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File 1991-0021

Name: St. Nicholas Church - 3585 N. 12th Street

P **S** A few items are denoted with an asterisk (*), which means they are to be scanned for permanent record on the ISYS retrieval system. In some instances, items are found on the list but are not present in the scanned electronic development file because they are already scanned elsewhere on the system. These scanned documents are denoted with (**) and will be found on the ISYS query system in their designated categories.

r **e** Documents specific to certain files, not found in the standard checklist materials, are listed at the bottom of the page.

s **e** Remaining items, (not selected for scanning), will be listed and marked present. This index can serve as a quick guide for the contents of each file.

n **e**

d

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X		Application form
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DOCUMENT DESCRIPTION:

X	X	Action Sheet	X	X	Landscape Architecture & Planning - Arcieri Associates - Planting
X		Information Sheet - Computer Files Indexing	X		City Council Agenda - 4/17/91
X		DIA - unsigned/uncompleted	X		Letter from Donna Oliver to City Council re: impact of remodeling negative- 5/2/91
X		Warranty Deed - Book 709/Page 95	X	X	Letter from Dave Thornton to Donna Oliver, Horizon Towers re: response to above letter - 5/24/91
X	X	Quit Claim Deed - Book 1849/Page 74	X	X	Letter from Jack Branagh, Horizon Towers to Chris Joufflas, St. Nicholas Orthodox Commun. Church re: substantiations of joint access from 12 th St. - 6/18/91
X		Public Notice Posting			
X	X	Letter from Gregory Joufflas to Keith Mumby of Coleman, Brown & Joufflas Att. at Law re: requirements for property - 3/28/91	X		Special Warranty Deed - Book 1630/Page 20
X	X	Memo from Bill Cheney to Planning re: response to Pub. Wks did not address concerns - 4/2/91	X	X	Agreement - ** - query St. Nicholas
X		Planning Commission - Meeting Agenda - 4/2/91	X	X	Letter from Dan Wilson to Greg Joufflas re: asking for deed of trust - 9/3/91

A



Receipt # _____
Date Rec. 3/4/91
Received By DT
#21 91

DEVELOPMENT APPLICATION

We, the undersigned, Being the owners of property situated in Mesa County, State of Colorado, as described on the attached legal description form do hereby petition this:

Original
Remove
from Office

Type of Petition	Sq.Ft	Phase	Common Location	Zone	Type of Usage
<input type="radio"/> Subdivision Plat/Plan		<input type="radio"/> Minor <input type="radio"/> Major			
<input type="radio"/> Rezone				Frm <input type="checkbox"/> To <input type="checkbox"/>	
<input type="radio"/> Planned Development		<input type="radio"/> ODP <input type="radio"/> Prelim <input type="radio"/> Final			
<input checked="" type="radio"/> Conditional Use			3585 North 12 th	RSF-4	Allow A CHURCH IN A RSF-4 ZONE
<input type="radio"/> Hwy-Oriented Development				H.O.	
<input type="radio"/> Text Amendment					
<input type="radio"/> Special Use					
<input type="radio"/> Vacation					<input type="radio"/> Right-of-way <input type="radio"/> Easement

PROPERTY OWNER	DEVELOPER	REPRESENTATIVE
<i>St Nicholas Hellenic Foundation</i>		TRENT WILSON
Name <i>Chris P. Jouffas</i>	Name	Name
Address <i>3585 North 12th St</i>	Address	2139 BUFFALO DR.
City/State <i>Grand Junction Colorado</i>	City/State	GRAND JCT. CO 81503
Business Phone # <i>243-1477</i>	Business Phone #	Business Phone # <i>243-0903</i>

Note: Legal property owner is owner of record on date of submittal.



WE HEREBY ACKNOWLEDGE THAT WE HAVE FAMILIARIZED OURSELVES WITH THE RULES AND REGULATIONS WITH RESPECT TO THE PREPARATION OF THIS SUBMITTAL, THAT THE FOREGOING INFORMATION IS TRUE & COMPLETE TO THE BEST OF OUR KNOWLEDGE, AND THAT WE ASSUME THE RESPONSIBILITY TO MONITOR THE STATUS OF THE APPLICATION AND THE REVIEW SHEET COMMENTS. WE RECOGNIZE THAT WE OURSELVES, OR OUR REPRESENTATIVE(S) MUST BE PRESENT AT ALL HEARINGS. IN THE EVENT THAT THE PETITIONER IS NOT REPRESENTED, THE ITEM WILL BE DROPPED FROM THE AGENDA, AND AN ADDITIONAL FEE CHARGED TO COVER RE-SCHEDULING EXPENSES BEFORE IT CAN AGAIN BE PLACED ON THE AGENDA



<i>Chris P. Jouffas</i>	<i>March 4, 1991</i>
Signature of person completing application	Date
<i>Chris P. Jouffas President</i>	<i>March 4, 1991</i>
Signature of property owner(s) - attach additional sheets if necessary	



ACRES _____ FILE NUMBER #21 91
 UNITS _____ **CONDITIONAL USE** ZONE RSF-4
 DENSITY _____ TAX SCHEDULE # 2945-021-00-951
 ACTIVITY TO Allow A Church in A RSF-4 ZONE
 PHASE Final
 COMMON LOCATION 3585 North 12th Street
 DATE SUBMITTED 3-4-91 DATE MAILED OUT _____ DATE POSTED _____
 _____ DAY REVIEW PERIOD RETURN BY _____
 OPEN SPACE DEDICATION (acreage) N/A OPEN SPACE FEE REQUIRED \$ N/A PAID RECEIPT # N/A
 RECORDING FEE REQUIRED \$ _____ PAID (Date) _____ DATE RECORDED _____

13 AGENCIES + PLANNING COMMISSION

REVIEW AGENCIES	A	B	X	X	E	X	G	H	X	X	X	M	N	O	X	Q	R	S	T	U	V	X	X	Y	Z	X	BB	CC	DD	X	FF	X
Planning Department	●	●			●	●	●	●	●	●				●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
City Engineer	●	●						●						●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Transportation Engineer ✓	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
City Parks/Recreation	●	●			●									●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
City Fire Department ✓	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
City Police Department ✓	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
County Planning	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
County Engineer	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
County Health	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Floodplain Administration	●	●						●						●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
G.J. Dept. of Energy	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Walker Field	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
School District	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Irrigation ✓	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Drainage ✓	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Water (Ute, Clifton) ✓	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Sewer Dist. (FV, CGV, OM)	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
U.S. West ✓	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Public Service (2 sets) ✓	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
State Highway Department	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
State Geological	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
State Health Department	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
City Property Agent ✓	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
City Utilities Engineer	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
City Attorney ✓	●	●						●						●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Building Department ✓	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
DDA	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
GJPC (7 packets)	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
CIC (11 packets)	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Other	●	●												●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	

TOTALS

BOARDS

DATE

P.C. 4-2-91

Approved 4-1 with conditions

- 1) limit capacity to 189
- 2) require parking lot to be paved within 6 yrs
- 3) landscaping & dust free parking before occupancy
- 4) 10 ft variance of setback granted
- 5) deny waiver of 1/2 street improvements

STAFF

APPLICATION FEE REQUIREMENTS



separate checks ← \$420.00 due AT Submittal - Make Check payable to City of Grand Junction
 \$50.00 sign deposit

Please include All original forms w/ original signatures in Planning Dept Packet

IMPACT STATEMENT/PROJECT NARRATIVE

The Greek Orthodox Church parish of St. Nicholas in Grand Junction proposes to expand their facilities at 3585 North 12th Street (12th and Horizon Drive) by building an addition to its present building.

When the Greek Orthodox Christians of Western Colorado built the current building 35 years ago, it was surrounded by vacant land. Since then several churches have located on 12th Street between G Road and Horizon drive. Our growing congregation needs additional facilities and a permanent chapel. The current building has served as a combined hall and chapel for these 35 years.

This project, with its Byzantine architecture, will enhance the entrance to our city and improve the appearance of North 12th Street, south of Horizon Drive while in no way changing the character of the neighborhood. Access to the property is (and will be) used jointly by the church and the residents of the Horizon Tower condominium project and will not require any additional curb cuts or access points. Church traffic should not adversely impact adjacent streets as use of the facility will not coincide with high traffic times.

The project is planned to be completed in a single time period, however, it is designed in a manner that would lend itself to being phased if necessary. The first part of the project that would be completed would be the east (street facing) portion that will immediately beautify the property and the neighborhood.

St. Nicholas began as a Greek ethnic and Orthodox Christian community, but now is truly a Pan-Orthodox community serving all Eastern Orthodox Christians in multi-county area. To maintain the integrity of Eastern Orthodox (Byzantine) architecture and to utilize the current structure in an integrated manner, it is necessary to request a 10 foot variance of the setback on 12th Street, which is compatible with the Northwoods Apartment Complex setback. We own sufficient shares of the Grand Valley Irrigation Water Association to accommodate our landscaping needs.

Our membership at this time is approximately twenty family units and our average church attendance is 25-30 people. We have 63 parking spaces which is more than sufficient for the future.

The use of the property and this proposed project does not require re-zoning, but does require the continuation of its current conditional use permit. In anticipation of this project St. Nicholas Church has already acquired the necessary utility and sanitation services that will be needed.

Respectfully submitted,



Chris P. Joufflas
President

Original
To Be Removed
From Office

#21 91

HBI INC.

1111 Hiruzon Drive

HBI INC.

1111 Horizon Drive
Grand Junction, Co. 81506

Original
Not to be removed

N W Associate LTD.
c/o Lowe Development Corp.
11777 San Vicente Blvd-ste 900
Los Angeles Calif. 90049

WDM Corporation
2525 N. 8th St. #203
Grand Junction, Co. 81501

WDM Corporation
2136 Baniff Crt.
Grand Junction, Co. 81503

~~Pe~~recostal Holiness Church
Colorado Conference Inc.
P.O. Box 1382
Englewood, Colo. 80150

L F & Gaylon C&M J Patterson
4432 Piedmont Ave.
Oakland, Ca. 94611

REVIEW SHEET SUMMARY

(Page 1 of 4)

FILE NO. #21-91 TITLE HEADING: Conditional Use-Church

ACTIVITY: Conditional Use for St Nicholas Church Expansion in a RSF-4 Zone

PETITIONER: Chris Jouflas

RESPONSE NECESSARY

REPRESENTATIVE:

by March 29, 1991

LOCATION: 3585 North 12th Street

PHASE: Final

ACRES:

PETITIONER'S ADDRESS: 748 Golfmore Drive, Grand Junction, CO (303) 243-1477

ENGINEER: Trent Wilson (303) 243-0903

STAFF REPRESENTATIVE: David Thornton (303) 244-1447

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

POLICE DEPARTMENT 03/18/91
Martyn Currie 244-3562

No problems noted.

UTE WATER 03/15/91
Gary R. Matthews 242-7491

No objections.

PUBLIC SERVICE 03/11/91
Carl Barnkow 244-2658

GAS: No objections.

ELECTRIC: No objections.

U.S. WEST 03/05/91
Leon Peach 244-4964

No comments at this time.

BUILDING DEPARTMENT 03/05/91
Bob Lee 244-1631

No objections or other comments.

CITY ATTORNEY 03/05/91
Dan Wilson 244-1505

None.

JACK BRANAGH
OAKLAND, CALIF.
(415) 654-4257
Does not concede
with a grandfathered
Right to Access
WANTS AN understanding
of MAINTENANCE of
PRIVATE ROAD

FILE NO. #21-91

TITLE HEADING: Conditional Use-St. Nicholas Church

CITY FIRE DEPARTMENT 03/06/91
George Bennett 244-1400

1. A minimum of one on site fire hydrant on an eight inch supply line capable of providing a minimum fire flow requirement of 750 gallons per minute is required. This hydrant is to be placed on the west side within 150 feet of all exterior portions of the building.
2. Access appears to be adequate at this time.

If you have any questions, please contact our office.

CITY PROPERTY AGENT 03/19/91
Tim Woodmansee 244-1565

The Quit Claim Deed should state that the property described is being dedicated for roadway and utilities right-of-way purposes. In addition, the statement "subject to reservations, restrictions, rights-of-way and easements of record and 1990 real property taxes dues January 1, 1991, and all subsequent real property taxes" should be removed.

There should be a recorded agreement to substantiate the joint access between the Church and Horizon Towers.

