

GRAND JUNCTION PLANNING COMMISSION
APRIL 12, 2005 MINUTES
7:00 p.m. to 9:35 p.m.

The regularly scheduled Planning Commission hearing was called to order at 7:00 p.m. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Paul Dibble (Chairman), Roland Cole, Tom Lowrey, Lynn Pavelka-Zarkesh, William Putnam, Bill Pitts and John Redifer. Pat Carlow (2nd Alternate) replaced John Redifer at the onset of the Full Hearing Agenda

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Kathy Portner (Planning Manager), Pat Cecil (Development Services Supervisor), Lisa Cox (Senior Planner), Ronnie Edwards (Associate Planner), Scott Peterson (Associate Planner), and Faye Hall (Planning Technician).

Also present were Jamie Kreiling (Assistant City Attorney) and Eric Hahn (Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 48 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 the March 8, 2005 public hearing.

MOTION: (Commissioner Pitts) "Mr. Chairman, I move for approval of the minutes for March 8, 2005."

Commissioner Redifer seconded the motion. A vote was called and the motion passed by a vote of 6-0, with Commissioner Putnam abstaining.

III. CONSENT AGENDA

Available for consideration were items:

1. CDP-2005-018 (Condo Plat--Reed Building Condominium)
2. PFP-2004-039 (Preliminary/Final Plat--Tompkins Subdivision)
3. GPA-2005-060 (Growth Plan Amendment--Burkey Park Growth Plan Amendment)
4. CUP-2004-310 (Conditional Use Permit--Brinton Group Home)
5. PFP-2004-167 (Preliminary/Final Plat--Brach's Commercial Subdivision)
6. FP-2005-050 (Final Plan- Redlands Mesa Clubhouse and Pool)
7. PP-2005-007 (Preliminary Plat--The Boulders Subdivision)
8. PP-2004-127 (Preliminary Plat--Orchard Estates)

Chairman Dibble briefly explained the nature of the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted one or more of the items pulled for additional discussion.

No objections were received from the audience, planning commissioners, or staff on any of the items.

MOTION: (Commissioner Pitts) "Mr. Chairman, I move for the acceptance of the Consent Agenda, items 1-8, as presented."

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

IV. FULL HEARING

Commissioner Redifer acknowledged his status as an employee of Mesa State College. While he felt he could render a finding without prejudice, he opted to recuse himself to avoid any perceived conflict of interest. Commissioner alternate Patrick Carlow participated in his stead on the following item.

**VR-2004-292 VACATION OF RIGHTS-OF-WAY, MESA STATE COLLEGE ROW VACATION
A request to vacate portions of Elm Avenue, College Place, Mesa Avenue, Bunting Avenue, and various alleys internal to the Mesa State College campus.**

Petitioner: Mesa State College

Location: College Place, Elm, Mesa and Bunting Avenues

PETITIONER'S PRESENTATION

Tom Dixon, representing the petitioner, gave a PowerPoint presentation containing the following slides: 1) approval criteria responses; 2) various photos of the proposed right-of-way vacation sites; 3) Mesa State College Master Plan; and 4) conclusion. In addition, Mr. Dixon distributed to planning commissioners and staff copies of a handout containing: 1) a copy of the 1976 Adopted Mesa College Master Plan; 2) a concept drawing depicting the college's property acquisition over the last 10 years; 3) Educational Attainment of Western Colorado Counties; and 4) the currently adopted Mesa State College Master Plan.

