

GRAND JUNCTION PLANNING COMMISSION
Public Hearing -- June 6, 1989
7:40 p.m. - 9:43 p.m.

The public hearing was called to order by Chairman Steve Love at 7:40 p.m. in the City/County Auditorium. The meeting began later than originally scheduled to allow for the arrival of Commissioner Elmer. Commissioner Elmer arrived shortly after the minutes of the preceding meeting were approved.

In attendance, representing the City Planning Commission, were:

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| Jim Tyson | Steve Love, Chairman |
| John Elmer | Ron Halsey |
| Jack Campbell | |

In attendance, representing the City Planning Department, was:

Karl Metzner

Terri Troutner was present to record the minutes.

There were approximately 35 interested citizens present during the course of the hearing.

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I. (COMMISSIONER CAMPBELL) "MR. CHAIRMAN, ON THE MINUTES OF MAY 2, I MAKE A MOTION THAT WE ACCEPT THESE AS SUBMITTED."

Commissioner Tyson seconded the motion.

A vote was called and the motion passed unanimously by a vote of 4-0.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS

There were none.

III. FULL HEARING

1. #25-89 REZONE RSF-8 TO B-3

Petitioner: Orchard Mesa Group, Ltd.

Location: North of Mesa Avenue and west of 13th Street.

PETITIONER'S PRESENTATION

Dennis Wyatt, representing the petitioner, presented an overview of the proposal and brief history of the Albertson's store at its present location. He indicated that, in previous years, the subject property had been rezoned for offices (PB), but due to

the economic downslide which followed, the development was never realized. The rezone was later reverted. Mr. Wyatt felt that the B-3 zoning would be more contiguous to the B-3 zoning of the existing Albertson's. The rezone was being requested for the proposed expansion of the Albertson's store.

Mr. Wyatt maintained that the current drainage, weed and trash problems would be eliminated with the redevelopment of the store. Several points which were highlighted in conjunction with the redevelopment proposal (not being considered in tonight's hearing) were as follows:

- 1) Widen and improve Mesa Avenue.
- 2) Improved access on 12th Street.
- 3) Redevelopment of area along 13th Street.
- 4) Landscaping will be a part of the site plan.
- 5) Controlling delivery times.
- 6) Lighting will be controlled, not to spill over into the residential area adjacent to the site.
- 7) The redevelopment would be an economic asset to the community.
- 8) It was felt the expansion was necessary in order for the store to compete viably.

Mr. Wyatt said that the expansion, if rezone and plan were approved, would begin construction on the expansion during the first part of 1990.

Mr. Ted Ridder, also a representative of the petitioner and a real estate specialist for Albertson's, provided additional information about the planned expansion. He felt that the proposed layout would impact the adjacent residents very little, and continued that the subject property seemed a general eyesore with its weed and debris problems.

Mr. Ridder explained that, with the redevelopment, a Common Area Maintenance Agreement would be drafted and recorded (similar to covenants) which would enforce, in writing, the policing of the common area. Albertson's would assume all responsibility and costs for this policing effort and bill a portion of the cost to their tenants.

QUESTIONS

Questions centered around the Mesa Avenue access, parking, the location of the delivery area and concern over truck access, additional customer impacts, lighting and buffering (including fencing proposals).

Mr. Ridder responded that: 1) Thirteenth Street would remain a residential collector, but Mesa would see an increase in truck (delivery) traffic of about 4 additional trucks per day; 2) The location of the delivery area was outlined on the site plan. The estimated width from the loading dock to the fence was 100'; 3) The newer store was expected to draw a slight increase in customers, and some of these people would impact the traffic onto Mesa Avenue. However, he felt that the increase to Albertson's would not be found in the number of customers but the amount each customer would spend.

Mr. Wyatt responded to the lighting and fencing questions saying that the lighting plan would be detailed out at the time they actually submitted the plan, but that it was anticipated to include 20-25' high shielded lights and 60-90' centers in the parking lot. The proposed fencing would be comprised of masonry and wood, and designed to be aesthetic to the adjacent neighbors.

Mr. Wyatt felt that the 45' pavement mat being requested by the City Engineering Department along 13th Street was excessive. He would like to see less of this area used for pavement and more of the area used for landscaping.

STAFF PRESENTATION

Karl said that the present Osco/Albertson's store was currently zoned B-3, and the area in question was to have provided a buffer to the adjacent neighbors. He felt that a PB zoning would be more acceptable, since more control could be exerted over the actual design of the plan. In a conventional rezone (B-3), if approved, the approval would be unconditional. Many of the review agencies commented that they wanted to see the final plan when submitted, and a PB zoning would allow for their review comments.

Karl continued that, although the property was zoned single family residential, there was little likelihood that it would ever be developed as such.

