#### 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, NOVEMBER 2, 2011, 2:00 P.M.

#### I. CALL TO ORDER

The meeting convened at 2:00 p.m. Those present were Hearing Officer Mike Grattan, City Attorney John Shaver, and Deputy City Clerk Debbie Kemp.

#### II. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES

1. Mesa Mall BBQ, Inc., dba Famous Dave's Bar B Que, 2440 US Hwy. 6 and 50, Grand Junction, CO 81505, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal for Mesa Mall BBQ, Inc., dba Famous Dave's Bar B Que was found to be in order and approved.

2. B.P.O. Elks Lodge dba Grand Junction Lodge No. 575, 249 S. 4<sup>th</sup> Street, Grand Junction, CO 81501, Club

Philip Carter, Exalted Ruler for Grand Junction Lodge No. 575, was present.

Ms. Kemp advised that the Fire Department was conducting an inspection on this day and a report has not been received at this time.

The application for renewal for B.P.O. Elks Lodge dba Grand Junction Lodge No. 575 was found to be in order and approved conditioned on a report of approval from the Fire Department.

#### III. <u>APPLICATION TO RENEW LIQUOR AND BEER LICENSE WITH OUTDOOR</u> <u>DINING LEASE</u>

1. Buon Appetito, Inc. dba Il Bistro Italiano, 400 Main Street, Grand Junction, CO 81501, Hotel and Restaurant

No one was present representing the applicant.

Ms. Kemp advised that the Fire Department reported violations found and will be conducting a re-inspection.

The application for renewal for Buon Appetito, Inc. dba II Bistro Italiano was found to be in order and approved conditioned on an inspection and qualification from the Fire Department.

#### IV. <u>APPLICATION FOR NEW LICENSE – RESOLUTION AND FINDINGS AND</u> <u>DECISION</u>

1. Allen Unique Autos, LLC dba Allen Unique Autos, 2285 River Road, Grand Junction, CO 81505, Tavern

Member/President/CEO: Tammy Allen Todd, 3716 Christensen Court, Grand Junction, CO 81506

Catherine Norton Breman, Director of Law and Business for Allen Unique Autos, was present representing the applicant.

Ms. Kemp reported that CBI/FBI investigation was still pending on the owner and Mesa County Health Department reported that they were waiting on paperwork from the applicant and a commercial dishwasher will be required to be installed on the premises. She also advised that the Police and Fire Departments have requested notification of each event held at the premises.

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

Hearing Officer Grattan noted that there was no one present in opposition to the license being issued.

City Attorney Shaver asked if the results of the survey that were read were true and accurate. Ms. Norton Breman said yes and advised that, except for some help of a couple of Allen Unique Autos employees, she conducted most all of the survey. City Attorney Shaver asked how the survey was conducted. Ms. Norton Breman said that she took the aerial photo of the designated area and, using the exhibits to survey forms, listed streets and addresses to help conduct the survey. The survey was conducted totaling 44 hours between October 18<sup>th</sup> and October 20<sup>th</sup>, during various hours of the day but not after dark. Ms. Norton Bremen advised that she did contact one neighbor to the west. United Companies of Mesa County, after the deadline for circulating petitions and they were opposed to the issuance of the liquor license. City Attorney Shaver asked Ms. Norton Breman to explain a little more about the 27 exhibits to survey. Ms. Norton Breman said that when actually going out to the addresses she listed on the exhibits, in some cases there was no building on the property or in the case of the mobile home park, many of the people living there are there temporarily and are not residents. City Attorney Shaver asked if there were any attempts to return to the homes that were marked not at home. Ms. Norton Breman said that with the exception of the immediate neighbors, no.

City Attorney Shaver asked Ms. Norton Breman to describe the three diagrams that were provided indicating the licensed premises (Exhibits A, B, and C attached). Ms. Norton Breman explained that Exhibit A was a footprint of the

entire property, Exhibit B is a footprint of the 1<sup>st</sup> floor of the building, and Exhibit C is a footprint of the 2<sup>nd</sup> floor of the building. City Attorney Shaver asked Ms. Norton Breman if the triangular area of Exhibit A will be a display area for automobiles and/or an assembly area for parties or events. Ms. Norton Breman responded affirmatively and advised that the owner provided an affidavit stating that they would create a physical boundary whenever alcohol is served in that area. City Attorney Shaver asked what the red outlined designations mean on the diagrams. Ms. Norton Breman stated that is where they sought to have the liquor license apply.

Ms. Norton Breman said that they just filed the required papers and they have a contractor on board who is installing an approved dishwasher.

City Attorney Shaver recommended approval of the liquor license. The survey is sufficiently representative that the needs and the desires of the neighborhood are not being met.

Hearing Officer Grattan expressed concern about the triangular area not having a barrier around it. Ms. Norton Breman stated that, in an affidavit provided, it is understood that if there is an event in that area, they will have to define the area and will be liable for the alcohol consumption remaining in the designated space. City Attorney Shaver asked if the affidavit defined what type of barrier would be provided. Hearing Officer Grattan read from the affidavit that there would be enclosed tents, fence, or chains used to prohibit the consumption of alcohol outside the demarked area. City Attorney Shaver advised Hearing Officer Grattan that his concerns are well founded, however, with the acknowledgment of the applicant from the beginning knowing they have the obligation of a barrier, he is not as concerned. If there is a problem, they will be back before the Hearing Authority to address the problem.

Hearing Officer Grattan advised that, since the Fire and Police Department have requested notification of every event, he would encourage Allen Unique Autos to do so, however, he is not going to require it as a condition of the approval of the liquor license.

