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**PLANNING COMMISSION AGENDA  
IN-PERSON/VIRTUAL HYBRID MEETING  
CITY HALL AUDITORIUM, 250 N 5<sup>th</sup> STREET  
TUESDAY, MARCH 12, 2024 - 5:30 PM  
*Attend virtually:* [bit.ly/GJ-PC-3-12-24](http://bit.ly/GJ-PC-3-12-24)**

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**Call to Order - 5:30 PM**

**Consent Agenda**

1. Minutes of Previous Meeting(s)

**Regular Agenda**

1. Consider a request by Monument Ridge Estates LLC., Lawrence Balerio, to vacate 0.32 acres of Ferree Drive right-of-way.
2. 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.
3. 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).
4. 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. **Item to be rescheduled for a future meeting date.**
5. 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

**Adjournment**

**Other Business**

**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**

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**1. Approval of Minutes**

Minutes of Previous Meeting(s) from January 23, 2024.

**REGULAR AGENDA**

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**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](http://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](http://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**

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## **ADJOURNMENT**

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Commissioner Secrest moved to adjourn the meeting.

*The vote to adjourn was 5-0.*

The meeting adjourned at 6:27 p.m.



## Grand Junction Planning Commission

### Regular Session

Item #1.

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**Meeting Date:** March 12, 2024  
**Presented By:** Jessica Johnsen, Senior Planner  
**Department:** Community Development  
**Submitted By:** Jessica Johnsen, Senior Planner

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### Information

#### **SUBJECT:**

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

#### **RECOMMENDATION:**

Staff recommends conditional approval of the request.

#### **EXECUTIVE SUMMARY:**

The Applicant, Lawrence Balerio, is requesting the vacation of approximately 0.32 acres of public right-of-way of Ferree Drive in anticipation of future residential subdivision development for the proposed Monument Ridge Estates Subdivision which will be located at 2076 Ferree Drive and 2074 Broadway. The request to vacate is consistent with the City's Comprehensive Plan and Circulation Plan.

The approval of the request is conditioned on the construction of Manzanita Drive and Blue Moon Drive being completed prior to the ordinance associated with this application becoming effective to ensure connectivity to Broadway for the residents in the area and throughout construction and development of the subdivision.

This application was filed and reviewed prior to the new Zoning and Development Code being adopted 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 subject vacation area of 0.32 acres is located north of Broadway (Hwy 340), on the southeastern portion of Ferree Drive. The right-of-way was dedicated in 1958 "to the public" by Myron J. Ferree and Eloise J. Ferree on the plat for Ellie Heights with

Reception #731636.

The subject property is adjacent to the Monument Ridge Estates Development. State requirements for Highway 340 (Broadway) do not allow for two entrances so close together as the connection designed with the Monument Ridge Estates. In order for the developer to create additional lots, the entrance as designed was needed. Vacating the requested portion of Ferree Drive allows for the subdivision to build out as designed. The subdivision includes a connection to the entrance on to Broadway so those residents who have used this portion of Ferree Drive still have appropriate circulation available. Manzanita Drive and Blue Moon Drive will be constructed with Monument Ridge Estates and provide the connectivity to Broadway (Hwy 340). The vacation of this right-of-way is necessary for future development of the subdivision.

Manzanita Drive will facilitate the connectivity to Broadway (Hwy 340). As a condition of approval, the vacation ordinance will not be effective until the construction of Manzanita Drive and Blue Moon Drive are completed.

### **NOTIFICATION REQUIREMENTS**

A Neighborhood Meeting regarding the proposed rezone request was held on September 7, 2022, in accordance with Section 21.02.080(e) of the Zoning and Development Code. There were eleven participants, including the applicants, city staff and eight members of the public. 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 February 28, 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 March 1, 2024. The notice of the Planning Commission public hearing was published March 3, 2024 in the Grand Junction Daily Sentinel. An online hearing with opportunity for public comment was held between March 5 and March 11, 2024 through the GJSpeaks platform.

### **ANALYSIS**

The criteria for review are set forth in Section 21.02.100(c) of the Zoning and Development Code. The purpose of this section is to permit the vacation of surplus rights-of-way and/or easements. The vacation of the right-of-way or easement shall conform to the following:

1. The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City;

The request to vacate 0.32 acres of existing public right-of-way does not conflict with the Comprehensive Plan, Grand Junction Circulation Plan or other adopted plans and

policies of the City. Vacation of this right-of-way will have no impact on public facilities or services provided to the general public as comparable circulation will be available through the Monument Ridge Estates subdivision with the right-of-way built and useable before the vacation is complete.

Further, the vacation request is consistent with the following goals and policies of the Comprehensive Plan:

- Principal 3: Responsible and Managed Growth
- Policy 4: Maintain and build infrastructure that supports urban development.
- Policy 5: Plan for and ensure fiscally responsible delivery of City services and infrastructure.

Therefore, staff has found this criterion has been met.

2. No parcel shall be landlocked as a result of the vacation;

This request is to vacate existing public right-of-way which is not needed to provide access to the subject property. The property will have multiple points of access once Blue Moon Dr. and the portion of Manzanita Dr. from the north intersection line with Blue Moon Drive to US Hwy 340 are constructed. As stated, the vacation will not be effective until the new subdivision's streets are completed. Therefore, staff has found that this criterion has been met.

3. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation;

With the required conditions, this vacation request does not impact access to any parcel and as such, staff finds this criterion has been met.

4. There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g., police/fire protection and utility services; There will be no adverse impact to public facilities and services. A utility easement shall be retained in the right-of-way area as Ute Water has a waterline in the roadway. In addition, a sight-distance easement shall be retained in a portion of the right-of-way being vacated as indicated on Exhibit Six (6) attached hereto and incorporated herein. The sight distance easement is a requirement of CDOT for the entrance on Broadway to change to from this portion of Ferree Drive to Manzanita Drive. CDOT, Redlands Water and Power, City of Grand Junction Fire, and Xcel Energy responded during the review that there was no objection to the vacation of this property. No comments were received from other review agencies. Staff therefore finds this criterion has been met.

5. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 GJMC; and

Neither staff nor utility providers have identified that this request will inhibit the provision of adequate public facilities and services with the retaining of the utility easement and the sight-distance easement, further, the site planning process will facilitate locating adequate public facilities and services. Staff finds that this criterion has been met.

6. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

This proposal will remove right-of-way and provide for better circulation through the subdivision and allow for additional lots within the City consistent with the designated zone and Comprehensive Plan Land Use designation. The anticipated benefit of the vacation request will give the Applicant the ability to develop the property with road infrastructure that is constructed to City standards as well as the construction and alignment of roads consistent with the City's adopted Circulation Plan. As such, Staff finds that this criterion has been met.

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

After reviewing the Ferree Drive – Public Right-Of-Way Vacation, VAC-2023-111, located north of Broadway (Hwy 340), on the southeastern portion of Ferree Drive and, the following findings of fact have been made with the recommended conditions of approval:

The request with the following conditions conforms with Section 21.02.100(c) of the Zoning and Development Code.

Therefore, Staff recommends approval of the requested vacation with the following conditions:

1. The full right-of-way area being vacated shall be retained as a utility easement and a portion as described in Exhibit Six (6) shall be retained as a sight-distance easement.
2. The vacation shall not be effective until Blue Moon Drive and Manzanita Drive have been constructed and approved for use by the public.

### **SUGGESTED 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.

### **Attachments**

1. Exhibit 2 - Development Application



2. Exhibit 3 - Site Map
3. Exhibit 4 - Neighborhood Meeting Notes
4. Exhibit 5 - ROW Vacation Exhibit
5. Exhibit 6 - Sight Distance Easement
6. Exhibit 7 - Draft Ordinance

## 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: Vacation - Right-of-way

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

Existing Land Use Designation <span style="border: 1px solid black; display: inline-block; width: 200px; height: 15px; vertical-align: middle;"></span>	Existing Zoning <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px; vertical-align: middle;"></span>
Proposed Land Use Designation <span style="border: 1px solid black; display: inline-block; width: 200px; height: 15px; vertical-align: middle;"></span>	Proposed Zoning <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px; vertical-align: middle;"></span>

Property Information

Site Location: 2076 Ferre & 2074 Broadway      Site Acreage: 0.880476 & 3.674549

Site Tax No(s): 2947-154-10-022 & 2947-154-00-120      Site Zoning: R-4

Project Description: The request is to vacate the Right of Way

Property Owner Information

Name: Prolo Family Clovis LLC 60

Street Address: 19841 Glen Una Drive

City/State/Zip: Saratoga, CA 95070

Business Phone #: 408-373-1629

E-Mail: jmplrob@yahoo.com

Fax #:

Contact Person: Joanne Prolo

Contact Phone #: 408-373-1629

Applicant Information

Name: Monument Ridge Estates

Street Address: 1380 North Avenue

City/State/Zip: Grand Junction, CO 81501

Business Phone #: 970-245-7542

E-Mail: balerio1@aol.com

Fax #:

Contact Person: Lawrence Balerio

Contact Phone #: 970-245-7542

Representative Information

Name: Kim Kerk Land Consulting and

Street Address: 2829 North Ave Suite 200

City/State/Zip: Grand Junction, CO 81501

Business Phone #: (970) 640-6913

E-Mail: Kimk355@outlook.com

Fax #:

Contact Person: Kim Kerk

Contact Phone #: (970) 640-6913

**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.

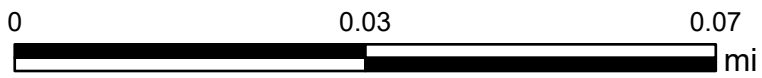
Signature of Person Completing the Application *Joanne Prolo*

Signature of Legal Property Owner *Joanne Prolo*

Date Feb. 7, 2023

Date Feb. 7, 2023

# Site Map



Printed: 3/4/2024  
1 inch equals 94 feet  
Scale: 1:1,128  
Packet Page 11

09/07/2022

Lawrence Balerio- Integrity Homes 2076 Ferree and 2074 Broadway

Attendees: Kim Kerk, Scott Peterson and 8 neighbors. Also, Jeffery Fleming (Planner) for 2080 Broadway.

Meeting called at 5:35pm

Kim Kerk, Project Manager (PM) introduced herself and Senior Planner, Scott Peterson.

This is the 3<sup>rd</sup> additional Neighborhood Meeting for the proposed Monument Ridge Estates (Updated Informational Meeting) 46 to 47 lots.

The neighbors arrived with concerns. Kim explained that there was going to be 1 additional lot. The previous Engineer took room well under the zoning for the last addition. Construction will begin as soon as approved for phase 1. Reports and permits are in place.

The following question were asked:

Q) How will this affect the current irrigation system, with 15 shares for 47 lots?

A) There will be a storage vault installed, that will continuously stock itself. The builder at Integrity Homes has already met with Ron Davis about the irrigation.

Q) Will the builders and everyone else involved in the project clean up the mess?

A) Their first goal is to clear everything off the site.

Q) Did they have permission to cut down all the trees?

A) Yes, we got permission, we got an Early Grading Stormwater Permit.

Q) Who do we email if we have questions?

A) You can email Scott Peterson with any further questions.

Q) Do you have a sewer connection?

A) Yes, within the Persigo Boundary.

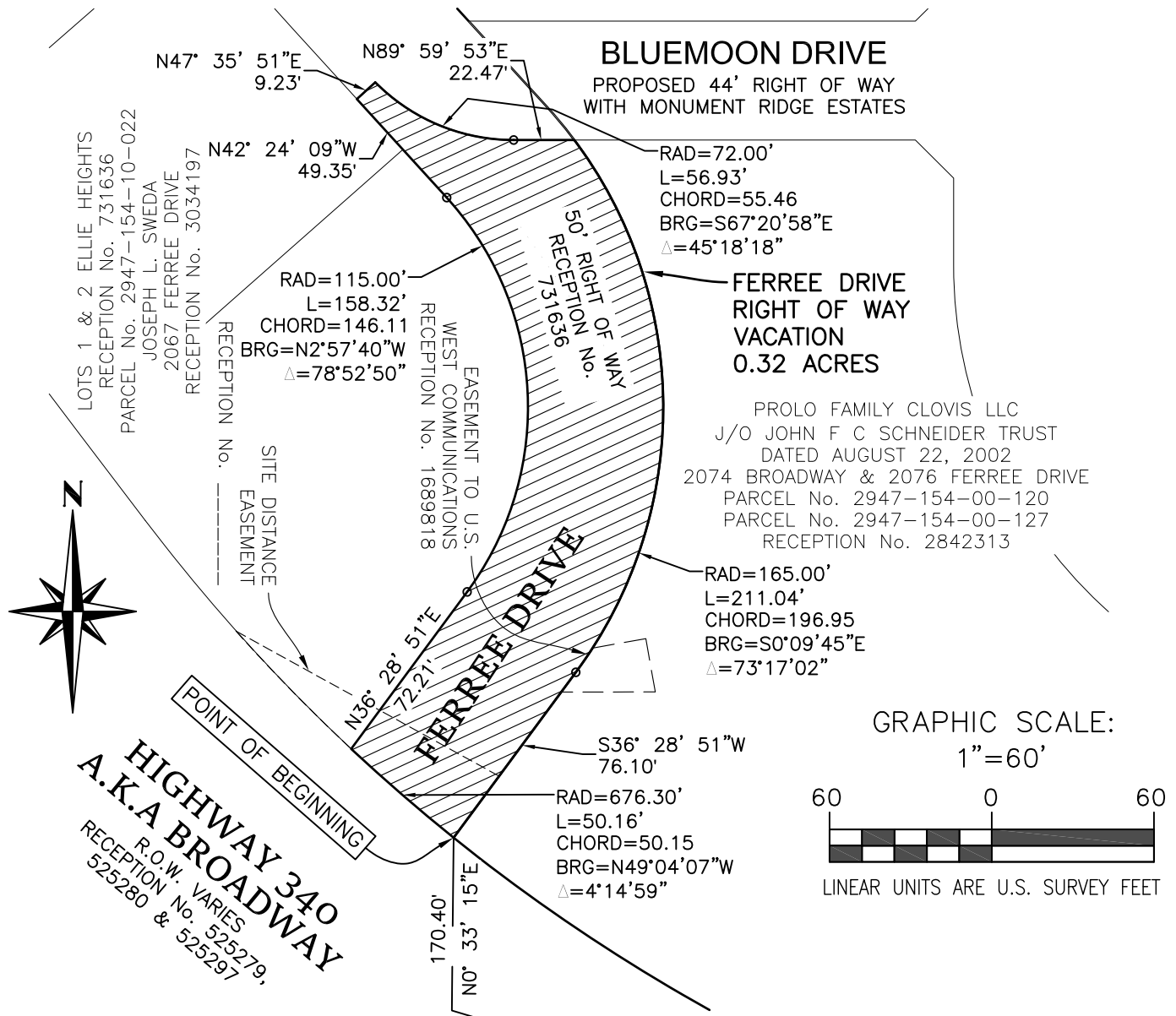
## Kim Kerk Land Consulting & Development, LLC

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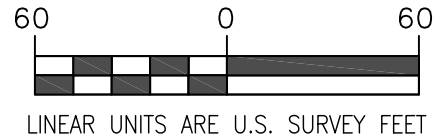
Info: Construction access will be on the new Manzanita Dr. and done before Ferree is closed and vacated at Broadway.

The meeting ended at 5:54pm

# EXHIBIT SKETCH



GRAPHIC SCALE:  
1"=60'



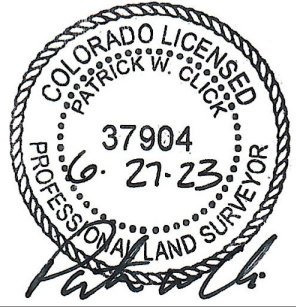
MCSM No. 556  
FOUND 2-1/2"  
BRASS CAP  
SOUTH 1/4 CORNER  
SECTION 15,  
T11S, R101W, 6TH PM

1556.46'  
N89° 26' 45"W 2640.84'  
SOUTH LINE SOUTHEAST 1/4 SECTION 15  
BASIS OF BEARINGS

POINT OF COMMENCEMENT  
MCSM No. 235  
FOUND 2-1/2"  
BRASS CAP  
SOUTHEAST CORNER  
SECTION 15,  
T11S, R101W, 6TH PM

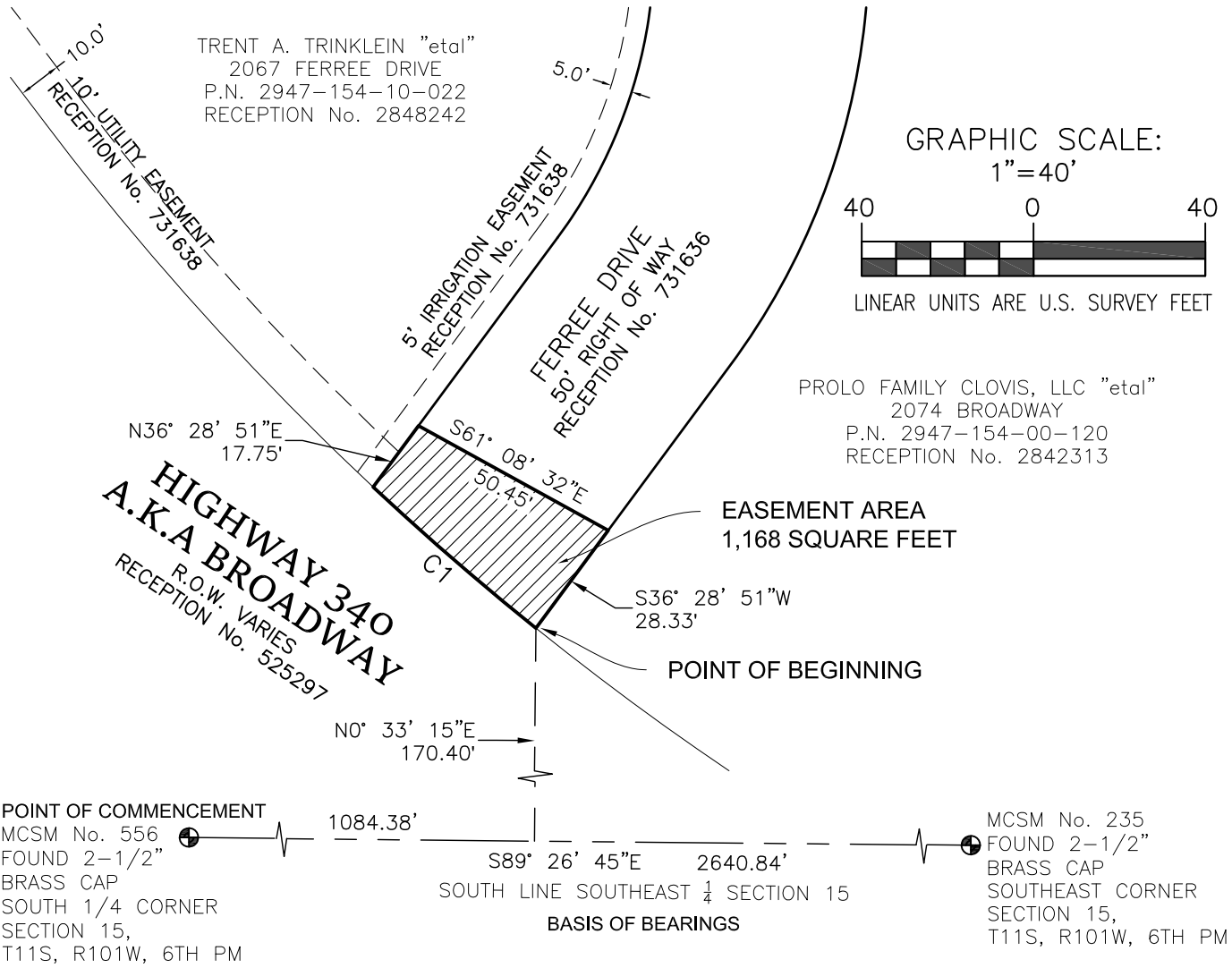
## LEGAL DESCRIPTION SKETCH

JOB: 2019-112 DATE: 6/27/2023  
RIGHT OF WAY VACATION  
MONUMENT RIDGE ESTATES  
GRAND JUNCTION, COLORADO  
SE1/4 OF SECTION 15  
T11S, R101W, 6TH P.M.  
CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO

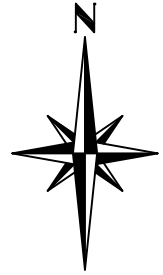


**POLARIS SURVEYING**  
PATRICK W. CLICK P.L.S.  
3194 MESA AVE  
GRAND JUNCTION, CO 81504  
PHONE (970)434-7038

# Exhibit B



Non-Tangent Curve Table					
Curve #	Radius	Length	Delta	CHORD LENGTH	CHORD BEARING
C1	676.30'	50.16'	004° 14' 59"	50.15'	N49° 04' 07"W



## LEGAL DESCRIPTION SKETCH

### SITE DISTANCE EASEMENT

DATE: 12/20/2023  
 RIGHT OF WAY FERREE DRIVE  
 GRAND JUNCTION, COLORADO  
  
 SW 1/4 SE 1/4 SECTION 15  
 T11S, R101W, 6th P.M.  
 MESA COUNTY, COLORADO

**POLARIS SURVEYING**  
 PATRICK W. CLICK P.L.S.  
 3194 MESA AVE  
 GRAND JUNCTION, CO 81504  
 PHONE (970)434-7038

## **Exhibit A**

A parcel of land situated in Section 15, Township 11 South, Range 101 West of the 6th Principal Meridian, Mesa County, Colorado being more particularly described as follows:

Commencing at the South Quarter Corner of said Section 15 from whence the Southeast Corner of said Section 15 bears S89°26'45"E a distance of 2640.84 feet for a Basis of Bearings with all bearings herein related thereto; thence S89°26'45"E along said line being the South Line of the Southeast Quarter of said Section 15 a distance of 1084.38 feet; thence N0°33'15"E a distance of 170.40 feet to the intersection of Right of Way of Highway 340 as recorded at Reception Number 525297 of the Mesa County Clerk and Recorder's Office, Mesa County, Colorado and the Right of Way of Ferree Drive, at Reception No. 731636, said point being the Point of Beginning;

thence along said Highway 340 and a non-tangent curve to the right an arc length of 50.16 feet, a radius of 676.30 feet and a central angle of 4°14'59" whose chord bears N49°04'07"W a distance of 50.15 feet to the Northwesterly Line of said Right of Way for Ferree Drive; thence N36°28'51"E along said Northwesterly Line a distance of 17.75; thence S61°08'32"E a distance of 50.45 feet to the Southeasterly Line of said Right of Way for Ferree Drive; thence S36°28'51"W along said Southeasterly Line a distance of 28.33 feet to the Point of Beginning.

Said parcel contains 1,168 square feet.

Above legal description written by:

Patrick W. Click

Colorado registered Professional Surveyor No. 37904

3194 Mesa Avenue Unit B

Grand Junction, Colorado 81504



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE VACATING PUBLIC RIGHT-OF-WAY**

**LOCATED AT 2076 FERREE DRIVE**

Recitals:

A vacation of public right-of-way has been requested by the property owner, Monument Ridge Estates, in anticipation of further subdividing and developing the property surrounding the right-of-way as part of the planned development of Monument Ridge Estates. The right of way was intended for connectivity to Broadway (Hwy 340) and is no longer needed because new streets in the subdivision will provide the needed connectivity. The right-of-way does not align with any existing or planned roadways and a utility easement will be retained over a portion of the subject property.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, and upon recommendation of approval by the Planning Commission, the Grand Junction City Council finds that the request to vacate certain rights-of-way conveyed at Reception No. ##### Mesa County Clerk and Records Records, is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING DESCRIBED DEDICATED RIGHT-OF-WAY IS HEREBY VACATED SUBJECT TO THE LISTED CONDITIONS:

1. Applicant shall pay all recording/documentary fees for the Vacation Ordinance, any right-of-way/easement documents and/or dedication documents.

A parcel of land for a fifty (50) foot Right of Way as described at Reception Number 731636 of the Mesa County Records situated in Section 15, Township 11 South, Range 101 West of the 6th Principal Meridian, City of Grand Junction, Mesa County, Colorado, said tract being located entirely within the Ferree Drive Right of Way as shown at Reception Number 731636 of the Mesa County Records, being more particularly described as follows:

Commencing at the Southeast Corner of said Section 15, from whence the South Quarter Corner of Section 15 bears N89°26'45"W a distance of 2640.84 feet for a Basis of Bearings, all bearings herein related thereto; thence N89°26'45"W along the South line of the Southeast Quarter of Section 15 a distance of 1556.46 feet; thence N0°33'15"E a distance of 170.40 feet to the Southeast Corner of the Ferree Drive Right of Way as shown on the Subdivision of Ellie Heights at Reception Number 731636, and the Point of Beginning; thence along said Right of way the following three (3) courses and distances;

1. 50.16 feet along the length of a non-tangent curve to the right with a radius of 676.30 feet and a central angle of 4°14'59" whose chord bears N49°04'07"W a distance of 50.15 feet;
2. N36°28'51"E a distance of 72.21 feet to the start of a tangent curve to the left;
3. 158.32 feet along the length of a tangent curve to the left with a radius of 115.00 feet and a central angle of 78°52'50" whose chord bears N2°57'40"W a distance of 146.11 feet;
4. N42°24'09"W a distance of 28.85 feet;

thence N89°59'53"E a distance of 66.64 to the Easterly line of said Ferree Drive;  
 thence along said Easterly line the following two (2) courses and distances;

1. 211.04 feet along the length of a non-tangent curve to the left with a radius of 165.00 feet and a central angle of 73°17'02" whose chord bears S0°09'45"E a distance of 196.95 feet;
2. S36°28'51"W a distance of 76.10 feet to the Point of Beginning.

Said tract of land contains 0.32 Acres as described.

Said vacated Rights-of-Way to be retained as a Utility Easement.

See Exhibit A.

**TIMING OF ORDINANCE, DEADLINE FOR EXECUTION?**

Introduced on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2024 and ordered published in pamphlet form.

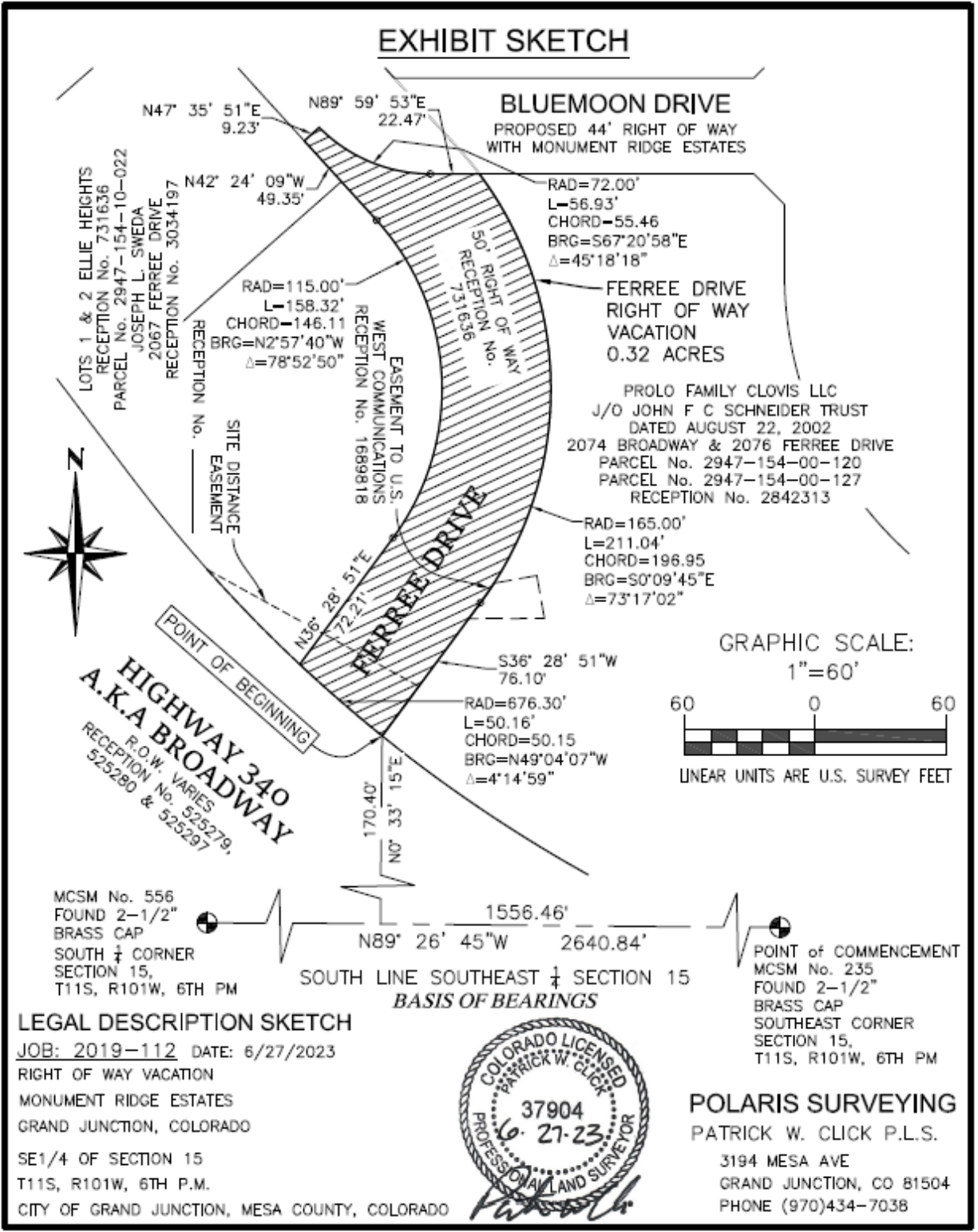
Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2024 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
 City Clerk

\_\_\_\_\_  
 Mayor

# EXHIBIT SKETCH





## Grand Junction Planning Commission

### Regular Session

Item #2.

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**Meeting Date:** March 12, 2024  
**Presented By:** David Thornton, Principal Planner  
**Department:** Community Development  
**Submitted By:** David Thornton, Principal Planner

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### Information

#### **SUBJECT:**

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.

#### **RECOMMENDATION:**

Staff recommends 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 developing 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.

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 as well as 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 opportunity for public comment was held between March 5, 2024 and March 11, 2024 through the GJ Speaks 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 to annex and zone the property 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 which 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 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, 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 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 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 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, Staff recommends approval of the request.

#### **SUGGESTED 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.

#### **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. ORD-Zoning -FS No 7 ANX

# 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 29<sup>th</sup> 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 9<sup>th</sup> 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.**



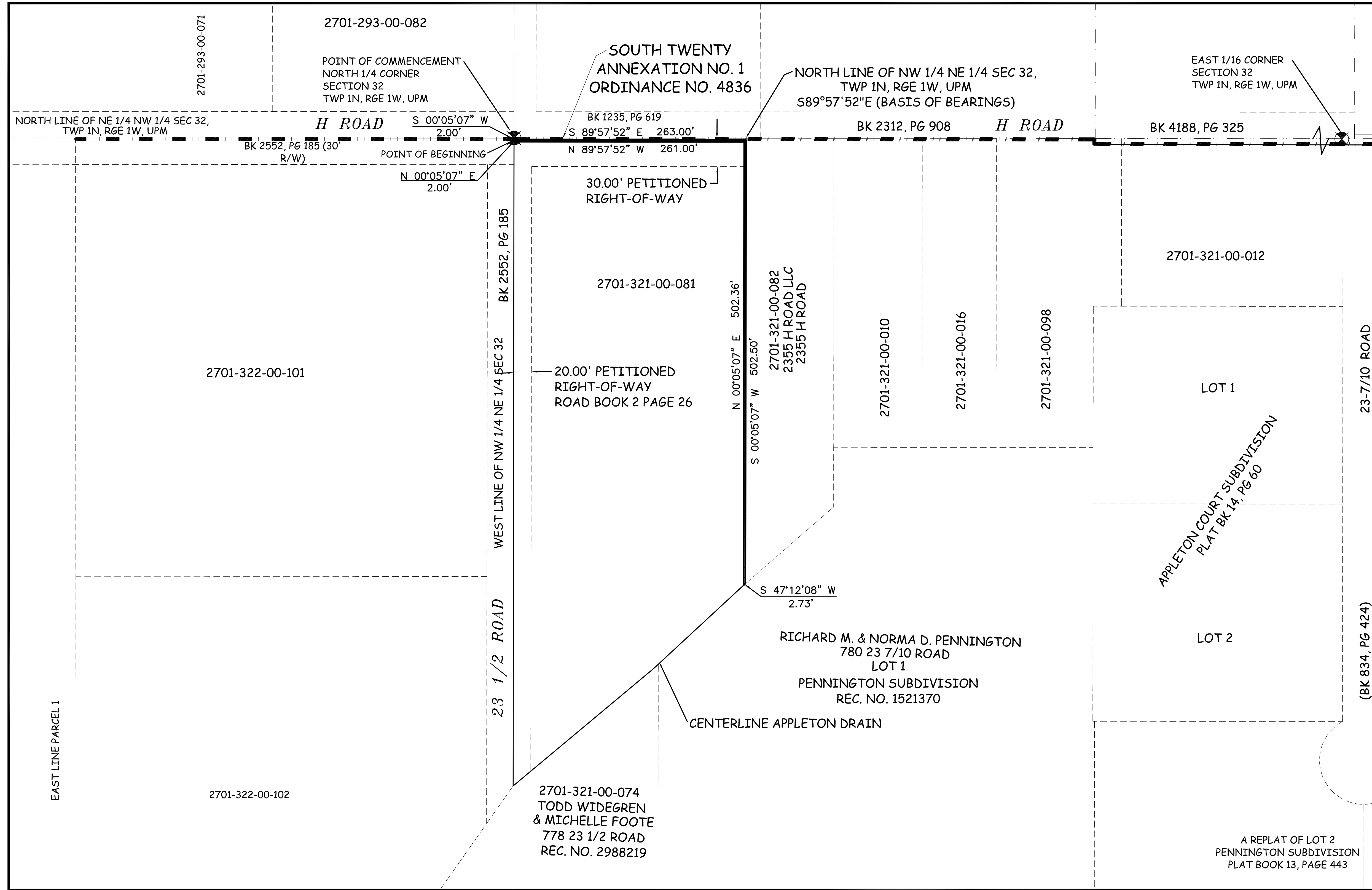
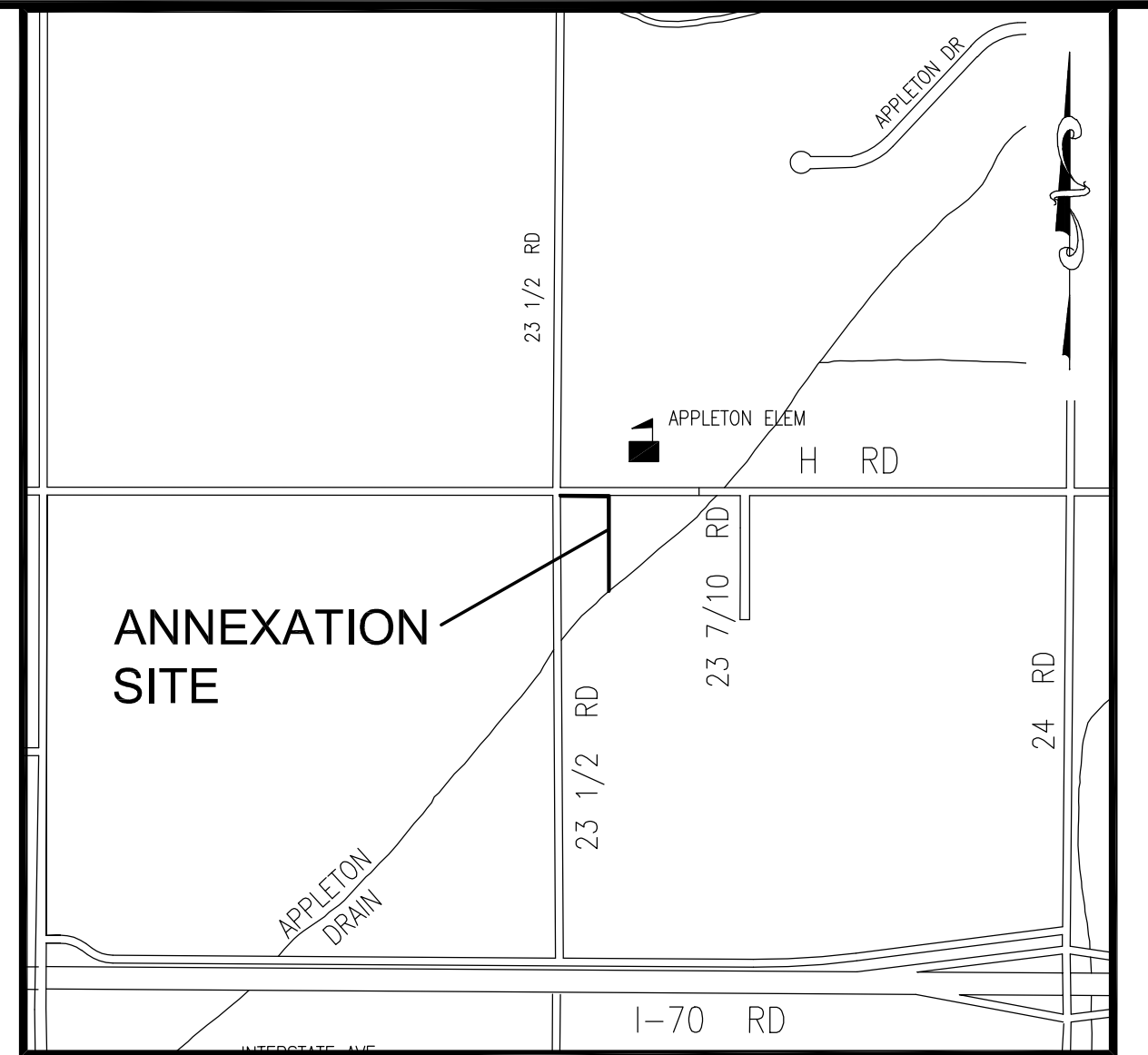
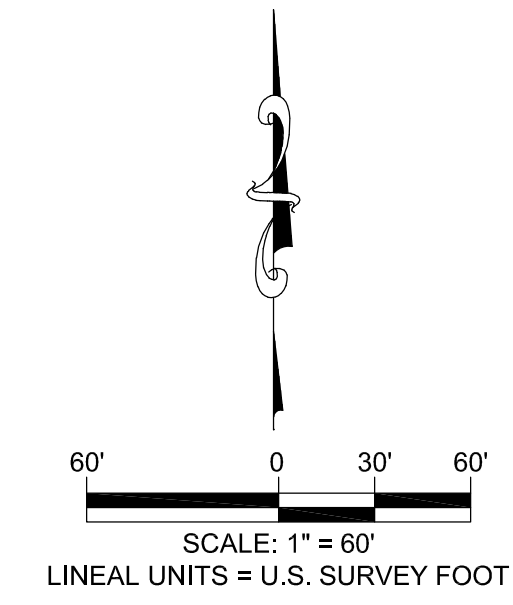
**View from the SW corner of the site**



