

**GRAND JUNCTION PLANNING COMMISSION  
DECEMBER 18, 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), Paul Dibble, Richard Blosser, John Evans, William Putnam and Terri Binder. There is one permanent position and two alternate positions vacant.

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

Also present were John Shaver (Assistant City Attorney) and Rick Dorris and Eric Hahn (Development Engineers). Ms. Janet Terry (City Councilwoman) was present as a special guest.

Terri Troutner was present to record the minutes.

There were approximately 38 interested citizens present during the course of the hearing.

**I. APPROVAL OF MINUTES**

No minutes were available for consideration.

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

City Councilmember Janet Terry spoke in recognition to departing Chairman John Elmer. She presented him with a gift to commemorate his many years of public service, serving on both the Planning Commission and Board of Appeals. She acknowledged his many accomplishments over the years, including work on Zoning and Development Code, the Growth Plan, various corridor guidelines, annexation, etc. Community Development Planning Director Bob Blanchard also presented Chairman Elmer with a plaque and expressed appreciation for his many valued contributions to the City of Grand Junction and its residents.

Chairman Elmer responded and thanked City representatives for the gifts and acknowledgment. He said that while it is difficult to leave, serving on the Planning Commission is very time consuming and he looked forward to having the extra time to spend with his family. Chairman Elmer also acknowledged the fine and concerted efforts of the staff, who in many ways helped make his time spent with the City so worthwhile.

**III. CONSENT AGENDA**

Offered for placement on the Consent Agenda were items FPP-2001-220 (Final Plat/Plan—Spanish Trails Filing #2), VAR-2001-221 (Variance—Rear Yard Setback Variance), and VE-2001-224 (Vacation of Easement—Independence Ranch Filing #8). No objections were received from the public, staff or planning commissioners on any of these items.

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

Commissioner Evans seconded the motion. A vote was called and the motion was approved unanimously.

#### **IV. FULL PUBLIC HEARING**

##### **CUP-2001-229 CONDITIONAL USE PERMIT—HOT WHEELS SKATING CENTER**

**A request for a Conditional Use Permit to allow a roller skating rink facility in a B-1 (Neighborhood Business) zone district.**

**Petitioners:** Harold W. Stafford and Edward M. Baltzer  
**Location:** 2150 Grand Avenue  
**Representative:** Michael T. Burkhard

##### **PETITIONERS' PRESENTATION**

Michael Burkhard, representing the petitioners, pointed out the lack of organized activities available for the community's children. Approval of the current request, he said, would allow remodel of a former manufacturing facility into a roller skating rink. Improvements to the site would include installation of curb, gutter and sidewalk along Ouray and Grand Avenues along the property's frontage; installation of shielded lighting; and installation of privacy fencing to separate the business site from adjacent RMF-12 zoned property. Mr. Burkhard said that he'd contracted with a security company to provide onsite security during business hours. Consideration was also being given to providing drive-by surveillance of the property during non-business hours. Video surveillance would be provided inside the building and the parking lot. No alcohol would be served nor permitted onsite and there would be zero tolerance for drugs and loitering. Parents will have to come in with their children; children won't be allowed into the building by themselves. To address concerns over sound, R-19 insulation would be installed in the walls, with banded insulation installed in the ceiling. Mr. Burkhard said with that and the planned double doors at the entrance, the surrounding residents should not be able to hear any of the noise generated within the building.

##### **QUESTIONS**

At Commissioner Binder's request, Mr. Burkhard provided additional information on banded insulation. When asked if any doors would be opened during business hours, Mr. Burkhard replied negatively. Parents would be required to physically pick up their children inside; kids would not be allowed to loiter outside waiting for transportation.

Commissioner Blosser said that older kids would also use the rink. He asked how would pick-ups and drop-offs for them be handled? Mr. Burkhard said that older children would be escorted outside to their parents' cars. That, too, could be monitored through video surveillance of the parking lot.

