

**GRAND JUNCTION PLANNING COMMISSION
NOVEMBER 20, 2001 MINUTES
7:00 P.M. to 11:05 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 P.M. by Chairman John Elmer. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Planning Commission, were John Elmer (Chairman), Richard Blosser, John Evans, William Putnam and Terri Binder. Paul Dibble was absent. One regular position and the two alternate positions are vacant.

In attendance, representing the Community Development Department, were Community Development Planning Manager Kathy Portner, Kristen Ashbeck (Sr. Planner), and Bill Nebeker (Sr. Planner).

Also present were John Shaver (Asst. City Attorney) and Rick Dorris (Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 57 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

No minutes were available for consideration.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. CONSENT AGENDA

Offered for placement on the Consent Agenda were items VE-2001-204 (Vacation of Easement—I.H.O.P. Restaurant at Mesa Mall), PP-2001-200 (Revised Preliminary Plan—Village Park Filing #2), VE-2001-208 (Vacation of Easement—Canyon Rim Easement Vacation) and FP-2000-126 (6-month extension request for a Final Plat—Renaissance in the Redlands Filing #2). Staff indicated that the maximum lot coverage for PP-2001-200 was changed from 30 percent to 50 percent. No questions, comments or objections were received from the public, staff or planning commissioners on any of these items.

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

Commissioner Evans seconded the motion. A vote was called and the motion was approved unanimously by a vote of 5-0.

IV. FULL PUBLIC HEARING

GPA-2001-179 GROWTH PLAN AMENDMENT—12TH STREET MEDICAL PLAZA

A request for approval of 1) a Consistency Review and 2) rezone from PD (Planned Development for Office and Residential) to PD for medical office use and community service professional use (Hospice) on 13.2 acres.

Petitioner: GB&G Partnership, 12th Street (Gene Taylor)

Location: 3090/3150 North 12th Street

Representative: Blythe Design & Co., Roy Blythe

PETITIONER'S PRESENTATION

Roy Blythe, representing the petitioner, offered an introductory statement about the project. He then turned the presentation over to Mr. Potter. Mr. Blythe said that he'd been involved in numerous meetings with staff and his clients to discuss the project. He felt that the location made sense, adding that the project would provide needed community services.

John Potter, stated that the proposal is consistent with Growth Plan recommendations. He said that the developers intended to comply with all Code requirements including the height restriction imposed by the site's underlying B-1 zone. Approval of the proposal would allow Hospice to provide inpatient care; its facility wouldn't look much different from an apartment complex. Mr. Potter said that the large irrigation ditch located along the southern property line would be piped. A pedestrian path would be constructed and extended further than required, to 15th Street. His clients were willing to consider displaying pieces of art at various locations on the property. More than the required amount of landscaping would be installed, providing added aesthetics and screening. The floor area ratio, he said, was actually lower than what the Code allowed. He said that the project had received widespread neighborhood support. Other sites had been reviewed but most of them were too small and some had zoning or access issues. Mr. Potter presented overheads of a location map and Concept Plan. He also presented an overhead of a Project Comparison Matrix, which compared the proposed medical office/hospice uses with the formerly approved Miller Homestead and high-density residential uses. A traffic impact study (TIS) had been completed, the finding being that the project would have little impact on surrounding streets and traffic. Once approved, hospice would begin remodeling the site's existing residence immediately. The project would be built in phases; however, all infrastructure would be constructed during the first phase.

Phil Mohler, representing the petitioner, said that the physicians involved in this project had all outgrown their present office spaces. He said that physicians used both St. Mary's and Community Hospitals, neither of which was located very far away. The proposed development would allow them to offer pharmacy and X-ray services.

Christy Whitney, representing hospice, provided an overview of the services that hospice provides to the community. Because the organization is entirely dependent upon philanthropic contributions and the efforts of its volunteers, the generous conditions of sale offered by Gene Taylor had made the proposed site even more attractive. She presented overhead drawings and photos of Hospice buildings in other parts of the country, all of which reflected a residential character. She presented an overhead of a photo depicting a brick pathway and said that the proposed pedestrian path would look very similar. It was important, she said, to maintain a residential "feel" yet have any type of inpatient facility located near to a hospital.

