

TEDS
Exception Proposal
For
Hastings Entertainment, Inc.
(2846 North Avenue – adjoining
East Gate Shopping Center to the east)

For
Golden Mountain Enterprises, Inc.
(Developers)

To: City of Grand Junction
Planning Department
Rick Dorris
and
Eric Hahn

August 10, 2004

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**Golden Mountain Enterprises, Inc.
1530 North Ave.
Grand Junction, CO 81501
Cell: 970-985-0010**

August 10, 2004

Rick Dorris & Eric Hahn
City of Grand Junction – Planning Department
250 N. 5th St.
Grand Junction, CO 81501
RE: TED'S Exception

Messrs. Dorris & Hahn,

As general partner of Golden Mountain Enterprises, Inc. (GME), we have a tentative agreement with Hastings Entertainment, Inc. to build a 22,500 – 25,000 sq. ft. retail music, book and video center at 2846 North Ave. This 2.28 acre parcel is zoned C-1 and is located and adjoining East Gate Shopping Center (EGSC) to the east (see Diagram 1). The terms are a fifteen year triple net lease.

On June 9, 2003 a meeting was held with the Grand Junction Planning Department to discuss the current CDOT regulations. Current access to the two existing curb cuts adjacent to North Ave. has been denied by Dan Roussin with CDOT even though they existed before East Gate Shopping Center was developed. The Department has stated that GME needs to gain access from the three surrounding property owners.

The following are the responses from the surrounding property owners:

1. East Gate Shopping Center

**Owner: Mesa Eastgate, L.L.C.
One Independence Plaza
Red Bank, N.J. 07701**

* **First Attempt:** Summer of 2003 – Property Manager, Sid Squirrel of Bray & Company was asked to inquire with the owners for access through East Gate Shopping Center (EGSC).

Response: GME was told to make a monetary offer and pay a percentage of the cost to maintain the common areas.

Action: None; GME and our realtor, Bill Pitts asked EGSC to propose a monetary amount.

* **Second Attempt:** See attached Letter A dated December 18, 2003 from Right Realty Co. and addressed to James O. Duffy Jr., attorney for ESGC

Response: Denied by Mr. Duffy on January 22, 2004;
See attached Letter B addressed to Bill Pitts

* **Third Attempt:** See attached certified Letter C from Right Realty Co. dated February 3, 2004 and addressed to Mr. Duffy

Response: No response therefore denied; Mr. Duffy did not pick up the certified letter from the post office; See attached copy of the returned letter.

2. **Auto Zone**
P.O. Box 2198
Memphis, TN 38101

* **First Attempt:** March 12, 2004; GME Realtor, Bill Pitts wrote a letter to James O. McClain, AutoZone's Attorney, asking for access through Auto Zone's lot.

Response: Denied access since Auto Zone cannot see any profitable gain. See attached Letter D dated March 16, 2004.

* **Second Attempt:** July 6, 2004; Bill Pitts faxed a message directed to Mr. McClain for access

Response: Denied access based on initial reason; See attached Letter E dated July 6, 2004.

3. **Grand China Restaurant**
Owners: Sy A. Luong
120 Sunset Ave.
San Gabriel, CA 91766-2635

* **Attempt:** February 2, 2003; Bill Pitts e-mailed Sy Luong asking for access

Response: Denied due to Grand China's need for parking space; See attached Letter F

On November 18, 2003, a second meeting was held with Ronnie Edwards. She was very kind to discuss the TED's Exemption since the surrounding property owners would not grant the needed access. The following are exceptions similar to GME that were granted in 2003. Note that the speed limits at 1430 & 2824 North Ave. are 35 m.p.h., the same as GME Property.

2003 Pertinent Exceptions

Exception #	M.P.H	Development Address	Description of Exemption	Date Applied	Action Date
1	35	1430 North Ave.	Access on Higher Order Street	4/7/2003	4/11/2003
2	35	2824 North Ave.	Access Spacing & ROW Width	6/12/2003	7/1/2003
3	30	1015 North Ave.	Corner Clearance, Access on North Ave. & Throat Length	8/25/2003	9/24/2003

See attached Diagrams 2-5 of above exceptions. Note: The longest curbs located at 1430 North Ave. (Dia. 3 and 2824 North Ave.(Dia. 4) are shorter in distance than the GME (Dia. 2) property curb (Approx: 48' 2" and 38' 2" vs. 55' 6")


Applicant Considerations

- * Proposed Exception: 2846 North Ave.
- * Alternatives Considered: None; all alternatives were exhausted for access
- * Proposed Design: See attached Diagram 6
- * Impacts of Change: None

The approval by the city to allow access would enable Hastings Entertainment to build their expanded structure. This 22,500 – 25,000 sq. ft. addition would help redirect attention and bring other major businesses from the west of town to the east and would also increase the property values in that area. This value increase and Hastings' expanded sales would allow the city to generate additional revenue.

If you have any questions, please call me at 985-0010.

Sincerely,



Tom Quan

THE **RIGHT** REALTY CO.
2626 H ROAD
GRAND JUNCTION, COLORADO 81506
Phone 970-242-7342 Fax 970-243-6903 Toll Free 888-362-0079

December 18, 2003

James O Duffy Jr.
HMH Development COMESA Eastgate LLC
280 State Route 35 Suite 1
Red Bank, NJ 07701-5900

Dear Mr. Duffy,

We have spoken two times over the past several months about a curb cut between the Eastgate Shopping Center and the Quan property immediately to the East.

During these conversations you have indicated absolutely no interest in an offer of any kind for access from Eastgate to the Quan property.

We have been working with the Grand Junction Planning Department in an effort to go forward with development of this property.

There are presently two (2) curb cuts from the Quan property to North Ave.


The City Planning Department would prefer to use the cut presently in existence from North Avenue into Eastgate because of the closeness of the existing cut to the Quan property.

However, should an agreement not be possible between Quan and Eastgate a consideration to utilize the existing curb cut off North Ave. could develop.

The purpose of this letter is to confirm our conversations and the unwillingness of Eastgate owners to cooperate with traffic flow between the two centers.

Please let me know as quickly as possible should there be any change in your decision.

Sincerely,



Bill Pitts

cc: Tom Quan
Planning Department City of Grand Junction

Letter B

Dept Webrages/Public Works/Hand Outlines/Technical Services/Fil... 1/23/2004

MESA EASTGATE, L.L.C.

One Independence Plaza
Red Bank, NJ 07701
732-842-0559
Fax: 732-842-4981

January 22, 2004

Bill Pitts
The Right Realty Co.
2626 H Road
Grand Junction, CO 81506

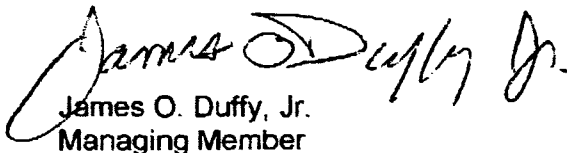
Dear Mr. Pitts:

We are in receipt of your letter of December 18. I trust that the "we" you refer to in your opening sentence does not include me or anyone else in my office.

Let me be perfectly clear. We are businessmen and are not interested in making a gift to you.

We will consider offers. So far, we have heard exactly zero. Your incorrect characterization of our position does not make it any easier.

Sincerely,


James O. Duffy, Jr.
Managing Member

fc: Planning Department City of Grand Junction

Owner: Eastgate Shopping Center
Grand Junction, Colorado

February 3, 2004

James O. Duffy Jr.
Mesa Eastgate L.L.C.
One Independence Plaza
Red Bank, N.J. 07701

Dear Mr. Duffy,

This is in response to your letter dated January 22, 2004 referring to a curb cut at Eastgate Shopping Center (EXC). I am the realtor for Mr. Ton Quan, DBA-Golden Mountain Enterprises (GME), for the development of a retail/office complex directly East of ESC.

