

MINUTES

REGULAR MEETING  
GRAND JUNCTION PLANNING COMMISSION

Wednesday -- September 30, 1959 -- 8:00 A.M.

CONFERENCE ROOM - CITY HALL

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, September 30, 1959, with the following members present:

Chairman Glen Hopper, Mrs. Cleo Diemer, Mr. Rudy Harras, Mr. Abbott Tessman, Mr. Claud Smith, and Secretary R. E. Cheever.

Members absent: Mr. Alex Bauer, Mr. V. L. Colony, and Mr. Robert Van Deusen.

Also present: Councilman Ed Strnad, Regional Planning Director Gene Allen, City Engineer Carl Alstatt, Chief of Police Karl Johnson, City Attorney Gerald Ashby, and Messrs. Gormley, Nelson, Barbour, Gavin, Marx, Belcastro, and Bertrand.

The meeting was called to order by Chairman Hopper.

The Chairman asked for approval of minutes of the regular meeting of August 26, 1959, and Mrs. Diemer said there was one correction: On page 2, in the first paragraph under Item IV, Report of Zoning Committee on West Lake Park, the last part of this paragraph, "and Business B for the area above the hill" should be deleted.

Motion was then made by Mr. Tessman that the minutes of August 26, 1959, with this correction, be approved. Motion was seconded by Mr. Cheever, and carried.

The Chairman said there was one item left over from the Special Planning meeting held on September 28, 1959 which should be acted upon -- the request by Mr. Bob Faith in behalf of El Paso Natural Gas Products Company for a filling station at 1st Street and White Avenue. Since the committee's report and the discussion on this subject at Monday's meeting had been favorable, motion was made by Mr. Cheever that the Planning Commission recommend to the City Council that this request be approved. Motion was seconded by Mrs. Diemer, and carried.

II. REZONING REQUEST -- 12th and North Avenue (Mr. O'Brien)

According to regular procedure, motion was made by Mr. Cheever that this request that Block 1 of the City of Grand Junction be changed from Residence C and Business AR to Business A be referred to the Zoning Committee for study and report at the next meeting. Motion was seconded by Mr. Smith, and carried.

III. REZONING REQUEST -- 16th and Glenwood (Mr. Nelson)

Mr. Elmer B. Nelson, owner of the Lazy Bar X Motel which is situated right next to the property in question, was present at the meeting and explained that his reason for requesting that this property be rezoned from Residence "C" to Residence "D" is so that he may erect

twelve permanent-type apartment units in this location. Under zone "C" he would be just a few feet short of the required footage for twelve units. He plans to have two two-story buildings running East and West, facing each other, with a court in the center; also, there will be adequate off-street parking provided for these apartments.

Motion was made by Mrs. Diemer that the Planning Commission recommend this rezoning change to the City Council for approval. Motion seconded by Mr. Smith, and carried.

IV. VIRGINIA VILLAGE SUBDIVISION (Barbour)

Chairman Hopper read the following letter from the Barbour Construction Company:

P. O. Box 1486  
Grand Junction, Colo.  
September 24, 1959

"City Planning Commission  
Grand Junction, Colorado

We are hereby submitting our plot plan for the Virginia Village Subdivision at 28th and Orchard Avenue.

As you can see by the attached plat we of Barbour Construction Company have tried to lay out as practical a subdivision as possible, making the best use of the land, etc. We are also enclosing a copy of our proposed Protective Covenant covering this property. All lots are to be Residence "A" and will be built by us.

You will note that we have tried to keep heavy vehicular traffic and thru streets to a minimum. Heavy Vehicular traffic has been one of the major causes of lowering property values and hastening depreciation and blight.

Our firm will install all sewers, curbs, gutters, sidewalks and black top paving at no cost to the City of Grand Junction. Also we plan to install our own drainage control system. In keeping with the new and better use of land for subdivision, we have strived to use wider lots thereby creating a far better appearing subdivision when it is complete.

All the offsite improvements such as, sewer, curbs, gutters, paving will be performed in complete compliance with City and State requirements. Also the sewer will be installed with the future expansion of the City, to the east, in mind.

We sincerely hope our plans for Virginia Village meet with your approval and ties in with your splendid overall guiding plans for the communities orderly growth and development..

Very truly yours,

/s/ Earle Barbour"

Mr. Barbour was present at the meeting and stated that there are 69 building sites in their plot plan and they plan to build 69 homes, starting in the spring.

Mr. Cheever asked how much right-of-way there would be, and Mr. Barbour replied there would be a 60 ft. street on 28 Road and that the property backs up to the ditch on Orchard. Mr. Alstatt said that the lots are deep enough for right-of-way when ditch is covered, and Mr. Barbour said if there is not enough, they could take some off of the property.

The following motion was made by Mr. Cheever: That the Planning Commission approve this plot plan, subject to detailed changes that are worked out by the City Engineer and the Planning Director to their entire satisfaction, in order to make sure that we have adequate right-of-way and no strip of "no man's land" adjacent to the subdivision.

In the discussion following, Mr. Strnad pointed out that the same type of questions would be asked by the City Council and that the Engineering Department is going to have to OK the plan before the Council will vote upon it, anyway. Mr. Cheever said that if the Planning Commission generally approves this, it is then the Engineering and Planning Department's job to see that everything is in order; then after they have approved it, it will go to the Council.

Mr. Cheever's motion was seconded by Mr. Smith, and carried.

#### V. REZONING OF Lot 18, Block 23, City of Grand Junction

Mr. George Gavin was present with a petition to have this property, which is located on 12th Street just north of Rettig's, changed from Business AR zoning to Business "A". He explained that he wishes to build a drug store on this corner and it would be of much more advantage if this zoning were changed from Business AR to Business A because it would enable him to put his building back on the alley, leaving more parking area in front of the building and putting the parking all in one unit. Also, by putting the building back on the lot, it would be better for the people living on Hill Avenue as it would not obstruct the view. And, also, he wants to be able to use his present sign.

In the discussion following, it was ascertained that the City has plenty of right-of-way to carry through with its widening program.

Motion was made by Claud Smith that the Planning Commission recommend to the City Council that the zoning on Lot 18, Block 23, City of Grand Junction be changed from Business AR to Business A. Motion seconded by Mr. Tessman, and carried.

Two items were then considered from the Agenda of the Special Meeting which had been held on Monday, September 28th.

1. WEST LAKE PARK (Annexation & Zoning)

Mr. Paul Marx and Mr. Belcastro were present with a request that Mr. Belcastro's property at 1215 North ~~Avenue~~<sup>413<sup>rd</sup></sup> be zoned as business; it is now in Residence "C" zone. After study of the zoning map as presented and discussion, motion was made by Mr. Cheever that the Planning Commission recommend to the City Council that this plat be accepted for annexation and that the zoning as shown, including this requested change, be approved. Motion seconded by Mr. Harras, and carried.

2. REQUEST BY BRUCE KANE THAT A BEAUTY SHOP BE ALLOWED AT 1644 N. 15th Street

City Attorney Ashby read the following from the Zoning Ordinance:

"Section 6. NON-CONFORMING USES. Any use of property existing at the time of the passage of this ordinance that does not conform to the regulation prescribed in the preceding sections of this ordinance shall be deemed a non-conforming use and such non-conforming use may be continued. A non-conforming use shall not be extended, but the extension of a use to any portion of a building which portion was arranged, or designed, for such non-conforming use at the time of the passage of this ordinance will be permitted. A non-conforming building may not be reconstructed or structurally altered to an extent exceeding in aggregate cost during any ten year census period, sixty per cent of the then fair value of the building unless the use of said building is changed to a conforming use. A non-conforming use, if changed to a conforming use, may not thereafter be changed back to any non-conforming use. (The fact that a building is temporarily unoccupied or not rented shall not be considered a discontinuance of its use.)

Mr. Ashby pointed out that once a use is abandoned it cannot be reinstated, although temporary discontinuance is not an abandonment. However, in this case, the property has not been used as a non-conforming use for at least 15 years, and it was his opinion that this would not be considered a "temporary discontinuance" and the property should now continue with a conforming use; therefore, since the use has been discontinued beyond the "temporary" use, it would not be possible to reactivate the Business A or Business AR use.

Chairman Hopper then asked the Commission if they felt that they would be in favor of spot zoning in this particular instance. Since it is now in Residence A, this would have to be considered as spot zoning.

Mr. Alstatt said that he felt if the Commission is definitely opposed to this, we should say so now so that Mr. Kane would not have to go to the trouble of circulating a petition.

City Attorney Ashby said that the Planning Commission should go on record that they would not recommend a rezoning, if a petition is brought in. Motion was made by Mr. Smith that the Planning Commission not look with favor on rezoning the East side of 15th Street at the present time. Motion seconded by Mr. Cheever, and carried.

Upon motion, the meeting was adjourned.

R. E. CHEEVER, Secretary

Heavy Construction  
Light Commercial  
Engineering  
Mill Construction

EARLE BARBOUR, Pres.

Steel Erection  
Excavation  
Homes  
F. H. A. Loans

## *Barbour Construction Company*

General Contracting and Construction

2700 North Avenue, P. O. Box 1134 CH 2-5754  
GRAND JUNCTION, COLORADO

September 24, 1959

City Planning Commission  
Grand Junction, Colorado

We are hereby submitting our plot plan for the Virginia Village Subdivision at 28th and Grand Avenues.

As you can see by the attached plot we of Barbour Construction Company have tried to lay out as practical a subdivision as possible, making the best use of the land, etc. We are also enclosing a copy of our proposed Protective Covenant covering this property. All lots are to be "Residence "A" and will be built by us.

You will note that we have tried to keep heavy vehicular traffic and thru streets to a minimum. Heavy vehicular traffic has been one of the major causes of lowering property values and hastening depreciation and flight.


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We sincerely hope our plans for Virginia Village meet with your approval and ties in with your splendid overall guiding plans for the communities orderly growth and development.

Very truly yours,

BARBOUR CONSTRUCTION COMPANY



Earle Barbour

EB:kk  
Enc.

WESTERN COLORADO'S LARGEST BUILDERS

PROTECTIVE COVENANTS

We, the undersigned, owners of the following described real property situated in Mesa County, Colorado, to wit:

for the purpose of maintaining fair and adequate property values in said real property, and for the purpose of continuing said real property as a desirable residential part of the City of Grand Junction, Colorado do hereby make the following declarations as to limitations, restrictions and uses to which such real property may be put, hereby specifying that such declarations shall constitute covenants to run with the land, as provided by law, and shall be binding upon all parties claiming under them, and for the benefit of and limitations upon all future owners of said real property:

1. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling, not to exceed two and one-half stories in height and a private garage for not more than two cars.

2. No dwelling shall be permitted on any lot at a cost of less than \$8,000.00, based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of the covenants then to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than which can be produced on the date these covenants are recorded at the minimum cost stated therein for the minimum permitted dwelling size. The ground floor area of the main structure, exclusive of one-story open porches and garages, shall not be less than 825 square feet for a one-story dwelling, nor less than 800 square feet per floor for a dwelling of more than one story.

3. No building shall be located on any lot nearer to the front line or nearer the side street line than the minimum building setback line shown on the recorded plat. In any event, no building shall be located on any lot nearer than 25 feet to the front lot line or nearer than 10 feet to any side street and no building shall be located nearer than 25 feet to any rear lot line or nearer than 5 feet to any interior lot line.

4. No dwelling shall be erected or placed on any lot having a width of less than 50 feet at the minimum building setback line nor shall any dwelling be erected or placed on any lot having an area of less than 6,000 square feet.

5. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plate and over the rear 5 feet of each lot.

6. No noxious or offensive activities shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

7. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other out buildings shall be used on any lot at any time as a residence either temporary or permanent.

8. No sign or any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

9. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property

lines extended. The same sight-line limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No trees shall be permitted to remain within such distance of such intersection unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines. Provided, that necessary height protective fencing shall be permitted along the east side of any lot lying adjacent to and along Indian Wash.

10. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrich or other sturcture designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

11. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose.

12. No lot shall be used or maintained as a dumpong ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

13. These covenants are to run with the land and shall be binding on all parties and on all persons claiming under them for a period of twenty-five (25) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

14. Enforcement shall be by proceedings at law or in equity against any person violating or attempting or violate any covenatn either to restrain violation or to recover damages.



15. Invalidation of any one of these covenants by judgement or Court Order shall in nowise affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, we have set our hands this..... day of....., 1958

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