



## Grand Junction Planning Commission

### Regular Session

Item #1.

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**Meeting Date:** August 11, 2020

**Presented By:** Scott D. Peterson, Senior Planner

**Department:** Community Development

**Submitted By:** Scott D. Peterson, Senior Planner

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### **Information**

#### **SUBJECT:**

Consider a request by Mallard View LLC, for a Comprehensive Plan Amendment from Residential High Mixed Use (16 – 24 du/ac) to Residential Medium (4 – 8 du/ac) and Village Center and a rezone from R-E (Residential – Estate) to R-8 (Residential – 8 du/ac) and C-1 (Light Commercial) on a total of 17.84-acres, located at 785 24 Road.

#### **RECOMMENDATION:**

Staff recommends approval of the requests.

#### **EXECUTIVE SUMMARY:**

The Applicant, Mallard View LLC, is requesting a Comprehensive Plan Amendment from Residential High Mixed Use (16 – 24 du/ac) to Residential Medium (4 – 8 du/ac) and Village Center and a rezone from R-E (Residential – Estate) to R-8 (Residential – 8 du/ac – 14.90-acres) and C-1 (Light Commercial – 3.16-acres), in anticipation of future development. The requested R-8 and C-1 zone districts would be consistent with the Comprehensive Plan Future Land Use Map designations of Residential Medium (4 – 8 du/ac) and Village Center, if approved.

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

The subject property is situated west of 24 Road, north of I-70 and south of H Road. Fellowship Church is located further to the south. The property currently contains a single-family detached home along with various accessory structures and is 17.84-acres in size.

The Applicant previously requested a Comprehensive Plan Amendment from

Residential High Mixed Use (16 – 24 du/ac) and Residential Medium (4 – 8 du/ac) to Village Center and a rezone from R-E (Residential – Estate) to C-1 (Light Commercial) for the entire 17.84-acres, however that request was denied by the Planning Commission at their May 12, 2020 meeting (City file #'s RZN-2020-100 & CPA-2020-101). The Applicant chose to withdraw their request prior to being heard by City Council. The Applicant is now requesting to rezone 3.16-acres as C-1 for the area adjacent to 24 Road with the remaining 14.90-acres requested to be rezoned as R-8, which is more in keeping with the residential densities as envisioned with the existing Comprehensive Plan Future Land Use Map designations of Residential High Mixed Use (16 – 24 du/ac), Residential Medium (4 – 8 du/ac) and Village Center.

**Comprehensive Plan Future Land Use Map Amendment:**

Presently, the property contains three (3) Comprehensive Plan Future Land Use designations including Residential High Mixed Use (16 – 24 du/ac) (approx. 12 acres), Residential Medium (4 – 8 du/ac) (approx. 3.5 acres) and Village Center (approx. 2 acres) and is zoned R-E (Residential Estate). The Applicant is requesting to change the Future Land Use Map to only have two (2) designations on the property, Residential Medium (4 – 8 du/ac) for 14.90-acres of the site and Village Center for the remaining 3.16-acres. In conjunction with the Comprehensive Plan Amendments, the Applicant is also requesting a corresponding rezone of the property to R-8 (Residential – 8 du/ac) for the property requested to become designated Residential Medium and C-1 (Light Commercial) for the property requested to become Village Center.

A small portion of the Applicant's property is designated as Village Center on the Comprehensive Plan Future Land Use Map (approx. 2 acres) in the northeast corner of the property closest to intersection of 24 Road and H Road. The Applicant proposes to modify the Comprehensive Plan by designating the Village Center along the property's 24 Road frontage in a width of 228 feet, for a total of approximately 3.16 acres. This area would correspond to the request to zone the Village Center designated property to C-1. Currently all property flanking H Road between 24 Road and 23 7/10 is designated Village Center as well as all property on the east side of 24 Road between Interstate 70 and H Road. The property located directly across the road on the east side of 24 Road is presently zoned C-1 and contains a distillery and lavender farm.

