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File 1989-0031

Name: Auction Gallery – 701 Main Street – Ron Hubbard and Wanda Hubbard

	S c a n n e d	<p>A few items are denoted with an asterisk (*), which means they are to be scanned for permanent record on the in some 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.</p> <p>Remaining items, (not selected for scanning), will be marked present on the checklist. This index can serve as a quick guide for the contents of each file.</p> <p>Files denoted with (**) are to be located using the ISYS Query System. Planning Clearance will need to be typed in full, as well as other entries such as Ordinances, Resolutions, Board of Appeals, and etc.</p>				
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<u>DOCUMENTS SPECIFIC TO THIS DEVELOPMENT FILE:</u>						
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X	X	Development Summary		X	Promissory Note - payable by 6/1/90	
X		Review Sheets		X	Letter from Donald B. Huntzinger to Dan Wilson re: fee for special Use - offering collateral in from of security agreement – 5/1/90	
X	X	Review Summary – 6/26/89		X	Letter from Donald Huntzinger to City Council re: requesting waiver of open space fee – 6/29/89	
X		Development Application – 6/12/89		X	Letter from Donald Huntzinger to Dan Wilson re: appraiser is selected – 9/19/89	
X	X	Planning Commission Minutes - ** - 7/11/89, 5/1/90		X	Letter from Robert Lee, Mesa County to Kathy Portner re: Auction House approved to be used as an A-3 Occupancy	
X		Public Notice Posting – 7/12/89		X	X	Suggested Motion Sheet
X		Letter from Barbara A. Suffin, Manager of adjacent store (no name) 734 Main Street – 6/12/89		X	Appraisal Report – H.T. Appraisals, Inc. – 3/21/90	
X		Handwritten Notes to file				
X		Public Hearing / Meeting Agenda – 5/1/90				
X	X	Site Plan				
X		Memo from Kathy Portner to Dan Wilson re: open space information– no date				
X		Letter from Ron Hubbard to Kathy Portner re: progress of improvements- 9/10/89				

PROJECT NARRATIVE

The Auction House, owned and operated by Ron and Wanda Hubbard, applies for a conditional use permit to operate an auction business at 701 Main Street, Grand Junction, Colorado.

The property is located at the corner of 7th and Main in an area zoned B-3. All adjacent and surrounding uses are commercial, including the Cooper Theatre, Computerland, Junct'n Square Pizza, Downtown Conoco, Beneficial Finance, Sundrop Grocery and Bob's American Auto Parts. The building is owned by Chevron, USA, and leased to Robert Percival, owner of Bob's American Auto Parts. Applicants sublease their portion of the building from Mr. Percival on a month-to-month basis. The use is compatible with all adjacent uses and no adverse impacts are anticipated beyond a slight increase in traffic. This is offset by the fact that this will generally only occur one night per week and after usual business hours.

The use proposed is that of an auction house. Auctions will be held every Saturday night, between 6:30 p.m. and 12:00 a.m. (midnight). Additional auctions for the benefit of charity organizations may be held either on Fridays, from 6:30 p.m. to 11:00 p.m. or Sundays from 1:00 p.m. to 7:00 p.m.

Experience has shown that between 50 and 75 people will attend the auction, with the maximum being 100 people. The building is more than adequate for this number of people.

Vehicular traffic around the building will not present any problems. The applicants pick up and deliver their merchandise, with approximately 10 loads per day on Thursday and Friday and 1 load per day the rest of the week. All loading and unloading will be done either inside the building, in front under the canopy or in the alleyway on the east side of the building.

With a sales area of 2,300 square feet, the required 12 parking spaces are provided by 5 spaces under the front canopy, including one handicapped spot, and approximately 20 spaces available on a joint parking basis at 730 and 734 Main Street. No substantial conflict will arise from these arrangements. 730 Main Street is vacant and 734 Main Street (Beneficial Finance) is not open during the same hours as the applicants.