**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 when 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		LEGEND	
ANNEXATION PERIMETER	1533.58 FT.	ANNEXATION BOUNDARY	
CONTIGUOUS PERIMETER	263.00 FT.	ANNEXATION AREA	
AREA IN SQUARE FEET	1528.88 FT <sup>2</sup>	EXISTING CITY LIMITS	
AREA IN ACRES	0.035		
AREA WITHIN R.O.W.	582.00 FT <sup>2</sup>		
	0.013 ACRES		
AREA WITHIN DEEDED R.O.W.	0.0 FT <sup>2</sup>		
	0.0 ACRES		

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**

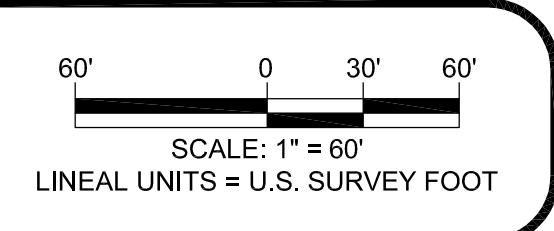
JODIE L GREIN      DATE  
STATE OF COLORADO - P.L.S. NO. 38075  
FOR ROLLAND CONSULTING ENGINEERS  
405 RIDGES BLVD. SUITE A  
GRAND JUNCTION, CO. 81507

**THIS IS NOT A BOUNDARY SURVEY**

C:\Projects\C3407 City 67 Project Review\Fire Station Number 7 Annexation - ANX-2023-740\Fire Station No7 Annexation.dwg - PLOTTED 2024-01-26

**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



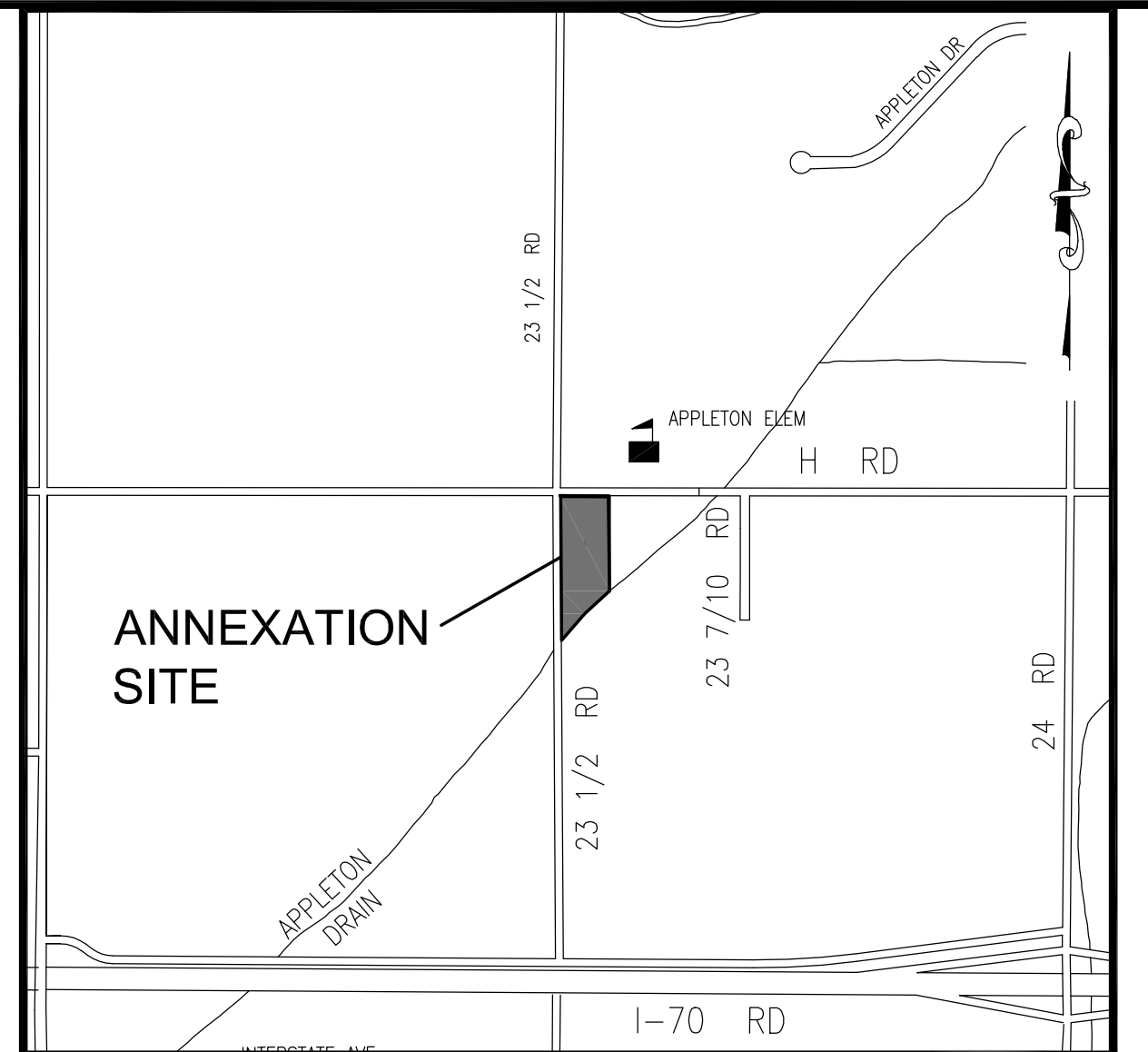
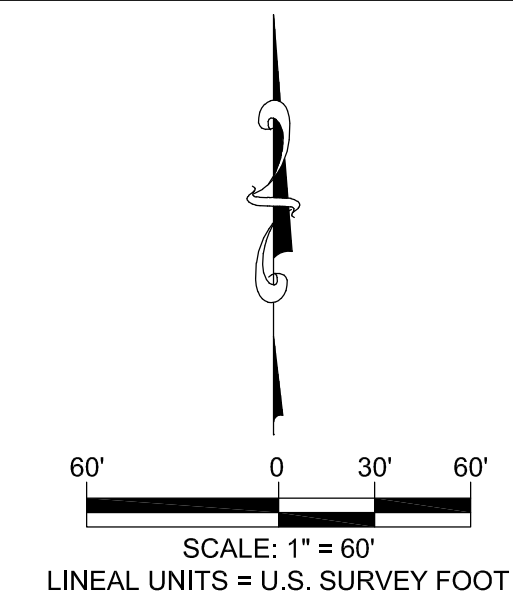
**PUBLIC WORKS ENGINEERING DIVISION**

**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

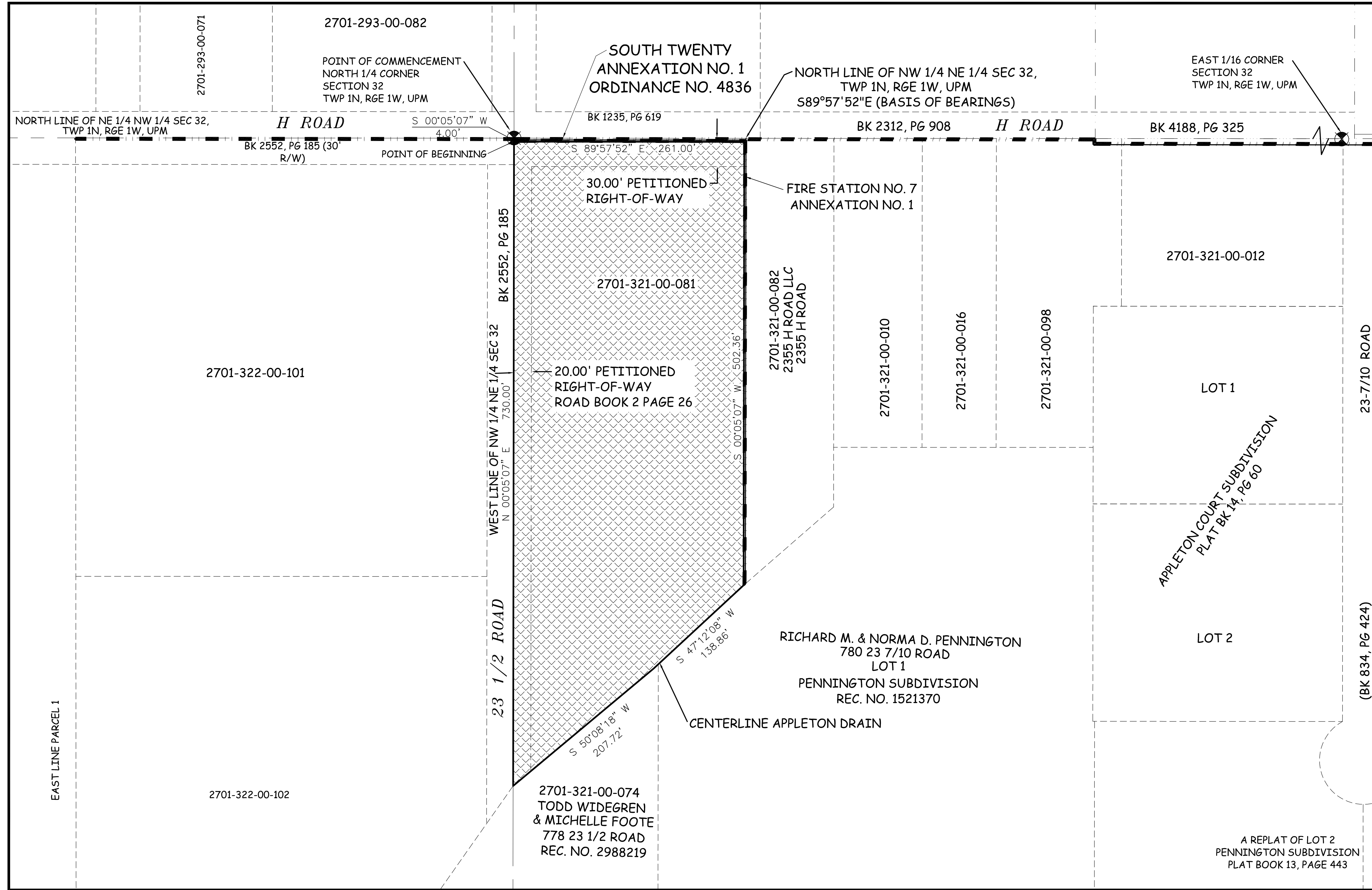


# FIRE STATION NO. 7 ANNEXATION NO. 2

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 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 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		LEGEND	
ANNEXATION PERIMETER	1,839.94 FT.	ANNEXATION BOUNDARY	
CONTIGUOUS PERIMETER	763.35 FT.	ANNEXATION AREA	
AREA IN SQUARE FEET	161,560.33 FT <sup>2</sup>	EXISTING CITY LIMITS	
AREA IN ACRES	3.709		
AREA WITHIN R.O.W.	21,179.12 FT <sup>2</sup>		
	0.486 ACRES		
AREA WITHIN DEEDED R.O.W.	0.0 FT <sup>2</sup>		
	0.0 ACRES		

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

<b>ORDINANCE NO.</b> PRELIMINARY	<b>EFFECTIVE DATE</b> PRELIMINARY
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**PRELIMINARY**

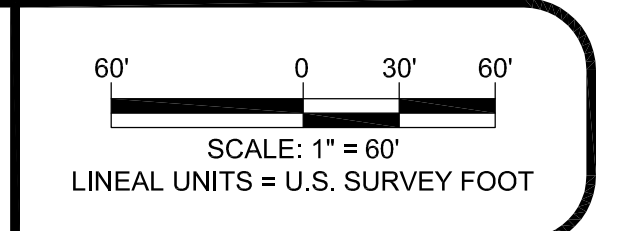
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STATE OF COLORADO - P.L.S. NO. 38075  
FOR ROLLAND CONSULTING ENGINEERS  
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GRAND JUNCTION, CO. 81507

**THIS IS NOT A BOUNDARY SURVEY**

C:\Projects\C3407 City 6J Project Review\Fire Station Number 7 Annexation - ANX-2023-740\Fire Station No7 Annexation.dwg - PLOTTED 2024-01-26

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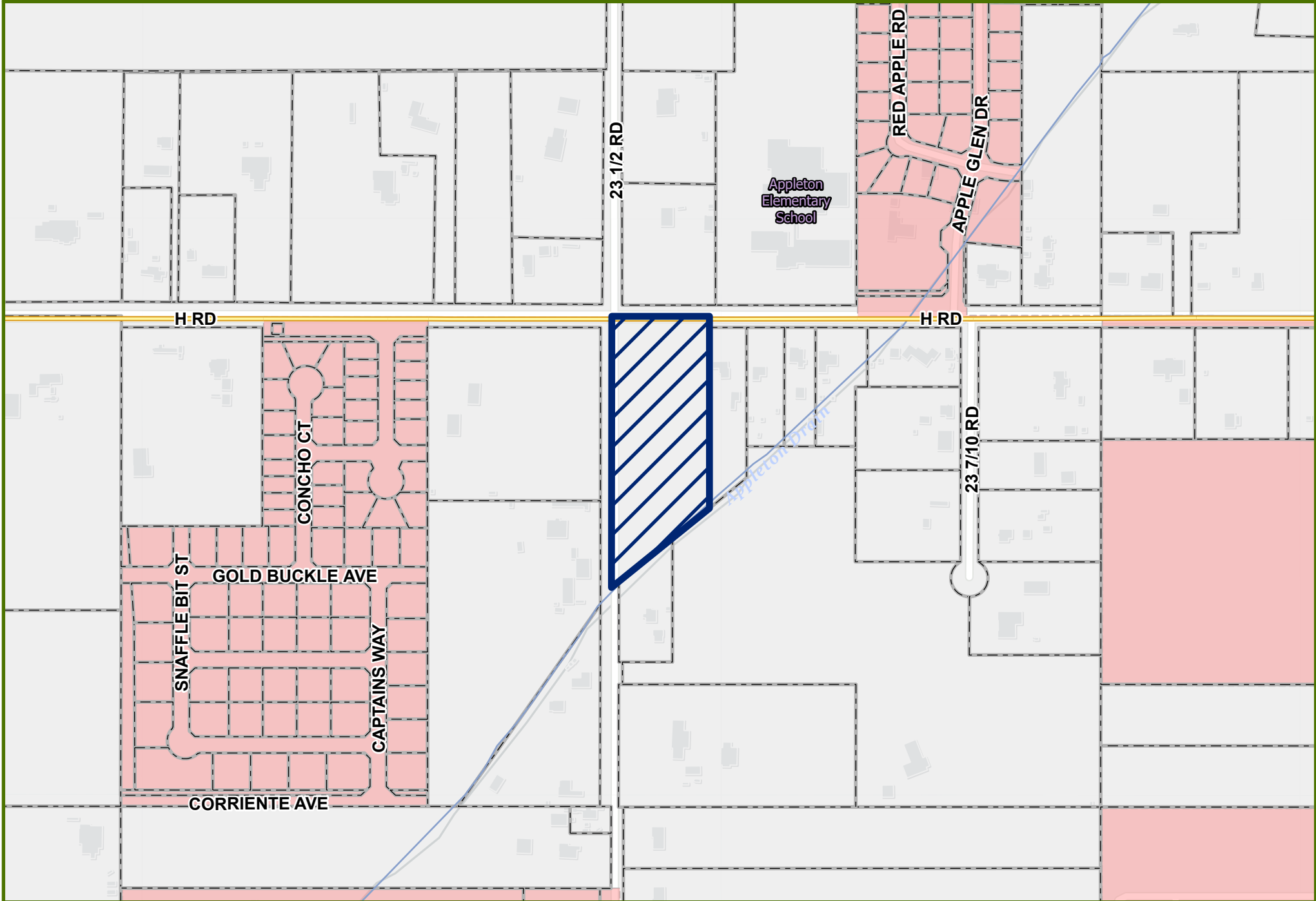
DRAWN BY: JLG DATE: 1/24/2024  
DESIGNED BY: JLG DATE: 1/24/2024  
CHECKED BY: JAM DATE: 1/24/2024