Commissioner Binder asked for additional clarification on plans for screening. Mr. Burkhard explained that perimeter privacy fencing would be installed adjacent to the residential neighborhoods. Landscaping would be installed along Ouray Avenue and 22<sup>nd</sup> Street frontages. Residents living along Ouray had asked him to close the proposed Ouray Avenue entrance and extend privacy fencing the entire length of Ouray frontage. Closing this curb cut would still leave the site with two entrances—one off Grand Avenue, the other off of 22<sup>nd</sup> Street. He was amenable to doing this provided that Staff did not object.

Commissioner Blosser asked for clarification on the parking layout, which was given. Mr. Burkhard said that the capacity of the building would be approximately 600 occupants.

Commissioner Binder asked about the landscaping proposed for the project. Mr. Burkhard said that whatever staff required would be installed. As an aside, he said that shielded lighting would be installed around the building; pole lighting would be installed on the south side of the structure and some lighting would be installed on the structure itself.

Commissioner Dibble asked if only one flush-mounted sign was planned? Mr. Burkhard replied affirmatively.

Commissioner Binder wondered if skating lessons would be offered? Mr. Burkhard said that he would try to find a professional teacher for skating lessons but initially lessons would not be offered.

**STAFF'S PRESENTATION**

Ronnie Edwards reviewed the project and the December 18, 2001 Staff Report. She said that only the northern portion of the building would be used for the skating rink; the other portion of the building would be reserved for offices. She gave a PowerPoint presentation which included an aerial view of the property, project overview, vicinity zoning map and photos of the site from various angles. Proposed hours of operation would occur between 4:00-10:00 P.M. Wednesday and Thursday, 7:00-11:00 P.M. on Friday, 11:00 A.M. to 11:00 P.M. on Saturday, 2:00-8:00 P.M. on Sunday, with the business being closed on Monday. The petitioner had requested the hours of 9:00 A.M. to 10:00 P.M. on Tuesday for private children's parties. The building would be without kitchen facilities and no alcohol would be served. Of the 212 parking spaces required, 231 spaces had been provided, leaving more than ample room for parking. Ms. Edwards said that environmental remediation of the site had been completed in September of this year. A private security company had been contracted to help with onsite security during business hours. She noted the 22<sup>nd</sup> Street access slated for closure; and said that another curb cut would be constructed further north, closer to the building.

Ms. Edwards noted the Conditional Use Permit (CUP) criteria and said that the project complied with the Code requirements for B-1 zoning and Growth Plan recommendations. The site is located within a transition corridor, with the building formerly used for a manufacturing business; existing landscaping would be preserved, with additional landscaping added per the Landscape Plan; all facility parking would be onsite. It was not felt that the proposed business would impact the neighborhood. The petitioner was limiting the hours of operation and limiting as much as possible the noise generated by the business. Staff recommended approval of the CUP subject to the following conditions:

1. A revised landscape and site plan shall be submitted demonstrating site improvements are in compliance with the Zoning and Development Code.
2. All concerns of the Development Engineer, as sidewalk improvements, shall be addressed prior to planning clearance issuance.
3. A 14-foot multi-purpose easement along street frontages shall be deeded to the City by a separate document.

In addition, staff proposed the following condition, not outlined in the Staff Report, to be added as a fourth condition:

4. There shall be no sounds from interior operations audible at the property lines.

**QUESTIONS**

Commissioner Binder asked is the Ouray Avenue entrance (referenced previously by Mr. Burkhard) essential? Could it be closed without creating problems for emergency vehicle access? Ms. Edwards said that after discussing this with Hank Masterson of the Fire Department, the Fire Department would take no issue with closing the Ouray Avenue access as long as the remaining two accesses along Grand Avenue and 22<sup>nd</sup> Street remained open.

Chairman Elmer stated that staff's fourth condition referencing "no sounds" was probably unachievable. Ms. Edwards said that with the soundproofing measures proposed by the petitioner and the distance between the building and the property lines, staff felt that this would be attainable. Chairman Elmer said that the petitioner was going to great lengths to reduce the amount of noise generated by the business; however, to require absolutely no noise at all seemed extreme. He suggested inserting the word "excessive" between the words "no" and "sounds." If neighbors felt that the noise generated by the business was excessive, there were civil remedies available to them.

