

**GRAND JUNCTION PLANNING COMMISSION
AUGUST 27, 2002 MINUTES
7:02 P.M. to 9:20 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:02 P.M. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Planning Commission, were Paul Dibble (Chairman), John Evans, Roland Cole, William Putnam, Bill Pitts and John Redifer. Richard Blosser and John Paulson (1st Alternate) were absent.

In attendance, representing the Community Development Department, were Bob Blanchard (Community Services Director) and Pat Cecil (Development Services Supervisor).

Also present were John Shaver (Asst. City Attorney), Rick Dorris (Development Engineer), Jody Kliska (Traffic Engineer) and Mike McDill, City Engineer.

Terri Troutner was present to record the minutes.

There were approximately 38 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

Available for consideration were the minutes from the July 23, 2002 public hearing.

MOTION: (Commissioner Evans) “Mr. Chairman, I move for acceptance of the minutes of July 23rd.”

Commissioner Pitts seconded the motion. A vote was called on the motion passed by a vote of 4-0, with Commissioners Putnam and Redifer abstaining.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

At the petitioner’s request, Pat Cecil asked that item VAR-2002-128 be continued to the September 10, 2002 Planning Commission public hearing.

MOTION: (Commissioner Redifer) “Mr. Chairman, I would move to reschedule the hearing request and continue [item VAR-2002-128] to September 10.”

Commissioner Evans seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

III. CONSENT AGENDA

There were no items available for placement on the Consent Agenda.

V. IV. FULL HEARING

RZ-2002-118 CITY MARKET REZONE

A request to rezone the entire 8.26 acres from RMF-8 and B-1 to PD (Planned Development) zone district in order to construct a mixed use project comprised of commercial and residential uses.

Petitioner: City Market, Inc., Mike Shunk

Location: Southeast corner of 12th Street and Patterson Road

Representative: Rolland Engineering, Trevor Brown

STAFF'S PRESENTATION

Pat Cecil presented a PowerPoint presentation which contained the following: 1) general location map; 2) future land use map; 3) existing zoning map; 4) Preliminary Plan drawing; 5) preliminary landscaping plan; 6) outline of public benefits derived by rezone approval; and 7) findings of fact and staff recommendation.

Mr. Cecil provided a brief history of the site and of City Market's previous rezone application. He pointed out surrounding zoning and uses and noted that the site's current zoning implemented with the Growth Plan's future land use map. Referencing the applicant's Preliminary Plan, Mr. Cecil said that the store's proposed square footage had been reduced; a large quantity of landscaping had been added; and the site would be buffered in part by the proposed 12 residential units and the construction of masonry walls. Access points and corresponding movements, internal circulation patterns, and street improvements were denoted. A fueling station and kiosk, along with two retail pad sites, were also proposed. Parking layout and the location of an onsite detention pond were shown. Delivery truck traffic would access the site from either 12th Street or Patterson Road, and turning movements from both streets would be restricted. Access onto Wellington Avenue would be full movement; however, no delivery truck access would be permitted from Wellington. The B-1 and RMF-8 zones provided underlying default standards for the PD request. An 8-foot-high screening wall was proposed along the east property line to separate the project and provide noise attenuation for residential uses to the east; a 6-foot-high screen wall would separate the commercial use from the proposed residential units on the south side of the project.

Staff determined that the request was consistent with the goals and policies of the Growth Plan, that Code criteria had been met, and that the proposed development would provide public benefits above and beyond those required to mitigate the impacts of development. Approval of the rezone request was recommended.

QUESTIONS

Chairman Dibble asked for further clarification on proposed open space, which was provided. Mr. Cecil added that open space areas would be considered passive, with grass and tree plantings; no play equipment had been proposed.

Commissioner Pitts asked for clarification on turning movements into and out of the site from 12th Street and from Patterson Road. Mr. Cecil responded that a right in/out access movement would be present at the northeast corner of the site on Patterson Road; a left/right in with only right out access movement would be available on Patterson Road; a right in/out access movement would be located on 12th Street, and a full movement intersection would be available on Wellington Avenue. As part of the project, major reconstruction of the intersection of 12th Street and Patterson Road would be required, which will necessitate dual left turn lanes from Patterson Road to 12th Street in both directions, and from 12th Street to Patterson Road in both directions.

Chairman Dibble asked for a further explanation of how the 12th Street/Patterson Road intersection would be reconfigured. Rick Dorris came forward and said that in order for necessary street improvements to be made, additional right-of-way would be required from various corners of the intersection (shown on map). Acquisition of required right-of-way would be the applicant's responsibility. Left-hand turn lanes would be constructed in all four directions at the intersection. Mr. Dorris said that the acquisition of additional right-of-way from the Mesa National Bank site would place the bank only 9 feet from property line. Final intersection design must address any potential impacts to the bank building due to intersection improvements.

Commissioner Putnam asked about the proximity of other nearby fueling stations. Mr. Dorris said that the nearest one was located at 12th Street and Orchard Avenue, approximately a half-mile away; the closest one after that was approximately two miles away.

PETITIONER'S PRESENTATION

Michael Foley, representing the petitioner, said that this was his company's first venture with City Market. He presented a PowerPoint presentation, which included: 1) overview of request; 2) list of project consultants' names; 3) landscaping plan; 4) grocery store elevation drawings; 5) retail site elevation drawings; 6) residential unit elevation drawings; 7) existing intersection drawing; and 8) public benefits outline.

Mr. Foley said that this project had been carefully crafted to ensure maximum compatibility with surrounding neighborhoods. The proposed residential units would effectively screen the grocery store from Patterson Road, and attractive streetscaping would be provided. He reiterated the locations of proposed masonry walls. He and others had worked extensively with residents of the Patterson Road Gardens apartments to ensure that their interests were protected; as a result, the project now received their endorsement. Mr. Foley said that while some of the site's trees were sickly and dying, developers would attempt to preserve as many existing healthy trees as possible. A lot of landscaping had been proposed with the development—approximately 100 additional trees, 1,200 shrubs, and grass. Access points into the site were noted, with each being integral to the functionality of City Market. He reiterated that delivery truck traffic would be prohibited from accessing the site off of Wellington Avenue.

Mr. Foley said that traffic capacity at the 12th Street/Patterson Road intersection had already been exceeded, with the intersection having already failed. Noting the extensive street and intersection improvements that would be required with the project, he hoped that the City would take the lead in procurement of right-of-way and that a cost-sharing arrangement could be devised between them and the City.

QUESTIONS

Commissioner Cole reminded the applicant's representatives that the Planning Commission did not have the authority to negotiate or otherwise engage in any agreement involving street improvements. The Planning Commission could only consider the land use issue currently before it. Mr. Foley expressed agreement that the intersection improvements were necessary and supported staff's recommendations for them; however, to bear the entire cost for such improvements would be prohibitive. He reiterated his hope that he and the City could enter into negotiations to share the costs of such extensive improvements.

Bob Blanchard reiterated that Commissioner Cole's statements were correct; planning commissioner decisions were limited to land use issues, and they could only consider what was before them this evening.

Commissioner Redifer wondered if the applicant had given any consideration to Village Fair Shopping Center tenants' turning movements. How would access/turning movement conflicts be handled? David Hook, also representing the petitioner, said that entrances into both the City Market and Village Fair sites would be offset, with sufficient stacking room available to prevent turning movement conflicts.

John Shaver asked for clarification from the applicant's representatives on the right-of-way acquisition issue. Mr. Foley said that the proposed intersection improvements required right-of-way acquisition from three corners of the intersection—property that they didn't own. He reiterated that he hoped the City would take the lead in acquiring this property for necessary improvements.

Chairman Dibble thought that the siting of Mesa National Bank had only been allowed via approval of a variance request. Mr. Foley acknowledged that this was indeed the case. The acquisition of additional right-of-way would make an already non-conforming use even more non-conforming. He believed that even with the additional dedication, however, there would still be ample room for sidewalk construction.

PUBLIC COMMENTS

FOR:

Sandy Randall (1441 Patterson Road, #701, Grand Junction), president of the Patterson Gardens Homeowners Association, expressed support for the project. She acknowledged the effort put into the current site design by the applicant and said that it appeared to be compatible with the surrounding neighborhoods. She appreciated that the project's representatives were mindful of potential impacts to the residents of Patterson Gardens. Letters of subdivision residents in support of the project were submitted for the record. Names of those expressing support included Barbara Sundermeier, Sandy Randall, Robert Emrich, Sandy Chambers, Charles Lankford, Dorothy Jenkins, Kay Atchley, Morton Perry, Ralph and Jeanne O'Brien, Deana Pacheco, Ellen Wells, Tamara Donati, Sue Spinney, Susan Reed, Kay Prewitt, and three others whose handwriting could not be discerned.

Ron Gibbs, 2258 Willowood Road, Grand Junction, manager of the Village Fair Shopping Center, spoke in support of the project. City Market, he felt, was trying very hard to mitigate concerns and demonstrate good corporate citizenship. Since they hadn't attempted to acquire right-of-way from him, he felt he was unable to speak to that issue, but the plan seemed to be a good one.

Bob Emrich (1441 Patterson Road, Grand Junction) provided a brief history of City Market's past submittal and his involvement in meeting with project representatives. While originally opposed, he was now in favor of the project.

AGAINST:

John Thompson (2412 North 12th Street, Grand Junction) said that traffic near and at the 12th Street/Patterson Road intersection was often so bad that he had to wait a long time before being able to exit his driveway. He couldn't see how any proposed improvements would sufficiently mitigate current traffic let alone that which would be generated by the grocery store, retail businesses, fueling station, and a dozen additional residential units. Also, did the community really need another shopping center, and if so, did it have to be at this precise location? He reiterated his opposition to the project and urged denial of the rezone request.

Steve Austin (1161 Lowell Court, Grand Junction) said that he had been opposed to the project before and remained opposed to it. He agreed with Mr. Thompson's statements with regard to traffic mitigation and the questionable need for another store.

Patricia Verstraete (1321 Wellington Avenue, Grand Junction) disagreed that this project qualified as a “neighborhood business.” City Market was owned by a parent company out of Ohio and would likely be operating 24/7 as many of the other shopping centers in town did. This use would generate added traffic and create light and noise pollution 24 hours/day, representing significant impacts to surrounding neighborhoods. She noted that the applicant had not met with property owners to the south nor did it seem that impacts to southern neighbors had been taken into consideration.

Bruce Verstraete (1321 Wellington Avenue, Grand Junction) referenced a speaker who, during City Market’s last submittal, had said that Patterson Road must be protected and traffic flows preserved. This project would severely restrict traffic flows moving through the 12th Street intersection much as the St. Mary’s expansion at 7th Street would restrict traffic flows at that intersection. He remembered that Public Works Director Mark Relph predicted that the 12th Street/Patterson Road intersection would fail within ten years; this prediction had come true in only three years. How could proposed street improvements successfully mitigate current traffic let alone another expected 6,000 TPD from the City Market site? There were a number of other stores located nearby, the nearest only a half-mile away. Why couldn’t the store locate in the Fruitvale area where a lack of shopping and other services currently existed (as identified in the 6/28/02 edition of the Daily Sentinel)?

Burt Swisher (2510 North 12th Street, Grand Junction) expressed concern over the proximity of the proposed fueling station to his property. He said that even with his property located so close to the site, no one from the project had bothered to contact him. He observed that if a bike/pedestrian path were constructed along Wellington Avenue as proposed it would result in the destruction of a lot of his established shrubbery. He also asked for confirmation that an irrigation line would be extended from the City Market site to his property. Mr. Swisher said that the applicant should not include as part of his proposal right-of-way not belonging to him.

Deb Trackler (1418 Wellington Avenue, Grand Junction) said that hers was a quiet neighborhood and Wellington Avenue was a narrow, minimally improved street. She expected that added traffic from the project would create congestion at its intersection, compromise the safety of pedestrians walking along the street, and bring construction traffic. She agreed that another store was not needed at this particular location.

PETITIONER’S REBUTTAL

Mike Shunk, representing the petitioner, said that City Market had been a local business for over 30 years, even though it was now owned by Kroger. The current proposal represented the first City Market store addition in over ten years. Research deemed that another store was warranted and that this was the best site for it. He noted the increased traffic flow which could be expected from street/intersection improvements. Improvements in pedestrian crosswalk signaling would add to pedestrian safety. The added retail uses would provide the neighborhood with added services and convenience. A lot of thought and effort had gone into the current plan. He expected no more than an additional 100 vehicle trips/day down Wellington Avenue, with total TPD well below the street’s current carrying capacity. With regard to the development of supermarkets in other areas of town, market research was always considered prior to development of new stores. He noted that Mr. Swisher’s property was zoned B-1; thus, the project was compatible with this adjacent zoning. He expressed his apology in not having met with Mr. Swisher but confirmed that the irrigation line would be extended to his property. Mr. Shunk said that he would work with Mr. Swisher on the shrubbery issue. He reiterated that help was needed from the City on ensuring construction of proposed street improvements.

QUESTIONS

Chairman Dibble asked about the buffering provided to residents north of the project. Mr. Shunk said that landscaping had been proposed; however, extension of a proposed 3-foot-high masonry wall could be a consideration.

Commissioner Redifer asked about the store's hours of operation. Mr. Shunk said that as with other City Market stores, hours of operation would likely be from 5 a.m. to 1 a.m. Parking lot lighting would be shielded, shining at zero foot candles at the property's perimeter.

Commissioner Cole asked if market research had been undertaken to determine the best store siting. Mr. Shunk replied affirmatively, reiterating that this 12th and Patterson location had been the most favorable site. This research had even been reevaluated following the last submittal's denial, with the same results.

Chairman Dibble asked about the distance between the fueling station and Mr. Swisher's property. Would Mr. Swisher's existing curb cuts remain where they were? Mr. Dorris said that the curb cuts would remain where they were until such time as the property redeveloped. When asked if the City had been in contact with Mr. Swisher, Mr. Dorris replied negatively. Mr. Foley added that there was approximately 45 feet between the fueling station and Mr. Swisher's property line. When asked if project notification had been given to Mr. Swisher, Mr. Cecil felt certain that Mr. Swisher had been included on the contact list given to the applicant since individual notification was given to property owners within 500 feet of a proposed project.

Commissioner Evans asked if the fuel tank would be located directly under the fueling station pad. Mr. Cecil said that the fuel tank would be located just east of installed pumps (location shown on map).

Commissioner Cole asked if Mr. Swisher's property was included in the current rezone request, to which Mr. Cecil responded negatively.

DISCUSSION

Commissioner Putnam said that with regard to whether the community needed another store or not, that determination wasn't within Planning Commission purview. Planning commissioners could only deal with land use issues.

Commissioner Cole acknowledged the time and effort put into the current plan by City Market representatives. Significant progress had been made in mitigating previously stated concerns, and he was pleased that neighborhood meetings had been held and had been fruitful. He felt comfortable in recommending approval to City Council.

Commissioner Pitts observed that the proposal met land use and zoning criteria and that construction of the project as proposed would yield benefits to the community. The current proposal included a number of upgrades and improvements, and concerns had, for the most part, been addressed. He too expressed support for the request.

Commissioner Evans concurred. The biggest stumbling block had been and would continue to be traffic mitigation. However, any venture between the City and the applicant would require City Council approval.

Commissioner Putnam felt that this would give surrounding residents shopping opportunities within walking distance. He too expressed support for the request.

Commissioner Redifer expressed surprise that the manager of Village Fair supported the project since he felt there would still be turning movement and stacking conflicts after construction. He felt that even with street improvements, he expected that traffic at the 12th and Patterson intersection would continue to be bad. However, planning commissioners had a set number of criteria they could use to make a decision. While he still had reservations over the success of the project, he hadn't heard anything in testimony given to dissuade him from recommending approval of the project, albeit reluctantly.

Chairman Dibble said at the very least the proposed street improvements would forestall additional improvements to the intersection. He expressed concern over the routes that people may be forced to take in order to get to their homes; however, the request met both Growth Plan recommendations and Code criteria. The Preliminary Plan had a number of positive qualities, including the park-like atmosphere of the detention area and streetscaping along Wellington Avenue. He hoped that good solid businesses would choose to locate on available pad sites. He commended the applicant's representatives for their efforts in resolving so many of the issues brought forth during the previous submittal.

MOTION: (Commissioner Cole) "Mr. Chairman, on Zone Amendment RZ-2002-118, I move that the Planning Commission approve the Preliminary Plan and forward a recommendation of approval of the zone amendment to the City Council with the findings as listed in the above staff recommendation."

Commissioner Pitts seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

Mr. Shaver added for the record that the applicant's representatives should not be surprised if the City required them to secure the needed right-of-way at the 12th/Patterson intersection. The City would not take the lead in this as mentioned in previous testimony.

With no further business to discuss, the public hearing was adjourned at 9:20 P.M.