the proposed change is consistent with the vision (intent), goals and policies of the Comprehensive Plan and:

The 2010 Comprehensive Plan calls for a Neighborhood Center in this area, allowing for mixed use development. Further, the Applicant is requesting to develop a mixed use and mixed housing type subdivision consistent with their proposed PD and Outline Development Plan that supports the various land uses designations established by the Comprehensive Plan. The rezone from I/O to PD with a default zone of R-24 zoning is also supported within the Commercial Industrial Land Use designation since multi-family is allowed within the Business Park and Mixed-Use zone districts. These two zone districts implement the Commercial/Industrial land use designation.

The proposed amendments implement the following guiding principle, goals and policies:

- Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.
- Policy B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.
- 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.
- Policy C: Increasing the capacity of housing developers to meet housing demand.
- Supports Guiding Principle #2 – Sustainable Growth Patterns and Guiding Principle #3 - Housing Variety of the Comprehensive Plan

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

Current trends are showing a significant increase in residential growth in the community, especially in the Northwest Grand Junction and Appleton areas. City-wide, the City of Grand Junction has seen the number of new residential dwelling units increase each year since 2013. There were 539 new units permitted city-wide in 2017, 481 units in 2016, 361 units in 2015 and 270 units in 2014. The past 12 months, staff held 23 General Meetings for new development and 13 development applications were submitted for the Appleton area alone. The previous year's saw 21 and 6 respectively for Appleton.

This area is in close proximity to the Mesa Mall Village Center that provides shopping and employment opportunities. The Comprehensive Plan recognizes the importance of providing for residential growth in this area to take advantage of the center of activity, thereby creating more balanced growth around the City of Grand Junction.

Commercial / Industrial land use designated properties are abundant and not seeing

the same growth demands that residential designated properties are. The Mosaic site includes 30 acres of commercial/industrial designated land and 40 acres of residential designated land, with a small portion of that designated as Neighborhood Center. The Bookcliff Ranches subdivisions are single family residential that were built in the 1990's, a change from the previous land use decisions for commercial/industrial land uses for those same properties envisioned in the 1980's.

The 2010 Comprehensive Plan maintained commercial/industrial for the southern 30 acres because it was zoned commercial/industrial in the City and the land owner requested no change. The north 40 acres was in the Mesa County in 2010 and the Comprehensive Plan designated it residential and neighborhood center different than the County industrial zone on the property because of the need to provide for more land to accommodate the anticipated population of 205,000 people by 2040.

Subsequent events based on growth demands for residential development and the lack of demand for commercial/industrial land in this area, as well as the need to obtain the residential densities anticipated with the Comprehensive Plan, have invalidated the original designation of the south half of the property as commercial/industrial. Staff finds this criterion has been met.

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

The Bookcliff Ranches subdivisions west of Mosaic and the Mease Subdivision located just north of the Bookcliff Ranches subdivision were developed in the early 2000's before the 2010 Comprehensive Plan was adopted. Since 2010, largely due to the lack of sanitary sewer service to this area and the requirement that new development develop in conformance with and at Comprehensive Plan densities and intensity, the Appleton Neighborhood area has seen limited development. An exception is Apple Glen Subdivision, an urban residential development just over one half mile east on H Road that is zoned R-4 that tied into the existing Appleton sewer trunk line.

With the extension of sewer to this site, the Mosaic development will change that if approved and constructed and will bring sewer in close proximity to other properties in the area identified for development by the Comprehensive Plan. Staff has not found that there has been an apparent change of character and/or condition yet despite mounting pressures (and inquiries for development in this area) and therefore finds that this criterion has not been met.

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

The Mosaic site is part of the large growth area known as Appleton established in the

Comprehensive Plan. The Comprehensive Plan planned for all urban services during its' planning process in 2007 through 2009. School District 51 was sent a development application review request for the Mosaic development, but did not respond back. However, the long standing School District practice has been they will accommodate all new student growth in the community by adjusting school boundaries and school of choice options for students. All new residential pays a school impact fee for future school sites. Other facilities like existing roads, water, electric, gas, drainage, police, fire and emergency services are all currently available to the Mosaic site with sewer as the exception. Fire and EMS response times are currently less than ideal for this area of the City as noted in this staff report. Sewer service is planned for with a trunk line extension that has been approved by Persigo.

Staff finds that public and community facilities are adequate or can reasonably be provided and, therefore, this criterion has been met.

(iv) 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

Residential development in Grand Junction since the adoption of the Comprehensive Plan in 2010 has mostly been single family detached housing with densities that often only hit the minimum density requirements of the zone district they are in. In addition, the zone districts often implement the low end of the density range of the Future Land Use Map designation for many subdivisions. For example, a large area (about 220 acres consisting of several subdivisions) between 24 ½ Road and 25 Road north of F 1/8 Road and south of G Road is designated Residential Medium High (8 – 16 du/ac) on the Future Land Use Map. Approximately 190 acres of it is zoned R-8 which is the lowest zoned density that implements the Comprehensive Plan 8 to 16 du/ac densities for the Residential Medium High designation. To compound the density issue, the minimum density allowed in the R-8 zone district is 5.5 du/ac which is generally the actual density being built by developers in this example area. The development of housing at the zoning minimum density within the low end of the range of the Comprehensive Plan is eroding the total number of units being built in Grand Junction and not meeting the number of housing units anticipated by the Comprehensive Plan.

This development trend in affect creates an inadequate supply of suitably designated land for an ultimate residential population of 205,000 people envisioned by the Comprehensive Plan. Amending the Future Land Use Map for the southern 30 acres of the Mosaic site from Commercial/Industrial to Residential Medium Low, Residential Medium and Residential High as part of the 70-acre Mosaic development expands the acreage for residential development within the Urban Development Boundary providing additional land for residential units and in the case of the proposed Mosaic development will provide densities at a range envisioned for the Appleton area.

Staff finds this criterion has been met.

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

The sewer being extended will provide service to existing surrounding residential homes on septic, as well as vacant developable land. The surrounding neighbors that attended the neighborhood meeting expressed their support for the mixed use development rather than seeing it develop as industrial.

This site provides Grand Junction the ability to grow and develop at density and intensity envisioned by the Comprehensive Plan. In addition, the Mosaic development is a catalyst for the Persigo sewer extension into this area north of I-70, thereby providing for the opportunity for future development. The extension of sewer is needed for the growth of the Appleton area.

The Comprehensive Plan identifies the Appleton area for major growth and it accommodates a large percentage of future growth in the ultimate population of 205,000 people planned for within the Urban Development Boundary of the Comprehensive Plan. The Mosaic site is at the southern edge of that growth potential and its development is key to the development of other properties north and east of it to develop as planned by the Comprehensive Plan. Currently large parcels of land available for mixed use and mixed density residential development that can be planned and developed at a larger scale, be easily served by needed infrastructure and already in the city limits, is very limited.

The changes proposed will provide for densities and intensity of development consistent with the intent and goals of the Comprehensive Plan and will not only help accommodate the growth anticipated for the Appleton area but will work to implement the communities vision as expressed through the Comprehensive Plan. Staff therefore finds this criterion has been met.

#### Comprehensive Plan Amendment Findings of Fact and Recommendation:

After reviewing a Comprehensive Plan Future Land Use map amendment request from Commercial/Industrial to Residential High and Residential Medium and Residential Medium Low, PLD-2017-562, specifically A Comprehensive Plan Future Land Use Amendment from Commercial Industrial to Residential High and Residential Medium and Residential Medium Low on approximately 30 acres located within the Twenty Three Park Plaza Filing No. One Replat (southern end of site);

The following findings of fact have been made:

1) The request is consistent with the vision (intent), goals and policies included in the

Plan.

2) The request has met one or more of the criteria for a Comprehensive Plan Amendment pursuant to section 21.02.130(c)(1)

a) Consistent with the following Zoning and Development Code sections:

- Section 21.02.140 – Zone of Annexation from County PUD to City Planned Development (PD) for annexed area and rezone of southern portion of the site from I-O to Planned Development (PD);

- Section 21.02.150 – Outline Development Plan (ODP) for entire development area, with underlying zoning of B-1, R-5, R-8, and R-24.

b) Consistent with the purpose of Comprehensive Plan Amendments in that it is consistent with the vision (intent), goals and policies included in the Plan including Goal 5, Policies B and C and supports Guiding Principles 2.

c) In conformance with Section 21.02.130 of the Zoning and Development Code.

## **B. Rezone / Zone of Annexation / Outline Development Plan**

The Applicant is requesting a zone of annexation for the 40.4 acre parcel of property located at 789 23 Road. In addition, the Applicant is also requesting a rezone of the 30+/- acre property currently platted as the Twenty Three Park Plaza Filing No. One Replat. Because the Applicant is requesting a zone designation to Planned Development for the entirety of the project site, the criteria required to be evaluated has been reviewed for the project in totality and not for the individual rezone/zone of annexation requests. The criteria for rezone/zone of annexation is included in the review of the proposed Planned Development zoning and associated Outline Development Plan.

Pursuant to Section 21.02.150(b) of the Grand Junction Zoning and Development Code, requests for a Planned Development Outline Development Plan (ODP) shall demonstrate conformance with all of the following:

21.02.150(b)(2)(i) The Comprehensive Plan, Grand Junction Circulation Plan and other adopted plans and policies; and

The Comprehensive Plan Future Land Use Map designates the property as Residential Medium Low (Residential 2 – 4 du/ac), Residential Medium (4 – 8 du/ac) and with this application a requested designation of Residential High (16 – 24 du/ac) for the approximately 8 acres at the southern portion of the site. This request for a PD zone district is consistent with these designations and works to implement the Comprehensive Plan as recommended with the proposed future Land Use Map Amendments being considered at the same time and in this staff report. The Blended Land Use Map also designates the property as Residential Low (Up to 5 du/ac) and Residential Medium (4 – 16 du/ac) and will include Residential High (12 – 24 du/ac) with these changes.

The proposed rezone, contingent on the proposed Comprehensive Plan Future Land Use Map amendments creates an opportunity for ordered and balanced growth spread throughout the community as envisioned by the Comprehensive Plan. The Comprehensive Plan supports the potential for increased residential densities where it is shown on the Future Land Use map. As proposed with this Zoning to PD/ODP application, the Mosaic site is an appropriate location for the proposed residential density. It is located within the Appleton planning area and is clearly identified in the Comprehensive Plan surrounding a future Neighborhood Center at the intersection of 23 Road and H Road. The proposed zoning to PD for the 68.2 acres also provides additional housing opportunities and choices to meet the needs of a growing community, which implements the following goals and policies from the Comprehensive Plan.

Guiding Principle #3: Housing Variety – Allow, encourage more variety in housing types (more than just large lot single family homes) that will better meet the needs of a diverse population.

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.

Policy B: Encourage mixed-use development and identification of locations for increased density.

Current trends are showing a significant increase in residential growth in the community, especially in the Northwest Grand Junction planning area. City-wide, the City of Grand Junction has seen the number of new residential dwelling units increase each year since 2013. There were 539 new units permitted city-wide in 2017, 481 units in 2016, 361 units in 2015 and 270 units in 2014. The Northwest Grand Junction and Appleton planning areas are in close proximity to the Mesa Mall Village Center that provides shopping and employment opportunities. The Comprehensive Plan recognizes the importance of providing for residential growth in this area to take advantage of the center of activity, thereby creating more balanced growth throughout the City of Grand Junction.

Commercial / Industrial zoned properties are abundant and not seeing the growth that residential zoned properties are. The Mosaic site is 30 acres of commercial/industrial zoning and 40 acres of land recently annexed into the City, but not zoned. The Bookcliff Ranches subdivisions are single family residential that were built in the 1990's, a change from the previous zoning decisions for commercial/industrial zoning



for those same properties established in the 1980's.

The 2010 Comprehensive Plan maintained commercial/industrial land use for the southern 30 acres because it was zoned commercial/industrial in the City and the land owner requested no change. The property owner of the southern 30 acres is now requesting a rezone from Commercial/Industrial to PD. The north 40 acres was in Mesa County in 2010 and the Comprehensive Plan designated it residential and neighborhood center different than the County industrial zone on the property because of the need to provide for more land to accommodate the 205,000 people the Comprehensive Plan was planning for. Following the adoption of the Comprehensive Plan in 2010, Mesa County should have rezoned the land to implement the Comprehensive Plan, however it didn't. This rezoning exercise was done by the city for many properties located within the City limits following the Comprehensive Plan adoption.

In the PD zone with the proposed three default residential zone districts of R-5, R-8 and R-24, different density ranges are established and a broader mix of housing types will be permitted and possible. Along with the default B-1 zoning for the neighborhood center, the proposed 68.2-acre PD zoned site will be mixed use. The proposed PD zone district will conform to the Comprehensive Plan.

21.02.150(b)(2)(ii) The rezoning criteria provided in GJMC 21.02.140.

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

Current trends are showing a significant increase in residential growth in the community, especially in the Northwest Grand Junction planning area. This area is in close proximity to the Mesa Mall Village Center that provides shopping and employment opportunities. The Comprehensive Plan recognizes the importance of providing for residential growth in this area to take advantage of the center of activity, thereby creating more balanced growth around Grand Junction community. Zoning (Zone of Annexation) to implement the Future Land Use map for the northern 40 acres is essential for Comprehensive Plan implementation and is being requested with the proposed PD zoning. A proposed rezone from Commercial/Industrial zoning to PD zoning is also being requested for the southern 30 acres.

Commercial / Industrial land use designated properties are abundant and not seeing the same growth demands that residential designated properties are. The Mosaic site includes 30 acres of commercial/industrial designated land and 40 acres of residential designated land, with a small portion of that neighborhood commercial. The Bookcliff Ranches subdivisions are single family residential that were built in the 1990's, a change from the previous land use decisions for commercial/industrial land uses for those same properties envisioned in the 1980's.

The 2010 Comprehensive Plan maintained commercial/industrial for the southern 30 acres because it was zoned commercial/industrial in the City and the land owner requested no change. The north 40 acres was in Mesa County in 2010 and the Comprehensive Plan designated it residential and neighborhood center different than the County industrial zone on the property because of the need to provide for more land to accommodate the 205,000 people the Comprehensive Plan was planning for.

Subsequent events based on growth demands for residential development and the lack of demand for commercial/industrial land in this area, as well as the need to obtain the residential densities anticipated with the Comprehensive Plan, have invalidated the original designation of the south half of the property as commercial/industrial.

Staff finds 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 character of the area has changed with the development of nearby residential subdivisions, such as Apple Glen, demonstrates the area is in transition to provide for the growth contemplated in the Comprehensive Plan. Apple Glen is to the east just over one half mile away on H Road and was zoned R-4 since 2010. The surrounding residential zoned lands to the west, north and east makes the Commercial/Industrial zone on the southern 30 acres of this site less desirable. In addition, the 2010 Comprehensive Plan calls for a Neighborhood Center in this area, allowing for mixed use development. Further, the Applicant is requesting to develop a mixed use and mixed housing type subdivision supporting the PD (Planned Development) zoning proposed for this 70-acre site. The rezone from I/O to PD that includes multi-family zoning is also supported within the Commercial Industrial Land Use designation since multi-family is allowed within the Business Park and Mixed-Use zone districts. Based on how the surrounding properties are zoned, the proposed comprehensive Plan Future Land Use Map changes to RML, RM, and RH, and because the south half of the property has not developed as industrial since 1984, this criterion is being met if the proposed Future Land Use Map amendments are approved.

Staff has not found that there has been an apparent change of character or condition of the area yet despite some of the arguments in favor of it as noted above, and therefore staff finds that this criterion has not been met.

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

The Mosaic site is part of the Appleton planning area and Appleton is a large growth

area established in the Comprehensive Plan. The Comprehensive Plan planned for all urban services during its' planning process in 2007 through 2009. School District 51 was sent a development application review request for the Mosaic development application, but did not respond back. However, the long standing School District practice has been they will accommodate all new student growth in the community by adjusting school boundaries and school of choice options for students. All new residential pays a school impact fee for future school sites. Other community facilities including existing roads, water, electric, gas, drainage police, fire and emergency services are all currently available to the Mosaic site with sewer as the exception. Fire and EMS response times are currently less than ideal for this area of the City as noted in this staff report. Sewer service is planned for with the trunk line extension that has been approved.

Staff finds that public and community facilities are adequate or can reasonably be provided and, 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

Residential growth pressure is high throughout the community, particularly in this north area. Residentially zoned land within the City limits is very limited for the size and scale of the Mosaic Planned Development.

An inventory using GIS was conducted in 2018 to determine vacant property that is residentially zoned within the City limits. (See Vacant residentially zoned properties map, attached.) The inventory identified a total of 791 acres of R-5, R-8 and R-24 zoned properties that are vacant. Much of this land has development proposals already, and other properties are not available to the market. None of the parcels zoned R-5 or R-8 are of the size of the Mosaic development and all of them are located within areas of the same zone district, for example R-5 zoned properties are located within areas where other properties are zoned R-5. There are no vacant R-5 zoned lands within the Appleton Neighborhood where the Mosaic development lies. There are few vacant residentially zoned lands at Comprehensive Plan densities within the Appleton or North West Grand Junction neighborhoods further showing an inadequate supply of property with medium residential density land and allowing for a mix of zone densities that would accommodate the proposed land use.

The Mosaic property is a large acreage, undeveloped parcel of land that is or will be adjacent to all existing utility infrastructure and is ready for development without the need to assemble adjacent parcels of land. The Applicant is requesting to develop a residential subdivision as a Planned Development that provides additional long-term community benefits that would not otherwise be required under conventional zoning. This property is proposed to be zoned PD to allow for design flexibility and long-term

community benefits.

Staff finds this criterion has been met.

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

The sewer being extended will provide service to current surrounding residential homes on septic, as well as vacant developable land. The surrounding neighbors that attended the neighborhood meeting expressed their support for the mixed use development rather than seeing it develop as industrial.

This site provides Grand Junction the ability to grow and develop at density and intensity envisioned by the Comprehensive Plan. In addition, the Mosaic development is a catalyst for the Persigo sewer extension into this area north of I-70, thereby providing for the opportunity for future development. The extension of sewer is needed for the growth of the Appleton area.

The Comprehensive Plan identifies the Appleton area for major growth and it accommodates a large percentage of future growth in the ultimate population of 205,000 people planned for within the Urban Development Boundary of the Comprehensive Plan. The Mosaic site is at the southern edge of that growth potential and its' development is key to the development of other properties north and east of it to develop as planned by the Comprehensive Plan. Currently large parcels of land available for mixed use and mixed density residential development that can be planned and developed at a larger scale, be easily served by needed infrastructure and already in the city limits, is very limited. To maximize this site as a large parcel for residential mixed use with a variety of default residential zone districts, the entire 70 acres is needed for the PD.

Zoning the newly annexed 40-acre northern area and rezoning the southern 30 acres to PD will provide for densities and intensity of development consistent with the intent and goals of the Comprehensive Plan and will help accommodate the growth anticipated for the Appleton area.

Staff finds this criterion has been met.

21.02.150(b)(2)(iii) The planned development requirements of Section 21.05.040 (f) of the Zoning and Development Code;

(1) Setback Standards. Principal structure setbacks shall not be less than the minimum setbacks for the default zone unless the applicant can demonstrate that.

(i) Buildings can be safely designed and that the design is compatible with lesser

setbacks. Compatibility shall be evaluated under the International Fire Code and any other applicable life, health or safety codes;

(ii) Reduced setbacks are offset by increased screening or primary recreation facilities in private or common open space;

(iii) Reduction of setbacks is required for protection of steep hillsides, wetlands or other environmentally sensitive natural features.

21.05.040(f) Development Standards. Planned development shall meet the development standards of the default zone or the following, whichever is more restrictive. Exceptions may be allowed only in accordance with this section.

(1) Setback Standards. Principal structure setbacks shall not be less than the minimum setbacks for the default zone unless the applicant can demonstrate that:

(i) Buildings can be safely designed and that the design is compatible with lesser setbacks. Compatibility shall be evaluated under the International Fire Code and any other applicable life, health or safety codes;

(ii) Reduced setbacks are offset by increased screening or primary recreation facilities in private or common open space;

(iii) Reduction of setbacks is required for protection of steep hillsides, wetlands or other environmentally sensitive natural features.

The Applicant is requesting one exception to reduce the minimum front yard setback for multifamily structures to 15 ft. for both principal and accessory structures, while maintaining the required 20 ft. setback for street facing garages. One of the main purpose of the required 20 ft. setback is for adequate space for a car to park in front of a garage. The R-8 zone district allows for the 15 ft. setback for principal structures with alley loaded garages or with garages located in the rear yard of principal structures with no garage. The proposed exception would also allow for the 15 ft. setback for structure with an attached garage facing the street, where the garage portion of the structure is set back 20 feet. As already provided for in the Code, buildings can be safely designed with the lesser setback and an offset by increased screening is not necessary. Criterion (i) has been met.

21.05.040(g) Deviation from Development Default Standards. The Planning Commission may recommend that the City Council deviate from the default district standards subject to the provision of any of the community amenities listed below. In order for the Planning Commission to recommend and the City Council to approve deviation, the listed amenities to be provided shall be in excess of what would otherwise be required by the code. These amenities include:

(1) Transportation amenities including, but not limited to, trails other than required by the multimodal plan, bike or pedestrian amenities or transit oriented improvements, including school and transit bus shelters;

(2) Open space, agricultural land reservation or land dedication of 20 percent or greater;

- (3) Community facilities for provision of public services beyond those required for development within the PD;
- (4) The provision of affordable housing for moderate, low and very low income households pursuant to HUD definitions for no less than 20 years; and
- (5) Other amenities, in excess of minimum standards required by this code, that the Council specifically finds provide sufficient community benefit to offset the proposed deviation.

The proposed ODP provides 13.65 acres of open space, which is 20% of the site. Criterion (2) has been met.

- (2) Open Space. All residential planned developments shall comply with the minimum open space standards established in the open space requirements of the default zone.

The proposed ODP provides 13.65 acres of open space, which is 20% of the site. As stated in the ODP, "The open space includes the development of irrigated and turfed central park areas, greenbelt linkages and roadway landscapes, and extensive on-street and off-street parking and pedestrian walkways, allowing resident to park their vehicles and walk throughout the development." The minimum percentage of open space in the default zones of R-5, R-8, R-24 for a subdivision is 10%, therefore this criterion is being met.

- (3) Fencing/Screening. Fencing shall comply with GJMC 21.04.040(i).

Fencing will be provided around the perimeter of the subdivision and in the open space areas and will comply with all applicable requirements of the Code. Specifics regarding fence will be required as part of a Preliminary Plan application.

- (4) Landscaping. Landscaping shall meet or exceed the requirements of GJMC 21.06.040.

Landscaping will meet or exceed the requirements of GJMC 21.06.040. Landscaping will be provided in all open space tracts and a 14 ft. wide landscape buffer outside any proposed perimeter enclosures adjacent to arterial and collector streets. Further details regarding landscaping will be required at time of Preliminary or Final plan submittal.

- (5) Parking. Off-street parking shall be provided in accordance with GJMC 21.06.050.

Off-street parking will be applied in accordance with the Zoning and Development Code for single-family residential development, multi-family development and for commercial areas at time of Preliminary or Final Plan submittal.

21.02.150(b)(2)(iv) The applicable corridor guidelines and other overlay districts.

There are no corridor guidelines that are applicable for this development. Staff therefore finds this criterion has been met.

21.02.150(b)(2)(v) Adequate public services and facilities shall be provided concurrent with the projected impacts of the development.

The Applicant has been pursuing the extension of a sanitary sewer trunk line extension for over a year. The extension has been significantly delayed due to issues related to a crossing of the Grand Valley Irrigation Company's canal and their associated requirements. The most up to date construction schedule for the sanitary sewer trunk line extension currently anticipates the line could begin construction in Fall 2018 after irrigation water has stopped being delivered for the year.

The Mosaic site is part of the large growth area known as Appleton established in the Comprehensive Plan. The Comprehensive Plan planned for all urban services during its' planning process in 2007 through 2009. School District 51 was sent a development application review request for the Mosaic development, but did not respond back. However, the long standing School District practice has been they will accommodate all new student growth in the community by adjusting school boundaries and school of choice options for students. All new residential pays a school impact fee for future school sites. Other facilities like existing roads, water, electric, gas, drainage, police, fire and emergency services are all currently available to the Mosaic site with sewer as the exception. Fire and EMS response times are currently less than ideal for this area of the City as noted in this staff report. Sewer service is planned for with a trunk line extension that has been approved by Persigo. Staff has found that adequate public services and facilities exist or will be provided, therefore finding this criterion has been met.

21.02.150(b)(2)(vi) Adequate circulation and access shall be provided to serve all development pods/areas to be developed.

The proposed subdivision will take access from 23 Road from two proposed main entrances and from H Road at one proposed main entrance. In addition, two access points, one on 23 Road and one on H Road, are proposed for vehicular access into and out of the Neighborhood Commercial Center. A local street access point is also proposed at the G <sup>3</sup>/<sub>4</sub> Road connection with the existing Bookcliff Ranches subdivision to the west. Center left turn lanes at the three main entrance locations within the 23 Road and H Road rights-of-ways identified with the preliminary traffic study and future traffic studies will be constructed as part of the subdivision development. Internal streets and private shared driveways will be designed and constructed consistent with the Code. The ODP is consistent with the City's adopted Circulation Plan for this area and provides adequate circulation and access therefore staff has found this criterion

has been met.

21.02.150(b)(2)(vii) Appropriate screening and buffering of adjacent property and uses shall be provided;

Residential zone districts abutting residential zones districts do not require additional buffering or screening. Screening and buffering is appropriately addressed at time of Final Development Plans, however, the ODP does show the largest Mosaic residential lots planned for single family detached homes along the west boundary next to the larger residential lots in the Bookcliff Ranches subdivisions. This area of Pod B will be designated with the Residential Medium Low Land Use Map designation and a default zone of R-5. The R-5 zoning will provide for single family detached housing along the subdivision boundary creating a transition and buffer from low density to the west and higher density to the east.

21.02.150(b)(2)(viii) An appropriate range of density for the entire property or for each development pod/area to be developed;

An appropriate range of density for the entire property or for each development pod/area to be developed must be considered. The ODP shows individual ranges of density for each phase. The proposed overall density of range of 500 to 625 du/ac is being requested. The proposed neighborhood commercial area is in conformance with the Future Land Use Map designation of Neighborhood Center for the proposed location. The proposed gross density for the Mosaic Development is between 7 and 9 du/ac, which is consistent with the Comprehensive Plan's Future Land Use map (attached) and Blended map for this site. Therefore, staff finds the density range for the development to be appropriate and compliant with this criterion.

21.02.150(b)(2)(ix) An appropriate set of "default" or minimum standards for the entire property or for each development pod/area to be developed.

With only one deviation to a setback standard being requested and the proposal to dedicate 20% of the site for open space providing the necessary community amenity to approve the deviation, the dimensional standards listed in Table 1 below are found acceptable.

#### TABLE 1 PROPOSED ZONE DIMENSIONAL STANDARDS

Please refer to Attachments for ODP-Table 1.

21.02.150(b)(2)(x) An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.



The Applicant's proposed ODP provides for eight (8) phases of development. The following phasing schedule is proposed (date for approval of final plat):

- o Filing One (+/- 74 Lots): 2019
- o Filing Two (+/- 69 Lots): 2021
- o Filing Three (+/- 75 Lots): 2023
- o Filing Four (+/- 67 Lots): 2025
- o Filing Five (+/- 56 Lots): 2026
- o Filing Six (+/- 54 Lots): 2027
- o Filing Seven (+/- 50 to 100 Lots): 2028
- o Filing Eight (+/- 50 to 100 Lots): 2028

The eight phases are proposed to be completed with the filing of the Phase 8 plat by 2028; a 10-year phasing and development schedule. Specific phases of the project can be found on the proposed ODP map (attached). Pursuant to Section 21.02.150 (B) (4) (iii) Validity, the effective period of the ODP/phasing schedule shall be determined concurrent with ODP approval. However, the phasing schedule is limited to a period of performance between one year but not more than 10 years in accordance with Section 21.02.080 (n) (2) (i). The schedule as proposed meets this 10-year period and staff finds it appropriate (if not short) for the number of units and complexity of the proposed project.

In addition, the code provides in Section 21.02.150 the purpose of the PD zone. It establishes the planned development (PD) district is intended to apply to mixed use or unique single use projects to provide design flexibility not available through strict application and interpretation of the standards established in Chapter 21.05 GJMC. The PD zone district imposes any and all provisions applicable to the land as stated in the PD zoning ordinance. The purpose of the PD zone is to provide design flexibility as described in GJMC 21.05.010. Planned development rezoning should be used when long-term community benefits will be derived, and the vision, goals and policies of the Comprehensive Plan can be achieved. In reviewing the Application, staff concurs with the Applicant's findings regarding long term community benefits, see discussion beginning on page 10 of this staff report.

The proposed Mosaic ODP provides a level of density and intensity (7 to 9 du/ac) that helps to implement the intent of the Comprehensive Plan to accommodate the anticipated growth of the community within the Urban Development Boundary. Providing for higher density development is especially important, since much of the residential zoning and development that has occurred since the adoption of the Comprehensive Plan has been at the low end of the Future Land Use designation density range. The ODP also provides a level of certainty as to the intended development, including minimum and maximum density of residential uses and the

location and type of commercial uses proposed. Staff concludes that these are major community benefits and support the rezoning to PD and approval of the ODP.

Findings of Fact and Recommendation:

After reviewing the request for the Mosaic Planned Development Rezone/Zone of Annexation to a Planned Development (PD) zone district with default zones of R-5, R-8, R-24 and B-1, PLD-2017-562, specifically 1) A rezone to Planned Development (PD) with default zones of R-5, R-8 and R-24 for the Twenty Three Park Plaza Filing No. One Replat property (southern 30 acres) and 2) A Zone of Annexation to Planned Development (PD) with default zones of R-5, R-8 and B-1 for the property located at 793 23 Road known as the Taurus Park Plaza Annexation (northern 40 acres); and,

After reviewing the Mosaic Planned Development request, PLD-2017-562, Rezone to PD, Zone of Annexation to PD and approval of the Outline Development Plan (ODP), the following findings of fact have been made.

- 1) The request is consistent with Comprehensive Plan, Grand Junction Circulation Plan and other adopted plans and policies; and
- 2) The request has demonstrated conformance with the rezoning criteria provided in GJMC 21.02.140;
- 3) The request has demonstrated conformance with the planned development requirements of Section 21.05.040(f);
- 4) The request has demonstrated conformance with the applicable corridor guidelines and other overly districts;
- 5) The request has demonstrated conformance with adequate public services and facilities shall be provided concurrent with the projected impacts of the development;
- 6) The request has demonstrated conformance with adequate circulation and access shall be provided to serve all development pods/areas to be developed;
- 7) The request has demonstrated conformance with appropriate screening and buffering of adjacent property and uses shall be provided;
- 8) The request has demonstrated conformance with an appropriate range for density for the entire property or for each pod/area to be developed;
- 9) The request has demonstrated an appropriate set of “default” or minimum standards for the entire property or for each development pod/area to be developed;

10) The request has demonstrated an appropriate phasing or development schedule for the entire property or for each development pod/area to be developed; and

11) The request has demonstrated long term community benefits.

### **C. Rights-of-way and Easements Vacations**

The portion of the Applicant's request is to vacate the rights-of-way and easements associated with the plat of Twenty Three Park Plaza Filing NO. One Replat consisting of 30.85 acres. This is the southern half of the overall Mosaic project. A subsequent administrative review will take place to review a secondary request to vacate the lot lines of the subdivision and consolidate the 30 lots of the Twenty Three Park Plaza Filing No. One Replat with the remaining of the Mosaic project property to the north into a single parcel.

This property was previously subdivided into 30 lots in Mesa County in 1984. It was annexed into the City in 2005 and includes the Plaza Road ROW and South Park Circle ROW, and associated utility easements. Ute Water has a water line within the Plaza Road right-of-way, and a private utility easement will be granted to Ute Water. Grand Valley Drainage District (GVDD) facilities also traverse across the property from east to west. The Applicant will be required to execute a private utility easement to GVDD for this facility as well as to Ute Water as conditions, should this request be approved. See attached Rights-of-way Vacation and Easement Abandonment Exhibit.

Vacation of Public right-of-way or easement Analysis.

Pursuant to Section 21.02.100(c) The vacation of the right-of-way or easement shall conform to the following:

(1) The Comprehensive Plan, Grand Junction Circulation Plan, and other adopted plans and policies of the City;

The vacation of the rights-of-way and easements do not change the Comprehensive Plan nor does the platted roads appear on the GJ Circulation Plan or otherwise impact this plan. This vacation is not in conflict with any adopted plans nor policies of the City and is therefore in conformance.

(2) No parcel shall be landlocked as a result of the vacation;

The Plaza Road and South Park Circle rights-of-way are being vacated by this request. The Plaza Road ROW is currently undeveloped right-of-way that does not provide physical access to adjoining properties. On paper, the ROW provides access to the

Bookcliff Ranches Subdivision. Bookcliff Ranches has access to H Road using Foxfire Court which is already constructed and improved. There will not be any lot adjacent to the proposed Mosaic Subdivision plat that will be landlocked because of this vacation request, therefore staff finds this criterion has been met.

(3) Access to any parcel shall not be restricted to the point that access is unreasonable, economically prohibitive, and/or reduces or devalues any property affected by the proposed vacation;

The Plaza Road and South Park Circle rights of way do not currently provide any other parcel physical access therefore staff finds no parcel will be restricted to the point that access is unreasonable, economically prohibitive, and/or reduces or devalues any property affected by the proposed vacation.

(4) 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); and

A condition of the vacations is for the existing Ute Water 10" water line and Grand Valley Drainage District facilities be granted recorded easements first, before the replat of the property into one lot is recorded. These are the only two public services that will be impacted by this request. The proposed condition of vacation will ensure that utility service continues uninterrupted by these vacation requests. Staff does not foresee any adverse impacts on the health, safety, and/or welfare of the general community, and with this condition the vacation will not impact or reduce the quality of public facilities and services provided to any parcel of land. Staff therefore finds this criterion has been met.

(5) The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 GJMC; and.

a) As a recommended condition of approval, the existing Ute Water line will be granted an easement. In addition, it is proposed as a condition that the Grand Valley Drainage District facility will also be granted an easement. With this condition, Staff does not anticipate any other public facility or service to be inhibited therefore finds this criterion has been met.

(6) The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

The existing rights-of-ways and easements to be vacated do not meet current width standards if they were developed today. However, considering these rights of way are not currently constructed and therefore the City does not incur any expenses for

maintenance there is negligible benefit to the City overall in this request to vacate. Staff therefore finds this criterion has not been met.

#### Findings of Fact and Recommendation:

After reviewing the vacation of Right-of-way and Easements associated with the Twenty Three Plaza Park Subdivision Plat, VAC-2017-561, the following findings of fact have been made:

1) The request is conforming with Section 21.02.100 (c) of the Zoning and Development Code.

#### **FISCAL IMPACT:**

Public Works Impacts: Based on estimates derived from the Mosaic Planned Development Illustrative, should the development be approved and constructed, the project will result in the creation of 12.05 acres of right of way for streets, alleys and sidewalks. Approximately 2.41 centerline miles of streets/alleys will be created with approximately 25,500 linear feet of curb and approximately 50 street lights. The estimated cost for sweeping, street lighting and otherwise maintain these streets is estimated at \$12,250. The roadway surfaces will be new, but a chip seal is proposed within three years to preserve the original asphalt at an estimated cost of \$92,000 assuming all of the streets and alleyways are asphalt. Additional chip seals will be on six year cycles.

Fire and Emergency Response Impacts: Currently, fire and emergency medical response times to the area north of I-70 and east of 22 Road, including the area of the proposed subdivision, are longer than other areas due to the distance from existing fire stations. This area is served by Fire Station #3, one of the busier stations and the significant call volume means that if crews are already dispatched, response has to come from stations at a further distance from the incident. Evaluating the last two years of fire and EMS incident data, shows an average response time to this area of 12 minutes and 33 seconds. This is approximately 8 minutes and 5 seconds longer than the core area of the City. It is predicted that at build out this subdivision would average 140-150 fire and EMS incidents annually. This is an estimated annual increase of .09 % for City-wide incident demand. The City has been working to address the current and future fire and EMS coverage demands of this area and is evaluating relocating Fire Station #3 to an area further northwest along 25 Road which would reduce the estimated response time to this area by approximately 3 minutes. The Fire Department's long term fire station location study calls for an additional fire station in the area of 23 Road and I Road depending on the relocation of Fire Station #3 and future growth of the area. The need for additional fulltime employees (FTE's) are primarily tied to fire stations so this amount of call increase would not require more FTE's. However, when the additional station is built there will be a need for 21 FTE's to cover the fire engine and ambulance.

Police Impacts: Based on calls for service to an existing area with a comparable residential make-up over the last two years, 2016 and 2017, the Police Department projects 915 calls per year from this development. Essentially that kind of increase to call load would equate to slightly more than one additional officer to handle the additional work load.

Revenue:

The development contemplates a mix of multiple and single family dwelling units for a total of between 500 and 625 units. One-time sales and use taxes will be generated from construction activity and ongoing property taxes based on the City's property tax of 8 mills. At an average construction cost of \$300,000 per unit, it is estimated that the construction of the residential units will generate between \$2 and \$2.5 million in one-time sales and use taxes. It will also generate a one-time estimated \$20,000 in the City's share of Public Safety tax. Ongoing tax revenue from the land and improvements is estimated at \$108,000 to 135,000 per year.

**SUGGESTED MOTION:**

I move to introduce an Ordinance amending the Comprehensive Plan Future Land Use Map designation to Residential High, Residential Medium and Residential Medium Low and a Zone of Annexation and rezoning to PD (Planned Development) with an ODP (Outline Development Plan) and default zones of R-5 (Residential - 5 du/ac), R-8 (Residential - 8 du/ac), R-24 (Residential - 24 du/ac) and B-1 (Neighborhood Business) for the Mosaic Planned Development on approximately 70 acres located at 789 23 Road and property south to I-70 between 23 Road and Bookcliff Ranches Subdivision on final passage and order final publication in pamphlet form.

And

Introduce an Ordinance vacating all rights-of-way and easements within the Twenty Three Park Plaza Filing No. One Replat Subdivision on final passage and order final publication in pamphlet form.

**Attachments**

1. ODP-Table 1
2. Photos of site
3. Application - General Project Report
4. Maps
5. Outline Development Plan
6. Mosaic Subdivision Illustrative
7. Road and Easement Vacation Exhibit Rec 1358204 Replat of 23 Park Plaza
8. Proposed Mosaic Replat

9. Mosaic Public Comments
10. Proposed FLU and Zoning Ordinance
11. Proposed ROW and Easement Vacation Ordinance

**TABLE 1**  
**PROPOSED ZONE DIMENSIONAL STANDARDS**

POD	DEFAULT ZONING DISTRICT	MIN LOT SIZE		MIN STREET FRONTAGE	MINIMUM SETBACKS (1), (2), (3), (4)			MAX. LOT COVERAGE	MAX. HEIGHT
		AREA (SQ. FT)	WIDTH (FT.)		FRONT	SIDE	REAR		
POD A	B-1	2,000	20	N/A*	0 / 25	0 / 0	15 / 15	N/A	40
POD B	R-8 SINGLE FAMILY	3,000	35	20	20 / 25	5 / 3	10 / 5	90%	40
	R-8 TWO-FAMILY	4,500	50	20	20 / 25	5 / 3	10 / 5	90%	40
	R-8 MULTI-FAMILY	1,800	20	20	15	5 / 3	10	90%	40
	R-5	4,000	40	20	20 / 25	5 / 3	25 / 5	60%	40
POD C	R-24	N/A	20	20*	20 / 25	5 / 3	10 / 5	90%	72

(1) PRINCIPAL / ACCESSORY BUILDING

(2) MINIMUM FRONT YARD SETBACK FOR GARAGE DOORS SHALL BE 20 FEET.

(3) MINIMUM REAR LOADED FOR GARAGE DOORS SHALL BE 20 FEET.

(4) SIDE SETBACK ABUTTING RESIDENTIAL IN B-1 SHALL BE 10 / 5.

\* ADEQUATE ACCESS WILL BE PROVIDED





**View of property from 23 Road Overpass**



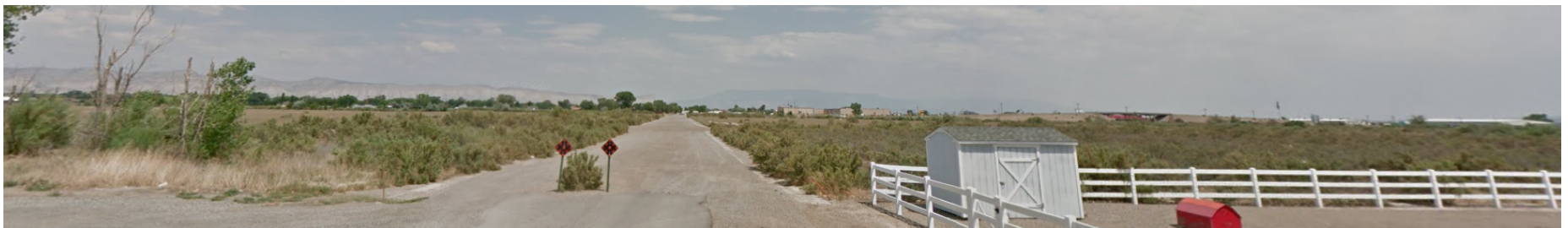
**View of property looking west from G  $\frac{3}{4}$  Road (Plaza Road ROW)**



**View of property looking southwest from H Road & 23 Road intersection**



**View of property looking southeast from H Road, near Bookcliff Ranches Subdivision**



**View of property looking east from G  $\frac{3}{4}$  Road in the Bookcliff Ranches Subdivision**



## Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For: Annexation/Zone of Annexation / REZONE / ODP / Vac / FLU Amend

Please fill in blanks below only for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation Vacant Land

Existing Zoning County PUD, I-O

Proposed Land Use Designation Mixed Use, Residential

Proposed Zoning PD

### Property Information

Site Location: 789 23 ROAD  
SW Corner of H Road and 23 Rd G.J. CO 81505

Site Acreage: 68 Acres

Site Tax No(s): 2701-311-00-518; 2701-311-09-009-026;

Site Zoning: county PUD & I-O

Project Description: Annex into the city, Vacate required ROW & old ROW, Rezone to PD, Amend FLU (omit Comm/Industrial)

### Property Owner Information

Name: CLUB DEAL 113/114 PARK PLAZA AND GRAND JUNCTION LIMITED PARTNERSHIP

Street Address: 9285 Huntington Sq

City/State/Zip: NORTH RICHLAND HILLS TEXAS 76182

Business Phone #: 817-788-1000

E-Mail: dgilliland@tiholdings.com

Fax #: 817-788-1670

Contact Person: Douglas Gilliland

Contact Phone #: 817-999-4828

### Applicant Information

Name: CLUB DEAL 113/114 PARK PLAZA AND GRAND JUNCTION LIMITED PARTNERSHIP

Street Address: 9285 Huntington Sq

City/State/Zip: NORTH RICHLAND HILLS TEXAS 76182

Business Phone #: 817-788-1000

E-Mail: dgilliland@tiholdings.com

Fax #: 817-788-1670

Contact Person: Douglas Gilliland

Contact Phone #: 817-999-4828

### Representative Information

Name: Ciavonne, Roberts & Assoc.

Street Address: 222 Nth 7th Street

City/State/Zip: G.J. CO 81501

Business Phone #: 970-241-0745

E-Mail: ted@ciavonne.com

Fax #: n/a

Contact Person: Ted Ciavonne

Contact Phone #: 970-241-0745

**NOTE: Legal property owner is owner of record on date of submittal.**

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application

Date

Signature of Legal Property Owner

Date

10/17/17



# **Mosaic Planned Development**

## **General Project Report for:**

### **Vacation of Plat and Public ROW, Annexation, Zone of Annexation, Comprehensive Plan Amendment, Rezone, and Outline Development Plan**

#### **Project Overview**

The applicant, Club Deal 113 / 114 Park Plaza and Grand Junction Limited Partnership, is seeking a number of entitlements to allow the Planned Development of a +/- 71 acre property that is bordered by H Road on the north, 23 Road on the east, Interstate 70 on the south, and Bookcliff Ranches Subdivision on the west. The applicant is proposing a mixed use planned development that is predominantly a mixture of residential densities and product types, along with a limited area of business uses. Mosaic Planned Development will incorporate creative planning approaches with the most current technologies in geothermal, solar, and smart home systems to facilitate a net-zero energy capable community. In addition to current technologies, Mosaic hopes to incorporate organic gardening for individuals, through the HOA, and/or via cooperative small business ventures similar to 'Lettuce Network'. The outcome of numerous meetings with City Staff led to the determination that a Planned Development zone designation allows for flexibility in City adopted design standards, assists in the creation of higher architectural standards (through Design Guidelines and a Design Review Committee), and allows the applicant to include/exclude uses on the subject property as deemed fit by the applicant and City staff.

The Mosaic Planned Development incorporates a range of density from 500 to 625 units; this variation allows the developer to adapt to changing market conditions and demands (see [Mosaic Illustrative](#)). The Planned Development includes over 33 acres of Single Family Residential (Detached Residential, Attached Residential, and Townhome), over 7½ acres of High Density Residential (Apartment, Condominiums), over 2 acres of Mixed Residential / Neighborhood Center, over 12½ acres of internal road ROW, and over 12 acres of Open Space. The Open Space includes larger park areas (one with an HOA Community Amenity), a pond amenity, greenbelt linkages throughout the project, roadway landscape, and significant off-street trails. This project has already received approval for an Alternative Road Section design which was supported by the off-street trails and numerous off-street parking areas.

Apparent in the title of this report, this 71 acre property has a number of entitlement issues that are best addressed simultaneously. The current status, and intentions, are as follows:

- The south +/- 30.6 acres is already annexed into the City, zoned I-O, and subdivided into 30 lots with associated Public ROW and easements. This subdivision needs to be vacated, along with much of the ROW; we are seeking an amendment to the Comprehensive Plan from Commercial / Industrial to Business Park, followed by PD zoning;
- The north +/- 40.4 acres is currently in the County and zoned PUD, and will be annexed into the City with a PD Zone. This north half does not need an amendment to the Comprehensive Plan. Woven into the annexation of this north area will be additional H Road and 23 Road ROW dedications that total approximately 2.8 acres, resulting in a TOTAL project development area of +/-68.2 acres;
- The PD Zone for the entire 68.2 acre development will have three distinct underlying zoning standards: the single-family and townhome area will be R-8; the high-density residential area will be R-24; and the Mixed Residential Neighborhood Commercial Center will be Business (B-1);

The following Code Sections are addressed in this report and/or its attachments:

- o Section 21.02.090 – Vacation of Plat (south half of site);
- o Section 21.02.100 – Vacation of public right-of-way or easement (south half of site);
- o Section 21.02.160 – Annexation (north half of site);
- o Section 21.02.140 – Zone of Annexation from County PUD to City Planned Development (PD) for annexed area;
- o Section 21.02.130 – Comprehensive Plan amendment (CPA) from Commercial / Industrial to Business Park for south half of site;
- o Section 21.02.140 – Rezone of south half of site from I-O to Planned Development (PD);
- o Section 21.02.150 – Outline Development Plan (ODP) for entire development area, with underlying zoning of B-1, R-8, and R-24.

## A. Project Description

### Location

- The property is located at the southwest corner of H Road and 23 Road. The property is bordered by H Road on the north, 23 Road on the east, Interstate 70 on the south, and Bookcliff Ranches Subdivision on the west.

### Acreage

- The entire property is approximately 71 acres. As noted above, +/- 30.6 acres is currently annexed into the City; +/- 40.4 acres is in the County; approximately 2.8 acres of ROW dedication to H Road and 23 Road is anticipated ... resulting in a total of +/- 68.2 acres of developable land.

### Proposed Use

- The proposed use is a Planned Development that is predominantly a mixture of residential densities and product types, along with a limited area of business uses, consistent with a PD zone designation. The Mosaic Planned Development incorporates a range of density from 500 to 625 residential units. The approximate land use breakdown within the proposed project is (see Mosaic Site Plan - Sheet 1):
  - Single Family Residential (+/- 33 acres)
    - Detached Residential, Attached Residential, and Townhome,
    - R-8 Zone Uses and Standards with amendments noted;
  - High Density Residential (+/- 7½ acres)
    - Apartment, Condominiums,
    - R-24 Zone Uses and Standards with amendments noted;
  - Mixed Residential / Neighborhood Center (+/- 2 acres),
    - B-1 Zone Uses and Standards with amendments noted;
  - Open Space (+ 12 acres),
    - Predominantly placed central to the development for park uses
    - Greenbelt linkages and roadway aesthetics
    - Landscaped and irrigated;
    - Maintained by Owners Associations. There has been some consideration to making the open space public, or open to the public, but this needs further discussion with City Staff and Administration.
  - Internal Road ROW (+/- 12½ acres),
    - Proposed as standard and alternative road sections, and alleys. An Alternative Road Section has been submitted and approved (with conditions).

## B. Public Benefit

The Mosaic Planned Development will create a mixed use mixed-use neighborhood that meets the intent of the Growth Plan and the development requirements of the City of Grand Junction. Public benefits include:

- the development of properties within the City 201 boundary;
- the creation of a mixed-use project meeting the intentions and densities of the Growth Plan;
- road and utility improvements that meet City standards, including drainage, pavement, walks;
- utility extensions, upgrades, and improvements;
- ROW dedications and utility connections that provide connectivity to adjacent undeveloped properties;
- higher density single family residential development is adjacent to the Neighborhood Center, which increases the potential for fewer vehicular trips between uses;
- extensive on and off street pedestrian networks are proposed, which increases the potential for fewer vehicular trips between uses (see Mosaic Streets, Paths, and Parking - Sheet 2);
- significant park and open space dedications accommodating the residents of the Planned Development (see Mosaic Open Space and Fencing - Sheet 3)

In addition to the above, the Mosaic Planned Development provides Long Term Community Benefits which are addressed below in Item E.

## **C. Neighborhood Meeting**

A neighborhood meeting was held on March 15th, 2017 at Canyon View Vineyard Church. The applicant requested that the mailing 'area' be doubled from the City requirement. Thirty-three Notices were mailed out, twenty-one. Property Owners attended (33 including spouses/joint owners). The attending neighbors came to the meeting concerned about density, additional traffic, lighting, new home values, utilities (desiring sewer), etc. Most realized that comparable large lots were not practical, and were appreciative that the largest Single Family lots being proposed were adjacent to Bookcliff Subdivision. Meeting Notes are submitted with this application. They also understood that the current zoning allows industrial uses that would be more detrimental to their property values and quality of life.

## **D. Project Compliance, Compatibility, and Impact**

### Adopted Plans and Policies

An Alternative Road Section was submitted and approved, and has been incorporated into the planning and design of the overall development.

As noted this property has a number of land planning issues that can be best addressed through a Planned Development, which provides an attractive alternative to straight zoning. The current partial annexation, City zoning and subdivision, along with zoning of the County portion, predate the adoption of the Future Land Use Plan, and are not compatible with the residential land use pressures that exist today. The 'bundling' of the necessary entitlements addressed within this Planned Development, will allow the Mosaic Planned Development to best address the changing character of the area and the intent of the Comprehensive Plan, with a well-planned, modern, and unique community.

Approval of this project will allow it to conform to the Growth Plan, the City Zoning and Development Code, and known City regulations. Relevant Code provisions include Vacation of Plat and Public ROW, Annexation, Zone of Annexation, Comprehensive Plan Amendment, Rezone, and Outline Development Plan, and are addressed in Item E below.

### Surrounding Land Use

Properties to the west and northwest are residential (Bookcliff Ranches and Appleton Ranch Subdivision), north is vacant and agriculture, and northeast is agriculture, parking; these properties are currently within the 201 Sewer Boundary but are unincorporated. Incorporated properties to the southeast are vacant, and to the south across Interstate 70 are heavy commercial, vacant, and livestock.

### Site Access & Traffic Patterns

There will be three primary accesses into the site, one from H Road, and two from 23 Road. In addition, there will be interconnectivity with Bookcliff Ranches to the west via connection to the existing G  $\frac{3}{4}$  Road.

Access within the site is achieved primarily through a grid system of streets and alleys that is 'interrupted' by large open space areas, thereby creating a couple of vehicular loops. Three of the four access points into Mosaic have direct visual corridors to the central open space corridors. Standard ROW's within the development direct traffic to and from the entrances and to the Neighborhood Center. The approved Alternative Street ROW's and alleys provide much of the access throughout the development.

Expected vehicular traffic patterns are predominantly 'to and from' the proposed homes / internal users, although off-site traffic will have easy access to the Neighborhood Center from the main entrances, and through direct right-in and right-out access from H Road and 23 Road.

Mosaic provides extensive on-street and off-street parking and pedestrian walkways, allowing residents to park their vehicles and walk throughout the Development. Mosaic, as a Planned Development, reduces the need to drive and promotes the ease of walking.

A Traffic Study by McDowell Engineering, LLC is provided with this submittal.

### Availability of Utilities

The construction of a Persigo Sewer line to and through the site is anticipated for fall and winter of 2017 and 2018. All additional infrastructure and utilities are available for the property.

Utility providers are:

- Water – Ute
- Sewer – City
- Drainage and Storm Sewer- Grand Valley Drainage District
- Irrigation water – Grand Valley Irrigation Company
- Power – Grand Valley Power
- Gas – Xcel
- Communications – TBD

Note: Mosaic Planned Development will strive to utilize the EcoSmart Solution (ESS) program so that the homes will be 'Net Zero' energy capable. EcoSmart will work with the Mosaic development team to design a thermal energy supply system incorporating a geothermal loop field, solar voltaic panels and ground source heat pumps for heating and cooling the homes. .

#### Special or Unusual Demands on Utilities

Other than the Persigo Sewer line discussed above, this project has no unusual demands on utilities.

This project will be instrumental in facilitating discussions about the potential of under-grounding the overhead utility lines that parallel H Road and 23 Road.

#### Effects on Public Facilities

The Mosaic Planned Development will have expected, but not unusual impacts on Public Facilities. Total residential units will be comparable to what is currently allowed within the Growth Plan.

Off-site improvements will be paid for and constructed via the City TCP fees.

#### Site Soils

NRCS soils information is provided with this submittal.

#### Impact on Geology and Geological Hazards

No known geological hazards exist on this property.

#### Hours of Operation

The applicant requests that the hours of operation within the Neighborhood Center will comply with that of the B-1 zone (default zone). These hours of operation are 5:00 am to 11:00pm. Hours of operation for specific uses located within the bounds of the Neighborhood Center can be extended at the time of Preliminary Development Plan approval for that specific site plan.

#### Number of Employees

Since the uses allowed within the B-1 zone are so broad, it is difficult to provide staff with even a range of potential employees. The applicant requests that the number of employees be determined / provided at the time of site plan submittal for each use.

#### Signage Plans

Signage is an important component within the Mosaic Planned Development. Business uses have signage needs for both freestanding and building wall signage. The applicant anticipates main entry signs at the H Road entry and at the two 23 Road entries. Minor directional signage will be included within the development. All freestanding signage within the development will have similar building materials. Signage fonts and colors may be adjusted per approval of the property owner, developer, and the City of Grand Junction.

### **E. Additional General Report Discussion Items**

The following Code Sections are addressed as listed below:

- Section 21.02.090 – Vacation of Plat (south half of site);
- Section 21.02.100 – Vacation of public right-of-way or easement (south half of site);
- Section 21.02.160 – Annexation (north half of site);
- Section 21.02.140 – Zone of Annexation from County PUD to City Planned Development (PD) for annexed area;
- Section 21.02.130 – Comprehensive Plan amendment (CPA) from Commercial / Industrial to Business Park for south half of site;

- o Section 21.02.140 – Rezone of south half of site from I-O to Planned Development (PD);
- o Section 21.02.150 – Outline Development Plan (ODP) for entire development area, with underlying zoning of B-1, R-8, and R-24.

#### **21.02.090 Vacation of plat. (see Sheet 4 – Vacation Plat)**

The south half of the property (approximately 30.5 acres) is annexed into the City as I-O; it is subdivided into 30 lots; it includes the Plaza Road ROW and Spark Circle ROW, and associated utility easements. Ute Water does have a water line within Plaza Road, and the Vacation Plat will maintain an easement for them. Grand Valley Drainage District has a drain line north of this annexed area, but at present there is no easement for it.

- (c) **Approval Criteria.** *The vacation of the plat shall conform to all of the following:*
- (1) *The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City;*
    - The vacation of the plat, in itself, does not change the Comprehensive Plan;
    - Neither of the platted roads appear on the GV Circulation Plan;
    - This vacation is not in conflict with any adopted plans nor policies of the City.
  - (2) *No parcel shall be landlocked as a result of the vacation;*
    - No parcel will be landlocked as a result of the vacation.
  - (3) *Access to any parcel shall not be restricted to the point that access is unreasonable, economically prohibitive, and/or reduces or devalues any property affected by the proposed vacation;*
    - No parcel will be restricted to the point that access is unreasonable, economically prohibitive, and/or reduces or devalues any property affected by the proposed vacation
  - (4) *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); and*
    - There are 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 will not be reduced;
  - (5) *The provision of adequate public facilities and services to any property as required in Chapter 21.06 GJMC shall not be inhibited by the proposed vacation.*
    - Adequate public facilities and services to other properties will not be inhibited by the proposed vacation;
    - The existing Ute Water line will remain in an easement.

#### **21.02.100 Vacation of public right-of-way or easement. (see Sheet 4 – Vacation Plat)**

The south half of the property (approximately 30.5 acres) is annexed into the City as I-O; it is subdivided into 30 lots; it includes the Plaza Road ROW and Spark Circle ROW, and associated utility easements. Ute Water does have a water line within Plaza Road, and the Vacation Plat will maintain an easement for them. Grand Valley Drainage District has a drain line north of this annexed area, but at present there is no easement for it.

- (c) **Approval Criteria.** *The vacation of the right-of-way or easement shall conform to the following:*
- (1) *The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City;*
    - The vacation of the plat, in itself, does not change the Comprehensive Plan;
    - Neither of the platted roads appear on the GV Circulation Plan;
    - This vacation is not in conflict with any adopted plans nor policies of the City.
  - (2) *No parcel shall be landlocked as a result of the vacation;*
    - No parcel will be landlocked as a result of the vacation.
  - (3) *Access to any parcel shall not be restricted to the point that access is unreasonable, economically prohibitive, and/or reduces or devalues any property affected by the proposed vacation;*



- No parcel will be restricted to the point that access is unreasonable, economically prohibitive, and/or reduces or devalues any property affected by the proposed vacation
- (4) *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 are 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 will not be reduced;
- (5) *The provision of adequate public facilities and services to any property as required in Chapter 21.06 GJMC shall not be inhibited by the proposed vacation; and*
  - Adequate public facilities and services to other properties will not be inhibited by the proposed vacation;
  - The existing Ute Water line will remain in an easement.
- (6) *The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.*
  - The existing ROW's and easements to be vacated do not meet current width standards and were created for lots that are also being vacated.

#### **21.02.160 Annexation. (see Sheet 5 – Annexation Plan)**

The north half of the property (approximately 40.5 acres) is within the Persigo 201 and will need to be annexed into the City of Grand Junction. We are submitting with this proposal a signed/executed annexation petition and believe that the property, since it is located contiguous to existing city limits, meets statutory requirements of contiguity, that the area is or can be urbanizing and we are 100% owners of the land. The annexation to the City of Grand Junction, Colorado is both necessary and desirable and the property is eligible for annexation in that the provisions of the Municipal Annexation Act of 1965, Sections 31-12-104 and 31-12-105 CRS 1973 can be met.

We also understand that the zone of annexation shall comply with the Comprehensive Plan. The proposed zoning of PD with the proposed underlying zone districts R-8, R-24 and B-1 conform with the Comprehensive Plan.”

(c) **Approval Criteria.** *The application shall meet all applicable statutory and City administrative requirements. A complete copy of these requirements is available from the Public Works and Planning Department.*

- We are submitting with this proposal a signed/executed annexation petition and believe that the property, since it is located contiguous to existing city limits, meets statutory requirements of contiguity, that the area is or can be urbanizing and we are 100% owners of the land. The annexation to the City of Grand Junction, Colorado is both necessary and desirable and the property is eligible for annexation in that the provisions of the Municipal Annexation Act of 1965, Sections 31-12-104 and 31-12-105 CRS 1973 can be met.
- We also understand that the zone of annexation shall comply with the Comprehensive Plan. The proposed zoning of PD with the proposed underlying zone districts R-8, R-24 and B-1 conform to the Comprehensive Plan.”

#### **21.02.140 Code amendment and rezoning. (see Sheet 5 – Annexation Plan)**

The north half of the property (approximately 40.5 acres) is currently in the County and zoned PUD, and will be annexed into the City with a PD Zone. This north half does not need an amendment to the Comprehensive Plan.

(a) **Approval Criteria.** *In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:*

- (1) *Subsequent events have invalidated the original premises and findings; and/or*
  - The adoption of the Persigo 201 boundary, the lack of plan with the County PUD Zone, the splitting of a contiguous property by City annexation and rezone are all events that invalidate the original premises and findings;

- (2) *The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or*
- The character of the area has changed with the development of adjacent residential subdivisions, as well as the 2010 Comprehensive Plan calling for Neighborhood Center – Mixed Use, Residential Medium, and Residential Medium Low.
- (3) *Public and community facilities are adequate to serve the type and scope of land use proposed; and/or*
- The Persigo Board has approved the extension of sewer to and though this property to serve a greater area, making this public facility available.
- (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*
- Residential growth pressure is high throughout the community, particularly in this north area
- (5) *The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.*
- As noted in (3) above, sewer will extend to current residential areas on septic, as well as vacant developable land.

**21.02.130 Comprehensive Plan amendment (CPA).** (see inset on Sheet 6 – Outline Development Plan)

The south half of the site (the approximate 30.5 acres currently within the City, and though this submittal is vacating the existing plat and ROW's) is seeking a Comprehensive Plan amendment (CPA) from Commercial / Industrial to Business Park.

**(c) Criteria for Plan Amendments.**

- (1) *The City may amend the Comprehensive Plan, neighborhood plans, corridor plans and area plans if the proposed change is consistent with the vision (intent), goals and policies of the Comprehensive Plan and:*
- (i) *Subsequent events have invalidated the original premises and findings; and/or*
    - The adoption of the Persigo 201 boundary, the lack of plan with the County PUD Zone, the splitting of a contiguous property by City annexation and rezone are all events that invalidate the original premises and findings;
  - (ii) *The character and/or conditions of the area has changed such that the amendment is consistent with the Plan; and/or*
    - The character of the area has changed with the development of adjacent residential subdivisions.
  - (iii) *Public and community facilities are adequate to serve the type and scope of land use proposed; and/or*
    - The Persigo Board has approved the extension of sewer to and though this property to serve a greater area, making this public facility available.
  - (iv) *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*
    - Residential growth pressure is high throughout the community, particularly in this north area, indicative of an inadequate supply.
  - (v) *The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.*
    - As noted in (3) above, sewer will extend to current residential areas on septic, as well as vacant developable land;
    - Support from neighbors to remove Industrial / Commercial designation (they do not want Industrial).

**21.02.140 Code amendment and rezoning.** (see inset on Sheet 6 – Outline Development Plan)

The south half of the site (the approximate 30.5 acres currently within the City, and which is seeking the plat and ROW vacations) is seeking a rezone from I-O to Planned Development (PD) which would unify the zoning with the approximate 40.5 acres to the north; making the entire +/- 71 acre property a single PD zone.

**(a) Approval Criteria.** *In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:*

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

- The adoption of the Persigo 201 boundary, the lack of plan with the County PUD Zone, the splitting of a contiguous property by City annexation and rezone are all events that invalidate the original premises and findings;
- (2) *The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or*
  - The character of the area has changed with the development of adjacent residential subdivisions, as well as the 2010 Comprehensive Plan calling for Neighborhood Center – Mixed Use, Residential Medium, and Residential Medium Low.
- (3) *Public and community facilities are adequate to serve the type and scope of land use proposed; and/or*
  - The Persigo Board has approved the extension of sewer to and though this property to serve a greater area, making this public facility available.
- (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*
  - Residential growth pressure is high throughout the community, particularly in this north area
- (5) *The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.*
  - As noted in (3) above, sewer will extend to current residential areas on septic, as well as vacant developable land.
  - Support from neighbors to remove Industrial / Commercial designation (they do not want Industrial).

#### **21.02.150 Planned development (PD). (see Sheet 6 – Outline Development Plan)**

The Planned Development (PD) / Outline Development Plan (ODP) is the culmination of the approval of the previous six processes: Section 21.02.090 – Vacation of Plat (south half of site); Section 21.02.100 – Vacation of public right-of-way or easement (south half of site); Section 21.02.160 – Annexation (north half of site); Section 21.02.140 – Zone of Annexation from County PUD to City Planned Development (PD) for annexed area; Section 21.02.130 – Comprehensive Plan amendment (CPA) from Commercial / Industrial to Business Park for south half of site; Section 21.02.140 – Rezone of south half of site from I-O to Planned Development (PD). With this approval the entire +/- 71 acres is incorporated, uniformly zoned as PD, and with an overall Outline Development Plan (ODP). The ODP has underlying zoning of B-1, R-8, and R-24, which correlates to the amended Comprehensive Plan.

With this document being the culmination of numerous approved processes, the Code Section in its entirety is included below, along with specific project responses.

(a) **Purpose.** *The planned development (PD) district is intended to apply to mixed use or unique single use projects to provide design flexibility not available through strict application and interpretation of the standards established in Chapter 21.05 GJMC. The PD zone district imposes any and all provisions applicable to the land as stated in the PD zoning ordinance. The purpose of the PD zone is to provide design flexibility as described in GJMC 21.05.010. Planned development rezoning should be used when long-term community benefits will be derived, and the vision, goals and policies of the Comprehensive Plan can be achieved. Long-term community benefits include:*

- (1) *More efficient infrastructure;*
  - The Mosaic Planned Development is the catalyst for the Persigo sewer extension into this north area of Grand Junction;
  - The Mosaic Planned Development includes an EcoSmart Solutions™ component that provides technology, support and maintenance for geothermal, solar, Tesla battery incorporation into all homes and businesses.
- (2) *Reduced traffic demands;*
  - The Mosaic Planned Development includes on and off street pedestrian ways that interconnect the entire community to each other, to parks and open space, and to the Mixed Use center.
- (3) *More usable public and/or private open space;*
  - The Mosaic Planned Development has over 12½ acres of Open Space, with over 7½ acres being “usable”.
  - The developers have had preliminary discussions with City Staff on making the park areas open to the Public.

- (4) *Recreational amenities; and/or*
  - Within the “usable” open space noted above there is a proposed community amenity with pool, a pond, the ability for community gardens, and open play turf areas.
- (5) *Needed housing choices.*
  - The Mosaic Planned Development has a large diversity in housing choices with multiple Single Family, Attached Single Family, Zero Lot Line, and Townhome products both “for sale and for lease”. The PD / ODP allows for product flexibility to respond to market “needs”.

