GRAND JUNCTION PLANNING COMMISSION MAY 27, 1999 MINUTES 7:13 p.m. to 11:08 p.m.

The specially scheduled Planning Commission hearing was called to order at 7:13 p.m. by Chairman John Elmer. The public hearing was held at Two Rivers Convention Center.

In attendance, representing the Planning Commission, were: John Elmer (Chairman), Joe Grout, Mark Fenn, Jeff Driscoll, Terri Binder and Paul Coleman. Nick Prinster was absent.

In attendance, representing the Community Development Department, were: Scott Harrington (Community Development Director), Kathy Portner (Planning Manager), and Bill Nebeker (Sr. Planner).

Also present were John Shaver (Asst. City Attorney), Mark Relph (Public Works Director), Ken Simms (Mesa County MPO), Kerrie Ashbeck (Development Engineer), and Jody Kliska (Transportation Engineer).

Terri Troutner was present to record the minutes.

There were over 200 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. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

RZ-1998-082/SDR.1998-129 GROWTH PLAN AMENDMENT/REZONE/SITE DEVELOPMENT REVIEW-CITY MARKET

A request to: 1) amend the Growth Plan from Residential, Medium (4-7.9 dwelling units/acre) to Commercial on approximately 3 acres, 2) rezone 8.26 acres from RSF-8 (Residential Single Family not to exceed a density of 8 units per acre) and PB (Planned Business) to a B-3 (Retail Business) zone district, and 3) approve a site specific development plan for a 60,5405 square foot City Market store.

Petitioner: City Market, Inc.

Location: Southeast corner of 12th Street and Patterson Road

Representative: Mike Shunk

PETITIONER'S PRESENTATION

John Caldwell, representing the petitioner, warned planning commissioners that City Market's presentation could take up to 2 hours. Chairman Elmer said that if petitioner and staff presentations extended beyond 11 p.m., the public hearing could be continued to another date.

Mr. Caldwell introduced other members of his design team, which included Alan Richman, Tom Rolland, David Hook and Mike Shunk. He began by saying that infill projects always seemed to draw the most controversy. Mr. Caldwell stated that supermarkets serve neighborhoods, and over 90 percent of all customers live within three miles of a store site. Since these were trips that people made going other places, very few "new" trips are generated. He expected the amount of public drive time to be reduced, with less severe incremental traffic impacts resulting. The store, he said, was considered a low density development proposal and represented good urban renewal. An overhead transparency depicting an aerial photo of the site was presented. The subject site, he pointed out, was currently in decline, as evidenced by dilapidated buildings and an unkempt site. Some buildings had already been removed.

Growth Plan Amendment: Alan Richman, representing the petitioner, gave a brief synopsis of his background as a planner. He felt that the development met the basic intent of the Growth Plan, which was to reduce sprawl. The site was ideal for the store's location and represented "nodal" development. A transparency of the Growth Plan map was presented.

Mike Shunk presented another aerial photo of the site and noted surrounding land uses. He felt that the supermarket would complement existing uses.

Mr. Richman said that the City typically encouraged developments which promoted a "sense of neighborhood." He compared the current project with the Albertsons store on 12th and Orchard and said that Albertsons had provided adjacent residents with less buffering than what was being proposed with the City Market store. The Growth Plan Map and Urban Core Outlying Growth Centers Map were presented as exhibits. A transparency of a table denoting the development's scale was also presented. Mr. Richman said that the Urban Core Outlying Growth Centers Map had been a proposed Growth Plan alternative. He felt that the store would fit well with the City's definition "neighborhood commercial."

Chairman Elmer corrected Mr. Richman on his presentation of the <u>Urban Core Outlying Growth Centers Map.</u> He said that that alternative had *not* been selected as the final Growth Plan alternative as suggested. Mr. Richman agreed that portions of that alternative had been combined with the Concentrated Growth alternative.

Mr. Caldwell said that bigger stores could offer a greater selection to its customers. The store's design had been customer-driven.

<u>Rezoning</u>: As the principal zone for most retail businesses, Mr. Richman felt that the B-3 zone was appropriate for the type of development proposed.

