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CUP-1995-062

Date 8/3/99

P r e s e n t	S c a n n e d	<p>A few items are denoted with a (*) are to be scanned for permanent record on the ISYS retrieval system. In some instances, not all entries designated to be scanned, are present in the file. There are also documents specific to certain files, not found on the standard list. For this reason, a checklist has been included.</p> <p>Remaining items, (not selected for scanning), will be marked present on the checklist. This index can serve as a quick guide for the contents of each file.</p> <p>Files denoted with (**) are to be located using the ISYS Query System. Planning Clearance will need to be typed in full, as well as other entries such as Ordinances, Resolutions, Board of Appeals, and etc.</p>		
X	X	*Summary Sheet – Table of Contents		
X	X	Application form		
X		Receipts for fees paid for anything		
X	X	*Submittal checklist – Change of Use Review		
X	X	*General project report		
		Reduced copy of final plans or drawings		
X		Reduction of assessor's map		
		Evidence of title, deeds		
X	X	*Mailing list		
		Public notice cards		
		Record of certified mail		
X		Legal description		
		Appraisal of raw land		
		Reduction of any maps – final copy		
		*Final reports for drainage and soils (geotechnical reports)		
		Other bound or nonbound reports		
		Traffic studies		
X		Individual review comments from agencies		
X	X	*Consolidated review comments list		
X	X	*Petitioner's response to comments		
X	X	*Staff Reports – Board of Appeals		
		*Planning Commission staff report and exhibits		
		*City Council staff report and exhibits		
		*Summary sheet of final conditions		
		*Letters and correspondence dated after the date of final approval (pertaining to change in conditions or expiration date)		
<u>DOCUMENTS SPECIFIC TO THIS DEVELOPMENT FILE:</u>				
X	X	Planning Clearance - **	X	Landscape Plan
X	X	Letter from Gary Lucero to Richard H. Will – 8/31/95-re:Appraisal	X	Standard Detail Sheet
X		Letter from Richard Will to Dan Wilson – 8/30/95	X	Signage Sheet
X	X	Memo from Parks & Rec re: appraisal for 2301 North Avenue		
X	X	Letter from Stephen T. Bruce to Denny Granum -appraisal- 9/1/95		
X	X	Posting of Public Notice Signs – 4/21/95		
X		Letter from Roger Simon to Tim Woodmansee re: ROW- 23 rd & No. Ave.-Teller Arms Shopping Center– 7/17/95		
X		Warranty Deed		
X	X	Letter from Michael Drollinger to Richard Will – 6/6/95		
X		Letter from Michael Drollinger to Tom Logue – 5/5/95		
X		Letter from Michael Drollinger to Tom Logue – 5/3/95		
		Application for State Highway Access Permit		
		Owners Policy of Title Ins. - Lawyers Title Insurance Corp.		
X		ROW Description Map		
X		Demolition Plan		
X		Site Plan		
X		Grading Plan Sheet		



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

Receipt #2194
 Date 4-2-95
 Rec'd By CUP-95-62
 File No. 289

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		18,000 SF	SE NORTH AVE & 23rd. Street	C-1	Drive up Window
<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 type="checkbox"/> PROPERTY OWNER		<input checked="" type="checkbox"/> DEVELOPER		<input checked="" type="checkbox"/> REPRESENTATIVE	

Name	Mile High Properties, Richard Will	Name	LANDesign, Tom Logue
Address	1700 Broadway, Suite 300	Address	200 N. 6th Street
City/State/Zip	Denver, CO. 80290	City/State/Zip	Grand Junction, CO. 81501
Business Phone No.	303-764-6116	Business Phone No.	245-4099

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.

Signature of Person Completing Application	<i>Thomas A. Logue</i>	Date	3/27/95
	lessee	Date	3/27/95
Signature of Property Owner(s) - Attach Additional Sheets if Necessary			

SUBMITTAL CHECKLIST

SITE PLAN REVIEW CONDITIONAL USE

Location: SE Corner 23rd str. & North Ave

Project Name: Good Times Drive-Thru Rest.

TRP 3/7/2

ITEMS	DISTRIBUTION <i>CUP-95-62</i>															AD	TOTAL REQD.									
DESCRIPTION	SSID REFERENCE	City Community Development	City Dev. Eng.	City Utility Eng.	City Property Agent	City Parks/Recreation	City Fire Department	City Attorney	City Downtown Dev. Auth.	County Planning	County Bldg. Dept.	Irrigation District	Drainage District	Water District	Sewer District	U.S. West	Public Service	GVRP	CFOT	Corps of Engineers	Walker Field	Police Dept.	GISDC (8 sets)			
• Application Fee \$ 350 + 15/acre	VII-1	1																								
• Submittal Checklist*	VII-3	1																								
• Review Agency Cover Sheet*	VII-3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
• Planning Clearance*	VII-3	1																								
• 11"x17" Reduction of Assessor's Map	VII-1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
• Evidence of Title	VII-2	1																								
• Appraisal of Raw Land	VII-1	1																								
○ Deeds	VII-1	1																								
○ Easements	VII-2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
○ Avigation Easement	VII-1	1																								
○ ROW	VII-3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
○ Improvements Agreement/Guarantee	VII-2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
• CCOT Access Permit	VII-3	1	1																							
○ Industrial Pretreatment Sign-off	VII-4	1	1																							
• General Project Report	X-7	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
• Elevation Drawing	IX-13	1	1																							
• Site Plan	IX-29	2	1	1																						
• 11"x17" Reduction of Site Plan	IX-29	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
• Grading and Drainage Plan	IX-16	1	2																							
○ Storm Drainage Plan and Profile	IX-30	1	2																							
○ Water and Sewer Plan and Profile	IX-34	1	2	1																						
○ Roadway Plan and Profile	IX-28	1	2																							
○ Road Cross-Sections	IX-27	1	2																							
○ Detail Sheet	IX-12	1	2																							
• Landscape Plan	IX-20	2	1	1																						
○ Geotechnical Report	X-8	1	1																							
○ Final Drainage Report	X-5.6	1	2																							
○ Stormwater Management Plan	X-14	1	2																							
○ Phase I and II Environmental Report	X-10.11	1	1																							
○ Traffic Impact Study	X-15	1	2																							
• Application Form		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
• Full-size assessor's map		1																								
• Names and Addresses		3																								
• Legal Description		1	1																							

NOTES: 1) An asterisk in the item description column indicates that a form is supplied by the City.
 2) Required submittal items and distribution are indicated by filled in circles, some of which may be filled in during the pre-application conference. Additional items or copies may be subsequently requested in the review process.
 3) Each submitted item must be labeled, named, or otherwise identified as described above in the description column.

PRE-APPLICATION CONFERENCE

Date: 11/27/94
Conference Attendance: D. Will M. Drollinger
Proposal: Conditional Use Permit - drive thru restaurant
Location: SE Corner 23rd Str. & North Ave

Tax Parcel Number: 2945-131-01-027?
Review Fee: \$350 + \$15/acre or fraction thereof
(Fee is due at the time of submittal. Make check payable to the City of Grand Junction.)
Related Files: 41-89 (signs)

Additional ROW required? As per ENG.
Area identified as a need in the Master Plan of Parks and Recreation? No
Parks and Open Space fees required? Yes Estimated Amount: As per appraisal
Recording fees required? No Estimated Amount:
Adjacent Half street improvements/fees required? TCP; public improvements as per ENG.
Revocable Permit required? For landscaping in ROW
State Highway Access Permit required? Yes

5% of raw land value

Applicable Plans, Policies and Guidelines Devel. Code
Located in identified floodplain? FIRM panel # ND
Located in other geohazard area? No
Located in established Airport Zone? Clear Zone, Critical Zone, Area of Influence? ND

Avigation Easement required? No

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

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.

X Signature(s) of Petitioner(s) X Signature(s) of Representative(s)

CUP-95-62

GENERAL PROJECT REPORT FOR A CONDITIONAL USE APPLICATION



GOOD TIMES

DRIVE THRU BURGERS

GRAND JUNCTION, COLORADO

MARCH, 1995

LANDesign
200 NORTH 6TH ST. • GRAND JUNCTION, CO 81501

CUP-95-62

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SUMMARY AND CONCLUSIONS

The proposal calls for the development of a new drive up restaurant facility located on 18,000 square feet southeast of North Avenue and 23rd. Street previously occupied by an auto service facility.

The property is currently zoned C-1 (light commercial) and adjoins existing non-residential zoned property.

Proposed building setbacks and the landscaped areas adjoining the sites street frontage create a buffer between the proposed use and the adjoining roadways.

Access to the subject site is gained from a fully improved principle arterial and collector streets. Given the current traffic volumes, the design capacity, and projected traffic increases between the proposed use and the previous use, no adverse affects occur.

All of the necessary utility services required for development of the type have available capacity. Adequate water supplies for fire protection exist.

The proposal meets or exceeds the criteria set forth in the City's North Avenue Corridor Guidelines.

SITE ANALYSIS

Introduction

The purpose of this section is to identify the physical and technical characteristics of the property selected for the Good Times drive thru facility.

This section evaluates potential site development assets and constraints.

Location

The subject site is located southeast of North Avenue and 23rd. Street in the Teller Arms Shopping Center. The site is located in part of the NE 1/4 of Section 13, Township 1 South, Range 1 West of the Ute Meridian.

Existing Land Use

The site is rectangular in shape and is 100 feet long north and south and 180 feet east and west. the entire site is currently paved. The topography is flat and slopes to the south at a rate less than one percent. No permanent structures are found on the property, however, the property was previously used as a auto service station.

The subject property is currently zoned C-1 (light commercial) by the City of Grand Junction.

Surrounding Land Use

Surrounding land uses are considered to be of "high" intensity. Most of the land in the surrounding vicinity is fully developed as non-residential uses. The most dominate features found in the vicinity of the request include: Teller Arms Shopping Center, Veterans Hospital, banking facilities, general retail sales outlets and restaurants. The closest residential uses to the property boundary is located approximately 300 feet north of North Avenue along 23rd. Street.

Utility Service

WATER SERVICE - Domestic Water Service is available from the City of Grand Junction. A eight inch water mains is located within the North Avenue right-of-way and an six inch main in 23rd. Street. Both mains are sufficient in size to provide adequate water for fire protection.

SANITARY SEWER - A existing 15 inch sewer main is located in 23rd. Street along the west boundary of the property.

ELECTRIC, GAS & COMMUNICATION - Underground communication and natural gas mains adjoin the property within the existing road right-of-ways. Overhead electrical and communication service is also located adjacent to the subject property within the adjoining roadways.

Access

Primary access to the site is from North Avenue which is a fully improved divided four lane roadway. Secondary access is also available from 23rd. Street. A total of four curb cuts are available for use by the site; two are located a short distance from the property and can be used thru "cross easement" agreements.

Site Drainage

The subject site is not adversely affected by any off-site drainage influence. Storm water is carried on the surface towards two discharge points; 23rd. Street and a area inlet located southeast of the site in the parking lot for the Teller Arms Shopping Center.

PROPOSED LAND USE

The accompanying development plans indicates the proposed development of a drive thru only restaurant facility to be located on an 18,000 square foot site south east of North Avenue and 23rd. Street in the City of Grand Junction.

The primary focal point of the development will be the construction of 855 square foot restaurant building. Building materials will be wood and steel. Seating will be provided out doors on a patio area. Most of the service will be provided at two drive up windows.

The facility will be open 7 days a week. Hours of operation are 10:00 AM to 10:00 PM weekdays, weekend closing will be at 11:00 PM.

In addition to wall mounted signs on the building, a pylon sign will identify the facility name. Directional signage and a menu board will also be provided. All signs will meet the current City sign code requirements.