Chairman Elmer asked about the hours of operation for previous uses on the site. Had there been any double shifts or late night/weekend activities taking place? Ms. Edwards said that while she understood that shift work had taken place on-site, she had not been able to find specifics of the former operation.

Commissioner Binder asked how long the existing building had remained idle? Ms. Edwards said that it had been empty since at least 1987. This was in part because significant mill tailings remediation had been required prior to any reoccupancy of the building. She reiterated that remediation had only just been completed.

## **PUBLIC COMMENTS**

### **FOR:**

Jennifer Pendry (513 North 20<sup>th</sup> Street, Grand Junction) felt that the proposed use would be a wonderful addition to the community and perfectly situated. She agreed that there were limited activity/entertainment options available for kids and this would be an amenity that could be enjoyed by all. She especially appreciated the petitioner's willingness to monitor the site and the kids frequenting the business. The site would at long last be cleaned up and put back into use. She said that it was currently a magnet for vandals and underage drinking. The business would also generate additional tax revenue for the City. If on-site problems arose, nearby residents could always call law enforcement.

Laura Hansen (1028 Ouray Avenue, Grand Junction) said that a skating rink would be enjoyed by children and adults alike.

Joy Gordon (503 North 22<sup>nd</sup> Street, Grand Junction) expressed support for the location of this kind of business near her. She agreed that the neighborhood children needed a place to go. She said that the building in its current state was an eyesore and she was pleased that it would be put to good use. She commended the petitioner for going to so much trouble to make sure that concerns had been addressed.

Margaret O'Clair (2020 Ouray Avenue, Grand Junction) said that she and her 12-year-old grandson both supported the project. She asked for clarification on the type of fencing to be provided along Ouray Avenue; Chairman Elmer said that 6-foot-high cedar privacy fencing had been proposed.

David Lens (585 – 25 ½ Road, Grand Junction), manager of the Paradise Valley Mobile Home Park, said that the mobile home park had a lot of children, yet there were very few entertainment options available. He had engaged the services of the same security professionals referenced by Mr. Burkhard and had been very pleased with their service and professionalism. The proposed project represented a "win/win" situation, with new jobs created and new revenues generated.

Ed Baltzer (2375 S. San Miguel, Grand Junction), co-petitioner, presented to staff and planning commissioners a petition signed by 71 persons who supported the project. When asked by Chairman Elmer if signatures were from neighborhood residents or from citizens living elsewhere, Mr. Baltzer said that they came from the general community.

Kim Fallis (453 ½ Pera, Grand Junction) said that as a teen she had worked at a Grand Junction skating rink in another location. She felt that this project would give young people that same chance to learn business skills and responsibility.

Stephanie Mercer (2293 ½ North Arriba Circle, Grand Junction) said that she had learned to skate when she was 3 years old. She felt that the subject property's more central location could better serve more of the community.

Howard Stafford (1174 – 22 Road, Grand Junction) agreed that this represented a great location for a skating rink, with its easy access and central location.

Catherine Ruybal (3189 Elm Avenue, Grand Junction) said that the skating rink, formerly located near Gene Taylors, had had been too small and had not been situated in a good location. She agreed that this location was more centrally located and would have more onsite security than the other skating rink.

**AGAINST:**

Lois Renfrow (521 North 19<sup>th</sup> Street, Grand Junction) expressed her concern over expected traffic. She urged closure of the Ouray Avenue entrance to the property to help address her concern. Chairman Elmer reiterated that neither the petitioner nor the City had any objection to closing the Ouray Avenue entrance. Ms. Renfrow also felt that additional stop signs should be installed along Ouray Avenue between 19<sup>th</sup> and 22<sup>nd</sup> Avenues to slow traffic. She recalled having the same traffic concerns with the former (Ultronix) business. She didn't feel it possible to contain all of the rink's patrons onsite. She expressed concern over possible trespass onto her property and that of her neighbors. There were a lot of retired persons in this neighborhood, she said. She remained unconvinced that security measures would be effective, especially after business hours. Only 24-hour monitoring could mitigate her concerns. She expected that teens would drive over landscaping and vandalize the property. Not all parking lot lighting would be shielded; she expected lighting to spill over into her bedroom.