Mr. Dixon referenced all right-of-way locations proposed for vacation. Those included: 1) all alleys within the block bounded by North Avenue, College Place, Bunting Avenue and Houston Avenue; 2) College Place from North Avenue to Mesa Avenue, along with a section of alley between Elm Avenue and Texas Avenue, excepting out the west 30 feet of the right-of-way from Texas Avenue north to the north edge of the alley; 3) the alley within the block bounded by Bunting Avenue, College Place, Elm Avenue, and Houston Avenue; 4) Elm Avenue between 12th Street and College Place; 5) Mesa Avenue between College Place and Cannell Avenue; and 6) Bunting Avenue from College Place to Houston Avenue. Also referenced was the concept drawing showing the college's planned acquisition and current ownership of properties bounded by Cannell Avenue to the west, North Avenue to the South, 12th Street to the East, and Orchard Avenue to the North. Most of the properties needed to accomplish the necessary expansion were already owned by the college. Traffic patterns in the area would have to change to accommodate new buildings and campus functions. Traffic patterns had already changed along Elm Avenue following the installation of a traffic-calming median and pedestrian walkway near 12th Street.

The Code's vacation criteria were addressed in the petitioner's Powerpoint presentation. The Bishop of Pueblo's property located at 1135 College Place would be landlocked as a result of the vacations; however, negotiations were underway for the college to purchase the property. The only other property that could be impacted by the vacations would be the northwest corner of College Place and Texas Avenue. A half-street vacation (east half only) would preserve needed access to that property. Once closed to through public traffic and reconfigured as a one-way street, the west side of College Place

would be restriped to facilitate angle parking. This would increase the number of available parking space along College Place to 167; parking spaces along that corridor would be paid spaces.

Mr. Dixon said that the increased growth in student enrollment was outpacing academic facilities and classroom space. Approval of the request would allow consolidation of onsite and offsite classrooms; the construction of additional buildings; expansion of college services; improved parking; and continued beautification of the campus. He felt that the vacations would also result in an upgrade to the quality of public facilities and services; improved safety for students; and a savings to the City in street/alley maintenance expense. Photos of the streets/alleys proposed for vacation were referenced.

Mr. Dixon concluded by saying that the subject streets and alleys were predominantly used for Mesa State College-related purposes anyway. Once vacated, the subject streets and alleys would remain open for traffic circulation around the campus for the next few years, with the exception of Elm Avenue.

Lena Elliott, Chairperson for the Mesa State College Board of Trustees acknowledged the financial assistance the college had received from both the City and Mesa County to aid the college in its property acquisition. However, that commitment had been for a 10-year period of time, which had recently ended. It was time for the college to proceed to the next step. Vacating the subject streets and alleys represented that next logical step.

Tim Foster, President of Mesa State College, reiterated that the college had long been a community asset and was also was one of the fastest growing four-year colleges in the state. The relationship between the college and the community was unique in that it represented one of partnership, mutual commitment, and common goals. And while it would undoubtedly be less expensive to relocate the entire campus to a larger acreage elsewhere, the college and its Board of Trustees, in recognition of that unique relationship with the community, were committed to remaining in their present location. Mr. Foster referenced the college's initial Master Plan approved in 1976 and compared it to the one currently in place. The similarities in scope and design, he said, were very apparent. The need for expansion of the college and vacation of the subject streets and alleys had been foreseen almost 30 years prior. In the current Master Plan, College Place was represented as the center of the campus. Mr. Foster referenced a quote from a Mesa County planner who'd said that closing the subject streets and alleys would have negligible impacts on 12th Street and North Avenue. He reiterated that the subject streets and alleys were, in fact, primarily used by students in conjunction with campus-related activities.

QUESTIONS

Commissioner Cole acknowledged the college's efforts to garner traffic counts along the various streets. What were the counts along Elm Avenue? Mr. Dixon said that a traffic study of the corridor had been undertaken in October of 2004. The results confirmed that 69 percent of vehicle trips were campus-related; approximately 32 percent of total counts came from vehicles outside a five-block radius. Travel options were greater for those coming to the area from greater distances, he said.

Commissioner Cole asked if the college was in agreement with staff's conditions of approval. Mr. Foster said that college administrators had spent a lot of time working with City staff to mitigate issues. He asked that consideration be given to eliminating or at least forestalling condition 7 that required the dedication of right-of-way for a future turn lane at the northeast corner of North Avenue and College Place. City staff seemed unsure as to whether it would even be necessary, and constructing the turn lane would negatively impact what some regarded as one of the best "view planes" of the campus from Houston Hall. Mr. Foster said that there was a lesser concern with condition 3 regarding the retention of vacated right-of-way as utility easements in their entirety. Expansion of the science building would require extension into College Place.

