

MINUTES

REGULAR MEETING

GRAND JUNCTION PLANNING COMMISSION

Wednesday -- November 26, 1958 -- 8:00 A.M.
CONFERENCE ROOM -- CITY HALL

The Grand Junction Planning Commission held its regular meeting in the Conference Room at the City Hall at 8:00 A.M. on Wednesday, November 26, 1958, with the following members present: Vice-Chairman Howard McMullin, Secretary R. E. Cheever, Mrs. F. A. Brumbaugh, Mrs. Cleo Diemer, Mr. Glen Hopper, Mr. Claud Smith, Mr. Robert Van Deusen, and Mr. Richard Zollner (Chairman M. A. Cornelison has presented his resignation from the Planning Commission to the City Council).

Also present: Regional Planning Director Gene Allen, City Engineer Carl Alstatt, Chief of Police Karl Johnson, Mr. Charles L. Wheeler, Mr. Melton Hogge, Mr. John Watson, and Attorney Andrew Williams.

The meeting was called to order by Vice-Chairman Howard McMullin. Motion was made by Mr. Claud Smith, seconded by Mrs. Brumbaugh, and carried, that the minutes of the last regular meeting be approved as written.

Mr. McMullin then called upon Mr. Charles L. Wheeler from Salt Lake City who is President of Bauer Holding and Investment Company and also the Salt Lake Hardware Company, and Mr. Melton Hogge, Manager of the local Salt Lake Hardware Company, who were present in the interest of the vacation of an alley, and Mr. Wheeler presented the following request:

November 20, 1958

"The Honorable City Council of
Grand Junction, Colorado

Gentlemen:

The undersigned hereby respectfully requests your Honorable Body to adopt and pass an ordinance vacating the 15 foot alley shown in the Plat of Milldale Subdivision in Grand Junction, Colorado, situated immediately West of Lot 1, Block 5 in Milldale Subdivision, and extending from the north line of First Avenue (previously vacated) to the north line of the Denver and Rio Grande Western Railroad Company right of way, and to that end the undersigned respectfully show:

1. That the property of the undersigned Kuner-Empson Company abuts on the east of said alley, and the property of the undersigned Bauer Holding and Investment Company abuts on the west side of said alley; and that the undersigned are the sole owners of property which abuts on said alley.

2. That said alley has never been used as a public way and dead-ends at said railroad right of way.
3. That there are no sewer, water, electric light, telephone or other utilities located in said alley other than the 15 foot easement reserved for sewer and water along the center line of said vacated First Avenue, and therefore the undersigned hereby respectfully request that in the ordinance vacating said alley that your Honorable Body does not reserve any rights of way or easements for utilities in said alley other than the easement heretofore reserved for sewer and water along the center line of vacated First Avenue.

Yours respectfully,

KUNER-EMPSON COMPANY

By (s) Maynard K. Tescher,
President

BAUER HOLDING AND INVESTMENT
COMPANY

By (s) Charles L. Wheeler,
President"

Mr. Wheeler further stated that the Salt Lake Hardware Company was not aware that there was an alley there when the property was purchased in 1927; also that they had obtained a building permit in 1941 to erect the building now on this location and no mention was made of an alley at that time, but they would like to have the matter cleared up.

Mrs. Brumbaugh made the motion that the Commission recommend to the City Council that the vacation of this alley, as described in the request presented, be granted. Motion seconded by Mr. Hopper, and carried.

Mr. Cheever, who had arrived at the meeting during this discussion, asked that the Commission skip Item III on the Agenda temporarily, and proceed with the next item.

The Committee on Changes in By-Laws and Manner of Voting had no report at this time, but plan to meet in the near future and have a report for the next regular meeting of the Commission.

Gene Allen and Carl Alstatt reported on the Curb Cut Ordinance and said that they have added several new paragraphs which should clear up the questions involved in permits for service and residential driveways, also the reconstruction of abandoned driveways, and are making a study of the fees in connection with these permits. They

11-26-58

G. J. Planning Comm/3

plan on having a preliminary proposal out within a few days, and a copy will be mailed to each Commission member so that he may have time to study it before the next meeting, at which time this question will be further discussed.

