

GRAND JUNCTION PLANNING COMMISSION  
Public Hearing -- November 27, 1984  
7:30 p.m. - 8:45 p.m.

The public hearing was called to order by Chairman Bill O'Dwyer at 7:30 p.m. in the City/County Auditorium.

In attendance, representing the City Planning Commission were:

Warren Stephens	Miland Dunivent
Ross Transmeier	Mike Dooley
Bill O'Dwyer, Chairman	Karen Madsen

In attendance, representing the City Planning Department was:

Bob Goldin

Terri Troutner was present to record the minutes.

There were approximately 43 interested citizens present during the course of the meeting.

\* \* \* \* \*

**I. APPROVAL OF MINUTES**

**MOTION: (COMMISSIONER TRANSMEIER) "MR. CHAIRMAN, ON THE MINUTES OF THE HEARING OF OCTOBER 30TH, I MOVE THAT WE APPROVE THESE AS PRESENTED TO US."**

Commissioner Dunivent seconded the motion.

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

**II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS.**

Chairman O'Dwyer announced the addition of Karen Madsen to the Planning Commission. It was also stated that the December Planning Commission hearing would be held on January 8, 1985 due to the holiday season.

**III. FULL HEARING**

**1. #30-84 REZONE C-2 TO PB AND LA MEXICANA RESTAURANT - FINAL PLAN**

Petitioner: Patsy Arguello  
Location: 1310 Ute Avenue

A request to change from heavy commercial to planned business and a final plan of 1 lot on .28 acre.

**PETITIONER'S PRESENTATION**

Patsy Arguello gave a brief overview of the project and stated that she was requesting the Planned Business zoning for economic reasons, thus allowing her to live on the premises.

**QUESTIONS**

Commissioner Transmeier asked if the parking lease had been obtained from Jesse Boyce Motors.

Patsy answered that a copy of the lease had been submitted with review sheet responses.

**STAFF PRESENTATION**

Bob acknowledged that this had been heard as a conditional use hearing a couple of months prior and at that time, all issues had been resolved. He stated that amendments to the Grand Junction Zoning and Development Code were currently being proposed to allow more flexible residential areas within business zones.

**COMMENTS**

There were no comments either for or against the proposal.

**MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON ITEM #30-84, REZONE C-2 TO PB; IN CONSIDERATION OF THE REZONE, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL."**

Commissioner Stephens seconded the motion.

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

**MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON ITEM #30-84, CONSIDERATION OF A FINAL PLAN FOR LA MEXICANA RESTAURANT AT 1310 UTE AVENUE, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL."**

Commissioner Stephens seconded the motion.

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

**2. #31-84 REZONE RSF8 AND PB TO PB AND SMITH'S FOOD AND DRUG -  
OUTLINE DEVELOPMENT PLAN**

Petitioner: Smith's Management Corporation/John L. Ballagh  
Location: The southeast corner of 12th Street and Patterson Road.

A request to change from residential single family at 8 units per acre and planned business to planned business and an outline development plan on 5.525 acres.

**PETITIONER'S PRESENTATION**

John Ballagh, representing the petitioner, began his presentation with an overview of the project. Some of the various points included in this overview was that of the project being located at the intersection of two major arterials, and it was in a good location with good access.

John pointed out that there were actually several neighborhoods in the area:

1. The neighborhood off Patterson Road.  
(Where neighbors often use joint driveways and do experience traffic noise.)
2. The neighborhood off 12th Street.  
(Many people do business off of this four lane street and across the road lay an excellent planned business - Village Fair; however, many of these residents cited traffic noise as a problem.)
3. The neighborhood on Wellington Avenue.  
(It is a residential area, away from the arterial, and quiet. While this was acknowledged, he reiterated that the corner of 12th and Patterson was not.)

Indications of other uses in this area was that of Village Fair, Hilltop House, Centennial Plaza, as well as various townhomes and condominiums.

John indicated that construction of the project would create a loss of possibly 11 dwelling units and 7 driveways, and might be slightly deeper than Code requirements. It would leave open the corner of 12th and Patterson, paving much of this area but with perimeter landscaping. He continued, saying that Smith's Management had agreed to forego the accesses onto Wellington after concern was expressed over this. Instead, 10' wide perimeter landscaping and a 6' fence would extend along the southern boundary in an unbroken line.

John stated that drainage would be detained on-site. Irrigation would be piped in from ditches located nearby. The rezone would recognize the changing character of the area; that of planned business, with additional right-of-way being designated. He outlined the various fees that would be received by the City in taps for both sewer and water. Piping the irrigation water would, he felt, lower the water table and reduce percolation from dirt ditches.

