

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4826

**AN ORDINANCE ZONING THE FROG POND ANNEXATION TO PLANNED DEVELOPMENT (PD)  
WITH R-5 (RESIDENTIAL, 5 DU/AC) AND CSR (COMMUNITY SERVICES AND RECREATION)  
DEFAULT ZONE DISTRICTS**

**LOCATED AT 2501 MONUMENT ROAD**

Recitals

The Applicant, Frog Pond LLC, is requesting a zone of annexation to Planned Development (PD) with R-5 (Residential, 5 du/ac) and CSR (Community Services and Recreation) default zone districts, as well as the approval of an Outline Development Plan (ODP) for the Frog Pond development. The approximately 3.5 acre parcel is bisected by Monument Road, with 2.5 acres on the east side and 1 acre on the west side. The proposed plan includes mixed use development of the east parcel, including residential and limited commercial, and preservation of the west parcel as open space along No Thoroughfare Wash. The Outline Development Plan establishes specific performance standards that the development will be required to meet and conform with, as authorized by Section 21.02.150 (b) of the Zoning and Development Code. The project is located at 2501 Monument Road.

The City Council finds, after a public hearing and review of the proposed Zone of Annexation to Planned Development (PD) and Outline Development Plan (ODP), determined that it satisfies the applicable criteria of the Code and is 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. *Other recreational amenities.* As stated in the Applicant's General Project Report, the property owner has worked diligently with the City on the Monument Road trail. The City has obtained additional right-of-way along the frontage of this property for the trail. In addition, the property owner worked cooperatively with the City to re-establish a drainage that was key to obtaining right-of-way on adjoining properties. The applicant could have waited to provide the ROW and easements needed for the trail concurrent with the development application, but was willing to work with the City prior to application to meet the City's deadlines to apply for grant funding. The Monument Road trail, scheduled for construction in 2019, will traverse the frontage of the east parcel, providing a connection from downtown to the Lunch Loops trailhead.

2. *Protection and/or preservation of natural resources, habitat areas and natural features; and/or Public Art.* The proposal preserves the No Thoroughfare Wash drainage as a natural area. The Wash provides for drainage and flash flood waters coming off the Colorado National Monument. The area is heavily vegetated and provides habitat for a variety of species.

**The City Council finds that a PD zone district with default zones of R-5 and CSR 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 the provision of the following amenities:**

*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 worked cooperatively with the City prior to project submittal on establishing the alignment and providing the right-of-way for the Monument Road trail.

*2. Open space, agricultural land reservation or land dedication of 20% or greater;*

The approximately one-acre piece of property on the west side of Monument Road contains the No Thoroughfare Wash drainage. The Applicant is proposing to dedicate that as open space, providing a natural area for the conveyance of the runoff coming through the wash from the cliffs and canyons of the Colorado National Monument. The proposed open space is approximately 31% of the total acreage.

3. *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 project is a mixed use development that includes residential and limited commercial use to serve the area and trail users, while preserving the natural area on the west side of Monument Road.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, the Planning Commission reviewed the request for the proposed Zone of Annexation to Planned Development (PD) and Outline Development Plan (ODP) and determined that it satisfies the applicable criteria of the Zoning and Development Code, is consistent with the purposes, intent, goals and policies of the Comprehensive Plan, and is generally compatible with land uses located in the surrounding area, and recommended approval.

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 FROG POND IS APPROVED WITH THE FOLLOWING STANDARDS AND DEFAULT ZONES:

A. This Ordinance applies to the following described property:

East Parcel

A parcel of land situated in the northeast quarter of the northeast quarter of Section 21 and in the northwest quarter of the northwest quarter of Section 22, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado lying east of Monument Road and being more particularly described as follows:

Beginning at Mesa County Survey Marker 812 for the north sixteenth corner common to said Sections 21 and 22 whence a #6 rebar with 2 ½" aluminum cap stamped "A.E.S. T1S R1W S16 S15 S21 S22 2002 PLS 24320" for the north corner common to said Sections 21 and 22 bears North 00°07'00" East with all bearings herein relative thereto;

Thence along the south line of the northeast quarter of the northeast quarter of said Section 21 South 89°29'00" West a distance of 58.13 feet to the easterly right of way line of Monument Road as recorded at Reception Number 989557 of the Mesa County records at a point of cusp on a curve concave to the northwest with a radius of 1462.39 feet;

