

**TOWN OF PALISADE, COLORADO
ORDINANCE NO. 2019-02**

**AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO,
AMENDING THE ZONE DISTRICT MAP OF THE TOWN BY
ZONING CERTAIN PROPERTY LOCATED AT 3691 G ROAD
(PARCEL 2941-041-00-079) FROM LDR LOW DENSITY
RESIDENTIAL TO HR HOSPITALITY RETAIL**

WHEREAS, by Section 1.4 of the Palisade Land Development Code, the Town of Palisade enacted a Comprehensive Zoning Ordinance for the Town; and

WHEREAS, the Board of Trustees received a zoning request from Jason Holson, on behalf of the owner the Richard Holson Estate, the owner for the property located at 3691 G Road, to amend the zone district map in the particulars hereinafter set forth for the property herein described; and

WHEREAS, public notice has been given as required by Section 3.0.8 of the Palisade Land Development Code; and

WHEREAS, said application was reviewed before the Planning Commission on January 7, 2019 as required by Article 4 of the Palisade Land Development Code; and

WHEREAS, the Planning Commission has recommended to the Board of Trustees that the applicant's request that the HR Hospitality Retail zone be granted; and

WHEREAS, the Board of Trustees finds and determines that the applicants have provided sufficient evidence that the proposed amendment is desirable, based on the criteria set forth in Section 4.02 of the Land Development Code; and

WHEREAS, the Board of Trustees finds and determines that the applicant has met the burden of providing evidence that the area in question possesses geological, physiological, and other environmental conditions compatible with and characteristic of the use requested, and the advantages of the use requested outweigh the disadvantages of the use requested occasioned by the proposed amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALISADE, COLORADO:

Section 1. That Article 1 of the Palisade Land Development Code, as well as

the zone district map of the Town of Palisade, established by and incorporated into said Article, be and the same hereby is, amended so as to provide that the property located at 3691 G Road (Parcel 2941-041-00-079) in the Town of Palisade, County of Mesa, and State of Colorado as shown on attached Exhibit A and more particularly described in Exhibit B be and the same hereby is zoned to HR Hospitality Retail.

Section 2. Upon adoption of this Ordinance, the zoning amendment herein contained shall be promptly entered on the appropriate page of the Official Zone District Map, showing general location, effective date, and nature of the change. One copy of the approved application shall be retained in the records of the Building Official, in order to insure that development proceeds in conformance with the requirements of the approved zone district designation and this Ordinance.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Palisade, Colorado, held on January 22, 2019.

ATTEST

Lindsey Kitwood
Lindsey Kitwood, Town Clerk

TOWN OF PALISADE, COLORADO

By:

Roger L. Granat
Roger L. Granat, Mayor

Publication Date:

January 26, 2019

EXHIBIT A

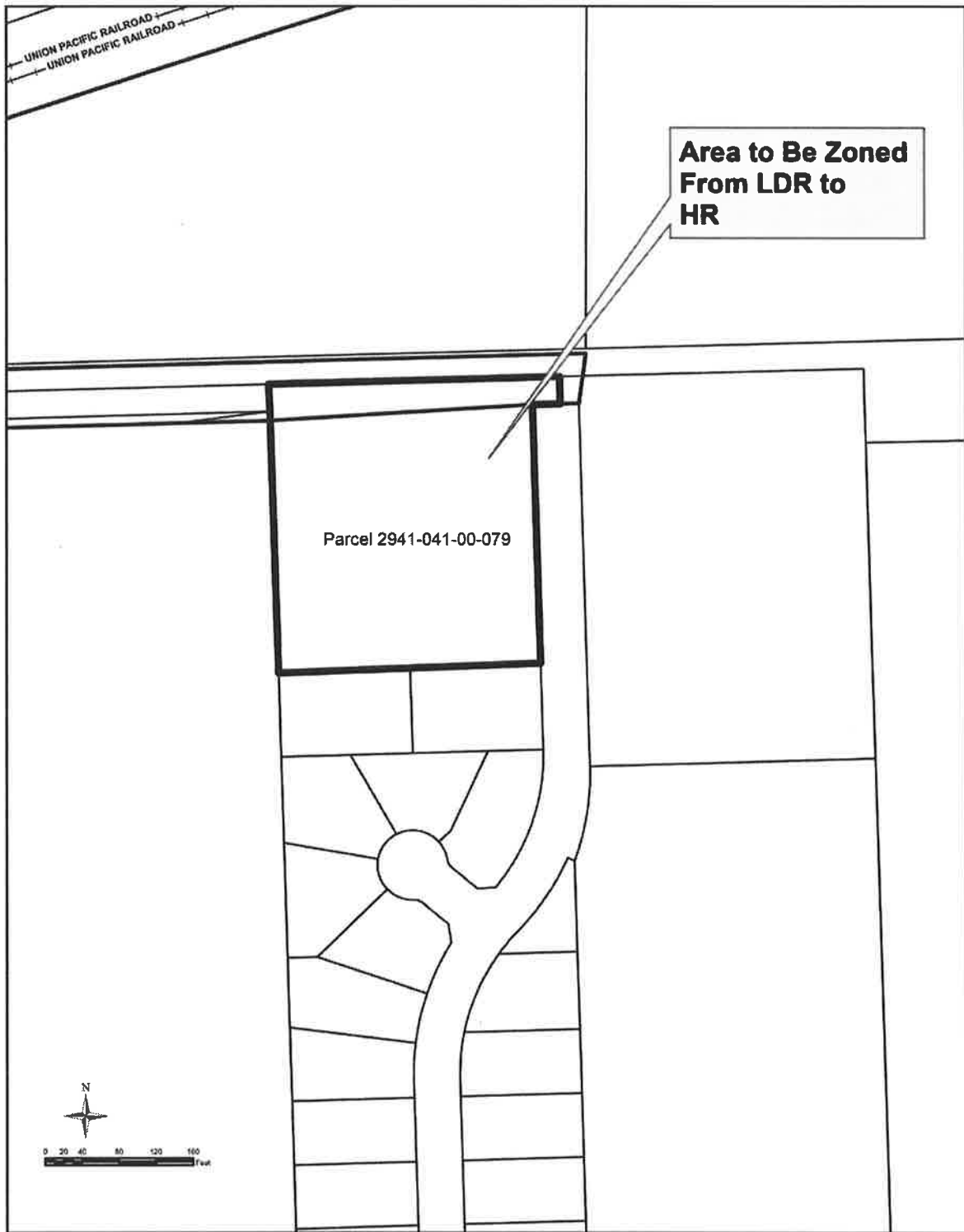


EXHIBIT B

A parcel of land situated in Government Lot 1 (NE ¼ of the NE ¼) of Section 4, Township 1 South, Range 2 East of the Ute Meridian, being more particularly described as follows:

All that part of the following described tract of land lying North of the right of way of the Canal of the Grand Valley Irrigation Company, to wit:

Beginning at the Northeast Corner of said Section 4;

thence West 475 links;

thence South to the Grand River;

thence up and along the right bank of Grand River in a Northeasterly direction to the East line of Lot 8 of said Section 4;

thence North to the POINT OF BEGINNING, being all of the East 475 links of Lot 1 and 8 of said Section 4;

EXCEPTING THEREFROM that parcel of land as conveyed in instrument recorded July 21, 1978 in Book 1159 at page 365,

County of Mesa,
State of Colorado.

Trustee Sundermeier introduced, read and moved the adoption of the ordinance titled,

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and upon adoption that it be published pursuant to law and recorded in the Book of Ordinances.

