

To access the Agenda and Backup Materials electronically, go to www.gjcity.org



**PLANNING COMMISSION AGENDA
IN-PERSON/VIRTUAL HYBRID MEETING
CITY HALL AUDITORIUM, 250 N 5th STREET**

TUESDAY, APRIL 12, 2022 - 5:30 PM

Register for the meeting using the link below:

<https://attendee.gotowebinar.com/register/8680143341448141584>

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

Call to Order - 5:30 PM

Consent Agenda

1. Minutes of Previous Meeting(s)
2. Consider a request by the Applicant, Mesa County Valley School District No. 51, to Vacate a Portion of a public storm sewer right-of-way on the campus of Grand Junction High School at 1400 N. 5th Street as granted to the City of Grand Junction ("City") by Reception Number 939901. See attached Grant of Right-of-Way marked Exhibit "A". | [Staff Presentation](#) | **Phone comment code: 2124** |

Regular Agenda

1. Consider a request by Dr. Brian Burton to rezone 9.28 acres from R-8 (Residential 8 du/ac) to R-24 (Residential 24 du/ac) located at 2636 Patterson Rd. | [Staff Presentation](#) | **Withdrawn**
2. Consider a request by the City of Grand Junction to Amend Title 21 and Title 27 of the Grand Junction Municipal Code to regulate cannabis businesses by providing use-specific standards, specific buffering requirements from schools and rehabilitation facilities, and signage standards. | [Staff Presentation](#) | **Phone comment code: 3518**

Other Business

Adjournment

GRAND JUNCTION PLANNING COMMISSION
March 22, 2022, 5:30 PM
MINUTES

The meeting of the Planning Commission was called to order at 5:35 p.m. by Community Development Director, Tamra Allen with a call for deliberation to elect an interim chair. Commissioner Secrest made a motion to nominate commissioner Ehlers as interim chair. Commissioner Gatseos seconded. Passed 6-0.

Those present were Planning Commissioners; Keith Ehlers, George Gatseos, Shanon Secrest, Kimberly Herek, Melanie Duyvejonck, and JB Phillips.

Also present were Jamie Beard (City Attorney), Tamra Allen (Community Development Director), Kristen Ashbeck (Principal Planner), Nicole Galehouse (Principal Planner), Jace Hochwalt (Senior Planner), and Kalli Savvas (Planning Technician).

There were members 5 of the public in attendance and 3 virtually.

CONSENT AGENDA

1. Approval of Minutes

Minutes of Previous Meeting(s) from March 8, 2022.

2. Central Distributing Alley Vacation

VAC-2021-681

Consider a request by Anna Company LLC to Vacate a Public Alley Right-of-Way, located south of 245 and 333 South Avenue.

Commissioner Gatseos moved to accept the consent agenda. Herek Seconded. Passed 6-0.

REGULAR AGENDA

1. Slawson Rezone

RZN-2022-61

Consider a request by Kent Slawson, Property Owner, to rezone 1.18 acres from R-4 (Residential - 4 du/ac) to R-8 (Residential – 8 du/ac) located at 702 25 Road.

Staff Presentation

Nicole Galehouse, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request.

Applicant Presentation

The representative Tracy States was present and available for questions.

Questions for Applicant or Staff

Public Hearing

The public hearing was opened at 5:00 p.m. on Tuesday, March 15, 2022, via www.GJSpeaks.org.

John Connerate made a comment about the open space, and concerns with continued expanding of urban development.

The public hearing was closed at 5:50 p.m. on March 22, 2022.

Discussion

Commissioner Gatseos made comments about the hearing item.

Commissioner Ehlers made a comment about the update in the code for open space and to reach out to staff.

Motion and Vote

Commissioner Gatseos made the following motion Mr. Chairman, on the Rezone request for the property located at 702 25 Road, City file number RZN-2022-61, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report.

Commissioner Secrest seconded the motion. The motion passed 6-0. Ehlers, Gatseos, Secrest, Herek, Duyvejonck, and Phillips.

2. Horizon Cache Rezone RZN-2022-52

Consider a Request by the Emanuel Epstein Revocable Trust to Rezone One Parcel Totaling Approximately 2.46 acres from PD (Planned Development) to C-1 (Light Commercial) Located at the Northeast Corner of Horizon Drive and 27 ½ Road.

Staff Presentation

Jace Hochwalt, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Applicant Presentation

The representative was present and available for questions.

Questions for Applicant or Staff

Commissioner Gatseos asked about the parcel north of the property, and if it is zoned PD.

Public Hearing

The public hearing was opened at 5:00 p.m. on Tuesday, March 15, 2022, via www.GJSpeaks.org.

Sherrie Case, virtual attendee asked what was going to be built here.

Jace Hochwalt, responded to the questions.

Commissioner stated there would be public notice to applicants

The public hearing was closed at 6:02 p.m. on March 22, 2022.

Discussion

Motion and Vote

Commissioner Secrest made the following motion Chairman, on the Horizon Cache Rezone request from a PD (Planned Development) zone district to a C-1 (Light Commercial) zone district for the 2.46-acre property located at the northeast corner of Horizon Drive and 27 ½ Road, City File Number RZN-2022-52, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in this staff report.

Commissioner Duyvejonck seconded the motion. The motion carried 6-0. Ehlers, Gatseos, Secrest, Herek, Duyvejonck, and Phillips.

3. Other Business

Commissioner Gatseos thanked Ehlers for being chair.

4. Adjournment

Commissioner Gatseos moved to adjourn the meeting.

The vote to adjourn was 6-0. Herek, Scissors, Ehlers, Gatseos, Duyvejonck, and Phillips.

The meeting adjourned at 6:12 p.m.



Grand Junction Planning Commission

Regular Session

Item #2.

Meeting Date: April 12, 2022
Presented By: David Thornton, Principal Planner
Department: Community Development
Submitted By: David Thornton, Principal Planner

Information

SUBJECT:

Consider a request by the Applicant, Mesa County Valley School District No. 51, to Vacate a Portion of a public storm sewer right-of-way on the campus of Grand Junction High School at 1400 N. 5th Street as granted to the City of Grand Junction ("City") by Reception Number 939901. See attached Grant of Right-of-Way marked Exhibit "A". | [Staff Presentation](#) | **Phone comment code: 2124** |

RECOMMENDATION:

Staff recommends conditional approval.

EXECUTIVE SUMMARY:

The Applicant, Mesa County Valley School District No. 51 is requesting the vacation of a portion of a 15 ft. wide Elm Avenue Storm Sewer Right-Of-Way used for a city storm sewer line that crosses Grand Junction High School property located at 1400 N. 5th Street. As part of the new design and construction of Grand Junction High School a portion of the existing storm sewer line will be encroached upon by the new construction. The Applicant will relocate the storm sewer line on site and grant a new easement for the new location. A public storm sewer easement was granted to the City of Grand Junction in 1967 by Reception Number 939901 (Grant of Right-of-Way). The Easement was granted to the City for the construction of the "Elm Avenue Storm Sewer" that runs east to west through the property.

Proposed conditions for the vacation include:

- 1) Before construction, disconnection, and/or relocation of the present storm sewer line, the applicant shall provide a written release to the City of the terms numbered 2 and 3 in the original Grant of Right-of-Way;
- 2) Relocation of the public storm sewer line to a location as depicted in the attached Exhibit "B" with direction and final approval by City staff;

3) Applicant shall provide as-builts of the newly constructed line and in a form approved by City staff grant a new 15 ft. public storm sewer easement centered on the newly installed storm sewer or as otherwise approved by City staff.

BACKGROUND OR DETAILED INFORMATION:

The existing 15 ft. wide Elm Avenue Storm Sewer Right-Of-Way "Grant of Right-of-Way" ("Easement") was conveyed in 1967 by Mesa County Valley School District No. 51 to the City of Grand Junction by Reception Number 939901 as recorded in the records of Mesa County. This Easement was granted to the City of Grand Junction for the construction of the "Elm Avenue Storm Sewer". Mesa County Valley School District No. 51 plans to construct a new voter-approved high school to replace the existing Grand Junction High School building at 1400 N. 5th Street. The proposed new building will encroach into a portion of the storm sewer facility and existing easement requiring the school district to relocate a portion of the storm sewer line and dedicate a new 15 ft. wide easement to the city where the new line is constructed. The existing 15 ft. wide storm sewer Easement has no other utilities located within it.

The Applicant's release of the terms in the Easement is necessary as it will not be the City doing the work for the relocation of the sewer line but the Applicant. In addition, the term No.2 is in conflict with the City's requirements under the State Constitution. Eliminating term No. 3 will have the terms of the Easement and the new easement be consistent with the terms of similar easements to the City.

The new 15 ft. easement will be dedicated to the City by Mesa County Valley School District No. 51 as a condition of this vacation request and will be verified through as-built drawings that show the exact location of the newly constructed storm sewer line, ensuring the line is located within the new easement.

NOTIFICATION REQUIREMENTS

Neighborhood Meeting:

A Neighborhood Meeting was not required for an easement vacation and the only utility within the easement is the City's storm sewer facility.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject area was posted with an application sign on March 30, 2022. 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 April 1, 2022. The notice of this public hearing was published April 5, 2022 in the Grand Junction Daily Sentinel.

ANALYSIS

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

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

The request to vacate a portion of an existing 15 ft. wide Easement for City storm sewer does not conflict with the 2020 Comprehensive Plan, Grand Valley Circulation Plan or other adopted plans and policies of the City. Vacation of this easement will have no impact on public facilities or services provided to the general public since a new storm sewer line will be rerouted and constructed and a new easement shall be granted as a condition of approval for this vacation.

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

Principal 3: Responsible and Managed Growth

Policy 2: Encourage infill and redevelopment to leverage existing infrastructure.

Policy 4: Maintain and build infrastructure that supports urban development.

Policy 5: Plan for and ensure fiscally responsible delivery of City services and infrastructure.

Principal 5: Strong Neighborhoods and Housing Choices

Policy 3: Support continued investment in and ongoing maintenance of infrastructure and amenities in established neighborhoods.

Therefore, staff has found this criterion has been met.

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

This request is to vacate a portion of an existing "Grant of Right-of-Way" Easement. As such, no parcels will be landlocked as a result of the proposed vacation request.

Therefore, staff has found this criterion has been met.

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

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

(4) There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g., police/fire protection and utility services).

A new easement for the relocation of the existing storm sewer facility will be identified/dedicated by separate instrument. Also, there are no other utilities located

within the existing easement and as such there are no objections to the proposed vacation or the adjacent property owners indicating issue or adverse impacts related to this request or the quality of services provided to the property.

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

A new public easement will be identified/dedicated by separate instrument. Neither staff nor utility providers have identified that this request will inhibit the provision of adequate public facilities and services.

Staff finds that this criterion has been met.

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

Maintenance requirements for the City will not change as a result of the proposed vacation as a new public easement will be created for the rerouted storm sewer line. Applicant's release of the terms in the Easement will reduce costs and risk for the City with the new installation and eliminate a conflict with the Constitution. With the elimination of this existing 15 ft. wide easement and with the granting of the new easement at the new location, the Applicant can make ready its site for the new high school building without the encumbrance caused by this Easement. Permanent structures cannot be constructed over an easement. As such, Staff finds that this criterion has been met.

STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Grand Junction High School Easement Vacation of a portion of the Mesa County Valley School District No. 51 dedicated 15 ft. wide Elm Avenue Storm Sewer "Grant of Right-of-Way" Easement, VAC-2022-140, located at 1400 N. 5th Street as granted to the City of Grand Junction by Reception Number 939901, the following findings of fact have been made with the recommended conditions of approval:

1. The request conforms with Section 21.02.100 (c) of the Zoning & Development Code.
2. The requested vacation does not conflict with the goals and policies of the 2020 Comprehensive Plan.

Condition 1. Before construction, disconnection, and/or relocation of the present storm sewer line Applicant shall provide a written release to the City of the terms numbered 2 and 3 in the original Grant of Right-of-Way attached as Exhibit "A";

Condition 2. Applicant shall relocate the public storm sewer line to a location depicted in the attached Exhibit "B" with direction and final approval by City staff;

Condition 3. Applicant shall provide as-builts of the newly constructed line and in a

form approved by City staff grant a new 15 ft. public storm sewer easement centered on the newly installed storm sewer or as otherwise approved by City staff.

Therefore, Staff recommends conditional approval of the requested vacation.

SUGGESTED MOTION:

Mr. Chairman, on the Grand Junction High School Easement Vacation of a portion of the Mesa County Valley School District No. 51 dedicated 15 ft. wide Elm Avenue Storm Sewer "Grant of Right-of-Way" Easement, VAC-2022-140, located at 1400 N. 5th Street as granted to the City of Grand Junction by Reception Number 939901, I move that the Planning Commission forward a recommendation of conditional approval to City Council with the findings of fact and conditions as listed in the staff report.

Attachments

1. Development Application
2. Grant of ROW - Exhibit A - Reception No. 939901
3. Exhibit of new Easement Dedication - Exhibit B
4. Exhibit of Vacation area
5. Draft Vacation Resolution

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 #:

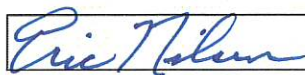
Contact Person:

Contact Phone #:

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

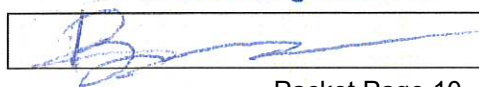
We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application 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



Date

Signature of Legal Property Owner



Date

GENERAL PROJECT REPORT
FOR

**Easement Vacation
for
Grand Junction High School**

February 24, 2022

Project Contacts

Owner: Mesa County Valley School District 51
2115 Grand Ave, Grand Junction, CO 81501

Owner's Representative: Dynamic Program Management
Point of Contact: Ray Scott, 970-343-9070

Architect: BG+co.
622 Rood Avenue, Grand Junction, CO 81501
970-242-1058
Point of Contact: Peter Icenogle and Shannon Power

Civil Engineer: Austin Civil Group
123 N 7th Street #300, Grand Junction, CO 81501
970-242-7540
Point of Contact: Mark Austin

Land Surveyor: River City Consultants, Inc.
215 Pitkin Avenue, Grand Junction, CO 81501
970-241-4722

Geotechnical Engineer: Lambert and Associates
P.O. Box 3986, Grand Junction, CO 81502
Report Number & Date: Project #M19023GE, August 30 2019

Landscape Architect: Nvision Design Studio, Inc.
677 25 Rd, Grand Junction, CO 81505
970-210-2155
Point of Contact: Rob Breeden

MEP Engineer: Bighorn Consulting Engineers, Inc.
386 Indian Road, Grand Junction, CO 81501
970-241-8709
Point of Contact: Shawn Brill

General Contractor: FCI Constructors, Inc.
3070 Interstate 70 Business Loop, Bldg A, Grand Junction, CO 81504
970-434-9093
Point of Contact: Mark Litzen

A. Project Description

1. Location:

- The proposed easement vacation seeks to relocate a portion of the existing Elm Avenue storm sewer right-of-way located on the east side of Grand Junction High School's lot. This easement adjustment is in anticipation of the new Grand Junction High School (GJHS) building footprint.
- The parcel number is 2945-113-12-001 with a physical address of 1400 N 5th Street.
- The existing zoning is R-5, there is no plan for a change in zoning.

2. Acreage:

The proposed easement vacation is within the established parcel of the existing facility; the parcel size is approximately 29.48 acres. There is no plan for modifying the existing acreage of the site.

3. Proposed Use:

The proposed use of the easement vacation will be a reroute of a city storm sewer in a manner that maintains storm water flow through the GJHS site and maintains the same level of public access when the new GJHS is constructed. This use of the property will remain the same, although the main school building will be constructed on the north portion of the lot.

B. Public Benefit

The proposed easement vacation and relocation will keep the storm sewer accessible to the City as the future phases of GJHS commence.

At the end of this multi-stage public project, the new GJHS will be a valuable asset to the Grand Valley and support its desire to provide the best education for the children of our community.

C. Neighborhood Meeting

A Neighborhood Meeting was not required for this Easement Vacation.

D. Project Compliance, Compatibility, and Impact

1. The proposed easement vacation and relocation is required to keep the storm sewer accessible and clear of the building footprint for the new GJHS. As shown on the supporting drawings in this application, the storm sewer reroute follows a similar west-east path on the east side of the parcel and does not cause any issues with landlocking or create any unreasonable access. The relocation ensures access to the sewer's manholes and continued maintenance.
2. Land use in the surrounding area:
 - Parcels to the North are zoned R-5
 - Current Land Use: R-5 Residential Medium Density
 - Future Land Use: Residential Low and Residential Medium
 - Parcels to the South are zoned C-1
 - Current Land Use: Light Commercial (North Avenue Overlay Zone)
 - Future Land Use: Mixed Use
 - Parcels to the East are zoned R-O and B-1
 - Current Land Use: Residential Office and Neighborhood Business
 - Future Land Use: Mixed Use

- Parcels to the West are zoned R-5/ CSR
 - Current Land Use: R-5 Residential Medium Density/ Community Services and Recreation
 - Future Land Use: Residential Low/ Parks and Open Space

For the above listed surrounding areas, current and future land uses will not be impacted by the proposed easement vacation and relocation.

3. The site will continue to be accessed from 5th Street, Tiger Avenue, and the north-south alleyway between 5th and 7th Street. The design intent is to develop that alleyway to allow for more direct access from 7th Street for bus drop-off and parking, as well as an enhanced walkway to Colorado Mesa University. Additional access to the site is planned off Hall Avenue.

4. Utility providers are as follows:

Cable	Charter
Storm sewer	City of Grand Junction
Electric	Xcel Energy
Gas	Xcel Energy
Phone	Century Link
Sewer	City of Grand Junction
Water	City of Grand Junction

Police and Fire protection are provided by City of Grand Junction.

Fire hydrants for the site are indicated on the submitted Composite Plan.

5. Once construction is complete, there are no anticipated special or unusual demands on utilities, only that which supports the intended capacity of the new high school.

6. Effects on public facilities:

- Fire – The proposed easement vacation and site design provides locations for fire hydrants that cover the new GJHS footprint. Fire access to the site will remain clear.
- Police – Police access to the site will remain clear.
- Sanitation – The proposed easement vacation will not affect the waste-disposal services required at the facility.
- Roads/Traffic Impact – The proposed easement vacation is in support of the new GJHS site plan and site access, included in this report. This larger construction project will be contained within the parcel, aside from the alley access to 7th Street.
- Parks – The proposed easement vacation will not affect any public parks.
- Schools – The subject of this easement vacation is a school – this modification to the facility anticipates a new building which will add to the school district's capacity to support the community.
- Irrigation – The proposed easement vacation will not directly affect irrigation.

7. The relocated storm sewer line will maintain 24-hour access. Hours of operation for the new GJHS will match the existing facility and are typical of a high school. Approximately 7:00am – 4:00pm, Monday through Friday, with regular evening events and activities.

8. The new GJHS has the capacity for 1600 students plus the necessary staff.
9. This easement vacation and relocation does not require any update in signage. Storm sewer manhole plates will be consistent with those used throughout the city.
10. A site soils and geology assessment was completed by Lambert and Associates in August of 2019. Report available upon request, reference Project Contacts for report number.
11. There are no anticipated impacts to the site's geology. According to FEMA flood mapping, this parcel is located in Zone-X, outside of the 0.2% Annual Chance Floodplain.

E. Additional review criteria of the Zoning and Development Code

Facility History:

GJHS was originally built in 1956 and is home to one of the educational environments for the youth of our ever-growing Grand Valley community. In November 2021, a bond was passed to rebuild GJHS, as this heavily used public facility continues to fall into poor condition. The new GJHS will be a state-of-the-art learning environment and an investment in the future of our community.

In order to keep the school operational during construction, the new building will be placed outside of the existing building's footprint to the north. Utility adjustments, such as the one being proposed in this easement vacation application, are all in service to the final vision of this new high school.

Review criteria from Zoning and Development Code:

Section 21.02.100 of the Vacation of public right-of-way or easement.

Comprehensive Plan:

This easement vacation and relocation is in support of the new GJHS being rebuilt on the existing high school site. Per the 2020 One Grand Junction Comprehensive Plan, this area of the City of Grand Junction is well suited and intended to maintain a high school near an established residential area, and any work being done within this parcel will not inhibit any future development of the surrounding areas. The GJHS parcel is located next to a Comprehensive Plan Incentive Area, and a new state-of-the-art building in this area will complement this initiative.

Parcel Access:

As shown on the supporting drawings within this application, the new easement required to maintain the Elm Avenue storm sewer follows a similar west-east path on the east side of the parcel in question. Therefore, no parcel will be landlocked or devalued as a result of the vacation and relocation.

Quality of Public Facilities/ Utility Services:

This easement relocation will provide for the existing and future storm sewer needs and will allow continued storm water flow through the GJHS site.

Maintenance Requirements for the City:

This easement relocation will position access to the storm sewer in a way that allows for regular maintenance, mimicking the two manholes to be vacated. This easement relocation does not affect any traffic patterns along the alleyway to the east of the high school.

Section 21.06.010 Infrastructure Standards, (b) Streets, Alleys, Trails, and Easements.

