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MINUTES

SPECIAL ADJOURNED MEETING

GRAND JUNCTION PLANNING COMMISSION

Wednesday - September 14, 1960  
Civic Auditorium

PUBLIC HEARING ON ZONING MAP - 7:30 P. M.

Planning Commission Board Members present: Messrs. Elmer Nelson, V. L. Colony, Art Hadden, Ray Meacham, Ed Surface, and Abbott Tessman.

Others present: City Manager Joe Lacy, City Attorney Gerald Ashby, Regional Planning Director Gene Allen, Development Director Don Warner, and a group of interested citizens.

The meeting was called to order by Vice-Chairman Elmer Nelson who said that this meeting was a reconvened meeting of the August 31, 1960 meeting of the Grand Junction Planning Commission for the purpose of going over the proposed new zoning ordinance which everyone had had an opportunity to examine. He explained that the meeting would be in two parts: from 7:30 until 9:00 o'clock the zoning map would be considered, and at 9:00 P.M. the text of the ordinance would be taken up.

Mr. Nelson said he would like to give a brief history as to what has gone into the making of this ordinance which has been prepared by City Manager Lacy, City Attorney Ashby, City Engineer Alstatt, and Regional Planning Director Allen. Approximately 280 man hours have been spent in working this up, and had outside consultants been hired to do this same work the cost would have been in the neighborhood of \$6,000.00. These men have worked with and through the Planning Commission in order to give the City a planning and zoning ordinance that is flexible and can grow with the City.

City Manager Lacy then gave a few more words of background as to why the City has felt it is necessary to revise its twelve-year-old zoning ordinance. He said that one of the ways zoning ordinances differ from every other ordinance is that they recognize that changes will occur. Modern zoning ordinances are drawn up to facilitate and anticipate these changes and allow the city to grow. Such things as locations of old homes, shopping centers, moving of buildings to make way for new and different uses were formerly not required in zoning ordinances, and that is the reason most cities have found themselves drawing new zoning ordinances which are tailored in format and contents to recognize these changes. However, Mr. Lacy said, in preparing this ordinance they did not wish to be "penny-wise and pound foolish" and come up with an ordinance that would not be technically correct, therefore copies were sent to the following authorities with the request that they make a very critical analysis of it:

American Society of Planning Officials  
Urban Land Institute  
National Institute of Municipal Law Officers  
Colorado State Planning Division

All four agencies sent back the ordinance with some recommendations and suggestions which have been incorporated into the text, and they were all very complimentary on the entire ordinance and its new features. "The zoning ordinance before your Planning Commission tonight", Mr. Lacy said, "is a very sound and correct ordinance for a modern, growing city".

Mr. Lacy said that the zoning map is always a very controversial subject and would be considered at this time and that a number of petitions, some in favor of the ordinance and some against it, which have been received would be read in the order received and commented upon without attempting to finally dispose of them at this time. The Planning Commission will consider each one at a later meeting.

The Chairman then called for a motion to open the hearing on the zoning map.

Motion was made by Mr. Hadden that the meeting be open for the hearing on the zoning map; seconded by Mr. Colony, and carried.

Mr. Lacy then read the following petitions:

No. 1. - A letter from Attorney Wm. H. Nelson dated 7-6-60 regarding the zoning of an area south of St. Mary's Hospital and west of 7th Street (full copy in files). Mr. Lacy explained that a plot plan has been worked out and dedicated deeds have been prepared. Many of the owners have signed and the remaining ones have agreed to sign as soon as the deeds are presented to them.

Chairman Nelson asked for comment from the floor. There was none.

No. 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 (full copy in files). Mr. Lacy said that the proposal in the zoning ordinance is as they wish it to be, zoned for multiple-family residence.

Chairman Nelson asked for comment from the floor. There was none.

No. 3 - A letter signed by Mrs. Beryl Delp and Mrs. Hilda H. Delaplaine protesting business zoning of three blocks fronting on North Avenue just south of Mesa College (full copy in files). Mr. Lacy said that some people definitely wish a clear business zone for these three blocks, although no clear plan for unified development for even one block has been presented. The proposal in the zoning ordinance is for the most limited transitional type of business zone called "limited business" in this area. It permits only office buildings or the use of homes as offices and is the type of zoning built into the zoning ordinance to recognize a transitional change when an area becomes not as desirable for homes as it was in the past, although the homes are too valuable to tear down so are put to some modified business use until such time as they can be torn down. This zone would not allow retail business of any type.