No new development will take place on the property. Signage is limited to a painted sign on the front of the building. Adequate public services are readily available and proper maintenance of the property will be performed by the applicants and their employees. It is the applicants' desire and intention to operate their business so as to be compatible with surrounding uses and in conformity with all applicable rules and regulations.

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#32 89

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The applicants respectfully request the waiver of the "open space" fee imposed by Section 5-4-6. As noted above, the applicants sublease their portion of the building from Robert Percival who leases the entire building from Chevron. Both the applicants' sublease and Mr. Percival's lease are month-to-month, terminable on 30-days' notice. As such, the applicants have no legal or equitable interest in the property beyond a very tenuous possessory right which could be terminated at any time. To impose the subject fee on the applicants under these circumstances would cause them an undue hardship. For this reason, the fee should be waived.

It is submitted that all criteria and standards for the proposed use have been shown and the applicants request that the special use permit be approved.

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*Additional names added
4/17/90*

Grand Junction Labor Asso.
136 N. 7th
Grand Junction, CO 81501

Klem L. Schurr
747 Colorado Ave.
Grand Junction, CO 81501

Thomas R. Lacroix
725 Rood Ave.
Grand Junction, CO 81501

En-Sim Partnership
653 Round Hill Dr.
Grand Junction, CO 81503

Fidelity Mortgage CO.
735 Rood Ave.
Grand Junction, CO 81501

L D Investments
P.O. Box 3207
Grand Junction, CO 81502

Cecil C. Hobbs
1267 Texas Ave
Grand Junction, CO 81501

Frank W. Bering Jr.
642 Main St.
Grand Junction, CO 81501

Seidel Corporation
2324 E 1/2 Rd
Grand Junction, CO 81503

Edward J. Chamberlin
437 Main St.
Grand Junction, CO 81501

John G. Walton
Box 7 Mesa Creek Star RT
Naturita, CO 81422

Charles Cruse
741 Colorado Ave.
Grand Junction, CO 81501

Carroll E. Multz
2613 Kelly Dr.
Grand Junction, CO 81506

Hazel S. Jenson
322 Lorey Dr.
Grand Junction, CO 81505

B.L. Keele
1035 Broadway
Edmond, OK 73034

Kern Copeland
626 Fletcher Lane
Grand Junction, CO 81505

Clifford D. & Jennifer Stout

Clifford & Jennifer Stout
755 Colorado Ave
Grand Junction, CO 81501

Alfred J. Gibson
2183 Torar CT.
Grand Junction, CO 81503

✓ Downtown Standard
702 Main Street
Grand Junction, CO 81501

✓ Carroll E. Multz
2613 Kelly Dr
Grand Junction, CO 81506

✓ Amora I. Bley
379 Explorer Court C-23
Grand Junction, CO 81503

✓ Leonard Ong
2870 Elm Avenue
Grand Junction, CO 81501

✓ M. J. Mattas
176 Rainbow Drive
Grand Junction, CO 81503

✓ Tony Corteese
379 Explorer Court, C-23
Grand Junction, CO 81503

James Gale
1001 N. 5th Street
Grand Junction, CO 81501

David Brach
644 Main Street
Grand Junction, CO 81501

✓ Earl Stevenson
119 N. 7th Street
Grand Junction, CO 81501

✓ Mesa County Board of
County Commissioners
P. O. Box 897
Grand Junction, CO 81502

✓ Aircadia Investment
P. O. Box 1150
Colorado Springs, CO 80901

✓ Hannah Fritz
120 N. 7th Street
Grand Junction, CO 81501

✓ Anthony Williams
P. O. Box 338
Grand Junction, CO 81502

✓ Berta Gardner
640 Colorado Avenue
Grand Junction, CO 81501

✓ Chevron Oil Company
c/o Property Tax Dept.
P. O. Box 7611
San Francisco, CA 94120