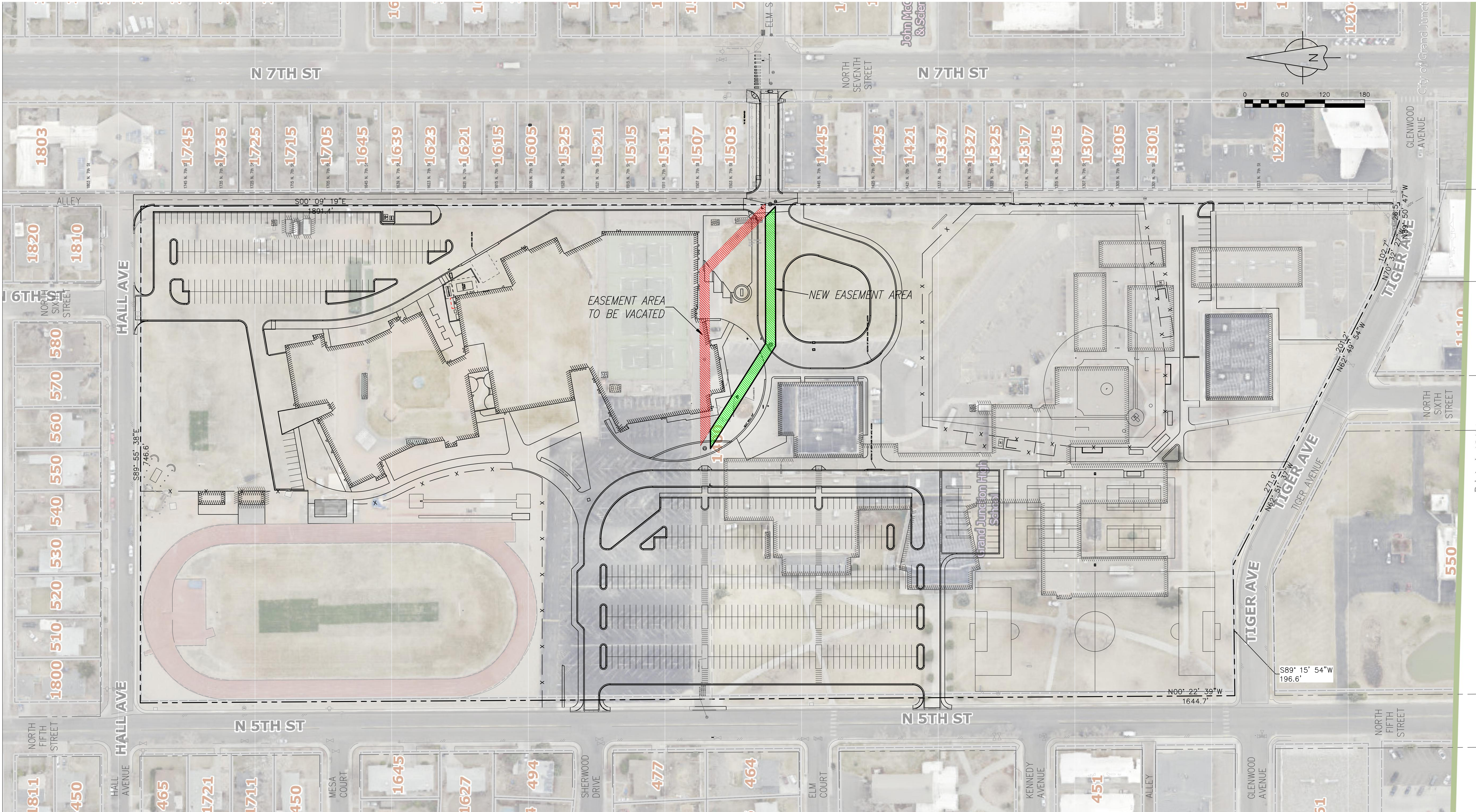
This is easement relocation:

- Will not cause any limitation to access of the existing intercepting alleyway to the east of 7th Street
- Is being requested for utilities, specifically the Elm Avenue Storm Sewer.
- Will be dedicated to the City in order to service and maintain the storm sewer

F. Development Schedule and Phasing

Design documents are underway -

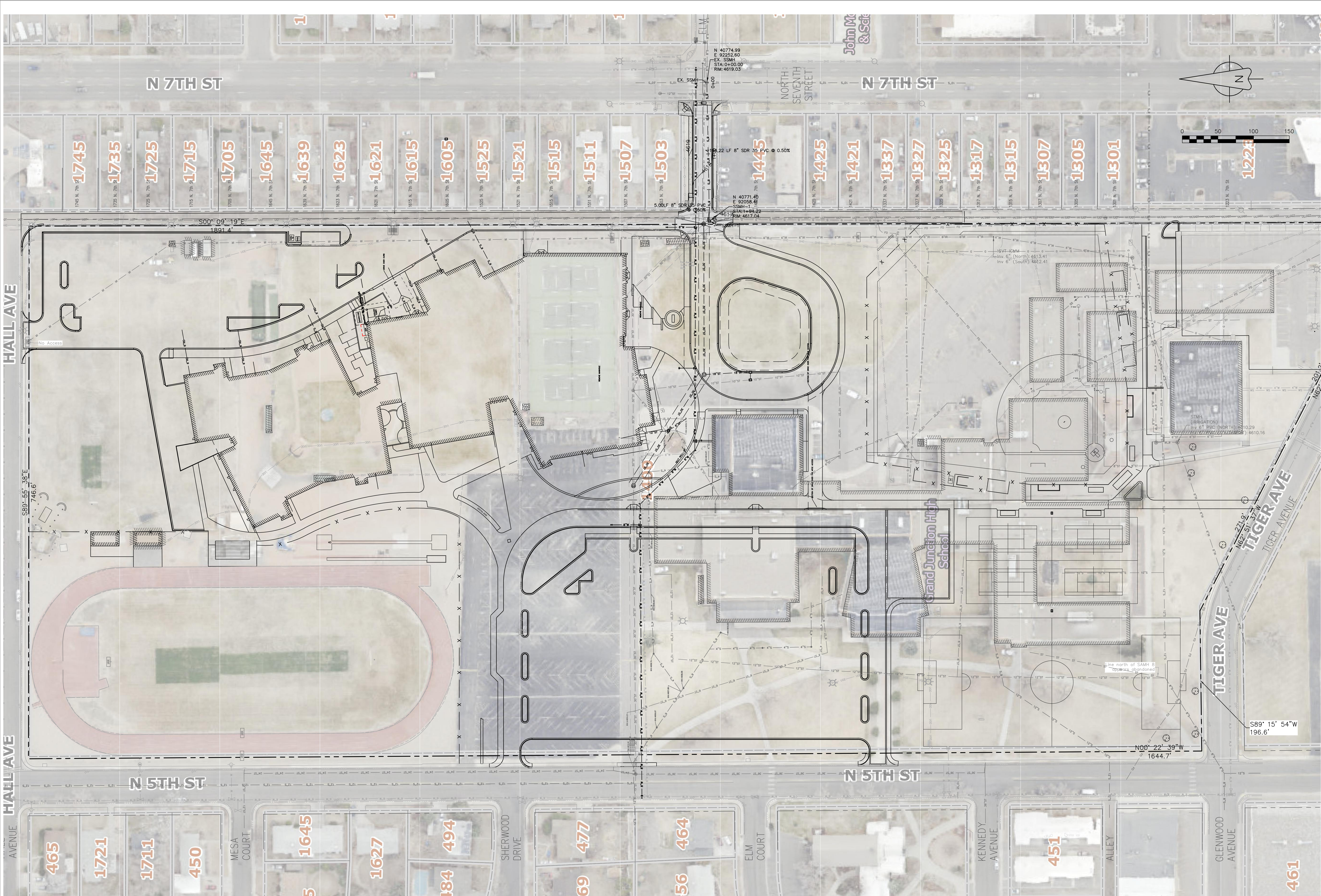
- Bid Package #1: Utilities - released at the end of February 2022.
 - Construction start date for Utilities work is scheduled for mid-April 2022.
- Bid Package #2: Foundations - released in May 2022.
- Bid Package #3: Construction Documents for the new GJHS - released in July 2022.
 - New building permitting to follow soon-thereafter.
- Bid Package #4: Existing Auxiliary Gym Renovation - released November 2022.
 - Building renovation permitting to follow soon-thereafter.
- Bid package #5: Existing 700 Building Renovation - released November 2022.
 - Building renovation permitting to follow soon-thereafter.
- Proposed construction for the new GJHS and renovations to two existing buildings to be completed in three phases.
 - Phase 1 – utility connection work at 7th Street.
 - Construction timeline: April 2022 through July 2022.
 - Phase 2 – new GJHS
 - Construction timeline: June 2022 through June 2024
 - Occupancy planned for August 2024.
 - Phase 3 – renovation of the existing Auxiliary Gym and existing 700 Building and demolition of existing building along with reconstruction of site elements.
 - Construction timeline: May 2024 through March 2025



LEGEND	
PROPERTY LINE	PROPOSED INLINE DRAIN
ADJACENT PROPERTY LINE	EXISTING 8" WATER MAIN
EXISTING EASEMENT	PROPOSED 2" DOMESTIC SERVICE
PROPOSED EASEMENT	PROPOSED 4" FIRE LINE
EXISTING BUILDING	EXISTING FIRE HYDRANT
PROPOSED BUILDING	PROPOSED FIRE HYDRANT
EXISTING CURB/GUTTER	EXISTING WATER METER
PROPOSED CURB/GUTTER	PROPOSED WATER METER
PROPOSED SPILL CURB/GUTTER	PROPOSED METER/BACKFLOW VAULT
PROPOSED TRANSITION CURB/GUTTER	PROPOSED IRRIGATION MANHOLE
EXISTING RETAINING WALL	PROPOSED FENCE
EXISTING 1-FT CONTOUR	EXISTING FENCE
EXISTING 5-FT CONTOUR	PROPOSED TRAFFIC FLOW GRADE BREAK
PROPOSED 1-FT CONTOUR	ROOF DRAIN (RD)
PROPOSED 5-FT CONTOUR	STREET LIGHT POLE
EXISTING ASPHALT	FIRE DEPARTMENT CONNECTION
PROPOSED ASPHALT	PARKING LOT LIGHT
PROPOSED HEAVY DUTY ASPHALT	PROPOSED BUILDING LIGHT
EXISTING CONCRETE	POWER POLE
PROPOSED CONCRETE	FLOWLINE
PROPOSED HEAVY DUTY CONCRETE	EDGE OF PAVEMENT
EXISTING SANITARY SEWER	TOP OF CONCRETE
PROPOSED SANITARY SEWER	TOP OF WALL
EXISTING SANITARY SEWER MANHOLE	BOTTOM OF WALL
PROPOSED SANITARY SEWER MANHOLE	TOP BACK OF WALK
PROPOSED SANITARY SEWER CLEANOUT	TOP OF CURB
EXISTING STORM SEWER	BACK OF CURB
PROPOSED STORM SEWER	LANDSCAPE AREA
EXISTING STORM SEWER INLET	UTILITY PEDESTALS
PROPOSED STORM SEWER INLET	
EXISTING STORM SEWER MANHOLE	
PROPOSED STORM SEWER MANHOLE	

UTILITIES AND AGENCIES		
CITY UTILITIES DIRECTOR	RANDI KIM	244-1429
CITY OF GRAND JUNCTION PUBLIC WORKS	TRENT PRALL	256-4047
CITY OF GJ DEVELOPMENT INSPECTOR	MARK BARSUND	201-1362
MESA COUNTY STORMWATER	JOSH MARTINEZ	773-4762
XCEL ENERGY	TILLMON MCSCHOOLER	244-2695
CENTURY LINK	CHRIS JOHNSON	244-4333
CHARTER	JOHN VALDEZ	246-8750

- GENERAL NOTES:
1. ALL PARKING SPACES ARE 9-FT WIDE X 18.5-FT LONG UNLESS OTHERWISE NOTED.
 2. ALL SIDEWALKS ARE 5-FT WIDE UNLESS OTHERWISE NOTED.
 3. OBTAIN WORK IN RIGHT OF WAY PERMITS FROM THE CITY OF GRAND JUNCTION BEFORE DOING ANY WORK ALONG ANY PUBLIC ROAD OR ALLEY
 4. CONTACT MARK BARSUND AT (970) 201-1362 FOR A PRE-CONSTRUCTION MEETING PRIOR TO ANY WORK ON THE SITE.



BG+
co.

Architecture
Interior Design
Project Management

622 Rood Avenue
Grand Junction, CO 81501
970-242-1058 office
BLYTHE GROUP + co.

DLR Group
Architecture Engineering Planning Interior

Grand Junction High
School Replacement

1400 N 5th St, Grand
Junction, CO 81501

SITE UTILITY
COMPOSITE

BID PACKAGE #1

REVISIONS	DATE:
DATE:	1-26-2022
PROJECT#:	1001.0019
SHEET#:	

UTILITIES AND AGENCIES		
CITY UTILITIES DIRECTOR	RANDI KIM	244-1429
CITY OF GRAND JUNCTION PUBLIC WORKS	TRENT PRALL	256-4047
CITY OF GJ DEVELOPMENT INSPECTOR	MARK BARSLUND	201-1362
MESA COUNTY STORMWATER	JOSH MARTINEZ	773-4765
XCEL ENERGY	TILLMON MCSCHODLER	244-2695
CENTURY LINK	CHRIS JOHNSON	244-4333
CHARTER	JOHN VALDEZ	245-8750

STATEMENT OF AUTHORITY

1. This Statement of Authority relates to an entity named: Mesa County Valley School District 51.
2. The Entity is a: Colorado School District
3. The Entity is formed under the laws of: Colorado
4. The mailing address for the entity is: 2115 Grand Avenue, Grand Junction, CO 81501
5. The name and position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity is: Diana Sirko, Superintendent of Mesa County Valley School District 51, or Brian Hill, Assistant Superintendent of Mesa County Valley School District 51.
6. The authority of the foregoing person(s) to bind the entity is unlimited.
7. Other matters concerning the manner in which the entity deals with interests in real property: N/A
8. This Statement of Authority is executed on behalf of the Entity pursuant to the provisions of C.R.S. Section §38-30-172.

Executed this: 16th day of March, 2022.

Mesa County Valley School District 51



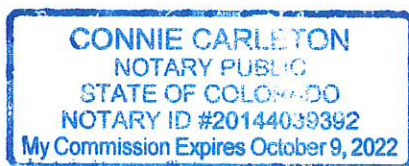
By: Diana Sirko, Superintendent

STATE OF COLORADO)
)ss
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 16 day of March, 2022,
By Diana Sirko, Superintendent of Mesa County Valley School District 51.

Witness my hand and seal.

My commission expires: October 9, 2022




Notary Public

State of Colorado Recorded at 413 M. JAN 2 1979
County of Mesa Reception No. 1180271 1180 1180

HELEN CAROLYN LANE and PAUL BRITTON,

whose address is 674 - 29 Road, Grand Junction,

County of Mesa, State of

Colorado, for the consideration of TEN DOLLARS
AND OTHER VALUABLE CONSIDERATIONS

wherein, in hand paid, hereby sell(s) and convey(s) to
MESA COUNTY VALLEY SCHOOL DISTRICT NO. 51, a
School District of the First Class organized under the laws of the
State of Colorado,

whose legal address is 2115 Grand Avenue, Grand Junction, County of

Mesa, and State of Colorado the following real property in the

County of Mesa, and State of Colorado, to wit:

Lot Three EXCEPT the West 36 feet 3 inches thereof, AND
All of Lot Four in Block Eleven of Sherwood Addition, according
to the Subdivision Plat of Blocks 9, 9, 11, 12 and 13, as recorded
in Book 9, on Page 2 of the records of the Mesa County Clerk and
Recorder, Mesa County, Colorado;

also known as street and number 1325 North Fifth Street, Grand Junction,
Colorado,

with all its appurtenances, and warrant(s) the title to the same, subject to 1978 taxes,
easements, rights-of-way, reservations and restrictions of record.

Signed this 2nd day of January, 19 79.

Helen Carolyn Lane
Helen Carolyn Lane

Paul Britton
Paul Britton

STATE OF COLORADO,

County of M E S A

The foregoing instrument was acknowledged before me this 2nd
day of January, 1979, by Helen Carolyn Lane and Paul Britton.

My commission expires My Commission expires: April 30, 1979
Witness my hand and official seal.



W. J. Laing, Jr.
Notary Public

ABSTRACT CERTIFICATE

TRANSAMERICA TITLE INSURANCE COMPANY, a duly licensed and bonded abstractor, operating under certificate of authority granted by the State of Colorado, and whose bond is in force at the date of this certificate

Hereby Certifies

that the foregoing -2- entries numbered 78 to 79 constitute a true and correct abstract of all instruments on file or of record in the office of the Clerk and Recorder of Mesa County, Colorado, affecting the title to the following described land subsequent to June 30, 1971, at 8:00 o'clock A.M.

Description:

Lot Three (3) EXCEPT the West 86 feet 3 inches thereof, and All of Lot Four (4) in Block Eleven (11) of Sherwood Addition according to the Subdivision Plat of Blocks 8, 9, 11, 12 and 13, as recorded in Book 8, on Page 2 of the records of the Mesa County Clerk and Recorder, Mesa County, Colorado.

ORDER NUMBER 96360

Date: January 29, 1979 at 8:00 A.M.

Transamerica Title Insurance Company

By Robert Reese
Authorized Signature

by p



EXHIBIT A

A vacation of a portion of Elm Avenue Storm Sewer Right-of-Way, as recorded at Reception Number 939901, across a parcel of land known as Block 3 of the High School Addition plat, as recorded at Reception Number 450288, situated in the southwest quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said portion begin more particularly describe as follows:

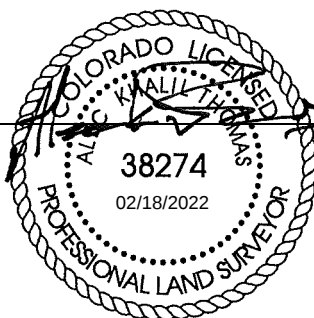
Commencing at the northwest corner of said Block 3, as monumented by a 5/8" rebar, whence the northeast corner of said Block 3, as monumented by a 5/8" rebar, bears South 89°55'38" East, with all bearings herein relative thereto;

Thence South 24°40'13" East a distance of 926.30 feet to a point on the northerly line of said Right-of-Way and the Point of Beginning;

thence North 89°37'28" East along said northerly line a distance of 265.03 feet;
thence South 45°22'32" East along said northerly line a distance of 136.96 feet to a point along the easterly line of said Block 3;
thence South 00°09'19" East along said easterly line a distance of 3.05 feet;
thence South 89°53'38" West a distance 18.24 feet to a point on the southwesterly line of said Right-of-Way;
thence North 45°22'32" West along said southwesterly line a distance of 119.94 feet;
thence South 89°37'28" West along said southwesterly line a distance if 235.54 feet;
thence North 57°34'24" West a distance of 27.69 feet to the Point of Beginning.

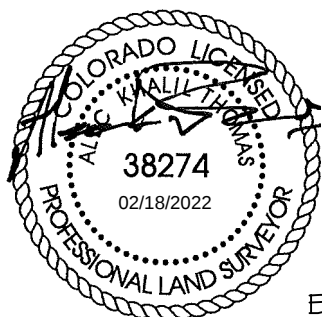
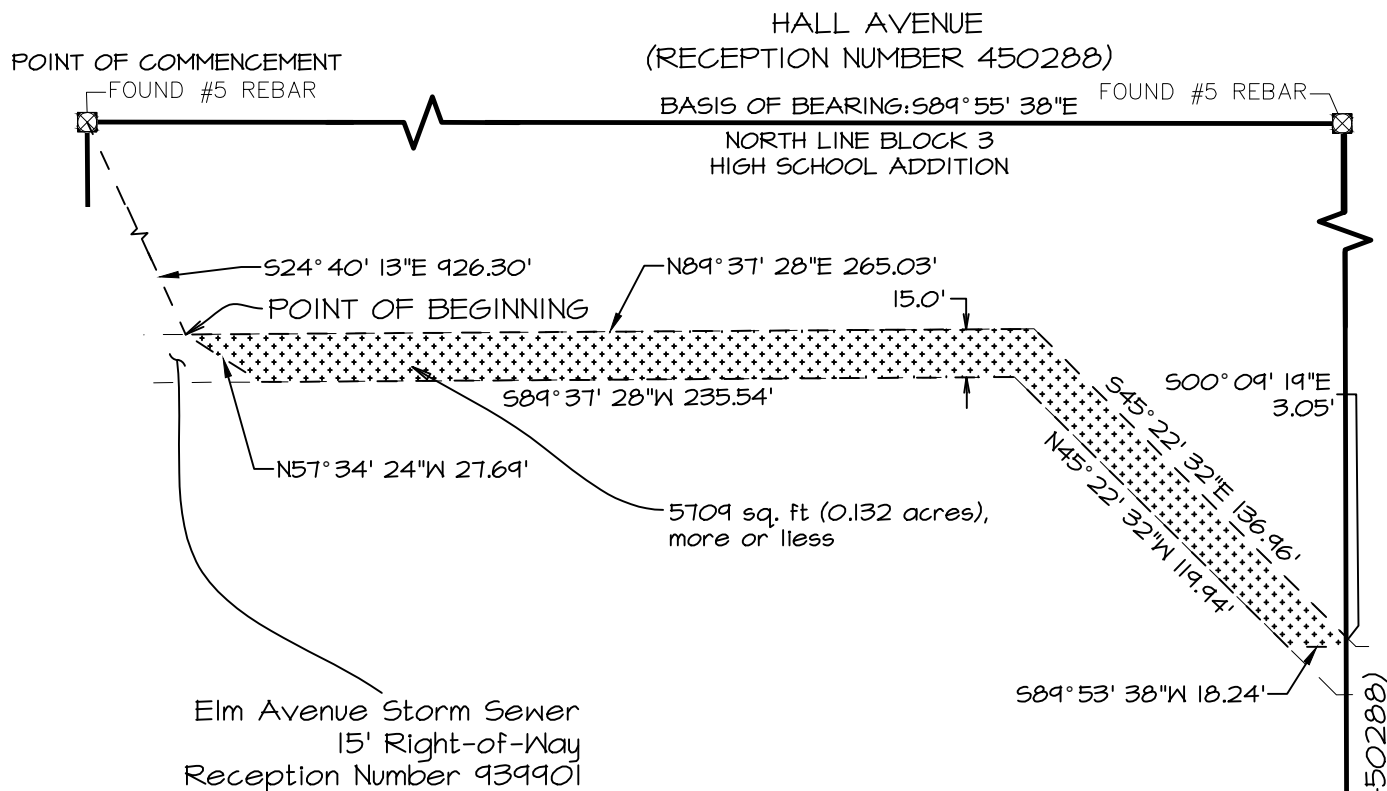
Containing 5709 Sq. feet (0.132 acres), more or less.

This description was prepared by:
Alec K. Thomas
Colorado P.L.S. 38274
215 Pitkin Ave. Suite #201
Grand Junction, CO 81501



NOTICE: Any rewriting or retyping of this description must NOT include this preparation information. Lack of an original seal indicates this document is not the original.

EXHIBIT B

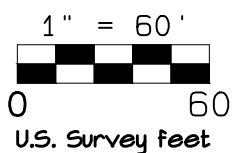


Owner: Mesa County Valley School District 51

1400 N 5th Street
City of Grand Junction
Mesa County, Colorado

Block 3, High School Addition; Reception Number 450288

SW1/4 Section 11, Township 1 South, Range 1 West, Ute Meridian



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
Grand Junction, CO 81501
Phone: 970.241.4722
Fax: 970.241.8841
www.rccwest.com

Drawn: BDM Checked: AKT 2/18/22 Job No. 1443-036

S:\PROJECTS\1443 MCSD51\036 GJHS Exhibits\Survey\DWG

EXHIBIT A

A fifteen foot (15') wide easement across a parcel of land known as Block 3 of the High School Addition plat as recorded at Reception Number 450288, situated in the southwest quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said easement lying seven and a half feet (7.5') each side of the following described centerline:

Commencing at the northwest corner of said Block 3, as monumented by a 5/8" rebar, whence the northeast corner of said Block 3, as monumented by a 5/8" rebar, bears South 89°55'38" East, with all bearings herein relative thereto;

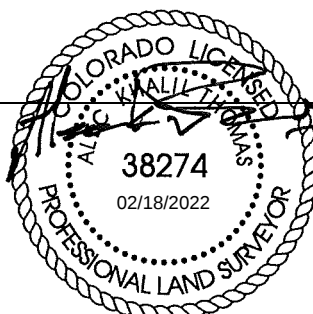
Thence South 24°49'03" East a distance of 943.85 feet to a point on the southerly line of the Elm Avenue Storm Sewer Right-of-Way, as recorded at reception number 939901, and the Point of Beginning of the centerline herein described;

thence South 57°34'23" East a distance of 168.73 feet
thence North 89°53'49" East a distance of 199.92 feet to a point on the southwesterly line of said Right-of-Way and the Point of Termination,

The sidelines of said easement shall be shortened or extended to close at all angle points and to terminate at the intersecting Right-of-Way lines.

