

**GRAND JUNCTION PLANNING COMMISSION
FEBRUARY 28, 2006 MINUTES
7:04 p.m. to 9:25 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:04 p.m. by Vice-Chairman Roland Cole. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Roland Cole (Vice-Chairman), Lynn Pavelka-Zarkesh, Tom Lowrey, Patrick Carlow, Bill Pitts, William Putnam, and Reggie Wall.

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Kathy Portner (Assistant Community Development Director), Scott Peterson (Senior Planner), Lisa Cox (Senior Planner), Dave Thornton (Principal Planner), and Lori Bowers (Senior Planner).

Also present were Jamie Kreiling (Assistant City Attorney) and Rick Dorris (Development Engineer).

Terri Troutner was present to record the minutes.

There were 34 interested citizens present during the course of the hearing.

I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

II. APPROVAL OF MINUTES

Available for consideration were the minutes of the January 24, 2006 public hearing.

MOTION: (Commissioner Pitts) "Mr. Chairman, I move for adoption of the minutes for January 24, 2006 as written."

Commissioner Wall seconded the motion. A vote was called and the motion passed by a vote of 6-0, with Commissioner Putnam abstaining.

III. CONSENT AGENDA

Available for consideration were items:

1. PP-2005-170 (Preliminary Plat--Chatfield 3 Subdivision)
2. FPA-2005-288 (Final Plan Amendment--Amendment to St. Mary's Master Plan)
3. ANX-2006-008 (Zone of Annexation--Chipeta Heights Subdivision)
4. PP-2004-287 (Preliminary Plat--Cloverglenn Subdivision)
5. CUP-2006-007 (Conditional Use Permit--Tavern on the Pointe)
6. CUP-2005-300 (Conditional Use Permit--Precision Energy Services)

Vice-Chairman Cole briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted any of the items pulled for additional discussion. At staff's request, item CUP-2006-007 was pulled and placed on the Full Hearing Agenda. Lisa Cox came forward and referenced a revised staff report for item FPA-2005-288 that had been distributed to planning commissioners prior to the meeting. The report's suggested motion had been revised to indicate that Planning Commission would be recommending approval to City Council. The motion from the

original report had the Planning Commission rendering the final decision. She recommended the item stay on the Consent Agenda. No objections or revisions were received from the audience or planning commissioners on any of the remaining items.

MOTION: (Commissioner Pitts) "Mr. Chairman, I move for the approval of the Consent Agenda for items 1, 2, 3, 4, and 6 [PP-2005-170 (Preliminary Plat--Chatfield 3 Subdivision), FPA-2005-288 (Final Plan Amendment--Amendment to St. Mary's Master Plan), ANX-2006-008 (Zone of Annexation--Chipeta Heights Subdivision), PP-2004-287 (Preliminary Plat--Cloverglen Subdivision), and CUP-2005-300 (Conditional Use Permit--Precision Energy Services] as presented."

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

IV. FULL HEARING

CUP-2006-007 CONDITIONAL USE PERMIT--TAVERN ON THE POINTE

A request for approval of a Conditional Use Permit to establish a tavern in Unit D (1,890 sq. ft.) of Palace Pointe Marketplace.

Petitioner: Ken Strychalski (owner) and James and Silvia Craig (tenants)

Location: 2938 North Avenue, Unit D

STAFF'S PRESENTATION

Scott Peterson gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City and County Zoning Map; 5) condominium maps of Palace Pointe Marketplace; 6) proposed floorplan from the south entrance; and 7) findings of fact and conclusions. A brief overview of the request was given. Two letters of opposition had been received and were entered into the record. Finding that the request satisfied Code requirements and was consistent with Growth Plan recommendations, staff recommended approval.

PETITIONER'S PRESENTATION

Silvia Craig, co-petitioner, said that the neighborhood tavern would be very small and low-key. Arrangements had been made to provide ride-home services to patrons too intoxicated to drive.

James Craig, co-petitioner, added that the tavern would be a place for people to meet after work or just sit and visit. There would be no loud music and no bands.

