

**GRAND JUNCTION CITY COUNCIL  
MINUTES OF THE REGULAR MEETING**

**June 7, 1995**

The City Council of the City of Grand Junction, Colorado, convened into regular session the 7th day of June, 1995, at 7:34 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, David Graham, R.T. Mantlo, Janet Terry, Reford Theobold and President of the Council Ron Maupin. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Maupin called the meeting to order and Councilmember Afman led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Charles Wallick, Volunteer Chaplain for V.A. Hospital.

**PROCLAMATION DECLARING JUNE 11-18, 1995, AS "WESTERN WEAR WEEK" IN THE CITY OF GRAND JUNCTION**

**REAPPOINTMENTS TO THE DOWNTOWN DEVELOPMENT AUTHORITY**

Upon motion by Councilmember Terry, seconded by Councilmember Theobold and carried, Bruce Hill and William Petty were reappointed to four-year terms on the Downtown Development Authority.

**REAPPOINTMENTS TO THE PARKS AND RECREATION ADVISORY BOARD**

Upon motion by Councilmember Theobold, seconded by Councilmember Mantlo and carried, Lynn James and Jamie Hamilton were reappointed to three-year terms on the Parks and Recreation Advisory Board.

**APPOINTMENT TO THE RIDGES ARCHITECTURAL CONTROL COMMITTEE**

Upon motion by Councilmember Afman, seconded by Councilmember Theobold and carried, Roxanne Lewis was appointed to the Ridges Architectural Control Committee.

**APPOINTMENTS TO THE RIVERFRONT COMMISSION**

Upon motion by Councilmember Baughman, seconded by Councilmember Mantlo and carried, Bill Prakken and Carl Zimmerman were reappointed to three-year terms on the Riverfront Commission.

**\* \* \* CONSENT CALENDAR \* \* \***

President of the Council Ron Maupin announced the new prelude/guideline to the agenda.

CONSENT ITEMS

Upon motion by Councilmember Mantlo, seconded by Councilmember Afman and carried by roll call vote with Councilmembers **BAUGHMAN** and **GRAHAM** voting **NO** on Item #8, the following Consent Items 1-8 were approved:

1. Approving the minutes of the Regular Meetings May 3, 1995 and May 17, 1995
2. Award of Contract - Purdy Mesa Reservoir Spillway Repair  
Recommended Award: Beaver's Construction Company -  
\$31,264.05

The following bids were received on May 24, 1995:

Beaver's Construction Company	\$31,264.05
Sorter Construction, Inc.	\$35,619.00
M.A. Concrete Construction	\$36,461.80
Colorado West Leasing	\$36,494.66
R.N.G. Contracting, Inc.	\$47,335.92
Diamond Back Services, Inc.	\$57,959.49
Reams Construction Co.	\$62,360.00
R.W. Jones Construction, Inc.	\$62,630.25
Engineers Estimate	\$52,119.00

3. Award of Contract - 1995 New Sidewalk Construction Project  
Recommended Award: Mays Concrete - \$102,980.00

The following bids were received on May 24, 1995:

Mays Concrete	\$102,980.00
M.A. Concrete	\$129,090.10
Reyes Construction	\$132,517.33
Fred Cunningham Construction	\$155,797.55
Engineer's Estimate	\$131,761.15

4. Award of Contract - Northbound Right Turn Lane - First Street at North Avenue  
Recommended Award: Elam Construction - \$26,675.00

The following bids were received on May 24, 1995:

Elam Construction	\$26,675.00
United Companies	\$30,950.00
Parkerson Construction	\$33,702.00
G&G Paving	\$34,114.00
Engineer's Estimate	\$29,898.00

5. **Authorizing** the City Manager to Sign a Contract for Construction of the Paradise Hills/H Road Drainage Improvements and Approving a Transfer of \$34,582.50 from the Capital Contingency Fund  
Recommended Award: Parkerson Construction - \$74,582.50

Bids received on May 3, 1995 are summarized as follows:

Parkerson Construction	\$ 74,582.50
MA Concrete Construction	\$ 77,695.00
Skyline Contracting	\$133,907.77
Engineer's Estimate	\$ 86,395.00

6. **\* Resolution No. 58-95** - A Resolution Authorizing a 6-Month Lease Extension with High County Gas & Supply for the City Property located at 1140 South 5th Street

The existing lease with High Country Gas & Supply expires June 14, 1995. The proposed resolution will extend the lease through December 14, 1995, with a proposed rental fee of \$325.00 per month.

7. **\* Resolution No. 59-95** - A Resolution Authorizing a Farm Lease of the Saccomanno Park Property to Robert H. Murphy

The proposed lease will commence June 15, 1995 and terminate December 31, 1998. The lease will allow for earlier termination if the City begins park development prior to January, 1999. The proposed lease fee will be the actual annual cost of the water fees and assessments (\$495 minimum for 1995) for the entire term of the lease.

8. **\* Resolution No. 66-95** - Authorizing the City Manager to Sign a Contract with Great Outdoors Colorado (GOCO) for a \$30,000 Grant for Trail Construction from Struthers Avenue to Watson Island and Adjacent to the New Levee from the Future State Park to the Railroad Bridge at the Jarvis Property

The City of Grand Junction has been awarded a Great Outdoors Colorado Grant in the amount of \$30,000 for the construction of a trail network leading to and from Watson Island. The additional \$63,200 in City funds needed to complete this project will be requested during the 1996 budget process. This contract must be executed and returned to GOCO by July 4, 1995 and the project must be completed by December 31, 1996.

