

**PLANNING COMMISSION BIG BOX REVIEW SUBCOMMITTEE MINUTES**  
**Comprehensive Planning Task Force Conference Room**  
**MacArthur Building, 345 East Toole Avenue, 3<sup>rd</sup> Floor**  
**October 15, 2002**

**Attendance**

**Members:** Rob Tomlinson; Grace Evans; Joyce Joosten; and Thomas Sayler-Brown

**Staff:** James Maurer and Kathy Buchanan, Comprehensive Planning Task Force

**Interested Parties:** John and Ila Rupley; Connie Diamos; Bob Samuels; Uwe Fink; Chris Tanz; and Anne Murray

1. **Call to Order:** Mr. Tomlinson, the Subcommittee Chairperson, called the meeting to order at 4:05 p.m.
2. **Minutes for Approval:** Ms. Evans moved that the minutes of the October 8, 2002, meeting be approved; Mr. Sayler-Brown seconded the motion; and the motion carried on voice vote (4:0).
3. **Discussion of Large Retail Establishments Ordinance:**

Mr. Sayler-Brown stated that Mr. Rupley had prepared a draft containing revised language for Sec. 3.5.9.7.C that Mr. Rupley had just distributed. Mr. Sayler-Brown said both he and Frank Bangs had looked at it prior to today's meeting, and he felt it warranted review by the Subcommittee. He said he wanted to spend some time reviewing the draft at today's meeting, perhaps 30 to 45 minutes, prior to returning to review of the staff draft. He stated it could then be reviewed in more detail at next week's meeting once everyone who had not yet seen it had the opportunity to go through it. He indicated he felt there were good things in the draft, as well as things that needed to be addressed. Mr. Sayler-Brown said Mr. Rupley had done a lot of work on his draft, and he felt it would help the Subcommittee to use it. Mr. Tomlinson stated that although he had not had the opportunity to see the draft prior to the meeting he was amenable to beginning the meeting by reviewing it.

Mr. Sayler-Brown asked Mr. Rupley to step the Subcommittee through his draft. Mr. Rupley stated that Mr. Bangs had written page 1 and some of page 2. Ms. Evans stated that staff needs to clarify the use of the words "site" and "project site" in the staff draft of October 8 as occurs on page 2, for example, and provide clarification that the use of the word site refers to the perimeter of the big box site plus the freestanding pads. Mr. Rupley continued through the overview of his draft. He stated that the only way to get through this draft at next week's meeting was for everyone to review it during the week. Ms. Evans mentioned that the matrix on page 3 was not clear to her. After a short discussion, Mr. Rupley agreed that the column headings should be changed. A short discussion ensued on the "Purpose" statement.

Ms. Joosten stated that there was not a lot of objection to the new draft, and it included ideas that everyone could agree on, more or less, with some refinement. She said using this draft would speed up the process. It was suggested that, as the draft was reviewed by the Subcommittee members, their comments be e-mailed to Mr. Bangs' secretary.

The Subcommittee began review of the staff draft where it left off last week, on page 10, concerning ancillary uses. Mr. Rupley said that if discussion was going to begin with setbacks for non-Large Retail Establishments the ideas in his draft could be used. Ms. Evans agreed it might save some time to refer to the new draft for those items. Ms. Joosten mentioned that the new draft included a section on intrusive uses and discussion followed. Mr. Sayler-Brown said the Code should not refer to intrusive uses; Mr. Maurer concurred stating that according to the Code it is either permitted or it is not. A discussion ensued on the uses listed in the new draft under Sec. 3.5.9.7.C.A.3.d.

Next, a short discussion ensued on Sec. 3.5.9.7.C.A.12, Grade Differentials, in the new draft.

The Subcommittee then moved to Sec. 3.5.9.7.C.A.6, Enforcement, with Mr. Maurer pointing out that the City should not be responsible for the Ongoing Committee, because the City already monitors projects through its zoning enforcement process, citing the owner/developer for infractions of the regulations as necessary. Ms. Evans suggested that the word "enforcement" might need to be replaced with "monitoring" to make the intent more clear. Mr. Maurer reiterated that if City staff is told to be involved in every meeting of every future big box development a tremendous number of staff hours would be tied up resulting in added expense to the City. **Ms. Evans moved that the term "City staff" be removed from the "Ongoing Committee" paragraph. Mr. Sayler-Brown seconded the motion and suggested amending the paragraph by adding text to the end of the sentence that reads, "The purpose of this committee is to monitor ongoing compliance with the conditions of approval of the project," as follows: ". . . on a semiannual basis; and minutes of the meetings shall be provided by the developer/owner to the DSD Director, the neighborhood association, and those in attendance. Additional meetings to resolve conflicts or issues will be scheduled as required."** The amendment was acceptable to Ms. Evans who suggested that the sentence in the draft which reads, "The Committee shall meet as needed," be included in Mr. Sayler-Brown's amended text as, ". . . on a semiannual basis or as needed." Ms. Evans added that the title should be changed from "Enforcement" to "Monitoring Operations of the Large Retail Establishment." The motion passed on voice vote (4:0).

A short discussion then ensued on the sentence in Mr. Rupley's draft under "Posting," which reads, "A record of the violation reports shall be kept and distributed monthly to the members of the Ongoing Committee."

The Subcommittee requested that staff look into reserving the Conference Room for next Tuesday's meeting from 2:00 to 6:00 p.m.

4. **Next Meeting:** The next meeting will be held on Tuesday, October 22, 2002, at **2:00 p.m.** in the 3<sup>rd</sup> Floor Conference Room of the MacArthur Building, 345 East Toole Avenue.
5. **Adjournment:** 6:05 p.m.