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**PLANNING COMMISSION AGENDA  
IN-PERSON/VIRTUAL HYBRID MEETING  
CITY HALL AUDITORIUM, 250 N 5<sup>th</sup> STREET  
TUESDAY, DECEMBER 12, 2023 - 5:30 PM  
*Attend virtually: [bit.ly/GJ-PC-12-12-23](http://bit.ly/GJ-PC-12-12-23)***

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

**Consent Agenda**

1. Minutes of Previous Meeting(s)
2. Consider a Request by Downtown Grand Junction REgeneration LLC to Extend for Two Years until November 12, 2025 the Conditional Administrative Approval to Record the Plat for Lowell Village Phase 2, 32 Lots on 1.63 acres in an B-2 (Downtown Business) zone district.

**Regular Agenda**

1. Consider a request for a Conditional Use Permit (CUP) for a metal recycling facility and manufacturing facility, with a wholesale retail portion on a 9.11-acre property located at 479 30 Road in a I-1 (Light Industrial) zone district.
2. Consider a request by Applewood South LLC to rezone 6.78 acres from R-4 (Residential - 4 du/ac) to R-12 (Residential – 12 du/ac) and a request by Ken Co LLC to rezone 7.11 acres from R-4 (Residential - 4 du/ac) to R-24 (Residential – 24 du/ac). -- **WITHDRAWN**
3. Consider a request by Vista 5, LLP to rezone 17.37 acres from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5.5 du/ac) located at 2428 H Road.

**Other Business**

**Adjournment**

**GRAND JUNCTION PLANNING COMMISSION**  
**November 28, 2023, 5:30 PM**  
**MINUTES**

The meeting of the Planning Commission was called to order at 5:33 p.m. by Chairman Scissors.

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

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

There were 0 members of the public in attendance, and 2 virtually.

**CONSENT AGENDA**

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**1. Approval of Minutes**

Minutes of Previous Meeting(s) from November 14, 2023.

**REGULAR AGENDA**

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**1. The Eddy Easement Vacation**

**VAC-2023-305**

Consider a request by The Eddy at Grand Junction LLC to vacate portions of the public trail easement across the property located at 347 and 348 Eddy Drive.

**Staff Presentation**

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

Applicant Ty Johnson with Kaart Planning was present and available for questions.

*This item was requested to be continued to a date to be determined.*

**Motion and Vote**

Commissioner Ehlers made the following motion "I motion that the easement vacation of the Eddy, city file number VAC-2023-305, be continued."

*Commissioner Weckerly seconded; motion passed 5-0.*

**2. Mesa Trails ODP**

**PLD-2023-550**

Consider a request by Foothills Housing 2 LLC and Foothills Housing 5 LLC to rezone approximately 174.3 acres located Between 23 ¼ and 23 ¾ Roads, from G Road to Highway 6



and 50, from PD (Planned Development) to PD (Planned Development) and adopt an Outline Development Plan for “Mesa Trails.”

### **Staff Presentation**

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

Applicant Ty Johnson with Kaart Planning was present and available for questions.

### **Questions for staff**

Commissioner Ehlers asked the applicant if they are concerned about a lack of predictability with planning and financing given the recent changes to the Zoning and Development Code (Z&D Code), the 2020 One Grand Junction Comprehensive Plan (Comp Plan), and the Transportation Engineering Design Standards Manual (TEDS Manual).

### **Public Hearing**

*The public comment period was opened at 5:00 p.m. on Tuesday, November 21, 2023, via [www.GJSpeaks.org](http://www.GJSpeaks.org).*

There were no comments from the public or from online attendees.

*The public comment period was closed at 6:49 p.m. on November 28, 2023.*

### **Discussion**

Commissioner Ehlers asked if staff felt the plan was sufficient to address the revisions to the Z&DC, the Comp, Plan, and the TEDS Manual.

### **Motion and Vote**

Commissioner Ehlers made the following motion “Mr. Chairman, on the request to rezone the approximately 174.3 acres located between the proposed 23 ¼ road and 23 ¾ Roads, from G Road to Highway 6 and 50, from “PD” (Planned Development) to “PD” (Planned Development) and adopt an Outline Development Plan for “Mesa Trails,” City file number PLD-2023-550, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as provided within the staff report.”

*Commissioner Secrest seconded; motion passed 5-0.*

## **3. Hartman Brothers Annexation**

**ANX-2023-564**

Consider a request by Flavius Real Estate LLC to zone 2.96 acres within the Hartman Brothers Annexation to I-1 (Light Industrial) located at 821 21 ½ Road.

### **Staff Presentation**

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

Applicant Ty Johnson with Kaart Planning was present and available for questions.

### **Questions for staff**

Commissioner Ehlers inquired as to the existing use of the property. He asked why the City was requiring the property to be annexed.

### **Public Hearing**

*The public comment period was opened at 5:00 p.m. on Tuesday, November 21, 2023, via [www.GJSpeaks.org](http://www.GJSpeaks.org).*

There were no comments from the public or from online attendees.

*The public comment period was closed at 7:03 p.m. on November 28, 2023.*

### **Discussion**

No discussion occurred between the commissioners.

### **Motion and Vote**

Commissioner Secrest made the following motion “Mr. Chairman, on the Zone of Annexation request for the property located at 821 21 ½ Road, City file number ANX-2023-564, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report.”

*Commissioner Weckerly seconded; motion passed 5-0.*

### **OTHER BUSINESS**

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### **ADJOURNMENT**

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Commissioner Weckerly moved to adjourn the meeting.

*The vote to adjourn was 5-0.*

The meeting adjourned at 7:04 p.m.



## Grand Junction Planning Commission

### Regular Session

Item #2.

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**Meeting Date:** December 12, 2023

**Presented By:** Kristen Ashbeck, Principal Planner/CDBG Admin

**Department:** Community Development

**Submitted By:** Kristen Ashbeck, Principal Planner

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### **Information**

#### **SUBJECT:**

Consider a Request by Downtown Grand Junction REgeneration LLC to Extend for Two Years until November 12, 2025 the Conditional Administrative Approval to Record the Plat for Lowell Village Phase 2, 32 Lots on 1.63 acres in an B-2 (Downtown Business) zone district.

#### **RECOMMENDATION:**

Staff recommends approval of the request.

#### **EXECUTIVE SUMMARY:**

The Applicant, Downtown Regeneration LLC, represented by Jeremy Nelson, has requested a two-year extension to record the final plat of the Lowell Village Phase 2 subdivision, located on the eastern side of property located at 310 North 7th Street (behind the former R-5 School). The applicant received administrative approval with conditions of the subdivision from the City on November 12, 2020, which was valid for two years and received an administrative one-year extension to November 12, 2023. The Applicant is requesting an additional two-year extension, requiring the plat to be recorded by November 12, 2025. No other changes are being proposed. If the applicant does not complete all steps in preparation for recording a final plat within the proposed two-year extension approval, the preliminary subdivision plan and final plat shall require another review and processing as per Section 21.02.070 and shall then meet all the required current code regulations at that time.

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

##### **BACKGROUND**

The Lowell Village Phase 2 subdivision consists of thirty-two (32) lots on 1.63 acres located on the eastern side of property located at 310 North 7th Street (behind the former R-5 School). The zoning of the property is B-2. The Final Plat received

administrative approval with conditions on November 12, 2020.

The Zoning and Development Code provides that a subdivision plat approval by the Director is valid for two-years, with an allowed one-year extension by the Director to allow for a total three-year period, after which a developer may seek an extension(s) from Planning Commission. If the applicant does not complete all steps in preparation for recording a final plat within the proposed approval period, the preliminary subdivision plan and final plat shall require another review and processing as per Section 21.02.070 and shall then meet all the required current code regulations at that time. The applicant is seeking a longer time period to record the Lowell Village Phase 2 subdivision plat. Under Section 21.02.070(u) of the Zoning and Development Code, Planning Commission can approve the extension(s) for recording a plat beyond what the Code allows the Director to permit administratively.

The requested two-year extension on the Lowell Village project is due to delays and lingering effects of the pandemic among other reasons outlined in the attached letter requesting the extension. Staff does not agree with many of the reasons stated by the Applicant as many were self-inflicted, particularly in the last 12 months since the administrative extension was approved. Staff is unaware that there has been any attempt to meet the November 12, 2023 deadline. However, there are some external challenges and uncertainties in the housing market in general that have impacted ongoing work on this project.

#### **NOTIFICATION REQUIREMENTS**

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 November 22, mailed notice of the public hearing before Planning Commission in the form of notification cards was sent to surrounding property owners on December 1, 2023, and notice of the public hearing was published in the Grand Junction Daily Sentinel on December 3, 2023. An online hearing with opportunity for public comment was held between December 5, 2023 and December 11, 2023 through the GJSpeaks platform.

#### **ANALYSIS**

In accordance with the Zoning and Development Code, a request to extend the time for recordation of an approved plat may be extended beyond the 3-years the Director can grant pursuant to Section 21.02.070(u). The Applicant's request is to seek additional time to execute needed easement(s) and/or agreement(s) before the plat can be recorded, thus the purpose for the extension request. The proposed additional timeframe provides for the plat to be recorded before November 12, 2025.

Section 21.02.070(s) of the Code provides that the form of final approval by the Director shall be the recording of the plat as provided in subsection (u) of section 21.02.070. Section 21.02.070(u) of the Code provides the timeline for recording plats providing for a one-year extension beyond the initial 2-year approval given administratively. This includes recording the original plat with any required documentation. This one-year

extension occurred for the Lowell Village Phase 2 subdivision, allowing time to record the plat by November 12, 2023.

This subsection of the Zoning and Development code also permits the applicant to request and receive additional extensions from Planning Commission to complete the recordation of the plat. Generally, there have been circumstances that have presented ongoing challenges and uncertainties that have impacted this project. As such, staff is supportive of the applicant's request to extend the time for two additional years to record the final plat by November 12, 2025.

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

After reviewing the request to extend two years until November 12, 2025, the recordation of the Lowell Village Phase 2 subdivision plat, SUB-2019-687, located on the eastern side of property located at 310 North 7th Street (behind former R-5 School), the following findings of fact have been made:

1. The proposed two-year extension complies with Section 21.02.070 of the Zoning and Development Code,.

Therefore, Staff recommends approval of the requested two-year extension.

### **SUGGESTED MOTION:**

Chairman, on the request to extend for two years until November 12, 2025, the approval to allow for recordation of the plat for the Lowell Village Phase 2 subdivision located on the eastern side of property located at 310 North 7th Street (behind former R-5 School), City file number SUB-2019-687, I move that the Planning Commission approve the request with the findings of fact as provided within the staff report.

### **Attachments**

1. Lowell Village Townhomes\_Phase 2\_Extension Request Letter\_SIGNED\_2023.11.12
2. LOWELL VILLAGE PHASE 2 LOCATION MAP
3. LVTH One Year Extension Letter
4. Lowell Village Phase 2 Plat

**To:** The City of Grand Junction Planning Commission (“Commission”)  
**From:** Jeremy Nelson, Downtown Grand Junction REgeneration LLC (“REgeneration”)  
**Date:** 11/12/23  
**Re:** Request for Extension of City Approvals for Phase 2 of Lowell Village Townhomes (“Project”)

On 11/2/23, REgeneration requested via an email to the Community Development Department staff the Commission’s consideration of an extension to the previously-granted City approvals for the Project.

Community Development Department staff responded on 11/2/23 requesting “a formal letter for the request including reasons for the extension and a proposed expiration date.”

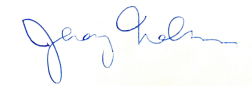
Please consider this document a formal letter for the request for an extension of City approvals for the Project. The request is made in the context of our shared desire for the public sector and the private sector to actively collaborate to reduce any barriers that hinder the construction of the additional housing units at all income levels that are so urgently needed in Grand Junction and the Grand Valley.

The reasons for the requested extension of City approvals for the Project are summarized in Exhibit A (attached).

Given the challenges and uncertainties summarized in Exhibit A, we’d propose a 2-year extension of City approvals for the Project through 11/12/25.

I’m happy to provide the Commission with additional information if desired, or to address any questions the Commission (or individual Commissioners) may have.

Thank you for your consideration of this request.



Jeremy Nelson

Manager, Downtown Grand Junction REgeneration LLC

## Exhibit A:

### Reasons for the Request for Extension of City Approvals for Phase 2 of the Lowell Village Townhomes

1. **Demand-side challenges:** As the Commission is aware, the dramatic increase in residential mortgage interest rates over the past year has significantly reduced buyer demand for residential for-sale projects like ours, primarily though the erosion of potential homebuyers' purchasing power. It is forecasted that residential mortgage interest rates will remain relatively high for the next year, if not longer. Therefore, buyer demand for our Project will remain muted for at least another year.
2. **Prior regulatory challenges causing loss of construction financing commitments:** We had previously secured written commitments for vertical construction financing for the next phase of townhomes in the Project, first in 2021 and again in 2022.
  - The 2021 financing commitment we secured included up to \$10 Million in construction lending and a Letter of Credit. Both were to be originated by a private equity fund with nearly \$1 Billion in capital under management and with offices in Colorado and California. That lending commitment was terminated by the private equity fund after several months of negotiations with City staff about whether the City could accept a Letter of Credit from the private equity fund as security for the DIA Exhibit B horizontal improvements (the Letter of Credit was necessary to allow for the recordation of the plat). The private equity fund had a strict deadline to deploy capital, and once that deadline was missed due to prolonged negotiations with City staff, the private equity fund terminated their lending commitment to the Project. This outcome was extremely frustrating given that it resulted in the loss of construction financing for the rest of the project, and especially since the City Code does not preclude a private equity fund from providing security for the DIA Exhibit B horizontal improvements in order to allow for the recordation of plat.
  - The 2022 financing commitment package we secured included up to \$3M in construction lending originated by a private lender and a Letter of Credit originated by a Texas-based bank as security for the DIA Exhibit B horizontal improvements (to allow for recordation of the Phase 2 plat). Unfortunately, this commitment "withered on the vine" and was ultimately lost as REgeneration and the bank engaged with City staff for approximately three months on approximately five drafts of the Letter of Credit. Once the Letter of Credit document was settled, REgeneration and our engineer and contractor then engaged with City staff for almost another month negotiating an updated DIA Exhibit B budget that the City claimed was "outdated." This outcome was extremely frustrating given the loss of the earlier construction financing the previous year, and especially since: a) a Letter of Credit to secure the DIA Exhibit B horizontal improvements is a very common and routine instrument for the City to execute with a

bank and it was unclear to our team why so many drafts were required for our Project, and b) City Code does not actually provide a timeline by which City staff can determine when a DIA Exhibit B budget becomes “outdated.” (And ironically, the revised DIA Exhibit B budget the City required us to produce resulted in a lower securitization amount for the City than the amount in the original “outdated” budget which the bank issuing the Letter of Credit had already agreed to).

3. **Current financing challenges:** The Federal Reserve’s repeated increases to the prime rate over the past year, coupled with general economic uncertainty, has caused most banks to tighten their underwriting criteria for new construction loans. For example, construction lending interest rates are now usually 3-4 percentage points higher than they were in recent years while loan-to-value ratios are now typically 10-15 percentage points lower than they were in recent. These more conservative underwriting standards for new construction loans have made it significantly more difficult for us to secure another (third) round of vertical construction financing for the Project, especially given its modest scale and its market location. Like mortgage interest rates, it is forecasted that construction lending interest rates will remain relatively high for the next year, if not longer. The overall retraction in construction lending for small, for-sale residential projects located in small markets is also affecting other projects like ours. But this challenge has been exacerbated by the legal uncertainty described below that is unfortunately unique to our Project.
4. **Current and ongoing legal uncertainties:** In 2022 the City criminally charged me and a local infrastructure contractor in Municipal Court with the crime of “injuring a public tree or shrub.” The City alleges that this crime occurred while I and the local infrastructure contractor were acting as the authorized agents on the Lowell Village Metropolitan District’s construction of horizontal infrastructure to serve the next phase of townhomes in the Project. This City’s criminal charge against me and the local infrastructure contractor have been ongoing for nearly 18 months, and it is unclear when this criminal process will ultimately be concluded. As a result, I have spent significant time over the past 18 months trying to resolve the City’s criminal charge against me. In addition, I have spent significant legal fees to date and still counting, as I was forced to hire a criminal defense attorney for the first time in my life. Most importantly, this criminal charge is a potentially “adverse condition” to the success of the Project; in my capacity as manager of REgeneration, I’m required to disclose this ongoing criminal matter in any construction lending application, as a borrower’s failure to disclose any known adverse conditions on lending applications is considered fraud. Therefore, the City’s criminal charge creates additional headwinds to our efforts to secure construction financing for the Project, in an already challenging time for new construction lending. The likely result is that we won’t be able to secure another (third) round of vertical construction financing for the phase of townhomes in the Project until the City’s criminal charge against me and the local infrastructure contractor have been resolved in Municipal Court.



## LOWELL VILLAGE PHASE 2 LOCATION MAP





Jeremy Nelson  
Downtown Grand Junction Regeneration  
310 North 7<sup>th</sup> Street Unit 12  
Grand Junction CO 81501

September 14, 2022

RE: Lowell Village Phase 2 Plat Recordation Extension  
File: SUB-2019-687

Mr. Nelson,

The City is in receipt of a written request from you to extend the recordation deadline for the project referenced above for a period of 12 months. Per the Grand Junction Zoning and Development Code sections 21.02.070(s) and (u), the Director may grant one extension of up to 12 months for the recordation of an approved Plat. The Lowell Village Phase 2 Plat was approved on November 12, 2020. A 12-month extension is granted with the new deadline for the plat to be recorded by November 12, 2023. Any extension beyond the new deadline date shall be considered by the Grand Junction Planning Commission.

Please contact me should you have questions regarding this extension request.

Sincerely,

Kristen Ashbeck AICP  
Principal Planner







LOWELL VILLAGE PHASE 2  
A REPLAT OF LOT 1, LOT 3 AND LOT 4 OF R5 BLOCK SUBDIVISION AMENDED (Reception No. 2835112),  
LOT 5 AND LOT 6 OF LOWELL VILLAGE PHASE 1 (Reception No.2932814)  
and VACATED RIGHT OF WAYS AS DESCRIBED IN ORDINANCE RECORDED UNDER RECEPTION NO. \_\_\_\_\_  
Located within the SE 1/4 of Section 14, Township 1 South, Range 1 West, Ute Meridian,  
City of Grand Junction, County of Mesa, State of Colorado

North Control Line Block 84,  
Plat of Resurvey of Second Division of City of Grand Junction,

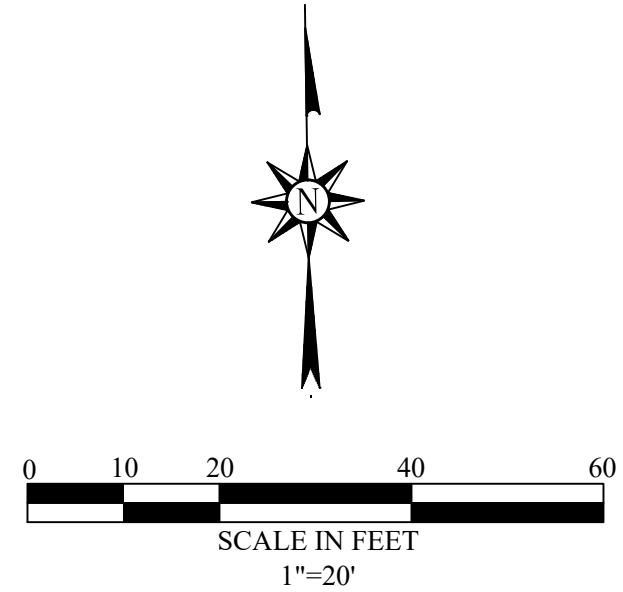
S89° 55' 53"E 472.61'  
BASIS OF BEARINGS

FOUND CHISELED "X" IN CONCRETE  
IN A MONUMENT BOX

| Parcel Line Table |               |        |
|-------------------|---------------|--------|
| Line #            | Direction     | Length |
| L1                | S46° 24' 09"W | 8.02'  |
| L2                | N90° 00' 00"W | 25.19' |
| L3                | S70° 46' 54"W | 3.12'  |
| L4                | N19° 13' 06"W | 10.00' |
| L5                | N70° 46' 54"E | 10.81' |
| L6                | N00° 00' 00"E | 17.02' |
| L7                | N90° 00' 00"E | 9.40'  |
| L8                | S00° 00' 00"E | 33.66' |
| L9                | N90° 00' 00"E | 16.16' |
| L10               | N90° 00' 00"W | 8.80'  |
| L11               | N00° 00' 00"W | 14.18' |
| L12               | N90° 00' 00"W | 4.83'  |
| L13               | N00° 00' 00"E | 11.88' |
| L14               | N90° 00' 00"E | 27.88' |
| L15               | S68° 48' 47"E | 15.58' |
| L16               | N90° 00' 00"W | 13.93' |
| L17               | S00° 00' 00"E | 35.69' |

| Curve Table |        |        |           |                 |              |
|-------------|--------|--------|-----------|-----------------|--------------|
| Curve #     | Length | Radius | Delta     | Chord Direction | Chord Length |
| C1          | 6.71'  | 20.00' | 19°13'06" | S80° 23' 27"W   | 6.68'        |
| C2          | 14.82' | 12.00' | 70°46'54" | N35° 23' 27"E   | 13.90'       |
| C3          | 23.55' | 15.26' | 88°26'51" | N44° 13' 25"W   | 21.28'       |

GRAND AVENUE  
RIGHT OF WAY BOOK 2, PAGE 37



**LEGEND:**  
● City Block Survey Monument  
● Found 1 1/2" plastic cap stamped  
"City Of Grand Junction PLS 32824"  
■ Found 5/8" diameter rebar with a 2" alloy cap  
stamped "Christopher C. Ransier PLS38089"  
○ Set 5/8" diameter rebar 24" long with a 2" alloy cap  
stamped "Christopher C. Ransier PLS38089"  
▲ Secured a 1 1/2" alloy washer marked "PLS38089"  
N North  
E East  
S South  
W West

**BASIS OF BEARINGS:**  
The bearing between the City Block Monument a chiseled "X" in concrete found at the road intersection of Grand Avenue and North 8th Street and a City Block Monument a 5/8" rebar found at the road intersection of Grand Avenue and North 7th Street is N89°55'53"W, this bearing corresponds with grid north of the Mesa County Local Coordinate System.  
Both City Block Monuments are in Monument Boxes.

- PLAT NOTES:**
1. A utilities easement is included on the plat for the benefit of public utilities. The City of Grand Junction (City) shall not be providing public utilities on site. The installation, operation and maintenance of all utilities available from the City, such as, but not limited to water, trash, and sanitary and storm sewer shall be the responsibility of the Lowell Village Metropolitan District and/or the individual Lot owners.
  2. Tracts C, F, G, H, I, L, M, O, P, Q and R dedicated to the City of Grand Junction as an ingress/egress easement for the use of emergency access vehicles.
  3. Tracts C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q and R to be granted by separate instrument to The Lowell Village Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado.
  4. Tract A, Tract B and Tract S were conveyed to The Lowell Village Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado Reception No.2932815.
  5. Storm Drainage Easements to be granted by separate instrument to The Lowell Village Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado.
  6. Xcel Energy Easement granted by separate instrument to Xcel Energy.
  7. Lots 1-4, Tracts A, B and S platted Lowell Village Phase 1 (Reception No.2932814) shown hereon for reference only.
  8. All boundary corner Survey Monuments embedded in concrete.
  9. Linear units shown are in U.S. Survey Feet.
  10. The bearings and distances shown hereon represent the results of the Legal Description rotated to grid north of the Mesa County Local Coordinate System with respect to the physical locations of accepted survey monuments.
  11. 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.

**LAND AREA TABULATION:**  
Lots = 46,626 Square Feet (1.07 Acres) = 66%  
Tracts = 24,356 Square Feet (0.56 Acres) = 34%  
Total = 70,982 Square Feet (1.63 Acres) = 100%

SHEET 2 OF 3

**LOWELL VILLAGE PHASE 2**  
A REPLAT OF LOT 1, LOT 3 AND LOT 4 OF  
R5 BLOCK SUBDIVISION AMENDED (RECEPTION NO. 2835112),  
LOT 5 AND LOT 6 OF LOWELL VILLAGE PHASE 1 (RECEPTION NO.2932814)  
AND VACATED RIGHT OF WAYS AS DESCRIBED IN  
ORDINANCE RECORDED UNDER RECEPTION NO. \_\_\_\_\_  
LOCATED WITHIN THE SE 1/4 OF SECTION 14,  
TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN,  
CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO



CR SURVEYING, LLC  
717 CENTAURI DRIVE  
GRAND JUNCTION, COLO 81506  
970-201-4081

SURVEYED BY: CCR DRAWN BY: CCR JOB #: 2050220 DATE 01/26/2021



LOWELL VILLAGE PHASE 2

A REPLAT OF LOT 1, LOT 3 AND LOT 4 OF R5 BLOCK SUBDIVISION AMENDED (Reception No. 2835112),  
LOT 5 AND LOT 6 OF LOWELL VILLAGE PHASE 1 (Reception No.2932814)  
and VACATED RIGHT OF WAYS AS DESCRIBED IN ORDINANCE RECORDED UNDER RECEPTION NO. \_\_\_\_\_  
Located within the SE 1/4 of Section 14, Township 1 South, Range 1 West, Ute Meridian,  
City of Grand Junction, County of Mesa, State of Colorado

GRAND AVENUE  
RIGHT OF WAY BOOK 2, PAGE 37

| TRACT   | AREA          |
|---------|---------------|
| Tract C | 326 Sq.Ft.    |
| Tract D | 317 Sq.Ft.    |
| Tract E | 634 Sq.Ft.    |
| Tract F | 340 Sq.Ft.    |
| Tract G | 1,731 Sq.Ft.  |
| Tract H | 1,733 Sq.Ft.  |
| Tract I | 336 Sq.Ft.    |
| Tract J | 631 Sq.Ft.    |
| Tract K | 588 Sq.Ft.    |
| Tract L | 312 Sq.Ft.    |
| Tract M | 311 Sq.Ft.    |
| Tract N | 348 Sq.Ft.    |
| Tract O | 10,513 Sq.Ft. |
| Tract P | 1,715 Sq.Ft.  |
| Tract Q | 2,940 Sq.Ft.  |
| Tract R | 1,581 Sq.Ft.  |

LOT 5  
R5 BLOCK SUBDIVISION  
AMENDED

TRACT "O"  
INGRESS/EGRESS EASEMENT  
UTILITY EASEMENT

LOWELL SCHOOL LANE

LOWELL VILLAGE PHASE 1  
Reception No.2932814

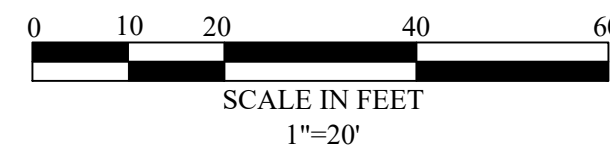
WHITE AVENUE  
RIGHT OF WAY BOOK 2, PAGE 37

- PLAT NOTES:**
- A utilities easement is included on the plat for the benefit of public utilities. The City of Grand Junction (City) shall not be providing public utilities on site. The installation, operation and maintenance of all utilities available from the City, such as, but not limited to water, trash, and sanitary and storm sewer shall be the responsibility of the Lowell Village Metropolitan District and/or the individual Lot owners.
  - Tracts C, F, G, H, I, L, M, O, P, Q and R dedicated to the City of Grand Junction as an ingress/egress easement for the use of emergency access vehicles.
  - Tracts C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q and R to be granted by separate instrument to The Lowell Village Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado.
  - Tract A, Tract B and Tract S were conveyed to The Lowell Village Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado Reception No.2932815.
  - Storm Drainage Easements to be granted by separate instrument to The Lowell Village Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado.
  - Xcel Energy Easement granted by separate instrument to Xcel Energy.
  - Lots 1-4, Tracts A, B and S platted Lowell Village Phase 1 (Reception No.2932814) shown hereon for reference only.
  - All boundary corner Survey Monuments embedded in concrete.
  - Linear units shown are in U.S. Survey Feet.
  - The bearings and distances shown hereon represent the results of the Legal Description rotated to grid north of the Mesa County Local Coordinate System with respect to the physical locations of accepted survey monuments.
  - 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.

20' WIDE SANITARY SEWER EASEMENT  
CITY OF GRAND JUNCTION  
RECEPTION NO. 2784040

10' WIDE SANITARY SEWER EASEMENT  
RECEPTION NO.2953783  
REVISED EASEMENT RECEPTION NO. \_\_\_\_\_

10' WIDE GAS EASEMENT  
RECEPTION NO.2831334



| ELECTRIC EASEMENT |               |        |
|-------------------|---------------|--------|
| Line #            | Direction     | Length |
| L1                | N21° 48' 21"E | 149.15 |
| L2                | N38° 01' 07"W | 21.20  |
| L3                | S88° 08' 46"W | 7.35   |
| L4                | N00° 00' 00"E | 10.01  |
| L5                | N88° 08' 46"E | 12.11  |
| L6                | S38° 01' 07"E | 32.03  |
| L7                | S21° 48' 21"W | 150.92 |
| L8                | N89° 55' 18"W | 10.76  |

10' WIDE ELECTRIC EASEMENT  
RECEPTION NO.2831336

S89° 55' 18"E  
178.46'

10' WIDE WATER EASEMENT  
RECEPTION NO.2831335

S89° 55' 18"E  
195.70'

SHEET 3 OF 3

**LOWELL VILLAGE PHASE 2**  
A REPLAT OF LOT 1, LOT 3 AND LOT 4 OF  
R5 BLOCK SUBDIVISION AMENDED (RECEPTION NO. 2835112),  
LOT 5 AND LOT 6 OF LOWELL VILLAGE PHASE 1 (RECEPTION NO.2932814)  
AND VACATED RIGHT OF WAYS AS DESCRIBED IN  
ORDINANCE RECORDED UNDER RECEPTION NO. \_\_\_\_\_  
LOCATED WITHIN THE SE 1/4 OF SECTION 14,  
TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN,  
CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO

CR SURVEYING, LLC  
717 CENTAURI DRIVE  
GRAND JUNCTION, COLO 81506  
970-201-4081

SURVEYED BY: CCR

DRAWN BY: CCR

JOB #: 2050220

DATE 01/26/2021





## Grand Junction Planning Commission

### Regular Session

Item #1.

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**Meeting Date:** December 12, 2023  
**Presented By:** Daniella Acosta, Senior Planner  
**Department:** Community Development  
**Submitted By:** Dani Acosta, Senior Planner

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### Information

#### **SUBJECT:**

Consider a request for a Conditional Use Permit (CUP) for a metal recycling facility and manufacturing facility, with a wholesale retail portion on a 9.11-acre property located at 479 30 Road in a I-1 (Light Industrial) zone district.

#### **RECOMMENDATION:**

#### **EXECUTIVE SUMMARY:**

The Applicant, Recla Metals, L.L.L.P., is proposing to develop a 10,000 square foot building for Recla Metals, a commercial metal recycling and manufacturing facility, with a wholesale retail portion. The proposed use for this site is a Waste-Related – All Other Waste-Related, which is a conditional use in the I-1 (Light Industrial) zone district and requires a Conditional Use Permit (CUP). The Recla Metals facility will consist of one 10,000 square foot building, which will house the business office, shipping and receiving, warehousing, as well as an 800 square foot retail portion. The site for the facility will also include a 3.8-acre storage and processing area, located to the rear of the building. Approximately, 4.4-acres of the site will remain undisturbed (save for the site's detention basin, 0.34 acres) for future expansions.

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

The 9.11-acre industrial property is located at 479 30 Rd within the Pear Park Planning Area, south of the I-70 Business Loop. The property is partially developed and zoned I-1, which requires a CUP for commercial recycling. A Major Site Plan for the facility is currently under review, and subsequent approval of the Major Site Plan is conditioned on the approval of the CUP. The land surrounding the property to the west and south is either vacant or has existing industrial uses. The land uses east of the property are primarily single-family residential and are buffered by 30 Rd, which is defined as a minor arterial per the Grand Junction Circulation Plan.

**Description of Proposed Operations**

The proposed commercial recycling facility will support the growth and expansion needs of the Recla Metals business. The facility will contain a 10,000 square foot building in the front of the lot for office administration, warehousing and wholesale operations. The proposed office will be 400 square feet and the retail portion of the site will be 800 square feet. In I-1 zone districts, the retail sales area cannot exceed 10 percent of the gross floor area of the principal structure. The proposed retail sales area is 6.6 percent of the gross floor area and therefore meets this standard. The warehousing portion is split between a 2,000 square foot storage area, a 5,800 square foot shop area, and a 1,000 square foot shipping and receiving area. To the rear of the building will be the manufacturing yard for metal processing and storage. As indicated by the General Project Report, much of the recyclable metal material would come from the local community and fill in a gap in the recyclable waste market, recycling metal that the City Recycling Division does not accept. Recla Metals purchases ferrous and nonferrous metals including copper, aluminum, brass, stainless steel, and steel for recycling on a larger scale. These metals are then broken down into homogenous materials that are then resold as wholesale structural and architectural building materials. The majority of resale comprises metals, with the remaining 5-10 percent dedicated to auto parts recycling, which is projected to grow with the increased demand for recycling electric car batteries and other forms of electronic waste.

The proposed facility's hours of operation will be Monday to Friday from 8 AM to 5 PM. The facility will be closed on Saturdays, Sundays and holidays.

The processing and storage yard consists of an open-air metal recycling center. Storage and processing area will consist of four gravel surface drop-off zones surrounded by 40-foot-wide compact road base drive aisles for truck traffic. Equipment to be located in the yard include a 4' x 80' processing saw, a 240-ton press break machine, a 3/8 x 10' plate shearing machine, and an 8' x 20' laser table. There is also a 16' height open metal shelving unit along the northern perimeter. Site personnel will monitor and patrol the facility and grounds for any wind-blown litter and these materials will be collected for disposal/processing on a daily basis. The more intense industrial activities, such as material handling and processing, will occur in the rear-central part of the property about 271 feet from the right-of-way, reducing the visual and auditory impacts of the proposed operations.

