

**GRAND JUNCTION PLANNING COMMISSION**  
**JULY 24, 2001 MINUTES**  
**7:02 P.M. to 10:45 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:02 P.M. by Chairman John Elmer. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Planning Commission, were John Elmer (Chairman), Dr. Paul Dibble, William Putnam, James Nall, Nick Prinster, Terri Binder, and John Evans. Mike Denner and Richard Blosser were absent.

In attendance, representing the Community Development Department, were Bob Blanchard, Community Development Director, Kathy Portner (Planning Manager), and Bill Nebeker (Senior Planner).

Also present were John Shaver (Asst. City Attorney) and Eric Hahn (Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 21 interested citizens present during the course of the hearing.

**I. APPROVAL OF MINUTES**

Available for consideration were the minutes from the June 19 public hearing.

**MOTION: (Commissioner Binder) “Mr. Chairman, I move that we approve the minutes of June 19.”**

Commissioner Nall seconded the motion. A vote was called and the motion was approved by a vote of 6-0, with Commissioner Evans abstaining.

**II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

**III. CONSENT AGENDA**

Item FPP-2001-123 (Final Plat/Plan—Redlands Mesa Filing #'s 3 and 4) was offered for placement on the consent agenda. No objection or commentary was expressed or given by the audience, planning commissioners or staff.

**MOTION: (Commissioner Dibble) “Mr. Chairman, I move that we approve the Consent Agenda as amended.”**

Commissioner Nall seconded the motion. A vote was called and the motion was approved unanimously by a vote of 7-0.

**IV. FULL PUBLIC HEARING**

**ANX-2001-125 ZONE OF ANNEXATION/PRELIMINARY PLAT—MONUMENT VALLEY FILING #7**

**A request for approval of: 1) Zone of Annexation from County PD to City RSF-2 (Residential Single Family, 2 units/acre) and 2) the Preliminary Plat for Monument Valley Subdivision Filing #7, consisting of 87 single-family lots on 56.75 acres.**

**Petitioner: South Camp Properties LLC, John Thomas**  
**Location: Northeast side of South Camp Road, west of Monument Road**  
**Representative: Ciavonne & Associates, Craig Roberts**

Commissioner Binder disclosed that she'd engaged in two discussions over the proposal, one with Mr. Shaver and one with her homeowners association. She was unsure whether to recuse herself. Mr. Shaver said that as long as Commissioner Binder did not prejudge the item and any preconceptions that she had did not unduly bias her; he took no issue with her participation. With no objection, the public hearing continued with Commissioner Binder participating.

**PETITIONER'S PRESENTATION**

Craig Roberts, representing the petitioner, presented an overhead of the Site Plan. The project's density had been reduced from 1.5 units/acre under its former County-approved proposal (105 lots) to 1.8 units/acre under the new proposal (87 lots). The proposed density conformed to Growth Plan recommendations for the area. Mr. Roberts noted areas of steep topography; however, affected lots were still at less than a 20 percent grade. Access points were referenced. Because Flatlands Court exceeded cul-de-sac standards for acceptable length, Mr. Roberts said that there had been discussions undertaken with staff to move the Curly Drive access point further north, to better serve the northern panhandle of the property. Copies of an alternate plan exhibit (Petitioner's Exhibit A, dated 7/24/01) were distributed to planning commissioners for review. The developer had no objection to either alternative. A variance to eliminate street lighting at internal street intersections (independent of either street section being selected) had also been requested. Mr. Roberts said that the request is consistent with surrounding development and would serve to better protect night views.

As a public benefit, a proposed school crossing would provide controlled access for children walking to the elementary school. The crossing was part of a cost-sharing arrangement. Detached sidewalk was proposed along South Camp Drive. Proposed drainage plans should also help alleviate some of the flooding currently occurring along South Camp Road. Plans included piping runoff to a nearby drainageway.

**QUESTIONS**

Commissioner Binder asked for clarification on the type of perimeter fencing proposed for the site. There was some discussion over the reference made in the petitioner's narrative to "picket-styled" fencing. John Thomas, petitioner, said that since the Code required at least 60 percent of the fence to be "open," options were either a 4-foot privacy-styled picket fence with open spaces between pickets or a split-rail fence. Either way, fencing would be uniformly constructed along the entire property line bounding South Camp Road.