\* \* \* END OF CONSENT CALENDAR \* \* \*

\* \* \* ITEMS NEEDING INDIVIDUAL CONSIDERATION \* \* \*

PUBLIC HEARING - ORDINANCE NO. 2845 - AN ORDINANCE REZONING PROPERTY LOCATED AT 2582 F ROAD FROM RSF-4 TO B-1 (REDSTONE VETERINARY HOSPITAL) [FILE #RZV-95-65]

A request for rezone from RSF-4 to B-1 at 2582 F Road. Petitioner proposes to convert existing single family residence to a veterinary clinic and provide parking as per City Code. Rezoning is consistent with the Patterson Road Corridor Guidelines.

Councilmember Baughman excused himself from discussion on this item as the subject property belongs to a neighbor he has known for 20 years. He then seated himself in the audience.

A hearing was held after proper notice. Michael Drollinger, Community Development Department, reviewed this item. The rezone request at 2582 F Road is from RSF-4 to B-1 for a veterinary clinic. The property is located on Patterson Road west of First Street, just west of High Fashion Fabrics. The zone districts surrounding the area on three sides are RSF-4, and PR-10 on the south side of Patterson Road. The petitioner is requesting a rezone to B-1 (Limited Business) for the 4.6 acres site. Surrounding land uses are residential and vacant residentially zoned properties. The development plans call for converting the existing residence on the property to a veterinary clinic and providing on-site parking in accordance with City standards. Many of the areas along Patterson Road in the vicinity of this project which contain residential uses, in Staff's opinion, will transition to office and similar uses in the future. Accommodations must be made to minimize access and traffic hazards in order to preserve the function of Patterson Road as a major east/west artery. Regarding the zoning, Staff chose B-1 zoning which contains a fairly restrictive menu of uses that tend to be lower traffic generating uses. Regarding access, Staff has

recommended the petitioner dedicate 24 feet of right-of-way along the eastern property line which could be used for future construction of a frontage road to provide alternative access to the multiple properties along Patterson road in the vicinity. It is Staff's opinion this rezone proposal is supported by the rezone criteria. The petitioner has agreed to Staff requirements including right-of-way dedication for the possible construction of a future frontage road, easement dedication for an existing sewer line, and a requirement to close the existing site driveway once an alternative access is constructed. The Planning Commission recommended approval of this rezone at the May 2, 1995 meeting. Staff also recommends approval of the rezone.

Councilmember Terry asked why a special use permit is required in this case. Mr. Drollinger explained in the B-1 zone there are certain uses which are expressly permitted uses in the zone, other uses require a special use permit which is an administrative permit, then others which require a conditional use permit. This particular request required a special use permit which was evaluated in conjunction with this application, and Planning Commission recommended approval of the use permit contingent upon this parcel being rezoned.

Public Works Manager Mark Relph stated one of the items identified in the MPO's planning document was the development of a major street plan with a focus on the Patterson Road Corridor. Public Works Staff has been concerned with the potential for redevelopment in the area and the impact to Patterson Road. Staff has discussed a frontage road in this area that will parallel Patterson Road. As the area redevelops, businesses will be required to access through the frontage road, rather than a proliferation of individual driveways off of Patterson Road. It is a safety concern. Mr. Relph stated the frontage road would probably be constructed to the rear of the smaller properties, approximately 200 feet off of Patterson.

Mr. Scott Haduk, 323 Mayfair Drive, spoke on behalf of the petitioner stating Mr. Drollinger had covered all the facts.

There were no opponents, letters or counterpetitions. The hearing was closed. Upon motion by Councilmember Theobald, seconded by Councilmember Graham and carried by roll call vote, Ordinance No. 2845 was adopted, and ordered published on final reading.

Councilmember Baughman resumed his seat on Council at this time (8:00 p.m.).

WELCOME TO BOY SCOUT TROOP #345

President Maupin welcomed Chris and Michael Brooks and Boy Scout Troop #345 to the meeting. They are working on merit badge awards.

PUBLIC HEARING - ORDINANCE NO. 2846 - AN ORDINANCE PROVIDING FOR A FUTURE VACATION OF A UTILITIES AND DRAINAGE EASEMENT LOCATED IN THE SWD SUBDIVISION ON SANFORD DRIVE, (SOUTHEAST OF I-70 AND 22 ROAD) [FILE #VE-95-68]

Petitioner is requesting a vacation of a drainage and utility easement adjacent to Sanford Drive in the SWD Subdivision to permit construction of an industrial development. The petitioner proposes to construct a new relocated drainage facility to the south and dedicate an easement for such. The proposed drainage facility is designed to accommodate storm-water runoff from other properties (largely undeveloped) in the SWD Subdivision.