The facility's perimeter will be fully fenced with a 6-foot-high chain link fence along all common property lines. The project will also install a 6-foot-high wall along the street frontage and along the first 50 feet of the side perimeters from the street. The facility will also be screened by landscaping, to include trees and shrubs along the street frontage and between the 477 30 Road property, which is currently a single-family residence. The 477 30 Road property was recently purchased by Recla Metals LLLP to potentially serve as employee housing. Additionally, the project will retain existing trees and other vegetation along the northern property line, providing additional screening between this use and the Jubilee Family Church at 483 30 Road. The current zoning for

483 30 Road is C-2 (General Commercial). The facility's hours of operations are not anticipated to conflict or overlap with the church's service hours.

The business will be accessed off of 30 Rd by both employees, customers and delivery trucks. The office/retail building will be located in the front yard and will be set off 134.6 feet from the right-of-way. To the front of the building there will be eight parking spaces for receiving, including two handicap accessible parking spaces. Receiving parking will be for pickup trucks. This parking is designated for retail customers bringing in things like numerous bags of aluminum cans, brass casings, or copper scrap wire. This parking will enable pickup trucks with cans to be offloaded onto scales for weighing the metals. The scales will be located just inside the warehouse area. Commercial trucks, dump trucks, etc., will drive along the south side of the building across the scale with large loads of scrap metal before driving on into the rear yard to be unloaded. Directly behind the building is the processing and storage yard, including the drop-off zones, which will be accessed by two gates on either side of the building. Circulation in the processing yard will be supported by compact subgrade roundabout and additional lanes adjacent to drop-off zones.

All areas where recycled materials are to be unloaded, processed or loaded for shipment will be partially impervious surfaces consisting of compact road base or gravel. All landscaped, and facility parking areas will be constructed consistent with the Code. Potable water and sanitary sewer services are available through Ute Water Conservancy District and the City of Grand Junction respectively.

The facility will not accept any general waste or computer monitors or televisions. All recycled material loads entering the facility will be weighed and load weights and volumes recorded. While the load is being weighed, it will be inspected to determine material type and identify any unauthorized materials. Any incidental materials received or that result as a product of the recycling process will be disposed of per Colorado Department of Public Health and Environment guidelines. Any unauthorized materials and waste will be removed from the site on a weekly basis and the facility will follow federal, state and local guidelines for the disposal of automotive waste and other hazardous material.

The following list will be the recyclable commodity materials initially accepted by the facility:

- Copper (#1-2)
- Insulated Copper (#1-2)
- Christmas lights
- Aluminum (cans, sheet, mixed low copper clip, extrusions, shavings, aluminum/copper radiators, aluminum radiators, cast)
- Brass (auto radiators, red and yellow brass)
- Batteries (automobile batteries, motorcycle batteries, lead acid)
- Stainless steel (18/8 stainless clean, 304 & 316 alloys)



- Steel (plate and structural, #1 steel ¼" thickness, #2 steel 1/8" thickness, car bodies, bailing scrap – e.g., appliances, catalytic converters, fencing)
- Electronic waste (CPUs, towers, laptops, battery backups, cell phones and cell batteries, hard drives, and computer boards)

All facility personnel will be trained in the area of fire and spill prevention and all aspects of the material receipt, handling, processing and loading for material accepted at this facility. In addition, the facility will post safety procedures available to all personnel and implement a safety program that will be followed by all employees and visitors to the site.

### **Site Characteristics**

The property was annexed into the city limits on June 7, 2023, and received an I-1 zoning. The site is 9.11 acres and has relatively flat topology that gradually slopes towards the southwest. There are no known artificial or naturally occurring geological hazards on the site. The property is not within any floodplain, nor are there any wetlands present onsite. The historical use of this property was agricultural and currently includes ground cover from that prior use. The site is considered partially developed due to the existing single-family residence on the front of the site. This structure is not currently occupied and will be demolished prior to site plan construction.

The site has the following additional characteristics.

- An existing 16-foot telephone and telegraph easement to The Mountain States Telephone and Telegraph Company along the southern perimeter of the site.
- A six-foot drainage easement to Mesa County along the street frontage.
- Two drive entrances, which will be consolidated into one access as a condition of site plan approval.
- An existing single-family house and gravel driveway, animal pen fences, and sheds and accessory building.
- Overhead utilities run from the southeast corner of the property to the single-family residence.

The property abuts 30 Rd, a minor arterial, which is currently developed with curb, gutter, sidewalk and three travel lanes.

### **NOTIFICATION REQUIREMENTS**

A Neighborhood Meeting was held on October 24, 2022, at the Harvest View Alliance Church located at 2990 Teller Road. Fourteen members were in attendance, in addition to the owners, the representative, and staff. Questions from the public centered around the impact on property values, zoning, traffic, building location, and screening of the building.

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 November 10, 2022. Mailed notice of the public hearings before the 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 Nov 30, 2023. The notice of this public hearing was published on December 1, 2023, in the Grand Junction Daily Sentinel. An online hearing with an opportunity for public comment was held between December 5, 2023, and December 11, 2023, through the GJSpeaks platform.

## **ANALYSIS**

### **Conditional Use Permit**

Pursuant to Section 21.02.110 of the Grand Junction Municipal Code, to obtain a Conditional Use Permit, the Applicant must demonstrate compliance with the following criteria:

*(1) District Standards. The underlying zoning district standards established in Chapter [21.03](#) GJMC, except density when the application is pursuant to GJMC [21.08.020\(c\)](#);*

The concept plan included with the CUP application indicates that all standards of the I-1 zone district can be met. The development will be required to proceed through a subsequent Site Plan Review which will ensure compliance with all district standards. Staff believes this criterion has been met.

*(2) Use-Specific Standards. The use-specific standards established in Chapter 21.04 GJMC.*

See section on Use-Specific Standards in the staff report.

*(3) Availability of Complementary Uses. Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.*

Other uses complementary and pertinent to the proposed recycling facility are available, including existing roadways and access that were designed and constructed for heavy use by larger trucks. The proposed facility is located approximately a ¼ mile south of the I-70 Business Loop, an easily accessible location for the public, commercial business and residences who are looking to sell their common metals for reuse, as well as freight routes. Staff believes this criterion has been met.

*(4) Compatibility with Adjoining Properties. Compatibility with and protection of neighboring properties through measures such as:*

*(i) Protection of Privacy. The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences,*

*walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;*

The concept plan proposes to locate all materials processing 271 feet from the public right-of-way. This, in addition to the 10,000 square foot office, warehouse and retail building, will provide reasonable visual and auditory privacy for the adjacent uses. The project is also proposing to install a wall along the first 50 feet of the side perimeter from the street and along the frontage. With the addition of this screening, staff believes this criterion has been met.

*(ii) Protection of Use and Enjoyment. All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;*

With the addition of the walls proposed above, the required 14-foot landscaping buffer, existing vegetation, parking and the new 10,000 square foot building, the proposed use should have minimal negative impact on adjoining properties. Staff believes this criterion has been met.

*(iii) Compatible Design and Integration. All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include: buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.*

The site development standards, along with the Applicant's operational plan as previously discussed, will ensure compatibility with adjacent uses. The project will locate the 10,000 square foot building in the front portion of the parcel. Building elevations show an articulated façade demonstrated by variation in materials and color, and by a high level of fenestration. The proposed building is further enhanced by its use of asymmetry with the building entrance located on the left side of the front facade, and the two 12-foot garage bays located on the right side of the front facade, which work together to create visual interest. Additionally, the building proposes a canopy on half of the front façade in line with the building entrance, which wraps around the part of the southern side of the building. With the addition of screening and the buffers for the processing area, the proposed onsite improvements such as landscaping and building design will serve to enhance the property and the immediate area. Staff believes this criterion has been met.

### **Use Specific Standards**

The proposed use is classified as an end-recycler (salvage yard) use. This use is not considered a new car/auto recycler, wrecking yard, or impound lot and has a significant customer facing retail and design services component to the business operations. This

commercial component is located within the first 40,000 square feet of the parcel, with the recycling processing and storage operations located 271 feet from the street. End-recyclers uses shall meet the use requirements including:

*(1) Recycling/wrecking/salvage yards and impound lots shall provide the screening and buffering required by GJMC [21.06.040\(k\)](#) and provide a six-foot-high wall along the street frontage and along the first 50 feet of the side perimeter from the street. The wall shall be increased to eight feet if the yard will contain any stored items in excess of six feet. The required wall shall meet the required front yard setback with landscaping in the setback area.*

The Applicant will be constructing a six-foot-high wall along the frontage as part of the Major Site Plan. The processing and storage yard will not store items nor recycled materials received in excess of six feet and the only equipment that will be located in the yard is a four-foot-tall processing saw. The site plan also provides a stucco wall along the first 50 feet of the side perimeter of the property from the street.

*(2) The wall shall be of solid, 100 percent opaque construction of wood, masonry, or other material approved in writing by the Director (unless the screening and buffering required by GJMC 21.06.040(k) allows for only masonry or wood).*

Per the use-specific standards, the frontage wall shall be of solid, 100 percent opaque construction of wood, masonry, or other material approved in writing by the Director (unless the screening and buffering requirements required by GJMC 21.06.040(k) allow for only masonry or wood). The Applicant has proposed an alternative material as allowed by the code for the Director's consideration. The proposed material is corrugated rusted steel.

The properties directly to the east are single-family residential homes in unincorporated Mesa County. Per GJMC 21.05. 040(I), the screening requirements between SF Subdivisions and I-1 is a wall. However, GJMC 21.05.040(I) also permits "Where alleys or streets separate different zone districts, the Director may approve increased landscaping rather than requiring a wall or fence" and "The Director may modify this table based on the uses proposed in any zone district". The property is separated from the single-family subdivision to the east by 30 Rd ROW, which is a Minor Arterial and approximately 96 feet wide. In accordance with these provisions, the Director administratively approves a wall made of the proposed corrugated rusted steel with the added screening landscaping material.

*(3) All outdoor yard and storage lots shall comply with the following:*  
*(i) No yard or storage lot shall be placed or maintained within a required yard setback.*

The proposed site layout also ensures that no yard or storage will encroach on the required side setbacks. The I-1 district requires a 15-foot front yard

setback, a 0-foot side setback, and a 10-foot rear side setback. The recycling processing and storage yard is 271-feet away from the street and well outside the front yard 15-foot setback. Except 475 30 Road and 477 30 Road, none of the other properties abutting the northern or southern property lines are non-residential and therefore, the setback along these neighbors is zero. The project intends to leave the remaining 4.4 acres undisturbed until there is a need for future expansion. The processing and storage yard is located 493-feet away from the 10-foot setback. A 10-foot side-yard setback is required if abutting residential properties. The site abuts 475 30 Rd by approximately 30 feet. The storage and processing activities in the yard are restricted to the compact gravel open areas for material drop-off, which is approximately 100 feet away from this stretch of property line. The site also abuts 100 feet of 477 30 Road's western property line. The storage and processing areas are also approximately 100 feet way from this stretch of property line. The site abuts approximately 268 feet of 477 30 Road's northern property line. However, the storage and processing yard does not abut this stretch of property line. The concept plan included with the CUP application indicates that these setbacks can be met.

*(ii) Stored items shall not project above the screening except for integral units as defined in Chapter 21.10, Definitions; and stacking of no more than two vehicles on top of a wheel stand. Integral units shall include shelving up to 20 feet in height for the purpose of storing recyclable materials. Integral units shall not be stored within the first 20 feet of the property from any street frontage property line.*

Per the General Project Report, no materials stored in the recycling processing and storage yard will project higher than six feet and there will be no stacking of vehicles or wheels as those items are not within the range of materials they receive. All integral units will be located within the warehouse portion of the 10,000 square foot building or in the processing and storage yard, which is located 271 feet from the street frontage property line, and therefore well outside the 20-foot limit.

*(iii) All screening shall be installed in a professional and workmanlike manner and maintained in a good condition.*

Per the General Project Report, all screening will be installed by a licensed general contractor and the landscaping will be installed by a licensed Landscape Architect.

*(4) All compacting, cutting and/or other material volume reducing operations shall be conducted to minimize the noise generated by the operation.*

Site operations will also adhere to minimizing any noises generated by compacting, cutting and other material reducing operations by regulating activities so that sound never exceed 65 decibels. The site layout and distance

from the street places the materials processing to the rear buffered by building, which will further reduce noise at the front property line. Per the General Project Report, the majority of the heavy noise operations will occur within the warehouse portion of the building or in the most central part of the yard, away from property lines.

*(5) Unusable items shall be disposed of and shall not be allowed to collect on the premises.*

All unusable waste will be disposed of in a 30-yard dumpster and removed from the site.

*(6) All tires not mounted on operational vehicles shall be neatly stacked or placed in racks. If stacked, the stacks shall not be over six feet in height; if on racks, the top of any tire on any rack shall not be over 10 feet in height.*

Per the General Project Report, Recla Metals is not an auto salvage yard nor a business that sells used tires. Any waste products from vehicles that are not within the range of recyclable materials accepted by Recla Metals, such as tires, will be picked up by a used tire contractor on a weekly basis.

*(7) No garbage or other putrescent waste, likely to attract vermin shall be kept on the premises. Gasoline, oil, or other hazardous materials which are removed from scrapped vehicles or parts of vehicles kept on the premises shall be disposed of in accordance with applicable federal, State and local regulations. All other regulations of the City such as, but not limited to, building codes, fire codes, weed regulations and health regulations shall apply to the operation of all such uses.*

The site will provide a 30-yard dumpster to dispose of non-recyclable waste. Per the General Project Report, the business will adhere to hazardous materials protocols to ensure the timely removal of oils and antifreeze and abide by Colorado Department of Public Health and Environment (CDPHE) regulations. The business has the necessary licenses required by CDPHE to resell any gases and freons to other specialty recyclers.

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

After reviewing the Recla Metals LLLP request, file number CUP-2023-47, for a Conditional Use Permit for a Waste-Related – All Other Waste-Related, and with the completion of the listed conditions, the following findings of fact have been made:

1. In accordance with Section 21.02.110 of the Grand Junction Zoning and Development Code, the criteria have been met.

Staff recommends approval of the request for a Conditional Use Permit for the proposed Recla Metals.

#### **SUGGESTED MOTION:**



Mr. Chairman, on the Recla Metals request for a Conditional Use Permit, file number CUP-2023-47, I move that the Planning Commission approve the Conditional Use Permit for Recla Metals with the Findings of Fact listed in the staff report.

**Attachments**

1. Exhibit 1. Development Application
2. Exhibit 2. Neighborhood Meeting Notes Recla Metals
3. Exhibit 3. Site Plan Recla Metals CUP 06DEC23
4. Exhibit 4. General Project Report ReclaMetals CUP Dec23
5. Exhibit 5. Exhibit A ReclaMetals Wall for CUP Dec23
6. Exhibit 6. Building Elevations Recla Metals 08AUG23

## 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

*Garry L. Fulks*

Date

*July 20/23*

Signature of Legal Property Owner

*Garry L. Fulks*

Date

*July 20/23*

**(Sale)**

WHEREAS, the decedent died on the date of June 20, 2021, and Grantor was duly appointed Personal Representative of said estate by the District Court in and for the County of Mesa, State of Colorado, Probate No. 2021PR30274, on the date of August 4, 2021, and is now qualified and acting in said capacity;

NOW THEREFORE, pursuant to the powers conferred upon Grantor by the Colorado Probate Code, Grantor does hereby sell and convey unto Grantee, for and in consideration of Six Hundred Thousand and no/100 Dollars, (\$600,000.00), the following described real property situate in the County of Mesa, State of Colorado:

also known by street and number as: 479 30 Rd, Grand Junction, CO 81504  
Assessor's schedule or parcel number: 2943-171-00-079  
With all appurtenances.



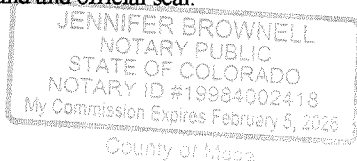
**IN WITNESS WHEREOF**, the Grantor has executed this deed on the date set forth above.

Della Veda Ermann  
Della Veda Ermann, Personal Representative of the estate of  
June Lee Cline aka June L. Cline aka June Cline. Deceased

STATE OF COLORADO )  
 ) ss.  
County of Mesa )

The foregoing instrument was acknowledged before me this 29 day of April, 2022, by Della Veda Ermann as Personal Representative of the estate of June Lee Cline aka June L. Cline aka June Cline, Deceased.

Witness my hand and official seal.



Notary Public  
My commission expires: 2/5/26

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) RECLA METALS LLLP ("Entity") is the owner of the following property:

(b) 479 30 RD GRAND JUNCTION, CO 81504

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:

GREG FULKS

- ☒ The Entity is the sole owner of the property.  
☐ The Entity owns the property with other(s). The other owners of the property are:

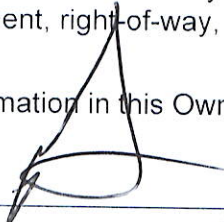
On behalf of Entity, I have reviewed the application for the (d) Conditional Use Permit

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

(e) None

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

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

Signature of Entity representative: 

Printed name of person signing: Greg Fulks

State of Colorado )

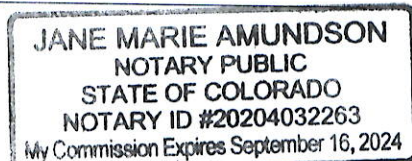
County of Mesa ) ss.

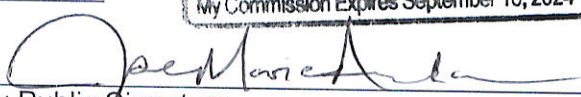
Subscribed and sworn to before me on this 23 day of August, 2022

by Greg Fulks

Witness my hand and seal.

My Notary Commission expires on 9/16/2024



  
Notary Public Signature

After Recording Return to:  
Recla Metals, LLLP  
136 S. Maple Avenue  
Montrose, CO 81401

**STATEMENT OF AUTHORITY**

Pursuant to C.R.S. §38-30-172, the undersigned hereby executes this Statement of Authority on behalf of Recla Metals, LLLP, a Colorado limited liability limited partnership an entity other than an individual, capable of holding title to real property (the "Entity"), and states as follows:

The name of the Entity is: Recla Metals, LLLP

The Entity is a: a Colorado limited liability limited partnership  
(state type of entity and state, country or other government authority under whose laws such entity was formed)

The mailing address for the Entity is: 136 S. Maple Avenue, Montrose, CO 81401

The name or position of the person(s) authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the Entity is:  
by: Garry L. Fulks, Managing Partner

The limitations upon the authority of the person named above or holding the position described above to bind the Entity are as follows: NONE.  
(if no limitations insert "NONE")

Other matters concerning the manner in which the Entity deals with any interest in real property are:  
\_\_\_\_\_  
(if no matters, leave this section blank)

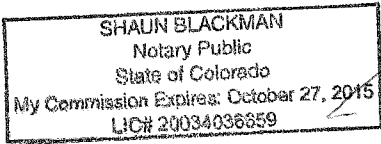
EXECUTED this March 25, 2014

BUYER:  
Recla Metals, LLLP, a Colorado limited liability limited partnership  
[Signature]  
by: Garry L. Fulks, Managing Partner

STATE OF COLORADO } ss:  
COUNTY OF Mesa

The foregoing instrument was acknowledged before me this March 25, 2014, by: Garry L. Fulks, Managing Partner of Recla Metals, LLLP, a Colorado limited liability limited partnership.

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_



[Signature]  
Notary Public



## Neighborhood Meeting Notes for **Recla Metals Annexation & Zoning/CUP**

A Neighborhood Meeting was held on October 24<sup>th</sup>, 2022 at 5:30 PM at 2990 Teller Rd inside the Harvest View Alliance Church.

Approximately 14 people were in attendance at the meeting. 13 people signed in on the sign-in sheet provided.

Mr. Fleming started the meeting by introducing himself from Colorado Land Advisor and Dani Acosta from the City of Grand Junction. Dani advised her role in the process and let the crowd know how they could give feedback/voice concerns online.

Mr. Fleming began speaking about the company Recla Metals, what they do, and the location of the site. Recla Metals is a Metals Service Center that sells metals such as corrugated steel. Recla Metals also accepts aluminum, steel, brass & copper for recycling. He explained as well how it would be laid out and that the task we are now working on now is getting it zoned and annexed from Mesa County into the City of Grand Junction and then for a conditional use permit.

One couple wanted to know how this industrial business would affect the value of their home. Mr. Fleming advised he is an urban planner, not an engineer, and what he studies is how communities are developed and built and what it means to those that move into new developments, and what happens to those who live around them. Anytime you have new developments the value of the homes around it will go up.

One man asked what the parcel was currently zoned as and Mr. Fleming advised Industrial. The man did not agree because he stated there was alfalfa growing. Mr. Fleming explained the difference between zoning and use.

There was concern from several members of the crowd that traffic was going to be a big issue stating that this business would bring too much traffic. Dani jumped in to remind people that the City has several regulations that have to be met when we submit these projects and if they deem a traffic study necessary then they would require one. Mr. Fleming noted the business hours would be Mon-Fri typical business hours 8:00-6:00 & part days on Saturdays.

Another person questioned how far back the building for Recla Metals will be from the road. Mr. Fleming responded that at a minimum it would be 90 ft. Would there be a requirement for privacy fencing? Yes, for buffering between the 'metals service center' & adjacent properties, there will be required privacy fencing as well as landscaping around the development. There was also a little concern about how 'nice' this property was going to look. It was explained again that we will have a landscape architect that will be creating an area at the front with shrubs and trees with a driveway and privacy fence. It will all be new so it will look nice. Dani again added that we (Colorado Land Advisor) have a lot of papers and plans to submit to the City that all have to be approved and one of the conditions is the City has more strict landscaping standards and it has to meet code. They want it to look aesthetically pleasing.

Largely the site will remain undeveloped for the near future. There will be landscaping, and then a parking area, a small building or two, and a scale, and then the two driveways there will be combined to make one larger more accessible driveway. One last question was how big is the building going to be and Mr. Fleming stated it was probably going to be approximately 10,000 SF.

The meeting wrapped up around 6:45 pm.



SHEET:  
SP1.0





**Project Report**  
**Recla Metals LLLP**  
**479 30 Road**  
**Grand Junction, CO 81504**  
**December, 2022 r. December 2023**

**For proposed Conditional Use Permit**

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**479 30 Rd – Recla Metals LLLP**

**Prepared by ~ Colorado Land Advisor, Ltd**

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# Project Report

**This report is for the exclusive use of Recla Metals LLLP and/or Garry Fulks, Greg Fulks, their successors and assigns.**

**© 2022**

**Prepared by:**

**Jeffery Fleming, M.Arch, QLIDI**

**Colorado Land Advisor, Ltd.**

**300 Main Street | Suite 302**

**Grand Junction, CO. 81501**

**970.812.3288**

**LandAdvisor@ColoradoLandAdvisor.com**

**As urban planners much experience and research has gone into compiling data for this report. Information was collected from various sources and every attempt has been made to acknowledge the contributing sources. Any errors of omission are unintentional and should be brought to the attention of the author as soon as possible.**

# Contents

Page

|    |                                                |
|----|------------------------------------------------|
| 4  | Introduction and Summary                       |
| 5  | Site Analysis                                  |
| 6  | Future Land Use                                |
| 7  | Surrounding Land Use                           |
| 8  | FEMA Floodplain Map                            |
| 9  | Transportation & Emergency Services            |
| 10 | Utility Services                               |
| 11 | Soils and Geology                              |
| 12 | Bulk Standards Criteria                        |
| 13 | Evaluation of the Request                      |
| 14 | Approval Criteria: CUP                         |
| 16 | Approval Criteria: I-I Light Industrial        |
| 19 | Approval Criteria: Use Specific - End Recycler |

# Introduction and Summary

This General Project Report, documents, and accompanying drawings, is intended to provide an overview of the property and proposed development utilizing the Grand Junction's Planning process. The process is intended to gather initial input from review agencies for a Conditional Use Permit.

The site selected for Recla Metals consists of a single parcel of land that is 9.11 acres. The site is located at 479 30 Rd in Grand Junction, Colorado. The parcel of land currently is vacant. The Mesa County Assessor has given the property the following parcel number: 2943-171-00-079.

This request is for a Conditional Use Permit. No construction is being proposed with this application. All construction would be proposed in a future Site Plan application. All utilities: water, gas, sewer, electric, etc. are adjacent, or on-site.

There are no known site conditions which would be impacted by this request. The site has no wetlands, no surface water, no unusual topography. It is within the Persigo Agreement Boundary.

The ultimate plan is to construct a 10,000 sq. ft. steel building to house the office administration, small retail area, staff restrooms and breakroom. The warehouse area would contain metals processing and inside storage. Some of the acreage would be devoted to a storage and processing yard for the metals service center. The metals to be recycled would come from within the local community.

Having a new metals service center would build upon the City of Grand Junction goal of increased recycling within the city. Recla Metals would recycle items the City does not target with the recently purchased Curbside Recycling Indefinitely business. Recla Metals disassembles metal items and separates them into homogeneous units so that they can be sent to recycling facilities. 70% of their business is metal sales. A small part of their business 5 to 10% is auto recycling, including electric cars and their batteries. This is expected to grow as the need for battery recycling becomes an important part of the reuse cycle for electric cars.



# Site Analysis

The purpose of this section is to identify the physical and technical characteristics of the property selected for the metal service center in relationship to the surrounding area. This section also evaluates potential site development assets and constraints.

The site under consideration is one parcel of land that is rectangular in shape. The parcel is partially developed land. Ground cover is from agricultural uses. Around the previous house the land was fully landscaped but has lacked maintenance.

The site consists of one parcel of land that totals 9.10 acres. Located in Mesa County, Colorado. The longitude and latitude of the approximate center of the property is: Latitude = 39.0741471 Longitude = -108.4990842.

The topography of the site consists of low slopes around 0%-2%. It is well suited for development

## Location Map:





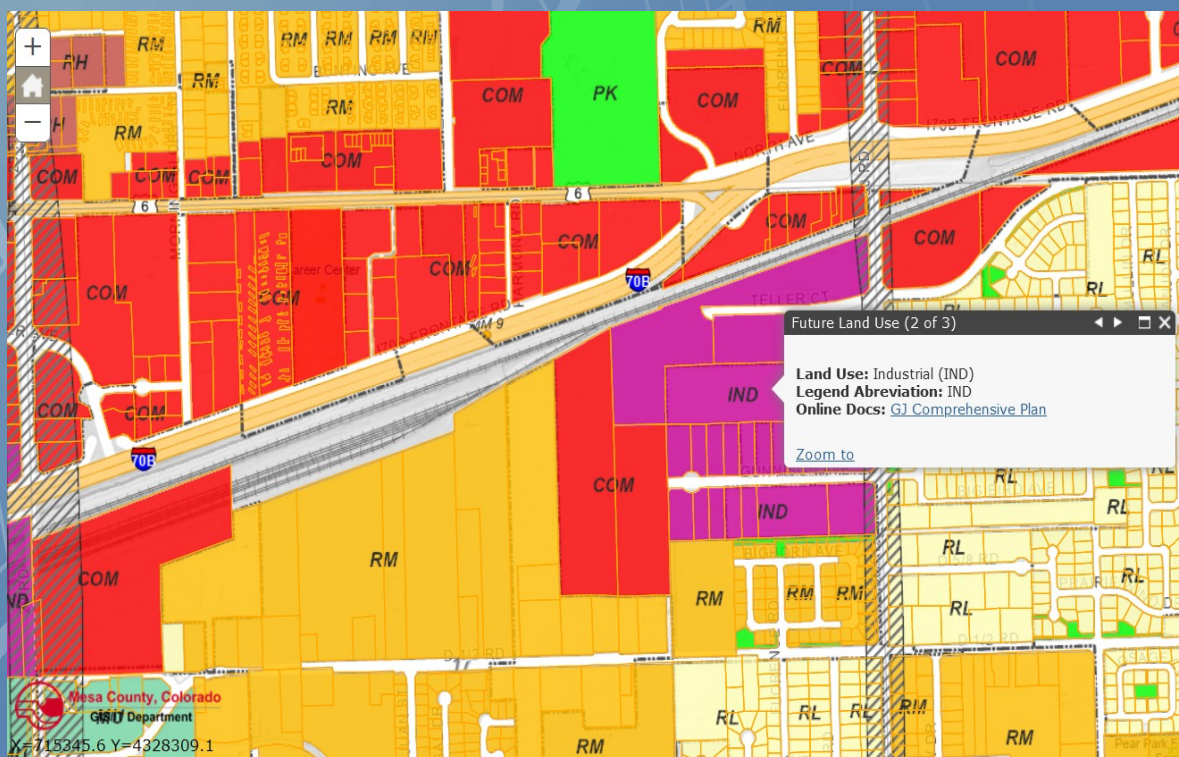
# Future Land Use Zoning

Grand Junction has identified the property as IND on the Future Land Use Map.

## I-I: Light Industrial.

The I-I zone will help to transition and buffer the residential land to the east from heavier industrial uses to the west, northwest, and southwest. The future project will include landscaping and fencing to buffer the uses. 30 Road is developed with curb, gutter, and sidewalks and 3 traffic lanes. Recla Metals will have approximately 300 SF of office space and 500 SF of retail area for customers. Within the new 10,000 square foot building. The site will be developed in a fashion that will look more commercial than industrial. All industrial activities will happen nearly 300 feet away from the 30 Road right-of-way.

## Future Land Use Map



# Surrounding Land Use

The surrounding land uses in the vicinity of the subject property are considered to be “low to moderate” intensity. Surrounding Land Uses in the immediate vicinity of the subject property are depicted on the accompanying Surrounding Land Use Map that shows the configuration of the various properties in relationship to the subject site. The following chart describes the various land uses that adjoin the property:

## **NORTHWEST**

Industrial

## **NORTH**

Industrial  
Church

## **NORTHEAST**

mix of uses including  
residential &  
commercial

## **WEST**

vacant, some  
industrial parcels

## **SITE**

## **EAST**

residential

## **SOUTHWEST**

Industrial

## **SOUTH**

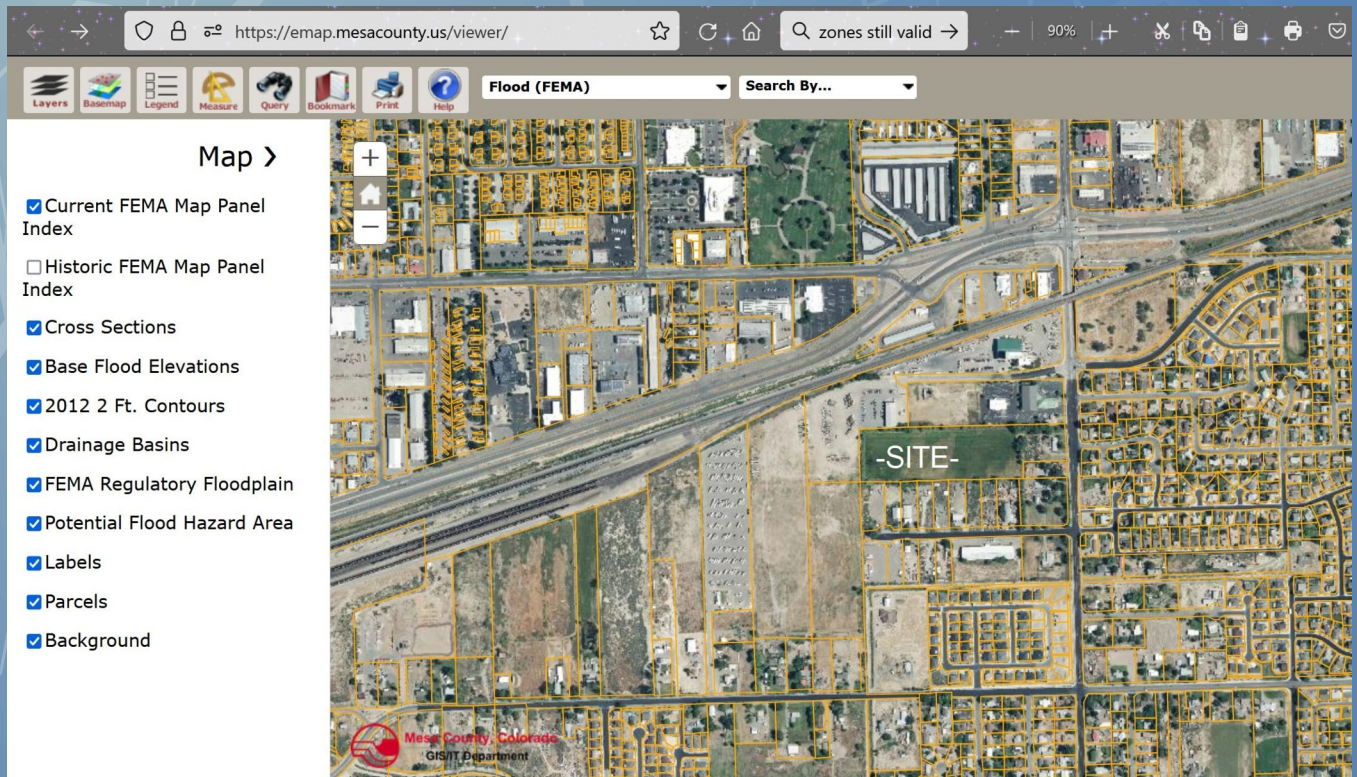
industrial

## **SOUTHEAST**

low density  
residential parcels

# FEMA Floodplain Map

The FEMA FIRM Map below shows the property is not in or near any identified flood plain, or flood zone.





# Transportation and Emergency Services

Developing the site is supported by existing transportation systems as well as emergency services. Access to the site is easily granted via 30 Rd. 30 Road is a 3 lane roadway with bike lanes and sidewalks. It is in good condition.



The Grand Valley Transit operates buses along 30 Road from 4:45 am to 8:35 pm. A bus stop is within 1 block of the site at 30 Road and Gunnison Avenue.

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

The property is located in the Grand Junction Fire Department Service area as established by the Grand Junction Fire Department. Firefighters can respond to emergencies from Fire Station No. 2 located at 2835 Patterson Rd, which is approximately three miles away from the project site.

The Grand Junction Fire Department currently employs over 100 full time employees and is one of the largest paid fire departments between Denver and Salt Lake City; the Grand Junction Fire Department has made numerous upgrades to it's service including a modern 911 Call Center and two new fire stations.

# Utility Services

**DOMESTIC WATER** – All potable water for the site is serviced by Ute Water. There is capacity in their system along 30 Rd as evidenced by a recent Fire Flow Form.

**SANITARY SEWER** – Sanitary Sewer for the property is provided by the Persigo Plat operated by the City of Grand Junction.