Trustee L'Hommedieu seconded the motion. On roll call, the

following Trustees voted "Aye":

Sundermeier, Somersville,
Granat, Nikolai,
Chase, L'Hommedieu,
Bonds,

Trustees voted "Nay":



Palisade Board of Trustees

Regular Meeting

Item A under Public Hearing I

Meeting Date: January 22, 2018

Presented By: Ron Quarles, Community Development Director

Department: Community Development

Submitted by: Ron Quarles, Community Development Director

SUBJECT:

Request to rezone property located at 3691 G Road from Low Density Residential (LDR) to Hospitality Retail (HR)

RECOMMENDATION:

Consider request to rezone property from Low Density Residential (LDR) to Hospitality Retail (HR) subject to the approval criteria of Section 4.02 E of the Land Development Code.

EXECUTIVE SUMMARY:

The request would re-establish the Hospitality Retail (HR) District for the property at 3691 G Road since the site was rezoned in 2017 for Low Density Residential (LDR). Originally, the HR zoning was granted for this property at the time it was annexed in to the Town in 2008. It was then rezoned to the LDR in 2017. However, anticipated development under the LDR zoning failed to occur. The owner is now requesting the restoration of the HR zoning in anticipation of a transfer of the parcel to a new owner for future development.

SUGGESTED MOTION:

I move to approve the adoption of Ordinance 2019-02 entitled “An Ordinance of the Town of Palisade, Colorado, amending the Zone District Map of the Town of Palisade, Colorado, by zoning certain property located at 3691 G Road (Parcel 2941-041-00-079) from LDR Low Density Residential to HR Hospitality Retail.”



APPLICATION SUMMARY

In July of 2017, the property at 3961 G Road was “down-zoned” from the Hospitality Retail (HR) District to the current zoning of Low Density Residential (LDR). The zoning was requested by the owner (Holsan Estate), in anticipation of a transfer of the land and a residential subdivision. However, the subdivision and purchase of the land was not accomplished and the land remained undeveloped. The current application has been submitted by the same land owner to return the zoning back to the HR Hospitality Retail. As in 2017, this request follows interest in the potential transfer of the land for future development.

A single family residence was originally constructed on the site in 1962 immediately east of the Palisade High School campus. However, the site was not annexed into the Town of Palisade until January of 2008. The Hospitality Retail District was established by the Board of Trustees as a new zoning district that same year and was designated for this property and properties to the north and east along Highway 6. The HR zoning for this site was in place until 2017 when it was replaced by the current LDR zoning.



NOTICE REQUIREMENTS:

A sign was placed on the property and notice was published in the *Grand Junction Daily Sentinel* more than 15 days prior to the January 8 Planning Commission hearing date and the January 22 Board of Trustee hearing date. Notices were also mailed to the properties within 300 feet of the site as required by the Land Development Code and Colorado Statutes. As of the date of the staff report, no written objections to the zoning have been received.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing for this application at its regular meeting of January 7. Three persons spoke at the hearing. No opposition to the request was voiced at the hearing. The Planning Commission voted unanimously 7-0 to support the request to return the HR zoning for the property.

REZONE – APPROVAL CRITERIA

4.02 E APPROVAL CRITERIA FOR REZONES

No rezoning may be approved by the Town Board unless all of the following criteria are satisfied:

1. Consistency with the adopted plans and policies of the Town; and

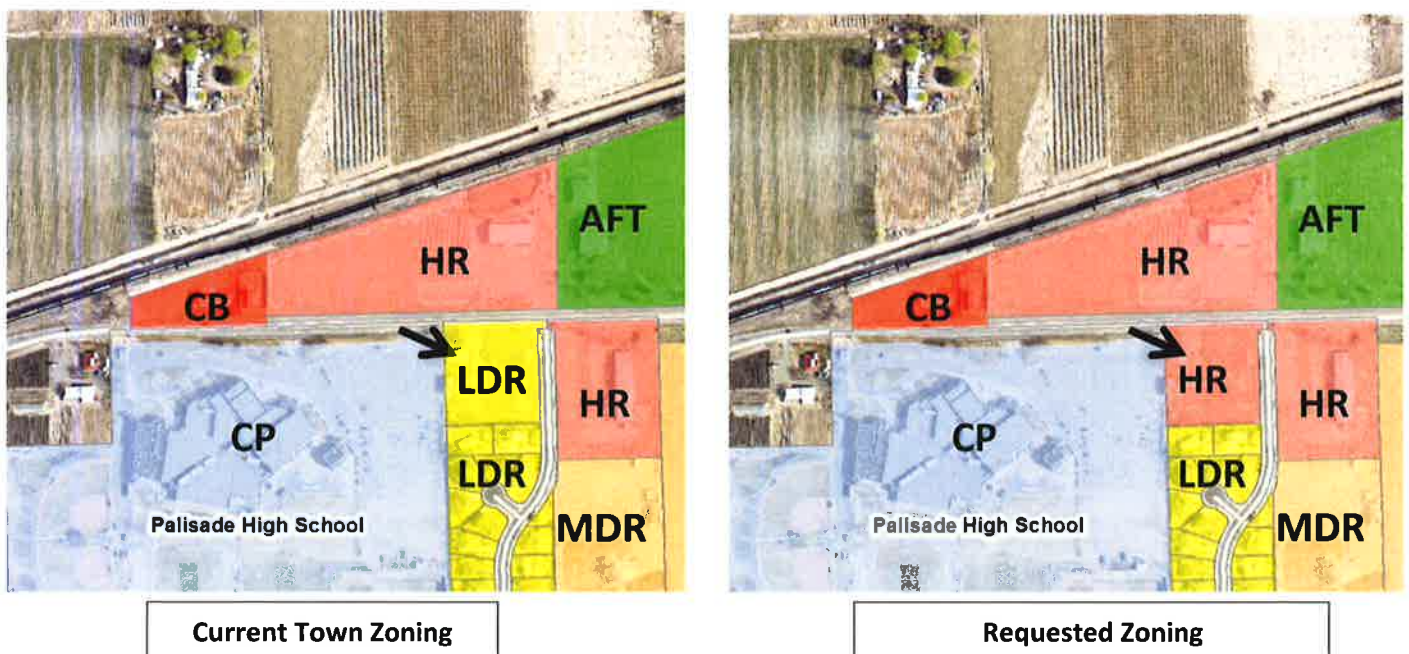
The Future land Use Plan for the Town of Palisade identifies the site as Low Density Residential. However, the HR Hospitality Retail District was originally approved for this parcel when it was annexed into the Town in 2008, not long after the 2007 Plan was

adopted. The HR zoning was also established that same year for the property immediately to the north and east of the site. It was determined at the time that the HR District was consistent with the uses anticipated along the Highway 6 frontage and was compatible with residential land uses that had developed immediately to the south. The Anderson Subdivision and the Palisade Vineyards Subdivisions were developed for two single family lots and nineteen single family lots respectively.

The request will re-establish the pattern of zoning created for this area at the time the Comprehensive Plan was originally adopted and which had been in place for nearly ten years. The site was only recently “down-zoned” to the LDR zoning in anticipation of a residential subdivision that did not occur. The current request to re-establish the HR zoning for this site creates uniform HR zoning along the Highway 6 corridor for the area extending immediately east from the Palisade High School campus.

2. Suitability of the subject property for uses permitted by the current versus the proposed district;

Low density residential development failed to occur on this site after it was rezoned to the LDR District in 2017. Although the LDR zoning reflected the same residential density as that of the adjoining subdivisions to the south, HR zoning at this location reflects a practical transition of zoning between the single family uses and the more intensive uses and zoning along Highway 6. Transitions are required in the HR zoning to ensure that the lower density residential land uses are buffered from other uses along Highway 6 by the placement of landscaped buffers, street buffers and parking buffers. The HR zoning reflects the same zoning that is already in place along the Highway to the north and east. Approval of the application would re-establish the transition of zoning that was approved by the Board of Trustees in 2008. The zoning permits a mix of commercial and residential opportunities adjacent to the High School and along the Highway that are not present with the current LDR zoning. Landscaping must be provided interior to parking areas and along the periphery of parking areas. Buffers and screening requirements must also be met. Not less than 20% of the total area must be landscaped. Any future subdivision will require at least 10 percent of the land for public open space or contribution of funds to the Town.



- Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town;

The HR zoning was originally intended for development along I-70 in the vicinity of Exit 42. However at the time the new zoning district was created, it was also determined by Board of Trustees that the HR zoning was appropriate for the western entrance to the Town along Highway 6. The Board approved nearly twelve acres of HR zoning at this location, including the subject parcel.

Hospitality Retail is intended to implement agricultural and commercial lodging types of land uses. Specifically, under Section 5.04D, development within the HR District is intended to be “pedestrian-oriented” and compatible with the character of the “adjacent historic neighborhoods and existing uses.” The requested zoning permits retail oriented businesses, upper story residential uses, and townhomes. Multi-family residential is only permitted by Conditional Use Permit at a maximum density of 11 dwellings per acre.

- The capacity of adequate public facilities and services including schools, roads, recreation facilities wastewater treatment and water supply facilities and stormwater drainage facilities for the proposed use.

The Town has the available capacity to support the proposed improvements without adversely impacting the surrounding service area. The developer will submit future requests for subdivision and site plan approvals that will be subject to compliance with the Town’s Land Development Code and all other local and State health and safety standards. The extension and provision of municipal services will be accomplished in accordance with the terms of any development or subdivision improvement agreement with the Town. All future site development must comply with the Town’s Land Development Code and Municipal Code. No impact to public facilities and services is, therefore, anticipated with this zoning.

- It has been determined that the legal purposes for which zoning exists are not contravened;

The public hearing for the requested zoning application has been noticed according to the requirements of the Land Development Code and Colorado Statutes. Consideration of the request is



based on the appropriateness of uses as identified by the Comprehensive Plan.

6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare; and

As stated previously, transitions between the HR zoning and the LDR zoning immediately to the south are required by the provision of landscaped buffers. The buffers must be between ten to fifteen feet. Depending on the width of the buffer, landscaping must include two canopy trees for every 100 feet; two to three understory trees for every 100 feet; and between fifteen to thirty shrubs for every 100 feet. A similar landscaping buffer is required along the street frontages. Finally, a berm, hedge, or wall is required to screen the perimeter of any parking surface.

Design standards are also in place for any residential or non-residential uses. Facades for commercial buildings must be constructed with wood, non-corrugated metal beams and trim elements, masonry (brick/stucco/architectural concrete/ hardiplank or similar siding), or stone. Glass must not be more than 80 % of any façade. There are also standards for building articulations and limits on blank wall areas. Similar standards are in place for any future development of townhome or multi-family development. No more than eight units are allowed for a single building. Multi-family development requires conditional use permit approval and must meet minimum standards related to sidewalks, setbacks, and parking location and building size.



7. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

Approval of the request does not demonstrate an exclusive benefit to any land owner but establishes appropriate mix of future uses, as intended by the Comprehensive Plan. An area of ten acres of the same HR Zoning is established on parcels along Highway 6 immediately to the north and east of this site.

ATTACHMENTS

1. Letter of Intent
2. Ordinance 2019-02

**Letter of Intent
for
3691 G Road Rezone
Palisade, CO**

Date: November 12, 2018

Prepared by: Robert W. Jones II, P.E.
Vortex Engineering and Architecture, Inc.
2394 Patterson Road, Suite 201
Grand Junction, CO 81505
(970) 245-9051
VEI# F18-097

Submitted to: Town of Palisade
Community Development and Planning Department
175 East Third Street
Palisade, CO 81526

Land Use Request: Rezone Request

Owner: Richard L. Holsan Estates
c/o Jason Holsan
260 Apple Ridge Drive
Grand Junction, CO 81503

Property Address: 3691 G Road
Palisade, CO 81526

Tax Schedule No: 2941-041-00-079

1. Project Intent

This application is made to request a rezone of the property located at 3691 G Road from the Low Density Residential (LDR) zone district to the Hospitality Retail (HR) zone district. The request supports the existing HR zoning of the property located north and east of the site, and is intended to allow infill of new residential development on the site

2. Project Background and Description

The subject property is located at 3691 G Road and is currently zoned Low Density Residential (LDR). The site is approximately 2.07 acres with 285 feet of frontage on Shiraz Drive and 570 feet on G Road/Hwy 6. The site is bounded by Shiraz Drive to the east, two single family residential uses to the south, Palisade High School to the west and Palisade Christian Church to the north.

