

**GRAND JUNCTION PLANNING COMMISSION
AUGUST 22, 2006 MINUTES
7:00 p.m. to 10:31 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 p.m. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Dr. Paul Dibble (Chairman), Roland Cole, Tom Lowrey, Lynn Pavelka-Zarkesh, Bill Pitts, William Putnam and Reggie Wall. Ken Sublett (2nd alternate) was present in the audience.

In attendance, representing the City's Community Development Department, were Sheryl Trent (Assistant to the City Manager), Kathy Portner (Assistant Community Development Director), Scott Peterson (Senior Planner), Lori Bowers (Senior Planner) and Senta Costello (Associate Planner).

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

Lynn Singer was present to record the minutes.

There were 29 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

There were no minutes available for consideration.

III. CONSENT AGENDA

Available for consideration were items:

1. PP-2005-179 (Preliminary Plan – Erica Estates Subdivision)
2. CUP-2006-187 (Conditional Use Permit – Rocky Mountain Production Services)
3. ANX-2006-204 (Zone of Annexation – Colvin Annexation)
4. FP-2006-168 (Vacation of Easement – Prairie View South Subdivision)

Chairman Dibble briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any of the items pulled for additional discussion. At citizen request, item PP-2005-179 was pulled for continuance to September 12, 2006.

MOTION: (Commissioner Cole) “Mr. Chairman, I would move that item number 1, Preliminary Plan – Erica Estates Subdivision, PP-2005-179, be continued to September 12th.”

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

MOTION: (Commissioner Cole) “Mr. Chairman, I would move approval of the Consent Agenda, items 2, 3 and 4 as presented.”

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

IV. FULL HEARING

CUP-2005-311 CONDITIONAL USE PERMIT – HALLIBURTON ENERGY SERVICES
Request approval of 1) a Conditional Use Permit for the storage of hazardous and toxic chemical, and 2) a Site Plan Review for the consolidation of various current facilities.

PETITIONER: Dave Ash – Halliburton Energy Services

LOCATION: 3199 D Road

STAFF: Senta Costello

STAFF’S PRESENTATION

Senta Costello came before the Commission regarding the application of Halliburton Energy Services. Ms. Costello made a PowerPoint presentation containing the following slides:

- 1) Site Location Map;
- 2) Aerial Photo Map;
- 3) Future Land Use Map; and
- 4) Existing City and County Zoning.

In addition, Ms. Costello gave a brief background regarding historical and prior use of the property. Prior to submittal of this application, it was determined that there was a boundary line issue with regard to the State Parks site to the south. Ms. Costello advised that the boundary line adjustment was approved on July 5, 2006 with finalization of annexation and zoning on September 6, with an effective date of October 8, 2006.

Applicant is proposing to construct a new wash building and chemical terminal/frac loading facility. The Staff Report outlines specifically all of the various uses that occur on the property, including the hours of operation. Additionally, staff has reviewed the site for conformance with the Growth Plan.

Through the site plan review, Applicant is requesting two variations to the typical standards and requirements of the Zoning and Development Code, including the following:

- 1) only paving the main drive aisle from the wash bay building to 31⁵/₈ Road and not the entire site; and
- 2) reducing the required 25 feet landscape buffer strip along the south property line to 10 feet.

In turn, Applicant will be increasing the size of the landscaping over the entire site. Two unresolved issues were brought to the attention of the Commission. Those concern the final designs of 31⁵/₈ Road and the design of the landscape strip bordering 31⁵/₈ Road.

Staff has reviewed the overall site as to its compatibility with the surrounding neighborhood and the proposed buffering.

QUESTIONS

Commissioner Cole inquired regarding placement of the wall. Ms. Costello stated that the wall would be along the entire south boundary property line. Ms. Costello went on to state that Applicant is proposing a 6 foot chain link fence with privacy slats with adjacent landscaping along 31 5/8 Road.

Chairman Dibble asked whether or not a masonry wall is required regardless of the width of the buffering. Ms. Costello stated that a wall is required and in this instance Applicant is proposing a patterned wall.

Commissioner Cole inquired about the buffering of noise as it concerns the noise on the property that was raised in a recent communication. Ms. Costello stated that she has spoken with neighbors who are not particularly concerned with the noise. Ms. Costello went on to state that upon development of any of the adjacent properties, those properties would be required to be annexed into the City and zoned according to the Growth Plan designation on the property.

PETITIONER'S PRESENTATION

Dave Ash with FCI Constructors addressed the Commission regarding the revised landscaping plan which has been submitted.

Chairman Dibble inquired of Mr. Ash regarding abatement for noise levels. Larry Kent, Halliburton senior district manager, stated that Halliburton has been approached by neighbors who had raised certain concerns. According to Mr. Kent, Halliburton attempts to address those issues as they come about. Applicant encourages communication regarding concerns about traffic, trash, etc. in order to mitigate the same. Mr. Kent stated that he believes Halliburton has addressed issues and concerns as they are made aware of them.