New pole mounted area lighting will be provide in the parking and drive areas. Other than the landscaped areas, the entire parking and drive area will be paved. Eight parking spaces are provided, two parking spaces are be reserved for disabled motorist.

More than 16 percent of the total site area is landscaped. Most of the 2900 square feet of landscaped area is along the adjoining roadways. Landscaping plans for the Good Times site include numerous species of trees and shrubs. Ground cover will be either turf or bark mulch. All landscaped areas will be irrigated with an underground system utilizing domestic water sources.

Access - The primary access drive will be from North Avenue. A secondary access will utilize 23rd. Street. The proposal calls for the abandonment of two existing driveways on North Avenue. The abandoned drives will be reconstructed in accordance with the City's current street construction standards.

The following chart illustrates projected trip generations of the proposed use in comparison to the previous use of the site. Projections are base on the Institute of Transportation Engineers, (ITE), Land Use Categories 833 and 844.

TRIPS	PROPOSED				TOTAL	PRIOR TOTAL
	NORTH AVENUE		23rd. STREET			
	Enter	Exit	Enter	Exit		
Avg. Weekday	189	189	81	81	540	86
Avg. Peak AM Hour	21	21	9	9	60	85
Avg. Peak PM Hour	16	16	7	7	46	130

Utility Service - Sewer, electric, natural gas and communication service will be extended from existing facilities which adjoin the site.

Domestic water service will utilize an existing water tap and will be used to irrigate the open areas planned for the site. Water for fire protection will be from an existing fire hydrant located on the northeast corner of North Avenue and 23rd. Street. Estimated water requirements are expected to be low.

Grading and Drainage - Grading and Drainage of the site will be conducted in a manner to provide positive drainage away from the building. Drainage discharge points will be at historic locations. Since there will be no increase in run off from the sites historic use, detention of the storm water will not be attempted.

Development Schedule - It is anticipated that site construction will begin immediately upon the City's acceptance of the Conditional Use application. Good Time Restaurant should be open for business sometime in the late spring or early summer.

CONDITIONAL USE CRITERIA

The City of Grand Junction has established seven criteria for evaluation of Conditional Use requests. A response to each follows:

A. The proposal is compatible with adjacent uses.

B. Preparation of the Site Development Plan meets several goals in development of the site:

1. Protect the adjoining roadways from any adverse impacts.
2. Maintain visibility of the use from North Avenue.
3. Maintain ease of accessibility for customers.
4. Achieve a desirable surrounding for the motorist who utilize adjoining roadways.

In order to meet the goals established above the following key design features have been incorporated within the Site Development Plan:

1. Two existing driveways have been abandoned on North Avenue
2. Adequate driveway widths for users of the facility.
3. Most of the sites landscaping is along the adjoining roadways.
4. Additional area lighting will be used.
5. Directional signage is provided to the drive up windows.
6. Adequate parking is provided.
7. Pedestrian Ramps are provided between the site and existing walkways.

C. There are no accessory uses ancillary to the primary use, which is proposed for the site.

D. All public utilities required for the development of the subject property exists within the adjoining roadways and have the available capacity to serve the proposed use.

E. Other uses complementary to, and supportive of, the proposal exist in the surrounding area.

F. Maintenance of the site will be conducted on a daily bases. In order for the use to be successful, a well maintained site in imperative in order to attract and maintain customers

G. The proposal meets or exceed the following requirements found in the Zoning and Development Code;

1. Landscape Standards
2. Parking and Loading Standards
3. Sign Regulations

The City of Grand Junction has adopted a set of guidelines for North Avenue. Several of the guidelines which apply to the subject site. The following features have been incorporated in the site development plans in response to the guidelines.

1. Parking areas do not back directly on to North Avenue or connecting streets.
2. Both access points are shared with other users.
3. Access points maintain a clear site distance for vehicular, bicycle and pedestrian traffic.
4. All utilities servicing the building will be underground.
5. Adequate setbacks have been provided from the public right-of-ways. A major portion of the setback area is utilized as a landscaped area. Landscaping of the sites frontage produces a positive image of the proposed development.
6. Sidewalks between the proposed use and adjoining walkway is provided.



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

Receipt _____
 Date _____
 Rec'd By _____
 File No. *cup-95-62*

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				
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<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 type="checkbox"/> PROPERTY OWNER	<input checked="" type="checkbox"/> DEVELOPER				<input checked="" type="checkbox"/> REPRESENTATIVE

Name	<i>Mile High Properties, Richard Will</i>	Name	<i>LANAesign, Tom Logue</i>
Address	<i>1700 Broadway, Suite 300</i>	Address	<i>200 N. 6th Street</i>
City/State/Zip	<i>Denver, CO. 80290</i>	City/State/Zip	<i>Grand Junction, CO. 81501</i>
Business Phone No.	<i>303-764-6116</i>	Business Phone No.	<i>245-4099</i>

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

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true 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.

Signature of Person Completing Application	<i>Thomas A. Logue</i>	Date	<i>3/27/95</i>
	<i>lessee</i>	Date	<i>3/27/95</i>
Signature of Property Owner(s) - Attach Additional Sheets if Necessary			

CUP-95-62

VA Hosp
2121 North Ave.
City 81501-6428

Hung Voong
2430 North Ave.
City 81501-6435

Elberta Senn
PO Box 1026
City 81502-1026

Mesa Co. Teachers FCU
2302 North Ave.
City 81501-6401

Gerald Arnold
356 W. Kennedy Ave.
City 81505-7141

Ivan Garbin
1710 Poplar Dr.
City 81505-1558

Terra Vista Motel
52089 Hwy 6&24
Glenwood Spgs, CO 81601



City of Grand Junction
Parks and Recreation Department

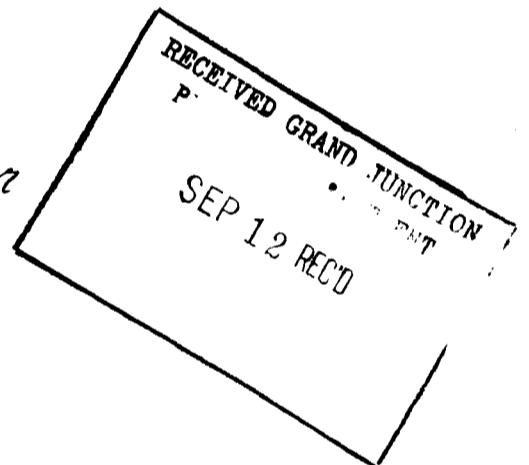
9/11/95

Re: Appraisal 2301 North Avenue

The appraisal for 2301 North Avenue is acceptable. Based upon a \$54,000 appraisal 5% = \$2,700 is due in open space fees.

These need to be collected prior to issuing a CO.

Don Kappa
Parks Manager



To: Don Hobbs Retn to Dan Wilson
NBI

9/6/95 002

C: DON H
TIM W
KATHY P

Gary A. Lucero, SRA
CERTIFIED GENERAL APPRAISER
1041 North 7th Street
Grand Junction, Colorado 81501
970/245-6333

8-31-95

Mr. Richard H. Will
2506 Bookcliff Avenue
Grand Junction, CO 81501

Rick Will
TAX 860-9728
761 12116

As requested, I have inspected and made a restricted, limited appraisal on real property located at 2301 North Avenue, in Grand Junction, Colorado 81501.

The purpose of this valuation was to estimate current market value of the property referred to above and presumes subject is free and clear of any leases, liens or encumbrances and defined as:

"The most probable price, as of a specified date, in cash, or in terms equivalent to cash, or in other precisely revealed terms for which the specified property rights should sell after reasonable exposure in a competitive market under all condition requisite to a fair sale, with the buyer and seller acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress."

This valuation is based on the property being held in fee simple title and subject to the assumptions and special conditions outlined herein.

The function of this report is for use in providing the client a basis from which to assess payment of a city open space fee.

This is a restricted appraisal report. As such, it presents no discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's file. The depth of discussion contained in this report is specific to the needs of the client and for the stated function of its use. The appraiser is not responsible for unauthorized use of this report.

Furthermore, in accordance with prior agreement between the client and the appraiser, this report is the result of a limited appraisal process, completed in conformance with and by invoking of the departure provision of USPAP. The reliability of the value conclusion may be impacted due to departure, and this report may not be understood properly without the additional information in the work files of the appraiser. Any questions should be directed directly to the appraiser.

The effective date of this restricted, limited appraisal was August 28, 1995. This report was completed on August 31, 1995.

In preparing the restricted, limited appraisal, the appraiser inspected the subject site. Information data was gathered, confirmed where possible, analyzed and sets forth only the appraiser's conclusions. Supporting documentation is retained in the appraiser's file.

The sales comparison approach was applied. Per prior agreement the appraiser did not use either the cost or income approaches to value; therefore, involved departure from approaches to value that could be meaningful to the appraisal of property.

The subject is vacant commercial land located at the corner of North Avenue and 23rd Street, in Grand Junction, Colorado. It measures 100 x 180 or 18,000 square feet. Zoning is C-1

Highest and Best Use as though vacant is presumed to be commercial dedication and is presently intended for a fast food restaurant.

Provided below is an abstract of market data collected and their corresponding adjusted indications of value.

<u>Location</u>	<u>Zoning</u>	<u>Sale Date</u>	<u>Indicated Value Per SF</u>
2812 North Avenue	Commercial	6-92	\$3.34
2892 North Avenue	Commercial	11-92	\$1.35
2812 28 Road	Commercial	6-93	\$3.00
810 North Avenue	Commercial	1-92	\$4.33
2870 North Avenue	Commercial	10-94	\$3.00
<u>2873 North Avenue</u>	<u>Commercial</u>	<u>3-94</u>	<u>\$1.24</u>

These data suggest a final estimate of value for the subject of \$3.00 per square foot. The market sales data all had similar zoning, all but one had North Avenue frontage, some had corner frontage, they varied in size, date and also had to be adjusted for various site improvements (e.g. tap fees). With the property being competitively priced and properly marketed, the selling period should be less than one year.

After considering the evidence gathered and analysis, it is my opinion that the market value of the identified interest in the subject property, based on a restricted, limited appraisal, as of August 28, 1995, was

FIFTY FOUR THOUSAND DOLLARS

\$54,000.00

\$12,260

ASSUMPTIONS AND LIMITING CONDITIONS

1. As Agreed upon with the client prior to the preparation of this appraisal, this is a limited appraisal because it invokes the Departure Provision of the Uniform Standards of Professional Appraisal Practice. As such, information pertinent to the valuation has not been considered and/or the full valuation process has not been applied. Depending on the type and degree of limitation, the reliability of the value conclusion provided herein may be reduced.
2. This is a restricted appraisal report which is intended to comply with the reporting requirements set for under Standard Rule 2-2(c) of the Uniform Standards of Professional Appraisal Practice for a restricted appraisal report. As such, it does not include discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning, an analyses is retained in the appraiser's file. The information contained in this report is specific to the needs of the client and for the intended use stated in this report. The appraiser is not responsible for unauthorized use of this report.
3. No responsibility is assumed for legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated in this report
4. The property is appraised free and clear of any or all liens and encumbrances unless otherwise stated in this report
5. Responsible ownership and competent property management are assumed unless otherwise stated in this report.
6. The information furnished by others is believe to be reliable. However, no warranty is given for its accuracy.
7. All engineering is assumed to be correct. Any plot plans and illustrative material in the report are included only to assist the reader in visualizing the property.
8. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging engineering studies that may be required to discover them.
9. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless otherwise stated in this report
10. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a nonconformity has been stated, defined, and considered in this appraisal report.
11. It is assumed that all required licenses, certificates of occupancy, or other legislative or administrative authority from any local, state, or national governmental or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained in this report are based.
12. Any sketch in this report may show approximate dimensions and is included to assist the reader in visualizing the property. Maps and exhibits found in this report are provided for reader reference purposes only. No guarantee as to accuracy is expressed or implied unless otherwise stated in this report. No survey has been made for the purpose of this report

13. It is assumed that the utilization of the land and improvement is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless otherwise stated in this report.

