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File 1992-0009

Name: Captain D's Drive-Thru - Conditional Use - Rest. 2812 North Ave.

P r e s e n t	S c a n n e d	<p>A few items are denoted with an asterisk (*), which means they are to be scanned for permanent record on the 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.</p> <p>Documents specific to certain files, not found in the standard checklist materials, are listed at the bottom of the page.</p> <p>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.</p>
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DOCUMENT DESCRIPTION:

X	X	Correspondence	X	X	Action Sheet - approved 5/20/92
X		Commitment for Title Ins. - 1/15/92	X	X	Exterior Elevations Map
X		Appraisal Report - 2/21/92	X	X	Sign Diagram
X		Public Notice Posting - 3/2/92	X	X	Site Plan
X		Legal Ad - 3/31/92, 4/29/91	X	X	Suggested Motions by Kathy Portner-4/7/92
X	X	City Council Agenda, - 5/20/92, 5/6/92 - **	X		Notice of Public Hearing Mail-out - 4/7/92
X		Utility Coordinating Committee Approval - 4/8/92	X	X	Traffic Impact Study
X		E-mails	X		Plat Map
X	X	Planning Commission Minutes - 4/7/92, 5/6/92, 5/20/92 - **	X		Court Road Access Alternates
X	X	Deed Agreement - given to City Clerk - ** -signed 10/19/92	X		Vicinity Map
X	X	Site Walk-thru Report - 12/14/92	X		Grading and Drainage Plan
X	X	Landscape Plan	X		Utility Composite
X	X	Hydrant Placement Diagram	X		Traffic Counts

Hilltop Fondation Inc.
2503 Foresight Circle
Grand Junction, CO 81505

William Anderson
695 Roundhill Dr.
Grand Junction, CO 81506

Kathy's Car Wash
2823 North Ave.
Grand Junction, CO 81501

Pera, Att: Real Estate
1300 Logan St.
Denver, CO 80203

Centennial Savings Bank
P.O. Box 1590
Durango, CO 81302

Gladys L. Collins
c/o Bradley Petroleum Co.
105 S. Cherokee
Denver, CO 80223

Lawrence Dowd
2660 Paradise Dr.
Grand Junction, CO 81506

Home Appliance - Service and
Parts Co.
493 28½ Rd.
Grand Junction, CO 81501

RM 18 Corp
P.O. Box 2798
Littleton, CO 80161-2798

Sheldon Mandell
2441 N. Leavitt St.
Chicago, IL 06047

Mesa United Bank of
Grand Junction
c/o Avtay Inc.
P.O. Box 2798
Littleton, CO 80161

Debrae Fleming
2234 N. Regent Circle
Grand Junction, CO 81503

William E. Leinberger
Carol Mizushima
2814 North Ave.
Grand Junction, CO 81501

Sallya & John C. Sparks
10215 W. 17 P1
Denver, CO 80215

Hubert Miracle
510 Court Rd.
Grand Junction, CO 81503

Nalle-von Voigtlander
14631 N Scottsdale Rd.
Scottsdale, AZ 85254

Nina B. West
508 Court Rd.
Grand Junction, CO 81501

Junction Bell Fed. Credit Union
504 Court Rd.
Grand Junction, CO 81501

E. J. Preston
3038 D½ Rd.
Grand Junction, CO 81504

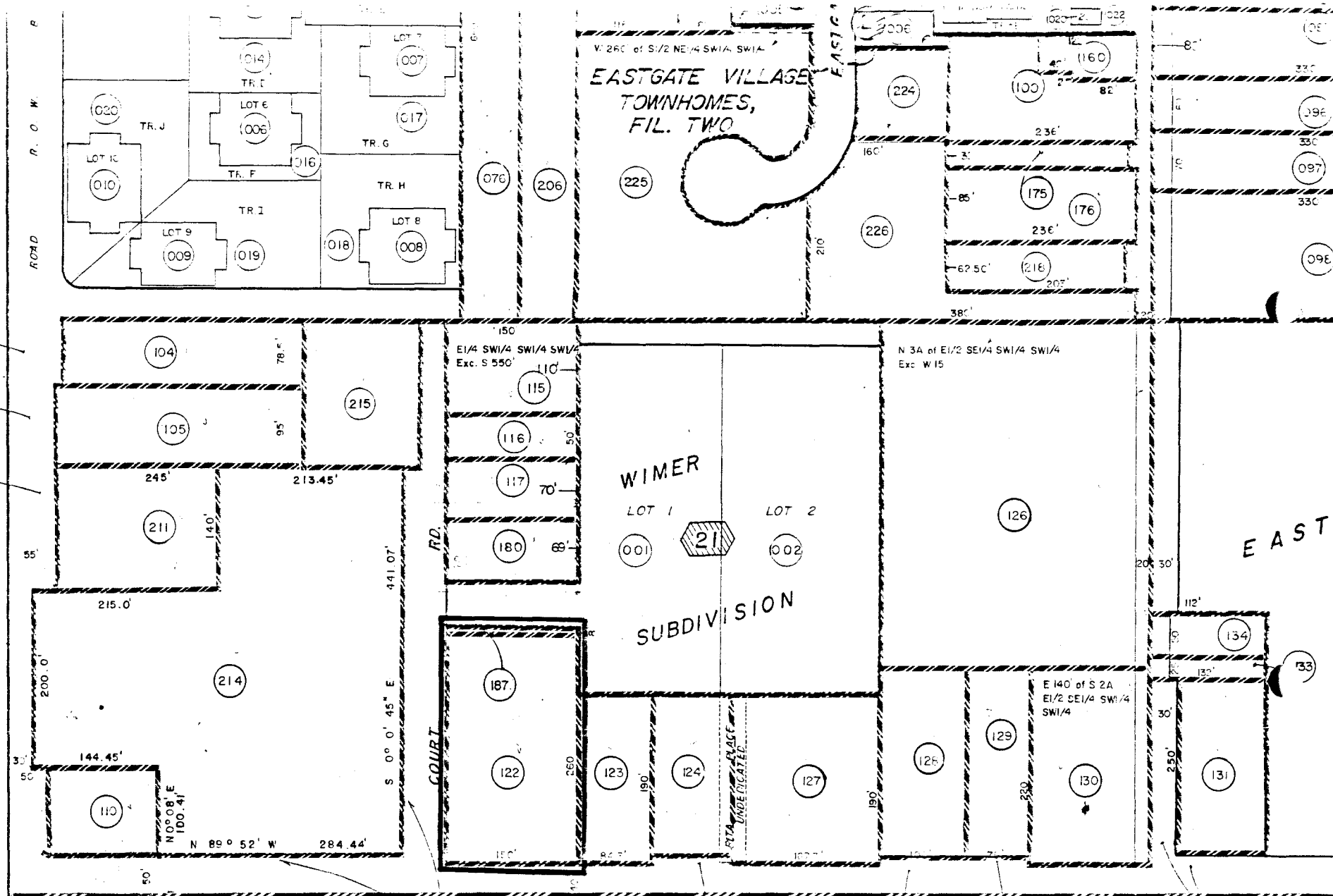
Schiesswohl Oil Co.
P.O. Box 1003
Grand Junction, CO 81502

Mesa United Bank of Grand
Junction
2808 North Ave.
Grand Junction, CO 81501

Sheldon J. Mandell
2441 N. Leavitt St.
Chicago, IL 06047

RM 18 Corp.
C/O AVTAX Inc. (Furr's Caf)
P.O. Box 2798
Littleton. CO 80161-2798

9-92
Original
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From Office



R.O.W.
E-1139
P-833

R.O.W.
E-1139
P-834
E-1159
P-561

R.O.W.
E-1142
P-196

CITY LIMITS

ROAD R.O.W.
E-1100 P-320 & 322

R.O.W.
E-1372
P-845

ROAD R.O.W.
E-1100 P-814

R.O.W. E-1406
P-384

R.O.W.
E-1161 P-679

Adjoining
T.I.S. R.I.E.
2945-182

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9-92

REVIEW COMMENTS

(Page 1 of 8)

FILE NO. #9-92

TITLE HEADING: Conditional Use

ACTIVITY: Conditional Use Permit for Captain D's Seafood Restaurant and Drive Thru

PETITIONER: E. J. Preston

REPRESENTATIVE: Western Engineers, Inc.

LOCATION: 2812 North Avenue

PHASE: Final

ACRES:

**PETITIONER'S ADDRESS: 3038 D 1/2 Road
Grand Junction, Colorado 81504**

STAFF REPRESENTATIVE: Kathy Portner

**NOTE: WRITTEN RESPONSE BY THE PETITIONER TO THE REVIEW COMMENTS
IS REQUIRED ON OR BEFORE 5:00 P.M., APRIL 2, 1992.**

CITY UTILITIES ENGINEER 03/16/92
Bill Cheney 244-1590

SEWER

1. A grease trap will be required prior to discharging cooking wastes into the sanitary sewer.
2. An E.Q.U. of 5.71 will be used for calculating the "Plant Investment Fee" and monthly service charges. A new "Plant Investment Fee" will be required.
3. The property has not been on "availability" billing. This is based on 1600 gallons per day.

WATER

1. A new tap fee for water will be required if the property has not been on "availability" billing.

CITY UTILITIES ENGINEER, continued 03/16/92
Bill Cheney 244-1590

Do not issue planning clearances for building permits until water and sewer fees have been processed.

CITY PROPERTY AGENT 03/18/92
Tim Woodmansee 244-1565

No comments.

CITY FIRE DEPARTMENT 03/12/92
George Bennett 244-1400

Please move the fire hydrants as marked on the enclosed drawings. If you have any questions, please contact me.

STATE HIGHWAY DEPARTMENT 03/12/92
R. Perske, J. Nall, W. Spanicek, C. Dunn

Access should be limited to Court Place only. Access Permit is required. A traffic light may be required at Court Place.

CITY POLICE DEPARTMENT 03/10/92
J.E. Hall 244-3577

No negative impact on our department.

CITY DEVELOPMENT ENGINEER 03/05/92
Gerald Williams 244-1577

SITE PLAN

1. No sidewalk is proposed along the east side of Court Place. Sidewalk is recommended.
2. At the southwest corner of the site, an existing storm drain grate is located where sidewalk is proposed. The riser should be adjusted to allow a solid access cover to be placed over the riser and be at sidewalk grade. Show a detail.

CITY DEVELOPMENT ENGINEER, continued
Gerald Williams

03/05/92

244-1577

3. The site plan shows services. Rather than have an additional pavement cut, the sewer service should connect to the existing sewer service cleanout located just north of the water meter. The water and sewer service could be installed parallel with adequate separation, with an additional cleanout on the sewer tap outside of the building.
4. Two on-site fire hydrants are shown. However, the waterline to them is not shown, nor is the water line in Court Place in the vicinity of the fire hydrant. Required easements and obstacles therein should be considered when designing the waterline alignment. Note also that the southeast fire hydrant is nearly atop a proposed storm drain line.
5. With 17 extra parking spaces beyond requirement, on-site detention would have been readily possible. However, due to other considerations, acceptance of a no-detention drainage scheme has already been discussed and accepted.

UTILITY COMPOSITE

1. Off-site utilities are shown, but not those proposed on-site to see how they tie in. Also, the existing gas line appears to conflict with the proposed storm drain line shown on the grading and drainage plan.

GRADING & DRAINAGE PLAN

1. The 8" proposed storm drain should be up-sized to 12" for cleaning purposes, SDR 35 PVC or thicker.
2. The storm drain line as proposed conflicts with the existing gas line, and also the proposed fire hydrant (and service line?). An alternative alignment is recommended.
3. A manhole will be required at the storm drain tie-in.
4. The finished floor elevation appears acceptable with respect to surrounding roads and topography.
5. Other than the finish floor and the one on-site grade, no other proposed finish grades are provided. Finish grades must be provided at all angle and curvature points on curbing, gutter, ramps, sidewalks, swales, grade breaks, grade changes, and tie-ins to existing gutters and sidewalks. Existing grades at the tie-in locations are also required.

CITY DEVELOPMENT ENGINEER, continued 03/05/92
Gerald Williams 244-1577

6. Slope arrows showing slope direction and slope percent shall also be provided for all planes.
7. Minimum pavement shape shall be 1.0 percent. Minimum gutter (concrete) slope shall be 0.4 percent.
8. Details of the on-site inlet are required.
9. Provide a detail of pavement design.
10. Add note on site plan to close west curb cut on North Avenue.

CITY PARKS & RECREATION 03/18/92
Don Hobbs 244-1545

Open space fee of 5% of \$60,000 - appraisal will be \$3,000.

TRANSPORTATION ENGINEER 03/10/92
David Tontoli 244-1567

1. Traffic impact study to be submitted using fast food with drive-up window.
2. Determination of access on Court Place will be analyzed by traffic impact study.
3. Acceleration/Deceleration lanes determined by traffic impact study and CDOT State Access Code.
4. Traffic impact study to include new generated traffic percentage of distribution (directional) using I.T.E. 5th Edition Trip Generation Manual.

BUILDING DEPARTMENT 03/04/92
Bob Lee 244-1631

No comments.

PUBLIC SERVICE 03/04/92
Dale Clawson 244-2658

No objections.

U.S. WEST 03/04/92
Leon Peach 244-4964

No comments at this time.

MISSING COMMENTS FROM:

City Attorney

COMMUNITY DEVELOPMENT DEPARTMENT - Kathy Portner 244-1446

File #9-92 Conditional Use Captain D's Drive-Through Restaurant
Review Comments--March 16, 1992

Proposal

The petitioner is requesting a Conditional Use Permit for a drive-through window for a proposed fast-food restaurant (Captain D's). The property is located on the northeast corner of North Avenue and Court Place. The restaurant will include 2,715.5 sq.ft. for a total seating capacity of 90.

Surrounding Land Use and Zoning

The property being proposed for development is zoned C-1 (light commercial), as is all the surrounding property. To the east of the property is Carol's Oriental Food & Gift Shop, to the north is Junction Bell Federal Credit Union and to the west is United Bank of Grand Junction. Across North Avenue to the south are retail businesses.

North Avenue Corridor Guideline

The Corridor Guideline identifies the existing uses and zoning as being appropriate. This proposed use would fit the existing character. The guideline also encourages minimizing curb cuts onto North Avenue to facilitate better traffic flow. The guideline also states that development should provide adequate setbacks for structures from the public right-of-way to be used in part for landscaping. Within the setbacks, landscaping amenities such as berms, buffers and streetscapes are encouraged. The development plan proposes an approximately 20' strip of landscaping behind sidewalk along North Avenue, 10' of which is in the public ROW. An approximately 10' strip of landscaping is proposed along Court Place. The landscaping strips widen at the entrances/exits.

Conditional Use Criteria

The Zoning and Development Code requires that the following criteria be satisfied in approving a Conditional Use Permit (section 4-8-1):

A. The proposed use must be compatible with adjacent uses, as expressed in terms of appearance, site design and scope, as well as the control of adverse impacts including noise, dust, odor, lighting, traffic, etc.

The proposed use is compatible with adjacent uses; however, traffic circulation into and out of the site is a concern. The petitioner will be required to conduct a full traffic impact analysis.

B. The use shall be approved only if the design features of the site, such as service areas, pedestrian and vehicular circulation, safety provisions, accessory uses, accessways to and

from the site, buffering, etc., are sufficient to protect adjacent uses.

The design features of the proposed development should not have direct negative impacts on adjacent uses. But, again, the increase in traffic and traffic flow could have an adverse impact on North Avenue as a whole.

C. Proposed accessory uses must demonstrate that they are necessary and desirable.

There are no proposed accessory uses.

D. Adequate public services must be available without the reduction of services to other existing uses.

Adequate public services are available.

E. Other uses complementary to, and supportive of, the proposed project shall be available including schools, parks, hospitals, business and commercial facilities, transportation facilities, etc.

The only one of these items which seems to be applicable is transportation facilities. The proposed traffic flow impacts on North Avenue must be determined through a traffic impact analysis to be provided by the developer.

F. Provisions for proper maintenance shall be provided.

Satisfied.

G. The use shall conform to adopted plans, policies, and requirements for parking and loading, signs and all other applicable regulations of this Code.

The proposal does comply with adopted plans and policies. Parking provided is more than adequate. More detail is needed on the proposed sign. Setbacks are adequate. Landscaping requirements will be reviewed in more detail under site plan review.

Site Plan Review

The developer is required to dedicate an additional 10' of ROW along North Avenue for a total half ROW width of 50'.

The required setback along North Avenue is 55 feet from center line and along Court Place is 25 feet from center line. All structures and parking, as proposed, are not within those setback areas.

The required landscaping area along North Avenue is .75 x 5' x 150' for a total of 562.5 sq.ft., and along Court Place is .75 x 5' x 257.99' for a total of 967.5 sq.ft. In addition, 5% of the parking area must also be landscaped. The plan shows that .696 acres, or 30,317 sq.ft. of the lot is in asphalt and concrete, so the additional landscaping requirement is 30,317 x .05 for a total of 1515.9 sq.ft. Therefore the total area of landscaping required for the site is 3,045.9 sq.ft. The site plan must show the square footage of each of the proposed landscaped areas. All required landscaping must be within the property boundaries. Of the total landscaping area required, 40% of the area must contain shrubs. The proposed plan appears to be grossly deficient in shrubs. The long row of parking spaces along the east property line should contain several landscaped islands, including shade trees. The landscaping plan must be resubmitted with the square footages shown, adequate shrub coverage and additional landscaped islands within the parking lot. Berming is also recommended around the parking lot perimeter to soften the visual impact of the parking lot.

What is the 8' strip of property north of this property? If it is under the same ownership it should be combined with this parcel.

The sign allowance along North Avenue is based on the following calculations:

Street frontage - 150' x 1.5 sq.ft. = 225 sq.ft.

Building facade - 36' x 2.0 sq.ft. = 72 sq.ft.

Therefore, the total allowance along North Avenue is 225 sq.ft. The proposed pole sign is 116 sq.ft. Signage detail for the building must also be submitted.

The sign allowance along Court Place is based on the following calculations:

Street frontage - 258' x .75 sq.ft. = 193.5 sq.ft.

Building facade - 72' x 2.0 sq.ft. = 144.0 sq.ft.

Therefore, the total allowance along Court Place is 193.5 sq.ft.

Parks and Open Space Fees due prior to Building Permit are \$3,000 based on the appraisal of \$60,000.

Recommendation

A recommendation will be made after reviewing the additional requested reports and materials.

File #9-92--Conditional Use--Captain D's

Staff Recommendations--4/7/92

The petitioner has responded to the review agency comments. Staff recommends approval of the Conditional Use Permit with the following conditions:

1. A Planning Clearance will not be issued until all water and sewer fees have been processed.
2. Final construction drawings must be reviewed and approved by the City prior to issuance of a Planning Clearance.
3. The Parks and Open Space fee of \$3,000 must be paid prior to issuance of a Planning Clearance.
4. Berming be required along the parking lot perimeter to soften the visual impact of the parking lot and that two (rather than one) landscaped islands, including shade trees, be included in the long row of parking along the east property line. All other landscaping to be as proposed on the site plan revised 3/31/92.
5. The 8' strip of land north of this property will be combined with the rest of the property prior to issuance of a Planning Clearance.
6. All concerns as noted in the City Development Engineer's revised comments, dated 4/7/92 must be resolved prior to issuance of a Planning Clearance.
7. The traffic analysis as submitted is acceptable and indicates no decrease in level of service on North Avenue. Therefore the traffic circulation as shown on the revised site plan is acceptable. State Highway Department has indicated that an access permit will be issued for the driveway onto North Avenue, shown as ingress only.
8. Landscaping plan to be reviewed by staff with recommendations on plant types and spacing to be made prior to issuance of a Planning Clearance.

City Development Engineer--Gerald Williams
Revised Comments--4/7/92

1. The response to review comments submitted by Western Engineers indicates that a note has been added to the Grading and Drainage Plan to close the west curb. The note was not found.
2. Proposed grades at all angle and curvature points on curbing, gutter, ramps, sidewalks, swales, grade breaks, grade changes, and points of the rims of curb and gutters were requested. Only a few grades were provided which are not adequate to allow an appropriate review. With the minimal grades provided, the possibility of error is too great, as is exemplified by the proposed grade in the northeast corner of the parking lot in the northeast corner being lower than the concrete valley pan to the south to which the area is to drain. Even on the diagonal, the slope is less than the minimum allowed. Without the complete Grading and Drainage Plan as requested, the plan is considered incomplete and unacceptable.
3. Sidewalk along North Avenue must be 6' wide.
4. Trees must be at least 6' behind back of sidewalk.
5. Street lighting is required at each curb cut on Court Place if not already existing.



CAPTAIN D'S RESTAURANT AND DRIVE-THRU

**Conditional Use Permit
Response to Review Comments**

CITY UTILITIES ENGINEER

SEWER and WATER

1. A grease trap is provided in the building construction plans.
2. All fees will be paid prior to start of construction.

CITY FIRE DEPARTMENT

Fire hydrants will be located as near as possible two feet behind the proposed sidewalks unless existing utilities conflict as discussed with the Fire Department.

STATE HIGHWAY DEPARTMENT

An access permit for driveway cut on North Avenue is being applied for with the Colorado Department of Highways.

CITY DEVELOPMENT ENGINEER

SITE PLAN

1. Additional sidewalk is included for the east side of Court Road.
2. A standard manhole ring and cover is to be installed on the existing catch basin.
3. Water and sewer services to be relocated for connection to existing tap locations as per city recommendation.
4. Fire hydrants have been relocated as per City Fire Department. Existing utility locations were taken into consideration.

UTILITY COMPOSITE

1. Based on the Action Sheet (FF) it was assumed only existing utility were required for the Utility Composite. Proposed utility locations have been included and conflicts resolved as near as possible regarding existing utilities.

GRADING & DRAINAGE PLAN

1. The existing storm drain is extremely shallow and is not a viable option.
5. Major grades and elevations are provided.
6. Slope arrows showing direction and percent are provided.
7. Minimum pavement and gutter slopes are adhered to.
8. On-site inlet is not required for the present scenario.
9. Detail of pavement design is typical of "TYPICAL ACCESS DRIVEWAY SECTION" as shown already on the Grading & Drainage Plan.
10. A note to close west curb cut is added to plan.

CITY PARKS & RECREATION

Open space fee of \$ 3,000 will be paid.

TRANSPORTATION ENGINEER

1. Traffic impact study attached.
2. Access of Court Road included in traffic impact study.
3. Access permit on North Avenue is being applied for from State Highway Department.
4. I.T.E. 5th Edition Trip Generation Manual in conjunction with Highway Capacity Manual, Special Report 209, Transportation Research Board, was used to provide basis of analysis of traffic impact in the intersection of North Avenue and Court Road.

COMMUNITY DEVELOPMENT DEPARTMENT

Conditional Use Criteria

- A. A traffic impact study has been completed showing no change in the Level-of-Service on North Ave. and no significant increase in traffic. The business will capitalize mainly on the existing traffic.
- B. Design features a counter-clockwise traffic flow for on-site service. The design also includes an entry only

access from North Ave., improved sightlines on Court Rd. intersection, and, for the pedestrian traffic, sidewalks where none exist at present.

- E. Traffic study is included.
- G. Signage details have been provided.

Site Plan Review

Site Plan already shows 10 feet of property to be dedicated as City right-of-way.

Required landscaping details have been addressed. Our plan shows 6004 square feet in landscaping, of which 1220 square feet contain shrubs (40% of 3046 square feet of the required landscaping).

The eight foot strip is already included within the description of record at Book 1311, Page 849 of the Mesa County Records. The issue has been discussed with the Assessors Office which has recommended that the buyer of the property request that the Assessor combine the two tax parcels upon completion of purchase and sale, as per standard Mesa County Policy.

There will be no signage on Court Road. The free standing sign on North Avenue is 116 Sq. Ft.. There will be a back lit, Captain D's Logo, attached to the captain's loft which is 6' by 5' for an area of 30 Sq. Ft. In one of the front windows there will be a neon light advertizing, "A Great Little Sea Food Place", with a diameter of 4'-6". The three signs amount to a total of 162 Sq. Ft. The maximum allowed is 225 Sq. Ft.

Applicant is aware of the Parks and Open Space Fee requirement.

The Utility Coordinating Committee has reviewed and approved Grand Junction City Development File #9-92, Conditional Use Permit, Captain D's Restaurant.

John L. Ballagh
Chairman

April 8, 1992
Date



Grand Junction Community Development Department
Planning • Zoning • Code Enforcement
250 North Fifth Street
Grand Junction, Colorado 81501-2888
(303) 244-1480 FAX (303) 244-1388

April 15, 1992

Susan M. Dackonish
Golden, Mumby, Summers, & Livingston
2808 North Avenue
P.O. Box 398
Grand Junction, CO 81502

Dear Ms. Dackonish:

We are in receipt of your letter of April 10, 1992 on behalf of United Bank of Grand Junction appealing the approval of a Conditional Use Permit for the Captain D's Drive-Thru Restaurant (file #9-92). In accordance with the Zoning and Development Code the item has been scheduled for the next available City Council Hearing on May 6, 1992 at 7:30 p.m. in the City/County Auditorium.

I understand the developer is trying to resolve the Bank's concerns. If an agreement is reached and the Bank chooses to withdraw the appeal please let us know, in writing, as soon as possible.

Sincerely,

Katherine M. Portner
Senior Planner

xc: Western Engineers, Inc.
Jeff Williams

GOLDEN, MUMBY, SUMMERS, & LIVINGSTON

ATTORNEYS AT LAW

UNITED BANK OF GRAND JUNCTION - 2808 NORTH AVENUE

P.O. BOX 398

GRAND JUNCTION, COLORADO 81502

JAMES GOLDEN
KEITH G. MUMBY
K. K. SUMMERS
J. RICHARD LIVINGSTON
SUSAN M. DACKONISH

AREA CODE 303
TELEPHONE 242-7322

FACSIMILE 242-0696

April 10, 1992

HAND DELIVERED

Bennet Boeschstein
Community Development Director
City of Grand Junction
250 North 5th Street
Grand Junction, CO 81501

Re: Grand Junction Planning Commission
Appeal of Decision - April 7, 1992

Dear Mr. Boeschstein:

This firm represents United Bank of Grand Junction, N.A., and this letter is being written on behalf of the Bank.

This letter constitutes notice of the Bank's intent to Appeal the decision of the Grand Junction Planning Commission's decision at its meeting of April 7, 1992, to approve the Conditional Use Permit for the Captain D's Drive-Thru Restaurant. The matter was designated #9-92 Conditional Use on the Agenda.

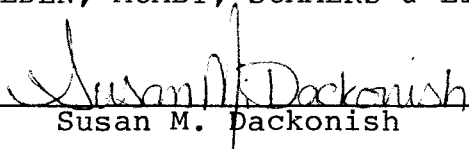
We would also request an extension of at least 30 days before the decision of the Commission is reconsidered, so that the Bank can conduct an independent traffic impact study regarding the proposed development.

Your consideration of this matter is appreciated and if you have any questions, please contact me.

Sincerely,

GOLDEN, MUMBY, SUMMERS & LIVINGSTON

By


Susan M. Dackonish

SMD/dmh

xc: Bill Petty



ACRES _____

CONDITIONAL USE

FILE NUMBER #9-92

UNITS _____

ZONE C-1

DENSITY _____

TAX SCHEDULE # 2943-073-00-172

ACTIVITY Restaurant + Drive Up Window

PHASE Final

COMMON LOCATION 2812 North Ave. NE corner of North Ave. + Court Rd

DATE SUBMITTED _____ DATE MAILED OUT _____ DATE POSTED _____

DAY REVIEW PERIOD _____ RETURN BY _____

OPEN SPACE DEDICATION (acreage) _____ OPEN SPACE FEE REQUIRED \$ _____ PAID RECEIPT # _____

RECORDING FEE REQUIRED \$ _____ PAID (Date) _____ DATE RECORDED _____

REVIEW AGENCIES

Table with columns A-Z and rows for various agencies like Planning Department, City Engineer, etc. Includes checkboxes for review status.

TOTALS

BOARDS

DATE

PC 4/7/92

CV 5/20/92

STAFF

Approval subject to staff recommendations of 4/7/92 + landscaping plan #1 by June 1st reviewed 5-1

Approval subject to agreement by bank to dedicate Row for Court St. + Building sign agreement that bank will not be required to contribute further agreement that Captain D's will

APPLICATION FEE REQUIREMENTS

\$420.00 payable to City of Grand Junction at time of submittal \$50.00 separate check for sign deposit



Building improved with Capt. D's

contribute \$19,460 to the improvement of Court + Building



DEVELOPMENT APPLICATION FOR CONDITIONAL USE

9-92

PROPOSAL

Application for Conditional Use is sought to provide for development of a nationally franchised seafood restaurant specializing in efficient service with reasonable prices. Nationwide, these seafood restaurants give the customer the choice of dine-in or drive-through pick-up service. The drive-through on a national basis is an integral portion of sales and very important to the financial viability of a business. The restaurant will occupy the otherwise small niche of business offering this bill of fare. No alcoholic beverages will be offered.