(b) **Outline Development Plan (ODP).** (see Sheet 6 – Outline Development Plan)

(1) *Applicability. An outline development plan is required. The purpose of an ODP is to demonstrate conformance with the Comprehensive Plan, and coordination of improvements within and among individually platted parcels, sections or phases of a development prior to the approval of a final plat. At ODP, zoning for the entire property or for each “pod” designated for development on the plan is established. This step is recommended for larger, more diverse projects that are expected to be developed over a long period of time. Through this process, the general pattern of development is established with a range of densities assigned to individual “pods” that will be the subject of future, more detailed planning.*

(2) *Approval Criteria. An ODP application shall demonstrate conformance with all of the following:*

- (i) *The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies;*
  - Approval of demonstrated conformance has been requested as part of this submittal;
- (ii) *The rezoning criteria provided in GJMC 21.02.140;*
  - Approval of demonstrated conformance has been requested as part of this submittal;
- (iii) *The planned development requirements of Chapter 21.05 GJMC;*
  - Approval of demonstrated conformance with Chapter 21.05 has been addressed above, or within the ODP drawing, and is requested as part of this submittal;
- (iv) *The applicable corridor guidelines and other overlay districts in GJMC Titles 23, 24 and 25;*
  - This is not applicable to this submittal;
- (v) *Adequate public services and facilities shall be provided concurrent with the projected impacts of the development;*
  - The Persigo sewer extension is schedule for winter 2017 / spring 2018 and precedes any approval dates for Final Development Plans.
- (vi) *Adequate circulation and access shall be provided to serve all development pods/areas to be developed;*
  - Approval of demonstrated conformance has been requested as part of this submittal;
- (vii) *Appropriate screening and buffering of adjacent property and uses shall be provided;*
  - Much of this is appropriately addressed at time of Final Development Plans, however, the ODP does show the largest Mosaic residential lots along the west boundary next to Bookcliff Ranches subdivision;
- (viii) *An appropriate range of density for the entire property or for each development pod/area to be developed;*
  - Approval of demonstrated conformance has been requested as part of this submittal;
- (ix) *An appropriate set of “default” or minimum standards for the entire property or for each development pod/area to be developed;*
  - Approval of demonstrated conformance has been requested as part of this submittal, and is specifically addressed on the ODP drawing;
- (x) *An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed; and*
  - Approval of demonstrated conformance has been requested as part of this submittal, and is specifically addressed on the ODP drawing and related exhibits;
- (3) *Decision-Maker.*
  - (i) *The Director and Planning Commission shall make recommendations to City Council.*
  - (ii) *City Council shall approve, conditionally approve or deny all applications for an ODP and accompanying planned development rezoning.*
- (4) *Additional Application and Review Procedures.*

- (i) Simultaneous Review of Other Plans. An applicant may file an ODP with a final development plan for all or a portion of the property, as determined by the Director at the preapplication conference.*
- (ii) Density/Intensity. Density/intensity may be transferred between development pods/areas to be developed unless explicitly prohibited by the ODP approval.*
- (iii) Validity. The effective period of the ODP/phasing schedule shall be determined concurrent with ODP approval.*
- (iv) Required Subsequent Approvals. Following approval of an ODP, a subsequent final*

## **F. Development Schedule and Phasing** (see Sheet 7 – Phasing Plan)

Mosaic intends on breaking ground for Phase 1 (approximately 60 to 70 units) in spring of 2018. It is anticipated that each following Phase will be between 50 and 70 units, and will be spread over multiple phases over multiple years. The developers would hope to submit a new phase each year, however this may be optimistic. Understanding that the City permits a 10 year Phasing Plan, we will seek the allowed two years between earlier Phases (acknowledging potential extensions), along with some one year phasing for an estimated eight phases.

### Formation of a Metro District (2)

It is anticipated that the Mosaic program will experience significant development expenses both on site and off site. To help alleviate the burden of these costs the developer will be asking the city to allow a Metro District to be formed along with other possible reimbursement mechanisms to help defray these costs and to provide the best possible community in the most efficient manner possible.

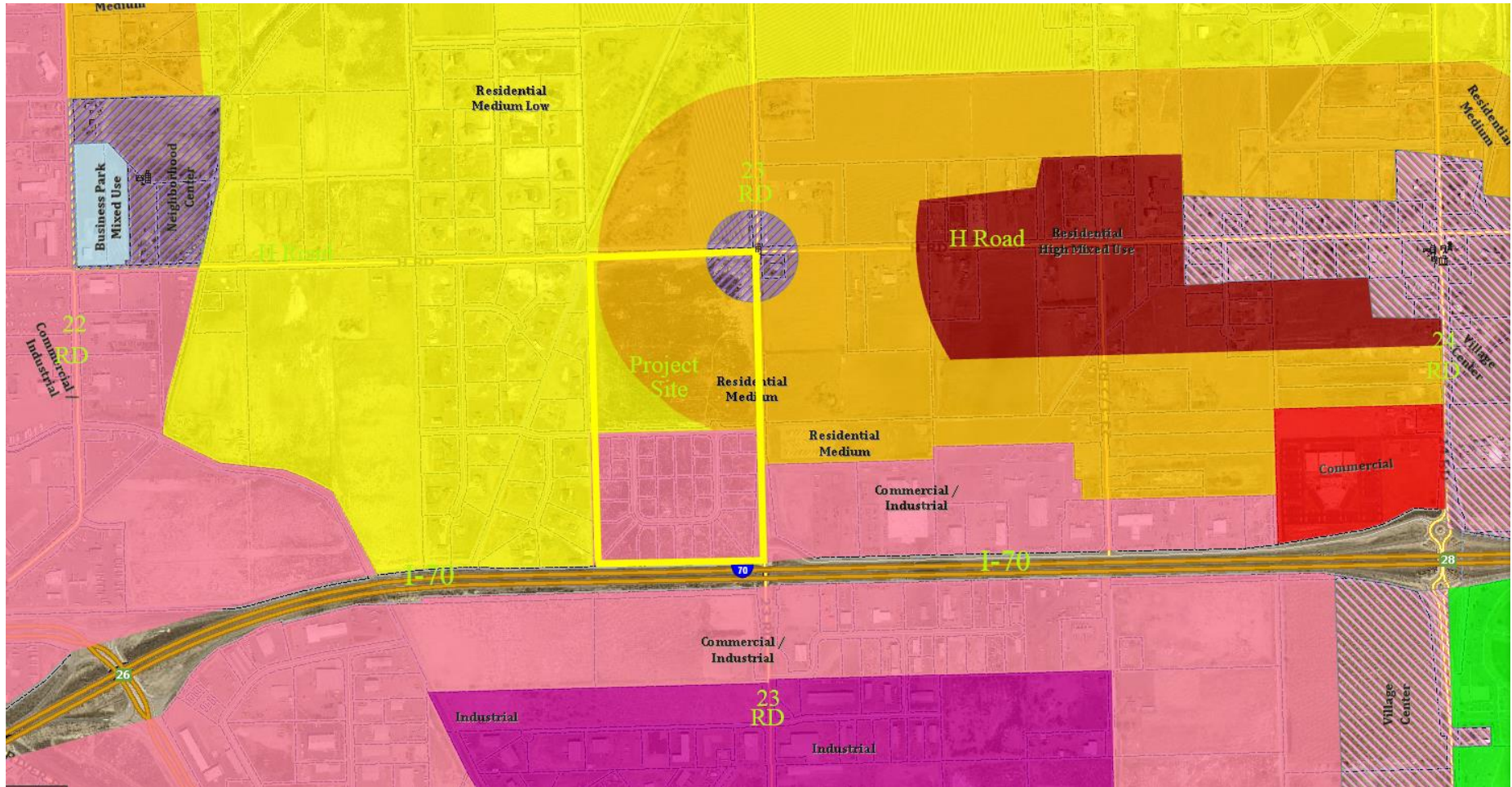


## Vicinity Map



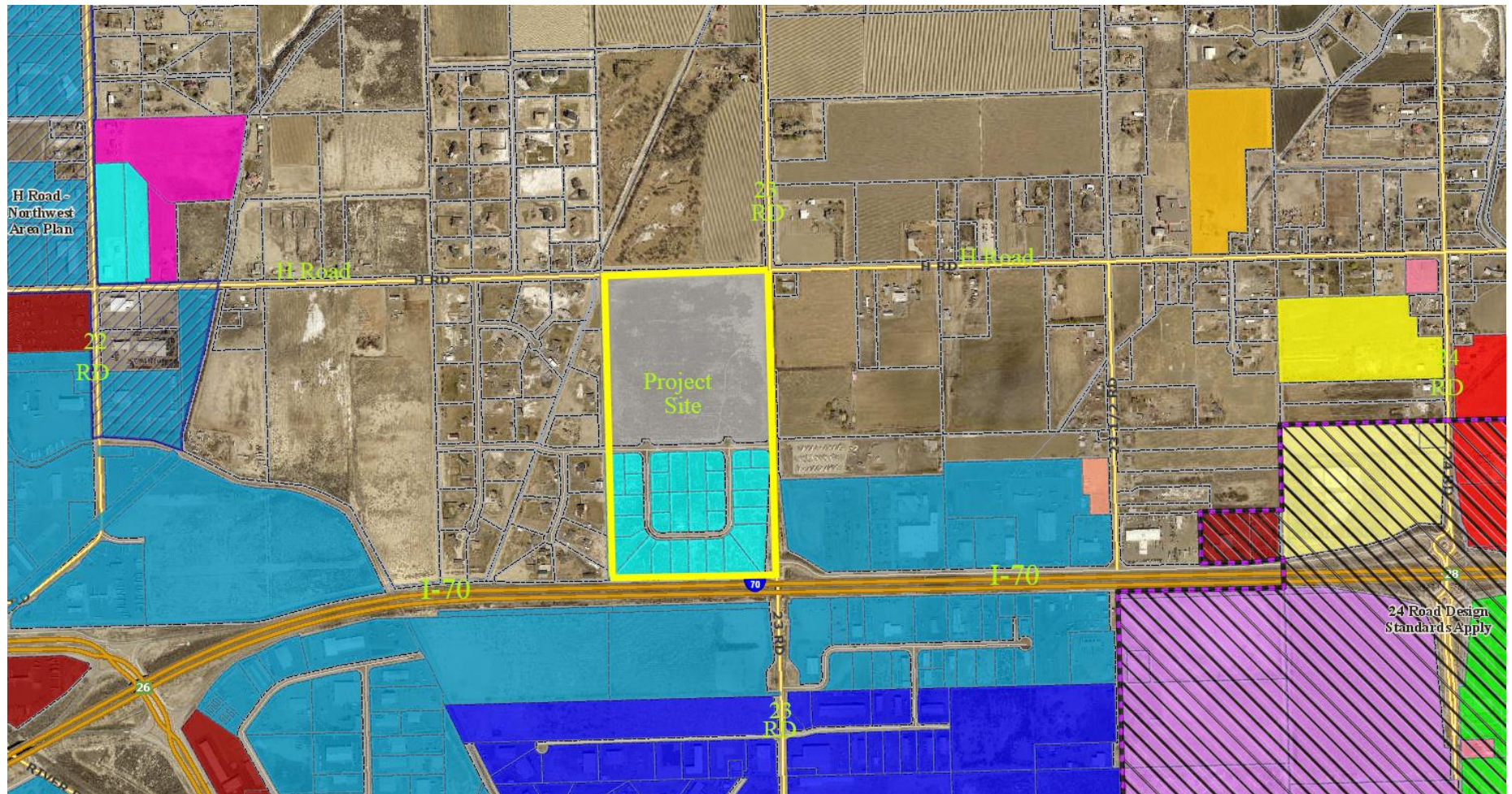


## Future Land Use Map



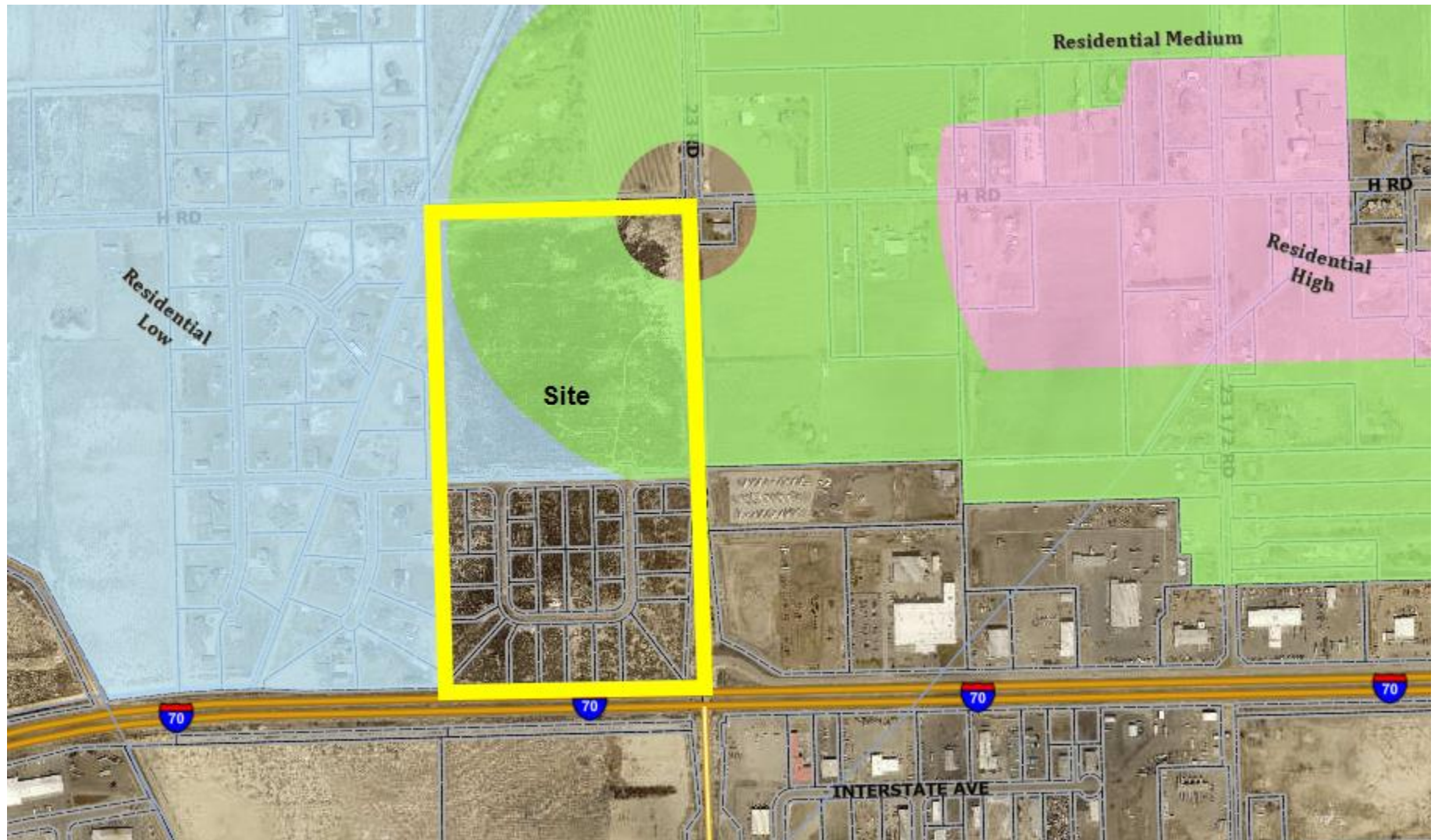


## Zoning Map – City Only

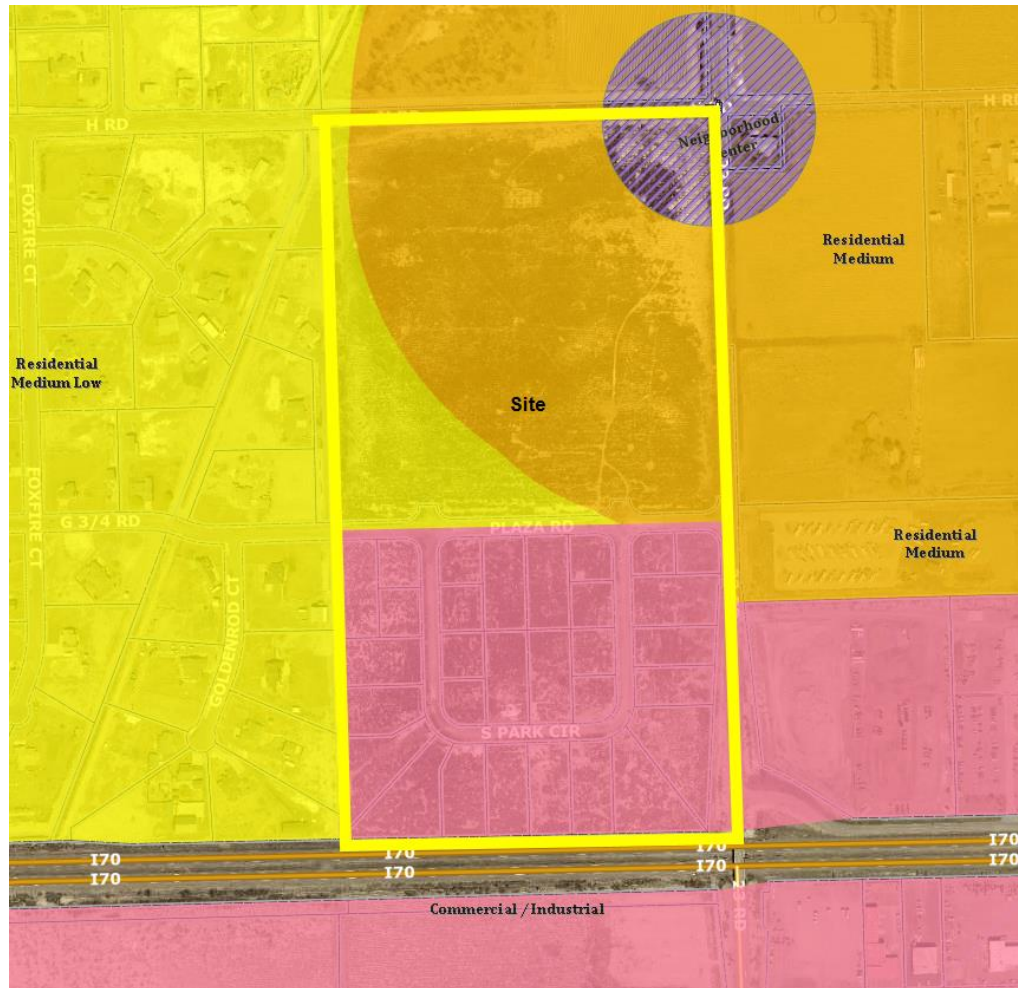




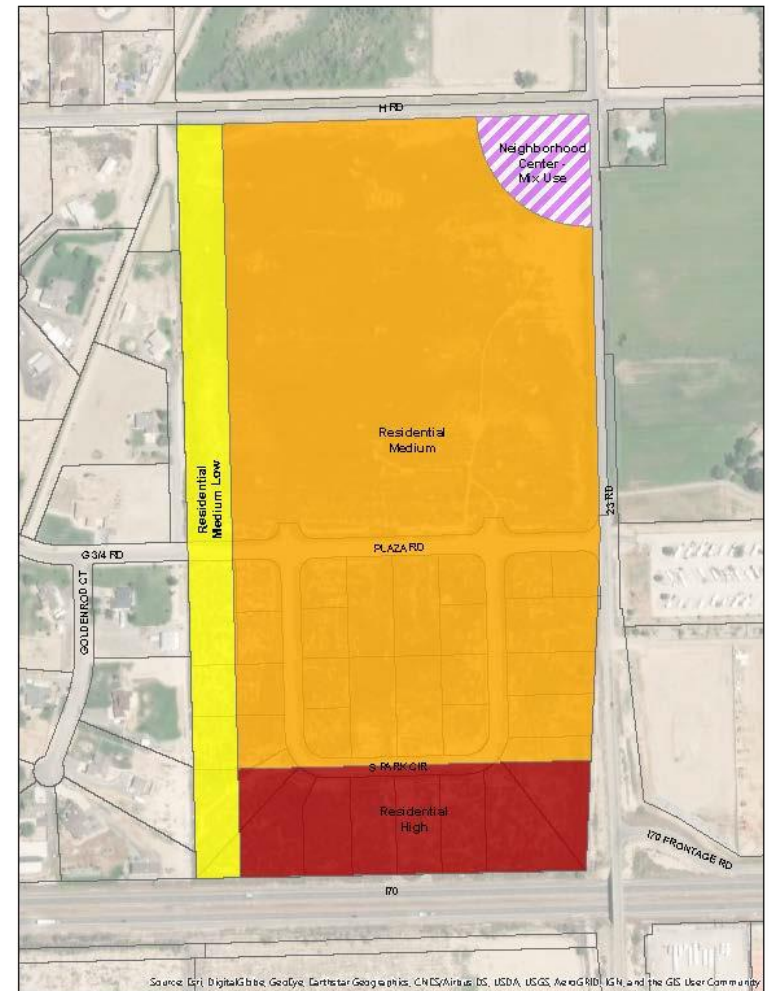
## Blended Map



## FLU Comparison Maps



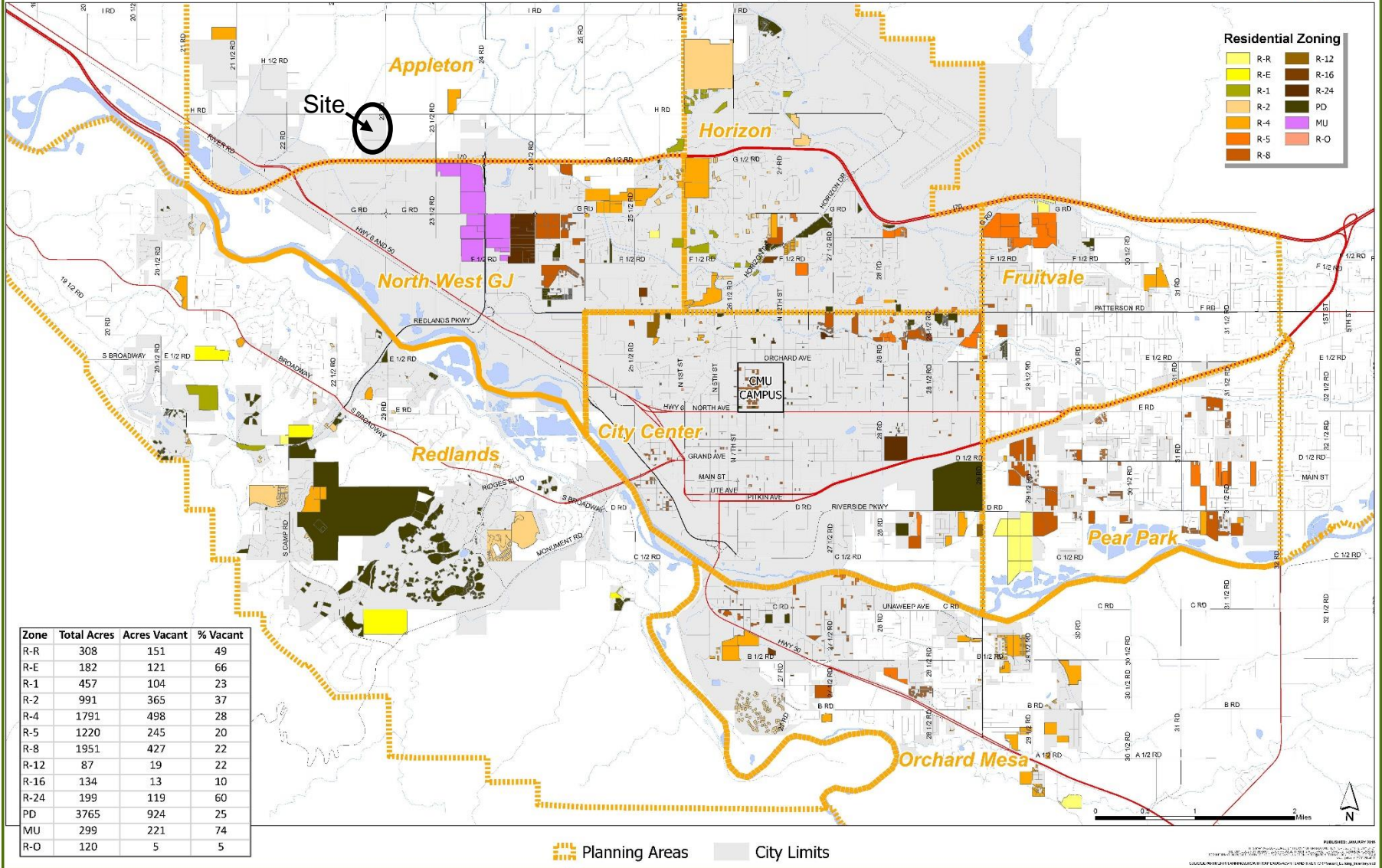
Existing Future Land Use Map of Site

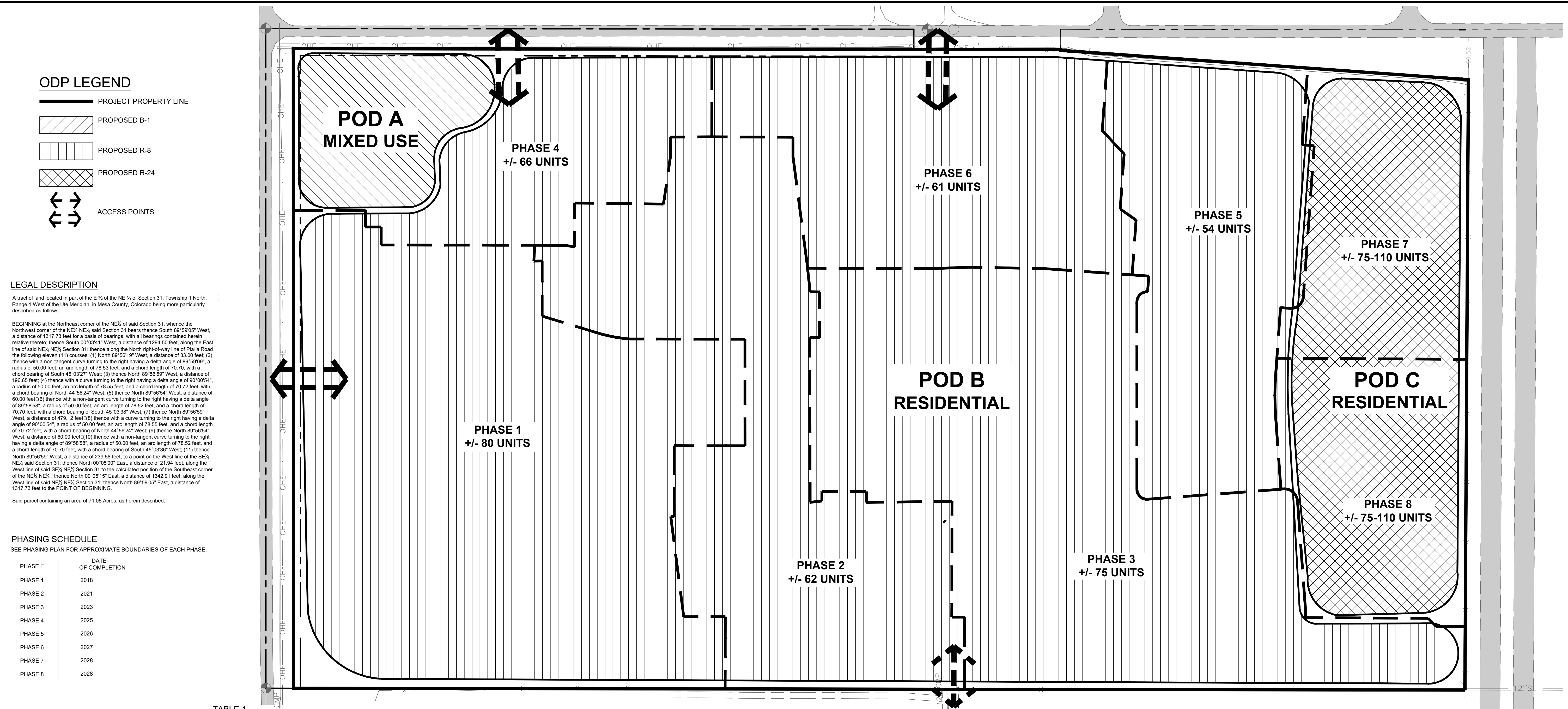


Proposed Future Land Use Map of Site



# Inventory of Residential Zoned Properties - Vacant





**ODP LEGEND**

- PROJECT PROPERTY LINE
- PROPOSED B-1
- PROPOSED R-8
- PROPOSED R-24
- ACCESS POINTS

**LEGAL DESCRIPTION**

A tract of land located in part of the E 1/4 of the NE 1/4 of Section 31, Township 1 North, Range 1 West of the 11th Meridian, in Mesa County, Colorado being more particularly described as follows:

BEGINNING at the Northeast corner of the NE1/4 of said Section 31, whence the Northwest corner of the NE1/4, NE1/4, said Section 31 bears thence South 89°59'05" West, a distance of 1317.73 feet for a basis of bearings, with all bearings contained herein relative thereto; thence South 00°03'41" West, a distance of 1204.50 feet, along the East line of said NE1/4, NE1/4, Section 31; thence along the North right-of-way line of Placita Road the following eleven (11) courses: (1) North 89°56'19" West, a distance of 33.00 feet; (2) thence with a non-tangent curve turning to the right having a delta angle of 89°59'09", a radius of 50.00 feet, an arc length of 78.53 feet, and a chord length of 70.70, with a chord bearing of South 45°03'27" West; (3) thence North 89°56'59" West, a distance of 196.55 feet; (4) thence with a curve turning to the right having a delta angle of 90°00'54", a radius of 50.00 feet, an arc length of 78.55 feet, and a chord length of 70.72 feet, with a chord bearing of North 44°56'24" West; (5) thence North 89°56'54" West, a distance of 60.00 feet; (6) thence with a non-tangent curve turning to the right having a delta angle of 89°58'58", a radius of 50.00 feet, an arc length of 78.52 feet, and a chord length of 70.70 feet, with a chord bearing of South 45°03'38" West; (7) thence North 89°56'59" West, a distance of 479.12 feet; (8) thence with a curve turning to the right having a delta angle of 90°00'54", a radius of 50.00 feet, an arc length of 78.55 feet, and a chord length of 70.72 feet, with a chord bearing of North 44°56'24" West; (9) thence North 89°56'54" West, a distance of 60.00 feet; (10) thence with a non-tangent curve turning to the right having a delta angle of 89°58'58", a radius of 50.00 feet, an arc length of 78.52 feet, and a chord length of 70.70 feet, with a chord bearing of South 45°03'38" West; (11) thence North 89°56'59" West, a distance of 239.58 feet, to a point on the West line of the SE1/4, NE1/4, said Section 31; thence North 00°05'00" East, a distance of 21.94 feet, along the West line of said SE1/4, NE1/4, Section 31 to the calculated position of the Southeast corner of the NE1/4, NE1/4; thence North 00°05'10" East, a distance of 1342.91 feet, along the West line of said NE1/4, NE1/4, Section 31; thence North 89°59'05" East, a distance of 1317.73 feet to the POINT OF BEGINNING.

Said parcel containing an area of 71.05 Acres, as herein described.

**PHASING SCHEDULE**

SEE PHASING PLAN FOR APPROXIMATE BOUNDARIES OF EACH PHASE.

PHASE	DATE OF COMPLETION
PHASE 1	2018
PHASE 2	2021
PHASE 3	2023
PHASE 4	2025
PHASE 5	2026
PHASE 6	2027
PHASE 7	2028
PHASE 8	2028

**GENERAL NOTES**

- THE APPLICANT IS REQUESTING A REZONE ON THE SOUTHERN PORTION OF THE PROPERTY AND REQUESTING A ZONE OF ANNEXATION FOR THE NORTHERN PORTION OF THE PROPERTY FROM MESA COUNTY PLD - PLANNED DEVELOPMENT TO CITY PD - PLANNED DEVELOPMENT, TO BE ALL ZONED THE SAME.
- THIS PD ZONE HAS FOUR DEFAULT ZONES: B-1 - NEIGHBORHOOD BUSINESS, R-5 RESIDENTIAL SINGLE FAMILY DETACHED, R-8 - RESIDENTIAL DETACHED SINGLE FAMILY, TWO-FAMILY DWELLING, MULTI-FAMILY 8, AND R-24 - RESIDENTIAL MULTI-FAMILY 24.
- REFERENCE TABLE 1 ON THIS DRAWING FOR PROPOSED ZONED DIMENSIONAL STANDARDS.
- POD A HAS A DEFAULT ZONE OF B-1 NEIGHBORHOOD BUSINESS
- POD B HAS A DEFAULT ZONE OF R-8 IN THE RESIDENTIAL MEDIUM DESIGNATED LAND USE AREA AND A DEFAULT ZONE OF R-5 IN THE RESIDENTIAL MEDIUM/LOW DESIGNATED LAND USE AREA.
- POD C HAS A DEFAULT ZONE OF R-24
- COMMERCIAL USES PROPOSED IN PODS A ARE CONSISTENT WITH WHAT IS ALLOWED IN THE B-1 - NEIGHBORHOOD BUSINESS ZONE. ADDITIONAL USE RESTRICTIONS AND ALLOWANCES ARE PROPOSED. PLEASE REFERENCE TABLE 2 ON THIS O.D.P. FOR USES.
- SPECIFIC FOR POD B. REFERENCE TABLE 3 ON THIS O.D.P. FOR USES.
- SPECIFIC FOR POD C. REFERENCE TABLE 4 ON THIS O.D.P. FOR USES.
- ALL DEVELOPMENT PLANS WILL REQUIRE APPROVAL BY THE CITY OF GRAND JUNCTION COMMUNITY DEVELOPMENT DEPARTMENT. ALL DEVELOPMENT PLANS WILL NEED TO CONFORM TO THE PROPOSED ZONE DIMENSIONAL STANDARDS, AND THE STANDARDS AND DEVELOPMENT GUIDELINES PROPOSED WITHIN THIS OUTLINE DEVELOPMENT PLAN.
- MIXED USE DWELLINGS OR SECOND STORY RESIDENTIAL MAY OCCUR IN THE COMMERCIAL AND MIXED USE AREA.
- BASED ON CURRENT ZONING: 0 TO 34 DWELLING UNITS ARE ALLOWED IN B-1.
- SITE DESIGN STANDARD ARE PER CITY OF GRAND JUNCTION CODE UNLESS SPECIFICALLY ADDRESSED HEREIN. SEE TABLE 5 FOR SITE DESIGN STANDARDS.

**TABLE 1**  
PROPOSED ZONE DIMENSIONAL STANDARDS

POD	DEFAULT ZONING DISTRICT	MIN LOT SIZE AREA (SQ. FT.)	MIN LOT WIDTH (FT.)	MIN STREET FRONTAGE	MINIMUM SETBACKS (1), (2), (3), (4)	MAX. LOT COVERAGE	MAX. HEIGHT		
					FRONT	SIDE	REAR		
POD A	B-1	2,000	20	N/A	0 / 25	0 / 0	15 / 15	N/A	40
POD B	R-8 SINGLE FAMILY	3,000	35	20	20 / 25	5 / 3	10 / 5	90%	40
	R-8 TWO-FAMILY	4,500	50	20	20 / 25	5 / 3	10 / 5	90%	40
	R-8 MULTI-FAMILY	1,800	20	20	15	5 / 3	10	90%	40
	R-5	4,000	40	20	20 / 25	5 / 3	25 / 5	60%	40
POD C	R-24	N/A	20	20*	20 / 25	5 / 3	10 / 5	90%	72

(1) PRINCIPAL / ACCESSORY BUILDING

(2) MINIMUM FRONT YARD SETBACK FOR GARAGE DOORS SHALL BE 20 FEET.

(3) MINIMUM REAR LOADED FOR GARAGE DOORS SHALL BE 20 FEET.

(4) SIDE SETBACK ABUTTING RESIDENTIAL IN B-1 SHALL BE 10 / 5.

ADEQUATE ACCESS WILL BE PROVIDED

**TABLE 2**  
DEVIATIONS FROM B-1 DEFAULT ZONE USES AND BULK STANDARDS (FOR POD A)

(1) ALLOWED ACCESSORY USES (BEYOND B-1 DEFAULT STANDARDS)

- GEO THERMAL FACILITIES (UNDERGROUND)
- SOLAR PANELS (AS APPROVED BY ARCHITECTURAL COMMITTEE)
- TESLA POWER WALL BATTERY STORAGE

(2) USES NOT ALLOWED

- CEMETERY
- GOLF COURSE

(3) BULK STANDARD DEVIATIONS - DENSITY

- NO MINIMUM DENSITY REQUIRED.

(4) PERFORMANCE STANDARD DEVIATIONS -

- (i) 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. UNLESS A CUP IS APPROVED. "CLOSED" INCLUDES NO CUSTOMERS ON SITE AND NO DELIVERIES.
- (ii) SERVICE ENTRANCES. BUSINESS SERVICE ENTRANCES, SERVICE YARDS AND LOADING AREAS SHALL BE LOCATED IN THE REAR OR SIDE YARD OR ARCHITECTURALLY AND AESTHETICALLY BLENDED IN WITH THE FRONT.

**TABLE 3**  
DEVIATIONS FROM R-8 DEFAULT ZONE USES AND BULK STANDARDS (FOR POD B)

(1) ALLOWED ACCESSORY USES (BEYOND R-8 DEFAULT STANDARDS)

- GEO THERMAL FACILITIES (UNDERGROUND)
- SOLAR PANELS (AS APPROVED BY ARCHITECTURAL COMMITTEE)
- TESLA POWER WALL BATTERY STORAGE

(2) USES NOT ALLOWED

- CEMETERY
- GOLF COURSE

**TABLE 4**  
DEVIATIONS FROM R-24 DEFAULT ZONE USES AND BULK STANDARDS (FOR POD C)

(1) ALLOWED ACCESSORY USES (BEYOND R-24 DEFAULT STANDARDS)

- GEO THERMAL FACILITIES (UNDERGROUND)
- SOLAR PANELS (AS APPROVED BY ARCHITECTURAL COMMITTEE)
- TESLA POWER WALL BATTERY STORAGE

(2) USES NOT ALLOWED

- CEMETERY
- GOLF COURSE

**POD DENSITY / INTENSITY RANGES**

POD	MAXIMUM BUILDING SQUARE FOOTAGE OF 25,000 S.F.	OVERALL DENSITY
POD A	0-34 RESIDENTIAL UNITS	500 DU/AC MINIMUM 625 DU/AC MAXIMUM
POD B	350-420 RESIDENTIAL UNITS	
POD C	128-192 RESIDENTIAL UNITS	

**ROAD STANDARDS INCLUDE:**  
ROADS INTERNAL TO THE DEVELOPMENT

- 60' ROAD SECTIONS AT ENTRANCES.
- 44' STANDARD ROAD SECTIONS.
- 31.5' APPROVED ALTERNATIVE ROAD SECTIONS
- 20' ALLEYS.

**ROAD STANDARDS INCLUDE:**  
ROADS INTERNAL TO THE DEVELOPMENT

- 60' ROAD SECTIONS AT ENTRANCES.
- 44' STANDARD ROAD SECTIONS.
- 31.5' APPROVED ALTERNATIVE ROAD SECTIONS
- 20' ALLEYS.

**LAND USE**

LAND USE	AREA	% OF SITE
TOTAL AREA	± 68.2 ACRES GROSS	100 %
MIXED USE		
POD A	± 2.5 ACRES	
TOTAL MIXED USE AREA	± 2.5 ACRES	04 %
RESIDENTIAL		
POD B	± 58 ACRES	
POD C	± 7.7 ACRES	
TOTAL RESIDENTIAL AREA	± 65.7 ACRES	78 %
RIGHT OF WAYS	INCLUDED WITH PODS	INCLUDED WITH PODS
OPEN SPACE	± 13.65 ACRES	20 %

APPROXIMATELY 350'x350'

APPROXIMATELY 340'x1100'

APPROXIMATELY 1150'x2010'

APPROXIMATELY 120'x2350'

**AMENDED COMP PLAN DESIGNATIONS**  
NOT TO SCALE

DRAWN BY MR  
CHECKED TC  
JOB NO. 1617  
DATE 10-18-2017

REVISIONS  
7-6-2018 - Response to Review Comments Rnd 1  
7-23-2018 - Response to Review Comments Rnd 2  
8-29-18

MOSAIC PLANNED DEVELOPMENT  
GRAND JUNCTION, COLORADO

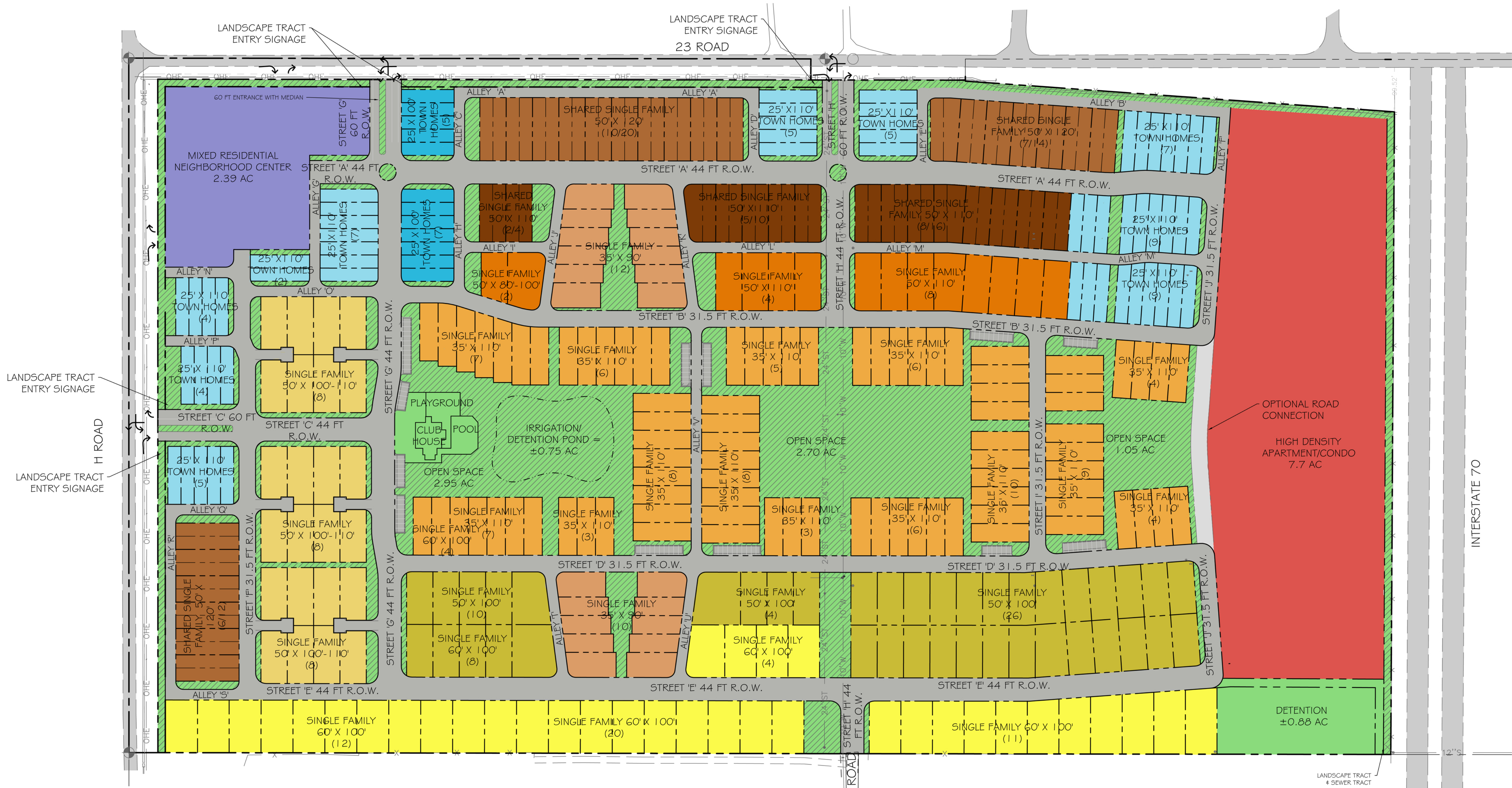
CLAVONNE, ROBERTS & ASSOCIATES, INC.  
LAND PLANNING AND  
LANDSCAPE ARCHITECTURE  
222 N. 7TH STREET  
GRAND JUNCTION, CO 81501  
970-241-0745 F  
970-241-0765 F  
www.clavonne.com

MOSAIC ENTITLEMENTS

OUTLINE DEVELOPMENT PLAN

SHEET NO. 6

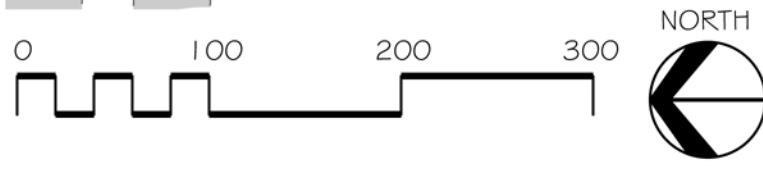




LAND USE CHART	
PROPERTY (LESS 23 + H ROAD R.O.W.)	68.2
INTERNAL R.O.W.	12.56
HIGH DENSITY APARTMENTS	7.7
MIXED RESIDENTIAL/NEIGHBORHOOD CENTER	2.39
TOWNHOMES	4.29
SFA (SHARED SF/DUPLEX)	5.10
SFD (SF DETACHED)	23.9
OPEN SPACE	12.26

LOT TYPE/SIZE	UNITS	ACCESS
HIGH DENSITY APARTMENT @ 24 DU/AC	185	
MIXED RESIDENTIAL NEIGHBORHOOD CENTER @ 12 DU/AC	29	
TOWNHOME - 25' X 100'	12	REAR
TOWNHOME - 25' X 110'	57	REAR
SHARED SINGLE FAMILY 50' X 110' @ 2 UNITS/LOT	30	REAR
SHARED SINGLE FAMILY 50' X 120' @ 2 UNITS/LOT	46	REAR
SINGLE FAMILY 35' X 90'	22	REAR
SINGLE FAMILY 35' X 110'	86	REAR
SINGLE FAMILY 50' X 100'	42	FRONT
SINGLE FAMILY 50' X 110'	12	REAR
SINGLE FAMILY 60' X 100'	35	FRONT
SINGLE FAMILY 50' X 100' TO 110'	24	COURTYARD

TOTAL ON ILLUSTRATIVE  
DENSITY RANGE IN ODP 580  
500-625



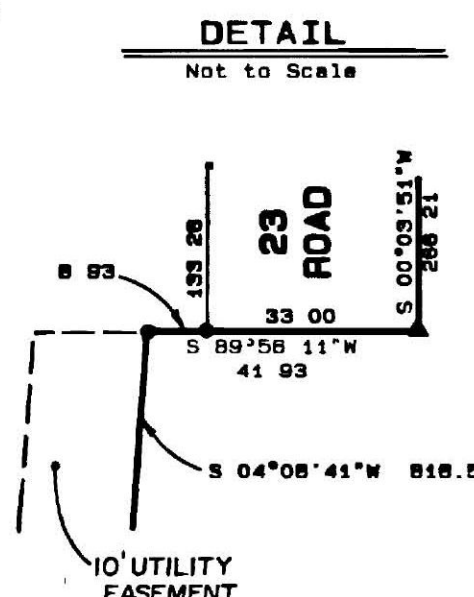
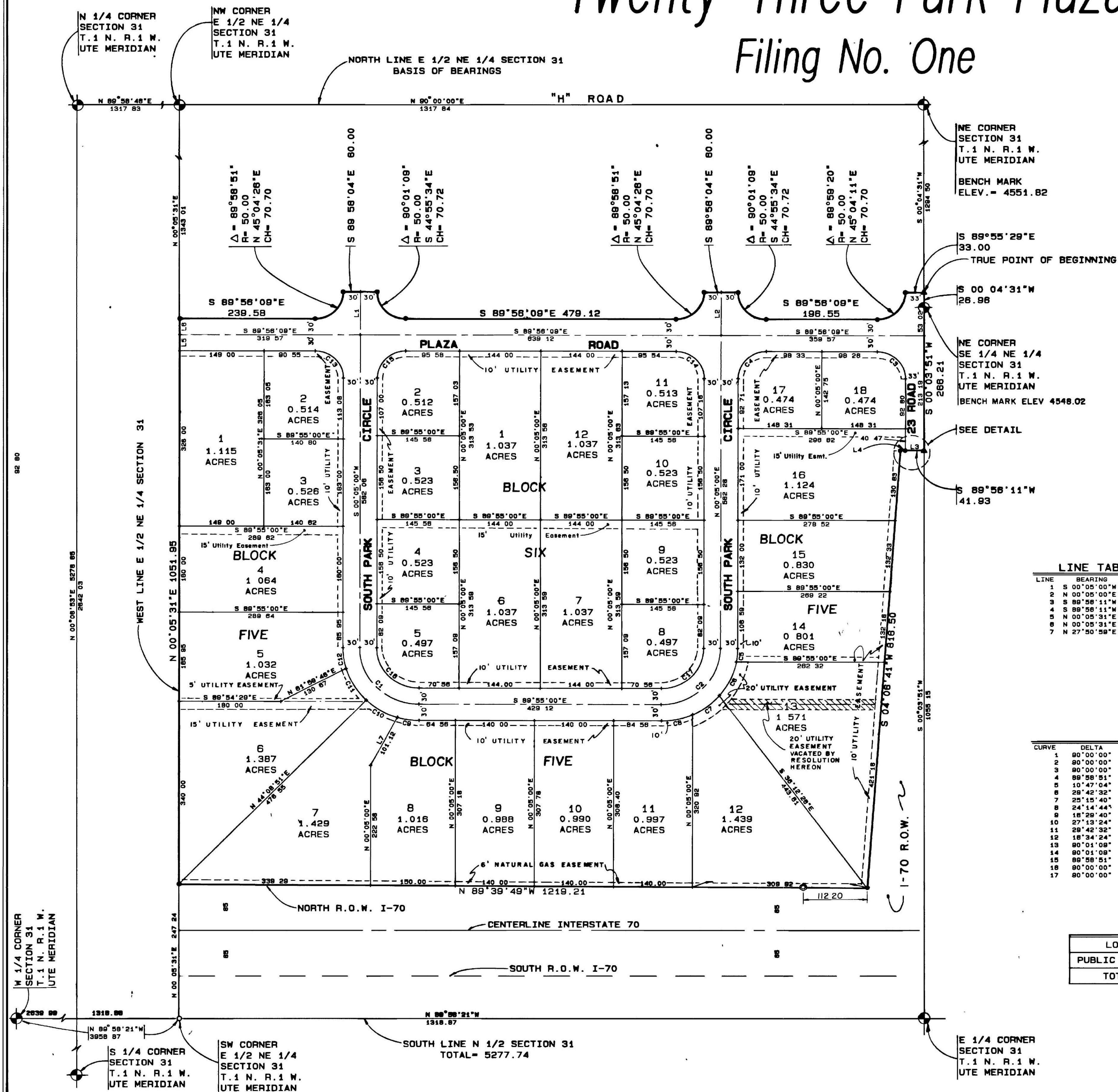
A · C · G  
AUSTIN CIVIL GROUP, INC.  
Land Planning • Civil Engineering • Development Services  
123 North 7th Street, Suite 300 • Grand Junction, Colorado 81501  
(970) 242-7540

CLAVONNE, ROBERTS & ASSOCIATES, INC.  
LAND PLANNING AND  
LANDSCAPE ARCHITECTURE  
222 N. 7TH STREET GRAND JUNCTION, CO 81501 www.clavonne.com  
970-241-0745 (P) 970-241-0765 (FX)

MOSAIC PLANNED DEVELOPMENT  
ILLUSTRATIVE



# A Replat Of Twenty Three Park Plaza Filing No. One



MINIMUM SETBACK REQUIREMENTS	
FRONT	10 FEET
** REAR	10 FEET *
** SIDE	10 FEET *
CORNER LOT STREET SIDE	10 FEET

\* OR EASEMENT WIDTH  
\*\* IF MORE THAN ONE LOT IS DEVELOPED WITH A SINGLE SITE PLAN THE INTERNAL SIDE AND/OR REAR SETBACK REQUIREMENTS ARE WAIVED.

LINE TABLE		
LINE	BEARING	DISTANCE
1	S 89°55'00"E	80.00
2	N 00°05'00"E	80.00
3	S 89°55'11"W	33.00
4	S 89°55'11"W	8.93
5	N 00°05'31"E	30.00
6	N 00°05'31"E	30.00
7	N 27°50'59"E	101.12

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	TANGENT	CHORD
1	90°00'00"	105.00	184.93	105.00	148.48
2	90°00'00"	105.00	184.93	105.00	148.48
3	90°00'00"	50.00	78.54	50.00	70.71
4	89°58'51"	50.00	78.52	49.99	70.70
5	10°47'04"	135.00	25.41	12.74	25.37
6	28°42'32"	135.00	70.00	35.81	69.22
7	25°15'40"	135.00	59.52	30.25	59.04
8	24°14'44"	135.00	57.13	29.00	56.70
9	18°28'40"	135.00	38.96	19.57	38.73
10	27°13'24"	135.00	64.14	32.69	63.54
11	29°42'32"	135.00	70.00	35.81	69.22
12	18°34'24"	135.00	39.05	19.66	38.81
13	80°01'08"	50.00	78.56	50.02	70.72
14	80°01'08"	50.00	78.56	50.02	70.72
15	89°58'51"	50.00	78.52	49.99	70.70
16	90°00'00"	75.00	117.81	75.00	106.07
17	90°00'00"	75.00	117.81	75.00	106.07

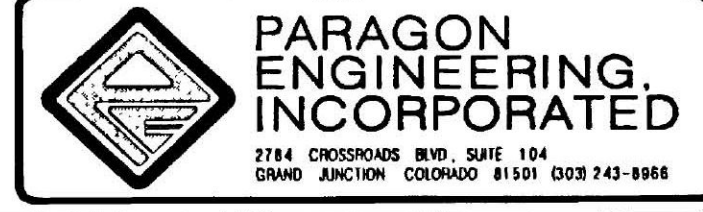
AREA QUANTITIES		
LOTS	26.030 ACRES	OR 84.38%
PUBLIC R.O.W.	4.820 ACRES	OR 15.62%
TOTAL	30.850 ACRES	OR 100.00%

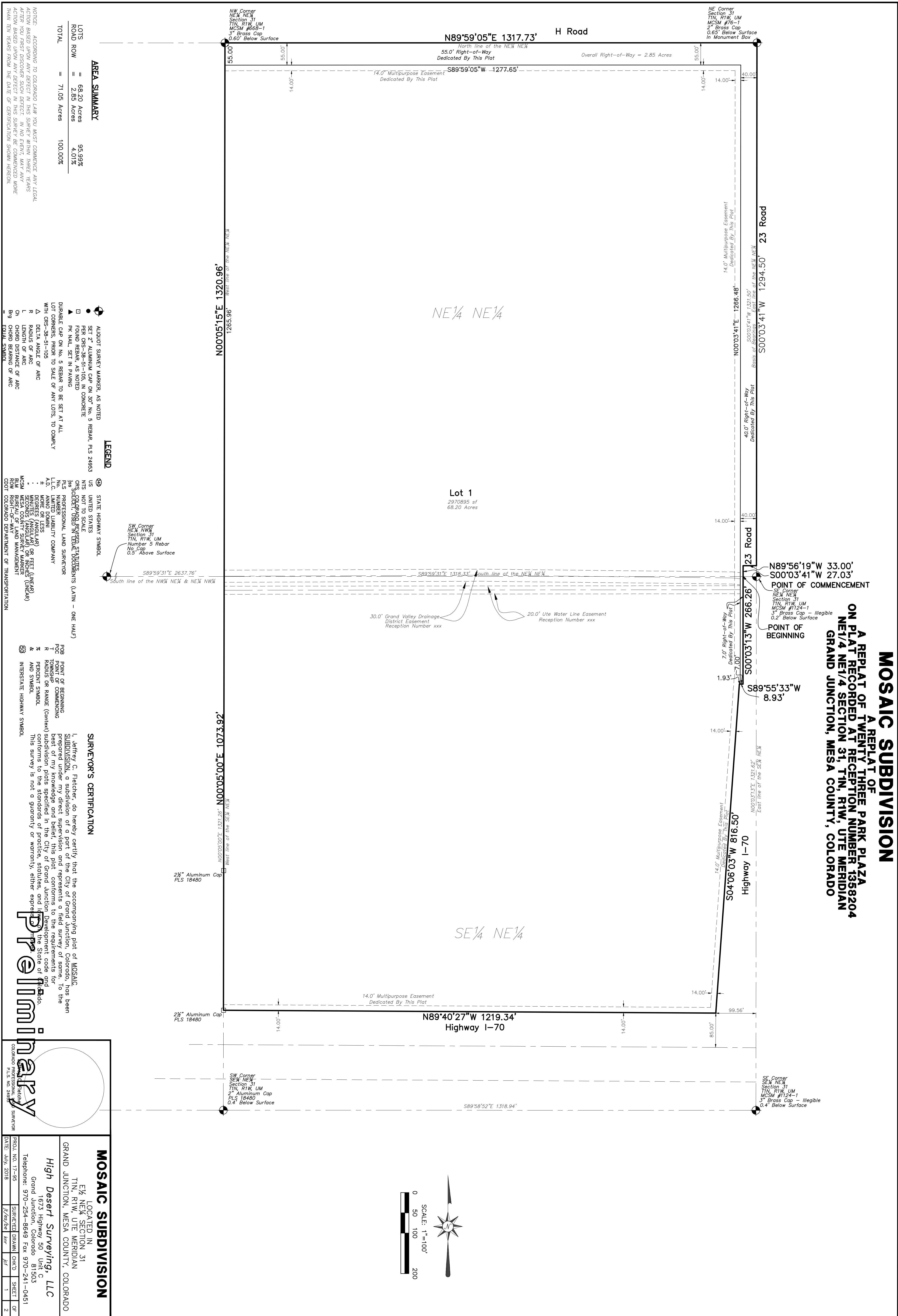
TOTAL NUMBER OF LOTS = 30

NOTICE According to Colorado law you must commence any legal action based upon any defect in this survey within six years after you first discover such defect. In no event may any action based upon a defect in this survey be commenced more than ten years from the date of certification shown hereon.

- LEGEND
- MESA COUNTY BRASS CAP
  - HIGHWAY R.O.W. MONUMENT
  - #5 REBAR AND MONUMENT CAP SET IN CONCRETE
  - #5 REBAR AND MONUMENT CAP SET
  - PK NAIL SET

A Replat Of  
Twenty Three Park Plaza  
Filing No. One







## David Thornton

---

**From:** David Thornton  
**Sent:** Tuesday, July 10, 2018 2:49 PM  
**To:** 'Gladys Kelher'; Trenton Prall  
**Cc:** Jamie Beard  
**Subject:** RE: 23 Rd Development

Ms. Kelher,

Thank you for your interest and inquiry. I wish I had more news about the sewer other than to say that things are still in process. Jamie Beard, Assistant City Attorney is working on the easements (I have copied her on this email) and she may be able to provide updated information as we continued forward through this process.

Regarding the Mosaic Development, the applicant continues to move through the development review process and zoning and development considerations are anticipated to go to public hearing soon, possibly in late August with the Planning Commission. When scheduled, public notice of the hearing will be sent by mail to property owners within 500 feet of the development.

Thanks again and thanks for asking,

Dave

---

**From:** Gladys Kelher [mailto:mkelher@bresnan.net]  
**Sent:** Tuesday, July 10, 2018 11:32 AM  
**To:** David Thornton <davidt@gjcity.org>; Trenton Prall <trentonp@gjcity.org>  
**Subject:** 23 Rd Development

Hi David:

As you recall, I'm one of the homeowners in the Bookcliff Ranches Subdivision that worked with the city with the easement necessary to extend the sewer from the proposed development at H and 23 Road to the Plant.

It seemed that all was in order except for one of our homeowners, the Perry's. I was wondering if, in fact, that issue has been taken care of? And then what are the latest in the plans for moving forward with the development? I would appreciate an update.

Thanks  
Gladys Kelher  
760 Foxfire Ct  
241-6770

Sent from [Mail](#) for Windows 10



## David Thornton

---

**From:** Douglas Gilliland <douglasg33@aol.com>  
**Sent:** Wednesday, December 13, 2017 6:52 AM  
**To:** David Thornton; 'Ted'; 'Mark Austin'  
**Cc:** Rick Dorris; Trenton Prall; Tamra Allen; Douglas Gilliland  
**Subject:** RE: Mosaic Planned Development comments

David

Thanks to you and Ted for your comments and input. Ted and I will put together a response to the Kelhers. Their concerns are normal and under some circumstances very reasonable.

As you know we have met several times with neighbors (and in particular with residents of Book Cliff). The message from us as land owners has always been consistent. They may have attended one of those meetings, and we welcome more conversations with them. The land is currently zoned industrial, not residential or agricultural. The residents have steadfastly provided feedback that given the choice between us developing warehouses with heavy truck traffic at their doorstep, they would prefer a residential use.

With that in mind, we have analyzed what kind of residential community we would need to create that would make it reasonable for us to abandon the industrial use. We have also taken a hard look at residential trends in the region. We have noted that this type of well-maintained higher density community that provides reasonably priced homes (200's to 400's) should be well received by home buyers. In response to the families in Book Cliff, we have placed the larger 60' lots along the property that adjoins them. We have removed the multi-family that at one time adjoined them and replaced it with a storage use. As you know, I-70 is our south property line and we don't think putting low density residential adjacent to it is a good idea. In addition, we have abandoned the roads system that would have increased truck and auto traffic into their neighborhood.

Our plan is to create a wonderful community that we have named Mosaic. It is a unique planned community that will provide quality homes and a very nice open space (11 ac). This area will include walkways, organic gardens and a community pool/ gathering center. There will be very nicely landscaped entryways that are maintained by a home owners association. Very importantly, we want to make Mosaic the first planned community that is "zero-energy capable" in Grand Junction (actually in all of Colorado). We think lots of quality families young and old will really enjoy the life style we are planning. Our similar community in Austin Texas was just recognized as the nations' Community of the Year' by Green Home Builder Magazine. ( Go to this link to see the article;

<http://penpubinc.com/magazine/online/2017/GHB/NovDec/>

). I think there may be similar recognition for Mosaic and Grand Junction when we get the program going).

As you know, most of the land uses along I-70 are commercial or industrial. It is unfortunate that the early owners of the land at Book Cliff decided to change the initial industrial zoning to large lot residential. It is out of place in our opinion. It shouldn't be a surprise to them that this type of land use should take place adjacent to them. In fact, if they looked at the Grand Junction future land use plan, they would see that this use is very compatible with the vision of the city planners.

As I said, we will provide a response to them, but to her request that we compromise our use, we can't agree. If we were forced to take that course, we would keep the zoning we have and pursue a completely different plan that is far less compatible with their land use. The value of their properties would be dramatically impacted. In addition, if that happened, all of the work we have done with the city to bring sewer service to the northside would probably not take

place for years to come. In reality, they will greatly benefit from having the sewer extension. Their quality of life will improve and the new sewer system will add value to their properties.

I am always available for discussion and look forward to seeing you and your team on the 20<sup>th</sup>.

Best Regards,

DOUGLAS GILLILAND  
PRESIDENT  
TAURUS OF TEXAS HOLDINGS GP, LLC



**Taurus Investment Holdings, LLC**

9509 Lighthearted Drive  
Whisper Valley, Texas 78653  
Cell: 817-999-4828  
Email: [dgilliland@tiholdings.com](mailto:dgilliland@tiholdings.com)  
[www.tiholdings.com](http://www.tiholdings.com)

The information contained in this transmission is privileged and confidential information intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, do not read it. Please immediately reply to the sender that you have received this transmission in error then delete it. Thank you.

---

**From:** David Thornton [mailto:[davidt@gjcity.org](mailto:davidt@gjcity.org)]  
**Sent:** Tuesday, December 12, 2017 1:29 PM  
**To:** Ted <[ted@ciavonne.com](mailto:ted@ciavonne.com)>; Douglas Gilliland <[douglasg33@aol.com](mailto:douglasg33@aol.com)>; Mark Austin <[Marka@austincivilgroup.com](mailto:Marka@austincivilgroup.com)>  
**Cc:** Rick Dorris <[rickdo@gjcity.org](mailto:rickdo@gjcity.org)>; Trenton Prall <[trentonp@gjcity.org](mailto:trentonp@gjcity.org)>; Tamra Allen <[tamraa@gjcity.org](mailto:tamraa@gjcity.org)>  
**Subject:** RE: Mosaic Planned Development comments

Ted,

I agree. In our community's new "normal" with subdivision development and citizens participating in that review and approval process in expanded ways, you raise very important concerns and questions. We can clearly collect comments and send them formally to you as part of the Review Comments, we typically do anyways. As you mentioned this particular email has a wide array of comments so my forwarding them to you early hopefully helps you sooner, rather than later to know how you would respond. Thus, I will leave it to you as to how you want to respond, individually to Mrs. Kelher or not. Bookcliff Ranches residents have had a unique role in your process over the past couple of years as this project as moved forward, they seem to expect a continued personalized attention everyone has been giving them.

Your call,

Dave

---

**From:** Ted [mailto:[ted@ciavonne.com](mailto:ted@ciavonne.com)]  
**Sent:** Tuesday, December 12, 2017 12:08 PM



To: David Thornton <[davidt@gjcity.org](mailto:davidt@gjcity.org)>; Douglas Gilliland <[douglasg33@aol.com](mailto:douglasg33@aol.com)>; Mark Austin <[Marka@austincivilgroup.com](mailto:Marka@austincivilgroup.com)>  
Cc: Rick Dorris <[rickdo@gjcity.org](mailto:rickdo@gjcity.org)>; Trenton Prall <[trentonp@gjcity.org](mailto:trentonp@gjcity.org)>  
Subject: RE: Mosaic Planned Development comments

Dave,

It is unusual for me to field individual questions as they come in on a project. In the past it has been more typical for letters and comments to be collected by staff, provided with the Review Comments, and either addressed with our Response to Comments OR addressed at a Public Hearing. My concern is NOT to avoid answering questions, but rather that they could continually 'dribble in' to you / us and responding as they arrive is quite inefficient. So my question to you is – Can you collect questions / comments and bundle them in with your Review Comments for us to address ... or are we to deal with each letter as it is received and forwarded to us? I will note that this particular letter requires input and feedback from many people, and it will take a while to circulate for responses.

Please advise.

Ted Ciavonne, PLA

Ciavonne Roberts & Associates, Inc.  
**LAND PLANNING AND LANDSCAPE ARCHITECTURE**  
222 N. 7<sup>th</sup> Street  
Grand Junction, CO 81501  
Ph (970) 241-0745  
[ted@ciavonne.com](mailto:ted@ciavonne.com)  
[www.ciavonne.com](http://www.ciavonne.com)

---

From: David Thornton [<mailto:davidt@gjcity.org>]  
Sent: Tuesday, December 12, 2017 9:19 AM  
To: Ted <[ted@ciavonne.com](mailto:ted@ciavonne.com)>; Douglas Gilliland <[douglasg33@aol.com](mailto:douglasg33@aol.com)>; Mark Austin <[Marka@austincivilgroup.com](mailto:Marka@austincivilgroup.com)>  
Cc: Rick Dorris <[rickdo@gjcity.org](mailto:rickdo@gjcity.org)>; Trenton Prall <[trentonp@gjcity.org](mailto:trentonp@gjcity.org)>  
Subject: FW: Mosaic Planned Development comments

Ted,

If you could please address these concerns and respond to the Mrs. Kelher and copy me. Thanks,

Dave

---

From: David Thornton  
Sent: Tuesday, December 12, 2017 9:17 AM  
To: 'Gladys and Mike Kelher' <[mkelher@bresnan.net](mailto:mkelher@bresnan.net)>  
Subject: RE: Mosaic Planned Development comments

Thanks for your comments and concerns. I will send this on to the developer's team.

Thanks Again,

Dave

David Thornton, ACIP  
Principal Planner  
970-244-1450

---

**From:** Gladys and Mike Kelher [<mailto:mkelher@bresnan.net>]  
**Sent:** Monday, December 11, 2017 4:04 PM  
**To:** David Thornton <[davidt@gcity.org](mailto:davidt@gcity.org)>  
**Subject:** Mosaic Planned Development comments

Regarding the above development, we are not opposed to the concept of the development but we are concerned greatly about the *extreme* density, especially as it neighbors Bookcliff Ranches where homes are on 2 acres. We would hope that there could be some "transition" or "feathering" of bigger lots as they but up against our properties with increased density as it moves to the east.

We would like to see the elimination of the apartments along I-70. Apartment means, to us, a transitional, mobile population which would not be desirable. We would prefer that, at the least, the density be cut in half. Better would be to replace the rented apartments with townhouses or condos that are FHA approved. With buying, it would seem to imply a more permanent, long-term resident.

Reduce by half (or double the lot size) of the number of single-family homes along our Bookcliff Ranches property and on the other side of the street. That would give a bigger property size that would "transition" from our 2 acres somewhat.

Concerns:

1. How will the intersection of 23 and H be addressed with the increase in traffic?
2. Will there be turn lanes along we and along H road for entering and exiting the development?
3. Will there be sidewalks along both 23 and H road for the foot traffic
4. How will the development deal with the irrigation ditch that bring water to our subdivision—will it be covered, left open, etc. With one entrance off of H Road, the ditch will have to be crossed.
5. How will you address the intersection of the I-70 frontage road and 23 Road just to the north of the overpass. That already has blind spots and will be troublesome with more traffic.
6. That detention pond is MUST regardless of other changes to the plans in order to protect the homeowners in Bookcliff Ranches.
7. What kind of noise barrier will there be between the Mosaic development and property owners of Bookcliff Ranches along that east side?
8. What are your plans for irrigation water?
9. What will be the price range for the various residential types? We certainly DO NOT want low income. Want to know the price point for the homes, although I understand market will determine some of it but they developers must have some range in mind.