Commissioner Lowrey asked for clarification on the impacts expected as a result of the college's adherence to staff conditions 4, 5, and 6. Mr. Foster said that with condition 3, staff's verbiage would require the college to come back before the Planning Commission periodically and request utility easement vacations, even if there were no utilities within the vacated right-of-way. That, he said, didn't make much sense to him. Condition 4 was closely tied to condition 3. Conditions 5 and 6 weren't really issues; however, if the City could be more specific with condition 6, it would provide the college with additional clarification. Condition 7 presented the biggest concern.

Commissioner Lowrey remarked that as long as College Place was used to park cars going north, construction of the turn lane made sense. If College Place were no longer open to through traffic, it seemed to him that the turn lane would no longer be necessary. Mr. Foster conjectured that with the closure of College Place to through traffic, there would be a marked reduction in vehicular traffic from North Avenue. He reiterated that the college would certainly provide the right-of-way for a turn lane if one were truly necessary; however, to construct one before knowing whether it was truly warranted would likely create more negative impacts than positive benefits.

STAFF'S PRESENTATION

Kathy Portner gave a PowerPoint presentation and pointed out the site's location on an aerial photo map. She overviewed the request and addressed individual Code criteria and Growth Plan recommendations as outlined in the April 12, 2005 staff report. She confirmed that the closure of Elm Avenue east of College Place would have minimal impacts to either 12th Street or North Avenue. She said that Elm Avenue between 7th and 12th Streets had been identified as a bike route on the Urban Trails Plan. Because Mesa State College had agreed to let it remain, the City was asking that Elm Avenue east of College Place be retained as an access easement for non-motorized use (bike traffic). She clarified that the easement did not have to encompass the entire Elm Avenue right-of-way; details could be worked out between City and college staffs.

Ms. Portner said that the college would not be allowed to record its plat until it owned the Bishop of Pueblo property. The college also did not own the parcel at the northwest corner of Texas Avenue and College Place. The requested vacation of College Place did not include the half-street right-of-way to that parcel. Texas Avenue and the alley to the north would not be vacated at the present time, and access easements and a turnaround at Mesa Avenue were proposed to maintain adequate access and circulation for that parcel as well as for the campus. Traffic circulation must be maintained from where Texas Avenue would dead-end into the vacated College Place. With the vacation of College Place and a portion of Elm Avenue, she noted two points where each street would dead-end. Thus, a section of College Place and Elm Avenue must be maintained as an access easement for vehicular traffic use until the college was ready to vacate the remaining right-of-way. Adequate emergency access must be maintained through the campus and to all structures, of which the college was well aware. To accommodate the modified parking configuration along College Place, additional widening and construction of a turnaround of the street would be required to meet the minimum fire access aisle width of 20 feet.

Elm Avenue between Cannell Avenue and 12th Street currently was currently included by the Grand Valley Transit as a bus route, with two bus shelters located near the Student Center. With the closure of Elm Avenue, the bus route would exclude that section of Elm Avenue and travel instead to and from its transfer station at 12th and Orchard.

While the closure of College Place and subsequent restriping would increase the number of parking spaces to 167, there was some concern that because those spaces were "pay" parking, the quest for free on-street parking might extend even further into the surrounding neighborhood.

She clarified that the City's requirement to maintain vacated rights-of-way as utility easements were because the college had not provided survey data to pinpoint the exact locations of above- and below-ground utilities that may or may not lie within them. Since some of those utilities could be difficult to find, the City just thought it easier to retain the rights-of-way in their entirety as utility easements. This seemed initially to be acceptable to college administrators; however, if they wanted to provide more precise information up front about the locations of utilities within those vacated rights-of-way that would be acceptable as well. It was also important that utility easements remained accessible to utility providers for maintenance purposes; hence, condition 4 allowed only asphalt or sod surface treatments, with sidewalk crossings subject to City review. As the college expanded structurally, there might be a need to relocate existing utilities. At that time, the college could then vacate affected utility easements and dedicate new ones. Ms. Portner said that an official utility easement vacation process was still necessary, even with the vacation of rights-of-way.