A hearing was held after proper notice. Michael Drollinger, Community Development Department, reviewed the easement vacation located on Sanford Drive. Sanford Drive intersects Highway 6 & 50 at the Acorn Station. The SWD Subdivision was platted in the early 1980s. As part of the approved subdivision in 1980 there was a drainage easement and retention pond that was located partly on Lots 1, 2, 3 and 4. This proposal calls for the relocation of the drainage easement and the drainage facility so Lots 1 through 4 can be more easily developed. The petitioner plans to replat the four lots into two lots. The relocated drainage facility and easement would be located on the southern end of the subject properties across Lots 1 and 4. This facility would be designed in accordance with City standards. Staff recommends approval of this application subject to the condition that the plat must dedicate the relocated easement either to a property owners association or to the property owner. Planning Commission also recommended approval of the easement vacation. The issue of dedication and timing of this plat is addressed further in the language in the modified ordinance.

City Attorney Dan Wilson stated the ordinance would set up some contingencies that would make the vacation effective: (1) vacate the existing; (2) dedicate the new; (3) provide security through the standard improvements agreement process with the City. Once the contingencies were satisfied, the ordinance would then be in effect and the vacation would become effective.

Petitioner Steve McCallum, 552 25 Road, stated the original system is inadequate to handle the developed run-off in a 100 year event.

That requirement did not exist when the property was originally platted and accepted. He has relocated it to the south so it does not impact all four lots. The conveyance to the drainage already exists. The same conveyance would be used to the new facility, just relocate the route. When the final plat is presented, the system may or may not be as large. If not, it's because some of the owners elected not to participate. There is also concern regarding liability (oil or gasoline spills). All of the owners, with the exception of Trans-West Trucks, have agreed to participate in the retention area. Mr. McCallum is not forcing participation. Mr. McCallum stated there are no major grading changes planned. He has not contacted the Army Corps of Engineers regarding a wetland issue.

There was no other public comment. The hearing was closed. Upon motion by Councilmember Mantlo, seconded by Councilmember Afman and carried by roll call vote, Ordinance No. 2846 was adopted, and ordered published.

**PUBLIC HEARING - A REQUEST TO REZONE 514 28 1/4 ROAD FROM RSF-8 TO PC - APPEAL OF PLANNING COMMISSION DECISION RECOMMENDING DENIAL OF THE REZONE REQUEST - ORDINANCE NO. 2847 REZONING 514 28 1/4 ROAD FROM RSF-8 TO PC [FILE #RZV-95-63]**

A request for rezone from RSF-8 (Residential Single Family - 8 units per acre) to PC (Planned Commercial) for a storage facility and yard to be located at 514 28 1/4 Road adjacent to the Eastgate Shopping Center.

Michael Drollinger, Community Development Department, reviewed this item. This property is located immediately north and adjacent to the Eastgate Shopping Center along 28 1/4 Road. The surrounding properties are zoned C-1, RSF-8, and PR-4.1. The site contains approximately 1 acre. The development plans call for the demolition of the existing residence located on the property, and the development of a storage facility consisting of three storage sheds along with outdoor storage for the Ernst store. The petitioner has agreed to install landscape buffering in addition to a screened fence on the eastern boundary to provide buffering from the surrounding residential area. The site circulation to this facility is proposed via a single driveway located close to 28 1/4 Road. If Council considers this request favorably, the petitioner will be required to go back to obtain final plat approval from the City Planning Commission.

Staff is concerned with commercial encroachment into residential areas, the adverse impacts on both neighborhood character and the attractiveness and value of a particular area. The residential development pattern along 28 1/4 Road, north of the Eastgate Shopping Center, is well established and remains cohesive. The commercial area along the north side of North Avenue in this vicinity has not encroached upon residential areas to this point.

The dividing line between the commercial and residential zoning is very consistent in the project vicinity. The North Avenue Corridor Guidelines were adopted by City Council in October, 1988, and are intended to serve as a guide for decision making for new development and redevelopment of land along North Avenue. This subject application is not consistent with the North Avenue Corridor Guidelines nor a number of purposes of zoning that are set forth in the Zoning and Development Code.

Regarding the established purposes of rezoning, the items which Staff feels this proposal is not consistent with are:

1. This development is not in keeping with the residential character of the area north of the Eastgate Shopping Center and is going to adversely impact the integrity and character of the residential neighborhood. The location of this proposal outside of established business areas is inappropriate.
2. The proposal is not consistent with the number of the provisions of the North Avenue Corridor Guidelines, specifically:
  - a. Existing housing and the residentially zoned areas abutting North Avenue Corridor should be respected and protected whenever possible;
  - b. When new non-residential development adjacent to existing residential uses is considered, the impacts of increased traffic noise and lighting should not adversely affect the existing neighborhoods;
  - c. Where non-residential development may encroach on residential areas, neighborhood discussion with the petitioner is encouraged throughout the development process.

Staff feels this proposal represents an encroachment into the neighborhoods immediately to the north and east of this parcel



which would result in a number of nuisance impacts such as traffic noise and lighting being brought closer to existing residences. The petitioner has not addressed the issue of whether the requested facilities could be accommodated on the existing property, nor has the petitioner provided information to Staff regarding the long-term expansion needs and whether the long-term expansion needs of Ernst could be accommodated at this location. For these reasons, it is Staff's opinion this application is not supported by City policies. Staff therefore recommends denial of the rezone request.

