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File CUP-1995-197

Date 11/18/99

P	S	<p>A few items are denoted with an asterisk (*), which means they are to be scanned for permanent record on the ISYS retrieval system. In some instances, 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>
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		Other bound or nonbound reports
		Traffic studies
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		X X *Consolidated review comments list
		X X *Petitioner's response to comments
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		*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)

## DOCUMENTS SPECIFIC TO THIS DEVELOPMENT FILE:

X		Certificate of Occupancy	X	X	Improvement Survey Plat
X	X	Planning Commission Hearing - ** - 12/5/95	X		Exterior Elevations
X	X	Planning Clearance - **	X		Site Plan
X		Warranty Deed - not signed			
X	X	City Council Minutes - **			
X	X	Site Plan			
X	X	Aerial Photo			
X		Handwritten Notes			
X		North Avenue Status pamphlet			
X		Letter from Wayne Gipp to Michael Drollinger - no date			
X	X	Vicinity Map			
X		Commitment for Title Insurance			
X		Commercial Contract to Buy and Sell Real Estate			
X	X	Appraisal of Golden Harvest Buffet & Bakery			





# DEVELOPMENT APPLICATION

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

Receipt \_\_\_\_\_

Date \_\_\_\_\_

Rec'd By \_\_\_\_\_

File No. 210-45-177

*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		1.54 Ac.	120 N. Ave.	C-2	Restaurant
<input type="checkbox"/> Zone of Annex					
<input type="checkbox"/> Variance					
<input type="checkbox"/> Special Use					
<input type="checkbox"/> Vacation					<input type="checkbox"/> Right-of Way <input type="checkbox"/> Easement
<input type="checkbox"/> Revocable Permit					

**PROPERTY OWNER**

**DEVELOPER**

**REPRESENTATIVE**

The Family Partnership  
Name

120 North Avenue  
Address

Grand Junction, Co. 81501  
City/State/Zip

970.464.0352  
Business Phone No.

Rock Bottom Restaurants, Inc.  
Name

1050 Walnut St. #402  
Address

Boulder, Co. 80302  
City/State/Zip

303.417.4165  
Business Phone No.

Wayne C. Gipp, Arch.  
Name

P.O. Box 559  
Address

Pinecliffe, Co. 80471  
City/State/Zip

303.642.7616  
Business Phone No.

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

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

x Wayne C. Gipp  
Signature of Person Completing Application

WAYNE C. GIPP, ARCHITECT

10.27.95  
Date

x Dean Stearns  
Signature of Property Owner(s) - attach additional sheets if necessary

10.30.95  
Date

**WAYNE C. GIPP**  
architect

p.o. box 559

pinecliffe, colorado 80471

303 642-7616

GENERAL PROJECT REPORT  
OLD CHICAGO RESTAURANT

GENERAL INFORMATION:

OLD CHICAGO OFFERS A FAMILY ORIENTED, CASUAL DINING ATMOSPHERE, PERFECT FOR A QUICK LUNCH, BUSINESS MEETING, GETTING TOGETHER WITH FRIENDS OR WATCHING THE BIG GAME. OLD CHICAGO MAKES A CONCERTED EFFORT TO PARTNER WITH OUR NEIGHBORHOOD COMMUNITIES BY INVOLVING ITSELF WITH NON-PROFIT ORGANIZATIONS TO RAISE MONEY.

EXISTING PROPERTY:

THE PROPERTY IS LOCATED AT 120 NORTH AVENUE, GRAND JUNCTION COLORADO AND WAS PREVIOUSLY OPERATED AS THE GOLDEN HARVEST BUFFET.

SCOPE OF WORK:

THE PROJECT CONSISTS OF THE REMODEL OF THE KITCHEN AND ALL PUBLIC AREAS OF THE EXISTING RESTAURANT ALONG WITH THE ADDITION OF A NEW WEATHER PROTECTED ENTRANCE, VIDEO ROOM, A SEASONAL EXTERIOR PATIO, ADDITIONAL PARKING AND REMODELING OF THE EXTERIOR TO GIVE THE "OLD CHICAGO" APPEARANCE.

