

MINUTES

REGULAR MEETING

GRAND JUNCTION PLANNING COMMISSION

Wednesday -- February 24, 1960 -- 8:00 A.M.

CIVIC AUDITORIUM - CITY HALL

The regular meeting of the Grand Junction Planning Commission was held in the Civic Auditorium of the City Hall at 8:00 A.M., Wednesday, February 24, 1960, with the following members present:

Chairman Glen Hopper, Mrs. Cleo Diemer, Mr. Elmer Nelson, Mr. Alex Bauer, Mr. Robert Van Deusen, and Mr. Abbott Tessman.

Members absent: Mr. V. L. Colony and Mr. Frank Mercer.

Also present: Councilman Ed Strnad, City Manager Joe Lacy, City Engineer Carl Alstatt, Chief of Police Karl Johnson, Regional Planning Director Gene Allen, City Attorney Gerald Ashby, and a group of interested citizens.

Meeting was called to order by the Chairman.

I. MINUTES

Motion was made by Mr. Nelson that the Minutes of the Regular Meeting held on December 30, 1959 and the Special Meeting held on January 13, 1960 be approved as written. Seconded by Mr. Bauer, and carried.

II. ANNEXATION OF AREA EAST SIDE OF 12th STREET, PINION TO BOOKCLIFF, APPROVED -- PENDING RECEIPT OF WAIVERS

Chairman Hopper called upon Mr. Merton Heller who had presented this petition for annexation.

Mr. Heller's petition was for annexation of the following property: Lots 2 and 3, Block 1, Fairmount Subdivision, Mesa County, Colorado, Block 5, Fairmount Subdivision, Mesa County, Colorado, which is that area between 12th and 13th Streets and between Pinion and Bookcliff. It also carried the following clause:

"This Petition is contingent upon approval of the following zoning and should not be considered as a Petition for Annexation unless zoning is approved as shown. Lot 2, Block 1 and Lots 13 and 14, Block 5 Business "A". Lot 16, Block 5 Residence "C" ".

Mr. Heller explained that this clause had been put in for the protection of his property along 12th Street, and the Residence C to take care of his apartments along Walnut Avenue. He pointed out that this Business A zoning along 12th Street would tie in with present zoning on 12th and businesses already established in the area.

Chairman Hopper said that the City cannot zone anything it does not have and has no jurisdiction over the area until it is annexed. He

said that it should come into the City as Residence A and then be turned over to the Commission for rezoning.

Mr. Heller then said that he had questioned the clause, but had been told by the City to handle it in this manner so there would be no more delay, stating that for some time he had been trying to get this area annexed. He stated that he would be willing to give ground for a street (which would be Pinion) if it would be zoned as Business.

Mr. Nelson said that he had looked at this property and believed it should be brought into the City; however, he did not believe it should be brought in under the present asking code, but rather as Residence A until the Commission has time to look into the matter further. He said he would like to have the City Attorney's opinion on it.

Mr. Ashby, in answer to a question as to whether it is possible to annex and zone at the same time, said that in the method we have been following we actually make our zoning a little later than our annexation; however, he said that no more petitions which are contingent upon specified zoning should be accepted. We should follow a definite course -- we should take the property in and then zone it.

Mr. Ashby and City Manager Lacy both pointed out that to annex this territory at this time zoned as Business would materially weaken the City's position in the Jaros litigation. This area under consideration now is not too far removed from that particular area which has been determined to be unsuitable for Business AR.

Mr. Heller then pointed out that the property is zoned for Business under the County zoning; but City Attorney Ashby said there is nothing in the City Ordinance that requires the City to annex property to the City and retain the same zoning; however, as a general rule, the City nearly always retains the same classification as it had in the County.

City Manager Lacy said everyone who has property eligible for annexation should have the right to know what the City expects of their land use. Once the new zoning ordinance is determined, the projected land use and the projected zoning will go out beyond the City limits as information so that people will know what the City expects their zoning to be. Before annexation is considered the land owners will be asked what they want to do with their land and be informed as to what the City is considering as zoning. In this way, individuals as well as the City would be protected.

Chairman Hopper said that the City would like to see that area annexed, and asked Mr. Heller if he would consider waiving the restrictive clause and have the territory annexed as Residence A. and then rezoned after annexation. However, he said that the City could not promise to rezone it to Business.

Mr. Allen suggested that since the City is going into an over-all study of the City and surrounding area, perhaps this question might be held in obedience until we see if it is a logical part of the zoning.

Mr. Van Deusen asked if the Zoning Committee had looked at it.

Mrs. Diemer said that they had looked it over, but had no recommendation to make at this time. They felt it was an annexation problem, and would be happy to meet with the annexation committee.

When asked by the Chairman again if he would consider waiving the zoning clause, Mr. Heller replied that his primary interest in coming into the City was so he could get paved streets and sewer connections for his apartments. He also said that there were no objections from the people in the area, and that he was almost surrounded with businesses, and it is not good residential property.

