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**PLANNING COMMISSION AGENDA  
IN-PERSON/VIRTUAL HYBRID MEETING  
CITY HALL AUDITORIUM, 250 N 5<sup>th</sup> STREET  
TUESDAY, AUGUST 13, 2024 - 5:30 PM  
*Attend virtually: [bit.ly/GJ-PC-8-13-24](https://bit.ly/GJ-PC-8-13-24)***

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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 EVC Horizon Drive, LLC on behalf of the owner On The Horizon, LLC to vacate 0.25 acres of eastern N 15th Street right-of-way between G Road and Horizon Drive.

**Other Business**

**Adjournment**

**GRAND JUNCTION PLANNING COMMISSION**  
**July 9, 2024, 5:30 PM**  
**MINUTES**

The meeting of the Planning Commission was called to order at 5:30 p.m. by Chairman Teske.

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

Also present were Jamie Beard (City Attorney), Niki Galehouse (Planning Manager), Tamra Allen (Community Development Director), Madeline Robinson (Planning Technician), and Jacob Kaplan (Planning Technician).

There were 0 members of the public in attendance, and 0 virtually.

**CONSENT AGENDA**

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**1. Approval of Minutes**

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Minutes of Previous Meeting(s) from June 25, 2024.

Commissioner Scissors moved to approve the consent agenda.  
*Commissioner Weckerly seconded; motion passed 7-0.*

**REGULAR AGENDA**

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**1. Zoning Code Amendment - Utilities Undergrounding**

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**ZCA-2024-396**

Consider Amendments to Title 21 Zoning and Development Code to Remove the Requirement for New Development to Underground Existing Utilities.

**Staff Presentation**

Tamra Allen, Community Development Director, introduced exhibits into the record and provided a presentation regarding the request.

**Questions for staff**

*There were no questions or comments for staff.*

**Public Hearing**

*The public comment period was opened at 5:00 p.m. on Tuesday, July 2, 2024, via [www.GJSpeaks.org](http://www.GJSpeaks.org).*

*There were no public comments.*

*The public comment period was closed at 5:46 p.m. on July 9, 2024.*

## **Discussion**

Commissioner Ehlers clarified that this amendment pertained to all existing overhead lines, regardless of the size of the infrastructure.

Commissioner Zyvan asked if there was any consideration to require undergrounding in the future.

## **Motion and Vote**

Commissioner Scissors 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-2024-396, 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 Weckerly seconded; motion passed 7-0.*

## **2. Zoning Code Amendment – Interim Housing ZCA-2024-397**

Consider Amendments to Title 21 Zoning and Development Code to Create a New Land Use Category for Interim Housing, to Create Temporary Use and Structure Standards for Interim Housing, and to Create a New Public Hearing Process for an Extended Temporary Use permit.

### **Staff Presentation**

Niki Galehouse, Planning Manager, introduced exhibits into the record and provided a presentation regarding the request.

### **Questions for staff**

Commissioner Ehlers asked how frequently amendments or expansions could be requested for an interim housing development. He asked how “usable area” was defined in regard to density calculations. He asked if there was a limit on the length of time individuals could inhabit the dwellings. He proposed that once the temporary use had reached its 4-year limit, there would be a buffer period before the property could reapply or that the temporary use would need to become permanent.

Discussion ensued about how long a property could be used for interim housing before it became a permanent use. There was consideration to amend the motion to include language about a buffer between terms, or to require the use to become permanent including any code requirements that brings about.

### **Public Hearing**

*The public comment period was opened at 5:00 p.m. on Tuesday, July 2, 2024, via [www.GJSpeaks.org](http://www.GJSpeaks.org).*

*There were no public comments.*

*The public comment period was closed at 6:51 p.m. on July 9, 2024.*

## **Discussion**

Commissioner Scissors asked if the lack of consideration for extension or renewal was intentional.

Commissioner Zyvan asked for clarification that the term-length proposed by this amendment was 4 years.

## **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-2024-397, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report and the condition that clarifying language be added to express the intent of this Commission that there be a cap on a site that an interim housing site cannot be in use on that property for more than four years.”

*Commissioner Herek seconded; motion passed 7-0.*

## **OTHER BUSINESS**

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## **ADJOURNMENT**

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Commissioner Ehlers moved to adjourn the meeting.

*The vote to adjourn was 7-0.*

The meeting adjourned at 6:58 p.m.



## Grand Junction Planning Commission

### Regular Session

Item #1.

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**Meeting Date:** August 13, 2024  
**Presented By:** Daniella Acosta, Senior Planner  
**Department:** Community Development  
**Submitted By:** Daniella Acosta Stine, Senior Planner

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### Information

#### **SUBJECT:**

Consider a request by EVC Horizon Drive, LLC on behalf of the owner On The Horizon, LLC to vacate 0.25 acres of eastern N 15th Street right-of-way between G Road and Horizon Drive.

#### **RECOMMENDATION:**

Staff recommends conditional approval of the request.