✓ Knight Appliance Company
159 Colorado Avenue
Grand Junction, CO 81501

✓ Edith Flagg
212 Alcove Drive
Grand Junction, CO 81503

Ron & Wanda Hubbard
701 Main Street
Grand Junction, CO 81501

Von Wilson
779 Taylor Street
Craig, CO 81625

✓ Grand Junction Parking
Authority
Grand Junction, CO 81501

✓ Donald B. Huntzginer
634 Main St. Suite 100
Grand Junction, CO 81501

John Brophy
2654 Paradise Way
Grand Junction, CO 81506

✓ Grand Junction Colorado
Downtown
200 N. 6th Street
Grand Junction, CO 81501

Ida Quintana
740 Colorado Avenue
Grand Junction, CO 81506

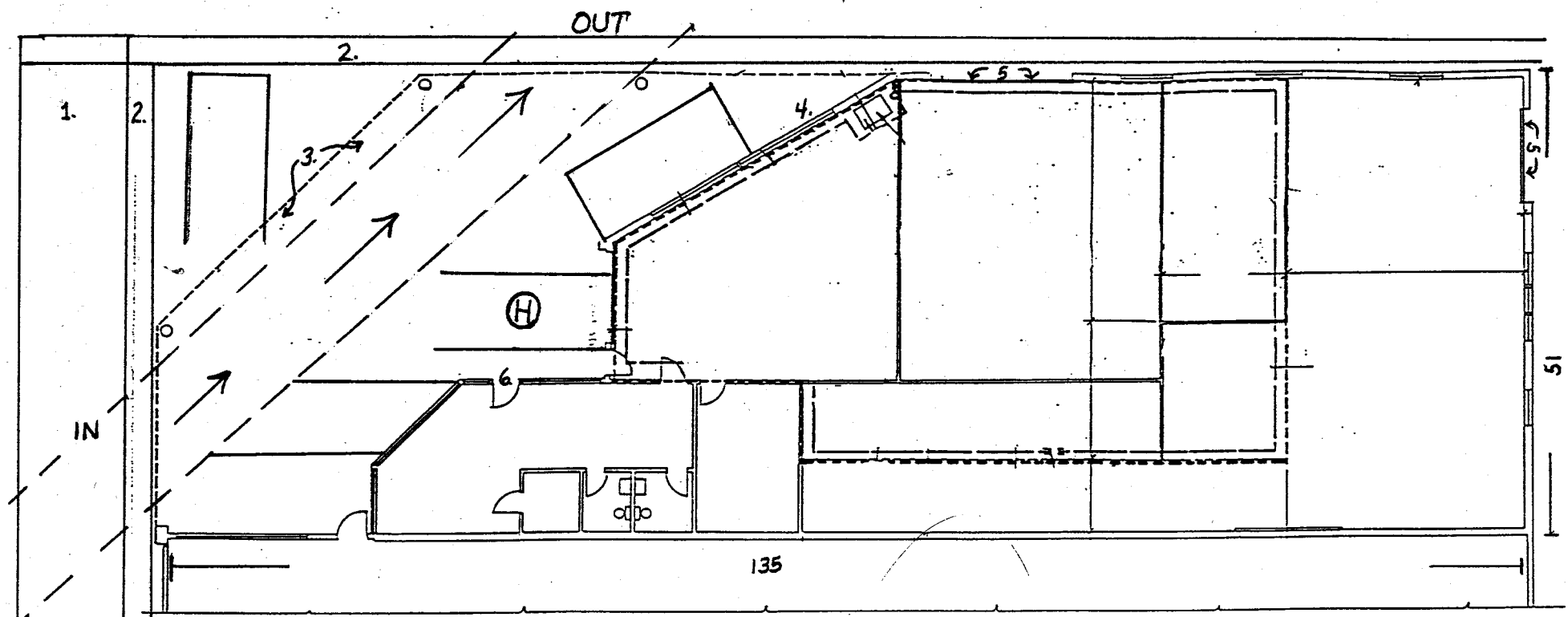
✓ Grand Partnership
One Park Central
1515 Arapahoe, Suite 1600
Denver, CO 80202

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#32 89

7TH STREET

MAIN STREET



NOTES

1. Not exact scale: 1 inch = 6 feet approximately
2. Parking: 5 stalls, dimensions 9 x 22
= handicapped parking
aisle width - 12 feet
3. No setbacks; building occupies entire lot
4. All adjacent areas zoned B-3; all uses commercial and retail