LOCATION

The focus of the development is on nine-tenths of an acre of vacant land located on the northeast corner of North Avenue and Court Place. The property is bounded on the south by North Avenue, on the west by Court Place, on the north by the parking lot of the Bell Credit Union, and on the east by additional parking and a retail gift store.

SCHEDULE

Construction is expected to begin within two weeks, April 15, 1992, upon approval of the initial concept by the City of Grand Junction and the Mesa County Health Department. The construction of Captain D's will require one and a half months to completion. If all proceeds as planned, the Grand Opening will be June 1, 1992.

AREA IMPACT

This particular site has been chosen as a result of surveys indicating compatible use and zoning within the greater neighborhood. The location is centered within mixed business, retail, and commercial ventures already established along and adjacent to the North Avenue corridor. As previously mentioned, the restaurant will provide a unique service to local shoppers and workers as well as to visitors touring through Grand Junction. Present zoning of the property, adjoiners, and adjacent blocks is Light Commercial (C-1). The development of an aesthetically pleasing facility upon the presently empty and unmaintained acreage will be beneficial to the overall appearance of the neighborhood.

TRAFFIC ANALYSIS

Captain D's will utilize the existing street access provided along Court Place and North Avenue. The drive through restaurant generally does not generate traffic, it more or less utilizes the existing flow of vehicles. Although some new customers will be attracted, it is expected that many customers will be captured from

Remove
Date

the existing restaurant market. Therefore, no traffic impact is expected along North Avenue, and a minor increase of traffic is expected along Court Place. Court Place presently has very little through-traffic except during peak banking hours at United Bank and the Bell Credit Union. It is estimated that the average daily vehicle count for customers will be 250 vehicles during the eleven a.m. to eleven p.m. serving schedule

DEVELOPMENT GUIDELINES

The design plans will conform to all City specifications and guidelines for minimum standards regarding parking, access, lighting, landscaping, and utility connections and will adhere to recommendations from the review and approval of the conceptual plan as submitted by this application. Utility connections are available from earlier use of the site as a motel and apartments. The expected demand on the water supply will be 1,600 gal/day. This number was derived from a similar type and size establishment in Gallup, New Mexico. From this amount approximately 80%, or 1,280 gal/day, will be treated at the Persigo Wash Treatment Facility. Surface drainage conditions will be improved through curbing, piping and channeling of runoff which currently stands uncontrolled on the ungraded lot. Lighting provided for the service facility and parking areas will improve the security of this street corner. The very existence of the facility will eliminate the current use of this vacant lot for loitering and "hanging-out". As part of the development, the south ten feet of the property will be dedicated and made a part of the present forty feet of right-of-way lying north of the centerline of North Avenue. This will provide for a total of fifty feet of right-of-way north of the street centerline and will accommodate improvements compatible to the type and alignment existing to the west and east of the site. Installing these improvements will increase the safety and convenience of pedestrian traffic and will add to the aesthetical appearance of the business frontage. Landscaping is planned both as a screen and buffer for street traffic and as enhancement of curbside appeal.

9-02

Original
Do NOT Remove
From Office



Community Development
250 N 5th Street
Grand Junction, CO 81501
244-1430

Grand Junction Fire Department
330 South Sixth Street
Grand Junction, Colorado
81501-7784

REVIEW COMMENTS

CAPTAIN D'S RESTAURANT
2812 NORTH AVE.

The entrance at the North West corner of the property is not acceptable for our access. Our requirements call for a minimum clear and unobstructed width of twenty (20) feet. If however, the fourteen and a half (14.5) feet is widened to eighteen (18) feet with the thirty (30) foot radius we will accept that. The only other alternative is to revert back to the original plat.

If you have any questions contact our department. Thank You.

George Bennett
George Bennett, Fire Prevention Officer
244-1400
May 6, 1992

File #9-92--Conditional Use--Captain D's

Staff Recommendations--4/7/92

The petitioner has responded to the review agency comments. Staff recommends approval of the Conditional Use Permit with the following conditions:

1. A Planning Clearance will not be issued until all water and sewer fees have been processed.
2. Final construction drawings must be reviewed and approved by the City prior to issuance of a Planning Clearance.
3. The Parks and Open Space fee of \$3,000 must be paid prior to issuance of a Planning Clearance.
4. Berming be required along the parking lot perimeter to soften the visual impact of the parking lot and that two (rather than one) landscaped islands, including shade trees, be included in the long row of parking along the east property line. All other landscaping to be as proposed on the site plan revised 3/31/92.
5. The 8' strip of land north of this property will be combined with the rest of the property prior to issuance of a Planning Clearance.
6. All concerns as noted in the City Development Engineer's revised comments, dated 4/7/92 must be resolved prior to issuance of a Planning Clearance.
7. The traffic analysis as submitted is acceptable and indicates no decrease in level of service on North Avenue. Therefore the traffic circulation as shown on the revised site plan is acceptable. State Highway Department has indicated that an access permit will be issued for the driveway onto North Avenue, shown as ingress only.
8. *Landscaping plan to be reviewed by staff w/ recommendations to be made prior to issuance of a Planning Clearance.*

Captain D's

4/7/92 HFW

1. The Response to Review Comments (undated) submitted by Western Engineers indicates that a note has been added to the Grading and Drainage Plans to close the west curb. The note was not found.
2. Proposed grades at all angle and curvature points on curbing, gutter ramps, sidewalks, swales, grade breaks, grade changes, and points of the line of curb and gutters was requested. Only a few grades were provided which are not adequate to allow an appropriate review. (With the minimal grades provided, the possibility of error is too great, as is exemplified by the proposed grade in the northeast corner of the parking lot in the northeast corner being lower than the concrete valley pan to the south to which the area is to drain. Even on the diagonal, the slope is less than the minimum allowed. Without the complete Grading and Drainage Plan as requested, the plan is ~~now~~ considered incomplete and unacceptable.)
3. Sid on North Ave should be 6'
4. Keep trees 5' back of sidewalks
5. Need street light at each curb cut on Court Place if not existing, ~~or~~ ~~at~~ ~~cut~~ ~~between~~

SUGGESTED MOTIONS

ITEM: #9-92 (Page 1 of 1)

PETITIONER: E.J. Preston (B2S2, Inc.)
REPRESENTATIVE: Western Engineers, Inc.

PROPOSAL: A request for Conditional Use Permit to construct a Captain D's Drive-Thru Restaurant in a Light Commercial (C-1) Zone.

PRESENTED BY: Kathy Portner

COMMENTS: SEE REVIEW AGENCY SUMMARY SHEET COMMENTS

APPROVAL: "Mr. Chairman, on item #9-92, a request for a Conditional Use Permit to construct a Captain D's Drive-Thru Restaurant in a Light Commercial (C-1) Zone, I move that we approve this subject to Staff recommendations date April 7, 1992."

DENIAL: "Mr. Chairman, on item #9-92, a request for a Conditional Use Permit to construct a Captain D's Drive-Thru Restaurant in a Light Commercial (C-1) Zone, I move that we deny this request for the following reasons:" (STATE REASONS)

3. #12-92 CONDITIONAL USE PERMIT - PROSPECTOR MOTEL STORAGE UNITS

A request to build 100 new storage units on vacant land south of the Prospector Motel and to replace 7 existing motel units and add 23 new motel units to the Prospector Motel, in a Highway Oriented (HO) zone.

PETITIONER: Michael Hert

LOCATION: 547 Highway 50

Consideration of a Conditional Use Permit

V. General Discussion

1. UPDATES - MASTER PLANS

- A. South Downtown Riverfront Master Plan
- B. Master Plan of Parks, Recreation & Open Space
- C. Northwest Plan
- D. Grand Mesa Slopes - Cooperative Management Plan

2. UPDATES - OTHER PROJECTS

- A. Major Road Needs Study
- B. Transportation Development Plan
- C. Street Design Criteria

VI. Nonscheduled Citizens and/or Visitors

VII. Adjournment

MEMORANDUM

DATE: August 4, 1992
RE: Captain D's (Court and Bunting)
FROM: Nelson, Hoskin & Farina

This memorandum analyzes the bids to complete Court and Bunting for the approved Captain D's Seafood Restaurant at 2812 North Avenue.

Elam Construction bid \$80,468.95. United Companies bid \$77,985.00. Western Engineers' bid on street design and construction is \$9,951.00. From the Elam and United bids, \$520.00 should be subtracted as the City's participation in extending the storm sewer, which was part of the approved agreement at the City council meeting on May 20, 1992. The total cost estimates are as follows:

Elam	\$80,468.95	United	\$77,985.00
Less: Storm Sewer Extension	<u>520.00</u>		<u>520.00</u>
Elam	\$79,948.95	United	\$77,465.00
Plus: Engineering	<u>9,951.00</u>		<u>9,951.00</u>
TOTAL Project Cost	<u>\$89,899.95</u>		<u>\$87,416.00</u>

Based on Jim Shank's May 15, 1992 memo to Bennett Boeschstein, the total cost of Court Road from North Avenue to Bunting and Bunting from Court Road to 28 Road, using the United bid, is now \$182,472 (\$168,425 previous total cost less \$73,370 previous construction estimate equals \$95,056 cost of in place Court improvements. \$95,056 + \$87,416 (United) = \$182,472 new total cost).

The Captain D's frontage of 258 feet out of a total 2,233 feet results in Captain D's share computing to be \$21,081.



1225 South 7th Street
 Grand Junction, Colorado 81501
 (303) 242-5370 • FAX: (303) 245-7716

4 June 1992

WESTERN ENGINEERS, INC.
 ATTN: Mr. Larry Gebhart
 2150 Hwy. 6 & 50
 Grand Junction, CO 81505

RE: Bunting Ave. & Court Road Improvements
 B2S2, Inc.

Dear Larry:

As requested, I have arrived at an estimate of the cost to complete the improvements contemplated by the drawings from your firm dated 2/20/92 in three (3) pages. Our estimate of the cost to complete construction of the improvements is as follows:

ITEM NO.	ITEM DESCRIPTION	UN IT	BID QTY	UNIT	BID	TOTAL
1	GENERAL CONDITIONS: Traffic Control Sanitary Facility Surveying Compliance Testing	LS	1			4,800.00
2	CLEAR AND GRUB	LS	1	2700.00		2,700.00
3	SAW-CUT ASPHALT	LF	144	1.75		252.00
4	EXCAVATION	CY	3800	1.35		5,130.00
5	SUBGRADE PREP	SY	2650	0.75		1,987.50
6	STABILIZATION FABRIC	SY	2094	0.70		1,465.80
7	A.B.C. CLASS 3 (24")	TN	2360	6.75		15,930.00
8	A.B.C. CLASS 6 (6")	TN	857	13.20		11,312.40
9	H.B.P. GRADING C (4")	TN	400	27.25		10,900.00
10	H.B.P. PATCHING (6")	SF	110	4.50		495.00
11	ADJUST MANHOLES	EA	4	1085.00		4,340.00
12	INSTALL CATCH BASIN	EA	1	1000.00		1,000.00
13	REPLACE INLET GRATE	EA	1	585.00		585.00
14	18" PVC STORM SEWER	LF	27	38.75		1,046.25
15	8" PVC STORM SEWER EXT.	LF	40	13.00		520.00
16	CONCRETE CROSSPANS (6')	SF	435	3.25		1,413.75
17	CONCRETE HANDICAP RAMP	SF	175	3.25		568.75
18	CONCRETE FILLETS	SF	1180	3.25		3,835.00
19	CONCRETE CURB/WALK (7')	LF	750	16.25		12,187.50
TOTAL ESTIMATED AMOUNT...						\$80,468.95

Western Engineers, Inc.

4 June 1992

page 2 of 2

The price for excavation is based upon spoil material being wasted on the adjacent lots. Please note that as of this time I have been unable to confirm with Norwest that this is an acceptable method of disposing of the material.

The price for adjusting manholes assumes that complete reconstruction will not be required, and that we can achieve design rim elevations by changing out the cone sections.

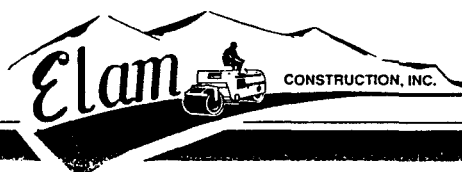
Please contact me if you have any questions or need any additional information.

Sincerely,



Kevin R. Combs
Project Manager

KRC:kr
cc:file





CONSULTING ENGINEERS / LAND SURVEYORS

2150 Hwy. 6 & 50, Grand Junction, CO 81505-9422 • 303/242-5202 • FAX 242-1672

July 28, 1992

Mr. Gregg Kampf
NELSON, HOSKINS, AND FARINIA
200 Grand Avenue
Grand Junction, Colorado 81501

Dear Gregg,

With regards to the proposed project of Bunting Avenue and Court Road, Western Engineers, Inc. is pleased to provide the engineering and survey services for the street design and construction. We offer a proposal for these services as outlined by the following:

SCOPE OF WORK

The Scope of Work as required to furnish a complete project consists of four parts:

1. Topography survey
2. Engineering Design
3. Construction Staking
4. Construction Inspection and Testing

SURVEYING:

Research	
As-built files & utility companies (Including travel)	\$ 150
Field survey	
Field (including travel)	\$ 820
Data processing and drafting	
Survey data reduction	\$ 280
Drafting	\$ 240
TOTAL TOPOGRAPHIC SURVEY	\$ 1,490

ENGINEERING:

Site plan	
Design Engineer	\$ 336
Drafting	\$ 720
Coordinate geometry	\$ 210
Quantity calculations	\$ 240
Pavement design	
Soil Sampling (Drilling)	\$ 424
CBR soil test	\$ 190
Pavement design	\$ 336



Meetings	\$ 252
Site visits	\$ 168
TOTAL COST ENGINEERING	\$ 2,876

CONSTRUCTION SURVEYING

Slope staking	\$ 210
Calculations and grade sheets	\$ 280
Offset stakes	
3' offset back of walk	\$ 350
Blue top	
Three surfaces (subgrade, pitrun, and Class 6)	\$ 840
Utility staking	
Storm drain and sewer extension	\$ 210
As built	\$ 210
Travel	\$ 235
Vehicle	\$ 75
Materials	\$ 75
TOTAL CONSTRUCTION SURVEY	\$ 2,485

CONSTRUCTION INSPECTION AND TESTING

Quality Control Costs	
Sanitary Sewer Line	
Trench Compactions	\$ 60
Manhole Compactions	\$ 60
Air and Lamp Test	\$ 60
Vehicle	\$ 20
Storm Sewer Line	
Trench Compactions	\$ 60
Manhole Compactions	\$ 60
Vehicle	\$ 20
Bunting Ave. & Court Road Roadway	
Subgrade (Surface Only)	\$ 180
Fit Run (Surface Only)	\$ 180
Class 6 Base Course	\$ 180
Asphalt (2 Lifts)	\$ 240
Vehicle	\$ 60
Laboratory Work	
Proctors - 4 Soil Types	\$ 312
Concrete Testing	\$ 156
Asphalt Extraction & Gradation	\$ 192
General Construction Inspection	
30 Hours	\$ 1,260
TOTAL QUALITY CONTROL	\$ 3,100

TOTAL PROJECT	\$ 9,951
---------------	----------



We feel we have addressed all of the engineering issues regarding the project. Please review this proposal and call us should you need any clarification or modifications. It is a pleasure to present this proposal and we are grateful for the opportunity.