City Planning Commission recommended denial of the rezone request on May 2, 1995, with a vote of 4-0. Should City Council choose to favorably consider the application, Staff feels, at a minimum, the following conditions should be met:

1. Final Plan must be submitted which adequately addresses the issues of drainage, screening, circulation and lighting;
2. The hours of operation of the proposed storage facility should be limited to minimize noise impacts on adjacent properties.

The ordinance identifies a single use for the Planned Commercial zoning, i.e., indoor and outdoor storage of building and nursery materials and supplies. Minimum setbacks for structures are indicated in the ordinance, along with a phrase relating to the location of required landscaping.

This parcel, if approved, should be used, occupied and enjoyed only as an integral part of the existing retail use by Ernst. The use is tied to the Ernst use and would terminate should the Ernst use terminate. It would then need to be reconsidered for any other type of commercial use.

Councilmember Theobald confirmed the condition would prevent the use from becoming a stand-alone commercial operation as opposed to merely an extension of whatever is in the facility that Ernst is presently occupying.

Mr. Drollinger stated if any other uses were proposed to be added, they would have to come back through Council for approval.

Ernst leases the building in which it operates. The alley north of the building is a private alley. The access way located behind the Eastgate Shopping Center is private and accommodates deliveries to the businesses.

Mr. Tom Logue, 200 N. 6th Street, spoke on behalf of the petitioner Bonnie Clark. Bonnie Clark had accepted an employment position out of state and was unable to attend the meeting. Jeff Mills, the local manager for Ernst, was present. Mr. Logue distributed photos of the area for review by Council. He explained Mr. and Mrs. Clark have entered into an agreement contingent upon obtaining a change in zoning for Ernst to lease the property from them. The north-westerly pickup site has created a bottleneck and congestion in the alleyway. The main goal is to allow Ernst more efficient and more orderly use of the existing storage space by expanding across the service drive at Eastgate Shopping Center. Open storage (pole sheds/pole barns) is proposed to allow access to forklifts. Building materials will be organized on storage racks out of the weather. The rezone would allow Ernst to achieve the following:

1. Protect the integrity of the existing neighborhood, particularly that which is well established along Compton Drive which adjoins the easterly boundary of the property.
2. Given proper buffering and screening along the east and north boundaries, Ernst can achieve their goals of having a more orderly and efficient method of storing and distributing their products. The only truly well established neighborhood is along Compton Avenue. That is the area which the plan calls for the greatest amount of screening.

Mr. Logue stated the balance of the neighborhood, outside of Compton Avenue, is not well established. Mr. and Mrs. Clark own the property immediately north of the existing building. There are several large parcels of land across 28 1/4 Road, subdivided development, commercial and retail operations on North Avenue, with the bingo parlor and motel to the south. Mr. Logue feels it is not a cohesive type neighborhood.

Mr. Logue continued by stating this facility is to be used for customer pickup. There will be no retail sales out of the facility. The hours of operation will be limited to normal business hours. In the summer months, the operation closes at 10:00 p.m.

Mr. Jeff Mills, 2823 Hall Avenue, current store manager for Ernst, stated on a busy Saturday as many as 300-400 vehicles will use the facility with an average of 150 vehicles per day.

Mr. Logue referred to the North Avenue Corridor Guidelines

regarding the expansion of the commercial zone along North Avenue and a need to contact area neighbors. He stated Bonnie Clark contacted all the neighbors prior to making application. She explained what was happening. The following concerns were raised by the neighborhood:

1. Congestion at the service drive;
2. Activities that occur further east of Ernst behind City Market. It is a local night spot for the kids.
3. City Market refrigeration trucks running all night.

Ernst has no control over the last two items.

Mr. Logue continued by stating there has been a change in character of the neighborhood, particularly the area at 28 Road and Elm Avenue, the Omega Business Center. That zoning exceeds along the prior limits of zoning adjoining North Avenue on the north side. Areas in the Melody lane area have been expanded. Reconstruction of 28 1/4 Road is taking place. Columbine Park operates at late hours. The impact to the neighborhood by this application would be no greater than the impact of Columbine Park.

Ernst has made a long-term commitment to Eastgate, thus they prefer to do a minor expansion for relocation of their existing materials.

Mr. Logue stated Ernst has proposed a specific use for a specific site. The Planned Development Zone is a contract between the petitioner and the City. The City will grant the zone if the petitioner agrees to do it exactly per the plan. In this case, limit it to this particular use. They are not asking for any other uses to occur on the property. Any other use would have to come back to Council for approval.

Mr. Mills stated Ernst is here to serve the community. In order to do that, there will be two gates, one to the west and one to the east, so vehicles can enter and then leave by the other gate. Additional buffering and landscaping is planned in conjunction with the current 28 1/4 Road improvements. Regarding noise, the noise would come from vehicles entering and leaving, and the forklifts. Semi-trucks are constantly being unloaded because of the amount of lumber business conducted there which creates problems for the other businesses in the Eastgate Shopping Center as the trucks must park in the roadway. This proposal would allow Ernst to unload within the compounds of the yard, and alleviate

some of the complaints. Mr. Mills does not see any future need for further expansion.

Mr. Mills stated there is a right-of-way that crosses the waste ditch. There will be a drive-through there, but as a right-of-way it will be subject to being torn out at any time. A road base would be installed, the exact design must be approved by City Planning. It will be piped and covered. The drainage will be addressed on the final plan. Landscaping was also discussed by Mr. Mills.

Mr. Logue submitted additional photos of a similar facility in Orem, Utah.

Councilmember Terry asked if another location had been considered for the storage facility. Mr. Mills stated it would be inconvenient to the customers. Other locations were considered across 28 1/4 Road, but it is difficult to cross streets with forklifts.

Mr. Mills stated the building will be locked at 10:00 p.m. and shut down by 10:05 p.m. entirely. Most of the noise comes from City Market who receives shipments 24 hours a day. Ernst receives no shipments after 10:00 p.m. The items that will be stored outside of the buildings are fence materials, cedar, 4 x 4 posts. Sheet rock and insulation will be stored under the lean-to's. Mr. Mills stated there will be shielding on the west, north and east with a 10-foot high fence with screening and deciduous trees and shrubs. On the west and east, there will also be the side of a lean-to building. He feels this will enhance the entire neighborhood.

There were no public comments.

Public Works Manager Mark Relph stated there will be sidewalk, curb and gutter on both sides of 28 1/4 Road. The existing entrance serving the north side of Ernst and City Market provides an access wide enough for truck movement. Mr. Relph does not see any additional impact.

The hearing was closed.

President Maupin, Councilmembers Afman, Baughman and Terry felt the petitioner has made every effort to resolve all the issues.

It was moved by Councilmember Theobald that Ordinance No. 2847 rezoning 514 28 1/4 Road from RSF-8 to PC be adopted, and ordered

published, with the two conditions of approval as outlined in the Staff report regarding the final plan and hours of operation, also Council's finding the rezone criteria D and E have been met. The motion was seconded by Councilmember Mantlo.

Councilmember Theobold felt that because of the buffering and congestion relief that it is found to be a benefit, and the encroachment has been eliminated.

Councilmember Theobold amended his motion to include a third condition of approval of the 15-foot landscape easement as shown in the submitted landscape plan. Councilmember Mantlo seconded the amendment.

Roll call vote was unanimous and the motion carried.

**RECESS**

President Maupin declared a ten-minute recess. Upon reconvening, all members of Council were present. City Manager Mark Achen was not present.

**PUBLIC HEARING - REQUEST FOR A VARIANCE TO CITY STREET STANDARDS TO ALLOW A GATED PRIVATE STREET IN THE PROPOSED COUNTRY CLUB TOWNHOMES SUBDIVISION LOCATED AT THE SOUTHEAST CORNER OF 12TH STREET AND G ROAD [FPP#-121-94(2)]**

Presently, the City has no adopted policies for allowing private streets or for gated entries on accessways serving more than one residential unit (a locked driveway to a single-family residence is assumed to be at the discretion of the property owner).

Michael Drollinger, Community Development Department, reviewed this item. The proposal is to amend a final plan and plat for Country Club Townhomes to allow private streets and a gated entry to the site.

Part I - Gated Entries to Residential Developments, in general. Presently the City has no adopted policies for allowing private streets or gated entries on accessways serving more than one residential unit. It must be determined whether gated entries to residential developments should be allowed.

- a. Private Street Issue - Whether private streets would be considered. If it is not considered, the gated community concept could not be approved. The Public Works Staff recommends if private streets are allowed, they should be

designed and constructed in accordance with the same City standards as public streets.

- b. Trash and Garbage Collection - The road design must be adequate to handle refuse trucks. An option would be a common collection area in an area where access could not take place because of a gate or because the road design could not handle trash trucks. That must be considered.
- c. Fire, Police and Emergency Service - Entry is discussed in the Staff report. Dave Stassen, Police Department, was present to answer questions of Council regarding this issue.
- d. Utility Services - Many of the utility providers face the same access issue as emergency providers, except the immediacy is not always there.
- e. Stacking and Turnaround Requirement - Public Works has a standard of 60-foot stacking which would allow for 3 cars to stack outside of the gate. Mark Relph, Public Works Manager, was present to answer questions regarding this issue.
- f. Physical Segregation - Gated communities may create a physical segregation from the immediate area and also the remainder of the City. Many concerns in other communities that have opposed gated communities are that they create a loss of a sense of community. There is a complexity regarding service deliveries, mail, UPS, etc.

City Manager Mark Achen returned to the meeting at this time (9:35 p.m.).

Mr. Drollinger continued by stating these gated communities tend to be in middle- to high-income areas. Some of the reasons for popularity of a gated community is the perceived reduction in crime, a sense of internal neighborhood, a sense of exclusivity and enhanced property values.

Part II - Specific Proposal for a Gated Entry to the County Club Townhomes. The proposal is to amend the final plan and plat. The original approval did not indicate any intention to place the gated entry. He referred to the final plan which was approved by the Planning Commission earlier this year. The plat calls for the construction of two cul-de-sacs with clustered townhomes and shared driveways.

- a. Private Street Issue - The Public Works Department recommends

private streets be designed and constructed to the same City Standards as public streets. This is what the petitioner is proposing.

- b. Trash and Garbage Collection - Current City Policy requires all residential developments, except for apartment buildings with more than 7 units, to be served by City trash haulers. There could be a common trash area or there would have to be an arrangement made, which would be contrary to the City's existing policy, that City Sanitation vehicles would have to access these private streets.

City Attorney Dan Wilson explained that the Policy is really an operating policy. Trash trucks were being requested originally in a commercial context to provide service. The asphalt surface they were driving on was not sufficiently constructed and there was damage to private property (parking lot). Because of that, the operating policy was not to go onto private property.

- c. Fire, Police and Emergency Services - There is a possibility of having a master card or key for the Fire and Police Department to access this community. Dave Stassen, Police Department, was present to answer questions on this issue.
- d. Stacking and Turnaround Requirement - The petitioner presented a plan at the June 6, 1995 Planning Commission Meeting that accommodated the minimum stacking requirements. There would have to be some accommodation made to allow a vehicle that would be denied entry, for example, to the gate to be able to turn around and exit this particular street layout without having to back out onto 12th Street.
- e. Physical Segregation - This community was designed from the start as having 2 cul-de-sacs and not having a lot of street lengths that would have to be eliminated as a result of it being a gated community. Therefore, there is not as much an objection from the segregation standpoint as there is if this community would serve as a link between different neighborhoods, and as a result of this gated proposal, those lengths would have to be eliminated. It is a modest sized development (23 units) rather than being a large planned unit development that would segregate itself from the rest of the city. The units are single family attached units in clusters ranging from 3 to 5 attached single family units.

Staff's recommendation, should Council consider this proposal for a gated community favorably, has been laid out with 8 conditions of approval, which Planning Commission recommended approval of this gated community subject to these staff recommendations with minor modifications:

1. Item #1 - Planning Commission recommended that the sentence "except that a sidewalk connection from North Club Court to 12th Street is not required," be deleted.
2. Item #2 - Planning Commission recommended that the first sentence regarding the designation of a common trash collection area be eliminated. A common trash collection area could become very unsightly.
3. Item #7 - Planning Commission amended it to read "All Public Service and Utility Providers shall have 24-hour access, as determined by the Public Works Director, through the gate in order to attend to either routine or emergency needs."

Planning Commission has recommended approval of the amended final plan and plat to allow for private streets and a gated entry, subject to the above revised recommendations. The vote was 3-1.

City Attorney Dan Wilson referred to Item #8 which states the timing would occur prior to the release of the development improvement agreement. He felt the timing is not soon enough because the mechanism for enforcement and assessments needs to occur before any lot is conveyed so it is binding in all of the future lot owners. It needs to occur contemporaneously with the recording of the final plat and prior to the conveyance of any lots.

Petitioner Denny Granum, 759 Horizon Drive, stated the people holding reservations on these lots want a gated community. He plans to have the gate at the front and build private streets according to City standards. The gate would be operated by individual garage door openers. The gate would remain open from dawn to dusk, then closed at night. It would provide the sense of security for the residents. All of the landscaping and facilities are maintained by the homeowners association. The majority of communities have been exposed to gated communities. The market is professional or retired people. The townhomes will sell in the \$200,000 range. They are working with the City on stacking requirements.



Mr. Granum stated guests will be admitted via a phone call from residents. There are currently 4 reservations for the development and he is working on 2 more. The gated community will have a perception of security. Its boundaries will be landscaped and will not be fenced.

Regarding stacking, Mark Relph, Public Works Manager, stated the turn lanes are not necessary for this development. The classification of 12th Street is minor arterial. Eventually, reconstruction of 12th Street will be addressed.

Mr. Granum discussed exiting of guests from the development, access by emergency vehicles, and sidewalk width (4-6 feet) to accommodate golf cart traffic.

City Attorney Wilson stated the covenants would need to require the homeowners association to maintain the street at the same frequency and to the same specifications as Public Works would for a like residential street. An assessment process would be required in order to collect the funds to do it. Mr. Granum agreed.

Mr. Wilson continued by stating in case a public safety officer is unable to access the development, the homeowners association, as an entity with the backup of the assessment, would have to agree to indemnify the City for the inability for public safety to gain access. Mr. Granum stated the homeowners association would have insurance to cover such a situation.

Mr. Wilson suggested an ordinance be drawn up for enforcement mechanisms that will also help the homeowners association. Mr. Granum agreed. Mr. Granum stated this development is a model of future developments of this type, and he is willing to work with the City to make it successful. Council's comments were well taken and he had no problem with them.

Councilmember Graham questioned if there were anything that would impair the possibility of having all the requirements and restrictions the City would otherwise impose be recorded as covenants to run with the land for each and every individual lot in this project. Title Notice might also give the City some protection from some of the liability issues referred to previously. The property owners would then be on notice of any indemnity agreements. City Attorney Wilson expected they would be put in the CCR's and be recorded immediately before the plat.

Public Works Manager Mark Relph distinguished the difference between this private street and others that have been requested in the past. The geometry and layout in this development is more conducive to the proposal. Concerns with other requests were grades and how they accessed into the existing right-of-way, and the location of the gate and its practicality, and variance from City standards. Tonight's request is for a private street built to City standards.

Mr. Relph stated the Code is silent regarding "auto courts" (driveways). They have been allowed in isolated areas, shared driveways. Staff is comfortable with the concept. Trash trucks would pickup at the cul-de-sac.

Crime Prevention Officer Dave Stassen, Grand Junction Police Department, stated the Police Department is proposing a recommendation, much like is used currently by the Fire Department, which requires commercial development to have a specific knocks box with one key. That is consistent for all commercial development within the City limits of Grand Junction. This community and all future gated communities would be keyed with their emergency key to one specific key that each individual officer in the Police Department would have issued to him. Officer Stassen explained a knocks box is used at commercial developments. Each lieutenant with the Police Department is issued a key that opens every knocks box within the City. Contained within each knocks box are the keys to the development. When access is limited, it is good crime prevention.

There was no public comment. The hearing was closed.

City Attorney Dan Wilson clarified the term "variance" is not implying that the specifications or standards vary. The label, public versus private, is the gated aspect.

It was moved by Councilmember Theobald and seconded by Councilmember Afman that the Planning Commission's approval of a variance to City Street Standards to allow a gated private street in the proposed Country Club Townhomes Subdivision be approved, subject to the amended conditions discussed.

Councilmember Terry stated she is very concerned about private streets and the potential problems they can create. She has been convinced that this request is an exception as long as requirements are met regarding covenants and conditions for private street maintenance. She is undecided regarding gated communities. It does not fit with the idea of "community" that

Grand Junction represents to her. She does not like segregation.

Councilmember Theobold was willing to give this development a trial.

Roll was called on the motion with the following result:

AYE: THEOBOLD, AFMAN, MANTLO, TERRY, MAUPIN  
NO: BAUGHMAN, GRAHAM.

The motion carried.

**PUBLIC HEARING - ORDINANCE NO. 2848 - AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - BROOKWOOD ANNEXATION, APPROXIMATELY 22.57 ACRES, LOCATED AT THE SOUTH-WEST CORNER OF F 3/4 ROAD AND 30 ROAD [FILE #ANX 95-55]**

The majority of the homeowners in the Brookwood Subdivision are requesting annexation. Staff requests that City Council approve the second reading of the ordinance for the Brookwood Annexation.

A hearing was held after proper notice. Mike Pelletier, Community Development Department, was present to answer questions of Council.

There were no comments. Upon motion by Councilmember Mantlo, seconded by Councilmember Afman and carried by roll call vote with Councilmembers **BAUGHMAN** and **GRAHAM** voting **NO**, Ordinance No. 2848 was adopted and ordered published.

**PUBLIC HEARING - MAYS SUBDIVISION ANNEXATION - RESOLUTION NO. 60-95 ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE MAYS SUBDIVISION ANNEXATION IS ELIGIBLE FOR ANNEXATION AND EXERCISING LAND USE CONTROL AND JURISDICTION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - MAYS SUBDIVISION ANNEXATION, APPROXIMATELY 13.82 ACRES, LOCATED AT NORTH SIDE OF BROADWAY AT MAYFIELD DRIVE [FILE #ANX-95-69]**

The majority of the homeowners in the Mays Subdivision are requesting annexation. Staff requests that City Council approve by Resolution the acceptance of petition and the first reading of the ordinance for the Mays Annexation.

A hearing was held after proper notice. This item was reviewed by Mike Pelletier, Community Development Department. Mr. Pelletier had previously filed with the City Clerk an affidavit stating in

his professional opinion, this annexation meets the statutory requirements. Mr. Pelletier clarified \$9,900 is budgeted for street lights and \$17,003 for street maintenance in this subdivision. Councilmember Graham requested the Fiscal Impact Overview for Mays Annexation, dated June 1, 1995, be entered into the public record. (See attach 1.)

There were no comments. Upon motion by Councilmember Mantlo, seconded by Councilmember Baughman and carried by roll call vote with Councilmember **GRAHAM** voting **NO** Resolution No. 60-95 was adopted and the proposed ordinance was passed for publication on first reading.

**PUBLIC HEARING - MONUMENT VALLEY ANNEXATION - RESOLUTION NO. 61-95 ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS AND DETERMINING THAT PROPERTY KNOWN AS THE MONUMENT VALLEY ANNEXATION IS ELIGIBLE FOR ANNEXATION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - MONUMENT VALLEY ANNEXATION, APPROXIMATELY 249.82 ACRES, LOCATED AT MONUMENT VALLEY FILINGS 4 & 5, AND PROPERTIES BETWEEN 385 AND 448 ALONG S. CAMP ROAD [FILE #ANX-95-71]**

The majority of the property owners in the Monument Valley Annexation signed POAs. Staff requests that City Council approve by Resolution the acceptance of petition and the first reading of the ordinance for the Monument Valley Annexation.

A hearing was held after proper notice.

This item was reviewed by Mike Pelletier, Community Development Department. Mr. Pelletier had previously filed with the City Clerk an affidavit stating in his professional opinion, this annexation meets the statutory requirements. Councilmember Graham requested the Fiscal Impact Overview for Monument Valley Annexation, dated June 1, 1995, be entered into the public record. (See attach 2.)

Ms. Inga Fleming, owner of property located at 385 S. Camp Road, asked if tonight is the final hearing regarding this item. President Maupin explained first reading will take place tonight with second reading scheduled for June 21, 1995. Public comment will be taken at that time. City Attorney Dan Wilson stated it is possible the hearing date may be continued due to negotiations with Mesa County. If so, Council directed Community Development Director Larry Timm to notify Ms. Fleming by mail of any change in the hearing date.