There is one single family home and one outbuilding located on the property. These structures will be removed prior to development of the property.

Legal Description

The legal description of this site is:

BEG NE COR LOT 1 SEC 4 1S 2E S 0DEG30' W 313.75FT W 313.50FT N TO N LI SEC 4 E TO BEG



Rezone Request

The applicant requests approval to rezone the subject property from the Low Density Residential (LDR) zone district to the Hospitality Retail (HR) zone district in anticipation of future development. The property currently has one single family residence on site, which is occupied at this time. The property is located within walking distance of the Palisade High School, a church, a bank and a convenience store. The site is approximately ½ mile from the Palisade Elementary School. The proposed future use of the property is intended to be development that is conveniently located close to schools, shopping and retail services in downtown Palisade and a variety of recreational opportunities in Palisade parks.

Although the Hospitality Retail (HR) zone district was established to provide for hospitality and retail development along I-70 in the vicinity of Exit 42, the zone district allows residential development with a maximum density of up to 11 dwelling units per acre.

Town of Palisade Land Development Code, Sec. 4.02, Rezone Approval Criteria

No rezoning may be approved by the Town Board unless all of the following criteria are satisfied:

1. Consistency with the adopted plans and policies of the Town.

Response: The proposed rezone is consistent with the Town of Palisade's actions in 2008 to apply the Hospitality Retail zone district to the G Road/Hwy 6 corridor. When the property has been developed, the new project will be fully compliant with the Land Development Code (LDC) and other related development regulations. Future development of the subject property is consistent with Policy 1 under Public Opinion About Housing of the Palisade Comprehensive Plan which states (in part) that "the private sector should determine the mix of housing styles and price ranges based on market conditions..." Future development shall comply with all applicable sections of the LDC.

This criterion has been met.

2. Suitability of the subject property for uses permitted by the current versus the proposed district.

Response: The current zone district is intended for low density residential development. Development trends however, have been mixed residential in nature on the south side of G Road. The proposed rezone is in anticipation of residential land uses which is consistent with current development trends to provide a variety of housing types for the Palisade community. The suitability of the proposed zone district for the subject property is more appropriate than the current zone district due in part to the proximity to the high school, parks, open space and sales and retail services which will be supported by future residential development.

The subject property is located in an urbanizing area with urban services where the Comprehensive Plan anticipates urban levels of residential development. Future development of the property will be consistent with recent development trends in the community, the LDC and all other development regulations from the Town of Palisade.

This criterion has been met.

3. Whether the proposed change tends to improve the balance of uses or meets a specific demand in the Town.

Response: The Town of Palisade currently has a very small inventory of available vacant, buildable lots for single family homes. The proposed rezone will facilitate the future development of the subject property. The future development is intended to provide needed single family residential homes in the Palisade community.

This criterion has been met.

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment and water supply facilities, stormwater drainage facilities for the proposed use.

Response: All required and necessary utilities and services shall be provided concurrent with the future development of the subject property. Utility providers for the future development of the property have the capacity and willingness to serve the development. Public facilities such as medical, schools, parks and public safety are available to serve future development on this site.

This criterion has been met.

5. It has been determined that the legal purposes for which zoning exists are not contravened.

Response: The Palisade Comprehensive Plan's Future Land Use Map indicates that the subject property is intended for residential development. The proposed rezone to the Hospitality Retail (HR) zone district is intended to allow future development of the subject property that supports the HR zone district with needed single family residential homes that are located close to education and other community services. There is no indication that the legal purposes for which zoning exists have been contravened.

This criterion has been met.

6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare.

