

# Table of Contents

File 1989-0059

Name: Retail Sales - 2906 North Avenue - James Flynn

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>		
X	X	<b>Table of Contents</b>	
		<b>Review Sheet Summary</b>	
		Application Form	
		Review Sheets	
		Receipts for fees paid for anything	
		<b>*Submittal checklist</b>	
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		<b>*Summary sheet of final conditions</b>	
		<b>*Letters and correspondence dated after the date of final approval (pertaining to change in conditions or expiration date)</b>	
<b><u>DOCUMENTS SPECIFIC TO THIS DEVELOPMENT FILE:</u></b>			
X		X	X
	Certificate of Occupancy - 4/26/89		Planning Clearances - ** - 3/24/88, 8/3/88, 12/6/89
X	Western Surety Company - License and Permit Bond - 12/5/89		
X	Code Enforcement - Sign Violation From - Case No.: 89294 - 12/21/89		
X	X		Sign Permit - ** - 2/27/85, 6/14/88, (2) on 5/1/90, 5/1/90, 8/27/90
X	X		Letter from Jerry Leon to Steve Vogan and Virginia Vogan re: person making signs for business is concerned about obtaining permit - 12/18/89
X	Certificate of Occupancy - 5/18/88		
	Uniform Summons & Complaint or Penalty Assessment - No. 12286- 4/16/90, 12287 - 4/16/90 & 12288- 4/16/90 - from Grand Junction Police Department with citation to allow defendant to contact attorney		
X	Photos of Stereo Warehouse		
X	X		Front Elevation Drawing
X	X		Plot Plan
X	X		Floor Plan
X	X		Addition Cross Section
X	X		Parking & Landscaping Map
X	X		Site Plan
X	X		Letter from Steve Vogan, Best Buy Garage and Cars to Linda A. Weitzel re: intended use of property - 12/1/89

Steve Vogan  
Best Buy Garage and Cars  
2906 North Avenue  
Grand Junction, CO 81502  
December 1, 1989

Ms. Linda A. Weitzel  
Grand Junction Planning Department  
250 North 5th Street  
Grand Junction, CO 81501

RE: 2906 North Avenue Grand Junction, CO

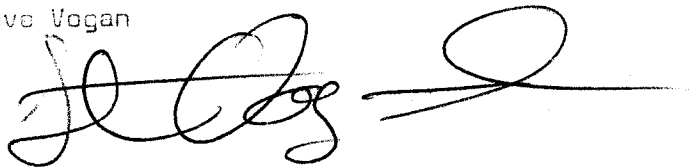
Dear Ms. Weitzel:

Mr. Flynn has requested that I reply to the letter you mailed to him on the 29th of November 1989 concerning our present use and intended future use of this property. The following statements should answer you concerns:

1. The present improvement (building) is being used as a retail used automobile lot. Our business hours are approximately 9 A.M. to 6 P.M.. I employ one full time salesman and a part time detail mechanic.
2. The planned new addition, 980 square feet, will be utilized as a retail automobile stereo sales business. Approximately 450 square feet at the front of the building will be devoted to a display area with the remaining 530 square feet the rear of the building for installation. Our present plans call for one full time sales employee and one part time installer. The present office space and bath-room facilities will be used for both businesses.
3. Responding to your concerns of our using the restaurant parking area; (West of this building) Mr. Flynn stated this area maybe used as long as it does not interfere with the operation of the restaurant. Should the restaurant commence operation we would vacate this area.

Sincerely,

Steve Vogan

A handwritten signature in black ink, appearing to be 'Steve Vogan', written in a cursive style. The signature is positioned below the typed name and extends across the right side of the page.

Jamed M. Flynn  
165 Willowbrook Road  
Grand Junction, CO 81506  
December 1, 1989

Ms. Linda A. Weitzel  
Grand Junction Planning Department  
250 North 5th Street  
Grand Junction, CO 81501

RE: 2906 North Avenue , Grand Junction, CO

Dear Ms. Weitzel:

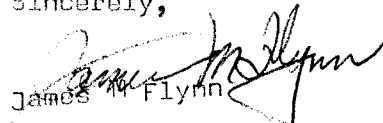
In response to your letter dated November 29, 1989, concerning the improvements I am attempting to make at 2906 North Avenue:

1. As per enclosed site plan the property line between 2906 and 2908 North Avenue is shown.
2. Mr. Steve Vogan, lessee, Best Buy Used Cars has been requested to park his cars so as to not infringe on the right of way area on North Avenue.
3. The main access to the storage units will be off North Avenue. A 20 to 25 foot corridor will be maintained enabling access to the storage units. (site plan)
4. Bumper guards will be place on curb cut on North Avenue nearest 29 Road. I do not believe this curb cut is now being used.
5. It is not my intention to install a side walk along the property frontage on North Avenue at this time.
6. Mr. John Gossett, 2908 North Avenue has been informed about obstructions of tires, etc. and some action has already been taken to correct this problem.

Planning Department

1. Landscaping plans are indicated in the enclosed site plan.
2. As per site plan submitted gravel will be used to insure a dust free environment.
3. 4. Enclosed is a letter from Mr. Steve Vogan as to the use of the restaurant parking area also, site plan indicates parking. This letter also indicates type of the business and its operation.
5. Certificate of occupancy will be requested when all of your requirements have been completed.

Sincerely,

  
James M. Flynn

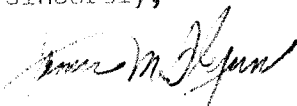
James M. Flynn  
165 Willowbrook Road  
Grand Junction, CO 81501  
November 28, 1989

City of Grand Junction, Planning Department  
115 North 5th Street  
Grand Junction, CO 81502

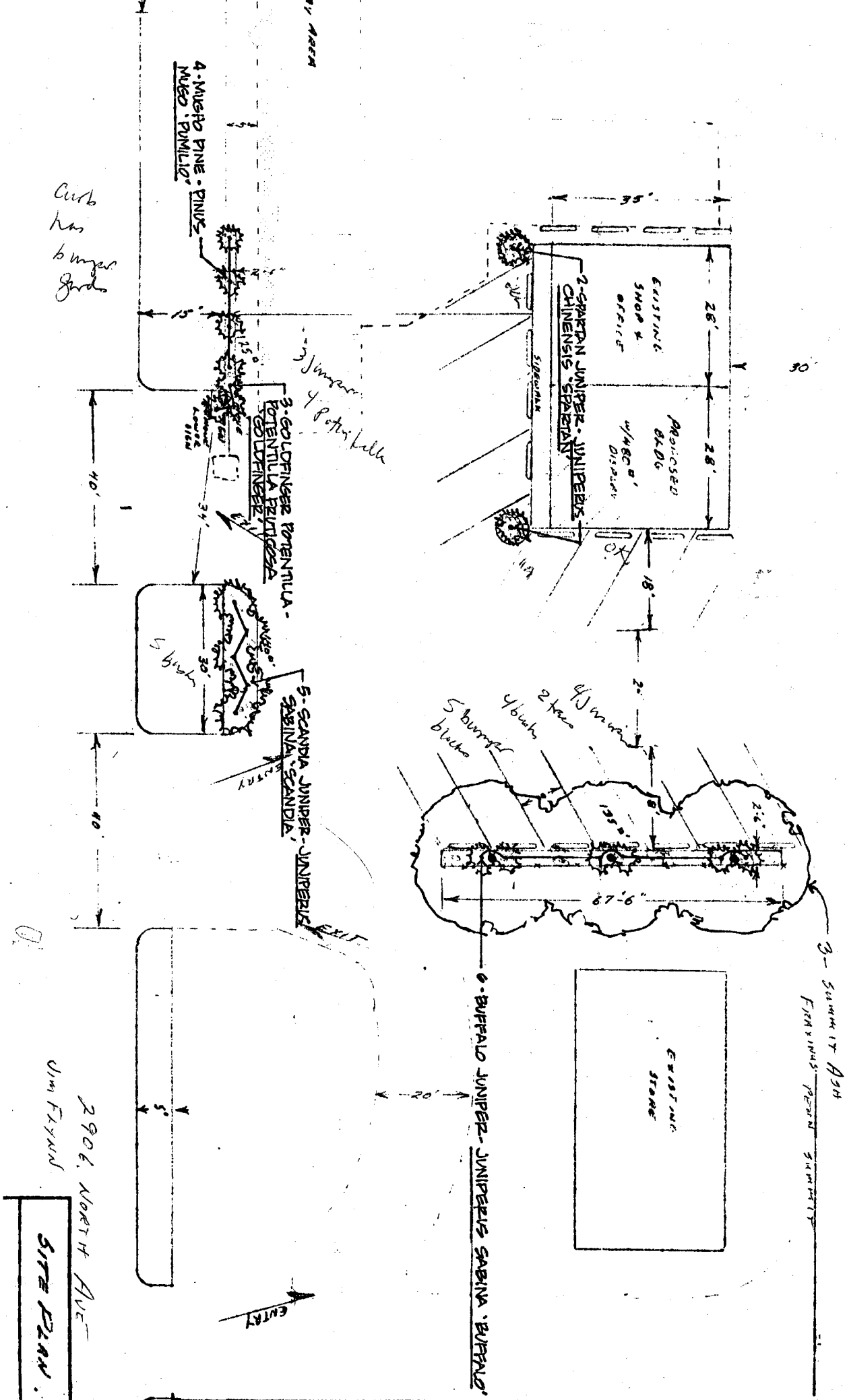
RE: LETTER OF INTENDED USE 2906 NORTH AVENUE GRAND JUNCTION, CO.

Our present plans for the aforementioned property 2906 North Avenue, Grand Junction, Colorado will be to increase the size of the present building by 980 square feet. It is our intention to lease the area to an automobile retail stereo outlet. The front 420 square feet will be used for display and retail sales and the remaining area at the back of the building will be used for installation purposes.