GME is currently in the process of locating contractors, architects, and engineers. The Grand Junction City Planning Department may not allow GME to continue developmental plans until it has received the permission from Mesa Eastgate, L.L.C. to allow curb cuts.

The subject of a "combined entrance" has been suggested by the planning department to avoid using the two existing GME "curb cuts" located on North Avenue. The department says that the use of these curb cuts will cause traffic congestion.

City Planning Department suggestions are as follows:

- A. A common entrance (North to South) from ESC to GME.
- B. GME will eliminate the three inch concrete retaining curb separating the two properties at no cost to Eastgate. (See attached diagram)
- C. GME will extend the ESC asphalt onto their property at no cost to Eastgate.
- D. GME will agree to maintenance of their parking facility in addition to a portion of the maintenance of the Eastgate parking lot for the privilege of utilization of the joint parking facility.

Both GME and Mesa Eastgate, L.L.C. will monetarily benefit from the elimination of the retaining wall for the following reasons:

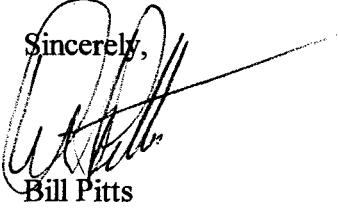
- A. AS it currently stands, Mesa Mall, Grand Mesa Center, and Rimrock Shopping Center, located to the west, attracts the most business of all

shopping centers in Grand Junction. The development of the GME property will help redirect the attention eastward by offering new retail stores. This redirection of attention will increase revenue for Mesa Eastgate, L.L.C.

- B. The proposed facility will enhance the appearance and value of the neighborhood.

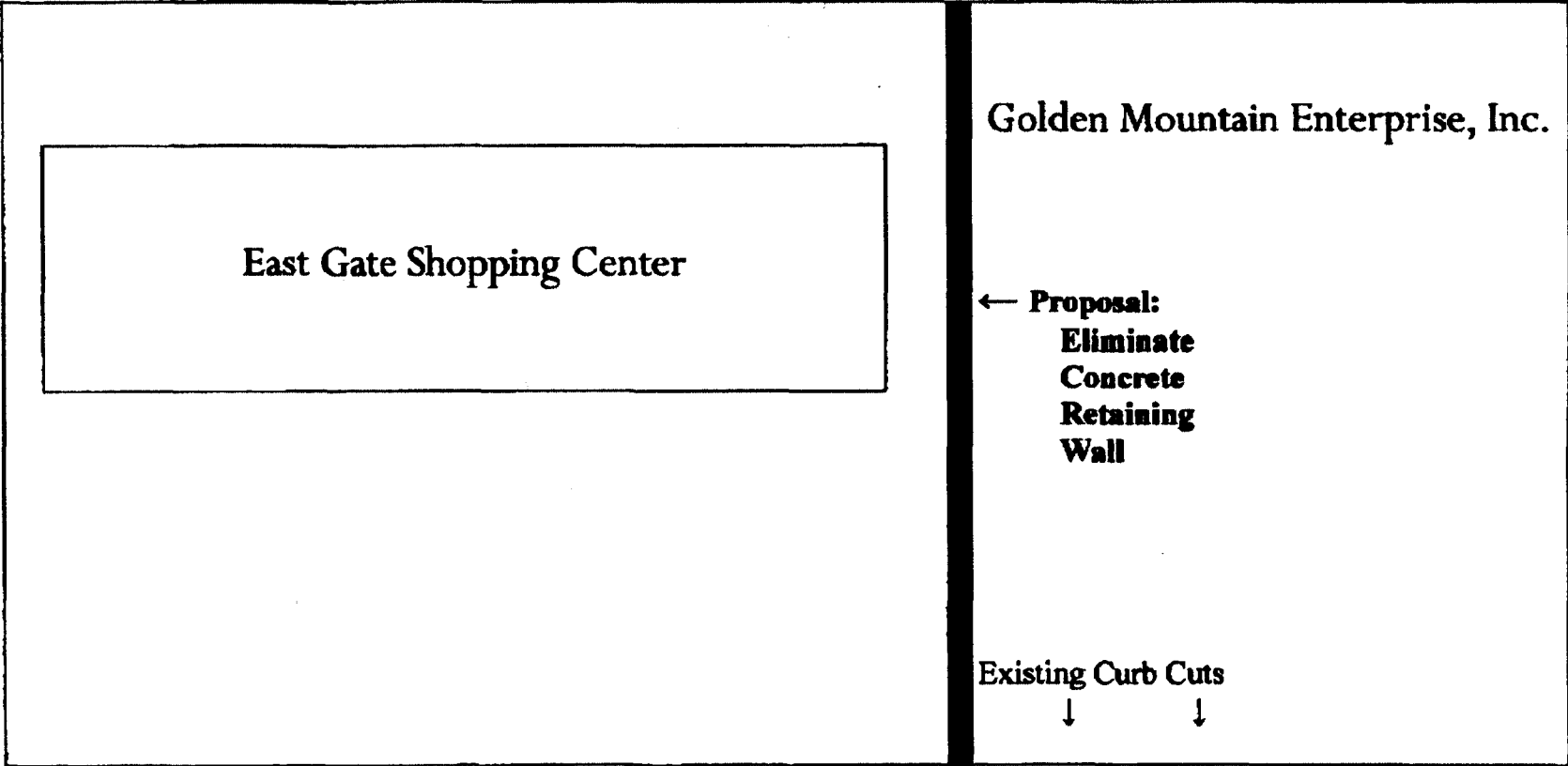
We look forward to participating with you in this financially beneficial endeavor.

Sincerely,

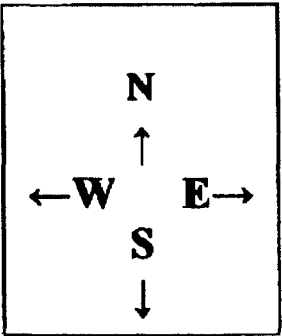


Bill Pitts

- C: Tom Quan
Golden Mountain Enterprises, Inc.
Planning Department City of Grand Junction

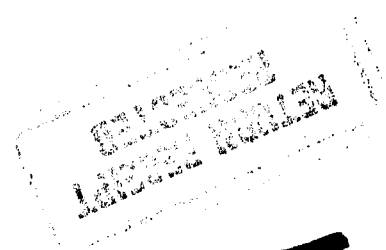


North Avenue



James O. Duffy Jr.
Mesa Eastgate L.L.C.
One Independence Plaza
Red Bank, N.J. 07701

Return
3-35
3-22
3-15
RD



7002 2410 0003 8530 5503



THE RIGHT REALTY CO
2626 H ROAD
GRAND JUNCTION, COLORADO 81506

U.S. POSTAGE
\$2.70



CERTIFIED MAIL™

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
JAMES DUFFY JR.
MESA EASTGATE L.L.C
ONE INDEPENDENCE PL
RED BANK, N.J. 07701

2. Article Number
(Transfer from service label) 7002 2410 0003 8530 5503

COMPLETE THIS SECTION ON DELIVERY

A. Signature X Agent Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Letter D

I received your March 12, 2004 letter about curb cuts. The idea of our curb cut being the only curb cut on North for our lot and a 2.4 acre development is not very attractive. I would have expected a request for cross access, possibly, but not for less access.