#### **EXECUTIVE SUMMARY:**

The Applicant, EVC Horizon Drive, LLC on behalf of the owner, On The Horizon, LLC, is requesting a partial vacation of approximately 0.25 acres of public right-of-way of N 15th Street in anticipation of a future commercial lot split located at 2727 G Road (between G Road, N 15th Street and Horizon Drive) and the development of a McDonald's fast-food restaurant on Lot 1 of the proposed subdivision. The request to vacate right-of-way is consistent with the City's Comprehensive Plan and Circulation Plan.

The approval of the request is conditioned on the approval of the Simple Subdivision (SSU-2024-52) currently under review for the creation of two commercial lots.

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

The subject vacation area of 0.25 acres is located between G Road and Horizon Drive, on the eastern edge of N 15th Street. The original width of right-of-way is 80 feet, with 40 feet on either side of the center line. The 80' of right-of-way was granted to Mesa County via quitclaim deeds by Howard Stewart (Reception No. 813146), Emmanuel Epstein, Kenneth L. Etter and Jimmie L. Etter (Reception No. 813634). In 1993, 14 feet of right-of-way along the western half of N 15th Street abutting Lot 2 of Horizon Park Subdivision was vacated, resulting in a total right-of-way of 66 feet between G Road

and the south end of said subdivision and then 80' of right-of-way south to Horizon Drive.

The property, 2727 G Road, hereafter referred to as the Subject Property, is adjacent to the residential Horizon Park East Subdivision. The proposed plans for the Subject Property are to create a two-lot commercial subdivision with a pad site for a McDonald's fast-food restaurant and a second pad site for future commercial use to-be-determined. The Subject Property is zoned MU-2 (Mixed Use Corridor) and has a land use designation of Commercial per the 2020 One Grand Junction Comprehensive Plan.

The required northern half of the sidewalk and pedestrian trail to be secured and built with the Simple Subdivision will facilitate the connectivity from N 15th Street to the Horizon Drive Trail and the shared access drive between G Road and Horizon Drive will ensure connectivity for commercial traffic if and when the proposed commercial uses establish themselves. As a condition of the approval, the vacation ordinance will not be effective until the Simple Subdivision is approved.

### **NOTIFICATION REQUIREMENTS**

A Neighborhood Meeting regarding the proposed right-of-way vacation request was held on September 13, 2023, in accordance with the Zoning and Development Code in effect at that time. Four members of the public attended the meeting, in addition to the current property owner and two members of city staff. Questions concerned the future development, traffic impact, site access and the development process.

The application for the right-of-way vacation was submitted on January 30, 2024. The 2023 Zoning and Development Code became effective January 23, 2024, and therefore, the application for the vacation was reviewed under the 2023 code as opposed to the earlier code.

Notice was completed consistent with the provisions in Section 21.02.030(g) of the City's 2023 Zoning and Development Code. The Subject Property was posted with application signs on each street frontage on July 24, 2024 (Exhibit 7). 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 August 2, 2024. The notice of the Planning Commission public hearing was published August 4, 2024, in the Grand Junction Daily Sentinel. An opportunity for public comment was held between August 6 and August 12, 2024, through the GJSpeaks platform.

### **ANALYSIS**

The criteria for review are set forth in Section 21.02.050(o) of the 2023 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 0.25 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. The vacation of this right-of-way will have no impact on public facilities or services, as comparable circulation for commercial traffic will be available through the shared access drive between G Road and Horizon Drive via the Subject Property if and when a commercial use establishes itself via the Major Site Plan process.

The Grand Junction Circulation Plan identifies N 15th Street as an urban residential street, and per the Transportation Engineering Design Standards (TEDS) Manual, only 46 feet of right-of-way is needed, with a 28-foot asphalt section and an attached 6-foot sidewalk to the east. The proposed vacation seeks to vacate 20 feet of right-of-way, resulting in a total remaining right-of-way width of 46 feet, which complies with the urban residential cross-section.

Furthermore, 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 finds that this criterion is met.

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

The property has three frontages along N 15th St, G Road and Horizon Drive and will, therefore, not be landlocked. Additionally, the vacation request is to narrow the N 15th Street and the property at 2727 G Rd would still retain frontage along N 15th Street.

Therefore, staff finds that this criterion is 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;

The neighboring residential Horizon Park East Subdivision will retain access to G Road via the northern half of N 15th Street. As previously stated, N 15th Street is an urban residential street which only requires 46 feet of right-of-way. A through street with the full 66–80 feet of existing right-of-way is unnecessary to support the traffic demands of a 22-lot single-family residential subdivision. The property at 691

Horizon Drive currently fronts the un-built portion of N 15th Street. This property is part of the Safeway At Horizon Park and has cross access easements providing that lot with legal access across the other lots in the subdivision to Horizon Drive. Additionally, should 691 Horizon ever redevelop and require access to N 15th St, the partial vacation request leaves 60 feet south of the Horizon Park East Subdivision that will be retained as ROW for a future street if needed.