The application for a new tavern liquor license for Allen Unique Autos, LLC dba Allen Unique Autos was found to be in order and approved conditioned upon inspections and approval from the Health Department and a satisfactory report from CBI/FBI on the owner. The City Clerk's office will prepare a resolution for Hearing Officer Grattan's signature.

#### V. <u>OTHER BUSINESS</u> – Continued from October 19, 2011

Review report from the Fire Department for the Transfer of Ownership for Manuel Alvarez dba Taqueria Valparaiso, 511 30 Road, Grand Junction, CO 81504, transferring from Fernando Garcia dba El Primo Taqueria Mexican Food, Hotel and Restaurant

Manuel Alvarez, owner of Taqueria Valparaiso, and Maria Alvarez, interpreter for and daughter to Mr. Alvarez, were present.

Hearing Officer Grattan advised that he had received an email from Ms. Kemp with a document (action plan) attached to the email. He asked Ms. Maria Alvarez who wrote the document. Ms. Alvarez said that she did. Hearing Officer Grattan said he also received an email from Mr. Chuck Mathis with the Fire Department stating the document was acceptable with Fire Prevention. Hearing Officer Grattan asked that Mr. Alvarez sign the action plan and everything will be complete.

Ms. Alvarez asked if they need to contact Ms. Kemp when the installation of the fire suppressant system is complete. Hearing Officer Grattan said that they can contact either Ms. Kemp or Mr. Mathis. City Attorney Shaver advised Hearing Officer Grattan to advise the applicant to call sooner, rather than later, if there are any problems, which Hearing Officer Grattan did advise the applicant.

Hearing Officer Grattan informed the applicant that a review will be scheduled in March 2012 to verify that the fire suppressant system was installed to the Fire Department's satisfaction.

#### VI. <u>ADJOURNMENT</u>

The meeting was adjourned at 2:36 p.m.

#### NEXT REGULAR MEETING – November 16, 2011



MEMO:	Local Licensing Authority
FROM:	Debbie Kemp, Deputy City Clerk
DATE:	October 24, 2011
SUBJECT:	Application for a new tavern liquor license by Allen Unique Autos, LLC dba Allen Unique Autos, 2285 River Road

Allen Unique Autos, LLC filed an application with the Local Licensing Authority on September 30, 2011 for a new tavern liquor license permitting sales of alcohol beverages by the drink for consumption on the premises at 2285 River Road under the trade name of Allen Unique Autos. 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 November 2, 2011. The Notice of Hearing was given by posting a sign on the property on or before October 23, 2011 and by publishing a display ad in the Daily Sentinel on October 21, 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 H Road, Saddlehorn Road on the South, 23 ½ Road on the East and 21 ½ Road on the West and included 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: OPPOSE:	40 0
Residential Results:	FAVOR: OPPOSE:	50 3

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

There were 6 responses that were disqualified because there were 3 responses that were outside the boundary and 3 responses that did not complete the required information.

There were 27 "exhibits to survey petition" submitted (attached).

The Grand Junction Police Department has investigated the individual 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 – 1 (Fantasy)

That concludes this report.

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

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Street No.	Street Name		Rea			0.1	Additional Attempts
2177	Street Name Lasser Ct	Not 21 Years of Age					□ Yes □ No # of attempts
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217 9		□ Not 21 Years of Age	□Refused to Sign	No Answer	□No Solicitors	□Other	
28		Not 21 Years of Age	□Refused to Sign	No Answer	□No Solicitors	□Other	
2177 278 2179 2187 2187		□ Not 21 Years of Age	□Refused to Sign	No Answer	□No Solicitors	□Other	
2167		Not 21 Years of Age	□Refused to Sign	No Answer	□No Solicitors	□Other	
2184		Not 21 Years of Age	□Refused to Sign	⊠No Answer	□No Solicitors	□Other	
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2181		□ Not 21 Years of Age	□Refused to Sign	□No Answer	□No Solicitors	□Other	
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2187		□ Not 21 Years of Age	Refused to Sign	□No Answer	□No Solicitors	□Other	
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213		□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
2153		□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
2154	-	□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
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2157		□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
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622		□ Not 21 Years of Age □Refused to Sign No Answer □No Solicitors □Other	······································
1023		□ Not 21 Years of Age ZRefused to Sign □No Answer □No Solicitors □Other	
1024		□ Not 21 Years of Age □Refused to Sign No Answer □No Solicitors □Other	
1125		□ Not 21 Years of Age □Refused to Sign SNo Answer □No Solicitors □Other	-
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2240		□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors Cher	
2204		□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
2265		□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
2268		□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
2272		□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
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760	Foxfire Ct	□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
741		□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
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2270	/ ,	□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
2214		□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
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408	□ Not 21 Years of Age □Refused to Sign No Answer □No Solicitors □Other	
1009	□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
7110	□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
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117 Collector	□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
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120	□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
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u 89.	□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
701	□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
702	□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	

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705		□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
700		□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
707		□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	/ an n
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711	$\checkmark$	□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
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		□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
2300	Sand castle line	□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
2208	Sand Call	□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
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Street No.	Street Mame	Reason	Additional Attempts
187	2312 Kgal	□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	□ Yes □ No # of attempts
748	231/2 18001	□ Not 21 Years of Age □Refused to Sign In Not 21 Years of Age □Other	
99-1	23/2/100	□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
770 "	231/2 load	□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors □Other	
775	23:12 load	□ Not 21 Years of Age □Refused to Sign □No Answer □No Solicitors 19 ther	Callenat 20
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