TRANSPORTATION ENGINEER 03/18/91
Dave Tontoli 244-1567

1. Proposed parking area should be leveled and paved. Existing ground too steep for parking lot.
2. Medians (planter boxes) inside proposed parking area should be of raised concrete type with rounded noses. NOTE - a detailed plan of medians (planter boxes) is available in the traffic engineers office.
3. See grading and parking plan (attached) for recommended changes to parking layout.
4. Handicap parking stalls should be stenciled and signed with bumper blocks to protect signing knockdowns.

GRAND VALLEY WATER 03/19/91
G. W. Klapwyk 242-5065

The St. Nicholas Church has from time to time been delivered irrigation water by Grand Valley Water Users Association (GVWUA) at its present location which is nearby one of GVWUA laterals. Said church has an active account with GVWUA and such water service may be expected to continue. However, in planning irrigation of its landscaping, the Church should not expect to draw more than 40 gallons per minute from the GVWUA lateral. Any modification of existing water delivery facilities to the Church property from the GVWUA lateral will require approval by GVWUA.

FILE NO. #21-91

TITLE HEADING: Conditional Use-St. Nicholas Church

CITY UTILITIES ENGINEER - Bill Cheney 244-1590 03/20/91
CITY ENGINEER - Don Newton 244-1559

Utilities

1. If the seating capacity of the church is increased the monthly service charge for sewer will need to be re-evaluated. Contact "Utility Billing" for changes in monthly service charges.

Streets - Engineering

1. A drainage study is required since the lot characteristics will change drastically with the installation of paved parking. Detention and drainage easements across adjacent property may be required as a result of the drainage study. The drainage study is required as a condition of approval.
2. Irrigation along 12th Street shall be regulated in such a manner that excess irrigation water is not allowed to run down the west side of the asphalt street.
3. 1/2 street road improvements to collector standards will be required for the portion of the lot that fronts 12th Street. Escrowed funds or other acceptable guarantees will be required for these improvements. If the 1/2 street right-of-way on the existing lot frontage to 12th Street is less than 50 feet, additional right-of-way shall be required from the church.

COMMUNITY DEVELOPMENT 03/20/91
David Thornton 244-1447

1. The Code requires a dust-free surface for parking areas. A paved surface is preferred.
2. In the RSF-4 Zone, the required front yard setback for this site is 75 feet from centerline of 12th Street. This means 25 feet from your new property line once right-of-way is expanded. The Northwood Apartments, located to the South of this site, were approved with a 10 foot setback on 12th Street. Your request is to also have a 10 foot setback allowance on 12th Street. Staff has no problem with varying the setback from 25 feet to 10 feet to allow the proposed addition.
3. The proposed height of 23 feet is well within the maximum allowed of 32 feet for the RSF-4 Zone.
4. The 10 feet of additional right-of-way you are deeding to the City will complete the 50 foot half-street right-of-way width needed for this section of 12th Street.
5. Petitioner is responsible for half-street improvements to a collector standard for that portion of property fronting 12th Street.
6. The Zoning and Development Code requires one parking space per three persons designed capacity. The designed capacity for the proposed church is 256. This requires 85 parking spaces. The petitioner is requesting that this number be reduced to 63 parking spaces. Due to the site limiting the number of spaces and the fact that current church membership consists of twenty families, Staff has no problem with reducing the number of spaces normally required.

(Page 4 of 4)

FILE NO. #21-91

TITLE HEADING: Conditional Use-St. Nicholas Church

7. The development schedule submitted showed the landscaping and parking areas being built when money becomes available. This is not acceptable. They should be constructed at the same time as construction of Phase I or prior to occupancy of the addition. A Certification of Occupancy will not be issued until after landscaping and parking areas are completed.

ITEM: #21-91 (Page 1 of 1)

PETITIONER: St. Nicholas Church, Chris P. Jouflas

PROPOSAL: A request for a Conditional Use Permit to allow a church in a RSF-4 Zone (Residential Single Family - not to exceed four units per acre).

PRESENTED BY: David Thornton

COMMENTS: SEE REVIEW AGENCY SUMMARY SHEET COMMENTS

4-1
APPROVAL: "Mr. Chairman, on item #21-91, a request for a Conditional Use permit to allow a church in a Residential Single Family Zone - not to exceed four units per acre, I move that we approve this subject to the Review Agency Summary Sheet comments and the following conditions:" (STATE CONDITIONS IF ANY).

DENIAL: "Mr. Chairman, on item #21-91, a request for a Conditional Use permit to allow a church in a Residential Single Family Zone - not to exceed four units per acre, I move that we deny this for the following reasons:" (STATE REASONS).

Limit to 189 people
Landscaping and site work be done prior to occupancy
parking paved within 6 yrs
deny 1/2 street improvements
Grant the variance on 10' setback

COLEMAN, BROWN & JOUFLAS
ATTORNEYS AT LAW

Joseph Coleman
Baird B. Brown
Gregory Joufflas

1010 Valley Federal Plaza
P.O. Box 2207
Grand Junction, Colorado 81502

Telephone
(303) 243-8250
Telecopier
(303) 241-1144

March 28, 1991

Keith Mumby
Golden, Mumby, Summers & Livingston
2808 North Avenue, Suite 400
P.O. Box 398
Grand Junction, CO 81502

Re: Horizon Towers - St. Nicholas Church

Dear Keith:

As we discussed earlier today, the St. Nicholas Orthodox Church is presently planning to undertake remodeling of the church located at 12th and Horizon, which adjoins the Horizon Towers' property. The church is in the process of obtaining necessary approvals from the City of Grand Junction, and the City has indicated that there may be two requirements which will involve the Horizon Towers' property.

First, the City would like to see a Joint Use Agreement for the access off of 12th street which is now used for access to both the church's property, and to Horizon Towers. Because both the church and Horizon Towers have been using this access for a number of years, there should be no dispute as to both party's right to use the access, or to reaching a mutually acceptable Joint Use Agreement.

The other potential requirement raised by the City with respect to the church's remodeling plans is the requirement for a drainage easement in the event the church paves its existing parking lot. This drainage easement would likely need to be located on Horizon Tower's property. However at present I have no indication as to the specific location that would be appropriate for such an easement.

At this point, I ask that you contact your client concerning a simple Joint Access Agreement for the existing roadway from 12th Street onto the church's property and continuing onto Horizon Towers. Please let me know your client's comments concerning a potential Joint Access Agreement for this roadway so that I can advise the church accordingly, and proceed with

Keith Mumby
March 28, 1991
Page 2

drafting a Joint Use Agreement for your review. As to the drainage easement, I will attempt to obtain some information, preferably a plat showing the proposed location of a drainage easement, so that your client can make a decision concerning that issue. Thank you for your cooperation and assistance.

Very truly yours,

COLEMAN, BROWN & JOUFLAS


GREGORY JOUFLAS

GJ:cp

cc: Bruce Ward
Chris Joufflas

MEMO

TO: Community Development
FROM: Bill Cheney
DATE: April 2, 1991
RE: St. Nicholas Church Expansion

The response to Public Works staff comments did not address concerns pertaining to drainage and irrigation along 12th Street. These two items will need to be explained in further detail before we can recommend approval.

cc: Don Newton

G.W. Klapwyk

We plan to hold our landscaping to within the 40 gallons per minute. If in the future more water is required, we will certainly consult with and seek the approval of GVVUA.

Mr. George Bennett

We will install fire plug if found necessary.

Mr. Don Newton
Bill Cheney

The seating capacity of our structure is obviously increased, but for the future our membership will be as it today. When growth occurs we will certainly notify the city.

David Thornton

We plan to build the parking curbs and landscaping structure during the initial phase. We also plan to prepare the rest of the parking area with gravel for now and paving will be done as finances permit. We would request a period of up to six years to complete the paving because of the anticipated financial demands placed upon us by the planning process.

We feel that the granting to the city of 10 additional feet of right of way without being compensated for it; and then, as a condition of obtaining a permit, having to escrow a considerable amount for the eventual widening of 12th street seems to us to be a bit unfair, especially for such a small congregation as ours.

We have been at this location since 1956 and have seen our neighborhood develop around us. We feel that our chapel addition will add to an already impressive entrance to our city.

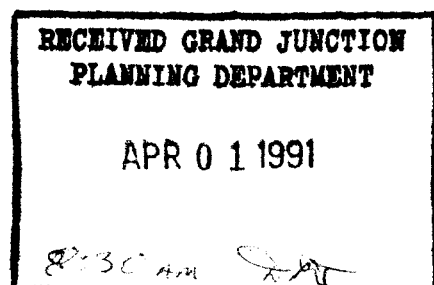
We will, of course, attempt to comply with all of your regulations but we must ask your patience and understanding.

Mr. Tim Woodmansee

Our attorney is currently taking care of the changes you request.

Mr. Dave Tontoli

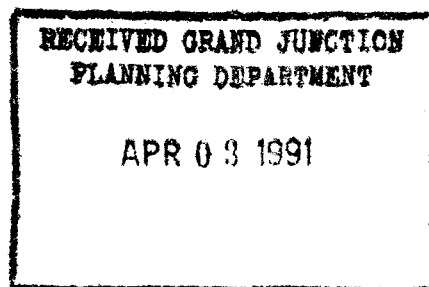
We plan to build the parking curbs and landscaping structure during the initial phase. We also plan to prepare the rest of the parking area with gravel for now and paving will be done as finances permit. The existing ground contours will be changed to level out the parking lot (see attached). Handicapped parking stalls will be signed and bumpered.



We would like to appeal the planning commission's
decision made April 2/90 to the city council.

St. Nicholas Curch,
Trent Wilson

Trent Wilson





Arcieri Associates

Landscape Architecture & Planning

St. Nicholas Church
 Estimation of Landscape Costs

1. Plant Materials

Overstory Trees

6 Austrian Pines, 6' @ \$120	\$ 720	
18 Shade Trees, 1½", Av. @ \$90	1,620	
9 Ornamental Trees, 1½", Av. @ \$80	720	

Understory Shrubs

82 Deciduous Shrubs, 5 Gal, Av. @ \$15	1,230	
60 Junipers, 5 Gal, Av. @ \$19	1,140	

Total Plant Materials, Retail	5,430	
25% Church Discount	(1,357)	
Not Taxable	0	
Installation by Church	0	

Total Plant Materials Installed	4,073	\$4,073
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2. Lawn

Preparation - 10,244 S.F. @ \$.04	410	
Hydroseeding - 10,244 S.F. @ \$.08	820	

Total Lawn Installed	1,230	1,230
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3. Landscape Edging

352 L.F. @ \$2.00 Installed	704	704
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4. Grading & Preparation	1,200	1,200
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5. Planting Soil		
24 C.Y. @ \$30	720	720

ESTIMATED LANDSCAPE COSTS		\$7,927
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Home Office

604 25 Road Grand Junction, Colorado 81505 • (303) 243-4145 FAX (303) 242-1894
 American Society of Landscape Architects



HORIZON
TOWERS

May 2, 1991

Mr. David L. Thornton, Planner
City of Grand Junction
Community Development Dept.
250 N. 5th St.
Grand Junction, CO. 81501

Dear Mr. Thornton;

We at Horizon Towers have some concerns regarding the impact the remodeling of St. Nicholas Church will have upon us.

The members of St. Nicholas Church have been using our access to Horizon Drive and N. 12th St., driving into and out of their parking lot, which is usually muddy and dirty. As they drive out, they leave tracks of mud and gravel behind them. They are using this on an ingress/egress basis. We have additional maintenance, and with increased traffic, this will increase our maintenance still further.

We want to be good neighbors, but remodeling and expanding will still further impact us in a negative manner. I feel they should be required to:

1. Have the parking lot paved first thing and prior to any messy construction.
2. They should be required to do a massive amount of landscaping now.
3. They should have their own entrance off 12th St., in order to give us relief from the mud and gravel which ends up in our driveway. There has never been any assistance from them, financial or otherwise relative to road maintenance and/or repairs.

Please take these requests under advisement before final approval is given to this project.

Thank you.

Sincerely,

Donna Oliver
Manager



May 24, 1991

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

Donna Oliver, Manager
Horizon Towers
111 Horizon Drive
Grand Junction, Colorado 81506

Dear Ms. Oliver:

Thank you for your concern in the development review process. In response to your letter dated May 2, 1991, perhaps I can clarify what has taken place in the development review for St Nicholas church located at 3585 North 12th Street.

