

Grand Junction, Colorado

September 28, 1960

SPECIAL MEETING

The City Council of the City of Grand Junction met in special session in the Civic Auditorium at 7:30 o'clock p.m.; the Council having waived written notice of such meeting on September 7, 1960, with special notice having been given to Councilman Harry Colescott. This meeting was called to consider any business that might be brought before the Council, and the Clerk had been authorized to advertise the new zoning ordinance map for hearing at 7:30 p.m. and the new zoning ordinance text and regulations for hearing at 9:00 p.m.

C. E. McCORMICK apptd. Pres of Council to 5-1-61

It was moved by Councilman Wright and seconded by Councilman Meacham that Councilman C. E. McCormick be appointed President of the City Council for the period ending on May 1, 1961. Councilman McCormick took the Chair and presided at the meeting.

ROLL CALL

The following Councilmen were present and answered roll call: Ray Meacham, Arthur S. Hadden, Ed. B. Surface, Herbert M. Wright and President C. E. McCormick. Absent was Councilman Harry O. Colescott. Also present were City Manager J. M. Lacy, City Attorney Gerald J. Ashby and City Clerk Helen C. Tomlinson.

COUNCIL VACANCY Report from Committee

President McCormick called upon Councilman Wright for a report in regard to the selection of a Councilman from District "E", to take the place of Councilman Strnad who recently resigned. Councilman Wright reported that the committee had met several times and had found a number of very well-qualified individuals for the office, but were unable to make a recommendation on such short notice. There are others they wish to interview, and would like to postpone their recommendations until the next meeting of the Council. President McCormick stated that he realized that it was short notice, and that it was difficult to get people to serve in positions of this kind.

HEARING On proposed new zoning map - Brach or City Market property - 1st & Orchard - residents protest B-1 zoning

The President then opened the public hearing on the proposed new zoning map. A large delegation of citizens was present for the hearing.

Mr. William E. Foster, Attorney for the City Market, was the first speaker. He requested that the first order of business be the hearing on the Brach or City Market zoning, on the northeast corner of First and Orchard Avenues. He stated that he had attended the hearing on this matter before the Planning Commission and that he had stayed through the agenda; that there had been no remarks made against the zoning while he was there, but as he had another commitment and had left the meeting, he had learned afterwards that there had been objections made. He requested that anyone having any objections to the zoning would come forward with their remarks at this time. Mr. A. W. Martin, 181 Orchard Ave., stated that there had been two parts to the previous zoning hearing, and that Mr. Foster had left the

meeting before the second part was taken up and that was why he had missed out on the discussion and objections.

Mr. Lacy, City Manager, suggested that the procedures suggested by the City Attorney for presenting these different areas be followed. He would recap what had gone on before at Planning Commission meetings on September 14th and 21st, and then take up some new items that had not been covered by the Planning Commission. He said that the matter of the Brach area rezoning, the area concerned, is immediately east and north of 1st and Orchard Avenue. The Market itself is zoned Business "AR" which is comparable to limited Business, or B-2, as proposed in the new zoning ordinance. This is neighborhood business, and the tract immediately east is designated as "P" zone for off-street parking area. In the hearing before the Planning Commission, the minutes indicate there is opposition to this zoning, and Mr. Lacy said he was sure that they will wish to be heard again. After considering the proposition and proposal and after considering the opposition's proposal and reasons therefore, which the Planning Commission and Council have considered before, it was the recommendation of the Planning Commission that this be rezoned as proposed on the map.