**Rezone Request:**

The Applicant is interested in preparing the property for future development that would be consistent with the scope and type of development envisioned by the Comprehensive Plan with a Residential Medium (4 – 8 du/ac) density and Village Center as currently identified on portions of the property. The Applicant seeks the C-1 zone district for only 3.16-acres of the site; the frontage along 24 Road. Allowable land uses within the C-1 zone district could include medical clinics, hotels, office buildings and a variety of retail sales and services. Multi-Family residential development is also allowed within the proposed C-1 district with a density range of 12 – 24 dwelling units

an acre. The Applicant also seeks the R-8 zone district for the remainder of the property, 14.90-acres, in anticipation of future residential subdivision development with a density range between 5.5 – 8 dwelling units an acre.

The purpose of the R-8 (Residential – 8 du/ac) zone district is to provide for medium-high density attached and detached dwellings, two-family dwelling and multi-family. R-8 is a transitional district between lower density single-family districts and higher density multi-family or business development. A mix of dwelling types is allowed in this district.

In addition to the R-8 (Residential – 8 du/ac) and C-1 (Light Commercial) zoning requested by the petitioner, the following zone districts would also be consistent with the Comprehensive Plan designations of Residential Medium (4 – 8 du/ac) and Village Center for the subject property.

#### Residential Medium (4 – 8 du/ac)

R-4 (Residential – 4 du/ac)

R-5 (Residential – 5 du/ac)

#### Village Center

R-8 (Residential – 8 du/ac)

R-12 (Residential – 12 du/ac)

R-16 (Residential – 16 du/ac)

R-24 (Residential – 24 du/ac)

R-O (Residential Office)

B-1 (Neighborhood Business)

M-U (Mixed Use)

Should the Residential High Mixed Use (16 – 24 du/ac) designation be preserved (or for a means of comparison) the following zone districts work to implement this designation:

R-16 (Residential – 16 du/ac)

R-24 (Residential – 24 du/ac)

R-O (Residential Office)

B-1 (Neighborhood Business)

In reviewing the other zoning district options for the proposed Residential Medium (4 – 8 du/ac) category, all applicable zoning districts allow single-family detached and two-family development with the R-5 zone district allowing for additional multi-family development. For the Village Center designations, all zoning districts allow multi-family

residential as an allowed land use. The remaining commercial zones of R-O, B-1, and M-U would allow some type of general office and/or retail land use. The requested zone district of C-1 for 3.16-acres of the site provides for allowable uses, such as medical clinics, hotels, office buildings and a variety of retail sales and services.

The purpose of the C-1 (Light Commercial) zone district is to provide indoor retail, service and office uses requiring direct or indirect arterial street access, and business and commercial development along arterials. The C-1 district should accommodate well-designed development on sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for orderly transitions and buffers between uses. 24 Road is currently classified as a Minor Arterial north of I-70.

Properties adjacent to the subject property to the east, across 24 Road are zoned C-1 (Light Commercial) and County RSF-R (Residential Single Family – Rural). Also, to the east, west and south is County RSF-R (Residential Single Family – Rural). Directly to the north is County residential Planned Unit Development (PUD) with a City B-1 (Neighborhood Business) to the northeast located at the intersection of 24 Road and H Road, which contains Beehive Homes, an assisted living facility. Further to the south is Fellowship Church that is zoned R-R (Residential - Rural).

## **NOTIFICATION REQUIREMENTS**

A Neighborhood Meeting regarding the proposed Rezone and Comprehensive Plan Amendment requests were held on February 4, 2020 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 twelve citizens. Main comments and concerns expressed by the attendees centered on what was going to be developed on the property and what the impacts of the proposed zoning would have on the existing residential properties in the area. Since the February 2020 Neighborhood Meeting, the Applicant has modified their plan amendment and rezone request.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with a new application sign on June 12, 2020. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on July 31, 2020. The notice of this public hearing was published August 4, 2020 in the Grand Junction Daily Sentinel.

## **ANALYSIS**

### **Comprehensive Plan Amendment**

The criteria for review are set forth in Section 21.02.130 (c) (1). The criteria provide that 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 at least one of the criteria outlined below;

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

The 2010 Comprehensive Plan includes a Future Land Use Map which identifies this property as having three designations; Village Center, Residential High Mixed Use (16 – 24 du/ac) and Residential Medium (4 – 8 du/ac). With this request, the Applicant is requesting to remove any area designated as Residential High Mixed Use and to designate the majority of the site as Residential Medium (4 – 8 du/ac), an area proposed as 14.90-acres. The remaining 3.16 acres would become classified as Village Center. Land use designations do not always follow property lines and it is not unusual for a single parcel of land to have more than one land use classification, especially larger acreage such as this. The intent of the Future Land Use Map designations would suggest that the property would develop with more of an emphasis on higher density residential with a smaller percentage remaining for commercial development.