14. The appraiser is not qualified to detect hazardous waste and/or toxic materials. Any such comment by the appraiser that might suggest the possibility of the presence of such substances should not be taken as confirmation of the presence of hazardous waste and/or toxic materials. Such determination would require investigation by a qualified expert in the field of environmental assessment. The presence of substances such as asbestos, ureaformaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The appraiser's value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value unless otherwise stated in this report. No responsibility is assumed for any environmental conditions, or for any expertise or engineering knowledge required to discover them. The appraiser's descriptions and resulting comments are the result of the routine observations made during the appraisal process.

15. Unless otherwise stated in this report, the subject property is appraised without a specific compliance survey having been conducted to determine if the property is or is not in conformance with the requirements of the Americans with Disabilities Act. The presence of architectural and communications barriers that are structural in nature that would restrict access by disabled individuals may adversely affect the property's value, marketability, or utility.

16. Any proposed improvements are assumed to be completed in a good workmanlike manner in accordance with the submitted plans, specifications and building code.

17. The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.

18. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser, and in any event, only with proper written qualification and only in its entirety.

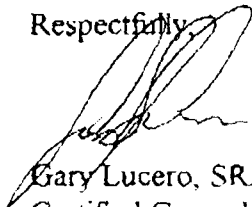
19. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news sales, or other media without prior written consent and approval of the appraiser.

CERTIFICATION

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report and I have no personal interest or bias with respect to the parties involved.
4. My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
5. This appraisal was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.
6. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
7. I have made a personal inspection of the property that is the subject of this report.
8. No one provided significant professional assistance to the person signing this report.
9. The reported analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.
10. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
11. As of the date of this report, I have completed the requirements of the continuing education program of the Appraisal Institute.

Respectfully,



Gary Lucero, SRA
Certified General Appraiser
CGO1313338
Expires 12-31-97

MEMO

To: Tim Woodmansee
Don Hobbs

From: Michael T. Drollinger

Date: September 7, 1995

Subject: #CUP-95-137- Rimrock Marketplace

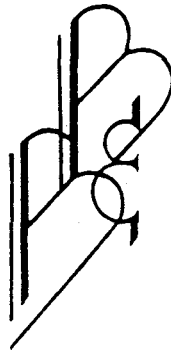
Please review the attached appraisal submitted for the above-referenced application and advise me if you have any comments or concerns.

9/11/95

*Attached appraisal is acceptable
Open Space fees based upon 5%
of \$900,000 = \$45,000 due*

Don Hobbs

715 Horizon Drive, Suite 330
Grand Junction, Colorado 81506
303-243-0250 Fax 243-1721



APPRAISAL, Inc.

September 1, 1995

Mr. Denny Granum
c/o Monument Realty, Inc.
759 Horizon Drive Suite A
Grand Junction, Colorado 81506

RE: 5% City of Grand Junction Parks Fee
Tim Woodmansee, City Representative

Dear Mr. Granum:

As you requested, I have completed a limited, restricted appraisal report in conformance with the Departure Provision of USPAP of 45.79 acres located on the west side of US Highway 6 & 50 in the City of Grand Junction. A Restricted Appraisal Report is a written report prepared under Standard Rule 2-2 (c) of a Complete or Limited Report Appraisal performed under Standard 1. This report option contains minimal detail, is intended to be received or relied upon by the client only and will not be used frequently by most appraisers. It has been completed exclusively to aid in determining the base value amount for the "Open Space Fee" required by the City.

Currently, the "Property" is legally three parcels ranging from 2.0 acres to 33.90 acres based mostly on the Mesa County assessor's data. Per your instructions and for the purpose of this report, these are discussed both as three parcels and as one. But it is valued as one- it is viewed as a single tract because they are being purchased by one entity. A retail shopping park is reportedly proposed. The report is "as is" (vacant).

The property has substantial frontage on the highway and extends northwest to nearly E $\frac{1}{2}$ Road. The tracks and right-of-way of the Denver and Rio Grande Western railroad are behind the property. As of the effective date of this limited, restricted appraisal report, the Subject does not include any significant improvements. Parcel #2, Ligrani, does have an old home and several outbuildings. Demolition/removal is planned. For the purpose of this report, the "Property" is valued "as if vacant" and available for development. It is presently zoned C-1 and C-2 in the City of Grand Junction. The planned development may obtain Highway Oriented (HO) zoning as part of the final approval but these allow comparable uses- for the most part. I understand that the whole "Property" has been surveyed but this is not completed or available to the appraiser. I do have a survey of one of the parcels. The data contained herein is based largely on the Mesa County Assessor's data which is assumed to be reasonably accurate. If it's incorrect, this letter must be revised!

The property rights appraised in this report are those rights of Fee Simple Estate Ownership. It is defined as "absolute ownership unencumbered by any other interest or estate subject only to the limitations of eminent domain, escheat, police power, and taxation." [AIREA, *The Dictionary of Real Estate Appraisal*, 1984, P. 123.] The limited, restricted appraisal report assumes the Subject to be free and clear of any leases, liens, or encumbrances other than ordinary mortgage financing.

No personal property is included herein. The appraisal considered real estate only (assumed vacant). By definition, real estate includes the land, buildings, and permanently attached fixtures but existing improvements are excluded, per your instructions. Parcel #2 does have some marginal improvements at present. These are an older home and some outbuildings- according to the assessor's data. Their exclusion is not significant.

The Function or Use of this limited, restricted appraisal report is to present some of the appraiser's reasoning- NOT all the appraiser's data, logic, and reasoning used in arriving at an opinion of value. Its' sole purpose is to provide a means of analyzing the property for the City's 5% open space fee- a fee charged for development of unimproved land for parks and recreation development. This limited, restricted appraisal report has been done in conformance with the Departure Provision of USPAP. Tim Woodmansee has stated clearly to me that this limited, restricted appraisal report is adequate for his purposes. This report may not be fully understood by any other party without the additional information that is in my work file. Do not distribute it to others. I recommend if you have any questions regarding this limited, restricted appraisal report that you call me.

The effective date of this limited, restricted appraisal report is September 1, 1995. This is the date of inspection by Stephen T. Bruce and the date to which any estimation of value apply- again, assuming the property to be vacant. This limited, restricted appraisal assignment and the reporting format were at your request and that of the City of Grand Junction.

Regarding data collection, the date range searched was 1992 to present. The geographical limits of the search was primarily west Grand Junction and surrounding areas for sales of property with highway frontage and/or similar highest and best use potential. The land that was searched was anything with similar/comparable zoning and use potential. Data most relevant would be acreage tracts- say from 2.0 acre on up. Anything with the highest and best use similar to the Subject within those parameters was considered.

The limited, restricted appraisal report is a document conforming to my understanding of the Departure Provision of Uniform Standard of Professional Practice (USPAP) and is intended to arrive at an opinion of Market Value for the Subject. The methodology used in arriving at this value is based upon three traditional approaches to value: The Cost, Income, and Comparative Sales Analysis Approaches were considered. Only the Comparative Sales Analysis was determined to be applicable because this is an analysis of vacant land. When appraising vacant land, the Cost and Sales Comparison Approaches render identical figures. There is no identifiable rental market for the property type. Therefore, only the Sales Comparison Approach is used in this case. In verifying the

data used in this analysis, I have discussed details of the sales at length with one or more of the parties to the transactions (the seller, buyer, seller's agent, lessor, lessee, or lessor's agent). These conversations, combined with inspections whenever possible, have given me a perspective relative to the condition of the properties, the terms of the sale, personal property when included, and highest and best use. In addition, data is confirmed whenever possible in the records of the County Clerk and Recorder's office. Competitive land sales follow.

The appraiser has the competence and appropriate knowledge and experience to complete the appraisal assignment. The appraiser satisfies the competency provision of the Uniform Standards of Professional Appraisal Practice with respect to the Subject by virtue of the education and experience outlined in the appraiser's qualifications in this report and extensive specific experience with properties comparable to the Subject in the Grand Junction area.

About the Property

The Subject is assumed vacant. The three parcels included are appraised as one since they will be all one parcel under the pending development plan and payment of the open space fees. To be clear and understandable, a discussion as they currently exist follows. Included in this discussion is some background information about the existing options to buy the three tracts. Tax sheet summaries are attached which show the current ownership and tax obligation for each parcel. These are obtained through the Mesa County Association of Realtors, Mesa County Assessor Database.

Parcel 1: Alvis D. Fetter reported owner, Tax Schedule Number 2945-103-00-147

This is a 2.0 acre vacant tract located south of E $\frac{1}{4}$ Road. It is irregular in shape and is largely an irrigation ditch. The south bank slopes down to adjacent land. I have obtained a survey of this parcel stating a net land area of 1.9956 acres (the assessor shows 1.50 acres). The west end is bounded by the railroad right-of-way. The property is otherwise surrounded by private land. The only apparent access is a one lane trail along the railroad. The access is reportedly legal but this has not been verified. The limited access, topography, and shape make this property of very limited development potential without the assemblage of more suitable land.

Parcel 2: Fred Ligrani reported owner, Tax Schedule Number 2945-103-00-081

This is a 33.90 acre parcel which has a home on it. There is approximately 1,300 feet of frontage on US Highway 6 & 50 (excludes the frontage of parcel # 2945-103-00-080 which is not a subject). It is an irregular shape. The back adjoins the railroad for approximately 951 feet. It is largely agricultural use at present. The assessor classifies it as 1 acre of commercial use, 14.60 acres of irrigated cropland, 18 acres of dry grazing, and .30 acres of roads and ditches. The home is a 1,229 square foot 1 $\frac{1}{2}$ story built in 1900. There are several agricultural outbuildings which are also excluded from this analysis. There is some evidence of high water potential noting salt grass, etc. is present at the surface where

Limited, Restricted Appraisal of 45.79 Acres, Grand Junction, Colorado

there is no agricultural production. No soils report has been provided.

Parcel 3: Albino Venegas reported owner, Tax Schedule Number 2945-152-00-001

This is a vacant 9.89 acre tract located south the properties discussed above. From what I can determine from the assessor's schedule maps, there is no apparent access to this property. There is a dedicated right-of-way (25½ Road) on the east end but this "street" is not presently in. The right-of-way intersects with the highway perhaps 200 feet north of this parcel. The assessor indicates that some older improvements are presently considered of no value and the land is idle- no apparent use.

The total of the above parcels is 45.79 acres. I have been provided with copies of contracts and/or purchase options on all three. In reviewing these, it must be kept in mind that some of these may have existing improvements and the buyer is attempting an assemblage of three parcels which are needed for the ultimate goals. Even when the seller has the right to remove the existing improvements, the buyer is still paying for something beyond the land alone. However, I don't think the improvements on Parcel #2 will be salvaged. The other factor is an assemblage. When specific properties are targeted for an acquisition, premiums frequently result. Sometimes the difference is subtle. Sometimes it is substantial. An assemblage is "The combining of two or more parcels, usually but not necessarily contiguous, into one ownership or use." The Dictionary of Real Estate Appraisal, American Institute of Real Estate Appraisers, 1984, Page 19. The assemblage of the three parcels is not considered herein. There is the potential of a substantial difference between cost and value in the assemblage of property. This will become apparent as we move through the comparable sales data presented later. But first, a review of the Subject agreements is appropriate.

