

**GRAND JUNCTION PLANNING COMMISSION  
JANUARY 8, 2008 MINUTES  
6:00 p.m. to 9:18 p.m.**

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

In attendance, representing the City Planning Commission, were Dr. Paul A. Dibble (Chairman), Roland Cole (Vice-Chairman), Lynn Pavelka-Zarkesh, Reggie Wall, Tom Lowrey, Bill Pitts and Patrick Carlow (1<sup>st</sup> Alternate). Commissioner William Putnam was absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Lisa Cox (Planning Manager), Scott Peterson (Senior Planner), Greg Moberg (Development Services Supervisor) and Senta Costello (Associate Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 43 interested citizens present during the course of the hearing.

**I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

**II. APPROVAL OF MINUTES**

Available for consideration were the minutes of November 13, 2007.

**MOTION: (Commissioner Pitts) “Mr. Chairman, I move we accept the minutes of November 13, 2007 as written.”**

Commissioner Cole seconded the motion. A vote was called and the motion passed by a vote of 6-0. Commissioner Carlow abstained.

**III. CONSENT AGENDA**

Available for consideration were items:

- |    |              |  |
|----|--------------|--|
| 1. | PP-2007-267  | REZONE – Hoffman Subdivision                           |
| 2. | CUP-2007-175 | CONDITIONAL USE PERMIT – Loco Car Wash                 |
| 3. | PP-2007-080  | PRELIMINARY SUBDIVISION PLAN – Apple Acres Subdivision |

- 4. **ANX-2007-329      ZONE OF ANNEXATION – Lochmiller Subdivision**
- 5. **ANX-2007-330      ZONE OF ANNEXATION – Foster Annexation**

Chairman Dibble briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted any item pulled for additional discussion. At citizen request, item 2 was pulled for Full Hearing. No objections or revisions were received from the audience or planning commissioners on the remaining Consent Agenda items.

Lisa Cox, Planning Manager, requested item 6 be moved to the end of the agenda.

**MOTION: (Commissioner Cole) “Mr. Chairman, I move approval of the Consent Agenda items 1, 3, 4 and 5.”**

Commissioner Pitts seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

**IV. FULL HEARING**

- 2. **CUP-2007-175      CONDITIONAL USE PERMIT – Loco Car Wash**  
**Request approval of a Conditional Use Permit to**  
**construct a one-bay car wash facility in a B-1**  
**(Neighborhood Business) zone district.**  
**PETITIONER:    Rob Lipson – Lipson III Properties**  
**LOCATION:        2247½ Broadway**  
**STAFF:           Scott Peterson, Senior Planner**

**STAFF’S PRESENTATION**

Scott Peterson, Senior Planner, Public Works and Planning Department, gave a PowerPoint presentation of the request for a Conditional Use Permit to develop a single bay car wash in a B-1 zone district. He said that applicant wishes to obtain a Conditional Use Permit to construct a single bay car wash on the property. The Future Land Use Map indicates this area to be commercial with residential properties to the south and west. The existing zoning is B-1. Mr. Peterson stated that all off-street parking requirements can be met by the development. He went on to state that access to the property is from two existing entrances – one from Broadway and the other from Iris Court. He further stated that the main access from Broadway that serves the convenience store will be modified to be 40 feet in width according to City design standards. Additionally, applicant will be required to remove an existing free standing sign for the convenience store and replace it with an 8 foot tall monument sign. Mr. Peterson said that applicant has received three site design exceptions which are: to vary the required 14 foot landscaping strip adjacent to Broadway and also Iris Court due to how the existing site is laid out; to vary the buffering and screening requirements adjacent to the west property line; and to not require landscaping islands at the southern parking spaces adjacent to the main building. Furthermore, applicant is proposing to install a 6 foot tall fence for additional screening of the compressor station

area along the south property line which is adjacent to the nearby residential properties. Scott stated that the requested Conditional Use Permit is consistent with the Growth Plan and the review criteria of the Zoning and Development Code. He also stated that as part of the Conditional Use Permit application, staff recommended approval of the submitted sign package. He also stated that approval of the project should be conditioned upon the approval and filing of the Subdivision Plat that combines the three properties into one and recommended approval of the Conditional Use Permit.