Staff has been unable to identify any event subsequent to the existing designation that would invalidate the current three designations, and 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 condition of the surrounding area has changed within the area since the adoption of the 2010 Comprehensive Plan. This includes the area known as the Proietti Annexation (782 24 Road) which was zoned C-1 (Light Commercial) in 2014. In addition, the Taurus Park Plaza Annexation (789 23 Road) zoned PD (Planned Development – contemplates a mix of both residential and commercial land uses ranging in densities between 6 – 32 du/ac. The City reviewed and approved the South Twenty Annexation (2335 H Road) which was zoned R-4 (Residential – 4 du/ac) and R-8 (Residential – 8 du/ac) in 2019 and finally the Maverick Estates Annexation (2428 H Road) that was zoned R-1 (Residential – 1 du/ac) in 2019. Also, Beehive Homes Assisted Living facility located at 2395 H Road has recently expanded their facilities with the construction of a second building. These changes in existing conditions lend support to the request for the elimination of the Residential High Mixed Use (16 -24 du/ac) designation and realignment of the Village Center and Residential Medium designations in that a medium dense residential designation could be seen as more compatible with the new conditions and associated zone district designations.

The existing Residential High Mixed-Use (16 – 24 du/ac) land use category is not conducive to the area to have a density range this high as the properties located on the

west side of 24 Road remain single-family residential located on large lot/acreage and relatively rural in nature at this time. The recent annexations and zoning of properties from R-1 to R-8 in this area as provided are evidence of the increasing demand for single-family detached and attached residential markets rather than higher density attached single-family or multi-family as prescribed by the Residential High Mixed-Use category.

The requested Comprehensive Plan Amendments and Rezoning are consistent with the recent trend of annexation and developing properties in the Appleton Neighborhood area and therefore, Staff has found 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 and community facilities and services are available to the property and are sufficient to serve land uses associated with either the Residential Medium (4 – 8 du/ac) or the Village Center categories. Ute Water and City sanitary sewer are presently available within 24 Road. Property is also currently being served by Xcel Energy electric and natural gas. A short distance away to the south is Community Hospital located on G Road. Further to the south on 24 Road is the Mesa Mall area which includes restaurants, retail and service centers, banks and a grocery store, etc. Appleton Elementary School is located less than a mile from the property on H Road.

In general, staff has found public and community facilities are adequate to serve the type and scope of the Residential Medium (4 – 8 du/ac) and Village Center designations as proposed. As such, 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 property is currently comprised of three designations. The Applicant proposes eliminating the Residential High Mixed-Use designation and replacing it with mostly Residential Medium (4 – 8 du/ac) and a small portion of Village Center designations. Both the Residential Medium designation and the Village Center comprise large areas of largely undeveloped land in the proximate area (42-acres adjacent to the applicant's property) and thus, Staff finds that the criterion has not been met.

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

The property currently contains three Future Land Use categories, Village Center, Residential High Mixed Use (16 – 24 du/ac) and Residential Medium (4 – 8 du/ac). With this request, the Applicant is requesting future land use designations of

Residential Medium (4 – 8 du/ac), proposed as 14.90-acres and Village Center, proposed as 3.16-acres with proposed zoning designations of R-8 (Residential – 8 du/ac) and C-1 (Light Commercial) respectfully. The community and area can benefit from the proposed Comprehensive Plan Amendments as the applicant is requesting Future Land Use and Zoning designations in keeping with the current designations already identified on the property with the Village Center designation for only a small portion along the 24 Road Corridor, while keeping and modifying the Residential Medium (4 – 8 du/ac) category for the remaining portion of the property, which would allow the property to develop as a mixed use development of both light commercial and residential, thus meeting the general intent and proposed uses of the 2010 Comprehensive Plan Future Land Use Map for this area of the community. The proposed Future Land Use Map amendment would simplify the development of this property by eliminating one of the three Future Land Use categories identified on this property while still providing development opportunities for both residential and commercial, in keeping with the existing Future Land Use map.

The existing Residential High Mixed-Use (16 – 24 du/ac) land use category is not conducive to the area to have a density range this high as the properties located on the west side of 24 Road remain single-family residential located on large lot/acreage and relatively rural in nature at this time. The recent annexations and zoning of properties from R-1 to R-8 in this area are evidence of the increasing demand for single-family detached and attached residential markets rather than multi-family as prescribed by the Residential High Mixed-Use category. Therefore, Staff finds that the community or area will derive benefits from the proposed amendment.

Further, the proposed Future Land Use Map Amendment to Residential Medium (4 – 8 du/ac) and Village Center implement's the following guiding principles, goals and policies of the Comprehensive Plan:

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

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

**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.

**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.

### **Rezone**

The criteria for review are set forth in Section 21.02.140 (a). The criteria provides that 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 is currently zoned R-E (Residential Estate) and was annexed into the City limits in 2006 (Arbogast Annexation # 1 & # 2). The Applicant is requesting a zoning change to R-8 (Residential – 8 du/ac – 14.90-acres) and C-1 (Light Commercial – 3.16-acres) in conjunction with a proposed Comprehensive Plan Future Land Use Map amendment to Residential Medium (4 – 8 du/ac) and Village Center. The existing zoning of R-E is currently not in conformance with any of the current Future Land Use Map designations on the property (Village Center, Residential High Mixed Use (16-24 du/ac) and Residential Medium (4-8 du/ac)). Any future development of the property would require a rezone to an appropriate zone district as allowed under the current Future Land Use Map categories as identified on the property.

The original 2010 Future Land Use Map premise for the existing three designations was that the property would follow a more residential medium to residential high overall density designation (R-8 to R-24) with a limited commercial portion. With the proposed request, the applicant is providing a mixture of both residential and commercial zonings which are still in conformance with the Comprehensive Plan's vision for this area of the community, just not to the overall density as allowed under the Residential High Mixed-Use category at 16 – 24 du/ac.

If the Comprehensive Plan Future Land Use Map requested changes are approved, the request to rezone the majority of the subject property to R-8 maintains the focus primarily on residential development which is consistent with the Comprehensive Plan. The Village Center land use classification is assigned to a smaller portion of the property, also consistent with the Future Land Use Map with a proposed zoning designation of C-1. With the adoption of the 2010 Comprehensive Plan as well as consideration of approval of the proposed amendments as included in this request, each action(s) have invalidated the R-E zone designation and therefore, this criterion has been met.

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



The character and/or condition of the surrounding area has changed within the last 10-years as defined by the Proietti Annexation (782 24 Road) which was zoned C-1 (Light Commercial) in 2014. South Twenty Annexation (2335 H Road) zoned R-4 (Residential – 4 du/ac) & R-8 (Residential – 8 du/ac) in 2019 and finally the Maverick Estates Annexation (2428 H Road) zoned R-1 (Residential – 1 du/ac) in 2019. Also, Beehive Homes Assisted Living facility located at 2395 H Road has recently expanded their facilities with the construction of a second building. Therefore, there is a market and interest in both residential and nonresidential uses in this area of 24 Road and H Road.

The properties located on the west side of 24 Road remain single-family residential located on large lot/acreage and relatively rural in nature at this time. The recent annexations and zoning of properties from R-1 to R-8 in this area as defined are evidence of the increasing demand for residential markets.

The requested rezoning's are consistent with the recent trend of annexation and developing properties in the Appleton Neighborhood area and is consistent with the growth envisioned by the Comprehensive Plan. Therefore, Staff has found 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 and community facilities and services are available to the property and are sufficient to serve land uses associated with both the R-8 and C-1 zone districts. Ute Water and City sanitary sewer are presently available within 24 Road. Property is also currently being served by Xcel Energy electric and natural gas. A short distance away to the south is Community Hospital located on G Road. Further to the south on 24 Road is the Mesa Mall area which includes restaurants, retail and service centers, banks and a grocery store, etc. Appleton Elementary School is also located less than a mile from the property on H Road.

In general, staff has found public and community facilities are adequate to serve the type and scope of the R-8 and C-1 zone districts as proposed. As such, 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 proposed R-8 and C-1 zone districts could allow for a mixture of both commercial and residential development. The property currently has a small amount of acreage designated as Village Center which would permit the proposed C-1 zone district. Also, a portion of the property is also designated as Residential Medium (4 – 8 du/ac). The

applicant is proposing to change the current zoning of R-E (Residential Estate) to allow the property to develop as a mixed use development of both light commercial and residential zoning, thus meeting the intent of the 2010 Comprehensive Plan Future Land Use Map for this area of the community. Therefore, staff has not found there is an inadequate supply of suitably designated commercial or R-8 zoned land available either in the community or the immediate surrounding area since nearby is already vacant C-1 zone properties near I-70 and the R-8 zone district comprises the largest amount of residential zoned properties within the City.

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

The property is currently zoned as R-E (Residential Estate). The purpose of the R-E zone district is to provide low density (1 du/ac), estate-type single-family residential development on lots of at least one acre in size. The proposed R-8 zone district would allow a density range of 5.5 to 8 dwelling units an acre with a minimum 3,000 sq. ft. lot size. With this request, the Applicant is requesting future land use designations of Residential Medium (4 – 8 du/ac), proposed as 14.90-acres and Village Center, proposed as 3.16-acres with proposed zoning designations of R-8 (Residential – 8 du/ac) and C-1 (Light Commercial) respectfully. The community and area can benefit from the proposed requests as the applicant is requesting zoning designations in keeping with the current designations already identified on the property with the Village Center designation for only a small portion along the 24 Road Corridor, while keeping and modifying the Residential Medium (4 – 8 du/ac) category for the remaining portion of the property, which would allow the property to develop as a mixed use development of both light commercial and residential, thus meeting the general intent of the 2010 Comprehensive Plan Future Land Use Map for this area of the community.

Recent annexations and zoning of properties from R-1 to R-8 in this area are evidence of the increasing demand for single-family detached and attached residential markets rather than multi-family as prescribed by the Residential High Mixed-Use category. Therefore, Staff finds that the community or area will derive benefits from the proposed rezones by providing development opportunities as allowed under the Future Land Use Map for the area.

Further, the proposed rezone to R-8 (Residential – 8 du/ac) and C-1 (Light Commercial) implement's the following guiding principles, goals and policies of the Comprehensive Plan:

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

**Policy A:** City and County land use decisions will be consistent with the Future Land

Use Map.

**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.

**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.

### **RECOMMENDATION AND FINDINGS OF FACT**

After reviewing the Mallard View Comprehensive Plan Amendment and Rezone requests, for a Comprehensive Plan Amendment from Residential High Mixed Use (16 – 24 du/ac) to Residential Medium (4 – 8 du/ac) and Village Center and a rezone from R-E (Residential – Estate) to R-8 (Residential – 8 du/ac) and C-1 (Light Commercial) for the property located at 785 24 Road, the following findings of facts and condition have been made:

On the request for an amendment to the Comprehensive Plan, the following findings of fact have been made:

- 1) The request has met one or more of the criteria in Section 21.02.130(c)(1) of the Zoning and Development Code.
- 2) The request is consistent with the vision, goals and policies of the Comprehensive Plan.

On the request for rezoning, the following findings of fact have been made:

- 1) The request has met one or more of the criteria in Section 21.02.140 of the Zoning and Development Code.
- 2) The request is consistent with the vision (intent), goals and policies of the Comprehensive Plan.

Therefore, City Staff recommends approval of the requested Comprehensive Plan Amendment and Rezone requests.

### **SUGGESTED MOTION:**

Mr. Chairman, on the Comprehensive Plan Amendment request for the property

located at 785 24 Road, City file number CPA-2020-289, and for the Rezone request for the same property, City file number RZN-2020-288, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report.

**OR two separate motions (Motion 2 cannot be approved without approval of Motion 1)**

**Motion 1:** Mr. Chairman, on the Comprehensive Plan Amendment request for the property located at 785 24 Road, City file number CPA-2020-289, I move the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report.

**Motion 2:** Mr. Chairman, on the Rezone request for the property located at 785 24 Road, City file number RZN-2020-288, I move the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report.

**Attachments**

1. Site Location, Aerial, Future Land Use & Zoning Maps, etc
2. Development Application Dated June 3, 2020
3. Combined CPA and Zoning Ordinance