Linda Kiggins (2043 Grand Avenue, Grand Junction) presented a petition containing 90 signatures of surrounding residents who opposed the project. Surrounding residents are greatly concerned over potential traffic and other impacts to their neighborhood. Mesa Developmental Services, which had a group home located across the street, felt that the business would serve as a "distraction" to its clients. There was no real assurance, she said, that noise wouldn't get out of control. Any trouble originating from the business could potentially carry over to residents' backyards. She concurred that over 50 percent of surrounding residents were retired.

Judy Matthews (2112 Chipeta Avenue, Grand Junction) voiced her support for closure of the Ouray Avenue entrance and thought that this should include the 22<sup>nd</sup> Street entrance as well. She expressed concerns over traffic. She also wondered about the viability of such a business since it seemed that the trend was moving more toward skateboard parks and other types of activities for kids. If Tuesdays were reserved for children's parties, what about the late hours and the impact that could have on children who had school the next day?

**PETITIONERS' REBUTTAL**

Mr. Burkhard reiterated his willingness to close the Ouray Avenue entrance provided that it did not meet with staff opposition. He reiterated that a new 5-foot-wide sidewalk would be provided along both Ouray Avenue and 22<sup>nd</sup> Street. While he would agree to extend privacy fencing along Ouray Avenue to include the curb cut area, he cautioned that this corner would be then be prone to shadow and be outside the range of parking lot lighting. With regard to security, he added that a burglar alarm would be installed in the building and that security staff would routinely patrol the parking lot areas. He reiterated that the existing 22<sup>nd</sup> Street entrance would be closed and relocated further north, closer to the building. If requested by the City, he would comply with installing privacy fencing around the entire perimeter of the

site; however, he felt that security would be best served if surrounding residents were able to openly view any activities taking place on the property.

### **QUESTIONS**

Commissioner Dibble asked if any traffic number count(s) were available. Mr. Burkhard said that he had a number of friends who owned skating rinks elsewhere. They told him that during peak business hours on a Friday evening there were generally about 50 cars in the parking lot. He felt it would be difficult to project with accuracy, given the expected volume of pick-up and drop-off traffic. When asked to provide clarification on on-site circulation patterns, Mr. Burkhard noted the entrances and projected traffic flow patterns.

Commissioner Dibble asked if the building would be painted, to which Mr. Burkhard replied affirmatively. He added that a number of the current HVAC units would also be removed; the smaller attached structure would be removed; and a lot of site clean-up would occur. The offices and skating rink would be painted in the same color to ensure uniformity.

Mr. Blanchard reiterated staff's support of closing the Ouray Avenue entrance. He also suggested that a 5-foot landscaping strip be provided along the Ouray Avenue frontage between the fence and sidewalk. He noted that this could potentially affect a row of planned parking; parking stops should be provided to prevent cars from running into the fence.

Chairman Elmer asked what the proper zoning would now be for a manufacturing facility. Ms. Edwards said that such uses were allowed within C-2 or I-1 zones. Skating rinks were allowed within either of those zones. She noted where a CUP for a family entertainment center had been recently approved for an I-1 zone. Mr. Blanchard clarified that skating rinks were allowed uses within C-2 zones; they are conditional uses in the I-1 zone.

Commissioner Blosser asked if office parking had factored into overall parking calculations? Ms. Edwards replied affirmatively.

Commissioner Evans said that if the row of parking along the Ouray frontage were adversely affected in order to comply with the 5-foot landscaping strip requirement, would the petitioner then fail to meet parking requirements? Ms. Edwards said that that question would go before engineering staff for further consideration.