**NATURAL GAS** – XCEL Energy currently provides service to the site.

**DRY UTILITIES** – EXCEL Electric along with Spectrum Cable and telecommunication lines are available along the side (East) of the property in the 30 Road MPE and will be extended into the parcel from existing lines. Lines will be underground on-site.

**IRRIGATION WATER** – Grand Valley Irrigation District currently services the property and will be utilized to provide irrigation water.

**DRAINAGE** – Historic drainage patterns will continue. The area of the proposed building is currently hard-packed driveway and landscape areas runoff will be directed to a new stormwater pond to be located at the property's southwest corner.

**CELLULAR COVERAGE** – All major cellular communications companies operate in the area. Verizon, T-Mobile, and AT&T all have a very good 4G signal on the property. An AT&T/Verizon cell tower is located on an adjoining parcel.

Tower Owner: SBA

Tower Owner ID" CO10468-A

Tower Name: E-Babe

Structure Type: Monopole

Location: 2982 Gunnison Ave

ATT: Colocate – 116 ft

VERIZON: 1

Height: 99'

Location: GJ Urban



# Soils and Geology

No man-made or natural geologic hazards are known to exist on the subject property. The US Department of Agriculture, Soil Conservation Service, has identified the following soils on the site. (The complete USDA narrative is available from Colorado Land Advisor)

## Map Unit Legend

| Map Unit Symbol                    | Map Unit Name                                         | Acres in AOI | Percent of AOI |
|------------------------------------|-------------------------------------------------------|--------------|----------------|
| Bc                                 | Sagers silty clay loam, 0 to 2 percent slopes         | 9.3          | 89.6%          |
| BcS                                | Sagers silty clay loam, saline, 0 to 2 percent slopes | 1.1          | 10.4%          |
| <b>Totals for Area of Interest</b> |                                                       | <b>10.3</b>  | <b>100.0%</b>  |



# Bulk Standards Criteria

The property was recently zoned to Industrial 1 with the intended use to be a recycling metals service center.

The I-1 Bulk Standards are as follows:

## STANDARDS

Front Yard Setback: 15 Feet

Accessory Front Yard Setback: 25 Feet

Side Yard: 0 Feet

Side Yard abutting Residential: 10 Feet

Accessory Side Yard: 0 Feet

Accessory Side Yard abutting Residential: 5 Feet

Rear Yard: 10 Feet

Accessory Rear Yard Setback: 10 Feet

Building Height Maximum: 50 Feet

Maximum Lot Coverage: 90%

## PROJECT DESIGNED SETBACK

Wall 15 Ft - Building 134.6 Ft

NOT APPLICABLE

64.4 FEET AND 85.7 FEET

64.4 FEET AND 85.7 FEET

0 Feet

NOT APPLICABLE

1,020.75

860 FEET

29.2 FEET

12.96%

Note: Setback from 30 Road right-of-way to industrial activities in fenced yard: 271 Feet

# Development Schedule and Evaluation of The Request

**DEVELOPMENT SCHEDULE –** It is anticipated that site development will begin immediately upon the City of Grand Junction's approval of the future Site Plan Application. It is expected that development of the site will occur in a single phase.

**FINANCIAL –** The development of the subject property would create a net positive financial impact to the City of Grand Junction and Mesa County as a response to the existing and future growth demands in the Grand Valley area as projected in the Comprehensive Plan.

Any activity similar to the proposed development, no matter where it is located, will most likely create some impact to the surrounding community economically and physically. The nature of the proposal, how it is handled and controlled can determine whether the impacts are positive or negative. Recla Metals will take metals which are now in the community and sort them to be shipped, recycled, and returned to them in many cases. Much of the metals sent out for recycling comes back to Recla Metals for retail and commercial sales. These items may be steel siding, or fabricated aluminum products. The steel industry estimates that there is approximately 1,000 tons of metals per 10,000 persons that can be recycled each year.

Evaluation of the request is accomplished by using criteria contained within Land Use and Development Code for approval of a Conditional Use Permit. Ultimately the operation of this business will help the City of Grand Junction meet its goals for recycling, re-using and, reducing waste. This City recently purchased GJ CRI which recycles paper, cardboard, small metals, and plastics. Recla Metals will bring the opportunity to recycle more products focusing on metals and metals related products on a larger scale than the City of Grand Junction is interested in being involved in. This should be considered an extension of what the City is doing on a small scale. This is a much needed business within the Grand Valley that will help reduce trash and waste while building upon the economic health of the City.

# Approval Criteria

## 21.02.110 Conditional use permit (CUP).

(c) *Approval Criteria. The application shall demonstrate that the proposed development will comply with the following:*

(1) *District Standards. The underlying zoning districts standards established in Chapter 21.03 GJMC, except density when the application is pursuant to GJMC 21.08.020(c);*

**Response: An application for Annexation and Zoning has been made with the City. That file, DEV-2022-796 was approved by City Council and the I-I zone has been applied to the parcel. The proposed use of a metals service center recycling center is an allowed use in the I-I zone subject to a Conditional Use Permit (this application). As shown on page 12 of this report, as well as the site plan, the proposed project meets all bulk standards for I-I including height, coverage, and setbacks.**

(2) *Specific Standards. The use-specific standards established in Chapter 21.04 GJMC;*

**Response: These are detailed out beginning on page 19 of this report**

(3) *Availability of Complementary Uses. Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities;*

**Response: Not applicable**

(4) *Compatibility with Adjoining Properties. Compatibility with and protection of neighboring properties through measures such as:*

(i) *Protection of Privacy. The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;*

**Response: The Site Plan application shows several buffering tools that are intended to protect the privacy and enjoyment of neighboring properties. Landscaping will include trees and shrubs along the common property lines. A 6 foot tall privacy fence/wall will be installed in designated areas on the property line. Automobile parking will be adjacent to the landscaping creating a passive barrier between the business activities and neighboring properties.**



# Approval Criteria

## 21.02.110 Conditional use permit (continued)

(ii) *Protection of Use and Enjoyment.* All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;

**Response:** More intense uses in the business operation will be to the rear and center of the property in order to provide more distance from neighboring properties. Operational hours of the business will be Monday through Friday from 8AM – 5PM, Typical operating hours are opposite of the adjacent church activities. The operation will be licensed with the Colorado Department of Public Health and Environment (CDPHE). The business will be required to follow these strict standards for their type of business.

(iii) *Compatible Design and Integration.* All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include: buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

**Response:** As shown on the Site Plan drawing the elements of the future Site Plan are meant to meet this requirement. Landscaping will be adjacent to neighboring properties. The building will be a new steel building located in the front center of the property. Outdoor storage and equipment will be behind the new building and enclosed in a privacy fence. The paved parking area for employees and customers will be in front of and beside the new building. Lighting will be designed by the Lighting Agency so that it provides safety and security but will not ‘trespass’ onto neighboring properties. Dust will be managed for the safety of employees and customers as well as neighbors. Noise will be within the criteria of the City’s noise ordinance and meet CDPHE regulations. Recla Metals currently operates 3 other facilities and have not had any complaints about odors.



# Approval Criteria

## 21.03.080 (b) I-I: Light Industrial.

(1) *Purpose. To provide for areas of light fabrication, manufacturing and industrial uses which are compatible with existing adjacent land uses, access to transportation and the availability of public services and facilities. I-I zones with conflicts between other uses can be minimized with orderly transitions of zones and buffers between uses.*

**Response: This application is proposing to use the site as a metal service center wherein recycling and light fabrication of metals would take place. Much of the fabrication would take place within the new building. Adjacent land uses are mixed. Industrial uses dominate the West side of 30 Road, a church and a residence (owned by Recla Metals) are adjacent. Across 30 Road the predominate use is residential. Access to transportation is excellent with 30 Road being fully developed with center turn lane, traffic through lanes and bicycle lanes in both directions. Curb, gutter, and sidewalks also exist on both sides of the street. The most recent traffic count, just South of the site by the City, shows 10,032 trips per day. All utilities are onsite today (see the Utility Services page for details).**

(2) *Street Design. Effective and efficient street design and access shall be considerations in the determination of project/district intensity.*

**Response: 30 Road is developed with center turn lane, traffic through lanes and bicycle lanes in both directions. Curb, gutter, and sidewalks also exist on both sides of the street. The most recent traffic count, just South of the site by the City, shows 10,032 trips per day.**

# Approval Criteria

21.03.080 (b) I-I: Light Industrial (continued)

(3) Performance Standards.

(i) Retail Sale Area. Areas devoted to retail sales shall not exceed 10 percent of the gross floor area of the principal structure, and 5,000 square feet on any lot or parcel.

**Response: The retail area in which customers are allowed will be approximately 300 SF office and 500 SF retail floor space totalling 800 SF.**

(ii) Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards and Hazardous Materials. No person shall occupy, maintain or allow any use in an I-I district without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials. Conditional use permits for uses in this district may establish higher standards and conditions.

(A) Vibration. Except during construction or as authorized by the City, an activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel shall not be permitted

**Response: The rubber tired equipment used to load and unload trucks will have the most significant impact on vibration. To date no complaints have been issued on the same equipment used daily at the Montrose location.**

(B) Noise. The owner and occupant shall regulate uses and activities on the property so that sound never exceeds 65 decibels at any point on the property line.

**Response: The Site Plan shows that the bulk of the materials handling will happen on the rear central part of the property. This layout reduces noise at the property line. Additionally, properties directly to the South operate compatible industrial yards. The Recla Metals operating hours are largely opposite the property to the North.**

(C) Glare. Lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.

# Approval Criteria

21.03.080 (b) I-I: Light Industrial continued

**Response: All lighting will meet City Dark Sky standards and will not trespass onto adjacent properties. No 'high temperature processes' will take place on the site.**

(D) *Solid and Liquid Waste.* All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor. Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.

**Response: Recla Metals main focus is to reduce waste, Solid waste, debris and garbage will be contained within a screened dumpster behind the building. No incineration of trash will occur on the site. Sewage will be discharged into the sanitary sewer tap connected to the Persigo system.**

(E) *Hazardous Materials.* Information and materials to be used or located on the site, whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director.

**Response: Recla Metals currently operates 3 Metals Service Centers in Western Colorado. They have an excellent record with the Colorado Department of Public Health and Environment. Recla Metals most recent inspection from the Occupational Safety and Health Administration shows no violations.**

(iii) *Outdoor Storage and Display.* Portable display of retail merchandise may be permitted as provided in GJMC 21.04.040(h).

**Response: Retail displays will be inside in the sales area. Some of the metal products produced by Recla Metals will be used on the exterior of their metal building as well.**

# Approval Criteria

21.03.080 (b) *I-1: Light Industrial continued*

(A) *Outdoor storage and displays shall not be allowed in the front yard setback;*

**Response: No outdoor storage or display will be in the front yard setback.**

(B) *Screening shall be maintained in the frontage adjacent to arterial and collector streets and along that portion of the frontage on local streets which adjoin any zone except I-1 or I-2;*

**Response: A Landscape Plan has been developed and was submitted with the project application. This plan utilizes walls and plant-life as a buffer.**

(C) *Unless required to buffer from an adjoining district, screening along all other property lines is not required; and*

**Response: The Landscape Plan shows walls and plant-life as a buffer along the front & sides of the project where appropriate.**



# Approval Criteria

## 21.04.030 Use-specific standards

(d) New Car/Auto Recycler, End Recycler (Salvage Yard), Wrecking Yards, Appliance Recycler, Impound Lots. (For existing uses see GJMC 21.04.040(h)(2)(iii).) New car/auto recycler, end recycler (salvage yard), wrecking yards, appliance recycler and impound lots shall be allowed to operate only with an approved conditional use permit and are subject to the following requirements. Salvage, dismantling, recycling or impound lot uses as accessory uses are permitted under the same status as the principal use and are subject to all requirements of the principal use in addition to the following requirements:

**Response: Recla Metals typically takes in for recycling: aluminum cans, brass casings, copper pipe & wiring, scrap structural steel, construction steel roofing and siding, brass fittings, cast iron, as well as some silver and other precious metals. Recla Metals is not a wrecking yard nor is it an automotive salvage yard. Any automobiles brought in have the catalytic converters removed and are sold off in less than one week.**

(1) Recycling/wrecking/salvage yards and impound lots shall provide the screening and buffering required by GJMC 21.06.040(k) and provide a six-foot-high wall along the street frontage and along the first 50 feet of the side perimeter from the street. The wall shall be increased to eight feet if the yard will contain any stored items in excess of six feet. The required wall shall meet the required front yard setback with landscaping in the setback area.

**Response: The site design took into consideration visual and audio impacts of the business. The six-foot-high, corrugated, rusted, steel wall along the street frontage will act as a buffer. It will be installed 15 feet behind the right-of-way. Recla Metals does not operate an auto salvage yard. In many cases around the city auto salvage yards are parking and/or stacking salvage cars immediately behind the wall. In these cases, the wall truly serves as an audio & visual buffer. Recla Metals will be operating their metals processing area behind a second 6 foot wall and behind the retail portion of their business. The retail sales of metals will be located 270 feet west of 30 Road. The recycling & processing portion of the metals service center will take place further west of this retail area. The second wall at 270 feet will further buffer the activities of the site. Recla Metals new commercial building and parking lot will be the predominate features when any passersby looks at the site.**



# Approval Criteria

## 21.04.030 Use-specific standards. (continued)

(2) *The wall shall be of solid, 100 percent opaque construction of wood, masonry, or other material approved in writing by the Director (unless the screening and buffering required by GJMC 21.06.040(k) allows for only masonry or wood).*

**Response: The proposed frontage and side walls will be constructed of a corrugated, rusted, steel material on a galvanized steel frame. (see Exhibit A)**

(3) *All outdoor yards or storage lots shall comply with the following:*

(i) *No yard or storage lot shall be placed or maintained within a required yard setback.*

**Response: No part of the yard, primary building or any accessory building will encroach upon the setbacks (see page 12 of this report and the site plan)**

(ii) *Stored items shall not project above the screening except for integral units as defined in Chapter 21.10, Definitions; and stacking of no more than two vehicles on top of a wheel stand. Integral units shall include shelving up to 20 feet in height for the purpose of storing recyclable materials. Integral units shall not be stored within the first 20 feet of the property from any street frontage property line.*

**Response: No vehicles will be stacked, or stored on wheel stands greater than the screening. No part of the metal service center processing will occupy the first 20 feet fronting the street. Processing of metals will happen behind the front, or within, the building which is 134.6 feet from the street. Existing healthy mature trees along the property lines will be retained. Integral units will be within the building or behind the new 10,000 SF building.**

(iii) *All screening shall be installed in a professional and workmanlike manner, and maintained in good condition.*

**Response: Screening will be installed by a licensed General Contractor during the construction of the site. Landscaping will be installed at the direction of the Professional Landscape Architect.**

(4) *All compaction, cutting and/or other material volume reducing operations shall be conducted to minimize the noise generated by the operation.*

**Response: The site is designed so that the most intense operations will be within the building or in the more central part of the property away from property lines.**

(5) *Unusable items shall be disposed of and not be allowed to collect on the premises.*

**Response: The owner will keep a 30 yard dumpster on-site for waste. It shall be removed when full.**

# Approval Criteria

## 21.04.030 Use specific standards continued

(6) *All tires not mounted on operational vehicles shall be neatly stacked or placed in racks. If stacked, the stacks shall not be over six feet in height; if on racks, the top of any tire on any rack shall not be over 10 feet in height.*

**Response: Recla Metals is not an auto salvage yard nor is it in the market to sell used tires. Incidental tires removed from cars will be picked up by a used tire contractor on a weekly basis.**

(7) *No garbage or other putrescent waste, likely to attract vermin, shall be kept on the premises. Gasoline, oil, or other hazardous materials which are removed from scrapped vehicles or parts of vehicles kept on the premises shall be disposed of in accordance with applicable federal, State and local regulations. All other regulations of the City such as, but not limited to, building codes, fire codes, weed regulations and health regulations shall apply to the operation of all such uses.*

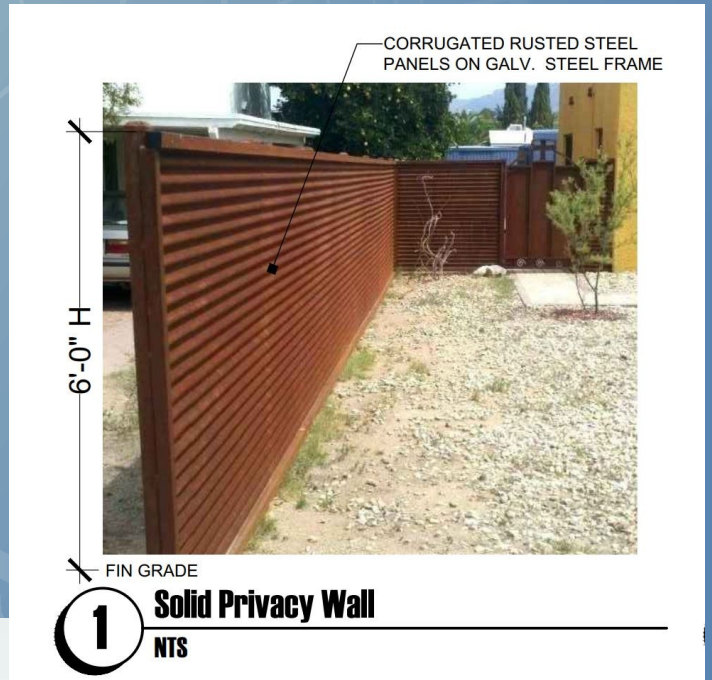
**Response: Garbage will be deposited into the 30 yard dumpster. The dumpster will be hauled off to the Mesa County landfill when it reaches it's capacity. Recla Metals will maintain commercial drums used for collecting fluids such as oils and antifreeze. Gasoline and diesel collected will be used in the on-site equipment. Freon and other gases are collected using on-site specialty equipment. These are then sold to the appropriate specialty recyclers. Recla Metals holds any and all licenses required with the Colorado Department of Public Health and Environment for all of these activities.**

**Recla Metals will be constructing a new 10,000 SF building. The Mesa County Building Department will inspect the new building for compliance and conformance with the code. The GJ Fire Department will conduct review of plans as well as complete an inspection of the building once it is near completion. The site plan shows that all land from street to the rear of the building will consist of new building, paved parking, or newly installed landscaping. No weeds will remain.**

**Recla Metals maintains a safety program on-site for all of it's operations. This includes: employee safety training, SDS manual, first aid kits, and fire extinguishers.**

**~end of report~**

# Exhibit A



Elevation View  
from 50 Feet

Elevation View  
from 150 Feet



~end of report~

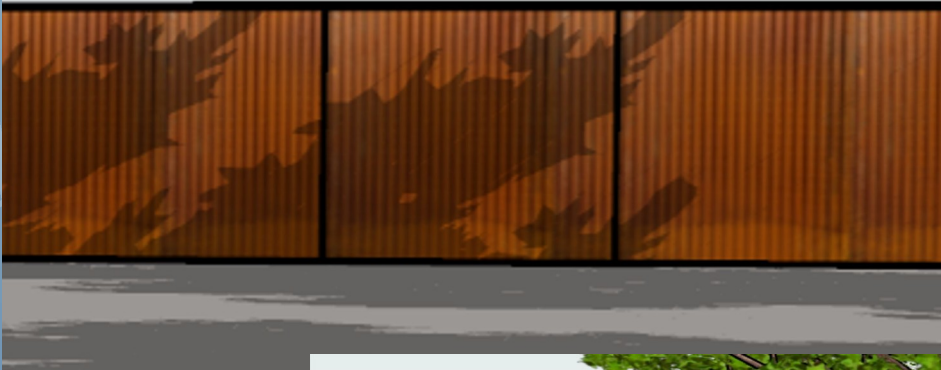


# Exhibit A

RECLA METALS  
Conditional Use Permit



**1** Solid Privacy Wall  
NTS

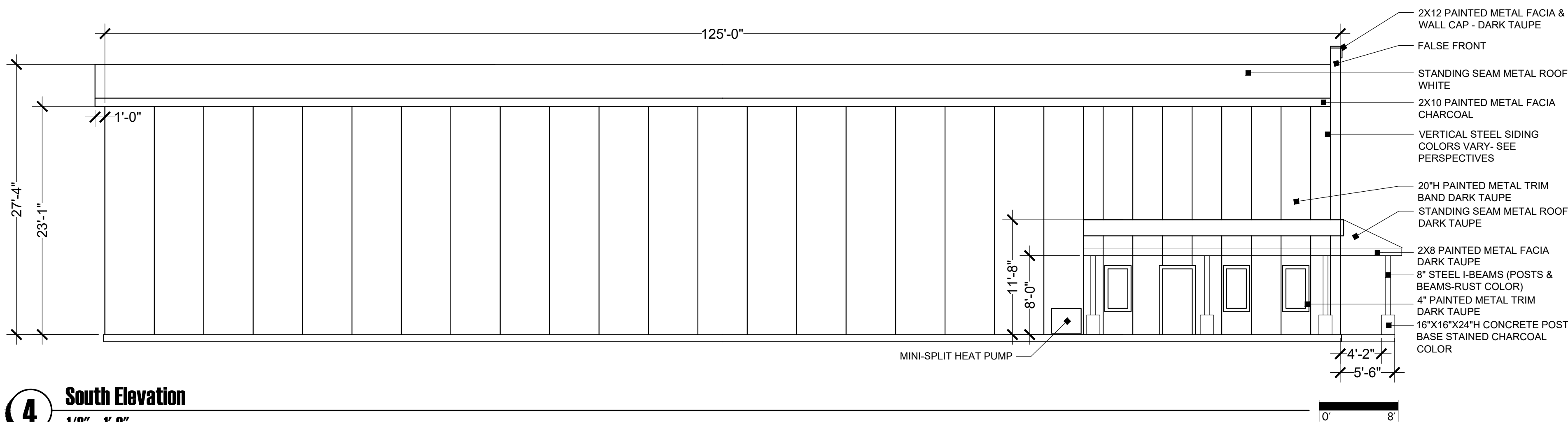
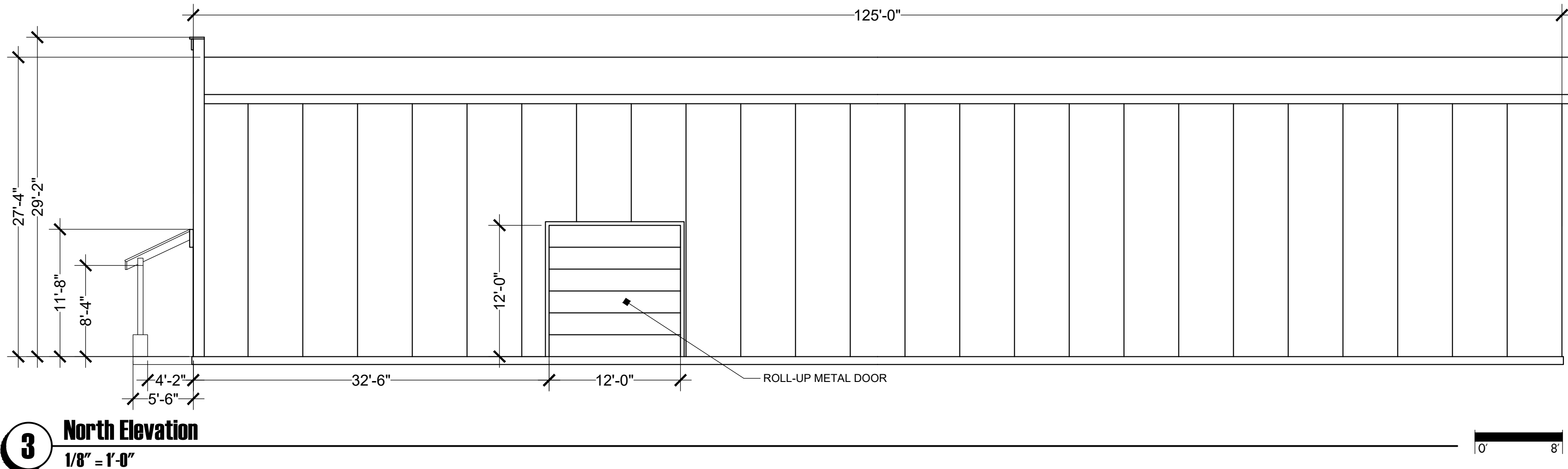
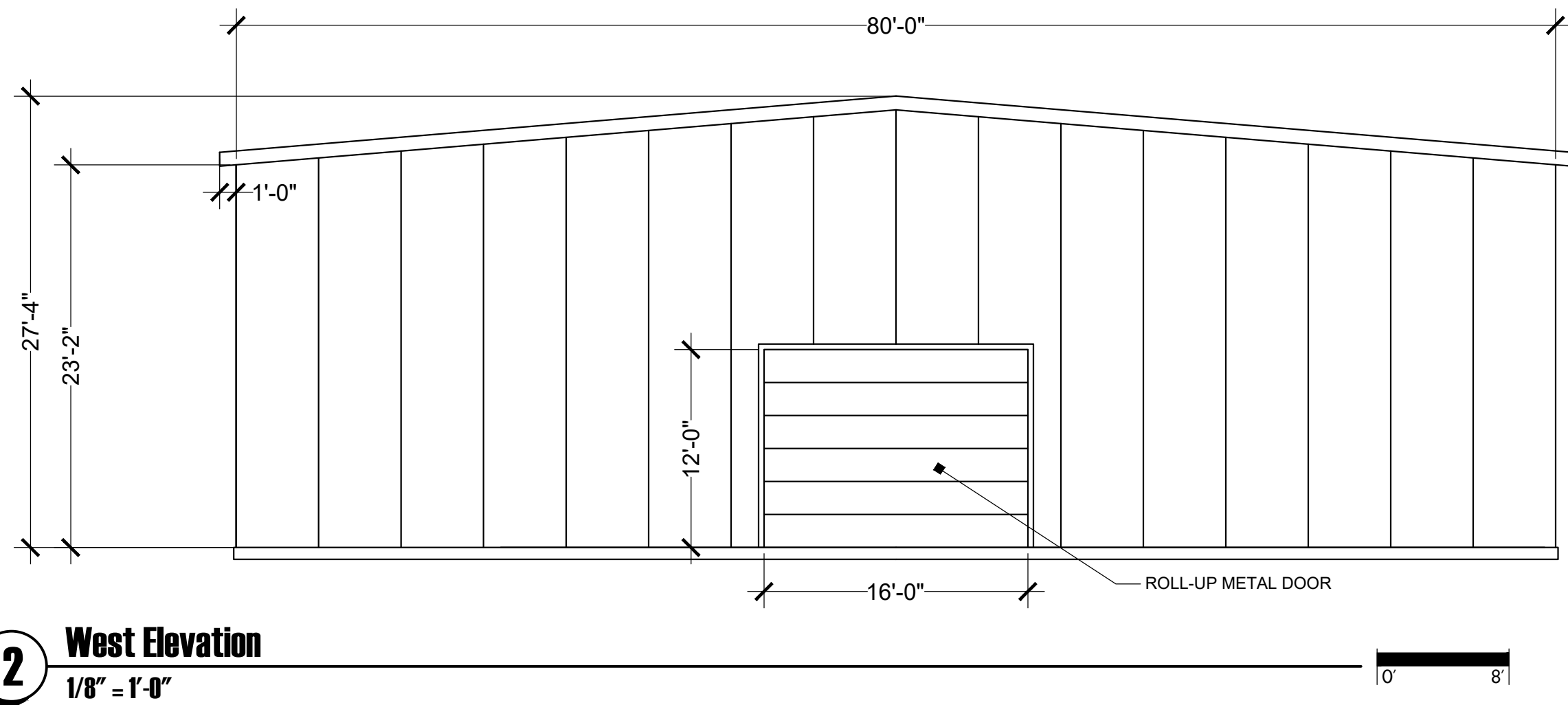
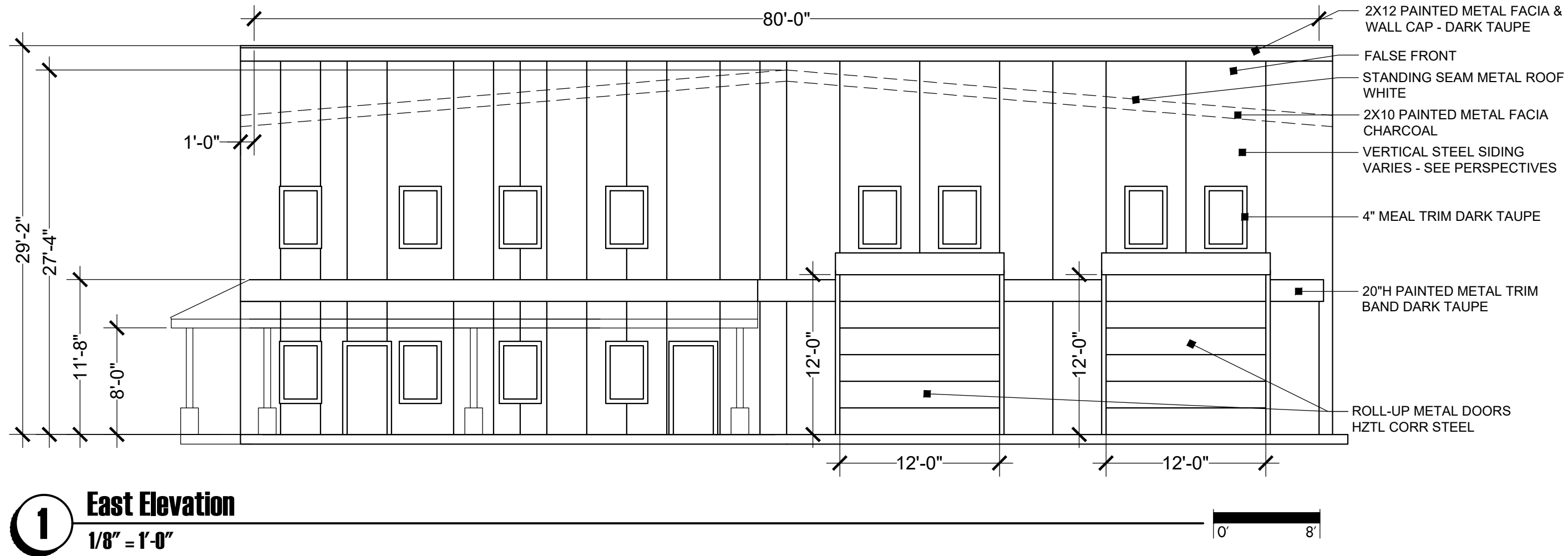


Elevation View  
from 50 Feet

Elevation View  
from 150 Feet







**5 East Perspective**  
NTS



**6 West Perspective**  
NTS



**7 North Perspective**  
NTS



**8 South Perspective**  
NTS

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Project Name:  
**Recla Metals**  
479 30 Road  
Grand Junction, Colorado 81504

Client:  
Colorado Land Advisor, Ltd.

Landscape Architect:  
**NVISION DESIGN STUDIO, INC.**  
677 25 Road Grand Junction, CO 81505  
Phone: 970.210.2155 Email: rb@nviz.biz  
Web: www.nviz.biz  
Landscape Architecture | Visual Simulation | Graphic Design

Registration:  
Robert A. Breeden  
LA 462  
03/21/2008  
Original Signature of Licensure  
STATE OF COLORADO  
LICENSED LANDSCAPE ARCHITECT

ADOPT/PLANS BLOCK  
THE CITY OF GRAND JUNCTION REVIEW CONSTITUTES GENERAL COMPLIANCE WITH THE CITY'S DEVELOPMENT STANDARDS. SUBJECT TO THESE PLANS BEING SEALED, SIGNED, AND DATED BY THE PROFESSIONAL OF RECORD. REVIEW BY THE CITY DOES NOT CONSTITUTE APPROVAL OF THE PLAN DESIGN. THE CITY NEITHER ACCEPTS NOR ASSUMES ANY LIABILITY FOR ERRORS OR OMISSIONS. ERRORS IN THE DESIGN OR CALCULATIONS REMAIN THE RESPONSIBILITY OF THE PROFESSIONAL OF RECORD. CONSTRUCTION MUST COMMENCE WITHIN ONE YEAR FROM THE DATE OF PLAN SIGNATURE.

CITY PLANNER \_\_\_\_\_ DATE \_\_\_\_\_

Revisions:  
ROUND 1 CITY COMMENTS 07-03-2023 RB-08/09/2023

Sheet Title:  
**Elevations**

Project: Recla Metals  
Date: August 9, 2023  
Scale:

Sheet:  
North  
EL





## Grand Junction Planning Commission

### Regular Session

Item #2.

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**Meeting Date:** December 12, 2023  
**Presented By:** David Thornton, Principal Planner  
**Department:** Community Development  
**Submitted By:** David Thornton, Principal Planner

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### Information

#### **SUBJECT:**

Consider a request by Applewood South LLC to rezone 6.78 acres from R-4 (Residential - 4 du/ac) to R-12 (Residential – 12 du/ac) and a request by Ken Co LLC to rezone 7.11 acres from R-4 (Residential - 4 du/ac) to R-24 (Residential – 24 du/ac). --

**WITHDRAWN**

#### **RECOMMENDATION:**

Staff recommends approval of the two rezone requests.

#### **EXECUTIVE SUMMARY:**

The Applicants, Applewood South LLC (West Parcel) & Ken Co LLC (East Parcel), are requesting rezones from R-4 (Residential - 4 du/ac) to R-12 (Residential – 12 du/ac) for property (West Parcel) consisting of 6.78-acres located adjacent to and west of 2651 Stacy Drive and R-4 (Residential - 4 du/ac) to R-24 (Residential – 24 du/ac) for property (East Parcel) consisting of 7.11-acres located at 2651 Stacy Drive, in anticipation of future multi-family residential development on both properties. The requested R-12 zone district would be consistent with the Comprehensive Plan Land Use Map designation of Residential Medium (8 – 12 du/ac) established for the property and the requested R-24 zone district would be consistent with the Land Use Map designation of Mixed Use established for the property, if approved.

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

##### **BACKGROUND**

The subject property is situated in Orchard Mesa along the south side of Stacy Drive and Tracy Ann Road at 2651 Stacy Drive. The properties were annexed in 2003 as part of the Carville Annexation and are currently vacant. Total acreage of both rezones is 13.89-acres. The applicants are seeking a change in zoning that implements the 2020 One Grand Junction Comprehensive Plan adopted by the City in December 2020

and in preparation for future residential subdivision development. The current City zoning for the properties is R-4 (Residential 4 du/ac).

