

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

**October 4, 1995**

The City Council of the City of Grand Junction, Colorado, convened into regular session the 4th day of October, 1995, at 7:39 p.m. in the City/County Auditorium at City Hall. Those present were Jim Baughman, David Graham, R.T. Mantlo, Janet Terry, Reford Theobold and President of the Council Ron Maupin. Linda Afman was absent. 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 Mantlo led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Rod Siefken, Northeast Christian Church.

**PROCLAMATION DECLARING OCTOBER 15-23, 1995, AS "NATIONAL BUSINESS WOMEN'S WEEK" IN THE CITY OF GRAND JUNCTION**

**PROCLAMATION DECLARING OCTOBER 7, 1995, AS "OKTOBERFEST DAY" IN THE CITY OF GRAND JUNCTION**

**APPOINTMENT TO GROWTH PLAN STEERING COMMITTEE**

Upon motion by Councilmember Theobold, seconded by Councilmember Mantlo and carried, Connie Watt was appointed to the Growth Plan Steering Committee.

**CONSENT ITEMS**

Upon motion by Councilmember Theobold, seconded by Councilmember Mantlo and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO** on Item 6, the following Consent Items 1-10 were approved:

1. **Approving** the minutes of the Regular Meeting September 20, 1995
2. **Award of Contract** for the Purchase of a Sewer Jetter Truck for the Persigo Wastewater Treatment Plant  
Recommended Award: Boyle Equipment Company of Denver - \$76,150  
The following bids were received on September 19, 1995:

<u>Vendor</u>	<u>Gross (+)</u>	<u>Trade (-)</u>	<u>Net (+)</u>
Boyle Equipment, Denver	\$91,150.00	\$15,000.00	\$76,150.00**
Kois Brothers, Denver	\$84,884.39	\$ 6,000.00	\$78,884.39
Sreco, Lima, OH	\$86,069.00	\$ 6,000.00	\$80,069.00
Faris Machinery, Denver	\$87,401.00	\$ 3,000.00	\$84,401.00

\*\*Recommended Award

3. **Authorizing** the Annual Bulk Space Contract with the Daily Sentinel in the Amount of \$15,160.60 for the Period September 1, 1995 through August 31, 1996

Each year since 1988, the City has signed a bulk space advertising contract with the Daily Sentinel. The contract establishes annual guaranteed minimum charge per column inch (PCI) for city advertising published by the paper, exception for legal notices where rates are set by the State. The contract will run from September 1, 1995 to August 31, 1996. The City's minimum dollar liability will be \$15,160.60. When compared to the previous contract, this agreement reflects a 7% increase in the per column inch advertising rate, \$12.74 PCI daily and \$14.55 PCI Sundays.

4. **Authorization** for the City Manager to Sign the CIRSA (Colorado Intergovernmental Risk Sharing Association) Property and Liability Insurance Contract

CIRSA has provided property, general liability, crime, and professional liability insurance coverage to the City since we joined the intergovernmental pool as one of the founding members in 1982. Grand Junction's Insurance costs under this program have steadily declined from a high of \$362,000 in 1987 to \$88,238 for the 1996 quote. This is due both to the success of CIRSA and to higher deductibles on the City's part. The total 1996 cost will be further reduced by a credit from CIRSA of \$45,929, due to the closing of previous successful years' programs. The resulting net payment for insurance to CIRSA will be \$42,309.

5. **\* Resolution No. 87-95** - A Resolution Authorizing the Issuance of a Revocable Permit to Stop 'N Save at 2700 Highway 50 for Landscaping in Right-of-Way [File #RVP-95-126]

The applicant wants to place stamped/colored concrete in the right-of-way on the east and north sides of the Stop 'N Save store with several cut-outs for landscaping. This will replace the gravel which currently exists.

6. **\* Resolution No. 88-95** - A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction and Setting a Hearing on Such Annexation - Patterson-Sholes Enclave Annexation Located at the Northwest Corner of 26 Road and Galley Lane [File #ANX-95-169]

The Patterson-Sholes Enclave consists of 8.92 acres of land located at the northwest corner of 26 Road and Galley Lane. This area is totally surrounded by the City limits and is eligible for annexation under State Statutes. Bill Patterson and John Sholes are requesting that the City annex their properties now rather than wait until their properties have been enclaved for three years.

