

MINUTES

REGULAR MEETING
GRAND JUNCTION PLANNING COMMISSION

Wednesday -- July 30, 1958 -- 7:30 A.M.
LaCourt Hotel

The Grand Junction Planning Commission held its regular meeting at the LaCourt at 7:30 A.M. Wednesday, July 30, 1958, with the following members present: Chairman Al Cornelison, Secretary R. E. Cheever, Mrs. Cleo Diemer, Mr. Richard Zollner, Mr. Robert Van Deusen, Mr. Howard McMullin.

Members absent: Mrs. F. A. Brumbaugh, Mr. Claud Smith, and Mr. Laird Smith.

Also present: Regional Planning Director Gene Allen, City Engineer Carl Alstatt, Chief of Police Karl Johnson, Mr. D. J. Dufford, Mr. George Joufflas, Mr. Schoonover, and Mr. Gerard Pesman.

Motion was made by Mr. Cheever and seconded by Mr. McMullin that the minutes of the meeting of June 25, 1958 be approved as written. Motion carried.

First considered was Item III-1 on the Agenda -- the petition of George and Christopher Joufflas, by their attorneys, Groves, Dufford, Turner & Nelson, for approval by the Planning Commission and City Council to erect and construct a filling station on the NE corner of 5th and Grand.

The Chairman called upon Mrs. Diemer, Chairman of the Zoning Subcommittee, and she gave the following report:

"Members of the zoning subcommittee met at LaCourt Hotel at 7:30 A.M. on July 23, 1958. Present were: Mrs. C. O. Diemer, chairman, Richard Zollner, Howard McMullin, R. E. Cheever, and Gene Allen.

The committee recommends the granting of a building permit for the filling station at the NE corner of Fifth and Grand Avenue as petitioned, subject to an agreement by petitioners to meet the requirements of the proposed curb cut ordinance and to obtain necessary approval."

Mr. Cheever stressed the fact that plenty of off-street parking should be provided if a filling station were granted in this location, due to the fact that probably in the very near future there will be no parking on 5th Street (even after widening) and the station would have to furnish their own parking and not use the streets.

Mrs. Diemer asked if some sort of written agreement or contract could be entered into with Safeway Stores whereby a certain number of their parking spaces could be used.

Mr. Dufford, who is the attorney representing the petitioner in this case, said that in his opinion it would be very difficult to obtain this sort of an agreement, and he doubted very much if they (Safeway) would care to tie up their own parking space in this manner. It was their thought that parking facilities on their own lot would be adequate for the size station they proposed to build there.

Mr. Zollner said that part of their approval of this petition was subject to the opinion of Chief of Police Karl Johnson's view on the traffic problem that might be created. He also mentioned that a filling station on this corner would not obstruct the view. Mr. Johnson said that he would like to see some way of controlling the parking of cars on the NE corner right next to the sidewalk so that the view would not be obstructed.

Mr. Cheever asked if the ordinance did not protect us on this question. Some discussion was had as to whether it did or not, since they would be parking on their own corner on their own property.

Mr. Alstatt said that he thought a filling station of this size would not need more than nine parking spaces, and Mr. McMullin said if they needed more than that, they were giving someone parking privilege of parking there all day.

Mr. Cheever asked what has become of the stop-gap to control the number of stations on corners and the distance between them? He pointed out the fact that the Commission had been approached twice before on this corner by oil companies wanting to put a filling station here and had turned them down. He felt that the Commission was not consistent with its thinking in this case and asked the cause of it.

Mr. Allen said that the alley between Grand and Ouray would no doubt be the north boundary of the business district here - so this might be a different situation from other corners, and this block is already zoned for business.

Mrs. Diemer said she felt that something should be done to control filling stations just as soon as possible.

Mr. McMullin stated that until the City Council by ordinance puts some limit on the spacing of filling stations this Commission has very little to do except study each particular request on its own merits.

Mr. Cheever felt that our decision on this station will influence other future requests, and if we allow filling stations on two corners we might just as well have them on all four corners.

