

GRAND JUNCTION PLANNING COMMISSION
July 13, 2010 MINUTES
6:00 p.m. to 7:26 p.m.

The regularly scheduled Planning Commission hearing was called to order at 6:00 p.m. by Vice Chairman Pavelka-Zarkesh. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Lynn Pavelka (Vice Chair), Pat Carlow, Ebe Eslami and Greg Williams (Alternate). Absent were Reggie Wall (Chair) and Commissioners Mark Abbott, Richard Schoenrad, and Rob Burnett.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Lisa Cox (Planning Division Manager), Greg Moberg (Planning Services Supervisor), Scott Peterson (Senior Planner), Lori Bowers (Senior Planner) and Eric Hahn (Development Engineer).

Also present was Jamie Beard (City Attorney).

Lynn Singer was present to record the minutes.

There were 22 interested citizens present during the course of the hearing.

ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

Consent Agenda

1. Minutes of Previous Meetings

Approve minutes of the May 11, 2010 Regular Meeting.

**2. River Trail Subdivision – Preliminary Subdivision Plan – PULLED/
WITHDRAWN**

Request approval of an extension of the Preliminary Subdivision Plan to develop 80 lots on 17.405 acres in an R-8 (Residential 8 du/ac) zone district.

FILE #: PP-2006-330

PETITIONER: Michael Queally – River Trail Investment, LLC

LOCATION: 3141 D Road

STAFF: Greg Moberg

3. Lee / Bell Rezone – Rezone

Request a recommendation of approval to City Council to rezone 0.14 acres from an R-O (Residential Office) to a B-2 (Downtown Business) zone district.

FILE #: RZ-2010-066
PETITIONER: Sandra Lee and Don Bell
LOCATION: 315 Ouray Avenue
STAFF: Lori Bowers

4. Heritage Villas Rezone – Rezone

Request a recommendation of approval to City Council to rezone 1.6 acres from an R-4 (Residential 4 du/ac) to an R-8 (Residential 8 du/ac) zone district.

FILE #: RZ-2010-062
PETITIONER: Donny Eilts
LOCATION: 606½ 29 Road
STAFF: Lori Bowers

5. Heaven’s Little Steps Daycare – Conditional Use Permit

Request approval of a Conditional Use Permit to open a general daycare center (more than 12 children) in a church facility on 6.21 acres in an R-4 (Residential 4 du/ac) zone district.

FILE #: CUP-2010-072
PETITIONER: First Church of Nazarene
LOCATION: 2802 Patterson Road
STAFF: Scott Peterson

Vice Chairman Pavelka briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. Lisa Cox, Planning Manager, mentioned that item number 2, the River Trails Subdivision, had been pulled or withdrawn from the agenda. Additionally, a letter was submitted by a citizen regarding the Heritage Villas Rezone. However, the author of the letter did not appear to be present at the hearing. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on the Consent Agenda items.

MOTION: (Commissioner Carlow) “Madam Chairman, I move that we approve the Consent Agenda with the exception of number 2.”

Commissioner Williams seconded the motion. A vote was called and the motion passed unanimously by a vote of 4 - 0.

Public Hearing Items

6. Mesa State College Right-of-Way Vacations – Vacation of Right-of-Way

Request a recommendation of approval to City Council to vacate portions of several existing street and alley rights-of-way in the Texas, Elm, Houston and Bunting Avenue areas. All proposed vacations are located east of Cannell Avenue.

FILE #: VR-2010-068
PETITIONER: Tim Foster – Mesa State College
LOCATION: Various Streets and Alleys
STAFF: Scott Peterson

STAFF’S PRESENTATION

Scott Peterson, Senior Planner, made a PowerPoint presentation regarding Mesa State College’s request to vacate portions of Texas, Elm, Houston and Bunting Avenues as well as associated alleys, which were located adjacent to Mesa State College properties with the exception of a few remaining privately owned parcels. The Comprehensive Plan indicated the Mesa State College area as Business Park or Mixed Use with current zoning for the area of R-8. Mr. Peterson confirmed that applicant intended to vacate the rights-of-way in anticipation of current and future building and parking lot expansions for the campus. He further advised that the City would reserve utility and temporary access easements.

According to the Mesa State College Master Plan, much of the utilities infrastructure would be relocated and applicant had agreed upon the City’s approval and agreement to the final location of the utilities, permanent utility easements would be granted to the City and the portion of the temporary utility easements reserved and no longer needed by the City would be released and/or vacated after relocation of the utilities. Mr. Peterson added that Mesa State would also dedicate public access easements to two existing property owners who were affected by current construction at the campus. He added that he had received this afternoon a revised exhibit for the Clark Carroll owned properties which consisted of five lots and advised that it included a 20 foot access easement to the north of the adjacent property owner’s line wherein he would have a full 20 foot access to the back garage.

Mr. Peterson concluded that the requested vacations were consistent with the Comprehensive Plan and had met the applicable review criteria of the Grand Junction Municipal Code as well as conditioned upon the reservation and grant of temporary easements for the continued utility infrastructure and public access and recommended that the Planning Commission forward a recommendation of conditional approval to the City Council for the requested vacations.

APPLICANT’S PRESENTATION

Derrick Wagner, Mesa State’s Director of Strategic Initiatives, appeared on behalf of President Foster, stated that growth and enrollment of Mesa State College went from 5,675 in fall 2005 to currently nearly 8,000 students on campus this fall. He added that there was also an increased demand for housing on campus. He advised that the Board of Trustees approved moving forward with construction of Bunting Hall for a 328 bed facility.

Kent Marsh, Director of Facility Services at Mesa State College, next addressed the Commission and added that it is their desire to convert some of the vacant properties

that were created by moving 12 homes purchased over the past year. By way of a PowerPoint presentation, Mr. Marsh demonstrated the site plan for the phase 3 student housing Bunting Dorms and identified the private property, access through the parking lot and dedicated access easement which would provide access to and through their parking lot.

Mr. Marsh next addressed some of the concerns regarding the problems associated with construction which included, among other things, noise and dust. He said that the college had tried and they continue to work together with neighbors to make sure they were doing the right thing and that they were trying to grow as responsibly as they could. Mr. Marsh said that all of the contractors who work on the college were required to have a water truck on site. Also, they have a contract with a company that applied magnesium chloride and also a street sweeping company that goes through the college to clean alleys, streets and rights-of-way as needed. Rubber speed bumps had been added and they have looked at how to provide thoughtful traffic circulation.

QUESTIONS

Commissioner Eslami asked if one had to go through the alley to get to the parking lot. Mr. Marsh said that they would come across college property and an easement proposed to be dedicated ran right through the parking lot access aisle.

Commissioner Eslami asked if one of the houses was on that alley. Kent Marsh confirmed that was correct and there were two homes.

Commissioner Eslami asked if that was the only access to the parking lot. Mr. Marsh advised that was the only access to the parking lot and confirmed that the number of spots in there did not require more spaces.

Commissioner Williams asked if the alley behind the homes would be a dedicated easement. Kent Marsh said that was correct and they would be ingress, egress and utility easements owned by the City.

Vice Chairman Pavelka inquired if through that parking lot and down that alley it would be graveled with magnesium chloride. Mr. Marsh said that it would be recycled asphalt pavement and magnesium chloride on top of it.

Vice Chairman Pavelka asked what type of surface was there before commencement of this construction. Mr. Marsh guessed that it was chip sealed at some point.

Commissioner Williams asked for Mr. Marsh to identify how the Millers would access their property. Kent Marsh advised that there was a new curb cut created at the south end of Houston Avenue as well as a curb cut at the west end of the college property to access Cannell. He advised that Mr. Miller would continue to have the same street frontage that he had now although it would be easement rather than right-of-way. The applicant also proposed to provide an easement to Mr. Miller that would extend 15 feet north of his northern boundary.

Commissioner Williams next asked for an explanation of how the applicant would prohibit students from parking and using those areas designated as an easement. Mr. Marsh said that they were very efficient at giving tickets. A number of vehicles have to be towed and there were ways for applicant to deal with it and had not planned any permanent barriers.

PUBLIC COMMENT

For:

No one spoke in favor of this request.

Against:

Darrell Miller, 1315 Houston Avenue, stated that he was opposed to this project and listed a number of discrepancies. He believed that there would be a reduction of his egress that he currently had from four outlets to one with the only outlet being Cannell which would result in a devaluation of his property. He added that putting down magnesium chloride once was not sufficient. Additionally, the applicant proposed to put a dirt road next to his house which would create a huge health issue based on the thousands of trips on that road per day. Mr. Miller next addressed the adverse impacts and health safety which would come from fugitive dust as well as negation issues pertaining to bicycling and pushing a stroller. He opined that hundreds of students would be migrating from this dorm down his alley toward the central part of campus and was concerned for their safety. He asked how this would improve traffic flow. He stated that he did not think this plan worked and was, therefore, opposed to it.

Clark Carroll, 1240 Cannell Avenue, provided the Commission a letter which he read into the record. The points summarized in his letter included such things as vacation of various streets; alleys and sidewalks would directly affect his ability to enjoy his properties; it would negatively affect the value of his properties; would adversely affect health and safety; and would reduce services such as police, fire and trash collections. He addressed certain language contained in a plat which referenced dedication of the streets, avenues and alleys to the use of the public forever.

Mr. Carroll also discussed parking issues and trespass onto Mesa State College property as Bunting had been removed in order to get to the City alley. He next identified the area presented to the college and requested of the City which would provide him with access from Cannell across applicant's property. He concurred with Mr. Miller that students usually try to go the closest parking area that they had and believed this would be a major thoroughfare or roadway and may cause difficulty in accessing his alley to the back. He also believed that magnesium chloride was not sufficient for the parking lot and suggested a lighter coat of paving.

Mr. Carroll addressed another concern pertaining to formation of particulate pollution that could cause health problems due to the amount of dirt and dust from the parking lots and construction. Other concerns raised by Mr. Carroll included noise, lack of drainage in the alley, lack of effective sediment controls to prevent runoff from dirt lots to

streets to gutter to river systems, parking lot lighting, safety of pedestrians and vehicular traffic created by a blind spot, reduction of city services, including fire and police services, water related difficulties and sewer capacity. Mr. Carroll believed that Mesa State College had shown forms of elitism, arrogance and dominance in several areas and questioned how he could in good faith do business dealings with the applicant. He presented several alternate plans and concluded that he did not support the current vacation request as presented as it appeared to reduce the peaceful and quiet enjoyment of his property, reduced value, added to poor environmental conditions, affected the safety of his family and general public, increased light pollution and noise, supported violation of public governmental process, and reduced total public access.

APPLICANT'S REBUTTAL

Kent Marsh pointed out that Mesa State College was much like another developer who came before the Commission and had the same issues to deal with. The applicant was buying properties and proposing to remove rights-of-ways and individual properties and replacing them with larger tracts of land that could be built on. The applicant had to provide all of the services that currently existed for a resident that abutted their property to assure that they were made whole by providing access, utility service, and assured that any type of emergency service provider could get to any part of the campus.

With respect to drainage and runoff, due to financial constraints, it was believed that magnesium chloride, recycled asphalt pavement was their best option at this point. Additionally, all of Mesa State's contractors were required to pull storm water management plans and permits from the State of Colorado and applicant was being as responsible as they possibly could in the development of these properties. Mr. Marsh discussed utility access and discussed the combined sewer that used to exist in the alley of Mr. Carroll's home. He added that as they were exempted out of the sewer separation or sewer elimination project, as they develop properties they have paid to separate the storm and sand and felt they have done what was necessary to prevent flooding issues as much more capacity has been provided. Ingress, egress, public utility easements were being provided.

QUESTIONS

Commissioner Carlow asked if there were any alternate plans developed on this project. Kent Marsh confirmed that they had looked at all different kinds of ways to provide a five-story, 303 bed dorm that was needed. He believed this was the best use of the property and felt like it would allow further development in the future, if necessary.

Commissioner Carlow asked if it incorporated the future ownership of the property of the two gentlemen who spoke in opposition to this request. Mr. Marsh stated that their proposal in the future, if they were able to purchase those properties, was to build another dormitory to sit parallel to Cannell Avenue. He added that in the long term they felt that the parking east of the Carroll property would turn into a large recreational field similar to what surrounded some of the existing dorms. Additionally, Mr. Marsh stated that they had to ensure that the type of apparatus that would respond to a fire on

campus would be able to accommodate them pulling up to a dorm, setting up and being able to fight a fire.

