

To access the Agenda and Backup Materials electronically, go to [the City of Grand Junction Website](#). To participate or watch the meeting virtually register for the [GoToWebinar](#).



**CITY COUNCIL AGENDA
WEDNESDAY, MARCH 20, 2024
250 NORTH 5TH STREET - AUDITORIUM
5:30 PM – REGULAR MEETING**

Call to Order, Pledge of Allegiance, Moment of Silence

Proclamations

Proclaiming March 31, 2024 as César Chávez Day in the City of Grand Junction

National Intellectual and Developmental Disabilities Awareness Month

Appointments

To the Forestry Board

To the Urban Trails Committee

Public Comments

Individuals may comment regarding items scheduled on the Consent Agenda and items not specifically scheduled on the agenda. This time may be used to address City Council about items that were discussed at a previous City Council Workshop.

The public has four options to provide Public Comments: 1) in person during the meeting, 2) virtually during the meeting (registration required), 3) via phone by leaving a message at 970-244-1504 until noon on Wednesday, March 20, 2024 or 4) submitting comments [online](#) until noon on Wednesday, March 20, 2024 by completing this form. Please reference the agenda item and all comments will be forwarded to City Council.

City Manager Report

Boards and Commission Liaison Reports

CONSENT AGENDA

The Consent Agenda includes items that are considered routine and will be approved by a single motion. Items on the Consent Agenda will not be discussed by City Council, unless an item is removed for individual consideration.

1. Approval of Minutes

- a. Minutes of the March 4, 2024 Special Meeting
- b. Summary of the March 4, 2024 Workshop
- c. Minutes of the March 6, 2024 Special Meeting
- d. Minutes of the March 6, 2024 Regular Meeting

2. Set Public Hearings

- a. Legislative
 - i. Introduction of an Ordinance Amending Ordinance No. 5064 and Sections 5.13.013 and 5.13.029 of the Grand Junction Municipal Code Regarding Certain Marijuana Business Security Requirements and Setting a Public Hearing for April 3, 2024
 - ii. Introduction of an Ordinance Amending Various Sections of the Grand Junction Municipal Code (GJMC) on Sales and Use Tax by Amending GJMC Related to Vendor Fees and Setting a Public Hearing for April 3, 2024
- b. Quasi-judicial
 - i. Introduction of an Ordinance for a Comprehensive Plan Amendment for 4.23 acres from Commercial to Residential Medium (5.5 to 12 du/ac) and Rezone from Mixed Use Neighborhood (MU- 1) to RM-8 (Residential Medium - 8 du/ac) of 4.23 acres, Located at 2152 Broadway and 2155 Monument Lane and Setting a Public Hearing for April 3, 2024
 - ii. Introduction of an Ordinance Zoning Approximately 3.744 Acres from County RSF-R (Residential Single Family Rural) to RM-8 (Residential Medium – 8 du/ac) for the Fire Station No. 7 Annexation, Located at 2351 H Road, and Setting a Public Hearing for April 3, 2024
 - iii. A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, Exercising Land Use Control, and Introducing Proposed Annexation Ordinance for the Five Star

Annexation of 0.11 Acres, Located East of the Northern End of Allyce Avenue, and Setting a Public Hearing for May 1, 2024

3. Resolutions

- a. A Resolution to Submit a Congressionally Directed Spending (CDS) Request for the Persigo Phase 1 Wastewater Treatment Plant Expansion Project

REGULAR AGENDA

If any item is removed from the Consent Agenda by City Council, it will be considered here.

4. Public Hearings

- a. Legislative
 - i. An Ordinance Amending Title 21 Zoning and Development Code to Modify and Clarify Various Provisions Relating to Withdrawn Applications, Public Notice Requirements, Planned Developments, Adding a Use for Public Parking, Accessory Dwelling Unit (ADU) Standards, Drive-Through Facility Standards, and Fence Standards; Introduction of an Ordinance Amending Title 25 24 Road Corridor Design Standards Regarding Alternate Streets Requests for Widths of Pedestrian Walks; Introduction of an Ordinance Amending Title 22, Title 23, Title 24, Title 25, Title 26, and Title 27 to Update Zone District Titles to Reflect Revisions in the Adoption of the 2023 Zoning & Development Code
- b. Quasi-judicial
 - i. An Ordinance Rezoning 7.11 Acres from R-4 (Residential - 4 du/ac) to R-24 (Residential – 24 du/ac), Located at 2651 Stacy Drive -
Continued from February 21, 2024
 - ii. An Ordinance Zoning Approximately 4.06 Acres from R-8 (Residential 8 du/ac) to MU-2 (Mixed Use) Located at 640 24 ½ Road

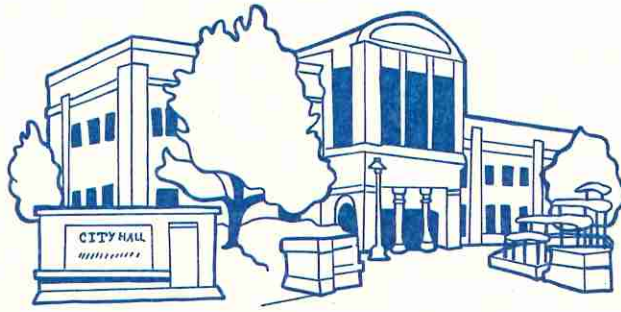
5. Other Business

- a. Discussion and Possible Action Regarding Selection Process for City Manager

6. Non-Scheduled Comments

This is the opportunity for individuals to speak to City Council about items on tonight's agenda and time may be used to address City Council about items that were discussed at a previous City Council Workshop.

7. Adjournment



City of Grand Junction, State of Colorado

Proclamation

- Whereas,** César Chávez has become an enduring symbol of our nation's commitment to encourage progress, create opportunity, and expand development at the grass roots level in the developing world; and
- Whereas,** on his birthday we celebrate a man who reminded us, that we all share a common humanity, each of us having our own value and contributing to the same destiny, and we carry forward his legacy by echoing his peaceful and eloquent calls for a more just and equitable society; and
- Whereas,** César Chávez demonstrated that true courage is revealed when the outlook is darkest and the resistance is strongest, and we will find it within ourselves to stand up for what we believe in; and
- Whereas,** in the face of extraordinary adversity and opposition, he stood up for the inherent dignity of every person, no matter their race, color, creed, or sexual orientation, and for the idea that when workers are treated fairly they give meaning to our founding ideals; and
- Whereas,** we will also keep up our efforts to reform our nation's broken immigration system so more people can contribute to our country's success; and
- Whereas,** today, we honor César Chávez by continuing to fight for what he believed in, including a living wage for workers and their right to unionize and provide for their family. Workers should have a safe workplace and the comfort of knowing they will be able to feed their families, earn decent benefits, gain the skills they need and prosper.


NOW, THEREFORE, I, Anna Stout, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim March 31, 2024 as

"César Chávez Day"

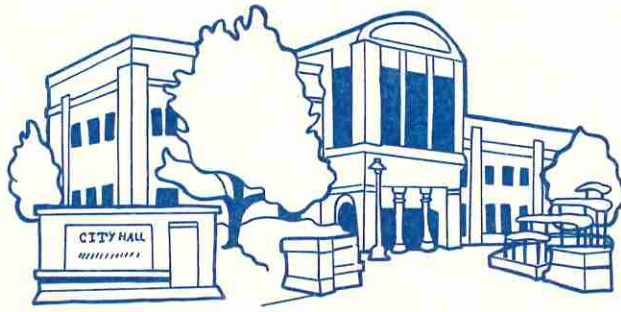
in the City of Grand Junction and invite our community to reach for the America he knew as possible - one in which hard work is rewarded, prosperity is shared, and equal opportunity is the right of all our people.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 20th day of March, 2024.





Mayor



City of Grand Junction, State of Colorado

Proclamation

Whereas, the month of March 2024 has been designated as “National Intellectual and Developmental Disabilities Awareness Month” in order to celebrate and recognize people with intellectual and developmental disabilities; and

Whereas, disability is a natural part of the human experience and in no way diminishes the right of people with disabilities to make choices, contribute to society and experience in full the many blessings of American society; and

Whereas, family members, friends and the community at large all play a role in supporting people with disabilities as they pursue their dreams; and

Whereas, the goals of this city properly include helping people with disabilities realize full access to housing, employment and the recreational activities which they choose to help them lead fulfilling and meaningful lives on their own terms.

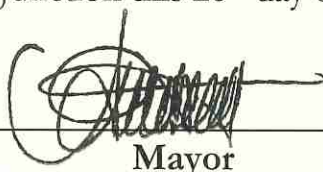
NOW, THEREFORE, I, Anna Stout, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim March 2024 as

“Intellectual and Developmental Disabilities Awareness Month”

in the City of Grand Junction, I call upon the community members of Grand Junction to observe the month with appropriate programs and activities. Furthermore, I encourage the citizens of Junction to seek information from those organizations with expertise on how they can support and include people with disabilities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 20th day of March 2024.





Mayor



Grand Junction City Council

Regular Session

Item #

Meeting Date: March 20, 2024

Presented By: Amy Phillips, City Clerk

Department: City Clerk

Submitted By: Kerry Graves

Information

SUBJECT:

To the Forestry Board

RECOMMENDATION:

To appoint the interview committee's recommendation to the Forestry Board.

EXECUTIVE SUMMARY:

There is one partial term vacancy on the Forestry Board.

BACKGROUND OR DETAILED INFORMATION:

There is a partial term vacancy.

FISCAL IMPACT:

SUGGESTED MOTION:

To (appoint/not appoint) the interview committee's recommendation to the Forestry Board.

Attachments

None



Grand Junction City Council

Regular Session

Item #

Meeting Date: March 20, 2024

Presented By: Amy Phillips, City Clerk

Department: City Clerk

Submitted By: Kerry Graves

Information

SUBJECT:

To the Urban Trails Committee

RECOMMENDATION:

To appoint the interview committee's recommendation to the Urban Trails Committee.

EXECUTIVE SUMMARY:

There are two partial term vacancies and one full term vacancy on the Urban Trails Committee.

BACKGROUND OR DETAILED INFORMATION:

Ian Thomas resigned August 28, 2023, B.J. Smith resigned August 3, 2023, and Brent Starnes term expires June 30, 2024.

FISCAL IMPACT:

SUGGESTED MOTION:

To (appoint/not appoint) and (reappoint/not reappoint) the interview committee's recommendation to the Urban Trails Committee.

Attachments

None

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE SPECIAL MEETING**

Fire Administration Training Room

March 4, 2024

Call to Order

Council President Anna Stout called the Special Meeting of the Grand Junction City Council to order at 4:00 p.m. on the 4th day of March 2024.

Councilmembers Scott Beilfuss, Cody Kennedy, Jason Nguyen, Randall Reitz, Dennis Simpson, and Council President Anna Stout were present. Council President *pro tem* Abe Herman was absent. Also, present was City Attorney John Shaver.

There was also a member of the media in attendance and several staff members.

President Stout called the Special Meeting of March 4, 2024 to Order. She stated that the Council in open session will consider/establish as determined pertinent by the City Council, the following items:

- (I) Job Search Goal(s);
- (II) Job Description, if other than the Current City Manager Job Description;
- (III) Recruitment/Appointment Deadline(s) and/or Time Frame for Appointing or Employing an Interim City Manager;
- (IV) Requirements for Applicant(s)/Selection Procedure(s).

Discussion focused on filling the Interim City Manager role due to the impending departure of the current City Manager. Discussion emphasized the timeline, potential candidates, and the need to avoid a leadership gap. There were debates about whether to appoint someone from the existing staff temporarily or to reach out to retired city managers or those between jobs.

Councilmember Simpson had questions and concerns regarding going into an Executive Session for the selection process; City Attorney Shaver responded with the Councilmember expressing that he had a differing opinion, based on opinions expressed by attorneys, than the City Attorney's interpretation of the law.

For clarification of the record the City Attorney noted that if the Executive Session were held it would be for the specific and limited purpose of the Council reviewing the resume of one applicant and considering whether to ask that applicant to be interviewed. Additionally, the City Attorney corrected for the record the notice allowing the Executive

Session to take place with the inclusion of "(4)" after 24-6-4020(4)(F)(I), so that it read:
PURSUANT TO C.R.S. SECTION 24-6-402(3.5) AND/OR 24-6-402(4)(F)(I) REGARDING AND RELATING TO DISCUSSION AND CONSIDERATION OF APPOINTMENT OR EMPLOYMENT MATTERS RELATING TO AN INTERIM CITY MANAGER.

President Stout asked for a motion and second to convene in Executive Session.

Councilmember Reitz moved and Councilmember Nguyen seconded to convene into
EXECUTIVE SESSION TO DISCUSS AND CONSIDER APPOINTMENT OR EMPLOYMENT MATTERS RELATING TO AN INTERIM CITY MANAGER PURSUANT TO C.R.S. SECTION 24-6-402(3.5) AND/OR 24-6-402(4)(F)(I) REGARDING AND RELATING TO DISCUSSION AND CONSIDERATION OF APPOINTMENT OR EMPLOYMENT MATTERS RELATING TO AN INTERIM CITY MANAGER.

With a vote (5/1), with Councilmember Simpson in opposition, the Executive Session was convened in accordance with the posted notice and for the purpose stated. The meeting was conducted in the Fire Administration Training Room. Staff members and the media representative present exited the room. The time was 4:57 p.m.

Upon completion of the Executive Session, Councilmember Simpson moved, and Councilmember Reitz seconded a motion to adjourn the Executive Session. The motion passed 6:0.

Council President Stout reconvened the Special Meeting at 5:07 p.m. and stated for the record that Council met in Executive Session:
TO DISCUSS AND CONSIDER APPOINTMENT OR EMPLOYMENT MATTERS RELATING TO AN INTERIM CITY MANAGER PURSUANT TO C.R.S. SECTION 24-6-402(3.5) AND/OR 24-6-402(4)(F)(I) REGARDING AND RELATING TO DISCUSSION AND CONSIDERATION OF APPOINTMENT OR EMPLOYMENT MATTERS RELATING TO AN INTERIM CITY MANAGER.

Councilmembers continued a brief discussion regarding the need for the open session items to be addressed and expressed a desire to invite Interim City Manager candidate, Robert McLaurin for an interview in an Executive Session on Wednesday, March 6, 2024.

A motion was made by Councilmember Simpson and seconded by Councilmember Kennedy to send an invitation to Interim City Manager candidate, Robert McLaurin, for an interview in an Executive Session on Wednesday, March 6, 2024. The motion passed unanimously by a vote of 6:0.

There being no further business or discussion, Council President Stout adjourned the Special Meeting at 5:10 p.m.

Amy Phillips
City Clerk



GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY

March 4, 2024

Meeting Convened: 5:30 p.m. The meeting was held in person at the Fire Department Training Room, 625 Ute Avenue, and live streamed via GoToWebinar.

City Councilmembers Present: Councilmembers Scott Beilfuss, Cody Kennedy, Jason Nguyen, Randall Reitz, Dennis Simpson, and Mayor Anna Stout. Mayor Pro Tem Abe Herman was absent.

Staff present: City Manager Greg Caton, City Attorney John Shaver, Assistant to the City Manager Johnny McFarland, Community Development Director Tamra Allen, Niki Galehouse Planning Supervisor, Utilities Director Randi Kim, Transportation and Engineering Director Trent Prall, Housing Manager Ashley Chambers, Deputy Chief Gary Marak, City Clerk Amy Phillips, and Deputy City Clerks Krystle Koehler and Selestina Sandoval.

1. Discussion Topics

a. Shoshone Water Rights Preservation (Colorado River District)

Utilities Director Randi Kim and Representatives from Colorado River District gave a presentation requesting that the City of Grand Junction consider a formalized financial commitment supporting the acquisition and permanent protection of the Shoshone Water Rights. They reported that on December 19, 2023, Xcel Energy and the Colorado River District signed a Purchase & Sale Agreement (PSA) to transfer ownership of the historic Shoshone water rights to the River District for \$99 million.

They explained that permanent protection of the Shoshone Flows will secure multiple benefits. The City of Grand Junction has conditional water rights on the Colorado River but does not currently use these water rights for its water supply. Protection of the Shoshone Flows provides other benefits to the City including ecosystem protection and Endangered Species Act compliance, supporting the recreational and agricultural economies, and water quality improvements.

The funding strategy for the \$99M investment relies on a diverse partnership of local, state, and federal funding sources (\$39M from Federal Government, \$20M Colorado River District, \$20M Statewide Board, \$20M from Colorado Counties and Municipalities). The Colorado River District requested that the City of Grand Junction formalize a financial commitment of \$1M to support the acquisition and permanent protection of the Shoshone Water Rights.

Concluding their presentation, discussion ensued with questions regarding the impact on the outdoor recreation industry in Grand Junction, particularly related to the Colorado River. The economic activity associated with in-stream recreation and its direct correlation to the City's economy.

Councilmembers inquired about the mechanism and timing for financial contributions. There was discussion on the nature of the contribution, what other entities would be asked to contribute and how much, as well as the timeline for federal commitments and funding opportunities.

Representatives asked the Council to issue a commitment letter in the amount of \$1M to be included in their upcoming grant cycle.

Council expressed interest in placing the topic on a future City Council meeting agenda.

The Mayor requested that Discussion Topic c - Transportation Capacity Expansion Update be moved forward on the agenda as the next item for discussion. Council agreed.

b. Transportation Capacity Expansion Update

Trent Prall Transportation and Engineering Director gave an overview of the City's transportation capacity expansion needs and the impact of cost increases on the projects.

He reported that in 2018, the City identified \$184 million in transportation improvements to expand network capacity over the next 20–30 years. Included in that estimate were large-scale projects such as the widening of 24 Road, the creation of the F 1/2 Parkway, the widening of 25 Road, and the City's 50 percent share of the I-70 Interchange at 29 Road along with other improvements to transform rural "farm to market" corridors to urban collectors complete with sidewalks, bike lanes, turn lanes and streetlights. These corridor improvements included 24 1/2 Road, 26 Road, 26 1/2 Road, 27 Road, D Road, and D 1/2 Road, among many others.

CDOT's construction cost index has averaged 9.5 percent annually between 2019 and 2023. With real estate values increasing at an average of 10.5 percent annually over the same period, \$184 million has grown to \$300 million. Since the original 2018 needs analysis, additional projects have been identified, including the completion of Grand Ave to 28 1/4 Road, 28 1/4 Road to I-70B, 29 1/2 Road corridor from Patterson to G Road, Broadway widening from Ridges Blvd to Redlands Parkway as well as widening Redlands Parkway from Broadway to 24 Road. These projects total an additional \$60 million.

The original assumption was to fund the various projects with 1/3 existing revenues, 1/3 transportation impact fees, and 1/3 new funding. In April 2019, a new 0.25 percent sales tax dedicated to transportation expansion was turned down by voters. While increases in transportation impact fees were implemented in late 2018, the fees were set at 75 percent of the amount recommended by the impact fee study and then phased in over four years. With the 75 percent implementation and four-year phase-in, approximately \$4.6 million in TCP fee revenue between 2020 and 2023 has been foregone. Impact fees generate approximately \$2.3 million per year at the current rates.

In November 2019, voters authorized a \$70 million bond issue with no new taxes. Repayment of the bonds is paid for within existing 0.75 percent sales tax revenues. The 10 projects originally proposed for funding included the 24 and G Road corridors that will be completed this spring, the F 1/2 Parkway currently under construction, as well other capacity improvements on 24 1/2 Road, 26 1/2 Road, Horizon and G Rd Intersection, D 1/2 Rd between 29 1/4 and 30 Rd, B 1/2 between 29 Rd and 29 3/4 Rd, and F 1/2 Rd between 30 Rd and 30 3/4 Rd. Due to the high construction cost inflation rates over the last four years and the strong real estate values that have driven right-of-way costs up, the cost to complete the projects is now estimated at \$105 million.

The City's 0.75 percent sales tax dedicated to capital improvements currently generates approximately \$18 million, of which approximately 50 percent is invested in roadway infrastructure, with \$4.3 million for debt service for transportation capacity expansion projects and \$4.7 million dedicated to street and traffic signal maintenance annually.

Impact fees are slated to be studied again this year as part of a five-year review and update but are currently estimated to be approximately \$70 million short of funding the anticipated 1/3 share of the \$300 million over 10 years.

With the April 2019 0.25 percent sales tax defeat, "new" funding is still required to meet approximately \$100 million of the overall transportation capacity needs.

Other Capacity Projects. The transportation impact fees are still anticipated to fund other capacity projects such as 26 and G Roundabout, 27 and G Roundabout, Riverside Parkway Signal at Dos Rios, Crosby Ave, Riverside Parkway at 9th Street right turn lane, Broadway (State Hwy 340) left turn lane for Magnus Court, and 28 1/4 Road from Grand Ave to I-70B.

The I-70/29 Road Interchange is anticipated at \$80 million (split with Mesa County) with construction in 2026. A Mesa County-led November 2024 ballot initiative for debt is currently proposed. The City's 50 percent share of the debt service is anticipated to be \$2.5 million annually for 30 years at 4 percent. Funding is currently planned for 0.75 percent sales tax, and those resources will be further reduced for future capital projects.

Discussion ensued regarding transportation needs and the rising construction costs and increased real estate values. The impact of a failed 2019 sales tax increase, implementation of impact fees, and the need for additional funding sources. Funding options such as existing funds, impact fees, and potential revenue from a future ballot initiative are considered. Prioritization of projects based on significance to the transportation system and community growth was emphasized.

Next steps include:

- Matching increased project costs to existing revenues
- Prioritizing projects
- Consideration of an impact fees study
- Revisit tax initiative(s), balancing infrastructure needs with housing affordability.
- Update Interim Housing Code and prioritize projects based on their impact on the transportation system.

c. Interim Housing Code Update

Tamra Allen Community Development Director and Niki Galehouse Planning Supervisor assisted by consultant Elizabeth Garvin presented this item. They reported that Interim Housing was identified by the Unhoused Needs Assessment, the 2023 Zoning & Development Code (ZDC) Committee, and City Council as a land use that should be explored. Since the adoption of the 2023 ZDC, staff have been working with consultants and a working group to identify the needs within the City and develop regulations to address the use within the City.

They provided a brief update on the progress of the working group regarding the Interim Housing project, detailing its goals, process, and draft regulations, aiming to encourage various housing options, particularly temporary solutions for those in need. The presentation covered preferences from a community working group, including zoning, shelter types, safety considerations, site design, and approval processes. Draft regulations addressing these aspects are open for public review.

A concern was noted about consensus within the working group, notably the heavy representation of service providers.

Consultant Garvin acknowledged ongoing discussions and differing views within the group, particularly regarding regulatory approaches. Concerns about allowing interim housing in residential areas was voiced, citing potential law enforcement challenges.

Suggestions moving forward included:

- Conducting additional community engagement sessions for feedback,
- Balancing openness and regulations,
- Considering potential conflicts between service providers and others in the working group,
- Focus on challenges regarding ADA requirements, emergency services, site conditions, fire safety and code compliance.

Additional discussion revolved around the staff's approach to zoning and stressed the importance of tailored specific solutions and effective site management for the homeless population. A Conditional Use Permit (CUP) approach was favored by the working group, emphasizing public hearings and site-specific criteria. Some Councilmembers emphasized the need for tailored solutions and praised the proposal's openness to diverse placements. Concerns about duration of stay, potential public perception, and the necessity of regulations before site setup were addressed.

2. City Council Communication

There was discussion about whether to proceed directly to Planning Commission review or involve City Council first regarding the Interim Housing Code highlighting concerns about transparency and urgency. Staff will add this item to the City Council meeting for action on March 6th.

Council discussed drafting a letter to the USPS in opposition to its proposal to move the Grand Junction area's mail collection distribution center to Denver.

Mayor Stout noted that the City will conduct interviews for the Parks and Recreation Advisory Board and one member from Council would be needed. The Mayor volunteered to participate in the interviews.

3. Adjournment

There being no further business, the Workshop adjourned at 8:34 p.m.

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE SPECIAL MEETING**

City Hall Administration Conference Room

March 6, 2024

Call to Order

Council President Anna Stout called the Special Meeting of the Grand Junction City Council to order at 4:35 p.m. on the 6th day of March 2024.

Councilmembers Scott Beilfuss, Cody Kennedy, Jason Nguyen, Randall Reitz, Dennis Simpson, Council President *pro tem* Abe Herman (on telephone) and Council President Anna Stout were present.

Also, present was City Attorney John Shaver. There was no public in attendance.

Councilmember Beilfuss moved and Councilmember Reitz seconded to convene into Executive Session to ***DISCUSS AND CONSIDER APPOINTMENT OR EMPLOYMENT MATTERS RELATING TO AN INTERIM CITY MANAGER, SPECIFICALLY INTERVIEW ROBERT MCLAURIN, PURSUANT TO C.R.S. SECTION 24-6-402(3.5) AND/OR 24-6-402(4)(F)(I) REGARDING AND RELATING TO DISCUSSION AND CONSIDERATION OF APPOINTMENT OR EMPLOYMENT MATTERS RELATING TO AN INTERIM CITY MANAGER.***

With a unanimous vote (7:0) the Executive Session was convened in accordance with the posted notice and for the purpose stated. The meeting was conducted in the City Hall Administration Conference Room. The time was 4:36 p.m.

Upon completion of the Executive Session, Councilmember Kennedy moved, and Councilmember Nguyen seconded a motion to adjourn the Executive Session. The motion passed 7-0.

Council President Stout reconvened the Special Meeting at 5:12 p.m. and stated for the record that Council met in Executive Session to ***DISCUSS AND CONSIDER APPOINTMENT OR EMPLOYMENT MATTERS RELATING TO AN INTERIM CITY MANAGER, SPECIFICALLY INTERVIEW ROBERT MCLAURIN, PURSUANT TO C.R.S. SECTION 24-6-402(3.5) AND/OR 24-6-402(4)(F)(I) REGARDING AND RELATING TO DISCUSSION AND CONSIDERATION OF APPOINTMENT OR EMPLOYMENT MATTERS RELATING TO AN INTERIM CITY MANAGER.***

Adjournment

There being no further business or discussion, Council President Stout adjourned the Special Meeting at 5:13 p.m.

Amy Phillips
City Clerk



Grand Junction City Council
Minutes of the Regular Meeting

March 6, 2024

Call to Order, Pledge of Allegiance, Moment of Silence

The City Council of the City of Grand Junction convened into regular session on the 6th day of March at 5:30 p.m. Those present were Councilmembers Scott Beilfuss, Cody Kennedy, Jason Nguyen, Randall Reitz, Dennis Simpson, Council President Pro Tem Abe Herman (virtual), and Council President Anna Stout.

Also present were City Manager Greg Caton, City Attorney John Shaver, Parks and Recreation Director Ken Sherbenou, Community Development Director Tamra Allen, City Clerk Amy Phillips, and Deputy City Clerks Selestina Sandoval and Krystle Koehler.

Council President Stout called the meeting to order. Councilmember Simpson led the Pledge of Allegiance, followed by a moment of silence.

Proclamation

Proclaiming March 2024 as Women's History Month

Council President Anna Stout read the proclamation, and council recognized women who have served as an inspiration to them, some of which were present to accept the proclamation.

Proclaiming March 2024 as American Red Cross Month

Councilmember Nguyen read the proclamation, and Krista Ubersox, Vice Chair of the Red Cross Western Colorado Chapter, along with Josh Stuart, Regional Manager of American Red Cross, accepted the proclamation.

Public Comments

Anna Elliott applauded the local American Red Cross for the work and service they provide, but she also voiced concerns regarding some of the programs they provide.

Kirk Thiets, expressed his view of City Policies regarding the closure of public restrooms.

City Manager Report

City Manager Greg Caton had no report.

Board and Commission Liaison Reports

Councilmember Nguyen stated Grand Valley Regional Transportation Committee (GRVTC) submitted a letter of support for bill SB24-036 Vulnerable Road User Protection Enterprise.

Councilmember Simpson shared updated information on the Business Incubator Center.

Councilmember Beilfuss reported that the Historic Preservation Board updated their bylaws, and possibly are establishing a new Historic District south of downtown near the railroad area. He also shared, that the Commission on Arts and Culture met to review applications for grants.

Councilmember Kennedy shared the Forestry Board met for interviews; and the Museum of the West has an event this Saturday March 9th which will be a fundraiser.

Council President Pro Tem Herman gave updates on Downtown Development Authority's (DDA) fiber art projects, the Mav Classic happening March 23rd. Samples and Sips is on April 5th from 3 pm to 7 and lastly, Restaurant Week will begin April 6th.

Council President Stout reported on the Colorado Municipal League, the Associated Governments of Northwest Colorado, and the Grand Junction Chamber. She also testified against the Pets Rescue Act on behalf of the Colorado Municipal League and the Associated Governments of Northwest Colorado.

CONSENT AGENDA

1. Approval of Minutes

- a. Minutes of the February 21, 2024 Regular Meeting

2. Set Public Hearings

- a. Legislative
 - i. Introduction of an Ordinance Amending Title 21 Zoning and Development Code to Modify and Clarify Various Provisions Relating to Withdrawn Applications, Public Notice Requirements, Planned Developments, Adding a Use for Public Parking, Accessory Dwelling Unit (ADU) Standards, Drive-Through Facility Standards, and Fence Standards; Introduction of an Ordinance Amending Title 25 24 Road Corridor Design Standards Regarding Alternate Streets Requests for Widths of Pedestrian Walks; Introduction of an Ordinance Amending Title 22, Title 23, Title 24, Title 25, Title 26, and Title 27 to Update Zone

District Titles to Reflect Revisions in the Adoption of the 2023 Zoning & Development Code and Setting a Public Hearing for March 20, 2024

b. Quasi-judicial

- i. Introduction of an Ordinance Zoning Approximately 4.06 Acres from R-8 (Residential 8) to MU-2 (Mixed Use) located at 640 24 ½ Road and Setting a Public Hearing for March 20, 2024

3. Procurements

- a. Purchase of Side Load Refuse Trucks
- b. Construction Contract for Roof Replacements at City Hall and City Offices
- c. Approval of a Contract with Citadel Security to Provide Security Services

4. Resolutions

- a. A Resolution Repealing and Rescinding the Corridor Infill Incentive Established by Resolution 74-22
- b. A Resolution Authorizing and Confirming the Sale of Real Property Located at 2601 Dos Rios Drive, Grand Junction, Colorado

Councilmember Kennedy moved, and Councilmember Nugyen seconded to adopt Consent Agenda Items 1-4. Motion carried by unanimous voice vote.

Regular Agenda

An Ordinance Authorizing a License Agreement for the Sale of Naming Rights at the Community Recreation Center Pools

The proposed license agreement would enable naming of the Community Recreation Center Pools in exchange for \$3,000,000 from Intermountain Health dba St. Mary's.

Parks and Recreation Director Ken Sherbenou presented this item.

Council discussed the method used to make sure every potential provider was notified to submit a proposal if they chose, and what date the email was sent out to the potential providers. Councilmember Reitz stated he would abstain from voting as he is employed by St. Mary's Hospital.

The public hearing opened at 6:11 pm.

Andrea Krebs shared her gratitude to St. Mary's and Intermountain Healthcare for offering the investment and putting private resources in a public facility.

Anna Elliott shared her concern about the process for naming of the pool.

The public hearing closed at 6:15 pm.

Councilmember Nguyen moved, and Councilmember Kennedy seconded to adopt Ordinance No. 5203, an ordinance approving the License Agreement for the sale of naming rights at the Grand Junction Community Recreation Center pools on final passage and ordered final publication in pamphlet form. Motion carried by roll call vote 6-0, with Councilmember Reitz abstaining.

An Ordinance Authorizing a Lease Agreement with a Therapy Provider at the Community Recreation Center

The proposed lease agreement would enable a 10-year initial lease term with three subsequent five-year extensions for a total of 25 years for a built-to-suit 2900 square foot therapy space in the Community Recreation Center (CRC). This space would be operated by Intermountain Health dba St. Mary's Regional Hospital. Annual rent and operating expenses would be paid to the City starting at \$168,000 per year with an annual 2.5 percent escalator. St. Mary's would also contribute \$1,554,000 to help with the capital construction cost of adding the therapy space. Patients would have access to the drop-in areas of the CRC with their therapists, including the fitness/weight area, walking track, and therapy pool. This activity is expected to increase the overall service provided by the CRC and help achieve high-cost recovery (which is operational revenue divided by operational expense).

Parks and Recreation Director Ken Sherbenou presented this item.

The public hearing opened at 6:17 pm.

Kirby Richardson who is the co-owner of Fyzical Therapy and Balance Center expressed her concern about not receiving an email request for a proposal and is in opposition of this item.

The public hearing closed at 6:20 pm.

Councilmember Kennedy moved, and Councilmember Nguyen seconded to adopt Ordinance No. 5204, an ordinance authorizing entering into the Lease Agreement as proposed with Intermountain Health St. Mary's Regional Hospital for Therapy Space at the Grand Junction Community Recreation Center, on final passage and ordered final publication in pamphlet form. Motion carried by roll call vote 5-1 with Councilmember Simpson voting No, and Councilmember Reitz abstaining.

Council took a break at 6:23 pm and resumed at 6:32 pm.

A special kid's public comment opened at 6:33 pm.

Mason Donalson spoke about his local farm and the animals he has.

Kid's public comment closed at 6:34 pm.

Council President Stout stated Jase, Mason and Iris Donalson were her VIP guests for the evening.

Discussion and Possible Action Regarding School District 51 Impact Fees

Representatives from Mesa County Valley School District 51 (D51) presented a report regarding School Land Dedication Fees (SLD) collected by the City on behalf of D51.

Mesa County School District 51 Superintendent Brian Hill, Chief Finance Officer Melanie Trujillo, and Chief Operations Officer Clint Garcia presented this item.

Council discussed the last time they received a report from the School District and where the methodology came from for the calculation of the fee, shrinking enrollment, growth rate of R-5, improvements to schools, updating the language for collecting the fee so it wouldn't carry confusion, whether the growth in R-5 reflect, the growth in the school district, and fees can't be used for existing deficiencies.

The public comment opened at 7:07 pm.

Shelly Dackonish, the attorney representing the Homebuilders Association, shared her opinion that the fee money can't be lawfully used for construction costs or debt.

The public comment closed at 7:10 pm.

Councilmember Simpson moved, and Councilmember Kennedy seconded to postpone this item for 60 days to discuss the existing funds. Motion was failed by roll call vote 2-5.

Councilmember Nguyen moved, and Councilmember Reitz seconded to approve the requested disbursement made by the Mesa County Valley School District 51 in its February 2, 2024 request. Motion carried by roll call vote 6-1 with Councilmember Simpson Voting No.

Council discussed Resolution No.13-24, which was set to self-execute and will discontinue the collection of the impact fee. Further conversation discussed if the City decides to ever collect the fee in the future, the funds would go directly to the School District.

Discussion and Possible Action Regarding Interim Housing Code Next Steps

An update on Interim Housing was presented at the March 4th, City Council workshop. Direction was provided to conduct additional public outreach and engagement on the topic prior to scheduling public hearings on the proposed Code text amendment. Staff requested direction from Council as to the desire of City Council to schedule an additional City Council workshop on Interim Housing after the conclusion of additional outreach and engagement and after the working group's recommendation had been completed. In absence of direction at the workshop, this request for direction was scheduled to be discussed at a regular meeting.

Interim Housing has been identified by the Unhoused Needs Assessment, the 2023 Zoning & Development Code (ZDC) Committee, and City Council as a land use that should be explored. Since the adoption of the 2023 ZDC, staff has been working with a

consultant and a working group to identify the needs within the City and develop regulations to address the use within the City.

Council discussed sanctioned camping in residential areas and retail areas throughout the community, location concerns, the benefits of going to Council before Planning Commission to ensure Council policy, and additional community outreach communication.

Councilmember Kennedy moved, and Councilmember Nguyen seconded to direct staff to schedule Interim Housing for a future City Council workshop after completion of the working group's recommendation and conclusion of additional public outreach. Motion carried by unanimous voice vote.

Non-Scheduled Comments

Anna Elliott shared her concern regarding unhoused camping and tenting and hopes that the community gets to provide input and that the communication goes out correctly.

Other Business

Council discussed the Interim City Manager position and structure of search matters moving forward, the Interim time to spend with staff before a decision is made, not wanting to draw out the process, regarding permanent City Manager using a recruiting consultant and gathering quotes from different recruiting consultants. Conversation concluded with Council doing research on recruiting consultants. Discussion will continue March 20, 2024. There was also discussion regarding interim housing guidelines and once that is in place Council would like to vote on new park guidelines.

Adjournment

Meeting adjourned at 9:03 pm.

Amy Phillips, CMC

City Clerk





Grand Junction City Council

Regular Session

Item #2.a.i.

Meeting Date: March 20, 2024
Presented By: John Shaver, City Attorney
Department: City Attorney
Submitted By: John Shaver

Information

SUBJECT:

Introduction of an Ordinance Amending Ordinance No. 5064 and Sections 5.13.013 and 5.13.029 of the Grand Junction Municipal Code Regarding Certain Marijuana Business Security Requirements and Setting a Public Hearing for April 3, 2024

RECOMMENDATION:

Introduce Ordinance ____ on first reading, authorize publication in pamphlet form and set a public hearing for April 3, 2024.

EXECUTIVE SUMMARY:

This ordinance amends Ordinance 5064 and its codification in the GJMC at 5.13.029 and 5.13.013 to require the secure storage of marijuana and marijuana products and cash kept at each regulated cannabis business in the City in a safe, vault or equivalent fixture, feature, or improvement to the business's property and that the fixture, feature, or improvement is either integral to the building structure or securely attached to the building.

BACKGROUND OR DETAILED INFORMATION:

On April 6, 2022, the City Council adopted Ordinance 5064 regarding cannabis business licenses and regulations. By and with the adoption of that Ordinance, the Grand Junction Municipal Code ("GJMC") now includes time, place, and manner restrictions for operating regulated cannabis businesses in the City while protecting the public health and safety through reasonable limitations on business operations. Regulated cannabis businesses include retail and/or co-located retail and medical cannabis businesses.

Recently, a coalition of regulated cannabis businesses contacted the City Council seeking an amendment to the GJMC to clarify the requirements for storage of cannabis

and money in business places. A copy of the correspondence is attached.

This ordinance amends Ordinance 5064 and its codification in the GJMC at 5.13.029 and 5.13.013 to require the secure storage of marijuana and marijuana products and cash kept at each regulated cannabis business in the City in a safe, vault or equivalent fixture, feature, or improvement to the business's property and that the fixture, feature, or improvement is either integral to the building structure or securely attached to the building.

FISCAL IMPACT:

There is no fiscal impact associated with this request.

SUGGESTED MOTION:

I move to Introduce Ordinance ____ on first reading, authorize publication of the Ordinance in pamphlet form and set a public hearing for April 3, 2024.

Attachments

1. Cannabis
2. ORD-Amend 5064 MJ business security 20240315



February 2, 2024

Honorable Grand Junction City Councilmembers,

We represent a coalition of cannabis businesses that were awarded licenses to operate in Grand Junction. As we've begun opening our businesses to serve the public, we've encountered issues with the requirements in local statutes pertaining to the safe storage of marijuana and marijuana products.

The safety and security of our businesses are of the utmost importance to us. Those of us with dispensary locations in other areas of the state have worked with local enforcement agencies over the years to refine and optimize the secure storage of our products to ensure the risk of burglary and product diversion is minimal. A prime example is the City of Denver's [Rules Governing Cannabis Storage and Service Windows](#) (Pg. 2, Section 3).

Grand Junction's product storage requirements diverge from the best practices established in other jurisdictions, like Denver. The original ordinance that was passed in 2022 contains conflicting language about the safe storage of marijuana and marijuana products.

Section 5.13.029(a)(2) states, "The installation and use of a safe for storage and any processed cannabis and cash on the premises when the business is closed to the public. The safe, as defined in GJMC 5.13.013, shall be incorporated into the building structure or securely attached thereto."

Section 5.13.029(b)(3) states, "The security plan shall be designed to: Prevent theft or the diversion of cannabis, including maintaining all cannabis in a secure, locked room that is accessible only to authorized persons and, when the business is closed to the public, in a safe **or vault or equivalent secured fixture.**"

Officer Travis Wright clarified that the use of safes is required for overnight storage of products that contain THC. As responsible operators, we complied. **Now, we are requesting that the Council review the conflicting language and pass an ordinance to allow vaults and other storage alternatives that are functionally equivalent to a safe to be used for the safe storage of our products when our businesses are not open to the public for the following reasons:**

1. Efficiency of transporting from our production facilities and efficiency of 3rd party vendors transporting products to our Grand Junction stores
2. Varied and sufficient product supply to meet customer demand

We ask that the Council take up this issue and amend the statute to allow the safe storage of marijuana and marijuana products in a safe, vault, or storage alternative that is functionally equivalent to a safe or vault.

We will be following up with each of you and look forward to hearing your thoughts as our Council representatives.

Respectfully,

Grand Junction Cannabis Coalition

CannaCare, LLC

Colorado Weedery

Elevate

The Garage

Grand Junction Greenery

The Green Horizon

Lucky Me Dispensary

Native Roots

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6

RECITALS:

Recently a coalition of regulated cannabis businesses contacted the City Council seeking an amendment of the GJMC to clarify the requirements for storage of cannabis and money in the business places.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

5.13.029 Security Requirements

(i) The installation and use of a safe, **vault** for storage ~~of and~~ any processed cannabis and/or cash on the **licensed** premises when the business is closed to the public. The safe, **vault, or fixture, feature or improvement to the businesses property** as defined in GJMC 5.13.013, shall be incorporated into the building structure, or securely attached thereto.

Packet Page 28

metal sides and doors, which refrigerator or freezer shall either secured to the building structure within the Limited Access Area of the Licensed Premises or positioned within a vault, as defined in 5.13.013, and such refrigerators and freezers shall be locked when the business is closed to the public.

5.13.029(b)(3) The security plan shall be designed to:

Prevent theft or the diversion of cannabis, including maintaining all cannabis in a secure, locked room that is accessible only to authorized persons and, when the business is closed to the public, in a safe or vault or equivalent as defined in 5.13.013.

5.13.029(c) On and after the Effective Date of Ordinance # (this ordinance) any licensed regulated cannabis business in good standing with the City may amend its security plan to install and use a safe, vault, or fixture, feature, or improvement as defined in GJMC 5.13.013, to the business's property for storage of any processed cannabis and cash on the premises when the business is closed to the public as provided in this Code, subject any State or local requirements for inspection(s) and/or modification of the licensed premises as required by 5.13.039.

5.13.013 Definitions.

Processed Cannabis” means any cannabis that is prepared and/or available for sale, including raw cannabis and packaged cannabis.

Safe means a safe with an Underwriters Laboratory rating of TL-15, or better, that is securely attached to the building structure within the Limited Access Area of the Licensed Premises.

Safe and/or vault means a metal box, fixture, feature, or improvement as specifically defined herein, including any definition(s) adopted by reference, that is either integral to the building structure or securely attached to the building structure capable of (1) being locked securely by either a mechanical or electronic combination lock that is protected by a case-hardened drill-resistant steel plate or drill-resistant material of equivalent strength; (2) having door hinges that prevent the removal of the door, including but not limited to hinges that are not exposed to the outside, interlocking door designs, dead bars, jeweler's lugs and active locking bolts; (3) being constructed in a manner to prevent opening by human or mechanical force, or through the use of common tools, including but not limited to hammers, bolt cutters, crowbars or pry bars; and (4) being certified by the manufacturer to be adequate for securely storing the quantity of monetary funds and physical cannabis product of the cannabis business.

A Safe shall be certified with an Underwriters Laboratory rating of TL-15, or better and be securely attached to the building structure within the Limited Access Area of the Licensed Premises.

A Vault shall be a fixture, feature or improvement that is integral to the building structure within the Limited Access Area of the Licensed Premises and be equipped with a door having an Underwriters Laboratory rating of TL-15, or better, or GSA Class 5 rating, or better, equipped with a mechanical or electronic lock having an Underwriters Laboratory 768 Group 2 rating, or better, with a steel door frame and with walls, floors and ceiling reinforced with at least one of the following:

- 1) At least one layer of one-eighth inch or thicker welded steel plating;**
- 2) Steel mesh of 10-gauge wire or thicker with openings no larger than 2 ½" x 2 ½" that is securely attached to the building structure;**
- 3) Concrete 4" or thicker reinforced with ½" or thicker steel rods no wider than 6" apart;**
- 4) A cage constructed to current 21 CFR 1301.72(b)(4) standards;**
- 5) A vault constructed to current 21 CFR 1301.72(a)(3) standards**

A Vault shall meet all applicable building, fire and electrical codes as determined to be applicable by the Mesa County Building Department. A Vault shall be equipped with an alarm at each ingress and egress.

...

This ordinance is necessary to protect the public health, safety, and welfare of the residents of the City. If any provision of this ordinance is found to be unconstitutional or illegal, such finding shall only invalidate that part or portion found to violate the law. All other provisions shall be deemed severed or severable and shall continue in full force and effect.

INTRODUCED ON FIRST READING AND ORDERED PUBLISHED in pamphlet form this 20th day of March 2024.

PASSED, ADOPTED, AND ORDERED PUBLISHED in pamphlet form this _____ day of _____, 2024.

Anna M. Stout
President of the City Council

ATTEST:

Amy Phillips

DRAFT



Grand Junction City Council

Regular Session

Item #2.a.ii.

Meeting Date: March 20, 2024
Presented By: Jennifer Tomaszewski, Finance Director
Department: Finance
Submitted By: Jennifer Tomaszewski, Finance Director

Information

SUBJECT:

Introduction of an Ordinance Amending Various Sections of the Grand Junction Municipal Code (GJMC) on Sales and Use Tax by Amending GJMC Related to Vendor Fees and Setting a Public Hearing for April 3, 2024

RECOMMENDATION:

Staff recommends the introduction of the ordinance amending various sections of the Grand Junction Municipal Code (GJMC) on Sales and Use Tax by amending GJMC Related to Vendor Fees and setting a public hearing for April 3, 2024

EXECUTIVE SUMMARY:

On January 3, 2023, Council approved an ordinance amending various sections of the Grand Junction Municipal Code (GJMC) on Sales and Use Tax by adding terms and definitions to the GJMC Related to "economic nexus" and authorize an intergovernmental agreement with the Colorado Department of Revenue (CDOR) to participate in the State Sales and Use Tax System (SUTS).

Since January 3, finance staff have been working with the state and the state's integration partners (GOVOS) to coordinate configuring the link from the City's tax administration system, GenTax, into SUTS. The early stages of this project required the City team to provide the local configurations, which GOVOS would map into SUTS. This includes providing the various exemptions and credits available to local businesses, which are included in their monthly tax returns. Recently, information provided by both the state and GOVOS confirmed a need for minor changes to the current vendor fee credits available to businesses that file sales tax returns to the City and the City's Municipal Code as it relates to vendor fee caps in order to integrate into SUTS.

BACKGROUND OR DETAILED INFORMATION:

The City allows filers to receive a "vendor fee" credit when filing sales and use tax returns if returns are submitted before the due date as an incentive for timely reporting. There are three options for this vendor fee credit per GJMC 3.12.100(b)(1), based on various reporting periods, as follows:

*(1)Vendor's Fee. A retailer's collection and remittance expense equal to three and one-third percent of the sum of the sales tax collected and any excess tax collected may be taken as a credit against sales tax paid on or before the due date. The credit shall not exceed **\$500.00 per month** for taxpayers filing monthly; **\$1,500 for taxpayers filing quarterly**; and **\$6,000 per year for taxpayers filing annually**. However, no such credit shall be allowed for any sales tax that is not reported in a timely manner and paid by the due date. Forfeiture of the vendor's fee shall be prima facie evidence that the taxpayer was in violation of this chapter.*

Recently, during the early phases of the SUTS integration, the state confirmed that the City of Grand Junction is the only municipality that offers three options for the vendor fee credit, and the SUTS system is only able to accommodate one option. Most municipalities that allow for a credit only issue one credit calculation (and cap) regardless of the filing frequency. Therefore, to integrate with SUTS, the City will need to reduce to one option. The most widely used cap, by far, is the credit of 3.333 percent up to \$500 (cap) for monthly filers.

With that information, staff reviewed the number of businesses that would have been impacted by this change in 2023, including all returns filed and any financial impacts. Given the vast majority of businesses receive a credit of \$500 or less, regardless of the reporting period, only 11 businesses would have been impacted had the City only provided one \$500 cap (for all filers: monthly, quarterly, and annual). See the detail in the table below, which depicts the number of businesses that would have been impacted, the dollar impact, and the location of these businesses.

# of Businesses Impacted	2023 Actual Credit	If \$500 credit	Financial Impact	location of businesses impacted
1	\$ 574	\$ 500	\$ 74	Grand Junction
10	17,735	6,500	11,235	NM, TX, MO,CA, GA, MI, FL, IL
11	\$ 18,309	\$ 7,000	\$ 11,309	

As seen, there is minimal impact on eliminating the \$1,500 cap for quarterly filers and the \$6,000 cap for annual filers. The benefits to most sales tax filers far outweigh the financial impacts of making this change. Most of the businesses that would be impacted are located outside of Colorado and would benefit further by filing via SUTS.

FISCAL IMPACT:

The impact on sales and use tax revenue by removing the vendor fee cap of \$1,500 for quarterly and \$6,000 for annual filers is minimal, estimated to increase revenues of less than \$12,000 annually, as most sales and use tax filers already stay below the \$500 monthly vendor fee cap.

SUGGESTED MOTION:

I move to adopt/deny the ordinance amending various sections of the Grand Junction Municipal Code (GJMC) on sales and use tax by amending GJMC related to vendor fees, publish the ordinance in pamphlet form and setting the second reading and public hearing for April 3, 2024.

Attachments

1. ORD-Amending Vendor Fee 20240307

ORDINANCE NO. ____

AN ORDINANCE AMENDING CHAPTER 3, SECTION 3.12.100 OF THE GRAND JUNCTION MUNICIPAL CODE (GJMC) CONCERNING THE SALES TAX VENDOR'S FEE

RECITALS:

The Grand Junction Municipal Code regulates the taxation, collection, reporting and remittance of sales and use taxes in the City. To alleviate some of the burden of those requirements the City has for many years provided to retailers that collect and remit tax a credit of three and one-third percent of the sum of the sales tax collected to offset the expense to the retailers for the collection and remittance effort, provided that no credit is allowed for any sales tax that is not properly and timely reported and paid by the due date.

The credit, known as a "vendor's fee", (hereinafter "Fee") was established prior to the introduction of automated systems and accordingly the Fee was then more aligned with the cost of collecting, preparing, and filing the tax returns and remitting the tax.

Now, because of the prevalence of point-of-sale systems, automated bookkeeping, and computerized tax preparation programs, together with the State's requirement for certain changes to the reporting of sales and use taxes necessitated by the implementation of the Colorado Department of Revenue Sales & Use Tax System (SUTS) the City Council has determined that the Fee should change. The Fee is proposed to be capped as provided herein and by and with adoption of this Ordinance the Fee will be limited to \$500.00 per filing per sales tax account.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

Title 3, Section 12, Part 100(b)(1) of the Grand Junction Municipal Code is amended as follows. (Amendments to the relevant portion of the Code are shown in ~~strikethrough~~ and ALL CAPS BOLD ITALIC typeface as applicable.)

The foregoing Recitals are incorporated herein and GJMC 3.12.100(b)(1) is amended as shown:

3.12.100(b)(1) Vendor's Fee. A retailer's collection and remittance expense equal to three and one-third percent of the sum of the sales tax collected and any excess tax collected may be taken as a credit against sales tax paid on or before the due date. The credit shall not exceed \$500.00 (five hundred dollars) per filing for EACH taxpayers/SALES TAX ACCOUNT. ~~filing monthly; \$1,500 for dollars per month for taxpayers filing quarterly; and, \$6,000 dollars per year for taxpayers filing annually.~~ However, no such credit shall be allowed for any sales tax that is not timely reported and paid by the due date. Forfeiture of the vendor's fee shall be prima facie evidence that the taxpayer was in violation of this chapter. However, no such credit shall be allowed for any sales tax that is not timely reported and paid by the due date. Forfeiture of the vendor's fee shall be prima facie evidence that the taxpayer was in violation of this chapter.

All other provisions of Title 3, Section 12 Part 100 are unchanged and shall remain in full force and effect.

The City Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

INTRODUCED ON FIRST READING AND ORDERED PUBLISHED in pamphlet form this 20th day of March 2024.

PASSED, ADOPTED, and ordered published in pamphlet form this ____ day of _____ 2024.

Anna M. Stout
President of the City Council

ATTEST:

Amy Phillips
City Clerk



Grand Junction City Council

Regular Session

Item #2.b.i.

Meeting Date: March 20, 2024
Presented By: David Thornton, Principal Planner
Department: Community Development
Submitted By: David Thornton, Principal Planner

Information

SUBJECT:

Introduction of an Ordinance for a Comprehensive Plan Amendment for 4.23 acres from Commercial to Residential Medium (5.5 to 12 du/ac) and Rezone from Mixed Use Neighborhood (MU- 1) to RM-8 (Residential Medium - 8 du/ac) of 4.23 acres, Located at 2152 Broadway and 2155 Monument Lane and Setting a Public Hearing for April 3, 2024

RECOMMENDATION:

The Planning Commission heard this request at their March 12, 2024 meeting and voted (7-0) to recommend approval of the request.

EXECUTIVE SUMMARY:

The Property Owner, D&B Broadway Monument, LLC is requesting a Comprehensive Plan Amendment from Commercial to Residential Medium (5.5-12 du/ac) and a rezone to RM-8 (Residential Medium – 8) for property located at 2152 Broadway and 2155 Monument Lane on 4.23 acres in the Redlands near the Monument Village Shopping Center. The subject properties are vacant.

The properties were zoned B-1 (Neighborhood Business) at the time the application was submitted to the City in December 2023 with a requested rezone to R-8 (Residential – 8). With the passage and effective date of the 2023 Zoning and Development Code on January 21, 2024, the current zoning on both properties is now MU-1 (Mixed Use Neighborhood) and the requested rezone is now for RM-8 (Residential Medium – 8).

The property owner is requesting an amendment to the One Grand Junction Comprehensive Plan in anticipation of future residential development. The zone district of RM-8 is consistent with the proposed Residential Medium Land Use category of the

Comprehensive Plan. The zoning and Comprehensive Plan amendment requests will be considered concurrently and are included in this staff report.

BACKGROUND OR DETAILED INFORMATION:

A note about the implementation of the Zoning & Development Code Update: On January 21, 2024, the R-8 zone district transitioned to RM-8 (Residential Medium - 8), and the development rights under the zone district are now found in the new Zone District and Dimensional Standards. As this application was received before the effective date of this update, the analysis found in this staff report is pursuant to the previous Zoning & Development Code language.

The Property Owner, D&B Broadway Monument, LLC, has requested a Comprehensive Plan amendment and rezone for 4.23 acres of land located on property at 2152 Broadway & 2155 Monument Lane in the Redlands in anticipation of future single-family residential development. The Applicant is requesting to amend the land use designation from Commercial to Residential Medium to allow for a rezone from MU-1 (Mixed-Use Neighborhood) to RM-8.

The property has had a zoning of MU-1 since January 21, 2024, when the City's new Zoning and Development Code and revised zoning map went into effect. Prior to that, the zoning on the two parcels was B-1 (Neighborhood Business). The rezone application requested a rezone from B-1 to R-8. Under the 2023 Code and revised zoning Map this request becomes a rezone from MU-1 to RM-8.

Surrounding properties have a mix of jurisdictions; the area to the east is zoned RM-8 in the city, to the south is zoned P-2 (Public, Civic, & Institutional Campus) (Fire Station No. 5) in the city, to the north is a Planned Unit Development in Mesa County and to the west there are areas zoned C-1 (Commercial) in Mesa County and areas zoned MU-1 in the city. Existing land uses include residential single-family to the north and east. There is also a church east of this site. Fire Station No. 5 is located to the south, along with a single-family detached residential area in unincorporated Mesa County. To the west is the existing Monument Village shopping center.

The Property Owner is requesting to amend the One Grand Junction Comprehensive Plan Land Use Map from Commercial to Residential Medium, which is the same category found to the north and east of the subject property. They seek to develop the site with the same housing type, which is single-family detached only and at densities similar to the surrounding residential single-family neighborhoods. The subject property has sewer service and all other urban amenities. It is located within Tier 2 on the Comprehensive Plan's Intensification and Growth Tiers Map. The land use category of "Commercial" includes the lands to the west, which is where the Monument Village Shopping Center exists.

The Monument Village Shopping Center was a thriving retail center with a grocery store anchor in 2010 when the 2010 Comprehensive Plan was adopted by the City and County. A vital element of the 2010 Plan was to plan for, encourage new, and grow

existing neighborhood centers. Monument Village was a neighborhood center where the total area was expanded on the 2010 Future Land Use Map for a mixed-use neighborhood center. It had the elements of a thriving neighborhood center for goods and services and was envisioned for future commercial growth opportunities. However, the retail center began to lose business, and eventually, the anchor supermarket closed. In the 2020 One Grand Junction Comprehensive Plan, the amount of area identified for a mixed-use center was reduced. Still, it included the subject property with a commercial land use designation, providing an opportunity for the center to grow. Now, in 2024, the supermarket space is occupied by Family Dollar and Dollar Tree with limited grocery items. The hardware store building now houses a church. Other smaller storefronts (businesses) have changed or closed. The existing nine-acre neighborhood center has approximately one acre of land developed as a parking lot that could be further developed for future retail/office space.

