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PLANNING COMMISSION AGENDA VIRTUAL MEETING

TUESDAY, APRIL 13, 2021 @ 5:30 PM

Options for Public Participation:

1. Provide written comment at www.GJspeaks.org or by emailing comdev@gjcity.org
2. Comment by phone. Dial the telephone number (970) 609-9688 and enter the four-digit code provided for each item on the agenda. You can then leave a message, which will be submitted as a public comment both as an audio file and as text translation.
3. Attend the meeting virtually using the link below:

<https://attendee.gotowebinar.com/register/7002025810774161168>

After registering, you will receive a confirmation email containing information about joining the webinar.

Please email the [Secretary to the Planning Commission](#) for more information on how to participate in Planning Commission meetings.

Call to Order - 5:30 PM

Consent Agenda

1. Minutes of Previous Meeting(s) from March 23, 2021.

Regular Agenda

1. Consider a request by Senergy Builders, LLC to rezone 21.53 acres from an I-1 (Light Industrial) zone district to an R-5 (Residential - 5 dwelling units per acre) zone district, located at the northern 21.53 acres of 853 21 ½ Road. | [Staff Presentation](#) | Phone-in comments dial **6372**.

Other Business

Adjournment

GRAND JUNCTION PLANNING COMMISSION
March 23, 2021 MINUTES
5:30 p.m.

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

Those present were Planning Commissioners; Chair Andrew Teske, Vice Chair Christian Reece, George Gatseos, Sam Susuras, Andrea Haitz, and Sandra Weckerly.

Also present were Jamie Beard (Assistant City Attorney), Tamra Allen (Community Development Director), Dave Thornton (Principal Planner), and Kristen Ashbeck (Principal Planner).

There were 6 members of the public in virtual attendance: Brenda Muhr, Daniel Nordmeyer, Ellie Schulz, Sheree Fukai, Abe Herman, Jennifer Kelly.

CONSENT AGENDA

Commissioner Reece moved to adopt Consent Agenda Items #1-2. Commissioner Susuras seconded the motion. The motion carried 6-0.

1. Approval of Minutes

Minutes of Previous Meeting(s) from March 9, 2021.

2. R-5 High School Block Public Easement Vacation **File # VAC-2021-99**

Consider a request by Downtown Grand Junction REGeneration LLC, Pete Hopkinson Smith Jr., Robert Wayne Traw and Robert Aaron Breeden to vacate a public sanitary sewer easement within the R-5 Block Subdivision on the Southeast Corner of 7th Street and Grand Avenue.

REGULAR AGENDA

1. Patterson Road Access Control Plan **File # CPA-2021-17**

[Agenda item can be viewed online here at 10:50](#)

Consider a request by the City of Grand Junction to adopt the Patterson Road Access Control Plan (ACP), an element of the City's Comprehensive Plan as Title 38, Volume III, of the Municipal Code.

Staff requested that the Planning Commission table the Plan.

Motion and Vote

Commissioner Gatseos made the following motion, "Mr. Chairman, on the Patterson Road Access Control Plan, CPA-2021-17, I move that Planning Commission table this item."

Commissioner Reece seconded the motion. The motion carried 6-0.

2. Lincoln Park Historic District Guidelines and Standards File # ZCA-2021-67 **Agenda item can be viewed online here at 14:00**

Consider a request by the Lincoln Park Neighborhood/Residential Historic District to amend Municipal Code Volume II: Development Regulations to adopt standards and guidelines for the Lincoln Park Historic District as Title 30 and Amend Section 21.02.040 of the Zoning and Development Code pertaining to the role of the Historic Preservation Board in the review of alterations within the District.

Staff Presentation

Kristen Ashbeck, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

Commissioner Reece asked a question regarding notice to property owners in the District.

Commissioner Weckerly asked a follow-up question regarding notice.

Applicant Presentation

Elizabeth Rowan, Bennett Boeschstein, and Kristen Armbruster, representing the Lincoln Park Historic District, gave a presentation regarding the request.

Questions for Applicant

Commissioner Gatseos asked a question regarding the accessory dwelling unit provision.

Commissioner Reece asked a question regarding the notice.

Commissioner Weckerly asked a question about the attendance of a meeting that was held.

Commissioner Haitz

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, March 16, 2021 via www.GJSpeaks.org.

The following made comments regarding the request: Akira Fukai, Jennifer Kelly (Mayo), Deese Dancy and David Dancy, Michael and Tracy LeFebre, Jeanne Haberer, Bill Scheskie, Sheree Fukai, Rebecca Mullen, Florence Irene (Renee) Sheilds, Riecke Claussen, Bennet Boeschenstein, and Elizabeth Rowan.

Sheree Fukai gave testimony regarding the request.

The public hearing was closed at 6:50 p.m. on March 23, 2021.

Questions for Applicant or Staff

None.

Discussion

Commissioner Gatseos made a comment regarding the request.

Commissioner Reece made a comment regarding the request.

Commissioner Haitz agreed with Commissioner Gatseos and Reece.

Chair Teske made a comment regarding the request.

Motion and Vote

Commissioner Reece made the following motion, "Mr. Chairman, on the Code amendments to 1) adopt the Lincoln Park Residential Historic District Standards and Guidelines as a new Title within Volume II, Development Regulations, of the Municipal Code; and 2) amend Title 21, Zoning and Development Code pertaining to the jurisdiction, duties and responsibilities of the City of Grand Junction Historic Preservation Board, ZCA-2021-67, I move that the Planning Commission forward a recommendation of approval of the request with the findings of fact listed in the staff report."

Commissioner Gatseos seconded the motion. The motion failed 5-1 with Commissioners Teske, Reece, Gatseos, Haitz and Weckerly voting NO.

3. Zoning and Development Code Amendments File # ZCA-2021-100

[Agenda item can be viewed online here at 1:34:19](#)

Consider a Request by the City of Grand Junction to Amend Title 21 of the Grand Junction Municipal Code to modify and clarify various provisions of the Zoning and Development Code ("Code").

Staff Presentation

Kristen Ashbeck, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

Commissioner Reece offered appreciation of staff for this request.

Chair Teske asked questions regarding Item 5 and Item 10.

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, March 16, 2021 via www.GJSpeaks.org.

None.

The public hearing was closed at 7:31 p.m. on March 23, 2021.

Questions for Applicant or Staff

None.

Discussion

None.

Motion and Vote

Commissioner Reece made the following motion, "Chair Teske, on the Zoning and Development Code Amendments, ZCA-2021-100, I move that the Planning Commission forward a recommendation of approval of Items 1-9 with the findings of fact as listed in the staff report."

Commissioner Susuras seconded the motion. The motion carried 6-0.

Commissioner Teske moved to table Item 10. Commissioner Reece seconded the motion. The motion carried 6-0.

4. Other Business

None.

5. Adjournment

Commissioner Reece moved to adjourn the meeting. Commissioner Teske seconded the motion. The vote to adjourn was 6-0. The meeting adjourned at 7:34 p.m.



Grand Junction Planning Commission

Regular Session

Item #1.