Commissioner Nall asked which intersections would have lighting. Mr. Roberts responded that lighting would only be present at the South Camp Road intersections into the development.

Commissioner Dibble said that with regard to the steep slopes, he wondered if rock rollout mitigation would be necessary. Mr. Roberts said that the potential for rock fall had been investigated, but a professional determination had been made that none of the proposed lots would be affected by rock rollout. He added that rocks in the area were large, flat slabs, not boulders. Further, drainageways did

not produce any evidence of past rock fall. Mr. Roberts added that culverts would be maintained by the homeowners association.

Commissioner Prinster asked about the sidewalks along South Camp Road. Mr. Roberts explained that from the street there would be a landscape strip, concrete sidewalk and then fencing. The only place that sidewalk would not be installed was the connection between the current filing and Filing #6, and only because Filing #6 had been developed under County jurisdiction, which did not require sidewalk. When asked if the school crossing would include stop signals, Mr. Roberts said that staff would discuss this further in their presentation.

Commissioner Binder asked if the stub street off of Claret Cup Drive was really necessary, to which Mr. Roberts replied affirmatively. He understood that if the adjacent property developed, the stub would serve as a secondary access. The stub would be developed to a 44-foot mat width with 50 feet of right-of-way. When asked if the traffic study had required an accel/decel lane into the subdivision, Mr. Roberts replied negatively.

**STAFF'S PRESENTATION**

Bill Nebeker provided a history of the site's previous development approvals. A letter supporting the request had been received by staff from the owner of the property, Dave Fletcher. He confirmed that the request met both Code requirements and Growth Plan recommendations. Regarding street standard exceptions, he confirmed staff's preference for rerouting the Curly Drive access point to connect with Flatlands Court. He said that both this and the lighting variance fell within administrative review parameters; however, he suggested that the Planning Commission reference the petitioner's exhibit (Petitioner's Exhibit A, dated 7/24/01) if they concurred with staff's recommendation. The school crossing would be comprised of flashing lights controlled by pedestrians and include a well-marked crosswalk. The actual layout had not yet been designed. While some of the lots fell within the Code's hillside regulations because of their steep grades, they still complied with Code requirements. Ten percent of the gross land value would be paid in parks and recreation fees. The petitioner was also providing access to a nearby bike trail (location noted). Staff recommended approval of both the Zone of Annexation and approval of the Preliminary Plan subject to the following conditions:

1. The applicant shall design and construct a City-approved pedestrian crossing to Wingate Elementary School. The applicant shall be responsible for 35% of the cost of construction of the crossing.
2. A revised map showing rock rollout or slide areas is required prior to final approval. Accordingly, recommendations of the geotechnical engineer, if any, shall be followed in the preparation of final plans.
3. Final plans and the subdivision's covenants shall address erosional control and slope stability requirements/concerns.
4. Culverts shall be oversized to account for debris flow.
5. The geotechnical engineer used during construction shall be hired by the developer rather than the contractor so that broader responsibility and inspection occurs.
6. Engineered foundations are required in this subdivision.
7. The second access shall be moved further north to eliminate the over-length cul-de-sac unless the TEDS exception is approved.

8. Fencing along South Camp Road shall comply with Code requirements.
9. Changes in the alignment of the single-track trail shall occur with Filing #3. This includes the reconstruction of this trail.

Mr. Nebeker suggested that condition 7 be amended to end after the word “cul-de-sac,” thus deleting any mention of the TEDS exception.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.

**AGAINST:**

David Caldwell (345 Dakota Drive, Grand Junction) said that while not really opposing the request, he asked that consideration be given to enlarging the lots bounding Filing #6, to be more consistent with that filing’s density. Another neighbor, he thought, had sent staff a letter in support of this as well. He was pleased with the City’s support to eliminate lighting at internal intersections. Entrance lighting should be shielded downward. Since high winds often plagued the area, he hoped that some form of dust control was planned.