QUESTIONS

Commissioner Blosser observed that relocating the medical offices to the current site would actually result in those services moving further away from St. Mary's Hospital. Mr. Potter said that physician offices were actually located in a number of places. Development of the subject property would result in the consolidation of locations and services.

Commissioner Binder asked if there were any plans for the buildings/space being vacated by the physicians moving to the subject site. Mr. Potter was unsure.

John Shaver reminded the petitioner to submit copies of their presentation materials for the record.

STAFF'S PRESENTATION

Bill Nebeker offered a powerpoint presentation and began with a review of the site and surrounding land uses. Presentation materials included a section of the Future Land Use Map, denoting location of the site; aerial photo of the site; photo of existing residences; photo of the Bonito neighborhood to the south; various photos taken from the south looking towards surrounding uses such as the Fountains, Atrium and Lakeside Condominiums; photos taken from the site to show present 12th Street configurations and traffic; drawing of the Outline Development Plan (ODP); overview of the proposal; history of the site; and Concept Plan; outline of Consistency Review criteria. Mr. Nebeker said that staff had been tasked with trying to define "how large or intense is 'limited neighborhood service and retail uses'." Did the definition of "limited" change depending on the existing character of the area? There was a significant difference between the 24,300 square feet of medical and professional office space approved with the Miller Homestead and the 100,570 square feet proposed with the current request. Staff concluded that the increased amount of medical office space was too great for this "residential" location and thus failed to conform to the definitions of both "limited" and "neighborhood-oriented." It was likely, he said, that most of the project's clientele would come from outside of the neighborhood.

Mr. Nebeker said that the petitioners had been repeatedly reminded to incorporate and propose a more mixed-use concept with additional housing. Mr. Nebeker noted that development of the subject property for offices would eliminate one of the few remaining vacant parcels in the area zoned for higher density residential. It was felt that sufficiently-sized vacant parcels were still available near St. Mary's, which would offer a more suitable office use alternative to this current site. Mr. Nebeker noted the lack of neighborhood opposition to the formerly approved Miller Homestead project. That project had struck a greater balance between office and residential uses, resulting in greater compatibility with surrounding uses.

Mr. Nebeker said that planned zones take into consideration long-term community benefits and added community amenities. No amenities outside of Code requirements had been proposed by the petitioner. The trail mentioned previously by the petitioner's representative could not be considered a "long-term community benefit" since it was denoted on the Urban Trails Map and besides, it didn't go anywhere since no trail had been provided on adjacent properties. Detriments to the proposal included added traffic impacts; changes to the area's character; non-compliance with 12th Street Corridor Guidelines; and failure to meet Growth Plan recommendations.

Staff determined that the proposal was inconsistent with Policy 1.6 and 11.2 in that the proposed use was neither limited in size nor considered a neighborhood use. Thus it did not meet Consistency Review criteria and could only be approved via a Growth Plan Amendment. Denial of the Consistency Review, rezone and ODP was therefore recommended.

QUESTIONS

Commissioner Binder asked for a comparison of traffic impacts between the current proposal and the formerly approved Miller Homestead. Mr. Nebeker said that he expected impacts with the current proposal to be at least 50 percent greater because medical office uses generated more traffic than high-density residential. He added that the figures he'd referenced considered only P.M. peak hour trips.

Chairman Elmer asked if traffic impacts would adversely affect levels of service for the 12th Street/F Road and 12th Street/Horizon Drive intersections. Rick Dorris, City Development Engineer, answered that the 12th Street/F Road intersection would continue to deteriorate over the next 20 years as previously projected. Approval of this project would have little impact on that trend. He predicted that left-hand turning movements onto 12th Street from the site would likely back up. Generally, little traffic impact could be expected with the proposed development.

Commissioner Binder questioned the traffic impact figures presented by staff. Mr. Dorris said that the figures came directly from references contained within the petitioner's submitted TIS.

When asked by Commissioner Binder if piping the ditch had been a Code requirement, Mr. Dorris responded negatively.

Commissioner Blosser observed that there was little if any real guidance associated with interpreting Policies 1.6 and 11.2. He asked if staff's assessment had been based on past experience, to which Mr. Nebeker replied affirmatively.