Ms. Portner said that with the closure of Elm Avenue and the provision of additional parking along College Place, right turns from North Avenue onto the one-way College Place were likely to increase. She suggested that a right-turn lane might already be warranted at College Place and North Avenue. If future expansion plans made Houston Avenue a more desirable entrance, the College Place right-of-way could be vacated and returned to the college. Staff recommended that sufficient right-of-way be dedicated at the northeast corner of North Avenue and College Place to accommodate a future right-turn lane.

Staff concluded that the request would meet both Code criteria and Growth Plan recommendations subject to the following conditions of approval:

1. The right-of-way vacation is not effective until a plat is recorded combining lots and dedicating necessary easements.
2. The plat cannot be recorded until Mesa State College owns the property currently owned by the Bishop of Pueblo (parcel number 2945-114-23-981).
3. The vacated right-of-way in its entirety must be maintained as utility easements and so noted on the plat.
4. The plat shall indicate that within the utility easements only sod or asphalt surface treatment will be allowed. Sidewalk crossings are subject to review and approval by the City.
5. The vacated College Place between Elm Avenue and the east-west alley north of Texas Avenue, and the vacated Elm Avenue west of College Place, must be retained as an access easement for traffic circulation and so noted on the plat.
6. The vacated Elm Avenue east of College Place must be retained as an access easement for non-motorized use.
7. Right-of-way shall be dedicated on the plat for a future right-turn lane at the northeast corner of North Avenue and College Place.

QUESTIONS

Commissioner Cole referenced staff condition 3 and suggested alternate verbiage, to read: "Utility easements shall be maintained as easements, with only sod or asphalt surface treatment allowed. In the event that an easement was to be covered by a building, an alternate easement shall be provided as approved by the City. Sidewalk crossings are subject to review and approval by the City." Ms. Portner deferred the question to Asst. City Attorney, Jamie Kreiling, who said that as the City's Code was written, it would specifically require a separate vacation process for utility easements. To avoid having the vacated right-of-way in its entirety being designated a utility easement would require evidence to show exactly what utilities were located where and how wide the actual easement would have to be to accommodate those utilities.

Chairman Dibble asked if there had been any utility information submitted by the college. Ms. Portner said staff had asked college administrators whether their intent was to retain vacated rights-of-way in their entirety as utility easements, and the response had been affirmative. So no further discussion had ensued. Commissioner Dibble remarked that it had been prudent of the City to cover an unknown variable.

When Commissioner Lowrey asked if the normal process included vacating easements at the time of actual development, Ms. Porter responded affirmatively.

Chairman Dibble asked what would trigger construction of the right-turn lane. Ms. Portner said that the need for a turn lane was typically identified in conjunction with a traffic study. Since none had been undertaken at that location by college representatives, the “need” had been determined by the City. When constructed, it would be paid for by TCP funds and built by the City.

Chairman Dibble asked what would happen to the turn lane if it were no longer necessary. Ms. Portner said that it could be later vacated.

Commissioner Lowrey asked if the burden of proof lay with the petitioner to show that the turn lane wasn't needed. Ms. Portner said that the Code required developers to undertake a traffic study to determine volumes of traffic and to ascertain what improvements were needed. While requested of them by the City, college administrators had chosen not to do that. The City opted to request the right-of-way up front because likely it was needed now.