The rezone requests to R-12 and R-24 are in keeping with urban residential densities as envisioned by the Comprehensive Plan adopted by the City in December 2020. The properties have access to sewer service with a 12-inch sewer line running along Stacy Drive and Tracy Ann Road. The properties are located within Tier 1 on the Intensification and Growth Tiers Map of the Comprehensive Plan supporting the request to intensify land use through infill in this area. The Land Use Map identifies the west parcel as “Residential Medium”, and the east parcel as “Mixed Use” both supporting multi-family residential development.

The Applicants are interested in preparing the property for future development that may include selling the property to a developer for future urban residential multi-family development, and that would be consistent with the scope and type of development envisioned by the Comprehensive Plan with a Residential Medium (5.5 – 12 du/ac) density for the west parcel and Mixed Use (greater than 8 du/ac). The R-12 zoning requires a minimum of 8 dwelling units per acre, therefore the requested zoning of R-12 implements the Comprehensive Plan Residential Medium. The R-24 zoning requires a minimum of 16 dwelling units per acre, therefore the requested R-24 implements the Comprehensive Plan Mixed Use.

(West Parcel) The purpose of the R-12 (Residential – 12 du/ac) zone district is to provide medium density attached dwellings. As noted above, the R-12 ensures minimum densities of Residential Medium on the Land Use Map are met.

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

- a. R-8 (Residential – 8 du/ac)
- b. CSR (Community Services and Recreation)
- c. Mixed Use Residential (MXR-3)
- d. Mixed Use General (MXG-3)
- e. Mixed Use Shopfront (MXS-3)

(East Parcel) The purpose of the R-24 (Residential – 24 du/ac) zone district is to provide high density attached dwellings. As noted above, the R-24 ensures minimum densities of Mixed Use on the Land Use Map are met.

In addition to the R-24 (Residential – 24 du/ac) zoning requested by the petitioner, the following zone districts would also be consistent with the Comprehensive Plan designations of Mixed Use (greater than 8 du/ac).

- a. R-16 (Residential – 16 du/ac)
- b. CSR (Community Services and Recreation)

- c. R-O (Residential Office)
- d. B-1 (Neighborhood Business)
- e. B-2 (Downtown Business)
- f. MU (Mixed Use)
- g. BP- (Business Park)
- h. Mixed Use Residential (MXR-3, 5, 8)
- i. Mixed Use General (MXG-3, 5 8)
- j. Mixed Use Shopfront (MXS-3, 5 8)
- k. MXOC (Mixed Use Opportunity Corridors)

In reviewing the rezone proposals, the request to expand multi-family development to include the west parcel is appropriate and why an R-12 zone district is being requested. The east parcel is identified in the Comprehensive Plan as Mixed-Use. It is located across from a Commercial (C-1) zone on the north side of Tracy Ann Road. Planning and considering medium and high-density zoning to include both the west and east parcels respectively is good planning and provides coordination and expansion of the area for more needed housing in the community. Access between parcels and the needed utility services, parking needs, etc. can be accomplished under one development utilizing both parcels. Providing multifamily housing options for more residents supports mixed use development, a goal of the Comprehensive Plan.

The surrounding zoning includes to the east land zoned C-1 and R-16, to the North is C-1, R-4, R-8 and PD (9 du/ac density), to the west R-4, and to the south R-4 and R-8.

### **NOTIFICATION REQUIREMENTS**

A Neighborhood Meeting regarding the proposed Rezone requests were held on Wednesday, October 11, 2023 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant's Representative and City staff were in attendance, there was no one in attendance from the public. The meeting lasted 15 minutes from 5:30 pm to 5:45 pm.

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 a new application sign on November 28, 2023. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on December 1, 2023. The notice of this public hearing was published December 3, 2023 in the Grand Junction Daily Sentinel. An online hearing with opportunity for public comment was held between December 5, 2023 and December 11, 2023 through the GJSpeaks platform.

### **ANALYSIS**

The criteria for review are set forth in Section 21.02.140 (a). The criteria provides that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following rezone criteria as identified:

(1) Subsequent events have invalidated the original premises and findings; and/or The current zoning of R-4 occurred at the time of annexation in 2003 (Ordinance No. 3569) and was supported by the City's 1996 Growth Plan Future Land Use Map which showed the properties as Residential Medium Low (2-4 du/ac). However, during the 2020 One Grand Junction Comprehensive Plan process the land use designation on both properties were changed to Residential Medium (5.5 – 12 du/ac) on the west parcel and Mixed Use (greater than 8 du/ac) on the east parcel. The existing zoning of R-4 does not conform to either land use designation established in the 2020 Comprehensive Plan. The proposed rezones to R-12 and R-24 implement the 2020 Comprehensive Plan.

The subject property is located within Tier 1 on the Intensification and Growth Tiers Map of the 2020 One Grand Junction Comprehensive Plan supporting urban infill. Tier 1's focus is on intensifying residential growth further supporting the higher density range provided by the R-12 and R-24 zone districts versus rezoning to a R-8 and R-16 zoning.

Approval and construction of Tracy's Village Commercial subdivision in 2022 which includes Tracy Ann Road as a commercial street designed for commercial and mixed-use development traffic further supports multi-family development that the R-12 and R-24 zone districts permit. Tracy Ann Road lies adjacent to 2651 Stacy Drive (East Parcel) and provides the road infrastructure and accessibility needed for the increase in density on both the east parcel and west parcel that will result from these two rezone requests.

However, one of the premises and findings for the zoning in 2003 was that the property had adequate public services or would have adequate public services to the property with development. There is nothing to support this criterion that somehow the earlier finding in 2003 when the R-4 zone district was applied at annexation that adequate services is no longer valid. Subsequent events have occurred, they just don't invalidate all the original premises and findings.

Therefore, staff finds that this criterion is not met for both rezones.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or  
The current zoning of R-4 occurred at the time of annexation in 2003, a zone district supported by the 1996 Growth Pan and continued to be supported in the 2010 Grand Junction Comprehensive Plan.

The 2020 One Grand Junction Comprehensive Plan focuses on providing increased density and housing options in the community. This area of Orchard Mesa was identified for medium density and high density in a mixed-use area in the 2020 One Grand Junction Comprehensive Plan.



Approval and construction of Tracy's Village Commercial Subdivision in 2022 for mixed use development is supported by the 2020 One Grand Junction Comprehensive Plan establishes Tracy Ann Road as a commercial street designed for commercial development on the north side of Tracy Ann Road and higher density residential development on the south side of Tracy Ann Road. Built to a wider street section it supports multi-family development that the R-12 and R-24 zone districts permit in addition to the commercial traffic expected in the area. Tracy Ann Road lies adjacent to 2651 Stacy Drive (East Parcel) and will accommodate the needs for the increase in density and expected traffic for both rezone requests. This has changed the character of the area and provides for the infrastructure needed to achieve the goals of the 2020 Comprehensive Plan.

Therefore, staff finds that this criterion is met for both rezones.

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

Public sanitary sewer service, Ute Water domestic water service, Xcel electric & gas service, and public stormwater sewer are available to both properties and is adequate to serve development of the type and scope anticipated with the R-12 and R-24 zone district. The West parcel has street access from Sasha Street from the south, Aspen Street on the north and Stacy Drive from the east. The East parcel has street access from Stacy Drive. Therefore, staff finds that this criterion is met for both rezones.

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

The city is broadly in need of additional medium and high-density residential development if it is to meet the needs of a growing population. Citywide, low-density residential zoning is common, but very few properties with medium and high-density zoning remain undeveloped. As of December 2022, there were 430 acres of R-12 zoned land city-wide with 14 acres vacant. There was 1,818 acres zoned R-24 city wide with 53 acres vacant. Note some of that vacant land has been developed in the past year. It is thus logical that, in order to continue to provide housing opportunities, and to include medium and high-density housing patterns in the range of housing options available in the City of Grand Junction, additional land must be zoned to medium and high-density residential districts such as R-12 and R-24 respectively. Therefore, Staff finds this criterion to be met for both rezones.

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

The Grand Junction community will benefit from these changes in zoning to R-12 and R-24 by increasing undeveloped land to potential R-12 and R-24 densities. This area of Orchard Mesa continues to attract urban residential development at densities

needing existing sanitary sewer and city services and higher density opportunities are needed within the proposed zoning ranges to increase housing choice. The adjacent area to the south is zoned R-8 with a new single-family subdivision recently approved and infrastructure under construction. Also to the south is the existing Dos Rios Elementary School (zoned R-4) developed as a school and open space area. The proposed rezoning areas will be available to provide more housing choices to city residents of different ages, abilities, and incomes seeking the living environment of the Orchard Mesa area and its proximity to jobs in the area and close proximity to downtown, just 2 miles to the north. It is also near grocery stores and other important services. A middle school is less than one mile to the northeast and Grand Junction High School is just north of downtown on N. 5th Street.

Therefore, Staff finds this criterion to be met for both rezones.

In addition to the above criteria, the City may rezone the property if the proposed changes are consistent with the vision, goals, and policies of the Comprehensive Plan. The following provides an analysis of relevant sections of the Comprehensive Plan that support this request.

Implementing the Comprehensive Plan. The following narrative evaluates the proposed rezones to R-12 (Residential – 12 du/ac) and R-24 (Residential – 24 du/ac) against the principles, goals, and policies of the Comprehensive Plan:

- Land Use Plan: Relationship to Existing Zoning Requests to rezone properties should be considered based on the Implementing Zone Districts assigned to each Land Use Designation. As a guide to future zoning changes, the Comprehensive Plan states that requests for zoning changes are required to implement the Comprehensive Plan.

The 2020 Comprehensive Plan provides the subject properties with a land use designation of (West Parcel) Residential Medium and (East Parcel) Mixed Use. As outlined in the background section of this staff report, the proposed rezones to R-12 (Residential – 12 du/ac) zone district implements the Residential Medium Land Use designation and R-24 (Residential – 24 du/ac) zone district implements the Mixed-Use designation.

The proposed rezones to R-12 and R-24 implement's the following Plan principles, goals and policies of the Comprehensive Plan:

- Plan Principle 3: Responsible and Managed Growth  
Where We are Today (and Where We are Going) – The One Grand Junction Comprehensive Plan raises concerns about the underutilization of properties. The focus on growth has been infill and redevelopment that take advantage of existing infrastructure. Future growth will need to minimize leap-frog development and prioritize infill.

How We Will Get There – Responsible and managed growth requires that growth occur where infrastructure already exists. The strategies in this Principle encourage infill and redevelopment to leverage existing infrastructure. The proposed rezones intend to develop residential land uses with multifamily housing that will provide the community with additional housing choice.

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

Goal: Encourage infill and redevelopment to leverage existing infrastructure.

- Plan Principle 5: Strong Neighborhoods and Housing Choices

Where we are today – Most of the vacant residential land that is available in Grand Junction is designated for single family housing development. However, other options are increasingly being explored to meet the changing needs of the community and to diversify the city's housing stock. Alternative housing types provide options for residents such as low maintenance, community open spaces, shared facilities, and affordability, and they can be less expensive to serve than conventional single-family housing.

How will we get there – Strong neighborhoods and housing choices include a range of housing options for residents, people of all ages, abilities, and incomes. This includes ensuring geographic diversity that accommodates a mixture of housing types and sizes in all areas of the city at varying densities, sizes and price points. It also ensures that these occur in both new and existing neighborhoods while maintaining neighborhood character.

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

Goal: Foster the development of neighborhoods where people of all ages, incomes, and backgrounds live together and share a feeling of community.

- Intensification and Tiered Growth Plan (Chapter 3). Subject property is located within Tier 1 (Urban Infill) – Description: Areas where urban services already exist and generally meet service levels, usually within existing City limits, where the focus is on intensifying residential and commercial areas through infill and redevelopment.

- Policy: Development should be directed toward vacant and underutilized parcels located primarily within Grand Junction's existing municipal limits. This will encourage orderly development patterns and limit infrastructure extensions while still allowing for both residential and business growth. Development in this Tier, in general, does not require City expansion of services or extension of infrastructure, though improvements to infrastructure capacity may be necessary.

- Adopted Plan and Policies. The Orchard Mesa Neighborhood Plan supports attainable housing for residents of all income levels as established in Goal 2 under Chapter 4 Housing Trends. Goal 1 of Chapter 4 also supports these rezones, which states as a goal that "A broad mix of housing types is available on Orchard Mesa to

meet the needs of a variety of incomes, family types, and life stages.” Rezoning these two parcels to R-12 and R-24 will provide land for additional housing to meet these two goals.

- Relationship to Existing Zoning. Requests to rezone properties should be considered based on the Implementing Zone Districts assigned to each Land Use Designation; and as a guide to future zoning changes, the Comprehensive Plan states that requests for zoning changes are required to implement the Comprehensive Plan. The R-12 zone district implements the Residential Medium Land Use category and the R-24 zone district implements the Mixed-Use Land Use category.

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

After reviewing the Applewood South LLC/ Ken Co LLC Rezone requests, for a 6.78 acre rezone from R-4 (Residential - 4 du/ac) to R-12 (Residential – 12 du/ac) located adjacent to and west of 2651 Stacy Drive, a request by Applewood South LLC; and a 7.11 acre rezone from R-4 (Residential - 4 du/ac) to R-24 (Residential – 24 du/ac) located at 2651 Stacy Drive, a request by Ken Co LLC, the following findings of facts and condition have been made:

On the request for rezoning the Parcel west of 2651 Stacy Drive, the following findings of fact have been made:

1. The request has met one or more of the criteria in Section 21.02.140 of the Zoning and Development Code.
2. The request is consistent with the vision (intent), goals and policies of the Comprehensive Plan.

On the request for rezoning 2651 Stacy Drive, the following findings of fact have been made:

1. The request has met one or more of the criteria in Section 21.02.140 of the Zoning and Development Code.
2. The request is consistent with the vision (intent), goals and policies of the Comprehensive Plan.

Therefore, Staff recommends approval of the requested two Rezones.

### **SUGGESTED MOTION:**

Mr. Chairman, on the Rezone requests for a 6.78 acre rezone from R-4 (Residential - 4 du/ac) to R-12 (Residential – 12 du/ac) located adjacent to and west of 2651 Stacy Drive, a request by Applewood South LLC, City file number RZN-2023-681, 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.

Mr. Chairman, on the Rezone requests for a 7.11 acre rezone from R-4 (Residential - 4



du/ac) to R-24 (Residential – 24 du/ac) located at 2651 Stacy Drive, a request by Ken Co LLC, City file number RZN-2023-681, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report.

**Attachments**

1. Development Application
2. General Project Report- Revised
3. Site Location, Aerial, Future Land Use & Zoning Maps, etc
4. Zoning Ordinance - Applewood Property
5. Zoning Ordinance - Ken Co Property

## Development Application

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

Petition For: Rezone

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

Existing Land Use Designation: RESIDENTIAL VACANT LOTS

Existing Zoning: R-4

Proposed Land Use Designation: Multifamily

Proposed Zoning: R-24 High Density

### Property Information

Site Location: 2651 STACY DR

Site Acreage: 7.11

Site Tax No(s): 2945-261-43-003

Site Zoning: R-4

Project Description: Affordable Housing Development

### Property Owner Information

Name: Ken Co LLC

Street Address: 607 25 Rd. #100

City/State/Zip: Grand Jct, CO 81505

Business Phone #: 970-261-6004

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

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

Contact Person: Ken Basinger

Contact Phone #: 970-261-6004

### Applicant Information

Name: Brian Dougherty

Street Address: 3141 Walnut St., Suite

City/State/Zip: Denver, CO 80205

Business Phone #: 970-214-5777

E-Mail: bdougherty@ldgdevelopment.

Fax #: NA

Contact Person: Brian Dougherty

Contact Phone #: 970-214-5777

### Representative Information

Name: Brian Dougherty

Street Address: 3141 Walnut St.,

City/State/Zip: Denver, CO 80205

Business Phone #: 970-214-5777

E-Mail: bdougherty@ldgdevelopment.

Fax #: NA

Contact Person: Brian Dougherty

Contact Phone #: 970-214-5777

**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: Brian Dougherty / Brian Dougherty  
Please print and sign

Date: 8/28/2023

Signature of Legal Property Owner: Ken Basinger  
Please print and sign

Date: 8/28/23

## Development Application

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

Petition For: Rezone

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

|                                                    |                                             |
|----------------------------------------------------|---------------------------------------------|
| Existing Land Use Designation: <u>Agricultural</u> | Existing Zoning: <u>R-4</u>                 |
| Proposed Land Use Designation: <u>Multifamily</u>  | Proposed Zoning: <u>R-12 Medium Density</u> |

### Property Information

Site Location: Directly west of 2651 STACY DR Site Acreage: 6.78

Site Tax No(s): 2945-261-43-003 Site Zoning: R-4

Project Description: Affordable Housing Development

### Property Owner Information

Name: Applewood South LLC

Street Address: 301 E. Dakota Drive

City/State/Zip: GJ, CO 81507

Business Phone #: 970-244-6602

E-Mail: mfooster@cbcwest.com

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

Contact Person: Mike Foster

Contact Phone #: 970-244-6602

### Applicant Information

Name: Brian Dougherty

Street Address: 3141 Walnut St., Suite

City/State/Zip: Denver, CO 80205

Business Phone #: 970-214-5777

E-Mail: bdougherty@ldgdevelopment.

Fax #: NA

Contact Person: Brian Dougherty

Contact Phone #: 970-214-5777

### Representative Information

Name: Brian Dougherty

Street Address: 3141 Walnut St.,

City/State/Zip: Denver, CO 80205

Business Phone #: 970-214-5777

E-Mail: bdougherty@ldgdevelopment.

Fax #: NA

Contact Person: Brian Dougherty

Contact Phone #: 970-214-5777

**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: Brian Dougherty / *Brian Dougherty* Date: 8/28/2023  
*Please print and sign*

Signature of Legal Property Owner: *Mike Foster* Mike Foster Date: 8/28/2023  
*Please print and sign*

**General Project Report:**

LDG Development  
Brian Dougherty  
970-214-5777

**Submitted for a Rezoning Application**

**A. Project Description**

1. 2651 Stacy Drive, Grand Junction CO 81503 / TBD ASP Street
2. 13.89 acres
3. 320 units of affordable housing (multifamily) serving 30% AMI to 80% AMI

**B. Increased affordable housing for Grand Junction**

**C. See attached "Neighborhood Meeting Notes."**

**D. Project Compliance, Compatibility, and Impact**

1. NA
2. R8 / R4 / C1 / R16 / PD / CSR
3. TBD
4. Water, electrical available
5. TBD
6. TBD
7. NA
8. NA
9. TBD
10. TBD
11. TBD

**E. Review criteria met.**

**D Development Schedule and Phasing to TBD**





State Documentary Fee  
Date: June 05, 2019  
\$125.00

### Special Warranty Deed

(Pursuant to 38-30-115 C.R.S.)

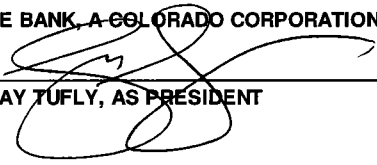
**THIS DEED**, made on **June 5th, 2019** by **ALPINE BANK, A COLORADO CORPORATION** Grantor(s), of the County of **Garfield** and State of **Colorado** for the consideration of **(\$1,250,000.00) \*\*\*One Million Two Hundred Fifty Thousand and 00/100\*\*\*** dollars in hand paid, hereby sells and conveys to **KENCO, LLC, A COLORADO LIMITED LIABILITY COMPANY** Grantee(s), whose street address is **607 25 RD SUITE 100, Grand Junction, CO 81505**, County of **Mesa**, and State of **Colorado**, the following real property in the County of **Mesa**, and State of **Colorado**, to wit:

**LOT 2 OF CARVILLE SIMPLE SUBDIVISION, COUNTY OF MESA, STATE OF COLORADO.**

also known by street and number as: **TBD HIGHWAY 50, GRAND JUNCTION, CO 81503**

with all its appurtenances and warrants the title to the same against all persons claiming under me, subject to the matters shown in the attached Exhibit A, which, by reference, is incorporated herein.

**ALPINE BANK, A COLORADO CORPORATION**

By:   
**CLAY TUFLY, AS PRESIDENT**

State of **Colorado**

)

)ss.

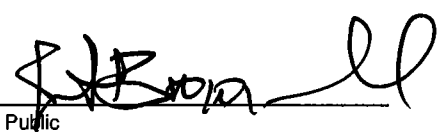
County of **MESA**

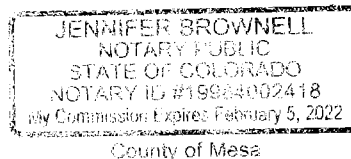
)

The foregoing instrument was acknowledged before me on this day of **June 5th, 2019** by **CLAY TUFLY AS PRESIDENT OF ALPINE BANK, A COLORADO CORPORATION**

Witness my hand and official seal

My Commission expires: 2/5/22

  
Notary Public



When recorded return to: **KENCO, LLC, A COLORADO LIMITED LIABILITY COMPANY**  
**607 25 RD SUITE 100, Grand Junction, CO 81505**



**Exhibit A**

1. GENERAL TAXES FOR THE YEAR OF CLOSING.
2. DISTRIBUTION UTILITY EASEMENTS (INCLUDING CABLE TV).
3. THOSE SPECIFICALLY DESCRIBED RIGHTS OF THIRD PARTIES NOT SHOWN BY THE PUBLIC RECORDS OF WHICH GRANTEE HAS ACTUAL KNOWLEDGE AND WHICH WERE ACCEPTED BY GRANTEE IN ACCORDANCE WITH § 8.3 (OFF-RECORD TITLE) AND § 9 (NEW ILC OR NEW SURVEY) OF THE CONTRACT TO BUY AND SELL REAL ESTATE RELATING TO THE REAL PROPERTY CONVEYED BY THIS DEED.
4. INCLUSION OF THE PROPERTY WITHIN ANY SPECIAL TAXING DISTRICT.
5. ANY SPECIAL ASSESSMENT IF THE IMPROVEMENTS WERE NOT INSTALLED AS OF THE DATE OF GRANTEE'S SIGNATURE TO THE CONTRACT TO BUY AND SELL REAL ESTATE RELATING TO THE REAL PROPERTY CONVEYED BY THIS DEED, WHETHER ASSESSED PRIOR TO OR AFTER CLOSING.
6. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF ORDER OF INCLUSION, RE: THE INCLUSION OF LANDS WITHIN ORCHARD MESA SANITATION DISTRICT, RECORDED APRIL 10, 2008, IN BOOK 4642 AT PAGE 760 UNDER RECEPTION NO. 2433686.
7. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF GRANT OF EASEMENT, GRANTED TO UTE WATER CONSERVANCY DISTRICT, RECORDED NOVEMBER 20, 2009 IN BOOK 4944 AT PAGE 453.



State Documentary Fee  
Date: September 29, 2021  
\$72.50

**Special Warranty Deed**  
(Pursuant to C.R.S. 38-30-113(1)(b))

Grantor(s), **C. CHRIS CARNES AND CRYSTAL L. CARNES**, whose street address is **1172 23 1/2 RD, GRAND JUNCTION, CO 81505**, City or Town of **GRAND JUNCTION**, County of **Mesa** and State of **Colorado**, for the consideration of **(\$725,000.00) \*\*\*Seven Hundred Twenty Five Thousand and 00/100\*\*\*** dollars, in hand paid, hereby sell(s) and convey(s) to **APPLEWOOD SOUTH LLC, A COLORADO LIMITED LIABILITY COMPANY**, whose street address is **301 EAST DAKOTA DRIVE, Grand Junction, CO 81507**, City or Town of **Grand Junction**, County of **Mesa** and State of **Colorado**, the following real property in the County of **Mesa** and State of **Colorado**, to wit:

**PARCEL A:**

**LOT 1 OF CARVILLE SIMPLE SUBDIVISION, COUNTY OF MESA, STATE OF COLORADO.**

**PARCEL B:**

**LOT 7 IN BLOCK 5 OF CIMARRON MESA SUBDIVISION, COUNTY OF MESA, STATE OF COLORADO.**

also known by street and number as: **2650 B 1/2 ROAD, GRAND JUNCTION, CO 81503**

with all its appurtenances and warrant(s) the title to the same against all persons claiming under me(us), subject to Statutory Exceptions.

Signed this day of **September 29, 2021**.

C. CHRIS CARNES

CRYSTAL L. CARNES

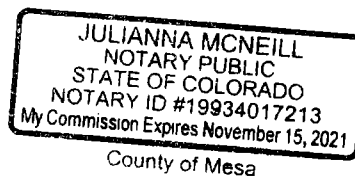
State of **Colorado** )  
 )ss.  
County of **MESA** )

The foregoing instrument was acknowledged before me on this day of **September 29th, 2021** by **C. CHRIS CARNES AND CRYSTAL L. CARNES**

Witness my hand and official seal

My Commission expires: 11-15-21

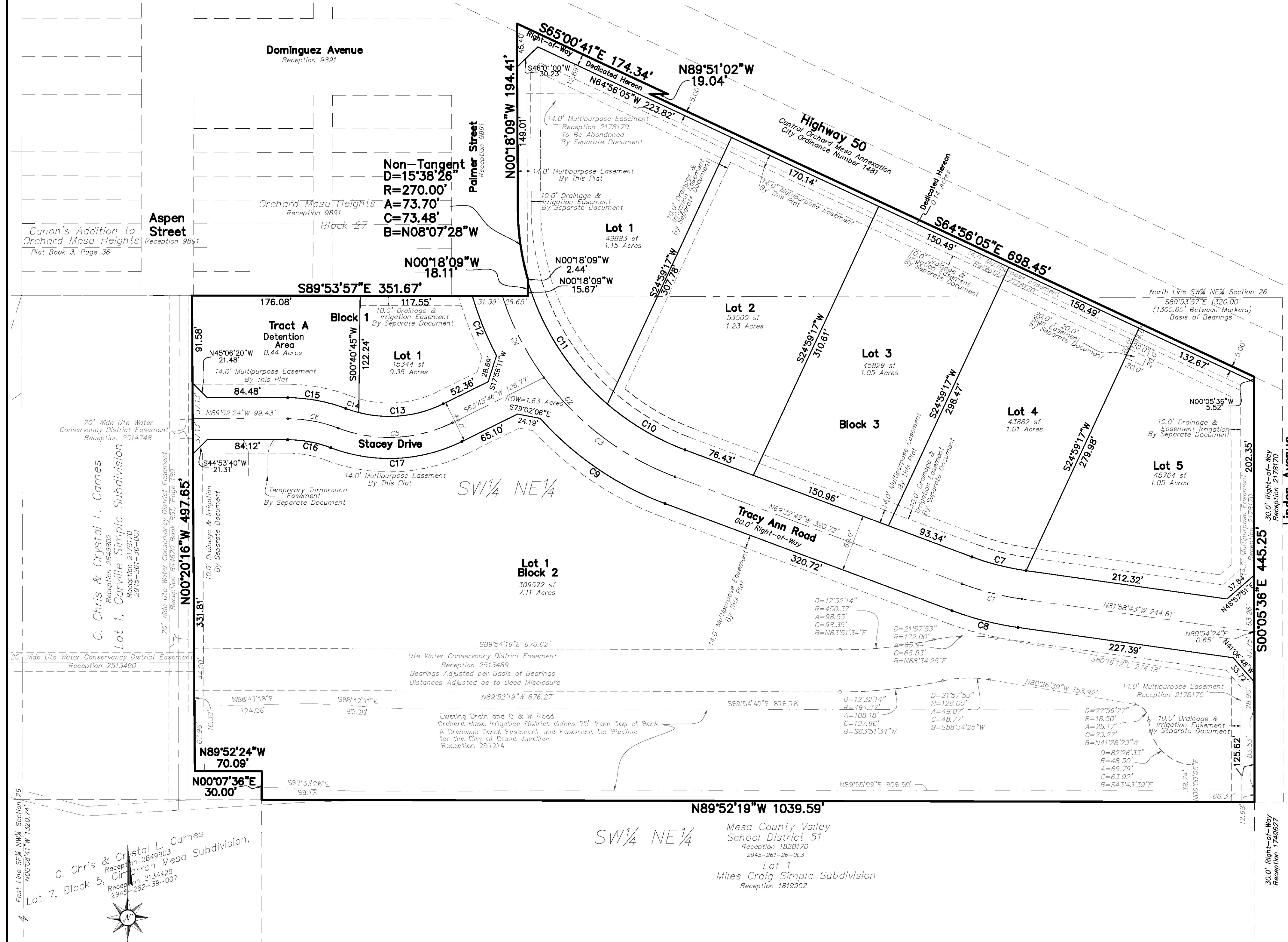
Notary Public



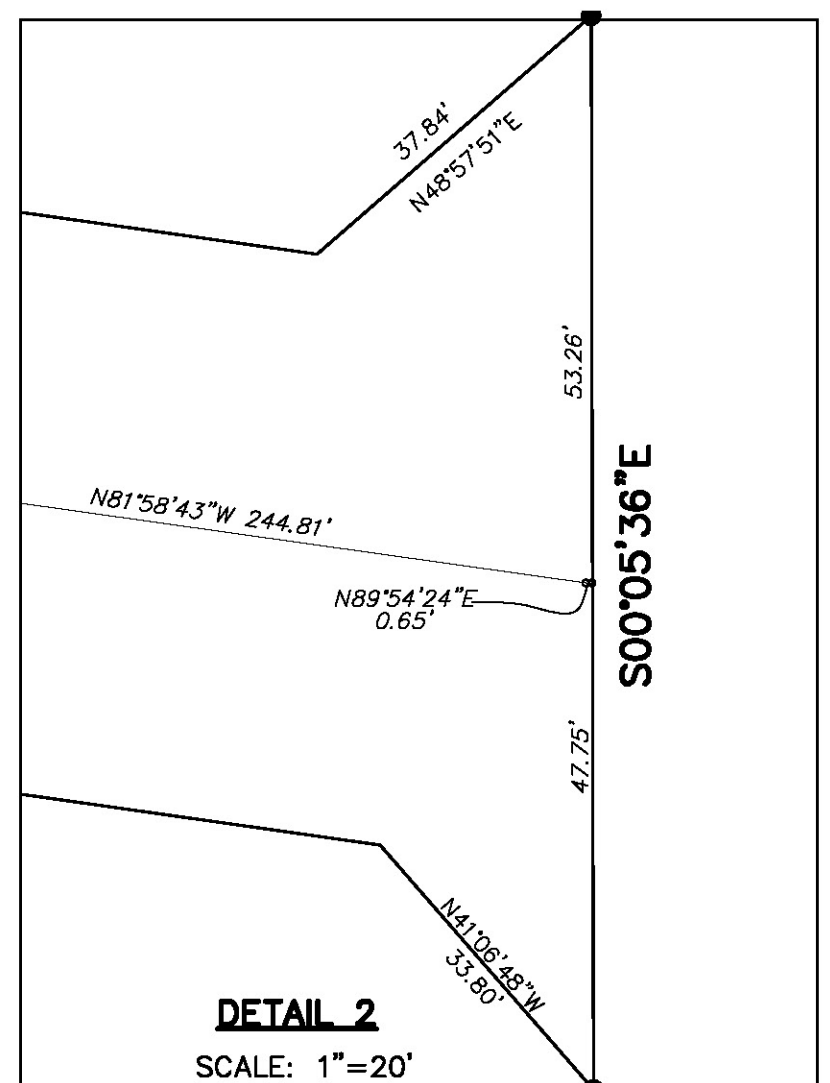
When recorded return to: **APPLEWOOD SOUTH LLC, A COLORADO LIMITED LIABILITY COMPANY**  
**301 EAST DAKOTA DRIVE, Grand Junction, CO 81507**



TRACYS VILLAGE SUBDIVISION  
OF A PARCEL LOCATED IN  
NE1/4 OF SECTION 26  
TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN  
LOT 2, CARVILLE SIMPLE SUBDIVISION, RECEPTION 2178170  
AND RIGHT-OF-WAY VACATION, RECEPTION 2418646  
GRAND JUNCTION, MESA COUNTY, COLORADO

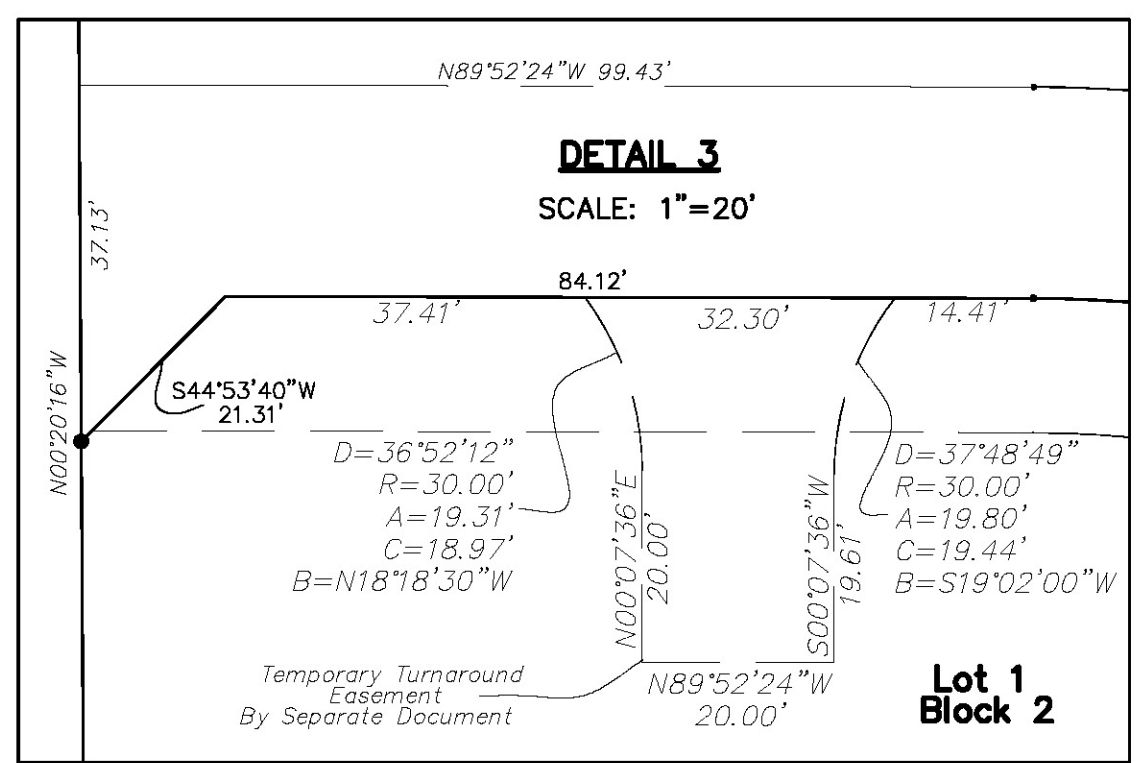


DETAIL 1  
SCALE: 1"=20'