Sincerely,



James M. Flynn



PHILLIPS CONSTRUCTION COMPANY

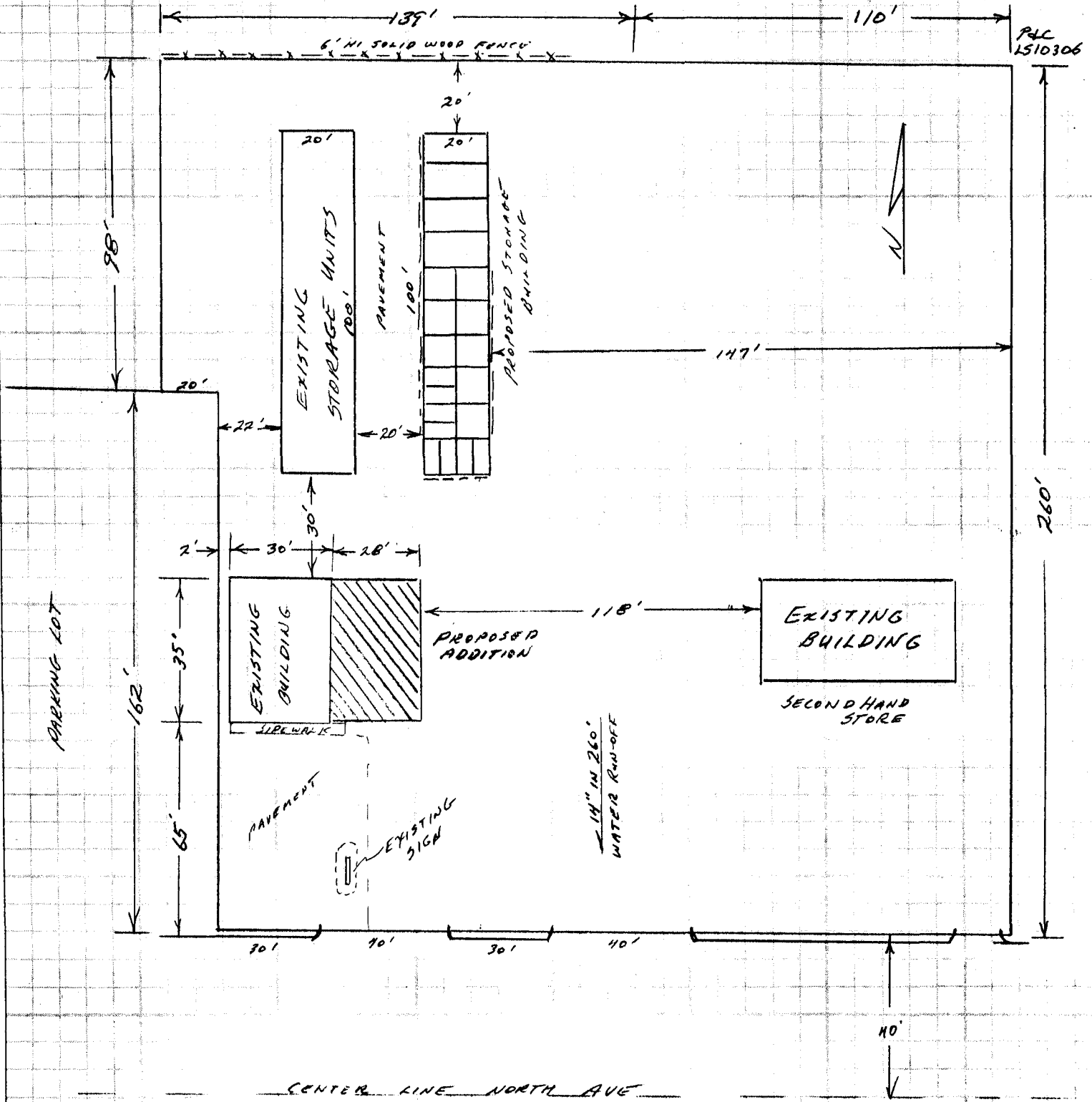
345 33 Rd.  
Palisade, Colorado 81526  
434-6637

Client JIM FLYNN  
Project 2906 NORTH AVE  
Subject STORE ADDITION  
28' x 35'

Sht 1 of 4  
Job \_\_\_\_\_  
Date 11-16-89  
by RTP

# PLOT PLAN

SCALE 1" = 40'