Mr. Zollner passed an excerpt from a Prentice-Hall Information Bulletin and a booklet entitled "The Little Economies" which deals with the problems of U. S. area development to the members of the Commission for their study and information.

Item III on the Agenda - a zoning change of Lots 4 and 5, Block 1, Bookcliff Park Subdivision from Business "A" to Business "AR" was then taken up by the Commission.

Mr. Cheever stated that at the time of this rezoning to Business "A" there had been quite a discussion. The City went along with some structural variances in the rear of this property so that it would not extend out further on the East or South, and by giving these concessions had been assured by the owners that there would be no effort made to move out further in these directions. He further stated that had the City known they were planning on building out further to the south, the zoning would never have been changed from Residence "B". The City is now asking that this be changed from Business "A" to Business "AR" in order that they may protect this area and hold the property line with other buildings in that neighborhood. Mr. Cheever said they think the corner looks very nice now, and it has really been an improvement; however, since legally it would be possible to build further out, this rezoning request is made so that this may be controlled and the surrounding property, which includes some very nice homes, may be protected.

Attorney Andrew Williams was present, representing the owners of this property -- Mr. John Watson, who was also present, and Rev. Wallack who was out of the City and not at this meeting. Chairman McMullin then asked Atty. Williams to present his clients' request to the Commission.

Mr. Williams stated that he wished to stress that this petition did not come from the property owners and that they wished to protest this rezoning. He also said that neither Mr. Watson nor Rev. Wallack remembered making any promises not to extend the buildings to the South. He then presented a petition signed by a number of property owners in the area protesting this rezoning.

Mr. Zollner then stated that the Commission did not want this zoned Business "A" in the first place, but they did allow it as a concession to the owners; however, it had been rezoned with a limited expansion in mind and it has gone farther than had been anticipated.

Mr. Van Deusen pointed out that Business "AR" would permit a retail drug store (which Mr. Watson desires to have in his building) but would not allow the building to be extended to the property line.

Mr. Hopper stated that it seemed that the reason for rezoning to Business "AR" is to preserve the present status of the buildings now there. He said the building is now attractive to the area, and the question is the over-all well being in the appearance and the

11-26-58

G. J. Planning Comm/4

development of the right kind of a pattern in a property that is now quite well developed -- do we want to preserve this pattern and appearance, or put it in Zone "A" and have a confused development? He stated that he would not be in favor of leaving this in Business "A", but thought it should be rezoned to Business "AR" if that would preserve the pattern.

Mr. Zollner said that our primary concern is to avoid a strip business zone extension in this area and to keep from getting other requests.

Mrs. Diemer pointed out that in the previous discussion of this area, the traffic problem entered into it on account of the school near by.

Mr. McMullin stated that there will be constant economic pressure on both the Council and the Planning Commission to enlarge the business area in that section, and it is just a question of how far they want to go. He said that because the medical center is a trade attraction this problem may come up for many years.

Mr. McMullin then said he would excuse Mr. Watson and Mr. Williams while the Commission came to a decision. Before leaving, Mr. Williams said he wanted to stress to the Commission the inadvisability of verbal agreements in the future, further stating that he had known nothing of any such agreements between the property owners and the City and had assumed the case solely upon its legal aspects.

Mr. Zollner said before Mr. Williams and Mr. Watson left, he would like to know what they objected to in Business "AR".

Mr. Watson stated that he would like to lease his part of the building to a prescription druggist and then extend the building south approximately 20 ft. (not to the property line) in order to build himself an office.

Mr. Zollner then pointed out that in the original discussion, in zoning this property Business "A" they realized it would permit them to go out to the property line; however, they stated that they just wanted to change the building, not extend it. He said he felt that the building line should be held as it now is, as it might be necessary to widen Walnut Avenue some time in the future.