Meeting Date: April 13, 2021

Presented By: Lance Gloss, Senior Planner

Department: Community Development

Submitted By: Lance Gloss, Senior Planner

Information

SUBJECT:

Consider a request by Senergy Builders, LLC to rezone 21.53 acres from an I-1 (Light Industrial) zone district to an R-5 (Residential - 5 dwelling units per acre) zone district, located at the northern 21.53 acres of 853 21 ½ Road. | [Staff Presentation](#) | Phone-in comments dial **6372**.

RECOMMENDATION:

Staff recommends approval of the request.

EXECUTIVE SUMMARY:

Senergy Builders, LLC ("Applicant") is requesting a rezone of a portion of the property at 853 21 ½ Road from an I-1 (Light Industrial) zone district to an R-5 (Residential - 5 dwelling units per acre) zone district. This request is consistent with the 2020 One Grand Junction Comprehensive Plan, which identifies the Land Use of the northern portion of the property (i.e. that portion which is proposed to be rezoned) as Residential Low, while the remainder of the property is identified for Industrial Land Use. This request is a component of a larger set of development requests identified as the Brookfield project, an ongoing greenfield development that comprises a mix of industrial and low-density residential subdivisions west of 21 ½ Road south of I Road. Rezoning of the northern portion of the subject property as proposed would provide for the development of between 65 and 118 dwelling units, based on the density of the R-5 zone, which would be served by public utilities that have been extended to the area as a component of the Brookfield North project. Staff recommends approval of the request, finding that it meets the relevant criteria in the Zoning and Development Code and responds to the vision and goals of the 2020 One Grand Junction Comprehensive Plan.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The subject site is comprised of the northern 21.53 acres of the property at 853 21 ½ Road. The entirety of the property remains in agricultural use and has been an irrigated field for more than 50 years. There is no structure on the subject property, but it has historically been owned and managed jointly with the property neighboring to the west at 860 21 Road, where a residence and several outbuildings have existed since 1900. Overhead electrical lines and an open drainage exist along the eastern frontage of the subject property. The subject property was annexed

into the City of Grand Junction in 2009 as a part of the Northwest GJ Annexation No. 1, at which time the zone of annexation of I-1 was applied to the entire property.

Two additional development applications that concern the subject property are currently active, but both are being reviewed administratively and intended to provide for the development of the southern portion of the property that is proposed to remain in the I-1 zone district, rather than that portion which is proposed to be rezoned to R-5 herein. Those two applications are a simple subdivision (lot split) request City File (SUB-2019-352) and a major site plan request (SPN-2019-672). Together, those two proposals would facilitate development of industrial uses on the southeastern quarter of the subject property, with the southwestern corner apparently reserved for future industrial development. Neither of those development applications are directly related to eventual residential development of the area proposed to be rezoned herein, but the interface between the industrial and proposed residential area would be subject to screening and buffering standards as found in the Zoning and Development Code. That is already the case where the industrial and residential zone districts currently interface, which is at the northern edge of the subject property.

The proposed R-5 is a low-density residential zone district that provides for a residential density of between 3 and 5.5 dwelling units per acre that would result in a total number of residential units between 65 and 118 dwellings. The allowed uses within the proposed R-5 zone district include a range of residential uses, such as two-family dwellings (i.e. duplex), single-family detached dwellings, multifamily dwellings, and accessory dwelling units, as well as manufactured housing parks which require a Conditional Use Permit. Non-residential uses are limited in the R-5 zone district, and include such uses as home-based day care (maximum of 12 attendees per day), civic uses such as golf courses and elementary schools, and short-term rental or home occupation within residential dwelling units. The allowed uses within the proposed zone district of R-5 contrast substantially with the uses that are allowed in the current zone district of I-1, which is primarily industrial in nature. Uses allowed in the I-1 zone district include a wide array of commercial, industrial, and agricultural. Examples of allowed uses include feed stores, drive-through restaurants, alcohol beverage production, oil and gas support operations, and commercial pasture. Very few of the uses that are currently allowed in the I-1 zone district would be allowed following rezoning to a residential district.

Based on the Comprehensive Plan Land Use designation of Residential Low, R-5 is one of two applicable zone districts. The alternative zone district under this designation is R-4 (Residential – 4 du/ac), which provides for a similar range of residential uses but does not allow for multifamily development, and has substantially higher minimum building setbacks than the R-5 zone district that is proposed. The Comprehensive Plan also identifies this property as part of Tier 1 – Urban Infill, which is prioritized for growth ahead of both Tier 2 – Suburban Infill and Tier 3 – Rural Areas and County Development.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed rezone request was held on February 11, 2021 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. There were nine attendees at the neighborhood meeting, including the development team and City project manager. No concerns were expressed with the proposed rezone, though some questions were raised about subdivision design and circulation in the event of rezoning to R-5.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with an application sign on March 1, 2021. 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, as well as neighborhood associations within 1000 feet, on April 2, 2021. The notice of this public hearing was published on April 6, 2021 in the Grand Junction Daily Sentinel.

ANALYSIS

Pursuant to Section 21.02.140 of the Grand Junction Municipal Code, in order to maintain internal consistency between this code and the zoning maps, zoning map amendments must only occur if at least one of the five criteria listed below is met. Staff analysis of the criteria is found below each listed criterion.

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

A major event has occurred since the zone of annexation was applied in 2009 that can be considered to have

invalidated the original premises of the decision to zone the entirety of the subject property as I-1 (Light Industrial). This event was the adoption of the 2020 One Grand Junction Comprehensive Plan. The previous Comprehensive Plan identified the entirety of the subject property for Industrial Future Land Use. However, the newly adopted Plan identifies exactly that portion of the property proposed for rezoning herein for Residential Low Land Use, leaving the remainder of the property under the Industrial designation. This is a substantial change in the legislative environment guiding the zoning of this property. The reason for that change in the Comprehensive Plan is complex, but one key factor of note is the development of the Brookfield North Subdivision immediately to the north of the subject property and directly adjacent to the portion of the subject property that is proposed to be rezoned to R-5. The Brookfield North Subdivision has R-4 (Residential – 4 du/ac) zoning and its construction has included the extension of utilities, including a substantial extension of public sewer services, along the eastern boundary of the subject property where such services previously did not exist. This substantially improves the viability of residential development in the area proposed for rezoning herein. The change in the Comprehensive Plan designation, as well as the factors such as infrastructure development that informed that change, lead staff to conclude that this criterion has 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 immediate area around the subject property has not changed substantially since the decision to zone the property I-1 was made in 2009. The area is primarily agricultural with several non-agricultural residential properties of 2 to 5 acres in size. The industrial properties to the south of the subject property have also been stable for many years. The only exception to this development stability of this agricultural and industrial area is the recent and ongoing development of single-family housing immediately north of the subject property as a component of the overall Brookfield project. The subject property, if rezoned as requested would be incorporated in, and become a later phase of the Brookfield project. The limited scope of new residential development to date, relative to the general stability of the broader area (if conceived of as all properties within 1 to 2 miles of the subject property) lead staff to conclude 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

