

**GRAND JUNCTION PLANNING COMMISSION**  
**Public Hearing - June 6, 1995**  
**7:03 p.m. to 10:10 p.m.**

**I. CALL TO ORDER**

The regularly scheduled Planning Commission hearing was called to order at 7:03 p.m. in the City/County Auditorium by Chairman John Elmer.

In attendance, representing the Planning Commission, were: John Elmer (Chairman), Tom Volkmann, Jeff Vogel, Ron Halsey, and Bob Withers. Thomas Whitaker and Stephen Laiche were absent.

In attendance, representing Planning Department staff, were: Larry Timm (Director), Kathy Portner (Planning Supervisor), Mike Pelletier (Associate Planner), and Michael Drollinger (Senior Planner). Also present were John Shaver (Asst. City Attorney), Jody Kliska (City Development Engineer), and Dave Stassen (Police Department).

Terri Troutner was present to record the minutes. (Due to difficulties experienced with the recorder a complete audio recording of this meeting is unavailable.)

There were approximately 69 interested citizens present during the course of the hearing.

**II. CONSIDERATION OF MINUTES**

**MOTION: (Commissioner Halsey) "Mr. Chairman, I move that we approve the minutes of May 2, 1995 as submitted."**

Commissioner Vogel seconded the motion. A vote was called, and the motion passed unanimously by a vote of 5-0.

**III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS**

Chairman Elmer announced that item FPP-95-85 would be pulled from the evening's agenda.

**IV. PUBLIC HEARING ITEMS FOR FINAL CONSIDERATION**

**CUP-95-82 CONDITIONAL USE PERMIT, ANIMAL--GOAT**

**Request for approval of a Conditional Use Permit to allow a goat in an RSF-8 (Residential Single Family with a density not to exceed 8 units per acre) Zone District.**

**Petitioner: Rose Salsbury**

**Location: 140 Miriam Avenue**

**STAFF PRESENTATION**

Kathy Portner gave a brief overview of the request. The petitioner had been informed of conditional use criteria and staff recommended approval.

### **PETITIONER'S PRESENTATION**

The petitioner concurred with staff recommendations and declined further comment.

### **PUBLIC COMMENTS**

There were no comments either for, or against, the request.

**MOTION: (Commissioner Halsey) "Mr. Chairman, on item CUP 95-82, a Conditional Use Permit to keep a goat, I move we approve the request."**

The motion was seconded by Chairman Volkmann. A vote was called, and the motion passed unanimously by a vote of 5-0.

### **CUP-95-90 CONDITIONAL USE PERMIT--OUTDOOR EVENTS**

**Request for approval of a Conditional Use Permit to hold outdoor events in an H.O. (Highway Oriented) Zone District.**

**Petitioner: Grand Junction Hilton**

**Location: 743 Horizon Drive**

**Representative: Wendel McConnell**

### **STAFF PRESENTATION**

Kathy Portner outlined the request, saying that the Conditional Use Permit would allow the outdoor musical concert series known as "Summer Under the Stars." Ms. Portner indicated that while all pertinent issues had been sufficiently addressed, prior complaints had been received from citizens regarding late night noise. A petition containing 14 signatures was presented to staff. The signers of the petition did not object to the concerts being held, but did request the cessation of noise after 10:00 p.m. Staff recommended approval subject to the following conditions:

1. A maximum of six (6) outdoor concerts per calendar year shall be scheduled. An outdoor concert, for the purposes of this condition, is defined as shows involving nationally touring musicians/artists. Local fund-raising events or outdoor music performed exclusively for hotel patrons is excluded from this limitation.
2. All concerts shall be concluded no later than 10:00 p.m. and all outdoor music, whether live or taped, is prohibited thereafter.

### **QUESTIONS**

Commissioner Halsey asked if the Conditional Use Permit pertained only to the concert series, or did it include fund-raising events. Ms. Portner replied that the permit was for the concert series only.

Chairman Elmer asked the petitioner if he had any objection to taking out the word "nationally" as it described the various artists/musicians in condition 1. Ron Wilson, representing the petitioner, said that he preferred to leave the description as-is, since he felt the advertising of "nationally" touring talent created more interest by the general public in the concert series.