I don't believe anyone here is going to be able to understand or consider this request without having site plans showing what you want to do, exactly.

Also, in order to grant or restrict access we would have to have a recorded restriction prohibiting the sale of auto parts, supplies and accessories against your property.

From: James O. McClain, Attorney
AutoZone Property Management

Fax: (901) 495-8900; phone: (901) 495-8807
Email: jim.mcclain@autozone.com
Mailing Address: AutoZone Department 8700, PO Box 2198,
Memphis, TN 38101-2198
Address for Courier Services: AutoZone Department 8700,
123 South Front Street, Memphis, TN 38103

AutoZone: Relentlessly creating the most exciting Zone for vehicle solutions!

Property Search - Residential. >

Search Results CMA Summary

here is my july6 message again

— Forwarded by Jim McClain/Legal/AUTOZONE on 07/07/2004 11:56 AM —

Jim McClain

07/06/2004 12:45 PM

To: Mr Bill Pitts@1-970-243-6903@fax

cc:

Fax to:

Subject: AZ-0817, North Ave, Grand Junction, CO

I received your July 6 fax message. We are interested in leasing part of the building that AutoZone owns. We have no plans to relocate or close the AutoZone store at this location.

We may not have understood your proposal, but if I remember it correctly we had no interest because we did not see any advantage to it for AutoZone. If I remember correctly, the access would really only work in one direction; i.e., for the benefit of your development, and we were concerned that the extra traffic from your project would inconvenience our customers and employees, cause extra wear and tear to our paving and increased potential liability without benefit. Also, if I remember correctly, the proposal may have even called for closing one of our curb cuts. The success of our business is dependent on having convenient access and parking for our customers.

Frankly, Mr Pitts, because of staffing levels and priorities for work for AutoZone, we don't have time to deal with requests that are not of *substantial* benefit to AutoZone. And we won't grant any easement without an enforceable restriction against the sale of auto parts, supplies and accessories on the land that is benefited by the easement.

From: James O. McClain, Attorney
AutoZone Property Management

Fax: (901) 495-8900; phone: (901) 495-8807

Email: jim.mcclain@autozone.com

Mailing Address: AutoZone Department 8700, PO Box 2198,
Memphis, TN 38101-2198

Address for Courier Services: AutoZone Department 8700,
123 South Front Street, Memphis, TN 38103

AutoZone: Relentlessly creating the most exciting Zone for vehicle solutions!

Bill Pitts

From: "Lien Luong" <Lien_Luong@hilton.com>
To: <bbrpitts@bresnan.net>
Sent: Tuesday, February 03, 2004 2:24 PM
Subject: Parking Lot Access

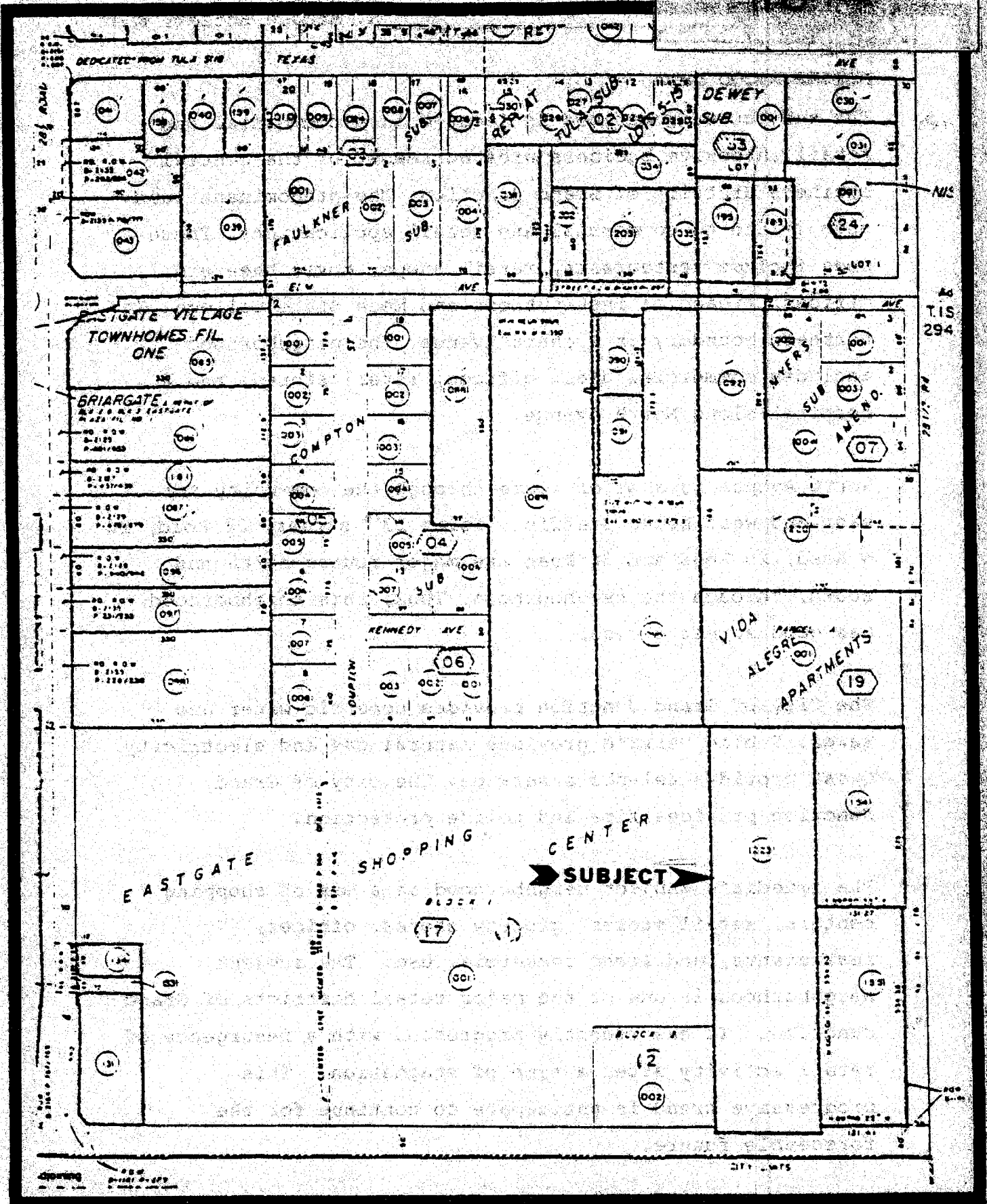
Dear Mr. Pitts,

We are unable to allow you access the South end of my parking lot, located on 509 28 1/2 Road. My restaurant need those parking space for our customers. We apologize for any inconvenience it may cause. Should you have any further question call me at (818) 840-6473.