This dense development will have a severe impact on the schools, fire, police and/or sheriff departments.

Bottom line.....this proposal as it is now is JUST TOO DENSE for our satisfaction and I believe that there is a compromise that is possible for both the developers and for what will be in our best interest so that the property values of our homes are not impacted in a negative way.

Gladys and Mike Kelher  
760 Foxfire Ct

## David Thornton

---

**From:** David Thornton  
**Sent:** Thursday, November 30, 2017 2:48 PM  
**To:** 'Gladys and Mike Kelher'  
**Subject:** RE: Mosaic Planned Development 23 Rd  
**Attachments:** 1-Development Application Mosaic.pdf; 4b-Mosaic Subdivision Illustrative.pdf; 16-Prelim Subdivision Plan.pdf

Gladys,

Good afternoon, yes I came to your house with Trent. How are you. Thanks for your continued interest in this project.

I will try to answer your questions below.

I have attached some drawings and information on the project for you to review. Currently we don't have a means for you to review the plans online. Please email me your comments or questions.

ROW stands for Right-of-Way and yes the current plat located on the southern portion of the property needs to be vacated with ROW and easements vacated as part of that. New ROW and easements would be dedicated for any new development that is approved for the site.

I hope that clarifies. Please let me know if there is anything else.

Thanks,  
Dave

244-1450

---

**From:** Gladys and Mike Kelher [mailto:mkelher@bresnan.net]  
**Sent:** Wednesday, November 29, 2017 3:25 PM  
**To:** David Thornton <davidt@gjcity.org>  
**Subject:** Mosaic Planned Development 23 Rd

Hi Dave:

I think you came to our house with Trent Prall talking about the sewer extension easements. Anyway, We got the notice of application regarding the planned development of the lots to the east of our Bookcliff Ranches Subdivision.

Is there a way to see the proposed development plans online? In our last communication from Trent regarding the sewer easement, he did include an updated illustrative layout. Is that the same thing as the proposed development plan? Can we make comments online or do we need to actually come into city hall to see and do this?

Also, please explain to me what is meant by the last sentence on the notice that says: "This project also includes vacating a subdivision Plat with ROW and easements." I don't know what ROW stands for and I'm making the assumption that this means to do away with any previous plats/plans made for those lots. But please clarify.

As you can tell, I'm really clueless about all of this so appreciate any help and clarification you can provide.

Thanks  
Gladys and Mike Kelher

## David Thornton

---

**From:** Diane Atchison <dianeatch@hotmail.com>  
**Sent:** Wednesday, January 31, 2018 8:30 AM  
**To:** David Thornton  
**Subject:** ANX-2017-560/VAC-2017-561/PLD-2017-562

Dear Sir,

I would like to share my tho'ts on the planned development next to my home. Forgive me if my letter is not standard, for this is my first time writing one of these.

I am adamantly opposed to the current proposed plan for the land. I moved into this particular subdivision because the homes all had at least two acres. Which means it is not crowded. There are no high density subdivisions in our area. Matter of fact, you have to go several miles to find a high density subdivision. I strongly recommend that the land next door to Bookcliff Ranches subdivision be at least comparable to what is in the immediate vicinity to maintain the area.

Please, reconsider the plans.

Thank you, kindly, for your consideration in this matter.

Sincerely,

Mrs. Atchison

2272 G 3/4 Rd.

Grand Junction, Co. 81505

***"God who gave us life gave us liberty. ??And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are a gift from God?" ??Thomas Jefferson, 1781, Jefferson's notes on the State of Virginia, Query XVIII***



## David Thornton

---

**From:** David Thornton  
**Sent:** Friday, January 05, 2018 10:52 AM  
**To:** 'BARBARA BYRNE'  
**Subject:** RE: Development at 23 & H Roads  
**Attachments:** 4b-Mosaic Subdivision Illustrative.pdf

Good Morning Barbara,

Here is a, illustrative drawing of the proposed development. This area at 23 Road and H Road is in line for much growth in the future as the City grows in ways identified in the City's Comprehensive Plan adopted in 2010. The City will likely see a lot of growth in the Appleton area in the coming years.

Thanks for your interest in our community.

Dave

David Thornton, ACIP  
Principal Planner  
Community Development Department  
City of Grand Junction

---

**From:** BARBARA BYRNE [mailto:bjbyrne3@msn.com]  
**Sent:** Friday, January 05, 2018 10:16 AM  
**To:** David Thornton <davidt@gjcity.org>  
**Subject:** Development at 23 & H Roads

Good Morning David, I talked to you yesterday, Thursday 1/4/18, to ask about the development at 23 & H Roads. Again I live just north of 23 & I 1/4 roads, but pass this development area daily. If you could send me what you know about the development as you stated yesterday that would be great. My email address: [bjbyrne3@msn.com](mailto:bjbyrne3@msn.com)

Thanks for the information,  
Barbara Byrne

## David Thornton

---

**From:** Trenton Prall  
**Sent:** Wednesday, December 27, 2017 6:24 PM  
**To:** crawfordbeatrice@gmail.com  
**Cc:** Jamie Beard; Anthony Lee Cooper; David Thornton  
**Subject:** 23 Road Sewer Trunk Extension / followup to 12/11/17 meeting

Bent and Beatrice,

As followup to our 12/11/17 meeting, the developer is working on language that would provide the requested assurance that the portion of the property to the east of your property will always be open or a detention basin.

The development is in for review and I will followup with more details on fencing options buffering Mosiac development from Bookcliff Ranches upon City Principal Planner Dave Thornton's return early next week. In regards to price points I would suggest you contact Doug Gilliland directly; in a meeting last week he did remember previous discussions with you. He can be reached at 817-788-1000 or dgilliland@tiholdings.com.

We are still pushing to get the sewer constructed this Spring.

Thank you!

Trent Prall, PE  
Public Works Director / Manager  
City of Grand Junction / 5-2-1 Drainage Authority  
970-256-4047 / 970-201-6384



## David Thornton

---

**From:** David Thornton  
**Sent:** Tuesday, December 12, 2017 12:16 PM  
**To:** 'Steve Root'  
**Subject:** RE: connectivity  
**Attachments:** 4b-Mosaic Subdivision Illustrative.pdf; 4a- Final General Project Report.pdf

Steve,

Here is the current proposal for the property.

Dave

David Thornton, AICP  
Principal Planner  
Community Development Department  
970-244-1450

---

**From:** Steve Root [mailto:steveroot67@yahoo.com]  
**Sent:** Tuesday, December 12, 2017 10:22 AM  
**To:** David Thornton <davidt@gjcity.org>  
**Subject:** connectivity

Dave, thanks for returning my call. If we are connected I will request info.

Steve Root

Nov 27, 2017

John Mead  
804 Meese Rd

HAD

Questions About Mosaic  
Planned Development

---

PHONE CONVERSATION

## David Thornton

---

**From:** Amy Aragon <aragon@keyhr.net>  
**Sent:** Thursday, November 30, 2017 3:40 PM  
**To:** David Thornton  
**Subject:** RE: Mosaic Planned Development Notice

Thank you, that was helpful -Amy

Amy Aragon  
Key Human Resources  
970-248-9322

---

**From:** David Thornton [mailto:davidt@gjcity.org]  
**Sent:** Thursday, November 30, 2017 3:28 PM  
**To:** Amy Aragon  
**Subject:** RE: Mosaic Planned Development Notice

Amy,

We have nothing local, but they do development throughout the Country and Whisper Valley in Austin Texas (at a much smaller scale) is their example of what they want to do here with ecofriendly and net-zero homes using geothermal energy, etc. It is actually pretty exciting to see what is available out there in the world and perhaps Grand Junction will get to see this first hand.

Check out this link  
<http://www.whispervalleyaustin.com/>

Dave

---

**From:** Amy Aragon [mailto:aragon@keyhr.net]  
**Sent:** Thursday, November 30, 2017 2:49 PM  
**To:** David Thornton <davidt@gjcity.org>  
**Subject:** RE: Mosaic Planned Development Notice

Thank you for the information. Is there any developments in Grand Junction that they are modeling this Mosaic Development after that I can drive through?

Amy Aragon  
Key Human Resources  
970-248-9322

---

**From:** David Thornton [mailto:davidt@gjcity.org]  
**Sent:** Thursday, November 30, 2017 2:29 PM  
**To:** Amy Aragon  
**Subject:** RE: Mosaic Planned Development Notice

Hi Amy,

I have attached some information and drawings that should help you understand what is being proposed. Any questions or comments can be emailed to me. Thanks,

Dave

---

**From:** Amy Aragon [<mailto:aragon@keyhr.net>]

**Sent:** Thursday, November 30, 2017 11:58 AM

**To:** David Thornton <[davidt@gcity.org](mailto:davidt@gcity.org)>

**Subject:** Mosaic Planned Development Notice

Hi David,

I received the notice attached. I would like more information about the planned development as well as how I submit my request/concerns.

Thank you -Amy

Amy Aragon

Key Human Resources

970-248-9322

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE  
MAP DESIGNATION TO RESIDENTIAL HIGH, RESIDENTIAL MEDIUM AND  
RESIDENTIAL MEDIUM LOW AND A ZONE OF ANNEXATION AND REZONING TO  
PD (PLANNED DEVELOPMENT) WITH AN ODP (OUTLINE DEVELOPMENT PLAN)  
AND DEFAULT ZONES OF R-5 (RESIDENTIAL – 5 DU/AC), R-8 (RESIDENTIAL - 8  
DU/AC), R-24 (Residential - 24 DU/AC) and B-1 (NEIGHBORHOOD BUSINESS)  
FOR THE MOSAIC PLANNED DEVELOPMENT  
ON APPROXIMATELY 70 ACRES**

**LOCATED AT 789 23 ROAD AND PROPERTY SOUTH TO I-70 BETWEEN 23 ROAD  
AND BOOKCLIFF RANCHES SUBDIVISION**

Recitals

The applicant and owner, Club Deal 113/114 Park Plaza and Grand Junction Limited Partnership, owners of 70 acres of land at 789 23 Road, (referred to herein and more fully described below as the “Property”), propose a mixed-use development known as the Mosaic Planned Development (the “Mosaic Project” or “Project”) with approximately 33 acres of Single Family Residential (Detached Residential, Attached Residential, and Townhome), 8 acres of High Density Residential (Apartment, Condominiums), 2 acres of Mixed Residential / Neighborhood Center, 12½ acres of internal road ROW, and 13.65 acres of Open Space to be constructed within eight phases. The proposed range of density is from 500 to 625 units, with an overall density between 7 and 9 du/ac. The Outline Development Plan (ODP) is attached hereto and incorporated herein as Exhibit A.

In general, a planned development (PD) zone is available to a property owner / developer where substantial long-term community benefits will be derived from a project but where application of the zone district standards do not afford the flexibility needed. (GJMC 21.05.010). In a PD zone, the uses, bulk standards, and other standards should generally follow those of the default zones, but deviations that are particular to the project may be established by the zoning ordinance. (GJMC 21.05.020). A PD zoning ordinance must contain a provision that if the planned development approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards. (GJMC 21.05.020).

This ordinance amends the Comprehensive Plan, zones the Property PD, approves the proposed ODP, establishes the standards, allowed deviations from standards otherwise established by the Zoning and Development Code, and conditions of approval for the PD zone and ODP. In particular, it establishes the default zones for the PD of R-5 (Residential—5 du/ac), R-8 (Residential—8 du/ac), R-24 (Residential-24 du/ac) and B-1 (Neighborhood Commercial) as depicted on Exhibit A. This ordinance also establishes that in the event that the PD and/or ODP expire, lapse or become invalid for any reason, the property shall be fully subject to the standards of the default

zones established for each area of the property shown on Exhibit A, without further action by the City.

The City Council finds, after a public hearing and review of the proposed Comprehensive Plan Future Land Use Map amendments, Rezone and Zone of Annexation to Planned Development (PD), and Outline Development Plan (ODP), determined that they satisfy the applicable criteria of the Code and are consistent with the purpose and intent of the Comprehensive Plan.

The City Council also finds and determines that the ODP achieves substantial long-term community benefits, as required by the Zoning and Development Code, by providing the following:

- (1) More effective infrastructure. Infrastructure that serves higher density and intensity development is more efficient, therefore making it more effective. It serves more people, residents, buildings per linear foot than low density, low intensity development and is more cost effective. This infrastructure includes utility extensions, upgrades and improvement that will provide the opportunity for further extension into adjacent developed areas and provide connectivity to adjacent undeveloped properties.

The Mosaic Project is the catalyst for the Persigo sewer extension into this north area of Grand Junction. The size of the Mosaic development makes it economically feasible to partner with the City and to extend the sewer trunk line from the Love's Truck Stop at 22 Road and US Hwy 6 & 50 to the southwest corner of the Mosaic property. The Project developers will pay the share of the line extension attributable to the Mosaic Project and will extend the line through the development to H Road at their expense. The sewer extension will provide the opportunity for adjacent properties, currently served by on-site septic systems, to tap into the sanitary sewer system, improving the value of the property and increasing public health, safety and welfare and making more efficient and effective use of infrastructure.

- (2) Reduced traffic demands. The ODP establishes that the Project will include an "extensive on-street and off-street parking and pedestrian walkways, allowing residents to park their vehicles and walk throughout the development". A higher density residential development adjacent to a Neighborhood Center increases the potential for fewer vehicular trips between uses. The ODP identifies Pod A, located in the northeast corner of the development, as a Neighborhood Center supporting neighborhood commercial uses that can provide the goods and services close by. This can reduce traffic demand on external roads for these services to other parts of town, providing for a long-term community benefit of decreasing traffic.

The ODP also establishes 13.65 acres of developed open space with amenities for residents, providing close-by park amenities within walking distance, minimizing the need to drive to a City park outside this development.

- (3) Greater quality and quantity of public and/or private open space. The Mosaic Planned Development is proposing 13.65 acres of open space or 20% of the total acreage of the property; only 10% is required by the Zoning and Development Code. As stated in the ODP, "The open space includes the development of

irrigated and turfed central park areas, greenbelt linkages and roadway landscapes, and extensive on-street and off-street parking and pedestrian walkways, allowing resident to park their vehicles and walk throughout the development.”

- (4) Needed housing types and/or mix. The diverse housing types established in the ODP include detached single family, attached single family, zero lot-line single family products such as townhomes, and apartments. The ODP allows product flexibility to respond to market demands at the time of final design, but at a minimum establishes that a mix of the types proposed will be constructed. The proposed mix of housing types at different price points can help with affordability and provide housing choice for various life stages and income. Because there are currently very few options in the market other than a single-family detached homes, the City Council finds that the mix of housing types established by the ODP are needed housing types.

In addition, the Comprehensive Plan states that “as the baby-boomer generations reach retirement age, the housing market is reflecting a desire for smaller yards, or no yards to maintain at all. At the same time, a younger generation is discovering the benefits of urban living: shorter commute times, more activities and less expensive housing. As a result of both of these trends, there is a resurging interest throughout the U.S. for smaller homes, townhomes, condominiums and urban living. Under these circumstances, providing opportunity for a variety of housing types (including higher density units) is sound, sustainable planning strategies to accommodate market pressure. (See Guiding Principle 3: Housing Variety).

The City Council finds that Comprehensive Plan map amendment from Commercial/Industrial to Residential High, Residential Medium, Residential Medium Low on approximately 30 acres located within the Twenty Three Park Plaza Filing No. One Replat at southern end of site, as shown on the attached Exhibit A is consistent with the vision, intent, goals and policies the Comprehensive Plan and has met one or more criteria for a Comprehensive Plan amendment, as further described in the Staff report.

The City Council finds that a PD zone district with default zones of R-5, R-8, R-24 and B-1, PLD-2017-562, specifically with default zones of R-5, R-8 and R-24 for the Twenty Three Park Plaza Filing No. One Replat property (southern 30 acres) and default zones of R-5, R-8 and B-1 for the property located at 793 23 Road known as the Taurus Park Plaza Annexation (northern 40 acres), and with the deviations and standards established in the ODP, is consistent and conforms with

- 1) the Comprehensive Plan, Grand Junction Circulation Plan and other adopted plans and policies; and
- 2) the rezoning criteria provided in GJMC 21.02.140;
- 3) the planned development requirements of Section 21.05.040(f);
- 4) the applicable corridor guidelines and other overly districts.

The City Council also finds that such PD zoning provides the following:

- 5) public services and facilities that are adequate for and concurrent with the projected impacts of the development;
- 6) circulation and access adequate to serve all development pods/areas to be developed;
- 7) appropriate screening and buffering of adjacent property;
- 8) an appropriate range for density for the entire property or for each pod/area to be developed;
- 9) an appropriate set of “default” or minimum standards for the entire property or for each development pod/area to be developed;
- 10) an appropriate phasing or development schedule for the entire property or for each development pod/area to be developed; and
- 11) long term community benefits.

Section 21.05.040 (g) of the Code allows for deviations from the default district standards as long as community amenities are provided that are in excess of what would otherwise be required by the code. The City Council finds that the deviations from the standards of the default zones established by this ordinance are supported by at least one of the following:

- (1) Transportation amenities including, but not limited to, trails other than required by the multimodal plan, bike or pedestrian amenities or transit oriented improvements, including school and transit bus shelters;
- (2) Open space, agricultural land reservation or land dedication of 20 percent or greater;
- (3) Community facilities for provision of public services beyond those required for development within the PD;
- (4) The provision of affordable housing for moderate, low and very low income households pursuant to HUD definitions for no less than 20 years; and
- (5) Other amenities, in excess of minimum standards required by this code, that the Council specifically finds provide sufficient community benefit to offset the proposed deviation.

In particular, the ODP establishes that the amenities required to support the deviations established by this ordinance are 13.65 acres of open space, which is 20% of the site, meeting criterion number (2) above.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, the Planning Commission reviewed the request for the proposed Comprehensive Plan Future Land Use Map amendments, Rezone and Zone of Annexation to Planned Development (PD), and Outline Development Plan (ODP), and determined that each satisfies the applicable criteria of the Zoning and Development



Code, is consistent with the purposes, intent, goals and policies of the Comprehensive Plan, and are generally compatible with land uses located in the surrounding area, and recommended approval of:

- 1) A Comprehensive Plan Future Land Use Amendment from Commercial Industrial to Residential High and Residential Medium and Residential Medium Low on approximately 30 acres located within the Twenty Three Park Plaza Filing No. One Replat and as shown in the ODP plan exhibit;
- 2) A rezone to Planned Development (PD) with default zones of R-5, R-8 and R-24 for the Twenty Three Park Plaza Filing No. One Replat property as shown on Exhibit A;
- 3) A Zone of Annexation to Planned Development (PD) with default zones of R-5, R-8 and B-1 for the property located at 793 23 Road known as the Taurus Park Plaza Annexation as shown as Exhibit A; and
- 4) The (ODP) for mixed use development on approximately 70-acres including the Twenty Three Park Plaza Filing No. One Replat and the property located at 793 23 Road described and depicted in the attached and fully incorporated Exhibit A.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE OUTLINE DEVELOPMENT PLAN AS A PLANNED DEVELOPMENT FOR MOSAIC IS APPROVED WITH THE FOLLOWING STANDARDS AND DEFAULT ZONE:

A. This Ordinance applies to the following described property:

A tract of land located in part of the E ½ of the NE ¼ of Section 31, Township 1 North, Range 1 West of the Ute Meridian, in Mesa County, Colorado being more particularly described as follows:

BEGINNING at the Northeast corner of the NE<sup>1/4</sup> of said Section 31, whence the Northwest corner of the NE<sup>1/4</sup> NE<sup>1/4</sup> said Section 31 bears thence South 89°59'05" West, a distance of 1317.73 feet for a basis of bearings, with all bearings contained herein relative thereto; thence South 00°03'41" West, a distance of 1294.50 feet, along the East line of said NE<sup>1/4</sup> NE<sup>1/4</sup> Section 31; thence along the North right-of-way line of Plaza Road the following eleven (11) courses: (1) North 89°56'19" West, a distance of 33.00 feet; (2) thence with a non-tangent curve turning to the right having a delta angle of 89°59'09", a radius of 50.00 feet, an arc length of 78.53 feet, and a chord length of 70.70, with a chord bearing of South 45°03'27" West; (3) thence North 89°56'59" West, a distance of 196.65 feet; (4) thence with a curve turning to the right having a delta angle of 90°00'54", a radius of 50.00 feet, an arc length of 78.55 feet, and a chord length of 70.72 feet, with a chord bearing of North 44°56'24" West; (5) thence North 89°56'54" West, a distance of 60.00 feet; (6) thence with a non-tangent curve turning to the right having a delta angle of 89°58'58", a radius of 50.00 feet, an arc length of 78.52 feet, and a chord length of 70.70 feet, with a chord bearing of South 45°03'38" West; (7) thence North 89°56'59" West, a distance of 479.12 feet; (8) thence with a curve turning to the right having a delta angle of 90°00'54", a radius of 50.00 feet, an arc length of 78.55 feet, and a chord length of 70.72 feet, with a chord bearing of North 44°56'24" West; (9) thence North 89°56'54" West, a distance of 60.00 feet; (10) thence with a non-

tangent curve turning to the right having a delta angle of 89°58'58", a radius of 50.00 feet, an arc length of 78.52 feet, and a chord length of 70.70 feet, with a chord bearing of South 45°03'36" West; (11) thence North 89°56'59" West, a distance of 239.58 feet, to a point on the West line of the SE<sup>1/4</sup> NE<sup>1/4</sup> said Section 31; thence North 00°05'00" East, a distance of 21.94 feet, along the West line of said SE<sup>1/4</sup> NE<sup>1/4</sup> Section 31 to the calculated position of the Southeast corner of the NE<sup>1/4</sup> NE<sup>1/4</sup> ; thence North 00°05'15" East, a distance of 1342.91 feet, along the West line of said NE<sup>1/4</sup> NE<sup>1/4</sup> Section 31; thence North 89°59'05" East, a distance of 1317.73 feet to the POINT OF BEGINNING.

Said parcel containing an area of 71.05 Acres, as herein described (the "Property").

- B. The findings, conditions, requirements, and statements of the developer's performance (including but not limited to those described as being part of the project's public benefits) set forth in the Recitals for this ordinance are substantive conditions and requirements of the zoning and ODP approval as if fully set forth in this part of the ordinance.
- C. This Property is zoned PD (Planned Development) and the Outline Development Plan attached as Exhibit A is approved with the following standards and requirements:

**Establishment of Uses:**

Commercial uses in Pod A will be consistent with what is allowed in the City's B-1 zone district with the following additional uses and exceptions. Land uses not allowed as part of the PD that are otherwise allowed in the B-1 zone district include cemeteries, golf courses/driving ranges, funeral homes/mortuaries, boarding schools, elementary schools, secondary schools and commercial parking lots (does not include parking lots required for businesses).

Allowed land uses proposed in Pod B are residential land uses as permitted in the R-5 and R-8 default zone districts. Land uses not allowed in the PD but are allowed in the R-8 zone district include cemeteries and golf courses.

Allowed land uses proposed in Pod C will be residential uses as permitted in the R-24 default zone district. Land uses not allowed in the PD but area allowed in the R-24 zone district include cemeteries and golf courses.

**Density/Intensity:**

The proposal for Pod A includes a maximum of 25,000 square feet of neighborhood commercial development and up to 34 residential units. Mixed use buildings or second story residential uses are permitted consistent with this B-1 default zone district.

The proposed overall density for Pod B is between 350 (6.03 du/ac) to 420 (7.4 du/ac) dwelling units with allowed housing types to include single family detached and attached (duplex), townhome and multi-family of varying lot sizes. The western boundary of the property is proposed to have an R-5 default zone district and allow only single family detached housing as a transition to the adjacent Bookcliff Ranches subdivision. That area is approximately 8 acres in size and would allow 16 to 32 dwelling units. The remainder of Pod B is proposed to have an R-8 default zone district that will allow for densities and housing types consistent with that zone district. The area is

approximately 49 acres and would allow 269 to 392 dwelling units. The proposed overall density range of Pod B meets the density requirements of the default zone districts.

The proposed density for Pod C is 128 (16 du/ac) to 192 (24 du/ac) dwelling units. The area is approximately 8 acres and meets the density requirements of the proposed default zone of R-24.

**Access:**

The subdivision development will take access from 23 Road from two proposed main entrances and from H Road at one proposed main entrance. In addition, two access points, one on 23 Road and one on H Road, are proposed for vehicular access into and out of the Neighborhood Commercial Center. A local street access point is also proposed at the G <sup>3</sup>/<sub>4</sub> Road connection with the existing Bookcliff Ranches subdivision to the west. Center left turn lanes at the three main entrance locations within the 23 Road and H Road rights-of-ways identified with the preliminary traffic study and future traffic studies will be constructed as part of the subdivision development. Internal streets and private shared driveways will be designed and constructed consistent with the Code. The ODP is consistent with the City's adopted Circulation Plan for this area and provides adequate circulation and access.

Off-street parking will be applied in accordance with the Zoning and Development Code for single-family residential development, multi-family development and for commercial areas at time of Preliminary or Final Plan submittal.

A TEDS Exception (Transportation Engineering Design Standards) was also approved by the City for an Alternative Road Design which was supported by off-street trails and parking areas.

**Open Space and Pedestrian Amenities:**

The Zoning and Development Code requires a typical subdivision to dedicate 10% of land to open space or pay a fee in lieu of dedication. The Applicant has pursued a PD and an outline development plan for a subdivision greater than 10 lots (Section 21.06.020 (b) (1)), therefore the open space requirement is the minimum open space standards of the R-5 and R-8 default zones which is 10%.

The Mosaic ODP includes 13.65 acres of open space, or 20% of the site, which includes "the development of irrigated and turfed central park areas, greenbelt linkages and roadway landscapes, and extensive on-street and off-street parking and pedestrian walkways, allowing resident to park their vehicles and walk throughout the development" as described in the ODP. The amount of open space proposed exceeds the minimum 10% open space dedication requirement of Section 21.06.020(b)(1) of the Zoning and Development Code.

**Phasing:**

The Applicant's proposed ODP provides for eight (8) phases of development. The following phasing schedule is proposed (date for approval of final plat):

- Filing One (+/- 74 Lots): 2019
- Filing Two (+/- 69 Lots): 2021
- Filing Three (+/- 75 Lots): 2023

- Filing Four (+/- 67 Lots): 2025
- Filing Five (+/- 56 Lots): 2026
- Filing Six (+/- 54 Lots): 2027
- Filing Seven (+/- 50 to 100 Lots): 2028
- Filing Eight (+/- 50 to 100 Lots): 2028

The eight phases are proposed to be completed with the filing of the Phase 8 plat in a 10-year schedule. Specific phases of the project can be found on the proposed ODP map.

#### **Default Zones:**

The ODP establishes four (4) default zones to accommodate the variety of land uses and housing types proposed. Proposed deviations from default zone standards are as follows.

Table 1 (below) shows the proposed dimensional standards for each of the pods. The requested deviations are detailed below and include an analysis of conformance with Section 21.05.040(f)(1) and (g).

**TABLE 1**  
**PROPOSED ZONE DIMENSIONAL STANDARDS**

POD	DEFAULT ZONING DISTRICT	MIN LOT SIZE		MIN STREET FRONTAGE	MINIMUM SETBACKS (1), (2), (3), (4)			MAX. LOT COVERAGE	MAX. HEIGHT
		AREA (SQ. FT)	WIDTH (FT.)		FRONT	SIDE	REAR		
POD A	B-1	2,000	20	N/A*	0/25	0/0	15/15	N/A	40
POD B	R-8 SINGLE FAMILY	3,000	35	20	20/25	5/3	10/5	90%	40
	R-8 TWO-FAMILY	4,500	50	20	20/25	5/3	10/5	90%	40
	R-8 MULTI-FAMILY	1,800	20	20	15	5/3	10	90%	40
	R-5	4,000	40	20	20/25	5/3	25/5	60%	40
POD C	R-24	N/A	20	20*	20/25	5/3	10/5	90%	72

(1) PRINCIPAL / ACCESSORY BUILDING

(2) MINIMUM FRONT YARD SETBACK FOR GARAGE DOORS SHALL BE 20 FEET FOR ALL RESIDENTIAL.

(3) MINIMUM REAR LOADED FOR GARAGE DOORS SHALL BE 20 FEET FOR ALL RESIDENTIAL.

(4) SIDE SETBACK ABUTTING RESIDENTIAL IN B-1 SHALL BE 10/5.

\*ADEQUATE ACCESS WILL BE PROVIDED

Pod A -- B-1 Zone District as default zone, with the following deviations:

#### **B-1 Bulk Standard deviations**

- Reduce Minimum Lot area from 10,000 sq. ft to 2,000 sq. ft.
- Reduce Minimum Lot width from 50 ft. to 20 ft.

### B-1 Performance Standard deviations

- Allow for business hours outside of 5:00 a.m. to 11:00 p.m. with a Conditional Use Permit, as follows: Hours of business, no use in this district shall be open or accept deliveries earlier than 5:00 am nor close later than 11:00 pm unless a CUP is approved. "Closed" includes no customers on site and no deliveries.
- Allow service entrances, yards and loading areas in the front if mitigated, as follows: Service entrances. Business service entrances, service yard and loading areas shall be located in the rear or side yard or, if in the front yard, architecturally and aesthetically blended with the front of the building.

Pod B on the ODP – R-8 Zone District as default zone

### R-8 Bulk Standard deviations

- Reduce Minimum Lot width from 50 ft. to 35 ft. for single family.
- Increase Maximum Lot Coverage from 70% to 90% for single family.
- Reduce Minimum Lot width from 60 ft. to 50 ft. for two family residential.
- Increase Maximum Lot Coverage from 70% to 90% for two family residential.
- Reduce Minimum Lot area from 20,000 sq. ft. to 1,800 sq. ft. for multi-family.
- Reduce Minimum Lot width from 30 ft. to 20 ft. for multi-family.
- Reduce Minimum Front setbacks from 20 ft. for principal and 25 ft. for accessory to 15 ft. for multi-family, with garages requiring a minimum of 20'
- Increase Minimum Rear setbacks for accessory from 5 ft. to 10 ft. for multi-family.
- Increase Maximum Lot Coverage from 70% to 90% for multi-family.

Pod C on the ODP – R-24 Zone District as default zone

### R-24 Bulk Standard deviations

- Reduce Minimum Lot width from 30 ft. to 20 ft.
- Increase Maximum Lot Coverage from 80% to 90%.

The amenities required to support the deviations established by this ordinance are 13.65 acres of open space, which is 20% of the site.

### **Landscaping & Fencing:**

Fencing will be provided around the perimeter of the subdivision and in the open space areas and will comply with GJMC 21.04.040(i). As required as part of the Preliminary Plan review, landscaping will meet or exceed the requirements of GJMC 21.06.040. Landscaping is generally proposed to be provided in all open space tracts and a 14-foot-wide landscape buffer outside any proposed perimeter enclosures adjacent to arterial and collector streets.

### **Signage:**

The Applicant is proposing to have a subdivision entrance sign at the three major entrances to the development, one on H Road and two on 23 Road. Subdivision signage will be placed in an HOA tract that abuts the public right-of-way. For the Neighborhood Center, freestanding and flush wall signage is proposed.

All signage will conform to the underlying zone districts established including commercial sign regulations for B-1 in Pod A, and residential sign regulations in Pods B

and C. Residential Subdivision signage standards will apply as allowed in the R-5, R-8 and R-24 zoning districts respectively.

Should the PD and/or ODP expire, lapse or become invalid for any reason, the Property shall be fully subject to the then-applicable standards of the default zones established for each area of the Property, without the requirement of any further action such as rezoning, by the City.

Introduced for first reading on this 3<sup>rd</sup> day of October, 2018 and ordered published in pamphlet form.

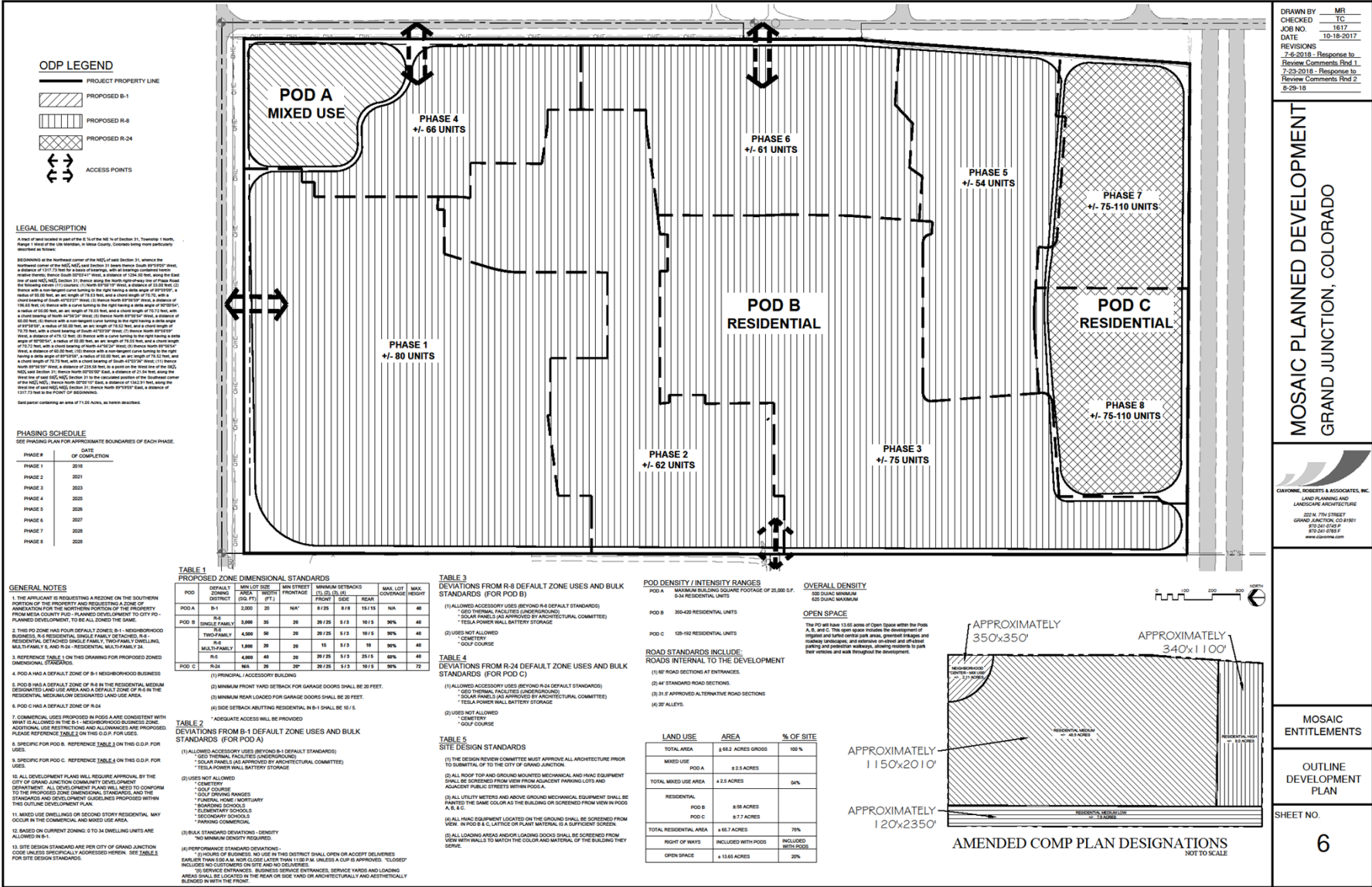
PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
President of City Council

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

## EXHIBIT A – OUTLINE DEVELOPMENT PLAN





**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE VACATING  
ALL RIGHTS-OF-WAY AND EASEMENTS WITHIN THE  
TWENTY THREE PARK PLAZA FILING NO. ONE REPLAT SUBDIVISION**

**Recitals:**

The Twenty Three Park Plaza Filing No. One Replat subdivision was platted in Mesa County in 1984 and annexed to the City in 2005. The subdivision plat depicts a 60-foot wide right-of-way for Plaza Road and South Park Circle that was to provide road access to 30 lots in the subdivision. Ten-foot utility easements were dedicated along the rights-of-way for future services to these 30 lots. The roads and other utility infrastructure that was to provide service to the 30 lots was not completed or finished; they are just depicted on the map. The property owner is replatting the property into one lot in anticipation of redevelopment and resubdivision, and as such is requesting that the rights-of-way and easement dedications shown on the plat be vacated.

There are existing utilities in the public rights of way and utility easements to be vacated; however, those are being covered with easements granted directly to the utility companies in a form acceptable to them. Those include water lines, with an easement to Ute Water Conservancy District, and drainage facilities, with an easement to Grand Valley Drainage District. It is likely that these utilities will be relocated when the property is redeveloped, with water lines relocated into the PROW dedicated on the replat, and drainage facilities relocated to accommodate the development and the Drainage District.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, and recommendation of approval by the Planning Commission, the Grand Junction City Council finds that the request to vacate the rights of way and utility easements dedicated on the Twenty Three Park Plaza Filing No. One Replat Subdivision is consistent with the Comprehensive Plan, the Grand Junction Circulation Plan and Section 21.02.090 of the Grand Junction Municipal Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING DESCRIBED IN EXHIBIT A AND B IS VACATED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The property owner must grant a 20 ft. wide easement to the Ute Water Conservancy District, in a form acceptable to Ute Water Conservancy District, for an existing waterline that runs east-west across the site.
2. The property owner must grant a 30 ft. wide easement to Grand Valley Drainage District in a form acceptable to the Drainage District for an existing drainage facility that runs east-west across the site.

3. The property owner shall replat the property and combine it with property at 789 23 Road to create one lot, thereby eliminating all lots lines for the 30 lots shown on the Twenty Three Park Plaza Filing No. One Replat subdivision.
4. Vacation of the public interest in the rights-of-way and utility easements shown on the Twenty Three Park Plaza Filing No. One Replat Subdivision shall be effective upon recording of this ordinance.

Introduced on first reading this 3<sup>rd</sup> day of October, 2018 and ordered published in pamphlet form.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2018 and ordered published in pamphlet form.

ATTEST:

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

\_\_\_\_\_  
Mayor

## **EXHIBIT A**

### **A Replat of Twenty Three Road Filing Number One Road and Easement Vacations**

ALL of those rights-of-way and all of those utility easements encumbering that property known as “A Replat of Twenty Three Park Plaza, Filing No. One”, recorded at Reception Number 1358204, Mesa County records, located in the East Half of the Northeast Quarter (E½ NE¼), Section 31, Township 1 North, Range 1 West, of the Ute Meridian in Mesa County, Colorado and being described as follows:

That sixty foot (60.0') wide right-of-way for Plaza Road as shown on said plat and that sixty foot (60.0') wide right-of-way for South Park Circle as shown on said plat, as well as the turnouts to the North for proposed future rights-of-way into the “Future Development” tract shown on said plat, including all easements shown on said plat.

17-95 Replat of Twenty Three Road Filing Number One Vacation.doc/knr

Prepared By:

Jeffrey C. Fletcher PLS 24953

High Desert Surveying, LLC

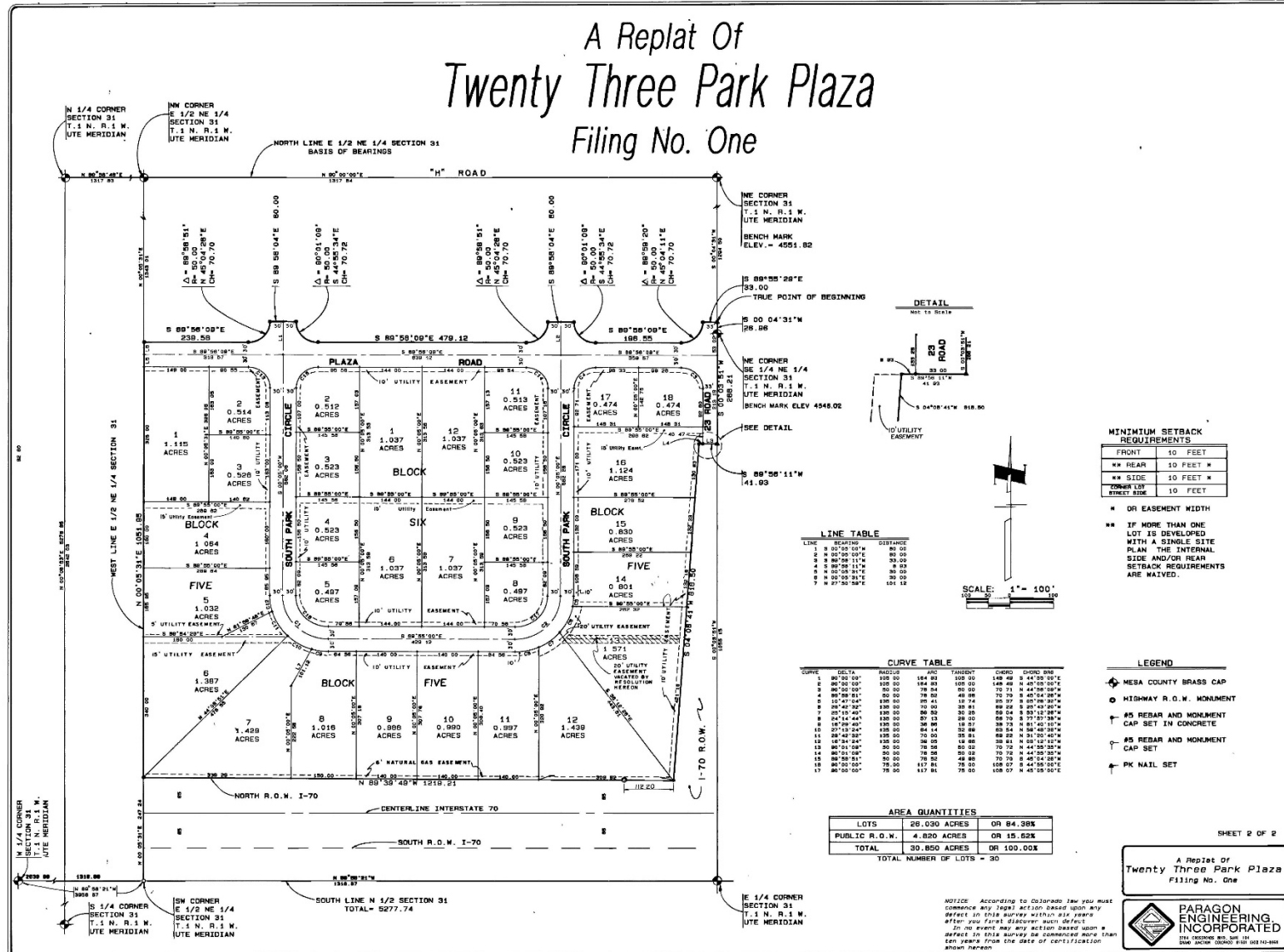
1673 Highway 50 Unit C

Grand Junction, Colorado 81503

# Rights-of-Way Vacation and Easement Abandonment Exhibit

## EXHIBIT B

### A Replat Of Twenty Three Park Plaza Filing No. One





## Grand Junction City Council

### Regular Session

Item #3.a.

---

**Meeting Date:** October 3, 2018

**Presented By:** Randi Kim, Utilities Director

**Department:** Public Works - Utilities

**Submitted By:** Lee Cooper, Project Engineer

---

### **Information**

#### **SUBJECT:**

Construction Contract for the 2018 Sewer Line Replacement Project - Phase B

#### **RECOMMENDATION:**

Authorize the City Purchasing Division to Execute a Construction Contract with MA Concrete Construction, Inc. for the Construction of the 2018 Sewer Line Replacement Project - Phase B in the amount \$986,605.00.

#### **EXECUTIVE SUMMARY:**

This request is to award a Construction Contract for the 2018 Sewer Line Replacement Project - Phase B to M.A. Concrete in the amount of \$986,605.00. This project will be replacing sewer lines at various locations within the Persigo Wastewater Treatment Plant 201 Service Boundary. This annual sewer replacement fund replaces aging sewer lines that are in poor condition. This Phase B project will replace 4,280 lineal feet of sewer mainline pipe. In addition, this sewer project will also replace 550 lineal feet of domestic waterline.

#### **BACKGROUND OR DETAILED INFORMATION:**

The existing sewer pipes that are being replaced are primarily made of vitrified clay pipe. These existing sewer pipes range in age, but the oldest clay pipes being replaced as part of this project are about 78 years old. The existing pipe will be replaced with new Polyvinyl Chloride (PVC) sewer pipe. In addition, new concrete sanitary sewer manholes will be installed and the individual sanitary sewer service lines to the properties will be replaced within the streets right-of-way.

This sewer line project is scheduled to begin on October 15, 2018 with an expected completion date of December 28, 2018. Construction will take place during the weekdays; however, there will be a few occasions where nighttime work will be required to accommodate traffic volumes on Patterson Road.

This project will be replacing sewer lines in 28 1/4 Road, neighborhood alleys south of Lincoln Park, and a sewer extension across Patterson Road. The waterline replacement is happening in 28 1/4 Road.

A formal Invitation for Bids was issued via BidNet (an online site for government agencies to post solicitations), posted on the City's Purchasing website, sent to the Grand Junction Chamber of Commerce and the Western Colorado Contractor's Association, and advertised in *The Daily Sentinel*. Two companies submitted responsive and responsible formal bids as follow:

<b><u>CONTRACTOR</u></b>	<b><u>LOCATION</u></b>	<b><u>AMOUNT</u></b>
M.A. Concrete Construction	Grand Jct., CO	\$ 986,605.00
Oldcastle SW Group (United Co.)	Grand Jct., CO	\$1,039,520.25

#### **FISCAL IMPACT:**

##### **Sewer Line Replacement Project - Phase B**

<b>Sewer Line Replacement Available Budget:</b>	<b>\$1,125,000</b>
---	--------------------

##### **Project Costs:**

Construction Contract Amount - MA Concrete:	986,605
City Const. Inspection & Contract Admin. (Estimate):	25,000
Quality Assurance Testing (Estimate):	10,000
<b>Total Project Costs</b>	<b><u>\$1,021,605</u></b>

Remaining Budget	<u>\$103,395</u>
------------------	------------------

#### **SUGGESTED MOTION:**

I move to authorize the City Purchasing Division to enter into a contract with MA Concrete Construction, Inc. for the 2018 Sewer Line Replacement Project - Phase B in the amount of \$986,605.00.

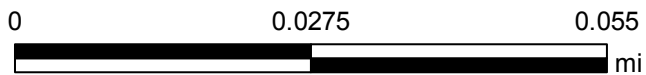
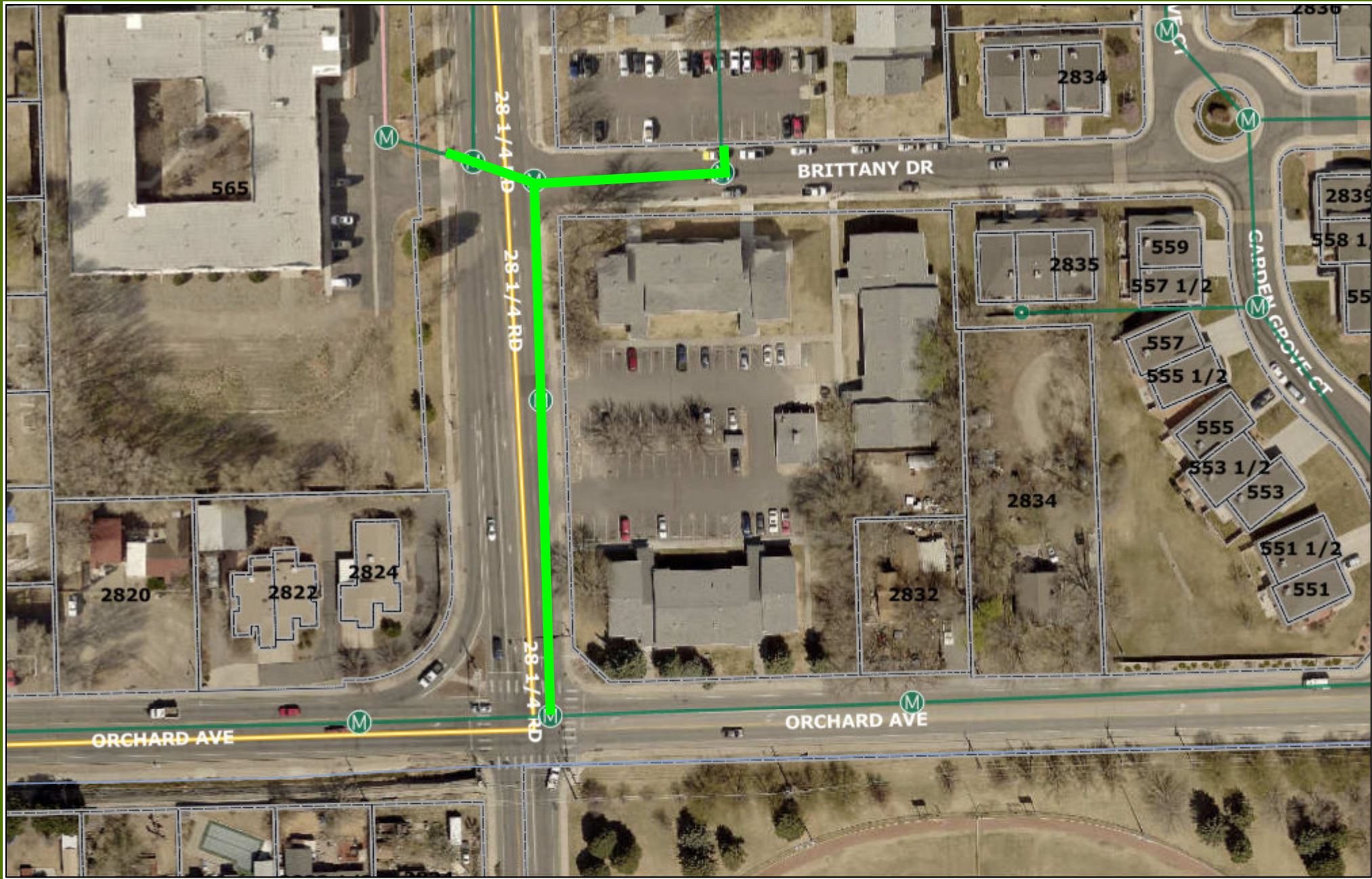
#### **Attachments**

1. 28.25 Rd Sewer Replacement

2. Grand Mesa Sewer Repair
3. Patterson Road Sewer Extension
4. Alley Sewer Replacements at Lincoln Park



# Sewer Replacement - 28 1/4 Rd. from Orchard Ave. to Brittany Dr.



Printed: 9/27/2018

1 inch = 94 feet



# Sewer Line Repair in Grand Mesa Ave.



0 0.0125 0.025  
mi

Printed: 9/27/2018

1 inch = 47 feet

CITY OF  
**Grand Junction**  
COLORADO  
GEOGRAPHIC INFORMATION SYSTEM



# Patterson Rd. Sewer Line Extension to South Side



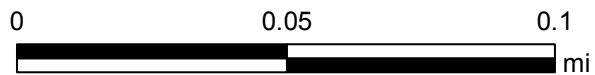
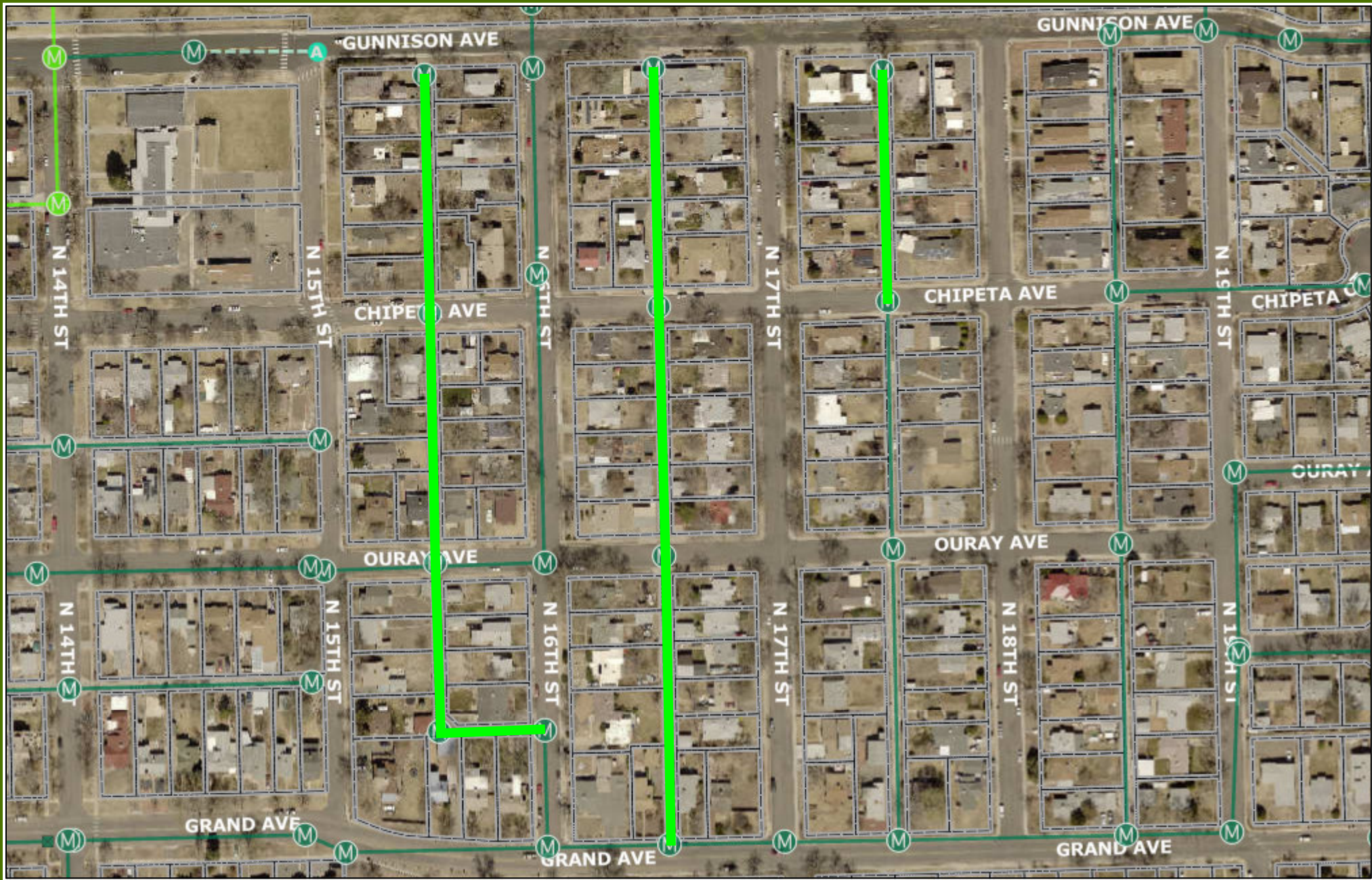
0 0.0125 0.025  
mi

Printed: 9/27/2018

1 inch = 47 feet



# Alley Sewer Replacements south of Lincoln Park



Printed: 9/27/2018

1 inch = 188 feet



## Grand Junction City Council

### Regular Session

Item #3.b.

---

**Meeting Date:** October 3, 2018

**Presented By:** Kristen Ashbeck, Senior Planner/ CDBG Admin

**Department:** Community Development

**Submitted By:** Kristen Ashbeck, Senior Planner/CDBG Admin

---

### **Information**

#### **SUBJECT:**

2018 CDBG Subrecipient Agreements between STRiVE and HopeWest and the City of Grand Junction

#### **RECOMMENDATION:**

Staff recommends approval.

#### **EXECUTIVE SUMMARY:**

The Subrecipient Contract formalizes the City's award of CDBG funds to various agencies allocated from the City's 2018 CDBG Program Year as approved by City Council at its May 16, 2018 meeting. The allocation includes the following grants: 1) \$6,000 to STRiVE for the Audyssey Autism Clinic and 2) \$7,000 to HopeWest for accessible exam tables for the PACE Center. The contracts outline the duties and responsibilities of the agencies and ensures that the subrecipients comply with all Federal rules and regulations governing use of the funds.

#### **BACKGROUND OR DETAILED INFORMATION:**

CDBG funds are a Department of Housing and Urban Development (HUD) entitlement grant to the City of Grand Junction which became eligible for the funding in 1996. The City has received \$457,189 for the 2018 Program Year and Council approved amendments to Action Plans of previous program years to utilize a total of \$7,839 remaining funds to be allocated with the 2018 funds for a total allocation of \$465,029. The final funding decision of 20 projects was made by the City Council at its hearing on May 16, 2018. The City's 2018 Program Year began on September 1, 2018 therefore, contracts between the City and the agencies may now be executed.



#### STRiVE Audyssey Autism Clinic

STRiVE offers the only diagnostic clinic on the western slope for children facing challenges of autism, neurological conditions or developmental disabilities who can benefit from individualized intervention and support services. The diagnostic process involves a team of specialists and can be very costly for families, CDBG funds in the amount of \$6,000 will be used to provide this service to 4 additional clients.

#### HopeWest PACE Center Accessible Exam Tables

HopeWest will open a Program of All-Inclusive Care for the Elderly (PACE) Center in 2018 to provide care to the frail elderly. The program goal is to meet the healthcare needs of this population so they can stay in their own homes. The PACE Center will include a senior primary care medical clinic. CDBG funds in the amount of \$7,000 will be used to purchase specialized medical exam room tables that facilitate transfer from a wheelchair for frail elderly. The Center expects to serve 300 persons, with 70 percent residing in the City limits.

The agencies listed above are considered "subrecipients" to the City. The City will "pass through" a portion of its 2018 Program Year CDBG funds to the agencies but the City remains responsible for the use of these funds. The contracts outline the duties and responsibilities of the agencies and ensures that the subrecipients comply with all Federal rules and regulations governing the use of the funds. The contracts must be approved before the subrecipients may obligate or spend any of the Federal funds. The Subrecipient Agreement with each agency contains the specifics of the projects and how the money will be used by the subrecipients.

#### **FISCAL IMPACT:**

Previously approved 2018 CDBG Program Year Budget:

2018 CDBG Allocation:	\$457,189
Remainder Previous Years:	\$ 7,839
Total Funding Allocated:	\$465,028

Total allocation includes \$25,000 for program administrative costs.

The City will "pass through" a total of \$13,000 of its 2018 Program Year CDBG funds to STRiVE (\$6,000) and HopeWest (\$7,000).

#### **SUGGESTED MOTION:**

I move to authorize the City Manager to sign the Subrecipient Contracts between the City of Grand Junction and STRiVE and HopeWest for funding through the City's 2018 Community Development Block Grant Program Year.

## **Attachments**

1. 2018 Subrecipient Contracts

**2018 SUBRECIPIENT CONTRACT FOR  
CITY OF GRAND JUNCTION  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS  
EXHIBIT A  
SCOPE OF SERVICES**

**Date Approved:** \_\_\_\_\_

**Amount of Grant: \$6,000**

**Subrecipient: Mesa Developmental Services dba STRiVE**

**Completion Date: August 31, 2019**

1. The City agrees to pay the Subrecipient, subject to the subrecipient agreement, this Exhibit and attachment to it, \$6,000 from its 2018 Program Year CDBG Entitlement Funds for Audyssey Autism Clinic services provided at 950 Grand Avenue, Grand Junction, Colorado ("Property"). Subrecipient provides diagnostic evaluation for children with autism.
2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate income benefit (570.201(e)). It shall meet this objective by providing the above-referenced services in Grand Junction, Colorado.
3. The project consists of the providing diagnostic services to children of low and moderate income residing within the City of Grand Junction. STRiVE offers the only diagnostic clinic on the western slope for children facing challenges of autism, neurological conditions or developmental disabilities who can benefit from individualized intervention and support services. The diagnostic process involves a team of specialists and can be very costly for families.
4. This project shall commence upon the full and proper execution of the 2018 Subrecipient Agreement and the completion of all necessary and appropriate state and local licensing, environmental permit review, approval and compliance. The project shall be completed on or before the Completion Date.
5. The total budget for the project is estimated to be \$86,064 as follows:

CDBG Funds: \$6,000    Other Funds: \$80,064
6. This project will provide the autism clinic services to four additional clients.
7. The City shall monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.

\_\_\_\_\_ Subrecipient

\_\_\_\_\_ City of Grand Junction

8. The Subrecipient shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.
9. During a period of five (5) years following the Completion Date the use of the Properties improved may not change unless: A) the City determines the new use meets one of the National Objectives of the CDBG Program, and B) the Subrecipient provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If the Subrecipient decides, after consultation with affected citizens that it is appropriate to change the use of the Properties to a use which the City determines does not qualify in meeting a CDBG National Objective, the Subrecipient must reimburse the City a prorated share of the Amount of the Grant the City makes to the project. At the end of the five-year period following the project closeout date and thereafter, no City restrictions under this agreement on use of the Properties shall be in effect.
10. The Subrecipient understands that the funds described in the Agreement are received by the City from the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program. The Subrecipient shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Subrecipient shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.
11. A blanket fidelity bond equal to cash advances as referenced in Paragraph V. (E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.
12. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

\_\_\_\_\_ Subrecipient

\_\_\_\_\_ City of Grand Junction



## Attachment 1 – Performance Measures

### 1. Output Measures

- A. Total Number of unduplicated clients anticipated to be served during the contract: 76
- B. Number of unduplicated LMI City residents to be served during the contract: 70, 4 new
- C. Of the City residents to be served, how many will: i) have new or continued access to the service/benefit 4; ii) have improved access to the service or benefit: \_\_\_\_\_; and iii) receive the service or benefit that is improved/no longer substandard\_\_\_\_\_.

### 2.) Schedule of Performance

Estimate the number of unduplicated City residents to be served per quarter of the contract:

Q1: 1 Q2: 1 Q3: 1 Q4: 1

### 3) Payment Schedule

During the contract, funds will be drawn Q1: \_\_\_\_\_ Q2: 50% Q3: \_\_\_\_\_ Q4: 50%

### 4) Outcome Measures

**Activity** (select one) \_\_\_\_\_ Senior Service \_\_\_\_\_ Youth Service \_\_\_\_\_ Homeless Service  
X Disabled Service \_\_\_\_\_ LMI Service \_\_\_\_\_ Fair Housing Service \_\_\_\_\_ Housing \_\_\_\_\_ Other

**Primary Objective** (select one) X Create a suitable living environment \_\_\_\_\_ Provide decent, affordable housing \_\_\_\_\_ Create economic opportunity(ies)

**Primary Outcome Measurement** (select one) \_\_\_\_\_ Availability/Accessibility \_\_\_\_\_ Affordability  
X Sustainability

*Summarize the means by which outcomes will be tracked, measured and reported*

All of the individuals STRiVE supports receive SSI or SSDI which automatically qualifies them as eligible.

\_\_\_\_\_ Subrecipient

\_\_\_\_\_ City of Grand Junction

**2018 SUBRECIPIENT CONTRACT FOR  
CITY OF GRAND JUNCTION  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS  
EXHIBIT A  
SCOPE OF SERVICES**

**Date Approved:** \_\_\_\_\_

**Amount of Grant: \$7,000**

**Subrecipient: HopeWest**

**Completion Date: December 31, 2019**

1. The City agrees to pay the Subrecipient, subject to the subrecipient agreement, this Exhibit and attachment to it, \$7,000 from its 2018 Program Year CDBG Entitlement Funds to purchase specialized medical exam room tables for the PACE center to be located at 2754 Compass Drive, Grand Junction, Colorado ("Property"). Subrecipient provides services that supports the needs of elderly individuals.
2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate income benefit (570.208(a)2.). It shall meet this objective by completing the above-referenced purchase of specialized exam tables for the PACE center to be used by elderly persons in Grand Junction, Colorado.
3. HopeWest is launching a Program of All-Inclusive Care for the Elderly (PACE) to provide care to the frail elderly. The program goal is to meet the healthcare needs of this population so they can stay in their own homes and will include in-home care as well as services at the PACE Center. CDBG funds will be used to purchase specialized medical exam room tables for the program. The Property will be owned and operated by Subrecipient which will continue to operate the services facility. It is understood that \$7,000 of City CDBG funds shall be used only for the improvements described in this agreement. Costs associated with any other elements of the project shall be paid for by other funding sources obtained by the Subrecipient.
4. This project shall commence upon the full and proper execution of the 2018 Subrecipient Agreement and the completion of all necessary and appropriate state and local licensing, environmental permit review, approval and compliance. The project shall be completed on or before the Completion Date.
5. The total budget for the project is estimated to be \$26,295 as follows:

CDBG Funds: \$7,000

Other Funds: \$19,295
6. This project will provide therapy services for an estimated 300 elderly individuals.

\_\_\_\_\_ Subrecipient

\_\_\_\_\_ City of Grand Junction

7. The City shall monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.
8. The Subrecipient shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.
9. During a period of five (5) years following the Completion Date the use of the Properties improved may not change unless: A) the City determines the new use meets one of the National Objectives of the CDBG Program, and B) the Subrecipient provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If the Subrecipient decides, after consultation with affected citizens that it is appropriate to change the use of the Properties to a use which the City determines does not qualify in meeting a CDBG National Objective, the Subrecipient must reimburse the City a prorated share of the Amount of the Grant the City makes to the project. At the end of the five-year period following the project closeout date and thereafter, no City restrictions under this agreement on use of the Properties shall be in effect.
10. The Subrecipient understands that the funds described in the Agreement are received by the City from the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program. The Subrecipient shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Subrecipient shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.
11. A blanket fidelity bond equal to cash advances as referenced in Paragraph V. (E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.
12. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

\_\_\_\_\_ Subrecipient

\_\_\_\_\_ City of Grand Junction

## Attachment 1 – Performance Measures

### 1. Output Measures

- A. Total Number of unduplicated clients anticipated to be served during the contract: 300
- B. Number of unduplicated LMI City residents to be served during the contract: 210
- C. Of the City residents to be served, how many will: i) have new or continued access to the service/benefit: 210; ii) have improved access to the service or benefit\_\_\_\_; and iii) receive the service or benefit that is improved/no longer substandard\_\_\_\_\_.

### 2.) Schedule of Performance

Estimate the number of unduplicated City residents to be served per quarter of the contract:

Q1\_\_\_\_Q2\_\_\_\_Q3 210 Q4 \_\_\_\_\_

### 3) Payment Schedule

During the contract, funds will be drawn Q1\_\_\_\_Q2\_\_\_\_Q3 \$7,000 Q4 \_\_\_\_\_

### 4) Outcome Measures

*Activity* (select one) X Senior Service \_\_\_\_ Youth Service \_\_\_\_ Homeless Service  
\_\_\_\_ Disabled Service \_\_\_\_ LMI Service \_\_\_\_ Fair Housing Service \_\_\_\_ Housing \_\_\_\_ Other

*Primary Objective* (select one) X Create a suitable living environment \_\_\_\_ Provide decent, affordable housing \_\_\_\_ Create economic opportunity(ies)

*Primary Outcome Measurement* (select one) \_\_\_\_ Availability/Accessibility \_\_\_\_ Affordability  
X Sustainability

*Summarize the means by which outcomes will be tracked, measured and reported*

The majority of patients served by PACE will be dually eligible for Medicare and Medicaid, and thus will inherently be low income. Patients' eligibility will be verified at the time of admission by querying Medicare and Medicaid databases. City residency will also be verified at this time.

\_\_\_\_ Subrecipient

\_\_\_\_ City of Grand Junction



## Grand Junction City Council

### Regular Session

Item #3.c.

---

**Meeting Date:** October 3, 2018

**Presented By:** Trent Prall, Public Works Director, Jay Valentine, General Services Director

**Department:** Public Works - Engineering

**Submitted By:** Jerod Timothy, Engineering Specialist

---

### **Information**

#### **SUBJECT:**

Contract for Grand Junction Horizon Drive Crosswalks Project

#### **RECOMMENDATION:**

Staff recommends the City Purchasing Division execute a Construction Contract with PNCI Construction, Inc. of Grand Junction, CO for the Grand Junction Horizon Drive Crosswalk Project in the amount of \$335,740.96, pending CDOT approval.