### **PETITIONER'S PRESENTATION**

Ron Wilson (648 Aspenwood Lane, Grand Junction), representing the petitioner, indicated that the Grand Junction Hilton had been sponsoring concerts at their location since 1983 with no problems. He recounted a singular instance where a concert had run over its estimated playing timeframe, but added that it had been due to unforeseen delays in the band's arrival. He agreed with the 10:00 p.m. condition imposed by staff.

### **PUBLIC COMMENTS**

There were no comments for, or against, the request.

**MOTION: (Commissioner Volkmann) "Mr. Chairman, on item CUP 95-90, I move that we approve the proposed Conditional Use Permit subject to staff recommendations and conditions."**

Commissioner Withers seconded the motion. A vote was called, and the motion passed unanimously by a vote of 5-0.

**CUP-95-91 CONDITIONAL USE PERMIT--IMMACULATE HEART OF MARY  
Request for approval of an amendment to an approved Conditional Use Permit to allow construction of housing for the priests at the Immaculate Heart of Mary Church.**

**Petitioner: Immaculate Heart of Mary Parish**

**Location: 801 Wellington**

**Representative: Rob Griffin, Alpine C.M., Inc.**

### **STAFF PRESENTATION**

Kathy Portner detailed the proposal, indicating that the new rectory would replace the existing priest's residence, which would then be converted into meeting and office space. She indicated that the design was good and the use compatible. Staff recommended approval.

### **QUESTIONS**

Chairman Elmer asked if access for the rectory, which crossed another of the church's lots, would create any problems. Ms. Portner said that the series of lots would be combined into one tax parcel and would remain that way as long as the use was in effect. She suggested including this as a condition in the motion.

### **PETITIONER'S PRESENTATION**

Rob Griffin (2696 Amber Way, Grand Junction), representing the petitioner, said that there would be no problem in combining the lots into one tax parcel.

### **PUBLIC COMMENTS**

There were no comments either for, or against, the proposal.

**MOTION: (Commissioner Withers) "Mr. Chairman, on item CUP-95-91, an amended Conditional Use Permit for the Immaculate Heart of Mary Church, I move we approve the request subject to the lots being combined through a recorded document supplied by the Planning Department prior to the issuing of a planning clearance."**

Commissioner Halsey seconded the motion. A vote was called, and the motion passed unanimously by a vote of 5-0.

**FPP-95-91 FINAL PLAT/PLAN--VALLEY MEADOWS SUBDIVISION, FILING #2  
Request for approval of the Final Plat/Plan for Valley Meadows Subdivision, Filing #2  
consisting of 21 single family lots on approximately 7 acres with zoning of PR-2.8 (Planned  
Residential with a density of 2.8 units per acre).**

**Petitioner: GWHC, Inc.**

**Location: 25 1/2 Road and the Grand Valley Canal**

**Representative: Trevor Brown, Rolland Engineering**

**STAFF PRESENTATION**

Kathy Portner presented an overview of the proposal. She felt that the only outstanding issue concerned the drainage. She indicated that drainage for Filing 1 emptied into the Grand Valley Canal. The petitioner requested the same thing for Filing 2; however, due to verbiage contained in a proposed agreement from the Grand Valley Irrigation Company (GVIC), the City was concerned that the GVIC could potentially cut off all drainage access to the filing if contaminants or hazardous materials were found to be discharging into the canal from the property, leaving the property with no way to discharge drainage. Thus, the petitioner must be able to ensure that the Discharge Agreement is permanent or a detention facility must be designed for the subdivision (copies of the current agreement were distributed to Commissioners).

Staff recommended approval subject to the following conditions:

1. The revised CCRs must be reviewed and approved by the City prior to recording the plat.
2. Proof of formation of a Homeowners Association (HOA) is required prior to recording the plat.
3. The petitioner must obtain a discharge agreement that cannot be revoked or redesign to accommodate detention on site is acceptable to staff.
4. All other review agency comments have been adequately addressed by the petitioner in the response to comments or will be prior to recording the plat.

