

**LIQUOR AND BEER MEETING  
LOCAL LICENSING AUTHORITY  
CITY OF GRAND JUNCTION, COLORADO  
MUNICIPAL HEARING ROOM, CITY HALL, 250 NORTH 5<sup>TH</sup> STREET**

**MINUTES**

**WEDNESDAY, JUNE 15, 2011, 2:00 P.M.**

**I. CALL TO ORDER**

The meeting convened at 2:01 p.m. Those present were Hearing Officer Mike Grattan, Alternate Hearing Officer Greg Mueller, City Attorney John Shaver, and Deputy City Clerk Debbie Kemp.

**II. APPLICATION FOR A MODIFICATION OF PREMISES  
by Hearing Officer Greg Mueller**

1. Fantasy, LLC dba Fantasy, 2258 Colex Drive, Grand Junction, CO 81505, Tavern

Remove the private dance area upstairs and downstairs from the licensed premise

Kevin Eardley, owner of Fantasy, was present.

Ms. Kemp reported that the Police Department reported a violation that occurred on January 16, 2011 for conduct of establishment and that the applicant signed a Stipulation Agreement and Order on April 6, 2011. The Fire Department advised that there still wasn't a building permit for the proposed stairway exit from the second floor on the south, the cover over the smoking area on the north, and the applicant still has not put sprinklers in place in the area under the cover he put over the smoking area as required by Code.

Ms. Kemp then read the results of the survey that was conducted into the record (see attached).

Alternate Hearing Officer Mueller asked Mr. Eardley if he was provided with the results of the survey and if he was aware of the Fire Department concerns. Mr. Eardley said yes to both questions.

City Attorney Shaver asked Mr. Eardley if he believes the results of the survey that Ms. Kemp read into the record is a true and accurate representation of the survey. Mr. Eardley said yes. City Attorney Shaver asked Mr. Eardley to describe for the Authority the method of how the survey was conducted and who conducted the survey. Mr. Eardley stated that this was the third time he has conducted a survey and he knew where to go. He went door to door and asked the persons if they would like to sign the survey for the modification for the liquor license. Only a few people asked what it was for and he told them it was to remove private areas off of the liquor license. City Attorney Shaver

handed Mr. Eardley two diagrams marked Exhibit A and Exhibit B (see attached). City Attorney Shaver asked Mr. Eardley to describe Exhibit A. Mr. Eardley explained that for the upstairs, there will be an office, a storage room, and two rooms that will be used for website rooms that are being requested to be removed from the liquor licensed premises. The private lap dance area downstairs is also being requested to be removed from the licensed premises. City Attorney Shaver asked Mr. Eardley if those areas he described are depicted on the diagrams in blue. Mr. Eardley said yes. City Attorney Shaver asked Mr. Eardley to explain for the Authority how those areas would be excluded. Mr. Eardley said there will be security, cameras, and those areas will be posted. City Attorney Shaver asked Mr. Eardley if there will be walls and doors. Mr. Eardley said walls already exist upstairs and there will be doors on the storage and the office and the other two rooms will have curtains. Downstairs there are walls, no doors, but where they are, you can't see outside that area. City Attorney Shaver asked if there are curtains. Mr. Eardley said yes. City Attorney Shaver asked Mr. Eardley to describe Exhibit B. Mr. Eardley said that is the existing licensed premises. City Attorney Shaver asked Mr. Eardley to describe where the businesses are located and the kind of neighborhood that Mr. Eardley's business is in. Mr. Eardley said that most of it is industrial. City Attorney Shaver asked if the 40 signatures obtained were representative of all of the businesses. Mr. Eardley said no, maybe 20% of the businesses, there are probably approximately 200 businesses in the area. Most of the businesses that were contacted were the same from the previous surveys. City Attorney Shaver asked Mr. Eardley how many residential there is in the area. Mr. Eardley said probably about 200.

Alternate Hearing Officer Mueller asked Mr. Eardley who will be using the website rooms upstairs and how people going up and down those stairs to the second floor will be controlled. Mr. Eardley said only the dancers will use the website rooms, there will be no customers, and there is a door at the foot of the stairs off of the kitchen. Alternate Hearing Officer Mueller asked if the downstairs area will be separated by doors. Mr. Eardley said there are no doors, but it is completely separated from the main area.