Mr. John Knoll, 111 Orchard, stated that they have a petition signed by 100% of the people living within 100 feet who are objecting to the zoning, and also the blessings of many people living close but outside of the 100 foot limit, who have told them to try to stop this zoning of business area. They have three points they definitely object to: (1) There are no regulations on sizes of buildings in the area. One of the main reasons why the Planning Commission wanted to enlarge the area was because there was a parking problem and traffic congestion. Just enlarging the area wouldn't help a bit without regulating the sizes of buildings. In another six months or a year, with poor planning, they could have the same traffic problem and would have accomplished nothing. (2) There are no restrictions whatsoever on the sizes of signs and number of signs, and he believed that there were some restrictions needed on these signs. Under the present "AR" zoning there are definite restrictions - signs can be only eight square feet. Many cities are not allowing any neon signs in an area such as this; this being a small area shopping center in a residential neighborhood with the purpose to serve the people within a mile or so of this zone. In most cases they don't need a big sign to show the location of the store. Residents of the area have to look at it all the time; people working there, just during working hours. He thought it would be a step backward to let big signs go in there as it is the trend over the country to regulate such signs. (3) Something should be done against the loading ramp in front of City Market property which has recently been built. He thought the City Market built the loading ramp in a hurry when they knew what the regulations in the new zoning ordinance would be, and they would not be allowed to build such a ramp. He realized there was no law that says they have to fence this, but suggested that they be given no favorable zoning until this is fenced. He objected to the loading ramp being used for storage, right in front of their windows. His group offered to withdraw their objections if there are some regulations in the zoning ordinance on the sizes of buildings so they are nice buildings, don't grow too big and are usable and look good to them. They would also like regulations restricting the number and sizes of signs with no larger signs than allowed presently in "AR" zoning. He stated they have tried to work with Mr. Brach and the City Market. When this matter first came up, he signed the petition for the change of zone, but found that they had told every neighbor a different story, and that they had no idea what was going to happen, so he then objected. He thought they could come to some agreement and for a while things were quiet and then all at once a huge sign appeared, against regulations, and then the loading ramp which would have been against regulations if they had waited until the new zoning ordinance was passed. Also they have an area which is

zoned Residence "A", which they are using as a parking area right now, both for the people who work in the store and other people that are shopping in the store. This is a direct violation of the City ordinances. He stated that they could see no way of getting any cooperation from the City Market people except through the City Council and were asking for their help.

Mrs. Wilson, 141 Orchard, stated that they were not fighting the market as such, but were fighting a large operation in a very nice residential neighborhood. They are fighting a commercial building type operation. They felt that since the market was there before the house that it has a right to do business, but since they are expanding into residential property they feel they should conform to the residential standards. They felt that painting the building was good, but don't care for the polka dots because it calls attention to a commercial building, and it should conform to a residential neighborhood. All they ask is protection for their property.

The only cooperation they have had in all the months since this started, was at the meeting in Mr. Lacy's office where they incorporated in the new zoning ordinance the fact that they would have to put up a solid fence on the "P" zone to keep the headlights from cars from shining in their windows from 5:30 on in the evenings. The City Market and Mr. Brach have shown that they do not wish to cooperate with the residents of this area. They realize they can't do anything with the loading zone now, but believe that they had several alternatives when they built it, but they saw fit to put it there. She thought they wanted to put the entrance there in the beginning probably. Because the residents did not drop their objections, the City Market put in the loading zone facing Orchard Ave. It is the only loading zone in the City of Grand Junction that would face comparable residential property, less than five years old. The taxes are high in this neighborhood; the properties are nice; Sherwood Park is close, and they would like to keep the neighborhood that way.

A. W. Martin, 181 Orchard Ave., spoke next, stating he thought there was one point which had not been covered. This matter was brought out at a meeting of the Planning Commission on a Wednesday morning in early May, when the rezoning of the Brach property was first brought up. The Planning Commission voted at that meeting to approve the 85 feet and it was written into the minutes that there would be no more business rezoning along Orchard Avenue.

Mr. Martin and Mr. Lacy then discussed the matter of the new zoning ordinance allowing an additional 50,000 sq. feet of business zoning on the opposite corner or across either one of two intersecting arterial streets. Mr. Lacy stated that it was the Planning Commission's understanding that there will be no more business zoning along Orchard Avenue East, because of the initial concern put forth by the residents of this area that it would be creeping zone-itis. If further zoning were granted, it would never stop until it had swallowed up everything it wanted in the way of commercial zoning.

Mr. Martin stated that they were objecting to any more business coming into the area, such as the rumored filling station, on the northwest corner of the intersection. Mr. Lacy stated that the hearing at this time has nothing to do with the west side of First Street since that is outside of the City limits, even though in the process of annexation, but Mr. Martin insisted that the zoning did concern them. Mr. Lacy then stated that the zoning considered now is the only one they are worried about. The fact that it is allowed does not say that it is going to get

it. Nothing says it is automatic. If the Council decides what they feel should be there, that is their decision. The fact that there is to be a new ordinance is their decision. Mr. Martin stated that the Planning Commission is supposed to represent the people, but that is one of the main objections, they have ignored the people so far.