2945-104-00-053  
NICOLA BELCASTRO  
F  
1215 N 1ST ST.  
GRAND JUNCTION, CO. 81501

The Family Partnership  
120 North Avenue  
Grand Junction, CO 81501

2945-113-00-004  
OLGA CLARK  
NOAH D & CAROLE A WHITE  
612 SERANADE DR  
GRAND JUNCTION, CO. 81504

2945-104-00-054  
FORTUNE BRITTON ASSOCIATES  
PO BOX 224  
GRAND JUNCTION, CO. 81502

Rock Bottom Restaurants  
1050 Walnut St., #402  
Boulder, CO 80302

2945-113-00-008  
OLGA CLARK  
NOAH D & CAROLE A WHITE  
216 NORTH AVE STE 7  
GRAND JUNCTION, CO. 81501

2945-104-00-055  
K & K INC.  
3621 G.4 RD.  
PALISADE, CO. 81526

Wayne C. Gipp, Architect  
P.O. Box 559  
Pinecliffe, CO 80471

2945-113-00-009  
CR BROWN OIL COMPANY  
C/O MONUMENT OIL  
703 23 1/2 RD  
GRAND JUNCTION, CO. 81505

2945-113-17-011  
KENTREK INC  
1705 CRESTVIEW DR.  
GRAND JUNCTION, CO. 81506

City of Grand Junction  
Community Development Dept.  
250 N 5th Street  
Grand Junction, CO 81501

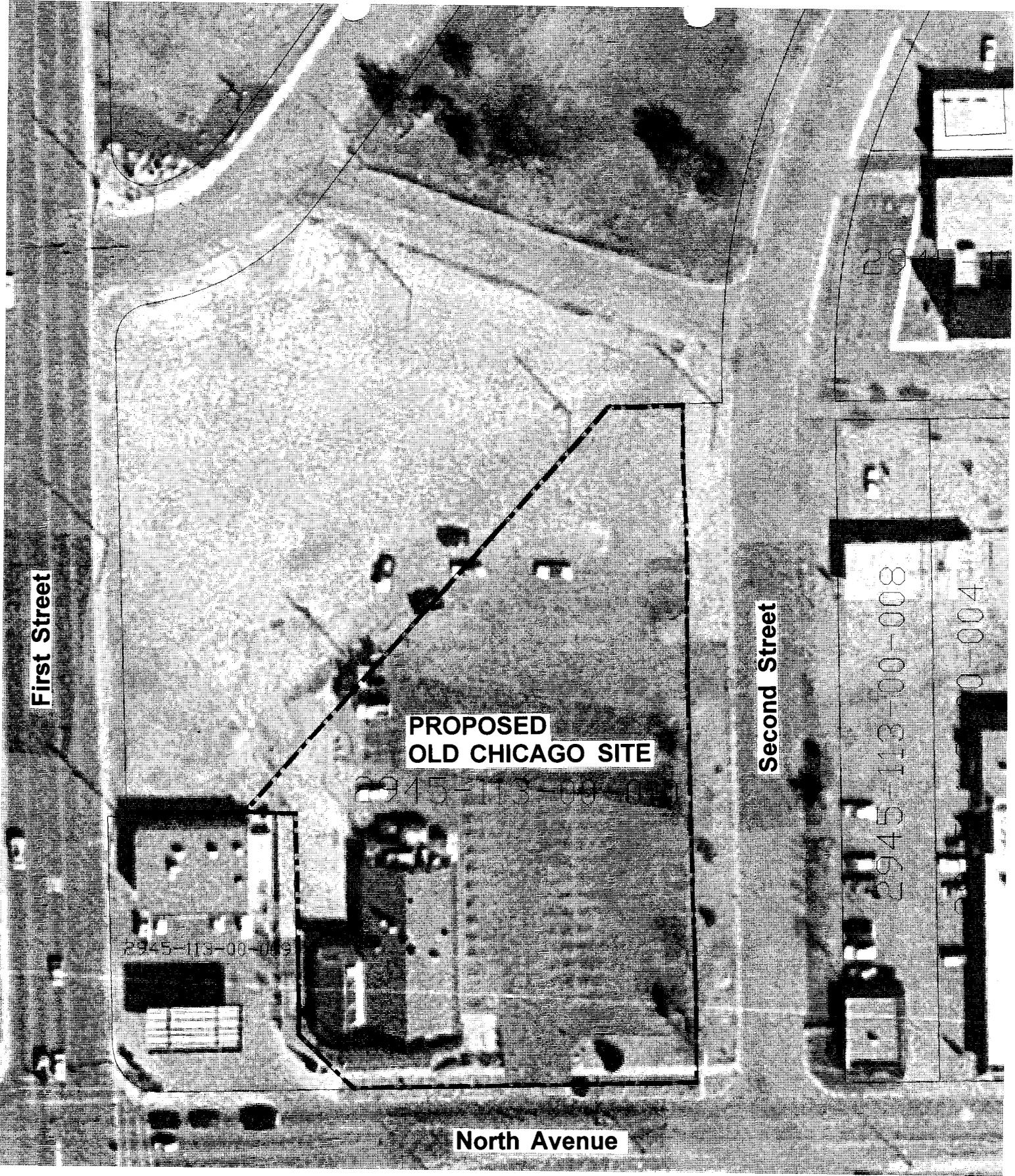
2945-113-06-951  
FIRST CHRISTIAN CHURCH  
1326 N 1ST ST  
GRAND JUNCTION, CO. 81501

