



DEVELOPMENT APPLICATION
 Community Development Department
 250 North 5th Street, Grand Junction, CO 81501
 (303) 244-1430

Receipt _____
 Date _____
 Rec'd By _____
 File No. **#42 94**

We, the undersigned, being the owners of property situated in Mesa County, State of Colorado, as described herein do hereby petition this:

PETITION	PHASE	SIZE	LOCATION	ZONE	LAND USE
<input type="checkbox"/> Subdivision Plat/Plan	<input type="checkbox"/> Minor <input type="checkbox"/> Major <input type="checkbox"/> Resub				
<input type="checkbox"/> Rezone				From: To:	
<input type="checkbox"/> Planned Development	<input type="checkbox"/> ODP <input type="checkbox"/> Prelim <input type="checkbox"/> Final				
<input checked="" type="checkbox"/> Conditional Use			509 28 1/2	C-1	Restaurant/Lounge
<input type="checkbox"/> Zone of Annex					
<input type="checkbox"/> Text Amendment					
<input type="checkbox"/> Special Use					
<input type="checkbox"/> Vacation					<input type="checkbox"/> Right-of-Way <input type="checkbox"/> Easement

<input checked="" type="checkbox"/> PROPERTY OWNER	<input type="checkbox"/> DEVELOPER	<input checked="" type="checkbox"/> REPRESENTATIVE
<u>Julia M. Perini</u> Name		<u>Steven Warner Smith</u> Name
<u>131 Carolitos</u> Address		<u>593 Placer St</u> Address
<u>Grand Junction, CO 81501</u> City/State/Zip		<u>Grand Jct. Co 81504</u> City/State/Zip
<u>243-7734</u> Business Phone No.		<u>241-1400</u> Business Phone No.

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

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all hearings. In the event that the petitioner is not represented, the item will be dropped from the agenda, and an additional fee charged to cover rescheduling expenses before it can again be placed on the agenda.

X Steven W. Smith Signature of Person Completing Application 12-23-94 Date

X Julia M. Perini Signature of Property Owner(s) - Attach Additional Sheets if Necessary

PRE-APPLICATION CONFERENCE

Date: 2/23/94
Conference Attendance: Steve Smidt, Kristen Ashbeck, Jack Perrin
Proposal: Blondies Restaurant/Lounge
Location: 509 28 1/2 Rd.

Tax Parcel Number: 2943-073-00-154
Review Fee: \$350
(Fee is due at the time of submittal. Make check payable to the City of Grand Junction.)

Additional ROW required?
Adjacent road improvements required?
Area identified as a need in the Master Plan of Parks and Recreation?
Parks and Open Space fees required? Estimated Amount:
Recording fees required? Estimated Amount:
Half street improvement fees required? Estimated Amount:
Revocable Permit required?
State Highway Access Permit required?

Applicable Plans, Policies and Guidelines

Located in identified floodplain? FIRM panel #
Located in other geohazard area?

Located in established Airport Zone? Clear Zone, Critical Zone. Area of Influence?
Avigation Easement required?

While all factors in a development proposal require careful thought, preparation and design, the following "checked" items are brought to the petitioner's attention as needing special attention or consideration. Other items of special concern may be identified during the review process.

- Access/Parking, Drainage, Floodplain/Wetlands Mitigation, Other, Screening/Buffering, Landscaping, Availability of Utilities, Land Use Compatibility, Traffic Generation, Geologic Hazards/Soils

Related Files:

It is recommended that the applicant inform the neighboring property owners and tenants of the proposal prior to the public hearing and preferably prior to submittal to the City.

PRE-APPLICATION CONFERENCE

WE RECOGNIZE that we, ourselves, or our representative(s) must be present at all hearings relative to this proposal and it is our responsibility to know when and where those hearings are.

In the event that the petitioner is not represented, the proposed item will be dropped from the agenda, and an additional fee shall be charged to cover rescheduling expenses. Such fee must be paid before the proposed item can again be placed on the agenda. Any changes to the approved plan will require a re-review and approval by the Community Development Department prior to those changes being accepted.

WE UNDERSTAND that incomplete submittals will not be accepted and submittals with insufficient information, identified in the review process, which has not been addressed by the applicant, may be withdrawn from the agenda.

WE FURTHER UNDERSTAND that failure to meet any deadlines as identified by the Community Development Department for the review process may result in the project not being scheduled for hearing or being pulled from the agenda.

Signature(s) of Petitioner(s)

Signature(s) of Representative(s)

General Project Report for Wild Bill's BBQ
509 28 1/2 Road Grand Junction, Colorado, 81501.

Type of license: Restaurant

Hours of operation: Sunday thru Saturday
11:00 AM — 10:00 PM

Seating Capacity: 145

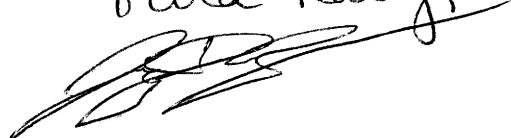
Restaurant area seating: 125

lounge area seating: 20

Note: lounge area will be an
accessory to the restaurant.

Percent of alcohol to be served: 20%

Type of liquor license: Beer - Wine

John M. Peim
Tara Rabys


PROJECT REPORT

I am applying for a conditional use permit (under protest) at 509 28 & 1/2 Rd. as requested by G.J. Planning. As noted on the cover letter dated March 1, 1994 from Coleman, Joufflas & Williams, this location has been operating under a conditional use permit since 1977.

SEAT Cap 135-145

No. of Employees - 6-8

Hrs of op. 1030 am - 200 am daily

by Steve SMITH

REPORT CHECKLIST AND OUTLINE

GENERAL PROJECT REPORT

CHECKLIST	OK	NA
Typed text		
Size: 8½ x 11" format		
Bound: If more than 1 page, use a staple.		
Name of report on a title page or on the first page of text		

OUTLINE

- A. Project Description
 - 1. Location
 - 2. Acreage
 - 3. Proposed use
- B. Public Benefit
- C. Project Compliance, Compatibility, and Impact
 - 1. Adopted plans and/or policies (for rezones, variances conditional and special use, revocable permits, and vacations, discuss the circumstances that justify the request, as required by the Zoning and Development Code) *see attached criteria*
 - 2. Land use in the surrounding area
 - 3. Site access and traffic patterns
 - 4. Availability of utilities, including proximity of fire hydrants
 - 5. Special or unusual demands on utilities (high water or sewage quantities, grease, or sediment contribution, pre-treatment needs, etc.)
 - 6. Effects on public facilities (fire, police, sanitation, roads, parks, schools, irrigation, etc.)
 - 7. Site soils and geology (such as per SCS soils mapping)
 - 8. Impact of project on site geology and geological hazards, if any
 - 9. Hours of operation
 - 10. Signage plans
- D. Development Schedule and Phasing

#seats 1 per 3 seats

COMMENTS

- 1. This report should only provide general information, and should not be more than 2 pages long.



2943-073-17-002
DAMBA CORPORATION N V
C/O BRAY PROPERTY MANAGEMENT
1015 N 7TH ST
GRAND JUNCTION, CO 81501-3102

2943-073-17-001
DAMBA CORPORATION N V
C/O BRAY PROPERTY MANAGEMENT
1015 N 7TH ST
GRAND JUNCTION, CO 81501-3102

2943-073-00-155
AUTOZONE INC
PO BOX 2198
MEMPHIS, TN 38101-2198

2943-073-00-220
SAN MARCOS ASSOCIATES
517 28 1/2 RD APT 21
GRAND JUNCTION, CO 81501-4914

2943-073-00-223
RAY W QUAN
JOYCE T
2684 CONTINENTAL DR
GRAND JUNCTION, CO 81506-1801

2943-073-19-001
THE STARR CORPORATION
C/O TONY FERRY
515 28 1/2 RD APT 7
GRAND JUNCTION, CO 81501-4965

2943-074-00-037
ATRISCO INVESTMENT CO
C/O JOSE CRUZ
535 TECO ST
GRAND JUNCTION, CO 81504-5725

2943-074-00-052
ATRISCO INV CO
C/O JOSE CRUZ
535 TECO ST
GRAND JUNCTION, CO 81504-5725

2943-074-00-979
GRAND JUNCTION CHAPTER 9 DISABL
AMERICAN VETERANS
506 28 1/2 RD
GRAND JUNCTION, CO 81501-4943

2943-074-14-001
PAUL R BOLLINGER
513 FLORENCE RD
GRAND JUNCTION, CO 81504-5411

2943-074-14-002
E M HUNT
512 28 1/2 RD
GRAND JUNCTION, CO 81501-4943

2943-074-00-074
DARRELL ZIPP
ROSALEE
8304 KEOKUK AVE
CANOGA PARK, CA 91306-1607

2943-074-00-099
ADA L TUCKER
2858 NORTH AVE
GRAND JUNCTION, CO 81501-5083

TYPE LEGAL DESCRIPTION(S) BELOW, USING ADDITIONAL SHEETS AS NECESSARY. USE SINGLE
SPACING WITH A ONE INCH MARGIN ON EACH SIDE.

The North 275 feet of the East quarter of the
Southeast quarter of the Southeast quarter of
the Southwest quarter, Section 7, Township 1,
South, Range 1 East of the Ute Meridian in the
County of Mesa, City of Grand Junction, Colorado

✓ (3)

DATE: January 26, 1987

TO: City Council

FROM: Neva Lockhart, City Clerk

NBL

SUBJECT: Hearing on Alleged Liquor Code Violations

At the meeting January 21, 1987 of the Local Licensing Authority, Liquor and Beer, Philip Coebergh, Hearing Officer, approved an application by Richard E. Robidoux to renew his hotel-restaurant liquor license subject to a possible hearing on the alleged violations. Mr. Coebergh requested a note be directed to the City Council that he strongly encourages that a hearing be set up. He further stated his position that hearings should have been set up on a number of other alleged violations as well.

cc: Gerald Ashby, City Attorney
Philip Coebergh, Hearing Officer

*Paffus
North Ave. location*

*C.O. issued 9/6/88 for addition - #30365
signed by Mike Sutherland 9/8/88*

*#9-77
#66-79*

DATE: August 10, 1988

TO: Local Licensing Authority

FROM: Neva Lockhart, City Clerk

NBL.

SUBJECT: Application by Jack M. Perrin and Richard E. Robidoux, Scoreboard Partners, for a Hotel-Restaurant Liquor License at 509 28 1/2 Road under the Trade Name of Scoreboard Restaurant & Lounge

On July 15, 1988, an application was filed with the Local Licensing Authority by Jack M. Perrin, Scoreboard Partners, for a Hotel-Restaurant Liquor License at 509 28 1/2 Road under the trade name of Scoreboard Restaurant and Lounge. The application and supplementary documents were reviewed, found to be in order, and were accepted. The hearing date was set for August 17, 1988. Notice of Hearing was given by posting a sign on the property July 19, 1988, and by publishing a display ad in The Daily Sentinel on August 5, 1988.