Mr. Wilson asked if, in the new zoning code to be adopted, would it be possible to rezone the "P" zone. The City Attorney stated that there is no category guarantee that any zoning in any place or anywhere, where there is zoning, is ever going to remain the same. Zoning programming, by its very essence, has to be a sort of a dynamic thing. In other words, it has to reflect any changes that occur in your City. He didn't think that anyone ever wanted to mislead the people in this area or anyone else by saying that sometime it couldn't be rezoned. The idea that Mr. Lacy and the rest of those who have been working on the new ordinance have for the parking zone, was that it may be a definitive point where zoning was to stop. It is more of a bulwark in this type of zoning than any other you can get because it does indicate a definite opinion or impression by the people who put it on there at the time, that this area zone was not to be extended. To that extent Mr. Ashby said he thought it had possibly more weight than some other type of zoning might have had. For example, he said that in a Residence "A" District it has more stopping character to it than a Residence "A" position at that time; at least, that is the theory upon which they have been operating. As far as any guarantee that any lot, lots or area will remain the same as today, nobody can give that answer.

Mrs. Wilson then stated that this neighborhood is in Sherwood Park and that nothing dynamic is going to happen at least in the next year or two. Fifty thousand square feet of area would have been sufficient for a neighborhood store, giving ample parking space, but they have it; they have taken the house away and it is a mess. They would like to see it nice. Their property has been damaged, and they are forced to screen themselves off from it. Traffic has been increased at least double. The only thing left is to hope the City Council will not pass anything until they have put teeth into it to protect this property.

Mr. Knoll stated that zoning could go from residential to business, but never back from business to residential.

Mr. William Foster then spoke. He thought cooperation was usually a matter of opinion. The Planning Commission and Council members, especially those who have attended the meetings, know that the plans have been drastically altered in order to make something more satisfactory for the people who live in the neighborhood. B-2 zoning is now limited in this area, and it would take a drastic change on the part of the City Council, or anyone else, to change it to anything other than what it is being used for. There is a limitation of size to 50,000 square feet. The "P" zone was controversial, and now other things. He suggested that you cannot write a zoning ordinance that can be perfect and answer everybody's problems in every way, and commended those who have worked on the proposed ordinance. Zoning should be done for the greatest good for an overall plan of development. Most of the problems that have arisen have been a matter of the present tenants and the owner of the property, and they have been in no position to move in any direction. His clients cannot go in and pave the parking area at the present time, but intend to do so as soon as possible.

He called attention to the fact that it will take affirmative vote of six members of the Council to act on this petition, and there are only six members present. He challenged the petition on

the basis that it is not signed by property owners in the vicinity. The record property owner is Mr. Carnett. Mrs. Wilson stated that Mr. Carnett's name was on the original petition in Mr. Lacy's office. This petition has the statutory 20% signed in opposition to it.

Mr. Lacy stated that this was one of the matters tabled by the Council a few months ago rather than being resolved, when it was known that a new zoning ordinance was being drawn up. At the outset the plan was to rezone to Business "A" zone what is now Business "AR" and Residence "A" zones. This request was tabled by the City Council. These people have already voiced their objections, the prime objection being the parking lot. The B-2 zoning was designed from other concepts used successfully in other cities to tightly restrict the size of the commercial zone that could be used; to try to tie this to a traffic pattern, and subsequently the "P" zone was later considered a tie to this. The "P" zone was tied down by a certain percentage which you could have in off-street parking zone if you had a B-2 neighborhood business zone. Meetings and discussion with these people have been held on the matter of a fence for off-street parking zones, where they exist across from single-family residential zones. Originally there was a definite restriction on the size of signs that could be used in any business district. Meetings with the sign people were held, and restrictions were dropped. There has to be a compromise of conflicting interests. This compromise is based on the fact that if you are to allow a business to operate in a given area you should allow it to operate as a business, giving it enough land to operate as such, but build in as many practical restrictions on it to protect the surrounding residential area as is possible and legal to do. He said this had been done and was the background on the recommendation brought to the Council.