John continued that the plan for lighting was to be directional and shielded. Trash containers would be self-contained crushers and maintained by Browning Ferris Industries.

#### **QUESTIONS**

Commissioner Dooley asked if a realignment of access off of 12th Street into Village Fair would alter flow patterns for parking.

Don Auckey, of Smith's Engineering, responded to this question saying that the access would have to be realigned to some extent but they had planned on maintaining the same ratio of parking, thus, not changing the flow at all.

#### **STAFF PRESENTATION**

Bob Goldin gave a brief outline of the petitioner's intent. With consideration given to the Patterson Road Policy, this area of 12th Street and Patterson was deemed acceptable for commercial and non-residential development with 15th Street as the outer limits of this boundary. Bob said that since this was a request for an Outline Development Plan, the technical issues such as parking, landscaping, etc. would need to be worked out prior to submission for a Final Plan.

A neighborhood meeting was held and four major concerns were outlined: 1) the use itself, 2) the accesses onto Wellington, 3) the screening with relation to the residential area, and 4) the additional traffic onto Wellington, regardless of the access.

Bob said that because of the agreement to eliminate the accesses onto Wellington, this alleviated one major concern. Other issues would need to be addressed and mitigated prior to submittal of the next phase, if approved.

#### **PUBLIC COMMENTS**

##### **FOR THE PROPOSAL:**

Mrs. Coulson, 2510 North 12th Street, stated that because the area was already primarily commercial, she was in favor of the proposal.

Edward Clements, 2528 North 12th Street, also agreed that the area should not be retained residential due to increased commercial activity.

Glen Green, 2708 F Road, spoke in favor of the proposal.

Earl Jensen, 215 Easter Hill Drive, felt that this was an appropriate use for the area since he was the developer for the Village Fair complex directly across the street. He did express a concern for the possible realignment of 12th Street in front of Village Fair and asked for clarification on this point.

Bob Goldin, representing the Planning Department, answered that it had been proposed to line up the intersection north of Gladstones with Larry Brown's property directly east, resulting in a "T" access rather than an offsetting intersection between Smith's and Village Fair. (This proposal was indicated on an available map.)

Earl questioned the use of medians in this area.

Bob stated that if a median was proposed, it would not be a raised median. Additional right-of-way was being requested for 12th Street so if it is upgraded, a turn bay can be provided.

##### **AGAINST THE PROPOSAL:**

Chairman O'Dwyer commented that petitions were received against the proposal containing over 100 signatures. This was entered into the records.

Dave McKinley, 1308 Wellington, presented the major arguments against the proposal. Some of these included problems of congestion onto Wellington as well as being an overall intrusion into a residential area. He questioned the viability in the choice of location.

Another point of contention was that the 12th Street Corridor Policy called for low volume business uses and Dave felt that the proposed use would violate the terms of this Corridor Policy. His concern was that this area would become another "North Avenue." As well, he felt that access and safety issues had not been addressed and resolved.

Dave pointed out that the site plan called for locating the store directly over an irrigation line which was there to serve the residents. He did not want to give up this easement, and felt that this decision would be legally upheld. This was an historic easement, he continued, that went with the land; no provision had been made to change this easement.

Finally, Dave felt that economically the store was not a good idea.

Maryan Lafferty, 1404 Wellington, felt that one concern which had not been addressed was that of safety for children. She thought it would provide a real hazard for children who would be crossing the street to get to school.

Wilda Abell, 1212 Wellington, expressed her concerns over noise.

Harlan Husky, representing the townhouse owners at 1441 Patterson Road, felt that the property values would be diminished if this proposal was approved.

Rutha Hart, resident of the Patterson Gardens Townhomes, also expressed a concern over the noise levels late at night.

Barbara Meeker, also a resident of Patterson Gardens Townhomes, thought that the congestion brought on by such a proposal would be excessive.

#### **PETITIONER'S REBUTTAL**

John Ballagh began his rebuttal by saying that he had thought there was a fence located on the north side of Eastgate shopping center to buffer the noise and realized later that there wasn't. Smith's was proposing to put up a 6' fence to help curtail much of this noise, hopefully, to help alleviate any concerns the residents might have over this. Concerning an alternate site, other locations had been considered but not favorably.

#### **QUESTIONS**

Commissioner Transmeier asked for comments regarding the concerns expressed over the irrigation easement.

John acknowledged the location of the easement but felt that he was not qualified to answer the question.

At this point, Don Auckey, of Smith's Management, chose to answer this question saying that a similar situation had occurred in Brigham City, Utah. They had solved the problem by rerouting the line around the building at their cost.

Commissioner Transmeier asked about the concerns over noise made by the compressors and refrigeration equipment; was there any screening on the building itself to help keep this quieted.

Don explained that to accommodate similar concerns expressed by residents in the Palm Springs and Los Angeles, California area, they had provided a screening effect by tearing around the units that sit on top of the building with an open screen which provided a noise deadening effect for the community. It was also possible to provide an evaporation condenser, where a water condenser is on top and all the machinery is located inside of the building. Using this, generally all of the sound is eliminated.

Commissioner Dooley asked if the latter design was being planned for the store.

Don answered affirmatively.

Commissioner Transmeier asked if trees were planned for the area around the store.

Don responded that trees were planned but he was unsure as to what type and how many.

Commissioner Transmeier asked, then, if further details would be provided before the next phase.

Again, Don answered affirmatively.

Commissioner Dooley asked about delivery truck schedules.

Don said that he did not know what schedules would be followed but stated that they would be daytime deliveries. These would be distributed mainly from the Salt Lake City area.

#### **STAFF REBUTTAL**

Bob recommended that if the Outline Development Plan was approved, prior to submitting the Final Plan, all issues and neighborhood concerns should be addressed and resolved. The petitioner's should approach the residents with the actual design and have answers to the questions raised at this hearing.

**MOTION: (COMMISSIONER STEPHENS) "MR. CHAIRMAN, I MAKE A MOTION THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL OF THE REZONE RSF8 AND PB TO PLANNED BUSINESS WITH THE STIPULATION THAT IT NOT EXCEED APPROXIMATELY 382 FEET (SOUTH) FROM THE PATTERSON ROAD FRONTAGE AND TO EXCLUDE THE ACCESSES FROM WELLINGTON TO THE SUBJECT PROPERTY."**

Commissioner Transmeier seconded the motion.

A discussion ensued on just what area was to be rezoned; was it to be the entire property or only that portion 376.5 feet south of Patterson. John Ballagh pointed out that the review sheet indicated that 376.5 feet was the easterly most dimension with a little jog in the south property line. This was pointed out on the available map and included an additional 5.2 feet in one location, bringing the total depth to 381.7 feet. Commissioner Transmeier proposed a stipulation of rezone not to exceed any boundary greater than 381.7 feet.

Bob Goldin stated that if approved, the petitioners would be applying for a subdivision and split the lots into three lots or however they determine they would be able to a subdivision plat showing what area would or would not be considered rezoned. If the parameters were specified at this time, at the time of applying for a subdivision plat, they would be able to adjust the plat accordingly.

Bob proposed stipulating that the rezone not exceed 382 feet (south) from the Patterson Road frontage. This was agreed to by the Commission members and the motion was amended to reflect this stipulation.

Chairman O'Dwyer entertained a comment from Ward Asher, 1350 Wellington. He wanted to know if there had been a question on the two different measurements on this property. When denied, he stated that on a County map, there was a 12' utility easement from 15th Street to 12th Street that he felt had been infringed.

A vote was called and the motion passed by a unanimous vote of 6-0.

**MOTION: (COMMISSIONER DOOLEY) "MR. CHAIRMAN, ON ITEM #31-84, CONSIDERATION OF AN OUTLINE DEVELOPMENT PLAN, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL WITH THE STIPULATION THAT PRIOR TO THE PRESENTATION OF THE FINAL PLAN, THAT A NEIGHBORHOOD MEETING BE ESTABLISHED WITH REPRESENTATIVES FROM SMITH'S FOOD AND DRUG TO ALL INTERESTED NEIGHBORS AND THAT THEY ADDRESS THE ISSUES THAT HAVE BEEN RAISED AS ADVERSE COMMENTS TO THE NEIGHBORS AND SUBJECT TO STAFF RECOMMENDATIONS."**



Commissioner Transmeier seconded the motion.

Commissioner Transmeier asked if this was to include the lower access onto 12th Street. After discussion, it was decided to include "...and subject to staff recommendations." into the above motion.

A vote was called and the motion passed by a unanimous vote of 6-0.

**IV. NON-SCHEDULED CITIZENS AND VISITORS.**

There were no non-scheduled citizens and visitors.

The meeting was adjourned at 8:45 p.m.