**QUESTIONS**

Commissioner Withers wondered why the City was requiring the formation of a Homeowners Association, to which Ms. Portner replied that it was a new City requirement which was designed to ensure continuity and that requirements/covenants would be enforced.

**PETITIONER'S PRESENTATION**

Tom Rolland, representing the petitioner, expressed concern over the staff recommendation concerning drainage. He said that the GVIC was looking for some sort of enforcement "vehicle" which would ensure the quality of water being discharged into the canal. He felt that wording could be added to the covenants which would make the HOA responsible for monitoring discharge into the canal. Mr. Rolland said that creation of a drainage detention area would only serve to delay ultimate discharge into the canal and would serve no real purpose. He wasn't sure he would be able to receive an irrevocable permit and was unsure how to resolve the issue.

**QUESTIONS**

Commissioner Withers wondered if drainage would be discharged between lots 5 and 6, to which Mr. Rolland replied affirmatively. Mr. Rolland added that no lots would be gained or lost with the creation of a detention area.

Commissioner Withers asked about water volumes, to which Mr. Rolland said that the GVIC did not express concern over water volumes.

Chairman Elmer acknowledged that with the wording as currently stated in the Discharge Agreement dated May 15, 1995, the GVIC could effectively cut off all drainage access to the filing entirely at any point. Mr. Rolland did not feel that he was left with any viable option to pursue.

Commissioner Vogel questioned what the GVIC would define as “quality” of water or how it would define “contaminant.” Commissioner Halsey felt that these definitions would be clarified through EPA standards. John Shaver added that Federal regulations are very stringent. He agreed with Commissioner Vogel’s comment that water quality is an issue and requested the right to review any proposed rewording of the Discharge Agreement.

When asked what type of detention facility would be required if no discharge into the canal was available, Ms. Portner responded that the petitioner would have to design a pond in the same area as the preferred discharge route; however, she also acknowledged that without a place for ultimate discharge of drainage water, the petitioner may even be required to provide a retention area. Mr. Shaver said that the retention of water on site could change the issue of discharge to the canal and potentially alleviate other problems.

When asked to comment on water volumes, Mr. Shaver said that, typically, historic flows were protected; however, water volumes which exceeded historic flows may not be. He acknowledged that the current trend was to focus on water quality and not quantity so long as historic flow is roughly maintained.

Chairman Elmer felt that the detention of water prior to discharge allowed sediments and solids to accumulate on the bottom, thus improving the ultimate discharge quality.

Commissioner Withers felt that wording could be added to the covenants to designate the HOA as water quality enforcer. He also felt that GVIC should be approached about wording its paragraph 2. to include a temporary cessation of discharge until any problem is remedied, at which time the discharge would be allowed to continue.

### **PUBLIC COMMENTS**

There were no comments either for, or against, the proposal.

**MOTION: (Commissioner Withers) “Mr. Chairman, on item FPP-95-81, I move we approve the Final Plat for Valley Meadows, Filing #2, subject to staff comments 1. through 4. with comment 3. revised to read, “The petitioner must obtain a discharge agreement that is acceptable to staff.”**

Commissioner Halsey seconded the motion. A brief discussion ensued over the appeal procedure. A vote was then called, and the motion passed unanimously by a vote of 5-0.

### **MS-95-77 MINOR SUBDIVISION--FAIR SUBDIVISION**

**Request for approval of subdivision of a 1.153 acre parcel into two lots in an RSF-2 (Residential Single Family with a density not to exceed 2 units per acre) Zone District.**

**Petitioner: John Fair**

**Location: Northwest corner of G and 24 3/4 Roads**

**Representative: John Giancanelli**

**STAFF PRESENTATION**

Mike Pelletier presented a brief overview of the proposal. With all major issues resolved, staff recommended approval subject to the following conditions:

1. Proposed Lot 2 shall not have access onto G Road. The Final Plat shall have a note which states: "Lot 2 shall have no access onto G Road."
2. Parks and Open Space fees are \$225 per lot and shall be payable prior to the recording of the Final Plat.
3. The petitioner shall dedicate to the City two feet of right-of-way along 24 3/4 Road and ten feet of right-of-way along G Road in order that future road improvements can be made. The dedication of these rights-of-way may be credited against the Transportation Capacity Payment (TCP).
4. The petitioner shall sufficiently satisfy all other comments from reviewing agencies.