PAC  
LS10306

CENTER LINE NORTH AVE



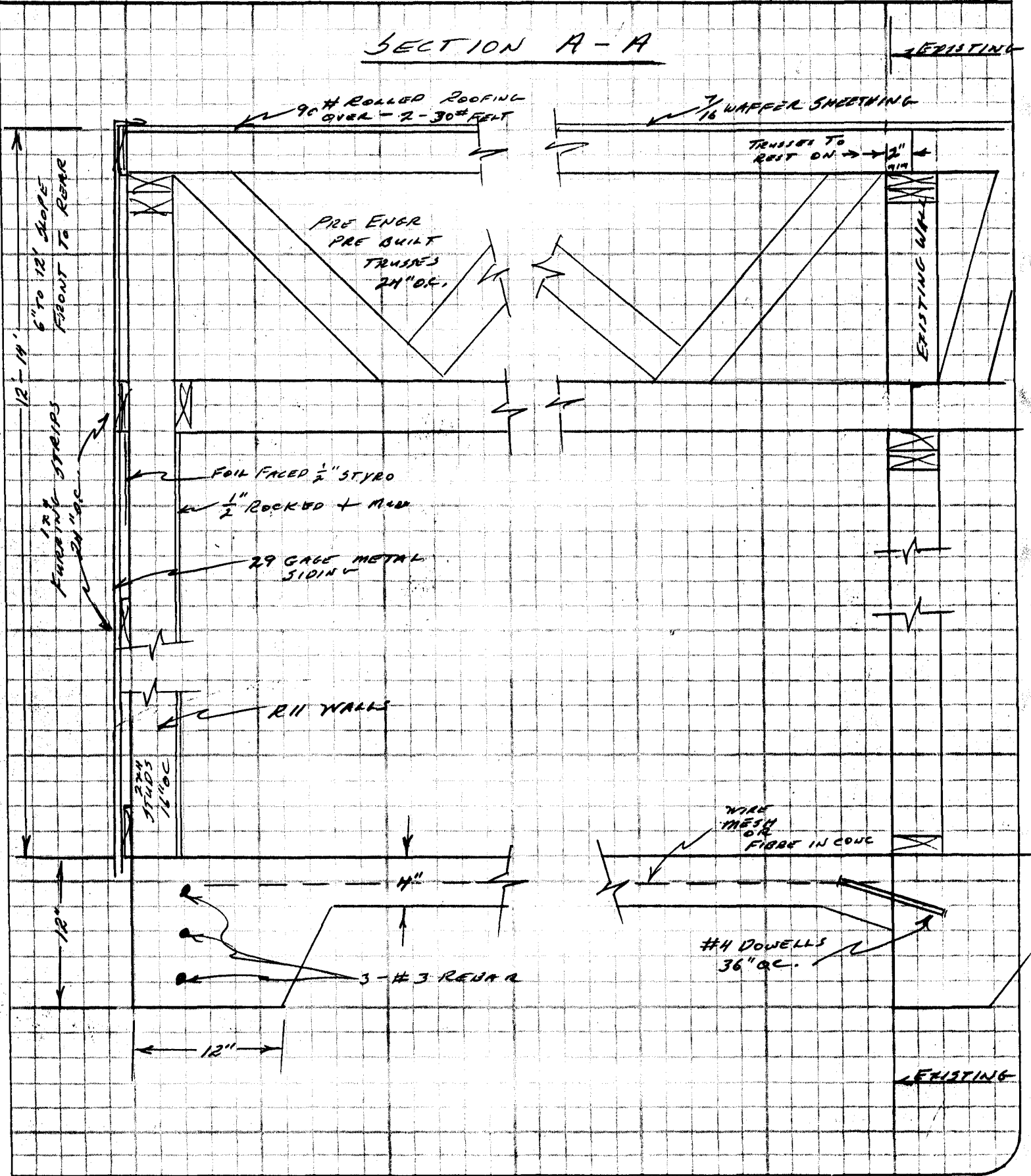
PHILLIPS CONSTRUCTION COMPANY

345 33 Rd.  
Palisade, Colorado 81526  
434-6637

Client: JIM FLYNN  
Project: 2906 NORTH AVE  
Subject: ADDITION CROSS SECTION

Sht.      of       
Job       
Date       
by     

SECTION A-A



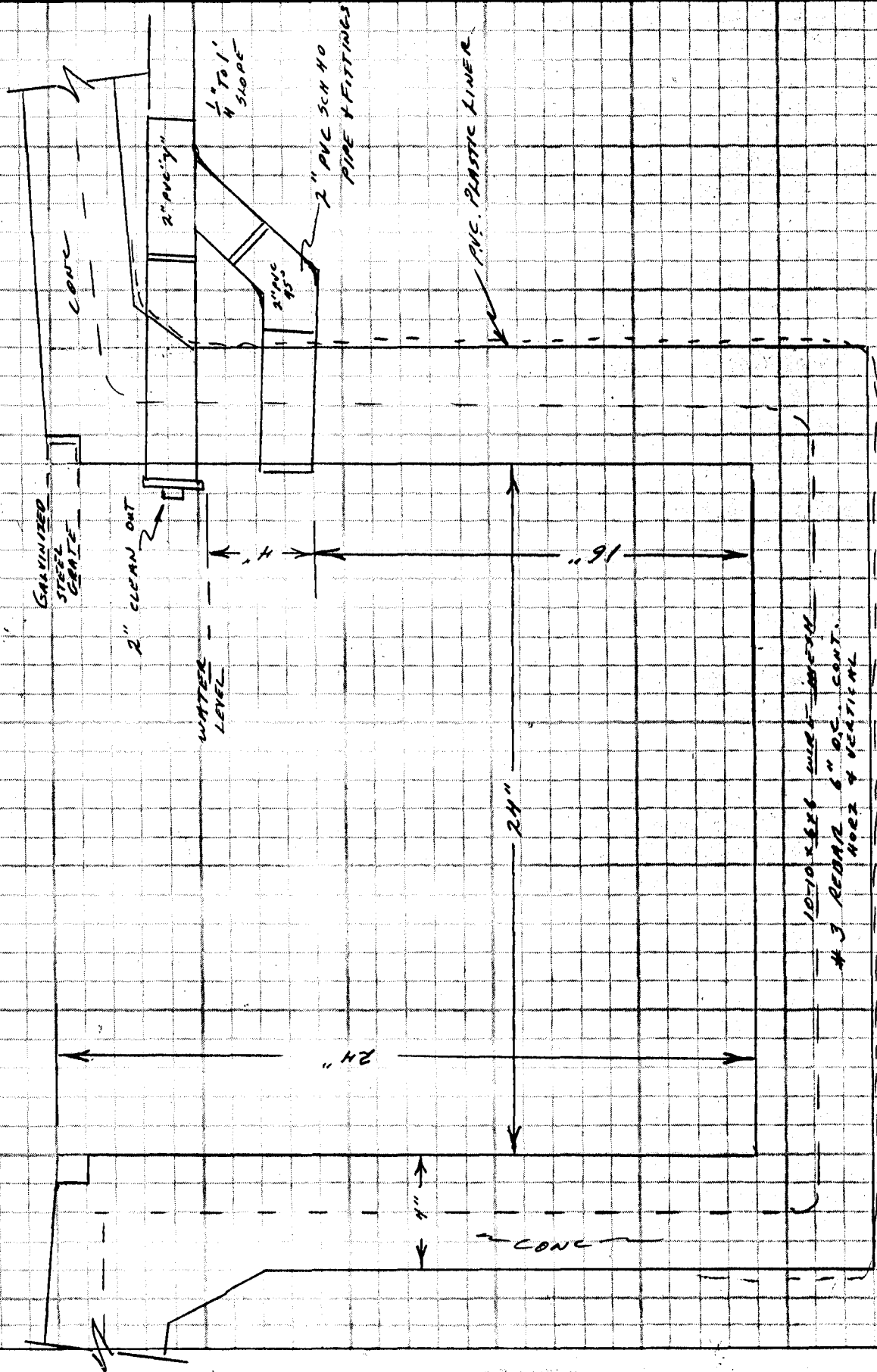


PHILLIPS CONSTRUCTION COMPANY

345 33 Rd.  
Palisade, Colorado 81526  
434-6637

Client JIM FLYNN  
Project 2906 NORTH AVE  
Subject MUD PIT  
CROSS SECTION

Sht      of       
Job       
Date 11/19/89  
by     

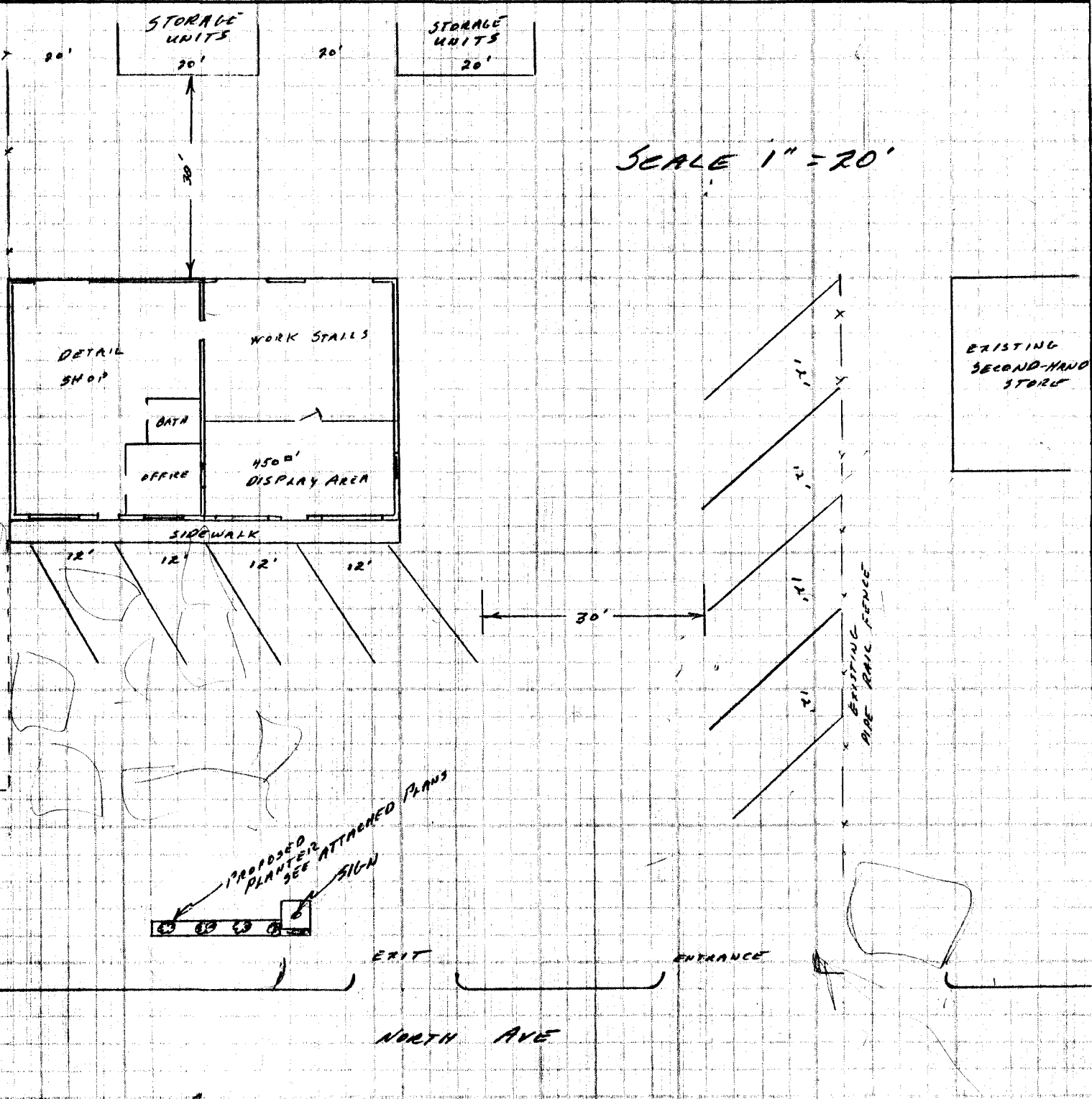


PHILLIPS CONSTRUCTION COMPANY

345 33 Rd.  
Palisade, Colorado 81526  
434-6637

Client JIM FLYNN  
Project 2906 NORTH AVE  
Subject PARKING & LANDSCAPE

Sht 5 of 5  
Job \_\_\_\_\_  
Date 1/21/89  
by RTP

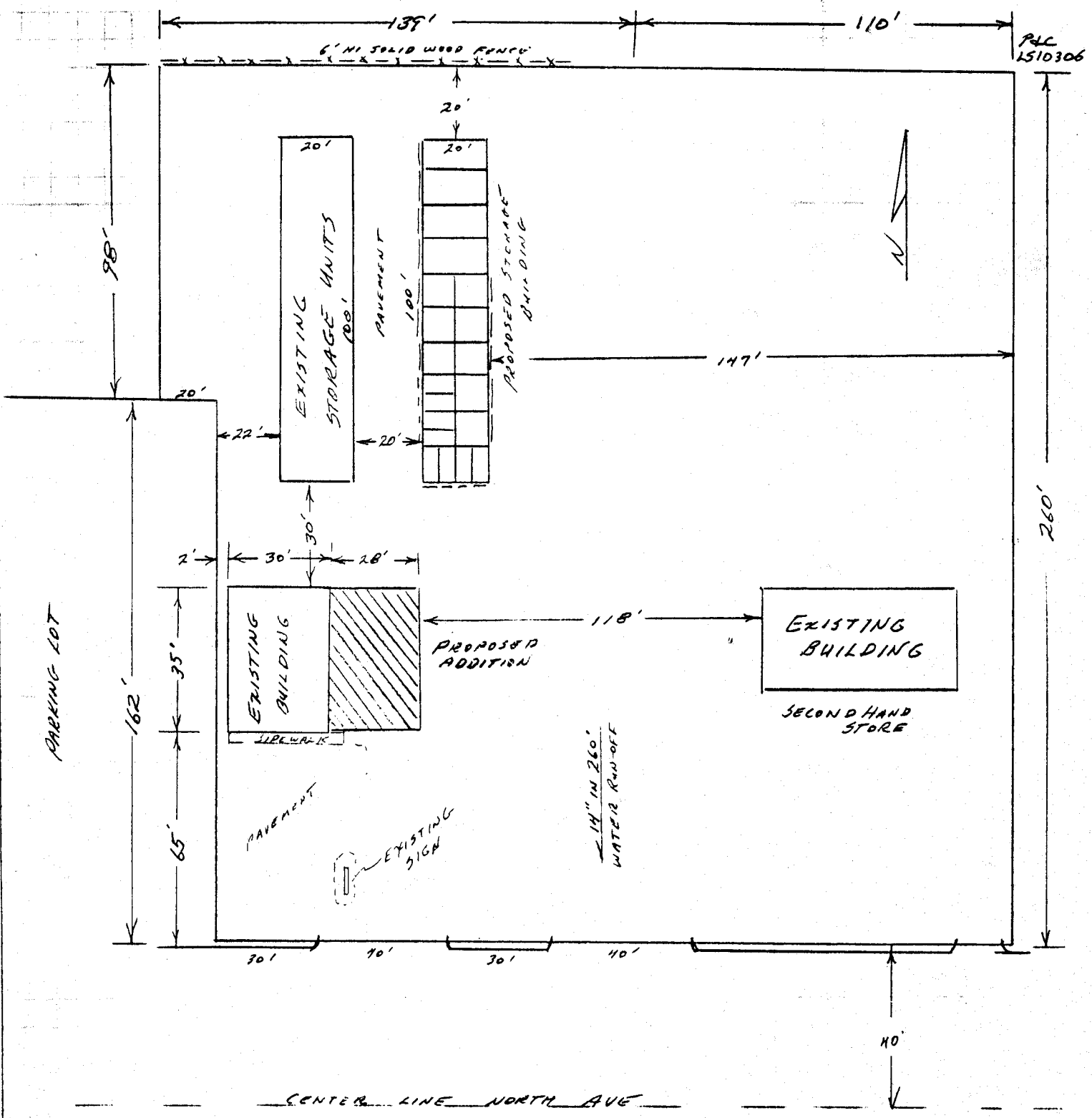


PHILLIPS CONSTRUCTION COMPANY

345 33 Rd.  
Palisade, Colorado 81526  
434-6637

Client JIM FLYNN Sht 1 of 1  
Project 2906 NORTH AVE Job \_\_\_\_\_  
Subject STORE ADDITION Date 11-16-88  
28' x 35' by PLP