Mr. Zollner said that he thought we could consider each case on its own merit and not necessarily have stations on all four corners; we could turn down the third and fourth corners. He felt there was a great difference between having two stations on a corner and having four.

Mr. Cornelison/^{said} that under this temporary ordinance each filling station has to be considered, and this ordinance was for the purpose of controlling the location of filling stations.

Mr. Cheever reminded the group that their thinking has always been that spacing of filling stations should be from 500 to 700 ft. apart.

Mr. Alstatt then asked the question as to whether it is wise to set by ordinance the spacing between filling stations. He felt that in this way some corners might qualify for filling stations where it would not be desirable to have them.

Mr. Zollner replied that in his opinion spacing is the best solution.

Mr. Alstatt then asked if it wouldn't be better to have a special zone for filling stations.

Mr. Schoonover then asked the Commission if the pedestrian traffic was the problem that was worrying them in the case of this particular location for a filling station.

Mr. Cheever said that the orderly development of a business district is stopped if filling stations are put on all four corners of an intersection.

Mr. Allen remarked that pedestrian traffic depends on the location of a filling station.

Mr. Zollner said that the ordinance regarding filling stations and churches was because of the parking problem and curb cuts.

Mr. Cheever said the only reason we were concerned where churches were located was because of the off-street parking.

Mrs. Diemer then asked Chief Johnson for his opinion on whether there was a tendency toward more accidents at other filling stations where there was quite a lot of pedestrian traffic.

Chief Johnson replied that it does create a hazard that does not exist in other places to pedestrians, and also attracts traffic into the area and frequently there is a tendency to turn across the lane of traffic which is definitely a hazardous operation; for this reason, such locations need more control than other types of business.

At this time, the Chairman called upon Mr. Dufford.

Mr. Dufford said that as to the situation at 7th and Main, the assumption that the filling stations stopped business to the East is not necessarily so. In his opinion, business would have stopped there regardless of what had been put in that location because of the fact that the main arterial highways are west of this intersection.

He could see no reason for denying a filling station at 5th and Grand as it is already zoned Business "A" which authorizes filling stations. Other businesses could create as much or more traffic problem than a filling station would, he said, and a filling station would leave the view more free than many other types of businesses. They have no objections to the curb cuts and are willing to meet any requirements the police department might have in regard to them.

Mrs. Diemer asked if they planned to put a sign on the corner, as from the plat there seems to be a pole located in that spot.

Mr. Schoonover said there would be no sign there - there was a light pole which was a flood light and very high and would not obstruct the view.

Mr. Alstatt asked if they would move the location of the tanks if we felt it necessary, as they are quite close to the sidewalk.

Mr. Johnson stated that when the tank truck would be unloading it would obstruct the pedestrian traffic and asked if there is any reason why the tanks cannot be located on the east side. It was his idea that it would be safer to have them there.

Mr. Schoonover explained that when unloading, the fumes go out the vent pipes which are located in the back.

At this time, Messrs. Dufford, Schoonover, Joufflas, and Pesman were excused.

Mr. Cheever then asked what new evidence had been brought up to make the Planning Commission reverse their decision, as they had been opposed to a filling station on this corner ever since the matter had been brought up last March.

Mrs. Diemer replied that everyone had felt this way in the past, but it does seem to be one of those things over which we do not have too much control and cannot do too much about. We will probably have some kind of a drive-in service on that corner anyway, and it is up to the City Council whether we would allow it or not. It is not a very good location for many types of businesses, as it is not a good place for pedestrians; so the general over-all thinking was that the Zoning Committee would recommend the granting of this petition.

Mr. Cornelison said that twice before this Commission did discuss the question of a filling station on this corner and both of those times our opinion was against it; however, we did not have any official applications before. The Chairman then said the Commission could be open to criticism unless they could justify their reverse decision.

Mr. Allen then said that this application was made by the owner, and others were not. We have had four different oil companies in with plans or sketches talking about that corner and had explained to them that it would have to go through the Planning Commission and the Council and that we would have to have an official application in order to consider it. This application is not by an oil company, but by the owner and is the first one by the owner.