KEY

1. On-street parking
2. Sidewalk
3. Canopy
4. Trash pick up point (dumpster)
5. Overhead door
6. Main pedestrian entrance/exit

#32 89

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REVIEW SHEET SUMMARY

FILE NO. 32-89 TITLE/HEADING Conditional Use-Auction Gallery DUE DATE 6/26/89

ACTIVITY - PETITIONER - LOCATION - PHASE - ACRES Activity: Request for conditional use permit
Petitioner: Ron and Wanda Hubbard Location: 701 Main Street Grand Jct., CO
Acres: .4

PETITIONER ADDRESS 701 Main Street Grand Junction, CO 81501

ENGINEER n/a

DATE REC. AGENCY COMMENTS

NOTE: WRITTEN RESPONSE BY THE PETITIONER TO THE REVIEW COMMENTS IS REQUIRED
A MINIMUM OF 48 HOURS PRIOR TO THE FIRST SCHEDULED PUBLIC HEARING.

6/26/89	Planning Dept.	Need to clarify on the site plan how the on-site parking spaces will be laid out. Striping will be required. Directional signs and arrows as recommended by the City Engineering Dept. will be required. Although there are no specific landscaping requirements for this site, we'd like to see the dirt area between the street and the sidewalk landscaped. A written agreement to use 730 Main Street for parking is required. It is important that the proposed use be compatible with the downtown Main Street area. An indoor facility only would be acceptable. Days and times of auctions should be limited to those stated in the project narrative.
6/14/89	Parks and Rec.	If this will require an open space fee, we will need an appraisal to calculate amount due.
6/14/89	Police Dept.	No problems noted.
6/14/89	Fire Dept.	To use this location as an assembly, the fire wall to the south must be repaired. This means removing the overhead door and filling breaks in the wall. Fire Code requires a minimum of 1 hr. wall between the auction house and the brake shop to the south.
6/13/89	City Attorney	Re open space fee: the justification for waiver appears insufficient. In effect, the waiver could "open the door" to applicants leasing on a short-term basis solely to justify waiver.
6/26/89	City Engineer	The petitioner will be required to install four "One-Way" signs and one "Do Not Enter" sign on 7th Street and Main Street as specified by the Traffic Engineer. The areas between the curb and sidewalk on Main Street should be landscaped. The property owner is responsible for replacement of the broken concrete in the 7th Street driveway. This replacement is not required for the conditional use.
6/26/89	DDA	I met with Mr. Hubbard 5/25/89 to discuss his operation. He expressed a willingness to be a good neighbor and to be cognizant of his customers' parking. This is okay as proposed.
6/16/89	Building Dept.	Present use of building at 701 Main Street is a B-2 occupancy per the Uniform Building Code. New proposed use is considered to be A-3. Building must be made to comply with requirements of new use. A change of use permit is required by our department.

Sent 6/28/89
CW

development summary



File # 32-89 Name Conditional Use for Auction Gallery Date 7/13/89

PROJECT LOCATION: 701 Main Street

PROJECT DESCRIPTION:

A request for a conditional use for an auction house in a Retail Business (B-3) zone.

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					Irrigation/Drainage	X			
					Landscaping/Screening	X			
					Other: Parks & open space fees				X

* See explanation below

The petitioner has requested the parks and open space fees be waived (see attached letter) based on financial hardship and the fact that the petitioner is a sub-lessee on a month-to-month basis. The City Attorney and Parks and Recreation Dept. have recommended denial of the request based on the short-term lease situation.

STATUS & RECOMMENDATIONS:

The petitioner has agreed to meet all other requirements of the conditional use permit, including landscaping the area between Main Street and the sidewalk.

Planning Commission Action

7/11/89 Planning Commission approved the conditional use permit. (This requires no further action by City Council.) Planning Commission recommended denial of the request to waive parks and open space fees (4-2).