A survey of the area bounded by Elm Avenue on the north, 28 3/4 Road on the east, Teller Avenue on the south (if extended) to 28 1/4 Road on the west, and including both sides of the streets which are indicated as the boundaries has been completed. Results are:

- 1. I believe the reasonable requirements of the neighborhood are not being met. 87
- 2. I believe the reasonable requirements of the neighborhood are being met. 111

As an inhabitant residing in the neighborhood more than six months each year:

- 1. It is my desire that the license be issued. 88
- 2. It is my desire that the license not be issued. 60

Mr. Perrin submitted a petition signed by 341 people. The petition was prepared in May, 1988, prior to the date of closing between Richard Robidoux and Wal Mart for the Double R Bar on North Avenue when Mr. Robidoux still had a location for his old license and planned to file an application for a change of location to 509 28 1/2 Road. The petition reads in part "and so respectfully petition the Local Licensing Authority of the City of Grand Junction to permit such change of location." Mr. Perrin also submitted a petition signed by 35 people dealing specifically with the granting of a Hotel-Restaurant Liquor License for the Scoreboard Restaurant and Lounge at 509 28 1/2 Road.

Local Licensing Authority
August 10, 1988
Page 2

The building wherein the license is sought to be exercised is located more than 500 feet from any public or parochial school and more than 300 feet from the principal campus of any college, university, or seminary.

The background check of the partners is good as determined by the Police Department. The fingerprint card for Jack Perrin was sent to CBI/FBI with no return to date.

The Fire Department report advises that the building is still under reconstruction. The owners were notified what needs to be done to be within the local Fire Code. The Building Department will do a final inspection of the remodel and issue a Certificate of Occupancy upon compliance.

The Mesa County Health Department has reviewed the plans and specifications for the Scoreboard Restaurant and Lounge and approval has been granted on the plans as submitted. The Health Department will conduct a pre-opening inspection.

Similar-type outlets within survey area: 0.

Similar-type outlets within one mile: 3.

cc: Jack Perrin and Richard Robidoux
Dan Wilson, City Attorney

P 130 939 744

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

★ U.S.G.P.O. 1984-448-014 S Form 3800, Feb. 1982	Sent to <i>J. Perrin & R. Robidoux</i>	
	Street and No. <i>509 28$\frac{1}{2}$ Road</i>	
	P.O., State and ZIP Code <i>Grand Junction CO 81502</i>	
	Postage	\$
	Certified Fee	
	Special Delivery Fee	
	Restricted Delivery Fee	
	Return Receipt Showing to whom and Date Delivered	
	Return receipt showing to whom, Date, and Address of Delivery	
	TOTAL Postage and Fees	\$
	Postmark or Date <i>8-10-88</i>	

DATE: August 10, 1988

TO: Local Licensing Authority

FROM: Neva Lockhart, City Clerk

NBL.

SUBJECT: Application by Jack M. Perrin and Richard E. Robidoux, Scoreboard Partners, for a Hotel-Restaurant Liquor License at 509 28 1/2 Road under the Trade Name of Scoreboard Restaurant & Lounge

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A survey of the area bounded by Elm Avenue on the north, 28 3/4 Road on the east, Teller Avenue on the south (if extended) to 28 1/4 Road on the west, and including both sides of the streets which are indicated as the boundaries has been completed. Results are:

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RESOLUTION NO. 8-88

DECISION ON APPLICATION FOR A HOTEL-RESTAURANT
LIQUOR LICENSE BY JACK M. PERRIN AND RICHARD E.
ROBIDOUX, SCOREBOARD PARTNERS, UNDER THE TRADE
NAME SCOREBOARD RESTAURANT AND LOUNGE LOCATED AT
509 28 1/2 ROAD, GRAND JUNCTION, COLORADO

A public hearing having been scheduled for August 17, 1988, but continued to August 22, 1988, on the application by Jack M. Perrin and Richard E. Robidoux, Scoreboard Partners, for a hotel-restaurant liquor license under the trade name Scoreboard Restaurant and Lounge at 509 28 1/2 Road, Grand Junction, and the Local Licensing Authority having considered the evidence adduced at said hearing, FINDS:

1. The hearing held on August 22, 1988, on the application was held after proper notice thereof under C.R.S. 12-47-101, et seq.

2. The survey of the neighborhood conducted by the City revealed that 111 persons believed the needs of the neighborhood were being met by existing outlets, while 87 felt the needs were not being met. Of those who were inhabitants of the neighborhood, 88 desired that the license issue and 60 were opposed to the issuance of the license.

3. No one appeared at the hearing in opposition to the granting of the license and no petitions of disapproval were received by the Local Licensing Authority.

4. The moral character and reputation of the applicants is good as determined by a check done by the Police Department.

5. There are no existing outlets of a similar type within the area surveyed in the City.

6. Applicant supplied the Authority with 35 petitions in support of the application; although the petitions as submitted are inartfully drafted (and therefor do not directly give guidance to the question of whether or not the needs of the neighborhood are presently being met), the Authority finds such petitions to be of some use in determining the needs of the neighborhood are not presently being met.

7. The evidence supports the conclusion that the needs of the neighborhood are not being met by other outlets and it is the desire of the adult inhabitants of the neighborhood that the license issue.


8. The building where the license is sought is located more than 500 feet from any public or parochial school or the principal campus of any college, university or seminary.

NOW THEREFORE, BE IT RESOLVED BY THE LOCAL LICENSING AUTHORITY OF THE CITY OF GRAND JUNCTION:

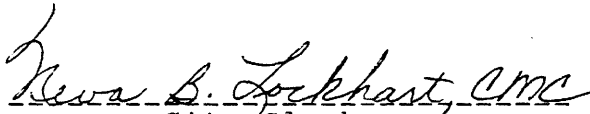
That the application of Jack M. Perrin and Richard E. Robidoux, Scoreboard Partners, for a hotel-restaurant liquor license under the trade name Scoreboard Restaurant & Lounge located at 509 28 1/2 Road, Grand Junction, Colorado, be granted.

PASSED and ADOPTED this 22nd day of August, 1988.

Attest:



LOCAL LICENSING AUTHORITY
FOR THE CITY OF GRAND JUNCTION



Neva B. Lockhart, CMC
City Clerk

January 13, 1994

Phil Coebergh,
Hearing Officer
City Hall
Grand Junction, CO 81501

Dear Mr. Coebergh;

The purpose of this letter is to express my concerns as the property owner of 509 28 1/2 Rd., and to provide information regarding Mr. Benton's liquor license application for the Rafter's Restaurant and Bar located on my property.

I was first made aware of Mr. Tony Perry's concerns of noise at Rafter's on 6/28/93. I felt these problems were corrected as agreed (see enclosed correspondence). Since 6/28/93, my wife and I have made several weekend visits (9:30p.m. - 11:00p.m.) to the parking lot at Creekside Apartments to listen for any abusive noise, of which we have found none. Also, during this period (first part of June), I had a telephone conversation with Bob Taylor, at that time, a resident of Creekside Apartments. I informed him that if he heard any disturbing noise, to give me a call immediately. I was never contacted by Mr. Taylor.

I feel Mr. Benton has inherited some existing problems from the previous lessee, including some noise and an ongoing transient problem, but that he is doing a good job building the business back up to it's original position that it was in when my wife and I were running the business. Mr. Benton has used the business establishment to raise funds for Hilltop Rehabilitation (\$2,200), hosting monthly parties for M.D.S., and has put on karaoke shows for local high schools (Kids Against Drugs).

During the liquor license survey, we found no strong opposition to the approval of the liquor license, other than a few residents in the apartments directly across the ditch from Rafter's.

As the owner of the property, I realize there has been problems in the past, but feel they can be solved with the cooperation of both sides.

In closing, I want to assure you and the neighborhood that if the problems are real, the lease that I currently have with Mr. Benton will be terminated immediately, as will any future lease with Mr. Benton or any other lessee.

Sincerely,

Jack M. Perrin

cc: James E. Benton

Memo to: Local Licensing Authority

From: Stephanie Nye, City Clerk

Date: January 13, 1994

Subject: Application by James Benton for a Hotel-Restaurant Liquor License at 509 28 1/2 Road under the name of Rafter's Restaurant and Lounge

James Benton, an individual, filed an application with the Local Licensing Authority on December 15, 1993, for a hotel-restaurant liquor license for consumption by the drink on the premises to be located at 509 28 1/2 Road under the trade name of Rafter's Restaurant & Lounge. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for January 19, 1994. The Notice of Hearing was given by posting a sign on the property on January 7, 1994 and by publishing a display ad in The Daily Sentinel on January 7, 1994.

The applicant conducted a survey and defined the neighborhood as "Mesa County and local area". A survey was conducted of the area defined, which is generally from I-70 on the north, to Loma on the west, to Highway 50 on the south, to Cameo on the east, listed as the outer boundaries. The results of that survey are as follows:

- 1. As an owner of property in the neighborhood, an employee of or business lessee of property in the neighborhood, and/or an inhabitant residing in the neighborhood for more than six months each year, I believe the reasonable requirements of the neighborhood are already being met by other existing liquor outlets.

YES: 11
NO: 573

- 2. As an inhabitant residing in the neighborhood more than six months each year, it is my desire that the license be issued.

YES: 583
NO: 3

Other surveys were submitted by Billy Louthan and Evelyn and Ralph Kuhn. The Louthan survey included the Villa San Marcos Apartment complex at 517 28 1/2 Road. The Kuhn survey listed the boundaries as Elm Avenue on the north, Teller Avenue on the south, 28 1/2 Road on the east and 28 1/2 Road on the west and included both sides of the street as the outer boundaries. The combined results of those surveys were as follows:

- 1. As an owner of property in the neighborhood, an employee of or business lessee of property in the neighborhood, and/or an inhabitant residing in the neighborhood for more than six months each year, I believe the reasonable requirements of the

REVIEW COMMENTS

Page 1 of 2

FILE #42-94

TITLE HEADING: Conditional Use Permit -
Blondie's Restaurant/Lounge

LOCATION: 509 28 1/2 Road

PETITIONER: Steven W. Smidt

PETITIONER'S ADDRESS/TELEPHONE: 593 Placer Street
Grand Junction, CO 81504
241-1400

PETITIONER'S REPRESENTATIVE: Steve Smidt

STAFF REPRESENTATIVE: Kathy Portner

NOTE: WRITTEN RESPONSE BY THE PETITIONER TO THE REVIEW COMMENTS IS REQUIRED ON OR BEFORE 5:00 P.M., MARCH 28, 1994.

CITY UTILITY ENGINEER
Bill Cheney

3/4/94
244-1590

WATER - A 6" cast iron line is located in 28 1/2 Road which should provide adequate fire protection.