PLOT PLAN SCALE 1" = 40'



Original  
To NOT Review  
From Office



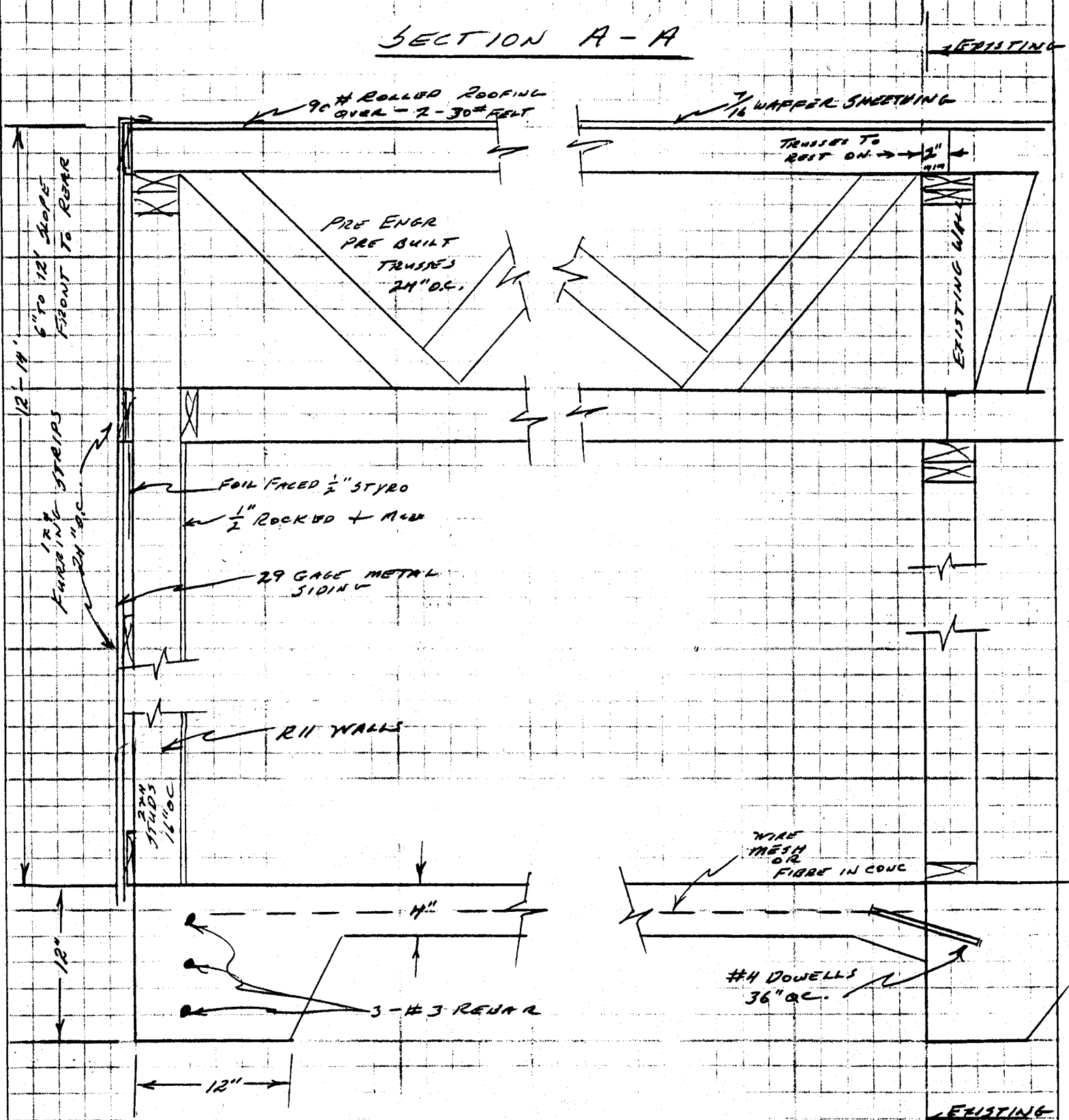
PHILLIPS CONSTRUCTION COMPANY

345 33 Rd.  
Palisade, Colorado 81526  
434-6637

Client: JIM FLYNN  
Project: 2906 NORTH AVE  
Subject: ADDITION CROSS SECTION

Sht.      of       
Job       
Date       
by     

SECTION A-A



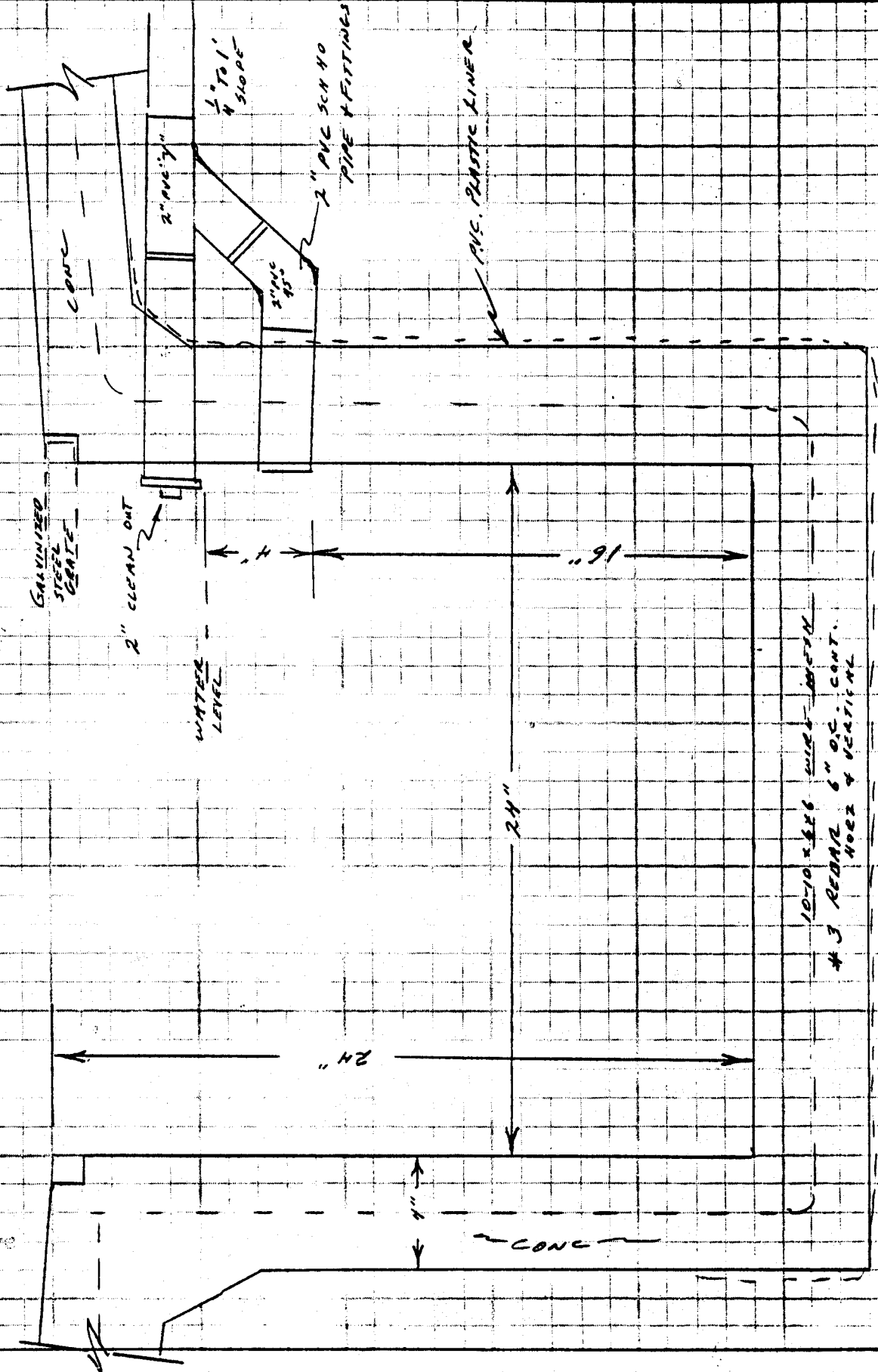
Original  
NOT REMOVE  
Office

PHILLIPS CONSTRUCTION COMPANY

345 33 Rd.  
Palisade, Colorado 81526  
434-6637

Client JIM FLYNN  
Project 2906 NORTH AVE  
Subject MUD PIT  
CROSS SECTION

Sht      of       
Job       
Date 11/19/99  
by     



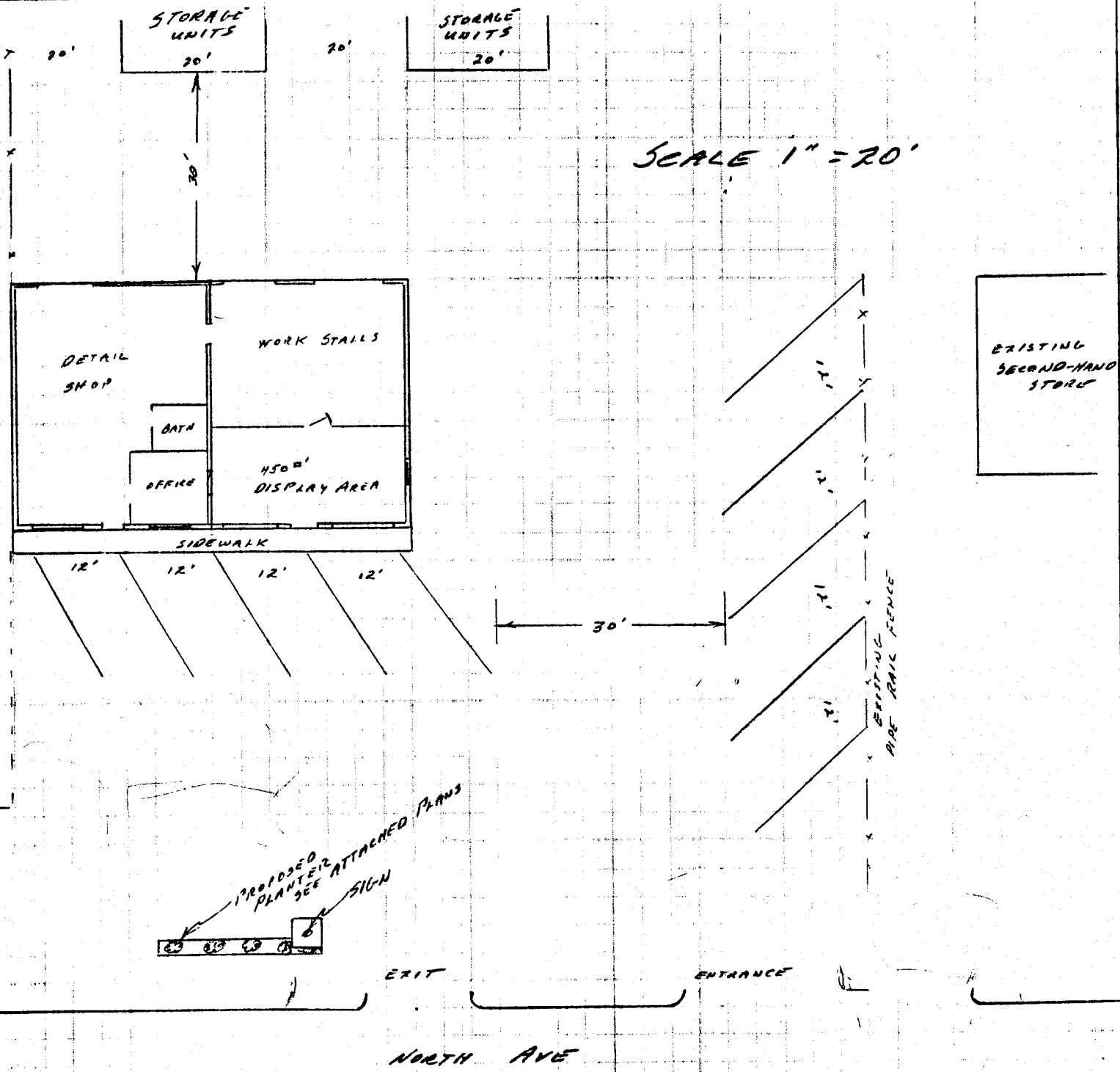
Original  
Do NOT Remove  
From Office

PHILLIPS CONSTRUCTION COMPANY

345 33 Rd.  
Palisade, Colorado 81526  
434-6637

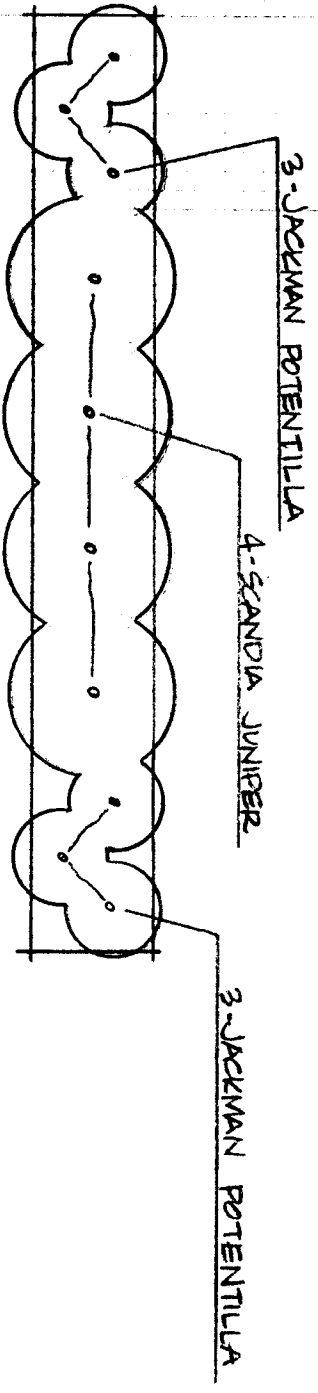
Client Jim Flynn  
Project 2906 NORTH AVE  
Subject PARKING & LANDSCAPE

Sht 5 of 5  
Job \_\_\_\_\_  
Date 1/27/87  
by RJP



Original  
Do NOT Remove  
From Office

COMMON NAME	BOTANIC NAME	#	SIZE
JACKMAN POTENTILLA	POTENTILLA FRUTICOSA 'JACKMANII'	6	5 GALLON
SCANDIA JUNIPER	JUNIPERUS SABINA 'SCANDIA'	4	5 GALLON



JIM ELYNN  
 2906 NORTH AVE.  
 GRAND JT, CO.  
 103 APRIL, 1989  
 1/8" = 1'-0"

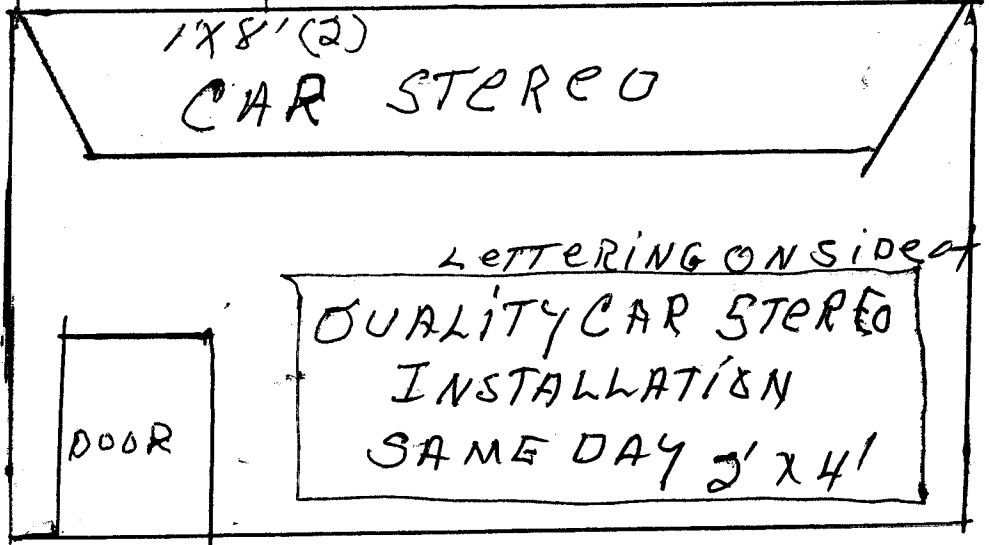


DRAWN BY  
 DENNIS HILL/BOONCLIFF GARDENS

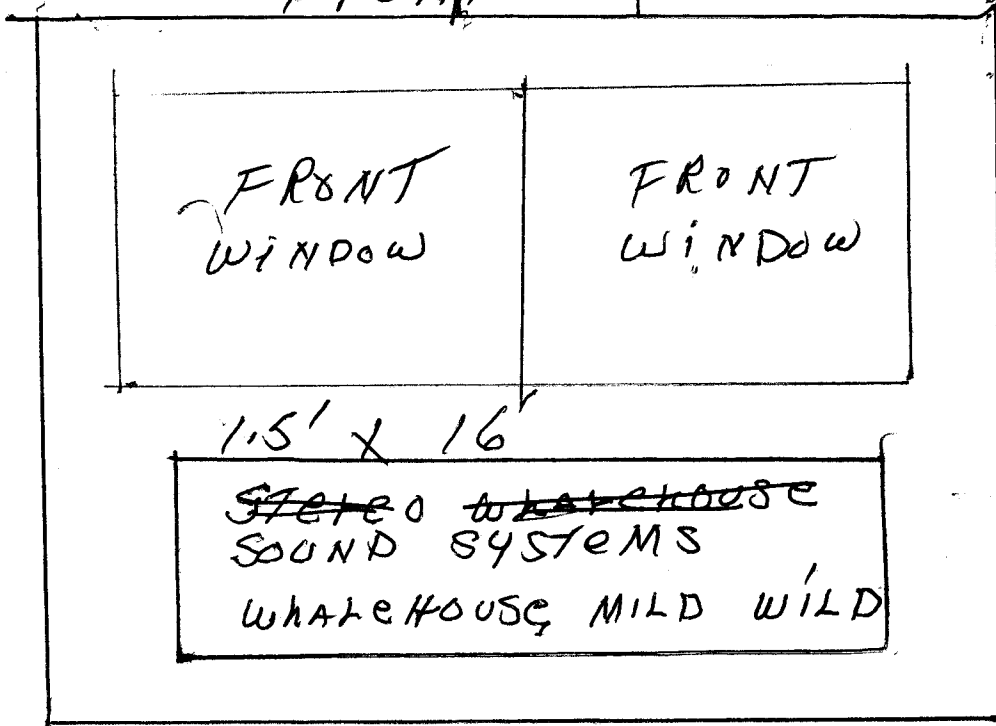


