



**PLANNING COMMISSION AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET**

TUESDAY, FEBRUARY 24, 2015, 6:00 PM

Call to Order

Welcome. Items listed on this agenda will be given consideration by the City of Grand Junction Planning Commission. Please turn off all cell phones during the meeting.

Copies of the agenda and staff reports are located at the back of the auditorium.

Announcements, Presentations and/or Prescheduled Visitors

Consent Agenda

Items on the consent agenda are items perceived to be non-controversial in nature and meet all requirements of the Codes and regulations and/or the applicant has acknowledged complete agreement with the recommended conditions.

The consent agenda will be acted upon in one motion, unless the applicant, a member of the public, a Planning Commissioner or staff requests that the item be removed from the consent agenda. Items removed from the consent agenda will be reviewed as a part of the regular agenda. Consent agenda items must be removed from the consent agenda for a full hearing to be eligible for appeal or rehearing.

1. Minutes of Previous Meetings

None available at this time.

2. Crossroads Academy Preschool - Conditional Use Permit

[Attach 1](#)

Consider a request for a Conditional Use Permit to operate a daycare/preschool at Crossroads United Methodist Church.

FILE #: CUP-2015-30
APPLICANT: Heather Dennis
LOCATION: 599 30 Road
STAFF: Senta Costello

3. Coon Hill Utility Easement Vacation

[Attach 2](#)

Forward a recommendation to City Council to vacate a public utility easement, located at 2693 1/2 Highway 50.

FILE #: VAC-2015-39
APPLICANT: Ben & Faith Hill - Coon Hill LLC
LOCATION: 2693 1/2 Highway 50
STAFF: Senta Costello

***** END OF CONSENT CALENDAR *****

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *****

Public Hearing Items

On the following item(s) the Grand Junction Planning Commission will make the final decision or a recommendation to City Council. If you have an interest in one of these items or wish to appeal an action taken by the Planning Commission, please call the Planning Division (244-1430) after this hearing to inquire about City Council scheduling.

4. City Market - Conditional Use Permit

[Attach 3](#)

Remand to Planning Commission Regarding Decision on Variance to Section 21.03.070 (b)(2)(ii) of the Zoning and Development Code (store and fuel island hours of operation) and Conditional Use Permit Issued to City Market.

FILE #: CUP-2014-134
APPLICANT: Joel Starbuck - City Market
LOCATION: 2628 1/2 N 12th Street
STAFF: Scott Peterson

General Discussion/Other Business

Nonscheduled Citizens and/or Visitors

Adjourn



Date: February 2, 2015
 Author: Senta Costello
 Title/ Phone Ext: Senior Planner / x 1442
 Proposed Schedule: February 24, 2015
 2nd Reading (if applicable): N/A
 File # (if applicable): CUP-2015-30

Attach 1

PLANNING COMMISSION AGENDA ITEM

Subject: Crossroads Academy Preschool – Request to operate a half-day preschool, four days/week
Action Requested/Recommendation: Consider a request for a Conditional Use Permit to operate a daycare/preschool at Crossroads United Methodist Church.
Presenter(s) Name & Title: Senta Costello, Senior Planner

Executive Summary:

The request is for a Conditional Use Permit to operate a preschool four half days a week, using a classroom and playground at a neighborhood church.

Background, Analysis and Options:

The property was annexed in 2011 as the Crossroads United Methodist Church Annexation. The annexation was triggered due to a request to install a stealth telecommunications facility on the property. The new telecommunications facility was constructed in 2011.

The proposal is for a half day preschool for 2 ½ - 6 year olds, Monday-Thursday, 8:30 am – 12:00 pm. The preschool is proposed to use an existing classroom located in the northeast corner of the church building and the adjoining playground. Access for parent drop off is via a door located on the north side of the building directly into the classroom. Staff parking is available in the north parking lot or the area south of the building.

A Conditional Use Permit is required by the Zoning and Development Code to operate a preschool in an R-4 zone district.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Policy B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease the vehicle miles traveled thus increasing air quality.

The addition of a preschool to the neighborhood adds an option to parents in the surrounding area for preschool, providing the opportunity for easier access to this type of use and reducing the need to drive further for this service.

How this item relates to the Economic Development Plan:

1.5 Supporting Existing Business and Keeping Costs Transparent, Predictable and as Low as Possible.

Goal: Continue to develop tools that will promote economic gardening.

Action Step – Continue to provide assistance to the City’s economic partners and new and expanding businesses.

The proposed use is a new business to the community. The applicant is working with the Crossroads United Methodist Church to provide a needed service to the neighborhood and community.

Board or Committee Recommendation:

There are no recommendations from another board or committee.

Financial Impact/Budget:

This project will have no financial impacts.

Other issues:

City of Grand Junction Fire Department identified an issue with the fire alarm system in the church. Correction of the issue prior to starting operation of the preschool has been made a condition of approval.

Previously presented or discussed:

Project has not been previously discussed.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Existing City and County Zoning Map
Site Plan

BACKGROUND INFORMATION			
Location:		599 30 Road	
Applicants:		Owner – Crossroads United Methodist Church Applicant – Crossroads Academy Preschool: Heather Dennis	
Existing Land Use:		Church and related activities (i.e. basketball, girl scouts)	
Proposed Land Use:		Adding half day preschool 4 days/week	
Surrounding Land Use:	North	Commercial/Residential	
	South	Residential	
	East	Residential	
	West	Residential	
Existing Zoning:		R-4 (Residential 4 du/ac)	
Proposed Zoning:		R-4 (Residential 4 du/ac)	
Surrounding Zoning:	North	PD (Planned Development)/County RSF-4 (Residential Single Family 4 du/ac)	
	South	County RSF-4 (Residential Single Family 4 du/ac)	
	East	County RSF-4 (Residential Single Family 4 du/ac)	
	West	County PUD (Residential)	
Future Land Use Designation:		Residential Medium	
Zoning within density range?		X	Yes
			No

ANALYSIS:

Section 21.02.110 of the Grand Junction Municipal Code

To obtain a Conditional Use Permit, the Applicant must demonstrate compliance with the following criteria:

(1) All applicable site plan review criteria in Section 21.02.070(g) of the Grand Junction Municipal Code (GJMC) and conformance with the SSID, TEDS and SWMM Manuals.

The property was developed prior to annexation into the City of Grand Junction; however, does meet the requirements for parking, landscaping and circulation. The proposed use does not require any new site upgrades.

This criterion has been met.

(2) District Standards. The underlying zoning districts standards established in Chapter 21.03 GJMC, except density when the application is pursuant to GJMC 21.08.020(c) [nonconformities];

The existing building meets the standards of the R-4 zone district. The proposed preschool is not requesting any building additions or changes to the site that would alter conformance with the standards.

This criterion has been met.

(3) Specific Standards. The use-specific standards established in Chapter 21.04 GJMC;

There are no use specific standards required for a preschool or daycare.

This criterion has been met.

(4) Availability of Complementary Uses. Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.

The site is located at the intersection of Patterson Road and 30 Road. Fruitvale Elementary is three properties to the south, Rite Aid Pharmacy is located across Patterson to the north and the Safeway shopping center is one mile to the west. Bus stops are located nearby on both the north and south sides of Patterson. The surrounding area is largely residential.

This criterion has been met.

(5) Compatibility with Adjoining Properties. Compatibility with and protection of neighboring properties through measures such as:

(i) Protection of Privacy. The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;

(ii) Protection of Use and Enjoyment. All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;

(iii) Compatible Design and Integration. All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include; buildings, outdoor storage areas and

equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

The outdoor space proposed for use by the preschool is the playground area already used by the church for their church nursery. The area is located on the east side of the building adjacent 30 Road and separated from the residential properties to the south by the rear entrance drive aisle and parking area. The proposed preschool is not requesting any building additions or changes to the site that would alter or create additional impacts to the surrounding properties.

These criteria have been met.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Crossroads Academy Preschool Conditional Use Permit application, CUP-2015-30 for a Conditional Use Permit, I make the following findings of fact, conclusions and conditions:

1. The requested Conditional Use Permit is consistent with the Comprehensive Plan.
2. All review criteria in Section 21.02.110 of the Grand Junction Municipal have all been met.
3. Applicant is requesting only signage as allowed by the Zoning and Development Code.
4. City of Grand Junction Fire Department requirements for corrections to the church fire alarm system must be met prior to the start of operations for the preschool.

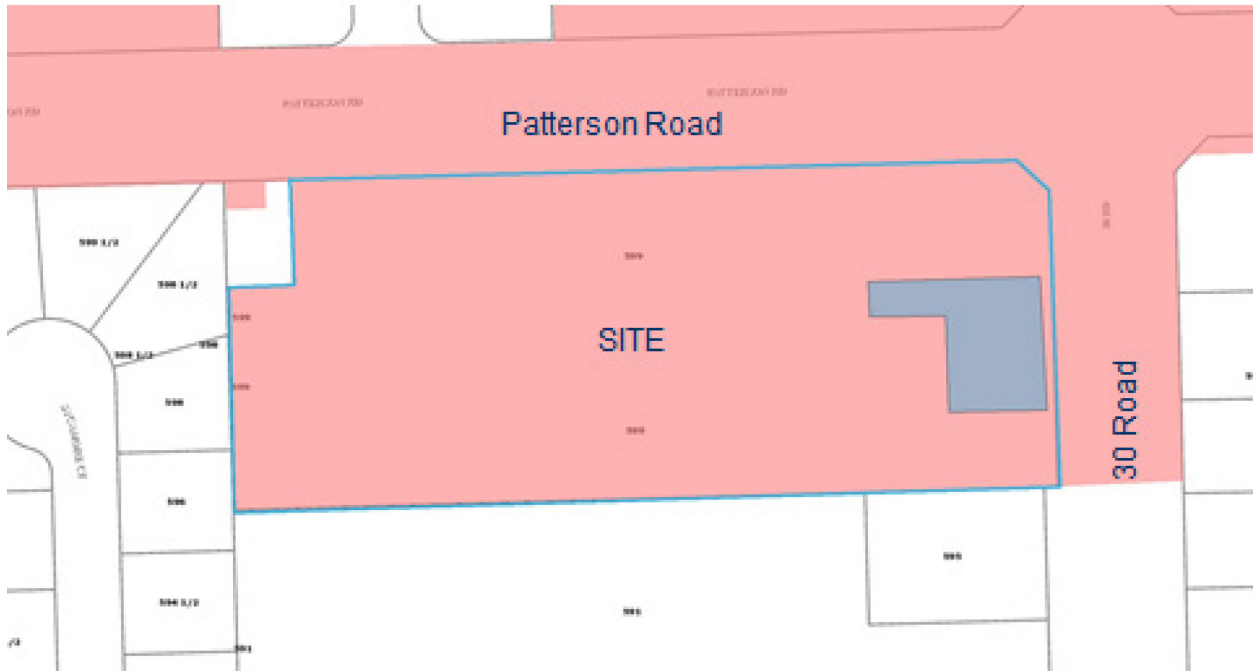
STAFF RECOMMENDATION:

I recommend that the Planning Commission approve the requested Conditional Use Permit, CUP-2015-30 with the findings, conclusions and condition of approval listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on the request for a Conditional Use Permit for Crossroads Academy
Preschool Conditional Use Permit application, number CUP-2015-30 to be located at 599
30 Road, I move that the Planning Commission approve the Conditional Use Permit with
the facts, conclusions and conditions listed in the staff report.