Messrs. Williams and Watson then left the meeting.

Mr. Cheever then made the motion that the Commission recommend to the City Council that they rezone this property from Business "A" to Business "AR". Motion seconded by Mr. Hopper.

Some discussion was had prior to the voting, in which Mrs. Diemer asked if there should not be a counter petition drawn up, also stating that she felt more consideration should have been given to the Commission's earlier suggestion that this zoning should be changed to Business "AR". However, Mr. Allen pointed out that this suggestion came as a result of a special meeting that had been held, and that the City Attorney had ruled that in order to change this

11-26-58

G. J. Planning Comm/5

zoning it would be necessary to start all over again and publicize the hearing.

In answer to Mrs. Diemer's question concerning a counter petition, Mr. Zollner said that one would be valuable as an indication of the people's wishes, also if the matter should ever come up in court.

Mr. Allen suggested that all the pros and cons of this question be presented to the City Council and also asked if it should be considered by the Zoning Committee. However, it was decided this would not be necessary, as they were all present and had discussed it quite thoroughly at this meeting. Also, since a copy of these minutes are sent to the City Council, it was felt that would take care of Mr. Allen's first suggestion.

Mr. Hopper then said that if we need a counter petition, he felt that we should prepare one. He then asked about the City Council member whom the Public Relations Committee had recommended be present at the meetings of the Planning Commission. Mr. Cheever said that the President of the Council has to appoint one more member on the Planning Commission to take Mr. Cornelison's place, and suggested that this Committee talk to the Council about having a member appointed to attend the Commission's meetings. It was generally agreed upon by members of the Commission that the Councilman should be a member of the Commission without vote.

The presiding Chairman than asked for a vote upon the motion before the Commission (motion by Mr. Cheever that the Commission recommend to the City Council that they rezone this property from Business "A" to Business "AR"). Voting was by show of hands, and the motion carried unanimously.

Mr. Hopper then made the motion that whatever action in the way of a counter petition or other formalities necessary to secure the Commission's position in this matter be taken. Motion seconded by Mr. Cheever, and carried unanimously.

Upon motion by Mrs. Brumbaugh, seconded by Mr. Hopper, and duly carried, the meeting was adjourned.

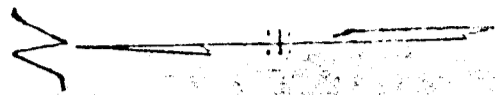
R. B. CHEEVER, Secretary

Sample 7-1833

Test No	Depth	Soil	Test No	Depth	Soil
1	0.0-2.0	Overburden (Sand)	5	0.0-2.0	Sand (Sim. #1)
1-A	2.0-8.5	Sand & Gravel	5-A	8.0+	Gravel (Sim. #A)
2	0.0-2.7	Sim. #1	6	0.0-1.0	Sim. #1
2-A	2.7-6+	Sim. #1-A	6-A	1.0-8+	Sand & Gravel
3	0.0-3.2	Sim. #1	7	0.0-2.0	O.B. (Sim. #1)
3-A	3.2-10+	Sand & Gravel	7-A	2.0-6+	Sand & Gravel
4	0.0-5.7	Sim. #1	8	0.0-4.5	Sand
4-A	5.7-9+	Sand & Gravel	8-A	4.5-7+	Sim. #6-A

5th STREET

NOLAND AVE.



Approx 3200 Ft From center of Pit to Sta. 121+86

D. & R. G. W. R.R.

Present road to be used as haul road.

LILLIAN W. JARVIS,
 WILLIAM R. JARVIS and
 BETTY LOU JARVIS

LIZZIE P. FENNELLS
 and MERLE NIELSEN

SLOUGH

COLORADO RIVER

GUNNISON RIVER

LILLIAN JARVIS

NW corner of the
 SW 1/4 of the NW 1/4, Sec. 23, T15, R1W, Ute Meridian.

Scale: 1" = approx. 200'

8-3-56