Mr. Caldwell said that during the development of Filing #6, construction trash had often been left behind to blow into yards. He asked the petitioner to exert greater control over construction crews in requiring them to haul away their own trash. He asked that there be a fencing restriction prohibiting the installation of white plastic fencing. And because people from previous filings often traversed common and open areas with vehicles, he asked that a “No Motor Vehicles Allowed” sign be installed. He asked, also, that the street stub at the end of Claret Cup Drive be eliminated. He believed that when the street connection is developed for the adjoining parcel, the City will see a lot of opposition from surrounding residents.

**PETITIONER’S REBUTTAL**

Mr. Thomas said that he’d spoken previously to Mr. Caldwell about some of these concerns during a neighborhood meeting. Enlarging the lots along the Filing #6 border wasn’t possible because a further density reduction would jeopardize compliance with RSF-2 zoning. He reiterated that RSF-2 zoning had been recommended in this area by the Growth Plan. He didn’t feel that proposed lot sizes were that dissimilar to those of Filing #6 or of other surrounding developments. The project was also constrained by the site’s topography. Mr. Thomas said that since he lived in the area, he would make sure that construction trash didn’t become a problem. He recalled past instances where he’d been onsite picking up trash, himself. He said that during grading and construction water trucks would be spraying to keep dust under control. With regard to fencing, he would work with staff to select the best fencing alternative to meet homeowner needs. He expressed no objection to erecting the “No Motor Vehicles Allowed” signage where necessary. Mr. Thomas didn’t want Claret Cup Drive to become a major accessway as a result of the stub street’s extension into the adjacent parcel and offered to do whatever was possible to lessen impacts to residents. He noted that the connection had been a County condition of approval and not something that he’d requested.

**DISCUSSION**

Chairman Elmer remarked that both the rezone and Preliminary Plan seemed to meet Code requirements, and that the density shift from the approved County Plan represented downzoning. He agreed that enlarging the lots along the border of Filing #6 would sacrifice existing density. He expressed support for the proposal.

Commissioner Prinster felt that street and drainage improvements along South Camp Road would represent a major public benefit. He said that the variance to the lighting requirement seemed both appropriate and consistent with other developments in the area. Since neither the petitioner nor staff took issue with the relocation of the Curly Drive access, he supported that amendment as well.

Commissioner Nall concurred, saying he liked the idea of detached versus attached sidewalks along South Camp Road. He supported the reduction in the project's density and in relocating the access point. Overall, he said, the proposal was a good one.

Chairman Elmer added that the City's policy required stub streets to undeveloped properties to facilitate overall street networking. The Claret Cup Drive street stub requirement was consistent with past City policies and practices, for establishing interconnectivity of neighborhoods even though it could potentially generate future complaints.

Commissioner Dibble expressed support for the proposed school crossing.

Commissioner Binder agreed, saying that the school crossing would greatly benefit the area's children and improve safety. She was pleased with the petitioner's assurance that uniform fencing would be installed along the South Camp Road property line.

**MOTION: (Commissioner Binder) "Mr. Chairman, on item ANX-2001-125, I move that we forward a recommendation of approval to the City Council for the Monument Valley Filing #7 Zone of Annexation from County PD to City RSF-2, with a finding that it is consistent with the Growth Plan and Section 2.6.A of the Zoning and Development Code."**

Commissioner Dibble seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

**MOTION: (Commissioner Dibble) "Mr. Chairman, on item ANX-2001-125, I move we approve the Preliminary Plat for Monument Valley Filing #7, finding that it is consistent with the Growth Plan and Section 2.8.B of the Zoning and Development Code subject to staff's recommendations and conditions 1-9 as listed [includes amendment of condition 7 to read, 'The second access (Curly Drive) will be moved further to the north, in accordance with Petitioner's Exhibit A, dated 7/24/01.']"**

Commissioner Nall seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

**CUP-2001-097 CONDITIONAL USE PERMIT—TELECOMMUNICATIONS TOWER**

**A request for a Conditional Use Permit to install a 106-foot telecommunications tower.**

**Petitioner: Alamosa PCS**  
**Location: 501 Melody Lane**  
**Representative: TAG, Cari Russo**

**PETITIONER'S PRESENTATION**

Cari Russo, representing the petitioner, introduced Tom Rowe, an RF engineer. Mr. Russo said that Alamosa PCS, operating as Sprint PCS, proposed a tower to close an existing gap in service, providing better wireless quality and enhanced 911 services to the community. A site further to the north had been targeted for a 150-foot tower three years ago; however, because the lot was located within a residential area and she knew there would be significant opposition, she began looking for two sites to cover the same area. She said that Sprint co-located wherever possible on other towers, most recently on the approved but unbuilt Clear Talk tower located off of 29 ½ Road. The current proposal fills the remaining

gap in service area. She said that a setback variance would be needed for the tower to locate on Melody Lane, since the lot chosen was relatively small.