Mr. Allen then questioned whether this temporary ordinance would ever stand up in court. He said this particular corner was zoned Business "A" before Mr. Joufflas bought it, and if he bought it with the idea that he could put a filling station there, certainly we cannot legislate against it. He asked if they were turned down, could they not petition for it?

Mr. Zollner said this is a rough question from two standpoints:

1. Since already zoned Business "A" it would be taking away a property owner's rights without a hearing.
2. Conditions have taken the "teeth" out of Planning Commission's and Council's action.

Mr. Cheever's opinion was that the Commission should make its decisions with no thought as to whether it would stand up in court or not, as he felt their main concern was in planning. He believes that eventually an ordinance will be passed limiting the distance between stations.

Mr. Alstatt said that he thought drive-in businesses should be set up in a zone of their own. He also said this might be a border-line case.

Mr. Allen asked, "If we get adequate parking and proper driveway cuts, can we say they cannot put a filling station here?"

Mr. Van Deusen remarked that a diagonal location of driveways would tend to promote public safety, and Mr. Johnson agreed with this as it would allow traffic to enter without crossing the lane of traffic.

Mr. McMullin stated that for present practical purposes, within the immediate foreseeable future it would be impossible to visualize development in Grand Junction that would carry a Business "A" or "B" zoning beyond the alley line between Grand and Ouray. It was the thinking of the Zoning Committee that the alley between Grand and Ouray would probably be the north line of any business development for years to come, with the exception of the Safeway Store. There is only a limited amount of pedestrian traffic passing this corner anyway. He pointed out that there is one filling station at the SE corner of 6th and Grand with one ownership all the way between using it for parking, and Safeway will hang onto this property.

Mr. McMullin then made the motion that the Commission recommend to the City Council that this application for a permit for a filling station at the NE corner of Fifth and Grand be granted, subject to an agreement by the petitioners to meet the requirements of the proposed curb cut ordinance.

Motion seconded by Mr. Zollner.

Mr. Cheever pointed out that, regardless of our actions, we must keep in mind that the City Council did OK the filling station stop-gap ordinance, so we can assume everything is legal.

Mr. Zollner seconded this thought and remarked that people should not get the idea that anyone felt that this is a lawless committee.

The motion before the meeting was then voted upon, resulting in a tie.

Mr. McMullin then made the motion that this matter be submitted to the Council without recommendation. Motion seconded by Mrs. Diemer, and carried.

Mrs. Diemer then stated that the reports of the sub-committees sometimes appear in the papers and sometimes are held confidential, and said that she thought some decision should be made as to whether these reports were confidential or for publication.

Mr. Allen recommended that all sub-committee action be kept confidential because if published it would encourage the opposite side to appear with more evidence while the side whose petition is favored would not feel the need of securing more evidence or appearing at the Commission's meetings.

Mr. Pesman expressed the belief that if committee's actions were made public, all the people involved would be better informed as to what was going on.

Mrs. Diemer's opinion was that all sub-committee meetings should be confidential because these committees are made up of a small group and it might confuse the people who might think their recommendation were the opinion of the entire group. The only release should be of general meetings.

Mr. Cornelison agreed that this was a policy that should be set, and we should take the weight off of the committees in this way.

Mr. Zollner remarked that a subcommittee is only a study group, and he did not believe their meetings should be for publication.

Mr. Cheever said their action was unofficial until it comes before the entire Commission.

Mrs. Diemer then brought up the question of voting, stating that sometimes the Commission votes by ballot and sometimes by show of hands or otherwise, and she felt this should be standardized.

Mr. Cornelison said this would be taken up at the next meeting; he also instructed the secretary to put on the Agenda for the next meeting a discussion of an amendment to the By-Laws whereby any member having any financial or business interest in questions being voted upon should disqualify himself from the voting.