Sy & Lien Luong

2/4/2004

Diagram 1



Arnie Butler & Company
 300 Main Street Suite 301
 Grand Junction, CO 81501

SITE MAP

2003 TEDS Design Exception History

EX #	D E	DEVELOPMENT ADDRESS	DESCRIPTION OF EXCEPTION	DATE APPLIED	DELIVERED TO COMMITTEE	ACTION DATE	ACTION
1	L	1130 Belford	Driveway Width	01/02/03	01/02/03	01/14/03	Approved
2	L	1100 Independent Ave.	Access Spacing	01/02/03	01/03/03	01/14/03	Approved
3	R	2462 Hwy 6&50	Access Spacing	01/15/03	01/29/03	02/07/03	Approved as Recom.
4	L	1130 Hill	Alley/Garage Setback	01/28/03	02/02/03	02/07/03	Approved
5	R	2710 Patterson	Access Spacing	02/06/03	02/25/03	03/03/03	Approved
6	L	2976 Gunnison	Access Spacing	02/20/03	02/25/03	03/03/03	Approved
7	E	2561 G1/2 Road	Reduced Street & ROW Section	03/03/03	03/19/03	04/11/03	Approved as Mod.
8	E	Cottages @ Commons	Access Spacing	03/10/03	03/19/03	03/26/03	Approved
9	L	2527 Foresight Circle	Access on Higher Order Street	03/19/03	04/10/03	04/14/03	Approved as Mod.
10	L	255 Linden Avenue	Maximum Intersection Grades	03/19/03	03/21/03	04/11/03	Approved
11	R	276 Linden Avenue	Street Connectivity	04/03/03	04/23/03	05/14/03	Approved as Mod.
12	E	1430 North Avenue	Access on Higher Order Street	04/07/03	04/10/03	04/11/03	Approved
13	R	761 Valley Court	Access Spacing	04/10/03	04/10/03	04/11/03	Approved
14	R	722 Belford Avenue	Garage Parking Dimensions	04/28/03	05/08/03	05/30/03	Approved
15	R	722 Belford Avenue	Access Spacing	04/28/03	04/29/03	05/06/03	Approved
16	R	St. Mary's Hospital	Access Spacing	04/29/03	04/29/03	05/06/03	Approved
17	E	Civic Lane	Cul-de-Sac Turnaround	05/08/03	05/12/03	05/30/03	Denied
18	L	626 30 Road	Access Spacing	05/15/03	05/28/03	06/11/03	Approved
19	R	519 30 Road	Access Spacing	05/16/03	05/28/03	06/11/03	Approved
20	L	445 N. 17 th Street	Alley/Garage Setback	05/22/03	05/28/03	06/11/03	Approved
21	E	2321 Logos Drive	Access Spacing	05/30/03	05/30/03	06/13/03	Approved
22	R	3150 27 1/2 Road	Mail Box Enclosure	06/04/03	06/04/03	06/13/03	Denied
23	L	2824 North Avenue	Access Spacing & ROW Width	06/12/03	06/25/03	07/01/03	Approved Access
24	L	Red Tail Ridge 2955 Hwy 50	Block Length & Distance Between Intersections	07/14/03	07/23/03	07/30/03	Approved
25	L	584 N. Commercial Dr.	Access Spacing	07/21/03	08/04/03	08/19/03	Approved
26	R	276 Linden Avenue	Tangents & Intersection Spacing	07/28/03	08/06/03	08/18/03	Approved
27	K	Bass Street	Street Width & Sidewalk	07/29/03	08/06/03	08/18/03	Approved
28	E	2776 S. Hwy 50	Street Width	07/21/03	08/14/03	09/04/03	Approved as Recom.
29	E	2561 G.5 Road	Tangent Length	07/22/03	08/11/03	08/18/03	Approved
30	L	588 N. Commercial Dr.	Access Spacing	08/04/03	08/13/03	08/18/03	Approved
31	L	779 22 Road	Access Spacing	08/13/03	08/19/03	09/04/03	Approved
32	R	517 Melody Lane	Delete Cul-de-sac Turnaround	08/19/03	09/09/03	09/24/03	Approved as Recom.

33	L	1015 North Avenue	Corner Clearance, Access on North Avenue & Throat Length	08/25/03	09/10/03	09/24/03	Approved Access & Throat L.
	R	2546 Rimrock Avenue	Access on Higher Order Street	08/26/03	09/10/03	09/24/03	Approved
	K	730 Independent Ave.	Corner Clearance	09/05/03	09/10/03	09/24/03	Denied
36	R	3134 D ½ Rd., Summit Meadows West	Access Spacing	09/08/03	09/11/03	09/24/03	Approved
37	L	685 Horizon Drive	Drive-up Bank Storage	09/08/03	09/12/03	09/24/03	Approved
38	R	705 Horizon Drive	Access Spacing & Corner Clearance	09/16/03	09/25/03	10/07/03	Approved as Recom.
39	E	2020 ½ S. Broadway	Access Spacing & Offsets	09/16/03			Withdrew
40	E	2868 North Avenue	Stub Street Extension	09/18/03	09/25/03	10/10/03	Approved
41	R	550 White Avenue	Access Offset	09/18/03	09/26/03	10/07/03	Approved
42	R	550 White Avenue	Garage Parking Dimensions	09/22/03	09/26/03	10/07/03	Approved
43	R	517 Melody Lane	Delete Cul-de-sac Turnaround	10/08/03	10/15/03	11/03/03	Approved as Mod.
44	M	2155 Broadway	Access Offset	10/20/03	10/22/03	11/03/03	Approved
45	E	2713 G Road	Access Offsets & Spacing	10/24/03	10/28/03	11/03/03	Approved
46	R	St. Mary's Hospital	Access Spacing on Patterson	10/30/03			

Yes-Except03\DE-tracking
 pdated 11/04/2003

G M E Property - Diagram 2

2846 North Ave.

North Ave. (35 mph)

Auto
Zone

Curb
Cut
25 ft.
3 in.

Curb
26 ft.
10 in.

Curb
Cut
34 ft.
8 in.

Curb
55 ft.
6 in.

Curb
Cut
31 ft.
2 in.

Curb
7 ft.
6 in.

Curb
Cut
15 ft.
5 in.

Curb
7 ft.
10 in.

Carl's
Jr.

East
Gate

Proposed Hastings
Center

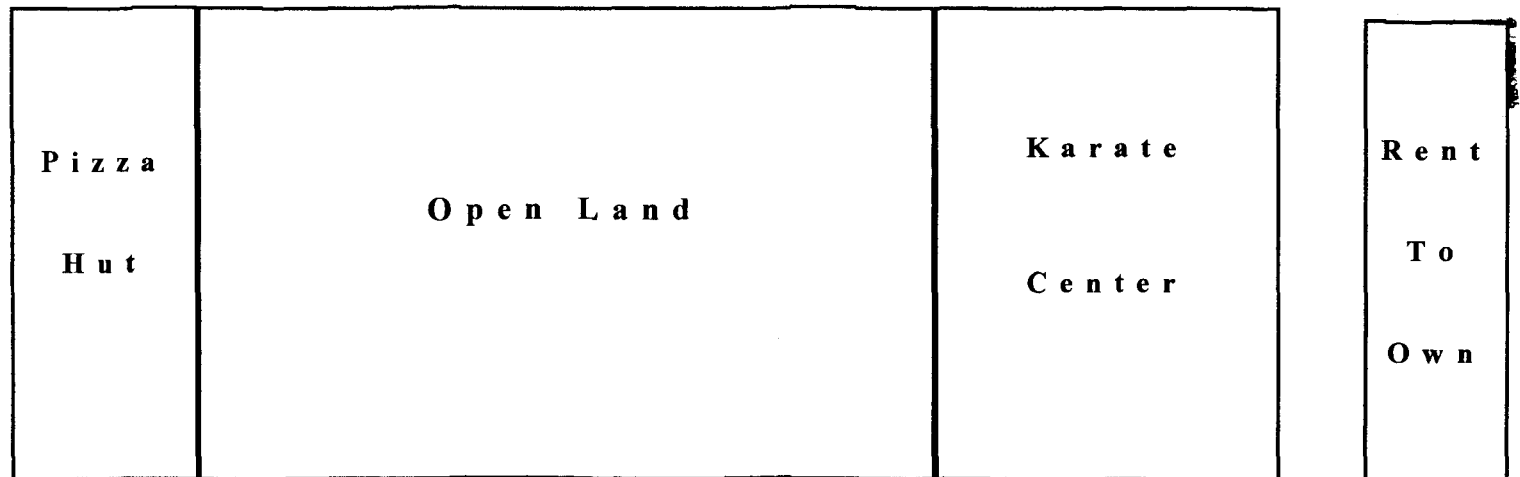
S
↑
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N