Alternate Hearing Officer Mueller asked Mr. Eardley if he is partly doing this for employee safety. Mr. Eardley said no, he is doing it to stay out of trouble with the liquor license and to protect himself from anything that the dancers might do. Alternate Hearing Officer Mueller asked Mr. Eardley if there is anything separating the customers from the dancers in the private areas. Mr. Eardley said no, but there is a wall separating the private area from the liquor licensed area. Alternate Hearing Officer Mueller asked Mr. Eardley how he will secure the area so there is no alcohol in those rooms. Mr. Eardley said they will have security, cameras, and signs posted. Alternate Hearing Officer Mueller asked Mr. Eardley to acknowledge that they will not allow persons to go onto the unlicensed area with alcohol beverages, and if they do, they will either be excluded from the club or prevented from going into the area. Mr. Eardley confirmed that to be correct.

City Attorney Shaver stated that Colorado Regulation 37-402 requires any licensee, after the issuance of a license, to make no physical change, alteration, or modification to the licensed premise without consent from the Authority which

also includes any decrease in the total size or capacity of any licensed premise. City Attorney Shaver recommended that the Authority seek public input since this matter is a public hearing.

There were no public comments.

Alternate Hearing Officer Mueller found that, based on the representations and documents submitted, and the survey that was presented by Mr. Eardley, the application was in order and that Mr. Eardley is doing this modification for a good purpose to maintain compliance with rules and regulations, the modification of premises was approved subject to obtaining approval from the Fire Department.

## **The Agenda Continued with Hearing Officer Mike Grattan**

### **III. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES**

1. LOCO, Inc. dba LOCO Food Store No. 15, 722 Horizon Drive, Grand Junction, CO 81506, 3.2% Beer Retail (Off Premises)

No one was present representing the applicant.

The application for renewal for LOCO, Inc. dba LOCO Food Store No. 15 was found to be in order and approved.

2. SINH, LLC dba Redlands Liquor, 2500 A8 Broadway, Grand Junction, CO 81503, Retail Liquor Store

No one was present representing the applicant.

The application for renewal for SINH, LLC dba Redlands Liquor was found to be in order and approved.

3. Kuniko Corporation dba Kuniko's Teriyaki Grill, 1133 Patterson Road, Unit #11, Grand Junction, CO 81506, Beer and Wine

No one was present representing the applicant.

The application for renewal for Kuniko Corporation dba Kuniko's Teriyaki Grill was found to be in order and approved.

4. Yummy, LLC dba Enzo's Pizzeria and Italian Cafe, 759 Horizon Drive, Grand Junction, CO 81506, Hotel and Restaurant

Vincenzo Favale, owner of Enzo's Pizzeria, was present.

The application for renewal for Yummy, LLC dba Enzo's Pizzeria and Italian Cafe was found to be in order and approved.

5. Grand Junction Hooters, L.P. dba Hooters, 2880 North Avenue, Grand Junction, CO 81501, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal for Grand Junction Hooters, L.P. dba Hooters was found to be in order and approved.

#### **IV. APPLICATION FOR NEW LICENSE – RESOLUTION AND FINDINGS AND DECISION**

1. Nine 7 Oh Hospitality, LLC dba Spring Hill Suites, 236 Main Street, Grand Junction, CO 81501, Tavern

Member: Kevin L. Reimer, 2009 S. Broadway, Grand Junction, CO 81507  
Managing Member: Steven M. Reimer, 604 Rose Peak Ct., Reno, NV 89511

Steve Reimer, co-owner of Spring Hill Suites, and Cheryl Ketchum, employee of Spring Hill Suites, were present.

Ms. Kemp reported that neither a Police report nor a C.B.I. report were requested since the applicant recently went through a background check when they applied for a liquor license for Main Street Suites, the property was posted as required by State Statute, sales tax is in compliance, and the Fire Department and Health Department will sign off for the Final Certificate of Occupancy. Ms. Kemp also reported that an outdoor dining lease was approved by City Council on June 1, 2011.

Ms. Kemp read the results of the survey that was conducted into the record (see attached).

Hearing Officer Grattan inquired about the outdoor dining lease. City Attorney Shaver advised that it is a Resolution adopted by City Council that authorizes the use of public right-of-way for service of alcohol, and in this case, it would be subject to the liquor license being approved. Hearing Officer Grattan asked if the liquor license were not approved, would the applicant still have use of the right-of-way, just not with alcohol. City Attorney Shaver said that is correct.