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. Only 20 feet of the existing 66 feet of N 15th Street right-of-way between G Road and the southern edge of the Horizon Park East Subdivision will be vacated, resulting in 46 feet of total right-of-way being retained in that stretch of N 15th Street. There is currently an 8-inch sanitary sewer line and an 8-inch Ute water line in that roadway segment of N 15th Street. These utilities are not within the proposed vacation area.

Between the south end of the Horizon Park East Subdivision and Horizon Drive segment of N 15th Street, there is a total of 80 feet of existing right-of-way. The proposed 20 feet right-of-way vacation would result in 60 feet of retained right-of-way. There are currently no public utilities within this segment of N 15th Street. Additionally, the vacation terminates at the edge of where the Horizon Drive right-of-way begins and does not include any portion of the public trail along Horizon Drive. Therefore, the vacation will not impact existing pedestrian facilities.

No objections to the vacation proposal 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 City staff nor utility providers have identified that this request will inhibit the provision of adequate public facilities and services. As mentioned previously, all public utilities in the N 15th Street roadway are outside the proposed vacation area. The reduced 46 feet of right-of-way will continue to meet the traffic needs of the 22-lot Horizon Park East subdivision.

Furthermore, the subdivision and site planning processes will facilitate locating adequate public facilities and services to serve the Subject Property, including the shared access drive (via the latter process) for commercial traffic once those commercial uses are established. This shared access will connect G Road to Horizon Drive. This proposal would require two access points on G Road and Horizon Drive, which are both minor arterials, as opposed to N 15th Street, which is the lower order street. Two TEDS Exceptions (TED-2024-448) submitted along with a Traffic Impact Study conducted by the applicant for the Simple Subdivision was



reviewed by the TEDS Committee and approved on July 23, 2024 (Exhibit 5). The first request approved the provision of access on the higher order streets and the second request approved the number of access points.

Staff finds that this criterion has been met.

6. The proposal shall not hinder public and City functions.

As explained in previous sections, the proposal will not hinder public and City function since the reduced 46-foot right-of-way is sufficient to support the residential subdivision traffic demands to the east of the road. The partial vacation still ensures adequate fire access to the Horizon Park East Subdivision via N 15th Street. Additionally, as part of the Major Site Plan, the developer will be providing alternative vehicular access to support the future commercial traffic generated by the Subject Property. The TEDS Exception for the alternative access has been approved by the City. All utilities that are in the N 15th roadway are not within the proposed vacation area, permitting City and Ute Water crews continued legal access for sewer and water line maintenance, respectively. As such, staff finds that this criterion has been met.

**STAFF RECOMMENDATION AND FINDINGS OF FACT**

After reviewing the N 15th Street – Public Right-Of-Way Vacation, VAC-2024-53, located between G Road and Horizon Drive, on the eastern portion of N 15th Street, the following findings of fact have been made with the recommended conditions of approval.

The request with the following conditions conforms with Section 21.02.050(o) of the Zoning and Development Code.

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

1. The vacation shall not be effective until the Simple Subdivision, File # SSU-2024-52, is approved.
2. The vacation ordinance shall be void if the above conditions have not been met within two years of the City Council’s approval of the vacation.

**SUGGESTED MOTION:**

Mr. Chairman, on the EVC Horizon – Public Right-Of-Way Vacation located between G Road and Horizon Drive, on the eastern half of N 15th Street, City file number VAC-2024-53, 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 1. Development Application

2. Exhibit 2. Site GIS Aerial Map
3. Exhibit 3. Neighborhood Meeting Documentation
4. Exhibit 4. Right-Of-Way Vacation Exhibits
5. Exhibit 5. TEDS Exception Decision Letter, EVC Horizon, TED-2024-448
6. Exhibit 6. Property Sign Photos
7. 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:

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

Existing Land Use Designation	<input type="text" value="Vacant Land"/>	Existing Zoning	<input type="text" value="MU-2"/>
Proposed Land Use Designation	<input type="text" value="Commercial Development"/>	Proposed Zoning	<input type="text" value="MU-2"/>

## Property Information

Site Location:	<input type="text" value="SEC G Road and 15th Street"/>	Site Acreage:	<input type="text" value="5.01"/>
Site Tax No(s):	<input type="text" value="2945-012-00-090"/>	Site Zoning:	<input type="text" value="MU-2"/>
Project Description:	<input type="text" value="Vacation of excess 15th Street right of way along the west side of the property (east side of 15th St)"/>		

## 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	<input type="text" value="Kevin W. Beck"/>	<small>Digitally signed by Kevin W. Beck Date: 2024.03.27 15:07:30 -05'00'</small>	Date	<input type="text" value="04/01/2024"/>
Signature of Legal Property Owner	<input type="text" value="Kevin W. Beck"/>	<small>Digitally signed by Kevin W. Beck Date: 2024.03.27 15:07:56 -05'00'</small>	Date	<input type="text" value="04/01/2024"/>

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) On the Horizon, LLC ("Entity") is the owner of the following property:

(b) 4.73 Acres located at the SW corner of Horizon Dr. and G Rd., Grand Junction, CO

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:

- 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) Development

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.