**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

# Fire Station No. 7 Annexation

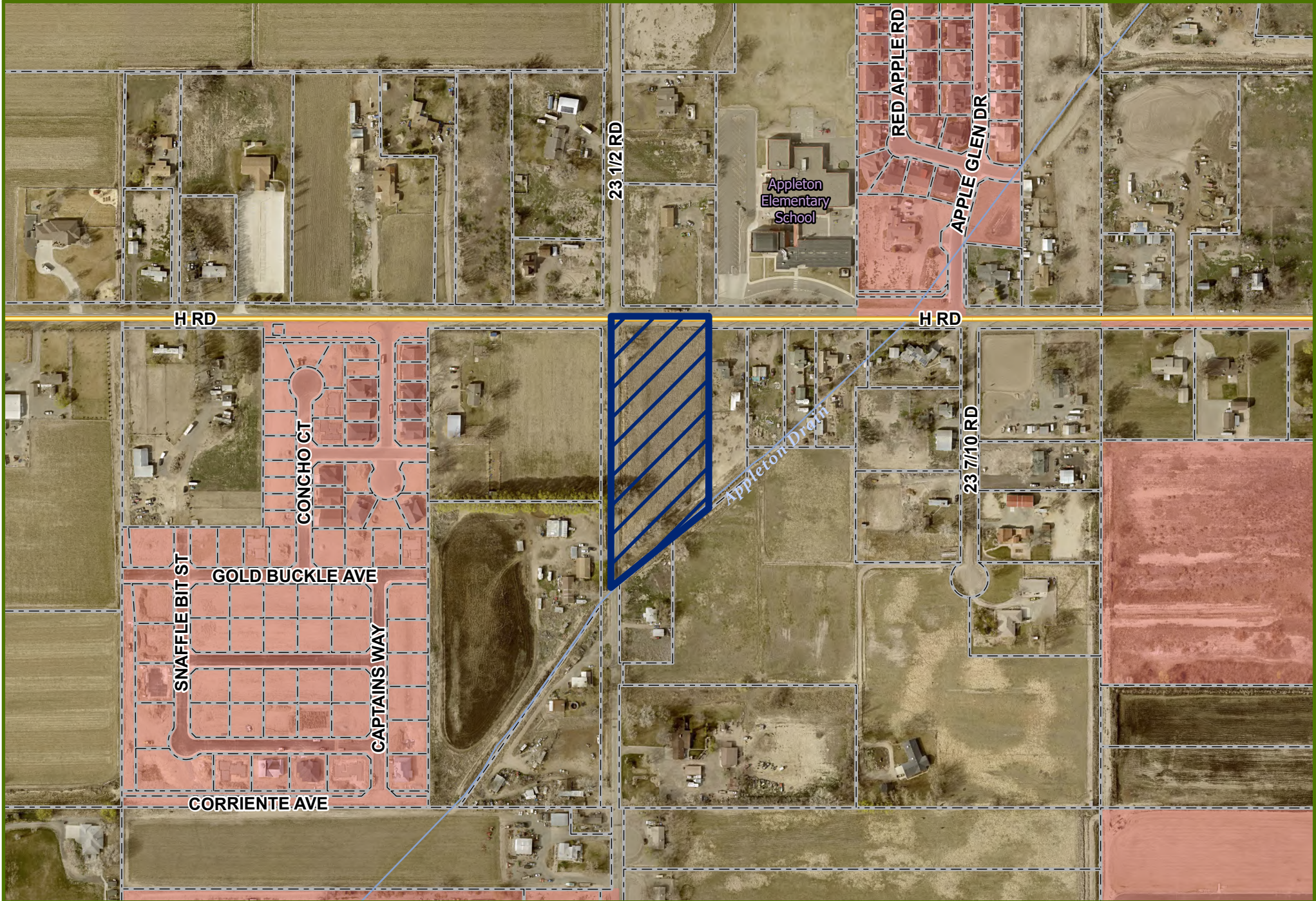


0 0.05 0.1 Miles

 Annexation Site

 City Limits

# Fire Station No. 7 Annexation

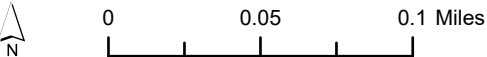
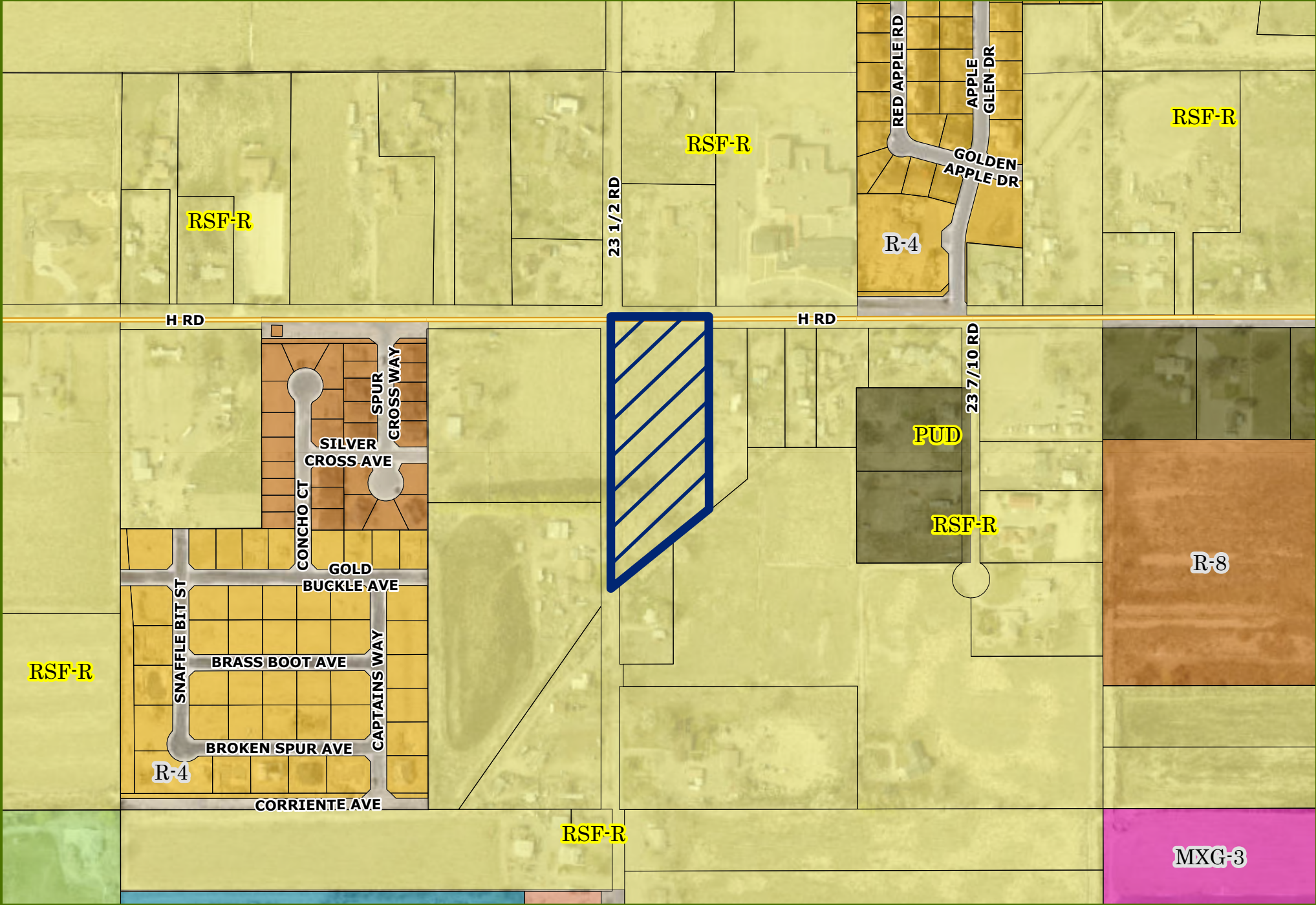


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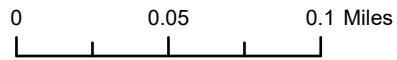
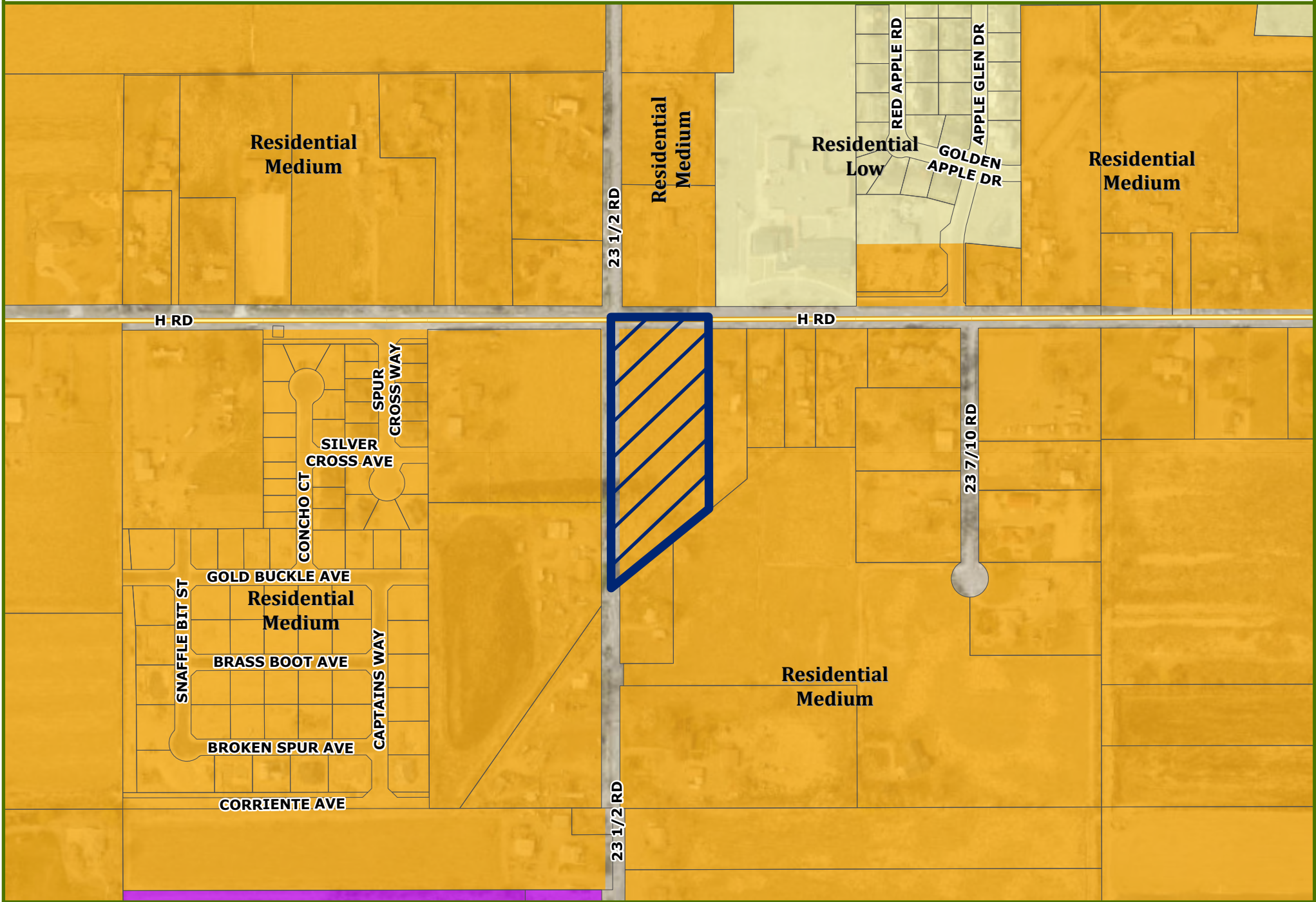
 Annexation Site

 City Limits

# Fire Station No. 7 Annexation - Zoning



# Fire Station No. 7 Annexation - Land Use













## ***FIRE STATION NO. 7 ANNEXATION SCHEDULE***

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

### **ANNEXATION SUMMARY**

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

**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 following parcels in the City of Grand Junction, County of Mesa, State of Colorado are hereby 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.

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Anna M. Stout  
President of the Council

ATTEST:

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Amy Phillips  
City Clerk



## Grand Junction Planning Commission

### Regular Session

Item #3.

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**Meeting Date:** March 12, 2024  
**Presented By:** David Thornton, Principal Planner  
**Department:** Community Development  
**Submitted By:** David Thornton, Principal Planner

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### Information

#### **SUBJECT:**

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).

#### **RECOMMENDATION:**

Staff recommends approval of the requests.

#### **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. City Fire Station No. 5 is located to the south along with single family detached residential 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 are seeking 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 to the property. It is located within Tier 2 on the Intensification and Growth Tiers Map of the Comprehensive Plan. The Land Use category of "Commercial" includes the lands to the west and 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. An important 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, but still included the subject property with a commercial land use designation providing opportunity for the center to grow. Now in 2024 the supermarket space is occupied with 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 9-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 8 dwelling units per acre. Developing the site under the MU-1 zone district with only single family residential is likely not possible and still meet 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% of the site to be developed with a 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 acreage of the property 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 are included in this staff report and accompanied ordinance provides for concurrent consideration by 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 8 dwelling units per acre. The existing zoning of MU-1 allows residential development with a minimum of 8 dwelling units per acre, however this minimum density is difficult to meet with the type

of single-family housing proposed and 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 lot 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 9-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 8 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 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 in a substantive way 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, sanitary sewer available to the site. Existing transportation infrastructure is improved with multi-modal transportation options accommodating 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 adequate to serve 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 makes up 16% 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 be 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). 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 concurrent and the Plan amendment has not been approved at the time of this analysis, Staff has found 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, sanitary sewer available to the site. Existing transportation infrastructure is improved with multi-modal transportation options accommodating 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 adequate to serve 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% of RM-8 zoned land city wide are currently undeveloped. Therefore, to continue to provide housing opportunities within a medium-density housing range within 5.5 to 8 dwellings per acre densities, 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 build 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 less than 8 dwelling units per acre thereby providing housing choice 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 8 dwelling units per acre that is consistent with the surrounding neighborhood and 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, 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. 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.

### **SUGGESTED MOTION:**



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

Motion 1: Mr. Chairman, on the Comprehensive Plan Amendment request for the property located at 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.

Motion 2: 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.

**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. Combined CPA and Zoning Ordinance

## 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 <input type="text" value="Commercial"/>	Existing Zoning <input type="text" value="B1"/>
Proposed Land Use Designation <input type="text" value="Residential"/>	Proposed Zoning <input type="text" value="R8"/>

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 #:

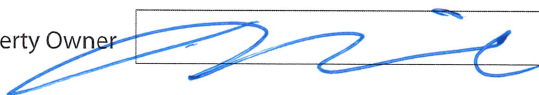
Contact Person:

Contact Phone #:

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

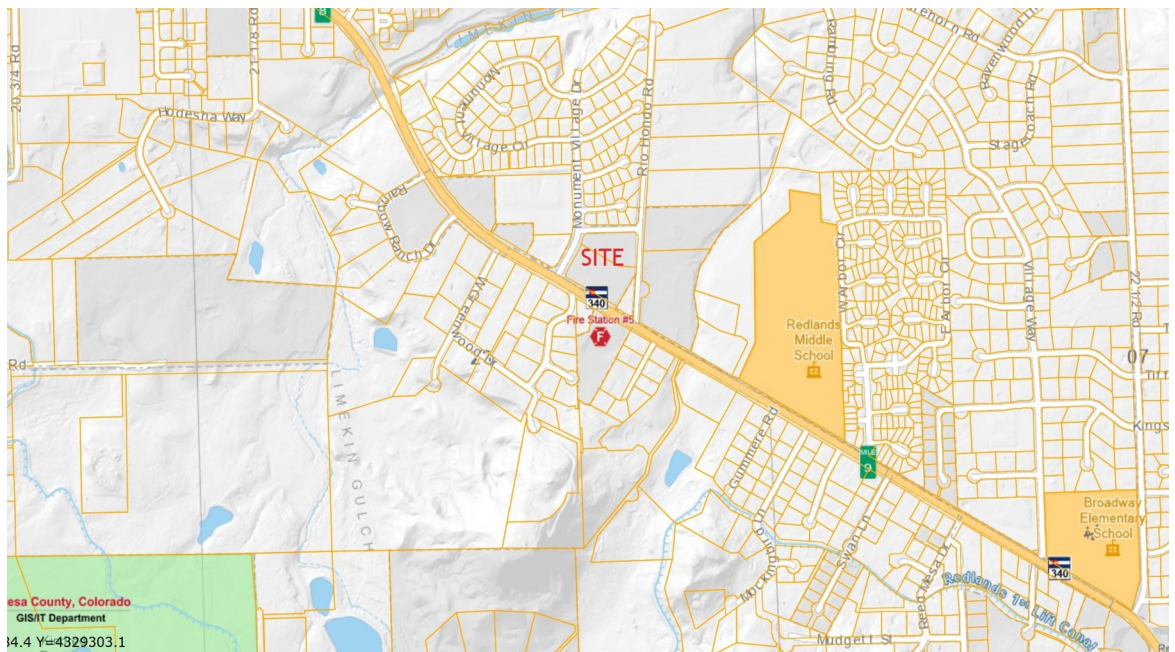
We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application 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  Digital signed by Jeffery Fleming  
DN: cn=JE, o=Colorado Land Advisor, Ltd., ou=Jeffery Fleming  
Reason: I am the author of this document  
Location:  
Date: 2023-11-04 14:17:48  
Full PrinterPDF version: 9.4.1 Date

Signature of Legal Property Owner  Date

# General Project Report

## Monument Villas



For the Proposed  
**Rezone & Comprehensive Plan Amendment**  
2152 Broadway & 2155 Monument Lane  
Grand Junction, CO. 81507

# 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](http://ColoradoLandAdvisor.com)**

**[LandAdvisor@ColoradoLandAdvisor.com](mailto: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.**

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# 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.