2945-151-14-001  
BERTRAND + COMPANY  
798 25 RD  
GRAND JUNCTION, CO. 81505

2945-113-17-001  
CALLAHAN EDFAST MORTUARY INC  
PO BOX 546  
GRAND JUNCTION, CO. 81502

2945-151-14-003  
BERTRAND + COMPANY  
798 25 RD  
GRAND JUNCTION, CO. 81505

2945-113-17-010  
THOMAS E MORAN  
LINDA J  
1306 E SHERWOOD DR  
GRAND JUNCTION, CO. 81501



First Street

Second Street

North Avenue

PROPOSED  
OLD CHICAGO SITE

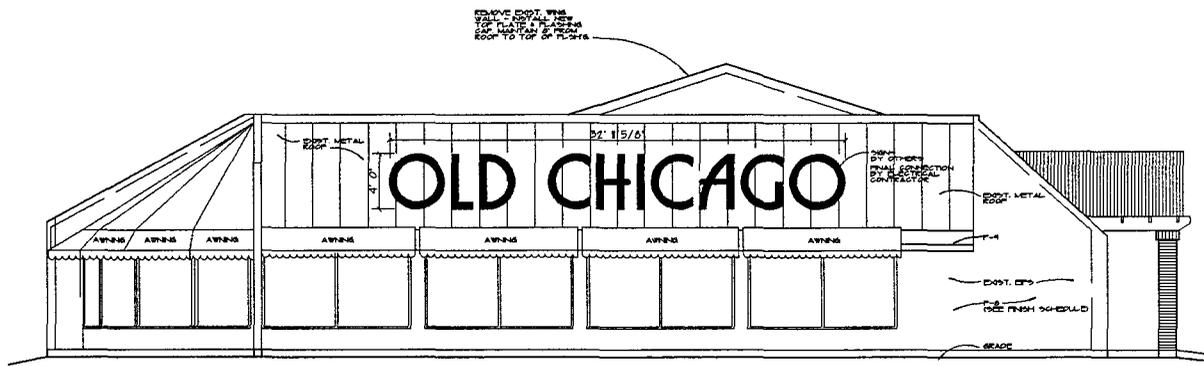
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2945-113-00-008

2945-113-00-004

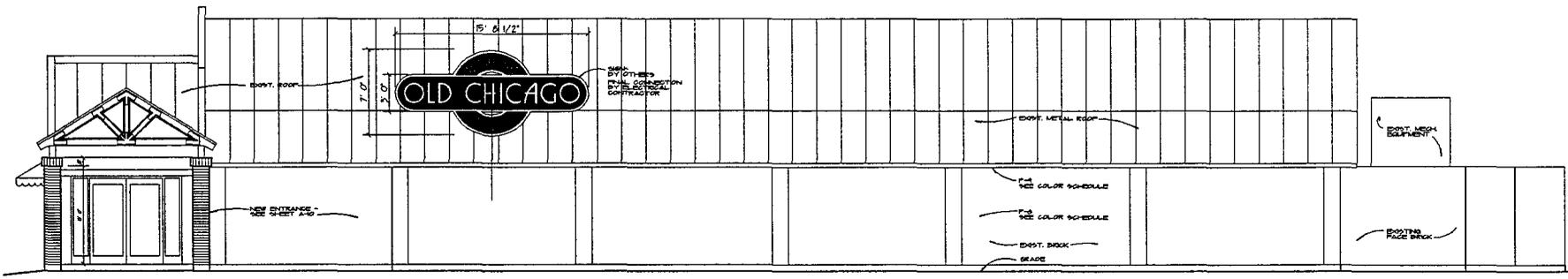






**SOUTH ELEVATION**

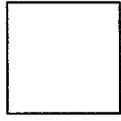
STATE EXISTING ROOFING FLASHING & DOWNSPOUTS  
 TO BE MAINTAINED UNLESS OTHERWISE NOTED  
 OR WHERE REVISIONS INVOLVE CHANGES IN THESE  
 MATERIALS.



**EAST ELEVATION**

STATE EXISTING ROOFING FLASHING & DOWNSPOUTS  
 TO BE MAINTAINED UNLESS OTHERWISE NOTED  
 OR WHERE REVISIONS INVOLVE CHANGES IN THESE  
 MATERIALS.

