

**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 policies 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 handled 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 are 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.