4'x3'-2 sides  
1'x2"  
CAR STEREO  
STEREO WAREHOUSE  
ELECTRONICS  
AUTO STEREO

SIDE VIEW



FRONT CAR STEREO 2'x3'



December 18, 1989

Steve and Virginia Vogan  
DBA Best Buys Garage  
and Auto sales  
2906 North Ave.  
Grand Junction, Co 81504

Re: Telephone conversation Sunday Dec. 3, 1989  
Telephone conversation Tuesday Dec. 5, 1989  
for sign permits.

Dear Mr. and Mrs. Vogan,

As I mentioned to Virginia on the previously noted phone conversations, and as I have mentioned no less than three (3) times since then. (the last time was in person, outside of Central Bank 422 White Avenue.) I need to know what your decision will be concerning sign permits for 2906 North Ave.

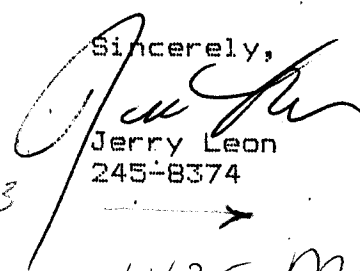
When you contracted me to paint your signs, obtaining the permits was not included nor was the price of the permits, as was mentioned to you several tiimes. Now that I am able to obtain city permits, I am willing to obtain the permits for your signs as long as you pay for them since they were not included in the original agreement. As per our recent conversation, Virginia said she "would talk to Steve and get back" to me. As I mentioned, you may:

- 1) pay for the permits
- 2) not pay for the permits and I will remove the signs, or
- 3) not pay for the permits and deal with City Planning Dept. and fines.

I feel a reasonable amount of time and contacts have been made on my part. Unless I hear from you in the next ten (10) days, I will have no choice but to take down the signs.

The City and County Planning and Building Departments are aware of my actions, I need your response.

Sincerely,

  
Jerry Leon  
245-8374

1435 Main St.

REC'd 1-8-90  
LAW  
247 11/10/89  
Mark M...  
1236 Bonding 20 83

PLANNING & DEVELOPMENT  
CODE ENFORCEMENT



NOTICE OF  
VIOLATION

Dear Grand Junction Citizen:

Your city government is working to make your community a safe, healthy and pleasant place in which to live and work. Every one of us shares in this responsibility.

In order to maintain the quality of life we have grown to enjoy in Grand Junction, we are asking for your cooperation. Below is a description of the zoning code that has been violated. A timely response to this is appreciated.

I have inspected the property at 2906 NO AVE  
and find it in violation of:

Section 5-7-6 ; Permit required  
Section \_\_\_\_\_ ; \_\_\_\_\_  
Section \_\_\_\_\_ ; \_\_\_\_\_

Specifically: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This violation must be corrected by 12-11-89  
or further action by the City may result. Any occupant and/or owner(s) can be cited to appear in court. A penalty of \$300.00 and/or 90 days in jail may be imposed.

If you wish to discuss this matter further, phone the Grand Junction Planning Department at 244-1448.

Thank you for your cooperation.

12-8-89  
Date of Notice

Blaine Powell  
Code Enforcement Officer

City Planning Department  
250 North 5th Street  
Grand Junction, CO 81501

*sent to Leon*

PLANNING & DEVELOPMENT  
CODE ENFORCEMENT



**FINAL**  
NOTICE OF  
VIOLATION

Dear Citizen:

You recently received a "NOTICE OF VIOLATION" concerning a violation of the Grand Junction Zoning & Development Code. Perhaps you overlooked the matter, didn't understand the violation, or thought it had been corrected.

The property at 2906 NO AVE was recently RE-INSPECTED and was still found to be in violation of:

Section 5-7-6; Permits shall be required for all new signs

Section \_\_\_\_\_;

In other words: Permits for signs shall be obtained only by a licensed sign contractor.

**THIS IS THE LAST NOTICE YOU WILL RECEIVE**

It is imperative that this violation be corrected by

12-21-89

or a summons to Municipal Court may be issued. The penalty for each violation can be \$300.00 and/or 90 days in jail. Each day the violation continues can constitute a separate offense and the penalty can be compounded.

Your compliance in this matter is appreciated. If you do not fully understand this Notice or have any questions, phone the Planning Department at 244-1448.

12-12-89  
Date of Notice

Blaine Powell  
Code Enforcement Officer

Grand Junction Planning Department  
250 North 5th Street  
Grand Junction, CO 81501

Steve  
+ Singer  
Vogel  
Owners  
Best Buy Garage  
+ Auto Sales

PLANNING & DEVELOPMENT  
CODE ENFORCEMENT



NOTICE OF  
VIOLATION

Dear Grand Junction Citizen:

Your city government is working to make your community a safe, healthy and pleasant place in which to live and work. Every one of us shares in this responsibility.

In order to maintain the quality of life we have grown to enjoy in Grand Junction, we are asking for your cooperation. Below is a description of the zoning code that has been violated. A timely response to this is appreciated.

I have inspected the property at 2906 NO Ave and find it in violation of:

Section 5-7-5(A) Permit required for all new signs

Section \_\_\_\_\_;

Section \_\_\_\_\_:

Specifically: \_\_\_\_\_

*Jerry Leon*  
505 29 1/4 Rd  
81504  
245-8374

This violation must be corrected or further action by the City may owner(s) can be cited to appear in court and/or 90 days in jail may be imposed.

If you wish to discuss this violation, please contact the City Planning Department at 250 North 5th Street, Grand Junction, CO 81501.

12-11-89  
Date of Notice

*Blaine Powell*  
Code Enforcement Officer

City Planning Department  
250 North 5th Street  
Grand Junction, CO 81501

*Mailed to Jerry Leon*  
*Sign Contractor*  
*12-11-89*  
*505 29 1/4 Rd.*  
*81504*  
*245-8374*

City of Grand Junction  
Sales Tax Department  
30 N. 5th Street  
Grand Jct., CO 81501-2669  
(303) 244-1521

Date: Feb. 16, 1990 DUE: FEB 28 '90

Account No: \_\_\_\_\_

Sales Tax Period: \_\_\_\_\_

Check: \_\_\_\_\_ Amount: DUE 275.00

Application \_\_\_\_\_ \$10 Vendor Fee \_\_\_\_\_

Best Buys Garage Auto:

4/9/90 Dep. # 132.19 - Tres. Rec. # 38598

The City of Grand Junction is in receipt of the above listed item(s). Licensing, reporting and/or processing has been delayed due to the following:

**NEW APPLICANT:**

- \_\_\_\_\_ Sales Tax Application (Fill out and return)
- \_\_\_\_\_ Sales Tax Information Sheet (Please read thoroughly)
- \_\_\_\_\_ \$10 Vendor Fee \$275.00
- Cash Bond (Calculation: Line 12 on Application X 2.75% X 2 (rounded) or Minimum of \$22.00.)
- \_\_\_\_\_ "ONE TIME" Sales Tax Return
- \_\_\_\_\_ Cash Bond - Total of Estimated Sales Tax.

**CONSOLIDATED TAX RETURN:**

- \_\_\_\_\_ Complete front of form completely \_\_\_\_\_
- \_\_\_\_\_ Complete Schedule "C" on back of form (Acct. Nos., Business Address Gross Sales & Taxable for each consolidated account)
- \_\_\_\_\_ Total of Schedule "C" Gross Sales & Taxable Sales must equal combined totals #1 & #4 on front of form.

**PRESENT FILING STATUS with the City of Grand Junction:**

\_\_\_\_\_ Monthly \_\_\_\_\_ Quarterly \_\_\_\_\_ Active \_\_\_\_\_ Inactive (re-file)

The City of Grand Junction has only monthly and quarterly filing available. Quarterly filing qualifications are six consecutive monthly reports with no late filings and sales tax liability \$40.00 or less per month.

**CITY SALES TAX REPORTS:**

- \_\_\_\_\_ Must be filed on the City of Grand Junctions sales tax form.
- \_\_\_\_\_ Must be filed each filing period even if zero sales.
- \_\_\_\_\_ The City shows your current reports are being mailed to the following address: \_\_\_\_\_

\_\_\_\_\_ In the future, The City sales tax form not included, will necessitate return of any check or unauthorized sales tax return.  
\_\_\_\_\_ Last Notice, returning \_\_\_\_\_

OTHER PROCESSING DIFFICULTIES: 2<sup>nd</sup> NOTICE - Enclosed copy of original 10/10/90. Send \$275.00 Cash Bond - Starting date listed as 9/19/89 - 5 Blank Forms Enclosed.

Any questions do not hesitate to contact office and/or send all correspondence to my attention. Appreciate all cooperation to expedite this matter.

Sincerely  
Jackie S. Berry  
Finance Department



City of Grand Junction, Colorado 81501  
250 North Fifth St.,

October 10, 1989

Steven L. Vogan Jr. DBA  
Best Buys Garage & Auto  
2906 North Ave  
Grand Jct., CO 81504

Dear Sir:

We are in receipt of your application for a sales tax license and \$10.00 license fee.


The City of Grand Junction requires a cash bond be paid before a sales tax license can be issued. The amount of the cash bond which has been determined as due from you is \$275.00. This bond must be paid before the sales tax license can be issued.

The amount of the cash bond is refundable to you when this business has closed, all of the returns filed, and monies due us have been paid.

Since you have indicated September as your starting date in Grand Junction, we are enclosing a sales tax return for your convenience in filing your liability. This return must be in our office by October 20th to avoid late filings. As you were not licensed with the city, you will not be allowed the vendor's fee on line 8.

If you have any questions on this, please do not hesitate to contact our office at 303 244-1521.

Sincerely,

  
Dawn Ripley  
Finance Department

Will bring in  
cash bond tomorrow  
9/17/89

APPLICATION FOR SALES TAX LICENSE

CITY OF GRAND JUNCTION  
SALES TAX DIVISION - FINANCE DEPARTMENT  
250 NORTH FIFTH STREET  
GRAND JUNCTION, COLORADO 81501  
(303) 244-1521

OFFICIAL USE ONLY	
DATE	RECEIPT #

FEE MUST BE PAID WITH THE APPLICATION  
EXCEPT FOR CHARITABLE AND  
ORGANIZATIONS - AMOUNT \$ 275.00

Application for License will be rejected unless all questions are fully answered.

- Indicate in proper space below the type of ownership:  
INDIVIDUAL  PARTNERSHIP  CORPORATION  OTHER \_\_\_\_\_
- License to be issued in the name of STEVEN L UOGAN JR
- Trade name or Doing Business As Best Buys Computer Sales
- Business location 2906 North Ave. GRAND Jct CO Sales  
Phone 245-8724 Street Address City/Town State Zip 81504
- Mailing Address same  
P.O. Box or Street Address City/Town State Zip
- Nature of business. What do you sell? USED CARS
- Your starting date of business in Grand Junction Sept 15-89  
Do you also render services? YES If so state nature LIMITED CAR REPAIR
- How many places of business will you have in the City of Grand Junction? 1  
MAKE A SEPERATE APPLICATION FOR EACH PLACE OF BUSINESS!!!
- If more than one location in Grand Junction, do you prefer to file:  
A TAX RETURN FOR EACH LOCATION  CONSOLIDATED TAX RETURN  n/a
- If seasonal, show active months N/A
- List any sales tax licenses held with the City of Grand Junction, currently and in the last three years 0
- Estimate your monthly amount of taxable sales \$ 5000

NEW SALES TAX LICENSES MUST  
FILE ON A MONTHLY BASIS!

Signed [Signature]  
By \_\_\_\_\_  
Title owner Date 9-15-89

RETURNS ARE DELINQUENT IF POSTMARKED AFTER THE 20TH OF THE MONTH  
FOLLOWING THE PERIOD BEING REPORTED!!

APPROVAL

PLANNING: [Signature] 9/18/89

FINANCE : \_\_\_\_\_

*will not be done*



PERIOD COVERED **10-89** DUE DATE **10-30-89** ACCOUNT NUMBER **169888**

**CITY OF GRAND JUNCTION** FINANCE DEPARTMENT - SALES TAX DIVISION  
 250 NORTH 5TH ST., GRAND JUNCTION, COLORADO 81501-2668 244-1521  
 DUE DATE 20TH OF MONTH FOLLOWING TAX PERIOD

1. GROSS SALES AND SERVICE (TOTAL RECEIPTS FROM CITY ACTIVITY MUST BE REPORTED AND ACCOUNTED FOR IN EVERY RETURN INCL. ALL SALES RENTALS AND LEASES AND ALL SERVICES BOTH TAXABLE AND NON-TAXABLE) **4,878.00**

2A. ~~ADD~~ BAD DEBTS COLLECTED

2B. TOTAL LINES 1 & 2 A **4,878.00**

3. DEDUCTIONS

B. SALES TO OTHER LICENSED DEALERS FOR PURPOSES OF TAXABLE RESALE

D. BAD DEBTS CHARGED OFF (ON WHICH CITY SALES TAX HAS BEEN PAID)

F. SALES OF GASOLINE AND CIGARETTES

H. RETURNED GOODS

J. OTHER DEDUCTIONS (LIST)

3. TOTAL DEDUCTIONS (TOTAL OF LINES 3 A THRU M) **TO A**

4. TOTAL CITY NET TAXABLE SALES & SERVICE (LINE 2B MINUS TOTAL LINE 3) **4,878.00**



**COMPUTATION OF TAX**

5. AMOUNT OF CITY SALES TAX: **2.75 %** OF LINE 4

6. ADD: EXCESS TAX COLLECTED:

7. ADJUSTED CITY TAX: (ADD LINES 5 & 6)

8. DEDUCT **3.333 %** OF LINE 7 (VENDORS FEE, IF PAID BY DUE DATE)

9. TOTAL SALES TAX (ITEM 7 MINUS 8)

10. (FROM SCHEDULE B) CITY USE TAX - AMOUNT SUBJECT TO TAX: **X** **2.75 %**

11. TOTAL TAX DUE: (ADD LINES 9 AND 10)

12. LATE FILING (IF RETURN IS FILED AFTER DUE DATE THEN) ADD: PENALTY: INTEREST PER MONTH: ENTER TOTAL

13. TOTAL TAX, PENALTY AND INTEREST DUE: (ADD LINES 11 AND 12)

14. ADJUSTMENT PRIOR PERIODS ATTACH COPY OF OVER OR UNDERPAYMENT NOTICE - A: ADD: B: DEDUCT:

TOTAL DUE AND PAYABLE **TOTAL**

RETURN THIS COPY

**BEST BUYS GARAGE**  
**4 AUTO SALES**  
**2906 N 4th GLD Jct**  
**CO 81504**

SALES/USE TAX RETURN

**SCHEDULE - A: SPECIAL MESSAGE TO AND FROM CITY/TAXPAYER**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PLEASE COMPLETE THIS FORM ON REVERSE SIDE



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

April 4, 1990

Mr. James M. Flynn  
165 Willowbrook Road  
Grand Junction, CO 81506

Dear Mr. Flynn:

On April 3, 1990, Kathy Portner and I did a site inspection of 2906 North Avenue for the release of the Certificate of Occupancy. The following still need to be finished before the C.O. will be released:

1. Parking blocks must be in place along the east side and the front of the building.
2. The approved site plan shows angled parking along the east property line, since this is a gravel surface, parking blocks are necessary to delineate the parking spaces.
3. Although the area shown to be landscaped is prepared, there is nothing in the ground.
4. The planters located in front of the building are not in place.
5. The curb cut along North Avenue has not been blocked off.

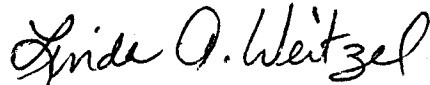
While Kathy and I were out there, we spoke with Ronald Valarde. Mr. Valarde identified himself as the manager of Best Buys Autos. After we told him why we were there, he said that he knew nothing about the requirements for the C.O.

A separate problem, but one that deserves equal attention is the signage on that building and on the free standing sign. Our records show that "CJ's Mini Storage" is the only sign that has a permit. Mr. Valarde claimed to know nothing about the addition sign on the pole and the signage on the building.

This Department has contacted Steve & Virginia Vogan regarding this signage with notice of violation on December 12, 1989. We received no cooperation from them. If there is no action taken by April 11, 1990 to rectify this situation, we have no recourse other than issuing citations to appear in Municipal Court to you, Mr. Valarde and Mr. Jerry Leon, sign maker.

If you have any questions, please give me a call. I would rather be able to resolve this without going to Municipal Court on either issue.

Sincerely,



Linda A. Weitzel  
Planning Technician

xc: John Shaver, Assistant City Attorney  
Ronald Valarde  
Jerry Leon  
File

4-16-90 ± 10:30 a.m.

Dave Horton & Linda Weitzel drove by 2906 North Ave to see if any improvement had been made.

There was vegetation along the east and south line. Bumper guards along east side of building were not in place and there was no evidence of ~~the~~ marking parking spaces along east property line. Area is in gravel.

All signs are still on bldg.

Called bldg dept re: awning on bldg - no permit

3 p.m. contacted P.D.

Officer Mona Leonard came over to get info & tickets to cite the following:

James Flynn 165 Willbrook

\* Ron Valarde 2906 North Ave

Jeany Leon 1435 Main.

\* Ron no longer works at Best Buy, "Steve" ~~at~~ contacted me - Mona was at office - she left to cite "Steve"

Spoke <sup>Valarde</sup> to Ron - told him he would not be cited

Spoke to Steve Vogan - told him he would be cited

→ Best Buy 245-8724

3-17-90 all citations back

MEMO

TO: FILE  
FROM: LINDA WEITZEL  
DATE: APRIL 19, 1990  
RE: BEST BUYS AUTOS, STEVE VOGAN

Received a phone call from "Steve" from Best Buys asking why we wouldn't permit the sign on the awning. I explained that no additional or new signage would be allowed until the existing signage was permitted.

Steve asked if I was picking on him or his employees because his employees were Mexican. I think I said something to the effect of "I beg your pardon?" because that statement really caught me by surprise. I told Steve that it was irrelevant who he hired.

He talked in general, accusatory terms, and was difficult to follow because he changed subjects so often. Some of his points are as follows:

1. Everybody he has ever talked to in the City makes him feel like the kid in the corner and they are the Father. He doesn't like that.

2. No one from the City has been polite to him.

3. Blaine Powell lied to him about Jerry Leon. Blaine said that Jerry was licensed when Jerry wasn't. He did not refer to Blaine by name, I am making an assumption based on the phrase used.

4. Two people in a little white car came out at an unspecified date and looked around. It was a man and woman, the man had a suit on.

5. I (Linda Weitzel) told him or someone not to worry about getting the landscaping in because it may freeze. He said that occurred last fall. I reminded him that it was Spring now, time for planting.

6. He felt that he was bugged at the other place too. That is Stereo Warehouse, 729 North Avenue. He then stated that Jerry Leon did those signs for him also.

6-20-90

Rec'd phone call from John Schantz of Glenwood Springs. He ~~represents~~ represents Greenbriar Inc. owner of Baracuda's Restaurant 2900 North Ave. Concerned about the use of easement for parking lot being used as car lot.

Want to ~~be~~ resolve this use. Gave date that Mr. Vogan ~~to~~ is scheduled to appear in Municipal Court.

DATE JUNE 19, 1970  
OFFICER WEITZEL - LEONARD  
DEFENDANT JERRY LEON  
COURT APPEARANCE DATE JULY 3, 1970  
PLEASE RETURN BY \_\_\_\_\_  
DEFENDANT'S REQUEST:

DEFERRED OK WITH TRAFFIC SCHOOL \_\_\_\_\_  
DEFERRED OK WITHOUT TRAFFIC SCHOOL \_\_\_\_\_  
DEFERRED DENIED \_\_\_\_\_  
REASON FOR DENIAL \_\_\_\_\_

PLEA BARGAIN 6 MO. DSS PLEAD GUILTY  
TO VIOLATION OF S-7-6A OF THE GRAND JUNCTION  
DEVELOPMENT CODE. ① NO SIGN PRINTING / SIGN  
CONTRACTING WITHOUT CURRENT AND VALID SIGN  
PERMITS AND LICENSES ② PAY \$40.00 - COURT COSTS  
OFFICER'S SIGNATURE \_\_\_\_\_  
DATE JUNE 19, 1970 ③ DISMISS REMAINING TWO  
CHARGES  
THANK YOU: ~~BOURTAI HARGROVE~~ JOHN F. SWANEZ

**SCHENK, KERST & deWINTER**

ATTORNEYS AT LAW  
CENTRAL BANK BUILDING  
SUITE 310, 302 EIGHTH STREET  
GLENWOOD SPRINGS, COLORADO 81601

TELEPHONE: (303) 945-2447  
TELECOPIER: (303) 945-2977

JOHN R. SCHENK  
DAN KERST  
WILLIAM J. deWINTER, III

June 29, 1990

Linda A. Weitzel  
CITY OF GRAND JUNCTION  
250 North Fifth Street  
Grand Junction, CO 81501

Re: Flynn Subdivision

Dear Ms. Weitzel:

This firm represents Greenbriar, Inc., a Colorado corporation, which is the owner of Lot 2 in the Flynn Subdivision. A copy of the deed of conveyance to Greenbriar, Inc., is enclosed for your reference. You will note that along with the fee interest in Lot 2, an easement was granted on Lot 1 for this property. It is described on Exhibit "A" to the Warranty Deed. The prior owner of this property, James M. Flynn, confirmed that the easement was intended to be an easement for a non-exclusive private parking lot. The purpose of the easement was to serve the restaurant located on Lot 2. I also note the parking plan which was submitted to the City, provided that a chainlink fence was to be installed along the east side of the easement parking area. That fence has been unilaterally removed by Mr. Flynn to the detriment of the use of the easement. It is Greenbriar's position that any other use of the easement, except for patron parking, is a violation of the grant of easement.

In reviewing the City's records with regard to the improvements located on Lot 1, I noted a statement by a Steve Vogan to you contained in a letter dated December 1, 1989, with regard to the use of a portion of the restaurant parking area for vehicle display purposes. Mr. Vogan's position with regard to vacation of the area whenever the restaurant opens is helpful. The mere fact of the use of this area affects the marketability of the restaurant. The restaurant is now closed and is being offered for sale. The obscuring of the parking area and otherwise obscuring the view of the restaurant by the placement of vehicles for sale, impacts this marketing effort. This also constitutes an adverse use of the property which, if allowed to continue, could result in a loss of valuable property rights held by Greenbriar, Inc.

Greenbriar, Inc. is also concerned with the general state of the appearances in the vicinity of its property. We appreciate the City's diligent action in enforcing the conditions of its





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

July 26, 1990

Mr. Steve Vogan  
Stereo Warehouse  
2906 North Avenue  
Grand Junction, CO 81501

Dear Mr. Vogan:

The proposal for a 4 foot by 5 foot free standing sign for Stereo Warehouse at 2906 North Avenue meets the sign allowance for that property. The existing 25 square foot sign plus the additional 20 square feet for your sign will not exceed the allowance for that property.

A sign permit is required to be obtained by a licenced sign contractor. Any other proposed signage will require review also.

If you have any questions, please give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Linda A. Weitzel".

Linda A. Weitzel  
Planning Technician

xc: John Shaver, Ass't City Attorney  
File

**SCHENK, KERST & deWINTER**

ATTORNEYS AT LAW  
CENTRAL BANK BUILDING  
SUITE 310, 302 EIGHTH STREET  
GLENWOOD SPRINGS, COLORADO 81601

TELEPHONE: (303) 945-2447  
TELECOPIER: (303) 945-2977

JOHN R. SCHENK  
DAN KERST  
WILLIAM J. deWINTER, III

April 26, 1991

Linda A. Weitzel  
CITY OF GRAND JUNCTION  
250 North Fifth Street  
Grand Junction, CO 81501

Re: Flynn Subdivision

Dear Ms. Weitzel:

Last year I wrote with regard to the improper use of the Flynn Subdivision in Grand Junction. A copy of that letter is enclosed. At the present time, Mr. Flynn's tenants are parking all over Lot 2 and otherwise misusing this property. I would like to know if there are any current zoning action proceeding against Mr. Flynn. Greenbriar, Inc., the owner of Lot 2 of the Flynn Subdivision, objects to the use of this property for this purpose. Your earliest response would be sincerely appreciated.

Very truly yours,

JOHN R. SCHENK

JRS/clh

Enc.

cc: Greenbriar, Inc.

Blaine - 11:10  
Please Carol  
858-7140.

Randy Moss

1962



August 4, 1994

Grand Junction Community Development Department  
Planning • Zoning • Code Enforcement  
250 North Fifth Street  
Grand Junction, Colorado 81501-2668  
(303) 244-1430 FAX (303) 244-1599

Mr. Arthur Pastel  
Hand Delivered

RE: 2900 North Avenue - Former Barracuda's Restaurant

Dear Mr. Pastel,

As Kathy Portner, Planning Supervisor, previously discussed with you, sufficient parking is required in order to allow the reopening of a restaurant on the property referenced above. The existing non-exclusive easement is not sufficient. The Zoning and Development Code requires 1 space per 3 seats of dedicated parking for a restaurant use. Off-site parking may be considered if it is located within 200 feet of the property. Thus far, the City has not been provided documentary proof of the provision of adequate on- or off-site parking. Unless and until dedicated, exclusive parking is provided, the City is unable to approve the proposed use. Please do not hesitate to contact this Department should you have further questions regarding this issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kristen", followed by a horizontal line.

Kristen Ashbeck  
Planner

c: Mr. John Shaver, Assistant City Attorney

Timothy E. Foster  
Douglas E. Larson  
Stephen L. Laiche

**Foster, Larson, Laiche & Griff**  
Attorneys at Law

*Kathy*  
*file in Flynn sub file -*  
*restaurant on N. corner of 29th*  
*North*  
Harry Griff, P.C.  
Randy L. Brown

Colorado National Bank Building, Suite 323, 422 White Ave., Grand Junction, CO 81501  
(303) 245-8021 FAX: (303) 245-0590

September 2, 1994

John Shaver, Esq.  
Assistant City Attorney  
250 N. 5th Street  
Grand Junction, CO 81501

Re: Greenbriar, Inc. Parking Lot Dispute

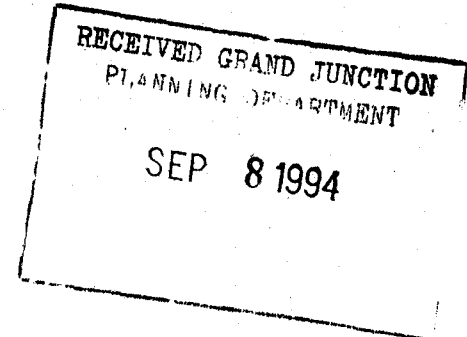
Dear John:

First of all, I want to again thank Ms. Portner and you for taking the time to meet with Mr. Fleming and me this past Wednesday, August 31, to discuss the background of the Greenbriar, Inc. parking lot dispute. Although we may disagree on how the dispute should ultimately be resolved, which I hope will not be prove to be the case, I feel comfortable that I was given the opportunity to explain the background of the situation to you, and that you will be making an informed decision on the matter.

I do have three follow-up requests to the meeting:

First, I would like you to provide me with a copy of the various documents upon which you are relying, including the underlying city zoning ordinances and regulations involved, to support your assertion that the City initially approved the original restaurant (Round The Corner) on a conditional use permit basis, because of the non-exclusivity of the restaurant parking lot; that the conditional use permit has lapsed, because the property has been vacant for more than one year; and that the City now has the right to refuse to grant a new conditional use permit, or to sign the necessary sales tax license, because of the previous non-conditional use permit has lapsed, even though the historical use the parking lot is not changing, and the City has approved said historical use on at least three prior occasions, in conjunction with the licensing of the Round The Corner, Pablos, and Barracuda restaurants.

Second, assuming for the sake of argument that you are correct, and the City does, indeed, have the lawful authority not to re-issue a conditional use permit for the new restaurant, even though the new restaurant will be operating at the same historical seating capacity as the previous restaurants, simply because you would like to see the parking lot converted into an exclusive restaurant lot, to avoid potential problems that may arise in the future should the restaurateur wish to expand its seating capacity, or should adjacent businesses wish to change or expand the usages of their properties, I ask that you appreciate the power you wield in exercising your discretion, and that you exercise that power in good faith. Specifically, why should the burden of attempting to convert the current non-exclusive lot into an exclusive one be placed upon Greenbriar, who purchased the restaurant in 1986, to operate a restaurant with a seating capacity of 100 persons, with the City's blessing,



John Shaver, Esq.  
Re: Greenbriar  
September 2, 1994  
Page Two

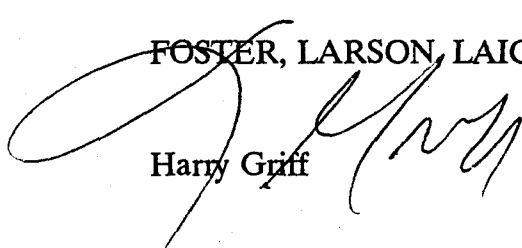
notwithstanding the non-exclusivity of the parking lot arrangement. As I explained to you, Greenbriar has lost well over \$100,000.00 in connection with its ownership of the property. Moreover, the prospective purchaser of the property is willing to stipulate that his right to operate the restaurant shall be limited to the same historical seating capacity as the predecessor restaurants. Why saddle Greenbriar with the obligation to attempt to arrange for the parking lot to be converted to an exclusive one, when so doing will cost a substantial amount of money, and the prospective buyer is willing to stipulate that he will continue to operate at the historical seating capacity. Why not impose that burden upon the eventual owner of either the restaurant lot, or the adjacent businesses, who wish to expand the seating capacity of the restaurant, or the parking needs of the adjacent businesses, if and when that time arises. Placing the burden of constructing appropriate parking arrangements upon the individual who wishes to expand his parking needs would seem to be the fairest way to exercise the power of discretion you believe you enjoy, rather than arbitrarily imposing that burden upon Greenbriar, who purchased the building with the City's blessing in 1986 and who now wishes to simply re-sell the building to a buyer willing to continue its historical use.

Third, this is to remind Ms. Portner that she agreed to copy the "stickered" documents in the City's files, so that I can have a copy of said documents for my files. As soon as the copies are ready, please so advise, and I will arrange for my runner to pay for and pick up the copies.

Hopefully, this matter can be resolved along the lines we discussed Wednesday, with the new buyer stipulating that his license is contingent upon him operating the restaurant at no more than the historical 100 person seating capacity. In addition, if you wish the fencing that previously existed in the lot re-established, I am sure the buyer would be happy to do so. Such a resolution would seem to be far more equitable than forcing Greenbriar to purchase an exclusive parking lot, when it initially purchased the parking lot on a non-exclusive basis in 1986, with the City's blessing.

Very truly yours,

FOSTER, LARSON, LAICHE & GRIFF



Harry Griff

HG:ab

cc: Mr. Fleming  
Mr. Mangurian  
Mr. Schenk

Discount Auto Sales  
2906 North Avenue  
Grand Junction, Colorado 81501  
303 245 1576

August 1, 1994  
Katherine Portner  
CITY OF GRAND JUNCTION  
250 North Fifth Street  
Grand Junction, CO 81501

Re: 2900 North Avenue

Dear Ms. Portner:

The undersigned owns Discount Auto Sales, Inc., the occupant of the land adjacent and to the East of the above referred to property. Please be advised that I have been instructed by Mr. Flynn that at such time as the restaurant opens I will have to removed all of my vehicles from the restaurant parking lot. This action will be taken at that time.

Very truly yours,  
Discount Auto Sales, Inc.

 , Pres.