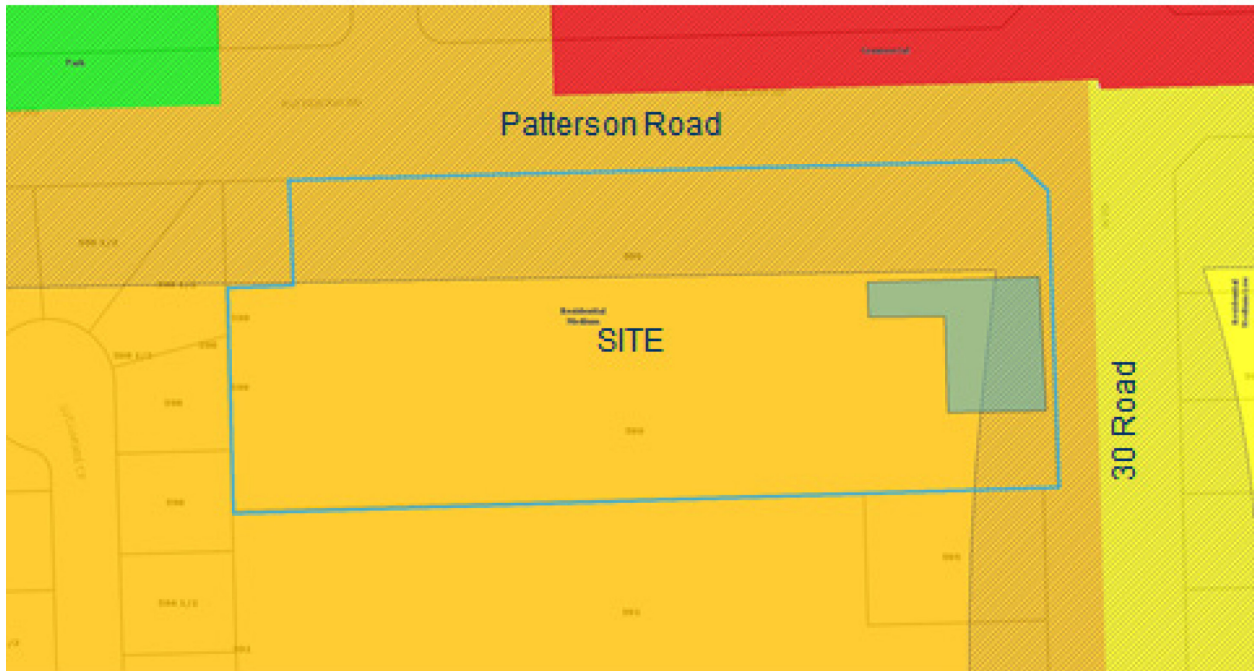
Site Location Map



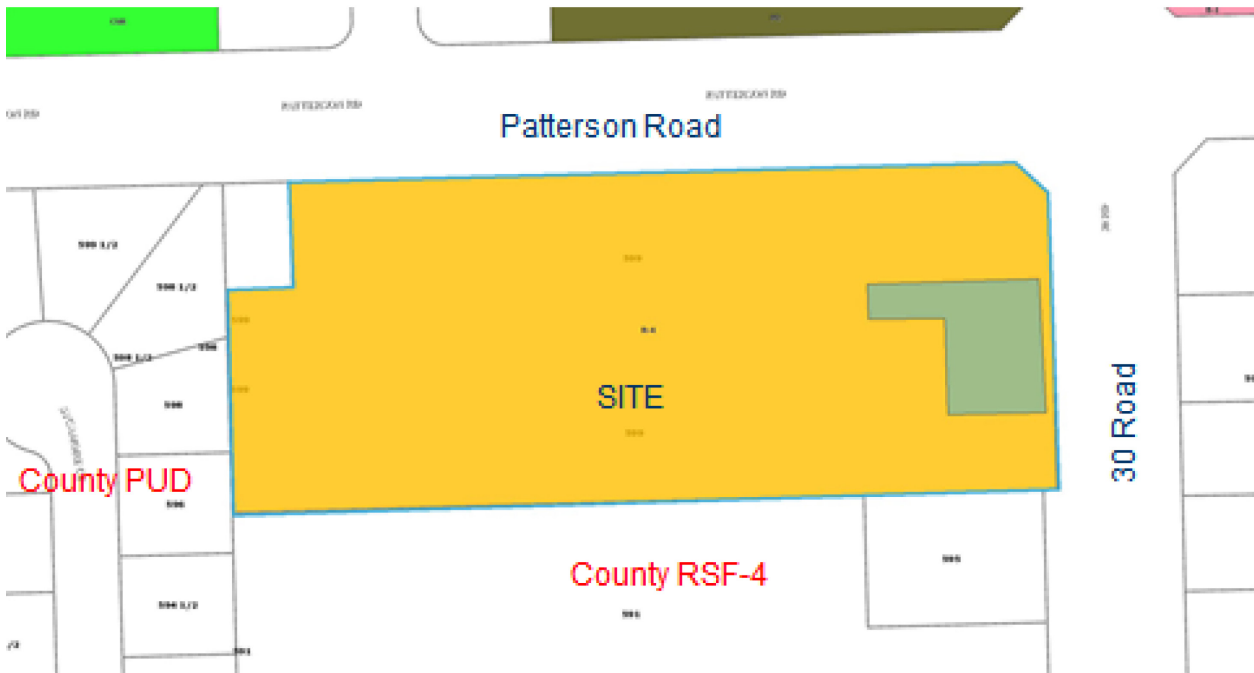
Aerial Photo Map



Future Land Use Map



Zoning Map



Site Plan





Date: February 2, 2015

Author: Senta Costello

Title/ Phone Ext: Senior Planner /

x1442

Proposed Schedule:

Planning Commission – February 24,

2015;

City Council – March 4, 2015

Attach 2

PLANNING COMMISSION AGENDA ITEM

Subject: Coon Hill Utility Easement
Action Requested/Recommendation: Forward a recommendation to City Council to vacate a public utility easement, located at 2693 1/2 Highway 50, which is no longer needed.
Presenter(s) Name & Title: Senta Costello, Senior Planner

Executive Summary:

Request to vacate a 10'/15' public utility easement, which is no longer needed.

Background, Analysis and Options:

The property was annexed in 1977 as a part of the Orchard Mesa Bank Annexation. The storage units were built on the property over a 4 year time period starting in 2003. The utility easement was to be vacated at the time the second phase began as the second phase units were proposed to be located within the southern 10' section of the easement; however, the vacation did not happen. The current request is to clean up this piece of the project.

How this item relates to the Comprehensive Plan Goals and Policies:

The request is consistent with the goals and policies of the Comprehensive Plan. The request does not conflict with the Comprehensive Plan because the easement is no longer needed.

How this item relates to the Economic Development Plan:

No effect as the easement requested for vacation does not contain any utilities and is no longer needed.

Board or Committee Recommendation:

The request has not been reviewed by any boards or committees.

Financial Impact/Budget:

There is no financial impact.

Other issues:

No other issues have been identified.

Previously presented or discussed:

Item has not been previously discussed.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Existing City **and County** Zoning Map

BACKGROUND INFORMATION				
Location:		2693 ½ Highway 50		
Applicants:		Ben Hill		
Existing Land Use:		Storage Units		
Proposed Land Use:		Storage Units		
Surrounding Land Use:	North	Vacant Commercial		
	South	Residential		
	East	Fire Station #4		
	West	Residential		
Existing Zoning:		C-1 (Light Commercial)		
Proposed Zoning:		C-1 (Light Commercial)		
Surrounding Zoning:	North	C-1 (Light Commercial)		
	South	County RSF-4 (Residential Single Family – 4 du/ac)		
	East	C-1 (Light Commercial)		
	West	R-16 (Residential 16 du/ac)		
Future Land Use Designation:		Commercial		
Zoning within density range?		X	Yes	No

Section 21.02.100 of the Grand Junction Municipal Code

The vacation of the easement shall conform to the following:

- a. *The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.*

Granting the request to vacate this utility easement does not conflict with Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City.

This criterion has been met.

- b. *No parcel shall be landlocked as a result of the vacation.*

Because this is a vacation of a utility easement and not a vacation of right-of-way, this criterion does not apply. Vacating this sewer easement will not result in any parcel being landlocked.

This criterion has been met.

- c. *Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.*

Vacation of this sewer easement will not affect access to any parcel.

This criterion has been met.

- d. *There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).*

There will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced due to the proposed utility easement vacation. There are no utilities located within the easement.

This criterion has been met.

- e. *The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Municipal Code.*

The provision of adequate public facilities and services will not be inhibited as a result of the proposed utility easement vacation as there are no utilities located or planned within the easement.

This criterion has been met.

- f. *The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.*

Maintenance requirements for the City will not change as a result of the proposed utility easement vacation.

This criterion has been met.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Coon Hill Utility Easement Vacation application, VAC-2015-39 for the vacation of a public utility easement, I make the following findings of fact and conclusions:

5. The requested easement vacation is consistent with the Comprehensive Plan.
6. The review criteria in Section 21.02.100 of the Grand Junction Municipal Code have all been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested easement vacation, VAC-2015-39 to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on item VAC-2015-39, I move we forward a recommendation of approval to the City Council on the request to vacate a public utility easement with the findings of fact and conclusions in the staff report.