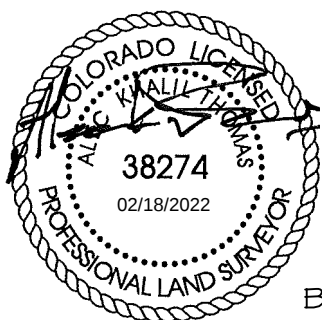
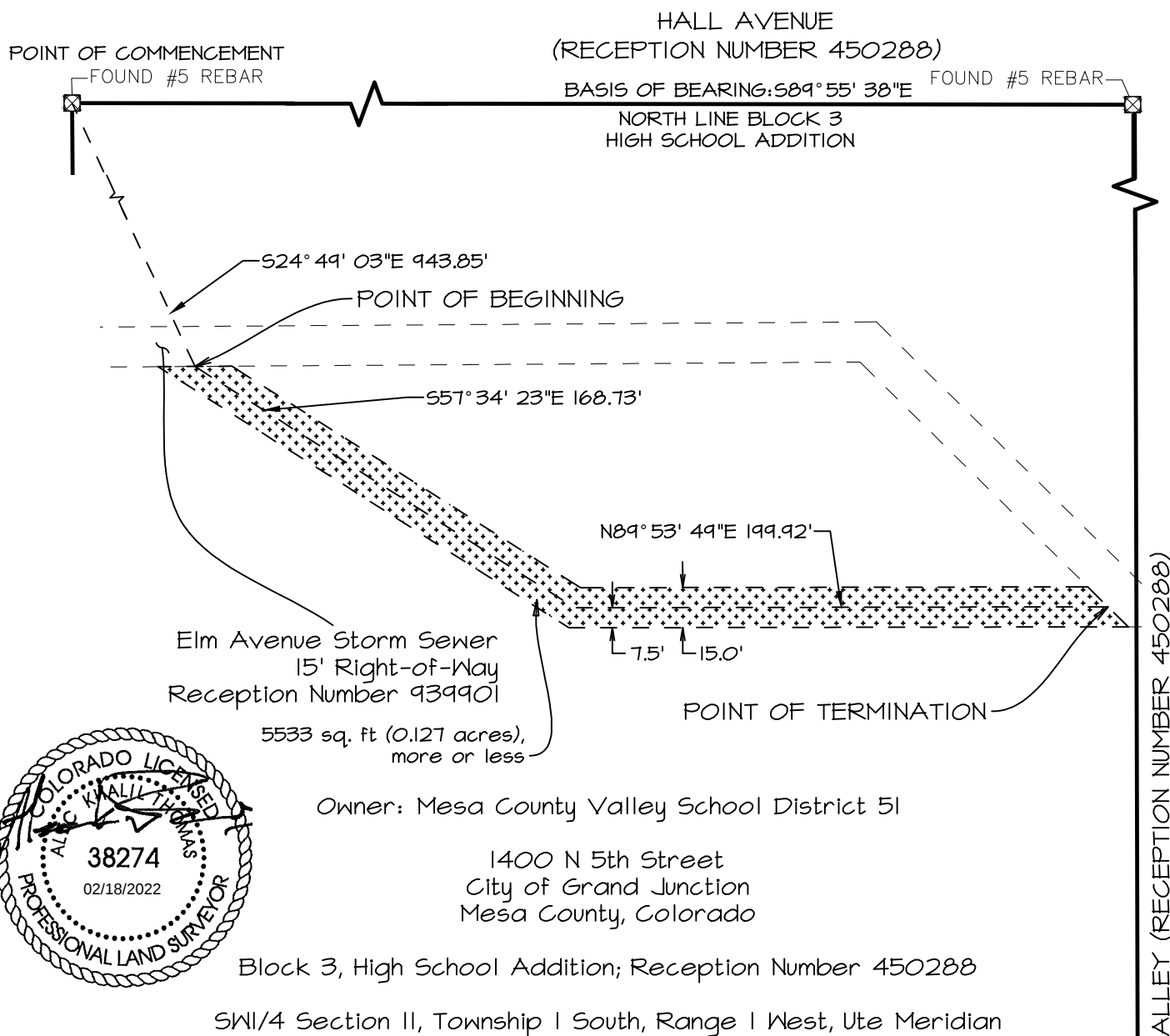
Containing 5533 Sq. feet (0.127 acres), more or less.

This description was prepared by:
Alec K. Thomas
Colorado P.L.S. 38274
215 Pitkin Ave. Suite #201
Grand Junction, CO 81501



NOTICE: Any rewriting or retyping of this description must NOT include this preparation information. Lack of an original seal indicates this document is not the original.

EXHIBIT B



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
Grand Junction, CO 81501
Phone: 970.241.4722
Fax: 970.241.8841
www.rccwest.com

Drawn: BDM | Checked: AKT | 2/18/22 | Job No. 1443-036

S:\PROJECTS\1443 MCSD5\1036 GJHS Exhibits\Survey\DWG

State of Colorado) Recorded at 10:56 o'clock P.M. Jul 28 1967
 County of Mesa) ss. Reception No. 939901 *Gennie M. [illegible]* Recorder

BOOK 911 PAGE 521

GRANT OF RIGHT-OF-WAY

WHEREAS, Mesa County Valley School District No. 51 is the owner of the hereinafter described land, and the City of Grand Junction, Colorado, being now engaged in the construction of a Storm Sewer, known as Elm Avenue Storm Sewer, and the City of Grand Junction being desirous of constructing, operating and maintaining such Storm Sewer through and across the hereinafter described land owned by Mesa County Valley School District No. 51, which said Storm Sewer is to be a thirty-inch pipe buried approximately eight feet below the surface of the ground,

NOW, THEREFORE, Mesa County Valley School District No. 51 hereby quit-claims and grants to the City of Grand Junction, Colorado, a right-of-way for the installation, operation and maintenance of said Storm Sewer, seven and one-half feet on each side of a line described as follows:

Beginning at a point on the West line of Block 3 of the High School Addition to the City of Grand Junction, Mesa County, Colorado and 172 ft. South of the centerline of Sherwood Drive extended; thence Easterly perpendicular to Fifth Street for a distance of 643 ft. more or less; thence Southeasterly along a line forming an angle of 45 degrees with the last described line for a distance of 133 ft. more or less to the East line of said Block 3,

Also beginning at a point on the West line of Lot 20 of Capitol Hill Subdivision in the City of Grand Junction, Mesa County, Colorado and 6.5 ft. North of the centerline of Elm Avenue extended from the East; thence East parallel to the said centerline of Elm Avenue to the East line of said Lot 20,

together with the right of ingress and egress for the proper repair and maintenance thereof.

During the period of construction and installation of such Storm Sewer, the City of Grand Junction, Colorado, is granted the privilege of using a strip of land fifteen feet in width and immediately adjacent to one side of the above described right-of-way.

The City of Grand Junction, Colorado, by the acceptance hereof shall be deemed to agree as follows:

1. That it will complete the construction and installation of said Storm Sewer, and restore the surface area of the right-of-way and of the fifteen foot strip of land to be used by it during the construction period to the same condition as the same was

prior to the institution of the construction and installation of such Storm Sewer, and have the same completed by September 1, 1967.

2. That it does and at all times will indemnify Mesa County Valley School District No. 51 from and against all claims, demands, suits and damages which may be made, brought against it or suffered by it by virtue of the construction, installation, operation or maintenance of such Storm Sewer.
3. The grant of this right-of-way shall not be deemed to impair the right of Mesa County Valley School District No. 51 to use the surface of said right-of-way subsequent to the construction and installation of said Storm Sewer.

Executed this 25th day of July, 1967.

MESA COUNTY VALLEY SCHOOL DISTRICT NO. 51

ATTEST:

By William J. Floryancic
President

Frank L. Bailey
Secretary

STATE OF COLORADO)
COUNTY OF M E S A) ss.

The foregoing instrument was acknowledged before me this 25th day of July, 1967, by William J. Floryancic as President of the Board of Education of Mesa County Valley School District No. 51.

Witness my hand and official seal.



My commission expires:

Glenn A. Flack
Notary Public

My Commission expires December 2, 1967

EXHIBIT A

A fifteen foot (15') wide easement across a parcel of land known as Block 3 of the High School Addition plat as recorded at Reception Number 450288, situated in the southwest quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said easement lying seven and a half feet (7.5') each side of the following described centerline:

Commencing at the northwest corner of said Block 3, as monumented by a 5/8" rebar, whence the northeast corner of said Block 3, as monumented by a 5/8" rebar, bears South 89°55'38" East, with all bearings herein relative thereto;

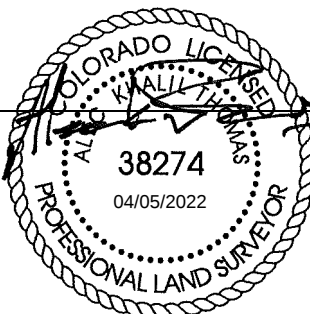
Thence South 24°49'03" East a distance of 935.61 feet to a point on the centerline of Elm Avenue Storm Sewer Right-of-Way, as recorded at reception number 939901, said point bearing North 89°37'28" East a distance of 387.10 feet from a point 172 feet south of the centerline of Sherwood Drive extended to the West line of said Block 3;
Thence South 24°49'03" East a distance of 8.24 feet to a point on the southerly line of said Right-of-Way and the Point of Beginning of the centerline herein described;

thence South 57°34'23" East a distance of 168.73 feet
thence North 89°53'49" East a distance of 199.92 feet to a point on the southwesterly line of said Right-of-Way and the Point of Termination,

The sidelines of said easement shall be shortened or extended to close at all angle points and to terminate at the intersecting Right-of-Way lines.

Containing 5533 Sq. feet (0.127 acres), more or less.

This description was prepared by:
Alec K. Thomas
Colorado P.L.S. 38274
215 Pitkin Ave. Suite #201
Grand Junction, CO 81501



NOTICE: Any rewriting or retyping of this description must NOT include this preparation information. Lack of an original seal indicates this document is not the original.

EXHIBIT B

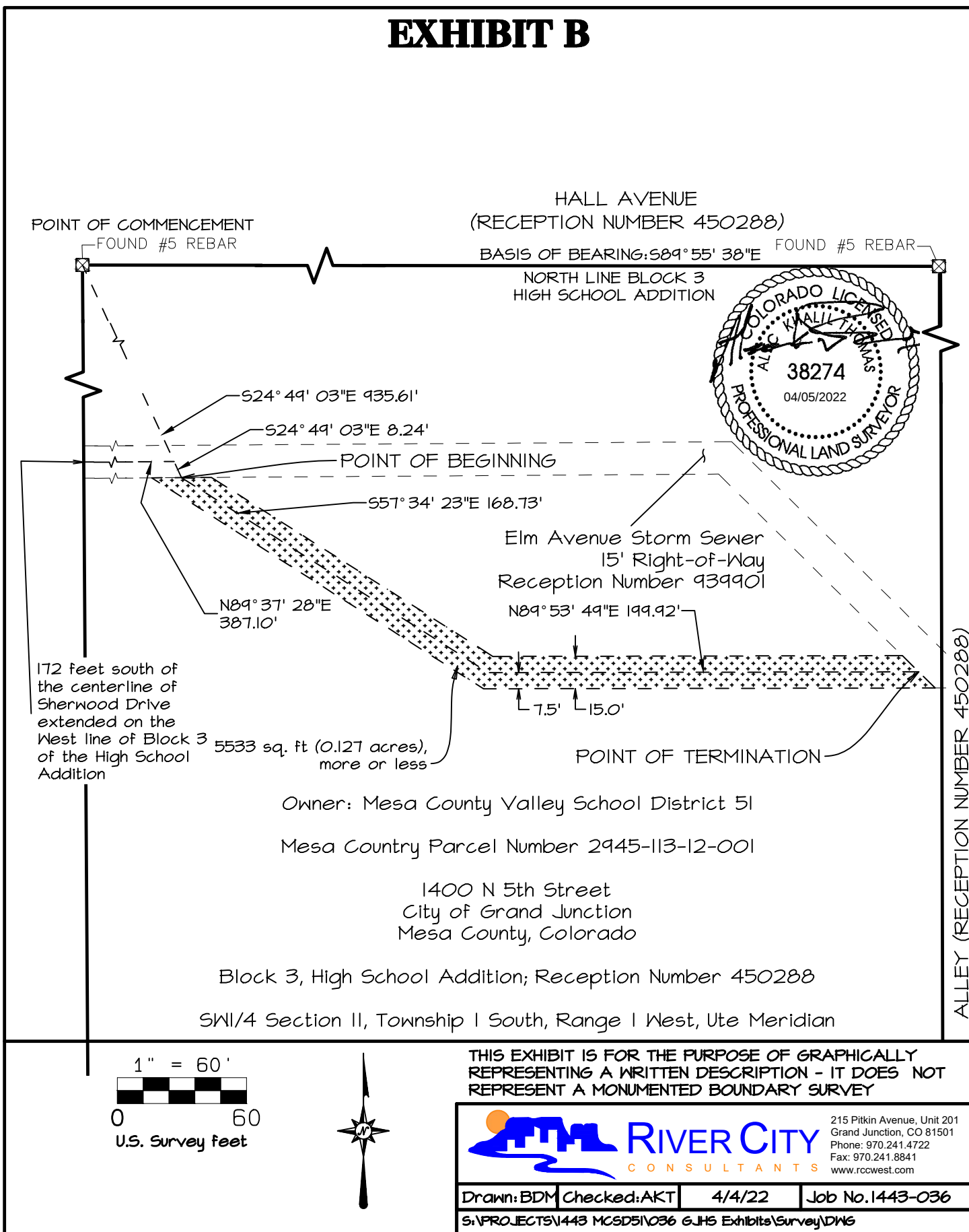


EXHIBIT A

A vacation of a portion of Elm Avenue Storm Sewer Right-of-Way, as recorded at Reception Number 939901, across a parcel of land known as Block 3 of the High School Addition plat, as recorded at Reception Number 450288, situated in the southwest quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said portion begin more particularly described as follows:

Commencing at the northwest corner of said Block 3, as monumented by a 5/8" rebar, whence the northeast corner of said Block 3, as monumented by a 5/8" rebar, bears South 89°55'38" East, with all bearings herein relative thereto;

Thence South 24°40'13" East a distance of 926.30 feet to a point on the northerly line of said Right-of-Way and the Point of Beginning;

thence North 89°37'28" East along said northerly line a distance of 265.03 feet;
thence South 45°22'32" East along said northerly line a distance of 136.96 feet to a point on the easterly line of said Block 3;
thence South 00°09'19" East along said easterly line a distance of 3.05 feet;
thence South 89°53'38" West a distance 18.24 feet to a point on the southwesterly line of said Right-of-Way;
thence North 45°22'32" West along said southwesterly line a distance of 119.94 feet;
thence South 89°37'28" West along the southerly line of said Right-of-Way a distance of 235.54 feet;
thence North 57°34'24" West a distance of 13.84 feet to a point on the centerline of said Right-of-way, said point bearing North 89°37'28" East a distance of 397.72 feet from a point 172 feet south of the centerline of Sherwood Drive extended to the West line of said Block 3;
thence North 57°34'24" West a distance of 13.84 feet to the Point of Beginning.

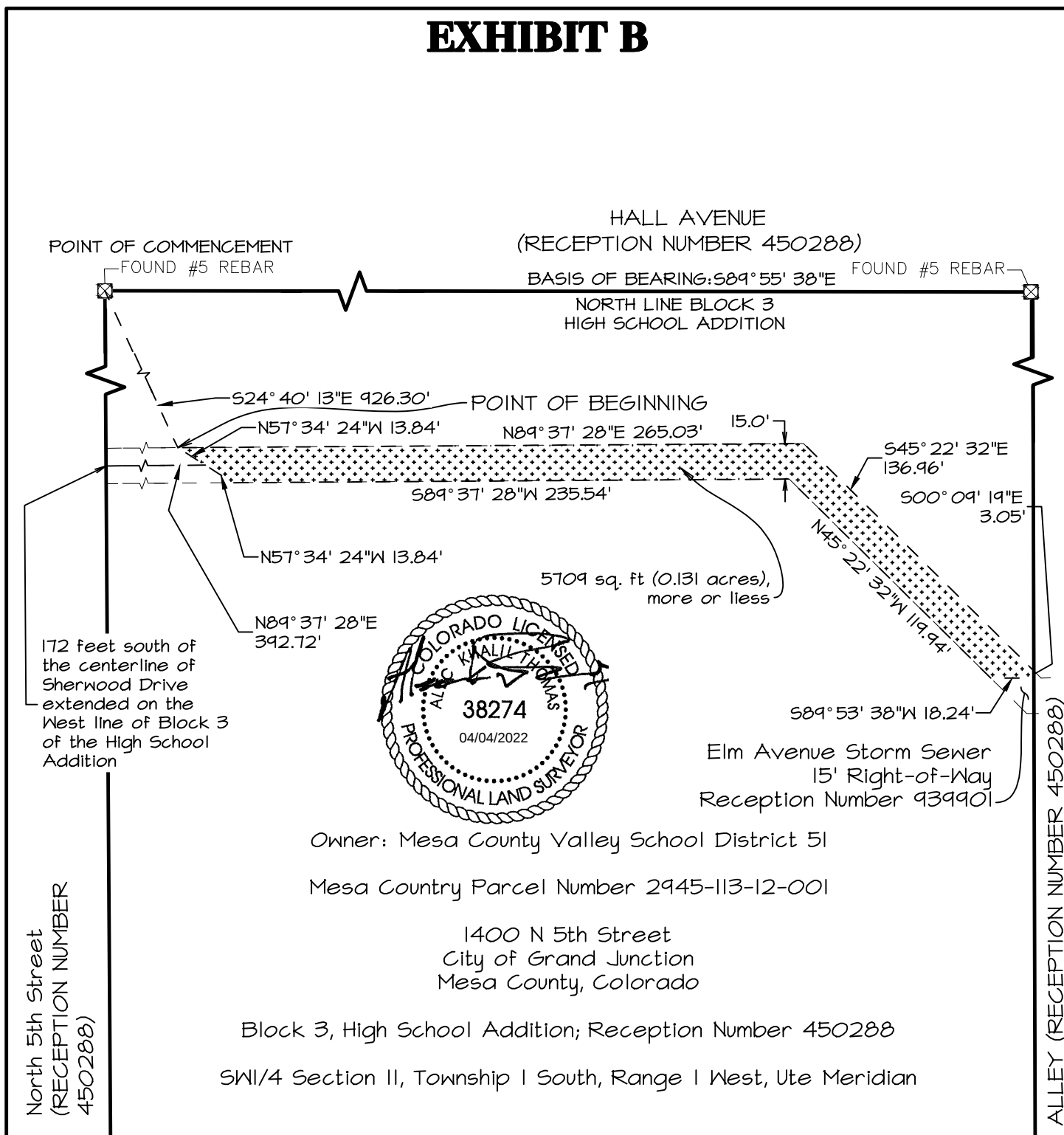
Containing 5709 Sq. feet (0.131 acres), more or less.

This description was prepared by:
Alec K. Thomas
Colorado P.L.S. 38274
215 Pitkin Ave. Suite #201
Grand Junction, CO 81501



NOTICE: Any rewriting or retyping of this description must NOT include this preparation information. Lack of an original seal indicates this document is not the original.

EXHIBIT B



1" = 60'
0 60
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
Grand Junction, CO 81501
Phone: 970.241.4722
Fax: 970.241.8841
www.rccwest.com

Drawn: BDM Checked: AKT 4/4/22 Job No. 1443-036

S:\PROJECTS\1443 MCSD\1036 GJHS Exhibits\Survey\DWG

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

**A RESOLUTION VACATING
A PORTION OF A 15 FT. GRANT OF RIGHT-OF-WAY EASEMENT
AS DEDICATED BY RECEPTION NUMBER 939901
LOCATED ON THE PROPERTY OF GRAND JUNCTION HIGH SCHOOL
AT 1400 N. FIFTH STREET**

RECITALS:

Vacation of a portion of a 15 ft. "Grant of Right-of-Way" ("Easement") has been requested by the property owner, Mesa County Valley School District No. 51 ("School District"). The existing 15 ft. Easement was conveyed in 1967 to the City of Grand Junction by separate document by Reception Number 939901. The 15 ft. Easement contains only existing storm sewer infrastructure. The Easement was granted to the City for the construction of the "Elm Avenue Storm Sewer" that runs east to west through the property.

As part of the new design and construction of Grand Junction High School a portion of the existing storm sewer line will be encroached upon by the new construction. This will require School District to relocate a portion of the storm sewer line and dedicate a new 15 ft. wide easement to the city where the new line is constructed.

The 1967 Easement had two specific terms that need to be released by the School District. The release of the terms in the Easement is necessary as it will not be the City doing the work for the relocation of the sewer line but the School District. In addition, Term No. 2 is in conflict with the City's requirements under the State Constitution. Eliminating Term No. 3 will have the terms of the Easement and the new easement be consistent with the terms of similar easements to the City.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, and upon recommendation of conditional approval by the Planning Commission, the Grand Junction City Council finds that the request to vacate a portion of the Easement as recorded in Mesa County Records, Reception No. 939901 is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Zoning & Development Code with the conditions included.

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

The following described publicly dedicated Easement is hereby vacated upon the listed conditions being met:

- 1) Before construction, disconnection, and/or relocation of the present storm sewer line, the School District shall provide a written release to the City of the terms numbered 2 and 3 in the original Grant of Right-of-Way.
- 2) Relocation of the public storm sewer line to a location as depicted in the attached Exhibit "B" with direction and final approval by City staff;
- 3) Applicant shall provide as-builts of the newly constructed line and in a form approved by City staff grant a new 15 ft. public storm sewer easement centered on the newly installed storm sewer or as otherwise approved by City staff.

A vacation of a portion of Elm Avenue Storm Sewer Right-of-Way, as recorded at Reception Number 939901, across a parcel of land known as Block 3 of the High School Addition plat, as recorded at Reception Number 450288, situated in the southwest quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said portion begin more particularly described as follows:

Commencing at the northwest corner of said Block 3, as monumented by a 5/8" rebar, whence the northeast corner of said Block 3, as monumented by a 5/8" rebar, bears South 89°55'38" East, with all bearings herein relative thereto;

Thence South 24°40'13" East a distance of 926.30 feet to a point on the northerly line of said Right-of-Way and the Point of Beginning;

thence North 89°37'28" East along said northerly line a distance of 265.03 feet;
thence South 45°22'32" East along said northerly line a distance of 136.96 feet to a point on the easterly line of said Block 3;
thence South 00°09'19" East along said easterly line a distance of 3.05 feet;
thence South 89°53'38" West a distance 18.24 feet to a point on the southwesterly line of said Right-of-Way;
thence North 45°22'32" West along said southwesterly line a distance of 119.94 feet;
thence South 89°37'28" West along the southerly line of said Right-of-Way a distance of 235.54 feet;
thence North 57°34'24" West a distance of 13.84 feet to a point on the centerline of said Right-of-way, said point bearing North 89°37'28" East a distance of 397.72 feet from a point 172 feet south of the centerline of Sherwood Drive extended to the West line of said Block 3;
thence North 57°34'24" West a distance of 13.84 feet to the Point of Beginning.

Containing 5709 Sq. feet (0.131 acres), more or less.

See Exhibit A.

PASSED and ADOPTED this _____ day of _____, 2022.