Mrs. Diemer said that the Commission has always frowned on strip zoning, and Mr. Lacy pointed out that there are always more vacant buildings and stores on strip zoning. However, he further said that he would think that Mr. Heller might have a very excellent chance to have a service type business there, not because it is on 12th Street, but because it is at an intersection of a couple of major streets.

Mrs. Diemer then made the motion that this be turned over to the Annexation and Zoning Committees for further study; however, Mr. Tessman said that he did not see what good further study would do. He said that the Planning Commission could not take into consideration the annexation of property with strings attached; this would set a precedent. He said we should start doing things according to a master plan. There was no second to Mrs. Diemer's motion, and it was withdrawn.

Chairman Hopper asked if the Commission would approve setting this matter aside and considering it at the next meeting as Residence A, if waivers can be obtained.

Mr. Heller said he would appreciate a special meeting, as wanted to get it before the Council at their next meeting.

Mr. Ashby said that it was apparent that the Planning Commission is willing to go ahead and submit this to the Council for annexation if the waivers are obtained, and it would not need another meeting; however, if waivers are not obtained, this Commission would be against passing it on to the Council.

Motion was then made by Mr. Nelson that the Planning Commission recommend to the City Council that this area be annexed, pending receipt of the waivers to divest it from the Business A zoning, and that it be annexed as Residence A.

Motion was seconded by Mr. Van Deusen, and carried on a 4 to 1 vote.

### III. PETITION FOR REZONING AN AREA EAST OF BRACH'S MARKET GRANTED

The Chairman called upon Mr. Louis Brach to explain the petition which he had presented for annexation of the following area:

"Beginning at a point 30 feet North and 285 feet East of the West Quarter Corner of Section 11, Township 1 South, Range 1 West of the Ute Meridian, thence North to the North line of the South Quarter of the Southwest Quarter of the Northwest Quarter of said Section 11, thence West to a point which intersects with the following described line, to-wit: Beginning North 00°06' West 30 feet and South 89°48' East 30 feet from the West Quarter Corner of said Section 11, thence South 89°48' East 167.10 feet for a point of beginning of said line, thence North 08°03'

west 122.75 feet, thence North to the North line of the South Quarter of the Southwest Quarter of the Northwest Quarter of said Section 11 to the end of said line, thence Southerly following said line to a point 85 feet West of the point of beginning, thence East to the point of beginning."

This area to be rezoned from Residence A to Business AR.

Mr. Brach said that due to increased business he needs more room for expansion. He would like to move the drug store onto the 85' strip facing Orchard Avenue and have the entire store area he now has for his grocery and bakery business. "Our whole idea" he said, "is to swing the ends of the store completely around, putting doors on the East end for traffic coming in and eliminating traffic on 1st and Orchard". He further stated that this piece of ground could probably never be used for residential purposes. The new area would be 840 sq. ft.

Mr. Brach also said that he would tile the ditch now there and run it under the property. When he was asked how many cars he would be able to park, he answered approximately 300.

*Brach*  
Mr. ~~Bauer~~ asked if the parking now available on 4th Street would still be used, and Mr. Brach replied that it would be used for delivery and for employee parking. He said he planned to move his house on 1st and Walnut in order to make a parking area for customer use, and the main entrance would be on Orchard Avenue. The lines on the West side would be squared up.

Mr. Tessman expressed the view that this is a convenient spot for a great many people to shop, and the extra parking space would be an advantage; also, Mr. Nelson remarked that the safety angle ( in getting traffic away from 1st and Orchard) would justify the zoning.

Chairman Hopper then said that a protest petition had been filed and asked if any who were present protesting this zoning would like to present their views.

Among those present protesting this proposed zoning who spoke against it were: Mr. and Mrs. Wayne Neil of 161 Orchard; Mrs. Wilson of 141 Orchard; Mr. John Frazier of 121 Orchard; and Mr. A. W. Martin of 181 Orchard. These people all felt that it would be wrong to let business start on Orchard Avenue, stating that they had purchased their homes in this district because it was a residential district and felt that this would pull down the district and lower the value of their property. They felt that they should have some zoning protection on their homes. Also, they felt that the increased traffic would be a hazard on Orchard Avenue.

Mr. Bauer asked Mr. Brach if he had contacted the people East of the Drug Store, and if so, how far. Mr. Brach replied that the people East of the Drug Store had consented to this request, and that he had gone about 300 ft. East with the petition.

There was some discussion as to whether it would be possible to enter the parking area from 1st Street, but Mr. Brach said that the only way he can expand would be to cross the canal.

Chairman Hopper ~~said~~ that the Zoning Committee had been alerted on this and called upon the Chairman for their report at this time.

Mrs. Diemer reported that the committee had gone out to the site and made a thorough investigation of the entire area; however, the entire committee had not been able to be there, so she felt that they did not have enough information to make a definite report at this time. She said that they had wanted this opportunity to hear from the property owners in the area; also, Gene Allen had been out of town at the time and she understood that he had made a plat and had a report to make on it.

Mr. Allen showed a sketch of the area and stated that when this property had been annexed Mr. ~~Bauer~~ <sup>Brock</sup> had requested business zoning for his store. He said there is approximately 8400 sq. ft. in the store and approximately 3/5 acre for parking purposes, which is a ratio of about 4 to 1, which isn't too bad, although the piece of ground is not good for parking. He mentioned that if Mr. ~~Bauer~~ were to move his house it would make it possible to use approximately 1/6 or 1/5 of an acre for additional parking in connection with his building.

He mentioned that there is much similarity between this case and the one on 12th Street -- any time we have heavy traffic, the adjoining property is desirable for business use; however, when we have a very limited area we run into trouble with the zoning immediately adjacent.

He said that we have come to the conclusion that 12th and Patterson is a possible shopping center area and have also agreed that 1st and Patterson would also be a good location for a major shopping center.

He felt that the drawback in building a separate business was the fact that more territory was being taken in which might have some adverse effect on adjacent residential property.

Attorney William Foster next spoke. He said that it appeared a little unfair to tell a man that he cannot expand his business; he can move his house to make more parking, but he cannot expand his business. He said this might have been adequate parking if the land use were different, but the parking space that is there cannot be utilized. The way the corner stands, the parking spaces are very few.

He mentioned that a lot of objection seemed to be that there would be a grocery store and a drug store next to residential property; however, he pointed out that this was an existing situation that these people faced when they bought their homes. He also pointed out that the area is swampy, with ditches, etc. and if not used commercially, it will probably remain that way for a long time.

Mr. Pat Gormley said that he lived in this area. He asked, "What else is the property along Orchard good for?" He said that his property backed up against the ground that was just brought into the City. He felt that it would be an advantage for safety and other reasons to allow this change, but asked, "When do we stop?" He said they did not want a shopping center there, and that he was interested in knowing if the Planning Commission did not feel that there should be a break-off of some kind.

Chairman Hopper said, then, that the Zoning Committee is not ready to make a report and that we cannot proceed further with this question until we hear from them. He recommended, due to the lateness of the morning, that a motion be made to recess this meeting.

Mr. Bauer suggested that perhaps the Zoning Committee could be excused and bring back a recommendation within a few minutes.

Mrs. Diemer asked if City Manager Lacy could meet with the committee, as in the past the City Manager had always been a member of the committee, and they would like to have the benefit of his counsel.

The Chairman then declared a 15 minute recess.

When the meeting reconvened, Mrs. Diemer made the following report: Our Committee would like to recommend the rezoning of this lot, and would also like to go on record as making this recommendation -- that we certainly are not in favor of any further expansion of business in this particular area and that our recommendation be hinged to the fact that the City Engineer will see that the proper curb and gutter are laid, as stated in our ordinance, and that Mr. Brach work as closely as possible with the City Engineering in laying out his parking area.

Motion was made by Mr. Bauer that the Planning Commission adopt the recommendation of the Zoning Committee and recommend to the City Council that this zoning request be granted. Motion was seconded by Mr. Tessman, and carried on a 4 to 1 vote.

V. PETITION FOR REZONING LOTS 1-14 and LOTS 19-32, BLOCK "O"  
KEITH'S ADDITION, GRANTED

Attorney Amos Raso was present in the interest of this petition and explained that they were asking for the rezoning of this entire block, which is directly across the street from Union Carbide Company in order that they may put in their motor pool shop there. At the present time they have their cars in various places around town. He pointed out that the area is already commercial and stated that he did not believe that there was any opposition to the rezoning.

Gene Allen pointed the area out on a land use map and a zoning map. It is the NW corner of 15th and Ute, West of the Union Carbide Company and is zoned for industry all around. He noted that there was quite a bit of vacant land around, with approximately half being developed with family dwellings.

Mrs. Diemer made the recommendation that this block be changed to Business "B".

Mr. Bauer made the motion that the Planning Commission accept the recommendation of the Zoning Committee and recommend to the City Council that this zoning be changed to Business "B". Motion was seconded by Mr. Nelson, and carried.

IV. ROAD NETWORK FOR BRACH AREA CARRIED OVER TO NEXT MEETING

Chairman Hopper asked that Gene Allen work with Carl Aistatt and his office and have two or three definite proposals for this layout to be presented at the next meeting - which will be a recessed meeting.

VI. WEST FRUITVALE ANNEXATION TO BE REPORTED ON BY ANNEXATION COMMITTEE AT RECESSED MEETING FRIDAY MORNING

Chairman Hopper turned this item over to the Annexation Committee, with the request that they be ready to report on it Friday morning, February 26th, 1960, at 8:00 A. M. at a recessed meeting of the Planning Commission.

He then asked for a motion that this meeting be recessed.

Mr. Tessman made the motion that this meeting of the Planning Commission be recessed, to convene again at 8:00 A. M. on Friday morning, February 26th, 1960. Motion was seconded by Mr. Van Deusen, and carried.