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File_1988-0049

Project Name: <u>A-1 Auto Sales – Belcastro - CUP</u>

		A four items are denoted with an activity (*) which means they are to be seened for normanant record on the in some													
P	S	The terms are denoted with an asterish (), which means they are to be seamed for permanent record on the missing													
r	C	instances, not all entries designated to be scanned by the department are present in the file. There are also documents specific to certain files not found on the standard list. For this reason, a checklist has been provided													
e s	a n	specific to certain files, not found on the standard list. For this reason, a checklist has been provided.													
e	n		ed p	ore	sent on the checklist. This index can serve as a quick										
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t	d	Thes denoted with ("") are to be located using the 1515 Query System. Flamming Clearance with need to be typed in													
		full, as well as other entries such as Ordinances, Resolutions, Board of Appeals, and etc.													
X	X														
		Review Sheet Summary													
,		Application from													
		Review Sheets													
		Receipts for fees paid for anything													
		*Submittal checklist													
X	X	*General project report													
· · · ·		Reduced copy of final plans or drawings			n na										
	-1	Reduction of assessor's map.			and and an and an and an										
	-	Evidence of title, deeds, easements													
X	X														
		Public notice cards			an a										
		Record of certified mail			an a										
X		Legal description													
		Appraisal of raw land													
		Reduction of any maps – final copy													
		*Final reports for drainage and soils (geotechnical reports)													
		Other bound or non-bound reports													
		Traffic studies													
X	X				******										
		*Staff Reports													
		*Planning Commission staff report and exhibits													
		*City Council staff report and exhibits			an a										
		*Summary sheet of final conditions													
-	_	*Letters and correspondence dated after the date of final app	rova	al (pertaining to change in conditions or expiration date)										
		DOCUMENTS SPECIFIC TO TH													
x	X	Action Sheet	X	X	Letter from Dan Wilson to Patrick Belcastro or Marjorie Belcastro re:										
					notice of violation of code - 10/14/88										
X		Review Sheets	_	X											
X		Review Sheet Summary			Public Notice of Posting – 12/12/88 Letter from Michael Sutherland to Donna Kennedy re: rescheduling										
X		Development Summary		Λ	request for fee waiver $- 12/22/88$										
X	X	Notice of Public Hearing – 12/6/88	x	X	Letter from Linda Weitzel to Pat Belcastro re: landscaping conditions										
					of CUP – 3/31/89										
X	X	Planning Commission Minutes - ** - 12/6/88	X												
					request for voluntary compliance with the conditionas of approval for $CUP - 6/19/89$										
X	X	City Council Minutes - ** - 1/4/88	X	X											
					Revocation of CUP – 7/14/89										
X		Notes to file – no date		-	Promissory Note – 7/11/89 – not signed or dated										
X	X	List of conditions needed on Belcastro Submittal – 11/4/88	X		Certified letter from Linda Weitzel to Patrick Belcastro re: inspection of landscaping – square footage of shrubbage – 9/18/89										
x	x	Letter from Karl Metzner to Patrick Belcastro re: approval of text amendment	x	X											
		providing for the sale of automobiles/ pickup trucks/vans in I-2 zone-6/29/88			requirements - 10/2/89										

λ	X	Letter from Dan Wilson to Patrick Belcastro re: willing to dismiss action pending compliance by yourself with the conditional use permit requirements – 11/7/88			
5	(X	Notice of Violation $-4/1/88$			
2	XX	Zoning Violation Report - 9/29/88			
X	(Delinquent Tax Notice - 10/28/88			
2	X	Zoning Violation Report - 9/29/88 Delinquent Tax Notice - 10/28/88 Letter from Blaine Powell, Code Enforcement Officer to Patrick Belcastro re: warning that Landscape Code requirements must be attained within 14 days -			
		3/5/91 Letter from Jan Koehn to Patrick Belcastro re: landscape requirements			
		maintenance $= 11/20/91$			
7	(X	Letter from Jan Koehn to Patrick Belcastro re: presentation of plan made for Boeschenstein, Blaine Powell and herself to Belcastro will check in March or			¢
7	(April to see if new plantings are in place – 12/9/91 Photos to document tire problems, landscaping problems etc.			
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Gentlemen:

The following statements are herein submitted for your consideration:

1. I am proposing to operate a motor vehicle sales lot dealing in the sales and service of used motor vehicles.

2. The physical address of this business is at 1025 South Fifth Street, Grand Junction, Colorado, County of Mesa.

3. The business known as A-1 Auto Sales is currently operating at this location with all proper licenses required by The State of Colorado, Mesa County and The City of Grand Junction which would preclude any phasing in operations at the moment.

4. It would not appear that this existing operation would have any impact upon the area, both immediately surrounding it and within approximately one half mile of the operation but would conform to similar business activities in the area.

5. Relative to the surrounding area the compatability would be on par with the existing business in the general area.

6. The services to be provided include the sales and service of used motor vehicles for sale to the public and general light automotive repair.

7. I would respectfully ask the governing authority for special consideration as related to this application in that A-1 Auto Sales has been in business in Grand Junction for many years primarily at the location for which this request is being submitted as well as other locations within the City. I would also request that any fees related to this application be waived due to economic hardship that payment of fees would create at this time of year when sales are down.

8. This proposal to the best of knowledge and belief meets all criteria for conditional use as required by law.

Remarks:

The previous tenant was engaged in tire recapping activities and when the business failed that tenant left the premises in a terrible condition. Hundreds of tire carcasses were stacked on and around the property which we have endeavored to clean up and which we are still in the process of doing. Ultimately we hope to put the property back into a condition which would enhance our operation and by doing so eliminate this terrible eyesore at the entrance of our City. We intend to devote a portion of the property to the installation of planters for flowers and shrubs as well as possibly some trees depending upon the instructions from the proper authorities in charge of plantings of this nature.

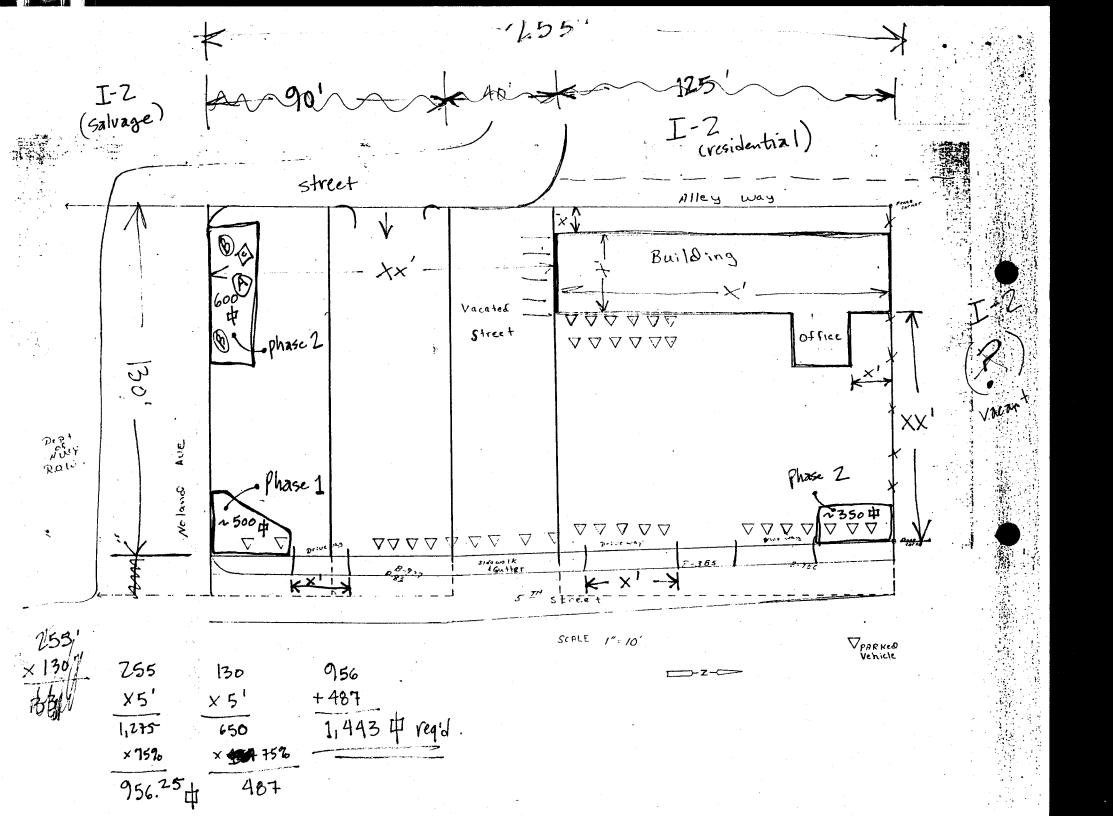
Respectfully submitted,

Patrick L. Belcastro d/b/a A-1 Auto Sales 1025 South 5th Street Grand Junction, Co 81501

Original Do NOT Remove From Office

Muded: 11-4-88 LA The original Action Sheet (FF) with signatures 2) Original Legal description Form 3) Name / address for 2945-232-02-036 03-007 03 - 002 02-012 4) landscope requirement equals 1,443 square feet · the zoning Code requires " 7.5% of the first Sfeet of Frontage along the streets." There is 255 along the Highway & 130 along Moland Avenue. To Calculate regid and scaping: Z55' (length of frontage)130'X 5' (first 5' along frontage)X 5' 956 + 487 1,275 (total square (zotage) 650 s.f. × 75% 956.25 sq.ft. 1,443 sq.ft. of x 7590 regid andscaping 487 sq. Ft. The Planning Department has the Flexibility to allow several aveas of landscaping to be built instead of 2 long strips nearly 5 feet wide along both streets. The petitioner must propose the location(s) where the landscapin. Will be built, as well as the types of plants (such as everyneen. Meylocust trees, junipors, etc.), the types of ground covers (such as bark, wood chips, grass) that will survound the plants, and the method for containing the landscape areas (such as railroad ties, wood beams, mar concrete curbinated and how the Plants will be watered.

Site Man adjacent land uses & 30ning arcas to be landscaped (indicate phase one, phase two, etc.) - building Setbacks (distance between building(s) and property lines) .. - Customer Parking? indicato an avea.. - show any street lights (if any) an your property - show an site plan location of signage ? Is there a drive way off of Noland? If so, show & dimension it.







June 29, 1988

Mr. Patrick Belcastro Mr. Len Wheetley 1025 South 5th Street Grand Junction, CO 81501

Gentlemen:

On June 15, 1988 the Grand Junction City Council approved your requested text amendment providing for the sale of automobiles/pickup trucks/vans in the I-2 zone. The Council did, however, stipulate that this use be a conditional use and subject to the conditional use processing requirements of the Grand Junction Zoning and Development Code (attached).

Please contact Mike Sutherland of this office (244-1430) as soon as possible to arrange for a preapplication conference.

Thank you for your cooperation.

Sincerely,

Karl G. Metzner Director of Planning

KGM/tt

xc: File #15-88



City of Grand Junction, Colorado 81501–2668 250 North Fifth Street

October 14, 1988

the lot -

Patrick or Marjorie Belcastro 703 Ivanhoe Way Grand Junction, CO 81501

Dear Mr. or Mrs. Belcastro:

The City's Planning Department has referred to me a zoning violation report which indicates that you are operating an automobile sales operation improperly in the I-2 zone. It is my understanding that such an operation can only be operated in the industrial-2 zone upon the issuance of a conditional use permit.

In accordance with the standard procedures of the City, this letter is sent to you in order to inquire if you feel that there has been some misunderstanding on the part of the City. If so, please call me or write me at the address shown so that we might remedy the situation.

If on the other hand, the use is in fact improperly being operated in the I-l zone, you must immediately cease and desist such an operation. Failure to do so will result in my filing a summons in the Municipal Court alleging a violation of the Zoning and Development Code of the City of Grand Junction.

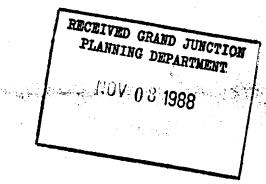
Please contact me on or before October 27, 1988.

Yours truly,

Dan E. Wilson City Attorny

DEW:dc

cc: Planning Department



November 7, 1988

Patrick Belcastro A-1 Auto Sales 1025 S. 5th Street Grand Junction, Colorado 81501

Dear Mr. Belcastro:

Your daughter dropped off your letter dated November 4, 1988, to me this morning.

I am not yet willing to dismiss this action pending compliance by yourself with the conditional use permit requirements. Your daughter has met with the Planning Department and I believe that the necessary steps to bring you into compliance have been initiated. Once those steps have been completed I will be prepared to dismiss this action since the purpose of the issuance of the citation/summons was to obtain compliance with the Zoning Regulations.

In order to allow you adequate time to proceed through the process I have instructed the Court Clerk to continue your first appearance on the citation until January 18, 1989, at 3:00 p.m. Please write that down in a place where you will not forget that court appearance date.

If you have any objections to this process or if you have any questions please feel free to call me.

Very truly,

Dan E. Wilson City Attorney

DBW:tm

cc: Louise Vig, Municipal Court Clerk Nike Sutherland, Planning Department

j .

11-30-88

In response to the review sheet surraining a 1. We are in the process of cleaning up property, 2. We are mable to pay these fees now ore at any time, the near future. 3, Will put blovers in Spring of 1289. Planning Dipt. 1. ade can clarge the De landscape to the Comer no problems should be seen 2. We will replace thes will wood for the planters 3. Oll cars will be belied the night of way - property lones. 4. application fees are malle to pay, also was not told of the 5% charge decause of depressed area we are mable to pay any fees. Thak you 4 Belconto A-1 duta Sales RECEIVED GRAND JUNCTION 1025 S. 5+h St. Arand Jet., Co. E150) PLANNING DEPARTMENT DEC 01 1988

CITY OF GRAND JUNCTION ZONING VIOLATION REPORT

NO. <u>22-88</u> * DATE <u>3)3)</u> * STATUS _____*

OCCUPANT A-1 anto ADDRESS 1025 South 5世 =ma > OWNER Patrich > Marioric Belcastro Ivanhoc Way ADDRESS 703 PHONE DIRECTIONS ZONE I-2 TAX SCHEDULE #* 2945-232-01-2005 VIOLATION Cars SALes not allowed in I-2300 REFER TO SECTION #'S OF CODE 74-3-4 -1ST INSPECTION* 3/29 COMPLAINANT* STAFF ADDRESS PHONE Als Conference Z Karl, may do text amendment will give them time to get pertmitted put together. They did get substry ilize A/14 Blacki his disperied into for Text amandement Will of on time of the & June 22 CIC 9/29/88 pent to Dan Wilson

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CITY OF GRAND JUNCTION ZONING VIOLATION REPORT

NO. 54-87 * DATE _____*

DATE STATUS _____*

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OCCUPANT VAN	CLEEVE TIRE	ADDRESS	
OWNER		ADDRESS	
PHONE	DIRECTIONS		ZONE
TAX SCHEDULE #*		VIOLATION	
REFER TO SECTIO	N #'S OF CODE	1ST INSPEC	TION*
COMPLAINANT* <u>P</u> e	rey Wright of	ADDRESS	PHONE
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had	acordent	+ many of	5 ª 1 Noland complaintants son her close calls,
Have	Improved site -	distance problem.	

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Notice of Violation

THE PROPERTY LOCATED AT <u>VIAN MAN Paliet</u> 1025 South, Eth Street addr	Belanstor / the Clerine Size
1025 South, 54 Street addr	ress /
TIONS <u>Jic. 4.3.4</u> reference	LATION OF CITY REGULA-
SPECIFICALLY, THE VIOLATION CONCERNS	Daly Mott addisered
In T-22 Zone.	P 670 810 288
THIS VIOLATION MUST BE CORRECTED BY <u>Indage</u>	RECEIPT FOR CERTIFIED MAIL NO INSURANCE COVERAGE PROVIDED NOT FOR INTERNATIONAL MAIL (See Reverse)
OR THE CITY WILL BE REQUIRED TO INITIATE EN SPECIFIED IN THE GRAND JUNCTION CODE OF	Sent tPatrick & Marj. Belcastro Street-703 ^{No} Ivanhoe Way P.O. State and ZIP Code Grand Jct., CO 81506
WOULD APPRECIATE YOUR EFFORTS TO CORD DATE INDI ⁺ MAY CONTA(YOUR COOPE SENDER: Complete items 1 and 2 when additional services und 4. Put your address in the "RETURN TO" Space on the reverse si Put your address in the "RETURN TO" Space on the r	
YOUR COOPE Dostmaster for fees and delivered, date, and addressed 1. Show to whom delivered, date, and addressed 1. Show to	Article Number P670-810-288 ype of Service: Registered Insured Cortified COD Express Mall Always obtain signature of addressee or ofent and DATEUENVERED. Andressee's Address ONLY if Figure and fee paid OO 'NOLL OO 'NOLL DO '

2945-232-000-008 Jarvis Jr. William R. & Judith A. VanGundy, Elveta P.O. Box 682 Grand Jct., Co. 81501

2945-232-00-009 Arrieta Jose & Dionicia 445 Park Ave. Grand Jct., Co. 81501

2945-232-00-010 Boivin Rosaire M. & Patsy W. c/o Escrow Specialists Inc. P.O. Box 4370 Grand Jct., Co. 81502

2945-232-00-011 Resendiz Porfirio & Mary 1104 Bookcliff Ave. # 6

2945-232-00-012 Jarvis William R. P.O. Box 1944 Grand Jct., Co. 81502

2945-232-01-001 Woods James L. & Loretta M. 1014 S 4th St. Grand Jct., Co. 81501

2945-232-01-002 L. E. Schooley Inc. B. J. & L. Spor 1533 Crestview Way Grand Jct., Co. 81501

2945-232-01-006 Valdez Helen 130 Mira Monte Rd. Grand Jct., Co. 81503

2945-232-01-007 Garehime, Donavon H. & Margaret J. 4600 Whitehall Dr. Englewood, Co. 80110

2945-232-01-008 Wales Albert & M. E. 1761 Palisade St. Grand Jct., Co. 81503

2945-232-02-035 C/O Albert Wales 1761 Palisade St. Grand Jct., Co. 81503

2945-232-03-001 Dunn, Frank M. 2680 Capra Way Grand Jct., Co. 81501

2945-232-03-008 Dunn, Frank M. 2680 Capra Way Grand Jct., Co. 81501

2945-232-03-009 United States Welding Work Inc. 600 S. Sante Fe Denver, Colo. 80223

2945-232-01-009 Morse, Vera W. 401 Noland Ave. Grand Jct., Co. 81501

2945-232-01-010 Jarvis, William R. 2491 S. Broadway Grand Jct., Co. 81503

2945-232-02-031 Jones Loyal R. Grand Jct., Co. 81501

2945-232-02-017 Van Gundy, Elveta C/O Albert Wales 1761 Palisade St. Grand Jct., Co. 81503

2945-232-02-019 VanGundy, Earl H. C/O Alan Bugg P.O. Box 40 Grand Jct., Co. 81002

2945-232-02-018 VanGundy, Elveta C/O Albert Wales 1761 Palisade St. Grand Jct., Co. 81503

2945-232-02-020 Gardner Berta Don & Marilyn D. 212 Alcove Dr. Kotich Grand Jct., Co. 81503

2945-232-02-021 VanGundy, Elveta C/O Albert Wales 1761 Palisade St. Grand Jct., Co. 81503

2945-232-02-022 VanGundy, Elveta C/O Albert Wales 1761 Palisade St. Grand Jct., Co. 81503

2945-232-02-023 Dunn, Frank M. 2680 Capra Way Grand Jct., Co. 81501

#49 88

From Office

Original

Do NOT Remove

N SHEET SUMMARY
ING <u>Belcastro Auto Sales</u> DUE DATE <u>11/16/88</u>
ON - PHASE - ACRES <u>Petitioner: Pat Belcastro</u>
treet
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h 5th Street Grand Junction. CO 81501
COMMENTS
THE PETITIONER TO THE REVIEW COMMENTS IS REQUIRED TRS PRIOR TO THE FIRST SCHEDULED PUBLIC HEARING.
We haven't any objection to this conditional use provided they meet our local Fire Code.
 Set deadline; a date certain, in conjunction with John Knudsen (Fire) for property clean-up.
 Request for fee payment suggest applicant can pay, just not now. Please inquire <u>when</u> could pay. Descliption for the payment suggest applicant can be payment applied by the payment suggest applicant can be payment applied by the payment suggest applicant can be payment

11/16/88

Planning Dept.

Deadline for landscaping. If this is a condition imposed, should be set with detailed plans.

- 1. In the I-2 zone, 75% of the first 5 feet of street frontage must be landscaped. With a total of 385 feet of frontage, the required landscaped area is 1,443 square feet. There is some flexibility in where that area can be located. The two areas shown at the northeast corner and the westernmost area (along Noland Avenue) are acceptable, but the third area near the intersection would be more desirable if it were in the corner. It would then provide an additional landscape buffer along 5th Street.
- The Grand Junction Zoning and Development Code specifies the landscape definition as: "An area set aside from 2. structures and parking, which is developed with plantings, woods, stone, brick, rock, sand, textured or shaped concret and/or pedestrian facilities..." The use of tires as a landscape element is not allowed. Some other form of retaining structure must be proposed such as railroad ties, wood beams, timbers, etc. prior to the Planning Commission hearing. Any plans of phasing the installation should be included in the proposal.
- Please note that all vehicles on the lot for sale must be 3. parked entirely behind the right-of-way/property line.
- 4. Regarding the waiver of fees, fees normally required for this type of application include: 1) \$420 for the con-ditional use application fee, and 2) open space fees which are based on 5% of the appraised value of the land only (not structures and improvements). City Council has the authority to waive fees if it is appropriate. Following a decision by the Planning Commission, the request for fee waiver will be scheduled for City Council, and a representative for A-1 Auto Sales will need to attend. If City Council denies the waiver of fees, an appraisal of the property will be required for determining open space fees.
- Written response to these comments needs to be returned to 5. City Planning not later than 9:00 a.m. on December 5, 1988 in order to resolve outstanding issues prior to the December 6 Planning Commission hearing.

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File # <u>49-88</u>

_ Name Belcastro Auto Sales _ Date _ 12-7-88

PROJECT LOCATION:

1025 South 5th Street

PROJECT DESCRIPTION: Request for a Fee Waiver for Conditional Use Permit: \$420; request for Open Space Fee Waiver: \$750 to \$850. Conditional Use Permit was given final approval by Planning Commission on December 6, 1988 pending a City Council decision on fees.

REVIEW SUMMARY (Major Concerns)											
POLICIES COMPLIANCE	YES	NO *	TECHNICAL REQUIREMENTS	SATISFIED	NOT * SATISFIED						
Complies with adopted policies	x		Streets/Rights Of Way	x							
Complies with adopted criteria	x		Water/Sewer	/ X							
Meets guidelines of Comprehensive Plan	x		Irrigation/Drainage	x							
			Landscaping/Screening	x							
			Other: Fee Payments		x						

* See explanation below

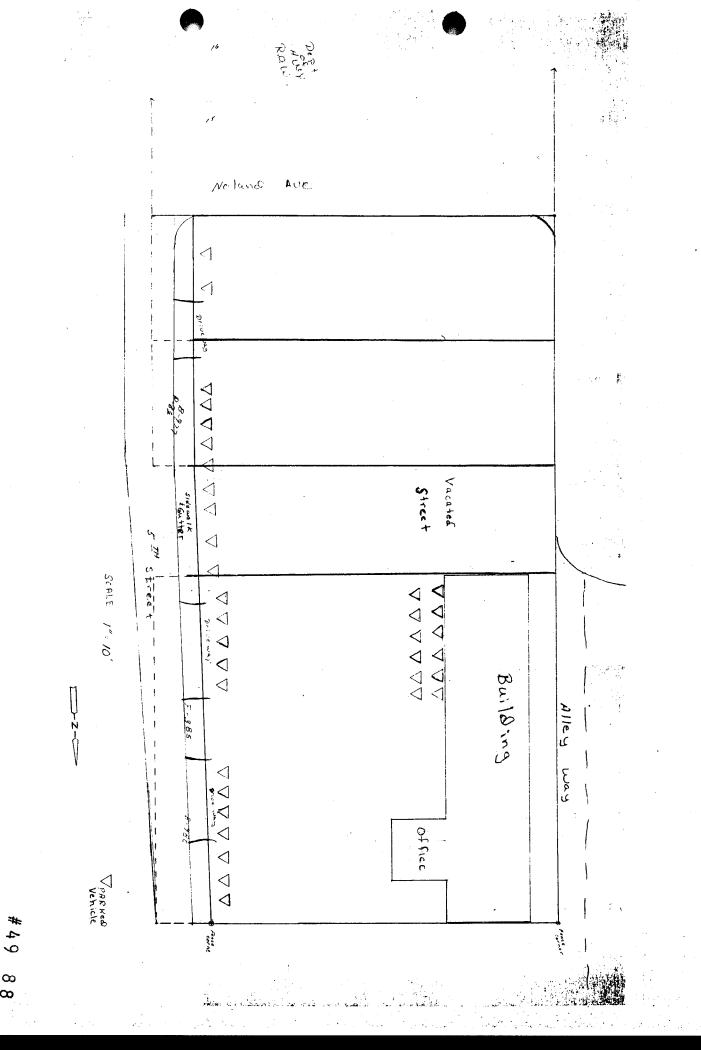
Mr. Pat Belcastro operated an auto sales lot at this location for years, but then moved to a different location. The property was subsequently leased to Van Cleave Tire & Recapping, who eventually went broke. Van Cleave left Mr. Belcastro liable for extensive debts and a huge mess of tire carcasses. Formerly, the auto sales was grandfathered into the Industrial (l-2) zone but now requires a Conditional Use Permit, as well as Open Space Fees to be paid and considerable landscaping (1443 square feet) to be installed. With all of these costs, along with the fact that Mr. Belcastro feels it's an extreme mardship since he operated there before, he is requesting the waiver of fees so his limited resources can be used to pay for tire removal and installation of landscaping.

STATUS & RECOMMENDATIONS:

Considering the unusual history of this property and the fact Mr. Belcastro is willing to make considerable improvements, staff would recommend that fees be waived if he does a good job on landscape and tire cleanup.

Planning Commission Action

Planning Commission approved the Conditional Use Permit subject to completion of landscaping by June 15, 1989. Planning Commission recommends denial of the Open Space Fee waiver.





March 31, 1989

Mr. Patrick Belcastro A-1 Auto Sales 1025 South 5th Street Grand Junction, CO 81501

Dear Mr. Belcastro:

One of the conditions of the Conditional Use granted to you by the Grand Junction Planning Commission is that the landscaping meeting the minimum zone requirements will be completed by June 15, 1989. Dan Wilson, the City Attorney, said that you had expressed a concern about the disposal of the tires located on the property.

I talked with "Ron" at the Orchard Mesa Landfill and he said they do accept tires there. He said that semi-tractor trailer loads of tires were not accepted, but pick-up truck and dump truck loads were okay. By the pick-up truck load, it costs \$5.00 per load. If a dump truck is used, the cost is \$3.10 per cubic foot. Ron said there was no problem accepting several loads a day, preferably during the morning.

Some of the tires may be salvageable for retreading or resale. Whatever choices you make, the tires are to be removed before June 15, 1989 in order for the landscaping to be finished. If you have questions about this, please call me at the Planning Department, 244-1430.

Sincerely,

Linda A. Westzel

Linda A. Weitzel Planning Technician

xc: Dan Wilson File



June 19, 1989

Mr. Patrick Belcastro A-1 Auto Sales 1025 South 5th Street Grand Junction, CO 81501

Dear Mr. Belcastro:

On December 6, 1988, the Grand Junction Planning Commission approved your request for a Conditional Use Permit for auto sales (A-1 Auto Sales) in a Heavy Industrial (I-2) zone at 1025 South 5th Street. As part of that approval, the landscaping was to have met the minimum requirements of the Zoning & Development Code by June 15, 1989.

During the City Council Hearing of January 4, 1989, you stated that you hoped to have the tires removed by March, 1989. In a letter from this Department dated March 31, 1989, some options for tire removal were suggested. On June 16, 1989, I did a site check of A-1 Auto Sales. I saw no landscaping improvements and there were still piles of tires on the property.

The City Zoning & Development Code states in Section 4-6-2-G. the following:

A conditional use is valid as long as those conditions of approval are maintained by the owner of the property unless a specific time limit has been established at the hearing.

Section 4-6-2-H. If conditions of approval are not maintained, it shall be considered a violation of this Code and subject to the provisions of Chapter 12, Administration and Enforcement. Staff will request voluntary compliance prior to initiating actions specified in Chapter 12.

This is a formal request for voluntary compliance with the conditions of the approval of the Conditional Use. You are required to appear before the Planning Commission on July 11, 1989 at 7:30 p.m. to show evidence or cause as to why the Conditional Use Permit should not be revoked. You failure to appear or your failure to show sufficient cause will subject you to the revocation of the Conditional Use Permit. If that occurs, the business will be ordered to cease; therefore, you will be subject to both criminal and civil penalties if you fail to comply.

Please contact me, in writing, if you are unable to attend the Planning Commission Hearing on July 11 or have questions about this procedure. For your own benefit, you should contact an attorney for advice.

Sincerely,

Linde Q. Westzel

Linda A. Weitzel Planning Technician

xc: File Dan Wilson



TO: CITY COUNCIL MEMBERS FROM: PLANNING DEPARTMENT LAU DATE: JULY 14, 1989 RE: REVOCATION OF CONDITIONAL USE PERMIT FOR PAT BELCASTRO, 1025 SOUTH 5TH STREET

The Planning Commission held a quasi-judicial hearing on Item #49-88 Revocation of Conditional Use at their regularly scheduled meeting on July 11, 1989. Attorney Don Huntzinger represented Mr. Patrick Belcastro and City Attorney, Dan Wilson was also present.

Staff gave a brief summary of the history of 1025 South 5th Street. The revocation of the conditional use permit was requested because the required landscaping had not been completed by the deadline of June 15, 1989. Although some tires had been removed, Mr. Belcastro had indicated at the City Council Hearing of January 4, 1989, that all of the tires would be removed by March of 1989.

Attorney Huntzinger requested that Planning Commission extend more time to Mr. Belcastro so that Mr. Belcastro could meet the requirements of the Conditional Use Permit. Attorney Huntzinger offered a promissory note for Mr. Belcastro's tools in case the landscaping was not completed satisfactorily by the September 5, 1989 meeting of the Planning Commission.

Huntzinger also stated that Dennis Weaver, the movie star, is building a house made from junk and has made some type of agreement with Mr. Belcastro to remove all the 15 and 16 inch tires. A farmer in the west part of the valley is willing to take most or all of the larger tires.

After a lengthy discussion, the Planning Commission decided to extend the deadline for landscaping to September 1, 1989 because the original deadline of June 15, 1989 may have been unrealistic. They also decided that the promissory note was not necessary. The disposition of the tires has been a hardship on Mr. Belcastro, especially since it was not a problem that he created.

The item was tabled until the September 5, 1989 hearing. Prior to the hearing, staff will once again do a site check on the property and determine if all the requirements of the conditional use have been met.

PROMISSORY NOTE

July 11, 1989 Grand Junction, CO

THE UNDERSIGNED (Obligor) promises to pay the City of Grand Junction on demand the sum of no more than \$800.00 after September 1, 1989.

This Promissory Note is given to induce the City to grant Obligor an extension of time to perform the conditions imposed on his conditional use permit regarding removal of tires and landscaping on Obligor's property at 1025 S. Fifth Street, in Grand Junction, Colorado. It is understood that in the event Obligor fails to perform these conditions, the City will have them performed and seek reimbursement hereby from Obligor. If the City performs the work, it shall present Obligor with an itemized statement of costs, which amount, not to exceed \$800.00, shall be immediately due and payable. If Obligor fails to make immediate payment, the amount due shall carry interest at the rate of 12%. The City shall be entitled to recover all reasonable costs of collection, including a reasonable attorney fee. Obligor waives presentment, notice of dishonor and protest. This note shall be binding upon Obligor's successors, assigns and legal representatives.

> PATRICK BELCASTRO d/b/a A-l Auto Sales



September 18, 1989

Mr. Patrick Belcastro A-1 Auto Sales 1025 South 5th Street Grand Junction, CO 81501

Dear Mr. Belcastro:

Thank you for permission to measure your planters located at 1025 South 5th Street. Chris Mack and I measured the three planters and took photos.

Enclosed is a sketch of our findings. The planters total an area of 542 square feet. The existing trees do count as part of the total landscaping. I estimated 162 square feet of landscaped area for them. The total landscaped area required as per the Review Comments for the Conditional Use Permit was 1443 square feet. As of this date, 704 square feet have been landscaped, leaving a remainder of 739 square feet yet to be completed.

In order to meet the conditions of the Conditional Use Permit, you are required to landscape the remaining 739 square feet of area. It is late in the season to be planting flowers. I called Bookcliff Gardens and spoke with Ed. Ed said trees and shrubs can be planted until frost. Spring bulbs should be planted now. There is still time to use sod for grass, or seeding for grass.

I will be out of town from September 21 to September 29, 1989. Chris Mack will re-inspect the property at 1025 South 5th Street on September 21. If you have not satisfied the conditions of the Conditional Use Permit at that time, this office will proceed with the revocation of the Conditional Use Permit as per the directions of the Planning Commission.

If you have any questions regarding this matter, please call me at 244-1430.

Sincerely

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Linda A. Weitzel Planning Technician

xc: Dan Wilson Steve Love Don Huntzinger File



October 2, 1989

Mr. Patrick Belcastro A-1 Auto Sales 1025 South 5th Street Grand Junction, CO 81501

Dear Mr. Belcastro:

As per Chris Mack's inspection of your property on September 21, 1989, you have met the landscape requirements of the Conditional Use Permit granted by the Planning Commission on December 6, 1988.

The final landscaping that was done exceeds the required amount by approximately 29 square feet. All the areas landscaped must be maintained and kept weed free. If any of the vegetation should die, it shall be replaced. In case the landscaped areas are not maintained, the loss of the Conditional Use may become a reality.

If you have further questions or concerns, please feel free to call or stop by the Planning Department.

Sincerely,

Storik (1. Litzel

Linda A. Weitzel Planning Technician

xc: Dan Wilson Planning Commission Members Don Huntzinger File

BELCASTRO SUMMARY 1025 South 5th Street

A-1 Auto Sales, 1025 South 5th Street was allowed as a conditional use in the heavy industrial zone as per Planning Commission decision on December 6, 1989. According to the notes in the file, many years ago, Mr. Patrick Belcastro had an auto sales lot at this site. He then leased, with the option to buy, the property to Van Cleave Tire Company. Van Cleave went out of business, leaving Mr. Belcastro with a mass of tires on the property. In order to recoup his losses, Mr. Belcastro opened a used car lot on this property.

At the time that Mr. Belcastro reopened his business, auto sales was not an allowed use in the I-2 zone. Mr. Belcastro's original auto sales business came into the city under the grandfather clause. Since the business was changed to tire sales, and continued as such for at least a year, he was not allowed to reopen as auto sales. A business that is grandfathered into the city may continue as a nonconforming use as long as it is not discontinued for more than a year.

In March of 1988, a complaint was made about auto sales at 1025 South 5th Street in the I-2 zone. A notice of violation was received by Mr. Belcastro on April 1, 1988. Mr. Belcastro did talk with the Planning Department and requested that a text amendment be made to allow auto sales in the I-2 zone.

On June 7, 1988, the Planning Commission recommended approval for a Text Amendment for the Use/Zone Matrix, Figure 4-3-4 to allow as a conditional use auto sales in the heavy industrial zone.

The City Council approved this request on June 15, 1988. A letter, dated June 29, 1988, was sent to Mr. Belcastro advising him of the City Council decision and to contact Mike Sutherland for a preapplication conference.

Since this department had not heard from Mr. Belcastro, Dan Wilson, City Attorney, wrote to him on October 14, 1988 about the continued zoning violation, i.e., no Conditional Use to allow auto sales in the I-2 zone. A reply was requested on or before October 27, 1988. Since no reply came, a summons was issued to Mr. Belcastro on November 1, 1988 for a violation of the Code, Section 4-3-4.

Dan again wrote to Mr. Belcastro on November 7, 1988. In the letter, Dan stated that he was not yet willing to dismiss the action pending compliance. He did suggest that Mr. Belcastro meet with the Planning Department to begin the necessary steps to bring the auto sales into compliance. Mr. Belcastro & his daughter, Donna Kennedy did submit an application for conditional use for the December hearing.

The submittal for conditional use came through the Planning Commission hearing on December 6, 1988. A request had been made by the petitioner, Mr. Patrick Belcastro, for a fee waiver for the conditional use and for the open space.

The Planning Commission approved the request for a conditional use for auto sales in the I-2 zone at 1025 South 5th Street with the "condition that the landscaping meet the minimum requirements of the Code and is completed by June 15, 1989". They further recommended denial for the request to waive the open space fees.

According to the notes in the file, the required amount of landscaping is 1,443 square feet. As part of the Review Comments to the petitioner, Mike Sutherland (Planner) stated that tires were not allowed as part of the landscaping.

During the City Council Hearing of January 4, 1989, for the request to waiver fees, Donna Kennedy & Patrick Belcastro were present but left the meeting early. Mike Sutherland explained the history of the property to Council. Council decided to waive both fees. Council explained the reasons for waiving the open space fee because of basic fairness. "...it is not Council's intent that a property owner that had such an experience where a leasee or a purchaser failed to fulfill his obligation and then the property was returned to him to impose this financial burden on such an applicant."

In a letter dated March 31, 1989, Mr. Belcastro was reminded of the landscaping requirements. Some suggestions were made as to the disposition of the tires. A site check was done on June 16, 1989 by Linda Weitzel and Chris Mack. There appeared to be some landscaping near the A-1 Auto sign, but no other landscaping was apparent. There were still stacks of tires on the site.

On June 19, 1989 I wrote Mr. Belcastro informing him of the site check and the lack of compliance with the conditional use. I requested voluntary compliance and required him to appear before the Planning Commission this evening to show evidence or cause as to why the Conditional Use Permit should not be revoked.



5 MARCH 1991

MR. PATRICK BELCASTRO A-1 AUTO SALES 1025 SOUTH 5TH STREET GRAND JUNCTION, COLORADO 81501

Dear Mr. Belcastro,

After receiving a complaint that a possible zoning violation may exist on your property located at 1025 South 5th Street in the City of Grand Junction, I inspected the location on March 4, 1991. The complaint pertained to use of the land as a junk yard and to the storage of junk and junk vehicles. Please find enclosed photocopies of the pertinent sections of the Zoning and Development Code of the City.

Previously you obtained a conditional use permit for the purposes of selling motor vehicles at this location. As you will recall one of the conditions of that permit was that you maintain appropriate landscaping and that if any of the landscaping should die it was to be replaced. My inspection on March 4, 1991 revealed that the landscaping may not now be in compliance with the Code requirements and that you have apparently not maintained the vegetation.

Based upon the complaint and my observations I am by this letter serving notice of your non-compliance with the Zoning and Development Code of the City as it pertains to motor vehicles and the requirements of continuation of your conditional use permit.

Compliance with all applicable Code requirements must be attained within 14 days of this letter or the matter will be referred to the Office of the City Attorney for initiation of legal proceedings.

If you have questions please call or come by the Community Development Department at your convenience.

Sincerely, arne forwell

Blaine Powell Code Enforcement Officer

Enclosure

xc: John Shaver Assistant City Attorney

Mailed Certifice 3-6-91

HUMAN SCALE

Buildings and spaces in scale with each other and in scale with the human use of these buildings and spaces.

IDENTIFICATION SIGN

A sign which shall refer only to the principal use of the parcel upon which the sign is located.

ILLEGAL SIGN

A sign which is in violation of the requirements of this Code except for those signs qualifying as non-conforming (see Sign Regulation).

IMPROVEMENTS

Right-of-way pavements, curbs, gutters, sidewalks, paths, bikeways, sedimentation control facilities, revegetation, water mains, sanitary and storm sewers, drainways, gas lines, electrical and telephone lines and appurtenances, street signs, trees and lights, lot pin monuments, range point boxes, and any other similar items required for compliance with the regulations of this Code or the conditions of approval.

INSTITUTIONAL SIGN

A sign setting forth the name of a public, charitable, educational, or religious institution.

INTEGRAL SIGN

Names of buildings, dates of erection, monumental citations, commemorative tablets and the like which are carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

INTEGRAL UNITS

Items, equipment, or machinery which are assembled or constructed to function as a single unit, such as, but not limited to, large cranes, drilling rigs or other large vehicles, large diameter pipes or culverts, large scale motors or transformers, etc.

JUNK

Old, second-hand, or scrap; ferrous and nonferrous metals; paper or paper products; fibers or fabrics, wood or wood products; manufactured rubber or plastic products; appliances, glass, clay, or porcelain products; trash or similar materials, and shall include dismantled machinery, equipment, junk vehicles, and parts. The term "junk" shall not include either materials or objects held and used by a manufacturer as an integral part of the manufacturing process or to outside storage permitted as an accessory use under the provisions of Section 5-4-14D.

JUNK VEHICLE

Any motor vehicle, trailer, or semi-trailer, as those terms are defined by C.R.S. 42-1-102, that: is not operable in its existing condition because of damage or because parts necessary for operation such as, but not limited to, tires, engine, or drive train are removed, destroyed, damaged, or deteriorated; or, is not capable of being lawfully driven on a public highway or street pursuant to the minimum standards set forth in Title 42 of the Colorado Revised Statutes. Any such motor vehicle, trailer, or

CHAPTER FIVE GENERAL REGULATIONS

The development, maintenance, or operation of any use shall be allowed only when it complies with the standards and regulations as described in this Chapter: unless it qualifies as a non-conforming use in accordance with the provisions of Section 4-9. Unless otherwise specified, requests for variances from the requlations contained in this Chapter shall be processed and evaluated in accordance. with the provisions of Chapter 10, Variances.

5-1 GENERAL PERFORMANCE STANDARDS

5-1-1: GENERAL - Dust, fumes, odors, refuse matter, smoke, vapor, noise, electromagnetic or equivalent interference, vibration, or similar noxious substances or conditions shall be effectively confined to the premises where located, or effectively minimized so as not to be injurious or detrimental to the adjacent uses, neighborhood, or general public.

5-1-2-BOUTDOOR STORAGE

A. No portion of any required front yard shall be used for the permanent storage of appliances, motor vehicles, trailers, airplanes, boats, part of any of the foregoing, or building materials, except building materials for use on the premises and stored thereon during the time a valid permit is in effect for construction on the premises. Permanent storage, as used in this section, means presence for a period of forty-eight or more consecutive hours in the required front yard setback.

B Junk and junk vehicles (see Definitions) shall not be allowed to collect on any premises except as provided for in the Use/Zone Matrix, and except that a maximum of two vehicles intended for repair or restoration may be kept on the premises, but only if all of the following conditions are satisfied:

- Vehicles must be owned by the owner or occupant of the premises 1. upon which the vehicles are located.
- 2. The vehicles shall be stored in an enclosed garage, under an opaque cover designed for the vehicle, or otherwise screened from public view.
- Vehicles shall not be stored within a front or side yard. з.

4. There shall be no exterior storage of vehicular parts. ind. junk on oten porch

All outdoor storage, in any zone, which occupies a volume of more than

yard setback; and

150 cubic feet, shall comply with the following: 1. No such storage shall be placed or maintained in a required front

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semi-trailer shall be presumed to be a junk vehicle if no current Colorado license plates are displayed thereon, or if Colorado license plates have been invalid for more than sixty (60) days. The owner or possessor of such a motor vehicle, trailer, or semi-trailer may rebut such a presumption by providing proof of current registration or licensing (see Motor Vehicle Repair Shop).

JUNKYARD.

A yard, lot, or other place; covered or uncovered, indoors or in an enclosed building, for the storage, keeping; sale, or abandonment of junk, including scrap metals or other scrap materials, or for the abandonment, dismantling, or demolition of automobiles or other vehicles or machinery, or parts thereof. The term "junkyard" shall not include the storage of agricultural vehicles on agriculturally-used property or to those facilities qualifying as a motor vehicle repair facility. The term "junkyard" shall include wrecking yard, salvage yard, and automobile impoundment lot, where stored vehicles are inoperative and/or unlicensed.

JURISDICTION

The sphere of responsibility of the Grand Junction City Council or a political subdivision of the State.

KENNEL.

A facility in which four or more animals of the same species are housed, groomed, bred, boarded, trained in return for compensation, or sold. Such facility may offer incidental medical treatment.

LANDLOCKED PARCEL

A parcel of land without access of record with the County Clerk and Recorder.

LANDSCAPE

An area set aside from structures and parking which is developed with plantings (i.e trees, shrubs, sod, vines, hedges, bedding plants) and vegetative ground covers.

LANDSLIDE

A mass movement where there is a distinct surface of rupture or zone of weakness which separates the slide material from more stable underlying material.

LAND USE

List of uses within categories enumerated in this Code for various uses of land in the City.

LATERAL SEWER

A sewer which discharges into a trunk line and has only collection lines tributary to it. A line from a structure or use which discharges into a collection line is not a lateral.

MOTOR VEHICLE: REPAIR SHOP

A shop or place of business used for the repair and maintenance of motor vehicles and other motor vehicle equipment as defined in Title 42, C.R.S. The owner of all motor vehicle equipment on the property shall have a valid registration, have a registration or title applied for, or show a work order. Motor vehicle equipment for which the shop operator holds no valid registration or work order shall be classified as junk and shall not be kept, stored or worked on, in or on the property of a motor vehicle repair shop.

MOVABLE OBJECTS

Items such as trailers, motor vehicles, mobile homes, tanks, lumber or other materials not anchored to the ground which are subject to transportation by water.

MUDFLOW

A flowing mass of predominantly fine-grained earth material possessing a high degree of fluidity during movement.

MULTI-FAMILY DWELLING

A structure arranged, designed, and intended to be the residence of more than one housekeeping unit independent of other housekeeping units.

MUNICIPALITY

An incorporated city or town.

NATURAL HAZARD

A geologic, floodplain, or wildfire hazard.

NATURAL RESOURCE

A resource established through the ordinary course of nature.

NET FLOOR AREA

The square footage of the primary use area of a building including restrooms, hallways and stairwells, but not including normally unoccupied areas such as garages, storage rooms, furnace areas, etc.

NODE

An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar or related uses.

NON-CONFORMING

A legal use, structure, and/or development which existed prior to the adoption of this Code or any amendment thereto, which does not presently conform to this Code or its amendments.

NON-PROFIT

Organizations having 501C.3 filing status with the Internal Revenue Service.

NURSERY-GREENHOUSE

A place where plants are raised, acquired, and maintained for transplanting or sale. Sale or rental of small landscaping tools and supplies may be an accessory use. November 20, 1991

Patrick Belcastro A-1 Auto Sales 1025 S. 5th St. Grand Junction, CO 81501

Dear Mr. Belcastro,

For the past week I have tried, unsuccessfully, to contact you regarding the landscaping standards at A-1 Auto Sales, 1025 S. 5th St..

This department would like to meet with you in regards to the landscaping standards which were required for your conditional use permit (file #49-88). Maintenance of your landscaping was a mandatory requirement and it appears that you have failed to uphold this obligation.

₹~

We would like to resolve this situation without requesting revocation of your conditional use permit. Please contact me at 244-1583 or 244-1430, no later than November 27, 1991 to schedule a meeting in which we may discuss this situation.

Respectfully,

Kozh

Jan Koehn Code Enforcement Supervisor

xc: Bennett Boeschenstein, Community Development Director

December 9, 1991

Patrick Belcastro A-1 Auto Sales 1025 S. 5th St. Grand Junction, CO 81501

Dear Mr. Belcastro,

Thank you for taking the time to meet with Bennett Boeschenstein, Blaine Powell and myself on December 4th regarding your landscaping requirements.

We understand that winter is not the optimum planting season and that you have agreed to meet your landscaping standards in the spring of 1992. I will be rechecking your property in March or April (dependent upon weather conditions) to confirm that new plantings are in place. Although they were merely suggestions, the drawings which we provided to you included plant species which are low maintenance and favorable to this climate and you may wish to implement them next spring.

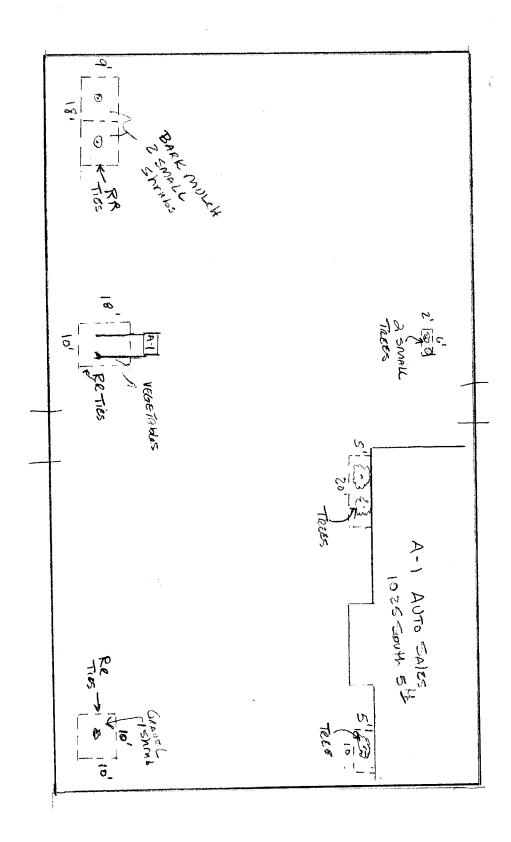
If you have any further questions please feel free to contact me at 244-1583 or 244-1430.

Sincerely,

Jan Koehn Code Enforcement

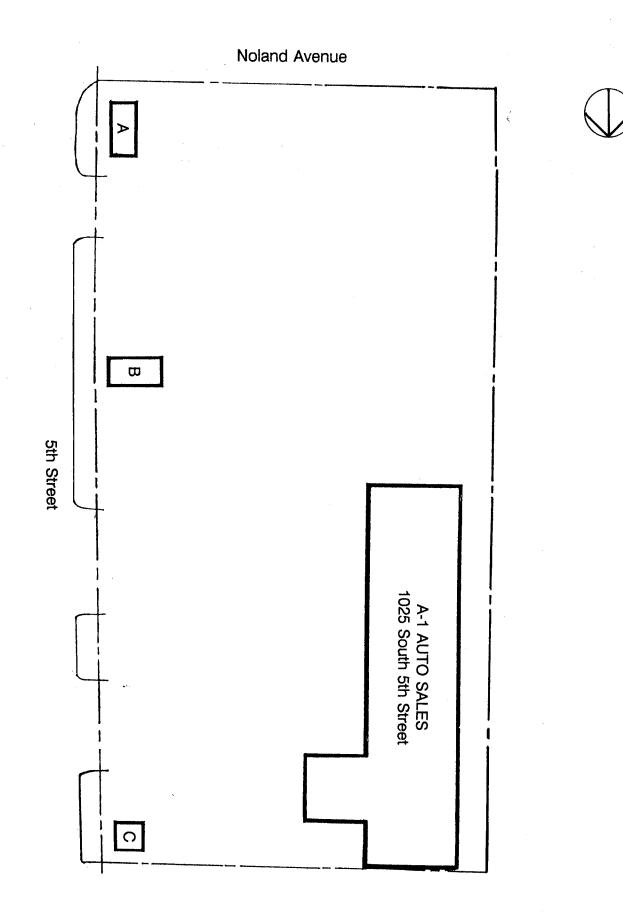
xc: Bennett Boeschenstein Blaine Powell

NOLAND

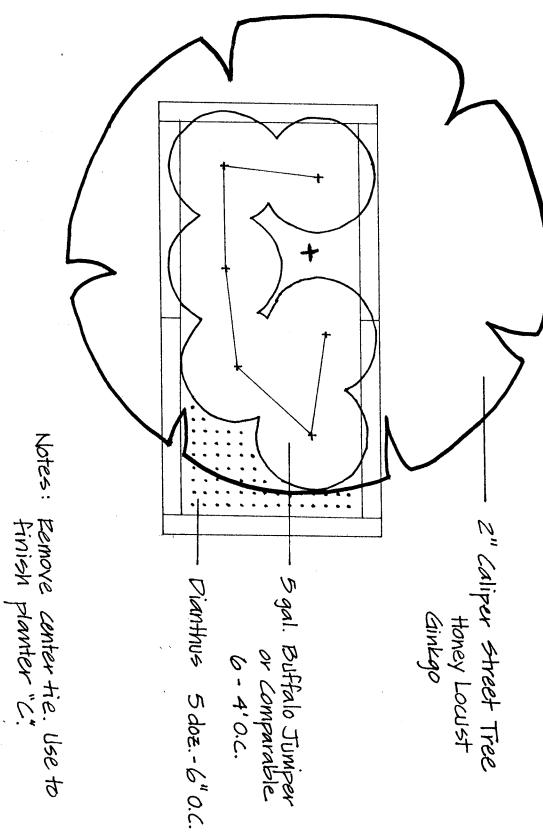


North 5th Street

N NOT TO Scale



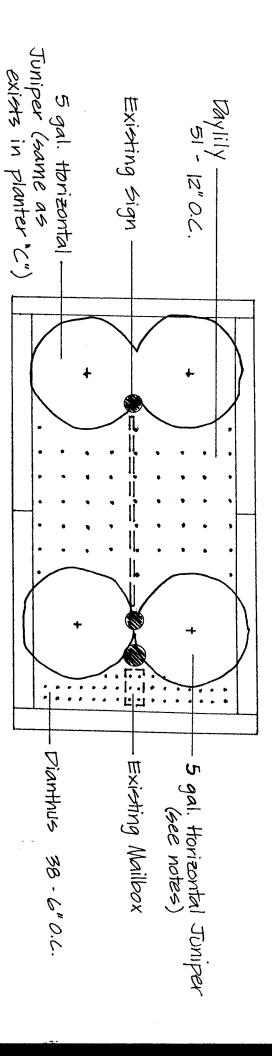
PLANTER "A" $1 \ln ch = 4 feet$

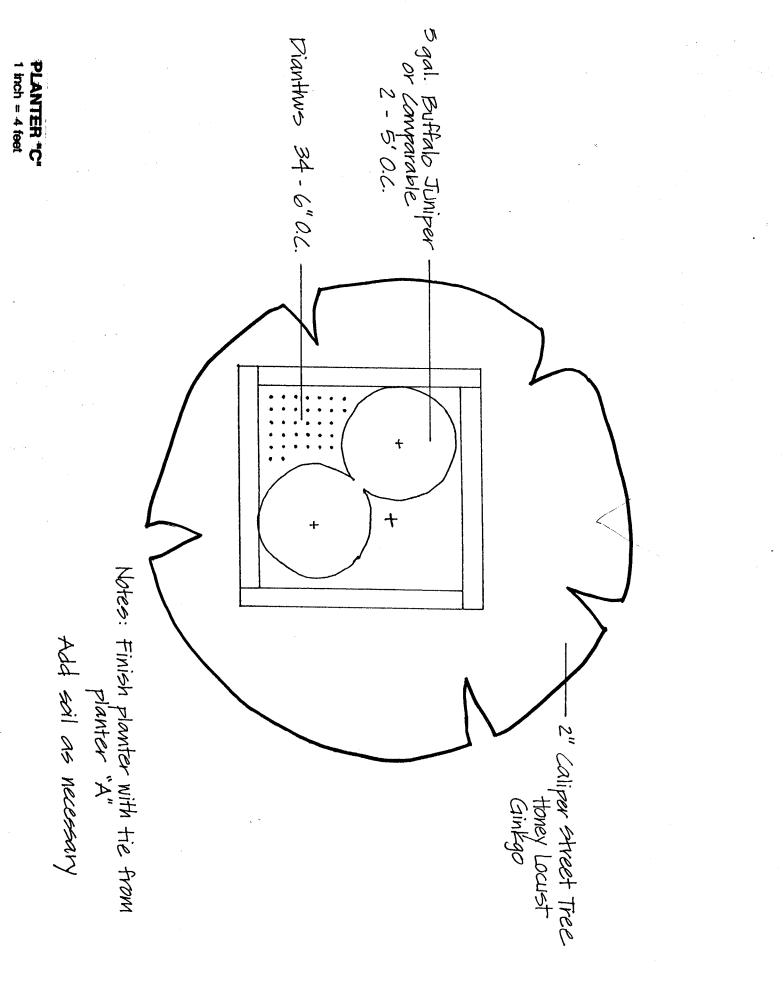


Add soil as necessary.

PLANTER "B" 1 inch = 4 feet

Notes: Utilize I juniper transplanted from planter "C" Add soil as necessary





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