



## Grand Junction Planning Commission

### Regular Session

Item #3.

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**Meeting Date:** May 12, 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) and Residential Medium (4 – 8 du/ac) to Village Center and a rezone from R-E (Residential – Estate) to C-1 (Light Commercial) on a total of 17.84-acres located at 785 24 Road.

#### **RECOMMENDATION:**

Staff recommends denial of the requested Comprehensive Plan Amendment and Rezone requests.

#### **EXECUTIVE SUMMARY:**

The Applicant, Mallard View LLC, is requesting 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 located at 785 24 Road in anticipation of future development. Staff has been unable to find the request for the full 17.84 acres to have met the required criteria.

#### **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 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 as a Village Center as currently identified on a

portion of the property.

The 2010 Comprehensive Plan includes a Future Land Use Map which identifies this property as having three designations; Village Center Mixed Use (~2.1 acres), Residential High Mixed Use (16 – 24 du/ac) (~12.1 acres) and Residential Medium (4 – 8 du/ac) (~3.5 acres). The purposes of these designations are as follows:

**Village Center Mixed Use:** Employment, residential, service, park and retail allowed. The Village Center is intended to be at a smaller scale (1 – 5 stories and smaller land area) than Downtown Mixed Use. A mix of uses, either horizontal or vertical, is expected unless otherwise designated in an adopted Area or Neighborhood Plan.

**Residential High Mixed Use:** All types of residential development may be permitted in these areas provided that gross densities are at least 16 and up to 24 du/acre. Modest amounts (dependent on zoning applied but not intended for more than 10% of a development) of service-oriented and retail commercial are allowed in the Residential High Mixed-Use Land Use Classification. Higher density residential (and neighborhood retail/service center development) may be permitted.

**Residential Medium:** A mix of residential development types with gross densities of 4 to 8 dwelling units per acre are anticipated in areas with this designation. Single family development will be integrated with other dwelling types, including duplexes, and low intensity attached residential development. Some low intensity multi-family development may be permitted.

The Applicant is requesting a future land use designation of Village Center for the entire 17.84-acres with a proposed zoning of C-1 (Light Commercial). 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.

In addition to the C-1 (Light Commercial) zoning requested by the petitioner, the following zone districts implement the Comprehensive Plan designation of Village Center for the subject property.

- a. R-8 (Residential – 8 du/ac)
- b. R-12 (Residential – 12 du/ac)
- c. R-16 (Residential – 16 du/ac)
- d. R-24 (Residential – 24 du/ac)
- e. R-O (Residential Office)

- f. B-1 (Neighborhood Business)
- g. M-U (Mixed Use)

The following zone districts implement the Comprehensive Plan designation of Residential High Mixed Use:

- a. R-16 (Residential – 16 du/ac)
- b. R-24 (Residential – 24 du/ac)
- c. R-O (Residential Office)
- d. B-1 (Neighborhood Business)

The following zone districts implement the Comprehensive Plan designation of Residential Medium:

- a. R-4 (Residential – 4 du/ac)
- b. R-5 (Residential – 5 du/ac)
- c. R-8 (Residential – 8 du/ac)
- d. R-12 (Residential – 12 du/ac)
- e. R-16 (Residential – 16 du/ac)
- f. R-O (Residential Office)

Land use classifications 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. When a parcel has more than one land use classification, it allows greater flexibility for the specific requested zoning of the property and the anticipated development.

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 the Beehive Homes, assisted living facility. Further to the south is Fellowship Church that is zoned R-R (Residential - Rural).

## **NOTIFICATION REQUIREMENTS**

### **Neighborhood Meeting:**

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 approximately twelve citizens. 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 C-1 zone district would have on the existing residential properties in the area.

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 an application sign on April 28, 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 May 1, 2020. The notice of this public hearing was published May 5, 2020 in the Grand Junction Daily Sentinel.

## **ANALYSIS**

### **Comprehensive Plan Amendment**

The criteria for review is set forth in Section 21.02.130 (c) (1). The criteria provides 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;

(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 Mixed Use (~2.1 acres), Residential High Mixed Use (16 – 24 du/ac) (~12.1 acres) and Residential Medium (4 – 8 du/ac) (~3.5 acres). The original 2010 Future Land Use Map premise for these existing three designations was that the property would develop as a more residential medium to residential high area with an overall density designation (R-8 to R-24). The majority of the property (approximately 15.6 acres) is intended to have no commercial). By changing the entire property to Village Center the focus of the area would shift from primary residential to primarily commercial as the purpose of the Village Center is employment, residential, service, park and retail.

Though Village Center allows for and incorporates residential uses, it is not the overarching purpose of the designation and staff believes it does not align with the Comprehensive Plan's vision for this area of the community. Staff has been unable to identify a subsequent event that would invalidate the original premise and findings of the 2010 Comprehensive Plan and therefore, has found this criterion is not 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 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. The property located on the east side of 24 Road (782 24 Road) has a lavender farm and small distillery currently operating. All properties directly abutting the east side of 24 Road and between I-70 and H Road are designated Village Center but excluding the small distillery (approximately 3,700 square feet of space) remain as large acreage tracts of rural land. As such, Staff has not identified other character and/or condition changes that would support the affirmative finding of this criterion, therefore staff has not found this criterion to have been met.

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

Adequate public and community facilities and services are available to the property and are sufficient to serve land uses associated with the Village Center category as identified within the Comprehensive Plan. 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.

In general, staff has found public and community facilities are adequate to serve the type and scope of the Village Center designation 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 Village Center designation for the entire 17.84-acre property could allow for a mixture of both commercial and higher density residential zoning districts. Presently the plan designates for a distance of approximately one-half mile on the east side of 24 Road, from I-70 north to beyond H Road, a large area of approximately 60 acres that is designated Village Center. In addition, west of 24 Road along the H Road Corridor for a distance of approximately .37 miles is another 34.5 acres of land designated Village Center, of which the Applicant's 2.1 acres of Village Center designated property is a part. With the exception of the Beehive Homes residential living facility and the Highlands Distillery, the balance of this acreage has not been developed consistent with the Village Center designation. Staff has been unable to find that there is an inadequate supply of suitably designated land available either in the community or the immediate surrounding area and therefore has found 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 community and area may benefit from this proposed Comprehensive Plan Amendment if the proposed request was modified to request the Village Center designation for only a portion along the 24 Road Corridor – consistent with the adopted Comprehensive Plan - which would allow the property to develop as a mixed use development of both light commercial and residential, thus meeting the intent of the 2010 Comprehensive Plan Future Land Use Map for this area of the community.

However, as proposed the requested Future Land Use Map change to Village Center for the entire 17.84-acres, would not ensure any (or a portion) of the site be developed for residential purposes, which is not be in conformance with the Comprehensive Plan's vision.

As proposed, the request does not work to implement multiple goals and a policy of the Comprehensive Plan. Specifically, the request significantly alters the plan's approach to providing housing and a variety of housing types in this area. Goals and the policy not found to be met are as follows:

**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.

**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.

Further, there is no specific development such as an Outline Development Plan being reviewed concurrently that would provide for demonstrable public benefit.

Staff has been unable to identify tangible public benefits to the community in general or the area specifically, therefore, Staff does not find this criterion has been met.

## **Rezone**

The criteria for review is 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 C-1 (Light Commercial) for the entire 17.84-acres in conjunction with a proposed Comprehensive Plan Future Land Use Map amendment to Village Center.

The 2010 Comprehensive Plan Future Land Use map was adopted subsequent to the Residential-Estate designation of the property. The Plan designated this property Village Center Mixed Use (~2.1 acres), Residential High Mixed Use (16 – 24 du/ac) (~12.1 acres) and Residential Medium (4 – 8 du/ac) (~3.5 acres). The existing zoning of R-E does not work to implement any of the current Future Land Use Map designations on the property. As such, staff has found that with the adoption of the 2010 Comprehensive Plan, the R-E zone district has been invalidated and has therefore found this criterion to be 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 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. The property located on the east side of 24 Road (782 24 Road) has a lavender farm and small distillery currently operating. All properties directly abutting the east side of 24 Road and between I-70 and H Road are designated Village Center but excluding the distillery remains as large acreage tracts of rural land. As such, Staff has not identified other character and/or condition changes that would support an affirmative conclusion of character or condition changes in the area, and therefore staff has not found this criterion to have been met.

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

Adequate public and community facilities and services are available to the property and are sufficient to serve land uses associated with the Village Center category as identified within the Comprehensive Plan and the proposed C-1 zone district. 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.

In general, staff has found public and community facilities are adequate to serve the type and scope of the C-1 zone district 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

Presently on the east side of 24 Road, north of I-70 and south of H Road is an area of approximately 38 acres zoned C-1 Commercial. Of this proximate acreage, 34 acres are vacant. To the west along what would be 24 ¼ Road there exists another approximate 26 acres of undeveloped C-1 zoned property. Staff has been unable to identify that there is an inadequate supply of suitably designated land available either in the community or the immediate surrounding area. Presently the C-1 zone district comprises the largest amount of commercially designated zoned land within the City limits (1,167-acres) and is primarily located, as planned, around the City's major transportation corridors including Patterson Road (Mesa Mall area), State Highway 6 & 50, State Highway 50, I-70 Business Loop, Horizon Drive, and along North Avenue. 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 community and area may benefit from this proposed rezoning for a small portion of the property – consistent with the adopted Comprehensive Plan's Village Center designation - which would allow for a small portion of the property to develop as a mixed use center thus meeting the intent of the Comprehensive Plan Future Land Use Map for this area. However, as proposed the requested C-1 Zoning for the entire 17.84-acres, would not ensure any (or a portion) of the site be developed for residential purposes, which is not be in conformance with the Comprehensive Plan's vision.

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. The rezoning request to C-1, absent an approved Comprehensive Plan Amendment is not consistent with the adopted Future Land Use Map. In addition, as currently requested by the applicant is not consistent with the following goals and policies of the Comprehensive Plan. Specifically, the request significantly alters the plan's approach to providing housing and a variety of housing types in this area.

**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.

**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.

Further, there is no specific development such as an Outline Development Plan being reviewed concurrently that would provide for demonstrable public benefit.

Staff has been unable to identify tangible public benefits to the community in general or the area specifically, therefore, Staff does not find this criterion has been met.

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

After reviewing the Mallard Comprehensive Plan Amendment & Rezone requests, for a Comprehensive Plan Amendment from Residential High Mixed Use (16 – 24 du/ac) and Residential Medium (4 – 8 du/ac) to Village Center Mixed Use and a rezone from R-E (Residential – Estate) to C-1 (Light Commercial) for the property located at 785 24 Road, the following findings of facts 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 not 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 not consistent with the vision (intent), goals and policies of the Comprehensive Plan.

### **SUGGESTED MOTION:**

Madam Chairman, on the 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), City file numbers RZN-2020-100 & CPA-2020-10, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report as presented by the applicant.

### **Attachments**

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