REVISION	DATE	DESCRIPTION

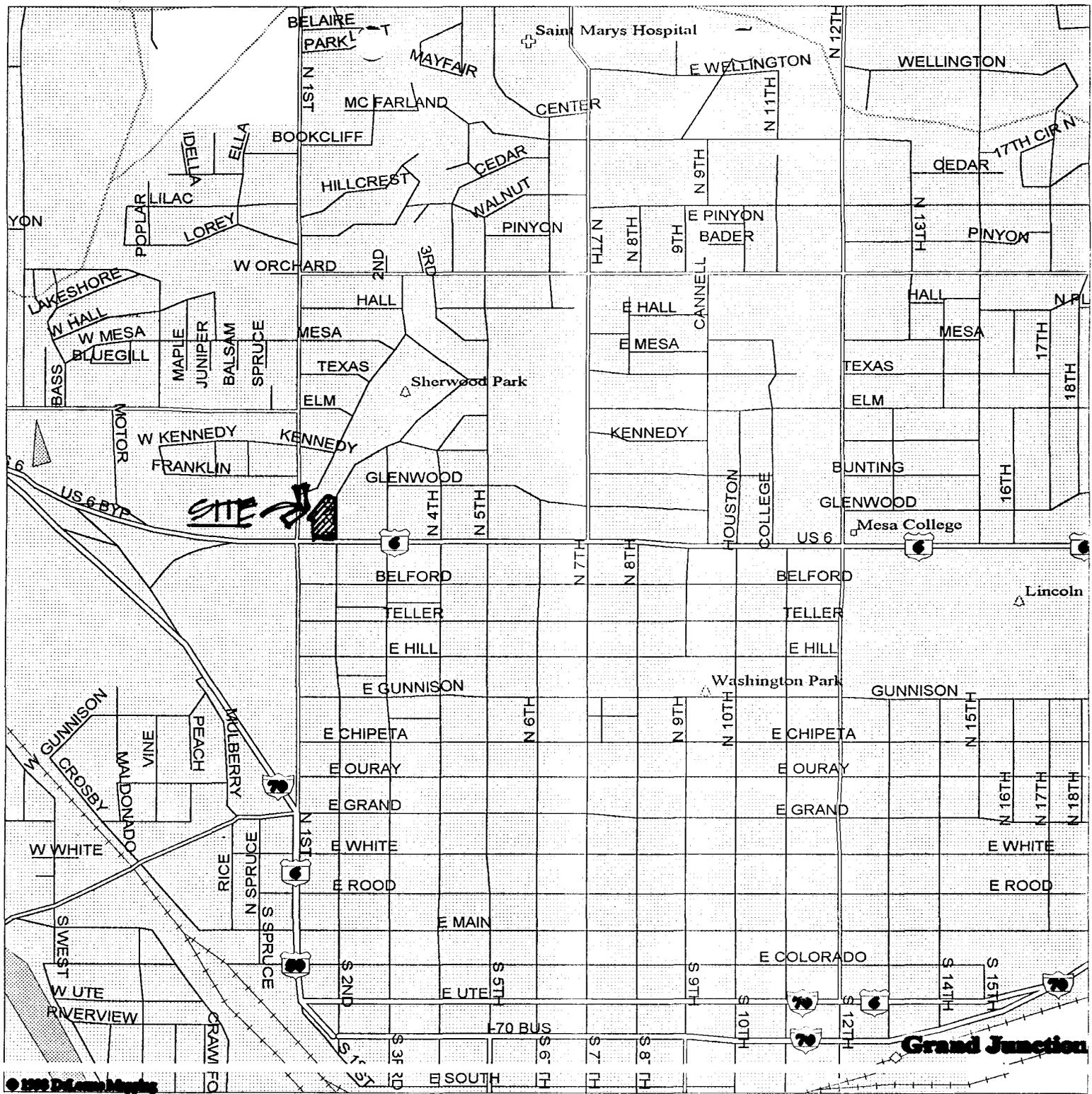


**CLAYTON C. GIPP**  
 ARCHITECTS  
 100 NORTH AVENUE  
 GRAND JUNCTION, COLORADO 81501  
 PHONE: 970-241-1111  
 FAX: 970-241-1112

100 NORTH AVENUE  
 GRAND JUNCTION, COLORADO

CONSTRUCTION  
 DRAWING  
 SUBMITTAL

EXTERIOR ELEVATIONS	
DATE	1-27-01
DRAWN BY	WJG
CHECKED BY	WJG
SCALE	AS SHOWN
PROJECT NO. 0978	
SHEET NO. A-5A	
1 OF 1	



- LEGEND**
- Population Center
  - Geo Feature
  - Large City
  - Hospital
  - Park
  - Interstate, Turnpike
  - US Highway
  - Street, Road

- Hwy Ramps
- Major Street/Road
- State Route
- Interstate Highway
- US Highway
- Railroad
- River
- Open Water

Scale 1:15,625 (at center)

1000 Feet

500 Meters

Mag 15.00  
Fri Sep 15 11:21:30 1995

VICINITY MAP  
OLD CHICAGO RESTAURANT  
GRAND JUNCTION, CO.