Mr. Caldwell said that the B-3 zone better fit the needs of the store. Staff, he said, had expressed a concern that if the straight zone were approved, the use would change. To allay that concern, a Site-Specific Development Plan (DDSP) had been submitted to demonstrate intended uses for the site. Mr. Caldwell didn't believe that the project required the special considerations, allowances and restrictions associated with planned zones.

Mr. Richman read into the record the various rezoning criteria and addressed each one. He believed that changes had occurred in the character of the area, making the site unsuitable for residential development. A transparency of the proposed <u>Zoning Map</u> was presented. He said that the <u>Zoning Map</u> offered no clear designation for the site. The 12th and Patterson intersection already carried high traffic volumes. He predicted that 40 percent of the store's business would come from "pass-by" traffic.

Site Plan Review: Tom Rolland, representing the petitioner, referenced engineering and technical data that had been submitted to City staff. Referencing the Site Plan, he said that of the site's 8.26 total acres, .46 acre would be dedicated as additional right-of-way along 12th Street and Patterson Road. The store would take up 1.39 acres; 4.86 acres would be utilized for parking; and landscaping would take up the remaining 1.54 acres. A drive-through pharmacy and automated fuel pumping station were incorporated into the design. The number of parking spaces exceeded City requirements and a pedestrian aisle was noted. The site would be accessible from five points, with public accesses located along 12th Street and Patterson Road. Left-turn movements from the site onto Patterson would be prevented by a raised median. A right-turn lane would be provided off of Patterson at the store's primary entrance (Driveway B). Driveways A and E (noted) would be used for delivery vehicles only. Driveway C would access the site from 12th Street; Driveway D, which would access Wellington Avenue, would accommodate about 10 percent of total traffic volumes. Internal traffic movements were outlined. On-site stacking room was sufficient, according to Mr. Rowland, to handle expected traffic volumes, and traffic-calming measures would be incorporated. A wall would be erected to separate the drive-through pharmacy from the fuel station. The fuel station would contain only four pumps, with the site design angling the pumps to the east. Mr. Rolland expected two to three fuel deliveries per week to the site.

Mr. Rolland said that proposed landscaping exceeded the City's requirements and irrigation water would be provided. A transparency of the site's landscaping plan was presented. A lighting plan had been submitted, with downward directional lighting proposed. Mr. Rolland briefly reviewed the site's drainage plan.

Mr. Caldwell passed out copies of the proposed landscaping plan to planning commissioners and staff. He added that over 84 percent of the total landscaping design would be comprised of living materials. Desirable mature trees would be preserved. He

thought that staff's reference to Code section 5-5-ID was in error and should have reflected section 5-5-1F.

Mr. Shunk explained color-coding on the landscaping plan and presented a transparency depicting the cross-section of the site looking eastward.

Mr. Rolland briefly outlined off-site improvements that would be constructed with the project. A transparency of the street plan was presented. A traffic study had been undertaken and the 12th Street/Patterson Road intersection was found to be currently operating at capacity. Proposed street improvements would, he said, extend the life of the intersection by at least 10 years. He noted that if the property were developed as multifamily housing, additional traffic would be generated but none of the proposed street design measures would be in place to mitigate expected impacts.

David Hook, representing the petitioner, said that traffic generation figures were derived using the ITE Trip Generation Manual. He provided definitions of "pass-by" traffic and "destination trip." Of the 8,110 anticipated trips to the site, he projected that only 5,000 of those trips would be new. Average trip lengths region-wide were expected to diminish. Traffic volumes and impacts to 12th Street, Wellington Avenue and Patterson Road were addressed. Impact analysis had shown acceptable service levels for all streets. He noted that only one left-turn lane had been proposed. A transparency of Table 10 was presented, which had been excerpted from the Traffic Study. If growth continued at its present rate and if there were no improvements made to the 12th and Patterson intersection, Mr. Hook said that traffic volumes would be such as to cause the intersection to "fail" within 3 years. With proposed improvements, the intersection of 15th and Wellington would only experience delays of an additional 16 seconds.