7. **\* Resolution No. 89-95** - A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction and Setting a Hearing on Such Annexation - Waymeyer-Schultz Annexation Located at 589 29 Road and Property on the East Side of 29 Road [File #ANX-95-168]

Walter Waymeyer and Thomas Schultz have signed Powers of Attorney for annexation of their property. The Petition for Annexation is now being referred to City Council. Staff requests that City Council approve by resolution the Referral of Petition for the Waymeyer-Schultz Annexation.

8. **Proposed Ordinance** - An Ordinance Rezoning Property at the Northwest Corner of 7th Street and Grand Avenue from PR to PB [File #RZ-95-138]

At second reading of this proposed ordinance there will be an appeal of a Planning Commission denial of a request to rezone property at the northwest corner of 7th Street and Grand Avenue from PR (Planned Residential) to PB (Planned Business).

- a. First Reading of Proposed Ordinance

9. **Proposed Ordinance** - An Ordinance Amending the Zoning of Lot 1, Patterson Parkwest Subdivision, to Allow Drive-Through Restaurants [File #MS-95-101]

At second reading of this proposed ordinance there will be an appeal of a Planning Commission denial of a request to subdivide a 2.99 acre parcel of land into 5 lots in a PC zone, located at the northwest corner of F Road and 24 Road, and a request to amend the PC zoning ordinance to add drive-through restaurants as an allowed use.

- a. First Reading of Proposed Ordinance

10. **Authorizing** Addendum IX for Fireline Upgrades by the Ute Water Conservancy District and the City of Grand Junction

Ute Water is required by the August 17, 1993 agreement between the City and Ute Water to supply the City with design and cost information pertaining to the installation of fire protection upgrades in areas of the City where Ute is the water purveyor and the existing lines are inadequate for fire protection. On September 21, 1995, Ute Water sent a letter to the City Public Works Director requesting that the City Council approve the addendum to the project as referenced above.

Approximately 7,500 feet of 8" water main will be required in G Road and 27 Road that will subsequently serve the fire protection requirements of 198 homes in the Galaxy, Bellavista and Fairway Park Subdivision areas. Eleven new fire hydrants and four re-connected existing fire hydrants are proposed.

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

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

**PUBLIC HEARING - ORDINANCE NO. 2868 REZONING LAND LOCATED AT THE SOUTHEAST CORNER OF 7TH AND HORIZON FROM RSF-4 TO PR-6.2 [FILE #RZO-95-131]**

A request to rezone the property at the southeast corner of 7th Street and Horizon Drive from RSF-4 (Residential Single Family, 4 units per acre) to PR-6.2 (Planned Residential, 6.2 units per acre) for the proposed Horizon Village, consisting of 72 condominium units and 4 large single family lots on 11.7 acres.

A hearing was held after proper notice. This item was reviewed by Kathy Portner, Community Development Department. The proposed Horizon Village Subdivision includes 72 condominium units contained within 24 buildings with 3 units on 2 levels. The plan includes 4 large lot building sites ranging in size from 9,000 to 32,000 square feet. The request is for a rezone from RSF-4 (Residential Single Family - 4 units per acre), to PR-6.2 (Planned Residential - 6.2 units per acre). The outline development plan was approved by the Planning Commission. Staff finds the request for rezone meets the rezone criteria in the following ways:

1. There has been a change in the character of the area with the upgrade of 7th Street and the proposed upgrade of Horizon Drive;

2. The higher density development to the east of 12 units per acre and to the west, across 7th Street, of 28 units per acre (Mesa View Retirement Center);
3. The proposed rezone is compatible with the surrounding area.