Commissioner Binder wondered why high-density residential sites were considered by the City to be so desirable. She asked what made high-density residential the preferred choice for infill development? Mr. Nebeker said that while not considered a "preferred" choice for infill, there were very few suitable areas for this type of development located within the City. While apartment buildings, in his experience, were often associated with undesirable elements, his training said that wasn't always true. Ms. Portner added that the Growth Plan encouraged placing higher-density residential development in areas so designated within the urban growth boundary. The provision of areas for higher density satisfied many of the goals established in the Growth Plan. In order to meet some of those goals, higher densities were necessary for those areas deemed suitable.

PUBLIC COMMENTS

FOR:

Tom Piper (306 E. Dakota, Grand Junction), a board member for Hospice and representing Hilltop, presented an overhead drawing showing the subject property in relation to surrounding uses. He emphasized that the City's objective of placing higher-density residential in this area had been satisfied via the Atrium, Fountains, Lakeside condos, etc. He felt that this project would be of significant benefit to the community and was appropriately sited.

Commissioner Binder wondered if the petitioner's extension of the pedestrian path across Hilltop-owned property would pose a problem. Mr. Piper replied negatively, saying that an easement for this trail would be given.

Ted Munkres (1101 Belford Avenue, Grand Junction) observed that communities often placed services they didn't want to face in back alleys or in out-of-the-way places. He commended hospice for giving dignity to dying.

Jim Newhall (1741 Ridge Drive, Grand Junction), pastor of Unity Church located along 12th Street, felt that this project represented a prime opportunity for the community to bring inpatient care to people approaching the ends of their lives. Having their needs attended to within a residential setting was much more preferable to spending their last days in a hospital. He agreed that there was a lot of higher-density residential development in the area already. The people who would utilize the services offered by the petitioner would certainly view this project as a benefit.

Deborah Atchley (1220 Bonita, Grand Junction) expressed support for the project. As a resident of the adjacent Bonito neighborhood, she preferred what the petitioner proposed to a higher-density residential development. The proposed project seemed to fit in much better with surrounding land uses.

Debbie Cole (802 Jamaica, Grand Junction) said that her career included recruitment for the health care industry. She stated that family practice physicians generally could not afford office space directly adjacent to St. Mary's. Office space was currently running approximately \$135/square foot. The proposed site would give a more reasonably priced alternative to a few of these physicians.

AGAINST:

Thomas D. Burleigh, M.D. (3150 Lakeside Drive, #301) opposed the project, saying that he would not use the services provided by hospice. He felt that the project represented just another money-making venture for the petitioner's partners.

PETITIONER'S REBUTTAL

Mr. Potter reiterated that his clients had looked at many other sites and none had proven suitable. Mr. Taylor's attractive sale price made the present site even more desirable, especially given the limited means of Hospice. Referencing again his Project Comparison Matrix he reiterated the project's comparatively low floor area ratio. The area, he maintained, had taken on a more urban character, especially in light of recent 12th Street widening. The residential character would be maintained as a facet of any submitted development plan. Having a facility such as the one proposed would lower overall costs to the end user compared to the high cost of hospital care.

QUESTIONS

Commissioner Binder wondered if structures would be one story or two. Mr. Potter replied that two of the buildings would be two stories. In order to achieve the desired square footage without depleting available parking area. He said that the details would be reviewed further at the Preliminary Plan stage. When asked why the total square footage of office space had increased since the original ODP, Mr. Potter explained that the increase better accommodated anticipated physician needs.

Mr. Blythe added that if this property were sold to another developer, the end result could be a project with a much greater density than Miller Homestead. The Miller Homestead project had not been constructed because it hadn't been financially feasible to do so. A higher square footage of office space was needed to offset construction and infrastructure costs.

DISCUSSION

Chairman Elmer asked for clarification on how planning commissioners should consider Consistency Review criteria. Was it necessary that the request meet all criteria or that it meet the general intent of the Growth Plan? Mr. Shaver said that meeting the general intent of the Growth Plan would be sufficient.

Commissioner Putnam said that if hospice had been the only use under consideration, he would be in wholehearted support; however, he agreed with staff's assertion that 100,570 feet of proposed office space was out of character for the area. For that reason, he felt that he could not support the request.

Commissioner Blosser commended both the staff and petitioner for their fine presentations and hard work. He disagreed with Mr. Putnam's comments and felt that both the medical office use and Hospice fit in well with the surrounding character of the area. He felt the policies in the Growth Plan gave latitude for this development in this location. He supported the request as presented.

Commissioner Evans also expressed support for the project. The "campus-like" setting for this project was similar to the one being created by St. Mary's Hospital. While acknowledging that the medical offices were "climbing onto the hospice bandwagon," overall, the project would provide a community benefit.

Chairman Elmer said that he could see both sides; while recognizing the need to preserve higher-density sites, in reality very few of those sites are being developed or developed to their full potential. He felt that the uses proposed generally fit in well with the surrounding area. An area, he said, tended to define the size and scope of a project. Surrounding uses were, to a large degree, more institutional in nature. He agreed that the higher-density residential criterion had been satisfied by other area developments. He noted that St. Mary's expansion would result in a continued depletion of available medical office space

within close proximity, forcing physicians and medical services alike to look elsewhere for siting. Overall, he felt he could support the request.

Commissioner Binder appreciated staff's concern over the large amount of office space proposed with the request and agreed that 100,000 plus square feet was a lot of office space. Specific design considerations for this space would come under further scrutiny during the Preliminary Plan stage. She offered no objection to hospice's locating on the site and expressed agreement with Chairman Elmer's comments. The project did seem to fit in well with the area.

Chairman Elmer commented that any approval should be limited to medical facilities, omitting other more intense uses allowable within a B-1 zone. He felt that the current request represented a "softer, more compatible" alternative compared to other Growth Plan Amendment proposals which had been recently submitted and heard. Since the current request was within a planned zone, additional measures could be undertaken to better ensure compatibility with surrounding uses.

MOTION: (Commissioner Blosser) "Mr. Chairman, on item GPA-2001-179, I move that we approve a request for a Growth Plan Consistency Review for GPA-2001-179 upon a finding that it is consistent with the overall intent of the Growth Plan and section 2.4.C. of the Zoning and Development Code."

Commissioner Binder seconded the motion. A vote was called and the motion passed by a vote of 4-1, with Commissioner Putnam opposing.

Chairman Elmer said that planned zone was represented by the ODP and proposed uses, with some of the exceptions to the B-1 zone as outlined by the petitioner. He emphasized the importance of any proposed structures maintaining the same general appearance as others in the area, keeping parking areas behind the structures and making it a pedestrian friendly site. Additional buffering, especially along the southern property line, should be given added consideration.

Mr. Shaver suggested mentioning in the next motion the allowed uses specific to the planned zone as well as any aesthetic and architectural considerations. It would also be helpful, he said, to tie the zone to the submitted ODP.

Chairman Elmer noted that the staff report mentioned allowed uses which included medical offices and typical accessory uses such as a pharmacy, medical supplies and equipment, health food store, daycare, and professional offices, and a nursing home for Hospice. Mr. Shaver said that while fairly clear, square footage limitations of accessory (retail) uses weren't clearly defined. Ms. Portner suggested that this could be further refined during Preliminary Plan review.

Chairman Elmer said that approval for the planned development should consist of the Outline Development Plan and the limited allowed uses as defined by the petitioner, using the B-1 zone bulk standards as defined, based on the overall representation testimony of the petitioner to reflect a residential character in structural design and other verbal commitments made at the hearing and in writing such as art on the corner, pedestrian access to 15th Street and landscaping above and beyond code requirements and that the Preliminary Plan stage would further define and possibly limit what were presently characterized as ancillary uses.

Mr. Nebeker said that the petitioner had originally intended to pursue a simple subdivision of the property prior to submission of a Preliminary Plan; however, it was clear that the Planning Commission wished to see the Preliminary Plan submitted in its entirety to gauge uniformity and overall compliance and compatibility. Mr. Shaver suggested that the motion state that staff would not entertain a subdivision

request until the Planning Commission both reviewed and approved a Preliminary Plan encompassing the entire site.

MOTION: (Commissioner Binder) “Mr. Chairman, I move that we approve the request for a zone change from PD to PD for GPA-2001-179 upon a finding that it is consistent with the Growth Plan and section 2.6.A of the Zoning and Development Code and referencing what Mr. Elmer just said [to read, ‘that approval for the planned development should consist of the Outline Development Plan and the limited allowed uses as defined by the petitioner, using the B-1 zone bulk standards as defined, based on the overall representation testimony of the petitioner to reflect a residential character in structural design and other verbal commitments made at the hearing and in writing such as art on the corner, pedestrian access to 15th Street and landscaping above and beyond code requirements and that the Preliminary Plan stage would further define and possibly limit what were presently characterized as ancillary uses,’ and that staff will not entertain a subdivision request until the Planning Commission both reviewed and approved a Preliminary Plan encompassing the entire site.”

Mr. Shaver offered a refinement of Chairman Elmer’s statement, all of which was included in the restated motion.

Commissioner Binder agreed to include both Chairman Elmer’s and Mr. Shaver’s suggested amendments into her motion.

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

A brief recess was called at 9:10 P.M. The public hearing reconvened at 9:18 P.M.

TAC-2001-203 TEXT AMENDMENT CODE—ZONING AND DEVELOPMENT CODE
A request for approval of the Zoning and Development Code annual updates.
Petitioner: City of Grand Junction

PETITIONER’S PRESENTATION

Kathy Portner outlined the proposed Code amendments as contained in the November 5, 2001 Staff Report. She said that these amendments had been discussed at a joint Planning Commission/City Council workshop earlier in July. The majority of changes were clerical; however, a more significant modification to section 2.5.B.2 regarding concurrent reviews would prohibit consideration of a Growth Plan Amendment request concurrently with any other development review process. Ms Portner also passed out copies of changes proposed for a new Code section D. NEW CAR/AUTO RECYCLER/END RECYCLER (SALVAGE YARD), WRECKING YARDS, APPLIANCE RECYCLER, IMPOUND LOTS. Subsections were read into the record. Staff recommended adoption of the Draft Zoning and Development Code, dated September 18, 2001, with the following conditions:

1. The addition of Ordinances 3331, 3303, 3305, and 3385.
2. The modification of section 2.5.B.2 to read as follows: Concurrent Review. A Growth Plan Amendment request shall not be considered concurrently with any other development review process.
3. The modification of section 4.3.R.10.h to read as follows: Height. Amateur radio equipment, commercial antennas, or equipment measured less than ten (10) feet tall from grade or ten (10) feet higher than the highest point of the roof may be approved by the

Director. This shall also include antennas that are co-located on an existing tower for which co-location was approved through the Conditional Use Permit process.

4. Adoption of section D. titled *NEW CAR/AUTO RECYCLER/END RECYCLER (SALVAGE YARD), WRECKING YARDS, APPLIANCE RECYCLER, IMPOUND LOTS.*

Ms. Portner referenced a letter dated November 19, 2001 and received from Larry Rasmussen, representing the Home Builders Association of NW Colorado et al, who offered suggestions to various sections of the Code.

QUESTIONS

Commissioner Binder referenced staff condition 3 and wondered how the process would be changed. Ms. Portner said that it put into writing the process staff were currently using.

Commissioner Blosser wondered if staff would be undergoing any proofreading of the Code since he'd found a number of referenced deletions and other errors which should be removed. Ms. Portner said that proofreading would be undertaken, but she expressed appreciation for any assistance he or anyone else might extend in this effort.

PUBLIC COMMENTS

Larry Rasmussen (3086 Bookcliff Avenue, Grand Junction), representing the Home Builders Association of NW Colorado et al, read through the concerns/suggestions outlined in his November 19 letter to staff. Comments included: 1) Section 2.3.B.4, Neighborhood Meetings, that having the meeting time, date, location and notice subject to approval by the Director seemed overly restrictive and represented micro-management. He proposed leaving existing language as-is. 2) Section 4.3.M, page 45, Superstore/Big Box Development/Shopping Center. He felt that standards should be reviewed if the regulations were implemented in a shopping center development over 50,000 square feet. 3) Section 6.3, page 9, Public and Private Parks. He suggested re-review of this section in light of the recently passed and signed Impact Fee Bill. Also, he asked that credit be given in open space calculations for compliance with the Trails Plan. Mr. Rasmussen felt that the section on open space was not yet ready for adoption. 4) Section 4.2, page 14, Sign Regulation. He asserted that proposed changes had not been previously seen and/or discussed by the Sign Community and those industries that would be affected. 5) Section 7.2.G, page 9, Hillside Development, and Section 7.2.H, page 13, Ridgeline Development. He felt that there was still some confusion inherent to these sections that warranted further discussion.

Mr. Shaver commented on the referenced Impact Fee Bill and explained why in his opinion the Bill did not pose significant issues or changes for currently proposed or future development in Grand Junction.

Ted Munkres (1101 Belford Avenue, Grand Junction) agreed with Mr. Rasmussen on his comments regarding neighborhood meetings. Giving the Director sole discretion, Mr. Munkres said this seems a little "omnipotent." Suitable meeting sites, he said, could even include the site itself. He asked that greater participatory flexibility be given to the developer. Referencing Section 7.2.G.5, Determination of Slope and Slope Areas, he asked for an interpretation of the second and third sentences. Under the Definitions section of the Code, he felt that the terms "development area" and "hillside" should be included. With regard to the section on parks/open space, he wondered if parameters could be developed so that developers would be better able to determine if land dedications in lieu of fee payments would pass the scrutiny of the Parks Department.

Larry Beckner (1241 Gunnison Avenue, Grand Junction) suggested that the words "high density" be eliminated from the Purpose section under the B-1 Zone District (section 3.4.B.1) so that it could be applied in any residentially designated area. He presented an overhead of a resolution adopted in 1999

by the City Council that seemed to contradict that section. He felt that added discussion on this point was warranted.

Dave Murphy (244 Sherman Drive, Grand Junction) referenced the new Section D proposed by staff for new car/auto recyclers, et al. Subsection b. was unreasonable and would place an onerous financial burden on new and potentially existing salvage yards. The expense of constructing a wall extending along the entire perimeter of salvage yard property would cost more than the business was worth and would drive many salvage business operators out of business. He asked that chain link fencing be included as a fencing option. Subsection d., which forced all compaction to be performed indoors, was unrealistic since car crushers and cranes could not be reasonably used indoors. He felt that this section warranted further review. Subsection f. would also place a hardship on salvage operators since most tire racks exceeded the referenced 8-foot height restriction. Three-tiered storage of tires was standard and racks generally ran between 8 and 10 feet in height. He asked for flexibility in this requirement as well.

Raymond McGun (no address given), owner of the Trade Center Recycling, agreed that compliance with the sections outlined by Mr. Murphy would cause significant hardship for salvage operators, who were already facing hard times. He also noted the absence of any reference to the use of natural vegetation for screening outdoor storage and felt that this would provide an effective, aesthetic, and more reasonably-priced screening alternative. He noted that a number of the area's salvage operators had gotten together to draft verbiage that offered reasonable regulation of the industry. He lamented that their proposed language had been discarded in favor of the City's more abbreviated and more restrictive regulations.

Dick Innis (no address given) passed out copies of proposed verbiage addressing the disposal of illegally dumped appliances. He recounted the problems he'd been having over people leaving their discarded appliances on his property after hours rather than paying a \$15 disposal fee. This was an unfair burden because he was then deemed responsible by the City to remove the illegally dumped appliances or face fines. Before refrigerated units could be hauled away, the refrigerant had to be drained and properly disposed of, which took time and cost money. He had tried to accommodate the illegally dumped appliances because it seemed the right thing to do, environmentally speaking, but this undertaking was becoming more burdensome. Add to that the threat of fines from the City and unrealistic compliance deadlines and he was facing a nearly impossible task. Mr. Innis asked for consideration of his proposal to help mitigate this problem. Mr. Innis distributed proposed Code language that would give him flexibility in removing appliances that were outside his fence.

PETITIONER'S REBUTTAL

Ms. Portner said that with regard to comments made by Mr. Rasmussen regarding neighborhood meetings, staff was often caught in the middle on this issue. On the one hand, developers wanted additional flexibility in conducting meetings; on the other, neighborhood residents often asked for assurances on how those meetings were conducted. Proposed verbiage would allow staff to be more accountable to the residents for whom the meetings were intended. She was unsure how to respond to comments regarding the Big Box standards. There had been some discussion about the standards not always applying to pad sites; however, staff felt that sufficient flexibility was available. The only current example was the new Grand Mesa Center, but there really hadn't been any major issues with pad sites. She acknowledged that as staff worked more with the new regulations, some fine-tuning would occur. Ms. Portner felt that Mr. Shaver had answered questions regarding the parks/open space section. The City only sought to clarify that staff and Council would decide whether or not to accept land in lieu of parks/open space fee payments, even though this was something already being done. Ms. Portner agreed that adding more specific parameters to this section, as suggested by Mr. Munkres, was a good idea and would be helpful to all. This was something that could be discussed and perhaps implemented at a later date.

No new regulations were being proposed to the Sign Regulations. The sections mentioned were actually ones which had been inadvertently taken out of the previous Code and were now being put back in. She noted that for the most part these sections benefited the person/entity requesting the sign. With regard to the hillside development section, she agreed that there was room for improvement. She also noticed a few out of place asterisks, etc. Staff's interpretation of Section 7.2.G.5 as it referenced "incursion" was that it allowed the Director and/or Planning Commission to allow some disturbance (development incursion) into a slope that exceeded the rest of the slope whereupon the majority of the development may be located. That particular section considered allowing at least some disturbance of that "new" slope designation when looking at the overall site. Adding definitions for "development area" and "hillside" were certainly doable; however, she felt that those definitions could be found in the body of that section. Mr. Beckner's suggestion to delete the words "high density" were in keeping with how staff had been applying the zone designation anyway. However, even with that language change, staff still intended to come back before the Planning Commission with specific performance standards to provide for better overall guidance.

Ms. Portner said that the meetings held between the City Attorney's office and the salvage recyclers seemed to focus more on the existing businesses. The language submitted for consideration for new businesses had been proposed in conjunction with the new Code. Concerns had been raised by Code enforcement and planning staff on the implementation and enforcement of the formerly proposed regulations submitted by salvage operators. The staff-proposed version was much shorter and incorporated the existing recycling/salvage operations into the Code as any other outdoor storage business. The regulation gave the recycling/salvage operators added flexibility in exceeding the Code's outdoor storage height requirement. She felt it reasonable to allow the three-tiered tire racks used by most of those operators. She was unsure how reasonable/unreasonable the inside compacting requirement was and suggested that perhaps this section merited further discussion. Ms. Portner clarified that the solid wall requirement referenced in subsection b. would be required around the site's perimeter only if the salvage/recycling operation abutted a much less intense zone district such as residential or business/light commercial. It would not be required if the operation abutted similar uses or heavy commercial or industrial uses. The wall, however, would be required along street frontages, regardless. She agreed that not allowing vegetation as screening material was an oversight and could be added to the section as a screening alternative for existing businesses.

Ms. Portner acknowledged the dilemma that Mr. Innis was facing with regard to the illegal dumping problem on his property. Code Enforcement staff were concerned, however, about the "open-endedness" of the proposal he'd submitted. Additional discussion was probably warranted on this issue as well.

QUESTIONS

Chairman Elmer wondered why a property owner would be responsible for the illegal dumping of others. Mr. Shaver said that legally he wasn't responsible. Mr. Innis had taken on this burden "out of the goodness of his heart" to help mitigate an environmental nuisance. Mr. Shaver went on to say that if dumped in a right-of-way, Mr. Innis could call Code Enforcement and complain. Since in the latter case there remained the question of what to do with the refrigerant, perhaps there was an opportunity for Mr. Innis to enter into a contract with the City for disposal, one that would compensate him for this service.

Commissioner Evans asked if the extraction of refrigerant, oils and other toxic liquids was required for junked vehicles as well. Mr. Murphy responded affirmatively, adding that this was done at a complete loss to the salvage operator. He added that this was a particularly difficult time for the salvage business because iron and reclamation efforts were paying so little. Many operators were likely to go out of business as a result of the current economy. If the City didn't help the private operators now with easing regulations, etc., he conjectured that the day would come that recycling/salvage operations would have to become publicly funded, either in whole or in part.

Commissioner Blosser asked why chain link fencing with slats hadn't been included as a screening option. Ms. Portner replied that the long-term maintenance of the slats was generally an issue. That type of fencing, along with the use of wood, deteriorated quicker than other fencing options. Commissioner Blosser continued to express support for chain link with slats as an additional option for new and existing operations.

A brief discussion ensued over how to interject chain link and slats into subsection b. Mr. Shaver proposed the following verbiage: "Sites may use opaque slats or vegetation in existing chain link fences."

Commissioner Evans asked if a salvage/recycling business would be deemed "new" if forced to relocate as a result of condemnation, to which Ms. Portner replied affirmatively.

Additional discussion ensued over the use of vegetation as screening for existing and/or new salvage/recycling operations. Ms. Portner felt that this might be a good option for existing businesses; however, for new businesses, a wall or some other more permanent fencing option would be preferred. Landscaping in front of those alternatives near the property's frontage would also be required.

The determination was made to change subsection f. to delete the eight (8) foot reference as maximum tire rack height and substitute it with the words "...ten (10) feet..."

Chairman Elmer suggested further discussion ensue on subsection d. to determine the best wording alternative. Mr. Shaver offered that if the Planning Commission was comfortable with the general requirement concerning noise, the words "...within a completely enclosed structure designed..." could be deleted. Ms. Portner agreed that this option made sense because the Planning Commission could still require additional noise mitigation as individual proposals were submitted and as noise concerns arose.

Chairman Elmer noted the special circumstances surrounding the illegal dumping problem on Mr. Innis's property. He suggested that Mr. Innis complain to the City's Code Enforcement staff and have them be responsible for pickup/disposal. Mr. Shaver agreed that Mr. Innis was, in effect, the victim of a crime in these circumstances. He advised that discussions between the City and Mr. Innis could result in some sort of mutually beneficial arrangement.

DISCUSSION

Commissioner Blosser commended the staff and community on their involvement in the Code amendment process. He reiterated that the vegetation should be a screening option for new salvage/recycling operations as well.

Chairman Elmer suggested that staff "clean up" some of the language pertaining to hillsides prior to the City Council meeting so that this didn't have to come back before the Planning Commission. He agreed with staff's rationale on the need for Director involvement in establishing expectations with regard to neighborhood meetings, although he could understand both sides of the argument. As far as changing verbiage for the B-1 business zone, he felt that a more comprehensive view should be taken. To this end, it seemed as though staff already intended to address this and put forth some quantitative performance standards for consideration. He noted that the Growth Plan had a number of actions and policies that had not been acted upon in a timely manner. Because the new Code had been adopted after approval of the ordinance referenced previously by Mr. Beckner, no doubt its adoption took the ordinance into consideration.

Commissioner Binder asked if any motion referencing the use of chain link and slats should also include a requirement for ongoing maintenance. Her primary concern was that any broken slats be replaced in a timely manner. Discoloration of slats that were at least intact was not as great a concern. Ms. Portner

noted a section in the Code that already mandated maintenance of screening materials (read into the record by Mr. Shaver). There was general agreement to allow chain link with slats for new as well as existing salvage/recycling businesses. The use of vegetative screening was limited to just existing businesses.

Chairman Elmer asked that the motion also provide direction to staff to further refine Tables 7.2.A and 7.2.B. and to ensure that the definitions of “development area” and “hillside” were clear, either within the body of the section or extracted and made a part of the Definitions section of the Code.

Commissioner Putnam felt that it had been made clear that Mr. Innis should not bear the responsibility of illegal dumping occurring on his property. Any discussions entered into by the City, he said, should proceed bearing this in mind.

MOTION: (Commissioner Binder) “Mr. Chairman, [on item TAC-2001-203] I move that we approve [forward this on to the City Council with a recommendation of approval for] the revisions to the City of Grand Junction Zoning and Development Code that we heard tonight [including adoption of the draft Zoning and Development Code dated September 18, 2001, along with staff conditions 1-4] with the additions that we agreed to which included amending Section 4.1.I.2.c.1 to add vegetation as a screening option, amend D., subsection b. adding the words ‘...chain link with slats...’ after the word ‘opaque’; amend D., subsection f. to delete the words ‘...eight (8) feet...’ substituting instead the words “...ten (10) feet...;” amend D., subsection d. to delete the words “...within a completely enclosed structure designed...;” that staff further refine Tables 7.2.A and 7.2.B. and ensure that the definitions of “development area” and “hillside” were clear, either within the body of the Code section or extracted and made a part of the Definitions section of the Code.”

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

With no further business to discuss, the meeting was adjourned at 11:05 P.M.