1430 North Ave. - Diagram 3

S
↑
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N

North Ave. (35 mph)

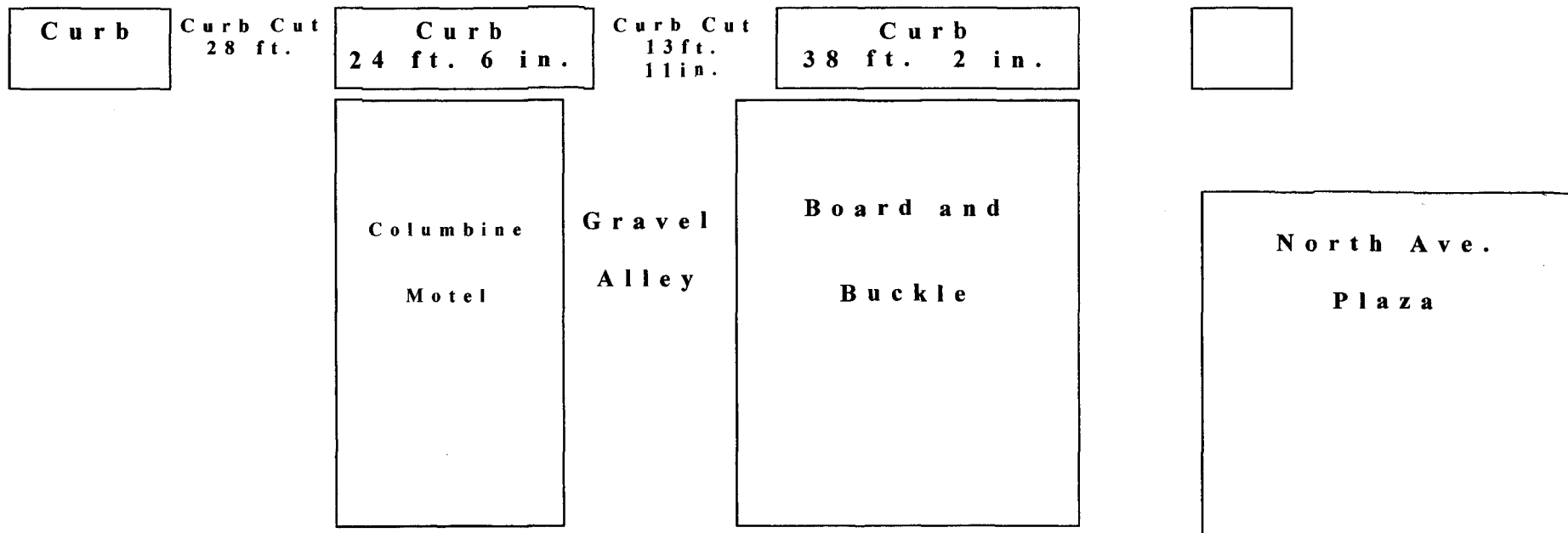
Curb	Curb Cut	Curb 48 ft. 2 in.	Curb Cut	Curb 12 ft.	Curb Cut	Curb 21 ft. 7 in.	Curb Cut	Curb 23 ft. 7 in.
	25 ft. 3 in.		25 ft.		27 ft. 4 in.		25 ft. 3 in.	



2824 North Ave. - Diagram 4

S
↑
↓
N

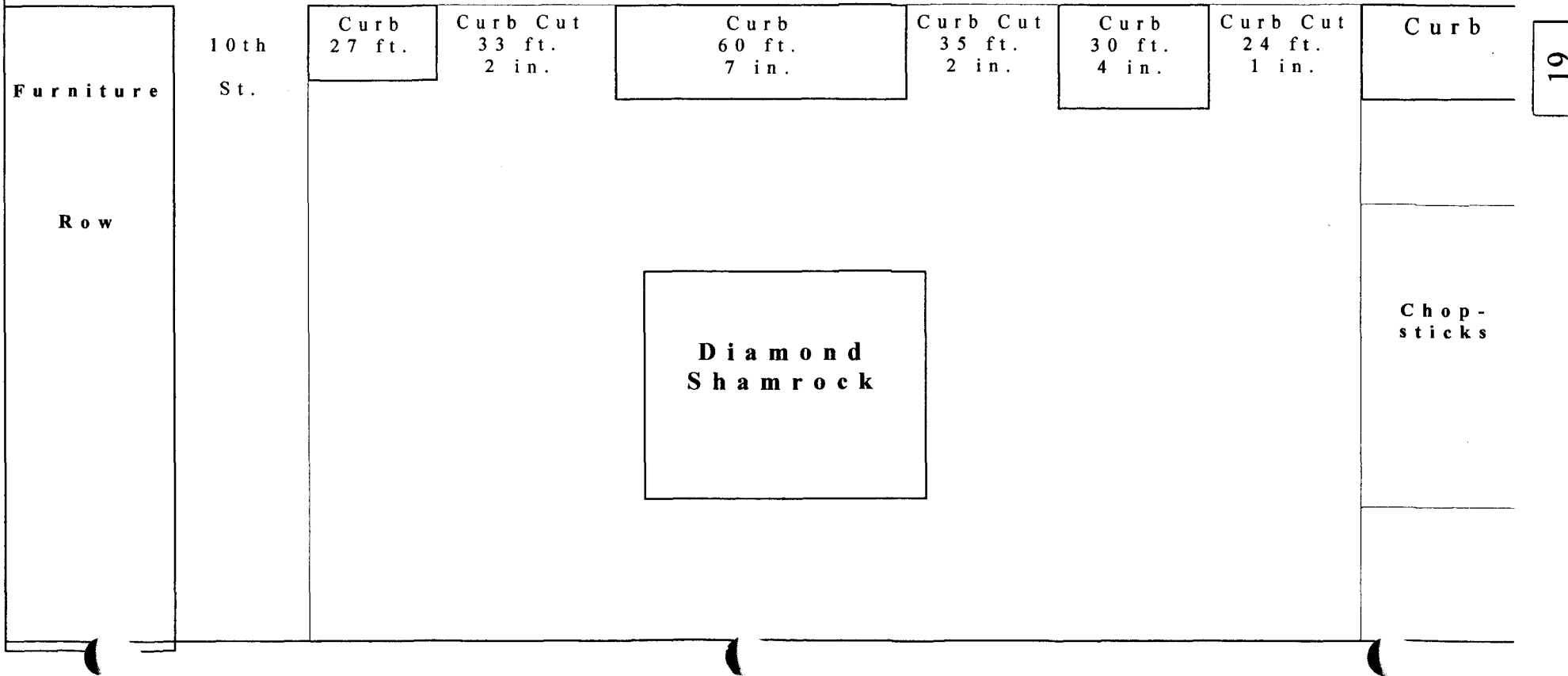
North Ave. (35 mph)



1015 North Ave. — Diagram 5

N
↑
↓
S

North Ave. (30 mph)

