

MINUTES

REGULAR MEETING

GRAND JUNCTION PLANNING COMMISSION

Wednesday -- February 25, 1959 -- 8:00 A. M.
CONFERENCE ROOM -- CITY HALL

The Grand Junction Planning Commission held its regular meeting in the Conference Room of the City Hall at 8:00 A.M. on Wednesday, February 25, 1959, with the following members present: Chairman Glen Hopper, Mrs. F. A. Brumbaugh, Mrs. Cleo Diemer, Mr. Howard McMullin, Mr. Robert Van Deusen, Mr. V. L. Colony, and Secretary R. E. Cheever.

Members absent: Mr. Richard Zollner and Mr. Claud Smith.

Also present: Councilman Edward Strnad, Regional Planning Director Gene Allen, City Engineer Carl Alstatt, and Chief of Police Karl Johnson.

The meeting was called to order by the Chairman. Motion was made by Mr. Colony, seconded by Mrs. Brumbaugh, and carried that the minutes of the last meeting be approved as written.

Item I on the Agenda was the petition by Mine and Oil Supply Co. for a revokable permit of a portion of Noland Avenue. In the discussion of this item, Mr. Cheever said that they had first petitioned for a vacation of that portion of Noland Avenue; however, he did not recommend that a vacation be granted at this time because of the sewer line that runs across the property. He stated that he would be willing to approve the request for a revokable permit, and he thought this would adequately take care of their needs. They had agreed to a revokable permit and had submitted a second petition to this effect.

Motion was made by Mr. McMullin that the Commission recommend to the City Council that the revokable permit on Noland Avenue be approved. Motion seconded by Mr. Cheever, and carried.

Item II on the Agenda - petition for zoning change on a 5-acre tract owned by School District No. 51 from Business "A" District to Business "B" District - was next considered. Mr. Cheever explained that this petition was merely to correct the classification of the area so that their installation would conform. Motion was made by Mr. McMullin that the Commission recommend this zoning change to the City Council. Seconded by Mr. Cheever, and carried.

Mr. Alstatt reported on the annexation of the Freeway Bowling, stating that Mr. Erwin has agreed to sign the petition; however, the petition has not as yet been filed. In order to save time, and so that this matter will not be unnecessarily delayed, Mr. Cheever made the motion that this matter be referred to the Zoning Committee for study so that when the petition comes in, they can make a recommendation as to how it should be zoned. Motion seconded by Mr. Van Deusen, and carried.

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Gene Allen presented copies of the Revised Service Driveway Ordinance to members of the Commission.

Mr. Cheever made the motion that this Revised Ordinance be handed to the Commission for study between now and the next meeting, and action taken at that time; also, that the Planning Director mail copies of this Revised Ordinance to members of the City Council and to the Executive Board of the Contractor's Association. Motion seconded by Mr. Colony, and carried.

Mr. Allen then presented the First Draft of the new City Zoning Ordinance to the members of the Commission.

Motion was made by Mr. Cheever that this also be handed to the Planning Commission for study and that copies, with a letter explaining that this is the first draft of this Ordinance, be sent to each Council member. Motion seconded by Mrs. Diemer, and carried.

Councilman Strnad said he thought the members of the City Council would be glad to have a copy of this First Draft of the Ordinance to study. The Chairman said that if the Council had some suggestions on this new Ordinance, if they would present them in writing to the Commission, it would hasten its completion.

Chairman Hopper asked if the Commission would want to call a special night meeting after they have gone over this Ordinance, and also if the Council should be present at the meeting.

Motion was made by Mr. Cheever that this Ordinance be put on the Agenda for the next regular meeting of the Planning Commission, and at that time a special evening meeting devoted entirely to the study of the Ordinance can be decided upon. Motion seconded by Mrs. Diemer, and carried.

The Chairman then called for a report by the special committee on the Barbour right-of-way on North Avenue. This had been tabled at the last meeting. Mr. Cheever reported that this problem had been solved and that Mr. Barbour has signed up with the State Highway Department.

Chairman Hopper then called attention to the fact that the Annexation Committee is short one member; he then appointed Mr. V. L. Colony as the third member of the Annexation Committee.

Motion to adjourn was made by Mr. McMullin.

Mrs. Diemer said that before the Commission adjourned, she wished to again bring up the matter of Williams Park. Mrs. Diemer stated that this area is back of Gilbert's Market and trucks are continually going in and out of where children are playing, and she considered it a great potential hazard for the City. She felt that this area should either be developed and made into a better and safer place for the children to play - and a real "park" - or that

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the City should sell it and thus not be liable for anything that might happen there, stating that in checking with the attorney he had advised that there were two ways it could be put on the ballot-- (1) by having a buyer for it, and (2) by petition.

Mr. Cheever said that the City has plans for fencing this area with a chain link fence when funds are available, stating that it would cost approximately \$1,500.00. He also said that this might more appropriately be called a "playground" rather than a "park" because it is impossible to get grass to grow in it since it is so small. He pointed out that Melrose Park, which is larger than Williams Park, is being developed quite nicely.

Mrs. Diemer then made the motion that the suggestion be made to the members of the City Council that they investigate Williams Park and see what can be done about it. Motion seconded by Mrs. Brumbaugh. Carried.

Meeting was then adjourned, upon second of Mr. McMullin's motion by Mr. Colony.

R. E. CHEEVER, Secretary

City Loses Bid In Zoning Fight

Denver failed Monday in its attempt to appeal a bitter zoning dispute to the U.S. Supreme Court.

John Banks, city attorney, said the high court refused to accept jurisdiction in the Davidson Chevrolet Co. case.

The case opened in 1957 when attorneys for the firm challenged the constitutionality of the city's zoning law.

Owners of 200,000 square feet of land in the 2500 block of S. Colorado blvd. sought to have the property changed from residential to business zoning so the auto firm could erect a showroom there.

Early in 1957, Mayor Nicholson vetoed a bill passed by City Council which rezoned the property from Residence-1 to Business.

On Dec. 4, 1957, Dist. Judge Edward J. Keating declared invalid the residential zoning and also restrained the city from refusing to authorize development of the land for business.

Judge Keating then issued and later dismissed a contempt of court citation against the city's zoning administrator when the latter refused to permit construction of the showroom.

The case was appealed to the Colorado Supreme Court last March. The high court ruled in October that Judge Keating was without jurisdiction to "in any way disturb the original judgment" in which Keating ruled in favor of the auto company.

Later that month, Dist. Judge Joseph M. McDonald ordered contempt citations issued to three city officials. The three—Revenue Mgr. Clayton Hill, Building Inspector Don Harter, and Safety Mgr. Ed Geer—were ordered to explain why they should not be punished for ignoring the Supreme Court's ruling.