**PETITIONER'S PRESENTATION**

The petitioner concurred with staff recommendations and declined further comment.

**PUBLIC COMMENTS**

There were no comments either for, or against, the proposal.

**MOTION: (Commissioner Volkmann) "Mr. Chairman, on item MS-95-77, I move that we approve the proposed two lot Minor Subdivision subject to staff recommendations and conditions."**

Commissioner Halsey seconded the motion. A vote was called, and the motion passed unanimously by a vote of 5-0.

**FPP-95-84 FINAL PLAT--SOUTH RIM, FILING #3**

**Request for approval of the Final Plat for South Rim, Filing #3, for 40 (as amended) single family residential lots on approximately 16.3 acres with zoning of PR-3.5 (Planned Residential with a density of 3.5 units per acre).**

**Petitioner: David Behrhorst, Lowe Development Corp.**

**Location: East end of South Rim Drive**

**Representative: Tom Logue, Landesign, Inc.**

**STAFF PRESENTATION**

Michael Drollinger detailed the request. The petitioner is requesting a structure height allowance not to exceed 20 feet. He indicated that provisions for improved access to the Olsen tract could be made one of two ways:

1. Dedication of land to Mr. Olsen from Ewing Drive (minimum width to accommodate a public street at some future time), or

2. Dedication of a minimum 44-foot right-of-way to the City from Ewing Drive east to the Olsen property which would allow for the construction of a public street by the developer at such time that the Olsen tract may be developed.

Staff preferred the second option. Mr. Drollinger added that the 15-foot sewer easement requested by the Utility Engineer should be increased to 20 feet. With this condition and the addition of the preferred option for access, staff recommended approval, noting that there was no objection to allowing the petitioner a height allowance not to exceed 20 feet.

### **PETITIONER'S PRESENTATION**

Tom Logue, representing the petitioner, clarified that the proposal called for 40 lots and not 39. (Mr. Drollinger confirmed that the reference to 39 lots had been a typographical error.) Mr. Logue agreed to revise the Final Plat to show the dedication of a 44-foot right-of-way at staff's request and felt that all other issues and concerns had been resolved.

### **PUBLIC COMMENTS**

While there were no comments expressly for or against the proposal, the following general comments were noted.

Jesse Sussman (2330 E Road, Grand Junction) requested and received clarification regarding Ewing Drive access.

**MOTION: (Commissioner Volkmann) "Mr. Chairman, on item FPP-95-84, a request for Final Plat/Plan approval and ROW vacation for Filing #3, I move that the Final Plat/Plan be approved subject to staff recommendations, namely the dedication of the 44-foot right-of-way, the sewer easement width expanded from 15 feet to 20 feet, and I recommend we forward on to City Council with recommendation of approval the right-of-way vacation request."**

Commissioner Halsey seconded the motion. A vote was called, and the motion passed unanimously by a vote of 5-0.

**PP-95-83 PRELIMINARY PLAN--AMENDED, SOUTH RIM SUBDIVISION, FILING #5  
Request for approval of an amended Preliminary Plan for South Rim Subdivision, Filing #5,  
for 15 single family residential lots on approximately 10 acres with zoning of PR-3.5 (Planned  
Residential with a density of 3.5 units per acre).**

**Petitioner: David Behrhorst, Lowe Development Corp.**

**Location: Teal Court and South Rim Drive**

**Representative: Tom Logue, Landesign**

### **STAFF PRESENTATION**

Michael Drollinger indicated that the original plan had called for 92 condominium units. The petitioner has submitted a modified plan calling for 15 single family units instead, which would represent a significant decrease in density. Although the petitioner had requested that the streets be private, the City presently does not allow private streets within the City limits. The petitioner was advised that the City is formulating a street policy, but agreed to abide by whatever street policy would be in effect at the time of platting of this filing.