Vice-Chairman Cole advised the audience that only the Conditional Use Permit was being discussed; there would be no discussion involving the tavern's liquor license. A separate liquor license hearing would be held tomorrow, March 1, at 9 a.m. in the City Hall Auditorium.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Coleen Arnold (2941 Bunting Avenue, Unit 6, Grand Junction) said that approximately 25 feet separated the back door of the business from the rear barrier wall. Another 19 feet separated the barrier wall from the nearest residence. She maintained that there was insufficient separation or buffering between the residential and commercial uses and felt that the barrier wall would do little to quell noise from the business. Since the back door was alarmed, she was also concerned that the alarm would be going off during the night or as employees entered and exited the building. This would be a real detriment to

herself and her neighbors. Ms. Arnold said that while the applicants had agreed to keep noise levels down and close the business at midnight, she just felt that it was just the wrong type of business for that particular location, especially given the problems experienced by residences abutting the nightclub at 5th Street and North Avenue.

PETITIONER'S REBUTTAL

Ms. Craig said that it was not their intention to have a loud and noisy bar. There were no immediate plans to provide a sound system. She felt that the 6-foot-high retaining wall, along with the bushes and other landscaping present, would provide sufficient buffering. She pointed out that she and her husband had cleaned up the alley, adding that the alley would not be used for deliveries. Ms. Craig said that the alarm on the back door was just to prevent customers from running out on their bills. She didn't think that the alarm would be loud enough to disrupt the neighbors. She said that this was a very different business from the one at 5th and North. The occupancy of that business was 250 people; the occupancy of this business was only 50 people.

Mr. Craig added that a 10-foot bathroom area at the rear of the building would serve as an additional sound barrier between the main business area and the back door. He felt that there was sufficient buffering present.

QUESTIONS

Commissioner Pitts asked if Ms. Craig's reference to a sound system implied that one could be installed at some future date. And if so, what kind of system would it be? Mr. Craig emphasized that this was intended to be a quiet bar, one offering an atmosphere conducive to conversation. That could not be accomplished if there were loud music. Any future sound system would be conservative. Anyone would be welcome to visit the business at any time to judge the sound level for him or herself.

DISCUSSION

Commissioner Carlow asked if the Planning Commission's charge was just to determine the appropriateness of the use. Mr. Blanchard clarified that planning commissioners needed to ascertain whether the series of review criteria had been met. Since staff had determined that those criteria had been satisfied, planning commissioners could either agree with staff's conclusions or, if disagreeing with staff's analysis, they could provide findings to support another conclusion.

Commissioner Lowrey concurred with Mr. Blanchard's clarification. He expressed concern over the compatibility of the proposed use so close to a residential neighborhood. He would be willing to approve the request, but only if there was some way to restrict the sound level. He suggested perhaps setting a maximum acceptable decibel level. Limiting the noise emanating from such a business was especially important after 9 or 10 p.m. If this could not be done, he didn't feel he could support the request.

Commissioner Pitts expressed similar concerns over the noise the applicants' business might produce. Fifty feet of distance to separate a commercial use from a residential use was not that much, even with a 6-foot-high wall. He didn't feel he could support the request as presented.

Vice-Chairman Cole concurred and agreed that the use was incompatible with the neighborhood.

Commissioner Lowrey suggested rescheduling the item for a later date, to give the applicants time to mitigate noise concerns. Mr. Blanchard suggested remanding the item back to staff, who would assess the decibel levels of sound systems. The item could be reheard at a later date. Mr. Blanchard quelled the applicants' concerns by saying that the proposed action did not represent a denial.

MOTION: (Commissioner Lowrey) "I would recommend that we remand CUP-2006-007 back to staff, to work with the applicant to see if they can mitigate sound issues, particularly going out the back of the establishment, and that we come back for a rehearing later."

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

GPA-2005-148 GROWTH PLAN AMENDMENT--24 ROAD SUBAREA

A request to amend the 24 Road Corridor Subarea Plan on the Mixed Use designation to reduce the minimum residential density from 12 units per acre to 4 units per acre; delete the requirement for residential development, and allow for large-scale retail development.

Petitioners: John Usher, William Merkel, Harold Woolard, Marion Jacobson and Tom Volkman

Location: 24 Road Corridor

Mr. Blanchard reminded planning commissioners that they were considering the recommendations only, not the actual Growth Plan amendments. Discussions should focus on whether or not the Planning Commission concurred with the steering committee's recommendations. If so, staff would come back at a later date with Growth Plan Amendment verbiage for consideration.

Vice-Chairman noted that there were likely to be a number of viewpoints brought forth for consideration. He advised planning commissioners not to put too much weight on any single point.