Generally, the existing public and community facilities serving the property are adequate to support low density residential development. Public sewer service, Ute Water domestic water service, gas service, and electrical service are all available in the 21 ½ Road Right-of-Way. The roadway network, particularly 21 ½ Road, is adequate to serve the development for motor vehicle access, and upgrades to that facility that might be deemed necessary to support residential development based on this proposed rezone would be required to be implemented by the developer as a component of subdivision review. Conversely, there are no improved bicycle or pedestrian ways serving the site, nor an easily-accessible bus stop. Despite these limitations, the site is, on balance, adequately served by public and community facilities. Therefore, in general, staff finds that this criterion is met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

The city is broadly in need of additional residential development if it is to meet the needs of a growing population. Citywide, low-density residential zoning is common, but very few properties with low-density residential zoning remain undeveloped. It is thus logical that, in order to continue to provide housing opportunities, and to include low-density housing patterns in the range of housing options available in the community, additional land must be zoned to low-density residential districts such as R-5. R-5 is also a more flexible zone in terms of housing types than the alternative zone for this area, based on the Comprehensive Plan, which is R-4, given that R-4 does not allow for multifamily development. 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 community can generally be said to benefit by the facilitation and subsequent development of housing and associated infrastructure. However, the community can also be said to benefit through the provision of agricultural services as currently occupy the property, and which would be reduced or eliminated in the event of residential development under the constraints of R-5 zoning. As public utilities have already been extended past the subject

property, relative to the core service area of Grand Junction, it is not evident that the community would derive benefits from the proposed change in zoning that are not counterbalanced by limitations. As a result, staff finds that this criterion is not met.

Comprehensive Plan Goals and Strategies

3.1.b. Intensification and Tiered Growth – Support the efficient use of existing public facilities and services by directing development to locations where it can meet and maintain the level of service targets as described in Chapter 3, Servicing Growth. Prioritize development in the following locations (in order of priority). Periodically consider necessary updates to the Tiers.

- i. Tier 1: Urban Infill
- ii. Tier 2: Suburban Infill
- iii. Tier 3: Rural Areas and County Development

5.1.c. Housing Types – Promote a variety of housing types that can provide housing options while increasing density in both new and existing neighborhoods, such as duplexes, triplexes, multiplexes, apartments, townhomes, and accessory dwelling units, while maintaining neighborhood character.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Senergy Builders, LLC rezone request, RZN-2021-113, for the property located at 853 21 ½ Road, the following findings of fact have been made:

- 1. The request conforms with Section 21.02.140 of the Zoning and Development Code.

Therefore, Staff recommends approval of the request.

SUGGESTED MOTION:

Chairman, on the rezone from I-1 (Light Industrial) to R-5 (Residential – 5 dwelling units per acre) for the northern 21.53 acres of the property located at 853 21 ½ Road, City file number RZN-2021-113, 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. Development Application
- 2. Map Exhibits
- 3. Draft 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

Existing Zoning

Proposed Land Use Designation

Proposed Zoning

Property Information

Site Location:

Site Acreage:

Site Tax No(s):

Site Zoning:

Project Description:

Property Owner Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Applicant Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Representative Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

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

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

Signature of Person Completing the Application

Digitally signed by Tracy States
Date: 2021.01.27 14:12:54 -07'00'

Date

Signature of Legal Property Owner

Date

General Project Report

Brookfield North III & IV Rezone A Portion (North 20 Acres) of 853 21 1/2 Road, Grand Junction, CO

February 12, 2021

Prepared for:

Senergy Builders

1111 S. 7th Street, Grand Junction, CO 81501

Prepared by:



215 Pitkin, Grand Junction, CO 81501

Grand Junction, CO 81506

Phone: (970) 241-4722

Fax: (970) 241-8841

A. Project Description

- 1) Location: The project is located at 853 21 ½ Road, Grand Junction, CO (Parcel No. 2697-252-18-001).
- 2) Acreage: The subject parcel contains approximately 43.30 acres.
- 3) Proposed Use: This submittal is for a Rezone of the north approximately 21.53 acres of this parcel from I-1 to R-5 in accordance with the newly adopted 2020 Comprehensive Plan. The future land use indicates Residential Low zoning on the north portion of the parcel and industrial zoning on the south portion. The remaining southern acreage will remain zoned I-1.

B. Public Benefit

The proposed partial Rezoning will allow the continuation of residential low-density development similar to the adjacent property to the north (Brookfield North Filing One). The partial Rezone will facilitate affordable, quality housing and the extension of services in this much desired area of Grand Junction.

C. Neighborhood Meeting

A neighborhood meeting was held virtually via a zoom meeting on February 11, 2021. A summary of the meeting is included with this submittal.

D. Project Compliance, Compatibility, and Impact

1) Adopted plans and/or policies:

The proposed Rezoning, in conjunction with the 2020 Comprehensive Plan, will comply with the adopted codes, plans and requirements for the property.

2) Land use in the surrounding area:

The uses contained within the surrounding area are a mix of commercial/industrial, agricultural and large lot residential, as well as low density residential.

3) Site access and traffic patterns:

Not applicable for this submittal.

4) Availability of utilities, including proximity of fire hydrants:

The subject parcel is served by the following:

Ute Water
City of Grand Junction Sewer
Grand Valley Irrigation Company
Xcel Energy
Grand Valley Power
City of Grand Junction Fire
Spectrum/Charter

CenturyLink

Fire Hydrants are located on the east side of 21 ½ Road, across from this site, as well as to the north on Slope Creek Avenue.

5) Special or unusual demands on utilities:

There will be no unusual demand on utilities as a result of the Rezone.

6) Effects on public facilities:

The Rezone will have no adverse effect on public facilities.

7) Hours of operation:

Typical of residential development.

8) Number of employees:

Not applicable.

9) Signage:

Not applicable.

10) Site Soils Geology:

Not applicable.

11) Impact of project on site geology and geological hazards:

None are anticipated.

E. Must address the review criteria contained in the Zoning and Development Code for the type of application being submitted

Section 21.02.070 (6) of the Zoning and Development Code:

General Approval Criteria. No permit may be approved unless all of the following criteria are satisfied:

(i) Compliance with the Comprehensive Plan and any applicable adopted plan.

The Rezone request is in compliance with the newly adopted 2020 Comprehensive Plan.

(ii) Compliance with this zoning and development code.

The Rezone request is in compliance with the zoning and development code.

(iii) Conditions of any prior approvals.

There are no conditions of prior approvals.

(iv) Public facilities and utilities shall be available concurrent with the development.

All public facilities and utilities will be available concurrent with the rezoning and subsequent development of this property.

(v) Received all applicable local, State and federal permits.

All applicable permits will be obtained for this project.

Section 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

The proposed partial Rezone request to R-5 will bring the parcel into compliance with the newly adopted 2020 Comprehensive Plan.

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

The amendment would allow the continuation of low density, affordable, quality housing in this much desired area of Grand Junction and is consistent with the Comprehensive Plan.

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

Public and community facilities are existing and adequate and will support low density residential and industrial developments and are not affected as a result of the Rezone request.

(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 parcel of land is adequately serviced by utilities and roadways. There is an inadequate supply of smaller parcels in this area to accommodate residential development.

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

The area will benefit with the development of low-density residential development with the extension of services, i.e. sewer. It also serves as a buffer between Industrial and Rural Residential uses.