**QUESTIONS**

Chairman Dibble asked if this was compatible with the existing buildings. Scott Peterson confirmed that it would be stucco, wood trim and brick that match the existing building.

**PETITIONER'S PRESENTATION**

Rob Rowlands, Design Specialists, Architects and Planners, 917 Main Street, appeared on behalf of applicant. He said that the site would be improved tremendously. The trash dumpster will be enclosed, more parking has been added, and landscape islands were added.

**QUESTIONS**

Commissioner Cole stated that it appears that the property line goes into a roadway as shown on the aerial photograph. Mr. Rowlands said that it appears to be a private drive and is not a City street.

**PETITIONER'S PRESENTATION**

Mr. Rowlands said that applicant proposes to put in very large, dense shrubs to act as a buffer area.

**PUBLIC COMMENT**

**For:**

No one spoke in favor of the request.

**Against:**

Thad Ritter said that he owns two adjacent properties and commented that he does not see a need for another carwash in the area. He said that he is not in favor of the exceptions. He said that he would like to see a retaining wall up to the property line and then a fence or a fence back away from the property line on their property that is 6 feet tall. Mr. Ritter said that he also has concerns regarding parking and people trespassing onto his property

**PETITIONER'S REBUTTAL**

Rob Rowlands further explained the additional parking spaces, the landscape island and the location of the proposed car wash. He stated that applicant requested a design exception because there is not enough room for the 8 foot wide landscape buffer strip.

**QUESTIONS**

Chairman Dibble asked if any improvements would be made to the existing wall. Mr. Rowlands said that there are no improvements planned for that wall at this time other than planting two large pines.

Chairman Dibble asked if they would be planted on County property. Mr. Rowlands confirmed that they would and they have permission from the County to do so.

Chairman Dibble asked if applicant would be willing to assume some of the responsibility for maintenance and upkeep of the County property. Mr. Rowlands said that he would mention that to the applicant.

Commissioner Cole asked if the parking meets the requirements of the Code. Scott Peterson stated that the parking does meet the requirements of the Zoning and Development Code.

**DISCUSSION**

Commissioner Cole said that he thinks that the large trees that have been proposed on the south side of the property will mitigate the headlight situation fairly well and would be in favor of approving the project.

Commissioner Pitts stated that he thinks the addition of the car wash and additional landscaping will be an improvement to the area and would also be in favor of the project.

Commissioner Lowrey stated that he agreed with Commissioners Pitts and Cole.

Commissioner Carlow said that he does not believe this development will have a major impact one way or the other.

**MOTION: (Commissioner Pavelka-Zarkesh) “Mr. Chairman, I recommend that the Planning Commission approve the requested Conditional Use Permit, CUP-2007-175, making the findings and conclusions as listed in our report.”**

Commissioner Pitts seconded the motion. A vote was called and the motion passed unanimously by a vote of 7 – 0.

- 7. GPA-2007-262      GROWTH PLAN AMENDMENT & OUTLINE  
DEVELOPMENT PLAN – Three Sisters  
Request approval: 1) Growth Plan Amendment to  
change the Future Land Use Designation on 111 acres  
from Conservation to RL (Residential Low ½ to 2 ac/du)  
for property located at 2431 Monument Road; and 2)  
Recommendation of approval for an Outline**

**Development Plan with a PD (Planned Development) zone district for a residential subdivision on approximately 148 acres located at 2431 and 2475 Monument Road.**