Councilman Meacham then spoke and said that he could recall that certain petitions have been circulated in the past, specifically on the "Jaros tract," that was remonstrated against by a reasonable percentage of the property owners in the area. Mr. Jaros had drawn a fairly comprehensive plan for buffer zone and parkway, but the people protested, and the will of the people was complied with. He also recalled petitions for the area between 9th and 12th on North Avenue. A small percentage of this was to be rezoned to Business "A". This is an area that is certainly on the fence as it is surrounded by business. The people in the neighborhood of 1st and Orchard Ave. have been before the Planning Commission and before the City Council a great number of times, but nothing has been done. Mr. Foster had stated that the tenants have been in no position to make any move in any direction since the original petition for the proposed change in zoning. However, they did take it upon themselves to erect a sign of tremendous size; have removed the house; graveled the area; cut a hole in the back of the building, at what is the front part to these residents protesting, but still they have been in no position to make any move. Zoning is still Business "AR." City Market has taken the attitude that this zoning ordinance was going to be granted.

The Council should take this into consideration. It is more or less a neighborhood business, and even though it is not a matter of what is good particularly for the people in that particular area but for Grand Junction, as a whole, it is a good business and it should be here, but they have been very rash in going ahead with the things they have been doing. Councilman Meacham thought the area should be zoned as B-1, or if it is B-2, then all the property across the street should be B-2 also, so that it would be a logical step down and their property could be sold sometime for business property. Council has a problem and has people who are citizens of the community who object to this thing that is going on, in its entirety. He suggested that this item be held in abeyance or that it be zoned B-1 until such a time that the

tenants therein go ahead and make their physical improvements that will be in keeping with any good neighborhood business zone. They haven't been in any position to make any move so far, and still won't be under B-1, but they could go ahead and do something about the loading area; about egress onto Orchard Ave. that is creating a traffic problem. Good zoning should be stepped down about one zone around all of these residences.

Mr. Foster explained that his remark about what was good for the people of the City of Grand Junction was prompted solely by the fact that accusations were made to the Council, and the minute you go around any group you are not representing the people. When the sign was first erected, it was done so as a misapprehension, and it was immediately removed. The sign is no longer on the building. The house was removed as there is nothing in any zoning that says you have to keep a house on a lot. It was felt that by getting this "P" zone and erecting a fence, that they would be in the position that eventually this thing could go along and they wouldn't be sticking their necks out as far as being in violation. He did not think that anyone has stepped on these people in the Planning Commission. From the first they have tried to get together and work something out that will give them a bulwark so that no one will get hurt. He also felt that if the City Council considered only the wishes of the neighborhood people, surrounding the Jaros tract, that the Jaros people are justified in their lawsuit. On North Avenue it was the particular property that was being rezoned. When it came before the Council, they said why should this property be zoned over their objections to Business "A" when they did not wish to be rezoned over their objections. A zoning map was prepared and classifications set up that would put a stop to creeping zone-itis. The people have more protection from a B-2 classification than they had from Bus. "A" or "B-1," as zoning can be changed at any time.

Councilman Meacham then stated that he brought out the Jaros tract merely to emphasize the desires of the people whom the Council represents. If everything had been resolved these people would not be down here. He believed that business should prosper, but he believed that this area should be fixed up rather than to desecrate it.

Dean Dickey, 140 Elm, stated that he believed that any business that invests its money has a reason to identify its place of business; the City Market had made quite an investment, employs a number of people. If it can't identify itself it will hurt the business.

Mr. Martin then reviewed the matter of the purchase of the property by City Market from Mr. Brach. He stated that the 85 feet of land wasn't even bought until they had had the hearing on this and saw the opposition to it. He didn't see why the residents should be blamed because the City Market put such an investment in when they knew of the opposition.

Mrs. Wilson said that she sincerely felt that they all know the lot is vacant and the house is gone; that no one would buy this lot for a residential plot; traffic is too heavy. They do not think they are asking for too much, but do not believe that the sign should be that big. The City Market should be depending upon the neighborhood for their business and shouldn't need such a large sign. The City took the sign down, not the City Market. They merely want their property values protected and are protesting to the Council for this protection.

President McCormick stated that he did not think anything new had been added and that no decision would be made on the matter at this meeting, so closed the hearing on the Brach's or City Market tract.

It was planned to go ahead and take the minutes of the Planning Commission items numerically and see if there is anyone who wants to be heard.

W. H. Nelson

- (1) The first item was a letter from W. H. Nelson in regard to the area south of St. Mary's Hospital. Mr. Lacy stated that many of these items have been resolved. The request of Mr. Nelson had been approved by the Planning Commission subject to approved plot of land and dedicated deeds. There was no comment from the floor.

4th & 5th Streets between Ouray & Grand

- (2) A petition protesting the zoning of Lots 13, 14, 15 and 16, Block 74, which is the area between 4th and 5th Streets and between Ouray and Grand, to any use classified other than multi-family residential use. This is now indicated on the map as requested by the petitioners. There were no comments from the floor.

North Ave. 9th to 12th

- (3) A letter signed by Mrs. Beryl Delp and Mrs. Hilda Delaplaine protesting business zoning of three blocks fronting on North Avenue between 9th and 12th Streets. This area is proposed for B-1 zoning, which would permit only office buildings or the use of homes as offices. There had been one dissenting vote on the Planning Commission concerning this zoning. One member felt that the zoning of these three blocks should be the same as that on the rest of North Avenue, in accordance with the request of C. P. O'Brien.

- (4) Brach

East Main Street 14th & 15th bet Colo & Main

- (5) Petition from home owners on East Main Street opposing a change in zoning in the half block between Colorado Avenue and the alley back of Main Street from 14th to 15th. This was changed as requested. No comment from the floor.

Jaros Tract 12th & Orchard & Lots 17/26 Blk 149 City of G.J.

- (6) The following letter from Creamer and Creamer, Attorneys at Law, was read:

CREAMER AND CREAMER
Attorneys at Law
928 Equitable Bldg.
Denver, 2, Colorado

September 9, 1960

Grand Junction Planning Commission
City Hall
Grand Junction, Colorado

Gentlemen:

Our attention has been called to an issue of The Daily Sentinel, August 29, 1960, and to pages 8 and 9 thereof, relating to a purported "Notice of Public Hearings" on proposed changes in zoning map and regulations of Grand Junction.

This letter is written by us for and on behalf of our clients, as follows:

1. The Overhill Corporation and A. W. Fash and Tekla Fash, with reference to the property Lot 16 in Grand View Subdivision, being that land now in process of litigation before the United States District Court in action by those persons against the City of Grand Junction, and being the land bordered by Orchard Avenue and Twelfth Street.

2. Frank Jaros, Jr. and Josephine Joy Jaros, with reference to Lots 17 through 26 and a portion of lot 27, Block 149, Grand Junction, lying between South 6th Street and South 7th Street, Pitkin Avenue and South Avenue.

With reference to the first of these tracts, you are endeavoring, in amplification of the illegal zoning heretofore engaged in by the City of Grand Junction to destroy the existing uses of the property along Orchard, and further to restrict the already illegal restrictions placed upon it, by zoning the property which is clearly business property for single-family residences, although you recognize its business uses by classifying the corner portion as B-2. This classification renders entirely illegal your zoning, dividing the property in single ownership into multiple classifications in a manner utterly unrelated to natural property divisions. The endeavor is made, moreover, in deliberate attempt to circumvent pending legal action, and is of very doubtful propriety on that ground. We have previously and in detail communicated to the City Council of Grand Junction the objections to its procedures on the Jaros Ground, as it has chosen to refer to the Overhill properties, and have advised of the necessity for litigation, which insistence upon ignoring these communications has precipitated.

We must further call to your attention the fact that continued insistence upon these improper restrictions is preventing the construction in Grand Junction of a major shopping center, badly needed by the City, and particularly necessary in the area in question. We are advised that the principal motivating factors inducing this restriction are the insistences of the owners of real estate in the present "downtown" or central business area of Grand Junction, and especially of certain food merchants in Grand Junction. We believe that the situation in this regard is fully known to this body and to the Council.

In the nature of things, a City as it expands must have expanded commercial facilities, and the continual attempt to prevent the commercial development, of outlying land, for the selfish benefit of central business district merchants, is a kind of matter which the Supreme Court of Colorado has specifically put down and prohibited in the recent cases of City and County of Denver vs. Denver Buick et al, decided since these problems arose in Grand Junction, and invalidating in substantially all of its major particulars the Denver ordinances, predicated upon the same type of exclusionist policy now attempted to be followed by Grand Junction. We must advise that the attempted ordinance if passed will be equally as invalid as the Denver ordinances, and every legal step will be taken to contest them.

As to the attempted zonings on the second mentioned tract, the properties attempted to be zoned for so-called "heavy commercial" use have always been devoted to and used for "light industrial" use. The properties are on trackage, and have an established business in operation for many years, which will continue to operate and which will expand. There are as we understand, moreover, included in the provisions of your ordinance provisions attempting strong limitations and eventual elimination of so-called non-conforming uses, created by your proposed zoning ordinance. Such provisions on non-conforming uses, and such attempts to render established uses non-conforming, were specifically held in the Denver Buick Case to be void. Despite the desires of municipalities in these fields, there is no right of the City to endeavor to eliminate established uses. Moreover, where an area is devoted, as is this, to industrial purposes, there is, absent strong indications of change of condition, and none are present, no right to change the uses at all under the Holly Hills decision, involving the County of Araphahoe's zoning which has been substantially invalidated by reason of activities much as those planned for Grand Junction. It has been held in that latter case that such attempted rezoning is outside the jurisdiction of the legislative body, and that there may accordingly be immediate judicial review by certiorari of any such attempted action, which review would of course be immediately instituted.

We note also that your notice purports to state that your hearings will be held by and before the Grand Junction Planning Commission Acting as a Zoning Commission. It is our further understanding that the City Attorney of Grand Junction has stated to the Council of Grand Junction that it must, at a meeting to be held on or about September 28, pass an ordinance establishing the Planning Commission as a Zoning Commission. Please be advised that insofar as we can discover, you are not a Zoning Commission now, and the City Attorney's insistence on this emergency measure, and failure to explain, upon request of Council, the real reason for the necessity for the emergency action, confirms that fact.

Please be advised further that inasmuch as Grand Junction has no charter authority whatsoever to pass a zoning ordinance and has chosen not to amend its charter, and since it is purporting to act under a State Statute, probably not applicable to it, which requires action by a Zoning Commission, the attempt of the Council to make your body a Zoning Commission as of two weeks after the date of your purported hearings as such is a void attempt, and so clearly and palpably an endeavor to violate the law as necessarily to render void any action taken upon the basis of your recommendations.

Please consider that this letter is a formal protest and petition and remonstrance against any action of the sort now proposed to be taken by you, on behalf of the land owners mentioned in this letter.

Please be advised further that your entire procedure is probably improper, since you have not published your proposed "Regulations", namely the zoning ordinance you propose, and it is apparently forbidden to take the documents out of the City Hall, so that they can be intelligently examined. In such cases the very essence of due process is abused.

We hope that you will enroll this protest in the proceedings of your meeting as a formal part thereof, it being so intended. We believe it the duty of our clients to advise of the improprieties noted by them in the proposed actions since it is their absolute intention to proceed so far as may be required in negation of those actions if they are taken.

With thanks for your attention to this matter.

Very truly yours,

CREAMER & CREAMER

By (Signed) George Louis Creamer

Copies City Council and
City Attorney
Registered #88293 Air Mail
Return Receipt Requested.

City Manager Lacy stated that in regard to the protest on changing Lots 17 through 26 and a portion of Lot 27, Block 149 lying between South 6th Street and South 7th Street between Pitkin Avenue and South Avenue from the present light industrial use to heavy commercial use was a justifiable complaint and the boundary lines moved to take care of the request. Lot 16 was an inadvertent omission of R-2 zoning, and was restored at the date of hearing before the Planning Commission. Mr. Ashby stated that the legal questions could not be resolved by the Council, as this matter is now in the jurisdiction of the District Court in Mesa County, and only the Court can determine whether the opinions expressed by Mr. Creamer or those which the City defends are correct.

Block 85 City of G.J.

- (7) A letter from the Hawthorne Dry Ice Company of 848 White Ave. regarding the zoning of Block 85 was read. Mr. Hawthorne requested that the entire block retain its business zoning. It had been explained to Mr. Hawthorne that B-1 zoning as proposed would in no way affect his business and he could operate just as he has been doing, so he had withdrawn his objection.

L. C. Nowlan Blk 5 E Main St. Addn

- (8) A letter was read from L. C. Nowlan dated September 13th regarding the zoning of the north one-half of Block 5, East Main Street Addition. He had requested zoning so that the area could be used for parking. The Planning Commission recommended that this one-half block be changed to "P" zone. No comments were made from the floor.

L. E. Spore 1000 Blk Grand 1102 Grand Ave.

- (9) A letter was read from L. E. Spore dated September 14th regarding a change of zoning in the 1000 block on Grand Avenue. Also a letter from Dow Hough regarding the zoning on 1102 Grand Avenue. The Planning Commission recommended changing the zoning on these areas to R-3 and R-2 respectively. No comments were made from the floor.

Frank Garrison 8th & Main

Mr. Lacy stated that he had two items requesting change of zoning which had come in, and had not been to Planning Commission. He read a letter from Frank Garrison (letter in file) concerning the zoning on the northeast corner of 8th and Main Street. He requested that he be allowed zoning to permit him to put a business building on this corner. Mr. Lacy stated

that it would not be out of line to grant this request and switch the division line for half a block, but it would have to be considered by the Planning Commission.

Administration recommended change

Next was a recommendation by the Administration that fits in with the zoning map and represents a switch of a line for a half block. This does not violate the principles of the proposed zoning as it is not an island or spot zoning.

14th & 15th Sts. between Texas & Mesa

A letter from Jas. A. Richardson, 615 N. 17th Street protesting the rezoning of the area lying between 14th and 15th Streets and between Texas and Mesa Avenues was read. (Letter in file) This area is already settled with the possible exception of additional dwellings allowed by the present zoning regulations. Mr. Richardson has owned the lots on the corner for years with the hope of developing it to the fullest capacity by building a duplex or an additional dwelling on the site. His neighbor has a 75 foot lot which he will be unable to develop. Area is already a non-conforming area. He requested that the zoning be provided for multiple dwellings. Mr. Lacy stated that this would represent spot zoning, and that comprehensive zoning would eliminate spot zoning. He also stated that a map was being prepared showing areas being changed to higher or lower areas and also showing the amount of land being developed, and for what use the land is being used. This information was not available at the present time, but would be ready soon. The ordinance incorporating changes will also be ready for anyone interested in a short time.

R. P. Wiseheart 20th-22nd Grand to Ouray

The next item presented came as a result of the proposed B-1 zoning. The area between 20th and 22nd north of Grand to Ouray. Mr. J. P. Wiseheart was present and had requested that this property be zoned B-1 so that an electronics plant can be built. The Ouray frontage would be zoned for single family residences as shown on the map. Before the City Council has to decide on the zoning, Mr. Wiseheart will know whether or not the Electronics plant will be built. It is recommended that the lots that face into this east side of 22nd Street south of Ouray (Lots 2, 3, 4, 5, 6, Block 1, Mesa Gardens Subdivision) be zoned from R1C to R-2. Mr. Wiseheart went into detail as to his plans for developing this area for electronics manufacturing.

7th & Glenwood

Dr. Graves protested the zoning on 7th and Glenwood. The proposed zoning is C-1 and it is now residential. Dr. Graves lives just across the street. Mr. Lacy stated that this had not come to his attention. The present land use is residential and he was not sure why it was changed unless the alley location was the determining factor. He stated that he would take it under advisement.

22nd & Gunnison Riddle

Mr. Riddle spoke concerning the zoning on the southeast corner of 22nd and Gunnison. This area presently has apartments and the apartments had been built prior to the annexation of the property to the City. Mr. Lacy stated that this was one of those cases that would be brought up by the Realtors. An attempt has been made to include it in a halt to encroachment on rental and income property. Developing single-family areas has been somewhat fostered by our present zoning ordinance but in so doing and building safeguards for those who have investments and loans riding on rental units, so that if they are destroyed or can be

modernized or improved upon, they will realize their financial investment out of them without suffering unnecessary loss. Safeguards at the present time is twenty years for frame buildings and thirty years for masonry structures. Mr. Riddle would not be allowed to build more multiple units or family units, but could rebuild the ones he has.

Henry Galley of the Ute Land Co. stated that the Ute Land Company owned these units when they were annexed to the City, and that they opposed annexation, but the City was desirous of bringing this area into the City. They made arrangements with the then City Council that they would have proper zoning, and the business zoning was to go on the south and what is now 22nd and Grand. They did not agree to annex unless the zoning could be like that. They were not protesting as Ute Land Company but wanted the Council to know the history on these units.

Board of Realtors Protest of

Mr. Ben Carnes representing the Board of Realtors stated that the Board of Realtors in Grand Junction is 100% in favor of Mr. Lacy's proposal to send out post cards to the people involved in the changes in proposed zoning. Very few people involved are present and he thought they should be present and express their opinions. He thanked Mr. Warner and Mr. Lacy for their cooperation in working with the Realtors and furnishing them with the latest information on changes. He also thanked them for slowing down the process and giving the people a chance to come to the meetings, and holding further hearings. However, he was not in favor of going along with the proposed ordinance. It is the feeling of the Board, after seeing the latest copies of the proposed ordinance, that the people in the community have for the last thirteen years worked and cooperated with the City of Grand Junction, and it now has the best zoning for the greatest number of inhabitants. He mentioned not being able to force industry to go into the south part of town. The Board's approach is, that there are too many property values affected by it, but they can see the necessity for a long range approach to the problem.

Building & Loan Assns Lenders position on

Mr. Clifton of the Valley building and Loan Association said that the lenders were concerned with what the new proposal is going to do to the lenders. The zoning for non-conforming uses especially and provision which would not allow rebuilding in the event of 50% or more destruction by fire would be bad for them.

Non-conforming uses

Mr. Lacy stated that the biggest part of non-conforming uses are modified residential uses, and then stated that it was pointless to argue these points, as many have been changed. The process of adopting this zoning ordinance has been slowed down to give everyone a chance to understand the changes.

Geo. Kister, 207 N 12th

Mr. George Kister, 207 N. 12th, stated that his property would be zoned as R-3, but as N. 12th is a main thoroughfare, he wondered what action they could take for rezoning in case someone wanted to buy for business. The new ordinance sets up the procedure for changing zoning, and Mr. Lacy stated also that as the needs of the community change, study would be made as to proposed changes.

Mr. Dowdell on multiple units - Land use map to be prepared

Mr. Dowdell, also brought up the matter of Mr. Riddle's property and the fact that he would be unable to build more multiple units. Mr. Lacy again urged all of the Realtors to carefully consider the use map which is being prepared and which will show the exact lots and locations that are not developed so the scope of the changes and the potential impact on the real estate properties in Grand Junction can be carefully compared. Mr. Lacy said that contrary to what has been said he didn't think the impact would be near as great as the realtors think it is and only by having an absolutely up-to-date and thorough analysis which is understandable both to them and to the administration can it be determined what is going to be the effect of this. Again this is one of the things now being done; it is not ready now, but as previously stated it would be a land use map to show what the impact will be.

Eliminate eyesores

Mr. Wiseheart suggested that planning and zoning eliminate eyesores which are already in existence in Grand Junction. Mr. Ashby stated that some states have Housing Codes which provide stringent legislation to take care of matters of this kind.

North Ave. Lots 9, 10, 11

Mrs. Delaplaine then asked about Lots 9, 10, and 11 on North Ave. It was explained to her that B-1 zoning had been recommended by the Planning Commission, with one dissenting vote. Mrs. Delaplaine stated that she hoped they would not disregard the interest of the church and school have along North Avenue.

President McCormick closed the hearing on the proposed zoning map, and opened the hearing on the text of the ordinance, as advertised.

Zoning Ord. Text - Illegal uses in prop. new ord.

Mr. Clifton requested that there be a lot of changes made in the text of the ordinance, and again requested that the process of adoption be slowed down so that they can study all of the changes. He asked what happens to illegal uses under the present zoning ordinance, when the new ordinance is passed? What happens to these uses, do they become regular uses, when the ordinance is passed? Mr. Ashby stated that this was an excellent suggestion, and it is a loop-hole that will have to be plugged. This portion of the ordinance will have to be re-phrased. Non-conforming uses would be left in as being permissive.

Req for more restrictive zoning 1st & Orchard

Mr. Martin of 181 Orchard then asked that the requests of the residents in the area of 1st and Orchard for more restrictive zoning be given further consideration.

President McCormick then closed the hearing on the zoning text.

Continue hearing to future date

It was moved by Councilman Wright and seconded by Councilman Meacham that the hearing on the proposed zoning map and text be recessed to a future date, to be advertised for hearing. Motion carried.

President McCormick expressed the appreciation for the interest the Realtors Board have shown in this meeting, and assured them that for himself and the rest of the Council it is

quite a drastic step, and that the Realtors could rest assured that the Council is trying to be certain they are right before definite action is taken.

ADJOURNMENT

It was moved by Councilman Meacham and duly seconded and carried that the meeting adjourn. Motion carried.

/s/ Helen C. Tomlinson
City Auditor & Ex-Officio
City Clerk