The petitioner felt that the water line looping requirements attached to the previous plan for

condominiums should be eliminated because of the significant downsizing of the current proposal; however, the Fire Department will reserve its determination pending receipt of additional information from the petitioner.

Staff recommended approval subject to the petitioner constructing and dedicating a street in accordance with the City's street policy at the time of platting of this filing (and review agency comments).

### **PETITIONER'S PRESENTATION**

Tom Logue felt that a resolution of the water line issue could be reached with the Fire Department. He had no objection to staff comments or requirements.

### **PUBLIC COMMENTS**

While there were no comments specifically for or against the proposal, the following citizens expressed general concerns.

Jack Rodifer (2288 E Road, Grand Junction) requested information concerning traffic along South Rim Drive and proposed traffic control devices. This was provided by Jody Kliska.

Rick Topper (2323 E 1/2 Road, Grand Junction) expressed concern about the approval of new subdivisions seemingly without regard for the need for new schools. Chairman Elmer responded that the City and County were undertaking a growth management plan and that the issue of new schools was a part of that plan. He also pointed out that a development assessment fee was being discussed to help pay for at least obtaining the land for new school sites.

### **PETITIONER'S REBUTTAL**

Skip Behrhorst reiterated that the current proposal was a significant downsizing to the original proposal. He added that approximately 16 acres had been gifted to the State's Parks and Recreation Department as a move towards a quality development.

**MOTION: (Commissioner Withers) "Mr. Chairman, on item #95-83, a request for revised preliminary approval for Filing #5, I move that the application be approved subject to the conditions in the staff report."**

Commissioner Volkmann seconded the motion. A vote was called, and the motion passed unanimously by a vote of 5-0.

### **MS-95-78 MINOR SUBDIVISION--WELLINGTON ESTATES**

**Request for approval of subdivision of a .69 acre parcel of land into 4 lots in an RSF-8 (Residential Single Family with a density not to exceed 8 units per acre) Zone District.**

**Petitioner: Ed Linhart, Just Companies**

**Location: Northwest corner of 15th and Wellington**

**Representative: Tom Logue, Landesign, Inc.**

### **STAFF PRESENTATION**

Mike Pelletier presented a brief overview of the proposal, adding that the primary concern for this subdivision revolved around access. However, staff recommended approval subject to the following conditions:



1. The access for proposed Lots 3 and 4 shall be limited to a single driveway curb cut onto 15th Street. This will require a common driveway for future residences on these two lots.
2. Proposed Lot 2 shall have no access onto 15th Street. A notation on the final plat shall state, "Lot 2 shall have no access onto 15th Street."
3. The location of a driveway and curb cut on Proposed Lot 2 shall be located on the western property line. This location may necessitate a common driveway arrangement between Lots 1 and 2.
4. Parks and Open Space fees are \$225 per lot and are payable prior to the recording of the Final Plat.
5. The concerns of commenting review agencies are sufficiently addressed by the petitioner.
6. A Power of Attorney for a future street improvement district shall be signed and recorded prior to the recording of the plat.
7. A drainage fee of \$2,082.37 to be paid by the petitioner.

#### **PETITIONER'S PRESENTATION**

Tom Logue, representing the petitioner, felt that staff conditions were satisfactory and offered no additional comment.

#### **PUBLIC COMMENTS**

While there were no comments specifically for or against the proposal, Dick Fulton (1556 Wellington, Grand Junction) asked for clarification of the plan, which was provided.

**MOTION: (Commissioner Volkmann) "Mr. Chairman, on item MS-95-78, I move that we approve the proposed four lot Minor Subdivision subject to staff recommendations and conditions."**

Commissioner Withers seconded the motion. Commissioner Volkmann asked if the Power of Attorney was included, to which Mr. Pelletier responded affirmatively. A vote was called, and the motion passed unanimously by a vote of 5-0.