Thence along said right of way 86.42 feet along said curve having a central angle of 3°23'09" and a chord bearing North 35°00'35" East, a distance of 86.41 feet;

Thence continuing along said right of way North 33°19'00" East, a distance of 286.84 feet;

Thence continuing along said right of way 179.96 feet along the arc of a curve to the left, having a radius of 1939.86 feet, a central angle of 5°18'55" and a chord bearing North 30°39'33" East, a distance of 179.89 feet to the south line of Little Rock Minor Subdivision as recorded at Reception Number 1819881 of the Mesa County Records;

Thence along said south line North 89°29'00" East, a distance of 124.76 feet to the westerly right of way of South Redlands Road as recorded at Reception Number 1001479 of the Mesa County records;

Thence along said westerly right of way South 9°58'12" East, a distance of 104.46 feet;

Thence continuing along said right of way South 20°18'48" West, a distance of 384.60 feet to the south line of the northwest quarter of the northwest quarter of said Section 22;

Thence along said line South 89°29'00" West, a distance of 308.12 feet to the Point of Beginning.

Containing 2.47 acres, more or less.

#### West Parcel

A parcel of land situated in the northeast quarter of the northeast quarter of Section 21 and in the northwest quarter of the northwest quarter of Section 22, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado lying west of Monument Road and being more particularly described as follows:

Commencing at Mesa County Survey Marker 812 for the north sixteenth corner common to said Sections 21 and 22 whence a #6 rebar with 2 ½" aluminum cap stamped "A.E.S. T1S R1W S16 S15 S21 S22 2002 PLS 24320" for the north corner common to said Sections 21 and 22 bears North 00°07'00" East with all bearings herein relative thereto;

Thence along the south line of the northeast quarter of the northeast quarter of said Section 21 South 89°29'00" West a distance of 160.33 feet to the westerly right of way line of Monument Road as recorded in Book 947 at Page 524 or the Mesa County records;

Thence continuing along the south line of the northeast quarter of the northeast quarter of said Section 21 South 89°29'00" West a distance of 141.53 feet to the easterly right of way of Glade Park Highway as recorded on that plat of Mesa Vista subdivision recorded at Reception Number 258205 of the Mesa County records;

Thence along said right of way North 42°26'00" East, a distance of 220.31 feet to the southwesterly corner of Lot 20 of said Mesa Vista subdivision;

Thence along the southeasterly line of said Lot 20 North 49°25'00" East, a distance of 202.50 feet to the southeast corner of said Lot 20;

Thence along the east line of said Lot 20 North 00°07'00" East, a distance of 165.40 feet to the northeast corner of said Lot 20;

Thence North 89°29'00" East, a distance of 145.04 feet to the westerly right of way line of Monument Road as recorded at Reception Number 989557 of the Mesa County records at a point of cusp on a curve concave to the northwest with a radius of 1859.86 feet;

Thence along said right of way 121.11 feet along the arc of said curve, having a central angle of 3°43'52" and a chord bearing South 31°27'04" West, a distance of 121.09 feet;

Thence continuing along said right of way South 33°19'00" West, a distance of 286.84 feet;

Thence continuing along said right of way 143.53 feet along the arc of a curve to the right, having a radius of 1382.39 feet, a central angle of 5°56'56", and a chord bearing South 36°17'28" West, a distance of 143.46 feet to the Point of Beginning.

Containing 0.99 acres, more or less.

#### **Establishment of Uses:**

The proposed ODP preserves the No Thoroughfare Wash drainage, located on the west side of Monument Road, as open space. The proposed uses on the remainder of the property on the east side of Monument Road include residential uses as allowed in the R-5 zoning, including Single Family attached and detached, Duplex/Two Family, Multifamily, Civic and Home Occupation, as well up to 10% of the land area for limited commercial use, including business residence, office, restaurant/coffee shop (with no drive-through), food truck, daycare, bike shop/rentals, fitness studio and tour services. Uses specifically prohibited include drive-through business, gas station, liquor store, automotive repair/service.

**Density/Intensity:**

The plan proposes a range of 14-21 residential units. The Applicant is requesting a default zone of R-5, which has a minimum density of 3 units per acre and maximum density of 5 units per acre. Further, section 21.03.040(f)(2)(ii) of the Zoning and Development Code allows for the inclusion of adjacent right-of-way for purposes of calculating density on parcels smaller than five acres. Therefore, the proposal for 14-21 residential units results in a density range of 4 du/ac to 4.7 du/ac, which is within the range of the default zone requirements.