Tom Rowe presented an overhead of Sprint's current coverage area, noting areas where coverage gaps existed. He then presented overheads of "drive tests" to show how a tower placed at the currently proposed location would cover those gaps, but only if the tower were erected at a 100-foot or greater height. The added height was necessary he said in order for the signal to clear surrounding trees. Locating on this site would also avoid interference with other overlapping wireless signals.

Ms. Russo said that she had looked at three other staff-recommended sites; however, other than the Cleartalk tower, she didn't believe any of the sites were suitable. She said that vegetative concealment of the tower would be impossible since vegetation would hinder signal broadcasting. The proposed monopole tower would be constructed using stealth designing. If failure occurred, she said that the pole was designed to crumple in on itself and not fall over. Pole failure, she added, was extremely rare, so safety concerns should not be at issue. She'd received a letter of support from the adjacent property owner.

### **QUESTIONS**

Commissioner Binder wondered why Sprint had a coverage gap in that area while Cleartalk did not. Ms. Russo explained that Cleartalk had higher towers and that it always took the top spot on those towers, allowing for longer-range signal broadcasting. Because co-locators were placed at lower heights, it takes more towers for them to achieve the same coverage results. Of course, this was also dependent upon signal strength. Commissioner Binder wondered if the proposed tower would be co-locatable since other providers would be faced with the same problem. She predicted that any number of providers could use that same argument to justify erecting additional towers. Ms. Russo said that lower tower heights and increased numbers of towers were typically limited to urban areas where there were added obstructions and an increased sensitivity to locating towers in residential areas.

When asked what a stealth-designed tower looked like, Ms. Russo said that they could be made to resemble light poles, trees, etc. Dishes are not typically installed at the tops of stealth-designed poles.

Commissioner Binder wondered if approval of this tower would complete Sprint's network. Ms. Russo expected one additional application submission. She said that tower requirements were dependent upon the number of users requiring service; demand for services is increasing. This would probably result in future tower requests.

Commissioner Dibble asked if drive testing had been performed prior to Sprint's locating on Cleartalk's tower. Ms. Russo said that a computer propagation model had been used in that and other instances in lieu of drive testing. It is relatively exact, she said, which pinpoints the best tower locations to give the best coverage with the least amount of obstruction and signal interference. When asked about locating south of the I-70 Business Loop, Ms. Russo said that to prevent signal degradation while addressing coverage needs, the site ideally had to be at the precise point indicated by the propagation model. Moving the site even  $\frac{1}{4}$  to  $\frac{1}{2}$  mile away could render the tower ineffective, necessitating additional towers to achieve the same result.

Commissioner Dibble asked if signal interference would be a problem at the alternate Gunnison Avenue site. Ms. Russo was unsure.

Commissioner Binder expressed her concern that because vendors operated at differing frequencies, there could potentially be an indefinite number of requests for additional towers. Ms. Russo said that this problem was typically limited to urban areas; in more open areas, higher towers could be constructed,

reducing the need for so many. She reiterated that Sprint had co-located in all previous instances, but in doing so had not mitigated the current coverage gap.

Commissioner Binder said that she'd spoken with people using analog technology and there didn't seem to be a difference in quality. What, then she asked, are the advantages to digital technology? Ms. Russo said that with digital, transmission of signal was improved, data and internet signals could be better transmitted and enhanced 911 services could be provided. Commissioner Binder observed that vendors kept trying to obtain a wider range of spectrum from the FCC at the same time service demands were increasing. She wondered if the FCC would provide vendors with additional band width to compensate for increasing demand.