Commissioner Binder wondered if the 6-foot privacy fencing would remain should the property to the west develop. Ms. Edwards responded affirmatively.

Commissioner Dibble asked what traffic-calming devices could be installed along Ouray Avenue? Mr. Dorris said that engineering staff would like to wait and see if speeding becomes a problem in this area before recommending a remedy.

### **DISCUSSION**

Commissioner Binder expressed support for staff's recommendation and conditions of approval, with Chairman Elmer's modification to condition 4. She supported closure of the Ouray Avenue curb cut but did not think extending the fence that extra distance was a good idea. She said that would create a dark corner potentially conducive to illicit activity, especially given neighbor concerns over site security. She agreed with Mr. Dorris' comments about waiting to see what, if any, traffic problems developed before recommending a solution. She noted that stop signs are, in her experience, generally not a very effective deterrent. As one who loved to roller skate, she agreed that this would be an asset to the community.

Commissioner Blosser acknowledged the petitioner's desire to not only improve the site but make it a place for which the neighborhood and overall community could be proud. Noise mitigation, the addition of curb, gutter and sidewalk, added landscaping, security patrol, etc.—these were all significant improvements to a site which had lain in disuse and disrepair for the last 15 years. He too supported closure of the Ouray Avenue entrance but agreed that the fencing should not be extended to enclose this area. He voiced support for adding the landscape strip along Ouray Avenue in accordance with Mr. Blanchard's recommendation.

Commissioner Evans concurred, adding that construction of the proposed ice skating rink was still a number of years away. He agreed with previous planning commissioner comments about closing the Ouray Avenue curb cut, not extending the fence across this area and statements that the proposed use would be an asset to both the neighborhood and community. He felt that the petitioner had done a great job of addressing security issues. Monitoring the pick-ups and drop-offs of children was a good idea and kids would soon conform to that level of control. An occupied building was less likely to draw vandals and illicit activities.

Commissioner Putnam said that the question of the site's land use had been decided long ago. He felt that the proposed use was far more acceptable than keeping the site idle and unoccupied.

Chairman Elmer said that even if traffic counts increased, increases were likely to be far less than what had been generated by the site's former use. Traffic for the proposed use would be spread out over differing times and thus be less likely to impact surrounding residents. The petitioner had demonstrated compliance with Code and Growth Plan criteria. He had no objection to either extending the fence along the closed curb cut along Ouray Avenue or leaving the area open.

Mr. Shaver offered for his opinion on staff condition 4. Mr. Shaver noted the City noise ordinance and said that given the specificity of noise attenuation measures proposed by the petitioner, he suggested that they be referenced and included as the fourth condition of approval. This would include the petitioner's R-19 insulation in all walls, banded ceilings insulation, and the addition of double doors at the building's entrance. Chairman Elmer proposed changing condition 4 to read, "Sound attenuation measures as represented by the petitioner." He also clarified that the 5-foot landscaping strip referenced by Mr. Blanchard would extend across the closed Ouray Avenue curb cut. The general consensus among planning commissioners was to omit the requirement of extending the Ouray Avenue privacy fence across the curb cut area.

**MOTION: (Commissioner Blosser) "Mr. Chairman, on Conditional Use Permit CUP-2001-229, I move that we find the project consistent with the Growth Plan, section 2.13 of the Zoning and Development Code, and that we approve the Conditional Use Permit CUP-2001-229 subject to the recommended condition of a revised landscape and site plan as provided by the staff, adding conditions with the petitioner's soundproofing [condition 4 to read, 'sound attenuation measures as represented by the petitioner'] and closing off the Ouray Avenue entrance and extending that landscaping.**

Commissioner Putnam seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

A recess was called at 8:40 P.M. The public hearing reconvened at 8:48 P.M.

