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DAN G. GRIFFIN KIRK RIDER JAMES S. CASEBOLT RONALD W. GIBBS CATHY .P. HOLLINGSWORTH EARL G. RHODES TIMMS R. FOWLER

MARK R. LUFF YEULIN V. WILLETT YOUNGE & HOCKENSMITH PROFESSIONAL CORPORATION ATTORNEYS AT LAW 200 GRAND AVE., SUITE 500

200 GRAND AVE., SUITE 500 P.O. BOX 1768 GRAND JUNCTION, COLORADO 81502-1768 303-242-2645 FAX 303-241-5719

March 30, 1989

OF COUNSEL THOMAS K. YOUNGE FRANK M. HOCKENSMITH

RECEIVED GRAND JUNCTION PLANNING DEPARTMENT
MAR 3 1989

Karl G. Metzner Director of Planning Grand Junction Planning Department 250 North 5th Street Grand Junction, CO 81501

Re: 200 Grand/Colorado National Bank Project - Parking

Dear Karl:

By this letter, we ask that you approve some minor changes to the on-site parking arrangements that were the subject of our recent request followed by your February 17 letter to me. In your February 17 letter, you granted our request to reduce the required parking attending the existing office building to 120 spaces under certain conditions. A copy of that letter is attached for your convenience. Based upon the evolving site plan for the entire block and recent action by the Grand Junction City Council, we ask that you approve some minor modifications to the scheme we proposed earlier.

First of all, the latest site plan, which we believe is a final one, has been furnished to your Department by Bob Herndon, the architect for the project. It calls for the entire East-West alley to be vacated, and the City Council has taken this step. We do not intend to use the vacated alley property for parking, even after the utilities have been undergrounded.

Second, the Bank and the Partnership have agreed to create a North-South traffic lane through the center of the block, which will impinge somewhat upon the parking that we previously had counted on. We think the parking on the West half of the block may be as little as 116 spaces rather than the 120 that we previously discussed.

On the other hand, the Bank has changed its plans for the East half of the block to substantially increase the stationary parking there. CNB is willing to grant to 200 Grand a permanent easement for up to 25 cars, 10 more than the 15 spaces that we discussed earlier. Karl G. Metzner March 30, 1989 Page Two

With all that introduction, we ask that the required parking for the 200 Grand office building be reduced from 120 spaces to 116 spaces, upon such conditions as your Department may impose.

Speaking of conditions, CNB had one question concerning condition #3 in your February 17 letter. They would like to be reassured that the presently planned remodelling of the 200 Grand building to accommodate their Bank would not be a remodel requiring a review of the parking demand. Based on my discussions with you, I believe that your condition #3 is meant to refer to future changes <u>after</u> the Bank has occupied the property. That is, we believe your February 17 approval was based upon the scenario described in our original request, which included the Bank's occupancy of the first and second floor. Could you confirm this to us, please?

I will look forward to your response.

Very truly yours,

YOUNGE & HOCKENSMITH, Professional Corporation

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Kirk Rider

KR/lmr

Enclosure

cc: Shannon T. Morgan

• <u>Kirk Fider</u> 242 - 2645

REQUEST FOR REASONABLE PARKING REDUCTION

TO: City Planning Department Grand Junction, Colorado

There is currently pending a petition for alley vacation in Block 76 of the City of Grand Junction. This application is in furtherance of the development of all of Block 76. Currently, the Block is occupied by the Two Hundred Grand Properties commercial office building and three vacant buildings.

Under applicable Grand Junction Zoning and Development Code requirements, the existing office building, which consists of 47,000 square feet (gross), would require about 160 parking spaces. When the Partnership originally built the project in 1982, 185 spaces were provided.

Under the development plan for the Block that has been developed by 200 Grand and Colorado National Bank, CNB will acquire the East one-half of the entire City block, for the construction of a small (5,000 square feet) free-standing facility for drive-up and walk-up customers. The Bank will also occupy the first and second floor of the existing office building as a tenant. As a result of the Bank's acquisition of parts of the existing project's parking areas, the office project will be left with less parking than is required by the City Development Code. For the reasons set forth below, 200 Grand is requesting a reasonable reduction in the parking requirements for its existing building.

Even when fully rented, the 200 Grand office project generates low parking loads. There are several reasons for this. First, an unusually large portion of the building's square footage is devoted to common areas rather than occupied tenant space. This is due to extensive dedicated common areas, such as large stairwells (two), an elevator shaft, a lunch room, a large conference room, large restrooms on each floor, and a roomy entrance lobby. The usable square footage in the project is 37,000 square feet.

Second, the quality of the project has led to tenants that also use space less intensively. The fourth and fifth floors of the building, for example, are each occupied by a separate law firm. Each firm has a large reception area, a large and a small conference room, a separate library, a separate file room, and a kitchen area. Although these spaces are necessary, their overall level of occupancy is rather low, and a reduced parking load results. Third, the Bank occupancy

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of two floors should also produce a light parking load in relation to the building square footage being occupied. The Bank's plans include substantial open lobby area, as well as a board room and a new vault addition that will be lightly utilized.

Data exist to support the general observations and reasoning in the preceding paragraphs. In 1987, the 200 Grand project was 100% occupied, with office tenants instead of a bank on the first and second floors. Discussions with a prospective buyer of the East end of Block 76 gave rise to the issue of parking adequacy then. At that time, the 200 Grand Partnership counted the occupied and vacant parking spaces at the facility twice a day for over two weeks. These counts were performed around 10:00 a.m. and 2:00 p.m. each day, which were assumed to be peak parking times. With 185 total spaces, the number of parked cars ranged from a low of 75 to a high of 90, with an average of 86. Thus, at all times, there were between 95 and 110 empty parking spaces.

Fourth, smaller office buildings seem to require more parking per square foot because of the occasional "overflow" event affecting the sole tenant or a chief tenant. Larger projects tend to average out parking load fluctuations among the various tenants. In the case of the uses on Block 76, we anticipate this will continue to be the case in the main office building. Furthermore, the 200 Grand Partnership and Colorado National Bank have reached agreement to create mutual parking easements for 15 parking spaces between them; these easements will be perpetual. They should provide a more than ample cushion of available parking on the block.

Finally, we have performed car counts in February of 1989 to determine current parking loads for the 200 Grand project. In view of the fact that some 5,000 square feet is vacant on the first floor, producing a 85% occupancy rate for the building (89% on a gross basis), we expected that even more vacant parking spaces would be observed. Based on twice-daily vehicle counts on February 10, 13, 14 and 15, there are between 81 and 103 cars parked on-site at the project, with an average of 91; the average number of empty spaces is 94. We invite the Planning Staff to visit our site and verify these counts. Assuming that the Bank occupancy in the 200 Grand project will produce 100% occupancy at the project, the reasonable parking requirement of the building would be 120 spaces, approval of which we are requesting. This number of spaces will be present on-site, and the easement for parking in the CNB area will provide a further "cushion" of 15 added spaces. The following chart illustrates the request now being made.

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Code requirement	161
Parking spaces now in place	^{\$} 185
Average of parking spaces now being used at 89% building occupancy level (85% of usable space)	92
Historical average load (100% building occupancy)	86
Estimated average parking load with Bank tenant and 100% occupancy	108
Reduction being requested (from Code requirement of 161 to 120)	41
Margin of excess parking spaces still remaining on-site <u>after</u> <u>reduction</u> with 100% building occupancy	12
Extra margin for occasional events through perpetual easement for 15 more spaces on CNB property to East	27
	<i></i>

The new banking facility on the East end of the Block will provide far more new parking than its needs would suggest, too. The 5,000 square foot facility will house a maximum of eight tellers. Of these, about half will serve drive-through customers and half will serve customers who park their cars and walk inside. The site plan being proposed by the Bank will accommodate 36 cars in the drive-up lanes and will provide 34 new stationary parking spaces for Bank employees and Bank customers, on the East end of the Block alone.

One example stated in the Development Code of justification for reduced parking requirements is that a large number of employees walk to work. Only a few employees at the 200 Grand building walk to work. However, a substantial portion of the business customers and clients that visit the building walk there from the businesses, institutions and professional offices located in the downtown area. For this reason, customer parking plays a smaller-than-usual role in the project's parking load. Although the new bank will produce an increased amount of driving customers, the Bank's own added parking will more than accommodate that increase. As the "center of gravity" in downtown Grand Junction shifts further West, this walking access to 200 Grand will only become more prevalent.

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We believe all of the foregoing, when taken together, constitute "unusual" circumstances as would justify a reasonable reduction under Part J of Section 5-5-1 of the Zoning and Development Code. Fortunately, we can establish that the proposed parking is more than adequate for this project. It isn't necessary to rely on guesswork or speculation, or upon the ample unused on-street parking around the project. Even if added parking were indicated, which it is not, it would be impossible or prohibitive to acquire it. We will already be spending around \$20,000.00 this summer purely to maximize the parking available on-site to provide the 120 spaces being proposed.

PROJECT NARRATIVE

Two Hundred Grand Properties, a Colorado partnership ("200 Grand"), owns all of Block 76 in the City of Grand Junction. Block 76 is bordered by Grand Avenue on the South, Ouray on the North, Second Street on the West, and Third Street on the East. The present improvements on the site consist of a 47,000 square foot (37,000 square foot usable) office building and three small vacant buildings. The buildings were originally residences facing onto Grand Avenue, but for the past several years have been either vacant (one building) or used commercially (two buildings).

200 Grand has agreed with Colorado National Bank -Grand Junction ("CNB") to sell the eastern one-half of Block 76 (eight lots fronting Grand and eight lots facing Ouray), and to lease two floors of the existing 200 Grand facility, all for banking purposes. CNB intends to develop its 16 lots in accordance with the site plan attached hereto as Exhibit A. 200 Grand would also modify its parking and landscaping to create a coordinated "campus" effect for all of Block 76. To accommodate the free-standing banking facility to be built east of the existing building, as well as expected drive-up patronage, it will be necessary to vacate the existing alley after undergrounding all overhead utilities.

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Original Do NOT Remove From Office The free-standing facility shown on the accompanying site plan will be approximately 10,000 square feet in area. Demolition and site work are expected to begin in early summer. The project architect and CNB officials anticipate completion of all remodeling and construction by September of 1989.

As the owner of all property affected by the proposed vacation, 200 Grand foresees no adverse impact. Vacating the alley on the western portion of the Block will improve parking and parking lot maintenance for the office building, and parking access will be at least as good as it presently is. On the east end of the Block, the alley vacation will permit a highly desirable development to proceed with maximum operational efficiency and aesthetic appeal. Traffic will still be able to travel through the Block east and west without interruption. Traffic will also be able to travel north and south through the Block, which is presently not possible.

The alley in question presently divides land with different zoning classifications. The lots facing onto Grand Avenue are zoned B-3, and the lots facing onto Ouray are zoned P. Following the vacation and the completion of the project, the same zoning classifications would apply, meeting in the center in the vacated alley.

Property lying West of Block 76 across Second Street is zoned C-1 and RMF-64. The C-1 property is utilized as a used car lot, and the RMF-64 property contains small rental houses. Property lying east of Block 76 across Third Street is zoned PZ

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and RMF-64, with a post office service facility occupying the PZ property and a house on the RMF-64 parcel.

The requested vacation does not land-lock any lands, nor does it reduce access to any property. Actually, access between the different segments of Block 76 is improved.

When combined with the utilities undergrounding that the owners are undertaking, the quality of utilities services to the affected property is improved. The development will improve the overall accessibility of police and fire protection and offers the added advantage of removing structures that have housed vagrants and which represent substantial fire hazards. Certainly, the general community welfare will be enhanced as a result of the development planned for the property, and no adverse impacts will result from the alley vacation. Although the alley vacation <u>per se</u> neither follows nor conflicts with established and policies and guidelines of the City, the general development proposal complies with the City's and DDA's corridor development guidelines.

The development of Block 76 has steadily reduced City maintenance requirements as land ownership and City service requirements were consolidated. The resulting development will continue this trend, by reducing City water and sewer hookups for the entire block to a minimum, by eliminating alley maintenance requirements, and by combining all trash pickup in a single screened "dumpster" container.

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In summary, the proposed alley vacation will be mildly beneficial in and of itself, but the overall development of Block 76 that the alley vacation permits will provide substantial benefits to the City, with no adverse impact.

SUPPLEMENT TO APPLICATION NARRATIVE

Before appearing before the Grand Junction City Council, Two Hundred Grand Properties ("200 Grand") may reduce the extent of its alley vacation request. Rather than vacating the entire alley between 2nd and 3rd Streets, 200 Grand may ask the City only to vacate the Eastern one-half of the alley, where the CNB drive-up facility lanes will be.

The chief reason for this is that CNB and 200 Grand intend to underground the utilities in the entire alley. However, City undergrounding fund monies are only available for utilities being undergrounded in a public right-of-way. The only way that 200 Grand can use undergrounding fund monies on its portion of the undergrounding project is to leave the alley in public ownership.

This possible change in our application has been discussed with Grand Junction City Development Staff and City Engineering. They have advised us that vacating one-half of the alley will not be objectionable, so long as certain conditions are met. First, we must provide for ingress and egress from the dedicated alley on the West half of the block. City Engineering has suggested a public easement for ingress and egress going directly North from the end of the alley along the new North-South alley being created by 200 Grand and CNB. Second, 200 Grand must be willing to maintain the unvacated alley following the undergrounding of all utilities. Third, some acceptable arrangement must be made for trash pickup on the entire block. 200 Grand and CNB have agreed that a single new dumpster location will be established on CNB's property for use by both property owners, regardless of how much of the alley is vacated. Fourth, the City Development Staff will require an agreement from 200 Grand that if parking load is too great on the West end of the block following all construction and CNB's location, 200 Grand will then vacate the alley at the request of the City Development Department. Following that vacation, additional parking can be put in the alley.

200 Grand will accept all of these conditions if the reduced alley vacation is ultimately requested. 200 Grand asks the Planning Commission to also recommend approval of the <u>reduced</u> alley vacation so long as the City agency requirements described above are met to the satisfaction of the applicable agency staff.

REEMENT

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This Agreement, made this _____ day of March, 1989, between TWO HUNDRED GRAND PROPERTIES, a Colorado partnership ("200 Grand"), and the CITY OF GRAND JUNCTION, COLORADO, a Colorado municipality (the "City"),

WITNESSETH:

A. 200 Grand has applied for the vacation of the Eastern half of the dedicated alley running through Block 76 in the City of Grand Junction;

B. The City is willing to vacate the dedicated alley as requested by 200 Grand, subject to the terms and conditions set forth below;

C. The parties wish to memorialize their agreement for the future guidance and protection of the parties and their successors.

Therefore, THE PARTIES AGREE:

1. It is contemplated that utilities will be undergrounded over the entire length of the existing alley in Block 76, and that 200 Grand or its successors in title will pay the cost of the utilities undergrounding being performed in that portion of the alley now being vacated, whether or not the vacation proceedings have become final at the time of the undergrounding work. 2. 200 Grand will grant a public easement for ingress and egress North from the terminus of the unvacated portion of the alley in Block 76. Should the balance of the alley in Block 76 be vacated at a later time, the public easement described in this paragraph will also be vacated.

3. Although approximately the Western one-half of the existing alley will not be vacated, 200 Grand will bear complete responsibility for all future maintenance and upkeep of driving surfaces, traffic control devices and improvements, etc., located on or in said alley right-of-way.

4. 200 Grand will grant all necessary easements for utilities installed in the existing alley right-of-way, as may be required by the City or the affected public utilities that may now or hereafter occupy the alley.

5. The City may at any future time vacate the remaining portions of the alley in Block 76, and 200 Grand waives any objection it might raise to such vacation. The City does not presently intend to do so unless parking on Block 76 appears to be inadequate. If the City reasonably determines that parking is inadequate, 200 Grand will modify its existing parking and site improvements on the West half of Block 76 at the request of the City to increase parking following the further alley vacation described in this paragraph.

6. 200 Grand and its successors will, prior to obtaining planning clearance for new construction on Block 76,

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make arrangements for consolidated trash storage and pickup on-site that are reasonably satisfactory to the City.

7. This Agreement will be binding on, and inure to the benefit of, not only the parties, but also their respective assigns, successors in title, and corporate successors. The parties intend that this Agreement will create covenants running with the land, and authorize the recording of a copy of this Agreement to that end.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year first above written.

TWO HUNDRED GRAND PROPERTIES

By_

Managing General Partner

CITY OF GRAND JUNCTION, COLORADO

By_

ATTEST:

City Clerk

V. & M. Demercurio 303 Ouray Avenue Grand Junction, CO 81501

David J. Singletary 329 Ouray Grand Junction, CO 81501

Thomas N. Nielsen, et al. 8599 315 Road Silt, CO 81652

Steven R. & Betty J. Conoley 203 Grand Avenue Grand Junction, CO 81501

Victor A. Paulson 2942 Shelley Drive Grand Junction, CO 81503

Columbia Savings & Loan Association 130 North Fourth Street Grand Junction, CO 81501

Catholic Outreach of Grand Junction 253 White Grand Junction, CO 81501 Marlin R. & Betty Street 348 Sherman Drive Grand Junction, CO 81503

Noel E. & Karen S. Andress 340 Grand Avenue Grand Junction, CO 81501

United States Postal Service Grand Junction, CO 81501

Joseph B. & C.K. Marye 211 Grand Avenue Grand Junction, CO 81501

Reynold R. Remington 3337 Northridge Drive Grand Junction, CO 81506

Richard F. & Linda A. Gilmore James & M.L. Golden 510 Patterson Road Grand Junction, CO 81506

Lee E. & Jo'An N. Ingram 3196 Elm Avenue Grand Junction, CO 81501 Liberty Baptist College, et al. c/o Peter W. Taylor 3150 Bear Street Costa Mesa, CA 92626

Beth A. Harris 407 Dressel Drive Grand Junction, CO 81503

First Assembly of God, Inc. 402 Grand Avenue Grand Junction, CO 81501

Betty Jean Kempton 2805 Mesa Avenue Grand Junction, CO 81501

United Bank of Grand Junction Downtown, N.A. P.O. Box 908 Grand Junction, CO 81502

St. Joseph's Catholic Church 314 White Avenue Grand Junction, CO 81501

Earl G. Sawyer, Jr. & Mildred Sawyer 249 Grand Avenue Grand Junction, CO 81501

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Charles D. & Bernita E. HolmesLaurence E. Karp315 Chipeta Avenue1260 White Avenue 315 Chipeta Avenue Grand Junction, CO 81501

Bud R. & Lee Ann Blaney 1635 Maple Court Grand Junction, CO 81505

Laura J. Sparks & Thomas M. Sparks, Sr. 318 Ouray Avenue Grand Junction, CO 81501

Brian C. & Diane C. Sinclair 711 So. Carole Avenue Lafayette, CO 80026

Joseph Dale Stanavich 1019 E. Morton Tacoma, WA 98404

Lester Fougnier P.O. Box 33 Loma, CO 81524

John A. & Caroline Young 1312 Yount Street Ft. Collins, CO 80524

Bud R. & Lee Ann Blaney 1633 Maple Court Grand Junction, CO 81505

James R. Kamicar & Sheryl Manz Kamicar 259 S. Teller Avenue, #135 Grand Junction, CO 81501

Nellie R. Coleman 2216 North 21st Street Nellie R. Coleman Grand Junction, CO 81501 Grand Junction, CO 81501

Lawrence M. & Mary Lee Flower 1820 O Road Fruita, CO 81521

Fermin A. & Mary R. Trujillo 312 Ouray Avenue

Donald B. & Carolyn S. Massey 305 Chipeta Avenue Grand Junction, CO 81501

Kenneth Robitschek 411 Saulsbury St. Lakewood, CO 80226

Dorothy A. Flynn 241 Chipeta Avenue Grand Junction, CO 81501

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Walter L. & Kathleen H. Hiatt 246 Ouray Avenue Grand Junction, CO 81501 Elbert, CO 80106

Carole J. Harshman 1021 Main Street Grand Junction, CO 81501

James R. Kamicar & Elizabeth Zalek 259 S. Teller Avenue, #135 Grand Junction, CO 81501

William H. & Vivian A. Simpson 331 Chipeta Avenue Grand Junction, CO 81501

William R. Mayberry & Thomas F. Mayberry 326 Ouray Avenue Grand Junction, CO 81501

Carol Fritz 2900 Victoria Drive Grand Junction, CO 81501 Grand Junction, CO 81501

> Leonard Lang P.O. Box 4182 Grand Junction, CO 81502

Karen Stevens 227 Chipeta Avenue Grand Junction, Co 81501

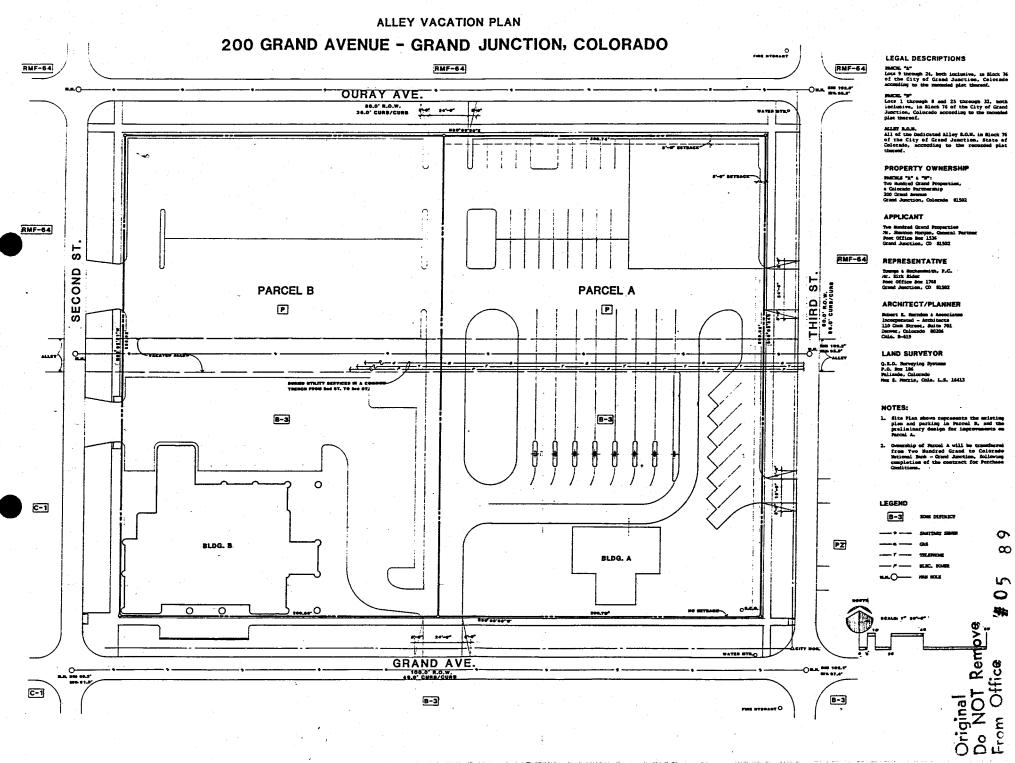
James M. & Wilma A. Cannady P.O. Box T Palisade, CO 81526

Frances Martin 224 Ouray Avenue Grand Junction, CO 81501

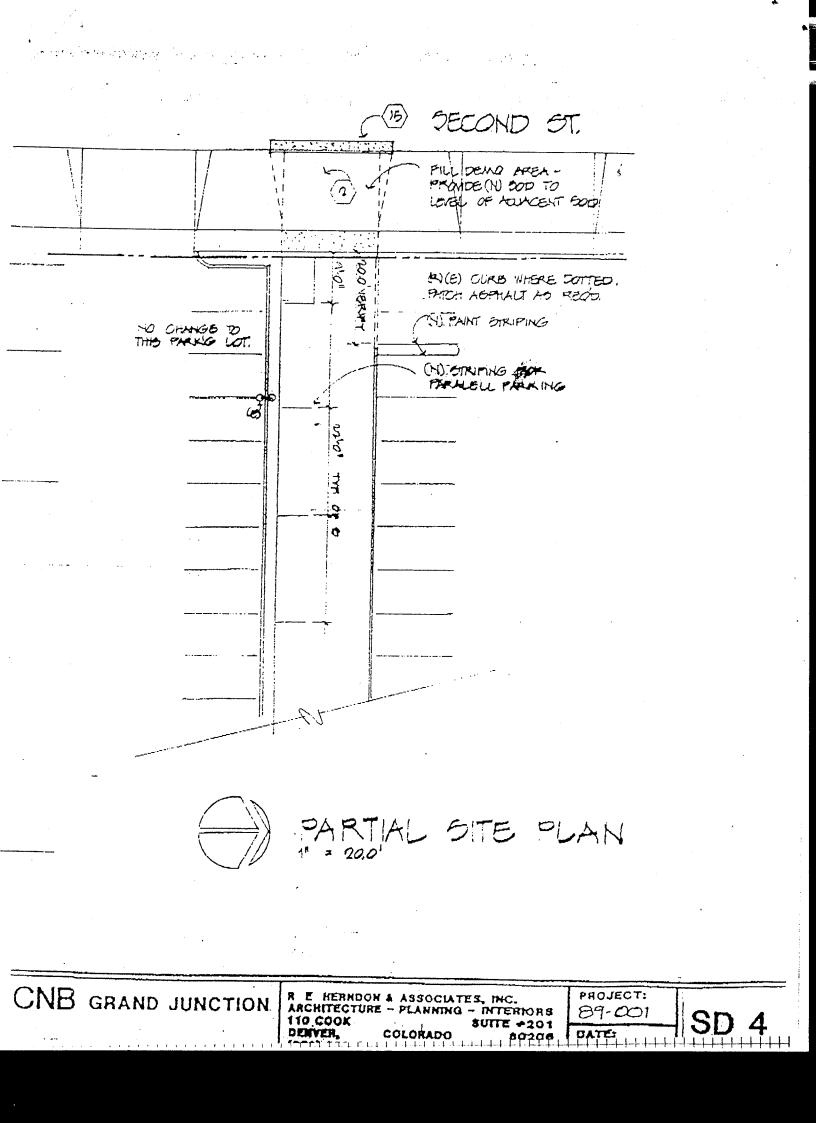
Gladys E. Haywood & Gary A. Hensley 16265 Northcliff Place

Arthur L. & Arleen M. Wallace 518 North Second Street Grand Junction, CO 81501

Two Hundred Grand Properties 200 Grand Avenue, Suite 318 Grand Junction, CO 81501



Lon Lon





Grand Junction Planning Department 250 North Fifth Street Grand Junction, Colorado 81501–2668 (303) 244–1430

February 17, 1989

Mr. Kirk Rider Younge and Hockensmith, P.C. P.O. Box 1768 200 Grand Avenue, Suite 500 Grand Junction, CO 81502

Dear Mr. Rider:

I have reviewed your request for a reduction of required parking for the building at 200 Grand Avenue. Under the terms of your request narrative, I find that the reduced parking will be adequate to serve the existing and proposed uses at this location. You may consider this letter an approval to reduce parking requirements from 161 spaces to 120 spaces under the following conditions.

- 1. Creation of a joint parking agreement for 15 additional spaces with Colorado National Bank (parcel "B," file #5-89).
- Creation of a minimum of 37 parking spaces on the Colorado National Bank property as shown on the site plan submitted for alley vacation, #5-89.
- 3. Any change in use, or significant interior remodel within the 200 Grand building, will require review of the parking demand to determine if such change will require additional spaces.

Please let me know if you have any questions regarding this approval.

Sincerely,

Karl G. Metzner Director of Planning

KGM/tt

xc: File #5-89



REVIEL. SHEET SUMMARY

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File # 5-89 Name <u>CNB Alley Vacation</u> Date <u>3/9/89</u>

PROJECT LOCATION: East/west alley near 200 Grand Avenue

PROJECT DESCRIPTION: Request to vacate the east/west alley between 2nd and 3rd S ${f T}$ reets north of Grand Avenue to allow construction of a drive-up/ satellite banking facility for Colorado National Bank.

REVIEW SUMMARY (Major Concerns)

POLICIES COMPLIANCE	YES	NO *	TECHNICAL REQUIREMENTS	SATISFIED	NOT # SATISFIED
Complies with adopted policies	x		Streets/Rights Of Way	x	
Complies with adopted criteria	x		Water/Sewer	x	
Meets guidelines of Comprehensive Plan	x		Irrigation/Drainage	x	
			Landscaping/Screening	x	
			Other:		

* See explanation below

Note: The petitioner's representative, Mr. Kirk Rider, asked Planning Commission to approve the <u>full</u> alley vacation, but to also approve a <u>half</u> alley vacation just in case the petitioner wanted to approach City Council with that proposal. Planning staff (Mike Sutherland) informed Commission that discussions had occurred as to what technical requirements were expected if the half alley vacation was approved, and that if Commission recommended full vacation, Council had the option of vacating it all or any portion thereof, providing proper legal advertising was given.

STATUS & RECOMMENDATIONS:

Staff has no problem with the proposal subject to review agency comments relative to technical concerns.

Planning Commission Action

Hearing on March 7, 1989: Planning Commission recommended approval of the \underline{full} alleyway vacation, subject to review agency summary comments.