QUESTIONS

There was a general discussion between the Commissioners and Karl concerning the uses allowed in a conventional B-3 zone versus the conditions which could be imposed in a "planned" zone.

Richard Livingston, one of the Orchard Group, Ltd. petitioners, said that trash weeds currently blanketed the property in question. There had never been a provision for maintenance of the area; consequently, the problem just seemed to get worse. With the Maintenance of Common Area agreement, there would be a written document to enforce the constant maintenance of the open areas. He reiterated that this would be a legally binding

document to be recorded as in the manner of covenants. Regarding the traffic impact to Mesa Avenue, he felt that, although there would be some impact to that street, the benefits would outweigh the negatives.

PUBLIC COMMENT

FOR:

There were no comments for the proposal.

AGAINST:

Myrna Ashcraft, 1332 Hall Avenue, said that Albertson's had not, up to this point, been a good neighbor. She said that trash, noise, delivery and trash trucks at all hours, etc. were still problems. Albertson's had not been responsive to the neighborhood's concerns in the past. She inquired into the screening, saying that a thick wall was preferable over a wooden fence. (She passed around photos of what she felt were currently existing problem areas.)

Peg Wallace, 1425 Hall, had drafted a computerized site plan which she thought would provide a workable alternative to Albertson's plan; however, the layout included only those structures existing and did not consider Albertson's proposed expansion.

Mrs. Kirkeby, 1325 Mesa Avenue, expressed her concerns about the increased traffic to Mesa Avenue. She had noticed that much of the trash problem existed on the inside of the fence which she felt Albertson's apparently allowed to collect. She concurred with Ms. Ashcraft and said that Albertson's did little, presently, to rectify its own self-generated problems.

Fred Kaufman, 1334 Mesa Avenue, also spoke against the proposal.

Richard Weitzel, 1334 Mesa Avenue, said that the fumes from the delivery trucks in the winter were very bad, and that Albertson's left their trucks running for long periods of time, making the problem of the fumes even worse.

QUESTIONS

Commissioner Elmer felt that, for a store the size of Albertson's, a dumpster was not sufficient for the amount of trash generated. He asked if the petitioner had alternative plans for trash disposal for the new store.

Brian Croney, one of the petitioners, said that a large compactor would be installed with the new store. All compacting would be done inside, and the storage of the compacted material would also be inside. Any trash, etc. near the present structure would be cleaned up.

Commissioner Elmer inquired into the delivery times for trucks.

Mr. Croney said that present policy precludes deliveries being received before 7 a.m. or after 9:30 p.m. This was felt to be reasonable and would continue with the new store. He was not aware that garbage trucks came to pick up before this hour, but he would speak with BFI trash haulers about the problem. He maintained that the only time refrigerated trucks were left running in the winter was during the unloading only, and that was done as quickly as possible. If there was an unusual circumstance where a truck ran longer than that, Albertson's would contact adjacent property owners and let them know. He added that if residents felt there were any problems with Albertson's performance, they were encouraged to call.

Richard Weitzel asked there were to be signs which indicated the entrance was to be used for truck traffic only.

Mr. Croney responded affirmatively.

Mr. Weitzel was still concerned over increased traffic to Mesa Avenue.

Mr. Croney said that the store had agreed to widen and improve the street. He re-emphasized that no truck traffic would be allowed after hours. He indicated that a better working relationship was needed between the store and neighborhood residents, and that the store would do everything possible to mitigate the concerns expressed by the neighborhood.

Eva Kaufman, 1334 Mesa Avenue, reiterated that Albertson's had not lived up to its past agreements. She wondered why any of the residents should believe what the petitioners have said when there appeared to be no reason, based on past experience, for residents to believe them.

Chairman Love felt that all of the concerns expressed were valid points, and that perhaps a straight B-3 zone was not appropriate for this type of development. He concurred with the concerns expressed over access onto Mesa Avenue, access off of Orchard Avenue, as well as other, personal concerns. He asked the petitioners what would happen to the shops currently existing on the northern boundary of the Albertson's property.

Richard Livingston said that the uses would remain low-impact, with a post office, optical shop, etc. occupying the spaces. No obnoxious business (e.g. bowling alleys, bars, etc.) would be allowed to locate there.

Karen Wright, 1235 Mesa Avenue, wanted to know who would pay for the widening and improvements of Mesa Avenue. Would it increase taxes?

Mr. Livingston responded that all expenses involved with the improvements would be borne by Albertson's. Street improvements should not increase tax liability.

Commissioner Campbell asked how trash would be handled by Albertson's tenants (i.e. Osco).

Mr. Livingston said that all trash disposal would be handled by Albertson's. The tenants would be charged for the service, and such arrangement would be specified in the Maintenance Agreement.

When asked if a PB zoning recommendation would be acceptable to the petitioners, Mr. Wyatt said that it would, but they were concerned about possible delays resulting from such a change.

Chairman Love asked the audience that, if the zone were changed to PB, would the present plan be acceptable.

Many in the audience responded negatively.

Mr. Livingston felt that without the zone change and expansion of the store, many of the problems existing would continue. He felt the Maintenance Agreement would give the residents some guarantee that those problems would be eliminated.

Commissioner Elmer stated to Mr. Livingston that what he appeared to be saying was that if he didn't receive the "okay" to put this plan in place, Albertson's would continue to be an irresponsible neighbor and let the present problems perpetuate. He could understand the neighbors' reluctance to trust the word of the petitioners.

Mr. Livingston replied that that was not his intent. Albertson's would improve the present situation regardless of the outcome of tonight's hearing. Also, he would strive to improve relations with the neighbors even if the rezoning were denied.

Keith Mumby, one of the petitioners, added that, at one time, the vacant lots in question were thought to have been the solution to a problem, but in fact they have become just another problem.

There was discussion among the commissioners about the concerns expressed by residents. Commissioner Elmer felt that, while this hearing was not to consider a final plan, many of the points brought up should be included in the motion.

MOTION: (COMMISSIONER HALSEY) "MR. CHAIRMAN, ON ITEM #25-89, REQUEST TO REZONE FROM RESIDENTIAL SINGLE FAMILY (RSF-8) TO RETAIL BUSINESS (B-3), I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH RECOMMENDATION OF DENIAL."

Commissioner Tyson seconded the motion.

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

An alternate motion was suggested.

MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM #25-89, I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH THE RECOMMENDATION THAT IT BE APPROVED AS A REZONE TO PLANNED BUSINESS (PB) SUBJECT TO A SUBSEQUENT SUBMITTAL AND APPROVAL OF AN ACCEPTABLE SITE DEVELOPMENT PLAN THAT ADDRESSES THE FOLLOWING CONCERNS: 1) ACCESS ON MESA; 2) TRASH PLAN FOR ALL THE BUILDINGS; 3) COVENANTS BETWEEN THE GROUPS AND OWNERS THAT WILL MAKE SURE THAT THESE THINGS ARE CARRIED OUT FOR PERPETUITY; 4) THAT THEY PUT UP ADEQUATE WALLS AND LANDSCAPING; 5) THAT THEY WORK OUT RESTRICTIONS FOR HOURS OF TRUCKS, NOISE RESTRICTIONS, AND POLLUTION RESTRICTIONS FROM THE FUMES; 6) AND IF THEY DO COME BACK WITH A SITE PLAN, THAT THEY COME BACK WITH SUFFICIENT PROFILES AND SKETCHES OF THINGS LIKE WALLS AND LANDSCAPING SO THAT WE CAN MAKE AN INTELLIGENT DECISION ON WHAT IT'S GOING TO LOOK LIKE. ALSO, IF THEY CAN, IF PHYSICALLY POSSIBLE, WORK WITH THE NEIGHBORS BEFORE THEY DO COME BACK AGAIN."

Commissioner Tyson seconded the motion.

Commissioner Halsey asked Karl if the Commission could require covenants, to which Karl responded affirmatively.

A vote was called and the motion passed by a vote of 4-1, with Commissioner Halsey opposing.

IV. GENERAL DISCUSSION

Steve Love's position as Chairman had expired in May, but due to last month's motion to postpone elections, nominations to the post of Chairperson were again made.

MOTION: (COMMISSIONER CAMPBELL) "I MAKE THE MOTION THAT WE RETAIN STEVE LOVE AS CHAIRMAN."

Commissioner Tyson seconded the motion.

A vote was called and the motion passed unanimously by a vote of 4-0, with Chairman Love abstaining.

MOTION: (COMMISSIONER CAMPBELL) "I MAKE A MOTION THAT MR. HALSEY BE ELECTED AS VICE-CHAIRMAN."

Commissioner Elmer seconded the motion.

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

Commissioner Elmer announced that Sheilah Renberger, who currently serves on the Board of Appeals and who has applied for a position on the Planning Commission was present for the hearing. He spoke highly of her qualifications, and felt that Council may approve her in time for appointment to the next Planning Commission meeting. As well, Patti Costello, who was a recent petitioner to the Board of Appeals has also submitted a letter requesting a Commission seat. Commissioner Elmer said that we may have a full board the next time it meets.

Commissioner Halsey clarified his earlier vote to deny the alternate motion, saying that it was his understanding that any motion for denial (made prior) had to have reasons for denial attached to it.

The response made by Commissioner Elmer and staff was that since the alternate motion contained so many stipulations for approval, it could be construed that the stipulations for approval were also reasons for the previous denial.

The meeting was adjourned at 9:43 p.m.