# 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).

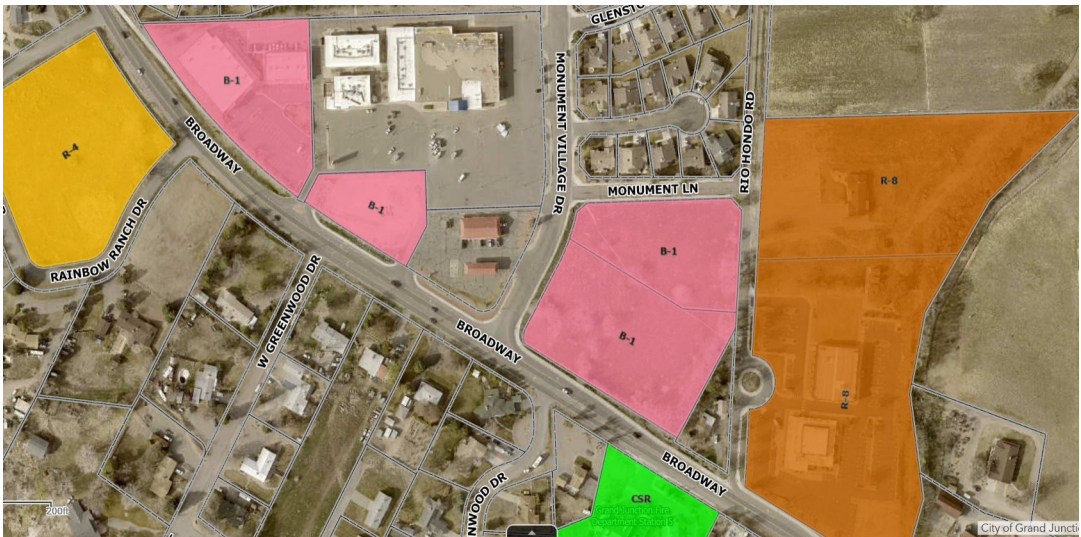


# Zoning

**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.

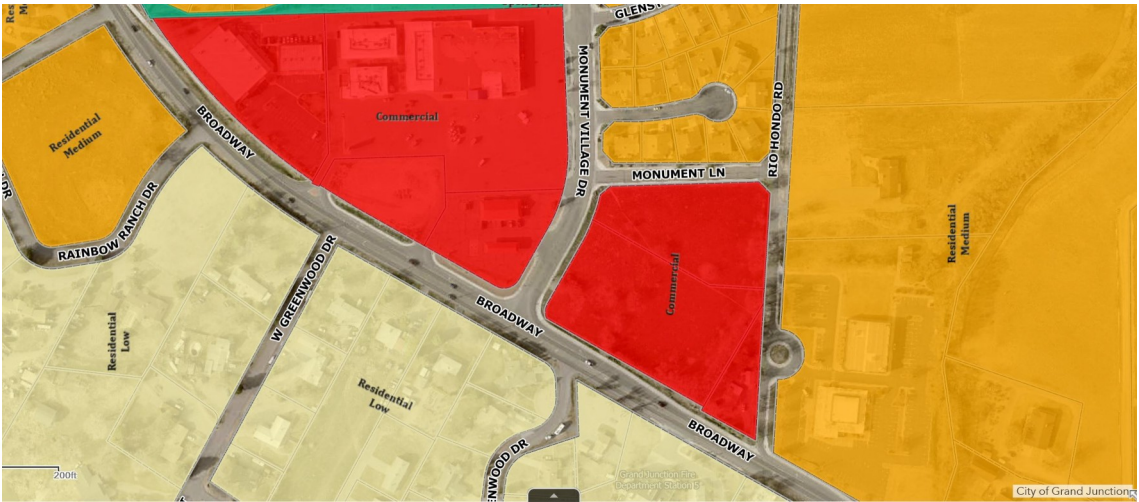
<https://www.cushmanwakefield.com/en/united-states/insights/us-marketbeats/us-shopping-center-marketbeat-report>

# 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](http://www.gjcity.org).

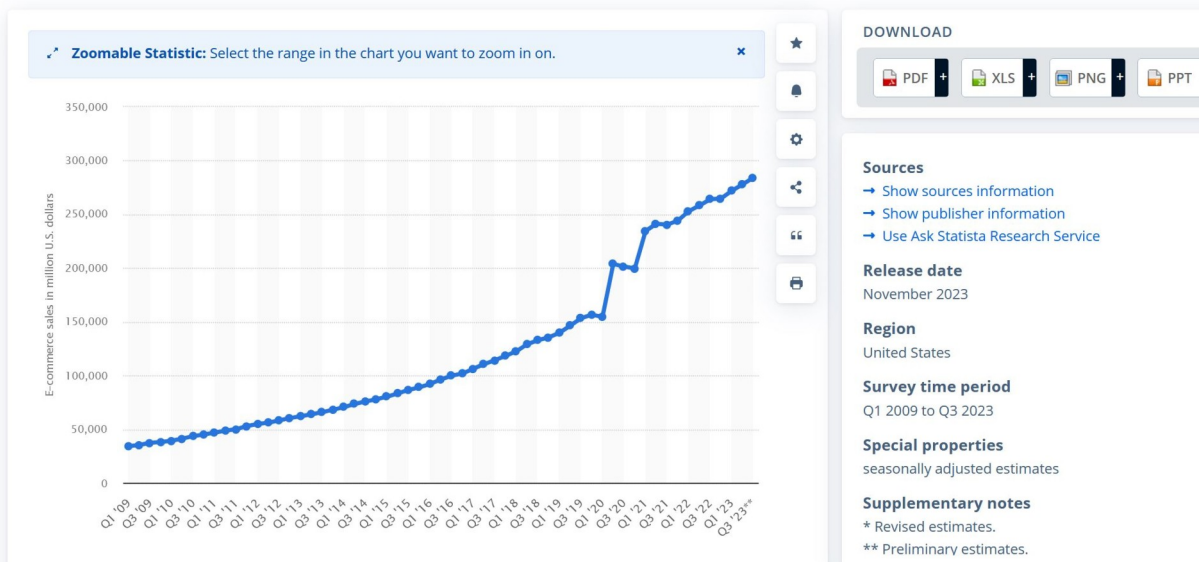
SITE:



# 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/>



<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.

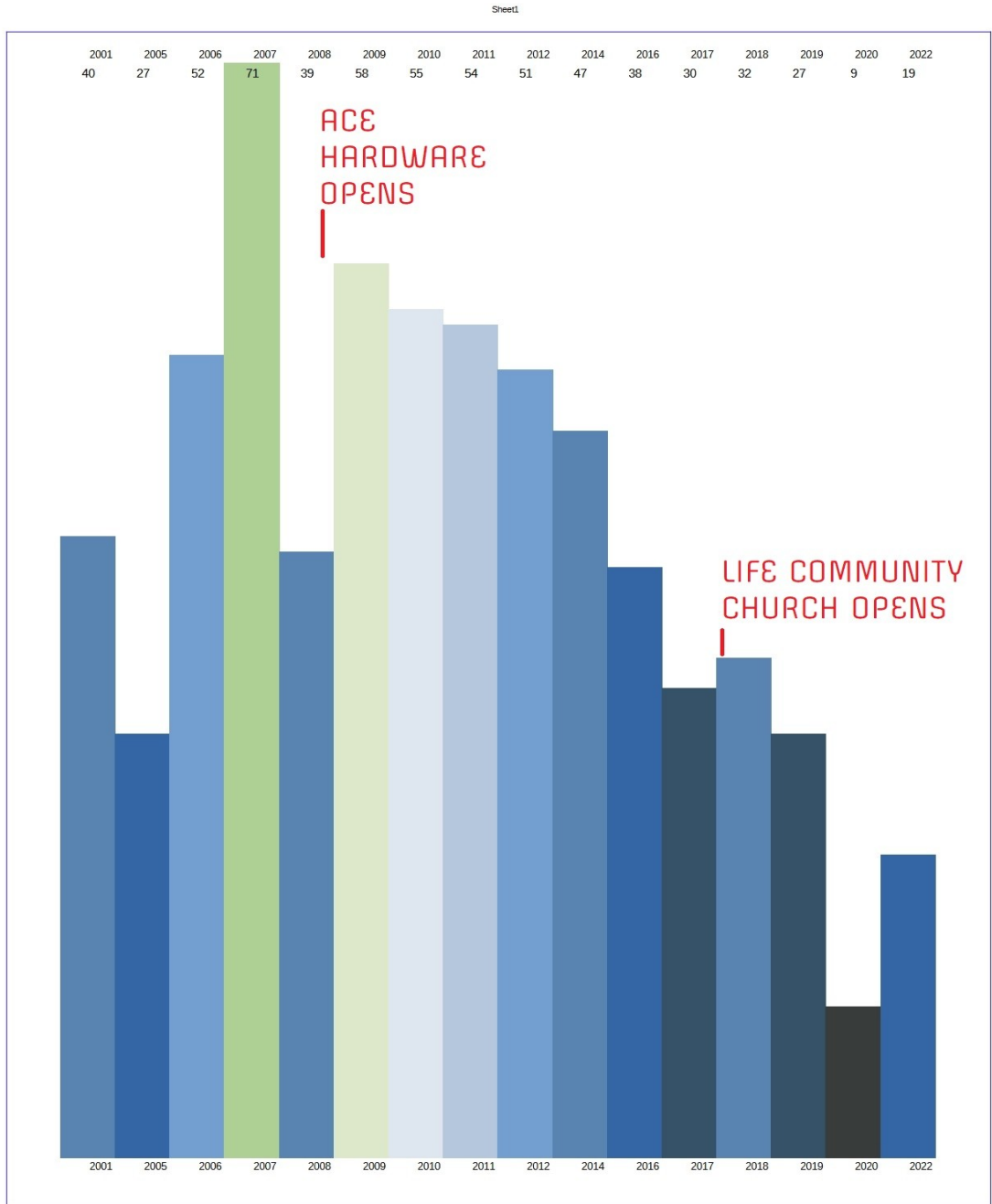
As of the last count in December 2022 only 1.7% of the City's R8 zoned land is vacant. The supply of R8 zoned land is reaching a critical point. This proposal would bring a small increase to the available land that is becoming more preferred by home buyers. These smaller lots are easier to maintain and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

Map >

- 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)
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- 2005 Air Photo (Countywide)
- 2003 CIR County Air Photo
- ✓ 2001 Air Photo (Countywide)

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- 2017 Air Photo (Countywide)
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# Aerial Imagery of Monument Village

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- Hillshade
- 2022 Air Photo (City/County)
- 2020 Air Photo (City/County)
- 2019 Air Photo (Countywide)
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Mesa County, Colorado  
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Mesa County, Colorado  
GIS/IT Department  
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# Aerial Imagery of Monument Village

Select Map

Search By...

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- Hillshade
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Mesa County, Colorado  
GIS/IT Department  
X=701363.1 Y=4329184.3

35

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Mesa County, Colorado  
GIS/IT Department  
X=701346.7 Y=4329179.5

17

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# 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 12<sup>th</sup> 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](http://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
1. Deeds were provided by client.
  2. 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 - 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



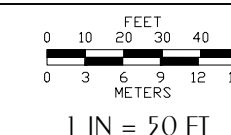
# 2152 BROADWAY & 2155 MONUMENT LANE

## IMPROVEMENT SURVEY

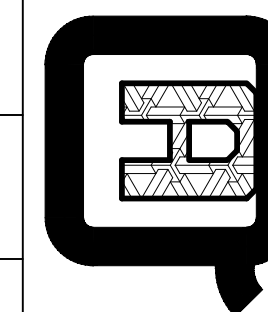
SECTION 23, T11S, R10W, 6TH PRINCIPAL MERIDIAN  
COUNTY OF MESA, STATE OF COLORADO

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

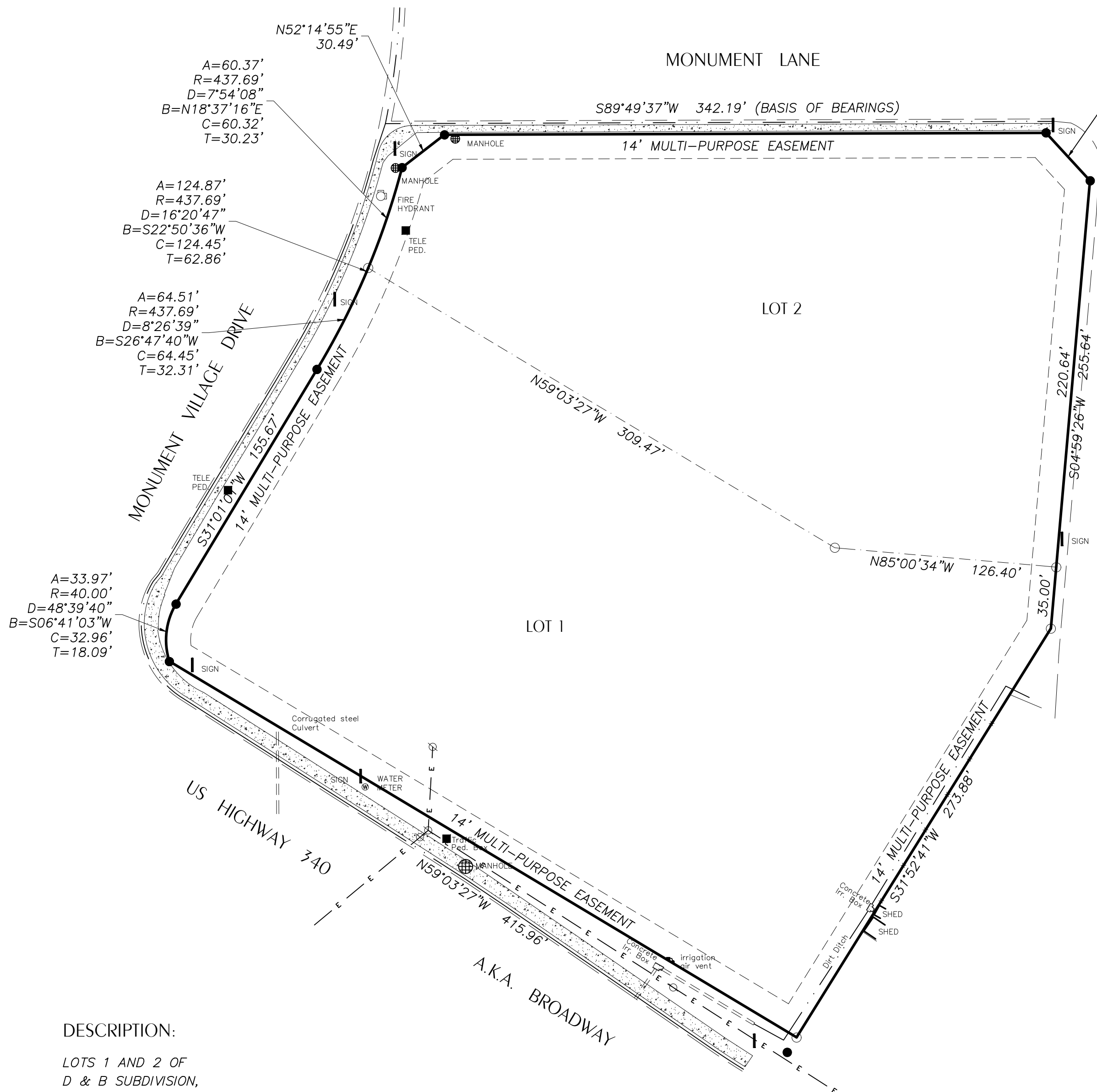
SURVEYED BY: MSM

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 )

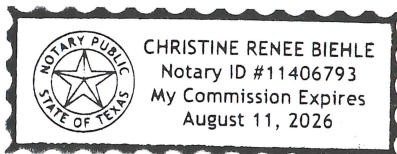
County of HARRIS ) ss.

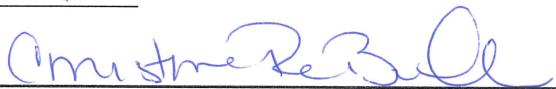
Subscribed and sworn to before me on this 15th day of November, 2023

by Bruce W. Derrick

Witness my hand and seal.

My Notary Commission expires on 08/11/2026



  
Notary Public Signature

X

115.00

Recorded by LTCC-GJ File # 65000978

Filed for record the \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. \_\_\_\_\_ RECORDER.  
 Reception No. \_\_\_\_\_ By \_\_\_\_\_ 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 sealing 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 \_\_\_\_\_ )  
 ) ss.  
 \_\_\_\_\_ County of \_\_\_\_\_ )

*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)





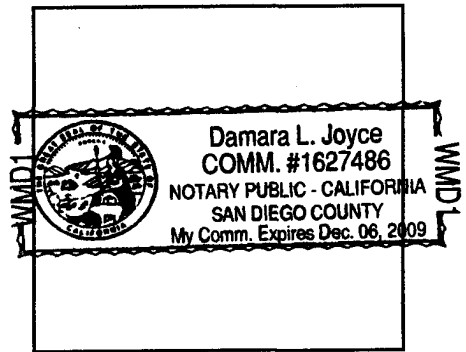
# All-purpose Acknowledgment California only

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 (s) 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	Capacity	Right Thumbprint of Signer	Signer's Name	Capacity	Right Thumbprint of Signer
	<input type="radio"/> Individual <input type="radio"/> Corporate Officer Title(s) _____ <input type="radio"/> Partner <input type="radio"/> Limited <input type="radio"/> General <input type="radio"/> Attorney-In-Fact <input type="radio"/> Trustee <input type="radio"/> Guardian or Conservator <input type="radio"/> Other _____	<div style="background-color: black; color: white; padding: 2px;">Right Thumbprint of Signer</div> <div style="background-color: #ccc; padding: 2px;">Top of thumb here</div> <div style="border: 1px solid black; height: 100px; width: 100%;"></div>		<input type="radio"/> Individual <input type="radio"/> Corporate Officer Title(s) _____ <input type="radio"/> Partner <input type="radio"/> Limited <input type="radio"/> General <input type="radio"/> Attorney-In-Fact <input type="radio"/> Trustee <input type="radio"/> Guardian or Conservator <input type="radio"/> Other _____	<div style="background-color: black; color: white; padding: 2px;">Right Thumbprint of Signer</div> <div style="background-color: #ccc; padding: 2px;">Top of thumb here</div> <div style="border: 1px solid black; height: 100px; width: 100%;"></div>
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 15<sup>th</sup> 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 )

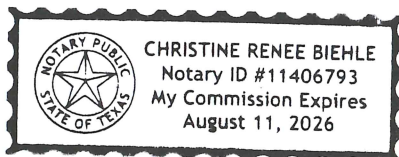
The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of November, 2023, by

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

<u>Reference</u>	
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	
		\$265.00
Total Amount Invoiced:		\$0.00
Less Payment(s):		\$265.00
Balance Due:		

**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](mailto: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@cwi-homes.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](http://ltgc.com) to learn more about Land Title.

Estimate of Title Insurance Fees	
"TBD" Commitment	\$265.00
<b>TOTAL</b>	<b>\$265.00</b>

**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

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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  *C. Monroe* President  
 Attest  *David Wold* 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.