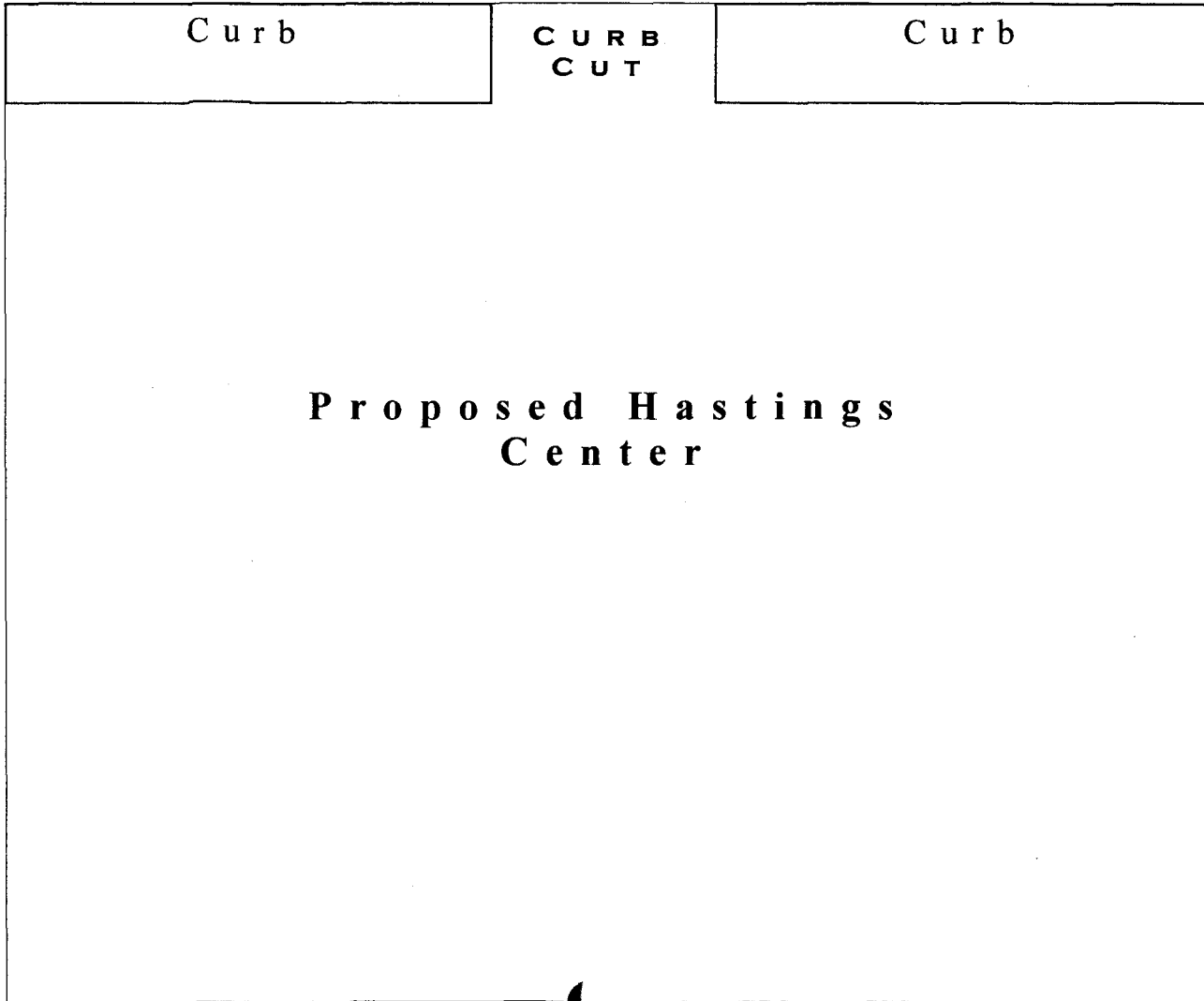


G M E P R O P E R T Y - D I A G R A M 6
2846 NORTH AVE.
PROPOSED DESIGN

N O R T H A V E

**Auto
Zone**

Curb
Cut
25 ft.
3 in.



**Carl's
Jr.**

**East
Gate**

20

S
↑
↓
N

Developed Ground - 99000 SF

Required Trees - 39.6

Required Bushes - 330

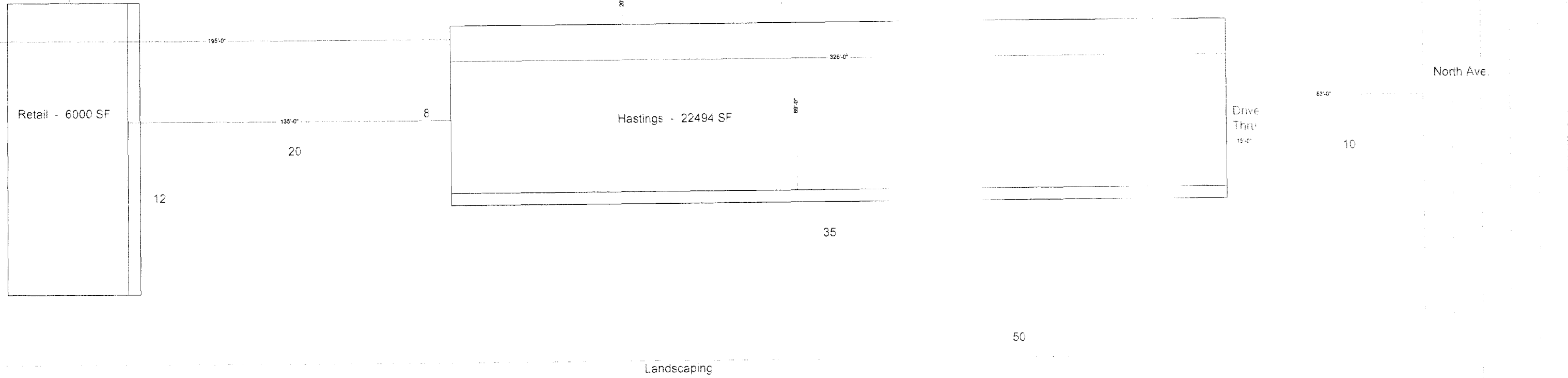
Parking Required

Hastings $22494/200 = 112.47$

Retail $6000/250 = 24.00$

Total = 137

Parking Available = 137



Note on Preliminary Site Plan

- Hastings Entertainment is requesting a 22,500 – 25,000 sq. ft. building. If they maximize their retail space at 25,000 sq. ft., Golden Mountain Enterprises, Inc. will either decrease the size of the 6,000 sq. ft. added retail complex or remove it entirely depending upon current parking requirements.
- The Preliminary Site Plan was generated by Ford Construction on June 16, 2004.

MEMORANDUM

TO: Tim Moore
FROM: Rick Dorris
DATE: August 12, 2004
SUBJECT: Proposed TEDS exception for 2846 North Avenue

Golden Mountain Enterprises (GME) has prepared a comprehensive TEDS exception request.

They have made an attempt to obtain access easements from three neighbors but there are serious flaws in their approach for all three.

It appears there is "bad blood" between GME and the Eastgate people. The Eastgate people are expecting to see an offer for the easement and the GME people don't seem to want to make one. The tone in the communication is adversarial.

Autozone isn't interested in granting an easement but there has been no attempt on GME's part to create concept plans showing how the cross access easement could be beneficial. There is no effort from GME to try to address Autozone's concerns.

The Chinese restaurant simply says they need the parking and won't grant the easement. Again, there is no effort from GME to try to mitigate the restaurant's concerns.

Here are the particulars I know of for the referenced TEDS exceptions we approved.


- The one at 1015 North is for the Total/Shamrock gas station. They were remodeling an existing use, not creating a new use as GME is.
- In my opinion we should not have approved the North Avenue access for the 1430 North Avenue site since they also have frontage on Glenwood. Our TEDS exception approval doesn't however grant them a CDOT access permit.
- I don't know anything about the 2824 North Avenue TEDS exception except that they are existing businesses. I don't think there has been any new construction there.