# REVIEW COMMENTS

Page 1 of 2

FILE #CUP-95-197

TITLE HEADING: Conditional Use Permit - Old Chicago Restaurant

LOCATION: 120 North Avenue

PETITIONER: Rock Bottom Restaurants, Inc.

PETITIONER'S ADDRESS/TELEPHONE: 1050 Walnut St., #402  
Boulder, CO 80302  
303-417-4165

PETITIONER'S REPRESENTATIVE: Wayne C. Gipp, Architect

STAFF REPRESENTATIVE: Kristen Ashbeck

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**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., NOVEMBER 27, 1995.**

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CITY UTILITY ENGINEER

11/13/95

**Trent Prall**

**244-1590**

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SEWER - CITY .

1. Restaurant may require grease interceptor per City Code 38-51; Please contact Industrial Pretreatment section (244-1489) at the Persigo Sewer Treatment Plant.
2. Please contact Utility Billing at 244-1580 for more information regarding plant investment fees for sewer. The following information will be required by Utility Billing: 1) hours of operation, 2) number of employees, 3) what food will be served on (paper plates or washable plates), 4) seating capacity (differentiate between lounge and dining).

WATER - CITY

1. 1-1/2" tap already provided to site.

CITY DEVELOPMENT ENGINEER

11/15/95

**Jody Kliska**

**244-1591**

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1. ADA requires five handicap accessible spaces for the total parking proposed. Only three spaces are shown.
2. Please indicate on the site plan where the drainage patterns on-site are. City code does not allow additional discharge onto private property, and the proposed additional parking and paving should either be contained on site or discharged to the public street. A drainage fee is charged if the discharge is to the public street, and it is calculated only for the additional paved area.
3. The sidewalk on North Avenue is shown on the drawing as being on the site. If so, the right-of-way to include the sidewalk should be dedicated to the City.

COMMUNITY DEVELOPMENT DEPARTMENT

11/17/95

**Kristen Ashbeck**

244-1437

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See attached comments.

**TO DATE, COMMENTS NOT RECEIVED FROM:**

City Attorney

Colorado Department of Transportation

**CONDITIONAL USE PERMIT**

1. Signage proposed for the site is approved with the Conditional Use Permit. Please provide details of each sign proposed--the existing freestanding sign as well as any signs to be on the facade(s). Also, show on site plan where signs will be placed and provide building elevations to show where wall signs will be placed. Will large mural be removed?

For your information, the sign allowance for the site is as follows:

NORTH AVENUE: 278.4 square feet, 154 of which may be on the facade  
SECOND STREET: 270 square feet, 188 of which may be on the facade

Is existing freestanding sign in the 2nd Street right-of-way? If so, sign must be relocated to Old Chicago property or obtain a Revocable Permit approved by City Council.

2. Payment of Open Space Fees shall not be required. This project does not meet the definition of "new development" as stated in section 5-4-6 A. of the Grand Junction Zoning and Development Code.
3. Has liquor license been approved?
4. The applicant is advised that the vacant parcel just north of this property is being considered as an extension of the public park for a skateboard park. In terms of land use compatibility, the narrative should address a potential concern with proximity of this facility and minors using it to the proposed Old Chicago.
5. It is our understanding that no entrance to an outside patio is allowed unless it is controlled (e.g. for access by minors etc.). Please eliminate access or explain in narrative how it will be controlled.

**SITE PLAN REVIEW**

1. Depiction of existing conditions on site plan does not appear to match with reality on the site (e.g. configuration of existing pavement, striping of parking spaces, plants and groundcover within landscape areas). Need to site verify and revise plan to better show what is existing to remain and what is proposed.
2. Will entire parking lot be resurfaced and restriped?
3. Verify light poles--there is one north of the 2nd Street entrance not shown on plan, may be others.