Increasing residential land uses near and around existing neighborhood centers is key in helping a center to be productive and thrive. The existing zoning of MU-1 allows for a variety of housing types, including single-family detached. However, the minimum density requirement of MU-1 zoning is eight dwelling units per acre. Developing the site under the MU-1 zone district with only single-family residential is likely impossible and still meets the minimum density requirements of MU-1. The proposal for residential development within an RM-8 zone district will support single-family detached only. The existing MU-1 zone district would require a mixture of housing types to meet the minimum density required or be required to provide 10 percent of the site to be developed with non-residential land use, which then removes the minimum density requirement of the MU-1 zone district.

RM-8 is appropriate for the creation of neighborhoods as a transitional district between low-density zone districts such as RL-4 and Mixed-Use Districts. The property's acreage lends itself to residential infill development potential, thereby supporting the Comprehensive Plan "Plan Principle 3 Responsible and Managed Growth" and the goal to "Encourage infill and redevelopment to leverage existing infrastructure. The property owner is requesting a Comprehensive Plan Amendment to Residential Medium and a rezone to RM-8 to achieve this.

The request for a Comprehensive Plan amendment concurrent with the rezone request is included in this staff report, and the accompanying ordinance provides for concurrent consideration by the Planning Commission and City Council. Without a change to the Land Use Map as requested in the Comprehensive Plan Amendment, the Rezone request to RM-8 is not supported by the Comprehensive Plan. Support for a Rezone to RM-8 is tied to an amendment to the Land Use Map of Residential Medium for the property.

Comprehensive Plan Future Land Use Map Amendment:

Presently, the Comprehensive Plan designates the subject property as Commercial on the Land Use Map. The Applicant is requesting to change the land use designation

from Commercial to Residential Medium to allow for a residential development of single-family dwelling units with an overall density between 5.5 and eight dwelling units per acre. The existing zoning of MU-1 allows residential development with a minimum of eight dwelling units per acre. However, this minimum density is difficult to meet with the type of single-family housing proposed. It thus does not permit the applicants to build the type of single-family detached housing for the property they envision.

The primary land uses found in the Residential Medium Land Use category are small, single-family residential, and medium-density multifamily, providing a range of housing types and densities. This request for Residential Medium land use would expand the existing Residential Medium land use area already existing to the north and east of the subject property.

Secondary land uses in Residential Medium include open space and parks, schools, places of worship, home-based business, public/institutional uses, and other complementary neighborhood uses. A church exists across Rio Hondo Road from this subject property. Grand Junction Fire Station No. 5 is located across Broadway (Hwy 340) from the subject property.

Rezone Request:

The Applicant is interested in preparing the property for future residential development, consistent with the scope and type of development located to the north and east of the subject property with the proposed Land Use Map change to Residential Medium (5.5 - 12 du/ac) density. The RM-8 zoning requires a minimum of 5.5 dwelling units per acre. Therefore, the requested zoning of RM-8 implements the Comprehensive Plan's Residential Medium Land Use category.

The purpose of the RM-8 (Residential – 8 du/ac) zone district is to provide medium-density detached dwellings, two-family and other attached single-family dwellings, and medium-sized multifamily structures. RM-8 is appropriate for the growth of neighborhoods as a transitional district between low-density zone districts such as RL-4 and Mixed-Use Districts. Areas to the south of the subject property are zoned and built out to Residential Low densities. The nine-acre Monument Village Shopping Center is zoned MU-1 in the City and C-1 (Commercial) in Mesa County. The proposed RM-8 zone district is an appropriate transition between these existing land uses.

The RM-8 ensures minimum densities of 5.5 dwelling units per acre are met. This property is located within an infill area impacting an existing neighborhood center. The greater surrounding area, mostly within unincorporated Mesa County, is largely developed with single-family detached homes. Further infill development is encouraged within this area of the City with the One Grand Junction Comprehensive Plan. This property provides a large enough site to accommodate such development. Existing City zoning to the east across Rio Hondo Road is already zoned RM-8 and located within the Residential Medium Land Use category established there.

In addition to the RM-8 (Residential – 8 du/ac) zoning requested by the petitioner, the following zone districts would also be consistent with the proposed Comprehensive Plan designation of Residential Medium (5.5 – 12 du/ac).

Residential Medium (5.5 – 12 du/ac)

- a. RM-12 (Residential Medium – 8-12 du/ac)
- b. P-1 (Public Parks and Open Space)
- c. P-2 (Public, Civic, and Institutional Campus)
- d. Planned Development

In reviewing the other zoning district options for the proposed Residential Medium (5.5 – 12 du/ac) category, the RM-12 zone district does not allow single-family detached and would include a minimum density of eight dwelling units per acre.

NOTIFICATION REQUIREMENTS

Neighborhood Meeting:

A Neighborhood Meeting regarding the proposed Comprehensive Plan Amendment and Zoning was held on December 12, 2023, in accordance with Section 21.02.080(e) of the Zoning and Development Code. The Applicant, Applicant's representative and City staff were in attendance, along with more than 40 members of the public. Concerns expressed included:

- Traffic issues on Hwy 340 and Monument Village Drive
- Did not want to see apartments or high density
- Preferred one-story single family
- Irrigation water concerns
- Lack of notification of the meeting: many that came did not receive notice from the City (They were beyond the required 500 ft. notice requirement).

An official development application was submitted to the City of Grand Junction for review in December 2023.

Notice was completed consistent with the provisions in Section 21.02.080(g) of the City's Zoning and Development Code. The subject property was posted with an application sign on December 27, 2023. 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 March 1, 2024. The notice of the Planning Commission public hearing was published on March 3, 2024, in the Grand Junction Daily Sentinel. An online public hearing with an opportunity for public comment was held between March 5, 2024, and March 11, 2024, through the GJ Speaks platform.

ANALYSIS

Comprehensive Plan Amendment Analysis

As noted above this application was received before the effective date of the Zoning

and Development Code and City Zoning Map update. Therefore, the following Comprehensive Plan Amendment analysis is pursuant to the previous Zoning & Development Code language.

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 decision to designate the property as a Commercial Land Use under the Comprehensive Plan was made with the adoption of the 2020 One Grand Junction Comprehensive Plan. No substantial changes to the infrastructure, development context, or development potential of the subject property has occurred since that time. Therefore, staff finds that 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 of the area has not been changed substantively since the Comprehensive Plan was adopted. The surrounding land uses remain low-density and medium-density residential development. The subject property is an urban infill site but has been even through the Comprehensive Plan planning process. Therefore, staff finds this criterion is not met.

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

This 4.23-acre subject property has public sanitary sewer service, Ute Water domestic water service, Xcel electrical and natural gas service, and sanitary sewers available to the site. The existing transportation infrastructure has been improved with multi-modal transportation options that accommodate pedestrian, bicycle, and vehicular traffic. Redlands Middle school is a short walking distance away. Fire Station No. 5 is located across the street. Shopping opportunities for goods and services are adjacent across Monument Village Drive and are adequate to serve the development of the type and scope associated with the proposed residential medium land use category. Therefore, staff find that this criterion is 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 Citywide, medium-density residential land use is 16 percent of the entire Grand Junction Planning Area within the Urban Development Boundary (UDB). Much of this Residential Medium area is already developed. Increasing the Residential Medium land use area is the first step in providing sufficient area for future growth and providing housing opportunities with medium-density housing options that permit single-family detached housing within the 5.5 to 12 dwellings per acre densities. Therefore, it is appropriate to amend this property from Commercial to Residential Medium on the

Comprehensive Plan Land Use Map. Staff, therefore, finds this criterion to be met.

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

The requested amendment to Residential Medium land use designation will provide an opportunity for housing within a range of density (5.5 to 12 dwelling units per acre) that is compatible with the surrounding neighborhood with similar densities and will provide housing for a growing community and the existing neighborhood Monument Village commercial center. The Residential Medium land use will limit the nonresidential development options on the subject property, promoting the likelihood of residential uses being constructed, which will provide additional residents that will support the existing commercial area of Monument Village Shopping Center. This is supported by the Comprehensive Plan and the development of neighborhood centers and furthers the plan's goal of promoting a diverse supply of housing types that meet the needs of all ages, abilities, and incomes identified in Plan Principle 5: Strong Neighborhoods and Housing Choice, Chapter 2 of the 2020 One Grand Junction Comprehensive Plan. Therefore, staff finds that this criterion has been met.

Changes are consistent with the vision, goals and policies of the Comprehensive Plan. Implementing the Comprehensive Plan. The proposed Land Use Map Amendment to Residential Medium (5.5-12 du/ac) implement's the following Plan Principles, goals and policies of the Comprehensive Plan:

Plan Principle 3: Responsible and Managed Growth

Goal: Support fiscally responsible growth...that promote a compact pattern of growth...and encourage the efficient use of land.

Goal: Encourage infill and redevelopment to leverage existing infrastructure.

Plan Principle 5: Strong Neighborhoods and Housing Choices

Goal: Promote more opportunities for housing choices that meet the needs of people of all ages, abilities, and incomes.

Intensification and Tiered Growth Plan (Chapter 3). The subject property is located within Tier 2 (Suburban Infill) – In Tier 2, the Comprehensive Plan supports sub-urban growth for infill on this site. The Plan directs development toward vacant and underutilized parcels. Development of this parcel will provide development opportunities while minimizing the impact on infrastructure and City services.

Rezone Analysis

As noted above, this application was received before the effective date of the Zoning and Development Code and City Zoning Map update; therefore, the following Rezone analysis is pursuant to the previous Zoning & Development Code language.

The criteria for review is set forth in Section 21.02.140(a) and includes 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 owner is seeking an amendment to the Comprehensive Plan to change the land use category from Commercial to Residential Medium with a requested zone district of RM-8, which is compatible with the proposed Comprehensive Plan Land Use Map designation of Residential Medium (5.5 to 12 du/ac). The decision to designate the property as Commercial Land Use under the Comprehensive Plan was made with the adoption of the 2020 One Grand Junction Comprehensive Plan. No substantial changes to the infrastructure, development context, or development potential of the subject property have occurred since that time.

The proposed RM-8 zone district (densities of 5.5 to 8 du/ac) does implement the Residential Medium Land Use category if the Land Use Map is amended to Residential Medium. The Plan Amendment to Residential is a new subsequent event invalidating the original premises and findings. However, since the zoning request and plan amendment are being considered concurrently, and the plan amendment has not been approved at the time of this analysis, staff have found that 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 character or condition of the areas has not changed enough to satisfy this criterion. Staff finds that this criterion has not 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 properties and are sufficient to serve land uses associated with the proposed RM-8 zone district. This 4.23-acre subject property has public sanitary sewer service, Ute Water domestic water service, Xcel electrical and natural gas service, and sanitary sewer is available to the site. The existing transportation infrastructure has been improved with multi-modal transportation options that accommodate pedestrian, bike, and vehicle traffic. Redlands Middle School is a short walking distance away. Fire Station No. 5 is located across the street. Shopping opportunities for goods and services are adjacent across Monument Village Drive and are adequate for the development of the type and scope associated with the proposed RM-8 zone district.

Staff has found the public and community facilities are adequate to serve the type and scope of the residential land use proposed at the R-8 densities and therefore has found 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
Citywide, medium-density residential zoning is common, but very few properties with

such zoning remain undeveloped. Only 12 percent of RM-8 zoned land city-wide is currently undeveloped. Therefore, to continue to provide housing opportunities within a medium-density housing range within 5.5 to eight dwellings per acre density, additional RM-8 zoning is desirable and appropriate. In addition, this density range helps meet the goals of the Comprehensive Plan. Therefore, it is appropriate to amend this property from Commercial to Residential Medium on the Comprehensive Plan Land Use Map. Staff finds this criterion to be met.

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

The zoning on this property at the time of this Comprehensive Plan Amendment and Rezone submittal was B-1 but has since been changed to MU-1 with the City's Zoning Map Update. The property has seen development around it built over the past 30 years and is one of just a few infill sites provided for the growth of the Monument Village neighborhood center commercial area.

A rezone to RM-8 increases the amount of undeveloped land to potential RM-8 densities as the area continues to attract residential development at densities needing urban and city services. Very little of the Redlands community has RM-8 zoning, with most of the existing City and unincorporated Mesa County zoning at densities of 4 dwelling units per acre or less on the Redlands. If zoned to RM-8, the subject property will be available to provide single-family residential opportunities with smaller lot sizes and densities of less than eight dwelling units per acre, thereby providing housing choices to city residents of different ages, abilities, and incomes.

The requested zone district will provide an opportunity for housing within a range of density of 5.5 to eight dwelling units per acre that is consistent with the surrounding neighborhood and the needs of the growing community. RM-8 is appropriate for the growth of neighborhoods as a transitional district between low-density zone districts such as RL-4 and Mixed-Use Districts. This is supported by the Comprehensive Plan keeping pace with housing demand for similar housing types found in this area and furthers the plan's goal of promoting a diverse supply of housing types that meet the needs of all ages, abilities, and incomes identified in Plan Principle 5: Strong Neighborhoods and Housing Choice, Chapter 2 of the 2020 One Grand Junction Comprehensive Plan. Therefore, staff finds that this criterion has been met.

Section 21.02.160(f) of the Grand Junction Zoning and Development Code provides that a rezone shall be consistent with the adopted Comprehensive Plan and the criteria set forth. Though the RM-12 zone district could be considered in a Residential Medium Land Use implementing zone district, the RM-8 zone is consistent with the recommendations of the Plan's proposed amended Land Use Map, is compatible with the surrounding neighborhood, and provides for single-family housing on a smaller residential lot, thereby providing housing choice to the community.

Consistency with Comprehensive Plan

Further, the plan amendment and rezone request are consistent with the following

chapters, goals and principles of the Comprehensive Plan:

Chapter 2

Plan Principle 3: Responsible and Managed Growth

Goal: Support fiscally responsible growth and annexation policies that promote a compact pattern of growth...and encourage the efficient use of land.

Goal: Encourage infill and redevelopment to leverage existing infrastructure.

Plan Principle 5: Strong Neighborhoods and Housing Choices

Goal: Promote more opportunities for housing choices that meets the needs of people of all ages, abilities, and incomes.

Chapter 3

Intensification and Tiered Growth Plan. The subject property is located within Tier 2 – In Tier 2, the City should promote the annexation of those parcels which are surrounded by, and or have direct adjacency to, the City limits of Grand Junction. Annexation and development of these parcels will provide development opportunities while minimizing the impact on infrastructure and City services.

Relationship to Existing Zoning. Requests to rezone properties should be considered based on the Implementing Zone Districts assigned to each Land Use Designation.

- Guide future zoning changes. Requests for zoning changes are required to implement the Comprehensive Plan.

STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Comprehensive Plan Amendment CPA-2023-783 request for a Comprehensive Plan Amendment from Commercial to Residential Medium (5.5 to 12 du/ac) for the properties located at 2152 Broadway and 2155 Monument Lane, the following findings of facts and condition have been made.

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

On the request for a Rezone, RZN-2023-784, from MU-1 to RM-8 for the properties located at 2152 Broadway and 2155 Monument Lane, if the Comprehensive Plan Amendment is approved, the following findings of fact have been made:

3. The Rezone request has met one or more of the criteria in Section 21.02.140 of the Zoning and Development Code.
4. The Rezone 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.

FISCAL IMPACT:

This land use action does not have any direct fiscal impact. Subsequent actions such as future development and related construction may have direct fiscal impact depending on type of use.

SUGGESTED MOTION:

Two separate motions (Motion 2 cannot be approved without approval of Motion 1)

Motion 1: I move to introduce an ordinance amending the One Grand Junction Comprehensive Plan Land Use map on the Comprehensive Plan Amendment request for the property located at 2152 Broadway & 2155 Monument Lane from Commercial to Residential Medium, City file number CPA-2023-783 and set a public hearing for April 3, 2024.

Motion 2: I move to introduce an ordinance rezoning property located at 2152 Broadway & 2155 Monument Lane from Mixed Use Neighborhood (MU-1) to Residential Medium - 8 (RM-8), City file number RZN-2023-784 and set a public hearing for April 3, 2024.

Attachments

1. Development Application
2. Site Location, Aerial, Future Land Use & Zoning Maps, etc
3. Neighborhood Meeting Notes Monument Villas & sign in
4. Public Comments - Monument Villas
5. GJSpeaks Public Comments
6. Planning Commission Minutes - 2024 - March 12 - DRAFT
7. ORD-CPA and Zoning 20240311

Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For:

Please fill in blanks below only for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation

Existing Zoning

Proposed Land Use Designation

Proposed Zoning

Property Information

Site Location:

Site Acreage:

Site Tax No(s):

Site Zoning:

Project Description:

Property Owner Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Applicant Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Representative Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

NOTE: Legal property owner is owner of record on date of submittal.

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application

Jeffery Fleming

Date

Signature of Legal Property Owner

Date

11-15-23

Title Page

This report is for the private use and distribution of the developers for Monument Villas their successors and assigns.

©2023

Prepared by:

Jeffery Fleming, CNU-A, Assoc. AIA

Colorado Land Advisor, Ltd.

300 Main Street | Suite 302

Grand Junction, CO 81501

970.812.3288 | ColoradoLandAdvisor.com

LandAdvisor@ColoradoLandAdvisor.com

As a professional Urban Planner much experience and research has gone into compiling information for this report. All information was compiled from various sources and every attempt has been made to acknowledge the contributing sources. Any errors of omission are unintentional and should be brought to the attention of the author as soon as possible.

Table of Contents

Introduction and Summary	4
Site Analysis	5
Soils & Utilities	6
Zoning	7
Land Use	8
Transportation and Emergency Services	9
Public Benefit	10
Parking Inventory	12
Parking Imagery	13
Development Schedule	19
Approval Criteria	20

Introduction and Summary

The purpose of this General Project Report, documents, and accompanying drawings is intended to provide an overview of the property and proposed development efforts utilizing the Grand Junction Community Development process. The process is intended to gather initial input from review agencies prior to the subsequent submission of a future development proposal.

The site selected for the rezone and comprehensive plan amendment consists of 2 parcels of land that totals 4.23 acres+/- . The site is located at 2152 Broadway & 2155 Monument Lane Grand Junction, CO. 81507. The parcels of land are currently vacant. The Mesa County Assessors have given the property the following parcel numbers: 2947-231-45-001 & 2947-231-45-002.

A public demand exists, and will continue to exist, within the Redlands for moderately priced homes, more so within the Monument Village area. This is demonstrated by the consistent growth of rooftops each year. Growth has been consistent since the Great Recession nearly 15 years ago.

The site is located directly next to a struggling neighborhood retail center who's anchor tenant vacated the building about 9 years ago. The 'Safeway' building remained vacant until recently when a retail 'dollar store' leased the unit. The property is adjacent to a major state roadway, Highway 340, which will enable future users to easily access the community.

Adequate utility services exist to serve the proposed rezone development type. Domestic water, sanitary sewer, irrigation water, electrical power, natural gas, internet cables, as well as cellular coverage exist on-site or in the adjacent rights-of-way.

This request for rezone is based upon the facts that the past vision for retail and office space in the Redlands area has been reshaped by a significant change in the shopping habits of the typical consumer as well as a significant surge in 'work from home' opportunities.

The rise of E-Commerce, changes in shopping habits brought on by the 2020 pandemic, and a realignment of national grocery chains business models has eliminated any significant growth possibilities for commercial, retail, and office growth in the Monument Village area. The greatest need for this area is for moderately priced residential units.

Site Analysis

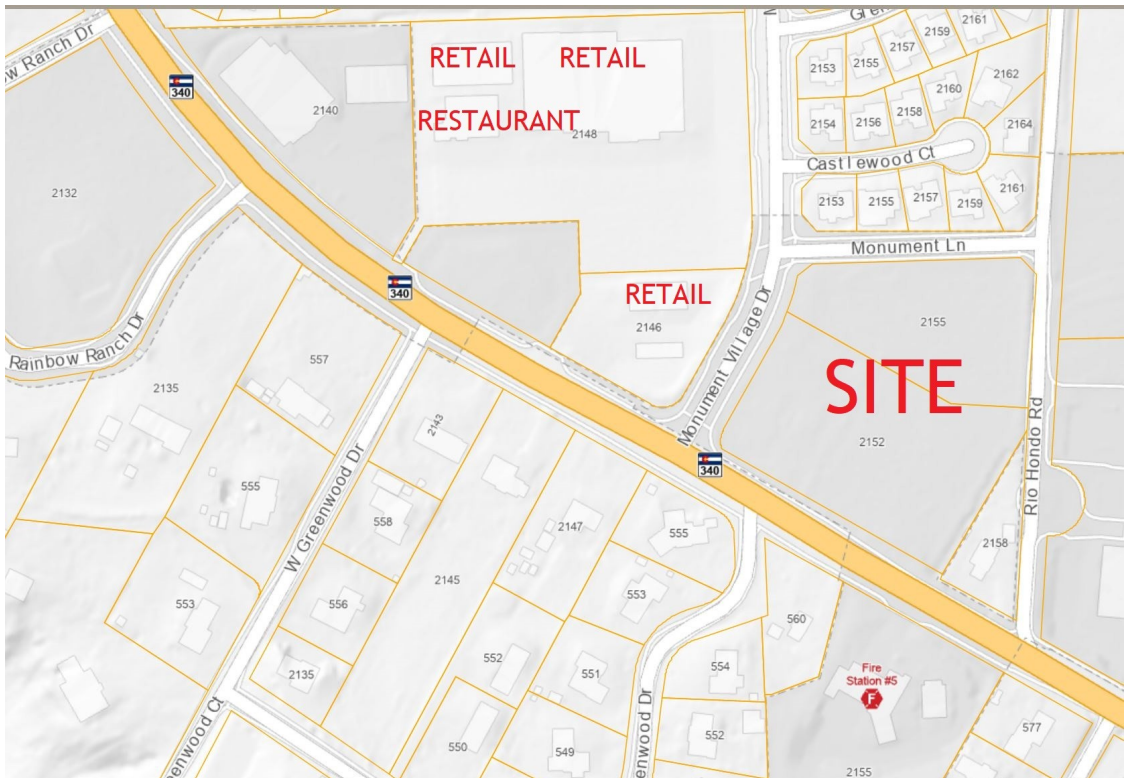
The purpose of this section is to identify the physical and technical characteristics of the property selected for the Monument Villas rezone. This section also evaluates initial site development assets and constraints.

Site Assets-

This site consists of 2 parcels of land that total 4.23 acres. The project site is located in Grand Junction, Colorado. The site is accessed via Monument Village Dr. The site is bordered by commercially zoned land and residential developments. with both active business and vacant storefronts. All utilities are available adjacent to the site including electrical power, gas, water, sewer, irrigation water, as well as telephone & internet.

The parcel is open and can be laid out without any constraints. There are no known constraints to a residential development.

SITE MAP:



Soils & Utilities

Soils

No man-made or natural geologic hazards are known to exist on the subject property. The US Department of Agriculture, Soil Conservation Service, has identified the Mack-Gyprockmesa complex, 1 to 5 % slopes exist on the site. (The complete USDA narrative is available from Colorado Land Advisor) This soil is well suited for development

Utilities

Domestic water mains owned and operated by Ute Water Conservancy District are in adjacent streets. Capacity for future development is adequate.

Sanitary Sewer Existing sanitary sewer lines extend the entire length of the Rio Hondo and Monument Lane rights-of-way. Sanitary sewer mains also are adjacent to the parcels in portions of Highway 340 as well as Monument Village Drive.

Irrigation Water Redlands Water and Power services the area surrounding the property. There is a 12 inch main crossing Highway 340 onto the property. This will be utilized to provide future irrigation water needs to any development.

Electric service is provided by XCEL Energy and is in the adjacent rights-of-way.

Natural Gas service is provided by XCEL Energy and is in the adjacent rights-of-way.

Internet Communications is available from Century Link & Spectrum which have lines buried and overhead in the adjacent rights of way.

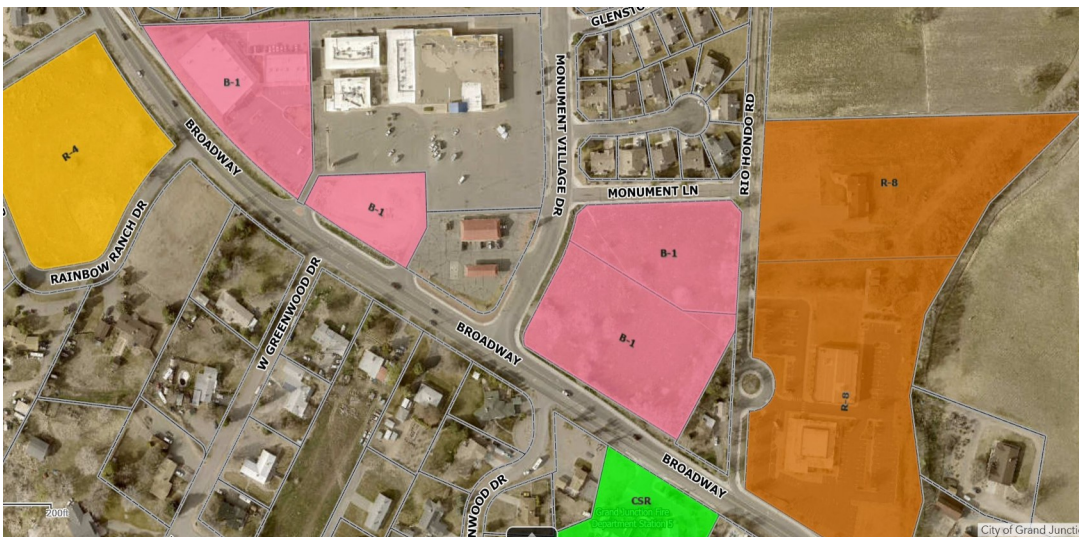
Cellular coverage - All major cellular telephone companies provide coverage to the area. Phone reception for each of the carriers is available with signals ranging from very good (AT&T) to excellent (Verizon and T-mobile).

Zoning

Zoning- An examination of the City of Grand Junction Zoning Map reveals that the subject property is currently zoned B1. According to the City's Zoning and Development code, the purpose of this designation is to provide small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses.

Adjacent properties which have been annexed into the City of Grand Junction have zoning designations of CSR and R8. Nearby properties carry the B1 as well as R4 zone designation. The Church on the Rock is on land with an R8 zone (the same zone the applicant is seeking for this property)

Adjacent properties that remain in Mesa County have zoning designations of C1 commercial and PUD residential.



The demands for the B1 type of zoning have been reshaped greatly since the passing of the Comprehensive Plan. The 2020 pandemic impacted the office sector more than any other. Office vacancy rates have grown from 11.4% in 2019 to 16.2% in mid 2023. Retail Neighborhood and Community Shopping Malls have the highest retail vacancy rates at 6%, according to Cushman Wakefield's 2023 Q3 report.

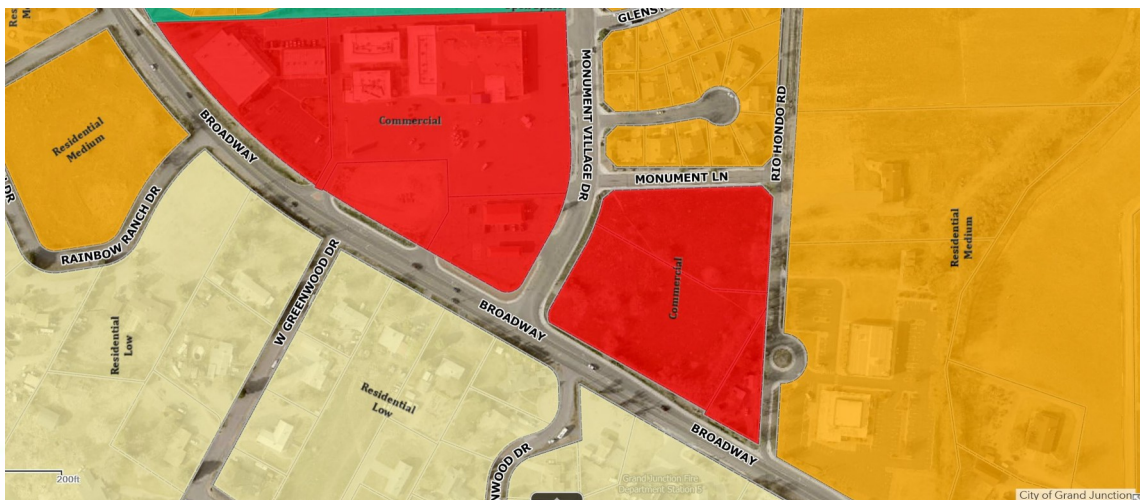
<https://www.cushmanwakefield.com/en/united-states/insights/us-marketbeats/us-shopping-center-marketbeat-report>

Land Use

Current Land Use- An examination of the City of Grand Junction GIS Zoning Map reveals that the subject property, has always been and, remains **vacant**. Adjacent uses are commercial retail, governmental (fire station), single family residential, and non-residential (church).



The City of Grand Junction's **Future Land Use** Map shows a designation for the site as Commercial.



Transportation and Emergency Services

Access to the site is gained from Colorado State Highway 340. Highway 340 is the major Redlands thoroughfare also known as Broadway with an asphalt surface with curb gutter and sidewalks running along the north side of the street.

The property is located directly across Hwy 340 from Fire Area "F" as established by the City of Grand Junction Fire Department. Firefighters can respond to emergencies from Fire Station No. 5 located at 2155 Broadway, which is less than 100 feet mile away from the project site.

The Grand Junction Fire Department currently employs over 123 full time employees at 7 stations. It is one of the largest paid fire departments between Denver and Salt Lake City; the Grand Junction Fire Department has made numerous upgrades to it's service including a modern 911 Call Center.

Other emergency services are available from the City of Grand Junction Police Department; the Uniform Patrol section is comprised of sworn officers, non-sworn police service technicians, sergeants and lieutenants. Collateral duties such as the Canine Program, SWAT, the Bike Office Program, and Forensic Investigations fall under the Uniform Patrol section. In all the Grand Junction Police Department has approximately 200 full-time law enforcement employees.

Source: City of Grand Junction www.gjcity.org.

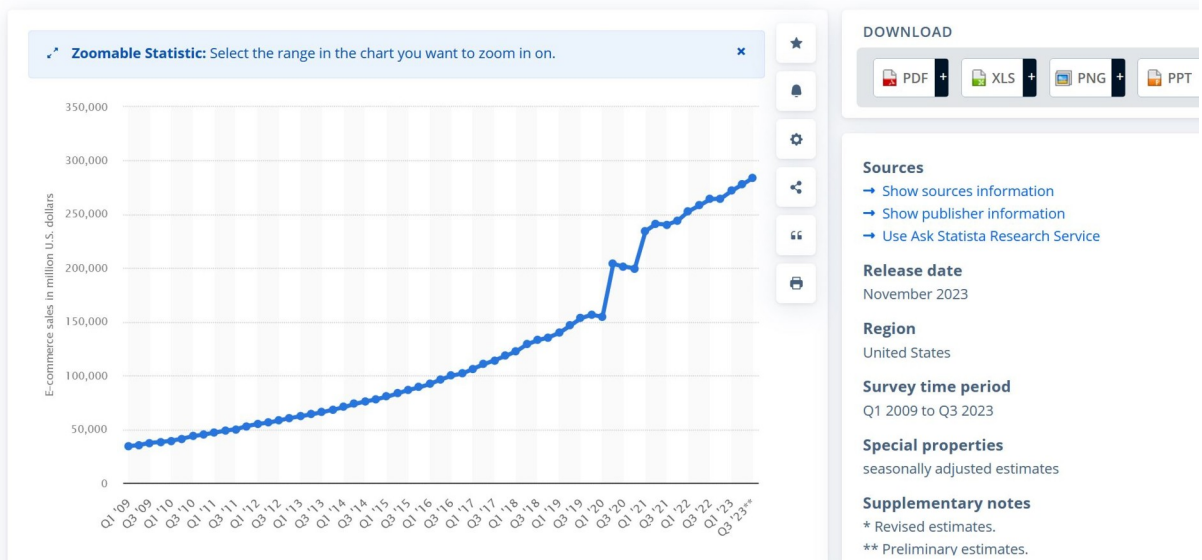
SITE:



Public Benefit

Public Benefit- The growth of online e-commerce has affected the demand for brick and mortar sites. This has impacted the expected demand for neighbourhood retail stores. Converting these empty parcels into residential developments benefits the area, as well as the community as a whole.

Retail e-commerce sales in the United States from 1st quarter 2009 to 3rd quarter 2023
(in million U.S. dollars)



<https://www.statista.com/statistics/187443/quarterly-e-commerce-sales-in-the-us/>

Expected Growth in Global Online Retail Sales

Source: Statista

2023

9%

2024

8%

<https://www.visualcapitalist.com/sp/history-of-online-shopping/>

Public Benefit

Public Benefit-

These parcels have been for sale so long that the real estate sign has all but completely faded out. It's time to develop these parcels into something the community wants and prefers, something it can benefit from.

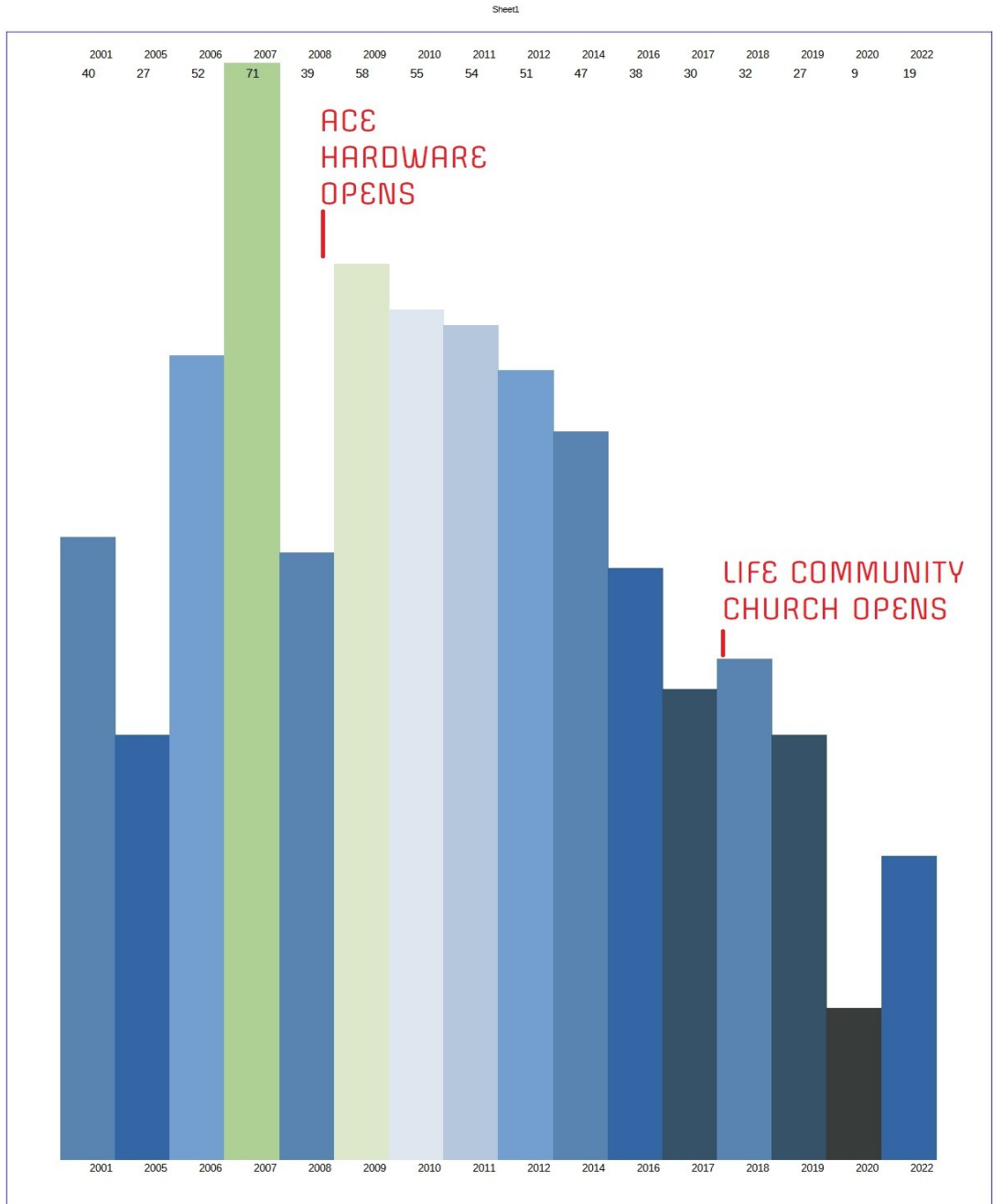
As of the last count in December 2022 only 1.7% of the City's R8 zoned land is vacant. The supply of R8 zoned land is reaching a critical point. This proposal would bring a small increase to the available land that is becoming more preferred by home buyers. These smaller lots are easier to maintain and more affordable than the typical R4 lots around the City.

With in the Redlands Area Plan it is stated @ 34.20.070 Neighborhood shopping centers and neighborhood convenience centers:

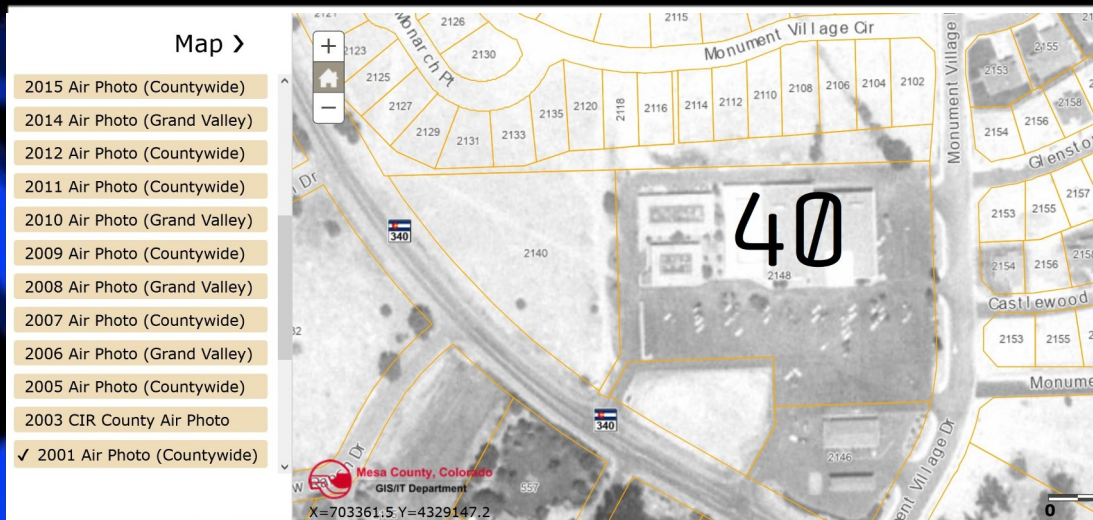
(a) **Neighborhood Shopping Centers.** Neighborhood shopping centers are sites of 10 to 15 acres, designed to meet consumer needs from adjacent neighborhoods. Uses usually include a supermarket with associated mixed retail and personal services. These centers might also include employment uses, such as office. Examples of neighborhood shopping centers on the Redlands are Monument Village Shopping Center, with Safeway as the anchor, and Redlands Marketplace, with Albertson's as the anchor. Safeway abandoned this location nearly a decade ago in 2015. The recently opened 'Dollar Store' is usually considered a 'secondary tenant' in shopping malls such as this. The restaurant location in Monument Village has been empty for over 7 years. The potential for commercial uses has shrank significantly as the existing retail/commercial/business suites struggle to remain leased up. The demand for office space continues to be reduced. Existing businesses fail to fill the parking lot as evidenced by annual aerial photos.



Parking Inventory at Monument Village



Aerial Imagery of Monument Village



Aerial Imagery of Monument Village

Map >

- 2018 Air Photo (Grand Valley)
- 2017 Air Photo (Countywide)
- 2016 Air Photo (Grand Valley)
- 2015 Air Photo (Countywide)
- 2014 Air Photo (Grand Valley)
- 2012 Air Photo (Countywide)
- 2011 Air Photo (Countywide)
- 2010 Air Photo (Grand Valley)
- 2009 Air Photo (Countywide)
- 2008 Air Photo (Grand Valley)
- ✓ 2007 Air Photo (Countywide)
- 2006 Air Photo (Grand Valley)



Map >

- 2018 Air Photo (Grand Valley)
- 2017 Air Photo (Countywide)
- 2016 Air Photo (Grand Valley)
- 2015 Air Photo (Countywide)
- 2014 Air Photo (Grand Valley)
- 2012 Air Photo (Countywide)
- 2011 Air Photo (Countywide)
- 2010 Air Photo (Grand Valley)
- 2009 Air Photo (Countywide)
- ✓ 2008 Air Photo (Grand Valley)
- 2007 Air Photo (Countywide)
- 2006 Air Photo (Grand Valley)



Map >

- 2018 Air Photo (Grand Valley)
- 2017 Air Photo (Countywide)
- 2016 Air Photo (Grand Valley)
- 2015 Air Photo (Countywide)
- 2014 Air Photo (Grand Valley)
- 2012 Air Photo (Countywide)
- 2011 Air Photo (Countywide)
- 2010 Air Photo (Grand Valley)
- ✓ 2009 Air Photo (Countywide)
- 2008 Air Photo (Grand Valley)
- 2007 Air Photo (Countywide)
- 2006 Air Photo (Grand Valley)



Aerial Imagery of Monument Village

Map >

- Hillshade
- 2022 Air Photo (City/County)
- 2020 Air Photo (City/County)
- 2019 Air Photo (Countywide)
- 2018 Air Photo (Grand Valley)
- 2017 Air Photo (Countywide)
- 2016 Air Photo (Grand Valley)
- 2015 Air Photo (Countywide)
- 2014 Air Photo (Grand Valley)
- 2012 Air Photo (Countywide)
- 2011 Air Photo (Countywide)
- ✓ 2010 Air Photo (Grand Valley)



Map >

- Hillshade
- 2022 Air Photo (City/County)
- 2020 Air Photo (City/County)
- 2019 Air Photo (Countywide)
- 2018 Air Photo (Grand Valley)
- 2017 Air Photo (Countywide)
- 2016 Air Photo (Grand Valley)
- 2015 Air Photo (Countywide)
- 2014 Air Photo (Grand Valley)
- 2012 Air Photo (Countywide)
- ✓ 2011 Air Photo (Countywide)
- 2010 Air Photo (Grand Valley)



Map >

- Hillshade
- 2022 Air Photo (City/County)
- 2020 Air Photo (City/County)
- 2019 Air Photo (Countywide)
- 2018 Air Photo (Grand Valley)
- 2017 Air Photo (Countywide)
- 2016 Air Photo (Grand Valley)
- 2015 Air Photo (Countywide)
- 2014 Air Photo (Grand Valley)
- ✓ 2012 Air Photo (Countywide)
- 2011 Air Photo (Countywide)
- 2010 Air Photo (Grand Valley)



Aerial Imagery of Monument Village

Map >

- Hillshade
- 2022 Air Photo (City/County)
- 2020 Air Photo (City/County)
- 2019 Air Photo (Countywide)
- 2018 Air Photo (Grand Valley)
- 2017 Air Photo (Countywide)
- 2016 Air Photo (Grand Valley)
- 2015 Air Photo (Countywide)
- ✓ 2014 Air Photo (Grand Valley)
- 2012 Air Photo (Countywide)
- 2011 Air Photo (Countywide)

Map >

- Hillshade
- 2022 Air Photo (City/County)
- 2020 Air Photo (City/County)
- 2019 Air Photo (Countywide)
- 2018 Air Photo (Grand Valley)
- 2017 Air Photo (Countywide)
- ✓ 2016 Air Photo (Grand Valley)
- 2015 Air Photo (Countywide)
- 2014 Air Photo (Grand Valley)
- 2012 Air Photo (Countywide)
- 2011 Air Photo (Countywide)

Map >

- Hillshade
- 2022 Air Photo (City/County)
- 2020 Air Photo (City/County)
- 2019 Air Photo (Countywide)
- 2018 Air Photo (Grand Valley)
- ✓ 2017 Air Photo (Countywide)
- 2016 Air Photo (Grand Valley)
- 2015 Air Photo (Countywide)
- 2014 Air Photo (Grand Valley)
- 2012 Air Photo (Countywide)
- 2011 Air Photo (Countywide)
- 2010 Air Photo (Grand Valley)

[illegible]

Aerial Imagery of Monument Village



In the image above the Life Community Church has about a dozen staff members Parking on their lot.

Since 2018 the church has contributed to about 30% of the cars parking on the lot on any given day.

The demand for Neighborhood Retail and office has not met expectations at Monument Village. The reduction in demand for retail grocery and office space has impacted the neighborhood shopping center leaving the adjacent vacant land undevelopable in the foreseeable future.

Development Schedule

It is anticipated that upon approval of the Rezone and Comprehensive Plan Amendment the developer will apply for a preliminary and final plan for a Major Site Plan review. It is anticipated that process will take 10-15 months. After these approvals construction of necessary street improvements will be made along with new infrastructure items. This would happen simultaneously with some home construction along the existing streets. The developer of the property is financially prepared to construct this quickly. This would likely be mid-year 2025.

MONUMENT VILLAGE CRITERIA for

21.02.130 Comprehensive Plan amendment (CPA).

(a) *Purpose. In order to maintain internal consistency within the Comprehensive Plan, administrative changes and proposed amendments to the Comprehensive Plan must be consistent with the vision (intent), goals and policies included in the Plan.*

(b) *Applicability. All proposed amendments to the text of the Comprehensive Plan shall comply with the provisions of this section. Any proposed development that is inconsistent with any goals or policies of the Comprehensive Plan shall first receive approval of a Comprehensive Plan amendment. The Comprehensive Plan shall include all neighborhood plans, corridor plans, area plans, the Grand Junction Circulation Plan, and all other elements adopted as a part of the Comprehensive Plan.*

(1) *Jurisdiction Approvals. Changes to various areas of the Grand Junction Comprehensive Plan require different land use approvals:*

(i) *Land use changes located within the City limits may be approved by the City and do not require County approval. APPLICABLE*

(ii) *Changes to land use designations inside the Persigo 201 Boundary (outside the City limits) require annexation and City approval and do not require County approval. NOT APPLICABLE*

(iii) *Changes to land use designations outside of the Persigo 201 Boundary require County approval and do not require City approval. NOT APPLICABLE*

(iv) *Changes to the Persigo 201 Service Area require approval by the Persigo Board, which is comprised of the County Commissioners and the City Council. NOT APPLICABLE*

(v) *Each entity will have an opportunity to comment on proposed changes to the Comprehensive Plan prior to adoption of the amendment. APPLICABLE*

(c) *Criteria for Plan Amendments.*

(1) *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:*

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

The proposed change is consistent with the intent of the Comprehensive Plan in that it develops parcels at a density that is consistent and compatible with neighboring developments. The goal to increase efficiencies of infrastructure would be accomplished through the development of these long-vacant properties. The original vision for the Monument Village area nearly 20 years ago was for this area to become a Neighborhood/Village Center. But subsequent events have changed how consumers shop. Online shopping has grown 10 times over in the last 14 years. This growth has come at the detriment of brick and mortar stores. What was seen as possible small shops to complement the anchor grocery store (Safeway) never gained enough interest. In fact, the existing shops directly adjacent to the Safeway store have struggled to stay leased. In the last 10 years there has been a significant decline in

square footage leased in the Monument Village Shopping Center. Where once the vision was for a thriving grocery, restaurant, and hardware store, there is today an unproven dollar store format, a vacant restaurant, and a church. The decline in retail sales for the plaza has been dramatic. It is estimated that in from it's peak in 2009 to 2022 the shopping center revenues have plummeted 80%.

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

As the City was developing the Comprehensive Plan in 2010 the City of Grand Junction considered Monument Village Shopping Center (MVSC) the 'poster child' for village centers. It was a small growing retail hub that served the area of the upper Redlands. But soon afterwards things changed. Online shopping began it's growth and brick and mortar stores suffered. Vacancy rates in the MVSC began to climb. The Ace Hardware store shut down operations after only a few years. Safeway began it's store realignment and closed the MVSC location, which had long served as it's anchor store. The coffee shop changed ownership a couple times, the gym closed and reopened under new ownership. The salon did the same. The only steady businesses have been the convenience store and the liquor store.

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

As evidence in the narrative above, the number of area 'rooftops' has slowly been growing and yet the existing retail and business services has struggled to maintain incomes sufficient to be sustainable. This tells us that the retail and services is over supplied. Roadways, fire protections, schools, churches, and other infrastructure are all in place and have available capacity for most types of development. Certainly there is capacity for a small medium density residential development.

(iv) 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

This rezone proposal is to convert 4.23 acres of B1 land into an R8 residential development. Within the City of Grand Junction there are approximately 9579 acres of R8 zoned land. There remains approximately 160 acres of R8 land that is vacant, or about 1.7%. It typically takes about 2 years for a developer to deliver the first for sale residence in a new development. Thus, that 1.7% number is likely to decrease in that time frame unless more is created through a rezone process.

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

This land has been annexed and re-platted in efforts to gain attention, in an effort to make it more developable. Yet to date, there has not been any steps taken toward development. The residential neighborhood directly to the north has been in place for over 25 years, all the while these parcels have sat vacant.

Providing new home building lots that are slightly smaller than adjacent home will allow for a new residential development which can be slightly more affordable in overall prices while maintaining the style and finishes of the nearby homes, thus preserving the character of the neighborhood.

(2) *The City and County shall amend the Grand Junction Circulation Plan if:*

(i) *There was an error such that then-existing facts, projects, or trends that were reasonably foreseeable were not accounted for; or*

Statistica projects online E-commerce to grow 9% this year and 8% in 2024. Forbes projects that overall retail sales will increase 4-6% while E-commerce will grow at a 10-12% rate. This is a telling sign that many brick and mortar stores will struggle to maintain existing business. It also shows that commerce is changing, consumers are looking to a different way of obtaining goods. E-commerce (Online shopping) and the impacts of Amazon, Kroger & Walmart+ home delivery, Uber eats, and other services have consumed all the growth of retail trade in the last 10 or more years. These trends are likely to continue into the foreseeable future.

(<https://www.forbes.com/sites/allbusiness/2023/04/17/the-future-of-retail-what-the-stats-say-about-retailers-in-2023/?sh=4fe1d67f089c>)

(ii) *Subsequent events have invalidated the original premises and findings;*

In 2010 the City identified the Monument Village Shopping Center as the ideal neighborhood shopping plaza and focused the comp plan on duplicating this type of retail around the valley in order to meet the growth of specific areas e.g. Appleton & Orchard Mesa. Subsequent events described above (online shopping and the impacts of Amazon, Kroger & Walmart+ home delivery, Uber eats, and other services) have invalidated those premises.

(iii) *The character and/or condition of the area have changed enough that the amendment is acceptable;*

The character of the area has not changed, that is the problem. There has not been enough growth in rooftops to support a village center in this part of the Redlands. What has changed is the character of consumer shopping with home delivery as it has migrated towards E-commerce. This has consumed all the retail growth away from neighborhood brick and mortar stores.

(iv) *The community or area, as defined by the presiding body, will derive benefits from the proposed amendment;*

These parcels of land were annexed and re-platted in efforts to match the Comp Plan, in an effort to make them more more positioned for development. Yet to date, there has not been any steps taken toward any commercial development. The residential neighborhood directly to the north has been in place for over 25 years, all the while these parcels have sat vacant.

Providing new home building lots which would be slightly smaller than adjacent home will allow for a new residential development which can be slightly more affordable in overall prices while maintaining the style and finishes of the nearby homes, thus preserving the character of the neighborhood.

The neighborhood will benefit by finally being able to remove the highly weathered -For Sale- sign from the parcels. This sign has sat in-place for 15 years with no serious interest. It is so weathered it is barely legible. Developing smaller than average home-sites in a highly regarded neighborhood would be a benefit to the community. Smaller home footprints serve the ever-shrinking American family size. Within the valley 29% of homes are occupied by a single human. 37% of homes are occupied by

merely 2 humans. The epoch of larger single family homes on large lots is winding down. We need fewer and fewer of these home every year. Gen-z and younger families want smaller homes with little or no maintenance. This housing type fits neatly into the proposed R8 zone district.

(v) *The change will facilitate safe and efficient access for all modes of transportation; and*

The location of these two parcels is but a few blocks away from preferred schools. Smaller footprint easily maintained housing is growing in preference. These two facts coupled together will likely draw younger families to the area. A wide fully developed sidewalk will enable school-age children to walk a few blocks to school. A bicycle lane is painted on Highway 340.

(vi) *The change furthers the goals for circulation and interconnectivity.*

It is likely that a short cul-de-sac will need to be built to serve any future development. Circulation around the perimeter of the site already exists via Highway 340, Monument Village Drive, Monument Lane, and Rio Hondo.

(d) *Decision Maker: Administrative Changes.*

This request does not qualify for an administrative change

(1) *Where the City of Grand Junction has sole jurisdiction, the Director has the authority to:*

(i) *Make minor additions or clarifications to the policy section;*

Not Applicable

(ii) *Correct errors or grammar;*

Not Applicable

(iii) *Make land use designation changes for property that has multiple land use designations and is consistent with project approvals;*

Not relevant as these two parcel have a single land use designation, B1.

(iv) *Approve flexibility in the location of the Village and Neighborhood Center by granting a one-half-mile leeway; and*

Not Applicable

(v) *Allow the processing of a rezone application or request without a plan amendment when the proposed zoning is inconsistent with the Comprehensive Plan and the property is adjacent to the land use designation that would support the requested zone district.*

This request is adjacent to additional acreage zoned R8. Immediately adjacent to the east is the same R8 zone that has been applied to 9.67 acres currently occupied by a church and a single family residence. This application seeks to match this neighboring zoning designation. The difference being this 4.23 acres would be built as intended.

(e) *Decision-Maker: Plan Amendments.*

(1) *Inside of Persigo 201 Boundary. Concerning property within the Persigo 201 Boundary, which will be annexed if not already within the City limits, the Director and Planning Commission shall recommend and the City Council's action is the City's final action. City Council shall hold a public hearing prior to any decision regarding a Comprehensive Plan amendment within the Persigo 201 Boundary.*

The process as we understand it for this application

(2) *Failure of Amendment. If an amendment request fails, any pending development application must be changed to be consistent with the plan.*

(f) *Application and Review Procedure.*

(1) *Procedure. See GJMC [21.02.080](#).*

(2) *Deadlines.*

(i) *Plan amendments shall be processed when they are received.*

(3) *Application Requirements.*

(i) *Minimum Requirements. In making a request for a Plan amendment the applicant shall address each of the criteria provided in this section.*

(ii) *Optional Materials. In addition to the required written descriptions, justifications and responses, the City Council, Planning Commission or staff may request additional documents, reports, studies, plans and drawings as deemed necessary to fully evaluate the request. The applicant may submit additional relevant materials.*

See rezone and comp plan amendment application packet

(Ord. 4419, 4-5-10)

21.02.140 Code amendment and rezoning.

(a) *Approval Criteria. In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:*

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

In 2010 the City identified the Monument Village Shopping Center as the ideal neighborhood shopping plaza and focused the Comp Plan on duplicating this type of retail around the valley in order to meet the growth of specific areas e.g. Appleton, Pear Park, & Orchard Mesa. Subsequent events described above (online shopping and the impacts of Amazon, Walmart+ home delivery, Uber eats, and other services) have invalidated those premises. The 2020 pandemic accelerated this evolution of trade toward more e-commerce. The near future of retail is hybrid with a few specialty service retail businesses back-filling segments within niche markets.

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

The character of the area has not changed, that is the problem. There has not been enough growth in rooftops to support a village center in this part of the Redlands. What has changed is the character of consumer shopping as it migrated towards E-commerce which has consumed much of the retail growth away from neighborhood brick and mortar stores.

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

As evidence in the narrative above, the number of area 'rooftops' has slowly been growing and yet the existing retail and business services has struggled to maintain incomes sufficient to be sustainable. This tells us that the retail and services is over supplied. Roadways, fire protections, schools, churches, and other infrastructure are all in place and have available capacity for most types of development. Certainly there is capacity for a small medium density residential development.

(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

This rezone proposal is to convert 4.23 acres of bB land into an R8 residential development. Within the City of Grand junction there are 9579 acres of R8 zoned land. There remains approximately 160 acres of that R8 land which remains vacant, or about 1.7%. It typically takes about 2 years for a developer to deliver the first for sale residence in a new development. Thus, that 1.7% number is likely to decrease in that time frame unless more is created through a rezone process.

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

This land has been annexed and re-platted for 20 years in an effort to make it more developable. Yet to date, there has not been any development. The residential neighborhood directly to the north has been in place for over 25 years, all the while these parcels sit vacant, unproductive.

Providing new home building lots that are slightly smaller than adjacent home will allow for a new residential development which can be slightly more affordable in overall prices while maintaining the style and finishes of the nearby homes, thus preserving the character of the neighborhood.

The neighborhood will benefit by finally being able to remove the highly weathered -for sale- sign from the parcels. This sign has sat in-place for 15 years with no serious interest. It is so weathered it is barely legible. Developing smaller than average home-sites in a highly regarded neighborhood would be a benefit to the community. Smaller home footprints serve the ever-shrinking American family size. Within the valley 29% of homes are occupied by a single human. 37% are occupied by merely 2 humans. The epoch of larger single family homes on large lots is winding down. We need fewer and fewer of these home every year. Gen-Z and Millennial buyers want smaller homes with little or no maintenance. This housing type fits neatly into the proposed R8 zone district. This coupled with the fact of being in close proximity to schools will attract younger families to the area.