The property has two curb cuts neither of which meet the 300' spacing requirements. It appears to me that they have not tried diplomatically, or with

illustrative plans, to procure the necessary easements from the neighbors. They need to spend some money, create a likely site plan (not the one shown in their package), make monetary offers, and perform more and better due diligence.

My recommendation is for denial even though we approved a similar exception just west of Pizza Hut.

MEMORANDUM

TO: Tim Moore
FROM: Rick Dorris 
DATE: August 18, 2004
SUBJECT: Second Memo for 2846 North Avenue TEDS exception

I have done more research after we talked this morning. Also, to reiterate, the GME representatives have not done justice to negotiating with the neighbors. They didn't try to resolve neighbor concerns or offer money, they basically said to the City we made an effort and they refused.

John Shaver says that we cannot completely deny them direct access for all uses. We can deny them direct access for a more intense use. They could develop a used car lot, the last use on the site, and we must provide them direct access. We can deny them direct access for the retail development they are proposing.

This aside, there are three options the applicant could use to approach their neighbors demonstrating win-win situations. I have attached a redlined GIS plot for each.

Option 1: Proposal to Eastgate

Offer to widen the entrance onto the GME property to allow for a left turn lane out onto North Avenue. Currently, the left turn vehicles back up the right turn vehicles creating aggravating delay.

If a right turn lane is triggered by this development, the City will be building it as part of the new TCP ordinance.

Both of these enhancements would benefit the Eastgate property.

Option 2: Proposal to Autozone

Offer to reconstruct their North Avenue entrance and center it on the common property line. The entrance would be built to current standards and allow for safer entry and exit to North Avenue. This option may reduce Autozone's parking slightly so offer to install a few landscaped parking islands to bring their parking lot closer to current code. This enhances their parking lot while improving their entrance.

Option 3: Proposal to the Chinese Restaurant

There are two potential points of connection; both at the end of existing drive aisles and neither of which would reduce parking. Parking reduction was the concern listed in the restaurant's refusal letter.

Offer to enhance the restaurants parking lot and property by installing landscaping.

Summary

I have proposed property enhancement to help obtain the easements. Money can always be substituted or added.

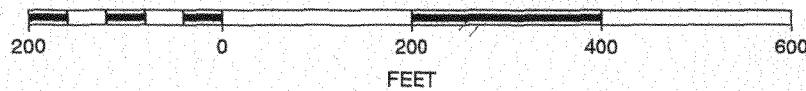
My recommendation is that we deny the request and send them for further negotiation using the options described above or others that haven't been created yet.

Please see me before going to the committee if you still think they will grant the access.

City of Grand Junction GIS Sewer Map ©



SCALE 1 : 2,400

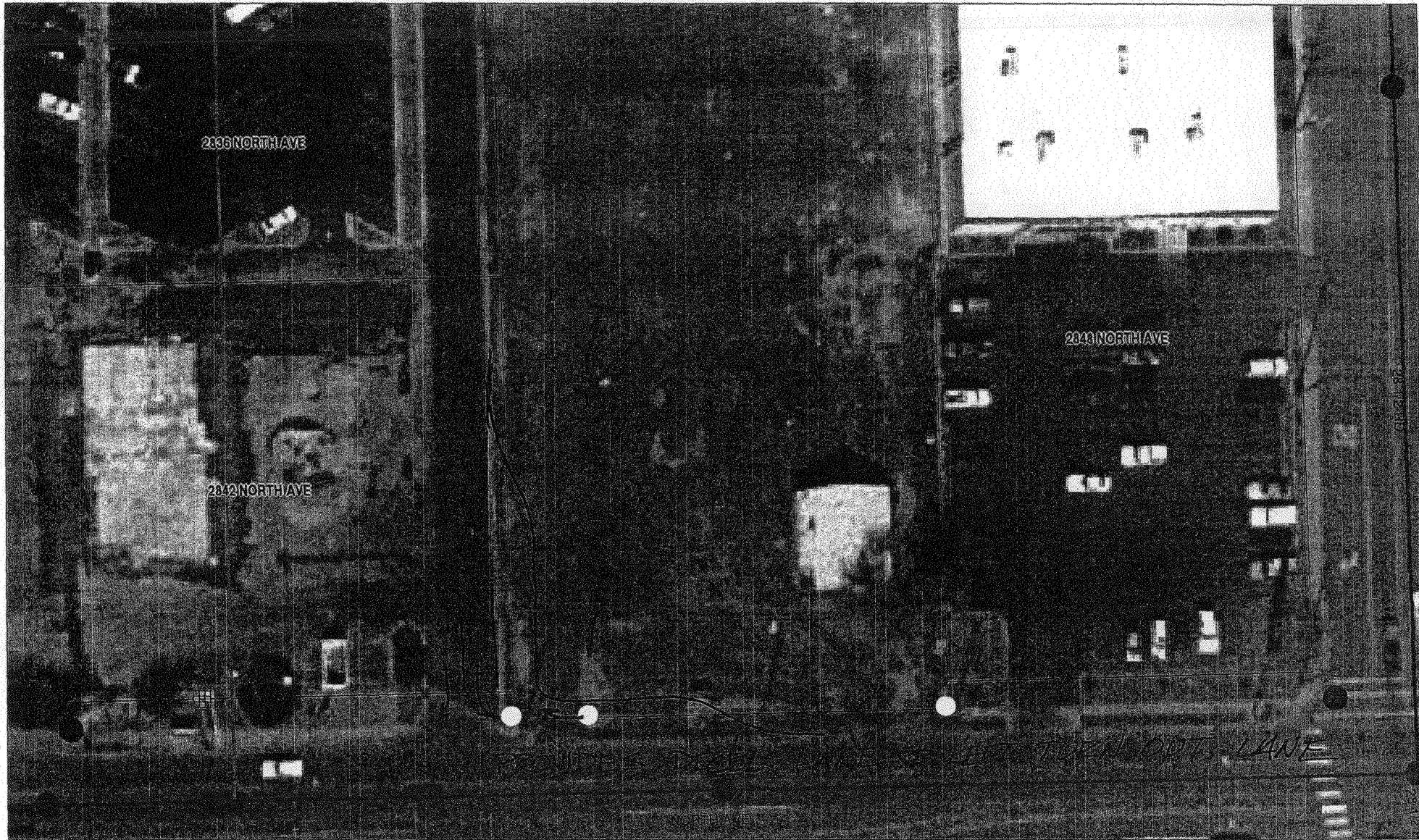


OVERALL

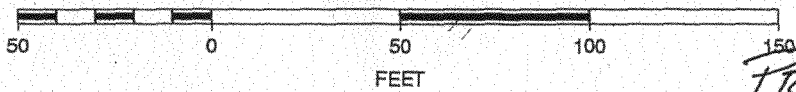
SUBJECT PROPERTY



City of Grand Junction GIS Sewer Map ©



SCALE 1 : 600



OPTION 1

PROPOSAL TO EASTGATE



MEMORANDUM

TO: Tom Quan
FROM: Rick Dorris
DATE: September 10, 2004
SUBJECT: 2846 North Avenue access recommendations

The TEDS exception has not been submitted to the TEDS committee because there are some options that could be explored and I wanted to discuss the options prior.

Below are three options that could be used to approach the neighbors demonstrating win-win situations. I have attached a redlined GIS plot for each.

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Summary

I have proposed property enhancement to help obtain the easements. Money can always be substituted or added.

If the current TEDS exception proposal was submitted, I expect the committee will grant a right-in right-out only access, and it may be temporary.