Item No. III-2 on the Agenda -- the petition of Gerard Pesman for the rezoning of Lots 16, 17, 18, and N $\frac{1}{2}$ of Lot 19, Block 39 (North 7th Street between Gunnison and Hill Avenue) -- was next taken up, and the Chairman called upon Mrs. Diemer for the Zoning Sub-Committee's report on this. Mrs. Diemer gave the following report:

"The committee recommends that the petition to amend the Zone Map and change Lots 16, 17, 18, and the North $\frac{1}{2}$ of Lot 19, Block 39, City of Grand Junction from Residence "B" to Business "AR" be denied."

Mr. Pesman agreed that this would be spot zoning and said he realized that spot zoning is bad procedure; however, he felt that spot zoning should be better defined and instructions given to the Building Department so that when an application is made for something they know is spot zoning, they can discourage it and not let people go ahead with petitions, etc.

Mr. McMullin pointed out that we have one case of spot zoning on North 7th Street - the Black & White Grocery; however, this was established there at the time the ordinance was passed.

Mr. Alstatt defined spot zoning as an attempt to change the zoning of a location to business that was entirely surrounded by residential zoning; however, rezoning does not always have to do with residential areas and planning commission may sometimes approve spot zoning, so everyone has a right to petition.

Mr. Allen said that any zoning that does not tie in with the community plan is spot zoning.

In reply to Mr. Pesman's suggestion that people be discouraged from petitioning for changes if the Building Department is aware that it constitutes spot zoning, Mr. Alstatt said that everyone has a right to petition for some change they might desire. Mr. Zollner reaffirmed that we could not have the City officials tell people they could not present petitions.

Mr. Cheever said that while we have made the statement that we cannot allow spot zoning, it does not stop the peoples' right to petition.

Mr. Allen said that sometimes discussion is needed on such questions, and Mrs. Diemer pointed out that sometimes neighborhoods change and changes might be justified.

Mr. Pesman then recalled his petition, so no further action was taken on this question by the Commission.

Mr. Cornelison then called for a report from the Zoning Sub-committee on Item III-3 on the Agenda -- the petition of Mr. E. B. Underhill for the rezoning of an area on the west side of North 7th Street, north from Glenwood Avenue approximately 350 feet.

Mrs. Diemer made the following report:

"The committee recommends that the petition to amend the Zone Map and change that part of Lots 18 and 19 of the Capitol Hill Sub-division from Residence "B" to Business "A" be denied."

Mrs. Diemer stated that she had both Mr. Underhill's petition and also a counter-petition in her possession, as well as a letter which Mr. Underhill had written to all members of the Commission (copy attached). Mr. McMullin read the following portion of Mr. Underhill's letter:

"As to the wishes of the people living within the area sought to be re-zoned, your attention is directed to the fact that the owners of all but 50 feet of the frontage, a total of 330 feet, have petitioned for re-zoning.

As to the adjacent property owners lying within 100 feet, exclusive of the streets and alleys, of the property in question, 74.65 per cent have joined in the petition for re-zoning. This is exclusive of the school district property lying adjacent and on the west side of the property in question

As I see the matter, the wishes of so large a majority of the property owners, both within and adjacent to the questioned area, should be given dominant consideration.

"Speaking not only for myself but also for the other property owners involved, we would greatly appreciate your favorable consideration to the petition when the matter comes before the Commission.

Respectfully submitted,

E. B. Underhill"

Mrs. Diemer said that they had denied this petition because they felt that the same reasons held true here that were true in Mr. Pesman's case.

Mr. Allen made the following remarks in regard to this rezoning: Zone borders should be arranged in line with existing land use and granting of the additional tract into Business "A" would be creating both a front and rear broken line as well as a line on the north. Also, this is getting into residential property that has very good tax value as residences. He pointed out that business being adjacent to it by zoning and by use, the north end of the area would have residence right next to a business zone. This would also make a business zone next to the School and some uses might be put in which would be detrimental to a school. He also said that 75% agreement on the part of landowners within 100 ft. did not take into consideration the people on the East side of 7th Street because the right-of-way for 7th Street is 100 feet, and the people on the East side of the street are opposed to the change. However, Mr. Allen said that it would not be too detrimental for those on the East side of the street because it is a wide street. Also, there are no residences west of the area in question and it is an extension of business zoning to the south of it.