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**Site Vicinity Map – Monument Villas Comp Plan Amendment & Rezone**

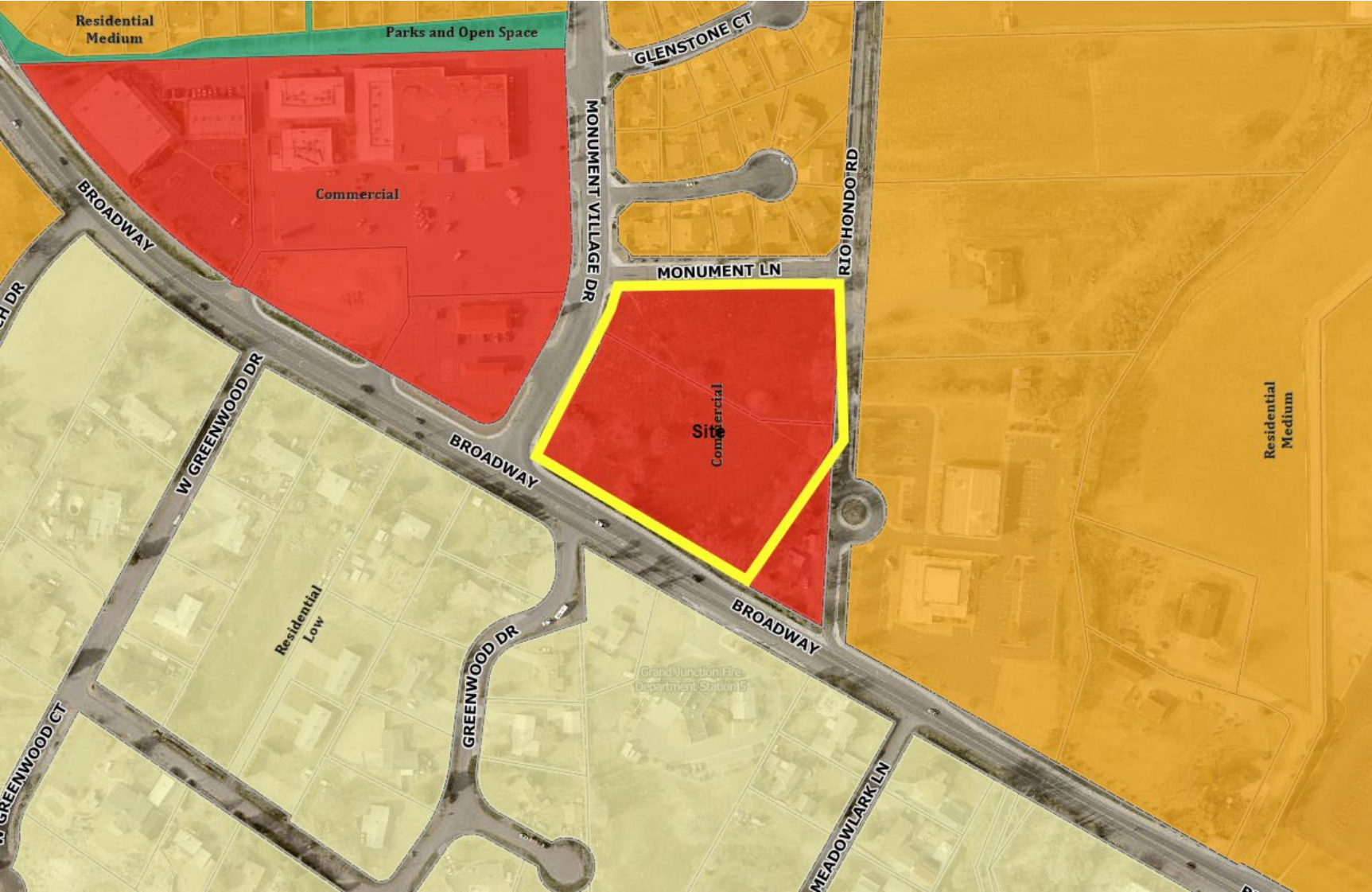




# Site Location Map

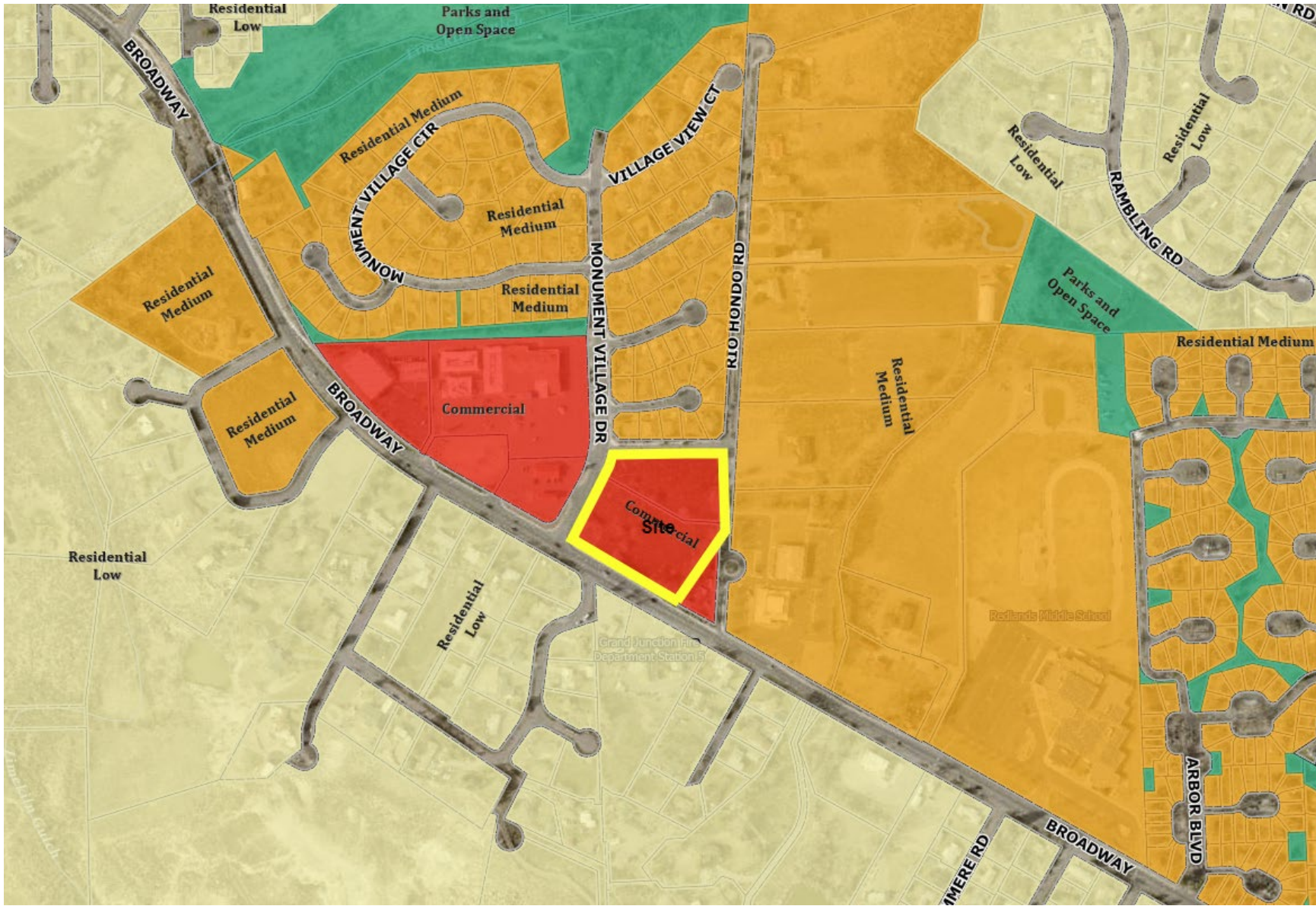


Land Use Map



# 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	970-861-1066
Don Abele	720 Bella Cyn dr. GJ 6 81507	970-234-5681
Jim Cagney	2103 MONUMENT VILLAGE Circle 81507	970-307-421-6490
<del>2118 Jones</del>	<del>2158 " " " "</del>	<del>307 970-210</del>
<del>John "</del>		
Anne Maurer	2158 Glenstone Ct. GJ 81507	(970)549-4883
Renée Christa	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 Ketchum	2157 Castlewood Ct	970-729-0675
Jena Cross	2160 Castlewood Ct.	970-549-4515
Sharon Kellogg	2170 Broadway 81507	970-242-7625
<del>John</del>	2155 Castlewood Ct 81507	970-250-7826
<del>John</del>	<del>Monarch</del>	
Steve Oster	2129 Monarch Pt.	703-628-3627
EO Miller	2139 MONUMENT VILLAGE CIR	970-210-7774
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 Detck	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 <sup>65</sup> <sup>Maconda</sup> 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.	970-819-8865
Paula Armstrong	2133 Village Cir. ct. Grand Jct, CO	970-245-6029
CAROLE MORITZ	2158 CASTLEWOOD CT GJ, CO	970-3145249
Shelly Williams	2159 Village View Ct GJCO	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
Jack Dierbergen	2147 Broadway	970-256-7089
Lucy Bondy	" "	"
DAVE PARMLEY	2142 Monument Village Cir	970-418-8155

## David Thornton

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**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

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**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

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**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

**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 following property shall be re-designated as Residential Medium (5.5-12 du/ac) on the Land Use Map of the Comprehensive Plan and shall be 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.

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Anna M. Stout  
President of the Council

ATTEST:

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Amy Phillips  
City Clerk



**Grand Junction Planning Commission**

**Regular Session**

**Item #4.**

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<b><u>Meeting Date:</u></b>	March 12, 2024
<b><u>Presented By:</u></b>	Timothy Lehrbach, Senior Planner
<b><u>Department:</u></b>	Community Development
<b><u>Submitted By:</u></b>	Tim Lehrbach, Senior Planner

---

**Information**

**SUBJECT:**

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. **Item to be rescheduled for a future meeting date.**

**RECOMMENDATION:**

**EXECUTIVE SUMMARY:**

**BACKGROUND OR DETAILED INFORMATION:**

**SUGGESTED MOTION:**

**Attachments**

None



## Grand Junction Planning Commission

### Regular Session

Item #5.

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**Meeting Date:** March 12, 2024  
**Presented By:** Timothy Lehrbach, Senior Planner  
**Department:** Community Development  
**Submitted By:** Tim Lehrbach, Senior Planner

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### Information

#### **SUBJECT:**

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

#### **RECOMMENDATION:**

Staff recommends approval of the request.

#### **EXECUTIVE SUMMARY:**

NAK Property 2, LLC (applicant) requests approval of a rezone from I-2 (Industrial General) to CG (Commercial General) on the approximately 0.43 acres at 739 3rd Avenue. The requested CG zone district implements the Comprehensive Plan Land Use Map designation of Commercial assigned to the subject property.

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

##### **BACKGROUND**

The subject property, located at 739 3rd Avenue, is zoned I-2 (Industrial General). The One Grand Junction Comprehensive Plan changed the land use designation of the subject property and areas to the east and south from Industrial to Commercial. The I-2 zone district does not implement the Commercial land use designation.

The Commercial land use designation provides concentrated areas of retail, services, and employment that support both City residents and those in the surrounding region.

The Property Owner, NAK Property 2, LLC, has requested a rezone to CG (Commercial General) zoning. The purpose of the CG district is to provide for auto-oriented retail commercial and commercial services, wholesale, and warehouse facilities. The district is intended to be located along corridors where proximity to residential and walkable mixed-use development is limited.



In addition to the CG zoning requested by the applicant, the following zone districts would also be consistent with the Commercial land use designation:

- a. MU-2 (Mixed-Use Light Commercial)
- b. P-2 (Public, Civic, and Institutional Campus)
- c. PD (Planned Development)

Surrounding properties to the east and south are zoned I-2 (Industrial General). The property to the north is zoned I-1 (Industrial Light). Properties fronting S 7th Street to the west are zoned CG (Commercial General).

### **NOTIFICATION REQUIREMENTS**

A Neighborhood Comment Meeting regarding the proposed rezone request was held via zoom on Tuesday, January 30, 2024, in accordance with Section 21.02.030(c) of the Zoning and Development Code. The owner, City staff, and one neighbor were present.

Notice was completed consistent with the provisions in Section 21.02.030(g) of the Zoning and Development Code. The subject property was posted with application signs on each street frontage on February 19, 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 March 1, 2024. The notice of the Planning Commission public hearing was published March 3, 2024 in the Grand Junction Daily Sentinel. An online hearing with opportunity for public comment was held between March 5 and March 11, 2024, through the GJSpeaks platform.

### **ANALYSIS**

#### **Rezone**

The criteria for review are set forth in Section 21.02.050(l)(3)(ii) of the Zoning and Development Code, which provides that an applicant for rezoning has the burden of producing evidence that proves **each** of the following criteria:

- A. **Consistency.** The proposed zoning is generally consistent with applicable provisions of the Comprehensive Plan.

The One Grand Junction Comprehensive Plan changed the land use designation of the subject property from Industrial to Commercial. The CG (Commercial General) zone district implements the Commercial land use designation. In addition, the proposed rezone supports the following principles, goals, and strategies of the Comprehensive Plan:

*Plan Principle 2: Resilient and Diverse Economy.*

*Goal 1. Foster a vibrant, diverse, and resilient economy.*

*Strategy b. Employment Base.*

This strategy focuses on retention, expansion, incubation, and recruitment efforts that create jobs and import income. The range of allowed uses in the CG zone district supports retail and commercial service uses not allowed in the existing I-2 (Industrial General) zone district and accommodates the growth of existing firms and the attraction of firms requiring a large-format retail footprint.

*Plan Principle 3: Responsible and Managed Growth*

*Goal 2. Encourage infill and redevelopment to leverage existing infrastructure.*

*Strategy a. Underutilized Properties.*

This strategy focuses on revitalization and adaptive reuse of existing vacant, blighted, or otherwise underutilized structures. Rezoning the subject property to CG enables a broader range of uses for reuse of the existing structure or redevelopment of the subject site in context with surrounding buildings and land use designations of Commercial and Mixed-Use.

*Plan Principle 4: Downtown and University Districts*

*Goal 3. Promote the continued reinvestment into Downtown, Riverfront, Rail, and University District's economy and built environment.*

*Strategy a.i. Diversification of Downtown Economic Base.*

This strategy focuses on the creation of a "Tech and Rec" hub within the Downtown and River Districts. The subject property is located within the South 7th Street Corridor of the Lower Downtown subarea identified for Area-Specific Policies in the Comprehensive Plan. The existing structure, site, and vicinity are suitable for "Tech and Rec" uses, which are more readily accommodated by the CG zone district than by the existing I-2 district. The existing zoning on-site limits allowed uses to heavier industrial uses often including a substantial outdoor operations and storage component whereas the proposed rezone allows a range of retail, office, and consumer-oriented businesses.

*Plan Principle 7: Great Places and Recreation*

*Goal 4. Support a lively arts and culture community.*

*Strategy d. Infill and Redevelopment Support.*

This strategy encourages development that supports creative activities in the City's priority locations for urban intensification, including Downtown. The CG zone district allows for a broad range of commercial and artisan industrial uses that complement the Downtown core, promote the growth of creative industries, and are compatible with existing, adjacent commercial and industrial uses. The CG zone district also introduces (re)development site and structure standards appropriate to a vibrant, active South 7th Street Corridor, consistent with the adopted vision for the Lower Downtown subarea.

Staff finds this criterion is met.

- B. **Development Patterns.** The proposed zoning will result in logical and orderly development pattern(s).

The subject property is located within the South 7th Street Corridor of the Lower Downtown subarea identified for Area-Specific Policies in the Comprehensive Plan. Properties within that corridor which front 7th Street are designated as Mixed Use on the Comprehensive Plan land use map. Areas to the east, outside of the corridor, are a mix of Commercial and Industrial land use designations. Appropriate rezoning within the Commercial areas from the existing industrial zones will serve to create a transition area between the intended walkable vibrancy of the Mixed Use designated areas and the heavier, outdoor-intensive uses which characterize the Industrial designated areas. Zone districts such as CG or MU-2 (Mixed-Use Light Commercial) to implement the Commercial land use designation in this area will allow a mix of retail, service, office, and artisan industrial uses which complement both adjacencies. Site and Structure Development Standards, which do not apply to properties within the industrial zones, do apply to commercial zones. This ensures the incremental (re)development of a built environment supportive of the nearby South 7th Street and Downtown, which are envisioned as a mix of light commercial and residential uses at a pedestrian-oriented scale. The site is presently developed with an 18,228 square foot building with no on-site loading area or outside storage area. Existing conditions are more compatible with the predominantly indoor, customer-oriented uses allowed in the requested CG district than with the substantial outdoor and heavy vehicle and equipment components allowed in the I-2 district.

Staff finds this criterion is met.

- C. **Benefits.** The community or area, as decided by the reviewing body, derives an overall benefit(s) from the proposed rezoning.

The area within the vicinity of the subject property benefits from the redevelopment potential of rezoning underutilized industrially zoned properties to the commercial zone districts. As described under criteria (A) and (B), the range of uses and design standards applicable to the CG zone district will contribute to the implementation of Comprehensive Plan principles, goals, and strategies which promote business development generally and a transition area supportive of the desired character and function of adjacent Mixed Use and Industrial areas.

The citywide community benefits from the occupancy of underutilized properties with a mix of tax-generating and employment-creating business uses. Any proposed rezone to CG or MU-2 in this area not only contributes to a desired character area from which residents and visitors may benefit, but also promotes businesses which generate tax revenue, employment growth, and industry clusters which may not otherwise proliferate in the more limited industrial zones. Staff finds this criterion is met.

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

After reviewing the NAK Property 2, LLC rezone request, RZN-2024-57, for a rezone from I-2 (Industrial General) to CG (Commercial General), located at 739 3rd Avenue, the following findings of fact have been made:

1. The request has met the burden of proof identified in Section 21.02.050(l)(3)(ii) of the Zoning and Development Code.

Therefore, Staff recommends approval of the request.

**SUGGESTED 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.

**Attachments**

1. Exhibit 1 - Development Application
2. Exhibit 2 - Site Maps
3. Exhibit 3 - Proposed Rezone Ordinance



# 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 <b>only</b> for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:	
Existing Land Use Designation: <u>Unknown</u>	Existing Zoning: <u>I-2</u>
Proposed Land Use Designation: <u>Retail</u>	Proposed Zoning: <u>CG</u>

### Property Information

Site Location: LOT 2 LOFFREDA SUB SEC 23 1S 1W UM Site Acreage: 0.43

Site Tax No(s): Parcel #: 2945-231-41-002 Account #: R093228 Site Zoning: I-2

Project Description: Rezone from I-2 to CG.