Chairman Nelson asked for comment from the floor. There was none.

No. 4 - A petition protesting the rezoning of an area at 1st Street and Orchard (new City Market, formerly Brach's Market) from Residence "A" to "P" zone, (full copy in files). Mr. Lacy briefly summarized what had taken place in regard to this question at prior Planning Commission and Council meetings. The proponents wished zoning for a super market and supporting parking and the the location of a building to the East of the present building. The opposition who submitted this petition oppose any change or increase in size of the business zone. The matter has been table by the Council, pending the drawing up of a new zoning ordinance.

The proposed ordinance provides that the area where the market now stands would be B2 zone and that the area to the East where a small home was moved off would be put in as a "P" zone for parking where nothing could be built and would act as a buffer zone between the business and residential area and block any further expansion of the B2 zone.

Chairman Nelson asked for comment from the floor. There was none.

No. 5 - A 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 Streets (full copy in files). Mr. Lacy said there is no real reason why this half block cannot be changed to R2 zone which would provide the buffer zone desired and still not jeopardize comprehensive zoning practices. He said he would recommend that this be put into an R2 zone.

Chairman Nelson asked for comment from the floor.

Mr. McBride of 1435 Main Street said that there are some nice homes in the area which represent the life saving of many of the owners and they feel that if heavy commerce were to be allowed adjacent to their homes it would decrease their value from 30 to 50 percent. They would appreciate anything that could be done in their interests.

Mr. Lacy asked Mr. McBride how he felt about the present proposal. Mr. McBride replied, "Very satisfactory".

Mr. Tillotson of 1405 Main thanked Mr. Lacy for his consideration.

No. 6 - A letter from Creamer and Creamer, Attorneys at Law, regarding the zoning of the "Jaros Tract" - Lot 16 in Grandview Subdivision, and also Lots 17 through 26 and a portion of Lot 27, Block 149, City of Grand Junction. This letter was read by Attorney Ashby who commented that this case is now in the jurisdiction of the District Court in Mesa County and that only the Court can determine the correctness of opinions expressed in the letter; it is not a matter for the Planning Commission to attempt to solve the various legal questions involved (full copy of letter in files).

Mr. Lacy commented on the two specific items of zoning as follows:

- a. Regarding the first zoning item, that of the zoning at 12th and Orchard, Mr. Lacy said the proposed zoning is identical to the existing zoning, no change has been proposed, the reason being that the neighborhood at 12th and Orchard is similar in most characteristics to that at Bookcliff and 7th and 1st and Orchard--all three justify the location of neighborhood shopping facilities as a service to immediate residents, this area in particular because of the pending development of Mesa College. The property to the east and south of the area are single family dwellings of relatively high caliber, similar to those at 1st and Orchard. It seems justifiable that the zoning be retained as it is and allowed to continue under the new zoning concept.
- b. The second request pertains to that area which is between South 6th Street and South 7th Street and between Pitkin and South Avenues and is now a light industrial zone. The new zoning ordinance proposes heavy commercial zoning for this area. Actually,

Mr. Lacy said, the heavy commercial and light industry zones are similar enough that the request can be granted as it would fit into the comprehensive zoning plan.

Chairman Nelson asked for comments from the floor. There were none.

No. 7 - A letter dated September 13, 1960 from the Hawthorne Dry Ice Company of 848 White Avenue regarding the zoning of Block 85, City of Grand Junction (full copy in files). Mr. Hawthorne stated that since the zoning had been revised to B1 in the entire block with the exception of the lots facing on 8th Street he could not understand why it was being split up into "spot zoning". Mr. Lacy explained that spot zoning is an island of a particular kind of zone in the middle of another zone. In this case it is not spot zoning; this is step-down zoning, since it is on the edge of the downtown business center, and is a transition block between retail business use to the next step down which is multiple-family dwellings.

Chairman Nelson asked for comments from the floor.

Mr. Hawthorne stated that the whole block has been Business A and he would like to have it be continued as Business A, if possible.

