

GRAND JUNCTION PLANNING COMMISSION
Public Hearing -- January 29, 1985
7:30 p.m. - 8:55 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	Susan Rush
Ross Transmeier	Mike Dooley
Karen Madsen	Miland Dunivent
Bill O'Dwyer, Chairman	

In attendance, representing the City Planning Department were:

Karl Metzner	Bob Goldin
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Representing the City Engineering Department was:

Ken Reedy

Terri Troutner was present to record the minutes.

There were approximately 37 interested citizens present during the course of the meeting.

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I. APPROVAL OF MINUTES

There was some discussion over whether some members of the Planning Commission received copies of the November, 1984 minutes. Approval of minutes was postponed until additional copies were received by all members.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. FULL HEARING

1. #1-85 ZONE OF ANNEXATIONS IN 1985 TO THE CITY OF GRAND JUNCTION.

Petitioner: City of Grand Junction

A request to zone the following annexation. (A) Fairway Park First Addition (east of 12th Street, north of Chipper Drive) to RSF-4 (Residential single Family at 4 units per acre).

STAFF PRESENTATION

Bob Goldin gave a brief description of location and overview of the proposal.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

The public hearing was closed and a request for a motion was made.

MOTION: (COMMISSIONER RUSH) "MR. CHAIRMAN, ON ITEM #1-85 (A) ZONE OF ANNEXATION, I WOULD LIKE TO MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL."

Commissioner Transmeier seconded the motion.

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

2. #38-83 CITY OF GRAND JUNCTION COMPREHENSIVE PLAN

Petitioner: Grand Junction Planning Commission

Consideration of the City of Grand Junction's Public Facilities and Services Chapter of the Comprehensive Plan.

This item was pulled from the agenda and was not heard.

3. #2-85 17TH STREET BRIDGE CLOSURE

Petitioner: City of Grand Junction
Location: 17th Street bridge at Grand Valley Canal.

A request to close the 17th Street bridge at the Grand Valley Canal to automotive traffic and to allow pedestrian and bicycle traffic only by March 15, 1985.

Chairman O'Dwyer announced that no decision on this item would be made tonight, but public input, both for and against, was encouraged and would be made available to the City Council.

STAFF PRESENTATION

Bob Goldin said that the request was made by the City Engineering Department due to improvements made to 15th Street. Based upon the input received, the final decision would be made by the Engineering Department.

PUBLIC COMMENTS

Doralyn Genova, 544 Dodge Street, read a statement prepared by her parents, L.A. and Anna Brodack, expressing concern for the proposal and said that problems of trespassing and vandalism would only increase. The statement said that the 17 acre property bordering the bridge was already facing problems of persons tearing down fences, scattering livestock, marring the property with 4-wheel drive vehicles and tracks from other vehicles, trash being dumped, and buildings being vandalized and burned. The statement continued that under Colorado law, the owners of the property would be responsible for the trespassers under the "Uninvited Guest" law, and that already, losses experienced were considered substantial. The complete closure of the bridge was encouraged. A copy of the statement and several photographs were submitted into the record.

Dave McKinley, 1308 Wellington, wondered if some cooperative arrangement could be worked out with the Grand Valley Irrigation Company to provide a walkway from 15th Street to 17th Street, which may help not only to alleviate the vandalism problem, but provide a safer access way for children and those who traverse the area.

Chairman O'Dwyer felt that most of the children came from Dave's particular residential area.

Dave agreed with this statement.

Ken Reedy of the Engineering Department read a letter received from Richard E. Fulton, 1556 Wellington, agreeing with the Department's request. Ken again clarified that it would be up to Engineering to make a recommendation to the City Council only; City Council would make the final decision.

Ken continued that, with regard to Dave's earlier comment, it was unlikely that any arrangement could be made with the Irrigation Company due to the company not wanting to relinquish any of its rights as well as not wanting to contribute to what may be deemed in the future as an "attractive nuisance." Children are now able to walk down sidewalks along 15th Street, however, since they have been able to go down 17th Street across the bridge in the past, it is likely they would continue to do so unless no longer able.

Some of the main problems, Ken said, are excessive speed through the area, blind corners, etc. It is an openly used road without right-of-way, and the desire would be to keep the road open for use without landlocking any adjoining property. If the road were closed, it would be signed as a dead end, with Type 3 barricades. The canal company would like to maintain access on both sides of the road.

Commissioner Dooley asked that if the road was closed, would the bridge be removed.

Ken responded affirmatively.

Commissioner Dooley also wanted to know how much of the road would be maintained by the County.

Ken stated that it would be maintained up to where the bridge is now. Several adjoining properties use the road as sole access.

Commissioner Dooley indicated a point on the map provided, asking if the point at the top of the hill in front of parcel #147 would be adequate access for that parcel.

Shirley Kelley, 2737 Patterson Road, expressed her wish to have the road eliminated whereby persons would have to stop at Forney's house, 1631 Wellington.

Doralyn Genova added that it was her father's intention to file a petition should the road be left open from the bridge up to the Forney property since the road is alleged to be on private property; no road was ever recorded on any of the tax maps. The road was opened by usage only. She also wanted to know what protection would be provided for children walking along this route if built as a walkway.

Ken stated that the Engineering Department could not afford to remove the bridge this year; the option was to close the road and see how this affected the residents in the area. Budgets for the following year could then include removal of the bridge.

Richard Fulton, 1556 Wellington, felt that the existing road was too narrow and that the bridge was a potential "death trap" for motorists. He felt that an earlier agreement was made with Brodacks whereby the neighborhood had agreed to help fund the building of a fence to protect the area. No fence was ever constructed and he felt like perhaps the City might be able to help finance construction of such a fence.

Shirley Kelley asked about the further protection of children going through this area if this road was turned into a walkway. She felt the opportunity for child abduction would be greater.

Richard Fulton again stressed his desire to see the road completely closed to all traffic, both vehicular and pedestrian.

Bob Goldin asked Ken Reedy when the issue would be before City Council for a decision.

Ken answered that it should be the second meeting in February. Chairman O'Dwyer stated that proper notice would be given of the exact time and date before the meeting.

Chairman O'Dwyer closed this portion of the public hearing again stressing that no decision would be made, nor motion given at this meeting; that all input would be made available to City Council, including pictures, petitions, etc.

**4. #31-84 REZONE RSP8 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 of one lot on 5.525 acres. (This item is being reconsidered by request of City Council.)

PETITIONER'S PRESENTATION

John Ballagh, representing Smith's, provided revised sketches and maps indicating proposed changes to be made by Smith's Management in trying to address concerns expressed by neighbors at the last hearing. John presented a brief overview of the project.

Several of the points outlined included lowering the access onto 12th Street to be immediately across from Village Fair; accesses to Wellington were deleted. Smith's wanted the parking in the front of the store, saving deliveries for the rear of the building. The building would be moved to accommodate the minimum parking requirements. The section located on the east would be bermed with an approximate width of 26'-30' and height of approximately 8', with a 6' fence on top of that. This would compare with the eve height of Patterson Gardens townhomes. The receiving dock, to be located on the east side of the building, would be totally enclosed.

QUESTIONS

Commissioner Dooley questioned who would be responsible for maintenance of the berm.

John felt that there were varied options: 1) transfer of ownership to Patterson Gardens, or 2) store manager would be responsible for watering with trash pickup, mowing, etc. would be on a contractual basis with a local business.

Commissioner Stephens asked what type of trees were intended for the bermed area, or would this be strictly grassed in.

John did not know for sure at this point; he did not have detailed landscaping plans as yet.

Commissioner Dooley asked if any other issues expressed by citizens had not been addressed.

John pointed to the citizens wanting the building facing another direction, but contended that this was not desired by Smith's. Residents had asked about spreading the parking to both sides and in the rear, based upon a refacing of the building. Again, it was felt there would be problems with pursuing this.

STAFF PRESENTATION

Bob Goldin stated that City Council had recommended reconsideration of the proposal in order to mitigate some of the concerns expressed in the earlier hearing. It was felt that John Ballagh and Smith's had addressed the major issues presented to them. Dependent upon this evening's outcome, it would go before City Council on February 20th for final decision on the rezone and outline development plan.

Bob said that primarily, because all major issues were addressed, it was up to the neighbors to decide whether or not they could live with the situation as it stands.

PUBLIC COMMENTS

IN OPPOSITION:

Dave McKinley, 1308 Wellington, submitted an additional petition in opposition to the proposal. He estimated approximately 150+ signatures were received altogether.

Other concerns expressed were what he felt to be insufficient notification by Smith's of the neighborhood meeting as well as concern over so large a project being placed so close to a residential area. He felt that the project violated the terms of the 12th Street Corridor policy which stated that no planned business would be allowed which exceeded 300' back from 12th Street. Also, the policy called for low-volume businesses to be located in this area. Dave commented that he had figures of 15,000 patrons a day which did not support the low-volume policy, and requested a definition of the term "low volume."

Bob Goldin stated that the Patterson Road Corridor policy has tried to address the question over intersections, and it was determined that the corner of 12th and Patterson would be an acceptable location for such a use. Bob agreed that the Patterson Road Corridor policy was, as yet, not adopted.

Dave reaffirmed that the City should stick to its already adopted policies; otherwise, the area would be susceptible to strip development. Two other issues brought up were 1) there was a restrictive covenant on Roger Head's property until 1986, and should be upheld, and 2) no plan was ever received on what Smith's intended to do with the irrigation lateral described in his and several of the property owners' deeds. Dave did not feel this should be moved as Smith's had indicated they would do.

Tim Ribaldi, 2444 Bookcliff, posed the question of what will become of the building if Smith's went out of business.

Warren Asher, 1350 Wellington, suggested using 12th Street as a buffer for businesses on the west and on the east, leaving the residential areas as they are.

Richard Fulton, 1556 Wellington, submitted a letter into the record which he wrote to Joe Prinster, President of City Market Stores, which outlined two points: 1) Economic. For employees hired at a new store, it would take business away from the other stores, thus firing those employees. Richard did not feel Grand Junction needed the vacated buildings to act as additional testimonials to the trials the city is facing. 2) Trials of opening new stores. Joe Prinster had called Richard stating that City Market had looked at the location, but knew there would be problems and concerns from the neighborhood, so decided against it.

Richard said that he did not feel concerns over lighting, noise, and parking were adequately addressed; he did not feel that the store was suitably placed.

Wilda Maxim, resident of Patterson Gardens, expressed her opposition to the project.

Commissioner Rush asked if the plan, as presented, was objectionable to all residents of this area or if there was some room for compromise.

Dave McKinley pointed out that the various options were presented to the residents at the neighborhood meeting, but still the final conclusion was that they just did not want a supermarket in their neighborhood.

Richard Fulton added that he felt the reason John Ballagh did not opt for not placing the store where the back of the building is facing Patterson was that the rear of the building was considered highly unaesthetic.

Stella Rector, 1441 Patterson, expressed her concern over the neighborhood meeting and said that she felt only a third of the residents received notice.

Joe Able, 1212 Wellington, wondered if any consideration had been given to the change in zoning and not just whether or not a supermarket was to go in.

IN FAVOR:

Ed Clements, 2528 12th Street, felt that few residents would actually be affected and voiced his approval for the project.

Glen Green, 2708 F Road, expressed his approval for the project.

PETITIONER'S REBUTTAL

John Ballagh pointed out the City Market in Coronado Plaza was located in a residential area.

(Dave McKinley noted that the City Market was located outside the city limits.)

John remarked that 15,000 patrons a day would be a rare exception and not a rule. Noise problems would be minimal since most of the equipment was located inside the building.

Bill Prakken, legal representative for Smith's Management, felt that the issues brought up by Dave McKinley would not create any serious legal impediment.

STAFF REBUTTAL

Bob Goldin reiterated that regardless of the outcome of this hearing, it would still come before City Council on February 20th.

QUESTIONS

Commissioner Stephens asked Dave McKinley if he represented the Homeowner's Association in this area.

Dave responded negatively; he was speaking for Mr. Husky by proxy only to read the statement prepared by the homeowners who were in opposition of the project.

Commissioner Stephens asked Dave if moving the building the additional 30' and putting in the berming made any difference to the residents.

Dave replied that these changes were still unacceptable to the residents.

Commissioner Stephens asked John Ballagh that if the berming was unacceptable to the residents, why did they leave it in.

John answered that it was originally proposed as a buffering mechanism for the persons residing at Patterson Gardens; if it was not wanted, it would be more cost effective for Smith's to take it out.

Dave McKinley commented that what Smith's was doing was creating a fortress.

Commissioner Transmeier remarked that this project was only at the outline development stage and Smith's has addressed many of the concerns not usually expressed at this early stage.

Dave wanted to know if this project were approved at the ODP stage, could it still be reconfigured.

Don Warner of the Planning Department said that it could be completely revised, but approval at an ODP level would serve as a guideline to the City Council for the final outcome.

Commissioner Dooley was unclear as to whether the City Council had approved a stipulation to Mr. Ballagh and Smith's that they hold another neighborhood meeting prior to this evening's hearing.

Bob Goldin stated that comments from City Council indicated they thought it was a good idea to have another neighborhood meeting; the actual verbage, however, was vague as to whether it was intended to be a stipulation prior to the public hearing.

Chairman O'Dwyer asked Mr. Ballagh how many residents attended the neighborhood meeting.

John replied that approximately 21 residents attended the meeting.

Commissioner Dooley asked Ken Reedy what the approximate vehicular traffic count was presently at the corner of 12th and Patterson.

Ken responded that there were approximately 12,300 vehicle trips before the recent temporary closure of Patterson.

MOTION: (COMMISSIONER TRANSMEIER) "MR. CHAIRMAN, ON ITEM #31-84 THE REZONE FROM RSF8 TO PLANNED BUSINESS AND THE OUTLINE DEVELOPMENT PLAN IN ONE MOTION, I WOULD LIKE TO REAFFIRM OUR EARLIER MOTIONS AND SEND THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL."

Commissioner Stephens seconded the motion.

Commissioner Rush commented that even though Smith's has gone to lengths to accommodate the concerns of the residents in the area, it appears to remain unworkable with the neighbors. She felt that the quality of life for these residents should not be sacrificed just because the city is facing economic hardship. She made reference to both the 12th Street policy and Patterson Road policy and stated that she was in opposition to the proposal.

Commissioner Transmeier said that if the supermarkets were forced to build on only large parcels of ground, they would be entirely located in the suburbs. He felt that this was a high traffic location on two major streets and the use was appropriate.

Commissioner Rush added that with the configuration of the lot itself, there did not seem to be enough room to provide an adequate buffer to the residents located on the east.

A vote was called and the motion passed by a vote of 6-1 with Commissioner Rush opposing.

IV. NON-SCHEDULED CITIZENS AND VISITORS

There were no non-scheduled citizens and visitors.

The meeting was adjourned at 8:55 p.m.