



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

**TUESDAY, July 14, 2015 @ 6:00 PM**

**Call to Order – 6:00 P.M.**

**\*\*\*CONSENT CALENDAR\*\*\***

**1. Minutes of Previous Meetings**

**[Attach 1](#)**

*Action: Approve the minutes from the June 9, 2015 and June 23, 2015 Planning Commission Meetings.*

**2. River Trail Subdivision Filing One Drainage Easement Vacation**

[VAC-2015-277]

**[Attach 2](#)**

Request to vacate a public drainage easement within River Trail Subdivision Filing One.

*Action: Recommendation to City Council*

Applicant: River Trail Investments – Kevin Reimer

Location: D Road and Green River Drive

Staff presentation: Brian Rusche, Senior Planner

**\*\*\*ITEMS NEEDING INDIVIDUAL CONSIDERATION\*\*\***

**3. OneWest, Outline Development Plan [PLD-2014-385]**

**[Attach 3](#)**

Request for an Outline Development Plan and a PD (Planned Development) Ordinance with default zone(s) of BP (Business Park Mixed Use) and C-2 (General Commercial).

*Action: Recommendation to City Council*

Applicant: CFP Estate, Ltd – Owner  
Gus R. and Chris R. Halandras – Owner  
Andy Peroulis – Owner  
George E. Pavlakis – Owner  
Location: 2350 Highway 6 & 50  
Staff presentation: Brian Rusche, Senior Planner

**4. Colorado Mesa University Rights-of-Way Vacation [VAC-2015-182]**

[Attach 4](#)

Request to vacate portions of public rights-of-way (adjacent to CMU owned properties) of Cannell, Hall, Texas, Elm, Kennedy, Bunting Avenues 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 part of alleys  
Staff presentation: Scott Peterson, Senior Planner

**5. Nonscheduled Citizens and/or Visitors**

**6. Other Business**

**7. Adjournment**

**Attach 1**

**GRAND JUNCTION PLANNING COMMISSION  
June 9, 2015 MINUTES  
6:00 p.m. to 6:05 p.m.**

The meeting of the Planning Commission was called to order at 6:00 p.m. by Commissioner Bill Wade. The public hearing was held in the City Hall Auditorium located at 250 N. 5<sup>th</sup> Street, Grand Junction, Colorado.

In attendance representing the City Planning Commission were Jon Buschhorn, Kathy Deppe, Keith Ehlers, George Gatseos, and Steve Tolle.

In attendance, representing the City's Administration Department - Community Development, were Greg Moberg, (Development Services Manager), Senta Costello (Senior Planner), Scott Peterson (Senior Planner), Brian Rusche, (Senior Planner), and Dave Thornton (Principal Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lydia Reynolds was present to record the minutes.

There were 18 citizens in attendance during the hearing.

**Announcements, Presentations And/or Visitors**

There were no announcements, presentations and/or visitors.

**Consent Agenda**

**1. Minutes of Previous Meetings**

*Action: Approve the minutes from the May 12, 2015 Planning Commission Meeting.*

**2. Hutto-Panorama Zone of Annexation [File #ANX-2014-308]**

A request to zone approximately 7.921 acres from County RSF-4 (Residential Single-Family) to a City CSR (Community Services and Recreation) zone district.

*Action: Recommendation to City Council*

Applicant: City of Grand Junction

Location: Approximately 676 Peony Drive

Staff presentation: Brian Rusche, Senior Planner

**3. Rodgers Zone of Annexation [File #ANX-2014-474]**

A request to zone 1.924 acres from County RSF-4 (Residential Single-Family 4 du/ac) to a City R-4 (Residential 4 du/ac) zone district.

*Action: Recommendation to City Council*

Applicant: Richard and Melinda Tope

Location: 2075 South Broadway

Staff presentation: Brian Rusche, Senior Planner

**\*\*\*INDIVIDUAL CONSIDERATION\*\*\*****4. Zoning and Development Code Amendments [File # ZCA-2015-11]**

A request to change side and rear yard setbacks in the CSR, MU, BP I-O and I-1 zone districts and eliminate maximum building sizes (and correspondingly the CUP requirement for buildings exceeding the maximum) in the C-1, C-2, CSR, MU, BP, I-O and I-1 zone districts.

*Action: Recommendation to City Council*

Applicant: City of Grand Junction

Location: 250 N. 5<sup>th</sup> Street

Staff presentation: Dave Thornton, Principal Planner

**5. Cray Valley Conditional Use Permit (CUP) [File # CUP-2015-62]**

A request for a Conditional Use Permit to construct a storage building along with two outside industrial tank areas for flammable materials storage on 3.53 +/- acres in an I-2 (General Industrial) zone district.

*Action: Approval or denial of CUP*

Applicant: Ricon Resin, Inc.

Location: 561 24 ¼ Road

Staff presentation: Scott Peterson, Senior Planner

**6. Verizon Wireless Telecommunications Tower - CUP [File #CUP-2015-191]**

A request for a Conditional Use Permit for a new 60' monopole telecommunication tower.

*Action: Approval or denial of CUP*

Applicant: Verizon Wireless

Location: 2115 Grand Avenue  
Staff presentation: Senta Costello, Senior Planner

Commissioner Toole explained that due to the fact that the Planning Commission Chairperson and Deputy are not present, Commissioner Wade will sit in as Chairman.

Commissioner Wade briefly explained that the items for consent agenda are deemed to be non-controversial in nature and are typically approved in a single motion. Commissioner Wade further explained that if a Planning Commissioner or member of the Public wishes, they may request that an item be removed from the Consent Agenda for further consideration.

**MOTION: (Commissioner Gaseos) “Mr. Chairman, I move that we move the Zoning and Development Code Amendments, the Cray Valley Conditional Use Permit and the Verizon Wireless Telecommunications Tower – CUP to the Consent Agenda.**

Commissioner Ehlers seconded the motion. A vote was called and the motion passed unanimously by a vote of 6 - 0.

Commissioner Wade briefly explained the items on the revised Consent Agenda and asked if any of the Commissioners or members of the Public wished to move any of the items from the Consent Agenda back to the Public Agenda for individual consideration. With no one present requesting items to be put back on the Public Agenda, Commissioner Wade asked for a motion.

**MOTION: (Commissioner Buschhorn) “Commissioner, I move that we approve the Consent Agenda as read with the additional three items.”**

Commissioner Tolle seconded the motion. A vote was called and the motion passed unanimously by a vote of 6 - 0.

**7. Nonscheduled Citizens and/or Visitors**

None

**8. Other Business**

None

**9. Adjournment**

With no objection and no further business, the Planning Commission meeting was adjourned at 6:05 p.m.

**GRAND JUNCTION PLANNING COMMISSION  
June 23, 2015 MINUTES  
6:00 p.m. to 8:11 p.m.**

The meeting of the Planning Commission was called to order at 6:00 p.m. by Chairman Reece. The public hearing was held in the City Hall Auditorium located at 250 N. 5<sup>th</sup> Street, Grand Junction, Colorado.

In attendance representing the City Planning Commission were Christian Reece (Chairman), Ebe Eslami (Vice-Chairman), Kathy Deppe, Keith Ehlers, George Gatseos, Steve Tolle, and Bill Wade.

In attendance, representing the City's Administration Department - Community Development, were Greg Moberg, (Development Services Manager), and Scott Peterson (Senior Planner).

Also present were Jamie Beard (Assistant City Attorney), Steve Kollar (Grand Junction Fire Prevention Officer) and Chuck Mathis (Grand Junction Fire Marshall).

Lydia Reynolds was present to record the minutes.

There were 13 citizens in attendance during the hearing.

**Announcements, Presentations And/or Visitors**

There were no announcements, presentations and/or visitors.

**Consent Agenda**

None

**\*\*\*ITEMS NEEDING INDIVIDUAL CONSIDERATION\*\*\***

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

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

## Staff Presentation

Scott Peterson, Senior Planner, introduced the application and stated that the applicant held a Neighborhood Meeting in March. 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. Mr. Peterson noted that after the Neighborhood Meeting, when the formal request for vacations were received by the City for review, several area residents submitted letters/emails/phone messages stating concerns regarding the existing conditions in the area from the previous vacation request and how the proposed new vacation requests will impact the area. Mr. Peterson stated that that correspondence was included in the staff report.

Mr. Peterson displayed a site location map and noted that the vacations are located along the Cannell Ave. corridor, in five separate locations, adjacent to the CMU campus. Mr. Peterson noted that this area located north of North Ave. and south of Orchard.

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 vacations are sought are owned or controlled by Colorado Mesa University.

Mr. Peterson explained that with the vacations, the City of Grand Junction (City) will retain utility easements 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.

Mr. Peterson stated that 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.

Mr. Peterson displayed a slide depicting the Comprehensive Plan Future Land Use Map and the existing zoning map.

Mr. Peterson showed exhibits of the requested areas. The first area is the corresponding alley of Cannell and Hall Ave. Mr. Peterson noted that 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). Mr. Peterson explained that 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.

Mr. Peterson showed a slide of the proposed area near Cannell and Texas. All the areas requested to be vacated, CMU will construct an internal circulation drive for its own use, which the public could utilize that provides continued circulation between North Ave. and Orchard Ave. Mr. Peterson stated that a utility easement will be retained for all utilities, as a condition of approval. The applicant will also be required to construct access roads in accordance with the 2012 International Fire Code and keep all drive aisles free of obstructions.

Mr. Peterson showed a third slide of the alley proposed to be vacated north of Elm Ave., and a fourth slide of the small portion of Elm Ave. that is requested to be vacated. The next slide was of the Cannell, Bunting and Kennedy Avenues proposed vacation areas. Mr. Peterson stated that CMU is proposing to asphalt a new parking lot located north of Bunting Ave. and south of Kennedy Ave. as part of this phase of the rights-of-way vacations.

### **Findings of Fact/Conclusions**

After reviewing the Colorado Mesa University application, VAC-2015-182 to vacate portions of public rights-of-way, Mr. Peterson presented the following findings of fact, conclusions and conditions that 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.



**Questions for Staff**

Mr. Peterson noted that Steve Kollar, with the Grand Junction Fire Department was in attendance to answer questions as well.

Commissioner Wade asked Mr. Kollar how often he has observed the area of the previous vacation that was done in March of 2014. Mr. Kollar stated that he is there weekly on various duties. Commissioner Wade asked if he was familiar with the potholes and general conditions that exist and if the condition of the road is a concern if a fire truck needed to go through there. Mr. Kollar noted that the surface is built to the 2012 International Fire Code standards to support fire apparatus and that they are wide enough. Mr. Kollar noted that he did not notice large numbers of potholes until a few months ago. Potholes are a new phenomenon.

Commissioner Eslami recalled a workshop discussion where the fire department had contacted CMU to do some work there and asked if they had done it. Mr. Kollar stated that those corrections had been made. He stated that the initial contact began in Sept. of 2014 after the drive aisle and parking lot was initially installed. Mr. Kollar stated that on Sept. 11, 2014, he accompanied Truck 1 and its crew, and drove all routes in the area and found that in nearly all of the intersections, the turn radius was hindered.

Mr. Kollar clarified that by hindered, he meant that they were able to navigate the turn, however, timeliness is important in their response. Mr. Kollar notified CMU on Sept. 15, 2014 of his concerns in hopes of getting the corrections as a condition of approval. Informally they began to fix the problem with discussions through the rest of the fall and significant discussions occurred in February as the new semester began. At that time it appeared that the corrections were being addressed, as one intersection was corrected with "No Parking" signage. Soon after the progress ceased and a Notice of Violation (NOV) was issued regarding the turn radius. Mr. Kollar noted that he had a new contact at CMU facilities, and within one week in the month of May, the corrections had been made.

Chairman Reece asked if Mr. Kollar felt that these vacations represent a potential threat to public health and safety for the homes located next to the campus. Mr. Kollar stated that if designed properly, these vacations, from a fire department standpoint can function adequately. Chairman Reece asked if they anticipated any additional increase to response times. Mr. Kollar explained that they would not expect an increase in response times if built to fire code standards. If a road should degrade to a point of concern, the fire code officials would need to determine if it is an issue and then contact CMU and request correction.

Commissioner Wade questioned that the maintenance of the surface was not an issue for the Fire Department until it deteriorates to the point that CMU must be contacted. Mr. Kollar explained that the recycled asphalt can sustain and support the truck much like the concrete and the grass areas on campus. The pot holes have become a problem in the last week or so. They will have to be dealt with in time.

Commissioner Gatseos asked what Mr. Kollar meant when he stated that the radius was hindered. Mr. Kollar stated that parking was the issue that caused the problem. It could have been addressed by removing parking in certain areas and placing curbs and/or signage. All three intersections slowed down Truck 1 in a manner that was not acceptable for emergency response.

Chairman Reece asked how much response time was lost due to those issues. Mr. Kollar stated that to the average vehicle it would be inconsequential, however, to emergency vehicles to have to stop and back up before completing the turn it made a bigger difference.

Commissioner Ehlers asked if delay time was based on a poor design, or the lack of maintenance or implementation of the approved design. Mr. Kollar stated that it was how the existing conditions played out after the design. The design team provided us an overlay in a diagram. This showed how the truck would theoretically navigate through the area. He stated that sometimes this does not translate from paper to either how it was installed or how parking was laid out. Mr. Kollar stated that this is where the disconnect can happen which is why they do a run through with the truck with the university.

Commissioner Ehlers asked if there is something the Planning Commission can do to help guide the end result that can help provide for a better maintenance mechanism to insure that the intent of the design is employed throughout or do we need to look at the design up front? Can it be handle in the engineering side of it with improved designs, or can the Commission seek better cooperation with CMU to implement the maintenance of the access. Mr. Kollar stated that a more proactive approach with signage along with approved surfaces by the fire code with a maintenance agreement would help. Mr. Kollar stated that the main concern for the fire department would be the loss of street network in that area. Mr. Kollar stated that they would like to collaboratively work with CMU for another north/south corridor, much like the redeveloped College Place as part of the Master Plan for the area which includes a 20' wide concrete drive aisle.

Commissioner Gatseos asked for parking recommendation for that area. Mr. Kollar stated that he has asked that anywhere the turning radius is even questionable for the Fire Truck, that CMU eliminate the parking in these areas and enforce no parking on that corner. Signage, curbing and maintaining fire lanes are key.

Chairman Reece stated that one of the letters received addressed concerns over the dust and recycled materials. She inquired if he had knowledge of the health impacts of inhaling the dust consistently. Mr. Kollar stated that public works would be more familiar with those issues. Commissioner Eslami pointed out that OSHA information was included in the staff report addressing the issue.

Commissioner Wade questioned if it was more difficult to set up a parking zone that lasts when the proposed surface could not be painted on. Mr. Kollar explained that signage is actually better it is more visual and has more impact.

Commissioner Wade then questioned Mr. Peterson on recommending an approval without a parking plan. Mr. Peterson stated that they are in round 2 of the site plan review process and the condition of approval for the Vacation request is expected to deal with the parking plan with having to meet the turn radius for the fire truck and the solid waste department.

Commissioner Eslami asked if the parking design should be done before they make their decision. He suggested tabling the decision until all matters have been worked out. Mr. Peterson stated that the issue is addressed in number 4 of the conditions of approval. Commissioner Eslami expressed concern over the fact that there were problems with the previous vacation.

Chairman Reece inquired if there were more questions or comments for staff, but no further questions were stated.

Chairman Reece then took the opportunity to explain that anyone wishing to appeal an action taken by the Planning Commission to contact the Planning division or to inquire about City Council scheduling.

### **Applicants Presentation**

(A short break was taken to remedy technical difficulties.)

Kent Marsh, Director of Facility Services at CMU, stated that Derek Wagner, Vice President for Inter-Governmental Affairs at CMU is also present as well as Tom Logue, a local design consultant for CMU. Mr. Marsh gave an overview of the growth at CMU. With the expansion of the campus and the need for more student housing, it is anticipated that they will need to break ground on a new student housing project this fall. Mr. Marsh displayed a slide that showed the area of the proposed vacations and the nearby proposed location of the new dorm.

Mr. Marsh stated that he dropped the ball in addressing Mr. Kollar's concern by not following up on it. Mr. Marsh explained that he has appointed Rick Fox (CMU Facilities Services) to work directly with Steve Kollar to address the emergency management issues. Mr. Marsh stated that he intends to have Mr. Fox assist the fire department with hands on review of the emergency access to make sure it is designed as to not impede response times.

As an engineer, Mr. Marsh stated that the recycled asphalt pavement will absolutely support the fire trucks.

Mr. Marsh went on to explain that recycled materials are one-third the cost of laying down asphalt. The maintenance is more. If it is expected to leave the parking lot down for more than five years, then asphalt makes more sense. If the university takes a parking lot up after only a few months, then it is much less expensive to go with the recycled material.

Once an emergency access is constructed, Mr. Marsh guaranteed that the university will fix any concerns that the Fire Department may have after a drive through.

No interest in impeding the neighbors or the Fire Department.

### **Questions for Applicant**

Chairman Reece asked Mr. Marsh why they were looking at a vacation now, when they intend to build a new dorm in the fall. Chairman Reece felt it would alleviate some of the concerns of the neighbors if they could put that off until the fall, when the project is shovel ready. Mr. Marsh stated that the project is shovel ready and vacating right-of-way actually leverages their ability to construct a building. Without vacating this right-of-way it would be impossible to locate the dorm as it shows in the CMU master plan. Mr. Marsh stated that the university has no interest in developing the campus on the existing city street grid system. The master plan calls to maintain certain site plans while changing patterns when it makes sense.

Chairman Reece noted that her concern is not in the why of vacating, but in the timing of it. Mr. Marsh answered that it is very difficult to do construction while school is in session. He stated the prime time for construction is the second week of May through the first week of August.

Commissioner Wade clarified in questioning Mr. Marsh that it is parking lot construction that is best done between May and August, but other construction can go on during the school year.

Commissioner Wade then confirmed with Mr. Marsh that the construction plan is to start this September and have the dorm ready to occupy by Sept. 2016. Commissioner Wade recapped that the two concerns for the Commission is the access for the fire department, and if the surface can support the weight of the largest truck. The second concern is if the turning radius will allow the truck to get to where it needs to go. Commissioner Wade felt those concerns have been addressed. Commissioner Wade stated that he is concerned about what has happened since the last vacation in 2014. The issue of the turning radius has been fixed, however, the potholes and other concerns of neighbors have not been fixed.

Mr. Marsh responded that they do ongoing maintenance (road) over the summer and Christmas break. Mr. Marsh stated that this past spring was one of the wettest springs in memory which is hard on any road surface. He has had new material laid on a Friday afternoon and after rain over the weekend potholes have already begun again.

Commissioner Gasteos explained his background where he previously worked as a professor and is sympathetic to the needs of higher education. He also observed difficulties for the city when the school relocated. He would hate to see that happen here.

Commissioner Gasteos asked if paving a north-south route has been considered. Mr. Marsh stated that the area between Bunting Ave. and Kennedy will be paved because they don't anticipate that a new building can be constructed in that area. Areas north of that are still being considered for future school buildings or student housing. The economics of paving has to be considered. Commissioner Gasteos inquired as to the cost for just the access. According to Mr. Marsh, the areas in blue dashes, approximately a little more than an acre, would take around \$90,000 to \$100,000. The next question was how much would then be tore up. Mr. Marsh said half of it would be tore up. The area between Kennedy and Texas.

Commissioner Gasteos indicated that his concerns are for the citizens. He asked if CMU has attempted to meet with nearby homeowners, other than a public meeting. Mr. Marsh stated that they have community meetings 2 to 3 times a year as well as one-on-one with citizens who contact his office. Commissioner Gasteos suggested that a forum of emails, or something like, that may improve communications with the neighbors. It is up to the university to go the people rather than the people to come to them. He ended by saying that he does support the university.

Commissioner Deppe noted that during the last vacation hearing, the Planning Commission was under the impression that CMU would come to them and fill them in on future plans. Commissioner Deppe stated that until now, she had not heard about the new dorm and hoped that CMU could better inform the Commission, so that they can be ready to address citizens' concerns. Where do we go from here? Why can we not have the background?

Commissioner Wade asked if there was a particular reason why CMU did not come back to the Commission since the last vacations. Mr. Wagner stated that he had talked with the previous Planning Manager about coming to a workshop, and for whatever reasons, it just never happened. Mr. Wagner stated that he would come to a Commission workshop or give a campus tour to the Commissioners in the future to improve communications. Commissioner Wade suggested to plan on updates twice a year. Chairman Reece added that based on the rate of development, quarterly may be better for Commissioners to keep abreast of what is happening.

Commissioner Ehlers stated that his experience as an applicant, the process that is laid out is that the staff is the point of contact. He suggested that the Commission will need to meet with staff to become more involved with this process as this applicant is unique. Commissioner Ehlers stated that CMU has been working with staff on this progression which is typically the way it works.

Commissioner Ehlers confirmed with Mr. Marsh that the dorm is shovel ready as far as finance is concerned, and acquiring this right-of-way is a step in that direction. Commissioner Ehlers explained that due to the timing of getting approval, delaying the right-of-way could have impacts for the timing of the project. Currently, the site plan for the right-of-way Vacation is presently being reviewed. Mr. Peterson clarified that the site plan being reviewed in the second round of comments is for the circulation plan. Since CMU is a state agency, the City would not be formally reviewing the dorm site plans for things like building setbacks, parking etc.

Commissioner Ehlers inquired if the parking and circulation plan takes into account the proposed development for housing. Mr. Marsh indicated that it does and doing the parking lot over the summer is a necessity.

Commissioner Tolle suggested partnering with the city's bus system (GVT) to enhance services to students as well as citizens. Situation is not improving from the last vacation. Communication is not good. A bus system connection with the university could remedy many of the problems while taking care of all of our customers, citizens and students alike.

Commissioner Eslami inquired about a picture that was in the staff report regarding the access to a parking lot. The picture showed scattered gravel across the sidewalk. Mr. Marsh explained the University takes responsibility for maintenance and this issue will be addressed in the same manner that the city deals with the problem.

Commissioner Ehlers stated that the undercurrent seems to be about the ongoing maintenance. Mr. Marsh stated that he would be fine with a condition placed on the right-of-way approval that the fire department would come out to the area and any issues would be addressed immediately.

Commissioner Wade questioned the university addressing the maintenance of the parking lots with gravel on the sidewalks with the neighbors and Mr. Marsh said again that it will be treated as the city treats in installing an additional five feet of paving before the sidewalk to keep the gravel from the sidewalk.

Commissioner Gatseos asked if Mr. Marsh was aware of how many times cars are towed from a fire lane. Mr. Marsh said they often flag off areas for events, and he is not aware of any towing of cars parked in the fire lane. Mr. Marsh stated that they removed a parking space in the design of the intersections. Commissioner Gatseos suggested to enforce towing in areas where it may hinder emergency vehicles. Enforcement is the way to stop students from parking where you do not want them to park.

### **Questions/Comments from Public**

Andy Ford, 860 Kennedy Ave., wished to speak in opposition to the right-of-way request. Mr. Ford stated that he had written a letter regarding his concerns from the previous vacation and he has met with CMU and city staff. Mr. Ford stated that based

on his experience, what is unique about the parking lot is the aisle ways. Mr. Ford stated that the student parking is not the issue, but cars and trucks that pass through the area create a dust problem. Mr. Ford stated that he is concerned with particles of a carcinogen called crystalline silica which can cause or aggravate some medical conditions. Mr. Ford stated that he brought this up with a meeting with CMU and they said they would look into that. Mr. Ford stated that the standard practice to alleviate dust is to pave the road. Routine dust control is needed for the roadways. If university cannot afford to do it right, then slow down growth until it can be done right. He stated that the temporary road treatments are not effective and Cannell is used as a roadway and should be paved like a roadway.

Kenneth Harris, 1707 Cannell Ave., has lived there for 27 years. Mr. Harris stated that the 2011 plan called for the area's parking lots to be green, so that if it is not being used, it would be a green surface. Mr. Harris stated that the big canvas tent is stained with dust and that is after power washing. Mr. Harris expressed concern over CMU developing too fast. Mr. Harris noted that the master plan depicts 80 acres from Cannell to 7<sup>th</sup>, and North to Orchard. With that plan, Mr. Harris felt they lost any chance of saving their neighborhood and stated that they need to be compensated for their loss. Mr. Harris stated various concerns about weeds, water quality, trash trucks and that street sweeper no longer runs up his side of Cannell. Mr. Harris expressed frustration that when he calls the city, he is told that CMU is a state agency and not in the City's jurisdiction to enforce code violations. He stated that CMU did comply with radon issues with two houses that were being demolished only because it was a federal mandate. Mr. Harris stated that there is only one north-south street in the half mile from 7<sup>th</sup> street to 12<sup>th</sup> street and that is an issue.

### **Questions for Staff**

Commissioner Tolle asked staff to research and provide information to respond to citizens' concerns about the dust chemicals and other issues brought up by the neighbors.

Commissioner Wade mentioned that in the staff report Mr. Peterson stated that CMU agreed to create a 20 foot access lane, and did not want to agree to an access easement but was in favor of a utility easement. Mr. Peterson clarified that as long as the fire lane access is in place, citizens would have access to their homes. Additionally, CMU cannot vacate right-of-way in front of properties they do not own.

Chairman Reece expressed concern that the citizens with alley access would lose the ability to utilize parking in the rear of their lots. Mr. Peterson reiterated that CMU cannot vacate right-of-way in front of properties they do not own.

Chairman Reece closed the public portion of the meeting and asked if any additional discussion from Commissioners is requested.

**Discussion**

Commissioner Ehlers stated that the right-of-way request is not a recent plan, but that of a larger CMU Master Plan that not everyone is going to agree with. Commissioner Ehlers noted that the undercurrent of discussion seems to be focused on the dust issue and hopes the concerns can be addressed.

Commissioner Wade stated that he cannot support the request moving forward to the City Council without some conditions in the vacation to ensure maintenance is done correctly and some concerns be addressed before they move forward with any new vacations.

Commissioner Eslami noted that he agrees with Commissioner Wade on those accounts.

Commissioner Gatseos stated that he is absolutely supportive of CMU, however, based on his experience with other city councils and public forums, he is surprised at the communication between CMU with the neighbors and the City. Commissioner Gatseos stated that based on discussion with his colleagues and noting the sub-par management of the previous vacation, he cannot support the request at this time.

Commissioner Tolle stated that he does not have confidence in the coordination of the different agencies and noted issues with safety, health, rights of citizens and all customers. Commissioner Tolle would like to see better communication with everyone involved and cannot support the request.

Commissioner Deppe stated while she is in support of CMU in general, she has lost faith in the execution of the last vacation. For that reason, Commissioner Deppe stated that she cannot move forward with this request at this point in time.

Chairman Reece stated that health and safety, especially response time of emergency vehicles, is her primary concern. Chairman Reece stated that although she recognizes the value of CMU in the community, she cannot support the request at this time.

Commissioner Ehlers summarized the concerns of the Commission as ensuring emergency access, dust suppression, potholes, and the overburden that drags onto the roads. Commissioner Ehlers addressed the other Commissioners and asked if they are suggesting that the Commission move forward with the motion adding conditions, or do they want to vote on the request as it is, without conditions.

Chairman Reece stated that the suggested motion in the staff report calls for some conditions, however, if the Commission chose to add other conditions, they would need to go back and work with staff to add additional considerations. Chairman Reece asked for clarification of that process assuming they could not add the conditions at this time.

Jamie Beard (Assistant City Attorney) stated that technically, the Commission could add conditions at this time, however hearing the discussions and concerns, she suggested that the Commission may want to remand the request back to staff, to be clear on what those conditions would be.



**MOTION:(Commissioner Tolle)** “Madam Chairman, on item VAC-2015-182, I move we forward and remand the study to the staff of the City of Grand Junction, and include the issues that have arisen tonight and most of all, the coordination and support of our citizens.”

Commissioner Wade seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-1 with Commissioner Ehlers voting against.

**Nonscheduled Citizens and/or Visitors**

None

**General Discussion/Other Business**

None

**Adjournment**

The Planning Commission meeting was adjourned at 8:11 p.m.



Date: June 30, 2015  
 Author: Brian Rusche  
 Title/ Phone Ext: Senior Planner / x4058  
 Proposed Schedule:  
Planning Commission – July 14, 2015  
City Council – August 5, 2015  
 2nd Reading (if applicable): N/A

**Attach 2**

**PLANNING COMMISSION AGENDA ITEM**

<b>Subject:</b> River Trail Subdivision Filing One Drainage Easement Vacation
<b>Action Requested/Recommendation:</b> Forward a recommendation to City Council to vacate a public drainage easement within River Trail Subdivision Filing One.
<b>Presenter(s) Name &amp; Title:</b> Brian Rusche, Senior Planner

**Executive Summary:**

A request to vacate a public drainage easement covering Tract G and H of River Trail Subdivision Filing One, in order to proceed with the next phase of the subdivision.

**Background, Analysis and Options:**

River Trail Subdivision Filing One was platted on December 10, 2012. The plat included Tract G and H for future development and dedicated a perpetual drainage easement encompassing both tracts to the City of Grand Junction, since the first filing was developed to discharge storm water across these two tracts to the detention pond (Tract C and I). The developer is working on the next phase of the subdivision, which is designed to convey storm water through new infrastructure installed within new public right-of-way (ROW) and/or new easements. However, the language of the original dedication encumbers the location of future lots. Therefore, the developer is requesting a vacation of the easement. This vacation will be conditioned upon dedication of ROW and/or new easements to the City on subsequent plats to ensure continued public access to the overall storm water management system within the subdivision.

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

The request is consistent with the goals and policies of the Comprehensive Plan. The request does not conflict with the Comprehensive Plan because new easements granted will be sufficient.

**How this item relates to the Economic Development Plan:**

The Economic Development Plan specifically identifies as a Goal to provide infrastructure that enables and supports private investment. (Goal 1.4 – Page 7). Vacation of the easement and subsequent rededication will benefit the City by ensuring continued public access to the storm water management system and the private developer by releasing the encumbrance on future lots.

**Board or Committee Recommendation:**

The request has not been reviewed by any other boards or committees.

**Financial Impact/Budget:**

There is no financial impact.

**Other issues:**

No other issues have been identified.

**Previously presented or discussed:**

Item has not been previously discussed.

**Attachments:**

Location Map  
Aerial Photo Map  
Comprehensive Plan Future Land Use Map  
Existing City Zoning Map

BACKGROUND INFORMATION				
Location:		River Trail Subdivision Filing One (D Road and Green River Drive)		
Applicants:		River Trail Investments – Kevin Reimer		
Existing Land Use:		Vacant		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential		
	South	Vacant		
	East	Vacant		
	West	Residential / Vacant		
Existing Zoning:		R-8 (Residential 8 du/ac)		
Proposed Zoning:		R-8 (Residential 8 du/ac)		
Surrounding Zoning:	North	County RSF-R (Residential Single Family) R-8 (Residential 8 du/ac)		
	South	County AFT (Agricultural Forestry Transitional)		
	East	R-8 (Residential 8 du/ac)		
	West	R-8 (Residential 8 du/ac)		
Future Land Use Designation:		Residential Medium		
Zoning within density range?		X	Yes	No

Section 21.02.100 of the Grand Junction Municipal Code

The vacation of the easement shall conform to the following:

- a. *The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City;*

The layout of the River Trail Subdivision, including the location of access and public infrastructure within public ROW and/or public easements is consistent with the Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City. The vacation of this easement is conditioned upon the dedication of additional right-of-way and/or drainage easements to the City to further implement the above plans.

This criterion has been met.

- b. *No parcel shall be landlocked as a result of the vacation;*

The existing stormwater management pond is landlocked and only accessible via the drainage easement. This vacation will be conditioned upon dedication of ROW and/or new easements to the City on subsequent plats to ensure continued public access to the overall storm water management system within the subdivision.

This criterion will be met with the dedication of ROW and/or new easement.

- c. *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;*

The existing drainage easement encumbers the location of future lots within the subdivision. The vacation of the drainage easement and its replacement with dedicated ROW and/or new easements will remove an economically prohibitive restriction within the subdivision and provide better access to the overall storm water management system within the subdivision.

This criterion has been met.

- d. *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);*

There will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced due to the proposed drainage easement vacation. This vacation will be conditioned upon dedication of ROW and/or new easements to the City on subsequent plats to ensure continued public access to the overall storm water management system, thereby improving the quality of facilities within the subdivision.

This criterion will be met with the dedication of the ROW and/or new easement.

- e. *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 Municipal Code; and*

The provision of adequate public facilities and services will not be inhibited as a result of the proposed drainage easement vacation as this vacation will be conditioned upon dedication of ROW and/or new easements to the City on subsequent plats to ensure continued public access to the overall storm water management system.

This criterion will be met with the dedication of the ROW and/or new easement.

- f. *The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.*

Maintenance requirements for the City will not change as a result of the proposed drainage easement vacation.

This criterion has been met.

**FINDINGS OF FACT/CONCLUSIONS**

After reviewing the River Trail Subdivision Filing One Drainage Easement Vacation application, VAC-2015-277 for the vacation of a public drainage easement, I make the following findings of fact, conclusions and condition:

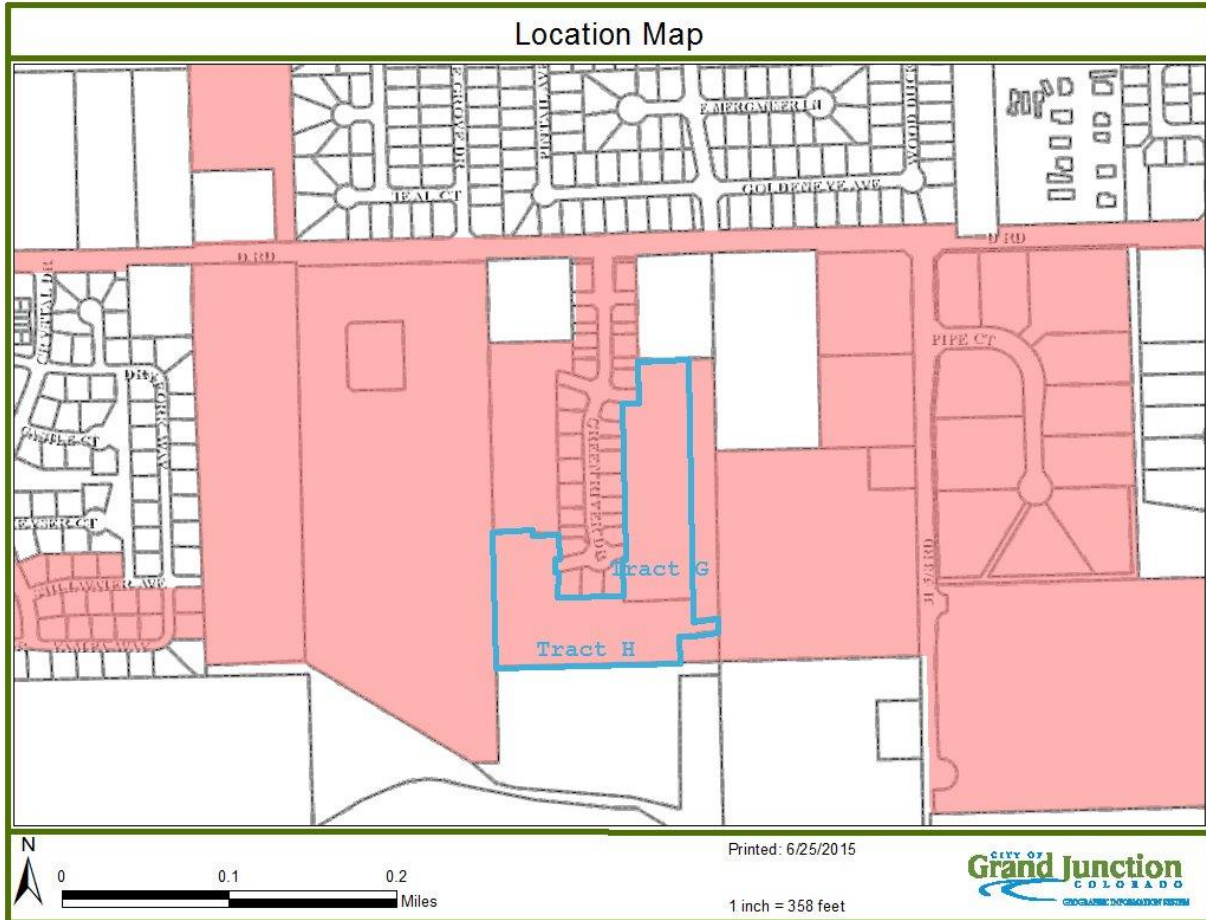
1. The requested easement vacation is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.100 of the Grand Junction Municipal Code have all been met.
3. The vacation of the easement is conditioned upon the dedication of additional right-of-way and/or drainage easements to the City for continued access to the storm water management system within the subdivision.

**STAFF RECOMMENDATION:**

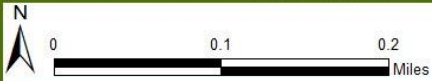
I recommend that the Planning Commission forward a recommendation of approval of the requested easement vacation, VAC-2015-277 to the City Council with the findings, conclusions and condition listed above.

**RECOMMENDED PLANNING COMMISSION MOTION:**

Madam Chairman, on item VAC-2015-277, I move we forward a recommendation of approval to the City Council on the request to vacate a public drainage easement with the findings of fact, conclusions and condition in the staff report.



Aerial Photo (2015)



Printed: 6/25/2015

1 inch = 358 feet



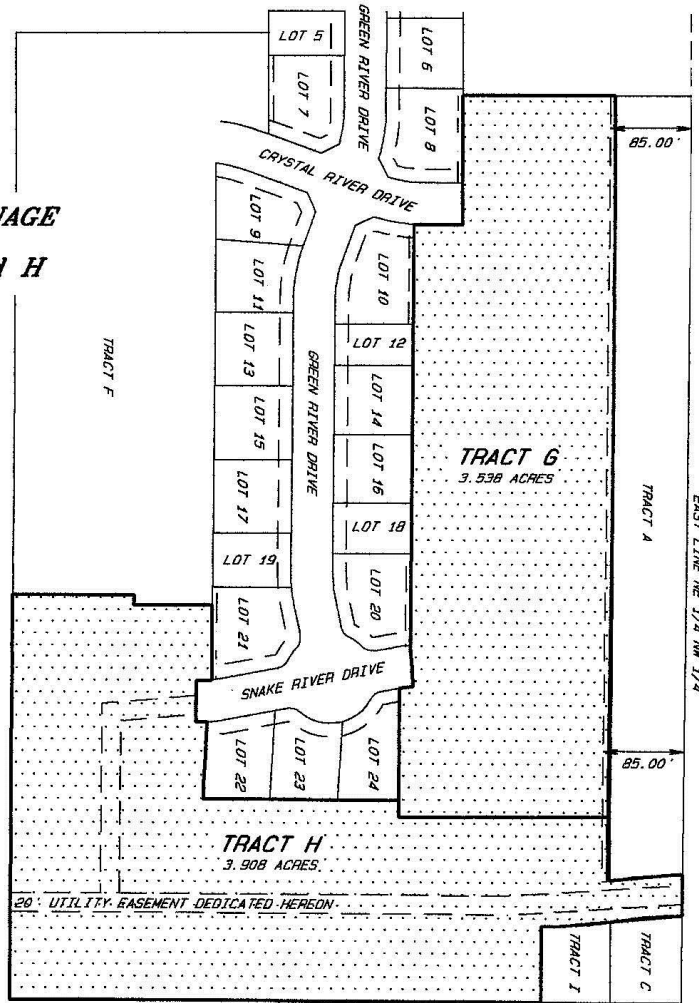




# EXHIBIT A

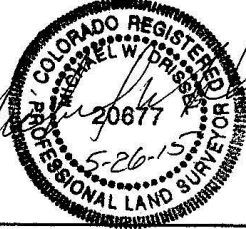
River Trail Subdivision, Filing One, recorded at Reception #2636361

VACATED DRAINAGE  
EASEMENT  
TRACTS G and H



20' UTILITY EASEMENT DEDICATED HEREON

SOUTH LINE NE 1/4 NW 1/4



NOT TO SCALE  
LINEAR UNITS = U. S. SURVEY FEET

D H SURVEYS, INC.  
970-245-8749  
JOB #1418-14-01

**CITY OF GRAND JUNCTION**

**RESOLUTION NO.**

**A RESOLUTION VACATING A PUBLIC DRAINAGE EASEMENT  
LOCATED WITHIN RIVER TRAIL SUBDIVISION FILING ONE**

RECITALS:

A vacation of a Drainage Easement dedicated within all of Tract G and H, River Trail Subdivision Filing One has been requested by the property owner.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 (c) of the Grand Junction Municipal Code.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacation be approved.

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

The following described easement, shown on "Exhibit A", is hereby vacated subject to the following conditions:

1. The vacation of the easement is conditioned upon the dedication of additional right-of-way and/or drainage easements to the City for continued access to the storm water management system within the subdivision.
2. Applicant shall pay all recording/documentary fees related to this vacation.

The following easement is shown on "Exhibit A" made part of this vacation.

Dedicated easement to be vacated:

Two tracts of land to be vacated of a dedicated Drainage Easement, situate in the NE 1/4 NW 1/4 of Section 22, Township 1 South, Range 1 East of the Ute Meridian and in River Trail Subdivision, Filing One as recorded at Reception No. 2636361, City of Grand Junction, Mesa County, Colorado, being described as follows:

Tract G and Tract H.

Conditioned upon the dedication of additional right-of-way and/or drainage easements to the City for continued access to the storm water management system within the subdivision.

PASSED and ADOPTED this    day of    , 2015.

ATTEST:

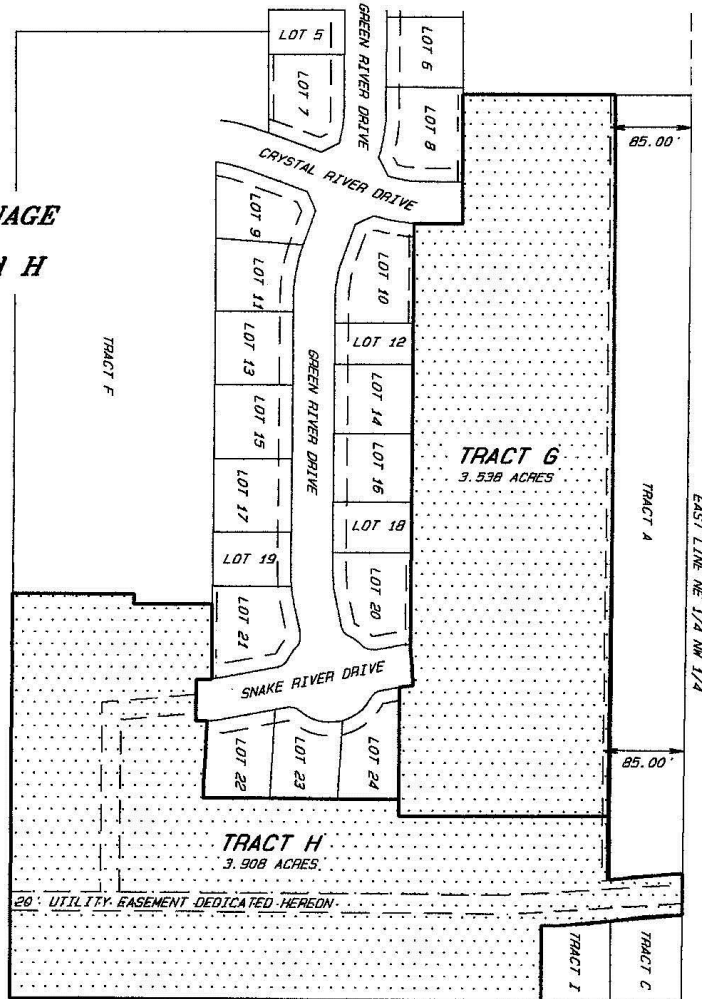
\_\_\_\_\_  
President of City Council

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

# EXHIBIT A

River Trail Subdivision, Filing One, recorded at Reception #2636361

VACATED DRAINAGE  
EASEMENT  
TRACTS G and H



NOT TO SCALE  
LINEAR UNITS = U.S. SURVEY FEET

PROFESSIONAL LAND SURVEYOR  
20677  
5-26-15

D H SURVEYS, INC.  
970-245-8749  
JOB #141B-14-01



Date: July 1, 2015  
 Author: Brian Rusche  
 Title/ Phone Ext: Senior  
Planner/4058  
 Proposed Schedule:  
July 14, 2015  
 File #: PLD-2014-385

**Attach 3**

**PLANNING COMMISSION AGENDA ITEM**

<b>Subject:</b> OneWest, Outline Development Plan, Located Between 23 ¼ and 23 ¾ Roads, From G Road to Highway 6 and 50
<b>Action Requested/Recommendation:</b> Forward a recommendation of approval to City Council for an Outline Development Plan and a PD (Planned Development) Ordinance with default zone(s) of BP (Business Park Mixed Use) and C-2 (General Commercial).
<b>Presenters Name &amp; Title:</b> Brian Rusche, Senior Planner

**Executive Summary:**

The applicants request approval of an Outline Development Plan (ODP) for OneWest, a Planned Development (PD) zone district with default zone(s) of BP (Business Park Mixed Use) and C-2 (General Commercial) for approximately 177 acres, located between 23 ¼ Road and 23 ¾ Road from G Road to Highway 6 & 50.

**Background, Analysis and Options:**

The subject property was annexed in 1995 as part of the Northwest Enclave. It has never been developed. The property has been owned by a consortium of persons for many decades. Approximately 40 acres of their holdings adjacent to 24 Road was subdivided and sold in 2008, with the current owners retaining approximately 177 acres. This acreage is one of the largest contiguous land holdings in the city limits, larger than the Mesa Mall property. It has over one-half mile of frontage on Highway 6 & 50 and consequently is designated for future Commercial development by the Comprehensive Plan. On the north it borders G Road, with the new Community Hospital rising outside the property’s northeast (NE) corner. The Grand Valley Circulation Plan bisects the property with proposed major roadways, including the F ½ Road Parkway (parallel to the Xcel high-voltage lines), 23 ½ Road as a principal arterial (extending north to I-70), and major collectors at ¼ mile intervals. This Plan effectively creates four separate “pods” which the property owners would like to create via subdivision. Since the 24 Road portion of the property was subdivided in 2008, no additional subdivisions are permitted until 2018 without providing infrastructure to serve future development. The applicants would like to divide the property into more marketable parcels, acknowledging that infrastructure would be necessary to develop those parcels. Consequently, the applicants are currently negotiating a Development Agreement with the City that will address the responsibilities of each party relative to future infrastructure development.

The property is currently split between the M-U (Mixed Use) and C-2 (General Commercial) zone districts. In order to set the stage for future development, the applicants have proposed an Outline Development Plan (ODP) which specifies potential uses for ea Final Development Plans for each pod (or portion as appropriate) and future subdivisions, consistent with the ODP and Development Agreement.

A full analysis of the proposed ODP is included in the attached report.

### **Neighborhood Meeting:**

The applicant held a Neighborhood Meeting on July 21, 2014 with 10 citizens attending the meeting along with City Staff, the applicant and applicant's representatives. Among the items discussed included the proximity of this project to Mobile City at 2322 Highway 6 & 50 and access to the property at 2380 Highway 6 & 50, along with anticipated future land uses and the future construction of F ½ Road.

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

**Goal 3:** The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

**Policy A:** To create large and small "centers" throughout the community that provide services and commercial areas.

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

**Policy B:** The City will provide appropriate commercial and industrial development opportunities.

The completion of Community Hospital will create a shift in the provision of medical services to the regional area. The applicant seeks to capitalize on this shift by establishing future land uses that are compatible with the hospital and surrounding properties and also seeks to subdivide the property into more manageable, marketable parcels. These goals are consistent with the above goals for the community articulated in the Comprehensive Plan.

### **How this item relates to the 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. The proposed ODP is the first step toward eventual development of this property, which is larger than the Mesa Mall property and has over one-half mile of frontage on Highway 6 & 50.

**Board or Committee Recommendation:**

There is no other board or committee recommendation.

**Financial Impact/Budget:**

Development of the property could provide significant financial benefit to the City in the form of taxable property and sales, but likewise could create significant impact to the City in the form of necessary transportation improvements and maintenance. The City is currently negotiating a Development Agreement that will address the responsibilities of each party relative to future infrastructure development.

**Previously presented or discussed:**

This request has not been previously discussed.

**Attachments:**

1. Background Information
2. Staff Report
3. Site Location Map
4. Aerial Photo
5. Grand Valley Circulation Plan Map
6. Comprehensive Plan Future Land Use Map
7. Existing Zoning Map
8. Ordinance



<b>BACKGROUND INFORMATION</b>				
<b>Location:</b>		2350 Highway 6 & 50		
<b>Applicant:</b>		CFP Estate, Ltd. – Owner Gus R. and Chris R. Halandras – Owner Andy Peroulis – Owner George E. Pavlakis – Owner Tom Logue – Representative Joe Coleman - Counsel		
<b>Existing Land Use:</b>		Vacant land		
<b>Proposed Land Use:</b>		Mixed Use Planned Development		
<b>Surrounding Land Use:</b>	<b>North</b>	Industrial Community Hospital (under construction) Medical Office		
	<b>South</b>	Industrial, including Gravel Extraction		
	<b>East</b>	Vacant Mixed Commercial/Industrial		
	<b>West</b>	Gravel Extraction RV and Mobile Home Park		
<b>Existing Zoning:</b>		MU (Mixed Use) C-2 (General Commercial)		
<b>Proposed Zoning:</b>		PD (Planned Development)		
<b>Surrounding Zoning:</b>	<b>North</b>	I-2 (General Industrial) BP (Business Park Mixed Use)		
	<b>South</b>	I-1 (Light Industrial)		
	<b>East</b>	MU (Mixed Use) C-2 (General Commercial)		
	<b>West</b>	I-1 (Light Industrial)		
<b>Future Land Use Designation:</b>		Commercial/Industrial Commercial		
<b>Zoning within density/intensity range?</b>		X	<b>Yes</b>	<b>No</b>

**Uses:** The property will be developed into four distinct areas (Pods). Each of the pods includes a combination of uses that reflect the anticipated demand for each pod. A full table of allowed uses is included in the Ordinance. The primary uses for each pod are as follows:

- Pod 1: Default zone – BP; Medical Office/Clinic, Manufacturing and Production, Group Living
- Pod 2: Default zone – BP; Medical Office/Clinic, Group Living, Multi-Family Housing, Retail Sales and Services, Personal Care, General Offices

Pod 3: Default zone – C-2; Hotel/Motel, General Offices, Contractor Shops w/ Outdoor Storage, Auto Service, Retail Sales and Services

Pod 4: Default zone – C-2; Shopping Center (Big Box), Restaurants, Retail Sales and Services, Auto Service, General Offices

**Performance Standards:** The ODP states that Title 25 – 24 Road Corridor Design Standards shall apply. Additional performance standards are included which address loading docks, vibration, smoke, odor, noise, glare, wastes, fire hazards, and hazardous materials, along with outdoor storage. The full text of these standards is included in the Ordinance. Conformance with these standards will be evaluated with the Final Development Plan for each Pod (or portion thereof).

**Density:** The density range for Pods 1 and 2 is a minimum of 8 du/ac and a maximum of 24 du/ac, which is consistent with the default zone of BP (Business Park Mixed Use). No detached single-family is allowed. Pods 3 and 4 do not include residential uses.

**Access and Circulation:** The Grand Valley Circulation Plan bisects the property with proposed major roadways, including the F ½ Road Parkway (parallel to the Xcel high-voltage lines), 23 ½ Road as a principal arterial (extending north to I-70), and major collectors at ¼ mile intervals. The imposition of this roadway grid onto the property creates the Pods. The City is currently negotiating a Development Agreement that will address the responsibilities of each party relative to future infrastructure development, including the construction of these roadways.

Internal circulation, including access to neighboring properties as applicable, will be evaluated with the Final Development Plan for each Pod (or portion thereof) and will conform to Transportation Engineering and Design Standards (TEDS).

**Open Space:** No open space or parkland is included in the proposed ODP. However, the Applicant has incorporated a landscape buffer along the west side of Pod 3, which is adjacent to the Mobile City RV & Home Park. In addition, stormwater management ponds that will be designed to accept regional drainage currently flowing into this area will be located at the highway entrance to the development serving as entry features and open space. Open space and park dedication requirements, including fees in-lieu of, will be evaluated with the Final Development Plan for each Pod (or portion thereof).

**Lot Layout:** The goal of the proposed ODP and forthcoming Development Agreement is to facilitate the division of the property into smaller, more marketable parcels. The layout of these parcels, beyond the four pods created by the Grand Valley Circulation Plan, will be evaluated with the Final Development Plan for each Pod or portion thereof. The minimum lot size in Pods 1 and 2 is 1 acre and is ½ acre in Pod 3, with no minimum for Pod 4. While no subdivision has been submitted at this time, staff recommends that a condition be placed on approval of the ODP that a final development plan and plat must be approved within three (3) years.

**Landscaping:** Each new building within the pods will be required to adhere to the landscaping standards found in GJMC Section 21.06.040. The ODP includes a buffer

along the west side of Pod 3 adjacent to the Mobile City RV & Home Park. In addition, stormwater management ponds at the highway entrance to the development will serve as entry features and are required by the landscaping code to be visual amenities.

**Signage:** Signage within the development shall meet the standards of GJMC Section 21.06.070, with the following exceptions:

One (1) freestanding project identification monument sign shall be allowed at no more than two intersecting corners along all roadways within the development.

A sign package will be required as part of each Final Development Plan and/or Site Plan.

The existing billboards located within Pod Four may remain as nonconforming uses until such time as site development activity begins on Pod Four. New billboards within the PD will not be permitted.

**Phasing:** Pursuant to the Code, a final development plan and/or the subdivision plat are necessary to ensure consistency with the approved outline development plan. The City is currently negotiating a Development Agreement that will address the responsibilities of each party relative to future infrastructure development, including phasing of said infrastructure. The applicants indicate that ultimate build-out will occur over a 20 year period. Given the size of the property and historical absorption rate of development within the Grand Valley, with the market ultimately determining how the pods develop, a long term phasing plan would be inappropriate for this development. However, staff recommends that a condition be placed on approval of the ODP that a final development plan and plat must be approved within three (3) years. If a final development plan and plat is not approved within 3 years, the ODP would expire and the zoning would revert back to the original MU and C-2. All subsequent final development plans and/or plats after the first must be reviewed under the code in effect at the time of submittal, including the standards of this ODP and any subsequent amendments.

**Long-Term Community Benefit:** The intent and purpose of the PD zone is to provide flexibility not available through strict application and interpretation of the standards established in Section 21.03.040 of the Zoning and Development Code. The Zoning and Development Code also states that PD (Planned Development) zoning should be used only when long-term community benefits, which may be achieved through high quality planned development, will be derived. Long-term benefits include, but are not limited to:

1. More effective infrastructure;
2. Reduced traffic demands;
3. A greater quality and quantity of public and/or private open space;
4. Other recreational amenities;
5. Needed housing types and/or mix;
6. Innovative designs;
7. Protection and/or preservation of natural resources, habitat areas and natural features; and/or Public art.

The long-term community benefit of the proposed PD is the provision of more effective infrastructure, including but not limited to the street network (both major roads and local streets), sanitary sewer and other utilities, and regional storm water management.

The property is bisected by major roadways that will need to be constructed to address future traffic and circulation needs. By creating pods out of the property, using these roadways as boundaries, allows for incremental construction of the necessary infrastructure, not just the roads but also sewer, water, etc. This incremental construction does benefit the developer, in terms of reduced upfront costs, but also the City in terms of avoiding future maintenance costs on underutilized infrastructure. The City is currently negotiating a Development Agreement that will address the responsibilities of each party relative to future infrastructure development. There is an opportunity to collaborate on mutually beneficial designs for storm water management within the PD, specifically the creation of ponds that will be designed to accept regional drainage currently flowing into this area, located at the highway entrance to the development. The area(s) required as determined by the City for the regional drainage facilities shall be dedicated to the City at the time the first plat is recorded for any land included within the ODP.

#### **Default Zones and Deviations:**

The default zone for Pod 1 and 2 is BP (Business Park Mixed Use). The dimensional standards are as follows, with deviations noted in *italics*.

Density: Minimum 8 units/acre. Maximum 24 units/acre.

Minimum lot area/width: 1 acre / 100 feet

Front yard setback (Principal/Accessory): 15'/25'.

Side and Rear yard setbacks: 0'

Maximum building height: 65' (Pod 1), 40' (Pod 2).

Maximum building size: No maximum

The default zone for Pod 3 and 4 is C-2 (General Commercial). The dimensional standards are as follows, with deviations noted in *italics*.

Minimum lot area/width: 0.5 acres / 50 feet (Pod 3); Pod 4 – N/A

Front yard setback (Principal/Accessory): 15'/25'.

Side and Rear yard setbacks: 0' except identified Buffer Area is 15'

Maximum building height: 40'

Maximum building size: No maximum

#### **Section 21.02.150 of the Grand Junction Zoning and Development Code:**

An Outline Development Plan (ODP) application shall demonstrate conformance with all of the following:

- i. The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies;

The proposed Outline Development Plan complies with Comprehensive Plan, Grand Valley Circulation Plan and other applicable adopted plans and policies, as described throughout this report.

- ii. The rezoning criteria provided in Section 21.02.140 of the Grand Junction Zoning and Development Code;

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

The current zoning of the property is M-U and C-2, which bisects the entire property in a way that is roughly parallel to the highway. The Grand Valley Circulation Plan bisects the property with proposed major roadways, which effectively creates four separate “pods”. The ODP would set specific uses for each pod, uses which would be compatible with the new Community Hospital and other surrounding land uses.

This criterion has been met.

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

The construction of Community Hospital is already creating a shift in the provision of medical services to the regional area. The applicant seeks to capitalize on this shift by establishing land uses compatible with the hospital and other surrounding uses. Staff has reviewed and incorporated modifications to the proposed uses that will be more compatible with the hospital while allowing for market conditions to determine the ultimate land use mix.

This criterion has been met.

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

Adequate public facilities and services (water, sewer, utilities, etc.) are currently available or will be made available concurrent with the development and commiserate with the impacts of the development.

This criterion has been met.

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

The subject property one of the largest contiguous, undeveloped land holdings in the city limits. While the property is already zoned for commercial and mixed uses, the ODP provides more specific land uses compatible with the new Community Hospital and other surrounding uses. This type of specificity, along with the ability to amend the PD over time as conditions warrant, is more suitable for such a large land holding than piecemeal development using conventional zoning, in that it will be clear to future owners, neighbors, and City officials what types of uses may come to fruition within the PD.

This criterion has been met.

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

The long-term community benefit of the proposed PD is the provision of more effective infrastructure, including but not limited to the street network (both major roads and local streets), sanitary sewer and other utilities, and regional storm water management.

The property is bisected by major roadways that will need to be constructed to address future traffic and circulation needs. By creating pods out of the property, using these roadways as boundaries, allows for incremental construction of the necessary infrastructure, not just the roads but also sewer, water, etc. This incremental construction does benefit the developer, in terms of reduced upfront costs, but also the City in terms of avoiding future maintenance costs on underutilized infrastructure. The City is currently negotiating a Development Agreement that will address the responsibilities of each party relative to future infrastructure development. There is an opportunity to collaborate on mutually beneficial designs for storm water management within the PD, specifically the creation of ponds that will be designed to accept regional drainage currently flowing into this area, located at the highway entrance to the development.

This criterion has been met.

- iii. The planned development requirements of Chapter 21.05;

The proposed ODP is in conformance with the Planned Development requirements of Chapter 21.05 of the Zoning and Development Code.

- iv. The applicable corridor guidelines and other overlay districts in Chapter 21.07;

A floodplain, caused by overtopping sheet flow from Leach Creek, includes 100 and 500 year flooding and covers all of Pod 2 and large areas of Pods 3 and 4.

Each individual structure in this floodplain must meet floodplain requirements in Section 21.07.010 and be documented with a Flood Elevation Certificate.

The ODP states that Title 25 – 24 Road Corridor Design Standards shall apply. Conformance with these standards will be evaluated with the Final Development Plan for each Pod or portion thereof.

- v. Adequate public services and facilities shall be provided concurrent with the projected impacts of the development;

Adequate public facilities and services (water, sewer, utilities, etc.) are currently available or will be made available concurrent with the development and commiserate with the impacts of the development.

- vi. Adequate circulation and access shall be provided to serve all development pods/areas to be developed;

The Grand Valley Circulation Plan bisects the property with proposed major roadways, including the F ½ Road Parkway (parallel to the Xcel high-voltage lines), 23 ½ Road as a principal arterial (extending north to I-70), and major collectors at ¼ mile intervals. The Pods are created by the imposition of this roadway grid onto the property. The City is currently negotiating a Development Agreement that will address the responsibilities of each party relative to future infrastructure development, including the construction of these roadways.

Internal circulation will be evaluated with the Final Development Plan for each Pod or portion thereof and will conform to Transportation Engineering and Design Standards (TEDS).

- vii. Appropriate screening and buffering of adjacent property and uses shall be provided;

The ODP includes a buffer along the west side of Pod 3 adjacent to the Mobile City RV & Home Park.

- viii. An appropriate range of density for the entire property or for each development pod/area to be developed;

The proposed density range for Pods 1 and 2 is a minimum of 8 du/ac and a maximum of 24 du/ac. No detached single-family is allowed. Pods 3 and 4 do not include residential uses.

- ix. An appropriate set of “default” or minimum standards for the entire property or for each development pod/area to be developed;

The default land use zones are as follows:

Pods One and Two: BP (Business Park Mixed Use) with deviations contained within the Ordinance.

Pods Three and Four: C-2 (General Commercial) with deviations contained within the Ordinance.

- x. An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

Pursuant to the Code, a final development plan and/or the subdivision plat are necessary to ensure consistency with the approved outline development plan. The City is currently negotiating a Development Agreement that will address the responsibilities of each party relative to future infrastructure development, including phasing of said infrastructure. The applicants indicate that ultimate build-out will occur over a 20 year period. Given the size of the property and historical absorption rate of development within the Grand Valley, with the market ultimately determining how the pods develop, a long term phasing plan would be inappropriate for this development. However, staff recommends that a condition be placed on approval of the ODP that a final development plan and plat must be approved within three (3) years. If a final development plan and plat is not approved within 3 years, the ODP would expire and the zoning would revert back to the original MU and C-2. All subsequent final development plans and/or plats after the first must be reviewed under the code in effect at the time of submittal, including the standards of this ODP and any subsequent amendments.

#### **FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:**

After reviewing the OneWest application, PLD-2014-385, a request for approval of an Outline Development Plan (ODP) and Planned Development Ordinance, I make the following findings of fact/conclusions and conditions of approval:

1. The requested Planned Development - Outline Development Plan is consistent with the goals and polices of the Comprehensive Plan, specifically, Goals 3 and 12.
2. The review criteria in Section 21.02.150 of the Grand Junction Zoning and Development Code have all been met or addressed.
3. A Development Agreement that will address the responsibilities relative to future infrastructure development must be finalized prior to or concurrent with any proposed Final Development Plan and/or Subdivision for any portion of the property.



4. A Final Development Plan and plat must be approved within 3 years of the PD Ordinance. If a Final Development Plan and plat is not approved within 3 years, the ODP will expire and the zoning will revert back to the original MU and C-2.
5. The area(s) required as determined by the City for the regional drainage facilities shall be dedicated to the City at the time the first plat is recorded for any land included within the ODP.
6. All subsequent plans and/or plats must be reviewed under the code in effect at the time of submittal, including the standards of this ODP and the PD Ordinance and/or any subsequent amendments thereto.

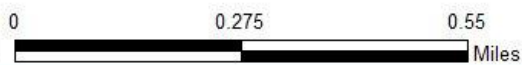
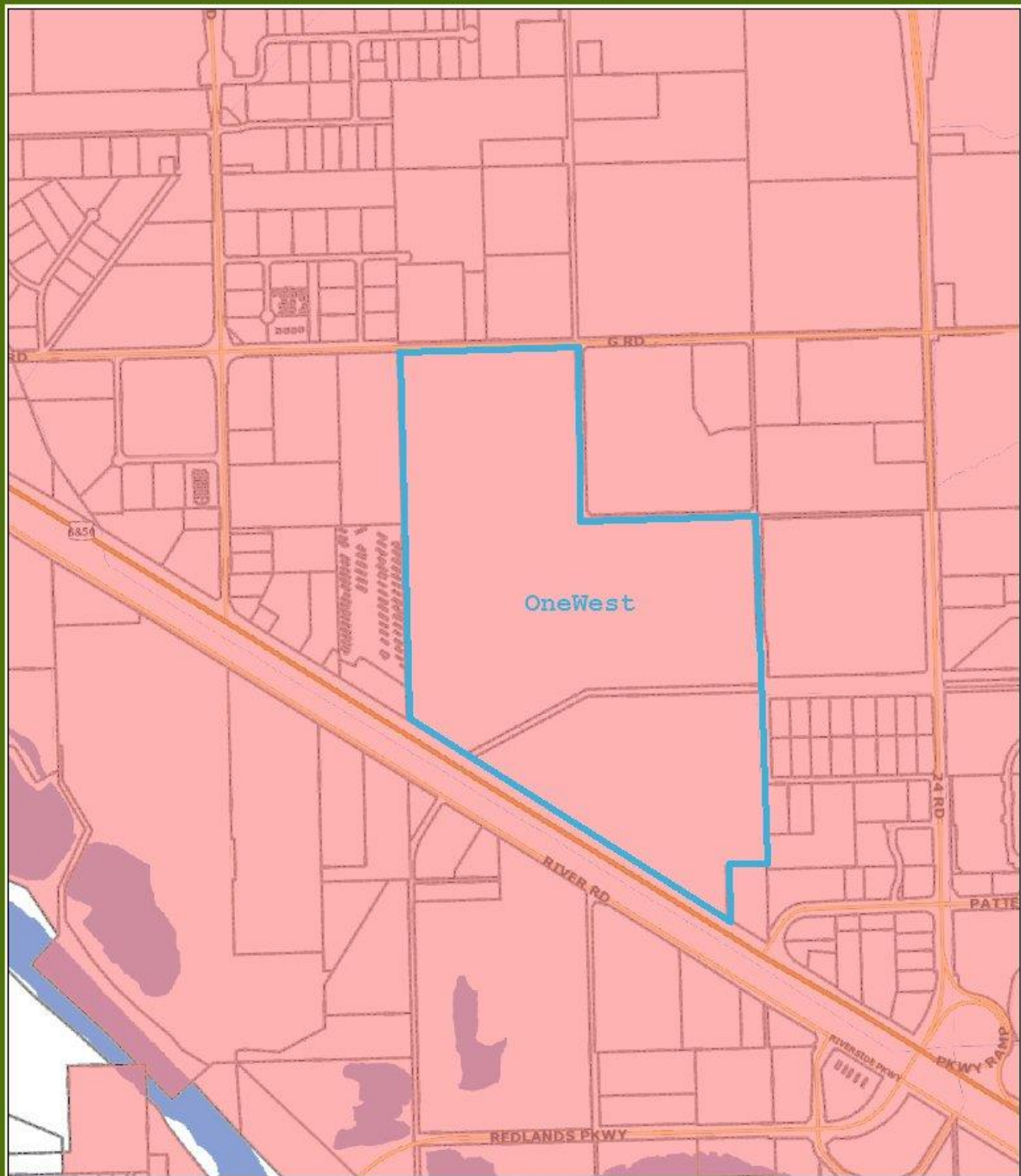
**STAFF RECOMMENDATION:**

I recommend that the Planning Commission forward a recommendation of conditional approval of the requested Outline Development Plan as a Planned Development Ordinance, PLD-2014-385 to the City Council with findings of fact/conclusions and conditions of approval as stated in the staff report.

**RECOMMENDED PLANNING COMMISSION MOTION:**

Madam Chairman, on item PLD-2014-385, I move that the Planning Commission forward a recommendation of conditional approval to the City Council on the requested Outline Development Plan as a Planned Development Ordinance for OneWest with the findings of fact, conclusions, and conditions identified within the staff report.

### Location Map



Printed: 6/1/2015

1 inch = 943 feet





### Aerial Photo (2014)



0 0.275 0.55  
Miles

Printed: 6/1/2015

1 inch = 943 feet





### Grand Valley Circulation Plan



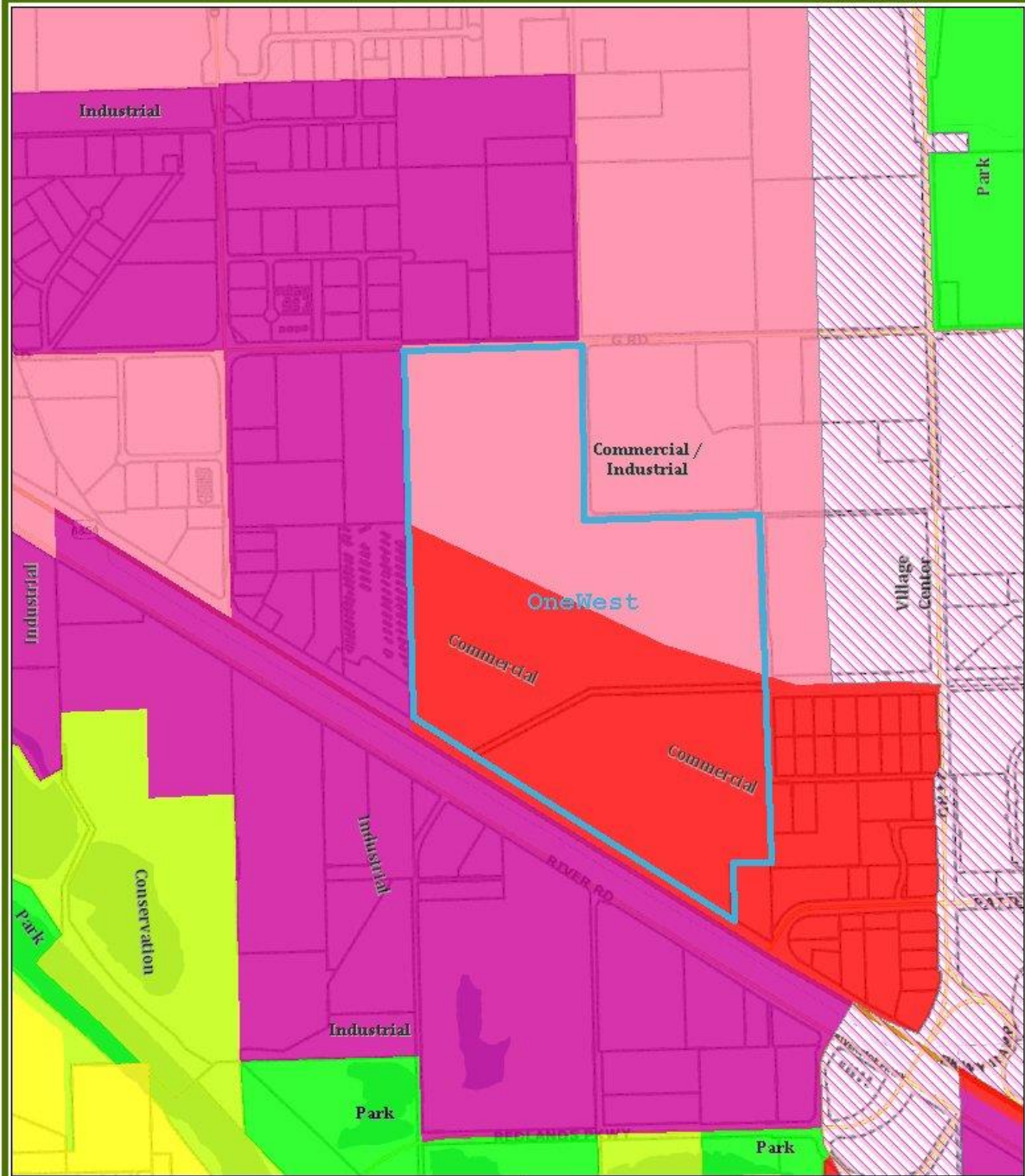
Printed: 6/4/2015

1 inch = 943 feet





### Comprehensive Plan - Future Land Use Map

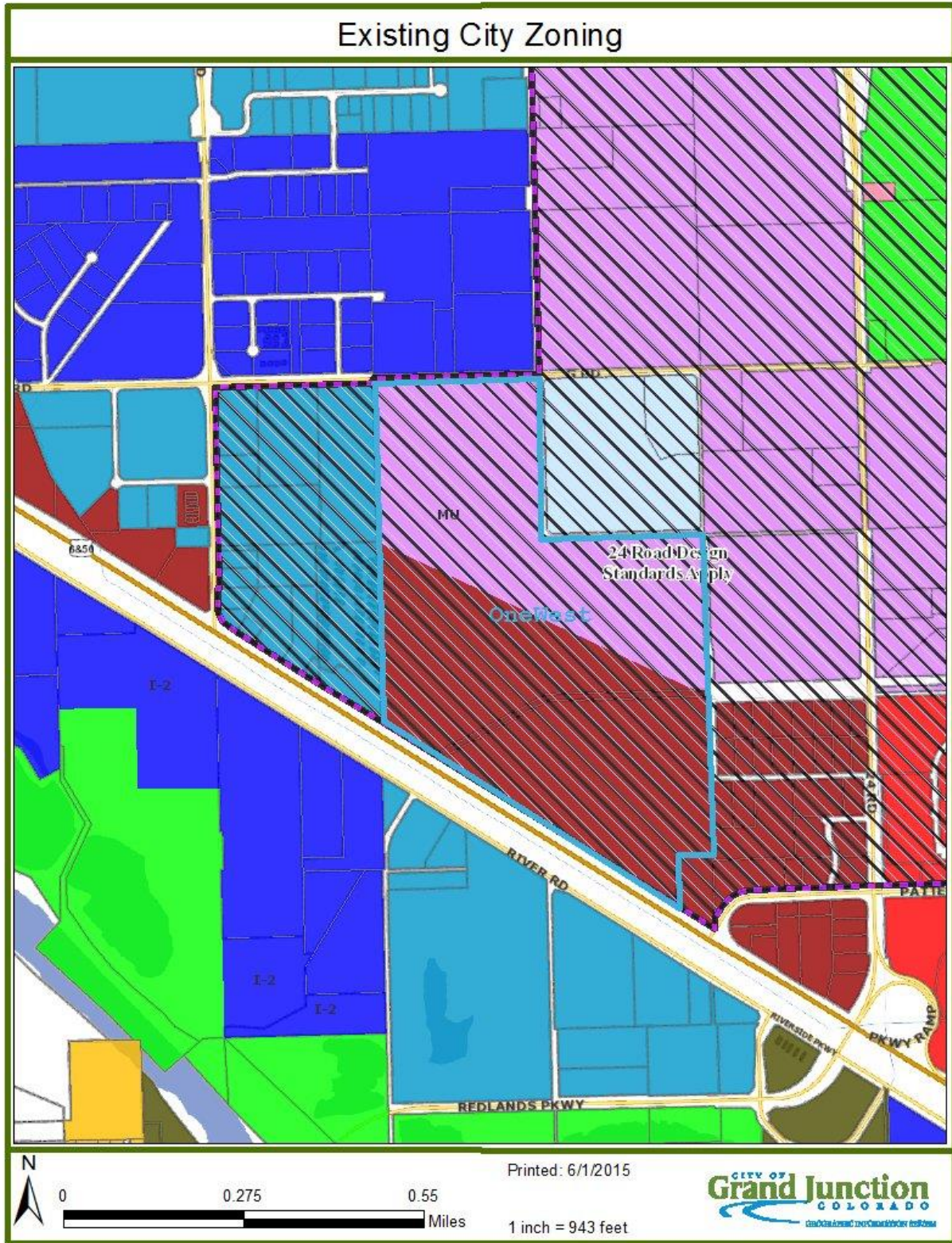


Printed: 6/1/2015

1 inch = 943 feet







**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE TO ZONE THE ONEWEST DEVELOPMENT  
TO A PD (PLANNED DEVELOPMENT) ZONE,  
BY APPROVING AN OUTLINE DEVELOPMENT PLAN WITH DEFAULT ZONES OF  
BP (BUSINESS PARK MIXED USE) AND C-2 (GENERAL COMMERCIAL)**

**LOCATED AT 2350 HIGHWAY 6 & 50  
BETWEEN 23 ¼ AND 23 ¾ ROADS, FROM G ROAD TO HIGHWAY 6 AND 50**

Recitals:

A request to zone approximately 177 acres to PD (Planned Development) by approval of an Outline Development Plan (Plan) with default zones of BP (Business Park Mixed Use) and C-2 (General Commercial) has been submitted in accordance with the Zoning and Development Code (Code).

This Planned Development zoning ordinance will establish the standards, default zoning, and adopt the Outline Development Plan for the OneWest Development. If this approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards specified herein.

In public hearings, the Planning Commission and City Council reviewed the request for Outline Development Plan approval and determined that the Plan satisfied the criteria of the Code and is consistent with the purpose and intent of the Comprehensive Plan. Furthermore, it was determined that the proposed Plan has achieved "long-term community benefits" through the provision of more effective infrastructure.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS ZONED TO PLANNED DEVELOPMENT WITH THE FOLLOWING DEFAULT ZONE AND STANDARDS:

- A. ALL of Lot 2, Centennial Commercial Center, City of Grand Junction, Mesa County, Colorado.
- B. OneWest Outline Development Plan is approved with the Findings of Fact/Conclusions, and Conditions listed in the Staff Report including attachments and Exhibits.
- C. Purpose

The proposed Planned Development will provide for a mix of manufacturing, office park employment centers, health care facilities, retail services and multifamily residential uses with appropriate screening, buffering and open space,

enhancement of natural features and other amenities such as shared drainage facilities and common landscape and streetscape character.

D. Unified Development

The project will be developed over time in a phased fashion, but in a unified manner with similar architectural styles and themes throughout. Detached sidewalks along the arterial frontages are intended to provide for safe multi-modal transportation haven and provide access to uses within the development. These detached sidewalks will also provide connectivity from the development to other existing and future points of interest adjacent to the subject property.

E. Default Zones

The default land use zones are as follows:

Pods One and Two: BP (Business Park Mixed Use) with deviations contained within this Ordinance.

Pods Three and Four: C-2 (General Commercial) with deviations contained within this Ordinance.

F. Pod Character

The property will be developed into four distinct areas (Pods) within the development that have a character similar to the following primary uses as more particularly detailed in the Pod Use Table:

Pod 1:Default zone – BP; Medical Office/Clinic, Manufacturing and Production, Group Living

Pod 2: Default zone – BP; Medical Office/Clinic, Group Living, Multi-Family Housing, Retail Sales and Services, Personal Care, General Offices

Pod 3:Default zone – C-2; Hotel/Motel, General Offices, Contractor Shops w/ Outdoor Storage, Auto Service, Retail Sales and Services

Pod 4:Default zone – C-2; Shopping Center (Big Box), Restaurants, Retail Sales and Services, Auto Service, General Offices

G. Authorized Uses

1. The list of authorized uses allowed within the BP and C-2 zone is hereby amended to include only the following, which are allowed without the need for approval of a conditional use permit.



a) POD 1 – BP Default Zone

- 1) Multifamily
- 2) Unlimited Group Living
- 3) Colleges and Universities
- 4) Vocational, Technical and Trade Schools
- 5) Community Activity Building
- 6) All other Community Service
- 7) Museums, Art Galleries, Opera Houses, Libraries
- 8) Multifamily
- 9) Unlimited Group Living
- 10) Colleges and Universities
- 11) Vocational, Technical and Trade Schools
- 12) Community Activity Building
- 13) All other Community Service
- 14) Museums, Art Galleries, Opera Houses, Libraries
- 15) General Offices
- 16) Health Club
- 17) Drive Through Restaurants
- 18) Drive Through Retail
- 19) Food Service, Catering
- 20) Food Service, Restaurant (including Alcohol Sales)
- 21) General Retail Sales, Indoor Operations, Display and Storage
- 22) General Retail Sales, Outdoor Operations, Display or Storage
- 23) Personal Services
- 24) All other Retail Sales and Services
- 25) Manufacturing and Production - Indoor Operations and Storage
- 26) Manufacturing and Production – Indoor Operations with Outdoor Storage
- 27) Bus/Commuter Stops

b) POD 2 – BP Default Zone

- 1) Multifamily
- 2) Unlimited Group Living
- 3) Colleges and Universities
- 4) Vocational, Technical and Trade Schools
- 5) Community Activity Building
- 6) All other Community Service
- 7) Museums, Art Galleries, Opera Houses, Libraries
- 8) General Day Care
- 9) Medical and Dental Clinics
- 10) Physical and Mental Rehabilitation (Resident)
- 11) All other Health Care
- 12) Religious Assembly
- 13) Funeral Homes, Mortuaries, Crematories
- 14) Hotels and Motels

- 15) General Offices
- 16) Health Club
- 17) Drive Through Restaurants
- 18) Drive Through Retail
- 19) Food Service, Catering
- 20) Food Service, Restaurant (including Alcohol Sales)
- 21) General Retail Sales, Indoor Operations, Display and Storage
- 22) General Retail Sales, Outdoor Operations, Display or Storage
- 23) Personal Services
- 24) All other Retail Sales and Services
- 25) Manufacturing and Production - Indoor Operations and Storage
- 26) Manufacturing and Production – Indoor Operations with Outdoor Storage
- 27) Bus/Commuter Stops

c) POD 3 – C-2 Default Zone

- 1) Colleges and Universities
- 2) Vocational, Technical and Trade Schools
- 3) Community Activity Building
- 4) All other Community Service
- 5) Museums, Art Galleries, Opera Houses, Libraries
- 6) General Day Care
- 7) Medical and Dental Clinics
- 8) Physical and Mental Rehabilitation (Resident)
- 9) All other Health Care
- 10) Religious Assembly
- 11) Funeral Homes, Mortuaries, Crematories
- 12) Public Safety and Emergency Response Services
- 13) Hotels and Motels
- 14) General Offices
- 15) Health Club
- 16) Alcohol Sales, Retail
- 17) Bar/Nightclub
- 18) Drive Through Restaurants
- 19) Drive Through Retail
- 20) Food Service, Catering
- 21) Food Service, Restaurant (including Alcohol Sales)
- 22) Fuel Sales, Automotive/Appliance
- 23) General Retail Sales, Indoor Operations, Display and Storage
- 24) General Retail Sales, Outdoor Operations, Display or Storage
- 25) Repair, Small Appliance
- 26) Personal Services
- 27) All other Retail Sales and Services
- 28) Mini-Warehouse
- 29) Auto and Light Truck Mechanical Repair
- 30) Car Wash, Gasoline Service Station, Quick Lube

- 31) Manufacturing and Production - Indoor Operations and Storage
- 32) Manufacturing and Production – Indoor Operations with Outdoor Storage
- 33) Manufacturing and Production – Outdoor Operations and Storage
- 34) Industrial Services, Contractors and Trade Shops, Oil and Gas Support Operations without Hazardous Materials (Indoor and/or Outdoor Operations and Storage)
- 35) Warehouse and Freight Movement – Indoor Operations, Storage and Loading with Outdoor Loading Docks
- 36) Wholesale Business (No Highly Flammable Materials/Liquids)
- 37) Bus/Commuter Stops

d) POD 4 – C-2 Default Zone

- 1) General Day Care
- 2) Medical and Dental Clinics
- 3) Physical and Mental Rehabilitation (Resident)
- 4) All other Health Care
- 5) Religious Assembly
- 6) Funeral Homes, Mortuaries, Crematories
- 7) Public Safety and Emergency Response Services
- 8) Hotels and Motels
- 9) General Offices
- 10) Health Club
- 11) Alcohol Sales, Retail
- 12) Bar/Nightclub
- 13) Drive Through Restaurants
- 14) Drive Through Retail
- 15) Food Service, Catering
- 16) Food Service, Restaurant (including Alcohol Sales)
- 17) Fuel Sales, Automotive/Appliance
- 18) General Retail Sales, Indoor Operations, Display and Storage
- 19) General Retail Sales, Outdoor Operations, Display or Storage
- 20) Repair, Small Appliance
- 21) Personal Services
- 22) All other Retail Sales and Services
- 23) Auto and Light Truck Mechanical Repair
- 24) Car Wash, Gasoline Service Station, Quick Lube
- 25) Wholesale Business (No Highly Flammable Materials/Liquids)
- 26) Bus/Commuter Stops

e) Uses Not Allowed

- 1) To change uses from those specified above, the developer must request that the City Council consider an amendment to allow a use which is not currently an allowed use for a particular pod.
  - b.

## H. Performance Standards

1. Title 25, 24 Road Corridor Standards in the current Zoning and Development Code (Code) shall apply, unless otherwise amended by the City.
2. Loading docks and trash areas or other service areas shall be located only in the side or rear yards and must be screened from adjacent right-of-ways with either a wall or landscaping.
3. Vibration, Smoke, Odor Noise, Glare, Wastes, Fire Hazards and Hazardous Materials. No person shall occupy, maintain or allow any use without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials.
  - a. Vibration: Except during construction or as authorized by the City, an activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel shall not be permitted.
  - b. Noise: The owner and occupant shall regulate uses and activities on the property so that sound never exceeds sixty-five decibels (65 dB) at any point along the property line.
  - c. Glare: Lights, spotlights, high temperatures processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.
  - d. Solid and Liquid Waste: All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor. Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.
  - e. Hazardous Materials: Information and materials to be used or located on the site, whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including the site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director
  - f. Outdoor Storage and Display: Outdoor storage shall only be located in the rear half of the lot. Permanent display areas may be located beside or behind the principal structure. For lots with double or triple frontage the side and rear yards that are to be used for permanent display areas shall be established with site plan approval. Portable display of retail merchandise may be permitted as provided in GJMC 21.04.040(h).

I. Dimensional and Intensity Standards

Minimum Lot Area	
Pod 1 and 2	1 acre
Pod 3	0.5 acre
Pod 4	No minimum

Minimum Lot Width	
Pod 1 and 2	100 feet
Pod 3	50 feet
Pod 4	No minimum

Minimum Street Frontage	
Pod 1, 2, 3, and 4	No minimum

Minimum Setbacks Pod 1, 2, 3 and 4	Principle Structure / Accessory Structure
Street (see footnote 1)	15' / 25'
Side / Rear yard	0' except identified Buffer Area is 15'

Density (Minimum/Maximum)	
Pod 1 and 2	8 du/ac min. / 24 du/ac max.
Pods 3 and 4	N/A

Maximum Height	
Pod 1	65 feet
Pod 2, 3, and 4	40 feet

Footnotes:

1. Non-Residential buildings shall be setback a minimum of 30 feet from "Arterial" designated right-of-ways.

J. Development Schedule

A Final Development Plan and plat must be approved within 3 years of the PD Ordinance. If a Final Development Plan and plat is not approved within 3 years, the ODP will expire and the zoning will revert back to the original MU and C-2.

All subsequent plans and/or plats must be reviewed under the code in effect at the time of submittal, including the standards of this ODP and the PD Ordinance and/or any subsequent amendments thereto.

K. Other Regulations

Development regulations and standards contained within Section 21.06 of the GJMC apply to all Pods, except the following:

One (1) freestanding project identification monument sign shall be allowed at no more than two intersecting corners along all roadways within the development.

A sign package will be required as part of each Final Development Plan and/or Site Plan.

The existing billboards located within Pod Four may remain as nonconforming uses until such time as site development activity begins on Pod Four. New billboards within the PD will not be permitted.