Staff initially questioned whether the applicant had considered a higher density, more in conformance with the surrounding densities. The applicant responded that the effective density is actually greater than 6.2 units per acre when the undevelopable acreage is deleted from the density calculation. The area between Horizon Drive and the Ranchman's Ditch is undevelopable and the developer is proposing to leave it as open-space. When that area is deleted, the effective density is closer to 8.5 units per acre. The proposed rezone will bring the density up to a level more compatible with the surrounding development. The proposal is in conformance with the 7th Street and Horizon Drive Corridor Guidelines and some of the proposed Growth Plan alternatives that have been identified thus far. Adequate facilities are available or can be reasonably extended to serve the proposed development. Staff recommends approval of the rezone. The Planning Commission also recommended approval of the rezone.

Ms. Portner answered questions of Councilmembers by stating the plan proposes no access onto Horizon Drive. They are leaving the floodplain undeveloped, and proposing only one access onto 7th Street. She stated they will go through two more phases of review before the Planning Commission if this request is approved, and the access onto 7th Street might change a little through the more detailed reviews. Ms. Portner stated the traffic study would be required with the next phases of review to determine the location of entry onto 7th Street and what type of traffic controls would be necessary, or improvements onto 7th Street. The City's traffic department is part of the review. The Planning Commission will have the final decision. The City has a manual which addresses what needs to be included in a traffic study, and discusses the types of things Staff is looking for. There are certain traffic issues that Public Works would look for from the developer's traffic engineer. Typically, the traffic study will reveal whether the location of the entry is appropriate given site distance concerns. City Attorney Wilson stated the City's manual sets the objective standards with some discretion built in. The private open-space will be maintained by the petitioner. It is not being accepted in lieu of open-space fees. The additional 20-foot right-of-way along Horizon Drive is necessary to be able to construct a detached (space between the roadway and the pathway

system) bicycle trail and pathway system. The petitioner agreed to the right-of-way. Councilmember Graham asked if there is a particular Code provision which allows the City to require dedication for trails. Ms. Portner responded there is a provision in Section 5-4-1(d): "A developer shall dedicate to the City such rights-of-way such as public streets, sidewalks, trails, bicycle paths and easements that are needed to serve the area being developed in accordance with the right-of-way functional classification map, also any sidewalks, trails, and/or bicycle plans or maps that the City may adopt, including riverfront trails and bike path maps."

Mr. Brian Hart, Land Design, 200 N. 6th Street, Suite 102, representing the property owners Helen and Nick Mahleres, stated they have no problem with the conditions of Staff and the Planning Commission. The only issue that came up was the issue of the sewer line in regards to the water, but was amended. It will be addressed in the preliminary plan stage. The four single lots are located on the south portion of the site.

There were no other public comments. Upon motion by Councilmember Mantlo, seconded by Councilmember Terry and carried by roll call vote, Ordinance No. 2868 was adopted and passed for publication on final reading.

Councilmembers Baughman and Graham wished the record to show that although they voted in favor of the ordinance, they disagree with requirement #8 in the Staff request (20-foot easement along the Grand Valley Canal).

**PUBLIC HEARING - ORDINANCE NO. 2869 ZONING THE BLUFFS WEST #2 ANNEXATION TO RSF-4, PR-2, PZ AND B-3 [FILE #ANX-95-118]**

The City is required by State Statute to zone properties annexed into the City within 90 days of the effective date of the annexation. The Bluffs West #2 Annexation has been approved by City Council.

A hearing was held after proper notice. Dave Thornton, Community Development Department, reviewed this item. He referred to the map showing the proposed zoning. He explained the previous County zoning for the area Bluffs West Estates Filing #1, #2 and #3 was Planned Residential, 2 units per acre. Staff proposes to maintain that zoning as PR-2. A small business center located across from Broadway School was zoned Business in the County. Staff proposes a Heavy Business B-3 zone. The rest of the annexation was zoned R-2 in the County. The City's closest zone is RSF-4. RSF-4 is

the proposed zone for the remaining areas, except 5 parcels that are owned by Mesa County. The recommended zoning for those parcels is Public Zone (PZ). City Manager Mark Achen stated Mesa County holds title to a number of miscellaneous parcels in the Valley, some of which may be planned for public use. Some may be property they would prefer to sell, in which case a PZ zone could be a detriment. He felt the City should contact the County to make sure the PZ zone is satisfactory. Mr. Thornton stated the County has been contacted during the entire annexation process, but he will follow up on that concern.

There were no public comments. Upon motion by Councilmember Theobald, seconded by Councilmember Mantlo and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO**, Ordinance No. 2869 was adopted and ordered published on final reading.

Councilmember Baughman clarified he voted NO because the zoning is premature.

**PUBLIC HEARING - APPEAL OF PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT FOR RIMROCK MARKETPLACE BY AN ADJACENT PROPERTY OWNER [FILE #CUP-95-137]**

This is an appeal of a Conditional Use Permit decision by Planning Commission. Harold Woolard, an adjoining property owner, has appealed the Planning Commission approval of the Rimrock Marketplace to the City Council based on access concerns. High Plains Land Company is requesting Conditional Use approval of an approximately 370,000 square foot retail center plus additional "pad site" development on an approximately 44.6 acre parcel on Highway 6&50 just west of 25 1/2 Road and directly south of Sam's Club.

A hearing was held after proper notice. This item was reviewed by Michael Drollinger, Community Development Department. He set up a slide presentation. In March, 1994, a larger application on Rimrock Marketplace received conditional use permit approval of approximately 530,000 square feet. He explained the differences between the earlier application and the one being considered tonight. The original application involved approximately 50 acres, the number of pad sites was the same (5). That proposal called for a relocation of the frontage road. The proposal was to extend the frontage road to the south toward Gene Taylor's. Mr. Drollinger stated everything identified in turquoise on the maps is The Corner Store, Mr. Woolard's property.

Mr. Drollinger then discussed the present proposal. The amount of area is smaller. The Hansen Equipment property is no longer a part of the proposal. There is also a smaller number of buildings, (approximately 370,000 square feet). The parcel is now 45 acres in size. The frontage road is still planned to be abandoned for the same distance, although, because of geometric concerns, a portion of the frontage road will be vacated and a portion of the frontage road will be relocated back to the rear. A driveway would provide access to the rear of Corner Store, with another access to Highway 6 & 50. A segment of 25 1/2 Road is proposed to be constructed by the petitioner. This proposal still calls for the extension of the frontage road all the way down to Gene Taylor's. The present access to Mr. Woolard's property would be retained under the current proposal, although a portion of the frontage road is proposed to be eliminated. Mr. Drollinger pointed out the 5 pad site locations on the map which would have no access off of Highway 6 & 50, but would access off the new frontage road. He displayed an aerial view of the Independent Avenue area, Sam's Club, Simpson Auto, the present signalized intersection, the present frontage road, and the Corner Store. He noted the spacing between the current frontage road and the intersection is very tight which is one of the reasons for the proposal to eliminate the current frontage road, and relocate it, so there will be enough stacking distance to allow for traffic to get in and out of the property.

Mr. Drollinger reviewed Staff's conclusions. Based on the review of the conditional use permit criteria, Staff believes this project can be accommodated at this site with the proposed traffic improvements without serious detriment to the surrounding area. Staff recommends that should City Council choose to favorably consider this application, that the Conditional Use Permit contain the following provisions:

1. The project is approved for a maximum of 370,000 square feet of retail space not including the pad sites, which will be limited in number by the ability to meet City Zoning Code requirements, to be constructed within the building envelopes identified on the site plan. If the proposal should exceed the size limit or the building envelopes proposed, the conditional use permit shall be subject to reevaluation by the Planning Commission at the discretion of City Staff.
2. The project signage will be subject to the attached signage guidelines which are based on those proposed by the petitioner and modified by Staff;
3. The conditional use permit approval is subject to the



subsequent acceptance of a site plan and subdivision that meets all Zoning and Development Code requirements, and are subject to staff approval, review agency approval and Planning Commission approval as required by Code.

4. Staff finds that the circulation improvements identified in the General Project Report and the Traffic Impact Analysis are necessary for the safe and efficient movement of vehicles to and from the site at acceptable levels of service. A condition of this approval is that the funding and construction of the identified improvements are the responsibility of the developer, and that all circulation improvements are subject to review and approval by the City and CDOT, and must meet applicable requirements. Significant changes to the design and operation of the circulation network, as proposed, may require reevaluation of the conditional use permit by the Planning Commission at the discretion of City Staff.
5. All pad site development is subject to the requirements of the Zoning and Development Code and adopted signage guidelines for Rimrock Marketplace. Development proposals for the pad sites require site plan review.

The Staff recommends approval of this conditional use permit with the above conditions.

Councilmember Terry asked why the petitioner is being required to pay for the road to Gene Taylor's. Mr. Drollinger stated the traffic study shows one of the critical movements is traffic coming from the south and makes a left turn into the development via the signalized intersection. The extension of the frontage road relieves some of the pressure on that intersection, and keeps it at acceptable levels of service. The projection for the Mulberry and Highway 340 intersection shows it operating at acceptable levels of service, based on the petitioner's traffic study. When the design evolves, City Staff will consider if there are any improvements needed at that intersection, striping improvements, adjustments in the signal timing, etc.

Councilmember Graham asked for clarification regarding the adequacy for vehicular circulation design based on the revised site plan. Mr. Drollinger clarified he was referring to interior vehicle design, the design of the parking lot. The adequacies of internal design are something that still needs to be worked out by Staff. That will be accomplished at the site plan review stage when detailed engineering drawings are presented for on-site

circulation. He was not referring to the off-site circulation or the adjacent circulation on the highway in those improvements.

City Attorney Dan Wilson questioned the signage plan. Mr. Drollinger stated Staff has had the petitioner identify signage. Signage is to be provided at the 25 1/2 Road and the Highway 6 & 50 frontages. It is clarified by the sign locations being identified on the site plan.

Petitioner Phil Hart, President of Land Design, 200 N. 6th Street, was present representing the landowners. The utilities, drainage, most of the circulation remains very similar to the original plan that was filed earlier this year. The traffic study has been revised from the original traffic study to address the individual problems of the site. Since this is a preliminary plan, a preliminary traffic study has been filed, as well. The traffic study addresses all the issues regarding circulation, numbers of vehicles, trips per day, etc. He noted the traffic study required a certain distance of stacking of vehicles. The study also proposed an extra left-hand turn lane from Highway 6 & 50 from the east. There will be two left-hand turn lanes at that point. Before there were two left-hand turns coming out, going west on Highway 6 & 50. At this point only one left-hand turn will be coming out of that area. There will be two additional lanes on Highway 6 & 50, one for an acceleration lane, and one for an additional left-hand turn lane coming from the east on 6 & 50. The current plan is basically the same concept as the original plan. Mr. Hart stated the traffic study was done by Lee, Scott & Cleary a traffic engineering company. The study required the stacking distance and the elimination of the two current frontage road sections, as proposed.

Mr. Hart stated the road proposed to extend to the rear of Mr. Woolard's property is 3 lanes, and designed right up to the edge of his property with the same criteria used for the other intersections. Councilmember Graham asked if the petitioner had approached Mr. Woolard to acquire his property as well. Mr. Denny Granum, 759 Horizon Drive, representing the petitioner, stated this property has been under option for the past three years. They have had numerous discussions with the owner of The Corner Store relative to purchasing his property, and he has been well aware of what is going on. Mr. Granum stated the property was listed for \$395,000. They offered \$265,000 for the property three years ago. It was not acceptable to Mr. Woolard. Later, they offered Mr. Woolard \$600,000 for the property, but he wanted \$1 million.