Commissioner Carlow stated that he had some concerns if this would cause an adverse impact on private property owners' property values or their way of life. Mr. Marsh believed that what they have proposed was okay.

Commissioner Carlow was concerned that this was predicated on the applicant's future use of the land rather than the current situation. Mr. Marsh confirmed that perhaps this could be worked out with the adjacent property owners.

Commissioner Williams asked who held the access easements. Kent Marsh stated that it depended but all of the existing rights-of-way would be vacated and replaced with City access easements to the public.

Commissioner Eslami wanted clarification that it would not be a temporary access. Mr. Marsh said that it would be permanent as long as what they had remained and that applicant did not own those properties.

PUBLIC COMMENT

Kenneth Harris stated that his concerns were that the project as it had been built over the past few years, the storm water had turned into a torrent because the applicant did not have an adequate drain plan. He questioned what would happen to the water when the streets were eliminated. He was also concerned with increased traffic, line of sight problems, and believed it would be a good plan to get some of the issues and concerns worked out such as dust quality issues and traffic problems.

QUESTIONS

Commissioner Eslami asked for some clarification regarding the storm water and flooding issues. Kent Marsh said in most instances the asphalt, concrete sidewalks, concrete driveways were being replaced with some combination of landscape and a larger building. They had analyzed the runoff coefficient before development and compared it to the runoff coefficient after the development and found they were one and the same and did not feel that they were increasing the amount of runoff that left this property.

Commissioner Eslami asked if there was any way that either the applicant or the City could mitigate that problem. Eric Hahn, City of Grand Junction's Development Engineer, concurred that Cannell Avenue performed how it was supposed to be during large events was accurate. He stated that the larger problem pertained to North Avenue and advised that it would require a considerable amount of infrastructure upgrades in the future. The City had identified it and as it would be a very expensive venture, he could not say when and how that would be able to be put into work. Mr. Hahn announced that North Avenue capacities were not up to what they needed to be.

Commissioner Carlow asked if their grading plan had been signed off on. Eric Hahn confirmed that it was not required to be submitted through the City's process.

Vice Chairman Pavelka asked if Mr. Hahn would address the street signaling issue. Mr. Hahn confirmed that the City was looking at that very closely. He stated that the traffic signals would be in conflict if there was another one put in on Cannell if left as standard traffic signals. He advised that at this point the City traffic engineer was analyzing the intersection of Cannell to allow it to be a full motion intersection.

Vice Chairman Pavelka asked if the parking lots around Mesa State College now were mostly recycled asphalt. Mr. Hahn stated that to his knowledge most of them were.

Vice Chairman Pavelka asked how dusty they were. Eric Hahn said that recycled asphalt was fairly dust-free but it must be maintained. The challenge in maintaining parking lots was that they were rarely empty enough to actively treat them as a whole.

DISCUSSION

Commissioner Carlow said that he would probably vote in favor of this but he would recommend that communications continue between the applicant and some of the property owners to address some of the concerns.

Commissioner Eslami said that he had a couple of problems with the plan in that a 20 foot alley for 85 parking spots was not adequate and would create a lot of problems. Also, he agreed that the gravel alley would be noisy and believed that could be possibly mitigated by paving. He concluded that he could not vote in favor of this plan at this time.

Vice Chairman Pavelka said that expansion and change within the City occurred at all times. Issues related to drainage, sediment in the runoff and noise were brought up. She believed that the dust was an issue as well as the amount of traffic during the majority of the year. She felt that some method to minimize the dust was very important.

MOTION: (Commissioner Carlow) "Madam Chairman, on item VR-2010-068, I move we forward a recommendation of conditional approval to the City Council on the request to vacate portions of Texas, Elm, Houston and Bunting Avenues and associated alleys with the findings of fact, conclusions and conditions as identified in the staff report."

Commissioner Williams seconded the motion. A vote was called and the motion passed by a vote of 3 – 1 with Commissioner Eslami opposed.

General Discussion/Other Business

None.

Nonscheduled Citizens and/or Visitors

None.

Adjournment

With no objection and no further business, the Planning Commission meeting was adjourned at 7:26 p.m.