

Grand Junction, Colorado

May 4, 1981

The City Council of the City of Grand Junction, Colorado, convened in special session the 4th day of May, 1981, in the City Council Chambers at City Hall at 9:00 a.m. Those present were Council members Louis Brach, Frank Dunn, Dale Hollingsworth, Robert Holmes, Karl Johnson, and Jane Quimby, a quorum. Councilman Bill O'Dwyer was absent. Also present were City Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

Council President Quimby called the meeting to order.

RESOLUTION OF FINDINGS & DECISION RE: APPLICATION BY SOUTHLAND CORPORATION FOR A 3.2% BEER LICENSE TO PERMIT SALES IN SEALED CONTAINERS FOR OFF-PREMISE CONSUMPTION AT THE 7-ELEVEN FOOD STORE, 445 NORTH AVENUE - LICENSE DENIED

The following Resolution was read:

RESOLUTION

OF DECISION ON APPLICATION FOR A FERMENTED MALT BEVERAGE LICENSE BY THE SOUTHLAND CORPORATION DBA 7-ELEVEN FOOD STORE AT 445 NORTH AVENUE, GRAND JUNCTION.

A public hearing having been held on April 15, 1981, on the application by The Southland Corporation for a fermented malt beverage license for sales in sealed containers for consumption off the premises for 7-Eleven Food Store at 445 North Avenue, Grand Junction, and the City Council having considered the evidence adduced at said hearing, FINDS:

1. The hearing was properly held after due notice under the Beer Code.
2. The City caused a survey to be made of an area bounded by 2nd Street on the West, Kennedy Avenue on the north, 8th Street on the east, and Hill Avenue on the south. The applicant also circulated petitions within this area and had petitions available for signature within the proposed location.
3. The results of the survey conducted by the City were that approximately 156 inhabitants of the neighborhood favored the issuance of the license stating that the needs of the neighborhood were not being met by existing outlets, while approximately 169 inhabitants expressed disapproval of the issuance of the license stating that the needs of the neighborhood were being met by existing outlets. One letter in opposition to the issuance of the license was received.
4. The survey conducted on behalf of the applicant determined that approximately 109 inhabitants within the neighborhood favored the

issuance of the license. The petitions available within the store contained about 462 signatures of persons who indicated that they were patrons of the store and asked that the Council issue the license requested.

5. There are two similar outlets within the neighborhood, each within about two blocks of the proposed location, and within one mile there are 13 such outlets.

6. The character of those required to be determined under the provisions of the Beer Code were found to be good.

CONCLUSIONS

The Council is inclined to place somewhat more emphasis on the survey done by the City, believing that the impartiality with which this is done may more nearly reflect the attitudes and true feelings of the inhabitants of the neighborhood. In this case, the survey conducted by the applicant within the neighborhood seemed to corroborate, at least in numbers, the survey conducted by the City. The petitions signed in the store by those who were not inhabitants of the neighborhood but who desired the issuance of the license for their convenience must be considered as expressing needs of the neighborhood under appropriate case law; although, when, as here, there are other immediate outlets available it would seem that these needs might be as readily met by those outlets within two blocks of the proposed outlet. The law does not make the process for determining the granting or denial of fermented malt beverage licenses an exact science, but, on the basis of those guidelines given, it is believed that the license should be denied because the inhabitants of the neighborhood believe by a slight majority that the needs of the neighborhood are being met by other outlets, two of which are in the neighborhood.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That the application of The Southland Corporation for a fermented malt beverage license at 7-Eleven Food Store, 445 North Avenue, Grand Junction, be denied.

PASSED and ADOPTED this 4th day of May, 1981.

President of the Council

Attest:

City Clerk

Upon motion by Councilman Brach, seconded by Councilman Holmes and carried by roll call vote with Councilman DUNN voting NO, the Resolution was passed and adopted as read.