Mr. Lacy asked him what his thinking was on keeping it all Business A rather than zoning it as a break-down, explaining that both proposed zones are business zones, the smaller part is for retail business and the rest of the block is for office buildings and apartment houses.

Mr. Hawthorne replied that he has his office there and out-of-town people quite often come to pick up ice, and he wondered if the new zoning would interfere with his operations.

When assured by both Mr. Lacy and Mr. Nelson that the proposed zoning would in no way affect his business and that he could operate just as he has been doing, Mr. Hawthorne said it would be all right and he would have no objections.

No. 8 - A letter from L. C. Nowland dated September 13, 1960 regarding the zoning of Block 5, East Main Street Addition (full copy in files). Mr. Nowland stated he was particularly interested in the proposed zoning for the north half of Block 5 which is proposed as R-2. Mr. Lacy said this letter indicates that Mr. Nowlan would like this area to be used for parking, and this could be done with the use of a "p" zone but that would mean that the north half could be used for only parking; or if he wanted to use it for something other than parking it could be a B-1 use, or the commercial zoning it now carries. Mr. Lacy said that when a break in zoning must be made it is generally better to make the break in alleys rather than streets. He said the use in this area did not justify commercial zoning extending to Rood. Therefore, this is a question the Planning Commission will have to consider as to just how far they want to go on the B-1 or P zone, or leave it as proposed.

Chairman Nelson asked for comments from the floor. Attorney Wm. Foster asked if the written petitions were considered closed after consideration at this meeting. Mr. Nelson replied that they are closed as far as the hearing is concerned.

Mr. Meacham then asked, by way of clarification, if it is permissible to put anything higher in a lower zone. Mr. Lacy replied in some instances, such as in a B1 zone it is possible to build a residential use; but in B2, B3, C1, or C2 it would not be possible. On the other hand, if there was a non-conforming use there it could be changed to a higher non-conforming use, so it is almost necessary to consider specific cases.

No. 9 - A letter from L. E. Spore dated September 14, 1960 protesting the change in zoning in the 1000 Block on Grand Avenue. This has been proposed as 2-family residences, and again, Mr. Lacy said, it is a step-down from multiple-family just to the west of it and single family dwellings just to the east. He pointed out that this is a good location for the higher type of single family dwellings, although all apartment houses located in the area could continue indefinitely as apartment houses, but no new ones could be added.

Chairman Nelson asked for comments from the floor.

Mr. Dow Hough of 1102 Grand stated that he had a five-unit apartment house upon which he had spent approximately \$36,000.00 two years ago and he was not very happy about having an investment like that handicapped by this zoning. He asked what would happen if it should burn down, or if he should want to sell it.

Mr. Lacy replied that if he sold it, the non-conforming right goes right along with it, and goes on indefinitely. If it should be destroyed by fire before it is 20 years old then it can be replaced, intact, with five new units. If it should burn down after 20 years, then it must be replaced to the conforming use.

Mr. Hough then asked about the property at 1060 Grand in which he is interested. He said it has a 75 ft. frontage and the existing use allows seven apartments in that area. He asked if they would be operating legally.

Mr. Lacy replied they would be in a non-conforming status which is legal. He then said this area could be zoned as a multiple-family use which would allow the older buildings to be used as six family units. This, again, he said is in the transitional zone step down from business to multiple-family use to single-family dwellings. Where this line shall be put is a decision of the Planning Commission -- possibly it could be moved over a block.

Mr. Hough said he would like to have his name placed on the letter which had been sent in by Mr. Spore.

Mr. Ben Carnes of the Grand Junction Board of Realtors then spoke. He said they have been somewhat disturbed about this because a large portion of the R1C area actually contains multiple-family dwellings and the greatest percent of them are over 20 years old. He said the real estate people did not feel that there should be such a large percentage of property in a non-conforming use. It would make financing hard for the people. He asked that this be given considerable thought. Also, he said they felt that the matter of annual registration of non-conforming uses should be discussed. City Attorney Ashby said that registration of non-conforming uses cannot be required in the state of Colorado at present. Mr. Ashby also explained that there are no restrictions on a non-conforming building, but if it is a non-conforming use, then there are restrictions on it.

Mr. Bray of Bray Realty then asked why throw so much of the area already built up into a non-conforming use. As it is now proposed, he said, probably about 80% of the area would be non-conforming.

Mr. Lacy said that people are still building homes around Grand Junction and that the new zoning ordinance is a means of having them built on a basis which has been proven to be one that will help them retain their values. That is why these provisions are in the ordinance, but they do not apply to non-conforming buildings. He said, "We know the percentage of the use of the buildings and this was considered before laying out the zoning".

Mr. Pat Gormley then spoke. He said they have approximately a thirty million dollar investment in real estate and before making a loan they consider what a house is going to be used for in 20 years. He said they were very concerned about an area in the older part of Grand Junction where there are many big old houses which can only be used by converting them into some form of multiple use. If the Planning Commission would return those blocks that now allow multiple family zoning to that zoning it would solve a lot of objecting, he said. He also said it would seem that the existing town could be left as it is now and the new zoning apply to the new part. He pointed out that when lending institutions make a loan they must take into consideration any possibility of any change of zoning.

Chairman Nelson said the Planning Commission will take a look at the older areas on rezoning, although he pointed out that they cannot go on loaning on them indefinitely. He said a meeting with the Realtors would be arranged.

At this time Mr. R. P. Wiseheart said that he would like to have the letter which he had submitted regarding the zoning on property which he owns between Grand and Ouray Avenues and West of 22nd St. considered, as he had to leave on the plane very soon.

Mr. Lacy read Mr. Wiseheart's letter (full copy in file) which protested the change in zoning on this property from Business A to residential single-family zoning. It is Mr. Wiseheart's desire to establish an Electronics fabrications laboratory on this property, as they feel this area is a desirable location for this industry which Mr. Wiseheart described as a "clean, smokeless and odorless" industry which would further expand the payroll and industrial operations in Grand Junction. He asked that the south side of Ouray Avenue be zoned so that a buffer zone of triplex residential building could be placed between the Park Terrace Subdivision and the existing Business A zone.

Mr. Jim Kurtz spoke at this time regarding the area bounded by Spruce on the east side, railroad tracks on the West, Grand Avenue on the North and Colorado Avenue on the south. This area is now zoned as I1 and it is proposed to change it to C2. Mr. Kurtz said that they would like to have this area left as I1 because they presently have light industry in there which is a very essential part of their business.

Mr. Lacy said there was no reason why this could not be changed, as requested, and still fit in with the land use. He advised Mr. Kurtz that it would be taken under consideration. When Mr. Kurtz inquired when he would know the decision, Mr. Nelson said it would have to be before the 28th and that a date for another hearing would be set.

Mr. Dean Riddle then spoke, requesting that Lot 4, Block 2 of Mesa Gardens (SE corner of 22nd and Gunnison) which is presently zoned for multiple-family dwellings be allowed to remain in this zoning. He said he planned to do some remodeling and build a couple more duplexes on this property, but if the zoning is changed to single-family dwelling he will not be able to do this.

Don Warner said these buildings were formerly built and used by the College and were moved out to their present location because they were not allowed in the City.

Henry Galley said he helped to move these buildings out of the City limits and when Mesa Gardens came into the City they did not want to bring them into the City; however others wanted them in. He said they were moved out there because they did not conform to the City Code, but he also said he considers now that they are a problem that the City should accept.

Mr. Bill O'Brien then asked about Blocks 1, 2, and 3 on North Avenue, 9th to 12th. Mr. O'Brien was informed this had been discussed previously; however, this is just an open hearing and no final action had been taken.

PUBLIC HEARING ON TEXT OF ZONING ORDINANCE, 9:00 P.M.

Chairman Nelson then closed the hearing on the zoning map and called for a motion to open the hearing on the zoning text.

Motion was made by Mr. Colony that the meeting be open for the hearing on the text of the zoning ordinance; seconded by Mr. Hadden, and carried.

Mrs. Wilson - 141 Orchard - said that the people living opposite the new City Market at 1st and Orchard would like to know if, under the proposed new zoning, the market would have to remodel their loading zone and loading elevator. Also she asked what kind of curb cuts there would be in order to afford them some protection from the traffic. She asked, "Can the proposed 'P' zone be rezoned as a business zone at any time?" She asked how long it would be before their properties which are less than five years old would be in the "twilight" zone? She also asked about the large sign which would be allowed under the new zoning ordinance which she said "does not conform to residential zoning".

Mr. Lacy pointed out that there is a curb cut ordinance already in effect, the purpose of which is to prevent cars from coming out of parking lots just any place. This would prevent their coming out directly across from their homes. He also said under this ordinance a fence would be required along the P zone.

Mr. John Knoll of 111 Orchard said that a loading zone across from their property would be a serious threat to FHA loans. He also objected to the large sign, stating that it was of such a size that it was not right in a residential area.

Mr. Stephen Johnson asked about the zoning for the area where the House of Flowers on North Avenue is located, stating that he noticed the front half of the property is zoned for business but the rear half which contains greenhouses and a boiler room is zoned as residential and he thought the entire property should be zoned the same. Also he said that according to the map if the alley should be opened up through there it would go through the greenhouse. He said he thought the old zoning was also in error.

Mr. Lacy asked if he had found any problems under the present zoning, stating that the proposed zoning is the same as the present zoning. Mr. Johnson replied that he had not, but that he had not applied for any building permits lately and that he might want a building permit to expand his business and use this property before long.

Mr. W. D. Carnett, referring again to the discussion of the City Market property at 1st and Orchard, said he wondered if anyone has gone out recently to see just what an eyesore they have constructed for the people on the south side of Orchard to look at, stating that no one would want that in their front yard. He stated he was not against the City Market, not against zoning and progress, "we need zoning", he said. They are trying to extend their business zone to take in another lot, and he wondered if it might be possible to get the opposition to withdraw their objections on the P zone in the other lot provided they would correct this eyesore they have built. He stated that he had built those houses and carries most of the notes.

Mr. Lacy said the City has been apprised of this situation and has been acting as a "middle man" trying to work out the relations in that area, and they have gone as far as they possibly can go.

Mr. Carnett said he would talk further with these people.

Mrs. Wilson said they would like protection in the way of landscaping written into the zoning ordinance, if shopping centers are going to be built in residential areas.

Mr. Lacy said that esthetics are not a part of zoning. They know that they must build a fence when a P zone is across from a single-family residential area, but they do not have to landscape the area. However, in this City we have a Park Department that does this.

Mr. A. W. Martin of 181 Orchard asked why the Planning Commission has insisted on ramming this zoning through? Have had opposition on all sides. He felt it was not fair to decide in 15 minutes what other respectable bodies had turned down.

Mr. Nelson said that the business would not go any further than the one lot and that the Planning Commission was considering over-all zoning.



Mr. Tessman said that the business was already in this location and was a going business, although badly handled from the standpoint of parking. The parking had to be taken care of if the business was going to continue. There had to be some type of buffer between the residences on the north side of Orchard, and by taking this one lot and making it over to parking and seeing that the proper curb cuts were placed so traffic would be orderly it was felt that a bad situation was being improved. He stated that the Planning Commission had no intention of over-looking others or being under-handed about this, but considered this an improvement as long as there was a market there, anyway.

City Attorney Ashby said that the Planning Commission when it determined the recommendation to the Council that this be created put no burden on the residents in the area. He said in a case where the Planning Commission recommends for a change from the original zoning this does not force the Council to a 3/4 vote to over-rule, but a petition signed by 20% of the residents against such change does force the 3/4 vote.

A letter was read from the Mountain Realty at this time, discussing much the same problems as had previously been brought up by Mr. Carnes and Mr. Gormley, regarding the zoning of multiple unit housing back to single-family zoning. (Full copy in files)

In commenting upon this letter, Mr. Lacy said that some things stated in it are misunderstood, others misstated. The area with which they are concerned is on the boundary of the business district and older homes. Exactly where the line is placed is problematical; it is possible to go back in these areas and rezone the areas that are on this border. He asked should we start from the existing zoning, or from the land use? This plan was based on land use pattern in the hope that the Grand Junction of the future would not have the problems we are now facing.

Chairman Nelson called for comments from the floor. There were none.

Chairman Nelson said that another meeting will be arranged with the realtors at an early date.

Motion was made by Mr. Meacham that this meeting be adjourned until the meeting with the Realtors Board. Motion seconded by Mr. Colony, and carried.