The Goals of the Comprehensive Plan include *Principal 2 A Resilient and Diverse Economy*

The severely under-performing Monument Village Shopping Center is worsened by maintaining adjacent vacant commercial land that is in no way attractive to commercial developers. By building more residential adjacent to it the MVSC it would benefit from more people living nearby and be more likely to build it's resilience within it's present footprint.

The immediate Redlands neighborhood is somewhat diverse as it has schools, churches, a winery, limited retail, single family, and single family attached housing nearby.

The Goals of the Comprehensive Plan include *Principal 5 Strong Neighborhoods and Housing Choices*

The immediate Redlands neighborhood has a greater need for more housing that is moderately priced. This coupled with being in close proximity to schools makes this location well suited for younger families.

Approval of this Rezone and Comprehensive Plan Amendment would build a stronger, more resilient, and somewhat more diverse neighborhood with less vacant, idle land adjacent to struggling retail shops.

SUMMARY -

The vision of the 2010 and 2020 Comprehensive Plan was to develop Monument Village Shopping Center (MVSC) into a thriving neighborhood center filled with retail and office uses. As seen in these images and in retail sales tax data, this has not come to fruition. This is largely due to several factors:

Online shopping, also known as e-commerce, has absorbed nearly all of the retail growth that was anticipated in the 2010-2020 Comprehensive Plans.

The realignment of retail grocery. Safeway, Walmart+, and Kroger (City Market) have designed large footprint retail groceries designed with a pick-up and delivery options. This has greatly reduced the emphasis on mid-sized stores in neighborhood centers. These national chains have closed Grand Junction locations: downtown, at First and Orchard, at 12th and Orchard, as well as the site in MVSC,

Office space demand has struggled to fill existing vacancies. The impacts of the pandemic 'work from home' decisions continue to reshape the business environment reducing office space demand by over 20% as of early 2023, this according to a report from CBRE Real Estate (www.cbre.com).

MVSC has struggled to fill the existing retail and office spaces. There is no need in the foreseeable future to nearly double the size of commercial space available in the Monument Village area.

A better and more immediate use of the parcels would be to develop them into medium density housing zoned R8. The smaller footprint lots would provide more moderate priced housing in the Redlands area.

2152 BROADWAY & 2155 MONUMENT LANE

IMPROVEMENT SURVEY

SECTION 23, T11S, R10W, 6TH PRINCIPAL MERIDIAN
COUNTY OF MESA, STATE OF COLORADO



Per Colorado Statute Number 38-51-106(l)
all lineal units used on this plat are U.S.
Survey Feet.

LEGEND & NOTES

- FOUND SURVEY MONUMENTS AS DESCRIBED
- SET NO. 5 RE-BAR W/CAP L.S. 30111
- ⊗ TELEPHONE/POWER/SERVICE POLE

- Deeds were provided by client.
- A Title commitment was provided Land Title Guarantee Company Order#GLB65056903 and relied upon. A Title search was not performed by me.

- Denotes boundary line
- - - - - Denotes adjoining property
- E — E — E — E — Denotes overhead power lines

Basis of Bearings Statement

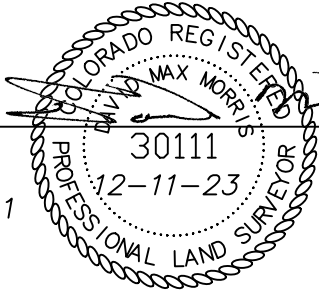
Bearings are based on the Mesa County Local Coordinate System, locally determined by GPS observations on Survey Markers (at the NW corner and the NE corner of Lot 2 of D & B Subdivision)

The measured bearing of this line is S89°49'37"E 342.19'

SURVEYOR'S CERTIFICATION

I, DAVID M. MORRIS, A REGISTERED PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF COLORADO, HEREBY CERTIFY TO CHAPARRAL WEST THAT A FIELD SURVEY OF THE PROPERTY DESCRIBED HEREON WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND COMPLETED ON DECEMBER 2023, THAT THIS IMPROVEMENT SURVEY PLAT CORRECTLY SHOWS ALL BOUNDARIES, THE LOCATION OF ALL PINS AND MONUMENTS, THE LOCATION OF ALL STRUCTURES SITUATED ON THE SAID PROPERTY, APPARENT EASEMENTS AND THE SOURCE FROM WHICH THEY WERE OBTAINED, CONFLICTING BOUNDARY EVIDENCE, ANY FENCES, HEDGES OR WALLS ON OR WITHIN FIVE FEET OF BOTH SIDES OF ALL BOUNDARIES OF SAID PROPERTY, THE LOCATION OF ALL VISIBLE UTILITIES LOCATED ON SAID PROPERTY, ALL UNDERGROUND UTILITIES FOR WHICH THERE IS VISIBLE SURFACE EVIDENCE, AND THE AVAILABLE FROM THE COUNTY CLERK AND RECORDER OR FOR WHICH INFORMATION WAS MADE AVAILABLE.

COLORADO REGISTERED
PROFESSIONAL LAND SURVEYOR L.S. 30111



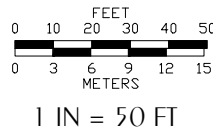
2152 BROADWAY & 2155 MONUMENT LANE

IMPROVEMENT SURVEY

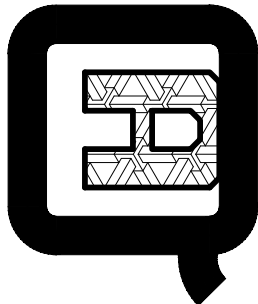
SECTION 23, T11S, R10W, 6TH PRINCIPAL MERIDIAN
COUNTY OF MESA, STATE OF COLORADO

FOR: CHAPARRAL WEST

SCALE:



DATE: 12/11/2023



Q.E.D.
SURVEYING
SYSTEMS, Inc.
2718 SIERRA VISTA RD
GRAND JUNCTION, CO
81503-2232
(970) 241-2370
FAX: 241-7025

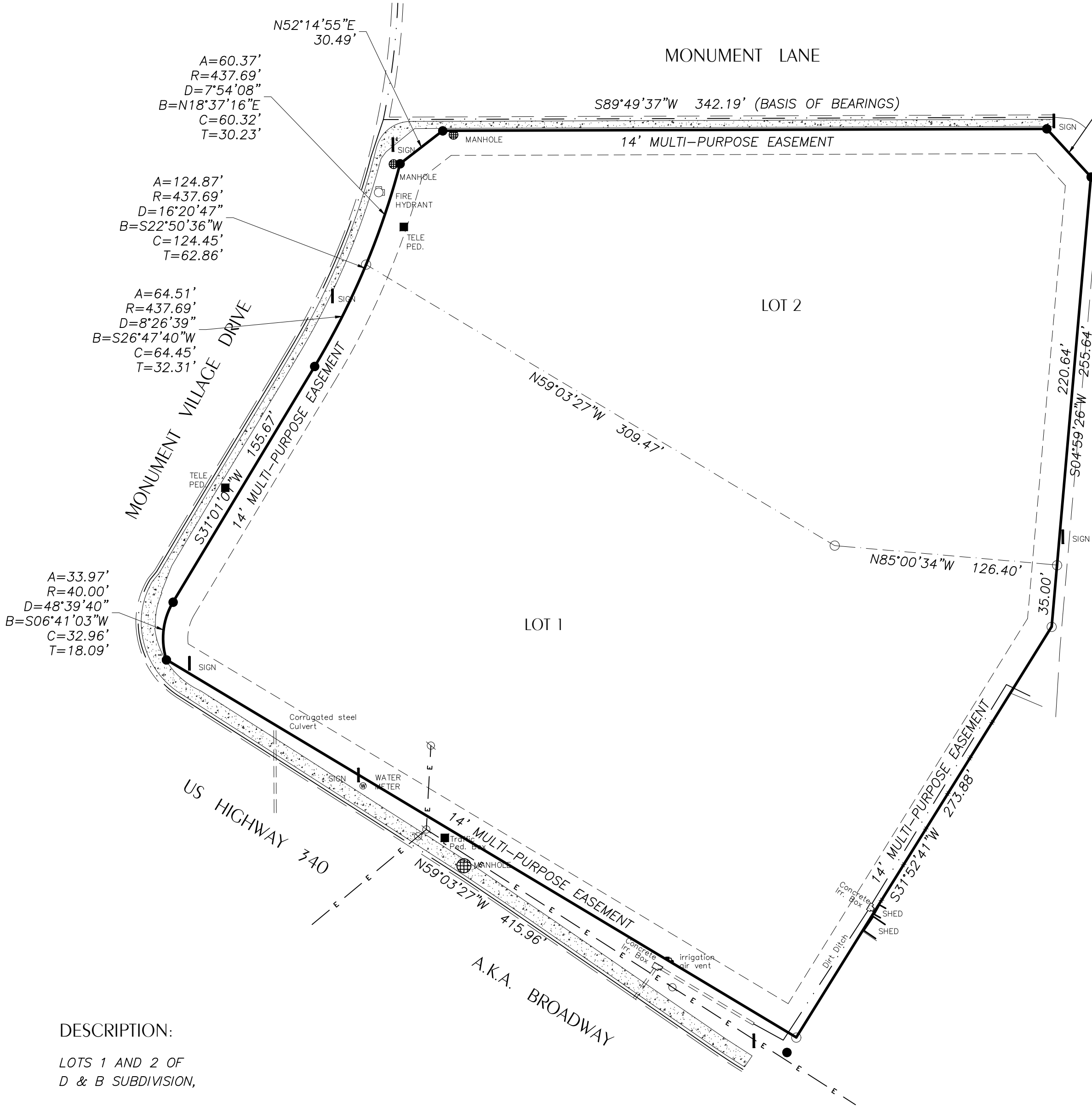
SURVEYED BY: MSM

DRAWN BY: MEM

ACAD ID: 2152 Broadway IS

SHEET NO.

FILE: 2023-340.1



DESCRIPTION:

LOTS 1 AND 2 OF
D & B SUBDIVISION,

COUNTY OF MESA, STATE OF COLORADO

TAX SCHEDULE NO. 2947-231-45-001
TAX SCHEDULE NO. 2947-231-45-002

Land Title Guarantee Company
Order Number: GJB65056903

NOTICE:

ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

LAND SURVEY DEPOSITS
MESA COUNTY SURVEYORS OFFICE

DATE _____

DEPOSIT NUMBER _____

LEGAL DESCRIPTION

Lots 1 and 2 of D & B Subdivision
County of Mesa, State of Colorado

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) D&B Broadway/Monument, LLC ("Entity") is the owner of the following property:

(b) 2152 BROADWAY & 2155 MONUMENT LN GRAND JUNCTION, CO. 81507

A copy of the deed(s) evidencing the owner's interest in the property is attached. Any documents conveying any interest in the property to someone else by the owner are also attached.

I am the (c) Managing Member for the Entity. I have the legal authority to bind the Entity regarding obligations and this property. I have attached the most recent recorded Statement of Authority of the Entity.

☒ My legal authority to bind the Entity both financially and concerning this property is unlimited.

☐ My legal authority to bind the Entity financially and/or concerning this property is limited as follows:

N/A

☒ The Entity is the sole owner of the property.

☐ The Entity owns the property with other(s). The other owners of the property are:

N/A

On behalf of Entity, I have reviewed the application for the (d) Rezone

I have the following knowledge or evidence of a possible boundary conflict affecting the property:

(e) None

I understand the continuing duty of the Entity to inform the City planner of any changes regarding my authority to bind the Entity and/or regarding ownership, easement, right-of-way, encroachment, lienholder and any other interest in the land.

I swear under penalty of perjury that the information in this Ownership Statement is true, complete and correct.

Signature of Entity representative: 

Printed name of person signing: Bruce W. Derrick

State of TEXAS)

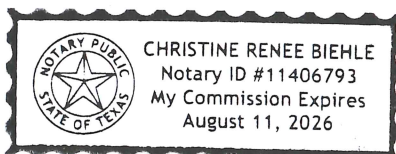
County of HARRIS) ss.


Subscribed and sworn to before me on this 15th day of November, 2023

by Bruce W. Derrick

Witness my hand and seal.

My Notary Commission expires on 08/11/2026




Notary Public Signature

11/5.00

Recorded by LTCG-CJ File # 65000978

Filed for record the _____ day of _____, A.D. _____, at _____ o'clock _____ M. _____

Reception No. _____ By _____ RECORDER. DEPUTY.

WARRANTY DEED

THIS DEED, Made on this day of **November 15, 2006**, between

SURF VIEW DEVELOPMENT CO., A CALIFORNIA CORPORATION

of the _____ County of _____ and State of _____, the Grantor(s), and

D & B - BROADWAY/MONUMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY

whose legal address is c/o Derrick Interests, Inc. 3900 Essex Lane, Suite 550, Houston TX 77027 County of _____ and State of _____, the Grantee(s):

WITNESS, That the Grantor(s), for and in consideration of the sum of (**\$1,150,000.00**)

***** One Million One Hundred Fifty Thousand and 00/100 *** DOLLARS**

the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee(s), his heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the _____ County of **MESA** and State of Colorado, described as follows:

BLOCK 1 OF MONUMENT VILLAGE COMMERCIAL CENTER, COUNTY OF MESA, STATE OF COLORADO

also known as street number **2152 BROADWAY GRAND JUNCTION CO 81503**

TOGETHER with all and singular and hereditaments and appurtenances thereto belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right title interest, claim and demand whatsoever of the Grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described with appurtenances, unto the Grantee(s), his heirs and assigns forever. The Grantor(s), for himself, his heirs and personal representatives, does covenant, grant, bargain, and agree to and with the Grantee(s), his heirs and assigns, that at the time of the enrolling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, Subject to general taxes for the year 2006 and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Section 8a (Title Review) of the Contract to Buy and Sell Real Estate relating to the above described property; distribution utility easements (including cable TV); those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were accepted by Grantee(s) in accordance with Section 8b (Matters not Shown by the Public Records) and Section 8c (Survey Review) of the Contract to Buy and Sell Real Estate relating to the above described real property; inclusion of the Property within any special tax district; and, the benefit and burdens of any declaration and party wall agreements, if any and other ~~None~~

The Grantor(s) shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the Grantee(s), his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, and the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF the Grantor(s) has executed this deed on the date set forth above.

SURF VIEW DEVELOPMENT CO., A CALIFORNIA CORPORATION

By: David L. Fletcher U.P.
David L. Fletcher, as Vice-President

STATE OF _____)
County of _____) ss.

See attached Notary

The foregoing instrument was acknowledged before me on this day of November 15, 2006, by DAVID L. FLETCHER, AS VICE-PRESIDENT OF SURF VIEW DEVELOPMENT CO., A CALIFORNIA CORPORATION

My commission expires _____
Witness my hand and official seal.

Notary Public

Name and Address of Person Creating Newly Created Legal Description (38-35-106.5, C.R.S.)

Escrow# GJ65000978 When Recorded Return to: D & B - BROADWAY/MONUMENT, LLC, A COLORADO LIMITED
Title# GJR65000978 LIABILITY COMPANY
4704 LAKE FOREST DR, SUITE 200 ATLANTA, GA 30320
(4129118)

Form 84 08/29/04 WDL WARRANTY DEED (Photographic)

WELLS
FARGO

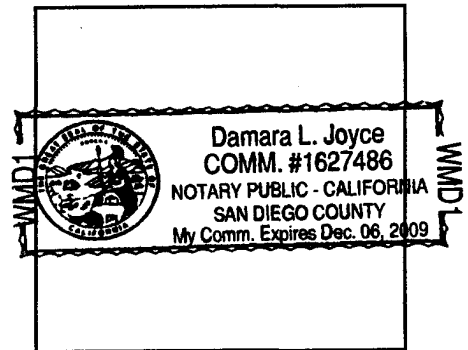
All-purpose Acknowledgment California only

State of California County of San Diego

On 11-10-06 before me, Damara L. Joyce, Notary Public (here insert name and title of the officer),

personally appeared David L. Fletcher

personally known to me ~~(or proved to me on the basis of satisfactory evidence)~~ to be the
person ~~(s)~~ whose name ~~(s)~~ subscribed to the within instrument and acknowledged to
me that he ~~/she/they~~ executed the same in his ~~/her/their~~ authorized capacity ~~(ies)~~, and that
by his ~~/her/their~~ signature ~~(s)~~ on the instrument the person ~~(s)~~, or the entity upon behalf of
which the person ~~(s)~~ acted, executed the instrument.



WITNESS my hand and official seal.

Signature Damara L. Joyce

Notary Seal

Optional

Description of Attached Document

Type or Title of Document	Document Date	Number of Pages
<u>Warranty Deed</u>		

Signer(s) Other Than Named Above

Capacity(ies) claimed by Signer(s)

Signer's Name

Signer's Name

- ☐ Individual
☐ Corporate Officer
Title(s) _____
☐ Partner
 ☐ Limited ☐ General
☐ Attorney-In-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other _____

Right Thumbprint
of Signer

Top of thumb here

- ☐ Individual
☐ Corporate Officer
Title(s) _____
☐ Partner
 ☐ Limited ☐ General
☐ Attorney-In-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other _____

Right Thumbprint
of Signer

Top of thumb here

Signer is Representing:

Signer is Representing:

Statement of Authority

The undersigned hereby executes this Statement of Authority, pursuant to the provisions of Section 38-30-172, C.R.S., on behalf of D & B BROADWAY/MONUMENT LLC, an entity other than an individual, capable of holding title to real property ("Entity"), and states as follows:

1. The Entity is a Limited Liability Company formed and existing under the laws of the following governmental authority Colorado
(state the type of entity and the state, country or other governmental authority under whose laws it was formed. Example: a Limited Liability Company formed and existing under the laws of Colorado)
 2. If formed under a governmental authority other than the State of Colorado, state the name under which the Entity has filed with the Colorado Secretary of State Colorado
 3. The Entity's mailing address is: 3900 ESSEX LN STE 340 HOUSTON, TX 77027-5474
 4. The name of the person or persons, or the position or positions, of the Entity authorized to execute instruments on behalf of the Entity to convey, encumber or otherwise affect the title to real property is/are:
Bruce W. Derrick – Managing Member
- ☐ If ALL names or positions provided here are required for authority, please check this box. If box is not checked, then only one of the names or positions provided is necessary for execution of instruments on Entity's behalf.
5. The limitations upon the authority of the person or persons named above to bind the Entity are as follows:
NONE
(if no limitations insert "NONE")
 6. Other matters concerning the manner in which the Entity deals with any interest(s) in real property are: NONE
(if none insert "NONE")

This Statement of Authority amends or replaces any prior Statement of Authority executed on behalf of the Entity.

EXECUTED this 15th day of November, 2023.

ENTITY: D & B BROADWAY/MONUMENT LLC, a limited liability company

BY: [Signature] Managing Member
Name Bruce W. Derrick Position

STATE OF TEXAS)
) ss.
COUNTY OF HARRIS)

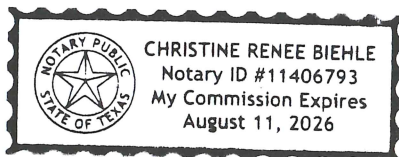
The foregoing instrument was acknowledged before me this 15th day of November, 2023, by

Bruce W. Derrick and _____.

Witness my hand and official seal.

My commission expires:

[Signature]
Notary Public





INVOICE

Land Title Guarantee Company
5975 Greenwood Plaza Blvd Suite 125
Greenwood Village, CO 80111
970-245-0550

CHAPARRAL WEST
RON ABELOE
PO BOX 1765
GRAND JUNCTION, CO 81502

Reference

Your Reference Number: TBD Commitment - 65056903
Our Order Number: GJ-8408
Our Customer Number: 38605.1
Invoice Requested by: RON ABELOE
Invoice (Process) Date: November 27, 2023
Transaction Invoiced By: Web Services
Email Address: system@ltgc.com

Invoice Number: GJ-8408

Date: November 27, 2023

Order Number: 65056903

Property Address: 2152 BROADWAY AND 2155 MONUMENT LANE GRAND JUNCTION 81507

Parties: A Buyer To Be Determined

Invoice Charges

Service:	TBD Commitment	\$265.00
Ref:	65056903	
Addr:	2152 BROADWAY AND 2155 MONUMENT LANE	
Party:	D & B - BROADWAY/MONUMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY	
Total Amount Invoiced:		\$265.00
Less Payment(s):		\$0.00
Balance Due:		\$265.00

Due and Payable upon receipt

Please make check payable to Land Title Guarantee Company and send to the address at the top of Page 1.
Please reference **Invoice Number GJ-8408** on your Payment



Customer Distribution



Prevent fraud - Please call a member of our closing team for wire transfer instructions or to initiate a wire transfer. Note that our wiring instructions will never change.

Order Number: **GJB65056903**

Date: **12/01/2023**

Property Address: **2152 BROADWAY AND 2155 MONUMENT LANE, GRAND JUNCTION, CO 81507**

For Closing Assistance

For Title Assistance

Land Title Mesa County Title
Team
2454 PATTERSON RD #100
GRAND JUNCTION, CO 81505
(970) 245-0550 (Work)
(970) 245-0089 (Work Fax)
gjresponse@ltgc.com

Seller/Owner

D & B - BROADWAY/MONUMENT, LLC
Delivered via: No Commitment Delivery

REDLANDS INVESTMENT PROPERTIES, LLC
Attention: CLIFTON ANSON
2185 QUAIL CT
GRAND JUNCTION, CO 81507
(970) 261-1066 (Cell)
(970) 245-9090 (Work)
(970) 245-9089 (Work Fax)
cliffanson@msn.com

CHAPARRAL WEST
Attention: RON ABELOE
PO BOX 1765
GRAND JUNCTION, CO 81502
(970) 244-9986 (Work)
(970) 244-8858 (Work Fax)
ron@cwihomes.com
Delivered via: Electronic Mail

Surveyor
COLORADO LAND ADVISOR
Attention: JEFFERY L. FLEMING
300 MAIN STREET
SUITE 302
GRAND JUNCTION, CO 81501
(970) 234-3466 (Cell)
(970) 812-3288 (Work)
landadvisor@coloradolandadvisor.com
Delivered via: Electronic Mail



Estimate of Title Fees

Order Number: GJB65056903

Date: 12/01/2023

Property Address: 2152 BROADWAY AND 2155 MONUMENT LANE, GRAND JUNCTION, CO 81507

Seller(s): D & B - BROADWAY/MONUMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY

Buyer(s): A BUYER TO BE DETERMINED

Thank you for putting your trust in Land Title. Below is the estimate of title fees for the transaction. The final fees will be collected at closing. Visit ltgc.com to learn more about Land Title.

Estimate of Title Insurance Fees	
"TBD" Commitment	\$265.00
TOTAL	\$265.00

Note: The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the documents on your property.

Chain of Title Documents:

[Mesa county recorded 11/15/2006 under reception no. 2348830](#)

Plat Map(s):

[Mesa county recorded 10/28/2009 under reception no. 2510683](#)

[Mesa county recorded 09/14/2000 under reception no. 1965032](#)

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule A

Order Number: GJB65056903

Property Address:

2152 BROADWAY AND 2155 MONUMENT LANE, GRAND JUNCTION, CO 81507

1. Effective Date:

11/14/2023 at 5:00 P.M.

2. Policy to be Issued and Proposed Insured:

"TBD" Commitment

\$0.00

Proposed Insured:

A BUYER TO BE DETERMINED

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

FEE SIMPLE

4. Title to the estate or interest covered herein is at the effective date hereof vested in:

D & B - BROADWAY/MONUMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY

5. The Land referred to in this Commitment is described as follows:

LOTS 1 AND 2 OF D & B SUBDIVISION, COUNTY OF MESA, STATE OF COLORADO

Copyright 2006-2023 American Land Title Association. All rights reserved.

The use of this Form is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part I
(Requirements)

Order Number: GJB65056903

All of the following Requirements must be met:

This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

Pay the agreed amount for the estate or interest to be insured.

Pay the premiums, fees, and charges for the Policy to the Company.

Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

THIS COMMITMENT IS FOR INFORMATION ONLY, AND NO POLICY WILL BE ISSUED PURSUANT HERETO.

1. WRITTEN INSTRUCTIONS AUTHORIZING LAND TITLE TO PREPARE A STATEMENT OF AUTHORITY FOR D & B - BROADWAY/MONUMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY, STATING UNDER WHICH LAWS THE ENTITY WAS CREATED, THE MAILING ADDRESS OF THE ENTITY, AND THE NAME AND POSITION OF THE PERSON(S) AUTHORIZED TO EXECUTE INSTRUMENTS CONVEYING, ENCUMBERING, OR OTHERWISE AFFECTING TITLE TO REAL PROPERTY ON BEHALF OF THE ENTITY; OR, A DULY EXECUTED AND ACKNOWLEDGED STATEMENT OF AUTHORITY SETTING FORTH THE NAME OF D & B - BROADWAY/MONUMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY AS A LIMITED LIABILITY COMPANY.

NOTE: ANY STATEMENT OF AUTHORITY MUST BE IN COMPLIANCE WITH THE PROVISIONS OF SECTION 38-30-172, C.R.S. AND BE RECORDED WITH THE CLERK AND RECORDER.

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part II
(Exceptions)

Order Number: GJB65056903

This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
8. RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN UNITED STATES PATENT RECORDED MARCH 25, 1912 UNDER RECEPTION NO. [105740](#) IN BOOK 163 AT PAGE [176](#).
9. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF RESOLUTION NO. MCM 94-8, PLANNING DEPARTMENT NO. C53-93-2, APPROVAL OF A REVISED OFFICIAL DEVELOPMENT PLAN AND PRELIMINARY/FINAL PLAN FOR FILING 4 AND DENIAL OF A RIGHT-OF-WAY VACATION MONUMENT VILLAGE DEVELOPMENT, RECORDED JANUARY 18, 1994 UNDER RECEPTION NO. [1668217](#) IN BOOK 2042 AT PAGE [257](#); AMENDMENT WAS RECORDED FEBRUARY 10, 1995 UNDER RECEPTION NO. [1708691](#) IN BOOK 2127 AT PAGE [88](#).
10. MULTI-PURPOSE UTILITY EASEMENT AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN INSTRUMENT RECORDED JANUARY 14, 1997 UNDER RECEPTION NO. [1784964](#) IN BOOK 2294 AT PAGE [243](#).
11. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF MONUMENT VILLAGE COMMERCIAL CENTER RECORDED SEPTEMBER 14, 2000 UNDER RECEPTION NO. [1965032](#).
12. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF MESA COUNTY DEVELOPMENT PERMIT, RECORDED SEPTEMBER 14, 2000 UNDER RECEPTION NO. [1965033](#) IN BOOK 2750 AT PAGE [249](#).
13. TERMS, CONDITIONS AND PROVISIONS OF THE DEVELOPMENT IMPROVEMENTS AGREEMENT, RECORDED SEPTEMBER 14, 2000 UNDER RECEPTION NO. [1965034](#) IN BOOK 2750 AT PAGE [250](#).

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part II
(Exceptions)

Order Number: GJB65056903

14. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN RESOLUTION NO. MCM 2009-086, A RESOLUTION TO ABANDON A PORTION OF PETITIONED RIGHT OF WAY RECORDED JUNE 15, 2009 UNDER RECEPTION NO. [2493583](#) IN BOOK 4872 AT PAGE [647](#).



Land Title Guarantee Company

Disclosure Statements

Note: Pursuant to CRS 10-11-122, notice is hereby given that:

- (A) The Subject real property may be located in a special taxing district.
- (B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).
- (C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note: Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

Note: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Note: Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- (A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- (B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- (C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- (D) The Company must receive payment of the appropriate premium.
- (E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

- (A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- (B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Note: Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.

Note: Pursuant to CRS 24-21-514.5, Colorado notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.



**Joint Notice of Privacy Policy of
Land Title Guarantee Company
Land Title Guarantee Company of Summit
County
Land Title Insurance Corporation and
Old Republic National Title Insurance Company**

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
- your transactions with, or from the services being performed by us, our affiliates, or others;
- a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.



Commitment For Title Insurance

Issued by Old Republic National Title Insurance Company

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON. .

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Minnesota corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I—Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.

- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:
Land Title Guarantee Company
3033 East First Avenue Suite 600
Denver, Colorado 80206
303-321-1880



Craig B. Rants, Senior Vice President



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

By



President

Attest



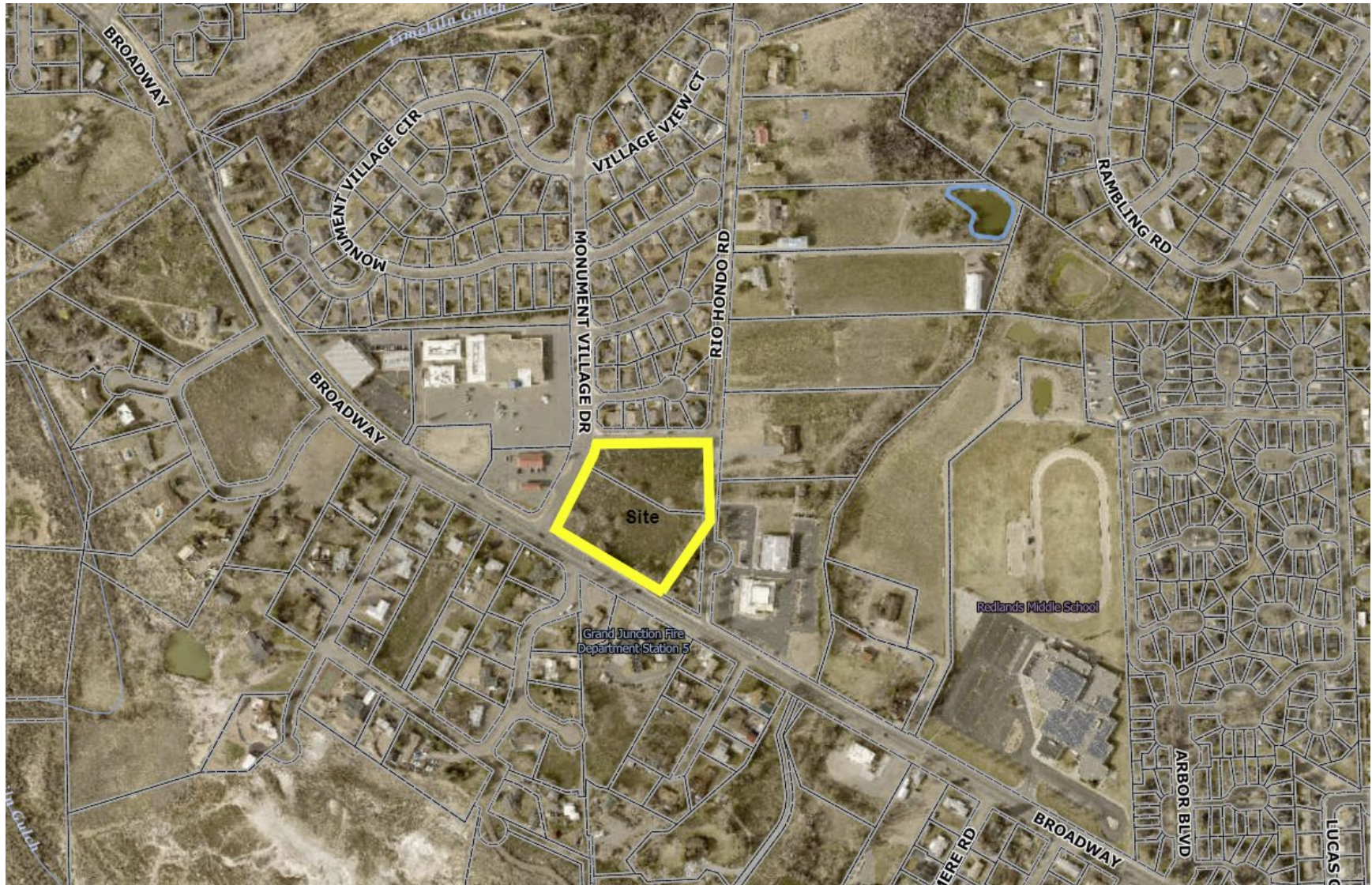
Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Copyright 2006-2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.

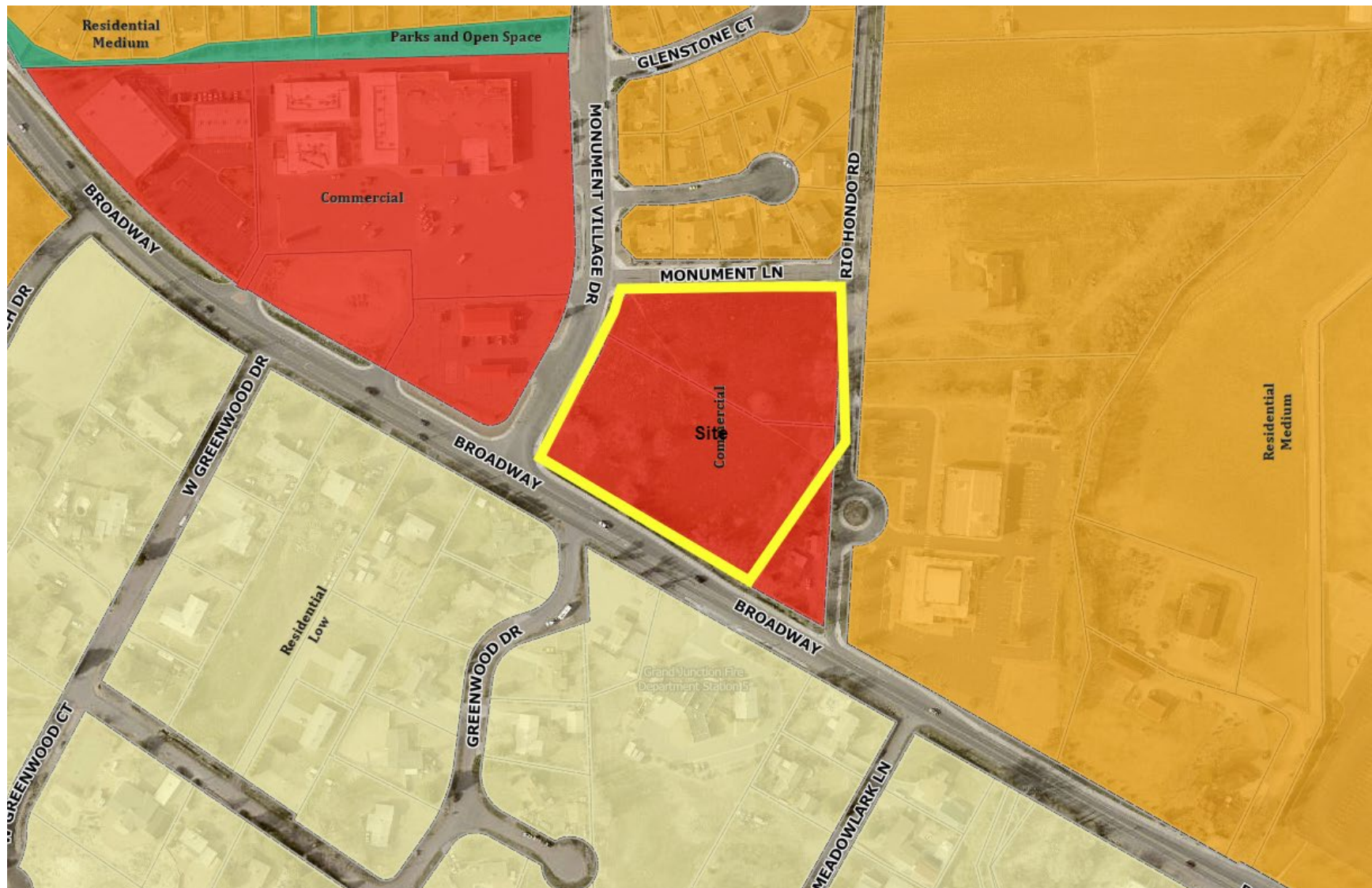
Site Vicinity Map – Monument Villas Comp Plan Amendment & Rezone



Site Location Map

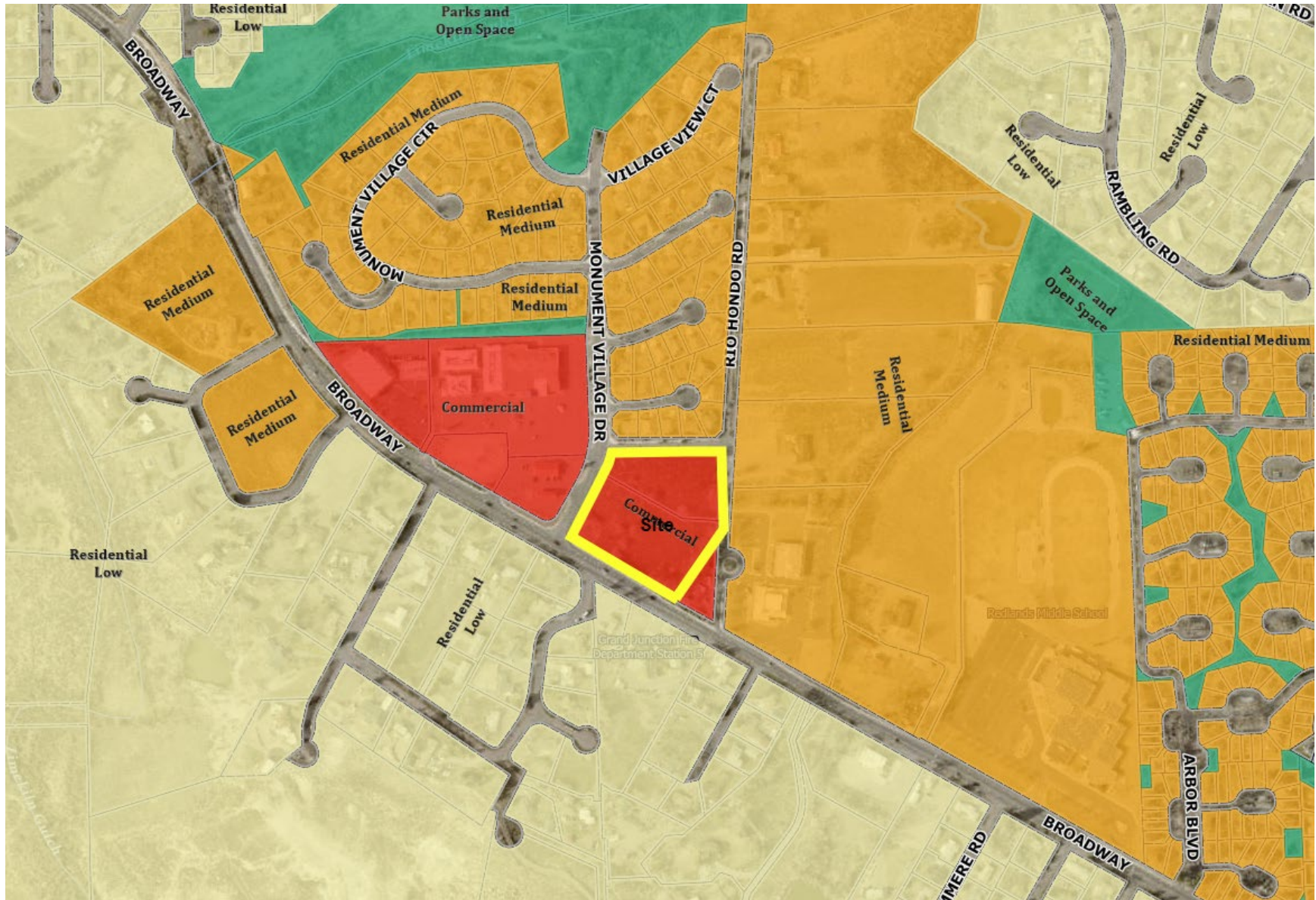


Land Use Map



Land Use Map

Larger View



Zoning Map





View of property from shopping center looking east



View of property from shopping center looking southeast

Monument Villas Neighborhood Meeting Notes

for the proposed Rezone and Comp Plan Amendment

Held at the Life Community Church Office Meeting Room December 12, 2023. @ 5:30 PM

1. Irrigation water - Several of the Monument Village residents expressed concern about the possibility of their irrigation water being disturbed by this development. It was pointed out that the Monument village irrigation water comes from Kiln Creek, while the project's irrigation water comes from a head gate across hwy 340 in the Redlands Water& Power ditch directly behind the City's new fire station.
2. Traffic - Many residents expressed concern about the traffic volume on HWY 340 making it difficult to exit from Monument Village Drive.
3. Notification - Some residents of Monument Village were concerned because they did not receive a Notice of the Meeting. It was explained that the statutory requirement for notice in the City is to mail our notices to property owners within 500 feet of the property, and that the City supplies us with the mailing labels. Several of the attending neighbors DO live beyond the 500 ft boundary. The President of the Monument Village HOA, who also did not get a notice, offered to do an email blast out to all of the residents in MV, if only his name would be put on the mailing list.
4. Density - The Applicants displayed a preliminary site plan containing 25 single family lots on 4.23 acres, for a density of 5.9 units/acre. The neighbors didn't want anything with more density than their own neighborhood (about 3.9 units/acre). Once it was explained that the new code will require a minimum of 34 units with no limit on the maximum, there was a clear and very strong majority of neighbors in favor of the rezoning of the property to RMF-8.

SIGN IN SHEET FOR
Monument Villas Rezone & Comp Plan Amendment
 NEIGHBORHOOD MEETING 12-12-23
 @ Life Community Church 2140 Broadway

NAME	ADDRESS	PHONE or EMAIL
Jeffery Fleming	300 Main Street Suite 302 GJ CO 81501	970-812-3288
CLIFF ANSON	2185 QUAIL CT GJ 81507	970-261-1066
Don Abele	720 Bella Cyn dr. GJ 6 81507	970-234-5681
Jim Cagney	2103 MONUMENT VILLAGE Circle 81507	970-307-421-6490
2118 Jones	2158 " " " "	970-210-307-0285
Sam	" "	
Anne Maurer	2158 Glenstone Ct. GJ 81507	(970) 549-4883
Reenie Christ	555 Greenwood Dr	602-628-773
Darlene Hallmark	2266 1/4 Rd, GJ 81505	970-250-0985
Tim Lehrbach	250 N 5th Street	970-244-1534
LEE SPARN	2124 Monarch Pt.	970-433-7272
Ingrid Ketcham	2157 Castlewood Ct	970-729-0675
Jena Gross	2160 Castlewood Ct.	970-549-4515
Sharon Kellogg	2170 Broadway 81507	970-242-7625
Sam	2155 Castlewood Ct 81507	970-250-7826
Mark	Monarch	
Steve Oster	2129 Monarch Pt.	703-628-3627
EO Miller	2139 MONUMENT VILLAGE Cir	970-270-7774
KEVIN KEPPEL	2134 VILLAGE CIR. CT.	970-712-1228
Laura Moses	2135 Monarch Point	720) 253-9623
RICH SPRIGGS	2171 1/2 BROADWAY	610 392 1156
Jory Sorensen	2180 Broadway	970 948 0642

SIGN IN SHEET FOR
Monument Villas Rezone & Comp Plan Amendment
 NEIGHBORHOOD MEETING 12-12-23
 @ Life Community Church 2140 Broadway

NAME	ADDRESS	PHONE or EMAIL
Jeffery Fleming	300 Main Street Suite 302 GJ CO 81501	970-812-3288
Kim Cagney	2103 Monument Village Circle	307-421-4937
Don & Lana Middleton	2143 Monument Village Cir	970-276-
Dean & Marcia Derck	551 Greenwood Dr	608-385-3863
Jerry & Katherine Lafreniere	Greenwood dr.	970-201-3861
M. Jean Landis	560 Greenwood Dr	970-712-9232
Dennis R. Lucas	2160 ⁶⁵ ^{Ma hands} 2120	970-2601596
Marilyn Petek	2109 Monument Village Cir	970-243-6646
MARIN BIRST	2153 Village View Ct.	970-201-7824
THOMAS WALSH	2147 Monument Village Cir.	203-819-6665
Paula Armstrong	2133 Village Cir. ct. Grand St, CO	970-245-6029
CAROLE MORITZ	2158 CASTLEWOOD CT GJ, CO	970-3145249
Shelly Williams	2159 Village View Ct GJ CO	970-250-7357
David Williams	" " " " " "	(970) 712-3282
Nikki Lussaux	2134 Monument Vill Cir	970-9858069
Jeanie & Mike Kruger	2154 Glenstone	970-270-2210
Ken Boese	2156 Village View Ct	970 243-5395
Rob Denbeger	2147 Broadway	970-256-7089
Lucy Bondy	" "	"
DAVE PARMLEY	2142 Monument Village Cir	970-418-8155

David Thornton

From: Edward Miller <ecmdrm.miller@gmail.com>
Sent: Saturday, December 30, 2023 9:21 AM
To: David Thornton
Subject: Zoning of Property at 2152 Broadway & 2155 Monument Lane

**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****

Dear Mr. Thornton:
Subject: Zoning of Property at 2152 Broadway & 2155 Monument Lane

I live at 2139 Monument Village Circle located in the Monument Village Subdivision consisting of Filings 4, 5, 6, and 7 located north of subject properties. I attended a neighborhood meeting on December 12th regarding the potential development of homes on 4.23 Acres located at 2152 Broadway and 2155 Monument Lane. I was told that the developers requested the current B1 zoning be changed to RMF-8 which will allow for a minimum build of 5.5 homes per acre.

This is similar to the size of homes in Filings 6 and 7 of Monument Village and approximately half the size of Filings 4 and 5. I ask that the planning board recommend to the City Council to approve the RMF-8 zoning request as any higher density homes do not blend into the surroundings of the current homes in Monument Village.

Thank you for your time and consideration in this matter,

Edward Miller
2139 Monument Village Circle
Grand Junction, CO 81507
970-270-7770

David Thornton

From: M J LANDIS <jelandis2@msn.com>
Sent: Wednesday, December 13, 2023 1:55 PM
To: David Thornton
Subject: 2152 Broadway & 2155 Monument Lane rezone

**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****

As someone who lives across the street from this property (560 Greenwood Drive) I would like to express my favorable opinion of the rezoning from commercial B-1 to residential RMF8. I especially favor the developer's desire to put in single story, detached homes. I will still be able to gaze across Hwy 340 with a pretty unobstructed view of the Bookcliffs.

The traffic flow of course will increase but it was heavier when both the grocery store and the hardware store were open. The church traffic is preferable to previous situations. At some point perhaps the Hwy 340 speed limit coming from the west will be reduced earlier to accomodate traffic safely.

Side note: as someone who has also fought the elm seed bugs and am looking forward to my big trees dying off, the developer will most likely take out all the volunteer elm trees growing on that side of Hwy 340!!!

Regards, Jean Landis

David Thornton

From: chris hatton <hatton81507@gmail.com>
Sent: Wednesday, December 13, 2023 10:39 AM
To: David Thornton
Subject: Downzoning properties of 2152 Broadway and 2155 Monument Lane

**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****

As a property owner in this neighborhood I am very concerned with the possibility of construction of multi apartments in this area. Although I would prefer no construction in this quiet neighborhood, the thought of 50 units or more is very disturbing.

I am asking that you minimize the construction to the minimum density of 25 lots, that will keep traffic down and security safer. This is a very lowkey residential area and we all would love to keep it that way.

Thank you for your time and consideration on this problem.

Christopher and Renee Hatton
555 Greenwood Dr
Grand Junction Co 81507

David Thornton

From: Grand Junction Speaks <no-reply@gjspeaks.org>
Sent: Wednesday, March 6, 2024 6:08 PM
To: David Thornton
Cc: Jacob Kaplan
Subject: [Grand Junction Speaks] Comment submitted for: Monument Villas Comp Plan Amendment & Rezone

**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****



The following comment has been submitted for Monument Villas Comp Plan Amendment & Rezone by Dean R Deick:

I live in the Shadow Mountain subdivision directly across highway 340 from the proposed development. I support the rezoning if it truly means moderately priced single family homes will be built. The only concern I have is the stated 'irrigation available' provided by a "12 inch pipe" under highway 340. This gives the impression there is a 12 inch pipe's worth of available irrigation water when this is not the case. I've lived in this neighborhood since 2019 and have been taking over much of the neighborhood management of the irrigation ditch providing our subdivision and several others. Redlands Water & Power does not manage water to the fore mention pipe. The water in that "12 inch" pipe comes from an 8 inch pipe off one of Redlands Water & Power's main ditches at gate #154. The 8 inch pipe off gate #154 is typically only half filled at the location where it splits toward the property in question. Also, given the elevation of the property to be rezoned and the elevation of where the irrigation water passes under highway 340, a pump station would be required to get the water to the property.

You can approve or reject the comment [here](#).

This email was delivered by gjspeaks.org

GRAND JUNCTION PLANNING COMMISSION
March 12, 2024, 5:30 PM
MINUTES

The meeting of the Planning Commission was called to order at 5:31 p.m. by Chairman Teske.

Those present were Planning Commissioners; Ken Scissors, Shanon Secrest, Melanie Duyvejonck, Sandra Weckerly, Kim Herek, and Keith Ehlers.

Also present were Jamie Beard (City Attorney), Niki Galehouse (Planning Supervisor), Jessica Johnsen (Senior Planner), Dave Thornton (Principal Planner), Tim Lehrbach (Senior Planner), Madeline Robinson (Planning Technician), and Jacob Kaplan (Planning Technician).

There were 11 members of the public in attendance, and 1 virtually.

CONSENT AGENDA

1. Approval of Minutes

Minutes of Previous Meeting(s) from February 13, 2024.

REGULAR AGENDA

1. Ferree ROW Vacation

VAC-2023-111

Consider a request by Monument Ridge Estates LLC., Lawrence Balerio, to vacate 0.32 acres of Ferree Drive right-of-way.

Staff Presentation

Jessica Johnsen, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Representative Kim Kerk with Kim Kerk Land Consulting provided additional context on the request and was available for questions.

Questions for staff and applicant

Chairman Teske asked for confirmation that the vacated land would be granted to the property owner to the West and wondered if they had expressed any concerns with the vacation. He also asked for confirmation on the City's intent to maintain a utility easement over the entirety of the vacated area.

Commissioner Weckerly asked how sight distance would be retained following the vacation.

Commissioner Ehlers asked about the timeline of the ROW vacation in reference to the development of Monument Ridge Estates. He also asked if there would be any issues with the

vacation process should the referenced streets in Monument Villas change names before the vacation was completed.

Kim Kerk provided an update on the progress of development for Monument Ridge Estates.

Public Hearing

The public comment period was opened at 5:00 p.m. on Tuesday, March 5, 2024, via www.GJSpeaks.org.

There were no public comments.

The public comment period was closed at 5:50 p.m. on March 12, 2024.

Discussion

Motion and Vote

Commissioner Secrest made the following motion “Mr. Chairman, on the Ferree Drive – Public Right-Of-Way Vacation located north of Broadway (Hwy 340), on the southeastern portion of Ferree Drive, City file number VAC-2023-111, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact and conditions as listed in the staff report.”

Commissioner Ehlers seconded; motion passed 7-0.

2. Fire Station #7 Annexation

ANX-2023-740

Consider a request by the City of Grand Junction to zone 3.744 acres from County RSF-R (Residential Single Family Rural) to RM-8 (Residential Medium 8) located at 2351 H Road.

Staff Presentation

Dave Thornton, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for staff and applicant

Public Hearing

The public comment period was opened at 5:00 p.m. on Tuesday, March 5, 2024, 2024, via www.GJSpeaks.org.

Dylan Frye called attention to the irrigation canal on the South side of the property.

The public comment period was closed at 6:02 p.m. on March 12, 2024.

Discussion

Motion and Vote

Commissioner Scissors made the following motion “Mr. Chairman, on the Zone of Annexation request for the property located at 2351 H Road, City file number ANX-2023-740, 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.”

Commissioner Secrest seconded; motion passed 7-0.

3. Monument Villas Comp Plan Amendment & Rezone CPA-2023-783 & RZN-2023-784

Consider a request by D&B Broadway Monument, LLC for a Comprehensive Plan Amendment for 4.23 acres from Commercial to Residential Medium (5.5 to 12 du/ac) and rezone the 4.23 acres from Mixed Use Neighborhood (MU– 1) to RM-8 (Residential Medium - 8).

Staff Presentation

Dave Thornton, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request.

Jeffrey Fleming with Colorado Land Advisor Ltd., expanded on the staff presentation and was available for questions.

Questions for staff and applicant

Public Hearing

The public comment period was opened at 5:00 p.m. on Tuesday, March 5, 2024, via www.GJSpeaks.org.

There were no public comments.

The public comment period was closed at 6:28 p.m. on March 12, 2024.

Discussion

Discussion ensued about the minimum density requirements in the MU-1 zone district.

Commissioner Ehlers agreed with the staff that this area had not developed as a neighborhood center as projected in the 2010 Comp Plan so the rezone to strictly residential made sense.

Motion and Vote

Commissioner Scissors made the following motion “Mr. Chairman, on the Comprehensive Plan Amendment request for the property located at 2152 Broadway & 2155 Monument Lane, City file number CPA-2023-783, 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.”

Commissioner Weckerly seconded; motion passed 7-0.

Commissioner Scissors made the following motion “Mr. Chairman, on the Rezone request for the property located at 2152 Broadway & 2155 Monument Lane, City file number RZN-2024-784, 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 and with the condition that City Council approves the Comprehensive Plan Land Use Map Amendment to Residential Medium.”

Commissioner Weckerly seconded; motion passed 7-0.

4. Lange Annexation ANX-2023-754

Consider a request by James N. Lange to zone 1.65 acres within the Lange Annexation to R-8 (Residential – 8 du/ac) located at 2908 Kennedy Avenue.

This item was rescheduled to a future meeting to be determined.

5. NAK Properties Rezone RZN-2024-57

Consider a request by NAK Property 2, LLC to rezone 0.43 acres from I-2 (Industrial General) to CG (Commercial General) located at 739 3rd Avenue.

Staff Presentation

Tim Lehrbach, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Applicant Nathan Krehbiel was present and available for questions.

Questions for staff

Public Hearing

The public comment period was opened at 5:00 p.m. on Tuesday, March 5, 2024, via www.GJSpeaks.org.

There were no public comments.

The public comment period was closed at 6:50 p.m. on March 12, 2024.

Discussion

Commissioners expressed their appreciation for staff’s presentation and their agreement with the rezone request.

Motion and Vote

Commissioner Secrest made the following motion “Mr. Chairman, on the rezone request for the property located at 739 3rd Avenue, City file number RZN-2024-57, I move that the Planning Commission forward a recommendation of approval to the City Council with the findings of fact as listed in the staff report.”

Commissioner Scissors seconded; motion passed 7-0.

OTHER BUSINESS

ADJOURNMENT

Commissioner Weckerly moved to adjourn the meeting.

The vote to adjourn was 7-0.

The meeting adjourned at 6:53 p.m.

DRAFT

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN LAND USE MAP OF THE CITY OF GRAND JUNCTION FROM COMMERCIAL TO RESIDENTIAL MEDIUM (5.5-12 DWELLING UNITS/ACRE) AND A REZONE FOR MONUMENT VILLAS FROM MIXED USE NEIGHBORHOOD (MU-1) TO RM-8 (RESIDENTIAL MEDIUM – 8 DWELLING UNITS/ACRE) ZONE DISTRICT

LOCATED AT 2152 BROADWAY AND 2155 MONUMENT LANE

Recitals:

The property owner, D&B Broadway Monument LLC, proposes an amendment to the Comprehensive Plan Land Use Map from Commercial to Residential Medium (5.5–12 du/ac) and a rezone from Mixed Use Neighborhood (MU-1) to RM-8 (Residential – 8 du/ac) on a total of 4.23-acres, located at 2152 Broadway and 2155 Monument Lane.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of amending the Comprehensive Plan Future Land Use designation for the Property from Commercial to Residential Medium (5.5-12 du/ac) and recommended subsequent approval of changing the zoning from Mixed Use Neighborhood (MU-1) to RM-8 (Residential – 8 du/ac) for the property, finding that it conforms to and is consistent with the Land Use Map designation of Residential Medium (5.5-12 du/ac) of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that amending the Comprehensive Plan Land Use Map from Commercial to Residential Medium (5.5-12 du/ac) and recommended subsequent approval of changing the zoning from Mixed Use Neighborhood (MU-1) to RM-8 (Residential – 8 du/ac) for the property, is consistent with the vision, intent, goals and policies of the Comprehensive Plan and has met one or more criteria for a Comprehensive Plan amendment, the City Council also finds that the RM-8 (Residential Medium – 8 du/ac) zone district, is consistent and is in conformance with the Comprehensive Plan and at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The Recitals are incorporated and in consideration of the same and for reasons found adequate by the City Council, the following property shall be designated as Residential Medium (5.5-12 du/ac) on the Land Use Map of the Comprehensive Plan and shall be duly and lawfully zoned RM-8 (Residential Medium – 8 du/ac) on the zoning map:

Lots 1 and 2 of D & B Subdivision, County of Mesa, State of Colorado
INTRODUCED on first reading this _____ day of _____, 2024 and ordered
published in pamphlet form.

ADOPTED on second reading this _____ day of _____, 2024 and ordered
published in pamphlet form.

Anna M. Stout
President of the City Council

ATTEST:

Amy Phillips
City Clerk



Grand Junction City Council

Regular Session

Item #2.b.ii.

Meeting Date: March 20, 2024
Presented By: David Thornton, Principal Planner
Department: Community Development
Submitted By: David Thornton, Principal Planner

Information

SUBJECT:

Introduction of an Ordinance Zoning Approximately 3.744 Acres from County RSF-R (Residential Single Family Rural) to RM-8 (Residential Medium – 8 du/ac) for the Fire Station No. 7 Annexation, Located at 2351 H Road, and Setting a Public Hearing for April 3, 2024

RECOMMENDATION:

The Planning Commission heard this request at its March 12, 2024 meeting and voted (7-0) to recommend approval of the request.