**PETITIONER: Darren Caldwell, Conquest Development**

**LOCATION: 2431 & 2475 Monument Road**

**STAFF: Scott Peterson, Senior Planner**

**PETITIONER'S PRESENTATION**

Bob Blanchard, 706 Jasmine Lane, stated that this project is actually two applications in one – a combined Growth Plan Amendment and a request for a Planned Development zone district of which applicant is requesting approval of an Outline Development Plan. He stated that the Growth Plan Amendment is just for the area that currently has a designation of Conservation which is approximately 102 acres out of the entire 150 acres. Mr. Blanchard discussed the error to the Growth Plan, or inappropriate plan designation because Conservation is defined as public or private lands that are reserved for open space, wildlife habitat, and environmental conservation purposes. He stated that in normal planning operations and processes when property is designated for Conservation, it typically has the concurrence of the property owner or at the very least will have an action plan that talks about conservation rights or development rights on the property. Neither of that happened in 1996 and has yet to happen as the plan has been amended several times, as the Redlands Plan has been amended and as the Persigo Agreement has been approved. This site is also totally within the urban growth area and as such should be developed with urban level services and at urban level densities. Mr. Blanchard further stated that there has been continued growth in the area and the current growth trends would imply that the Conservation designation is inappropriate and should be changed. He also discussed the subsequent events that happened after the adoption of the Growth Plan that invalidates the Conservation designation. He first discussed the Persigo Agreement which identified an urban growth boundary, a joint planning area with the County and it defined that urban densities and urban level services were to be developed inside that urban growth area. Applicant is requesting a Growth Plan Amendment to Residential Low which would allow ½ acre lots to 2 acre lots. Also he stated that when the Redlands Area Plan was revised in 2002 it reiterated those definitions for what urban meant. He identified certain changes in character that have happened in the area. Mr. Blanchard further stated that public facilities would be available and there are benefits to the community with the extension of sewer and water among other things. Therefore, applicant contends that the test for a Growth Plan Amendment have been met. He next discussed the proposed ODP which is an optional provision of the Planned Development process that provides a benefit to both the City and the developer. He also discussed the 6 areas of development. Accordingly, applicant contends that the ODP meets the Growth Plan and other adopted plans and meets all of the rezoning criteria listed in the Code. He also discussed the Planned Development requirements which he stated checks the residential density for consistency with the Growth Plan. Mr. Blanchard stated that because the development is single family adjoining single family it doesn't trigger any additional buffering requirements. Therefore, he suggested that all criteria have been

met of the Zoning and Development Code for both the Growth Plan Amendment and approval of the Outline Development Plan and requested a recommendation of approval for both to City Council.

### **STAFF'S PRESENTATION**

Scott Peterson, Senior Planner with the Public Works and Planning Department identified the two requests – for a Growth Plan Amendment for a portion of the property at 2431 Monument Road from Conservation to Residential Low and for an Outline Development Plan for both properties. He said that the overall density for the proposed development for the ODP would be less than 1 du/ac and a net residential density of 1.3 du/ac. Mr. Peterson said that the property located at 2475 Monument Road is currently in the process of being annexed into the City limits. The properties are currently vacant and contain three distinct hills known locally as The Three Sisters. He first discussed the request for a Growth Plan Amendment. He stated that the Conservation designation as identified in the Growth Plan and the Redlands Area Plan is not in error. The Conservation designation would allow 1 house to be built for every 5 acres of land and was the most applicable designation at that time. He further stated that this property is within the Persigo 201 sewer service boundary which provides that any property within the 201 boundary area should develop at an urban level of density. He listed several residential developments that have occurred in the area since the adoption of the Growth Plan and the Redlands Area Plan. All the factors taken together indicate that this area is showing growth potential due to the increased availability of public infrastructure improvements. Further, it is reasonable to recognize that public infrastructure is already or will be in this area and properties that are currently undeveloped and have larger acreage to support higher densities should be considered. He also stated that he feels the community will benefit by the increased densities in areas that already have or will have adequate facilities and services rather than perpetuating sprawl to outlying areas thus meeting the goals and policies of the Growth Plan. The Redlands Area Plan also supports high quality residential development in terms of site planning and architectural design. The current zoning for this property is County RSF-4. With the increased pressure in the last few years to add residential development within the urban growth area due to the population increase and the desire to make more efficient use of infrastructure, the Redlands Area Plan also has goals and policies to address potential development areas. He said that a portion of this property is identified as being encumbered as a ridgeline protection area. Therefore, any residential development along the ridgeline must be setback a minimum of 200 feet from the ridgeline. He also stated that this setback shall not apply if adequate visual evidence is presented that the proposed new structure would not be visible from the centerline of Monument Road. Mr. Peterson said that the ODP is an optional first step in the process prior to the application for a Preliminary Subdivision Plan for a parcel that is at least 20 acres in size. Furthermore, he said that the purpose of the ODP is to demonstrate conformance with the Growth Plan, compatibility of land use and coordination of improvements within and among individually platted parcels, sections or phases of a development prior to the actual submittal of a Preliminary Plan. Mr. Peterson said that the PD ordinance would establish the default zoning district as R2 and would also identify the maximum and minimum number of dwelling units for each