F. Development Schedule

Not applicable for this submittal.

The northerly 21.5 Acres of Lot 1 of the Brookfield Subdivision in the Northwest Quarter of Section 25, Township 1 North, Range 2 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, as recorded at Reception Number 2756868.

EXHIBIT B

LOT 2
19.63 ACRES

Northerly 21.5 Acres of LOT 1
Proposed area to be re-zoned

LOT 1
43.33 ACRES

Brookfield Subdivision
Rec No. 2756868
NW 1/4 SEC 25, T1N, R2W, UM
City of Grand Junction, Mesa County, Colorado

1" = 250'
0 250
U.S. Survey feet



THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY
REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT
REPRESENT A MONUMENTED BOUNDARY SURVEY



RIVER CITY
CONSULTANTS

215 Pitkin Avenue, Unit 201
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Phone: 970.241.4722
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Drawn: BDM | Checked: AKT | 2/2/21 | Job No. 1378- 007

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Legal For Zoning.dwg



**Brookfield North III & IV Rezone
Located 853 21 ½ Road, Grand Junction, CO
(Parcel No. 2697-252-18-001)**

**SUMMARY OF VIRTUAL NEIGHBORHOOD MEETING
THURSDAY, FEBRUARY 11, 2021 @ 5:30 PM
VIA ZOOM**

A virtual neighborhood meeting for the above-referenced Preliminary Plan was held Thursday, February 11, 2021, via Zoom, at 5:30 PM. The initial letter notifying the neighboring property owners within the surrounding 500 feet was sent on January 29, 2021, per the mailing list received from the City of Grand Junction. There were approximately 9 attendees including Tracy States, Project Coordinator and Jarrod Whelan, P.E. with River City Consultants, Jace Hochwalt, Senior Planner with the City of Grand Junction, and Darin Carei with Senergy Builders, the Developer.

The meeting included a presentation, given by Tracy States, and a question-and-answer session. Information about the proposed project presented the proposed rezone on the northern half of the parcel to R-5, and a preliminary plan showing 82 lots, street with connections, on approximately 21.53 acres (3.81 DU/Acre). Also presented was a map of the Future Land Use. Tracy explained that the Comprehensive Plan adopted by the City in December 2020 indicated that the northern portion of the parcel was slated for Residential Low Development and thus the rezone request. Tracy explained that the rezone process would involve two public hearings in front of the Planning Commission and the City Council.

Jace Hochwalt verified the municipal process and the public hearing process for the rezone and that the subdivision process would be administrative with no further meetings. Jace stated that either R-4 or R-5 zoning were appropriate for the northern portion of the parcel and both would be supported by staff.

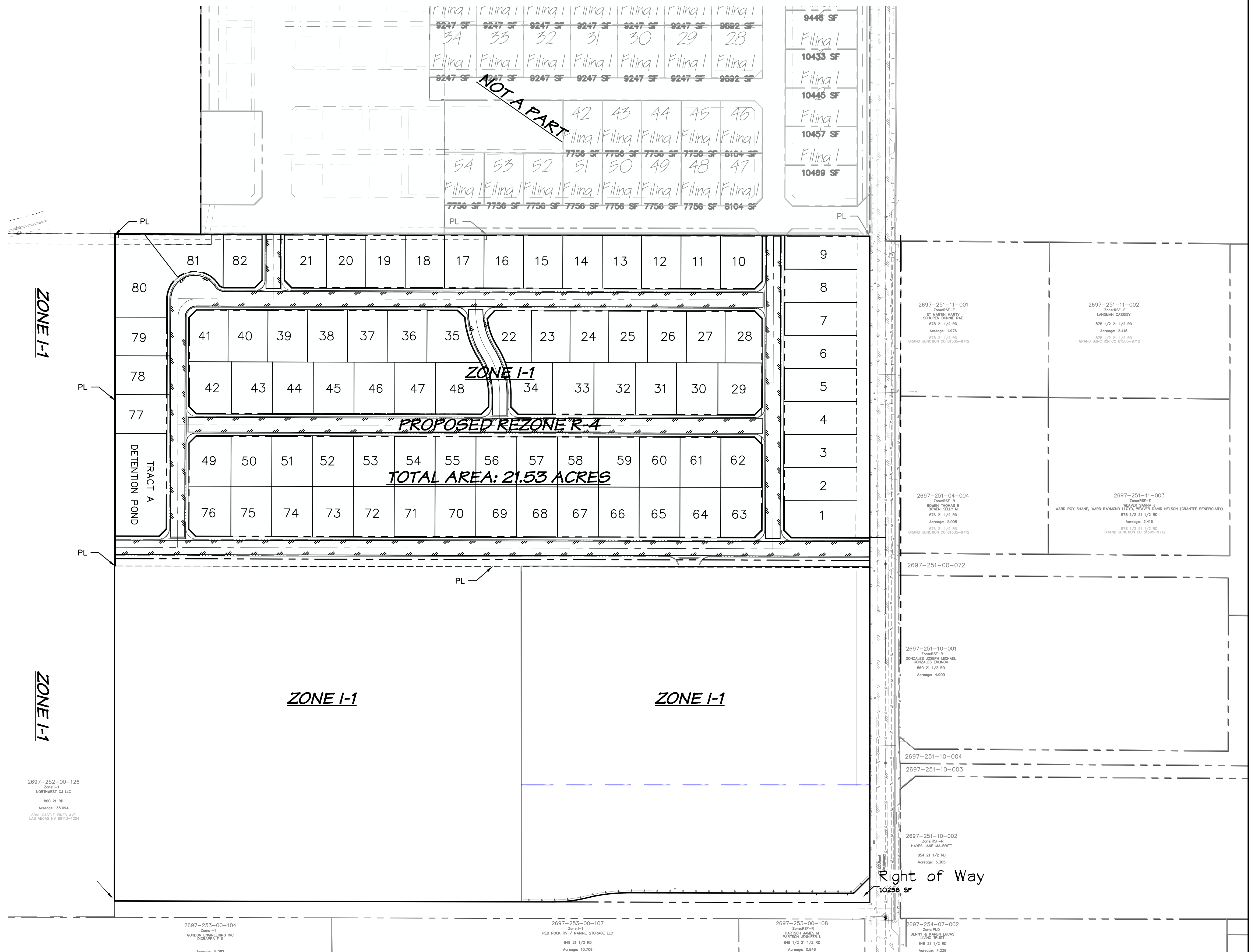
The only concerns expressed were the alignment of the proposed access to 21 ½ Road and perimeter fencing along 21 ½ Road. Jace stated that the City would request fencing that would match what was done in Filings I and II and that a 14' landscape strip would be required adjacent to the right-of-way on 21 ½ road, similar to what was required with Filings I and II. Increased speeding along 21 ½ Road was also expressed. The attendees seemed pleased with the chosen street alignment and that development would be residential.

The meeting adjourned at approximately 5:50 PM.

