



Grand Junction Planning Commission

Regular Session

Item #2.

Meeting Date: October 12, 2021

Presented By: Senta Costello, Planner

Department: Community Development

Submitted By: Kristen Ashbeck

Information

SUBJECT:

Consider a request by Colorado Mesa University (CMU) to vacate a portion of the Orchard Avenue right-of-way, located near 1040 Mesa Avenue (CMU baseball field). | [Staff Presentation](#) | Phone-in comment code **5001**.

RECOMMENDATION:

Staff recommends approval of the request.

EXECUTIVE SUMMARY:

The applicant, Colorado Mesa University (CMU) is requesting vacation of a portion of the south side of the Orchard Avenue public right-of-way in order to make improvements to the baseball field, track and pedestrian facilities on the south side of the street within the CMU campus that would encroach in the public right-of-way. The existing Orchard Avenue right-of-way in this vicinity was dedicated by subdivision plats in the 1940s. The applicant is requesting the vacation of a 6.5-foot wide by 497.95-foot long portion of the south side of this right-of-way (3,237 square feet) in order to construct the proposed improvements. The plans for the construction have been reviewed and approved by the City subject to this vacation request. The requested vacation is consistent with the City's Comprehensive Plan and Circulation Plan.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The existing right-of-way for Orchard Avenue in this vicinity of the City was dedicated by subdivision plats in the 1940s. The Applicant is currently in the process of constructing improvements to the baseball field, track and pedestrian facilities on the south side of the street within the CMU campus (refer to the attached site plans for details of proposed improvements). The requested right-of-way vacation is in the

vicinity of the former Cannell Avenue alignment along the west side of the baseball field. Cannell Avenue was previously vacated through processes approved by the City. As a result of the Cannell Avenue vacation, and the planned improvements to the track and baseball fields and pedestrian amenities, there are elements of the Orchard Avenue right-of-way that CMU wishes to improve. For example, the westbound turn lane that previously served as access to southbound Cannell Avenue has now become irrelevant since the right-of-way has been vacated and the street no longer exists. Additionally, the misaligned curb and sidewalk will be remedied, and a bus drop off location added as part of the proposed pedestrian plaza that will be constructed between the baseball field and the track as part of this project. With this proposal, the Applicant is requesting to vacate a 6.5-foot-wide by 497.95-foot-long portion of the south side of this right-of-way (3,237 square feet) in order to construct the described improvements. The applicant is requesting the minimum amount right-of-way to be vacated that is needed to accommodate the construction/improvement project.

NOTIFICATION REQUIREMENTS

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with an application sign on July 28, 2021. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards were sent to surrounding property owners within 500 feet of the subject property, as well as neighborhood associations within 1000 feet. and notice of the Planning Commission public hearing was published in the Grand Junction Daily Sentinel.

A Neighborhood Meeting regarding the proposed vacation/campus improvement project was held on August 2, 2021 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. There were 11 neighbors in attendance along with CMU President John Marshall, CMU Vice President Derek Wagner and City staff. The Applicant described the proposed improvements and the reason for the vacation request. Questions and concerns expressed by neighbors primarily centered on traffic control during the construction but no opposition to the project or the vacation was expressed.

ANALYSIS

The criteria for review are set forth in Section 21.02.100 (c) of the Zoning and Development Code. The purpose of this section is to permit the vacation of rights-of-way and/or easements.

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

The vacation of this portion of right-of-way for Orchard Avenue does not conflict with the Comprehensive Plan, Grand Junction Circulation Plan or other adopted plans and policies of the City. The proposed vacation of right-of-way will have no impact on public facilities or services provided to the general public since they will continue to exist within the remaining right-of-way. The proposed project will improve and update the alignment and function of the street.

Further, the vacation request is consistent with the following goals and policies of the Comprehensive Plan:

Plan Principal 4: Downtown and University Districts

Strategy 1. Cultivate energetic and livable greater Downtown and university districts that balance the needs of residents, students and visitors

Therefore, staff has found the request to vacate a portion of existing public right-of-way does not conflict with the Comprehensive Plan, Grand Junction Circulation Plan or other adopted plans and policies of the City and therefore this criterion has been met.

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

The existing dedicated right-of-way for Orchard Avenue in this vicinity of the City has long been developed as a Major Collector. This vacation will not impact the continued flow of traffic along Orchard Avenue and will not landlock any parcel of land. Thus, staff has found this criterion has been met.

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

As provided in (2) above, the portion of Orchard Avenue requested to be vacated will not impact access to any parcel and as such, staff finds this criterion has been met.

(4) There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g., police/fire protection and utility services; This portion of Orchard Avenue has served as an east-west Major Collector in this part of the City for many years as well as providing for utilities to located within it. The proposed vacation and campus improvement project will not have adverse impacts on the function of the roadway or on the general health, safety and/or welfare of the community. The planned improvements will enhance public safety along the street, particularly for pedestrians. No comments were received from utilities or other service providers that this vacation request would impact any existing utilities, create any adverse impacts, or that facilities or services would be diminished. Provided an easement is retained on the eastern end of the vacated right-of-way area staff found that this criterion has been met.

(5) The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 GJMC; and

As provided in (4) above, neither staff, including the Fire Department, nor utility providers have identified that the requested right-of-way vacation would inhibit the provision of adequate public facilities and services, therefore staff finds that this criterion has been met.

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

Maintenance requirements for the City will not significantly change as a result of the proposed vacation request since the remaining right-of-way and street itself will continue to function and require maintenance as it presently exists. As described the proposed project will remedy the misalignment of pedestrian and curb facilities and eliminate unnecessary existing improvements (left turn lane) such that the public will benefit from improved safety along the street. In addition, the project will provide for an improved GVT transit stop which will benefit the community. As such, Staff finds that this criterion has been met.

FINDINGS OF FACT AND RECOMMENDATION

After reviewing the request to vacate a portion of the right-of-way of Orchard Avenue as set forth in the attached description and sketch, City file number VAC-2021-561, located near Orchard Avenue and North 10th Street, the following findings of fact have been made:

1. The request conforms with Section 21.02.100 (c) of the Zoning and Development Code.

Therefore, Staff recommends approval of the request with the following conditions:

1. A utilities easement shall be retained on the eastern end of the vacated right-of-way as shown on Exhibit B of the proposed ordinance.

2. Applicant shall pay all recording/documentary fees for the Vacation Ordinance, any right-of-way/easement documents and/or dedication documents.

SUGGESTED MOTION:

Mr. Chairman, on the request to vacate a portion of the Orchard Avenue public right-of-way as set forth in the attached description and sketch, City file number VAC-2021-561, located near Orchard Avenue and North 10th Street, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact and conditions as listed in the staff report.

Attachments

1. Development Application
2. Maps and Locations
3. Draft Ordinance