Parcel Numbers	Owner	Size	Contract Price	Price/SF	Improvements	Comments
#1: 2945-103-00-147	Fetter	2.0 Acres	\$10,000	\$0.11	None	Lmtd access, poor topography
#2: 2945-103-00-081	Ligrani	33.90 Acres	\$938,683.15*	\$0.6338	Older House	*Ttl price based on 34.0 acre contract
#3: 2945-152-00-001	Venegas	9.89 Acres	\$140,000	\$0.32	No Imp Value	Limited access
Total/Average	Varies	45.79 Acres	\$1,088,612.15	\$0.55	Assumed all vacant	Assemblage of targeted properties

Obviously there is a range in the contract prices for the Subject parcels. Some discussion can explain this. First, Parcel #1 is really a poor piece of land with limited development potential on its' own. Although it is small which usually results in a higher value, there is limited access, exposure, and it is far from level. Size alone would suggest something is reversed for Parcels #2 and #3. However, it is #2 that has the highway frontage. #3 is back land. This apparently more than offsets the larger size of #2. Developed commercial property along the highway is generally no more than 200 feet deep.

Therefore, the rear portions of the larger tracts may be considered excess land by a typical commercial user. If these contracts are to be given any weight at all, it should go to Parcels 2 and 3- #1 is a really poor piece of land that is really not needed for the proposed project. It is simply sound management to acquire the property to protect from the possibility of adverse or competitive contiguous land use.

Parcel 2 is smaller than the total property analyzed herein. In common appraisal practice, this warrants a decreasing adjustment. Parcel 3 is much smaller than the total but this tract has limited access and exposure. With a total Subject of 45.79 acres included, there are some 1,994,612 square feet.

The purpose of this limited, restricted appraisal report was to estimate the market value of the property as of the effective date, according to the instruction provided by the client. I have included some base data used in my analysis- not all of the sales reviewed. Market value, as used in this limited, restricted appraisal report, is defined as:

"The most probable price, as of a specified date, in cash, or in terms equivalent to cash, or in other precisely revealed terms for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress." (*The Appraisal of Real Estate*, 10th ed., published in 1992 by the Appraisal Institute). The contract price in some of the contracts show the buyer may be under duress- reacting to targeting property for an assemblage.

The Highest and Best Use of the Subject is its potential for commercial development. Viewed as the total property, it is large and has good exposure and access to Highway 6 & 50. A retail center or heavy commercial subdivision may be appropriate. Demand for such use is questionable since little development of this type has occurred in Grand Junction for several years. Besides the proposed development of the Subject, there are other proposals on the table. "As is" most of the property is vacant or has improvements of limited contributory value. Highest and Best Use is defined as:

"The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum profitability.

Highest and Best Use of land or a site as though vacant is: Among all reasonable, alternative uses the use that yields the highest present land value, after payments are made for labor, capital, and coordination. The use of a property is based on the assumption that the parcel of land is vacant or can be made vacant by demolishing any improvements.

Highest and Best Use of property as improved is: The use that should be made of a property as it exists. An existing property should be renovated or retained as is, so long as it continues to contribute to the total market value of the property, or until the return from a new improvement would more than offset the cost of demolishing the existing building and constructing a new one."

[Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 3rd Edition, 1993, page 171.]

Competitive land sales are presented in the following table:

Abstract of Comparable Land Sales

Sale No.	Parties	Bk-Pg Sale Date Sales Price	Size	Financing	Price per SF	Location and Comments	Zoning
1	Sellers to McCallum	2050-272 02/94 \$180,000	2.42 Ac's	\$30k @ 6% due 03/96 sel'r	\$1.71 before demo, \$1.99 after	2491 Hwy 6&50. Old motel demo'd for \$30,000. Water/Sewer districts formed later.	C-2 City
2	Weaver to Vogel	1918-705 08/92 \$135,000	2.09 Ac's	Cash	\$1.48	2586 F Road. Now fabric store. Side street by buyer. Zoning change by both parties.	PB City
3	Gormley to Dillon R/E (City Mkt)	1969-370 04/93 \$714,800	5.47 Ac's	Cash	\$3.00	NW corner 26 & F Rd's. Grocery store planned- still vacant. Sold w/3 WD's	PB City
4	Skiff to Loncarich, EtAl	1949-271 01/93 \$127,500	30.69 Ac's	\$185k Conv 1st w/other security	\$1.10	969 19 Road, Fruita. 2 parcels nth side old highway. Resi/Agri surroundings. Lmt'd access.	C-2 Fruita
5	Lunnon to Lift Industries	1992-554 07/93 \$115,000	10.88 Ac's	\$85k sel'r @ 8% due 07/98	\$.24	Lots 1 & 3 Appleton Comm Park. Nth side I-70 @ 23 Road. Assemblage.	PC County
6	Hughes to Peachtree Hardware	2000-623 08/93 \$95,000	7.24 Ac's	Cash (No TD)	\$.30	Lots 7-12 Valley East Comm Park- East of 31½ Rd, Nth of Perkins.	PC County
7	Moss to Badzinski	2053-538	17.6 Ac's	\$364,320 Conv 1st, No date/rate	\$0.63	681 Horizon Drive. Could go Resi/Comm/Bus. Poor soils known & High Wtr Potential- good location	PB City
8	AFJ Ltd, EtAl to Arnold	2047-189 02/94 \$130,000	5.11 Ac's	Cash (No TD)	\$0.58	1547 Independent Ave near Sam's Club & across from Subject.	C-2 City
9	Bewley Trustee to Azcarraga	2130-192 02/95 \$260,000	33.3 Ac's	Cash (No TD)	\$0.18	E of 23 Rd, S of G Rd. Lots 1-5 Monument Comm Park	I-1 City

Next, a brief discussion of each sale:

Sale 1 is located about one half mile west of the Subject. There is now a retail strip center- just finished. The use potential is comparable but it is much smaller. This warrants a substantial decreasing adjustment. There were older improvements on the property when sold but these were removed at a cost \$30,000- demolished.

Sale 2 is near the 26 Road and Patterson intersection about one mile north of the Subject. It has been improved with a commercial use- a fabric store. The sale is now 3 years old. It is also much smaller. The location is inferior. Matched pairing to Sale 1 indicates a 34% increase for location but the size is still a significant issue. A substantial decrease is warranted for size.

Sale 3 is located near Sale 2 but is the corner at 26 Road. The property was reportedly purchased for a new City Market but the buyer stated that a new store is way down the road. They had targeted this parcel for their use. Although larger than Sales 1 and 2, this sale shows a higher price per square foot. This tends to exemplify what prices can do when a property is targeted for acquisition. From City Markets standpoint, the purchase of the land, even when at a very high price, is really a small part of the overall investment. The location is better than Sale 2 being on the intersection. Substantial decreases are warranted for size as well as for the motivations of the buyer.

Sale 4 is a large property that is zoned commercial on the east side of Fruita. It is east of the High School. There is limited exposure to the Highway and very limited access over a small irrigation ditch. The location at Fruita is inferior and limited access and exposure also warrant increasing adjustments. This sale tends to set a minimum value for the Subject.

Sale 5 is on the north side of Interstate 70 near 23 Road. It has good exposure and access but may be more appropriate for a heavy commercial use such as trucking, etc. It was purchased as an assemblage. The location is inferior since the property is further from town. The size is smaller warranting some decrease. Overall, an increase is appropriate. This sale tends to support a value of the Subject is something over \$0.35 per square foot.

Sale 6 is a fairly large parcel (6 lots) located southwest of Clifton and south of the I-70 Business Loop. The location is inferior. The smaller size warrants decreasing adjustments. Following adjustments, this sale tends to support a value of the Subject of around \$0.40 per square foot.

Sale 7 is a large parcel at Horizon Drive and G Road. The location is rather comparable to the Subject's. The size is smaller indicating a decreasing adjustment. This property has been proposed for a mix of commercial and residential uses in the past. It is not clear what the plan is now. Decreasing for size at 20% supports a value of about \$0.50 per square foot.

Sale 8 is a much smaller parcel across the Highway from the Subject near Sam's Club. The location is similar but the much smaller size warrants decreasing adjustments. Decreasing 40% for size indicates a value of the Subject at about \$0.40 per square foot.

Sale 9 is a large commercial/industrial tract located between Highway 6&50 and Interstate 70. It's the southeast corner of 23 and G Roads but is five platted lots- the entire subdivision. The size is reasonably comparable but the location and use potential are inferior- retail would not go here. If I double the price per square foot for these factors and ignore that this property is smaller than the Subject, I get \$0.36 per square foot. This is about the same indication I got from Sale 5. That was a smaller parcel in a better location. Maybe my size considerations are valid but I still think the location is better yet. This is, again, a low end indication for the Subject, in my opinion.

These are the best sales found for an analysis of the Subject. The most meaningful

Limited, Restricted Appraisal of 45.79 Acres, Grand Junction, Colorado

of these, those with the least adjustments, support a value of the Subject within a range of \$0.40 to \$0.50 per square foot. This is further supported by the contract options for segments of the Subject- Parcels 2 and 3. The limitations of using Parcel 1 is clear but it does tend to temper the value of the whole. Based on the data presented, it is my opinion that a reasonable and fair Market Value of the Subject land, disregarding any contributory value of improvements, is \$0.45 per square foot. Applying this to the total land area of the Subject indicates the following:

$$45.79 \text{ Acres} = 1,994,612 \text{ SqFt} @ \$0.45 \text{ per SqFt} = \$897,575 = \$900,000 \text{ Rd.}$$

This is \$0.10 per square foot below the cumulative contracts for the Subject properties. This can be explained as a premium for the assemblage of several parcels and is reasonable. Marketing time for the Subject is estimated at between one and two years. If priced competitively it should sell within this time period. This limited, restricted appraisal does assume that there is reasonable access to the entire property from US Highway 6&50, that the site size is correct, and assuming the existing zoning and/or Highway Oriented zoning which may be required will allow the anticipated use, and is subject to the contingent limiting conditions attached to and made a part of this limited, restricted appraisal report.

Based on my research and analysis, it is my opinion that, as of September 1, 1995, the market value of the Subject land without any existing improvement value, was:

NINE HUNDRED THOUSAND DOLLARS
(\$900,000.00)

In this limited, restricted appraisal report, there has been no investigating of any lien's which may or may not exist. My work has to do only with an estimate of value. The Property has no apparent natural, recreational, cultural, or scientific value. The scope of the work does not include possible impacts or price controls, energy or licensing requirements, environmental regulations, or other restrictions except where brought to my attention and clearly disclosed in the limited, restricted appraisal report. It should be read by no one but you and the City representative. Its' sole purpose is for the 5% open space fee.

Respectfully Submitted,



Stephen T. Bruce

Colorado License #CG01313500

Certified General Appraiser- through 1997

CERTIFICATE OF LIMITED, RESTRICTED APPRAISAL

This limited, restricted appraisal report was prepared in conformance with the Departure Provision of USPAP. I certify that, to the best of my knowledge and belief:

- a. The statements of fact contained in this limited, restricted appraisal report are true and correct.
- b. The reported analyses, opinion, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses and conclusions.
- c. I have no present or prospective interest in the property that is the subject of this limited, restricted appraisal, and I have no personal interest or bias with respect to the parties involved.
- d. My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of value or direction in value that favors the cause of the client, the amount of value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event. The report complies with all statutes, rules, and regulations prohibiting discrimination on the basis of race, color, religion, national origin, sex, marital status, age, or location of property. The limited, restricted appraisal assignment was not based on a requested minimum value, or specific valuation, or the approval of a loan in the determination of Market Value range.
- e. My analyses, and opinions, and conclusions were developed, and this limited, restricted appraisal report has been prepared in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute.
- f. The use of this limited, restricted appraisal report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- g. Stephen T. Bruce has made a personal inspection of the property that is the subject of this limited, restricted appraisal. He is licensed to appraise real estate in Colorado.
- h. No one provided significant professional assistance to the person signing this limited, restricted appraisal report.
- i. This limited, restricted appraisal report is subject to all the contingent and limiting conditions attached to and made a part of this report.