Mr. Kent anticipates that there would not be any more noise than normal because of the location of the truck wash in the center of the yard. In addition, the proposed buildings will create additional noise abatement.

According to Mr. Kent, they are currently staffed at or near their maximum of 750 people and do not anticipate a large increase in the amount of activity from the facility. He also stated that by installing the truck bay, traffic would decrease on the I-70 Business Loop.

QUESTIONS

Chairman Dibble inquired of Mr. Kent if they operate on a 24/7 basis. Chairman Dibble also went on to state that a request has been made regarding placement of certain limitations on operations. Mr. Kent stated that they do in fact operate on a 24/7 basis and believes a strain on their business would result if limitations were placed on their hours of operation.

Chairman Dibble inquired about the type of trucks running back and forth in the middle of the night. Mr. Kent advised the Commission that typically their crews come to work between 2 and 3 o'clock in the morning. They then get their trucks ready to leave the yard around 4 o'clock and return by 3 o'clock in the afternoon.

There was next extended discussion regarding the route in and out of the yard.

DISCUSSION

Commissioner Lowrey stated his desire for a review in 12 or 18 months concerning the noise levels and the dust, if any, on the non-paved areas. He also suggested having trucks go out 32 Road as opposed to using 31½ Road during the early morning hours. Mr. Ash stated that still pending is the submission of a traffic study to CDOT which wants to eliminate a left turn onto 32 Road. At this point, Applicant is unclear as to whether or not CDOT will be requiring barriers.

Commissioner Lowrey inquired of legal counsel if a review is possible. Ms. Jamie Kreiling stated that, "Technically, once a conditional use has been approved, the validity says once established, a conditional use permit approval shall run with the land and remain valid until the property changes use or the use is abandoned and non-operational for a period of 12 consecutive months." Further, if the Commission wants to condition it, the conditions would need to be very specific.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Mr. Brad Franklin (365 31½ Road) asked the Commission why Applicant was being "forced to put a road to nowhere." He stated that that will simply create more traffic to his house. He would like to limit the amount of traffic as much as possible. He is also concerned with people turning around in his driveway with the creation of a better road.

Mr. Jim Franklin (2854 Brittany Drive) stated that he owns 10 acres at 373 31⁵/₈ Road. Mr. Franklin stated that he is not against the project; however, he believes the road is useless until the land is developed.

Mr. Darren Davidson (2785 D Road), partial owner of 10 acres across the street from the subject property, is "all for Halliburton." He inquired if it would be possible to enter off of D Road without entering straight out to 32 Road, perhaps limited to after 10 o'clock at night. He also believes that Halliburton has addressed most, if not all, of the concerns raised.

PETITIONER'S REBUTTAL

Mr. Ash advised that he believes that Rick Dorris is very familiar with the engineering aspects of the projects and the issues that have been raised.

Mr. Kent stated that with regard to the current operation and access, there is no exit on 31⁵/₈ Road. Further, Applicant believes that the activity level should not grow much more than it is right now. The number of trucks coming to and leaving the yard should remain about the same. Applicant is currently accessing 32 Road from the south end of their property and also from D Road from the entrance into the main office. He advised that Applicant is willing to do whatever is required. Additionally, they have offered to put in extra curb and gutter for some of the neighbors.

QUESTIONS

Commissioner Cole asked if CDOT is requiring another exit other than 32 Road or is it the City that is requiring that access. Mr. Ash stated that Halliburton had safety concerns regarding trucks pulling out on 32 Road and believes that 31⁵/₈ Road would create a better traffic flow for their operation. Mr. Ash confirmed that they have an access on to D Road. However, Applicant would need CDOT's permission.

Commissioner Lowrey suggested using D Road at nighttime to lesson the noise impacts on the surrounding residential neighborhood.

Commissioner Cole also inquired regarding the practicality of using 32 Road during the late/early morning hours. Mr. Ash confirmed that it is their current mode of operation so it is very practical when there is no traffic.

Rick Dorris, Development Engineer, stated that Applicant does not have a CDOT access permit yet. The traffic study has recently been submitted to CDOT. Mr. Dorris stated that "Halliburton proposed from the start to change the traffic pattern. Make 32 Road access a right-in, right-out and exit out 31⁵/₈ and from a safety standpoint, that's an excellent idea." He also confirmed that CDOT approval would be required in order that trucks could go out on 32 Road at night. Regarding the building of the road on 31⁵/₈ Road, because it is a local road and they are developing their site, Halliburton is required to build the frontage regardless of whether or not they have an access onto it.

Chairman Dibble asked what would be the result of the fleet of trucks regarding the noise level turning onto D Road in the middle of the night. Mr. Dorris illustrated the proposed traffic pattern – “Up 31⁵/₈ Road, right on D Road, over to 32 Road and left at the light.” He does, however, believe that it will be noisier than what it is at present but does not know how loud it would be.

DISCUSSION

Commissioner Cole believes that Applicant has addressed most of the issues that have been raised. Commissioner Cole noted that it is an industrial zone. Additionally, he would urge Applicant to seek CDOT’s permission to use 32 Road in the early morning hours. Commissioner Pitts concurs with Commissioner Cole especially as it concerns the safety issues and the 32 Road ingress and egress.

Commissioner Wall acknowledged Applicant’s concerns regarding safety. He also recognized their willingness to explore and develop an alternative access. Commissioner Lowrey, albeit in favor of it, reiterated his desire for a review in a year regarding the truck traffic at night as well as to look at the dust issue as it relates to the part they have allowed not be paved.

Commissioner Pavelka-Zarkesh believes Applicant has addressed the issue of traffic within the yard, especially at night. She agreed that the dust abatement is a reasonable item to review in a year. As concerning the noise issue, unless it is pinned down to an acceptable decibel level, it would be difficult to review. She also stated that with regard to access onto 32 Road, that that is a CDOT issue.

Commissioner Putnam agrees that they should go forward with the approval. The possibility of conditioning it on a periodic review is not permitted under the Code. Ms. Kathy Portner stated that it is her understanding that the recommendation by legal staff is that if there is something very specific to be brought back to the Commission, that a review is possible with a specific timeframe and very specific as to what it is that is being reviewed. Chairman Dibble inquired what would be revocable offenses. Ms. Portner stated that there would have to be a finding that they either did not perform as far as the requirements of the Conditional Use Permit or that they had let it lapse. Commissioner Cole believes that the dust issue and the non-paved area would be covered in a violation of the Conditional Use Permit if there was non-compliance. Therefore, he does not see the need to bring it back for a review.

Commissioner Lowrey stated that an update can be done just to make sure that they are complying. Due to the impacts that the Halliburton operations will have in the area, and in particular the residential areas, he believes that it is significant enough to warrant a review. Chairman Dibble believes that this is a code enforcement issue.

Sheryl Trent, Interim Community Development Director, stated that Halliburton is willing to voluntarily return to the Commission to present information on the yard operations, any concerns relating to traffic, dust, noise, etc. Ms. Trent stated that it would be difficult under the Code to do anything of a revocable nature with the Conditional Use

Permit. Neighbors with concerns have routinely gone first to Halliburton. If, however, their concerns were not resolved, code enforcement is available and the situation would be monitored on an as-needed basis. In other words, there are alternative avenues rather than conditioning the Conditional Use Permit with very specific conditions.

Attorney Jamie Kreiling agreed with Ms. Trent. Ms. Kreiling suggested that rather than reviewing this in a year, the Commission should look at whether or not the application meets the criteria for a Conditional Use Permit; is it compatible; and is more information needed.

Commissioner Cole inquired if the Commission could request a voluntary update. Attorney Kreiling stated that the Commission can request that the applicant bring that information at a later date. In order to revoke the permit, there would have to be a basis and a clear understanding as to exactly what the conditions are that they are expected to meet or adhere to.

Commissioner Cole asked if an amendment to the Conditional Use Permit is a possibility. According to Ms. Kreiling, technically the Code does not have an amendment process for a Conditional Use Permit. However, if they wanted to amend and make changes based on the concerns of the Commission, they could do that. "But technically unless you've got a clear view of what it is that they've got to meet or what criteria that they may not be meeting that you're going to look at in a year, then it's not going to be easy to say, 'yes, the Conditional Use Permit has been violated'". Routinely the City is not re-reviewing each Conditional Use Permit. The review is based mainly on complaints made from the surrounding community.

Commission Lowrey would like requirements placed on the Conditional Use Permit. More specifically, that Halliburton make an effort to work with CDOT so as not to be required to exit between the hours of 12 a.m. and 6 a.m. on 31⁵/₈ Road but either on D Road or directly on 32 Road and that only if CDOT said no would Halliburton be able to use 31⁵/₈ Road during that 6-hour period.

Attorney Kreiling stated that it would be her preference to condition the approval – if CDOT will allow the 32 Road ingress and egress, that that be part of the condition. Commissioner Wall believes that the proposed conditions are not necessary.

Chairman Dibble found that the Applicant has addressed the items raised in the letter received by the Commission.

It was also brought to the attention of the Commission by Ms. Portner that the zoning has not been finalized and approved.

MOTION: (Commissioner Cole) "Mr. Chairman, on Halliburton Conditional Use Permit, #CUP-2005-311 I move that the Planning Commission approve of the Conditional Use Permit with the facts, conclusions, and conditions listed in the staff report and that the zoning be approved by City Council."

Commissioner Pitts seconded the motion. A vote was called and the motion passed by a vote of 6-1 with Commissioner Lowrey opposed.

**FP-2004-286 FINAL PLAN – MESA ESTATES SUBDIVISION, FINAL PLAT
Request approval to develop 108 single family lots on 23.49 acres in a RMF-8
(Residential Multi-Family-8 units/acre) zone district.
PETITIONER: Darren Davidson, Davidson Homes
LOCATION: 28½ Road and Highway 50
STAFF: Lori Bowers**

STAFF'S PRESENTATION

A PowerPoint presentation was made by Lori Bowers with regard to Mesa Estates Subdivision. The presentation included the following:

1. Site Location Map;
2. Aerial Photo Map;
3. Future Land Use Map;
4. Existing City and County Zoning;
5. Previously approved Preliminary Subdivision Plan for Mesa Estates; and
6. Various house plans.

Ms. Bowers stated that the proposed subdivision is located on the northwest corner of 28½ Road and Highway 50 in the Orchard Mesa area. As depicted on the future land use map, it is anticipated that this area will develop at the residential medium category, or 4 to 8 dwelling units per acre. A commercial zoning designation is proposed to the west which is vacant at this time. To the north and east are two subdivisions – the Granite Springs Subdivision and Arrowhead Acres Subdivision. The property was annexed into the City in 2003 and was zoned RMF-8 at that time. The original proposal of Mile High Capital Group was for the construction of 54 duplex units on the property. Preliminary approval was granted to Mile High in October 2004, the final construction drawings were approved in June 2005 and the final plat was ready to be recorded but Mile High was not able to secure the funds to cover the public improvements as provided for in the development improvements agreement so a plat hold was used for the applicant so they could begin the installation of their infrastructure. The property was going into bankruptcy in August 2005. In May 2006 a request for the extension of recording of the final plat was requested and was granted to December 4, 2006. In June 2006 the City received a copy of the Trustee's Deed transferring ownership of the property to Darren Davidson. Mr. Davidson is requesting approval of a new preliminary plan to allow him to construct only single family detached units rather than what was proposed and approved by the Planning Commission. The overall density of the project is 4.6 dwelling units per acre.

Applicant provided staff with several depictions of homes which meet the setback requirements for the front, side and rear. Additionally, a petition was circulated by the Granite Springs Homeowners Association in support of the single family detached homes. A copy of a letter from the Allens was also provided to the Commissioners. Ms.

Bowers has received several calls from residents of Arrowhead Acres. They also are in support of this proposal.

Staff recommends that the following findings of fact and conclusion are:

1. Staff feels the proposed Preliminary Subdivision Plan is consistent with the Growth Plan.
2. The review criteria in section 2.8.B.2 of the Zoning and Development Code have been met; and
3. All structures shall adhere to the “build-to” lines as depicted on the Preliminary Plan to ensure front building setback variations. The Site Plan depicting this will be recorded with the final plat.

QUESTIONS

A question was raised with regard to whether or not there are any restrictions on the fraction of the front façade devoted to garage doors. Ms. Bowers stated that at this point in time there is not.

Chairman Dibble inquired of Ms. Bowers regarding the number of entrances and exits to the property. Ms. Bowers affirmed that there are exits in three different locations.

Commissioner Cole also asked Ms. Bowers if she knew the status of ownership of the Arrowhead Acres homes. Ms. Bowers confirmed that it is her understanding that the majority of homes in Arrowhead Acres are owner-occupied with the existence of some rental units.

PETITIONER’S PRESENTATION

Mr. Darren Davidson next addressed the Commission. According to Mr. Davidson, under the Mile High Group, 90% of the lots/units were sold to out of town investors.

QUESTIONS

Commissioner Putnam inquired of Mr. Davidson regarding plans for marketing, and more particularly whether the target is investors or private resident owners.

Mr. Davidson stated that they would be in the \$200,000 price range. He felt it would attract first-time homebuyers as well as senior citizens because front yard landscaping will be provided by the homeowners association.

PUBLIC COMMENTS

FOR:

Steve Voytilla (2785 D Road), marketing and real estate sales for Darren Davidson, spoke in support of the subdivision. The surrounding neighborhoods, and in particular Granite Springs and Arrowhead Acres, will greatly benefit from this project. They have met with the Granite Springs homeowners association and have had their homeowners association petition the subdivision – with probably a 99% acceptance rate in favor of the single family homes as opposed to the previously proposed and approved duplex

units. It has been his experience that duplex or multi-family buyers are typically investors.

Mr. Voytilla believes that the landscaping and front yard maintenance would be attractive to potential buyers. The expected fee is \$40 per month.

Doretha Piper (214 Round Rock Circle) stated that she spoke to several people in her neighborhood and they indicated that they were “thrilled with the idea of having the neighboring property be people who would live there on a long-term basis...”

Weldon Allen (246 Round Rock Circle) advised the Commission that he wrote the letter earlier referred to. He stated that he, among others, were very disappointed when they found out that 90% of the lots were sold to investors. Initially he approved of the proposed duplexes; however, once it was determined that investors bought the lots it was disheartening. Mr. Allen brought it to the attention of the Commission that the parcel at this time is undeveloped. He believes it is probably in violation of RSF-4. “I think we have a very viable contractor here. I think we have a viable option and I think it’s a wonderful use of the property there and we do support that.”

AGAINST:

There were no comments opposing the request.

DISCUSSION

Commissioner Putnam stated that he believed “the multiplicity of the dwellings really has nothing much to do with the long-term desirability or maintenance.” As he sees it, the issue is owner-occupied versus investors.

Commissioner Cole finds that this application is one of the easiest to support as there is no opposition from the neighbors and believes the Applicant is attempting to build what the surrounding area seems to desire.

Chairman Dibble stated that he believes this fits a niche of the community and will be an addition to the community.

MOTION: (Commissioner Wall) “Mr. Chairman, on item number PP-2004-154, the request for Preliminary Plat approval for the Mesa Estates Subdivision, I move that the Planning Commission make the findings of fact and conclusions listed in the staff report and approve the Preliminary Plan.”

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

CUP-2003-024 CONDITIONAL USE PERMIT – CANYON VIEW CAR WASH
Amended Conditional Use Permit – Canyon View Car Wash - 2258 Broadway.
Request approval to modify the architectural design of the proposed car wash building as was approved by the Planning Commission at the April 11, 2006 meeting.

PETITIONER: Mikel Lewis and Roxanne Lewis

LOCATION: 2258 Broadway

STAFF: Scott Peterson

STAFF’S PRESENTATION

Scott Peterson addressed the Commission regarding the Canyon View Car Wash. Applicant requests approval to modify the architectural design of the proposed car wash building and re-approve the Conditional Use Permit previously approved on April 11, 2006.

A PowerPoint presentation was made which included the following illustrations:

- 1) Site Location Map;
- 2) Aerial Photo Map;
- 3) Future Land Use Map;
- 4) Existing City and County Zoning; and
- 5) Approved Building Design as approved by the Planning Commission on April 11, 2006.

In accordance with the Conditional Use Permit and the Redlands Area Plan, the Planning Commission approved a building design that incorporated a craftsman style building. The Planning Commission also required that the stone brick materials be used from the ground up to the roof line and that dormers be included in the building design.

Mr. Peterson then presented a drawing depicting the new building design by the Applicant which would allow for an energy efficient building. Applicant is also requesting that the Planning Commission approve the Conditional Use Permit modifying the architectural design to include solar panels and reconsider the entire building design to not include the stone brick material from the ground to the roof line but to have walls constructed of a finished polymer coating due to the wet and corrosive environment. Cultured stone would be utilized at the base of the building and entrance to the office area. Stucco would be utilized on the 2nd floor office area. They are proposing one dormer on the north side of the building. The solar panels would be along the south and west roof lines of the building.

Staff recommends that the following findings of fact and conclusion are:

As the zoning code does not have a process for amendment of the Conditional Use Permit, Applicant requests the Planning Commission approve the new Conditional Use Permit with the same requirements and conditions of approval as previously made by the Planning Commission on April 11 with the exception of the proposed requirements regarding the building design. Staff recommends approval of the new Conditional Use Permit making the findings and conclusions as listed in the Staff Report.

QUESTIONS

Chairman Dibble asked if the solar paneling facing Broadway was green and would coordinate with the green roof material. Mr. Peterson represented that according to the Applicant via an e-mail communication that she has found a green type of solar panel that would match the roof line.

Commissioner Pitts asked for clarification regarding the T-frame panel. Mr. Peterson indicated that the area in question was the 2nd floor office that would be stucco.

APPLICANT'S PRESENTATION

David Chase of Vista Engineering, 605 28¹/₄ Road, appeared on behalf of the Applicants, Mikel and Roxanne Lewis. Mr. Chase informed the Commission of two aspects of the approval that were a little bit different than what the original request was: 1) change in the pole signs to monument signs with a maximum height of 8'. Applicant concurs; 2) architectural aspects of the building.

Mr. Chase further stated that at that time what was presented was somewhat conceptual information to the Planning Commission on what the building would look like.

Mr. Chase stated that Applicants were hesitant in spending a great deal of money with an architect to get plans drawn on up if the project was going to be denied. Once the Conditional Use Permit was approved, Applicants then went to an architect for finalization of building plans.