ATTEST:

President of City Council

City Clerk

EXHIBIT A

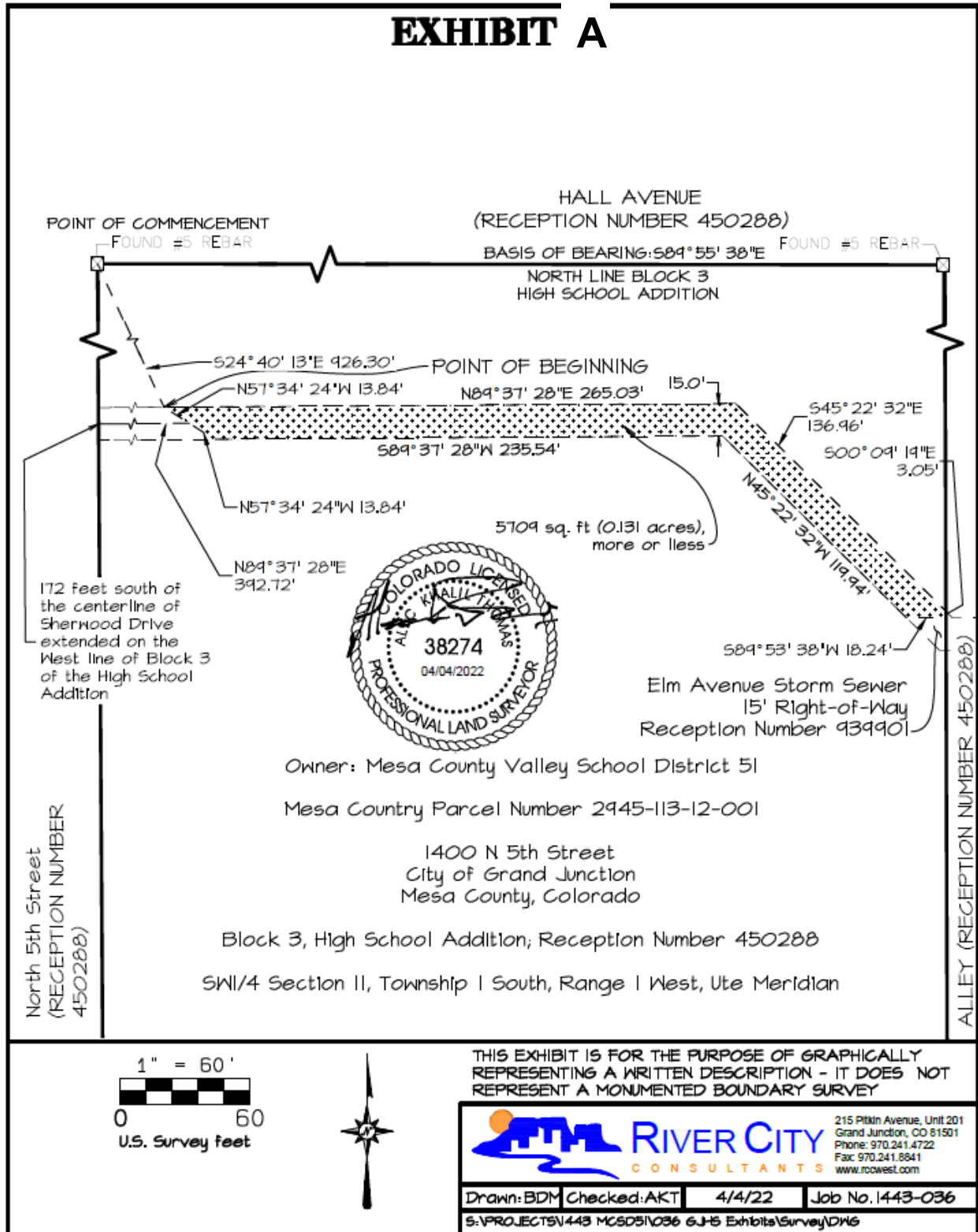
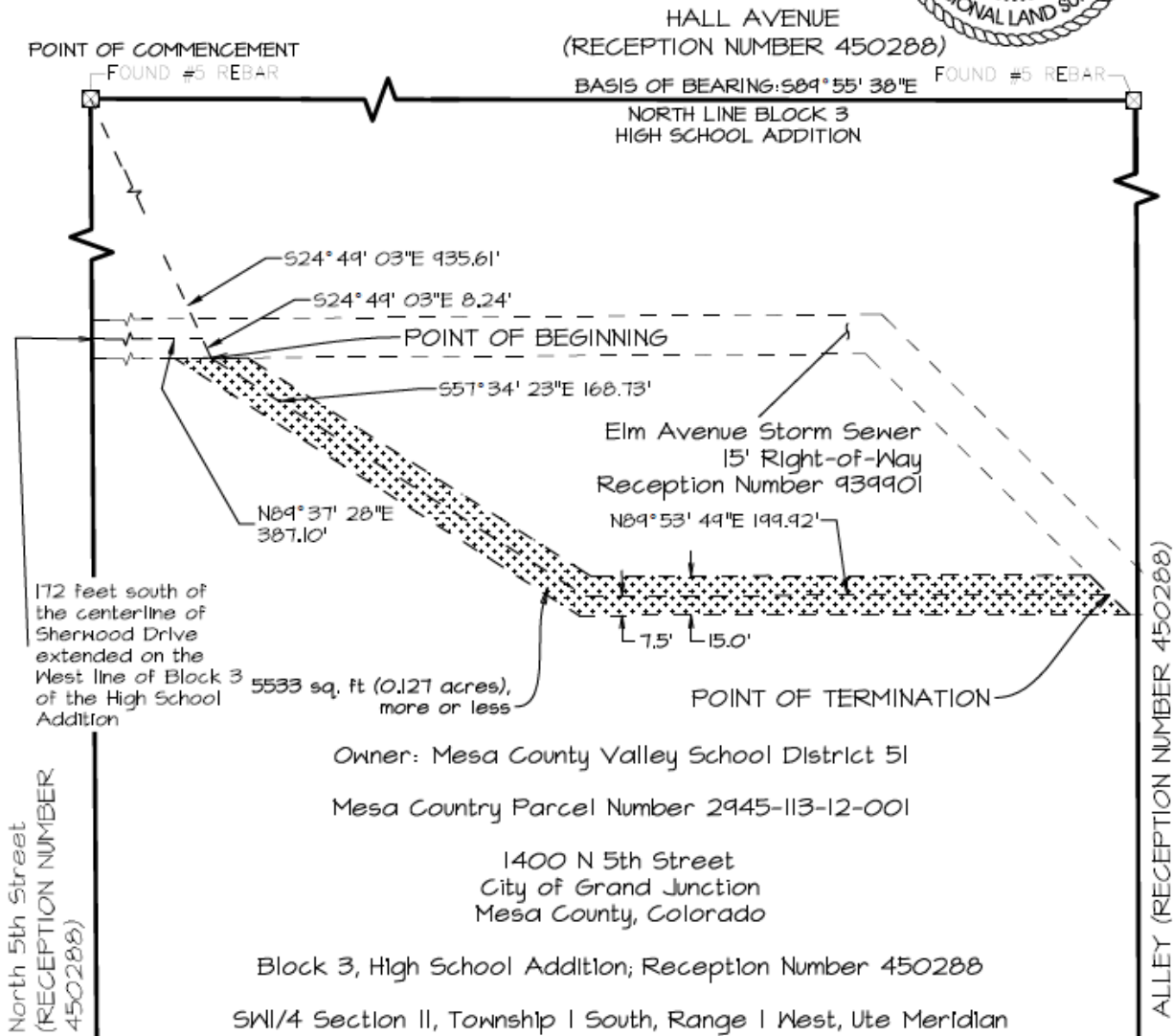


EXHIBIT B



1" = 60'
0 60
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
Grand Junction, CO 81501
Phone: 970.241.4722
Fax: 970.241.8841
www.rcwest.com

Drawn: BDM Checked: AKT 4/4/22 Job No. 1443-036

S:\PROJECTS\1443 MCS05\1036 GJS Exhibits\Survey\DWG



Grand Junction Planning Commission

Regular Session

Item #1.

Meeting Date: April 12, 2022
Presented By: Daniella Acosta, Associate Planner
Department: Community Development
Submitted By: Daniella Acosta, Associate Planner

Information

SUBJECT:

Consider a request by BBILEHL, LLC to rezone 9.28 acres from R-8 (Residential 8 du/ac) to R-24 (Residential 24 du/ac) located at 2636 Patterson Rd. | [Staff Presentation](#) | **Phone comment code: 6077 | (Withdrawn)**

RECOMMENDATION:

Staff recommends approval of the request.

EXECUTIVE SUMMARY:

The Representative, Mr. Jackson Berry, acting on behalf of the Applicant, Dr. Burton, is requesting the rezone of one parcel totaling 9.28 acres from R-8 (Residential 8 du/ac) to R-24 (Residential 24 du/ac) located at 2636 Patterson Rd. The purpose of the rezone is to enable the creation of multifamily housing and improve the availability of rental housing near the core business district and along an important connector to one of Grand Junction's largest employers, St. Mary's Regional Medical Center.

The requested R-24 zone district conforms with the Comprehensive Plan Land Use Map designation of Residential High. The R-24 zone district allows multifamily development within specified densities. Additionally, R-24 zone districts serve as a transitional district, which may act as a buffer between single-family residential and commercial zones.

BACKGROUND OR DETAILED INFORMATION:

The proposed rezone comprises one parcel totaling 9.28 acres situated at 2636 Patterson Rd, just north of St. Mary's Regional Medical Center campus.

The subject site was annexed into the City in 1977 as part of the Patterson Rd Enclave

Annexation and was originally zoned R-1-A, under the 1971 Grand Junction Zoning & Development Code. Following the adoption of the 2010 Comprehensive Plan, the City initiated a bulk rezoning of several parcels after it became apparent that the zoning of some of these properties was in conflict with the new Future Land Use Designation. These conflicts were created because the zoning did not match the Future Land Use designation. These properties were grouped together in specific subareas of the City. The third subarea included in the rezone consisted of five (5) parcels that abutted Patterson Rd and a single larger lot behind those lots. The subject property is the larger lot behind the lots abutting Patterson Road, previously addressed as 2634 ½ Patterson Rd (File # RZN-2011-1205). The City rezoned the subject property from R-5 to R-8 (Residential 8 du/ac).

As indicated, the subject site is currently zoned R-8 and is occupied by a small rental home. To the south is a mix of single-family residential, parking lot, retail and professional services uses. Along the western property line, the subject site abuts another single-family residence. To the east is a multifamily residential use. To the northeast exists both an assisted living facility and a single-family residence, while to the northwest is Juniper Ridge Community School. Between these properties and the subject site runs the Independent Ranchman's Ditch.

The 2020 One Grand Junction Comprehensive Plan classifies the subject property and several adjacent properties to the northeast and southwest as Residential High. Under the Grand Junction Zoning & Development Code, the zone districts that may implement the Residential High Land Use classification include R-16 (Residential 16 du/ac), R-24 (Residential 24 du/ac), Community Services and Recreation (CSR), Residential Office (R-O), Neighborhood Business (B-1), Mixed Use (M-U), MXR-3, 5, 8 (Mixed Use Residential), MXG-3, 5 (Mixed Use General), and MXS-3, 5 (Mixed Use Shopfront) zone districts. As such, the proposal of R-24 is supported by the Comprehensive Plan Future Land Use Map.

The Comprehensive Plan classified the adjacent properties to the northwest and the west as primarily Low Residential

The Applicant is now requesting a rezone to R-24, which could increase the availability of multifamily housing along the Patterson Rd corridor. According to the General Project Report, the rezone near a core business district could increase housing within a desirable area and with easier access to greater employment opportunities, transit and other non-motorized modes. The R-24 zone district allows for multifamily housing and does not have a density cap, unlike the R-8 zone district.

If the rezone application is approved and a development is subsequently proposed, it would be required to go through a formal review process, likely in the form of a Major Site Plan Review.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed rezone request was held in-person at an office park building conference room located at 744 Horizon Ct, Suite #105 on January 5th, 2022, in accordance with Section 21.02.080 (e) of the Zoning and Development Code. In addition to City Staff, the landowner and representative, there were 11 neighbors in attendance out of the 75 neighbors that were notified of the neighborhood meeting. Participants expressed concerns regarding increased crime due to multifamily apartments, increased attendance at Juniper Ridge School, increased area traffic, as well as concerns regarding access along Patterson Road and 26 ½ Road.

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 31, 2022. 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 1, 2022. The notice of the Planning Commission public hearing was published on April 15, 2022, in the Grand Junction Daily Sentinel.

ANALYSIS

Pursuant to Section 21.02.140 of the Grand Junction Zoning & Development 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

The current zoning, R-8, is outside the range of allowable zone districts for Residential High. The newly adopted 2020 Comprehensive Plan has identified the area that the subject site is situated in as both a Commercial Corridor and an Employment Center Area. Commercial Corridors are streets associated with high commercial activity and anticipate the development of a broad mix of higher intensity uses along the corridor, which includes higher-density residential areas.

From a policy standpoint, the adoption of the 2020 Comprehensive Plan directs the proposed vision for development of the subject site that is not implementable with the current zoning. However, adoption of the 2020 Comprehensive Plan is not a subsequent event that would invalidate the original premises or findings. Rather, as a policy document, it indicates the belief and communicates the aspiration that the area will develop in such a manner. Therefore, Staff does not find 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

Since 2012, there has been ongoing development activity and approximately three rezones on the properties surrounding and near the site. Development

activity primarily encompassed the construction and expansion of facilities on the Saint Mary's Hospital Regional Medical Center campus and on nearby satellite properties. These projects include the Saint Mary's Pharmacy and Lab Expansion, a major site plan for a 39,521 square expansion and interior remodel (SPN-2019-696); a combined 28,819 square foot expansion of the Saint Mary's Hospital's Cardiac Center of Excellence and Hybrid Operating Room (SPN-2017-222); construction of a 7,545 square foot office building for the Spine & Injury Center of Grand Junction; Outline Development Plan approval to incorporate additional properties located at 519 Bookcliff Drive into the Saint Mary's Hospital Planned Development in anticipation of constructing an additional parking lot for the hospital; and the construction of a 45,821 square foot assisted living and memory care facility (PLD-2016-34, PLD-2016-501, PLD-2016-596).

To the north of the subject site is a parcel that underwent a rezone from R-5 to R-24 (RZN-2019-544) and major site plan approval for a 62-unit multifamily, senior living residential facility (SPN-2019-708). The area has also seen the arrival of Juniper Ridge Community School (SPN-2019-22), and the rezoning of two properties with frontage on Patterson Rd from a lower intensity zone (R-4 - Residential 4 du/ac) district to R-O (Residential Office) (RZN-2019-99, RZN-2012-408).

While the area has grown as an activity node for medical services and employment, the growth has been at a steady level, and it is premature to conclude that the area has changed dramatically enough in character to warrant a rezone. As such, staff finds 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

The subject site is currently served by City of Grand Junction Water and Sewer District, the Grand Valley Irrigation Company, the Grand Valley Drainage District, and Xcel Energy. A 1,500-10,000 gallons per minute fire hydrant is located on 26 ½ Rd at 605 26 ½ Rd and on Patterson Rd at 2646 Patterson Rd. City Water runs to the house on the property and there is a 14' water line in Patterson Rd, and an 8' line in 26 ½ Rd. The property is located within the 201 Persigo boundary and there is a sanitary sewer line that runs along the south side of the property and the west side of the property.

The subject site is serviced by a secondary truck route that runs along Patterson Rd and 26 ½ Rd. The stretch of 26 ½ Rd that runs adjacent to the subject site is classified as an Active Transportation Corridor. Additionally, the Active Transportation Corridors Map proposes a trail along the Independent Ranchman's Ditch, which would connect 26 Rd to 26 ½ Rd, providing an alternative east-west low stress connection for non-motorized modes.

Currently, the site has limited access from Patterson Rd (Parcel # 2945-023-00-041). However, any request to develop the property would expand and convert that access point to right-in/right-out access per the Patterson Road Access Management Plan (PAMP). Due to the steepness of the Patterson Rd access (Parcel # 2945-023-00-041), primary access for future development would be required to the north via Community Ln. Community Ln will run along the east side of Juniper Ridge School and across the Independent Ranchman's Ditch. It is currently unclassified but will likely be built as a local/residential street. Additional access from 26 ½ Rd could also potentially serve the site. Furthermore, there is a future public street stub identified in the PAMP that would permit interparcel connectivity between 2636 Patterson Rd and 2626 Patterson Rd, connecting to a ¾ movement access point at 2626 Patterson Rd.

The application packet was sent out to applicable utility companies for this proposal, and there were no objections expressed during the review process.

While the subject site has adequate utilities and opportunities for future access, Staff believe it is premature to state that there is sufficient multimodal access since adequate access is not yet available. Based on the provision of adequate public utilities and community facilities to serve the rezone request, Staff finds that this criterion has not been met.

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

There are no significant differences between the R-8 and R-24 zone districts as it relates to the types of permitted primary and secondary land uses and the general development characteristics. The R-24 zone district accounts for approximately 1% of City zoned land, whereas the R-8 zone district accounts for approximately 10% of City zoned land.

Currently, there is an adjacent parcel to the north of the subject site that is zoned R-24. While there is only one other site zoned R-24, there does not appear to be a deficit of other zone districts in the area that are also able to implement the Residential High Future Land Use designation, which includes B-1, R-O, and R-16.

Therefore, Staff find that this criterion has not been met.

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

As stated in the General Project Report, the intent of the proposal is to facilitate the development of multifamily housing and improve the availability of rental housing near employment opportunities. Apartments in particular may expand housing choices that meet the needs of different generations within the

community. Increasing the availability of apartments could create the appropriate housing stock to serve residents at different income levels and walks of life, such as young professionals recently entered into the workforce, or retirees looking to downsize. The implementation of this zone district will provide potential future options for reuse and/or redevelopment that aligns with the vision of the Comprehensive Plan, thereby furthering community goals and providing community benefits. Therefore, Staff finds this criterion has been met.

The rezone criteria provide that the City must also find the request consistent with the vision, goals, and policies of the Comprehensive Plan. Staff finds the request to be consistent with the following goals and policies of the Comprehensive Plan:

Plan Principle 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

The subject property is located within the Tier 1 – Urban Infill tier as identified in the City's Growth Plan. Rezoning to R-24 opens up opportunities for more compact development and higher density uses in an area that the 2020 Comprehensive Plan identifies as a priority for infill. As stated in the 2020 Comprehensive Plan, development of parcels located within Tier 1 will provide development opportunities that do not require extension of infrastructure or the expansion of City Services (pg. 56). Rezoning to R-24 may help direct any potential future mixed-used development to an area that has adequate public infrastructure and amenities to accommodate that growth.

Plan Principle 3.6.b. Mix of Uses – Support the creation of a mix of uses in neighborhood centers and along prominent corridors that reflect the needs of adjoining residents and the characteristics of individual neighborhoods, including, but not limited to retail, office, entertainment, schools, libraries, parks, recreation amenities, transit facilities, and other amenities.

An R-24 zone district would allow for the development of high-density housing on a site within walking distance of many services and amenities. Any future residential development of the subject site is poised to benefit from the close proximity to one of the largest employers in the City, Saint Mary's Regional Medical Center, as well as convenient access to important healthcare facilities and services. Close proximity to these services, amenities and employment opportunities could support alternative modes of transportation and help ease capacity constraints along Patterson Ave.

Plan Principle 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.

As described in the General Project Report (pg. 1), it is proposed that the property be used for high-density multifamily housing, such as apartments. The R-24 zone district has a minimum density of 16 units per acre and does not have a limit on the maximum number of units per acre. With a site of 9.28 acres, the site could have a minimum of 149 units. Per the 2021 Grand Valley Housing Needs Assessment, the majority of the housing stock in the City of Grand Junction is single-family detached homes (62 percent), whereas apartments with 50 or more units make up only 4 percent of the City's housing stock (Section III, pg. 4). Rezoning to R-24 would allow for apartments that fall within the aforementioned category, which could increase the stock of multifamily housing options and expand housing choices for the community.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the 2636 Patterson Rd Rezone, RZN-2022-47, rezoning one parcel totaling 9.28 acres from R-8 (Residential 8 du/ac) to R-24 (Residential 24 du/ac) for the property located at 2636 Patterson Rd, the following findings of fact have been made:

- 1) The requested zone is consistent with the goals and policies of the Comprehensive Plan; and
- 2) In accordance with Section 21.02.140 of the Grand Junction Zoning and Development Code, one or more of the criteria has been met.

Therefore, Staff recommends approval of the request.

SUGGESTED MOTION:

Mr. Chairman, on the 2636 Patterson Rd Rezone request from an R-8 (Residential 8 du/ac) zone district to an R-24 (Residential 24 du/ac) zone district for the 9.28-acre property located at 2636 Patterson Rd, City File Number RZN-2022-47, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in this staff report.

Attachments

1. Exhibit 2 - Development Application
2. Exhibit 3 - Neighborhood Meeting Documentation
3. Exhibit 4 - Maps & Exhibits
4. Exhibit 5 - 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: **Rezone of 2636 Patterson Rd**

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

Existing Land Use Designation **Agricultural**

Existing Zoning **R-8**

Proposed Land Use Designation **Agricultural**

Proposed Zoning **R-24**

Property Information

Site Location: **2636 Patterson Rd, Grand Junction, CO**

Site Acreage: **6.71**

Site Tax No(s): **2945-023-00-29**

Site Zoning: **R-8**

Project Description: **Rezone property from R-8 to R-24**

Property Owner Information

Name: **BBILEHL, LLC**

Street Address: **2571 I Rd**

City/State/Zip: **Grand Junction, CO 81505**

Business Phone #: **970-243-6455**

E-Mail: **burton.bj@gmail.com**

Fax #:

Contact Person: **Brian Burton**

Contact Phone #: **970-623-0609**

Applicant Information

Name: **Red Compass Realty**

Street Address: **1910 N 12th St., Ste A**

City/State/Zip: **Grand Junction, CO, 81501**

Business Phone #: **970-245-7237**

E-Mail: **jackson@callredcompass.com**

Fax #:

Contact Person: **Jackson Berry**

Contact Phone #: **970-261-9136**

Representative Information

Name: **Red Compass Realty**

Street Address: **1910 N 12th St., Ste A**

City/State/Zip: **Grand Jct, CO 81501**

Business Phone #: **970-245-7237**

E-Mail: **jackson@callredcompass.com**

Fax #:

Contact Person: **Jackson Berry**

Contact Phone #: **970-261-9136**

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

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

Signature of Person Completing the Application

Date **11-24-21**

Signature of Legal Property Owner

Date **11-24-21**

General Project Report

2636 Patterson Rd Rezone

A. Project Description

1. Located approximately at the northwest corner of Patterson Rd and 26 ½ Road, behind the businesses along Patterson and properties along 26 ½ Rd. The current access to a small rental home is just west of Burton Orthodontics off Patterson Rd. The property is known as 2636 Patterson Rd.
2. It consists of 6.71 acres according to the Mesa County Assessor's office and 9.28 acres according to the Survey (enclosed).
3. It is proposed that the property be used for high density multifamily housing.