Eric Hahn came forward and agreed that the exchange between City and college staffs had been very amenable. He said given that most of the traffic around the college was college-related, traffic that normally would have been directed down Elm Street would be redirected, possibly, to Orchard and Cannell Avenues. If redirected to North Avenue, motorists were likely to use the first available access, which was College Place. Traffic counts already warranted construction of the turn lane, even without the college's expansion. Whether or not it would be built, or where, the City would still like to have the right-of-way available. With regard to utility easements, the City's Utility Engineer had requested specific definitions of easements based on the existing utilities within rights-of-way. The petitioner had chosen not to provide the information, which had been understandable given that it would have involved some extensive survey work throughout all of the affected corridors. The condition to maintain all vacated rights-of-way in their entirety as utility easements had been formulated as an alternative.

A brief recess was called at 8:25 p.m. The public hearing reconvened at 8:35 p.m.

PUBLIC COMMENTS

FOR:

Rick Gibson (2328 Falcon Place, Grand Junction), Chairman for the Grand Junction Chamber's Board of Directors, expressed his support for the request.

Buzz Schoenbeck (no address given) felt that Mesa State College should be complimented on its Master Plan. He'd been aware of the Plan's presence since 1976, and college administrators still adhered to their original vision. He felt that college administrators had presented strong evidence to support their current request, and he agreed that the right-of-way vacations were the next logical step.

John Williams (no address given) expressed his support for the request and felt it to be the “right thing to do,” especially given the consistent enrollment increases at the college. The college, he said, was important to the community, both economically and culturally, and should be supported.

Erik Groves (2408 Broadway, Grand Junction), Mesa State College student and Vice-President of External Affairs and the Associated Student Government, felt that the plans presented by college representatives would result in improved safety for students. Recalling an incident where he'd almost been hit by a motorist while riding his bike along Houston Avenue, he felt that the proposed street/alley closures would result in a more pedestrian-friendly environment. A larger, improved, and more aesthetic campus would benefit the college and community by being able to attract more quality students.

Karen Madsen (2484 Sage Run Court, Grand Junction) agreed with previous citizen comments and voiced her support for the vacation request.

Orville Bege (349 Lilac Lane, Grand Junction) remarked that parking around Mesa State College had always been bad. He was in wholehearted support of the college's plans to add more parking spaces.

Keith Knudsen (876 Covey Road, Grand Junction) commented that all of Mesa State College's past presidents had had to deal with the college's growing pains and the restrictions of being situated in the middle of town. The community and local governments had actively supported the college in the past and should continue to do so by approving the current request.

Mike Pacheco (780 Elm Avenue, Grand Junction), a student at Mesa State College, felt that the college had done a good job in striking an equitable balance between the needs of the college and the needs of the neighborhood. He felt that the vacations would improve student safety and provide for future growth of the college.

Jerry Whitaker (3411 Northridge Drive, Grand Junction), member of the Mesa State College Alumni Association, commended college representatives throughout the years for their foresight in planning for the college's expansion needs well into the future. He was anxious to see what the college might look like in 20 years.

Toni Milyard (868 Quail Run, Grand Junction) agreed that the college represented a tremendous asset to the community. Property around the college had always held its value.

Dale Reece (2065 Blue Water Drive, Grand Junction) expressed his support for the request.

Bill Robinson (754 26 ½ Road, Grand Junction) recalled that in the 1960s Mesa State College campus had been very small and had been referred to as the North Avenue University. The college was a definite jewel to the community, the state, and to the country. The college's expansion would benefit the City as a whole and improve student safety.

AGAINST:

Gary McMurty (860 Hall Avenue, Grand Junction) said that while not necessarily against the request, he objected to students always parking in front of his house. The college really needed to construct a parking garage to handle its student parking.

Jim White (1016 Elm Avenue, Grand Junction) said that he'd followed the progress of the college's Master Plan over the last 10 years. He wondered if any thought had been given to modifying the traffic light at the Houston Avenue/North Avenue intersection. He also had concerns that emergency vehicles would have to travel further around the campus to serve homes in his neighborhood. Mr. White also asked for clarification on the increased parking along College Place. Were there to be a total of 167 spaces or an increase of 167 spaces? Which alleys were slated for vacation?

