

**A. CALL TO ORDER**

Five Planning Commissioners were in attendance. (Jesse Fabula, Mel Mulder, Justin Gollob, Aaron Hancey and Heather O'Brien were present).

**B. PLEDGE OF ALLEGIANCE**

Justin Gollob led the Pledge of Allegiance.

**C. AMENDMENTS TO THE AGENDA**

None

**D. APPROVAL OF THE AGENDA**

COMMISSIONER O'BRIEN MOVED TO APPROVE THE AGENDA

COMMISSIONER MULDER SECONDED THE MOTION

MOTION PASSED 5-0

**E. WITHDRAWN ITEMS**

None

**F. CONTINUED ITEMS**

None

**G. CONSENT ITEMS**

APPROVAL OF MINUTES

January 11, 2022, Planning Commission Meeting.

February 8, 2022, Planning Commission Workshop.

COMMISSIONER O'BRIEN MOVED TO APPROVE THE MINUTES

COMMISSIONER MULDER SECONDED THE MOTION

MOTION PASSED 5-0

**H. HEARING ITEMS**

Application #: 2022-11

Project Name: West Pabor

Application Type: Vacation of Right-of-Way

Representative: Kaart Planning LLC

Location: A portion of right-of-way north of 535 West Aspen Avenue.

Request: This is a request for a Right of Way (ROW) Vacation of a 450'X 38' strip of land on the north edge of 535 W. Aspen Avenue and the south edge of West Pabor Way. The proposed vacation will align the ROW with the northern property lines to the west of the subject property.

Commissioner Gollob read the details of Application # 2022-11 West Pabor Right of Way Vacation.

Mr. Henry Hemphill gave the Staff Power Point presentation.

Slide 1 – Introduction

Slide 2 – Project Description

- Land Development Application #2022-11.
- Request to vacate 38 feet by 450 feet of right-of-way (ROW).
- Located on the south side of West Pabor Way.
- 52 feet of ROW already improved (curb, gutter, sidewalk, and asphalt).
  - Circulation Plan doesn't recommend anything wider than 52 feet.
- ROW vacated to the west but didn't include this portion at the time.

Slide 3 – Map showing the Vacation of Right of Way and historical information

Slide 4 – Map showing an Improvement Survey Plat

Slide 5 – Zoning Map

Slide 6 – Approval Criteria

Section 17.09.090 Vacation of Public Right-of-Way may be approved upon finding that the vacation will not:

1. Create any landlocked parcels;
2. Negatively impact adjacent properties;
3. Reduce the quality of public services to any parcel of land; and
4. Be inconsistent with any transportation plan adopted by the city.

Slide 7 – Legal Notice

- Postcards – March 23, 2022 (20 days prior to Planning Commission)
- Newspaper – March 23, 2022 (20 days prior to Planning Commission)
- Property – March 22, 2022 (21 days prior to Planning Commission)

Slide 8 – Comments and Staff Recommendation

- Public Comments
  - None received to date.
- Review Comments
  - No concerns from review agencies.
- Staff Recommendation
  - Staff recommends approval of application 2022-11 (page 27 of Packet)

- Retain a 14-foot multi-purpose easement.

Verify no utilities located outside of future 14-foot multi-purpose easement.

Mr. Hemphill concluded his presentation.

Mr. Ted Ciavonne, Planning Manager for Kaart at 750 Main Street in Grand Junction, went up to speak. He said that he did not have anything to add to Mr. Hemphill's report. He added that they have done locates on the property. They were not seeing any utilities that were on that side of Pabor. They did know that there are irrigation lines somewhere across the property that gets to the west side along the north edge by Pabor. They will know if that is something that is uncovered will need to be relocated to the appropriate place. He added that part of the plat did include the 14' multipurpose easement along the street and dry utilities will go there. He did not believe that there would be existing new water or sewer needed off Pabor. He thought it would come other places. Taps may need to come in but no linear lines along there. Overhead electric was on the other side. They were not seeing anything at this point with the research that was done. He didn't think that they would be interfering with an existing utility but for irrigation lines that are a mystery at this point. He said that he would answer questions.

Commissioner Mulder asked if there were a couple of telephone poles?

Mr. Ciavonne answered that there were some telephone poles, some power poles that came in almost mid-property off Coulson heading west that go across. He added that this would need to be taken care of. He said that there might be some telephone poles there.

Commissioner Mulder asked if there were a couple of mobile homes that were encroaching?

Mr. Ciavonne confirmed that there were. He added that they would probably be legal if the right of way had already been vacated. He said that as they were they were in the right of way. He asked Mr. Hemphill to bring up the zoning map showing how the trailers overlapped. There was discussion about this. He added that a vacation would make most of those compliant.

Commissioner Gollob asked if there were any other questions. There were none.

Commissioner Gollob asked for public comments. There were none.

Commissioner Gollob closed the meeting to public comments and moved to commissioner discussion.

Commissioner O'Brien asked that she was assuming that this was happening now because the owner is planning to do something else with the property.

Mr. Ciavonne confirmed this and stated that within 2-3 months they would see a submittal for a site plan that would be compliant with the downtown mixed-use zone.

Commissioner O'Brien mentioned that there were still residents still living in the trailers.

Mr. Ciavonne stated that he could not answer that and that this was in the owner's hands at this time.

Commissioner O'Brien asked if those people had been notified?

Mr. Ciavonne was not able to speak about this.

Mr. Caris stated that it was his understanding that they were all notified and have been furnished with the intentions. He said that they were told that most if not all were on month to month and are aware that a submittal was coming. They have attempted to give as much notice as possible.

Commissioner O'Brien thanked him.

Commissioner Gollob stated that his questions had to deal with the residents that were there as well and the process for that. He felt that his question has been asked and his understanding is that is a process to notify those residents that would be impacted by this, and it was underway. He asked Mr. Caris if that was correct?

Mr. Caris stated that this was correct. He said that there were other regulatory items that dealt with landlord and tenant relationships that would need to be complied with. This was not codified in the code but did exist.

Commissioner O'Brien asked if by the time this came to City Council if there were any violations of those that they would be made notified or does this stop the process?

Mr. Ciavonne said that one of the reasons the owners had not moved forward at this time is that they needed this vacation. He said that by the time this gets to Council he didn't think that they would see any action.

Commissioner O'Brien said that she wanted to make sure that the residents had their due process. She just wanted to know if there were any hang-ups or violations would that come in the City Council packet so they would be notified of this or would any violations going forward would stop the process. Were they two different legal categories?

Mr. Caris said that with this application and with hypothetical future applications, this would not be the forum for the discussion. This would be civil in nature. They would not weigh in on that. They would see encumbrances, liens, or impending litigation as a part of connection with the residents because they are in the city limits. The residents do get legally noticed for land use applications that move forward. The site gets posted and it goes in the newspaper. He said that it was his understanding that there has been a lot of outreach done and other agencies are involved to be sure people are connected with the correct information.

**COMMISSIONER HANCEY MOVED TO RECOMMEND APPROVAL FOR APPLICATION 2022-11 TO THE CITY COUNCIL WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ISSUES IDENTIFIED IN THE STAFF REPORT BE ADEQUATELY**

**RESOLVED PRIOR TO THE RECORDING OF THE ORDINANCE TO VACATE THE RIGHT OF WAY**

**COMMISSIONER MULDER SECONDED THE MOTION**

**MOTION PASSED 5-0**

## **I. ELECTION OF OFFICERS**

### **1. Chair**

COMMISSIONER FABULA MOVED TO ELECT AARON HANCEY AS THE PLANNING COMMISSION CHAIR

COMMISSIONER O'BRIEN SECONDED THE MOTION

MOTION PASSED 5-0

### **2. Co-Chair**

COMMISSIONER FABULA MOVED TO ELECT MEL MULDER AS CO-CHAIR

COMMISSIONER HANCEY SECONDED THE MOTION

MOTION PASSED 5-0

## **J. OTHER BUSINESS**

### **1. Community Development Updates.** None

### **2. Circulation Plan – Sam Atkins, City Engineer.**

COMMISSIONER MULDER MOVED TO CONTINUE THE CIRCULATION PLAN UPDATE TO THE MAY 2022 PLANNING COMMISSION MEETING

COMMISSIONER HANCEY SECONDED THE MOTION

MOTION PASSED 5-0

### **3. Visitors and Guests.**

Commissioner Mulder talked about running for the Board of Directors for the Drainage District.

Commissioner Hancey made a comment about the Circulation Plan.

**Adjournment 6:31 pm**

Respectfully submitted,

Kelli McLean

Planning Technician, City of Fruita

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