Commissioner Putnam commented that the distance between the proposed and alternate sites seemed very slight. Ms. Russo reiterated that even a slight deviation from what the propagation model pinpointed could jeopardize signal clarity and coverage.

Chairman Elmer said that staff's alternative to replace a light pole at the ball field a half block away with a tower seemed like a good, workable option. Ms. Russo didn't think it would work because interference would be too great.

When asked where Sprint was located on Cleartalk's towers, Ms. Russo responded that it depended on the tower.

Commissioner Dibble asked if interference would be a problem if the tower were relocated to a site south of I-70B, to which Ms. Russo replied affirmatively.

Commissioner Nall asked about the type of interference that could be expected. What would it sound like, he asked? Mr. Rowe answered that during the course of an average conversation, words or portions of words would be missed. There could also be some loss in data transmission. Interference, he said, generally reduces overall network capacity.

Chairman Elmer asked if there was modeling or figures to support the proposed site, to which Ms. Russo responded affirmatively. While not in her possession at the time of the hearing, she offered to make that information available to both planning commissioners and staff.

Commissioner Nall asked if another site could be made to work, even if the signalization wasn't perfect. Mr. Rowe said that Sprint's objective was to provide its customers with optimum performance using the least amount of resources. Ms. Russo acknowledged that the ball field site had not been analyzed for potential suitability.

### **STAFF'S PRESENTATION**

Bill Nebeker stated that he wasn't the original planner to work on this submittal so he was not aware of all the discussions between the applicant and staff. The basic question, he said, is over the level of flexibility in relocating the proposed tower to another site. Mr. Nebeker said that towers typically require a lot of setback, something this proposal sought to vary substantially. While Sprint's concern may be over what best fits its needs, the City reviewed a submittal based on land use criteria and the protection of City residents as a whole. He presented the petitioner's overhead of the coverage area and observed that a bigger gap seemed to lie more to the north than the south. The ball field already has high light poles installed so moving slightly to the North makes sense. Even though located closer to a residential area, siting at the ball field would make more sense. Fun Junction was another alternative site, which had not received Sprint's consideration. While wireless providers typically asked for towers at the ends of corridors, staff felt that corridors should be protected. He suggested minimally that Planning Commission delay its decision until further investigation into siting alternatives could be

undertaken. At the same time, additional data could be requested of the petitioner to further substantiate the current site as being the only viable alternative. He added that if the current site hadn't been for sale, Sprint would have been forced to look elsewhere anyway.

Because the petitioners could not meet setback requirements and variance of those requirements was unlikely because the hardship was self-imposed, staff recommended denial of the request.

### **QUESTIONS**

Commissioner Binder wondered if municipalities were required to provide wireless suppliers with optimal conditions at all times. Mr. Shaver responded negatively. Federal regulations, he said, prevent municipalities from prohibiting the service or discriminating in tower location but nothing in the regulations suggests that optimal conditions, resulting in the greatest economic benefit to the supplier, must be provided.

Chairman Elmer asked for the determining factor in staff's evaluation of the variance request. Mr. Nebeker reiterated that staff would view the hardship as being self-inflicted. The parcel was too small to accommodate a tower of the height proposed.

Commissioner Dibble asked if retrofitting a light pole at the ball field as a communications tower would be possible from a planning perspective. Mr. Nebeker said that a CUP would be required, but he expected that approval would be far more likely in such an instance. He admitted, however, that there were a number of unknown factors that need to be addressed and that a new request might also require a variance.

Commissioner Dibble said that if the proposal did not meet CUP Code requirements and could not meet variance requirements, there didn't seem to be much room for added discussion. Mr. Nebeker said that if a variance were approved for this site, it would be argued to set a precedent for future variance requests. Future petitioners could argue that if a variance could be granted of the magnitude requested by Sprint, their requests for equivalent or lesser distances should also be approved. If setbacks don't apply in this case, when *would* they Mr. Nebeker asked? Mr. Shaver concurred reminding the Commission of the Federal Law that says communities may not unreasonably discriminate against a service/service provider.