DETAIL 2  
SCALE: 1"=20'

DETAIL 3  
SCALE: 1"=20'



| Curve | Delta     | Radius  | Arc     | CH      | CH Bearing  |
|-------|-----------|---------|---------|---------|-------------|
| C1    | 12°25'54" | 300.00' | 65.09'  | 64.96'  | N75°45'46"W |
| C2    | 51°40'43" | 300.00' | 270.59' | 261.51' | N43°42'28"W |
| C3    | 33°18'35" | 300.00' | 174.41' | 171.96' | S52°53'32"E |
| C4    | 18°22'08" | 300.00' | 96.18'  | 95.77'  | N27°03'10"W |
| C5    | 47°03'31" | 150.00' | 123.20' | 119.77' | S87°17'31"W |
| C6    | 20°41'41" | 150.00' | 54.18'  | 53.88'  | N79°31'34"W |
| C7    | 12°25'54" | 270.00' | 58.58'  | 58.47'  | N75°45'46"W |
| C8    | 12°25'54" | 330.00' | 71.60'  | 71.46'  | N75°45'46"W |
| C9    | 27°42'52" | 330.00' | 159.62' | 158.07' | N55°41'23"W |
| C10   | 20°08'07" | 270.00' | 94.88'  | 94.40'  | N59°28'46"W |
| C11   | 32°58'10" | 270.00' | 155.37' | 153.23' | N32°55'38"W |
| C12   | 11°42'11" | 330.00' | 67.41'  | 67.29'  | N22°02'18"W |
| C13   | 40°38'57" | 128.00' | 90.81'  | 88.92'  | S84°05'14"W |
| C14   | 06°24'34" | 128.00' | 14.32'  | 14.31'  | N72°23'00"W |
| C15   | 20°41'41" | 172.00' | 62.13'  | 61.79'  | N79°31'34"W |
| C16   | 20°41'41" | 128.00' | 46.23'  | 45.98'  | N79°31'34"W |
| C17   | 47°03'31" | 172.00' | 141.27' | 137.33' | N87°17'31"E |

AREA SUMMARY

|          |               |         |
|----------|---------------|---------|
| LOTS     | = 12.93 Acres | 85.40%  |
| TRACT A  | = 0.44 Acres  | 2.91%   |
| ROAD ROW | = 1.77 Acres  | 11.69%  |
| TOTAL    | = 15.14 Acres | 100.00% |

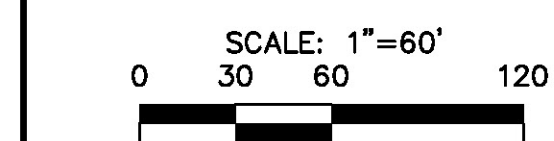
LEGEND

- ALLOT SURVEY MARKER, AS NOTED
- SET 2" ALUMINUM CAP ON 30" No. 5 REBAR, PLS 24953
- PER CRS-38-51-105, IN CONCRETE
- FOUND EVIDENCE, AS NOTED
- PK NAIL, SET IN PAVING
- DURABLE CAP ON No. 5 REBAR TO BE SET AT ALL LOT CORNERS, PRIOR TO SALE OF ANY LOTS, TO COMPLY WITH CRS-38-51-105
- D DELTA ANGLE OF ARC
- R RADIUS OF ARC
- L LENGTH OF ARC
- NAD 83 NORTH AMERICAN DATUM 1983
- CHORD DISTANCE OF ARC
- CHORD BEARING OF ARC
- EQUAL SYMBOL
- PERCENT SYMBOL
- AND SYMBOL
- INTERSTATE HIGHWAY SYMBOL
- STATE HIGHWAY SYMBOL
- UNITED STATES
- NOT TO SCALE
- COLORADO REVISED STATUTES
- SOLICIT, USED IN LEGAL DOCUMENTS (LATIN - ONE HALF)
- NAV88 NORTH AMERICAN VERTICAL DATUM 1988
- CALCULATED POSITION OF POINT OF CURVATURE OR POINT OF TANGENCY
- PROFESSIONAL LAND SURVEYOR
- NUMBER
- LIMITED LIABILITY COMPANY
- ANNO DOMINI
- MORE OR LESS
- DEGREES (ANGULAR)
- MINUTES (ANGULAR) OR FEET (LINEAR)
- SECONDS (ANGULAR) OR INCHES (LINEAR)
- MESA COUNTY SURVEY MARKER
- BUREAU OF LAND MANAGEMENT
- RIGHT-OF-WAY
 COLORADO DEPARTMENT OF TRANSPORTATION | POINT OF BEGINNING | POINT OF COMMENCING | TOWNSHIP | RADIUS OR RANGE (Context) | MCPGS MESA COUNTY GLOBAL POSITIONING SYSTEM |

SURVEYOR'S CERTIFICATION

I, Jeffrey C. Fletcher, do hereby certify that the accompanying plat of TRACYS VILLAGE SUBDIVISION, a subdivision of a part of the City of Grand Junction, Colorado, has been prepared under my direct supervision and represents a field survey of same. To the best of my knowledge and belief, this plat conforms to the requirements for subdivision plats specified in the City of Grand Junction Development code and conforms to the standards of practice, statutes, and rules of the State of Colorado. This survey is not a guaranty or warranty, either expressed or implied.

Preliminary



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

Jeffrey C. Fletcher  
COLORADO PROFESSIONAL LAND SURVEYOR  
P.L.S. No. 24953

**TRACYS VILLAGE SUBDIVISION**  
OF A PARCEL LOCATED IN  
NE1/4 OF SECTION 26  
T1S, R1W OF THE UTE MERIDIAN  
LOT 2, CARVILLE SIMPLE SUBDIVISION  
RECEPTION 2178170 AND  
RIGHT-OF-WAY VACATION  
RECEPTION 2418646  
GRAND JUNCTION, MESA COUNTY, COLORADO

**High Desert Surveying, LLC**  
1673 Highway 50 Unit C  
Grand Junction, Colorado 81503  
Telephone: 970-254-8649 Fax 970-241-0451

|                  |                |       |       |    |
|------------------|----------------|-------|-------|----|
| PROJ. NO. 20-106 | SURVEYED DRAWN | CHK'D | SHEET | OF |
| DATE: May, 2021  | be             | knr   | jcf   | 2  |

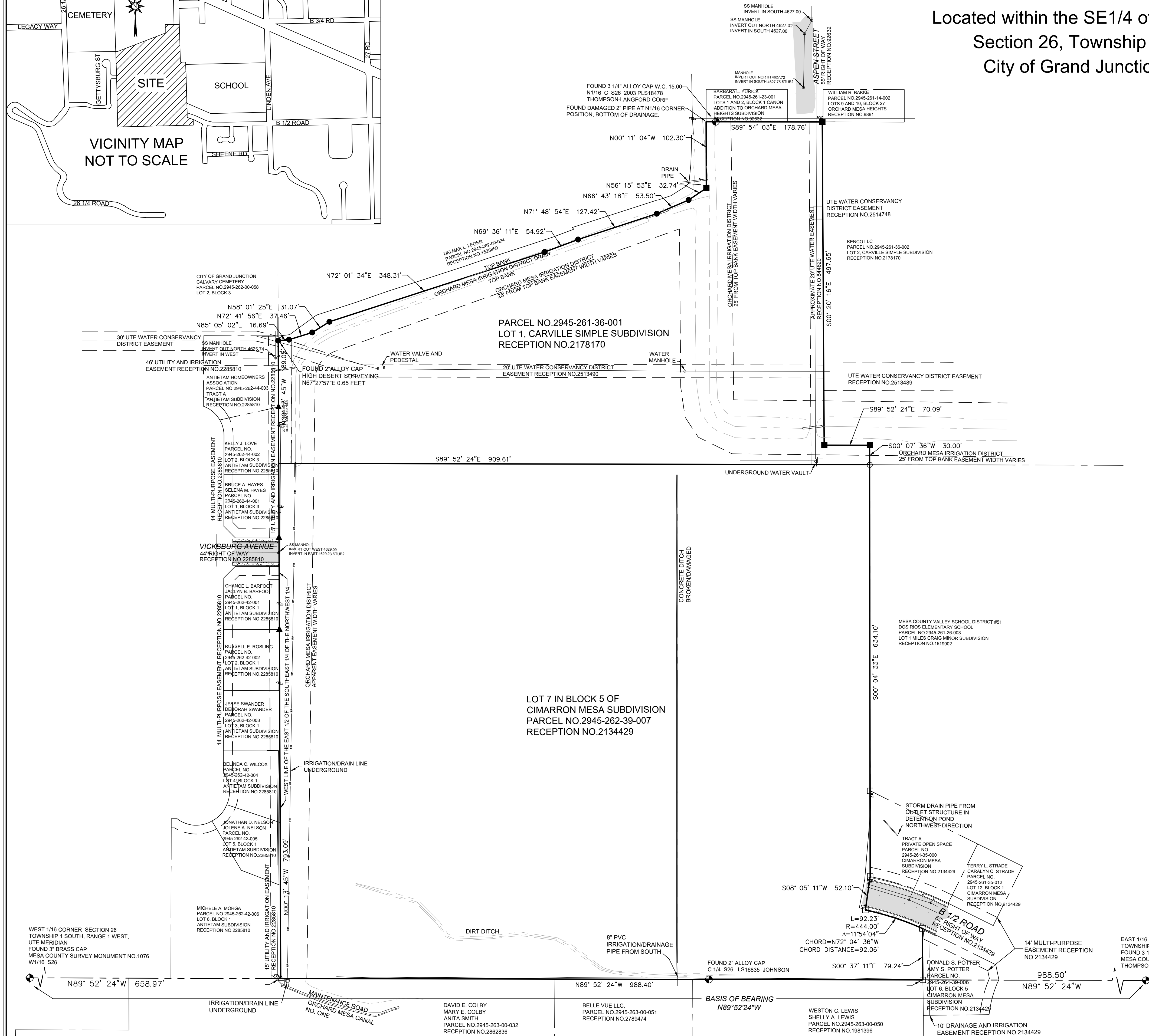


# IMPROVEMENT SURVEY PLAT

Lot 1 of Carville Simple Subdivision (Reception No.2178170) and  
Lot 7 in Block 5 of Cimarron Mesa Subdivision (Reception No.2134429)  
Located within the SE1/4 of the NW1/4 and the SW1/4 of the NE1/4 of  
Section 26, Township 1 South, Range 1 West, Ute Meridian,  
City of Grand Junction, County of Mesa, State of Colorado



VICINITY MAP  
NOT TO SCALE



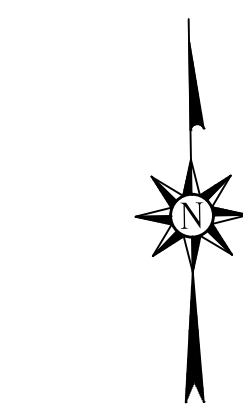
**PARCEL DESCRIPTION:**  
Lot 1 of Carville Simple Subdivision, County of Mesa, State of Colorado.  
AND  
Lot 7 in Block 5 of Cimarron Mesa Subdivision, County of Mesa, State of Colorado.

Ownership is demonstrated in instrument recorded at the Reception No.3001661 of the Mesa County Clerk and Records office.

- SURVEY NOTES:**
- Linear units are in U.S. Survey Feet.
  - Physical location address 2650 B 1/2 Road, Grand Junction, CO 81503.
  - Title information provided by Land Title Guarantee Company, File No. GJR65041269-5, Dated 03/07/2022 and the Mesa County Assessor- Real Property Public Information System.
  - A Ute Water 20' Easement recorded at Reception No.844620 not shown, this Easement vacated by instrument recorded at Reception No.2513490.
  - The bearings and distances shown hereon represent the results of the Legal Description rotated to grid north of the Mesa County Local Coordinate System with respect to the physical locations of accepted survey monuments.
  - 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.

**BASIS OF BEARINGS:**  
The bearing between the East 1/16 corner of Section 26, Township 1 South, Range 1 West of the Ute Meridian, a 3 1/4\"/>

**CERTIFICATION:**  
I, Christopher C. Ransier, a registered Professional Land Surveyor in the State of Colorado, do hereby certify the Improvement Survey Plat represented hereon was performed by me or under my responsible charge; it is based upon my knowledge, information and belief; is in accordance with acceptable standards of practice and the laws of the State of Colorado. This statement is not a guarantee or warranty, either expressed or implied.



- LEGEND:**
- SURVEY CONTROL MONUMENT
  - 
  - 
  - 
  - 
  - 
  - PARCEL BOUNDARY LINE
  - SURVEY CONTROL LINE
  - RECORD TITLE LINE
  - EASEMENT LINE
  - FENCE LINE
  - UNDERGROUND WATER LINE
  - UNDERGROUND GAS LINE
  - OVERHEAD UTILITY LINE
  - UNDERGROUND COMMUNICATION LINE
  - UNDERGROUND SANITARY SEWER LINE
  - UNDERGROUND STORM LINE
  - WATER METER/VALVE
  - ASPHALT



Christopher C. Ransier  
Colorado PLS 38089

**LAND SURVEY DEPOSITS**  
Mesa County Surveyor's Office  
Date: \_\_\_\_\_  
Deposit No: \_\_\_\_\_

CLIENT: APPLEWOOD SOUTH LLC

**IMPROVEMENT SURVEY PLAT**  
SE1/4 of the NW1/4 and the SW1/4 of the NE1/4 of  
Section 26, Township 1 South, Range 1 West, Ute Meridian,  
City of Grand Junction, County of Mesa, State of Colorado

SURVEYED BY: CCR/RAC  
DRAWN BY: CCR  
JOB #: 2700121  
DATE 03/07/2022

**Kaart Surveying, LLC**  
734 Main Street  
Grand Junction, CO 81501  
970.201.4081 [surveying@kaart.com](mailto:surveying@kaart.com)

**ALTA COMMITMENT**  
**Old Republic National Title Insurance Company**  
**Schedule A**

Order Number: ABS65055859

**Property Address:**

2651 STACY DRIVE (VACANT LAND), GRAND JUNCTION, CO 81503

**1. Commitment Date:**

06/15/2023 at 5:00 P.M.

**2. Policy to be Issued and Proposed Insured:**

"ALTA" Owner's Policy 07-30-21

\$715,000.00

Proposed Insured:

MBL DERBYCITY DEVELOPMENT, LLC

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

FEE SIMPLE

**4. The Title is, at the Commitment Date, vested in:**

KENCO, LLC, A COLORADO LIMITED LIABILITY COMPANY

**5. The Land is described as follows:**

LOT 1 IN BLOCK 2 OF TRACYS VILLAGE SUBDIVISION, COUNTY OF MESA, STATE OF COLORADO.

This page is only a part of a 2021 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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**ALTA COMMITMENT**  
**Old Republic National Title Insurance Company**  
**Schedule A**

Order Number: ABS65055855

**Property Address:**

TBD STACY DRIVE (VACANT LAND), GRAND JUNCTION, CO 81503

**1. Commitment Date:**

06/15/2023 at 5:00 P.M.

**2. Policy to be Issued and Proposed Insured:**

"ALTA" Owner's Policy 07-30-21

\$675,000.00

Proposed Insured:

MBL DERBYCITY DEVELOPMENT, LLC

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

FEE SIMPLE

**4. The Title is, at the Commitment Date, vested in:**

APPLEWOOD SOUTH LLC, A COLORADO LIMITED LIABILITY COMPANY

**5. The Land is described as follows:**

LOT 1 OF CARVILLE SIMPLE SUBDIVISION, COUNTY OF MESA, STATE OF COLORADO.

This page is only a part of a 2021 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.



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**To:** David Thornton, (AICP)  
Principal Planner  
City of Grand Junction  
250 N. 5th Street  
970-244-1450

**From:** Brian Dougherty  
Development Manager  
LDG Development, LLC  
3141 Walnut St., Suite 203B  
Denver, Colorado 80205

**Subject:** Neighborhood meeting rezoning summary

**Date:** 10.20.2023

**Neighborhood Meeting:** Stacy Drive and adjoining parcel rezoning (7.11 acres East site / and 6.78 acres West site) located at 2651 Stacy Drive, Grand Junction, CO 81503.

**Date:** October 11, 2023 – 5:30 p.m.

**Summary:** A virtual public meeting was conducted. The applicant representative commenced the virtual meeting precisely at 5:30 p.m. No public participants dialed in to voice any opposition, concern, or support. The meeting line was kept open until 5:45 p.m.

**Applicant Representative:**

- Brian Dougherty, LDG Development
- Mark Austin, Austin Civil Group

**Town Representative:**

- David Thorton, City of Grand Junction

**Public Participants:**

- None

Sincerely,

Brian Dougherty  
Development Manager



OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

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

(b) 2651 Stacy Drive, Grand Junction, CO 81503

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

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

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

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

☒ The Entity is the sole owner of the property.

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

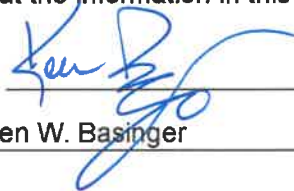
On behalf of Entity, I have reviewed the application for the (d) Rezone to R-24

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

(e) N/A

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

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

Signature of Entity representative: 

Printed name of person signing: Ken W. Basinger

State of Colorado )

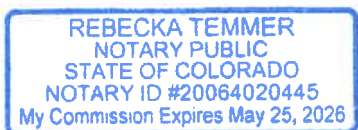
County of Mesa ) ss.

Subscribed and sworn to before me on this 28<sup>th</sup> day of August, 20 23

by Ken W. Basinger, as Manager of Kenco LLC

Witness my hand and seal.

My Notary Commission expires on 05-25-2026



County of Mesa

  
Notary Public Signature

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) Applewood South LLC ("Entity") is the owner of the following property:

(b) LOT 1 CARVILLE SIMPLE SUBDIVISION SEC 26 1S 1W

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

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

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

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

☒ The Entity is the sole owner of the property.

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

On behalf of Entity, I have reviewed the application for the (d) Rezone to R-12

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

(e) N/A

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

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

Signature of Entity representative: 

Printed name of person signing: Mike Foster

State of Colorado )

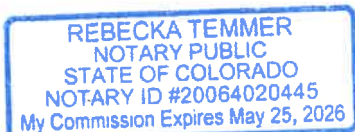
County of Mesa ) ss.

Subscribed and sworn to before me on this 28th day of August, 2023

by Michael S. Foster, as Managing Member of Applewood South, LLC

Witness my hand and seal.

My Notary Commission expires on 05.25.2026



County of Mesa

  
Notary Public Signature

## STATEMENT OF AUTHORITY

1. This Statement of Authority relates to an entity named **KenCo, LLC**, and is executed on behalf of the entity pursuant to the provisions of Section 38-30-172, C.R.S.
2. The type of entity is a limited liability company.
3. The entity is formed under the laws of the State of Colorado.
4. The mailing address for the entity is 607 25 Road, Suite 100, Grand Junction, Colorado 81505.
5. The name and position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity are:  
Ken W. Basinger, Member.
6. The authority of the foregoing person to bind the entity is not limited.
7. Other matters concerning the manner in which the entity deals with interests in real property:  
NONE.

Executed this 26 day of May, 2021.

KENCO, LLC,  
a Colorado limited liability company

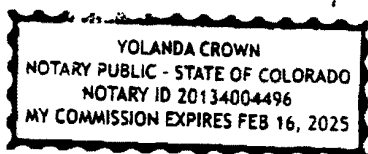
By: Ken W. Basinger  
Ken W. Basinger, Member

STATE OF COLORADO                     )  
                                                           ) ss.  
COUNTY OF MESA                     )

The foregoing instrument was acknowledged before me this 26 day of May, 2021, by Ken W. Basinger s Member of KenCo, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: 02/16/2025



Yolanda Crown  
Notary Public

# STATEMENT OF AUTHORITY

(§38-30-172, C.R.S.)

1. This Statement of Authority relates to an entity<sup>1</sup> named  
~~APPLEWOOD SOUTH LLC~~ APPLEWOOD SOUTH LLC
2. The type of entity is a:
 

|                                                               |                                                                           |
|---------------------------------------------------------------|---------------------------------------------------------------------------|
| <input type="checkbox"/> Corporation                          | <input type="checkbox"/> Registered Limited Liability Partnership         |
| <input type="checkbox"/> Nonprofit Corporation                | <input type="checkbox"/> Registered Limited Liability Limited Partnership |
| <input checked="" type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Limited Partnership Association                  |
| <input type="checkbox"/> General Partnership                  | <input type="checkbox"/> Government or Governmental Subdivision or Agency |
| <input type="checkbox"/> Limited Partnership                  | <input type="checkbox"/> Trust                                            |
3. The entity is formed under the laws of **Colorado**
4. The mailing address for the entity is **301 EAST DAKOTA DRIVE, GRAND JUNCTION, CO 81507**
5. The ☒ name ☒ position of each person authorized to execute instruments conveying, encumbering or otherwise affecting title to real property on behalf of the entity is **TIM FOSTER AND/OR MICHAEL S. FOSTER, AS MANAGING MEMBERS**
6. The authority of the foregoing person(s) to bind the entity: ☐ is<sup>2</sup> not limited ☐ is limited as follows:
7. Other matters concerning the manner in which the entity deals with interests in real property:
8. This Statement of Authority is executed on behalf of the entity pursuant to the provisions of §38-30-172, C.R.S.<sup>3</sup>
9. This Statement of Authority amends and supersedes in all respects any and all prior dated Statements of Authority executed on behalf of the entity.

*(Signature and Notary Acknowledgement on Second Page)*

<sup>1</sup>This form should not be used unless the entity is capable of holding title to real property.

<sup>2</sup>The absence of any limitation shall be prima facie evidence that no such limitation exists.

<sup>3</sup>The statement of authority must be recorded to obtain the benefits of the statute.





Recording: \$18.00, Sheila Reiner, Mesa County, CO. CLERK AND RECORDER

Executed this 3rd day of October, 2018

  
TIM FOSTER, AS MANAGING MEMBER

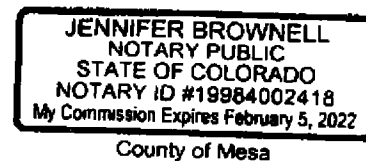
State of **COLORADO** )  
 )ss  
County of **MESA** )

The foregoing instrument was acknowledged before me on this 3rd day of October, 2018  
by **TIM FOSTER, AS MANAGING MEMBER OF ~~APPLEWOOD SOUTH LLC~~** APPLEWOOD SOUTH LLC

Witness my hand and official seal.  
My Commission expires 2/5/22

  
Notary Public

WHEN RECORDED RETURN TO: APPLEWOOD SOUTH, LLC  
301 EAST DAKOTA DRIVE  
GRAND JUNCTION, CO 81507  
Attn: TIM FOSTER



## **General Project Report:**

LDG Development  
Brian Dougherty  
970-214-5777

### **Submitted for a Rezoning Application**

#### **A. Project Description**

1. 2651 Stacy Drive, Grand Junction CO 81503 / TBD ASP Street
2. 13.89 acres
3. 320 units of affordable housing (multifamily) serving 30% AMI to 80% AMI

#### **B. Public Benefit - Increased affordable housing for Grand Junction**

#### **C. Neighborhood Meeting required - See attached "Neighborhood Meeting Notes."**

#### **D. Project Compliance, Compatibility, and Impact**

1. Adopted Plan and Policies – The Orchard Mesa Neighborhood Plan supports attainable housing for residents of all income levels as established in Goal 2 under Chapter 4 Housing Trends. Chapter 4 also has Goal 1 which states "A broad mix of housing types is available on Orchard Mesa to meet the needs of a variety of incomes, family types, and life stages." Rezoning these two parcels to R-12 and R-24 will provide land for additional housing to meet these two goals.
2. Land Use in the surrounding area - R8 / R4 / C1 / R16 / PD / CSR
3. Site access and traffic patterns - TBD
4. Availability of Utilities, including proximity to fire hydrants - Water, electrical available
5. Special or unusual demands on utilities - TBD
6. Effects on Public Facilities - TBD
7. Site Soils and geology - NA
8. Impact of project on site geology and geological hazards, if any - NA
9. Hours of Operations - TBD
10. Number of Employees - TBD
11. Signage Plans - TBD
12. Review criteria met, see below.

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

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

**Applicant's Response:** The zoning application is consistent with what is allowable under Grand Junction's Comprehensive Plan.

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

**Applicant's Response:** No amendments are anticipated at this time

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

**Applicant's Response:** All appropriate organizations have been consulted as part of the application, and it has been determined that adequate facilities can serve this development.

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

**Applicant's Response:** To accommodate the proposed land use, we are seeking to rezone to R24 and R12, which is allowable under Grand Junction's Comprehensive Plan.

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

**Applicant's Response:** The proposed development plans to build approximately 324 affordable units in two-phase.

**E. Development Schedule and Phasing - TBD**

## Site Vicinity Map – Applewood South / Ken Co Rezones

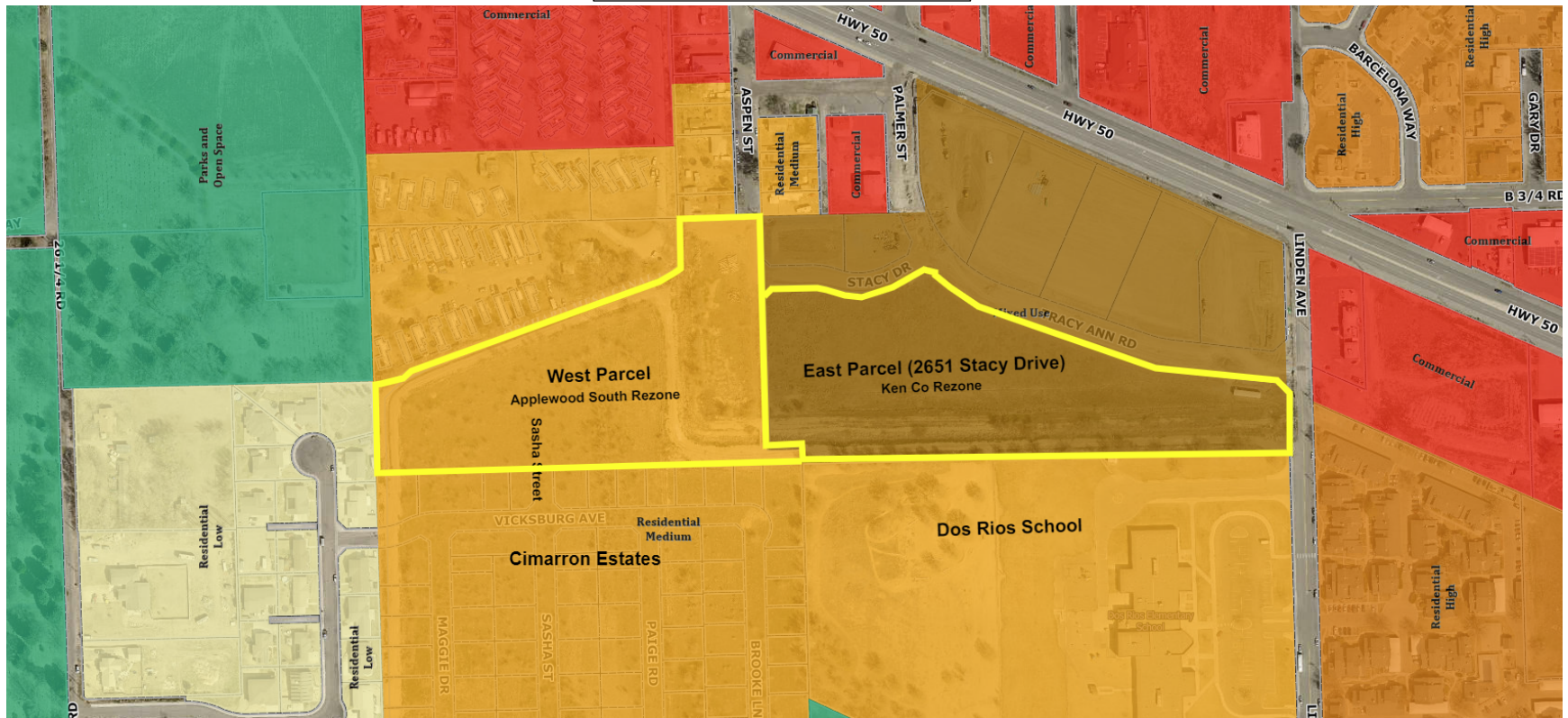




## Site Location Map



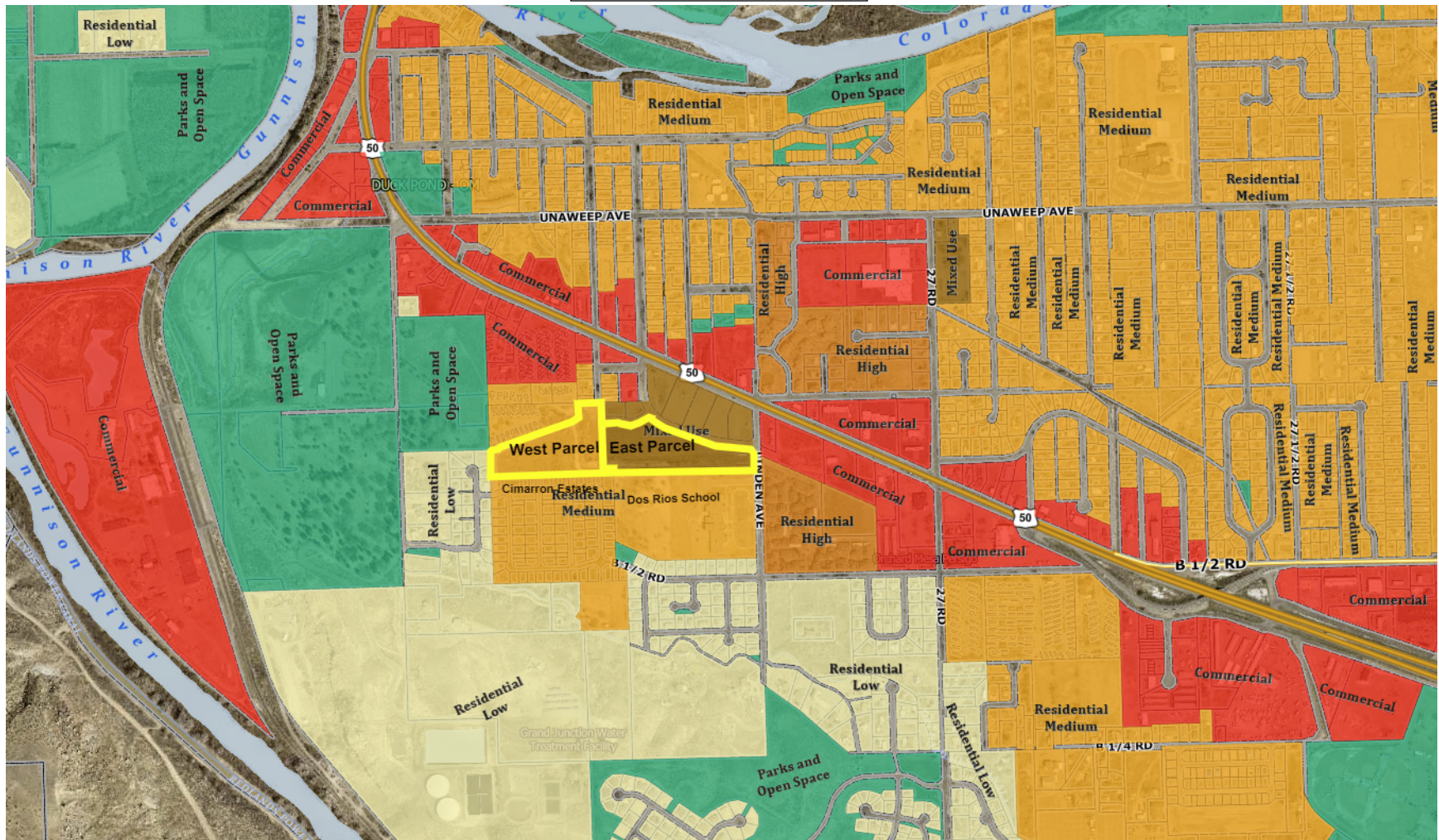
## Land Use Map





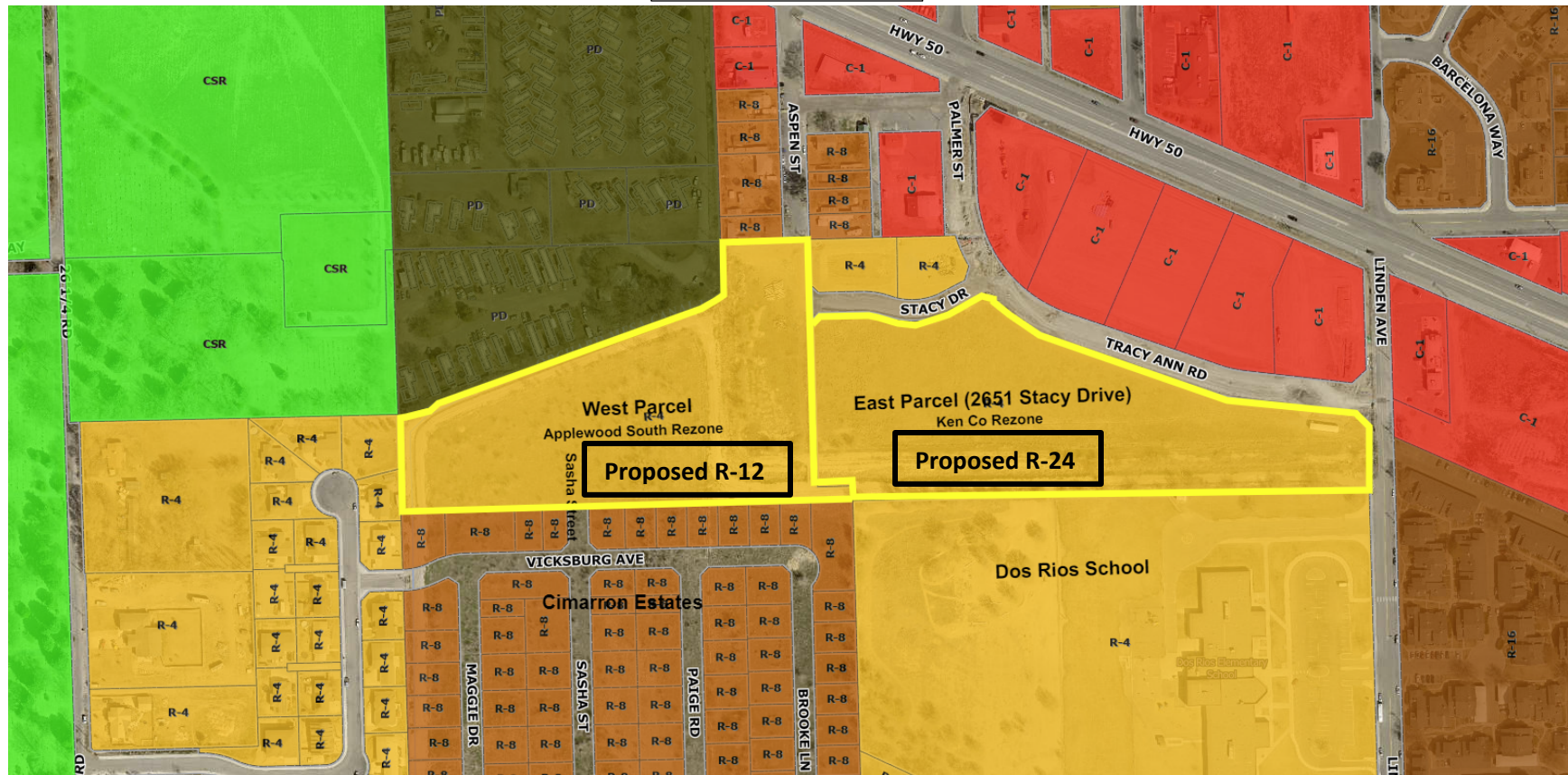
# Land Use Map

## Larger View





## Zoning Map







**2651 Stacy Drive Property**  
**Photo of the site, looking west from Linden Avenue**



**2651 Stacy Drive Property**

**Photo of the site, looking south-southeast from Stacy Drive**





**2651 Stacy Drive**

**View look east from west edge of property**





**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING FROM R-4 (RESIDENTIAL - 4 DU/AC) TO R-12  
(RESIDENTIAL – 12 DU/AC) ZONE DISTRICT**

**LOCATED ON PROPERTY ADJACENT TO AND WEST OF 2651 STACY DRIVE  
Tax Parcel No. 2945-261-36-001**

Recitals:

The property owner, Applewood South LLC, proposes a rezone from R-4 (Residential – 4 du/ac) to R-12 (Residential – 12 du/ac) on a total of 6.78-acres, located on property adjacent to and west of 2651 Stacy Drive.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of changing the zoning from R-4 (Residential – 4 du/ac) to R-12 (Residential – 12 du/ac) for the property, finding that it conforms to and is consistent with the Land Use Map designation of Residential Medium (5.5 -12 du/ac) of the 2020 One Grand Junction Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that rezoning from R-4 (Residential – 4 du/ac) to R-12 (Residential – 12 du/ac) for the property, is consistent with the vision, intent, goals and policies of the Comprehensive Plan and has met one or more criteria for a Comprehensive Plan amendment, the City Council also finds that the R-12 (Residential – 12 du/ac) zone district, is consistent and is in conformance with the Comprehensive Plan and at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned R-12 (Residential – 12 du/ac) on the zoning map:

LOT 1 OF CARVILLE SIMPLE SUBDIVISION, COUNTY OF MESA, STATE OF COLORADO.