Respectfully,
WESTERN ENGINEERS, INC.

Larry R. Gebhart



618 Dike Road, P.O. Box 3609
 Grand Junction, CO 81502
 (303) 243-4900
 FAX: (303) 243-5945

PROPOSAL SUBMITTED TO:	FAX#	DATE
Western Engineers, Inc.	PHONE# 242-5202	DATE 7/23/92
Attention: Larry Gephart	Bunting Avenue & Court Road	
NAME	JOB NAME	
2150 US Highway 6 & 50	28 Road & North Avenue	
STREET	JOB LOCATION	
Grand Junction, CO 81505		
CITY, STATE & ZIP CODE	ARCHITECT	DATE OF PLANS

We propose to provide the following items in connection with the construction of Bunting Avenue and Court Road as per plans provided to us by Western Engineers.

<u>Item</u>	<u>Description</u>	<u>Approximate Quantity</u>
1.	Clear and grub the designated area and dispose of the excavated materials off site.	1 Lump Sum
2.	Excavated as per plan to subgrade and dispose of the excavated material off site.	3,078 Cubic Yards
3.	Place a soil stabilization fabric over the excavated area.	1 Lump Sum
4.	Place and compact 24" of pit run as per plan.	3,370 Tons
5.	Shape and compact the designated area.	2,400 Square Yards
6.	Place and compact 6" of Class 6 over the shaped area (roadway and concrete areas).	887 Tons
7.	Place and compact 4" of hot bituminous pavement over the prepared area (2 lifts).	401 Tons
8.	Provide the construction surveying for the project.	1 Lump Sum
9.	Provide the concrete portion of the project as per plan.	1 Lump Sum
10.	Install a catch basin and 18" PVC pipe as per plan.	1 Lump Sum
11.	Extend the 8" sanitary sewer line as per plan.	1 Lump Sum
12.	Provide the traffic grate for existing catch basin.	1 Lump Sum



618 Dike Road, P.O. Box 3609
 Grand Junction, CO 81502
 (303) 243-4900
 FAX: (303) 243-5945

PROPOSAL SUBMITTED TO:	FAX#	DATE
Western Engineers, Inc.	PHONE# 242-5202	DATE 7/23/92
Attention: Larry Gephart	Bunting Avenue & Court Road	
NAME	JOB NAME	
2150 US Highway 6 & 50	28 Road & North Avenue	
STREET	JOB LOCATION	
Grand Junction, CO 81505	ARCHITECT	DATE OF PLANS
CITY, STATE & ZIP CODE		

<u>Item</u>	<u>Description</u>	<u>Approximate Quantity</u>
13.	Patch back the asphalt along the new portion of concrete curb and gutter (28 Road).	100 Square Feet
14.	Shoulder behind the new concrete sidewalk areas.	1 Lump Sum
15.	Raise manholes to finish asphalt grade.	2 Each

NOTES:

- a. Overexcavation of roadway (should it be required) is not included.
- b. Existing manholes elevation to be +3" of finish asphalt grade.
- c. Testing by others.

All of the above work to be completed in a substantial and workmanlike manner for the sum of Seventy Seven Thousand Nine Hundred Eighty Five and No/100 (\$ 77,985.00---) Dollars. **IMPORTANT:** The terms and conditions stated on the reverse side hereof are expressly made a part of this contract. This proposal shall not become a binding contract unless and until the Acceptance of Proposal and Confirmation by Contractor on the reverse side have been executed. This proposal must be accepted as provided and delivered to United Companies, ten (10) days from above date, or it shall expire.

Respectfully submitted,

UNITED COMPANIES OF MESA COUNTY, INC.

by Robert M. Mather
 Robert M. Mather
 Estimator

ac

To accept the terms of this proposal sign the reverse side of the white copy and return to United Companies.

JAMES GOLDEN
KEITH G. MUMBY
K. K. SUMMERS
J. RICHARD LIVINGSTON
SUSAN M. DACKONISH

*LARRY
TIMM
Sika
10/27*

GOLDEN, MUMBY, SUMMERS, & LIVINGSTON

ATTORNEYS AT LAW

UNITED BANK OF GRAND JUNCTION - 2808 NORTH AVENUE

P.O. BOX 398

GRAND JUNCTION, COLORADO 81502

October 21, 1992

AREA CODE 303
TELEPHONE 242-7322

FACSIMILE 242-0698

Dan E. Wilson, Esq.
City Attorney
City Hall
Grand Junction, CO 81501

RE: Captain D's

Dear Dan:

This letter is in confirmation of our telephone conversation of Monday, October 9, 1992.

The Bank has concern at the rapid progress of which Captain D's facility is being constructed and the lack of any progress on Court Place/Bunting Avenue.

The understanding is clear that no certificate of occupancy will be issued until the streets are completed and approved. The season for street construction is nearing the end.

The purpose of this letter is to advise that the Bank will not agree to any waiver of the agreement in the event the facilities are completed this fall but the road cannot be constructed until next spring.

This letter will also confirm that the City has permission to enter upon the property for the purpose of constructing the streets while the paperwork is being completed.

Very truly yours,

GOLDEN, MUMBY, SUMMERS & LIVINGSTON

By *Keith G. Mumby*

KGM/pll

xc: Mark Achen ✓
William L. Petty
Gregg Kampf

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT

OCT 26 1992

Planning



ATTORNEYS AT LAW

October 26, 1992

VIA HAND DELIVERY

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

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT

OCT 27 1992

Re: Captain D's

Dear Dan:

This letter is written to memorialize the understanding of B2S2, Inc. ("Developer"), the developer of Captain D's Restaurant at 2812 North Avenue, Grand Junction and the City of Grand Junction ("City") concerning the completion of Court Road from North Avenue to Bunting and Bunting from 28 Road to Court Road ("Road Improvements").

The City and the Developer have previously approved plans submitted by Western Engineers. Elam Construction, Inc. submitted the low bid to the Developer for the Road Improvements. The Road Improvements bid and the agreed breakdown of the cost between the Developer and the City are set forth in the Improvements List/Detail enclosed with this letter.

Elam Construction and Western Engineers will be hired ^{by Developer} to build the road pursuant to the approved plans and specifications and pursuant to the enclosed Improvements List/Detail. Elam Construction and Western Engineers will submit bills for progress payments on the Road Improvements pursuant to their normal billing schedule for such work. It is understood by the City and the Developer that this may include progress payments on a monthly or bi-monthly basis or upon completion of 50%, 75% and 100% of the project, or on such other basis as may be agreeable to the Developer, Elam, and Western Engineers. The Developer and the City will pay their prorata share of each bill submitted by Elam and Western Engineers pursuant to the enclosed Improvements List/Detail so long as the work is satisfactory pursuant to normal construction standards and the plans and specifications.

200 Grand Avenue, Suite 400, Post Office Box 40, Grand Junction, Colorado 81502
(303) 242-4903 • FAX: (303) 241-3760

1700 Broadway, Suite 200, Denver, Colorado 80290

222 W. Main Street, Rangely, Colorado 81648

Gregory K. Hoskin	Edward A. Lipton	Michael J. Russell	Of Counsel:
Terrance Farina	Curtis G. Taylor	Susan R. Lundberg	William H. Nelson
Frederick G. Aldrich	David A. Younger	John T. Howe	
Gregg K. Kampf	David M. Scanga		

Dan E. Wilson
Page 2
October 26, 1992

If there are any changes in the plans and specifications or the prices in the Improvements List/Detail enclosed, these changes will be submitted to both the Developer and the City for approval, prior to construction. If approval is given, the City and the Developer shall pay for any increase in cost with the Developer paying 24.80% of such costs and the City paying 75.20% of such costs.

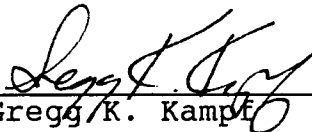
Elam Construction will warrant that the Road Improvements will be free from defects for a period of 12 months from the date that the Road Improvements are accepted by the City Engineer, and the City agrees to look directly to Elam Construction, and not to the Developer, should any defects be discovered in the Road Improvements.

Please let me know if you have any questions, changes or additions concerning this letter of understanding. If the letter correctly sets forth the understanding of the Developer and the City concerning the Road Improvements, please sign the enclosed copy of this letter and return it to me via fax as to a copy and in the envelope provided for the original.

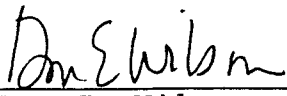
Thank you for your assistance.

Sincerely,

NELSON, HOSKIN & FARINA
Professional Corporation

By 
Gregg K. Kampf

GKK:meg
Enclosures
pc: B2S2, Inc.
Elam Construction, Inc.


Dan E. Wilson, Esq.
City Attorney

10-26-92 * See intertineation change
Date on page 1. DMW

ENGINEERING:

Site Plan				
Design Engineer	336.00	83.00	253.00	336.00
Drafting	720.00	179.00	541.00	720.00
Coordinate geometry	210.00	52.00	158.00	210.00
Quantity calculations	240.00	60.00	180.00	240.00
Pavement design				
Soil Sampling (Drilling)	424.00	105.00	319.00	424.00
CBR soil test	190.00	47.00	143.00	190.00
Pavement design	336.00	83.00	253.00	336.00
Meetings	252.00	62.00	190.00	252.00
Site visits	168.00	42.00	126.00	168.00

CONSTRUCTION SURVEYING:

Slope staking	210.00	52.00	158.00	210.00
Calculations and grade sheets	280.00	69.00	211.00	280.00
Offset stakes				
3' offset back of walk	350.00	87.00	263.00	350.00
Blue top				
Three surfaces (subgrade, pit run, and Class 6)	840.00	208.00	632.00	840.00
Utility staking				
Storm drain and sewer extension	210.00	52.00	158.00	210.00
As built	210.00	52.00	158.00	210.00
Travel	235.00	58.00	177.00	235.00
Vehicle	75.00	19.00	56.00	75.00
Materials	75.00	19.00	56.00	75.00

CONSTRUCTION INSPECTION AND TESTING:

Quality Control Costs				
Sanitary Sewer Line				
Trench Compactions	60.00	15.00	45.00	60.00
Manhole Compactions	60.00	15.00	45.00	60.00
Air and Lamp Test	60.00	15.00	45.00	60.00
Vehicle	20.00	5.00	15.00	20.00
Storm Sewer Line				
Trench Compactions	60.00	15.00	45.00	60.00
Manhole Compactions	60.00	15.00	45.00	60.00
Vehicle	20.00	5.00	15.00	20.00
Bunting Ave. & Court Road Roadway				
Subgrade (Surface Only)	180.00	45.00	135.00	180.00
Pit Run (Surface Only)	180.00	45.00	135.00	180.00
Class 6 Base Course	180.00	45.00	135.00	180.00
Asphalt (2 Lifts)	240.00	60.00	180.00	240.00
Vehicle	60.00	15.00	45.00	60.00
Laboratory Work				
Proctors - 4 Soil Types	312.00	77.00	235.00	312.00
Concrete Testing	156.00	39.00	117.00	156.00
Asphalt Extraction & Gradation	192.00	48.00	144.00	192.00

General Construction Inspection				
30 Hours	1260.00	<u>312.00</u>	<u>948.00</u>	<u>1,260.00</u>

TOTAL ESTIMATED AMOUNT (WESTERN ENGINEERS, INC.):		2,469.00	7,482.00	9,951.00
TOTAL DEVELOPER'S SHARE:		20,559.90		
TOTAL CITY'S SHARE:			62,335.60	
TOTAL ESTIMATED COST OF IMPROVEMENTS:				\$82,895.50

December 22, 1992



Kevin R. Combs
Elam Construction, Inc.
1225 S. 7th Street
Grand Junction, CO 81501

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

Re: Bunting Avenue & Court Road Improvements

Dear Kevin:

We have reinspected street improvements on December 22, 1992 for completion of punch list items which were submitted earlier (see attached). We have indicated which items have been fully completed by signing them off as okay. Two other items, the drainage swale and paving, are not totally complete, but are signed off as acceptable for the winter. Asphalt repairs and an additional 2" asphalt surface course, and also shoulder and drainage swale grading, must be completed prior to April 30, 1993. Also required by April 30, 1993, is replacement of the asphalt patch in 28 Road. For Court Road and Bunting Avenue, with which you are involved, there are no other outstanding items. The only other incompletd items pertain to the restaurant site.

If you have any questions concerning the above, please call.

Sincerely,

Gerald Williams
Development Engineer

xc: Don Newton, City Engineer
Dan Wilson, City Attorney
Kathy Portner, Senior Planner

Conditions of Approval for a permanent C.O. for Captain D's
2812 North Avenue, Grand Junction, CO

This temporary Certificate of Occupancy shall expire at 12 o'clock noon on April 30, 1993. Once the following deficiencies are corrected, or agreed to with adequate security having been posted, a permanent Certificate of Occupancy for Captain D's Restaurant located at 2812 North Avenue may be issued:

SITE:

_____ 1. The landscaping of lawn along the North property line shall be installed prior to April 30, 1992.

OK YRW _____ 2. Just West of the entrance off North Avenue, the new sidewalk is cracked. It must be sawcut and replaced on or before December 27, 1992.

OK YRW _____ 3. Immediately North of the curb return from North Avenue to Court Road, the new sidewalk was constructed without raising an electric pull box cover, which is well below the surface of the walk. The walk must be removed, the frame and rim raised, and the sidewalk replaced on or before December 27, 1992.

OK YRW _____ 4. South of the North exit from the site, by December 27, 1992, the curb, gutter and sidewalk must be cleaned of soil and the expansion joint material trimmed below the sidewalk surface.

_____ 5. The conveyance of 10 feet of land along the entire frontage of North Avenue deeded for the purposes of Right-of-Way shall be completed by December 20, 1992.

COURT ROAD IMPROVEMENTS:

OK YRW _____ 1. From station 2+64 to 2+90, the sidewalk must be backfilled with topsoil in the lawn area by December 24, 1992.

OK YRW _____ 2. At station 2+25 +/-, the expansion joint material in the sidewalk must be trimmed below the walk surface, by December 24, 1992.

OK YRW _____ 3. From station 1+20 to 1+50, on the East side, backfill behind the sidewalk is required to bring excavated areas back to grade by December 24, 1992. Use road base material.

BUNTING AVENUE IMPROVEMENTS:

ADEQUATE YRW _____ 1. The drainage swale on the North side of the road must be completed by December 24, 1992.

OK YRW _____ 2. At the Southeast corner of 28 Road and Bunting, the curb and gutter must be cleaned by December 20, 1992.

_____ 3. The asphalt patch in 28 Road adjacent to the new gutter is of poor quality and must be replaced by April 30, 1992.

ADEQUATE YRW _____ 4. Asphalt has not been placed. Completion of the road must be done in accordance with the letter of agreement between Captain D's and the City of Grand Junction dated December 15, 1992.

(captaind.let)

Conditions of Approval for a permanent C.O. for Captain D's
2812 North Avenue, Grand Junction, CO

This temporary Certificate of Occupancy shall expire at 12 o'clock noon on December 20, 1992. Once the following deficiencies are corrected, or agreed to with adequate security having been posted, a permanent Certificate of Occupancy for Captain D's Restaurant located at 2812 North Avenue may be issued:

SITE:

1. The landscaping of lawn along the North property line shall be installed prior to April 30, 1992.
2. Just West of the entrance off North Avenue, the new sidewalk is cracked. It must be sawcut and replaced on or before December 27, 1992.
3. Immediately North of the curb return from North Avenue to Court Road, the new sidewalk was constructed without raising an electric pull box cover, which is well below the surface of the walk. The walk must be removed, the frame and rim raised, and the sidewalk replaced on or before December 27, 1992.
4. South of the North exit from the site, by December 27, 1992, the curb, gutter and sidewalk must be cleaned of soil and the expansion joint material trimmed below the sidewalk surface.
5. The conveyance of 10 feet of land along the entire frontage of North Avenue deeded for the purposes of Right-of-Way shall be completed by December 20, 1992.

COURT ROAD IMPROVEMENTS:

1. From station 2+64 to 2+90, the sidewalk must be backfilled with topsoil in the lawn area by December 24, 1992.
2. At station 2+25 +/-, the expansion joint material in the sidewalk must be trimmed below the walk surface, by December 24, 1992.
3. From station 1+20 to 1+50, on the East side, backfill behind the sidewalk is required to bring excavated areas back to grade by December 24, 1992. Use road base material.

BUNTING AVENUE IMPROVEMENTS:

1. The drainage swale on the North side of the road must be completed by December 24, 1992.
2. At the Southeast corner of 28 Road and Bunting, the curb and gutter must be cleaned by December 20, 1992.
3. The asphalt patch in 28 Road adjacent to the new gutter is of poor quality and must be replaced by April 30, 1992.
4. Asphalt has not been placed. Completion of the road must be done in accordance with the letter of agreement between Captain D's and the City of Grand Junction dated December 15, 1992.

(captaind.let)

**NELSON,
HOSKIN &
FARINA**



Professional Corporation

ATTORNEYS AT LAW

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT
JAN 04 1993

December 28, 1992

VIA HAND DELIVERY

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

4/2/93
To Tim W) for review
+ recording

Re: Captain D's Restaurant

Dear Dan:

Enclosed is the original signed and notarized Quit Claim Deed from Mark and Ursula Bevan for the right-of-way at Captain D's Restaurant. Also enclosed is a copy of the letter agreement dated December 17, 1992 showing the signatures of representatives of Elam Construction, Inc. and B2S2, Inc.

↑ Copy all to
CDD + PW's
File
1/4/93

Dave Scanga will be back in the office tomorrow if you have any questions. Thank you for your assistance.

Sincerely yours,

Gregg K. Kampf

GKK:meg
Enclosures
pc: B2S2, Inc.
w/enclosures

200 Grand Avenue, Suite 400, Post Office Box 40, Grand Junction, Colorado 81502
(303) 242-4903 • FAX: (303) 241-3760

1700 Broadway, Suite 1200, Denver, Colorado 80290

222 W. Main Street, Rangely, Colorado 81648

Gregory K. Hoskin
Terrance Farina
Frederick G. Aldrich
Gregg K. Kampf

Edward A. Lipton
Curtis G. Taylor
David A. Younger
David M. Scanga

Michael J. Russell
Susan R. Lundberg
John T. Howe
Sherri L. Price

William H. Nelson
(1926-1992)

EXHIBIT A

A tract of land in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section Seven in T1S, R1E of the Ute Meridian previously described in Book 1311 at Page 849, Mesa County Clerk and Recorder, more particularly described by the following metes and bounds description:

Commencing at the S.W. Corner of said Section Seven; thence S89°51'30"E on the south line of said Section Seven 658.26 feet to the east line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section Seven; thence N00°04'30"E on said east line 50.00 feet to the point of beginning; thence S00°04'30"W 10.00 feet; thence N89°51'30"W 150.00 feet; thence N00°04'30"E 10.00 feet; thence S89°51'30"E 150.00 feet to the beginning.

This description was prepared by Western Engineers, Inc., located at 2150 Highway 6 & 50, Grand Junction, Colorado for Ursula Bevan on December 18, 1992.

QUIT CLAIM DEED

Mark ^{S.} Bevan and Ursula N. Bevan

whose address is 306 South Lake
Farmington, New Mexico 87401
County of San Juan, and State of

New Mexico, for the consideration of Ten Dollars (\$10.00)
and other valuable
consideration ----- Dollars, in hand paid,

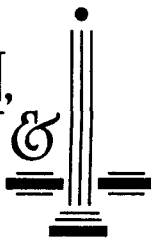
hereby sell(s) and quit claim(s) to the City of Grand Junction

whose address is 250 N. 5th Street
Grand Junction 81501
County of Mesa, and State of Colorado/ , the following real

property, in the County of Mesa, and State of Colorado, to wit:

Right-of-way and easement for property described on Exhibit A
attached hereto and incorporated herein by this reference.

**NELSON,
HOSKIN &
FARINA**



Professional Corporation

ATTORNEYS AT LAW

December 17, 1992

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

Re: Captain D's Restaurant

Dear Dan:

This letter is written to memorialize the understanding of B2S2, Inc. ("B2S2") and the City of Grand Junction ("City") concerning the issuance of a Certificate of Occupancy for a Captain D's Restaurant located at 2812 North Avenue, Grand Junction, Colorado ("Restaurant").

A letter we had written to you on October 26, 1992 ("October 26, 1992 Letter Agreement") discussed the completion of Court Road from North Avenue to Bunting and the completion of Bunting from 28 Road to Court Road ("Road Improvements"). The October 26, 1992 Letter Agreement is attached as Exhibit A. As of Monday, December 14, 1992, the Road Improvements had not been fully paved. Initially, we understood that the City would not require paving the Road Improvements while weather conditions prevent the paving to be completed in accordance with City specifications. However, the City has refused to issue a Certificate of Occupancy for the Restaurant because paving was not complete.

We have agreed to the terms set forth in this letter based on your representation to us that the Restaurant opening on Monday, December 14, 1992 was permissible, and that a temporary Certificate of Occupancy would be issued on December 14, 1992 ("Temporary Certificate of Occupancy"). The terms of our agreement are as follows:

200 Grand Avenue, Suite 400, Post Office Box 40, Grand Junction, Colorado 81502
(303) 242-4903 • FAX: (303) 241-3760

1700 Broadway, Suite 200, Denver, Colorado 80290

222 W. Main Street, Rangely, Colorado 81648

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David M. Scanga

Michael J. Russell
Susan R. Lundberg
John T. Howe

Of Counsel:
William H. Nelson

NELSON,
HOSKIN &
FARINA



Professional Corporation

ATTORNEYS AT LAW

December 17, 1992

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

Re: Captain D's Restaurant

Dear Dan:

This letter is written to memorialize the understanding of B2S2, Inc. ("B2S2") and the City of Grand Junction ("City") concerning the issuance of a Certificate of Occupancy for a Captain D's Restaurant located at 2812 North Avenue, Grand Junction, Colorado ("Restaurant").

A letter we had written to you on October 26, 1992 ("October 26, 1992 Letter Agreement") discussed the completion of Court Road from North Avenue to Bunting and the completion of Bunting from 28 Road to Court Road ("Road Improvements"). The October 26, 1992 Letter Agreement is attached as Exhibit A. As of Monday, December 14, 1992, the Road Improvements had not been fully paved. Initially, we understood that the City would not require paving the Road Improvements while weather conditions prevent the paving to be completed in accordance with City specifications. However, the City has refused to issue a Certificate of Occupancy for the Restaurant because paving was not complete.

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Of Counsel:
William H. Nelson

Dan Wilson, Esq.
Page 2
December 17, 1992

1. The City will deliver to B2S2 the Temporary Certificate of Occupancy.

2. The Temporary Certificate of Occupancy will be subject to being revoked by the City if the following conditions are not met:

a. By 12:00 noon, December 21, 1992, two inches (2") of asphalt shall be placed on the Road Improvements ("Bottom Mat") and by April 30, 1993, weather conditions permitting, an additional two inches (2") of asphalt shall be placed on the Road Improvements ("Top Mat"); and

b. The items described on attached Exhibit B shall be completed by the dates set forth in attached Exhibit B.

Once the conditions described above are met, or agreed to with adequate security having been posted, a permanent Certificate of Occupancy shall be issued for the Restaurant.

3. B2S2 will be responsible to pay the costs incurred as a result of de-winterizing Elam Construction, Inc.'s ("Elam") asphalt plant and the ~~net~~ cost of the additional one inch (1") of asphalt called for to pave the Road Improvements (i.e., a total of four inches (4") rather than the three inches (3") originally contemplated). The ~~net~~ cost of the additional one inch (1") of asphalt will be paid by B2S2 in the spring after the Top Mat is placed. Prior to Elam beginning the placement of the Top Mat, Western Engineers will inspect the Bottom Mat. If Western Engineers determines that there are failures with the Bottom Mat, B2S2 will pay fifty percent (50%) of the cost of repairs of such failures and the City will pay fifty percent (50%) of the cost of repairs of such failures. Elam will pay B2S2 fifty percent (50%) of all cost of repairs in excess of Two Thousand Dollars (\$2,000.00) incurred by B2S2 under this paragraph 3, up to a maximum of Seven Hundred Fifty Dollars (\$750.00) to be paid by Elam. Once Elam places the Top Mat, B2S2 will have no further liability or responsibility for defects or failures in the placement of asphalt on the Road Improvements and Elam will grant the City the standard 12-month City of Grand Junction warranty for such asphalt. Except as stated in this paragraph 3,

*KDC 12/21/92
Dw 12/18/92*

*KDC 12/21/92
Dw 12/18/92*

Dan Wilson, Esq.
Page 3
December 17, 1992

B2S2 shall not be responsible for any defects or failures in the placement of asphalt on the Road Improvements.

4. B2S2 will not hold the City responsible for any claims that B2S2 may have against the City as the result of the (a) City's refusal to issue a permanent Certificate of Occupancy until the terms set forth in paragraph 2.a and 2.b above have been satisfied or waived by the City, (b) the costs B2S2 has agreed to pay as described in paragraph 3 above, or (c) any claims B2S2 may have for damages B2S2 suffered as the result of delays which may have been caused by the City.

5. Except as otherwise stated in this letter, B2S2 reserves all claims it may have against any person or entity arising out of or in any way related to the construction of the Restaurant, the construction of the Road Improvements, and delays suffered by B2S2 as the result of any person's or entity's actions or omissions.

6. Notwithstanding any other provision of this letter, B2S2 reserves its right to have the City approve changes or modifications to the curb cuts which are now in place at the Restaurant.

7. Except as stated herein, all terms, covenants and conditions of the October 26, 1992 Letter Agreement shall remain in full force and effect.

If all of the terms set forth in this letter are acceptable to the City, please sign this letter in the space provided below and return it to me. We will have a counterpart of this letter signed by B2S2. This letter may be signed in counterparts to expedite obtaining signatures.

Sincerely yours,

NELSON, HOSKIN & FARINA
Professional Corporation

By 

David M. Scanga

Dan Wilson, Esq.
Page 4
December 17, 1992

Agreed to:

CITY OF GRAND JUNCTION

B2S2, INC.

By *Dan Wilson* 12/18/92
Dan Wilson, City Attorney

By *Ursula Bwan* 12/22/92

Paragraph 3 agreed to:

ELAM CONSTRUCTION, INC.

By *Kevin R. Combs* 12/21/92
Kevin R. Combs,
Project Manager

**NELSON,
HOSKIN &
FARINA**

Professional Corporation

ATTORNEYS AT LAW

October 26, 1992

VIA HAND DELIVERY

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

Re: Captain D's

Dear Dan:

This letter is written to memorialize the understanding of B2S2, Inc. ("Developer"), the developer of Captain D's Restaurant at 2812 North Avenue, Grand Junction and the City of Grand Junction ("City") concerning the completion of Court Road from North Avenue to Bunting and Bunting from 28 Road to Court Road ("Road Improvements").

The City and the Developer have previously approved plans submitted by Western Engineers. Elam Construction, Inc. submitted the low bid to the Developer for the Road Improvements. The Road Improvements bid and the agreed breakdown of the cost between the Developer and the City are set forth in the Improvements List/Detail enclosed with this letter.

Elam Construction and Western Engineers will be hired ^{by Developer} to build the road pursuant to the approved plans and specifications and pursuant to the enclosed Improvements List/Detail. Elam Construction and Western Engineers will submit bills for progress payments on the Road Improvements pursuant to their normal billing schedule for such work. It is understood by the City and the Developer that this may include progress payments on a monthly or bi-monthly basis or upon completion of 50%, 75% and 100% of the project, or on such other basis as may be agreeable to the Developer, Elam, and Western Engineers. The Developer and the City will pay their prorata share of each bill submitted by Elam and Western Engineers pursuant to the enclosed Improvements List/Detail so long as the work is satisfactory pursuant to normal construction standards and the plans and specifications.

200 Grand Avenue, Suite 400, Post Office Box 40, Grand Junction, Colorado 81502
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1700 Broadway, Suite 200, Denver, Colorado 80290

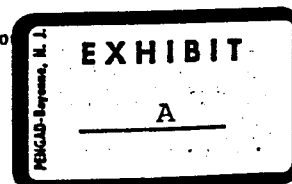
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John T. Howe

Of Counsel:
William H. Nelson



Dan E. Wilson
Page 2
October 26, 1992

If there are any changes in the plans and specifications or the prices in the Improvements List/Detail enclosed, these changes will be submitted to both the Developer and the City for approval, prior to construction. If approval is given, the City and the Developer shall pay for any increase in cost with the Developer paying 24.80% of such costs and the City paying 75.20% of such costs.

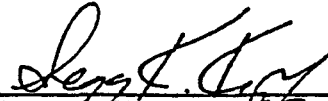
Elam Construction will warrant that the Road Improvements will be free from defects for a period of 12 months from the date that the Road Improvements are accepted by the City Engineer, and the City agrees to look directly to Elam Construction, and not to the Developer, should any defects be discovered in the Road Improvements.

Please let me know if you have any questions, changes or additions concerning this letter of understanding. If the letter correctly sets forth the understanding of the Developer and the City concerning the Road Improvements, please sign the enclosed copy of this letter and return it to me via fax as to a copy and in the envelope provided for the original.

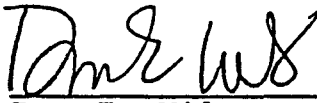
Thank you for your assistance.

Sincerely,

NELSON, HOSKIN & FARINA
Professional Corporation

By 
Gregg/K. Kampf

GKK:meg
Enclosures
pc: B2S2, Inc.
Elam Construction, Inc.


Dan E. Wilson, Esq.
City Attorney

10/26/92 * See interlineation change on
Date page 1. DW

IMPROVEMENTS LIST/DETAIL

DATE: October 26, 1992
 NAME OF DEVELOPMENT: Court and Bunting street improvements
 LOCATION: Court from North Avenue to Bunting; Bunting from 28 Road to Court
 PRINTED NAME OF PERSON PREPARING: Tony Wootton

ITEM NO.	ITEM DESCRIPTION	UNIT	BID QTY.	UNIT PRICE	DEV.'S SHARE	CITY'S SHARE	TOTAL AMOUNT
I. ELAM CONSTRUCTION, INC.							
1	GENERAL CONDITIONS: Traffic Control Sanitary Facility Barricades (2 ea.)	LS	1		496.00	1,504.00	2,000.00
2	UTILITY CONSTRUCTION: 8" PVC San. Sewer 18" PVC Storm Sewer Install Manholes Install Catch Basins Adjust Exist. Manhole Adjust Valve Box Replace Inlet Grate	LF	295	13.50	988.00	2,994.50	3,982.50
		LF	39	31.00	300.00	909.00	1,209.00
		EA	3	900.00	670.00	2,030.00	2,700.00
		EA	2	1,200.00	595.00	1,805.00	2,400.00
		EA	4	635.00	630.00	1,910.00	2,540.00
		EA	2	145.00	72.00	218.00	290.00
		EA	1	585.00	145.00	440.00	585.00
3	STREET CONSTRUCTION: Cut Asphalt Remove Asphalt Clear and Grub Excavation C.I.P. Subgrade Preparation Geotextile Fabric A.B.C. Cl. 5 (12") A.B.C. Cl. 6 (6") H.B.P. Gr. C (3") H.B.P. Patching (3")	LF	135	1.15	39.00	116.25	155.25
		SY	45	8.00	89.00	271.00	360.00
		LS	1	2,000.00	496.00	1,504.00	2,000.00
		CY	1300	1.85	596.00	1,809.00	2,405.00
		SY	2677	0.75	498.00	1,509.75	2,007.75
		SY	2345	0.65	378.00	1,146.25	1,524.25
		TN	1307	7.85	2,544.00	7,715.95	10,259.95
		TN	955	13.20	3,126.00	9,480.00	12,606.00
		TN	300	26.60	1,979.00	6,001.00	7,980.00
		SF	220	2.25	123.00	372.00	495.00
4	CONCRETE ITEMS: Concrete Removal 7' Mono Curb/Walk 2' Vert. Curb+Gutter 6' Cross Pan Concrete Fillets Concrete Walk/Ramps	SF	1256	0.40	124.40	378.00	302.40
		LF	594	16.25	2,394.00	7,258.50	9,652.50
		LF	32	9.45	75.00	227.40	302.40
		SF	420	3.25	339.00	1,026.00	1,365.00
		SF	840	3.25	677.00	2,053.00	2,730.00
		SF	890	3.25	717.50	2,175.00	2,892.50
TOTAL ESTIMATED AMOUNT (ELAM CONSTRUCTION, INC.):					18,090.90	54,853.60	72,944.50

WESTERN ENGINEERS, INC.

DESCRIPTION	BID	DEV.'S	CITY'S	TOTAL
SURVEYING:				
Research As-built files & utility companies (including travel)	150.00	37.00	113.00	150.00
Field survey Field (including travel)	820.00	203.00	617.00	820.00
Data processing and drafting Survey data reduction Drafting	280.00 240.00	69.00 60.00	211.00 180.00	280.00 240.00

ENGINEERING:**Site Plan**

Design Engineer	336.00	83.00	253.00	336.00
Drafting	720.00	179.00	541.00	720.00
Coordinate geometry	210.00	52.00	158.00	210.00
Quantity calculations	240.00	60.00	180.00	240.00
Pavement design				
Soil-Sampling (Drilling)	424.00	105.00	319.00	424.00
CSR soil test	190.00	47.00	143.00	190.00
Pavement design	336.00	83.00	253.00	336.00
Meetings	252.00	62.00	190.00	252.00
Site visits	168.00	42.00	126.00	168.00

CONSTRUCTION SURVEYING:

Slope staking	210.00	52.00	158.00	210.00
Calculations and grade sheets	280.00	69.00	211.00	280.00
Offset stakes				
3' offset back of walk	350.00	87.00	263.00	350.00
Blue top				
Three surfaces (subgrade, pit run, and Class 6)	840.00	208.00	632.00	840.00
Utility staking				
Storm drain and sewer extension	210.00	52.00	158.00	210.00
As built	210.00	52.00	158.00	210.00
Travel	235.00	58.00	177.00	235.00
Vehicle	75.00	19.00	56.00	75.00
Materials	75.00	19.00	56.00	75.00

CONSTRUCTION INSPECTION AND TESTING:**Quality Control Costs****Sanitary Sewer Line**

Trench Compactions	60.00	15.00	45.00	60.00
Manhole Compactions	60.00	15.00	45.00	60.00
Air and Lamp Test	60.00	15.00	45.00	60.00
Vehicle	20.00	5.00	15.00	20.00

Storm Sewer Line

Trench Compactions	60.00	15.00	45.00	60.00
Manhole Compactions	60.00	15.00	45.00	60.00
Vehicle	20.00	5.00	15.00	20.00

Bunting Ave. & Court Road Roadway

Subgrade (Surface Only)	180.00	45.00	135.00	180.00
Pit Run (Surface Only)	180.00	45.00	135.00	180.00
Class 6 Base Course	180.00	45.00	135.00	180.00
Asphalt (2 Lifts)	240.00	60.00	180.00	240.00
Vehicle	60.00	15.00	45.00	60.00

Laboratory Work

Proctors - 4 Soil Types	312.00	77.00	235.00	312.00
Concrete Testing	156.00	39.00	117.00	156.00
Asphalt Extraction & Gradation	192.00	48.00	144.00	192.00

General Construction Inspection

30 Hours	1260.00	<u>312.00</u>	<u>948.00</u>	<u>1,260.00</u>
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TOTAL ESTIMATED AMOUNT (WESTERN ENGINEERS, INC.): 2,469.00 7,482.00 9,951.00

TOTAL DEVELOPER'S SHARE: 20,559.90

TOTAL CITY'S SHARE: 62,335.60

TOTAL ESTIMATED COST OF IMPROVEMENTS: \$82,895.50



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

April 16, 1993

Gordon Garrison

RE: Captain D's Restaurant

Dear Gordon:

We have reviewed the revised site plan for Captain D's Restaurant located at 2812 North Avenue. The addition of 8 parking spaces along the north property line, as shown on the site plan submitted on April 14th, has been approved. The landscaping that was in that area will be relocated to other areas on the site. The total landscaping for the site still far exceeds the minimum requirements. If you have further questions you can contact me at 244-1446.

Sincerely,

A handwritten signature in cursive script that reads "Katherine M. Portner".

Katherine M. Portner
Planning Supervisor

Temporary C.O.
Good until April 30, 1993

CERTIFICATE OF OCCUPANCY

BUILDING DEPARTMENT
CITY OF GRAND JUNCTION
(OR MESA COUNTY)

PERMIT # 42805

DATE January 3, 1993

PERMISSION IS HEREBY GRANTED TO Captain D's TO OCCUPY THE

BUILDING SITUATED AT 2812 North Avenue

LOT _____ BLOCK _____ FILING _____ SUBDIVISION _____

TAX SCHEDULE NUMBER 2943-073-00-122

FOR THE FOLLOWING PURPOSE: restaurant

THIS CERTIFICATE ISSUED IN CONFORMITY TO SECTION 307, UNIFORM BUILDING CODE

INSPECTOR

Bob Lee

City Planning

Kathy Portman

AGREEMENT

This AGREEMENT is made between Norwest Bank Grand Junction, NA, (Norwest) 2808 North Avenue, Grand Junction, CO 81501, a Colorado Corporation, and the City of Grand Junction, (City) a home rule city.

Recitals

The City received a request for a conditional use permit to authorize "Captain D's," a drive-through restaurant facility, which is proposed to be located on property on the east side of Court Place, just north of North Avenue, in the City of Grand Junction. Norwest owns property west of Court Place, south of Bunting Avenue (Norwest Property) and appeared at the Planning Commission and City Council hearings. As a consequence of Norwest's appearance and the City Council's direction to the applicant, Norwest and "Captain D's" agreed that Norwest would not protest further the approval of "Captain D's" final site plan, subject to certain conditions.

This agreement is intended to identify the conditions and the terms agreed upon which form the basis for the consent by Norwest to the approval of "Captain D's."

NOW, THEREFORE, be it agreed:

1. Norwest shall dedicate to the City of Grand Junction, at no cost to the City, land sufficient, in accordance with City specifications, to allow the construction and improvement of:

(a) Bunting Avenue west from Court Place to the intersection with 28 1/4 Road and

(b) the extension of Court Place north to Bunting. The right-of-way to be dedicated to the City is described on the attached exhibit, "Bunting and Court Place Right-of-Way."

2. The City Council imposed, as a condition on "Captain D's," and hereby agrees with Norwest, that no certificate of occupancy shall be issued to "Captain D's" until such time as the Court Place/Bunting Avenue improvements have been constructed and approved by the City. The purpose for this provision is to be certain that there is usable vehicular access to the traveling public on an improved roadway from North Avenue north onto Court Place and west on Bunting connecting to 28 1/4 Road at or before the time that the certificate of occupancy is issued.

3. The City agrees, with respect to the Norwest Property, that no further street, curb or gutter improvements shall be required of the then-owner of said property as a condition of development review and approval by the City. Other improvements which are required at the time of development of all or a portion of the Norwest Property and other required actions or payments triggered

by development, including impact fees or other equivalent fees, shall be imposed with respect to said Norwest Property and/or development.

4. Norwest may record this agreement.

City of Grand Junction
250 N. Fifth Street
Grand Junction, CO 81501

By: Mark K. Achen
Mark K. Achen
City Manager

Date: 11/2/92

Attest:

Neva B. Lockhart, CMC
Neva B. Lockhart
City Clerk

Date: 11-2-92

Norwest Bank Grand Junction, NA
2808 North Avenue
Grand Junction, CO 81501

William Roth
President

Date: 10/29/92

Attest:

John Hammer
Corporate Secretary

Date: 10/29/92

QUIT CLAIM DEED

NORWEST BANK GRAND JUNCTION, NATIONAL ASSOCIATION, formerly United Bank of Grand Junction, National Association.

whose address is 2808 North Avenue, Grand Junction
County of Mesa, and State of Colorado

, for the consideration of Ten Dollars and Other Valuable Consideration
~~Ten Dollars~~, in hand paid,

hereby sell(s) and quit claim(s) to CITY OF GRAND JUNCTION

whose address is 250 N. 5th Street, Grand Junction, CO 81501

County of Mesa, and State of Colorado, the following real

property, in the County of Mesa, and State of Colorado, to wit:

Commencing at the Northwest Corner of the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 7, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, Mesa County, Colorado; thence S89°54'57"E along the North line of the SW1/4 SW1/4 SW1/4 of said Section 7 a distance of 65.0 feet to the Point of Beginning;

thence S89°54'57"E along the North line of the SW1/4 SW1/4 SW1/4 of said Section 7 a distance of 418.72 feet;
thence S00°04'30"W a distance of 167.92 feet;
thence N89°54'57"W a distance of 25 feet;
thence N00°04'30"E a distance of 117.93 feet;
thence N44°55'14"W a distance of 33.94 feet;
thence N89°54'57"W a distance of 358.07 feet;
thence S44°55'14"W a distance of 16.69 feet;
thence N00°04'30"E a distance of 37.78 feet to the Point of Beginning, Mesa County, Colorado

also known as street and number

with all its appurtenances 1992 general taxes, payable in 1993, and all subsequent taxes, easements, rights-of-way, restrictions, covenants, conditions and reservations of record or in use.

Signed this 30th day of October, 1992

NORWEST BANK GRAND JUNCTION,
NATIONAL ASSOCIATION, formerly
United Bank of Grand Junction,
National Association,
BY: [Signature]
William L. Petty, President

STATE OF COLORADO,

County of Mesa } ss.

The foregoing instrument was acknowledged before me this 30th day of October 19 92, by William L. Petty as President of Norwest Bank Grand Junction, *
My commission expires 10-5-93

WITNESS my hand and official seal.

[Signature]
Notary Public

* National Association, formerly United Bank of Grand Junction, National Association.



**Site Walk-Through
of
CAPTAIN D's**

December 14, 1992

Site

1. Just west of the entrance off North Avenue, new sidewalk is cracked. It must be sawcut and replaced.
2. Immediately north of the curb return from North Avenue to Court Road, new sidewalk was constructed without raising an electric pull box cover, which is well below the surface of the walk. The walk must be removed, the frame and rim raised, and the sidewalk replaced.
3. South of the north exit from the site, the curb, gutter, and sidewalk must be cleaned of soil, and the expansion joint material trimmed below the sidewalk surface.

Court Improvements

1. From station 2+64 to 2+90, the sidewalk must be backfilled with topsoil in the lawn area.
2. At station 2+25+/-, the expansion joint material in the sidewalk must be trimmed below the walk surface.
3. From station 1+20 to 1+50, on the east side, backfill behind the sidewalk is required to bring excavated areas back to grade. Use road base material.

Bunting Avenue Improvements

1. The drainage swale on the north side of the road must be completed.
2. At the southeast corner of 28 Road and Bunting, the curb and gutter must be cleaned.
3. The asphalt patch in 28 Road adjacent to new gutter is of poor quality, and must be replaced in the spring when weather permits quality patching.
4. Asphalt has not been placed. The well compacted 16 inches of aggregate base material has been placed nearly to finish paving grade, and appears to be frozen, precluding grading operations required to lower the base for paving operations at this time.

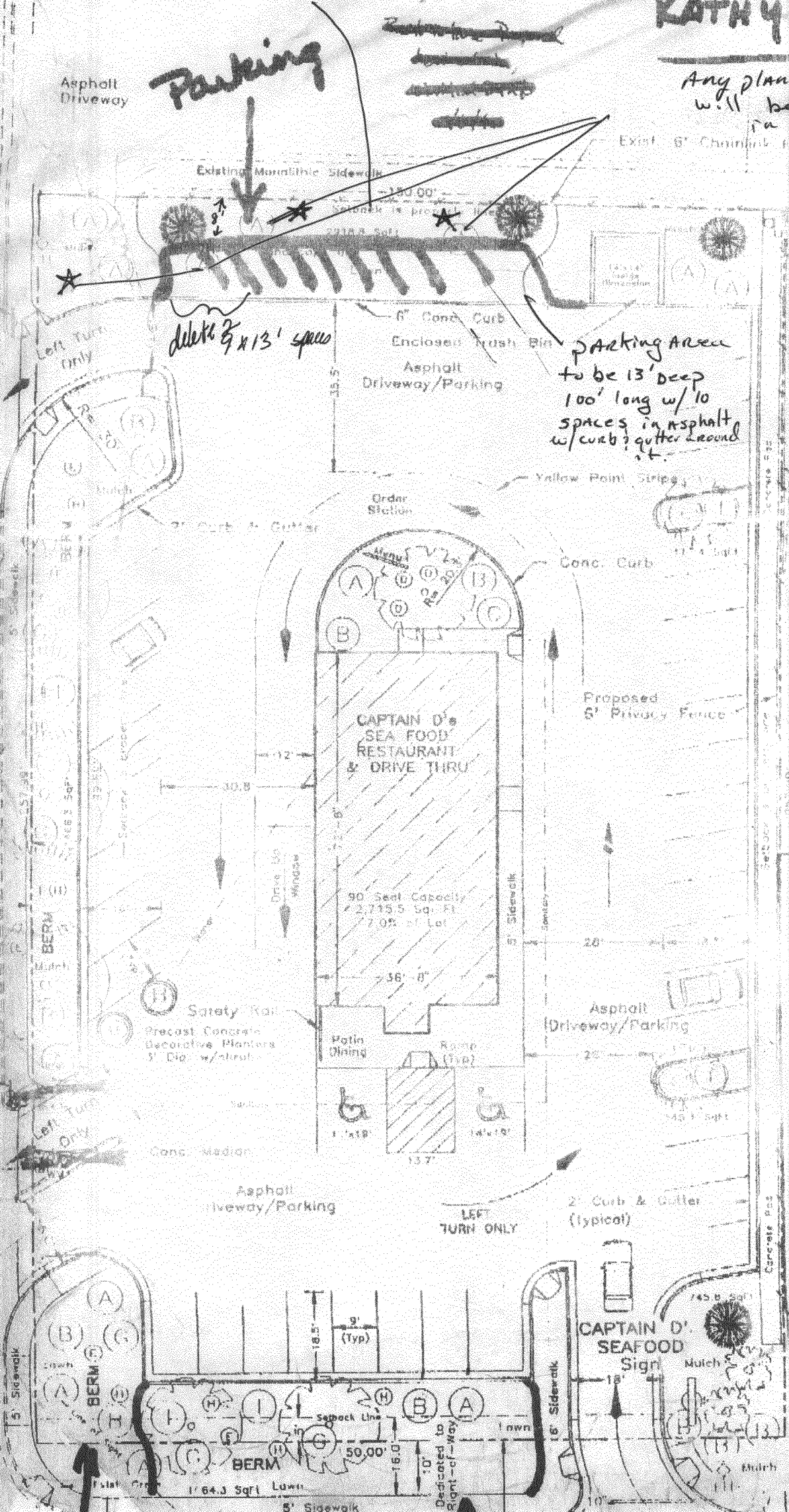
By: Gerald Williams

xc: Don Newton
Dave Thorton
Dan Wilson

This area behind curb will be covered w/ bark(mulch)
Zone C-1

KATHY BERNER

Any plants displaced will be replanted in areas marked *



Proposed Overhead Light
15 Lumens
2750m/250m

Parking Area
to be 13' deep
100' long w/ 10
spaces in asphalt
w/ curb & gutter around it

delete 2' x 13' space

Parking

Asphalt
Parking

Proposed 5' Privacy Fence

Asphalt
Driveway/Parking

CAPTAIN D'S SEAFOOD Sign

Asphalt
Parking

CAPTAIN D'S SEAFOOD RESTAURANT & DRIVE THRU

90 Seat Capacity
2,715.5 Sq. Ft.
7.0% of Lot

Matin Dining

Ramp (Typ)

1' x 18'

14' x 18'

LEFT TURN ONLY

Asphalt Driveway/Parking

2' Curb & Gutter (Typical)

Safety Rail
Precast Concrete
Decorative Planters
3' Dia. w/strut

Conc. Median

Asphalt Driveway/Parking

5' Sidewalk

5' Sidewalk

5' Sidewalk

5' Sidewalk

5' Sidewalk

5' Sidewalk

5' Sidewalk

5' Sidewalk

5' Sidewalk

5' Sidewalk

1' 64.3 Sqr'l Lawn

50.00'

16.0'

10.0'

10.0'

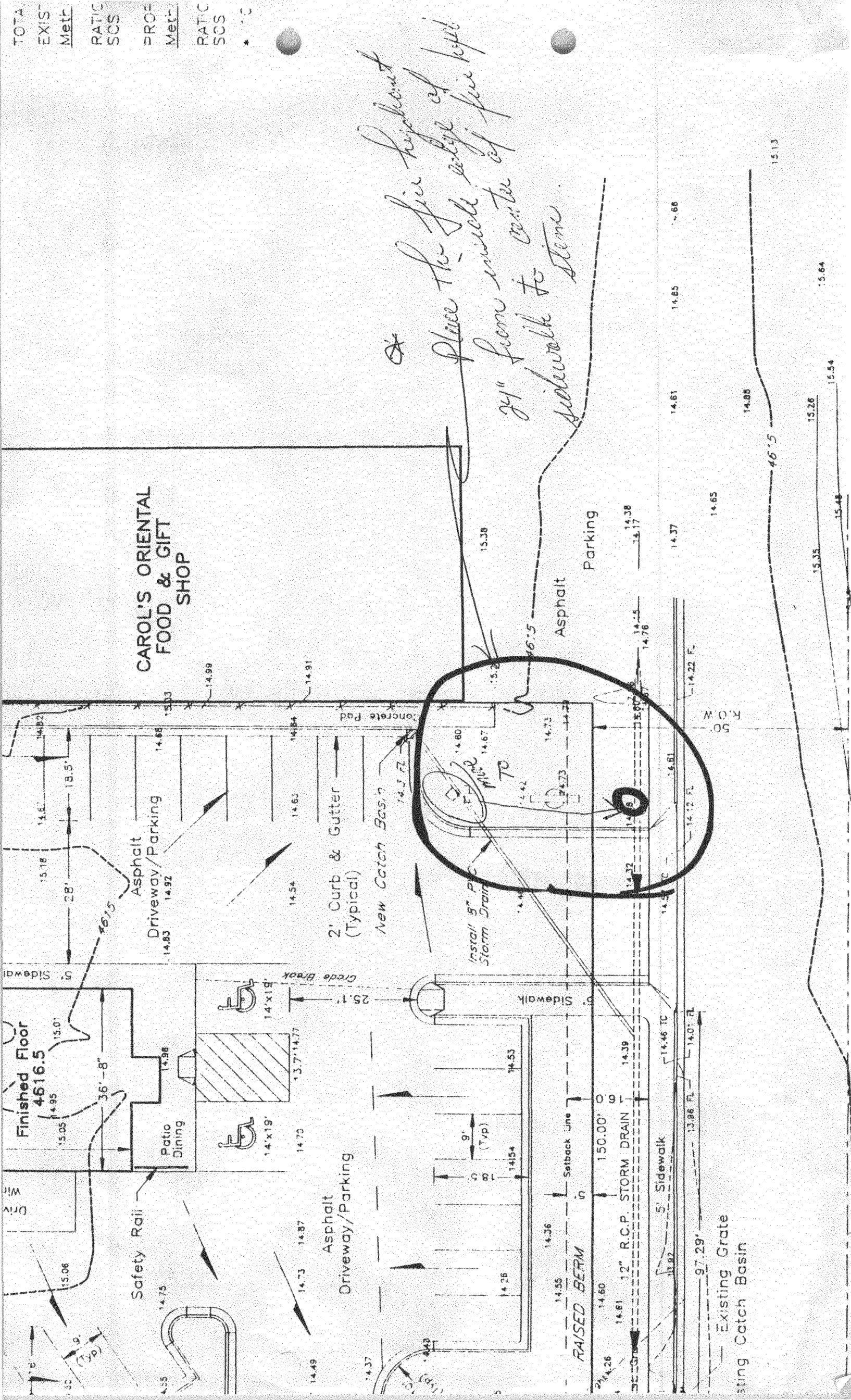
10.0'

10.0'

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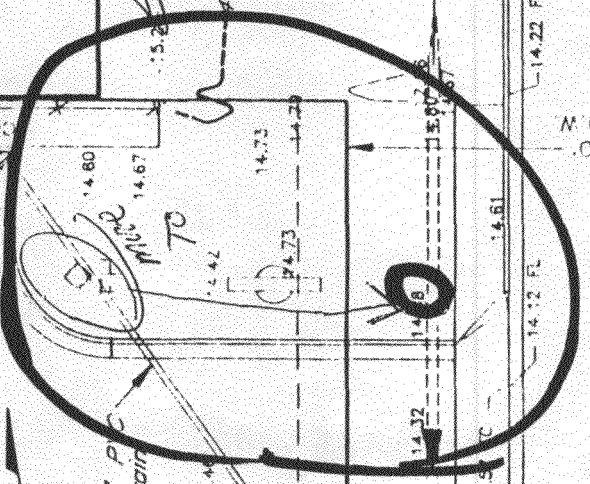
10.0'

TOTAL
 EXIST
 Meth
 RATIO
 SCS
 PRO
 Meth
 RATIO
 SCS
 *



CAROL'S ORIENTAL
 FOOD & GIFT
 SHOP

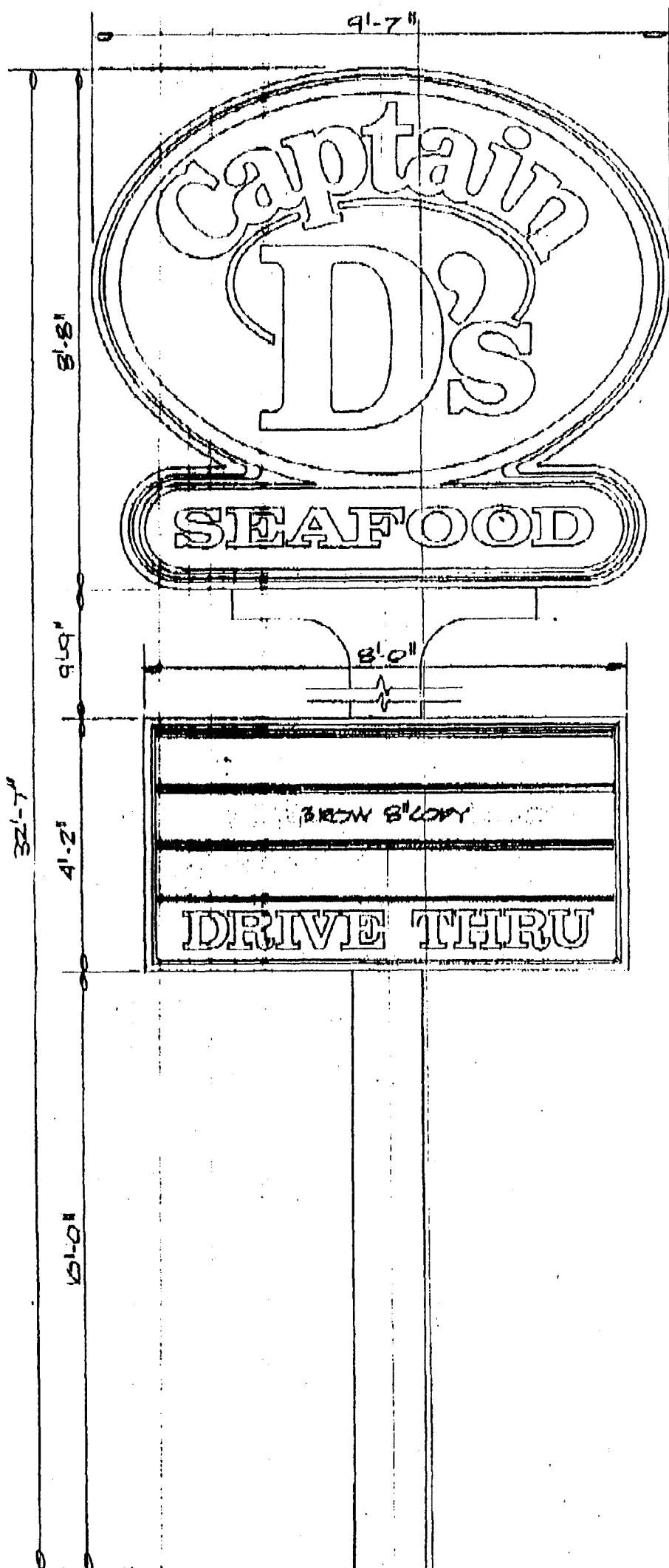
* Place the fire hydrant
 24" from inside edge of fire hydrant
 sidewalk to stem.



Existing Grate
 Existing Catch Basin

Original
Do NOT Remove
From Office

9-92



82,988 SQ. FT.

33,328 SQ. FT.