### **PUBLIC COMMENTS**

#### **FOR:**

Ken Shackles (485 Green Acres Street, Clifton), owner of the proposed site, felt that good communications were an essential public benefit. He noted the dependence of the public on wireless technology. He agreed that requiring additional information was probably not a bad idea. He thought that a setback variance may also be required at the ball field site. His concern, he said, was in deriving the greatest financial benefit from his property.

Ron Berry (511 Melody Lane, Grand Junction) said that while not necessary for or against the request, he wondered what type of fencing would be provided. He asked would there be any noise associated with tower operations?

#### **AGAINST:**

There were no comments against the request.

### **PETITIONER'S REBUTTAL**

Ms. Russo said that a wooden fence had been proposed for the site's perimeter. The only sound associated with the equipment would come from a ventilation system and sound much the same as what would emanate from a typical single-family residence. She said that siting the tower at the ball field moved it closer to a residential area and probably wouldn't meet the coverage objective. Closing



coverage gaps not only provided customers with improved service, it gave them the means to provide enhanced 911 coverage.

### QUESTIONS

Commissioner Nall said that if 100 feet provided optimal service, did that mean that anything below 100 feet was unusable? And would that essentially mean that the proposed tower was not co-locatable? Ms. Russo said that it depended on the frequency of the provider as well as supplier network considerations. She said that providers had, in the past, modified existing towers to provide added height. Sprint was amenable to considering this option if such an opportunity were available.

### DISCUSSION

Commissioner Putnam observed that without supporting data, the petitioner's representatives were expecting that much of what they were saying would have to be taken on faith. He noted that if towers that failed did indeed crumble in on themselves, that might be some justification for a setback variance, but it did not address the hardship issue of the Code.

Commissioner Prinster noted the applicant's testimony that not all alternative sites had been tested. He said that while other sites may not provide an optimal solution, they may provide an adequate one. He said he would like to see additional testing of alternative sites and expressed support for staff's recommendation of denial.

Chairman Elmer said that variance criteria also had to be evaluated when considering this request. The petitioner could not demonstrate compliance with variance criteria as it pertained to hardship. Reasonable use, he said, could still be derived from the property, even without the tower and he agreed that so great was the setback variance being requested, there may as well be no setbacks on the site at all. He was unconvinced that the current site was the only one available to derive adequate service, adding that while another site may not be perfect, it could likely still work. During its review, Mr. Elmer recalled that Cleartalk had demonstrated with data why other sites would not work. It was not the City's responsibility to ensure maximum performance and greatest financial benefit, and it is Sprint's responsibility to ensure that it could meet its federal licensing conditions.

Commissioner Dibble stated that variances are not a right. Petitioners must demonstrate non self-imposed hardship and meet other Code criteria as well. He too was unconvinced that all the necessary "homework" had been done, and he expressed support for staff's recommendation of denial.

Commissioner Binder agreed and reiterated Mr. Shaver's advice that cities were not federally mandated to provide wireless suppliers with optimum conditions. Since other options were available, she too supported the recommendation of denial.

Commissioner Nall concurred and acknowledged that neither the Code CUP nor variance criteria had been met.

Commissioner Evans said that the Planning Commission needed to be shown tangible facts supporting the petitioner's assertions. He lent his support to the denial recommendation as well.

**MOTION: (Commissioner Binder) "Mr. Chairman, on item CUP-2001-097, I move that we approve the variance of the Conditional Use Permit for the proposed telecommunications tower on Melody Lane, finding it in conformance with the Growth Plan and Section 2.1.3 and 2.1.6 of the Zoning and Development Code."**

Commissioner Nall seconded the motion. A vote was called and the motion failed unanimously by a vote of 0-7.

A brief recess was called at 9:56 P.M. The public hearing reconvened at 10:04 P.M.

**PP-2001-057 NORTH CREST INDUSTRIAL PARK—AMENDMENT TO CONDITION**

**A request to amend Preliminary Plan condition regarding the landscaping of the detention pond.**

**Petitioner:** North Crest LLC, Gregg Cranston  
**Location:** North side of H Road, west of Walker Field Airport  
**Representative:** LANDesign, Brian Hart

**PETITIONER’S PRESENTATION**

Gregg Cranston, petitioner, said that condition 3 of the approved Preliminary Plan required water to the detention pond for irrigation/landscaping purposes. Because irrigation water is unavailable from Ute Water for this purpose, he had appealed Ute’s original denial to its Board of Directors but the denial was upheld. With no other water provision option available, Mr. Cranston asked that condition 3 be waived.