GENERAL ASSUMPTIONS

This limited, restricted appraisal report has been made with the following general assumptions:

1. No responsibility is assumed for the legal description of, or matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
2. The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
5. All engineering is assumed to be correct. The plot plans and illustrative material in this limited, restricted appraisal report are included only to assist the reader in visualizing the property.
6. It is assumed that there are no hidden or inapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such condition or for arranging for engineering studies that may be required to recover them.
7. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is stated, defined, and considered in the appraisal report update.
8. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a nonconformity has been stated, defined, and considered in the appraisal report update.
9. It is assumed that all required licenses, certificate of occupancy, consents, or other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this limited, restricted appraisal report is based.
10. It is assumed that the utilization of the land improvements is within the boundaries of property lines of the property described and that there is no encroachment or trespass unless noted in this report.

LIMITING CONDITIONS

This limited, restricted appraisal report has been made with the following general limiting conditions:

1. The distribution, if any, of the total valuation of this report between land and improvements applies only under that stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
2. Possession of this limited, restricted appraisal report, or a copy thereof, does not carry with it right of publication. It may not be used for any purpose other than that party to whom it is addressed without the written consent of the appraiser and in any event only with proper written qualifications and only in its entirety.
3. The appraiser herein by reason of this limited, restricted appraisal report is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made.
4. Neither all nor any part of the contents of this limited, restricted appraisal report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior consent and approval of the appraiser.
5. In this limited, restricted appraisal assignment, the existence of potentially hazardous material used in the construction or maintenance of the building, such as the presence of urea formaldehyde foam insulation, and/or existence of toxic waste, which may or may not be present on the property, has not been considered. The appraiser is not qualified to detect such substances. I urge the client to retain an expert in this field if desired.
6. A statistically high number of residential properties are affected by radon on Colorado; a radon detection test is the responsibility of the client.
7. The limited, restricted appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan. Market Value range was provided herein.
8. The appraiser is certified and is licensed to appraise commercial real estate in Colorado. His interpretation of the Appraisal Foundation and the State of Colorado regulations have been complied with.
9. The client for this report is Mr. Denny Granum of Monument Realty.

*QUALIFICATIONS OF
Stephen T. Bruce*

*715 Horizon Drive, Suite 330, Grand Junction, CO 81506
(303) 243-0250, Fax 243-1721*

- PROFESSION:

Real Estate Appraiser and Consultant.
Associate with B & B Appraisal, Inc.

- EDUCATION:

Bachelor of Science Degree, San Diego State University, San Diego, California.

- CURRENT MEMBERSHIP:

Certified General Appraiser in Colorado - CG01313500
Project Coordinator: Several Right-of-Way acquisition projects for the City of Grand Junction and Mesa County

- COURSES - AMERICAN INSTITUTE OF REAL ESTATE APPRAISERS:

1981 - Real Estate Appraisal Principles
1981 - Basic Valuation Procedures
1982 - Capitalization Theory and Techniques Parts I, II, III
1983 - Case Studies in Real Estate Evaluation
1983 - Valuation Analysis and Report Writing
1984 - Real Estate Investment Analysis

- RECENT SEMINARS:

1994: Evaluating Residential Construction (Appraisal Institute)
1994: Part A, Standards of Professional Practice (Appraisal Institute)
1993: The New Uniform Residential Appraisal Report (Appraisal Institute)
1993: Appraising with the Residential Underwriter in Mind (Appraisal Institute)
1991: Commercial and Residential Review (Appraisal Institute)

- LOCATIONS OF WORK COMPLETED:

Colorado Cities - Aspen, Delta, Durango, Fruita, Craig, Glenwood Springs, Gunnison, Grand Junction, Meeker, Montrose, Rifle, Silverton, Steamboat Springs, Telluride, Vail/Beaver Creek.

Colorado Counties - Delta, Delores, Eagle, Garfield, Gunnison, LaPlata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkin, Routt, Rio Blanco, San Juan, San Miguel

Utah Counties - Grand, Emory, Uintah

- QUALIFIED EXPERT WITNESS:

Mesa County District Court, Delta County District Court, and American Arbitration Board - Denver, Colorado.

- APPRAISAL EXPERIENCE:

Currently an independent fee appraiser associated with B & B Appraisal, Inc., in Grand Junction, Colorado. Operated Stephen T. Bruce & Co., 1988 and 1989. Was associated with Frank Nisley, Jr. and Associates, Inc., as independent fee appraiser from 1976 to 1977 and 1980 to 1988. As principal of Bruce Development Corp., developed over 300 single family homes; from land acquisition to finished home sales, A & D financing, processing, etc., in Southern California.

Includes single family dwellings, townhomes, condos, residential income properties, vacant land, farm and ranch, recreational/resort areas, condemnation and development. Numerous Commercial and Industrial properties.

- SOME APPRAISAL CLIENTS ARE:

Banc One Mortgage	Bank of Aspen	Bank of Colorado
Centennial Savings Bank	Colorado National Mortgage	Farm Credit Services
Federal Land Bank	Federal Deposit Ins. Corp.	Fidelity Mortgage
Mesa National Bank	Palisades National Bank	Resolution Trust Corp.
Unifirst Mortgage	Norwest Bank of Colorado	
Various Credit Unions & Lenders		
Various Attorneys and Public Utilities		

5/94

Mesa County Association of Realtors

TAX PARCEL #: 2945-103-00-147 TAC: 10300 BOOK: PAGE:
SELL DATE: / / SELL PRICE: 0.00

LOCATION: 00000 00

OWNER: FETTER ALVIS D
1853 CS RD
GLADE PARK, CO 81523

CO-OWNER:

VALUE/ASSESSMENT/TAX AS OF:	09/05/94	MIL/TAXES AS OF:05/02/95
LAND VALUE	1,000.00	MIL: 89.2740
IMPROVED VALUE	0.00	TAXES: 25.86
LAND ASSESSED VALUE:	290.00	
IMPROVED ASSESSED VALUE:	0.00	PAID: N

BUILT: 0 ROOMS: 0 BATHS: 0.00

LAND UNITS: 1.00
ABSTRACT CODE: 00520

SPECIAL ASSESSMENTS:	
CODE	AMOUNT
	0.00
	0.00
	0.00

IMPRV SQ FT: 0

LEGAL DESCRIPTION:

BEG N 40RODS FR SE COR SW4SW4 SEC 10 1S 1W N 81DEG45' W 496FT S 86DEG30' W
388FT N TO RR ROW NWLY ALG ROW TO AN ARROYA NELY ALG ARROYA TO A PT THAT IS
30FT S & 1011.7LKS E & 651LKS S FR NE COR SD SW4SW4 SELY ALG BANK OF A SLOUGH
TO PT OF BEG

Mesa County Association of Realtors

TAX PARCEL #: 2945-103-00-081 TAC: 10300 BOOK: PAGE:
SELL DATE: / / SELL PRICE: 0.00

LOCATION: 02526 00 RIVER RD

OWNER: LIGRANI FRED
2526 RIVER RD
GRAND JUNCTION, CO 81505-7244

CO-OWNER: ROXY

VALUE/ASSESSMENT/TAX AS OF: 09/05/94 MIL/TAXES AS OF: 03/07/95
LAND VALUE 73,470.00 MIL: 89.2740
IMPROVED VALUE 33,350.00 TAXES: 2,401.48
LAND ASSESSED VALUE: 21,310.00
IMPROVED ASSESSED VALUE: 5,590.00 PAID: N

BUILT: 1900 ROOMS: 6 BATHS: 1.00

LAND UNITS: 0.00
ABSTRACT CODE: 04279

SPECIAL ASSESSMENTS:
CODE AMOUNT
0.00
0.00
0.00

IMPRV SQ FT: 0

LEGAL DESCRIPTION:

THAT PT OF SE4SW4 SEC 10 1S 1W S + W OF HWY ROW + BEG SE COR SW4SW4 SEC 10 N 40RD N 81DEG45MIN W 496FT S 86DEG30MIN W 388FT S 40DEG45MIN E 951FT E TO BEG EXC BEG 509.5FT N OF SE COR SE4SW4 N 61DEG22MIN W 491.7FT FOR BEG N 61DEG22MIN W 284.8FT S 247FT E 250FT N 110 6FT TO BEG & ALSO INCLUDING A STRIP BEG NE COR NW4 SEC 15 1S 1W S 8 1/4FT W 1320FT N 8 1/4FT E 1320FT TO BEG & THAT PT BEG N LI RR ROW 364 LINKS W OF NE COR NW4NW4 SD SEC 15 E 364 LINKS TO NE COR NW4NW4 SD SEC S 219 LINKS W 210 LINKS TO SD ROW ALG ROW TO BEG EXC THAT PT LYG IN RR ROW & EXC HWY LYG IN SEC 10 & ALSO EXC RD ROW DESC IN B-1405 P-969 & 970 OF MESA CO RECORDS

Mesa County Association of Realtors

TAX PARCEL #: 2945-152-00-001 TAC: 10100 BOOK: 2101 PAGE: 875

SELL DATE: 09/29/94 SELL PRICE: 0.00

LOCATION: 00000 00

OWNER: VENEGAS JUAN F
PO BOX 661206
LOS ANGELES, CA 90066-9406

CO-OWNER:

VALUE/ASSESSMENT/TAX AS OF:	09/05/94	MIL/TAXES AS OF:	03/07/95
LAND VALUE	57,340.00	MIL:	87.2740
IMPROVED VALUE	0.00	TAXES:	1,451.37
LAND ASSESSED VALUE:	16,630.00		
IMPROVED ASSESSED VALUE:	0.00	PAID:	N

BUILT: 0 ROOMS: 0 BATHS: 0.00

LAND UNITS: 9.89
ABSTRACT CODE: 00530

SPECIAL ASSESSMENTS:	
CODE	AMOUNT
	0.00
	0.00
	0.00

IMPRV SQ FT: 0

LEGAL DESCRIPTION:

BEG 8.25FT S OF NE COR NW4 SEC 15 1S 1W W 1326.3FT S 298.5FT TO RR ROW SELY
ALG ROW 39.7FT TO A PT 329FT S + 1301.2FT W OF BEG E 1301.2FT N TO BEG + BEG A
PT WHENCE E LI OF NW4NW4 CROSSES N LI OF RR N 239LKS W 210LKS TO RR SELY ALG
ROW TO BEG EXC E 33FT FOR RD ROW AS PER B-1405 P-972 MESA CO RECDS

REVIEW COMMENTS

Page 1 of 3

FILE #CUP-95-62

TITLE HEADING: Conditional Use Permit - Good Times Drive-through Restaurant

LOCATION: SE corner of North Avenue & 23rd Street

PETITIONER: Richard Will

PETITIONER'S ADDRESS/TELEPHONE: 1700 Broadway, Suite 300
Denver, CO 80209
303-767-6116

PETITIONER'S REPRESENTATIVE: Tom Logue

STAFF REPRESENTATIVE: Michael Drollinger

NOTE: THE PETITIONER IS REQUIRED TO SUBMIT FOUR (4) COPIES OF WRITTEN RESPONSE AND REVISED DRAWINGS ADDRESSING ALL REVIEW COMMENTS ON OR BEFORE 5:00 P.M., APRIL 24, 1995.