#### **EXECUTIVE SUMMARY:**

This project will construct three pedestrian crossings located between G Road and I70 on the Horizon Drive corridor and is partially funded by a \$225,000 the Federal Highway Administration Highway Safety Improvement Program (HSIP) grant. This stretch of the Horizon Drive currently does not have any designated crossings for pedestrians which may have contributed to three fatalities in the past 7 years. Construction is scheduled to begin October 15, 2018 with a final completion date of January 4, 2019.

#### **BACKGROUND OR DETAILED INFORMATION:**

Pedestrian safety is a concern along the Horizon Drive due to the high density of lodging and eating establishments. The long pedestrian crossing distance and high traffic volumes makes crossing Horizon a hazard as evidenced by the three pedestrian fatalities between 2010 and 2015.

While originally conceived in 2012 to be part of a robust renovation of the corridor, last

September the Horizon Drive Improvement District requested a much smaller version of improvements to build three crosswalks, complete with raised medians for pedestrian refuge and rapid flash yellow beacons similar to what was constructed on 12th Street just west of Stocker Stadium.

The project is partially funded by a \$225,000 the Federal Highway Administration Highway Safety Improvement Program (HSIP) grant. An intergovernmental agreement was signed in July establishing the relationship between Colorado Department of Transportation (CDOT), acting on behalf of Federal Highway Administration (FHWA), and the City of Grand Junction.

A formal Invitation for bids was issued via BidNet (an on-line site for government agencies to post solicitations), posted on the City's Purchasing website, sent to the Grand Junction Chamber of Commerce and the Western Colorado Contractors Association, and advertised in The Daily Sentinel. A total of three companies submitted formal bids. All bids were found to be responsive and responsible in the following amounts:

<b>Contractor</b>	<b>Location</b>	<b>Amount</b>
PNCI Construction, Inc.	Grand Junction, CO	\$335,740.96
Agave Construction, LLC	Grand Junction, CO	\$339,224.84
Mountain Valley Contracting	Grand Junction, CO	\$396,206.80

This work authorized in this contract is scheduled to begin in mid October with majority of the work completed by early November, however street/ped lights will be installed in early January due to the long lead time to manufacture the lights.

**FISCAL IMPACT:**

The funds for this project are budgeted in the sales tax capital improvement fund.

**SUGGESTED MOTION:**

I move to authorize the City Purchasing Division to enter into a contract with PNCI Construction, Inc. of Grand Junction, CO for the Grand Junction Horizon Drive Crosswalk Project in the amount of \$335,740.96, pending CDOT approval.

**Attachments**

None



## Grand Junction City Council

### Regular Session

Item #4.a.

---

**Meeting Date:** October 3, 2018

**Presented By:** Jace Hochwalt, Associate Planner

**Department:** Community Development

**Submitted By:** Jace Hochwalt

---

### **Information**

#### **SUBJECT:**

A Resolution Issuing a Revocable Permit to Breckenridge Ale House GJ, LLC for Existing Fencing, Masonry Wall, and Landscaping and New Signage within the Public Right-of-Way Adjacent to 2531 N. 12<sup>th</sup> Street

#### **RECOMMENDATION:**

Staff recommends approval.

#### **EXECUTIVE SUMMARY:**

Breckenridge Ale House GJ, LLC is requesting a Revocable Permit for encroachment of existing fencing, masonry wall, landscaping and a new 30 square foot free-standing monument sign and a 16 square foot flush-mounted sign to be located within the public right-of-way of North 12th Street, adjacent to the Applicant's eastern property line at 2531 N. 12th Street. The Revocable Permit allows the City to acknowledge the encroachment while retaining the ability to require the removal of the improvements from the right-of-way should it be needed in the future.

#### **BACKGROUND OR DETAILED INFORMATION:**

The property at 2531 N. 12th Street currently contains a 7,803 square foot restaurant known as The Ale House. Adjacent to the east of the property is existing metal and brick fencing and an existing retaining wall, both of which are located within the public right-of-way of N. 12th Street. Notably, the existing fence and retaining wall were originally constructed in 1980, prior to any right-of-way acquisition of the property, which took place in 1982. The Applicant is requesting to erect a new 16 square foot flush-mounted sign mounted on the existing fence, located adjacent to the

southeastern edge of the subject property. Additionally, the Applicant is proposing to construct a new 30 square foot free-standing monument sign in the right-of-way, adjacent to the northeast corner of the subject property. The monument sign has a proposed setback of 4 feet from the existing retaining wall. Both proposed sign locations are shown in Exhibit B of Attachment 1.

The property at 2531 N. 12th Street has physical features that hinder its visibility from the 12th Street right-of-way including mature landscaping, street trees, shrubs, and a retaining wall, all currently within the right-of-way. If the proposed signage were required to be situated on the property at 2531 N. 12th Street, instead of the right-of-way where it is currently proposed, existing landscaping would likely need to be removed or substantially revised to accommodate for the proposed signage. A Revocable Permit is needed to ensure that any private development on public land is safely conducted in a manner that does not pose potential burdens on the public. Applications for a Revocable Permit shall demonstrate compliance with all of the following criteria:

(1) There will be benefits derived by the community or area by granting the proposed Revocable Permit.

The right-of-way area in question for this application is currently improved with a number of attractive landscaping features, including street trees, grass, and shrubs, in addition to fencing and a retaining wall. A Revocable Permit would bring the entire property into compliance, with minimal changes proposed to the existing property. If the proposed signage were required to be situated on the property referred to as 2531 N. 12th Street, instead of in the adjacent right-of-way, it is likely that the landscaping would require partial or full removal for sign visibility. Staff finds that this criterion has been met, as the granting of this proposal would provide benefits to the community in terms of allowing for the retention of attractive landscaping that may otherwise be removed.

(2) There is a community need for the private development use proposed for the City property;

The right-of-way area in question has existing landscaping features that provide a vegetation buffer from N. 12th Street, which is classified as a Minor Arterial per the Grand Valley Circulation Plan. If the trees and landscaping were retained in the existing right-of-way, but the proposed signage was required to be located on private property, signage visibility would be significantly hindered. Under this circumstance, it is likely that the existing landscaping would require partial or full removal for sign visibility. As such, staff finds that it is preferred to maintain the existing mature landscaping by allowing for the private development (both existing and proposed) to use the right-of-way. Staff therefore finds this criterion has been met.



(3) The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property;

The property currently maintains existing fencing, masonry wall, landscaping and temporary signage in the right-of-way with no impacts to the City's use of the right-of-way. In addition, the current and proposed features are not structural and could be removed from the right-of-way should the city anticipate future use and/or expansion of this portion of 12th Street. Staff finds that this criterion has been met.

(4) The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas;

The right-of-way area in question for this application is currently improved with a number of landscaping features, including street trees, shrubs, fencing, and a low retaining wall. These features do not negatively impact access or traffic circulation as reviewed by the City's engineering staff. Many of the elements are currently encroaching into the right-of-way and there has been no demonstrable impact to the neighborhood stability or character. No sensitive areas such as floodplains or natural hazard areas are identified in this area. The proposed location of the additional 30 square foot monument sign is four feet behind the existing retaining wall which allow for sight distance to be preserved and negative impacts for traffic and visibility will not occur. In conclusion, staff finds that this criterion has been met.

(5) The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Comprehensive Plan, other adopted plans and the policies, intents and requirements of this code and other City policies; and

One goal of the Comprehensive Plan is to "create attractive public spaces and enhance the visual appeal of the community through quality development." A Revocable Permit would bring the entire property into compliance with city policies, formally allowing the continuation of the existing landscaping features which enhance visual appeal of the property from N. 12th Street. Therefore, staff finds the proposed use within the public right-of-way is in conformance with goals, objectives, and policies of the Grand Junction Comprehensive Plan, as well as other City plans and policies.

Given that the proposed signage would require a permit through the City of Grand Junction, it provides the opportunity to bring the entire property into compliance as much as possible by the owner obtaining a Revocable Permit to allow the existing encroachments, subject to the stipulations of the permit and agreement. The Revocable Permit allows the City to acknowledge the encroachment while retaining the ability to require the removal of the improvements, at the owner's expense, from the

right-of-way should the right of way be utilized in the future.

**FISCAL IMPACT:**

This action does not have a direct fiscal impact to the City.

**SUGGESTED MOTION:**

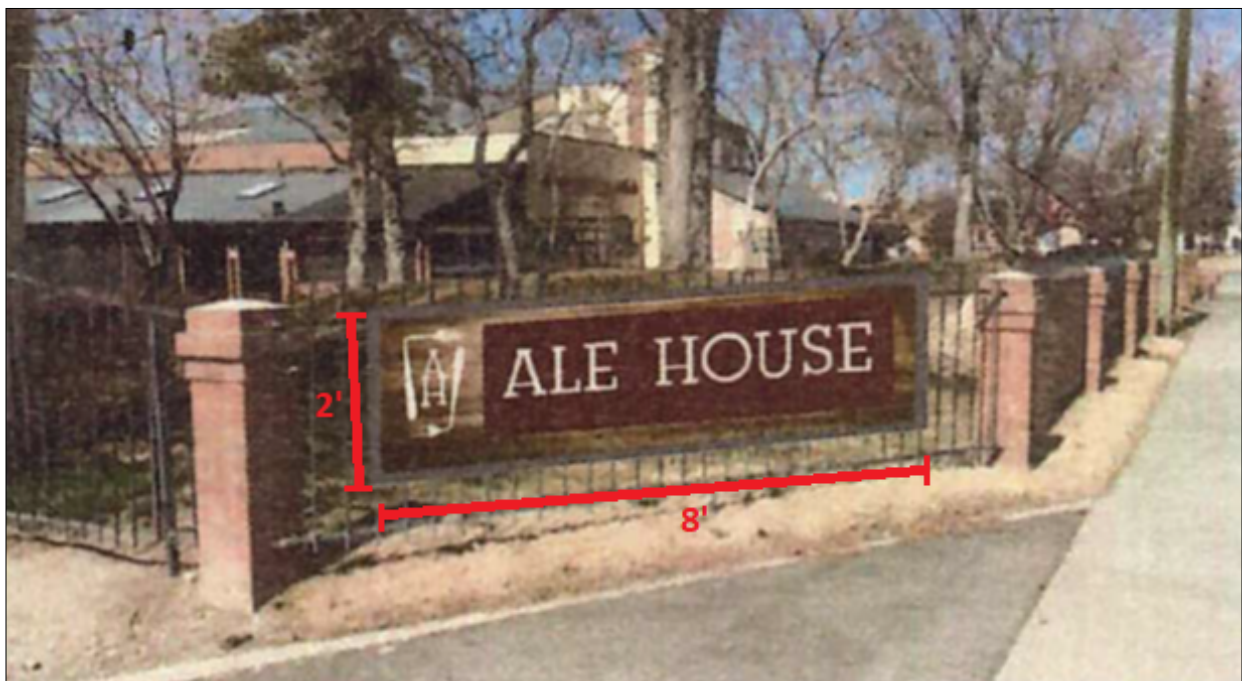
I move to adopt Resolution No. 63-18, a Resolution concerning the issuance of a Revocable Permit to Breckenridge Ale House GJ, LLC to allow for the encroachment of existing fencing, masonry wall, and landscaping, as well as the construction of a 30 square foot free-standing monument sign and 16 square foot flush-mounted sign within the public right-of-way adjacent to 2531 N 12th Street.

**Attachments**

1. Sign Illustrations, Maps, Site Plan
2. Proposed Resolution



Proposed Free-Standing Monument Sign



Proposed Flush-Mounted Fence Sign



Site Location Map

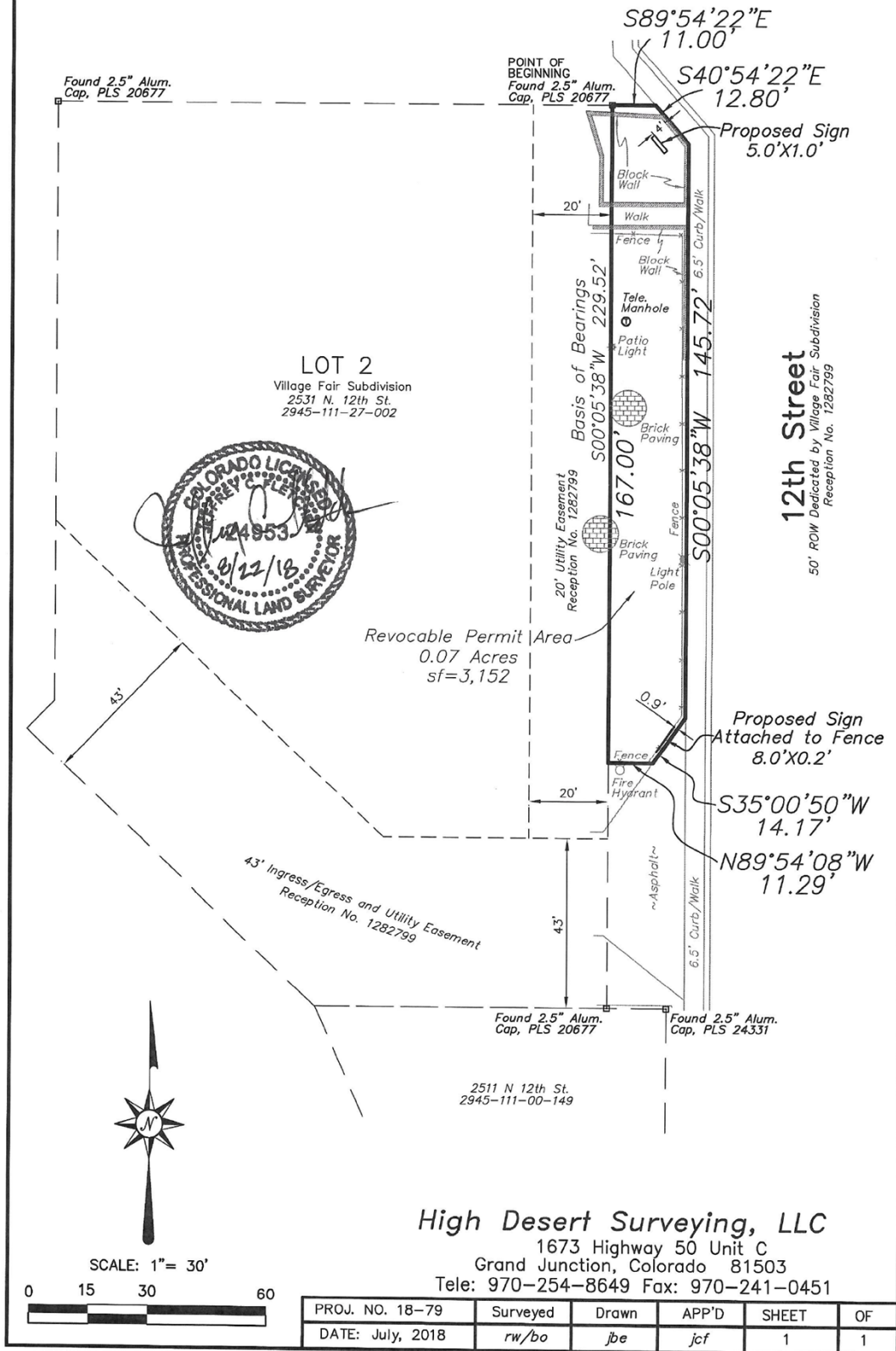


Aerial Photo Map





# EXHIBIT B



## **RESOLUTION NO. XX-18**

### **A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO BRECKENRIDGE ALE HOUSE GJ, LLC TO ALLOW FOR THE ENCROACHMENT OF EXISTING FENCING, MASONRY WALL, AND LANDSCAPING, AS WELL AS THE CONSTRUCTION OF A 30 SQUARE FOOT FREE-STANDING MONUMENT SIGN, AND 16 SQUARE FOOT FLUSH-MOUNTED SIGN WITHIN THE PUBLIC RIGHT-OF-WAY ADJACENT TO 2531 N. 12<sup>TH</sup> STREET**

#### **Recitals.**

A. Breckinridge Ale House GJ, LLC, hereinafter referred to as the Petitioner, represents he is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

LOT 2 VILLAGE FAIR SUB AS AMENDED SEC 11 1S 1W & AN UND INT IN TR A EXC THAT PT TRACT A AS DESC IN B-2625 P-895 THRU 898 MESA CO RECDS

B. The Petitioner has requested that the City of Grand Junction issue a Revocable Permit to allow for existing fencing, masonry wall, and landscaping, as well as the construction of a 30 square foot free-standing monument sign, and 16 square foot flush-mounted sign, subject to the terms of the permit, within the limits of the following described public right-of-way for N. 12<sup>th</sup> Street, to wit (refer to Exhibit B for graphical representation):

That real property for a Revocable Permit located in part of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 11, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado, and BEING located within the 12th Street ROW as dedicated by Village Fair Subdivision at Reception Number 1282799, Mesa County records and more particularly described as follows:

BEGINNING at the Northeast corner of Lot 2, Village Fair Subdivision, whence the Southeast corner of said Lot 2 bears South 00°05'38" West, a distance of 229.52 feet, for a basis of bearings with all bearings contained herein relative thereto; thence South 89°54'22" East, a distance of 11.00 feet, thence South 40°54'22" East, a distance of 12.80 feet; thence South 00°05'38" West, a distance of 145.72 feet; thence South 35°00'50" West, a distance of 14.17 feet; thence North 89°54'08" West, a distance of 11.29 feet to a point on the East line of said Lot 2; thence along the East line of said Lot 2, North 00°05'38" East, a distance of 167.00 feet to the POINT OF BEGINNING.

Said parcel containing an area of 0.07 acres (3,152 square feet), as herein described.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2018-420 in the office of the City's Community Development Department, the City Council

has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

1. That the City Manager is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purpose aforescribed and within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this \_\_\_\_ day of October, 2018.

Attest:

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

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

## **REVOCABLE PERMIT**

### **Recitals.**

A. Breckinridge Ale House GJ, LLC, hereinafter referred to as the Petitioner, represents he is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

LOT 2 VILLAGE FAIR SUB AS AMENDED SEC 11 1S 1W & AN UND INT IN TR A EXC THAT PT TRACT A AS DESC IN B-2625 P-895 THRU 898 MESA CO RECDS

B. The Petitioner has requested that the City of Grand Junction issue a Revocable Permit to allow for existing fencing, masonry wall, and landscaping, as well as the construction of a 30 square foot free-standing monument sign, and 16 square foot flush-mounted sign, subject to the terms of the permit, within the limits of the following described public right-of-way for N. 12<sup>th</sup> Street, to wit (refer to Exhibit B for graphical representation):

That real property for a Revocable Permit located in part of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 11, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado, and BEING located within the 12th Street ROW as dedicated by Village Fair Subdivision at Reception Number 1282799, Mesa County records and more particularly described as follows:

BEGINNING at the Northeast corner of Lot 2, Village Fair Subdivision, whence the Southeast corner of said Lot 2 bears South 00°05'38" West, a distance of 229.52 feet, for a basis of bearings with all bearings contained herein relative thereto; thence South 89°54'22" East, a distance of 11.00 feet, thence South 40°54'22" East, a distance of 12.80 feet; thence South 00°05'38" West, a distance of 145.72 feet; thence South 35°00'50" West, a distance of 14.17 feet; thence North 89°54'08" West, a distance of 11.29 feet to a point on the East line of said Lot 2; thence along the East line of said Lot 2, North 00°05'38" East, a distance of 167.00 feet to the POINT OF BEGINNING.

Said parcel containing an area of 0.07 acres (3,152 square feet), as herein described.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2018-420 in the office of the City's Community Development Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

1. The Petitioner's use and occupancy of the public right-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid



damaging public improvements and public utilities or any other facilities presently existing or which may in the future exist in said right-of-way.

2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the public right-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any or no reason.

3. The Petitioner, for himself and for his successors and assigns, agree that they shall not hold, nor attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any improvements and/or facilities to be installed by the Petitioners within the limits of the public right-of-way (including the removal thereof), or any other property of the Petitioners or any other party, as a result of the Petitioners' occupancy, possession or use of said public right-of-way or as a result of any City, County, State or Public Utility activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

4. The Petitioner agrees that he shall at all times keep the above described public right-of-way and the facilities authorized pursuant to this Permit in good condition and repair.

5. This Revocable Permit for existing fencing, masonry wall, and landscaping, as well as the construction of a 30 square foot free-standing monument sign, and a 16 square foot flush-mounted sign that encroach in the right-of-way shall be issued only upon concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioner shall, at the sole expense and cost of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to Petitioner's last known address), peaceably surrender said public right-of-way and, at their own expense, remove any encroachment so as to make the described public right-of-way available for use by the City, the County of Mesa, the State of Colorado, the Public Utilities or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.

6. This Revocable Permit, the foregoing Resolution and the following Agreement shall be recorded by the Petitioner, at the Petitioner's expense, in the off of the Mesa County Clerk and Recorder.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Written and Recommended by:

The City of Grand Junction,  
a Colorado home rule municipality

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

\_\_\_\_\_  
City Manager

Acceptance by the Petitioner:

\_\_\_\_\_  
Breckinridge Ale House GJ, LLC

## **AGREEMENT**

Breckinridge Ale House GJ, LLC, for themselves and successors and assigns, does hereby agree to:

- (a) Abide by each and every term and condition contained in the foregoing Revocable Permit;
- (b) Indemnify and hold harmless the City of Grand Junction, its officers, employees and agents with respect to all claims and causes of action, as provided for in the approved Resolution and Revocable Permit;
- (c) Within thirty (30) days of revocation of said Permit by the City Council, peaceably surrender said public right-of-way fully available for use by the City of Grand Junction or the general public; and
- (d) At the sole cost and expense of the petitioner, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction or the general public.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Breckinridge Ale House GJ, LLC

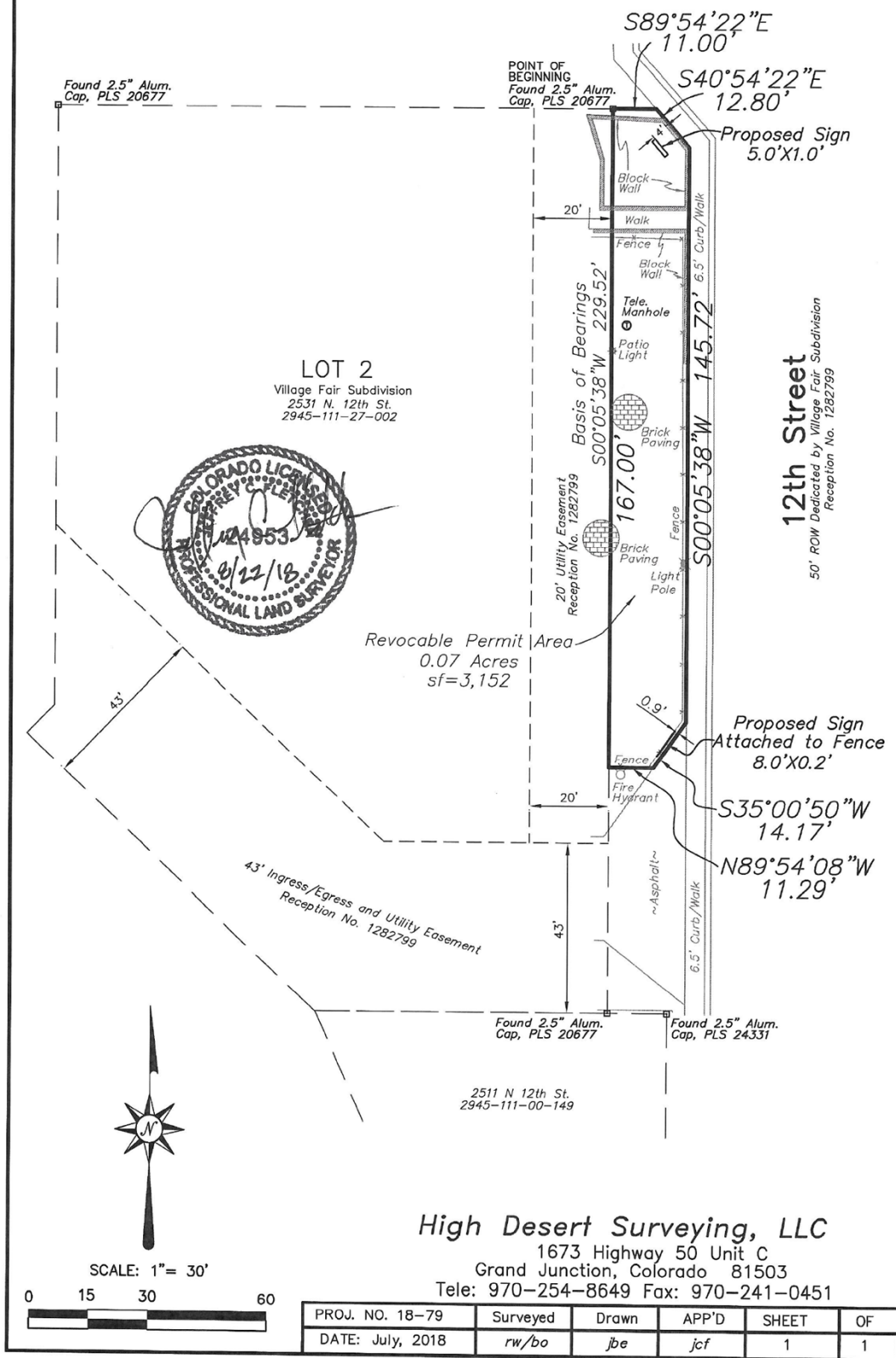
State of Colorado    )  
                                  )ss.  
County of Mesa        )

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by Breckinridge Ale House GJ, LLC.

My Commission expires: \_\_\_\_\_  
Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

# EXHIBIT B





## Grand Junction City Council

### Regular Session

Item #5.a.i.

---

**Meeting Date:** October 3, 2018

**Presented By:** John Shaver, City Attorney

**Department:** City Attorney

**Submitted By:** John Shaver

---

### **Information**

#### **SUBJECT:**

An Ordinance Describing the Functions of the Municipal Court

#### **RECOMMENDATION:**

Staff recommends adoption of the ordinance.

#### **EXECUTIVE SUMMARY:**

As a home rule municipality and in accordance with the City Charter and the Colorado Constitution, the City of Grand Junction may adopt an ordinance(s) setting forth the roles, responsibilities and duties of staff associated with the operation and administration of the Municipal Court. In the interest of good governance and fully utilizing the authority of local control, staff has drafted the attached ordinance that describes the functions of the Municipal Court and defines the relationship between the other branches of the City government and the Court.

#### **BACKGROUND OR DETAILED INFORMATION:**

The complexity and cost of operating the municipal court have increased in large part attributable to changes in state laws and changes made by the Court. In 2016 the City participated in many meetings involving numerous law enforcement, judicial system and justice service agencies concerning Mesa County's application for a MacArthur Foundation grant. Among other things the grant application process was geared toward reducing the number of inmates and the number of days of incarceration of inmates.

As part of both the MacArthur Foundation grant process and the previous



recommendation for an ordinance, the City evaluated its utilization of the jail and the City Attorney began an alternative sentencing pilot program modeled on State law. That program offered diversion to many first time and low level offenders. With adoption of the proposed ordinance, diversion will become a permanent alternative disposition commended to the discretion of the prosecuting attorneys.

Additionally the ordinance defines the structure and operation of the Court, a process for the appointment and evaluation of the Municipal Judges and the reporting relationships of Court staff. With those relationships clearly and well defined the City can set the future and long term operation of the Court as determined by the City Council, the Charter and the Constitution.

**FISCAL IMPACT:**

None directly attributable to the ordinance/its adoption.

**SUGGESTED MOTION:**

I move to (adopt/deny) Ordinance No. 4818, an Ordinance to repeal and replace Chapter 2.28 of the City of Grand Junction Municipal Code describing the functions of the Municipal Code on final passage and order final publication in pamphlet form.

**Attachments**

1. Municipal Court Ordinance

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO REPEAL CHAPTER 2.28 OF THE CITY OF GRAND JUNCTION  
MUNICIPAL CODE AND TO REENACT CHAPTER 2.28 DESCRIBING THE  
FUNCTIONS OF THE MUNICIPAL COURT**

**RECITALS:**

Article XX, Section 6 of the Colorado Constitution provides (in relevant part) that *the people of each city ... shall have the powers ... to legislate upon, provide, regulate, conduct and control, the creation of municipal courts; the definition and regulation of the jurisdiction, powers and duties thereof, and the election or appointment of the officers thereof ...* The City Charter further provides (in relevant part) that *the judge of the municipal court of the city shall have all the jurisdiction, powers, duties and limitations as provided for a municipal court by state law or by ordinance ...*

Pursuant to the authority granted by the Colorado Constitution and the City Charter, the City Council has adopted this ordinance to establish, acknowledge and affirm the necessity of the Municipal Court as a fair, independent and impartial tribunal while consistent with that authority and other applicable statutes, laws and ordinances, maintaining the court's impartiality and fostering a cooperative relationship with the executive and legislative branches of the City. With this ordinance the Council seeks to confirm the importance of the Court and the safeguarding for all parties and for the public of the Court as an evenhanded, unbiased and fair administrator of justice in the City.

The City's Municipal Code ("GJMC") presently adopts by reference Colorado law concerning many of the functions and operations of the Municipal Court, the GJMC does not fully or adequately describe the functions of the Municipal Court and its relationship with the various departments of the City. This ordinance more particularly describes the functions of the Municipal Court and amends the GJMC to fulfill the direction of the City Council for the function and performance of the Court.

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

Chapter 2.28 of the Grand Junction Municipal Code shall be repealed and reenacted. By and with the authority of Article VIII, Section 70 of the Charter of the City of Grand Junction this ordinance establishes, defines and describes the powers, duties, limitations, operations and functions of the Municipal Court. The chapter shall read as follows:

## **Chapter 2.28 MUNICIPAL COURT**

### **2.28.010. Created.**

A Municipal Court in and for the City is hereby created and established pursuant to the Charter and all lawful authority of the City of Grand Junction. This Chapter supersedes and replaces C.R.S. § 13-10-101, *et seq.* in its entirety, except as otherwise set forth in C.R.S. § 13-10-103.

### **2.28.020. Jurisdiction.**

(a) The Municipal Court shall have original jurisdiction of all charges of misdemeanor and charges of civil infractions as determined by City Council arising under the Charter, code of ordinances, resolutions, rules and regulations of the City, with full power to assess and collect penalties, punish violators, abate nuisances, enforce orders of the court by remedial or punitive contempt, compel the attendance of witnesses, and to otherwise effect the responsibilities prescribed by ordinance, Charter, administrative regulation or court rule.

(b) The Municipal Court has jurisdiction and powers of an administrative hearing officer where so provided by the ordinances or resolutions of the City.

(c) The territorial jurisdiction of the Municipal Court shall be coextensive with the corporate limits of the City, and, in addition thereto, the court shall have the original jurisdiction of all cases arising under the provisions of this code and the Charter which arise on any city-owned property outside of the City limits or arise on non-city-owned property outside the corporate limits of the City, over which the City has authority to control and regulate by virtue of any law, rule, regulation, contract, deed, easement agreement, right-of-way or other publicly-acquired interest.

### **2.28.030. Court of record.**

(a) For purposes of hearing cases involving persons accused of violating provisions of the Charter, the code or any other ordinance or regulation of the City, the Municipal Court is a qualified court of record and shall comply with the requirements of state law for courts of record. The Municipal Court shall furnish the record of proceedings to any party wishing to appeal from a judgment of the court, acting as a court of record, for transcription at such party's sole expense.

(b) There shall be a verbatim record made of the proceedings and evidence at trial in the Municipal Court by either electronic recording devices or stenographic means. The costs of preparation of transcripts of the record made in the Municipal Court shall be as provided in courts of record.

#### **2.28.040. Judges – vacancy - nomination committee.**

(a) The Municipal Court shall be presided over and its functions exercised by one or more judges, including municipal judge(s) and substitute judge(s) designated by the City Council, in accordance with the Charter, as amended from time to time. City Council may designate divisions of the municipal court and authority of each.

(b) In the event of a vacancy in the office of any municipal judge of the Municipal Court, the City Council shall:

(1) If necessary to secure continuity in such office, appoint a/the substitute judge as an acting municipal judge, to serve until the completion of the designation process for the successor to such office. Such acting municipal judge shall have and exercise all the authority of a municipal judge.

(2) Appoint an *ad hoc* judicial nominating committee consisting of the City Attorney, a lay person residing in the City and the Chief Judge of the 21st Judicial District or the chief judge's designee being a judge presiding in the district.

(3) The committee shall promulgate necessary rules governing its procedure, review the applications and references presented and conduct oral interviews of qualified applicants. The City Manager shall provide any municipal facilities and City staff reasonably required to achieve the duties of the committee.

(4) The committee shall submit to the City Council the names of three qualified applicants or, if there are fewer than three qualified applicants, the name of each qualified applicant, along with their applications and any written communications the committee may provide to assist the City Council in the selection process. The committee may designate an order of preference in the names submitted.

(5) The City Council shall review the materials submitted by the committee and conduct such additional procedures, including interviews with the applicants referred by the committee, as the Council may deem appropriate and from the names of the applicants submitted by the committee, designate a municipal judge.

(6) The City Council may, in the public interest, defer designation of the municipal judge and reopen the selection process as set forth in this subsection.

#### **2.28.050. Appointment and removal of Municipal Court judges**

(a) The City Council shall appoint the municipal judge(s) who shall be licensed to practice law in the State of Colorado. The municipal judge(s) shall serve for a term to be at the pleasure of the Council. A municipal judge and/or a substitute judge may be removed by the City Council at any time at the sole discretion of the Council. A municipal judge shall receive compensation as established by Council by ordinance.

(b) The City Council may appoint one (1) or more substitute municipal judges who shall serve for a term to be at the pleasure of the Council and to act when the municipal judge is unable due to temporary absence. A substitute judge shall be paid based upon the number of court sessions served by the substitute judge at a rate established by Council.

(c) Prior to taking office, a municipal judge and/or all substitute judge(s) shall execute an oath to well and faithfully perform the duties of municipal judge. The oath shall include but not be limited to a pledge to uphold the Constitution of the United States, the Constitution of the State of Colorado, the Charter of the City of Grand Junction and the laws and ordinances of the City.

(d) A municipal judge and/or any substitute judge may be removed by a majority of the City Council at any time with or without cause.

(e) Judicial performance commission.

(1) There is hereby created a judicial performance commission, established for the purpose of presenting evaluation(s) and recommendation(s) to Council in regard to the reappointment of Municipal Court judge(s).

(2) The judicial performance commission shall be composed of no less than three voting members up to seven voting members. The judicial performance commission shall consist of at least one resident(s) of the City who is(are) not licensed attorneys, and at least two of the members shall be licensed attorneys engaged in the practice of law who are residents of the City or maintain or regularly practice law within the City. With respect to the members who are licensed attorneys, an effort shall be made to appoint one attorney whose employment relates to criminal prosecution, and one attorney whose employment relates to the defense of criminal cases.

(3) No member shall be related by blood or marriage within the third degree to any other member or any judge being reviewed.

(4) The powers and duties of the judicial performance commission shall be as follows:

(i) No later than the first Tuesday in September of each odd numbered year or as often as requested by Council, the judicial performance commission shall submit to each judge of the Municipal Court a confidential evaluation of the judge's official performance.

(ii) No later than 20 days following the submission of an evaluation in accordance with subsection (1) of this section, any judge who so desires may submit to the judicial performance commission a written response to the commission's evaluation of the judge, and such written response by the judge shall become a permanent attachment to the commission's evaluation of the judge.



(iii) No later than the first Monday in November of the year of evaluation, the judicial performance commission shall certify to the Council copies of all of the commission's evaluation of the official performance of the affected judge. The judicial performance commission's evaluations shall be accompanied by a confidential recommendation regarding the appointment of the judge to another term on the bench of the Municipal Court. The recommendation shall be stated as "reappoint," "do not reappoint," or "no opinion" and shall be accompanied by an explanation.

(iv) The evaluations and recommendations made by the judicial performance commission regarding the Municipal Court judges of the city shall be based solely upon the following criteria: integrity; knowledge and understanding of substantive, procedural, and evidentiary law; communication skills, preparation, attentiveness, and control over judicial proceedings; consistency and applicability of sentencing practices; docket management and prompt case disposition; administrative skills; punctuality; effectiveness in working with participants in the judicial process; and service to the legal profession and the public. The Colorado Judicial Code as may be amended and revised, from time to time (Judicial Code) shall be considered during the evaluation process. A violation of the Judicial Code shall be a basis for a "do not reappoint."

(v) The judicial performance commission shall develop techniques for the evaluation of judges in accordance with the criteria listed in subsection (iv) of this section. Such techniques shall include questionnaires or surveys of the attorneys who practice before the judge, including but not limited to court appointed counsel, the city attorney's office and the private defense attorneys, together with jurors, law enforcement officers, defendants, court personnel, and the municipal judge(s) of the Municipal Court (except in regard to the evaluation of the municipal judge[s]). Additional evaluation techniques may include, without being limited to, questionnaires and surveys of court personnel and others who have direct and continuing contact with Municipal Court judges, and consultations with state and 21<sup>st</sup> Judicial District court administrator(s) regarding evaluation criteria, techniques, and sources for judicial performance.

(f) Council retains the sole discretion to appoint, reappoint, and remove Municipal Court judges and/or adjust compensation following any evaluation(s). The creation of the judicial performance commission shall not in any fashion abridge the authority possessed by the City Council; the commission serves as an advisory body to the City Council and its evaluations shall be considered solely recommendations for the use and benefit of the City Council.

#### **2.28.060. Authority - Duties of the municipal judge and clerk of the Municipal Court.**

(a) A municipal judge shall have full power and authority to make and adopt local rules of procedure, in writing, for the Municipal Court, provided the rules are not inconsistent

with those rules promulgated by the Colorado Supreme Court for Municipal Courts and any City ordinances. A municipal judge and any substitute judge while in the courtroom shall have all judicial powers relating to the operation of the courtroom, subject to any rules of procedure governing the operation and conduct of Municipal Courts promulgated by the Colorado Supreme Court and City ordinances.

(b) A municipal judge or a substitute judge while in the courtroom shall retain the authority and responsibility for the promulgation and enforcement of all rules, procedures and proceedings pertaining to the Municipal Court arraignments, hearings, trials, and other procedures regarding the operation of the courtroom.

(c) There shall be a clerk of the Municipal Court which shall be a separate position with separate responsibilities from the Court Administrator and the Court Administrator's staff. The Municipal Court clerk position may be a shared position with the Court Administrator and his/her staff; however, the municipal judge shall establish the duties and compensation of the clerk of the Municipal Court in collaboration with the City Manager or his/her designee. The clerk of Municipal Court shall have the power to administer oaths and affirmations in all municipal matters in the court, and issue writs and notices, including subpoenas, summonses, and copies thereof in all cases coming within the jurisdiction of the Municipal Court. At the direction of the Municipal Judge, the clerk of Municipal Court shall be responsible for preparing all papers pertaining to the operations of the Court.

#### **2.28.070. Colorado Code of Judicial Conduct Applicable to Municipal Judges.**

The Colorado Code of Judicial Conduct as may be amended and revised, from time to time (Judicial Code) is applicable to and shall guide the conduct of all judges in and for the Municipal Court of the City of Grand Junction. The judges shall use the Judicial Code to guide them in achieving and maintaining the highest standards of judicial and personal conduct. The Judicial Code shall provide a basis for discipline for misconduct under the Judicial Code; misconduct that arises out of or under a violation(s) of the City personnel policies and/or conduct which the Council deems improper may be separately disciplined by the City Council.

#### **2.28.080. Issuance of warrants and municipal holds.**

(a) The municipal judge and any substitute judge shall be and are authorized to issue warrants for the inspection, search and nuisance abatement of premises or property by municipal or joint City/County officials or inspectors upon proper application. Nothing in this section shall be construed to require the issuance of a warrant for emergency inspections or in any other case where warrants are not required by law. The Municipal Court may assess costs to a defendant named in any process, writ or warrant issued by it and which process or warrant was served or executed as provided by law, including the costs of service, commitment or incarceration which are incurred by the City in connection with the service or execution of such process, writ or warrant.

(b) Every warrant shall state the name of the defendant, the code section(s) and a brief description of the ordinance alleged to have been violated, the date and place of the alleged violation, that the defendant is alleged to have committed the offense, and the amount of bond, if any.

(c) Warrants issued by a judge for a defendant's failure to appear for an arraignment or for a show cause hearing shall require only an unsecured personal recognizance bond with a promise to appear on a date certain when the municipal court is in session. If the defendant is detained at a time at or near the time the court is in session, then the defendant shall be brought before the court without unnecessary delay.

(d) If a defendant is held in custody solely on the basis of a municipal hold for any matter other than for failure to appear for an arraignment or for a show cause hearing and the defendant has not failed to appear in the case for which the defendant is being held at least twice before, then the defendant shall be released on an unsecured personal recognizance bond with a promise to appear on a date certain when the municipal court is in session. If the defendant is detained at a time at or near the time the court is session, then the defendant shall be brought before the court.

#### **2.28.090. Court Administrator and other staff.**

(a) The City Manager shall appoint a person to serve as an administrator of the Municipal Court, and any reference in this article to "Court Administrator" shall be deemed to apply to that person. The City Manager shall appoint such other staff of the Municipal Court as may be necessary to carry out efficiently the business of the court.

(b) The City Manager and his/her designee are authorized to administer and supervise the functioning and administrative operations of the Court Administrator and all subordinate personnel of the Court Administrator's office.

(c) The Municipal Court Administrator or designee shall be present during each session of the Municipal Court. The Court Administrator shall have the following powers and duties including, but not limited to, the following:

(1) Have control, management and supervision over personnel and all matters pertaining to the business of the Municipal Court, and authority to promulgate rules and regulations pertaining to the administration of the Municipal Court.

(2) Have control, management and supervision over personnel and all matters pertaining to the administration of the violations bureau.

(3) Provide financial management and control of the Municipal Court.

(4) Keep such records and reports as specifically required by law or as deemed necessary and consult with the City Attorney regarding necessary policies or regulations to ensure their care, security, accuracy and release to the public.

(5) Record all fees, fines and penalties received and pay over such to the City Financial Director and shall make a monthly accounting of all such fees, fines and penalties collected.

(6) Prepare and keep a docket for each court session. Judgments for each case may be stored electronically and be managed by the Court Administrator in accordance with then best practices.

(7) Except when otherwise provided for by ordinance or established by Council, fees for services performed by the Municipal Court shall be promulgated by the Court Administrator. The Court Administrator shall advise Council of all fees set pursuant to this section.

(8) The Court Administrator is authorized to assign for collection to any agency or agencies authorized to do business in the State of Colorado, any fines, fees, costs and surcharges which may have been assessed by the Municipal Court and which are unpaid to the city and are delinquent.

(9) Management of the Municipal Court facility including, but not limited to, security, temporary closures for public safety reasons, weather, loss of utilities, or any other emergency.

(10) The Municipal Court Administrator shall keep a register of the actions in such court, including all fees and money collected and an index thereof.

#### **2.28.100. Violations bureau.**

(a) There is established a violations bureau for the handling of violations of applicable sections of this code, ordinances and regulations of the city or parts thereof, wherein Council has authorized that penalty assessments may be prescribed. Any person who has received any notice to appear in answer to a charge of violating any such applicable sections of this code, ordinances or regulations of the City may, within the time specified in the notice of such charge, answer at the violations bureau to the charges set forth in such notice by paying a penalty assessment, pleading guilty in writing to the charge, waiving a hearing in court and giving power of attorney to make such a plea and pay such fine in court. Delivery of the penalty assessment to the violations bureau shall be deemed acknowledgement of conviction of the alleged offense. Acceptance of the prescribed penalty assessment by the Court Administrator shall be deemed to be complete satisfaction for the violation. No person shall be deprived of a full and impartial hearing in court or by a jury, if otherwise entitled to a jury under this chapter or other applicable law.

(b) The Court Administrator shall establish the procedures by which a person may answer a charge of violation of a City ordinance by paying a penalty assessment,

pleading guilty in writing, and waiving a hearing.

(c) The court may enter and issue an outstanding judgment warrant (OJW) against a person charged with a traffic infraction who fails to plead guilty to the offense in accordance with subsection (a) of this section and who fails to appear in the Municipal Court to answer such charge on the date and time listed on the complaint or summons and complaint, or on the date and time such person is scheduled to appear, or for failure to comply with court order.

(d) The penalty assessment amount shall be that established by the Council by ordinance or otherwise, or if not set by the Council then as established by the municipal judge and the schedule is then posted in a conspicuous place at the violations bureau. Traffic offenses included in the schedule for the offenses for which a penalty assessment may be issued are traffic infractions and constitute a civil matter. Penalty assessments may also be set for traffic misdemeanors if included in the fine schedule set by the municipal judge, except for reckless driving, exceeding the speed limit by more than 24 miles per hour, exhibition of speed or speed contest, and those offenses resulting in an accident causing personal injury, death, or appreciable damage to the property of another.

(e) In any action in which the commission of a penalty assessment, including but not limited to traffic infraction(s) or other civil infraction(s), and a criminal violation of this code are charged in one complaint or summons and complaint, all charges shall be returnable and the action shall be treated as one proceeding governed by the rules, statutes and ordinances applicable to municipal violations which are not penalty assessments.

(f) The fee for the OJW entered pursuant to subsection (c) shall be in an amount determined by the Court Administrator.

(g) The court shall forward the record of such judgment entered in accordance with subsection (a), including points assessed, to the Colorado Division of Motor Vehicles, pursuant to C.R.S. §§ 42-2-127(6)(a), 42-4-1709, and 42-4-1710 as amended.

#### **2.28.110. Initiation of prosecutions - summons and complaint.**

(a) The initiation of prosecutions in the Municipal Court, including the issuance of a complaint or summons and complaint, shall be in accordance with the Colorado Municipal Court Rules of Procedure (Colorado Rules). Violations of this code for which imprisonment is not a possible penalty and that are not criminal shall follow the Colorado Rules in all such cases unless those rules are clearly inapplicable.

(b) A complaint or any other action for the violation of any of the provisions of this code shall be brought in the name of "The City of Grand Junction by and on behalf of the People of the State of Colorado" as plaintiff against the person who is alleged to have



violated the ordinance as defendant and shall be commenced in the manner provided by law.

(c) A complaint must require the person named as the defendant in such summons and complaint to appear in Municipal Court at a date and time certain to answer the charges of the violation.

(d) Any complaint or summons and complaint may be issued as provided in the Colorado Rules. The word "issued" shall be defined as preparation of the summons or summons and complaint by the City Attorney or any peace officer. For purposes of this code, the term "peace officer" shall include the employees and or agents of the City designated by the City Manager as peace officers empowered to initiate a prosecution. Those designated persons, however titled, shall have such enforcement powers without regard to the certification requirements of C.R.S. § 24-31-301, *et seq.* The designated persons are further authorized to issue and/or serve a summons and complaint for any violation of this code in any matter for which probable cause exists that the alleged violation has occurred by the individual being served.

#### **2.28.120. Civil Infractions including but not limited to traffic infractions.**

In any action where only civil infraction(s), including but not limited to traffic infraction(s), are alleged no jury trial is allowed and no attorney shall be appointed for the defendant, except in those instances where there is a counterpart state law which is criminal and/or punishable by imprisonment. The City Attorney is not required to appear on behalf of the City. If the City Attorney does not appear, then the officer shall offer sworn testimony to the facts concerning the alleged infraction. The defendant may then offer sworn testimony and evidence and shall answer questions, if such testimony is offered, as may be asked by the court. If the testimony of additional witnesses is offered by either side, the order of testimony and extent of questioning shall be within the discretion of the court. Upon the conclusion of such testimony and examination, the court may further examine or allow examination and rebuttal testimony and evidence as deemed appropriate. At the conclusion of all testimony and examination, the defendant or counsel shall be permitted to make a closing statement. The Colorado Rules of Evidence shall not apply in such actions. If all elements of a civil infraction are proven beyond a reasonable doubt, the court shall find the defendant guilty and enter appropriate judgment. If any element of a civil infraction is not proven beyond a reasonable doubt, the court shall dismiss the charge and enter appropriate judgment, provided, however, that the court may find the defendant guilty of a lesser included civil and/or traffic infraction, if based on the evidence offered, and enter appropriate judgment. If a defendant fails to appear for an arraignment or a trial for a civil infraction that does not have a counterpart state law which is criminal and/or punishable by imprisonment, then the court shall issue a default judgment for the charge(s). Appeal procedures shall be in accordance with Colorado Criminal Procedure Rule 37.

### **2.28.130. Court-appointed counsel.**

(a) Any person charged before the Municipal Court who is indigent and unable to obtain legal counsel and who could be incarcerated if convicted of one or more of the violations with which charged may petition, in writing, to the court for court-appointed counsel. The City Attorney may, at any time during the prosecution, state in writing whether or not he or she will seek incarceration as part of the penalty upon conviction of an offense for which the defendant has been charged. If the City Attorney does not seek incarceration as part of such penalty, legal representation and supporting services need not thereafter be provided for the defendant at City expense, and no such defendant shall be incarcerated if found guilty of the charge(s).

(b) Court-appointed defense counsel shall be compensated through funds made available by the City Council at the hourly rate established by the State judicial system for court-appointed counsel.

(c) Court-appointed counsel shall only be appointed after petition by the defendant accompanied by a written sworn financial statement with the applicant attesting to the truthfulness of the information which must be sufficient to adequately advise the court that the defendant is financially unable to obtain counsel. The municipal judge shall promulgate indigent standards in writing for those desiring court-appointed counsel. The Court Administrator shall administer the process of the appointment of counsel for indigents.

(d) It shall be a misdemeanor for any person to give false information on an application for court-appointed counsel, and upon conviction of a violation, shall be punished as provided in section 1.04.090 of this code.

(e) Repayment: In any case where it is determined pursuant to this section that a defendant is able to repay all or part of the expense of court-appointed counsel, all or part of the expense may be assessed against the defendant. The action may be taken regardless of the resolution of the case before the court.

### **2.28.140. Prosecuting attorney.**

(a) The City Attorney, and/or an attorney(s) appointed by the City Attorney, shall have the sole and exclusive responsibility of prosecuting all charges filed in the Municipal Court, except as set forth in section 2.28.120.

(b) To facilitate and encourage diversion of defendants from the criminal justice system when diversion may prevent defendants from committing additional criminal acts, facilitate the defendant's ability to pay restitution to victims of crime, and reduce the number of cases in the Municipal Court the City Attorney's office may operate its own diversion program.

(c) Pretrial diversion:

(1) In any case, either before or after charges are filed, the City Attorney may suspend prosecution of the offense for a period not to exceed one year.

(2) The City Attorney may agree to diversion in any case in which there exists sufficient admissible evidence to support a conviction. In determining whether an individual is appropriate for diversion, the following shall be considered:

- (i) The nature of the crime charged and the circumstances surrounding it;
- (ii) Any special characteristics or circumstances of the defendant;
- (iii) Whether diversion is consistent with the defendant's rehabilitation and reintegration; and
- (iv) Whether the public interest will be best served by diverting the individual from prosecution.

(3) Before entering into a pretrial diversion agreement, the City Attorney may require a defendant to provide information regarding prior criminal charges, education and work experience, family, residence in the community, and other information relating to the diversion program. The defendant shall not be denied the opportunity to consult with legal counsel before consenting to diversion.

(4) Diversion agreements:

(i) All pretrial diversions shall be governed by the terms of an individualized diversion agreement signed by the defendant, the defendant's attorney if the defendant is represented by an attorney, a parent or legal guardian of the defendant if the defendant is a juvenile, and the City Attorney.

(ii) The diversion agreement shall include a written waiver of the right to a speedy trial for the period of the diversion plus the reasonable time for prosecution to be initiated once the City Attorney has determined the defendant is in default of the terms of the agreement. Upon consenting to a deferred prosecution as provided in this section, the defendant shall be deemed to waive his right to a speedy trial even if the agreement does not include a written waiver. All diversion agreements shall include a condition that the defendant not commit any criminal offense during the period of the agreement and any other conditions determined appropriate including but not limited to any penalty/requirement, except incarceration, that the municipal court could order as a possible sentence or as a part of probation, by the City Attorney and the defendant, and the defendant's parent or legal guardian of the defendant if the defendant is a juvenile. Diversion agreements may include provisions concerning payment of restitution and a diversion fee as set by City Council.

(iii) The diversion agreement may include a statement of the facts the charge is based upon as agreed to by the defendant, the defendant's attorney if represented, and the defendant's parent or legal guardian if the defendant is a

juvenile. The statement is admissible as impeachment evidence against the defendant in the criminal proceedings if the defendant fails to fulfill the terms of the diversion agreement and criminal proceedings are resumed.

(iv) If the City Attorney agrees to offer diversion in lieu of further criminal proceedings and the defendant agrees to all the terms of the agreement and charge(s) are pending in the court, then the court shall be informed in writing of the agreement and all further court proceedings shall be stayed. The agreement shall not be filed with the court, except if the defendant violates a term of the agreement, then the defendant or the City Attorney may file the agreement or portion(s) of the agreement as determined necessary by the defendant or the City Attorney during the hearing of the revocation of the diversion agreement if there is a hearing.

(5) Upon the defendant's satisfactory completion of the terms of the diversion agreement, no further criminal proceedings on the original charges shall proceed. If charge(s) are pending, the City Attorney shall inform the court in writing and the charge(s) shall be dismissed.

(6) If the defendant violates the conditions of the diversion agreement, the City Attorney shall provide written notice of the violation to the defendant. The City Attorney, in his or her sole discretion, may initiate revocation of a diversion agreement by the filing of a criminal complaint or if charge(s) are still pending by giving the court written notice of intent to proceed with prosecution. The defendant may, within fourteen days after the first court appearance following such a filing, request a hearing to contest whether a violation occurred. The City Attorney has the burden by a preponderance of the evidence to show that a violation has in fact occurred. If the court finds a violation has occurred, or a hearing is not requested, the prosecution may continue. If the court finds the City Attorney has not proven a violation, the court shall dismiss the criminal case without prejudice and return the defendant to the City Attorney for supervision of the defendant until defendant successfully completes the terms of the agreement.

(7) If a defendant is prosecuted following a violation of a diversion agreement, a factual statement included within the diversion agreement is admissible as impeachment evidence. Any other information concerning diversion, including participation in the diversion agreement, including an evaluation performed pursuant to the terms of a diversion agreement, or statements made to treatment providers during the diversion, shall not be admitted into evidence at trial for any purpose.

(d) Plea discussions and plea agreements:

(1) Where it appears that the effective administration of criminal justice will be served, the prosecuting attorney may engage in plea discussions for the purpose of reaching a plea agreement. The prosecuting attorney should engage in plea discussions or reach plea agreements with the defendant only through or in the

presence of defense counsel, except where the defendant has refused or is not otherwise eligible for appointment of counsel and has not retained counsel, and in the presence of a parent or legal guardian if the defendant is a juvenile.

(2) In plea agreements, the prosecuting attorney may agree to diversion or deferred sentencing. Pursuant to a plea agreement, the prosecuting attorney may agree to make or not to oppose favorable recommendations concerning the sentence to be imposed, may agree to dismiss a charge or not to prosecute other potential charges, and/or consent to deferred sentencing if the defendant enters a plea of guilty or no contest.

(3) The trial judge shall not participate in plea negotiations.

(4) When a plea of guilty or no contest is tendered or received as a result of a plea agreement, the trial judge should give the agreement due consideration, but, notwithstanding its existence, the trial judge should reach an independent decision on whether to accept charge or sentence concessions as contained in the plea agreement.

#### **2.28.150. Sentencing.**

(a) The court shall not exceed the fine or incarceration limitations established by ordinance. Any person convicted of violating a municipal ordinance may be fined and incarcerated in accordance with Section 1.04.090 of this code or as otherwise specified in the appropriate code section for each violation. Any other provision of the law to the contrary notwithstanding, the court may suspend all or any portion of the sentence or fine of any violator and place the defendant on probation for a period not to exceed one year.

(b) The court is empowered to assess costs, as set forth in section 2.28.160 against any defendant who pleads guilty or nolo contendere or who enters into a plea agreement or who, after trial, is found guilty of an ordinance violation.

(c) Notwithstanding any provision of law to the contrary, the court has the authority to order a child under eighteen years of age confined in a juvenile detention facility operated or contracted by the department of human services or a temporary holding facility operated by or under contract with the City for failure to comply with a lawful order of the court. Any confinement of a child for contempt of Municipal Court shall not exceed 48 hours.

(d) Notwithstanding any other provision of law, a child, as defined in section 19-1-103 (18), C.R.S. and as amended, arrested for an alleged violation of this code, convicted of violating this code or probation conditions imposed by the court, or found in contempt of court in connection with a violation or alleged violation of this code shall not be confined in a jail, lockup, or other place used for the confinement of adult offenders but may be held in a juvenile detention facility operated by or under contract with the department of



human services or a temporary holding facility operated by or under contract with the City that shall receive and provide care for such child. The court may impose penalties for violation of probation conditions imposed by such court or for contempt of court in connection with a violation or alleged violation of the code may confine a child pursuant to section 19-2-508, C.R.S., for up to 48 hours in a juvenile detention facility operated by or under contract with the department of human services.

(e) Whenever the court imposes a fine for a violation of this code, if the person who committed the offense is unable to pay the fine or any costs at the time the court enters its order in the matter, or the defendant fails to pay any fine or costs imposed for the commission of such offense, in order to guarantee the payment of such fine or costs, the court may compel collection of the fine in the manner provided in section 18-1.3-506, C.R.S. and as amended.

(f) Pursuant to the federal act, as defined in section 25-8-103(8), C.R.S., the court may provide such relief and impose such penalties as are required by such federal act and its implementing regulations for such programs.

(g) Deferred sentencing:

(1) In any case in which the defendant has entered a plea of guilty or nolo contendere, the court accepting the plea has the power, with the written consent of the defendant, the defendant's attorney of record, the defendant's parent or legal guardian if the defendant is a juvenile and the City Attorney, to continue the case for the purpose of entering judgment and sentence upon the plea of guilty or nolo contendere for a period not to exceed one year for a misdemeanor or traffic offense. The period shall begin to run from the date that the court continues the case.

(2) Prior to entry of a plea of guilty or nolo contendere to be followed by deferred judgment and sentence, the City Attorney, in the course of plea discussions is authorized to enter into a written stipulation, to be signed by the defendant, the defendant's attorney of record, the defendant's parent and/or legal guardian if the defendant is a juvenile and the City Attorney, under which the defendant is obligated to adhere to such stipulation. The court shall not modify the terms of the deferred sentence without written consent of the City Attorney.

(3) The conditions imposed in the stipulation shall be similar in all respects to conditions permitted as part of probation. In addition, the stipulation may require the defendant to perform community or charitable work service projects or make donations thereto. Upon full compliance with such conditions by the defendant, the plea(s) previously entered shall be withdrawn and the charge(s) upon which the judgment and sentence of the court was deferred shall be dismissed with prejudice.

(4) The stipulation shall specifically provide that, upon a breach by the defendant of any condition regulating the conduct of the defendant, the court shall enter judgment and impose sentence upon the previously entered plea(s).

(5) When, as a condition of the deferred sentence, the court orders the defendant to make restitution, evidence of failure to pay the restitution shall constitute prima facie evidence of a violation.

(6) Application for entry of judgment and imposition of sentence may be made by the City Attorney at any time within the term of the deferred judgment or within thirty-five days thereafter. Whether a breach of condition has occurred shall be determined by the court without a jury upon application of the City Attorney and upon notice of hearing thereon of not less than seven days to the defendant. The burden of proof at the hearing shall be by a preponderance of the evidence, except when the condition violated is a new violation which shall be proven beyond a reasonable doubt. The procedural safeguards required in a revocation of probation hearing shall apply.

(7) When a defendant signs a stipulation by which it is provided that judgment and sentence shall be deferred for a time certain, he or she thereby waives all rights to a speedy trial.

(8) A warrant for the arrest of any defendant for breach of a condition of a deferred sentence may be issued by the court upon the verified complaint of any person, establishing to the satisfaction of the court probable cause to believe that a condition of the deferred sentence has been violated and that the arrest of the defendant is reasonably necessary.

#### **2.28.160. Costs assessed and surcharges.**

(a) In any matter as to which the Municipal Court has jurisdiction, the municipal judge and any substitute judge(s) may assess, impose and levy against any defendant who pleads guilty or nolo contendere or who enters into a plea agreement or who, after trial, is found guilty of an ordinance violation the following costs, fees and surcharges (collectively referred to as "Court costs" or "costs") as appropriate and in the interest of justice.

(b) The Court Administrator shall prepare and maintain a schedule of court costs. If court costs are assessed, the costs shall be assessed according to the schedule.

(c) The court may assess costs as follows against any defendant:

(1) Who is convicted of an offense.

(2) Who fails to appear for a scheduled arraignment, hearing or trial.

(3) Who is held in contempt of court.

(4) Who accepts a deferred judgment or deferred prosecution.

(d) The court may assess costs against any properly subpoenaed witness whose failure to appear at trial necessitates a continuance of the trial or a dismissal of the charges.

(e) The judges shall be empowered to assess court costs, costs of prosecution, jury fees, witness fees, and any other costs reasonably associated with a matter. The Court Administrator shall also supervise the payment of the fees to the jurors and witnesses by the Clerk of the Municipal Court. Such costs, fees, and surcharges may be set by City Council by resolution or by ordinance.

(f) Where any person, association, or corporation is convicted of an offense, the court shall give judgment in favor of the City of Grand Junction and against the defendant and if the defendant is a juvenile against the juvenile's parent(s) or legal guardian for the amount of the costs of prosecution, the amount of the cost of care, and any fine imposed. Such judgments shall be enforceable in the same manner as are civil judgments.

(g) The court costs may include, but are not limited to:

- (1) Any docket fee, surcharge or assessment established by standing order of the Court.
- (2) All jury fees, including juror fees. if applicable.
- (3) Any costs incurred of a law enforcement agency.
- (4) Any fees of the court reporter for all or any part of a transcript necessarily obtained for use in the case.
- (5) The actual costs paid to any expert witness for the City.
- (6) The witness fees and mileage paid:
  - (i) For any person required to travel more than fifty miles from the person's place of residence to the place specified in the subpoena:
  - (ii) Actual lodging expenses incurred; and
  - (iii) Actual rental car, taxi, or other transportation costs incurred;
- (7) If a person under eighteen years of age is required to appear, the amount that a parent or guardian of the person paid for transportation and lodging expenses incurred while accompanying the person.
- (8) Any fees for exemplification and copies of papers necessarily obtained for use in the case.

(9) Any fees for interpreters required during court appearances, depositions, status conferences, during hearings/trials and/or related proceedings.

(10) On proper motion of the prosecuting attorney and at the discretion of the court, any other reasonable and necessary costs incurred by the prosecuting attorney or the Grand Junction Police Department that are directly the result of the successful prosecution of the defendant including the costs resulting from the collection and analysis of any chemical test.

(11) Any costs incurred by a law enforcement agency in photocopying reports, developing film, and purchasing videotape as necessary for use in the case.

(12) Any costs of participation in a diversion program if the offender unsuccessfully participated in a diversion program prior to the conviction or adjudication.

(13) Where any person is sentenced to a term of incarceration, the court shall order such person to make such payments toward the cost of care as are appropriate under the circumstances. "Cost of care" shall mean the cost to the department and/or City for providing room, board, clothing, medical care, and other normal living expenses for an offender confined to a jail or correctional facility, or any costs associated with maintaining an offender in a home detention program.

(14) Cost of insurance for useful public service. The City shall determine whether separately or by or through a separate agency and the defendant shall pay for the cost of insurance when ordered as required as part of sentencing by a judge to perform useful public service.

(15) Surcharges established by resolution or ordinance of the City Council.

(16) The fees and costs authorized hereby may be increased by adoption of a resolution by a majority of the City Council then considering the same. Increases may be at a rate and frequency as determined proper by the City Council considering the same.

## **2.28.170 Jury trials.**

(a) In all trials before the Municipal Court in cases arising under this code, trial shall be to the court, unless the defendant is entitled to a jury trial under the Constitution of the State or of the United States, general laws of the State, or the Charter or this code or ordinances of the City, in which case the defendant shall have a jury if, within 21 days after entry of a plea, the defendant files with the court a written jury demand and tenders to the court a jury fee in an amount determined by resolution of the City Council, unless the fee is waived by the court because of the indigency of the defendant. A defendant who fails to file with the court the written jury demand, as provided in this section, waives the right to a jury trial. When a jury trial is granted, the

jury shall consist of three jurors unless a greater number, not to exceed six, is requested by the defendant in the jury demand.

(b) The jury commissioner of the Municipal Court shall be the Court Administrator. The Court Administrator may designate deputy jury commissioner(s) who shall have the same powers as the jury commissioner when the jury commissioner is absent.

(c) The City Clerk and the City Clerk's staff shall give the jury commissioner access to all books, records and papers in their respective offices and shall render all assistance within their power to enable the jury commissioner to procure the names of all persons in the City qualified to serve as jurors.

(d) Qualifications and exemptions of jurors shall be the same as provided in C.R.S. §§ 13-71-105 and 13-71-119 and as amended.

(e) A jury summons shall be served by the jury commissioner and shall be either personally served to the usual place of abode or post office box of the prospective juror. Service is also valid if the juror named has signed a waiver of personal service. The jury summons shall be served at least five days before the day on which the jurors are required to appear; provided, however, that the judge of the Municipal Court may, in the judge's discretion, order the jury commissioner to certify a list to the Chief of Police for personal service to be made by a police officer or an officer of the City. The failure to return undelivered mail by the post office shall be prima facie evidence of service of the summons upon the juror named in the summons.

(f) The Municipal Court has the power to cause a jury to be summoned by open venire as is provided by law.

(g) Jurors shall be paid a sum per day for actual jury service and a sum for each day of service on the jury panel alone as determined by City Council by resolution.

#### **2.28.180. Complicity - Legal accountability as principal.**

(a) A person is legally accountable as a principal for the behavior of another constituting a violation of this code if, with intent to promote or facilitate the commission of such offense, that person aids, abets, advises, counsels or directs the other person in planning or committing the offense.

(b) It shall be an affirmative defense to a charge against a defendant based on accountability through complicity if, prior to the commission of the violation, the defendant terminated effort to promote or facilitate its commission and either gave timely warning to law enforcement authorities or gave timely warning to the intended victim.



## **2.28.190. Attempt.**

○

(a) A person may be charged and/or convicted with an attempted violation if, acting with the kind of culpability otherwise required for the commission of a violation under this code, that person engages in conduct constituting a substantial step toward the commission of the offense. A substantial step is any conduct, whether act, omission or possession, which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense. Factual or legal impossibility of committing the offense is not a defense if the offense could have been committed, had the attendant circumstances been as the actor believed them to be, nor is it a defense that the crime attempted was actually perpetrated by the accused.

(b) A person who engages in conduct intending to aid another to commit an offense commits criminal attempt if the conduct would establish complicity under section 2.28.190 were the offense committed by the other person, even if the other is not guilty of committing or attempting the offense.

(c) It is an affirmative defense to a charge under this section that the defendant abandoned effort to commit the crime or otherwise prevented its commission, under circumstances manifesting the complete and voluntary renunciation of criminal intent. Renunciation and abandonment are not voluntary and complete so as to be a defense to prosecution under this section if they are motivated in whole or in part by:

(1) A belief that a circumstance exists which increases the probability of detection or apprehension of the defendant or another or which makes more difficult the consummation of the crime; or

(2) A decision to postpone the crime until another time or to substitute another victim or another but similar objective.

(d) A person found guilty of an attempted violation shall be punished upon conviction with the same penalties applicable to the principal offense.

Introduced on first reading the 5<sup>th</sup> day of September 2018 and ordered published in pamphlet form.

Adopted on second reading this \_\_\_\_ day of \_\_\_\_\_ 2018 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
Mayor

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



## Grand Junction City Council

### Regular Session

Item #5.b.i.

---

**Meeting Date:** October 3, 2018

**Presented By:** Lori Bowers, Senior Planner

**Department:** Community Development

**Submitted By:** Lori Bowers, Sr. Planner

---

### **Information**

#### **SUBJECT:**

An Ordinance Rezoning Lot 1, Rooted Gypsy Farms Subdivision, From R-R (Residential Rural) to R-E (Residential Estate), Located at 2575 G Road

#### **RECOMMENDATION:**

The Planning Commission forwards a recommendation of approval from their meeting held on September 25, 2018.