There was no one present in opposition of the application.

City Attorney Shaver asked who conducted the survey. Ms. Ketchum said she did along with two other employees. City Attorney Shaver asked how the survey was conducted. Ms. Ketchum said that she went mostly to businesses in the area on Main Street and Colorado Avenue by foot and told them that they were applying for a liquor license and asked them if they would like to sign the survey. City Attorney Shaver asked if she believes the results that were read were true and accurate. Ms. Ketchum said yes. City Attorney Shaver asked about the residential responses. Ms. Ketchum said that they had some employees go out door to door and advised that they are opening a bar inside the hotel and asked people if they would like to sign the survey. Ms. Ketchum said she does not know about the disqualified signatures or the refusals to sign.

Mr. Reimer said that they look at having the liquor license an amenity to the hotel. They will not be opening the bar itself until sometime in July. The hotel itself opened today.

City Attorney Shaver advised that he believes that the applicant has demonstrated that the needs and desires for the area are not being met by currently licensed outlets and because there were no opposition or counter petitions and no resistance at this hearing, he recommended approval.

Hearing Officer Grattan agreed and found the application for Nine 7 Oh Hospitality, LLC dba Spring Hill Suites was in order and approved. The City Clerk's office will prepare a resolution for Hearing Officer Grattan's signature.

2. New Asia Garden, Inc. dba Asia Garden Chinese and Thai Cuisine, 2692 Hwy. 50, Units L & M, Grand Junction, CO 81503, Beer and Wine

President: John Sy, 915 Dee Ann Street, Fruita, CO 81521

Secretary: Si Mei Huang, 2431 Jack Creek Rd., Grand Junction, CO 81505

John Sy, president of New Asia Garden, Inc., was present.

Hearing Officer Grattan noted that the landlord for the applicant who is in support of the application is the only person left in the room other than the applicant himself.

Ms. Kemp reported that the Police Department found nothing locally on Mr. Sy but reported that Ms. Huang, secretary of the corporation, had a violation on January 22, 2011 for procuring alcohol to an underage person while employed with Thai Chili. Reports from C.B.I. are still pending, the property was posted as required by State Statute, the Fire Department reported no violations, the Health Department will be conducting an opening inspection by June 16, 2011, and sales tax is in compliance.

Ms. Kemp read the results of the survey that was conducted into the record (see attached).

Hearing Officer Grattan asked Mr. Sy where the restaurant is. Mr. Sy said in Orchard Mesa Mall by Alco and Subway.

City Attorney Shaver asked Mr. Sy if he believes the results of the survey that were read were true and accurate. Mr. Sy said yes and advised that it was his partner and himself that conducted the survey. City Attorney Shaver asked if anyone opposed the license or if anyone refused to sign the survey. Mr. Sy advised that there were some who said they cannot sign the survey. City Attorney Shaver asked if the survey was just left on a counter somewhere for people to sign it because of the number of disqualified signatures. Mr. Sy said no, they walked door to door at some residents and businesses.

Mr. Sy said that a lot of people were pleased that a Chinese restaurant was going to open up in Orchard Mesa.

Hearing Officer Grattan asked Mr. Sy why so many people were surveyed that lived outside the neighborhood. Mr. Sy said that he asked people who were at Las Marias Mexican Restaurant if they wanted to sign the survey and some of them did not live in the neighborhood.

Hearing Officer Grattan asked City Attorney Shaver what his thoughts were on the low number of residential responses, and his thoughts on the violation that was reported involving Ms. Huang. City Attorney Shaver said that he is not concerned with the violation with Ms. Huang because that will resolve itself and could be a benefit in the end in helping Mr. Sy run the restaurant. He agreed with Hearing Officer Grattan that the number of residential responses were lean but taking into consideration that the 49 residential signatures that were disqualified were in favor of the issuance of the license, that would make a pretty representative number. The fact that there isn't anyone present nor has any opposition been filed and it is noted that the premises has been posted and the application has been noticed, he recommends that the Authority determine that the needs and desires are not being met and issue the license.

Hearing Officer Grattan advised Mr. Sy to pay attention and to not fall into the same situation that Ms. Huang fell into. Mr. Sy said that he has owned several restaurants with liquor licenses and is aware of the responsibility.

Hearing Officer Grattan said that he would have preferred that the survey response numbers had been twice the number reported but found the application for New Asia Garden, Inc. dba Asia Garden Chinese and Thai Cuisine to be in order and approved subject to the approval of the Health Department. The City Clerk's office will prepare a resolution for Hearing Officer Grattan's signature.

**V. OTHER BUSINESS**

There was none.

**VI. ADJOURNMENT**

The meeting was adjourned at 2:45 p.m.

**NEXT REGULAR MEETING – July 6, 2011**



CITY CLERK

MEMO: Local Licensing Authority  
FROM: Debbie Kemp, Deputy City Clerk  
DATE: June 3, 2011  
SUBJECT: Application for a modification of premises to remove the private dance area upstairs and downstairs off the licensed premise

Fantasy, LLC filed an application with the Local Licensing Authority on April 6, 2011 for a modification of premises at 2258 Colex Drive under the trade name of Fantasy. The application and supplementary documents were reviewed, found to be in order, and accepted. The hearing date was set for June 15, 2011.

In order to address the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood, the applicant conducted a survey. The neighborhood boundaries are defined as: H Road on the north, Saddlehorn Road on the south, 23 ½ Road on the east, and 21 ½ Road on the west and includes both sides of the streets as the outer boundaries.

The results of that survey are as follows:

If you support/oppose this proposed modification of premises as described above because this will not conflict with the reasonable requirements of the designated area and it is your desire the modification be approved/not approved.

Business Results:	FAVOR:	40
	OPPOSE:	0
Residential Results:	FAVOR:	16
	OPPOSE:	0

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

There was 1 response that was disqualified because they listed an address out of the survey boundary area.

Reports have been requested from the Grand Junction Police Department to investigate the corporate officer for local criminal history and to verify the diagram matches and the Grand Junction Sales Tax Department to verify the sales tax is in compliance.