Donald E. McMichael
Mitchell Benedict, 111
Carroll E. Multz, P.C.
Donna A. Salmon

Donald B. Huntzinger
Kennard E. Hailey
Richard E. Leech
James C. Klein
David L. Sell
Layne G. Brown, Jr.

Law Offices Of
McMichael, Benedict & Multz
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Attorneys at Law

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634 Main Street
Grand Junction, Colorado 81501
Telephone (303) 241-3111
Telecopier (303) 241-9476

Denver Office
1580 Lincoln Street
Suite 900
Denver, CO 80203
(303) 837-1580

Affiliated for Oil & Gas
William F. Graf

GRAND JUNCTION PLANNING COMMISSION
250 N. 5th Street
Grand Junction, CO 81501

RE: Conditional Use - Auction Gallery
File No. 32-90

Response to Review Sheet Comments

1. Planning Department:

A. The applicants will install red landscaping rock in the dirt area along Main Street.

B. Applicants have no plans to operate outside of the days and times stated in their narrative but would like to retain some flexibility, to permit an occasional special event auction (i.e. charity) at a different time.

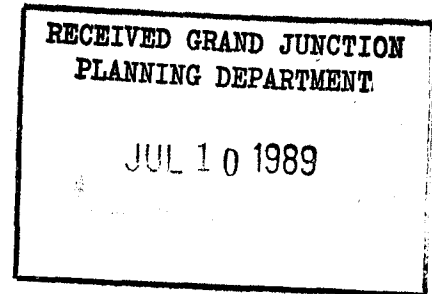
2. Fire Department:

A. Wall breaks have been filled.

B. The applicants were advised by the Fire Department that the overhead door in the south wall could be retained if the Building Department approved.

3. City Attorney:

The waiver of the open space fee here would not open up the possibility of widespread abuse of the process because every case must be considered on its own merits. The applicants are not requesting the establishment of a general exemption for all month-to-month tenants. But in the present case, the applicants were not given the option of renting for a longer term. A month-to-month tenancy was the only term allowed. Requiring the payment of the open space fee for this property would require the applicants to make a substantial financial investment in a property they could be forced to vacate at any time and would impose an undue hardship on them, because the applicants are financially unable to pay this fee. Since moving to this location, the business has broken even or operated at a small loss. The



Please direct replies to: (X) Grand Junction Office () Denver Office

applicants have received little or no income and are simply unable to afford a \$500.00 appraisal fee and an open space fee which is likely to be nearly \$1,700.00, using a raw land value of \$5.00 per square foot.

4. Building Department:

A change of use permit has been applied for. The Building Department inspector has advised that the overhead door in the south wall is in conformity with Code requirements and may be retained. A new pedestrian door will be installed in the north wall as required.

McMICHAEL, BENEDICT & MULTZ


DONALD B. HUNTZINGER



Grand Junction Planning Department
250 North Fifth Street
Grand Junction, Colorado 81501-2668
(303) 244-1430

August 9, 1989

Ron Hubbard
Auction Gallery
701 Main Street
Grand Junction, CO 81501

Dear Mr. Hubbard:

The proposed schedule for improvements to the property at 701 Main Street as stated in your letter dated July 21, 1989 is acceptable. As such, the required Main Street exit and the parking striping must be completed by August 25, 1989. Required signage must be installed by September 19, 1989. The three trees and red rock to be placed in the ROW along Main Street must be installed by October 4, 1989. Please consult with this office on the placement of the trees.

The motion to approve the Conditional Use Permit for the Auction Gallery (file #32-89) included a requirement for a letter from the Building Department stating that there is a one-hour fire rating on the steel (overhead) door. Please provide us with that letter by August 25, 1989 along with the change in use permit required by the Building Department. The final requirement to be met is the payment of parks and open space fees. Please advise us as to the payment schedule you have agreed upon with the City Attorney.

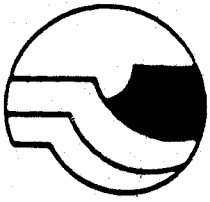
Thank you for your patience and cooperation throughout this process. Good luck at your new location.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Portner".

Kathy Portner
Planner

/kp



Mesa County
Building
Inspection

750 Main Street
P.O. Box 20,000-5005
Grand Junction, Colorado
81502-5005

Building Inspection
(303) 244-1631

October 5, 1989

Kathy Portner
City Planning Department

Dear Kathy:

The Auction House located at 701 Main Street is approved to be used as an A-3 Occupancy (Assembly, Maximum Occupant Load of 300). Exit signs must be maintained on the required exit doors. Dead bolt locks shall not be used.

For more information, please contact me at 244-1656.

Sincerely,

Robert L. Lee
Assistant Building Official

c.c. Ron Hubbard
The Auction House
701 Main Street
Grand Junction, Colorado 81501

copy



April 13, 1990

City of Grand Junction, Colorado
81501-2668
6 250 North Fifth Street

*c Kathy P
Counsel
4/17/90 j*

Donald B. Huntzinger
McMichael, Benedict & Multz
Sentinel Square Building
634 Main Street, Suite 100
Grand Junction, CO 81501

Dear Don:

Not having heard from you or your client, the Auction Gallery, and having grown weary of requesting the appraisal information and the payment of the required fees which you and I have discussed on, it seems, innumerable occasions, I have requested the planning staff to schedule the Auction Gallery for the next available Planning Commission hearing date.

Kathy Portner of our planning department informs me that the Auction Gallery permit will be the subject of a revocation hearing on May 1, 1990. I presume that the time is the normal time of 7:30 p.m. and that the location is the City Auditorium.

I expect that the permit will be revoked based on sufficient evidence of non-compliance with the established conditions.

Feel free to call or to write.

Very truly yours,

[Handwritten signature]
Dan E. Wilson
City Attorney

DEW:jj

Donald E. McMichael
Mitchell Benedict, III
Carroll E. Multz, P.C.
Donna A. Salmon
Douglas A. Colaric

Donald B. Huntzinger
Rennard E. Hailey
Richard E. Leech
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Denver Office
1580 Lincoln Street
Suite 900
Denver, CO 80208
(303) 837-1580

Of Counsel
William F. Graf
James C. Klein

May 1, 1990

Dan Wilson, Esq.
Grand Junction City Attorney
250 N. 5th Street
Grand Junction, CO 81501

Re: Auction Gallery

Dear Dan:

This will confirm our prior discussions concerning the fee chargeable to Auction Gallery in connection with their special use permit. It is estimated to be approximately \$1,700.00. Mr. and Mrs. Hubbard are unable to pay this amount in a lump sum and would propose a payment of \$400.00 within 30 days and monthly payments on the balance of \$125.00. We could offer the City collateral in the form of a security agreement on all of Auction Gallery's equipment, inventory and fixtures. This would be a first position.

If this is acceptable, please advise.

Yours truly,

McMICHAEL, BENEDICT & MULTZ


DONALD B. HUNTZINGER

saj

Please direct replies to: (X) Grand Junction Office () Denver Office

#32-89 Revocation of Conditional Use for Auction Gallery

Petitioner: City Planning Department
Location: 701 Main Street

In July of 1989 the Auction Gallery at 701 Main Street was granted a Conditional Use Permit with many conditions. All site improvements have been completed satisfactorily. The only outstanding condition of approval is the appraisal for and payment of Parks and Open Space Fees. Council had denied a request to waive the fee, but had agreed to consider a payment plan.

There have been repeated contacts with the petitioners attorney by the City attorney to no avail. The Planning Department is recommending the Conditional Use Permit be revoked for noncompliance with this condition of approval.

ITEM #32-89 (Page 1 of 1)

INITIATED BY City Planning Department

ACTION PROPOSED Revocation of Conditional Use

PRESENTED BY Kathy Portner



COMMENTS

SUGGESTED MOTION

MOVED BY _____

"Mr. Chairman, on item #32-89, a request to revoke the Conditional Use Permit fro the Auction Gallery, I move that the permit remain valid because the petitioner has complied with all conditions of the approval."

YES _____ NO _____ TABLE _____