pod as defined on the submitted Outline Development Plan. It also would show area proposed for open space, common areas, trail system, points of access and a possible street network. The proposed timeframes for the 6 phases would be 2 years for each phase and would equate to a build out of the subdivision by 2020. The proposed development is between 99 to 137 homes. Community benefit that would be provided by the Planned Development zone would include the larger quantities of open space and trail system that would be dedicated for public use. A site analysis was required to be submitted by applicant which revealed areas of expansive soils and rock. Mr. Peterson said that he has reviewed the site analysis and found that the proposed Outline Development Plan generally avoids areas of 30% slope or greater or other areas of potential impacts. He also stated that he finds the proposed Growth Plan Amendment and Outline Development Plan conform to the Redlands Area Plan with the achievement of a high quality development in terms of public improvements, site planning and architectural design, park, recreation and open space policies are also provided. He, therefore, stated that City staff feels that the proposed Growth Plan Amendment and Outline Development Plan are consistent with the purpose and intent of the Growth Plan and Redlands Area Plan and the applicable review criteria of the Zoning and Development Code have been met.

### **PUBLIC COMMENT**

#### **For:**

No one spoke in favor of the proposed requests.

#### **Against:**

Sue Harris (214 Mira Monte) stated that there are significant drainage issues in the area. She is also concerned that the density may change with the final plan.

Randy Stouder (303 E. Dakota Drive) said that this feels like suburban sprawl to him. He said that things such as expansive soils need to be taken into consideration. He also stated that traffic congestion is increasing and pollution and inversion type of situations are getting worse. Mr. Stouder stated that the infrastructure is not there, while the road was improved its capacity was not increased and safety hazards have not been resolved. He also said that the effective density on this property is closer to 2 units per acre as much of the property is not developable because of the steep slopes. He stated that he does not believe an error was made and there was a clear intent that this should be a transitional property. He urged denial of the Growth Plan Amendment and denial of the Outline Development Plan and, at a minimum, significant lower densities should be negotiated.

Britt Smith (214 Mira Monte) echoed the concerns expressed by Mr. Stouder. He stated that he feels that the Conservation zoning is appropriate.

David Mueller (114 Mira Monte) stated that a much more detailed proposal was denied several months ago because it was not detailed enough. He advised that they were on record noting specific concerns regarding access, density, later potential requirements for a back door access along Mira Monte and very little, if any, mention of them now.

He said that this development is not in keeping with the neighborhood. He said that a back door access along Mira Monte is not possible – neither legally nor geographically – and asked that the proposed access be looked at very carefully. He recommended denial and does not think that the plan meets the requirements necessary under the Code for a rezone.