Tracy States received a notification that a neighbor tried to logon to the meeting as it concluded as well as a voicemail the morning of February 12th. Tracy contacted the individual and provided him with the maps presented at the meeting. He expressed concern about the removal of industrial zoned land and the state of 21 ½ Road and asked when it was planned to overlay 21 ½ Road to improve driving conditions. Tracy gave him the contact information for the Planner at the City to inquire further about overlay plans.

- Project Location

Sewer – City of Grand Junction
Contact.....970-245-6378
Water – Ute Water District
Contact.....970-242-7491
Electric – Grand Valley Power
Contact.....970-242-0040
Gas – Xcel Energy
Contact.....970-242-2626
Phone – CenturyLink
Contact.....970-244-4311
Cable – Charter Communications
Contact.....970-210-2550
Irrigation – Grand Valley Irrigation Company
Contact.....970-242-2762



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CALL 2 BUSINESS DAYS IN ADVANCE BEFORE
YOU DIG, GRADE, OR EXCAVATE FOR THE
MARKING OF UNDERGROUND MEMBER UTILITIES.



MCSM xxxx
x" Brass Cap
Intersection of x Road and x Road
Sec. xx, Txx, Rxx, U.M.
Northing: xxxxxx.xx
Easting: xxxxxx.xx
Elevation: xxxx.xx



SCALE

(IN FEET)

CONTOUR INTERVAL = 1 FOOT

ORIGINAL SHEET SIZE: 22 x 34

[illegible]

S:\PROJECTS\1378 Seneray Builders\013 Brookfield North Filing III & IV\Design\DWG\02-Linework\1378-013 Parcels-Linework.dwg [Exhibit 01] 2/11/2021 5:01:49 PM

PRELIMINARY



215 Pitkin Avenue, Unit 201
Grand Junction, CO 81501 www.rccwest.com Phone: 970.241.4722
Fax: 970.241.8841

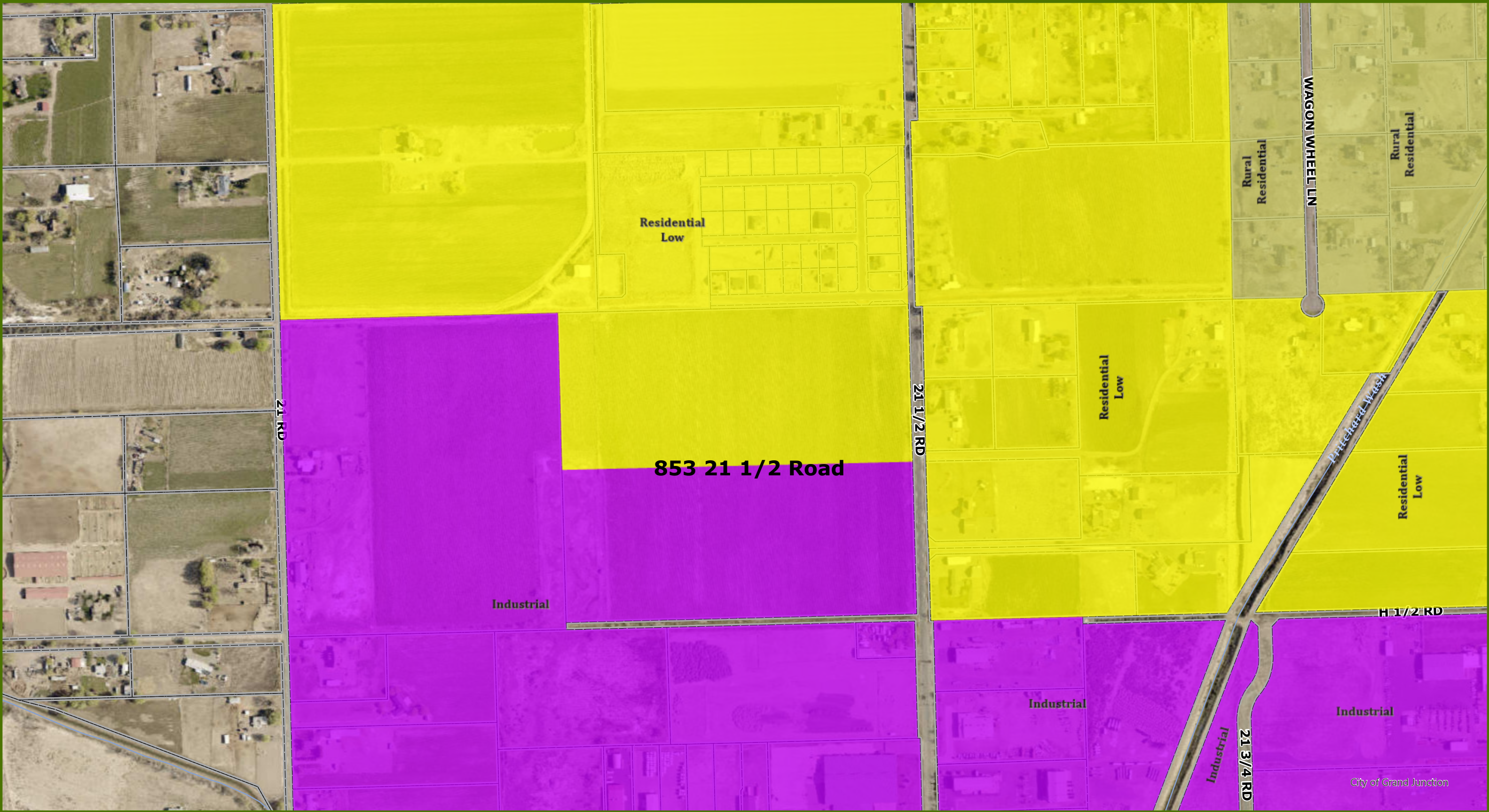
PROJECT #:	1378-013	DATE ISSUED:	2021.02.10
DRAWN BY:	JSW	HORIZ:	AS SHOWN
CHECKED BY:		VERT:	N/

BROOKFIELD NORTH

FILING III & IV

01

City of Grand Junction



Printed: 1/27/2021
1 inch equals 376 feet
Scale: 1:4,514

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) Northwest GJ LLC ("Entity") is the owner of the following property:

(b) 853 21 1/2 Road, Grand Junction, CO 81505

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) 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: Arthur M. Pastel

Printed name of person signing: Arthur M. Pastel, Managing Member

State of Colorado)

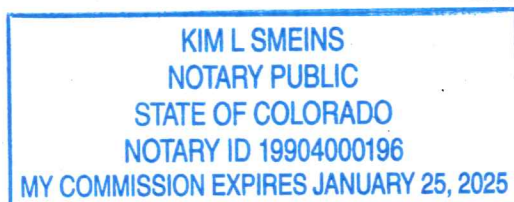
County of Mesa) ss.

Subscribed and sworn to before me on this 16th day of February, 20 21

by Arthur M. Pastel

Witness my hand and seal.

My Notary Commission expires on _____



[Signature]
Notary Public Signature

4/5 2 PAGE DOCUMENT



STATE DOCUMENTARY FEE
Date: July 28, 2008
\$ 300.00

SPECIAL WARRANTY DEED

THIS DEED, Made on this day of July 28, 2008, between
IRMA L. KAPUSHION REVOCABLE TRUST

\$300.00

of the County of _____ and State of _____, Grantor(s), and
NORTHWEST GJ, LLC, A COLORADO LIMITED LIABILITY COMPANY

whose legal address is : 8061 CASTLE PINES AVENUE LAS VEGAS, NV 89113
of the _____ County of CLARK and State of NEVADA, of the Grantee(s):

WITNESS, That the Grantor, for and in consideration of the sum of (\$3,000,000.00)
*** Three Million 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), their 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:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

also known as street number East of 860 21 ROAD FRUITA CO 81521

TOGETHER with all and singular 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 appurtenances, unto the Grantee(s), their heirs, successors and assigns forever. The Grantor, for itself, its successors and assigns, does covenant, and agree that it shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the Grantee(s), their heirs, successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor(s),
SUBJECT TO GENERAL TAXES FOR THE YEAR 2008; AND EASEMENTS, RESERVATIONS, RESTRICTIONS, COVENANTS AND RIGHTS OF WAY OF RECORD, IF ANY; AND DISTRIBUTION UTILITY EASEMENTS; AND MATTERS NOT SHOWN BY THE PUBLIC RECORDS BUT OF WHICH GRANTEE HAS ACTUAL KNOWLEDGE; AND INCLUSION OF THE PROPERTY WITHIN ANY SPECIAL TAXING DISTRICT; AND THE BENEFITS AND BURDENS OF ANY DECLARATION AND PARTY WALL AGREEMENTS, IF ANY.

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

IRMA L. KAPUSHION REVOCABLE TRUST
By: Irma L. Kapushion
IRMA L. KAPUSHION, AS TRUSTEE

STATE OF Colorado)
County of Mesa) ss.

The foregoing instrument was acknowledged before me on this day of July 28, 2008, by IRMA L. KAPUSHION, AS TRUSTEE OF IRMA L. KAPUSHION REVOCABLE TRUST

My commission expires
Witness my hand and official seal.

SUSAN J. OTTMAN
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 11/02/2009
County of Mesa

[Signature]
Notary Public

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

Escrow# GJ65006346 When Recorded Return to: NORTHWEST GJ, LLC, A COLORADO LIMITED LIABILITY COMPANY
Title# GJC65006346 8061 Castle Pines Avenue Las Vegas, Nv 89113
Form 767 01/27/03 SPEC.WD1 WARRANTY DEED

(6702955)



EXHIBIT A

A PARCEL OF LAND SITUATE IN THE NORTHWEST $\frac{1}{4}$ OF SECTION 25, TOWNSHIP 1 NORTH,
RANGE 2 WEST OF THE UTE MERIDIAN, MESA COUNTY, COLORADO, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH $\frac{1}{16}$ TH CORNER ON THE WEST LINE OF SAID SECTION 25,
BEING A FOUND MESA COUNTY SURVEY MARKER, THE BASIS OF BEARING BEING
S00°01'28"W TO THE WEST $\frac{1}{4}$ CORNER OF SAID SECTION 25, BEING A FOUND MESA COUNTY
SURVEY MARKER;

THENCE S89°52'29"E ALONG THE NORTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$
OF SAID SECTION 25 A DISTANCE OF 1157.60 FEET TO THE POINT OF BEGINNING;

THENCE S89°52'29"E ALONG SAID NORTH LINE, A DISTANCE OF 166.88 FEET TO THE
NORTHWEST $\frac{1}{16}$ TH CORNER OF SAID SECTION 25, BEING WITNESSED BY A FOUND 2"
ALUMINUM CAP MARKED "L.S.9960", N00°00'06"E A DISTANCE OF 3.67 FEET;

THENCE N00°00'06"E A DISTANCE OF 660.59 FEET TO THE NORTH LINE OF THE SOUTH $\frac{1}{2}$
OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 25;

THENCE S89°52'26"E ALONG SAID NORTH LINE A DISTANCE OF 1324.51 FEET TO THE
EAST LINE OF SAID NORTHWEST $\frac{1}{4}$ OF SECTION 25;

THENCE S00°00'15"W A DISTANCE OF 660.57 FEET TO THE CENTER NORTH $\frac{1}{16}$ TH CORNER
OF SAID SECTION 25, BEING A FOUND 2" ALUMINUM CAP STAMPED "L. S.9960";

THENCE S00°00'25"E A DISTANCE OF 1321.19 FEET TO THE CENTER $\frac{1}{4}$ CORNER OF SAID
SECTION 25, BEING A FOUND MESA COUNTY SURVEY MARKER;

THENCE N89°51'58"W ALONG THE SOUTH LINE OF SAID NORTHWEST $\frac{1}{4}$ A DISTANCE OF
1492.07 FEET;

THENCE N00°01'28"E A DISTANCE OF 1320.97 FEET TO THE POINT OF BEGINNING.

STATEMENT OF AUTHORITY

1. This Statement of Authority relates to an entity named Northwest GJ, LLC., a Colorado Limited Liability Company.
2. The type of entity is a: Limited Liability Company
3. The entity is formed under the laws of the State of Colorado.
4. The mailing address for the entity is: ,2060 Broadway Suite 400 Boulder, CO. 80302.
5. The name and position of each said person authorized to execute instruments conveying, encumbering, or otherwise affecting the title to real property on behalf of the entity is: Arthur M. Pastel as Managing Member.
6. The authority of the foregoing person to bind the entity is not limited.
7. There are no other matter of limitations concerning the manner in which the entity deals with interests in real property.
8. This Statement of Authority is executed on behalf of the entity pursuant to the provisions of Section §38-30-172, C.R.S.

Executed this 1st day of December, 2015

Nevada
STATE OF ~~COLORADO~~
Clark) SS.
COUNTY OF ~~MESE~~)


Arthur M. Pastel, as Managing Member

The foregoing instrument was acknowledged before me this 28 day of December, 2015 by Arthur M. Pastel.

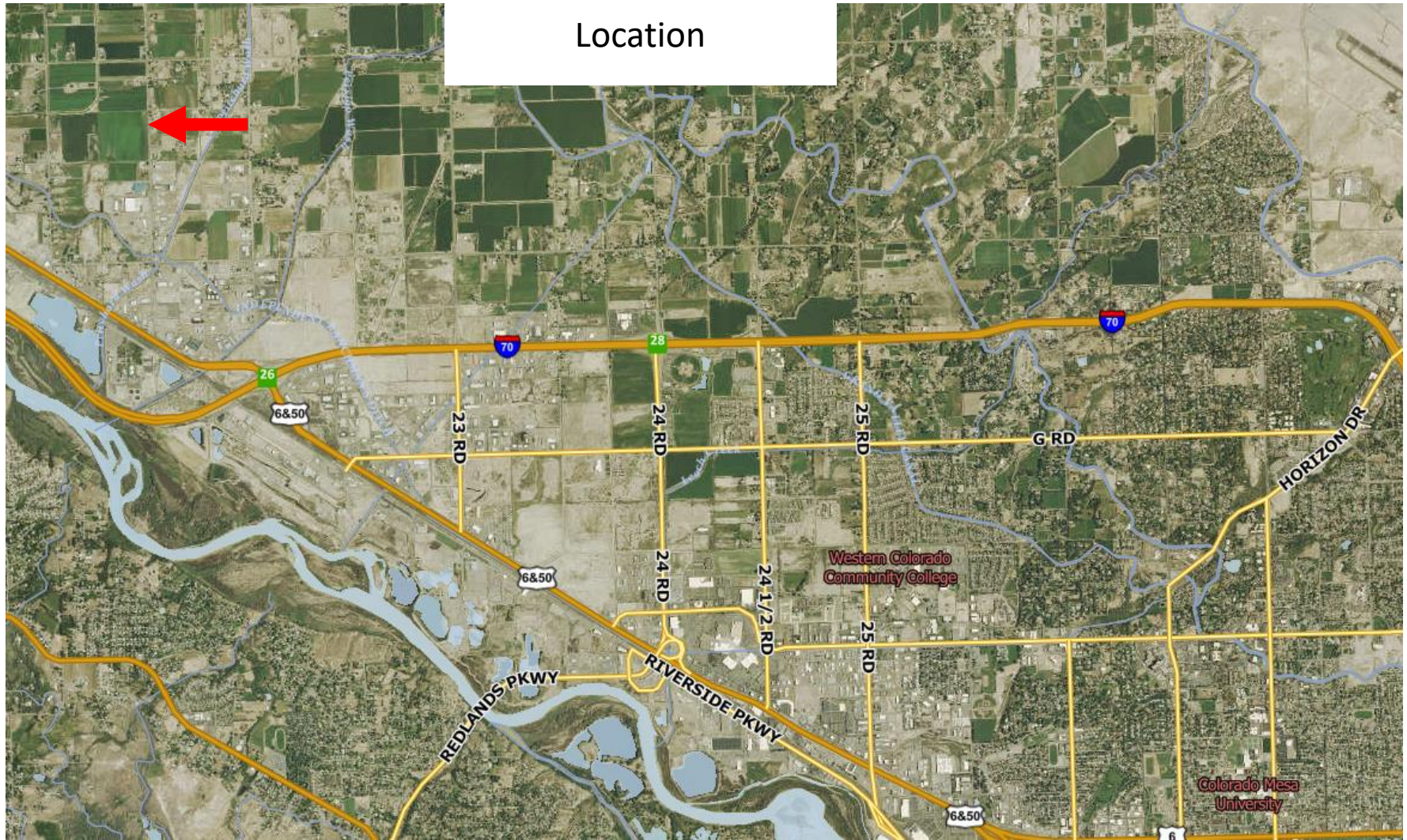
Witness my hand and official seal.

My commission expires 7-24-18




Notary Public

Location



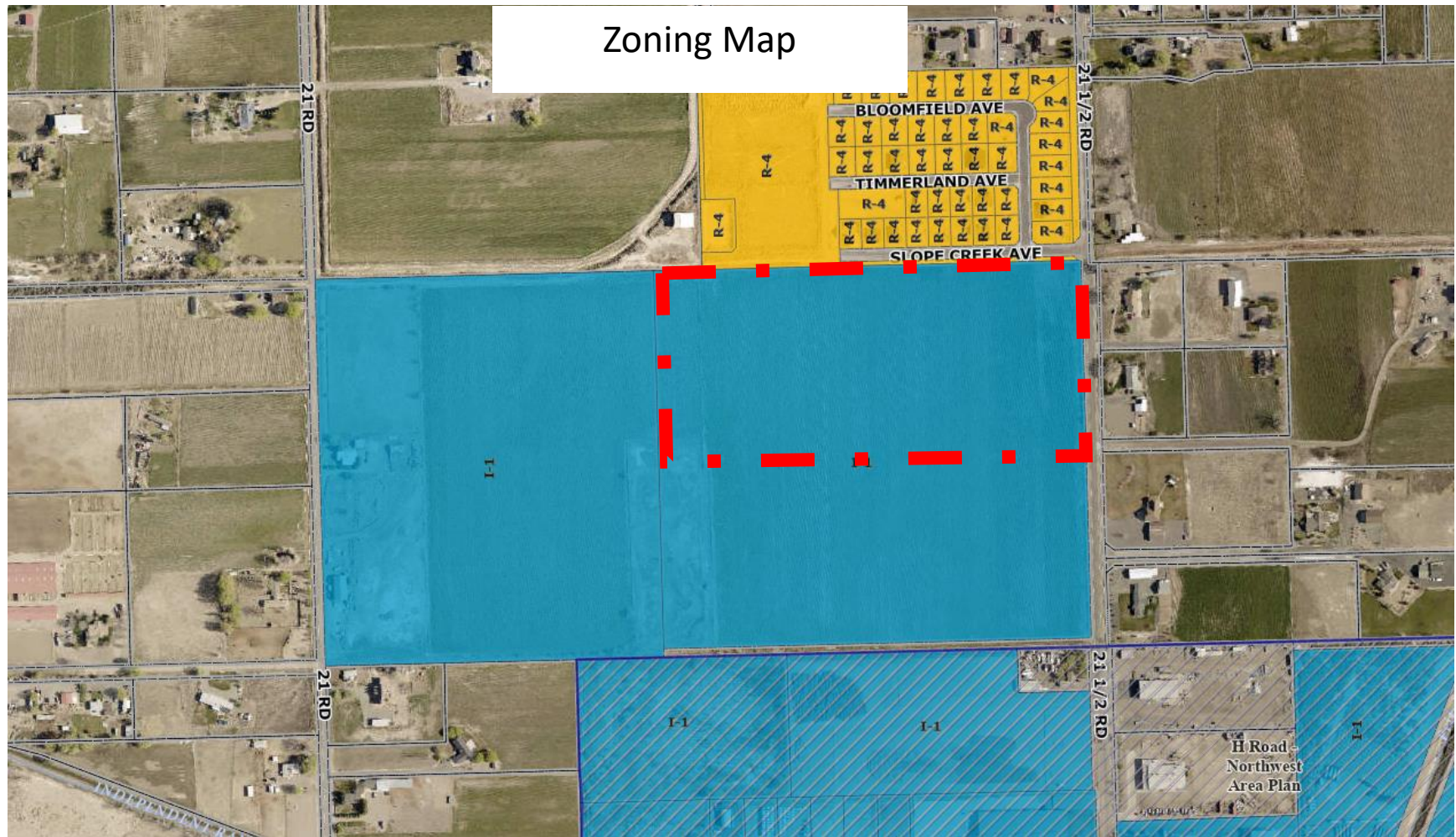
Site Vicinity Map



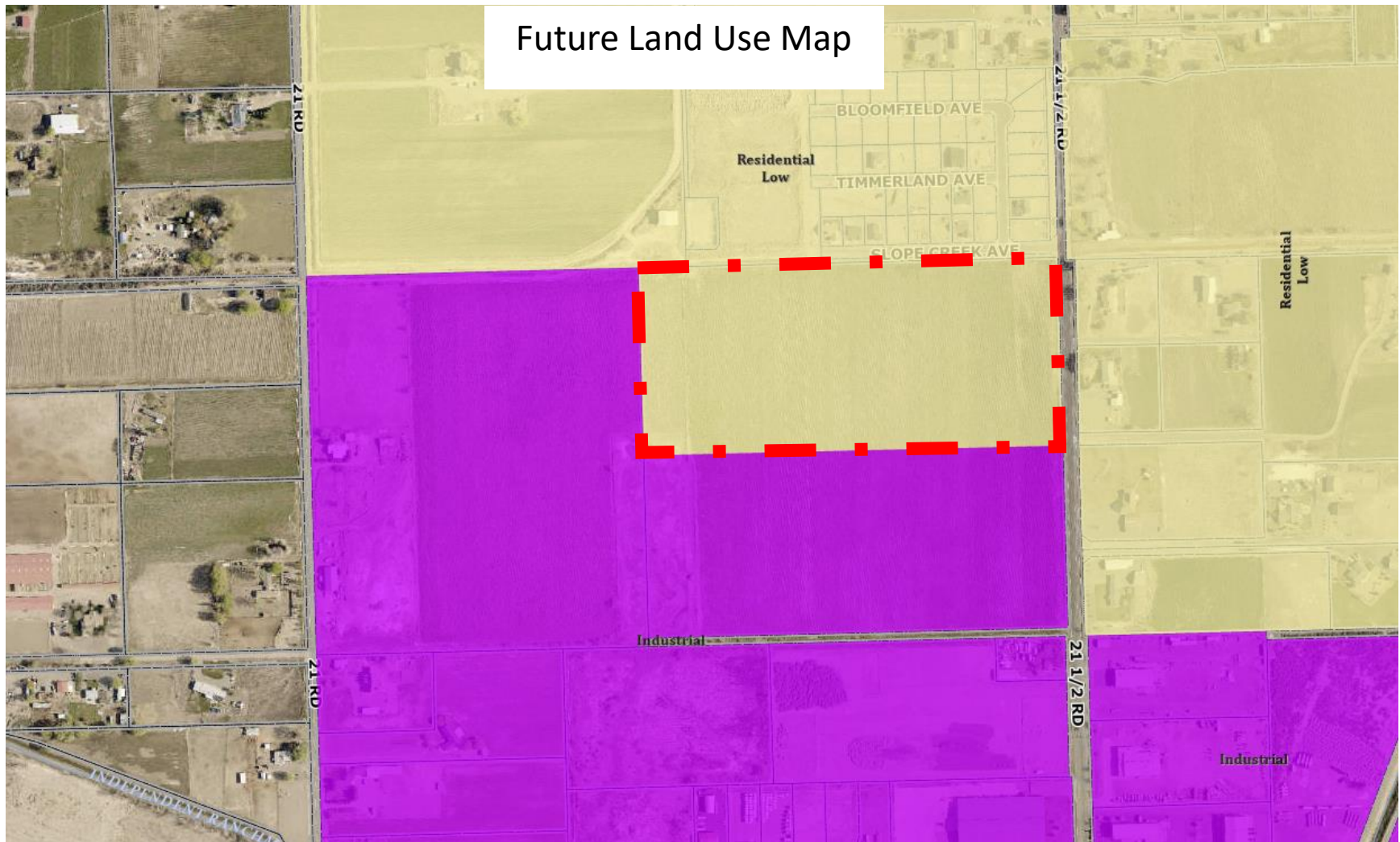
View from 21 ½ Rd



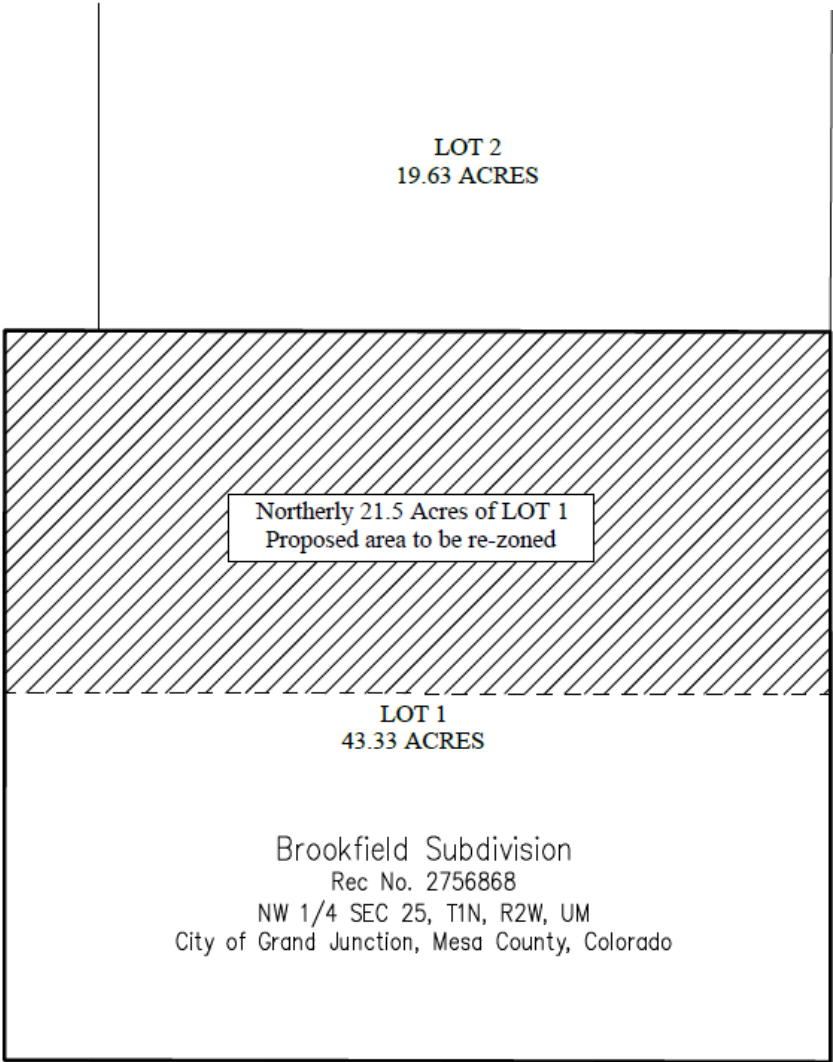
Zoning Map



Future Land Use Map



Exhibiting Showing
Subject Property



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING H & M TRUST PROPERTIES
FROM I-1 (LIGHT INDUSTRIAL)
TO R-5 (RESIDENTIAL – 5 DU/AC)**

LOCATED AT THE NORTHERN 21.53 ACRES OF 853 21 1/2 ROAD

Recitals:

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the northern 21.53 acres of the property located at 853 21 ½ Road to the R-5 (Residential – 5 du/ac) zone district, finding that it conforms to and is consistent with the Land Use Map designation of Residential Low 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 the R-5 (Residential – 8 du/ac) zone district is in conformance with 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 properties shall be zoned R-5 (Residential – 5 du/ac):

THE NORTHERLY 21.5 ACRES OF LOT 1 OF THE BROOKFIELD SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE UTE MERIDIAN, CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO, AS RECORDED AT RECEPTION NUMBER 2756868.

Introduced on first reading this 21st day of April, 2021 and ordered published in pamphlet form.

Adopted on second reading this 5th day of May, 2021 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor