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File <u>1983-0052</u>

Project Name 130 & 132 Orchard Avenue - Day Care Center - Conditional Use

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Dear Gentleman, 10/3/83

We are attempting to simply change the use of the lots and existing houses at 130 and 132 Orchard Avenue, from single family use to Daycare use. We are willing and in the process of making any physical changes to the properties that are required and have been working with the appropriate Departments.

Joyful Sound Daycare Center is already occupying the house at 130 Orchard and under agreement by the Planning Department, has been allowed to operate until a decision on the use is made.

The Traffic Circulation Patterns on any given day are from approx. 6:15a.m. to 9:30a.m., with an average of about 24-25 cars dropping off children. Then between 12:00p.m. and 6:00p.m. those same cars pickup the children with the majority of them being there between 5:00p.m. and 6:00p.m. The Center has five full time and one part time Employee with no more than three Employees being there at one time.

We feel that this location is well suited for this type of use, due to the close proximity of many businesses and services surrounding the down town area. The property would also serve as a buffer between the high density 32 zoning on the west and the residential use.

Thank You,

CITY-COUNTY PLANNING DEPARTMENT

It is my intention to move my business, Joyful Sound Daycare Center and Montessori Pre-school, from 441 Kennedy to a building on 402 Elm Court, on the corner of Elm Court and Kennedy. The center at 441 Kennedy has been purchased by Mesa Developmental Association.

I have had the building department and fire department do their preliminary inspection, and advise what structural changes need to be done: construction of an outside exit, installation of fire alarms and smoke detectors, fireproofing carpets, installation of some safety glass and privacy fences, etc., and they have assured me that with these changes the building will be functional as a child care center.

The traffic inspector has been to the site, and approved our plan to open a circle drive on the Kennedy side of the lot for our own parking needs and so that children need not be dropped off from the street, and we would not be creating a traffic problem.

Social Services would govern the exact number, but we would be licensed for approximately 45 children.

With the Head Start Program in the Congregational Church across the street, and the building we are moving from being used as a special-needs children's center, we feel we would not be changing the character of the neighborhood. We feel our school can be a healthy addition to the area and that we can be good, productive neighbors to the existing businesses and home owners in the area.

I respectfully submit this proposal for your attention.

Arlene Doughty
owner/director

Joyful Sound

*Randall Curtis P.O. Box 151 Kirtland, NM 87417 #52-83

A.W. & E.P. Gaddy
101 Orchard Ave.
Grand Junction, Co. 81501
#52-83

Terlouw W. & Rose M. Frederick 111 Orchard Ave. Grand Junction, Co. 81501 #52-83

John C. & Edna M. Ingelhart 121 Orchard Ave. Grand Junction, Co. 81501 #52-83

Escalante Investor's Limited 871 27 Road Grand Junction, Co. #52-83

Richard F. & Carrol L. Reigles 161 Orchard Ave. Grand Junction, Co. 81501 #52-83

Antonio & M. Retolaza
171 Orchard Ave.
Grand Junction, Co. 81501
#52-83

A.W. Martin Jr.
181 Orchard Ave.
Grand Junction, Co. 81501
#52-83

W.R. & M.M. Barter
191 Orchard Ave.
Grand Junction, Co. 81501
#52-83

Freda E. Weber
211 Orchard Ave.
Grand Junction, Co. 81501
#52-83

Helen P. Daniels & #52-83
Susan D. Benjamin
2104 Sequoia Road

Grand Junction, Co. 81503

Brach Enterprises
2209 N. 1st Street
Grand Junction, Co. 81501
#52-83

Charles L. & M.D. Coleman
148 Orchard Ave.
Grand Junction, Co. 81501
#52-83

Joseph E. & Velva L. McCormack 208 Orchard Ave.
Grand Junction, Co. 81501 #52-83

Alan B. & Lisa G. Bower
210 Orchard Ave.
Grand Junction, Co. 81501
#62-83

George W. & E.T., A.L. Spitzer 212 Orchard Ave.
Grand Junction, Co. 81501 #52-83

Hillcrest Professional C/O
Dr. Wilford Moses #52-83
132 Walnut Ave.
Grand Junction, Co. 81501
Joseph L. Kaelin #52-83
850 N. 5th Street
Grand Junction, Co. 81501

Eric L. & Jean R. Duncan
928 Colorado
Glenwood Spgs. Co. 81601
#52-83

Frank B. & Eddie D. Cisneros 161 Walnut Ave. Grand Junction, Co. 81501 #52-83

Doyle E. & Patsy Kay Bradley
221 Walnut Ave. #52-83
Grand Junction, Co. 81501

Ray H. & Sonia L. Barnett 225 Walnut Ave.
Grand Junction, Co. 81501 #52-83

Laurence M. & Mary Lee Flower 1820 O. Road
Fruita, Co. 81521
#52-83

Harold J. & Mary A. Lekic 310 Music Ln. Grand Junction, Co. 81501 #52-83

Gerald L. & Regina S. Moore 126 Hall Ave. Grand Junction, Co. 81501 #52-83

Opal S. Rausler #52-83 130 Hall Ave. Grand Junction, Co. 81501

Seventh Day Advent Asn', #52-83 C/O Doris Bliven 140 Hall Ave. Grand Junction, Co. 81501

Bruce C. & Betty J. Harcourt 160 Hall Ave. Grand Junction, Co. 81501

Raymond C. & Bertha L. Landmeier 190 Hall Ave.

Grand Junction, Co. 81501 #52-83

MESA COUNTY PLANNING DEPT. 559 White Ave., Room 60 Grand Junction, Colo. 81501

#52-83

#52-83

*Richard Magor
3455 Grand Valley Canal Rd.
Clifton, CO 81520
#52-83

243-3784

of 402 Elm Court, object to granting a Conditional Use Variance to 402 Elm Court for the purpose of establishing a Day Care Center.

Name	Address
Waha Amballing	408 Elen Court
(Vonskrace, a. Vollier	408 Elma Vous
Sary Joshum	416 Elm Court
Janto Confian	416 Elm Court
City (Tesching)	416 Elm Cat
Dannis DB und	442 ely cf.
Joanny D. Tolant	450 Elm 09
E Lith & Hant	450 Elm ct.
Jamys Sp. P	Hb4 Elm Crt
Jellie Glask	464 Em et
Kuth a Seaver	456 Elm Ct.
Kun a sewer	456 Elm Ct
Dyllio Keorge	1420 E. Shewood Dr.
Thyles June	1460 E Syeword St.
lance tackard	1502 E. Sherwood Dr.
Many ann Pagkand	1502 E. Sleswood No.
(Karley billelle-	1460 & Sperieural 1
Falian m. most	15/0 & Sherword De
Martha Boy &	1520 E Sherwood Dr
Margaret Slevens	1530 J. Shenvood Br
29 Cours	431 N. Pherwood
Floible W. Sarres.	469 Q. Sperwood and
steve Learn	1450 & Sherwood
Senneth wearn	1450 E Speriod Dr
Marilya, Miller	1430 E. Sherwood Wr.
Jane Alexander	1420 E. Sherword Dr
(Rich Collus o	408 Elinet
Mich toller Buck	10/2 Elm El,
Le Gornae Zarlingo	1410 6. skerwo . & Or.
Mecha Goldyen	307 K
Carolina II o o	307 Kennely au
Horsthy Rymand	30/ Senal jan
y warry gammed	301 Kennedy 309 Hennedy live
Afeline Speeken	309 Junedy leve
Heward Sheetlen	309 Kennedy wie

He the undersigned residents of Grand Junction near the vicinity of 102 Mlm Court, object to granting a Conditional Use Variance to 102 Mlm Court for the purpose of establishing a Day Care Center.

Name	Address
Barbara K. Haynie	305 Kennedy &
Jan Junalena B. Jonten	306 Glewind Com
Allen faction	306 Glenwood One.
Leganiller	1430 E Skowed me
Frida Bal	1440 E. Derwood De.
Koben Stackacky	1502 E. Sherwood de.
Eliehyn Willer	461 N Sheword
Josephine Plunkett	477 N. Shewood Dr.
Atrany Villai	432. Elm Court.
Elecenter algraham	432 Elm Corest.
U	

RECEIVED

AUG 23 1983

CITY - COUNTY PLANNING DEPARTMENT

We the parents and friends of the children attending Joy al Sound Day Care, are in favor of the proposed Conditional Use as a Day Care facility at 130 11/15/83 and 132 Orchard Avenue. In our opinion this is an excellent and safe location Saly Montains In Elles MR+ MRS Beatty Haryn Callahan Mr. + Mrs. Brian Garaba Jusan De Buono Wera & Stoopdell Jack Kammery year Landis 2714 Hawthorne ave. In Woonhead 81501 make Gardner Cyrahea + Terry Danco Terry Whalen Jynn Brock D. seiler Mildri Solly Junean 201 Have Aug Rita Parmenzie Dugie Collins Ret Nikegen Usun Distance 3029 E/15 BD Colo 8,504 VOV. 16 1885 94 Tedge View 2714 Hawiltone 6 rd. Jet, Co 8/50/ Dellat. Morolex 474 23 Road Gland June? -Karen D. Shrivey

(Houta Deky 1913 S. Broadway frank git, CD 84803 Carl E. Corne CO30 Colo. Are Grd. Seb., Colo 81501 Linder Temple 382 Evergreen Ad. Sand Jet., Calo \$1501 Hamela C Doody 123 Hillcrest Dr. grand fct, Colo 81501 Sugar Physe 555 Me million Dr. Arand function, Copysox Judlach Quiel BOSY 7 12 Rd. Grand Zd. Co. 81504 Carol S Cazunia 2107 Teton Rd Grand Junction CO. 81503

Elizabeth Harbert 1325 Balsam St. Grand Jd., 60 81505 Virginia M. Mezer 635 Oxhaw Rd. t 5.T. Co. 8150+ Moulyn a Stevenson 1522 Orchard ave. B. g. Co. 81561 Sparon M. Garcia 3041 Seneca Place Grand Jet., Colo. 61504 Fran Algens 140 St. Nemes 6 Jer. Co. 81505 Sherry Hamilton.

Sherry Hamilton. 420 C. Mayfuld Shand Junction Colo 81503

Shiley Holan

3263E/2 Road

Cliffen (olv

8/520

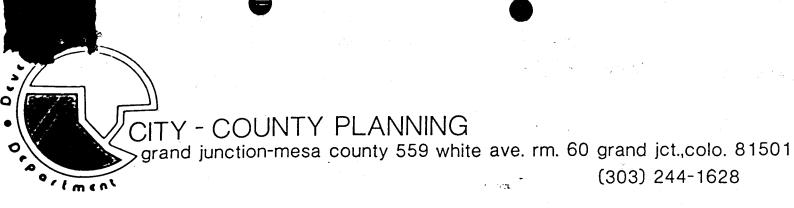
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Jean Hollinger 1831 Bill Ridge Grand fol Colo: 81501 Kathy Patterson 9,20, Comade br Grand Jet., Color, 501 Lou Cunningham 1410 Rood aus. Stand Jet. Co 81501 Cynthia Marand 531 Orisle Dr. Grand Junction CO 81503 Sandy Peerso

720 Miblie Dr Grenne Jer., 60. 81501

14
30
32
49 households 51 eignatures

5 eignatures



August 18, 1983

Mrs. Arlene Doughty Joyful Sounty Day Care 441 Kennedy Grand Junction, CO 81501

RE: Letter-of-Intent - 402 Elm Court

Dear Mrs. Doughty:

The Letter-of-Intent concerning the proposed day care to be located at 402 Elm Court was presented to the Planning Commission for policy consideration only at the Workshop, August 16, 1983. The recommendations are threefold:

- 1. If you wish to pursue this proposal further then it must come through the Conditional Use 8 week planning process for a decision to be made by the Grand Junction Planning Commission and City Council.
- 2. A Conditional Use is not a use by right. Going through the process guarantees one of three decisions. Those decisions can be 1) approval; 2) approval with conditions; 3) denial. Enclosed is a copy of the process form and Conditional Use criteria.
- 3. You may wish to hold a neighborhood meeting prior to submittal due to the fact that neighborhood opposition has been brought to this Departments' attention. This would help mitigate the concerns prior to submittal.

In reference to your other request to locate the day care at 130 Orchard Avenue prior to going through the planning process, the request is not acceptable to this office. The request must be denied for the following reasons.

The site lies within an RSF-5 zone. A day care in this zone is a Conditional Use rather than an Allowed Use and requires Grand Junction Planning Commission and City Council approval. Therefore, the 8 week planning process must be completed prior to proceeding with the day care center at 130 Orchard. Via this process, the concerns of Planning staff, the review agencies and the neighborhood are resolved prior to receiving approval, aproval with conditions or denial by the City Council. The approval of the use and Certificate of Occupancy (CO) for the structure cannot be issued until the process is completed and given approval.

tter to Arlene Doughty August 18, 1983 Page 2

I understand your dilemia i.e. the expiration of your lease and possibly having to close if a suitable location cannot be found; however, if a business is discovered to be operating without having met City regulations, then the operation is issued a "Cease and Desist" order by the City. (Grand Junction Zoning and Development Code, Chapter 12)

The best possible solution that I can offer is for you to locate either a temporary facility or a permanent facility in an area in which the zoning allows the day care facility i.e. B1, B2, B3 or C1 and go through the planning process when you have completed your site selection regarding a permanent facility.

If I can be of further assistance, please contact me at 244-1628.

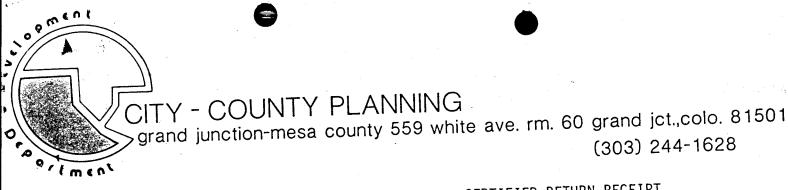
Sincerely,

Janet C.-Stephens City Planner

JC.-S/sw

xc: Karl Metzner, City Planning Director
Mike Sutherland, Assistant Zoning Administrator
Terry Hammer
File - Letter-of-Intent Follow-up

Enclosure



September 21, 1983

CERTIFIED RETURN RECEIPT P 201 469 903

Arlene Doughty Joyful Sound Daycare 130 Orchard Avenue Grand Junction, CO 81501

Dear Mrs. Doughty:

This letter is to confirm our conversation of September 19, 1983 in response to your proposed daycare operation at 130 Orchard Avenue. You were issued a "Cease and Desist" order on Friday, September 16. A letter dated August 18, 1983 described zoning enforcement action to be taken should the daycare begin operating prior to completing the planning process and receiving a final determination from City Council.

On Agust 30 and on September 16, Mr. Richard Magor, property owner of 130 Orchard Avenue met with this Department in two pre-application conferences. He is considering the submittal of a Conditional Use petition for the daycare center.

The daycare will be allowed to continue operations under the following conditions:

- In order to fulfill the intent of the planning process, Mr. Magor must submit a complete application package prior to or on the next submittal date. We will accept the submittal anytime prior to 5:00 p.m. October 3, 1983.
- If adjacent property owners should register complaints with this Department, then the daycare operations must cease, until such time as the planning process has been completed and a decision rendered.
- The decision of the City Council at the end of the eight week process will allow the daycare with certain conditions or deny the petition.

I understand your dilemma and the underlying reasons for proceeding with the day-care opening.

I urge that we cooperate in this matter and work to resolve any concerns that may be brought forth by the review agencies.

I can be contacted at 244-1628. Please call if you have any questions or concerns that you wish to discuss.

Letter to Arlene Doughty • September 21, 1983 Page 2

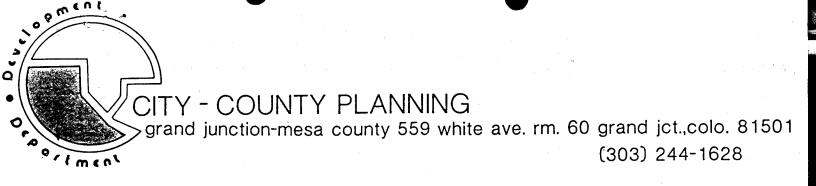
Sincerely,

Janet C.-Stephens City Planner

JCS/sw

Richard Magor xc:

Karl Metzner, City Planning Director Kirk Pittman, Zoning Enforcement Administrator Gerald Ashby, City Attorney



September 26, 1983

Sharon Chavez
Attn: Licensing Division
Department of Social Services
1575 Sherman Street
Denver, CO 80203

Dear Ms. Chavez:

I am writing in response to the request of Mrs. Arlene Doughty, proprietor of Joyful Sound Daycare, 130 Orchard Avenue, Grand Junction, Colorado.

