



REGULAR MEETING
GRAND JUNCTION PLANNING COMMISSION

Wednesday -- June 24, 1959 -- 8:00 A.M.

CONFERENCE ROOM

The regular meeting of the Grand Junction Planning Commission was held in the Conference Room at the City Hall at 8:00 A.M., Wednesday, June 24, 1959, with the following members present:

Chairman Glen Hopper, Mrs. F. A. Brumbaugh, Mr. Rudy Harras, Mr. Robert Van Deusen, Mr. V. L. Colony, Mrs. Cleo Diemer, Mr. Alex Bauer, and Secretary R. E. Cheever.

Absent: Mr. Claud Smith.

Also present: Councilmen Edward Strnad and Arthur Hadden, City Engineer Carl Alstatt, Chief of Police Karl Johnson, Messrs. Pat Gormley, Dale Luke, Wm. Rump, Henry Faussonne, Geo. Kister, and Chas. West.

Meeting was called to order by Chairman Hopper.

I. MINUTES

Motion was made by Mrs. Brumbaugh that the minutes of the regular meeting of May 27, 1959 and the special meeting of June 2, 1959 be approved as written. Seconded by Mr. Cheever, and carried.

The Chairman then welcomed Councilman Hadden, who was visiting the Commission for the first time; also, Mrs. Diemer who has been away on vacation.

II. REPORT OF ZONING COMMITTEE - REZONING OF LOTS 31 and 32, BLK 19

City Engineer Alstatt gave the committee's report, due to the absence of Mrs. Diemer, chairman of the committee.

Mr. Alstatt said that the committee was unanimous in their belief that this petition should be turned down because of the fact that this property is located in a good residential area, with a lot of well kept homes surrounding it. To rezone the area to Business AR would allow so many other uses besides beauty shops they did not think it should be done.

However, the committee does feel that something should be done about such requests, whether it is by home occupancy or some other way to allow beauty shops to be placed in homes, because they do not feel that they are detrimental to a neighborhood.

Mr. Alstatt said that since this has come up, they have gone through several new zoning ordinances and all the new zoning ordinances are written like ours -- do not allow beauty shops in residential areas. Most of the ordinances have been taken from the Model Zoning Ordinance. He stated, also, that we do have some now in non-conforming use, but have never received any complaints on them.

In the discussion following this report, Mr. Colony said there are so many things that can be put into a home that he did not like to see this spot zoning get started. However, Mr. Bauer was of the opinion that this was not spot zoning and that there should be something in our ordinance to permit this type of use. He said the case in question is ideally situated and constructed for this use.

Mrs. Brumbaugh asked why they had to be in residential districts, when there is so much business zoning that could be used, and mentioned that there are two beauty shops within four blocks of this request and the property surrounding at least one of these is not kept up and cars are always in the way around the property.

Motion was made by Mr. Van Deusen that the report of the zoning committee be accepted and this petition denied. Seconded by Mrs. Diemer, and carried.

Chairman Hopper said that this is another instance where there is a weakness in the zoning ordinance, in the opinion of the zoning committee. There is nothing in the zoning ordinance whereby a non-conforming use or variance can be permitted -- the area has to be rezoned, and that is spot zoning. He then called upon Mr. Cheever to explain how situations of this kind have been handled in other places.

Mr. Cheever said that in Cheyenne this same situation had been successfully handled by issuing certificates of non-conforming use. This system has been used for over 20 years and has worked very well. Petitions are presented to the Zoning Board and then to the Council; a hearing is set and all parties concerned are notified, and then if all requirements of health, plumbing, etc. are met a non-conforming certificate is issued. These certificates are not transferable and are automatically cancelled the minute a business changes hands. He said there had never been any parking problem because just one-operator shops were usually involved and not many more than three cars would ordinarily be there at one time. When asked if signs were permitted, he said that usually there was a small sign over the door, but there had never been any complaints about that.

Mr. Cheever said that this was brought up for the information of the Commission and the City Council, with the thought that perhaps a weakness in the zoning ordinance might be corrected for future use. An amendment to the zoning ordinance would have to be passed if such a system were ever adopted.

III. PETITION FOR REZONING N $\frac{1}{2}$ LOTS 5 and 6, CAPITOL HILL SUB.

The Chairman called upon Mr. Rump to present his petition.

Mr. Rump said this is a matter of long standing, and when presented before it was necessary that everyone concerned give and take considerably in order to meet the requirements of the planning commission. Since that time, developments have changed considerably in the area. Businesses have been encouraged on all sides so that now they find it necessary to reappraise the potential use of this

particular area. Mr. Rump presented a sketch showing the various business areas that are adjacent to this property and which will probably be developed within the near future and affect their acreage.

Mr. Henry Faussonne also spoke concerning this area. He said this 10-acre tract presently has one house which has been completed and sold, and it was started before any action taken or the tract brought into the City. The house was sold with the written statement that the adjacent property might be zoned for some other use. The area they originally thought might be residential now seems to be fairly well surrounded by businesses -- there are apartments on one side, the Nestler Decorating Company, and the cottage schools in the area. He said part of the area had been put up for sale as residential property, but it did not appeal to builders for this purpose because of the surrounding areas. He pointed out that their request shows a buffer strip against the Residence "A" property.

Mr. Faussonne said that they desired to construct a building approximately for \$200,000.00 in one of these areas for a Nursing Home -- not for people who need medical care, but a place to take care of retired people who need a home. These would be 40-bed units, and they are taking an option on it with an idea of adding another unit later on. These units can be placed in the area where it would be best and adequate grounds and parking could be provided. Mr. Faussonne said he had approached several doctors concerning this type of service, and they are all very enthusiastic about it, saying there is a great need of something of this kind.

Mr. Faussonne also mentioned that no doubt there would be a request for a clinical type of building in that area at some time; the location is not good for a traffic-type of business. These nursing homes would be strictly private enterprise, and they have the backing of people who are willing to support this project with private capital.

Mr. Cheever said that credit is equally due to the people in this entire area who worked on it for some 8 months. The people in the area really cooperated with the City and Planning Commission. He showed a plat of the present zoning of the area in order that the new members of the Commission might be familiar with the zoning.

Mr. Hopper asked if the streets are going to be straight and the blocks regular size when the area is completed.

Mr. Faussonne replied "that is correct".

City Engineer Alstatt said that he thought the Zoning Committee should look at the entire area with the thought in mind that probably the consolidation of medical services up in that area would be desirable. This project would be an expansion of the medical facilities already located there.

When asked his opinion, Mr. Kister said he had no objections whatsoever; thought it would be all right.

Chairman Hopper then turned this matter over to the Zoning Committee for study and recommendation.

Mr. Chas. West, who was present from the Lincoln Park Hospital, said that the 2-1/2 acres North of the Hospital are now zoned Residence "C". He pointed out that this area is just in back of their Clinic now and that it is their intention to ask for this tract to be rezoned to Business "A" in order to take full advantage of the footage. He said under Residence "C" there are certain restrictions so that they cannot build the kind of a building that they need.

Mr. West had no petition at this time; he just wanted to advise the Commission of their thinking.

IV. PETITION FOR REZONING N $\frac{1}{2}$ BLOCK 3, CITY OF GRAND JUNCTION

City Engineer Alstatt said that these people had originally asked for only two lots to be rezoned, but it was suggested to them that they secure the whole half block in order to stay away from spot zoning. If this is rezoned, it will leave only one block along North Avenue that is not zoned Business "A".

Mr. Cheever said that if this is approved, we are following the same pattern along here, and it would not be spot zoning because we are taking a half block.

Chairman Hopper said that the City Planning Commission is interested in good, over-all planning and if it is good, over-all planning to recommend to the Council that this be rezoned to Business "A", then it is up to the City Council to work it out with the people if they are not all in agreement with this. Our problem is for planning, not considering the legality of things. Is it good planning to provide the people on North Avenue with adequate parking area?

Mr. Bauer then made the following motion: That the Planning Commission recommend to the City Council that the request for rezoning the N $\frac{1}{2}$ of Block 3, City of Grand Junction, from Residence "A" to Business "A" be approved. Motion seconded by Mr. Colony, and carried.

V. DISCUSSION OF PROPOSED NEW SHOPPING CENTER ORDINANCE

A lengthy discussion was held regarding the proposed new shopping center ordinance (which was passed by the City Council for publication at their last meeting) with varied opinions being expressed by Commission members.

Chairman Hopper reminded the Commission that "we are a planning commission, not a legislative body" and that the City Council, in passing this ordinance for publication, was within its jurisdiction. He stated that the Commission should cooperate with the Council, and can make suggestions and recommendations and approve or disapprove, but the Council is the real legislative body and after ordinances are studied and worked out and passed by them, then the primary functions of the Planning Commission are to pass on rezoning petitions and spend more time on over-all planning.

Mr. Cheever said he was sure the Council appreciated the Commission's recommendations and wanted to know their thinking on things, and both Councilman Strnad and Councilman Hadden agreed with this, stating that the Planning Commission is "very vital in the over-all planning".

When the question was asked why this particular section had been taken out of the proposed new zoning ordinance, Mr. Cheever stated that for almost two years we have been trying to get this new zoning ordinance ready for adoption, but it is not a thing that can be done over-night. There is need for this particular section, and there has been criticism because we have no such ordinance. He further stated that much of this proposed ordinance is in the over-all proposed zoning ordinance and has been approved by the Fire Chief, Police Chief, Building Inspector, and City Engineer. "Zoning is a part of the Master Plan" Mr. Cheever said, "and if we break it down step by step, we are getting some place".

When asked why this ordinance was not copied word for word from the proposed new zoning ordinance and why he felt that adopting the new zoning ordinance would be detrimental, Mr. Cheever said that anything that is written the first time needs a lot of corrections. Some of this ordinance was copied from the Colorado Springs ordinance, some from Greeley, some from our proposed ordinance --"it has been tailor made for Grand Junction".

City Engineer Alstatt confirmed Mr. Cheever's statement that a first draft of such an instrument would need a lot of study and changing before ready to even be put out for study, saying that Mr. Allen had really felt that this first draft should just have gone to the executive personnel, then a second draft written which would have gone out to the Planning Commission and Council for study. Mr. Alstatt made the suggestion that the Planning Commission and the Council might meet with Mr. Allen and prepare a second draft of the ordinance, or perhaps just amend sections of our present zoning ordinance.

Some members of the Commission were of the opinion that the entire master plan of zoning should be considered as a whole, and not broken up into phases. However, the entire Commission felt that they had been burdened by too many petty details and had not been looking at the over-all planning. It was mentioned that until a good zoning ordinance is in effect, they are more or less wasting their time and they should review their objectives and see just what they were supposed to do.

The Chairman read the "Purposes of the Commission" from the By-Laws.

Chairman Hopper said that something should be done to expedite this over-all ordinance, further stating that an attempt had been made to hold a special meeting to consider these things; however, because it was felt that this ordinance was not yet ready for open discussion, this meeting had been postponed. Mr. Hopper said "we definitely should have a shopping center ordinance, and this could be set into the over-all planning when ready". "Something must be done to move this along".

Mr. Bauer made the following motion: That the Planning Commission recommend to the City Council that this ordinance dealing with shopping centers be adopted by them. Motion seconded by Mr. Colony, and carried.

Mrs. Diemer said that this should not set a precedent, and made the following motion: This does not set a precedent. Items of this nature should go through the regular channels. Motion seconded by Mr. Van Deusen, and carried.

Upon motion, the meeting was adjourned.

R. E. CHEEVER, Secretary