

GRAND JUNCTION PLANNING COMMISSION
September 13, 2016 MINUTES
6:00 p.m. to 7:46 p.m.

The meeting of the Planning Commission was called to order at 6:00 p.m. by Vice-Chairman Bill Wade. The hearing was held in the City Hall Auditorium located at 250 N. 5th Street, Grand Junction, Colorado.

Also in attendance representing the City Planning Commission were Jon Buschhorn, Kathy Deppe, Keith Ehlers and Ebe Eslami.

In attendance, representing the City's Administration Department - Community Development, was Kathy Portner, Community Services Manager, Kristen Ashbeck, (Senior Planner), Lori Bowers (Senior Planner), Scott Peterson (Senior Planner) and David Thornton (Principal Planner).

Also present was Jamie Beard (Assistant City Attorney) and Shelly Dackonish (Staff Attorney).

Lydia Reynolds was present to record the minutes.

There were four citizens in attendance during the hearing.

Consent Agenda

1. Minutes of Previous Meetings

Action: Approve the minutes from the August 9, 2016 Meeting.

2. Noland Avenue ROW Vacation

[File# VAC-2016-376]

Request to vacate a portion of a public right-of-way, also known as Noland Avenue, which is no longer needed, adjacent to 1111 S. 7th Street in a C-2 (General Commercial) zone district.

Action: Recommendation to City Council

Applicant: Atlasta Solar Store LLC
Location: 1111 S. 7th Street
Staff Presentation: Brian Rusche, Sr. Planner

3. Sabrosa Conditional Use Permit

[File# CUP-2016-421]

Request for a Conditional Use Permit for a Bar/Nightclub on 0.072 acres at 545 Main Street in a B-2 (Downtown Business) zone district.

Action: Approval or Denial of CUP

Applicant: Vegas Momma, LLC
Location: 545 Main Street
Staff Presentation: Brian Rusche, Sr. Planner

4. Zoning and Development Code Amendment

[File# ZCA-2016-427]

Request for approval to amend the Grand Junction Municipal Code, deleting Section 24.12.130(b), Residential Areas Standards and Guidelines, Accessory Structures.

Action: Recommendation to City Council

Applicant: City of Grand Junction
Location: Greater Downtown Overlay District
Staff Presentation: Kristen Ashbeck, Community Services Coordinator

5. Colorado Mesa University ROW Vacations

[File# VAC-2016-368 & 416]

Request to vacate portions of public alley right-of-way between Elm & Kennedy and Mesa & Texas Avenue’s and portion of public street right-of-way for Texas Avenue as part of Colorado Mesa University expansion projects.

Action: Recommendation to City Council

Applicant: Colorado Mesa University
Location: Portions of public alley right-of-way between Elm & Kennedy and Mesa & Texas Avenue’s and portion of public street Right-of-Way for Texas Avenue
Staff Presentation: Scott Peterson, Sr. Planner

Vice-Chairman Wade briefly explained the Consent Agenda and noted that item number three (3) “Sabrosa Conditional Use Permit File# CUP-2016-421”, had been withdrawn and may be considered at a later date. Vice-Chairman Wade then invited the public, Planning Commissioners and staff to speak if they wanted the item pulled for a full hearing. With no requests to pull an item for full hearing, Vice-Chairman Wade asked for a motion.

Noting that there has been no public comment one way or the other regarding the recent Colorado Mesa University’s (CMU) Right of Way Vacation requests, Commissioner Ehlers made the following motion:

MOTION: (Commissioner Ehlers) “Mister Chairman, I move we move item number 5, the CMU Right of Way Vacation requests, to the Consent Agenda.”

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

Vice-Chairman Wade asked for a motion to approve the amended Agenda.

MOTION: (Commissioner Ehlers) “Mister Chairman, I move we approve the amended Consent Agenda.”

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

INDIVIDUAL CONSIDERATION

6. Zoning and Development Code Amendment

[File# ZCA-2016-384]

Request to Amend the Zoning and Development Code to Establish Content Neutrality Sign Standards and Regulate Digital and/or Electronic Sign Standards.

Action: Recommendation to City Council

Applicant: City of Grand Junction
Location: Citywide
Staff Presentation: David Thornton, Principal Planner
Lori V. Bowers, Sr. Planner

Staff Presentation

David Thornton (Principal Planner) explained that the staff report is divided into two sections to better describe the proposed sign code amendments. Section A discusses “Content Neutral Signs” and Section B discusses proposed changes to “Digital and Electronic Sign” regulations.

Mr. Thornton displayed a slide and noted that The Supreme Court ruled in a case pertaining to sign content known as Reed vs the Town of Gilbert Arizona which has significant impact on the City’s current sign code.

For years communities everywhere have regulated signs distinguishing them by what is said on the sign. These include political signs, and other temporary signs placed on property. These regulations have often held common sense safeguards against the unnecessary proliferation of signs in urban areas. An example is where a sign advertising a political message is required to be taken down so many days after an election, but a sign advertising the sale of a property doesn’t.

Mr. Thornton explained that the courts’ decision is that a City cannot regulate the content on a sign. Sign content that is distinguished among temporary directional signs, political signs and ideological signs cannot be treated differently.

Mr. Thornton stated that the City’s Sign Code currently distinguishes between zoning districts (commercial residential, industrial), types of signs (free-standing, wall signs, roof signs) and messages on the signs (commercial, safety, political, and development, etc.). Mr. Thornton displayed a slide with the following information as to what the City can regulate:

Time: Regulate the hours of illumination or display; or the number of days a sign can be displayed

Place: Regulate the location, setbacks, pedestrian clearance, or distance from residential districts

Manner: Prohibit signs that flash, blink, rotate, or scroll

Size/Height: Regulate the height and size allowances along corridors, in specific zone districts and/or city-wide

Number of Signs: Regulate the number of signs allowed per street frontage or parcel

The Supreme Court decision determined that sign regulations are restrictions on free speech, therefore they must conform to the First Amendment of the United States. There is also no

distinction between commercial speech and off premise advertising. Mr. Thornton explained that the city code currently regulates “off-premise signage”, however to determine if it is off premise, you must refer to the content on the sign. Enforcement of off premise signage would be impractical.

Mr. Thornton stated that currently, the sign code has a list of sign types that fall under Temporary or Exempt. Examples given included; Private Warning or Instructional, Land Development or Sales, For Sale/Lease, Contractor/Builder, Service Clubs, Model Home Area, Campaign, Real Estate, and “Produce grown on premises” signs.

The next slide Mr. Thornton presented addressed signs not requiring a permit. Signs not requiring a permit was defined as a sign that is not illuminated, not digital or electronic, and not permanent in nature. An example that Mr. Thornton gave was a sign that is planted into the ground or affixed to an object or structure by temporary means, does not have a foundation, is made of lightweight and thin materials such as a single sheet of plastic, thin metal, plywood or paper.

Mr. Thornton noted that the following signs are allowed on a lot/parcel in all zone districts:

1. One sign that is integral to or flush-mounted on a building or structure that is no greater than four (4) square feet in area.
2. Six signs up to (6) square feet in area and with the following limitations and exceptions:
 - On a parcel of less than one acre, up to six such signs are allowed, except in that one of these signs may be up to 32 square feet in area when construction is occurring on a parcel or a subdivision of land is being developed.
 - On a parcel of one acre or larger, up to six such signs per acre are allowed, except that one sign per acre can be up to 32 square feet in area, no restriction to construction or development occurring.

The second category of signs not requiring a permit was Governmental Signs. Mr. Thornton gave the example of the City of Grand Junction and School District 51 that are governmental entities and therefore will be exempt from the sign code.

Mr. Thornton then addressed signs requiring a permit in residential zone districts and displayed a slide with the following proposed regulations:

- Allow one 6 square foot sign per parcel.
- Allow one 32 square foot sign at multi-family apartment/condominium building/complexes and on each common area parcel that abuts a public right-of-way.
- Allow one 24 square foot sign per street frontage for nonresidential land uses in Residential Zone Districts.
- Sign lighting to be externally illuminated only and turned off between 11 pm and 5 am.