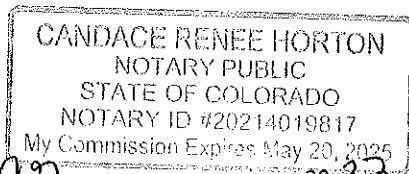
I swear under penalty of perjury that the information in this Ownership Statement is true, complete and correct.

Signature of Entity representative: Darin Corral

Printed name of person signing: DARIN Corral

State of Colorado

County of Mesa ss.



Subscribed and sworn to before me on this 7 day of November, 2023

by Darin Corral

Witness my hand and seal.

My Notary Commission expires on May 20, 2025

CORRAL  
Notary Public Signature

**LETTER OF AUTHORIZATION**

November 6, 2023

City of Grand Junction  
Community Development - Planning  
250 N. 5<sup>th</sup> Street  
Grand Junction, CO 81501

RE: Letter of Authorization – Authorized Agent for Development Submittals

Dear Community Development Staff,

On The Horizon, LLC hereby certifies that it is the legal owner of record of the real property known as SEC of G Road and 15<sup>th</sup> Street with Site Tax No. 2945-012-00-090, in the City of Grand Junction, County of Mesa, Colorado, and hereby authorizes EVC Horizon Drive, LLC, it's agents and/or designees to submit and process all necessary land development documents for the property as an authorized owner's agent.

I understand that in the review of this project, by providing this authorization, owner will allow the City of Grand Junction staff to enter the subject property for purposes of evaluating these land development documents, as the specifics of the application requests may require.

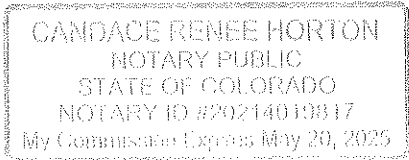
This authorization does not include the recordation of any documents against the land and shall remain effective until such time as revoked in writing by the above-referenced owner.

\_\_\_\_\_  
Signature of the Property Owner

Print Name: Darin Carei  
Address: 1111 S 7th Street  
Grand Junction, CO 81501  
Phone Number: 970-248-8500

STATE OF Colorado )  
 ) SS.  
COUNTY OF Mesa )

The foregoing instrument was acknowledged before me this 22 day of December, 2023.



C Horton  
\_\_\_\_\_  
Notary Public

**General Project Report  
For  
EVC Horizon  
15<sup>th</sup> Street Partial Right of Way Vacation  
SWC of G Road and Horizon Drive – Grand Junction**

**Project Description (location, Acreage, Proposed Use):**

The purpose of this application is to request that the City of Grand Junction vacate approximately 20 feet of right of way width along the east side of 15<sup>th</sup> Street. This vacation will reduce total right of way to the standard right of way width of 46 feet for a local road. The vacated strip of right of way would become part of the adjacent larger parcel to the east, currently owned by On the Horizon, LLC, located in the SWC of G Road and Horizon Drive in Grand Junction, Colorado (parcel number 2945-012-00-090). The general location of the right of way is listed below:



The adjacent parcel is vacant. However, there is an application submitted to complete a simple 2-lot subdivision of the parcel. The vacated right of way would increase the east parcel size from 4.84 acres to 5.01 acres.



**General Project Report  
For  
EVC Horizon  
15<sup>th</sup> Street Partial Right of Way Vacation  
SWC of G Road and Horizon Drive – Grand Junction**

**Surrounding Land Uses and Zoning:**

Properties adjacent to the right of way are zoned P-1, MU-2, and PD. The adjacent properties zone districts are summarized in the map and table below:

DIRECTION	ZONING	CURRENT LAND USE
North:	P-1	Community Recreation- Country Club
South:	MU-2	Commercial-Vacant
East:	MU-2	Commercial- Vacant
West:	MU-2/PD	Commercial – Car wash/Residential- Single family



**General Project Report  
For  
EVC Horizon  
15<sup>th</sup> Street Partial Right of Way Vacation  
SWC of G Road and Horizon Drive – Grand Junction**

**Right of Way Vacation Review Criteria:**

Below are the 6 criteria utilized by the Planning Commission to make a recommendation to and the City Council to decide on. Responses are provided for each.

**a. The vacation is in conformance with the Comprehensive Plan, Grand Junction Circulation Plan, and other adopted plans and policies of the City;**

Response: 15<sup>th</sup> Street is classified as an urban residential local road. The standard width for this classification of road is 46'. The current right of way is 66' and therefore a 20-ft vacation still allows for a full 46' wide street.

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

Response: No parcel will be landlocked as a result of this vacation.

**c. 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;**

Response: The existing access will be maintained and the west side of 15<sup>th</sup> Street will be improved to ensure the street consists of a 28' asphalt pavement width and will include construction of a new 6' attached sidewalk on the east side.