EXECUTIVE SUMMARY:

The Applicant, City of Grand Junction, is requesting a zone of annexation to RM-8 (Residential Medium 8) for the Fire Station No. 7 Annexation. The approximately 3.744 acres consists of one parcel of land located at 2351 H Road. The property is vacant. Annexation is being sought in anticipation of developing the site for a fire station.

The property is Annexable Development per the Persigo Agreement. The zone district of RM-8 is consistent with the Residential Medium Land Use category of the Comprehensive Plan. The request for annexation will be considered separately by City Council, but concurrently with the zoning amendment request.

BACKGROUND OR DETAILED INFORMATION:

Annexation Request

The City of Grand Junction is requesting annexation of approximately 3.744 acres consisting of one parcel of land located at 2351 H Road. There is a portion of the H Road and 23 ½ Road right-of-way included in the annexation.

The property is Annexable Development per the Persigo Agreement. The property is

vacant. The City plans to construct a fire station on the property. Annexation is being sought in anticipation of the development of the site.

The proposed zone district of RM-8 is consistent with the Residential Medium Land Use category of the Comprehensive Plan. The request for zoning will be considered separately by City Council, but concurrently with the annexation request and will be heard in a future Council action.

The schedule for the annexation and zoning is as follows:

- Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use – February 21, 2024
- Planning Commission considers Zone of Annexation – March 12, 2024
- Introduction of a Proposed Ordinance on Zoning by City Council – March 20, 2024
- Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council – April 3, 2024
- Effective date of Annexation and Zoning – May 5, 2024

Zone of Annexation Request:

The City is proposing a zone district of R-8 (old Code) which is RM-8 (Residential Medium 8) in the 2023 Zoning and Development Code. The property is currently zoned in the County as RSF-R (Residential Single Family Rural). The proposed zone district of RM-8 is consistent with the Residential Medium Land Use category of the Comprehensive Plan. The surrounding County zoning is mostly RSF-R, a zone district that provides zoning for interim agricultural uses prior to urbanization that is expected by the Comprehensive Plan.

Zoning will be considered in a future action by City Council and requires review and recommendation by the Planning Commission.

The annexation area has sewer available and all other urban amenities to the property. It is located within Tier 1 on the Intensification and Growth Tiers Map of the Comprehensive Plan.

The RM-8 zoning permits by right the fire station and residential development.

In addition to the RM-8 zoning requested by the petitioner, the following zone districts would also be consistent with the Comprehensive Plan designation of Residential Medium.

- a. Residential Medium – 12 (RM-12)
- b. Public Parks and Open Space (P-1)
- c. Public, Civic, and Institutional Campus (P-2)
- d. Planned Development (PD)

NOTIFICATION REQUIREMENTS

Neighborhood Meeting:

A Neighborhood Meeting regarding the proposed Annexation and Zoning was held in-person on November 29, 2023, in accordance with Section 21.02.080(e) of the Zoning and Development Code. Several city staff members were in attendance as well as 14 members of the public. The meeting was held at Appleton Elementary School.

Notice was completed consistent with the provisions in Section 21.02.080(g) of the City's Zoning and Development Code. The subject property was posted with an application sign on December 12, 2023. 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 March 1, 2024. The notice of the Planning Commission public hearing was published March 23, 2024, in the Grand Junction Daily Sentinel. An online public hearing with an opportunity for public comment was held between March 5, 2024, and March 11, 2024, through the GJ Speaks.org platform.

ANALYSIS

A note about the implementation of the Zoning & Development Code Update: The R-8 zone district has transitioned to RM-8 (Residential Medium 8) and the development rights under the zone district will be found in the new Zone District and Dimensional Standards. As this application was received before the effective date of this update, the following analysis is pursuant to the previous Zoning & Development Code language.

The criteria for review are set forth in Section 21.02.140(a) and includes 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 owner has requested that the property be annexed and zoned to RM-8, which is compatible with the Comprehensive Plan Land Use Map designation of Residential Medium. When a property annexes into the City, the assumptions and facts used to assign County zoning are no longer valid. County zoning is not carried forward into the City, and by Colorado Statute, municipal zoning must be assigned to the property within 90 days of the effective date of annexation. The property currently has 'no zoning designation' within City limits; therefore, there are no original premises and findings that must be invalidated. Staff finds that this criterion is not applicable.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or
The character or condition of the area is changing with the further development of residential subdivisions to the west (550 feet) and to the northeast (850 feet), all a short distance away. The Appleton neighborhood is slowly urbanizing with new development occurring adjacent to large lot residential areas with and without small agricultural

operations in unincorporated Mesa County. In addition, a major retail development is planned for the NE corner of I-70 and 24 Road approximately three quarters of a mile away. This proposed annexation area is in a prime location for the City to construct an additional fire station to serve this urbanizing area. The 3.76-acre property is being planned for the fire station to occupy approximately two acres with the remaining land area available for future development. Therefore, staff finds this criterion is met.

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

Existing public and community facilities and services are available in close proximity to and can be extended into the annexation area. These services are sufficient to serve land uses associated with the proposed RM-8 zone district and for the planned fire station land use on this property.

Utility services are available to this property and include the Ute Water District service area which has an 8-inch water line in 23 ½ Road and 8-inch and 24-inch waterlines in H Road. The area can be served by Grand Valley Power.

The property is currently within the Persigo 201 Sewer Service Area and has an 8-inch sewer line in the H Road and 23 ½ Road rights-of-way.

This property is in the Grand Junction Rural Fire Protection District served by the Grand Junction Fire Department through an intergovernmental agreement between the City and the rural fire district. Due to this annexation, no changes in fire protection and emergency medical response are expected. Currently, primary response is from Fire Station 3 at 2580 25 ½ Road. The proposed future Fire Station No. 7 will increase the capacity for fire and emergency medical services (EMS) for the Appleton area.

Appleton Elementary School is across H Road from the annexation area to the north. The site is within the enrollment boundaries of Redlands Middle School, Fruita 8/9 for 9th Grade and Fruita Monument High School. One convenience store with gas is located approximately one mile to the southeast on 24 Road and G Road. Major goods and services (groceries, banks, restaurants, regional retail, etc.) can be found nearby at 24 Road and Patterson Road (Mesa Mall Area) less than two miles away.

Staff has found the public and community facilities are adequate to serve the type and scope of potential urban land uses in the future at such time the property is further developed, and existing public facilities can accommodate the fire station or residential development options under the RM-8 zone district this property may have in the future. Therefore, staff finds this criterion is 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 subject property and surrounding area are designated on the Comprehensive Plan Land Use Map as Residential Medium with densities between 8 and 12 dwelling units per acre. The proposed zoning designation of RM-8 implements this land use

designation and provides a zoning that allows the proposed fire station land use on the property.

The Land Use Map defines much of the immediate quarter-mile area around the subject property as Residential Medium (including north, south, east, and west) with an area of Residential Low to the northeast of the site. This annexation area is located within Tier 1 on the Intensification and Growth Tiers Map. Within Tier 1 areas of the Comprehensive Plan, development generally does not require expansion of services or extension of infrastructure, though improvements to infrastructure capacity may be necessary. Staff finds that the RM-8 zone district will establish zoning that will accommodate the desired development of the fire station and support the needs of the Appleton neighborhood. It supports existing and expected land uses identified in the 2020 One Grand Junction Comprehensive Plan. Therefore, staff finds this criterion has been met.

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

Annexation and zoning of the property will provide additional land within the city limits for city growth, but more specifically, for the Appleton area, better fire and EMS services for the neighborhood with the planned and budgeted construction of City Fire Station No. 7. The annexation is also consistent with the City and county 1998 Persigo Agreement. Therefore, staff finds this criterion is being met.

Section 21.02.160(f) of the Grand Junction Zoning and Development Code provides that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. Though other zone districts could be considered in a Residential Medium Land Use area, the RM-8 zone district is consistent with the recommendations of the Comprehensive Plan.

Consistency with Comprehensive Plan

Further, the zoning request is consistent with the following chapters, goals and principles of the Comprehensive Plan:

Chapter 2

Plan Principle 3: Responsible and Managed Growth

Goal: Support fiscally responsible growth and annexation policies that promote a compact pattern of growth...and encourage the efficient use of land.

Goal: Encourage infill and redevelopment to leverage existing infrastructure.

Chapter 3

Intensification and Tiered Growth Plan. Subject property is located within Tier 1 where the focus is on areas within the existing 201 and UDB boundaries with urbanization that is occurring now. Annexation is appropriate for new development and redevelopment in Tier 1 areas, intensifying residential areas through infill and redevelopment. The City should promote the annexation of those parcels which are surrounded by, and or have direct adjacency to, the City limits of Grand Junction. Annexation and development of

these parcels will provide development opportunities while minimizing the impact on infrastructure and City services.

Relationship to Existing Zoning. Requests to rezone properties should be considered based on the Implementing Zone Districts assigned to each Land Use Designation.

- Guide future zoning changes. Requests for zoning changes are required to implement the Comprehensive Plan.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Fire Station No. 7 Zone of Annexation, ANX-2023-740 request for the property located at 2351 H Road from County RSF-R (Residential Single Family - Rural) to RM-8 (Residential Medium 8), the following findings of facts have been made:

1. The request conforms with 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, Planning Commission recommends approval of the request.

FISCAL IMPACT:

Property tax levies and municipal sales and use tax will be collected as the property is developed. For every \$1,000,000 of actual value, City property tax revenue on residential property at the current assessment rate would be approximately \$620 annually. Sales and use tax revenues will depend on construction activity and ongoing consumer spending on City taxable items for residential and commercial uses.

Public Works. Engineering and Transportation / Operations - The annexation takes in the south half of 261 feet of H Road (arterial) and the east half of 730 feet of 23 1/2 Road (collector) currently maintained by Mesa County. Both roads are typical county roads with 22 feet of asphalt, a few feet of gravel shoulders, and borrow ditches. Pavement conditions are estimated in the mid-50s. There is no curb and gutter and no storm drain facilities other than a few culverts. There are also no streetlights. Street sweeping, snow removal on H Road, and minimal storm drain maintenance in the borrow ditch are estimated at \$325 annually. Chip seals are estimated at \$4,000 in 2032. The site is adjacent to the Appleton Elementary School pickup zone. Eventually, H Road will be improved to a full arterial or collector standard complete with curb, gutter, sidewalk, and streetlights; however, in the meantime, more modest shoulder improvements are proposed along the H Road frontage of the fire station to accommodate school pickup.

Utilities. This property is located within the Ute Water District. Sanitary sewer is available to the property.

Fire Department. Currently, this property is in the Grand Junction Rural Fire Protection

District, which the Grand Junction Fire Department serves through a contract with the District. The Fire District collects a 9.6450 mill levy that generates \$14.85 yearly in property taxes. The property will be excluded from the Grand Junction Fire Protection District if annexed. The area is currently served by Grand Junction Fire Station No. 3, but with this annexation, a new fire station will be constructed and serve the area from this location.

SUGGESTED MOTION:

I move to introduce an ordinance zoning the Fire Station No. 7 Annexation to RM-8 (Residential Medium – 8) zone district, from Mesa County RSF-R (Residential Single Family - Rural) authorize publication in pamphlet form, and set a public hearing for April 3, 2024.

Attachments

1. General Project Report
2. Fire Station No7 Annexation Map
3. Site Maps and Pictures
4. Annexation Schedule - Table - Fire Station 7 Annexation
5. Neighborhood Meeting Notes
6. Planning Commission Minutes - 2024 - March 12 - DRAFT
7. ORD-Zoning FS 7 ANX 20240313

General Project Report

Fire Station No. 7 Annexation & Zoning

Background:

The City is proposing to annex land recently purchased by the city for the location of a new fire station, Fire Station No. 7. The property is located in Appleton at 2351 H Road and consists of 3.76 acres, see area highlighted in yellow below. Public Utilities are available to the property. A petition for annexation has been signed by the City for the annexation. The annexation area will contain the subject property and a portion of the H Road ROW. It may also include a portion of the 23 ½ Road ROW.



Proposed Zoning:

The proposed zoning is R-8. The property lies within the area of Residential Medium on the Land Use Map of the One Grand Junction Comprehensive Plan. The zone districts that implement that land use category include R-8 and R-12 with densities from 5.5 dwelling units per acre to 12 dwelling units per acre. The R-8 zone density range is 5.5 to 8 dwellings per acre. Due to the proximity to Appleton Elementary School and other city services not far away in the 24 Road Corridor the density range is appropriate. The R-8 zone density falls within the low end of the density range. Existing R-8 zoning is already located within the neighborhood. Other City zoning in the area includes R-5 and R-4. Fire Stations are allowed land use in all zone districts under the land use category of Community Service.

Neighborhood Meeting:

A neighborhood meeting was held on Wednesday, November 29th to discuss annexation and zoning of the property. See Neighborhood Meeting Notes.

Zone of Annexation/Rezoning Criteria:

(a) **Approval Criteria.** In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:

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

Response: The City has petitioned for annexation of city owned property into the City limits and requested zoning of R8 which is compatible with the Comprehensive Plan Land Use Map designation of Residential Medium. Since the property is currently in the County, the annexation of the property is a subsequent event that will invalidate one of these original premises, a county zoning designation of RSF-R (Residential Singel family Rural with densities of one dwelling unit per 5 acres). Therefore, this criterion is being met.

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

Response: The character or condition of the area is changing with the further development of residential subdivisions to the west (550 feet), and to the northeast (850 feet) all a short distance away. The Appleton neighborhood is slowly urbanizing with new development occurring adjacent to large lot residential areas with and without small agricultural operations in unincorporated Mesa County. In addition, a major retail development is planned for the NE corner of I-70 and 24 Road approximately three quarters of a mile away. This proposed annexation area is in a prime location for the city to construct an additional fire station that will serve this urbanizing area. The 3.76-acre property is being planned for the fire station to occupy approximately 2 acres with the remaining land area available for future development. Therefore, this criterion is being met.

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

Response: Existing public and community facilities and services are available in close proximity to and can be extended into the annexation area. These services are sufficient to serve land uses associated with the proposed R-8 zone district as well as for the planned fire station land use on this property. Utility services are available to this property and include the Ute Water District service area which has an 8-inch water line in 23 ½ Road and 8-inch and 24-inch waterlines in H Road. The area can be served by Grand Valley Power.

The property is currently within the Persigo 201 Sewer Service Area and has an 8-inch sewer line in the H Road and 23 ½ Road rights-of-way.

This property is in the Grand Junction Rural Fire Protection District served by the Grand Junction Fire Department through an intergovernmental agreement between the City and the rural fire district. No changes in fire protection and emergency medical response are expected due to this annexation. Currently primary response is from Fire Station 3 at 2580 25 ½ Road. The proposed future Fire Station No. 7 will increase the capacity for fire and emergency medical services (EMS) for the Appleton area.

Appleton Elementary School is across H Road from the annexation area to the north. The site is within the enrollment boundaries of Redlands Middle School, Fruita 8/9 for 9th Grade and Fruita Monument High School. One convenience store with gas is located approximately one mile to the southeast on 24 Road and G Road. Major goods and services (groceries, banks, restaurants, regional retail, etc.) can be found nearby at 24 Road and Patterson Road (Mesa Mall Area) less than 2 miles away.

Staff has found the public and community facilities are adequate to serve the type and scope of potential urban land uses in the future at such time the property is further developed, and existing public facilities can accommodate the fire station or residential development options under the R-8 zone district this property may have in the future. Therefore, this criterion is being 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

Response: The subject property and surrounding area are designated on the Comprehensive Plan Land Use Map as Residential medium with densities between 8 and 12 dwelling units per acre. The proposed zoning designation of R-8 implements this land use designation and provides a zoning that allows the proposed fire station land use on the property.

The Land Use Map defines much of the immediate quarter mile area around the subject property as Residential Medium (including north, south, east and west) with an area of Residential Low to the northeast of the site. This annexation area is located within Tier 1 on the Intensification and Growth Tiers Map. Within Tier 1 areas of the Comprehensive Plan, development generally does not require expansion of services or extension of infrastructure, though improvements to infrastructure capacity may be necessary. Staff finds that the R-8 zone district will establish zoning that will accommodate desired development of the fire station and support the needs of the Appleton neighborhood. It supports existing and expected land uses identified in the 2020 One Grand Junction Comprehensive Plan. Therefore, this criterion is being met.

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

Response: Annexation and zoning of the property will provide additional land within the City limits for City growth, but more specifically for the Appleton area better fire and EMS services for the neighborhood with the planned and budgeted construction of City Fire Station No. 7. The annexation is also consistent with the City and County 1998 Persigo Agreement. Therefore, this criterion is being met.

Site Photos:



Located across Appleton Elementary School south side of H Road.



View from 23 ½ Road looking northeast.



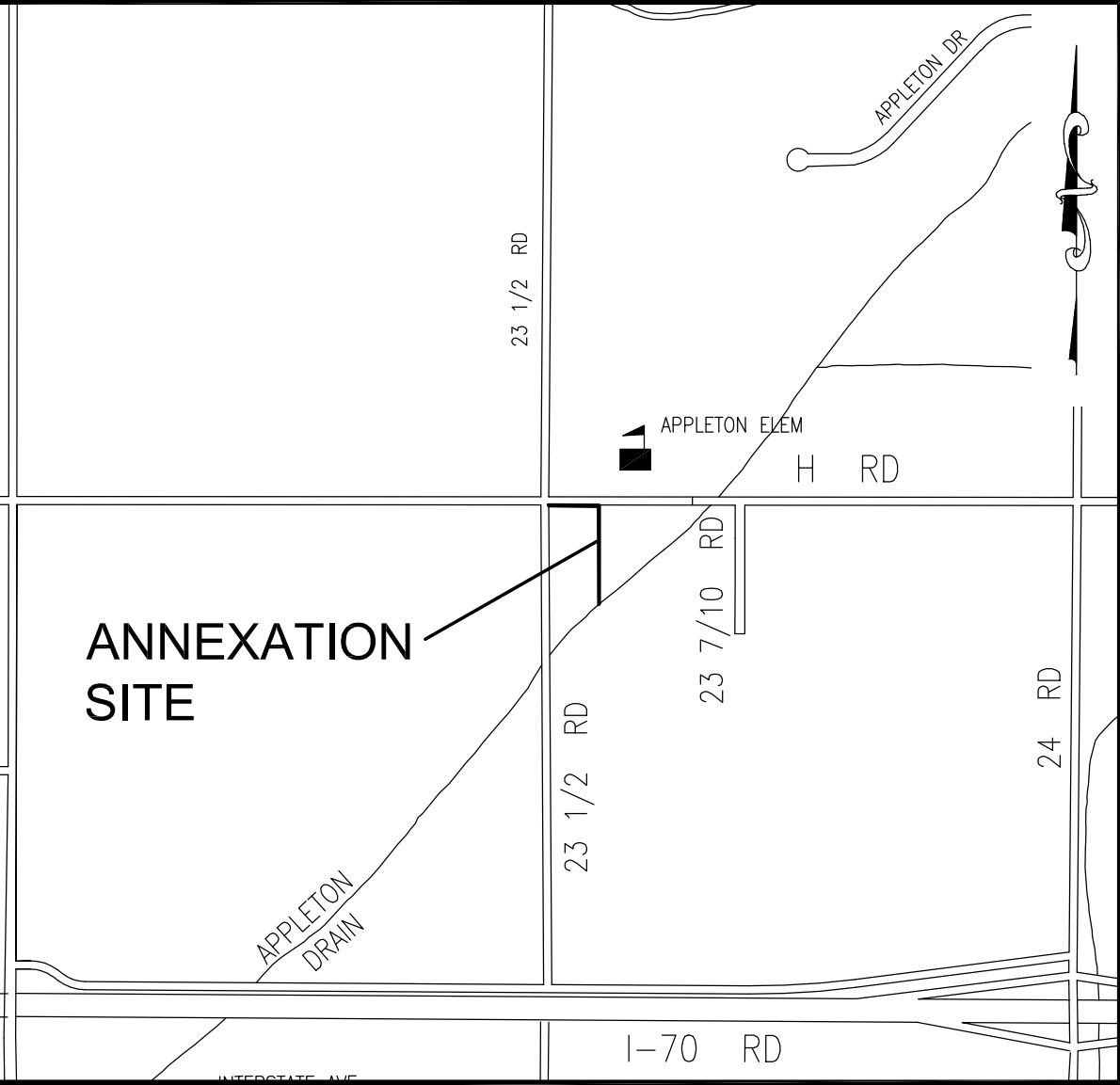
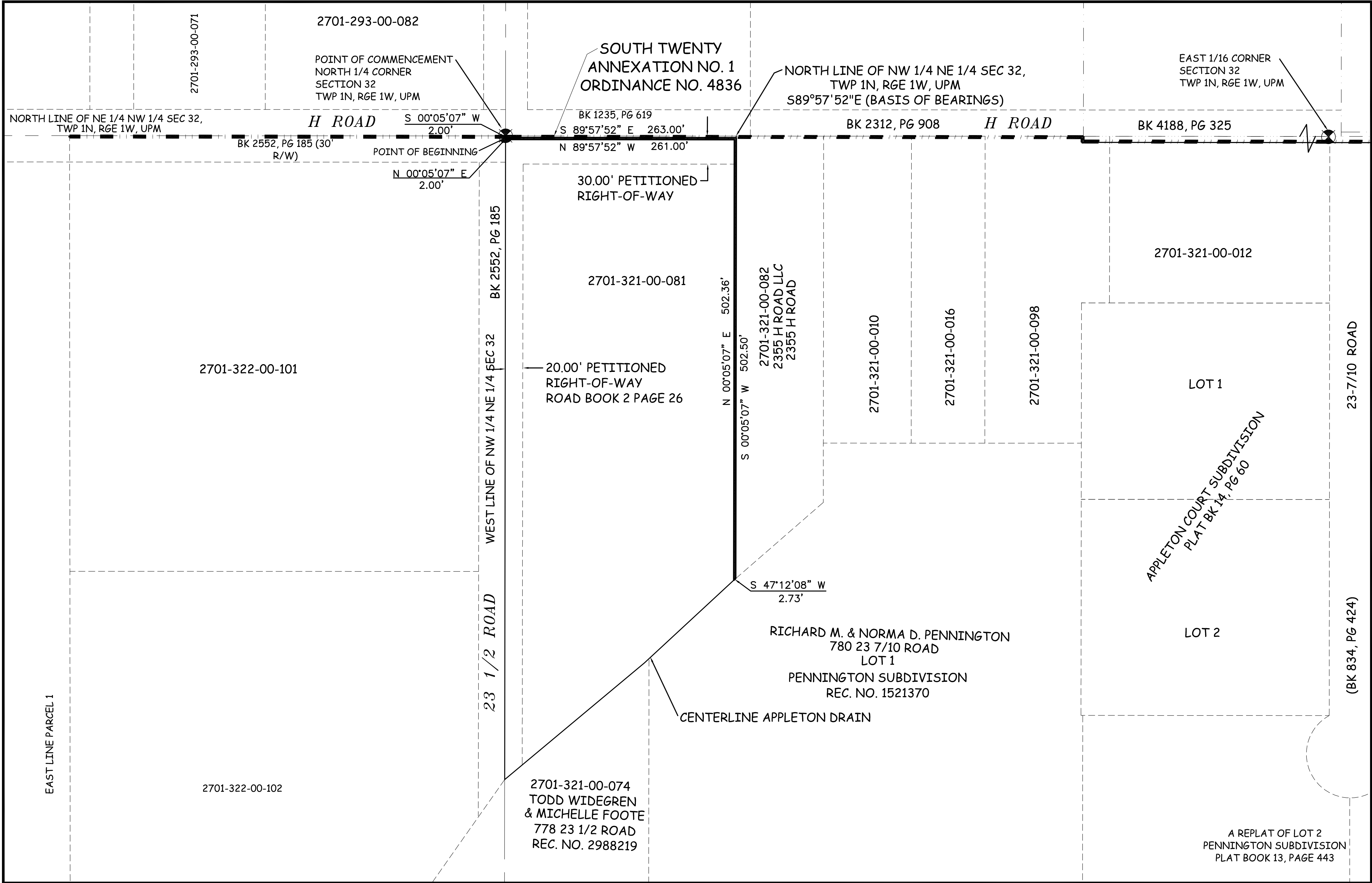
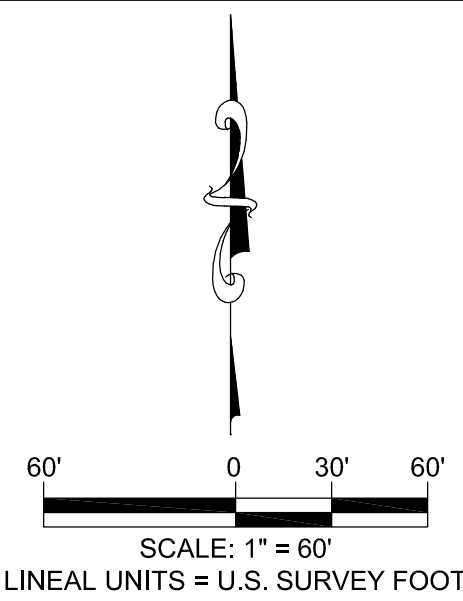
View from the SW corner of the site



Looking Northeast from 23 ½ Road towards Appleton Elementary School

FIRE STATION NO. 7 ANNEXATION NO. 1

Located in the NW1/4 NE1/4 SECTION 32, TOWNSHIP 1 NORTH, RANGE 1 WEST,
UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO



SITE LOCATION MAP SCALE: 1" = 800'

LEGAL DESCRIPTION

A parcel of land being a part of the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section 32, Township 1 North, Range 1 West, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the North 1/4 Corner of said Section 32 whence the East 1/16 Corner of said Section 32 bears S89°57'52"E, with all other bearings relative thereto; thence S00°05'07"W a distance of 2.00 feet along the west line of the Northwest Quarter of the Northeast Quarter of said Section 32 to the Point of Beginning; thence leaving said west line S89°57'52"E a distance of 263.00 feet along the south line of the *SOUTH TWENTY ANNEXATION NO. 1, ORDINANCE NO. 4836*; thence leaving said north line S00°05'07"W a distance of 502.50 feet to the centerline of the Appleton drain; thence along said centerline S47°12'08"W a distance of 2.73 feet; thence leaving said centerline, N00°05'07"E a distance of 502.36 feet; thence N89°57'52"W a distance of 261.00 feet to the west line of the Northwest Quarter of the Northeast Quarter of said Section 32; thence along said west line N00°05'07"E, a distance of 2.00 feet, to the Point of Beginning.

Said Parcel of land CONTAINING **1528.88** Square Feet or **0.035** Acres, more or less.

AREAS OF ANNEXATION

ANNEXATION PERIMETER	1533.58 FT.
CONTIGUOUS PERIMETER	263.00 FT.
AREA IN SQUARE FEET	1528.88 FT ²
AREA IN ACRES	0.035
AREA WITHIN R.O.W.	582.00 FT ²
	0.013 ACRES
AREA WITHIN DEEDED R.O.W.	0.0 FT ²
	0.0 ACRES

LEGEND

ANNEXATION BOUNDARY	
ANNEXATION AREA	
EXISTING CITY LIMITS	

SURVEY ABBREVIATIONS		SQ. FT.	SQUARE FEET
P.O.C.	POINT OF COMMENCEMENT	Δ=	CENTRAL ANGLE
P.O.B.	POINT OF BEGINNING	RAD.	RADIUS
R.O.W.	RIGHT OF WAY	ARC	ARC LENGTH
SEC.	SECTION	CHD.	CHORD LENGTH
TWP.	TOWNSHIP	CHB.	CHORD BEARING
RGE.	RANGE	BLK.	BLOCK
U.M.	UTE MERIDIAN	P.B.	PLAT BOOK
NO.	NUMBER	BK.	BOOK
REC.	RECEPTION	PG.	PAGE
		HOR. DIST.	HORIZONTAL DISTANCE

ORDINANCE NO. PRELIMINARY	EFFECTIVE DATE PRELIMINARY
------------------------------	-------------------------------

NOTE:
THE DESCRIPTION(S) CONTAINED HEREIN HAVE BEEN DERIVED FROM SUBDIVISION PLAT, DEED DESCRIPTIONS & DEPOSIT SURVEYS AS THEY APPEAR IN THE OFFICE OF THE MESA COUNTY CLERK & RECORDER. THIS PLAT OF ANNEXATION DOES NOT CONSTITUTE A LEGAL BOUNDARY SURVEY, AND IS NOT INTENDED TO BE USED AS A MEANS OF ESTABLISHING OR VERIFYING PROPERTY BOUNDARY LINES.

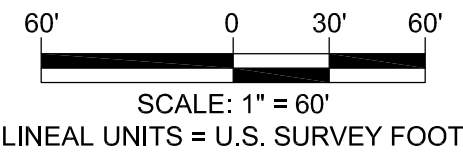
PRELIMINARY

JODIE L GREIN DATE
STATE OF COLORADO - P.L.S. NO. 38075
FOR ROLLAND CONSULTING ENGINEERS
405 RIDGES BLVD. SUITE A
GRAND JUNCTION, CO. 81507

THIS IS NOT A BOUNDARY SURVEY

NOTICE:
ACCORDING TO COLORADO LAW ANY LEGAL ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY MUST COMMENCE WITHIN THREE (3) YEARS AFTER THE DISCOVERY OF SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

DRAWN BY: JLG DATE: 1/24/2024
DESIGNED BY: JLG DATE: 1/24/2024
CHECKED BY: JAM DATE: 1/24/2024



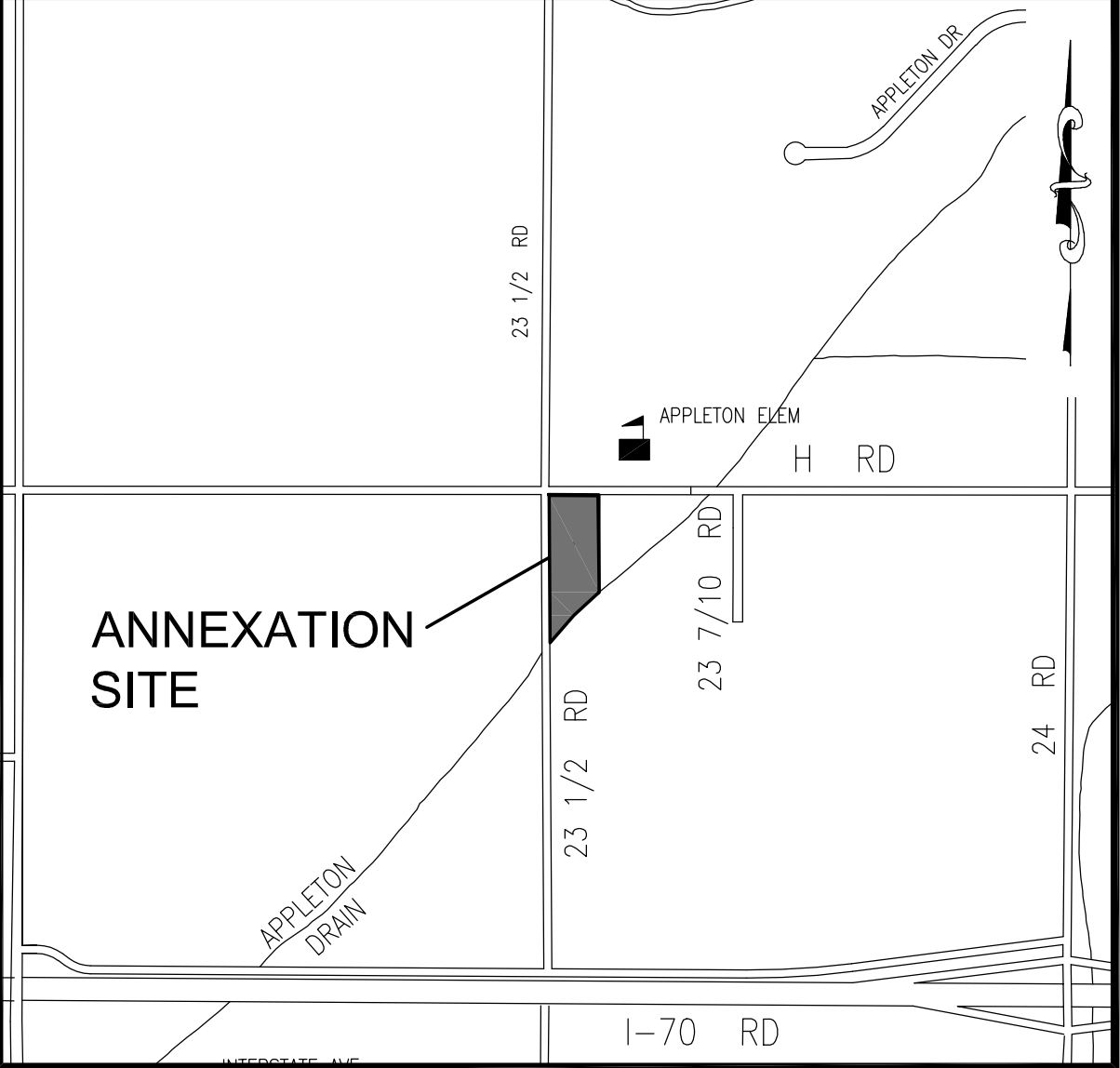
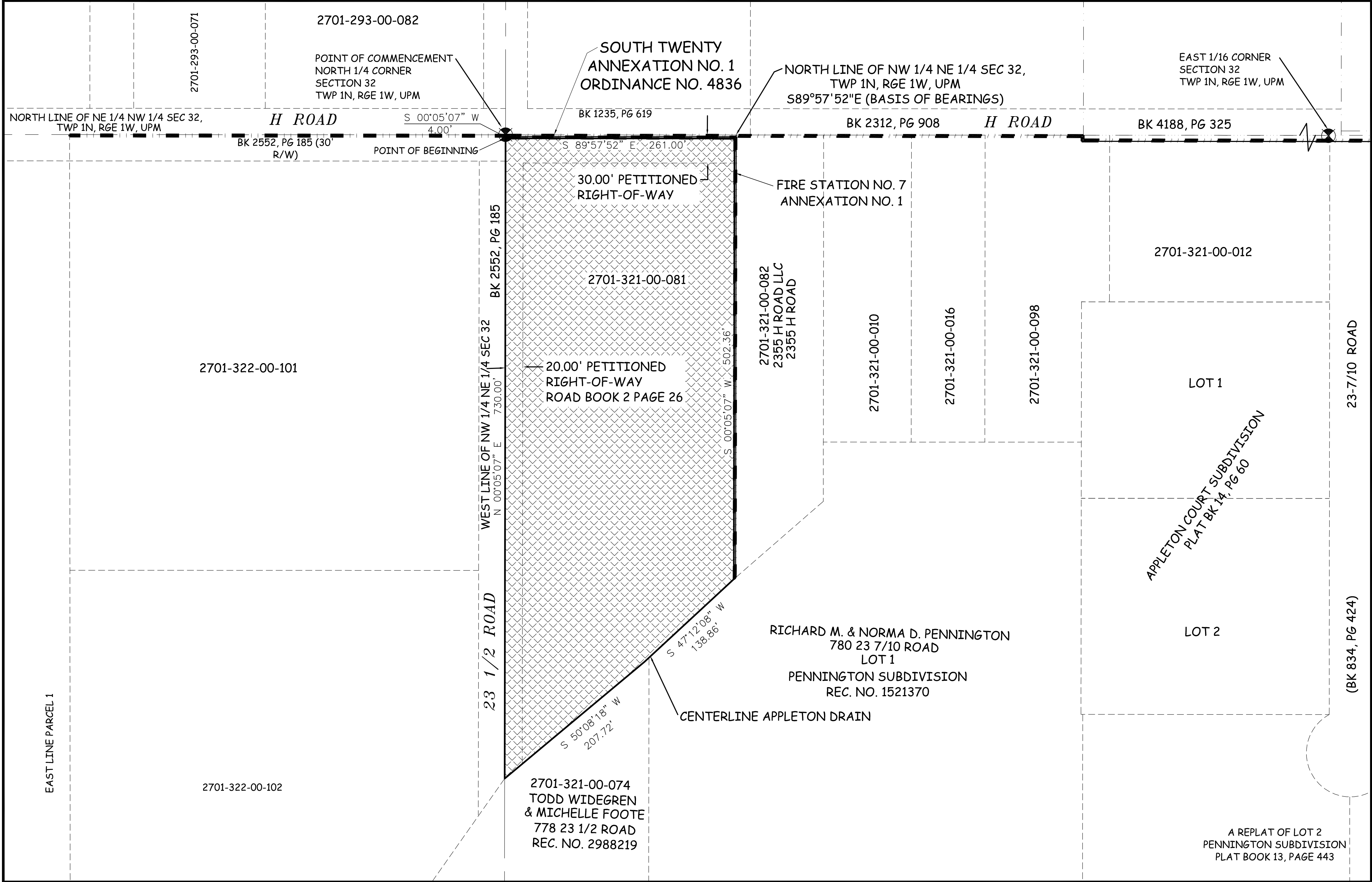
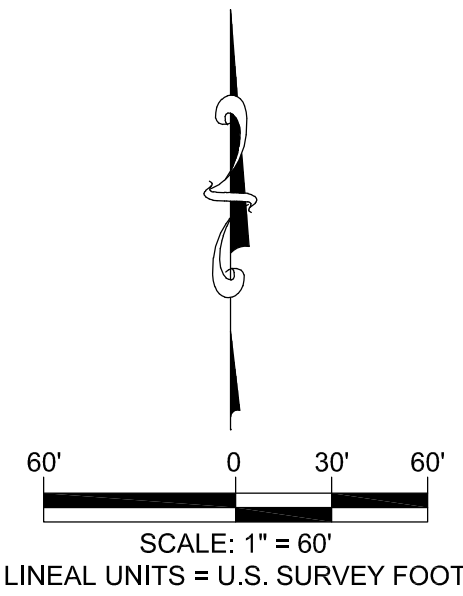
PUBLIC WORKS
ENGINEERING DIVISION

FIRE STATION NO. 7 ANNEXATION NO. 1

Located in the NW1/4 NE1/4 SECTION 32,
TOWNSHIP 1 NORTH, RANGE 1 WEST
UTE MERIDIAN, MESA COUNTY, STATE OF COLORADO

FIRE STATION NO. 7 ANNEXATION NO. 2

Located in the NW1/4 NE1/4 SECTION 32, TOWNSHIP 1 NORTH, RANGE 1 WEST,
UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO



SITE LOCATION MAP

LEGAL DESCRIPTION

A parcel of land being a part of the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section 32, Township 1 North, Range 1 West, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the North 1/4 Corner of said Section 32 whence the East 1/16 Corner of said Section 32 bears S89°57'52"E, with all other bearings relative thereto; thence S00°05'07"W a distance of 4.00 feet along the west line of the Northwest Quarter of the Northeast Quarter of said Section 32 to the Point of Beginning; thence leaving said west line S89°57'52"E a distance of 261.00 feet along the south line of the FIRE STATION NO. 7 ANNEXATION NO. 1; thence leaving said south line S00°05'07"W a distance of 502.36 feet along the west line of the FIRE STATION NO. 7 ANNEXATION NO. 1, to the centerline of the Appleton drain; thence along said centerline S47°12'08"W a distance of 138.86 feet; thence continuing on said drain centerline, S50°08'18"W a distance of 207.72 feet, to a point on the west line of the Northwest Quarter of the Northeast Quarter of said Section 32; thence leaving said centerline along said west line N00°05'07"E, a distance of 730.00 feet, to the Point of Beginning.

Said Parcel of land CONTAINING 161,560.33 Square Feet or 0.3,709 Acres, more or less.

AREAS OF ANNEXATION

ANNEXATION PERIMETER	1,839.94 FT.
CONTIGUOUS PERIMETER	763.35 FT.
AREA IN SQUARE FEET	161,560.33 FT ²
AREA IN ACRES	3.709
AREA WITHIN R.O.W.	21,179.12 FT ²
	0.486 ACRES
AREA WITHIN DEEDED R.O.W.	0.0 FT ²
	0.0 ACRES

LEGEND

ANNEXATION BOUNDARY	
ANNEXATION AREA	
EXISTING CITY LIMITS	

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT OF WAY
SEC.	SECTION
TWP.	TOWNSHIP
RGE.	RANGE
U.M.	UTE MERIDIAN
NO.	NUMBER
REC.	RECEPTION

SQ. FT.

Δ=	CENTRAL ANGLE
RAD.	RADIUS
ARC	ARC LENGTH
CHD.	CHORD LENGTH
CHB.	CHORD BEARING
BLK.	BLOCK
P.B.	PLAT BOOK
BK.	BOOK
PG.	PAGE
HOR. DIST.	HORIZONTAL DISTANCE

ORDINANCE NO.
PRELIMINARY

EFFECTIVE DATE
PRELIMINARY

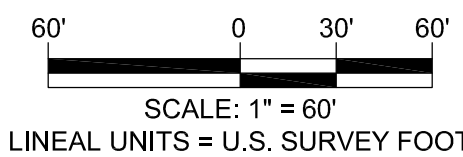
NOTE:
THE DESCRIPTION(S) CONTAINED HEREIN HAVE BEEN DERIVED FROM SUBDIVISION PLAT, DEED DESCRIPTIONS & DEPOSIT SURVEYS AS THEY APPEAR IN THE OFFICE OF THE MESA COUNTY CLERK & RECORDER. THIS PLAT OF ANNEXATION DOES NOT CONSTITUTE A LEGAL BOUNDARY SURVEY, AND IS NOT INTENDED TO BE USED AS A MEANS OF ESTABLISHING OR VERIFYING PROPERTY BOUNDARY LINES.

PRELIMINARY

JODIE L GREIN DATE
STATE OF COLORADO - P.L.S. NO. 38075
FOR ROLLAND CONSULTING ENGINEERS
405 RIDGES BLVD. SUITE A
GRAND JUNCTION, CO. 81507

NOTICE:
ACCORDING TO COLORADO LAW ANY LEGAL ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY MUST COMMENCE WITHIN THREE (3) YEARS AFTER THE DISCOVERY OF SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

DRAWN BY: JLG DATE: 1/24/2024
DESIGNED BY: JLG DATE: 1/24/2024
CHECKED BY: JAM DATE: 1/24/2024



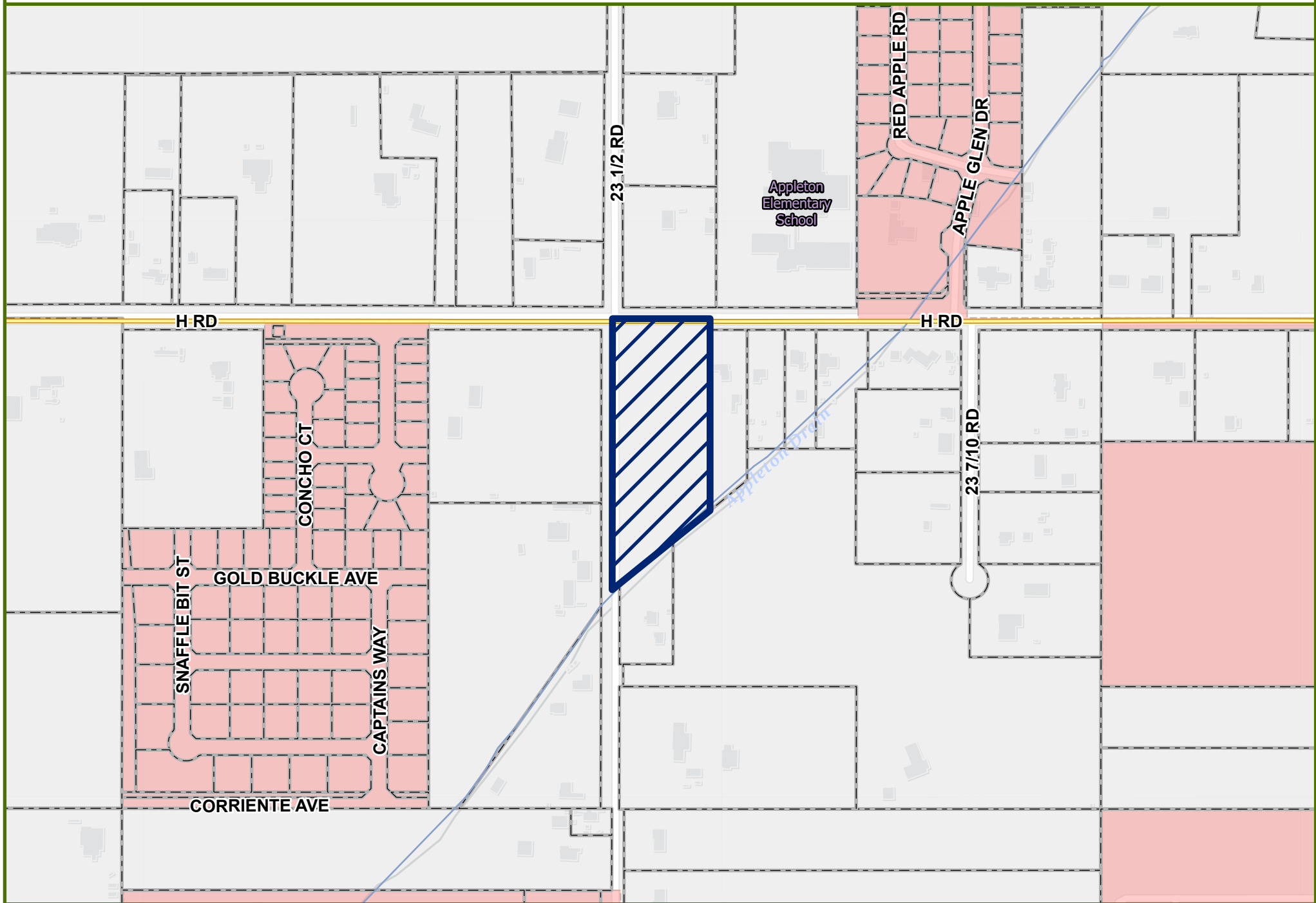
PUBLIC WORKS
ENGINEERING DIVISION

FIRE STATION NO. 7 ANNEXATION NO. 2

Located in the NW1/4 NE1/4 SECTION 32,
TOWNSHIP 1 NORTH, RANGE 1 WEST
UTE MERIDIAN, MESA COUNTY, STATE OF COLORADO

2 OF 2

Fire Station No. 7 Annexation



0 0.05 0.1 Miles

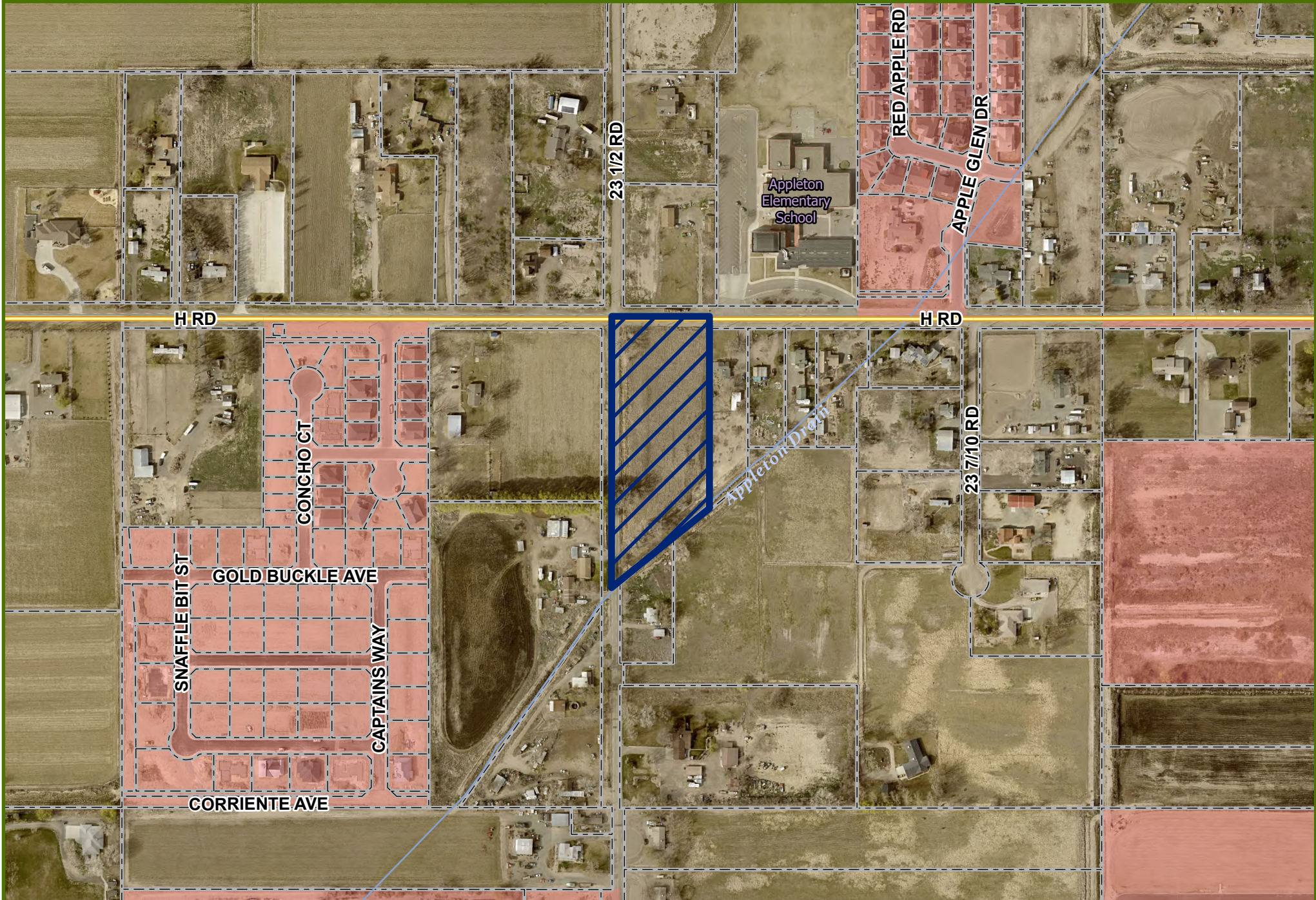


Annexation Site



City Limits

Fire Station No. 7 Annexation



0 0.05 0.1 Miles

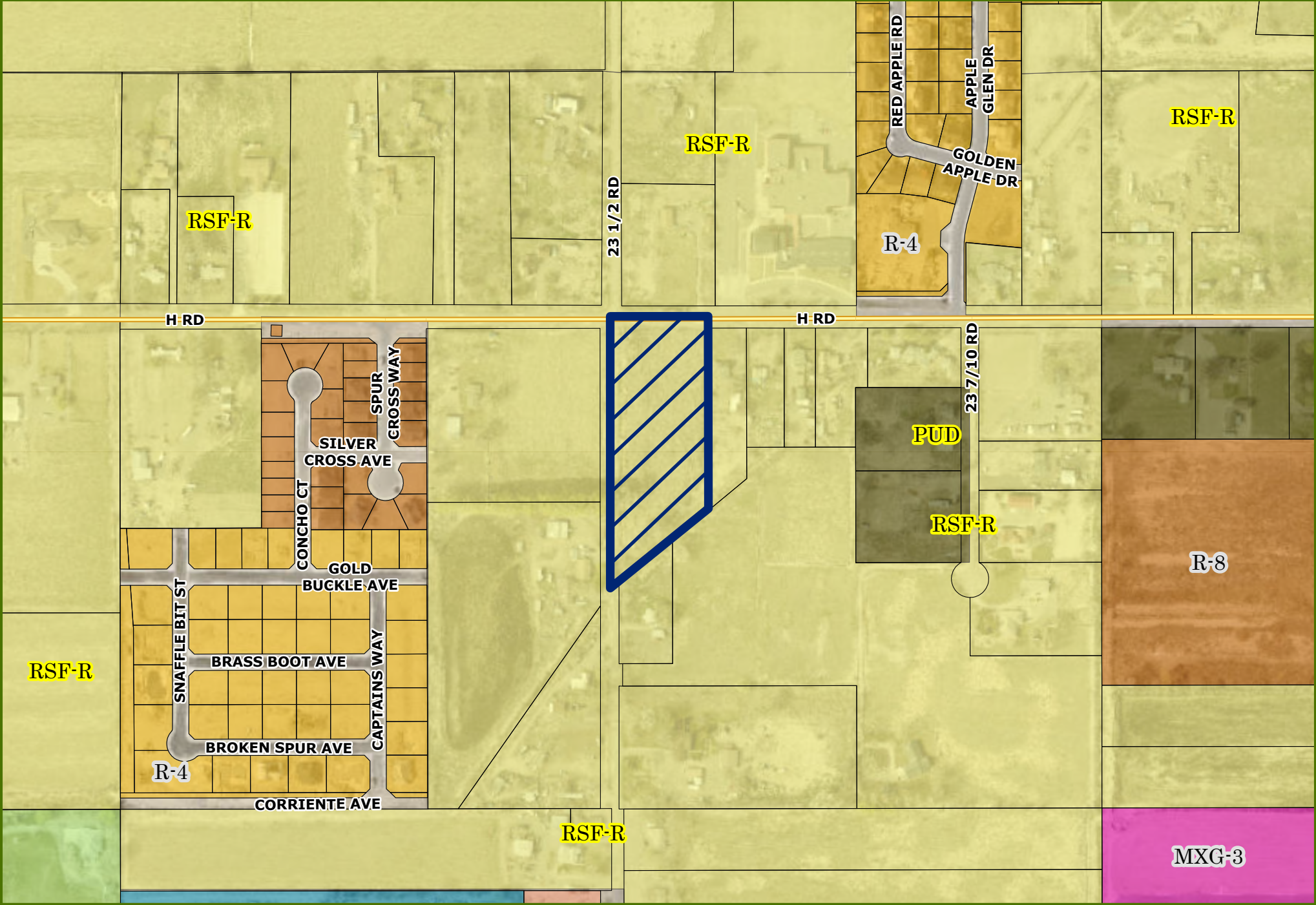


Annexation Site



City Limits

Fire Station No. 7 Annexation - Zoning



0 0.05 0.1 Miles



Annexation

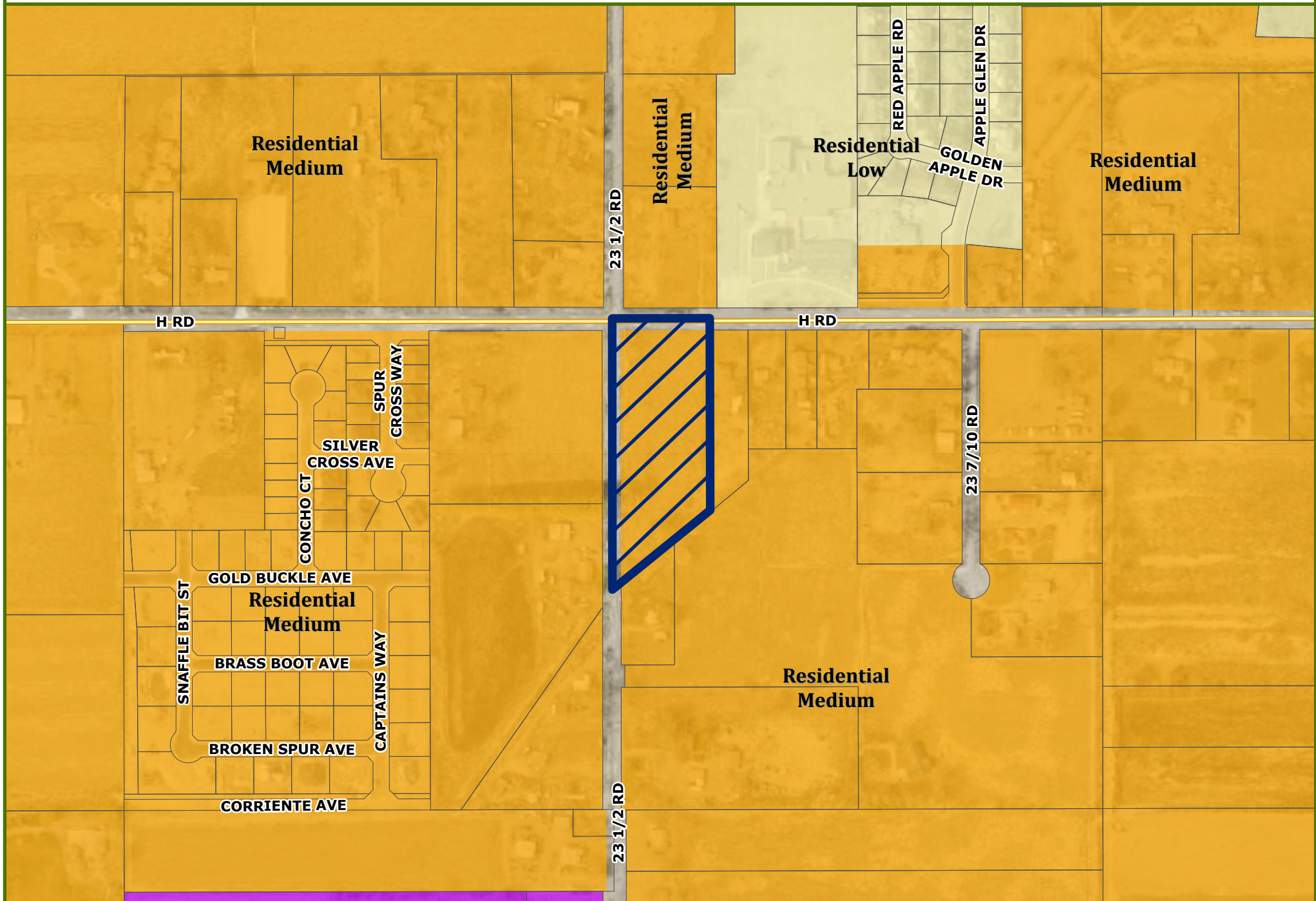
City Zoning

County Zoning

Date Created: 11/9/2023



Fire Station No. 7 Annexation - Land Use



0 0.05 0.1 Miles



Annexation Site
Packet Page 133

Date Created: 11/9/2023









FIRE STATION NO. 7 ANNEXATION SCHEDULE

February 21, 2024	Notice of Intent to Annex (30 Day Notice), Exercising Land Use
March 12, 2024	Planning Commission considers Zone of Annexation
March 20, 2024	Introduction of Ordinance on Annexation and Zoning by City Council
April 3, 2024	Public Hearing on Annexation and Zoning by City Council
May 5, 2024	Effective date of Annexation and Zoning

ANNEXATION SUMMARY

File Number:		ANX-2023-740
Location:		2351 H Road
Tax ID Numbers:		2701-321-00-081
# of Parcels:		1
Existing Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		0
Acres land annexed:		3.744
Developable Acres Remaining:		3
Right-of-way in Annexation:		0.499 acres (H Road)
Previous County Zoning:		RSF-R
Proposed City Zoning:		RM-8
Current Land Use:		Vacant
Comprehensive Plan Land Use:		Residential Medium
Values:	Assessed:	\$1,540
	Actual:	\$5,840
Address Ranges:		2351 to 2353 H Rd (odd only) & 788 to 798 23 1/2 Rd (even only)
Special Districts:	Water:	Ute Water Conservancy District
	Sewer:	City of Grand Junction
	Fire:	GJ Rural Fire District
	Irrigation/Drainage:	Grand Valley Irrigation Co & GV Drainage
	School:	District 51
	Pest:	Grand River Mosquito Control District
	Other:	Colorado River Water Conservancy

Fire Station No. 7
Neighborhood Meeting Notes
November 29, 2023

A meeting was held at Appleton Elementary School. There were 14 members of the public that attended along with two members of D51 staff and six staff from the City. School District 51 staff included Tim Leon and Eddie Mort. In attendance from the city were Chief Ken Watkins, Gus Hendricks and Ellis Thompson from the Fire Department, Dave Thornton from Community Development Department and Trent Prall, Kristen Armbruster and Eric Mocko from the City Engineering and Transportation Department.