Mr. Don McBee, 1021 Main Street, attorney for the appellant, stated Mr. Woolard is selling large trailers and other types of heavy equipment at The Corner Store. Some of the trailers are 40 feet long and are delivered by semi-trailer trucks which are 60-70 feet long. Right now Mr. Woolard has access all along the front of his store. This proposal would close the entire front of Mr. Woolard's business, requiring entrance from the rear. In order to have the semi trucks and customers with trailers that are purchased from Mr. Woolard or serviced use the area, a road would have to be constructed using approximately 1/3 of Mr. Woolard's property. The present access is along the current frontage road and accesses the entire front of Mr. Woolard's business, with almost an unlimited turning area for trucks and parking area. This proposal would get rid of that access. Mayor Maupin offered the fact that the frontage road continues to the end of Mr. Woolard's property and he will not lose that area. He will actually gain 40 feet of roadway in front of his store. According to the maps, Mayor Maupin sees Mr. Woolard getting two lanes of road in front of his store. Mr. McBee understands the petitioner is proposing to build an acceleration lane which would expand Highway 6 & 50. Mr. Woolard would gain some footage, but in order to get traffic into his business, Mr. Woolard would have to build a road all the way around to the front of his property. An alternative would be, instead of using Mr. Woolard's property, require the developer to construct a road somewhere up the east side of Mr. Woolard's property that would join the corner where the present exit is onto Highway 6 & 50. Then Mr. Woolard would be able to get to the front of his property without using up a large part of his property for this development.

Michael Drollinger stated Staff has not fully evaluated whether the exact location of the driveway is going to be the ultimate location. Reasonable access must be provided from the rear area. If it requires some adjustment, the petitioner is going to have to provide such information so Staff can make necessary adjustments. The plans are not at that level of detail to be able to evaluate all the exact grades yet.

Public Works Manager Mark Relph stated the aerial map was generated from the City's GIS project, and is based on the actual subdivision plat, and is fairly accurate. The right-of-way line is probably very close to Mr. Woolard's buildings, further south.

Mr. McBee addressed the issue of the price of Mr. Woolard's property. Mr. Woolard did \$1.4 million worth of business on that property in 1994. It is a substantial business. He is currently gathering information regarding the financial loss if the proposal

is approved.

Councilmember Graham asked Mr. McBee if his client would accept a road running along the proposed new frontage road, along the east side, connecting somewhere, in lieu of the proposed one along the south side. Mr. McBee felt it would solve the problem. The present proposal would cause Mr. Woolard to use his land to build a road which would deprive him of the land he is now using to store vehicles. A road that goes around the side and allows Mr. Woolard access near his present driveway off onto Highway 6 & 50 would solve the problem. Mr. McBee stated Mr. Woolard is willing to listen to all reasonable proposals.

Mr. Harold Woolard, owner of The Corner Store, stated no one has ever offered him \$600,000 cash money for his property. The prospective buyer offered to purchase a two-acre narrow strip of ground owned by Jim Fuoco, and construct a building which they would value at \$600,000 for the land and the proposed building. There is no access there, and he would not consider the proposal. If the frontage road were left there so a truck could come up and around and circle in front and come back down the east side of the property making a loop, there would be no problem.

Regarding drainage, Mr. Woolard stated the petitioner is proposing to build up at the lower portion of Mr. Woolard's property. The initial site plan calls for approximately 300 to 400 million cubic feet of fill in that area, resulting in his property being considerably lower than the shopping center. It would create a drainage problem for Mr. Woolard. Mr. Woolard said the petitioner has said he would take care of it. Mr. Woolard has no problem with the shopping center if it will leave access around his store and take care of the drainage. He stated his retaining wall is approximately 10 feet high with 8 feet of fill. Mayor Maupin reminded Council that Staff has said the road will be constructed at grade with Mr. Woolard's property.

City Manager Mark Achen stated if grades must be changed on both properties, then both property owners must work together. The City has the ability to require the applicant to change, but not the ability to require Mr. Woolard to change. An amicable agreement must be reached.

Mr. Phil Hart reviewed a preliminary plan for construction of the road at the rear of Mr. Woolard's property. He stated the petitioner would make sure the road accessed where Mr. Woolard could use it. He also discussed correction of drainage problems

on the site.