Mr. Cheever pointed out that we do have business shut off at Walnut and at Glenwood Avenue and a lot of nice homes in between these two streets.

Mr. McMullin made the motion that the Commission recommend to the City Council that the petition to amend the Zone Map and change that part of Lots 18 and 19 of the Capitol Hill Subdivision from Residence "B" to Business "A" be denied. Motion seconded by Mr. Van Deusen, and carried.

Next taken up was Item II on the Agenda - the report by Annexation Committee on North Monterey Park annexation.

The Chairman asked for this report, but Mr. Van Deusen was the only member of the Annexation Committee present and said that they had no report at this time.

Mr. Cheever then said that the last plat on this had not come in in time to have a meeting. He said they are working on this and will get together with the people and work out something that the people in that area want and will accept. They are endeavoring to square up the entire area to Bookcliff and down 12th Street. They felt that the first plat that had been submitted was good, but some did not feel that the second plat submitted was good for the entire area, and Mr. Cheever believes they are going to be able to work the entire corner into an annexation.

Mr. Alstatt said it would be possible to bring the rest of this area in and subdivide it as it developed, in order to bring in the entire area; in this way one person cannot stand in the way of development. He said that Faussone's and Rump's area would be subdivided, and also that they had agreed to delay action until the next council meeting, but we cannot act unless we call a special meeting. It is felt that we do not want the second plan taken to the Council if we can work out a squared-up plan. (It was thought the Council might table Rump & Faussone's annexation until we can take in entire area.)

Mr. Alstatt stated that Rump and Faussone were willing to go along with the first plan if the whole area can be worked out and will withdraw their second request. He further stated that the City is doing everything possible to get the whole area annexed. He said that the Engineering Department would be ready with figures on costs of sewers, etc. within the next day or two and all would work together and have petitions ready to come to the Planning Commission.

Mr. Cheever stated that as soon as we get something to give to the Annexation Committee an on-the-spot inspection will be made and a meeting with these citizens arranged.

Mr. McMullin then made the motion that the Commission recess, pending call of the Secretary for the purpose of considering the North Monterey Park petition and possible annexation of adjacent property; also, the Curb Cut Ordinance. Motion seconded by Mrs. Diemer, and carried.

Mr. Allen stated that he, Karl Johnson, and Carl Alstatt and Gerald Ashby had made some changes in the Curb Cut Ordinance, incorporating part of the Barton plan, and they would like to see this submitted to the City Council for their consideration at their next meeting.

Mr. Alstatt said that he would recommend that driveways be set up on an annual fee.

Mr. Cheever stated that we should have an annual fee on a flat per foot basis, and not on a sliding scale for each operation. Also, he felt that residential curb cuts should be put into the ordinance. There would be no charge to the people, but permits could be issued and we could have standards for residential cuts and require a permit for a minimum fee. He said this would not be a complete curb cut ordinance unless residential cuts were included, and it would be much simpler for the Building Department if it were all contained in one ordinance.

Mr. Cheever made the motion that the persons who have prepared the Curb Cut Ordinance (Gene Allen, Carl Alstatt, Karl Johnson, and Gerald Ashby) incorporate the residence curb cuts into this Ordinance and have it ready for the recessed meeting of the Commission. Seconded by Mr. Zollner, and carried.

Meeting recessed.

R. E. CHEEVER, Secretary

REPORT OF THE ZONING SUB COMMITTEE

July 23, 1958

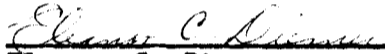
Members of the zoning sub committee met at La Court Hotel at 7:30 A. M.

Present were: Mrs. C. O. Diemer, chairman, Richard Zollner, Howard Mc Mullin, R. E. Cheever and Gene Allen.

The committee recommends the granting of a building permit for the filling station at the N. E. corner of Fifth and Grand Avenue as petitioned; subject to an agreement by petitioners to meet the requirements of the proposed curb cut ordinance and to obtain necessary approval.