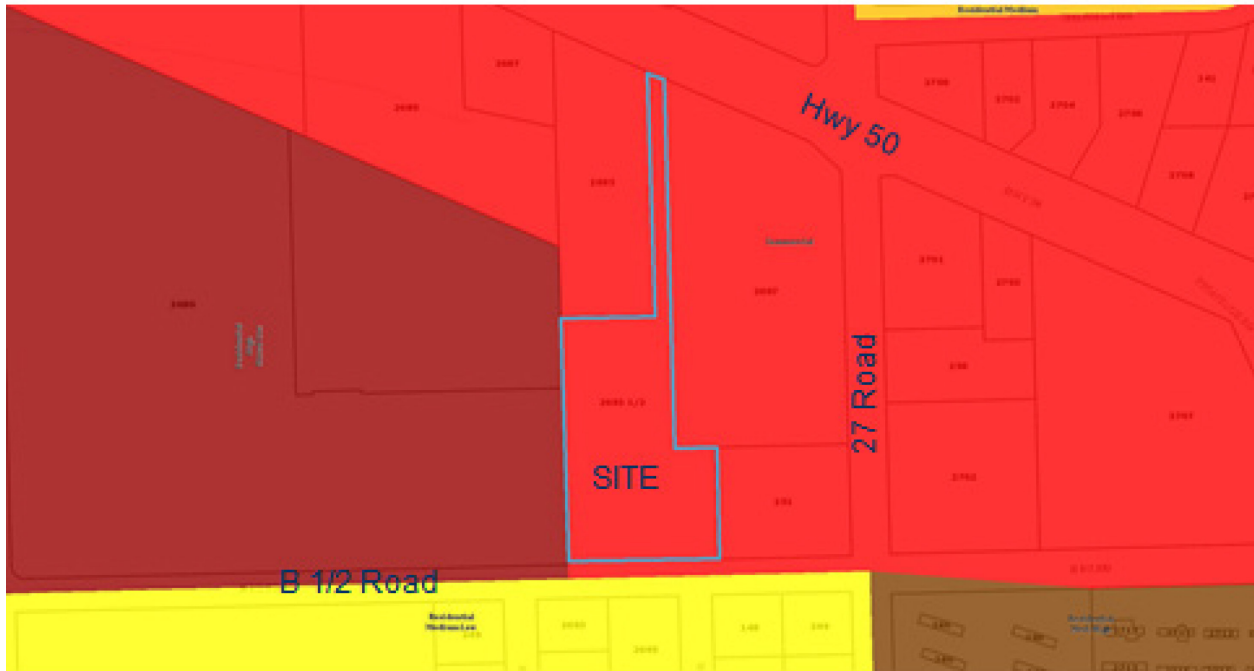
Site Location Map



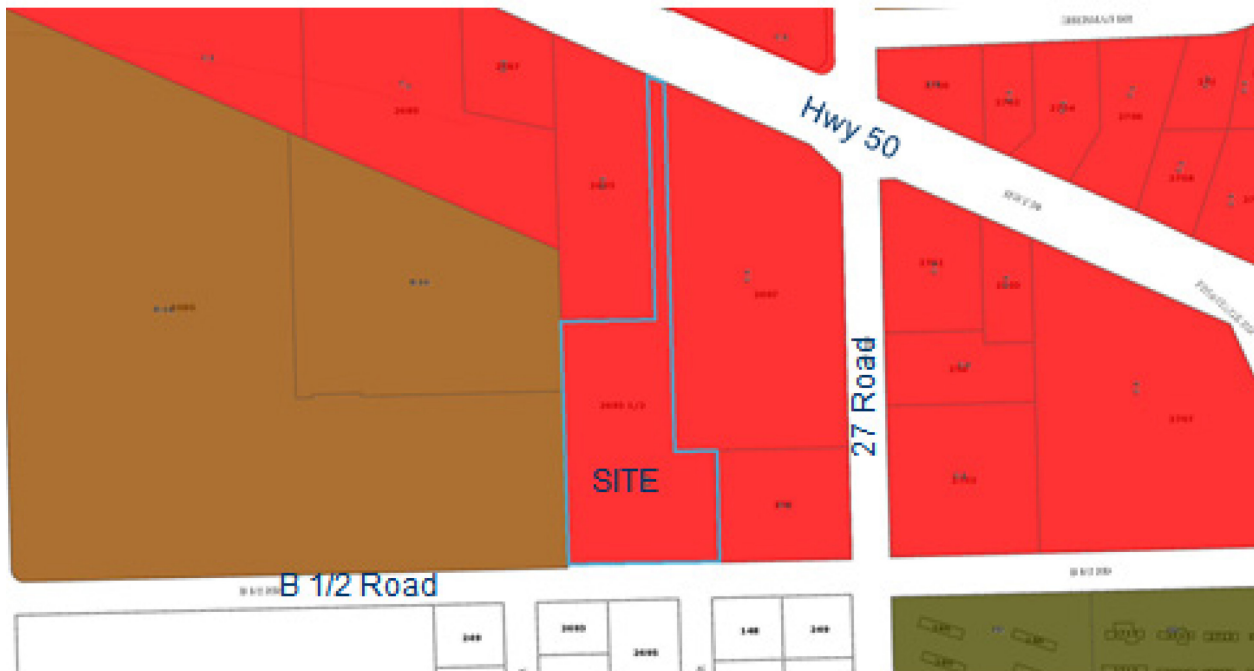
Aerial Photo Map

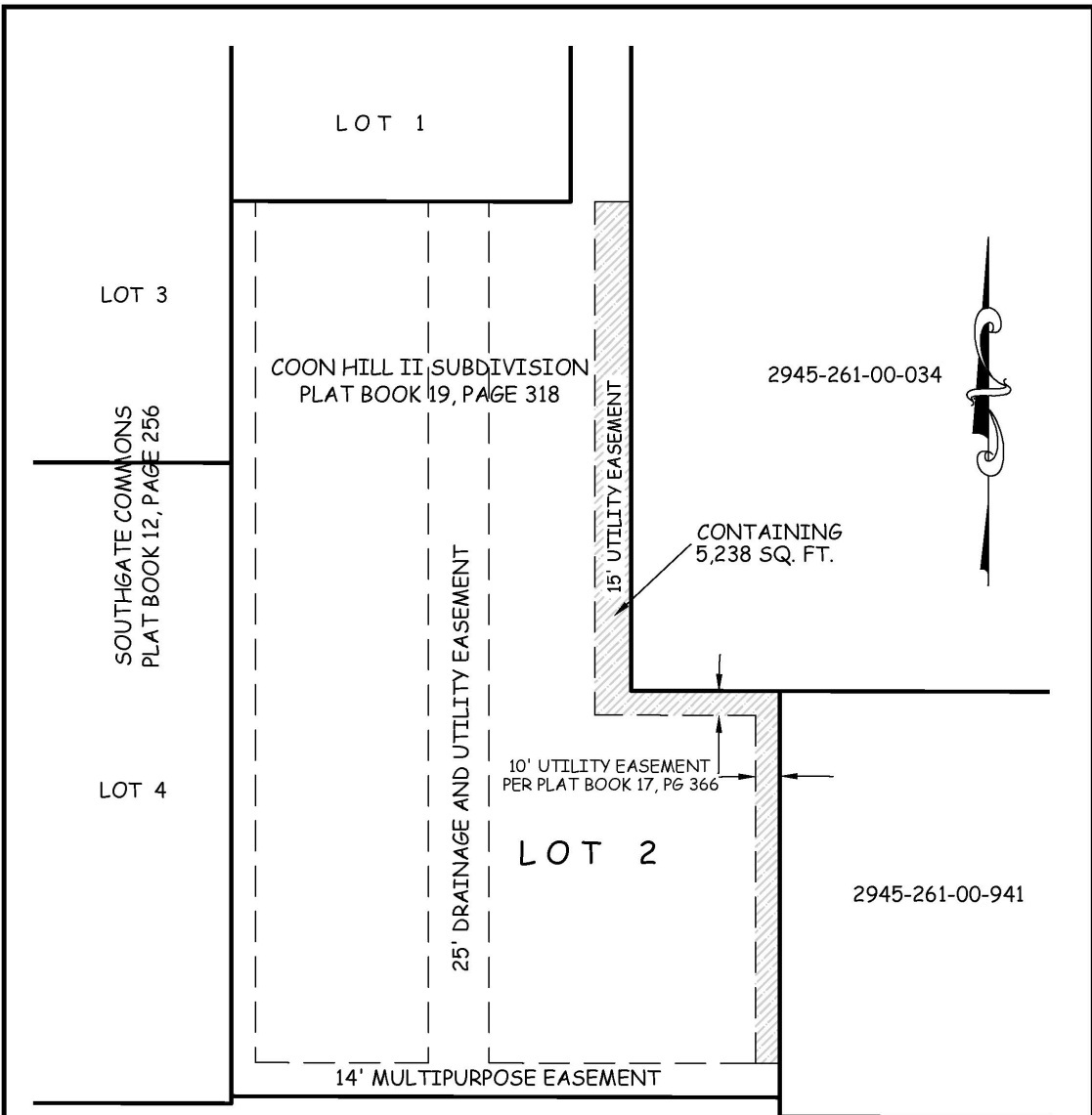


Future Land Use Map



Zoning Map





B - 1/2 ROAD

ABBREVIATIONS

- SEC = SECTION
- TWP. = TOWNSHIP
- RGE. = RANGE
- U.P.M. = UTE PRINCIPAL MERIDIAN
- T.C.E. = TEMPORARY CONSTRUCTION EASEMENT

The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.



1 inch = 60 ft.
Lineal Units = U.S. Survey Foot

DRAWN BY: P.T.K.
 DATE: 9-16-2014
 SCALE: 1" = 60'
 APPR. BY: P.T.K.

COON HILL II SUBDIVISION
 EASEMENT VACATION
 2693-1/2 HIGHWAY 50
 2945-261-34-002



CITY OF GRAND JUNCTION

RESOLUTION NO.

**A RESOLUTION VACATING A PUBLIC UTILITY EASEMENT
LOCATED AT 2693 1/2 HIGHWAY 50**

RECITALS:

A vacation of the 10'/15' Utility Easement dedicated along the east side of Lot 2, Coon Hill Subdivision. The 10'/15' Utility Easement contains no utilities.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 (c) of the Grand Junction Municipal Code.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacation be.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following easement is shown on "Exhibit A" as part of this vacation of description.

Dedicated easement to be vacated:

A certain parcel of land lying in the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 26, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and lying entirely within Lot 2, Coon Hill II Subdivision, as same is recorded in Plat Book 19, Page 318, Public Records of Mesa County, Colorado, and being more particularly described as follows:

ALL of that certain 10 foot and 15 foot wide Utility Easement lying adjacent to the East line of said Lot 2, Coon Hill II Subdivision and lying North of that certain 14.0 foot wide Multipurpose Easement lying adjacent to the South line of said Lot 2, Coon Hill II Subdivision, said easement depicted and dedicated on the plat of Coon Hill Subdivision, as same is recorded in Plat Book 17, Page 366, Public Records of Mesa County, Colorado.

CONTAINING 5,238 Square Feet or 0.12 Acres, more or less, as described.

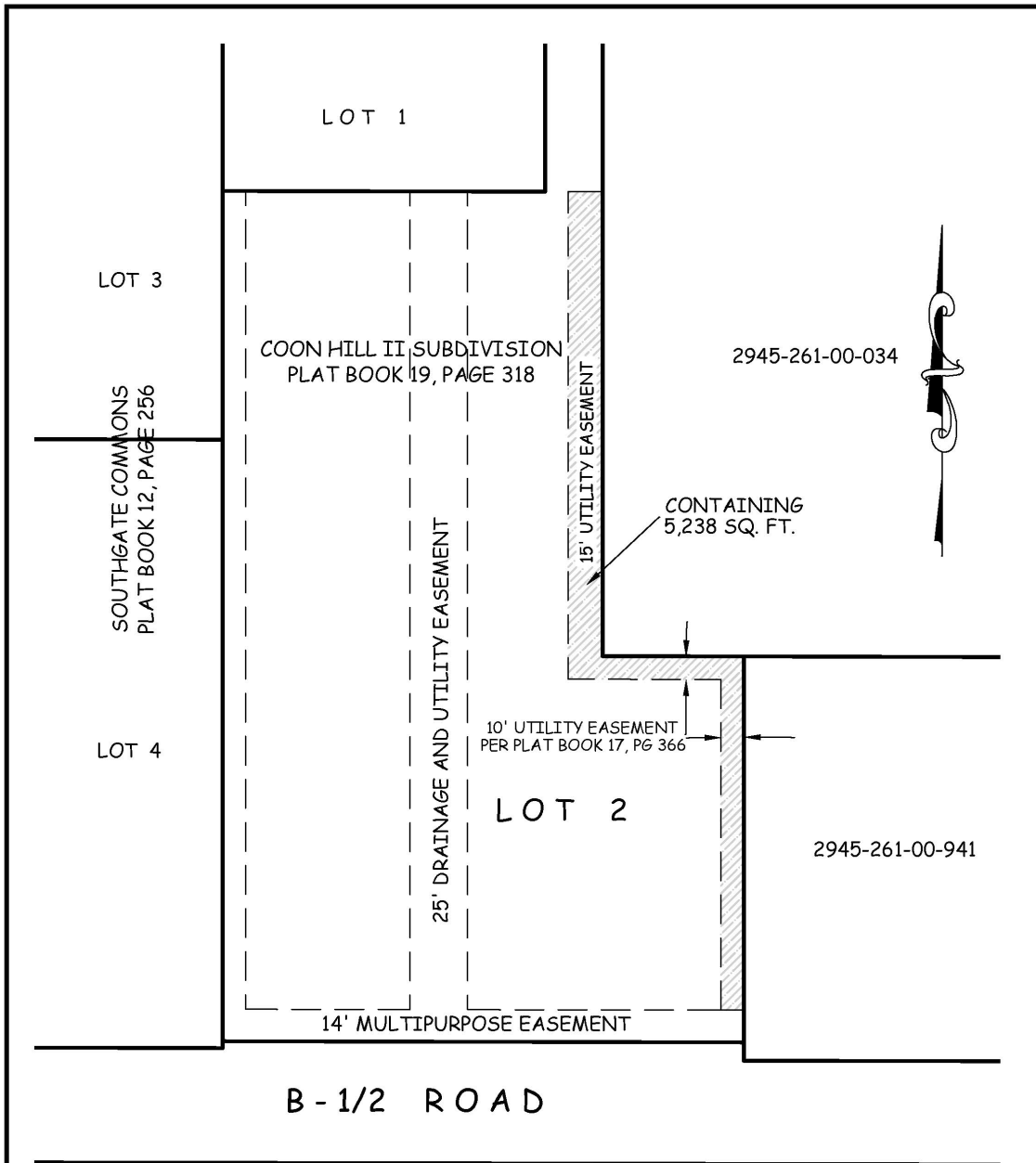
PASSED and ADOPTED this day of , 2015.

ATTEST:

President of City Council

City Clerk

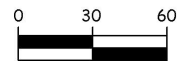
Exhibit A



ABBREVIATIONS

SEC = SECTION
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DRAWN BY: P.T.K.
 DATE: 9-16-2014
 SCALE: 1" = 60'
 APPR. BY: P.T.K.

