

GRAND JUNCTION PLANNING COMMISSION
April 12, 2016 MINUTES
6:00 p.m. to 7:27 p.m.

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

Also in attendance representing the City Planning Commission were Jon Buschhorn, Kathy Deppe, Ebe Eslami (Vice-Chairman), George Gatseos, Steve Tolle, and Bill Wade.

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

Also present was Jamie Beard (Assistant City Attorney).

Lydia Reynolds was present to record the minutes.

There were 10 citizens in attendance during the hearing.

Announcements, Presentations And/or Visitors

None

Consent Agenda

1. Minutes of Previous Meetings

Action: Approve the minutes from the March 8, 2016 Planning Commission Meeting.

2. Lot 241, Heritage Heights, Filing One – Comprehensive Plan Future Land Use Map Amendment and Rezone [File# CPA-2016-15 & RZN-2016-16]

Request approval of a Comprehensive Plan Amendment and Rezone to change the Future Land Use Map designation from "Residential Medium High (8 – 16 du/ac)" to "Commercial/Industrial" and Rezone from R-8 (Residential – 8 du/ac) to I-O (Industrial/Office Park) zone district on 0.95 +/- acres.

Action: Recommendation to City Council

Applicant: Heritage Estates LLC, Owner
Location: 637 25 Road
Staff Presentation: Scott Peterson, Sr. Planner

3. Marquis Zone of Annexation and Comprehensive Plan Future Land Use Map Amendment [File#ANX-2016-37 & CPA-2016-38]

Request approval to City Council of a Comprehensive Plan Amendment to change the Future Land Use Map designation from “Residential Low (0.5 – 2 du/ac)” to “Neighborhood Center” and zoning from County RSF-4 (Residential Single-Family -4 du/ac) to a City B-1 (Neighborhood Business) on 0.54 acres.

Action: Recommendation to City Council

Applicant: Marquis Properties LLC, Owner
Location: 2245 ½ Broadway
Staff Presentation: Scott Peterson, Sr. Planner

4. Conditional Use Permit for an Outdoor Amphitheater in Las Colonias Park [File#CUP-2016-105]

Request approval of a Conditional Use Permit for Las Colonias Park Amphitheater.

Action: Approval of Conditional Use Permit.

Applicant: City of Grand Junction
Location: 925 Struthers Avenue
Staff Presentation: Lori Bowers, Sr. Planner

Chairman Reece briefly explained the Consent Agenda and invited the public, Planning Commissioners and staff to speak if they wanted the item pulled for a full hearing.

MOTION: (Commissioner Wade) “Madam Chairman, I move to request that item two, Heritage Heights, Filing One – Comprehensive Plan-Future Land Use Map Amendment and Rezone be pulled from the consent agenda for a full public hearing.”

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

With no other amendments to the Consent Agenda, Chairman Reece called for a motion to approve the revised Consent Agenda.

MOTION: (Commissioner Wade) “Madam Chairman, I so move”.

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

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

5. Lot 241, Heritage Heights, Filing One – Comprehensive Plan Future Land Use Map Amendment and Rezone [File# CPA-2016-15 & RZN-2016-16]

Request approval of a Comprehensive Plan Amendment and Rezone to change the Future Land Use Map designation from "Residential Medium High (8 – 16 du/ac)" to "Commercial/Industrial" and Rezone from R-8 (Residential – 8 du/ac) to I-O (Industrial/Office Park) zone district on 0.95 +/- acres.

Action: Recommendation to City Council

Applicant: Heritage Estates LLC, Owner
Location: 637 25 Road
Staff Presentation: Scott Peterson, Sr. Planner

Staff Presentation

Scott Peterson (Senior Planner) explained that the applicant Heritage Heights LLC, has requested a Comprehensive Plan Future Land Use Map Amendment and Rezone. Mr. Peterson stated that the applicant held a Neighborhood Meeting on January 12, 2016, however no one from the public attended the meeting nor provided written comments as of this date. Mr. Peterson noted that there were 21 property owners that were notified of the meeting whose properties were within 500 feet of the proposed site.

Mr. Peterson displayed a site location map and explained that the existing property located at 637 25 Road (0.95 acres) is part of the Heritage Heights residential subdivision and contains a modular office building that was moved to the site in 2014 to serve as a temporary office/construction trailer in conjunction with the development of Heritage Heights subdivision.

The temporary office/construction trailer has an expiration date tied to the approved Preliminary Plan phasing schedule. Therefore, on or before April 10, 2019, the temporary office/construction trailer would be required to be removed from the site or the property would need to be brought up to current Zoning Codes standards (Major Site Plan Review and Comp Plan Future Land Use Map Amendment and Rezone applications). These standards would include but are not limited to off-street parking, landscaping, screening and buffering requirements.

The applicant now desires to operate the temporary office/construction trailer as a general office and legitimize the existing land use on the property, and therefore requests a change in the Comprehensive Plan Future Land Use Map designation from "Residential Medium High (8 – 16 du/ac)" to "Commercial/Industrial" and rezone the property from R-8 (Residential – 8 du/ac) to I-O (Industrial/Office Park) zone district.

Mr. Peterson displayed the existing zoning map and explained that the subject property is surrounded on three sides by residentially zoned property to the north, south and west. To the east, across 25 Road, is the Foresight Industrial Park which is currently zoned I-O, (Industrial/Office Park) with a Comprehensive Plan Future Land Use Map designation of Commercial/Industrial. The proposed I-O zone district is the most appropriate zone district for the applicant's property since it is an adjacent zone district (located across 25 Road) and also the applicant's proposed land use of a general office is an allowed land use within the I-O zone district.

Mr. Peterson stated that the I-O (Industrial/Office Park) zone district also provides for performance standards to help mitigate the impacts of potential development regarding location of loading docks, noise, lighting glare, outdoor storage and display, to help protect adjacent residential and industrial office properties.

The Comprehensive Plan Future Land Use Map designates this property as Residential Medium High with Commercial/Industrial to the east.

Mr. Peterson displayed an aerial photo of the area and stated that to make optimum use of the property, the owner wishes to rezone the property, convert the existing temporary office/construction trailer to a permanent land use and develop the property for general office.

Changing the land use designation to Commercial/Industrial and rezoning the property to I-O, will allow the applicant to use the property for general office serving the growing residential and commercial developments within the area of 25 Road, thereby supporting Goals 3 and 12 of the Comprehensive Plan by the creation of large and small centers throughout the community that provide services and commercial areas.

Mr. Peterson noted that the proposed application also supports the creation of commercial and industrial opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

Mr. Peterson pointed out that the Grand Valley Circulation Plan indicates that in the future, the F 1/2 Rd. corridor will be constructed along the west and south property lines with the right-of-way being officially dedicated during the final platting of Filing Five as identified on the approved Preliminary Plan for Heritage Heights. With the dedication of the F 1/2 Road corridor which is 160 wide, this right-of-way will physically separate the subject property from the Heritage Heights residential subdivision. It is anticipated that Filing Five will be platted and developed sometime in late 2016 or 2017.

The Grand Valley Circulation Plan also indicates that F 1/2 and 25 Roads will be realigned separating this parcel from the residential developments to the north, west and south and in essence create a remnant parcel that will align itself more towards Foresight Industrial Park to the east.

Mr. Peterson explained that the I-O zone district is an allowed zone under the Commercial/Industrial designation, its purpose is to provide a mix of light manufacturing uses, office park, limited retail and service uses in a business park setting with proper screening and buffering.

Mr. Peterson noted that the character and/or condition of the area has changed such that the proposed amendments are consistent with the Comprehensive Plan.

Findings of Fact/Conclusions

Mr. Peterson stated that after reviewing the Lot 241, Heritage Heights, Filing 1 application, CPA-2016-15 & RZN-2016-16, a request for a Comprehensive Plan Future Land Use Map Amendment and Rezone, the following findings of fact and conclusions have been determined:

The requested Comprehensive Plan Future Land Use Map Amendment and Rezone is consistent with the goals and policies of the Comprehensive Plan, specifically, Goals 3 and 12.

The review criteria, items 1 through 5 in Sections 21.02.130 and 140 of the Grand Junction Zoning and Development Code have all been met or addressed.

Mr. Peterson added that the proposed I-O zone district allows for a retail area that is not to exceed ten percent of the of the gross floor area of the principal structure.

Questions for Staff

Commissioner Wade asked what was on the property to the north of the site.

Mr. Peterson explained that it was a house and the property is zoned R-8.

Regarding the Grand Valley Circulation slide, Commissioner Wade asked if the green line shown would be a minor arterial.

Mr. Peterson explained that the proposed minor arterial would be an 80 foot right of way and the principal arterial for the F ½ Rd corridor would be 160 feet in width. Mr. Peterson pointed out that the green line was an approximation and that as properties come in for development, the City would obtain right-of-way at that time. The illustration shows that the 25 Rd. will not go directly to the south to connect into the Parkway, but will take a bend to the west and connect in at a 90 degree angle.

Commissioner Wade asked if the existing 25 road frontage will be interior streets.

Mr. Peterson explained that with the Parkway construction and the 25 Rd. realignment would create a dead-end cul-de-sac in front of the applicant's property, therefore they would not have direct access onto the Parkway.

Applicants Presentation

Mr. Robert Jones II, 2394 Patterson Road, Suite 201, Vortex Engineering and Architecture stated that he is representing the applicant, and would like to offer a few points of clarification.

Mr. Jones noted that the developer has been working in this area for over ten years. There are three elements of the plan in this area. The northern portion is Heritage Estates that has been built out with approximately 99 homes and is a mix of single family homes with a multifamily component to the southeast.

The second component was the Heritage Heights project to the south on property between F $\frac{1}{4}$ and F $\frac{1}{2}$ Rd and is about 240 single family homes. The remaining lot 241 that is before the Commission is the third component.

Mr. Jones noted that with each of the project has been the dedication as well as the partial or full construction of F $\frac{3}{4}$ Rd., 24 $\frac{3}{4}$ Rd., F $\frac{1}{4}$ Rd., and the dedication for F $\frac{1}{2}$ Rd.

The timing of plan has been somewhat fluid and has been driven by market conditions. Mr. Jones pointed out the different phases of Heritage Heights and noted the current construction status of the filings.

Mr. Jones explained that the future road alignments and the right-of-way create a situation where the proposed lot 241 does not lend itself well to residential development. Mr. Jones stated that the proposal promotes an economic and commercial benefit to the City.

Questions for the Applicant

Commissioner Eslami asked why the applicant is requesting I-0 zoning when another zoning may be more suitable.

Mr. Jones explained that after noting the other land uses surrounding the lot, the I-O zone seemed to compliment the area. Mr. Jones also noted that the physical constraints of the lot make it difficult to meet site specific design criteria for an R-O zone district.

Chairman Reece noted that the current zoning does not expire until 2019 and asked for clarification of the urgency for this change before the 160 foot right-of-way occurs.

Mr. Jones stated that it has always been in the plans that this lot would become some kind of commercial element because of its configuration and the way it has been carved off from the rest of the project. Mr. Jones also noted that the applicant is hesitant to create a formal site plan application or make landscaping improvements to the site until they are certain of the zone.

Chairman Reece explained that she has a hard time seeing how it was “always planned” to have a commercial element since it is zoned R-8 in the future Comprehensive Plan.

Mr. Jones explained that as they were planning the project area, they felt the lot created would not be a desirable residential lot considering the future build out to F 1/2, 25 Rd and the Parkway.

Chairman Reece asked if the 160 foot right-of-way has been dedicated.

Mr. Jones replied that it is being dedicated with Filing 5.

Commissioner Deppe asked what size the remaining lot would be after the dedication of the right-of-way.

Mr. Jones stated it would be .95 acres.

Commissioner Gatseos, noting that there were apparently no attendees to the neighborhood meeting, asked if the applicant had contacted the owner of the residential property to the north, which is currently zoned R-8.

Mr. Jones stated that the required notices were sent, but the applicant did not specifically contact the neighbor to the north.

Questions/Comments from Public

Chairman Reece opened the public hearing portion of the meeting and asked if there were any questions or comments from the Public regarding this request. Hearing none, Chairman Reece asked if there were additional question for the staff or applicant.

Questions for Staff

Commissioner Buschhorn asked if there was a start date associated with the F ½ Rd / Parkway proposal.

Mr. Peterson noted that the funding was voted down in last year’s election. Currently the City obtains the needed right-of-way as development occurs, in anticipation of funding in the future.

Commissioner Buschhorn asked if this proposal will create an I-O bump out with three of the surrounding parcels zoned residential.

Mr. Peterson replied that it would, however it’s hard to say if other parcels will remain zoned residential as the Parkway is constructed in the future.

Commissioner Wade asked why there wasn’t a special effort to contact the

homeowners to the north.

Mr. Peterson explained that the property owners get notified three times. The first notification is when the applicant sends out the neighborhood meeting request, the second time when the applicant submits the project for review, and the third time is when a project goes to public hearing before the Planning Commission. Mr. Peterson noted that a yellow sign, noting the submittal of a land use application with the City is posted on the property as well. Mr. Peterson added that as properties develop along 25 Road, the City will require dedication of right-of-way.

Chairman Reece asked how the right-of-way is obtained.

Mr. Peterson explained that the right-of-way is obtained through a subdivision plat or by separate deed.

Chairman Reece asked if the City compensated the landowners.

Mr. Peterson explained that the right-of-way is dedicated as part of the approval requirements and is considered part of the developer's responsibilities. The City may choose to compensate landowners when right-of-way is needed on parcels that will not be developed.

Commissioner Eslami asked if the 160 foot right-of-way dedication was a part of tonight's proposal.

Mr. Peterson stated that the 160 foot right-of-way dedication was part of the Preliminary Plan.

Commissioner Buschhorn asked what information is sent out in the notice to the neighbors.

Mr. Peterson explained that as the project planner, he reviews the neighborhood meeting letter that is sent out by the applicant. The letter will state what is proposed to take place on the subject property. In addition, there is a descriptive paragraph of the project on the notice cards that the City sends out.

Chairman Reece inquired what other uses may be allowed in an I-O zone district.

Mr. Peterson stated that the I-O (Industrial Office/Park) allows for light manufacturing, office and some commercial services. Other examples of possible uses include general offices, colleges/universities, vocational schools, community services building, museums, general daycare, medical and dental clinic, counseling center, public safety building, and utility services.

Chairman Reece noted that heavy equipment storage was also a possible use and her concern is that there is a wide range of possible uses. With light manufacturing a

possibility, there could be semi-truck deliveries and/or drop offs etc.

Mr. Peterson explained that the size of this parcel is less than an acre, and even if they scraped the building, and proposed a new one, landscaping and off street parking requirements would be triggered. Most likely, a manufacturing business would not view this size lot as desirable. Mr. Peterson stated that in his professional opinion, this lot is best suited for an office type building.

Commissioner Eslami asked if they could put up a chain link fence and use it for equipment storage.

Mr. Peterson explained that the screening a buffering requirements for I-O next to R-8 requires a 6 foot tall wall along the north property line so it wouldn't be a chain link all around.

With no more questions for staff, Chairman Reece closed the public hearing portion of the meeting.

Commissioner Discussion

Commissioner Gatseos stated that the rezone seemed to make sense for this property. At first glance he preferred it to be rezoned to R-O as it seemed more of a transition, however after hearing the existing arguments, he agreed that the I-O is compatible. Commissioner Gatseos asked Mr. Peterson if the I-O zone district limits retail to ten percent.

Mr. Peterson stated that in an I-O zone district, not more than ten percent of the gross floor area can be used for retail.

Commissioner Buschhorn stated that he felt the rezone was premature as the proposed Road going through (the Parkway) was in an indeterminate amount of time as to when that would happen. By rezoning now, there could be 10 or 20 years where the residents will be neighboring an the business uses allowed in an I-O zone district. Commissioner Buschhorn felt that any sort of commercial is not appropriate for the area until the time where the future Parkway is budgeted and going in.

Commissioner Eslami agreed with Commissioner Buschhorn that it is too soon to rezone.

Commissioner Toole asked what kind of intersection or controls will be at the intersection where the proposed arterial intersects with 25 Road. Commissioner Toole noted that he was talking about the east side of the site, and to the south.

Mr. Peterson clarified that 25 Road would dead-end before it gets to the Parkway and there would be some type of cul-de-sac, in front of the applicant's property.

Chairman Reece agreed that the change in zoning and the amendment to the comp plan is premature, and according to staff at the workshop, there are no other locations in the City where I-O abuts next to residential zones.

Mr. Peterson noted that in his review after the workshop, there is another example on H Road, north of the interstate, east of 27 Road where I-O abuts R-1 zone district with no right-of-way separation.

Chairman Reece added that she still feels this is premature and the right-of-way needs to be secured before considering the rezone. Chairman Reece stated that the citizens were clear when they voted down the item on the ballot saying they did not want to use City funds to develop F ½ Road.

MOTION: (Commissioner Eslami) “Madam Chairman, on Comprehensive Plan Future Land Use Map Amendment and Rezone, CPA-2016-15 and RZN-2016-16, I move that the Planning Commission forward a recommendation of approval for the Comprehensive Plan Future Land Use Map designation from "Residential Medium High (8 – 16 du/ac)" to "Commercial/Industrial" and a rezone from R-8 (Residential – 8 du/ac) to I-O (Industrial/Office Park) zone district, with the findings of fact and conclusions listed in the staff report.”

Commissioner Wade seconded the motion. A vote was called and the motion failed by a vote of 6-1.

6. Landmark Baptist Church Rezone

[File#RZN-2016-52]

Request to rezone 0.712 acres from an R-8 (Residential 8 du/ac) to an R-O (Residential Office) zone district.

Action: Recommendation to City Council

Applicant: Landmark Baptist Church
Location: 2711 UnawEEP Avenue
Staff Presentation: Senta Costello, Sr. Planner

Staff Presentation

Senta Costello (Senior Planner) stated that this is a request to rezone 2711 UnawEEP from its current zoning of R-8 (Residential 8 du/ac) to a City R-O (Residential Office) zone district. Ms. Costello displayed a site location map and noted that it is located at the southeast corner of Pinion Street and UnawEEP in Orchard Mesa. Ms. Costello noted the future land use map shows this property, as well as all the surrounding properties, as Residential Medium. The current zoning of the property is R-8 (Residential 8 units/acre) as is the surrounding neighborhood.

Ms. Costello explained that the applicant, Landmark Baptist Church, would like to relocate elsewhere within the City as they have outgrown the site. They would like to rezone the property in order to expand the potential uses for the property and potential buyers. They have had the property on the market for a couple years and have had difficulty in finding potential buyers. The applicant had a potential buyer who wished to open a Funeral Home/Mortuary/Crematorium on the property, however that is no longer on the table.

Ms. Costello noted that the building was built in 1947 and has been used as a church since construction.

Questions for Staff

Chairman Reece asked if the property was rezoned to R-O and a use other than a church wants to go in on the property, what process they would use to make that happen.

Ms. Costello stated that it would depend if the use is allowed in the zone district. Assuming the use it allowed, it would need to be determined if the use is by right or allowed with a Conditional Use Permit. Ms. Costello further explained that if it is allowed by right, it would need to go through a Change of Use process. That process would include a review of parking for the property and whether the new use has the ability to provide adequate parking either on the site or possibly utilize another property in the neighborhood.

Chairman Reese asked if the Change of Use Process is a public process.

Ms. Costello explained that any of the processes are open to public input, however, a sign is not posted and notices are not mailed out for a Change of Use.

Questions/Comments from Public

Chairman Reece opened the public hearing portion of the meeting and asked if there were any questions or comments from the Public in opposition of this request.

Linda Richmond, 2715 Unawep, noted that she lives next to the house that is next to the Church to the east. Ms. Richmond explained that the Church was built as a Church in 1947. Her house was built as a residential home in 1947 and she bought it in 1990 as a residential property. Ms. Richmond wanted to express her concern over the Church property being used for uses other than a Church or residential type of use. She is already having to deal with overflow parking driving over her property.

Ms. Richmond stated that there are two schools, a math and science school and a middle school nearby, therefore there are a lot of children passing by in the area. Additionally, she is concerned with housing appraisals in the area that may depreciate with different types of uses that could utilize that property.

Chairman Reece recapped Ms. Richmond concerns.

Ms. Richmond added that she does not want to see a rezone where a crematorium is allowed.

Commissioner Eslami noted that the potential buyer, a crematorium, had backed out of their offer.

Ms. Richmond stated that if the rezone occurs, it is possible that another crematorium could locate there.

Chairman Reece asked if there were any other people who wished to speak in favor of the proposal. With no one present wishing to speak in favor, Chairman Reece moved on to questions for the staff.

Questions for Staff

Chairman Reece asked Ms. Costello to go over other potential uses allowed in an R-O zone district.

Ms. Costello, explained that she will highlight uses that are permitted in R-O zone district, and not allowed in an R-8 zone district. Ms. Costello noted an unlimited group living facility, museums, art galleries, libraries, dental and medical clinics, funeral homes, boarding schools, general offices, health clubs, community service building, personal services including beauty/barber shops and tanning salons are some of the uses allowed.

Chairman Reece asked if the parking requirements for R-O would be different that the current requirements for the Church.

Ms. Costello explained that in an R-O zone district, parking is required to be beside or behind the building and out of the front yard setback. Ms. Costello noted that they have evaluated the current parking and in the future, at the time of a Change of Use process, they would eliminate the parking along Unawep Ave. due to heavier auto and pedestrian traffic in that area. Ms. Costello stated that the rest of the parking, along and behind the building, would most likely meet the standards of an R-O zone district.

Commissioner Wade asked if the parking requirements are use specific.

Ms. Costello stated that the parking is use specific and would have to be calculated before the use is approved.

Commissioner Wade raised the question if another Church was to acquire the property, would they lose the parking along Unawep Ave.

Ms. Costello responded that a Church is a use that would be grandfathered in regarding

parking.

Discussion

Commissioner Gatseos felt that the parking situation may improve with the rezone to R-O. Commissioner Gatseos mentioned that he understands the concerns of the neighbors, however, Unawep Ave. has changed over the years and it appears an R-O zone district would be appropriate.

With no additional discussion, Chairman Reece closed the public hearing portion of the meeting and asked for a motion.

MOTION: (Commissioner Wade) “Madam Chairman, on Rezone, RZN-2016-52, I move that the Planning Commission forward a recommendation of the approval for the Landmark Baptist Rezone from R-8 (Residential 8 du/ac) to R-O (Residential – Office) with the findings of fact, conclusions, and conditions listed in the staff report.”

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

7. Colorado Mesa University Alley Right-of-Way Vacation [File#VAC-2016-100]

Request to vacate a portion of public alley right-of-way (adjacent to properties owned by CMU or currently under contract with CMU) between Elm and Kennedy Avenue’s as part of the Colorado Mesa University expansion projects.

Action: Recommendation to City Council

Applicant: Colorado Mesa University
Location: Portion of Alley located between Elm and Kennedy Avenue’s
Staff Presentation: Scott Peterson

Staff Presentation

Scott Peterson (Senior Planner) stated the applicant, Colorado Mesa University, requests approval to vacate a portion of public alley right-of-way between Elm and Kennedy Avenue’s.

Mr. Peterson noted the applicant held a Neighborhood Meeting on March 23, 2016. Over 30 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. To date, the City has only received one email correspondence from the property owner at 860 Kennedy Avenue concerning this proposed vacation request which was included in the staff report.

Mr. Peterson displayed the site location map and noted Colorado Mesa University (“CMU”), requests the vacation of a portion of public alley right-of-way between Elm and Kennedy Avenue in order to aid in the continued westward expansion efforts planned for the campus. Specifically, this vacation request facilitates the construction of a new engineering building on campus.

Mr. Peterson explained that the nine (9) properties abutting the section of alley right-of-way for which vacation is sought, are owned by Colorado Mesa University with the exception of one property (810 Kennedy Avenue) which is currently under contract with CMU.

Presently, the alley between Elm and Kennedy Avenue’s does not contain any City public utilities (water, sewer, storm sewer, etc.) therefore, there is no need for the City to retain a Utility Easement as part of this vacation process. Any existing utilities located within the alley will be moved and relocated by Xcel Energy as part of the construction of the new engineering building and if necessary, appropriate easements to Xcel Energy will be dedicated at that time.

Mr. Peterson presented slide illustrating the current zoning and Future Land Use Map zoning designations.

Mr. Peterson explained that as a condition of approval, CMU will need to meet all Grand Junction Fire Department requirements for construction of the engineering building and may be required to construct access around the site compliant with the 2012 International Fire Code. CMU will also be required to provide and record a private “Access Easement” across CMU property(s) for the benefit of the remaining property owners located at 830, 850 and 860 Kennedy Avenue. This condition is required as the remaining properties will have no “legal access” to the rear of their properties once the alley is vacated.

Mr. Peterson stated that the Fire Department has not reviewed the plans for the new building but has indicated that the applicant may be required to construct access roads around the new building in accordance with the 2012 International Fire Code. The requested vacation does not adversely impact police/fire protection to the remaining properties.

Mr. Peterson explained that by granting the request to vacate a portion of an existing alley right-of-way meets Goal 12 Policy A of the Comprehensive Plan by supporting the University in their facilities and building expansion projects, enhances a healthy, diverse economy and improves the City as a regional center of commerce, culture and tourism. The requested vacation also does not conflict with the Grand Valley Circulation Plan and other adopted plans and policies of the City.

Mr. Peterson noted that no adverse comments concerning the proposed rights-of-way vacation were received from the utility review agencies during the staff review process,

including Xcel. Water and sanitary sewer are not located within the alley, therefore there is no reason for the City to retain a utility easement. Any existing utilities located within the alley will need to be moved and relocated as part of the construction of the new engineering building and, if necessary, appropriate easements to Xcel Energy will be dedicated at that time.

After reviewing the Colorado Mesa University application, VAC-2016-100 to vacate a portion of public alley right-of-way, the following findings of fact, conclusions and conditions have been determined:

Findings of Fact/Conclusions

Mr. Peterson displayed a slide illustrating the following findings of fact/conclusions.

1. The requested alley right-of-way vacation is consistent with the goals and polices of the Comprehensive Plan, specifically, Goal 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. With the vacation, the Applicant shall dedicate and record a private "Access Easement" across CMU property(s) for the benefit of the remaining property owners located at 830, 850 and 860 Kennedy Avenue.
4. With the vacation, the Applicant will need to meet all Grand Junction Fire Department requirements for construction of the engineering building.
5. The Applicant shall coordinate relocation of utilities upon construction of the new engineering building and dedicate applicable utility easements to Xcel Energy as necessary.

Questions for Staff

Chairman Reese asked Mr. Peterson if the private Access Easement across the CMU properties would allow for vehicular access.

Mr. Peterson stated that it would and city staff would be reviewing the document before it was recorded. Mr. Peterson pointed out on the aerial photo approximately where the new building may go, and how the private access easement could be configured.

Applicants Presentation

Mr. Derek Wagner, representing Colorado Mesa University, gave a presentation that included information on the increasing enrollment in their engineering programs and the need for a new Computer Science and Engineering building. Mr. Wagner displayed a slide with the general area of the new building.

Questions for Applicant

Commissioner Wade asked where CMU stands with state financing for the building. Mr. Wagner stated that the outcome of the hospital provider fee may determine if there is any State funding for the project this year. Mr. Wagner stated that they are looking to all forms of funding to move forward with the project.

Commissioner Deppe stated that at the workshop they had discussed concern that the private access may not include vehicular access, but based on the reassurance it does, she is ok with the proposal.

Commissioner Wade stated that he appreciates that CMU has become more pro-active in working with the Commission because it makes it a lot easier to understand what is being proposed not only now but down the road as well.

MOTION: (Commissioner Eslami) “Madam Chairman, on item VAC-2016-100, I move we forward a recommendation of conditional approval to the City Council on the request to vacate a portion of alley right-of-way located between Elm and Kennedy Avenues, with the findings of fact, conclusions and conditions stated in the staff report.”

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

8. Nonscheduled Citizens and/or Visitors

None

9. Other Business

Mr. Moberg reminded the Commission that there is a workshop on Thursday, April 21st. That will not be a joint workshop as Mesa County will have their own workshop, however the April 26 meeting will be a joint meeting with the Mesa County Planning Commission to review and recommend the wireless plan as well as changes to the code.

Mr. Moberg also mentioned that a retreat is being planned and June 16th is a tentative date. The retreat will most likely be $\frac{3}{4}$ of a day and be held at the Avalon.

Commission Toole asked if there was an agenda already, listing times and topics. Mr. Moberg said they were still working on one and they are open for suggestions.

Chairman Reece mentioned that they are trying find speakers and that she had suggested a presentation on the topic of land use planning and state water planning. Knowing what the trends are and how to be good stewards of the land and water. Another trend that is being considered for a topic is the tiny house movement.

Additionally there will be a presentation from the city attorney with suggestions as to what questions may be helpful to ask when reviewing a proposal.

Commissioner Wade asked how the joint meeting would work. Mr. Moberg stated that it would be held in the auditorium and the Mesa County Planning Commission will be excused at the end of the wireless portion, and the City Planning Commission will stay and hear the code amendment item.

Adjournment

The Planning Commission meeting was adjourned at 7:27 p.m.