Response: There are no adverse impacts anticipated on adjoining property owners with the proposed rezone or with the future development of the property. All required utilities and infrastructure necessary for new development shall be constructed concurrently and shall meet all current standards from the Town of Palisade, the LDC and other development regulations. Public facilities such as sidewalks will be constructed as part of the future development of the subject property, thereby creating a positive impact on adjoining property owners and the general public.

This criterion has been met.

7. It has been determined that no one (1) property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

Response: There are no known negative impacts, or detriment to the general public, anticipated with the proposed rezone request.

This criterion has been met.

3. Public Notice

Public notice for this application will be provided in accordance with Sec. 3.08, Notice of Public Hearing, of the Palisade Land Use Code, including posting the subject property on public right-of-way.

4. Comprehensive Plan

The Palisade Comprehensive Plan's Future Land Use Map shows the subject property as Low Density Residential; however, adjacent land use classifications to the west and east are for Community Facility and Commercial. There is an existing high school located to the west, a commercial business located to the east and a community church located to the north of the subject property. Recent development trends have been for medium to high single family residential homes in this area as evidenced by the zoning of property to the southeast (currently being developed as Cresthaven Acres).

The property located to the east is designated as Commercial on the Comprehensive Plan which suggests that the Plan's intent is to encourage mixed land uses in this area of the community.



5. Zoning and Surrounding Areas

The applicant is requesting a rezone from the current LDR zone district to the HR zone district, which allows residential density of up to 11 dwelling units per acre.

Surrounding area zoning and land uses include:

- North – HR (Hospitality Retail), with commercial land use
- South – LDR (Low Density Residential) with single family land use
- West – CP (Community/Public), with High School/Public land use
- East – HR (Hospitality Retail), with commercial land use

The HR zone district allows residential density development in addition to hospitality and retail type development. Proximity to public parks and open space is an asset for HR district with residential development. The subject property is located north of the City's Riverbend Park, although separated physically by the Grand Valley Canal.

Rezoning the subject property will allow development of single family homes at a density that is consistent with the existing subdivision to the east (Montclair Subdivision).



6. Utility Providers

All required and necessary utilities shall be provided concurrent with development of the subject property. Utility providers for the future development of the property have the capacity and willingness to serve the development. Public facilities such as medical, schools, parks and public safety are available to serve future development on this site.

Utility providers for the site are as follows:

Sewer: Town of Palisade Sanitary Sewer

Water: Town of Palisade Water

Electric: Xcel

Police: Town of Palisade Police

Fire: Town of Palisade Fire

Drainage: Grand Valley Drainage District

Irrigation: Palisade Pipes and Lateral

7. Conclusion

After demonstrating compliance with the Palisade Land Development Code approval criteria and the Palisade Comprehensive Plan, the applicant respectfully requests approval of the requested rezone from the LDR zone district to the HR zone district for the property located at 3691 G Road.

8. Limitations/Restrictions

This report is a site-specific report and is applicable only for the client for whom our work was performed. The review and use of this report by the Town of Palisade, affiliates, and review agencies is fully permitted and requires no other form of authorization. Use of this report under other circumstances is not an appropriate application of this document. This report is a product of Vortex Engineering, Inc. and is to be taken in its entirety. Excerpts from this report when taken out of context may not convey the true intent of the report. It is the owner's and owner's agent's responsibility to read this report and become familiar with recommendations and findings contained herein. Should any discrepancies be found, they must be reported to the preparing engineer within 5 days.

The recommendations and findings outlined in this report are based on: 1) The site visit and discussion with the owner, 2) the site conditions disclosed at the specific time of the site investigation of reference, 3) various conversations with planners and utility companies, and 4) a general review of the zoning and transportation manuals. Vortex Engineering, Inc. assumes no liability for the accuracy or completeness of information furnished by the client or municipality/agency personnel. Site conditions are subject to external environmental effects and may change over time. Use of this report under different site conditions is inappropriate. If it becomes apparent that current site conditions vary from those reported, the design engineering should be contacted to develop any required report modifications. Vortex

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