GRAND JUNCTION FIRE DEPARTMENT
Hank Masterson

4/6/95
244-1414

The Fire Department has no requirements for this proposal - the existing hydrants are adequate.

MESA COUNTY BUILDING DEPARTMENT
Bob Lee

04/06/95
244-1656

No comments at this point. We will need two sets of architecturally scaled plans for our plan review.

CITY UTILITY ENGINEER
Bill Cheney

04/10/95
244-1590

An approved grease trap shall be required with the proposed use. Contact the Industrial Pretreatment Coordinator at Persigo Treatment Facility (244-1489) for information pertaining to an Industrial Pretreatment Permit.

CITY POLICE DEPARTMENT
Dave Stassen

04/05/95
244-3587

The only comment I would have is that I would suggest the trash enclosure not be constructed of masonry. I would recommend that this be made of some transparent fencing (chain link, mock wrought iron, etc). Other than this, there do not appear to be any real concerns for the Police Department.

CITY DEVELOPMENT ENGINEER
Jody Kliska

04/14/95
244-1591

Right-of-way dedication at the corner of 23rd and North Ave. A triangle with 15' sides should suffice to accomodate future signal upgrade.

On-site circulation is poor. Exiting the drive-thru should be exit only.

Transportation Capacity Payment is \$3,712.00.

No drainage fee.

COMMUNITY DEVELOPMENT DEPT.
Michael Drollinger

04/14/95
244-1439

See attached comments.

STAFF REVIEW

FILE: #RZ 95-62
DATE: April 17, 1995
STAFF: Michael Drollinger
REQUEST: Conditional Use Permit/Site Plan Review
LOCATION: SE Corner 23rd Street & North Avenue
ZONING: C-1

STAFF COMMENTS:

1. Parking provided is inadequate based on the number of seats proposed. City standards require one space per three seats; since 36 seats are proposed, twelve spaces are required whereas only nine are proposed.
 2. Site circulation proposed is unacceptable and creates unnecessary conflicts. See attached drawing for required changes.
 3. Bicycle rack proposed is partially in ROW and should be located closer to the proposed seating.
 4. The Good Times logo on the "Exit Sign" must be eliminated; sign as proposed would count as a freestanding sign.
 5. Signage proposed is within the permitted allowances.
 6. All landscaped areas must be provided with a pressurized, underground irrigation system (note required on plan).
 7. "Red Dolomite" unacceptable mulching material; suggest use of bark.
-

You are urged to contact the Community Development Department if you require clarification or further explanation of any items.

CLP-95-62



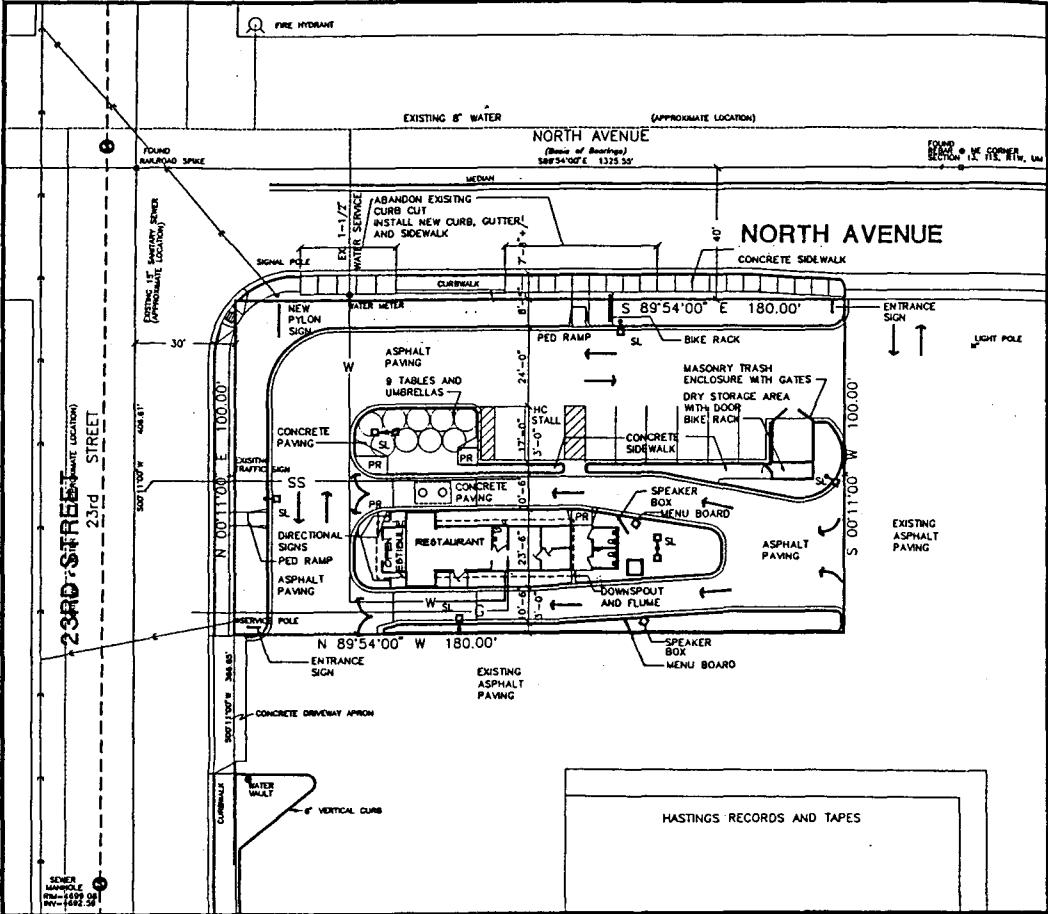
Job no. 0512
drawn GMD
Issued 3-24-95

GOOD TIMES DRIVE THRU
NORTH AVENUE AND 23RD STREET
GRAND JUNCTION, COLORADO

Concepts West Architecture, Inc.
James A. Weber
Principal
202 East Cherokee Avenue, Suite 20
Grand Junction, Colorado 81505

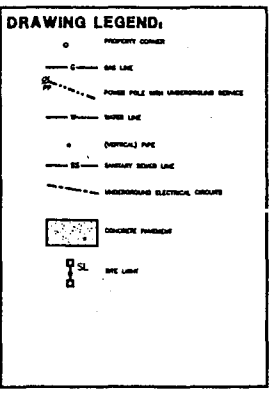
DEVELOPMENT PLAN

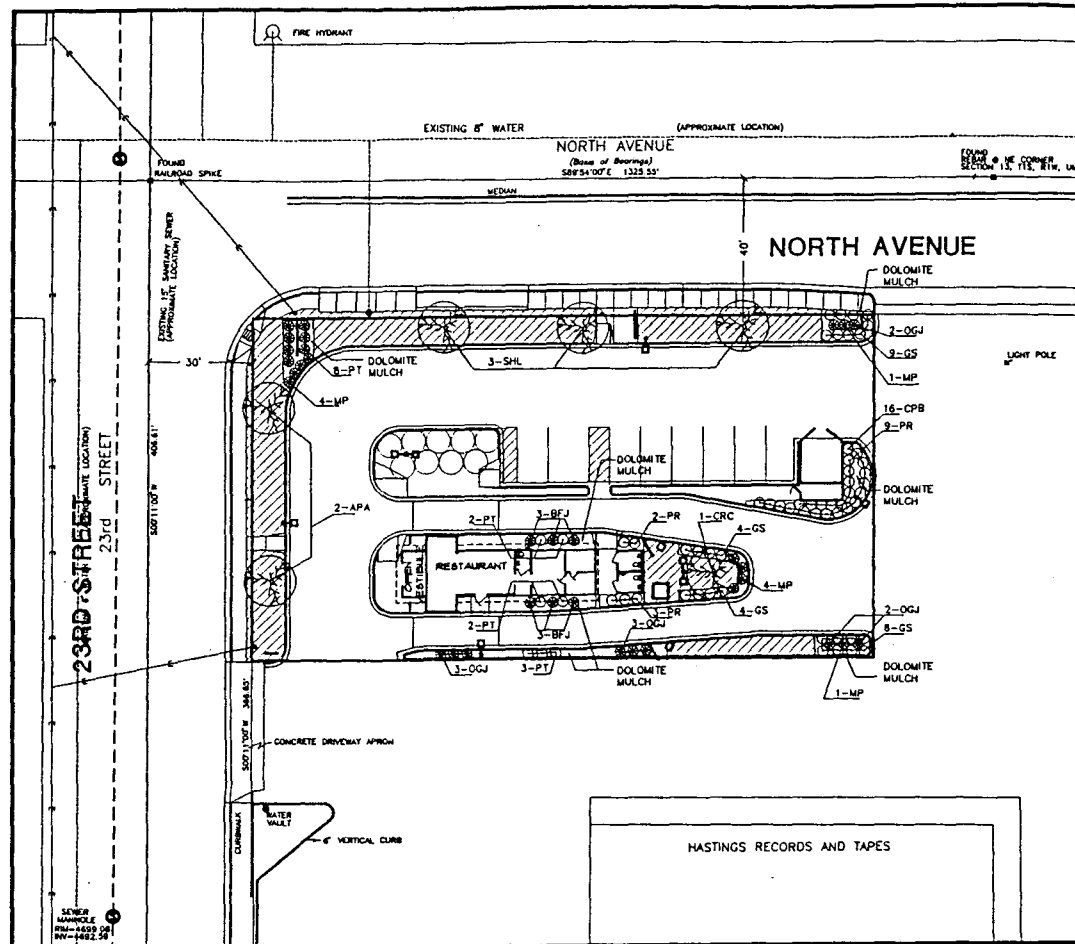
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D-1
of 4



SITE DEVELOPMENT PLAN

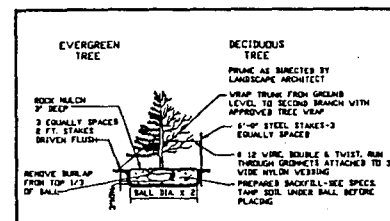
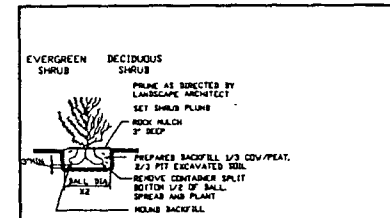
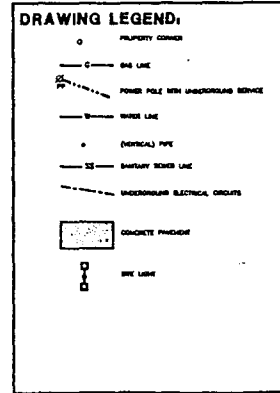
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SITE DEVELOPMENT PLAN

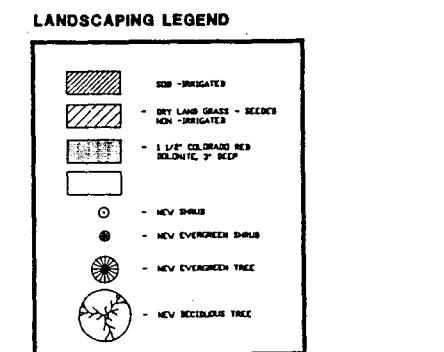
SC: 1"=20'-0"