**PP-2001-222 PRELIMINARY PLAN—FOUNTAIN GREENS FILING #3**

**A request for approval of a Preliminary Plan for 13 single-family detached lots, 13 single-family attached lots, and 7 four-plex buildings on 9.52 acres in a PD (Planned Development, not to exceed 8 units per acre) zone district.**

**Petitioner:** Fountain Greens, LLC—Tony Bottagaro  
**Location:** East side of 24 ¾ Road, south of Fountainhead Boulevard alignment (750 feet north of Cimarron Drive)  
**Representative:** LANDesign—Kevin Knott

**PETITIONER’S PRESENTATION**

Scott Pessin, representing the petitioner, said that the goal for this filing is to create a sense of variety. To that end, special attention had been paid to streetscaping, unique clustering/intermixing of homes, provision of an active neighborhood park and multiple passive pocket parks, provision of pedestrian trails and colonial architectural design of structures. Overheads presented included an aerial photo of the site, the Preliminary Plan for Filing #3 and a drawing depicting how the various single story, duplex and four-plex units would look together. Many homes, he said, are placed to face the streets they front, rather than turning their backyards to public streets. This development, he said, would be an asset to the Grand Junction community.

**QUESTIONS**

Commissioner Dibble asked about the type of play equipment to be provided for the neighborhood park. Mr. Pessin said that three different types of apparatus would be provided, but the exact types had not yet been determined. There will be a variety of equipment, he added.

Commissioner Dibble asked if play equipment would be provided for the large open space area in Filing #2. Brian Hart, also representing the petitioner, explained that staff had initially required an active play area "somewhere" in the development. Because the goal was to leave the open space area in Filing #2 as more passive, staff agreed to defer the active play area requirement to Filing #3. Mr. Hart noted that the open space in Filing #2 contains an irrigation/detention pond.

Commissioner Putnam said that another nearby subdivision also situated by the canal, continued to deal with a number of high water table/seepage issues. He asked is there anything in place to prevent the same thing from happening in this subdivision for homes built near the canal? Mr. Hart said that as a condition of Preliminary Plan approval, the developer had been required by City engineering staff to monitor the site for a period of one year, comparing existing water levels with water levels during irrigation season. That one-year period was nearing its end. The geotechnical report required the site to be raised so that there was at least a 3-foot separation between bench floor and seasonal high rainwater. He expected the developer would exceed that separation level. Mr. Hart said that additional engineering detail would be submitted at Final.

Chairman Elmer said that in reference to varying the front yard setback of Lot 6, Block 2, he wondered if the variance is from "19 feet to 8 feet" versus "9 feet to 8 feet." After a brief discussion, Mr. Pessin said that he had worked with staff to "fix this." All front setbacks to garages would be at least 19 feet.

**STAFF’S PRESENTATION**

Bill Nebeker reviewed the request and provided a history of the development’s past approvals. He noted that the overall density approved at ODP had been set at 8 du/acre. Mr. Nebeker said that some of this density had been lost during the last two filings but some of that density was being made up in this one. He commended developers for their unique design, and he pointed out the homes which would face the streets they front—those along 24 ¾ Road, Fountainhead Blvd. and Fountain Greens Place. Placement of homes in this fashion, Mr. Nebeker said, would avoid back yards fronting on public streets. No on-street parking would be permitted on the private streets, e.g., East Greens Court, Northshore and Southshore Courts. Visitor parking would, however, be provided in parking pods in the cul-de-sac areas. Staff agreed that this should adequately accommodate overflow parking requirements. In addition, individual homes will each accommodate four vehicles. Mr. Nebeker noted a 15-foot access easement located along the east side of the neighborhood park to the Courtneys’ property. A sewer line would also be brought up



through the easement to connect with the Courtney home, allowing the Courtneys to discontinue use of their septic system.

Mr. Nebeker said that the applicant submitted a request for an exception from the TEDS manual to vary street width from a 20-foot-wide pavement section with on-street parking prohibited to a 17-foot-wide asphalt section and rollover curb and gutter for a total drivable width of 21 feet. The Fire Department approved this modification because the minimum 20-foot-wide drivable accessway would still be available for emergency vehicles.

