

MINUTES

SPECIAL ADJOURNED MEETING

GRAND JUNCTION PLANNING COMMISSION

Wednesday - September 21, 1960
3:00 P.M.

CIVIC AUDITORIUM

Planning Commission Board Members present: Messrs. Glen Hopper, Elmer Nelson, Abbott Tessman, V. L. Colony, Art Hadden, and Alex Bauer.

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

Chairman Hopper called this adjourned meeting of September 14, 1960 to order, stating that at that meeting it had been agreed to hold another meeting with the realtors so that they could continue the discussion that they were unable to finish at the September 14th meeting. The Chairman then opened this meeting to general discussion by the realtors.

Mr. Ben Carnes, spokesman for the Board of Realtors, then said that they wished to express their satisfaction with the Planning Commission for their efforts in trying to come up with a new zoning regulation for the benefit of everyone, also to City Manager Lacy for his open-minded discussions with many of them. Mr. Carnes said that they have had several meetings in an attempt to study the interests of all residents in Grand Junction and as a result have come up with this decision: "We would like to suggest that we continue with the present zoning as it stands in Grand Junction and leave the zoning as it is as to use, etc. We would like to adopt the procedure and the regulations for enforcement as they have been set forth in the proposed ordinance. We feel there are too many non-conforming uses that would result from the adoption of this ordinance".

In the general discussion following, it developed that the biggest objection that the realtors as a group had toward the proposed ordinance was that they felt too much property would be thrown into the "non-conforming" category, saying that the new map would put three times as much property in this class as is now in it. They felt, also, that this would create many financial problems in the financing of these older buildings. They were of the opinion that if these areas were up-graded to single family zoning and people were unable to get loans on their property as they can under the present set-up, they would not be able to improve and take care of their properties. They also felt that "non-conforming" use would have a serious effect on FHA and GI loans. The objection was also raised that proposed lot sizes in the new ordinance do not conform to the City as it was originally laid out and that they were unable to see what was being accomplished when the houses are already there (they had particular reference to the Fruitvale and Mesa Gardens areas).

Mr. Carnes then asked all realtors present who were in accord with the expressed opinions to stand, and a large majority stood up.

Attorney Ashby asked, "If this map were to be changed back to the existing uses would the group then be against this ordinance?" There was no answer.

Mr. Lacy said the clear impression on which these feelings have been formed is the creation of non-conforming uses which is going to create financial problems in financing these buildings. He told them that as a result of the public hearing on Sept. 14th the term "non-conforming" does not now exist, it is called "pre-regulation" building and would not affect FHA or GI loans.

Mr. Lacy also said that it is important to keep the character of neighborhoods in the same category, as far as it is possible to do so. It is very unusual to have four different multiple-family residential zoning districts; however, it is not too bad when it is not in the path of industrial or commercial growth. However, he said, we are reaching the limit of the downtown Grand Junction commercial area and are now growing more toward the north and east. The effect of this on the older houses, if held in multiple zoning, is the start of tenement districts and slums. "We are trying to effect planning in the future on something that already exists, without hurting its value", Mr. Lacy said.

Regarding the lot sizes, Mr. Ashby said that the City as laid out would just continue that way; it is not mandatory that these lots comply with the new ordinance. Mr. Lacy said if a district had been platted before the new ordinance is passed, it would remain that way.

Planning Director Gene Allen said that his office had made an existing land use map. They made a survey of the buildings in the entire City and checked every individual property. This map indicates the majority of the use in the block of land from Grand Avenue to Belford in the older section of the City is still one-family dwelling. He felt it would be an injustice to the single family dwellings to zone it for multiple dwellings.

Chairman Hopper said there isn't a spot in this town that does not now have some non-conforming uses, and up to this time the Planning Commission has just been a re-zoning board. Under the new set-up, he said, a plan is being laid so that at some future point we will have a well organized community.

Mr. Allen pointed out that this is not final; if things still need to be changed, they can be. He said the present basic zoning ordinance is 30 years old and such ordinances should be reviewed every five years.

Specific zoning changes that were brought up at this meeting were:

Dean Riddle who was at the hearing on Sept. 14th again stated that he would like the SE corner of 22nd and Gunnison to remain as multiple family zoning.

Mr. Wm. O'Brien asked about Blocks 1, 2, and 3, City of Grand Junction (from 9th to 12th on North Avenue). He had presented a petition some time ago to have the North half of these blocks zoned as Business A which had been tabled by Council, pending adoption of the new zoning ordinance. Mr. O'Brien stated that he felt these blocks were closely related to the balance of North Ave. which is now Business A.

Mr. Lacy read a letter from Rev. Dwight Wallack regarding a change in zoning at 620-626 Walnut (full copy in files). Mr. Wallack was requesting this change in order that at some future date he might be able to extend his building facing on Walnut Avenue out as far as the corner building. Under the new proposed zoning ordinance Mr. Wallack would not be able to extend his building out to the curb, but under the present ordinance he can do this. Mr. Garms who owns near-by property was present and said he would have no objection to this change of requirement.

At this time the group of realtors and others present in the audience left.

Members of the Planning Commission were of the opinion that they should continue with their convictions and they felt the opposition which had been expressed was due to a misunderstanding of the proposed ordinance and map.

Motion was then made by Mr. Nelson that the zoning of the North half of Blocks 1, 2, and 3, City of Grand Junction (9th to 12th on North Avenue) be left as proposed. Seconded by Mr. Bauer and carried on a 5 to 1 vote. Mr. Tessman opposed this because he said he did not see the need of protecting these three blocks of rather old houses, and he was in accord with Mr. O'Brien in thinking that these three blocks were closely related to the rest of North Avenue and should be zoned the same. He pointed out that this area is near the College and said that he had observed that small businesses located near colleges were common in most places and were really needed and appreciated by the students. He mentioned that he felt this was one more place where our zoning could be improved, as the way it is now it appears to be spot zoning.

Mr. Wallack's letter was next considered by the Commission. Since there had been considerable opposition to the change in zoning allowing the extension of the other building, and since this corner is very congested as it is and not a desirable situation for the surrounding residential area, motion was made by Mr. Nelson that the proposed zoning requirements be continued. Motion was seconded by Mr. Hadden, and carried.

Motion was made by Mr. Bauer that the Planning Commission go along with the zoning of the Brack Market area as shown on the map ("P" zone to the East). Motion seconded by Mr. Colony, and carried.

Motion was made by Mr. Bauer that the zoning in connection with Johnson's House of Flowers on North Avenue be left as proposed. There was some discussion on this, Mr. Tessman expressing the opinion that Mr. Johnson deserves to have his property for his own use; however, it was pointed out that Mr. Johnson can build 50 ft. back onto the rear property and also can extend quite a distance to the east. Motion was seconded by Mr. Colony, and carried.

Regarding the request by L. C. Nowlan for a parking zoning in the N $\frac{1}{2}$ of Block 5, East Main Street Addition, Mr. Colony made the motion that this one-half block be changed to "P" zone. Motion was seconded by Mr. Nelson, and carried.

Motion was made by Mr. Nelson that Blocks 155 thru 164 City of Grand Junction, Blocks 1, 4, 5, 8 Mobleys Subdivision, Blocks 5 and 8,

Carpenter's Subdivision #2, Tracts 1 through 9 Little Bookcliff RR Yards zoned on the proposed map as C2 be changed to I-1. Motion seconded by Mr. Colony, and carried.

Motion was made by Mr. Bauer that Blocks 87 and 90, S $\frac{1}{2}$ Blk 68, N $\frac{1}{2}$ Blk 109, City of Grand Junction zoned on the proposed map as R2 be changed to R3. Motion was seconded by Mr. Hadden, and carried.

Motion was made by Mr. Tessman that Blocks 88 and 89, S $\frac{1}{2}$ Block 67, and N $\frac{1}{2}$ Block 110, City of Grand Junction zoned on the proposed map as R1C be changed to R2. Motion was seconded by Mr. Hadden, and carried.

Motion was made by Mr. Nelson that the S $\frac{1}{2}$ of Block "L", Keith's Addition zoned on the proposed map as C2 be changed to R2. Motion seconded by Mr. Colony, and carried.

Motion was made by Mr. Nelson that Lots 11 through 20, Block 17, City of Grand Junction zoned on the proposed map as R2 be changed to B1. Motion seconded by Mr. Colony, and carried.

Motion was made by Mr. Bauer that Block 40, N $\frac{1}{2}$ Block 49, S $\frac{1}{2}$ Block 27, Lots 16 thru 20 Block 28, Lots 11 thru 21 Block 39, Lots 11 thru 16 Block 50, City of Grand Junction zoned on the proposed map as R1C be changed to R2. Motion seconded by Mr. Nelson, and carried.

Motion was made by Mr. Nelson that all that part of Lot 16, Grandview/^{Sub.} lying North of a line 157' South and parallel to the North line SW $\frac{1}{4}$ Sec. 12, T1S, R1W U.M. except the W 167' thereof which is zoned on the proposed map as R1C be changed to R2. Motion was seconded by Mr. Bauer, and carried. This motion was made to correct an error in the printing of the original proposed map.

Motion was made by Mr. Tessman that the subject area (All of Blocks "A" and "F" Mesa Gardens Subdivision, except the N 100' thereof) be zoned as B1 in light of the proposed development of the tract for electronics manufacturing by the Ultronix Corporation, but if further development indicates that such a plant will not be built in the near future that single family residential zoning be considered by the City Council before final passage of the ordinance. Motion was seconded by Mr. Nelson, and carried.

Mr. Hopper brought up the subject of the zoning back of St. Mary's Hospital. He said there is no step-down from R1B residential to R3, also he was concerned over the possibility of multiple dwellings coming into the area.

Mr. Bauer made the motion that the Planning Commission recommend changing the zoning in this area (Beg at a point on the West line Rose Hill Sub. which is 500' S of the N line Sec. 11, T1S, R1W, thence E 250', thence S to the S line Sd Sub., thence SWly to SW corner Sd. Sub. thence N along West line Sd Sub. to the P.O.B.) from the proposed R3 zoning to R2 to act as a buffer zone. Motion was seconded by Mr. Nelson, and carried.

Motion was then made by Mr. Bauer that the Planning Commission recommend to the City Council the adoption of this proposed zoning map as amended as of 9-21-1960. Motion was seconded by Mr. Hadden, and carried.

Mr. Tessman said he could see no reason of not adopting this zoning ordinance and map; however he made the suggestion that if, after this ordinance is in effect, any certain areas are experiencing any unusual hardships their case will be reviewed and worked out in a satisfactory manner to all concerned.

At this time Mr. Lacy presented the zoning ordinance text to the Commission, as amended to 8-18-1960. He proposed the following changes in text at this time:

- Page 7 - Add "pharmacy" to use 3.4
- " 15 - Change minimum frontage from 60' to 50'
- " 18-19 Add conditional use 5.10
- " 21 - Add conditional use 5.10
- " 36 - Amendment to building height
- " 37 - Amendment to Sec. 1, partially dedicated street
- " 49 -- Add definition of center line
- Add the following sentence under "Conditional Use":
"Any use existing on the effective date of this ordinance which is a conditional use in the zone district where it is located shall be considered a 'use by right' and not a non-conforming use".
- " 53 - Change "non-conforming building" to "pre-regulation".

Motion was made by Mr. Bauer that the Planning Commission recommend to the City Council that the zoning ordinance text as revised to 8-18-60 and amended as of 9-21-1960 be adopted. Motion seconded by Mr. Hadden, and carried.

Motion that this meeting be adjourned was made by Mr. Hadden, seconded by Mr. Tessman, and carried.