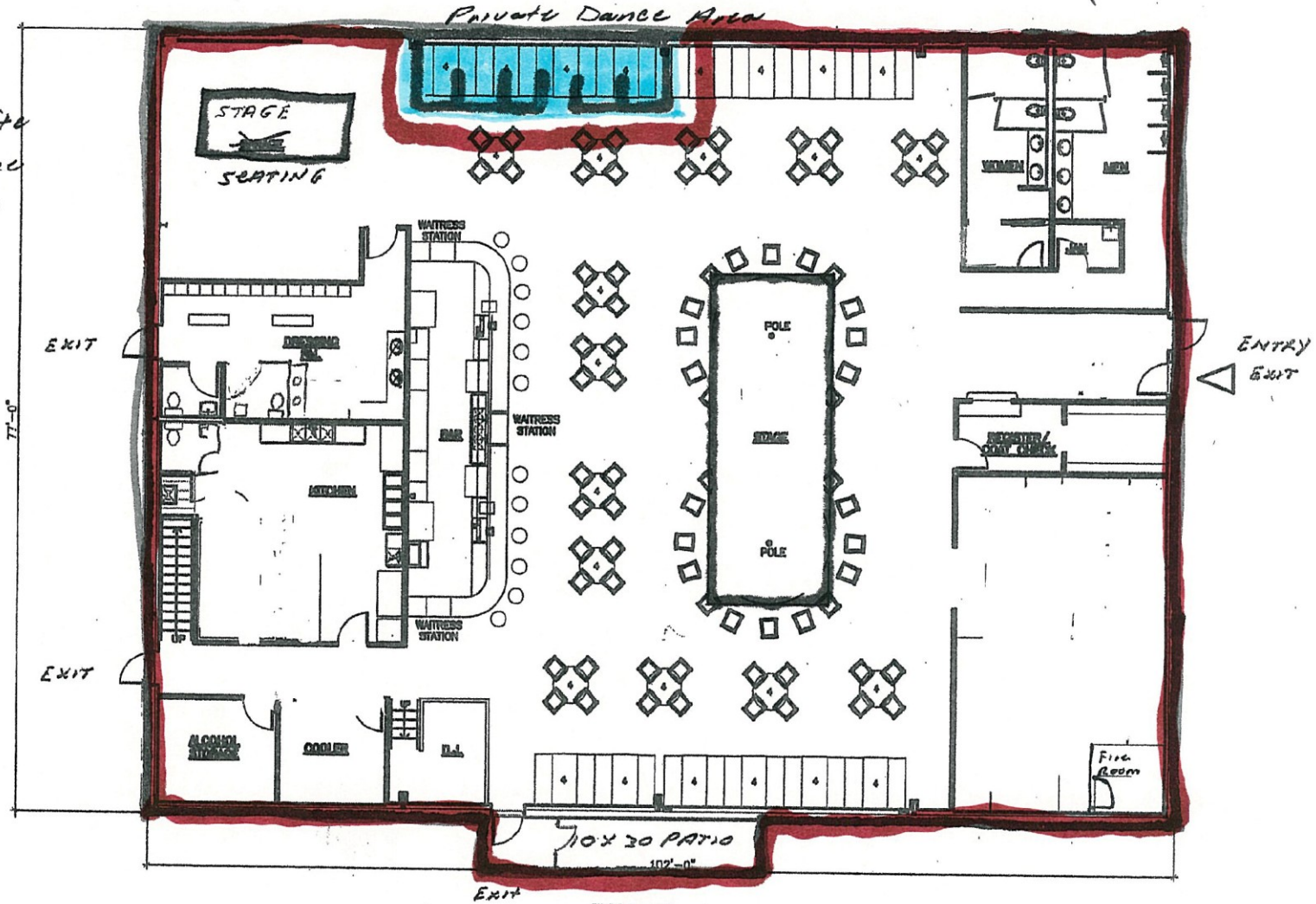
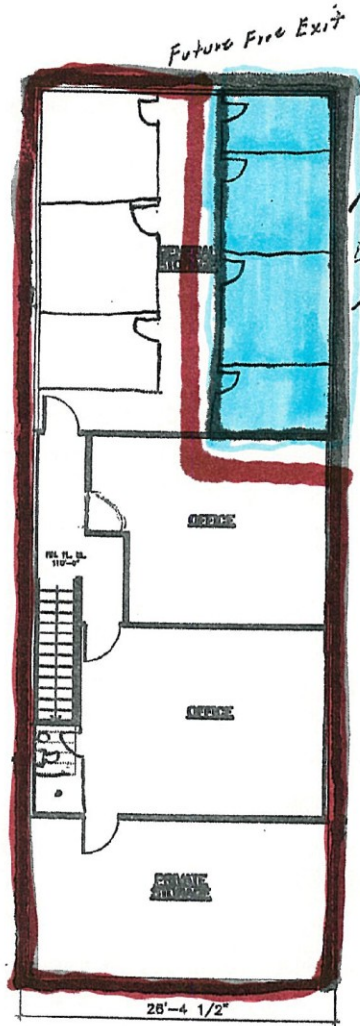
There are no similar-type outlets in the survey area.

That concludes this report.

cc: Applicant  
John Shaver, City Attorney  
Lisa Maestas, Grand Junction Police Department  
File

5-9-2011

Proposed



FLOOR PLAN SECOND LEVEL 2026 SE

FLOOR PLAN MAIN LEVEL 2024 SE BAR, STAGE AND TABLE SEATING-125

Note:

indicates area to <sup>be</sup> unlicensed

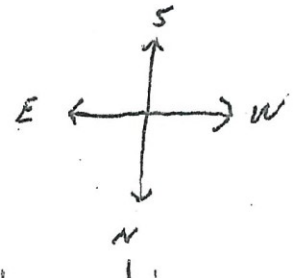
### Gentlemen's Club Proposed Floor Plans

Occupancy 185

(Dining & BAR Area will Both be used)  
For Dining

**Design Specialists**

ARCHITECTS AND PLANNERS  
917 MAIN STREET  
GRAND JUNCTION  
COLORADO 81501  
(970) 241-1903



A





MEMO: Local Licensing Authority  
FROM: Debbie Kemp, Deputy City Clerk  
DATE: May 23, 2011  
SUBJECT: Application for a new tavern liquor license by Nine 7 Oh Hospitality, LLC dba Spring Hill Suites, 236 Main Street

Nine 7 Oh Hospitality, LLC filed an application with the Local Licensing Authority on April 29, 2011 for a new tavern liquor license permitting sales of malt, vinous and spirituous liquors by the drink for consumption on the premises at 236 Main Street under the trade name of Spring Hill Suites. The application and supplementary documents were reviewed, found to be in order and accepted. A copy was sent to the State Liquor Enforcement Division for a Concurrent Review. The hearing date was set for June 15, 2011. The Notice of Hearing was given by posting a sign on the property on or before June 5, 2011 and by publishing a display ad in the Daily Sentinel on June 3, 2011.

In order to address the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood, the applicant conducted a survey. The neighborhood was defined as the area bounded on the North by Hill Avenue, 4<sup>th</sup> Avenue on the South, 8<sup>th</sup> Street on the East and West Avenue on the West and includes both sides of the streets as the outer boundaries. The results of that survey are as follows:

Check the yes/no column if you support/oppose this type of license being issued because the existing outlets do/do not adequately serve the reasonable requirements of the designated area.

Business Results:	FAVOR:	56
	OPPOSE:	0
Residential Results:	FAVOR:	46
	OPPOSE:	0

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

There were 5 responses that were disqualified because there were 2 responses that listed their address outside of the defined neighborhood and 3 responses that didn't identify if they were a resident or a business.

There was 1 "exhibit to survey petition" listed that indicated 2 people under 21 years of age, 2 people refused to sign, 11 were no answers, and 1 had a no solicitors sign posted.

The Grand Junction Police Department has investigated the individuals for local criminal history. They will be inspecting the property to ensure the Notice of Hearing has been posted in a timely manner and verifying that the diagram matches the establishment. The fingerprints have been forwarded to CBI for further processing. Reports have been requested by the Grand Junction Fire Department, Mesa County Health Department, and City of Grand Junction Sales Tax Department.

The number of similar-type outlets in the survey area is as follows:

Tavern – 6 (Chupiro's Place, Main Street Suites, Mesa Theatre and Club, Quincy Bar and Grill, Rocky Mountain Pub, and Tenacious Brothers Pub )

That concludes this report.

cc: Applicant  
John Shaver, City Attorney  
Lisa Maestas, Grand Junction Police Department  
File

MEMO: Local Licensing Authority

FROM: Debbie Kemp, Deputy City Clerk

DATE: June 6, 2011

SUBJECT: Application for a new beer and wine liquor license by New Asia Garden, Inc. dba Asia Garden Chinese and Thai Cuisine, 2692 Hwy. 50, Units L and M

New Asia Garden, Inc. filed an application with the Local Licensing Authority on May 11, 2011 for a new beer and wine liquor license permitting sales of malt and vinous liquors by the drink for consumption on the premises at 2692 Hwy. 50, Units L and M under the trade name of Asia Garden Chinese and Thai Cuisine. The application and supplementary documents were reviewed, found to be in order and accepted. A copy was sent to the State Liquor Enforcement Division for a Concurrent Review. The hearing date was set for June 15, 2011. The Notice of Hearing was given by posting a sign on the property on or before June 5, 2011 and by publishing a display ad in the Daily Sentinel on June 3, 2011.

In order to address the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood, the applicant conducted a survey. The neighborhood was defined as the area bounded on the North by the Colorado River, Gunnison Avenue on the South, 28 Road on the East and 26 3/8 Road on the West and includes both sides of the streets as the outer boundaries. The results of that survey are as follows:

Check the yes/no column if you support/oppose this type of license being issued because the existing outlets do/do not adequately serve the reasonable requirements of the designated area.

Business Results:	FAVOR:	24
	OPPOSE:	0
Residential Results:	FAVOR:	37
	OPPOSE:	0

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

There were 49 responses that were disqualified because there were 33 responses that listed their address outside of the defined neighborhood, 6 responses did not check either box for supporting or opposing the license, 2 responses that listed no address, and 1 response that didn't list a house number.

The Grand Junction Police Department has investigated the corporate officers for local criminal history. They will be inspecting the property to ensure the Notice of Hearing has been posted in a timely manner and verifying that the diagram matches the establishment. The fingerprints have been forwarded to CBI for further processing. Reports have been requested by the Grand Junction Fire Department, Mesa County Health Department, and City of Grand Junction Sales Tax Department.

There are no similar-type outlets in the survey area.

That concludes this report.

cc: Applicant  
John Shaver, City Attorney  
Lisa Maestas, Grand Junction Police Department  
File