Gi Moon (no address given) felt the college's plan to be somewhat aggressive and unfriendly towards the surrounding neighborhood. She was used to driving down Elm Avenue several times a day and would miss its availability. The traffic calming features on Elm Avenue near 12th Street were effective and presented a good compromise between pedestrian and vehicular needs. She, too, felt that pay parking would encourage more students to park further away and encroach into the surrounding neighborhood.

Danny Galloway (937 Texas Avenue, Grand Junction) was not necessarily opposed to the college's expansion; however, he was concerned that the alley vacation near his home (between Texas and Elm Avenues) would result in the loss of access. Noting the location of his home, he wondered how the vacations would affect him.

Giles Paulson (860 Kennedy Avenue, Grand Junction) expressed a concern that the vacations would somehow adversely affect neighboring property values.

Prior to closing the public comments portion of the public hearing, Ms. Kreiling added that since it was indicated during the review process that the petitioner's intention was to retain all vacated rights-of-way as utility easements, utility providers had been effectively put on notice that there were no concerns to address from their perspectives. Since the college had since changed its position, she cautioned against modifying the condition since none of the utility providers had been forewarned, nor were they present to protect their interests. In fact, since the college had only this evening changed a position that they'd maintained had been satisfactory, the City had not had a chance, through the regular review process, to look at all of those elements that would normally have been considered. Her recommendation was that if the Planning Commission was considering modifying applicable conditions of approval, the request should be continued to allow proper notification of utility providers.

Commissioner Putnam remarked that if planning commissioners chose to move forward and include the conditions as stated by staff, there would be no need for a continuance.

Mr. Foster said that they had little desire to fight over condition 3 and urged planning commissioners to move forward and render a decision without further delay. He would work with City staff on the utility easement issue. He did reiterate his earlier request for some flexibility on condition 7.

PETITIONER'S REBUTTAL

Mr. Foster said that parking was a problem for every college campus, and one not likely to go away soon. A lot of onsite campus parking was available, and a new parking lot had been recently completed. However, students routinely chose not to use the parking areas provided for them; they preferred to venture out into the neighborhood for free parking. One solution for the people living in surrounding neighborhoods might be to create parking districts or impose parking restrictions, which should discourage students from parking in front of their homes. He clarified that the college was not asking to vacate the alley between Texas and Elm, so there would be no access impact to Mr. Galloway.

Mr. Dixon added that undertaking a traffic study for the entire right-of-way vacation area had been cost prohibitive. His understanding was that a comprehensive study hadn't been required because of the costs involved. He again asked for flexibility in the right-turn lane requirement. If constructed immediately by the City, it would effectively limit other access options available to the college.

QUESTIONS

Chairman Dibble asked the petitioner to explain the gain in parking spaces along College Place. Mr. Dixon said that 117 spaces were there presently. With the street's closure and restriping for angle parking, a net gain of 50 spaces would be achieved, for a total of 167 spaces.

Commissioner Cole was inclined to include the right-turn lane requirement as stated in staff's conditions; however, if some other alternative were proposed at a later date, planning commissioners and staff could consider other options. Planning commissioners had to be mindful of protecting the citizens of Grand Junction.

Commissioner Lowrey agreed and asked staff if there were any way to readdress the turn lane issue at a later date. Bob Blanchard advised planning commissioners to take into account the information staff had already provided. Traffic counts at the College Place/North Avenue intersection were sufficient to warrant construction of a turn lane even without the college's expansion or the reconfiguration of College Place. But just because the turn lane was warranted, that didn't mean that the City would immediately go out and construct it.

Commissioner Pitts wondered if the fact that North Avenue was a state highway had any bearing on whether or when the turn lane would be constructed. Mr. Hahn came forward and replied negatively, adding that he didn't think CDOT had commented either way on the request. He provided traffic counts to support the need for a turn lane; however, constructing the improvement without knowing what was to occur on the site, or constructing the improvement with the understanding that it would later be removed made little sense. Asking for the improvement now would protect the City's interests, yet there were no immediate plans to construct it. The City had every intention of working with Mesa State College prior to moving forward with any construction plans.