**d. 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, including, but not limited to, police and fire protection and utility services;**

Response: There will be no adverse effect on existing utilities. The water main running north-south along the east side will remain within the proposed 46' right of way. All others are in the street pavement or to the west side, away from the proposed vacation area.

**e. The provision of adequate public facilities and services to any property as required in GJMC 21.05.020 shall not be inhibited by the proposed vacation;**



**General Project Report  
For  
EVC Horizon  
15<sup>th</sup> Street Partial Right of Way Vacation  
SWC of G Road and Horizon Drive – Grand Junction**

Response: There is no change the existing public facilities as a result of the right of way vacation. All roads, sidewalks and utilities will remain in place and unaltered as part of this vacation.

**f. The proposal shall not hinder public and City functions**

Response: The proposed vacation will not hinder public and City functions as it does not affect the existing street section, sidewalk, access, traffic circulation patterns or utilities.

**Roads and Access**

Currently 15<sup>th</sup> Street extends from G Road, south to the intersection of 15<sup>th</sup> Street and Racquet Way. It terminates at that location and the City indicates there are no plans to extend 15<sup>th</sup> St. south to Horizon Drive. There is no planned access from the commercial property to the east onto 15<sup>th</sup> St.

**Utilities**

There is a sanitary sewer main and water main within the existing right of way that should not be affected by the right of way vacation and remain within the final 46' width. There is overhead power that crosses 15<sup>th</sup> at G Road and should not be affected by the vacation.

**Stormwater Drainage**

The right of way drainage will remain unchanged.

**Schedule:**

There is no planned construction with the right of way vacation.

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 On The Horizon, 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 State of 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 \_\_\_\_\_
- 3. The Entity's mailing address is: 1111 S. 7th St., Grand Junction, CO 81501
- 4. The name and position 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:  
Darin Carei, 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 \_\_\_\_\_ day of April, 2024.

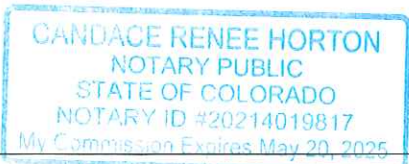
ENTITY: On The Horizon, LLC, a Limited Liability Company

BY: <u>Darin Carei</u>	Managing Member	_____	_____
Name	Position	Name	Position

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MESA         )

The foregoing instrument was acknowledged before me this 2 day of April, 2024, by Darin Carei and \_\_\_\_\_.  
Witness my hand and official seal.  
My commission expires:

Candace Horton  
Notary Public



**LETTER OF AUTHORIZATION**

November 6, 2023

City of Grand Junction  
Community Development - Planning  
250 N. 5<sup>th</sup> Street  
Grand Junction, CO 81501

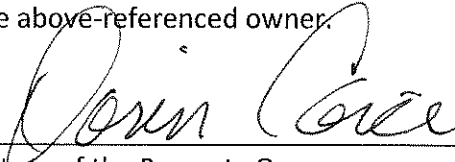
RE: Letter of Authorization – Authorized Agent for Development Submittals

Dear Community Development Staff,

On The Horizon, LLC hereby certifies that it is the legal owner of record of the real property known as SEC of G Road and 15<sup>th</sup> Street with Site Tax No. 2945-012-00-090, in the City of Grand Junction, County of Mesa, Colorado, and hereby authorizes EVC Horizon Drive, LLC, it's agents and/or designees to submit and process all necessary land development documents for the property as an authorized owner's agent.

I understand that in the review of this project, by providing this authorization, owner will allow the City of Grand Junction staff to enter the subject property for purposes of evaluating these land development documents, as the specifics of the application requests may require.

This authorization does not include the recordation of any documents against the land and shall remain effective until such time as revoked in writing by the above-referenced owner.

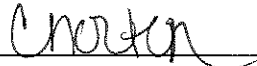
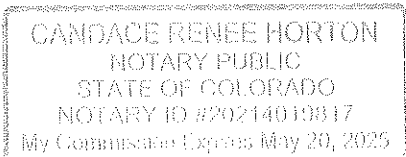


\_\_\_\_\_  
Signature of the Property Owner

Print Name: Darin Carei  
Address: 1111 S 7th Street  
Grand Junction, CO 81501  
Phone Number: 970-248-8500

STATE OF Colorado )  
 ) SS.  
COUNTY OF Mesa )

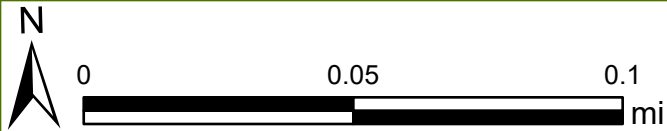
The foregoing instrument was acknowledged before me this 22 day of December, 2023.



