

**GRAND JUNCTION PLANNING COMMISSION  
JULY 28, 2009 MINUTES  
6:00 p.m. to 6:49 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 6:00 p.m. by Chairman Cole. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Roland Cole (Chairman), William Putnam (Vice-Chairman), Lynn Pavelka-Zarkesh, Reginald Wall, Patrick Carlow, Mark Abbott and Richard Schoenrad (Alternate). Commissioner Eslami was absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Lisa Cox (Planning Manager), Senta Costello (Senior Planner), Brian Rusche (Senior Planner), Lori Bowers (Senior Planner) and Eric Hahn (Development Engineer).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 18 interested citizens present during the course of the hearing.

**ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

**Consent Agenda**

**1. Minutes of Previous Meetings**

Approve the minutes of the June 23, 2009 Regular Meeting.

**2. Simon Subdivision CUP – Conditional Use Permit**

Request approval of a Conditional Use Permit to allow two single family residences in an R-2 (Residential 2 du/ac) zone within Subdistrict B of the Airport Environs overlay zone.

**FILE #:** CUP-2009-065  
**PETITIONER:** Ken Simon  
**LOCATION:** 3076, 3080 F-1/2 Road  
**STAFF:** Brian Rusche

**3. Fults Annexation – Zone of Annexation**

Request a recommendation of approval to City Council to zone 3.77 acres from County RSF-4 (Residential Single Family 4 du/ac) to a City R-4 (Residential 4 du/ac) zone district.

**FILE #:** ANX-2009-130  
**PETITIONER:** Richard Fults  
**LOCATION:** 3066 F Road  
**STAFF:** Lori Bowers

Chairman Cole briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on any of the Consent Agenda items.

**MOTION: (Commissioner Wall) “Mr. Chairman, I move we approve the Consent Agenda.”**

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

**Public Hearing Items**

**4. Maverik Annexation – Zone of Annexation**

Request a recommendation of approval to City Council to zone the 2.28 acre Maverik Annexation, consisting of 2 parcels located at 2948 F Road and 603 29-1/2 Road, to C-1 (Light Commercial) and R-4 (Residential 4 du/ac) zone districts.

**FILE #:** ANX-2009-023  
**PETITIONER:** Tina Million, Glenn Lorton, George Halstead  
**LOCATION:** 2948 F Road & 603 29-1/2 Road  
**STAFF:** Senta Costello

**PETITIONER’S PRESENTATION**

Don Lilyquist, 880 West Center Street, North Salt Lake, Utah (84054), stated that he worked for Maverik Stores, the entity requesting the rezone of the property. He said their request for C-1 zoning as opposed to B-1 zoning was based primarily on the allowance of a 24-hour per day operation in a C-1. Mr. Lilyquist advised that there was presently an existing 24-hour per day convenience store directly across the street. He said that by limiting hours of operation by 25% of the day it would hinder them from being able to compete with the competitor across the street.

Next, Mr. Lilyquist asked the Commission to consider whether there had been any incidents or adversity to the store across the street and said that if there were none there, they should not suspect the creation of any problems with the Maverik Store. Additionally, he felt that the irrigation canal to the west created a sufficient buffer. He added that during the time that the store was being built and in, the four lots to the north

would be vacant. He added that if the store was allowed to remain open 24 hours a day that it would be safer and more secure. Mr. Lilyquist addressed issues relating to deliveries which would not be allowed between the hours of 11:00 p.m. and 5:00 a.m., trash collection and parking lot lights which were shielded and shine directly on site, signage which may be dimmed, and noise. He did not believe that this store would create any additional noise to what was already there.

**STAFF'S PRESENTATION**

Senta Costello, Public Works and Planning Department, addressed the Commission regarding the requested zone of annexation. She said that there were currently two residential structures on the property. The surrounding properties to the north, east and west were single-family residential uses and to the south was a mix of single-family and the existing convenience/gas store. The future land use designation for the property was recently changed to a Commercial designation with the northern portion remaining at Residential Medium. The gas station on the south side of F Road was designated as Commercial. Ms. Costello reiterated that applicant had requested C-1 zone district for the southern portion and an R-4 zone district for the northern portion. She added that staff was supportive of the R-4 designation; however, recommended a B-1 designation for the Commercial portion as it was felt that that was a better buffer to the surrounding residential properties. By way of limiting hours of operation and limitation on types of allowable uses in a B-1 zone district, it was a better fit for the surrounding residential neighborhoods.

**QUESTIONS**

Commissioner Abbott asked for clarification regarding the station to the south of the site and what would likely happen should that station make changes. Ms. Costello said that if they decided to make any type of changes such as expansion or certain remodels, the site would be required to come into full conformance with the code which would also require conformance with the hours of operation. She added that it was considered a grandfathered use as it was annexed with those hours of operation and had been allowed to continue.

**PUBLIC COMMENT**

**For:**

Tina Million, 603 29½ Road, said that there was no additional noise from the gas station. She questioned why the existing gas station was allowed to remain open 24 hours a day and said that she had not experienced crime during the time that she had lived there and did not believe that it would be a big problem.

Robert Million of 607 29½ Road said that the proposed convenience store would be safer for the neighborhood than having an empty house.

**Against:**

John Radloff, 604 29-3/8 Road, said that he heard noise from the existing station. He also raised an issue with light pollution. He said that he was also concerned that this

was the first of many applications for commercialization to the west of that site. He asked the Commission to prevent the gas station from going in.

Nate Green (2954 Bonito Lane) said that he opposed this plan not only for the R-4 zoning as it was almost completely surrounded by single-family residences. He stated that there was a lot of noise from the existing station and there would be a lot of light pollution. He went on to say that a determination needed to be made whether or not industry was needed and whether condominiums were needed when there were numerous condominiums available. He added that there was already a tremendous amount of traffic on the corner because of the development on 29½ Road and would only be increased once the 29 Road work was completed which he believed would have a direct impact on their area. Mr. Green said that this development was not needed because it would further complicate already existing issues. He asked the Commission to consider the impacts.

### **PETITIONER'S REBUTTAL**

Don Lilyquist said that he believed the uses allowed in B-1 zone districts and C-1 zone districts were basically the same with the exception of hours of operation wherein the hours of operation in a B-1 zone district were limited to 5:00 a.m. to 11:00 p.m. He assured that the proposed plan would provide for a 6 foot high full privacy fence on the west and north sides as well as tall trees. He questioned one opponent who stated that he lived in a peaceful neighborhood; however, he was bothered by the noise and light pollution from the other gas station. Mr. Lilyquist next addressed the concern regarding an increase in traffic by reiterating that their proposed store would not increase traffic but would capitalize on traffic that was already on the road.

### **QUESTIONS**

Commissioner Carlow asked if the commercial property across the street was zoned B-1. Senta Costello confirmed that it was.

Commissioner Carlow asked if they had asked for that zoning. Ms. Costello said that under the Persigo Agreement they were annexed due to the level of remodel and were brought in under the B-1 zone being grandfathered with their existing hours of operation. Any changes, however, would require full compliance.

Chairman Cole asked if the Commission followed staff's recommendation, would it be possible for applicant to ask for a variance. Senta said that applicant could request a variance as the hours of operation were considered a performance standard.

Chairman Cole asked if the zoning was C-1 would applicant have to request a variance. Ms. Costello said in that instance, a variance would not be required.

Commissioner Schoenradt asked if there were any planned improvements to 29½ Road if the zoning was approved. Senta Costello said that none were anticipated based on the zoning alone; however, if the development were to go through there would be a certain level of improvements done through the approval of the development.

Commissioner Schoenradt asked if that would include widening of the road. Senta said that potentially that could occur; however, that would be determined through a separate review process.

### **DISCUSSION**

Commissioner Wall said that the time and type of business and zoning needed to be looked at and said that he believed there were a few businesses allowed in a Commercial zone that would not fit in a neighborhood. He gave some examples as an animal care and boarding facility, auto and light truck repair and a body shop. He added that while this applicant would give some assurance that trucks would not be allowed between certain hours the same assurance could not be given for in the future. Therefore, he thought the B-1 zone made more sense in this area.

Commissioner Carlow agreed with Commissioner Wall because he assumed there would be numerous requests in the next few years and would prefer not to set the tone.

Commissioner Pavelka-Zarkesh also concurred and added that the B-1 was more respectful to the residential neighborhoods in the area.

Commissioner Schoenradt said that 29½ Road was a residential street and it appeared to him that this development may be more appropriate on 29 Road.

Commissioner Putnam said that while he can sympathize with the competitive position of having the business across the street to be allowed to remain open 24 hours he believed B-1 was appropriate. He opined that he would be in favor of a request for a variance for a 24 hour operation. Also, zoning of R-4 for the remainder of the property was fine.

Chairman Cole said that he was concerned about the competitive imposition and was inclined to agree with the Commissioners who spoke before him that B-1 was more appropriate with the possibility of applying for a variance to be able to stay open while maintaining the B-1 zoning. He favored the B-1 over the commercial zoning at this time.

**MOTION: (Commissioner Wall) “Mr. Chairman, on the Maverik Zone of Annexation, ANX-2009-023, I move that the Planning Commission forward to the City Council a recommendation of approval of the C-1 (Light Commercial) and R-4 (Residential 4 du/ac) zone districts for the Maverik Annexation with the facts and conclusions listed in the staff report.”**

Commissioner Pavelka-Zarkesh seconded the motion. A vote was called and the motion failed by a vote of 0 - 7.

**MOTION: (Commissioner Wall) “Mr. Chairman, on the Maverik Zone of Annexation, ANX-2009-023, I move that the Planning Commission forward to the City Council a recommendation of approval of the B-1 (Neighborhood Business)**

**and R-4 (Residential 4 du/ac) zone districts for the Maverik Annexation with the facts and conclusions listed in the staff report.”**

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

**General Discussion/Other Business**

None.

**Nonscheduled Citizens and/or Visitors**

None.

**Adjournment**

With no objection and no further business, the Planning Commission meeting was adjourned at 6:49 p.m.