City staff conducted the meeting with Chief Ken Watkins, Gus Hendricks from the Fire Department and Dave Thornton from Community Development presenting the proposed Fire Station and proposed annexation and zoning of the city owned property at 2351 H Road. The city's proposal is to annex and zone the property to R-8.

Public Comments/Questions

Public comments and questions included concerns with fire truck ingress and egress from the site and the noise that can come from emergency calls and leaving the station, and emergencies occurring during high traffic school drop off and pick up times.

Students drop off and pick up at Appleton Elementary School was discussed and the traffic with that already occurring as well as student safety in getting to and from school.

There were general concerns about the compatibility of the station with the neighborhood including discussions of buffering and setbacks from property lines. A question was asked about whether other locations that have less impact on surrounding neighbors were explored.

There were no concerns expressed about the annexation or zoning to R-8 of the fire station property at 2351 H Road.

GRAND JUNCTION PLANNING COMMISSION
March 12, 2024, 5:30 PM
MINUTES

The meeting of the Planning Commission was called to order at 5:31 p.m. by Chairman Teske.

Those present were Planning Commissioners; Ken Scissors, Shanon Secrest, Melanie Duyvejonck, Sandra Weckerly, Kim Herek, and Keith Ehlers.

Also present were Jamie Beard (City Attorney), Niki Galehouse (Planning Supervisor), Jessica Johnsen (Senior Planner), Dave Thornton (Principal Planner), Tim Lehrbach (Senior Planner), Madeline Robinson (Planning Technician), and Jacob Kaplan (Planning Technician).

There were 11 members of the public in attendance, and 1 virtually.

CONSENT AGENDA

1. Approval of Minutes

Minutes of Previous Meeting(s) from February 13, 2024.

REGULAR AGENDA

1. Ferree ROW Vacation

VAC-2023-111

Consider a request by Monument Ridge Estates LLC., Lawrence Balerio, to vacate 0.32 acres of Ferree Drive right-of-way.

Staff Presentation

Jessica Johnsen, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Representative Kim Kerk with Kim Kerk Land Consulting provided additional context on the request and was available for questions.

Questions for staff and applicant

Chairman Teske asked for confirmation that the vacated land would be granted to the property owner to the West and wondered if they had expressed any concerns with the vacation. He also asked for confirmation on the City's intent to maintain a utility easement over the entirety of the vacated area.

Commissioner Weckerly asked how sight distance would be retained following the vacation.

Commissioner Ehlers asked about the timeline of the ROW vacation in reference to the development of Monument Ridge Estates. He also asked if there would be any issues with the

vacation process should the referenced streets in Monument Villas change names before the vacation was completed.

Kim Kerk provided an update on the progress of development for Monument Ridge Estates.

Public Hearing

The public comment period was opened at 5:00 p.m. on Tuesday, March 5, 2024, via www.GJSpeaks.org.

There were no public comments.

The public comment period was closed at 5:50 p.m. on March 12, 2024.

Discussion

Motion and Vote

Commissioner Secrest made the following motion “Mr. Chairman, on the Ferree Drive – Public Right-Of-Way Vacation located north of Broadway (Hwy 340), on the southeastern portion of Ferree Drive, City file number VAC-2023-111, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact and conditions as listed in the staff report.”

Commissioner Ehlers seconded; motion passed 7-0.

2. Fire Station #7 Annexation

ANX-2023-740

Consider a request by the City of Grand Junction to zone 3.744 acres from County RSF-R (Residential Single Family Rural) to RM-8 (Residential Medium 8) located at 2351 H Road.

Staff Presentation

Dave Thornton, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for staff and applicant

Public Hearing

The public comment period was opened at 5:00 p.m. on Tuesday, March 5, 2024, 2024, via www.GJSpeaks.org.

Dylan Frye called attention to the irrigation canal on the South side of the property.

The public comment period was closed at 6:02 p.m. on March 12, 2024.

Discussion

Motion and Vote

Commissioner Scissors made the following motion “Mr. Chairman, on the Zone of Annexation request for the property located at 2351 H Road, City file number ANX-2023-740, 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.”

Commissioner Secrest seconded; motion passed 7-0.

3. Monument Villas Comp Plan Amendment & Rezone CPA-2023-783 & RZN-2023-784

Consider a request by D&B Broadway Monument, LLC for a Comprehensive Plan Amendment for 4.23 acres from Commercial to Residential Medium (5.5 to 12 du/ac) and rezone the 4.23 acres from Mixed Use Neighborhood (MU– 1) to RM-8 (Residential Medium - 8).

Staff Presentation

Dave Thornton, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request.

Jeffrey Fleming with Colorado Land Advisor Ltd., expanded on the staff presentation and was available for questions.

Questions for staff and applicant

Public Hearing

The public comment period was opened at 5:00 p.m. on Tuesday, March 5, 2024, via www.GJSpeaks.org.

There were no public comments.

The public comment period was closed at 6:28 p.m. on March 12, 2024.

Discussion

Discussion ensued about the minimum density requirements in the MU-1 zone district.

Commissioner Ehlers agreed with the staff that this area had not developed as a neighborhood center as projected in the 2010 Comp Plan so the rezone to strictly residential made sense.

Motion and Vote

Commissioner Scissors made the following motion “Mr. Chairman, on the Comprehensive Plan Amendment request for the property located at 2152 Broadway & 2155 Monument Lane, City file number CPA-2023-783, 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.”

Commissioner Weckerly seconded; motion passed 7-0.

Commissioner Scissors made the following motion “Mr. Chairman, on the Rezone request for the property located at 2152 Broadway & 2155 Monument Lane, City file number RZN-2024-784, 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 and with the condition that City Council approves the Comprehensive Plan Land Use Map Amendment to Residential Medium.”

Commissioner Weckerly seconded; motion passed 7-0.

4. Lange Annexation **ANX-2023-754**

Consider a request by James N. Lange to zone 1.65 acres within the Lange Annexation to R-8 (Residential – 8 du/ac) located at 2908 Kennedy Avenue.

This item was rescheduled to a future meeting to be determined.

5. NAK Properties Rezone **RZN-2024-57**

Consider a request by NAK Property 2, LLC to rezone 0.43 acres from I-2 (Industrial General) to CG (Commercial General) located at 739 3rd Avenue.

Staff Presentation

Tim Lehrbach, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Applicant Nathan Krehbiel was present and available for questions.

Questions for staff

Public Hearing

The public comment period was opened at 5:00 p.m. on Tuesday, March 5, 2024, via www.GJSpeaks.org.

There were no public comments.

The public comment period was closed at 6:50 p.m. on March 12, 2024.

Discussion

Commissioners expressed their appreciation for staff’s presentation and their agreement with the rezone request.

Motion and Vote

Commissioner Secrest made the following motion “Mr. Chairman, on the rezone request for the property located at 739 3rd Avenue, City file number RZN-2024-57, I move that the Planning Commission forward a recommendation of approval to the City Council with the findings of fact as listed in the staff report.”

Commissioner Scissors seconded; motion passed 7-0.

OTHER BUSINESS

ADJOURNMENT

Commissioner Weckerly moved to adjourn the meeting.

The vote to adjourn was 7-0.

The meeting adjourned at 6:53 p.m.

DRAFT

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE ZONING FIRE STATION NO. 7 ANNEXATION
TO RM-8 (RESIDENTIAL MEDIUM - 8) ZONE DISTRICT**

LOCATED ON PROPERTY AT 2351 H ROAD

Recitals:

The property owner has petitioned to annex their 3.744 acres into the City limits. The annexation is referred to as the "Fire Station No.7 Annexation."

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, the Grand Junction Planning Commission recommended zoning the Fire Station No. 7 Annexation consisting of 3.744 acres from County RSF-R (Residential Single Family - Rural) to RM-8 (Residential Medium - 8) finding that both the RM-8 zone district conforms with the designation of Residential Medium as shown on the Land Use Map of the Comprehensive Plan and conforms with its designated zone with the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the RM-8 (Residential Medium - 8) zone district, is in conformance with at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning & Development Code for the parcel as designated.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

ZONING FOR THE FIRE STATION NO. 7 ANNEXATION

The Recitals are incorporated herein and the following parcels in the City of Grand Junction, County of Mesa, State of Colorado are hereby duly, and lawfully zoned RM-8 as follows:

FIRE STATION NO. 7 ANNEXATION

Perimeter Boundary Legal Description

**A Serial Annexation Comprising of Fire Station No. 7 Annexation No. 1 and Fire Station
No. 7 Annexation No. 2**

EXHIBITS A & B

Fire Station No. 7 Annexation No. 1 Legal Description

A parcel of land being a part of the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section 32, Township 1 North, Range 1 West, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the North 1/4 Corner of said Section 32 whence the East 1/16 Corner of said Section 32 bears S89°57'52"E, with all other bearings relative thereto; thence S00°05'07"W a distance of 2.00 feet along the west line of the Northwest Quarter of the Northeast Quarter of said Section 32 to the Point of Beginning; thence leaving said west line S89°57'52"E a distance of 263.00 feet along the south line of the SOUTH TWENTY ANNEXATION NO. 1, ORDINANCE NO. 4836 ; thence leaving said north line S00°05'07"W a distance of 502.50 feet to the centerline of the Appleton drain; thence along said centerline S47°12'08"W a distance of 2.73 feet; thence leaving said centerline, N00°05'07"E a distance of 502.36 feet; thence N89°57'52"W a distance of 261.00 feet to the west line of the Northwest Quarter of the Northeast Quarter of said Section 32; thence along said west line N00°05'07"E, a distance of 2.00 feet, to the Point of Beginning.

Said Parcel of land CONTAINING 1528.88 Square Feet or 0.035 Acres, more or less.

Fire Station No. 7 Annexation No. 2 Legal Description

A parcel of land being a part of the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section 32, Township 1 North, Range 1 West, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the North 1/4 Corner of said Section 32 whence the East 1/16 Corner of said Section 32 bears S89°57'52"E, with all other bearings relative thereto; thence S00°05'07"W a distance of 4.00 feet along the west line of the Northwest Quarter of the Northeast Quarter of said Section 32 to the Point of Beginning; thence leaving said west line S89°57'52"E a distance of 261.00 feet along the south line of the FIRE STATION NO. 7 ANNEXATION NO. 1; thence leaving said south line S00°05'07"W a distance of 502.36 feet along the west line of the FIRE STATION NO. 7 ANNEXATION NO. 1, to the centerline of the Appleton drain; thence along said centerline S47°12'08"W a distance of 138.86 feet; thence continuing on said drain centerline, S50°08'18"W a distance of 207.72 feet, to a point on the west line of the Northwest Quarter of the Northeast Quarter of said Section 32; thence leaving said centerline along said west line N00°05'07"E, a distance of 730.00 feet, to the Point of Beginning.

Said Parcel of land CONTAINING 161,560.33 Square Feet or 0.3.709 Acres, more or less.

INTRODUCED on first reading this ____ day of _____, 2024 and ordered published in pamphlet form.

ADOPTED on second reading this ____ day of _____, 2024 and ordered published in pamphlet form.

Anna M. Stout
President of the City Council

ATTEST:

Amy Phillips
City Clerk



Grand Junction City Council

Regular Session

Item #2.b.iii.

Meeting Date: March 20, 2024

Presented By: Kristen Ashbeck, Principal Planner/CDBG Admin

Department: Community Development

Submitted By: Kristen Ashbeck, Principal Planner

Information

SUBJECT:

A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, Exercising Land Use Control, and Introducing Proposed Annexation Ordinance for the Five Star Annexation of 0.11 Acres, Located East of the Northern End of Allyce Avenue, and Setting a Public Hearing for May 1, 2024

RECOMMENDATION:

Staff recommends adoption of a resolution referring the petition for the Five Star Annexation, introducing the proposed ordinance, and setting a hearing for May 1, 2024.

EXECUTIVE SUMMARY:

The Applicant, Five Star Homes and Development Inc., requests annexation of approximately 0.11 acres of land east of Allyce Avenue's northern end. The owner proposes to incorporate the parcel into the surrounding Fairview Glen Subdivision, which constitutes "annexable development," in accordance with the Persigo Agreement. The parcel is surrounded by property that has already been annexed to the City; thus, no additional area, such as right-of-way, is required to annex the parcel. The applicant's request for zoning will be considered separately by City Council but concurrently with the annexation request and is currently scheduled to be heard by the City Council on May 1, 2024.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The Applicant, Five Star Homes and Development Inc., requests annexation into the City of Grand Junction of approximately 0.11 acres of land located located east of the northern end of Allyce Avenue. The owner proposes to incorporate the parcel into the surrounding Fairview Glen subdivision, which constitutes "annexable development", in

accordance with the Persigo Agreement. The parcel is surrounded by property that has already been annexed to the City; thus, no additional area, such as right-of-way, is required to annex the parcel. The applicant's request for zoning will be considered separately by City Council but concurrently with the annexation request and is currently scheduled to be heard by the City Council on May 1, 2024. The applicant's request for zoning will be considered separately by City Council but concurrently with the annexation request and is currently scheduled to be heard by the City Council on April 17, 2024, pending review and recommendation by the Planning Commission at their March 12, 2024, regular meeting.

The property is currently surrounded by existing City limits. This small parcel appears to have been annexed to the City with the previous proposed development on this site, Birks Blue Estates. However, upon further research, it was discovered that the parcel had never been transferred with the rest of the proposed subdivision. Thus, it had not been properly annexed since there was no petition from the property owner at the time Birks Blue Estates was annexed. The current owner of the proposed Fairview Glen subdivision has now completed a quiet title on this small piece of property and has petitioned the City to annex it at this time.

The schedule for the annexation and zoning is as follows:

- Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use – March 20, 2024
- Planning Commission considers Zone of Annexation – April 9, 2024
- Introduction of a Proposed Ordinance on Zoning by City Council – April 17, 2024
- Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council – May 1, 2024
- Effective date of Annexation and Zoning (if approved) – June 3, 2024

FINDINGS OF FACT

Staff finds, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104 et seq., that the Five Star Annexation is eligible to be annexed because of compliance with the following:

a) A proper petition has been signed by more than 50 percent of the owners and more than 50 percent of the property described.

The petition has been signed by the owner of the one property subject to this annexation request, or 100 percent of the owners, and includes 100 percent of the property described excluding right-of-way. Please note that the annexation petition was prepared by City staff.

b) Not less than one-sixth of the area's perimeter to be annexed is contiguous with the existing City limits.

The property is currently surrounded by existing City limits.

c) A community of interest exists between the area to be annexed and the City.

This is so in part because the Central Grand Valley is essentially a single demographic and economic unit, and occupants of the area can be expected to, and regularly do, use City streets, parks, and other urban facilities.

d) The area is or will be urbanized in the near future.

The property has existing urban utilities available, is proposed for residential development, and is surrounded by developed areas occupied by other residential uses.

e) The area is capable of being integrated with the City.

The proposed annexation area is surrounded by existing City limits. Utilities and city services are available and currently serve portions of the existing urbanized areas near this site.

f) No land held in identical ownership is being divided by the proposed annexation.

The entirety of the land owned by Five Star Homes and Development Inc. that is not already within the City limits is proposed for annexation. There are no adjoining properties held in identical ownership being excluded from this request.

g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

The petitioner's property measures approximately 1.65 acres.

FISCAL IMPACT:

Impacts were not assessed due to the very small size and minimal impact of this annexation (0.11 acres or 4,792 square feet).

SUGGESTED MOTION:

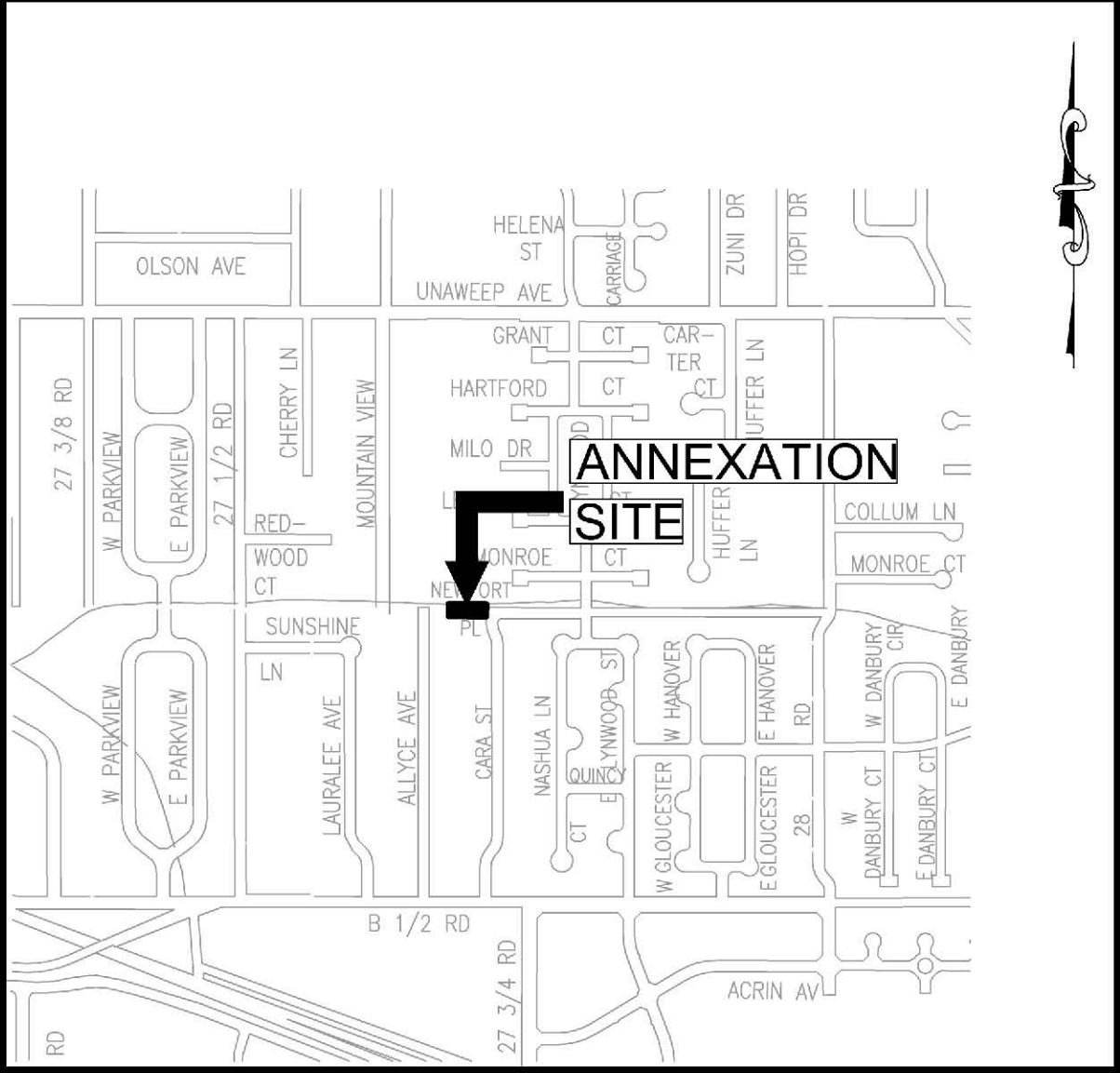
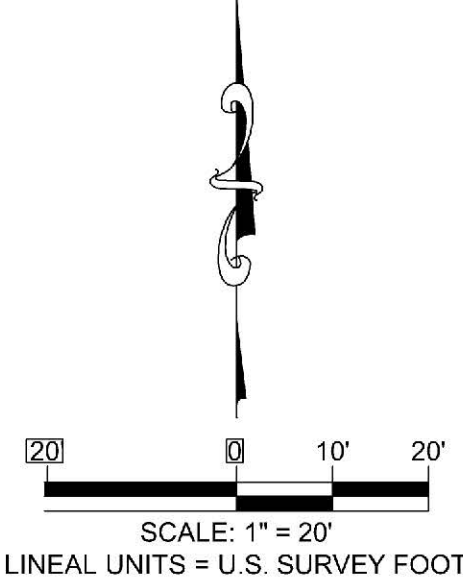
I move to (adopt/deny) Resolution No.18-24, a resolution referring a petition to the City Council for the annexation of lands to the City of Grand Junction, Colorado, setting a public hearing on such annexation and exercising land use control over the Five Star Annexation, approximately 0.11 acres, located east of the northern end of Allyce Avenue, as well as introduce a proposed ordinance annexing territory to the City of Grand Junction, Colorado, and setting a public hearing for May 1, 2024.

Attachments

1. Annexation Plat
2. Schedule and Summary Table
3. Site Maps
4. RES-Referral Petition Five Star 20240320
5. ORD-Five Star Annexation 20240320

FIVE STAR ANNEXATION

Located in the NE1/4 SECTION 25, TOWNSHIP 1 SOUTH, RANGE 1 WEST,
UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO



SITE LOCATION MAP SCALE: 1" = 800'

LEGAL DESCRIPTION

Annexation area description;
A parcel of land being the 40 foot drainage right-of-way within Birks Blue Estates subdivision (Reception Number 1263633), being more particularly described as follows;
BEGINNING at the Northwest corner of Birks Blue Estates, whence the Northeast corner of said subdivision bears North 89°54'52" East, with all bearings being relative thereto; thence along said northerly boundary, South 89°54'52" East, a distance of 115.22 feet, to the westerly right-of-way of Cara Street, thence along said right-of-way South 00°12'27" East, a distance of 40.00 feet; thence leaving said right-of-way South 89°54'52" West, a distance of 115.22 feet, to the westerly line of said subdivision; thence along the westerly line of said subdivision North 00°12'27" West, a distance of 40.00 feet, to the Point of Beginning.

Said Parcel of land CONTAINING **4,609** Square Feet or **0.11** Acres, more or less.

AREAS OF ANNEXATION

ANNEXATION PERIMETER	310.45 FT.
CONTIGUOUS PERIMETER	310.45 FT.
AREA IN SQUARE FEET	4,609 FT ²
AREA IN ACRES	0.11
AREA WITHIN R.O.W.	00.00 FT ²
AREA WITHIN DEEDED R.O.W.	0.00 ACRES

LEGEND

ANNEXATION BOUNDARY	
ANNEXATION AREA	
EXISTING CITY LIMITS	

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT OF WAY
SEC.	SECTION
TWP.	TOWNSHIP
RGE.	RANGE
U.M.	UTE MERIDIAN
NO.	NUMBER
REC.	RECEPTION

SQ. FT.	SQUARE FEET
Δ=	CENTRAL ANGLE
RAD.	RADIUS
ARC	ARC LENGTH
CHD.	CHORD LENGTH
CHB.	CHORD BEARING
BLK.	BLOCK
P.B.	PLAT BOOK
BK.	BOOK
PG.	PAGE
HOR. DIST.	HORIZONTAL DISTANCE

ORDINANCE NO.
PRELIMINARY

EFFECTIVE DATE
PRELIMINARY

NOTE:
THE DESCRIPTION(S) CONTAINED HEREIN HAVE BEEN DERIVED FROM SUBDIVISION PLAT, DEED DESCRIPTIONS & DEPOSIT SURVEYS AS THEY APPEAR IN THE OFFICE OF THE MESA COUNTY CLERK & RECORDER. THIS PLAT OF ANNEXATION DOES NOT CONSTITUTE A LEGAL BOUNDARY SURVEY, AND IS NOT INTENDED TO BE USED AS A MEANS OF ESTABLISHING OR VERIFYING PROPERTY BOUNDARY LINES.

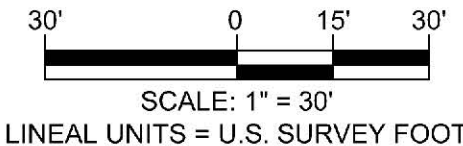
PRELIMINARY

Jodie L Grein DATE
STATE OF COLORADO - PL.S. NO. 38075
ROLLAND CONSULTING ENGINEERS
405 RIDGES BLVD. SUITE A
GRAND JUNCTION, CO. 81507

THIS IS NOT A BOUNDARY SURVEY

NOTICE:
ACCORDING TO COLORADO LAW ANY LEGAL ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY MUST COMMENCE WITHIN THREE (3) YEARS AFTER THE DISCOVERY OF SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

DRAWN BY: JLG DATE: 04/11/2023
DESIGNED BY: JLG DATE: 04/11/2023
CHECKED BY: JAM DATE: 04/11/2023



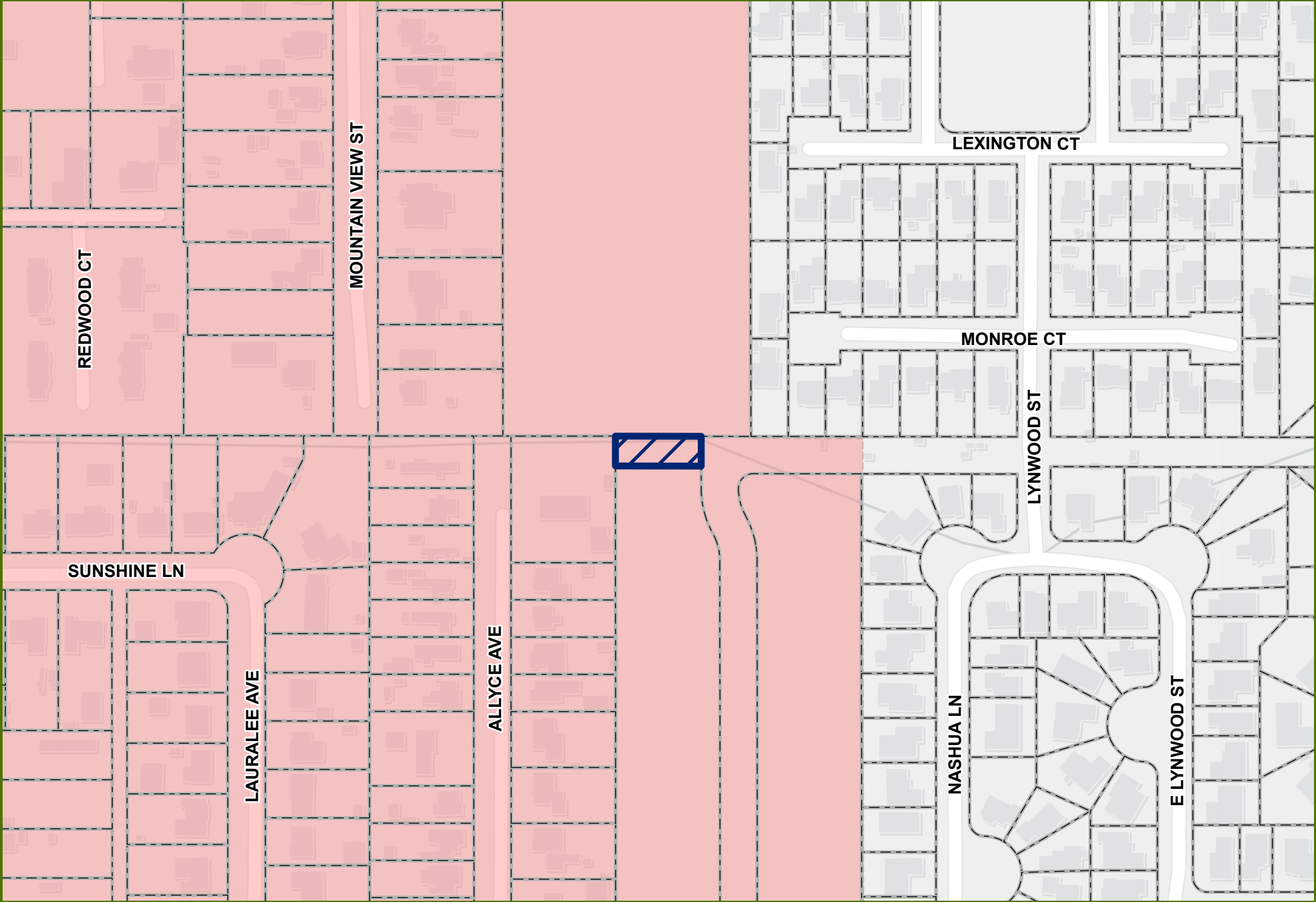
PUBLIC WORKS
ENGINEERING DIVISION

FIVE STAR ANNEXATION

Located in the NE1/4 SECTION 25, TOWNSHIP 1 SOUTH, RANGE 1 WEST,
UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO

FIVE STAR ANNEXATION SCHEDULE				
March 20, 2024		Referral of Petition, Intro Proposed Ordinance, Exercise Land Use		
April 9, 2024		Planning Commission Considers Zone of Annexation		
April 17, 2024		City Council Intro Proposed Zoning Ordinance		
May 1, 2024		City Council Accept Petition/Annex and Zoning Public Hearing		
June 3, 2024		Effective date of Annexation and Zoning		
ANNEXATION SUMMARY				
File Number		ANX-2023-219		
Location		2767 C Road		
Tax ID Number(s)		NA		
Number of Parcel(s)		1		
Existing Population		0		
No. of Parcels Owner Occupied		0		
Number of Dwelling Units		0		
Acres Land Annexed		0.11 Acres – 4,609 Square Feet		
Developable Acres Remaining		0.11 Acres – 4,609 Square Feet		
Right-of-way in Annexation		None		
Previous County Zoning		PUD (Planned Unit Development)		
Proposed City Zoning		RM-8		
Surrounding Zoning:	North:	RM-8		
	South:	RM-8		
	East:	NA – Right-of-Way		
	West:	RM-8		
Current Land Use		Vacant		
Proposed Land Use		Single-Family Residential		
Surrounding Land Use:	North:	Large Lot Single-Family Residential		
	South:	Vacant		
	East:	Undeveloped Right-of-Way		
	West:	Single-Family Residential		
Comprehensive Plan Designation:		Residential Medium 5.5-12 units per acre		
Zoning within Comprehensive Plan Designation:		Yes:	X	No:
Values:	Assessed	NA – Not Assessed		
	Actual	NA		
Address Ranges		2072 B ½ Road and 2765 – 2771 UnawEEP		
Special Districts:	Water	Ute Water Conservancy District		
	Sewer	City of Grand Junction		
	Fire	Grand Junction Rural Fire District		
	Irrigation/Drainage	Orchard Mesa Irrigation District		
	School	Mesa County Valley School District 51		
	Pest	Grand River Mosquito Control		

Five Star Annexation



0 50 100 200 Feet

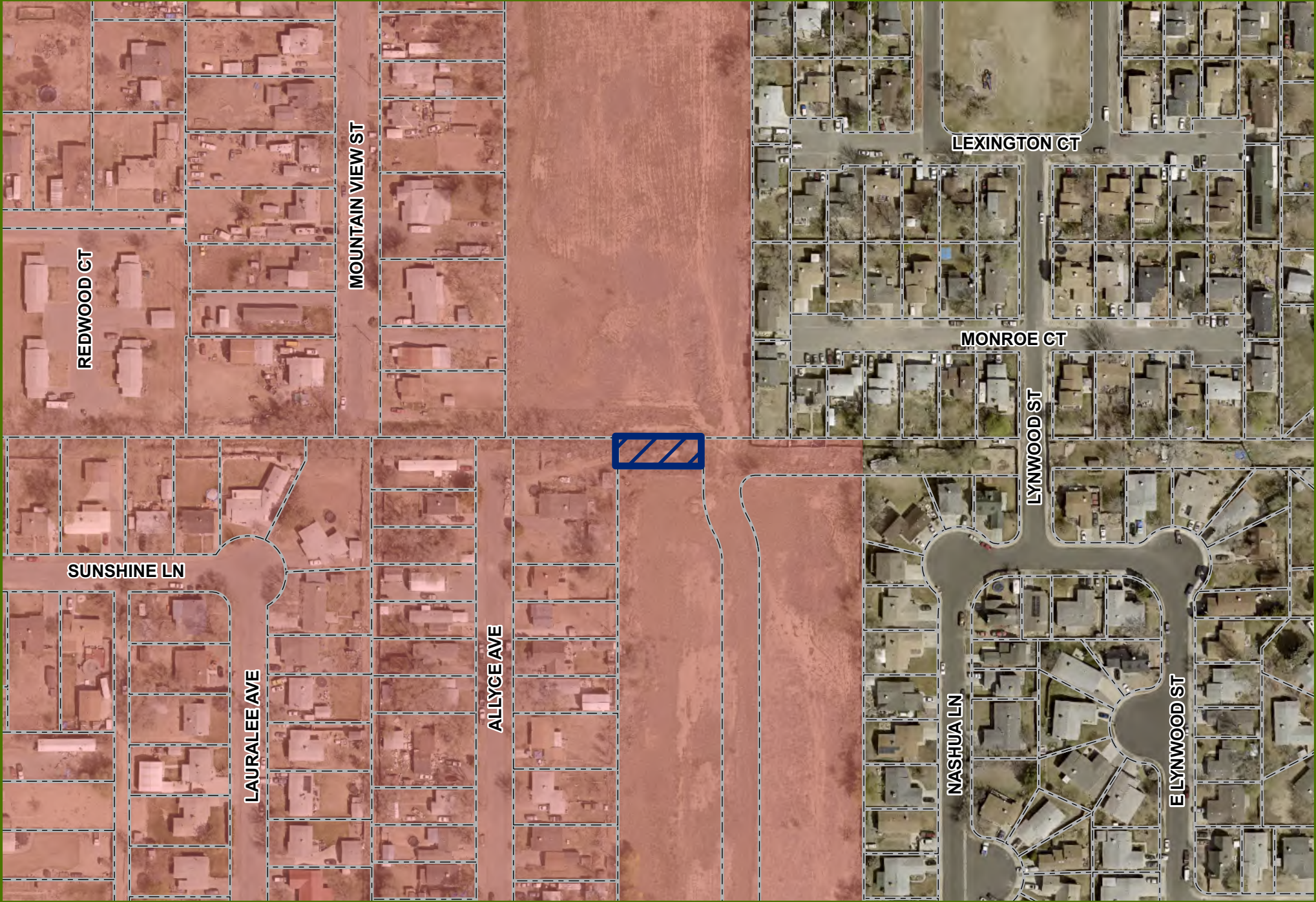


Annexation Site



City Limits

Five Star Annexation



0 50 100 200 Feet

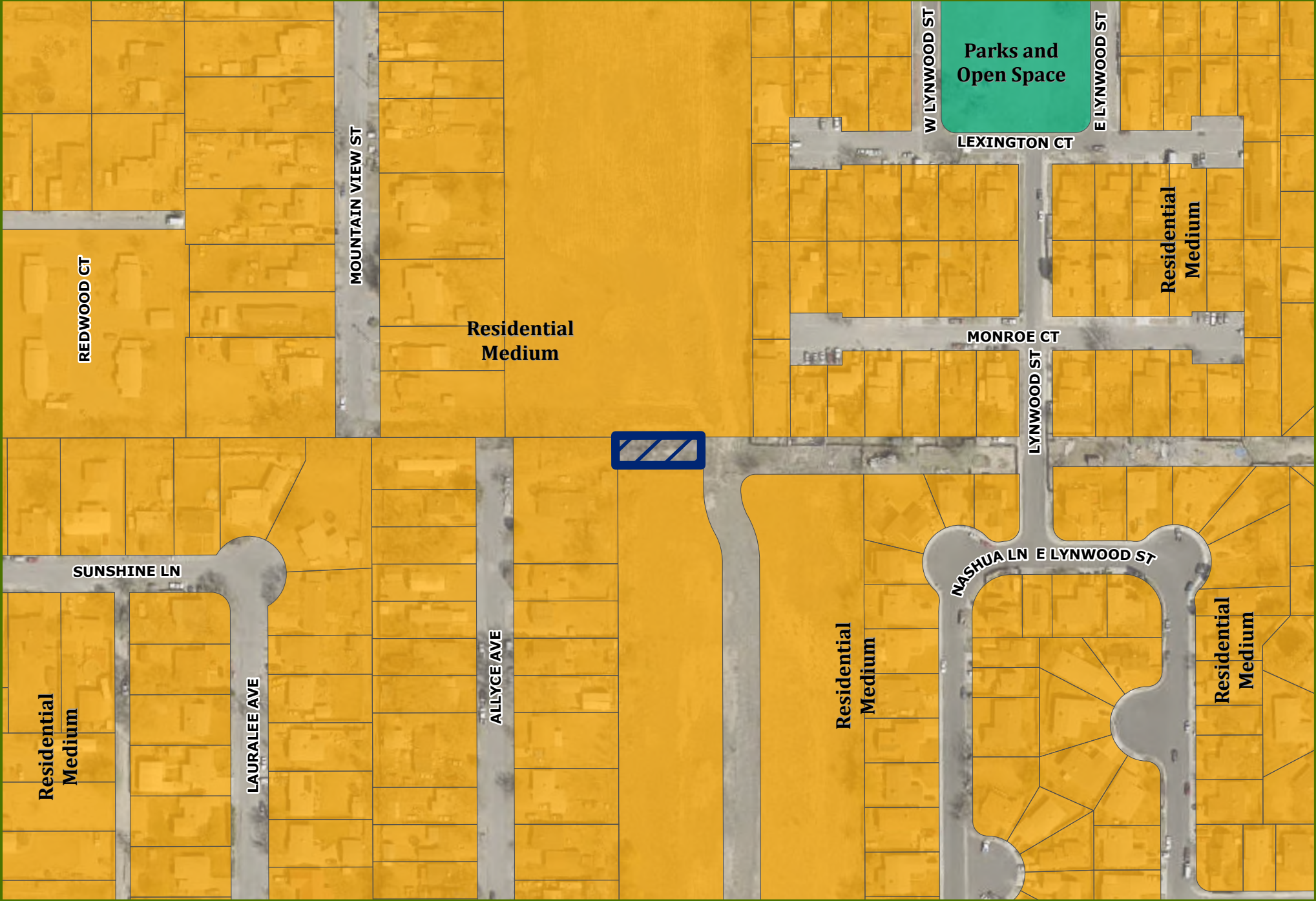


Annexation Site



City Limits

Five Star Annexation - Land Use



0 50 100 200 Feet



Annexation Site

Packet Page 156

Date Created: 2/27/2024



Five Star Annexation - Zoning



0 50 100 200 Feet



Annexation

City Zoning

County Zoning

Date Created: 2/27/2024



**NOTICE OF HEARING
ON PROPOSED ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 20th day of March 2024, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. __-24

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

FIVE STAR ANNEXATION

**APPROXIMATELY 0.11 ACRES
LOCATED EAST OF THE NORTHERN END OF ALLYCE
AVENUE**

WHEREAS, on the 20th day of March 2024, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

FIVE STAR ANNEXATION

40' Drainage Right of Way, Birks Blue Estates, County of Mesa, State of Colorado, recorded at Reception No. 1263633.

Said parcel contains 0.11 Acres

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether the lands should be annexed to the City by Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

1. That a hearing will be held on the 1st day of May, 2024, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 5:30 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.

2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED the 20th day of March 2024.

Anna M. Stout
President of the City Council

Attest:

Amy Phillips
City Clerk

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

City Clerk

<i>DATES PUBLISHED</i>
March 22nd, 2024
March 29th, 2024
April 5th, 2024
April 12th, 2024

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO
FIVE STAR ANNEXATION**

**LOCATED EAST OF THE NORTHERLY END OF ALLYCE
AVENUE
APPROXIMATELY 0.11 ACRES**

WHEREAS, on the 20th day of March 2024, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 1st day of May 2024; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the property situated in Mesa County, Colorado, and described to wit:

FIVE STAR ANNEXATION

40' Drainage Right of Way, Birks Blue Estates, County of Mesa, State of Colorado, recorded at Reception No. 1263633.

Said Parcel contains 0.11 Acres

With the foregoing being incorporated herein and said Parcel as depicted in Exhibit A being hereby duly and lawfully annexed to the City limits of the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 20th day of March 2024 and ordered published in pamphlet form.

ADOPTED on second reading the 1st day of May 2024 and ordered published in pamphlet form.

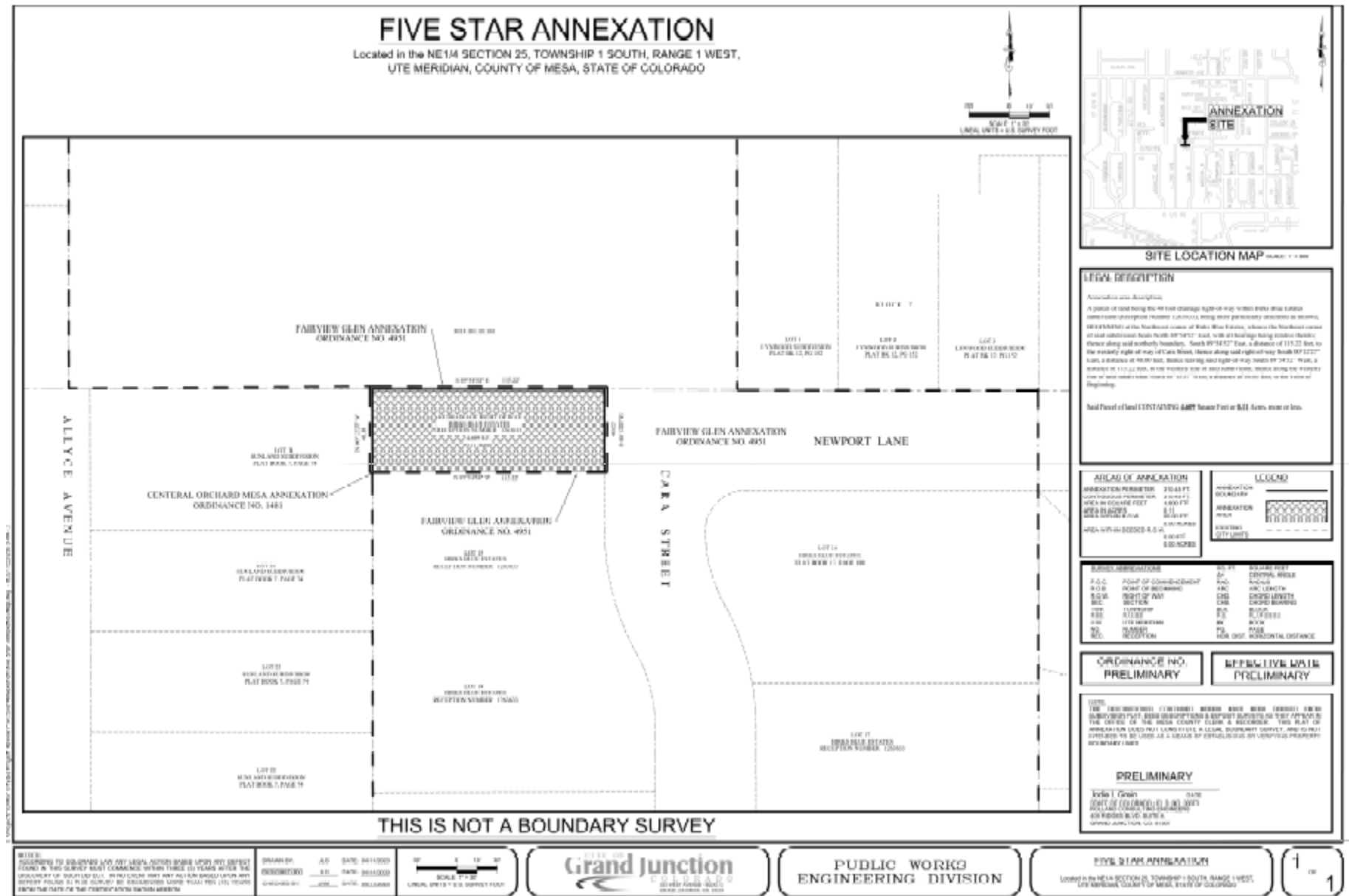
Anna M. Stout
President of the City Council

Attest:

Amy Phillips
City Clerk

DRAFT

EXHIBIT A





Grand Junction City Council

Regular Session

Item #3.a.

Meeting Date: March 20, 2024

Presented By: Randi Kim, Utilities Director

Department: Utilities

Submitted By: Randi Kim

Information

SUBJECT:

A Resolution to Submit a Congressionally Directed Spending (CDS) Request for the Persigo Phase 1 Wastewater Treatment Plant Expansion Project

RECOMMENDATION:

Recommend approving a Resolution to submit a Congressionally Directed Spending (CDS) Request for the Persigo Wastewater Treatment Plant Expansion Project in the amount of \$3.3 million.

EXECUTIVE SUMMARY:

Senators Michael Bennet and John Hickenlooper are accepting Congressionally Directed Spending (CDS) requests for Colorado projects in Fiscal Year 2025 (FY25). This is a resolution to submit a request for Congressionally Directed Spending to fund an element of the Phase 1 Wastewater Treatment Plant Expansion Project, which encompasses modification to the existing aeration basins in the amount of \$3.3 million. This project should be eligible for consideration by the Interior, Environment, and Related Agencies Appropriations Subcommittee.

BACKGROUND OR DETAILED INFORMATION:

Senators Michael Bennet and John Hickenlooper are accepting Congressionally Directed Spending (CDS) requests for Colorado projects in Fiscal Year 2025 (FY25). As part of the broader appropriations process, CDS (previously known as earmarks) is a mechanism by which members of Congress can request funding for specific projects in their home state that have been submitted for consideration by local government entities and nonprofits. CDS funding is contingent upon a project being included in federal spending bills and passed by both the House of Representatives and Senate.

Senators Bennet and Hickenlooper will have a joint application process for FY25 CDS

projects. Applicants will be able to complete one application form which both offices will receive. Each Senator will review project requests and submit them to the Appropriations Committee individually.

The Phase 1 Wastewater Treatment Plant Expansion Project will revitalize critical infrastructure at the plant and expand the capacity from the current 12.5 million gallons per day to 15.0 million gallons per day. The capacity expansion will serve the community's needs for the next 20 years based on projected population growth and development identified in the One Grand Junction Comprehensive Plan. The City of Grand Junction and Mesa County authorized the project to benefit current and future customers of the Persigo Joint Sewer System. The total cost for the Phase 1 expansion project is estimated at \$80.5 million. The project is funded by \$65.5 million in low interest bonds. Sewer Fund cash reserves will fund the remainder of the project. A CDS grant would provide funding to reduce the amount of Sewer Fund reserves utilized for this project, allowing the Sewer Enterprise to maintain affordable rates and plant investment fees for future construction. Staff has been planning for the revitalization and expansion of Persigo since 2019. Following the development of a master plan, engineering design, and contracting with a construction manager/general contractor, the project is now ready to proceed. The contractor has mobilized to the site and has begun initial site work. Construction is expected to be complete by early 2026. The Persigo Wastewater Treatment Plant was originally commissioned in 1984. Revitalization and capacity expansion are necessary to address anticipated service area growth and aging infrastructure and improve the efficiency of the plant. The Phase 1 Wastewater Treatment Plant Expansion Project includes rehabilitating the headworks building with new screening and process equipment, construction of a new electrical building, construction of a new dewatering building and biosolids storage area; construction of two new aeration basins and blower building; and construction of a second ultraviolet disinfection system. The project will replace aging infrastructure, reduce the volume of biosolids that are hauled offsite for disposal, make the wastewater treatment plant more energy efficient, enhance safety features, and improve redundancy and resiliency.

The Congressionally Directed Spending would be used to fund the planned Modification to the Existing Aeration Basins. This element of the project includes improving the treatment process by adding an anoxic zone which will improve nutrient removal from wastewater thereby benefiting the Colorado River. It will also replace existing aeration diffusers with fine bubble diffusers and add large bubble mixers which will improve treatment and reduce energy consumption. Lastly, existing pumps and pipes will be replaced to address aging infrastructure. The cost of Modification of Existing Aeration Basins is \$3.3 million and includes the contractor and equipment procurement costs.

This project should be eligible for consideration by the Interior, Environment, and Related Agencies appropriations subcommittee.

FISCAL IMPACT:

The total cost of the Phase 1 Wastewater Treatment Plant Expansion Project is estimated at \$80.5 million, of which \$65.5 million will be funded by low interest rate bonds and the remainder funded with Sewer Fund reserves. A CDS grant would reduce the amount of Sewer Fund reserves necessary to fund this project, which would allow the Sewer Enterprise to maintain more affordable rates and plant investment fees for future development.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No.19-24, a Resolution to submit a Congressionally Directed Spending (CDS) Request for the Persigo Wastewater Treatment Plant Expansion Project in the amount of \$3.3 million.

Attachments

1. RES-CDS Persigo 20240313

RESOLUTION NO. ____-24

A RESOLUTION SUPPORTING A REQUEST FOR CONGRESSIONALLY DIRECTED SPENDING FOR PHASE 1 EXPANSION OF THE PERSIGO WASTEWATER TREATMENT PLANT EXPANSION PROJECT

Recitals:

Phase 1 of the Persigo Wastewater Treatment Plant (Plant) Expansion Project (Project) will revitalize critical infrastructure at the Plant and expand the Plant capacity from the current 12.5 million gallons per day to 15.0 million gallons per day.

The Project will serve the needs of the community for the next 20 years based on projected population growth and development identified in the *One Grand Junction Comprehensive Plan*.

The Project was authorized by the City and Mesa County for the benefit of current and future customers of the Persigo joint sewer system (System). The total cost for the Phase 1 expansion is estimated at \$80.5 million. The Project is funded by \$65.5 million in low interest bonds. The remainder of the Project will be funded by Sewer Fund cash reserves.

Support for the Project with Congressionally Directed Spending (CDS) would reduce the amount of Sewer Fund reserves that are utilized for the Project, which would allow the System to maintain affordable rates and plant investment fees for future construction.

Staff has been planning for the revitalization and expansion of the Plant since 2019. Following the development of a master plan, engineering design, and contracting with a construction manager/general contractor, the Project is now ready to proceed. Construction is expected to be complete by early 2026. The Plant was originally commissioned in 1984. Revitalization and capacity expansion are necessary to address anticipated service area growth and aging infrastructure and improve the Plant's efficiency.

The Phase 1 Project includes rehabilitating the headworks building with new screening and process equipment; construction of a new electrical building; construction of a new dewatering building and biosolids storage area; construction of two new aeration basins and blower building; and construction of a second ultraviolet disinfection system. The Project will replace aging infrastructure, reduce the volume of biosolids that are hauled offsite for disposal, make the wastewater treatment plant more energy efficient, enhance safety features, and improve redundancy and resiliency.

Senators Bennet and Hickenlooper are accepting CDS requests for Fiscal Year 2025 for Colorado projects. By and with this Resolution the City Council of the City of Grand Junction does authorize and direct the President of the City Council and staff to submit a request for Congressionally Directed Spending in an amount of \$3.3 million dollars to help fund Phase 1 of the Project. The Project and CDS in support of it should be eligible for consideration by the Interior, Environment, and Related Agencies appropriations

subcommittee. The City welcomes favorable consideration by the Senators, the Departments, and the Agencies in support of CDS for the Project.

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

1. The Recitals are incorporated herein and in consideration of the same and with due deliberation the City Council expresses its support for a request for \$3.3 million dollars to Senators Bennet and Hickenlooper for Congressionally Directed Spending for Phase 1 of the Persigo Wastewater Treatment Plant Expansion Project. The requested \$3.3 million dollars would help fund the aeration basins and other improvements necessary for the Project and would reduce the amount of Sewer Fund reserves that are to be utilized for the Project, which would allow the System to maintain affordable rates and plant investment fees for future construction.
2. If funding is awarded, the City Council of the City of Grand Junction authorizes the City Manager to sign the necessary and appropriate agreements on behalf of the City as a grantee of the awarded Congressionally Directed Spending.

This Resolution shall be in full force and effect from and after its passage and adoption in support of the purposes hereof and as herein provided.

Passed and adopted this 20th day of March 2024.

Anna M. Stout
President of the City Council

ATTEST:

Amy Phillips
City Clerk



Grand Junction City Council

Regular Session

Item #4.a.i.

Meeting Date: March 20, 2024

Presented By: Niki Galehouse, Planning Supervisor

Department: Community Development

Submitted By: Niki Galehouse, Planning Supervisor

Information

SUBJECT:

An Ordinance Amending Title 21 Zoning and Development Code to Modify and Clarify Various Provisions Relating to Withdrawn Applications, Public Notice Requirements, Planned Developments, Adding a Use for Public Parking, Accessory Dwelling Unit (ADU) Standards, Drive-Through Facility Standards, and Fence Standards; Introduction of an Ordinance Amending Title 25 24 Road Corridor Design Standards Regarding Alternate Streets Requests for Widths of Pedestrian Walks; Introduction of an Ordinance Amending Title 22, Title 23, Title 24, Title 25, Title 26, and Title 27 to Update Zone District Titles to Reflect Revisions in the Adoption of the 2023 Zoning & Development Code

RECOMMENDATION:

Planning Commission heard this item at the February 13, 2024 meeting and voted (5 - 0) to recommend approval of all three ordinances. The motion to recommend approval of the ordinance amending Title 25 included an amendment on the drive-through facility standards, Section E, that all revisions be omitted except the strikethrough of façade, the addition of designated front, and the addition of, "pursuant to Section 21.14.010(C)(iii)."

EXECUTIVE SUMMARY:

When the Zoning & Development Code was repealed and replaced on December 20, 2023, it was anticipated that there would be necessary revisions to provide clarity and alleviate practical issues with implementation. The staff has identified several items that were amended, which inadvertently conflict with standard practice or could use additional clarification. The proposed amendments address eight sections of the Code and add applicable definitions as needed. In addition, there is an amendment proposed that updates all references to legacy zone districts to new zone districts as adopted in the 2023 Zoning & Development Code.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The City contracted with Clarion Associates in December 2021 to update the City's Zoning and Development Code with the intent of updating regulations to better reflect the key principles and policies described in the 2020 One Grand Junction Comprehensive Plan, achieve a higher level of regulatory efficiency, consistency, and simplicity, and identify constraints and opportunities for affordable and attainable housing, consistent with those identified in the City's recently adopted Housing Strategies. When the Zoning & Development Code was repealed and replaced on December 20, 2023, it was anticipated that there would be necessary revisions to provide clarity and alleviate practical issues with implementation. Staff has identified several items that were amended, which inadvertently conflict with standard practice or could use additional clarification. The proposed amendments address eight sections of the Code and add applicable definitions as needed, outlined in the following sections.

GJMC 21.02.030(f)(1) Withdrawn Applications

The 2023 Zoning & Development Code revised language to disallow the withdrawal of an application after public notice has been published. The Code now requires Planning Commission or City Council authority to approve such a request. This language is believed to be an oversight, as it also includes a reference to 'Board of Adjustment,' which does not exist in Grand Junction. Staff appreciates the additional clarity provided by the subsection (i) of the new language but has revised this to reflect the previous code language and practice regarding withdrawal of applications.

21.02.030(g)(3) Public Notice

The public notice language in the 2023 Zoning and Development Code provides general information for content that significantly exceeds the standard of what has been put on property signs historically. Among other things, an applicant's address, email, and phone number must now be posted on property signs. Where a representative is involved, this may not be cause for concern, but often, an applicant is a private property owner working without a representative. Asking them to put their personal information in the paper and on postcards that are sent to neighbors seems excessive. Accordingly, the requirements for posting an applicant's address, email, and phone number are being eliminated.