\_\_\_\_\_  
Notary Public



# Site GIS Aerial Map



Printed: 7/23/2024  
1 inch equals 188 feet  
Scale: 1:2,257  
Packet Page 20

Name	Address	Resident/Business
Lynda Casellini	4351 N 15 <sup>th</sup> St. Grand Junction, CO 81506	Yes
Mary Ann Rink	1449 Racquet Way Grand Junction, CO 81506	Yes
Larry Rink	1449 Racquet Way Grand Junction, CO 81506	Yes
Pam Brown	1459 Racquet Way Grand Junction, CO 81506	Yes
Darin Carei	1111 S 7 <sup>th</sup> St Grand Junction, CO 81501	Business – Current Property Owner, On the Horizon, LLC
Jesse Girafalco	250 N. 5 <sup>th</sup> St. Grand Junction, CO 81501	No – City Engineering
Dani Acosta	250 N. 5 <sup>th</sup> St. Grand Junction, CO 81501	No – City Senior Planner
Kevin Beck	3501 SW Fairlawn Rd., STE 200, Topeka, KS 66614	Director of Development, EVC Horizon Drive, LLC
<b>Other:</b>		
Andre Van Schaften	4349 Racquet Ct Grand Junction, CO 81506	Yes – Phone conversation on 12/11/2023

Meeting Date/Time: Wednesday, September 13, 2023 @ 5:30 pm MST

Re: Vacation of Public Right of Way on East Side of 15<sup>th</sup> Street, South of G Road

The virtual Neighborhood Meeting was attended by 4 residents within the subdivision to the west of 15<sup>th</sup> St., the current property owner and two City staff members. Below is a summary of the discussion:

- At 5:35 pm MST the Kevin Beck discussed the historical right of way widths along 15<sup>th</sup> St. between Horizon Dr. and G Rd. using three exhibits, the Horizon Park East Subdivision plat map, the ALTA survey for the commercial property and the preliminary plat for the commercial property.
  - There was originally 80' of right of way width (40' to each side of the centerline of 15<sup>th</sup> St).
  - When the residential subdivision to the west side was platted, it vacated 14' on the west side of the 15<sup>th</sup> St. centerline, reducing it to 26' on the west half. However, the east half remained at 40'.
    - The reason for only reducing one side is the subdividing party is only able to affect right of way on the half of the street adjacent to that property, which was the west half in this instance. Therefore, the east half remained at 40'
  - The intent for the vacation is to complete the right of way section by reducing the east half from 40' to 26'. This would meet the City's standard right of way width for a local road at 52' in total width.
  - As part of the work there will be new curb and gutter constructed on the east side as well as a sidewalk.
- After the presentation there were a few questions asked as follows:
  - What wall height will be constructed?
    - Dani Acosta, City Senior Planner indicated that the City standard is a 6' wall height of masonry, brick, stucco, etc. that will have articulations so it is not a flat wall. Any height above that would be up to the developer and City to approve.
  - Have the plans been approved?
    - Dani Acosta, City Senior Planner stated that no application has been made to date and that this meeting is a first step for the applications.
  - What is the plan for ingress/egress to the site?
    - Kevin Beck, EVC Horizon Drive, noted that there will not be access to 15<sup>th</sup> St. but a single access that connects between G Road and Horizon Drive. He used the preliminary plat to show the location of the access drive being proposed.
  - What is the timing?
    - Kevin Beck, EVC Horizon Drive, stated that we hope to be under construction in mid to late 2024. We are currently waiting on a Jurisdictional Determination from the CORPS of Engineers regarding the drainage ditch along the southeast side of the property. That will determine if we have to complete any wetland mitigation for the road crossing. We anticipated receiving the determination in



September but have not received it to date. The latest response was that we should know more this week for timing of the determination completion.

- What are the intended uses?
  - The property is to be a two lot property currently slated for a convenience store on the east lot and a restaurant on the west side.
- Do the residents have a say in what is developed?
  - Answer: Dani Acosta, City Senior Planner, noted that this neighborhood meeting is the public forum for discussion. The plan development and approval is an administrative process and not public. However all submittals are open record and a sign will be posted on the property that will direct you to the location online to view the submittals. Dani encouraged the residents and developers to maintain an open dialogue during the process.
- The meeting concluded at 5:59 PM MST

Additionally, Kevin Beck had a phone conversation with another resident, Andre Van Schaften, on Monday, December 11 around 2:30 pm MST. He was unable to attend the meeting and wanted a summary of what it was about. Kevin Beck shared the intent of the vacation with same reasoning presented in the meeting and also shared what the current intended uses are.