**PETITIONER'S REBUTTAL**

Bob Blanchard addressed some of the questions and concerns raised. He said that the ODP does identify the density and the overall range on the site is between 99 and 137. The gross density is 0.9 units per acre. Mr. Blanchard stated that there is a significant amount of open space. He reiterated that they are not proposing 150 units and the overall density is just over 1 unit per acre. He next discussed access to the east on Mira Monte. He stated that he just received a document which shows that a right-of-way does not exist between the subject property and Mira Monte. He advised that City requirements say that connectivity has to be provided for whether or not a right-of-way exists adjacent to the property. However, because it is not a continuous right-of-way it can be locked and gated which is what applicant intends to do and it will not be open until development occurs to the east or a condemnation procedure that would create an actual right-of-way that would provide access all the way to Mira Monte. He stated that the ordinance would identify the range of density, the range of units within each of the 6 parcels, identifies the overall number of units that can be developed and identifies them by parcel and not just overall. Mr. Blanchard further stated that each preliminary plan for each of the parcels will have to be consistent within that number of units and fall somewhere within that range or an amendment to the ODP would be required. Also, according to Mr. Blanchard, this property is not a transition.

**DISCUSSION**

Commissioner Pitts said that he was in opposition to the Growth Plan Amendment when it was presented a few months ago. He stated that he cannot support the Growth Plan Amendment as he does not believe that there was a mistake made in the Redlands Area Plan.

Commissioner Wall stated that in his opinion, in order for a property to be truly Conservation, somebody has to own it and want to keep it Conservation. As a private property owner, there should be some rights for that property owner to develop their property in a fashion that is going to be acceptable to the City. Commissioner Wall said that he would approve the Growth Plan Amendment and thinks it makes sense for the area.

Commissioners Cole and Pavelka-Zarkesh agreed.

Commissioner Lowrey also agreed. He stated that the Growth Plan Amendment which was done 12 years ago was likely suitable at that time but with the growth and establishment of the Persigo line, the Growth Plan is no longer suitable for this property because of the changes. He would, therefore, support the Growth Plan Amendment. Commissioner Carlow concurred with Commissioner Lowrey.



Chairman Dibble said that he too was in favor of the amendment.

**MOTION: (Commissioner Cole) “Mr. Chairman, on item GPA-2007-262, Three Sisters Growth Plan Amendment, I move that we forward a recommendation of approval of the amendment from Conservation to Residential Low (1/2 to 2 Ac./DU) for a portion of the property (101.7 acres) located at 2431 Monument Road to the City Council with the findings and conclusions as identified in the Staff Report.”**

Commissioner Lowrey seconded the motion. A vote was called and the motion passed by a vote of 6 – 1 with Commissioner Pitts opposed.

**DISCUSSION**

Commissioner Cole stated that he believes it is a reasonable plan and would be in favor of it.

Commissioners Lowrey and Wall agreed.

Commissioner Pitts stated that he would go along with the ODP.

Chairman Dibble stated that he thinks the ODP reflects the aspect of conservation and meets the intent of good planning and would, therefore, be in favor of the ODP being forwarded to City Council.

**MOTION: (Commissioner Cole) “Mr. Chairman, on item GPA-2007-262, Three Sisters Outline Development Plan, I move that we forward a recommendation of approval of the requested Planned Development and Outline Development Plan for the properties located at 2431 and 2475 Monument Road to the City Council with the findings and conclusions as identified in the Staff Report.”**

Commissioner Wall seconded the motion. A vote was called and the motion passed unanimously by a vote of 7 – 0.

A recess was taken from 7:55 p.m. to 8:03 p.m.