4. Provide more detail within landscaped areas regarding plant materials and groundcover to be retained. If all existing landscaping is to be retained as is, show on plan and place a general note on the plan that states all landscaped areas will be rehabilitated and existing plant materials retained. Also place note on the plan that all landscaped areas have (or will have) an underground, pressurized irrigation system.
5. For all new development areas, in this case the parking area, the adjacent right-of-way is required to be landscaped.
6. Total number of parking spaces proposed is adequate for the project, including seating count for both the existing building and the proposed outdoor patio.
7. All new parking areas must have curbing for drainage, indicate on plan. See also City Development Engineer comments.
8. The new parking areas will require some landscaping -- suggest that the triangular area and the end island be landscaped in the northern new parking area and some perimeter landscaping in the new area along the west property line.
9. Is trash area shown where it exists or proposed for a new location. Need to show detail of screening provided for dumpsters.
10. Lable 15' as \_\_\_\_\_ (Sewer, Drainage or ?) Easement - City of Grand Junction.

The petitioner is proposing to utilize the existing building located at 120 North Avenue for an Old Chicago restaurant (most recently the building was used for the Golden Harvest Buffet). *They will be* ~~petitioner is proposing to add~~ a seasonal outdoor seating, renovate the building inside and out, rehabilitate the existing landscaping and add parking and landscaping.

The Conditional Use Permit is required because this type of an establishment, is defined as a bar or nightclub in the Zoning and Development Code which is a Conditional Use in the C-2 zone where this is located.

In addition to the CUP, staff is processing a concurrent administrative Site Plan Review.

There are no outstanding issues related to the Conditional Use Permit. The petitioner is proposing to add parking spaces to accommodate the additional seating and therefore meets the parking requirement

The signage proposed, two wall signs and a freestanding sign on the existing pole, are within the sign allowance for the site.

The existing overgrown vegetation will be renovated and landscaping added in the right-of-way and within the new parking area.

The only outstanding items are related to the Site Plan Review which must be resolved prior to issuing a Planning Clearance for the project. These items include:

- Payment of a drainage fee in the amount of approximately \$00
- Dedication of approximately 10 feet of right-of-way for North Avenue so that the existing sidewalk is within the public right-of-way instead of on private property.
- Approval of a Revocable Permit for the existing freestanding sign and the existing and proposed landscaping in the Second Street right-of-way.

Staff recommends approval of the Conditional Use Permit for Old Chicago.

**WAYNE C. GIPP**  
 architect  
 p.o. box 559  
 pinecliffe, colorado 80471  
 303 642-7616

NOVEMBER 27, 1995

MS. KRISTEN ASHBECK  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 CITY OF GRAND JUNCTION  
 250 NORTH 5th STREET  
 GRAND JUNCTION, COLORADO 81501-2668

RE: OLD CHICAGO RESTAURANT  
 GRAND JUNCTION, COLORADO

DEAR MS. ASHBECK:

IN RESPONSE TO THE REVIEW COMMENTS I RECEIVED AND OUR TELEPHONE CONVERSATION, I OFFER THE FOLLOWING INFORMATION.

CITY UTILITY ENGINEER

OK per Trent  
11/28/95

1. THE RESTAURANT CURRENTLY HAS A 1000 GAL. GREASE INTERCEPTOR.
2. HOURS OF OPERATION WILL BE PROVIDED TO UTILITY BILLING

*DRAINAGE FEE  
\$595.93*

CITY DEVELOPMENT ENGINEER

1. FIVE HANDICAP SPACES WILL BE PROVIDED.
2. ALL NEW PARKING (APPROX. 7725 S.F.) AREAS WILL DRAIN TO THE EXISTING PARKING. THIS PARKING DRAINS TO THE STREETS.
3. THE OWNER IS DISCUSSING THE DEDICATION OF THE SIDEWALK TO THE CITY OF GRAND JUNCTION. I DO NOT ANTICIPATE THIS DEDICATION BEING A PROBLEM.

COMMUNITY DEVELOPMENT

1. ENCLOSED ARE REDUCED ELEVATIONS OF THE BUILDING SHOWING THE PROPOSED SIGNAGE. THE OWNER WOULD PREFER OBTAINING A REVOCABLE PERMIT AS OPPOSED TO RELOCATING THE EXISTING FREESTANDING SIGN.
2. NO COMMENT REQUIRED.
3. THE LIQUOR LICENSE WILL BE APPROVED UPON APPROVAL OF THE CONDITIONAL USE PERMIT. ALL REQUIREMENTS OF THE STATE HAVE BEEN MET.
4. THE OWNER DOES NOT HAVE A PROBLEM WITH THE CITY PARK EXTENSION. OLD CHICAGO RESTAURANT OFFERS A FAMILY ORIENTED CASUAL DINING ATMOSPHERE.
5. THE OUTSIDE PATIO ACCESS IS FOR EMERGENCY EXITING ONLY. ALL CUSTOMERS WILL ENTER AND EXIT THE PATIO THROUGH THE RESTAURANT.

PAGE 2.  
OLD CHICAGO RESTAURANT

SITE PLAN REVIEW

1. ALL EXISTING PAVING WILL REMAIN. THE PARKING LOT WILL BE RESTRIPEDED AS NECESSARY.
2. SEE ABOVE COMMENT.
3. THERE IS ONE LIGHT STANDARD NORTH OF THE 2ND STREET ENTRANCE AT THE END OF THE EXISTING PAVING.
4. ALL EXISTING LANDSCAPING AREAS WILL BE RETAINED. THE OWNER WILL REPLACE ALL EXISTING DAMAGED OR DEAD LANDSCAPING MATERIALS. THE EXISTING IRRIGATION SYSTEM WILL BE EXTENDED TO ALL NEW LANDSCAPE AREAS.
5. RIGHT-OF-WAY AREAS TO BE LANDSCAPED WILL BE LANDSCAPED TO MATCH THE EXISTING LANDSCAPE THEME.
6. NO COMMENT REQUIRED
7. ALL NEW PARKING AREAS WILL HAVE A ASPHALT CURB WITH CONCRETE PARKING BUMPERS.
8. THE NEW PARKING AREA WILL BE LANDSCAPED.
9. A NEW SCREENED TRASH AREA WILL BE PROVIDED.
10. THE WORD "EASEMENT" WILL BE ADDED.

PLEASE CONTACT ME IF YOU HAVE ANY QUESTIONS. THANK YOU FOR YOUR COOPERATION AND CONSIDERATIONS IN THIS SUBMITTAL.

VERY TRULY YOURS:



WAYNE C. GIPP, ARCHITECT

CC: TERI MARTIN  
BOB BULLOCK

+ Approved

STAFF REVIEW

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FILE: CUP 95-197

DATE: November 29, 1995

REQUEST: Conditional Use Permit - Old Chicago Restaurant

LOCATION: 120 North Avenue

APPLICANT: Rock Bottom Restaurants, Inc.

STAFF: Kristen Ashbeck

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EXISTING LAND USE: Commercial - Vacant Building

PROPOSED LAND USE: Commercial - Restaurant

SURROUNDING LAND USE:

- NORTH: Vacant - City Park Property
- SOUTH: Commercial - Motel & Used Automobile Sales
- EAST: Commercial - Mixed Office and Retail
- WEST: Commercial - Gas Station/Convenience Store

EXISTING ZONING: Heavy Commercial (C-2)

SURROUNDING ZONING:

- NORTH: Public Zone (PZ)
  - SOUTH: C-2
  - EAST: C-2
  - WEST: C-2
- 

STAFF ANALYSIS:

**Background/Summary of Project.** Rock Bottom Restaurants, Inc. is proposing to utilize the existing building located at 120 North Avenue for an Old Chicago restaurant (most recently the Golden Harvest Buffet). Seating will include dining and lounge areas, banquet arrangements and a seasonal outdoor patio. The building will be renovated inside and out, existing landscaping rehabilitated, and additional parking and landscaping provided.

Chapter 12 of the Grand Junction Zoning and Development Code defines a "bar" as: "An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises. It shall not mean establishments wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than twenty-five (25) percent of the gross receipts". Section 4-3-4 of the Code (Use/Zone Matrix) indicates that such uses require a Conditional Use Permit in most business and commercial zones. The developers of the proposed Old Chicago

restaurant have stated that sales of alcoholic beverages within the establishment will exceed 25 percent of gross sales receipts. Therefore, the restaurant is defined as a bar in the Code and a Conditional Use Permit is required in order for Old Chicago to occupy the existing building at 120 North Avenue. A liquor license for the proposed establishment was approved at the November 15, 1995 hearing subject to approval of this Conditional Use Permit application.

**Relationship to Comprehensive Plan.** There is no comprehensive plan for this portion of the City; however, the area is covered in the North Avenue Corridor Guidelines. The proposed development is consistent with the general intent of the guidelines in that the proposed use and zoning are the same as existed and considered appropriate when the guidelines were adopted.

**Parking/Site Circulation.** The site will be accessed by the two existing curb cuts--one on Second Street and one on North Avenue. In order to meet parking requirements for the additional seating proposed, new spaces will be added on the northern and western edges of the property. 112 parking spaces are required by code for the total proposed seating capacity of 312. The plan shows a total of 116 parking spaces. Drainage from the existing and proposed parking areas runs to the adjacent streets. Therefore, payment of a drainage fee in the amount of \$595.93 is required prior to issuing a Planning Clearance for a Building Permit.

**Landscaping.** Existing vegetation on the site is overgrown due to lack of maintenance during the time the building has been vacant. The developer is proposing to rehabilitate the existing landscaped areas and improve the site with additional landscaping along Second Street and within the new parking area in the northern part of the site. The proposed landscaping in the right-of-way will require a Revocable Permit to be approved by City Council.

**Signage.** Old Chicago is proposing two wall signs (60 sf on east elevation and 132 sf on south elevation) and a freestanding sign (existing - 115 square feet). Total sign allowance for the site is 278.4 square feet assigned to North Avenue and 270 square feet assigned to Second Street. The proposed signage is within this allowance. The existing freestanding sign is within the Second Street right-of-way and will also require a Revocable Permit to be approved by City Council.

**Other.** The existing sidewalk along North Avenue is on private property according to the drawings submitted by the petitioner. Staff is requesting that approximately 10 feet be dedicated to the City of Grand Junction for the North Avenue right-of-way.

#### FINDINGS OF REVIEW:

Based on the criteria used to evaluate a Conditional Use application per Section 4-8-1 of the Zoning and Development Code, staff makes the following findings regarding the criteria relevant to this project.

**Compatible with Adjacent Uses.** The proposed Old Chicago restaurant is similar to previous uses on this site and is consistent with the zoning and land use within the area.

**Sufficient Site Design Features.** Design of service areas, pedestrian and vehicular circulation, and accessory uses are sufficient for the proposed use and to protect adjacent uses. Various upgrades to the site will be an improvement to the site design.

**Adequate Public Services Available.** Since this a reuse of an existing building, all public services are available and adequate for the proposed use.

**Use Conforms to Adopted Guidelines and Site Development Requirements.** The proposed Old Chicago restaurant conforms to the uses and type of development along the North Avenue corridor. Generally, the proposal meets all site development requirements. There are a few minor outstanding site design details that will be addressed in the ongoing Site Plan Review of the project prior to issuing a Planning Clearance for a Building Permit.

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**STAFF RECOMMENDATION:**

Approval subject to all review agency comments relevant to the concurrent administrative Site Plan Review being satisfied prior to issuing a Planning Clearance for a Building Permit.

**SUGGESTED PLANNING COMMISSION MOTION:**

Mr. Chairman, on item CUP 95-197, a request for a Conditional Use Permit for the Old Chicago Restaurant at 120 North Avenue, I move that we approve the request subject to all review agency comments relevant to the concurrent administrative Site Plan Review being satisfied prior to issuing a Planning Clearance for a Building Permit.

STAFF REVIEW

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FILE: CUP-95-197

DATE: December 22, 1995

STAFF: Kristen Ashbeck

REQUEST: Revocable Permit for Sign and Landscaping

LOCATION: 120 North Avenue

APPLICANT: Rock Bottom Restaurants, Inc.

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EXISTING LAND USE: Vacant Restaurant

PROPOSED LAND USE: Commercial - Restaurant

SURROUNDING LAND USE:

NORTH: Vacant - City Park Property

SOUTH: Commercial - Motel & Used Automobile Sales

EAST: Commercial - Mixed Office and Retail

WEST: Commercial - Gas Station/Convenience Store

EXECUTIVE SUMMARY: Resolution authorizing the issuance of a Revocable Permit to allow encroachment into the 2nd Street right-of-way by an existing sign and landscaping and additional proposed landscaping at the restaurant located at 120 North Avenue.

STAFF ANALYSIS: Rock Bottom Restaurants, Inc. is in the final steps of approval for renovating the existing restaurant at 120 North Avenue (most recently Golden Harvest Buffet) for an Old Chicago restaurant. In developing plans for the proposal, it was determined that the existing freestanding sign for the restaurant is within the public right-of-way for Second Street. The developer is also proposing to place landscaping in the Second Street right-of-way adjacent to a new parking area similar to the landscaping that is in place adjacent to the existing parking lot. Thus, the developer is requesting a Revocable Permit for the existing sign, the existing landscaping and the proposed landscaping.

City Charter gives Council authority to allow private use of public property provided such use is substantiated by resolution. The Revocable Permit essentially gives the adjacent landowners a license to use the public property. The City may revoke the permit and require the landowner to restore the property to its original condition by giving 30 days written notice.

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STAFF RECOMMENDATION: Review and adopt proposed resolution