A slide showing signs requiring a permit for Non-Residential Zoned Property was displayed. Mr. Thornton explained this includes business, commercial and industrial. In these categories, there

are four types of signs permitted: flush wall, freestanding, roof and projecting signs. Mr. Thornton noted that the building sign allowance, freestanding sign allowance and total sign allowance remains the same as current code language.

Mr. Thornton noted that the wind driven and banners part of the sign code will basically stay the same. There are a few minor word adjustments proposed, but the content will stay the same.

The next category of proposed changes relates to the outdoor advertising and billboard signs. Mr. Thornton showed a slide with the following three changes:

1. Eliminate the distinction of the “Off-Premise” section of the Sign Code since it is no longer needed in a content neutral sign code. Any sign can advertise an “on premise” business or “off premise” business or other advertising.
2. Allow for One (1) additional Freestanding Sign in C-2, I-1 and I-2 for parcels with 600 linear feet of frontage or more with some exceptions.*.
3. A sign established prior to October 31, 2016 on an otherwise vacant parcel where a new use is being established shall be considered a non-conforming sign whose square footage is not counted toward the sign allowance for the new use.

Providing a second freestanding option on large parcels will provide the outdoor advertising industry some opportunity to construct a sign for their business needs while at the same time provide the business located on the site to advertise their business on a separate freestanding sign. It will also allow for large retailers or shopping centers to have two freestanding signs when located on property with frontage that meets the proposed standards.

Mr. Thornton’s next slide showed where the exception to number two (above), applies. The areas are Riverside Parkway and 29 Road, the 24 Road overlay and the Greater Downtown Overlay.

Lori Bowers (Senior Planner) stated that she will address Digital and Electronic Sign Code Considerations and noted that we currently do not have standards to regulate digital and electronic signs.

Ms. Bowers noted that the regulation proposed for consideration are similar regulations found in the Colorado Department of Transportation’s (CDOT) sign code. CDOTs Sign Code is based on Federal regulations related to outdoor advertising and have their roots in the Highway Beautification Act of 1965. The brightness recommendations are found in the International Sign Association’s compilation summary of Recommended Brightness Levels for On-Premise Electronic Message Centers. That summary was completed in 2010.

Ms. Bowers noted that staff conducted a survey of roughly 23 different communities for their regulations. The following recommendations are proposed to address Digital and Electronic Signs.

1. Signs shall not contain animation, flashing, scrolling or traveling messages, or intermittent or full-motion video.
2. Signs shall not change intensity or expose its message for less than four (4) seconds.
3. Transitions between messages shall be less than one second.
4. The maximum brightness levels for signs shall not exceed .3 (three tenths) foot-candles over ambient light levels.

5. All new electronic display signs shall have photocell technology that will be used to dim the displays for appropriate nighttime viewing from dusk to dawn or when ambient light conditions warrant such changes.

In summary, the following are the changes proposed for the Sign Code:

1. Eliminate all existing Code language that is content specific.
2. Add definitions for a Digital Sign, Illuminated Sign and Interactive Sign
3. Delete the following terminology:
 - Billboard Sign,
 - Institutional Sign,
 - Identification Sign, and
 - Integral Sign.
4. Establish that all signs placed by a governmental agency are exempt.
5. Prohibit Interactive Signs due to potential safety risks.
6. Eliminate the "Off-Premise" section of the sign code.
 - Allow for one additional freestanding sign in certain zones under specific circumstances.
 - Further define non-conforming signs on vacant parcels.
7. Eliminate Street banners from the Sign Code since they will fall under the new proposed Governmental Signs and be Exempt.
8. Change content specific categories such as real estate signs, political signs, No Trespassing signs, etc. to categories that don't refer to content.
9. Establish the following types of sign categories:
 - Signs that do not require a permit
 - Wind Driven Signs and Banners
 - Signs that require a permit
 - Governmental (Exempt) Signs

In addition, Ms. Bowers stated there are some changes proposed that will clarify and provide consistency with the language in the Code. They include:

1. Eliminate contradicting definitions of a Monument Sign measurement, excluding the base, consistent in all zone districts.
2. Limit signs in residential zones to external illumination only similar to the RO Zone District, and limit the hours of illumination between 5 am and 11 pm.
3. Define double face signs, to include those that are constructed at angles of 60 degrees or less.
4. Redefine "Abandoned Sign" and allow more time (12 months instead of 3 months) before the sign is required to be removed after having been determined to be abandoned.
5. Incorporate sign regulations for MXG, MXS and MXR Form Based Zone Districts to be the same as found in the MXOC Form District.