STAFF'S PRESENTATION

Lori Bowers gave a PowerPoint presentation containing the following slides: 1) the three requests made by the applicants, which included a) reduce the minimum required residential density from 12 units per acre to 4 units per acre; b) delete the requirement that residential development is required as 20% of the overall commercial project; and c) remove the maximum size of 30,000 square feet for retail buildings; 2) a list of steering committee members, many of whom had served on the original 24 Road Corridor Plan steering committee; 3) an acknowledgement of the committee's having met seven times, with one open house held on January 12, 2006; 4) primary zoning map; 5) steering committee recommendations, that included a) deletion of the requirement for a mandatory 20% residential component to any development; residential development would be allowed but would be optional; b) a reduction in the minimum residential density from 12 dwelling units per acre to 8 dwelling units per acre; and c) the requirement that retail development be limited to a maximum of 30,000 square feet (within a larger building or as stand-alone development) be deleted within the Mixed Use designation within 1/4 mile corridor on either side of 24 Road and south of I-70, and that a maximum retail square footage of 50,000 square feet be applied in the remainder of the Mixed Use district (within a larger building or as stand-alone development).

Ms. Bowers turned the podium over to Mr. Jeff Over, steering committee chairman, and referenced a letter he'd written to the City Council dated February 8, 2006. Copies of the letter had been distributed to planning commissioners prior to the hearing.

Mr. Over said that the steering committee's meetings had been very productive. Each committee member had been able to express his or her point of view; no one had been left out. There had been a lot to discuss within a relatively short timetable, but he was pleased with the final result. He reiterated the committee's recommendations (as stated above), affirming that many of the committee's current members had also participated on the original 24 Road Corridor Plan steering committee. He noted that the three issues of concern to the applicants had not originally been a part of recommendations made by the

original steering committee; they had been added later by City Council. He hoped that the Planning Commission and City Council would strongly consider adopting the recommendations made by the steering committee.

Vice-Chairman Cole thanked Mr. Over and the other steering committee members for their diligence and fine work.

Commissioner Lowrey extended his special thanks to Mr. Over for the fine work he'd done as chairman for the committee. As a member of the steering committee himself, Commissioner Lowrey said that the meetings were always of high quality.

The podium was then turned over to Dave Thornton, who gave a Powerpoint presentation on traffic modeling for the 24 Road Subarea. Traffic modeling helped the City plan for future impacts on roads within a particular study area and those occurring outside of the study area. Since changes were being proposed to the 24 Road Corridor, it was important to assess the potential effects of those changes. Mr. Thornton briefly explained how traffic modeling was undertaken and said that the Grand Junction area had been divided up into Traffic Analysis Zones (TAZs). Having the 24 Road Corridor build out as 100% retail/commercial represented the "worst-case scenario" in terms of traffic impacts. The traffic model provided estimates of trip generation, taking socioeconomic data and estimating the number of person trips produced and attracted within each TAZ.

Mr. Thornton said that steering committee members had asked that three scenarios be modeled for comparison: 1) build-out to include 20% residential, 20% retail and 60% employment/office; 2) build-out at 0% residential and 100% retail; and 3) a 1/3, 1/3, 1/3 split with residential, retail, and employment/office figures split evenly at 33% build-out each. For each of the three scenarios, the following assumptions had been used: 1) build-out residential densities of 12 units/acre; 2) employment/office uses having 3 employees per 1,000 square feet of floor area, and each acre having 10,000 square feet of building; and 3) retail/commercial uses having 2 employees per 1,000 square feet of floor area, and each acre having 10,000 square feet of building. Mr. Thornton referenced a slide showing the results of the modeling. General findings concluded that retail development generated four times more traffic than employment/office uses. If the steering committee's current changes were adopted and the corridor developed with 100% retail uses, the number of vehicle trips within the study area were projected to increase by 21.5% over those projections made in conjunction with the originally adopted 24 Road Corridor Plan. Mr. Thornton presented slides depicting projected traffic impacts within the study area. Slides included 1) travel demand forecasting results, 2000 base model; 2) 2030 traffic demand forecasting results based on the currently adopted 24 Road Corridor Plan; 3) 2030 travel demand forecasting results based on the steering committee's proposed land use plan; 4) 2030 travel demand forecasting results based on a 1/3, 1/3, 1/3 land use plan; and 5) a graphic depiction and definition of Levels of Service.

QUESTIONS

Commissioner Pitts asked if steering committee members had been made aware of traffic modeling projection data before making their recommendations. Mr. Thornton said that staff had made the information available to committee members at their last meeting. The modeling presented to them showed how their recommendations were likely to impact the study area.

PUBLIC COMMENTS

Harold Woolard (746 23 1/2 Road, Grand Junction) felt that there was clear evidence to suggest that the old plan wasn't working and needed fixing. He noted that there had been a great deal of developer interest in the area, and a number of proposals had been brought forth for consideration. All had failed because of the current regulations. He didn't feel it right to ask a property owner to hold on to his property and pay taxes on it every year without being allowed to develop it. He noted that Camping

World representatives had spent two days in the area talking with Community Development staff et al. but had been told "to go somewhere else." Others wanted to build a church within the 24 Road Corridor but had been discouraged because of the City's mandatory residential requirement. They were only interested in building their church, not in constructing high-density residential housing. Mr. Woolard said that developers had approached him with six different proposals; yet, all had been "shot down" as a result of the City's current regulations.

Vice-Chairman Cole asked Mr. Woolard if he'd had a chance to review the steering committee's recommendations. If so, did he have any thoughts?

Mr. Woolard felt that each project should be considered on its own merits. He didn't think it right to establish a set of rules that everyone had to follow without exception.

William Merkel (2136 Baniff Court, Grand Junction) expressed support for the committee's recommendations. As an owner of property located within the 24 Road Corridor, he'd been approached by several people interested in developing his land. However, because of the City's current requirements, they'd changed their minds. One developer had been interested in developing the entire intersection at 24 and G Roads. After "being pushed out" as a result of the 24 Road Corridor development criteria, that developer had tried developing property on the north side of I-70. His project had been subsequently turned down twice by both the Planning Commission and City Council. Mr. Merkel recalled comments made by former City planner, Michael Drollinger, who'd described beautifully how the 24 Road Corridor should be envisioned. That vision had set the tone for development in the area. However, the added restrictions adopted afterwards "basically killed the idea of the second entrance into Grand Junction." He felt that there was still an opportunity to develop the corridor in accordance with the original vision. As an aside, he noted that there was only one lane going north across the interstate and two lanes going south. There were no frontage roads to connect 24 Road with either 24 1/2 or 23 1/2 Roads. That didn't make sense to him since most municipalities constructed frontage roads in conjunction with major interchanges. Given the expected traffic increases in the area, it seemed that there should be better traffic circulation.

Marion Jacobson (no address given), owner of property within the 24 Road Corridor, said that she'd just returned from a trip to San Bernadino, California. While there, she'd visited a 320,000 square foot Costco store that she said had been beautifully laid out and expertly landscaped. A similar development in the Grand Junction area would definitely be an asset. She felt that Grand Junction had been a regional center for a number of years, and it was important that Grand Junction remain competitive with other communities. If businesses were prevented from locating in the Grand Junction area, they would go to Glenwood Springs, Moab, or some other outlying community. The amount of regulation, she said, should depend on the retailer. All of those out-of-town developers represented lost sales tax revenues. She did not believe that people wanted to live so close to commercial development and busy streets. They preferred living in quiet cul-de-sacs, so requiring the construction of residential uses directly adjacent to commercial uses didn't make much sense. She also felt that the market should determine building sizes.

Rocky Arnot (747 23 1/2 Road, Grand Junction) said that he'd owned his 24 Road Corridor property since 2000. He pointed out that while a lot of growth had occurred across the Grand Valley, nothing much was happening in the 24 Road Corridor. He expressed support for the steering committee's recommended changes.

DISCUSSION

Commissioner Wall said that while talk of nice buildings in other towns, and how nice Grand Junction could be was all well and good, what it really boiled down to was money and how much of it the 24 Road Corridor property owners stood to get for their land. He didn't blame them for wanting to make a profit

on their investment, and he agreed that some plans didn't work. The City invested a lot of time and effort in making the community a nice place to live for everyone. The development of plans took time. This didn't mean that the City was unresponsive to property owners. He commended the City and the steering committee for their "going back to the drawing board" and for their recommendations. He felt that the changes were good ones. We either have a nice community or we don't, he said. People would continue to come to Grand Junction to shop. If people wanted to pay a sales tax rate of 9.75%, they could go to Glenwood Springs, but Grand Junction's taxes weren't that high and this area had more to offer. He urged property owners not to "let the almighty dollar get in the way of what the City was trying to do."

