



**PLANNING COMMISSION AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET**

TUESDAY, June 23, 2015 @ 6:00 PM

Call to Order – 6:00 P.M.

*****CONSENT*****

No items under Consent

*****INDIVIDUAL CONSIDERATION*****

1. Colorado Mesa University Rights-of-Way Vacation [File # VAC-2015-182]

[Attach 1](#)

Request to vacate portions of public right-of-way (adjacent to CMU owned properties) of Cannell, Hall, Texas, Elm, Kennedy, Bunting Avenue's and associated alleys as part of Colorado Mesa University expansion projects.

Action: Recommendation to City Council

Applicant: Colorado Mesa University

Location: Portions of Cannell, Bunting, Kennedy, Elm, Texas, Hall Avenues and parts of alleys

Staff presentation: Scott Peterson, Senior Planner

2. Nonscheduled Citizens and/or Visitors

3. Other Business

4. Adjournment



Date: June 11, 2015
 Author: Scott D. Peterson
 Title/ Phone Ext: Senior
Planner/1447
 Proposed Schedule: June 23,
2015
 File #: VAC-2015-182

Attach 1

PLANNING COMMISSION AGENDA ITEM

Subject: Colorado Mesa University Rights-of-Way Vacation, Located within the CMU area
Action Requested/Recommendation: Forward a recommendation to City Council to vacate portions of public right-of-way (adjacent to CMU owned properties) of Cannell, Hall, Texas, Elm, Kennedy, Bunting Avenue's and associated alleys as part of Colorado Mesa University expansion projects.
Presenters Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

The applicant, Colorado Mesa University, requests approval to vacate portions of Cannell, Bunting, Kennedy, Elm, Texas, Hall Avenues and parts of alleys adjacent to CMU owned properties.

Background, Analysis and Options:

Colorado Mesa University (“CMU”), wishes to vacate portions of street and alley rights-of-way in order to facilitate the continued westward expansion efforts planned for the campus, specifically in the future to develop new residence halls, classroom buildings, parking lots and campus improvements.

The properties abutting the sections of right-of-way for which vacation is sought are owned by Colorado Mesa University. As a condition of approval, CMU will need to maintain a minimum 20’ wide circulation drive (fire access lane) at the terminations of all vacated Avenue’s (which the public could be able to utilize). CMU is not proposing to dedicate an access easement nor right-of-way or construct a sidewalk within the vacated areas, but the driving surface will be constructed/developed to meet City standards for fire access. The driving surface treatment proposed would be either recycled asphalt or left in its current state. However, as proposed by the applicant, it will be at CMU’s discretion on when these north/south, east/west connections would be closed or modified in the future, conditioned that all new fire access lanes are provided and constructed. CMU is proposing to asphalt a new parking lot located north of Bunting Avenue and south of Kennedy Avenue as part of this phase of rights-of-way vacation. Access and

maneuverability of fire and other emergency equipment will be accommodated utilizing the extensive network of emergency lanes currently existing on the main campus of CMU.

With the vacations, the City of Grand Junction ("City") will retain a utility easement for the existing electric, gas, water, sewer and storm drain lines that are located within the existing rights-of-way and associated alleys.

Based on the conditions recommended by the Fire Department and CMU's intention to develop and construct emergency access, it is Staff's assessment that the proposed vacations would not impede traffic, pedestrian movement or access to private property or obstruct emergency access.

Neighborhood Meeting:

The applicant held a Neighborhood Meeting on March 3, 2015. Twenty-eight +/- (28) area residents attended the meeting with the applicant providing a powerpoint presentation with an update on various activities going on across campus and information regarding the most recent iteration of the ongoing right-of-way vacation process. However, after the Neighborhood Meeting, when the formal request for vacations were received by the City of Grand Junction for review, several area residents submitted letters/emails/phone messages voicing concerns regarding the existing conditions in the area from the previous vacation request and how the proposed new vacation requests will impact the area (see attached correspondence).

How this item relates to the Comprehensive Plan Goals and Policies:

The Grand Junction Comprehensive Plan states: "Due to the inefficiencies of low density sprawl, a significant amount of projected future growth is focused inward on vacant and underutilized land throughout the community. This takes advantage of land that already has roads, utilities and public services. Infill and redevelopment is especially focused in the City Center (includes Downtown, North Avenue, Colorado Mesa University (formerly Mesa State College) area, and the area around St. Mary's Hospital). Reinvestment and revitalization of these areas, and maintaining and expanding a 'strong downtown', is a high priority of the Comprehensive Plan and essential for the area's regional economy. (Guiding Principle 1: Centers - Downtown)"

Vacating these rights-of-way supports the University in their facilities and building expansion development, enhances a healthy, diverse economy and supports a vibrant City Center, therefore, the proposed rights-of-way vacation implements and meets the following goals and policies from the Comprehensive Plan.

Goal 1: To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

Policy C: The City and Mesa County will make land use and infrastructure decisions consistent with the goals of supporting and encouraging the development of centers.

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

Policy A: Through the Comprehensive Plan's policies the City and County will improve as a regional center of commerce, culture and tourism.

Economic Development Plan:

The purpose of the adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees. Though the proposed rights-of-way vacation request specifically does not further the goals of the Economic Development Plan, it does allow the CMU campus to continue its westward expansion efforts in order to grow the campus for the benefit of students, community, higher educational opportunities and provides a vibrant and growing economy. Higher education is a key component of Grand Junction's status as a regional center.

Board or Committee Recommendation:

N/A.

Financial Impact/Budget:

Council directed staff to evaluate on a case by case basis the value of selling ROW's at the time of a vacation request. Based on previous information and the purchase price of ROW recently acquired by the City, staff recommends a value of \$1.00 per square foot. At \$1.00 per square foot, the value of ROW requested through this vacation would be approximately \$126,487.00.

Previously presented or discussed:

This proposal has not been previously discussed.