COON HILL II SUBDIVISION
 EASEMENT VACATION
 2693-1/2 HIGHWAY 50
 2945-261-34-002





Date: February 10, 2015
Author: Scott D. Peterson
Title/ Phone Ext: Senior
Planner / 1447
Proposed Schedule:
February 24, 2015
File #: CUP-2014-134 &
APL-2014-450

Attach 3

PLANNING COMMISSION AGENDA ITEM

Subject: Remand to Planning Commission Regarding Decision on Variance and a Conditional Use Permit Issued to City Market, Located at the Intersection of N. 12th Street and Patterson Road

Action Requested/Recommendation: Remand for further consideration of Conditional Use Permit application and Variance request for business open 24 hours 7 days per week

Presenter(s) Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

On January 21, 2015, the City Council remanded the matter of the Variance approval of the business being open to customers 24 hours 7 days per week and the conditional approval of a Conditional Use Permit (CUP-2014-134) for City Market to construct a building in excess of 15,000 sq. ft. within the existing B-1 (Neighborhood Business) zone district on 7.99 +/- acres at the intersection of N. 12th Street and Patterson Road. The matter was remanded back to the Planning Commission to consider the matter further with development of the record as to the variance and the conditional use permit concerning matters: 1) What are the "Hours of Business" in a B-1 zone district; 2) Criteria consideration for a variance for the hours of business to allow the business to be open to customers for 24 hours per day 7 days per week for the grocery store and the fuel island; 3) Criteria consideration for a building in excess of 15,000 sq. ft., with the fuel station where it is located on the site plan and an 8' wall rather than a 10' wall for a conditional use permit in the B-1 zone district; 4) Criteria consideration . The Appellant set forth three paragraphs for its appeal. See the attached letter of appeal from Patterson Gardens incorporated herein.

During their discussion City Council members referred to concerns with the record lacking information as what was the basis Planning Commission made its decision where the criteria was not referenced. As to the conditional approval of a Conditional Use Permit, the appeal concerns the location of the fuel islands abutting the residential property, Patterson Gardens, on the east and the 8 foot masonry wall. The Appellant argues that the fuel station is too close to the residential development and the wall should be 10 feet tall. The Appellant also appealed the conditional approval of a Variance request to operate the store and fuel islands 24 hours a day, 7 days a week.

Background, Analysis and Options:

On November 12, 2014, a public hearing was held by the City of Grand Junction's Planning Commission for review of a Conditional Use Permit (CUP) to construct a building for City Market in excess of 15,000 sq. ft. (59,258 +/- sq. ft.) in a B-1 (Neighborhood Business) zone district. City Market also requested approval of a series of Site Plan deviations from the Zoning and Development Code ("ZDC") as part of the CUP and also two separate Variance requests.

The Commission reviewed the contents of a written staff report, including citizen correspondence; a presentation by the City Senior Planner, the applicant and the applicant's representative, Galloway Engineering; along with public testimony taken during the Public Hearing. The Planning Commission conditionally approved the requested Conditional Use Permit, Site Plan deviations from the Zoning and Development Code as part of the CUP and also the two separate Variance requests.

On November 20, 2014, Keith Williams, Vice President of Patterson Gardens HOA, filed an appeal of the Planning Commission's decision in accordance with Section 21.02.210 (d) of the Zoning and Development Code (see Attachments for letter).

Pursuant to Section 21.02.210(d)(4) of the Zoning and Development Code, the appeal by the Patterson Gardens HOA was filed within 10 calendar days and was accompanied by the appropriate fee. Notice of the appeal was given to the applicant and its representative on November 21, 2014. The applicant filed a written response to the appeal within 10 working days of receiving notice (see Attachments for letter).

How this item relates to the Comprehensive Plan Goals and Policies:

The site is currently zoned B-1 (Neighborhood Business) with the Comprehensive Plan Future Land Use Map identifying this area as Business Park Mixed Use. The City Market Conditional Use Permit application meets the Comprehensive Plan by encouraging the creation of "centers" within the community that provide goods and services and also by encouraging the revitalization of existing commercial areas (in-fill development, property is vacant) among the following goals and policies from the Comprehensive Plan:

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Policy A. To create large and small "centers" throughout the community that provide services and commercial areas.

Policy B. Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

Goal 7: New development adjacent to existing development (of a different density/unit type/land use type) should transition itself by incorporating appropriate buffering.

Goal 8: Create attractive public spaces and enhance the visual appeal of the community through quality development.

Policy F. Encourage the revitalization of existing commercial and industrial areas.

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

Policy A. Through the Comprehensive Plan's policies the City and County will improve as a regional center of commerce, culture and tourism.

Policy B. The City and County will provide appropriate commercial and industrial development opportunities.

How this item relates to the Economic Development Plan:

The purpose of the recently adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees. The proposed Conditional Use Permit for City Market meets with the goal and intent of the Economic Development Plan by supporting an existing business/company within the community as it expands to another location to serve area residents and a growing population along with the opportunity to provide additional jobs.

Board or Committee Recommendation:

The Planning Commission approved the requested Conditional Use Permit at their regular meeting of November 12, 2014 with a 6 – 1 vote.

The Planning Commission approved the Variance request to operate the store and fuel islands 24 hours a day, 7 days a week with a 4 – 3 vote.

The Planning Commission approved the Site Plan deviation to construct an 8' tall masonry wall along the east property line adjacent to residential development with a 0' side yard setback with a 7 – 0 vote.

Financial Impact/Budget:

No financial impact for this item.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This item was previously presented to the Planning Commission on November 12, 2014.

The item was presented to City Council on appeal January 21, 2015.

Attachments:

- Site Location Map / Aerial Photo Map
- Comprehensive Plan Future Land Use Map / Existing Zoning Map
- Appeal Letter from the Patterson Gardens HOA
- Response to Appeal Letter from City Market
- Site Plan (Revised since November Planning Commission meeting)
- Landscaping Plan (Revised since November Planning Commission meeting)
- Screen Wall Elevation (East property line location)
- Building Elevations
- Lighting Plan

BACKGROUND INFORMATION		
Location:		SE corner of the intersection of N. 12 th Street and Patterson Road
Applicants:		City Market, Applicant Galloway Planning, Architecture and Engineering, Representative
Existing Land Use:		Vacant land
Proposed Land Use:		City Market grocery store, fuel islands and retail/office building(s)
Surrounding Land Use:	North	Bookcliff Baptist Church, counseling center and insurance office
	South	Single-family detached and attached residential
	East	Single-family detached and Multi-family residential (Patterson Gardens)
	West	Village Fair Shopping Center
Existing Zoning:		B-1 (Neighborhood Business)
Proposed Zoning:		N/A
Surrounding Zoning:	North	R-8 (Residential – 8 du/ac) and R-O (Residential Office)
	South	R-8 (Residential – 8 du/ac) and PD (Planned Development)
	East	R-8 (Residential – 8 du/ac)
	West	B-1 (Neighborhood Business)
Future Land Use Designation:		Business Park Mixed Use

Zoning within density range?	X	Yes		No
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ANALYSIS:

Background:

The applicant, City Market, wishes to construct a 59,258 +/- sq. ft. City Market grocery store with a drive-through pharmacy, along with a fuel center and one multiple tenant retail/office building 7,100 +/- sq. ft. in size on a total of 7.99 +/- acres. In the future, one commercial pad site will also be available for private development once a new subdivision plat is finalized and recorded. A Conditional Use Permit is required for a retail building that is in excess of 15,000 sq. ft. in the B-1 (Neighborhood Business) zone district in accordance with Section 21.03.070 (b) of the Zoning and Development Code.

Regarding the anticipated size of the building, the applicant is to provide appropriate mitigation measures as part of the Conditional Use Permit from adjacent residential properties. Applicant has provided mitigating measures by proposing to construct an 8' tall masonry wall and an 11' wide landscaping strip along the east property line (minimum City Zoning Code requirement is a 6' tall fence or an 8' wide landscaping strip), the site layout with the location of the City Market building and the additional retail building helps to block the views and the noise from the streets and adjacent commercial and business sites from the residential neighborhood as does the detention ponds and the landscaping. Applicant has offered more landscaping than is required by the Code. Also, since the November 12, 2014 Planning Commission meeting, the applicant has provided additional Colorado Blue Spruce trees along the east property line to help screen and buffer the fueling islands from the adjacent Patterson Gardens multi-family residential development (See Landscaping Plan). Adequate off-street parking requirements have been met with the applicant proposing to provide 301 parking spaces on-site with only 242 spaces required. Therefore, the site and building meets with applicable criteria of the Zoning and Development Code for the development of a 59,258 sq. ft. building on the property and the applicant has provided appropriate mitigation measures between commercial and residential land uses and thus is considered compatible. Anticipated operations of the site will include a grocery store, automobile fueling islands, retail space, banking facility and general office space, all of which are "allowed" land uses within the existing B-1 (Neighborhood Business) zone district, along with some outside display of merchandise as was approved by the Planning Commission on November 12, 2014 and identified on the Site Plan.

The site is zoned B-1 Neighborhood Business. The purpose of the B-1 zone is "to provide small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses; a balance of residential and nonresidential uses. The performance standards for the B-1 zone include:

- (i) Parking. Business uses shall be designed and operated so as not to increase on-street parking in front of neighborhood dwellings. On-site parking shall be provided.

The applicant has provided 301 parking spaces on-site. This is 59 more spaces than Code requires for these uses.

- (ii) Hours of Business. No use in this district shall open or accept deliveries earlier than 5:00 a.m. nor close later than 11:00 p.m. "Close" includes no customers on site and no deliveries.

The Director has interpreted the hours of business to be the hours that the business is open to customers to come on-site and make purchases/transactions or use services available from a business. Deliveries may only be made during the hours between 5 AM to 11 PM which is when the business may also be open to customers. Additional operations of the business may go on on-site outside these hours if it occurs inside the building(s) on-site, such as employees stocking shelves, cleaning, paperwork, etc.

- (ii) Service Entrances. Business service entrances, service yards and loading areas shall be located only in the rear or side yard.

The business service entrances used for employees and deliveries are located on the rear of the building. There are no services yards.

- (iv) Outdoor Storage and Display. Outdoor storage and permanent displays are prohibited. Portable display of retail merchandise may be permitted as elsewhere provided in this code.

There is no outdoor storage and the outdoor display included has been approved through a variance.

Conditional Uses are not uses by right, it is one that is otherwise prohibited within a given zone district without approval of a Conditional Use Permit. A Conditional Use Permit ("CUP") may be approved for a retail building in excess of 15,000 sq. ft. if the criteria have been met. A Conditional Use Permit, once the use is established and thus meets with all applicable review criteria for the proposed development of the property regarding layout and design, runs with the land and remains valid until the property changes use or the use is abandoned and/or non-operational for a period of twelve (12) consecutive months. Failure to develop or establish such use accordingly is sufficient grounds to revoke the permit.

Regarding the on-site lighting of the property (see Lighting Plan), the proposed fuel islands will have down directional lighting as are the pool lighting for the parking lot in accordance with the Zoning and Development Code. Light pollution past the east property line ranges in footcandles from 0.0 to 0.5 which is in conformance with the Code and thus meets with compatibility between commercial and residential land uses. Again,

much of the lighting will be blocked from the neighboring residences by the buildings and landscaping.

Access to the property will be from Patterson Road (“3/4 movement” – right-in, right-out, left-in), N. 12th Street (right-in, right-out) and Wellington Avenue (full movement). Medians will be constructed as part of the project within Patterson Road and N. 12th Street to help direct traffic per these movements (see attached Site Plan). Wellington Avenue will be upgraded with improvements that include curb/gutter/sidewalk and asphalt widening on the northside of Wellington adjacent to City Market property. Additional right-of-way will be dedicated and detached sidewalks constructed along N. 12th Street and Patterson Road adjacent to the applicant’s property. Additionally, a northbound right turn lane will be constructed at N. 12th Street and Patterson Road. These street, site, and median improvements will be paid for and constructed by the applicant as part of their development. Complete reconstruction of the N. 12th Street and Patterson Road intersection will be required at some point in the future when traffic conditions warrant. Additional real estate will need to be acquired by the City for additional right-of-way on the other three sides of the intersection. Upgrades to the intersection may include double left-turn lanes on all four legs.