B. Public Benefit

1. The project will improve the availability of rental housing in Grand Junction, near the core business district, and one of its largest employers, St. Mary's Hospital. It will increase the density, variety, and efficiency of Grand Junction's housing. It will allow for more much needed housing in a desirable area with greater employment, easier access to transit, and generally a higher quality of life, as the north area of Grand Junction is very land constrained and expensive to build in. The share of households commuting 30 minutes or more to work is increasing, this development will allow more people an easier commute and promote environmentally friendly forms of transportation such as biking or walking to work. As the younger generation of are entering the workforce, apartments serve as housing for all ages and income levels. The denser number of households will contribute to property and sales tax.

C. Neighborhood Meeting

1. The developer will provide proof of those who attended, along with the date, time and place.

D. Project Compliance, Compatibility, and Impact

1. No architectural plans have been created for the site. However, the City of Grand Junction will require access from Community Lane.
2. The land use to the south of the property is all businesses. To the south there is high density cooperative living under construction called Village Coop, and Juniper Ridge K-12 charter school operates their new campus.
3. Site access will be a right-in right-out along Patterson, and 26 ½ Road, and the primary access will come from Community Lane which runs along the east side of the Juniper Ridge School.
4. Availability of utilities, including proximity of fire hydrants. A 1500-10000 gpm fire hydrant is located on 26 ½ Rd at 605 26 ½ Rd and on Patterson Rd at 2646 Patterson Rd. City Water runs to the house on the property and there is a 14' water line in Patterson Rd, and an 8' line in 26 ½ Rd. The property is located within the 201 Persigo boundary and there is a sanitary sewer line that runs along the south side of the property and the west side of the property.
5. The R-24 density would allow for 200+ apartments on the site which would present a high demand on water and sewage quantities.

6. Effects on public facilities. The presence of 200 plus residence would require fire station services, police service for crime, and the schools will have in influx of students. The school's systems. The developers anticipate an additional 60 school age children.
 7. Hours of Operation: N/A
 8. Number of Employees: N/A
 9. Signage Plans: N/A
 10. Site soils and geology: N/A
 11. Impact of project on site geology and geological hazards, if any: N/A
- E. Review Criteria
- F. Development Schedule and Phasing: N/A

Comments:

ALTA/ NSPS LAND TITLE SURVEY

SITUATED IN THE SE¼ SW¼ SECTION 2
TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN
COUNTY OF MESA, STATE OF COLORADO

TABLE A

- Monuments placed (or a reference monument or witness to the corner) at all major corners of the boundary of the surveyed property, unless already marked or referenced by existing monuments or witnesses in close proximity to the corner.
 - shown hereon
 - Address(es) of the surveyed property if disclosed in documents provided to or obtained by the surveyor, or observed while conducting the fieldwork.
 - 2636 PATTERSON ROAD, GRAND JUNCTION, CO 81506
 - Flood zone classification (with proper annotation based on federal Flood Insurance Rate Maps or the state or local equivalent) depicted by scaled map location and graphic plotting only.
The Property described on this Survey does lie within a Special Flood Hazard Area ("SFHA") as defined by the Federal Emergency Management Agency; the Property lies within Zone(s) AE of the Flood Insurance Rate Map identified as Community Panel No 08077C0804 Suffix G, bearing an effective date of October 16, 2012, and within Zone(s) X of the Flood Insurance Rate Map identified as Community Panel No 08077C0810 Suffix G, bearing an effective date of October 16, 2012.
 - Gross land area (and other areas if specified by the client).
 - 9.28 acres / 404,332 square feet
 - Vertical relief with the source of information (e.g., ground survey, aerial map), contour interval, datum, with originating benchmark, when appropriate.
 - Contours were derived by a ground survey conducted in August 2021, Vertical Datum NAVD88.
 - (a) Exterior dimensions of all buildings at ground level.
 - shown hereon

(b) Square footage of:

 - exterior footprint of all buildings at ground level.
 - other areas as specified by the client.
 - shown hereon
 - Substantial features observed in the process of conducting the fieldwork (in addition to the improvements and features required pursuant to Section 5 above) (e.g., parking lots, billboards, signs, swimming pools, landscaped areas, substantial areas of refuse).
 - shown hereon
 - Evidence of underground utilities existing on or serving the surveyed property (in addition to the observed evidence of utilities required pursuant to Section 5E.iv.) as determined by:
 - plans and/or reports provided by client (with reference as to the sources of information)
 - markings coordinated by the surveyor pursuant to a private utility locate request
- Note to the client, insurer, and lender – With regard to Table A, Item 11, information from the sources checked above will be combined with observed evidence of utilities pursuant to Section 5E.iv. to develop a view of the underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. In addition, in some jurisdictions, 811 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response, in which case the surveyor shall note on the plot or map how this affected the surveyor's assessment of the location of the utilities. Where additional or more detailed information is required, the client is advised that excavation may be necessary.
- Names of adjoining owners according to current tax records. If more than one owner, identify the first owner's name listed in the tax records followed by et al.
 - shown hereon
 - As specified by the client, distance to the nearest intersecting street.
 - none specified
 - Pursuant to Sections 5 and 6 (and applicable selected Table A items, excluding Table A item 1), include as part of the survey any plottable offsite (i.e., appurtenant) easements disclosed in documents provided to or obtained by the surveyor.
 - shown hereon

SURVEYORS CERTIFICATION:

To Abstract & Title Company of Mesa County and Burton Crew, LLC, a Colorado Limited Liability Company:

This is to certify that this map or plot and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 7(a), 7(b)(1)(2), 8, 11(a), 11(b), 13, 14, and 18 of Table A thereof. The fieldwork was completed on August 6, 2021.

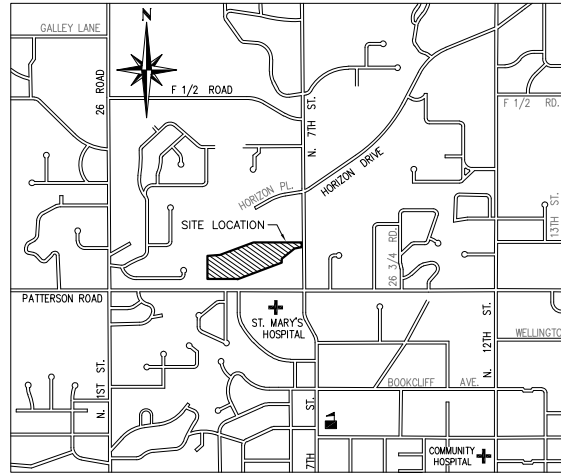
Date of Plot or Map: August 9, 2021
Patrick W. Click

Date: August 9, 2021 Registration No. 37904



NOTES:

- OWNERSHIP, RECORDED RIGHTS-OF-WAY, AND EASEMENT INFORMATION WAS DONE USING A CURRENT TITLE COMMITMENT BY ABSTRACT & TITLE COMPANY OF MESA COUNTY, FILE NUMBER 14118CEM.
- BEARINGS ARE BASED ON THE EAST LINE OF THE SE¼ SW¼ SECTION 2, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN, MESA COUNTY, COLORADO. THE VALUE USED N0°01'42"E WAS CALCULATED USING THE MESA COUNTY LOCAL COORDINATE SYSTEM. SURVEY MARKERS WERE FOUND AT THE NORTH AND SOUTH ENDS OF SAID LINE AS SHOWN HEREON.
- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- Terms, agreements, provisions, conditions and obligations as contained in Local Improvement District Deferral Agreement recorded December 3, 1986 at Reception No. 1438741.
 - NOT A SURVEY MATTER
- Terms, agreements, provisions, conditions and obligations as contained in Letter recorded July 6, 1989 at Reception No. 152000.
 - NOT A SURVEY MATTER
- Terms, agreements, provisions, conditions and obligations as contained in Irrigation Pipeline Easement and Agreement recorded April 27, 2021 at Reception No. 2978316.
 - SHOWN HEREON



VICINITY MAP: NOT TO SCALE

ABSTRACT & TITLE COMPANY OF MESA COUNTY
FILE No: 14118CEM
05/17/2021

SCHEDULE B, PART II

EXCEPTIONS:

The Policy or Policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

- Rights or claims of parties in possession not shown by the Public Records.
 - NONE SHOWN HEREON
- Easements or claims of easements not shown in the Public Records.
 - NONE SHOWN HEREON
- Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the land would disclose, and which are not shown by the public record.
 - NONE SHOWN HEREON
- Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
 - NOT A SURVEY MATTER
- Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquired of record for value the estate or interest or mortgage thereon covered by this Commitment.
 - NONE SHOWN HEREON
- Unpotentiated mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof.
 - NOT A SURVEY MATTER
- Any water rights or claims or title to water, in or under the land, whether or not shown by the public records.
 - NOT A SURVEY MATTER
- Taxes due and payable; and any tax, special assessments, charge or lien imposed for water or sewer service, or for any other special taxing district, note: Upon verification of payment of all taxes the above exception will be amended to read, Taxes and assessments for the current year, and subsequent years, a lien not due and payable.
 - NOT A SURVEY MATTER
- Reservation of right of proprietor of any penetrating vein or lode to extract his ore, in U.S. Patent recorded November 22, 1907 at Reception No. 71111.
 - NOT A SURVEY MATTER
- Terms, agreements, provisions, conditions and obligations as contained in Local Improvement District Deferral Agreement recorded December 3, 1986 at Reception No. 1438741.
 - NOT A SURVEY MATTER
- Terms, agreements, provisions, conditions and obligations as contained in Letter recorded July 6, 1989 at Reception No. 152000.
 - NOT A SURVEY MATTER
- Terms, agreements, provisions, conditions and obligations as contained in Irrigation Pipeline Easement and Agreement recorded April 27, 2021 at Reception No. 2978316.
 - SHOWN HEREON

LEGAL DESCRIPTION:

Beginning at a point 598 feet North of the SE corner of the SE1/4 SW1/4 of Section 2, Township 1 South, Range 1 West of the Ute Meridian; thence North 60.5 feet; thence West 619 feet to the Wash channel; thence Southwesterly along said Wash Channel to the West line of said SE1/4 SW1/4; thence South to a point 157.8 feet North of the SW corner of said SE1/4 SW1/4; thence East 412 feet to the NW corner of Lot 10, Fairmount Heights Subdivision; thence Northeasterly along the North line of Lots 5, 6, 7, 8, 9 and 10 of Fairmount Heights Subdivision to the NE corner of Lot 5 of said Subdivision; thence North 54 feet, more or less, to a point which is South 78° 58' West 132 feet; thence South 51'20" West 225 feet from the point of beginning; thence North 51'20" East 225 feet; thence North 78°58' East 132 feet to the point of beginning; TOGETHER WITH an easement for ingress and egress to the above described property, described as follows:
Beginning at a point 157.8 feet North and 400 feet East of the SW corner of the SE1/4 SW1/4, Section 2, Township 1 South, Range 1 West of the Ute Meridian; thence South 127.8 feet; thence East 12 feet; thence North 127.8 feet; thence West 12 feet to the point of beginning. EXCEPTING THEREFROM that right of way as deeded to the City of Grand Junction, recorded May 11, 1984 at Reception No. 1361394, County of Mesa, State of Colorado

LEGAL DESCRIPTION (DETERMINED BY SURVEY):

A Parcel of land situated in the Southeast Quarter of the Southwest Quarter of Section 2, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado and being more particularly described as follows:

Commencing at the South Quarter Corner of said Section 2 from whence the South Sixteenth Corner of Section 2 bears N0°01'42"E a distance of 1314.69 feet for a Basis of Bearings, all bearings herein related thereto; thence N0°01'42"E along the East line of the Southeast Quarter Southwest Quarter of Section 2 a distance of 657.34 feet to the midpoint of said East line and the Northeast Corner of the Right of Way described at Reception No. 1361394 of the Mesa County Records; thence N89°57'47"W along the North line of said right of Way a distance of 35.00 feet to the Northwest Corner of said Right of Way and the Point of Beginning; thence S0°01'42"W along the West line of said Right of Way a distance of 66.17 feet to a point on the North Right of Way Line of the 38.00 foot Right of Way as described at Reception No. 2484178 of the Mesa County Records; thence S78°59'42"W along the Northerly Line of Rose Hill Place as recorded at said Reception No. 2484178 a distance of 96.34 feet; thence continuing along said Northerly Line S51°21'42"W a distance of 224.67 feet; thence S0°01'42"W along the Westerly line of said Rose Hill Place a distance of 52.84 feet to a point on the Northerly line of Fairmount Heights Subdivision as recorded at Reception No. 381441 of the Mesa County Records; thence S69°27'39"W along said Northerly line of Fairmount Heights Subdivision a distance of 640.84 feet to a point on the East Line of that property as described at Reception No. 1920315 of the Mesa County Records; thence N0°00'23"W along said East line a distance of 410.73 feet to the West Line of the Southeast Quarter of the Southwest Quarter of Section 2; thence N89°55'23"W parallel with and 157.80 feet North of the South Line of the Southeast Quarter of the Southwest Quarter of Section 2 a distance of 410.73 feet to a point on the West Line of the Southeast Quarter of the Southwest Quarter of Section 2; thence N0°02'00"E along said West Line a distance of 315.75 feet to a point on the Southerly Line of Juniper Ridge Subdivision as shown at Reception No. 2950956 of the Mesa County Records; thence N82°20'13"E along said Southerly Line a distance of 168.99 feet; thence N7°00'23"E along said Southerly Line a distance of 492.48 feet to the Southwest Corner of the Community Lane Right of Way described at Reception No. 2871165 of the Mesa County Records; thence N88°18'38"E along the South line of said Right of Way a distance of 28.65 feet to the Southwest Corner of Village Cooperative Subdivision as shown at Reception No. 2978315 of the Mesa County Records; thence S89°57'47"E along the South line of said Village Cooperative Subdivision a distance of 622.87 feet to the Point of Beginning

TOGETHER WITH an easement for ingress and egress to the above described property, described as follows:
Beginning at a point 157.8 feet North and 400 feet East of the SW corner of the SE1/4 SW1/4, Section 2, Township 1 South, Range 1 West of the Ute Meridian; thence South 127.8 feet; thence East 12 feet; thence North 127.8 feet; thence West 12 feet to the point of beginning.

LAND SURVEY DEPOSIT
MESA COUNTY SURVEYORS OFFICE

DATE _____

DEPOSIT No. _____

ALTA/NSPS LAND TITLE SURVEY

SITUATED IN THE SE¼ SW¼ SECTION 2
TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN
COUNTY OF MESA, STATE OF COLORADO

JOB #: 2021-144 DATE: 8/9/2021 FIELD WORK: KM
DRAWING NAME: 2636 PATTERSON ROAD DRAWN BY: JWC CHECKED BY:

POLARIS SURVEYING

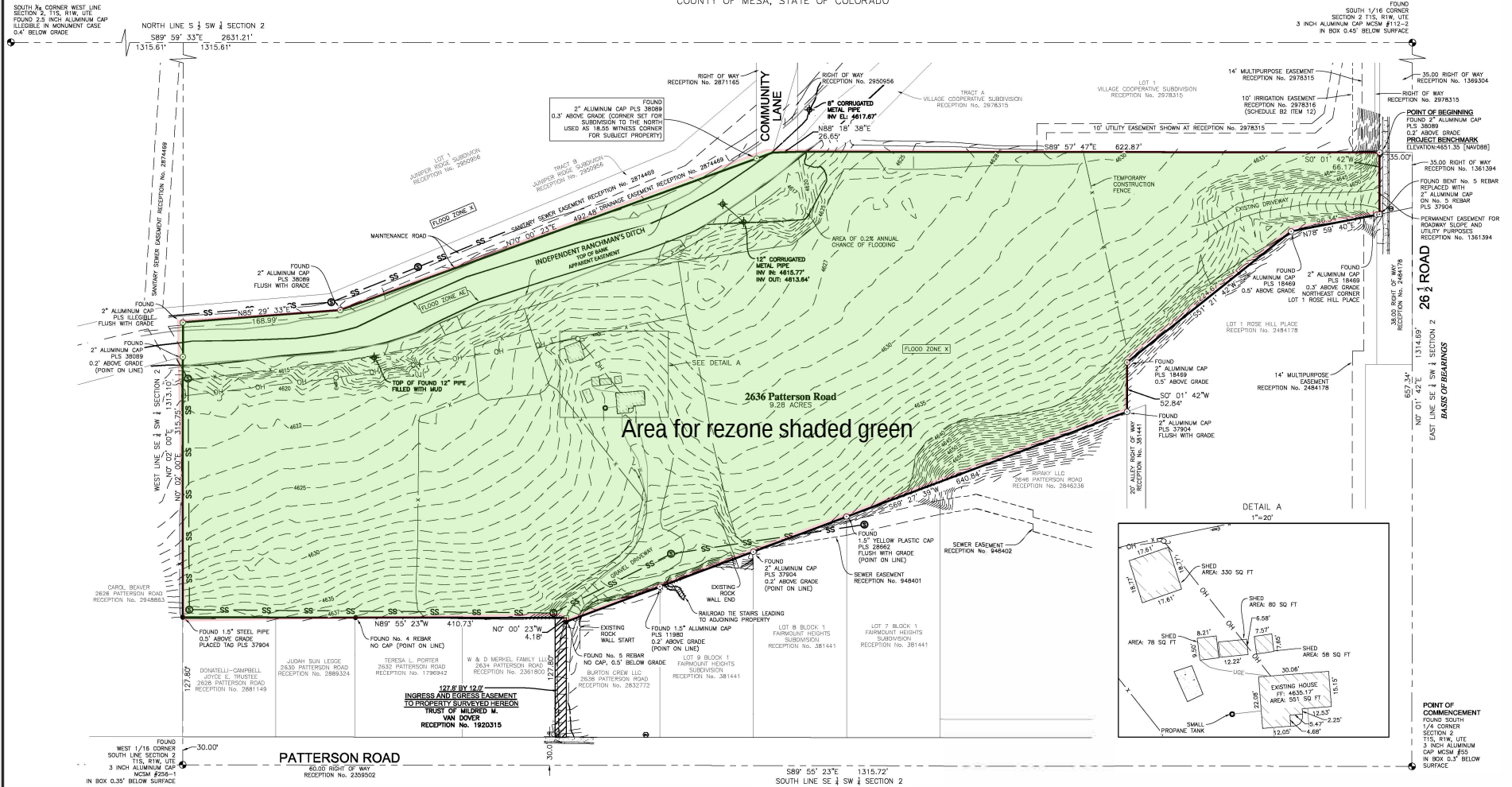
PATRICK W. CLICK P.L.S.

3194 MESA AVE. #B
GRAND JUNCTION, CO 81504
PHONE (970)434-7038

SHEET 1 OF 2

ALTA/ NSPS LAND TITLE SURVEY

SITUATED IN THE SE¼ SW¼ SECTION 2
TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN
COUNTY OF MESA, STATE OF COLORADO



ALTA/NSPS LAND TITLE SURVEY

SITUATED IN THE SE¼ SW¼ SECTION 2
TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN
COUNTY OF MESA, STATE OF COLORADO

JOB #: 2021-144 DATE: 6/9/2021 FIELD WORK: KM
DRAWING NAME: 2636 PATTERSON ROAD DRAWN BY: JW CHECKED BY: JW

POLARIS SURVEYING
PATRICK W. CLIK, P.L.S.

3194 MESA AVE. #B
GRAND JUNCTION, CO 81504
PHONE (970)434-7035

SHEET 1 OF 2

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

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

(b) 2636 Patterson Rd, Grand Junction, CO 81506

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:

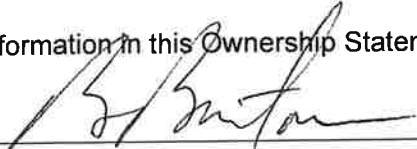
On behalf of Entity, I have reviewed the application for the (d) rezone of the property from R-8 to R-24

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

(e) none, per the survey completed by Pat Click of Polaris Surveying.

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

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

Signature of Entity representative: 

Printed name of person signing: BRIAN BURTON

State of Colorado)

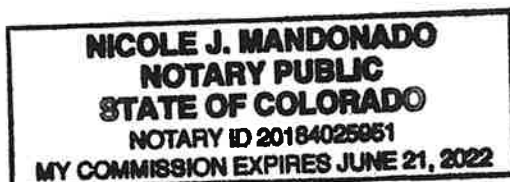
County of Mesa) ss.

Subscribed and sworn to before me on this 24th day of November, 20 21

by Brian Burton

Witness my hand and seal.

My Notary Commission expires on 6/21/2022




Notary Public Signature

RETURN RECORDED DOCUMENT TO:
BBILEHL, LLC, a Colorado Limited Liability Company
2571 I Road, Grand Junction, CO 81505

Document Fee: \$125.00

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, dated 23rd day of September, 2021, is made between **The Trust of Mildred M. Van Dover dated March 12, 1996** ("Grantor"), of the County of Mesa and the State of Colorado.

AND

BBILEHL, LLC, a Colorado Limited Liability Company ("Grantee"), of the County of Mesa and the State of Colorado., whose legal address is 2571 I Road, Grand Junction, CO 81505.

WITNESS, that the Grantor(s), for and in consideration of ONE MILLION TWO HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$1,250,000.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, and convey unto the Grantee, and the heirs, successors and assigns of the Grantee forever, all the real property, together with fixtures and improvements located thereon, if any, situate, lying and being in the County of Mesa and State of Colorado, described as follows:

FOR LEGAL DESCRIPTION SEE EXHIBIT A

ALSO KNOWN AS: **2636 Patterson Road, Grand Junction, CO 81506**

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

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee, and the heirs, successors and assigns of the Grantee forever. The Grantor, for the Grantor and the heirs, successors and assigns of the Grantor, warrants title to the same against all persons claiming by, through or under the Grantor, subject to the Statutory Exceptions

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

The Trust of Mildred M. Van Dover dated March 12, 1996


By: Lee Gordon Smith II, as Successor Co-Trustee


By: Michael Lee Smith, as Successor Co-Trustee

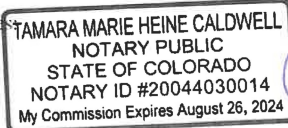
State of: Colorado

County Of MESA

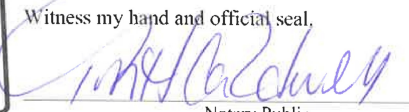
||
|| ss.
||

The foregoing instrument was subscribed, sworn to, and acknowledged before me this **September 23, 2021**, by **Lee Gordon Smith II, and Michael Lee Smith, as Successor Co-Trustees of The Trust of Mildred M. Van Dover dated March 12, 1996**.