The next portion of the revisions to this section brings the property signposting language requirements back to what is currently included and has been demonstrated to be effective.

The final portion of the revisions separates the procedural requirements for mailed notice and property sign postings for administrative applications and those that require a public hearing. The previous code language and what has been included in the revised code refer to the public hearing for timing requirements. These notices are also given for administrative applications, so the proposed revisions provide applicable procedures for these types of submittals to ensure clear standards. The revisions also now require an applicant to submit proof that a sign has been posted at least 15

calendar days before any approval is granted for administrative approval or before a hearing is scheduled for a hearing item.

GJMC 21.02.050(i) Planned Development (Repeal of 21.03.0100)

The Planned Development (PD) standards are located in two different locations within the code. The proposed revisions consolidate these into one location.

In addition, some of the language regarding interpretation and lapsed PDs was unclear in light of the transition of zone districts in the new code. The proposed revisions are designed to clarify how the PD provisions are treated where legacy zone districts are referred to.

GJMC 21.04.020(e) Public Parking, Use Table

There is a need to establish clear use parameters around public parking, whether for surface lots or parking structures. This conversation was brought up briefly during conversations with the Code Committee, but these were sidelined to allow for discussion to focus on commercial parking lots in the downtown area. Nearing adoption, staff realized that the issue of public parking was not resolved. The proposed revisions add a use category to allow for this as well as an associated definition.

GJMC 21.04.040(e)(1)(i) Accessory Dwelling Unit (ADU) Standards

The proposed revisions to the ADU standards address an issue raised whereby the current regulations are clear that there may not be two detached ADUs, but it is unclear whether there can be two attached ADUs. The revision adds the phrase 'at least' to the clause requiring an ADU to be attached to the principal dwelling unit for there to be two ADUs on a property, indicating that both may be attached. Subsections a. and b. have also been combined to reduce redundancy.

GJMC 21.04.040(e)(2)(i) Drive-Through Facility Standards

It was raised as a concern nearing code adoption that the language surrounding the location of drive-throughs on a site with multiple frontages was unclear. The adopted code defines façade as "the front exterior wall of a building," and regulations in Section 21.14.010(c), Lot and Site Measurements, allow for flexibility where there are multiple frontages: "When a lot fronts on more than one public street, one side shall be designated by the property owner or applicant as the front. This will be used for the purposes of determining setbacks, street orientation, and other similar measurements. Where a lot abuts more than two public streets, the applicant and Director will determine location of front and identification of other sides for setback purposes based on existing or anticipated site context" (emphasis added). The proposed revision clarifies this language for ease of use.

GJMC 21.05.090 Fences

Fence standards are being reviewed for several different components. First, it has come to staff's attention recently that there are no material standards within the downtown core, as defined in Chapter 24. At the request of the Downtown Development Authority, this revision adds these standards.

Second, there has been some confusion over the provision in subsection (4) surrounding the director's approval for materials at security facilities. This revision seeks to provide clarity, which is related to the type of facilities that present some form of clear and present danger to the general public.

Definitions have been added to support these revisions.

24 Road Corridor Pedestrian Walk Standard

While many of the requirements of the 24 Road Corridor are intended to be very specific and not allow flexibility, the standard requiring pedestrian walks that include a bicycle lane to be 10 feet or wider has been brought up as an issue on a recent development project for affordable housing. The project proposed an 8-foot multi-use path, which could be approved with an Alternate Streets Request in other situations. This revision allows the same flexibility in the 24 Road Corridor overlay.

Overlay Cleanup

This amendment updates all references to legacy zone districts to new zone districts as adopted in the 2023 Zoning & Development Code within the overlay districts, Titles 22 through 27.

NOTIFICATION REQUIREMENTS

Notice was completed as required by Section 21.02.030(g). Notice of the public hearing was published on February 4, 2024, in the Grand Junction Daily Sentinel. An online hearing with an opportunity for public comment was held between February 6 and February 12, 2024, through the GJSpeaks.org platform.

ANALYSIS

The criteria for review are set forth in Section 21.02.050(d) of the Zoning and Development Code, which provides that the City may approve an amendment to the text of the Code if the applicant can demonstrate evidence proving each of the following criteria:

(A) Consistency with Comprehensive Plan

The proposed Code Text Amendment is generally consistent with applicable provisions of the Comprehensive Plan.

The proposed amendments to the 2023 Zoning & Development Code, Title 25, and the revisions to the overlay districts are generally consistent with the Comprehensive Plan. Plan Principle 11 seeks to create effective government through Strategy 3.c., which encourages the evaluation of existing practices and systems to find opportunities for improvement of outcomes. The proposed revisions result from a constant evaluation of existing practices and regulations and seek to provide resolution and excellent customer service. Staff finds this criterion has been met.

(B) Consistency with Zoning and Development Code Standards

The proposed Code Text Amendment is consistent with and does not conflict with or contradict other provisions of this Code.

The proposed amendments to the 2023 Zoning & Development Code, Title 25, and the revisions to the overlay districts are consistent with the rest of the provisions in the Code and do not create any conflicts with other provisions in the Code. Staff finds this criterion has been met.

(C) Specific Reasons

The proposed Code Text Amendment shall meet at least one of the following specific reasons:

The proposed amendments to the 2023 Zoning & Development Code, Title 25, and the revisions to the overlay districts all meet specific reasons identified in this criterion for review. Each amendment is identified with its appropriate reason below.

- a. To address trends in development or regulatory practices;

Public Parking, Use Table: The addition of the Public Parking use category **responds to a practice** whereby public entities provide parking facilities in strategic locations to respond to areas of high demand and allow for highest and best use of valuable land. This use category allows this to fall cleanly into the use category without any need to interpret how this use is permitted.

- b. To expand, modify, or add requirements for development in general or to address specific development issues;

Accessory Dwelling Unit (ADU) Standards: The amendment to the ADU standards **modifies requirements** to address a specific development issue that has been raised regarding the interpretation of how many attached accessory dwelling units are permitted, providing clarity for the general user.

Drive-Through Facility Standards: During the adoption of the 2023 Zoning & Development Code, it became clear that the language in this section of the Code was difficult to understand and that multiple sections of Code had to be visited to get a full picture of the correct interpretation. This amendment **modifies requirements** in the language to provide clarity.

Fences: The amendment to the fence standards modifies requirements to address a specific development issue regarding the lack of design standards for fencing within the Downtown Core.

24 Road Corridor Pedestrian Walk Standards: The amendment to the 24 Road Corridor **modifies requirements** to allow for flexibility within a district that does not currently allow for an alternate process, which is otherwise allowed Citywide.

- c. To add, modify or expand zone districts; or

- d. To clarify or modify procedures for processing development applications.

Withdrawn Applications: This code provision is being amended to **modify procedures** for processing applications that were inadvertently added to the City of Grand Junction Code but not aligned with current or desired practice.

Public Notice Requirements: The amendments to the public notice requirements **clarify and modify procedures** to allow for a logical application of notice practice. They remove the requirement for an applicant's personal information to be posted broadly and consolidate the information required to be provided on posted property signs.

Planned Developments: The amendments to the Planned Development sections of the Code **clarify requirements**, consolidating them into one location to provide for a more user-friendly document. Within the revisions several provisions are clarified further for how they are applicable with the adoption of the 2023 Zoning & Development Code.

Overlay Cleanup: The amendments to the overlay districts **clarify requirements**, removing any references to legacy districts that no longer exist.

Staff finds this criterion has been met.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the proposed amendments, the following findings of fact have been made:

1. In accordance with Section 21.02.050(d) of the Grand Junction Zoning and Development Code, the proposed text amendments to Title 21 are consistent with the Comprehensive Plan and the Zoning & Development Code Standards and meet at least one of the specific reasons outlined.
2. In accordance with Section 21.02.050(d) of the Grand Junction Zoning and Development Code, the proposed text amendment to Title 25 is consistent with the Comprehensive Plan and the Zoning & Development Code Standards and meet at least one of the specific reasons outlined.
3. In accordance with Section 21.02.050(d) of the Grand Junction Zoning and Development Code, the proposed text amendments to Title 22, Title 23, Title 24, Title 25, Title 26, and Title 27 are consistent with the Comprehensive Plan and the Zoning & Development Code Standards and meet at least one of the specific reasons outlined.

The Planning Commission heard this item at the February 13, 2024, meeting and voted (5 - 0) to recommend approval of all three ordinances. The motion to recommend approval of the ordinance amending Title 25 included an amendment on the drive-through facility standards, Section E, that all revisions be omitted except the strikethrough of façade, the addition of designated front, and the addition of "pursuant to Section 21.14.010(C)(iii).

FISCAL IMPACT:

There is no fiscal impact associated with this request.

SUGGESTED MOTION:

I move to (adopt/deny) Ordinance No. 5205, an ordinance amending Title 21 Zoning and Development Code of the Grand Junction Municipal Code.

I move to (adopt/deny) Ordinance No. 5206, an ordinance amending Title 25 Zoning and Development Code of the Grand Junction Municipal Code.

I move to (adopt/deny) Ordinance No. 5207, an ordinance amending Title 22, Title 23, Title 24, Title 25, Title 26, and Title 27 Zoning and Development Code of the Grand Junction Municipal Code.

Attachments

1. Planning Commission Minutes - 2024 - February 13 - DRAFT
2. ZDC (Title 21) Amendments Q1 Draft Ordinance
3. Title 25 Amendment Draft Ordinance
4. Zone District Reference in Overlays Cleanup Draft Ordinance

GRAND JUNCTION PLANNING COMMISSION
February 13, 2024, 5:30 PM
MINUTES

The meeting of the Planning Commission was called to order at 5:33 p.m. by Chairman Scissors.

Those present were Planning Commissioners; Shanon Secrest, Melanie Duyvejonck, Sandra Weckerly, and Keith Ehlers.

Also present were Jamie Beard (City Attorney), Niki Galehouse (Planning Supervisor), Jessica Johnsen (Senior Planner), Madeline Robinson (Planning Technician), and Jacob Kaplan (Planning Technician).

There were 4 members of the public in attendance, and 0 virtually.

Commissioner Ehlers asked if there is a partnership between Grand Junction and Denver regarding the migrant population and how it impacts the Planning Commission's deliberations for planning and housing code items.

It was clarified that the GJ Mayor, Anna Stout, had already spoken to Denver's Mayor about this, and there was no formal proposal or plan at this time.

CONSENT AGENDA

1. Approval of Minutes

Minutes of Previous Meeting(s) from January 23, 2024.

REGULAR AGENDA

1. Carville Property Rezone

RZN-2023-482

Consider a request by Royce Carville, property owner, to zone 4.07 acres from R-8 (Residential – 8 du/ac) to MU-2 (Mixed Use) located at 640 24 ½ Road.

Staff Presentation

Jessica Johnsen, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for staff

Public Hearing

The public comment period was opened at 5:00 p.m. on Tuesday, February 6, 2024, via www.GJSpeaks.org.

There were no public comments.

The public comment period was closed at 5:50 p.m. on February 13, 2024.

Discussion

Commissioner Weckerly asked for clarification on the zone designation that was being requested.

Motion and Vote

Commissioner Ehlers made the following motion “Mr. Chairman, on the Carville Property Rezone request from an R-8 (Residential 8 du/ac) zone district to an MU-2 (Mixed Use) zone district for the 4.06 acre property located at 640 24 ½ Road., City File Number RZN-2023-482, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in this staff report.”

Commissioner Secrest seconded; motion passed 5-0.

2. Zoning & Development Code Amendments – Quarter 1 2024 ZCA-2024-54

Consider Amendments to Title 21 Zoning and Development Code to Modify and Clarify Various Provisions Relating to Withdrawn Applications, Public Notice Requirements, Planned Developments, Adding a Use for Public Parking, Junkyard or Salvage Yard Use Standards, Accessory Dwelling Unit (ADU) Standards, Drive-Through Facility Standards, and Fence Standards; Consider an Amendment to Title 25 24 Road Corridor Design Standards Regarding Alternate Streets Requests for Widths of Pedestrian Walks; Consider Amendments to Title 22, Title 23, Title 24, Title 25, Title 26, and Title 27 to Update Zone District Titles to Reflect Revisions in the Adoption of the 2023 Zoning & Development Code.

Staff Presentation

Niki Galehouse, Planning Supervisor, introduced exhibits into the record and provided a presentation regarding the request.

Questions for staff

Discussion ensued about the proposed limitations on allowed fence materials within the downtown core in regard to variance requests, impacts on residentially zoned lots, and the boundaries for the “Downtown Core”.

Additional context was requested on the revisions to the code language for drive thru windows. There were concerns about restricting the potential for developers to add drive thru windows for their developments.

Public Hearing

The public comment period was opened at 5:00 p.m. on Tuesday, February 6, 2024, 2024, via www.GJSpeaks.org.

There were no public comments.

The public comment period was closed at 6:22 p.m. on February 13, 2024.

Discussion

Motion and Vote

Commissioner Ehlers made the following motion “Mr. Chairman, on the request to amend Title 21 Zoning and Development Code of the Grand Junction Municipal Code, City file number ZCA-2024-54, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report, with an amendment on the drive-through facility standards, Section E, that all revisions be omitted except the strikethrough of façade, the addition of designated front, and the addition of “pursuant to Section 21.14.010(C)(iii).”

Commissioner Secrest seconded; motion passed 5-0.

Commissioner Ehlers made the following motion “Mr. Chairman, on the request to amend Title 25 Zoning and Development Code of the Grand Junction Municipal Code, City file number ZCA-2024-54, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report.”

Commissioner Secrest seconded; motion passed 5-0.

Commissioner Ehlers made the following motion “Mr. Chairman, on the request to amend Title 22, Title 23, Title 24, Title 25, Title 26, and Title 27 Zoning and Development Code of the Grand Junction Municipal Code, City file number ZCA-2024-54, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report.”

Commissioner Secrest seconded; motion passed 5-0.

OTHER BUSINESS

ADJOURNMENT

Commissioner Secrest moved to adjourn the meeting.

The vote to adjourn was 5-0.

The meeting adjourned at 6:27 p.m.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS OF THE ZONING AND DEVELOPMENT CODE (TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE) REGARDING WITHDRAWN APPLICATIONS, PUBLIC NOTICE REQUIREMENTS, PLANNED DEVELOPMENTS, ADDING A USE FOR PUBLIC PARKING, ACCESSORY DWELLING UNIT (ADU) STANDARDS, DRIVE-THROUGH FACILITY STANDARDS, AND FENCE STANDARDS

Recitals

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions and has directed that the Code be reviewed and amended as necessary.

When the Zoning & Development Code was repealed and replaced on December 20, 2023, it was anticipated that there would be necessary revisions to provide clarity and alleviate practical issues with implementation. Staff has identified several items that were amended which inadvertently conflict with standard practice or could use additional clarification. The amendments address seven different sections within the 2023 Zoning & Development Code.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed amendments.

After public notice and public hearing, the Grand Junction City Council finds that the amendments to the Zoning & Development Code implement the vision and goals of the Comprehensive Plan and that the amendments provided in this Ordinance are responsive to the community's desires, encourage orderly development of real property in the City, and otherwise advance and protect the public health, safety, and welfare of the City and its residents.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following sections of the zoning and development code (Title 21 of the Grand Junction Municipal Code) are amended as follows (deletions ~~struck through~~, added language underlined):

...

21.02.030 COMMONLY APPLICABLE PROCEDURES

...

(f) Complete Applications with Changed Status

(1) Withdrawn Application

~~(i) Prior to Public Notice~~

(Ai) An applicant may withdraw an application by providing written notice to the Director of the applicant's intent to withdraw. After such withdrawal, no further City action on the application shall take place.

(ii) Fees will not be refunded for a withdrawn application.

(iii) For any application requiring a public hearing, the applicant may request in writing that the application be withdrawn before the hearing is opened. An applicant may ask to withdraw after the hearing is opened, but the decision-making body will decide whether or not to approve the request.

~~(Biv) A rezone application may be withdrawn at any time prior to the publication of the legal advertisement for the first public hearing. A withdrawn rezone application may be refiled after a 120-day waiting period.~~

~~(Cv) To re-initiate review, the applicant shall re-submit the application with a new application fee payment, and the application shall in all respects be treated as a new application for purposes of review and scheduling.~~

~~(ii) Following Public Notice~~

~~(A) No application may be amended or modified after the legal advertising has been published.~~

~~(B) After legal notice for the Planning Commission or Board of Adjustment has been published, a request for withdrawal shall be submitted in writing to the Director at least 24 hours prior to the first or only public hearing.~~

~~(C) Once a Planning Commission meeting or hearing has been opened, the Planning Commission may allow withdrawal of an application by a majority vote of the members present.~~

~~(D) After the Planning Commission hearing or for any application that is decided by the City Council without Planning Commission review, a request for withdrawal shall be submitted to the Director and may only be submitted by the property owner or authorized agent, as listed on the application. The City Council shall have exclusive authority to act on any request for withdrawal after notice of the public hearing has been published.~~

...

(g) Public Notice and Public Hearing Requirements

...

(3) Public Notice

...

(iii) Content

(A) Required notices, ~~except for property signs, whether by publication or written,~~ shall meet the general requirements of notice provided by the City and provide the following information:

(A) ~~a.~~ a. Address or location of the property subject to the application and the name, ~~address, email, and telephone number~~ of the applicant or the applicant's agent;

(B) ~~b.~~ b. Date, time, and place of the public hearing;

(C) ~~c.~~ c. Description of the nature, scope, and purpose of the application or proposal including a description of the development plan and, where appropriate, the classification or change sought;

(D) ~~d.~~ d. Notification about where the public may view the application; and

(E) ~~e.~~ e. State that the public may appear at the public hearing.

(F) ~~f.~~ f. Contact information for arranging participation in the public hearings for individuals with hearing, speech, or vision impairment.

(B) Property signs shall include the following information:

a. Application Number

b. City website

c. City phone number

...

(vi) Mailed Notice

...

(C) All mailed notices must be sent at least 10 days before a public hearing or within 15 business days from receipt of a complete application for administrative applications.

...

(vii) Property Sign

(A) The City shall prepare and the applicant shall post signs giving notice of the application. At least one sign shall be posted on each street frontage of the property.

(B) For administrative applications, signs shall be posted as follows:

a. Each sign shall be posted within 15 business days from receipt of a complete application.

b. The applicant shall maintain the sign on the property until the project has received approval per 21.02.030(h)(2)(i) or has been withdrawn by the applicant.

c. The applicant shall be required to provide proof that the property sign has been posted for a minimum of 15 calendar days prior to issuance of any approval pursuant to GJMC 21.02.030(h).

(AC) ~~For applications requiring a public hearing, The City shall prepare and the applicant shall post signs including the information described in GJMC 21.02.030(g)(3)(iii) signs shall be posted as follows:~~

a. ~~At least one sign shall be posted on each street frontage of the property.~~

~~b_a. Each sign shall be posted at least 10 calendar days before the initial public hearing and remain posted until the day after the final hearing.~~

b. The applicant shall be required to provide proof that the property sign has been posted for a minimum of 15 calendar days prior to the scheduling of a public hearing.

~~(B) c. The applicant shall maintain the sign on the property until the day after the final public hearing. If the decision-making body continues the meeting or public hearing at which the application is being considered to a later date, or if the decision-making body decides to consider the application at any time other than that specified on the notification signs, the Director shall update the existing signs with the new date.~~

...

21.02.050 APPLICATIONS REQUIRING A PUBLIC HEARING

...

(i) Planned Development

(1) Purpose

The planned development (PD) district is intended to apply to mixed-use or unique single use projects to provide design flexibility not available through strict application and interpretation of the standards established in this Code. Modifications to applicable base zone districts may be permitted as ~~described in Chapter 21.03.0100 and the approved modifications are~~ and made applicable to the subject property through the PD rezoning process.

(2) Applicability

(i) PD zoning is applicable to parcels of 10 acres or greater.

(ii) PD zoning may not be used to provide a site-specific solution to a single issue that can be resolved through a more appropriate administrative means.

(3) Residential Density

PD zoning shall not be used to increase the density of the base zone districts. Rezoning is the appropriate process to request a density increase.

(2) Required Approvals

Planned Development applications are reviewed through a two-step process, both of which are described below:

(i) Outline Development Plan

(ii) Final Development Plan

(3) Outline Development Plan (ODP)

(i) Applicability

An outline development plan is required for all PD applications.

(ii) Purpose and Content

(A) The purpose of an ODP is to demonstrate conformance with the Comprehensive Plan, identify applicable base zone districts and requested adjustment to applicable standards, and coordination of improvements within and among individually platted parcels, sections, or phases of a development prior to the approval of a Final Plat.

(B) An ODP shall include a site plan that identifies the base zoning established for the entire property or for each phase designated for development.

(C) An applicant may file an ODP with a Final Development Plan (FDP) for all or a portion of the property, as determined by the Director at the Pre-Application Meeting.

(iii) Review Procedures

Applications for ODP shall meet the common review procedures for major development applications in GJMC 21.02.050(b) with the following modifications:

(A) Site plan review and approval (pursuant to GJMC 21.02.040(k)) can occur either before or after the approval of ODP by the City Council. In either case, the applicant shall submit a site sketch, as described in the Submittal Standards for Improvements and Development (SSID) manual, showing sufficient detail to enable the Planning Commission and City Council to review and make findings on the ODP review criteria.

(B) The Planning Commission or City Council can request additional information from the applicant if it deems the site sketch is insufficient to enable it to make a on the criteria. In any subsequent site plan review, the Director shall ensure and determine that all mitigating/enhancing site features approved or made conditions of approval by the City Council are depicted on the approved site plan.

(C) An applicant may file an ODP with a final development plan for all or a portion of the property, as determined by the Director at the Pre-Application Meeting.

(iv) Public Notice and Public Hearing Requirements

The ODP application shall be scheduled for public hearings before the Planning Commission and City Council and shall be noticed pursuant to GJMC 21.02.030(g).

(v) Review Criteria for ODP

The Planning Commission shall review and recommend, and the City Council shall review and decide on an ODP based on demonstrated conformance with all of the following criteria:

(A) The Comprehensive Plan, Grand Junction Circulation Plan and other adopted plans and policies;

(B) The applicable corridor guidelines and other overlay districts in GJMC Titles 23, 24 and 25;

(C) The rezoning criteria provided in GJMC 21.02.050(d);

(D) The ODP ~~meets the planned development requirements of GJMC 21.03.0100 and~~ specifically shows the following requirements of a planned development:

a. Adequate public services and facilities shall be provided concurrent with the projected impacts of the development;

b. Adequate circulation and access shall be provided to serve all development pods/areas to be developed;

c. Appropriate screening and buffering of adjacent property, uses, and structures shall be provided;

d. An appropriate range of density for the entire property or for each development pod/area to be developed;

e. An appropriate set of base zone district standards for the entire property or for each development pod/area to be developed; and

f. An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed;

g. Any requested adjustments to the standards of the base zone district(s) and/or other applicable standards such as landscaping, uses, or parking shall be identified both by location on the site plan and in an accompanying narrative summary; and

h. An appropriate community benefit shall be described through the application narrative, which incorporates at least one of the following:

1. The PD protects, preserves, and/or manages areas of significant natural resources beyond the requirements of the base zoning regulations;

2. The general arrangement of proposed uses in the PD better integrates future development into the surrounding neighborhood, either through more compatible street layout, architectural styles, and housing types, or by providing better transitions between the surrounding neighborhood and the PD with compatible development or open space buffers;

3. Areas of open space, their intended levels of use, and their relationship to other proposed uses in the PD provide enhanced opportunities for community gathering areas;

4. The PD features outstanding site design and construction, such as best management practices for on-site storm water management, green building materials, and/or water and energy efficiency;

5. Site design in the PD will create a diverse neighborhood with a mix of housing choices; or

6. The PD features enhanced opportunities for walkability or transit ridership, including separated parking bays, off street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc.

(vi) Creation of Overlay Zone District

The PD zone district creates an overlay district that reflects adjustments made to applicable base zone districts as stated in the PD zoning ordinance. Where the PD is silent as to a development term or requirement, the requirements of the applicable base zone district or this Code shall apply.

(vi) Post-Decision Actions

(A) Modification or Amendment

The ODP amendment process is provided in GJMC 21.02.050(i)(5).

(B) Lapsing and Extension of Approvals

a. The effective period of the ODP/phasing schedule shall be determined concurrently with ODP approval.

b. The ODP/phasing schedule shall be subject to the validity provisions GJMC 21.02.050(i)(7).

c. The ODP/phasing schedule may be extended by the City Council per GJMC 21.02.050(i)(8).

(4) Final Development Plan (FDP)

(i) Applicability

(A) Following approval of an ODP, a subsequent final development plan approval shall be required before any development activity occurs. The plan and the plat ensure consistency with the approved ODP and specific development and construction requirements of various adopted codes.

(B) Unless specified otherwise at the time of ODP approval, if the form of ODP approval was a subdivision plan, a Final Plat may be approved and recorded prior to FDP approval for individual lots.

(ii) Review Procedures

(A) Applications for a Final Development Plan shall meet the common review procedures for administrative applications in GJMC 21.02.040(b), with the following modifications:

(B) A portion of the land area within the approved ODP may be approved for FDP.

(iii) Public Notice and Public Hearing Requirements

Notice of a Final Development Plan is not required unless the Planning Commission elects to take final action. In such instances, notice shall be provided in the same manner and form as is required with an ODP.

(iv) Review Criteria

The Director, or the Planning Commission if applicable, shall review and decide on the application for FDP in light of the following additional criteria:

- (A) The approved ODP, if applicable;
- (B) The approved PD rezoning ordinance, if applicable;
- (C) The Submittal Standards for Improvements and Development, Transportation Engineering Design Standards (GJMC Title 29), and Stormwater Management Manual (GJMC Title 28) manuals and all other applicable development and construction codes, ordinances, and policies;
- (D) The applicable site plan review criteria in GJMC 21.02.040(k); and
- (E) The applicable Final Plat review criteria in GJMC 21.02.040(l)(5).

(v) Post-Decision Actions

(A) Improvements and Recordation

- a. The Final Plat shall be recorded pursuant to GJMC 21.02.040(l)(5)(ii)(F)b.
- b. Except as provided herein, before the plan and plat are recorded by the Director, all applicants shall be required to complete, to the satisfaction of the Director, all street, sanitary, and other public improvements, as well as lot improvements on the individual lots of the subdivision as required by this Code. The required improvements shall be those specified in the approved Construction Plans as per GJMC 21.05.020(c); or
- c. As a condition of final plan and plat approval, the City shall require the applicant to enter into a development improvements agreement and post a guarantee for the completion of all required improvements as per GJMC 21.05.020(c)(2).

(B) Contractual Agreement

- a. Approval of a PD allows the development and use of a parcel of land under certain, specific conditions. Conditions of approval shall be filed with the Director in the review process.
- b. No use of the parcel, nor construction, modification, or alteration of any use or structures within a PD project shall be permitted unless such construction,

modification or use complies with the terms and conditions of an approved final development plan.

c. Each subsequent owner and entity created by the developer, such as property owners' associations or an architectural review committee, shall comply with the terms and conditions of approval. The developer shall set forth the conditions of approval within covenants. Such covenants shall be recorded with the final approved plan and plat.

(C) Transfer of Ownership

No person shall sell, convey, or transfer ownership of any property or any portion thereof within a PD zone until such person has informed the buyer of the property's status with respect to the PD process and conditions of approval. The City shall bear no liability for misrepresentation of terms and conditions of an existing approval.

(D) Planned Development Zone Designation

The Director shall designate each approved PD on the Official Zoning Map.

(5) Amendment to Approved Plans

(i) Planned Development Rezoning Ordinance

The use, density, dimensional, and base zone district standards contained in an approved PD rezoning ordinance may be amended only as follows, unless specified otherwise in the rezoning ordinance:

(A) No use may be established that is not permitted in the PD without amending the rezoning ordinance through the rezoning process. Uses may be transferred between development pods/areas to be developed through an amendment to the ODP provided the overall density for the entire PD is not exceeded;

(B) The maximum and minimum density for the entire PD shall not be exceeded without amending the rezoning ordinance through the rezoning process. Density/intensity may be transferred between development pods/areas to be developed unless explicitly prohibited by the ODP approval; and

(C) The dimensional and base zone district standards may not be amended for the PD or a development pod/area to be developed without amending the PD rezoning ordinance through the rezoning process.

(ii) Outline Development Plan

The approved Outline Development Plan may be amended only by the same process by which it was approved, except for minor amendments. Unless the adopted PD rezoning ordinance provides otherwise, the approved Outline Development Plan may be amended as follows:

(A) Minor Amendments

a. Permitted Amendments

The Director may approve the following amendments for individual lots within the area covered by an outline development plan provided all standards in the adopted PD rezoning ordinance are met:

1. Decreases in density so long as the character of the site is maintained;
2. Changes in dimensional standards of up to 10 percent so long as the character of the site is maintained;
3. Changes in the location and type of landscaping and/or screening so long as the character and intent of the original design are maintained;
4. Changes in the orientation or location of parking areas and vehicular and pedestrian circulation areas so long as the effectiveness and character of the overall site circulation, parking and parking lot screening are maintained;
5. The reorientation, but not complete relocation, of major structures so long as the character of the site is maintained; and
6. Simple subdivision.

b. Minor Amendment Review Process

Minor amendments shall be reviewed and decided on by the Director based on the review criteria that the amendment shall not represent a significant change in any of the agreed upon deviations from the default standards.

(B) Major Amendments.

All other amendments to the ODP shall be reviewed by the Director and Planning Commission using the same process and criteria used for ODP review and approval. Final decision shall be made by City Council.

(6) Planned Developments Approved Under Prior Codes

(i) Intent

The City's intent is to continue to allow the development PDs approved under prior codes, determining that they remain valid under this Code subject to the lapse provisions of GJMC 21.02.050(i)(7). To give effect to this intent, interpretation may be required to fully describe applicable terms and requirements and to avoid the continuance of shell PDs that cannot be fully implemented or developed.

(ii) Interpretation

PDs approved under prior codes shall be interpreted as follows:

(A) Planned Developments that predate this Code shall be narrowly interpreted and are limited to the specified terms of approval.

(B) ~~Planned Developments that refer to zone districts not included in this Code shall be interpreted or applied according to the 2010 Code (or earlier) requirements.~~ The base

zone district of an active Planned Development shall be interpreted and applied according to the code (2010 or earlier) under which it was adopted.

(C) If the Planned Development approval is silent as to a term or requirement, the most closely similar provision of this 2023 Code shall be applied. For example, if a Planned Development does not specify a process for amendment, the process for amending Planned Development approvals in GJMC 21.02.050(i)(5) will be used.

(D) Where a base zone district(s) was not specified in the Planned Development approval, the Director shall interpret and apply a zone district(s) from this Code that most closely reflects the PD's dimensional and use standards.

(E) Where this Code changes a generally applicable standard, such as updates to ADU or outdoor lighting standards, the updated generally applicable standards are also applicable to approved PDs unless the PD was approved with a specific standard(s) regulating the same topic.

(7) Lapse of Plan

If a single-phase Planned Development is less than 75 percent completed, as measured in terms of residential unit count or approved total mixed-use or nonresidential structure footprint, or a multiphase Planned Development is less than 75 percent complete in terms of residential unit count, total structure footprint, or total phases, as specified in the ODP approval, as of the end date of the approved development schedule, a lapse of the ODP as applied to the incomplete lots or parcels shall be deemed to have occurred.

(i) If the PD was approved with base zone districts, future development may proceed in compliance with the requirements of the base zone districts and this Code, but any approved PD modifications shall be lapsed.

(A) If the PD was approved with a base zone district that is identified as a legacy zone district in Table 21.03-1, the requirements shall be in accordance with those of the updated zone district identified in the Table.

(ii) If the PD was not approved with base zone districts, the Director may determine the appropriate base zone districts and future development may proceed in compliance with the requirements of the base zone districts.

(8) Development Schedule Extension

(i) An applicant may request an extension of the development schedule as follows:

(A) The Director may extend the schedule one time for up to one year.

(B) The applicant may request a PD development schedule review from the City Council at any point prior to the end date of the schedule.

(ii) The Director may extend the development schedule timeframe for up to three years in the event of any of the following:

- (A) A national or regional economic recession,
- (B) A national or regional health emergency, or
- (C) National or regional events in or outside of the United States that impact the general price or availability of labor or materials by more than 20 percent.

(iii) The maximum allowed cumulative extension period is five years. Any PD that has not been completed within this extension timeframe may be resubmitted as a new application or shall be subject to GJMC 21.02.050(i)(7), above.

...

21.03.0100 — PLANNED DEVELOPMENT

(a) Purpose and Community Benefits

The planned development (PD) district is intended to apply to mixed-use or unique single-use projects to provide design flexibility not available through strict application and interpretation of the standards established in GJMC Chapter 21.05. The purpose of the PD overlay zone is to provide design flexibility that promotes the goals and strategies of the Comprehensive Plan and that incorporates at least one of the following community benefits:

- (1) The PD protects, preserves, and/or manages areas of significant natural resources beyond the requirements of the base zoning regulations;
- (2) The general arrangement of proposed uses in the PD better integrates future development into the surrounding neighborhood, either through more compatible street layout, architectural styles, and housing types, or by providing better transitions between the surrounding neighborhood and the PD with compatible development or open space buffers;
- (3) Areas of open space, their intended levels of use, and their relationship to other proposed uses in the PD provide enhanced opportunities for community gathering areas;
- (4) The PD features outstanding site design and construction; such as; best management practices for on-site storm water management, green building materials, and/or water and energy efficiency;
- (5) Site design in the PD will create a diverse neighborhood with a mix of housing choices; or
- (6) The PD features enhanced opportunities for walkability or transit ridership, including separated parking bays, off-street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc.

(b) Applicability

- (1) PD zoning is applicable to parcels of 10 acres or greater.
- (2) PD zoning may not be used to provide a site-specific solution to a single issue that can be resolved through a more appropriate administrative means.

(c) Creation of Overlay Zone District

The PD zone district creates an overlay district that reflects adjustments made to applicable base zone districts as stated in the PD zoning ordinance. Where the PD is silent as to a development term or requirement, the requirements of the applicable base zone district or this Code shall apply.

(d) Customization

(1) Modifications to Base Zone Districts

(i) A PD overlay is established through the identification of applicable base zone district(s) that are modified according to specific adjustments approved through the PD review and approval process.

(ii) Requested adjustments to the standards of the base zone district(s) and/or other applicable standards such as landscaping, uses, or parking shall be identified both by location on the site plan and in an accompanying narrative summary.

(2) Residential Density

A PD shall not be used to increase the density of the base zone districts. Rezoning is the appropriate process to request a density increase.

(3) Community Benefit

All PD projects are required to provide a community benefit. The application narrative shall also describe the community benefits provided through PD approval, based on the list of community benefits described above.

...

21.04.020 PRINCIPAL USE TABLE

...

(e) Use Table

Table 21.04-1: Principal Use Table A= Allowed Use C= Conditional Use For accessory use regulations, see Table 21.04-2 in Section 21.04.040											
Zone Districts	...	MU-1	MU-2	MU-3	CG	IO-R	I-1	I-2	P-1	P-2	...
...	...										
Community and Cultural Facilities											
Parking, Public	...	A	A	A	A	A	A	A	A	A	
...											

...

21.04.040 ACCESSORY USES AND STRUCTURES

...

(e) Accessory Use-Specific Standards

(1) Residential Uses

(i) Accessory Dwelling Unit

...

(A) Maximum Number of ADUs

a. A lot with one single-family detached dwelling or a single-family attached dwelling with two units in the structure may have two ADUs if at least one of the ADUs is attached to the principal dwelling unit (e.g., attic, basement, carriage house, etc.).

b. ~~A single-family attached dwelling unit with two units may have two ADUs if one of the ADUs is attached to the principal dwelling unit (e.g., attic, basement, carriage house, etc.).~~

eb. A duplex dwelling unit may have no more than one ADU on the lot.

...

(2) Commercial Uses

(i) Drive-Through Facility

...

~~(E) Where d~~ Drive-through windows, ~~or drive-up facilities, including but not limited to menu boards, or speaker boxes, and drive-through lanes are allowed, they shall not be located between the façade designated front of the building pursuant to Section 21.14.010(c)(iii) and the adjacent public right-of-way.~~

...

21.05.090 FENCES

...

(c) Fence Materials.

(1) Fences and walls shall be constructed of materials approved by the Director.

(2) Acceptable materials include wire, wrought iron, plastic, wood, and other materials with a similar look.

(i) Fences within the Downtown Core shall only be wrought iron, PVC vinyl, or wood.

(3) Unacceptable materials that are visible include glass, tires, razor wire and concertina wire, or unconventional salvaged materials or similar materials. Electric fencing shall be allowed to contain large animals.

(4) The Director may approve materials for security facilities or critical facilities.

...

21.14.020 DEFINITIONS

...

Critical Facility

A structure or other improvement that, because of its function, size, service area, or uniqueness, has the potential to cause serious bodily harm, extensive property damage, or disruption of vital socioeconomic activities if it is destroyed or damaged or if its functionality is impaired.

...

Parking, Public

A municipal site which does not fall within the boundaries of a street and which is reserved for the benefit of and accessible to the general public exclusively for the parking of vehicles, with or without payment.

...

Secure Facility

A county, city and county, or municipal jail or a nonstate-owned prison facility, or similar operation.

...

INTRODUCED on first reading this 21st day of February 2024 and ordered published in pamphlet form.

ADOPTED on second reading this 6th day of March 2024 and ordered published in pamphlet form.

ATTEST:

Anna M. Stout

President of the City Council

Amy Phillips

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 25 24 ROAD CORRIDOR DESIGN STANDARDS
REGARDING ALTERNATE STREETS REQUESTS FOR WIDTHS OF PEDESTRIAN
WALKS**

Recitals

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions and has directed that the Code be reviewed and amended as necessary.

One such amendment is necessary which fell outside the scope of the adoption of the 2023 Zoning & Development Code. While many of the requirements of the 24 Road Corridor are intended to be very specific and not allow flexibility, the standard requiring pedestrian walks that include a bicycle lane to be 10 feet or wider has come as an issue that could be resolved through existing standard practices. This amendment allows for flexibility in design requirements within the 24 Road Corridor through the use of an Alternate Streets Request, an established, routine process that is available in all other areas of the City.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed amendments.

After public notice and public hearing, the Grand Junction City Council finds that the amendment to Title 25 implements the vision and goals of the Comprehensive Plan and that the amendment provided in this Ordinance is responsive to the community's desires, encourages orderly development of real property in the City, and otherwise advances and protects the public health, safety, and welfare of the City and its residents.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
GRAND JUNCTION THAT:**

The following sections of the zoning and development code (Title 21 of the Grand Junction Municipal Code) be amended as follows (deletions struck through, added language underlined):

...

[25.02.110 Sidewalks \(24 Road Corridor\)](#)

...

(e) Pedestrian walks incorporating bicycle lanes shall be not less than 10 feet in width, unless otherwise approved by an Alternate Streets Request.

...

INTRODUCED on first reading this 21st day of February 2024 and ordered published in pamphlet form.

ADOPTED on second reading this 6th day of March 2024 and ordered published in pamphlet form.

ATTEST:

Anna M. Stout

President of the City Council

Amy Phillips

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE ZONE DISTRICTS TO REFLECT REVISIONS IN THE ADOPTION OF THE 2023 ZONING & DEVELOPMENT CODE BY AMENDING TITLE 22, TITLE 23, TITLE 24, TITLE 25, TITLE 26, AND TITLE 27.

Recitals

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions and has directed that the Code be reviewed and amended as necessary.

When the Zoning & Development Code was repealed and replaced on December 20, 2023, it was anticipated that there would be necessary revisions to provide clarity and alleviate practical issues with implementation. As part of this adoption, a new list of Zone Districts has been established which implements the Comprehensive Plan, expands opportunities for a wider mix of uses, and consolidates existing districts based on similarities. The implementation of the Zoning and Development Code update necessitates that the legacy districts be retired or transitioned with the updated district titles. This amendment updates all references to legacy zone districts to new zone districts as adopted in the 2023 Zoning & Development Code.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed amendments.

After public notice and public hearing, the Grand Junction City Council finds that the amendment to Title 25 implements the vision and goals of the Comprehensive Plan and that the amendment provided in this Ordinance is responsive to the community's desires, encourages orderly development of real property in the City, and otherwise advances and protects the public health, safety, and welfare of the City and its residents.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

Any references within Title 22, Title 23, Title 24, Title 25, Title, 26, and Title 27 to a Legacy District as identified in Table 21.03-1 below be replaced with the appropriate Updated District Title as identified in the same table.

Table 21.03-1: Zone Districts Summary		
Legacy Districts	Updated District Titles	Section
Residential		

Table 21. Error! No text of specified style in document.-1: Zone Districts Summary		
Legacy Districts	Updated District Titles	Section
R-R: Residential – Rural	Residential – Rural, R-R	Error! Reference source not found.
R-E: Residential – Estate	Residential – Estate Retired, R-ER	Error! Reference source not found.
R-1: Residential – 1	Residential 1 Retired, R-1R	Error! Reference source not found.
R-2: Residential – 2	Residential 2 Retired, R-2R	Error! Reference source not found.
R-4: Residential – 4	Residential Low 4, RL-4	Error! Reference source not found.
R-5: Residential – 5	Residential Low 5, RL-5	Error! Reference source not found.
R-8: Residential – 8	Residential Medium 8, RM-8	Error! Reference source not found.
R-12: Residential – 12	Residential Medium 12, RM-12	Error! Reference source not found.
R-16: Residential – 16	Residential High 16, RH-16	Error! Reference source not found.
R-24: Residential – 24	Residential High 24, RH-24	Error! Reference source not found.
Mixed-Use Commercial		
R-O: Residential – Office	Mixed-Use Neighborhood, MU-1	Error! Reference source not found.
B-1: Neighborhood Business	[Combined with R-O into MU-1]	
B-2: Downtown Business	Mixed-Use Downtown, MU-3	Error! Reference source not found.
M-U: Mixed Use	Mixed-Use Light Commercial, MU-2	Error! Reference source not found.

Table 21. Error! No text of specified style in document.-1: Zone Districts Summary		
Legacy Districts	Updated District Titles	Section
C-1: Light Commercial	[Combined with M-U into MU-2]	
BP: Business Park Mixed-Use	[Combined with M-U into MU-2]	
C-2 General Commercial	Commercial General, CG	Error! Reference source not found.
MXR: Mixed Use Residential	[Combined with Residential Districts]	
MXG: Mixed Use General	[Combined with closest MU district]	
MXS: Mixed Use Shopfront	[Combined with closest MU district]	
MXOC: Mixed Use Opportunity Corridor	[Combined with MU-2]	
Industrial		
I-O: Industrial/Office Park	Industrial/Office Park Retired, I-OR	Error! Reference source not found.
I-1: Light Industrial	Industrial Light, I-1	Error! Reference source not found.
I-2: General Industrial	Industrial General, I-2	Error! Reference source not found.
Public, Parks, and Open Space		
CSR: Community Services and Recreation (Parks and Open Space only)	Public Parks and Open Space, P-1	Error! Reference source not found.
CSR: Community Services and Recreation (Public, Civic and Institutional Facilities)	Public, Civic, and Institutional Campus, P-2	Error! Reference source not found.
Planned Development		
PD: Planned Development	Planned Development, PD	Error! Reference source not found.
Overlay		
AE: Airport Environs Overlay	Airport Environs Overlay, AE	Error! Reference source not found.
H Road/Northwest Area	H Road/Northwest Area	GJMC Title 22
North Avenue Overlay	North Avenue Overlay	GJMC Title 23
Greater Downtown Overlay	Greater Downtown Overlay	GJMC Title 24

Table 21. Error! No text of specified style in document.-1: Zone Districts Summary		
Legacy Districts	Updated District Titles	Section
24 Road Corridor Standards	24 Road Corridor Standards	GJMC Title 25
North Seventh Avenue Historic Residential District	North Seventh Avenue Historic Residential District	GJMC Title 26
Horizon Drive District Overlay	Horizon Drive District Overlay	GJMC Title 27

INTRODUCED on first reading this 21st day of February 2024 and ordered published in pamphlet form.

ADOPTED on second reading this 6th day of March 2024 and ordered published in pamphlet form.

ATTEST:

Anna M. Stout

President of the City Council

Amy Phillips

City Clerk



Grand Junction City Council

Regular Session

Item #4.b.i.

Meeting Date: March 20, 2024
Presented By: David Thornton, Principal Planner
Department: Community Development
Submitted By: David Thornton, Principal Planner

Information

SUBJECT:

An Ordinance Rezoning 7.11 Acres from R-4 (Residential - 4 du/ac) to R-24 (Residential – 24 du/ac), Located at 2651 Stacy Drive -***Continued from February 21, 2024***

RECOMMENDATION:

The Planning Commission heard this request at the January 23, 2024, meeting and voted (6-0) to recommend approval of the request.

EXECUTIVE SUMMARY:

The Owner, Ken Co LLC with Applicant, Aspire Residential, is requesting a rezone of R-4 (Residential – 4 du/ac) to R-24 (Residential – 24 du/ac) for property consisting of 7.11-acres located at 2651 Stacy Drive, in anticipation of future multi-family residential development. The requested R-24 zone district would be consistent with the Land Use Map designation of Mixed Use established for the property, if approved. **The applicant has requested that City Council continue this item until March 20, 2024.**

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The subject property is situated in Orchard Mesa along the south side of Stacy Drive and Tracy Ann Road at 2651 Stacy Drive. The properties were annexed in 2003 as part of the Carville Annexation and are currently vacant. The total acreage of the rezone is 7.11 acres. The applicant is seeking a change in zoning that implements the 2020 One Grand Junction Comprehensive Plan adopted by the City in December 2020 and in preparation for future multi-family residential subdivision development for affordable units at 60 percent AMI average (30 percent-80 percent) across all units. The current City zoning for the property is R-4 (Residential 4 du/ac).

The rezone request to R-24 is in keeping with urban residential density as envisioned by the Comprehensive Plan adopted by the City in December 2020. The property has access to sewer service with a 12-inch sewer line running along Stacy Drive and Tracy Ann Road. The property is located within Tier 1 on the Intensification and Growth Tiers Map of the Comprehensive Plan, supporting the request to intensify land use through infill in this area. The Land Use Map identifies the parcel as “Mixed Use,” supporting multifamily residential development.

The property owner is interested in preparing the property for future development, which may include selling the property to Aspire Residential (applicant/developer) for future urban residential multifamily development, and that would be consistent with the scope and type of development envisioned by the Comprehensive Plan with a Mixed Use (greater than 8 du/ac) residential density land use. The R-24 zoning requires a minimum of 16 dwelling units per acre, therefore the requested R-24 implements the Comprehensive Plan Mixed Use.

The purpose of the R-24 (Residential – 24 du/ac) zone district is to provide high-density attached dwellings. As noted above, the R-24 ensures minimum densities of Mixed Use on the Land Use Map are met. In addition to the R-24 (Residential – 24 du/ac) zoning requested by the petitioner, the following zone districts would also be consistent with the Comprehensive Plan designations of Mixed Use (greater than 8 du/ac):

- a. R-16 (Residential – 16 du/ac)
- b. CSR (Community Services and Recreation)
- c. R-O (Residential Office)
- d. B-1 (Neighborhood Business)
- e. B-2 (Downtown Business)
- f. MU (Mixed Use)
- g. BP (Business Park)
- h. Mixed Use Residential (MXR-3, 5, 8)
- i. Mixed Use General (MXG-3, 5, 8)
- j. Mixed Use Shopfront (MXS-3, 5, 8)
- k. MXOC (Mixed Use Opportunity Corridors)

In reviewing the rezone proposal, the east parcel is identified in the Comprehensive Plan as Mixed-Use. It is located across from a Commercial (C-1) zone on the north side of Tracy Ann Road. Planning and considering high-density zoning to provide multifamily housing options for more residents supports mixed-use development, a goal of the Comprehensive Plan.

The surrounding zoning includes to the east land zoned C-1 and R-16, to the North is C-1, R-4, R-8 and PD (9 du/ac density), to the west R-4, and to the south R-4 and R-8.

A note about the implementation of the Zoning & Development Code Update: Upon effectiveness on January 21, 2024, the R-24 zone district will transition to RH-24 (Residential High - 24) and the development rights under the zone district will be found

in the new Zone District and Dimensional Standards. As this application was received before the effective date of this update, the analysis contained in this staff report is pursuant to the previous Zoning & Development Code language.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed Rezone requests was held on Wednesday, October 11, 2023, in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant's Representative and City staff were in attendance. There was no one in attendance from the public.

Notice was completed consistent with Section 21.02.080 (g) provisions of the Zoning and Development Code. The subject property was posted with a new application sign on January 9, 2024. 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 January 12, 2024. The notice of this public hearing was published on January 14, 2024, in the Grand Junction Daily Sentinel. An online hearing with an opportunity for public comment was held between January 16 and January 22, 2024, through the GJSpeaks.org platform.

ANALYSIS

The criteria for review are set forth in Section 21.02.140 (a). The criteria provide 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 current zoning of R-4 occurred at the time of annexation in 2003 (Ordinance No. 3569) and was supported by the City's 1996 Growth Plan Future Land Use Map which showed the property as Residential Medium Low (2-4 du/ac). However, during the 2020 One Grand Junction Comprehensive Plan process, the land use designation on the property was changed to Mixed Use (greater than 8 du/ac) on the east parcel. The existing zoning of R-4 does not conform to the land use designation established in the 2020 Comprehensive Plan. The proposed rezone to R-24 implements the 2020 Comprehensive Plan.

The subject property is located within Tier 1 on the Intensification and Growth Tiers Map of the 2020 One Grand Junction Comprehensive Plan supporting urban infill. Tier 1 focuses on intensifying residential growth, further supporting the higher density range provided by the R-24 zone districts versus rezoning to R-16 zoning.

Approval and construction of Tracy's Village Commercial subdivision in 2022, which includes Tracy Ann Road as a commercial street designed for commercial and mixed-use development traffic, further supports multifamily development that the R-24 zone districts permit. Tracy Ann Road lies adjacent to 2651 Stacy Drive and provides the road infrastructure and accessibility needed for the increase in density resulting from this rezone request.

However, one of the premises and findings for the zoning in 2003 was that the property had adequate public services or would have adequate public services to the property with development. There is nothing to support this criterion that somehow, the earlier finding in 2003 when the R-4 zone district was applied for annexation that adequate services is no longer valid. Subsequent events have occurred, they just don't invalidate all the original premises and findings.

Therefore, Staff finds that 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 current zoning of R-4 occurred at the time of annexation in 2003, a zone district supported by the 1996 Growth Plan and continued to be supported in the 2010 Grand Junction Comprehensive Plan.

The 2020 One Grand Junction Comprehensive Plan focuses on providing increased density and housing options in the community. This area of Orchard Mesa was identified for medium density and high density in a mixed-use area in the 2020 One Grand Junction Comprehensive Plan.

Approval and construction of Tracy's Village Commercial Subdivision in 2022 for mixed-use development is supported by the 2020 One Grand Junction Comprehensive Plan. The commercial development established Tracy Ann Road as a commercial street designed for commercial development. Built to a wider street section, this commercial street section supports the multifamily development that the R-24 zone district provides, in addition to the commercial traffic expected in the area. Tracy Ann Road lies adjacent to 2651 Stacy Drive and will accommodate the need for the increase in density and expected traffic for the rezoning request.

Additional commercial services have been developed in the immediate area within the past 10 years, including a Taco Bell across the street. These include a convenience store, other restaurants, auto parts stores, and a couple of additional smaller grocery stores, all within a half mile of this property. This has changed the area's character and provides for the infrastructure needed to achieve the goals of the 2020 Comprehensive Plan.

Therefore, Staff finds that this criterion is met.

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

Public sanitary sewer service, Ute Water domestic water service, Xcel electric & gas service, and public stormwater sewer is available to the property and is adequate to serve development of the type and scope anticipated by the R-24 zone district. The property has street access from Stacy Drive. Therefore, Staff finds that this criterion is met for both rezones.

(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 city is broadly in need of additional medium and high-density residential development if it is to meet the needs of a growing population. Citywide, low-density residential zoning is common, but very few properties with high-density zoning remain undeveloped. As of December 2022, there were 1,818 acres zoned R-24 city-wide with 53 acres vacant. Note that some of that vacant land has been developed in the past year. It is thus logical that, in order to continue to provide housing opportunities, and to include high-density housing patterns in the range of housing options available in the City of Grand Junction, additional land must be zoned to high-density residential districts such as R-24. Therefore, Staff finds this criterion is met.

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

The Grand Junction community will benefit from this change in zoning to R-24 by increasing undeveloped land to potential R-24 densities. This area of Orchard Mesa continues to attract urban residential development at densities needing existing sanitary sewer and city services and higher density opportunities are needed within the proposed zoning range to increase housing choice. The adjacent area to the southwest is zoned R-8 with a new single-family subdivision recently approved and infrastructure under construction. Also, to the south is the existing Dos Rios Elementary School (zoned R-4) developed as a school and open space area. The proposed rezoning areas will be available to provide more housing choices to city residents of different ages, abilities, and incomes seeking the living environment of the Orchard Mesa area and its proximity to jobs in the area and close proximity to downtown, just two miles to the north. It is also near grocery stores and other important services. A middle school is less than one mile to the northeast and Grand Junction High School is just north of downtown on N. 5th Street.

Therefore, Staff finds this criterion is met.

Implementing the Comprehensive Plan.

In addition to the above criteria, the City may rezone the property if the proposed changes are consistent with the vision, goals, and policies of the Comprehensive Plan. The following provides an analysis of relevant sections of the Comprehensive Plan that support this request.

- **Land Use Plan: Relationship to Existing Zoning**

Requests to rezone properties should be considered based on the Implementing Zone Districts assigned to each Land Use Designation. As a guide to future zoning changes, the Comprehensive Plan states that requests for zoning changes are required to implement the Comprehensive Plan.

The 2020 Comprehensive Plan provides the subject property with a land use designation of Mixed Use. As outlined in the background section of this staff report, the proposed rezone to R-24 (Residential – 24 du/ac) zone district implements the Mixed-Use designation.

The proposed rezone to R-24 implements the following Plan principles, goals and policies of the Comprehensive Plan:

- **Plan Principle 3: Responsible and Managed Growth**

Where We are Today (and Where We are Going) – The One Grand Junction Comprehensive Plan raises concerns about the underutilization of properties. The focus on growth has been infill and redevelopment that take advantage of existing infrastructure. Future growth will need to minimize leap-frog development and prioritize infill.

How We Will Get There – Responsible and managed growth requires that growth occurs where infrastructure already exists. The strategies in this principle encourage infill and redevelopment to leverage existing infrastructure. The proposed rezones intend to develop residential land uses with multifamily housing to provide the community with additional housing choices.

Goal: Support fiscally responsible growth...that promote a compact pattern of growth...and encourage the efficient use of land.

Goal: Encourage infill and redevelopment to leverage existing infrastructure.

- **Plan Principle 5: Strong Neighborhoods and Housing Choices**

Where we are today – Most of the vacant residential land that is available in Grand Junction is designated for single-family housing development. However, other options are increasingly being explored to meet the changing needs of the community and to diversify the city's housing stock. Alternative housing types provide options for residents such as low maintenance, community open spaces, shared facilities, and affordability, and they can be less expensive to serve than conventional single-family housing.

How Will We Get There – Strong neighborhoods and housing choices include a range of housing options for residents, people of all ages, abilities, and incomes. This includes ensuring geographic diversity that accommodates a mixture of housing types and sizes in all areas of the city at varying densities, sizes, and price points. It also ensures these occur in new and existing neighborhoods while maintaining neighborhood character.

Goal: Promote more opportunities for housing choices that meet the needs of people of all ages, abilities, and incomes.

Goal: Foster the development of neighborhoods where people of all ages, incomes, and backgrounds live together and share a feeling of community.

- **Intensification and Tiered Growth Plan (Chapter 3).**

The property is located within Tier 1 (Urban Infill) – Description: Areas where urban services already exist and generally meet service levels, usually within existing City limits, where the focus is on intensifying residential and commercial areas through infill and redevelopment.

- *Policy: Development should be directed toward vacant and underutilized parcels located primarily within Grand Junction’s existing municipal limits.*

This will encourage orderly development patterns and limit infrastructure extensions while still allowing for both residential and business growth. Development in this Tier, in general, does not require City expansion of services or extension of infrastructure, though improvements to infrastructure capacity may be necessary.

- **Adopted Plan and Policies.**

The Orchard Mesa Neighborhood Plan supports attainable housing for residents of all income levels as established in Goal 2 under Chapter 4 Housing Trends. Goal 1 of Chapter 4 also supports this rezone, which states as a goal that “A broad mix of housing types is available on Orchard Mesa to meet the needs of a variety of incomes, family types, and life stages.” Rezoning this property to R-24 will provide land for additional housing to meet these two goals.

- **Relationship to Existing Zoning.**

Requests to rezone properties should be considered based on the Implementing Zone Districts assigned to each Land Use Designation, and as a guide to future zoning changes, the Comprehensive Plan states that requests for zoning changes are required to implement the Comprehensive Plan. The R-24 zone district implements the Mixed-Use Land Use category.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Ken Co LLC Rezone requests, for a 7.11 acre rezone from R-4 (Residential - 4 du/ac) to R-24 (Residential – 24 du/ac) located at 2651 Stacy Drive, the following findings of facts and conditions 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, Planning Commission recommends approval of the requested Rezone.

FISCAL IMPACT:

This land use action does not have any direct fiscal impact.