P.O. BOX 1576-100 PINE STREET
BLUEFIELD WEST VIRGINIA 26701
(304) 327-3541

SCALE: 1/2" = 1'-0"	SALES:	DRAWN BY:
DATE: NOV 15/91	W. B. ACKEN	MAY 12
TITLE: MAIN I. D.		
LOCATION:	DRAWING NUMBER: 7555 19	

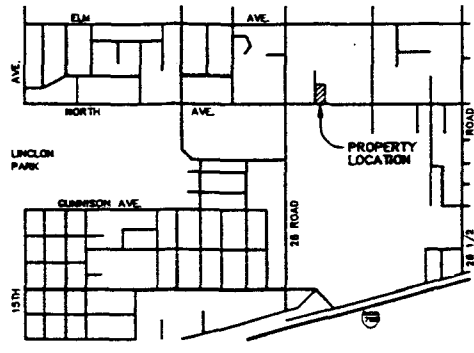
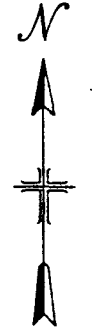
THIS IS AN ORIGINAL UNPUBLISHED DRAWING, CREATED BY ACKEN SIGNS, INCORPORATED. IT IS SUBMITTED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT BEING PLANNED FOR YOU BY ACKEN SIGNS INCORPORATED. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION NOR IS IT TO BE USED, REPRODUCED, COPIED OR EXHIBITED IN ANY FASHION.

Court Street Dead Ends in another 100'.

JUNCTION BELL FEDERAL CREDIT UNION

LIGHT COMMERCIAL Zone C-1

LIGHT COMMERCIAL Zone C-1



VICINITY MAP NOT TO SCALE

PLANTING LIST

- DECIDUOUS TREES
Amur Maple
4 to 8 Foot
- CONIFEROUS TREES
Austrian Pine
4 to 8 Foot
- CONIFEROUS TREES
Blue Spruce
4 to 8 Foot
- ORNAMENTAL TREES
Aspen
4 to 8 Foot
- SHRUBS
San Jose Juniper
Hughes Juniper
Buffalo Juniper
5 Gal.

NOTES:

1. All construction shall conform and adhere to the City of Grand Junction, Department of Public Works and Utilities, Engineering Section, "Standard Specifications for Construction of Water Lines, Sanitary Sewers, Storm Drainage, and Irrigation Systems", "Detailed Street Construction Specifications" and "Standard Details."
2. All parcels adjacent to and in the surrounding area have the same C-1 LIGHT COMMERCIAL zoning designation.
3. Proposed parking provides 47 spaces plus two oversized handicap spaces. This number exceeds required by 17 spaces.
4. Landscaping shall conform to the provisions of Section 5-4-15 of the City of Grand Junction "Zoning and Development Code", July 5, 1989.
5. Irrigation shall be underground and pressurized. The system will require potable water as untreated irrigation water is unavailable.
6. No easements exist on the property. Easements will be provided for the fire hydrants with acceptance of location.

AREA SUMMARY

	PROPOSED	
• LOT	0.888 Ac	100%
• OPEN SPACE (Landscape)	0.129 Ac	15%
ASPHALT & CONCRETE	0.696 Ac	78%
BUILDING	0.062 Ac	7%

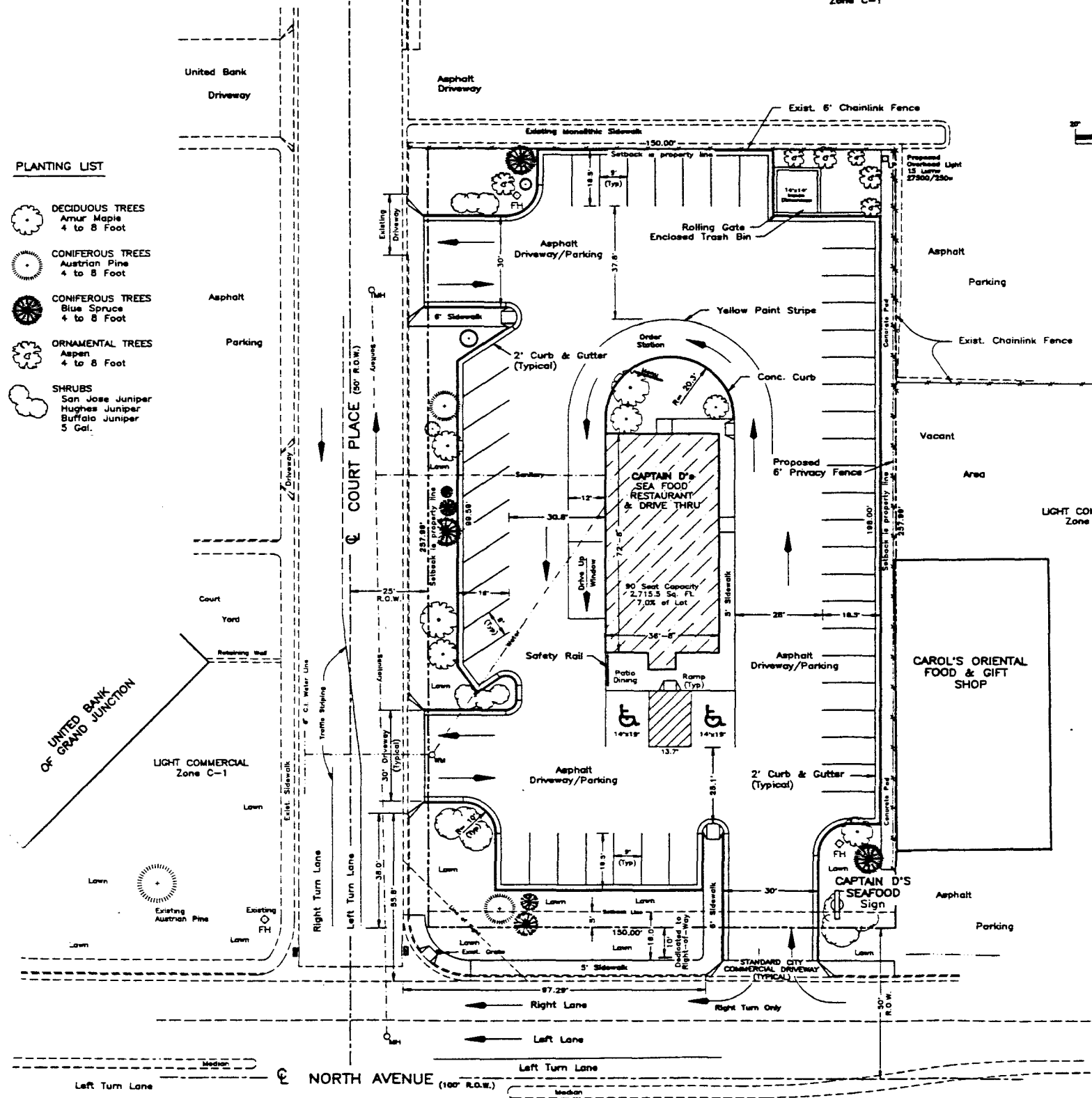
• The existing lot is vacant with remnants of a previous motel.
An additional 0.058 Ac of R.O.W. will be included in the Landscape Plan.

UTILITY LOCATIONS

Utility locations are approximate as provided by utility company location plans. Verify and field locate prior to any excavation, grading, or drilling. Utility Notification Center must be called two business days in advance, 1-800-922-1987.

LEGEND

- Property Line
- Water - Water Line
- Water Meter
- Sanitary - Sanitary Sewer Line
- Manhole
- Light Pole
- Fire Hydrant
- Traffic Flow



SITE PLAN

Scale: 1" = 20'

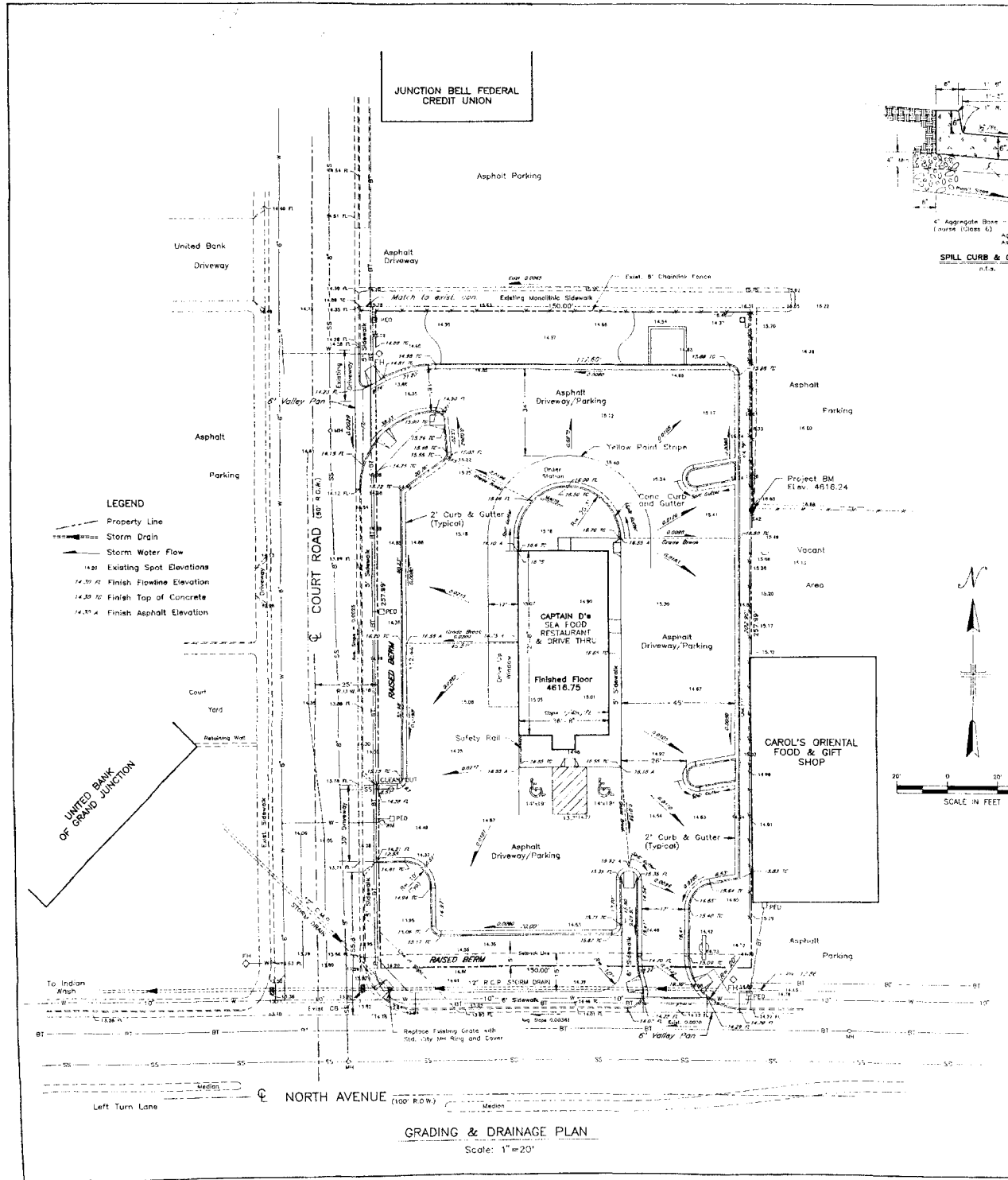
SHEET 1 OF 3

WESTERN CONSULTING ENGINEERS / LAND SURVEYORS
 PREPARED FOR B2S2, INC.
SITE PLAN
CAPT. D'S SEAFOOD RESTAURANT AND DRIVE THRU
 2812 NORTH AVENUE
 GRAND JUNCTION, COLORADO

SURVEYED R.A.M.	DRAWN P.S.	CHECKED P.A.M.
DATE 2/20/92	WD DWG NO. 3135-1160-2	

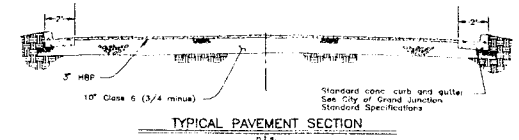
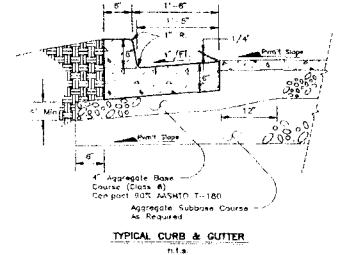
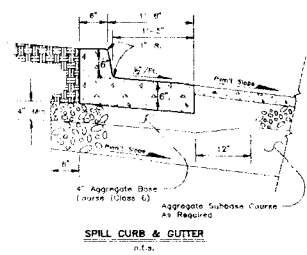
#9-92

Do NOT Remove From Office



JUNCTION BELL FEDERAL CREDIT UNION

- LEGEND**
- Property Line
 - Storm Drain
 - Storm Water Flow
 - 14.31 Existing Spot Elevations
 - 14.39 Finish Flowline Elevation
 - 14.30 Finish Top of Concrete
 - 14.31 Finish Asphalt Elevation



NOTES:
1. Pavement design based on a structural number of 2.7. Structural number derived from CDD4 and a CBP of 4.7. The FASJ was determined to be 101,700.

CAPTAIN D'S HYDROLOGY

EXISTING GROUND COVER	AREA, Sq. Ft.	%	COEFFICIENTS RATIONAL SCS	WEIGHTED COEFF. RATIONAL SCS
Bare Ground	25,316	58.9	0.30	0.177
Gravel	11,325	40.3	0.53	0.202
Concrete	118	0.8	0.90	0.022
	42,959	100%		0.396

PROPOSED GROUND COVER	AREA, Sq. Ft.	%	COEFFICIENTS RATIONAL SCS	WEIGHTED COEFF. RATIONAL SCS
Concrete	6,058	14.1	0.90	0.06
Asphalt	25,972	60.4	0.58	0.513
Roof	2,716	6.3	0.85	0.054
Lawn	8,202	19.2	0.18	0.035
	42,958	100%		0.729

TOTAL RUNOFF

EXISTING Method	10 Yr. Rainfall	100 Yr. Rainfall	10 Yr. Peak	100 Yr. Peak
RATIONAL SCS	2.50 in/hr	3.85 in/hr	0.95 cfs	1.43 cfs
PROPOSED Method	10 Yr. Rainfall	100 Yr. Rainfall	10 Yr. Peak	100 Yr. Peak
RATIONAL SCS	2.50 in/hr	3.85 in/hr	1.80 cfs	3.46 cfs

* 100 Yr. Rational Antecedent Moisture Factor = 1.25

NOTES:
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UTILITY LOCATIONS
Utility locations are approximate as provided by utility company location plans. Verify and field locate prior to any excavation, grading, or drilling. Utility Notification Center must be called two business days in advance. 1-800-922-1887.

GRADING & DRAINAGE PLAN
Scale: 1"=20'

WESTERN ENGINEERING, INC.
LAND SURVEYORS
ENGINEERS, INC. 2110 W. 11th St. GRAND JUNCTION, CO 81505

PREPARED FOR: **B.S.S., INC.**
CAPT. D'S SEAFOOD RESTAURANT AND DRIVE THRU
2812 NORTH AVENUE
GRAND JUNCTION, COLORADO

DATE: 2/20/92
DRAWN: WJ
CHECKED: R.A.M.