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

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

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Anna M. Stout  
President of the Council

ATTEST:

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Amy Phillips  
City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING FROM R-4 (RESIDENTIAL - 4 DU/AC) TO R-24  
(RESIDENTIAL – 24 DU/AC) ZONE DISTRICT**

**LOCATED AT 2651 STACY DRIVE  
Tax Parcel No. 2945-261-43-003**

Recitals:

The property owner, Ken Co LLC, proposes a rezone from R-4 (Residential – 4 du/ac) to R-24 (Residential – 24 du/ac) on a total of 7.11-acres, located at 2651 Stacy Drive.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of changing the zoning from R-4 (Residential – 4 du/ac) to R-24 (Residential – 12 du/ac) for the property, finding that it conforms to and is consistent with the Land Use Map designation of Mixed Use (with densities greater than 8 du/ac) of the 2020 One Grand Junction Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that rezoning from R-4 (Residential – 4 du/ac) to R-24 (Residential – 24 du/ac) for the property, is consistent with the vision, intent, goals and policies of the Comprehensive Plan and has met one or more criteria for a Comprehensive Plan amendment, the City Council also finds that the R-24 (Residential – 24 du/ac) zone district, is consistent and is in conformance with the Comprehensive Plan and at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned R-24 (Residential – 24 du/ac) on the zoning map:

LOT 1 IN BLOCK 2 OF TRACYS VILLAGE SUBDIVISION, COUNTY OF MESA,  
STATE OF COLORADO.

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

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

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Anna M. Stout  
President of the Council

ATTEST:

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Amy Phillips  
City Clerk





## Grand Junction Planning Commission

### Regular Session

Item #3.

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**Meeting Date:** December 12, 2023

**Presented By:** Niki Galehouse, Planning Supervisor

**Department:** Community Development

**Submitted By:** Niki Galehouse, Planning Supervisor

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### **Information**

#### **SUBJECT:**

Consider a request by Vista 5, LLP to rezone 17.37 acres from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5.5 du/ac) located at 2428 H Road.

#### **RECOMMENDATION:**

Staff recommends approval of the request.

#### **EXECUTIVE SUMMARY:**

The Applicant, Vista 5, LLP is requesting a rezone of 17.37 acres from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5.5 du/ac) located at 2428 H Road. The requested R-5 zone district would be consistent with the Comprehensive Plan Land Use Map designation of Residential Low, if approved.

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

##### **BACKGROUND**

The subject property is situated along the north side of H Road approximately 1/4 of a mile east of 24 Road. The property is currently vacant. The property was annexed by the City in 2019, at which time the site was zoned R-1 (Residential – 1 du/ac). During the annexation process, the former property owner requested a zone district of R-4 (Residential – 4 du/ac), which implemented the 2010 Comprehensive Plan designation of Residential Medium Low (2 – 4 du/ac). In December 2020, the 2020 One Grand Junction Comprehensive Plan was adopted by the City and the subject property was provided with a future land use designation of Residential Low (2 – 5.5 du/ac). The future land use map, as adopted, does not support the R-1 zone district for either future land use designation. This property is located within Tier 2 on the Intensification and Growth Tiers Map of the Comprehensive Plan, supporting the request to intensify land use through redevelopment in this area. The “Residential Low” land use designation within this category is implemented through zone districts which are comprised of

varying housing types and lot sizes and are designed to provide a transition between the less-developed edges of the City and the denser urban areas.

The purpose of the R-5 (Residential – 5 du/ac) zone district is to provide for medium-density detached and attached dwellings and multifamily in areas where large-lot development is discouraged and adequate public facilities and services are available. The R-5 district supports the Comprehensive Plan principles of concentrating urban growth and reinforcing community centers.

In addition to the R-5 (Residential – 5 du/ac) zoning requested by the applicant, the following zone districts would also be consistent with the Comprehensive Plan designation of Residential Low:

- a. R-4 (Residential – 4 du/ac)
- b. CSR (Community Services and Recreation)

The properties adjacent to the subject property to the north, west, and south are still in the County with a zoning of AFT (Agricultural, Forestry, Transitional), which provides for a maximum density of 1 lot per 5 acres. The properties to the west have a City land use designation of Residential Low, while the property to the north is not within the Persigo boundary and is not contemplated for annexation into the City. The properties to the east and south are also still in the County with a zoning of RSF-E (Residential Single Family – Estate) with a City land use of Rural Residential to the east and Residential Low to the south.

## **NOTIFICATION REQUIREMENTS**

A Neighborhood Meeting regarding the proposed rezone request was held via Zoom on Thursday, August 17, 2023, in accordance with Section 21.02.080(e) of the Zoning and Development Code. The applicant and their representatives were in attendance, along with a representative from City staff and approximately 12 neighbors. The owner's representative provided an overview of the proposed development and reason for the rezone. There was significant discussion on the impacts of the project and how these would be managed. Residents in the area had questions about the type of development proposed, why the R-E, R-1, and R-2 zone districts were discarded, what the applicant hoped to achieve with the R-5 zoning, and what the anticipated price range was of the development. Discussion touched on the difference between the areas east and west of 24 Road, highlighting that east was not compatible with this intensity of development.

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 a new application sign on November 29, 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 December 1, 2023. The notice of this public hearing was published December 3, 2023 in the Grand Junction Daily Sentinel. An online hearing with opportunity for public comment was held

between December 5, 2023 and December 11, 2023 through the GJSpeaks platform.

## **ANALYSIS**

The criteria for review are set forth in Section 21.02.140 (a) of the Zoning and Development Code, which provides that the City may rezone property if the proposed changes are consistent with the vision, goals, and policies of the Comprehensive Plan and must meet one or more of the following rezone criteria as identified:

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

The property owners have requested to rezone the property to R-5 which is compatible with the Comprehensive Plan Land Use Map designation of Residential Low (2 – 5.5 du/ac). During the 2020 One Grand Junction Comprehensive Plan update, the land use designation on the property was changed from Residential Medium Low (2 – 4 du/ac) to Residential Low (2 – 5.5 du/ac). This process included extensive public engagement, guided by a steering committee, and the plan change was recommended by Planning Commission and adopted by City Council. The change in the designation not only supported minimum density of the property to remain unchanged, but demonstrated the community vision for this area to develop at an overall range that increased, with the maximum now reaching 5.5 du/ac. The current zoning of R-1 (Residential – 1 du/ac) is not supported by the Comprehensive Plan to implement either the Residential Medium Low or the Residential Low land use. While the property owner could still develop using the R-1 zone district, the requested zoning of R-5 implements the Residential Low future land use designation. Staff finds that this criterion has been met.

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

The adoption of the Comprehensive Plan in 2020, designated this property as Residential Low (2 – 5.5 du/ac). The Applicant is requesting an allowable zone district that is consistent with the higher end of the density range allowed by the Residential Low category. The character and/or condition of the area has not changed in recent years as the adjacent residential properties are currently large acreage and have not yet fully developed, however, the requested zone district is compatible with the Comprehensive Plan designation. Staff is unable to identify any apparent change of character and/or condition and therefore, staff finds that this criterion has not been met.

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

Adequate public and community facilities and services are available to the property and are sufficient to serve land uses associated with the R-5 zone district. Ute Water is presently available to the site along H Road. The property is within the Persigo boundary, with adequate capacity for development and infrastructure that is proximate

and can be extended to the property. The property can be served by Xcel Energy natural gas and Grand Valley Power electricity. Appleton Elementary School is about 6/10 mile to the west and Canyon View Park is located approximately a mile to the southwest. Further to the south along Patterson Road are commercial retail centers that include Mesa Mall, offices, convenience stores with gas islands, restaurants, commercial businesses, and a grocery store. Community Hospital is also nearby on G Road.

The area is currently served by Fire Station #3, providing estimated response times 6 to 8 minutes from time of dispatch for an emergency call for service, which is longer than National Fire Protection Association response time standards. However, property has been acquired and a new fire station, future #7, has been included in the capital budget for 2024.

In general, staff has found public and community facilities are adequate to serve the type and scope of the residential land use proposed. As such, staff finds this criterion has been met.

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

There is minimal property north of I-70 that has been incorporated into the City west of 26 Road. What does exist in this area is commercial in the 24 Road Corridor and a mix of R-4 and R-8 zone districts. Looking further out from this there is approximately 100 acres of R-5 zoning between 24 ½ Road and 25 ½ Road along G Road. The R-5 zone district is prevalent east of Horizon Drive. Therefore, Staff finds this criterion has not been met.

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

The community and area may benefit from this proposed request. The requested zone provides an opportunity for housing within a range of density that is consistent with the Comprehensive Plan in this area to meet the needs of the growing community. However, Plan Principle 3, along with the Tiered Growth Plan, provides that growth be carefully guided, prioritizing infill & redevelopment. The subject property is located on the periphery of the urban service boundary as well as the Persigo 201 service area & the service area for the nearest fire station. Surrounding properties are outside of the 201 boundary in addition to being outside of City limits. While the existing R-1 zone district does not implement the Comprehensive Plan, the R-5 request may not be the most appropriate zone district to strike balance desired by the Comprehensive Plan to reach appropriate benefits. Therefore, Staff finds that this criterion has not been met.

In addition to the above criteria, the City may rezone property if the proposed changes are consistent with the vision, goals, and policies of the Comprehensive Plan. The following provides an analysis of relevant sections of the Comprehensive Plan that



support this request.

Implementing the Comprehensive Plan. The following narrative evaluates the proposed rezone to R-5 (Residential – 5 du/ac) against the principles, goals, and policies of the Comprehensive Plan:

- Land Use Plan: *Relationship to Existing Zoning*

Requests to rezone properties should be considered based on the Implementing Zone Districts assigned to each Land Use Designation. As a guide to future zoning changes, the Comprehensive Plan states that requests for zoning changes are required to implement the Comprehensive Plan.

The 2020 Comprehensive Plan provides the subject property with a land use designation of Residential Low. As outlined in the background section of this staff report, the R-5 zone district implements the Residential Low designation.

- Plan Principle 1: *Collective Identity*

*Where We are Going* – The narrative associated with the future of the City's identity has a strong focus on retaining character as growth continues. An important part of the community's culture comes from its agricultural roots. It's important to respect these and ensure maximum compatibility and appropriate transitions from long-term agricultural zones to more dense urban settings.

The proposed rezone is on the edge of the Urban Development Boundary and isolated in the Persigo 201 service area. The properties to the north are outside of the City's Urban Development Boundary while the remaining properties on the perimeter are within the boundary, but outside of the Persigo 201 service area. While the request to increase density on the property is one of two implementing zone districts of the Comprehensive Plan, the request for an R-5 zone district may not be the most appropriate zone district to strike the balance between growth and maintaining a sense of place as contemplated by this principle.

- Plan Principle 3: *Responsible and Managed Growth*

*Where We are Today (and Where We are Going)* – The One Grand Junction Comprehensive Plan raises concerns about a waning supply of attainable housing combined with limited supply of land that has existing infrastructure available. To move forward effectively and manage growth, priority has been placed on infill and redevelopment projects.

*How We Will Get There* – The policies in this Principle address the manner in which growth must happen within the City. One such policy is to support a compact pattern of growth and encourage the efficient use of land through the Zoning & Development Code (ZDC). The ZDC is currently undergoing an update to implement the 2020 One Grand Junction Comprehensive Plan and identify ways to prioritize this type of

development. An example of this particularly comes into play with the revisions to the multifamily component of the R-5 zone district, which limits this to no more than four units per structure to maximize compatibility. One of the concerns that is typically brought up about the R-5 zone district is the allowance of multifamily, despite the fact that the district is rarely developed as anything other than single-family detached dwellings. The proposed ZDC amendment takes this into account and seeks to create resolution.

- Plan Principle 4: *Strong Neighborhoods and Housing Choices*

*Where We are Today (and Where We are Going)* – Housing within the City of Grand Junction is in crisis. The majority of the existing stock is single-family homes, with little of other product types. This principle outlines how in the decade preceding its adoption, the City saw an increase of over 70% in the cost of for-sale housing and more than 50% of renters are cost-burdened. To address these issues, more units are needed, and those units must be diverse. The development should be high quality, focusing on development near amenities and with high levels of walkability and bikeability. Neighborhoods should be strengthened not only through the creation of third places where people can interact, such as cafes, parks, trails, and restaurants, but also through diverse and interspersed housing options.

*How We Will Get There* – Since the adoption of the Comprehensive Plan approvals for multifamily developments have increased, with hundreds of apartment units being approved. However, the ‘missing middle’ housing type – duplexes, triplexes, townhomes, and other non-traditional multifamily products, have been pursued in insignificant quantities. The R-5 zone district, both as it exists and with proposed changes, allows for those housing options to be built. The 2020 One Grand Junction Comprehensive Plan encourages a variety of housing types, which can assist in increasing density while maintaining neighborhood character. The subject property is close to an elementary school, ¼ mile from the 24 Road Corridor, including access to Canyon View Park and the retail centers near Highway 6 & 50, while also being only ½ mile from I-70, providing ease of access to nearby communities. It is also located less than ¼ mile from an active transportation corridor, providing access to the City’s multimodal facilities despite being in a more remote area of the City.

- Plan Principle 8: *Resource & Stewardship*

*How We Will Get There* – Part of properly managing the City’s resources and being good stewards of the environment is to promote sustainable development. This can be done by maximizing existing infrastructure. The subject property is located along an improved right-of-way with existing water lines available to the site. Sanitary sewer would need to be brought to the site but is in close proximity.

- Intensification and Tiered Growth Plan

*Tier 2: Suburban Infill* – Tier 2 is intended to apply to areas of the City that are urbanizing or close to areas that are urbanizing. The area immediately surrounding

the subject property is not currently urbanizing, however the property is very close to the 24 Road Corridor, which is seeing significant growth. Development in this area is anticipated to “provide development opportunities while minimizing the impact on infrastructure and City services”.

The need for housing in the City of Grand Junction is clearly outlined in the Comprehensive Plan. This need encompasses not only attainable housing but a variety of housing options, including those that could be provided through the requested rezone. The Comprehensive Plan designation of Residential Low for the subject property indicates that any of the implementing zone districts (R-4, R-5, or CSR) will “provide a transition between the open, less dense edges of Grand Junction and the denser urban areas toward the City’s center.”

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

After reviewing the Vista Five Rezone request, for a rezone from R-1 (Residential – 1 du/ac) to R-5 (Residential 3 – 5.5 du/ac) located at 2428 H Road, the following findings of facts have been made:

- 1) The request has met one or more of the criteria in Section 21.02.140 of the Zoning and Development Code.
- 2) The request is consistent with the vision (intent), goals, and policies of the Comprehensive Plan.

Therefore, Staff recommends approval of the request.

### **SUGGESTED MOTION:**

Mr. Chairman, on the Rezone request for the property located at 2428 H Road, City file number RZN-2023-555, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report.

### **Attachments**

1. Exhibit 1 - Development Application
2. Exhibit 2 - Site Maps & Photos
3. Exhibit 3 - Draft Zoning Ordinance
4. Neighborhood Petition
5. Public Comment 12.11.23

## Development Application

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

Petition For:

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

Existing Land Use Designation

Existing Zoning

Proposed Land Use Designation

Proposed Zoning

### Property Information

Site Location:

Site Acreage:

Site Tax No(s):

Site Zoning:

Project Description:

### Property Owner Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

### Applicant Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

### Representative Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

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

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

Signature of Person Completing the Application

Digitally signed by Tracy States  
Date: 2023.08.14 09:40:23 -06'00'

Date

Signature of Legal Property Owner

Date



## General Project Report

# VISTA 5, LLP Rezone

**2428 H Road, Grand Junction, CO**

**Parcel No. 2701-283-04-001**

August 14, 2023

Prepared for:

**City of Grand Junction**

**250 N. 5<sup>th</sup> Street**

**Grand Junction, CO 81501**

Prepared by:



**215 Pitkin, Grand Junction, CO 81501**

**Grand Junction, CO 81506**

**Phone: (970) 241-4722**

**Fax: (970) 241-8841**

## **A. Project Description**

**1) Location:** The project is located at 2428 H Road (Parcel No. 2701-283-04-001).

**2) Acreage:** The subject parcel contains approximately 17.37 acres.

**3) Proposed Use:** This submittal is for the Rezoning of the parcel from R-1 to R-5. The future land use is Residential Low (2 – 5.5 DU/AC). The proposed R-5 zoning (3 – 5.5 DU/AC) meets the intent of the 2020 Comprehensive Plan with regards to density and use. The current R-1 zoning does not implement the 2020 Comprehensive Plan.

It should be pointed out that this is a resubmittal for rezoning. A submittal was made back in 2022 with the same request. After careful consideration, the applicant withdrew the rezone request prior to the City Council Hearing, in anticipation of the results of similar applications in the neighborhood. Since the withdrawal of the application, the Apple Glen West annexation and zoning to R-5 has been completed. The Apple Glen West property lies less than one mile to the west of the subject parcel, adjacent to the north of Appleton Elementary School.

## **B. Public Benefit**

The proposed Rezone would allow for a range of 53 to 95 dwelling units on the parcel, meeting a need to keep up with growth and demand for housing.

## **C. Neighborhood Meeting**

A neighborhood meeting was held virtually via a zoom meeting on Thursday, August 17, 2023. A summary of the meeting is included with this submittal. Another neighborhood meeting will be required prior to Preliminary/Final Subdivision submittal, should the rezone request be approved.

## **D. Project Compliance, Compatibility, and Impact**

### **1) Adopted plans and/or policies:**

The proposed Rezoning, in conjunction with the 2020 Comprehensive Plan, will comply with the adopted codes, plans and requirements for the property. The R-5 zoning is an appropriate district for the Residential Low category of the Comprehensive Plan. Since the adoption of the 2020 Comprehensive Plan, this neighborhood is continuing to transition with new properties developing at R-4, R-5, and R-8 zonings. R-8 zoning is implemented by the next category of Residential Medium and is not applicable to this project.

### **2) Land use in the surrounding area:**

The uses contained within the surrounding area include large lot/agricultural and low density residential. Appleton Elementary School is located ½ mile to the west.

### **3) Site access and traffic patterns:**

Not applicable for this submittal.

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

The subject parcel is served by the following:

Ute Water  
City of Grand Junction Sewer  
Grand Valley Irrigation Company  
Xcel Energy  
Grand Valley Power  
City of Grand Junction Fire – Station 3  
Spectrum/Charter  
CenturyLink/Lumen

A Fire Flow Form will be obtained when development is contemplated.

**5) Special or unusual demands on utilities:**

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

**6) Effects on public facilities:**

The Rezone will have no adverse effect on public facilities.

**7) Hours of operation:**

Typical of residential development.

**8) Number of employees:**

Not applicable.

**9) Signage:**

Not applicable.

**10) Site Soils Geology:**

Not applicable.

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

None are anticipated.

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

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

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

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

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

**(ii) Compliance with this zoning and development code.**

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

**(iii) Conditions of any prior approvals.**

There are no conditions of prior approvals.

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

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

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

All applicable permits will be obtained for this project.

**Section 21.02.140 Code amendment and rezoning:**

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

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

*The proposed Rezone request to the R-5 zone districts will bring the parcel into compliance with the newly adopted 2020 Comprehensive Plan. The current R-1 zoning does not implement the plan.*

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

*The amendment would allow the continuation of low density, attainable, quality housing in Grand Junction and is consistent with the Comprehensive Plan.*

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

*Public and community facilities are existing and adequate and will support low density residential development.*

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

*This parcel of land is adequately serviced by utilities and roadways. Sewer will have to be extended ¼ mile from the east. There is an inadequate supply of low-density development parcels that conform with the 2020 Comprehensive Plan in this area.*

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

*The area will benefit with the development of low-density residential development and the extension of services.*



**F. Development Schedule**

Not applicable for this submittal.

# IMPROVEMENT SURVEY PLAT

LOT 1, VENEGAS MINOR SUBDIVISION NO 2 (RECEPTION NUMBER 1667028)  
IN THE SE 1/4, SW 1/4 OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 WEST,  
OF THE UTE MERIDIAN, MESA COUNTY, COLORADO

## SURVEY NARRATIVE

- The North line of the SE 1/4, SW 1/4 of Section 28, has in the past been drawn as a straight bearing between the S 1/16 Corner of Section 28 (MCSM #633) and the 75.00' Witness Corner (MCSM #1229WC) for the CS 1/16 Corner. However, on the BLM map for the Dependent Resurvey of Township 1 North, Range 1 West, of the Ute Meridian, dated December 11, 1986, this line is shown with bearing breaks at the corner locations reflecting the dependant resurvey.
- The upper portion of the monument for the SW 1/16 corner was damaged, however the base was undisturbed. The monument was upgraded in its current location which coincides with maps and plats recorded in this area.

SE 1/16 CORNER  
SECTION 28  
T1N, R1W, U.M.  
3" ALUM CAP  
AT GRADE

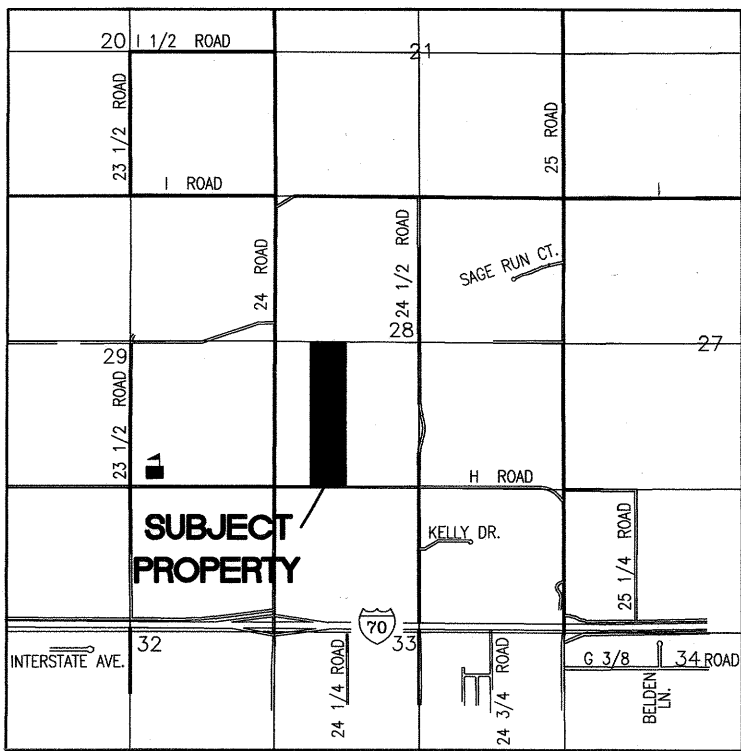
MCSM#1229WC  
CS 1/16 CORNER  
SECTION 28  
T1N, R1W, U.M.  
3" BRASS CAP  
-1.1' ABOVE GRADE

CS 1/16 CORNER  
SECTION 28  
T1N, R1W, U.M.

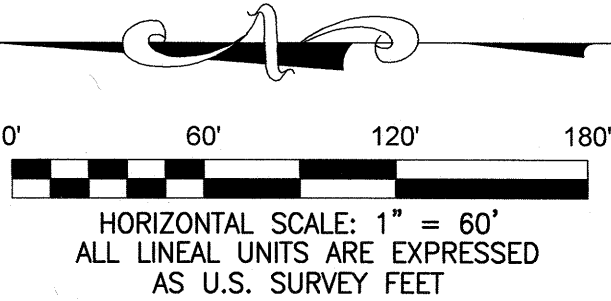
MCSM#S361  
S 1/4 CORNER  
SECTION 28  
T1N, R1W, U.M.  
3" BRASS CAP  
IN WELL  
-0.43' BELOW GRADE

LOT B  
LEE ESTATES NO 2  
REC. NO.  
2523680

LOT A  
LEE ESTATES NO 2  
REC. NO.  
2523680



## VICINITY MAP



## LEGEND AND ABBREVIATIONS

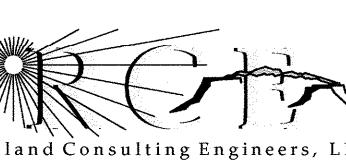
- MESA COUNTY SURVEY MARKER
- FOUND 5/8" REBAR WITH 1.5" ALLOY CAP MARKED LS-17485, -0.3' BELOW GROUND
- SET NAIL AND 1 1/2" BRASS TAG MARKED PLS-38428, IN ASPHALT
- SET No. 5 REBAR & 2" ALLOY CAP MARKED PLS-38428, ABOVE GRADE
- SET No. 6 REBAR & 3 1/4" ALLOY CAP MARKED PLS-38428, 0.5' ABOVE GROUND
- MCSM MESA COUNTY SURVEY MARKER
- ROW RIGHT-OF-WAY
- R.N. RECESSION NUMBER
- PG PAGE
- LS PROFESSIONAL LICENSED SURVEYOR
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- PLS PROFESSIONAL LAND SURVEYOR
- R RANGE
- R.O.W. RIGHT-OF-WAY
- S.F. SQUARE FEET
- ST. STREET
- T TOWNSHIP
- U.M. UTE MERIDIAN
- WM WATER METER
- FW FIRE HYDRANT
- WV WATER VALVE
- W BURIED WATER LINE
- SS BURIED SANITARY SEWER LINE
- EXISTING EDGE OF ASPHALT PAVEMENT
- SM SANITARY SEWER MANHOLE
- E ELECTRICAL VAULT
- CPED COMMUNICATIONS PEDISTAL
- IRR IRRIGATION CONTROL VALVE
- MB MAILBOX

## SURVEYOR'S STATEMENT

I, James A. McKew, a registered Professional Land Surveyor in the State of Colorado, do hereby state that the accompanying plat has been prepared by me and/or under my direct supervision and represents a field survey of the same. This statement is applicable only to the survey data represented hereon, and does not represent a warranty or opinion as to ownership, lien holders, or quality of title.

EXECUTED this 4<sup>th</sup> day of MARCH, 2019

LAND SURVEY DEPOSIT NO. 5744-19  
DEP. BOOK 1 PAGE 170 FILING DATE: 3/12/2019



405 Ridges Blvd. Suite A  
Grand Junction, CO 81507  
Voice: (970) 243-8300  
Fax: (970) 241-1273  
www.rcegi.com

## IMPROVEMENT SURVEY PLAT

LOT 1, VENEGAS MINOR SUBDIVISION NO 2  
FOR STEVE HEJL  
IN THE SE 1/4, SW 1/4 SECTION 28,  
T1N, R1W OF THE UTE MERIDIAN,  
MESA COUNTY, COLORADO

|            |                                 |          |     |         |     |       |       |      |         |       |   |
|------------|---------------------------------|----------|-----|---------|-----|-------|-------|------|---------|-------|---|
| Drawn      | JAM                             | Designed | JAM | Checked | JLG | Proj# | B8417 | Rv:  |         | Sheet | 1 |
| File Name: | C:\PROJECTS\B8417\B8417-ISP.DWG |          |     |         |     |       |       | Date | 2/15/19 | Of    | 1 |

## GENERAL NOTES

- Basis of bearings derived from Mesa County Local Coordinate System and GPS observations. The bearing is S89°47'52"E for a distance of 1316.02 feet, located between a Mesa County Survey Marker for the West 1/16 Corner, and a Mesa County Survey Marker for the South 1/4 Corner of Section 28, Township 1 North, Range 1 West, of the Ute Meridian, Mesa County, Colorado.
- Title information is from Mesa County Real Property Records, and the title policy by Land Title Guarantee Company, Commitment No. GJR65034974-8, Commitment Date 07/06/2018.

## BENCHMARK

MCSM T0708, THE W 1/16 CORNER OF SECTION 28, T1N, R1W, UTE MERIDIAN, ELEVATION = 4604.15 (NAVD 88) AS DETERMINED BY GPS USING THE MESA COUNTY COORDINATE SYSTEM.

## SUBJECT PROPERTY

LOT 1, VENEGAS MINOR SUBDIVISION NO 2 (RECEPTION NUMBER 1667028)  
IN THE SE 1/4, SW 1/4 OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 WEST,  
OF THE UTE MERIDIAN, MESA COUNTY, COLORADO

NOTE: All utility locations shown hereon are approximate only. You must call Utility Notification Center of Colorado for utility location prior to any excavation.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

DEPOSIT 5744-19

**LEGAL DESCRIPTION**

LOT 1 OF VENEGAS MINOR SUBDIVISION NO. 2, COUNTY OF MESA, STATE OF COLORADO.

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) VISTA 5, LLP ("Entity") is the owner of the following property:

(b) 2428 H Road, Grand Junction, CO 81505

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

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

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

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

☒ The Entity is the sole owner of the property.

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

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

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

(e) None

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

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

Signature of Entity representative: 

Printed name of person signing: Nathan Porter, Member

State of Colorado )

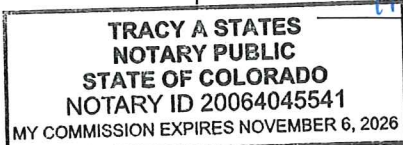
County of Mesa ) ss.

Subscribed and sworn to before me on this 17<sup>th</sup> day of August, 2023

by Nathan Porter, Member

Witness my hand and seal.

My Notary Commission expires on 11/06/2026



Tracy A. States  
Notary Public Signature





State Documentary Fee  
Date: July 20, 2022  
\$65.00

### General Warranty Deed

(Pursuant to C.R.S. 38-30-113(1)(a))

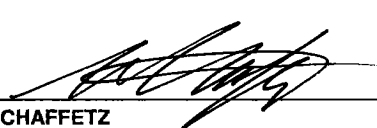
Grantor(s), **ALEX CHAFFETZ**, whose street address is **PO BOX 2123, GRAND JUNCTION, CO 81502**, City or Town of **GRAND JUNCTION**, County of **Mesa** and State of **Colorado**, for the consideration of **(\$650,000.00) \*\*\*Six Hundred Fifty Thousand and 00/100\*\*\*** dollars, in hand paid, hereby sell(s) and convey(s) to **VISTA 5, LLP, A COLORADO LIMITED LIABILITY PARTNERSHIP**, whose street address is **\*\*\*2376 K ROAD, Grand Junction, CO 81505\*\*\***, City or Town of **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 1 OF VENEGAS MINOR SUBDIVISION NO. 2, COUNTY OF MESA, STATE OF COLORADO.**  
\*\*\*516 DOVE COURT, GRAND JUNCTION, CO 81507

also known by street and number as: **2428 H RD, GRAND JUNCTION, CO 81505**

with all its appurtenances and warrant(s) the title to the same, subject to Statutory Exceptions.

Signed this day of **July 20, 2022**.

  
ALEX CHAFFETZ

State of **Colorado**

)

)ss.