#### **EXECUTIVE SUMMARY:**

The Applicant, Mark Beckner, is requesting a rezone of 1.921 acres of property located at 2575 G Road (future address of 2476 Tahoe Drive) from R-R (Residential Rural) to R-E (Residential Estate). The purpose of the request to rezone the property is to be in conformance with required minimum lot size after a Simple Subdivision of the property is approved and recorded. The R-R (Residential Rural) has a minimum lot size of five acres, while the minimum lot size for R-E (Residential Estate) is one acre. Since the future subject lot will be 1.921 acres, in order for it to be in conformance with required minimum lot size of the Zoning and Development Code, it should be rezoned to the R-E zone district designation. The proposed zoning of R-E meets the Comprehensive Plan Future Land Use Map, which has designated the property as Residential Low (0.5 – 2 dwelling units per acre).

#### **BACKGROUND OR DETAILED INFORMATION:**

The Applicant has requested approval of a Simple Subdivision of the property located at 2575 G Road, also known as Lot 1 of the Burnell Subdivision. Historically, the Burnell property was a single parcel consisting of 10.79 acres. In 2014 Burnell divided

the property into Lots 1 and 2 of Burnell Subdivision. Lot 1 contains 5.79 acres and one single family residence. Lot 2 contains 5 acres and is vacant. It is used for farming purposes. The proposed Simple Subdivision simply re-draws the sizes of the two Burnell Subdivision Lots. Lot 1 will be adjusted to 1.921 acres and Lot 2 will consist of 8.869 acres. This subdivision will be known as the Rooted Gypsy Farms Subdivision.

The Simple Subdivision process is an administrative review process with the Director making the final decision. Prior to, or concurrent with the approval of the Simple Subdivision, the Applicant requests to rezone the 1.921 acres from R-R (Residential Rural) to R-E (Residential Estate). This will allow the owner to sell the existing home to the renter and expand his farming land. Upon approval, the new zoning designation will be in compliance with the minimum lot size requirements of the Zoning and Development Code.

Upon approval of the subdivision, the new parcel is proposed to obtain access from Tahoe Drive which would change the address of the property to 2476 Tahoe Drive. The requested Simple Subdivision and the requested rezone is to bring the property into conformance since it will no longer meet the five-acre minimum lot size. The owner would like the property to be in conformance with the Zoning and Development Code prior to the sale. In addition, the Code does not allow for a subdivision to create a lot that does not conform to the required minimum lot sizes. The purpose of the R-E Zoning District is to provide areas for low density, estate-type single-family residential development on lots of at least one acre in size.

The adjacent parcel to the south will remain zoned R-R (Residential Rural, 5-acre minimum). The purpose of the R-R Zone District is to provide areas for low intensity agricultural operations and very low density single-family uses in a rural setting. This district is appropriate where low-density development is desired or where terrain and/or lack of public facilities and services require low intensity development or a sense of openness is desired. Directly west of the subject parcel, the lots in the Grisier-Ritter Minor Subdivision (1994) are zoned R-2 (Residential – 2 units per acre) and Valley Meadows North Subdivision (2005) is zoned R-4 (Residential – 4 units per acre). To the east are un-subdivided parcels zoned R-2 (Residential – 2 units per acre) and R-1 (Residential – 1 unit per acre). The properties directly north are zoned R-R (Residential Rural, 5-acre minimum).

#### NOTIFICATION REQUIREMENTS

A Neighborhood Meeting was held on July 24, 2018 consistent with the requirements of Section 21.02.080 (e) of the Zoning and Development Code. Approximately 30 citizens attended the meeting along with the Applicant and City Staff. The Applicant discussed the proposed rezoning request and why he was requesting the zoning change. He provided information about his proposal and some history about the site. Area residents who attended did not have any comments about the rezone. The attendees

expressed concerns regarding access from Tahoe Drive, traffic within their subdivision, traffic on G Road and the new driveway that was provided for the existing home as it relates to the Rooted Gypsy agricultural business on the portion of property not subject to this rezone. To date, staff has not received any comments in writing regarding the rezone request.

Notice was completed consistent to the provisions in Section 21.02.080 (g) of the City's Zoning and Development Code. Mailed notice of the application submittal, in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on September 14, 2018. The subject property was posted with an application sign on August 24, 2018 and notice of the public hearing was published September 18, 2018 in the Grand Junction Sentinel. Fifty-two notices were mailed.

### ANALYSIS

Pursuant to Section 21.02.140 (a) of the Grand Junction Zoning and Development Code, the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following rezone criteria as identified:

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

The property owner wishes to subdivide the property and rezone the property to a zoning district that meets the minimum lot size requirements of the Zoning and Development Code. The Comprehensive Plan's Future Land Use Map shows this area to develop/re-develop in the Residential Low category, (0.5 – 2 dwelling units per acre). The minimum lot size of R-R is 5-acres, which does implement the Comprehensive Plan. The R-E zone also implements the Comprehensive Plan.

This area was annexed as the G Road South Enclave in 2000. Since the annexation of this area, Valley Meadows North Subdivision was developed along with the Burnell Subdivision, which is the subject subdivision of this application, but will become the Rooted Gypsy Farms Subdivision upon approval and recordation of the Plat. The adoption of a Comprehensive Plan that designates this area as Residential Low is a subsequent event that does not invalidate the existing zoning of R-R on the property, therefore Staff finds this criterion has not 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 property was annexed into the City in 2000 and was given the zone district designation it has today. Since that time, the Valley Meadows Subdivision (North and East) was constructed in approximately 2005, a subdivision with lot sizes of approximately one-quarter acre and is zoned R-4. Abutting the property are other lots

ranging in size from 2 to 5 acres on the north, east and south. The character of this area, especially with the introduction of the Valley Meadows Subdivision supports allowance for lots less than 5 acres in size and therefore staff finds that this 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, community facilities and services are available to the property and are currently sufficient to serve the property. These include Ute Water, Xcel Energy, and sewer services within the Persigo 201 boundary. No new construction is proposed that would require the extension of any of these services. Staff finds 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

The community as a whole has a little over 185 acres of R-E zoned land. This zone district comprises one percent of the total zoned acres within the City. As the City grows and experiences infill, this zoning designation may not be as desirable for lots closer to the City center that may redevelop. Staff finds that this criterion has not been met.

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

Once the Simple Subdivision is approved, the property owner would clearly benefit from having a lot that is conforming with City standards. In addition, there is benefit to the City to have (and require) lots to be compliant with minimum lot size requirements that also work to implement the City's Comprehensive Plan. The R-E zone district does work to implement the Comprehensive Plan Future Land Use Map which allows for densities in this area to range from one half to two dwelling units per acre. Because the community and area will continue to derive consistency in the plan, the long term benefits remain intact, implementing the Comprehensive Plan. Staff has found this criterion has been met.

Section 21.02.140 of the Grand Junction Zoning and Development Code states that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan.

Future Land Use Map:

The Comprehensive Plan Future Land Use Map designates the property as Residential Low (0.5 – 2 dwelling units per acre). The request for R-E (Residential Estate) zone



district is consistent with the Residential Low designation and works to implement the Comprehensive Plan's Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community. R-E zoning is to provide areas for low density, estate-type single-family residential development on lots of at least one acre in size. Staff believes this is an appropriate rezone for this existing home in this location.

#### **STAFF RECOMMENDATION AND FINDINGS OF FACT**

After reviewing the Rooted Gypsy Farms Rezone application, RZN-2018-422, a request to rezone from R-R (Residential Rural) to R-E (Residential Estate), the following findings of fact and conclusions have been determined:

1. The requested rezone is consistent with the goals and policies of the Comprehensive Plan.
2. In accordance with Section 21.02.140 of the Zoning and Development Code, the application meets one or more of the rezone criteria.

#### **FISCAL IMPACT:**

This land use action does not have any direct fiscal impact. Subsequent actions such as future development and related construction may have direct fiscal impact depending on type of use.

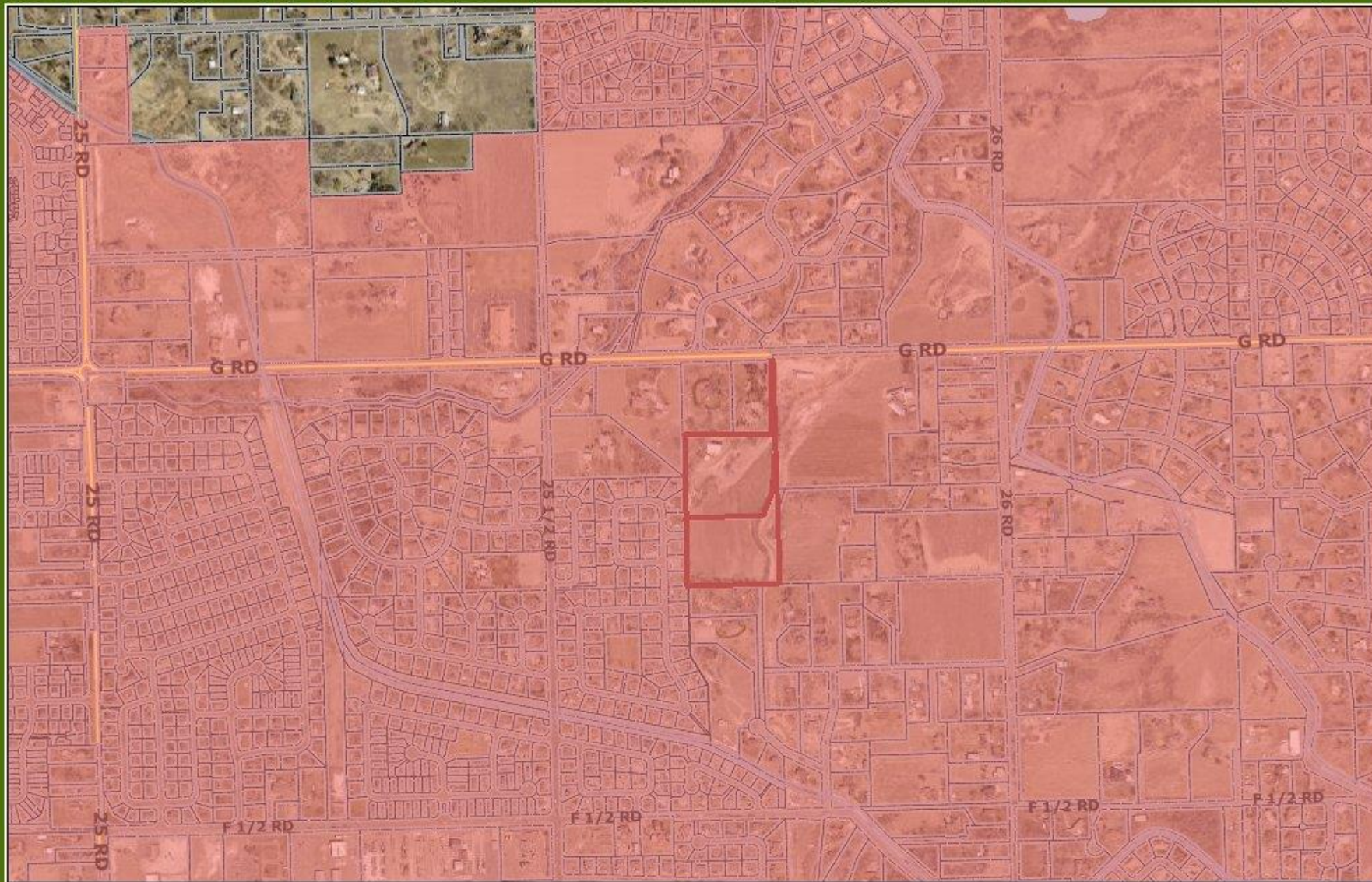
#### **SUGGESTED MOTION:**

I move to (adopt/deny) Ordinance No. 4819, an Ordinance zoning Lot 1, Rooted Gypsy Farms Subdivision to R-E (Residential Estate), located at 2575 G Road on final passage and order final publication in pamphlet form.

#### **Attachments**

1. Map
2. Rezone areas and photos
3. Proposed Ordinance - Rooted Gypsy

## Site Location Map - 2476 Tahoe Drive



Printed: 8/30/2018

1 inch = 752 feet



## Aerial Photo Map - 2476 Tahoe Drive



0 0.05 0.1  
mi

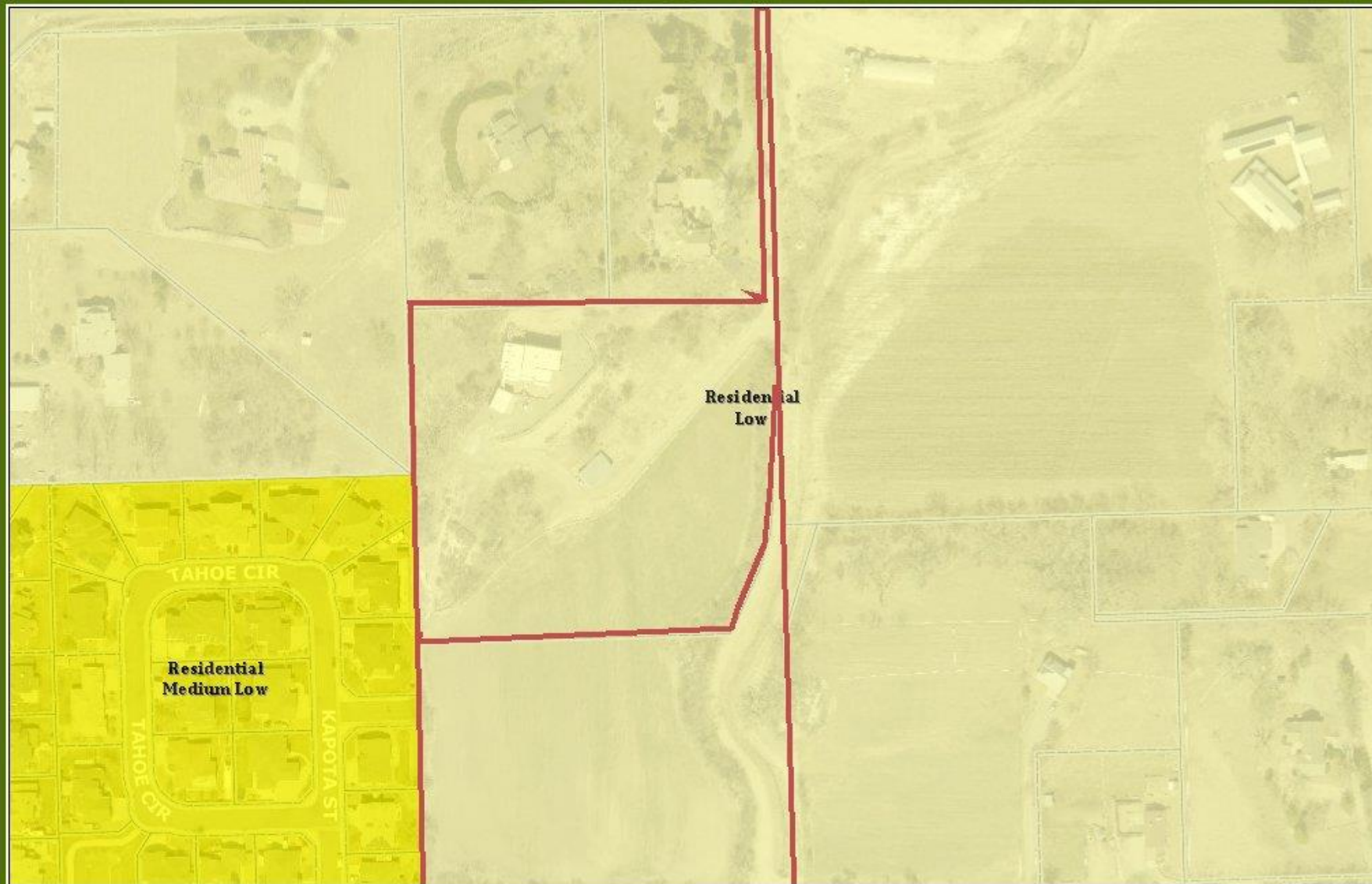
Printed: 8/30/2018

1 inch = 188 feet

**CITY OF**  
**Grand Junction**  
COLORADO  
Geographic Information System



## Comprehensive Plan Future Land Use Map - 2476 Tahoe Drive

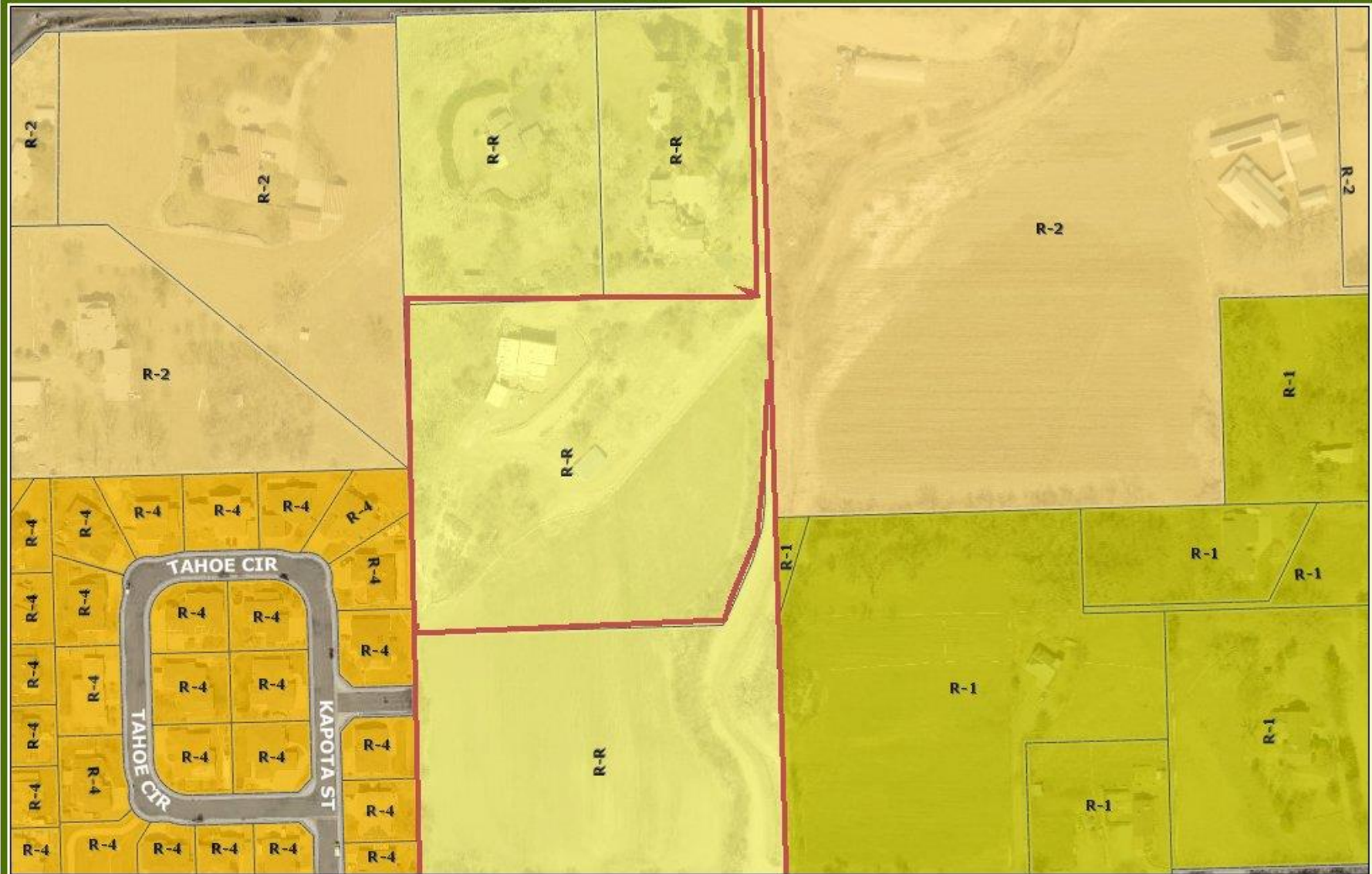


0 0.05 0.1  
mi

Printed: 8/30/2018

1 inch = 188 feet

## Existing City Zoning Map - 2476 Tahoe Drive



Printed: 8/30/2018

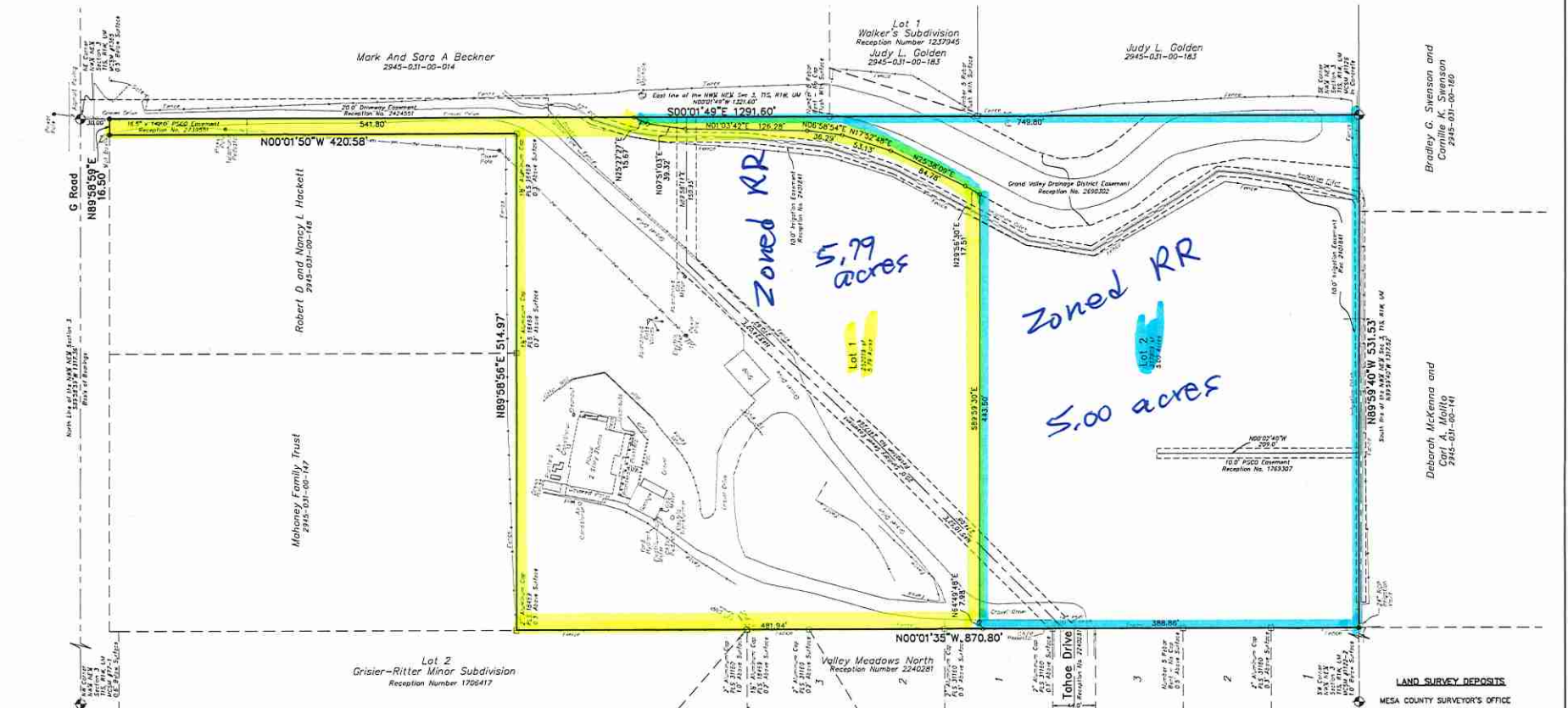
1 inch = 188 feet



---

# Current Property Configuration

## IMPROVEMENT SURVEY LOTS 1 AND 2, BURNELL SUBDIVISION, LOCATED IN NW1/4 NE1/4 SECTION 3, T1S, R1W, UTE MERIDIAN GRAND JUNCTION, MESA COUNTY, COLORADO



### DESCRIPTION

That property located in the Northwest Quarter of the Northeast Quarter (NW¼ NE¼) Section 3, Township 1 South, Range 1 West, of the Ute Meridian in Mesa County, Colorado and being more particularly described as follows:

Lots 1 and 2, Burnell Subdivision, as shown at Reception Number 2996028, Mesa County records.

### GENERAL NOTES

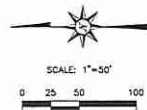
Easement and Title information provided by Heritage Title Company, Inc., Policy No. CO-ITAH-IMP-81306-1-17-H0484522, dated March 13, 2017.

Basis of bearings is the North Line of the NW¼ NE¼ Section 3 which bears South 89°58'59" West, a distance of 1317.20 feet, established by observation of the MCCPS control network, which is based on the NAD 83 datum for Horizontal and NAVD 88 datum for Vertical information. Both monuments on this line are Aliquot Survey Markers, as shown on the face of this plot.

All linear units shown herein in U.S. Survey feet.

### LEGEND

- ALLOT SURVEY MARKER, AS NOTED
- FOUND REBAR, AS NOTED
- SET 2" ALUMINUM CAP ON 24" No. 5 REBAR, PLS 38146
- CALCULATED POSITION



### SURVEYOR'S CERTIFICATION

I hereby certify that this plot represents a field survey completed under my direct supervision during June, 2018, and that both have been prepared under my direct supervision and represents a field survey of some. To the best of my knowledge and belief, this plot conforms to the standards of practice, statutes, and laws of the State of Colorado. This survey is not a warranty or warranty, either expressed or implied.

**Preliminary**

<b>IMPROVEMENT SURVEY</b> NW¼ NE¼ SECTION 3 T1S, R1W, UTE MERIDIAN JUNCTION, MESA COUNTY, COLORADO	
High Desert Surveying, LLC 1673 Highway 50, Unit C Grand Junction, Colorado 81503 Telephone: 970-254-8649 Fax 970-241-0451	
PREPARED BY: J. Ben Elms CHECKED BY: J. Ben Elms DATE: June, 2018	SURVEYED BY: J. Ben Elms DRAWN BY: J. Ben Elms SHEET: 1 OF 1

NOTES: 1. ACCORDING TO COLORADO LAW YOU MUST COMPLY WITH THE  
 ACTION ASSESSED UNDER THE SURVEY ACT. THE SURVEY ACT, 2018, REQUIRES  
 THAT THE SURVEYOR SIGN AND SEAL THE SURVEY ACT. THE SURVEY ACT, 2018, REQUIRES  
 THAT THE SURVEYOR SIGN AND SEAL THE SURVEY ACT. THE SURVEY ACT, 2018, REQUIRES  
 THAT THE SURVEYOR SIGN AND SEAL THE SURVEY ACT.



# Tahoe Drive access





# Site Photo



03/26/2018

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING LOT 1, ROOTED GYPSY FARMS SUBDIVISION  
TO R-E (RESIDENTIAL ESTATE)**

**LOCATED AT 2575 G ROAD**

Recitals

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning 2575 G Road (future 2476 Tahoe Drive) to the R-E (Residential Estate) zone district finding that it conforms with the recommended land use category 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. The zone district meets the criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-E (Residential Estate) zone district is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property be zoned R-E (Residential Estate).

That property located in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 3, Township 1 South, Range 1 West, of the Ute Meridian in Mesa County, Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of said Section 3, whence the Northwest corner of said NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 3 bears North 89°58'59" West, a distance of 1317.36 feet for a basis of bearings, with all bearings contained herein relative thereto; thence South 00°01'49" East, a distance of 30.00 feet to a point on the South Right-of-Way of G Road; thence along the said South Right-of-Way South 89°58'59" West, a distance of 16.50 feet; thence South 00°01'50" East, a distance of 420.58 feet; thence South 89°58'56" West, a distance of 277.05 feet to the POINT OF BEGINNING; thence South 32°48'17" East, a distance of 36.39 feet, thence along a curve turning to the right having a delta angle of 61°32'56", a radius of 60.00 feet, an arc length of 64.45 feet, and a chord length of 61.40 feet, with a chord bearing of South 02°01'49" East; thence along a curve turning to the right having a delta angle of 18°55'39", a radius of 368.83 feet, an arc length of 121.84 feet, and a chord length of 121.29 feet, with a chord bearing of South 38°12'28" West; thence along a curve turning to the right having a delta angle of 07°46'20", a



radius of 70.44 feet, an arc length of 95.29 feet, and a chord length of 95.21 feet, with a chord bearing of South 51°33'28" West; thence South 16°00'18" West, a distance of 47.02 feet; thence South 46°12'32" West, a distance of 154.42 feet; thence South 10°54'14" West, a distance of 56.24 feet; thence South 00°03'06" East, a distance of 144.41 feet; thence South 89°57'49" West, a distance of 25.00 feet; thence North 00°01'35" West, a distance of 598.06 feet; thence North 89°58'56" East, a distance of 287.92 feet to the POINT OF BEGINNING.

Said parcel containing an area of 2.03 Acres, as herein described and as shown on Exhibit B, attached.

**INTRODUCED** on first reading the 19th day of September, 2018 and ordered published in pamphlet form.

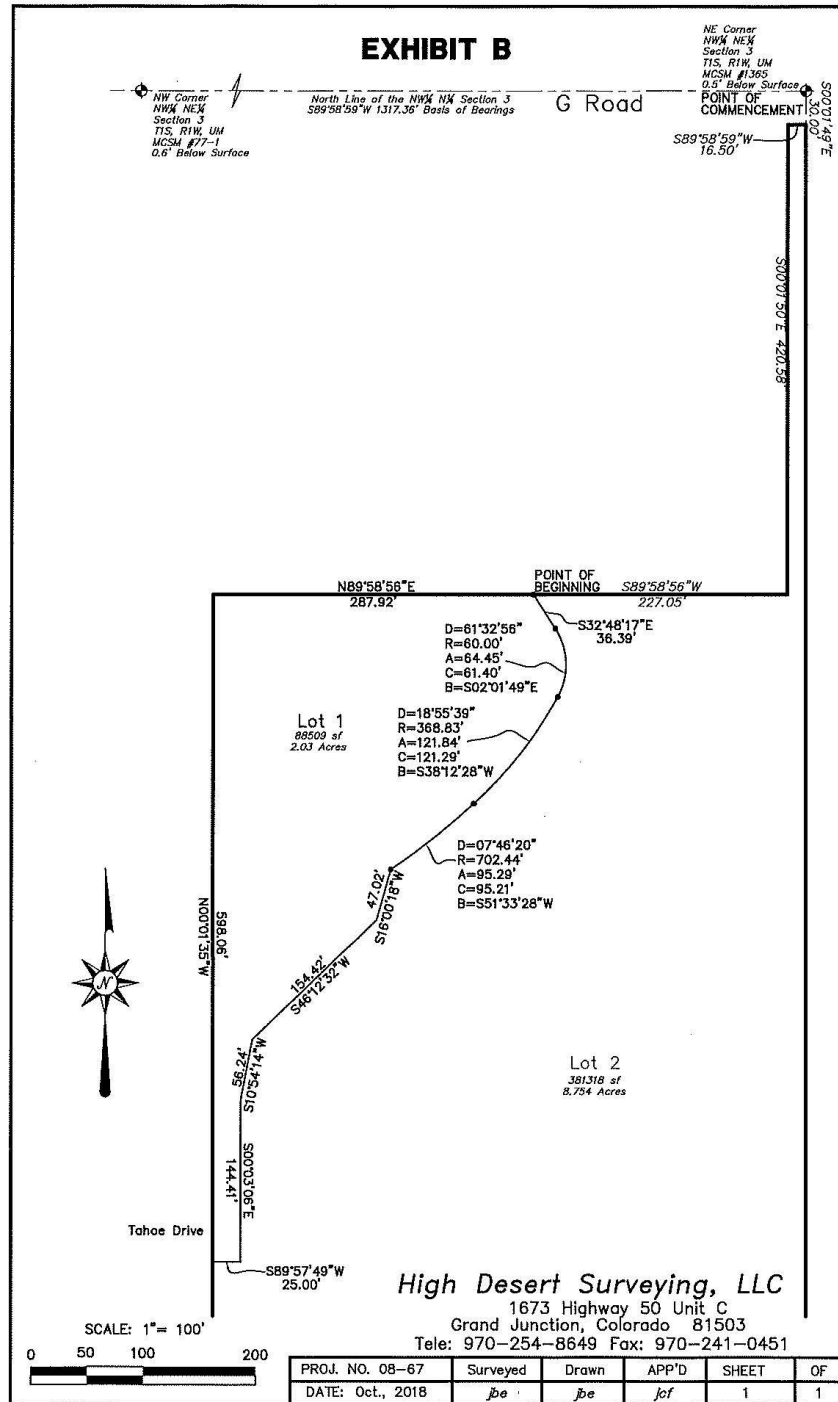
**ADOPTED** on second reading the \_\_\_\_\_ day of \_\_\_\_\_, 2018 and ordered published in pamphlet form.

ATTEST:

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

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

# EXHIBIT B



PROJ. NO. 08-67	Surveyed	Drawn	APP'D	SHEET	OF
DATE: Oct., 2018	je	je	jcf	1	1



## Grand Junction City Council

### Regular Session

Item #5.b.ii.

---

**Meeting Date:** October 3, 2018

**Presented By:** Scott D. Peterson, Senior Planner

**Department:** Community Development

**Submitted By:** Scott D. Peterson, Senior Planner

---

### **Information**

#### **SUBJECT:**

An Ordinance Rezoning Timberline Bank Property from C-1 (Light Commercial) to M-U (Mixed Use), Located at 649 Market Street

#### **RECOMMENDATION:**

Planning Commission heard this item at their September 25, 2018 meeting and recommended approval (5-0) of the M-U (Mixed Use) zone district.

#### **EXECUTIVE SUMMARY:**

The Applicant, Timberline Bank, is requesting a rezone of an 8.27-acre parcel of land located at 649 Market Street from C-1 (Light Commercial) to the M-U (Mixed Use) zone district in anticipation of future commercial development. The requested M-U zone district is consistent with the Comprehensive Plan Future Land Use designation of Village Center for the property.

#### **BACKGROUND OR DETAILED INFORMATION:**

The subject property is located at 649 Market Street (Lot 1, Canyon View Marketplace). The property is currently vacant, undeveloped land and is bounded on three-sides by 24 Road, F ½ Road and Market Street. The Applicant is requesting to rezone the property to M-U (Mixed Use) from its current zoning of C-1 (Light Commercial). The property is currently owned by WTN COEX RP LLC, however the Applicant is interested in purchasing and developing the property in order to locate and construct their new corporate bank headquarters building on this site. In addition, the Applicant intends to market/develop the remaining portion of the property to other potential tenants. The Applicant is requesting a rezone to M-U to be able to utilize the zone

district's performance and bulk standards, specifically to increase the overall building height and stories allowed from the C-1 maximum height requirement of 40 feet and three stories, to 65 feet in height and five stories in the M-U zone district.

Properties adjacent to the subject property to the east and south are the Regal 14 Theaters and City Market grocery store, both zoned C-1 (Light Commercial). To the west are general commercial properties zoned C-2. To the north, across F ½ Road is Grand Junction Subaru and Volkswagen, zoned M-U (Mixed Use).

The property is also located within the 24 Road Corridor Design Standards and Guidelines area and would be required to meet all applicable requirements for the design standards for the corridor at the time of site development.

### **NOTIFICATION REQUIREMENTS**

A Neighborhood Meeting was held on June 14, 2018 consistent with the requirements of Section 21.02.080 (e) of the Zoning and Development Code. Only one citizen along with the Applicant's representative and City planning staff were in attendance. No objections to the proposed rezone were raised, nor has community development staff received, to date, any correspondence from adjacent property owners concerning this rezone request.

Notice was completed consistent to the provisions in Section 21.02.080 (g) of the City's Zoning and Development Code. Mailed notice of the Planning Commission Public Hearing, in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on September 14, 2018 as well as those in attendance at the neighborhood meeting. The subject property was posted with an application sign on July 3, 2018 and notice of the public hearing was published September 18, 2018 in the Grand Junction Daily Sentinel.

### **ANALYSIS**

Pursuant to Section 21.02.140 of the Grand Junction Zoning and Development Code, the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following criteria:

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

The Comprehensive Plan includes a Future Land Use Map which identifies this property to be designated as Village Center. Both the Applicant's proposed zoning of M-U as well as the existing zoning of C-1, implements the Future Land Use Map designation of Village Center. The existing zoning of C-1 continues to be a valid zoning under the Comprehensive Plan. Staff has not found other subsequent events to have invalidated the original premise of the existing zoning, therefore finds this criterion has

not 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 City has seen the land use character within the immediate vicinity of the proposed rezone begin to develop in recent years with the development of several new commercial projects including Grand Junction Subaru and Volkswagen, two additional hotels, and the Community Hospital campus. The Applicant's proposed commercial development will further enhance these multi-story developments by the construction of a new commercial bank building along with the potential of additional commercial/mixed-use development on the subject parcel. In addition, the M-U zone district does not allow for uses such as vehicle repair services, drive throughs for restaurants or retail, or indoor uses with outdoor storage. The prohibition of these types of uses are generally more aligned with recent business developments in this corridor/area.

Staff therefore finds that the changing character and condition of the area supports and is consistent with the uses and bulk standards allowed within the M-U zone district and is also consistent with the Comprehensive's Plan designation of this area as a Village Center.

(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 the commercial/mixed-use land uses allowed in the M-U zone district. Ute Water and City sanitary sewer are presently located within the Market Street and F ½ Road rights-of-way. The property can also be served by Xcel Energy electric and natural gas. Access to additional commercial facilities, retail, offices and restaurants, etc., can be accessed from either 24 Road, Market Street and F ½ Road. Grand Valley Transit also provides bus service stops along Market Street adjacent to City Market. Therefore, Staff has found there to be adequate public and community facilities available to serve the M-U zone district and its potential uses therefore, staff finds 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

The M-U zone district is a zone that works to implement the Village Center designation of the Comprehensive Plan Future Land Use Map. Its purpose is to provide for a mix of light manufacturing and office park employment centers, retail service and multi-family residential uses. There is approximately 22,018 acres of land located within the City



limits of which approximately 299 acres, or less than one-percent, is zoned M-U. The current zoning designation on the property of C-1 comprises over 1,171 acres or five-percent of the total acreage within the City limits. The M-U designation allows modest variations in types of uses as well as different bulk standards that allow for taller buildings compared to the C-1 zone district. The ability for commercial buildings to exceed 3 stories in height in this area appears to be desirable as the recent construction of a new hotel(s) and the Community Hospital indicate (4 stories), which would support the designation of additional land to a M-U zone district.

Other zone districts would also accommodate this use and the desired height and include the B-2, CSR, M-U, BP, I-O zone districts, however when compared to the districts that implement the Village Center designation, the only available zone district is M-U. The only area within the City that retains a M-U zone district designation is the area directly to the north of this site in the land directly south and west of I-70 and flanking both sides of 24 Road and between G Road and F 12/ Road. Because there is limited area designated for the M-U designation and the implementation of the desired land use, Staff finds this criterion has been met.

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

The community will derive benefits from the proposed rezone by creating an opportunity for the land to be developed with a building height in excess of 40 feet which is the current maximum building height. Increasing building height allows a property owner to build more square footage in a building without increasing the land required for the development. This generally increases the development of more compact urban form and helps maximize the utilization of commercial lands within the City. The M-U zone district allows up to 65 feet in height. In addition, the community will benefit by the ability of the applicant to expand their business presence in the community as they develop their new corporate headquarters building while also having the ability to sell/lease the remaining portions of the property to companies or businesses wishing to expand or develop in the area that will expand employment opportunities for the community.

The Future Land Use designation of Village Center contemplates a mix of employment, residential, service, park and retail uses at a higher density and intensity of development and is best implemented by the M-U zone district that has a similar purpose. While the uses allowed in M-U are similar to those allowed in C-1, M-U does not allow for outdoor storage related to indoor operations or commercial use (retail and restaurant) with drive throughs, more in keeping with the vision of the 24 Road Corridor as established in the 24-Road Corridor Plan. Further, the M-U zone district provides additional commercial/mixed use opportunities at appropriate densities and intensities near existing commercial centers and is also within easy access of both necessary

infrastructure and community amenities and connectivity. Therefore, staff finds this criterion has been met.

This rezone request is consistent with the following vision, goals and/or policies of the Comprehensive Plan:

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

**Policy A:** To create large and small “centers” throughout the community that provide services and commercial areas.

**Policy B:** Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

**Goal 12:** Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

**Policy A:** Through the Comprehensive Plan policies the City and County will improve as a regional center of commerce, culture and tourism.

**Policy B:** The City and County will provide appropriate commercial and industrial development opportunities.

#### **STAFF RECOMMENDATION AND FINDINGS OF FACT**

After reviewing the Timberline Bank Rezone, RZN-2018-334, a request to rezone 8.64 acres from C-1 (Light Commercial) to M-U (Mixed Use) zone district, the following findings of fact have been made:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan;
2. In accordance with Section 21.02.140 of the Grand Junction Zoning and Development Code, one or more of the criteria have been met.

Therefore, Staff recommends approval of the request to rezone the property located at 649 Market Street from C-1 (Light Commercial) to M-U (Mixed Use) zone district.

#### **FISCAL IMPACT:**

This land use action does not have any direct fiscal impact. Subsequent actions such as future development and related construction may have direct fiscal impact depending on type of use.

**SUGGESTED MOTION:**

I move to (adopt/deny) Ordinance No. 4820, an Ordinance rezoning Timberline Bank property from C-1 (Light Commercial) to M-U (Mixed Use), located at 649 Market Street on final passage and order final publication in pamphlet form.

**Attachments**

1. Maps
2. Ordinance

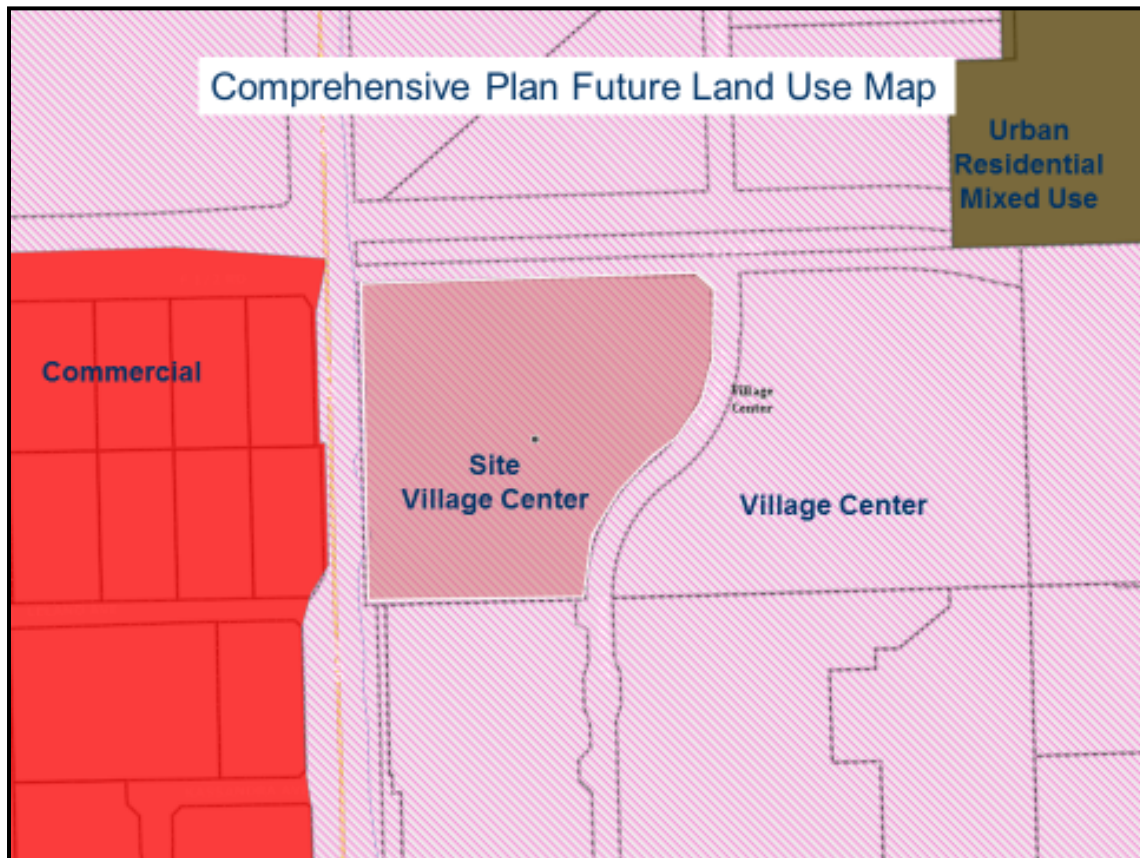
# Site Location Map

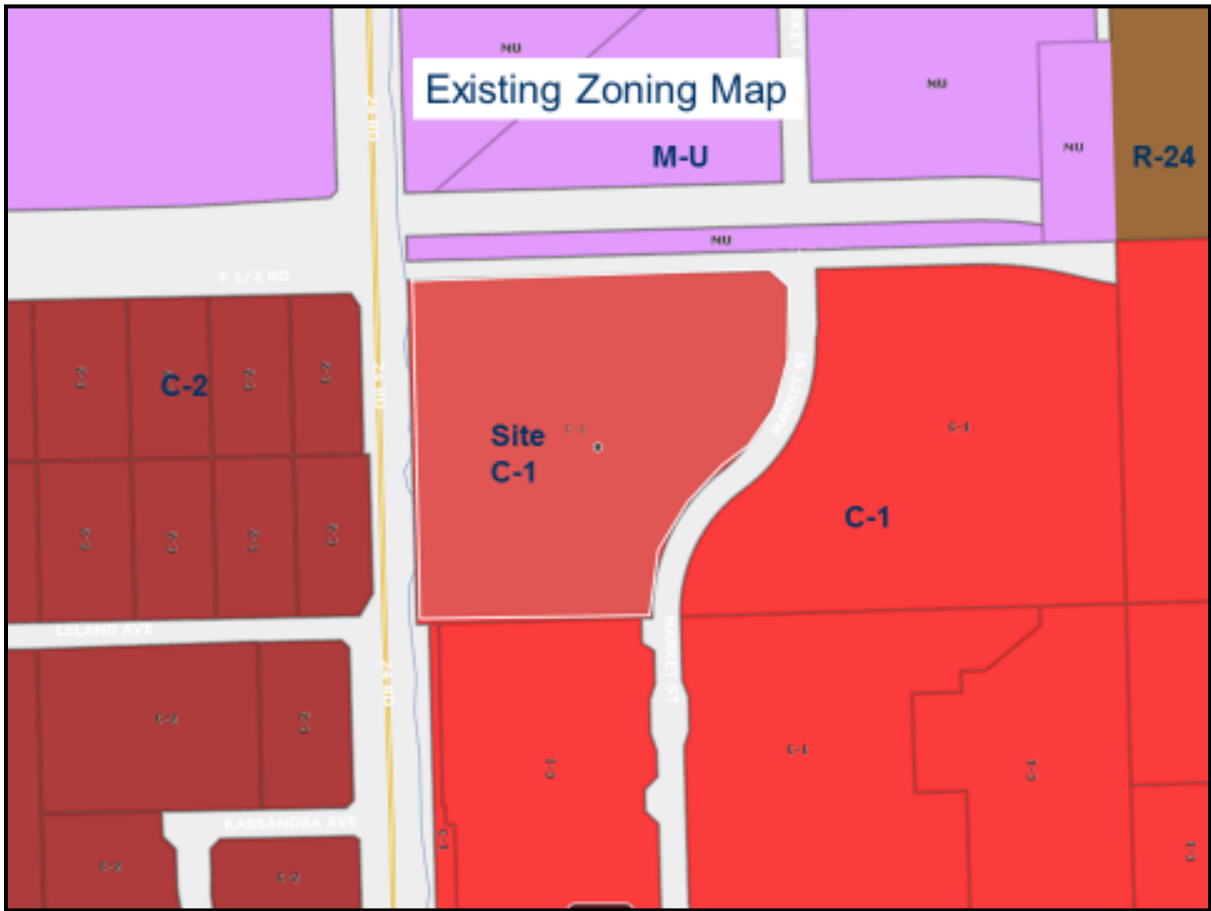




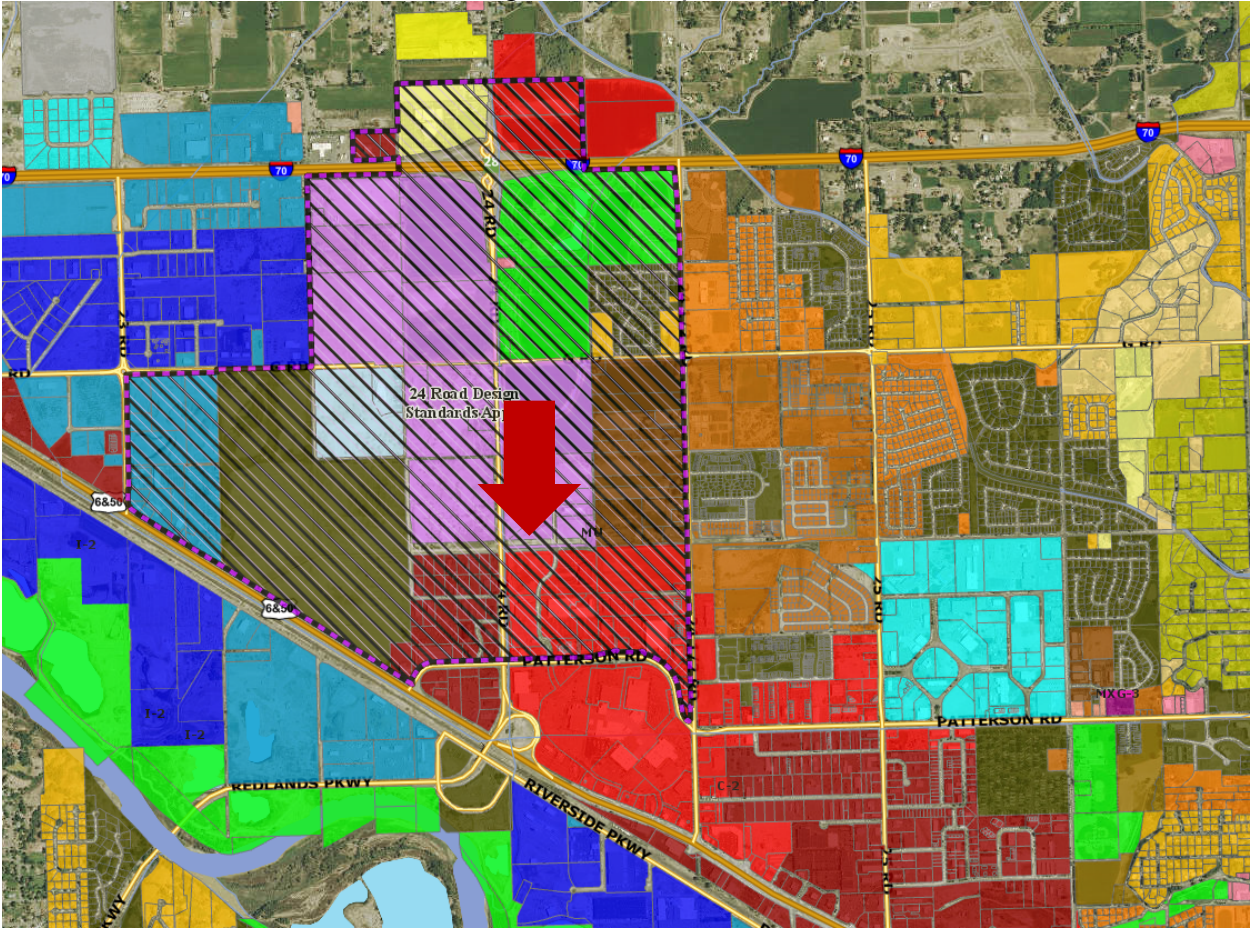


# Comprehensive Plan Future Land Use Map





Zoning District Map - Vicinity





The map displays a complex arrangement of land use zones. Key features include:

- Industrial Zones:** Large areas in purple and magenta, primarily in the western and southern portions of the map.
- Commercial Zones:** Areas in red and pink, scattered throughout the central and eastern parts.
- Residential Zones:** Various shades of yellow, orange, and brown, representing different densities from 'Residential Medium Low' to 'Residential High'.
- Park and Conservation:** Green areas, including 'Redlands Park' and 'Conservation' lands.
- Infrastructure:** Major roads like I-70, I-580, and local highways (e.g., 28th St, 29th St, 30th St) are clearly marked.
- Community Centers:** Specific locations like 'Village Center' and 'Neighborhood Center' are labeled.

A prominent red arrow points to a central area, likely indicating the primary focus of the study or a specific site of interest.

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING TIMBERLINE BANK PROPERTY  
FROM C-1 (LIGHT COMMERCIAL)  
TO M-U (MIXED USE)**

**LOCATED AT 649 MARKET STREET**

Recitals:

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 Timberline Bank Property to the M-U (Mixed Use) zone district, finding that it conforms to and is consistent with the Future Land Use Map designation of Village Center 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 M-U (Mixed Use) 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 shall be zoned M-U (Mixed Use):

Lot 1, Canyon View Marketplace as identified in Reception # 2298114 in the Office of the Mesa County Clerk and Recorder.

Introduced on first reading this 19<sup>th</sup> day of September, 2018 and ordered published in pamphlet form.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2018 and ordered published in pamphlet form.

ATTEST:

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

\_\_\_\_\_  
Mayor





## Grand Junction City Council

### Regular Session

Item #5.b.iii.

---

**Meeting Date:** October 3, 2018

**Presented By:** Scott D. Peterson, Senior Planner

**Department:** Community Development

**Submitted By:** Scott D. Peterson, Senior Planner

---

### **Information**

#### **SUBJECT:**

An Ordinance Rezoning Elevation 4591 to PD (Planned Development) with a Default Zone of R-8 (Residential, 8 du/ac) and an Outline Development Plan for 18 Residential Units on 3.23 Acres, Located at 2524 F 1/2 Road

#### **RECOMMENDATION:**

Planning Commission heard this item at their September 25, 2018 meeting and recommended approval (5-0) of the PD (Planned Development) Zone District with a Default Zone of R-8 (Residential - 8 du/ac) and Outline Development Plan.

#### **EXECUTIVE SUMMARY:**

The Applicant, Chronos Property LLC, is requesting a rezone to Planned Development (PD) with an R-8 (Residential – 8 du/ac) default zone district as well as the approval of an Outline Development Plan (ODP) for Elevation 4591, a residential subdivision. The proposed plan will develop 16 single-family detached lots with one additional lot proposed for a two-family attached dwelling unit for a total of 18 dwelling units on 3.23 acres. The Outline Development Plan establishes specific performance standards that the development will be required to meet and conform with through each development phase, as authorized by Section 21.02.150 (b) of the Zoning and Development Code. The project is located at 2524 F ½ Road.

#### **BACKGROUND OR DETAILED INFORMATION:**

The Zoning and Development Code (“The Code”) sets the purpose of a Planned Development (PD) zone and enables the PD to be used for unique single-use projects where design flexibility is desired and is not available through application of the

standards established in Chapter 21.03 GJMC. The Code provides Planned Development zoning should be used when long-term community benefits will be derived and the vision, goals and policies of the Comprehensive Plan can be achieved.

The subject property is currently vacant unplatted land with the exception of a manufactured home which is proposed to be removed prior to subdivision development. Current zoning is PD (Planned Development) with a default zone of R-8 (Residential – 8 du/ac).

A previous ODP (City file #PP-2007-169) for this property was approved in May 2008 by the City Council for a project with 12 single-family detached lots, however, that plan has since lapsed. A new application was submitted in 2017 to develop a total of 21 dwelling units on the property with an overall project density of 6.50 dwelling units an acre. The Plan received a recommendation from Planning Commission for approval, however the plan was not approved by City Council at their May 2, 2018 meeting. Main issues expressed by neighbors during the hearing included the number of units proposed, building heights and ground-water/drainage issues. The property owner subsequently modified the plan and has applied for a new Planned Development zone district with a default zone of R-8 (Residential – 8 du/ac) to provide for 18-residential units on 17 lots for a project density of 5.57 dwelling units per acre. The new ODP application is made by the applicant to hopefully address the concerns expressed by the neighborhood.

The property was annexed into the City in 2000. The 3.23-acre parcel is a challenging property to develop due to its long narrow design of approximately 120 feet wide by 1,300 feet in length. The site is bounded on the west by Diamond Ridge Subdivision, Filing 2 (4.92 du/ac) and on the east by Westwood Ranch, Filing Two (5.44 du/ac). Valley Meadows Subdivision (2.67 du/ac) is directly to the north with Colonial Heights Subdivision (3.58 du/ac) to the northwest. The only access to the Applicant's property is from F ½ Road. The property is also bounded on the north by an existing irrigation canal which is operated by Grand Valley Irrigation Company.

This parcel is bordered on all sides by existing development that has occurred over the years. Generally, sites such as these are considered “infill” sites and generally sit vacant because they were considered of insufficient size for development, property owners were unwilling to sell or want to work with developers or because there were other more desirable or less costly sites for development. The subdivisions on either side of the proposed development were not required to stub streets to the property lines for access to this parcel due to the previous property owner's demands, which has left the site constrained for access.

### **Establishment of Uses**

The Plan allows only single-family detached units on Lots 1-16 with one two-family

attached dwelling proposed for Lot 17.

### **Density**

The proposed density of the subdivision is 5.57 dwelling units per acre (18 dwelling units on 3.23 acres). The Comprehensive Plan Future Land Use Map designates this property as Residential Medium (4 – 8 du/ac). The Applicant is requesting a default zone of R-8, which has a minimum density of 5.5 and a maximum density of 8 dwelling units/acre.

### **Access**

The only public access available to this property is from F ½ Road. The internal street design was reviewed and approved by the City's engineering team as an alternative street standard (30 feet right-of-way including curb, gutter, sidewalk on the east side with 22.5 feet of asphalt width) with the condition that the Applicant provide sufficient parking. To meet the required parking (18 off-lot stalls) the Applicant has provided a total of 30 off-lot parking spaces (14 spaces within proposed Tract D and 16 on-street parking spaces). As part of the alternative streets review, the City's engineering team only allowed for on-street parking on one side of the street (east side). Each lot will contain the minimum required 2 off-street parking spaces (one in garage and one in driveway) as consistent with Section 21.06.050 (c) of the Zoning and Development Code.

A TEDS Exception (Transportation Engineering Design Standards) was also approved by the City to allow a dead-end street to be longer than the Code provision of 750 feet, provided that a Fire Department turn-around was installed (proposed Tract C). The Applicant proposed a dead-end street to be approximately 835 feet in length.

### **Open Space and Pedestrian Amenities**

Tract E is located adjacent to F ½ Road at the subdivision entrance and provides for the installation of a park bench/shelter, picnic shelter and a separate school bus shelter for the usage of the neighborhood. Tract E will also contain an underground stormwater detention facility to optimize above ground landscaped open space (turf grass, trees and shrubs).

Within Tract B, at the north end of the property adjacent to the GVIC canal, the Applicant will dedicate and construct a 10-foot wide concrete trail for public use within a 15-foot public trail easement as required by the Urban Trails Master Plan. This trail connection would connect with other City owned open space in the area along the canal, north of Westwood Ranch Subdivision and within the Colonial Heights Subdivision to the northwest.

Tract B (0.16-acres) has been included in the proposed subdivision's open space which would connect to open space areas already owned by the City of Grand Junction

adjacent to the canal. As part of the ODP request, the Applicant will dedicate and construct a 10 feet wide concrete trail within a 15 feet public trail easement as required by the Urban Trails Master Plan adjacent to the existing irrigation canal.

### **Phasing**

The Applicant is proposing to develop the subdivision in a single phase with the final plat being filed on or before December 31, 2021.

### **Lot Layout**

All proposed single-family detached lots are 3,441 sq. ft. in size with the exception of the two-family attached dwelling lot which will be 11,320 sq. ft. in size. The default zoning district of R-8 allows for a minimum lot size of 3,000 sq. ft. for detached single-family and 6,000 sq. ft. for a two-family dwelling.

### **Landscaping & Fencing**

Landscaping including trees and shrubs will be provided within proposed Tracts B, C, D and E, per Code requirements. Six-foot tall privacy fencing will be provided where fencing does not currently exist which is along the south side of proposed Lot 1 to help screen and buffer the property from F ½ Road and along the west property line to screen the property adjacent to 2522 F ½ Road. Six-foot tall privacy fencing will also be installed on the eastside of the property adjacent to the existing open space tract area located within Westwood Ranch subdivision at the northern end of the property. Additional fencing will not be required adjacent to Westwood Ranch nor Diamond Ridge Subdivision's since these existing properties already contain privacy fencing along their backyards adjacent to the Applicant's property. All proposed tracts of land will be conveyed to and maintained by the proposed Homeowner's Association with exception of Tract A that will be conveyed to GVIC.

### **Subdivision Signage**

The Applicant is proposing to have one subdivision sign located at the subdivision entrance. Subdivision signage will be placed in an HOA tract that abuts the public right-of-way (proposed Tract E) and will not exceed 8 feet in height and 32 square feet in size as is consistent with Section 21.06.070 (h) (1) of the Zoning and Development Code.

### **Long-Term Community Benefit**

The intent and purpose of the PD zone is to provide flexibility not available through strict application and interpretation of the standards established in Section 21.03.040 of the Zoning and Development Code. The Zoning and Development Code also states that PD (Planned Development) zoning should be used only when long-term community benefits, which may be achieved through high quality planned development, will be derived. Long-term benefits include, but are not limited to:

1. More effective infrastructure;
2. Reduced traffic demands;
3. A greater quality and quantity of public and/or private open space;
4. Other recreational amenities;
5. Needed housing types and/or mix;
6. Innovative designs;
7. Protection and/or preservation of natural resources, habitat areas and natural features; and/or Public art.

The Applicant provided justification within their application that addressed all of the above listed long-term benefits. However, in review of the project, City Staff supports the finding that three of the seven long-term community benefits are met with this proposed development application:

**#3 Greater quality and quantity of public and/or private open space.** The Applicant intends to provide a landscaped open space tract (proposed Tract E – 0.17 acres) with amenities such as bench and picnic shelters and school bus shelter in an area that will also function as a detention facility (with underground detention to allow the surface to be utilized as active open space) which will all be owned and maintained by a homeowners' association. The installation of the proposed shelters/benches and underground detention facility are not required by Code and will serve as a community amenity for the subdivision.

In order to maximize the open space provided, the Applicant has designed the detention facility to be underground so that the surface may be utilized as active open space without regard to if and when the detention basin is filled with stormwater. The Applicant notes that with these amenities they will create a more desirable residential community and will add additional value to the greater community. The Code requires only a minimum 14-foot landscaping strip along F ½ Road, however the additional 75 feet of open space identified within Tract E is in excess of Code requirements (6,565 sq. ft.) The Code also does not require the detention basin be buried. This feature will ensure uninterrupted use of the surface area as usable open space thereby providing for a greater quality of open space within the development.

**#5 Needed housing types and/or mix.** The Applicant is proposing to build homes that range between approximately 800 to 1,300 square feet on small lots that will require little to no maintenance. Recent conversations by the Applicant with local realtors indicate that there is a strong, local market demand for smaller, modern, wireless technology homes on small lots requiring little to no maintenance. There are very few homes in the local housing inventory or with new construction that meet this demand. Consequently, it has been represented that when this type of housing becomes available on the local market, they are immediately sold.



Concerning the changing housing market, the Grand Junction Comprehensive Plan states that “as the baby-boomer generations reach retirement age, the housing market is reflecting a desire for smaller yards, or no yards to maintain at all. At the same time, a younger generation is discovering the benefits of urban living: shorter commute times, more activities and less expensive housing. As a result of both of these trends, there is a resurging interest throughout the U.S. for smaller homes, townhomes, condominiums and urban living. Under these circumstances, providing opportunity for a variety of housing types (including higher density units) is sound, sustainable planning strategies to accommodate market pressure. (See Guiding Principle 3: Housing Variety – Comprehensive Plan document)”

The proposed housing product is a needed housing type and an important part of providing a mix of housing options within the City.

#6 Innovative Designs. The Applicant is proposing to build homes that range between 800 to 1,300 sq. ft. in size on smaller lots that require little maintenance. Recent planning and housing trends nationwide indicate that as the baby-boomer generation ages, the housing market is reflecting a desire for smaller yards and homes. At the same time, the younger generation is also discovering the benefits of urban living with shorter commute times, living closer to City amenities and more moderately size homes.

The Applicant has commissioned an architect to design three model homes that seek to meet the strong, local market demand for smaller housing. Color renderings have been attached as an Exhibit to show what the homes will look like. The Applicant provides the following regarding the innovative design of their housing product “The exterior will be a compilation of metal, composite and stone façade for a modern look but with low maintenance requirements. The homes will be equipped with wireless technology to control thermostats, lighting, entertainment technology and garage doors. Interior finishes will be high end, modern materials such as quartz countertops, plank flooring and modern cabinets with splashes of industrial hardware to accent the modern look of the homes. Landscaping will combine a limited amount of grass in the front yards (optional) with xeric plant materials and a split rail fence. The rear yard will be restricted to not more than 25% turf and will be landscaped with one tree to provide additional privacy when the tree has matured. The use of solar panels is currently being explored and will be installed with each home if it is not cost prohibitive. Provision of smaller, energy efficient, technology smart homes that are in great demand in the Grand Valley may be the most significant community benefit offered by the Elevation 4591 development.”

The site as designed also offers an innovative design by maximizing the odd dimensions of the lot, providing for smaller lot sizes, providing for parking pods, and

narrowing the street while meeting densities ranges as provided in the Comprehensive Plan.

### **Default Zone and Deviations**

The Applicant is proposing to utilize the dimensional standards for the R-8 (Residential – 8 du/ac) zone district with four (4) variations that would be more restrictive than current Code requirements including and as shown in the following table:

- 1) Increasing above the minimum requirement, the rear yard setback from 10 feet to 20 feet;
- 2) Decreasing the maximum building height from 40 feet to 24 feet;
- 3) Increasing above the minimum requirement, the lot area from 3,000 to 3,400 sq. ft.; and
- 4) Increasing above the minimum requirement, the side yard setback along the west property line of proposed Lot 17 from 5 feet to 15 feet.

<b>Dimensional Standard</b>	<b>R-8</b>	<b>Proposed ODP</b>
Front yard setback (Principal/Accessory):	20 feet/25 feet	Same
Side yard setback (Principal/Accessory):	5 feet/3 feet	15 feet on western property line of Lot 17 only
Rear yard setback (Principal/Accessory):	10 feet/5 feet	20 feet/5 feet
Maximum Building Height:	40 feet	24 feet
Maximum Lot Coverage	70%	Same
Minimum Lot Area:	3,000 sq. ft.	3,400 sq. ft
Minimum Lot Width:	40 feet	Same

The proposed variations come as a result of the Applicant addressing some of the concerns expressed by area resident's regarding homes being located close to their existing fences, back yards and the blockage of current views of what could be constructed under the R-8 zone district as far as a maximum building height.

### **Deviations**

Section 21.05.040 (g) of the Zoning and Development Code allows for the Planning Commission to recommend the City Council deviate from the default district standards subject to the provision of any of the community amenities as identified below. In order for the Planning Commission to recommend and the City Council to approve the deviation, the listed amenities to be provided shall be in excess of what would otherwise be required by the code. These amenities include:

*1. Transportation amenities including, but not limited to, trails other than required by multimodal plan, bike or pedestrian amenities or transit oriented improvements, including school and transit bus shelter;*

The Applicant has provided a covered school bus shelter to the open space area (proposed Tract E of .17 acres) at the entrance to the development adjacent to F ½ Road. The shelter will be constructed on a concrete pad with covered shelter for use by children waiting for school buses. The school bus shelter facility is not required by the Code and as such are in excess of what would otherwise be required.

*2. Open space, agricultural land reservation or land dedication of 20% or greater;*

The Applicant is not proposing to dedicate 20% or greater of the site for the purposes of open space or agricultural land reservation/dedication.

*3. Community facilities for provision of public services beyond those required for development within the PD;*

The Applicant is not proposing to provide any traditional community facilities for the provision of public service.

*4. The provision of affordable housing for moderate, low and very low income household pursuant to HUD definitions for no less than 20 years; and*

The Applicant is not proposing to provide any affordable housing for moderate, low or very low households consistent with HUD definitions for these households.

