RECEPTION#: 2859566 10/29/2018 1:52:59 PM, 1 of 11 Recording: \$63.00, Sheila Reiner, Mesa County, CO. CLERK AND RECORDER

# CITY OF GRAND JUNCTION, COLORADO

#### **ORDINANCE NO. 4822**

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) <u>Greater quality and quantity of public and/or private open space.</u> 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

- 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;
- an appropriate range for density for the entire property or for each pod/area to be developed;
- 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:

- 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 Tauras 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 NE1/4 of said Section 31, whence the Northwest corner of the NE<sub>1/4</sub> NE<sub>1/4</sub> 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<sub>1/4</sub> NE<sub>1/4</sub> 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 nontangent 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<sub>1/4</sub> NE<sub>1/4</sub> said Section 31; thence North 00°05'00" East, a distance of 21.94 feet, along the West line of said SE<sub>1/4</sub> NE<sub>1/4</sub> Section 31 to the calculated position of the Southeast corner of the NE<sub>1/4</sub> NE<sub>1/4</sub> ; thence North 00°05'15" East, a distance of 1342.91 feet, along the West line of said NE<sub>1/4</sub> NE<sub>1/4</sub> 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 ¾ 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):

- o Filing One (+/- 74 Lots): 2019
- o Filing Two (+/1 69 Lots): 2021
- o Filing Three (+/- 75 Lots): 2023

- 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.

#### **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 LO AREA (SQ. FT)	T SIZE 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

<sup>(1)</sup> PRINCIPAL / ACCESSORY BUILDING

- (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.

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.

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

<sup>\*</sup>ADEQUATE ACCESS WILL BE PROVIDED

## 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 that 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 17<sup>th</sup> day of October, 2018 and ordered published in pamphlet form.

resident of City Counci

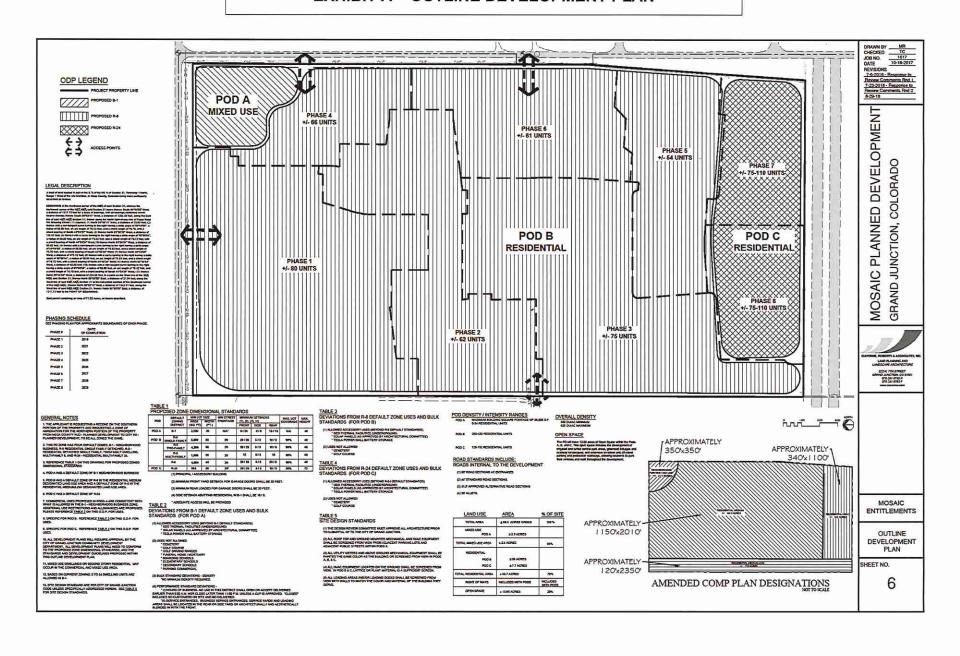
ATTEST:

City Clerk

inhelmonn



## **EXHIBIT A – OUTLINE DEVELOPMENT PLAN**



I HEREBY CERTIFY THAT the foregoing Ordinance,

being Ordinance No. 4822 was introduced by the City Council of the

City of Grand Junction, Colorado at a regular meeting of said body

held on the 3<sup>rd</sup> day of October, 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

17th day of October, 2018, at which Ordinance No. 4822 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 22 day of October, 2018.

Published: October 05, 2018

Published: October 19, 2018

Effective: November 18, 2018