- LANDSCAPING NOTES**
1. THE CONTRACTOR IS TO VERIFY FIELD CONDITIONS AND NOTIFY THE OWNER OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH THE WORK.
 2. THE CONTRACTOR IS TO FURNISH AND INSTALL PLANT MATERIALS AS NOTED ALL PLANT MATERIAL MUST COME OR EXCEED THE CODE OF STANDARDS CURRENTLY IN EFFECT BY THE COLORADO NURSERY ACT, AND IS SUBJECT TO APPROVAL OF THE OWNER.
 3. PRIOR TO ANY PLANTING OPERATIONS THE AREA TO BE PLANTED IS TO BE PREPARED WITH 3 CUBIC YARDS/100 SQUARE FEET OF TOPSOIL MATERIAL, NOTOTILLED A MINIMUM OF 4" DEEP.
 4. EXCAVATE PLANTING PIT TWICE AS WIDE AS ROOT BALL. PREPARE PLANT BACKFILL TO BE 1/3 ORGANIC MATERIAL AND 2/3 CLEAN TOPSOIL. STAKE ALL EVERGREEN TREES AND ALL DECIDUOUS TREES OVER 3" CALIPER WITH THREE (3) WIRE AND GALVANIZED STRIPS WITH GROMMETS. STAKE ALL DECIDUOUS TREES UNDER 3" CALIPER WITH 1-1/2" METHOD (NO STAKES FOR TREES NO EXPOSED WIRES SHOULD COME INTO CONTACT WITH THE TRUNK FOR EITHER SAVING METHOD. TREE WRAP ALL DECIDUOUS TREES TO SECOND BRANCH.
 5. ALL TREES AND SHRUBS ARE TO BE PLANTED AFTER SOIL GRADING AND PRIOR TO PLACING OF GRASS COVER MATERIAL.
 6. SOIL SHALL BE BLUEGRASS BLEND APPROVED BY OWNER AND SHALL BE LAID ON A FIRM BED WITH TIGHT JOINTS AND NO VOID BETWEEN STRIPS. SOIL TO BE FERTILIZED WITH GRANULAR SULPHURIC PHOSPHATE (16-46-0) AT RATE OF 3/4 (4) POUNDS PER 1000 SQ. FT.
 7. CONTRACTOR TO MAINTAIN ALL PLANTINGS INSTALLED UNDER THIS CONTRACT UNTIL FINAL ACCEPTANCE AND TURNOVER TO OWNER.
 8. PLANTS SHALL BE GUARANTEED FOR THE GROWING SEASON. SPRING PLANTINGS WILL BE GUARANTEED THROUGH OCTOBER OF THE SAME YEAR. ANY PLANTINGS AFTER THE MONTH OF AUGUST WILL BE GUARANTEED THROUGH MAY OF THE FOLLOWING SPRING. ANY PLANT MATERIAL THAT IS IN QUESTIONABLE CONDITION MAY RECEIVE AN EXTENDED GUARANTEE AT THE REQUEST OF THE LANDSCAPE CONTRACTOR AND APPROVAL OF THE OWNER. ALL GUARANTEES ON PLANTS ARE FOR LOSS OF MATERIALS AND LABOR BASED UPON A ONE-TIME REPLACEMENT.
 9. ALL BEDS TO HAVE 3" DEEP, 1 1/2" COLORADO RED BELMONT CORNER AS NOTED OR APPROVED CORNER. SUBMIT SAMPLE TO OWNER FOR APPROVAL.
 10. PLANTING BED EDGER TO BE HYBRID STEEL EDGER 1/2" X 4" X 1/2" OR EQUAL AS APPROVED BY THE OWNER.
 11. CONTRACTOR TO PROVIDE UNIT COST FOR PLANT AND LABOR TO INSTALL EACH MONEY LOCUST (SGL) ON SHERIDAN.
 12. PRIVATE HEDGE ALONG ALLEY SHALL BE 6'-0" MAXIMUM HEIGHT.
 13. CONTRACTOR TO REPAIR OR REPLACE ANY SOIL MOUNDS OR SITE IMPROVEMENTS DISTURBED OR DAMAGED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
 14. CONTRACTOR TO PROVIDE FOR PROTECTION OF ALL UTILITIES, PRIVATE OR PUBLIC PROPERTY, AND PUBLIC SAFETY FOR THE DURATION OF THE CONTRACT AND SHALL REPAIR OR REPLACE ANY DAMAGES TO SAME WITHOUT ADDITIONAL COST TO THE OWNER.
 15. CONTRACTOR SHALL SECURE AND PAY ALL APPLICABLE TOLLS, PERMITS AND FEES IN CONNECTION WITH THE WORK UNDER THE CONTRACT.
 16. CONTRACTOR SHALL KEEP THE PREMISES CLEAN AND ORDERLY AND SHALL REMOVE OF ALL WASTE AND DEBRIS AT AN APPROVED LOCATION OFF-SITE PRIOR TO FINAL ACCEPTANCE.
 17. PLACE GEOTEXTILE FABRIC CHAINS 18" x 18" OR EQUAL UNDER ALL ROCK AND PLANTING BEDS.
 18. LANDSCAPE INSTALLATION TO BE COMPLETE PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.
 19. IRRIGATION SYSTEM SHALL HAVE SHRUB BEDS AND LAWN AREAS ZONED SEPARATELY. LAWN AREAS TO BE POP-UP SPRAY SYSTEM. SHRUB BEDS TO HAVE FULL COVERAGE WITH EITHER A POP-UP SPRAY SYSTEM MICRO-SPRINKLER OR DRIP SYSTEM.
 20. ALL HEADS TO BE ADJUSTED TO PREVENT OVERSPRAY INTO BUILDINGS AND WALKWAYS.
 21. BACKFLOW PREVENTION DEVICE SHALL BE IN ACCORDANCE WITH CITY SPECIFICATIONS.
 22. PROVIDE & INSTALL A MECHANICAL CONTROLLER CAPABLE OF SERVING AT LEAST 4 ZONES. SUBMIT PROPOSED UNIT TO OWNER FOR APPROVAL.
 23. ALL LANDSCAPED AREAS ARE TO BE IRRIGATED WITH AN AUTOMATIC UNDERGROUND SPROINKLER SYSTEM. THE SYSTEM SHALL BE DESIGNED TO BE PART OF THE CONSTRUCTION AND SHALL BE BIDDING USING A DESIGN/BUILD METHOD. PROPOSALS WILL BE EVALUATED ON THE BASIS AS WELL AS COST BASIS AND AWARDS MAY BE MADE TO OTHER THAN THE LOW BIDDER. THERE IS AN EXISTING IRRIGATION SYSTEM TO REMAIN. THE NEW SYSTEM SHALL BE DESIGNED TO TIE INTO THE EXISTING SYSTEM. ANY EXISTING SYSTEM SHALL BE KEPT IN OPERATION CONTINUOUSLY DURING THE CONSTRUCTION PHASE.
 24. ALL EXISTING TREES AND SHRUBS TO BE KEPT SHALL BE CLEANED UP AND TRIMMED ACCORDING TO DIRECTION OF THE OWNER.
 25. CONTRACTOR TO PROVIDE 4" PVC RIGID WITH FULL LINE FOR IRRIGATION SYSTEM WHETHER SHOWN ON THE SITE PLAN OR AS REQUIRED.

LANDSCAPING SCHEDULE

ABB	BOTANICAL NAME	COMMON NAME	QUANT	SIZE	REMARKS
APA	FRAXINUS AMERICANA	AUTUMN PURPLE	2	8"	B & B
DL	OLEA FRUTICOSA	THORNLESS HONEYLOCUST	3	7"	B & B
CRC	PRUNUS VIRGINIANA 'SARGENT'	CANADIAN RED CHERRY	1	7"	B & B
HP	PRUNUS 'MUGO HUGO'	HUGO	10	8 GAL	CONT
CPB	BERBERIS THUNBERGI	CHINESE PRICKLY BARBERRY	16	9 GAL	CONT
GE	SPICEA RUMOLIA	GOULD SPICE	25	9 GAL	CONT
RFJ	SAMOLUS SABINA	BUFFALO SAMPER	6	9 GAL	CONT
DEJ	JANQUENEA OCHROGLOSA	OLD GOLD JAMPER	10	9 GAL	CONT
PT	POTENTILLA FRUTICOSA	JACQUINETT POTENTILLA	11	9 GAL	CONT
PH	LIGULSTRUM AURICHEC	PRIVET HEDGE	18	9 GAL	

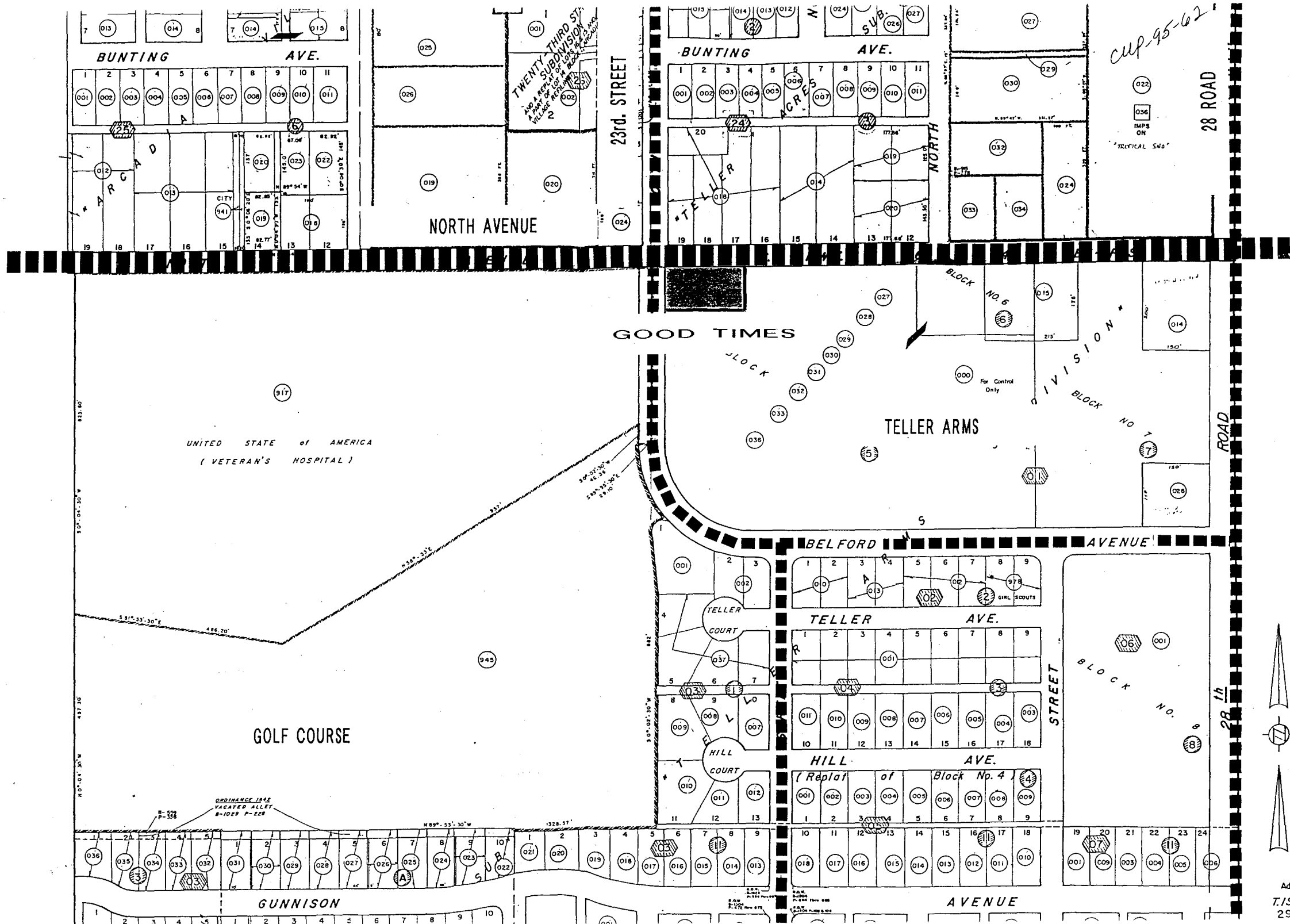


Job no. 0612
drawn GMD
Issued 3-24-86

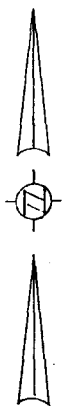
GOOD TIMES DRIVE THRU
NORTH AVENUE AND 23RD STREET
GRAND JUNCTION, COLORADO

Concepts West Architecture, Inc.
James A. West
Professional
1000
Cheyenne Mountain Blvd. Suite 100
Colorado Springs, CO 80906 (719) 579-1405

DEVELOPMENT PLAN



cup-95-62



RESPONSE TO REVIEW COMMENTS

April 24, 1995

Title: GOOD TIMES DRIVE THRU, Conditional Use Permit

File No: CU-95-62

Location: SE North Avenue and 23rd. Street

The following agency comments were informational in nature, or do not require a response:

**FIRE DEPARTMENT
BUILDING DEPARTMENT**

RESPONSE TO UTILITY ENGINEER:

The Industrial Pretreatment Coordinator will be contacted to obtain specifications for the grease trap installation.

RESPONSE TO POLICE DEPARTMENT:

Due to the location of the dumpster location, it is the applicants desire to construct the trash enclosure with a material similar and complimentary to the principal structure. Since there will be two three cubic yard dumpsters and other solid waste containers within the enclosure it would be difficult for an individual to also occupy that space.

RESPONSE TO DEVELOPMENT ENGINEER:

A deed for right-of-way dedication or an easement will be provided, which will include a triangle with 15 feet on each side at the intersection of 23rd. Street and North Avenue.

The Transportation Capacity Payment will be made prior to the issuance of a building permit.

RESPONSE TO COMMUNITY DEVELOPMENT:

1. The applicant has available parking off premises. A copy of the lease agreement has been transmitted to the Community Development Department.
2. Site circulation will be modified as requested.
3. The bicycle rack will be located outside of the street right-of-way.
4. The "Good Times" logo will be eliminated from the Exit Sign.

5. A note will be added to the Landscape Plans which states, "landscaping will be watered with an pressurized underground irrigation system."

6. Bark mulch will be used as ground cover in the areas surrounding the landscape plantings. Red Dolomite will be used as a ground cover in all other areas.

LEASE

This Lease is made and entered into this _____ day of _____, 1994, by and between MESA DENVER ASSOCIATES, ("Landlord"), and WEST SLOPE I, L.L.C. d/b/a GOOD TIME DRIVE THRU BURGERS, ("Tenant").

In consideration of the mutual covenants and agreements contained in this Lease and the due and faithful performance of each and all the terms, covenants and conditions contained herein, Landlord and Tenant hereby agree as follows:

ARTICLE I. DEFINED TERMS

The terms used in this Lease shall have the following meanings:

1.1 "Conditions Precedent" shall mean each of those items specifically set forth in Section 4.1 which need to be completed, satisfied or formally waived by Tenant prior to Tenant incurring any obligation under the terms and conditions of this Lease.

1.2 "Contingency Period" shall mean the time period established by Section 4.2 (or any permitted extension thereof) for Tenant to complete, satisfy or waive the Conditions Precedent or, in the alternative, terminate the Lease for failure to satisfy the Conditions Precedent.

1.3 "Effective Date" shall mean the date on which the Lease is fully executed by both Landlord and Tenant.

1.4 "Extended Term" shall mean the term of occupancy of the Tenant hereunder beyond the Initial Term hereof as established by Section 3.2.


1.5 "Extended Term Expiration Date" shall mean the expiration date of any Extended Term of this Lease if Tenant has exercised any one or more of Tenant's options to extend the Lease as more particularly described in Section 3.2 hereof.

1.6 "Governmental Authority" shall mean the United States, the state, the county, the city, or any other political subdivision in which the Leased Premises is located, and any other political subdivision, agency, or instrumentality exercising jurisdiction over Landlord, Tenant or the Leased Premises.

1.7 "Governmental Requirements" shall mean all laws, ordinances, rules and regulations of any Governmental Authority applicable to Landlord, Tenant or the Leased Premises.

1.8 "Hazardous Materials" shall mean: (a) any "hazardous waste" as defined by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. §6901 *et seq.*), as amended from time to time, and regulations promulgated thereunder; (b) any "hazardous substance"

21.1 Required Alterations to Leased Premises and Adjacent Property Owned by Landlord. Landlord hereby acknowledges that during the course of the review of Tenant's applications for all necessary zoning, building and other permits and licenses more particularly described in Section 4.1(a), the various Governmental Authorities and agencies with appropriate jurisdiction may request certain alterations to the Leased Premises or other adjacent property owned by Landlord. Examples of such alterations may be requests for additional rights-of-way for appropriate street access or acceleration and deceleration traffic lanes, installation of curb and gutter and construction of points of access to and from existing public streets for the Leased Premises. As soon as such documents become available with respect to the Leased Premises, Tenant shall provide Landlord with copies of the site plan and the development plan for the Leased Premises; which such copies shall then be attached to this Lease and shall be incorporated herein by this reference upon attachment. Landlord agrees to review such documents and hereby acknowledges that Landlord shall be deemed to have knowledge of all alterations to the Leased Premises set forth thereon. Landlord hereby represents and warrants to Tenant that Landlord will cooperate with Tenant and the Governmental Authorities to effect those alterations which are required to be made to the Leased Premises, or adjacent property owned by Landlord, in order to allow Tenant's applications for the Leased Premises to be approved, provided, ~~Landlord shall have no obligation to agree to such alterations and if Landlord does not agree, then this Lease shall be terminated and the parties shall be released from all obligations hereunder.~~

 21.2 Cross Easements for Parking and Access. Landlord hereby represents and warrants to Tenant that Landlord shall grant to Tenant all easements required by Tenant for parking and vehicular and pedestrian access over, across, to and beyond any property adjacent to the Leased Premises owned by Landlord, which such easements are required by Tenant for use by Tenant's employees, customers and patrons. Tenant hereby acknowledges that Landlord may require similar easements from Tenant for reciprocal purposes over portions of the Leased Premises and hereby agrees to grant same.

21.3 Rental Setoffs. Landlord hereby acknowledges that certain costs have been allocated for payment by Landlord under the terms and conditions of this Lease. Landlord hereby represents and warrants to Tenant that such costs shall be paid in full by Landlord on a timely basis upon Landlord's receipt of appropriate invoices therefor from those persons performing the required work or from Tenant. If Landlord fails to pay any such invoices within a period of thirty (30) days after such invoices are presented to Landlord for payment, Landlord hereby grants to Tenant the right to make any or all such payments on behalf of Landlord; ~~and to set off the amounts of any such payments from the Rental owed to Landlord by Tenant hereunder.~~ In addition, if this Lease provides that Landlord shall have any maintenance and/or repair obligations with respect to the Leased Premises or any property adjacent to the Leased Premises, and Landlord fails to fulfill such obligations within thirty (30) days after receipt of notice thereof from Tenant, then Tenant shall have the right to make such repairs and/or conduct such maintenance activities set forth in the notice; ~~and to set off the costs incurred by Tenant therefor from the Rental owed to~~

STAFF REVIEW

FILE: #CUP 95-62

DATE: April 26, 1995

STAFF: Michael Drollinger

REQUEST: Conditional Use Permit - Good Times Drive-Thru Restaurant

LOCATION: SE corner 23rd Street & North Avenue

APPLICANT: Mile High Properties, Inc.

EXISTING LAND USE: Vacant (formerly used as a gas station)

PROPOSED LAND USE: Drive-Thru Restaurant

SURROUNDING LAND USE:

NORTH: Commercial
SOUTH: Commercial (Teller Arms)
EAST: Commercial (Teller Arms)
WEST: Public (Veterans Medical Center)

EXISTING ZONING: C-1

PROPOSED ZONING: No Change

SURROUNDING ZONING:

NORTH: C-1
SOUTH: C-1
EAST: C-1
WEST: PZ

RELATIONSHIP TO COMPREHENSIVE PLAN:

No comprehensive plan exists for the area.

STAFF ANALYSIS:

The staff analysis is divided into three sections: (1) an overview of the proposal; (2) planning analysis of conditional use permit criteria and (3) staff findings and recommendations. Because of the level of detail of the application submitted, the project is being processed simultaneously through the Conditional Use and Site Plan Review processes.

The Development Proposal

The proposal calls for the development of a "Good Times" drive-thru restaurant facility located on an 18,000 square foot parcel on the southeast corner of 23rd Street and North Avenue. The site was formerly used as a gas station.

The proposed building is a modular structure which contains the food preparation facilities. Food will be sold from a walk-up window and two drive-thru lanes. Outdoor seating will be provided; no indoor seating is proposed. The two frontages and the area around the building will be landscaped in accordance with City standards.

Site access is from the south and east utilizing existing driveways for the Teller Arms shopping center; an existing driveway near the corner of 23rd Street and North Avenue will be closed. Two driveways are provided on the eastern end of the site - one to access the parking and the other to access the two drive-thru lanes. A driveway on the south end of the site is also provided. Based on staff comments, the petitioner has agreed to make this driveway one-way (exit only) which results in fewer vehicular conflicts as vehicles exit the drive-thru without significantly impacting overall site circulation.

Planning Analysis of Conditional Use Permit Criteria

Section 4-8 of the Zoning and Development Code specifies the criteria used to evaluate all uses requiring a special and conditional use permit. The proposed project falls in the use category of "drive-through restaurants" which require a conditional use permit in the C-1 zoning district. This section contains staff's evaluation of the conditional use criteria based on the proposed project.

It is important to note that a conditional use is not a use by right. In general terms, the Planning Commission must evaluate whether the use proposed can function satisfactorily at the subject site without creating significant adverse impacts on surrounding properties or public services. Staff analysis of the specific Code criteria are as follows:

1. The proposed use must be compatible with adjacent uses.

The uses proposed are compatible with those existing in the North Avenue corridor.

2. 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.

Based on staff's review of the proposal, provisions are being made to accommodate the applicable design features.

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

No accessory uses are proposed at this time.

4. Adequate public services (e.g. sewage and waste disposal, domestic and irrigation water, gas, electricity, police and fire protection) must be available without the reduction of services to other existing uses.

The petitioner is required to accommodate the concerns of City agencies regarding sewage, waste disposal, and police and fire protection. The petitioner proposes to provide sufficient public services and based on review agency comments on the design, City agency concerns are being met.

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

Availability of support facilities is good. Transportation facilities will require some modification as detailed on the Site Plan and are subject to City and CDOT approval.

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

The use and design as proposed appears to conform with the intent of the North Avenue Corridor Guidelines with regard to landscaping, circulation and drainage. The signage plan and site plan are acceptable to staff with the conditions as noted in the next section.

Staff Recommendation

Based on staff's review of the design and supporting documentation and based on the analysis of the conditional use criteria contained in the Zoning and Development Code, staff recommends approval of the conditional use permit for the Good Times restaurant if the items listed below are satisfactorily addressed prior to issuance of a Planning Clearance. In the response to review comments, the petitioner has agreed to comply with all staff requirements, however, the following item needs to be clarified:

1. The dedication of additional area at the corner of 23rd Street and North Avenue as requested

by Public Works (15 ft. on each side of the corner in the shape of a triangle) must be dedicated as right-of-way.

STAFF RECOMMENDATION:

Staff recommends approval of the conditional use permit with the condition detailed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, on item #95-62, I recommend that we approve this item subject to condition #1 as detailed in the staff report.

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