*5. Other amenities, in excess of minimum standards required by this Code, that the Council specifically finds provide sufficient community benefit to offset the proposed deviation.*

A direct benefit to the adjacent neighborhood will be the increased rear yard setback from 10 feet to 20 feet and the reduction of the maximum building height from 40 feet to 24 feet. The Applicant is also increasing the side yard setback along the west property line of proposed Lot 17 only from 5 feet to 15 feet. The proposed increase of the minimum setbacks comes as a direct result of discussions with area residents during the Neighborhood Meeting at which time residents expressed concern with homes being located close to their existing fences and with the maximum height allowed by the R-8 zone district. Both the rear and side yard setbacks and lowering of building height are restrictions in excess of minimum standards and provide a direct benefit to the surrounding neighborhood.

## **NOTIFICATION REQUIREMENTS**

A Neighborhood Meeting regarding the proposed Outline Development Plan (ODP) was held on June 20, 2018 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant's representative and City staff were in attendance along with over 21 citizens. Comments and concerns expressed by the attendees centered on the proposed density of the development, increased traffic on F ½ Road, drainage concerns, building setbacks and height, etc.

Notice was completed consistent to the provisions in Section 21.02.080 (g) of the City's Zoning and Development Code. Mailed notice of the Planning Commission Public Hearing, in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on September 14, 2018. The subject property was posted with an application sign on July 20, 2018 and notice of the public hearing was published September 18, 2018 in the Grand Junction Daily Sentinel.

## **ANALYSIS**

Pursuant to Section 21.02.150 (b) of the Grand Junction Zoning and Development Code, requests for an Outline Development Plan (ODP) shall demonstrate conformance with all of the following:

a) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies;

The proposed Outline Development Plan complies with the Comprehensive Plan, specifically, Goals 3 and 5 as provided below. Regarding the Future Land Use Map, the proposed development of 5.57 dwelling units per acre is within the residential density range of the Residential Medium (4 – 8 du/ac) category as identified on the Future Land Use Map. This Outline Development Plan request is consistent with the following vision, goals and/or policies of the Comprehensive Plan:

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

Policy B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

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.

Policy C: Increasing the capacity of housing developers to meet housing demand.

Throughout the Comprehensive Plan, an emphasis is also placed on infill redevelopment of underutilized land. By growing inward (infill and redevelopment) allows the community to take advantage of land with existing services and reduces sprawl.

As proposed, the application is in conformance with the Grand Valley Circulation Plan, Urban Trails Master Plan, and other applicable adopted plans and policies.

b) The rezoning criteria provided in Section 21.02.140 (a) of the Grand Junction Zoning and Development Code.

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

A previously adopted PD has lapsed (previous zoning before that was R-R (Residential – Rural)), requiring that the property be rezoned. The Applicant is now requesting the same zone category of Planned Development and default R-8 zone district with a different Outline Development Plan. Though there may be elements of the previously approved PD that continue to be relevant, the lack of timely execution of the previously approved PD renders the previous plan invalidated; as it was not able to be developed/constructed according to the approved Plan. Staff has found 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 character and/or condition of the area has not changed in recent years because the adjacent residential subdivisions have been existing for many years. The subject property continues to be underutilized in terms of the residential development potential anticipated by the Comprehensive Plan designation of Residential Medium (4 – 8 du/ac) for quite some time. The requested ODP and rezone to PD (with a R-8 default zone) furthers the goals and policies of the Comprehensive Plan by providing for density in the mid-range of the Residential Medium (4 – 8 du/ac) land use classification. Because there has been no apparent change of character and/or condition, Staff finds that this criterion has not been met.

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

Existing public and community facilities and services are available to the property and are sufficient to serve the single-family residential land uses allowed in the PD zone district. Ute Water and City sanitary sewer are both located within the F ½ Road right-of-way. The property can also be served by Xcel Energy electric and natural gas. Property is also located within approximately one mile of Mesa Mall and near Patterson



Road and Highway 6 & 50 that includes retail stores, general offices, grocery store, banks, restaurants, etc. Community Hospital is also located a little over a mile and half directly to the west on G Road. Also along G Road is Canyon View Park.

Grand Junction Fire Department finds the public and community facilities regarding fire and emergency medical services are adequate to serve the type and scope of the residential land use proposed. The location of this development meets response time parameters from Fire Station 3, the primary response station located at 582 25 1/2 Road. Station 3 has a significant call volume and while any increase in population or development can add to call volume, the number of units and level of this development is not expected to significantly affect current levels. The City is currently evaluating relocating Fire Station 3 to a site farther northwest, which should not effect this development. Long range planning recommends an additional fire station north of Interstate 70, which would provide for quicker back-up response to this area.

Grand Junction Police Department estimates this development will increase at a 'normal' rate as estimated by utilizing calls values from nearby residential areas similar in size and location. The estimated average call volume increase is 17.5 calls per year. GJPD will not need an increase in personnel or equipment in order to provide services to those within this proposed development

The public and community facilities are adequate to serve the type and scope of the residential land use proposed, therefore, staff finds 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

The Elevation 4591 property is an undeveloped parcel of land that would be considered an infill development project that is adjacent to all existing utility infrastructure and is ready for development. The Applicant is requesting to develop a residential subdivision within an existing residential zone, as a Planned Development that provides additional community benefits that would not otherwise be required under conventional zoning. This property is proposed to be zoned PD to allow for design flexibility and additional long-term community benefits. Because PD is a zone category based on specific design and is applied on a case-by-case basis, staff finds this criterion is not applicable to this request, and, therefore has not been met.

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

The community will benefit from this infill development of a property that is substantially constrained and challenging to develop at densities consistent with the Comprehensive Plan. The proposed density is within the allowable range of the Residential Medium

Future Land Use Map category. As discussed in the section titled Long-Term Community Benefit, the area will also derive benefits from the zoning of PD (Planned Development) by the proposed development by the installation of park and picnic bench/shelters and separate school bus shelter to be located within proposed Tract E adjacent to F ½ Road. The construction of an underground detention facility so that the open space (Tract E) can be utilized as turf grass and a landscaped subdivision amenity. In order to maximize the open space provided, the Applicant has designed the detention facility to be underground so that the surface may be utilized as active open space without regard to if and when the detention basin is filled with water. A 10-foot wide concrete trail will also be constructed adjacent to the existing canal along the north property line to provide interconnectivity with existing, adjacent subdivisions per the requirements of the Urban Trails Master Plan. This project also provides for a smaller lot size and housing type that is not regularly available within the City. Staff, therefore finds this criterion has been met.

c) The planned development requirements of Section 21.05.040 (f) of the Zoning and Development Code;

(1) Setback Standards. Principal structure setbacks shall not be less than the minimum setbacks for the default zone

The Applicant is proposing to deviate but increase (not lessen) the rear yard building setback to create a larger buffer from the adjacent neighborhood than is required from the default R-8 zone district minimum standard of 10 feet to 20 feet, to help mitigate the impact of the proposed development on the adjacent neighborhood to the east. Also, the Applicant is increasing the side yard setback along the west property line of proposed Lot 17 only from 5 feet to 15 feet, in order to provide an additional building buffer with properties located to the west. Therefore, the proposed development complies with this standard.

(2) Open Space. All residential planned developments shall comply with the minimum open space standards established in the open space requirements of the default zone.

The Applicant is proposing five tracts of land in which four (4) tracts will be dedicated to the homeowner's association for ownership and maintenance. Of these, one (Tract B) will contain a 10-foot wide concrete trail that connects to City owned property to the west as a required trail connection on the Urban Trails Map (4.68% of the overall project site). One tract (Tract E) will be used as open space in accordance with the plan. This open space is equivalent to 5.34% of the total project. For this Tract, the Applicant is also proposing the installation of park and picnic bench/shelters and separate school bus shelter to be located adjacent to F ½ Road along with the construction of an underground detention facility so that the open space can be utilized as turf grass and a landscaped subdivision amenity. In order to maximize the open

space provided, the Applicant has designed the detention facility to be underground so that the surface may be utilized as active open space without regard to if and when the detention basin is filled with stormwater.

The remaining tracts (Tract D and C) will be landscaped in accordance with City requirements. Therefore, the proposed open space areas and amenities meets and exceeds the requirements of the Zoning and Development Code.

(3) Fencing/Screening. Fencing shall comply with GJMC 21.04.040(i).

Six-foot tall privacy fencing will be provided where fencing does not currently exist which will be along the southside of proposed Lot 1 to help screen and buffer the property from F ½ Road and along the west property line to screen the property adjacent to 2522 F ½ Road. Six-foot tall privacy fencing will also be installed on the eastside of the property adjacent to the existing open space located within Westwood Ranch subdivision at the northern end of the property. Additional fencing will not be required adjacent to Westwood Ranch nor Diamond Ridge Subdivision since these existing properties already contain privacy fencing along their back yards adjacent to the Applicant's property. All fencing will comply with all applicable requirements of the Code.

(4) Landscaping. Landscaping shall meet or exceed the requirements of GJMC 21.06.040.

Landscaping with trees, shrubs, turf grass and native grass seed mix is being provided in all open space tracts and will meet or exceed the requirements of the Code. Section 21.06.040 (g) (5) of the Zoning and Development Code requires a minimum 14-foot wide landscape buffer outside a perimeter enclosure adjacent to arterial and collector streets (F ½ Road is classified as a Major Collector). The proposed width of Tract E is 89 feet adjacent to F ½ Road. Tract E will also include picnic and park bench/shelters and a school bus shelter. Construction of a 10-foot-wide concrete trail will also be developed adjacent to the Grand Valley Irrigation Company canal along the north side of the property per the requirements of Urban Trails Master Plan. All proposed landscaped areas meet or exceed the requirements of the Zoning and Development Code.

(5) Parking. Off-street parking shall be provided in accordance with GJMC 21.06.050.

The Applicant has provided a total of 30 off-lot parking spaces (14 spaces within proposed Tract D and 16 on-street parking spaces) per the conditions of the City engineering team's review and approval of an Alternative Street section. On-street parking shall only be allowed on one side of the street (east side). Each lot will contain the minimum required two (2) off-street parking spaces (one in garage and one in drive-

way) per Section 21.06.050 (c) of the Zoning and Development Code.

(6) Street Development Standards. Streets, alleys and easements shall be designed and constructed in accordance with TEDS (GJMC Title 29) and applicable portions of GJMC 21.06.060.

The proposed subdivision can only has access available from F ½ Road. The internal street was approved by the City as an alternative street standard (30-foot right-of-way including curb, gutter, sidewalk on the east side with 22.5 feet asphalt width) with the condition that the Applicant provide a minimum 21 off-lot parking spaces. A separate TEDS Exception (Transportation Engineering Design Standards) was also approved by the City to allow a dead-end street to be longer than the Code provision of 750 feet, provided that a Fire Department turn-around was installed. This was accomplished in the proposed Tract C. The Applicant proposed a dead-end street to be over 835 feet in length. With the approved TEDS Exception and approved Alternative street design, the streets will be constructed in accordance with TEDS and applicable portions of the Code.

d) The applicable corridor guidelines and other overlay districts.

There are no corridor guidelines or overlay district that are applicable for this development.

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

Existing public and community facilities and services are available to the property and are sufficient to serve the single-family residential land uses allowed in the PD zone district. Ute Water and City sanitary sewer are both located within the F ½ Road right-of-way. The property can also be served by Xcel Energy electric and natural gas. Located within a mile to a mile and half of the property is the Mesa Mall commercial area along Patterson Road and Hwy 6 & 50 that includes retail stores, general offices, grocery store, banks, restaurants, etc. Community Hospital is also located a little over a mile and a half directly to the west on G Road. Also along G Road is Canyon View Park. The public and community facilities are more than adequate to serve the type and scope of the residential land use proposed.

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

The proposed subdivision can only take access from F ½ Road. All necessary design standards have been incorporated into the Alternative Streets review that was administratively approved by the City. In addition to street circulation of traffic, a trail

along the canal will be constructed to provide pedestrian and bicycle circulation between adjoining subdivisions. The ODP is consistent with the City's adopted Circulation Plan for this area.

g) Appropriate screening and buffering of adjacent property and uses shall be provided;

As noted in the previous discussion of (3), Six-foot tall privacy fencing will be provided where fencing does not currently exist which will be along the south side of proposed Lot 1 to help screen and buffer the property from F ½ Road and along the west property line to screen the property adjacent to 2522 F ½ Road. Six-foot tall privacy fencing will also be installed on the eastside of the property adjacent to the existing open space located within Westwood Ranch subdivision at the northern end of the property. All HOA tracts will also be landscaped. Staff has found the proposed screening and buffering to be appropriate for the proposed residential development.

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

The proposed density for Elevation 4591 is 5.57 dwelling units per acre (18 dwelling units on 3.23 acres). The Comprehensive Plan Future Land Use Map designates this property as Residential Medium (4 – 8 du/ac). The Applicant is requesting a default zone of R-8, which has a minimum density of 5.5 and a maximum density of 8 dwelling units/acre and is thus considered an appropriate range of density for the proposed development.

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

The Applicant is proposing an R-8 default zone district for establishing density. The Applicant, is proposing an increase in the rear yard setback from the minimum required 10 feet to 20 feet along with a reduction of the maximum building height from 40 feet to 24 feet. The applicant is also increasing above the minimum requirement, the side yard setback along the west property line of proposed Lot 17 only from 5 feet to 15 feet. Staff has found the standards as proposed are appropriate for the development.

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

The Applicant is proposing to develop the subdivision in a single phase with the final plat to receive approval on or before December 31, 2021. Staff find this development schedule to be appropriate for the proposed development.

In accordance with Section 21.05.040 (e) of the Zoning and Development Code, a



minimum of five acres is recommended for a Planned Development unless the Planning Commission recommends and the City Council finds that a smaller site is appropriate for the development as a Planned Development. In approving a Planned Development smaller than five acres, the Planning Commission and City Council shall find that the proposed development:

1. Is adequately buffered from adjacent residential property;

Typically, residential zones abutting residential zones do not require additional buffering or screening. However, the Applicant is proposing an increase in the rear yard setback from the minimum required R-8 standards of 10 feet to 20 feet along with a reduction of the maximum building height from 40 feet to 24 feet while also increasing the side yard setback along the west property line of proposed Lot 17 only from 5 feet to 15 feet, in order to help mitigate impacts of the proposed subdivision development on adjacent residential properties to the east. Staff has found the proposed development to be adequately buffered from adjacent residential property

2. Mitigates adverse impacts on adjacent properties; and

As stated above in (1), to help address the impacts of development, the Applicant is proposing an increase in the rear yard setback from the minimum required R-8 standards of 10 feet to 20 feet along with a reduction of the maximum building height from 40 feet to 24 feet while also increasing the side yard setback along the west property line of proposed Lot 17 only from 5 feet to 15 feet. Also, six-foot tall privacy fencing will be provided where fencing does not currently exist which is along the west property line to screen the property adjacent to 2522 F ½ Road. Six-foot tall privacy fencing will also be installed on the eastside of the property adjacent to the existing open space located within Westwood Ranch subdivision at the northern end of the property. Additional fencing will not be required adjacent to Westwood Ranch nor Diamond Ridge Subdivision's since these existing properties already contain privacy fencing along their back yards adjacent to the Applicant's property. Staff has found the proposed development adequately mitigates adverse impacts on adjacent properties.

3. Is consistent with the goals and policies of the Comprehensive Plan.

The proposed Outline Development Plan complies with the Comprehensive Plan, specifically, Goals 3 and 5 as provided below. Therefore, Staff has found this Outline Development Plan request to be consistent with the following vision, goals and/or policies of the Comprehensive Plan:

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

Policy B: Create opportunities to reduce the amount of trips generated for shopping

and commuting and decrease vehicle miles traveled thus increasing air quality.

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.

Policy C: Increasing the capacity of housing developers to meet housing demand.

Throughout the Comprehensive Plan, an emphasis is also placed on infill redevelopment of underutilized land. Growing inward (infill and redevelopment) allows the community to take advantage of land with existing services, relieves pressure to disturb agricultural lands, and reduces sprawl.

### **STAFF RECOMMENDATION AND FINDINGS OF FACT**

After reviewing the application for a rezone to PD with an R-8 default zone district and an Outline Development Plan for the proposed Elevation 4591, PLD-2018-340, the following findings of fact have been made:

1. The Planned Development is in accordance with all criteria in Section 21.02.150 (b)(2) of the Grand Junction Zoning and Development Code.
2. Pursuant to Section 21.05.010, the Planned Development has been found to have long term community benefits including:
  - a. A greater quality and quantity of public and/or private open space;
  - b. A needed housing type and/or mix; and
  - c. Innovative designs.
3. Pursuant to 21.05.040(e), it has been found that a smaller site (3.23 acres) is appropriate for the development as a Planned Development.
4. The Planned Development is consistent with the vision, goals and policies of the Comprehensive Plan.

Therefore, Staff recommends approval of the request for a Planned Development Zone District and Outline Development Plan (ODP) for Elevation 4591.

### **FISCAL IMPACT:**

This land use action does not have any direct fiscal impact. Subsequent actions such as future residential development may have direct fiscal impact. For example, for every \$100,000 in actual valuation of residential land and buildings, \$58 in annual property tax revenue will be generated based on the current assessment rate for residential properties of 7.2% of actual value.

In addition, should the related development be approved and constructed, the project will result in the creation of 835 lineal feet of additional public roadway approximately 22.5 feet wide. It is estimated that it will cost \$710 annually to sweep, street lighting, and otherwise maintain these roads. The roadway surface will be new, but a chip seal is proposed within 3 years to preserve the original asphalt at an estimated cost of \$4,700. No other significant surface treatment is anticipated for 15 years.

**SUGGESTED MOTION:**

I move to (adopt/deny) Ordinance No.4821, an Ordinance rezoning Elevation 4591 to PD (Planned Development) with a Default Zone of R-8 (Residential, 8 du/ac) and an Outline Development Plan for 18 Residential Units on 3.23 acres, located at 2524 F 1/2 Road on final passage and order publication in pamphlet form.

**Attachments**

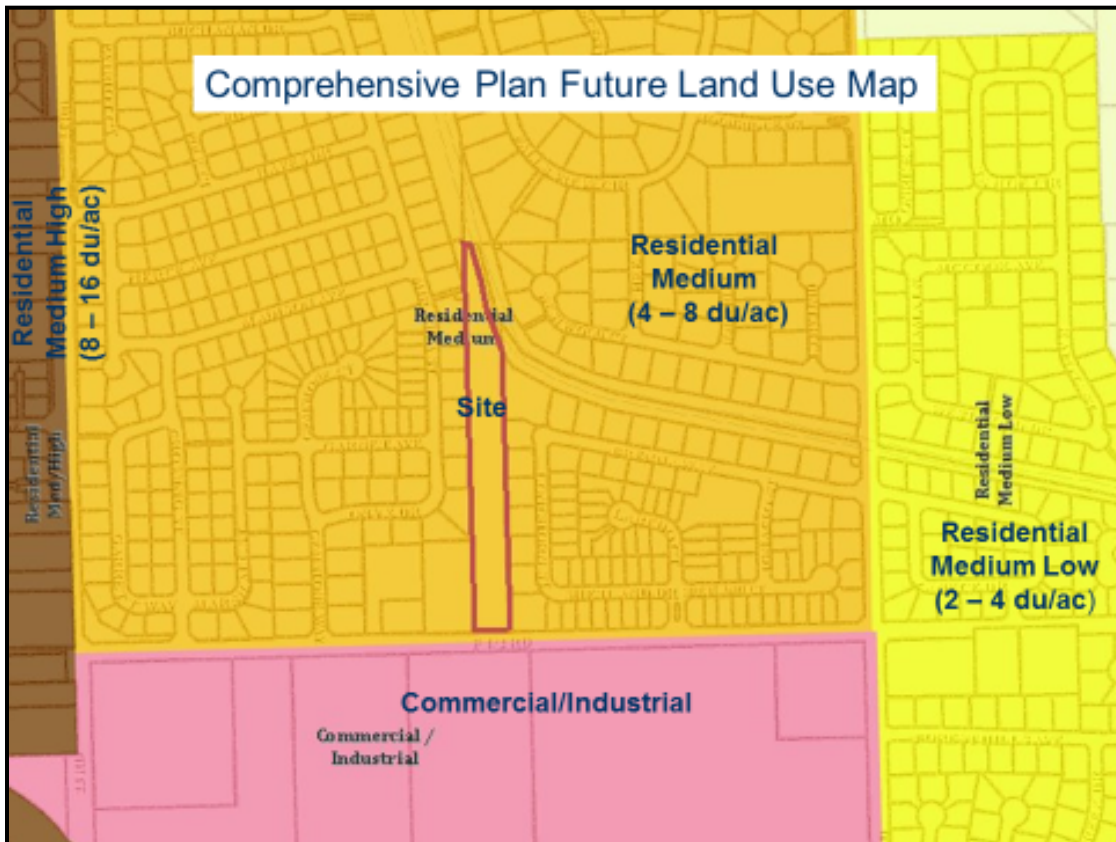
1. Vicinity and Location Maps
2. Site Plan - ODP Drawing
3. Landscaping Plan
4. Site Features and home designs
5. Storm Sewer P & P
6. Parking & Auto Turn Exhibit
7. Public Correspondence Received
8. Ordinance



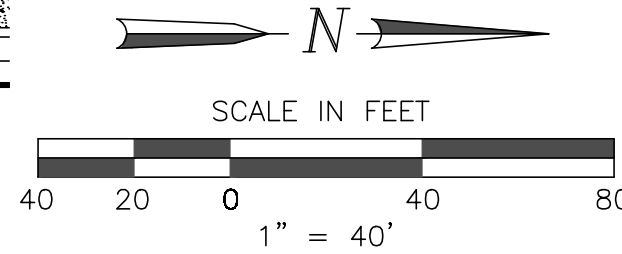




## Comprehensive Plan Future Land Use Map







**VORTEX**  
**ENGINEERING, INC.**

- CONSTRUCTION MANAGERS & SITE PLANNERS
- PROJECT MANAGERS
- CIVIL & CONSULTING ENGINEERS

2394 Patterson Road, Suite 201  
Grand Junction, CO 81505  
Phone: (970) 245-9051  
Fax (970) 245-7639

Copyright ©2017, by Vortex Engineering, Inc. ALL RIGHTS RESERVED. The site design is a building design and content of this drawing is copyrighted under the federal Copyright Law of 1976. All rights are reserved by Vortex Engineering, Inc., who retain the exclusive right to the design or re-use of this drawing. Any use, re-use, reproduction or other publication of this drawing without the written consent of Vortex Engineering, Inc. is prohibited.

[illegible]

*Site Plan*

*Elevation 4591*

*2524 F 1/2 Road*

*Grand Junction, Colorado*

PROJECT NO: F17-021  
DATE: 06/20/18  
SCALE: SEE PLAN  
CAD ID: elevation.pcs site.dwg

~SHEET~

1

- |    |                                 |  |
|----|---------------------------------|--|
| 80 | <b>LEGEND</b>                   |  |
|    | PROPERTY BOUNDARY               |  |
|    | ADJACENT BOUNDARY               |  |
|    | EASEMENT                        |  |
|    | RIGHT-OF-WAY                    |  |
|    | LOT LINE                        |  |
|    | SET BACK LINE                   |  |
|    | EXISTING FLOW LINE              |  |
|    | EXISTING FENCE LINE             |  |
|    | EXISTING FENCE LINE             |  |
|    | CONTROL LINE                    |  |
|    | ROAD CENTER LINE                |  |
|    | EDGE OF SIDEWALK                |  |
|    | EXISTING EDGE OF ASPHALT        |  |
|    | PROPOSED EDGE OF ASPHALT        |  |
|    | PROPOSED ASPHALT                |  |
|    | EXISTING CONCRETE               |  |
|    | PROPOSED CONCRETE               |  |
|    | FIRE LANE "NO PARKING"          |  |
|    | EXISTING STORM PIPE             |  |
|    | EXISTING STORM MANHOLE          |  |
|    | EXISTING STORM INLET            |  |
|    | PROPOSED STORM PIPE             |  |
|    | PROPOSED STORM MANHOLE          |  |
|    | EXISTING STORM INLET            |  |
|    | EXISTING SEWER LINE             |  |
|    | EXISTING SEWER MANHOLE          |  |
|    | PROPOSED SEWER LINE             |  |
|    | PROPOSED SEWER MANHOLE          |  |
|    | PROPOSED SEWER SERVICE          |  |
|    | EXISTING WATER PIPE             |  |
|    | EXISTING WATER METER            |  |
|    | PROPOSED WATER PIPE             |  |
|    | PROPOSED WATER SERVICE          |  |
|    | PROPOSED FIRE HYDRANT           |  |
|    | PROPOSED WATER VALVE            |  |
|    | PROPOSED WATER BLOW OFF         |  |
|    | PROPOSED 8" TEE                 |  |
|    | PROPOSED 4" CAP                 |  |
|    | EXISTING ELECTRICAL TRANSFORMER |  |
|    | EXISTING ELECTRICAL METER       |  |
|    | EXISTING TELEPHONE METER        |  |
|    | EXISTING IRRIGATION VALVE       |  |
|    | EXISTING GAS METER              |  |
|    | PROPOSED MAILBOX                |  |
|    | PROPOSED 6" VINYL FENCE         |  |
|    | PROPOSED SPLIT RAIL FENCE       |  |
|    | PROPOSED COMBINED DRY UTILITIES |  |
|    | PROPOSED TRANSFORMER            |  |

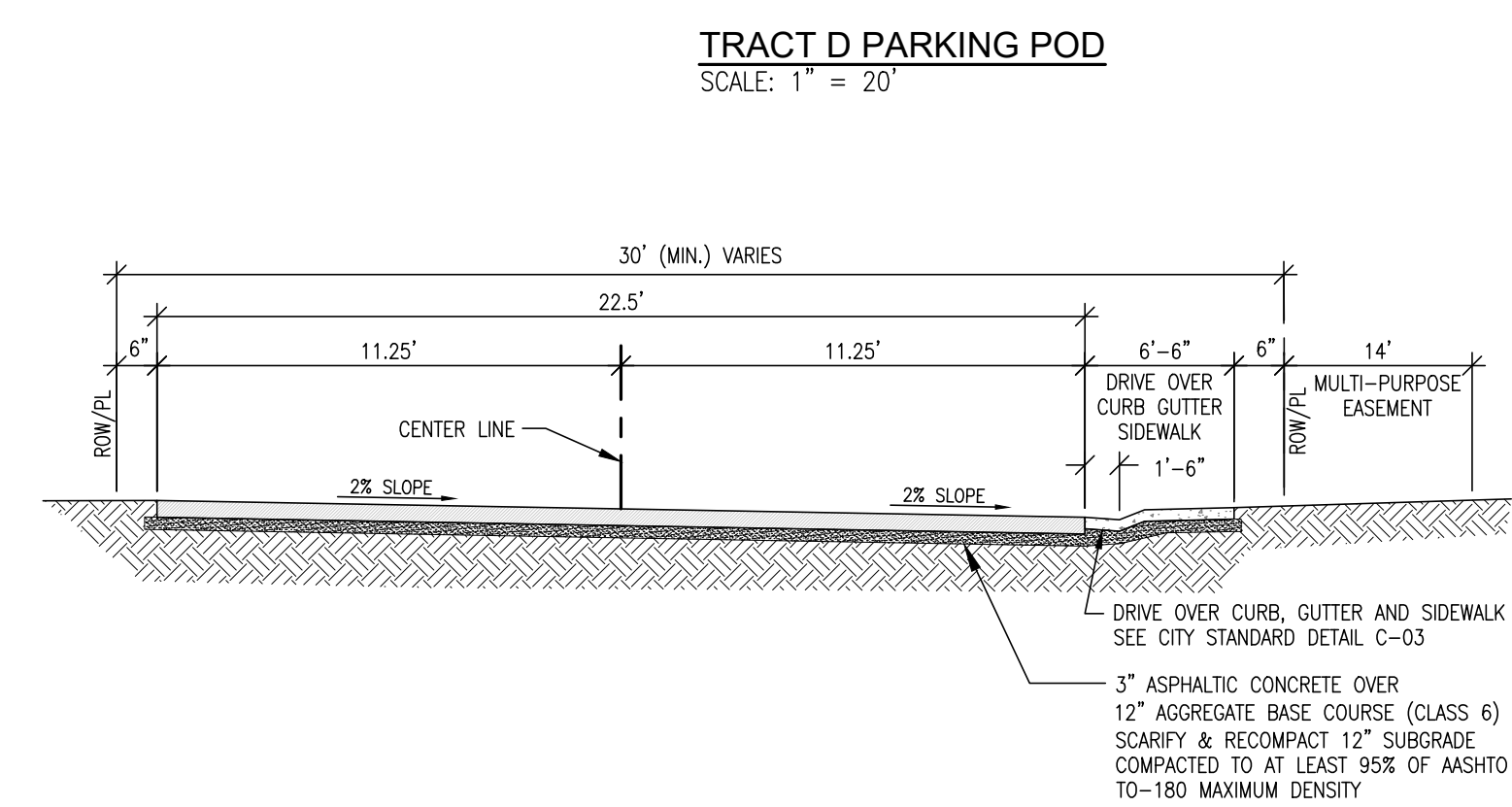
**ACCEPTANCE BLOCK**

THE CITY OF GRAND JUNCTION REVIEW CONSTITUTES GENERAL COMPLIANCE WITH THE CITY'S DEVELOPMENT STANDARDS, SUBJECT TO THESE PLANS BEING SEALED, SIGNED, AND DATED BY THE PROFESSIONAL OF RECORD. REVIEW BY THE CITY DOES NOT CONSTITUTE APPROVAL OF THE PLAN DESIGN. THE CITY NEITHER ACCEPTS NOR ASSUMES ANY LIABILITY FOR ERRORS OR OMISSIONS. ERRORS IN THE DESIGN OR CALCULATIONS REMAIN THE RESPONSIBILITY OF THE PROFESSIONAL OF RECORD.

CONSTRUCTION MUST COMMENCE WITHIN ONE YEAR FROM THE DATE OF PLAN SIGNATURE.

CITY DEVELOPMENT ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

FOR REVIEW - NOT FOR CONSTRUCTION



\* **PAVEMENT NOTES:**

1. ALL CURBS, GUTTERS, SIDEWALKS, DRIVEWAYS, RAMPS, DRAINAGE PANS AND OTHER CONCRETE WORK SHALL BE UNDERLAIN WITH AGGREGATE BASE COURSE (CLASS 6) COMPACTED TO NO LESS THAN 95% OF ASTM D-698 MAXIMUM DENSITY. SEE DETAILS FOR BASE THICKNESS. THE TOP 12" OF SUBGRADE UNDER THE AGGREGATE BASE COURSE SHALL BE COMPACTED TO NO LESS THAN 95% OF ASTM D-698 MAXIMUM DENSITY. ALL SATURATED OR UNSTABLE SUBGRADE MATERIAL SHALL BE REMOVED AND REPLACED WITH SUITABLE MATERIAL.

2. THIS PAVEMENT SECTION WAS BASED UPON A PROVIDED GEOTECHNICAL INVESTIGATION PREPARED BY CAPSTONE ENTERPRISES WEST, LLC, DATED FEBRUARY 26, 2007. ALL RECOMMENDATIONS AND SPECIFICATIONS PROVIDED IN THE GEOTECHNICAL INVESTIGATION SHALL BE ADHERED TO. DEVIATIONS FROM THE REPORT RECOMMENDATIONS AND SPECIFICATIONS ARE TO BE BROUGHT TO THE ATTENTION OF THE DESIGN ENGINEER PRIOR TO IMPLEMENTING.

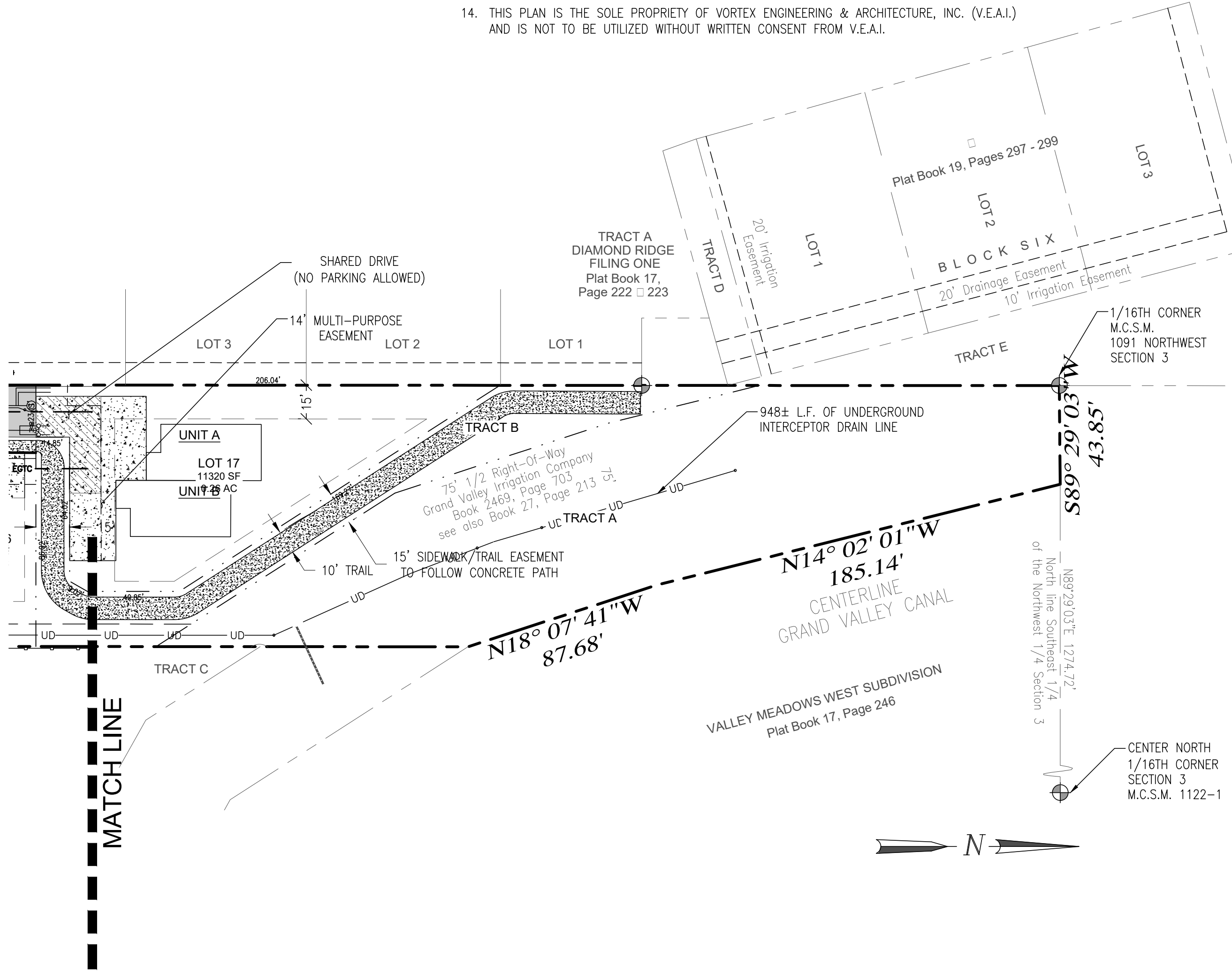
LOCATION OF UTILITIES SHOWN HEREON  
WAS PROVIDED BY OTHERS. CONTRACTOR  
MUST VERIFY LOCATION OF ALL EXISTING  
UTILITIES PRIOR TO CONSTRUCTION.



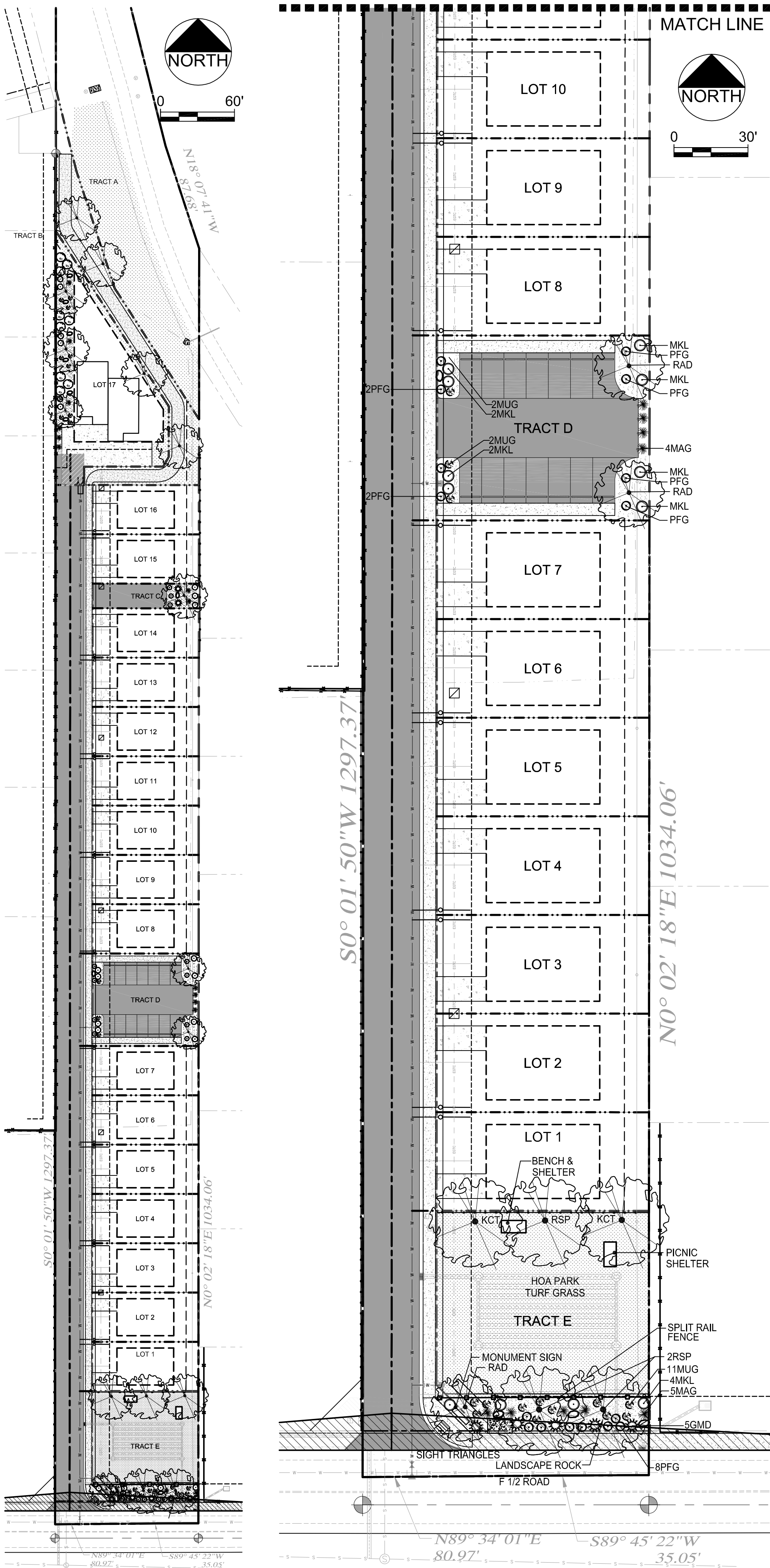
**Know what's below.  
Call before you dig.**

Colorado 811  
1-800-922-1987  
co811.org

UTILITY PROVIDERS INFORMATION		
UTILITY	PROVIDER	PHONE NUMBER
SANITARY SEWER	CITY OF GRAND JUNCTION	970-244-1554
DRAINAGE	GRAND VALLEY DRAINAGE DISTRICT	970-242-4343
DOMESTIC WATER	UTE WATER CONSERVANCY DISTRICT	970-242-7491
IRRIGATION	GRAND VALLEY IRRIGATION	970-242-2762
ELECTRICITY	XCEL ENERGY	800-895-4999
NATURAL GAS	XCEL ENERGY	800-895-4999
TELEPHONE	CENTURYLINK	800-603-6000
CABLE TELEVISION	CHARTER COMMUNICATIONS	877-773-7626







1 Key Plan  
Scale: 1"=60'-0"

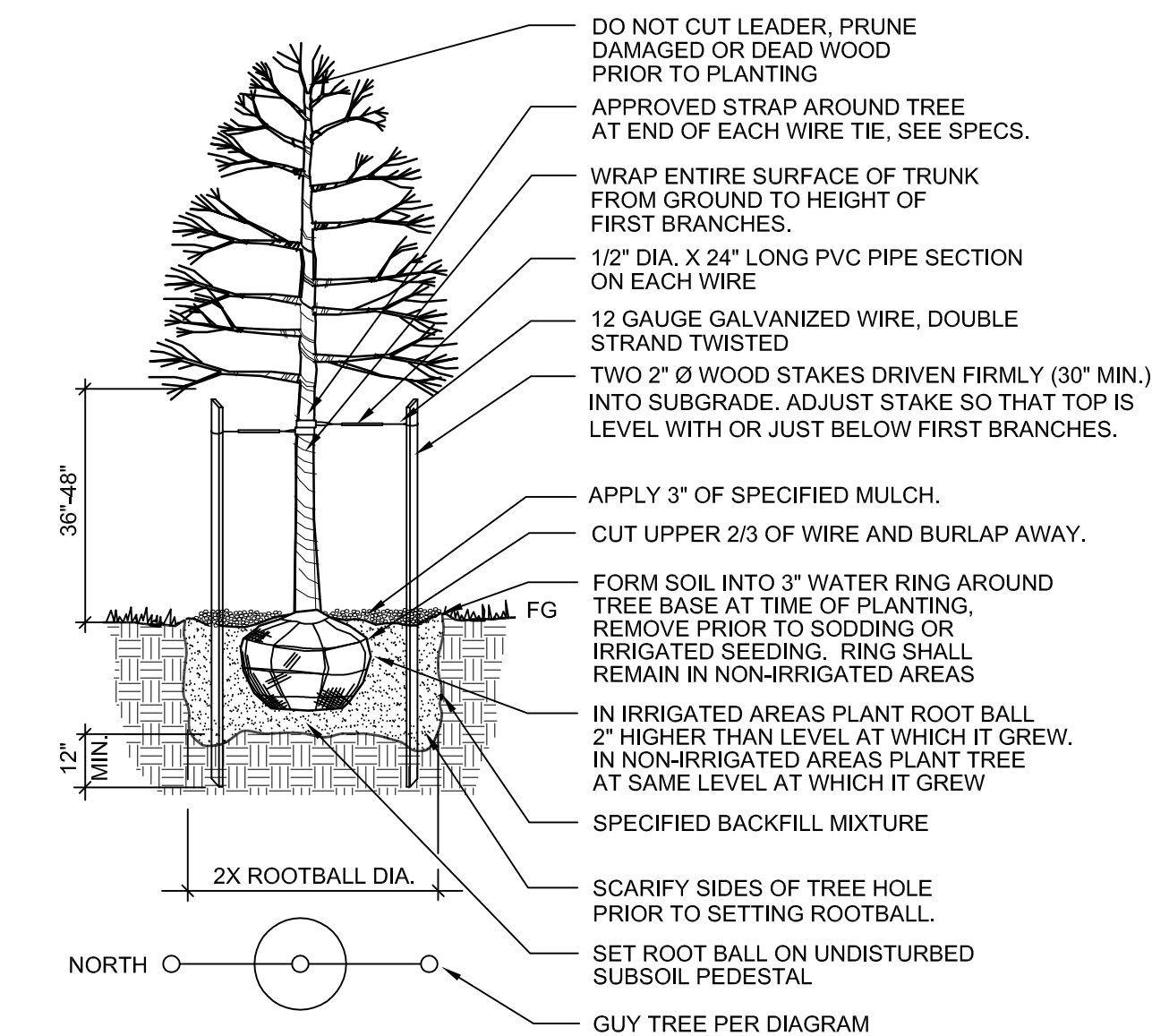
2 Landscape Plan  
Scale: 1"=30'-0"

### PLANT LIST

No.	Sym.	Common Name/ Biological Name	Planting Size/ Remarks	Mature Size
Deciduous Trees:				
3	CAL	Western Catalpa/ Catalpa speciosa	2" cal/ B&B	50' Ht. & 30' Spd.
3	KCT	Kentucky Coffeetree/ Gymnocladus dioica	2" cal/ B&B	60' Ht. & 50' Spd.
4	RSP	Redspire Pear/ Pyrus calleryana 'Redspire'	2" cal/ B&B	40' Ht. & 30' Spd.
2	SHA	Shademaster Locust/ Gleditsia triacanthos inermis 'Shademaster'	2" cal/ B&B	50' Ht. & 35' Spd.
4	RAD	Radiant Crab/ Malus x Radiant	2" cal/ B&B	15' Ht. & 15' Spd.
Deciduous Shrubs and Large Grasses				
21	MKL	Miss Kim Lilac/ Syringa patula 'Miss Kim'	18"-24" Spread/ #5	5' Ht. & 5' Spd.
19	PFG	Goldenfinger/ Potentilla/ Potentilla fruticosa	18"-24" Spread/ #5	2' Ht. & 2' Spd.
9	PNM	New Mexican Privet/ Forestiera neomexicana	3" Tall/ #5	12' Ht. & 10' Spd.
17	MAG	Maiden Grass/ Miscanthus sinensis	18"-24" Spread/ #5	4' Ht. & 4' Spd.
Evergreen Shrubs:				
7	GMD	Green Mound Juniper/ Juniperus procumbens Green Mound	18"-24" Spread/ #5	1' Ht. & 6' Spd.
24	MUG	Mugo Pines/ Pinus mugo	18"-24" Spread/ #5	5' Ht. & 6' Spd.

### LANDSCAPE AND IRRIGATION NOTES

- Planting areas are to have 3" of Crushed Buff Colorado Landscape Rock over landscape fabric. All plant material shall have a planting ring at the base of each plant with 3" of western red cedar mulch over landscape fabric.
- An underground, pressurized irrigation system will be provided. All planting beds are to be irrigated with an automatic drip system and turf areas with a pop-up spray system. An approved backflow prevention device is required. The protective cover for a backflow prevention device must be tamper-resistant.
- Steel edging is to be installed along the edge of the landscape rock areas.
- All turf grass areas shall receive 4" to 6" of planting soil prior to planting.
- The landscape contractor shall collect soils samples and run soils testing for the proposed planting areas. Add soil amendments and fertilizers as recommended in the soil testing report to ensure a good planting medium. Any imported planting soil shall also be tested and be three parts screened topsoil and one part manure.



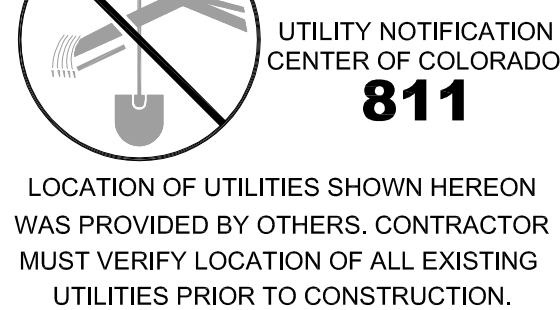
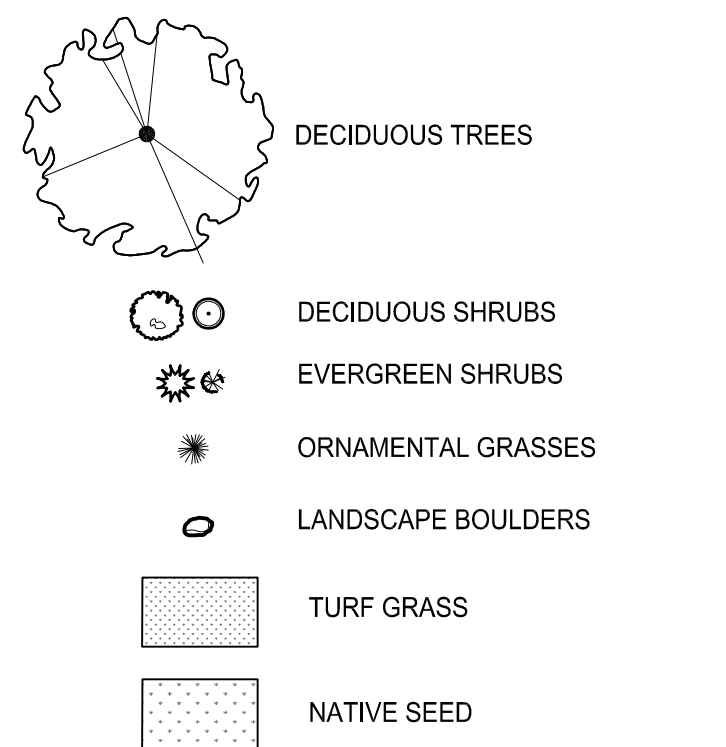
### 3 Tree Planting Detail

SCALE: NTS

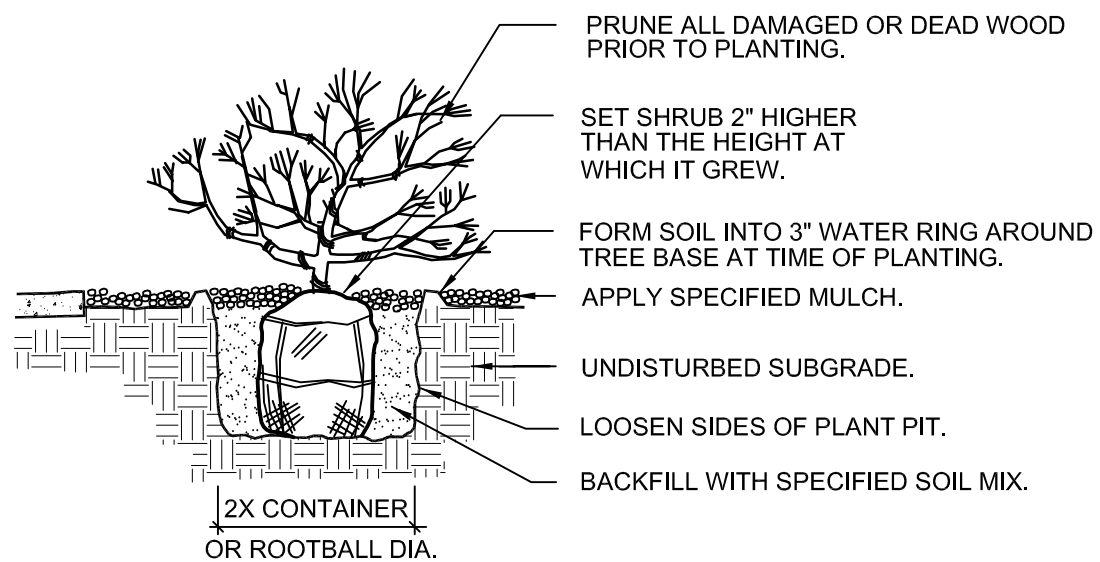
### SOIL PREPARATION AND PLANTING SPECIFICATIONS

- PREPARATION - GENERAL
  - Lay out individual tree and shrub locations and areas for multiple plantings. Stake locations and outline areas and secure Architect's acceptance before start of planting work. Make minor adjustments as may be required.
- PREPARATION OF PLANTING SOIL
  - The landscape contractor shall collect soils samples and run soils testing for the proposed planting areas. Add soil amendments and fertilizers as recommended in the soil testing report to ensure a good planting medium. Delay mixing any fertilizer if planting will not follow placing of planting soil within a few days.
  - Any imported planting soil shall also be tested and be three parts screened topsoil and one part manure.
  - Before mixing, clean topsoil of roots, plants, stones, clay lumps, and other extraneous materials harmful or toxic to plant growth.
  - For pit and trench type backfill, mix planting soil prior to backfilling, and stockpile at site.
  - For planting beds mix planting soil either prior to planting or apply on surface of topsoil and mix thoroughly before planting.
- PREPARATION OF PLANTING BEDS
  - Spread planting soil mixture to minimum depth required to meet lines, grades, and elevations shown, after light rolling and natural settlement. Place approximately 1/2 of total amount of planting soil required. Work into top of loosened subgrade to create a transition layer, then place remainder of the planting soil.
  - Remove 8 inches to 10 inches of soil and replace with prepared planting soil mixture. Backfill for each bed with three parts topsoil and one part manure thoroughly mixed prior to placing.
- EXCAVATION FOR TREES AND SHRUBS
  - Excavate pits, beds, and trenches with vertical sides and with bottom of excavation slightly raised at center to provide proper drainage. Loosen hard subsoil in bottom of excavation.
    - For balled and burlapped trees, make excavations at least half again as wide as the ball diameter and equal to the ball depth, plus following allowance for setting of ball on a layer of compacted backfill.
    - Allow for 3 inch thick setting layer of planting soil mixture.
    - For container grown stock, excavate as specified for balled and burlapped stock, adjusted to size of container width and depth.
  - Dispose of subsoil removed from planting excavations. Do not mix with planting soil or use as backfill.
  - Fill excavations for trees and shrubs with water and allow water to percolate out prior to planting.
  - Backfill pits with three parts topsoil and one part manure thoroughly mixed prior to placing.
  - Place Agriform tablets in planting pit prior to backfilling at the following rate: three per each tree, one per each shrub.
- PLANTING TREES AND SHRUBS
  - Set balled and burlapped (B&B) stock on layer of compacted planting soil mixture, plumb and in center of pit or trench with top of ball at same elevation as adjacent finished landscape grades. Remove burlap from sides of balls; retain on bottoms. When set, place additional backfill around base and sides of ball, and work each layer to settle backfill and eliminate voids and air pockets. When excavation is approximately 2/3 full, water thoroughly before placing remainder of backfill. Repeat watering until no more is absorbed. Water again after placing final layer of backfill.
  - Set container grown stock, as specified, for balled burlapped stock, except cut cans on 2 sides with an approved can cutter an from plantball so as not to damage root balls.
  - Dish top of backfill to allow for mulching.
  - Apply anti-desiccant, using power spray, to provide an adequate film over trunks, branches, stems, twigs and foliage.
    - If deciduous trees or shrubs are moved when in full-leaf, spray with anti-desiccant at nursery before moving and spray again 2 weeks after planting.
  - Remove and replace excessively pruned or misformed stock resulting from improper pruning.
  - Wrap tree trunks of 2 inches caliper and larger. start at ground and cover trunk to height of first branches and securely attach. Inspect tree trunks for injury, improper pruning and insect infestation and take corrective measures before wrapping.
  - Guy and stake trees immediately after planting, as indicated.

### LANDSCAPE LEGEND



**MRLA** MITCHELL L. REWOLD LANDSCAPE ARCHITECT  
LANDSCAPE ARCHITECTURE AND LAND PLANNING  
386 3/4 Road  
Palisade, Colorado 81526 (970) 361-4345



### 4 Shrub Planting Detail

SCALE: NTS

### LANDSCAPE REQUIREMENTS - R 8

- Street Tree Requirement = 3 Trees Total  
115' of frontage on F 1/2 Road/ 40' = 3 Trees
- Right of Way
- At least 75 percent of the unpaved adjacent right-of-way shall be landscaped with turf, low shrubs or ground cover
  - Where detached sidewalks exist, or are proposed, a maximum of 50 percent of the public right-of-way landscaping may be counted toward the total required landscaping. The right-of-way landscaping between the curb and sidewalk shall contain street trees spaced every 40 feet.
- Street Frontage
- Within all zones (except single-family uses in single-family, B-2 and form based zone districts), the owner shall provide and maintain a minimum 14-foot-wide street frontage landscape adjacent to the public right-of-way.
  - A minimum of 75 percent of the street frontage landscape shall be covered by plant material at maturity.
  - Landscaping within the street frontage shall include trees and shrubs. If detached walks are not provided with street trees, street trees shall be provided in the street frontage landscape, including one tree for every 40 feet of street frontage.

ACCEPTANCE BLOCK  
THE CITY OF GRAND JUNCTION REVIEW CONSTITUTES GENERAL COMPLIANCE WITH THE CITY'S  
DEVELOPMENT STANDARDS. SUBJECT TO THESE PLANS BEING SIGNED, SEALED, AND DATED BY  
THE PROFESSIONAL OF RECORD. REVIEW BY THE CITY DOES NOT CONSTITUTE APPROVAL OF  
THE PLAN DESIGN. THE CITY NEITHER ACCEPTS NOR ASSUMES ANY LIABILITY FOR ENGINEER OR  
DRAWING. ERRORS IN THE DESIGN OR CALCULATIONS REMAIN THE RESPONSIBILITY OF THE  
PROFESSIONAL OF RECORD.  
CONSTRUCTION MUST COMMENCE WITHIN ONE YEAR FROM THE DATE OF PLAN SIGNATURE.

CITY PLANNER DATE

**VORTEX**  
ENGINEERING, INC.  
CONSTRUCTION MANAGERS & SITE PLANNERS  
PROJECT MANAGERS  
CIVIL & CONSULTING ENGINEERS  
2304 Patterson Road, Suite 201  
Grand Junction, CO 81505  
Phone: (970) 245-9051  
Fax: (970) 245-7639

**James C. Atkinson**  
PROFESSIONAL ENGINEER  
COLORADO LICENSE No. 18828

**MITCHELL L. REWOLD**  
378  
LANDSCAPE ARCHITECT  
Original Date of License  
06/20/2018  
LICENSED LANDSCAPE ARCHITECT  
STATE OF COLORADO

Copyright ©2016, by Vortex Engineering, Inc. ALL RIGHTS RESERVED. The site design / drawing is copyrighted under the Federal Copyright Law of 1976. All rights are reserved by Vortex Engineering, Inc. No part of this drawing or any part thereof may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the written consent of Vortex Engineering, Inc. is prohibited.

MAJOR SUBDIVISION  
FINAL PLAN

LANDSCAPE PLAN  
ELEVATION 4591

PROJECT NO: 17223  
DATE: 06/20/18  
SCALE: 1"=30'-0"  
CAD ID: LANDSCAPEPLAN.DWG

~SHEET~  
L1 L1

2524 F 1/2 ROAD  
Grand Junction, Colorado







Conceptual House Designs







## Proposed Subdivision Entrance Sign



## Proposed Picnic/Bench Shelter Designs



POULDER PARK BENCH SHADE STRUCTURE - 10'X16' FLAT TRELLIS



CANAM (CL-805) - 8' METAL PARK BENCH

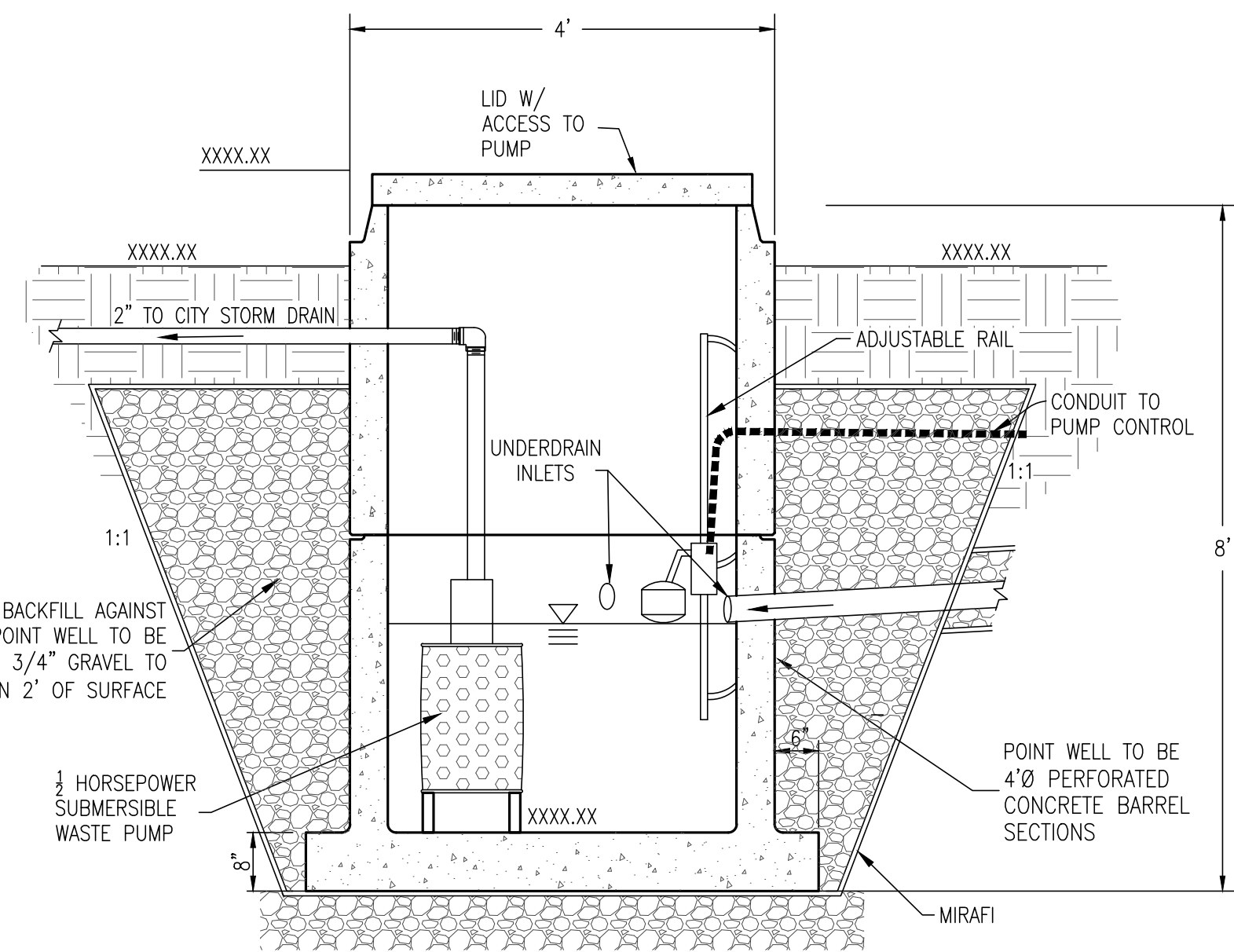
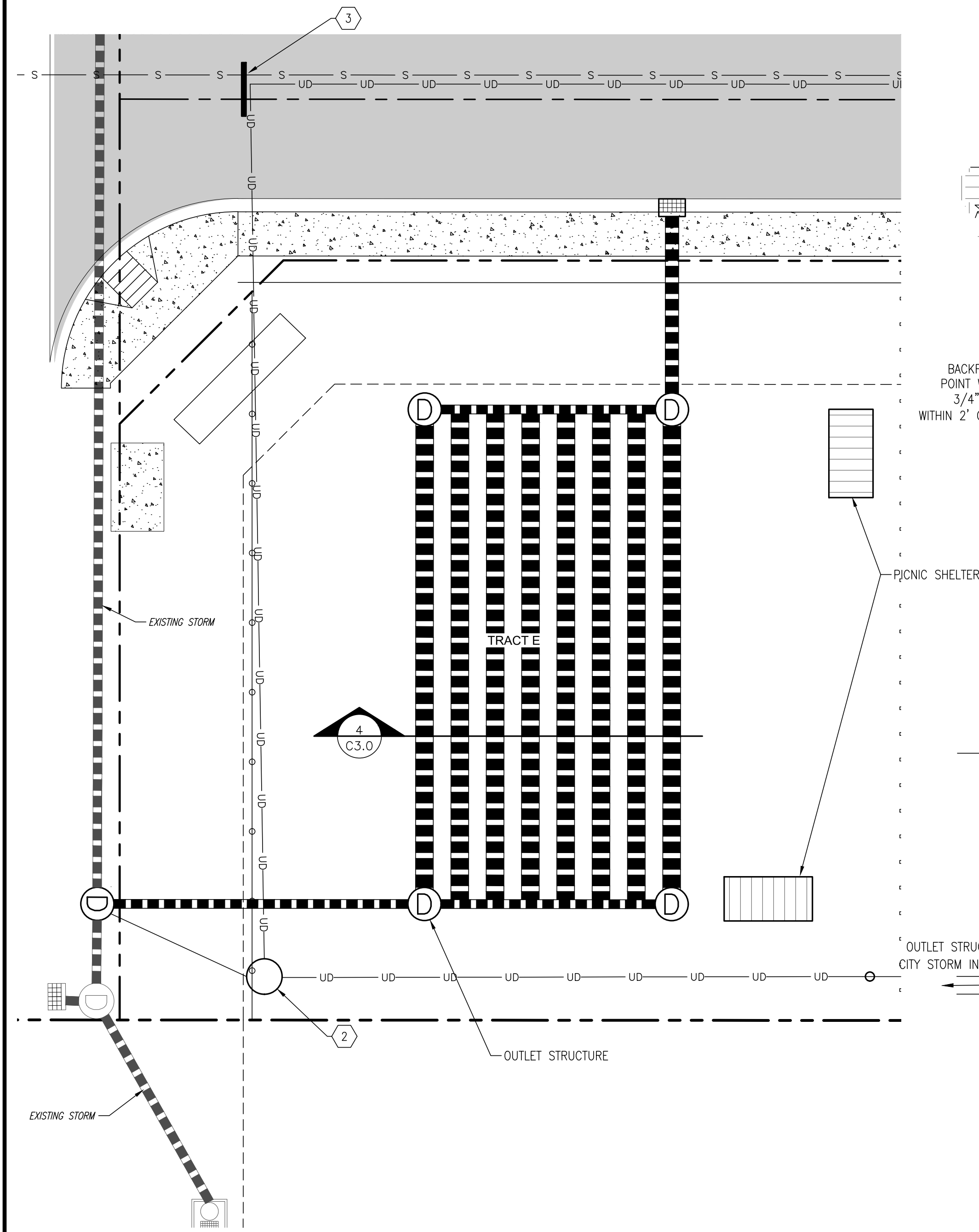
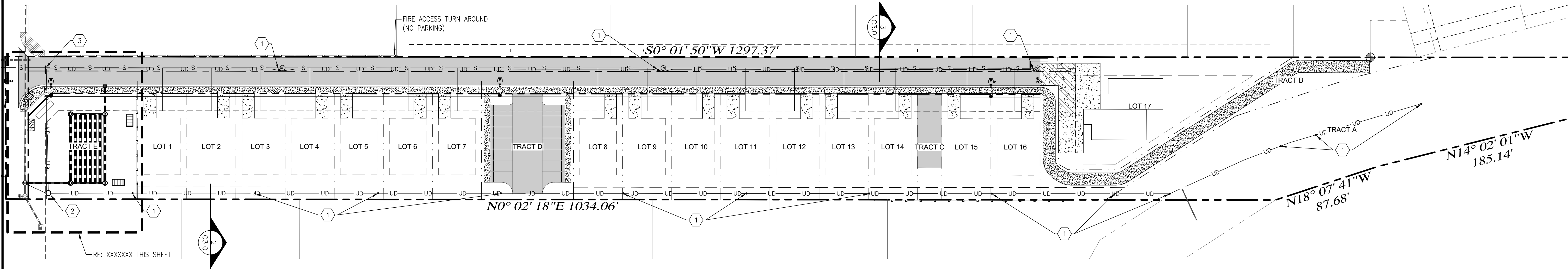


POULDER PARK PICNIC SHADE STRUCTURE - 10'X20' LOW PITCH RECTANGULAR SHELTER, DRYTUEVER STYLE

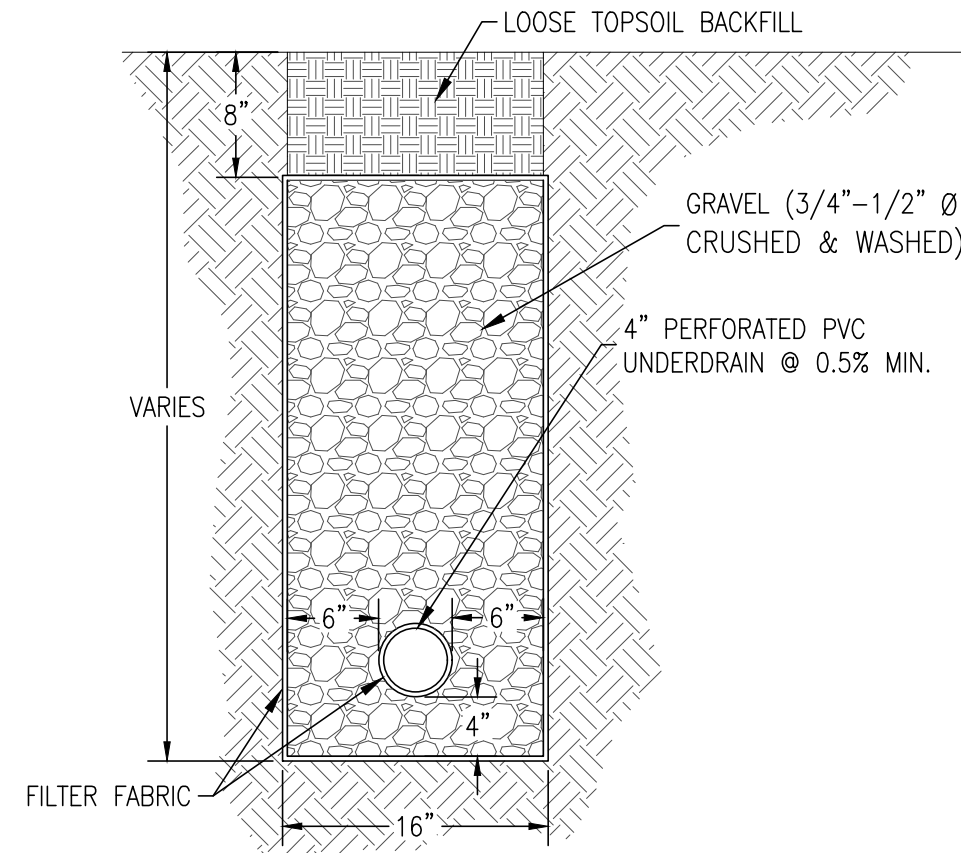


CANAM (CT-035) - 8' METAL PICNIC TABLE

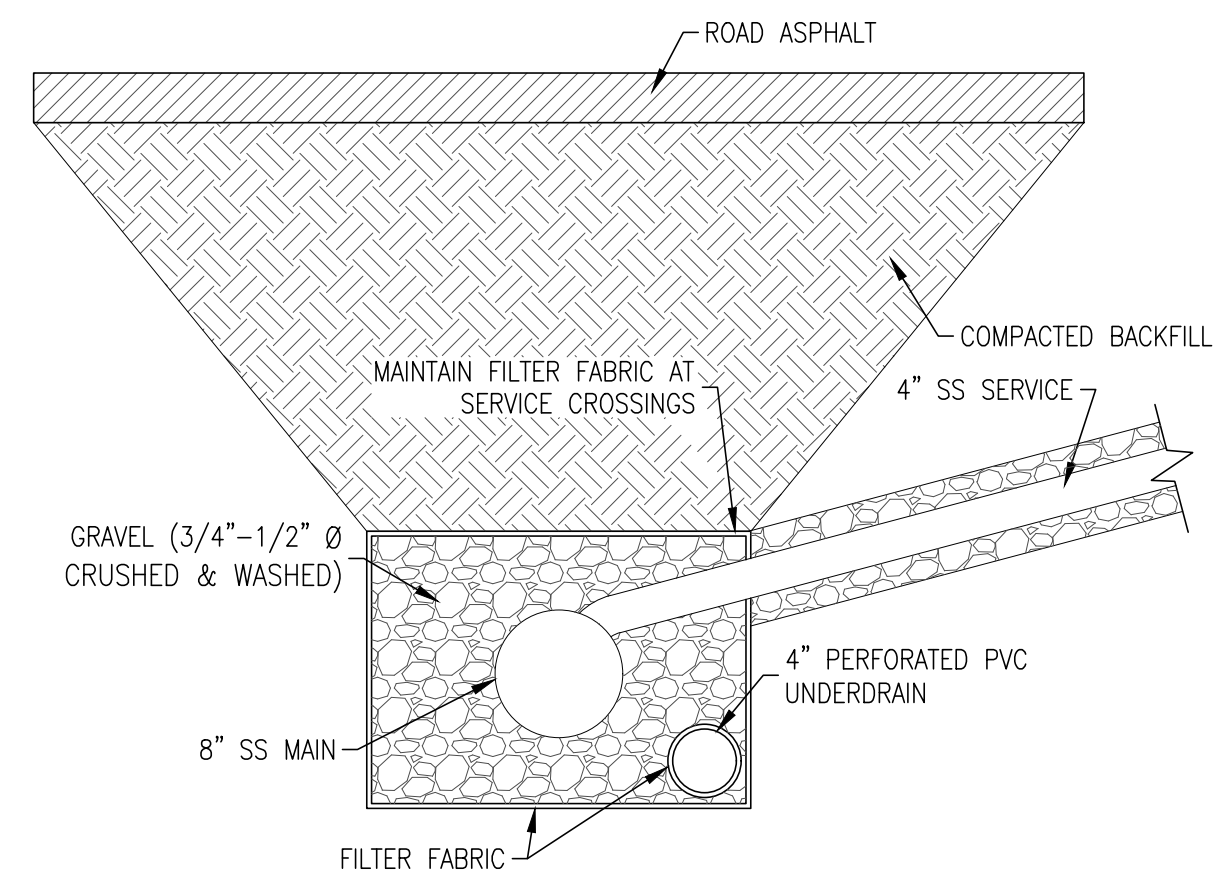




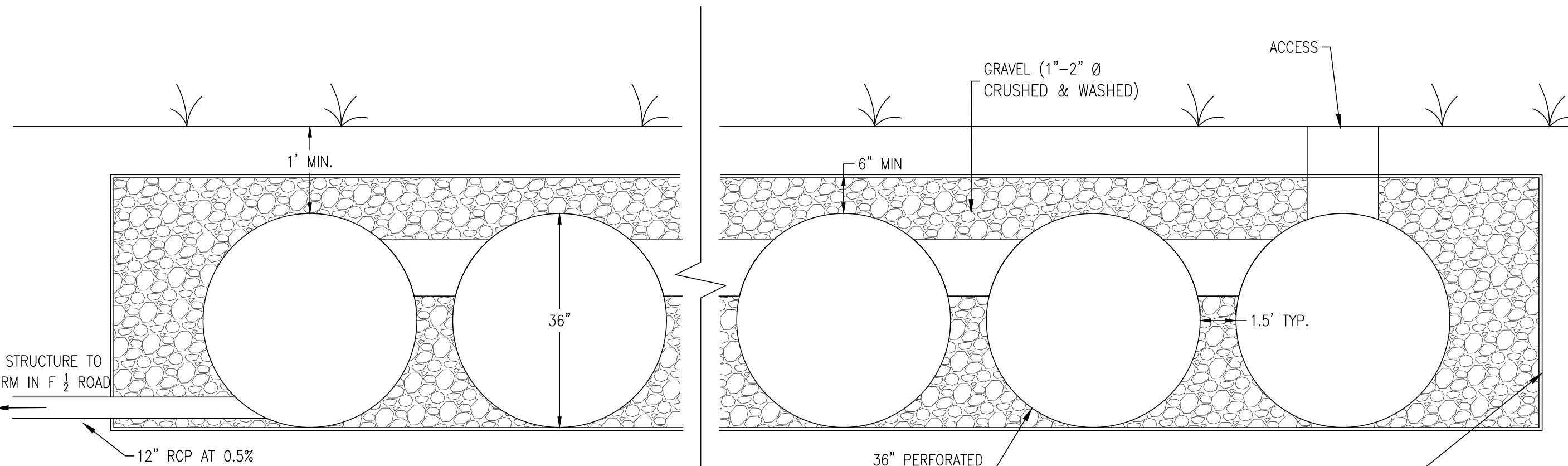
1 POINT WELL  
C3.0 N.T.S.