My Commission expires



Witness my hand and official seal,


Notary Public

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

Exhibit 'A'

PARCEL NO. 1 2945-023-00-029

A Parcel of land situated in the Southeast Quarter of the Southwest Quarter of Section 2, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado and being more particularly described as follows:

Commencing at the South Quarter Corner of said Section 2 from whence the South Sixteenth Corner of Section 2 bears N0°01'42"E a distance of 1314.69 feet for a Basis of Bearings,
all bearings herein related thereto; thence N0°01'42"E along the East line of the Southeast Quarter Southwest Quarter of Section 2 a distance of 657.34 feet to the midpoint of said East line and the Northeast Corner of the Right of Way described at Reception No. 1361394 of the Mesa County Records;
thence N89°57'47"W along the North line of said right of Way a distance of 35.00 feet to the Northwest Corner of said Right of Way and the Point of Beginning;
thence S0°01'42"W along the West line of said Right a Way a distance of 66.17 feet to a point on the North Right of Way Line of the 38.00-foot ROW described at Reception No. 2484178;
thence S78°59'42"W along said North line of the 38.00-foot ROW and the Northerly line of Lot 1 of Rose Hill Place as described at Reception No. 2484178 a distance of 93.28 feet;
thence continuing along said Northerly line of Lot 1 S51°21'42"W a distance of 224.67 feet;
thence S0°01'42"W along the Westerly line of Lot 1 a distance of 52.84 feet to a point on the Northerly line of Fairmount Heights Subdivision as shown at Reception No. 381441;
thence S69°27'39"W along said Northerly line of Fairmount Heights Subdivision a distance of 640.84 feet to a point on the East line of a strip of land described at Reception No. 1920315;
thence N0°00'23"W along said East line a distance of 4.18 feet to the Northeast Corner of said strip land;
thence N89°55'23"W parallel with the South line of the Southeast Quarter of the Southwest Quarter of Section 2, and along the North line of said strip of land and the North line of Properties described at Reception Numbers 2361800, 1796942, 2889324, and 2881149 a distance of 410.73 feet to a point on the West line of the Southeast Quarter of the Southwest Quarter of Section 2;
thence N0°02'00"E along said West line a distance of 315.75 feet to a point on the Southerly line of Tract B of Juniper Ridge Subdivision as shown at Reception No. 2950956;
thence N85°29'33"E along said Southerly line a distance of 168.99 feet;
thence N70°00'23"E along said Southerly line a distance of 473.93 feet to the Southwest Corner of the Community Lane Right of Way described at Reception No. 2871165;
thence N70°00'23"E along the South line of said Community Lane Right of Way a distance of 18.55 feet to the Southwest Corner of a Second Right of Way described at Reception No. 2950956;
thence N88°18'38"E along the South line of said Second Right of Way a distance of 26.65 feet to the Southwest Corner of Village Cooperative Subdivision as shown at Reception No. 2978315;
thence S89°57'47"E along the South line of said Village Cooperative Subdivision a distance of 622.87 feet to the Point of Beginning;

TOGETHER WITH an easement for ingress and egress to the above described property, described as follows:

Beginning at a point 157.8 feet North and 400 feet East of the SW corner of the SE1/4 SW1/4, Section 2, Township 1 South, Range 1 West of the Ute Meridian;
thence South 127.8 feet;
thence East 12 feet;
thence North 127.8 feet;
thence West 12 feet to the point of beginning.

Being that same property as conveyed in Deed recorded July 20, 1953 at Reception No. 583051, Mesa County Records.

PARCEL NO. 2 2945-023-00-041

Beginning 400 feet East and 157.8 feet North of the Southwest corner of the SE1/4 SW1/4 of Section 2, Township 1 South, Range 1 West of the Ute Meridian;
thence South 127.8 feet;
thence East 12 feet;
thence North 127.8 feet;
thence West to the Point of Beginning.
EXCEPT that portion as conveyed to the City of Grand Junction in Deed recorded January 29, 1991 at Reception No. 1561876.
County of Mesa, State of Colorado

RSVP

- ✓ 1. CHERLYN CRAWFORD + Bill Crawford (11)
2. CAROL SHERMAN - 206-940-7189
- ✓ 3. JOANN PAINE TIM Paine
- ✓ 4. BILL MANN — 206-940-7189
JULIE
- ✓ 5. CHAD GRABOW X 2
TED BOOTHROYD
6. TERRY PORTER — tporter21@yahoo.com
- ✓ 7. FRAN PARKER
- ✓ 8. BRENDA MUHR / BRYAN MUHR
9. Randy — Kimberly kathrein

Charlie Geri Mishmash

Dani Acosta - city of G1

Baron Burton

Fran Parker

Chad Grabow 245 3287

Judith Legge 2630

Neighborhood Meeting Invitation

PROPERTY OWNER IS PLANNING TO REQUEST A
REZONE OF THIS PROPERTY FROM R-8 TO R-24

2636 PATTERSON RD

GRAND JUNCTION, CO 81506

Jan 5, 2022 • 5:30 PM • 744 Horizon Ct. #105

RSVP to Sue Thomas: sue@calledcompass.com or 970-245-7237

Red Compass Realty
1910 N 12th St, Ste A
Grand Junction, CO 81501
970-245-7237

Invitation to attend a meeting to present and take comments on the proposed rezone of 2636 Patterson Rd, Grand Junction, CO 81506 from R-8 to R-24. The meeting will be held at 744 Horizon Ct. Suite 105, Grand Junction, CO 81506 at 5:30PM, Wednesday January 5th, 2022. A member of the City of Grand Junction's Community Development team will be present. Please RSVP.

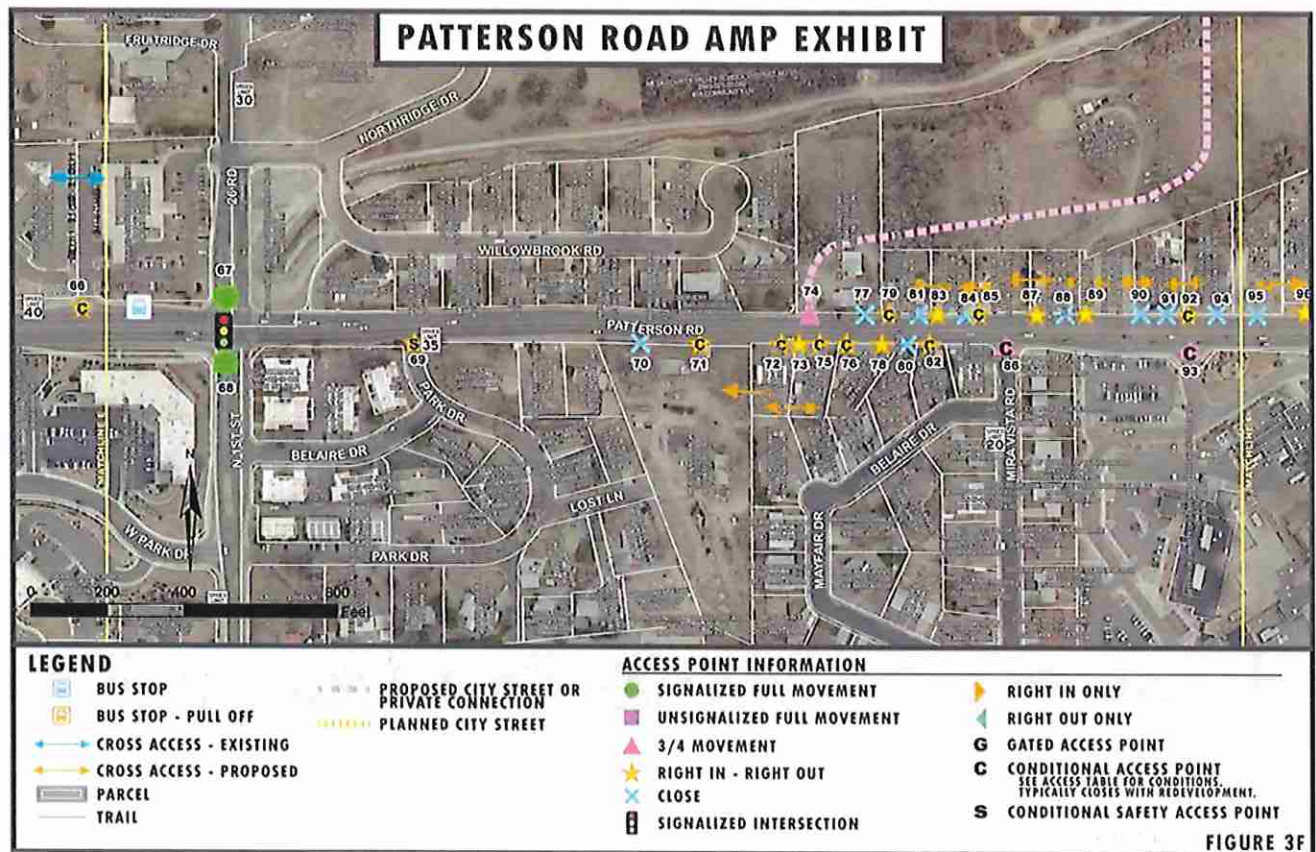
Return service requested

SENTA COSTELLO
CITY OF GRAND JUNCTION
250 N 5TH ST
GRAND JUNCTION, CO 81501-2668

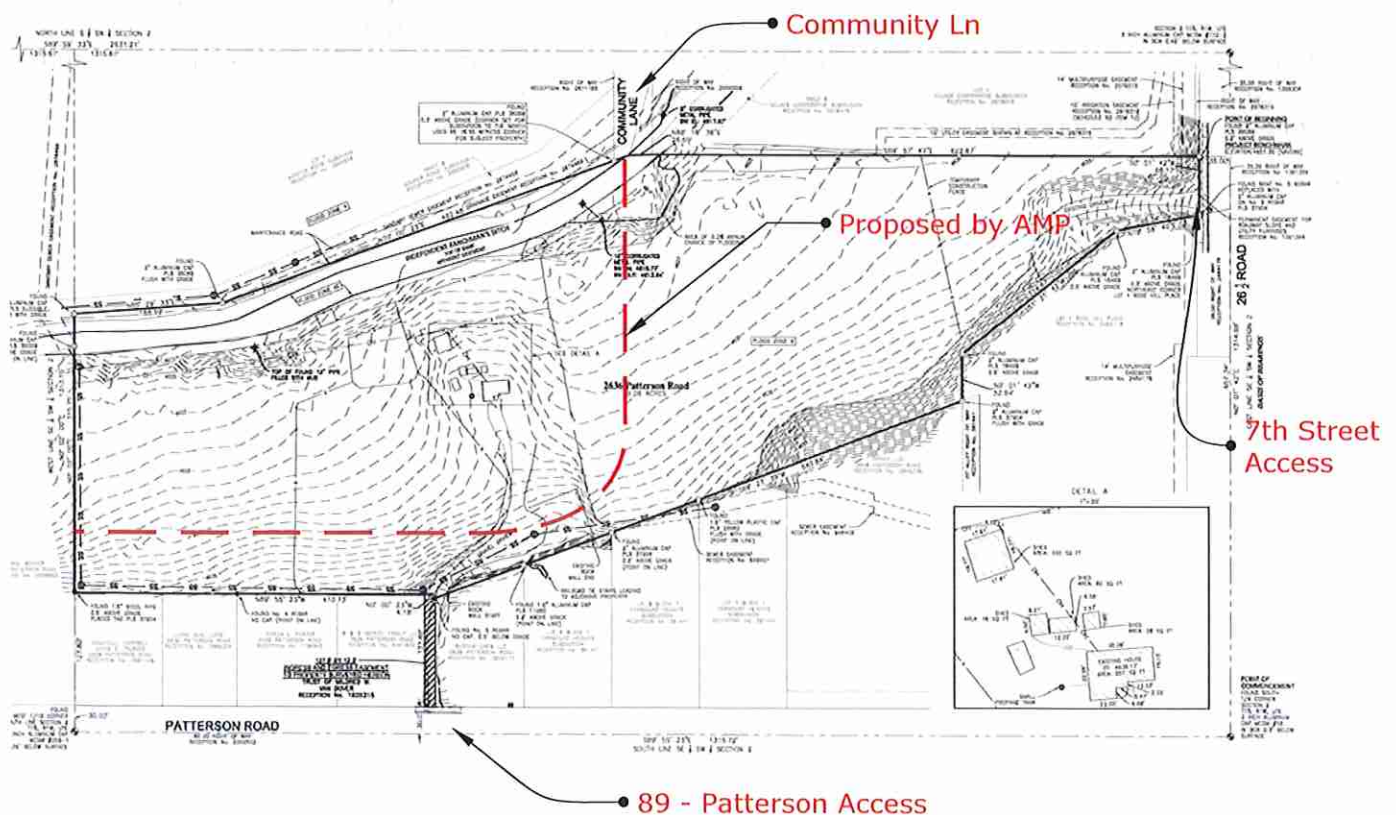
9250 Red Rock Road
Reno, NV 89508

Presorted
First-Class Mail
US Postage
PAID
Vistaprint
48174





With regards to the Patterson Access Management Plan (AMP). The City stated in their response to a request to develop the property that it would create a right-in/right-out access at the current driveway, referenced above as number 89. which are the access points to 2638 and 2640 Patterson (Burton Orthodontics). Access to the 2636 Patterson parcel will be from Community Ln on the north, and a right-in/right-out access off of 7th Street. The existing access on Patterson (89), and a new access which will eventually be developed across the property at 2626 Patterson (74).





R-8: Residential – 8.

R-24: Residential – 24.

From: [Senta Costello](#)
To: [Daniella Acosta](#)
Subject: Fwd: Rezone Request Card
Date: Monday, January 17, 2022 3:00:10 PM
Attachments: [Rezone and Access Questions.pdf](#)
[Postcards-Returned to Sender.pdf](#)
[2636 Patterson Rd Neighborhood Meeting Sign-In Sheet.pdf](#)

Sent from my iPhone

Begin forwarded message:

From: Jackson Berry <jackson@callredcompass.com>
Date: January 17, 2022 at 10:54:56 AM MST
To: Senta Costello <sentac@gjcity.org>
Subject: Fwd: Rezone Request Card

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

Hi Senta,

The neighborhood meeting went well. Attached is the sign-in sheet and the postcards that were returned to the sender.

The comments at the meeting focused on the Patterson Access Management Plan. The Crawfords and Terry Porter were the most vocal. They just wanted to make clear that they didn't want any more traffic going through "the narrows" on Patterson and pointed out the number of accidents that occur right there. Their opinion was that an additional 200+ units right there would excessively increase traffic by Juniper Ridge and ultimately to Patterson via right turns from the lighted 26 1/2 Road intersection.

We listened until 6:30PM and then closed the meeting. Dani Acosta was present at the meeting and answered questions related to the Access Management Plan.

What's next?

Thanks,
Jackson

----- Forwarded message -----

From: Jackson Berry <jackson@callredcompass.com>
Date: Mon, Jan 3, 2022 at 2:56 PM
Subject: RE: Rezone Request Card

To: <jeff.p.tipton@gmail.com>

Hello Jeff,

I've put together a document that addresses the questions you asked about the rezone at 2636 Patterson Rd. The owner of the property fought against the access management plan as well. The plan will dictate the closure of certain access points and a median in Patterson Rd. There doesn't seem like enough room in the street for a median right there. The plan also stipulates that the primary access to 2636 Patterson Rd come from the north along Community Ln. The problem with that is the fact that Ranchman's ditch stands between Community Ln and the property. Rezoning to R-24 will allow us to increase the number of housing units we can build on the property to cover the cost of the expensive infrastructure. R-8 allows 74 units, and R-24 allows for over 200.

Thanks for writing,

Jackson
970-244-0803

Hi Sue,

I received an invitation in the mail regarding a rezone from R-8 to R-24 and was hoping you could provide some additional information.

Can you please respond regarding what the zoning request is for, what area does R-8 to R-24 cover, and is this at all related to or does it impact the Patterson Access plan my neighbors and I fought against?

If there is any additional information you can provide beyond those questions it would be greatly appreciated. I look forward to your response.

Happy Holidays

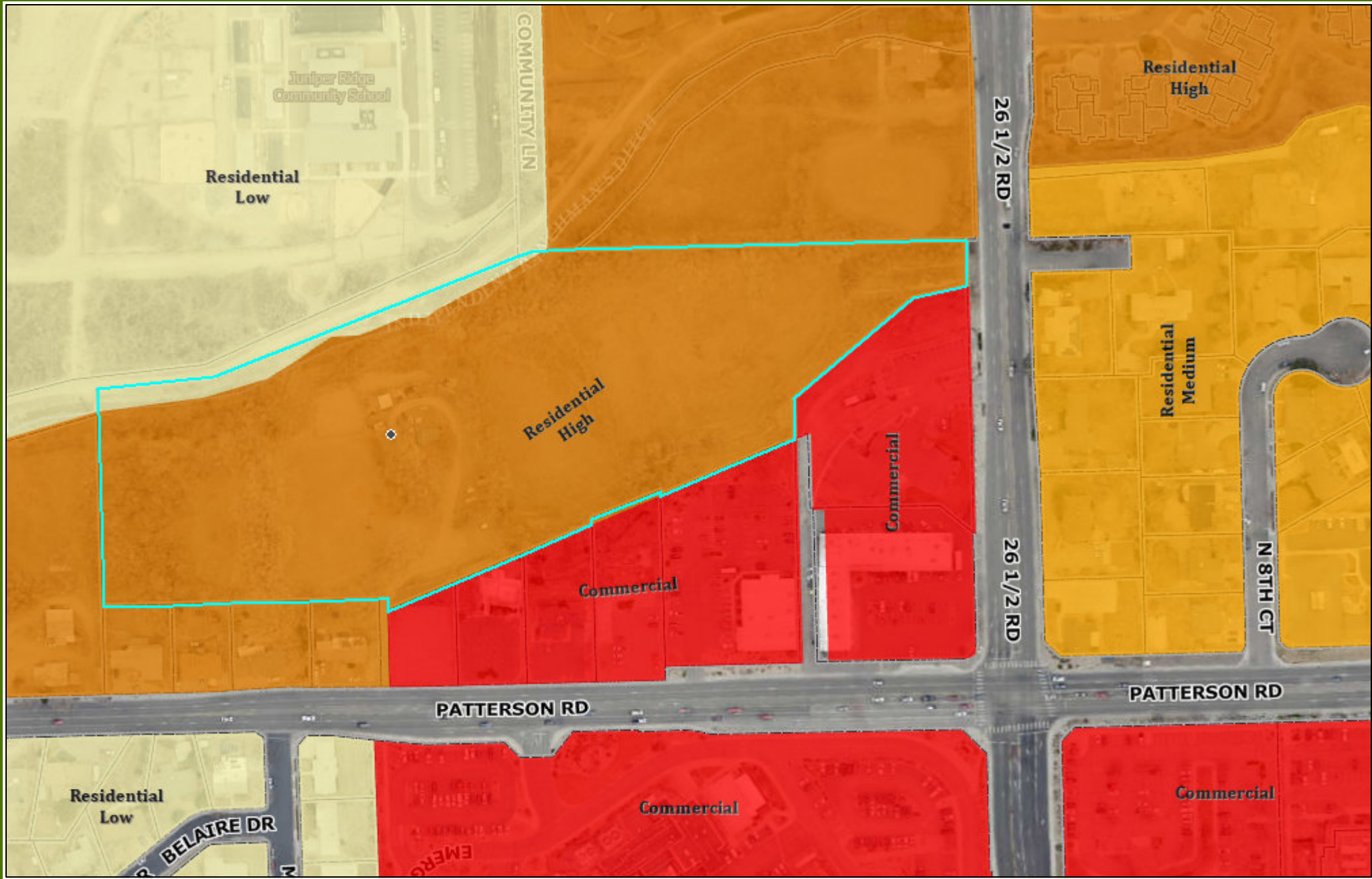
Jeff Tipton
2623 Patterson Rd
Grand Junction, CO 81506
970-250-0015



Jackson Berry, CCIM, CPM®
RED COMPASS Realty
1910 N 12th St, Ste A
Grand Junction, CO 81501
w. (970) 244-0800 (management)
w. (970) 245-7237 (brokerage)
c. (970) 261-9136
jackson@callredcompass.com

www.callredcompass.com

Comprehensive Plan Future Land Use Map



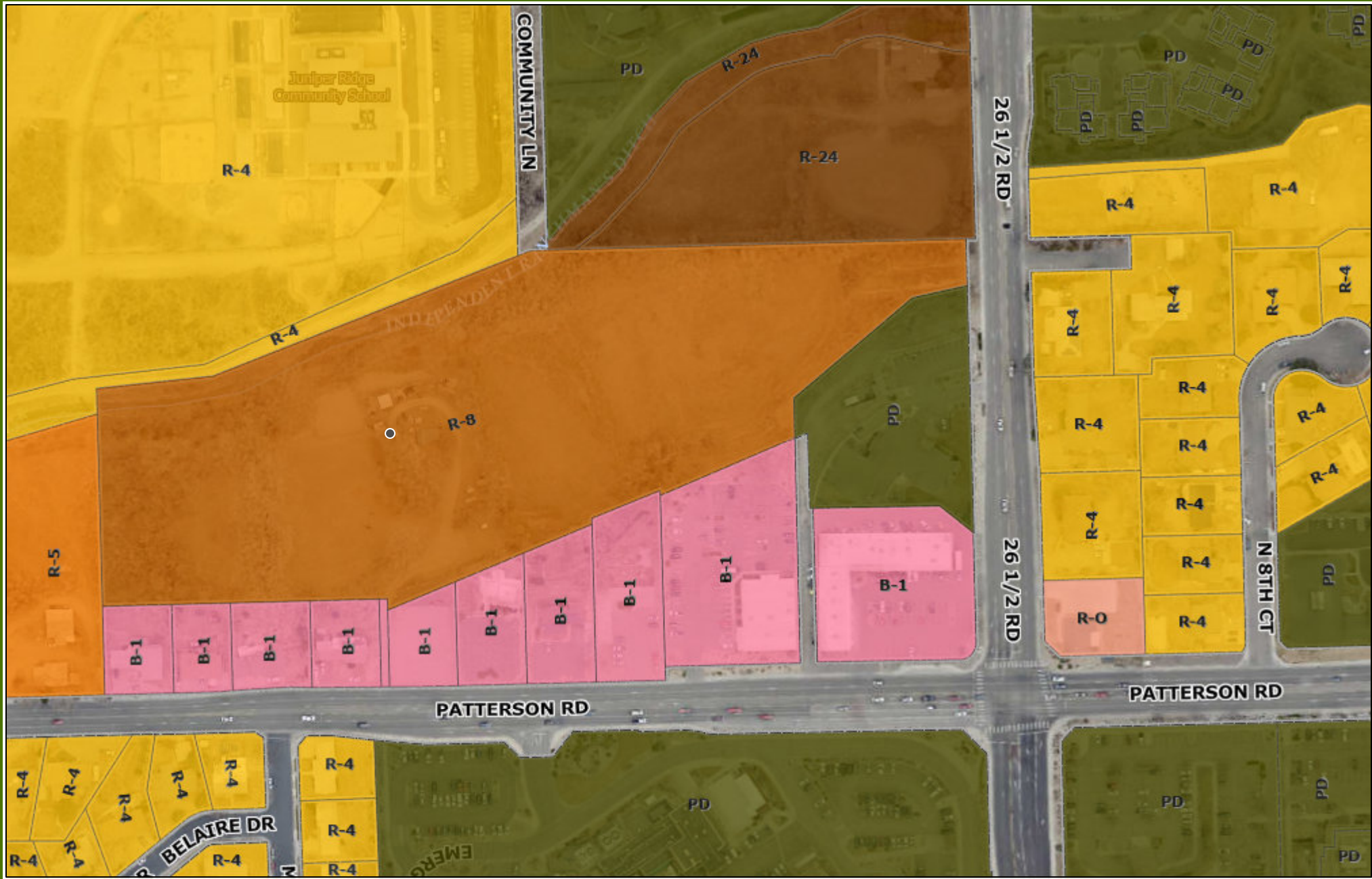
0 0.05 0.1
mi

Printed: 4/4/2022

1 inch = 188 feet

CITY OF
Grand Junction
COLORADO
GEOGRAPHIC INFORMATION SYSTEM

Existing Zoning Map



0 0.05 0.1
mi

Printed: 4/4/2022

1 inch = 188 feet

Site Map



0 0.05 0.1
mi

Printed: 4/4/2022

1 inch = 188 feet

Vicinity Map



0 0.1 0.2 mi

Printed: 4/4/2022

1 inch = 376 feet

CITY OF
Grand Junction
COLORADO
GEOGRAPHIC INFORMATION SYSTEM

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE REZONING PARCEL NO. 1 2945-023-00-029