Mayor Maupin stated the reason the frontage road is being proposed to be abandoned for this development is because of the problem with stacking distances. Public Works Manager Mark Relph is a professional engineer registered in the State of Colorado, with years of experience in traffic analyses. Mr. Relph agreed the sole purpose of off-setting the frontage road is to provide the stacking distance in front of the traffic signal opposite Sam's Club. The applicant's traffic reports shows approximately 200 feet of room is required to stack enough cars and not create a conflict in traffic movement. The petitioner's proposed concept will satisfy that need. This proposal would generate approximately 1000 vehicles during the peak hour. In order to make this intersection safe and minimize traffic accidents, he does not want any kind of access that interrupts that stacking distance. Cars stacked up 200 feet trying to access the existing frontage road, creates a serious safety issue. Mr. Relph stated the only practical approach to the stacking distance problem is to abandon the existing frontage road.

In response to a question of Councilmember Graham, Mr. Relph stated development of the current frontage road meets no existing standard that would allow such a configuration. Mr. Relph felt it is a problem even with the existing traffic of The Corner Store alone. There is not enough room. The likelihood of a collision is simply too high. He noted when the Roads Needs Study was done with the CRSS, it was recommended the City target specific intersections to eliminate problems just like this. An example is 25 Road at I-70B. The location of a frontage road so close to a highway is simply unsafe.

The hearing was closed.

Councilmember Baughman felt the proposal to access Mr. Woolard's property from the back, with Mr. Woolard required to use his property for a traffic condition he is not presently required to provide is wrong. He understood if the frontage road is abandoned in front of Mr. Woolard's property, the access to that frontage road from the west does not give traffic movement to his property for trucks and trailers as he presently enjoys. Proposing that Mr. Woolard use part of his property to provide this access is wrong. He felt the petitioner should provide the access on the petitioner's property.

Councilmember Theobald felt there are existing traffic conditions that Mr. Woolard must face whether the shopping center goes in, or not. Abandoning the frontage road is going to solve some issues, and create some issues for Mr. Woolard. He felt there is room for negotiation and mutual benefit from the three parties involved. It appears The Corner Store and others along the frontage road are already using part of the State right-of-way. There may be some trade-offs to be made. The property line for The Corner Store is approximately 40 feet to the east. It also appears The Corner Store is using approximately 40 feet of the Rimrock property today.

Councilmember Mantlo stated those involved are willing to work out these problems. The initial plan caused concern for Mr. Woolard that customers would be unable to reach his property. Under this plan, there is more frontage road left than before.

Councilmember Theobald felt this plan is an improvement over the original plan.

Mayor Maupin addressed the comments from Mr. Woolard's attorney Mr. McBee which were: "It is equivalent to a condemnation and destroys the value of Mr. Woolard's property." Mayor Maupin feels Mr. Woolard gets several more access roads with this proposal and additional benefits.

Councilmember Graham stated he would like to see the maximum economic use of both properties. He is not satisfied that staff has dealt with the proposals discussed tonight, namely the east side access alternative, the west side access alternative, and the horseshoe alternative. He feels a particular recommendation should be made with the impact and consequences. He personally felt the horseshoe alternative is a bit much to ask of the developer. He felt it would be justifiable to ask for either the east or west side accesses. He felt staff could bring this back to Council with a recommendation.

It was moved by Councilmember Terry and seconded by Councilmember Mantlo that the appeal be denied and direct staff, the petitioner and Mr. Woolard to resolve the issues for access identified by Councilmember Graham.

Discussion took place regarding where the process from here. Michael Drollinger discussed the procedure.

Councilmember Graham felt it is appropriate for the City to continue to be involved in the solution to the problem as the City's purpose in moving the frontage road is, for some reasons, a

City purpose alone in terms of the pre-existing problems with the intersection. He preferred to send this back to the Planning Commission for subsequent Council review.

Councilmember Baughman agreed with Councilmember Graham.

Roll call was called on the motion with the following result:

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

**OTHER BUSINESS**

**28 1/4 Road Signage**

Mayor Maupin stated there are areas on 28 1/4 Road where no parking is allowed, but there are no signs advising the public of such. Public Works Manager Mark Relph said he would look into the situation and report back to Council.

**ADJOURNMENT**

Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried, the meeting was adjourned at 9:59 p.m.

Stephanie Nye, CMC/AAE  
City Clerk