Chairman Dibble wondered what would trigger construction of the turn lane. Mr. Hahn said it wasn't so much what would trigger it as how it would fit into the City's budgeting. The need would have to be ascertained and then that need would be assigned a priority to determine whether it warranted inclusion in the Capital Improvements Plan (CIP). Once that decision was made, the City would then determine when construction should occur.

Commissioner Cole remarked that if another alternative were selected, the college would have to come back and request a vacation of the right-of-way and a potential rededication of right-of-way elsewhere. Mr. Hahn concurred with Commissioner Cole's assessment.

Commissioner Lowrey noted that the college's Master Plan seemed to indicate a decel lane located off of Houston. If that became the preferred alternative, would the City be agreeable to vacating the North Avenue turn lane right-of-way? Mr. Hahn said that the City could combine the dedication of the new right-of-way and the vacation of the North Avenue right-of-way into one proposal. In response to Mr. White's suggestion that the traffic light at the Houston Avenue/North Avenue intersection be modified would be subject to ongoing review by the City's Transportation Engineer as changes occurred on the college campus.

When asked if staff had anything further to add, Ms. Portner came forward and said that with regard to condition 4, she'd spoken with the petitioner during the break and offered the following revised verbiage to replace the second sentence of that condition: "Other surface treatments are subject to review and approval by the City." The first sentence would remain unchanged.

DISCUSSION

Commissioner Cole supported the petitioner's request but expressed reservation over the condition to require the North Avenue right-of-way. It seemed that the only alternative was to trust that the City's Engineering staff and college representatives would work things out at the appropriate time.

Commissioner Lowrey concurred. He didn't think the turn lane would take up that much space, and it would provide a safety benefit. He felt comfortable in supporting staff's recommendation of approval,

subject to all seven conditions, including the modification to condition 4. The City had always been a staunch supporter of Mesa State College's expansion efforts. It would be illogical to think otherwise in the case of the turn lane issue.

Commissioner Carlow expressed his support as well. Colleges elsewhere had the same problems as those of Mesa State, and they too had come up with creative solutions. Those solutions, he said, took mutual cooperation, and he had every confidence that the City and college administrators would work together for mutual benefit.

Commissioner Pitts also supported the request. He commended staff and college representatives on the work they'd done to mitigate outstanding issues.

Commissioner Pavelka-Zarkesh agreed and also felt she could support the request.

Chairman Dibble echoed that the college and City staff had done an excellent job in mitigating the issues while protecting the integrity of the neighborhood. With regard to the turn lane, he felt it was better to err on the side of safety. And while the turn lane's construction was a possibility, it was not necessarily an eventuality. He supported approving the request with all seven of staff's conditions as modified.

MOTION: (Commissioner Cole) "Mr. Chairman, on item VR-2004-292, the Mesa State College right-of-way vacation request, I move we forward a recommendation of approval to the City Council with the findings and conclusions listed in the staff report and subject to the following conditions:

- 1. The right-of-way vacation is not effective until a plat is recorded combining lots and dedicating necessary easements.**
- 2. The plat cannot be recorded until Mesa State College owns the property currently owned by the Bishop of Pueblo (parcel number 2945-114-23-981).**
- 3. The vacated right-of-way in its entirety must be maintained as utility easements and so noted on the plat.**
- 4. The plat shall indicate that within the utility easements only sod or asphalt surface treatment will be allowed. Other surface treatments are subject to review and approval by the City.**
- 5. The vacated College Place between Elm Avenue and the east-west alley north of Texas Avenue, and the vacated Elm Avenue west of College Place, must be retained as an access easement for traffic circulation and so noted on the plat.**
- 6. The vacated Elm Avenue east of College Place must be retained as an access easement for non-motorized use.**
- 7. Right-of-way shall be dedicated on the plat for a future right-turn lane at the northeast corner of North Avenue and College Place."**

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

With no further business to discuss, the public hearing was adjourned at 9:35 p.m.