

MINUTES

REGULAR MEETING

GRAND JUNCTION PLANNING COMMISSION

CONFERENCE ROOM - CITY HALL

Wednesday - July 26, 1961 - 8:00 A.M.

Members present: Messrs. Alex Bauer, Art Hadden, V. L. Colony, Ray Meacham, Mrs. Eleanor Diemer, and Mrs. Wm. Hyde.

Members absent: Mr. Elmer Nelson.

Others present: City Manager Joe Lacy, Regional Planning Director Gene Allen, Mr. and Mrs. Gilbert Limberg, Mr. and Mrs. Wm. McKelvie, and Mr. Geo. Hooker.

BAUER APPOINTED TEMPORARY CHAIRMAN

Due to the absence of Chairman Elmer Nelson, motion was made by Mr. Hadden that Mr. Alex Bauer be appointed chairman pro-tem. Motion was seconded by Mr. Meacham, and carried.

I. MINUTES APPROVED

Motion was made by Mr. Colony that the Minutes of the Regular Meeting of June 28, 1961 be approved as written. Motion seconded by Mr. Hadden, and carried.

II. REQUEST DENIED FOR SERVICE STATION NW CORNER 7th & COLORADO AVE.

The Chairman noted that Mr. and Mrs. McKelvie and Mr. and Mrs. Limberg were present at the meeting to request permission for a service station on the NW corner of 7th and Colorado Avenue and asked them to present their request at this time.

Mr. McKelvie, as spokesman of the group, stated that due to the fact that he had held a second mortgage on the property in question he now had a half interest in the property, along with Mr. and Mrs. Limberg who had operated this lot as a parking lot for the last four or five years. Mr. McKelvie said that he had made an honest effort to find out if this location was feasible as a parking lot, but that it has been impossible to even realize enough to cover expenses of the property and they are losing money all the time on the property.

They have been wanting to sell the property, and now that they have the opportunity of selling to Mr. James R. Lee, a representative of Site Oil Company who has offered them \$35,000. for the property, they are most anxious to complete the sale. Mr. McKelvie stated that they would not be making money at this price but felt that they would be coming out about even. He passed around a brochure of this company telling of their activities and stated that it was his understanding that they were interested in and had possibly already purchased other property in the City for other developments.

Mr. McKelvie said that he had discussed the question with several City officials and with Mr. Elmer Nelson, Planning Commission Chairman, who had raised the question as to whether this was a bona fide

bidder or not. Therefore, Mr. McKelvie had telephoned St. Louis and the following telegram had been received from Mr. Lee:

"CITY COUNCIL & PLANNING BOARD, ATTN ELMER NELSON  
CITY HALL  
GRAND JUNCTION, COLO.

GENTLEMEN: THIS IS TO CONFIRM OUR COMPANYS STRONG INTEREST IN LOCATING A SERVICE STATION AT NORTHEAST CORNER SEVENTH AND COLORADO. FINANCIAL TERMS HAVE BEEN REACHED WITH OWNERS. ACTION DEPENDENT ONLY ON ZONING AND MARKETING DIRECTORS FINAL APPROVAL. ANY CONSIDERATION GIVEN APPEAL WILL BE MOST APPRECIATED.

JAMES R. LEE SITEMAN"

Mr. McKelvie noted that although there are already five filling stations in the area, there has been no new filling station on Colorado Avenue for a number of years and he felt it would not hurt anyone to have one there, mentioning that the town is developing in that direction.

The Chairman then asked if others in the group wished to say anything. Mrs. Limberg said that they had this property for sale, and asked Mr. Hooker to speak for them. Mr. Hooker, real estate man, said that in his opinion the best use of this property would be to put a filling station on it as he thought that would pay them a good dividend.

Mr. Hooker said that he had never felt that zoning was intended to retard progress, and he would not want to have zoning changed in any way that would be detrimental to the City, but the Oil Company had selected this location as being what they want and he felt that it would cause a hardship on the Limbergs and the McKelvies if they were unable to put their land to the best use.

Mr. McKelvie said that the taxes on the property now amount to about \$400. per year, but if the property were improved it would bring in a lot more in taxes to the City. He stated that these people were very desirous of locating here and he had always thought the City and C of C were wanting to encourage new people and new industry. He said they had been wanting to sell the property for three or four years and this was their first real chance to sell it. He stated that the first he had known about the provisions in the zoning ordinance was when he had talked to Mr. Warner a short time ago and he had read the ordinance to him.

Mr. McKelvie said he felt the case amounted to whether an owner really owned his own property and had control of it. He said he understood that it would be necessary to go to the City Council and that he hoped the Planning Commission would put their approval on the request before it went to the Council and that it would not be necessary to employ legal help and have a law suit later on.