- 8. GPA-2007-081 GROWTH PLAN AMENDMENT – Mesa State D½ Road Property**  
**Request approval of a Growth Plan Amendment to change the Future Land Use Designation from Public to Mixed Use.**  
**PETITIONER: Annie Butler, Mesa State College Real Estate Foundation**  
**LOCATION: 2899 D½ Road**  
**STAFF: Greg Moberg, Planning Services Supervisor**

**PETITIONER'S PRESENTATION**

Joe Carter of Ciavonne, Roberts & Associates, 844 Grand Avenue, addressed the Commission on behalf of applicant, Mesa State College Real Estate Foundation. Mr. Carter clarified that Arnie Butler represents the applicant rather than Tim Foster. He said that the property is located between D and D½ Road on 29 Road and is approximately 154 acres. The property was annexed into the City in June 2007 and the current land use designation on the property is Public. He went on to state that the current uses on the site are an electrical lineman training facility and the CSU animal diagnostic lab. He stated that the requested approval is to amend the Future Land Use designation of the property from a Public designation to a Mixed Use designation. Future applications of rezone will be submitted in the near future as will an ODP. These applications will look at a proposed mix of uses on the property to possibly include Residential, Commercial, and Commercial-Industrial uses. The Mixed Use designation would allow generally residential, commercial and employment. He further stated that the project is compliant with the Growth Plan, the goals and policies, land use, efficient use of public facilities, long-term vitality of existing centers and the project is within the infill boundary of the City. Furthermore, he said that the site has excellent access and is a very large contiguous parcel and utility infrastructure is also available.

**STAFF'S PRESENTATION**

Greg Moberg gave a PowerPoint presentation of the requested Growth Plan Amendment, 2007-GPA-081. He pointed out that the property was annexed June 6, 2007 and does not currently have a zone. He stated that current uses on the site are electrical lineman facility, diagnostic laboratory by Colorado State University and miscellaneous and vacant buildings and agricultural uses. Mr. Moberg said that the surrounding area is somewhat eclectic with Residential Medium to the east; Commercial-Industrial to the north; Industrial to the north; Public to the West; and Residential Medium Low to the south with PD and Commercial. He said that the Public designation was a default based on the fact that there were no uses placed on the property. As pointed out by Mr. Moberg, the Public designation, however, is a very restrictive designation restricting it to quasi-public uses, public uses, schools, government facilities, cemeteries, hospitals and churches. He stated that he hesitates to claim that there is an error to the Growth Plan because it was a designation based on ownership and the use at that time. Since the adoption of the Pear Park Plan, many improvements have been made to D Road and 29 Road. Furthermore, the Central Grand Valley Sanitation District has upgraded or replaced their D Road interceptor that would be able to handle the additional capacity. Also, the character of the neighborhood continues to be developed into urban uses. Additionally, there is a need for transition between the Residential to the south and the east and the Industrial and Commercial to the north. He stated that the change would be consistent with the goals and policies of the plan. He also stated that it is important to ensure that the Future Land Use Map designates sufficient land in appropriate locations. Currently, there is not a need for additional Public lands in the Pear Park area; however, there will be and is a need for higher density Residential, Commercial and Employment areas. Mr.

Moberg said that there are adequate public facilities that can be made available. He also stated that at this point within the Pear Park area there is an inadequate supply of higher density residential and commercially zoned properties. He stated that he thinks the transition that would occur between Residential to the south and east and the Commercial Industrial to the north would be very beneficial. He concluded that the proposed amendment is consistent with the purpose and intent of the Growth Plan and the Pear Park Neighborhood Plan and the applicable review criteria of the Zoning and Development Code have all been met. He recommended the Planning Commission forward a recommendation of approval for this requested Growth Plan Amendment to City Council.

**PUBLIC COMMENT**

**For:**

No one spoke in favor of the amendment.

**Against:**

Erik Van de Bogard (354 29 Road) suggested that a wider range of notification should have been done, particularly with those with a vested interest in the Pear Park Plan. He asked if Mesa State College would continue to be a small to middle-sized liberal arts college or become a premier institution for the western slope that might need expansion further than what they can currently consume in residential development reconstruction. He raised certain questions regarding the site next to the cemetery that had a restriction related to Native American access, mineral extraction, and state government in competition with private enterprise. He also suggested that there are many parcels suitable for housing and commercial real estate expansion in the Pear Park area already. He stated that he believes it is short-sighted to divide the parcel. Mr. Van de Bogard also suggested that if this development occurs that they be responsible for bringing in the majority of public services such as fire, police, etc.