Neighborhood Impacts: Mr. Caldwell expected an average of three full-sized semi-truck deliveries to the store/fuel station daily. Other vendor deliveries (soft drink, UPS, etc.) would bring that total daily number to approximately 30. Delivery trucks could enter from other locations, but exits would be limited to Wellington Avenue only. Normal delivery hours would be from 7 a.m. to 10 p.m. In only rare instances would deliveries be accepted after 10 p.m. Truck dock noise would be mitigated by either enclosing the dock area by masonry walls or by screening the sides of each dock with sound-attenuator panels. Refrigerated trailers were currently being retrofit with ThermoKing Whisper Edition motors to power refrigeration units. He said that only quiet refrigerated trailers would be used for the proposed store and would result in a 50 percent reduction in trailer noise.

With regard to the buffering of adjacent uses, Mr. Caldwell said that the proposed 9-foothigh block masonry wall between the back of the store and the Patterson Gardens townhomes would be comparable to the screening used by Albertsons. The distance from the back of the store to the property line was also similar. Trees would also be planted behind the wall. He said that the only Patterson Gardens units located within 15 feet of the property line were further away from the dock areas; units nearest the dock area were approximately 40 feet away. Wellington Avenue would be buffered by landscaping and a 6-foot masonry wall. Two residential properties to the north had been purchased by City

Market; the bulk of those properties would be used as a landscaped transition area. The distance between the southernmost comer of the store to the nearest residential structure would be approximately 240 feet. The distance from the screening wall to the northern property line would be 145 feet.

Site lighting provided for zero lumens to the east and south property lines. Fixtures would direct lighting downward. It was felt that on-site trees would help block much of the site lighting from nearby views. Mr. Caldwell said that if a person standing directly off-site was to look downward, that person would find no lighting overspill. While staff may have been concerned over proposed signage, all signs fell within Sign Code parameters.

Mr. Caldwell provided traffic figures for Wellington Avenue and said that while currently classified as a local residential street, expected traffic volumes from the development would be at the low end of a residential collector street.

A brief summary of the proposal was then provided.

QUESTIONS

Commissioner Driscoll asked if the store would be open 24 hours/day, to which Mr. Caldwell replied affirmatively.

Commissioner Driscoll wondered how many vehicles would be able to stack in the right-turn lane of driveway C. Mr. Hook responded that the driveway had been designed so that no vehicle stacking would be needed. The driveways at Patterson Road and the westernmost entrance were designed similarly.

Chairman Elmer asked if a median would be installed to separate the right-hand turn lane at the 12th Street entrance, to which Mr. Caldwell responded negatively.

Commissioner Driscoll asked how long semis could expect to wait before being loaded/unloaded at the docks. Mr. Caldwell said that trailers would be dropped off and/or picked up without being loaded or unloaded at the same time. When asked how long the semis would take to hook up to trailers, Mr. Caldwell answered that it would take about 15 minutes.

Chairman Elmer asked if any decibel studies had been conducted for noise levels off-site. Mr. Caldwell said that while mitigation measures had been outlined, no actual off-site studies had been undertaken.

Commissioner Grout asked where the decibel level would be at the trailer's location. Referencing copies of graphs submitted to staff, Mr. Caldwell said that conventional refrigeration units produced approximately 78-82 decibels of noise; the quieter units would generate 72 decibels. At low speeds, most of the standard units would generate 74-75 decibels; the quieter units were designed to run at about 65 decibels. (Data on refrigeration units prepared by ThermoKing was provided by the applicant. No data was available for diesel semi trucks.)

Commissioner Driscoll asked the distance of the site from the 12th and Orchard intersection, 1st and Orchard intersection, and 29 and Patterson Roads intersections, Mr. Caldwell answered 1/2 mile, 1 1/2 miles, and 2 miles, respectively.

Commissioner Fenn asked if a left-turn lane would be provided onto Wellington Avenue, to which Mr. Rolland responded negatively. Only right turns would be permitted.

Commissioner Binder asked how far the back of the store lay from the property line, to which Mr. Caldwell answered 70 feet. When asked if the measurement was comparable to the Albertsons store, Mr. Caldwell said that the street behind Albertsons provided additional buffer area. He added that the distance between the drive-through pharmacy to the fuel station island was approximately 46 feet.

Chairman Elmer wondered how Patterson Gardens would be buffered from on-site lighting. Mr. Caldwell explained that while residents would be able to see the brightly-lit site, the lamps themselves would be shielded and disperse light downward at 45 degree angles. He reiterated that the lighting plan called for zero lumens at the property line.

Chairman Elmer said that Patterson Road Corridor Guidelines called for this type of development to be proposed as a planned zone. In a planned zone, likely there would be less signage permitted. Mr. Caldwell said that a planned zone had never been a foregone conclusion. More flexibility was allowed with the B-3 zone.

Commissioner Driscoll inquired whether other City Market stores incorporated fueling stations into their designs. Mr. Caldwell cited their Montrose store as an example and said that it had been very successful.

Commissioner Binder asked for a re-review of the <u>Urban Core Outlying Growth Centers</u> Map, which was provided.

Commissioner Binder wondered if there was sufficient circulation room for both the pharmacy and the fuel station, to which Mr. Caldwell answered affirmatively. Additional measurements of the pharmacy and fuel station were provided.

Commissioner Grout asked for the location and approximate sizes of expected signage. Mr. Caldwell said that the main sign would be about 9' x 30'. There would also be two signs 40 feet high and one sign 20 feet high. Proposed sign locations were noted.

Commissioner Binder wondered how local traffic would be prevented from using the Wellington Avenue entrance as a primary entrance. Mr. Caldwell said that traffic studies estimated that only 10 percent of all site traffic would use that access. It wouldn't be a convenient access for customers coming from the north.

With the petitioner's presentation completed, a brief recess was called at 9:22 p.m. The hearing reconvened at 9:35 p.m.

STAFF'S PRESENTATION

Bill Nebeker provided a brief background and history of the site. A SSDP had been selected by the applicant; because of the detail required it had taken over a year to formulate. Staff did not feel that the proposal met the criteria of any the three areas of review: Growth Plan Amendment, Rezone and Site Review. Mr. Nebeker stated that these three areas were broken into sections for presentation, with specific detail contained in the May 27, 1999 staff report, as revised on May 25, 1999.

Growth Plan Amendment: Kathy Portner said that the proposal would effectively expand the existing commercial area from 5 acres to 8.26 acres. Growth Plan limitations of the commercial designation were designed to protect the Wellington Avenue neighborhood from commercial encroachment. No significant changes in the area's character were found to have occurred in the subject area to warrant amendment of the Growth Plan. The deterioration of which the petitioner's representative spoke was as a direct result of the lack of property upkeep for only that comer of the intersection. Ms. Portner stated that the scale and intensity of the proposed use would be out of character with the area, with lower density uses viewed as more appropriate types of "neighborhood centers." The difference between the current proposal and the Safeway site at 29 and Patterson Roads, she said, was that the commercial zoning for Safeway had already been in place at the time of site review.

Expected traffic increases would significantly and negatively impact the Wellington Avenue, 12th Street and Patterson Road corridors. Jody Kliska, City Transportation Engineer, presented a transparency of Trip Generation Comparisons. The proposal not only did not meet Growth Plan recommendations, it did not meet corridor guidelines as well. As such, staff recommended denial of the Growth Plan amendment.

Rezone: A transparency of a portion of the Future Land Use Plan Map was presented. The majority of the subject site was presently zoned RSF-8. Rezone criteria was addressed in the staff report. Ms. Portner said that staff had suggested that the petitioner request a planned zone. The petitioner had opted for a B-3 zone and SSDP. If approved, the petitioner requested that the rezone be converted to a planned zone. The proposal failed to meet rezone criteria as outlined in the Code. Traffic and neighborhood impacts, additional noise, and the scale and intensity of the proposed use all served to make it inappropriate for the area. Since the request failed to meet rezone criteria, staff recommended denial of the rezone request.

Site-Specific Development Plan: Mr. Nebeker presented a transparency of the list of Site Plan review criteria. He noted that the request failed to meet most of the review criteria. He noted that only minimum neighborhood protections were provided with B-3 zoning. The proposal only met or exceeded the City's requirements in a few specific areas. The site was too small, he said, to support the scale and intensity of use proposed. As such, the proposal could not meet Code criteria. A transparency of the TEDS manual, section 5.4.1 and the Site Plan were presented. With regard to vehicle stacking in and around the pharmacy/fuel station area, the TEDS manual required a minimum of 120 feet of stacking room; the petitioner only provided 105 feet. In complying with that requirement, City

Market would lose a portion of its Wellington Avenue buffer area. Circulation, he said, was not completely contained on-site.

With regard to landscaping provisions, Mr. Nebeker noted that the petitioner offered to plant only one more tree than was required by Code. The Dwarf Alberta trees planned for the parking area were inconsistent with Code requirements and would not have the visual and environmental mitigatory effects desired.

The use, he said, was clearly out of character with the surrounding area. Twelfth Street is a residential corridor and impacts to that corridor and the Wellington Avenue corridor would be significant. Headlights from vehicles accessing Wellington Avenue would impact Wellington residents. Mr. Nebeker said that the parking lot had been inappropriately included as part of the petitioner's 80-foot buffer. A better buffer would be to retain residential uses along Wellington Avenue and prohibit commercial access to the residential street.

QUESTIONS

Commissioner Coleman wondered if the Rood Avenue City Market store would meet current Code criteria. Mr. Nebeker replied negatively, adding that adequate stacking area was not available at the Rood Avenue store location.

Commissioner Binder asked for clarification of TEDS manual requirements for stacking distance, which was provided.

Commissioner Fenn asked if the right-turn lane sufficiently mitigated stacking concerns. Mark Relph asked that the question be deferred to the Public Works portion of the staff presentation.

Commissioner Binder noted the petitioner's claim that 82 percent of all traffic would access the site via Patterson Road. She wondered how that figure had been derived. Mr. Nebeker said that the figure had been taken from the petitioner's submitted traffic study.

STAFF PRESENTATION (con't)

Mr. Relph acknowledged the size and complexity of the project proposed and said that the petitioner had succeeded in addressing engineering concerns. He did, however, still have a concern over changing Wellington Avenue from a local residential street to a residential collector street but said level of service projections were correct.

QUESTIONS

Chairman Elmer wondered if the complexity of proposed movements in the 12th and Patterson intersection would increase the likelihood of accidents. Mr. Relph felt that the petitioner had done everything possible to reduce that risk.

Commissioner Fenn asked if the petitioner's prediction for "failure" of the 12th and Patterson intersection was accurate. Mr. Relph explained the term "failure" and disagreed

that it would occur within the next three years. He did expect congestion at the intersection to worsen and wait times to lengthen.

Commissioner Driscoll asked if the City's capital improvements budget included any scheduled improvements for the 12th and Patterson intersection. Mr. Relph said that no improvements were currently included in the City's 10-year plan. That could be revisited in the future. There were a number of larger traffic issues which currently had precedence.

STAFF PRESENTATION (con't)

Kerrie Ashbeck said that the development could be expected to dramatically increase traffic volumes along Wellington Avenue and subject that street to heavy truck traffic. A transparency of Expected Traffic Volumes was presented. She also expressed concern over traffic volumes generated along 115th Street as a result of the development and urged identification of the number of trips expected at the 15th and Wellington intersection.

Ken Simms explained his position and responsibility for the MPO. He said that impacts from the current proposal would be far-reaching. Retaining the carrying capacities of affected streets was vital to facilitate smooth commutes and was necessary to receive a full return on the community's transportation investment. Traffic impacts from the development would be so substantial as to preclude the handling of traffic increases resulting from natural community growth. Computer modeling, he said, indicated that Patterson Road would be the most impacted from the development. If approved, he expected that other developers would seeker higher-end uses in the subject area and further exacerbate the traffic problem. No evidence had been submitted, he said, to support the petitioner's claim of community need for the project at the proposed site. If it truly was a lower density use as the petitioner had suggested, fewer access points would have been needed. The access plan, he said, did not meet Growth Plan recommendations. A 50,000- to 100,000-square-foot store should have closer to 200 feet of stacking area. While the right-turn lane would mitigate the problem somewhat, backing onto Patterson Road would be completely unacceptable. The proposed street improvements design was also unacceptable and would result in increased numbers of accidents at affected intersections.

Mr. Simms conjectured that, finding the complexity of the 12th and Patterson Road intersection daunting, people would seek out short-cuts, namely the Wellington Avenue access point, and use it as their primary access. If alternate access routes became primary routes through use, the resulting congestion would negate any expected savings in trip numbers purported by the petitioner. The development, he said, would negatively impact future traffic planning efforts.

QUESTIONS

Chairman Elmer referenced the Major Street Plan submittal and remembered a build-out scenario where \$70M could be spent to mitigate traffic congestion along Patterson Road; yet, no appreciable difference would be made. Mr. Simms concurred with the reference and said that very few alternatives were available for real relief. That's why, he said, it is

so essential to preserve capacities for long-term growth. Mr. Simms didn't want to see the 12th and Patterson corridors become North Avenues.

Commissioner Fenn wondered if, using computer modeling, there would be more preferable locations for the store. Mr. Simms said that he had not explored alternatives. He added, however, that the perfect location would have been at the Village Park site proposed with Matchett Park. He said that the reason why City Market wanted to locate at the proposed site was the very reason why it shouldn't be allowed.

Commissioner Binder asked for an opinion on the petitioner's claim that benefits would be derived from vehicles making fewer shopping trips. Would locating the store at this site reduce the number of vehicle miles traveled? Mr. Simms reiterated that if Patterson Road were "bottled up," people would seek alternative routes of access, which would negate any potential benefit of fewer miles traveled. Congestion problems at the 12th and Patterson Road intersection could be expected, even without the development. The money wasn't available, he said, to build more major arterial roadways.

STAFF'S PRESENTATION (con't)

In summary, Mr. Nebeker said that the proposal failed to meet site review criteria. The proposal failed to comply with Growth Plan recommendations, Code criteria, and corridor guidelines, and negative impacts to local streets and the surrounding area could be expected. He provided additional clarification on Mr. Simms reference to the Village Park site. Staff recommended denial of the Site Plan.

QUESTIONS

Commissioner Driscoll asked legal counsel if the Planning Commission had any discretion in offering site design alternatives within a straight zone. Mr. Shaver responded negatively noting the site plan criteria.

Chairman Elmer asked why the petitioner had sought to present a SSDP since a straight zone was being requested. Mr. Shaver explained that an SSDP secured "vested" rights not generally available with a straight zone request. Mr. Harrington provided additional "vesting" information to planning commissioners.

Chairman Elmer asked if the Site Plan should be judged based on the list of site review criteria presented by staff, to which Mr. Harrington replied affirmatively. A brief discussion ensued over the list of criteria and whether modifications could be proposed.

Commissioner Driscoll asked staff to draw a comparison between the current proposal and the Safeway site. Mr. Nebeker said that Safeway's site was bigger, the commercial zoning had already been in place at the time of site review, and more shade trees had been located within the site.

Commissioner Driscoll asked engineering staff if they'd determined there was sufficient maneuvering room for semis with trailers to exit onto Wellington. Would turning

movements hinder local traffic movements? Ms. Ashbeck said that sufficient maneuvering room would be available.

Commissioner Grout asked if the Wellington Avenue access would be a full, unrestricted access controlled by a stop sign. Ms. Ashbeck responded affirmatively. No traffic control light requirement had been triggered per the petitioner's traffic study nor were there plans to include a left-turn lane at the 12th and Wellington intersection.

Commissioner Fenn asked Mr. Hook to clarify traffic percentages outlined in the traffic study. The traffic study suggested that only 8 percent of vehicle access would be off of 12th Street. Mr. Hook broke down the projections to state that 3 percent would use Driveway A; 52 percent would use Driveway B; 34 percent would use Driveway C; 11 percent would use Driveway D; and the use of Driveway E would be negligible.

Commissioner Grout asked for clarification on staff's recommendation for conversion of the B-3 zone to a planned zone, if approved. Mr. Shaver explained that the petitioner had no problem regarding the requirement. The submittal, however, was based on its compliance with B-3 zoning criteria.

Commissioner Fenn wondered if the petitioner had considered eliminating the Wellington Avenue access altogether. Mr. Caldwell said that it had been considered but had been denounced by staff. He added that if the access point were eliminated, traffic volumes would only be routed to other access points.

Chairman Elmer said that due to the lateness of the hour, the public comment, rebuttal, and discussion portions of the public hearing would be continued. After a brief discussion, the determination was made to continue the public hearing to June 3 at 6 p.m.

The hearing was adjourned at 11:08 p.m.