St Nicholas church submitted an application for a conditional use permit to allow a church in a residential single family, 4 units per acre zone on March 4, 1991. The church is currently "grandfathered" in this residential zone, but due to their request to add on a chapel area which exceeds 50% of the existing building area, they were required to obtain a conditional use permit and receive approval of their site plan.

On April 2, 1991 the conditional use permit proposal was heard before Planning Commission at a public hearing. Planning Commission approved the conditional use permit with the following conditions:

- a) subject to review agency summary sheet comments,
- b) limit the seating capacity from 255 to 189 people,
- c) require the landscaping and the dust free parking be finished before occupancy,
- d) parking lot to be paved within 6 years,
- e) grant the variance for the 10 ft. setback, and
- f) deny the request for waiver of half street improvements.

The review agency sheet summary comments state that the church should obtain an access agreement from Horizon Towers and drainage easements across adjacent property may be required as a result of a drainage study.

On April 17, 1991 an appeal was heard by City Council from the church requesting:

- a) waiver of half street improvements for 12th Street,
- b) removing the condition by Planning Commission which limits the seating capacity from 255 to 189.

City Council did not grant the waiver of half street improvements and the church redesigned the interior of the chapel area which now allows only 165 people, therefore the condition limiting the seating capacity placed by the Planning Commission was no longer needed and was removed by City Council.

The approval process is now complete. The approved site plan provides for extensive landscaping, a more attractive building, a dust free parking lot which will be paved within 6 years, and access at its current location. All conditions of the approval must be adhered to by the church and the Community Development Department will be monitoring them.

Your letter addressed your concerns as to existing issues of tracking mud and gravel on your paved access which is jointly being used by Horizon Towers and the church, and the lack of landscaping on the present church site. Once the church completes the construction of this project these should be eliminated. If the church decides to not go through with the addition, they can remain as they are without the conditional use permit and the upgrading of their site under the "grandfather clause". Although the church is expanding please note that the seating capacity is only being increased by 10% from the current building's seating capacity of 150 people to 165 people with the new addition.

If you have any further questions or concerns, please contact me at your earliest convenience.

Respectfully,



Dave Thornton
Dave Thornton
Planner

cc: Mark Achen, City Manager
St. Nicholas Church
File # 21-91

(HTOWERS.LET)

HORIZON TOWERS APARTMENTS
c/o 4432 Piedmont Ave
Oakland, CA 94611

June 18, 1991

Mr. Chris P. Joufflas, President
St. Nicholas Orthodox Community
12th St off Horizon Dr.
Grand Junction, CO 81506

Dear Chris:

Pursuant to your letter of June 14, 1991, this conveyance is being faxed to you because I am not in possession of your telephone number.

In that same conveyance, you had indicated that prior to a Building Permit's issuance the City of Grand Junction required of you the "substantiation of joint access from 12th St ". Prior to my acquiescing to an agreement of this sort, I feel that certain clarifications are in order, and to the following extent:

1. In light of the anticipated vehicular traffic, in and out of the entrance to Horizon Towers, I would require an agreement from you that twice daily clean-up, including, but not limited to asphalt sweeping and hosing down that same asphalt, be accomplished.
2. You had indicated that "phased-in paving of the parking area" was to be accomplished, but from my perspective the "phased-in" aspect is unacceptable. During the summer months in particular, this parking area is dust enshrouded and during the winter months it is mud infested, and I see no reason to cope with this on a continuing basis. Point: Asphalt now is my byline.
3. On a continuing basis, I would expect for future that the St. Nicholas parishioners never avail themselves of access from Horizon Dr. That is a most private entrance, as also is technically the North 12th entrance, but maintaining both entrances for the parishioners' use is unconscionable.

4. In the interests of fairness and based upon the Church's (conceptual) continued use of the 12th St access, I will require that a joint maintenance agreement be entered into with the Church and ourselves. Your use of this access does create wear and tear and our standards of excellence are such that we would be desirous of maintaining these same standards with your financial assistance.
5. In light of the Church's historical lack of interest in landscape maintenance, my agreement to substantiate access from 12th St will also be predicated on the acceptability of your landscape plans and specific dates as to when they will be completed.

This letter is being written in the interests of (presumed) joint cooperation, and with that in mind I remain.....

Yours truly,



Jack Branagh

cc: Donna Oliver, Manager

PS: Chris: In the future as you address correspondence to me it would be most appreciated by me if you would provide Mr. and Mrs. Oliver with copies of same.

HORIZON TOWERS APARTMENTS
c/o 4432 Piedmont Avenue
Oakland, CA 94611
415-654-4257

June 30, 1991

Gregory Joufflas, Esq.
Coleman, Brown, Webster and Joufflas
1010 Valley Federal Plaza
P.O. Box 2207
Grand Junction, CO 81502

RE: Horizon Towers - St. Nicholas Church

Dear Mr. Joufflas:

In the interest of expedition, this letter is being faxed to you in lieu of via my counsel, Mr. Mumby. I know you are awaiting the Building Permit and I do not wish to hinder your progress.

Based thereon, I am responding to your facsimile transmission of June 28, 1991:

1. *Non issue* "Twice Daily Clean-up", etc. As I reviewed my letter of June 18, 1991 and addressed to Chris Joufflas, I realized that this condition was not terribly clear. My intention was to convey that the driveway clean-up be accomplished during the construction process. Inasmuch as you are not accessing for construction purposes through the Horizon Towers 12th Street entrance, this entire issue is moot. Point: Disregard the "clean-up" aspects.
2. *Have to do* "All paving of the Church's parking area to be done at one time", etc., etc. This is an issue that I will insist upon, unless you can furnish me with a site plan evidencing outlined asphalt area sufficient to satisfy my concerns relating to mud and dust control.
3. * *OK* "Discontinuance of use of the Horizon Drive access", etc. Chris has verbally conveyed to me that parishioners have agreed not to use the Horizon Dr. access, so this issue is resolved.
4. "Joint Maintenance Agreement for the 12th Street Access", etc. Based upon my conversation with Chris at Horizon Towers on Friday, June 27, 1991, it was represented to me that St. Nicholas' use of the 12th Street access would be extremely limited, and based thereon I would suggest that an annual "use fee" for maintenance of same ~~by~~ \$200.

B2

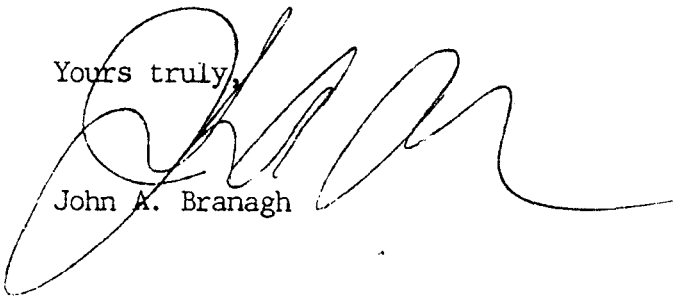
Personally, I feel this to be more than fair to the Church. In the event that your membership suddenly burgeons, I would rely upon the Church's integrity to "self-remedy" the situation by voluntarily increasing the amount as would be more in keeping with fairness.

5. "Branagh's approval of the landscape plans", etc. As I'm sure you are aware, Horizon Towers has expended in excess of \$200,000 in landscaping alone, but on a daily basis we must still look down on the Church's property and wonder if any improvements will ever be accomplished?! If you will furnish me with a site plan evidencing (color) your planting intentions and when you anticipate completion, I will look upon the entire endeavor as a most positive change.

Mr. Joufflas, I am not at all unreasonable and wish always to be a good neighbor. In fact, this is a Sunday and I am making the time during my brief sojourn in Grand Junction to accomodate you by responding to your June 28 missive. I am somewhat chagrined that my initial letter to Chris was not clearer, so I hope this conveyance better establishes my intention of cooperation.

Relative to your references of potential litigation, I shall disregard them except to the extent of one comment - I am not litigious by nature and believe that most "problems" result from a lack of mutual understanding. In the hopes that this letter conveys my purposes more clearly than the last, the time has been well spent. However, in the event that St. Nicholas Church does not receive this letter in the spirit it was intended, and/or does not agree to my requests, then we must collectively proceed toward (counter-productive) litigation.

Yours truly,


John A. Branagh

cc: Keith Mumby, Esq
Donna Oliver, Manager

P.S. You can contact me (temporarily) at Horizon Towers (241-8977) until 5:00 p.m. Monday, July 1, 1991.

COLEMAN, BROWN, WEBSTER & JOUFLAS
ATTORNEYS AT LAW

A Partnership including a Professional Corporation
1010 Valley Federal Plaza
P.O. Box 2207
Grand Junction, Colorado 81502

Joseph Coleman
Baird B. Brown
H.K. Webster, P.C.
Gregory Jouflas

Telephone
(308) 243-8250
Telecopier
(303) 241-1144

July 3, 1991

NOTE

VIA FACSIMILE TRANSMISSION
(242-3857)

Jack Branagh
c/o Buzz Oliver

Dear Jack:

I have now had an opportunity to discuss your proposal with Chris Jouflas, concerning joint access agreement and landscaping and paving of the St. Nicholas Church property on 12th Street. The response of the church is essentially that they are not willing to go along with your proposal to put bumpers along the edge of the portions of the parking lot which will be paved, nor are they willing to plant grass on those portions of their property which are not being paved pursuant to the improvement plan now in progress at the church. As you know, those requirements were not stated in your letter of June 30, 1991 nor was that the proposal you initially made to me when we spoke on the telephone on July 1, 1991. The church has stated that your earlier position of wanting to know simply what portions of the lot would be paved, and when the landscaping plan would be implemented were reasonable requests. However, the church feels that your position conveyed to me when we met on Monday, July 1, 1991, was too burdensome for the church to consider.

You should note that the landscape plans which are set forth on the plats previously delivered to you are to be accomplished as part of the current improvements being done to the church building. In fact, it is my understanding that completion of the landscaping will be a condition to issuance of a certificate of occupancy to the church. As a result, any concerns you have about when the landscaping would be done should be answered by the fact that the City will require the landscaping to be done about the time that the church improvements are finished. The church feels that it is not appropriate for you to request it to change the landscaping plans which have been developed for it by a professional landscape architect, and they intend to proceed with those plans.

NOTE

In the event that you are unwilling to proceed with a joint access agreement for the 12th Street entrance, the church has two alternatives to proceed with obtaining its building permit now.

First, the church could simply propose that it obtain an additional access off of 12th Street from the City, which would satisfy the City's requirements for proof of access. In the event the church pursues this step, they will also pursue obtaining a prescriptive easement for the existing 12th Street access which they have used since 1956. That litigation would therefore not result in any delay of the church obtaining its building permit, and will still ultimately result in the church obtaining a prescriptive easement for its traditional access to its property.

The City attorneys have also indicated that it may be possible to satisfy the City's requirements as to the existing access on to 12th Street if the church can simply show the City that it is likely to prevail in litigation with you concerning a prescriptive easement. Based on my investigation of the relevant facts, there is no doubt that the church will obtain a prescriptive easement through litigation. All requirements for obtaining a prescriptive easement are present, and I do believe it is likely the church would obtain prescriptive easement by summary judgment. I believe I can convince the City of this point as well, in which case the joint access agreement will not be a condition to issuance of a building permit to the Church.

When we met on Monday, I felt that a spirit of cooperation did exist between the church and you. I hope that the same spirit of cooperation will now prevail, and you will be amenable to the church proceeding with its landscape plans which you have already reviewed. However, the church has sent me a clear indication of their preference for proceeding with litigation to obtain a prescriptive easement, rather than to alter their existing plans for improvement and landscaping of the church property. Please let me know if you are still willing to proceed with entering a joint access agreement based on the terms set forth in your letter of June 30, 1991, in which you expressed your position at that time that the existing landscape plans of the church were acceptable.

Very Truly Yours,

COLEMAN, BROWN, WEBSTER & JOUFLAS

Gregory Joufflas
GREGORY JOUFLAS

GJ:cg

cc: Chris Joufflas

2 YRS LATER
STILL
NOTHING
DONE!
IF IT WERE NOT A CHURCH THEY'D BE ALL IN JAIL!!



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

September 3, 1991

G. Greg Jouflas
Coleman, Brown & Jouflas
P.O. Box 2207
Grand Junction, CO 81502

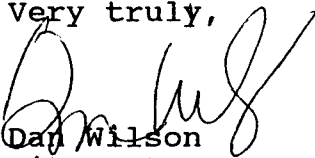
Re: St. Nicholas

Dear Greg:

My recollection was that I would be receiving from you a proposed deed of trust securing the church's obligation to make street improvements on 12th Street.