COMMUNITY
DEVELOPMENT

January 13, 2005

John Edwards
2017 Orchard Avenue
Grand Junction, CO 81501

Dear John:

This is in response to your application for infill and redevelopment incentives received December 22, 2004.

As we discussed on the phone yesterday, these comments in no way reflect that your proposed project is inappropriate for this program. However, it is the feeling of the review committee that the application is premature and we recommend that a new or supplemental application be submitted as you get further into the development process. Specifically, we suggest that the following additional information is needed before proceeding to the City Council:

Clarification on the property ownership – We're aware that you have made an offer on the subject property but, as you've indicated, you have yet to hear if your offer has been accepted;

Site plan – A site plan that accurately depicts your proposed development is needed to show exactly how you propose to develop the site;

Potential Incentives – Clarification of which incentive(s) you wish to apply for is needed as well as a clear description of how the incentive would assist in making your project a reality. Depending on which incentive(s) you choose to apply for, the following information may or may not be appropriate;

Façade Details – Elevation drawings identifying façade materials is needed if you request assistance with façade upgrades. Financial information showing the difference between the materials you would use with and without City assistance should be discussed.

Development Costs – Anticipated costs associated with your proposal may or may not be appropriate, again depending on your request. The

façade discussion above is one example. If you request any form of fee deferral, information regarding the fees related to development costs should be provided.

In addition to the infill and redevelopment issue, I discussed the center median in North Avenue with Rick Dorris. As I confirmed on the phone, the median is a solid median to approximately the west boundary of the subject property. Any direct access approved from North Avenue will be limited to the eastern portion of the property and movements directly into or out of this parcel will be limited to right-in and right-out movements. A connection will be required on western property line into Eastgate's parking lot. Any left turn movements from North Avenue that want to access your proposed project will come onto the site next to Carl's Jr.

Should you have any questions regarding this information, please contact me. I look forward to future discussions should you proceed with this project.

Sincerely,



Robert E. Blanchard, AICP
Community Development Director

cc: Tim Moore, Public Works Manager
Lanny Paulson, Budget and Accounting Manager
Sheryl Trent, Assistant to the City Manager
Rick Dorris, Development Engineer

MEMORANDUM

TO: Tom Quan
FROM: Rick Dorris
DATE: September 10, 2004
SUBJECT: 2846 North Avenue access recommendations

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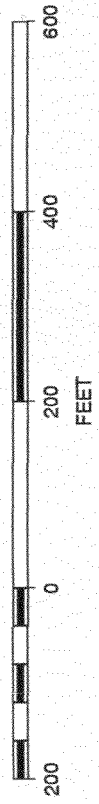
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City of Grand Junction GIS Sewer Map ©



SCALE 1 : 2,400



2846 North Avenue (East of Eastgate)

30



Grand Junction

June 21, 2006

Mr. Tom Quan
Golden Mountain Enterprises
1530 North Avenue
Grand Junction, CO 81501

Re: Design Exception #DE22-06 – 2846 North Avenue Access

To Whom It May Concern:

Please find attached the committee's decision for the above referenced request. This design exception has been denied for any use of the property other than the historic/grandfathered use (car lot). Proposing a more intense use will decrease the capacity of North Avenue and will increase the occurrence of rear-end collisions in the corridor. Also, the existing driveways do not meet minimum spacing requirements for commercial driveways on Arterial roadways.

If you have any questions concerning this decision, please feel free to contact the Development Engineer in charge of your project or Tim Moore, Public Works Manager at (970) 244-1557.

Sincerely,


Sandi Nimon,
Sr. Administrative Assistant

Xc: Rick Dorris, Development Engineer (256-4034)
Bill Pitts, The Right Realty Co.

File

DESIGN EXCEPTION #DE 22-06

To: Mark Relph, Director of Public Works & Utilities
Sheryl Trent, Community Development
Jim Bright, Interim Fire Chief

From: Tim Moore, Public Works Manager

Copy to: Rick Dorris
Tom Quan
Bill Pitts

Date: June 19, 2006

RE: 2846 North Ave. Access

DESCRIPTION OF THE SITUATION

Tom Quan, General Partner of Golden Mountain Enterprises, Inc. (GME) proposes to build a 20,000 – 25,000 square foot retail / retail complex at 2846 North Ave. and would like to access the property from North Ave., via. one or more existing curb cuts. Accessing the proposed use with one of the existing driveways along North Ave. requires a TEDS Exception for the following reasons:

-The existing driveways do not meet minimum spacing requirements for commercial driveways on Arterial roadways.

Both the Colorado Department of Transportation (DOT) and the City of Grand Junction have recommend against allowing the proposed use to access either of the existing curb cuts on North Ave. The City has required GME to approach both neighbors (East Gate Shopping Center and AutoZone) to try and negotiate shared use of one of the neighboring curb cuts if they, GME, propose to develop 2846 North Ave. into any use other than what the historic use of the property has been (the historic use of the property is a grandfathered use and is allowed to continue).

Site Description:

The 2.28 acre parcel is currently vacant. The existing driveway cuts along North Ave. served a used a car lot that is no longer doing business at this location. The applicant proposes to construct multiple retail type buildings on the site which will be offered for individual sale after filing a condo plat. An official site plan identifying the location of proposed driveways into the site has not been prepared (the applicant prefers to await the decision of the TEDS Committee on the exception proposed before going forward with final design).

EXCEPTION CONSIDERATIONS

1. Will the exception compromise safety?

Staffs of CDOT and Grand Junction believe the exception - adding an additional 20,000 – 25,000 square feet of retail at this location, will create a safety issue.

2. Have other alternatives been considered that would meet the standard?

The applicant has approached both neighbors and has been unsuccessful in his attempts to negotiate shared access of one of the existing curbs on North Ave. adjacent to this property.

3. Has the proposed design been used in other areas?

There are numerous locations along North Ave. where the spacing of commercial driveways do not meet the minimum requirements outlined in the TEDS Manual.

4. Will the exception require CDOT or FHWA coordination?

Yes. North Ave. is considered a State highway and as such will require the applicant to obtain an Access Permit. The applicant has indicated that Dan Roussin (CDOT) will not agree to allow the proposed development to access either existing curb cut and has required GME to obtain access to the 2846 North Ave. from and adjacent property.

5. Is this a one-time exception or a manual revision?

This would be a one-time exception.

Staff Recommendation

Staff recommends denial of the request for any use of the property other than the historic / grandfathered use (car lot). Proposing a more intense use will decrease the capacity of North Ave. and will increase the occurrence of rear-end collisions in the corridor.

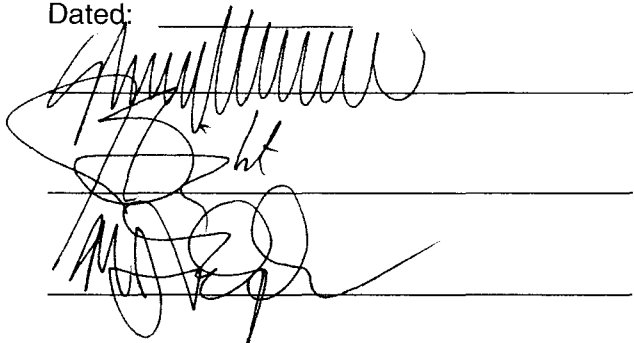
Recommended by: _____

Approved as Requested: _____

Approved as Modified: _____

Denied _____

Dated: _____

The image shows three horizontal lines representing signature lines. The top line has a large, cursive signature. The middle line has the initials 'ht' written on it. The bottom line has another large, cursive signature.

VDE#28-06 2846 North Ave. - Access