**QUESTIONS**

Commissioner Dibble asked if the condition were deleted, what landscaping would be placed in the pond? Mr. Cranston said that he’d approached a landscape architect and a nursery representative for ideas. He passed out copies of a letter from Dennis Hill, nursery manager at Bookcliff Gardens, who said that without a reliable water source, the only practical alternative is lining the pond with either gravel or cobble. A similar letter had been received (copies also distributed) from Mark Gibbons of Landscape Specialties. Mr. Cranston proposed laying down a weed barrier underneath some type of rock lining. He’d thought about bringing in colored gravel, but silt deposits, he said, would effectively eliminate any aesthetic benefit of the colored stone.

**STAFF’S PRESENTATION**

Bill Nebeker presented an aerial photo of the site. He noted that the adjacent business, 3D Systems, had a grassed detention pond because the Ute tap was used primarily for the building, not the landscaping. 3D Systems pond was not located in a separate tract. He confirmed that Ute’s policy did not permit taps to be issued exclusively for irrigation purposes. Possible options, he said, included reconfiguring the detention pond or requiring a cistern.

**QUESTIONS**

Commissioner Dibble asked if reconfiguring the pond would solve the problem. Mr. Nebeker presented a Preliminary Plan and noted one variation (extending the pond northward along the west side of lot 1). That option, he said, would require enlarging the area of the pond.

Commissioner Binder wondered who supplied golf courses with the water they used. Mr. Nebeker said that golf courses were typically supplied with City water. Commissioner Binder said that if the pond were moved, would landscaping still be required along the H Road frontage? Mr. Nebeker acknowledged that it would.

A brief discussion ensued over whether there were other situations similar to this one within the city limits. Mr. Shaver confirmed that this situation was unique. He said the City requires that non-potable water be used if available.

**PUBLIC COMMENTS**

There were no comments either for or against the request.

**PETITIONER’S REBUTTAL**

Brian Hart, representing the petitioner, said that if the detention pond were repositioned, it would adversely impact the building envelope for Lot 1. Sewer service, he said, to that lot would also be

impacted, necessitating installation of a lift station. Even if repositioned, the pond would still be visible from H Road.

Mr. Cranston confirmed that relocation of the detention pond as suggested would severely restrict Lot 1. The location of the pond along H Road is really the only viable alternative, he said.

**QUESTIONS**

Commissioner Dibble wondered if some type of decorative fencing could be installed along the south side of the pond along the H Road frontage. Mr. Cranston said that he would be amenable to installing some type of rail fencing. Mr. Nebeker said that if the pond could be moved back from the frontage approximately 15 feet, a landscaping easement could be placed over that 15-foot section. At the time of final platting, landscaping of the 15-foot strip with trees and shrubs could be required. If a rock or concrete block wall were then installed, the pond would be effectively screened. Maintenance of plantings along the frontage would be required.

Commissioner Binder said that screening improvements could be limited to the area along the pond, not to extend along the entire frontage of H Road.

Mr. Nebeker said that if this seemed to be the Planning Commission's preference, then the pond could stay where it was. Mr. Cranston thought that bringing in some large sandstone boulders might be aesthetically pleasing while achieving the desired screening result. The landscaping/fencing alternative received unanimous support from planning commissioners.

Chairman Elmer suggested the following alternate verbiage for condition 3: "The detention pond in Tract A shall be improved with a weed barrier and be gravel or cobble, with an architectural feature utilizing a split-rail or open-slat fence, large rocks or decorative wall to screen the pond from H Road."

**MOTION: (Commissioner Putnam) "Mr. Chairman, on item PP-2001-057, I move that we approve the request, offering the following substitute verbiage for Preliminary Plan condition 3: 'The detention pond in Tract A shall be improved with a weed barrier, and gravel or cobble, with an architectural feature utilizing a split-rail or open-slat fence, large rocks and/or decorative wall to screen the pond from H Road.'"**

Commissioner Binder seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

With no further business to discuss, the meeting was adjourned at 10:45 P.M.