Attachments:

- Staff Report/Background Information
- Location Map
- Aerial Photo Map / Comprehensive Plan Future Land Use Map
- Existing Zoning Map
- Correspondence received
- Ordinance

BACKGROUND INFORMATION					
Location:		Portions of Cannell, Bunting, Kennedy, Elm, Texas, Hall Avenues and parts of alleys			
Applicant:		Colorado Mesa University			
Existing Land Use:		City street and alley rights-of-way			
Proposed Land Use:		Colorado Mesa University land use development			
Surrounding Land Use:	North	Colorado Mesa University properties			
	South	Colorado Mesa University properties			
	East	Colorado Mesa University properties			
	West	Colorado Mesa University properties			
Existing Zoning:		R-8 (Residential – 8 du/ac)			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	R-8 (Residential – 8 du/ac)			
	South	R-8 (Residential – 8 du/ac)			
	East	R-8 (Residential – 8 du/ac) and CSR (Community Services & Recreation)			
	West	R-8 (Residential – 8 du/ac)			
Future Land Use Designation:		Residential Medium High (8 – 16 du/ac), Residential Medium (4 – 8 du/ac) and Business Park Mixed Use			
Zoning within density range?		X	Yes		No

City Fire Department Review of Rights-of-Way Vacation Request:

The Grand Junction Fire Department does not object to the University’s overall desire to vacate certain public right-of-ways in an effort to implement their facilities future master plan. However, it should be noted that such right of way vacations and the subsequent loss of the city street grid system in the area of the University has in the past and will likely continue in the future to present a significant challenge to the fire department’s emergency response capabilities.

Multiple problems resulted from the previous vacation of Cannell Avenue in 2014 to include, but not limited to a reduction in apparatus turning radius, parking obstructions, and a premature start in the demolition of the Cannell/Elm intersection without proper notification to the fire department.

In an effort to avoid future complications, the fire department proposes the following conditions:

1. All fire apparatus roads shall be constructed in accordance with the locally adopted 2012 International Fire Code and Appendices as well as any local City of Grand Junction ordinances (i.e. Ordinance No. 4500) that pertain specifically to the Grand Junction Fire Department and their operations.
2. Final engineered construction drawings regarding fire apparatus roads and water supplies shall be submitted to the Grand Junction Fire Department for review and acceptance prior to any construction activities to include the demolition of existing street networks or the construction of new University buildings.
3. Any deficiencies or violations noted during an inspection of such fire apparatus roads and/or water supply items shall be promptly corrected by the University to the satisfaction of the Grand Junction Fire Department.
4. The University shall coordinate with Grand Junction Fire Department, beyond simply consulting, in an effort to plan for future development of fire department apparatus roads throughout the campus so as to diminish challenges resulting from the loss of the city street grid system. Specifically, additional north/south and east/west primary fire lane corridors in the area between Cannell Avenue and 7th Street similar in appearance and functionality (i.e. minimum 20' width of concrete) to the existing fire lanes in the redeveloped areas of Elm Avenue and College Place will be required. All required fire apparatus roads, also known as fire lanes, are subject to review and acceptance by the Grand Junction Fire Department.

Sections 21.02.100 of the Grand Junction Zoning and Development Code:

The vacation of a portion of the existing rights-of-way shall conform to the following:

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

Granting the request to vacate portions of the existing rights-of-way does not conflict with the Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City. CMU will construct an internal circulation drive for its own use (which the public would be allowed to use) that provides continued circulation between North Avenue and Orchard Avenue. A utility easement will be retained for existing utilities as a condition of approval. The applicant will also be required to construct access roads in accordance with the 2012 International Fire Code etc., and keep all drive aisles free of obstructions.

Therefore, this criterion has been met.

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

No privately held parcels will be landlocked as a result of these vacation requests. All properties abutting the proposed vacations are under the control of CMU. Furthermore, it

is the intention of CMU to develop and maintain circulation drives that will continue to allow north/south and east/west vehicle and pedestrian connections.

Therefore, this criterion has been met.

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

Access will not be restricted to any privately held parcel. All properties abutting the proposed vacations are under the control of CMU.

Therefore, this criterion has been met.

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

Trash collection and general circulation to the area may be impacted if CMU decides that it will close the new circulation drives, however it is anticipated that CMU will keep all access ways open for use by the public. The applicant will be required to construct access roads in accordance with the 2012 International Fire Code etc., and keep all drive aisles free of obstructions for emergency vehicle access and maneuverability of fire equipment and garbage trucks. The circulation drive could in theory be used by the trash trucks, and the public but the applicant is unwilling to grant a license or easement for that purpose at this time. The applicant has represented that the circulation drives would be made available to property owners in the area. Without a formal license or easement, however, there is no way for the City to ensure such access, or to represent that access would not be denied, or if granted, discontinued at any time without notice. No other adverse impacts on the health, safety and/or welfare of the general community are anticipated. The area is part of the larger existing CMU campus with future changes or modifications to access, right-of-way and utility location changes anticipated. However, with the current and future expansion of the University campus, additional educational services and opportunities will be available to the community.

Therefore, this criterion can be met, if the applicant is willing to keep the circulation drives open for public use.

(5) The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Zoning and Development Code; and

No adverse comments concerning the proposed rights-of-way vacation were received from the utility review agencies during the staff review process. As a condition of approval, a utility easement will be retained for existing utilities located within the vacated rights-of-way. There are privately owned residential properties in the area of the

proposed ROW vacations whose trash collection and/or fire and ambulance services may be impacted (see discussion above).

Concerning existing public facilities, this criterion will be met with the retention of a utility easement. Concerning public services, this criterion can be met, if the applicant is willing to keep the circulation drives open for public use.

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

Maintenance requirements for the City will not significantly change as a result of the proposed partial rights-of-way vacation. A utility easement will be retained to allow for the continuation and access of existing utilities. The benefit to the City is the expansion of CMU and its mission to educate and by enhancing and preserving Grand Junction as a regional center. The proposed rights-of-way vacation is needed by CMU as part of their continued campus expansion to the west.

Therefore, this criterion has been met.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Colorado Mesa University application, VAC-2015-182 to vacate portions of public rights-of-way, the following findings of fact, conclusions and conditions have been determined:

1. The requested right-of-way vacation is consistent with the goals and polices of the Comprehensive Plan, specifically, Goals 1 and 12.
2. The review criteria, items 1 through 6 in Section 21.02.100 of the Grand Junction Zoning and Development Code have been met or addressed.
3. As a condition of vacation, the City shall retain a utility easement over all of the right-of-way areas to be vacated for maintenance, operation and repair of existing utility infrastructure.
4. With the vacation, CMU shall construct a minimum 20' wide north/south, east/west circulation drives, with adequate turning radius and allow usage of the circulation drives by the public, trash collection trucks and fire/ambulance vehicles.
5. With the vacation, applicant will need to meet all Grand Junction Fire Department requirements as identified within the Staff Report.

STAFF RECOMMENDATION:

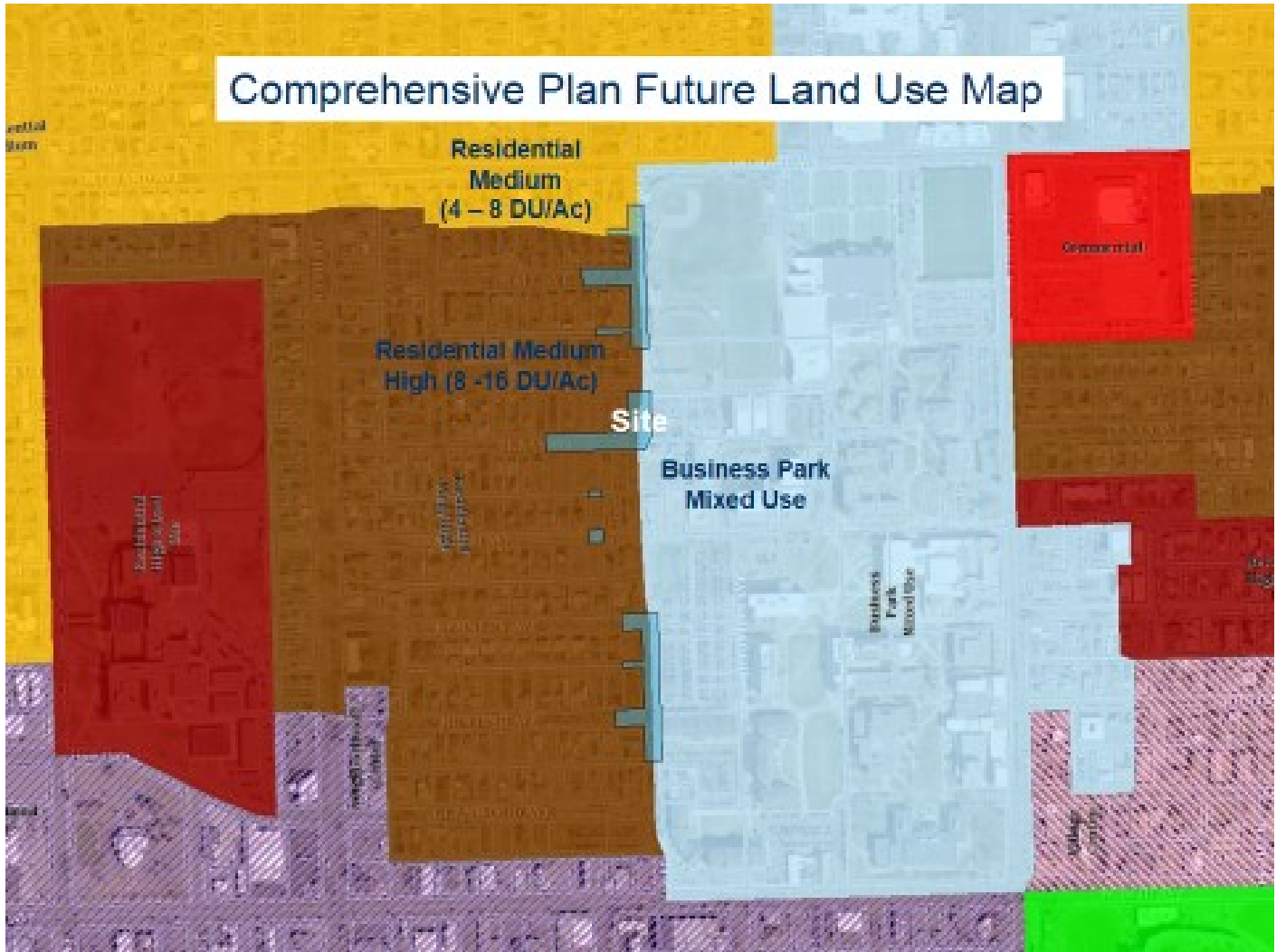
I recommend that the Planning Commission forward a recommendation of conditional approval of the requested rights-of-way vacation, VAC-2015-182 to the City Council with the findings, conclusions and conditions stated in the staff report.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on item VAC-2015-182, I move we forward a recommendation of conditional approval to the City Council on the request to vacate portions of rights-of-way of Cannell, Bunting, Kennedy, Elm, Texas, Hall Avenue's and parts of adjacent alley rights-of-way, with the findings of fact, conclusions and conditions stated in the staff report.









From: "bell222ut@gmail.com" <bell222ut@gmail.com>
To: <Scottp@gjcity.org>
Date: 5/18/2015 6:58 AM
Subject: University expansion

Dear Mr. Peterson,

During the night I realized that with being forced to move eventually due to the expansion of the University, I will lose the Senior citizen Property discount should it ever be reinstated.

Most people do not understand what is involved in moving at the age of seventy one. I feel that should be considered, somehow in your dealings with Tim Foster and Cannell Ave.

Also with the taking over of the proposed ally's and Cannell Ave. Bunting Kennedy Ave, Elm and Texas, how eventually are we who live in the area supposed to get to our property?

Who want's to live like the guy fenced in on Cannell Ave? And Mr. Foster say's he is Not driving people out of their homes, as I see it He has no concern for me or others as he pushes to take over the area around the University. His empire, Legacy. I'll not forget him hanging up on me when I struck a nerve!!

Do I not have some Rights here as a potential victim?

Sincerely,

Spencer Bergner
1613 N. 8th Street
Grand Jct., Co. 81501
970-245-5138

From: JC Rorex <callmejanets@yahoo.com>
To: Scott Peterson <scottp@ci.grandjct.co.us>
CC: Randall Pearce <hppc1@qwestoffice.net>, Phil Rorex <philrorex@yahoo.com>
Date: 5/13/2015 4:36 PM
Subject: Re: CMU Mailing Notice
Attachments: Notice cards.docx

Hi Scott,

Thank you for emailing this. Needless to say, finding out this information by phone from my tenant today and being told that I had to respond by tomorrow was very unsettling.

We have owned this property for many years and it has been in the family even longer than that. Since in our possession, we completely remodeled it from the 1930s house it was to a modern structure. In that time, have seen this neighborhood go from a quiet, lovely family oriented enclave, to a rundown, teenage party hangout due to the city's interventions. The past several years has been particularly disturbing.

The actions that the city has taken has already devalued this property and hindered our ability to find suitable tenants when it was needed. The gravel from the school's parking lot has cracked windows and there is a constant problem of speeding, noise, trash and beer cans left on and surrounding what used to be a quaint, solid family house. Clearly, we take very seriously any continued actions that would further degrade our property. I have contacted my attorney and we will respond to this proposal formally on Wednesday May 20, 2015 to your email address and to your postal mailing address as well.

For future reference, the Florida address is a mail service. It takes about 10 days to get mail to me in California, after they receive it. I would appreciate it if the city would take that into consideration when sending notices and setting future response requirements.

Thank you.

Sincerely,

Janet C. Sandoval
661 799 1433

From: Camille Chancellor <directorllc@yahoo.com>
To: "scottp@gjcity.org" <scottp@gjcity.org>
Date: 5/14/2015 1:44 PM
Subject: VAC-2015-182 CMU Cannell Ave and alley vacations

Scott Peterson,

This is in regards to the proposal VAC-2015-182 - CMU Cannell Avenue area street and alley vacations. We have both a child care center and a K-8 school located on Mesa Avenue between Cannel Avenue and 8th street. We have a few concerns that we would like addressed. First, if this proposal is carried out our families routes into and out of our schools will become congested and hard to navigate leading to safety issues for our students. The majority of our families enter Mesa Avenue by way of Cannell and exit by way of 8th street. If Cannell was to be closed and there was only 8th street to enter and exit there would be major traffic congestion for both our schools during main drop off and pick up times creating safety issues for our students. Second, we have both dumpsters and large entry gates located along the alley way behind Mesa Avenue. If this alley is closed we would not have a place for our dumpsters and trash pick-up as well as no large truck entry way for our playgrounds which we need for maintenance.

Please consider our concerns and respond to us in a timely manner addressing the above issues.

Sincerely,

Camille Chancellor, Director, Little Lambs Learning Center
Casey Prindle, Principal, Intermountain Adventist Academy
Bob Nicolay, Board Chairman, Little Lambs Learning Center

860 Kennedy Ave
Grand Junction CO 81501
April 6, 2015

Dear Council Member ..., (Email copy to Scott Peterson, Senior Planner)

We write this letter to bring public safety and health issues to your attention. The issues involve the vacated portion of Cannell Ave. from Kennedy Ave to Texas Ave. This letter describes the problems and urges the paving of the Cannell road way to mitigate the problems.

The city vacated this portion of Cannell Avenue in April of last year. The new plans are described in the April 1, 2014 notes by Scott Peterson, Senior Planner, File # VAC-2014-40. More detailed plans are presented in the CMU April 14, 2014 "Plans for Construction of Cannell Avenue Vacation." The vacated land would be used as a rugby field and parking lots for commuter students and dorm residents. An access road was planned to allow vehicle traffic from Kennedy to Texas. The road would allow access to all the lots, to the alleys that accessed the lots, and to enable emergency and service vehicles to get from Texas to Kennedy.

This roadway was a key part of the CMU presentation, and it was prominently featured in the newspaper account as CMU's "emergency access road." The roadway was not listed in CMU's detailed drawings of April 14, 2014, but it took the form of an aisle running down the middle of the parking lot.

CMU decided to use crushed asphalt for the parking lot and the aisle. They explained in public meetings that crushed asphalt is often used for parking lots on campus. In this case, however, the vacated portion of Cannell is essentially a roadway, one that is heavily used by people traveling back and forth from Kennedy to Texas. We live next to the new parking lot, so we are in a good position to see conditions first-hand. This is what we have observed:

- The passage through the parking lot is used as a road way as well as access to parking. During the rush hours, we observe that more than 50% of the cars that enter Kennedy do not park. Rather, they go all the way through to Texas, perhaps on their way to Orchard. We sometimes use the Cannell road way in this manner. And we notice that the road way is used by mail trucks, FedEx trucks, pizza delivery cars etc. When defined by use, the vacated portion of Cannell is a road way as well as an aisle in a parking lot.
- The asphalt surface is not suitable for a roadway. There is a huge amount of dust stirred up by the through traffic. The dust blankets our house and the cars in the dorm parking lots. It clings to everything and is difficult to remove, possibly because of the residual coal tar.

- The public health issue involves the dispersal of crystalline silica, the key hazardous ingredient in recycled asphalt. Crystalline silica has been classified as a human lung carcinogen, and breathing silica dust can cause silicosis.
- A public safety issue involves reckless driving, often during out-of-school hours and mostly at night. Reckless drivers often speed into the lot at Kennedy, turn donuts in the lot before exiting to Elm or Texas at high speed. We often hear gravel either hitting our fence or sometimes hitting the house. We have informed the police coordinator at CMU, so he is aware of the problem.
- Another safety issue involves cars exiting the parking lot onto Kennedy. The dirt and rock accumulate on the cement apron at the exit. As the cars accelerate on that surface, the wheels spin, throwing dust and rock onto the parked cars as well as into the air. In some cases, the cars are accelerating quickly from the lot since visibility of Kennedy traffic from the right is obscured when cars park immediately to the right of the exit. CMU runs heavy equipment to smooth the lot during vacations and to remove the dirt and rock from the apron. The accumulated dirt and rock usually returns in a week or two. The accumulated dirt often goes into the gutters along Kennedy, perhaps adding to sediment load in the run-off system.
- The final safety issue involves vehicles on the alley behind Kennedy turning onto the Cannell roadway. This alley is the only access to the parking lot behind our house. The alley is 12 feet wide, narrower than the 16-foot alleys in the rest of the neighborhood. Cars parked in the Cannell lot are often immediately next to the alley, so there is no way to see cross traffic on the Cannell road way. Additionally, the alley is so narrow that cars cannot get past one another once they are on the alley. This means that someone has to back up and with the limited visibility, causing a safety problem. An easy response to these problems is to limit parking on either side of the alley intersection by installing diagonal bumpers on either side. Indeed, the diagonal bumpers were shown in the CMU April 14, 2014 drawings (sheet C-4), and they were placed into position when the parking lot was first constructed. However, for some reason, they were removed within the first month of use and have not been returned.

We explained the health and safety issues at the CMU March 3, 2014 neighborhood meeting. We suggested that CMU return the diagonal bumpers at the alley intersection to improve the turning radius and the visibility. This suggestion was greeted with silence, and the bumpers are still missing.

The CMU president showed plans for future vacation requests on Cannell, and he explained that the university was considering a wide variety of changes, including paving the asphalt lots closer to North Avenue. We asked if he and his staff had discussed paving the Cannell road way to alleviate the health and safety concerns. He responded that they had never considered it, and he made no comments on whether CMU would consider paving the road way in the future.

It has been a year since the City vacated Cannell Ave between Kennedy and Texas. We feel that neither CMU nor the city accurately anticipated the problems that would emerge on the vacated portion of Cannell. Paving the Cannell Avenue road way is the normal way to eliminate the health and safety issues that have become evident over the past 12 months.

However, some CMU spokespersons have explained that crushed asphalt parking lots are an economizing measure. There is an alternative solution if CMU lacks the funds to pave the Cannell road way. In this case, the lots could be partitioned in such a way to allow individual access from Kennedy, Elm, or Texas, but are not connected by a straight-through passage way. This change would allow permit holders to park, and it would discourage pass-through traffic. In other words, the vacated portion of Cannell would actually be an aisle in a parking lot, not a road way for through traffic. This change would lower the health and safety issues that have emerged over the past year.

If you have questions, we would be pleased to talk by phone (628-4393) or Email, and we also would welcome a discussion at our home.

Sincerely,

Amy Ford and
amy.ford71@gmail.com

Andy Ford
FordA@wsu.edu

From: "Ford, Andy" <forda@wsu.edu>
To: "scottp@gjcity.org" <scottp@gjcity.org>
Date: 5/14/2015 3:40 PM
Subject: Materials for VAC-2015-182
Attachments: Dirt on parking lot apron.jpg; Letter Copy to Scott Peterson.pdf; OSHA Fact Sheet on Silica 2002.pdf

May 14, 2015.

Scott Peterson, Senior Planner,
City of Grand Junction

Dear Scott,

I wish to submit the attached documents and this Email to the file on request VAC-2015-182, the university's request to vacate various streets and alleys in my neighborhood. (I live at 860 Kennedy, designated as 2945-114-14-029 in the Site Plan submitted by CMU). The main document is our letter to members of the City Council. This Email provides an update to the letter, along with a recent photo and the OSHA Fact Sheet on silica.

The letter from April 6 focused on the dust creation and safety issues that have arisen since the city vacated control of Cannell Avenue from Kennedy to Texas. The Planning Commission meeting of March 25, 2014 ended with expressions of pride for the CMU/City partnership and as good-faith partners, anticipated a trusting spirit to deal with problems that might arise.

Unanticipated problems have arisen due to the surfacing of the parking lots in crushed asphalt. The aisle in the interconnected parking lots that stretch from Kennedy to Texas was described as emergency access and for service trucks like garbage trucks to use. As used, however, the aisle is a de facto roadway used by vehicles traveling between Kennedy and Texas Avenues.

Normally, a parking lot surfaced in crushed asphalt would not create much of a dust problem. People enter slowly, looking for spaces to park. However, when the parking lot becomes a roadway, which by its usage this one is in fact, the traffic pattern changes completely. The through traffic leads to ongoing dust production, often from vehicles spinning their tires (sometimes accidental, sometimes just for the fun of it). This creates clouds of dust high into the air. The nearby houses are blanketed, as are the student cars parked by the dorms. Loose material accumulates on the apron and the street in front of it, and cars often spin on those surfaces as well (see photo). The solution to the problem would be to pave the access aisle with regular asphalt from Kennedy to Texas. Since it is used as a roadway, it should be treated as one.

As explained to me, however, CMU uses a 5-year payback interval for the permanent

pavement decision. Uncertainty over when the lot would be converted to a different permanent use would make the use of a temporary surface like crushed asphalt understandable. But for a roadway, an ongoing 5-year delay in dealing with the dust problem is not appropriate, either for the City or for the university.

OSHA FACT SHEET

Recycled asphalt contains crystalline silica. The OSHA attachment describes the health issues from dispersal of crystalline silica in the fine dust that coats the cars and the neighborhood. CMU students and staff, along with neighborhood residents, are exposed when they inhale the fine dust. Crystalline silica has been classified as a human lung carcinogen. Additionally, breathing crystalline silica dust can cause silicosis, which in severe cases can be disabling, or even fatal.

CMU was informed of this hazard by my comments at President Foster's public meeting on March 3, 2015. CMU staff reported back that they were not aware of these risks, and they are looking into the matter.

The Mesa County Health Department deals with air pollution and dust problems, making use of particulate monitors installed by the State of Colorado. The nearest monitor is on 7th street, so it is not in a position to monitor the dust created in our neighborhood.

So, at this stage, the extent of the silica hazard is unknown. What is clearly known, however, is that paving roadways with regular asphalt is a common measure to lower dust creation from vehicle traffic.

CONCLUSION

The Grand Junction Municipal Code (8.20.010) calls for control of dust-producing areas. I encourage the City and CMU to consider paving the Cannel Avenue de facto-roadway with regular asphalt to comply with the Municipal Code. And I encourage the City and CMU to avoid a new dust creation problems if the streets and alleys in VAC-2015-182 are vacated.

With Respect,

Frederick Andrew Ford
860 Kennedy Avenue
Grand Junction, CO 81501
Phone: 970 628 4393





OSHA FACT Sheet

Crystalline Silica Exposure Health Hazard Information

What is crystalline silica?

Crystalline silica is a basic component of soil, sand, granite, and many other minerals. Quartz is the most common form of crystalline silica. Cristobalite and tridymite are two other forms of crystalline silica. All three forms may become respirable size particles when workers chip, cut, drill, or grind objects that contain crystalline silica.

What are the hazards of crystalline silica?

Silica exposure remains a serious threat to nearly 2 million U.S. workers, including more than 100,000 workers in high risk jobs such as abrasive blasting, foundry work, stonecutting, rock drilling, quarry work and tunneling. The seriousness of the health hazards associated with silica exposure is demonstrated by the fatalities and disabling illnesses that continue to occur in sandblasters and rockdrillers. Crystalline silica has been classified as a human lung carcinogen. Additionally, breathing crystalline silica dust can cause **silicosis**, which in severe cases can be disabling, or even fatal. The respirable silica dust enters the lungs and causes the formation of scar tissue, thus reducing the lungs' ability to take in oxygen. There is no cure for silicosis. Since silicosis affects lung function, it makes one more susceptible to lung infections like **tuberculosis**. In addition, smoking causes lung damage and adds to the damage caused by breathing silica dust.

What are the symptoms of silicosis?

Silicosis is classified into three types: chronic/classic, accelerated, and acute.

Chronic/classic silicosis, the most common, occurs after 15–20 years of moderate to low exposures to respirable crystalline silica. Symptoms associated with chronic silicosis may or may not be obvious; therefore, workers need to have a chest x-ray to determine if there is lung damage. As the disease progresses, the worker may experience shortness of breath upon exercising and have clinical signs of poor oxygen/carbon dioxide exchange. In the later stages, the worker may experience fatigue, extreme shortness of breath, chest pain, or respiratory failure.

Accelerated silicosis can occur after 5–10 years of high exposures to respirable crystalline silica. Symptoms include severe shortness of breath, weakness, and weight loss. The onset of symptoms takes longer than in acute silicosis.

Acute silicosis occurs after a few months or as long as 2 years following exposures to extremely high concentrations of respirable crystalline silica. Symptoms of acute silicosis include severe disabling shortness of breath, weakness, and weight loss, which often leads to death.

Where are construction workers exposed to crystalline silica?

Exposure occurs during many different construction activities. The most severe exposures generally occur during abrasive blasting with sand to remove paint and rust from bridges, tanks, concrete structures, and other surfaces. Other construction activities that may result in severe exposure include: jack hammering, rock/well drilling, concrete mixing, concrete drilling, brick and concrete block cutting and sawing, tuck pointing, tunneling operations.

Where are general industry employees exposed to crystalline silica dust?

The most severe exposures to crystalline silica result from abrasive blasting, which is done to clean and smooth irregularities from molds, jewelry, and foundry castings, finish tombstones, etch or frost glass, or remove paint, oils, rust, or dirt from objects needing to be repainted or treated. Other exposures to silica dust occur in cement and brick manufacturing, asphalt pavement manufacturing, china and ceramic manufacturing and the tool and die, steel and foundry industries. Crystalline silica is used in manufacturing, household abrasives, adhesives, paints, soaps, and glass. Additionally, crystalline silica exposures occur in the maintenance, repair and replacement of refractory brick furnace linings.

In the maritime industry, shipyard employees are exposed to silica primarily in abrasive blasting operations to remove paint and clean and prepare steel hulls, bulkheads, decks, and tanks for paints and coatings.

How is OSHA addressing exposure to crystalline silica?

OSHA has an established Permissible Exposure Limit, or PEL, which is the maximum amount of crystalline silica to which workers may be exposed during an 8-hour work shift (29 CFR 1926.55, 1910.1000). OSHA also requires hazard

Crystalline Silica Exposure Health Hazard Information

communication training for workers exposed to crystalline silica, and requires a respirator protection program until engineering controls are implemented. Additionally, OSHA has a National Emphasis Program (NEP) for Crystalline Silica exposure to identify, reduce, and eliminate health hazards associated with occupational exposures.

What can employers/employees do to protect against exposures to crystalline silica?

- Replace crystalline silica materials with safer substitutes, whenever possible.
- Provide engineering or administrative controls, where feasible, such as local exhaust ventilation, and blasting cabinets. Where necessary to reduce exposures below the PEL, use protective equipment or other protective measures.
- Use all available work practices to control dust exposures, such as water sprays.
- Wear only a N95 NIOSH certified respirator, if respirator protection is required. Do not alter the respirator. Do not wear a tight-fitting respirator with a beard or mustache that prevents a good seal between the respirator and the face.
- Wear only a Type CE abrasive-blast supplied-air respirator for abrasive blasting.
- Wear disposable or washable work clothes and shower if facilities are available. Vacuum the dust from your clothes or change into clean clothing before leaving the work site.
- Participate in training, exposure monitoring, and health screening and surveillance programs to monitor any adverse health effects caused by crystalline silica exposures.
- Be aware of the operations and job tasks creating crystalline silica exposures in your workplace environment and know how to protect yourself.
- Be aware of the health hazards related to exposures to crystalline silica. Smoking adds to the lung damage caused by silica exposures.
- Do not eat, drink, smoke, or apply cosmetics in areas where crystalline silica dust is present. Wash your hands and face outside of dusty areas before performing any of these activities.
- Remember: If it's silica, it's not just dust.

How can I get more information on safety and health?

OSHA has various publications, standards, technical assistance, and compliance tools to help you, and offers extensive assistance through workplace consultation, voluntary protection programs, strategic partnerships, alliances, state plans, grants, training, and education. OSHA's *Safety and Health Program Management Guidelines* (*Federal Register* 54:3904-3916, January 26, 1989) detail elements critical to the development of a successful safety and health management system. This and other information are available on OSHA's website.

- For one free copy of OSHA publications, send a self-addressed mailing label to OSHA Publications Office, 200 Constitution Avenue N.W., N-3101, Washington, DC 20210; or send a request to our fax at (202) 693-2498, or call us toll-free at (800) 321-OSHA.
- To order OSHA publications online at www.osha.gov, go to **Publications** and follow the instructions for ordering.
- To file a complaint by phone, report an emergency, or get OSHA advice, assistance, or products, contact your nearest OSHA office under the U.S. Department of Labor listing in your phone book, or call toll-free at **(800) 321-OSHA (6742)**. The teletypewriter (TTY) number is (877) 889-5627.
- To file a complaint online or obtain more information on OSHA federal and state programs, visit OSHA's website.

This is one in a series of informational fact sheets highlighting OSHA programs, policies, or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards or regulations, refer to *Title 29 of the Code of Federal Regulations*. This information will be made available to sensory-impaired individuals upon request. The voice phone is (202) 693-1999. See also OSHA's website at www.osha.gov.

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From: <jonpesta@aol.com>
To: <scottp@gjcity.org>
Date: 5/15/2015 4:39 PM
Subject: Cannell Ave vacation

May 15th, 2015

To whom it may concern;

This email is to provide my written support to the comments provided by Amy and Andy Ford regarding the safety and health issues around the misuse of the "access road" within the CMU parking lots off Cannell Ave.

Their letter/email communication thoroughly outlined the concerns of the residents who continue to live in the 'growth zone' near CMU campus between Cannell and 7th street. The amount of noise, traffic, dust and lack of compliance with parking and traffic laws has dramatically escalated in the 12 months since Cannell Ave was vacated.

In effect, Cannell Ave was not vacated but merely moved West 50 feet to accommodate the rugby field. The same amount of traffic that previously used Cannell Ave as a thoroughfare between North and Orchard Ave flows through the much smaller and improperly built "access road". The minimum action that should be required of CMU is to pave the "access road" to reduce some of the serious issues. It would not reduce the traffic but would at least reduce the dust and noise from cars spinning out at all hours of the day and night.

Since most of the recently demolished home sites that are now parking lots in this neighborhood are mostly empty, the few spaces next to the Ford's home could easily be removed and allow for a reduction in traffic through this area and improve the visibility for cars entering and exiting this area. It is a serious hazard to be pulling out of your driveway with the multiple entry/exit points in such a confined area. For pedestrians the safety issue is much higher as cars cannot adequately view the sidewalks due to the congestion.

I would welcome representatives from the city or from CMU to facilitate further discussion regarding this matter and to complete a traffic study during peak campus times as well as weekend nights to gain a more realistic perspective of how the "access road" is being utilized and the dangers it has imposed in this area.

Sincerely,

Jon Pesta
865 Kennedy Ave
970-623-3099
jonpesta@aol.com

From: Susie Cunningham <susie.cunninghamgj@gmail.com>
To: <scottp@gjcity.org>
Date: 5/14/2015 7:16 PM
Subject: Notice of Application regarding CMU/Kennedy Ave

Mr. Peterson,

I reside at 850 Kennedy Ave in Grand Junction. As a home owner, I would like to say that I am dissatisfied with the development plans that have occurred and continue to take place by CMU.

The plans for the vacated portion of Cannell Ave from Kennedy Ave to Texas Ave which were presented last year has turned out to be ridicules for the home owners in the area.

The proposed "emergency access road" is a unpaved roadway for the public as well as the CMU students used as a shortcut from Kennedy Ave to Orchard Ave. Sometimes it is a drag strip for some folks. Not to mention the dust that is stirred up from the traffic. The surface on the roadway spills out into the street making our block dirty and dusty. The City Street Cleaner can not keep up in keeping the area clean.

The parking lot next to my house is used for CMU Students to gather for smoking and who knows what.

As a resident of Grand Junction, a Tax payer, and Voter, all I am asking is for are alternative solutions to eliminate problems for the existing home owners as well as the CMU Students. Surely, CMU can have all the growth they need without pushing us out of our homes.

Thank you for taking the time to read my comments.

Susie Cunningham
850 Kennedy Ave
Grand Junction, CO 81501

From: JC Rorex <callmejanets@yahoo.com>
To: "scottp@gjcity.org" <scottp@gjcity.org>
CC: Randall Pearce <hppc1@qwestoffice.net>, Phil Rorex <philrorex@yahoo.com>
Date: 5/20/2015 5:15 PM
Subject: Property of 842 Texas Avenue

May 19, 2015

Grand Junction Planning Department.
Attn: Scott Peterson scottp@gjcity.org 250 N. 5th Street
Grand Junction, CO 81501

Re: Property of 842 Texas Avenue

Dear Mr. Peterson:

I am an owner of 842 Texas Avenue, Grand Junction, Colorado. The property is adjacent to a parking lot owned by the Colorado Mesa University. As per our conversation last week, I formally forward our objections to the proposed changes.

I have the following concerns regarding the plan to vacate a portion of Texas Avenue and Cannell Avenue:

- If Texas Avenue and Canal Avenue are vacated and through traffic is no longer allowed, my property at 842 Texas Avenue will not have adequate access for emergency vehicles.

- If Texas Avenue is blocked off to the East of my property there is not room to allow vehicles reaching the end of Texas Avenue to turn around. That would cause vehicles to use the driveway of my property as a turnaround to head west on Texas Avenue.

- The gravel and dirt parking lot has caused problems for my tenants and damage to my property because the university has not constructed a fence or barrier to separate my property from the parking lot. As a result, gravel and trash is thrown onto my property and cars leaving the parking lot cut across the driveway of my property. Further, the noise from students partying in the parking lot at night is not being controlled and is a nuisance to my tenants.

- The prior changes that have occurred have already damaged to our physical property and to the value of our property. I do not want any further damages or loss to occur.

In summary, I do object to the proposal because vacating Texas Avenue would create

inadequate access to my property, my property would be burdened by an inadequate turnaround if Texas Avenue is blocked, and the continuing impact on the tenants and value of the property due to the gravel parking lot, including dust, trash and noise, on my property.

Yours truly, Janet Sandoval

CITY OF GRAND JUNCTION, COLORADO**ORDINANCE NO.****AN ORDINANCE VACATING PORTIONS OF THE CANNELL, BUNTING, KENNEDY, ELM, TEXAS, HALL AVENUES AND ASSOCIATED ALLEY RIGHTS-OF-WAY AND RETAINING A UTILITY EASEMENT****LOCATED IN THE COLORADO MESA UNIVERSITY AREA**

RECITALS:

Colorado Mesa University has requested to vacate portions of Cannell, Bunting, Kennedy, Elm, Texas, Hall Avenue's and adjacent alley rights-of-way in order to enable the continued westward expansion efforts planned for the campus, specifically in the future to develop new residence halls, classroom buildings, parking lots and campus improvements.

The properties abutting the sections of right-of-way for which vacation is sought are owned by Colorado Mesa University. City staff does not expect that the proposed vacations would impede traffic, pedestrian movement or access to private property, however, driving lanes will be reduced. As a condition of approval, CMU will need to maintain a minimum 20' wide circulation drive (fire access lane) at the terminations of all vacated Avenue's (which the public could be able to utilize). CMU is not proposing to dedicate an Access Easement nor right-of-way or construct a sidewalk within the vacated areas, but the driving surface will be constructed/developed to meet City standards for fire access. The driving surface treatment proposed would be either recycled asphalt or left in its current state. However, as proposed by the applicant, it will be at CMU's discretion on when these north/south, east/west connections would be closed or modified in the future, provided that all new fire access lanes are provided and constructed. Access and maneuverability of fire and other emergency equipment will be accommodated utilizing the extensive network of emergency lanes currently existing on the main campus of CMU.

With the vacations, the City of Grand Junction ("City") will retain a utility easement for the existing electric, gas, water, sewer and storm drain lines that are located within the existing rights-of-way of Cannell, Bunting, Kennedy, Elm, Texas, Hall Avenue's and associated alleys

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Zoning and Development Code with the reservation of the utility easement as described within this ordinance and the construction of a new 20' wide north/south, east/west circulation drive with retention of a utility easement over all of the rights-of-way being vacated for the existing utilities. Applicant is also required to meet all Grand Junction Fire Department requirements as identified within the City Staff Report.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacations be approved with the retention of a utility easement over all of the rights-of-way being vacated for the existing utilities and the construction of a minimum of a 20' wide north/south east/west circulation drives and that the applicant meet all Grand Junction Fire Department requirements as identified within the Staff Report.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacations be approved with the retention of a utility easement over all of the rights-of-way being vacated for the existing utilities and the construction of a minimum of a 20' wide north/south east/west circulation drives and that the applicant meet all Grand Junction Fire Department requirements as identified within the Staff Report.

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

The following described dedicated rights-of-way is hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
2. CMU shall construct new 20' wide north/south, east/west circulation drives and allow usage of the circulation drives by the public, trash collection trucks and fire/ambulance vehicles and meet City construction standards for fire access.
3. The reservation of utility easements are granted as Temporary Utility Easements as it is understood that the easements are needed for the utilities presently in the rights-of-way. It is expected that some utilities will be relocated or removed with the changes and improvements being made to the Colorado Mesa University campus. Colorado Mesa University will work with the City and the appropriate public utility agencies to determine the final location of the utilities and the relocation of the utilities. Once the utilities have been relocated or it is determined that the utility infrastructure need not be moved to the satisfaction of the City Manager or the City Manager's designee, Colorado Mesa University shall grant new permanent utility easements for the new locations as required by the City Manager. Upon the City's acceptance of a utility easement, the City Manager shall release all interests in the Temporary Utility Easements pursuant to Section 21.02.100 (d) (3) of the Grand Junction Zoning and Development Code that is no longer needed due to the grant of the new permanent utility easement.

The following rights-of-way are shown on "Exhibits A, B, C D and E" as part of this vacation description.

Dedicated rights-of-way to be vacated:

VACATION AREA 1

A Portion of Hall Avenue and Cannell Avenue Right-of-Way and associated Alleys as dedicated on the plat Mesa Subdivision as recorded at Reception Number 449854 of the Mesa County Records, situated in the Southeast Quarter of Section 11, Township 1

South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; being more particularly described as follows: All of Cannell Avenue lying south of the north line of the south 91.00 feet of Lot 11, Block 2, Mesa Subdivision and north of the south line of the north 50.00 feet of Lot 13, Block 3, Mesa Subdivision. Also all of Hall Avenue lying east of the west line of the east 22.61 feet of Lot 14, Block 2, Mesa Subdivision and adjoining to the westerly Right-of-Way line of Cannell Avenue. Also all of an Alley Right-of-Way lying east of the west line of the south 91.00 feet of Lot 11, Block 2, Mesa Subdivision and adjoining to the westerly Right-of-Way line of Cannell Avenue. Also, all of an Alley Right-of-Way lying east of the west line of Lot 10, Block 3, Mesa Subdivision and adjoining to the westerly Right-of-Way line of Cannell Avenue.

Containing an area of 45,192 square feet (1.037 acres) more or less, as described herein and depicted on "EXHIBIT A."

Said vacated Rights-of-Way to be retained as a Utility Easement.

VACATION AREA 2

A Portion of Cannell Avenue and Texas Avenue Road Right-of-Ways as dedicated on the plat Nelms Subdivision as recorded in Plat Book 6 Page 9 of the Mesa County Records, situated in the Southeast Quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; being more particularly described as follows: All of Cannell Avenue lying north of previously vacated Right-of-Way recorded in the Mesa County records at Book 5596 Page 612 and south of the south Right-of-Way line of Mesa Avenue. Also all of Texas Avenue lying east of the west line of Lot 16 Nelms Subdivision and adjoining the west Right-of-Way line of Cannell Avenue. Containing an area of 35,250 square feet (.809 acres) more or less, as described herein and depicted on "EXHIBIT B."

Said vacated Rights-of-Way to be retained as a Utility Easement.

VACATION AREA 3

A Portion of Alley Right-of-Way as dedicated on the plat Nelms Subdivision as recorded in Plat Book 6 Page 9 of the Mesa County Records, situated in the Southeast Quarter of section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; being more particularly described as follows: All of an Alley lying east of the west line of the east 65.00 feet of Lot 12, Elm Avenue Subdivision as recorded in Plat Book 6 Page 1 of the Mesa County records and adjoining the west line of a previously vacated Right-of-Way recorded in the Mesa County records at Book 5596 Page 612. Containing an area of 961 square feet (.022 acres) more or less, as described herein and depicted on "EXHIBIT C."

Said vacated Rights-of-Way to be retained as a Utility Easement.

VACATION AREA 4

A Portion of Elm Avenue Right-of-Way as dedicated on the plat Elm Avenue Subdivision as recorded in Plat Book 6 Page 1 of the Mesa County Records, situated in the Southeast Quarter of section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; being more particularly described as follows: All of Elm Avenue lying east of the west line of the east 65.00 feet of Lot 12, Elm Avenue Subdivision as recorded in Plat Book 6 Page 1 of the Mesa County records and adjoining the west line of a previously vacated Right-of-Way recorded in the Mesa County records at Book 5596 Page 612.

Containing an area of 2,306 square feet (.053 acres) more or less, as described herein and depicted on "EXHIBIT D."

Said vacated Rights-of-Way to be retained as a Utility Easement.

VACATION AREA 5

A Portion of Kennedy Avenue, Cannell Avenue, Bunting Avenue and Alley Right-of-Ways as dedicated on the plat Rose Park Subdivision as recorded in Plat Book 7 Page 23 of the Mesa County Records, situated in the Southeast Quarter of section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; being more particularly described as follows: All of Cannell Avenue lying south of previously vacated Right-of-Way recorded in the Mesa County records at Book 5596 Page 612 and north of the south line of Lot 9, Block 3, of the Rose Park Subdivision. Also all of Kennedy Avenue lying east of the west line of Lot 17, Block 2, of the Rose Park Subdivision and west of the west Right-of-Way line of Cannell Avenue.

Also all of an Alley lying east of the west line of Lot 17, Block 2, of the Rose Park Subdivision and west of the west Right-of-Way line of Cannell Avenue. Also all of Bunting Avenue lying east of the west line of the east 32.00 feet of Lot 8, Block 3, of the Rose Park Subdivision and west of the west Right-of-Way line of Cannell Avenue.

Containing an area of 42,778 square feet (.982 acres) more or less, as described herein and depicted on "EXHIBIT E."

Said vacated Rights-of-Way to be retained as a Utility Easement.

Introduced for first reading on this day of , 2015 and ordered published in pamphlet form.

PASSED and ADOPTED this day of , 2015 and ordered published in pamphlet form.

ATTEST:

President of City Council

City Clerk