### Property Owner Information

Name: NAK Property 2, LLC

Street Address: 739 3rd Ave

City/State/Zip: Grand Junction, CO

Business Phone #: 9703908816

E-Mail: nkrehbiel@gmail.com

Fax #: \_\_\_\_\_

Contact Person: Nathan Krehbiel

Contact Phone #: (970)390-8816

### Applicant Information

Name: Same

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Business Phone #: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Fax #: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Contact Phone #: \_\_\_\_\_

### Representative Information

Name: Same

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: \_\_\_\_\_ Date: \_\_\_\_\_  
*Please print and sign*

Signature of Legal Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_  
*Please print and sign*

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) NAK Property 2, LLC ("Entity") is the owner of the following property:

(b) LOT 2 LOFFREDA SUB SEC 23 1S 1W UM - 18774SF/0.43AC or 739 3rd Ave Grand Junction, CO 81501

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) Manager 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

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

(e) \_\_\_\_\_

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: *Nathan Krehbiel*

Printed name of person signing: Nathan Krehbiel

State of Colorado

County of Eagle ) ss.

Subscribed and sworn to before me on this 17<sup>th</sup> day of January, 20 24

by Nathan Krehbiel

Witness my hand and seal.

My Notary Commission expires on 03/23/2027

**HECTOR PALACIOS ESTRADA**  
NOTARY PUBLIC - STATE OF COLORADO  
Notary ID #20194003484  
My Commission Expires 3/23/2027

*Hector Palacios Estrada*  
Notary Public Signature

E-RECORDED

RETURN RECORDED DOCUMENT TO:  
NAK Property 2, LLC, a Colorado Limited Liability Company  
P.O. Box 203, Red Cliff, CO 81649

Document Fee: \$89.50

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, dated 29th day of November, 2023, is made between Allen J. Munro, L.L.C., a Colorado Limited Liability Company ("Grantor"), of the County of Mesa and the State of Colorado.

AND

NAK Property 2, LLC, a Colorado Limited Liability Company ("Grantee"), of the County of Eagle and the State of Colorado, whose legal address is P O Box 203, Red Cliff, CO 81649.

WITNESS, that the Grantor(s), for and in consideration of EIGHT HUNDRED NINETY FIVE THOUSAND AND 00/100 DOLLARS (\$895,000.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, and convey unto the Grantee, and the heirs, successors and assigns of the Grantee forever, all the real property, together with fixtures and improvements located thereon, if any, situate, lying and being in the County of Mesa and State of Colorado, described as follows:

Lot 2 of  
LOFFREDA SUBDIVISION,  
County of Mesa, State of Colorado


ALSO KNOWN AS 739 Third Avenue, Grand Junction, CO 81501

TOGETHER WITH, all and singular the hereditaments and appurtenances thereunto 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 the appurtenances, unto the Grantee, and the heirs, successors and assigns of the Grantee forever. The Grantor, for the Grantor and the heirs, successors and assigns of the Grantor, warrants title to the same against all persons claiming by, through or under the Grantor, subject to the Statutory Exceptions

EXECUTED AND DELIVERED by Grantor on the date first set forth above.

Allen J. Munro, L.L.C., a Colorado  
Limited Liability Company

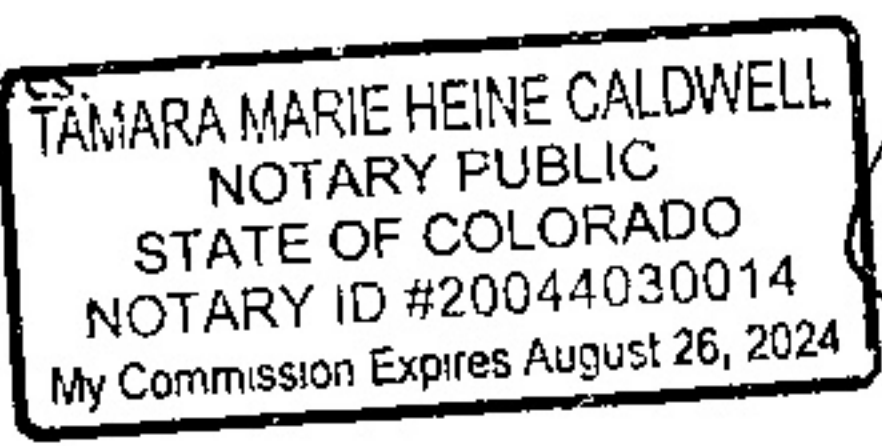
  
By: Allen J. Munro, as Managing Member

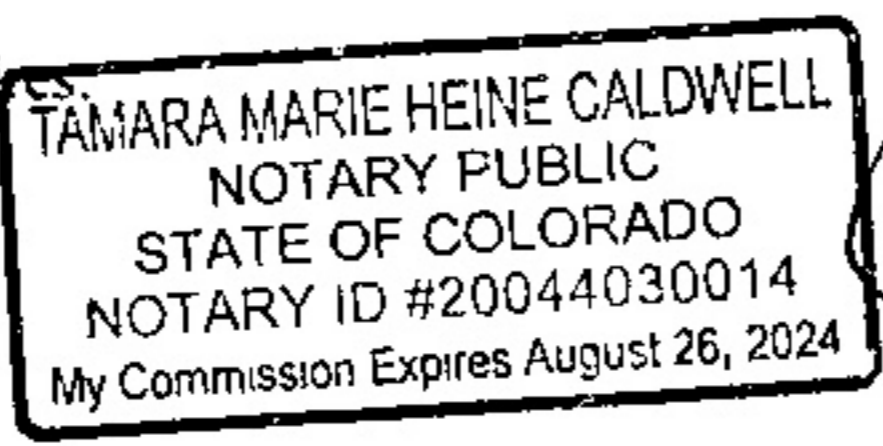
State of : Colorado

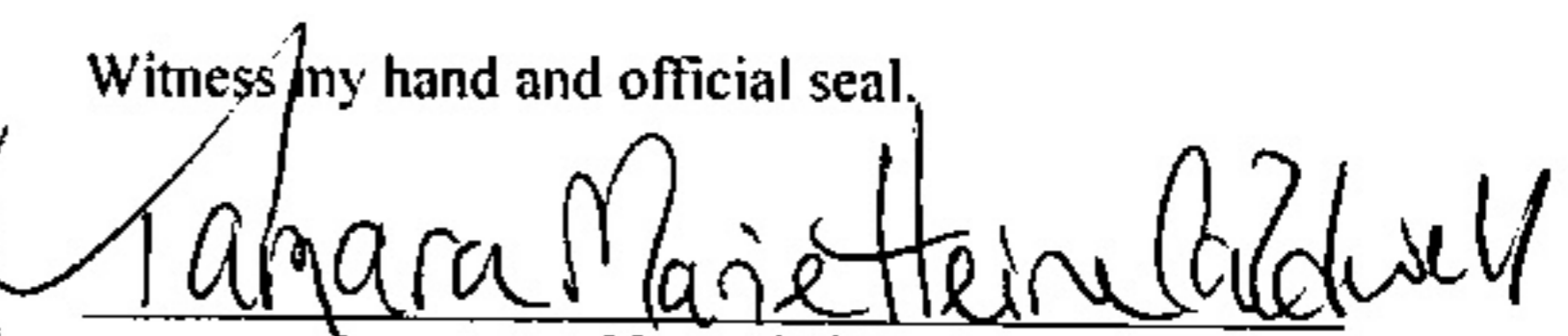
County Of Mesa

}  
}  
} ss.  
}

The foregoing instrument was subscribed, sworn to, and acknowledged before me this November 29, 2023, by Allen J. Munro, as Managing Member of Allen J. Munro, L.L.C., a Colorado Limited Liability Company

My Commission expires  Witness my hand and official seal.



  
Notary Public

\*\*If tenancy is unspecified, the legal presumption shall be tenants in common (C.R.S. 38-31-101)

**STATEMENT OF AUTHORITY**

**E-RECORDED**

- 1. This Statement of Authority relates to an entity named: **NAK Property 2, LLC**
- 2. The Entity is a: **Limited Liability Company**
- 3. The Entity is formed under the laws of: **Colorado**
- 4. The mailing address for the entity is:  
**P.O. Box 203, Red Cliff, CO 81649**
- 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:
- 6. **Nathan Krehbiel, as Managing Member  
Ashleigh Krehbiel, as Managing Member.**
- 7. The authority of the foregoing person(s) to bind the entity is **not limited**.
- 8. Other matters concerning the manner in which the entity deals with interests in real property: **NONE**
- 9. This Statement of Authority is executed on behalf of the Entity pursuant to the provisions of C.R.S. Section §38-30-172.

Executed this: November 29, 2023

**NAK Property 2, LLC, a Colorado Limited Liability Company**



**By: Nathan Krehbiel, as Managing Member**

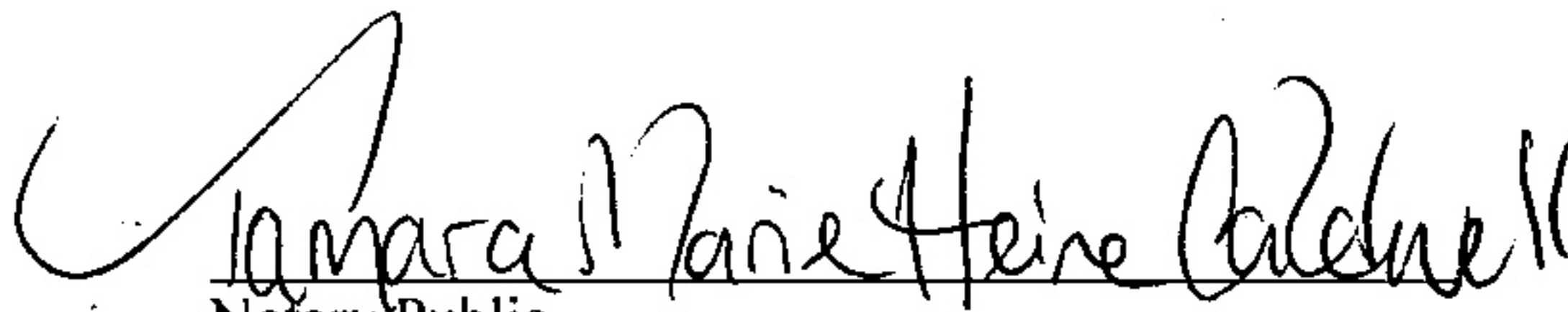
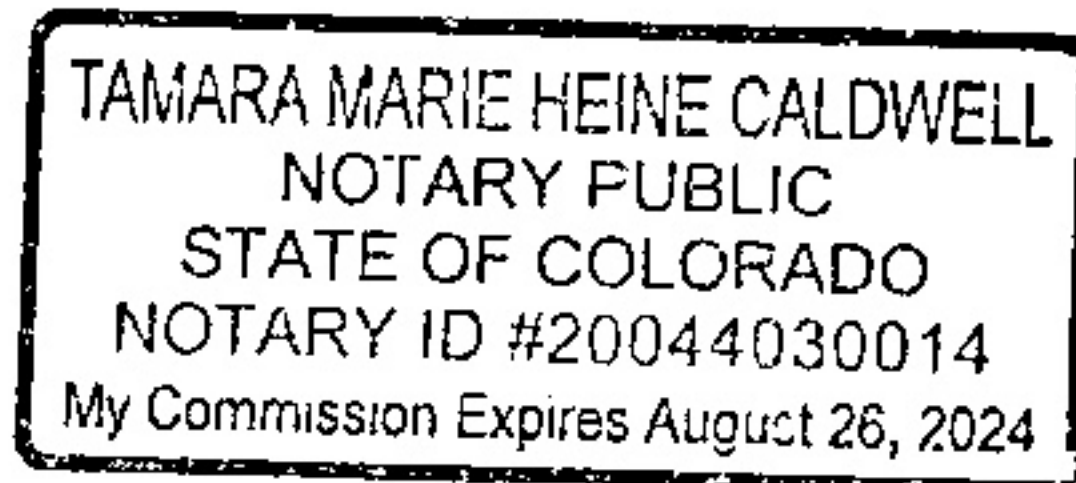
STATE OF: Colorado

COUNTY OF: Mesa

The foregoing instrument was acknowledged before me this 29th day of November, 2023, by **Nathan Krehbiel, as Managing Member of NAK Property 2, LLC, a Colorado Limited Liability Company**

Witness my hand and seal.

My commission expires:

  
Notary Public



NAK Property 2, LLC  
739 3rd Ave  
Grand Junction, CO 81505

RE: LEGAL DESCRIPTION

LOT 2 LOFFREDA SUB SEC 23 1S 1W UM - 18774SF/0.43AC

FOR CITY USE ONLY  
TYPE OF DOCUMENT BOOK PAGE

# LOFFREDA SUBDIVISION

A REPLAT OF LOTS 11 THROUGH 19  
IN BLOCK 20 OF MILDDALE SUBDIVISION  
LOCATED IN THE NE 1/4 OF SECTION 23, TOWNSHIP  
1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN

DEDICATION:  
KNOW ALL MEN THESE PRESENTS:  
That KnowMoore, LLC and Allen J. Munro LLC, a Colorado Limited Liability Company are the owners of that real property as described in Book 4530 at Page 641 (Reception Number 2406335) and Book 5191 at Page 52 (Reception Number 2582428) as recorded in the Mesa County Clerk and Recorder's Office.

Said property described as: Lots 11 through 19 inclusive in Block 20 Milldale Subdivision, City of Grand Junction, County of Mesa and State of Colorado.  
That said owner does hereby dedicate and set apart that real property as labeled on the accompanying plat as follows:  
That said owner has caused that real property to be laid out and surveyed as LOFFREDA SUBDIVISION.  
All streets, roads and rights of way are dedicated to the City of Grand Junction for the use of the public forever.  
All lienholders appear hereon.

IN WITNESS said owners have caused their names to be hereunto subscribed  
this 21st day of August A.D. 2013  
*[Signatures]*  
Allen J. Munro, Managing Member  
Allen J. Munro LLC, a Colorado Limited Liability Company.  
Kirk Knowles, Managing Member  
Knowmoore LLC

STATE OF COLORADO )  
COUNTY OF MESA ) SS  
The foregoing instrument was acknowledged before me this 21st day of August AD 2013 by Allen J. Munro and Kirk Knowles, AS MANAGING MEMBER OF KNOWMOORE LLC, A COLORADO LIMITED LIABILITY COMPANY  
My commission expires \_\_\_\_\_  
Notary Public *[Signature]*

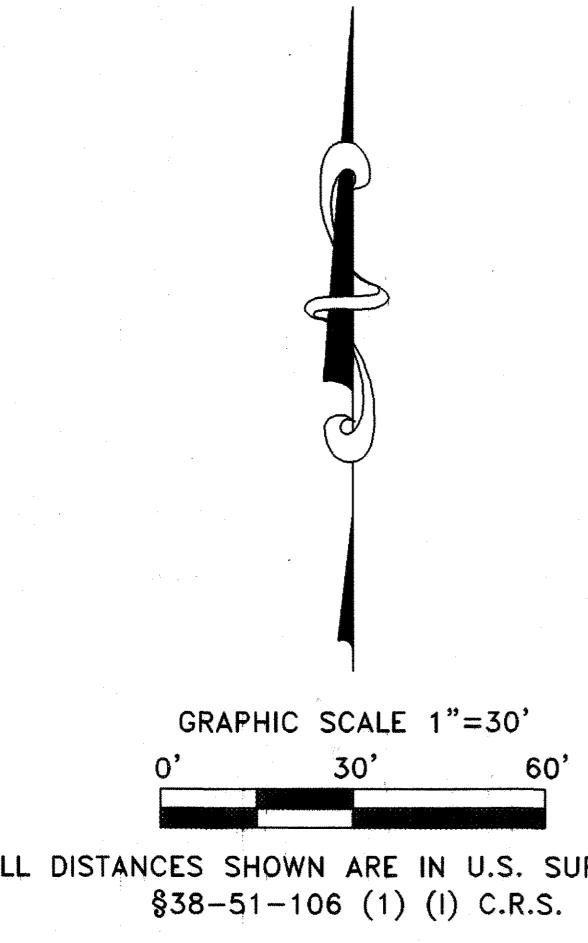
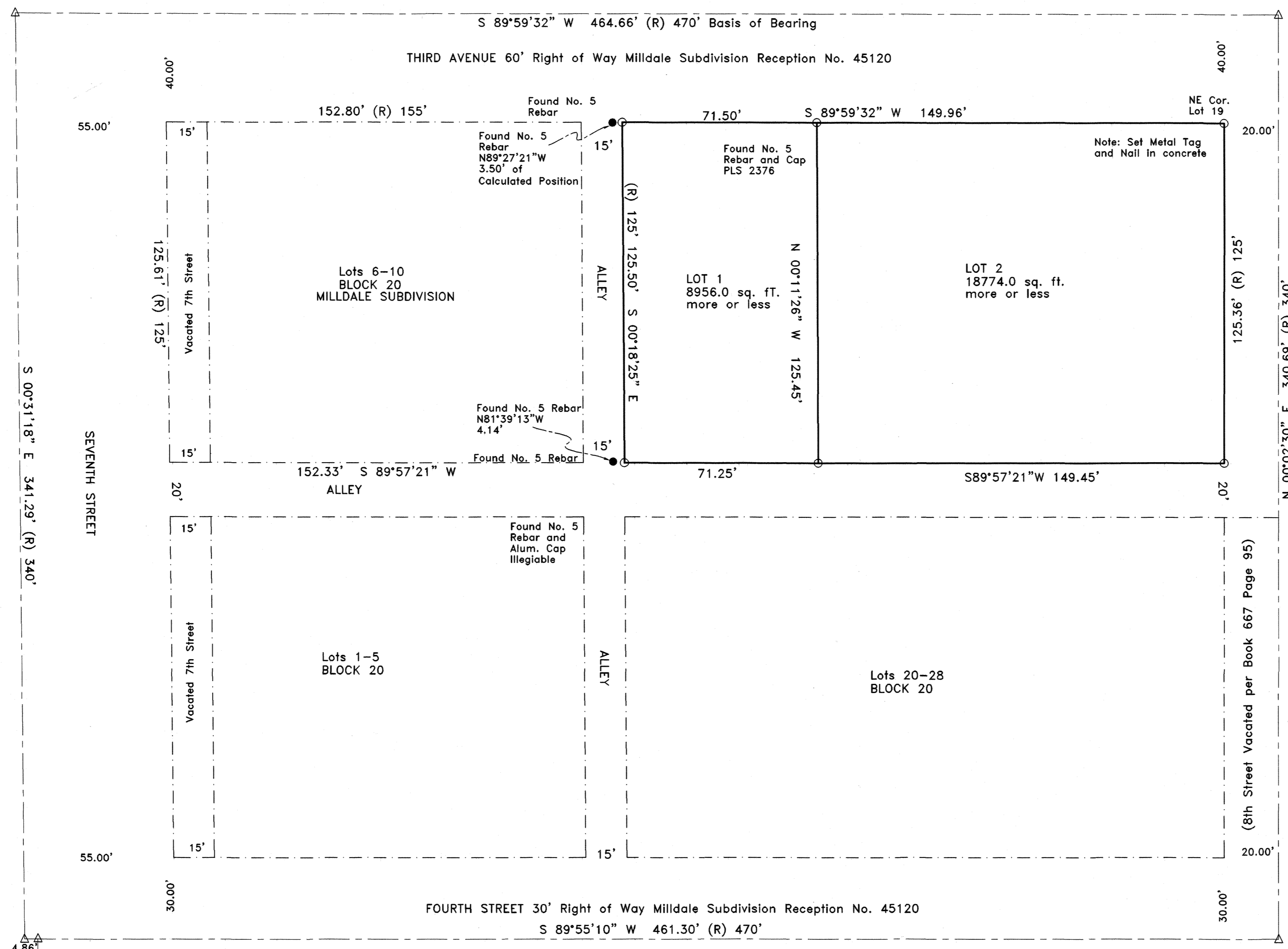
CLERK AND RECORDER'S CERTIFICATE  
STATE OF COLORADO )  
COUNTY OF MESA ) SS  
I hereby certify that this instrument was filed in my office at 12:12 O'clock PM this 4th day of September A.D. 2013  
Book 5522 Pages 355 Reception Number 2667546  
Drawer No. 22-65 Fees \$10+1  
Clerk and Recorder Sheila Reiner Deputy Rose Tojaya

CITY OF GRAND JUNCTION APPROVAL  
This plat of Loffreda Subdivision, City of Grand Junction, Mesa County, Colorado was approved this 23 day of August A.D. 13  
*[Signatures]*  
City Manager \_\_\_\_\_ President of City Council \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**  
I, Cecil D. Caster, do hereby certify that, to the best of my knowledge, information, and belief, the accompanying plat of LOFFREDA SUBDIVISION is a true and accurate representation of a field survey made under my direct supervision, and all information pertinent to said survey is shown on this plat. This survey is in accordance with applicable standards of practice for the State of Colorado and is not a guaranty of warranty, either expressed or implied.