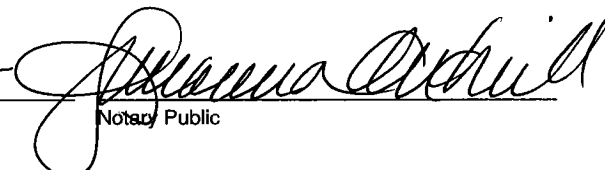
County of **MESA**

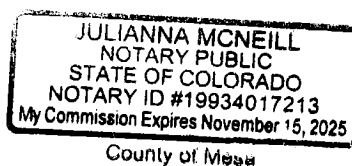
)

The foregoing instrument was acknowledged before me on this day of **July 20th, 2022** by **ALEX CHAFFETZ**

Witness my hand and official seal

My Commission expires: 11-15-25

  
Notary Public



When recorded return to: **VISTA 5, LLP, A COLORADO LIMITED LIABILITY PARTNERSHIP**

~~2376 K ROAD, Grand Junction, CO 81505~~ 516 DOVE COURT, GRAND JUNCTION, CO 81507



## STATEMENT OF AUTHORITY

This Statement of Authority concerns an entity named:

VISTA 5, LLP  
and is executed on behalf of the entity pursuant to the provisions of Section 38-30-172,  
C.R.S.

The type of entity is: Limited Liability Partnership.

The entity is formed under the laws of the State of Colorado.

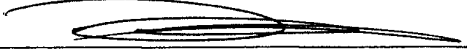
The mailing address for the entity is: 516 Dove Court  
Grand Junction, CO 81507.

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:  
Thomas Bell, Member, OR, Michael Bell, Member, OR, Nathan Porter, Member

The authority of the foregoing person(s) to bind the entity is (not limited) (limited as  
follows):  
not limited.

Other matters concerning the manner in which the entity deals with interests in real  
property:

Executed this 3<sup>rd</sup> day of November, 2022.

  
Signature (Type or Print Name Below)

Nathan Porter, Member

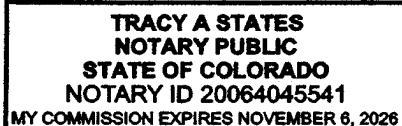
STATE OF COLORADO     )  
                                          )ss.  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of  
November, 2022, by Nathan Porter (insert name of individual) as  
Member (insert office held or role (President, Vice President or  
member, manager or managing member for LLCs) for VISTA 5, LLP (insert  
name of corporation or LLC).

Witness my hand and official seal.

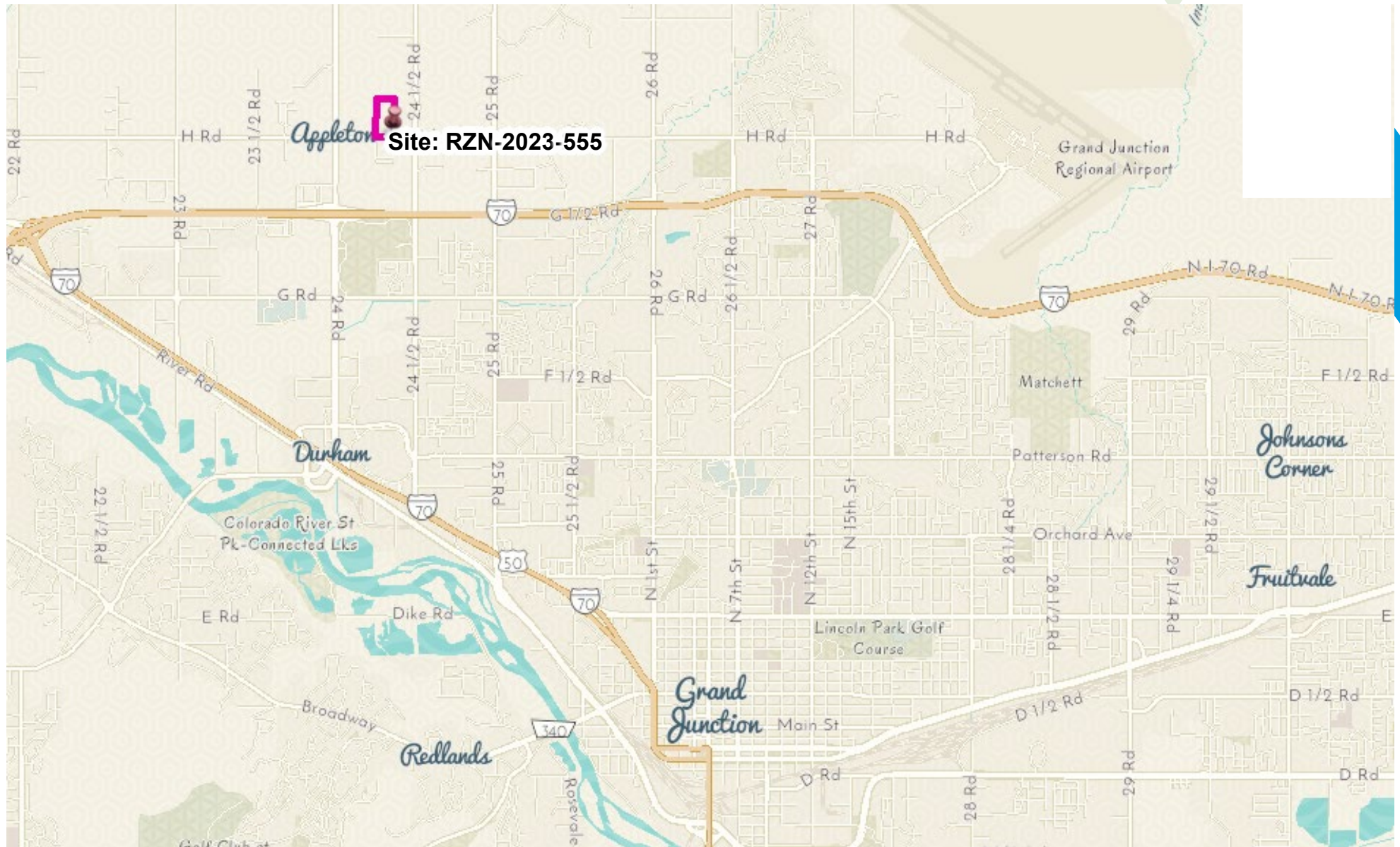
My commissioner expires: 11/06/2026

Tracy A. States  
Notary Public



# Vista Five Rezone

## Vicinity Map





# Vista Five Rezone

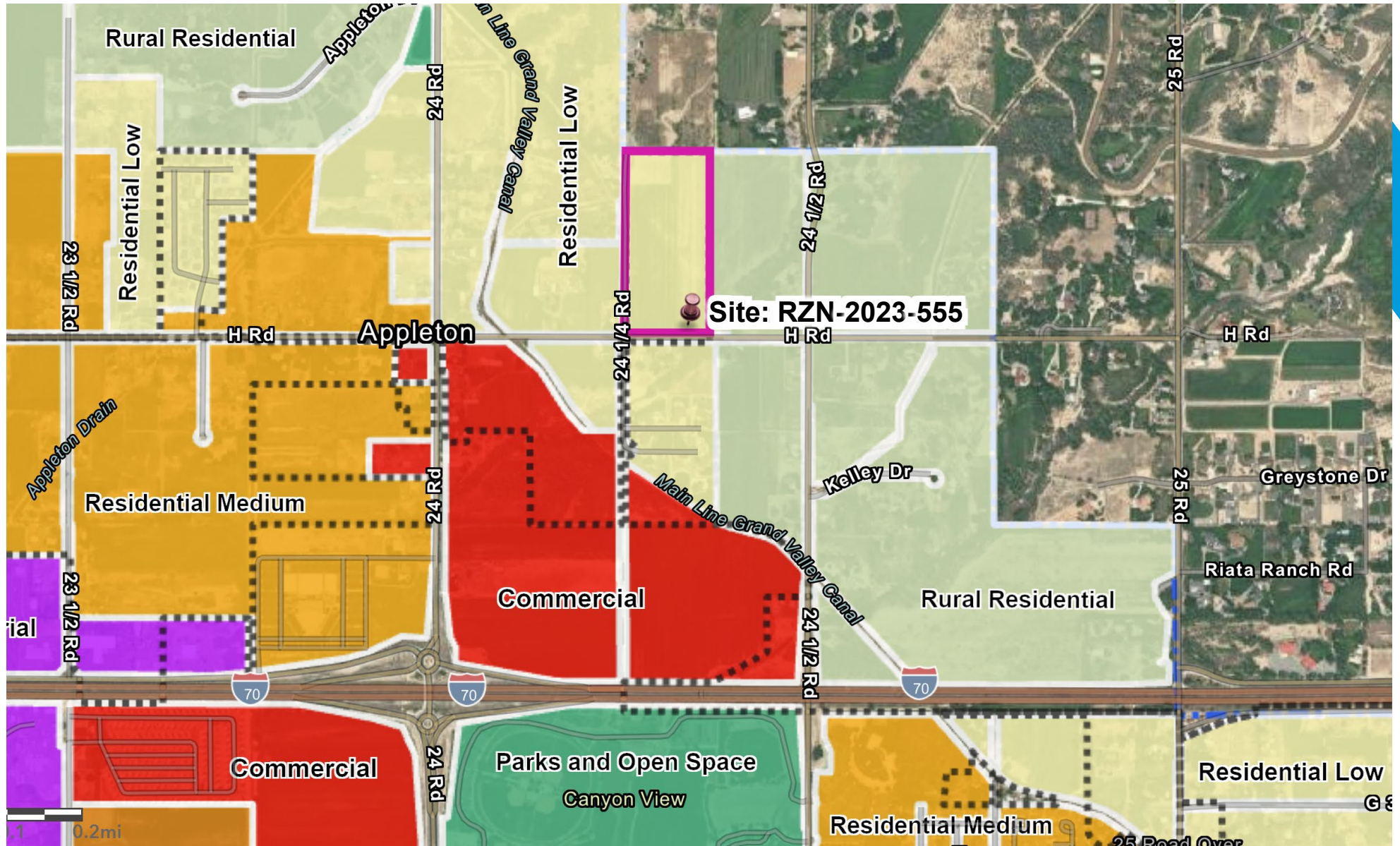
## Site Location Map





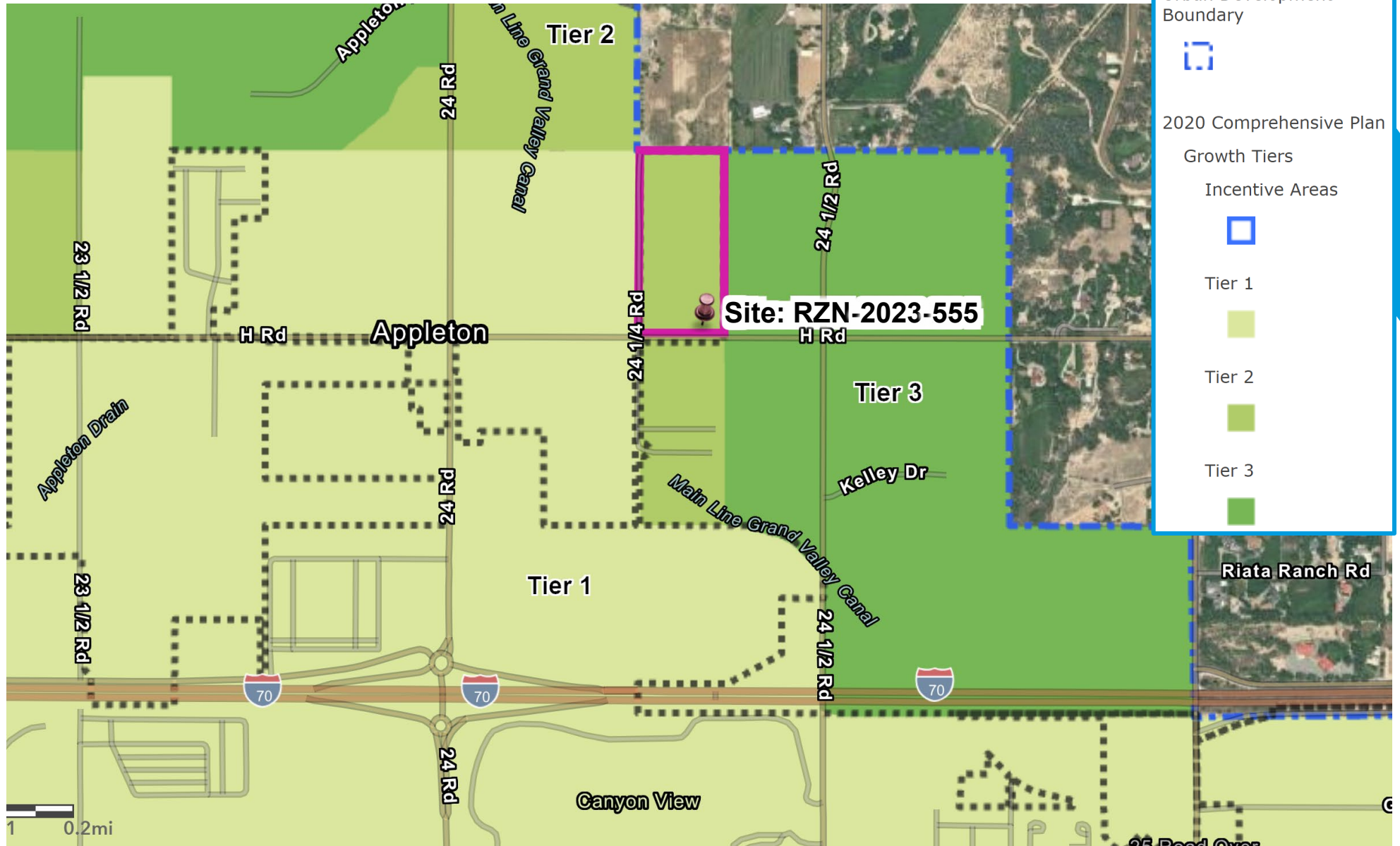
# Vista Five Rezone

## Land Use Map



# Vista Five Rezone

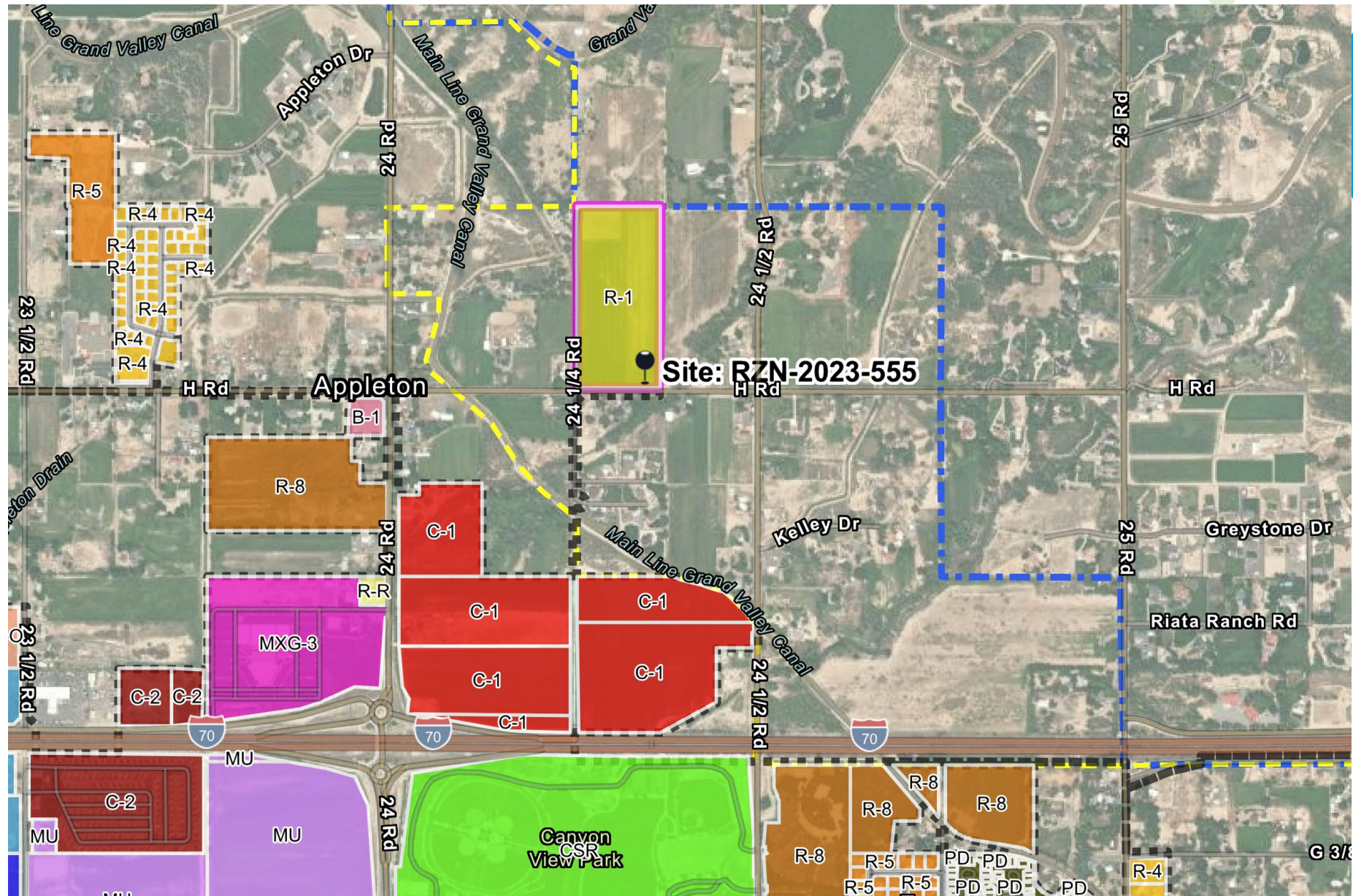
## Tiered Growth Plan





# Vista Five Rezone

Zoning Map – Proposed Zoning: R-5 (Residential – 5 du/ac)

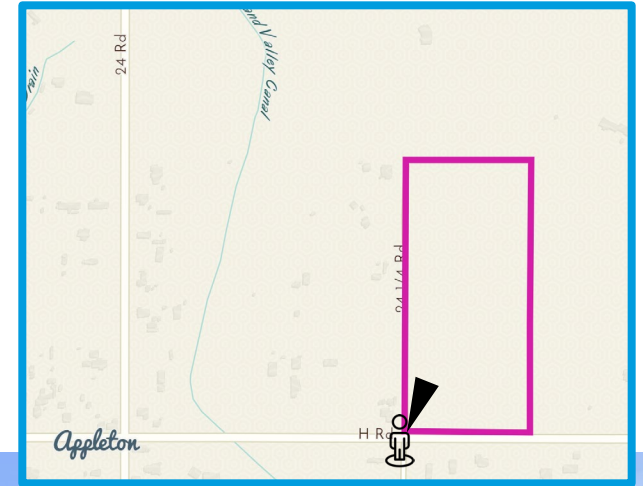




# Vista Five Rezone

## Site Photo

Google Maps street view of property northeast from the intersection of 24 1/4 Road and H Road





**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING FROM R-1 (RESIDENTIAL - 1 DU/AC) TO R-5  
(RESIDENTIAL – 5 DU/AC) ZONE DISTRICT**

**LOCATED AT 2428 H ROAD  
Tax Parcel No. 2701-283-04-001**

Recitals:

The property owner, Vista 5, LLP, proposes a rezone from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5 du/ac) on a total of 17.37-acres located at 2428 H Road.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of changing the zoning from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5 du/ac) for the property, finding that it conforms to and is consistent with the Land Use Map designation of Residential Low (2 – 5.5 du/ac) of the 2020 One Grand Junction Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that rezoning from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5 du/ac) for the property is consistent with the vision, intent, goals, and policies of the Comprehensive Plan and has met one or more criteria for a Comprehensive Plan amendment. The City Council also finds that the R-5 (Residential – 5 du/ac) zone district is consistent and is in conformance with the Comprehensive Plan and at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned R-5 (Residential – 5 du/ac) on the zoning map:

LOT 1 OF VENEGAS MINOR SUBDIVISION NO. 2, COUNTY OF MESA, STATE OF COLORADO.

Introduced on first reading this \_\_\_\_ day of \_\_\_\_\_, 2023 and ordered published in pamphlet form.

Adopted on second reading this \_\_\_\_ day of \_\_\_\_\_, 2023 and ordered published in pamphlet form.

ATTEST:

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

\_\_\_\_\_  
Mayor

December 5, 2023

City of Grand Junction Planning Department

Nicole Galehouse

Dear Nicole,

We are submitting a petition signed by 204 Appleton area residents from last March in opposition to the re-application for the Vista 5 rezone request RZN-2023-555.

Dave Zollner had the original signed petition that was submitted to the City Council last March, but the Vista property owner had canceled the original rezone request. The new application number has been written on the original petition based on the new rezone application is identical to the original from earlier this year.

Please contact myself or Dave Zollner with any questions you may have in regards to this petition.

Sincerely

Dan Komlo

970 260 2227

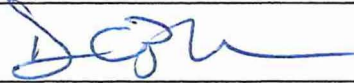
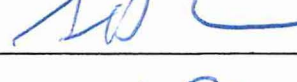
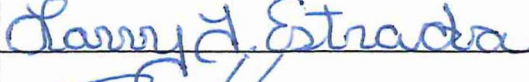
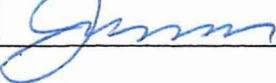
# PETITION

To: Grand Junction CITY COUNCIL

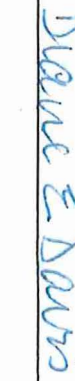
Re: Vista 5 LLC Rezone – 2428 H Road – *RZN-2023-555*

We the undersigned, respectfully request that the City Council **DECLINE** the rezone proposed because:

- 1) we are in agreement with GJ Planning Commission member Ken Scissors who stated February 14, 2023 that the **proposed rezone is “not even remotely compatible” with the area;**
- 2) the area [24 Rd to 26 Rd North of I-70] is already about **75-80% developed** as large lots over a 50 yr period; this rezone would be 5x the density of the smallest existing lots and **over 25x the density of existing average lot size;**
- 3) The **existing R-1 zoning of the subject parcel** is already within the **existing density and character of the area.**
- 4) other reasons not included here due to space limitations.

| Name                  | Signature                                                                            | Address                     |
|-----------------------|--------------------------------------------------------------------------------------|-----------------------------|
| Dave Zollner          |    | 2562 H Road                 |
| DAN KOMLO             |    | 852 24 1/2 RD G.J. CO 81505 |
| BOB FUOCO             |   | 2467 H Rd. G.J. 81505       |
| Craig Moulton         |   | 2489 Red Peach Court GJ     |
| Ken & Brenda Gordon   |  | 786 Foxtail Rd. GJCO 81505  |
| Al & Colleen Laase    |  | 2471 H Road                 |
| Larry & Cindy Estrada |  | 2527 Greystone Drive.       |
| Ron Hughes            |  | 2526 Greystone Dr.          |
| Joe Moreng            |   | 2441 Red Ranch Dr           |



| Name                                  | Signature                                                                            | Address                                |
|---------------------------------------|--------------------------------------------------------------------------------------|----------------------------------------|
| Pete Valenti                          |  | 2431 Red Ranch Dr                      |
| Sarah Marshall                        |  | 2439 H Rd                              |
| Jim Morskan                           |  | 2439 H Rd.                             |
| LARRY TICE                            |  | 775 26 Rd.                             |
| Joey Abern                            |  | 2552 Canaan Cky                        |
| Reanna Napier                         |    | 830 24 1/2 RD                          |
| Melanie Hylan                         |    | 2448 H Rd                              |
| Brenda Prestangen                     |    | 2520 Greystone Dr, Grand Jct, CO 81505 |
| Jayden Connell                        |    | 816 24th Road                          |
| Mike Tomison                          |    | 2421 I Rd                              |
| Frank Davis                           |    | 766 25 3/4 RD                          |
| Sandra M. Holloway                    |    | 813 24 1/4 Rd                          |
| Brian Swanson                         |    | 813 24 1/4 RD                          |
| Patricia Amrine                       |    | 805 24 1/4 Rd                          |
| <del>DIANE DAVIS</del><br>Deane Davis |    | 843 24 1/2 Rd 81505                    |

# PETITION

To: Grand Junction **CITY COUNCIL**

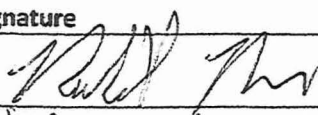
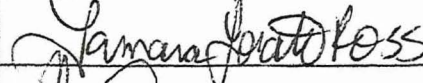
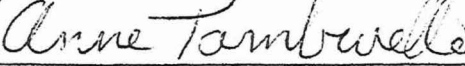
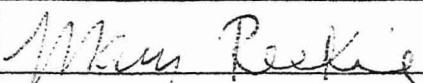
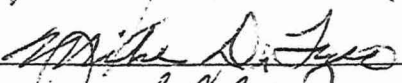
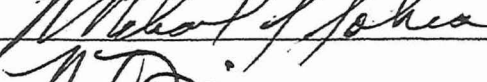
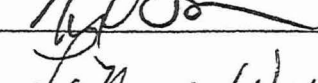
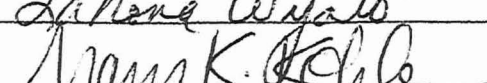
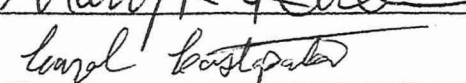
Re: **Vista 5 LLC Rezone** – 2428 H Road – to be heard March 15, 2023

We the undersigned, respectfully request that the City Council **DECLINE** the rezone proposed because:

- 1) we are in agreement with GJ Planning Commission member Ken Scissors who stated February 14, 2023 that the **proposed rezone is “not even remotely compatible” with the area;**
- 2) the area [24 Rd to 26 Rd North of I-70] is already about **75-80% developed** as large lots over a 50 yr period; this rezone would be 5x the density of the smallest existing lots and **over 25x the density of existing average lot size;**
- 3) The **existing R-1 zoning of the subject parcel** is already within the **existing density and character of the area.**
- 4) other reasons not included here due to space limitations.

| Name                | Signature     | Address              |
|---------------------|---------------|----------------------|
| Cheryl Cole         | Cheryl Cole   | 2535 Riata Ranch Ct. |
| Brenda Boff         | Brenda Boff   | 2510 Greystone Drive |
| GLENN BOTT          | Glenn Bott    | 2510 GREYSTONE DR    |
| Mark Sutton         | Mark Sutton   | 779 25 1/4 Rd.       |
| Keith Gustad        | Keith Gustad  | 2503 Greystone Dr    |
| Krisi Gustad        | Krisi Gustad  | 2503 Greystone Dr.   |
| Jan Gifford         | Jan Gifford   | 2530 Greystone Dr    |
| David David Gifford | David Gifford | 2530 Greystone Dr    |
| Terri Trimm         | Terri Trimm   | 2540 Riata Ranch Ct  |

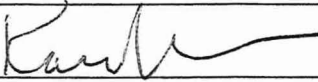
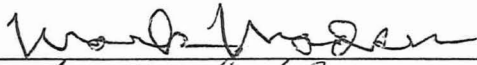
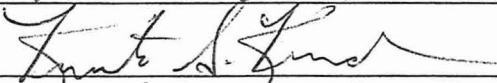
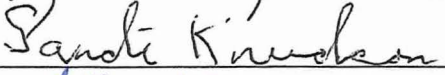
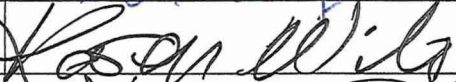
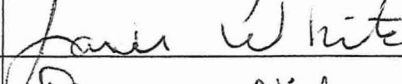
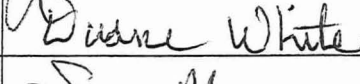
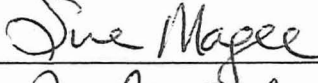
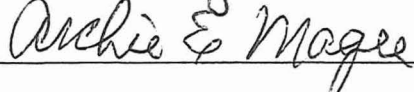


| Name               | Signature                                                                            | Address                       |
|--------------------|--------------------------------------------------------------------------------------|-------------------------------|
| Robert Ross        |    | 2508 Greystone Dr             |
| Tamara Lovato-Ross |    | 2508 Greystone Drive GJ 81505 |
| Greg Tamburello    |     | 2446 Ruby Mesa Ct.            |
| Anne Tamburello    |    | 2446 Ruby Mesa Ct             |
| Mary Reekie        |    | 2411 I Rd, GJ 81505           |
| MIKE DILUZIO       |    | 2390 I RD. GJ 81505           |
| David Aldridge     |    | 768 Foxtail Rd GJ 81505       |
| Marilyn Aldridge   |    | 768 Foxtail Rd G.S. 81505     |
| MICHAEL J JOHNSON  |    | 2421 I RD G.J. 81505          |
| Neil Morris        |   | 818 24 1/2 Rd, G.J. CO 81505  |
| Lanena Wyatt       |  | 2446 H Road, GJG. 81505       |
| MARY KOHLER        |  | 806 24 Road, GJ, CO 81505     |
| Carol Costopoulos  |  | 855 24 1/2 Road GJ, CO 81505  |
| Nichia Costopoulos |  | 855 24 1/2 Rd GJ, CO 81505    |
| Ray Costopoulos    |  | 855 24 1/2 rd GJ, CO 81505    |

| Name               | Signature         | Address                             |
|--------------------|-------------------|-------------------------------------|
| Guy Thomas         | Guy Thomas        | 921 25 RD Grand Jct CO,             |
| Jennifer Stephens  | Jennifer Stephens | 2530 Pieta Ranch Ct. G.J., CO       |
| Patrick Page       | Patrick W. Page   | 827 25 Rd G.J. CO 81505             |
| Fred E. Fowler Jr. | Fred E. Fowler    | 2485 Sage Run Ct. 81505             |
| Carol Fowler       | Carol Fowler      | 2485 Sage Run Ct G.J. CO 81505      |
| Martha Hampson     | Martha            | 2483 Sage Run Ct G.J. 81505         |
| Judy Kolacny       | Judy Kolacny      | 859 Quail Run Dr. G.J., 81505       |
| Bruce Kolacny      | Bruce Kolacny     | 859 Quail Run Dr. G.J., CO. 81505   |
| Robert W. Leach    | Robert W. Leach   | 867 25 Road Grand Junction CO 81505 |
| Karen E. Leach     | Karen E. Leach    | 867 25 Rd. Grand Jct, CO 81505      |
| CHARLES KELLER     | Charles E. Keller | 822 25 RD G.J. 81505                |
| Debbie Keller      | Debbie Keller     | 822 25 Road G.J. 81505              |
| Jonathan Kell      | Jonathan Kell     | 824 25 Road, G.J., CO 81505         |
| Raedelle Mundy     | Raedelle Mundy    | 2426 H Rd                           |
| Tracy Mundy        | Tracy Mundy       | 2426 H Rd. G.J., CO 81505           |

15 sigs



| Name                   | Signature                                                                            | Address                     | CELL |
|------------------------|--------------------------------------------------------------------------------------|-----------------------------|------|
| KAREN MADSEN           |    | 2484 Sage Run Ct            |      |
| MARK MADSEN            |    | 2484 Sage Run Ct.           |      |
| Knute Knudson          |    | 876 Covey Rd                |      |
| Sandi Knudson          |    | 876 Covey Road              |      |
| Stephanie Mabley       |    | 774 Foxtail Road            |      |
| Roger & Patti Beaudoin |    | 833 24 1/2 Rd.              |      |
| Ronald Gray            |    | <del>2369</del> 2369 H Road |      |
| Karen Wiles            |    | 782 24 1/2 Rd.              |      |
| Ken Johnston           |    | 782 24 1/2 Rd               |      |
| DREW REEKIE            |   | 2411 I RD.                  |      |
| Kit Mabley             |   | 774 Foxtail Rd.             |      |
| Tanie White            |  | 810 24 Rd                   |      |
| Duane White            |  | 810 24 Rd                   |      |
| Sue Magee              |  | 2517 Oleaster Court         |      |
| Archie & Magee         |  | 2517 Oleaster Court         |      |

| Name               | Signature            | Address                          |
|--------------------|----------------------|----------------------------------|
| JUDITH BUTTERFIELD | Judith Butterfield   | 2502 GREYSTONE DR.               |
| ED BUTTERFIELD     | Edward E Butterfield | 2502 GREYSTONE DR.               |
| Brace Bolton       | Brace Bolton         | 800 25 Rd                        |
| Josie Bolton       | Josie Bolton         | 800 25 Rd. G.J., CO              |
| Melissa Hein       | Melissa Hein         | 2502 Riata Ranch Rd GJ, CO 81505 |
| Bryce Hein         | Bryce Hein           | 2502 Riata Ranch Rd GJ, 81505    |
| Cynthia Komlo      | Cynthia Komlo        | 852 24 1/2 Rd. GJ 81505          |
| Christena Brigh    | Christena Brigh      | 848 24 1/2 Rd GJ 81505           |
| Sharon Wilcox      | Sharon L. Wilcox     | 848 24 1/2 Rd GJ 81505           |
| Mary Jo Stauber    | Mary Jo Stauber      | 2457 I Rd. GJ 81505              |
| MATHEW DOKONGIL    | Matthew Dokongil     | 2477 I Rd. G.J. 81505            |
| Cathy Dokongil     | Cathy Dokongil       | 2477 I Rd GJ 81505               |
| Pat Kephart        | Pat Kephart          | 2491 I Rd GJ 81505               |
| Michael Cedar      | Michael Cedar        | 2491 I Rd GJ 81505               |
| G. H. Galey        | G. H. Galey          | 2491 I 1/2 Rd - 81505            |