I'd appreciate receiving it this week. If this is not possible, please let me know when I can expect it.

Very truly,


Dan Wilson
City Attorney

c: Tim Woodmansee, Property Agent
John Shaver, Assistant City Attorney
Bennett Boeschenstein, Community Development Director



HORIZON
TOWERS

1111 Horizon Drive, Grand Junction, CO 81506
(303) 241-TWRS (241-8977) FAX: (303) 242-3857

October 28, 1991

Mr. Chris Joufflas
748 Golfmore Drive
Grand Junction, CO. 81506

Dear Mr. Joufflas;

We appreciate the efforts you have made on the addition to your church. It will certainly be a structure of which you and members of your church can be proud.

I do have some concerns regarding the landfill which has most recently been done on the property which is contiguous to our property. In the event of rains, this soil will intrude upon our land area and we will sustain substantial damages.

It would be appreciated if you would appropriately level this fill and compact same in order to preclude sluffage. We have expended substantial sums on landscaping and would not care to see our efforts undone.

Your immediate attention to this matter is requested, particularly in light of forthcoming inclement weather.

In anticipation of your timely attention to this matter, I remain,

Sincerely,

Donna Oliver

Donna Oliver
Manager

cc: St. Nicholas Greek Orthodox Church
J. B. Branagh
file

JOUFFLAS PROMISED
MANY TIMES TO
CORRECT THE SITUATION!
NO ACTION EVER!

421-91

ROBB, BECKNER, ACHZIGER,
MCINNIS & PALO

Attorneys at Law

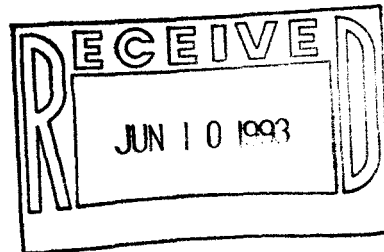
James M. Robb
Larry B. Beckner
John A. Achziger
Caré McInnis Raaum
Bryce Palo

Suite 850, Valley Federal Plaza
225 North Fifth Street
P.O. Box 220
Grand Junction, Colorado 81502
Telephone (303) 245-4300
Telefax (303) 243-4358

June 9, 1993

David B. Palo
(of counsel)
Miles Kara
(special counsel)

*To Larry T. (all)
please advise...
C: Tim W. Fiji
6/10/93
6/10/93
ck*



Dan Wilson
City Attorney
250 North 5th Street
Grand Junction, Colorado 81501

Dear Dan:

In July of 1991, the St. Nicholas Greek Orthodox Church entered into an agreement with the City for the issuance of a building permit. I am enclosing a copy of that agreement for your review.

The building permit was issued even though the church does not have deeded access off of 12th Street. In the recitals it implies that deeded access must be obtained, but in the main body of the agreement it appears to state that the church is not required to obtain a deeded easement unless access to the church is denied by the owner of Horizon Towers.

The agreement does have a deadline of July 1, 1993, and I would appreciate your input on what the City is requiring the church to do.

The church has experienced no problems with access, but the church has not received deeded access from Horizon Towers. The relationship between the two seems to be going smoothly, and the church is not too excited about poking a stick at the sleeping dog. The church would prefer leaving the matter as is and perhaps extending the July 1, 1993 date for another sixteen years. Clearly, in another sixteen years we would have met the eighteen-year time period for adverse possession.

I would appreciate your input on how the City wishes the church to proceed.

Sincerely,

Larry Beckner
Larry B. Beckner

LBB:ms
Encl.

AGREEMENT

The City of Grand Junction (City), and St. Nicholas Greek Orthodox Church, 3585 North 12th Street, Grand Junction, Colorado 81502 (St. Nicholas) enter into the following Agreement this _____ day of July, 1991.

Recitals

A. St. Nicholas represents that:

1. It is the owner of certain real property located in Mesa County, Colorado, including improvements consisting of a church building, located at the intersection of Horizon Drive and 12th Street in the City of Grand Junction. This property is hereafter referred to as the "Property," and is more particularly described on attached Appendix A.

2. Since 1956, St. Nicholas has obtained access to the Property by way of an existing road running from 12th Street along the Southern border of the Property. A portion of this access off 12th Street as used by St. Nicholas since 1956 is located on property which does not belong to St. Nicholas, and which is hereafter referred to as the "Access Property." The parishioners of St. Nicholas continue to use this existing access off of 12th Street, as they have since 1956, and the owner of the Access Property has taken no steps to prevent St. Nicholas parishioners, employees, or others associated with St. Nicholas from continuing to use that access off of 12th Street.

3. St. Nicholas has developed plans for and wishes to proceed with renovations and additions to the improvements located on the Property.

B. As a condition to issuance of a building permit to St. Nicholas for the renovations and additions to the Property, the City has requested that St. Nicholas procure a written easement or joint access agreement, in recordable form, from the owner of the Access Property, which provides for St. Nicholas to obtain access to the Property by means of the existing access from 12th Street located on the Access Property.

C. The owner of the Access Property has not yet agreed to execute an easement or joint access agreement, and at present it is uncertain whether such an easement or agreement will be obtained by St. Nicholas.

D. St. Nicholas wishes to proceed with its planned renovations and additions to the Property, and the City wishes to provide St. Nicholas with a building permit authorizing the renovations and additions to the Property, provided that the City's concerns over St. Nicholas' access to the Property are adequately addressed. Accordingly, the City and St. Nicholas have entered into this Agreement.

Agreement

In consideration of their mutual promises, the City and St. Nicholas enter into the following Agreement.

1. The City shall issue a building permit to St. Nicholas for the planned renovation and addition to the improvements on the Property, which have been reviewed and accepted by the City.

2. In the event that the owner of the Access Property takes any steps which preclude St. Nicholas, its parishioners, employees, or others from gaining access to the Property through the Access Property, St. Nicholas shall either obtain a joint access agreement from the owner of the Access Property which allows St. Nicholas to use its existing access off of 12th Street through the Access Property, or St. Nicholas shall initiate and prosecute to conclusion a civil action in the District Court of Mesa County to obtain a decree granting St. Nicholas the right to access to the Property by means of its present access off 12th Street through the Access Property. Acquisition of a joint access agreement from the owner of the Access Property, or invitation of a civil action to obtain an easement on the Access Property shall be accomplished by St. Nicholas prior to July 1, 1993.

3. Should St. Nicholas be required to initiate a civil action in accordance with paragraph 2 above and that action does not result in a decree granting St. Nicholas access off of 12th Street across the Access Property, then St. Nicholas shall, at its expense, construct a new access off 12th Street directly onto the Property, in accordance with applicable city regulations and specifications. St. Nicholas also, at its sole option, may elect to proceed with construction of a new access off of 12th Street, rather than pursue litigation with the owner of the Access Property. In the event St. Nicholas does elect to proceed with construction of a new access from 12th Street, rather than initiate litigation with the owner of the Access Property, construction of the new access shall commence by July 1, 1993.

4. This Agreement shall inure to the benefit of the parties' heirs, successors and assigns.

ST. NICHOLAS GREEK
ORTHODOX CHURCH

Chris P. Youflor
Director

James O. Strickman
Director

CITY OF GRAND JUNCTION

Mark A. Cohen
City Manager

That part of the North half of the South half of the Southeast Quarter of the Northeast Quarter of Section 2, Township 1 South, Range 1 West of the Ute Meridian, described as follows:

Commencing at the East 1/4 Corner of said Section 2; thence $N00^{\circ}05'00''E$ along the East line of said Northeast Quarter 439.22 feet to the point of beginning; thence $S89^{\circ}52'40''W$ 292.53 feet; thence $N02^{\circ}06'02''W$ along a line tangent to the East face of masonry pillars of a wood and masonry fence 196.12 feet to the boundary of Horizon Towers, a subdivision of Mesa County, Colorado; thence $N02^{\circ}06'02''W$ 11.29 feet to the South face of a concrete retaining wall; thence $N89^{\circ}50'32''E$ along said South face 250.43 feet; thence $S00^{\circ}05'00''W$ along the West right-of-way line of 12th Street 7.44 feet; thence $N89^{\circ}52'40''E$ 50.00 feet to the East line of said Section 2; thence $S00^{\circ}05'00''W$ 200.00 feet to the point of beginning; the East 40.00 feet being subject to 12th Street right-of-way.

located in the City of Grand Junction, Mesa County, Colorado, also known as steet and number 3595 North 12th Street.



RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT
JUN 18 1993

City of Grand Junction, Colorado
250 North Fifth Street
81501-2668
FAX: (303) 244-1599

June 17, 1993

Larry B. Beckner
Suite 850, Valley Federal Plaza
225 North Fifth Street
P. O. Box 220
Grand Junction, CO 81502

RE: Your June 9, 1993, letter regarding
St. Nicholas Greek Orthodox Church

Dear Larry:


The Community Development Director has recommended that we accept your proposal to extend the July 1, 1993, date for sixteen years, with the other terms of the agreement remaining as stated in the agreement dated July, 1991, (the day of the month was not filled in on the first page of the agreement).

We would appreciate it if you would contact the owner of the access property so that they are kept informed.

We have no objections to the extension and by this letter, agree to extend the date until July 1, 2009.

If you agree with this extension and you agree to give whatever notice is appropriate to the owner of the access property, please have the appropriate Church official sign below and return an original for our files. The City's consent is evidenced by the signature of the City Manager set forth below.

Very truly,


Dan E. Wilson
City Attorney

DEW/cl

c: Larry Timm, Community Development
Jim Shanks, Public Works

Mark K. Achen, City Manager
CITY OF GRAND JUNCTION

On behalf of St. Nicholas Greek Orthodox Church I, _____
_____, in my capacity as _____, agree to
extend the period of the July, 1991, agreement to July 1, 2009.

ST. NICHOLAS GREEK ORTHODOX CHURCH

BY: _____

UTE WATER CONSERVANCY DISTRICT

560 25 Road, P.O. Box 460

Grand Junction, CO 81502

Office

Telephone: 303-242-7491

FAX: 303-242-9189

Treatment Plant

Telephone: 303-464-5563

FAX: 303-464-5443

June 18, 1993

John Bennett, Fire Inspector
Grand Junction Fire Department
330 So. 6th Street
Grand Junction, CO 81501

Re: Fire Hydrant for church at 3585 N. 12th Street

Inspector Bennett:

The water system serving the Horizon Towers complex is an integral component of the Ute Water distribution system owned, operated, controlled by and under the authority of the District, as are all other components of the system.

Penner Construction Management, Inc., constructed and financed this system component, in accordance with development standards and construction specifications then in effect. Following a one year warranty period, the system became the sole responsibility of the District. Only that piping and facilities beyond the point of metered service (and/or Fireline Detector service) remain under the ownership and authority of Horizon Towers.

Ute may, and will, tap into its distribution system at any point and for any reason it deems appropriate.

A fire hydrant for the benefit of the church at 3585 N. 12th Street can be served from the existing 8" UTE water line located in the 12th Street entry to Horizon Towers.

Please contact me if you have any questions.

Sincerely,



C. E. Stockton, Assistant Manager
Ute Water Conservancy District
CES/rlc

xc: Jack Brannagh c/o Horizon Towers
Chris Jouflas

JOHN A. BRANAGH
INVESTMENTS
4432 PIEDMONT AVENUE
OAKLAND, CALIFORNIA 94611
(510) 654-4260
(510) 654-2045 (FAX)

June 29, 1993

Mr. David L. Thornton, Planner
City of Grand Junction
Community Development Dept.
250 North Fifth Street
Grand Junction, Co 81501-2668

Re: St. Nicholas Greek Orthodox Church
3585 N. 12th St., Grand Junction, CO
File #21-91

Dear Mr. Thornton:

As the owner of Horizon Towers, I find it necessary to call to your attention certain correspondence as did commence in May of 1991, between Horizon Towers and "The Church", and even as of this date (more than two years later!) not even the slightest attempt on the part of the Church to correct the problems has been made! Adding insult to injury, you as the City Planner did mandate that prior to issuing the Permit of Occupancy "extensive landscaping" was a requisite. The simple fact is that not only is the site a weed infested visual blight upon the area, but also a significant fire hazard. In addition, no efforts (as you also required) have been made to accomplish a "dust free" parking lot. When the Grand Junction afternoon winds prevail, the site is akin to the plains of West Texas, and minimally results in breathing problems for my contiguous occupants. Why has the lot not been paved? Why has no landscaping been accomplished? Why is no maintenance of the general premises ever seen? Why are they allowed to use the site for storage of construction materials? Why does the Fire Marshall ignore the hazards? Why does the City not pursue the issue of week abatement? Why is there no proper drainage to preclude the Church's soil from sloughing off and intruding onto my contiguous "park land" at Horizon Towers? Why? Why? Why? It is my strong feeling that if the offender were anyone other than this Church, the City would have long ago enforced the ordinances which the Church blithely ignores!! There appears to be a double standard that I cannot comprehend!