### **V. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL**

#### **ANX-95-55 ZONE OF ANNEXATION--BROOKWOOD**

**Request for a recommendation of approval zoning lands currently being annexed to the City, consisting of approximately 22.57 acres, to PR 4.4 (as amended)**

**Petitioner: City of Grand Junction**

**Location: Southwest corner of 30 Road and F 3/4 Road**

#### **STAFF PRESENTATION**

Mike Pelletier clarified that the description should read that the proposed zoning would be PR-4.4 and not RSF-4. The PR-4.4 zone was being requested because the existing setbacks and lots sizes did not match any City zone. Staff recommended zoning the entire Brookwood Subdivision

PR-4.4 with the existing bulk requirements as approved by Mesa County.

**PUBLIC COMMENTS**

There were no comments for, or against, the request.

**MOTION: (Commissioner Withers) “Mr. Chairman, on item ANX-95-55, zone of annexation, I move that we forward this on to the City Council with the recommendation of approval, zoning the entire Brookwood Subdivision PR-4.4 with the existing bulk requirements as approved by Mesa County and subject to staff analysis.”**

Commissioner Halsey seconded the motion. A vote was called, and the motion passed unanimously by a vote of 5-0.

**ANX-95-69 ZONE OF ANNEXATION--MAYS SUBDIVISION**

**Request for a recommendation of approval zoning lands currently being annexed to the City, consisting of approximately 13.82 acres to RSF-4 (Residential Single Family with a density not to exceed 4 units per acre).**

**Petitioner: City of Grand Junction**

**Location: 24 3/4 Road and Highway 340**

**STAFF PRESENTATION**

Mike Pelletier indicated that the proposed zone of annexation most closely matched that of the R-2 County zoning. Staff recommended approval for zoning the Mays Subdivision to RSF-4.

**PUBLIC COMMENTS**

**FOR:** Jim Nasalroad (416 E. Mayfield Drive, Grand Junction) spoke in favor of the RSF-4 zoning.

**AGAINST:** There were no comments against the proposal.

**MOTION: (Commissioner Volkmann) “Mr. Chairman, on item ANX-95-69, zone of annexation, I move that we forward this on to City Council with the recommendation of approval for a zone of RSF-4 for Mays Subdivision.”**

Commissioner Withers seconded the motion. A vote was called, and the motion passed unanimously by a vote of 5-0.

**ANX-95-71 ZONE OF ANNEXATION--MONUMENT VALLEY**

**Request for a recommendation of approval zoning lands currently being annexed to the City consisting of approximately 249.82 acres to PR-1.6 (Planned Residential with a density of 1.6 units per acre), RSF-4 (Residential Single Family with a density not to exceed 4 units per acre), and RSF-2 (Residential Single Family with a density not to exceed 4 units per acre). Also, approval of a Conditional Use Permit for a church in an RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) Zone District.**

**Petitioner: City of Grand Junction**

**Location: South of Broadway along South Camp Road**

**STAFF PRESENTATION**

Mike Pelletier indicated the location of the church on the map provided. He felt that the proposed City zoning most closely aligned with that of the County. With regard to the church’s Conditional Use request, Mr. Pelletier indicated that the church was proposing a 6,828 sq. ft. expansion to

increase the seating capacity by 250. He requested that the current 32 sq. ft. sign remain at its present size. The first motion would be for approval of the Conditional Use Permit; the second motion would be the recommendation of approval to City Council for zones of annexation to: RSF-2 for one parcel located west of S. Camp Road and just north of Canyon View Subdivision; RSF-4 for six parcels located east of S. Camp Road, including the Liberty Baptist Church and the five parcels to the south along S. Camp Road; and PR-1.6 for Monument Valley Filings 4 and 5.

### **PETITIONER'S PRESENTATION**

Marc Maurer (448 South Camp Road, Grand Junction), representing Liberty Baptist Church, clarified that the maximum seating capacity after the expansion would be a *total* of 250, not the addition of 250, and that this maximum capacity may be over a ten year period. He presented to staff a petition containing 145 signatures in favor of the Conditional Use Permit which included the support of Scott McInnis and John Crouch. He understood that the expansion would have to go through additional review before the planning clearance could be issued.

### **PUBLIC COMMENTS**

**FOR:** Approximately 40 persons stood as an expression of support for the proposal.

**AGAINST:** There were no comments against the proposal.

**MOTION: (Commissioner Withers) "Mr. Chairman, on item ANX-95-71, request for a Conditional Use Permit for a church in an RSF-4 zone, I move that we approve the request subject to staff recommendations, including that the 32 sq. ft. sign be allowed to remain as it is."**

Commissioner Volkmann seconded the approval. A vote was called, and the motion passed unanimously by a vote of 5-0.

A recess was called at 9:05 p.m. The hearing reconvened at 9:10 p.m.

Consideration of ANX-95-71 zones of annexation resumed with additional general public comment.

Bruce Isaacson (429 S. Camp Road, Grand Junction) wondered about street maintenance, since property to the east of S. Camp Road was annexed into the City while property to the west still lay within the County boundaries. Ms. Portner clarified that the City and County cooperate jointly on maintenance in this type of situation.

Jane Krohn (310 Dakota Drive, Grand Junction) requested clarification on the number of units allowed per acre in an RSF-4 zone, which was provided.

**MOTION: (Commissioner Volkmann) "Mr. Chairman, on item ANX-95-71, zones of annexation for Monument Valley, I move we forward this on to City Council with the recommendations for zones of annexation to RSF-2 for one parcel located west of S. Camp Road and just north of Canyon View Subdivision; RSF-4 for six parcels located east of S. Camp Road, including the Liberty Baptist Church and the five parcels to the south along S. Camp Road; and PR-1.6 for Monument Valley Filings 4 and 5."**

Commissioner Withers seconded the motion. A vote was called, and the motion passed unanimously by a vote of 5-0.

**FPP-94-12(2) FINAL PLAT/PLAN--COUNTRY CLUB TOWNHOMES--VARIANCE TO STREET STANDARDS**

**Request for approval to amend the approved Final Plan/Plat for Country Club Townhomes to allow a variance to the City Street Standards for a private street with a gated entry.**

**Petitioner: Sidney Gottlieb**

**Location: Southeast corner of 12th Street and G Road**

**Representative: Tom Logue, Landesign, Inc.**

Due to a conflict of interest, Commissioner Volkmann excused himself from consideration of this item.

**STAFF PRESENTATION**

Michael Drollinger detailed the proposal, saying that gated entries to residential developments had been tried in other communities with reportedly mixed results. The following issues are of general concern when considering gated entries:

1. Private streets and the associated maintenance issues. If allowed, the City's Public Works Department recommended constructing these streets to City standards. Also, if private streets with gated entrances are allowed, the policy decision could guide similar requests in the future.
2. Trash collection, and the concern that streets would not be constructed to withstand the weight of trash collection trucks. The petitioner has proposed contracting with private haulers, but this is in contravention of the City's current ordinances.
3. Access by emergency vehicles and concern over potential delays. The petitioner would be required to provide a lock box or similar device for the gate.
4. Utility services and concern over potential access problems. The petitioner would be required to provide easements to allow alternative access for service providers.
5. Stacking and turnaround requirement. The City recommended requiring the petitioner to provide a linear distance of 60 feet (equivalent to three stacked vehicles) from the gate. This would not, however, address the problem of a vehicle leaving, if unable to pass through the gate, when blocked in by other vehicles located behind it.
6. Segregation from the larger community. Seen as a physical as well as socio-economic separation. In evaluating the appropriateness and political correctness of gated entries, the arguments go both ways.
7. Other considerations include potential problems with pedestrian/bicycle connections, open space systems and parcel and goods deliveries.

Staff recommended approval subject to the following conditions:

1. All previous conditions of approval for the Country Club Townhomes Final Plan/Plat shall apply.
2. The Final Plat shall designate a common, enclosed trash collection area outside the gated entry

in order to allow City garbage haulers to collect trash and garbage without having to enter private property or travel on private streets. The petitioner shall pursue alternative arrangements for trash and garbage service; the two options are to get an exemption from the City Council's policy of exclusive trash and garbage service by City haulers or to have the City Council agree to allow City trucks to enter private streets in order to collect garbage.