Sincerely,

Kevin W. Beck, PE, LEED AP  
EVC Horizon Drive, LLC  
Director of Development

<b>Name</b>	<b>Address</b>	<b>Resident/Business</b>
Lynda Casellini	4351 N 15 <sup>th</sup> St. Grand Junction, CO 81506	Yes
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<b>Other:</b>		
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**HIGH DESERT SURVEYING, INC**

591 25 Road, Suite B1  
Grand Junction, CO 81505  
Tel: 970-254-8649 Fax: 970-241-0451

**EXHIBIT A**

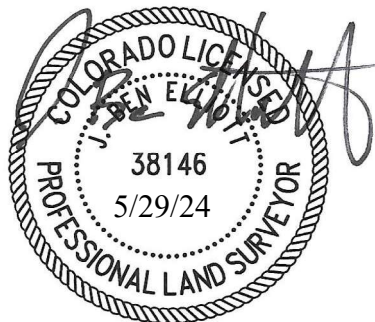
**N. 15<sup>th</sup> Street Right-of-Way Vacation Parcel  
Legal Description**

A parcel of land situated in Lot 3 (NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>) of Section 1, Township 1 South, Range 1 West, of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and being more particularly described as follows:

COMMENCING at the Northwest corner of Lot 3, Section 1, Township 1 South, Range 1 West, of the Ute Meridian, whence the Northeast corner of said Lot 3 bears N89°59'46"E, a distance of 1321.08 feet for a Basis of Bearings with all bearings hereon relative thereto; thence along the North line of said Lot 3, N89°59'46"E, a distance of 40.00 feet to the East right-of-way line of North 15<sup>th</sup> Street, Reception Number 813634, thence along said East line, S00°02'49"W, a distance of 51.00 feet to the POINT OF BEGINNING; thence continuing along said East line, S00°02'49"W, a distance of 556.16 feet to the Northwesterly Right-of-Way line of Horizon Drive, Reception Number 813634; thence along said Northwesterly line S52°45'00"W, a distance of 25.14 feet; thence N00°02'49"E, a distance of 551.38 feet; thence N45°01'17"E, a distance of 28.30 feet to the POINT OF BEGINNING.

Said parcel contains an area of 11075 Square Feet, 0.25 Acres as herein described.

City of Grand Junction, County of Mesa, State of Colorado.



# EXHIBIT B

## N. 15th Street Right-of-Way Parcel

POINT OF COMMENCEMENT

Northwest Corner  
 Lot 3 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ), Section 1  
 3.25" Aluminum Cap  
 Stamped 24953

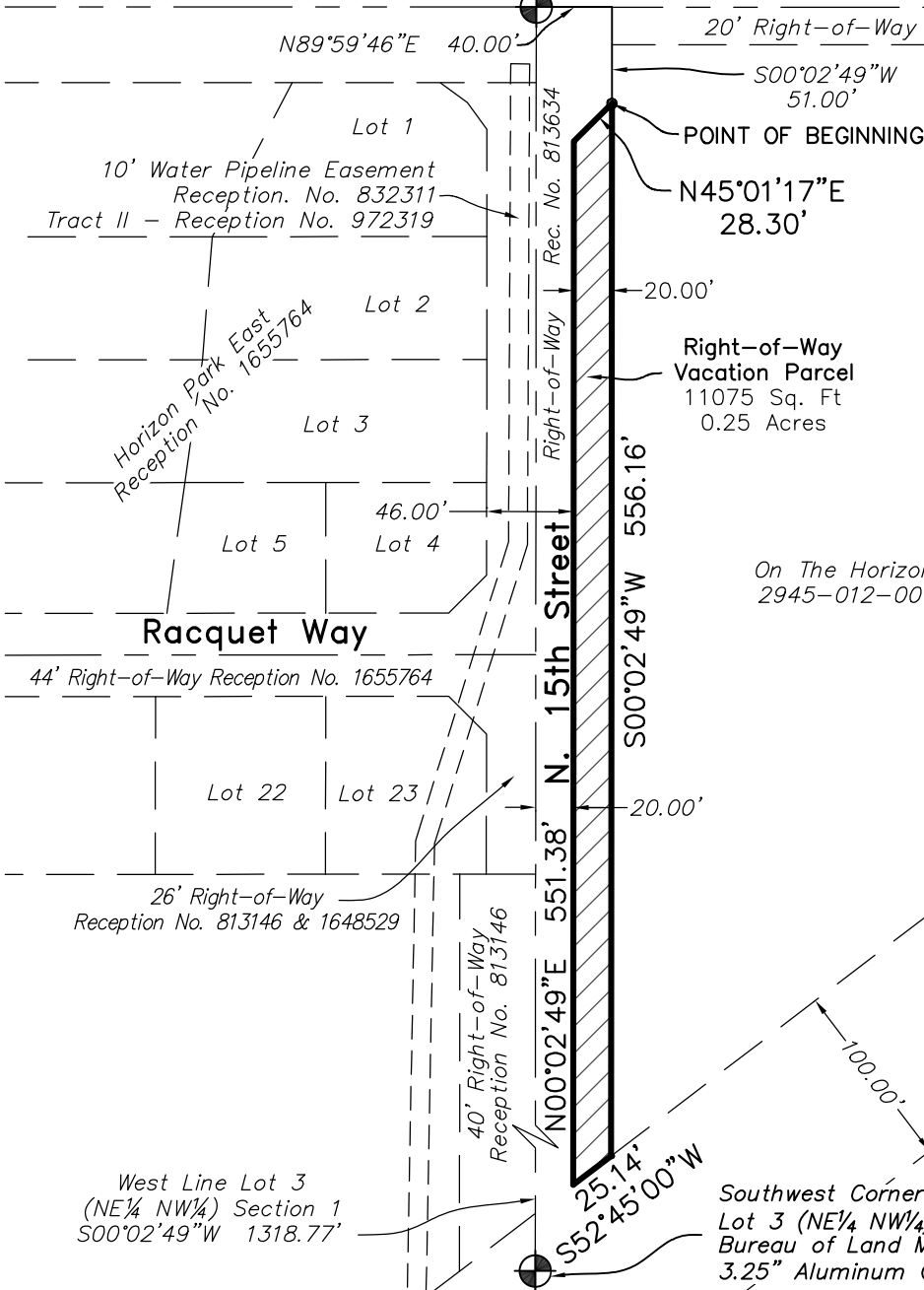
30' Right-of-Way by Commissioners Proclamation  
 Book 714, Pages 534 & 535