SEWER

1. More information is needed on the seating distribution, i.e. restaurant, bar, etc. There will be an additional "Plant Investment Fee" for sewer based on operational hours in excess of 12 hours per day. The increase could exceed \$6,000 based on seating distribution.
2. You will need to contact Dan Tonello (244-1489) with the "Industrial Pretreatment Program" for any additional requirements pertaining to sewage disposal from the restaurant. An approved grease trap will be required.

GRAND JUNCTION POLICE DEPARTMENT
Marty Currie

3/7/94
244-3563

At the Police Department, we are unable to provide comments due to the vast difference in impact on a neighborhood between use as a "restaurant" or use as a "lounge". Please have applicant be more definitive in the anticipated use so we can make a more informed decision and comment.

CITY DEVELOPMENT ENGINEER
Jody Kliska

3/8/94
244-1591

1. Please show where existing right-of-way is on 28 1/2 Road.

2. Half-street improvements required on 28 1/2 Road.
3. One driveway should be closed.
4. At a minimum, the driveway approaches need to be paved to keep gravel out of the street.

MESA COUNTY BUILDING DEPARTMENT
Bob Lee

3/11/94
244-1656

No comments.

GRAND JUNCTION FIRE DEPARTMENT
George Bennett

3/17/94
244-1400

No requirements at this time. An inspection will be conducted and a report sent to the City Clerks office per license requirements.

COMMUNITY DEVELOPMENT DEPARTMENT
Kathy Portner

3/17/94
244-1446

See attached comments.

COLEMAN, JOUFLAS & WILLIAMS

ATTORNEYS AT LAW

2452 Patterson Road

P.O. Box 55245

Grand Junction, Colorado 81505

Joseph Coleman
Gregory Jouflas
John Williams

Telephone
(303) 242-3311

Telecopier
(303) 242-1893

March 1, 1994

John Shafer
Assistant City Attorney
Grand Junction City Hall
Grand Junction, CO 81501

RE: Liquor License Application
Steve Smidt

Dear John:

I represent Steve Smidt. Mr. Smidt has signed an agreement with Jack Perrin to lease the real property at 509 28½ Road, Grand Junction, Colorado. This is the property once operated as EL Escondido, the Scoreboard and, most recently, Rafters. Jim Benton owned and operated Rafters, leasing the property from Perrin. Mr. Benton recently let his hotel-restaurant liquor license expire and his lease with Mr. Perrin has been terminated.

Mr. Smidt intends to open a restaurant/bar at the property. He is applying for a hotel-restaurant liquor license to use in the operation of his restaurant. Mr. Smidt has been informed by the City Planning Department that he will be required to obtain a conditional use permit for operation of the restaurant/bar. Mr. Smidt objects.

The property has been the subject of a conditional use permit since City Council approval in April, 1977. The conditional use permit was issued to Mr. Levi Lucero and his El Escondido restaurant. Each subsequent owner/operator of the restaurant at the property has held a hotel-restaurant liquor license and operated the property under the same 1977 conditional use permit. This is Mr. Smidt's intent.

Under 4-6-2(GN) of the City of Grand Junction Zoning and Development Code, a conditional use permit remains valid for so long as the permitted use is maintained. Only after the use has been discontinued for one year (and notice mailed to the owner) is the conditional use permit invalidated. In this case, the restaurant/bar use of the building was discontinued only a few weeks ago. The property has been licensed with a hotel-restaurant license for each owner since 1977. Mr. Smidt's proposed restaurant and license application is a continuation of this use.

Mr. Shafer
RE: Liquor License Application
March 1, 1994
Page 2

You have suggested that Mr. Smidt file a conditional use permit application and the liquor license application today, and that you and I take the next week or so to discuss the legal issues involved. You have assured me that Mr. Smidt can withdraw the conditional use permit application at any time and receive a full refund of his fees. Based upon your assurances, Steve Smidt will file the application for the conditional use permit and the application for the hotel-restaurant liquor license. He does so under protest and with the specific understanding with the City that the filing is not a waiver of his right to challenge the City requirement that he apply for a new conditional use permit. Both applications are submitted to give you and I an opportunity to talk through the issues.

Sincerely,

COLEMAN, JOUFLAS & WILLIAMS



JOHN WILLIAMS

JEW/kap

STAFF REVIEW

FILE: #42-94
DATE: March 16, 1994
STAFF: Kathy Portner
REQUEST: Conditional Use Permit--Bar/Nightclub
LOCATION: 509 28 1/2 Road
APPLICANT: Jack M. Perrin

EXISTING LAND USE: Bar/Restaurant

PROPOSED LAND USE: Bar/Restaurant

SURROUNDING LAND USE:

NORTH: Residential
SOUTH: Commercial
EAST:
WEST: Commercial

EXISTING ZONING: C-1

PROPOSED ZONING: C-1

SURROUNDING ZONING:

NORTH: PR-18
SOUTH: C-1
EAST: PB
WEST: C-1

RELATIONSHIP TO COMPREHENSIVE PLAN:

No Comprehensive Plan exists for this area.

STAFF ANALYSIS:

This property was annexed into the City in 1960 and rezoned from R-1-D (one family residence) to C-1 (light commercial) in 1971 along with many other surrounding properties. In 1977 a Conditional Use Permit was issued for a liquor license for El Escondido Restaurant

at that location (the restaurant was an allowed use). In 1979 the Conditional Use Permit was amended to allow for a 350 sq. ft. addition to the restaurant. In 1988 the restaurant changed hands and became the Scoreboard Lounge and Leaning Tower of Pizza. There was a Planning Clearance issued at that time for a remodel and addition. Building Department records indicate that addition was approximately 30 sq. ft. Since 1988 there have been several changes in ownership and names of the establishment.

The Zoning and Development Code, up until a recent text amendment, allowed restaurants and bars/nightclubs in a C-1 zone with a Conditional Use Permit being required for the liquor license. A text amendment adopted last year deletes the requirement for a Conditional Use Permit for a liquor license, but requires a Conditional Use Permit for a bar/nightclub. With that Code change and the application for a new liquor license, a new Conditional Use Permit is required.

Staff has concerns with the compatibility of this use with the adjacent residential uses to the north. The following should be considered as conditions of approval:

1. Hours of operation will be limited to no later than 11:00 p.m. on Friday and Saturday and 10:00 p.m. on Sunday through Thursday.
2. A six foot privacy fence will be maintained along the north property line.
3. A six foot chain link fence will be installed and maintained along the west and south property lines.
4. The parking spaces along the north property line will be designated and maintained as "employee parking only".
5. The north driveway onto 28 1/2 Road will be closed.
6. Half street improvements to 28 1/2 Road will be required along the property frontage.
7. No outdoor activity will be allowed to the north of the building.
8. All parking and drive areas will be paved.
9. Landscaping will be upgraded and maintained to meet the requirements of the Code.

STAFF RECOMMENDATION:



21 March 1994

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

John Williams
c/o Coleman, Joufflas and Williams
P.O. Box 55245
Grand Junction, CO 81505

re: Conditional Use Permit
509 28 1/2 Road

Dear John,

As I mentioned to you in our last telephone conversation, the staff met on March 15, 1994 and discussed the proposed use. Earlier today Larry Timm, Kathy Portner, Dan Wilson and I met with City Manager Mark Achen to discuss the legal and policy ramifications of recognizing and engrafting conditions on the 1977 conditional use permit. The outcome of that discussion is summarized below.

As you and I initially discussed, it is the City's position that a conditional use permit is required for your client to conduct a bar/restaurant business to be known as Blondie's at 509 28 1/2 Road, Grand Junction.

The City has reached that conclusion based on two principle considerations. The first consideration is that the conditional use permit issued to the El Escondido is not in the Community Development file. This fact is important not only because the terms and conditions of the approval are unknown but more importantly because the Zoning and Development Code specifies that a conditional use remains valid only so long as the permitted use is maintained. Review of the minutes discloses that the use of 509 28 1/2 Road conditionally permitted in 1977, was a restaurant not a bar. The Zoning and Development Code in section 4-6-2 clearly requires a consistent and specific use in order for a conditional use permit to remain valid. Likewise, the Code establishes that a permitted conditional use must be maintained and operated in compliance with the terms and conditions of the approval. Assuming for the sake of argument that the proposed use is consistent with the use permitted in 1977, without benefit of the original permit it is impossible to determine what the terms of approval were and more importantly, whether or not the proposed use will be operated and maintained in conformance with those terms and conditions.

The second rationale for requiring a conditional use permit for the proposed Blondie's use is that your client has not, and I would suggest cannot, demonstrate that the sale of alcoholic beverages will comprise less than 25% of gross sales. As you are aware, the Zoning and Development Code provides that a bar,

Mr. John Williams
21 March 1994
page 2

meaning an establishment serving alcoholic beverages as its principle business, is a conditional use in a C-1 zone.

The Zoning and Development Code specifies seven criteria for evaluating conditional uses. Those criteria include compatibility with adjacent uses, site design, elimination of undesirable impacts, availability of public services, the existence of complimentary uses, provision for proper maintenance and conformance to parking, access and other general regulations of the Code. Conditional uses must conform to the established criteria. The proposed use is and will be no exception.

The City is confident that it would prevail if challenged on the issue of requiring Blondie's to submit to a conditional use permit process. Our confidence is not engendered out of arrogance but stems from the fact that the Zoning and Development Code and its application through the public hearing process yields better land use and public policy decisions than if the same decisions are made without benefit of the public process. Mr. Achen has advised Mr. Timm that because of the change of use over time of the premises located at 509 28 1/2 Road and more importantly, because of the broad public policy issues, that the proposed use will require a public hearing before the Planning Commission.

It is my advice to Mr. Timm and Mr. Achen that we, Community Development staff and your client, attempt to negotiate conditions regarding the use and occupancy of the premises at 509 28 1/2 Road and present them to the Planning Commission. The staff has generated a list of conditions from which a negotiated settlement may be proposed to the Commission. The negotiated conditions would not be in the form of a stipulation or be binding on the Commission but instead would be presented as recommendations. If we present the Commission with a well-reasoned, thoroughly negotiated recommendation then the Commission will be able to focus on the propriety of the proposed land use rather than struggling to understand the intricacies of the legal arguments regarding the existence or not, of a conditional use permit.

The conditions initially recommended by the Community Development staff, which you and I briefly discussed last week, are as follows:

- 1) The hours of operation shall be limited to 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday.
- 2) Your client must maintain the privacy fence along the north property line.