As part of this application, the applicant requested a variance to modify the required store hours and the fuel islands being open to customers in the B-1 zone district from 5AM to 11PM to be 24 hours a day 7 days per week. See variance review criteria found elsewhere within this Staff Report.

Request for grocery store and fuel islands to be open 24 Hours a day:

City Market is requesting a variance from the B-1 (Neighborhood Business) zone district requirement that store and fuel island hours be from 5AM to 11PM (Section 21.03.070 (b) (2) (ii) of the Zoning and Development Code). City Market has requested an allowance that enables the store and fuel islands to be open for business 24 hours a day, 7 days per week. However, City Market is willing to limit delivery hours to between 7AM and 10PM as the Code allows. City Market believes that 24 hour business operations will be beneficial to the community and surrounding neighborhoods and, with the limitation on delivery hours, feels that there will not be a noise encumbrance to the adjacent homes.

As City Project Manager, I am supportive of the request to have store deliveries to be between the hours of 7AM to 10PM which is allowed in the B-1 zone district. City Market is moving more stores to be 24 hours a day (including the 24 Road and Rood Avenue stores) to be more competitive in the market (ex: Walmart is open 24 hours). Other stores in the area (Albertson’s on N. 12th Street and Safeway on Horizon Drive) are open from 5AM to Midnight. City Staff understands the applicant’s request since the parking lot will still be lighted at night for security purposes and employees will be in the store stocking shelves etc., whether the store is open or not, so a 24 hour store might be a convenience and choice to some area residents that have different work shifts than a normal 8AM to 5PM job and cannot get to a grocery store during normal business hours.

Also, a 24 hour grocery store could also benefit and serve the nearby university campus student population.

Section 21.02.110 of the Grand Junction Zoning and Development Code:

To obtain a Conditional Use Permit, the Applicant must demonstrate compliance with the following criteria:

(1) Site Plan Review Standards. All applicable site plan review criteria in Section 21.02.070(g) of the Grand Junction Zoning and Development Code and conformance with the SSID (Submittal Standards for Improvements and Development), TEDS (Transportation Engineering Design Standards) and SWMM (Stormwater Management) Manuals.

City Project Manager finds the request for a Conditional Use Permit to be in compliance with the Comprehensive Plan and the Zoning and Development Code per my review of the Site Plan application as this property is zoned B-1, (Neighborhood Business) with the exception of the applicant's request for the identified variance discussed below within this Staff Report. The application is in compliance with the SSID and the TEDS Manuals. As point of clarification, it is the opinion of the City Development Engineer that the proposed design for stormwater achieves the intent of the SWMM Manual by reducing impact to downstream facilities and otherwise reasonably complies with/satisfies the SWMM Manual.

Therefore, this criterion has been met.

(2) District Standards. The underlying zoning districts standards established in Chapter 21.03 Zoning and Development Code, except density when the application is pursuant to 21.08.020(c) [nonconformities];

General Retail Sales, Indoor Operations, Display and Storage is an "Allowed" land use within the B-1 zone district. However, a retail building that is in excess of 15,000 sq. ft. in the B-1 zone district requires a Conditional Use Permit, therefore the underlying zone district's standards established in Section 21.03.070 of the Zoning and Development Code are in compliance with the exception of the requested variance regarding store hours to be open 24 hours a day as discussed elsewhere within this Staff Report. (The Appellant only appealed the deviation granted of the wall being 8' rather than 10' and the variance regarding the store operations being 24 hours per day seven days per week.)

Therefore, this criterion has not been met, unless the requested variance is addressed.

(3) Specific Standards. The use-specific standards established in Chapter 21.04 GJMC;

A retail building that is in excess of 15,000 sq. ft. is required to obtain a Conditional Use Permit in the B-1 zone district. All use-specific requirements for this request as stated in Chapter 21.04 of the Zoning and Development Code are in compliance with this application with the deviations previously approved by the Planning Commission.

Therefore, this criterion has been met.

(4) Availability of Complementary Uses. Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.

The property is located at the intersection of N. 12th Street and Patterson Road which has existing Grand Valley Transit bus stops, retail and restaurants, medical clinics and hospitals, Colorado Mesa University all nearby, along with neighborhood single and multi-family residential development that will all benefit from the proposed commercial development by providing additional grocery, pharmacy, fueling islands and retail/office space and shopping choices for the area and surrounding neighborhoods.

This criterion has been met.

(5) Compatibility with Adjoining Properties. Compatibility with and protection of neighboring properties through measures such as:

(i) Protection of Privacy. The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;

The adjacent properties to the east and south are zoned residential which requires increased screening and buffering between the B-1 and R-8 (Residential – 8 du/ac) zoning districts. The minimum screening and buffering requirement shall be the construction of a 6' tall fence. However, where streets separate different zoning districts, the Planning Director may approve increased landscaping rather than requiring the fence. The applicant is proposing a landscaping strip adjacent to Wellington Avenue ranging in width from 35' to 45'. Minimum requirement of the landscaping strip would be 14'. The applicant has provided more than double the minimum requirement. Along the east property line, the applicant is proposing an 11' wide landscaping strip and the construction of an 8' tall masonry wall in-lieu of the 6' tall fence.

Therefore, this criterion has been met.

The Appellant has objected that the wall needs to be 10' rather than 8'. As City Project Manager, it is my opinion that the 8' wall adequately protects the privacy of the neighbors to the east particularly with the additional landscaping which will assist in reducing any noise and/or smells escaping to the neighboring property. The 8' wall is tall enough to block any light for vehicles traversing the site. The lights from the fuel canopy are downward facing and as required by the Code will not escape outside the canopy area. It is possible that the neighbors may see the lighting from their two story windows but I believe that same view will be seen with a 10' wall.

The landscaping on the southern portion of the property (35' to 45'), the parking area (40') and the street (60') puts at least 150' between the City Market building and any residence on Wellington. The required landscaping and the additional landscaping provided by the applicant protects the privacy of the neighbors much more so than any traffic driving on Wellington. The large building also helps to block any sound that may come from the traffic on Patterson. The image of the large building should be no more offensive than large multifamily building with apartments.

(ii) Protection of Use and Enjoyment. All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;

The proposed development will meet and exceed all off-street parking and landscaping requirements of the Zoning and Development Code for the B-1 zone district, with the exception that the islands required at the end of every row of parking spaces nearest to the entrance to City Market which were previously approved by the Planning Commission. Also, the applicant is proposing to construct an 8' tall masonry wall along the east property line to help screen and buffer the commercial development from the adjacent residential land uses with 11' of landscaping and is providing extensive landscaping along the east and south property lines to help screen the development.

Therefore, this criterion has been met.

The Appellant has objected that the wall needs to be 10' rather than 8'. As City Project Manager, it is my opinion that the 8' wall adequately protects the use and enjoyment of the neighboring properties to the east with minimal negative impact. The additional landscaping will assist in reducing any noise and/or smells escaping to the neighboring property. The 8' wall is tall enough to visually block the majority of what happens on the site. Again, it is possible that the neighbors may see the lighting from their two story windows or activities happening on the site, but the Code does not require that

everything being blocked from one property to another in any zone. I believe that same view will be seen with a 10' wall.

The landscaping on the southern portion of the property (35' to 45'), the parking area (67') and the street (60') puts at least 170' between the City Market building and any residence on Wellington. The required landscaping and the additional landscaping provided by the applicant protects the privacy of the neighbors much more so than any traffic driving on Wellington. The large building also helps to block any sound that may come from the traffic on Patterson.

(iii) Compatible Design and Integration. All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include; buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

The proposed development will not adversely impact the adjacent residential neighborhood by the development of a 59,258 +/- sq. ft. building. Because this property is adjacent to a high traffic intersection, is presently zoned B-1 (Neighborhood Business), is in close proximity to existing commercial, educational, hospital and clinic facilities and within walking distance of existing residential development, makes this project a perfect neighborhood business commercial development location. The applicant is proposing to construct an 8' tall masonry wall along the east property line to help screen and buffer the commercial development from the adjacent residential land uses. Also the applicant is providing extensive landscaping along the east and south property lines to also help screen the development. These proposed site improvements will help mitigate the commercial building from the adjacent residential neighborhoods.

Each of the developments at the intersection of Patterson and 12th Street have buildings that are over 15,000 square feet. The large City Market building acts as a buffer and a block for the neighborhoods to the other commercial activities. The overall land size of the City Market site is almost double the size of the other sites and in some instances is more than double, yet each site has building larger than 15,000 square feet.

The design of the site with the 8' wall, the landscaping, the size of the building and the placement of the buildings helps to minimize the overall impacts on the neighboring properties acting as Neighborhood Business is intended. It is a transition from more intense uses with uses needed by the residential occupants. The neighbors need not travel across town for any day products.

The development will allow for groceries, pharmaceutical needs, fuel needs and other incidentals to be met with short trips and for many within walking distance.

The development with the site plan proposed and the approvals previously made regarding the deviations by the Planning Commission is compatible with surrounding properties.

Therefore, this criterion has been met.

Variance Request: Section 21.02.200 of the Grand Junction Zoning and Development Code:

In Section 21.02.200, the Code states the following

(a) **Purpose.** A variance is a departure from the dimensional or numerical requirements of this code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of the action of the applicant, a literal enforcement of this code would result in unnecessary and undue hardship. Variances are permitted only to those portions of this code as specified herein.

(b) **Applicability.**

(1) The Director may approve variances of up to 10 percent of any bulk requirement. Requests for variances to the bulk standards that are greater than 10 percent and variances to the performance or use-specific standards of Chapter [21.04](#) GJMC, all overlay district regulations of Chapter [21.07](#) GJMC, excluding corridor overlay districts, and the sign regulations of Chapter [21.06](#) GJMC shall be heard by the Zoning Board of Appeals. Planning Commission shall hear variances to all other standards, unless otherwise specified.

(2) Variances shall not be heard or granted for:

(i) The establishment or expansion of a use in a district in which such use is not permitted by this code;

(ii) Residential development which would result in an increase in density greater than that permitted in the applicable zoning district; and

(iii) Changes or modifications to any definition contained in this code.

(c) **Approval Criteria.**

(1) Variance Requests from Bulk, Performance, Use-Specific and Other Standards. A variance is not a right. It may be granted to an applicant only if the applicant establishes that strict adherence to the code will result in practical difficulties or unnecessary hardships because of site characteristics

that are not applicable to most properties in the same zoning district. The following criteria shall be used to consider variances from the bulk, performance and use-specific standards contained in Chapter [21.04](#) GJMC.

(i) **Hardship Unique to Property, Not Self-Inflicted.** There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;

(ii) **Special Privilege.** The variance shall not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;

(iii) **Literal Interpretation.** The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;

(iv) **Reasonable Use.** The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;

(v) **Minimum Necessary.** The variance is the minimum necessary to make possible the reasonable use of land or structures;

(vi) **Conformance with the Purposes of this Code.** The granting of a variance shall not conflict with the purposes and intents expressed or implied in this code; and

(vii) **Conformance with the Comprehensive Plan.** The granting of a variance shall not conflict with the goals and principles in the City's Comprehensive

Staff's analysis of the variance criteria for the additional time for the business to be open:

City Project Manager states that there are no exceptional conditions creating an undue hardship, the applicant simply wants to operate a grocery store for 24 hours a day. The applicant would be conferred a special privilege to operate a 24 hour store in a zone district that does not allow it because other B-1 businesses do not enjoy this privilege. Also there are ample reasonable uses that can be made of the property, including the applicant's proposed use as a grocery store, within the hours allowed in the zone district. A literal interpretation of the Code does not deprive the applicant of rights enjoyed in similar zone districts; other "neighborhood businesses" do not operate 24 hours a day. Many grocery stores in the community do not operate 24 hours a day even if they are in a zone district which allows it (some examples of grocery store hours are: Albertson's 1830 North 12th Street, hours 5 am – midnight; Albertsons 2512 Broadway, hours 6 am – 10 pm; Safeway 681 Horizon Drive, hours 5 am – midnight; Safeway 2901 F Rd, hours 5 am – midnight; Safeway 2148 Broadway, 6 am – 10 pm). The variance request also cannot be characterized as the minimum necessary (such as 5 am to midnight); it is the

maximum conceivable (24 hours in a day). The variance requested also does not conform to the purposes of the zoning code in the sense that the purpose of the B-1 zone is to provide small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses; a balance of residential and nonresidential uses. If the applicant wants to be open 24 hours, there are other zone districts that could accommodate including a planned development zone. The applicant may rezone the property.

City Market represents that it is moving towards opening more stores to be 24 hours a day in order to compete with other retailers who are also open 24 hours a day and believes that a 24 hour business operation will be beneficial to the community and surrounding neighborhoods and with the limitation on delivery hours, feels that there will not be a noise encumbrance to the neighborhood. City Market is willing to limit delivery hours to between 7AM and 10PM as the Zoning Code dictates.

Therefore, City Project Manager does not support the hours of operation of the grocery store or the fuel islands to be 24 hours a day.

Applicant's analysis of the variance criteria:

Project Description

The applicant, City Market, is proposing to develop the vacant parcel located on the southeast corner of North 12th Street and Patterson Road. The site is zoned B-1. The proposed development will consist of an approximate 59,000 square foot grocery store located at the eastern portion of the site, a nine multiple product dispenser fueling facility located just to the north of the proposed store, a 7,100 square foot inline retail building at the southwest corner of the site, and a future pad site at the northwest corner of the development.

The proposed City Market store is intended to operate 24 hours a day in order to provide the maximum amount of convenience for the customers of Grand Junction. The applicant is requesting variances from sections 21.03.070 (b) (2) (ii) of the zoning and development code which restrict operating hours to between 5am and 11pm.

Requested 24-Hour Use and Outside Display Variance

- a. *Hardship Unique to Property, Not Self-Inflicted. There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within similar zone districts, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;*

Applicant's Response:

24-Hour Use: The proposed site is bound by public streets on the north, west and south sides of the subject property. Both 12th Street and Patterson Road are highly traveled streets by potential customers that will be able to enjoy the convenience provided by the City Market grocery store. The subject site is

located closely nearby and less than a half mile east of St. Mary's Hospital and Medical Center Campus. Doctors, nurses, hospital staff, patients and families at a hospital generally operate on abnormal and/or unpredictable schedules. The proposed City Market store would provide 24-hour convenience to the employees of the hospital, and for patients and families needing critical non-prescription or over the counter medicines.

- b. Special Privilege. The exception shall not confer on the applicant any special privilege that is denied to other lands or structures within similar zone districts;*

Applicant's Response:

24-Hour Use: 24-hour operation is allowed in many other similar zone districts (B-2, C-1, C-2) and therefore, the allowance of 24-hour use would not confer any special privilege that is denied to other lands in similar nearby districts.

- c. Literal Interpretation. The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in similar zoning districts and would work unnecessary and undue hardship on the applicant;*

Applicant's Response:

24-Hour Use: City Market strives to provide their customers and the community with the best shopping experience possible. The requested 24-hour operation is a way that City Market is able to meet the growing needs of a larger segment of the community. Not all customers are able or willing to do their shopping inside of the City's restricted operating hours. Easy access to a grocery store is a necessity for most families, and 24-hour access allows customers to choose the most convenient shopping time to meet their needs and schedules. The literal interpretation of the provisions would not only deprive City Market the rights commonly enjoyed by other retail stores in similar zoning districts, but it would deprive the customers easy access to groceries at the time most convenient to their schedule.

- d. Reasonable use. The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance.*

Applicant's Response:

24-Hour Use: A City Market grocery store is a reasonable use of the proposed site, however it is unreasonable to restrict the hours of operation at the proposed location since it will reduce the convenience and ease of use for the customers. This reduction in convenience and ease of use is in direct conflict with the many benefits of the proposed development.

- e. Minimum necessary. The variance is the minimum necessary to make possible the reasonable use of land or structures.*

Applicant's Response:

24-Hour Use: Given the site location and City Market's desire to provide the maximum amount of convenience for their customers of Grand Junction, 24-hour use is the minimum variance required.

- f. *Conformance with the Purposes of the Zoning and Development Code. The granting of an exception shall not conflict with the purposes and intents expressed or implied in the Zoning and Development Code.*

Applicant's Response:

24-Hour Use: The purpose of the B-1 zoning district is "To provide small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses; a balance of residential and nonresidential uses." The allowance of 24 hour use does not conflict with the purpose of the B-1 district purpose.

- g. *Conformance with Comprehensive Plan. The granting of an exception shall not conflict with the goals and principles in the City's Comprehensive Plan.*

Applicant's Response:

24-Hour Use: According to the City of Grand Junction Comprehensive Plan, Goal 3 states that "The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community." The proposed City Market store integrates into the area and creates a very good transition from the intersection of two arterial streets to areas of residential development. The center will spread future growth throughout the area by allowing residential neighborhoods to flourish with a convenience of a new 24-hour retail store in their neighborhood.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the City Market application, CUP-2014-134 for a Conditional Use Permit, I make the following findings of fact, conclusions and conditions:

7. The review criteria for a variance in Section 21.02.200 (c) (1) of the Zoning and Development Code have not been met for the request to allow the grocery store and fuel islands to be open to customers 24 hours a day, seven days a week.
8. The review criteria in Section 21.02.110 of the Grand Junction Zoning and Development Code have all been met for a Conditional Use Permit for a building in excess of 15,000 sq. ft. within the B-1 (Neighborhood Business) zone district with the approved site deviations and sign package.
9. Approval of the Conditional Use Permit with the following deviations and conditions:

- a. Site Plan deviations and variance request as was approved at the November 12, 2014 Planning Commission meeting for the following:
 - 8' tall screen wall to be constructed on the east property line and not setback the required 5'.
 - 24' wide drive aisle for 90 degree parking stalls, 9' wide rather than the required 25' wide.
 - 60 degree parking stalls to be 9' wide by 19' long rather than 21' in length.
 - Landscape islands will not be required for the three parking lot rows nearest to the front door (see revised Site Plan for approved locations).
 - 6' wide sidewalk abutting public parking is allowable for the east side of Retail Building A and the City Market Building along the south side rather than the required 8' in width.
 - Variance request to allow areas of outside display of merchandise as defined on the revised Site Plan.
- b. Condition 1: Approval and recording of a Simple Subdivision Plat to re-subdivide the existing 21 parcels into fewer parcels so that all buildings can meet applicable building setbacks, etc. (Applicant is proposing a four lot subdivision)
- c. Condition 2: Approval and finalization of all outstanding items associated with the Site Plan Review, including any possible future TEDS exceptions, dedication of additional right-of-way at the NW corner of the property and the installation and construction of an additional median on N. 12th Street.

STAFF RECOMMENDATION:

I recommend that the Planning Commission approve the requested Conditional Use Permit, CUP-2014-134 with the findings, conclusions and conditions of approval listed above and deny the variance request for the 24 hour grocery store and fuel island business operations.

RECOMMENDED PLANNING COMMISSION MOTION:

First Motion:

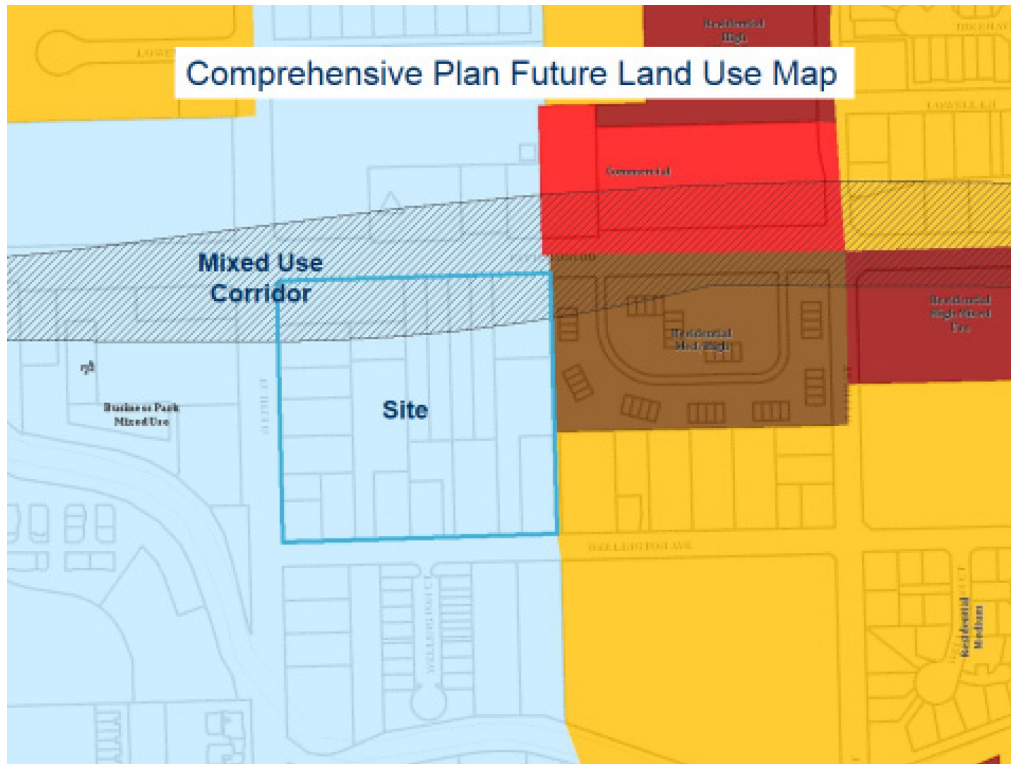
Madam Chairman, on the request for variance to allow the applicant to open the grocery store and fuel islands to customers for 24 hours a day seven days per week. I move that the Planning Commission approve the Variance with the findings of fact as stated on the record by the Planning Commissioners.

Second Motion:

Madam Chairman, on the request for a Conditional Use Permit for City Market to construct a building in excess of 15,000 sq. ft. in a B-1 zone district, City file number CUP-2014-134, to be located at the SE corner of N. 12th Street and Patterson Road, I move that the Planning Commission approve the Conditional Use Permit with the 8' wall based on the findings of fact, conclusions and conditions listed in the staff report.



Comprehensive Plan Future Land Use Map



Existing Zoning Map



From: Patterson Gardens HOA, Board of Directors
2721 Patterson Road
Grand Junction, CO 81506



To: Director of Planning Dept., City of Grand Junction
Date: 11-20-14

Subject: Appeal of Planning Commission's decision, Wednesday, November 12th Public Hearing Item #5,
City Market – Conditional Use Permit, File #ZCA-2014-355.

Dear City Planning Director,

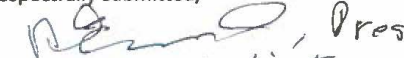
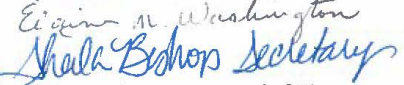
We represent the people residing in the Patterson Gardens HOA, particularly buildings # 1 & 2 which are on the west end of the property, adjacent to City Market's proposed new store. Please be aware we are not against having City Market as a new neighbor, we welcome them. We are, however, *very* concerned and *strongly* opposed to a few of the deviations that were proposed by the applicant, and passed by the Planning Commission last Wednesday night. We sent a letter on April 15th, 2014 outlining our concerns but received no reply. They will have a *very negative impact* on the safety and quality of life for our residents. (E) I personally made these issues known during the meeting.



We are appealing the decisions of the planning commission per the review criteria identified as (d) (1):

- (A) The 24-7 operations; this is not within the zoning codes, as is the building size. Another market down the street complied with the codes and only stays open as allowed. These late night operating hours bring with them many obvious problems that the police deal with regularly.
- (B) (C) The fueling kiosk/pump islands should be moved back to the corner of 12th and Patterson as was shown on the earlier plans four years ago. We are *greatly* concerned about trucks refueling pump tanks i.e., noise, fumes and fire dangers during operations at its presently planned location, next to building #1 of Patterson Gardens. Again, this will greatly reduce quality of life and present safety issues for the residents.
- (C) We proposed a 10' wall between the store and the association. I mentioned that other shopping centers in the valley have built 10' walls to help with the pollution from noise, lighting and fumes. (We have recently learned that these walls are 9'—our mistake.) All sleeping quarters for these residents are on the second story of these homes. (10' wall was presented through a "Development Agreement" we sent to all involved parties.)

We respectfully request that these issues be revisited with *greater consideration* for the residents of Patterson Gardens as well as the entire neighborhood.

Respectfully submitted,


Eileen M. Washington, Pres

Shala Bishop, Secretary
Patterson Gardens HOA, Board of Directors


Sandra J. Chamberlain, Treas.

Kirk Williams, V.P.



Real Estate

Denver Mailing Address • P.O. Box 5567, Denver, Colorado 80217
General Office & Warehouse • 65 Tejon St., Denver, Colorado 80223
(303) 778-3346 • Fax (303) 715-4546



December 2, 2014

Mr. Scott Peterson
City of Grand Junction
Planning Department

Re: Appeal filed by Patterson Gardens HOA, Board of Directors

Dear Scott:

Please consider this as our response to the appeal filed with your office by the Patterson Gardens HOA, Board of Directors.

- A. 24-Hour store operating hours. We agree with the Planning Commission's deliberation and decision regarding the benefits of a 24-hour store in this location. There are many businesses in close proximity to the store whose employees and associates would benefit from the convenience of the 24-hour operations, most notably St. Mary's Hospital and the Colorado Mesa University campus. Nonetheless, as discussed in the Planning Commission meeting, the parking lot and fuel canopy lights will be illuminated 24-hours for safety reasons, and employees will be in the store restocking during night hours. Therefore, it is our opinion that the difference between an open store and a closed store would have very little negative impact on the surrounding community. In compliance with code, City Market has agreed to restrict the delivery hours from 7am to 10pm, regardless of store hours.
- B. Fueling kiosk. The location of the fueling facility was not a requested variance/deviation to the Planning Commission as it is a permitted use under the B-1 zoning code. However, in light of the appeal by Patterson Gardens HOA Board of Directors, we would like to share the following for consideration: (a) the current location of the fuel center will facilitate circulation around and through the fuel center; (b) City Market moved the fuel center from the "hard corner" lot to the current configuration in response from City planning and neighbors who did not want the fuel center located at the most visible corner of the development. It is now our intention that a small office building, such as a bank, will occupy the hard corner, giving the entire center a much more aesthetic appeal; (c) the nearest fuel island to the Patterson Gardens community is located 68' to the property line; and (d) an eleven-foot landscape buffer with trees and an eight-foot high masonry wall is proposed between the fueling facility and the Patterson Gardens property line. Upon hearing the concerns from the Patterson Garden neighbors at Planning

Commission, the applicant redistributed the trees within the landscaping buffer to better screen the fuel facility area from the neighboring property line with the intention to better screen the fueling facility during all seasons.

- C. Screen wall. The eight-foot masonry wall as proposed by the applicant to the Planning Commission is not required by code. Code requires that a six-foot screen fence be provided between a B-1 district and a residential district. The applicant has proposed to increase the height to eight feet and to construct a masonry wall in lieu of a fence that will be much more appealing visually to the adjacent neighborhood. Please also consider that in addition to this masonry wall located along the property line, City Market has proposed to construct a 6'-4" masonry screen wall adjacent to the recessed loading dock area. With the recessed truck dock well area of 4'-6", this will result in a 10'-10" effective masonry screen wall adjacent to the truck dock well area.

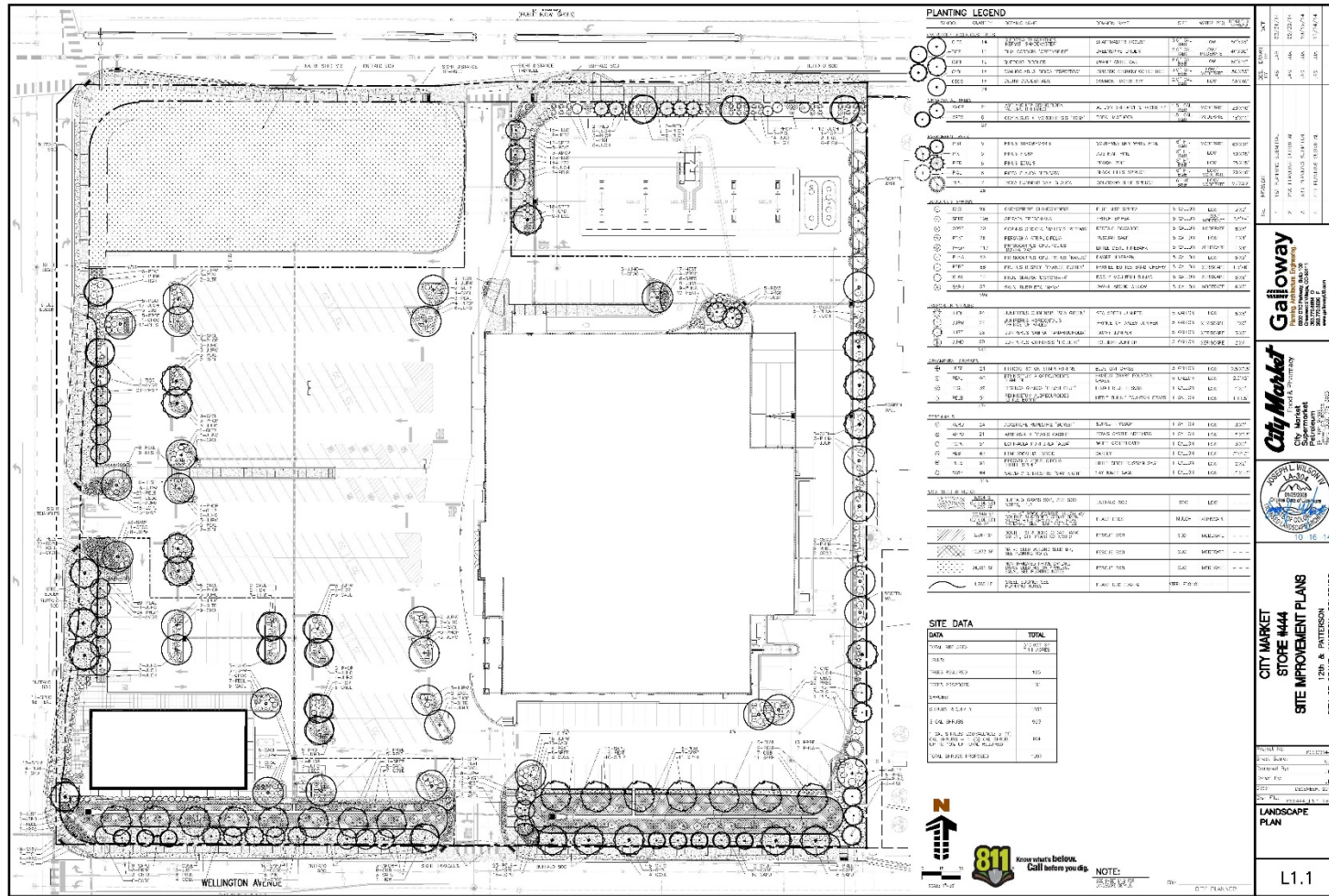
Scott, thank you for your consideration to City Market's response to the appeal filed by Patterson Gardens Home Owners' Association, Board of Directors. We certainly do not consider the appeal as adversarial, but consider it an opportunity to continue to work with the City and our future neighbors at 12th and Patterson.

Sincerely,



Joel Starbuck

City Market Real Estate



PLANTING LEGEND

SYMBOL	PLANT NAME	PLANT SPECIES	PLANT SIZE	PLANT TYPE	QUANTITY
⊙	14"	ARBOREALIS	14"	ARBOREALIS	1
⊙	12"	ARBOREALIS	12"	ARBOREALIS	1
⊙	10"	ARBOREALIS	10"	ARBOREALIS	1
⊙	8"	ARBOREALIS	8"	ARBOREALIS	1
⊙	6"	ARBOREALIS	6"	ARBOREALIS	1
⊙	4"	ARBOREALIS	4"	ARBOREALIS	1
⊙	3"	ARBOREALIS	3"	ARBOREALIS	1
⊙	2"	ARBOREALIS	2"	ARBOREALIS	1
⊙	1"	ARBOREALIS	1"	ARBOREALIS	1
⊙	12"	ARBOREALIS	12"	ARBOREALIS	1
⊙	10"	ARBOREALIS	10"	ARBOREALIS	1
⊙	8"	ARBOREALIS	8"	ARBOREALIS	1
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⊙	4"	ARBOREALIS	4"	ARBOREALIS	1
⊙	3"	ARBOREALIS	3"	ARBOREALIS	1
⊙	2"	ARBOREALIS	2"	ARBOREALIS	1
⊙	1"	ARBOREALIS	1"	ARBOREALIS	1
⊙	12"	ARBOREALIS	12"	ARBOREALIS	1
⊙	10"	ARBOREALIS	10"	ARBOREALIS	1
⊙	8"	ARBOREALIS	8"	ARBOREALIS	1
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⊙	2"	ARBOREALIS	2"	ARBOREALIS	1
⊙	1"	ARBOREALIS	1"	ARBOREALIS	1

SITE DATA

DATA	TOTAL
PLANTING REQUIRED	1,120
PLANTING PROVIDED	110
PLANTING SHORTAGE	1,010
PLANTING SURPLUS	0
PLANTING DEFICIENCY	0
PLANTING EXCESS	0
PLANTING TOTAL	1,120
PLANTING PROVIDED	110
PLANTING SHORTAGE	1,010
PLANTING SURPLUS	0
PLANTING DEFICIENCY	0
PLANTING EXCESS	0

City Market
 STORE #444
 SITE IMPROVEMENT PLANS
 12th & PATTERSON
 CITY OF GRAND JUNCTION, COLORADO

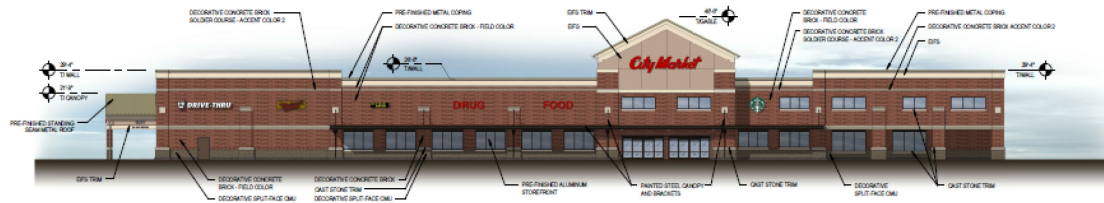
Galloyway
 12th & Patterson
 Grand Junction, Colorado
 970.243.7272

811
 Know what's below.
 Call before you dig.

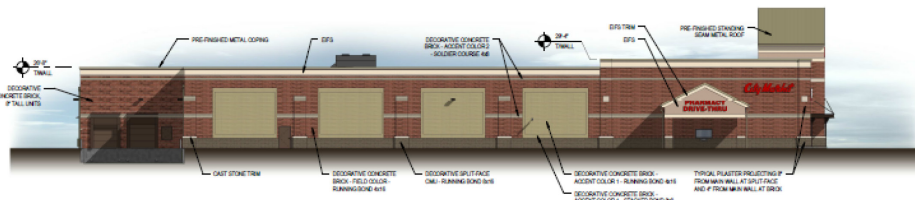
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 DRAWN: J. L. BROWN
 CHECKED: J. L. BROWN
 APPROVED: J. L. BROWN

LANDSCAPE PLAN

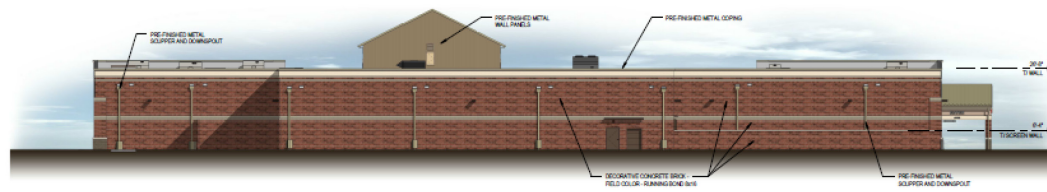
L1.1



WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION

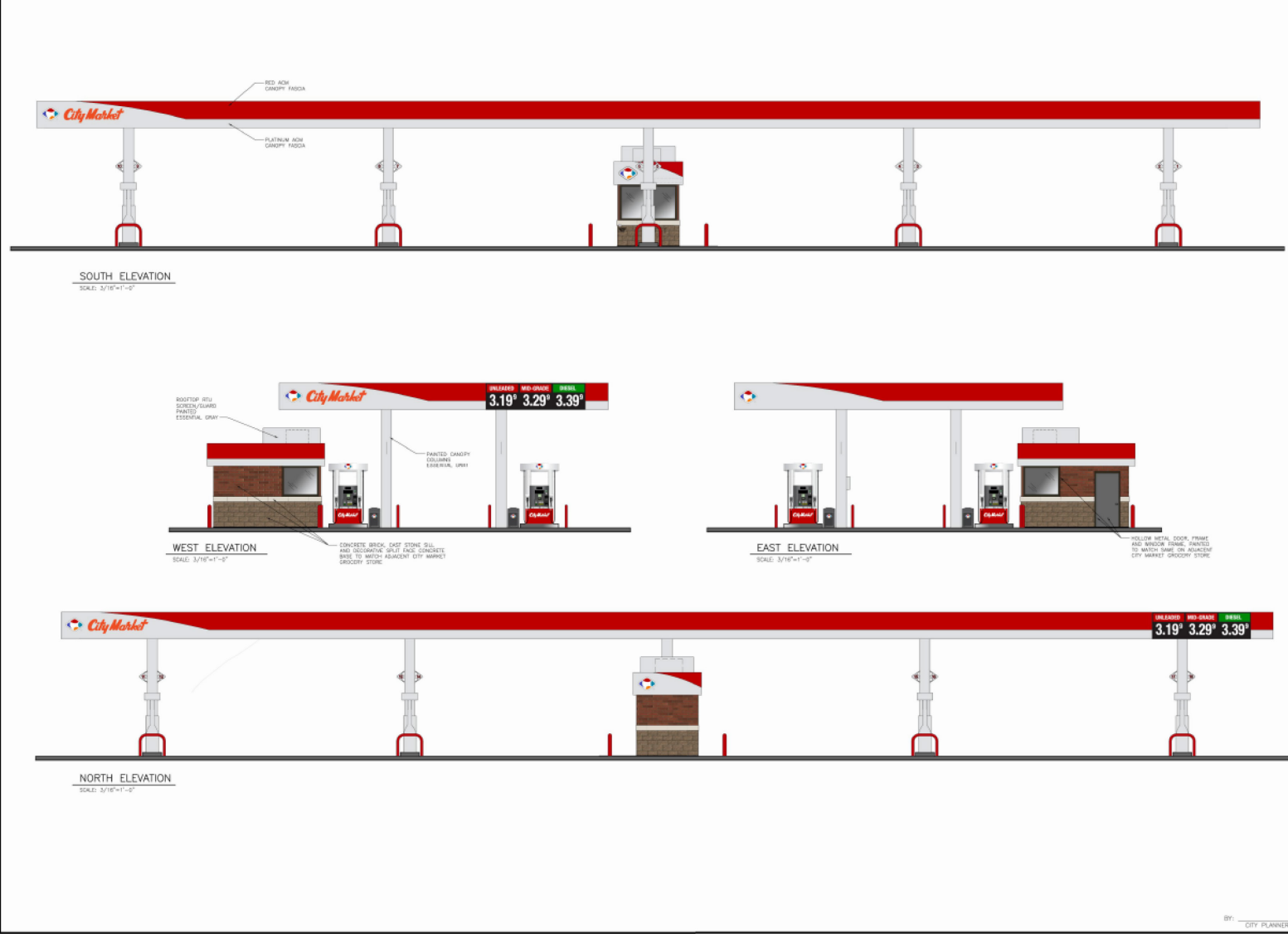
DATE	08/28/2014
CONTRACT	SEE DRAWINGS
PROJECT	SEE DRAWINGS
DESIGNED BY	CR ARCHITECTURE + DESIGN
DRAWN BY	CR ARCHITECTURE + DESIGN
CHECKED BY	CR ARCHITECTURE + DESIGN
APPROVED BY	CR ARCHITECTURE + DESIGN
SCALE	AS SHOWN
NO.	1
TITLE	CITY MARKET STORE #444 SITE IMPROVEMENT PLANS
<p>CITY MARKET STORE #444 SITE IMPROVEMENT PLANS</p> <p>5201 & PATTERSON CITY OF GRAND JUNCTION, COLORADO</p>	
PROJECT NO.	082814-04
PROJECT NAME	SEE DRAWINGS
DRAWN BY	
CHECKED BY	
DATE	08/28/2014
CONCEPTUAL ELEVATIONS	
A1.3.	

BY: CITY PLANNER

CITY MARKET BUILDING ELEVATIONS



RETAIL BUILDING A ELEVATIONS



NO.	REVISION	DATE

Galloway
ARCHITECTS
1000 17TH AVENUE, SUITE 100
DENVER, COLORADO 80202
303.733.1111
WWW.GALLOWAYARCHITECTS.COM

CityMarket
Food & Pharmacy
Supermarket
12th & Patterson
Denver, CO 80202

STATE OF COLORADO
MICHAEL D. CHAPMAN
8-2918
LICENSED ARCHITECT
0000455-5-04

**CITY MARKET
STORE #444
CONSTRUCTION IMPROVEMENT PLANS**
12th & PATTERSON
CITY OF GRAND JUNCTION, COLORADO

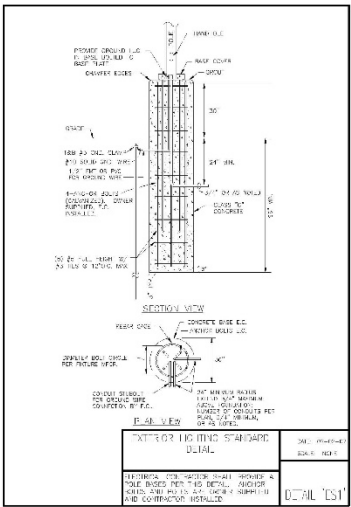
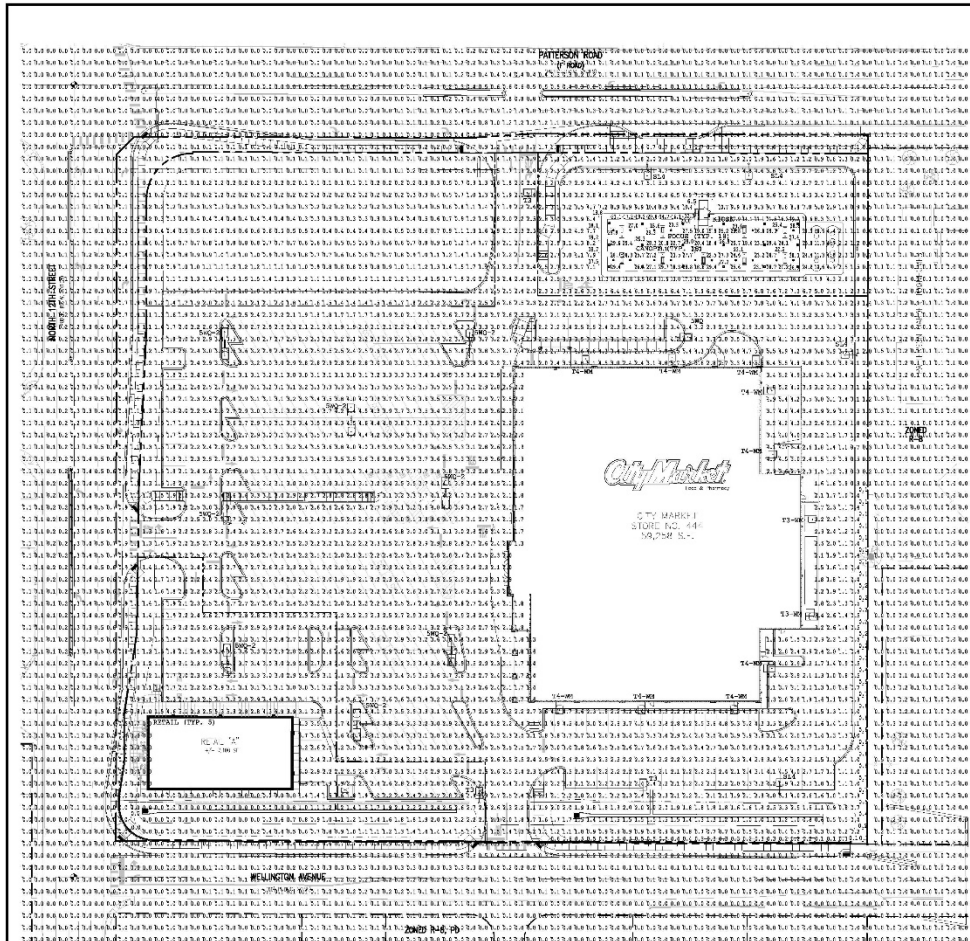
Project No: 255000444
Sheet No: A1.1
As of: 10/24
Drawn By: MSC
Date: 10/24/2011
Title: 25500044-A1.1-Fuel Elev

FUEL ELEVATIONS

A1.1

BY: CITY PLANNER

FUEL ISLAND CANOPY AND KIOSK



CALCULATION SUMMARY					
LINE	AREA	FIX	FEET	FIX	FEET
MAIN PARKING LOT	70	2.00	4.3	13	2.00
BACK OF STORE	70	2.00	4.3	13	2.00
PARKING GARAGE	70	2.00	4.3	13	2.00
TOTAL PARKING	70	6.00	12.6	39	6.00

- NOTES**
- SEE DETAIL C4.3 PHOTOMETRIC DETAILS FOR MAIN LUMEN CURVE & 5-10 FT V-CURVE DATA
 - ALL FIXTURES TO BE INSTALLED WITH SHIELDING DEVICES TO PREVENT LIGHT SPILLAGE ON TO ADJACENT AREAS

LUMINAIRE SCHEDULE										
SCHED.	QTY	QTY	QTY	QTY	QTY	QTY	QTY	QTY	QTY	QTY
NO.	DESC	QTY	QTY	QTY	QTY	QTY	QTY	QTY	QTY	QTY
1	SWD	350	350	350	350	350	350	350	350	350
2	SWD	350	350	350	350	350	350	350	350	350
3	SWD	350	350	350	350	350	350	350	350	350
4	SWD	350	350	350	350	350	350	350	350	350
5	SWD	350	350	350	350	350	350	350	350	350
6	SWD	350	350	350	350	350	350	350	350	350

DATE	10/27/24
BY	JAS
CHECKED BY	JAS
DATE	10/27/24
BY	JAS
CHECKED BY	JAS
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City Market
12th & PATERSON
STORE #444

Galloway
PHOTOMETRIC ENGINEER

COLORED REBAR & WELDED
1985A
PROFESSIONAL ENGINEER

CITY MARKET STORE #444
SITE IMPROVEMENT PLANS
12th & PATERSON
CITY OF GRAND JUNCTION, COLORADO

PHOTOMETRIC PLAN

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C4.2

LIGHTING PLAN