SUGGESTED MOTION:

I move to (adopt/deny) Ordinance No. 5200, an ordinance rezoning approximately 7.11 acres located at 2651 Stacy drive from R-4 (Residential - 4 du/ac) to R-24 (Residential – 24 du/ac), City file number RZN-2024.12, on final passage and ordered final publication in pamphlet form.

Attachments

1. Request to Continue hearing to 20March2014
2. Development Application
3. Maps - Land Use & Zoning etc
4. Public Correspondence Received
5. Planning Commission Minutes - 2024 - January 23 - DRAFT
6. ORD-Ken Co LLC Rezone 20240124

David Thornton

From: Mike Foster <mfoster@cbcwest.com>
Sent: Thursday, February 15, 2024 5:29 PM
To: David Thornton
Cc: kbasinger@colcal.net; John Gargas
Subject: 2651 Stacy Drive - Rezone Hearing Continuance to March 20th, 2024

**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****

Hi David,

This email is to formally request a continuance of the City Council rezone hearing for the Property located at 2651 Stacy Drive to March 20th, 2024.

Mike Foster

Main: 970-244-6602 Mobile: 970-433-8374

131 N. 6th Street, SUITE 200

Grand Junction, CO 81501

Web: www.cbcwest.com

Email: mfoster@cbcwest.com



**COLDWELL BANKER
COMMERCIAL**

**PRIME
PROPERTIES**



Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For: Rezone

Please fill in blanks below only for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation: RESIDENTIAL VACANT LOTS

Existing Zoning: R-4

Proposed Land Use Designation: Multifamily

Proposed Zoning: R-24 High Density

Property Information

Site Location: 2651 STACY DR

Site Acreage: 7.11

Site Tax No(s): 2945-261-43-003

Site Zoning: R-4

Project Description: Affordable Housing Development

Property Owner Information

Name: KENCO LLC

Applicant Information

Name: John Gargas

Representative Information

Name: John Gargas

Street Address: 607 25 RD, STE 100

Street Address: 21 Continental Blvd

Street Address: 21 Continental Blvd

City/State/Zip: GJ, CO 81505

City/State/Zip: Merrimack, NH 03054

City/State/Zip: Merrimack, NH 03054

Business Phone #: 970-245-0898

Business Phone #: 603-320-5123

Business Phone #: 603-320-5123

E-Mail: katy@cocal.net

E-Mail: john.gargas@aspireres.co

E-Mail: john.gargas@aspireres.co

Fax #: _____

Fax #: _____

Fax #: NA

Contact Person: Katy Basinger

Contact Person: John Gargas

Contact Person: John Gargas

Contact Phone #: 970-245-0898

Contact Phone #: 603-320-5123

Contact Phone #: 603-320-5123

NOTE: Legal property owner is owner of record on date of submittal.

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application: John Gargas

Date: _____

Signature of Legal Property Owner: Ken Basinger

Date: _____

General Project Report: Aspire Residential Rezone

Submitted for a Rezoning Application

A. Project Description

1. 2651 Stacy Drive, Grand Junction CO 81503
2. 7.11 acres
3. Affordable housing (multifamily)

B. Public Benefit - Increased affordable housing for Grand Junction

C. Neighborhood Meeting required - See attached "Neighborhood Meeting Notes."

D. Project Compliance, Compatibility, and Impact

1. Adopted Plan and Policies – The Orchard Mesa Neighborhood Plan supports attainable housing for residents of all income levels as established in Goal 2 under Chapter 4 Housing Trends. Chapter 4 also has Goal 1 which states "A broad mix of housing types is available on Orchard Mesa to meet the needs of a variety of incomes, family types, and life stages." Rezoning these two parcels to R-12 and R-24 will provide land for additional housing to meet these two goals.
2. Land Use in the surrounding area - R8 / R4 / C1 / R16 / PD / CSR
3. Site access and traffic patterns - TBD
4. Availability of Utilities, including proximity to fire hydrants - Water, electrical available
5. Special or unusual demands on utilities - TBD
6. Effects on Public Facilities - TBD
7. Site Soils and geology - NA
8. Impact of project on site geology and geological hazards, if any - NA
9. Hours of Operations - TBD
10. Number of Employees - TBD
11. Signage Plans - TBD
12. Review criteria met, see below.

Approval Criteria. In order to maintain internal consistency between this code and the zoning Maps, map amendments must only occur if:

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

Applicant's Response: The zoning application is consistent with what is allowable under Grand Junction's Comprehensive Plan.

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

Applicant's Response: No amendments are anticipated at this time

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

Applicant's Response: All appropriate organizations have been consulted and it has been determined that adequate facilities can serve this development.

(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

Applicant's Response: To accommodate the proposed land use, we are seeking to rezone to R-24 which is allowable under Grand Junction's Comprehensive Plan.

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

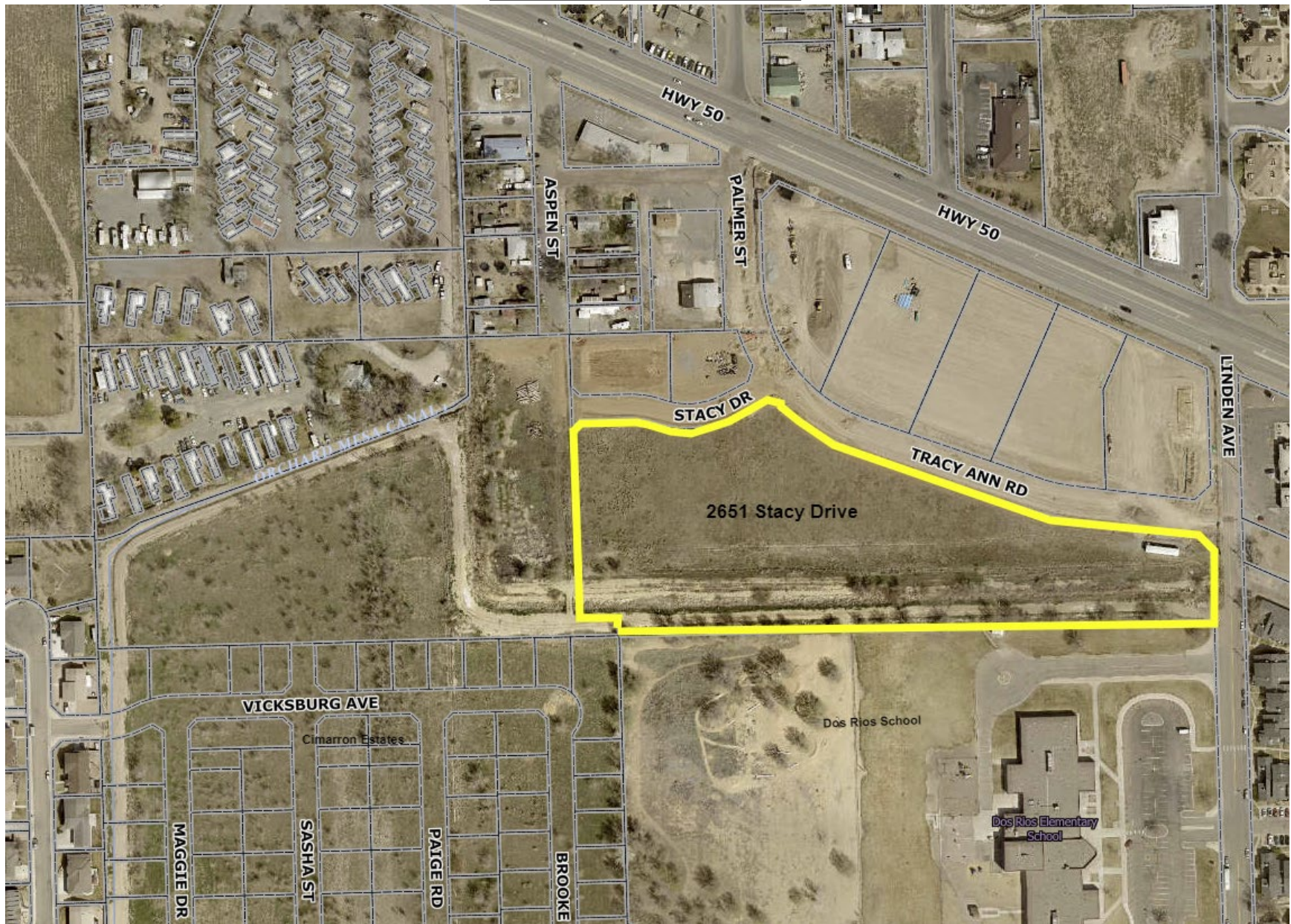
Applicant's Response: The proposed development plans are to build affordable housing units.

E. Development Schedule and Phasing - TBD

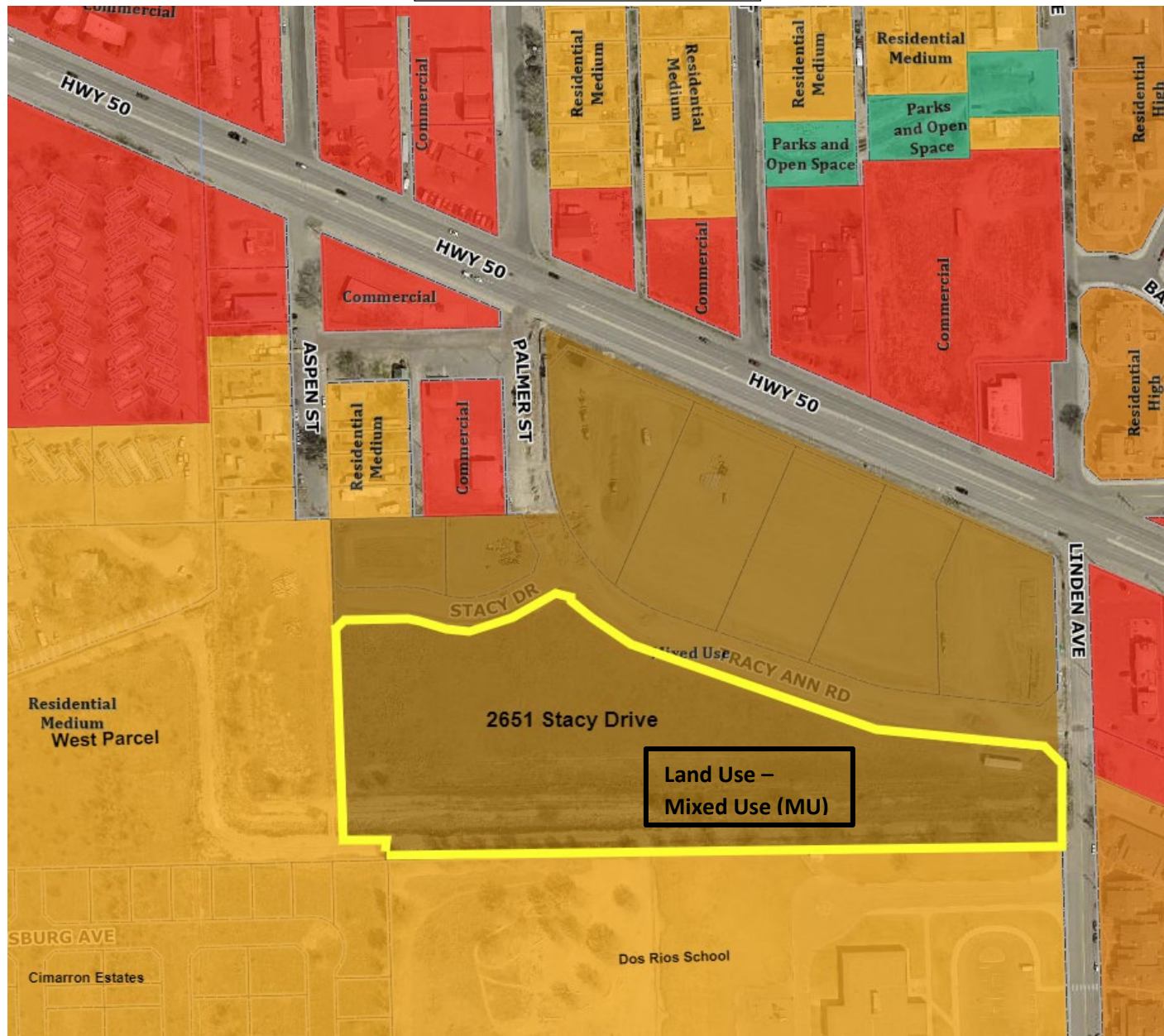
Site Vicinity Map – Aspire Residential Rezone – (Ken Co LLC)



Site Location Map

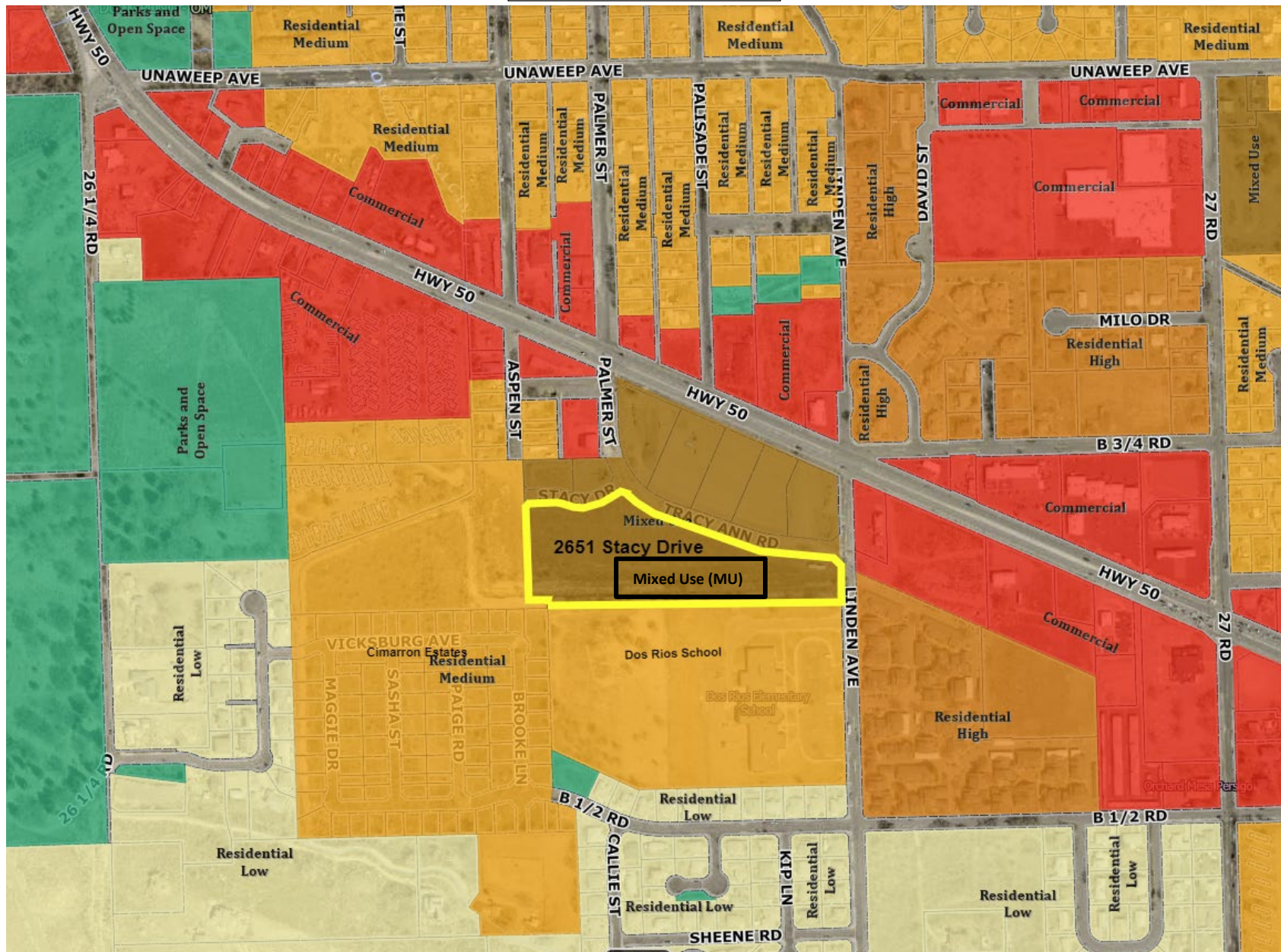


Land Use Map

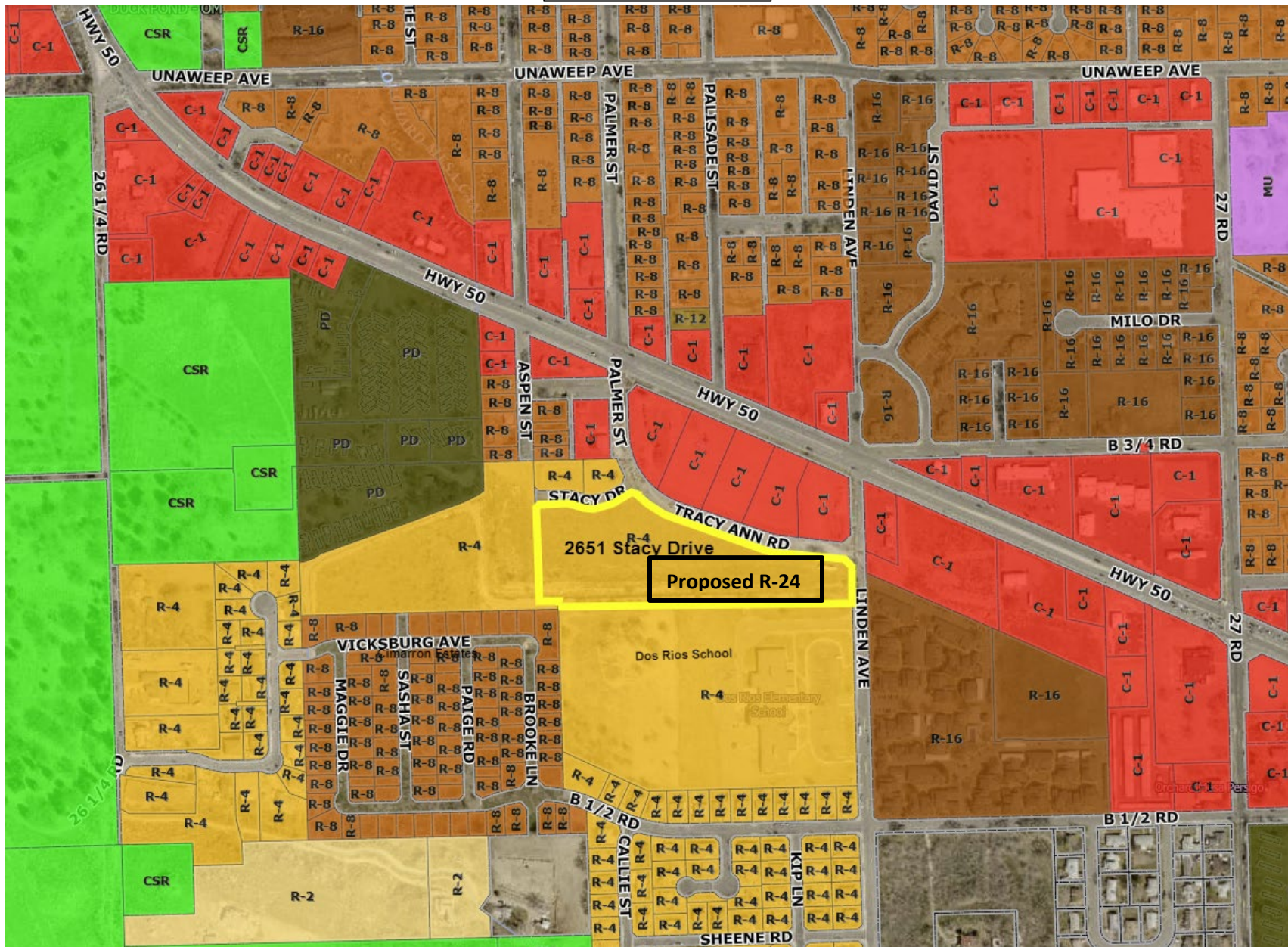


Land Use Map

Larger View



Zoning Map





2651 Stacy Drive Property
Photo of the site, looking west from Linden Avenue



2651 Stacy Drive Property

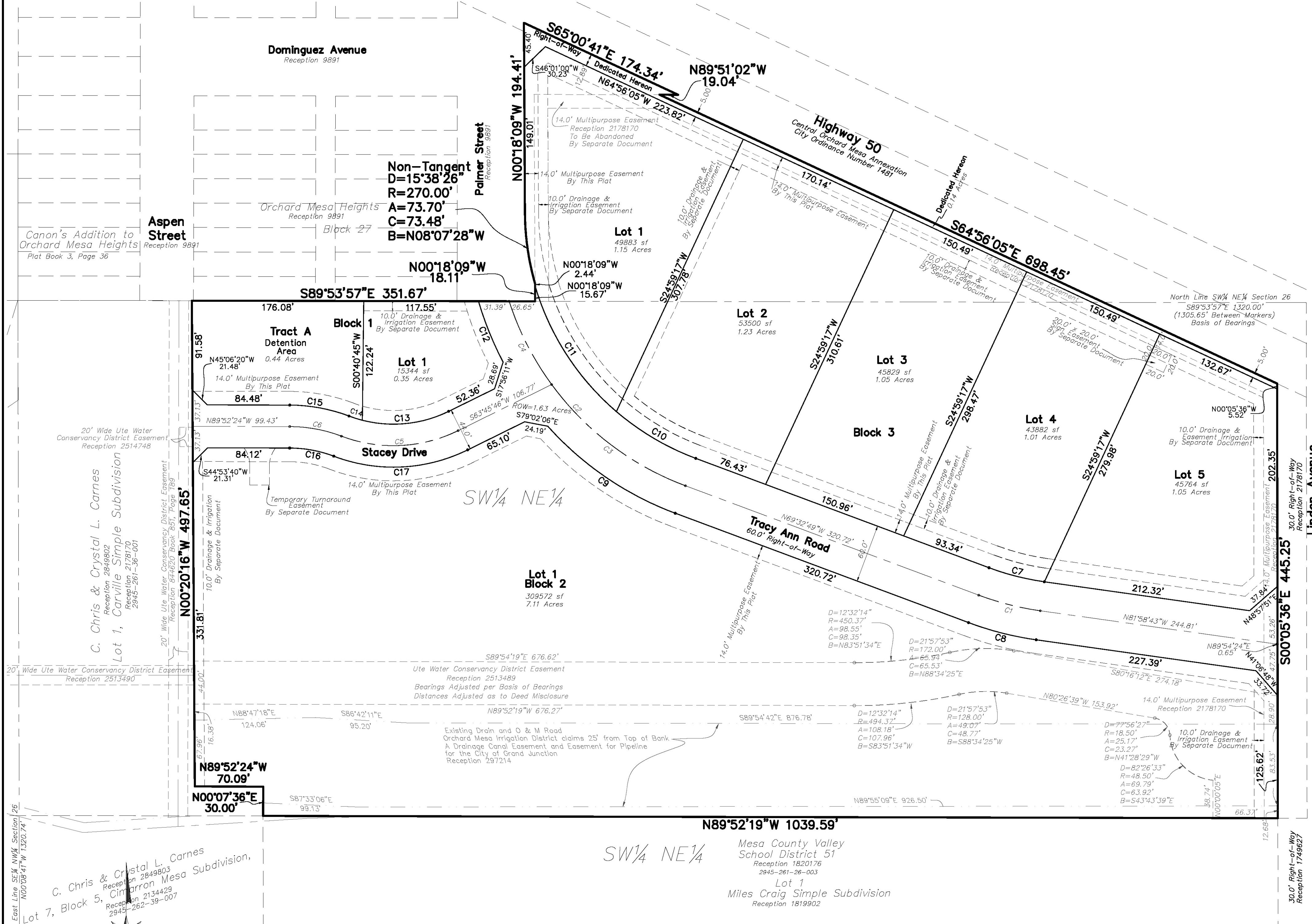
Photo of the site, looking south-southeast from Stacy Drive



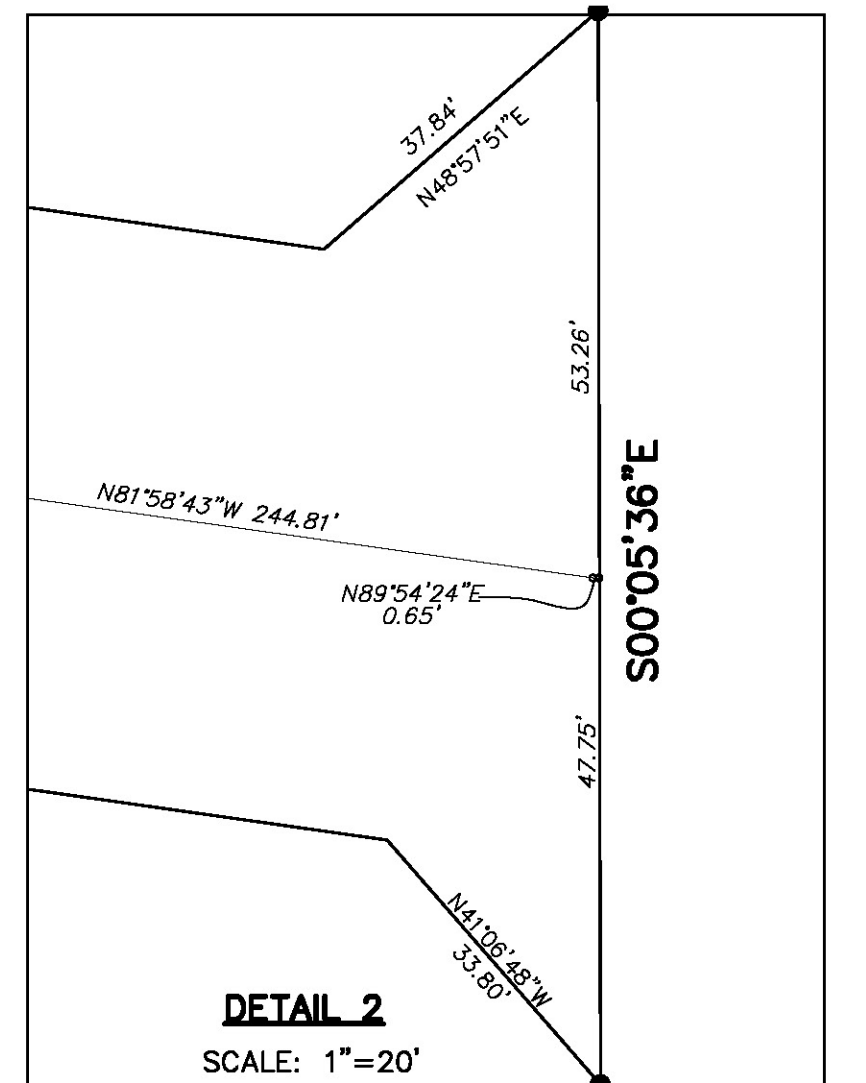
2651 Stacy Drive

View look east from west edge of property

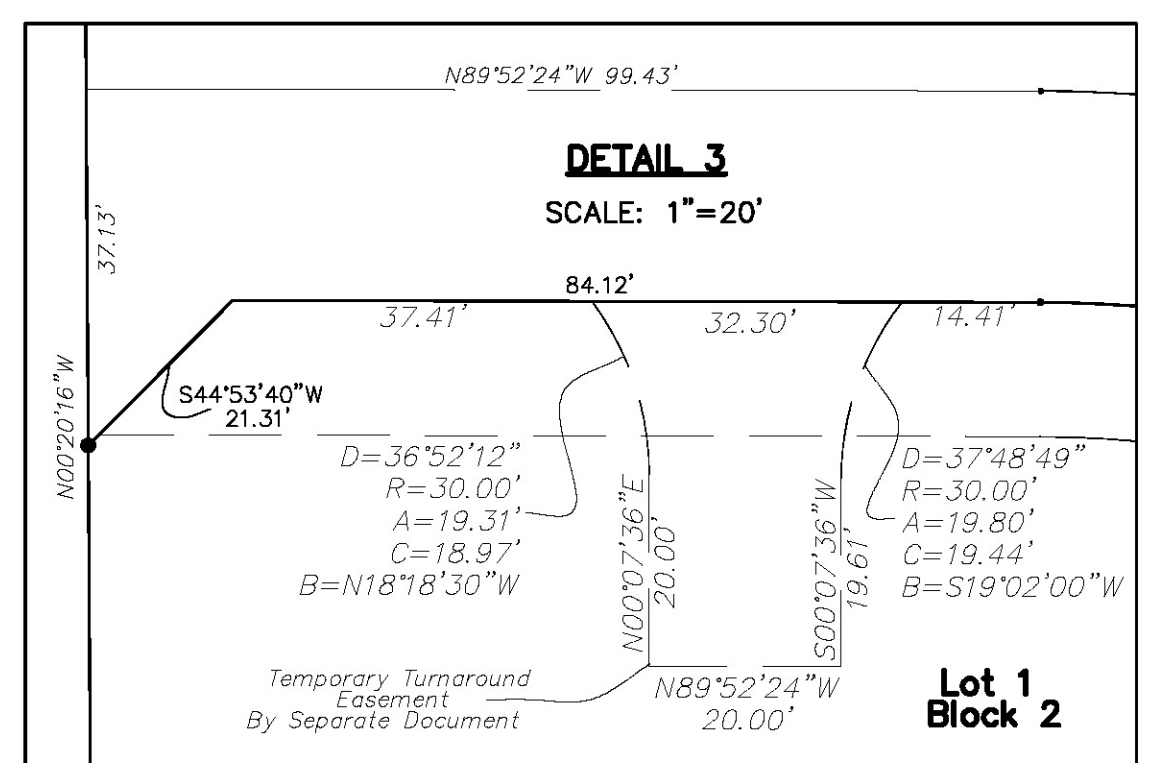
TRACYS VILLAGE SUBDIVISION
OF A PARCEL LOCATED IN
NE1/4 OF SECTION 26
TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN
LOT 2, CARVILLE SIMPLE SUBDIVISION, RECEPTION 2178170
AND RIGHT-OF-WAY VACATION, RECEPTION 2418646
GRAND JUNCTION, MESA COUNTY, COLORADO



DETAIL 1
SCALE: 1"=20'



DETAIL 2
SCALE: 1"=20'



Curve	Delta	Radius	Arc	CH	CH Bearing
C1	12°25'54"	300.00'	65.09'	64.96'	N75°45'46\"W
C2	51°40'43"	300.00'	270.59'	261.51'	N43°42'28\"W
C3	33°18'35"	300.00'	174.41'	171.96'	S52°53'32\"E
C4	18°22'08"	300.00'	96.18'	95.77'	N27°03'10\"W
C5	47°03'31"	150.00'	123.20'	119.77'	S87°17'31\"W
C6	20°41'41"	150.00'	54.18'	53.88'	N79°31'34\"W
C7	12°25'54"	270.00'	58.58'	58.47'	N75°45'46\"W
C8	12°25'54"	330.00'	71.60'	71.46'	N75°45'46\"W
C9	27°42'52"	330.00'	159.62'	158.07'	N55°41'23\"W
C10	20°08'07"	270.00'	94.88'	94.40'	N59°28'46\"W
C11	32°58'10"	270.00'	155.37'	153.23'	N32°55'38\"W
C12	11°42'11"	330.00'	67.41'	67.29'	N22°02'18\"W
C13	40°38'57"	128.00'	90.81'	88.92'	S84°05'14\"W
C14	06°24'34"	128.00'	14.32'	14.31'	N72°23'00\"W
C15	20°41'41"	172.00'	62.13'	61.79'	N79°31'34\"W
C16	20°41'41"	128.00'	46.23'	45.98'	N79°31'34\"W
C17	47°03'31"	172.00'	141.27'	137.33'	N87°17'31\"E

AREA SUMMARY

LOTS	=	12.93 Acres	85.40%
TRACT A	=	0.44 Acres	2.91%
ROAD ROW	=	1.77 Acres	11.69%
TOTAL	=	15.14 Acres	100.00%

LEGEND

- ALIQUOT SURVEY MARKER, AS NOTED
SET 2" ALUMINUM CAP ON 30" No. 5 REBAR, PLS 24953
PER CRS-38-51-105, IN CONCRETE
FOUND EVIDENCE, AS NOTED
PK NAIL, SET IN PAVING
- DURABLE CAP ON No. 5 REBAR TO BE SET AT ALL LOT CORNERS, PRIOR TO SALE OF ANY LOTS, TO COMPLY WITH CRS-38-51-105
- D DELTA ANGLE OF ARC
R RADIUS OF ARC
L LENGTH OF ARC
NAD 83 NORTH AMERICAN DATUM 1983
- CHORD DISTANCE OF ARC
CHORD BEARING OF ARC
EQUAL SYMBOL
PERCENT SYMBOL
AND SYMBOL
- INTERSTATE HIGHWAY SYMBOL
STATE HIGHWAY SYMBOL
UNITED STATES
NOT TO SCALE
COLORADO REVISED STATUTES
SOLICIT, USED IN LEGAL DOCUMENTS (LATIN - ONE HALF)
NAV83 NORTH AMERICAN VERTICAL DATUM 1988
CALCULATED POSITION OF POINT OF CURVATURE OR POINT OF TANGENCY
- PROFESSIONAL LAND SURVEYOR
NUMBER
LIMITED LIABILITY COMPANY
ANNO DOMINI
MORE OR LESS
DEGREES (ANGULAR)
MINUTES (ANGULAR) OR FEET (LINEAR)
SECONDS (ANGULAR) OR INCHES (LINEAR)
COLORADO DEPARTMENT OF TRANSPORTATION
POINT OF BEGINNING
POINT OF COMMENCING
TOWNSHIP
RADIUS OR RANGE (Context)
MCPGS MESA COUNTY GLOBAL POSITIONING SYSTEM

SURVEYOR'S CERTIFICATION

I, Jeffrey C. Fletcher, do hereby certify that the accompanying plat of **TRACYS VILLAGE SUBDIVISION**, a subdivision of a part of the City of Grand Junction, Colorado, has been prepared under my direct supervision and represents a field survey of same. To the best of my knowledge and belief, this plat conforms to the requirements for subdivision plats specified in the City of Grand Junction Development code and conforms to the standards of practice, statutes, and rules of the State of Colorado. This survey is not a guaranty or warranty, either express or implied.

Preliminary

TRACYS VILLAGE SUBDIVISION
OF A PARCEL LOCATED IN
NE1/4 OF SECTION 26
T1S, R1W OF THE UTE MERIDIAN
LOT 2, CARVILLE SIMPLE SUBDIVISION
RECEPTION 2178170 AND
RIGHT-OF-WAY VACATION
RECEPTION 2418646
GRAND JUNCTION, MESA COUNTY, COLORADO

High Desert Surveying, LLC
1673 Highway 50 Unit C
Grand Junction, Colorado 81503
Telephone: 970-254-8649 Fax 970-241-0451

PROJ. NO. 20-106 SURVEYED DRAWN CHK'D SHEET OF
DATE: May, 2021 be knr jcf 2 2

SCALE: 1"=60'
0 30 60 120

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.



State Documentary Fee
Date: June 05, 2019
\$125.00

Special Warranty Deed

(Pursuant to 38-30-115 C.R.S.)

THIS DEED, made on **June 5th, 2019** by **ALPINE BANK, A COLORADO CORPORATION** Grantor(s), of the County of **Garfield** and State of **Colorado** for the consideration of **(\$1,250,000.00) ***One Million Two Hundred Fifty Thousand and 00/100***** dollars in hand paid, hereby sells and conveys to **KENCO, LLC, A COLORADO LIMITED LIABILITY COMPANY** Grantee(s), whose street address is **607 25 RD SUITE 100, Grand Junction, CO 81505**, County of **Mesa**, and State of **Colorado**, the following real property in the County of **Mesa**, and State of **Colorado**, to wit:

LOT 2 OF CARVILLE SIMPLE SUBDIVISION, COUNTY OF MESA, STATE OF COLORADO.

also known by street and number as: **TBD HIGHWAY 50, GRAND JUNCTION, CO 81503**

with all its appurtenances and warrants the title to the same against all persons claiming under me, subject to the matters shown in the attached Exhibit A, which, by reference, is incorporated herein.

ALPINE BANK, A COLORADO CORPORATION

By: 
CLAY TUFLY, AS PRESIDENT

State of **Colorado**

)

)ss.

County of **MESA**

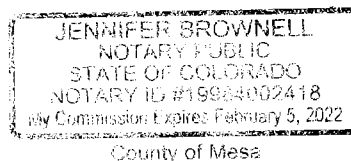
)

The foregoing instrument was acknowledged before me on this day of **June 5th, 2019** by **CLAY TUFLY AS PRESIDENT OF ALPINE BANK, A COLORADO CORPORATION**

Witness my hand and official seal

My Commission expires: 2/5/22


Notary Public



When recorded return to: **KENCO, LLC, A COLORADO LIMITED LIABILITY COMPANY**
607 25 RD SUITE 100, Grand Junction, CO 81505



Exhibit A

1. GENERAL TAXES FOR THE YEAR OF CLOSING.
2. DISTRIBUTION UTILITY EASEMENTS (INCLUDING CABLE TV).
3. THOSE SPECIFICALLY DESCRIBED RIGHTS OF THIRD PARTIES NOT SHOWN BY THE PUBLIC RECORDS OF WHICH GRANTEE HAS ACTUAL KNOWLEDGE AND WHICH WERE ACCEPTED BY GRANTEE IN ACCORDANCE WITH § 8.3 (OFF-RECORD TITLE) AND § 9 (NEW ILC OR NEW SURVEY) OF THE CONTRACT TO BUY AND SELL REAL ESTATE RELATING TO THE REAL PROPERTY CONVEYED BY THIS DEED.
4. INCLUSION OF THE PROPERTY WITHIN ANY SPECIAL TAXING DISTRICT.
5. ANY SPECIAL ASSESSMENT IF THE IMPROVEMENTS WERE NOT INSTALLED AS OF THE DATE OF GRANTEE'S SIGNATURE TO THE CONTRACT TO BUY AND SELL REAL ESTATE RELATING TO THE REAL PROPERTY CONVEYED BY THIS DEED, WHETHER ASSESSED PRIOR TO OR AFTER CLOSING.
6. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF ORDER OF INCLUSION, RE: THE INCLUSION OF LANDS WITHIN ORCHARD MESA SANITATION DISTRICT, RECORDED APRIL 10, 2008, IN BOOK 4642 AT PAGE 760 UNDER RECEPTION NO. 2433686.
7. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF GRANT OF EASEMENT, GRANTED TO UTE WATER CONSERVANCY DISTRICT, RECORDED NOVEMBER 20, 2009 IN BOOK 4944 AT PAGE 453.



To: David Thornton, (AICP)
Principal Planner
City of Grand Junction
250 N. 5th Street
970-244-1450

From: Brian Dougherty
Development Manager
LDG Development, LLC
3141 Walnut St., Suite 203B
Denver, Colorado 80205

Subject: Neighborhood meeting rezoning summary

Date: 10.20.2023

Neighborhood Meeting: Stacy Drive and adjoining parcel rezoning (7.11 acres East site / and 6.78 acres West site) located at 2651 Stacy Drive, Grand Junction, CO 81503.

Date: October 11, 2023 – 5:30 p.m.

Summary: A virtual public meeting was conducted. The applicant representative commenced the virtual meeting precisely at 5:30 p.m. No public participants dialed in to voice any opposition, concern, or support. The meeting line was kept open until 5:45 p.m.

Applicant Representative:

- Brian Dougherty, LDG Development
- Mark Austin, Austin Civil Group

Town Representative:

- David Thorton, City of Grand Junction

Public Participants:

- None

Sincerely,

Brian Dougherty
Development Manager

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) KENCO LLC ("Entity") is the owner of the following property:

(b) 2651 Stacy Drive, Grand Junction, CO 81503

A copy of the deed(s) evidencing the owner's interest in the property is attached. Any documents conveying any interest in the property to someone else by the owner are also attached.

I am the (c) authorized signator for the Entity. I have the legal authority to bind the Entity regarding obligations and this property. I have attached the most recent recorded Statement of Authority of the Entity.

☒ My legal authority to bind the Entity both financially and concerning this property is unlimited.

☐ My legal authority to bind the Entity financially and/or concerning this property is limited as follows:

☒ The Entity is the sole owner of the property.

☐ The Entity owns the property with other(s). The other owners of the property are:

On behalf of Entity, I have reviewed the application for the (d) Rezone to R-24

I have the following knowledge or evidence of a possible boundary conflict affecting the property:

(e) N/A

I understand the continuing duty of the Entity to inform the City planner of any changes regarding my authority to bind the Entity and/or regarding ownership, easement, right-of-way, encroachment, lienholder and any other interest in the land.

I swear under penalty of perjury that the information in this Ownership Statement is true, complete and correct.

Signature of Entity representative: 

Printed name of person signing: Ken W. Basinger

State of Colorado)

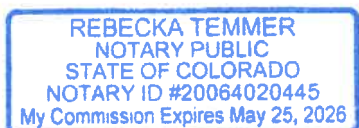
County of Mesa) ss.

Subscribed and sworn to before me on this 28th day of August, 20 23

by Ken W. Basinger, as Manager of Kenco LLC

Witness my hand and seal.

My Notary Commission expires on 05-25-2026



County of Mesa


Notary Public Signature

STATEMENT OF AUTHORITY

1. This Statement of Authority relates to an entity named **KenCo, LLC**, and is executed on behalf of the entity pursuant to the provisions of Section 38-30-172, C.R.S.
2. The type of entity is a limited liability company.
3. The entity is formed under the laws of the State of Colorado.
4. The mailing address for the entity is 607 25 Road, Suite 100, Grand Junction, Colorado 81505.
5. The name and position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity are:
Ken W. Basinger, Member.
6. The authority of the foregoing person to bind the entity is not limited.
7. Other matters concerning the manner in which the entity deals with interests in real property:
NONE.

Executed this 26 day of May, 2021.

KENCO, LLC,
a Colorado limited liability company

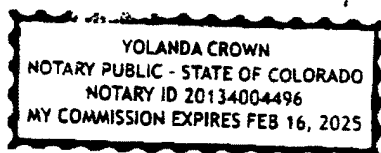
By: Ken W. Basinger
Ken W. Basinger, Member

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 26 day of May, 2021, by Ken W. Basinger s Member of KenCo, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: 02/16/2025



Yolanda Crown
Notary Public

TRACYS VILLAGE SUBDIVISION
OF A PARCEL LOCATED IN
NE1/4 OF SECTION 26
TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN
LOT 2, CARVILLE SIMPLE SUBDIVISION, RECEPTION 2178170
AND RIGHT-OF-WAY VACATION, RECEPTION 2418646
GRAND JUNCTION, MESA COUNTY, COLORADO

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:
That KENCO, LLC, a Colorado limited liability company, is the owner of those properties located in the Northeast Quarter (NE¼) of Section 26, Township 1 South, Range 1 West of the Ute Meridian in Mesa County, Colorado and being more particularly described as follows:
(Original Warranty Deeds: Reception 2882493)

Lot 2, CARVILLE SIMPLE SUBDIVISION, as shown on plat recorded at Reception 2178170, Mesa County records, containing 14.97 Acres.

AND that right-of-way as vacated at City of Grand Junction Ordinance 4161 and recorded at Reception 2418646 and being more particularly described as follows:

COMMENCING at the Northeast corner of said SW¼ NE¼, Section 26, whence the Northwest corner of said SW¼ NE¼, Section 26 bears South 89°53'57" East, a distance of 1305.65 feet (as measured) for a basis of bearings, with all bearings contained herein relative thereto; thence South 19°49'16" West, a distance of 88.08 feet to the Northeast corner of said Lot 2, CARVILLE SIMPLE SUBDIVISION; thence North 64°56'05" West, a distance of 698.45 feet, along the Northeasterly line of said Lot 2; thence North 89°51'02" West, a distance of 128.59 feet, along the most Northerly line of said Lot 2 to the POINT OF BEGINNING; thence South 00°18'09" East, a distance of 193.88 feet, along the most Northerly West line of said Lot 2, CARVILLE SIMPLE SUBDIVISION; thence with a non-tangent curve turning to the right having a delta angle of 15°38'26", a radius of 270.00 feet, an arc length of 73.70 feet, and a chord length of 73.48 feet, with a chord bearing of North 08°07'28" West; thence North 00°18'09" West, a distance of 194.41 feet; thence South 65°00'41" East, a distance of 174.34 feet; thence North 89°51'02" West, a distance of 147.63 feet to the POINT OF BEGINNING.

Said parcel containing an area of 0.17 Acres, as herein described, being an overall area of 15.14 Acres for both parcels.

That said owners have by these presents laid out, platted, and subdivided the above described real property into lots, blocks, and tracts, as shown hereon, and designated the same as TRACYS VILLAGE SUBDIVISION, a subdivision in the City of Grand Junction, Colorado, and hereby offers the following dedications and grants:

All streets, roads and Rights-of-Way are dedicated to the City of Grand Junction for the use of the public forever.

Tract A is dedicated to the Homeowners Association by separate document as a perpetual easement for the inspection, installation, operation, maintenance and repair of detention and drainage facilities and appurtenants thereto. The City of Grand Junction is dedicated reasonable ingress/egress access to the drainage/detention easement areas. The owner(s) and/or the property owners' association, if one exists, is not relieved of its responsibility to inspect, install, operate, maintain, and repair the detention and drainage facilities.

All Multipurpose Easements are dedicated to the City of Grand Junction as perpetual easements for City approved utilities including the installation, operation, maintenance and repair of said utilities and appurtenances which may include but are not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, traffic control facilities, street lighting, landscaping, trees and grade structures.

All Irrigation and Drainage Easements are granted to the Homeowners Association by separate document as perpetual easements for the inspection, installation, operation, maintenance and repair of irrigation facilities, detention and drainage facilities and appurtenants thereto. The City of Grand Junction is dedicated reasonable ingress/egress access to the drainage/detention easement areas. The owner(s) and/or the property owners' association, if one exists, is not relieved of its responsibility to inspect, install, operate, maintain, and repair the irrigation, detention and drainage facilities.

All Tracts/Easements include the right of ingress and egress on, along, over, under, through and across by the beneficiaries, their successors, or assigns, together with the right to trim or remove interfering trees and brush, and in Drainage and Detention/Retention easements or tracts, the right to dredge; provided however, that the beneficiaries/owners shall utilize the same in a reasonable and prudent manner. Furthermore, the owners of said lots or tracts hereby platted shall not burden or overburden said easements by erecting or placing any improvements thereon which may impede the use of the easement and/or prevent the reasonable ingress and egress to and from the easement.

Owners hereby declare all lienholders of record to herein described real property are shown hereon.

IN WITNESS WHEREOF, said owner, _____, has caused their name to be hereunto subscribed this _____ day of _____, A.D. 20____.

by: _____ title: _____
for: KENCO, LLC, a Colorado limited liability company

NOTARY PUBLIC'S CERTIFICATE

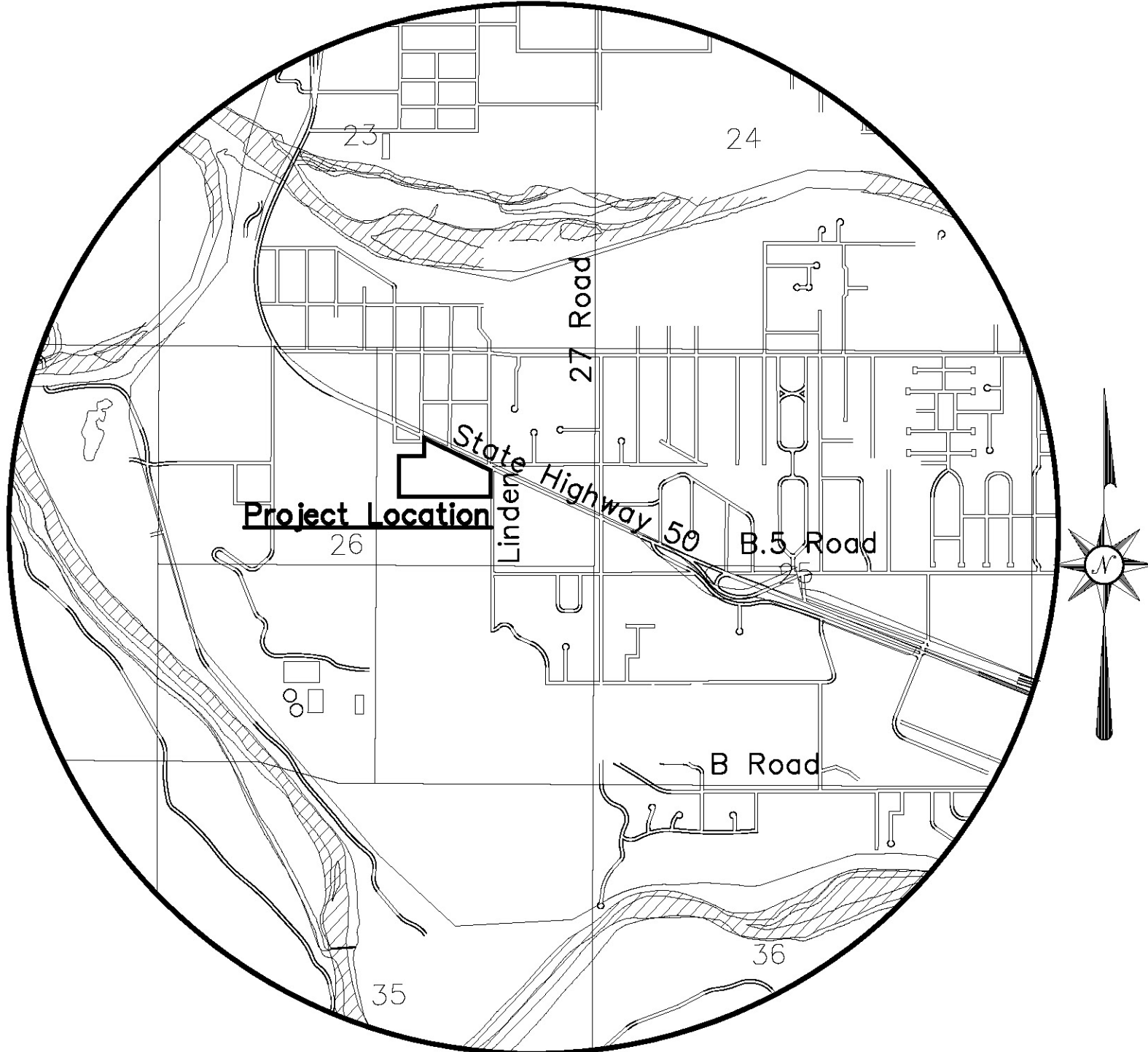
STATE OF COLORADO } ss
COUNTY OF MESA }

The foregoing instrument was acknowledged before me by _____, title: _____

for KENCO, LLC, a Colorado limited liability company this _____ day of _____, A.D., 20____.
Witness my hand and official seal:

Notary Public

My Commission Expires _____



VICINITY MAP

NOT TO SCALE

LIENHOLDERS RATIFICATION OF PLAT

THE UNDERSIGNED, hereby certifies that it is a holder of a security interest upon the property described hereon described and does hereby join in and consent to the dedication of the land described in said dedication by the owners thereof, and agree that its' security interest, as shown in document recorded at Reception Number _____ public records of Mesa County, Colorado, shall be subordinated to the dedications shown hereon.

IN WITNESS WHEREOF, the said corporation has caused these presents to be signed by its _____, with the authority of its Board of Directors, this _____ day of _____, 20____.

By: _____ (title) _____

For: _____

NOTARY PUBLIC CERTIFICATION

STATE OF COLORADO } ss
COUNTY OF MESA }

The foregoing instrument was acknowledged before me by _____, (title) _____, for _____ this _____ day of _____, A.D., 20____.

Witness my hand and official seal:

Notary Public

My Commission Expires _____

LEGEND

ALIQUOT SURVEY MARKER, AS NOTED
● SET 2" ALUMINUM CAP ON 30" No. 5 REBAR, PLS 24953
□ PER CRS-38-51-105, IN CONCRETE
▲ FOUND EVIDENCE, AS NOTED
▲ PK NAIL, SET IN PAVING

DURABLE CAP ON No. 5 REBAR TO BE SET AT ALL LOT CORNERS, PRIOR TO SALE OF ANY LOTS, TO COMPLY WITH CRS-38-51-105
D DELTA ANGLE OF ARC
R RADIUS OF ARC
L LENGTH OF ARC
NAD 83 NORTH AMERICAN DATUM 1983

C CHORD DISTANCE OF ARC
B CHORD BEARING OF ARC
= EQUAL SYMBOL
% PERCENT SYMBOL
& AND SYMBOL
⚡ INTERSTATE HIGHWAY SYMBOL
Ⓜ STATE HIGHWAY SYMBOL
US UNITED STATES
NTS NOT TO SCALE
CRS COLORADO REVISED STATUTES
§ss SOLICET, USED IN LEGAL DOCUMENTS (LATIN - ONE HALF)
NAVD 88 NORTH AMERICAN VERTICAL DATUM 1988
→ CALCULATED POSITION OF POINT OF CURVATURE OR POINT OF TANGENCY

PLS PROFESSIONAL LAND SURVEYOR
No. NUMBER
L.L.C. LIMITED LIABILITY COMPANY
A.D. ANNO DOMINI
± MORE OR LESS
° DEGREES (ANGULAR)
' MINUTES (ANGULAR) OR FEET (LINEAR)
S SECONDS (ANGULAR) OR INCHES (LINEAR)
MCSM MESA COUNTY SURVEY MARKER
BLM BUREAU OF LAND MANAGEMENT
ROW RIGHT-OF-WAY
CDOT COLORADO DEPARTMENT OF TRANSPORTATION
POB POINT OF BEGINNING
POC POINT OF COMMENCING
T TOWNSHIP
R RADIUS OR RANGE (Context)
MCGPS MESA COUNTY GLOBAL POSITIONING SYSTEM

SURVEYOR'S CERTIFICATION

I, Jeffrey C. Fletcher, do hereby certify that the accompanying plat of TRACYS VILLAGE SUBDIVISION, a subdivision of a part of the City of Grand Junction, Colorado, has been prepared under my direct supervision and represents a field survey of same. To the best of my knowledge and belief, this plat conforms to the requirements for subdivision plats specified in the City of Grand Junction Development code and conforms to the standards of practice, statutes, and rules of the State of Colorado. This survey is not a guaranty or warranty, either expressed or implied.

GENERAL NOTES

Easement and Title Information provided by Land Title Guarantee Company per Old Republic National Title Service, Policy No. OX65038605.1347865, dated June 5, 2019.

Basis of bearings is the North line of SW¼ NE¼ Section 26 which bears South 89°53'57" East, a distance of 1305.65 feet (as measured), established by observation of the MCGPS control network, which is based on the NAD 83 datum for Horizontal and NAVD 88 datum for Vertical Information. Both monuments on this line are Aliquot Survey Markers, as shown on the face of this plat.

All lineal units shown hereon in U.S. Survey feet.

TITLE CERTIFICATION

STATE OF COLORADO } ss
COUNTY OF MESA }

We, _____, a title insurance company, as duly licensed in the state of Colorado, hereby certify that we have examined the title to the hereon described property, that we find the title to the property is vested to _____; that the current taxes have been paid; that all mortgages not satisfied or released of record nor otherwise terminated by law are shown hereon and that there are no other encumbrances of record; that all easements, reservations and rights of way of record are shown hereon.

Date: _____ by: _____ Name And Title
for: _____ Name Of Title Company

FOR CITY USE ONLY

Associated Recorded Documents
Reception Type

_____ Declaration of Covenants and Restrictions
_____ Tract A to the Homeowner's Association
_____ All Irrigation and Drainage Easements to the Homeowner's Association
_____ 20.0' x 20.0' Sign Easement to Homeowner's Association
_____ Temporary Turnaround Easement to the City of Grand Junction for Fire Services usage

CITY OF GRAND JUNCTION APPROVAL

This plat of TRACYS VILLAGE SUBDIVISION, a subdivision of a part of the City of Grand Junction, County of Mesa, State of Colorado, is approved and accepted this _____ day of _____, A.D., 20____.