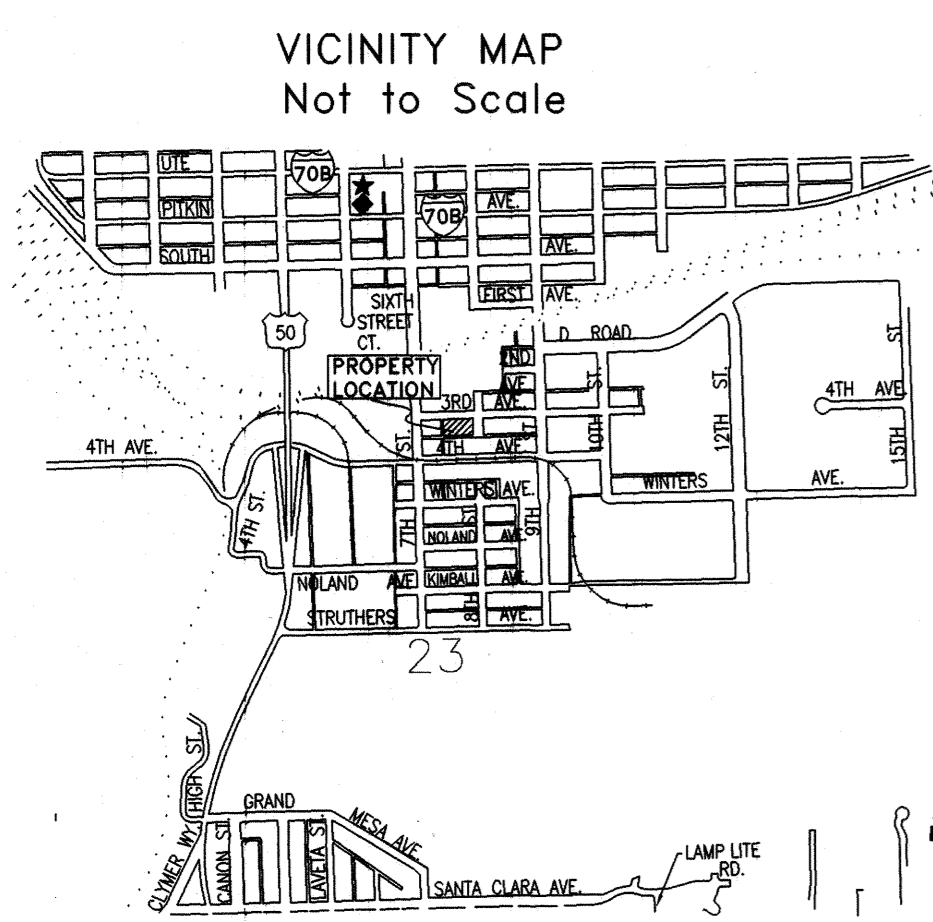
*[Professional Seal]*  
Cecil D. Caster  
Registered Professional Land Surveyor  
P.L.S. No. 24943

Basis of Bearing: A bearing of S89°59'32"W has been determined per the Mesa County GIS information between the City of Grand Junction Monuments located 7th Street and 3rd Avenue and 8th Street and Third Avenue.



ALL DISTANCES SHOWN ARE IN U.S. SURVEY FEET  
§38-51-106 (1) (I) C.R.S.

- LEGEND**
- △ CITY MONUMENT
  - FOUND NO. 5 REBAR AND CAP AS NOTED
  - SET NO.5 REBAR/CAP MONUMENT P.L.S. 24943
- AREA SUMMARY**
- |         |                |      |
|---------|----------------|------|
| LOTS    | 27,730 SQ. FT. | 100% |
| STREETS | 0.0            | 0%   |
| TOTAL   | 27,730 SQ. FT. | 100% |
- LIST OF ABBREVIATIONS**
- MCSM MESA COUNTY SURVEY MARKER
  - FIND FOUND
  - +/- MORE OR LESS
  - SEC. SECTION
  - T TOWNSHIP
  - R RANGE
  - BLM BUREAU OF LAND MANAGEMENT
  - COR CORNER
  - N. S. E. W. NORTH, SOUTH, EAST OR WEST
  - sq. ft. SQUARE FEET
  - U.M. UTE MERIDIAN
  - PLS PROFESSIONAL LAND SURVEYOR
  - ALUM ALUMINUM
  - (R) RECORDED DISTANCE OR BEARING



**LIENHOLDER'S RATIFICATION OF PLAT**  
The undersigned, Timberline Bank, hereby certifies that it is a holder of a security interest upon the property hereon described and does hereby join in and consent to the dedication of the land described in said dedication by the owner thereof and agrees that its security interests which are recorded in Book 5302 at Page 108, Reception No.2611595, of the public records of Mesa County, Colorado shall be subordinated to the dedications shown hereon.  
AND RECORDED AT BOOK 5302 PAGE 99 RECEPTION NO. 2611594 AND RECORDED IN BOOK 5025 AT PAGE 19, RECEPTION NO. 2537164  
By: *[Signature]*  
Title: President  
STATE OF Colorado )  
COUNTY OF Mesa ) SS  
The foregoing Lienholder's Ratification of Plat was acknowledged before me by Jeffrey Taets  
for Timberline Bank, on this 13th day of May 2013  
for Louise R. M. Jordan  
Notary Public  
My Commission expires: 5-19-2013

**LIENHOLDER'S RATIFICATION OF PLAT**  
The undersigned, Wells Fargo Bank, N.A., hereby certifies that it is a holder of a security interest upon the property hereon described and does hereby join in and consent to the dedication of the land described in said dedication by the owner thereof and agrees that its security interests which are recorded in Book 5193 at Page 263, Reception No.2583041, of the public records of Mesa County, Colorado shall be subordinated to the dedications shown hereon.  
By: Carol Skubic, VP  
For Wells Fargo Bank, N.A.  
STATE OF COLORADO )  
COUNTY OF Mesa ) SS  
The foregoing Lienholder's Ratification of Plat was acknowledged before me by Carol Skubic  
for Wells Fargo Bank, N.A. as its Vice President on this 17th day of May 2013  
Notary Public Ruth A. Partzka  
My Commission expires: August 31, 2016

**TITLE CERTIFICATION**  
We, Abstract and Title Company of Mesa County, Inc. 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 vested to Allen J. KnowMoore, LLC, A Colorado Limited Liability Company, the current taxes have been paid; that all mortgages not satisfied or released or 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. TAXES FOR 2012 PAID AS OF AUGUST 21, 2013  
By: Barbara A. Griffin  
Title Examiners signature  
Printed Name BARBARA A. GRIFFIN  
Executed this 21st day of August, 2013

**TITLE CERTIFICATION**  
We, Abstract and Title Company of Mesa County, Inc. 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 vested to KnowMoore LLC, A Colorado Limited Liability Company, the current taxes have been paid; that all mortgages not satisfied or released or 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. AS OF AUGUST 20, 2013 AND TAXES FOR 2012 PAID  
By: Barbara A. Griffin  
Title Examiners signature  
Printed Name BARBARA A. GRIFFIN  
Executed this 21 day of August, 2013

*[Notary Seal]*  
RUTH A. PARTZKA  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID #20124057020  
My Commission Expires August 31, 2016

	Monument Surveying Inc. 3094 Pinyon Place Grand Junction, CO 81504 (970) 245-4189	DESIGNED _____ FIELD APPROVAL <u>BKH</u>
		DRAWN <u>CDC</u> TECHNICAL APPROVAL _____
		CHECKED <u>CDC</u> APPROVED <u>05/09/13</u>
PREPARED FOR: <u>Joe Loffreda</u>		JOB NO. _____

NAK Property 2, LLC  
739 3rd Ave  
Grand Junction, CO 81505

RE: GENERAL PROJECT REPORT

This is a request to rezone 739 3rd Ave from Industrial General (I-2) to Commercial General (CG). Rezoning to CG allows for commercial uses not currently allowed by I-2 zoning.

This rezoning request is in line with the City of Grand Junctions Comprehensive Plan. According to the Comprehensive Plan Chapter 3: Land Use and Growth, the above address should transition from Industrial to Commercial indicated by the land use map on page 59. Therefore rezoning to CG is generally consistent with the City's plans for this area.

Furthermore, the above property is situated on the edge of the currently industrial zoned area. As this area transitions to commercial zoning it makes sense to start from the edge. Therefore, rezoning is a logical and orderly development pattern.

Lastly, there is an overall benefit to the community as expanding the uses allowed on this property will bring a wider variety of businesses to the area increasing activity and therefore visibility of other businesses.

## Neighborhood Comment Meeting Notes

Topic of Discussion:

Rezoning of 739 3rd Ave

Venue:

The meeting was held digitally with Google Meets.

Attendees:

Nathan Krehbiel

Daniel West

Tim Lehrbach

Start: 1830 January 30th, 2024

End: 1847 January 30th, 2024

Notes:

Mr. Krehbiel opened the meeting with a description of proposed rezoning with the purpose of broadening the commercial uses for the building to include retail. He also reported that there is a river supply business that wants to lease retail space in the building. He also reported there is interest from the CCA to lease space in the building as well.

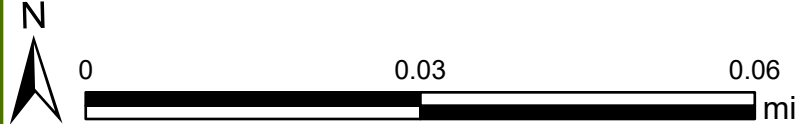
Mr. Lehrbach commented on the city council process reporting that there will be three meetings to pass the rezoning. He also reported that rezoning is in line with the city's comprehensive plan for the area.

Mr. Krehbiel and Mr Lehrbach both encouraged questions.

Mr. West reported via written message that his microphone was not working. He did not send any questions.

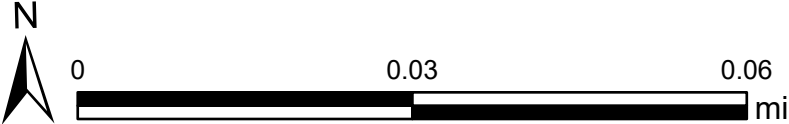
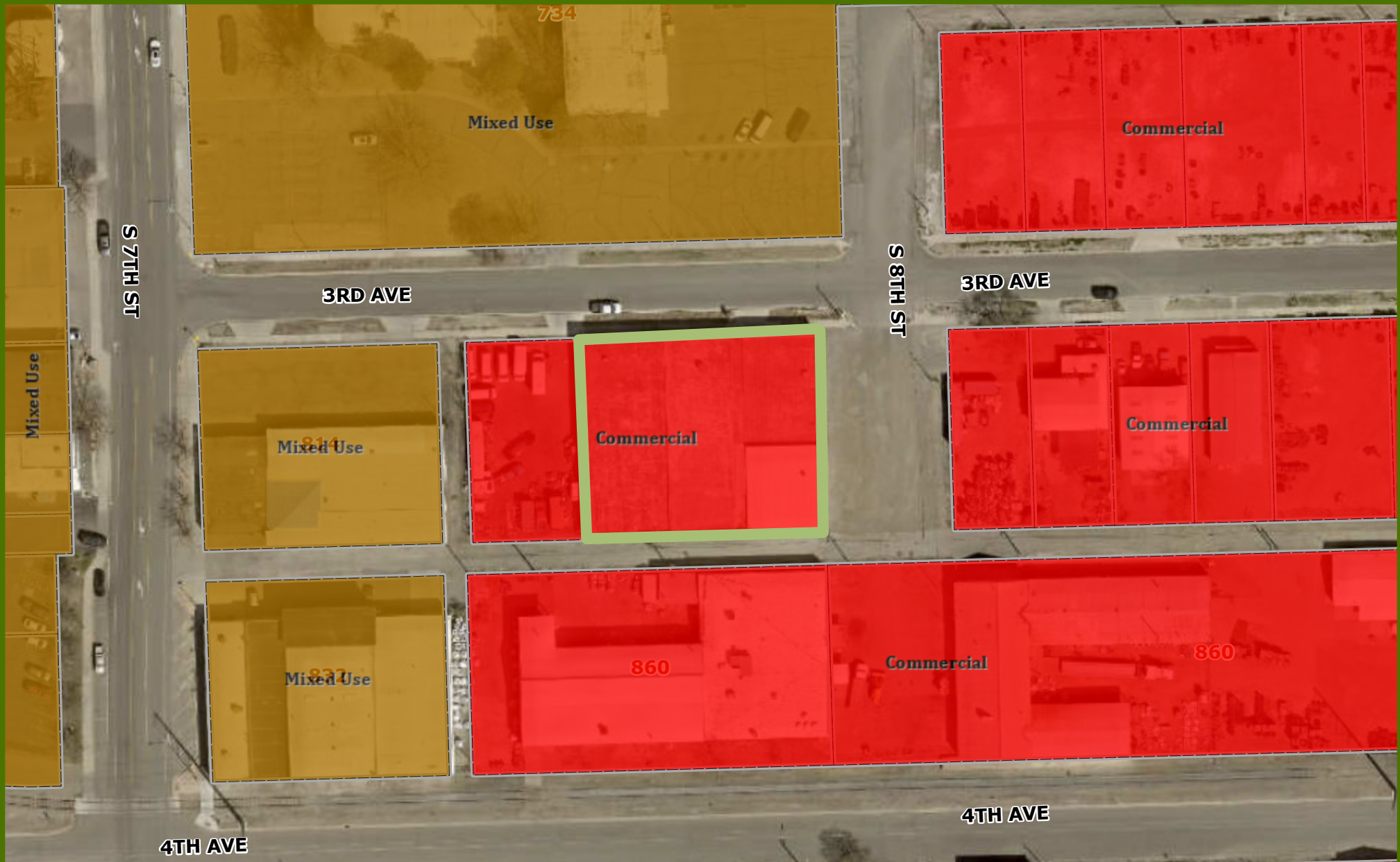
The meeting was concluded.

# Location Map



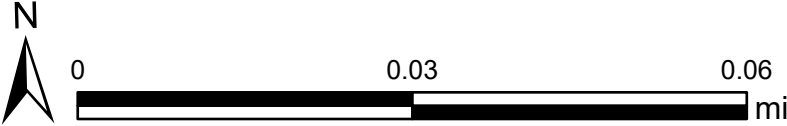
Printed: 2/21/2024  
1 inch equals 83 feet  
Scale: 1:1,000  
Packet Page 133

# Comprehensive Plan Map



Printed: 2/21/2024  
1 inch equals 83 feet  
Scale: 1:1,000  
Packet Page 134

# Existing Zoning Map



Printed: 2/21/2024  
1 inch equals 83 feet  
Scale: 1:1,000  
Packet Page 135

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING APPROXIMATELY 0.43 ACRES FROM I-2  
(INDUSTRIAL GENERAL) TO CG (COMMERCIAL GENERAL) ZONE DISTRICT  
LOCATED AT 739 3RD AVENUE**

Recitals:

The property owner, NAK Property 2, LLC, proposes a rezone from I-2 (Industrial General) to CG (Commercial General) on a total of 0.43 acres located at 739 3<sup>rd</sup> Avenue.

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 I-2 (Industrial General) to CG (Commercial General) for the property, finding that it is consistent with the 2020 One Grand Junction Comprehensive Plan Land Use Map designation of Commercial 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 I-2 (Industrial General) to CG (Commercial General) for the property is consistent with the vision, intent, goals, and policies of the Comprehensive Plan. The City Council also finds that the request for rezone to the CG (Commercial General) zone district meets the stated criteria of Section 21.02.050(l)(3)(ii) 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 following property is hereby zoned CG (Commercial General):

A parcel of land being LOT 2, LOFFREDA SUBDIVISION, same as recorded at Reception No. 3080195, situated in Northeast 1/4 of Section 23, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, Colorado.

Said parcel of land CONTAINING 18,774 Square Feet or 0.43 Acres, more or less.

**INTRODUCED** on first reading this 3rd day of April 2024 and ordered published in pamphlet form.

**ADOPTED** on second reading this 17th day of April 2024 and ordered published in pamphlet form.

\_\_\_\_\_  
Anna M. Stout  
President of the Council

ATTEST:

\_\_\_\_\_  
Amy Phillips  
City Clerk

**Commented [JB1]:** There is no mention of conforming in staff report.