3. The Final Plat shall identify the gated entry feature and identify the streets as private tracts dedicated to the homeowners.
4. Club Court and North Club Court must both be reserved and identified as full-width, multi-purpose easements on the Final Plat.
5. The gate entry shall provide for at least 60 feet of stacking distance from the nearest public right-of-way.
6. A sign at the entrance to the site shall identify the street as a gated, private street with restricted access.
7. 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.
8. The Homeowners Association shall establish an annual maintenance fund for the private streets. The form and financial mechanisms of this fund shall be submitted by the petitioner for review and approval by the Public Works Department prior to the release of the Development Improvements Agreement.

Mr. Drollinger added that because there were no plans to provide the community with perimeter fencing, the gated entrance would give homeowners a perceived sense of security.

### **QUESTIONS**

Commissioner Withers agreed with staff's recommendation of a three-car stacking length, but didn't feel it should be strictly linear. He asked the petitioner if he would object to a more flexible plan. Ms. Kliska interjected that no specific plan had been submitted. Dave Stassen, representing the City's Police Department, added that most people "stacked" their vehicles linearly.

Commissioner Withers suggested amending condition 7. to include "...as determined by the Public Works Director..." after the word "access."

### **PETITIONER'S PRESENTATION**

Denny Granum (759 Horizon Drive, Grand Junction), representing the petitioner, said he had no problem complying to the City's request to build streets to City standards. He said that the purpose of the gate was to limit the flow of traffic at night, that the gate would be open during the day from dawn to dusk. Homeowners would have a garage door opener-type device which would open and close the gate and a knock box would be provided for access by emergency vehicles. Mr. Granum did not feel that stacking would be a problem.

Mr. Granum presented a graphic representation of the site, units, and bridge plan. He indicated that the Homeowners Association would contract with a private hauler for trash pickup. He added that the project was already underway and that the only change from the preliminary Final Plat was the

inclusion of the gate. Homeowners, he said, wanted the gate and were willing to “pay extra” for its inclusion. He agreed that the gate provided only the perception of security.

### **QUESTIONS**

Mr. Granum was asked to explain the operation of the Knox box, which was provided.

Commissioner Vogel asked how the petitioner expected to avoid the stacking problem if the person at the gate was denied access but was blocked in by other motorists. Mr. Granum acknowledged that he may need to redesign the entrance area in order to address this issue.

### **PUBLIC COMMENTS**

There were no comments either for, or against, the amended proposal.

### **DISCUSSION**

Commissioner Withers suggested amending condition 1. to exclude the remaining sentence after the word “apply.” He said that he’d been in areas where gated entrances were used with success. He felt that the current proposal would provide a good test case on which to base future decisions concerning proposals of a similar type.

Commissioner Halsey disagreed, but Commissioner Withers added that if the gate didn’t work, it would be the homeowners who would be the first to complain.

John Shaver said that approval would be a variance to current City street standards; also discussed was that dedication of right-of-way if the streets were to become public in the future could pose potential problems. Dedication would require 100% consent by the owners.

Chairman Elmer felt that trash collection should be done inside the community, not outside as staff suggested.

**MOTION: (Commissioner Withers) “Mr. Chairman, on item FPP-94-121(2), I move that we approve the amended Final Plan/Plat for Country Club Townhomes to allow private streets and a gated entry subject to staff recommendations and conditions 1. through 8., with the exception of deleting that portion of sentence in 1. beginning with the word “except,” deleting the first sentence in 2., and the addition to 7. of “as determined by the Public Works Director” after the word “access.”**

Commissioner Vogel seconded the motion. A vote was called, and the motion passed by a vote of 3-1, with Commissioner Halsey opposing.

## **VI. GENERAL BUSINESS**

Larry Timm advised Commissioners that the growth meetings originally scheduled for June and July had been rescheduled for August.

The hearing was adjourned at 10:10 p.m.