Mr. John Williams
21 March 1994
page 3

- 3) Your client must replace the fence along the west and south property lines with 6' chain link fencing. Pedestrian access from the west and south must be eliminated.
- 4) Parking along the north property line must be designated as "employee only" and must be enforced.
- 5) The northern access from the property to 28 1/2 Road must be eliminated.
- 6) Half street improvements for 28 1/2 Road are required to be installed. Half street improvements include the installation of curb, gutter and sidewalk.
- 7) No outdoor customer and/or employee activity shall be allowed to the north of the building.
- 8) Parking and driveway surfaces must be paved.
- 9) Landscaping must be installed and maintained in accordance with current requirements.
- 10) The use shall comply with a site plan to be approved by the Community Development Director and all conditions set forth shall be maintained for the life of the use, unless the site plan and/or conditional use permit is amended.

These conditions are suggested primarily to alleviate the potential conflict between a non-residential and adjacent residential use. As you are aware, there have in the past been compatibility problems between uses.

The recommended conditions are consistent with the spirit and the letter of the Zoning and Development Code. Please review this letter with your client at your earliest convenience. You may also wish to contact the adjacent owners and occupants and discuss the recommendations. If substantial agreement on the conditions to be recommended to the Planning Commission could be achieved prior to the hearing, that would be in everyone's best interest.

If you should have any questions or would like to meet to discuss the conditions, recommendations to the Planning Commission or any other issue, please call at your earliest convenience.

Mr. John Williams
21 March 1994
page 4

OFFICE OF THE CITY ATTORNEY

by: 

~~John P. Shaver~~
Assistant City Attorney
250 N. 5th Street
Grand Junction, CO 81501
(303) 244-1501

pc: Mark Achen
Kathy Portner
Larry Timm

COLEMAN, JOUFLAS & WILLIAMS
ATTORNEYS AT LAW
2452 Patterson Road
P.O. Box 55245
Grand Junction, Colorado 81505

Joseph Coleman
Gregory Jouflas
John Williams

Telephone
(303) 242-3311

Telecopier
(303) 242-1893

March 28, 1994

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

RE: Conditional Use Permit
509 28 ½ Road

Dear John:

While I believe your letter of March 21, 1994, is well crafted, it is both factually and legally inaccurate.

You state in paragraph 3 of your letter that "the Conditional Use Permit issued to the El Escondido is not in the Community Development File". I have reviewed a number of other community development files and find that a conditional use permit does not physically exist as a piece of paper in any Community Development File. I specifically checked the file for Gladstones (89-79), the Golden Dragon (63-38), the T-Bone (53-78), Santy's Stop (28-78), 811 Main (44-77) and Junction Square (32-77). I reviewed these files because each involved an application for a conditional use permit for a hotel-restaurant liquor license during the approximate time of the El Escondido application. I find no conditional permit in any of these files. I find only the same information and review sheets found in the El Escondido file.

Please note that Section 4-6-2 of the Zoning and Development Code states: "The action of the Planning Commission, including the reasons and conditions, shall be stated in the minutes". There is no physical permit issued for a conditional use permit. The minutes of the Planning Commission meeting (and the City Council meeting in 1977) are considered the permit. My inspection of other files confirm this.

I enclose copies of; (a) minutes from the Planning Commission meeting dated February 23, 1977; (b) minutes of the City Council meeting dated April 6, 1977; and (c) the summary review sheet from the Development Department file for El Escondido. The conditions stated are (1) a power of attorney for road improvements; (2) drainage; (3) elimination of parking patterns; and (4) elimination of planting of elm trees. Based on these conditions, a conditional use permit was issued for the hotel-restaurant liquor license. All conditions were fulfilled.

To: Mr. Shaver
RE: Conditional Use Permit
March 25, 1994
Page 2

You state in your letter that the City's confidence is "not engendered out of arrogance". I cannot explain any other reason for the false statements other than arrogance.

You also state that the conditional use permit was issued for a restaurant. The city must think my client is naive. A review of the minutes shows that the El Escondido application was heard by the City Council in conjunction with the issuance of a hotel-restaurant liquor license. As was the case, in the 1977 era, the items were heard back-to-back. A Conditional Use Permit was not, and is not, required for a restaurant.

You state in paragraph 3 of your letter that Section 4-6-2 clearly requires "a consistent and specific use in order to remain valid". My reading of Section 4-6-2 is much different. I do not find the term "consistent and specific" anywhere. I find, instead, that "a conditional use shall remain valid as long as a permitted use is maintained..." Notice is required if there is a violation of a condition. Was a notice ever given?

Because the original conditional use continues in effect, paragraph 4 of your letter has no relevance. Section 4-9-1 allows the original conditional use permit to continue. You may also want to review the definition of conditional use in Chapter 13.

The original conditional use was established under the use/zone matrix category of "establishments serving wine, liquor, beer". This category applied equally to restaurants, bars and taverns. There was no requirement for % of alcohol. There was no requirement for a certain percentage of alcohol sale. The conditional use permit was for a hotel-restaurant liquor license.

Of equal importance is the fact that the conditional use for the 509 28½ Road property has not been discontinued for more than one year. The City has never, with all of the different liquor license applications for the property, required a conditional use application with any of the liquor license applications. As recently as January 13, 1994, City Clerk Stephanie Nye stated in a memo that "the Community Development Department advises that a Conditional Use Permit is active for the establishment". Certainly it was not abandoned for one year.

Mr. Shaver
RE: Conditional Use Permit
March 25, 1994
Page 3

In sum, I am disappointed that the City of Grand Junction would knowingly make false statements to a resident.

I have recommended to my client withdrawal of the conditional use permit application and the immediate filing of suit in District Court. I am confident that Perrin will prevail in this action. The suit will seek monetary damages as well as injunctive relief.

I also, quiet honestly, believe my client's money would be better spent to improve the property then to pay attorneys. Mr. Perrin, on this basis, would be willing to make minor property improvements and concessions to avoid litigation. As an offer to fully and finally settle the dispute, Jack Perin will perform:

1. Maintenance of the privacy fence on the North.
2. Maintenance/replacement of the fence on the South and West.
3. Designated employee parking on the North.
4. No outdoor customer activity on the North.
5. Repair and striping of the parking lot.

Mr. Perrin will not, however, subject the property to a planning commission hearing.

I hope to hear from you.

Sincerely,

COLEMAN, JOUFLAS & WILLIAMS



JOHN WILLIAMS

Enclosure

JEW/kap

cc: Jack Perrin

COPIES TO:
JMW
LW
JW
Telephone
(303) 242-3311

COLEMAN, JOUFLAS & WILLIAMS
ATTORNEYS AT LAW
2452 Patterson Road
P.O. Box 55245
Grand Junction, Colorado 81505

Joseph Coleman
Gregory Jouflas
John Williams

Telecopier
(303) 242-1893

TELECOPY COVER SHEET

DATE: March 28, 1994

RE: **CONDITIONAL USE PERMIT**

DELIVER TO: ASSISTANT CITY ATTORNEY

NAME: JOHN SHAVER

TELECOPIER NO.: (303) 244-1456

COMPANY: GRAND JUNCTION CITY ADMINISTRATION

NO. OF PAGES: 4
(Including this page)

MESSAGE FROM:

NAME: JOHN WILLIAMS

ADDITIONAL COMMENTS:

PLEASE CHECK TRANSMISSION AFTER LAST PAGE IS RECEIVED. IF NOT COMPLETELY RECEIVED OR POOR COPIES ARE RECEIVED, PLEASE CALL (303) 242-3311.


OPERATOR

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COLEMAN, JOUFLAS & WILLIAMS
ATTORNEYS AT LAW
2452 Patterson Road
P.O. Box 55245
Grand Junction, Colorado 81505

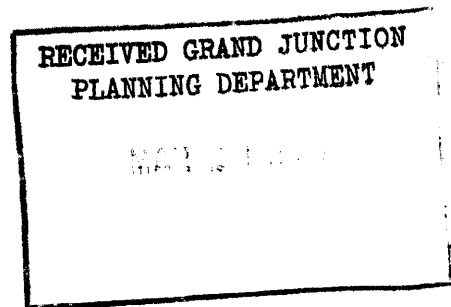
Joseph Coleman
Gregory Joufflas
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Telephone
(303) 242-3311

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March 28, 1994

Kathy Portner
Community Development Department
City of Grand Junction
Grand Junction, CO 81501



RE: Steve Smidt - Conditional Use Permit
509 28½ Road

Dear Ms. Portner:

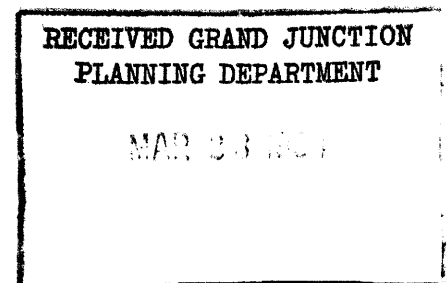
Steve Smidt has asked me to respond to Review Comments as follows:

City Utility Engineer

1. Seating for the restaurant is 138. There is no differentiation between "restaurant" and "lounge". Operational hours will be approximately 10:00 a.m. to 2:00 a.m., but the hours may be reduced on week day nights.
2. Steve Smidt has not contacted Mr. Tonello. He will this week.

City Development Engineer

1. Smidt believes the existing right-of-way on 28½ Road is just east of the fence which fronts 28½ Road.
2. Half-street improvements are not necessary, with no sidewalk, curb and gutter to connect to on either side.
3. Smidt is willing to close one driveway, but would like to do it only on a temporary, experimental basis to see how it works.
4. Smidt agrees to pave the driveway approaches.



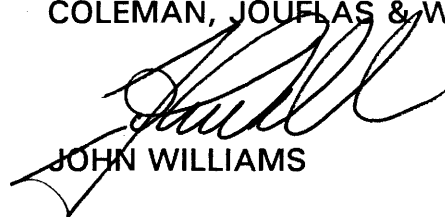
Ms. Kathy Portner
RE: Steve Smidt - Conditional Use Permit
March 28, 1994
Page 2

Community Development Department

See attached letter to John Shaver dated March 28, 1994.

Sincerely,

COLEMAN, JOUFLAS & WILLIAMS

A handwritten signature in black ink, appearing to read "John Williams", is written over the typed name. The signature is fluid and cursive, with a large initial "J" and "W".

JOHN WILLIAMS

Enclosure

JEW/kap



29 March 1994

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

John Williams
c/o Coleman, Joufflas and Williams
P.O. Box 55245
Grand Junction, CO 81505

re: Blondies - 509 28 1/2 Road

Dear John,

I just concluded a meeting with City Manager Mark Achen and Planning Supervisor Kathy Portner wherein we discussed your letter of March 28, 1994.

It was the consensus of those participating in that meeting that the City will accept the five items identified in your correspondence of March 28, 1994, as stipulated conditions of not requiring a Planning Commission hearing on the proposed use of the property at 509 28 1/2 Road for a restaurant/bar to be known as "Blondies".

Specifically those conditions are:

1. maintenance of the privacy fence on the North property line;
2. maintenance and/or replacement of the fence on the South and West property lines;
3. designated employee parking on the North of the property;
4. no outdoor customer activity to the North of the building;
5. surfacing and striping of the parking lot.

Completion of the above described site improvements, or posting of a financial guarantee with the City for the completion of the improvements, is a condition precedent to the commencement of operations.

Please be advised that, based on present Code provisions, the City is regarding the Blondies use as a continuation of a prior non-conforming use. The property must be used, maintained and operated in compliance with the conditions stipulated herein together with the general requirements of the Zoning and Development and Liquor Codes and other applicable laws. A conditional use permit will be generated and maintained in Community Development file #42-94. The conditional use permit shall specify that the conditionally approved use is as a restaurant/bar. The permit shall be expressly conditioned on the current use being consistent with the use and conditions approved in 1977, as evidenced by minutes of the Planning Commission and/or City Council or any after acquired public records or documents.

Mr. John Williams
29 March 1994
page 2

If you should have any questions or would like to meet to discuss this or any other issue, please call at you earliest convenience.

OFFICE OF THE CITY ATTORNEY

by: 

John P. Shaver
Assistant City Attorney
250 N. 5th Street
Grand Junction, CO 81501
(303) 244-1501

pc: Mark Achen
Kathy Portner
Larry Timm

Kathy Portner

**LIVED GRAND JUNCTION
ANNING DEPARTMENT**

MAR 29 1994

*Ted Shaver
Dennis Maloney
Vimm*

March 29, 1994

Mr. Larry Timm
Director, Grand Junction Community Development Department
250 N. 5th St.
Grand Junction, CO. 81502

RE: Appeal of Administrative Decision

Dear Mr. Timm:

By this letter I am submitting an appeal of administrative decision in accordance with Section 10-1-1C of the Grand Junction Zoning and Development Code. This appeal is in reference to the requirement of a conditional use permit to continue the use of a bar/restaurant business at 509 28 & 1/2 Road. This business is currently under an existing conditional use permit and is fully in compliance with Sections 4-6 and 4-9 of the Code. The specific decision being appealed is as stated in the attached letter from John F. Shaver, Assistant City Attorney, dated 21 March, 1994. Additional documentation is also attached.

Item 10-1-1 C.1.b of the Code requires an "application form and supporting documents requested by the administrator", as a requirement for perfecting an appeal. I hereby request that you supply me with any other forms and lists of supporting documents that may be required to perfect this appeal. If no such forms or documents are required, I request written notice that this appeal has been accepted within 3 working days from receipt of this letter.

Sincerely,

Jack M. Ferrin

Jack M. Ferrin

neighborhood are already being met by other existing liquor outlets.

YES: 45
NO: 0

2. As an inhabitant residing in the neighborhood more than six months each year, it is my desire that the license be issued.

YES: 0
NO: 45

No other letters of opposition or counterpetitions have been filed to date.

As the applicant, Mr. James Benton, is an individual and has identified Lori Stone as the manager, individual histories and fingerprints have been obtained from both Mr. Benton and Ms. Stone. A local criminal history has been completed and the documents have been forwarded to the Colorado Bureau of Investigation for further processing. The Grand Junction Police Department found no local criminal history on Mr. James Benton. The Police Department reported that Ms. Lori Stone was arrested for driving under the influence in December 1991, found guilty and sentenced in July, 1992.

The Grand Junction Police Department also submitted a summary of calls for service for the twelve month period of September, 1992 through August, 1993 for 509 28 1/2 Road. There were 45 calls for service at this address during that twelve month period.

* The City has inspected the premises and found them to be in substantial compliance with the diagram submitted. The Community Development Department advises that a conditional use permit is active for this establishment. A sketch of the premises to be licensed is attached. *why*

Since the survey conducted by the applicant included areas outside the City of Grand Junction, the number of similar-type outlets in the survey area is not available to this office. The number of hotel-restaurant liquor licenses in the City of Grand Junction is 38. The number of similar type outlets in a one mile area are:

Note: The survey also included the immediate Area, I did this myself with only (4 Neg.)

Hotel-Restaurant: 2 (Casa Di Italia and Wrigley Field)

That concludes this report.

Attachment.

cc: John Shaver, Assistant City Attorney
Scott Stoneburner, Detective, Grand Junction Police Department

6

MEMORANDUM

Date: January 18, 1994

To: Stephanie Nye, City Clerk

From: Ivy Williams, Code Enforcement Officer *IW*

Re: Inspection of Rafters Restaurant & Lounge, 509 28.5 Rd

I conducted an inspection of the premises at 509 28 1/2 Road on January 18, 1994 with Mr. Benton. The layout was the same as shown on the diagram provided. A patio area which will be used for summer customer seating has dimensions shown on the map; I added the words patio used, will serve liquor. I also noted that the patio on the north side of the establishment will no longer be used.

DATE: September 21, 1992

TO: George Bennett and Mike Page, Fire Prevention Officers

FROM: Teddy Martinez, Acting City Clerk *Jm*

Scheduled for consideration by the Local Licensing Authority on Wednesday, October 7, 1992, is the application for a hotel-restaurant liquor license by James Everett Benton dba Rafters Restaurant & Lounge, 509 28 Road. This is a change of ownership.

Please inspect and file a report on or before Friday, October 2, 1992.

TO: Teddy Martinez, Acting City Clerk

FROM: Mike Page, Fire Department *MPS*

DATE: October 8, 1992

SUBJECT: LIQUOR LICENSE INSPECTION

An inspection of Rafters Restaurant & Lounge, 509 - 28 Road was conducted in October. No violations were found.

Subdivision Conditional Use - Escrowed Lig. Lic.

Date 2-10-77

Item # 9-77

Petitioner Levi Lucero

Preliminary Review Agencies Comments

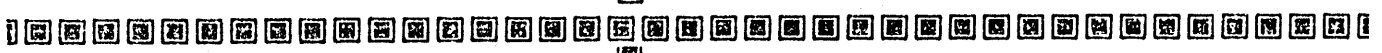
Final Review Agencies Comments

Eng. - req. power of ATNY for full cost of 28 1/2 rd.imps.

DRAINAGE SHOULD GO N.W. INTO EXISTING DITCH. ELIMINATE MIXED PARKING PATTERNS

Parks - NO NEW PLANTINGS OF ELM.

Does NOT indicate existing & proposed. Fruit trees will require great deal of maintenance.



Action Taken

Action Taken

P.C. Approved Feb 23, 1977

P.C. _____

C.C. Approved Apr 6 1977

C.C. _____

Comments

Comments

Subject to above conditions.



GRAND JUNCTION PLANNING COMMISSION

February 23, 1977

MINUTES

The regular meeting of the Grand Junction Planning Commission was called to order at 8:00 a.m. in the City Council Chambers by Chairperson VIRGINIA FLAHERTY, with the following members present; BLAKE CHAMBLISS, JANINE RIDER, FRANK SIMONETTI, JOHN ABRAMS, DR. MAC BREWER and DICK UMMEL.

Also present were: DON WARNER, Sr. City Planner, KARL METZNER, Planner CONNI McDONOUGH, Sr. County Planner, MARGO KINNEY, Acting Secretary and approximately 15 interested persons.

The minutes were approved with the addition of John Abram's request for procedures for Road name changes.

Don Warner: I would like ratification of the items that were discussed in the workshop on February 9, 1977.

1. W.R. Hall - OUTLINE DEVELOPMENT PLAN PD-B

Frank Simonetti recommended approval to the Council the request with the following conditions. Needed right-of-way for the road on the South (at location of Large drainage ditch) should be deeded to the City. Right-of-way for 28 road should be deeded to the City also. An agreement for entering the paving district for the Road to the South should be reached. With the developers paying 100% of the cost for their half of the road. Also those separately owned properties on the North should be allowed to enter this PD if they so wish. Plans should be developed with the future connection of Court Road. Janine Rider seconded the motion and it passed unanimously.

2. 10th and Belford PD

John Abrams made a motion to recommend approval to the council of the request with the following conditions. It was requested that the south end of the fence on the West side should be even with the south end of the fence on the East side of Parkview Plaza. The area between the side walk and the curb should be grassed and street trees should be planted. Five foot sidewalks would be required on the South side. The existing sidewalks should line up with the new sidewalks. Frank Simonetti seconded the motion and it passed unanimously.

3. Rezone from R-3 to B-1 on Patterson

It was stated that Engineering had no need to extend Little Bookcliff Drive through this property. Blake Chambliss made a motion to recommend approval to council and it was seconded by John Abrams and it passed unanimously.

Blake Chambliss: The naming of the roads is going to be hard because the roads are not lined up.

Blake Chambliss made a motion to recommend approval to the council. Mr. Brewer seconded the motion and it passed unanimously.

2. #9-77: CONDITIONAL USE RESTAURANT LIQUOR LICENSE - ESCONDIDO

Petitioner: Levi Lucero
Location: 509 28 $\frac{1}{2}$ Road

Don Warner: This is for a restaurant which is an allowed use in this area. They have applied for a liquor license so it is a conditional use. Engineering requires Power of Attorney for full cost of 28 $\frac{1}{2}$ Road improvements. Drainage should go North West into existing ditch. Would have to eliminate mixed parking patterns. Parks and Rec. comments were there could be no new plantings of elm. They also said that the fruit trees would require a great deal of maintenance.

John Abrams: In there enough parking spaces for this development?

Levi Lucero: You only have to have enough spaces for the restaurant.

Blake Chambliss: What is the schedule for the 28 $\frac{1}{2}$ road to be paved?

Don Warner: There is no schedule but there is a Power of Attorney. This would be a full cost Power of Attorney to the Developer.

Blake Chambliss: I think that you should break up the parking spaces more with some landscaping.

Levi Lucero: We are leaving as many of the trees as possible in there. We do not really know where to put them at.

Janine Rider made to recommend approval to the council with the following conditions. The north drive that is 20 foot be widened to 24 foot. Drive way should come on to 28 $\frac{1}{2}$ Road at a 90° angle. There should be a Power of Attorney for full cost improvement. The placement of the parking spaces should be changed for better traffic circulation and put in more trees. There should be a fence put in. Blake Chambliss seconded the motion and it passed unanimously.

Frank Simonetti presented Levi Lucero a Plaque from the Planning Commission. Dick Ummel was introduced as the new Planning Commission Member.

3. #10-77: DEVELOPMENT IN H.O. - WISCONSIN CHEESE

Don Warner: This proposal is for a retail chesse shop. They are going to import all types of Wisconsin cheese. Engineerings comments, any street improvements that need to be done should be done now. Also the drive should conform to city standards. Parks said that the landscaping was o.k. but they would suggest the addition of Junipers or Pines to add height and large boulders to add texture and compliment the Building style. Should emphasize the front instead of the rear.

4-6-77

BAR-X ALLEY

Mr. Vince King, attorney, appeared before Council to advise what has occurred with respect to the Bar-X alley. He stated that the problem is compounded because of the location of the owners. They all reside in Canada. There is considerable delay in the mail and there are nine owners whose signatures are required. He stated a deed and formal Agreement was transmitted to Canada on March 17. All that remains now is obtaining the signatures and the transmittal of those items back to Grand Junction.

Council directed that it be apprised by May 4, 1977, of the progress made to that date.

HEARING-CONDITIONAL
USE FOR HOTEL-RESTAUR-
AND LIQUOR LICENSE TO
BE LOCATED AT 509-28½
ROAD

A hearing on this item was duly held after proper notice. Senior Planner Don Warner advised Council that Planning Commission had the following suggestions: (1) That the drainage go to the northwest to drain into the large wash; (2) that the driveways be changed from 20 feet to 24 feet; (3) that the parking lineup be changed; (4) and provide a Power of Attorney for the paving of 28½ Road when the City is ready with an improvement District. Mr. Warner advised that all conditions have been met by the developer, and the Power of Attorney is in hand. Planning Commission recommended approval.

It was moved by Councilman Tufly and seconded by Councilman Brown that the Conditional Use be approved. Motion carried.

RESOLUTION OF FIND-
INGS AND DECISION RE-
GARDING APPLICATION
FOR HOTEL-RESTAURANT
LIQUOR LICENSE TO BE
LOCATED AT 509 28½
ROAD

The following Resolution was presented and read:

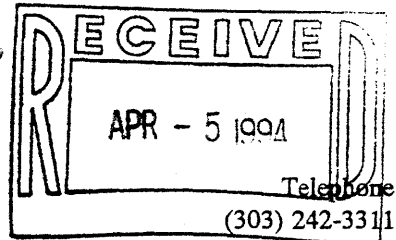
R E S O L U T I O N

DECISION ON APPLICATION FOR HOTEL-
RESTAURANT LIQUOR LICENSE FOR ESCONDIDO
AT 509 28½ ROAD, GRAND JUNCTION, COLORADO.

A public hearing having been held on March 16, 1977, on the application by Levi Lucero for a Hotel and Restaurant Liquor License for Escondido at 509 28½ Road in the City of Grand Junction, and the City Council having considered the evidence adduced at said hearing;

FINDS:

1. That the hearing was held after proper notice under the Liquor Code.
2. That the survey conducted by the City indicated that the needs of the neighborhood were not being met by other outlets within the neighborhood and there was a need for this outlet, in that 92 persons so stated while 59 felt the needs were being met by the other outlets and 7 persons were otherwise opposed to the issuance of the license. No letters were received opposing the issuance of the license.
3. The applicant presented petitions bearing 548 signatures of persons living within the proposed trade area of the license who were in favor of the issuance of the license stating that the needs of the neighborhood were not being met by existing outlets.
4. That four people spoke at the hearing in opposition to the granting of the license. The opposition did not generally concern the restaurant location but did concern the dispensing of liquor therein. Some were concerned with the traffic on the roadway and the effect that liquor might have on this problem. Others were concerned generally with the use of alcoholic beverages.
5. That the character of the Applicant, as determined through the check of his fitness by the Police Department and through letters attesting to his good character, is good.
6. The evidence supports the position that the needs of the neighborhood are not being met by other outlets of the same type and the position that the desires of the inhabitants of the neighborhood are that the license issue.



COLEMAN, JOUFLAS & WILLIAMS
ATTORNEYS AT LAW
2452 Patterson Road
P.O. Box 55245
Grand Junction, Colorado 81505

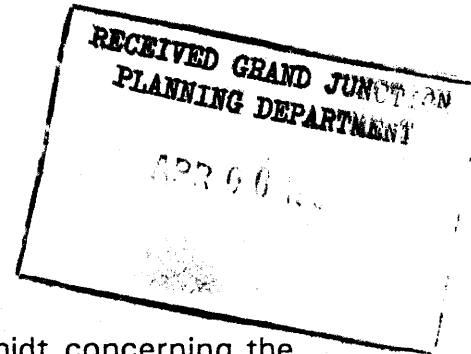
Joseph Coleman
Gregory Joufflas
John Williams

Telephone
(303) 242-3311
Telecopier
(303) 242-1893

April 4, 1994

PC KATHY

John Shaver
Assistant City Attorney
Grand Junction City Hall
250 N. 5th Street
Grand Junction, CO 81501-2668



Dear John:

I write this letter on behalf of Jack Perrin and Steve Smidt concerning the conditional use permit application for 509 28 1/2 Road, Grand Junction, Colorado. I write in response to your letter dated March 29, 1994.

First, I appreciate the conclusion we have reached over the last several weeks of discussion. It is the appropriate solution.

With regard to the conditions specified in my letter, and reiterated in your letter, I need to clarify one point. In #5, you state as a condition the "surfacing and striping of the parking lot". My letter stated "repairing and striping of the parking lot". Mr. Perrin intends to patch, coat and stripe the parking lot. He does not intend to resurface it with an overlay of blacktop. Resurfacing would cost \$25,000. "Repair" was discussed with Kathy Portner when Kathy met with Jack ten days ago. She seemed to be in agreement with the "repair".

Please also let me clarify what I understand your letter to state concerning the conditional use permit. I understand that the property will operate under the permit issued in 1977. It was issued for a restaurant/bar under previous versions of the City Code. It remains in effect on the property.

Mr. John Shaver
RE: Conditional Use Permit
509 28 ½ Road
April 4, 1994
Page 2

My client is proceeding to perform those items listed in your letter. We will communicate with the Community Development concerning the progress of conditions.

Thank you.

Sincerely,

COLEMAN, JOUFLAS & WILLIAMS



JOHN WILLIAMS

JEW/kap

cc: Jack Perrin

COLEMAN, JOUFLAS & WILLIAMS

ATTORNEYS AT LAW

2452 Patterson Road

P.O. Box 55245

Grand Junction, Colorado 81505

Joseph Coleman
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John Williams

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(303) 242-3311

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(303) 242-1893

April 13, 1994

Kathy Portner
Community Development Department
Grand Junction City Hall
250 North 5th Street
Grand Junction, CO 81501-2668

RE: Conditional Use Permit
Steve Smidt - 509 28½ Road

Dear Kathy:

The purpose of this letter is to request a refund of the application fee paid by Steve Smidt for his Conditional Use Permit application for 509 28½ Road, Grand Junction, Colorado. Pursuant to my discussions with John Shaver, and as outlined in my letter of March 1, 1994, Mr. Smidt filed the application with the understanding that he could withdraw it at any time and receive a full refund of his fees. I ask that you send Mr. Smidt's check to me and I will get it back to him. If you have any questions concerning this request, please feel free to contact me. Thank you.

Sincerely,

COLEMAN, JOUFLAS & WILLIAMS


JOHN WILLIAMS

*Application fee
will not be refunded
until the Planning
clearance is issued.*

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT

APR 13 1994



April 15, 1994

Jack M. Perrin
c/o John Williams
Coleman, Joufflas and Williams
P.O. Box 55245
Grand Junction, CO 81505

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

RE: Blondies - 509 28 1/2 Road

Dear Mr. Perrin:

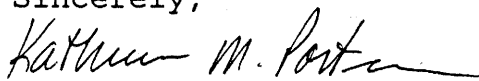
This letter shall confirm the conditions of approval of a Conditional Use Permit for a restaurant/bar located at 509 28 1/2 Road. The original permit, issued for the El Escondido Restaurant at that location in 1977, is still valid based on the operation not having been discontinued for more than one year during that time. The conditions of approval are as follows:

1. Maintenance of a privacy fence on the north property line.
2. Maintenance and/or replacement of the fence on the south and west property lines.
3. Parking along the north side of the parking lot shall be designated as employee parking only.
4. No outdoor customer activity to the north of the building.
5. Surfacing (and/or repair of existing asphalt) and striping of the parking lot and driveways.

Completion of the above described site improvements, or posting of a financial guarantee with the City for the completion of the improvements, is a condition precedent to the commencement of operations.

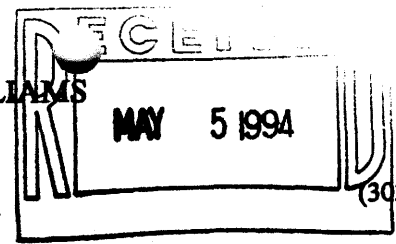
Please be advised that, based on present Code provisions, the City is regarding the most recent proposed business, Blondies, as a continuation of a prior non-conforming use. The property must be used, maintained and operated in compliance with the conditions stipulated herein together with the general requirements of the Zoning and Development and Liquor Codes and other applicable laws.

Sincerely,


Katherine M. Portner
Planning Supervisor

#42-94

COLEMAN, JOUFLAS & WILLIAMS
ATTORNEYS AT LAW
2452 Patterson Road
P.O. Box 55245
Grand Junction, Colorado 81505



Telephone
(303) 242-3311

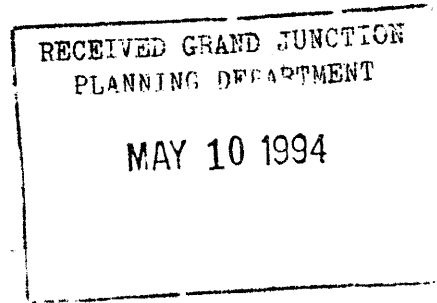
Telecopier
(303) 242-1893

Joseph Coleman
Gregory Jouflas
John Williams

May 4, 1994

PC: STEPHANIE NYE
KATHI PARTNER
DAN WILSON

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



RE: Blondies
509 28 1/2 Road

Dear John:

My clients, Steve Smidt, Jeanine Smidt and Jack Perrin, were stunned by the decision of the Local Licensing Authority denying the issuance of a Hotel-Restaurant liquor license. We believe the decision was arbitrary and capricious and will file an appeal under CRCP 106.

I was particularly concerned about the negative decision because of the two-year prohibition against application for a liquor license for the same location as provided in CRS 12-47-138. This would have an adverse effect on the property owner. After review of the decision and CRS 12-47-138, however, I believe Smidt or Perrin can apply for a liquor license at any time. The decision by Coebergh states:

...I conclude that the desires of the adult inhabitants are that the license not be issued. The evidence supports the conclusion that the desires of the adult inhabitants are that the license application be denied.

CRS 12-47-138, on the other hand, prohibits issuance of a license if the application is made within two years of a denial at the same location "for the reason the reasonable requirements of the neighborhood and the desires of the adult inhabitants were satisfied by the existing outlets." Because Mr. Coebergh bases his decision only upon the desires of the inhabitants (and not the needs of the neighborhood), the two year prohibition does not apply.

My clients are asking to meet with you. They would like discuss the City's position relative to reapplication, possibly in lieu of an appeal. They are prepared to discuss restrictions, although neither Perrin nor Smidt is in agreement with your original list in its totality.

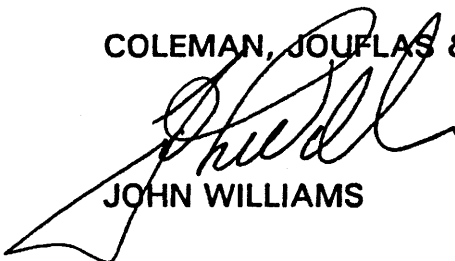
TO: John Shaver
RE: Blondies
May 4, 1994
Page 2

Please contact me if the City is agreeable to the meeting. Time is of the essence - the appeal must be filed shortly and Smidt would like to open as a restaurant/bar rather than proceed with his current plans for a teen club/ late night restaurant.

I look forward to hearing from you.

Sincerely,

COLEMAN, JOUFLAS & WILLIAMS

A handwritten signature in black ink, appearing to read "John Williams", is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the left.

JOHN WILLIAMS

JEW/kap

COLEMAN, JOUFLAS & WILLIAMS
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2452 Patterson Road
P.O. Box 55245
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Gregory Jouflas
John Williams

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Telecopier
(303) 242-1893

*Blonde's file -
unless I hear if there's
already a copy in it.*

#42-94

May 17, 1994

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT
MAY 18 1994
DC
*LARRY
KATHY
KRIS
DAN*

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

RE: 509 28½ Road
Liquor License - Steve and Jeanine Smidt

Dear John:

First, I enclose three sets of a Complaint, Summons, Motion, Order and Affidavit filed today with the Mesa County District Court to appeal the Smidt liquor license decision. Also enclosed are three Waivers of Service, one for Mr. Coebergh, one for the City Council and one for the City. I request that you assist in obtaining signatures on the waivers and return them to me. Please call if there is a problem

You and I have discussed resolving the Smidt liquor license issues via negotiation/agreement between Smidt and the City. In my letter to you dated May 4, 1994 (a copy of which I enclose), I state my clients' desires and legal right to reapply for a liquor license for the premises. I recommend that the Smidts re-apply and, in conjunction, discuss conditions acceptable to the City and the Smidts for operation of the premises to add to the existing Conditional Use Permit for the premises. By doing this, Smidt is hopeful of easing certain neighbors' concerns about the restaurant.

The Smidts and Jack Perrin (property owner) are agreeable to the following:

1. Hours of operation shall be limited to 11:00 p.m. Sunday, Monday, Tuesday and Thursday; 12:00 on Wednesday and 1:00 a.m. Friday and Saturdays. However, the hour limitation would be for a probationary period of six months. If the Smidts can demonstrate during the period that the restaurant can be operated without disturbance to the neighborhood, the hour limitation would be dropped.

2. A privacy fence will be maintained along the North property line.

To: John Shaver
Re: 509 28½ Road
liquor license - Steve and Jeanine Smidt
May 17, 1994
Page 2

3. Pedestrian access from the West and the South will be eliminated by replacing the fence with a 6 foot chain link fence.
4. Parking along the North property line will be designated and enforced as "employee only".
5. The Northern access from the property will be eliminated.
6. No outdoor customer or employee activity will be allowed on the North of the building.
7. Parking and driveway surfaces will be patched/repaired.

I understand that you are willing to meet with my clients and me on Wednesday morning or on Thursday of this week. Please call with a time.

Sincerely,

COLEMAN, JOUFLAS & WILLIAMS



JOHN WILLIAMS

Enclosure

JEW/kap

xc: Jack Perrin
Steve Smidt

#42-94

Blondies File



8 June 1994

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

John Williams
c/o Coleman, Joufflas and Williams
P.O. Box 55245
Grand Junction, CO 81505

JUN 8 1994

re: Blondies - 509 28 1/2 Road

Dear John,

I have just concluded a conversation with Community Development Director Larry Timm and Planning Supervisor Kathy Portner wherein we discussed your most recent proposed conditions for Blondies.

Larry has authorized that I convey to you that the City will agree to the following conditions and limitations as an amendment to the conditional use permit originally issued for a restaurant/bar at 509 28 1/2 Road.

The conditional use permit will require:

1. installation and maintenance of a six foot privacy fence on the North property line;
2. installation and maintenance of a six foot chain link fence on the West and South sides of the property;
3. designated and enforced employee parking on the North side of the property;
4. no outdoor customer activity to the North of the building;
5. repair and/or resurfacing of parking and driveway areas;
6. installation and maintenance of landscaping as currently required by the Zoning and Development Code;
7. no live bands;
8. parking lot security be provided nightly between 9:00 p.m. and 12:15 a.m.;
9. midnight closing seven days per week; and
10. evidence satisfactory to the Community Development Department that the neighbors directly adjacent to Blondies are in concurrence with the conditions of the amended permit.

Completion of the above described site improvements, or posting of a financial guarantee with the City for the completion of the improvements, must be accomplished within 45 days of the date of issuance of the amended conditional use permit.

Please be advised that, based on present Code provisions, the City is regarding the Blondies use as a continuation of a prior non-conforming use. The property must be used, maintained and operated in compliance with the stipulated conditions and as

Mr. John Williams
8 June 1994
page 2

required by the general requirements of the Zoning and Development Code, Liquor Codes and other applicable laws.

The conditional use permit shall specify that the conditionally approved use is for a restaurant/bar. The Zoning and Development Code currently does not identify "restaurant/bar" a use category. Therefore it is imperative that Blondies permit be operated in conformance with all express and implied conditions, limitations and restrictions. For purposes of enforcement of current Zoning Code requirements, Blondies shall not be required to meet minimum food service requirements.

The City strongly encourages Blondies to emphasize food rather than alcohol service in order to avoid the reoccurrence of the problems precipitating the current issues and most importantly to mitigate the impact on the neighborhood.

Should you have any questions or would like to meet to discuss this matter, please call at you earliest convenience.

OFFICE OF THE CITY ATTORNEY

by: 

John P. Shaver

Assistant City Attorney
250 N. 5th Street
Grand Junction, CO 81501
(303) 244-1501

pc: Kathy Portner
Larry Timm

COLEMAN, JOUFLAS & WILLIAMS
ATTORNEYS AT LAW
2452 Patterson Road
P.O. Box 55245
Grand Junction, Colorado 81505

Joseph Coleman
Gregory Joufflas
John Williams

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT
Telephone (303) 242-3311
Telecopier (303) 242-1893
JUN 27 1994

June 22, 1994

VIA FACSIMILE (303) 244-1456
NO ORIGINAL TO FOLLOW

John P. Shaver
Assistant City Attorney
250 5th Street
Grand Junction, Colorado 81501

Re: Blondies - 509 28 1/2 Road

Dear John:

As we discussed during our telephone conversation, I will be assisting Jack Perrin relative to his dealings with the City concerning the above referenced property. In this respect, I have reviewed your June 8, 1994 letter to John Williams.

With respect to your letter, I would appreciate your consideration of a slight modification of Condition #10. Jack Perrin is fully in agreement with the requirement that he work with the adjacent neighbors and Fred Aldrich, as attorney for certain of the neighbors. In this respect, I request that paragraph 10 be worded as follows:

Evidence satisfactory to the Community Development Department that you have made reasonable efforts to obtain the concurrence of the neighbors directly adjacent to Blondies relative to the above conditions of the amended permit.

With the above clarification, I intend to contact Fred Aldrich and focus on the condition which may need slightly more discussion, i.e. the proposed midnight closing time.

Please advise at your earliest convenience whether the City is comfortable with the proposed modified Condition #10.

Thank you for your assistance in this matter.

Very Truly Yours,

COLEMAN, JOUFLAS & WILLIAMS

Joseph Coleman
JOSEPH COLEMAN

xc: Jack Perrin

*PL: LT
IKP
DW*

*I AM NOT OFFENDED
B/C WE STAY CAN
DECIDE THAT THE
"REASONABLE EFFORTS" WERE
UNSATISFACTORY
YOUR THOUGHTS?
\$*

C. Kathy P
John Shaver

June 29, 1994

Larry Timm, Director
Community Development Department
City of Grand Junction
250 North Fifth Street
Grand Junction, CO 81501

RE: 930 Independent Avenue Site Plan

To Whom It May Concern:

Louis A. Purin and Dale T. Beede request approval by your department of the following described use of 930 Independent Avenue.

It is the intent of the applicants to use the property as a base of operation for Vic's Towing, L.L.C., a locally owned company that operates a towing service with retail tire sales and automotive repair. One of the PUC requirements for a bonafide towing service is the maintenance of a secured yard for the purpose of storing vehicles on a temporary basis. Cars that may be found in such a storage facility include those deemed abandoned by the Colorado State Patrol, Grand Junction Police Department, Mesa County Sheriff, and cars involved in accidents that are awaiting insurance company disposition. Insurance storage is typically for less than 30 days.

We wish to emphasize to your planning staff that the designation of automobile "impound yards" as "salvage yards" operations does not apply to our business endeavors. It is not our intention to part-out or disassemble vehicles in our storage facility for resale. For the most part, vehicles maintained in our storage facility are not owned by Vic's Towing. Therefore, the dismantling of stored vehicles would be illegal. Automobiles deemed to be "totaled" by the insurance companies are usually hauled to automobile salvage yards in short order to avoid additional storage costs. In addition, our intention is to house tow trucks after normal business hours in the "truck barn", the steel building on the west side of the property.

Our tire retail facility operates primarily within the confines of the buildings. Customer parking for the tire operation is on the south side of the building in a graveled area.

Community Development Department

Page 2

The mechanical/repair business also operates within the building. Occasionally minor repair work is completed outdoors, as the nature of the repairs dictate.

We intend to be a good neighbor to all adjacent properties.

Upon your approval we are prepared to screen the paved vehicle storage lot. Future planned improvements to the site include freshly painted buildings, a well maintained and clean yard, repair to existing fences as is needed, and a clean well-kept environment around the site. The property will take on a professional quality appearance that has been needed for years.

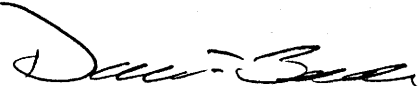
In closing, we respectfully request an opportunity to discuss this matter personally with you and your staff and we hope your response will be favorable. Further building improvements have been delayed pending resolution of this issue.

For additional comments or information Lou Purin can be reached at 242-1516 and Dale Beede can be reached at 241-3939.

Yours Sincerely,



Louis A. Purin



Dale Beede



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

July 1, 1994

Jack Perrin
131 Carlitos
Grand Junction, CO 81501

Dear Mr. Perrin:

The calculations for the required landscaping at 509 28 1/2 Road based on street frontage and parking lot area are as follows:

.75 x 10' x 275'	=	2,062 s.f.
.05 x 21,127	=	<u>1,056 s.f.</u>
Total		3,118 s.f.