Staff recommended approval of the request subject to the following conditions:

1. At Final, plans for the commons area shall include three pieces of active playground equipment, designed and warranted for public and commercial application, as previously required. The equipment shall meet ASTM and CPSC standards and be IPEMA-certified and have an ADA-approved paying surface. (This condition was required at the time of final approval for Filing 2.)
2. Final plans and project report shall show compliance with all private street standards unless modified herein.
3. The applicant shall show approval from other applicable utility providers for 10-foot-wide multi-purpose easements along private streets.
4. Prior to submittal of final plans, the applicant shall show to the satisfaction of the City Engineer that the main entryway on the private streets can be widened to meet or come closer to the TEDS standard, where possible. Where no other options are reasonable, a TEDS exception will be recommended.

### **QUESTIONS**

Commissioner Binder asked for confirmation that no on-street parking would be permitted within the filing. Mr. Nebeker said that on-street parking would be prohibited except in designated parking areas. When asked if shared driveways would be constructed, Mr. Nebeker said no.

Commissioner Blosser asked if 'No Parking' signs would be posted along street frontages? Mr. Nebeker replied affirmatively.

Commissioner Binder asked how front yards were determined on some of the more unique layouts? Mr. Nebeker said that setbacks would be denoted on the Final Plat. He also provided clarification on the front yard variance mentioned by Chairman Elmer.

Commissioner Evans wondered how many cars would be able to park in cul-de-sac "pod" areas. Mr. Pessin said that the number would vary from 4-6, depending on the parking configuration and cul-de-sac's size. He reiterated that the areas are provided to handle overflow parking only; each home would have parking area sufficient for four vehicles. In addition, pedestrian trails leading from Fountainhead Blvd. to homes within the development would allow people to park outside the filing and walk a short distance to their intended destinations.

Commissioner Binder asked if the Homeowners Association would be responsible for maintaining private streets? Mr. Nebeker responded affirmatively.

### **PUBLIC COMMENTS**

**FOR:**

Winona Schwartz (714 Lockwood, Grand Junction), a broker for Coldwell-Banker, said that she has very much enjoyed living in the Fountain Greens Subdivision. It's a great location that is convenient to shopping, near her job and near Canyon View Park. She expressed appreciation for the development's design, its provision of park/open space areas, pedestrian trails and mixture of home types. Landscaping within the development was also very nice. She asked the developer to consider placement of a few benches in each of the passive open space areas, especially along pedestrian trails. She felt that this amenity would be much appreciated by subdivision residents and visitors. The current plan, she said, had more variety and had much more character than the old plan. There seemed to be very little noise or dust associated with the development's construction.

Ron Tezak (716 Lockwood, Grand Junction) agreed with Ms. Schwartz's comments; however, he expressed disillusion with the developers not following through to construct an RV storage area. When he'd purchased his home, this amenity had been promised but was not yet built. He asked what is the status of the RV storage area?

Dave Courtney (727 – 25 Road, Grand Junction) felt that the developers had done a good job. He warned developers that constructing homes 3 feet above bench floor water levels may not take care of seepage problems. His home had also been constructed thusly but he'd been forced to spend many thousands of dollars to stabilize his residence. Many of the northernmost homes in the current filing are being constructed in a known drainageway. He suggested that all foundations for these homes be engineered, to address the high water concerns. He asked, would developers consider constructing a fence along the canal to keep children away from this hazard? He asked, who would assume liability for playground equipment? He noticed the lack of speed limit signage along Fountainhead Blvd. He asked, would these be provided? Referencing an overhead of the Preliminary Plan, he asked developers to provide an easement/sewer line more directly aligned to his home.

Commissioner Blosser asked if there are any remaining concerns over proposed structure heights? Mr. Courtney responded negatively.

Mary Hollingworth (729 – 25 Road, Grand Junction) expressed strong reservation over locating 4-plexes so close to the canal. She said that the added weight of those structures would exacerbate water table problems. The water table under her lot was only 8-inches below the surface. She wondered even with engineering the foundations of 4-plex units could accommodate the extra weight. The Courtneys, she said, "had a sump pump running all the time." Developers should first solve the problem that already exists before compounding the problem. Perhaps the area closest to the canal should be designated a "no build" zone. The noise and dust from current construction were bad where she lived, but she hoped this would be eliminated once construction was completed. She agreed that the current plan was far superior to the previous one. She hoped developers wouldn't plant any really tall trees (60-80 feet) next to the canal to obstruct her view.

#### **PETITIONER'S REBUTTAL**

Mr. Hart said that he'd discussed the RV storage area with staff last spring. It would have reduced the overall project density and thrown the development out of compliance, so it had been eliminated. He noted the location of a 20-foot Grand Junction Drainage District easement traversing the property. Piping had been installed to collect seep water. Because the integrity of the pipe was unclear, the current proposal suggested moving the pipe/easement. Discussions with City engineering staff regarding this were still ongoing. He reiterated that the developer is nearing the end of the one-year water level monitoring period and there had been no problems or surprises. The developer intended to follow the recommendations of the geotechnical report and in some ways surpass its recommendations. The developer would make sure that any trees planted would be reasonably-sized to accommodate Ms. Hollingsworth's request. He didn't feel that the provision of benches in passive open space areas was

unreasonable and he agreed to look into this further. Liability for play equipment would be borne by the HOA and insurance policies were available to cover this.

**DISCUSSION**

Commissioner Binder asked Mr. Dorris whether construction of homes at least 3 feet over groundwater floor was sufficient mitigation to avoid groundwater problems. Mr. Dorris briefly explained the “3-foot rule” contained in the geotechnical report. He said that three feet is an industry standard which seemed to be adequate for construction of both homes and roads. When asked if the adjacent canal was lined, Mr. Dorris replied negatively. The 3 feet mentioned in the report, he said, was higher than the seasonal high groundwater table.

Commissioner Putnam commended the layout and streetscaping design work. He felt it would help promote greater neighbor interaction.

Chairman Elmer agreed that the current site design represented significant improvement. He agreed that engineered foundations should be employed for all homes built within the drainageway. It appeared the elimination of the RV storage area had been a communications issue. If any fences were to be constructed along canalbanks, this should be left up to individual homeowners. The sizes of any trees planted were up to the developer, although he acknowledged the petitioner’s willingness to accommodate Ms. Hollingsworth’s request. He added that this was something not generally subject to Planning Commission regulation. He expressed support for the request subject to staff conditions.

Mr. Shaver suggested amending staff condition 4 to read, “If not possible, a TEDS exception will be recommended.” This amendment would avoid the issue of determining “reasonability” as staff’s verbiage would require. This drew general agreement from planning commissioners.

Commissioner Binder felt that this was a good-looking project, with interesting streetscaping and good interconnectivity between homes and among the rest of the neighborhood. She appreciated the provision of pocket parks and felt that this would be a place where people would enjoy living. She was disappointed that the RV storage area had been eliminated because RV storage was a growing community problem.

**MOTION: (Commissioner Dibble) “Mr. Chairman, on item PP-2001-222, I move that we find the revised Preliminary Plan for Fountain Greens Filing #3 to be consistent with the Growth Plan and section 2.8 of the Zoning and Development Code and approve the plan subject to staff’s recommendations including #4, which is modified [changing the last sentence] to read, ‘If not possible, a TEDS exception will be recommended.’”**

Commissioner Evans seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

## **V. ELECTIONS**

Commissioner Blosser nominated Dr. Paul Dibble as the next Planning Commission chairman. Commissioner Evans seconded the nomination. Mr. Dibble was elected by a vote of 5-0, with he himself abstaining.

Commissioner Dibble nominated Terri Binder as the next Planning Commission vice-chairman. Commissioner Blosser seconded the nomination. Ms. Binder was elected by a vote of 5-0, with she herself abstaining.

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