**A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF THE
SOUTHWEST QUARTER
OF SECTION 2, TOWNSHIP 1 SOUTH. RANGE 1 WEST OF THE UTE MERIDIAN.
MESA COUNTY.
COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 2 FROM
WHENCE THE
SOUTH SIXTEENTH CORNER OF SECTION 2 BEARS N0°01'4TE A DISTANCE
OF 1314.69 FEET FOR A BASIS OF BEARINGS.
ALL BEARINGS HEREIN RELATED THERETO: THENCE N0°01'4TE ALONG THE
EAST LINE OF THE SOUTHEAST QUARTER SOUTHWEST QUARTER OF
SECTION 2 A DISTANCE OF 657.34 FEET TO THE MIDPOINT OF SAID EAST LINE
AND THE NORTHEAST CORNER OF THE RIGHT OF WAY DESCRIBED AT
RECEPTION NO. 1361394 OF THE MESA COUNTY RECORDS: THENCE
N89°57'47"W ALONG THE NORTH LINE OF SAID RIGHT OF WAY A DISTANCE OF
35.00 FEET
TO THE NORTHWEST COMER OF SAID RIGHT OF WAY AND THE POINT OF
BEGINNING:
THENCE S0°01'42"W ALONG THE WEST LINE OF SAID RIGHT A WAY A
DISTANCE OF 66.17 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF
THE 38.00-FOOT ROW DESCRIBED AT RECEPTION NO. 2484178:
THENCE S78°59'42"W ALONG SAID NORTH LINE OF THE 38.00-FOOT ROW AND
THE NORTHERLY LINE OF LOT 1 OF
ROSE HILL PLACE AS DESCRIBED AT RECEPTION NO. 2484178 A DISTANCE OF
93.28 FEET:
THENCE CONTINUING ALONG SAID NORTHERLY LINE OF LOT 1 S51°2 L '42"W
A DISTANCE OF 224.67 FEET:
THENCE S0°01'42"W ALONG THE WESTERLY LINE OF LOT 1 A DISTANCE OF
52.84 FEET TO A POINT ON
THE NORTHERLY LINE OF FAIRMOUNT HEIGHTS SUBDIVISION AS SHOWN AT
RECEPTION NO. 381441:
THENCE S69°27'39"W ALONG SAID NORTHERLY LINE OF FAIRMOUNT HEIGHTS
SUBDIVISION A DISTANCE
OF 640.84 FEET TO A POINT ON THE EAST LINE OF A STRIP OF LAND
DESCRIBED AT RECEPTION NO. 1920315:
THENCE N0°00'23"W ALONG SAID EAST LINE A DISTANCE OF 4.18 FEET TO
THE NORTHEAST COMER OF SAID STRIP LAND: THENCE N89°55'23"W**

PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, AND ALONG THE NORTH LINE OF SAID STRIP OF LAND AND THE NORTH LINE OF PROPERTIES DESCRIBED AT RECEPTION NUMBERS 2361800. 1796942. 2889324. AND 2881149 A DISTANCE OF 410.73 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2: THENCE N0°02'00"E ALONG SAID WEST LINE A DISTANCE OF 315.75 FEET TO A POINT ON THE SOUTHERLY LINE OF TRACT B OF JUNIPER RIDGE SUBDIVISION AS SHOWN AT RECEPTION NO. 2950956: THENCE N85°29'33"E ALONG SAID SOUTHERLY LINE A DISTANCE OF 168.99 FEET: THENCE N70°00'23"E ALONG SAID SOUTHERLY LINE A DISTANCE OF 473.93 FEET TO THE SOUTHWEST COMER OF THE COMMUNITY LANE RIGHT OF WAY DESCRIBED AT RECEPTION NO. 2871165: THENCE N70°00'23"E ALONG THE SOUTH LINE OF SAID COMMUNITY LANE RIGHT OF WAY A DISTANCE OF 18.55 FEET TO THE SOUTHWEST COMER OF A SECOND RIGHT OF WAY DESCRIBED AT RECEPTION NO. 2950956: THENCE N88°18'38"E ALONG THE SOUTH LINE OF SAID SECOND RIGHT OF WAY A DISTANCE OF 26.65 FEET TO THE SOUTHWEST COMER OF VILLAGE COOPERATIVE SUBDIVISION AS SHOWN AT RECEPTION NO. 2978315: THENCE S89°57'47"E ALONG THE SOUTH LINE OF SAID VILLAGE COOPERATIVE SUBDIVISION A DISTANCE OF 622.87 FEET TO THE POINT OF BEGINNING: FROM R-8 (RESIDENTIAL 8 DU/AC) TO R-24 (RESIDENTIAL 24 DU/AC)

Recitals:

After public notice and public hearing as required by the Grand Junction Zoning and Development Code ("Code"), the Grand Junction Planning Commission recommended zoning the PARCEL NO. 1 2945-023-00-029

A Parcel of land situated in the Southeast Quarter of the Southwest Quarter of Section 2, Township 1 South. Range 1 West of the Ute Meridian. Mesa County. Colorado and being more particularly described as follows:

Commencing at the South Quarter Corner of said Section 2 from whence the South Sixteenth Corner of Section 2 bears N0°01'4TE a distance of 1314.69 feet for a Basis of Bearings. all bearings herein related thereto: thence N0°01'4TE along the East line of the Southeast Quarter Southwest Quarter of Section 2 a distance of 657.34 feet to the midpoint of said East line and the Northeast Corner of the Right of Way described at Reception No. 1361394 of the Mesa County Records: thence N89°57'47"W along the North line of said right of Way a distance of 35.00 feet

to the Northwest Comer of said Right of Way and the Point of Beginning:
thence S0°01'42"W along the West line of said Right a Way a distance of 66.17 feet to a point on the North Right of Way Line of the 38.00-foot ROW described at Reception No. 2484178:
thence S78°59'42"W along said North line of the 38.00-foot ROW and the Northerly line of Lot 1 of
Rose Hill Place as described at Reception No. 2484178 a distance of 93.28 feet:
thence continuing along said Northerly line of Lot 1 S51°21'42"W a distance of 224.67 feet:
thence S0°01'42"W along the Westerly line of Lot 1 a distance of 52.84 feet to a point on
the Northerly line of Fairmount Heights Subdivision as shown at Reception No. 381441:
thence S69°27'39"W along said Northerly line of Fairmount Heights Subdivision a distance
of 640.84 feet to a point on the East line of a strip of land described at Reception No. 1920315:
thence N0°00'23"W along said East line a distance of 4.18 feet to the Northeast Comer of said strip land: thence N89°55'23"W parallel with the South line of the Southeast Quarter of the Southwest Quarter of Section 2, and along the North line of said strip of land and the North line of Properties described
at Reception Numbers 2361800. 1796942. 2889324. and 2881149 a distance of 410.73 feet to a point
on the West line of the Southeast Quarter of the Southwest Quarter of Section 2:
thence N0°02'00"E along said West line a distance of 315.75 feet to a point on the Southerly line of Tract B of Juniper Ridge Subdivision as shown at Reception No. 2950956:
thence N85°29'33"E along said Southerly line a distance of 168.99 feet:
thence N70°00'23"E along said Southerly line a distance of 473.93 feet to the Southwest
Comer of the Community Lane Right of Way described at Reception No. 2871165:
thence N70°00'23"E along the South line of said Community Lane Right of Way a distance
of 18.55 feet to the Southwest Comer of a Second Right of Way described at Reception No. 2950956: thence N88°18'38"E along the South line of said Second Right of Way a distance of 26.65 feet
to the Southwest Comer of Village Cooperative Subdivision as shown at Reception No. 2978315: thence S89°57'47"E along the South line of said Village Cooperative Subdivision a
distance of 622.87 feet to the Point of Beginning, to the R-24 (Residential 24 du/ac) zone district, finding that the zoning is consistent with the Code, it conforms to and is consistent with the Future Land Use Map designation of Commercial of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible, as defined by the Code, with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the R-24 (Residential 24 du/ac) zone district is in conformance with at least one of the stated criteria of §21.02.140 of the Grand Junction Zoning and Development Code.

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

PARCEL NO. 1 2945-023-00-029

A Parcel of land situated in the Southeast Quarter of the Southwest Quarter of Section 2, Township 1 South. Range 1 West of the Ute Meridian. Mesa County. Colorado and being more particularly described as follows:

Commencing at the South Quarter Corner of said Section 2 from whence the South Sixteenth Corner of Section 2 bears N0°01'4TE a distance of 1314.69 feet for a Basis of Bearings.

all bearings herein related thereto: thence N0°01'4TE along the East line of the Southeast Quarter Southwest Quarter of Section 2 a distance of 657.34 feet to the midpoint of said East line and the Northeast Corner of the Right of Way described at Reception No. 1361394 of the Mesa County Records: thence N89°57'47"W along the North line of said right of Way a distance of 35.00 feet to the Northwest Comer of said Right of Way and the Point of Beginning:

thence S0°01'42"W along the West line of said Right a Way a distance of 66.17 feet to a point on the North Right of Way Line of the 38.00-foot ROW described at Reception No. 2484178:

thence S78°59'42"W along said North line of the 38.00-foot ROW and the Northerly line of Lot 1 of

Rose Hill Place as described at Reception No. 2484178 a distance of 93.28 feet:

thence continuing along said Northerly line of Lot 1 S51°21'42"W a distance of 224.67 feet:

thence S0°01'42"W along the Westerly line of Lot 1 a distance of 52.84 feet to a point on

the Northerly line of Fairmount Heights Subdivision as shown at Reception No. 381441:

thence S69°27'39"W along said Northerly line of Fairmount Heights Subdivision a distance

of 640.84 feet to a point on the East line of a strip of land described at Reception No. 1920315:

thence N0°00'23"W along said East line a distance of 4.18 feet to the Northeast Comer of said strip land: thence N89°55'23"W parallel with the South line of the Southeast Quarter of the Southwest Quarter of Section 2, and along the North line of said strip of land and the North line of Properties described

at Reception Numbers 2361800. 1796942. 2889324. and 2881149 a distance of 410.73 feet to a point

on the West line of the Southeast Quarter of the Southwest Quarter of Section 2:

thence N0°02'00"E along said West line a distance of 315.75 feet to a point on the Southerly line of Tract B of Juniper Ridge Subdivision as shown at Reception No. 2950956:

thence N85°29'33"E along said Southerly line a distance of 168.99 feet:
thence N70°00'23"E along said Southerly line a distance of 473.93 feet to the Southwest
Comer of the Community Lane Right of Way described at Reception No. 2871165:
thence N70°00'23"E along the South line of said Community Lane Right of Way a
distance
of 18.55 feet to the Southwest Comer of a Second Right of Way described at Reception
No. 2950956: thence N88°18'38"E along the South line of said Second Right of Way a
distance of 26.65 feet
to the Southwest Comer of Village Cooperative Subdivision as shown at Reception No.
2978315: thence S89°57'47"E along the South line of said Village Cooperative
Subdivision a
distance of 622.87 feet to the Point of Beginning, shall be zoned R-24 (Residential 24
du/ac).

Introduced on first reading this 20th day of April 2022 and ordered published in pamphlet
form.

Adopted on second reading this _____ day of _____, 2022 and ordered published in
pamphlet form.

ATTEST:

City Clerk

Mayor



Grand Junction Planning Commission

Regular Session

Item #2.

Meeting Date: April 12, 2022

Presented By: Nicole Galehouse, Senior Planner

Department: Community Development

Submitted By: Nicole Galehouse, AICP, Senior Planner

Information

SUBJECT:

Consider a request by the City of Grand Junction to Amend Title 21 and Title 27 of the Grand Junction Municipal Code to regulate cannabis businesses by providing use-specific standards, specific buffering requirements from schools and rehabilitation facilities, and signage standards. | [Staff Presentation](#) | **Phone comment code: 3518**

RECOMMENDATION:

Staff recommends approval of the request.

EXECUTIVE SUMMARY:

The voters approved referred measures 2A and 2B at the City election on April 6, 2021. The approval of those measures provides the City Council an opportunity to establish tax rates and regulations for the retail cannabis industry in Grand Junction.

The City Council met on July 13, 202, November 30, 2020, December 17, 2020, January 4, 2020, January 20, 2020, March 1, 2021, May 3, 2021, June 7, 2021, July 19, 2021, July 21, 2021, September 20, 2021, November 1, 2021, January 10, 2022, February 14, 2022, and March 14, 2022, to discuss and provide direction regarding the regulation of Cannabis (Marijuana) retails Sales within the City of Grand Junction. There are three proposed ordinances which have been created from these extensive discussions and form the culmination of the City's effort to create a system for regulating cannabis retail sales businesses that protect the health, safety and welfare of the community while creating a fair and equitable process to select qualified operators of up to ten retail sales locations. Two of these ordinances related to general cannabis business regulations and cannabis taxation are outside of the Zoning and Development Code, and as such are not brought before the Planning Commission.

BACKGROUND OR DETAILED INFORMATION:

This ordinance amends Title 21, including Chapter 4, Chapter 6, and Chapter 10, including proposed changes to the use table, location specific limitations (Horizon Drive Business Improvement District (BID) and Downtown), buffering from specific land uses, and signage regulations. The ordinance also amends Title 27, Chapter 12 pertaining to signage regulations within the Horizon Drive BID Overlay.

The amendments to Title 21, Chapter 4 adds Retail Cannabis Stores to the use-specific standards section of the Code. Zoning requirements are added to disallow a regulated cannabis business from operating in a building where a dwelling unit exists, limits the total number of businesses within the Horizon Drive BID to two, and precludes any regulated cannabis business from operating on the ground floor of the Downtown Grand Junction area. These limitations were proffered in coordination with the Downtown Development Authority and the Horizon Drive BID. Buffering requirements are included which provide 1,000 feet separation from any private or public elementary, middle, junior high, or high school, and from Colorado Mesa University and Western Colorado Community College, as well as 500 feet separation from any licensed services for the prevention, treatment, or recovery from substance use and mental health concerns.

Proposed amendments to Chapter 6, Sign Regulation include limitations to verbiage that may be included on the signage, as well as prohibitions on content that is designed to appeal to minors. Signage allowances throughout the City vary, largely dependent on the overlays that exist in specific areas. Signage for regulated cannabis businesses will follow the same model, being consistent with the overlays in place. However, in areas of the City where there is not an overlay, and within the North Avenue Overlay, which provides an incentive for reduced signage as opposed to regulation, regulated cannabis businesses will be limited to flush wall mounted signs or monument signs, with a maximum height of 20 feet and a maximum area of 150 square feet per sign face.

The final proposed amendments are to Title 27, Chapter 12, which is the Horizon Drive BID Overlay Standards. Signage allowances within this overlay are different depending on sub-locations within the district. After discussions with the Horizon BID, it was desired to limit the allowable signage for regulated cannabis businesses, so language was added to provide a maximum height of 20 feet and a maximum area of 75 square feet.

ANALYSIS

In accordance with Section 21.02.140(c), a proposed Code amendment shall address in writing the reasons for the proposed amendment. There are no specific criteria for review because a code amendment is a legislative act and within the discretion of the City Council to amend the Code with a recommendation from the Planning Commission. Reasons for the proposed amendments are provided in the Background section of this report.

NOTIFICATION REQUIREMENTS

Notice was completed as required by Section 21.02.080(g). Notice of the public hearing was published on April 5, 2022 in the Grand Junction Daily Sentinel.

STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing the ZCA-2022-200, a request to amend Title 21 and Title 27 of the Grand Junction Municipal Code to regulate cannabis businesses by providing use-specific standards, specific buffering requirements from schools and rehabilitation facilities, and signage standards, the following findings of fact have been made:

1. The proposed amendments to the Zoning and Development Code are useful in that they ensure the health, safety, and general welfare of the public, and refine processes that assist in the logical and orderly development of the city as described in the background information of this report.
2. The proposed amendments to the Zoning and Development Code support the following goals of the comprehensive plan:
 - a. Planning Principal 2: Resilient and Diverse Economy – 1 Foster a vibrant, diverse, and resilient economy.
 - i. 6(a) – Economic Diversity: Support the further diversification of the economy that is prepared to anticipate, innovate, and proactively respond to cyclical economic fluctuations and evolution.
 - ii. 6(g) – Sales and Use Tax Revenue: Partner in supporting programs that encourage residents to spend retail dollars locally before looking elsewhere for goods and services. Emphasize the retention and recruitment of retailers or development projects that have a positive impact on sales tax generation, specifically focused on increasing retail sales inflow and reducing retail sale leakage.

SUGGESTED MOTION:

Plan Commission Chair, on the Zoning and Development Code Amendments, ZCA-2022-200, I move that the Planning Commission forward a recommendation of approval with the findings of fact as listed in the staff report.

Attachments

1. ORD-ZDC Cannabis -04.12.2022 CLEAN - 040722
2. ORD-ZDC Cannabis -04.12.2022 REDLINE - 040722

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 21 CHAPTER 4, CHAPTER 6, AND CHAPTER 10 AND TO AMEND TITLE 27, CHAPTER 12.12 OF THE GRAND JUNCTION MUNICIPAL CODE REGARDING USE STANDARDS AND FOR SPECIFIC BUFFERING BETWEEN CERTAIN SCHOOLS AND REHABILITATION FACILITIES, AND ADOPTING REGULATIONS FOR SIGNAGE OF CANNABIS BUSINESSES, AND DEFINITIONS FOR SUCH BUSINESSES

RECITALS:

The City desires to maintain effective regulations in its Zoning and Development Code (Title 21 of the Grand Junction Municipal Code ("GJMC")); regulations that encourage and require appropriate use of land throughout the City while taking into consideration the needs and desires of the citizens of Grand Junction.

Although Federal law criminalizes the use and possession of marijuana as a Schedule 1 controlled substance under the Controlled Substance Act, on June 7, 2010, former Governor Ritter signed into law House Bill 10-1284 and Senate Bill 10-108 which, among other things, authorized the City to adopt an ordinance to license, regulate or prohibit the cultivation and/or sale of marijuana (C.R.S. 12-43.3-103(2)). The law also allowed a city to vote, either by a majority of the registered electors or a majority of the City Council, to prohibit the operation of medical marijuana centers, optional premises cultivation operations and medical marijuana infused products manufacturers.

At the time of House Bill 10-1284 and Senate Bill 10-108's passing, a moratorium was in effect in the City for the licensing, permitting and operation of marijuana businesses. The moratorium, which was initially declared on November 16, 2009 (through Ordinance 4437), was for a period of twelve months and applied to any person or entity applying to function, do business or hold itself out as a medical marijuana dispensary in the City of Grand Junction, regardless of the person, entity, or zoning. On October 13, 2020, City Council adopted Ordinance 4446 which extended the moratorium to July 1, 2011.

At the April 5, 2011 election, the electorate voted in favor of prohibiting the operation of medical marijuana businesses and the amendment of the GJMC by prohibiting certain uses of marijuana (Measure A).

On November 6, 2012, Colorado Amendment 64 was passed by the voters, amending Article 18 of the Colorado Constitution adding Section 16 which allows retail marijuana stores and made it legal for anyone 21 years or older to buy marijuana at such stores. In addition, Amendment 64 allows anyone 21 years or older to legally possess and consume up to one ounce of marijuana. Amendment 64 does not change the Federal law; it still remains illegal under Federal law to produce and/or distribute marijuana also known as cannabis.

On February 6, 2013, City Council approved Resolution 07-13 adopting marijuana policies for the City and restrictions for persons or entities from applying to function, do business, or hold itself out as a marijuana facility, business, or operation of any sort in the City limits. Later that same year, City Council adopted Ordinance 4599 which prohibited the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores. Ordinance 4599 also amended Sections in Title 5, Article 15 of the GJMC that prohibit certain uses relating to marijuana.

In late 2015, the City, Mesa County and Colorado Mesa University, by and through the efforts of the Grand Junction Economic Partnership (GJEP), were successful in establishing the *Colorado Jumpstart* business development program. One business which was awarded the first *Jumpstart* incentive planned to develop a laboratory and deploy its advanced analytical processes for genetic research and its ability to mark/trace chemical properties of agricultural products, one of which was cannabis. In October 2016, City Council passed Ordinance 4722 which amended Ordinance 4599 and Section 21.04.010 of the GJMC to allow marijuana testing facilities in the City.

On January 20, 2021, the City Council approved Resolution 09-21, the adoption of which referred a ballot question to the regular municipal election on April 6, 2021 to repeal Referred Measure A contingent on and subject to voter approval of taxation of marijuana businesses. A majority of the votes cast at the election were in favor of repealing the moratorium on marijuana businesses and in favor of taxation of cannabis businesses.

City Council has decided to allow certain regulated cannabis businesses within the City. City Council has requested that staff prepare an ordinance to repeal the prohibition of cannabis businesses from the GJMC and to include rules and regulations for licensing and operating retail cannabis businesses.

City staff and community members, including the Cannabis Working Group, have researched, reviewed, and discussed various approaches to taxation, permitting and regulation of regulated cannabis within the City. Regulations for cannabis uses have been established at the state level with the adoption and implementation of the Colorado Marijuana Code in the Colorado Revised Statutes (C.R.S. 44-10-101, *et. seq.*); however, regulation of regulated marijuana uses at the state level alone are inadequate to address the impacts on the City of regulated cannabis, making it appropriate for the City to regulate the impacts of regulated cannabis uses.

The City has a valid interest in regulating zoning and other impacts of cannabis businesses in a manner that is consistent with constitutional and statutory standards. The City Council desires to facilitate the provision of quality regulated cannabis in a safe manner while protecting existing uses within the City. Regulation of the manner of operation and location of regulated cannabis uses is necessary to protect the health, safety and welfare of both the public and the customers. The proposed ordinance is intended to allow certain regulated cannabis businesses that will have a minimal impact and where potential negative impacts are minimized.

This proposed ordinance amends the City's Code to permit cannabis businesses in the specific zone districts where general indoor retail sales are permitted and provides for buffering from specific land uses including, certain schools and specific rehabilitation facilities. This ordinance also includes regulations for signage and definitions for cannabis businesses.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed amendments.

After public notice and public hearing, the Grand Junction City Council finds that the amendments to allow certain regulated cannabis businesses by and through the uses and the Use Table, are responsive to the community's desires and otherwise advance and protect the public health, safety and welfare of the City and its residents.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING SECTIONS OF THE GRAND JUNCTION MUNICIPAL CODE INCLUDING TITLE 21: ZONING AND DEVELOPMENT CODE AND TITLE 27: HORIZON DRIVE DISTRICT OVERLAY ZONE DISTRICT STANDARDS ARE AMENDED AS FOLLOWS (new text additions underlined and deletions marked with strike-through notations):

21.04.010 (d) Prohibited Uses.

~~Marijuana related business, whether retail, commercial, industrial or agricultural, except marijuana testing facility(ies) are prohibited in all zone districts in accordance with Chapter 5.15 GJMC. Marijuana testing facility(ies) is (are) allowed in the zone districts shown.~~

~~Marijuana testing facilities shall be categorized as/under the "industrial services, contractors and trade shops, oil and gas support operations without hazardous materials" category of the use zone matrix as "research, testing, and laboratory facilities – indoors (including marijuana testing facilities)" as allowed uses in B-2, C-1, C-2, MU, BP, IO, I-1 and 1-2 zone districts.~~

21.04.010 Use Table.

Key: A = Allowed, C = Conditional, Blank Cell = Not Permitted

Use Category	Principal Use	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2	M X-	Std.
Retail Sales and Services	Marijuana Related Business																							Ch 6-45

Retail Sales and Service	Regulated Cannabis Store													A	A	A	A			A	A						A	Ch. 21.0 4.03 0(w)
-----------------------------	--------------------------------	--	--	--	--	--	--	--	--	--	--	--	--	---	---	---	---	--	--	---	---	--	--	--	--	--	---	-----------------------------

21.04.030 Use-specific standards.

(w) Regulated Cannabis Stores.

(1) Applicability. These regulations apply to all Regulated Cannabis Stores in the City in addition to the other provisions in the GJMC pertaining to cannabis stores, including but not limited to, GJMC Chapters 5.13 and 5.14.

(2) Zoning.

(i) It is unlawful for a Regulated Cannabis Store to operate in a building which contains a Dwelling Unit.

(ii) There shall be no more than two Regulated Cannabis Stores operating within the boundaries of the Horizon Drive Business Improvement District, as may be amended.

(iii) There shall be no Regulated Cannabis Stores located on the ground floor of any buildings in the Downtown Grand Junction area defined as Main Street bounded by the west intersection line of First Street and bounded by the east by the centerline of 7th Street.

(iv) A Regulated Cannabis Store may provide drive-through Cannabis service, provided that:

(A) The location is proposed in a zoning district which permits drive-through uses (retail); and

(B) The proposed drive-through meets the requirements of this Code and the Transportation Engineering Design Standards (TEDS).

(3) Buffering.

(i) No Regulated Cannabis Stores shall be located:

(A) Within 1000 feet of any private or public elementary, middle, junior high, or high school.

(B) Within 1000 feet of Colorado Mesa University (Main Campus) and Western Colorado Community College.

(C) Within 500 feet of any services for prevention, treatment or recovery from substance use and mental health concerns, as licensed by the Colorado Department of Human Services, Office of Behavioral Health (OBH).

(ii) Buffering Distance Computation. The buffering distance shall be computed by direct measurement from the nearest property line of the land use to the nearest point which provides public entrance to the building in which the regulated cannabis is to be sold, using a route of direct pedestrian access, measured as a person would walk safely and properly, without trespassing or utilizing alleys, following stripping or parking patterns or on-site designated pedestrian routes, with right angles at crossings and with the observance of traffic regulations and traffic signals.

21.06.070 Sign Regulation

(j) Regulated Cannabis Business Signage and Advertising.

(1) All signs and advertising for Regulated Cannabis Stores shall comply with all applicable provisions of the Colorado Marijuana Code, any regulations adopted pursuant thereto, the provisions of this Chapter and Chapter 6, and the City's ordinances and regulations regarding signs and advertising.

(2) No sign shall use the terms "pharmacy", "pharmacist", "pharmaceutical", "rx", or any other similar variation of such terms as its corporate, business, or "doing business as" name, so as to prevent a reasonable person from concluding such business is involved in the practice of pharmacy, as regulated by Pharmaceuticals and Pharmacists, C.R.S. Article 22 of Chapter 12. Additionally, no Regulated Cannabis Stores may use any of the above terms or any similar variation thereof in any of its signs, placards, promotional, or advertising materials. Additionally, no signs that mimic or allude to pharmacy or medical related symbols, including but not limited to medical style crosses regardless of proportions or colors, shall be used or displayed in nonmedical Regulated Cannabis Stores.

(3) No sign shall include advertising material that is misleading, deceptive or false or that, as evidenced by the content of the advertising material or by the medium or the manner in which the advertising material is disseminated, is designed to appeal to persons under twenty-one (21) years of age.

193 (4) Maximum Sign Dimensions:

194
195 (i) For properties that lie within an existing overlay district regulated by Title
196 22, Title 24, Title 25, Title 26, or Title 27 the specific regulations within the
197 overlay shall apply.

198
199 (ii) For all other properties within the City, only flush wall mounted signs or
200 monument signs shall be allowed. Maximum sign allowances shall be
201 calculated according to the provisions of this Chapter and subject to the
202 following limitations:

203
204 (A) Maximum Height: 20 feet; and,

205
206 (B) Maximum Area: 150 square feet per sign face.

207
208 (5) Signs and Advertising not requiring a permit include:

209
210 (i) Sign-wavers or other natural persons standing in the public. No Regulated
211 Cannabis Stores shall advertise with sign-wavers or other natural persons
212 within the buffering distances from specified land uses as provided in
213 w.3(a) above.

214
215 (ii) Any advertisement contained within a newspaper, magazine, or other
216 periodical of general circulation within the City or on the internet, which may
217 include coupons.

218
219 (iii) Any non-consumable merchandise or accessories.

220
221 (iv) A booth at an adult event or job fair where the only items distributed are
222 company or educational materials and no other items are distributed,
223 shown or sold.

224
225 (v) Business cards within the business or handed directly to an individual who
226 is over the age of 21.

227
228 (vi) Showing a government-issued verification of age or military status, or
229 registration for a charitable event, or similar item the showing of which,
230 without providing a separate printing to the business, entitles the holder to
231 a discount for a particular product or service.

232
233 (vii) Company materials and educational materials distributed inside the
234 cannabis business.

235
236
237 27.12.040 Signage.

(b) Freestanding signs shall comply with the following requirements:

(8) Maximum sign dimensions shall not exceed the following:

(i) For any regulated cannabis business, the maximum sign dimensions shall not exceed the following:

(A) 20 ~~twenty~~ feet in height; and,

(B) 75 ~~seventy-five~~ square feet.

21.10.020 Terms defined.

Cannabis Testing Facility(ies) is an entity licensed to analyze and certify safety and potency of cannabis.

Medical Cannabis Store is an entity licensed and co-located with a retail cannabis store that sells medical cannabis to registered patients or primary caregivers as defined in Section 14 of Article XVIII of the Colorado constitution, but is not a primary caregiver.

Regulated Cannabis Cultivation Facility is an entity licensed to cultivate, prepare, and package cannabis and sell cannabis to retail cannabis stores, to cannabis product manufacturing facilities, and to other cannabis cultivation facilities, but not to consumer.

Regulated Cannabis Hospitality and Sales Business is a facility that cannot be mobile, that is licensed to permit the consumption of only the retail cannabis or retail cannabis products it has sold pursuant to the provisions of an enacted, initiated, or referred ordinance or resolution of the local jurisdiction in which the licensee operates.

Regulated Cannabis Products Manufacturing Facility is an entity licensed to purchase cannabis; manufacture, prepare, and package cannabis products; and sell cannabis and cannabis products to other cannabis product manufacturing facilities and to retail cannabis stores, but not to consumers.

Regulated Cannabis Transporter Business is an entity or person that is licensed to transport retail cannabis and retail cannabis products from one regulated cannabis business to another regulated cannabis business and to temporarily store the transported regulated cannabis and regulated cannabis products at its licensed premises but is not authorized to sell regulated cannabis or regulated cannabis products under any circumstances.

Regulated Cannabis Store is an entity licensed to purchase regulated cannabis from Regulated Cannabis Cultivation Facilities and to sell regulated cannabis to consumers

281 and Regulated Cannabis Testing Facilities that are licensed to analyze and certify the
282 safety and potency of cannabis.

283
284 All other provisions of Title 21 Chapter 4, Chapter 6, and Chapter 10 and Title 27 Chapter
285 12.12 shall remain in full force and effect.

286
287 Introduced on first reading the _____ day of _____,
288 2022 and ordered published in pamphlet form.

289
290 Adopted on second reading this ____ day of _____ 2022 and ordered published in
291 pamphlet form.

292
293
294
295
296 ATTEST:

C.B. McDaniel
President of City Council

297
298
299
300 _____
301 Laura J. Bauer, MMC
302 Interim City Clerk
303

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 21 CHAPTER 4, CHAPTER 6, AND CHAPTER 10 AND TO AMEND TITLE 27, CHAPTER 12.12 OF THE GRAND JUNCTION MUNICIPAL CODE REGARDING USE STANDARDS AND FOR SPECIFIC BUFFERING BETWEEN CERTAIN SCHOOLS AND REHABILITATION FACILITIES, AND ADOPTING REGULATIONS FOR SIGNAGE OF CANNABIS BUSINESSES, AND DEFINITIONS FOR SUCH BUSINESSES.

RECITALS:

The City desires to maintain effective regulations in its Zoning and Development Code (Title 21 of the Grand Junction Municipal Code ("GJMC")); regulations that encourage and require appropriate use of land throughout the City while taking into consideration the needs and desires of the citizens of Grand Junction.

Although Federal law criminalizes the use and possession of marijuana as a Schedule 1 controlled substance under the Controlled Substance Act, on June 7, 2010, former Governor Ritter signed into law House Bill 10-1284 and Senate Bill 10-108 which, among other things, authorized the City to adopt an ordinance to license, regulate or prohibit the cultivation and/or sale of marijuana (C.R.S. 12-43.3-103(2)). The law also allowed a city to vote, either by a majority of the registered electors or a majority of the City Council, to prohibit the operation of medical marijuana centers, optional premises cultivation operations and medical marijuana infused products manufacturers.

At the time of House Bill 10-1284 and Senate Bill 10-108's passing, a moratorium was in effect in the City for the licensing, permitting and operation of marijuana businesses. The moratorium, which was initially declared on November 16, 2009 (through Ordinance 4437), was for a period of twelve months and applied to any person or entity applying to function, do business or hold itself out as a medical marijuana dispensary in the City of Grand Junction, regardless of the person, entity, or zoning. On October 13, 2020, City Council adopted Ordinance 4446 which extended the moratorium to July 1, 2011.

At the April 5, 2011 election, the electorate voted in favor of prohibiting the operation of medical marijuana businesses and the amendment of the ~~Grand Junction Municipal Code~~ by prohibiting certain uses of marijuana (Measure A).

On November 6, 2012, Colorado Amendment 64 was passed by the voters, amending Article 18 of the Colorado Constitution adding Section 16 which allows retail marijuana stores and made it legal for anyone 21 years or older to buy marijuana at such stores. In addition, Amendment 64 allows anyone 21 years or older ~~over 21 years of age~~ to legally possess and consume up to one ounce of marijuana. Amendment 64 does not change the Federal law; it still remains illegal under Federal law to produce and/or distribute marijuana also known as cannabis.

On February 6, 2013, City Council approved Resolution 07-13 adopting marijuana policies for the City and restrictions for persons or entities from applying to function, do business, or hold itself out as a marijuana facility, business, or operation of any sort in the City limits. -Later that same year, City Council adopted Ordinance 4599 which prohibited the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores. Ordinance 4599 also amended Sections in Title 5, Article 15 of the ~~Grand Junction Municipal Code~~ that prohibit certain uses relating to marijuana.

In late 2015, the City, Mesa County and Colorado Mesa University, by and through the efforts of the Grand Junction Economic Partnership (GJEP), were successful in establishing the *Colorado Jumpstart* business development program. One business which was awarded the first *Jumpstart* incentive planned to develop a laboratory and deploy its advanced analytical processes for genetic research and its ability to mark/trace chemical properties of agricultural products, one of which was cannabis. In October 2016, City Council passed Ordinance 4722 which amended Ordinance 4599 and Section 21.04.010 of the ~~Grand Junction Municipal Code~~ to allow cannabis_marijuana testing facilities in the City.

On January 20, 2021 the City Council approved Resolution 09-21, the adoption of which referred a ballot question to the regular municipal election on April 6, 2021 to repeal Referred Measure A contingent on and subject to voter approval of taxation of marijuana cannabis businesses. A majority of the votes cast at the election were in favor of repealing the moratorium on marijuana cannabis businesses and in favor of taxation of cannabis businesses.

City Council has decided to allow certain regulated retail cannabis businesses within the City. City Council has requested that staff prepare an ordinance to repeal the prohibition of cannabis businesses from the ~~Grand Junction Municipal Code~~ and to include rules and regulations for licensing and operating retail cannabis businesses.

City staff and community members, including the Cannabis Working Group, have researched, reviewed, and discussed various approaches to taxation, permitting and regulation of regulated retail cannabis within the City. Regulations for cannabis uses have been established at the state level with the adoption and implementation of the Colorado Marijuana Code in the Colorado Revised Statutes (C.R.S. 44-10-101, *et. seq.*); however, regulation of regulated retail marijuana uses at the state level alone are inadequate to address the impacts on the City of regulated cannabis, making it appropriate for the City to regulate the impacts of regulated retail cannabis uses.

The City has a valid interest in regulating zoning and other impacts of cannabis businesses in a manner that is consistent with constitutional and statutory standards. The City Council desires to facilitate the provision of quality regulated retail cannabis in a safe manner while protecting existing uses within the City. Regulation of the manner of operation and location of regulated retail cannabis uses is necessary to protect the health,

safety and welfare of both the public and the customers. The proposed ordinance is intended to allow certain regulated cannabis businesses that will have a minimal impact and where potential negative impacts are minimized.

This proposed ordinance amends the City's Code to permit cannabis businesses in the specific zone districts where general indoor retail sales are permitted and provides for buffering from specific land uses including, certain schools and specific rehabilitation facilities. This ordinance also includes regulations for signage and definitions for cannabis businesses.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed amendments.

After public notice and public hearing, the Grand Junction City Council finds that the amendments to allow certain retail-regulated cannabis businesses by and through the uses and the Use Table, are responsive to the community's desires and otherwise advance and protect the public health, safety and welfare of the City and its residents.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING SECTIONS OF THE GRAND JUNCTION MUNICIPAL CODE INCLUDING TITLE 21: ZONING AND DEVELOPMENT CODE AND TITLE 27: HORIZON DRIVE DISTRICT OVERLAY ZONE DISTRICT STANDARDS ARE AMENDED AS FOLLOWS (new text additions underlined and deletions marked with strike-through notations):

21.04.010 (d) Prohibited Uses.

~~Marijuana related business, whether retail, commercial, industrial or agricultural, except marijuana testing facility(ies) are prohibited in all zone districts in accordance with Chapter 5.15 GJMC. Marijuana testing facility(ies) is (are) allowed in the zone districts shown.~~

~~Marijuana testing facilities shall be categorized as/under the "industrial services, contractors and trade shops, oil and gas support operations without hazardous materials" category of the use zone matrix as "research, testing, and laboratory facilities — indoors (including marijuana testing facilities)" as allowed uses in B-2, C-1, C-2, MU, BP, IO, I-1 and 1-2 zone districts.~~

21.04.010 Use Table.

Key: A = Allowed, C = Conditional, Blank Cell = Not Permitted

Use Category	Principal Use	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2	M X-	Std.
Retail Sales and Services	Marijuana Related Business																							Ch 6-16
Retail Sales and Service	<u>Regulated Cannabis Store</u>												A	A	A	A		A	A				A	Ch. 21.04.030(w)

21.04.030 Use-specific standards.

(w) Retail Regulated Cannabis Stores.

(1) Applicability. These regulations apply to all Regulated Cannabis Stores in the City in addition to the other provisions in the GJMC pertaining to cannabis stores, including but not limited to, GJMC Chapters 5.13 and 5.14.

(2) Zoning.

(i) It is unlawful for a Regulated Cannabis Store to operate in a building which contains a Dwelling Unit.

(ii) There shall be no more than two Regulated Cannabis Stores operating within the boundaries of the Horizon Drive Business Improvement District, as may be amended.

(iii) There shall be no Regulated Cannabis Stores located on the ground floor of any buildings in the Downtown Grand Junction area defined as Main Street bounded by the west intersection line of First Street and bounded by the east by the centerline of 7th Street.

(iv) A Regulated Cannabis Store may provide drive-through Cannabis service, provided that:

(A) The location is proposed in a zoning district which permits drive-through uses (retail); and

(B) The proposed drive-through meets the requirements of this Code and the Transportation Engineering Design Standards (TEDS).

(3) Buffering.

- (i) ~~No Regulatedetail~~ Cannabis Stores shall be located:
- (A) Within 1000 feet of any private or public elementary, middle, junior high, or high school.
 - (B) Within 1000 feet of Colorado Mesa University (Main Campus) and Western Colorado Community College.
 - (C) Within 500 feet of any services for prevention, treatment or recovery from substance use and mental health concerns, as licensed by the Colorado Department of Human Services, Office of Behavioral Health (OBH).
- (ii) Buffering Distance Computation. The buffering distance shall be computed by direct measurement from the nearest property line of the land use to the nearest point which provides public entrance to portion of the building or unit in which the regulatedetail cannabis is to be sold, using a route of direct pedestrian access, measured as a person would walk safely and properly, without trespassing or, without utilizing alleys, following stripping or parking patterns or on-site designated pedestrian routes, with right angles at crossings and with the observance of traffic regulations and traffic signals.

21.06.070 Sign Regulation

(j) ~~Regulated Cannabis Business Cannabis Retail Store~~ Signage and Advertising.

- (1) All signs and advertising for ~~Regulatedetail~~ Cannabis Stores shall comply with all applicable provisions of the Colorado Marijuana Code, any regulations adopted pursuant thereto, the provisions of this Chapter and Chapter 6, and the City's ordinances and regulations regarding signs and advertising.
- (2) No sign shall use the terms "pharmacy", "pharmacist", "pharmaceutical", "rx", or any other similar variation of such terms as its corporate, business, or "doing business as" name, so as to prevent a reasonable person from concluding such business is involved in the practice of pharmacy, as regulated by Pharmaceuticals and Pharmacists, C.R.S. Article 22 of Chapter 12. Additionally, no ~~Regulatedetail~~ Cannabis Stores may use any of the above terms or any similar variation thereof in any of its signs, placards, promotional, or advertising materials. Additionally, no signs that mimic or allude to pharmacy or medical related symbols, including but not limited to medical style crosses regardless of proportions or colors, shall be used or displayed in nonmedical ~~retail-Regulated Ce~~annabis ~~Ss~~tores.

190 (3) No sign shall include advertising material that is misleading, deceptive or false
191 or that, as evidenced by the content of the advertising material or by the
192 medium or the manner in which the advertising material is disseminated, is
193 designed to appeal to persons under ~~eighteen (18)-twenty-one (21)~~ years of
194 age.

195
196 (4) Maximum Sign Dimensions:

197
198 (i) For properties that lie within an existing overlay district regulated by Title
199 22, Title 24, Title 25, Title 26, or Title 27 the specific regulations within the
200 overlay shall apply.

201
202 (ii) For all other properties within the City, only flush wall mounted signs or
203 monument signs shall be allowed. ~~Maximum~~ sign allowances shall be
204 calculated according to the provisions of this Chapter and subject to the
205 following limitations:

206
207 (A) Maximum Height: 20 feet; and,

208
209 (B) Maximum Area: ~~150~~ square feet per sign face.

210
211 (5) Signs and Advertising not requiring a permit include:

212
213 (i) Sign-wavers or other natural persons standing in the public. No ~~Retail~~
214 ~~Regulated~~ Cannabis Stores shall advertise with sign-wavers or other
215 natural persons within the buffering distances from specified land uses as
216 provided in w.3(a) above.

217
218 (ii) Any advertisement contained within a newspaper, magazine, or other
219 periodical of general circulation within the City or on the internet, which may
220 include coupons.

221
222 (iii) Any non-consumable merchandise or accessories.

223
224 (iv) A booth at an adult event or job fair where the only items distributed are
225 company or educational materials and no other items are distributed,
226 shown or sold.

227
228 (v) Business cards within the business or handed directly to an individual who
229 is over the age of 21.

230
231 (vi) Showing a government-issued verification of age or military status, or
232 registration for a charitable event, or similar item the showing of which,

without providing a separate printing to the business, entitles the holder to a discount for a particular product or service.

(vii) Company materials and educational materials distributed inside the cannabis business.

27.12.040 Signage.

(b) Freestanding signs shall comply with the following requirements:

(8) Maximum sign dimensions shall not exceed the following:

(i) For any regulated cannabis business, the maximum sign dimensions shall not exceed the following:

(A) 20 twenty feet in height; and,

(B) 75 seventy-five square feet.

21.10.020 Terms defined.

Cannabis ~~T~~esting ~~F~~acility(ies) is an entity licensed to analyze and certify safety and potency of cannabis.

Medical Cannabis Store is an entity licensed ~~and~~ co-located with a retail cannabis store that sells medical cannabis to registered patients or primary caregivers as defined in Section 14 of Article XVIII of the Colorado constitution, but is not a primary caregiver.

~~Regulated~~tail ~~C~~cannabis ~~C~~cultivation ~~F~~acility is an entity licensed to cultivate, prepare, and package cannabis and sell cannabis to retail cannabis stores, to cannabis product manufacturing facilities, and to other cannabis cultivation facilities, but not to consumers~~s~~.

~~Regulated~~tail ~~C~~cannabis ~~H~~ospitality and ~~S~~ales ~~B~~usiness is a facility that cannot be mobile, that is licensed to permit the consumption of only the retail cannabis or retail cannabis products it has sold pursuant to the provisions of an enacted, initiated, or referred ordinance or resolution of the local jurisdiction in which the licensee operates.

~~Regulated~~tail ~~C~~cannabis ~~P~~roducts ~~M~~anufacturing ~~F~~acility is an entity licensed to purchase cannabis; manufacture, prepare, and package cannabis products; and sell cannabis and cannabis products to other cannabis product manufacturing facilities and to retail cannabis stores, but not to consumers.

~~Regulated~~ ~~tail~~ ~~C~~cannabis ~~T~~ransporter ~~B~~usiness is an entity or person that is licensed to transport retail cannabis and retail cannabis products from one ~~regulated~~ ~~tail~~ cannabis business to another ~~regulated~~ ~~tail~~ cannabis business and to temporarily store the transported ~~regulated~~ ~~tail~~ cannabis and ~~regulated~~ ~~tail~~ cannabis products at its licensed premises but is not authorized to sell ~~regulated~~ ~~tail~~ cannabis or ~~regulated~~ ~~tail~~ cannabis products under any circumstances.

~~Regulated~~ ~~tail~~ ~~C~~cannabis ~~S~~store is an entity licensed to purchase ~~regulated~~ cannabis from ~~Regulated~~ ~~C~~cannabis ~~C~~cultivation ~~F~~acilities and to sell ~~regulated~~ cannabis to consumers and ~~Regulated~~ ~~retail~~ ~~C~~cannabis ~~T~~esting ~~F~~acilities that are licensed to analyze and certify the safety and potency of cannabis.

All other provisions of Title 21 Chapter 4, Chapter 6, and Chapter 10 and Title 27 Chapter 12.12 shall remain in full force and effect.

Introduced on first reading the _____ day of _____, 2022 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____ 2022 and ordered published in pamphlet form.

ATTEST:

C.B. McDaniel
President of City Council

Laura J. Bauer, MMC
Interim City Clerk