Public Works Manager Mark Relph reviewed the Fiscal Impact Overview and discussed land mile estimates of service delivery, overlays, concrete replacement, and the general impact on the Capital Budget. The incremental impact of the annexation for equipment is estimated.

Administrative Services Director Ron Lappi stated the \$29,000 median family income could be tripled in areas such as this annexation. Therefore, the disposable income portion in the impact report and its affect on sales tax could be much larger than what is being factored in on this particular annexation. When talking of homes averaging \$200,000 instead of the median of \$70,000, the actual revenue could be higher. The less dense areas, without factoring in the income levels and actual values of the property, show less revenue because there is still the same amount of streets but fewer homes.

Public Works Director Jim Shanks stated there are still operating costs involved. The streets still have to be swept, the leaves picked up, etc. He clarified he is not estimating 100% of the streets costs, but prorating this annexation by what is in it, and the next annexation will include the rest of the cost.

Councilmember Graham asked what the administrative costs were for annexation. City Manager Mark Achen responded the City has not attempted to identify those costs.

Upon motion by Councilmember Afman, seconded by Councilmember Mantlo and carried by roll call vote with Councilmembers **GRAHAM, TERRY** and **BAUGHMAN** voting **NO**, Resolution No. 61-95 was adopted, and the proposed ordinance was passed for publication.

Councilmember Graham stated the fiscal impact statements that have been prepared for the annexations are adequate.

**APPOINTMENT OF JIM BAUGHMAN TO THE DOMINGUEZ DAM ADVISORY BOARD**

Upon motion by Councilmember Theobald, seconded by Councilmember Mantlo and carried, Jim Baughman was appointed to the Dominguez Dam Advisory Board.

Councilmember Afman volunteered to act as an alternate to Councilmember Baughman.

Both Councilmembers Baughman and Afman are in favor of the Dominguez Dam.

**EXECUTIVE SESSION**

Upon motion by Councilmember Graham, seconded by Councilmember Afman and carried, the meeting adjourned into executive session at 11:09 p.m. to discuss pending litigation and an MCEDC Incentive Proposal.

City Attorney Dan Wilson stated City Council has gone into Executive Session and may come back to a Regular Session depending upon the direction of Council.

**REGULAR SESSION RESUMED**

City Council resumed its regular meeting at 12:32 a.m. Upon motion by Councilmember Theobald, seconded by Councilmember Afman and carried by roll call vote with Councilmembers **GRAHAM** and **BAUGHMAN** voting **NO**, the City Manager was authorized to execute the confidential Settlement Agreement with two ex-employees of the City of Grand Junction.

**ADJOURNMENT**

Upon motion by Councilmember Graham, seconded by Councilmember Afman and carried, the meeting was adjourned at 12:35 p.m.

Stephanie Nye, CMC  
City Clerk

***Attach 1***

*MAYS ANNEXATION*  
**Fiscal Impact Overview**  
**6/1/95**

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>
<b>ANNUAL REVENUE</b>	<b>\$10,744</b>	<b>\$11,103</b>	<b>\$11,475</b>	<b>\$11,862</b>
<b>ANNUAL COSTS</b>	<b>(17,003)</b>	<b>(16,670)</b>	<b>(17,134)</b>	<b>(17,789)</b>
<b>ONE-TIME COSTS</b>	<b>(9,900)</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>ANNUAL VARIANCE</b>	<b>\$(16,159)</b>	<b>\$(5,567)</b>	<b>(5,659)</b>	<b>\$(5,927)</b>
<b>20 Year Net Present Value</b>			<b>\$ (106,307)</b>	

NOTES:

Given the City's low property tax rate, it is not untypical for an annexation that is primarily residential to not break even in this model.

If the model gave credit to an annexation area for its current sales tax contributions, most of the residential areas would break-even on an annual operating basis.

Areas with significant infrastructure deficiencies are supported by sales tax revenue already being collected from travelers, visitors, and shoppers from outside the County.

**Attach 2**

*MONUMENT VALLEY ANNEXATION*  
**Fiscal Impact Overview**  
6/1/95

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>
<b>ANNUAL REVENUE</b>	\$61,554	\$65,899	\$70,436	\$75,173
<b>ANNUAL COSTS</b>	(126,597)	(109,643)	(113,845)	(119,252)
<b>ONE-TIME COSTS</b>	(71,342)	(30,371)	(30,371)	-
<b>ANNUAL VARIANCE</b>	\$ (136,384)	\$ (74,114)	\$ (73,780)	\$ (44,079)
<b>20 Year Net Present Value</b>		\$ (729,605)		

NOTES.

Given the City's low property tax rate, it is not untypical for an annexation that is primarily residential to not break even in this model.

If the model gave credit to an annexation area for its current sales tax contributions, most of the residential areas would break-even on an annual operating basis.

Areas with significant infrastructure deficiencies are supported by sales tax revenue already being collected from travelers, visitors, and shoppers from outside the County.

The model currently calculates sales tax revenue using average disposable income figures, this particular annexation however consists of higher income families who have much more disposable

income to spend on taxable items. Consequently, sales tax estimates are very conservative. We will factor in an adjustment for the various neighborhoods in future analyses.