Of the total 3,118 s.f. required, there must be 7 trees and 40% of the area must be in shrubs.

The existing landscaped island along 28 1/2 Road between the driveways would count toward the required square footage, however, the landscaping within the island would need to be cleaned up and plantings added. Existing landscaped strips within the parking lot would also count toward the required square footage, but must meet the requirements for tree and shrub coverage.

Since the north driveway is planned to be closed, it would provide an opportunity to extend the landscaped island along 28 1/2 Road to the north property line and greatly enhance the looks of the business.

A plan showing existing and proposed landscaping must be submitted. The plan must show the square footage of all areas to be landscaped and the type and sizes of all plantings. If you have questions you can call me at 244-1446.

Sincerely,

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

Katherine M. Portner
Planning Supervisor

42-94 - Blondie's

landscaping requirements

30' half Row - Collector

C-1

75% x 10' x 275' = 2,062 s.f. - 5 trees / 40% in shrubs

5% of parking area = .05 x 21,127 s.f. = 1,056 s.f.

3,118 s.f. required =

7 trees

Jack Perrin

~~14,791 s.f.~~ parking
21,127 s.f. area

~~241-5287~~

~~Debbis
214-1634~~

Jack Perrin

243-7734

Landscaping - Blondie's

chain link fence - privacy
fence in good
repair

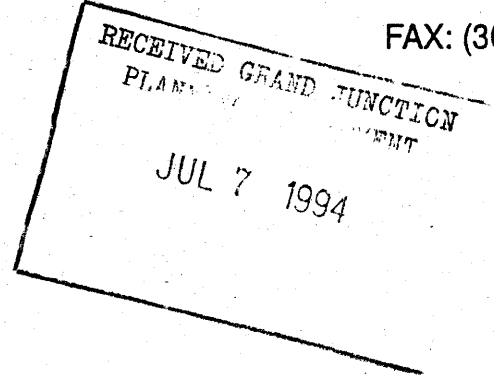
Kathy



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

5 July 1994

John Williams
c/o Coleman, Joufflas and Williams
P.O. Box 55245
Grand Junction, CO 81505



re: Blondies - 509 28 1/2 Road

Dear John,

This letter will confirm our conversation of this date regarding the liquor license hearing that is set for tomorrow, July 6, 1994 at 8:00 a.m. on your clients application for a hotel-restaurant liquor license.

Earlier today you and I spoke about two matters concerning this application. The first matter that we discussed was the issuance of a conditional use permit for the property based on specified conditions and the second was your agreeing to waive any conflict, real or perceived, that your client may have because of the hearing officer being a named party in a pending litigation.

As you are aware the conditional use permit will be issued by the Community Development Department in accordance with the conditions detailed in my June 8, 1994 letter to you, as amended by the June 22, 1994 letter from Joe Coleman to me, and by representations made to me by Joe that Blondies will agree to remain open until 11:00 p.m. Monday through Thursday and to 12:00 midnight on Friday, Saturday and Sunday. It is my understanding that you and your client have spoken with Kathy Portner of the Community Development Department regarding a modification to the type of fence that must be installed pursuant to condition 2 of the June 8 letter. That modification will be memorialized in the permit when and if it is issued. In order for the Community Development Department to determine if condition 10, as amended, has been met, the Director needs to receive a written summary of the efforts made by your client to obtain the concurrence of the neighbors as is required. At your earliest convenience please provide that information to Larry Timm at the address found below.

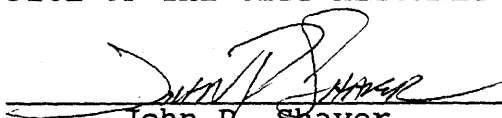
Based on our conversation it is my understanding that your clients have agreed to waive any claim of conflict of interest that they may now have or that may arise from Phil Coebergh hearing the license application. Since Mr. Coebergh is a named party in an action commenced by your clients, a waiver is essential if the hearing is to proceed tomorrow. If I have misstated your clients position please let me know at your earliest convenience.

Mr. John Williams
5 July 1994
page 2

Thank you for your continued cooperation in this matter. If you should have any questions or if my recitation of our conversation is in error, please call at you earliest convenience.

OFFICE OF THE CITY ATTORNEY

by:


John F. Shaver
Assistant City Attorney
250 N. 5th Street
Grand Junction, CO 81501
(303) 244-1501

pc: Mr. Joe Coleman
Ms. Kathy Portner
Mr. Larry Timm

MEMORANDUM

TO: Stephanie Nye
FROM: Kathy Portner
DATE: September 30, 1994
RE: Wild Bill's BBQ

We have reviewed the request for a restaurant at 509 28 1/2 Road. The general project report for Wild Bill's BBQ, as submitted by the property owner Jack Perrin and the business owner Tara Raby, includes the following information:

Hours of operation: Sunday through Saturday--11:00 a.m. to 10:00 p.m.

Seating Capacity: 145
Restaurant area seating: 125
Lounge area seating: 20
Note: lounge area will be accessory to the restaurant.

Anticipated percent of sales in alcohol--20%

Type of liquor license--Beer/Wine

Given the above information the proposal meets the criteria as a restaurant which is an allowed use in the C-1 zone. Further review by Community Development is not required unless remodeling of the building is proposed. A sign permit is required for any new signage or changes to existing signage.



City of Grand Junction, Colorado
250 North Fifth Street
81501-2668
FAX:(970)244-1599

June 17, 1998

Lien D. Luong
Grand China Restaurant
509 28 1/2 Road
Grand Junction, CO 81506

Re: Street Improvements along 28 1/2 Road.

Dear Ms. Luong:

This letter is in response to your inquiry concerning the time and extents of the proposed street improvements along 28 1/2 Road. The City of Grand Junction is planning to do full street improvements along 28 1/2 Road from I 70-B to Orchard Ave. This work is scheduled to be designed in 2003 and constructed in 2004. The street reconstruction will include new curb, gutter, sidewalks and a wider paved street section. This reconstruction work is presently in the City's 10 year Capital Improvements Budget.

As this portion of 28 1/2 Road is scheduled for improvements, it is not anticipated that a street improvements district would be formed to construct the needed street improvements before 2003. Any landscaping improvements that you are proposing along 28 1/2 Road that would be in the public right-of-way (ROW) should be considered temporary in nature. If you are proposing the placement of trees and shrubs along 28 1/2 Road, they should be placed 5 feet to the west of the west ROW line of 28 1/2 Road. Any grass that is located within the ROW may be lost during the construction of the street. The City will do every thing it can to minimize the disruption of landscaping installed by the property owners along 28 1/2 Road.

If you have any questions please contact me at 256-4017.

Sincerely,

Mike Best

Mike Best

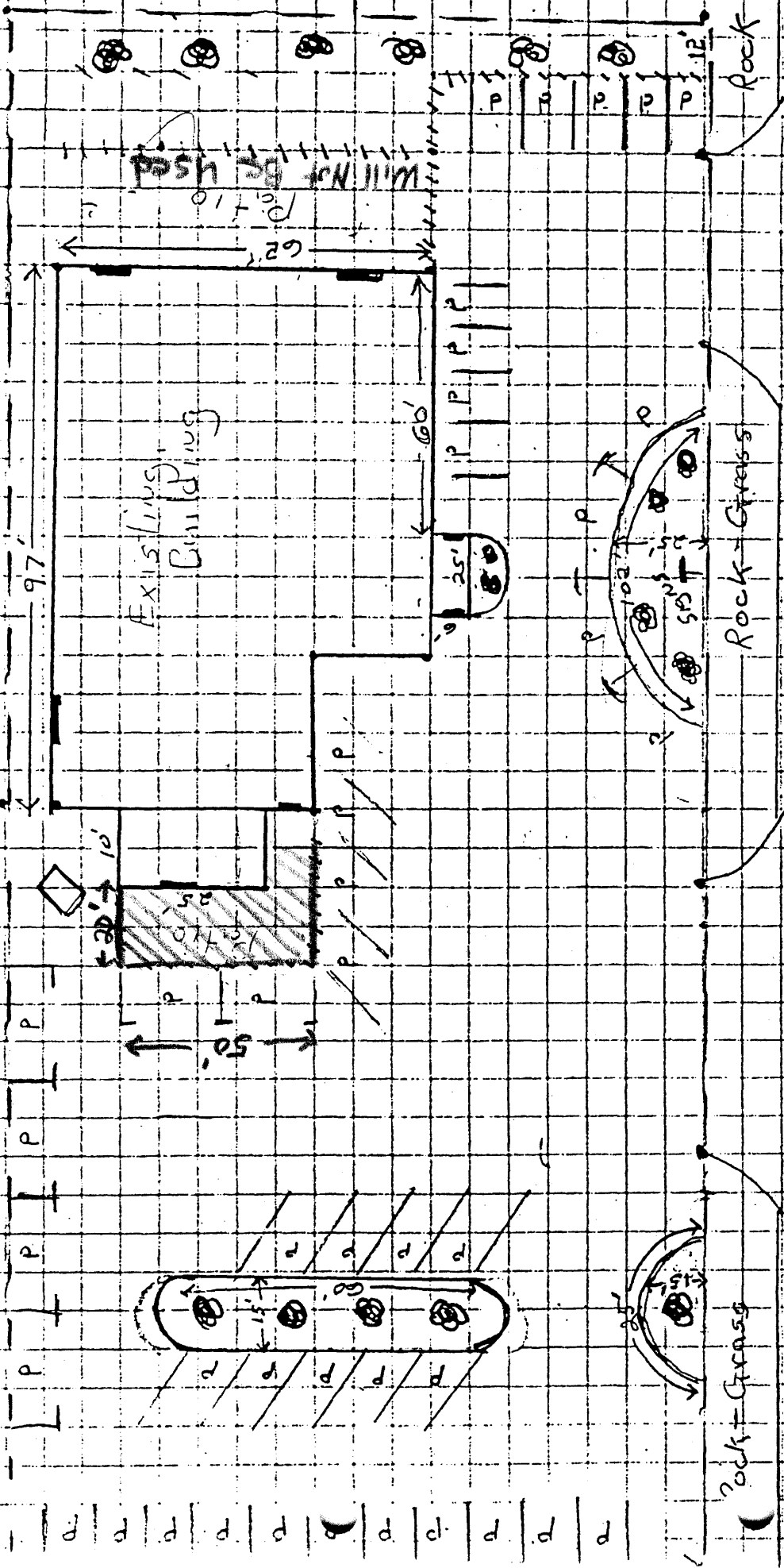
cc: File 42-#94

G:\Pworks\Cip_Engr\MikeB\Worddocs\Letters\Misc\Granchin.doc

Approx. Scale 4 equals 1

Property Line 275' LF

1



Existing Building

Will not be used

Rock

Rock + Grass

Rock + Grass

28 1/2 Rd