2 UNDERDRAIN  
C3.0 N.T.S.



3 SS AND UNDERDRAIN TRENCH AT SERVICE  
C3.0 N.T.S.



4 UNDERGROUND DETENTION SYSTEM  
C3.0 N.T.S.

CONSTRUCTION NOTES:

- 1 INSTALL UNDERDRAIN CLANOUT @ ~100' INTERVALS
- 2 INSTALL POINT WELL RE: 1/C3.0
- 3 INSTALL CLAY CUTOFF WALL

DETENTION SUMMARY TABLES

	REQ'D VOLUME (CF)	ALLOWABLE DISCHARGE FLOW (CFS)
WQCV	1,457	—
10 YEAR	1,488	0.29
100 YEAR	4,725	1.37

	VOLUME (CF)
PIPE STORAGE CAPACITY	3,110
GRAVEL VOID CAPACITY	1,737
TOTAL STORAGE CAPACITY	4,847

ACCEPTANCE BLOCK

THE CITY OF GRAND JUNCTION REVIEW CONSTITUTES GENERAL COMPLIANCE WITH THE CITY'S DEVELOPMENT STANDARDS, SUBJECT TO THESE PLANS BEING SEALED, SIGNED, AND DATED BY THE PROFESSIONAL OF RECORD. REVIEW BY THE CITY DOES NOT CONSTITUTE APPROVAL OF THE PLAN DESIGN. THE CITY NEITHER ACCEPTS NOR ASSUMES ANY LIABILITY FOR ERRORS OR OMISSIONS. ERRORS IN THE DESIGN OR CALCULATIONS REMAIN THE RESPONSIBILITY OF THE PROFESSIONAL OF RECORD.

CONSTRUCTION MUST COMMENCE WITHIN ONE YEAR FROM THE DATE OF PLAN SIGNATURE.

CITY DEVELOPMENT ENGINEER

DATE

2384 Patterson Road, Suite 201  
Grand Junction, CO 81505  
Phone: (970) 245-9051  
Fax: (970) 245-7639

**James C. Atkinson**  
PROFESSIONAL ENGINEER  
COLORADO LICENSE NO. 18828

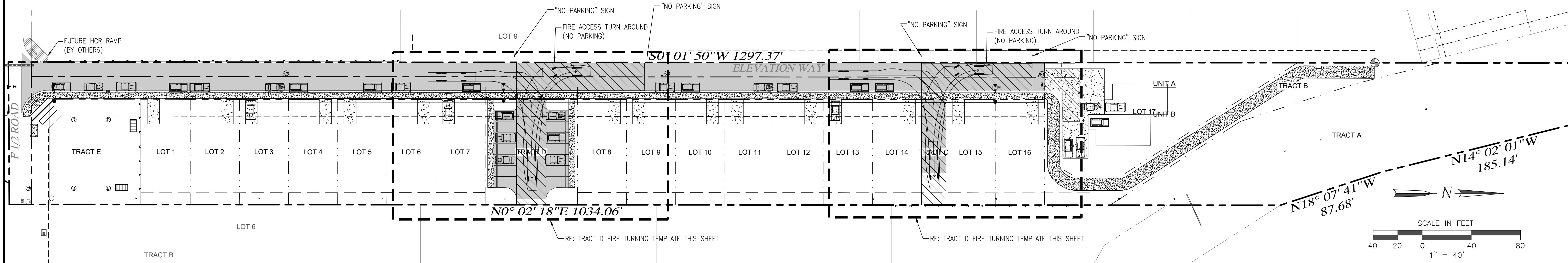
Copyright ©2018, by Vortex Engineering, Inc. All rights reserved. The site design of this drawing is copyrighted under the provisions of the Copyright Act of 1976. All rights are reserved by Vortex Engineering, Inc., who retain the exclusive right to the design or other intellectual property contained herein. No part of this drawing or other publication of this drawing or other intellectual property may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the written consent of Vortex Engineering, Inc. is prohibited.

REV.	DATE	BY	CHK.	COMMENT
1	08/02/18	ROUND 1	REVIEW	COMMENTS

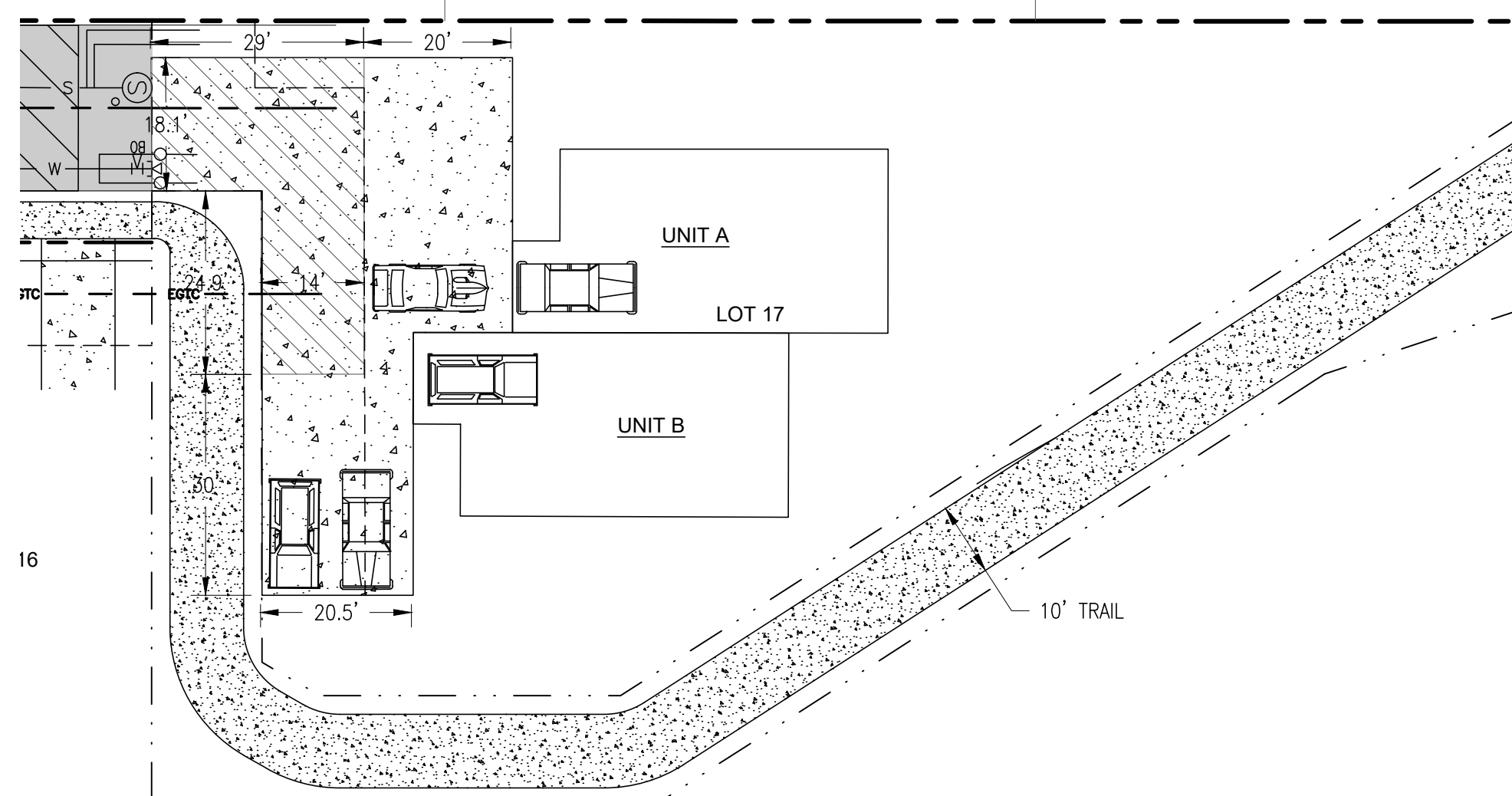
Storm Sewer Plan and Profile

**Elevation 4591**  
2524 F 1/2 Road  
Grand Junction, Colorado

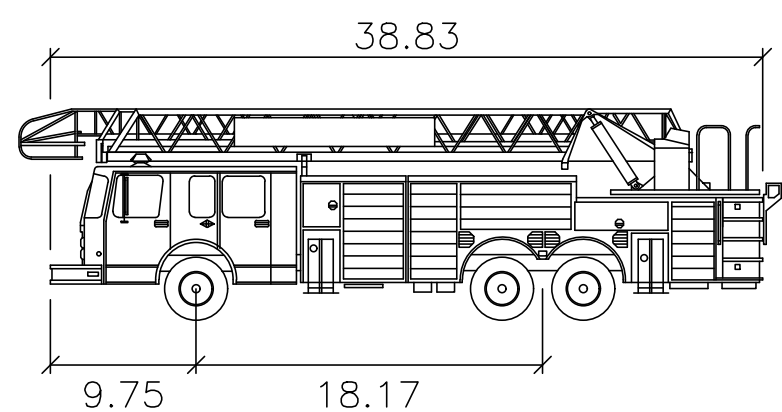
PROJECT NO: F17-021  
DATE: 06/20/18  
SCALE: SEE PLAN  
CAD ID: elevation-pcc-storm.dwg



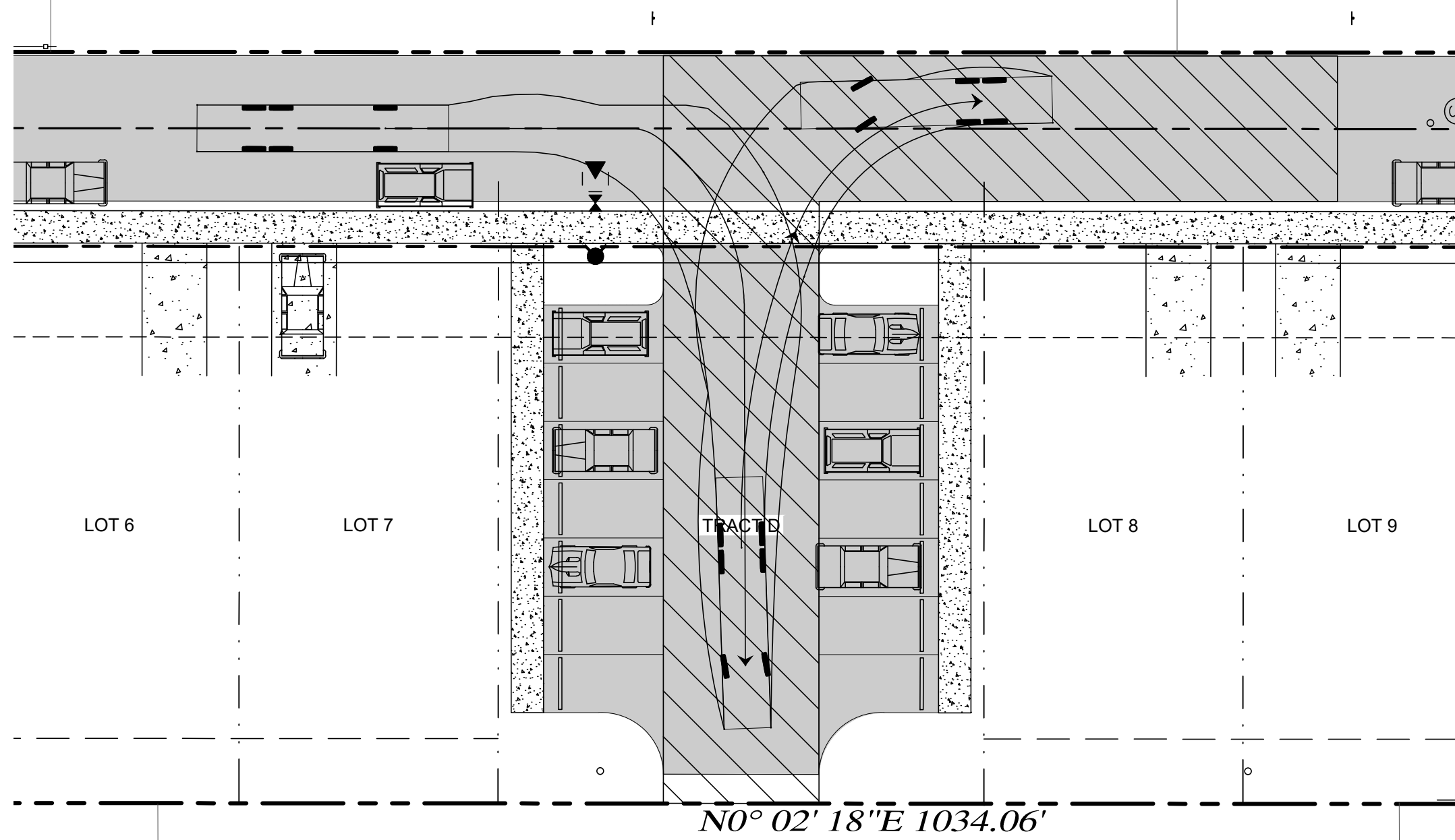
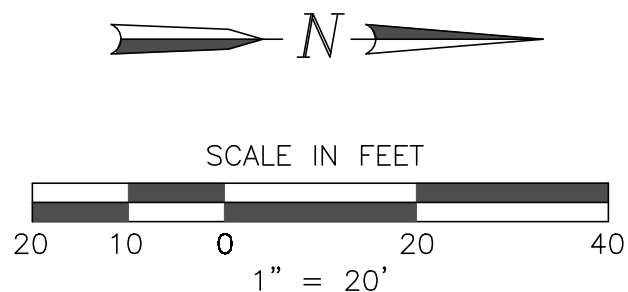
PARKING PLAN EXHIBIT  
SCALE: 1" = 40'



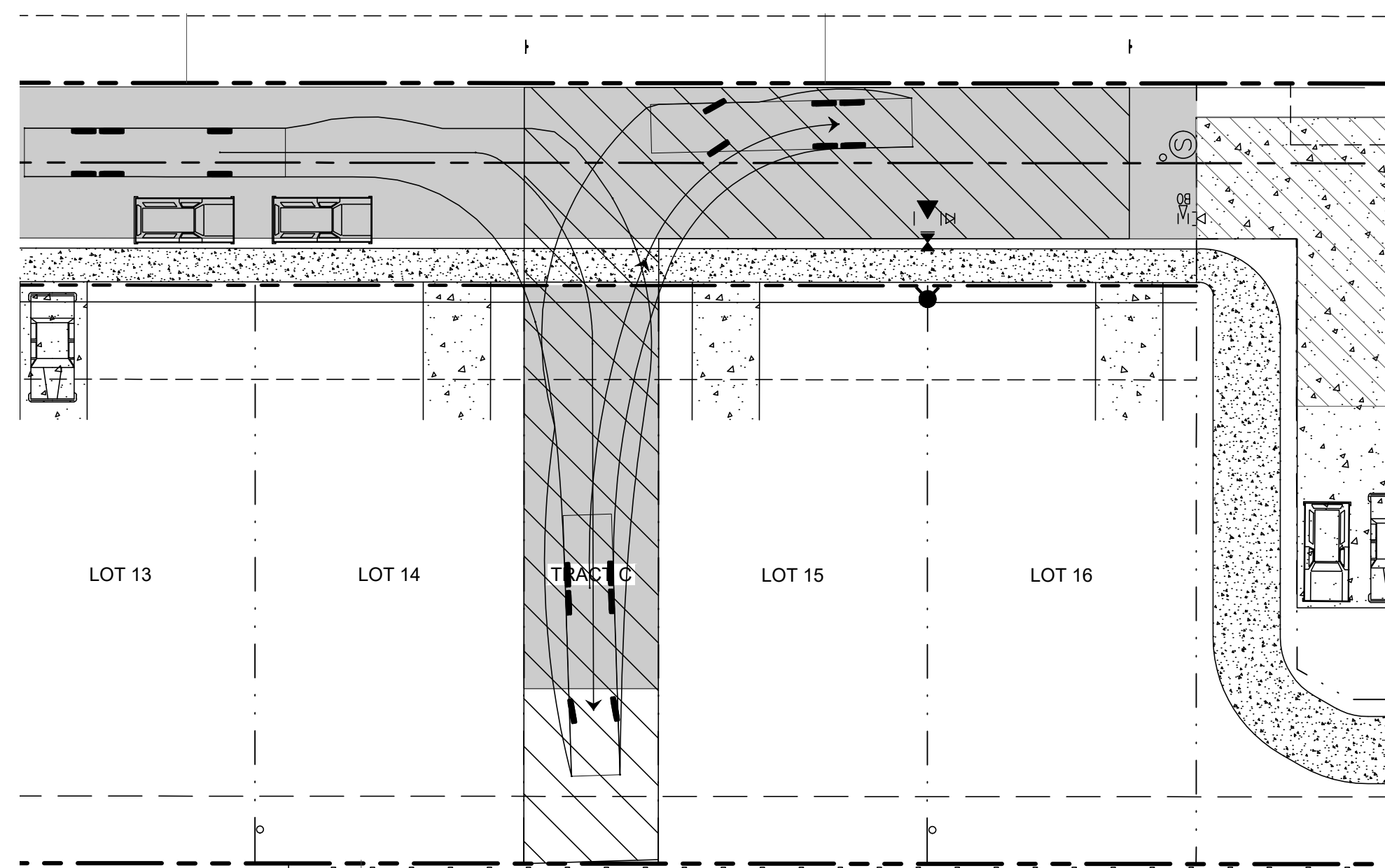
LOT 17 PARKING LAYOUT  
SCALE: 1" = 20'



FireAP-39 feet  
Width : 7.22  
Track : 7.22  
Lock to Lock Time : 6.0  
Steering Angle : 33.3



TRACT D FIRE TURNING TEMPLATE  
SCALE: 1" = 20'



TRACT C FIRE TURNING TEMPLATE  
SCALE: 1" = 20'

ACCEPTANCE BLOCK  
THE CITY OF GRAND JUNCTION REVIEW CONSTITUTES GENERAL COMPLIANCE WITH THE CITY'S DEVELOPMENT STANDARDS, SUBJECT TO THESE PLANS BEING SEALED, SIGNED, AND DATED BY THE PROFESSIONAL OF RECORD. REVIEW BY THE CITY DOES NOT CONSTITUTE APPROVAL OF THE PLAN DESIGN. THE CITY NEITHER ACCEPTS NOR ASSUMES ANY LIABILITY FOR ERRORS OR OMISSIONS. ERRORS IN THE DESIGN OR CALCULATIONS REMAIN THE RESPONSIBILITY OF THE PROFESSIONAL OF RECORD.  
CONSTRUCTION MUST COMMENCE WITHIN ONE YEAR FROM THE DATE OF PLAN SIGNATURE.

#### REQUIRED PARKING

3.0 PARKING SPACES PER UNIT  
18 UNITS X 3.0 SPACES = 54 PARKING SPACES

#### ON-SITE PARKING

LOTS 1-16 PROVIDE 2 PARKING SPACES EACH  
(ONE IN GARAGE/ONE IN DRIVEWAY) = 32 SPACES  
TRACT D HAS 7 PARKING SPACES ON THE EAST AND WEST = 14 SPACES  
LOT 17 PROVIDES 5 PARKING SPACES = 5 SPACES  
TOTAL ON-SITE PARKING SPACES = 51

#### ON-STREET PARKING

WITH DRIVEWAYS COUPLED OR PAIRED ON THE LOT LINES,  
THERE IS 50' BETWEEN DRIVEWAYS FOR ON-STREET  
PARKING. THIS PROVIDES 13 ON-STREET PARKING SPACES  
IN ADDITION TO 3 PARKING NEAR THE PARK. FOR A TOTAL  
OF 16 SPACES

#### TOTAL PARKING PROVIDED

51 ON-SITE PARKING SPACES WITH LOTS  
16 ON-STREET PARKING SPACES  
67 TOTAL PARKING SPACES PROVIDED

UTILITY PROVIDERS INFORMATION		
UTILITY	PROVIDER	PHONE NUMBER
SANITARY SEWER	CITY OF GRAND JUNCTION	970-244-1554
DRAINAGE	GRAND VALLEY DRAINAGE DISTRICT	970-242-4343
DOMESTIC WATER	LUTE WATER CONSERVANCY DISTRICT	970-242-7491
IRRIGATION	GRAND VALLEY IRRIGATION	970-242-2762
ELECTRICITY	XCEL ENERGY	800-895-4999
NATURAL GAS	XCEL ENERGY	800-895-4999
TELEPHONE	CENTURYLINK	800-603-6000
CABLE TELEVISION	CHARTER COMMUNICATIONS	877-273-7626

LOCATION OF UTILITIES SHOWN HEREON  
WAS PROVIDED BY OTHERS. CONTRACTOR  
MUST VERIFY LOCATION OF ALL EXISTING  
UTILITIES PRIOR TO CONSTRUCTION.



Know what's below.  
Call before you dig.

Colorado 811  
1-800-922-1987  
co811.org



2384 Patterson Road, Suite 201  
Grand Junction, CO 81505  
Phone: (970) 245-9051  
Fax: (970) 245-7639

James C.  
Atkinson  
PROFESSIONAL ENGINEER  
COLORADO LICENSE NO. 18828

Copyright © 2017, by Vortex Engineering, Inc. All rights reserved. The site design, building design and content of this drawing is copyrighted under the Federal Copyright Law by Vortex Engineering, Inc., who retain the exclusive right to the design or re-use of this drawing. Any use, publication of this drawing without the written consent of Vortex Engineering, Inc. is prohibited.

REV	DATE	REVIEW COMMENTS	BY
1	08/02/18	ROUND 1 REVIEW COMMENTS	STW

Parking and Auto Turn Exhibit

Elevation 4591  
2524 F 1/2 Road  
Grand Junction, Colorado

PROJECT NO: F17-021  
DATE: 06/20/18  
SCALE: SEE PLAN  
CAD: elevation-pcc-parking.dwg

~SHEET~

2

CITY DEVELOPMENT ENGINEER DATE



9 September 2018

Cody Davis  
Chronos Builders  
637 25 Road  
Grand Junction CO

Dear Mr. Davis,

This is a follow up to the meeting between you, Lisa Cox, Robert Jones, Ron Stoneburner, and me on 13 June.

At that meeting Ron and I listened to your suggested modifications for Elevation 4591. As you may recall, we said that we would convey the information to the neighbors with whom we are connected.

Although it took a while to get folks together we have had a neighborhood meeting where we fairly laid out the steps Vortex Engineering proposes to mitigate the groundwater issue as well as other steps taken based on neighborhood concerns (such as reducing the number of homes to be built).

I led the meeting and presented these changes as fairly as I could. Please know that I allowed the neighbors to comment before sharing my own opinion.

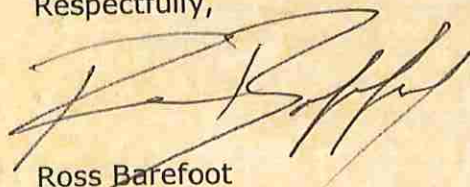
The expressions of the neighbors were uniformly unfavorable to the project in its current form. After some discussion we decided to present our reasons in the form of a letter touching the relevant points. We also shared this letter with other neighbors and offered them a chance to add their signatures if they so desired.

The result is what you will find enclosed. I realize it will not be what you would like to read, but I hope you'll read with an open mind in any case.

One footnote: one of the neighbors, Cynthia Valdez, requested that she be allowed to include her own letter with the one signed by all the neighbors, and I am honoring that request by including it here.

Thank you for your consideration.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Ross Barefoot', written over a light-colored background.

Ross Barefoot

31 August 2018

Cody Davis  
Chronos Builders  
637 25 Road  
Grand Junction CO 81505

Re: Proposal for Construction at 2524 F ½ Road

Dear Mr. Davis,

As a group of neighbors who will be affected by your most recent proposal to build 18 single family homes at the above address, we are writing to you to urge you to reconsider and revise your proposed development.

When we opposed this development before the City Council earlier in the year, we expressed concern about four issues:

1. The impact on groundwater problems suffered by Westwood Ranch residents
2. The loss of privacy by Diamond Ridge and Westwood Ranch residents as a result of including 2-story dwellings in the proposal
3. The dramatic increase in density shown in your plans and the jarring disconnect from the style and character of surrounding neighborhoods that the development represented
4. Lack of appropriate buffering

We appreciate the effort you and the team at Vortex have made to address the groundwater problem by including a drawdown well in the plans and providing for a cleanout on the drainage pipe envisioned. Some of the neighbors still have concerns and questions in this area, but we realize that this is, from an engineering perspective, a legitimate effort to mitigate the problem.

We also realize that you have reduced the proposed number of single family dwelling units (SFDUs) from 21 to 18, which is slightly less dense.

Nevertheless, we feel the reduction in density does not go far enough in the direction of integrating this development with the existing neighborhoods that surround it and provide for appropriate buffering.

We believe that, although the number of homes for a total of 3 acres might indicate a certain density on paper, the actual plans yield a much denser effect on the neighborhood. Please see attachment A which demonstrates that roughly 8 homes, along with 8 households, are slated to be built in an area which would accommodate 3 homes in the neighboring communities.

We are sympathetic with your statements that you need to maximize the density in order to earn a profit. However our sympathy does not change the fact for us that the development, which is a profit center for you, will forever alter the character of the neighborhood where some of us will live out our lives.

As neighbors and as reasonable people who understand the desire and need for businesses to earn a profit, we respect your effort to make a profit on any development you choose to construct. At the same time, you did not seek the opinions of the neighbors on these matters before you purchased the land, which is something you could have chosen to do before making the investment, and so our sympathy only extends so far.

If it is necessary to delay development in order to strike a proper balance between the needs of the neighborhood and your desire to obtain an adequate return on your investment, we encourage you to do so.

We are sure that you are bullish on Grand Junction real estate or you would not be involved in so many projects around the valley, and we are confident that if the financial rewards of building are not sufficient at the moment, they will become so as population grows, open parcels diminish, and the Grand Valley becomes a more prosperous environment generally.

We are confident that you are determined to be a positive force for long term improvement of the Grand Valley, and so we are hoping that your investments are not made with only the short term in view, ignoring the impact upon the neighborhoods we represent and the desires of surrounding property owners.

We see from your website that you recently won all 7 awards at the Parade of Homes, and so we are equally confident that you are creative designers and builders and that you will be able to come up with a solution either now or later that works for all the stakeholders in this area of the community.

Respectfully,

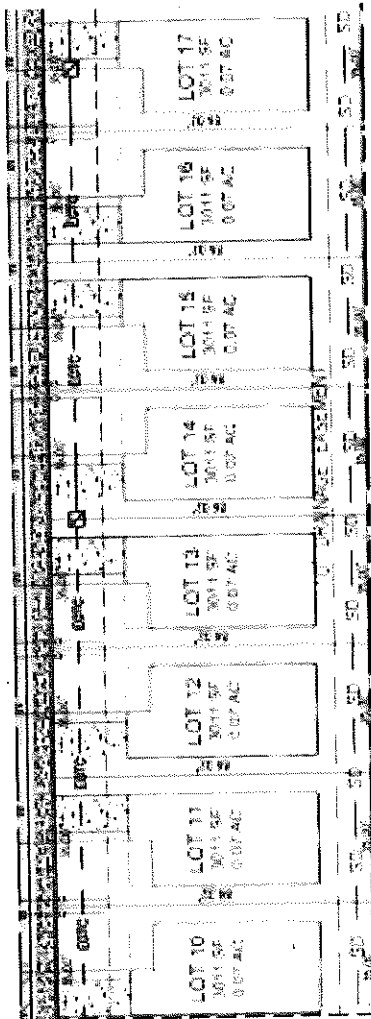
Your Neighbors,

(as signed on the attached signature page)



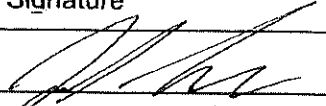
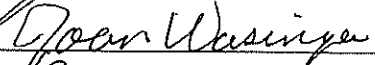
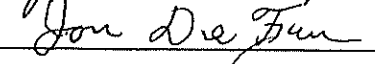
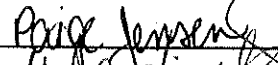
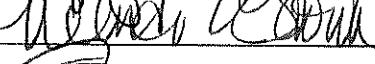

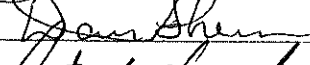


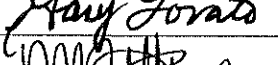
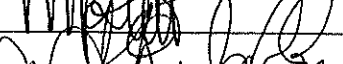
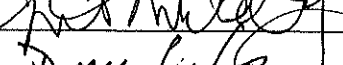

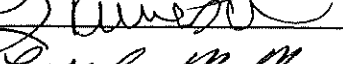
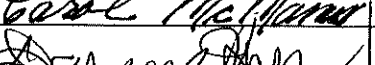

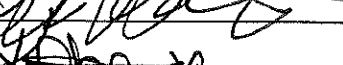

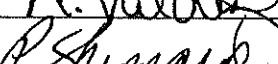

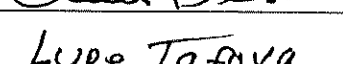
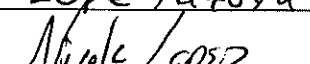
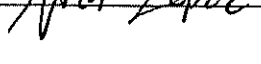
Attachment A

# 8 Single Family Dwellings in the space for 3 current dwellings



[illegible]

Please sign to indicate agreement with attached letter to Chronos Builders dated 8/31/18

Name	Signature	Neighborhood
Joseph Gracey		Westwood
Joan Wasinger		Westwood
Jon DE Fore		Westwood
Paige Jensen		Westwood
Wendi Gartin		Westwood Ranch
Aaron Berg		Westwood
Dan Shern		Westwood
Pat Hawkins		Westwood
Kristina Chavez		Westwood
GARY LOVATO		Westwood
Margaret Prewitt		Westwood
Cynthia Valdez		Westwood
Damian F. Valdez		Westwood
Amie Kurasca		Westwood
CAROL McMANUS		Westwood
DANIEL HERRON		Westwood
John Webster		Westwood
<del>Kristina Chavez</del>	<del></del>	<del>Westwood</del>
Andy Valdez		Westwood
Paula Sheppard		Westwood
CHARLE BUSAL		Westwood Ranch
Guadalupe Tafora		Westwood
Nicole Lopez		Westwood

Please sign to indicate agreement with attached letter to Chronos Builders dated 8/31/18

Name	Signature	Neighborhood
JOAN TELLER	Joan Teller	Westwood
Nancy Maier	Nancy Maier	Westwood
Barb Kidder	Barbara J. Kidder	Westwood
Barb Williams	Barbara Williams	Westwood
Rick Teller	Rick Teller	Westwood
Adam Polhamus	Adam Polhamus	Westwood
Mariah Polhamus	Mariah Polhamus	Westwood
Sheila Williams	Sheila Williams	Westwood
John Mangold	John Mangold	Westwood
Ron Stoneburner	Ron Stoneburner	Westwood
BRIAN GOVIN	Brian Govin	Westwood
Joette Pitts	Joette L Pitts	Westwood
PAT TUCKNESS	Pat Tuckness	Westwood
John Craig	John Craig	Westwood
Justin Brown	Justin Brown	Westwood
Chris Seaver	Chris Seaver	Westwood
Bonnie Spack	Bonnie Spack	Westwood
RANDY LOVE	Randy Love	Westwood
SUE LOVE	Sue Love	Westwood
GINA FELIX	Gina Felix	Westwood
Nadine Stoneburner	Nadine Stoneburner	Westwood
Sue Bruggeman	Sue Bruggeman	Westwood
Chris Lofton	Chris Lofton	Westwood

Please sign to indicate agreement with attached letter to Chronos Builders dated 8/31/18

[illegible]



**From:** Debbie Roberts [<mailto:debrobe125@aol.com>]

**Sent:** Wednesday, September 26, 2018 10:00 AM

**To:** Council <[council@gcity.org](mailto:council@gcity.org)>; Barbara Traylor Smith <[barbaras@gcity.org](mailto:barbaras@gcity.org)>; Chris Kennedy <[chriskn@gcity.org](mailto:chriskn@gcity.org)>

**Cc:** [DebRobe125@aol.com](mailto:DebRobe125@aol.com)

**Subject:** Rezoning/New Development 2524 F ½ Road Elevation 4591

I am writing to express my dissatisfaction with the rezoning of 2524 F ½ Road. The City Council denied the rezoning in May 2018 and the issue was back for a vote last night with the Planning Commission. (Sep 25, 2018).

It became clear early on that the cards were stacked against those of us in opposition to the rezoning. Practically every comment by the members of the Commission lauded Chronos Builders and how far they have gone to minimize the impact of this rezoning on neighboring subdivisions. Chronos Builders talks at great lengths about their innovative designs, green spaces and need for high density to make a profit, but Chronos Builders and the Planning Commission are completely dismissing the impact of this new development on the existing neighborhoods.

As we lined up for Community Comment, the Commission made it clear to us that last night's meeting was not the forum to address concerns about this proposed development. We in opposition were stunned. As one member of the public asked "if not here, where?" Most of us that wanted to comment sat down at that point because it was clear the Planning Commission had already made their decision.

Who is listening to us? We do not want this property rezoned. Most of us would be content with 4 units per acre and single level homes (previously approved by City Council), but Chronos Builders asserts they cannot make a profit without putting 18-21 units on a 3 acre plot. They paid 190K for that land. How much profit is needed? Is Chronos Builders need for profit more important than the quality of life for the homeowners bordering the new development.

An owner from Westwood Ranch spoke passionately about his 20 year battle with ground water. In rebuttal to these comments, Vortex Engineering admitted that there were ground water issues, but they (Chronos Builders) were not there to solve that problem. They will deal with surface drainage and surface drainage has no impact on the ground water situation at Westwood Ranch. This is patently false according to the USGS. Surface water does impact ground water and will only exacerbate the problems currently experienced by Westwood Ranch. More importantly I think his (Vortex Engineer) statement is very telling about Chronos Builders true feelings about mitigating the impact of their development on existing neighborhoods.

Bravo to Chronos Builders for increasing the rear yard setback to 20', which is better for Westwood Ranch, but that now means the distance from the road to the rear fence in Diamond Ridge is six inches. Six inches! No sidewalk as a buffer and it was very unclear if there will even be a curb between the fence and the road. But as the Commission made clear, those issues will be addressed at a later time. Why aren't these issues a consideration for rezoning?

Chronos Builders innovative design allows for "very few" rear windows on the two story units that would overlook the properties bordering in Westwood Ranch. One is too many. Westwood Ranch will have zero privacy with even one window. Single story units will have balconies that overlook the back yard of Diamond Ridge. Two story units are not just a privacy issue. An owner from Diamond Ridge put it well in her Public Comment when she asked the Commission to imagine the 20 foot distance in front of them and then having a 24' structure going straight up in front of them. It would block out light and air and would make existing homes terribly oppressive. For people that bought in Westwood Ranch and Diamond Ridge knowing the 3 acre plot was zoned for single level dwellings, allowing two story units is completely unacceptable. Where are their rights? Is profit really more important than people?

The last issue I will address is the parking plan for this new development. It is ludicrous to believe that the "no parking" zones will be enforced. I live in Diamond Ridge and we are strict about on street parking and it is a constant battle to enforce our rules. Westwood Ranch parking was not included in the CC&R's so parking is less strict, and driving through Westwood Ranch is a challenge most days. Diamond Ridge was told that we could try to enforce the "no on street parking" rule because it is in our CC&R's, but the reality is that we would have a fight if we started towing vehicles. How will the "no parking" be enforced? A homeowner asked "who is responsible when something goes wrong"? Who would be liable in a lawsuit? City Council because they approved it or Chronos Builders? Chronos rebutted that they would be giving a two year warranty, but how does a warranty in the new subdivision help Westwood Ranch and Diamond Ridge? How does a warranty help when emergency services can't get down that narrow street?

The most dismissive event of the evening is the Commission member that lectured those of us in opposition on the needs of the community as a whole. All I heard at that point was "the people that border this new development are far less important than Chronos Builders and their innovative new development". This isn't about what is best for the community. This about what is best for developers. Chronos Builders is going to squeeze every inch out of this three acre plot and then walk away and the consequences be damned.

No one disputes the needs for affordable housing in this valley. But how affordable will they really be? And at what cost to those that already live there. Their development is lovely but I think is naïve to believe that upscale young people are going to be happy for long in a residential neighborhood with mostly older folks. Chronos Builders innovative designs would be more in keeping with a city center development. Let them find a more suitable location if they aren't willing to scale down their plans.

I believe the rezoning issue will be going to City Council in early October. I would like my concerns included for the record. Please do not rezone this land to allow for 18-21 units on 3 acres. 4 units per acre is in keeping with existing neighborhoods. Also, please do not allow two story units. Please consider the quality of life of the homeowners already living there. And mitigating existing ground water issues must be a priority. There are no appeals once the decision is made, so I am asking you to please, get it right before approving any rezoning.

Thank you  
Debbie Roberts  
667 Gemstone Ct  
Diamond Ridge Subdivision

Sept 3, 2018

Mr. Cody Davis,

I remember you as a young boy shadowing your father John. I worked for Steve Lee, builder for your dad & Gaylen, in the years this subdivision was planned & built.

My favorite memory of those times was that your dad & Gaylen are strong Christian men. I know you were raised to be the same and to receive His blessings, as they have, in return.

Please follow your dad's lead to pray & fast for your business! Putting God first is the answer for life today & forever!!!

Many people in Westwood subdivision are retired or aging towards such. Quality in life is of utmost importance to our residents in Westwood. Please be respectful and Listen to God - take time to be still... God wants you to be His Light, Love, laughter & Life in this community.

Two story houses built would shield Westward residents of sunsets & God's daily message of hope & providence.

Go back to the original plan for 12 One-Story houses. Trust in Him! He will continue to bless you, yours & your family for many generations!

Thanks for your beautiful & majestic flag waving! Thanks for being a Godly man & a Soldier of God like your father!

Many blessings are prayed for you & us all,

Cynthia Valley (653 Ignacio #A)

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING ELEVATION 4591 TO PD (PLANNED DEVELOPMENT)  
WITH A DEFAULT ZONE OF R-8 (RESIDENTIAL, 8 DU/AC) AND AN OUTLINE  
DEVELOPMENT PLAN FOR 18 RESIDENTIAL UNITS ON 3.23 ACRES  
LOCATED AT 2524 F 1/2 ROAD**

**Recitals:**

The applicant, Chronos Property LLC, proposes to develop 16 single-family detached lots with one additional lot proposed for a two-family attached dwelling unit for a total of 18 dwelling units to be located at 2524 F ½ Road on a total of 3.23 acres to be constructed within one phase.

The request for an Outline Development Plan as a Planned Development with a default R-8 (Residential—8 du/ac) has been submitted in accordance with the Zoning and Development Code (Code).

This Planned Development zoning ordinance will establish the standards, default zoning, deviations and conditions of approval for the Outline Development Plan for Elevation 4591.

In public hearings, the Planning Commission and City Council reviewed the request for the proposed Outline Development Plan and determined that the 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 providing;

*#1 Greater quality and quantity of public and/or private open space.* The Applicant intends to provide a landscaped open space tract (proposed Tract E – 0.17 acres) with amenities such as bench and picnic shelters and school bus shelter in an area that will also function as a detention facility (with underground detention to allow the surface to be utilized as active open space) which will all be owned and maintained by a homeowners’ association. The installation of the proposed shelters/benches and underground detention facility are not required by Code and will serve as a community amenity for the subdivision.

In order to maximize the open space provided, the Applicant has designed the detention facility to be underground so that the surface may be utilized as active open space without regard to if and when the detention basin is filled with stormwater. The Applicant notes that with these amenities they will create a more desirable residential community and will add additional value to the greater community. The Code requires only a minimum 14-foot landscaping strip along F ½ Road, however the additional 75 feet of open space identified within Tract E is in excess of Code requirements (6,565 sq. ft.) The Code also does not require the

detention basin be buried. This feature will ensure uninterrupted use of the surface area as usable open space thereby providing for a greater quality of open space within the development.

*#2 Needed housing types and/or mix.* The Applicant is proposing to build homes that range between approximately 800 to 1,300 square feet on small lots that will require little to no maintenance. Recent conversations by the Applicant with local realtors indicate that there is a strong, local market demand for smaller, modern, wireless technology homes on small lots requiring little to no maintenance. There are very few homes in the local housing inventory or with new construction that meet this demand. Consequently, it has been represented that when this type of housing becomes available on the local market, they are immediately sold.

Concerning the changing housing market, the Grand Junction Comprehensive Plan states that “as the baby-boomer generations reach retirement age, the housing market is reflecting a desire for smaller yards, or no yards to maintain at all. At the same time, a younger generation is discovering the benefits of urban living: shorter commute times, more activities and less expensive housing. As a result of both of these trends, there is a resurging interest throughout the U.S. for smaller homes, townhomes, condominiums and urban living. Under these circumstances, providing opportunity for a variety of housing types (including higher density units) is sound, sustainable planning strategies to accommodate market pressure. (See Guiding Principle 3: Housing Variety – Comprehensive Plan document)”

The proposed housing product is a needed housing type and an important part of providing a mix of housing options within the City.

*#3 Innovative Designs.* The Applicant is proposing to build homes that range between 800 to 1,300 sq. ft. in size on smaller lots that require little maintenance. Recent planning and housing trends nationwide indicate that as the baby-boomer generation ages, the housing market is reflecting a desire for smaller yards and homes. At the same time, the younger generation is also discovering the benefits of urban living with shorter commute times, living closer to City amenities and more moderately size homes.

The Applicant has commissioned an architect to design three model homes that seek to meet the strong, local market demand for smaller housing. Color renderings have been attached as an Exhibit to show what the homes will look like. The Applicant provides the following regarding the innovative design of their housing product “The exterior will be a compilation of metal, composite and stone façade for a modern look but with low maintenance requirements. The homes will be equipped with wireless technology to control thermostats, lighting, entertainment technology and garage doors. Interior finishes will be high end, modern materials such as quartz countertops, plank flooring and modern cabinets with splashes of industrial hardware to accent the modern look of the homes. Landscaping will combine a limited amount of grass in the front yards (optional) with xeric plant materials and a split rail fence. The rear yard will be restricted to not more than 25% turf and will be landscaped with



one tree to provide additional privacy when the tree has matured. The use of solar panels is currently being explored and will be installed with each home if it is not cost prohibitive. Provision of smaller, energy efficient, technology smart homes that are in great demand in the Grand Valley may be the most significant community benefit offered by the Elevation 4591 development.”

The site as designed also offers an innovative design by maximizing the odd dimensions of the lot, providing for smaller lot sizes, providing for parking pods, and narrowing the street while meeting densities ranges as provided in the Comprehensive Plan.

After reviewing the application for a rezone to PD with an R-8 default zone district and an Outline Development Plan for the proposed Elevation 4591, PLD-2018-340, the following findings of fact have been made:

1. The Planned Development is in accordance with all criteria in Section 21.02.150 (b)(2) of the Grand Junction Zoning and Development Code.
2. Pursuant to Section 21.05.010, the Planned Development has been found to have long term community benefits including:
  - a. A greater quality and quantity of public and/or private open space;
  - b. A needed housing type and/or mix; and
  - c. Innovative designs.
3. Pursuant to 21.05.040(e), it has been found that a smaller site (3.23 acres) is appropriate for the development as a Planned Development.
4. The Planned Development is consistent with the vision, goals and policies of the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE OUTLINE DEVELOPMENT PLAN AS A PLANNED DEVELOPMENT FOR ELEVATION 4591 IS APPROVED WITH THE FOLLOWING STANDARDS AND DEFAULT ZONE:

- A. This Ordinance applies to the following described property:

BEG SW COR SE4NW4 SEC 3 1S 1W E 116FT N TO ROW G V CNL  
NLY CNL ROW TO N LI SE4NW4 W TO W LI SE4NW4 S TO BEG EXC  
ROW ON S AS DESC B-2821 P-451/454 MESA CO RECODS

Said parcel contains 3.23 acres more or less.

- B. This Property is zoned PD (Planned Development) with the following standards and requirements:

**Establishment of Uses:**

The Plan allows only single-family detached units on Lots 1-16 with one two-family attached dwelling proposed for Lot 17.

**Density:**

The proposed density of the subdivision is 5.57 dwelling units per acre (18 dwelling units on 3.23 acres). The Comprehensive Plan Future Land Use Map designates this property as Residential Medium (4 – 8 du/ac). The Applicant is requesting a default zone of R-8, which has a minimum density of 5.5 and a maximum density of 8 dwelling units/acre.

**Access:**

The only public access available to this property is from F ½ Road. The internal street design was reviewed and approved by the City's engineering team as an alternative street standard (30 feet right-of-way including curb, gutter, sidewalk on the east side with 22.5 feet of asphalt width) with the condition that the Applicant provide sufficient parking. To meet the required parking (18 off-lot stalls) the Applicant has provided a total of 30 off-lot parking spaces (14 spaces within proposed Tract D and 16 on-street parking spaces). As part of the alternative streets review, the City's engineering team only allowed for on-street parking on one side of the street (east side). Each lot will contain the minimum required 2 off-street parking spaces (one in garage and one in driveway) as consistent with Section 21.06.050 (c) of the Zoning and Development Code.

A TEDS Exception (Transportation Engineering Design Standards) was also approved by the City to allow a dead-end street to be longer than the Code provision of 750 feet, provided that a Fire Department turn-around was installed (proposed Tract C). The Applicant proposed a dead-end street to be approximately 835 feet in length.

**Open Space and Pedestrian Amenities:**

Tract E is located adjacent to F ½ Road at the subdivision entrance and provides for the installation of a park bench/shelter, picnic shelter and a separate school bus shelter for the usage of the neighborhood. Tract E will also contain an underground stormwater detention facility to optimize above ground landscaped open space (turf grass, trees and shrubs).

Within Tract B, at the north end of the property adjacent to the GVIC canal, the Applicant will dedicate and construct a 10-foot wide concrete trail for public use within a 15-foot public trail easement as required by the Urban Trails Master Plan. This trail connection would connect with other City owned open space in the area along the canal, north of Westwood Ranch Subdivision and within the Colonial Heights Subdivision to the northwest.

Tract B (0.16-acres) has been included in the proposed subdivision's open space which is proposed to connect to open space areas already owned by the City of Grand Junction adjacent to the canal. As part of the ODP request, the Applicant will dedicate and construct a 10 feet wide concrete trail within a 15 feet public trail easement as required by the Urban Trails Master Plan adjacent to the existing irrigation canal.

**Phasing:**

The Applicant is proposing to develop the subdivision in a single phase with the final plat being filed on or before December 31, 2021.

**Lot Layout:**

All proposed single-family detached lots are 3,441 sq. ft. in size with the exception of the two-family attached dwelling lot which will be 11,320 sq. ft. in size. The default zoning district of R-8 allows for a minimum lot size of 3,000 sq. ft. for detached single-family and 6,000 sq. ft. for a two-family dwelling.

**Landscaping & Fencing:**

Landscaping including trees and shrubs will be provided within proposed Tracts B, C, D and E, per Code requirements. Six-foot tall privacy fencing will be provided where fencing does not currently exist which is along the southside of proposed Lot 1 to help screen and buffer the property from F ½ Road and along the west property line to screen the property adjacent to 2522 F ½ Road. Six-foot tall privacy fencing will also be installed on the eastside of the property adjacent to the existing open space tract area located within Westwood Ranch subdivision at the northern end of the property. Additional fencing will not be required adjacent to Westwood Ranch nor Diamond Ridge Subdivision's since these existing properties already contain privacy fencing along their backyards adjacent to the Applicant's property. All proposed tracts of land will be conveyed to and maintained by the proposed Homeowner's Association with exception of Tract A that will be conveyed to GVIC.

**Subdivision Signage:**

The Applicant is proposing to have one subdivision sign located at the subdivision entrance. Subdivision signage will be placed in an HOA tract that abuts the public right-of-way (proposed Tract E) and will not exceed 8 feet in height and 32 sq. ft. in size as is consistent with Section 21.06.070 (h) (1) of the Zoning and Development Code.

**Default Zone and Deviations:**

The Applicant is proposing to utilize the dimensional standards for the R-8 (Residential – 8 du/ac) zone district with four (4) variations that would be more restrictive than current Code requirements including and as shown in the following table:

- 1) Increasing above the minimum requirement, the rear yard setback from 10 feet to 20 feet;
- 2) Decreasing the maximum building height from 40 feet to 24 feet;
- 3) Increasing above the minimum requirement, the lot area from 3,000 to 3,400 sq. ft.; and
- 4) Increasing above the minimum requirement, the side yard setback along the west property line of proposed Lot 17 from 5 feet to 15 feet.

Dimensional Standard	R-8	Proposed ODP
Front yard setback (Principal/Accessory):	20 feet/25 feet	Same
Side yard setback (Principal/Accessory):	5 feet/3 feet	15 feet on western property line of Lot 17 only
Rear yard setback (Principal/Accessory):	10 feet/5 feet	20 feet/5 feet

Maximum building height:	40 feet	24 feet
Maximum Lot Coverage:	70%	Same
Minimum Lot Area:	3,000 sq. ft.	3,400 sq. ft.
Minimum Lot Width:	40 feet	Same

The proposed variations come as a result of the Applicant addressing some of the concerns expressed by area resident's regarding homes being located close to their existing fences, back yards and the blockage of current views of what could be constructed under the R-8 zone district as far as a maximum building height.

**Deviations:**

Section 21.05.040 (g) of the Zoning and Development Code allows for the Planning Commission to recommend the City Council deviate from the default district standards subject to the provision of any of the community amenities as identified below. In order for the Planning Commission to recommend and the City Council to approve the deviation, the listed amenities to be provided shall be in excess of what would otherwise be required by the code. These amenities include:

*1. Transportation amenities including, but not limited to, trails other than required by multimodal plan, bike or pedestrian amenities or transit oriented improvements, including school and transit bus shelter;*

The Applicant has provided a covered school bus shelter to the open space area (proposed Tract E of .17 acres) at the entrance to the development adjacent to F ½ Road. The shelter will be constructed on a concrete pad with covered shelter for use by children waiting for school buses. The school bus shelter facility is not required by the Code and as such are in excess of what would otherwise be required.

*2. Open space, agricultural land reservation or land dedication of 20% or greater;*

The Applicant is not proposing to dedicate 20% or greater of the site for the purposes of open space or agricultural land reservation/dedication.

*3. Community facilities for provision of public services beyond those required for development within the PD;*

The Applicant is not proposing to provide any traditional community facilities for the provision of public service.

*4. The provision of affordable housing for moderate, low and very low income household pursuant to HUD definitions for no less than 20 years; and*

The Applicant is not proposing to provide any affordable housing for moderate, low or very low households consistent with HUD definitions for these households.

*5. Other amenities, in excess of minimum standards required by this Code, that the Council specifically finds provide sufficient community benefit to offset the proposed deviation.*

A direct benefit to the adjacent neighborhood will be the increased rear yard setback from 10 feet to 20 feet and the reduction of the maximum building height from 40 feet to 24 feet. The Applicant is also increasing the side yard setback along the west property line of proposed Lot 17 only from 5 feet to 15 feet. The proposed increase of the minimum setbacks comes as a direct result of discussions with area residents during the Neighborhood Meeting at which time residents expressed concern with homes being located close to their existing fences and with the maximum height allowed by the R-8 zone district. Both the rear and side yard setbacks and lowering of building height are restrictions in excess of minimum standards and provide a direct benefit to the surrounding neighborhood.

Introduced for first reading on this 19<sup>th</sup> day of September, 2018 and ordered published in pamphlet form.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 and ordered published in pamphlet form.

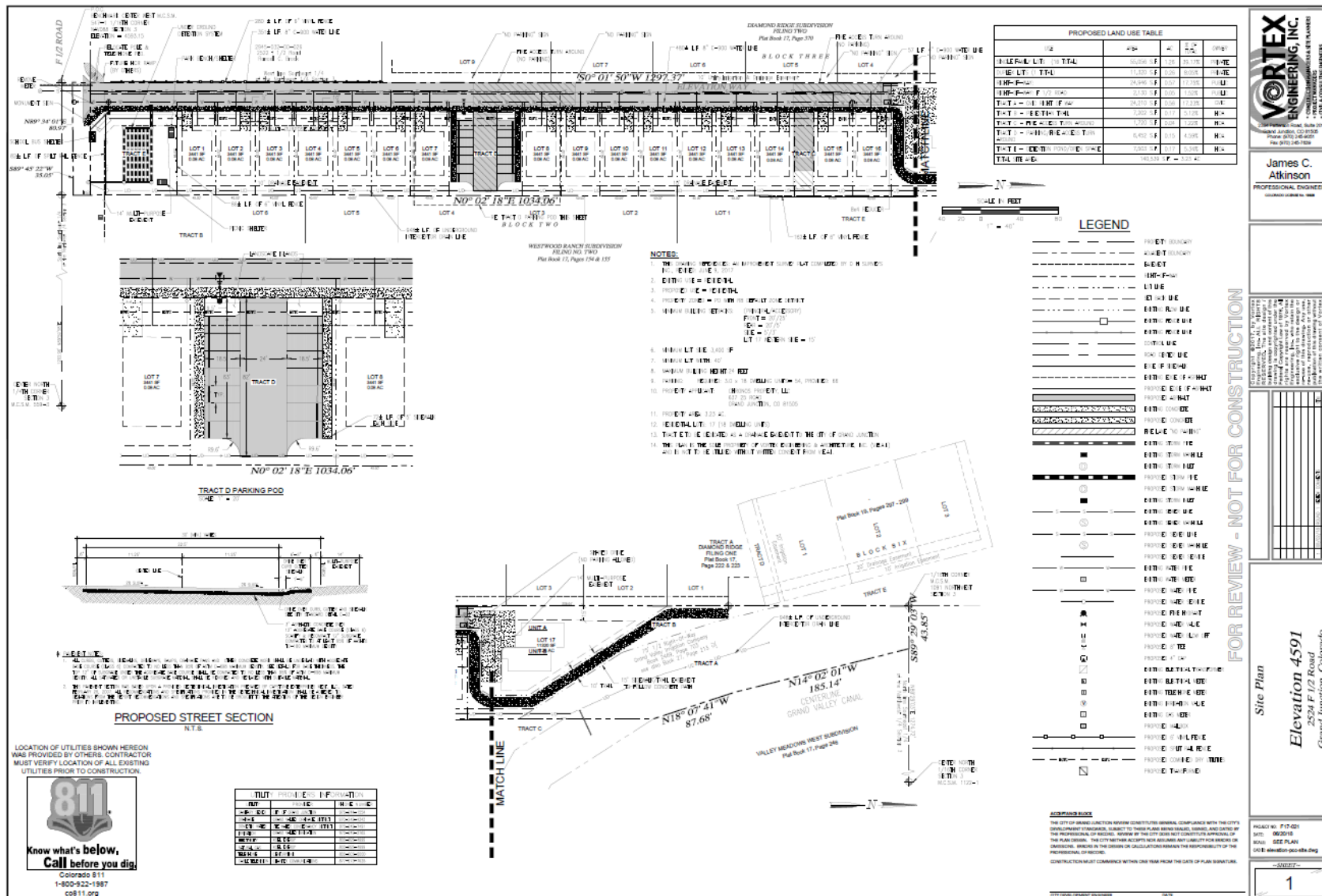
ATTEST:

\_\_\_\_\_  
President of City Council

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



## EXHIBIT A – OUTLINE DEVELOPMENT PLAN



<b>CITY COUNCIL MEETING</b> <b>CITIZEN PRESENTATION</b>		<b>Date</b> 10/3/18
<b>Citizen's Name</b>	DENNIS SIMPSON	
<b>Subject</b>	CAND SWP, BUDGET	
<b>Phone Number (optional)</b>	/	Including your phone number is helpful if we would like to contact you in response to your questions, comments, or concerns. Thank you!

<b>CITY COUNCIL MEETING</b> <b>CITIZEN PRESENTATION</b>		<b>Date</b>
<b>Citizen's Name</b>	Bruce Lomelley	
<b>Subject</b>	Partners Program, Violence Report Conditional Uses Permits	
<b>Phone Number (optional)</b>		Including your phone number is helpful if we would like to contact you in response to your questions, comments, or concerns. Thank you!

# **Elevation 4591**

**Rezone to Planned Development  
with R8 default zone and  
Approval of ODP  
Project #PLD-2018-340**

**Grand Junction City Council**

**October 3, 2018 – 6:00 PM**



# Site Location – 2524 F $\frac{1}{2}$ Road









# Future Land Use Map









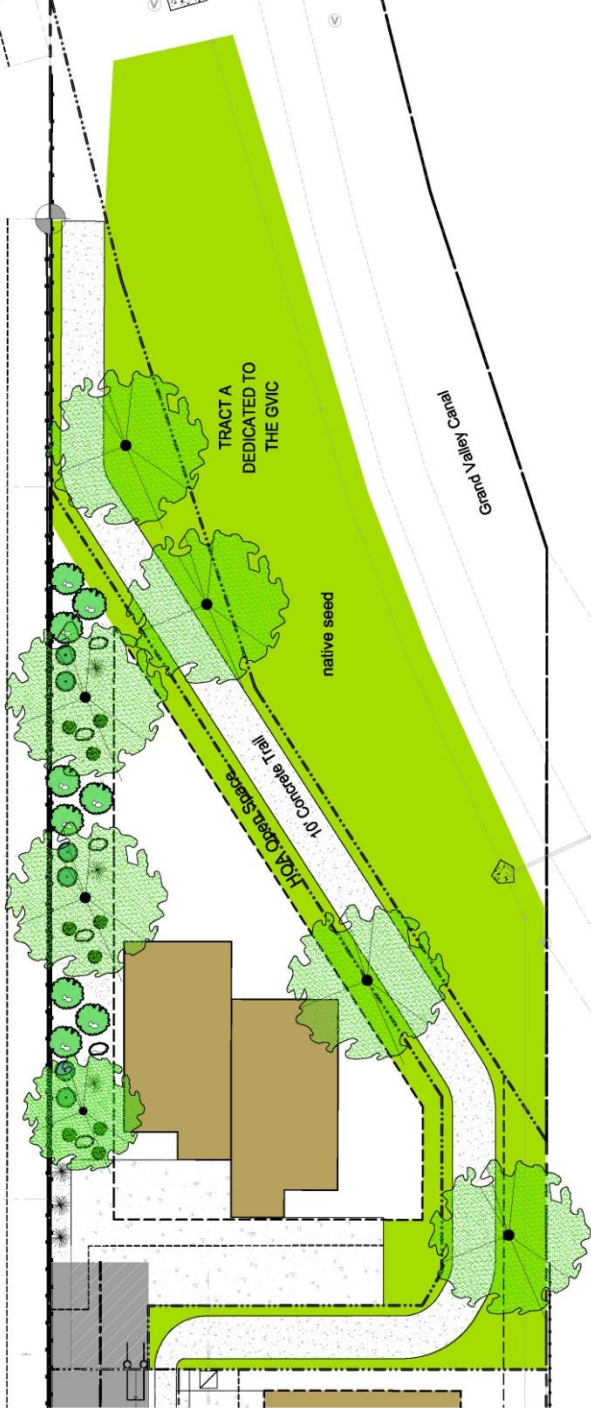






# Community Benefits

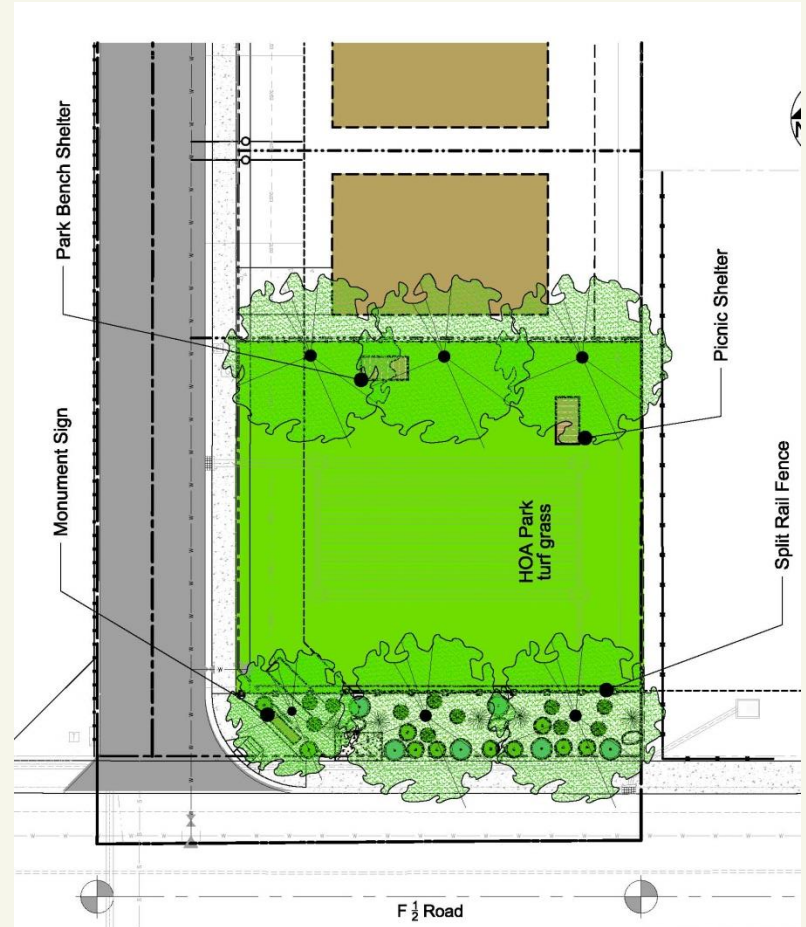
1. More effective infrastructure
2. A greater quality of public open space
3. Needed housing types
4. Innovative design

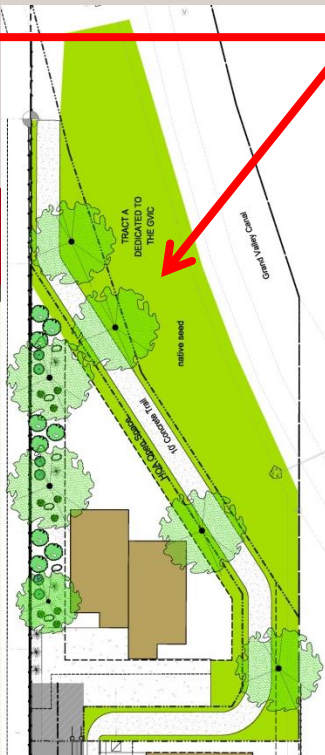
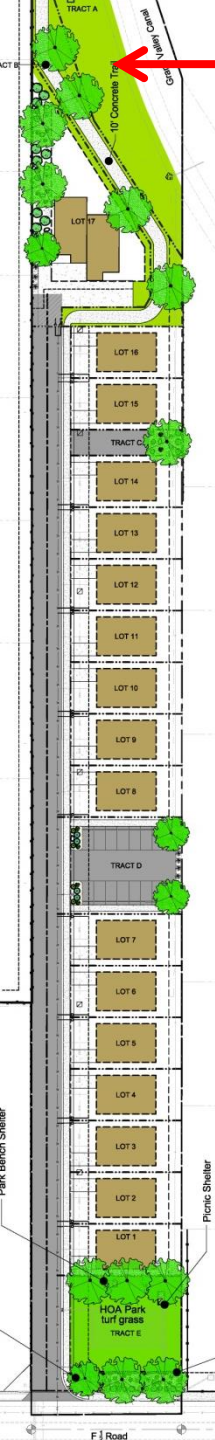




# Planned Development features

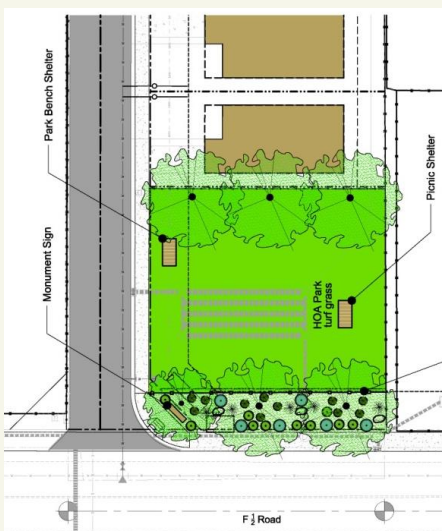
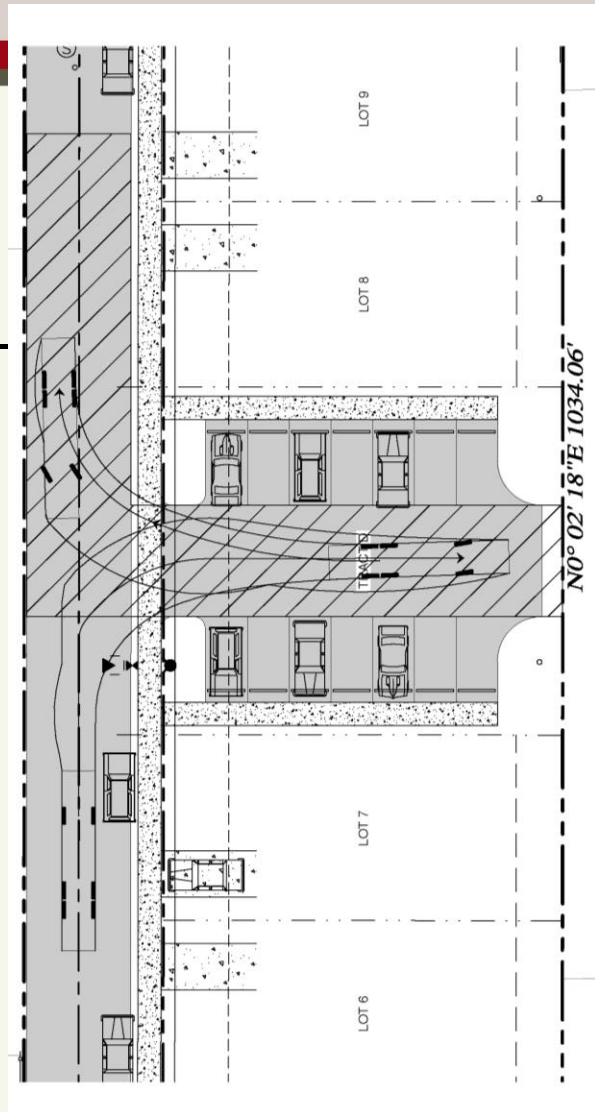
1. Rear yard setback **INCREASED** from 10 feet to 20 feet to increase the privacy of neighboring properties
2. Maximum building height **DECREASED** from 40 feet to 24 feet
3. Minimum lot size **INCREASED** from 3,000 sf to 3,400 sf
4. **INCREASED** side yard setback for Lot 17 from 5 feet to 15 feet
5. Underground detention to allow for ACTIVE open space with amenities and a school bus shelter for children





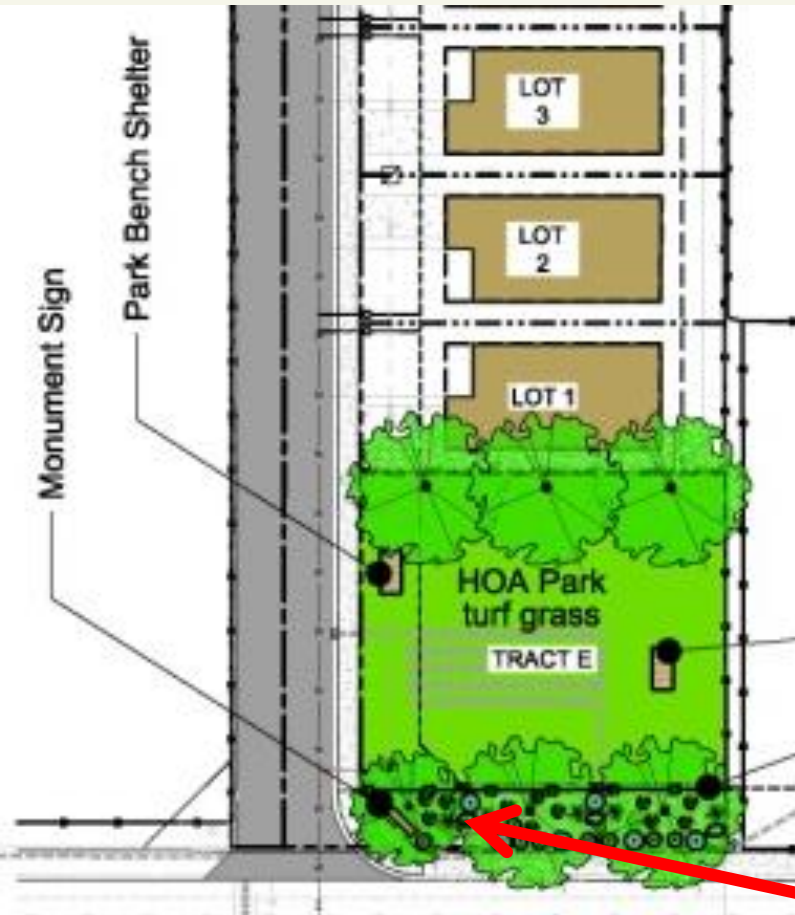
Inset: Lot 17 (2 attached units), Tract A: GVIC and Tract B: HOA

Parking pod and Fire Department - large vehicle turnaround



Underground detention and active open space

# Active open space amenities



POLIGON PARK BENCH SHADE STRUCTURS - 10'X8' FLAT TRELLIS



CANAAN (CL-800) - 6' METAL PARK BENCH



POLIGON PICNIC SHADE STRUCTURS - 10'X20' LOW PITCH RECTANGULAR SHELTER, CANTILEVER STYLE



CANAAN (CT-035) - 6' METAL PICNIC TABLE

School bus shelter installed here, outside of the landscaped area



# Architectural Designs

chronos  
builders

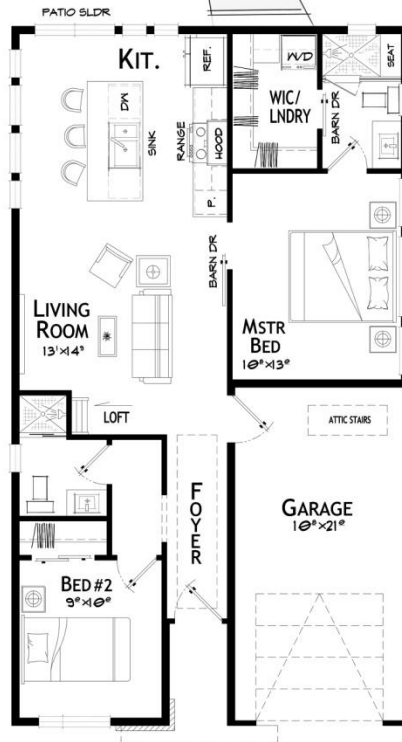


Developer: Chronos Builders  
Building design and illustrations: jb Architectural Services

June 21st, 2017

Elevation 4591

Grand Junction, Colorado



ELEVATION 4591 plan 1  
840 s.f.  
conceptual 1-a





plan 2-a  
1296 sf

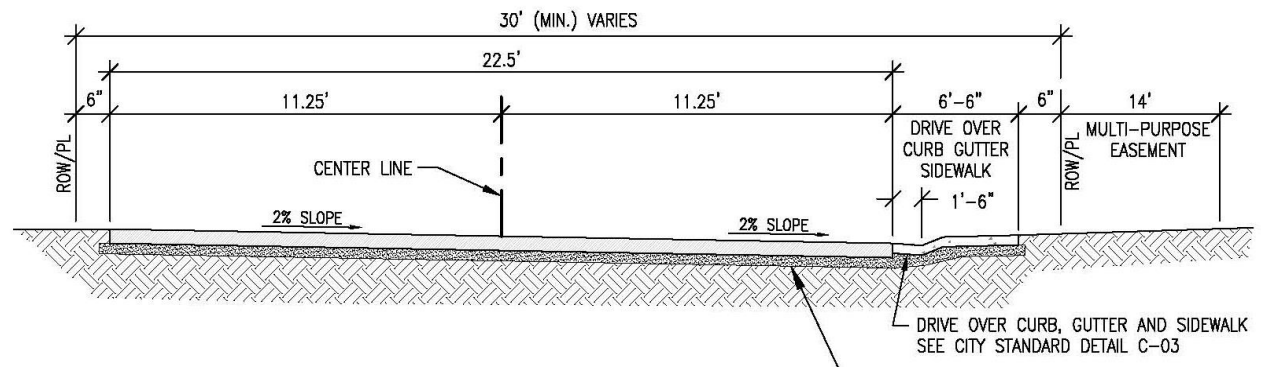
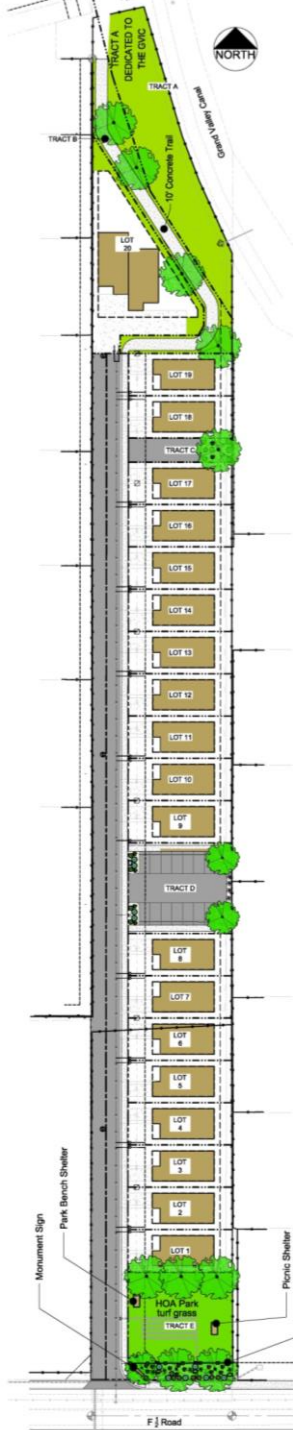




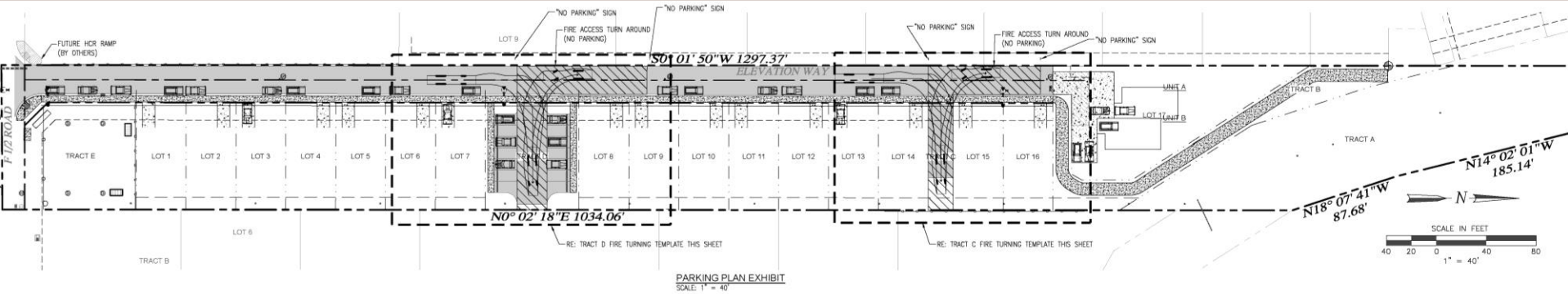
plan 3-a  
1025 sf



# Alternative Street Design, Traffic Demands and Drainage



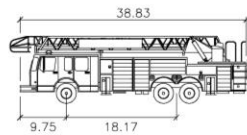
# Parking and Fire Department/Large Vehicle turnarounds



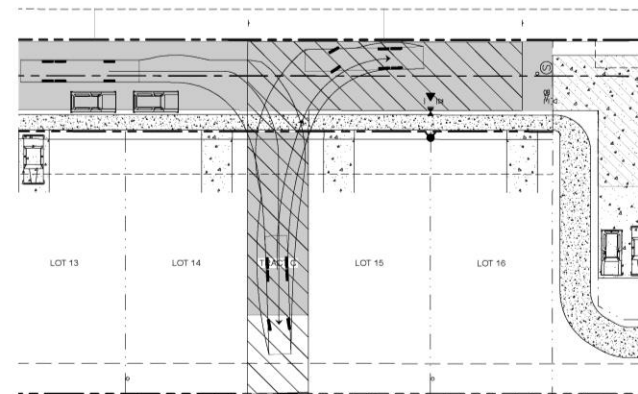
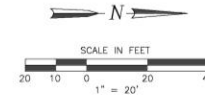
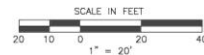
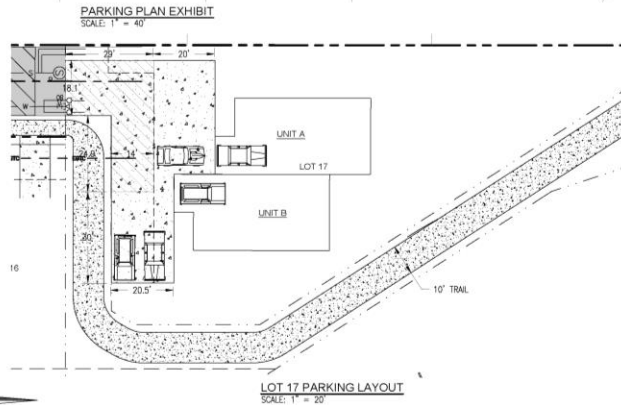
3.0 PARKING SPACES PER UNIT  
18 UNITS X 3.0 SPACES = 54 PARKING SPACES

### ON-STREET PARKING

**TOTAL PARKING PROVIDED**  
51 ON-SITE PARKING SPACES WITH LOTS  
16 ON-STREET PARKING SPACES  
67 TOTAL PARKING SPACES PROVIDED



FireAP-39	feet
Width	: 7.22
Track	: 7.22
Lock to Lock Time	: 6.0
Steering Angle	: 33.3



TRACT C FIRE TURNING TEMPLATE  
SCALE: 1" = 20' ACCEPTANCE BLOCK

UTILITY PROVIDERS INFORMATION		
UTILITY	PROVIDER	PHONE NUMS
SANITARY SEWER	CITY OF GRAND JUNCTION	870-244-1554
DRAINAGE	GRAND VALLEY DRAINAGE DISTRICT	870-242-4343
DOMESTIC WATER	UTE WATER CONSERVANCY DISTRICT	870-242-7491
IRRIGATION	GRAND VALLEY IRRIGATION	870-242-2762
ELECTRICITY	XCEL ENERGY	800-805-6999
NATURAL GAS	XCEL ENERGY	800-805-6999
TELEPHONE	CHARTERLINK	800-603-6000
CABLE TELEVISION	COMPUTER COMMUNICATIONS	877-273-7628

LOCATION OF UTILITIES SHOWN HEREON  
WAS PROVIDED BY OTHERS. CONTRACTOR  
MUST VERIFY LOCATION OF ALL EXISTING  
UTILITIES PRIOR TO CONSTRUCTION.



**Know what's below.  
Call before you dig.**

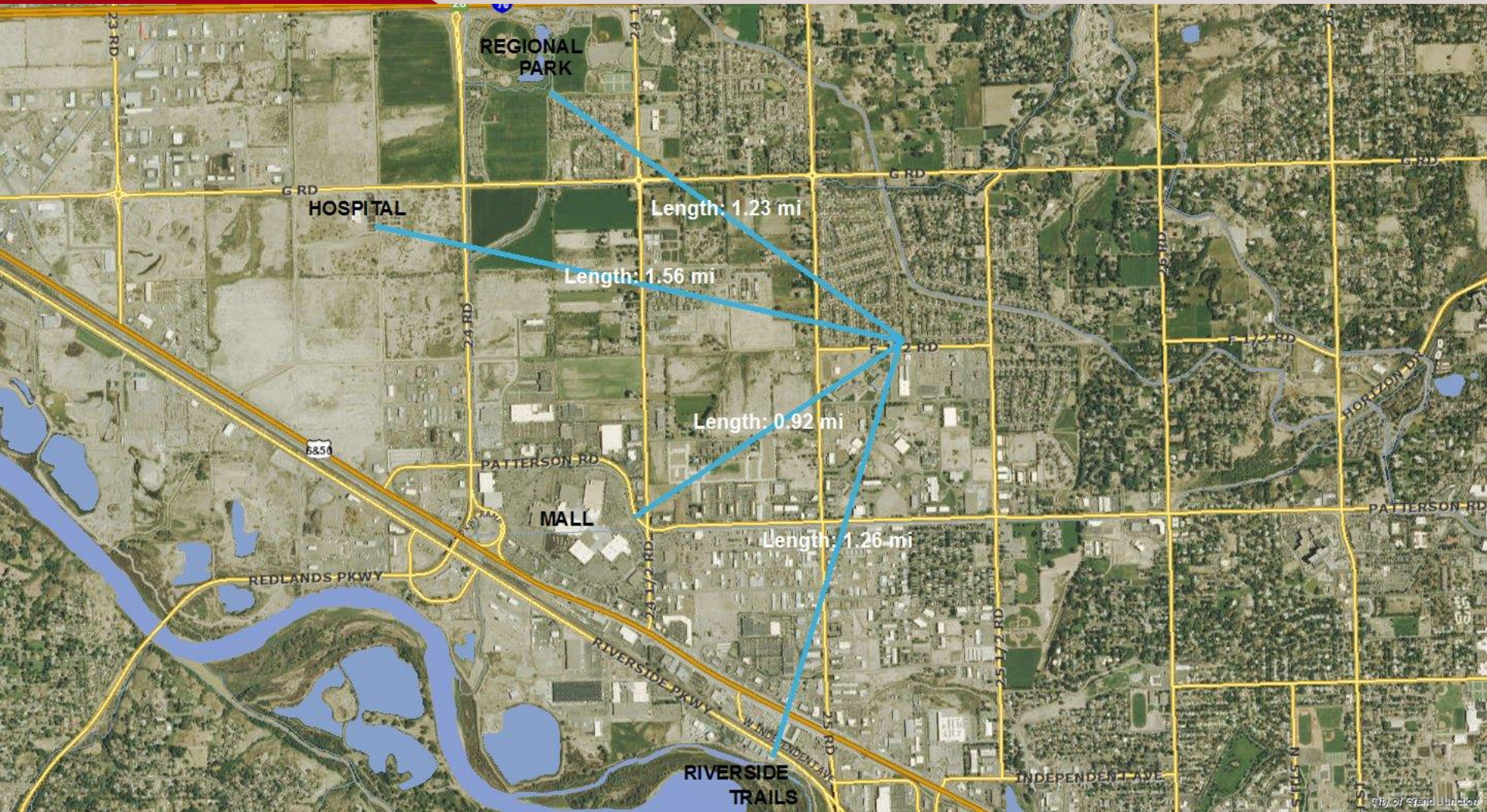
**ACCEPTANCE BLOCK**

THE CITY OF GRAND JUNCTION REVIEW CONSTITUTES GENERAL COMPLIANCE WITH THE DEVELOPMENT STANDARDS, SUBJECT TO THESE PLANS BEING SEALED, SIGNED, AND DATED BY A PROFESSIONAL OF RECORD. REVIEW BY THE CITY DOES NOT CONSTITUTE APPROVAL OF THE PLAN DESIGN. THE CITY NEITHER ACCEPTS NOR ASSUMES ANY LIABILITY FOR ERRORS OR OMISSIONS. ERRORS IN THE DESIGN OR CALCULATIONS REMAIN THE RESPONSIBILITY OF THE PROFESSIONAL OF RECORD.

CONSTRUCTION MUST COMMENCE WITHIN ONE YEAR FROM THE DATE OF PLAN SIGNATURE.



# Community facilities and services available





# Area residents' concerns and how they have been addressed...

1. High ground water table
2. Loss of privacy with 2 story homes
3. Density
4. Buffering

# Robert W. Jones II, P.E.

## Robert W. Jones II, P.E.

President

Vortex Engineering & Architecture, Inc.

2394 Patterson Road, Suite 201

Grand Junction, CO 81505

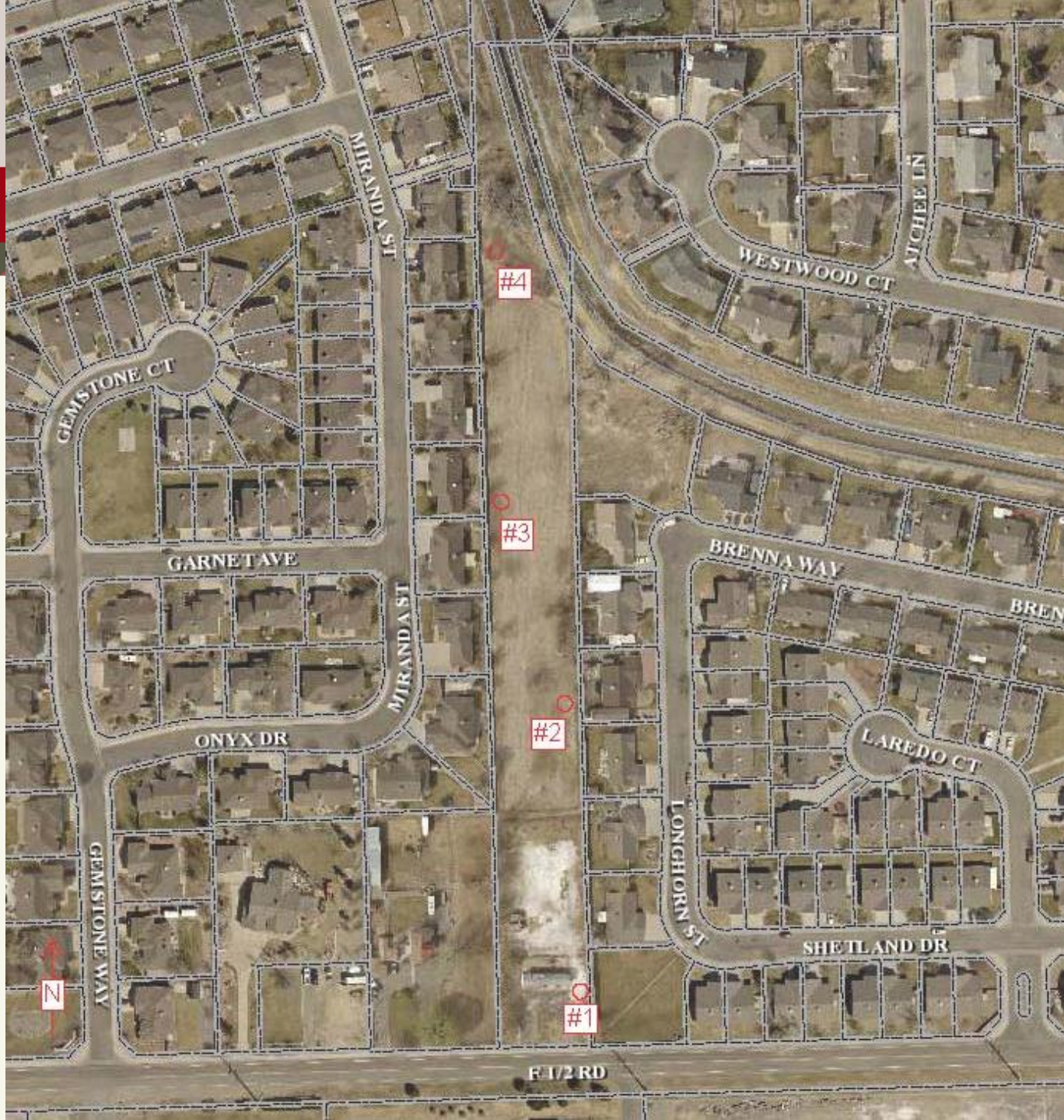
[rjones@vortexeng.us](mailto:rjones@vortexeng.us)

970-245-9051 - office

970-245-7639 - fax

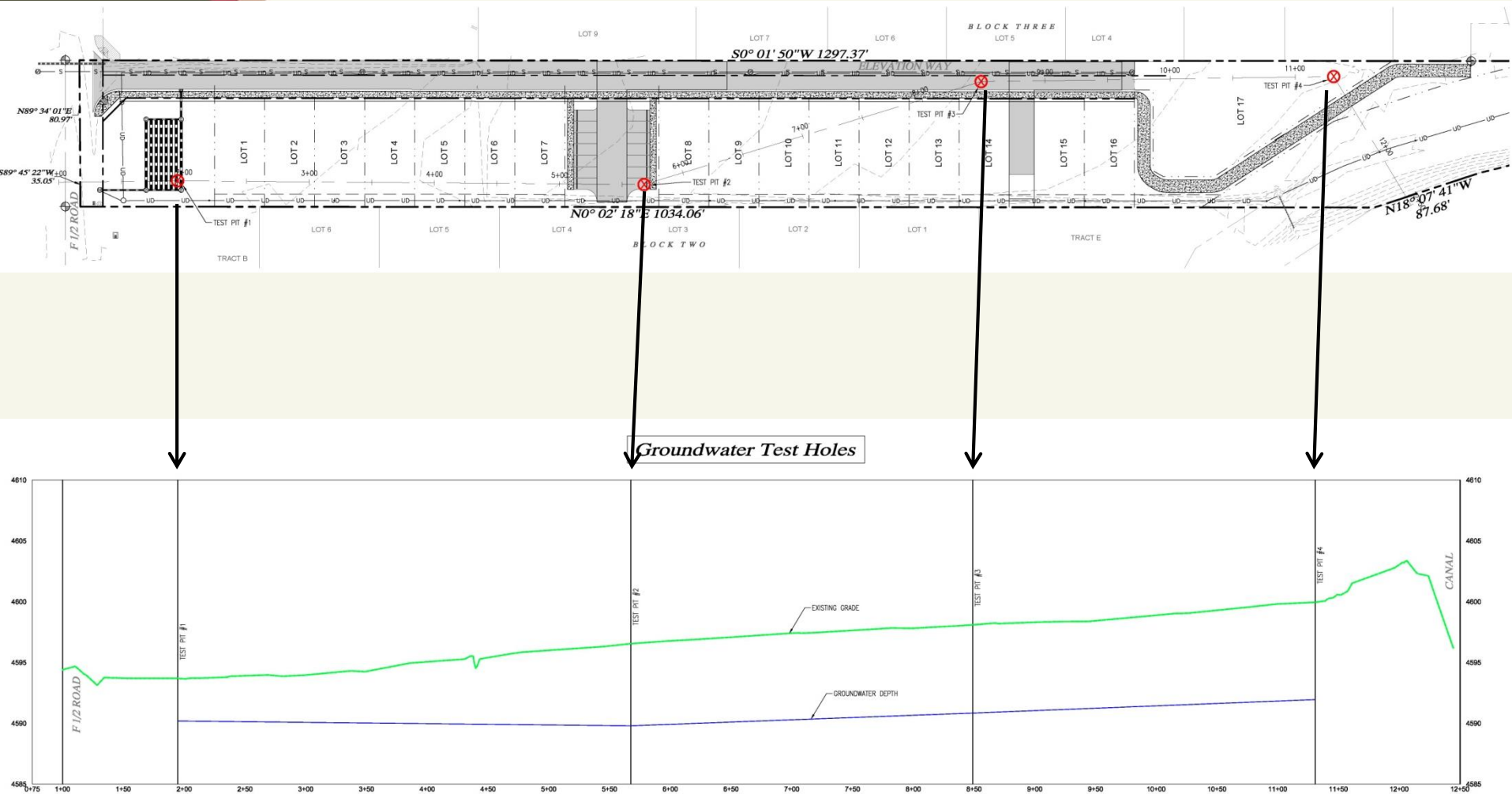
# High Groundwater Table

- Engineering studies performed at preliminary and final planning stages; final designs follow the recommendations of studies
- Engineered foundations with slab on grade construction
- Interceptor lines installed in the street and at the rear of every lot
- Ground water vs Surface water



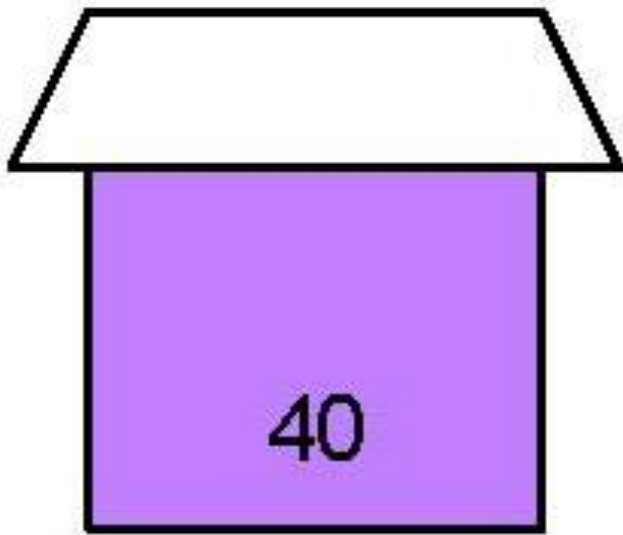


# Ground water levels at test pits

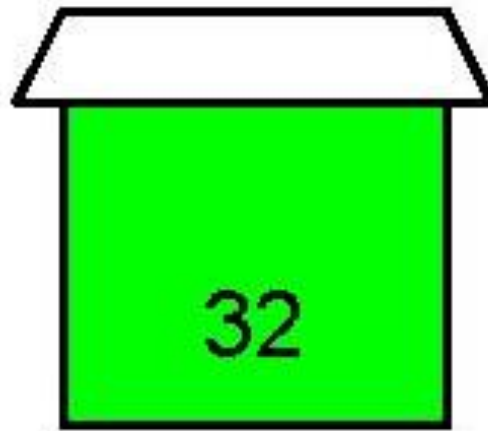




# Height of Buildings



Maximum height  
allowed in default  
R8 zone district



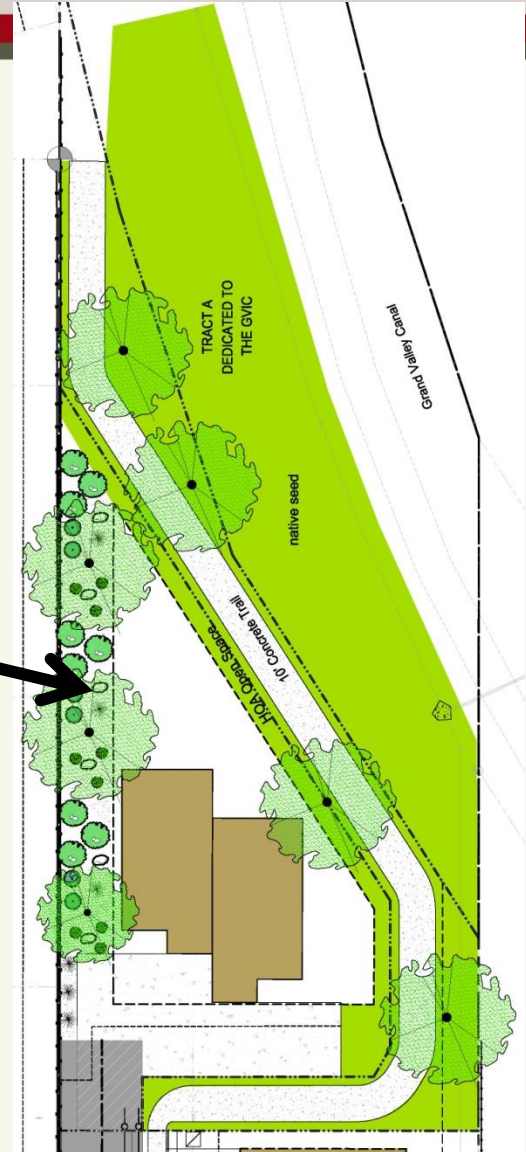
Maximum height  
allowed in adjacent  
Diamond Ridge and  
Westwood Ranch  
subdivisions



Maximum height  
allowed in E-4591:  
**Self-limited to 24'**

# Increased Building Setbacks to Add Privacy

- The rear lot setback has been **INCREASED** from 10 feet to 20 feet as part of the ODP to protect the privacy of existing homes on adjacent properties.
- The developer has committed to **increasing** the western side yard setback on Lot 17 (duplex lot) to 15 feet
- A tree will be included in the rear of each lot to increase privacy





# What steps have been taken to buffer neighboring properties?

- Decreased number of lots from 21 to 18; designed lots to be 40 feet wide.
- The rear yard setback has been INCREASED to 20 feet to provide additional privacy for adjacent homes.
- The maximum building height has been DECREASED from 40 feet (as allowed by the R8 default zone district) to 24 feet.
- Only one of the three proposed home types is a two story building...the other two designs are shorter structures. ***Approximately 6 of the 18 homes will be two story homes.***
- Privacy fencing will be constructed along the perimeter where it does not currently exist.
- Additional landscaping and open space have been provided at the entrance, along the perimeter of the large vehicle turnaround pods, in the rear of each yard and in the HOA tract along the canal.

# No buffer required by GJMC, Sec. 21.06.040(k):

Zoning of Proposed Development	Zoning of Adjacent Property																			
	SF	R-5	R-8	R-12 R-16	R-24	R-O & MXOC	B-1	B-2	C-1	C-2 I-O	I-1	I-2	M-U	CSR	BP	MXR-	MXG-	MXS-		
SF (Subdivisions)	-	-	-	-	-	-	F	-	F	W	W	W	F	-	F	-	-	-	-	-
R-5	-	-	-	-	-	-	F	-	F	W	W	W	-	-	F	-	-	-	-	-
R-8	-	-	-	-	-	F	F	-	F	W	W	W	F	-	F	A	-	-	-	-
R-12 & R-16	-	-	-	-	-	-	F	-	W	W	W	W	F	-	F	A	-	-	-	-
R-24	-	-	-	-	-	-	F	-	W	W	W	W	F	-	F	A	-	-	-	-
	-	-	-	-	-	-	A or F	-	A or F	W	W	W	A or F	-	A or F	A	-	-	-	-
RO & MXOC	F	F	F	A or F	A or F	A or F	A or F	-	A or F	A or F	A or F	A or F	A or F	-	A or F	A	-	-	-	-
B-1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
B-2	A&W	W	W	W	W	W	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C-1	W	W	W	W	W	W	F	-	-	-	-	-	A or F	A or F	A or F	A&W	-	-	-	-
C-2 & I-O	W	W	W	W	W	W	F	-	-	-	-	-	A or F	B&W	A or F	B&W	A or F	A or F	-	-

# Architectural design and open space amenities

- The applicant has commissioned three unique designs for the proposed development. Homes in the new subdivision will be constructed as represented and using the materials shown in the architectural renderings.
- Open space amenities will also be constructed as they have been represented in the ODP plans. Specific materials and designs may vary slightly depending on the products that are available; however the essence of the amenity will be consistent with the ODP plans.



# Approval Criteria

As noted in the staff report, the Elevation 4591 development is compliant with the following provisions of the Grand Junction Municipal Code:

- Section 21.02.150(b)(2), Outline Development Plan
- Section 21.05.010, PD (long term community benefit)
- Section 21.05.040(e), PD (minimum district size)
- Meets the goals, objectives and Guiding Principles #2 and #3 of the Comprehensive Plan



# Planning Commission Recommendation



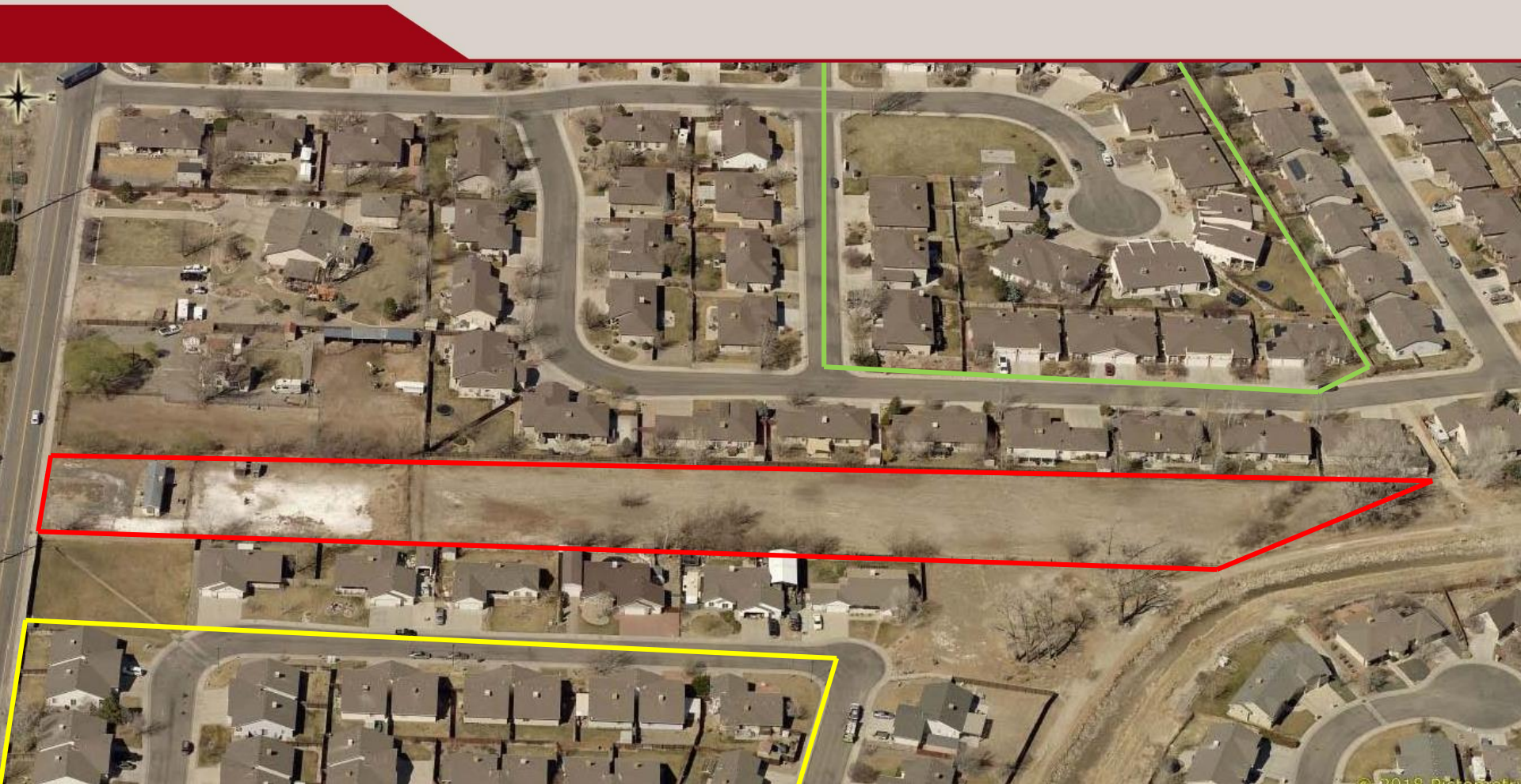
Planning Commission voted unanimously to recommend **APPROVAL** of the request to rezone to Planned Development with R8 default zone and the ODP

# Conclusion

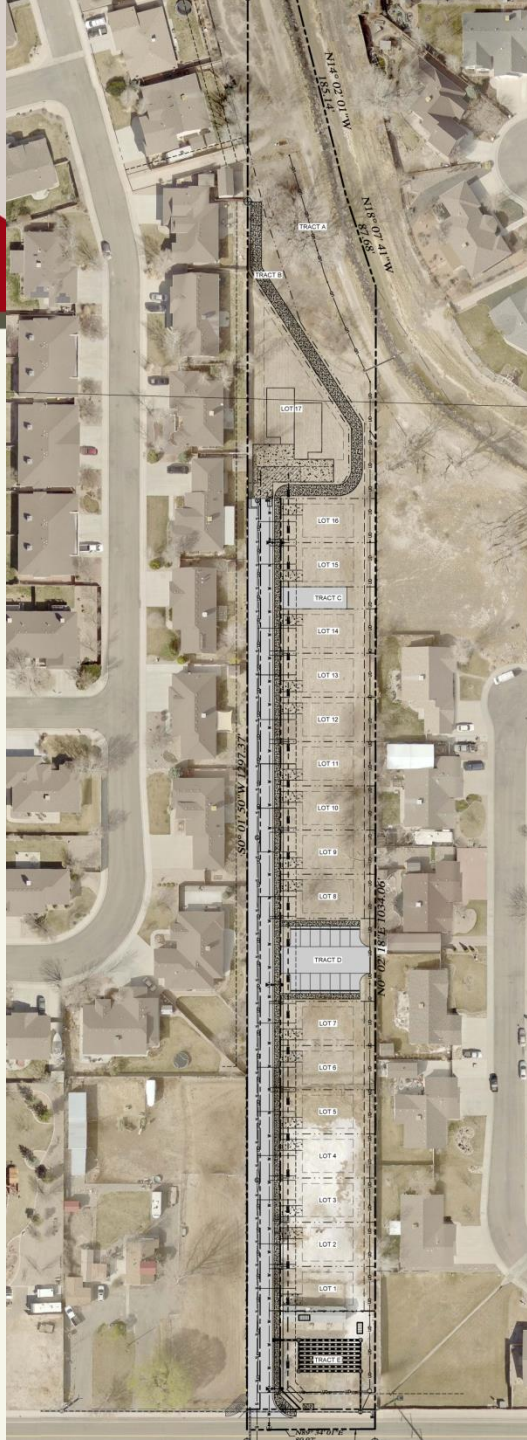
The applicant respectfully requests **approval** of the request to rezone to Planned Development with the R8 default zone and the Outline Development Plan as presented with community benefits.



# Aerial View



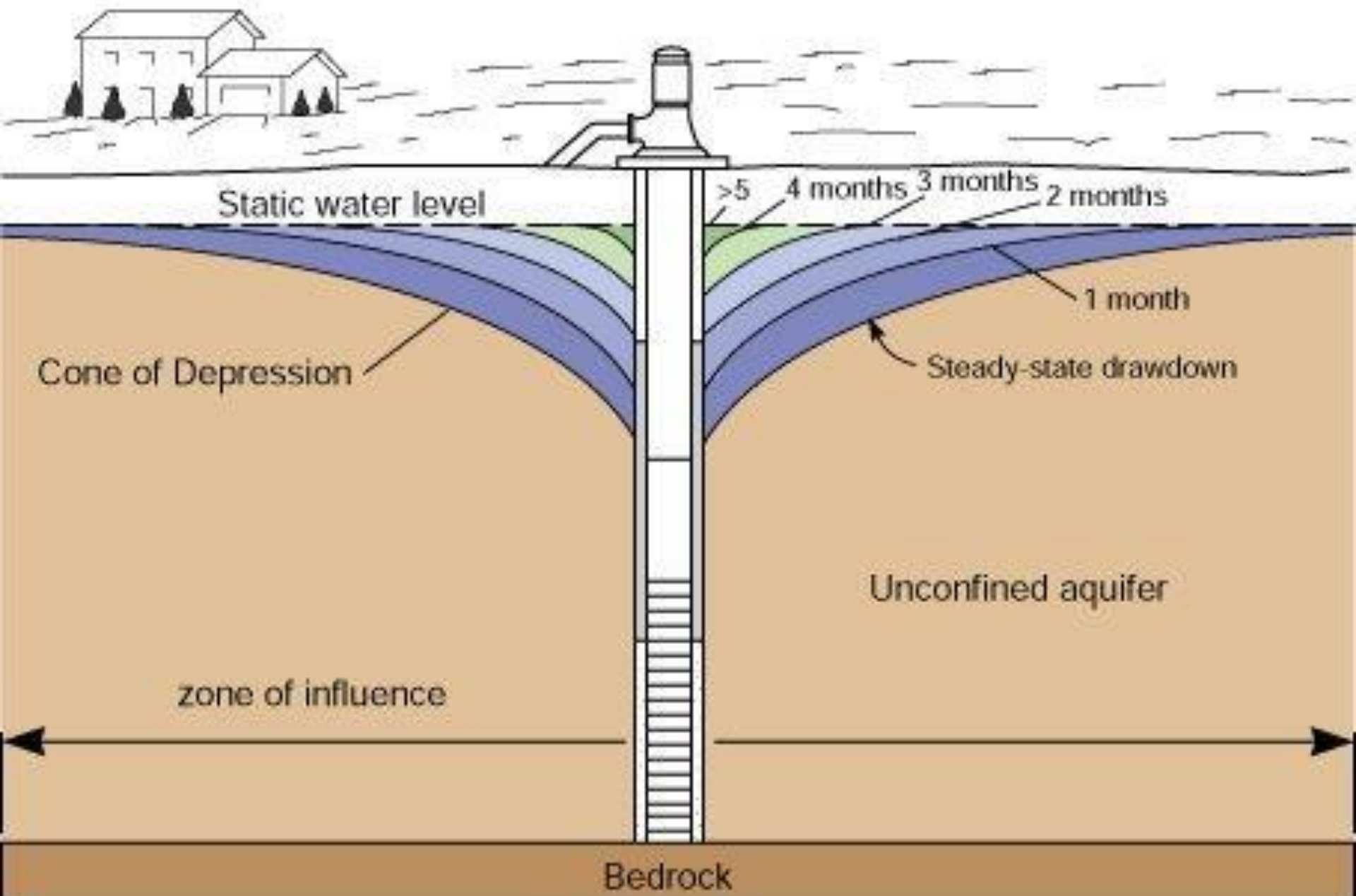
# Elevation 4591







# WATER-TABLE DRAWDOWN AND RECOVERY AFTER PUMPING









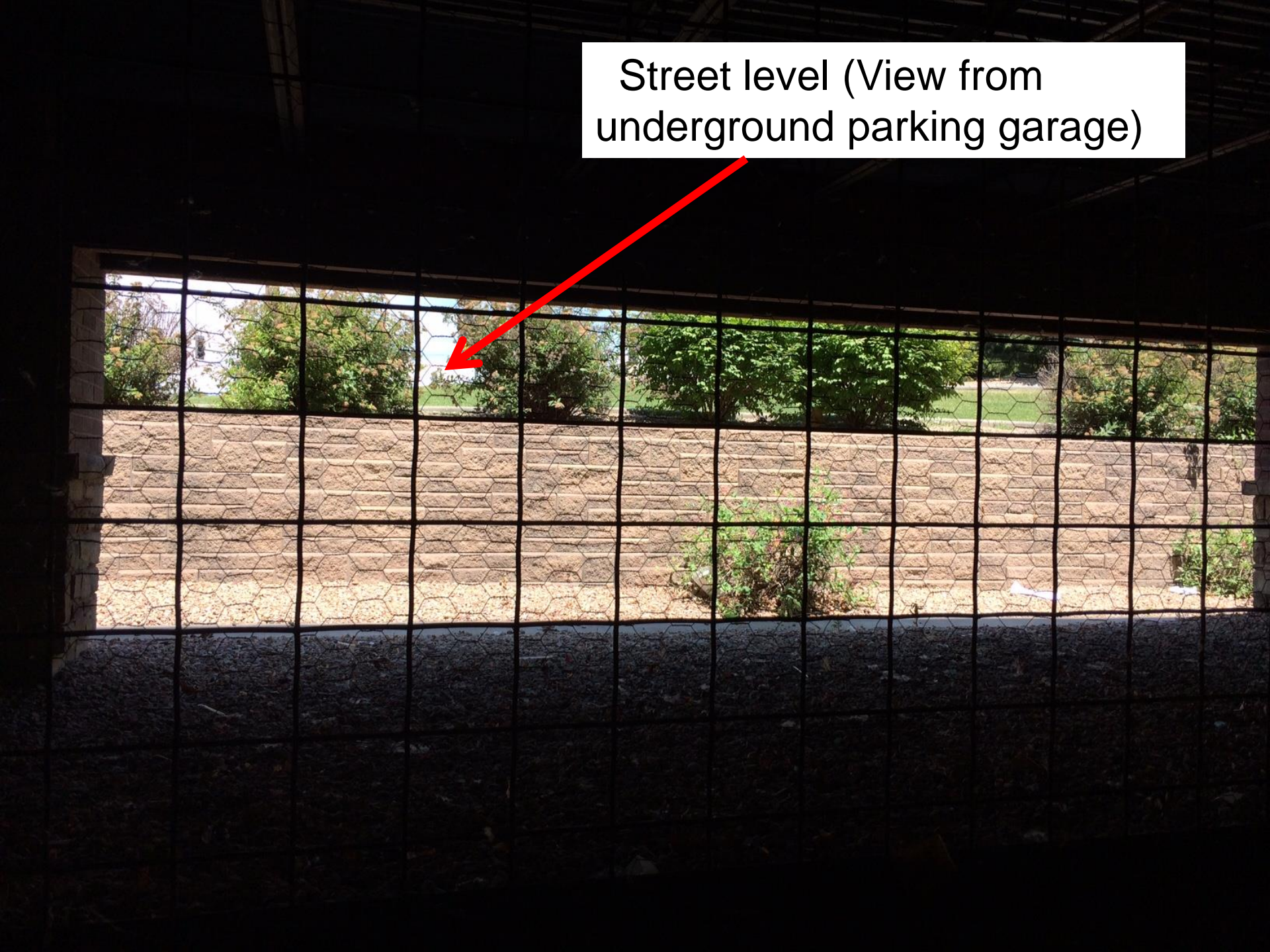








Street level (View from  
underground parking garage)









# Existing building heights in adjacent neighborhoods



© 2016 Pictometry



**ELEVATION 4591**

**The 60 Signatories of the  
Letter to Chronos Still have Objections**



ALL OF OUR OBJECTIONS ARE GROUNDED  
IN THE COMPREHENSIVE PLAN AND THE  
ZONING AND DEVELOPMENT CODE

## ZONING AND DEVELOPMENT CODE

### 21.05.040



**Minimum District Size.** A minimum of five acres is recommended for a planned development unless the Planning Commission recommends **and the City Council finds that a smaller site is appropriate** for the development or redevelopment as a PD. In approving a planned development smaller than five acres, the Planning Commission and **City Council shall find** that the proposed development:

- (1) Is adequately buffered from adjacent residential property;
- (2) Mitigates adverse impacts on adjacent properties; and
- (3) Is consistent with the goals and policies of the Comprehensive Plan.

## REMEMBER WHAT THE APPLICANT WANTS

Let's keep our eye on a simple fact

- The applicant wants an exception granted
- The default guidance is to not grant PD for a parcel less than 5 acres
- The applicant wants to be an exception to this rule
- Therefore it is not the neighbors who are requesting something out of the ordinary, the applicant is
- We believe that, with all due respect and notwithstanding the opinion of the Senior Planner, common sense and scrutiny show that the criteria for such an exception have not been satisfactorily met

1

IS ADEQUATELY BUFFERED



THIS SLIDE WAS BEFORE THE APPLICANT'S  
CHANGES

3 times the density

...in the space of one existing  
home



# AFTER CHANGES

We believe this increase  
of 250% in “over the back fence”  
density is “significant”

2.5 times the density

...in the space of one existing  
home



## WHAT ABOUT THOSE DUPLEXES??

- During the PC meeting the applicant drew attention to the presence of duplexes in Westwood Ranch and made the point that the density was similar



## WHAT ABOUT THOSE DUPLEXES??

- The density of the duplexes in Westwood Ranch is not as dense as what is proposed by the applicant, 2:1 vs 2.5:1 based on lot size compared to detached homes
- But there are other crucial distinctions:
  - There is more space between the duplexes and other structures, both front and back
- They are single story
  - There is no feeling of a dwelling looming over prior homes here





## SETBACKS AND HEIGHTS

- The project coordinator has told us several time at these meetings that the applicant has gone “above and beyond” the Development Standards
- But that is only true if an exception is granted and the zoning is made to be PD with a default of R8
- Otherwise, if we treat this as default R5, which anyone can see is more in keeping with the surrounding neighborhoods, the applicant has not met the standards (see appendix for specific comparisons)

# THE ACCESS ROAD

The design of the access road speaks volumes about just how tight this project is in this space

- The access road for this development is envisioned to travel 6 inches from the back yards of the Diamond Ridge neighborhood – not 6 feet, 6 inches
- Issues this raises
  - Flooding in a major storm event into DR back yards
  - Noise from passing cars
  - Biggest Issue: Safety from such a close passage of vehicles without even a curb
    - Example: Just within the last year in Diamond Ridge we've had a car go through a fence
    - Several years ago I had a car almost enter my daughter's bedroom when the driver lost control
    - These are not paranoid non-concerns

## PERSPECTIVE ON A 22' WIDTH ROAD

- The access road proposed in the plan proposed at 22.5 feet not counting the drive over curb
- Here's the alley behind the house I used to live in on Gunnison, 21' fence to fence
- Imagine a car parked and two cars passing
- Typical road lane width is 9-11 feet, typical parking lane width is 7-9 feet\* - We don't see how the math works here
- Presumably by having the cars park on the sidewalk
- If so, that would represent an ADA violation



\*National Association of City Transportation Officials

2

## MITIGATES ADVERSE IMPACTS

Let's talk about groundwater  
(again)



## THE BASIS FOR THE FOLLOWING SLIDES

- Points about “assumptions” on the following slides are based on several conversations and a site walk through by Bruce Smith of Western Water and Land
  - MS, Hydrology, University of Arizona, 1988
  - BS, Geology, Colorado State University, 1980
  - Mr. Smith has extensive experience interfacing and negotiating with state and federal regulatory agencies including the U.S. EPA, U.S. BLM, U.S. Army Corps of Engineers, and Colorado Department of Public Health and Environment.
  - He is available for consulting on this or any other project

## A LAST MINUTE ACKNOWLEDGEMENT

## WE ALL KNOW OF THE GROUNDWATER PROBLEM, BUT DO WE KNOW ENOUGH ABOUT THE GROUNDWATER PROBLEM?

In Our Opinion Hasty Assumptions have Been Made to Rush this Project Along

- Assumption: A Civil Engineer is best qualified to predict the hydrogeological impact of this development
  - With respect to Mr. Jones and Mr. Atkinson, movement of groundwater is a geological phenomenon, and this seems to be a difficult situation that calls for more specialization
  - That's what keeps experts like Bruce Smith gainfully employed
- Assumption: We know the source of the groundwater
  - Simply because there is a canal nearby doesn't mean that is the sole, or the primary source
  - In fact, Westwood Ranch needs to run their pump YEAR ROUND to remove water
  - If the outlet pipe ices over, residents need to break up the ice; this simple fact indicates this assumption about the canal is premature

## ASSUMPTIONS, CONTINUED

- Assumption: Four test pits in a straight line are sufficient to understand groundwater flow direction and gradient
  - Four straight line test pits are not sufficient. Best practice is to sink wells in a triangulated pattern to determine flow direction and gradient.
- Assumption: The flow of water is predictable
  - This would only be known if the wells had been monitored for several seasons, even several years<sup>1</sup>



## ASSUMPTIONS, CONTINUED

- Assumption: Monitoring for one month in June represents a “worst case scenario”
  - Even if the problem is the canal, June is not a worst case scenario. Worst case would be better examined late in the irrigation season after a full season of canal flow and residential watering
  - Again, if the source of the groundwater is not the canal, this is a crucial mistake, since this has been a very dry year
  - Mr. Atkinson said during the PC meeting: “Surface water run-off and storms in GJ – at least these last couple years – have been pretty few and far in between”
  - That comment is a bit disappointing. It’s as if the planning process was based on the experience of the last couple of years. Some of us remember things like the 25 Road flooding that occurred in August of 1997

## ASSUMPTIONS, CONTINUED

- Assumption: Development above ground on slabs will not affect groundwater
  - Ironically, impervious surfaces can actually reduce evaporation and cause an increase in gw levels<sup>2</sup>
  - Any disturbance of the surface, including trenching, grading for roadbeds, etc. can affect the occurrence and possible movement of groundwater beneath the surface<sup>3</sup>
- Assumption: Mitigation efforts are appropriate
  - On their face, mitigation efforts proposed by Vortex appear sound, however
  - Not enough study has been done to truly assess this from a hydrogeological perspective
  - There are conditions where these mitigation efforts could actually cause gw levels to rise<sup>4</sup>
  - Plus there seems to be no mention of how this will be monitored over time and what will be done if the efforts don't work<sup>4</sup>

## ASSUMPTIONS, CONTINUED

- Assumption: If we just get the zoning approved at PD with default of R8 we can figure out the rest later
  - Perhaps further study would indicate a different zoning is required because of the problem
  - What if is not advisable from a geological perspective to grant any sort of infill development here
  - I know this is not what Mr. Davis would want to hear, but on the other hand he will not live with the consequences of this evening's decision
  - Once the exception is granted we do not have confidence the decision will be revisited

3

CONSISTENT WITH THE GOALS  
...OF THE COMPREHENSIVE PLAN



## GOAL 7

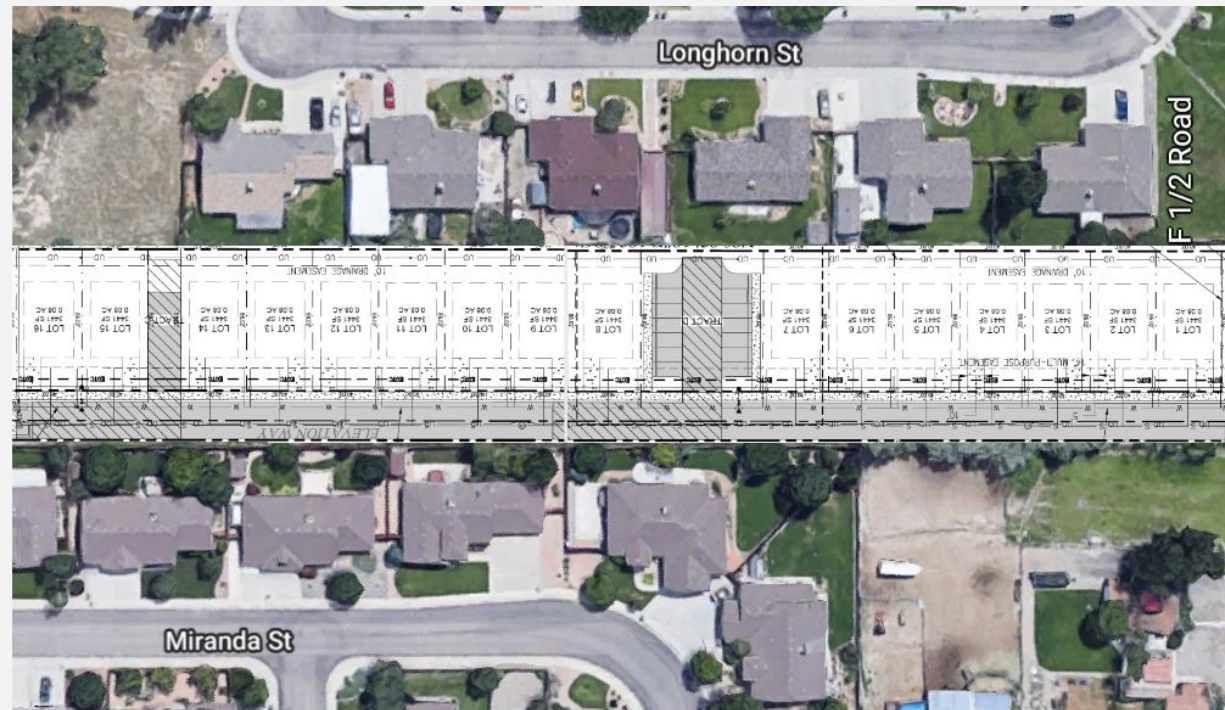
“When **significantly different densities** or uses are proposed near each other, they are shown to transition from high to low intensity by incorporating appropriate buffering”

“In making land use and development **decisions**, the City and County will **balance** the needs of the community.”

From Comprehensive Plan page 65

“it is **important** to avoid abrupt differences in densities”

TO CLAIM THIS DENSITY IS IN KEEPING  
WITH THE AREA SIMPLY DEFIES COMMON  
SENSE



It is not only overly simplistic, but it also is not balancing the needs of the community to take 18 units and divide it by 3.23 acres and call it “good”

## NO REQUIREMENT FOR BUFFERING?

- Yes, there is no requirement for specified buffering in the Standards between R5 and R8 zones, that's the Dev Standards
- There is a call for buffering between significantly different densities, however, **in the Comprehensive Plan**
- Since a PD is whatever you say it is, we would ask you to let the statements in the Comprehensive Plan govern this decision

WE ASK NOW FOR WHAT WE  
ASKED FOR THEN



## OUR REQUESTS

- Groundwater in this area needs to be studied over time by a qualified hydrogeologist and the cost of such a study should be borne by the applicant
- If mitigation is appropriate and development can proceed, we urge the Council to respect the precedent set by the City Council in 2008: PD with a default of R5 not R8, and a limitation to single story structures

THESE **NEIGHBORHOODS** DESERVE THE PROTECTION OF  
THEIR CHARACTER THAT THE **COMPREHENSIVE PLAN**  
**ENVISIONS**



[The comprehensive plan] charts the course to help us become the most livable community. It establishes a vision that focuses the community on what it should do to...

**...sustain the quality of life that all residents desire and expect.**

**THANK YOU FOR YOUR  
RESPECTFUL CONSIDERATION**

We are counting on you for a wise decision

# APPENDIX



# NOTES

1. Comment from Bruce Smith, MS, BS: “Correct monitoring would involve multiple piezometers over a large area and over a minimum period of one complete year. This will hopefully allow for an understanding of groundwater sources, the annual fluctuation in groundwater levels, flow gradient and direction. This information may help aid in the best design for groundwater level control or dewatering.
2. Comment from Bruce Smith: “Note that covering the land with impervious surfaces (pavement, homes, etc.) causes a loss in evapotranspiration, i.e. shallow groundwater will not be lost by evaporative processes through the soil. This can actually cause gw levels to rise locally. But, aerial recharge to the aquifer is reduced, which could decrease gw levels. Then you have residential irrigation, which could counter this and add yet more gw to the underlying formations. Question is will the xeriscaped yards add more or less water to the gw table.
3. Comment from Bruce Smith: “Look at the Lincoln-Devore report. Residential surface development tends to result in a rise of the saturated zone relative to the ground surface. This is related to impervious surfaces, and residential irrigation (xeriscape will help in this matter)”
4. Comment from Bruce Smith: “The true groundwater flow direction is not known as the soil pits were excavated in a linear manner. Concerns include: 1) While the Vortex design appears sound from an engineering perspective, is it positioned to be the most effective? 2) How will the designed French drain perform over time? If the upgradient filter fabric plugs overtime, could the drain become a barrier to groundwater flow and actually cause groundwater levels to rise? 3) What monitoring will be done to examine this? 4) What would be done to correct this problem if it occurred?

## R8

Primary Uses			
Detached Single-Family, Two-Family Dwelling, Multifamily, Civic			
See GJMC <a href="#">21.04.010</a> , Use Table			
Lot			
Area – Detached Single-Family (min. sq. ft.)		3,000	
Area – Two-Family, Attached (min. sq. ft.)		6,000	
Area – Multifamily (min. sq. ft.)		20,000	
Area – Civic (min. sq. ft.)		20,000	
Width (min. ft.)		40	
Width – Two-Family (min. ft.)		60	
Frontage (min. ft.)		20	
Setback	Principal		Accessory
Front (min. ft.)	20		25
Side (min. ft.)	5		3
Rear (min. ft.)	10		5
Bulk			
Lot Coverage (max.)		70%	
Height (max. ft.)		40	
Height (max. stories)		3	
Density (min.)		5.5 units/acre	
Density (max.)		8 units/acre	
Cluster Allowed		No	

Minimum for this parcel under R8: 17.75 Units

## R5

From: 21.03.040

Primary Uses			
Detached Single-Family, Two-Family Dwelling, Multifamily, Civic			
See GJMC <a href="#">21.04.010</a> , Use Table			
Lot			
Area – Detached Single-Family (min. sq. ft.)		4,000	
Area – Two-Family, Attached (min. sq. ft.)		6,000	
Area – Multifamily (min. sq. ft.)		20,000	
Area – Civic (min. sq. ft.)		20,000	
Width (min. ft.)		40	
Width – Two-Family (min. ft.)		60	
Frontage (min. ft.)		20	
Setback	Principal		Accessory
Front (min. ft.)	20		25
Side (min. ft.)	5		3
Rear (min. ft.)	25		5
Bulk			
Lot Coverage (max.)		60%	
Height (max. ft.)		40	
Height (max. stories)		3	
Density (min.)		3 units/acre	
Density (max.)		5 units/acre	
Cluster Allowed		Yes	

Minimum for this parcel under R5: 9.69

# Persons Opposed to Elevation 4591:

1	Carol Mc Manus	663-B Rosado St.
2	Debra Roberts	667 Gemstone Ct
3	Barbara Kidder	655 Longhorn St.
4	Nancy Maier	655 Longhorn St.
5	Sue Brueggeman	2541A Shetland Ct
6	Micki Hall	2538 Shetland Ct. # B
7	CHARLES BASALL	2536-BRENNA WAY
8	Ron Stoneburner	653 Longhorn St
9	Kathy + Don Maier	656 Miranda
10	Ray + Marilyn Campbell	664 MIRANDA ST.
11	Patty Biechler	662 Miranda St.
12	Dick Beidelhuber	662 Miranda St.
13	Gordon Koch	660 MIRANDA ST
14	GARY LOVATO	657 longhorn St.
15	Jackie Bigum	2521 Onyx Dr.
16	ROSS BAREFOOT	2519 " "
17	Joan KERR	651 LONGHORN ST.
18	JOHN WENDLER	651 LONGHORN ST.
19	John Mangold	654 B Longhorn St
20	Nadine Stoneburner	653 Longhorn St
21	Dan Sherr	2538 BRENNA WAY
22	Kathy S. Langford	673 Gemstone Ct # A
23	Sue + Randy Lane	661 Longhorn St.
24	Mariah + Sheila Polhamus	2528 Brenna Way
25	Erin Webb	663A Miranda Street
26		
27		
28		
29		
30		
31		
32		
33		
34		
35		