Dr. John Andrews stated that he is the director of the animal diagnostic laboratory and asked what the Growth Plan Amendment would do to the lease for the public use of this property. He said that he is not opposed to the redevelopment of this property but is concerned about the service that Colorado State offers to western Colorado.

**PETITIONER'S REBUTTAL**

Joe Carter said that it was his understanding that when a use exists and a change of Growth Plan designation, the use is grandfathered in. He next addressed the question raised regarding future growth and expansion of Mesa State College. Mr. Carter stated that it is his understanding that title to this property, and in particular to Parcel 1, is clear. Also, the mineral extraction would be an issue to be looked at at the time of ODP and further preliminary plan. He stated that he does not believe that the issue regarding government competing with private entities is a factor because Mesa State College Real Estate Foundation owns the property and not Mesa State College. Mr. Carter also stated that regardless of how the subject property is developed, adequate, reasonable services would still have to be provided and they exist on the site.

**DISCUSSION**

Commissioner Lowrey said that he agrees with amending the Growth Plan as it would benefit the college. Also, a Mixed Use in the area is needed to serve the Pear Park neighborhood. He said that he thinks the Growth Plan Amendment makes a lot of sense for this parcel.

Commissioner Pitts agreed that the Growth Plan Amendment is in order.

Chairman Dibble and Commissioner Wall also agreed.

**MOTION: (Commissioner Lowrey) “Mr. Chairman, I move that we recommend approval of the requested Growth Plan Amendment for Mesa State, GPA-2007-081, with the findings and conclusions listed in the staff report.”**

Commissioner Pitts seconded the motion. A vote was called and the motion passed unanimously by a vote of 7 - 0.

- 6. VR-2007-050 VACATION OF RIGHT-OF-WAY – Winters Avenue Alley  
Vacation  
Request approval to vacate the north/south alley  
between 814 and 830 Winters Avenue.  
PETITIONER: Kirk Knowles, Knowmoore, LLC  
LOCATION: East of 814 Winters Avenue  
STAFF: Senta Costello, Associate Planner**

**STAFF’S PRESENTATION**

Senta Costello gave a presentation of the request for an alley vacation. She stated that it is a north-south alley in the south downtown area between 8<sup>th</sup> and 9<sup>th</sup> Streets. Ms. Costello stated that the existing zoning on the surrounding properties to the east, west and south is I-1 and to the north is I-2. The surrounding Future Land Use is Commercial Industrial and Industrial to the north. She said that the alley was originally created in 1972 when the east-west alley which used to exist north of 830 Winters was vacated and as a condition of that approval, the north-south alley was created. Ms. Costello advised that since the staff report was written, staff has received verification from the property owner to the east of his agreement for the vacation request. She said that she does not believe it can meet all of the criteria of the Growth Plan as the main criteria is maintaining adequate circulation in neighborhoods and throughout the community. This would limit the access through this particular area as there would be no other way out of the alley besides backing out. A letter of objection from the property owner to the north, Castings, Inc., has been received due to the decreased circulation that this vacation would create as well as the original requirement that the alley be created when the east-west portion of the alley was vacated. She recommended that the Planning Commission forward to City Council a recommendation of denial.

**QUESTIONS**

Commissioner Carlow asked if a written statement from the property owner to the east has been received. Senta Costello stated that it has been received; however, they still do not have the quitclaim deed.

Commissioner Cole asked if it is being used as an alley now. Senta said that Castings, Inc. have stated that it is being used; however, it does not appear to be used on a regular basis.

Chairman Dibble asked if his understanding was correct – that this came into being because another alley was vacated and now they won't have any alley. Ms. Costello said that the alley would extend from the eastern edge of South 8<sup>th</sup> Street over to the western boundary of Mr. Stabolepsey's property.