Commissioner Pitts said that when Mr. Crawford first laid out Grand Junction, he'd had a plan for the area between 1st Street and 12th Street, South Avenue and North Avenue, a place for churches along White Avenue and Grand Avenue. Growth began there and moved outward. Growth was now more prevalent in the northwest area, at least according to sales tax revenues. While he understood that property owners wanted to get the most money from their land, there seemed to be little focus on moving people to and from the area. Traffic was a big concern. Traveling down Highway 6 & 50 was already a nightmare. The potential influx of so many large-scale retail/commercial developments to the 24 Road Corridor would result in significant traffic impacts. He would hate to see the 24 Road Corridor develop in the same way that the Highway 6 & 50 Corridor had. Regarding high-end residential, he pointed out that some of the area's most expensive homes were located close to I-70. Commissioner Pitts commended the efforts of the steering committee; they'd done an outstanding job.

Commissioner Putnam observed that this was the first long-range planning item he'd seen in quite some time. The Planning Commission was charged with trying to ensure the greatest long-term good for the community. He agreed that in considering any long-range plan, one had to consider potential traffic and other impacts related to that plan. If not, it would be anyone's guess as to how that plan would ultimately turn out. Clearly, the impetus for the changes proposed by the applicants resulted from their inability to sell their property. However, he didn't feel that the rationale of "letting the market decide" was the right approach. That same rationale had guided development along both North Avenue and Horizon Drive. Could the community truly be proud of the results? He wasn't. While the Daily Sentinel may not always be seen as responsive to community planning efforts, on February 6, 2006 there had been an editorial regarding a similar situation faced by Mesa County. He read the article into the record, the point being that municipalities had the right to guide development, and that private property rights didn't include guaranteeing the highest dollar for the land. In the minutes of one of the steering committee meetings, he read an excerpt where someone had noted the beautiful Mixed Use developments in the Denver area. That person went on to say that it might not be possible to have the same level of Mixed Use development in a community the size of Grand Junction. He felt that the original vision statement of the 24 Road Corridor Plan was still valid. To that end, he felt that the original Plan should be affirmed to City Council without any changes.

Commissioner Pavelka-Zarkesh said that retail centers come and go. When looking toward the long-term stability of the Grand Junction area, it was important to provide opportunities for businesses other than retail to ensure a stable economic base.

Vice-Chairman Cole reflected that the Planning Commission had three options available: 1) affirm the current 24 Road Corridor Plan with no changes; 2) recommend adopting the changes requested by the applicants; or 3) recommend adopting the changes proposed by the steering committee. Ms. Kreiling said that the process was actually more complicated. Before the Zoning & Development Code could be changed, changes would first have to occur to both the 24 Road Subarea Plan and the Growth Plan. The current request did not offer the actual text needed to affect those changes. City Council was looking for direction rather than specific language to amend the Growth Plan. She suggested that the Planning Commission provide City Council with more generalized direction, to either follow the same direction or provide direction that the recommendations go back to staff to ascertain the changes needed and draft the

verbiage required for changing the 24 Road Subarea Plan. Following review and approval of those changes by the Planning Commission, a recommendation for adoption of those changes would then be forwarded to City Council.

Vice-Chairman Cole proposed having the Planning Commission address the question of affirming the current plan with no changes. Commissioner Lowrey said that City Council had given the steering committee very clear direction to address the three issues brought forth by the applicants, which the committee did. In response to City Council's direction, he felt that the focus should be on the steering committee's recommendations to either accept them, reject them, or come up with some other alternative. He noted that the Planning Commission didn't have much discretion to consider anything beyond the three issues before them. Ms. Kreiling suggested that Planning Commission's recommendations be consistent with either those made by the applicants or those made by the steering committee. However, alternate recommendations could also be made.

Commissioner Putnam suggested acknowledging receipt of the steering committee's findings to City Council; however, after examining them and finding them "wanting," he proposed that the Planning Commission let City Council know that they were not in agreement with the committee's findings.

Commissioner Lowrey suggested considering each of the three steering committee recommendations individually. That would be in keeping with the approach taken by the steering committee. While he agreed with some of the recommendations formally made by the committee, he didn't agree with all of them and thought that additional discussion might be in order.

Commissioner Carlow agreed that the issues should be discussed separately. That approach would illicit additional discussion and provide for the possibility of some modification.

When asked if the committee voted on each individual recommendation, Commissioner Lowrey said that not only had they been individually considered and voted on, there had also been discussions and motions made on other aspects of the issues. For example, on the 20% mandated residential requirement, there had been discussions and a vote on whether that recommendation would apply to different areas within the Corridor. Commissioner Lowrey asked for confirmation of those discussions from committee chairman, Jeff Over. Mr. Over said that while he recalled those discussions having taken place, the final vote had been to eliminate the residential requirement altogether.

Vice-Chairman Cole asked that motions include a request that staff bring back actual verbiage changes for consideration by the Planning Commission in response to the recommendations made.

Commissioner Pitts felt that the taking of each fraction into consideration rather than considering the whole created the biggest problem. He asked if the requirements would be applicable to the entire 24 Road Corridor or to each project. Mr. Blanchard responded that requirements were applied on a project-by-project basis.

(Recommendations were considered in the order preferred by planning commissioners.)

Recommendation #2: To reduce the minimum residential density from 12 dwelling units per acre to 8 dwelling units per acre.

Ms. Kreiling said that the Planning Commission could also consider the proposals brought forth by the applicants. They'd actually requested that the minimum residential density be reduced from 12 dwelling units per acre to 4 dwelling units per acre.

Vice-Chairman Cole advised planning commissioners to stick with steering committee recommendations.

MOTION: (Commissioner Pitts) "I move that the Planning Commission approve recommendation 2, the minimum residential density be reduced from 12 dwelling units per acre to 8 dwelling units per acre."

Commissioner Pavelka-Zarkesh seconded the motion.

Ms. Kreiling proposed modifying the recommendation, adding that the Growth Plan be amended to comply with that recommendation. Both Commissioners Pitts and Pavelka-Zarkesh agreed to the proposed modification. The motion was revised as follows:

MOTION: (Commissioner Pitts) "I move that the Planning Commission approve recommendation 2, the minimum residential density be reduced from 12 dwelling units per acre to 8 dwelling units per acre, and that the Growth Plan be amended to comply with that recommendation."

Commissioner Pavelka-Zarkesh seconded the motion.

Commissioner Lowrey felt that he could vote in favor of the motion because the higher density was one of the reasons for the lack of development within the 24 Road Corridor. The proposed motion would reduce just the lower-end range from 12 du/acre to 8 du/acre. That should give more flexibility to both the landowners and developers. He felt that it might also result in a reduction of traffic impacts to the area given the potential for reduced density. He expressed a willingness to support reduction of the lower-range density to something below 8 du/acre if other planning commissioners wanted to discuss that as an option. No additional discussion was offered.

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

Recommendation #1: The requirement for a mandatory 20% residential component to any development be deleted. Residential development would be allowed but would be optional.

Commissioner Lowrey said that the committee talked about not requiring residential development within a 1/4-mile strip along 24 Road and south of I-70. There had been a general consensus from committee members on that aspect. More contentious was the discussion on whether a residential component should be required for properties outside of that 1/4-mile strip. While the committee ultimately voted to eliminate the requirement altogether, the vote had been close. He would be willing to support the elimination of the residential component within the 1/4-mile strip; however, he could not support eliminating the requirement for those properties outside the strip because it would create the potential for more intense development and more traffic impacts.

Commissioner Lowrey referenced a recent article from the Daily Sentinel regarding sales tax receipts (overhead presented). The article pointed out that the majority (approximately 50%) of sales tax revenues currently originated from the northwest and mall areas. If the 24 Road Corridor were opened up to retail/commercial development, likely there would be an influx of Big Box retailers. If that occurred, in the next 10-20 years, he predicted that anywhere between 65-80% of sales tax revenues would originate from the northwest and mall areas. The historical trend between 1995 and 2005 for the northwest and mall areas was that sales tax revenues had been steadily increasing at a rate of 1% per year. If Big Box and other retail/commercial uses were allowed to proliferate along the 24 Road Corridor, that rate of increase would be accelerated, resulting in tremendous traffic problems. The F 1/2 Road bypass was intended to alleviate some of the traffic pressures from retail/commercial development already out in the area. An influx of new business uses would only exacerbate the problem. And the costs associated with building more traffic infrastructure were significant. He referenced another article from the Daily Sentinel stating that the City was wondering where it would receive the money for parks

development on land it already owned. If more and more dollars were siphoned off for construction of road infrastructure, the City would not be left with enough funds for parks development. He surmised that without any requirement for residential, parcels in the Mixed Use zone were likely to develop with primarily commercial uses because landowners would be able to get more money for their properties. Landowners would all hold out and wait for commercial developers; they had, in fact, done so for the last six years. But he didn't think it a sign of a healthy community to have such a lopsided balance of retail development in the northwest area with nothing much located elsewhere in the community. It created huge traffic imbalances that were expensive to deal with. A scenario was being created where people lived in one part of town (east) and drove huge distances to do their shopping in another part of town (west/northwest). Commissioner Lowrey continued by saying that he hoped City Council would seek a more even dispersal of retail throughout the City. At a minimum, the City should not delete the residential requirement for those properties lying outside of the 1/4-mile strip along 24 Road and south of I-70.

When asked if his preference was to retain the 20% minimum, Commissioner Lowrey said that he was open to other percentage alternatives. In fact, he would prefer a higher percentage of residential for the "interior" properties given elimination of the component within the 1/4-mile strip.

Vice-Chairman Cole didn't think that retail development was "all that bad." He felt that increased sales tax revenues would provide the funds needed for parks development. He agreed that traffic problems were likely; however, requiring a church to build high-density residential housing on land outside of the 1/4-mile strip was impractical. He agreed that problems could arise as a result of eliminating the residential component; however, the committee had discussed it and had voted to eliminate it. He felt he could support the committee's recommendation as proposed.

Commissioner Pitts felt that Commissioner Lowrey had "hit the nail right on the head." Even with the City's plans to construct the Riverside Parkway, F 1/2 Road bypass, and the extension of 29 Road, those projects would not eliminate all the traffic problems expected for the northwest area. Unless a residential requirement is effected for the 24 Road Corridor, there would be some serious bottlenecking of traffic. The end result could very well be that people would be expected to live in the eastern end of town and travel to the western end of town to do all of their shopping. Short of the City's providing air transport, he couldn't see how that many people were expected to get to and from that end of town. The 20% requirement might pose some difficulties for the owners of smaller parcels in the Mixed Use area.

Commissioner Putnam concurred with Commissioners Lowrey and Pitts.

Commissioner Wall agreed with the committee's recommendation to delete the 20% residential component. The land was zoned Mixed Use. While it was up to City staff, the Planning Commission, and City Council to ensure that development occurred in a clean and organized manner, he didn't feel it appropriate to dictate the percentage of residential development required for a piece of property.

Commissioner Putnam posed the question, "What then does Mixed Use mean"? Commissioner Wall said that it meant that landowners could develop their properties as retail/commercial, residential, or both as they chose. Commissioner Lowrey disagreed with that definition because that would mean that people could put whatever they wanted in that area, even if that ended up being 100% retail. The whole concept of Mixed Use was that at least some residential development would be required, not that landowners could do one or the other. If the residential component were deleted, there would effectively be no Mixed Use zone. He reiterated his proposal to eliminate the residential component for the 1/4-mile strip but not to delete it for other properties within the Mixed Use zone. Commissioner Wall felt that Commissioner Lowrey's scenario would result in Big Box development situated directly adjacent to residential uses. The City could expect homeowner complaints about the traffic, noise, etc. He didn't

feel that the City should mandate residential development nor should it impose a percentage on just how much residential development was appropriate for a parcel.

Commissioner Pitts reiterated his concerns about fractionalizing the requirement. Even within the 1/4-mile strip, there were differently sized parcels in that zone to consider. While in support of a residential requirement, he wasn't sure just how the requirement should be implemented.

Mr. Blanchard said that the Planning Commission should not focus on the specifics of implementing the proposed recommendations. There were a number of ways to implement the recommendations, e.g., the transfer of development rights (TDRs). Commissioner Lowrey remarked that the concept of TDRs had been discussed and was supported by steering committee members.

Vice-Chairman Cole suggested amending the steering committee's recommendation to include the TDR option.

Commissioner Wall felt that the recommendation would just be more confusing with the added verbiage. He agreed that implementation strategies should be left up to staff.

At Planning Commission's prompting, Mr. Over came forward and said that the committee had struggled with the issue no less than the Planning Commission. A secondary motion had been made by committee member Dick Scariano regarding TDRs, which read, "Mr. Chairman, I'd like to make a motion that the committee give the Council encouragement to develop and investigate certain procedures and incentives that would encourage Mixed Use development in this area." That motion had been made in conjunction with discussions on the residential component. Mr. Over noted that all members of the committee had voted to approve that motion.

A brief discussion ensued between planning commissioners and staff over whether a motion should include Mr. Scariano's verbiage pertaining to TDRs or whether a separate motion would be required. Mr. Blanchard advised that if planning commissioners wanted to include Mr. Scariano's verbiage as part of their recommendation, a separate motion should be made.

MOTION: (Commissioner Pitts) "I move that the requirement for a mandatory 20% residential component to any development be deleted. Residential development would be allowed but would be optional, and that the Growth Plan be amended to comply with that recommendation."

Commissioner Wall seconded the motion.

Commissioner Lowrey said that he intended to vote against the motion because the recommendation would encompass the entire Mixed Use area. He would, however, be willing to make an alternate motion to delete the requirement within the 1/4-mile strip previously referenced should the current motion fail.

Commissioner Pitts asked if the inclusion of Mr. Scariano's verbiage would satisfy Commissioner Lowrey's concerns. Commissioner Lowrey said that because the use of TDRs were optional, he felt it tantamount to "wishful thinking."

A vote was called and the motion failed by a vote of 3-4, with Commissioners Pitts, Lowrey, Putnam, and Carlow opposing.

MOTION: (Commissioner Lowrey) "Mr. Chairman, I'd like to make a motion that the requirement for a mandatory 20% residential component to any development be deleted in an area 1/4-mile from 24 Road to the west and east and 1/4-mile south of the interstate, but residential

development would be allowed in that 1/4-mile strip but it would be optional, [and that the Growth Plan be amended to comply with that recommendation]."

Commissioner Carlow seconded the motion. A vote was called and the motion passed by a vote of 5-2, with Commissioners Wall and Putnam opposing.

MOTION: (Commissioner Lowrey) "I would make a motion that there be a residential requirement in that interior portion [all parcels within the 24 Road Corridor designated Mixed Use but lying outside of the 1/4-mile strip on either side of 24 Road and 1/4-mile south of the interstate], that the transfer of development rights be permitted, [and that the percentage of residential required be 40%]."

Additional discussion ensued over the percentage of residential required. Commissioner Wall suggested leaving that actual percentage up to City Council.

Mr. Blanchard asked that instead of referencing "the interior" of the land use designation, reference be made to "the remainder of the Mixed Use land use designation." Commissioner Lowrey agreed to revise his motion accordingly.

A revised motion is as follows:

MOTION: (Commissioner Lowrey) "I would make a motion that there be a residential requirement in the remainder of the Mixed Use land use designation, the part that is not within the 1/4-mile strip, that the transfer of development rights be permitted, that the percentage of residential required be at the discretion of City Council, and that the Growth Plan be amended to comply with that recommendation."

Commissioner Pitts seconded the motion. A vote was called and the motion passed by a vote of 6-1, with Commissioner Wall opposing.

Recommendation #3: The requirement that retail development be limited to a maximum of 30,000 square feet (within a larger building or as stand-alone development) be deleted within the Mixed Use designation within the 1/4-mile corridor on either side of 24 Road and south of I-70, and that a maximum retail square footage of 50,000 square feet be applied in the remainder of the Mixed Use district (within a larger building or as stand-alone development).

Commissioner Lowrey expressed support for the committee's recommendation as proposed because it provided for added flexibility. The Corridor's design standards would ensure desirable development even for buildings larger than 30,000 square feet.

MOTION: (Commissioner Lowrey) "[I make a motion that] the requirement that retail development be limited to a maximum of 30,000 square feet (within a larger building or as stand-alone development) be deleted within the Mixed Use designation within the 1/4-mile corridor on either side of 24 Road and south of I-70, and that a maximum retail square footage of 50,000 square feet be applied in the remainder of the Mixed Use district (within a larger building or as stand-alone development), and that the Growth Plan be amended to comply with that recommendation."

Commissioner Wall seconded the motion. A vote was called and the motion passed by a vote of 6-1, with Commissioner Putnam opposing.

V. GENERAL DISCUSSION

Vice-Chairman Cole referenced a letter received from Loren Ennis representing the Ridgewood Heights Development, LLC. Mr. Ennis requested that the item be moved up from its originally scheduled hearing date of March 28 to March 14.

Ms. Kreiling advised against moving up the date of the scheduled hearing because there would be insufficient time available for public notification. Given that there had been a number of neighbors who had expressed concerns about the request when it was first heard, she felt that advancing the hearing date would do a disservice to those neighbors and other interested persons.

No action was taken by planning commissioners, which resulted in leaving its original March 28 hearing date intact.

Sheryl Trent from the City Manager's office came forward to remind planning commissioners of Mr. Blanchard's pending departure. She thanked Mr. Blanchard for his years of service to the City and said that an "open house" would be held in the Community Development Department from 9:30 a.m. to 11:00 a.m. on Friday, March 3. Refreshments would be served.

With no further business to discuss, the public hearing was adjourned at 9:25 p.m.