Section 21.05.040(d) of the Code specifies that mixed use developments in areas designated for residential development in the Comprehensive Plan may have up to 10 percent of the land area dedicated to nonresidential uses. The applicant is proposing that a maximum of 14,670 s.f. (10% of the total land area) be allocated for limited commercial use, to include building footprint and parking, and a maximum floor area of building to not exceed 8,000 s.f. Proposed allowed uses include office, restaurant/coffee shop (no drive thru), food truck, daycare, bike shop/bike rentals, fitness studio, tour services.

**Access:**

The location of the current driveway access from Monument Road to serve the existing duplex units will also serve future development. Improvements to the access and the need for a turn lane on Monument Road will be determined at the time of Preliminary/Final Plan development. Additional right-of-way along Monument Road has already been obtained to accommodate the future road section, as well as the Monument Road Trail that will be constructed by the City in 2019.

**Open Space and Pedestrian Amenities:**

The approximately one-acre piece of property on the west side of Monument Road contains the No Thoroughfare Wash drainage. The Applicant is proposing to dedicate that as open space, providing a natural area for the conveyance of the runoff coming through the wash from the cliffs and canyons of the Colorado National Monument.

The Applicant has conveyed additional right-of-way adjacent to the property east of Monument Road to accommodate the Monument Road Trail that will connect downtown Grand Junction to the Lunch Loops/Tabaguache trailhead along Monument Road.

**Phasing:**

The Applicant is proposing to develop the project in a single phase with the ODP being valid for a period of 5 years from the approval date of this ordinance.

**Default Zones:**

The Default Zones shall be CSR (Community Services and Recreation) for the West parcel and R-5 (Residential, 5 du/ac) for the East parcel.

The Applicant is proposing to utilize the dimensional standards of the R-5 (Residential – 5 du/ac) zone district with cluster provisions. Section 21.03.060 of the Code allows for the reduction of the minimum

lot size in an R-5 zone district to 3,000 sq. ft. with a minimum dedication of 20% open space, allowing for the use of the R-8 district bulk standards. Proposed deviations are shown in the following table:

Dimensional Standard	R-5	Cluster	Proposed ODP
Frontyard setback (Principal/Accessory):	20'/25'.	20'/25'	5' *
Sidyard setback (Principal/Accessory):	5'/3'.	5'/3'	5'
Rearyard setback (Principal/Accessory):	25'/5'	10'/5'	5'
Maximum building height:	40'.	40'	40'
Maximum Lot Coverage:	60%.	70%	N/A
Minimum Lot Area:	4,000 sq. ft.	3,000 sq.ft.	N/A
Minimum Lot Width:	40'	40'	N/A

\*10' setback along Monument Road (parking and outdoor seating areas will be allowed to extend into the setback, but not more than 5')

The standards for the limited commercial use of the site are as follows:

1. Hours of operation from 6 a.m. to 10:30 p.m.
2. Sign standards of the R-O zone district
3. Maximum acreage of limited commercial area use of 14,670.16 s.f. (10% of total land area) to include building footprint and parking
4. Maximum floor area of limited commercial building not to exceed 8,000 s.f.

### Landscaping & Fencing:

Landscaping will meet or exceed the requirements of the Code. Section 21.06.040(d) requires 14' wide street frontage landscape adjacent to the public right-of-way, except where detached walks are provided it can be 5'. The proposed Monument Road trails will be detached along this section.

### Signage:

Signage for the limited commercial uses shall conform to the standards of the R-O (Residential-Office) zone district.

**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 (CSR for the West parcel and R-5 for the East parcel), without the requirement of any further action such as rezoning, by the City.**

Introduced for first reading on this 7<sup>th</sup> day of November, 2018 and ordered published in pamphlet form.

PASSED and ADOPTED this 5<sup>th</sup> day of December, 2018 and ordered published in pamphlet form.

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

ATTEST:

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



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4826 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 7<sup>th</sup> day of November, 2018 and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 5<sup>th</sup> day of December, 2018, at which Ordinance No. 4826 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 12<sup>th</sup> day of December, 2018.

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

Published: November 09, 2018  
Published: December 07, 2018  
Effective: January 06, 2019