The committee recommends that the petition to amend the Zone Map and change Lots 16, 17, 18, and the North $\frac{1}{2}$ of Lot 19, Block 39, City of Grand Junction from Residence "B" to Business "AR" be denied.

The committee recommends that the petition to amend the Zone Map and change, that part of Lots 18 and 19 of the Capitol Hill Subdivision from Residence "B" to Business "A" be denied.


Eleanor C. Diemer
Chairman of the
Zoning Sub Committee.

ELAM B. UNDERHILL
ATTORNEY AND COUNSELLOR AT LAW
ROOM 11 REED BUILDING
GRAND JUNCTION, COLORADO

Grand Junction, Colo.,

Members of the City Planning Commission,
Mrs. C. O. Diemer,
Mr. Richard Zollner,
Mr. Howard McMullin and
Mr. Robert E. Cheever,
Grand Junction, Colo.,

Dear Madam and Sirs:

So that you may have time to give the matter advance consideration prior to the next regular meeting of the Commission, I am writing to each of you personally regarding the re-zoning of the 330 feet of property on the west side of North 7th Street and north of Glenwood Avenue.

As reported in the Sentinel the principal reason for an adverse recommendation on the petition was that the matter involved "spot zoning". This reason could not properly be applied to the area in question for the reason that the area is already immediately adjacent to a Business A. zone, same being all of the block lying immediately south of the questioned area, and all of North Avenue on both sides of the street from 1st Street to 12th Street. Also the area immediately adjacent on the West, regardless of its present zone classification, includes no residences at all and is occupied by the shops and repair garage of School District No. 51. And notice should be taken of the fact that the School District has joined in the petition for re-zoning.

As to the wishes of the people living within the area sought to be re-zoned, your attention is directed to the fact that the owners of all but 50 feet of the frontage, a total of 330 feet, have petitioned for re-zoning.

As to the adjacent property owners lying within 100 feet, exclusive of the streets and alleys, of the property in question, 74.65 per cent have joined in the petition for re-zoning. This is exclusive of the school district property lying adjacent and on the west side of the property in question.

As I see the matter, the wishes of so large a majority of the property owners, both within and adjacent to the questioned area, should be given dominant consideration.

Speaking not only for myself but also for the other property owners involved, we would greatly appreciate your favorable consideration to the petition when the matter comes before the Commission.

Respectfully submitted,

E. B. Underhill

HOWARD H. McMULLIN
2552 MIRA VISTA ROAD
GRAND JUNCTION, COLO.

Aug. 4, 1958

MAILING ADDRESS
P. O. BOX 1900

To all members of The City Planning Commission
Grand Junction, Colorado

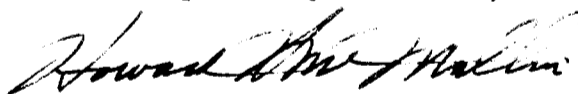
For sometime past it has been my opinion that the Planning Commission should establish a firm and definite policy as to what areas will eventually be included within the city limits of Grand Junction.

Simply as a thought along this line, and to start the ball rolling, I am making the following suggestions:

1. That the east boundary of the Rio Grande junction as projected, be the west boundary of the Clifton water district, which would be 30 Road, north of the Colorado River to F $\frac{1}{2}$ Road.
2. F $\frac{1}{2}$ Road to be considered the north boundary, whether the road in existence or merely projected.
3. West boundary to be 25 Road from F $\frac{1}{2}$ Road to the Colorado River.
4. All of Orchard Mesa from the Gunnison River on the west to the Colorado River on the north, 29 Road on the east and A Road, actual or projected, on the south.
5. No annexation policy to be established for any property lying south and west of the Colorado River, and west of the Gunnison River in the Redlands area, as there are too many problems to straighten out in the area outlined above, without considering the Redlands in any way, and I believe it would be better to allow this area to develop under their own zoning system.

I want it strictly understood that this is purely a suggestion, in an effort to get the Commission on record as to what areas will be considered eligible for future annexation, and what areas may not be considered eligible, under a long range policy of the commission.

Respectfully submitted,



H. H. McMullin

HHM/rr