Mr. Lacy said there apparently was a little misunderstanding, as this does not require a zoning change. The zoning on this tract is C-2 zoning in which a service station is a permitted use. The matter at issue, he said, is the distance requirement that a service station must be no nearer than 400 ft. of an existing service station property line, except that where a median strip is installed the

400 foot requirement shall not apply to service stations located on opposite sides of the street in which the median strip exists. In this case there are five filling stations within 400 ft. of the property in question. He noted that a major factor in zoning and community development is a question of need -- which, in this case, pretty well speaks for itself.

Mr. Lacy explained that in order to be able to use this location for a filling station there would have to be an amendment to that portion of the zoning ordinance requiring the 400 ft. distance.

In answer to Mr. McKelvie's question as to how long such an action would take, Mr. Lacy said that if it were approved by the Planning Commission today and approved by the Council, and the City Attorney would draw up an amendment to the ordinance, the earliest possible date that such an amendment could be effective would be Sept. 17, 1961.

Mr. McKelvie said that they had been negotiating with Mr. Lee for about three weeks now, and although they had felt that so much delay might hurt the chances of their sale, they were confident after receiving the telegram from Mr. Lee that they were interested and felt that a month or two more delay would not matter.

Mr. Lacy said that there are several background factors in the case. The ones who worked on the new zoning ordinance were well aware of this provision and felt it to be in the best interests of the community and a legal provision. Filling stations too close together provide more hazard for pedestrians and cause traffic congestion. He explained that court precedent had upheld such distance requirement concerning service stations. He then read an article from the June, 1961 "Zoning Bulletin" (Full copy in P.R.). This article cites a most recent case which upholds the ordinance on filling stations with regard to distances.

Mr. Lacy said this whole procedure follows a pattern identical to many other instances in other places nationally and in Colorado within the last five years. Real estate promoters with a big concern who want choice pieces of property come in and make an offer to the land owner and promise to pay them a big price if they can get the zoning changed. The offering company does not get into the publicity, but the land owner has all the trouble and publicity. Then if it does not go through, the big company has not had its name in the courts nor risked its money or reputation.

He noted that the Planning Commission and the Council are the only legal guardians looking out for the good of the community.

The Chairman then asked for comments from the Commission. There were none.

Mr. and Mrs. McKelvie and Mr. and Mrs. Limberg and Mr. Hooker left at this time, expressing their appreciation to the Commission for the opportunity of presenting their request.

Motion was then made by Mr. Colony that the Planning Commission deny this request for plans for a filling station at the NW corner of 7th Street and Colorado Avenue.

Mr. Meacham said that before a second to the motion was offered he would like to suggest that the Board is placed in a difficult situation. They realize that this would no doubt take some financial burden off of these people, however this condition of a service station being 400 ft. from other stations is one that was very realistically thought out by those writing the ordinance and it was his opinion that it should be adhered to if Grand Junction is to grow properly, with buildings placed properly, etc. and not an overabundance of service stations.

In further discussion, Commission members set forth and agreed that the following reasons justified the motion to deny the request:

1. Additional curb cuts heavily used further jeopardize pedestrian safety and increase vehicle collision potential on abutting streets.
2. The additional bulk underground storage of flammable products where others were already concentrated and near a retail center including a theater was increasing a disaster peril unnecessarily.
3. That the community and neighborhood needs for the proposed use were very adequately served at present and therefore the alleged "need of the individuals" to sell the property must be considered secondary to the community needs for the new use.
4. It is the responsibility of the Planning Commission to guide community development in a well-rounded pattern by enforcing regulations which shape land use which is not only sound today but also for tomorrow.
5. Specific attention had been given to this 400 ft. provision by the Planning Commission and City Council less than nine months ago when the ordinance was drafted, and that it was unanimously agreed by both bodies that it was very necessary.
6. Any tampering with the 400 ft. provision would necessarily "let down the bars" of any and all control of service stations based on public safety and welfare.

Mr. Meacham then seconded the motion, which carried unanimously.

Motion was made by Mr. Hadden that a copy of the minutes of this meeting be sent to Mr. McKelvie. Seconded by Mr. Colony, and carried.

### III. "SUMMARY" & "INTRODUCTION" TO "OPERATION FORESIGHT"

Mr. Lacy distributed copies of the "Summary" and "Introduction" to the Report which leads up to the plan of OPERATION FORESIGHT. He explained that a full report was coming soon which will contain all the data which has been gathered in the last eight months and answer all questions on the plan.

Mr. Lacy proposed using the name "Shopping Park" for the four blocks on Main Street included in this project. He explained that the 100 ft of right-of-way would have a multi-purpose use for both pedestrians and motorists. He said it is necessary to revitalize the downtown area of our city because it is traditionally the marketing and cultural center of the city; however, if something is not done within the near future it could very possibly decay like many other places have that have not recognized this need in time to do something about it. This plan is not a means of forestalling shopping centers, but it is a means of letting downtown hold its own. Downtown is not going to expand outward -- it has to go up instead of out because it covers a large enough area now for people to walk about in.

He pointed out that the plan puts safety factors on both pedestrian and vehicular circulation because of the maneuvering lane and shorter crosswalk in the center of the block. Beautification in an area where the consumer wants it is provided in the plan. Perhaps the most practical reason for doing this, Mr. Lacy said, is because the streets, curbs, and sidewalks must all be torn up and replaced anyway within the near future. There has been no new concrete work in the downtown area for 30 years, and it has been 20 years since the mat was placed on Main Street.

#### Artist's Sketches

Regional Planning Director Gene Allen showed some artist's drawings of the proposed "Shopping Park" for Main Street. Mr. Allen said these plans give some character as well as some much needed rebuilding in the downtown area. He pointed out the importance of the downtown area as a tax basis, stating that it contains from 18% to 20% of the total assessed valuation of the City of Grand Junction, although only 7% or 8% of the area. "It is important that we not let this die on the vine", he said, "like it has in other cities". This plan would let the downtown area at least compete with outlying shopping districts.

Mr. Allen said that the survey shows that people are willing to walk a block to do their shopping. He pointed out that the landscaping does not do away with all parking on Main Street, and that more on-street parking would be provided on the side streets, so all in all, it is possible that there would be a net gain in parking in the adoption of the plan. Off-street parking lots that will be secured can be used as ground parking at the present time and later can go up or underground to provide more parking.

He noted that the beautification development was so planned that there would be advantages in front of each store, and it would do away with the "walled in" look of Main Street. Other features would be passenger loading zones, benches, telephone booths.

#### Publicity

Mr. Allen said that to his knowledge there is not other development like this plan any place and Grand Junction should get some very good publicity from it. It should attract nation-wide attention and bring many tourists and new people to Grand Junction.

Mr. Bauer asked what the response from the businessmen has been, assuming all have seen it. Mr. Lacy explained that the full publicity campaign was being help up, pending completion of the full report because it will contain all of the answers to the many questions that will be forthcoming, including the cost estimates. He said that the Council would be asked to put much of its capital improvements for the next two or three years into this, although the City would be taking care of projects they would normally take care of anyway, so the whole plan would not mean a tax increase, and it would still allow a mill levy decrease in conformance with the pattern.

There will be a period of probabion of probably three months to get the plan before the public; after that the official public hearings before the Planning Commission and then before the Council. The Planning Commission will be the first official body to act on it. Mr. Lacy urged all members to study the plan and offer suggestions now while it is in the planning and drawing stage.

#### PLAN RECEIVES FAVORABLE COMMENT FROM BOARD

The general opinion of the Planning Commission members was that this is a very good plan. Mr. Meacham expressed the opinion that if those who are working with it and know and understand such things were of the opinion that it will work, then they would certainly be of the same opinion.

Mrs. Hyde made the following Resolution: That Commission members acquaint themselves so thoroughly with this Plan that they will be able to answer the questions that will be asked of them and explain it to people. This was seconded by Mrs. Diemer, and carried.

#### IV. "ECONOMIC STUDY" OF ANNEXATION BOUNDARIES OF COUNTY SHOP AREA TABLED

Mr. Lacy reported that this economic study had not as yet been made since Development Director Don Warner is attending a Planning School at this time at MIT. The study will be prepared for the next regular meeting.

#### V. RECOMMEND ORDINANCE BE PREPARED REQUIRING UNIFORM SIDEWALKS, CURBS, GUTTERS AND STREETS

City Manager Lacy brought to the attention of the Commission that every conceivable type of sidewalk, curb, gutter and street design has been used throughout the City. He said that it is vital that we have some standards set up on this so that it will be possible to figure cost estimates of such improvements in order that people may know how much they will have to pay for them.

Motion was made by Mr. Meacham that the Planning Commission go on record as requesting the City Engineering Department to develop an approved plan for specifications of sidewalks, curbs, gutters and streets in Grand Junction. Seconded by Mrs. Diemer, and carried.

#### ADJOURNMENT

Motion to adjourn was made by Mr. Hadden, seconded by Mr. Colony, and carried.

Respectfully submitted,

*Eleanor Diemer*  
ELEANOR DIEMER, Secretary