It is my understanding that the Church is now seeking its Occupancy Permit, even though the parishioners have consistently been using the premises without benefit of same to date. I vehemently protest its issuance until such time as the items referenced in the preceding paragraph are accomplished. I would further request that the City issue a restraining order against any further use of the Church or its grounds until all offending conditions are remediated.

It was more than two years ago that my initial complaints were lodged and to suggest that my patience, and the patience of all occupants at Horizon Towers, has worn thin is a gross understatement. If it is necessary to circulate a petition among the occupants, call a news conference, pursue editorials in The Daily Sentinel, and ultimately commence litigation to remedy the situation, it shall be done. An amicable resolution would be preferable, but after two years of no action by the Church or City it has become apparent that there is little chance of my prevailing without resorting to the extremes.

A timely response as to your intentions to proceed in this matter would be appreciated, and if I do not hear from you in the next few days I shall pursue the matter through my own channels as partially referenced in the preceding paragraph.

Yours Truly,


John A. Branagh

cc: Buzz and Donna Oliver, Horizon Towers Managers
Keith Mumby, Esq.
Mark Achen, City Manager
Weed Abatement Control, Attn: Chuck Leyden, Supervisor
City Attorney
City Council Members

To: David thornton
Cc: Dan Wilson
From: John Shaver
Subject: Greek Orthodox CO
Date: 7/14/93 Time: 9:38a

Dave,

This message will confirm our conversation of yesterday regarding the Greek Orthodox Church and their failure to complete improvements.

As we discussed, the building department may legally preclude continued occupancy of the structure based on the failure to complete improvements. Also as we discussed I would advise that you contact Tim Ryan and run the facts by him before this thing goes too much further. The church's defense that they are not occupying the building (or at least the new part) is in my estimation fairly thin; occupation does not have to be of one particular room or area to support a legal assertion that occupancy is occurring. As I understand the facts the entire structure was remodeled and "old" and "new" may not even be discernible.

The other option is to seek a temporary injunction, which as you know is a court order directing the church to cease its use. Getting an injunction requires the filing of an action in court and having a hearing at which the Judge assesses the nature of the harm and the likely success of the case. Such is reasonably easy to accomplish but is not as clean as the building department process.

If you need additional information or wish to discuss the matter further please call.

jps

To: Mark Achen
Cc: Dan Wilson, John Shaver, Larry Timm, Kathy Portner
From: David Thornton
Subject: Greek Orthodox Church
Date: 7/15/93 Time: 1:09p

Mark,

I've been in contact with Jack Branagh from Horizon Towers and Chris Jouflas from St. Nicholas Church in seeking a solution to the noncompliance issues by the church. The church is required as part of their Conditional Use permit issued in 1991 to landscape their lot as per their approved 1991 landscaping plan and construct a "dustfree parking" surface prior to occupancy of their building. A Certificate of Occupancy has not been issued although the church is occupying the building.

Mr Branagh has asked the City to give the church a temporary restraining order restricting them of occupying the building until the above conditions are completed. After discussing this in a meeting Dan, Larry, John and I had this morning Dan felt we should not take this approach at his time but rather have the church specify a date certain as to when the landscaping and "dust free" parking surface will be completed. If a new acceptable time table is not met we then could administratively require a financial guarantee for the improvements which could also include the costs associated with paving the parking lot. The paving of the parking surfaces was a third condition by Planning Commission which has not yet been met although the church has 6 years from the conditional use approval to complete the paving requirement. The church still has approximately 4 years to complete this requirement.

Chris Jouflas submitted a letter to us yesterday stating that their intentions are to complete the landscaping by this fall or possibly next spring depending upon the scheduling with contractors. He also stated in his letter that they have had difficulty in working with Horizon Towers in bringing irrigation water to their site, therefore delaying their ability to install the landscaping. His letter was not specific enough to when the site improvements would happen, thus the need for a new letter specifying a date certain. I spoke with Cris Jouflas since the meeting with Dan, Larry and John this morning and Mr. Jouflas will submit a letter to us by Friday, July 23rd, 1993 giving us a date certain as to when we can expect the above conditions to be completed.

In my conversations with Jack Branagh I have told him that I will keep him informed as to the process and let him know an answer to the temporary restraining order option. Dan has volunteered to call Jack regarding this if thats acceptable to you. Please let me know one way or the other.

Dave

To: DAVIDT (David Thornton)
Cc: danw,larryt
From: Mark Achen
Subject: Re: Greek Orthodox Church
Date: 7/15/93 Time: 9:57a

Originated by: DAVIDT
Replied by: MARKA

7/15/93 1:09p
7/15/93 9:57a

It's fine for Dan to call but I suspect Branagh, who has talked with me twice in the past week because we had other business, will be far more interested in what we are doing, rather than what we are not or cannot. If communications with Jouflas have primarily been verbal, you should now begin documenting them with confirmatory letters copied to the applicable parties including Branagh. The irrigation issue is a bone of contention for Branagh, too, who believes Jouflas attempted to get Jack's contractor to do work for the Church but bill it to Branagh. I don't think we ought to continue to leave timing up to Jouflas but instead decide what is a reasonable deadline (after hearing the Church's concerns of course) and impose it. Rather than waiting for another Jouflas letter you just might converse with him again and then decide on a deadline. If you want me to apply pressure to Chris, let me know. I think Branagh may consider his next step to be an airing of his complaints formally at a CC meeting in an attempt to shame City into some form of coercive action.



July 16, 1993

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

Chris P. Jouflas
748 Golfmore Drive
Grand Junction, CO 81506

RE: St. Nicholas Church Site Improvements

Dear Chris:

I'm sending you this letter as a follow up to our phone conversation yesterday. As we discussed, St Nicholas Church shall submit a letter to the Community Development Department by Friday, July 23, 1993 addressing the steps they will take and the time frames they will work under to complete the construction of required site improvements at St. Nicholas Church, 3585 North 12th Street. As you know, the site improvements include all of the site features as approved by Planning Commission in 1991. Except over-laying asphalt on parking areas which the Planning Commission has given the Church six years from the date of approval of the Conditional Use permit to complete, we expect all features which includes landscaping, curbing, a "dustfree" parking surface, etc. to be completed by the Fall of 1993.

Please include in the letter a specific and detailed construction schedule for the individual site improvements including when the parking area will be asphalt. If you have any questions please contact me at your earliest convenience.

Respectfully,

A handwritten signature in cursive script that reads "Dave Thornton".

Dave Thornton
Senior Planner

cc: Jack Branagh
Mark Achen, City Manager
Dan Wilson, City Attorney
Larry Timm, CD Director
file #21-91a



July 16, 1993

John A. Branagh
Investments
4432 Piedmont Avenue
Oakland, California 94611

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

RE: St. Nicholas Greek Orthodox Church, file #21-91

Dear Mr. Branagh:

I spoke with Dan Wilson, City Attorney about issuing a temporary restraining order to St Nicholas Church to prevent occupancy of the church until the site improvements are completed as approved by Planning Commission in 1991. He does not want to take this approach, rather he has suggested the church have the opportunity to respond to the issues of noncompliance with their site. Our first step is to allow the church the opportunity to address in writing what steps they will take and what time frames they will work under to complete this project.

Mr. Jouflas submitted a letter to Community Development Department (copy attached) on July 14th which is not explicit enough to meet the above requirements. Therefore, we have given the church until Friday, July 23rd, 1993 to submit a revised schedule for the improvements.

If you have any questions, please contact me at your earliest convenience.

Respectfully,

Dave Thornton
Senior Planner

cc: Dan Wilson, City Attorney
file #21-91

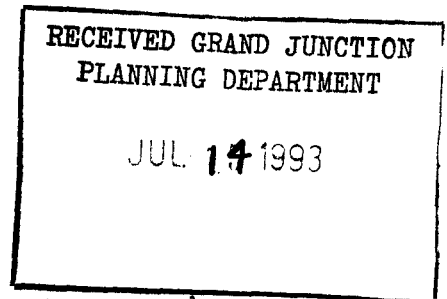
(branagh.let)

CHRIS P. JOUFLAS

748 Golfmore Drive
Grand Junction, Colo. 81506
Phone: (303) 243-1477
Summer - Wolcott, Colorado
Phone: (303) 926-3344

July 14, 1993

Mr David Thornton
Mesa County Planning Division
Grand Junction, Colo



Dear Mr Thornton:

This letter is to inform you of the timing of the planned landscaping and "dust free" parking area at St Nicholas Greek Orthodox Church.

The reason for the seeming delay in landscaping the area is simply that one must have water to keep one's grass, trees and shrubs alive. It would be rather pointless to plant any type of vegetation and allow it to die for lack of water.

St Nicholas owns sufficient water with the Grand Valley Water Users Association to accommodate our landscaping plans.

We have been more than willing to commence on the project but the problem has been attempting to place a water line under the road leading to Horizon Towers. We have been denied this right to our water but finally last week we were allowed to place a sleeve under the road by acquiescing to our neighbors' demand for a tribute payment. I have always found that neighbors here in Grand Junction, cooperate on problems to their

CHRIS P. JOUFLAS

748 Golfmore Drive
Grand Junction, Colo. 81506
Phone: (303) 243-1477
Summer — Wolcott, Colorado
Phone: (303) 926-3344

mutual benefit, but I must tell you, sadly, we have not had this cooperation from Horizon Towers.

All of the foregoing is simply to inform your office that we can hopefully re-schedule all of the necessary work to be performed by this fall or at the latest early next spring as the weather allows.

The St Nicholas Greek Orthodox Church Board would like to thank the city of Grand Junction and the Planning Division for being so understanding and patient with us.

Thank You
Chris Jouflas, President

FROM THE OFFICES OF
JOHN A. "JACK" BRANAGH
 AND
GAYLON C. PATTERSON
 4432 Piedmont Ave
 Oakland, CA 94611
 (510)654-4257
 (510)654-2045 FAX

FAX TRANSMITTAL COVER SHEET

DATE: 7-19
 ATTN: David Thornton
 FROM: Jack Branagh
 RE: _____

TELEPHONE NUMBER OF RECEIVING TELECOPY MACHINE: 244-1599

TOTAL NUMBER OF PAGES: (INCLUDING THIS ONE) 4

ADDITIONAL MESSAGE: _____

RECEIVED GRAND JUNCTION
 PLANNING DEPARTMENT
 JUL 19 1993

7/19/93
NOON

DAVID -

ENCLOSED PLEASE FIND MY RESPONSE
TO JOUELAS' LTR.

IT DID NOT UNDERSTAND WHAT HE
MEANT REGARDING "TRIBUTE" PAYMENT
AS DONNA OLIVER EXPLAINED IT TO
ME IN HER FAX TO ME OF THIS SAME
DATE. THE "TRIBUTE" WAS FOR \$375,
REIMBURSEMENT TO ME FOR
DAMAGES (ONLY!) THAT I HAD
PAID FOR WHEN THEY BROKE UP
MY ASPHALT DURING THEIR CHURCH
CONSTRUCTION.

JACK BRANAGH

JOHN A. BRANAGH
INVESTMENTS
4432 PIEDMONT AVENUE
OAKLAND, CALIFORNIA 94611
(510) 854-4260
(510) 854-2048 (FAX)

July 19, 1993

Mr. David Thornton
City of Grand Junction
250 N. 5th St
Grand Junction, CO 81501

Re: St. Nicholas Greek Church
(File #21-91)

Dear Mr. Thornton:

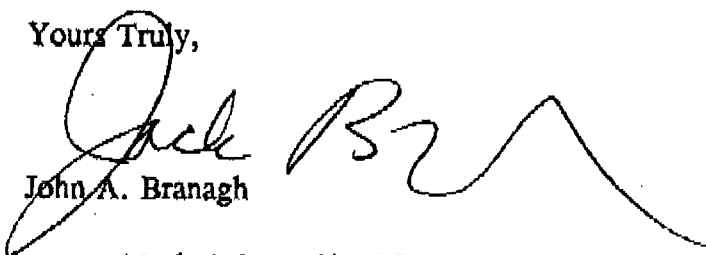
Mr. Jouflas' letter to you of July 14, 1993 pleading that the "delay" in landscaping of two years was attributable to lack of water is a gross misrepresentation. In fact, the church does and always has had City water and that's what Horizon Towers has had to contend with all along! What Mr. Jouflas should have said was that they did not have the "cheap" ditch irrigation water, and the reason they did not was simply because it required they expend a few dollars to place a pipe beneath the asphalt to connect with the ditch! Further, Mr. Jouflas' comment that they were "finally allowed to place a sleeve under the road" implies that we (Horizon Towers) had control over this matter?! Mr. Thornton, doesn't this sound, even to the uninitiated, as ridiculous when one reads the correspondence from Horizon Towers to Mr. Jouflas for the last two years begging that they landscape their dust bowl!! Finally, I have no idea what "tribute payment" Mr. Jouflas is referring to. What I do know is that his actions taken three (3) weeks ago in advising my paving contractor to dig up and lay a pipe (at Horizon Towers' expense) to benefit the Church, and the contractor's refusal, constitute nothing short of "business interference" with my operations! It is unbelievable that an outside party (Jouflas) would attempt to interfere with a contractual relationship (Horizon Towers and paving contractor) that existed, and the work was stopped for 10 days as a result of that interference!!

Mr. Jouflas' comments that "neighbors cooperate on problems in Grand Junction" I have found to be very true, and after a review of my correspondence and the church's lack of response it becomes poignantly clear which neighbor is not cooperating! After two years of waiting for some action (any action!) my tolerance has been exhausted!

The final paragraph of Mr. Jouflas' letter says it all as he thanks the Planning Division for being "so understanding and patient!" Why has the department been so patient?! This matter must be attended to, and his reference to "rescheduling the work to be performed this fall or next spring as the weather allows" is ridiculous! What's the matter with "within the next 5 days", or "immediately"!? What does the weather have to do with anything? The weather is beautiful now!

This letter is intended as a clarification of misinformation conveyed by Mr. Jouflas' July 14, 1993 letter and to again request of the City that it proceed with dispatch to remedy a problem of such longstanding.

Yours Truly,



John A. Branagh

cc: Mark Achen, City Manager
Dan Wilson, City Attorney
Larry Timm, Community Development Director
Donna and Buzz Oliver, Horizon Towers Managers

ANSIL REALTY

FAX 000000000000

PAGE 01

Narizon Jewers
7-19-93

To: Jack
From: Donna

We love your letter to Thornton.

The "taken payment" mentioned was to reimburse us for damage to their entry way which was done during their construction. We paid \$375⁰⁰ to have it repaired.

Buzz suggested to Jeffers they pay for these repairs in exchange for permission to cut thru our asphalt. They promptly cut across anyway instead of going under the pavement & they patched it. Hopefully it will hold.

Hope this is clear. - Donna

P.S.

I have some people waiting to talk with me.



July 16, 1993

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

Chris P. Jouflas
748 Golfmore Drive
Grand Junction, CO 81506

RE: St. Nicholas Church Site Improvements

Dear Chris:

I'm sending you this letter as a follow up to our phone conversation yesterday. As we discussed, **St Nicholas Church shall submit a letter to the Community Development Department by Friday, July 23, 1993 addressing the steps they will take and the time frames they will work under to complete the construction of required site improvements at St. Nicholas Church, 3585 North 12th Street.** As you know, the site improvements include all of the site features as approved by Planning Commission in 1991. Except overlaying asphalt on parking areas which the Planning Commission has given the Church six years from the date of approval of the Conditional Use permit to complete, **we expect all features which includes landscaping, curbing, a "dustfree" parking surface, etc. to be completed by the Fall of 1993.**

Please include in the letter a specific and detailed construction schedule for the individual site improvements including when the parking area will be asphalt. If you have any questions please contact me at your earliest convenience.

Respectfully,

Dave Thornton
Senior Planner

cc: Jack Branagh
Mark Achen, City Manager
Dan Wilson, City Attorney
Larry Timm, CD Director
file #21-91

To: Larry Timm
From: David Thornton
Subject: Re: Greek Orthodox Church
Date: 8/05/93 Time: 12:35p

Originated by: DAVIDT
Replied by: MARKA

7/15/93 1:09p
7/15/93 9:57a

Larry,

We are still waiting for a letter specifying a construction schedule for the installation of landscaping and construction of the dustfree parking lot for the Greek Church. I have tried to get ahold of Chris Jouflas since Tuesday morning. Chris never delivered his letter to us which he promised he would do by Monday, August 2nd. In talking with Chris, he has been told that we expect the Church to bring their property into conformance with the Conditional Use permit approval by sometime this Fall and not the Spring of 1994. Perhaps Mark's offer to apply pressure to Chris is now in order. Your thoughts?

Dave

***** ORIGINAL MESSAGE FOLLOWS *****

It's fine for Dan to call but I suspect Branagh, who has talked with me twice in the past week because we had other business, will be far more interested in what we are doing, rather than what we are not or cannot. If communications with Jouflas have primarily been verbal, you should now begin documenting them with confirmatory letters copied to the applicable parties including Branagh. The irrigation issue is a bone of contention for Branagh, too, who believes Jouflas attempted to get Jack's contractor to do work for the Church but bill it to Branagh. I don't think we ought to continue to leave timing up to Jouflas but instead decide what is a reasonable deadline (after hearing the Church's concerns of course) and impose it. Rather than waiting for another Jouflas letter you just might converse with him again and then decide on a deadline. If you want me to apply pressure to Chris, let me know. I think Branagh may consider his next step to be an airing of his complaints formally at a CC meeting in an attempt to shame City into some form of coercive action.

**ST. NICHOLAS GREEK ORTHODOX CHURCH
OF GRAND JUNCTION
3585 North 12th. St.
Grand Junction, Colorado 81506
303-242-9590**

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT

AUG 10 1993

August 9, 1993

Mr. David Thornton
Grand Junction Planning Department
250 North 5th. St.
Grand Junction, Colorado 81501-2668

Re: St. Nicholas Greek Orthodox Church site

Dear Sir:

The parish council has met to discuss the concerns expressed by you in your letter of July 16, 1993. The site improvements planned by St. Nicholas have been held up because of the total non-cooperation of Mr. Jack Brannaugh, the owner of Horizon Towers. The owners of Horizon Towers have repeatedly not performed on required and promised work that would allow us to move forward with our site plan. When the street was being constructed into Horizon Towers there was to have been a pipe sleeve under the street that would allow us access to the water that is to be used for landscaping. It was not placed. And in fact it has only been possible to place the sleeve last month, at our expense, because Mr. Brannaugh would not permit us to place it at an earlier date in spite of repeated requests.

It is obvious that without water, no landscaping could be placed. Now that the sleeve for water is in place we can move forward with the site plan. The final grading and placement of the sprinkler system pipes, planting, lay-out and curbing for parking and a "dust-free" surface is to be completed by the time the water is out of the ditch this fall.

Again we wish to emphasize that it has not been our delay, but rather the impediments placed by Mr. Brannaugh that have held up our project.

Respectfully submitted,

Chris P. Gouffas
Parish Council of St. Nicholas
by Bruce Ward, Secretary

JOHN A. BRANAGH
INVESTMENTS
4432 PIEDMONT AVENUE
OAKLAND, CALIFORNIA 94611
—
(510) 654-4260
(510) 654-2045 (FAX)

June 29, 1993

Mr. David L. Thornton, Planner
City of Grand Junction
Community Development Dept.
250 North Fifth Street
Grand Junction, Co 81501-2668

Re: St. Nicholas Greek Orthodox Church
3585 N. 12th St., Grand Junction, CO
File #21-91

Dear Mr. Thornton:

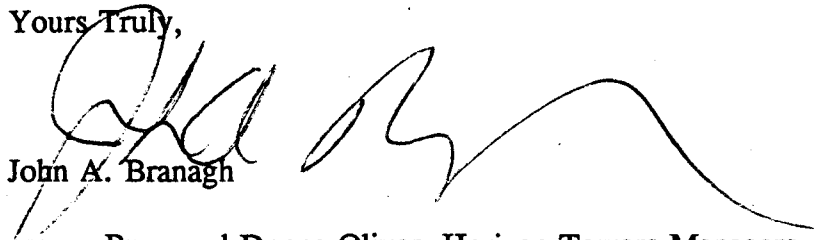
As the owner of Horizon Towers, I find it necessary to call to your attention certain correspondence as did commence in May of 1991, between Horizon Towers and "The Church", and even as of this date (more than two years later!) not even the slightest attempt on the part of the Church to correct the problems has been made! Adding insult to injury, you as the City Planner did mandate that prior to issuing the Permit of Occupancy "extensive landscaping" was a requisite. The simple fact is that not only is the site a weed infested visual blight upon the area, but also a significant fire hazard. In addition, no efforts (as you also required) have been made to accomplish a "dust free" parking lot. When the Grand Junction afternoon winds prevail, the site is akin to the plains of West Texas, and minimally results in breathing problems for my contiguous occupants. Why has the lot not been paved? Why has no landscaping been accomplished? Why is no maintenance of the general premises ever seen? Why are they allowed to use the site for storage of construction materials? Why does the Fire Marshall ignore the hazards? Why does the City not pursue the issue of week abatement? Why is there no proper drainage to preclude the Church's soil from sloughing off and intruding onto my contiguous "park land" at Horizon Towers? Why? Why? Why? It is my strong feeling that if the offender were anyone other than this Church, the City would have long ago enforced the ordinances which the Church blithely ignores!! There appears to be a double standard that I cannot comprehend!

It is my understanding that the Church is now seeking its Occupancy Permit, even though the parishioners have consistently been using the premises without benefit of same to date. I vehemently protest its issuance until such time as the items referenced in the preceding paragraph are accomplished. I would further request that the City issue a restraining order against any further use of the Church or its grounds until all offending conditions are remediated.

It was more than two years ago that my initial complaints were lodged and to suggest that my patience, and the patience of all occupants at Horizon Towers, has worn thin is a gross understatement. If it is necessary to circulate a petition among the occupants, call a news conference, pursue editorials in The Daily Sentinel, and ultimately commence litigation to remedy the situation, it shall be done. An amicable resolution would be preferable, but after two years of no action by the Church or City it has become apparent that there is little chance of my prevailing without resorting to the extremes.

A timely response as to your intentions to proceed in this matter would be appreciated, and if I do not hear from you in the next few days I shall pursue the matter through my own channels as partially referenced in the preceding paragraph.

Yours Truly,


John A. Branagh

cc: Buzz and Donna Oliver, Horizon Towers Managers
Keith Mumby, Esq.
Mark Achen, City Manager
Weed Abatement Control, Attn: Chuck Leyden, Supervisor
City Attorney
City Council Members

November 1, 1993

To: David Thornton, Planning and Zoning
Mark Achen, City Manager
Dan Wilson, City Attorney
Larry Trimm, C. D. Director
All City Council Members
Grand Junction Community Development Dept.
Planning - Zoning - Code Enforcement
250 North Fifth Street
Grand Junction, Colorado 81501 - 2668

From: Horizon Towers Homeowners Association and Residents
1111 Horizon Drive
Grand Junction, CO. 81506

Re: St. Nicholas Church, File # 21-91

Dear Ladies and Gentlemen;

In May of 1991 Jack Branagh as owner of Horizon Towers did request of the City certain assistance in bringing pressure to bear upon the above referenced Church to clean up its parking lot, install the necessary drainage to preclude soil erosion onto our contiguous property, and to install the landscaping that was previously mandated by the city as a requisite for construction and the subsequent issuance of an occupancy permit. This request made of the City for assistance was only after repeated personal, written, and telephone contacts had been made directly with the Church or its representatives in attempts to obtain their cooperation without the need to resort to governmental agencies.

All efforts appear to have been for naught because even today, 30 months later, we see no evidence of landscaping, no drainage pipes, no irrigation systems, and the parking lot is still reminiscent of a West Texas dust bowl!!!

A few days ago (Thursday and Friday, October 28th and 29th, 1993) there was some evidence of earthmoving equipment on the site, but drainage pipe (most necessary!) was not around. Further, the equipment operators did not have a landscaping plan and no one was available to disclose anything as to overall intentions. Is something really taking place or is this simply another delaying tactic?? Does someone at the City have any idea? David Thornton's letter to Mr. Chris Joufflas re/the Church, and dated July 16, 1993 stated:

"We expect all features, which includes landscaping, curbing, a "dustfree" parking surface, etc. to be completed by the fall of 1993."

"Please include a specific and detailed construction schedule for the individual site improvements."

Page 2

This letter was fairly explicit, but where and when might we experience the church's conformity?! "Fall" is half gone, winter is almost upon us, and very shortly we will be hearing that inclement weather precludes further progress!! Please note copy of October, 1991 letter that references inclement weather; i.e., the church has already used that excuse for two years and will they be working now on the third year??

We, as occupants, owners, and tax payers feel very strongly that the church should be held accountable for its actions, or inaction as it were, and do therefore demand that the City take the necessary code enforcement measures to insure immediate compliance prior to the onset of inclement weather. This is an abominable situation and while it is an eyesore, it is also a significant detriment to individual property values.

Your immediate response to this petition for action is requested.

Yours Truly,

To: Larry Timm
Cc: Kathy Portner
From: David Thornton
Subject: Greek Orthodox Church site impr
Date: 11/03/93 Time: 11:09a

Larry,

I did a site visit at St Nicholas Greek Othodox Church today and found that none of the required site improvements have been completed. The last correspondence we received from the church was a letter dated August 9, 1993 which stated, "The final grading and placement of the sprinkler system pipes, planting, lay-out and curbing for the parking and a "dust-free" surface is to be completed by the time the water is out of the ditch this Fall." As you may recall, Jan and Ivy stated they had seen some work being done on the site last week. It appears to me that the only noticable change I see in the site versus the last time I visited the site several weeks ago is an increase in the amount of gravel and gravel area and part of the lot h has been ploughed in what I assume as preparation for landscaping. No one was working on the site today while I was there. I do not know if the ditch serving the church with irrigation water has been turned off yet.

It doesn't appear in my mind that the Greek Church will complete their improvements this season. What is our next course of action???

Dave

file #21-91

To: Larry Timm
Cc: Kathy Portner
From: David Thornton
Subject: Greek Orthodox Church site
Date: 11/03/93 Time: 11:29a

Larry,

I checked with Grand Valley Irrigation to see when the water would be turned off for the church and was told that upstream at the dam the water was shut down for the winter last Saturday and it should only take a few days for the water to stop. So by the end of this week at the latest, the Greek Church will have no water in their ditch.

Dave



November 16, 1993

Parish Council of St Nicholas
St. Nicholas Greek Orthodox Church
3585 North 12th Street
Grand Junction, Colorado 81506

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

RE: Site improvement requirements

Dear Parish Council of St. Nicholas:

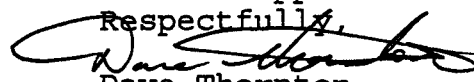
The St. Nicholas Greek Orthodox Church received approval of a conditional use permit allowing a church in a single family residential zone in April of 1991. The Conditional Use was sought to allow the church located at 3585 North 12th Street to expand. As part of that approval, certain site improvements were required to be constructed and landscaping installed prior to occupancy of the new building addition. These improvements have not been completed as required, even though the church building and addition are being occupied.

The City has previously corresponded with Mr. Chris Jouflas as representative of the church, regarding the site improvement requirements. The Parish Council submitted a letter to the City dated August 9, 1993 stating that the required improvements including "final grading and placement of the sprinkler system pipes, planting, lay-out and curbing for parking and a "dust-free" surface would be completed by the time the water is out of the ditch this fall." A copy of that letter is attached for your reference. A site inspection conducted on November 15, 1993 revealed that the above improvements have not been fully completed. As well, Ms. Patten of Grand Valley Water Users informed me on November 15, 1993 that all irrigation water has been turned off.

The required improvements having not been installed is in violation of the Zoning and Development Code. Unfortunately since over two years has passed without substantial progress being made, I have no choice but to turn this matter over to the City's Code Enforcement division.

Please be aware that each day that the improvements are not completed may be considered a separate offense, punishable by a fine up to \$499.00 or by 90 days in jail or both for each offense. The Code provides that the City may enjoin such violations, as well.

Your immediate attention to this matter is appreciated.

Respectfully,

Dave Thornton
Senior Planner

cc: Chris Jouflas
Jan Koehn, Code Enforcement
John Shaver, Assist. City Attorney
file #21-91

(greek.let)

Arcieri Associates

Landscape Architecture & Planning

ST. NICHOLAS GREEK ORTHODOX CHURCH LANDSCAPE COST ESTIMATE

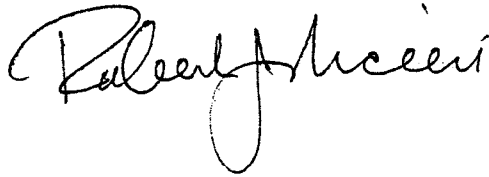
February 2, 1994

1.	IRRIGATION		
	Installed		\$0
2.	TURF		
	In progress-paid		0
3.	LANDSCAPE CURBING		
	120 lf @ \$2.25		270
4.	SHRUB BED DEVELOPMENT		
	Preparation		
	6,230 sf @ \$.05		312
	Weed Barrier		
	6,230 sf @ \$.15		935
	Washed River Rock Top Dressing		
	6,230 sf @ \$.15		935
5.	SHRUBS		
	142 @ \$27.50		3,905
6.	TREES		
	Austrian Pine		
	6 @ \$330		1,980
	Deciduous Shade Trees		
	18 @ \$160		2,880
	Deciduous Ornamental Trees		
	9 @ \$140		<u>1,260</u>

SUBTOTAL	12,477
Discount on Plant Materials via Arcieri & Associates	(1,646)
TOTAL ESTIMATED LANDSCAPE COSTS	\$10,831

Note: All estimates include materials plus installation in Spring, 1994 dollars. Some work may be done by church members.

**Estimate prepared by Robert J. Arcieri, ASLA
on February 2, 1994**

A handwritten signature in cursive script, reading "Robert J. Arcieri". The signature is written in dark ink and is positioned below the typed name and date.

WD YARDS

PROFESSIONAL TURF MANAGEMENT
3330 NORWALK ST., GRAND JUNCTION
CO 81506 243-1229



Estimate for:

Name: ST NICHOLAS CHURCH Date: 10/12/93
Street: 3585 N 12th ST Phone #: 243-1727
City/Zip: GRAND JCT CO Sales Person: WD
ATTN: BRUCE WARD

We hereby submit specifications and estimates for:

19,000 sq ft Turf
1400-2000 Beds

INSTALL A NEW RAINBIRD AUTOMATIC UNDERGROUND
SPRINKLER SYSTEM AS PER DRAWING WITH STUB
OUTS FOR FUTURE FLOWER BED AND PLANTING
AREAS. \$5,508.00

PLASTIC EDGING STRIP AROUND BUILDING AND
PLANTING AREAS AS PER DRAWING. \$400.00

SOIL PREPARATION AND GRADING AWAY
FROM BUILDING - SOIL AMENDMENTS
INCLUDED ARE 3 YARDS/1000^{sq} ORGANIC MATERIAL \$3,460.00

HYDROSEED TURF AREA WITH KENTUCKY
BLUE GRASS \$1,300.00

THIS INCLUDES ALL PUMP & FILTERS AND
TIMER BOX WITH ALL ELECTRICAL
ASSUMING ELECTRICITY IS AT SW CORNER \$200.00
OF BUILDING

NO ROADING OR ASPHALT WORK IS INCLUDED

1 YEAR WARRANTY & 1 FERTILIZATION INCLUDED
We Propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

dollars (\$10,918.00)

Payment to be made as follows:

1/2 PAYMENT UP FRONT, BALANCE UPON COMPLETION

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature WD


Note: This proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance _____

Signature _____

Signature _____

 **Fred Cunningham**
Construction Co.

543 Main St. Grand Junction, CO 81501
Phone (303) 243-2361

February 29, 1994

Chris Jouflas
748 Golfmore Drive
Grand Junction, CO 81506

Dear Chris,

It is the PROPOSAL of Fred Cunningham Construction Company to place approximately 840 lineal feet of 6" ribbon curb at the Saint Nicholas Church for the amount of \$6.80 per lineal foot. Payment will be based on field measurement. This quote is good for 30 days.

If you have any further questions, please don't hesitate to call.

Thank you for allowing us to quote this work.

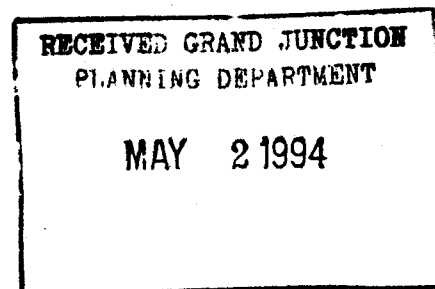
Sincerely,



Aaron Arbogast
Vice President

AA/rp

^{TOTAL} 5712⁰⁰





HORIZON
TOWERS

1111 Horizon Drive, Grand Junction, CO 81506
(303) 241-TWRS (241-8977) FAX: (303) 242-3857

April 14, 1994

Mr. David Thornton
Grand Junction Planning Department
250 N. 5th Street
Grand Junction, CO. 81501-2668

Re: St Nicholas Greek Orthodox Church site (File #21-91)

Dear Sir;

You are aware of the problems we have had with our neighbors, the Greek Orthodox Church. I think it is time to file a class action suit. We have experienced reverse discrimination for many years. The promises the church has made have not been accomplished, and the dustbowl next door has, it seems, no end. The weeds have already begun to grow again and we are out of patience.

If we do not receive significant action in the next 15-30 days, we will be forced to proceed through all legal channels available to us, inclusive of litigation against the city for non-performance of their duties.

Sincerely,

Donna Oliver, Manager

cc: Mark Achen, City Manager
Linda Afman
Jim Baughman
Reford Theobald
Dan Rosenthal
Ron Maupin
Bill Bassinger
R. T. Matlo
Dan Wilson, City Attorney
Jan Kane, Code Enforcement
Keith Mumby, Esq.



April 21, 1994

Ms. Donna Oliver
Horizon Towers
1111 Horizon Drive
Grand Junction, Colorado 81506

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

RE: St. Nicholas Greek Orthodox Church (File #21-91)

Dear Ms. Oliver:

copy

In response to your letter of April 14, 1994 I have contacted Jan Koehn, the City's Code Enforcement Supervisor, regarding the Greek Orthodox Church located at 3585 North 12th Street.

Ms. Koehn informed me that she required St. Nicholas Greek Orthodox Church to submit an approved Development Improvements Agreement and Guarantee for the remaining site deficiencies on or before May 2, 1994. All of the site features that were approved as part of the Conditional Use permit approval granted by the Grand Junction Planning Commission in 1991 must be secured.

All required site features except overlaying asphalt on the parking areas, must be completed by July 1, 1994. The Planning Commission allowed the Church six years from the date of approval of the Conditional Use permit to complete parking.

Your cooperation with us in accomplishing our task of working with the Church to bring their site into conformance is appreciated.

If you have any question, please contact Jan Koehn at 244-1593 or me at 244-1447 at your earliest convenience.

Respectfully,

Dave Thornton
Senior Planner

cc: Mark Achen, City Manager
City Council
Dan Wilson, City Attorney
John Shaver, Assist. City Attorney
Jan Koehn, Code Enforcement Supervisor

(greek1.let)

DaveT



April 21, 1994

Grand Junction Community Development
Code Enforcement Division
250 North 5th Street
Grand Junction, Colorado 81501-2668
(303) 244-1583 FAX (303) 241-1599

Parish Council of St. Nicholas
St. Nicholas Greek Orthodox Church
3585 North 12th Street
Grand Junction, CO 81506

RE: Site Improvement Requirements

Dear Council,

The City has been corresponding with Mr. Chris Jouflas regarding the site improvement requirements required of the Greek Orthodox Church. We understand that the Church has been in the process of making the required improvements, however we have requested a guarantee for the uncompleted portions of landscaping and concrete/asphalt work. This has not yet been received.