**PETITIONER'S PRESENTATION**

Rocky Moore spoke on behalf of applicant in favor of the requested alley vacation. He stated that the alley is rarely used. He stated his willingness to maintain the property. He stated that in order for Mr. Bonella to use the alley, he would have to take off part of his building and the metal Quonset . Mr. Moore stated that the alley is very narrow.

**QUESTIONS**

Chairman Dibble asked if the alley was vacated if that property would be used for parking. Mr. Moore said that they would expand their fence to cover the alley and use it for equipment.

Commissioner Lowrey asked if Castings receives equipment in that alley. Rocky Moore said that Castings has never used that alley.

Commissioner Lowrey asked if on the Castings building if that was a solid wall. Mr. Moore said that there is a big bay door but it has never been opened. Additionally, he said that there is not enough room between their fence line and that door to back a large truck into.

Commissioner Cole asked if Mr. Moore knew if there were utilities in the alley. Mr. Moore said that there no utilities that he knows of. He said that all utilities go through the east-west alley.

Senta Costello said that if they had only the issue of backing out or only the issue of the neighbor's objection, staff thought that there could be a potential for recommendation of approval. However, combining the two, there is the original condition of approval to maintain circulation through the neighborhood combined with the fact that the neighbor is objecting.

Chairman Dibble stated that Mr. Bonella's letter does not state that they use the alley. Ms. Costello said that was based on verbal conversations with Mr. Bonella.

Commissioner Lowrey asked how many feet is it from the eastern edge to the corner of 8<sup>th</sup> and the east-west alley. Senta said that the total width is a little over 100 feet. Commissioner Lowrey stated that he does not see a problem with a truck backing up 100 feet because he's not backing up into a street that carries traffic. Ms. Costello said that based on the TEDS manual, it is not allowed without a TEDS exception to utilize public right-of-way for circulation or to be backing out or pulling in and then backing into a situation.

Commissioner Lowrey asked if the people who run the emergency vehicles object to this vacation. Ms. Costello said that they do not object. She further stated that the maximum distance for that particular situation is 150 feet.

Chairman Dibble asked if access to Castings' property would be limited by this vacation. Senta Costello said that in her opinion their access would not be limited. However, they could utilize that for circulation but the TEDS manual does not allow for backing into the right-of-way without a TEDS exception.

Chairman Dibble asked if they could apply for a TEDS exception in this particular instance. Ms. Costello said that if they chose to they could apply for one.

### **DISCUSSION**

Commissioner Pitts said that it is in the old layout of original Grand Junction and for a good number of years the alley has not been used, he would be in favor of granting the vacation.

Commissioner Lowrey said that he too is in favor of granting it.

Commissioner Cole agreed.

Chairman Dibble said that he would have given more weight to Mr. Bonella's letter if he said that he uses the alley. He would be in favor of allowing it.

Commissioner Carlow said that he was reluctant to eliminate an option that a future owner may utilize someday.

**MOTION: (Commissioner Pitts) "Mr. Chairman, on Winters Avenue Alley right-of-way vacation application, #VR-2007-050, I move that the Planning Commission forward a recommendation of approval."**

Commissioner Lowrey seconded the motion. A vote was called and the motion passed by a vote of 6 – 1 with Commissioner Carlow objecting.

### **V. ELECTION OF OFFICERS**

Chairman Dibble announced that his term limit is up in October 2008 and after consideration will not be standing for re-election and would be stepping down as of this

evening. He stated that he appreciates the support that has been given to him by the Commission during the years he served as Chair.

Commissioner Wall nominated Commissioner Cole to serve as Chairman of the Planning Commission. Commissioner Pavelka-Zarkesh seconded the nomination. A vote was called and Commissioner Cole was elected Chairman.

Commissioner Pitts nominated Commissioner Lowrey to serve as Vice-Chairman of the Planning Commission. Commissioner Pavelka-Zarkesh seconded the nomination. A vote was called and Commissioner Lowrey was elected Vice-Chairman.

With no objection and no further business, the public hearing was adjourned at 9:18 p.m.