North line Lot 3 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) Section 1  
 Basis of Bearings N89°59'46"E 1321.08'

G Road

20' Right-of-Way Reception No. 22987 & 1376416

Northeast Corner  
 Lot 3 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) Section 1  
 Mesa County Survey Marker #163-1  
 2.5" Brass Cap



On The Horizon LLC  
 2945-012-00-090

City of Grand Junction  
 Apparent Easement

Horizon Drive  
 100' Right-of-Way  
 Reception No. 813634

West Line Lot 3  
 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) Section 1  
 S00°02'49"W 1318.77'

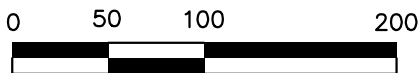
Southwest Corner  
 Lot 3 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ), Section 1  
 Bureau of Land Management  
 3.25" Aluminum Cap

High Desert Surveying, Inc.

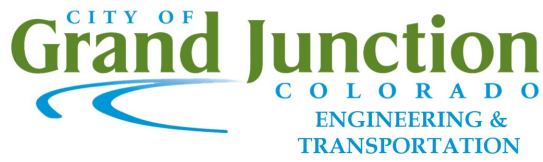
591 25 Road, Suite B1  
 Grand Junction, Colorado 81505

Tele: 970-254-8649 Fax: 970-241-0451

SCALE: 1" = 100'



PROJ. NO. 23-11	Surveyed	Drawn	APP'D	SHEET	OF
DATE: January, 2024	BO/SG	BE		1	1



July 23, 2024

Kevin Beck  
Equity Ventures Commercial Development, LC  
3501 SW Fairlawn Rd, Ste 200  
Topeka, KS 66614

Re: TEDS Exception Request, TED-2024-448  
EVC Horizon  
SSU-2024-52

The TEDS Exception Committee has decided to approve the TEDS exception as requested.

If you have any questions, please feel free to contact me at 970-256-4088.

Sincerely,

Jesse Girafalco, PE, CFM  
Development Engineer

Cc: Dani Acosta  
Trent Prall  
Tamra Allen  
Steven Kollar  
Eric Mocko  
Mark Austin









**CITY OF GRAND JUNCTION, COLORADO**

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

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

**LOCATED at N 15<sup>TH</sup> STREET ABUTTING PARCEL 2727 G ROAD**

Recitals:

A vacation of public right-of-way has been requested by EVC Horizon Drive, LLC on behalf of the property owner, On The Horizon, LLC, is requesting the vacation of approximately 0.25 acres of the N 15<sup>th</sup> Street public right-of-way in anticipation of future commercial lot split and development of a McDonald's fast-food restaurant.

The right-of-way was intended for connectivity from G Road to Horizon Drive for both residential and commercial use. Due to the design of the commercial subdivision and development on 2727 G Road the additional right-of-way is no longer needed. The right-of-way vacation was recommended with conditions based on the 2727 G Road development. The right-of-way does not align with any existing or planned roadways and none of the existing public utilities are located within the proposed vacation area.

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 right-of-way 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.
2. The Simple Subdivision, File # SSU-2024-52, shall be approved prior to the Vacation Ordinance taking effect.

A parcel of land situated in Lot 3 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 1, Township 1 South, Range 1 West, of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and being more particularly described as follows:

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BEGINNING; thence continuing along said East line, S00°02'49"W, a distance of 556.16 feet to the Northwesterly Right-of-Way line of Horizon Drive, Reception Number 813634; thence along said Northwesterly line S52°45'00"W, a distance of 25.14 feet; thence N00°02'49"E, a distance of 551.38 feet; thence N45°01'17"E, a distance of 28.30 feet to the POINT OF BEGINNING.

Said parcel contains an area of 11075 Square Feet, 0.25 Acres as herein described.

See Exhibit B.

The Conditions stated above shall be completed on or before the date two years from the date of adoption.

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 B

## N. 15th Street Right-of-Way Parcel