RESOLUTION OF FINDINGS & DECISION RE: PETITION BY MARVIN AND MARGARET DICKEY TO REZONE FROM R-3 TO B-1 THE NE CORNER OF 11TH AND MAIN STREETS FOR OFFICE USE - PETITION DENIED

The following Resolution was read:

RESOLUTION

ADOPTING A DECISION ON REQUEST FOR ZONING CHANGE BY MARVIN DICKEY AND MARGARET DICKEY

WHEREAS, Marvin and Margaret Dickey sought to have the zoning changed from R-3 (Residential) to B-1 (Business - light) on the following described land situated in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lots 33 and 34, Block 110, CITY OF GRAND JUNCTION; and

WHEREAS, the hearing before the City Council of the City of Grand Junction was held on April 15, 1981; and

WHEREAS, the Council considered the evidence presented at the hearing and the zoning maps and regulations of the City and FINDS:

1. That the hearing was duly held after proper notice.
2. That the Grand Junction Planning Commission recommended that the application be denied.
3. That the B-1 zone in the City had been stopped at 11th Street on Main, being within that zoning category to the west of that street into the downtown area of the City.
4. That there is no plan for the eleven hundred block of Main Street, and to that extent the application for the change in zoning would be "spot" zoning.
5. That it was not shown by the applicants that the original zoning was in error, nor that there had been changes in the neighborhood which warranted the change in zoning.
6. That the proposed zoning change would not be in the best interest of the public peace, health and safety.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That the application of Marvin and Margaret Dickey for a change in zoning on the above described property from R-3 to B-1 (Business - light) be denied.

PASSED and ADOPTED this 4th day of May, 1981.

President of the Council

Attest:

City Clerk

Upon motion by Councilman Holmes, seconded by Councilman Brach and carried by roll call vote with Council members DUNN and JOHNSON voting NO, the Resolution was passed and adopted as read.

MAYOR AUTHORIZED TO SIGN GRANT FOR PLANNING ASSISTANCE

The City Manager reviewed the grant of \$9000 from the State of which \$3000 would be in-kind match or local cash match by the City-County Development Department to do tasks such as the following: inventory of existing land uses throughout the planning area; prepare maps for inventory of existing land uses at a scale consistent with other mapping activities within the planning program; prepare a written description of the existing land uses; prepare a written analysis of historic and contemporary forces that caused the land-use patterns that may exist in the current land-uses; use the information from the preceding steps to generate one or more future land-use alternatives for planned area. This is a joint contract, and Mr. Wysocki indicated that the County Commissioners have already approved the contract and he asked that this money be used to supplement the monies that are already existing for this particular part of the program that is being done by the Development Department.

Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried with Councilman HOLMES voting NO, the Mayor was authorized to sign the Contract on behalf of the City of Grand Junction.

PROPOSED "GRAND JUNCTION ZONING AND DEVELOPMENT CODE" - PUBLICATION IN PAMPHLET FORM AND NOTICE OF HEARING AUTHORIZED

Upon motion by Councilman Johnson, seconded by Councilman Brach and carried with Councilman HOLMES voting NO, the Grand Junction Zoning and Development Code was authorized to be published in pamphlet form with a notice thereof authorized for publication in The Daily Sentinel of the Code's availability for review in the City Clerk's Office and a hearing May 20, 1981, before its final adoption.

PRESENTATION OF GAVEL TO MAYOR QUIMBY

Councilman Johnson presented to Mayor Quimby the gavel in

appreciation of her years of service to the City as Mayor and Councilwoman from the City at Large. Councilman Johnson said he fully appreciates the time and effort Mrs. Quimby has devoted to the job.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk

Grand Junction, Colorado

May 4, 1981

In accordance with Article III, Section 35, of the Charter, City of Grand Junction, Colorado, the following City Council members elect assembled in the City Council Chambers at City Hall at 10:00 a.m. May 4, 1981, where the oath of office was administered:

Elizabeth (Betsy) Clark
City at Large

Frank Dunn
District D

Robert Holmes
District A

Gary Lucero
District E

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk