

## **Transportation Commission Resolution #20261008**

Approve Referral of CDOT Region 5 Access Appeal to the Office of Administrative Courts, C.R.S. § 43-2-147(6)(c) & 2 CCR 601-1:2.9

**Approved by the Transportation Commission on October 15, 2026.**

**WHEREAS**, the Colorado Department of Transportation ("CDOT") controls access to the state highway system through the State Highway Access Code, 2 CCR 601-1 (the "Access Code"); and

**WHEREAS**, State Highway 160A, also known as Grand Avenue ("Grand Avenue"), is located in Monte Vista, Colorado, and provides direct highway access to the property at 1935 Grand Avenue, parcel number 3531412004, owned by James and Rhonda Pacheco (the "Property"); and

**WHEREAS**, the Town of Monte Vista is undertaking the Monte Vista Sidewalk Improvement Project, CDOT Project No. MTF M900-002 / Project No. 25246 (the "Project"), which includes construction of curb, gutter, sidewalk, and related drainage improvements along Grand Avenue to improve pedestrian safety; and

**WHEREAS**, as part of the Project, CDOT Region 5 determined that the existing unfettered access from the Property to Grand Avenue should be closed and relocated to the east side of the Property to serve the Property from Covey Street; and

**WHEREAS**, on August 6, 2026, CDOT Region 5 issued Form 138 Permit #526068, providing for closure of the existing Grand Avenue access and relocation of access to Covey Street at project expense; and

**WHEREAS**, the Property is used for The Polished Edge, a home-improvement and furniture retail business, and The Polished Bean, an attached drive-through coffee business; and

**WHEREAS**, by letter dated September 2, 2026, James Pacheco, Rhonda Pacheco, Garrett Pacheco, and Edward Maestas, the property owners and co-owners of The Polished Edge/The Polished Bean, objected to Permit #526068 and requested a hearing concerning CDOT Region 5's decision to close and relocate the existing Grand Avenue access; and

**WHEREAS**, the owners request that CDOT reconsider Permit #526068 and identify an alternative that preserves reasonable and reliable customer and vendor access, including retaining a modified access on Grand Avenue or improving Covey Street before closure of the existing access; and

**WHEREAS**, pursuant to C.R.S. § 43-2-147(6)(c), the Transportation Commission may determine whether the appeal will be heard by the Transportation Commission or referred to the Department of Personnel and Administration, Office of Administrative Courts, for hearing before an Administrative Law Judge; and

**WHEREAS**, because the appeal challenges CDOT Region 5's decision under the Access Code and requires an administrative hearing process, CDOT staff requests that the appeal be referred to the Office of Administrative Courts for hearing before an Administrative Law Judge.

**NOW THEREFORE BE IT RESOLVED**, the Commission directs that the appeal of James Pacheco, Rhonda Pacheco, Garrett Pacheco, and Edward Maestas, the property owners and co-owners of The Polished Edge/The Polished Bean, concerning Form 138 Permit #526068 and the proposed closure and relocation of the existing access at 1935 Grand Avenue be heard before an Administrative Law Judge with the Office of Administrative Courts. The Office of the Attorney General is requested to facilitate the appeal pursuant to 2 CCR 601-1:2.9 and take all necessary actions to accommodate the appellants' request for a hearing.

**BE IT FURTHER RESOLVED**, the Commission delegates its authority to conduct the hearing to the Office of Administrative Courts and for the preparation of a complete record of the hearing should additional appeals be necessary.

*Herman F. Stockinger III*

Herman Stockinger, Secretary  
Transportation Commission of Colorado