As part of these amendments, it was important to hear from the sign industry and other users of signs such as the Real Estate industry. Ms. Bowers stated that staff had met with Realtors on August 10th. Staff also met with citizens in the Sign Industry / Outdoor Advertising Industry on August 25th. In addition, workshops were held with the Planning Commission/City Council on July 21st and again with the Planning Commission on August 18th.

Questions for Staff

Commissioner Ehlers recommended adding “each” to the wording of “six signs up to (6) square feet in area”. Ms. Dackonish noted that although the word “each” is not on the slide, it is in the actual text being proposed.

Commissioner Ehlers also expressed concern about “allowing one 32 square foot sign at multi-family apartment/condominium building/complexes and on each common area parcel that abuts a public right-of-way” and suggested the words “contiguous open space parcels” or the like so there is not the opportunity to put up two signs just because there are two different types of tracks. Mr. Thornton responded that in most cases, there will be an HOA that would address an entry way sign for the building.

Commissioner Ehlers expressed concern about the spacing of additional free standing signs. Regarding the corridor overlays, Commissioner Ehlers stated that he would not want to limit businesses from advertising, but expressed hope that there will be a way to preserve the open space that exists.

Commissioner Buschhorn asked for clarification of the illumination that would be allowed in residential districts. Mr. Thornton stated that signs in those districts would have to be externally illuminated and comply with CDOT regulations for blinking/flashing as well. Commissioner Buschhorn gave the example of a resident having a projector flashing a changing message onto a sign in an area where there is no HOA.

Discussion continued as to what language may add clarification. Commissioner Buschhorn suggested “a static sign that is illuminated and does not change message”. Mr. Thornton suggested that that language be added to the motion, and it will be sent on to City Council.

With no further questions for staff, Vice-Chairman Wade opened the public hearing portion of the meeting and asked for those in favor or opposition to the proposed changes in the Sign Code.

Public Comment

Mark Gamble, owner of Colorado West Outdoor Advertising (CWOA) in Grand Junction. Mr. Gamble noted that he has worked with Ms. Bowers, Mr. Thornton and Ms. Dackonish on what he felt was a substantial revision of the current sign code.

Mr. Gamble noted that he would like to give a brief synopsis of the Reed vs the Town of Gilbert Arizona. Mr. Gamble explained that a Pastor who did not have a permanent location for gatherings, would put up signs each week announcing the location of the service. The sign code in that town required that he put them up only 12 hours before the service and taken down one hour after. This restriction prompted a Supreme Court lawsuit to address an issue that had been going on in sign codes all over the country for years. One important point that was made from this Supreme Court decision was that this ruling was based on a non-commercial signage issue.

Mr. Gamble implied that how the ruling applies to commercial signage was left a grey area. Mr. Gamble stated that he does not believe that a “no off-premise” recognition in a sign code will uphold if contested. Mr. Gamble gave more background of what he believes the intensions of the court decisions were and how some of the regulations may be implemented in the future.

Mr. Gamble stated he was not sure how hard he wanted to fight for on-premise / off-premise designations in the sign code as he feels some of the suggested revisions may (or may not) be good for his business. Mr. Gamble stated that he feels he has not had enough time to totally evaluate the complete ramifications of the impact of the changes.

Mr. Gamble stated that staff indicated they had taken into consideration the 1975 Colorado Supreme Court rule that you cannot regulate outdoor advertising companies out of business. Mr. Gamble noted that the revisions allow for an extra free standing sign to be allowed on commercial parcels that have 600 or more feet of frontage. Mr. Gamble stated that he was told there were 69 of these parcels identified. Of the 69 parcels, Mr. Gamble stated that he has been able to build on all of those parcels for the 40 years that the sign code has existed or since they were zoned, but he does not feel any of them are viable as a location where he would be able to sell advertising. Mr. Gamble stated that he believes the revisions do not help him and basically limits him to what he has now and does not allow his business to grow and continue to exist.

Mr. Gamble explained that a second aspect of his business is digital advertising. He noted that if businesses are now allowed to advertise off-premise businesses on their digital signs then that would cut into his market. Mr. Gamble stated he wanted to go on record as being against not having specific codes and regulations specific to outdoor advertising and off-premise signs.

Mr. Gamble stated that he had met with Ms. Bowers and Mr. Thornton and was given a copy of the proposed changes to the sign code. He then met with Ms. Dackonish to discuss a problem he has with the changes. Mr. Gamble then handed all the Commissioners a hand out he had prepared. His concern was with the following suggested language in the code:

A sign established prior to October 31, 2016 on an otherwise vacant parcel where a new use is being established shall be considered a non-conforming sign whose square footage is not counted toward the sign allowance for the new use.

Mr. Gamble stated that he emailed Ms. Bowers with his suggestion that "All" signs be included, (not just on vacant parcels). Mr. Gamble added that if an existing business decides to redo their signage, his pre-existing billboard will now be used in the signage calculation and he will not be able to have it there.

Mr. Gamble explained that he owns many easements around town where he has billboards. He is not under a lease with many of the owners; therefore, if they want new signage, they would not be able to use his easement as street frontage for their sign calculations. Mr. Gamble indicated that although he does have some leases, he currently has 7 easements on vacant properties and about 30 easements on developed properties. Mr. Gamble noted that those easements were purchased and sold under the status of the old sign codes regulations for outdoor advertising.

Commissioner Questions

Commissioner Eslami asked Mr. Gamble how he could "own" and easement. Mr. Gamble stated that he has Billboard easements that protect the view shed to his billboard and allow access to property.

Commissioner Ehlers asked for clarification as to how the signage is calculated for a parcel. Mr. Thornton stated that a property has a calculation for free standing (based on street frontage) and another for flush wall (based on length of building). The higher of those two numbers is used for overall signage allowance on property.

Commissioner Ehlers asked Mr. Gamble if he felt that the new regulations will regulate the Outdoor Advertising Sign Business, out of business by allowing competitors to do what he does. Mr. Gamble noted that he has some legal input coming from Denver that will determine how he wants to proceed. His understanding is that a non-conforming status would allow him to maintain his signs even though they don't comply with code.

Mr. Gamble stated that has not settled on a position yet because the proposed sign code opens up some doors and closes some doors. Mr. Gamble stated that he anticipates there are going to be some legal actions taken to clear this up. Mr. Gamble stated that this code is the cleanest, safest way to go...for now, and the grey areas are unanswerable...for now. Mr. Gamble went on to say that there is enough significance in the issues that he believes that bigger cities and bigger billboard companies are going to push these questions and set some legal direction that may not come for a year or two.

Commissioner Ehlers thanked Mr. Gamble for bringing a different prospective and information to the discussion. Commissioner Ehlers stated it is not the intent of the sign code update to put Mr. Gambles business and other businesses like his, out of business. Commissioner Ehlers encouraged Mr. Gamble to get some justification and explain how the sign code update would be regulating him out of business, prior to the City Council meeting. Commissioner Ehlers also added that he is less sympathetic to the introduction of competitors as an issue.

Mr. Gamble stated that he was just made aware, and received a copy of proposed changes in late August and has not had the time to fully review everything. He does intend to continue to talk with City staff as there may be some other points he wants to pursue.

Mr. Gamble stated that an easement is a legally recognized real estate instrument that he owns even though it is exclusive in use. Mr. Gamble went on to explain that in the cases where he has leases, and the property owner wants to put up more signage, they can wait until the lease is up and then tell him they need the sign allowance back.

Commissioner Wade asked how many of his properties does he have easements on that he owns. Mr. Gamble stated he owns 37 easements and added that about 30 of those already have development on them.

Commissioner Buschhorn stated that the proposed sign code language would make owning the easements more valuable. He explained that the easement would be the dominant state, which controls the subservient state, which would be the land owner underneath, therefore they could not control his sign square footage. Mr. Gamble explained that he does not want to be put in a situation where a landowner who wants to put a sign up, cannot do that because he has an easement with a Billboard that is now going to count against his sign allowance.

Commissioner Deppe asked Mr. Gamble if that was the reason why he purchased the easement was to control that space. Mr. Gamble agreed that is why he purchased the easement and it was under the assumptions of the old code, which did not impact the property owner. His billboard signage allowance was always independent of the property owners sign allowance.

Ms. Dackonish referred to the non-conforming sign section of the code, which is not changing, and could address situations that Mr. Gamble is talking about. This existing section states “a non-conforming sign, which use is upgraded, or exempted in the writing” shall be considered an allowed sign”. Ms. Dackonish explained that would give staff the discretion in those situations, to say both signs could stay or that one is exempt. This is in subsection 3 e and it is not coming out of the code and would be addressed on a case by case basis.

Vice-Chairman Wade asked Mr. Gamble if he was comfortable with how they can address these situations where it is logical to allow both signs. Mr. Gamble stated that he does not want to leave the decision up to the discretion of the staff and would like to see it written in the code that all his existing signs are exempt. He explained that he has invested a lot of money in the signs under the old code and wants to be able to be exempt and not have his signs be calculated in the properties sign allowance. Mr. Gamble noted that under the old code, his billboards had a separate sign allowance.

Commissioner Buschhorn noted that Mr. Gamble would only be hurt by this change on the 7 properties where he has leases and stand to lose his sign allowance. The property owners of the 37 properties where Mr. Gamble has easements stand to lose as well. Mr. Gamble stated that he does not believe that the land owners where he has easements, are aware of the problem that would be created by the new language in the sign code.

Commissioner Ehlers stated that it is his understanding that staff is relying on sub section 3 to review the cases as they come in. Commissioner Ehlers asked if there was a reason why staff would not just remove the reference to “on an otherwise vacant parcel” and just say “all of the existing”? Ms. Dackonish stated it was possible to rewrite that section to accomplish what Mr. Gamble is suggesting. She suggested if that is done, then language be added to say that “all signs that become non-conforming because they were once deemed off premise signs” otherwise there may be more signs allowed than the code intended.

Commissioner Ehlers asked if it was the intention of staff to intentionally write the code in a way that challenged these sites and if there were opportunities to sunset the billboards out of existence, that could be done. Ms. Dackonish explained that staff did intend that over time, it would be appropriate, especially where redevelopment is happening, that some of these signs be phased out over time. Ms. Dackonish stated that most of the places where there is a billboard and an existing use, such as a shopping center, there is enough signage allowance that would be sufficient for tenants that come and go. It most likely would be significant redevelopment occurring where a new sign may be triggered, where staff would review it on a case by case basis and exempt it where appropriate.

Commissioner Ehlers asked Mr. Gamble if he had a time frame that he could propose that would be acceptable to sunset billboards. Mr. Gamble stated that staff thought he had leases on all his billboard properties when he actually has mostly easements. Mr. Gamble stated that staff wrote the sign code purposely in a way that would take away the billboards and as a result, he would be out of business.

Commissioner Eslami inquired if he owns the easement, how could the billboard come down. Mr. Gamble stated that on those easements it would not be a problem. Commissioner Wade asked if the problem was with the seven leases. Mr. Gamble corrected his earlier account and stated that he has 16 leases, 37 easements, seven of which are on vacant parcels.

Commissioner Eslami noted that Mr. Gamble will not be hurt by the changes on his easements. Mr. Gamble agreed but stated that the property owners would be hurt by the changes where he has easements. Commissioner Eslami noted that there were no property owners in attendance although the meeting has been advertised. Mr. Gamble stated that he was only aware of the issue since he was contacted directly by staff, which he appreciated.

Commissioner Discussion

Commissioner Eslami thanked Mr. Gamble for his information and insight from his perspective. The intention of the proposed sign code is to simplify the process in the future. Commissioner Eslami stated that the Planning Commission is the body that will make the recommendation to City Council, however City Council will be making the decision.

Commissioner Ehlers thanked Mr. Gamble for his thoughts and stated that he is not inclined to advance any code that is intentionally running any industry out of business. Having said that, Commissioner Ehlers noted that he does not see the proposed sign code as doing that. Commissioner Ehlers acknowledged that it may cause some conflict between the property owners and the billboard owners as they may want to regain sign allowance down the road.

Commissioner Ehlers suggested that Mr. Gamble submit in writing to staff and maybe City Council, how he feels that the change in language will forcefully put him out of business. Commissioner Ehlers stated that, in his opinion, it's a market driven factor and changes being proposed in the code will not regulate billboard out of existence, but open up other market options.

Commissioner Deppe stated that agrees with Commissioner Ehlers but she wished she knew more about what Mr. Gamble's concerns were before the meeting as it puts a different spin on what she was thinking. After listening to staff's presentation and hearing Mr. Gambles concerns, Commissioner Deppe felt that he could create work-arounds, and she does not feel it will be a hardship for him in the long run.

Commissioner Buschhorn indicated that he agrees with Commissioner Ehlers. Thinking about the commercial aspect of it, Commissioner Buschhorn believes Mr. Gamble, has most likely negotiated those leases with a satisfactory return on investment by the end of the leases. Commissioner Buschhorn stated that he does not feel the proposed changes to the sign code will significantly negatively impact his business.

Commissioner Buschhorn stressed that it would be better to meet the requirements of the Supreme Court, and the revisions the way they are written, will comply with that.

Commissioner Wade referred to Mr. Gamble's point that we know the Supreme Court decision will inspire considerably larger entities to take action, which will clarify the situation even more. Commissioner Wade felt that this revision is the simplest cleanest way to start to comply with the decision. Recognizing that there may need to be other revisions as time goes by, Commissioner Wade stated that this seems to be the right way to go for now.

Commissioner Wade called for a motion. Commissioner Ehlers asked if the Commission was going to add an amendment to the motion to address changing projections in residential zone districts. Ms. Dackonish added that the motion may affect some Christmas displays and wanted to make sure they took that into consideration and that there is not an unintended effect that they had not considered.

Commissioner Wade asked the Commissioners how they feel about adding the additional language to the motion. Commissioner Ehlers stated that he is not inclined to approve the motion as it is because it does not address the underlying problem. Commissioner Ehlers questioned the line between commercial advertising and yard art. He feels there could be a loop hole if not address and gave the example of digital signs.

Mr. Thornton read the criteria from the “general requirements” that is currently in the code. One of the points Mr. Thornton emphasized was that there could only be up to a 40-watt bulb used to illuminate a sign. Commissioner Buschhorn asked for clarification as it appears that there are more than 40 watt bulbs illuminating billboards at night. Ms. Dackonish added that the 40-watt bulb limit was to address and limit light exposure when facing high-way or street.

Commissioner Ehlers concern is that in residential districts, the content neutral aspect would theoretically allow residents to have a blank canvas that they can host changing advertisements. Commissioner Ehlers noted that he is not concerned about changing holiday displays etc.

Commissioner Buschhorn stated that he is not comfortable sending the recommendation onto City Council, even with the revisions on record. He would like to first see a clean copy of what the proposed code would look like.

Commissioner Ehlers asked staff if it was possible to approve a motion to send the sign code forward with and approval, and a request to address the items, even though there is currently no specific language developed.

Ms. Beard (Assistant City Attorney) stated that since it is a recommendation going forward, the motion could be approving as is, or approve with specific revised language, or recommend approval with a request that certain factors be considered in making their determination.

Commissioner Eslami suggested tabling the item. Vice-Chairman Wade stated that he feels they should vote on the motion as proposed, and if it passes then send along recommendations along with it. Ms. Beard explained that they can do a motion to continue, or take other steps rather than having to do it on the motion as proposed; it’s not required that you do the motion first.

Vice-Chairman Wade asked if any Commissioners wish to continue the discussion and not vote on the proposed code language.

MOTION: (Commissioner Eslami) “Mister Chairman, on the request to forward a recommendation to City Council to amend the Grand Junction Municipal Code, Title 21, Section 21.06.070 and Section 21.10.020, ZCA-2016-384, I move that the Planning Commission table the discussion to a future meeting.”

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

7. Other Business

Mr. Moberg reminded the Commissioners that there is a workshop on September 22nd.

8. Adjournment

The Planning Commission meeting was adjourned at 7:46 pm.