The Church will need to provide the City of Grand Junction either a letter of credit or cash guarantee for the required site improvements by May 2, 1994 to avoid the initiation of legal action. All site improvements will need to be completed by no later than July 1, 1994. Failure to complete these requirements could result in forfeiture of your financial guarantee bond and/or summons' to Court.

Your immediate attention to this matter is necessary. If you have further questions please contact me at 244-1593.

Respectfully,

A handwritten signature in cursive script that reads "Jan Koehn".

Jan Koehn
Code Enforcement Supervisor

cc: John Shaver, Assistant City Attorney
Dave Thornton, Senior Planner
Bruce Ward, Registered Agent
Chris Jouflas



HORIZON TOWERS

1111 Horizon Drive, Grand Junction, CO 81506
(303) 241-TWRS (241-8977) FAX: (303) 242-3857

April 27, 1994

Mr. Dave Thornton
250 N. 5th Street
Grand Junction, CO. 81501-2668

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT

APR 29 1994

Re: St. Nicholas Greek Orthodox Church site (File # 21-91)

Dear Mr. Thornton;

Thank you so much for your reply to my letter of April 14, 1994.

We are pleased to note that the Greek Church has hydroseeded the East (12th Street) portion of their site.

The remaining site deficiencies which concern us highly are the plantings scheduled for the West side, or the rear portion of their site, which borders the Horizon Towers property. This is the portion of the site which effects us to the greatest degree. You state all site features must be completed by July 1, 1994. Will the plantings for the West side be completed by that date also?

I would also like to address the drainage easement issue in order to be certain that provisions are made for this easement, which was referred to in your letter to me on 5/24/91, and I quote, "The review agency sheet summary comments state that the church should obtain an access agreement from Horizon Towers and drainage easement across adjacent property may be required as a result of a drainage study". We have never been contacted regarding this drainage easement.

I wanted to bring the above items to your attention so that they may become a part of the Development Improvements for the site, and hopefully they will be covered by the July 1st completion date.

Sincerely,

Donna Oliver, Manager

cc: Jan Koehn, Code Enforcement Supervisor
Mark Achen, City Manager
City Council
Dan Wilson, Assist. City Attorney
Keith Mumby, Esq.

ST. NICHOLAS GREEK ORTHODOX CHURCH

3585 North 12th. St.

Grand Junction, Colorado 81506

303-242-9590

November 27, 1994

#21-91

Dr. Allan R. Taylor
787 17th. St.
Boulder, Colorado 80302

COPY

Dear Dr. Taylor,

We are in receipt of your letter of November 19, 1994 and discussed it at our parish council meeting this morning. We wish to thank you for your generous and kind offer of trees to help landscape our church here in Grand Junction.

I am forwarding a copy of your letter to Bob Arcieri, our landscape architect, of Arcieri & Associates, 604 25Rd., Grand Junction, Colorado 81501.

We look forward to meeting with you again when you are in Grand Junction to further discuss landscaping plans. The schedule for services are for Sundays December 15 and 25, January 15 and 29, and February 12.

Sincerely,

Parish Council of St. Nicholas
by Bruce A. Ward, Secretary

COPY

November 19, 1994

Mr. Chris Jouflas
748 Golfmore Drive
Grand Junction, Colorado
81506

Dear Mr. Jouflas:

A week ago I stopped at the Greek church just after Sunday service. I visited at that time with the priest and with your son. My reason for stopping was to offer the church some landscape plants. You may know of this from your son, who gave me your address and suggested that I write to you.

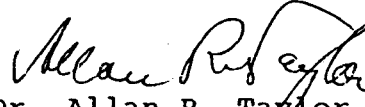
I have a few trees which would be very good for planting at the church, including Greek fir (*Abies cephalonica*), Arizona cypress (an American tree, but one very much like the cypress trees native to Greece), and cedar of Lebanon (*Cedrus libani*). I promised to deliver the trees to the church next spring.

I am writing to you now to ask if you can put me in touch with your architect. I would like to coordinate with him, and also to make some suggestions to him of other trees from Greece and the surrounding areas which could be used in the landscape plan for your church. (I assume that he may not be familiar with the trees which grow in Greece and which ones would be hardy under our conditions. I know a good deal about that, since I am a tree hobblist, and I have visited Greece and collected seeds there.)

I would really like to work with you to make your church the most beautiful--and authentic--Greek church in Colorado. Will you let me help?

Thank you very much.

Sincerely yours,


Dr. Allan R. Taylor
787 17th Street
Boulder, Colorado
80302

303-442-5662

F.V.I.
J. SHAVER

ST. NICHOLAS GREEK ORTHODOX CHURCH
OF GRAND JUNCTION
3585 North 12th. St.
GRAND JUNCTION, COLORADO 81501

M. D.

RE:
JAN KOEHN
DAVE THORNTON

March 23, 1995

Judge David Palmer
Municipal Court
City of Grand Junction

Re: Action No. Z 10931

Dear Sir:

We hereby respectfully request a sixty (60) day extension on your order dated September 14, 1994 to complete the landscaping of the St. Nicholas Greek Orthodox Church as approved by the City of Grand Junction. We have, since the order was issued, developed a revised landscape and parking plan which the City has approved. We have contracted with a landscape construction firm to install the sprinkling system and are working with another construction firm to have the parking lot revised to grade. Through the winter it has not been possible to actually plant trees and shrubs, but that will be done as soon as the sprinkling system is in and there is irrigation water in the ditch.

We thank you for your patience.

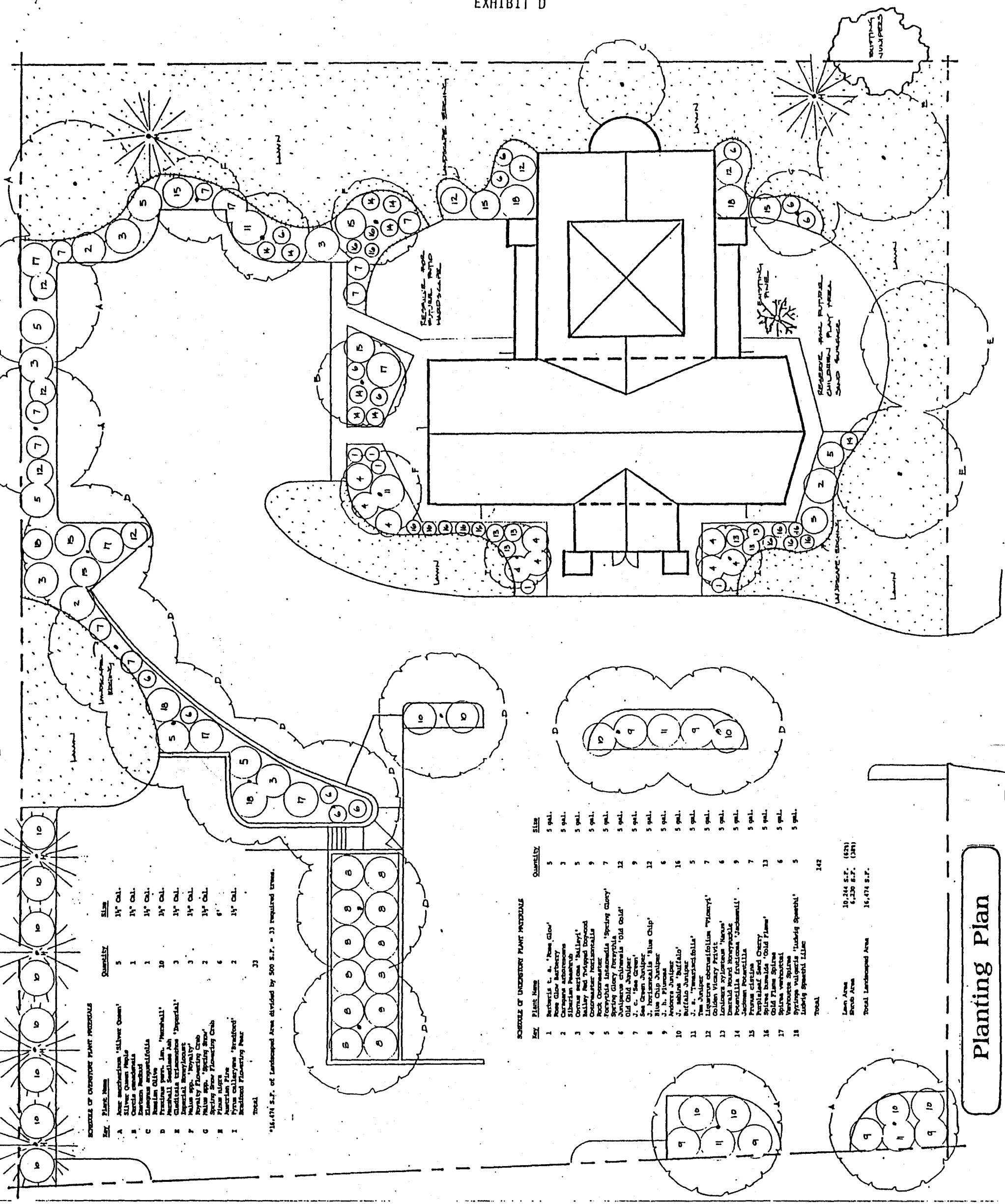
Respectfully

Chris Joufflas

The Parish Council of
St. Nicholas Greek Orthodox Church
by: Chris Joufflas, President.

Granted -

David Palmer
3/28/95



SCHEDULE OF ORDINARY PLANT MATERIALS

Qty.	Plant Name	Quantity	Size
A	Acacia salicifolia 'Silver Queen'	5	1 1/2" Cal.
B	Silver Queen Maple	1	1 1/2" Cal.
C	European Hornbeam	1	1 1/2" Cal.
D	Hamamelis virginica	10	1 1/2" Cal.
E	Fraxinus penns. var. 'Princeton'	3	1 1/2" Cal.
F	Amelanchier canadensis 'Appalachian'	3	1 1/2" Cal.
G	Malus spp. 'Royalby'	2	1 1/2" Cal.
H	Malus spp. 'Spatula'	2	1 1/2" Cal.
I	American Elm	6	6"
	Pyrus calleryana 'Bradford'	2	1 1/2" Cal.
	Red-tiled Flowering Pear	2	1 1/2" Cal.
	Total	33	

*16,474 S.F. of Landscaped Area divided by 500 S.F. = 33 required trees.

SCHEDULE OF UNUSUAL PLANT MATERIALS

Key	Plant Name	Quantity	Size
1	Berberis L. s. 'New Glow'	5	5 gal.
2	Rose Glow Barberry	3	5 gal.
3	Siberian Peashooter	5	5 gal.
4	Cornus stricta 'Halley'	9	5 gal.
5	Malley Red Twigged Dogwood	7	5 gal.
6	Coccoloba hirsuta	12	5 gal.
7	Rock Cornus	9	5 gal.
8	Forcythia integrifolia 'Spring Glory'	12	5 gal.
9	Spring Glory Forsythia	9	5 gal.
10	Old Gold Juniper	12	5 gal.
11	J. c. 'Sea Green'	6	5 gal.
12	Sea Green Juniper	12	5 gal.
13	J. horizontalis 'Blue Chip'	6	5 gal.
14	Blue Chip Juniper	16	5 gal.
15	Juniperus horizontalis 'Blue Chip'	5	5 gal.
16	Juniperus horizontalis 'Blue Chip'	7	5 gal.
17	Golden Victory Privet	6	5 gal.
18	Lonicera xylosteum 'Nanus'	9	5 gal.
19	Parrotia persica 'Parrotia'	7	5 gal.
20	Parrotia persica 'Parrotia'	13	5 gal.
21	Spirea vanhouttei	6	5 gal.
22	Veronica spinescens 'Rusby Spineh'	5	5 gal.
23	Veronica spinescens 'Rusby Spineh'	5	5 gal.
	Total	142	

Lawn Area 10,344 S.F. (424)
 Shrub Area 6,230 S.F. (249)
 Total Landscaped Area 16,474 S.F.

Planting Plan

Arcieri & Associates
 Landscape Architects

1825 North First Street
 Grand Junction, Colorado 81505
 (303) 243-4148

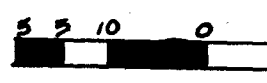
Landscape Design for:
ST NICHOLAS CHURCH

1" = 16'
 Scale



3 10

N



SCALE 1"

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT
APR 01 1991