Hours of Operation – All Pods - unrestricted

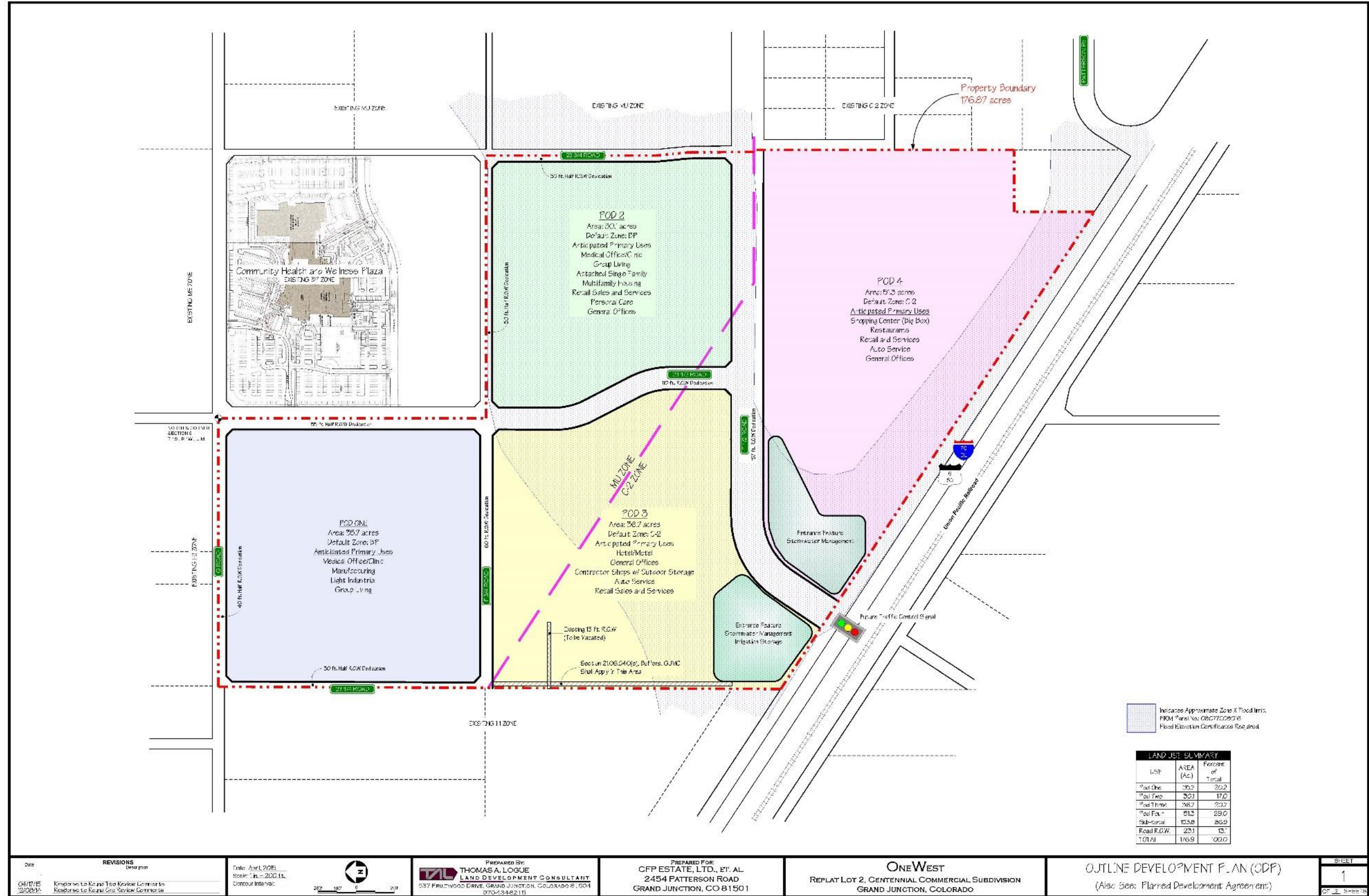
Introduced for first reading on this \_\_\_\_\_ day of \_\_\_\_\_, 2015 and ordered published in pamphlet form.

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

ATTEST:

\_\_\_\_\_  
President of City Council

\_\_\_\_\_



Date	REVISIONS	Drawn by
04/17/15	Response to Kansas Title Review Committee	Resubmit to Kansas Title Review Committee

Date: April 2015  
 Scale: 1" = 200 ft.  
 Contour Interval: 20'

PREPARED BY:  
**THOMAS A. LOGUE**  
 LAND DEVELOPMENT CONSULTANT  
 337 FRIEWOOD DRIVE, GRAND JUNCTION, COLORADO 81501  
 970-244-2115

PREPARED FOR:  
**CFP ESTATE, LTD., ET AL**  
 2454 PATTERSON ROAD  
 GRAND JUNCTION, CO 81501

**ONEWEST**  
 REPLAT LOT 2, CENTENNIAL COMMERCIAL SUBDIVISION  
 GRAND JUNCTION, COLORADO

**OUTLINE DEVELOPMENT PLAN (ODP)**  
 (Also See: Planned Development Agreement)





Date: July 7, 2015  
 Author: Scott D. Peterson  
 Title/ Phone Ext: Senior  
Planner/1447  
 Proposed Schedule: July 14,  
2015  
 File #: VAC-2015-182

**Attach 4**

**PLANNING COMMISSION AGENDA ITEM**

<b>Subject:</b> Colorado Mesa University Rights-of-Way Vacation, Located within the CMU area
<b>Action Requested/Recommendation:</b> 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.
<b>Presenters Name &amp; Title:</b> Scott D. Peterson, Senior Planner

**Executive Summary:**

Colorado Mesa University (CMU), requests approval to vacate portions of Cannell, Bunting, Kennedy, Elm, Texas, Hall Avenues and parts of alleys adjacent to CMU owned properties. This application was remanded back to City Staff for further review on June 23, 2015 to address various issues raised during the public hearing. Issues of concern included lack of dust control, lack of on-going maintenance, lack of cooperation in dealing with Fire Department requirements in a timely manner and failure to update Planning Commission on the University's plans for future development.

**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 or controlled 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). Staff has discussed the options with CMU and CMU has agreed to pave the fire access lanes when the parking lots are developed. It is CMU's opinion that asphalt paving will help mitigate and control dust for the neighborhood and residents still living in the area better than magnesium chloride applied to recycled asphalt. 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. These north/south, east/west connections may be closed or modified in the future, however CMU has agreed that new fire access lanes will be provided, constructed and asphalt paved to City standards if the existing connections are modified. CMU is also



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 paved 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:**

CMU held a Neighborhood Meeting on March 3, 2015. Twenty-eight (28) area residents attended the meeting with CMU 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
- Site Plan Sketch of Fire Access Lane and Parking Lot Layout
- Ordinance

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

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

The Grand Junction Fire Department does not object to the University’s request to vacate certain public right-of-ways in an effort to implement their 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 could in the future, present challenges in 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 the demolition of the Cannell/Elm intersection without proper notification to the fire department. These issues have been corrected by the University and the Fire Department and the University met recently to discuss better coordination and communication of these issues for the future.

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 Fire Department and their operations.
2. Final engineered construction drawings regarding fire apparatus roads and water supplies shall be submitted to the 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 Fire Department.
4. The University shall coordinate with the Fire Department the planning of fire department apparatus roads throughout the campus so as to diminish challenges resulting from the loss of the city street grid system. As vacated areas are developed, additional north/south and east/west primary fire lane corridors similar in appearance and functionality (i.e. minimum 20' width of concrete) to the existing fire lanes on campus 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, emergency services and trash collection 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. CMU 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. CMU has agreed that these fire access lanes will be asphalt paved and maintained to help mitigate and control dust for the neighborhood and residents still living in the area.

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);*

CMU has agreed to construct and pave new 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 Fire Department has continued discussions with the University and is comfortable with the designation of Mr. Fox as the University contact to address future problems that arise concerning access. Fire Department would prefer to continue in good faith cooperation efforts with the University.

CMU has agreed that the fire access lanes be asphalt paved and maintained to help mitigate and control dust for the neighborhood and residents still living in the area. Concerning the maintenance of the recycled asphalt/materials parking lot areas, magnesium chloride (MC) should be applied as needed to keep the dust suppressed. CMU also agreed to add a 5' asphalt apron where vehicles enter City right-of-way.

The circulation drive could in theory be used by the trash trucks, and the public but CMU is unwilling to grant a license or easement for that purpose at this time. CMU 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 CMU keeps 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).

The University shall provide continued access for the Fire Department, trash trucks and the public as otherwise described within this Staff Report, so that public facilities and services shall be not be inhibited to any property.

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 CMU 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. CMU's agreement to construct 5' aprons will reduce City maintenance by keeping the City right's-of-way clean. 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. CMU has agreed to construct a minimum 20' wide fire access lanes, with adequate turning radius and allow usage of the circulation drives by the public, trash collection trucks and emergency service vehicles and meet all requirements associated with the review and finalization of all outstanding

- items associated with the Right-of-Way vacation as identified with City file number VAC-2015-182.
5. CMU has agreed to meet all Grand Junction Fire Department requirements as identified within this application.
  6. CMU has tentatively scheduled to come to speak to the Planning Commission at the September 17<sup>th</sup> workshop.
  7. CMU has agreed to maintain the proposed parking lots to reduce dust. If constructed with anything other than asphalt paving, then magnesium chloride shall be applied as needed.
  8. CMU agreed that all entrance/exit ways of parking lots onto City right-of-way shall have a minimum 5' deep hard surface apron.

**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.

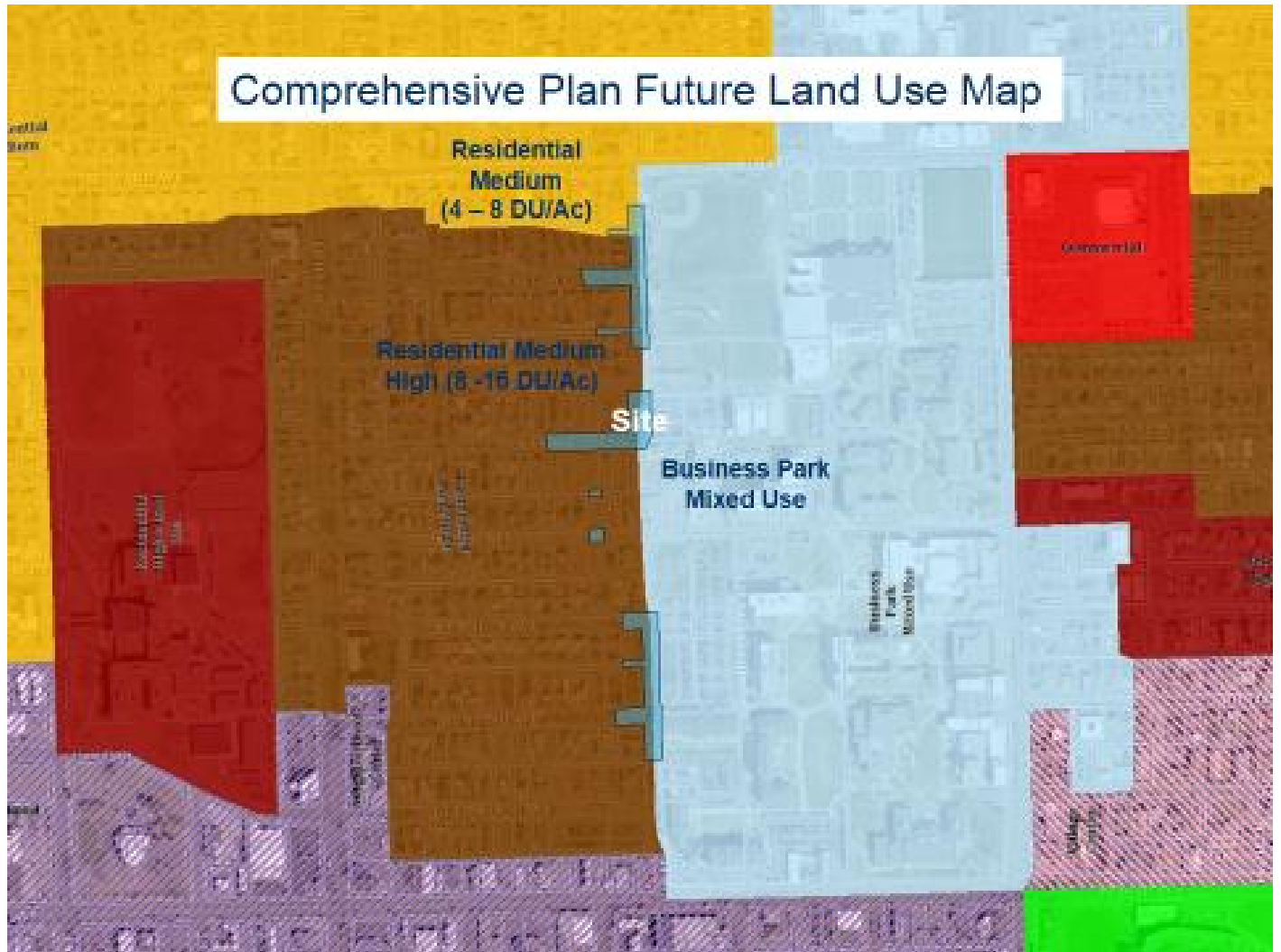
**RECOMMENDED PLANNING COMMISSION MOTION:**

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.

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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](mailto:amy.ford71@gmail.com)

Andy Ford  
[FordA@wsu.edu](mailto: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](http://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](http://www.osha.gov).

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](http://www.osha.gov).

**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](mailto: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](mailto:scottp@gjcity.org) 250 N. 5th Street  
Grand Junction, CO 81501

Re: Property of 842 Texas Avenue

Dear Mr. Peterson:

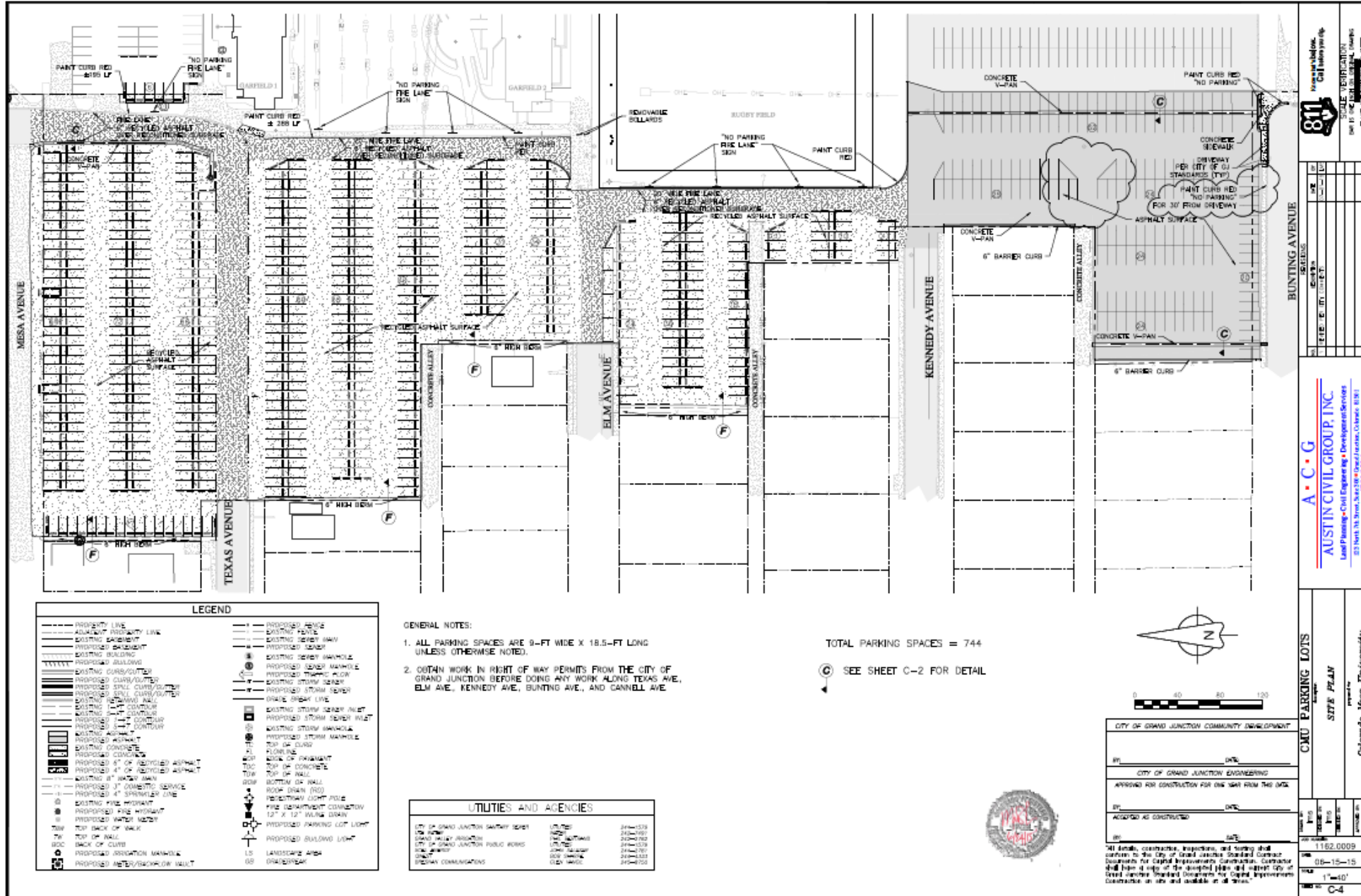
I am an owner of 842 Texas Avenue, Grand Junction, Colorado. The property is adjacent to a parking lot owned by the Colorado Mesa University. As per our conversation last week, I formally forward our objections to the proposed changes.

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



**LEGEND**

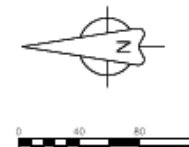
--- PROPOSED LINE	--- PROPOSED SERVICE
--- ADJACENT PROPERTY LINE	--- EXISTING SERVICE
--- EXISTING EASEMENT	--- EXISTING SERVICE WAY
--- PROPOSED EASEMENT	--- PROPOSED SERVICE
--- EXISTING BUILDING	--- EXISTING SERVICE MANHOLE
--- PROPOSED BUILDING	--- PROPOSED SERVICE MANHOLE
--- EXISTING CURB/CUTTER	--- EXISTING TRAFFIC FLOW
--- PROPOSED CURB/CUTTER	--- EXISTING STORM SEWER
--- PROPOSED STREEL CURB/CUTTER	--- PROPOSED STORM SEWER
--- EXISTING FINISH WALL	--- GRADE BREAK LINE
--- PROPOSED FINISH WALL	--- EXISTING STORM SEWER INLET
--- EXISTING 1 1/2" CONTOUR	--- PROPOSED STORM SEWER INLET
--- PROPOSED 1 1/2" CONTOUR	--- EXISTING STORM MANHOLE
--- EXISTING 2" CONTOUR	--- PROPOSED STORM MANHOLE
--- PROPOSED 2" CONTOUR	--- TOP OF CURB
--- EXISTING ASPHALT	--- FLOORING
--- PROPOSED ASPHALT	--- EDGE OF PAVEMENT
--- EXISTING CONCRETE	--- TOP OF CONCRETE
--- PROPOSED CONCRETE	--- TOP OF WALL
--- PROPOSED 4" OF RECYCLED ASPHALT	--- BOTTOM OF WALL
--- PROPOSED 4" OF RECYCLED ASPHALT	--- ROOM DRAIN (RD)
--- EXISTING 6" WATER MAIN	--- PERPENDICULAR LIGHT POLE
--- PROPOSED 6" WATER MAIN	--- FIRE DEPARTMENT CONNECTION
--- PROPOSED 6" CONCRETE SERVICE	--- 12" X 12" WALL DRAIN
--- EXISTING FIRE HYDRANT	--- PROPOSED PARKING LOT LIGHT
--- PROPOSED FIRE HYDRANT	--- PROPOSED BUILDING LIGHT
--- EXISTING WATER METER	--- LANDSCAPE AREA
--- PROPOSED WATER METER	--- GRADE/SEWER
--- TOP OF BACK OF WALK	
--- TOP OF WALK	
--- BOC	
--- BACK OF CURB	
--- PROPOSED IRRIGATION MANHOLE	
--- PROPOSED METER/BACKFLOW VALVE	

**GENERAL NOTES:**

- ALL PARKING SPACES ARE 9-FT WIDE X 18.5-FT LONG UNLESS OTHERWISE NOTED.
- OBTAIN WORK IN RIGHT OF WAY PERMITS FROM THE CITY OF GRAND JUNCTION BEFORE DOING ANY WORK ALONG TEXAS AVE, ELM AVE, KENNEDY AVE, BUNTING AVE, AND CANNELL AVE

TOTAL PARKING SPACES = 744

SEE SHEET C-2 FOR DETAIL



**UTILITIES AND AGENCIES**

CITY OF GRAND JUNCTION SANITARY SEWER	12" DIA	244-1373
CITY OF GRAND JUNCTION WATER	12" DIA	244-1373
CITY OF GRAND JUNCTION PUBLIC WORKS	12" DIA	244-1373
CITY OF GRAND JUNCTION	12" DIA	244-1373
UTILITY LOCATIONS	12" DIA	244-1373



CITY OF GRAND JUNCTION COMMUNITY DEVELOPMENT

BY:	DATE:
CITY OF GRAND JUNCTION ENGINEERING	
APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THE DATE:	DATE:
ACCEPTED AS CONSTRUCTED:	DATE:

All utility, contractor, inspection, and setting shall conform to the City of Grand Junction Standard Contract Documents for Capital Improvements Construction. Contractor shall take all steps to ensure that all work is in strict compliance with the City of Grand Junction Standard Documents for Capital Improvements Construction on site and available on all plans.

**811** Call before you dig

**A.C.G.**  
AUSTIN CIVIL GROUP, INC.  
Land Planning • Civil Engineering • Development Services  
22 North 14th Street, Suite 300 • Grand Junction, Colorado 81501  
970.244.1373

**CMU PARKING LOTS**  
SITE PLAN  
Colorado Mesa University

PROJECT NO.	1162.0009
DATE	08-15-15
SCALE	1"=40'
SHEET NO.	C-4

**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 CMU, 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 at two public hearings, 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, that CMU meet all Grand Junction Fire Department requirements as identified within the Staff Report, and.

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. 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.
3. With the vacation specific to this application, CMU has agreed to construct a minimum 20' wide asphalt paved circulation drives (fire access lane), with adequate turning radius and allow usage of the circulation drives by the public, trash collection trucks and fire/ambulance vehicles and meet all requirements associated with the review and finalization of all outstanding items associated with the Right-of-Way vacation as identified with City file number VAC-2015-182.
4. With the vacation, applicant has agreed to meet all Grand Junction Fire Department requirements as identified within this application.
5. CMU has agreed to maintain the proposed parking lots to reduce dust. If constructed with anything other than asphalt paving, then magnesium chloride shall be applied as needed.

6. CMU has agreed that all entrance/exit ways of parking lots onto City right-of-way shall have a minimum 5' deep hard surface apron.

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.

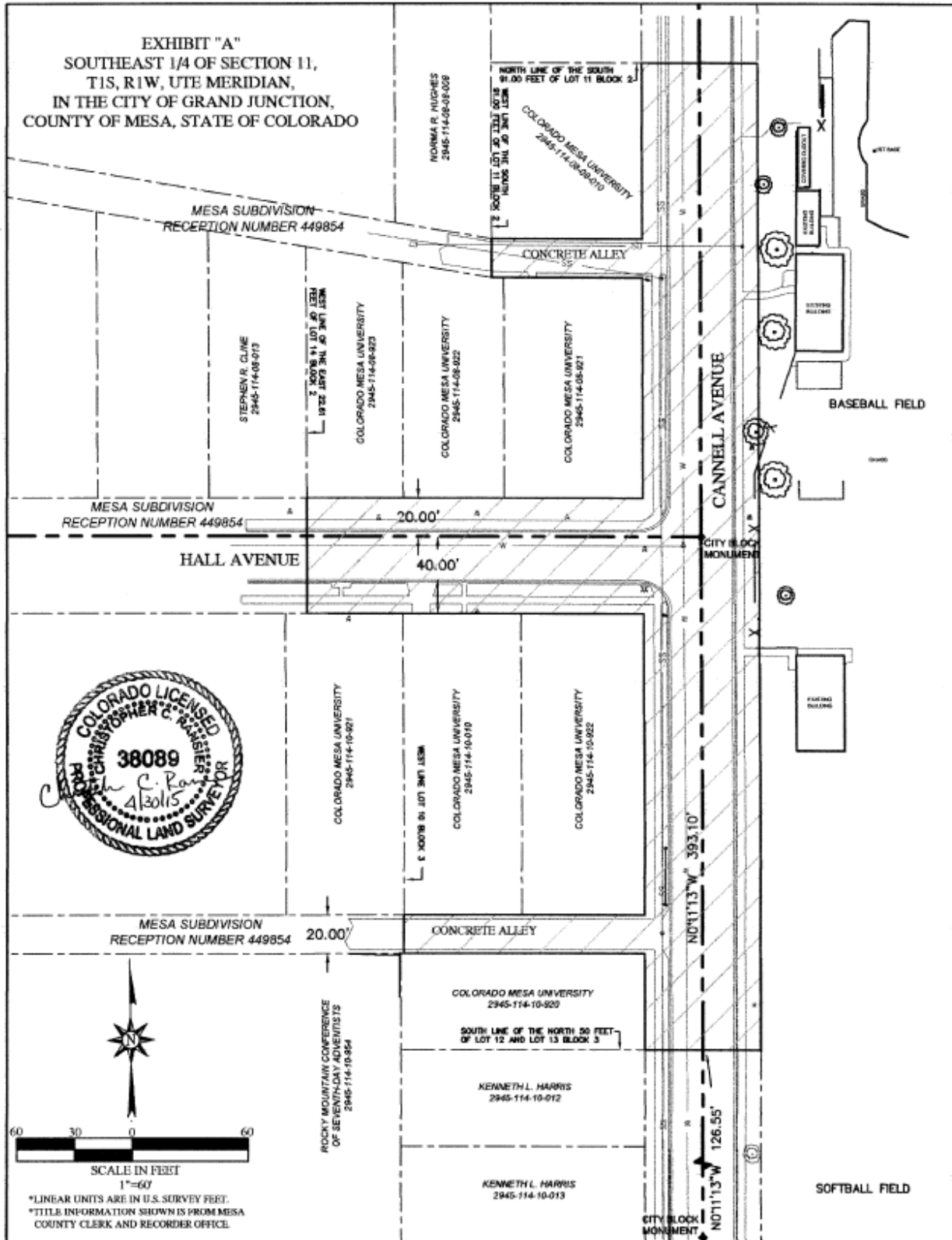
Introduced for first reading on this day of , 2015 and ordered published in pamphlet form.

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

ATTEST:

\_\_\_\_\_  
President of City Council

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





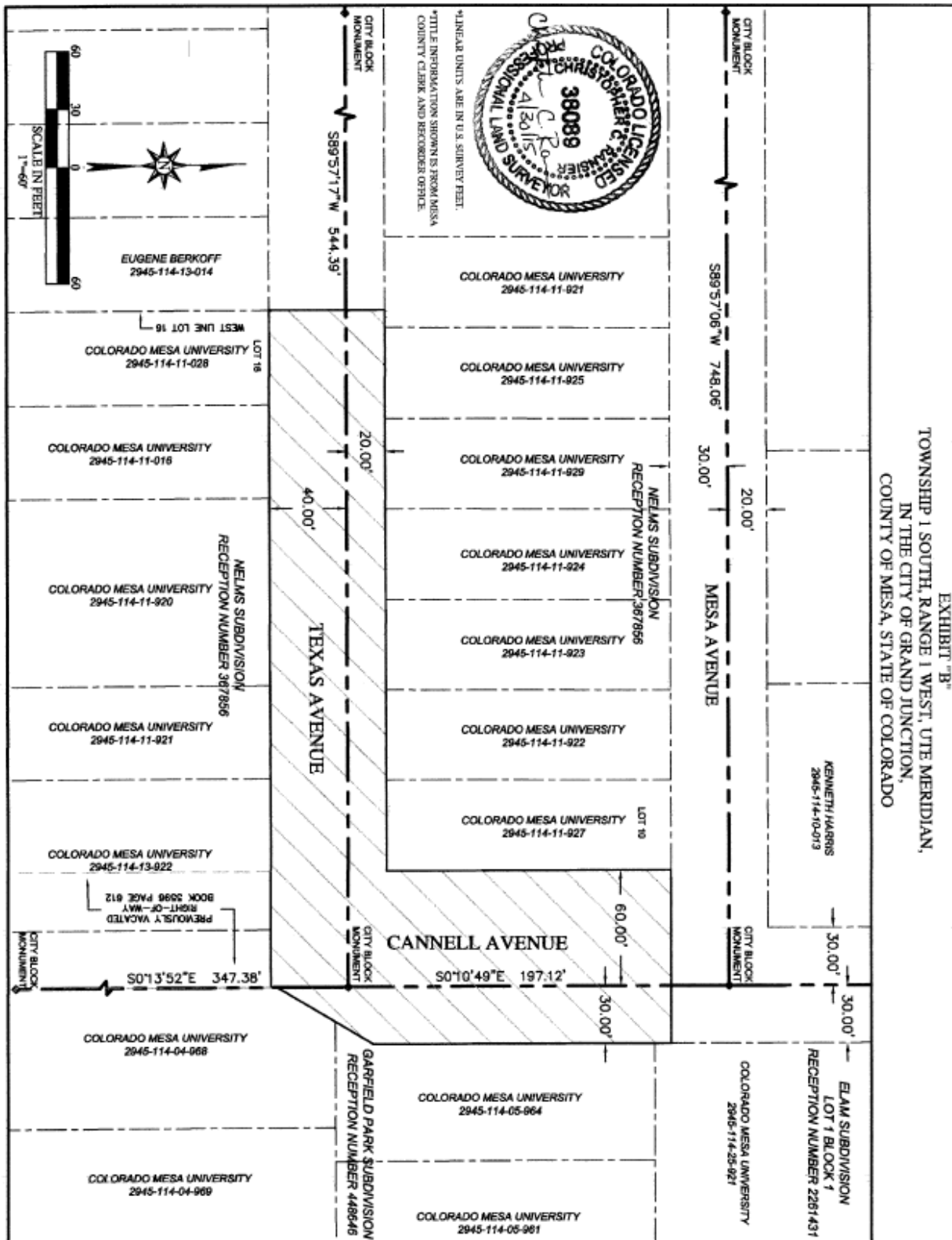




EXHIBIT "D"  
 TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN,  
 IN THE CITY OF GRAND JUNCTION,  
 COUNTY OF MESA, STATE OF COLORADO