15 sigs

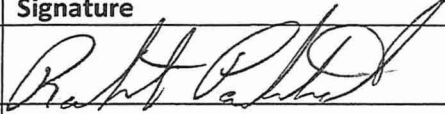
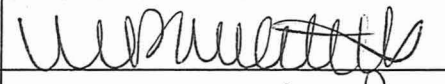
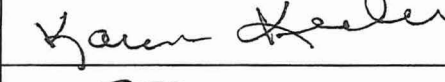
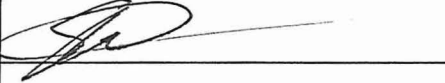
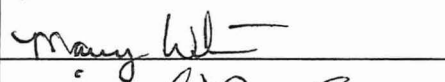
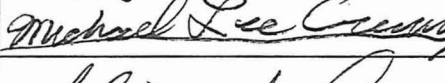
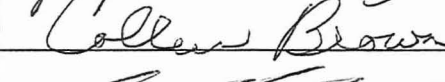
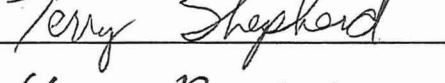
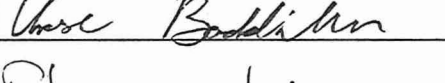
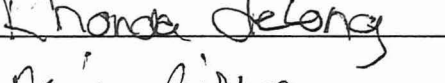
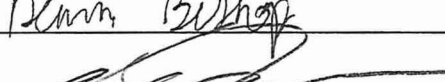


| Name              | Signature          | Address                         |
|-------------------|--------------------|---------------------------------|
| CHERYL HAYWARD    | Cheryl Hayward     | 2486 I 1/2 RD G5 CO 81505       |
| MARLO REIMER      | Cheryl Hayward for | 853 25 RD G5 CO 81505           |
| Wayne Jacovetto   | Wayne Jacovetto    | 949 25 RD GJ CO 81505           |
| Lupuna Jacovetto  | Lupuna Jacovetto   | 949 25 Rd GJ Co 81505           |
| DAVID MCDANIEL    | David McDaniel     | 949 25 Rd GJ CO 81505           |
| Janice R McDaniel | Janice R McDaniel  | 949 25 Rd GJ CO 81505           |
| David Mueller     | David Mueller      | 979 25 R.J.                     |
| Annie Mueller     | Annie Mueller      | 979 25 R.J.                     |
| Tammy Brislin     | Tammy Brislin      | 2529 Woody Creek Rd             |
| Mike Brislin      | Michael Brislin    | 2529 Woody Creek Rd             |
| Alice Bumgarner   | Alice M. Bumgarner | 992 25 Rd GJ Co                 |
| Mike Ross         | Mike Ross          | 1007 25 Road GJ. Co.            |
| Susan Ross        | Susan Ross         | 1007 25 Rd GJ. Co               |
| Debbie Thomas     | Debbie Thomas      | 921-25 Rd GJ Co 81505           |
| Jonathan Stephens | Jonathan Stephens  | 2530 Vista Ranch Ct GJ CO 81505 |

| Name              | Signature         | Address                                |
|-------------------|-------------------|----------------------------------------|
| Carolyn Pierce    | Carolyn Pierce    | 3436 Clz Rd Palisade CO 81826          |
| Kathy J Plunk     | Kathy J Plunk     | 2132 Slope Creek Ave Gr Jct CO 81505   |
| Jordyn Stephenson | Jordyn Stephenson | 255 W. Kennedy Ave.                    |
| Peggy Espinoza    | Peggy Espinoza    | 525 Grand Valley Dr Grand Jct CO 81504 |
| Orion Chamberlain | Orion Chamberlain | 225 Camino del Rey Or GJ 81504         |
| Cheyenne Connedy  | Cheyenne Connedy  | 615 28 1/4 RD #431 G.J. 81506          |
| Katherine McCoy   | Katherine McCoy   | 523 Beverly Ln GJCO 81504              |
| Jennifer Kubat    | Jennifer Kubat    | 489 Sheldon Rd. / G.J. 81504           |
| Anet Rodriguez    | Anet Rodriguez    | 3231 Chain St Clifton, CO 81520        |
| Brittany Lauer    | Brittany Lauer    | 247 Thistle Dr, GJ, CO 81503           |
| Charlotte Cole    | Charlotte Cole    | 641 Zoe Lane, GJ, CO 81504             |
| Deb Spence        | Deb Spence        | 277 27 3/4 Rd Grand Junction 81503     |
| Ashlea Johnson    | Ashlea Johnson    | 504 Gamma Ct, Grand Junction, CO 81504 |
| Ashlea Johnson    | Ashlea Johnson    | 2720 1/2 Rincon Dr. GJ, CO 81503       |
| Lisa Whalin       | Lisa Whalin       | 2380 E. PIRAZA Pl. GJ CO 81506         |

15 sigs



| Name               | Signature                                                                            | Address                         |
|--------------------|--------------------------------------------------------------------------------------|---------------------------------|
| Robert Pauletich   |    | 765 24 1/2 rd                   |
| Mandy Pauletich    |    | 765 24 1/2 Rd.                  |
| Karen Heeler       |    | 779 24 1/2 Rd                   |
| Shiloh White       |    | 779 24 1/2 Rd                   |
| Mary White         |    | 781 24 1/2 Rd                   |
| Michael Crumly     |    | 2457 Kelley Drive               |
| Lylamae T. Chedsey |    | 2457 Kelley Drive               |
| Colleen Brown      |    | 2478 H Ct                       |
| STEPHEN CORN       |    | 2486 H Ct                       |
| Kelly Corn         |   | 2486 H Ct                       |
| Terry Shepherd     |  | 791 25 Rd -                     |
| Chase Boddicker    |  | 2479 H Rd Grand Junction, 81505 |
| Rhonda DeLong      |  | 811 24 1/4 Rd GJ CO 81505       |
| Denim Bishop       |  | 815 24 1/4 Rd CO 81505          |
| RAYMOND C. PILCHER |  | 645 26 Rd GJ CO 81506           |

| Name              | Signature         | Address                             |
|-------------------|-------------------|-------------------------------------|
| René Knight       | René Knight       | 784 24 1/4 Road Grand Jct, CO 81505 |
| Loretta Hanvey    | Loretta Hanvey    | 792 24 1/4 Rd                       |
| Brad Kiser        | Brad Kiser        | 794 24 1/4 Rd                       |
| Monique Kiser     | Monique Kiser     | 794 24 1/4 Rd.                      |
| Jane Tatum        | Eleana J Tatum    | 783 24 1/2 Rd.                      |
| James F. Tatum    | James F. Tatum    | 783 24 1/2 Rd G.T. Co. 81505        |
| PAT BARR          | Pat Barr          | 2449 H ROAD                         |
| Dylan Barr        | Dylan Barr        | 2482 H Court                        |
| Chris Duffey      | Chris Duffey      | 2489 H Road                         |
| MARY JONES        | Mary Jones        | 2495 H Rd                           |
| MICHAEL DUFFEY    | Michael Duffey    | 787 25 Rd                           |
| Susan S. Orloff   | Susan S. Orloff   | 525 Walnut Ave.                     |
| Walter Orloff     | Walter Orloff     | 525 Walnut Ave.                     |
| Kevin Young       | K Young           | 2451 Kelley Dr.                     |
| John Herschberger | John Herschberger | 2368 Green Apple pr.                |

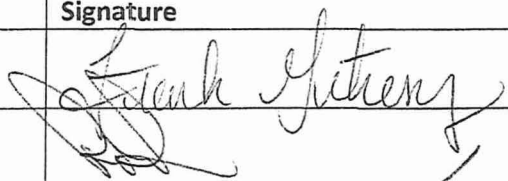
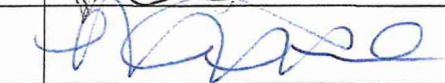
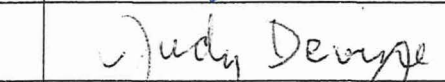
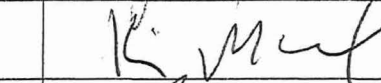
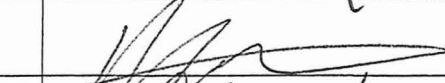
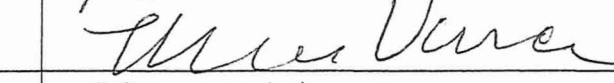
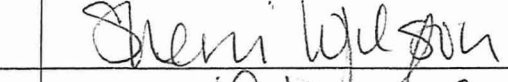
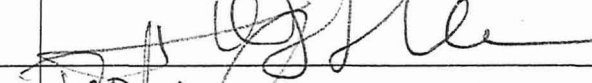
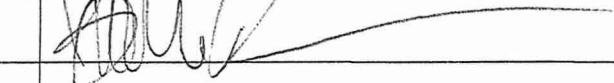


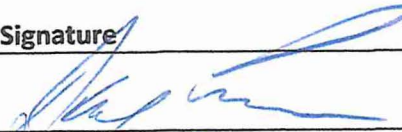
| Name              | Signature         | Address                 |
|-------------------|-------------------|-------------------------|
| Lisa Powers       | Lisa Powers       | 2463 H Rd               |
| Cliff Miller      | Clifford Miller   | 2463 H Rd               |
| Andres Bajorek    | Andres Bajorek    | 2433 H Rd.              |
| Sarah Bajorek     | Sarah Bajorek     | 2433 H Rd               |
| Daniel Bajorek    | Daniel Bajorek    | 2433 H Rd.              |
| Jennifer Hunt     | Jennifer E Hunt   | 2453 H Rd.              |
| ANNA MARIA FRESCO | Anna Maria Fresco | 2447 H Rd.              |
| Kristy Armour     | Kristy L Armour   | 2314 Knoll Circle 81506 |
| Cindy Gramm       | Cindy Gramm       | 3350 Cliff Ct. 81506    |
| Shilo Cook        | Shilo Cook        | 202 24 RD 81502         |
| Lennie Watson     | Lennie Watson     | 808 24 RD 81502         |
| James Scholl      | James A Scholl    | 814 24 RD 81505         |
| Bob Balog         | Bob Balog         | 824 24 Rd 81505         |
| Robbie L. Balog   | Robbie L. Balog   | 824 24 Rd 81505         |
| Randy Hunt        | Randy Hunt        | 2453 H Road. 81505      |

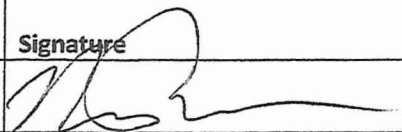
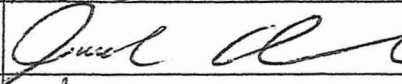
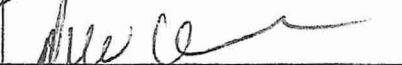
| Name                  | Signature             | Address                             |
|-----------------------|-----------------------|-------------------------------------|
| Chad Hylan            | Chad Hylan            | 2448 Hrd GJ 81505                   |
| Levi Hylan            | Levi Hylan            | 2448 Hrd GJ 81505                   |
| JAY Keeher            | Jay Keeher            | 779 24 1/2 Rd GJ 81505              |
| DR. SHALONA McFARLAND | Dr. Shalona McFarland | 2416 H Road G.J. 81505              |
| Josh Wyatt            | Josh Wyatt            | 2416 H Rd G.J. 81505                |
| Dr. J.J. Wyatt        | Dr. J.J. Wyatt        | 2416 H Rd. G.J. 81505               |
| Andrew Klements       | Andrew Klements       | 780 24 1/4 Rd. GJ 81505             |
| Jessica Klements      | Jessica Klements      | 780 24 1/4 Rd GJ 81505              |
| Karmela Klements      | Karmela               | 780 24 1/4 Rd GJ 81505              |
| David Hartman         | David Hartman         | 970-260-0191 786 24 1/4 Rd          |
| Markus Hartman        | Markus Hartman        | 970-260-0191 786 24 1/4 Rd          |
| JONATHAN HARBER       | Jonathan Harber       | 215 . 901. 0225 772 24 1/4 Rd 81505 |
| BRIAN HAUT            | Brian Haut            | 788 24 1/4 Rd, GJ. 81505            |
| MADALYN HAUT          | Madelyn Haut          | 788 24 1/4 Rd G.J. 81505            |
| Taylor Knight         | Taylor Knight         | 784 24 1/4 Rd GJ. 81505             |

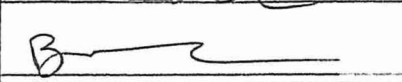
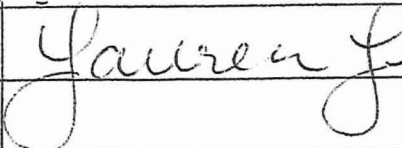
155195



| Name            | Signature                                                                            | Address              |
|-----------------|--------------------------------------------------------------------------------------|----------------------|
| Frank Gutierrez |    | 777 Foxtail Rd       |
| Petrick Timm    |     | 2540 Riata Ranch Ct  |
| Richard Hulse   |     | 2531 Riata Ranch Ct  |
| Robin Martine   |    | 787 Foxtail Rd       |
| Judy Devine     |    | 2525 Riata Ranch Ct. |
| Kevin McCarrel  |    | 2529 Riata Ranch Ct. |
| Lyan Cranston   |    | 778 Foxtail Rd.      |
| Cheri Vana      |    | 2514 Greystone Dr.   |
| Mark Vana       |    | 2514 Greystone Dr.   |
| SHERRI WILSON   |   | 766 Foxtail Rd.      |
| Trevor Johnson  |  | 788 Foxtail Rd       |
| Brooke Johnson  |  | 788 Foxtail Rd       |
|                 |                                                                                      |                      |
|                 |                                                                                      |                      |
|                 |                                                                                      |                      |

| Name            | Signature                                                                          | Address                                |
|-----------------|------------------------------------------------------------------------------------|----------------------------------------|
| Dan Perrin      |  | 913 23 1/2 Rd. 81505                   |
| Kyle Prestangen |  | 2520 Greystone Dr., Grand Jet CO 81505 |

| Name               | Signature                                                                          | Address           |
|--------------------|------------------------------------------------------------------------------------|-------------------|
| Matt Rossman       |  | 826 24 1/2 Rd     |
| Jared Chisholm     |  | 2440 Ruby Mesa Ct |
| Marcus Costopoulos |  | 855 24 1/2 Rd     |

| Name            | Signature                                                                            | Address                   |
|-----------------|--------------------------------------------------------------------------------------|---------------------------|
| Anna Smith      |  | 2763 Compass Dr. GJ 81506 |
| Brooke Williams |  | 1537 19 Rd Fruita 81521   |
| Lauren Lewis    |  | 2426 I RD.                |
|                 |                                                                                      |                           |
|                 |                                                                                      |                           |
|                 |                                                                                      |                           |



## Niki Galehouse

---

**From:** jayf@remax.net <jay@tworiversrealtyinc.com>  
**Sent:** Saturday, December 2, 2023 9:50 PM  
**To:** Niki Galehouse  
**Subject:** Application #: RZN-2023-555 Project Name: Vista 5 LLP Rezone Address: 2428 H Road

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

Dear distinguished members of the Grand Junction Planning Commission and City Council,

As an active real estate broker that has sold numerous homes in this area and a 40+ year member of the development and building communities here in Grand Junction, I strongly oppose this rezone and adamantly believe that the existing 1 acre [R-1] zoning on the subject parcel already reasonably reflects the long established land use of this area.

My Objection to this substantially higher density rezone and the differentiating issues for this parcel is twofold:

- 1) The area West of 24 Road has already been developed for decades with higher density residential, sewer and commercial, but not so East of 24 Road, and is not comparable to the subject area.
- 2) The subject area [generally defined as] East of 24 Road, North of I-70, and West of 26 Road is substantially developed [maybe 75-80%], averaging greater than 5 acres per unit in a range with the vast majority in 1 to 10 acre parcels. The very high density proposed by this rezone is not even remotely in the same character of this long established Grand Junction neighborhood.

Sincerely,

### Jay Fellhauer

Broker Associate  
RE/MAX Mountain West  
970.250.5100 (Cell)  
970.241.3939 (Office)  
[jayf@remax.net](mailto:jayf@remax.net)  
[www.jayf.remax.com](http://www.jayf.remax.com)



## Niki Galehouse

---

**From:** Matthew Swelstad <swelstad13@gmail.com>  
**Sent:** Sunday, December 3, 2023 5:33 AM  
**To:** Niki Galehouse  
**Subject:** ER one

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

**RZN-2023-555**

Project Name:

**Vista 5 LLP Rezone**

Address:

**2428 H Road**

To whom it may concern,

My wife and I would like to voice our extremely strong opposition to the above noted rezoning.

We have lived in GJ 18 years. We love our neighbors and neighborhood. Please do not destroy it so a few developers can make even more money. Our neighborhood adds so much value to Grand Junction. Stop by for a tour if you want to learn more.

Matt and Kathy Swelstad

Sent from my iPhone

## Niki Galehouse

---

**From:** Glenn Bott <glenn@glennbott.com>  
**Sent:** Monday, December 4, 2023 8:54 AM  
**To:** Niki Galehouse  
**Subject:** 2428 H Road - Still Oppose Rezoning

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

Nicole -

Good Day!

Heard the builder resubmitted their rezoning request for the designated parcel. We still oppose their requested zoning change.

Be Focused

G

Glenn Bott  
Think Differently, Live Better  
303-918-4626  
[www.GlennBott.com](http://www.GlennBott.com)  
Keynote Speaker / Warrior / Consultant / Author



## Niki Galehouse

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**From:** Missy Smith <missy.msb@gmail.com>  
**Sent:** Tuesday, December 5, 2023 12:57 PM  
**To:** Niki Galehouse  
**Subject:** Vista 5 LLP Rezone

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

Nicole Galehouse,

I am writing to oppose the resubmission of this request to allow up to 5.5 units/acre . This area East of 24 Rd. and West of 26 Rd. is developed out as a long established neighborhood averaging greater than 5 acres per unit - mostly in a range of 1-10 acre parcels. The proposal of 5.5 units per acre is not even remotely in the character of the long established neighborhood. The same proposal was denied last April for this reason. This high density proposal does not belong in an area that is zoned as is for a very long time. Please vote no to preserve it.

Sincerely,  
Missy Smith

## Niki Galehouse

---

**From:** Brenda Bott <gobott1@outlook.com>  
**Sent:** Tuesday, December 5, 2023 8:47 PM  
**To:** Niki Galehouse  
**Subject:** 2428 H Road - I Oppose Rezoning

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

Hi Nicole:

I'd like it to be documented that I still oppose the requested rezoning for 2428 H Road. I understand the rezoning request has been re-submitted. Please do not allow it.

Sincerely,

Brenda Bott  
303-912-2688



## Niki Galehouse

---

**From:** Robert Fuoco <bfuoco2467@gmail.com>  
**Sent:** Wednesday, December 6, 2023 9:17 AM  
**To:** Niki Galehouse  
**Subject:** RZN-2023-555

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

Niki,

Please forward these comments to Planning Commission.

Dear Commissioners,

A few weeks ago PC voted to disallow RE, R1 and R2 zoning. Based on some Commissioners comments it was based on the current inventory of those zones. There are only a few undeveloped lots left. This will be one of the last chances to save a few areas for the people that would like to own a home on a lot larger than 6000 sq ft. This is the size of a typical lot in downtown Grand Junction and the size the developer is planning. Please deny the zoning change and leave it at R1.

Thanks,

Bob Fuoco  
2467 H Rd, Grand Junction, CO 81505

## Niki Galehouse

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**From:** Mark Smith <info@mainstreetbagels.net>  
**Sent:** Wednesday, December 6, 2023 11:55 AM  
**To:** Niki Galehouse  
**Subject:** Vista 5 LLP Rezone

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

Niki Galehouse,

I would like to express to the City Council members my opposition to the rezone, (RZN-2023-555), of this parcel. The rezone would drastically deviate from the long established uses of this area. The present zoning of one acre per home is already a stretch from the current character of this neighborhood averaging more than 5 acres per home and already 80% built out.

Mark Smith

822 24 1/2 Rd, GJ 81505

970 433-1496

## Niki Galehouse

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**From:** Larry D. Tice, MD <ltice92046@aol.com>  
**Sent:** Thursday, December 7, 2023 12:20 PM  
**To:** Niki Galehouse; LARRY TICE  
**Subject:** Planning CommissionMeeting

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

Dear Planning Commission members RE:application #: RZN-2023-555

Project Name: Vista 5 LLP Rezone

Address: 2428 H Road

I want to restate my prior opposition (February 2023 Petition) to this planned rezone change. The current 1 acre zone is most consistent with surrounding real estate, and preserves the rural nature of land between 24 and 26 Roads north of I-70, where I reside for last 42 years. City high density encroachment may inevitably happen but current low density, rural and esthetic and environmentally pleasing status is desirable for all of Mesa County. Grand Junction City and all residents will benefit in long run!

Cordially,

Larry D Tice

December 7, 2023

Grand Junction Planning Commission  
250 North 5<sup>th</sup> St.  
Grand Junction, CO

Dear Planning Commission,

As long-time residents my wife and I strongly oppose the Vista 5 rezone request (RZN-2023-555). We feel that the City Council made the right decision in 2019 when the property was annexed, and Council denied the original property owner's request for 4 du/ac and instead approved rezoning it to R-1. We believe that the existing R-1 status reflects the nature and character of the long existing land use in this area.

We oppose this rezone request RZN-2023-555 for the following reasons:

- a. The area West of 24 Road has already been developed for decades with higher density residential, sewer and commercial, but not so East of 24 road, and R-5 would not be comparable to the character of this local community.
- b. The subject area (generally defined as) East of 24 Road, North of I-70, and West of 26 Road is substantially developed out (maybe 75-80%), averaging greater than 5 acres per unit in a range with the vast majority in 1-to-10-acre parcels. The very high density proposed by this rezone is not even remotely in the same character of this long-established neighborhood.
- c. **Lack of safe neighborhood connections**, page 26 of the Comprehensive Plan lists the I-70 overpasses at 23 Rd & 26 Rd as being **"non-existing crossings" as...multimodal grade separated crossings"**. Both 24 ½ and the 25 Rd overpasses can easily share the same designation since they are just as narrow (18' width) and will not safely support pedestrian or bicycle traffic either. The Plan also states, page 29 that future growth should **"promote housing density to be located near existing or future transit routes and in areas where pedestrian and bicycle facilities can provide safe and direct connection to neighborhood and employment centers"**. Both CDOT (2019) and Dave Thornton (meeting on 3/1/23) indicated that there are no future plans to improve or provide pedestrian access for any of the four overpasses listed above.
- d. The established surrounding community will not derive any benefits from this proposed rezone.

Sincerely,

Dan & Cynthia Komlo  
852 24 ½ Road  
Grand Junction, CO



## Niki Galehouse

---

**From:** K. S. Knudson <knudsonv@earthlink.net>  
**Sent:** Friday, December 8, 2023 12:17 PM  
**To:** Niki Galehouse  
**Subject:** Vista 5 LLP Rezone

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

Dear Ms. Galehouse,

I am writing to express my opposition to rezoning the 2428 H Road property from 1Unit/acre to 5 Units/acre. I was opposed to the "flagpole annexation" several years ago and still believe that denser development of this property does not fit in with the character of the surrounding area. 24 Road has long been a demarcation between the larger parcels to the east and denser development toward Appleton Elementary.

Thank you,

Knute Knudson  
876 Covey Road  
Grand Junction, CO  
81505

Planning Commission

**RE: Vista 5 LLP Rezone**  
RZN-2023-555  
**2428 H Road**

To be heard **December 12, 2023**

I encourage the Planning Commission to pause for a moment and consider why one of its **members** stated on 2/14/23 that this *identical* proposed rezone is **"not even remotely compatible" with the neighborhood.**

I suggest his reason is why the subject parcel was **zoned R-1** by City Council in 2019.

The attached **aerial photo** shows this "not even remotely compatible" in one broad picture of the neighborhood, with the dots representing an existing home or developed residential lot.

Please consider as part of this 'why' the following information as related to the history of the neighborhood, and why **denial of the requested rezone** is appropriate for **quality growth** in greater Grand Junction:

- 1) the subject 'neighborhood' is the *residential* area **between 24 and 26 Roads North of I-70**
- 2) the neighborhood is **already about 75-80% developed**
- 3) the neighborhood has **a long history** since the mid 1960's of **developing as 5 acre, 2 acre**, and most recently as **some one acre** home parcels
- 4) a rezone would dramatically alter this **longstanding area development plan** ...into "not even remotely compatible"
- 5) the average parcel size of this long developed neighborhood is **nearly 6 acres in size**
- 6) the proposed rezone would be nearly **30 times the density** of the average parcel size of this substantially developed neighborhood; please observe the **greatly disproportionate density (dots)** in the aerial photo of the proposed development [up to **95 homes** on 17.37 acres] compared to neighborhood.
- 7) the proposed rezone would also be 5.5 times the density of the smallest of lots of the neighborhoods labeled 'R-1 Sample.'

- 8) the City has already recognized **where increased density should go** in this North Central Valley area with existing higher densities **West** of 24 Road and **East** of 26 Road with sewer needs and more dense developments in these areas. The West area needed sewer because of commercial use, the school, and high water tables in the area. These recognized higher density areas, along with I-70, **provide the definition of the subject established neighborhood.**
- 9) The **existing R-1** zoning of the subject **already exactly fits the needs and long established character of the neighborhood,** matching its most recent developments.
- 10) Objective or Subjective?: If this decision was all objective, as 'one-size-fits-all', then PC consideration would not be necessary. The PC is to put flesh on the bones of the Development process. City land development recognizes this **subjective** nature with [see attached] statements like "**identify the land uses that are most compatible with the character and physical environment of specific areas**" and "**to protect ...unique sense of place and character.**" The proposed rezone does not fit these subjective criteria when considering the facts of inserting 30 times the existing average density of this substantially developed neighborhood.
- 11) I-70 Bridge: The most central access from the subject parcel to town is the 24½ Road I-70 bridge which is remarkably narrow at only **9' wide lanes** and with **rapid rising ramps** on each approach rendering **visibility ahead practically impossible** until reaching the bridge. Both these issues are unique to this bridge, with none other so narrow like it in the Grand Valley except the 29 Road I-70 'bridge to nowhere.' The 24½ I-70 Road bridge was truly scaled down for farm access. This bridge is an **attractive nuisance** to bikers and walkers desiring to get to Canyon View Park or Caprock Academy or shopping. Higher density would only complicate this over time. Try crossing the bridge with traffic sometime ...there are **steep declines on each side** with no place to bail out!
- 12) Flagpole Annexation: While the annexation was legal, it was **not done in the spirit of the law** as it required 5 separate annexations to accomplish it [Annex #911-915 dated 9/22/19] ...5 separate contortions / jogs to 'fit' the subject parcel into the City. This effective 'island' annexation crosses undeveloped land and the GV Canal with no bridge, and to access it must exit the City to get there.
- 13) Finally, **why did the GJ City Council limit the density to R-1** in its August 2019 meeting regarding this parcel? It was because the CC recognized, in part, the Public Notification flaw in accepting a parcel into the Persigo Sewer district. All that is required is the infamous fine-print newspaper Public Notice ...**no parcel signage is required to reasonably notify the neighborhood** of coming high density. The inclusion in Persigo means inclusion in the City limits

...which necessarily means up to 5.5 units per acre ...all started without public signage on the property. That is why the CC compromised by matching the density to the highest existing density in the neighborhood.

I hope you consider these issues as '**quality growth**' ...all for the greater long-term good of Grand Junction and the Grand Valley.

In short, I respectfully ask the Planning Commission to **decline the rezone** as the already existing **R-1 zoning respects this area for the greater good of Grand Junction.**

Sincerely,



Dave Zollner

2562 H Road GJ, CO 81505  
dzollner@gvii.net





## Use Standards

ONE GRAND  
JUNCTION  
ZONING & DEVELOPMENT  
CODE UPDATE



Use standards determine where certain land uses and activities can be located in the City. The Code helps identify the land uses that are most compatible with the character and physical environment of specific areas.



## Development Standards

ONE GRAND  
JUNCTION  
ZONING & DEVELOPMENT  
CODE UPDATE



Development standards set minimum requirements for each part of the physical environment (land, utilities, buildings) that form a development. Development standards affect the quality of development from protection



### WHY DOES THE CODE ADDRESS THIS?

- To protect Grand Junction's life safety, public health, and unique sense of place and character.



## Project Overview

ONE GRAND  
JUNCTION  
ZONING & DEVELOPMENT  
CODE UPDATE



The goals of the Zoning and Development Code update project, informed and guided by the One Grand Junction Comprehensive Plan include:

1. Increase development potential across the city and promote a wide range of development types
2. Produce high quality and compatible development.
3. Increase housing supply and maintain affordability

### HOW DO KEY CHANGES TO THE CODE IMPLEMENT THESE GOALS?

| Key Changes                                                                                                                                   | Project Goals |   |   |
|-----------------------------------------------------------------------------------------------------------------------------------------------|---------------|---|---|
|                                                                                                                                               | 1             | 2 | 3 |
| <b>Use Regulations</b><br>- <u>Expanded housing options</u><br>- Greater mix of residential and nonresidential uses allowed in more districts | ✓             | ✓ | ✓ |
| <b>Site and Structure Standards</b>                                                                                                           |               | ✓ |   |
| <b>Natural Resources and Environmentally Sensitive Lands</b>                                                                                  |               | ✓ |   |



Dot = house or developed lot

MARCH 2023 City GIS





## Niki Galehouse

---

**From:** Ron Hughes <ronhughes2526@gmail.com>  
**Sent:** Friday, December 8, 2023 1:17 PM  
**To:** Niki Galehouse  
**Subject:** RZN-2023-555

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

Good morning

I would like to voice my opposition **RZN-2023-555**.

This development is clearly not in keeping with the character of this area. It is also likely to lead to more acts of rezoning and poor planning in the future.

The area bounded by 24 and 26 Road and north of I-70 has historically been lower density properties and has become a significant contribution to the character of Grand Junction. I see this project as the beginning of the end for this unique part of the community.

Respectfully  
Ron Hughes

## Niki Galehouse

---

**From:** Joe Crocker <tachipepper@gmail.com>  
**Sent:** Friday, December 8, 2023 3:07 PM  
**To:** Niki Galehouse  
**Subject:** Application #: RZN-2023-555

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

Niki:

Application #: **RZN-2023-555**  
Project Name: **Vista 5 LLP Rezone**  
Address: **2428 H Road**

I would like to express my opposition to the subject application.

1) the area West of 24 Road has already been developed for decades with higher density and sewer and commercial, but not so East of 24 Road, and is not comparable; and

2) and the subject area [generally defined as] East of 24 Road, North of I-70, and West of 26 Road is substantially developed out [may 75-80%], averaging greater than 5 acres per unit in a range mostly of 1 to 10 acre parcels. The very high density proposed by this rezone is not even remotely in the character of this long established neighborhood.

Thank you.

joe

Joe Crocker

806 24 Road

Grand Junction, CO 81505



## Niki Galehouse

---

**From:** Kate Crocker <kate.colourz@gmail.com>  
**Sent:** Friday, December 8, 2023 4:45 PM  
**To:** Niki Galehouse  
**Subject:** Application #: RZN-2023-555

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

Hi Niki:

Application #: **RZN-2023-555**  
Project Name: **Vista 5 LLP Rezone**  
Address: **2428 H Road**

I oppose the subject application.

First, the area East of 24 Road is NOT comparable to the area West of 24 Road which has been developed for decades with higher density AND sewer AND commercial.

Second, the subject area [generally defined as] East of 24 Road, North of I-70, and West of 25 Road is already substantially developed (approximately 75-80%), averaging greater than 5 acres per unit in a range mostly of 1 to 10 acre parcels. The very high density proposed by this rezone application is not remotely in keeping with the character of this long-established neighborhood.

Sincerely,

Mary Kohler  
806 24 Road  
Grand Junction, CO 81505

## Niki Galehouse

---

**From:** Sarah Marshall <smarshall@arielcpa.org>  
**Sent:** Sunday, December 10, 2023 8:57 AM  
**To:** Niki Galehouse  
**Subject:** RZN-2023-555 Vista 5 LLP Rezone

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

I live at 2439 H Rd, which is across the road from the above mentioned project. I wish to let you know that I am **adamantly** opposed to the rezoning of this property to what is proposed (R-5 zoning). This density does not align with the existing, long-established neighborhood. Nor is the infrastructure in place to support this type of re-zoning. Respectfully,

**Sarah Marshall**

**Mobile:** 970-270-7761

**Email:** smarshall@arielcpa.org

## Niki Galehouse

---

**From:** Bruce Young <yrejoice@aol.com>  
**Sent:** Sunday, December 10, 2023 1:40 PM  
**To:** Niki Galehouse  
**Subject:** Vista 5 rezone

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

Ms Galehouse:

We would desire to inform you that we would prefer to maintain the development at it present density. We recognize the need to develop. We request that the harmony of the neighborhood we grew up in be maintained.

Respectfully,

Bruce and Marina Young  
2570 H Rd

## Niki Galehouse

---

**From:** Dennis Haberkorn <dennisjh@acsol.net>  
**Sent:** Sunday, December 10, 2023 5:33 PM  
**To:** Niki Galehouse  
**Subject:** Vista 5 LLP Rezone

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

Dear Niki,

I am writing to voice my opposition to the proposed Vista 5 LLP Rezone which would allow up to 5.5 units per acre on a 17.3 parcel. We have lived in Sage Run Estates since 1980; it was the first residential development in the Appleton Area. Since then we have attended countless area planning meetings, discussions of proposed developments, etc. The one constant in 40+ years of meetings is a consensus that the area retain its rural character..

The proposed Vista 5 proposal is not remotely rural in character. I urge the members of the planning commission to reject the proposal and retain the existing 1 acre zoning on the parcel.

Sincerely,

Dennis Haberkorn

877 25 Road/Grand Junction, CO 81505



## Niki Galehouse

---

**From:** Joane Haberkorn <joaneh@acsol.net>  
**Sent:** Sunday, December 10, 2023 5:35 PM  
**To:** Niki Galehouse  
**Subject:** Vista 5 LLP Rezone

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

I wish to oppose the Vista 5 LLP Rezone and urge the Planning Commission to retain the existing R-1 zoning on the subject parcel, which reasonably reflects the long established land use of the area.

Joan Haberkorn

## Niki Galehouse

---

**From:** Jim Marshall <jmarshall@ravenridge.com>  
**Sent:** Monday, December 11, 2023 8:22 AM  
**To:** Niki Galehouse  
**Subject:** Vista 5 LLP Rezone application RZN-2023-555 @ 2428 H Rd

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

Good morning, Niki:

I am writing to let you and the Planning Commission know that I oppose the rezone of the parcel located at 24528 H Rd. I live across the street and to rezone the parcel to R-5 would not even remotely be compatible with the area, as the existing R-1 classification is already within the current housing density and character of the area.

Thank you.

Best regards,

Jim

**James S. Marshall**  
Executive Vice President

***Raven Ridge Resources, Incorporated***

+1 (970) 256-2654 Desk

+1 (970) 260-4131 mobile

## Niki Galehouse

---

**From:** Kiser, Brad <BKiser@eprod.com>  
**Sent:** Monday, December 11, 2023 2:44 PM  
**To:** Niki Galehouse  
**Subject:** Oppose the rezone "Vista 5 LLP Rezone"

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

**Application #:** RZN-2023-555  
**Project Name:** Vista 5 LLP Rezone  
**Address:** 2428 H Road

I oppose the rezone and that the existing 1 acre [R-1] zoning on the subject parcel already reasonably reflects the long established land use of the area.

*Brad M. Kiser  
794 24 1/4 Road  
Grand Junction, CO  
81505  
Office 970-263-3015*

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