A great deal of time has been spent regarding the interpretation of what was in the minutes of the last Planning Commissioner hearing when this was approved. They determined that what was in the minutes did not fit in with what the architect had conceptualized for this type of building. It was for that reason that Applicants felt that they needed to revisit the Planning Commission on this issue. Therefore, Applicants felt like they needed to present something that was more defined on what was being presented.

Mr. Chase outlined three items to be discussed:

1. Building elevations;
2. Solar panels; and
3. Dormer on the roof line.

With the proposed modifications, Applicants are trying to meet the craftsman style of the neighboring buildings. Mr. Chase informed the Commission that the building material has a smooth surface to help shed water. This material is also very impermeable, easy to clean and durable.

Though not presented previously, there are a number of advantages to incorporating solar panels in the proposed car wash. The solar panels would be flat against the roof and not tilted. However, because they would be flat, some efficiency would be lost.

Pursuant to the previously granted Conditional Use Permit, Applicants are proposing the use of one dormer on the north side. Due to the use of the solar panels on the west, Applicants have opted not to use a dormer on the east so as not to create an imbalance in the architectural look.

Mr. Chase mentioned that Ms. Roxanne Lewis has some samples of the royal building material.

Mr. Chase noted that a lot of the craftsman style is being utilized with the stucco, rock, royal building material which is specifically used for car washes, and exposed raw timber along the gables.

QUESTIONS

Chairman Dibble asked for clarification regarding the use of the dormer section on the 2nd floor.

Applicant Roxanne Lewis stated that the mechanical room has been mistakenly referred to as the office area.

Ms. Lewis stated that the dormer is not necessary and that they really did not want to include one. Applicants felt that they were required to include at least one dormer pursuant to the previously approved Conditional Use Permit.

Chairman Dibble then asked about the purpose of the dormer. Ms. Lewis stated that there is no purpose for the dormer. It was put on strictly because it was a requirement of the Planning Commission previously.

Ms. Lewis stated that as presently required, their plans would include four gables, a Dutch hip, a hip, and a dormer. While the City Planning Department wanted two dormers, Applicants believed that five different roof lines was too much.

PUBLIC COMMENTS

FAVOR:

There were no comments for the request.

AGAINST:

Doug Larson (2278 Windwood) has been before the Commission on this project. He wanted to confirm that under the procedural rules for the Commission, this would be a new application. Chairman Dibble confirmed that it was with the additional conditions but the conditions that were brought forward and approved the last time are still standing.

Mr. Larson then inquired regarding notice requirements since this is a new application.

Chairman Dibble confirmed that anyone within 500 feet of the proposed project have been notified.

Mr. Larson stated that he had not gotten notice other than a phone call from a neighbor.

Mr. Larson lives in the subdivision that is most directly affected by this project.

Chairman Dibble confirmed with Mr. Larson that the neighbor had received notice in writing and, therefore, that requirement has been satisfied.

Mr. Larson stated that, "I'm just sort of surprised that after all of the discussion and the planning and the years that went into this that the Applicant now comes in and says well, the last time we were before you we really didn't have it together. We really didn't know what we were presenting or we really didn't have a plan to provide to you." Now after approval, "they come back and say we really didn't mean that. We really meant something else and we want you to change it all." He voices his surprise that this would be an acceptable process for the Commission.

DISCUSSION

Commissioner Wall stated that, "I think what they're doing makes sense. I think they did the right thing coming back before us to ensure that the building that they put up stays the way it should be." He finds that the reason for them coming back to the Commission is the correct reason. Applicants also determined that solar would be more efficient which he thinks is a smart business move.

Commissioner Cole agrees with Mr. Wall. However, Mr. Cole does not see the necessity of the false dormer and would not object to having that removed. With regard to the requirement of the dormer, Mr. Peterson stated, as did Ms. Lewis previously, the dormers were a requirement of the Planning Commission at the previous architectural design that was before you. The inclusion of the dormer was solely to meet that requirement.

Chairman Dibble asked for clarification of what changes, if any, have been made to the roof line. Mr. Peterson confirmed that this is a metal roof with the exception of the solar panels on two sides. It is still a green metal roof. The previous roof line did have dormers on the north and south sides.

Chairman Dibble asked if the area for the office was the same configuration as the one now being proposed. Mr. Peterson stated that it was more towards the center.

Chairman Dibble then asked if the dormer is a requirement of staff. According to Mr. Peterson, the purpose of the architectural approval of the Conditional Use Permit is to have a craftsman style building design. According to the Redlands Area Plan, all commercial development should be something with earthen tones, craftsman style, and match the surrounding developments.

Chairman Dibble asked if, according to staff, the dormer adds or detracts from the appearance of the building. In Mr. Peterson's opinion, the dormer does not detract from the building.

Chairman Dibble explained that he finds enough differentiation from the previous rendering that it's a new rendering. As far as he is concerned, this is a new application and would look at this on its own merits. Chairman Dibble agrees with Mr. Wall. He feels that this is better than what was presented previously for practical reasons and for energy efficiency reasons.

Commissioner Lowrey stated that this was before the Commission a few months ago and a considerable amount of time has been spent on this with both the Planning Commission and City staff. A Conditional Use Permit was previously approved. In order for the car wash to have a residential look, the inclusion of dormers was agreed to as well as the earthen tones. Now two months later, the Applicants come before the Commission again with these changes. Commissioner Lowrey stated that it appears that the Commission is acting pretty arbitrarily. Commissioner Lowrey does not believe there are enough reasons to make changes. He believes that what was approved was a good plan.

Commissioner Pavelka-Zarkesh first addressed the issue of the dormer. Before the roof line was completely different. The application of the dormer now looks out of place because of the new design. As far as Applicants coming back with a change of design related to the use of solar panels, she finds that from an energy efficiency standpoint and from a savings of resources, it's a prudent use. With respect to the issue of the outside material, while understanding the need for a waterproof coating on the inside of the bays, she feels that the laminate will look plastic due to the shiny finish and should be used solely on the inside of the bays.

Chairman Dibble stated that the material proposed for the interior walls of the bays has some practicality because it is impervious to water.

Commissioner Cole stated that while agreeing with Commissioner Wall, he does not agree with the waffling between designs. Commissioner Putnam concurs. Simply stating that "we really didn't mean it last time is not a very good selling point."

Commissioner Putnam supports the use of solar panels but disagrees with a complete redesign.

Commissioner Lowrey agrees with Mr. Putnam. Commissioner Lowrey agrees with solar panels and thinks solar panels can be put on the previously approved plan. Commissioner Wall understands the waffling concern. However, he believes that Applicants are learning as they go. They have determined that as proposed, this is more beneficial for the building and the preservation of the building.

Commissioner Putnam quoted Mr. Richard Livingston, legal counsel for the petitioners, from the last hearing, who said that the renderings had been submitted for purposes of illustration only. Such statement suggests that they didn't have a very clear idea in mind of what they were going to do and believes that the application was premature.

Commissioner Cole agrees with Mr. Wall that when you get into something like this, often times there is reason for change. "A smart man can always change his mind." They have come back with another design that is more compatible to their needs especially considering the fact that there is not a process to amend their conditional use. The materials as presented today will likely outlast the cultured stone.

Chairman Dibble stated that at the April 11th hearing, two renderings were presented with the Commission choosing the one with the rock work all the way to the eaves. Chairman Dibble agrees with Commissioners Wall and Cole because they have now come back with a better plan, a better understanding. In his opinion, adding the solar panels is a good idea. The solar panels will be beneficial in the long run to the overall energy plight. "So I think they've come back with a better plan this time even though they've come back." The dormer is not a big issue. They have demonstrated that they have a better plan for their conditional use application than they have the last time and would be in favor of approving it.

Commissioner Pitts wanted to confirm that as Mr. Putnam read from the minutes, the design presented was conceptual, not necessarily a positive design. Commissioner Pitts agrees that the design was left open to change as the design was conceptual and presented for illustration purposes only.

Commissioner Lowrey has a concern that the Commission will hear the same project over and over again and will be acting as a design review board. He does not feel that this is a function of the Planning Commission.

Chairman Dibble asks Attorney Kreiling if there is "any limitation on the number of times they can make an application and is there any restrictions against them making an application once they have been approved on a previous application?" Ms. Kreiling responded that "technically with a Conditional Use Permit under these circumstances with them bringing forward the application that they brought forward, they could...they could bring it." The old Conditional Use Permit that has already been approved is still in place. Simply by asking for this new Conditional Use Permit does not do away with the original approval. However, if this is denied, then they would be in the process of having to appeal this if they wanted to appeal it or if it was approved and somebody else wanted to appeal it, then it could be appealed. Upon approval of the new one, the old one would be superseded.

Chairman Dibble asked who is the architectural committee? "Who would approve these kinds of things if we don't?" Ms. Kreiling stated that as this is located in the Redlands, it is part of the Redlands Plan. It is also for the criteria of approving a Conditional Use Permit, or the compatibility with the surrounding neighborhood. The Commission needs to look at the criteria and determine whether or not it meets the criteria.

According to Ms. Kreiling, Applicants could have brought it back with a re-hearing request if they felt that they had not presented enough information at the first hearing. However, they did not make that request. The only option available under the Code was to bring it back as a new application giving additional or different information in regards to a new Conditional Use Permit. The building presented this evening is not the same building that they presented in April.

Chairman Dibble wanted to confirm that they do have a right to come before the Commissioner and ask for it. Ms. Kreiling stated that the Code does allow them to come forward with a new request for a Conditional Use Permit.

Commissioner Lowrey asked that the Commission consider what Commissioner Pavelka-Zarkesh stated earlier regarding limiting the use of the plastic coating only on the inside of the bays where it's going to be subject to water and dirt but on the outside of the structure, require the softer looking earth tones.

Chairman Dibble asked if the proposed material is a unitized block with two sides on it and which would also be part of the wall structure.

Commissioner Cole moves that the decorative dormer over the wash bays not be required.

MOTION: (Commissioner Cole) "Mr. Chairman, on the request for a Conditional Use Permit for car wash, file number CUP-2003-024, I move that the Planning Commission approve the Conditional Use Permit making the findings of fact and conclusions as outlined in the City Staff Report with the exception of the decorative dormer."

Commissioner Wall seconded the motion. A vote was called and the motion failed by a vote of 3-4. Commissioners Cole, Dibble and Lowrey in favor; Commissioners Pitts, Pavelka-Zarkesh, Putnam, and Wall opposed.

MOTION: (Commissioner Lowrey) "Mr. Chairman, on the request for a Conditional Use Permit for car wash, file number CUP-2003-024, I move that the Planning Commission approve a Conditional Use Permit, and move that the interior of the bay washes be allowed to have ICF and that the part of the bay washes that faces the street and the sides of the building that face outward be either stone or stucco and that the fascia above the second floor can be stucco and that solar panels can be permitted and the dormers as shown on the original drawing two months ago be required except that no dormers be required on the north or south end of the building."

After discussion regarding placement of the dormers, Chairman Dibble had a question for legal. As they have gone back to a rendering that has already been approved and

now have a new rendering under a new application, how does the Commission reconcile an old picture with a new application?

Ms. Kreiling restated Commissioner Lowrey's motion to approve the new rendering but with the additional conditions that he has placed on it. Then the additional conditions would be similar to those conditions originally placed on the original Conditional Use Permit that that the fascia of the building would on the outside have either stone or stucco from the floor to the eaves and that there would be dormers.

There is, however, confusion as the presentation depicts the use of solar panels on the south edge of the building as well as on the west edge of the building. Per Mr. Lowrey's motion, "he would be then agreeable to the solar panels being on the south edge of the building but as far as the west edge which is on that side of Redlands Parkway that they would still have to have dormers and that the dormers would supersede whether or not they could have the panels." It is her understanding that Commissioner Lowrey was requesting at least two dormers.

Chairman Dibble wanted to confirm the elimination of the panels on the west end. Commissioner Lowrey stated that he was not asking that any solar panels be eliminated. He simply wants to see one or two dormers.

Ms. Roxanne Lewis advised that the solar panels flat against the roof line presents a much nicer architectural feature than being broken up by dormers.

After extended discussion, Commissioner Lowrey agreed to remove the requirement for dormers.

**Amended Motion: (Commissioner Lowrey amended his motion as follows):
There will be no dormers and the ICF paneling be limited to the interior bay wash walls. The exterior facing walls facing the street shall be brick, stucco or rock, or any combination thereof, to the roof line.**

Chairman Dibble wanted confirmation of the feasibility of the brick, stucco or rock on the exterior walls. Ms. Lewis stated that in that instance, it will be necessary to use brick.

Ms. Lewis further stated that the ICF is state of the art.

Ms. Kreiling, in clarifying the motion, stated that it is basically the same motion that Mr. Cole would have originally done which said with the exception of the decorative dormer, including the information in that motion that is in the staff report and then adding to that, "There would be on the exterior facing walls either brick, stone or stucco, or a combination of those."

Commissioner Lowrey confirmed that all other conditions approved two months ago still apply regarding the signs, etc.

Ms. Kreiling read, for confirmation of accuracy, Commissioner Lowrey's motion:

MOTION: (Commissioner Lowrey) "Mr. Chairman, on the request for a Conditional Use Permit for a car wash, file number CUP-2003-024, I move that the Planning Commission approve the Conditional Use Permit, making the findings of facts and conclusions as outlined in the City Staff Report with the exception of the decorative dormer and requiring then that the exterior fascia of the building has to include either stucco, brick or stone, or a combination thereof, from the ground to the eaves and/or stucco then on the second floor."

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

Chairman Dibble acknowledged Tom Foster, a non-scheduled citizen who wanted to comment on the proceedings this evening. Mr. Foster is the president of the Bluffs West Subdivision and affirmed "the need to center in on what you're here for which is land use..." He is concerned that the subdivision has been violated and he hasn't had a say in it."

Chairman Dibble voiced his appreciation to Mr. Foster for coming forward and sharing his feelings.

With no further business to discuss, the public hearing was adjourned at 10:31 p.m.