City Manager _____

Mayor _____

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO } ss
COUNTY OF MESA }

I hereby certify that this instrument was filed in my office at _____ o'clock _____ M.,

_____, A.D., 20____, and was duly recorded in Reception No. _____

Drawer No. _____ Fees: _____

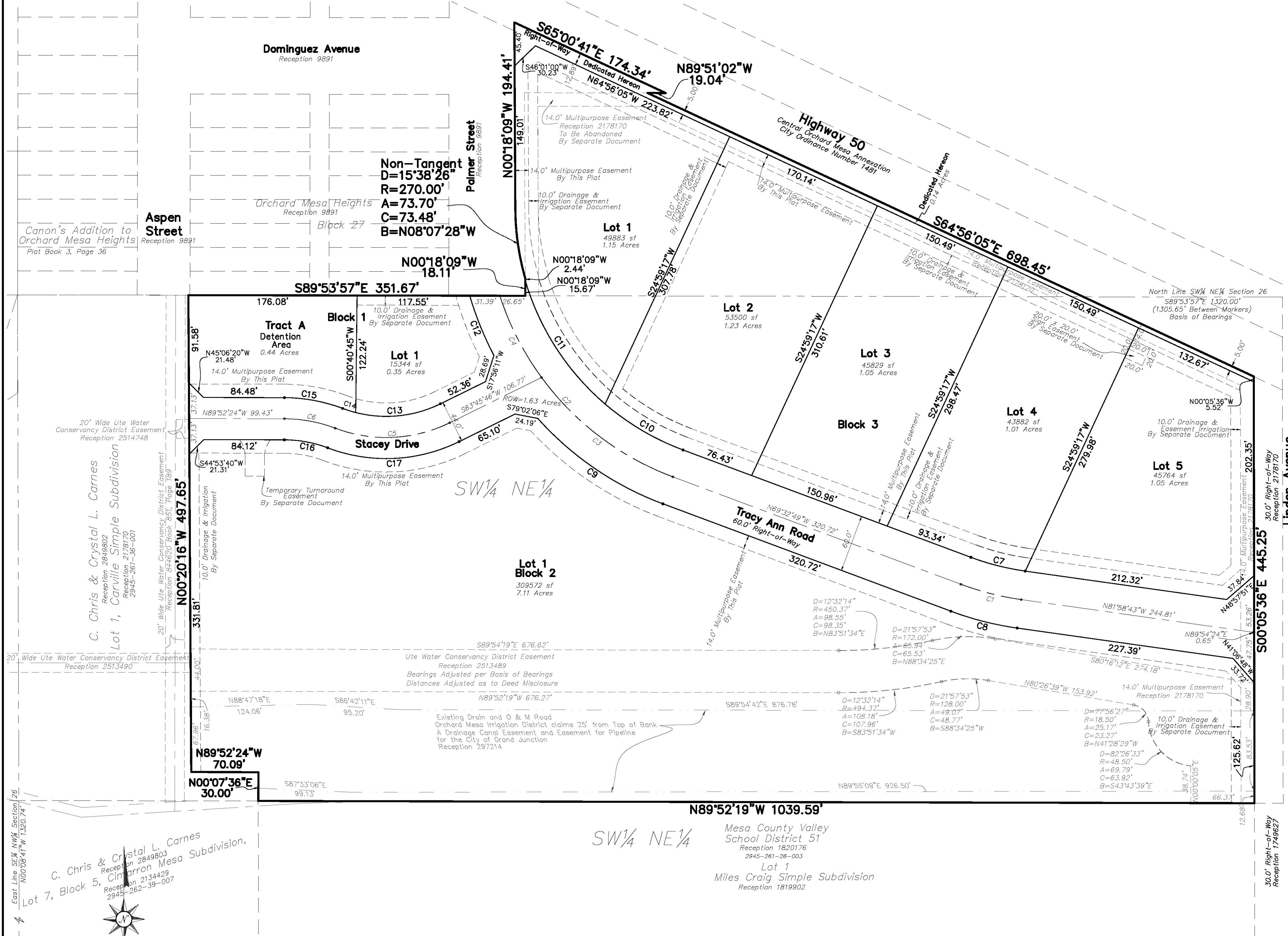
Clerk and Recorder

By: _____
Deputy

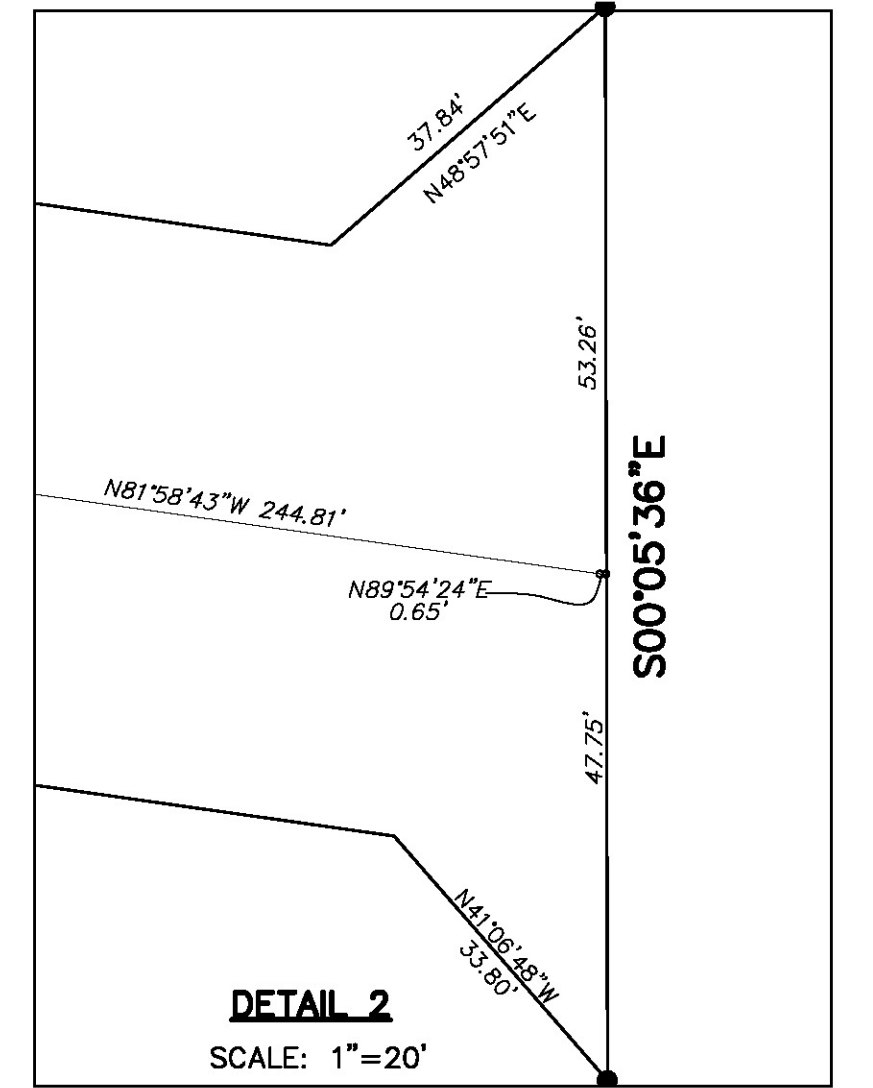
NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

		TRACYS VILLAGE SUBDIVISION OF A PARCEL LOCATED IN NE1/4 OF SECTION 26 T1S, RTW OF THE UTE MERIDIAN LOT 2, CARVILLE SIMPLE SUBDIVISION RECEPTION 2178170 AND RIGHT-OF-WAY VACATION RECEPTION 2418646 GRAND JUNCTION, MESA COUNTY, COLORADO High Desert Surveying, LLC 1673 Highway 50 Unit C Grand Junction, Colorado 81503 Telephone: 970-254-8649 Fax 970-241-0451	
PROJ. NO. 20-106	SURVEYED DRAWN	CHK'D	SHEET OF
DATE: May, 2021	be	knr	jcf 1 2

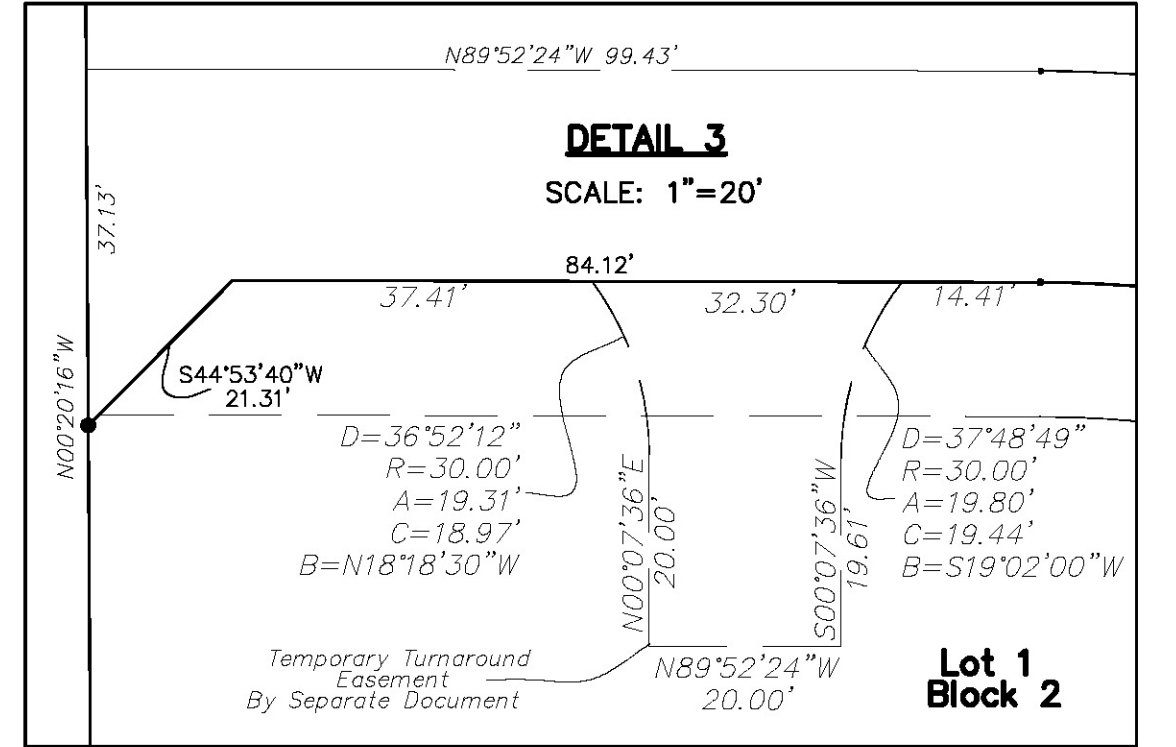
TRACYS VILLAGE SUBDIVISION
OF A PARCEL LOCATED IN
NE1/4 OF SECTION 26
TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN
LOT 2, CARVILLE SIMPLE SUBDIVISION, RECEPTION 2178170
AND RIGHT-OF-WAY VACATION, RECEPTION 2418646
GRAND JUNCTION, MESA COUNTY, COLORADO



DETAIL 1
SCALE: 1"=20'



DETAIL 2
SCALE: 1"=20'



Curve	Delta	Radius	Arc	CH	CH Bearing
C1	12°25'54"	300.00'	65.09'	64.96'	N75°45'46"W
C2	51°40'43"	300.00'	270.59'	261.51'	N43°42'28"W
C3	33°18'35"	300.00'	174.41'	171.96'	S52°53'32"E
C4	18°22'08"	300.00'	96.18'	95.77'	N27°03'10"W
C5	47°03'31"	150.00'	123.20'	119.77'	S87°17'31"W
C6	20°41'41"	150.00'	54.18'	53.88'	N79°31'34"W
C7	12°25'54"	270.00'	58.58'	58.47'	N75°45'46"W
C8	12°25'54"	330.00'	71.60'	71.46'	N75°45'46"W
C9	27°42'52"	330.00'	159.62'	158.07'	N55°41'23"W
C10	20°08'07"	270.00'	94.88'	94.40'	N59°28'46"W
C11	32°58'10"	270.00'	155.37'	153.23'	N32°55'38"W
C12	11°42'11"	330.00'	67.41'	67.29'	N22°02'18"W
C13	40°38'57"	128.00'	90.81'	88.92'	S84°05'14"W
C14	06°24'34"	128.00'	14.32'	14.31'	N72°23'00"W
C15	20°41'41"	172.00'	62.13'	61.79'	N79°31'34"W
C16	20°41'41"	128.00'	46.23'	45.98'	N79°31'34"W
C17	47°03'31"	172.00'	141.27'	137.33'	N87°17'31"E

AREA SUMMARY

LOTS	=	12.93 Acres	85.40%
TRACT A	=	0.44 Acres	2.91%
ROAD ROW	=	1.77 Acres	11.69%
TOTAL	=	15.14 Acres	100.00%

LEGEND

- ALLOT SURVEY MARKER, AS NOTED
- SET 2" ALUMINUM CAP ON 30" No. 5 REBAR, PLS 24953
- PER CRS-38-51-105, IN CONCRETE
- FOUND EVIDENCE, AS NOTED
- PK NAIL, SET IN PAVING
- DURABLE CAP ON No. 5 REBAR TO BE SET AT ALL LOT CORNERS, PRIOR TO SALE OF ANY LOTS, TO COMPLY WITH CRS-38-51-105
- D DELTA ANGLE OF ARC
- R RADIUS OF ARC
- L LENGTH OF ARC
- NAD 83 NORTH AMERICAN DATUM 1983
- CHORD DISTANCE OF ARC
- CHORD BEARING OF ARC
- EQUAL SYMBOL
- PERCENT SYMBOL
- AND SYMBOL
- INTERSTATE HIGHWAY SYMBOL
- STATE HIGHWAY SYMBOL
- UNITED STATES
- NOT TO SCALE
- COLORADO REVISED STATUTES
- SOLICIT, USED IN LEGAL DOCUMENTS (LATIN - ONE HALF)
- NAV88 NORTH AMERICAN VERTICAL DATUM 1988
- CALCULATED POSITION OF POINT OF CURVATURE OR POINT OF TANGENCY
- PROFESSIONAL LAND SURVEYOR
- NUMBER
- LIMITED LIABILITY COMPANY
- ANNO DOMINI
- MORE OR LESS
 DEGREES (ANGULAR) | MINUTES (ANGULAR) OR FEET (LINEAR) | SECONDS (ANGULAR) OR INCHES (LINEAR) | COLORADO DEPARTMENT OF TRANSPORTATION | POINT OF BEGINNING | POINT OF COMMENCING | TOWNSHIP | RADIUS OR RANGE (Context) | MCGPS MESA COUNTY GLOBAL POSITIONING SYSTEM |

SURVEYOR'S CERTIFICATION

I, Jeffrey C. Fletcher, do hereby certify that the accompanying plat of **TRACYS VILLAGE SUBDIVISION**, a subdivision of a part of the City of Grand Junction, Colorado, has been prepared under my direct supervision and represents a field survey of same. To the best of my knowledge and belief, this plat conforms to the requirements for subdivision plats specified in the City of Grand Junction Development code and conforms to the standards of practice, statutes, and rules of the State of Colorado. This survey is not a guaranty or warranty, either expressed or implied.

Preliminary

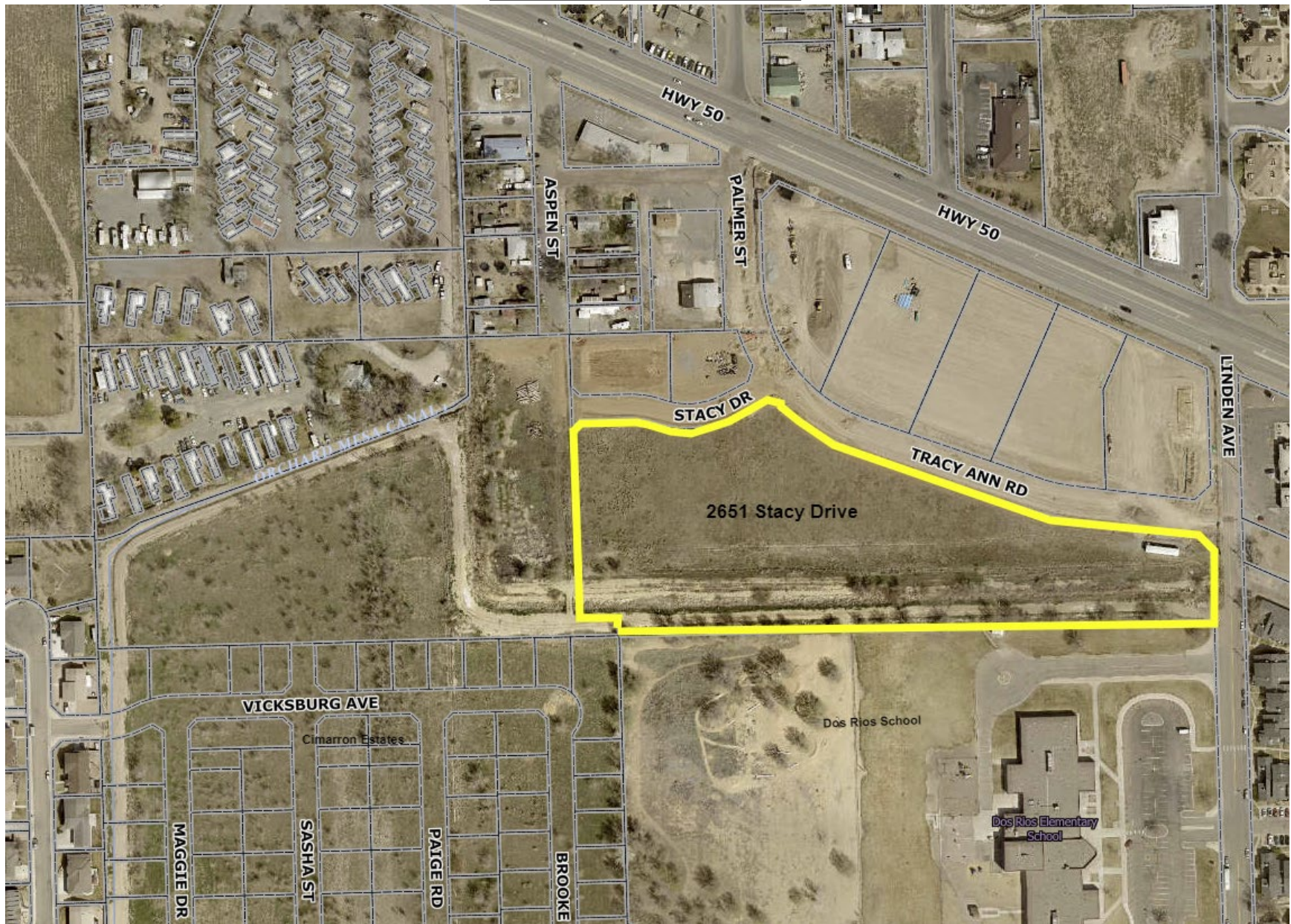
TRACYS VILLAGE SUBDIVISION
OF A PARCEL LOCATED IN
NE1/4 OF SECTION 26
T1S, R1W OF THE UTE MERIDIAN
LOT 2, CARVILLE SIMPLE SUBDIVISION
RECEPTION 2178170 AND
RIGHT-OF-WAY VACATION
RECEPTION 2418646
GRAND JUNCTION, MESA COUNTY, COLORADO
High Desert Surveying, LLC
1673 Highway 50 Unit C
Grand Junction, Colorado 81503
Telephone: 970-254-8649 Fax 970-241-0451
PROJ. NO. 20-106 SURVEYED DRAWN CHK'D SHEET OF
DATE: May, 2021 be knr jcf 2 2

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

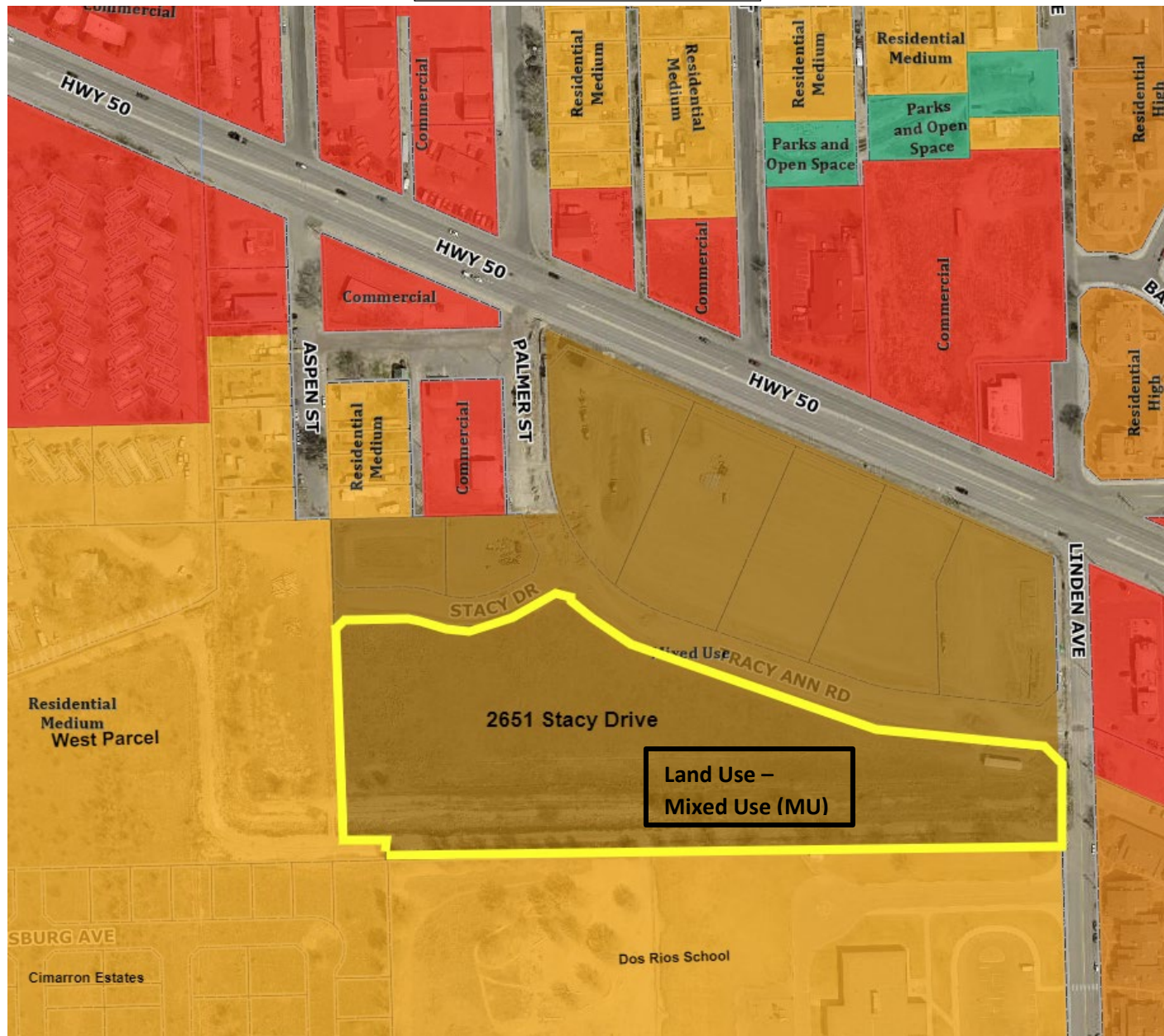
Site Vicinity Map – Aspire Residential Rezone – (Ken Co LLC)



Site Location Map

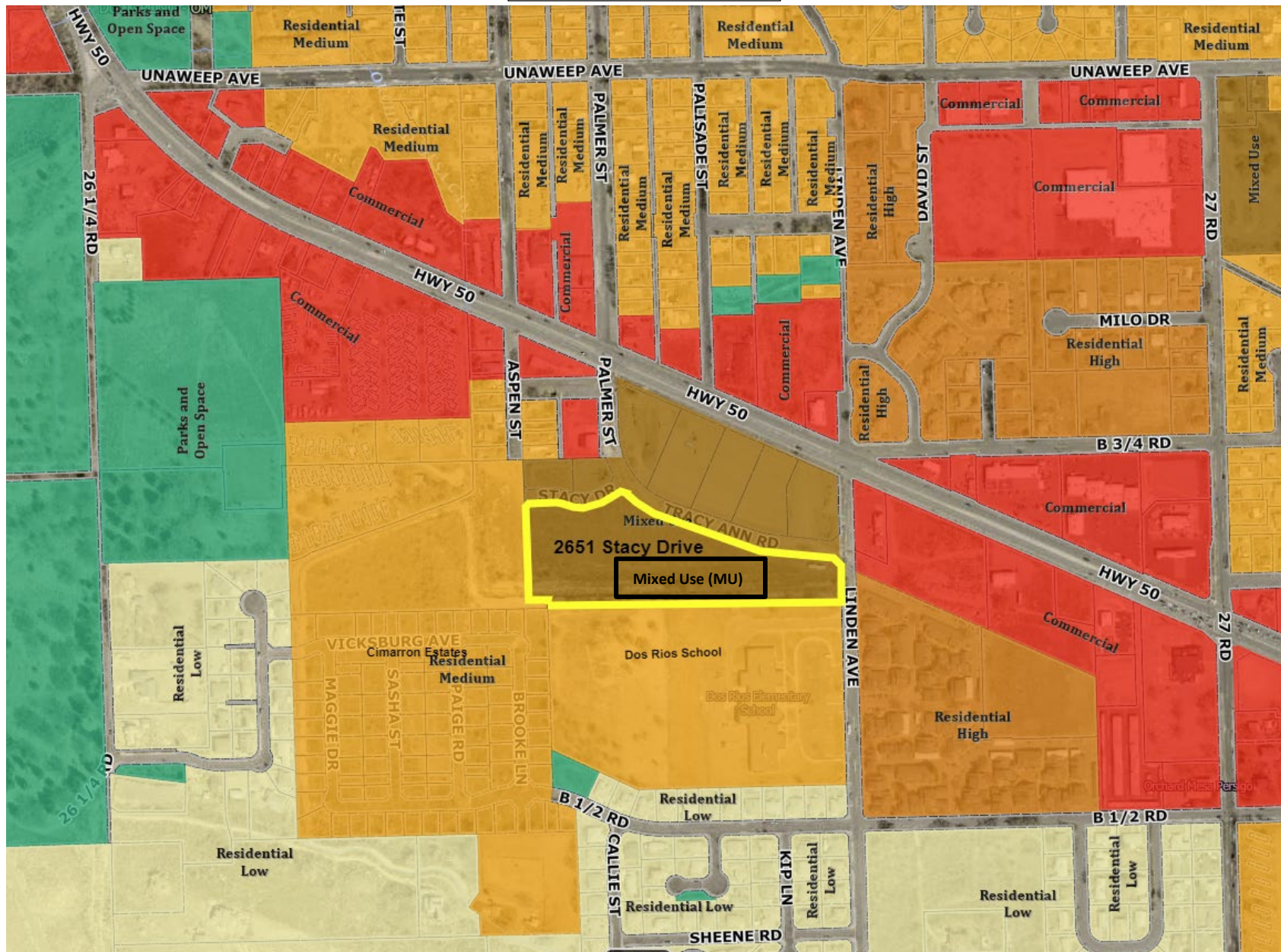


Land Use Map

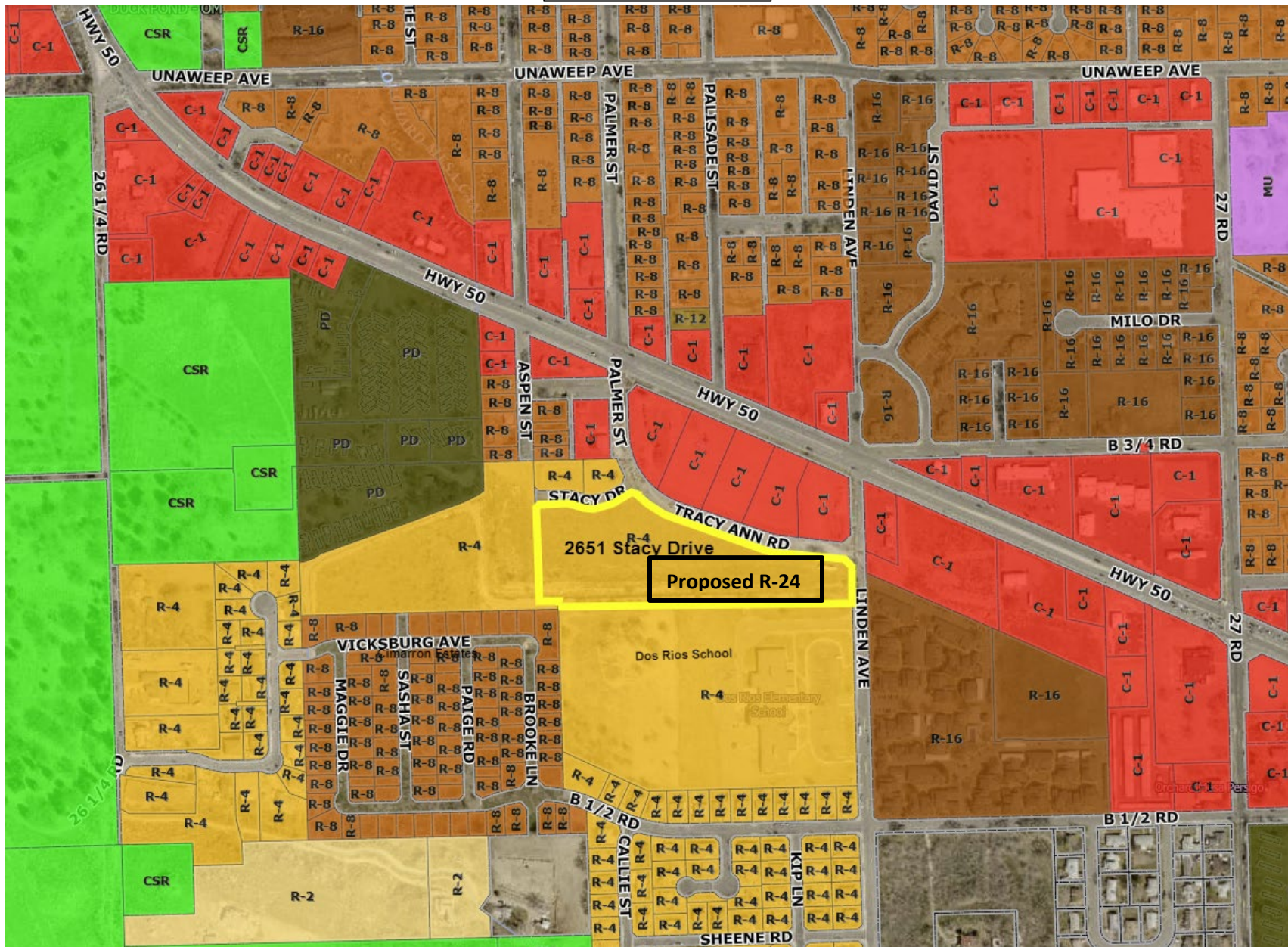


Land Use Map

Larger View



Zoning Map





2651 Stacy Drive Property
Photo of the site, looking west from Linden Avenue



2651 Stacy Drive Property

Photo of the site, looking south-southeast from Stacy Drive



2651 Stacy Drive

View look east from west edge of property

David Thornton

From: Grand Junction Speaks <no-reply@gjspeaks.org>
Sent: Wednesday, January 17, 2024 1:07 PM
To: David Thornton
Cc: Jacob Kaplan
Subject: [Grand Junction Speaks] Comment submitted for: Aspire Residential Rezone

**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****



The following comment has been submitted for Aspire Residential Rezone by Ross Transmeier:

This would bring 350 more cars to this area. Most would be forced to Highway 50 and make a left to downtown. This is very dangerous. I do this every day, I call it threading the needle. You should require a connection from Stracy Drive to 26 1/4 road which leads to a traffic light at Unaweeep and Highway 50. The only way out now is to get to a traffic light is B 1/2 , a narrow dangerous road going past high-density apartments and a school. This request is for very high density. They should solve the traffic they would create.

You can approve or reject the comment [here](#).

This email was delivered by gjspeaks.org

GRAND JUNCTION PLANNING COMMISSION
January 23, 2024, 5:30 PM
MINUTES

The meeting of the Planning Commission was called to order at 5:31 p.m. by Chairman Teske.

Those present were Planning Commissioners; Shanon Secrest, Ken Scissors, Keith Ehlers, and Kim Herek (virtual).

Also present were Jamie Beard (City Attorney), Niki Galehouse (Planning Supervisor), Dani Acosta Stine (Senior Planner), Dave Thornton (Principal Planner), Madeline Robinson (Planning Technician), and Jacob Kaplan (Planning Technician).

There were 54 members of the public in attendance, and 2 virtually.

CONSENT AGENDA

1. Approval of Minutes

Minutes of Previous Meeting(s) from January 9, 2024.

REGULAR AGENDA

1. Riverfront at Dos Rios ODP

PLD-2023-581

Consider a request by DR Land LLC, DR Townhomes LLC, Buena Vida HQ, LLC, and the City of Grand Junction to amend the Planned Development Zoning and Outline Development Plan (ODP) for the Riverfront at Dos Rios, located on the northeast bank of the Colorado River between Highway 50 and Hale Avenue.

Staff Presentation

Dani Acosta Stine, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Tess Williams with May Riegler provided a brief update on the status of the development and were available to answer questions.

Questions for staff

Commissioner Ehlers confirmed that the applicant was on board with the proposed amendments to the PD ordinance.

Public Hearing

The public comment period was opened at 5:00 p.m. on Tuesday, January 16, 2024, via www.GJSpeaks.org.

There were no public comments.

The public comment period was closed at 5:58 p.m. on January 23, 2024.

Discussion

Motion and Vote

Commissioner Scissors made the following motion “Chairman, on the request for the amendment to the Planned Development zone district and Outline Development Plan (ODP) for Riverfront at Dos Rios Located on the Northeast Bank of the Colorado River Between Highway 50 and Hale Avenue, City file number PLD-2023-581, 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.”

Commissioner Secrest seconded; motion passed 6-0.

2. Aspire Residential Rezone

RZN-2024-12

Consider a request by Ken Co LLC to rezone 7.102 acres from R-4 (Residential - 4 du/ac) to R-24 (Residential – 24 du/ac).

Staff Presentation

Dave Thornton, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for staff

Commissioner Ehlers asked if this development would require a traffic study to be completed.

Public Hearing

The public comment period was opened at 5:00 p.m. on Tuesday, January 16, 2024, via www.GJSpeaks.org.

There were no public comments.

The public comment period was closed at 6:12 p.m. on January 23, 2024.

Discussion

Motion and Vote

Commissioner Secrest made the following motion “Mr. Chairman, on the Rezone requests for a 7.11 acre rezone from R-4 (Residential - 4 du/ac) to R-24 (Residential – 24 du/ac) located at 2651 Stacy Drive, a request by the owner Ken Co LLC and applicant Aspire Residential, City file number RZN-2024-12, 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.”

Commissioner Ehlers seconded; motion passed 6-0.

3. Vista 5 LLP Rezone

RZN-2023-555

Consider a request by Vista 5, LLP to rezone 17.37 acres from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5.5 du/ac) located at 2428 H Road.

Commissioner Secrest addressed the public requests for his recusal from this item.

The other Commissioners stated they had no concerns over Commissioner Secrest hearing the item.

Staff Presentation

Niki Galehouse, Planning Supervisor, introduced exhibits into the record and provided a presentation regarding the request.

Nate Porter, owner of the parcel, provided some quotes by City Council members in support of development of affordable housing.

Ivan Geer with River City Consulting provided a presentation on the request and was available for questions.

Questions for staff

Public Hearing

The public comment period was opened at 5:00 p.m. on Tuesday, January 16, 2024, via www.GJSpeaks.org.

Bob Fuoco stated that in 2019, City Council zoned the parcel to R-1. He noted that the subject property is completely surrounded by Mesa County and is not contiguous with the Persigo district. He argued that this rezone would reduce available stock for low density development. He commented that the area is unsafe for pedestrian and bicycle traffic.

Donna Aubert raised concerns about the increased strain on Appleton Elementary School.

Jim Marshall spoke on the approval criteria for the rezone and gave his reasoning for disagreeing with City staff's findings.

Meryl Wyatt stated that affordable housing is not as beneficial in the long term as attainable housing. He stated that Grand Junction needs to build more housing at all densities.

Dan Komlo stated that all of the previous applications for this project had strong opposition from the neighboring residents. He stated that this rezone is inconsistent with the character of the area. He stated that there is a lack of safe pedestrian connections across I70.

Larry Tice stated his opposition to the increased density.

Christi Reece expressed her support for the rezone noting the communities need for higher density housing developments.

Shiloh White stated she was open to development of the parcel, but only at the R-1 density. She provided statistics on consumer preferences for housing. She noted that there are high density developments nearby, but that kind of development did not fit the character of this area. She argued that other boundaries already exist besides the Urban Development Boundary (UDB).

Pat Page noted that if all the parcels in the area developed as R-1, it would be a 1000% increase in the density of the area. He argued that this area had intrinsic value for the variety of housing options in Grand Junction.

Dave Zollner quoted one of the commissioners on their opinion of the development. He said that the UDB is not a good indicator for development and that proximity does not necessarily mean it matches the character. He stated his complaints about the flagpole annexation and public noticing. He argued that this development is not infill and provided context from the 2020 One Grand Junction Comprehensive Plan (2020 Comp Plan) to support his claims.

Tyler Mundy argued that R-5 is not low density. He brought up the current state of H Rd and that the development would not be accessible by a City street. He expressed that if H Rd is supposed to be a major thoroughfare, the 24 ½ and 25 Rd bridges should be improved as well.

Ed Butterfield stated that he moved to the Grand Junction due to the diversity of housing options.

Cynthia Komlo disagreed with the quotes provided by Nate Porter. She argued that affordable housing did not currently exist in the area and should not be developed there in the future.

Ivan Geer stated that the UDB was the extent of annexation for the City. He noted that enrollment was declining for schools.

Nate Porter clarified his definition of affordable vs. attainable housing, and that he had nothing to do with the rezone of the property in 2019.

Commissioner Ehlers clarified that City Council approved the rezone to R-1 before the adoption of the 2020 Comp Plan. He asked if the proposed designation of H Rd as an arterial road was under current traffic volumes or projected future volumes. He asked how the character and condition of the area had changed since the last time this project was presented to the Planning Commission. He asked if there were any roads, other than H Rd and 24 Rd, that were slated for improvement in the area.

The public comment period was closed at 7:34 p.m. on January 23, 2024.

Discussion

Commissioner Ehlers thanked the community members for their participation and quality of feedback and presentations they provided. He commented on his familiarity with the area. He provided some context on the delineation of the UDB and the importance of public input in its implementation. He noted that the R-1 zoning was not in alignment with the 2020 Comp Plan and that it is the owner's right to develop their property as they choose, provided it is in alignment with the 2020 Comp Plan.

Commissioner Duyvejonck thanked the community members for their participation and that their feedback was taken into consideration. She noted that the Commission's decision has to be based on future development and that it is easier to be proactive with development.

Commissioner Scissors thanked the community members for their participation. He noted that the Planning Commission was entertaining a request to rezone the property, not to amend the 2020 Comp Plan. He noted that the request aligned with the 2020 Comp Plan. He addressed his previous comment on compatibility of this development and that he still did not see it, but that there were adequate amenities and services presently available to accommodate the development.

Commissioner Secrest thanked the community members for their participation. He noted that what neighborhoods want and what the community wants aren't always in alignment and that the Commission needed to consider the 2020 Comp Plan first and foremost. He mentioned that what constitutes "affordable" is often subjective.

Commissioner Herek echoed the comments made by the other commissioners.

Motion and Vote

Commissioner Ehlers made the following motion "Mr. Chairman, on the Rezone request for the property located at 2428 H Road, City file number RZN-2023-555, 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."

Commissioner Secrest seconded; motion passed 6-0.

OTHER BUSINESS

ADJOURNMENT

Commissioner Scissors moved to adjourn the meeting.

The vote to adjourn was 6-0.

The meeting adjourned at 7:56 p.m.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING FROM RL-4 (RESIDENTIAL LOW - 4 DU/AC) TO RH-24
(RESIDENTIAL HIGH – 24 DU/AC) ZONE DISTRICT**

**LOCATED AT 2651 STACY DRIVE
Tax Parcel No. 2945-261-43-003**

Recitals:

The property owner, Ken Co LLC, proposes to rezone 7.11-acres located at 2651 Stacy Drive (“Property”) from RL-4 (Residential Low – 4 du/ac) to RH-24 (Residential High – 24 du/ac).

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of changing the zoning from RL-4 (Residential Low – 4 du/ac) to RH-24 (Residential High – 12 du/ac) for the Property, finding that the change conforms to and is consistent with the 2020 One Grand Junction Comprehensive Plan Land Use Map designation of RH-24 (Residential High – 24 du/ac) and the Comprehensive Plan’s goals and policies, and is generally compatible with land uses located in the area.

After public notice and public hearing, the Grand Junction City Council finds that rezoning the Property from RL-4 (Residential Low– 4 du/ac) to RH-24 (Residential High – 24 du/ac) is consistent with the vision, intent, goals, and policies of the Comprehensive Plan. The City Council also finds that the request for rezone has met one or more criteria for a Comprehensive Plan amendment and that the request satisfies at least one of the stated criteria of §21.02.140 of the Grand Junction Zoning and Development Code.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The Recitals are incorporated herein, and that the Property described below is hereby duly and lawfully zoned RH-24 (Residential High – 24 du/ac) and shall be so shown on the zoning map:

The Property is described as LOT 1 IN BLOCK 2 OF TRACYS VILLAGE SUBDIVISION, COUNTY OF MESA, STATE OF COLORADO. Said Property being comprised of 7.11 Acres more or less.

INTRODUCED on first reading this 7th day of February 2024 and ordered published in pamphlet form.

ADOPTED on second reading this ____ day of _____ 2024 and ordered published in pamphlet form.

Anna M. Stout
President of the City Council

ATTEST:

Amy Phillips
City Clerk

DRAFT



Grand Junction City Council

Regular Session

Item #4.b.ii.

Meeting Date: March 20, 2024
Presented By: Jessica Johnsen, Senior Planner
Department: Community Development
Submitted By: Jessica Johnsen, Senior Planner

Information

SUBJECT:

An Ordinance Zoning Approximately 4.06 Acres from R-8 (Residential 8 du/ac) to MU-2 (Mixed Use) Located at 640 24 ½ Road

RECOMMENDATION:

Planning Commission heard this item at the February 13, 2024 meeting and voted (5 to 0) to recommend approval of the request.

EXECUTIVE SUMMARY:

The Applicant, Royce Carville, is requesting a rezone to MU-2 (Mixed Use Light Commercial) for approximately 4.06 acres of land located at 640 24 ½ Road. The zone district of MU-2 is consistent with the Mixed-Use Land Use category of the Comprehensive Plan.

This application was filed and reviewed prior to the new Zoning and Development Code adoption and is being evaluated under the 2010 Zoning and Development Code. The zoning district names are updated as the new code is now effective.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The Applicant is requesting a zone district of MU-2 (Mixed Use Light Commercial). The property is currently zoned as RM-8 (Residential Medium 8). The proposed zone district of MU-2 is consistent with the Mixed-Use category of the Comprehensive Plan. The property owner is interested in preparing the property for future commercial development, which would be consistent with the scope and type of development envisioned by the Comprehensive Plan with a Mixed-Use land use designation.

Surrounding zoning is mostly RM-8 to the east and north, MU-2 (formerly C-1 & M-U)

directly to the west across 24 ½ Road, and MU-2 (formerly M-U) directly to the south. The subject property has a land use designation of Mixed Use. The Applicant is now requesting a rezone to MU-2

If the rezone application is approved and a development is subsequently proposed, it would be required to go through a formal review process for any future development on the site, likely in the form of a Major Site Plan Review.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed rezone request was held at the site location, 640 24 ½ RD. on April 21, 2023, in accordance with Section 21.02.080(e) of the Zoning and Development Code. Questions concerned the future development and the development process.

Notice was completed consistent with the provisions in Section 21.02.030(g) of the City's Zoning and Development Code. The subject property was posted with application signs on each street frontage on September 1, 2023, and an updated sign to meet 2023 Zoning & Development Code requirements was posted on February 1, 2024. 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 February 2, 2024. The notice of the Planning Commission public hearing was published on February 4, 2024, in the Grand Junction Daily Sentinel. An online hearing with an opportunity for public comment was held between February 6 and February 12, 2024, through the GJSpeaks.org platform.

ANALYSIS

The criteria for review are set forth in Section 21.02.140(a) of the Zoning and Development Code, which provides that the City may rezone property if the proposed changes are consistent with the vision, goals, and policies of the Comprehensive Plan and if the proposal meets one or more of the following rezone criteria as identified:

- (1) Subsequent events have invalidated the original premises and findings; and/or
Upon adoption of the 2020 Comprehensive Plan, the property and vicinity received a land use designation of Mixed Use. Under the 2020 Comprehensive Plan, the current zoning of RM-8 (Residential Medium 8) is not supported to implement the Mixed-Use land use designation. While the property is permitted to retain its RM-8 zoning and develop according to RM-8 development standards, the requested MU-2 (Mixed Use) district implements the Mixed-Use land use designation. Therefore, staff finds this criterion is met.
- (2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or
The area east of 24 ½ Road has maintained the general character of medium-density residential, and a buffer of mixed-use zoning generally exists directly adjacent to 24 ½ Road south of this property. As 24 ½ Road has developed to the west, it is primarily a non-residential development. As such, the 2020

Comprehensive Plan implements the lots directly east of 24 ½ Road as “Mixed Use” to provide a buffer of mixed-use zoning adjacent to residential. The new F ½ Road improvements and roundabout will help separate the residential area to the North from the nonresidential areas. Therefore, staff finds that this criterion is met.

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

Ute Water and City sanitary sewer are available within the 24 ½ Road right-of-way to serve the property. Xcel Electric can serve the property.

Fire Station #3 is located approximately 1.5 miles to the southeast. Pomona Elementary School is approximately 1.5 miles to the southeast, and Community Hospital is approximately 1.3 miles to the northwest. Other commercial retail centers are directly south of this property and across 24 ½ Road to the south. The available public and community facilities are adequate to serve the commercial uses allowed within the Mixed-Use district as anticipated to be developed. Therefore, staff finds that this criterion is met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate that proposed land use; and/or

There are other properties within a half-mile radius of the subject property that implement the Mixed-Use land use designation, many of which are vacant properties that could support commercial uses for infill development. There is generally suitably designated land zoned to accommodate the proposed land use within the area and the broader community. Therefore, staff finds that this criterion is not met.

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

Rezoning properties within the Mixed-Use land use designation from the RM-8 district to an implementing district supports the Comprehensive Plan goals of increasing mixed-use zoning and encouraging commercial development along 24 ½ Road. Additionally, developing businesses increases the availability of potential jobs and varies shopping, dining, and recreation options for residents. The proposed rezone benefits the community by applying development standards for mixed use on the subject property, and by supporting the incremental development of 24 ½ Road. Therefore, staff finds that this criterion is met.

In addition to the above criteria, the City may rezone the property if the proposed changes are consistent with the vision, goals, and policies of the Comprehensive Plan. The following provides an analysis of relevant sections of the Comprehensive Plan that support this request.

Implementing the Comprehensive Plan. The following narrative evaluates the proposed rezone to MU-2 (Mixed Use) under the principles, goals, and policies of the Comprehensive Plan:

- **Land Use Plan: Relationship to Existing Zoning**

Requests to rezone properties should be considered based on the Implementing Zone Districts assigned to each Land Use Designation. As a guide to future zoning changes, the Comprehensive Plan states that requests for zoning changes are required to implement the Comprehensive Plan. The 2020 Comprehensive Plan provides the subject property with a land use designation of Mixed Use. The proposed MU-2 zone district implements the Mixed-Use designation.

- **Plan Principle 3: Responsible and Managed Growth**

How We Will Get There

Encourage infill and redevelopment to leverage existing infrastructure.

Responsible and managed growth requires that growth occur where infrastructure already exists. Staff finds the request to be consistent with the following goals and policies of the Comprehensive Plan:

Where We are Today

The One Grand Junction Comprehensive Plan raises concerns about an increasing population that may be outpacing available services. The focus on growth has been infill and redevelopment that take advantage of existing infrastructure. Future growth will need to prioritize infill.

- **Plan Principle 3.1.b.: Intensification and Tiered Growth**

1. *Support the efficient use of existing public facilities and services by directing development to locations where it can meet and maintain the level of service targets as described in Chapter 3;*
2. *Servicing Growth. Prioritize development in the following locations (in order of priority). Periodically consider necessary updates to the Tiers.*

i. Tier 1: Urban Infill

The subject property is located within the Tier 1 – Urban Infill tier as identified on the City's Growth Plan. Rezoning to MU-2 creates opportunities for more mixed-use development and mixed uses in an area that the 2020 Comprehensive Plan identifies as a priority for infill. Development of parcels located within Tier 1 will provide development opportunities while minimizing the impact on infrastructure and City services. Rezoning to MU-2 will help direct any potential future mixed-use development to an area that has adequate public infrastructure and amenities to accommodate that growth.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Carville Property Rezone, RZN-2023-482, rezoning one parcel totaling 4.06 acres from R-8 (Residential du/ac) to MU-2 (Mixed Use) for the property located at 640 24 ½ Road, the following findings of fact have been made:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan; and
2. In accordance with Section 21.02.140 of the Grand Junction Zoning and Development Code, one or more of the criteria has been met.

The Planning Commission heard this request at the February 13, 2024, meeting and recommended approval of the request.

FISCAL IMPACT:

There is no direct fiscal impact related to this request.

SUGGESTED MOTION:

I move to (adopt/deny) Ordinance No. 5208, an ordinance to rezone 4.06 acres from RM-8 (Residential Medium – 8 du/ac) to MU-2 (Mixed Use Light Commercial) located at 640 24 1/2 Road and set a public hearing for March 20, 2024.

Attachments

1. Exhibit 1 - Development Application
2. Exhibit 2 -Site Maps
3. Exhibit 3 - Planning Commission Minutes - 2024 - February 13 - DRAFT
4. ORD-Carville Zoning 20240229

Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For: Annexation/Zone of Annexation

Please fill in blanks below only for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation: _____

Existing Zoning: R8

Proposed Land Use Designation: _____

Proposed Zoning: MU

Property Information

Site Location: 640 24 1/2 Road

Site Acreage: 30

Site Tax No(s): 2945-044-00-189

Site Zoning: R-8

Project Description:

Property Owner Information

Name: Royce Carville

Applicant Information

Name: _____

Representative Information

Name: Theresa Englbrecht

Street Address: 1875 Deer Park

Street Address: _____

Street Address: 1015 N. 7th St.

City/State/Zip: Grand Junction, CO

City/State/Zip: _____

City/State/Zip: Grand Junction, CO

Business Phone #: 970-985-0238

Business Phone #: _____

Business Phone #: 970-201-1899

E-Mail: rjcarville@bresnan.net

E-Mail: _____

E-Mail: theresa@brayandco.com

Fax #: _____

Fax #: _____

Fax #: _____

Contact Person: Royce

Contact Person: _____

Contact Person: Theresa

Contact Phone #: same

Contact Phone #: _____

Contact Phone #: same

NOTE: Legal property owner is owner of record on date of submittal.

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application: _____

Date: 7-24-23

Signature of Legal Property Owner: _____

Date: 7/24/23

Please print and sign

Please print and sign

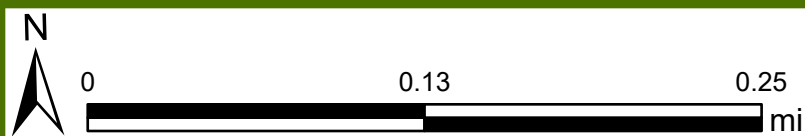
Site Map



0 0.05 0.1 mi

Printed: 2/2/2024
1 inch equals 188 feet
Scale: 1:2,257
Packet Page 251

Zoning Map



Printed: 2/2/2024
1 inch equals 376 feet
Scale: 1:4,514
Packet Page 252

GRAND JUNCTION PLANNING COMMISSION
February 13, 2024, 5:30 PM
MINUTES

The meeting of the Planning Commission was called to order at 5:33 p.m. by Chairman Scissors.

Those present were Planning Commissioners; Shanon Secrest, Melanie Duyvejonck, Sandra Weckerly, and Keith Ehlers.

Also present were Jamie Beard (City Attorney), Niki Galehouse (Planning Supervisor), Jessica Johnsen (Senior Planner), Madeline Robinson (Planning Technician), and Jacob Kaplan (Planning Technician).

There were 4 members of the public in attendance, and 0 virtually.

Commissioner Ehlers asked if there is a partnership between Grand Junction and Denver regarding the migrant population and how it impacts the Planning Commission's deliberations for planning and housing code items.

It was clarified that the GJ Mayor, Anna Stout, had already spoken to Denver's Mayor about this, and there was no formal proposal or plan at this time.

CONSENT AGENDA

1. Approval of Minutes

Minutes of Previous Meeting(s) from January 23, 2024.

REGULAR AGENDA

1. Carville Property Rezone

RZN-2023-482

Consider a request by Royce Carville, property owner, to zone 4.07 acres from R-8 (Residential – 8 du/ac) to MU-2 (Mixed Use) located at 640 24 ½ Road.

Staff Presentation

Jessica Johnsen, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for staff

Public Hearing

The public comment period was opened at 5:00 p.m. on Tuesday, February 6, 2024, via www.GJSpeaks.org.

There were no public comments.

The public comment period was closed at 5:50 p.m. on February 13, 2024.

Discussion

Commissioner Weckerly asked for clarification on the zone designation that was being requested.

Motion and Vote

Commissioner Ehlers made the following motion “Mr. Chairman, on the Carville Property Rezone request from an R-8 (Residential 8 du/ac) zone district to an MU-2 (Mixed Use) zone district for the 4.06 acre property located at 640 24 ½ Road., City File Number RZN-2023-482, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in this staff report.”

Commissioner Secrest seconded; motion passed 5-0.

2. Zoning & Development Code Amendments – Quarter 1 2024 ZCA-2024-54

Consider Amendments to Title 21 Zoning and Development Code to Modify and Clarify Various Provisions Relating to Withdrawn Applications, Public Notice Requirements, Planned Developments, Adding a Use for Public Parking, Junkyard or Salvage Yard Use Standards, Accessory Dwelling Unit (ADU) Standards, Drive-Through Facility Standards, and Fence Standards; Consider an Amendment to Title 25 24 Road Corridor Design Standards Regarding Alternate Streets Requests for Widths of Pedestrian Walks; Consider Amendments to Title 22, Title 23, Title 24, Title 25, Title 26, and Title 27 to Update Zone District Titles to Reflect Revisions in the Adoption of the 2023 Zoning & Development Code.

Staff Presentation

Niki Galehouse, Planning Supervisor, introduced exhibits into the record and provided a presentation regarding the request.

Questions for staff

Discussion ensued about the proposed limitations on allowed fence materials within the downtown core in regard to variance requests, impacts on residentially zoned lots, and the boundaries for the “Downtown Core”.

Additional context was requested on the revisions to the code language for drive thru windows. There were concerns about restricting the potential for developers to add drive thru windows for their developments.

Public Hearing

The public comment period was opened at 5:00 p.m. on Tuesday, February 6, 2024, 2024, via www.GJSpeaks.org.

There were no public comments.

The public comment period was closed at 6:22 p.m. on February 13, 2024.

Discussion

Motion and Vote

Commissioner Ehlers made the following motion “Mr. Chairman, on the request to amend Title 21 Zoning and Development Code of the Grand Junction Municipal Code, City file number ZCA-2024-54, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report, with an amendment on the drive-through facility standards, Section E, that all revisions be omitted except the strikethrough of façade, the addition of designated front, and the addition of “pursuant to Section 21.14.010(C)(iii).”

Commissioner Secrest seconded; motion passed 5-0.

Commissioner Ehlers made the following motion “Mr. Chairman, on the request to amend Title 25 Zoning and Development Code of the Grand Junction Municipal Code, City file number ZCA-2024-54, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report.”

Commissioner Secrest seconded; motion passed 5-0.

Commissioner Ehlers made the following motion “Mr. Chairman, on the request to amend Title 22, Title 23, Title 24, Title 25, Title 26, and Title 27 Zoning and Development Code of the Grand Junction Municipal Code, City file number ZCA-2024-54, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report.”

Commissioner Secrest seconded; motion passed 5-0.

OTHER BUSINESS

ADJOURNMENT

Commissioner Secrest moved to adjourn the meeting.

The vote to adjourn was 5-0.

The meeting adjourned at 6:27 p.m.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING FROM R-8 (RESIDENTIAL - 8 DU/AC) TO MU-2
(MIXED USE) ZONE DISTRICT**

**LOCATED AT 640 24 ½ ROAD
Tax Parcel No. 2945-044-00-189**

Recitals:

The property owner, Royce Carville, proposes a rezone from R-8 (Residential – 8 du/ac) to MU-2 (Mixed Use) 4.06-acres, located at 640 24 ½ Road (“Property”).

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended changing the zoning of the Property from R-8 (Residential – 8 du/ac) to MU-2 (Mixed Use) finding that the change conforms to and is consistent with the Land Use Map designation of Mixed Use of the 2020 One Grand Junction Comprehensive Plan, and the Comprehensive Plan’s Goals and Policies, and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that rezoning from R-8 (Residential – 8 du/ac) to MU-2 (Mixed Use) for the Property, is consistent with the Comprehensive Plan and has met one or more criteria for a Comprehensive Plan amendment, the City Council also finds that the MU-2 (Mixed Use) zone district, is consistent and is in conformance with the Comprehensive Plan, and at least one of the criteria of §21.02.140 of the Grand Junction Zoning and Development Code.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The Recitals are incorporated and in consideration thereof and the evidence in the record of the application and hearings thereon, the following property described property (“Property”) is and shall be duly and lawfully zoned MU-2 (Mixed Use) on the Grand Junction zoning map:

The Property is a parcel of land being a portion of the land as described in Reception Number 2353373 lying in the NW1/4 SE1/4 of Section 4, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado. The Property is comprised of 4.06 acres, more or less.

INTRODUCED on first reading this _____ day of _____ 2024 and ordered published in pamphlet form.

ADOPTED on second reading this ____ day of _____ 2024 and ordered published in pamphlet form.

Anna M. Stout
President of the City Council

ATTEST:

Amy Phillips
City Clerk

DRAFT



Grand Junction City Council

Regular Session

Item #5.a.

Meeting Date: March 20, 2024

Presented By:

Department: City Clerk

Submitted By:

Information

SUBJECT:

Discussion and Possible Action Regarding Selection Process for City Manager

RECOMMENDATION:

EXECUTIVE SUMMARY:

BACKGROUND OR DETAILED INFORMATION:

FISCAL IMPACT:

SUGGESTED MOTION:

Attachments

None