The daycare is authorized (with respect to the planning process) to continue operations under three conditions:

- In order to fulfill the intent of the planning process, a complete Conditional Use application package must be submitted prior to 5:00 p.m. October 3, 1983. A daycare is not a "use by right" in the RSF-5 zone. the petitioner must complete the process for review of the impacts generated by the use.
- If the adjacent property owners should register complaints with this Department, then the daycare operations must cease, until such time as the planning process has been completed and decision rendered.
- The decision of the City Council at the end of the eight week Conditional Use process will allow the daycare with certain conditions or deny the petition.

Mrs. Doughty opened the daycare prior to completing the planning process due to time and financial constraints. The former location was sold to another party at the expiration of the daycare's lease. Mrs. Doughty felt it was necessary to remain open so that clients would not have to make new arrangements for their children.

Letter to Sharon Chave: September 26, 1983 Page 2

I will be working with Mrs. Youghty to resolve review agency doncerns and assess the impart of the development on the

If you should need further information, please call me at 244-1628.

Sincerely,

Janet C.-Sterhens City Planner

xc: Karl Metzner, City Planning Director Arlene Doughty, Joyful Sound Daycare

REVIOW SHEET SLUMMARY

FILE NO. #52-83 TITLE HEADING CONDITIONAL USE - DAYCARE CTR. DUE DATE 10/14/83

n approximate	ely .63 acre in a re	sidential single-family zone at 5 units per acre.
ETITIONER AD	DRESS 3455 Grand	Valley Canal Road, G.J.
NGINEER		
ATE REC.	AGENCY	COMMENTS
10/11/83	Public Service	Gas & Electric: No objections.
10/11/83	City Fire Dept.	The Grand Junction Fire Dept. has no objections to this Conditional Use, provided the requirements are met in lette sent to Joyful Sound Childrens Center, dated 9/12/83. Cop.
		of letter attached. These requirements were for 130 Orcha 132 Orchard will have to meet the requirements of the Uniform Fire and Building Codes for use as Day Care Center
10/12/83	City Planning	IMPACT STATEMENT: The request is for a Conditional Use - Daycare in an RSF-5 zone. Zoning to the west is B-2. Zoning to the east north and south is RSF-5. Adjacent uses include Hillcrest Plaza shopping center and residential. Conditional use-type requests are not addressed in the First Street Corridor policies. The daycare formerly operated at 441 Kennedy. As the lease on that building expired, the building was sold to another party. The agree merced the correction to this least to
		another party. The owner moved the operation to this locati and opened without going through the planning process. The daycare is continuing to operate under certain conditions until a decision is reached.
	1.	adequate; however, should additional employees be added to the staff, then additional space will be required. Has a joint parking arrangement with Hillcrest Plaza been discusse 2. What is the width of the circle drive at 130 Orchard? Is it one-way or two-way? If the driveway is one-way
		only, signage may be appropriate. The City Transportat Engineer should be contacted for specific information. 3. The circulation/ingress/egress of the project will need to be addressed should concerns be expressed. The City Transportation Engineer will need to be contacted should concerns need to be resolved.
	•	4. Orchard Avenue is designated a 66' collector street. Right-of-way is currently 60'. A quit-claim deed for a additional 3' of right-of-way will be required.
		5. Additional screening/buffering of the neighboring prope to the north and east is desireable.6. Trash pickup needs to be coordinated with the City Sign regulations.
P	sting removal on-street Simpling (10 stopping)	7. Signage must comply with City Sign regulations. 8. Lighting must be directional in nature so that it does intrude into the neighborhood. 9. Compliance with all fire and building codes is required 10. All other agency concerns must be resolved.
10/14/83	City Engineer	No objections. See Transportation Engineers comments.
10/17/83	Transportation J Engineer	Orchard Avenue is a very busy street and we do allow on-str parking at this time. The petitioner should be aware that this facility creates a traffic problem in the area, appropriate steps will be taken to insure the safety of all concerned. Mailed 10/17/83

File No. #52-83 Review Sheet Summary Page 2

GJPC MINUTES OF 11/1/83

(COMMISSIONER TRANSMEIER) "ON FILE #52-83, DAY CARE CENTER AT THE LOCATION OF 130 AND 132 ORCHARD AVENUE, A REQUEST FOR A CONDITIONAL USE IN A DAY CARE CENTER ON APPROXIMATELY .63 ACRE IN A RESIDNETIAL SINGLE-FAMILY ZONE AT 5 UNITS PER ACRE, I RECOMMEND WE SEND THIS ITEM TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL SUBJECT TO STAFF COMMENTS; SPECIFICALLY THE SIGNAGE, THE PARKING BEING CLARIFIED, AND THE TRANSPORTATION ENGINEER'S COMMENT." MOTION:

COMMISSIONER LITLE SECONDED THE MOTION.

CHAIRPERSON RINKER REPEATED THE MOTION, CALLED FOR A VOTE, AND THE MOTION CARRIED 5-1

To the Planning Department, .

This letter is in response to the Review Sheet Summary. Public Service has no objection to this proposal. Concerning the letter to Joyful Sound from the City Fire Department, we have been working with the Building and Fire Departments on 130 Orchard and fully intend on doing the same at 132 Orchard after the Conditional Use decision is reached.

City Planning Concerns; (1) There is enough space to facilitate more parking if needed. However the two houses at 130 and 132 Orchard are regulated for a specified number of children, that will not require any additional employees by Joyful Sound. (2&3) We will contact the City Transportation Department and act according to their regulations or suggestions. (5) We have already been in contact with the property owner on the East and have discussed possible added screening/buffering and will do so to the North if the need arises. (6) Trash pick-up has already been established at 130 Orchard and we will contact the City Sanitation Engineer concerning any other regulations. (4,7-10) I would simply address the other points made, by saying that any regulations or requirements by the different agencies will be complied with.

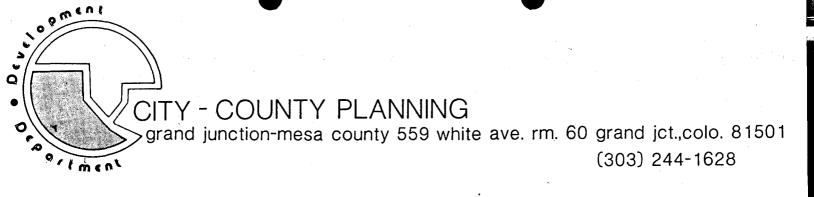
The City Engineers have no objection. The Transportation Engineers, as mentioned before will be contacted and If any problems arise will be dealt with accordingly.

Thank You, Richard Magor

PLANNING DEPARTMENT

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December 9, 1983

CERTIFIED RETURN RECEIPT P 462 984 255

Mrs. Arlene Doughty c/o Joyful Sound Day Care 130 Orchard Avenue Grand Junction, CO 81501

RE: File #52-83, Conditional Use - Day Care Center 130 & 132 Orchard Avenue

Dear Mrs. Doughty:

This letter is to confirm the action/decision by the Grand Junction City Council at the regularly scheduled meeting December 7, 1983. The Council found the following:

"While it is recognized that the proposed use would fit with the use immediately to the west, the impact on other abutting areas would seem to argue against the use under Criterion A. for evaluating conditional use applications. Additionally, the site difficulty combined with the heavy traffic on Orchard Avenue would make the use unacceptable under Criterion B. of the evaluation standards.

Be it therefore resolved by the City Council of the City of Grand Junction that the application of Randall Curtis and Richard Magor for a conditional use for a day-care center at 130 and 132 Orchard Avenue be DENIED."

This resolution was upheld and passed by the Council. Therefore, the use as a day-care must cease and decist as of December 31, 1983.

Thank you for following through with this petition. I sincerely regret the adverse impacts to your business caused by the decision of denial.

If you should decide to re-open the day-care center at another location and have questions in reference to zoning, please call me at 244-1628.

Letter to Arlene Doughty December 9, 1983 Page 2

Sincerely,

Garet C. - Stephens

Janet C.-Stephens City Planner

JC.-S/sw

Richard Magor Randall Curtis xc: