

**LIQUOR AND BEER MEETING
LOCAL LICENSING AUTHORITY
CITY OF GRAND JUNCTION, COLORADO
TWO RIVERS CONVENTION CENTER, 159 MAIN STREET**

MINUTES

WEDNESDAY, FEBRUARY 2, 2000, 8:00 A.M.

Jim Majors, Alternate Hearing Officer

I. **CALL TO ORDER** – The meeting convened at 8:05 a.m. Those present were Alternate Hearing Officer Jim Majors, Assistant City Attorney John Shaver and Senior Administrative Assistant Christine English.

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

1. Orchard Mesa Liquors LLC dba Orchard Mesa Liquors, 2706 Highway 50, Retail Liquor Store

Jim Schoonover was present. The application was in order and approved.

2. Western States Motel Operations Incorporated dba Holiday Inn of Grand Junction, 755 Horizon Drive, Hotel and Restaurant

The Health Department reported 4 critical violations. Three of the violations have been corrected. A reinspection has been scheduled for February 2, 2000. The application was in order and approved contingent upon a favorable reinspection. Mr. Majors requested a letter be sent to the applicant notifying them that the license will not be issued until compliance has been met with the Health Department.

3. GMRI Incorporated dba Red Lobster No. 685, 575 24 ½ Road, Hotel and Restaurant

The application was in order and approved.

4. Janrus Incorporated dba Cahoots Crossin, 490 28 ¼ Road, Tavern

Janet Boyd was present. The application was in order and approved.

III. **DECISION AND RESOLUTION OF FINDINGS RE: APPLICATIONS FOR NEW LICENSES**

1. Mimosa Incorporated dba Fairground Wine & Liquor, 2771 B ½ Road, Retail Liquor Store

President:	R. Keith Fowler, 2937 Ronda Lee Road, Grand Junction
Vice President:	Jery L. Sparks, 2282 Olive Cr, Grand Junction
Secretary:	Kelly M. Sparks, 2282 Olive Cr, Grand Junction
Treasurer:	Dixie L. Fowler, 2937 Ronda Lee Road, Grand Junction

The corporation officers were present. The application was in order. Ms. English stated the police report revealed a 1980 charge of DUI, which was amended, to careless driving. This was not revealed on Mr. Fowler's individual history. Ms. English read into the record the result of the survey (see attached).

Hearing Officer Majors swore in Mr. Fowler. Mr. Shaver asked Mr. Fowler some questions on the survey. Mr. Fowler stated the survey was conducted door to door, during daylight hours and in the early evenings by himself and Mr. Sparks. The majority of those opposed to the license were opposed to alcohol. Even if the people were opposed to the license, they were encouraged to sign the survey so it would be a truthful sample of the neighborhood. Mr. Fowler stated the results that were read into the record were fair and accurate. Mr. Fowler stated the area in the report of the ½ mile and 1-mile radius with similar type outlets was incorrect and he presented a map to the Hearing Authority.

Mr. Shaver questioned Mr. Fowler on the charge that appeared on the police report. Mr. Fowler stated since it had been reduced to a careless driving offense and happened so long ago, he did not list it. His record has been clean since then.

Mr. Sparks, 2282 Olive Court, stated the report was fair and accurate. The hours he conducted the survey were in the evenings and on the weekends.

There was no one present in the audience in support of the issuance of the license.

Mr. Clinton Davis, 530 ½ 32 1/8 Road, stated even though he is not in the surveyed neighborhood, he felt the current needs of the neighborhood were already being met by the 3 existing outlets. Mr. Davis stated he is the manager of Trading Post Liquors, and the community is not big enough to support another competitor. He conducted a survey on his own by placing a petition on the counter of his store and collected approximately 150 signatures from potential customers and they were in opposition to another retail liquor store license being issued. Mr. Davis stated he had control of the survey as it was on his counter, he had informed the customers of the issue, verified their signatures and had it notarized. Mr. Davis submitted the survey to the Hearing Authority.

Mr. Jim Schoonover, 2711 Rincon, and owner of Orchard Mesa Liquors, 2706 Highway 50, stated the proposed new license is in close proximity to 2 grocery stores, 3 convenience stores, 3 lounges and 3 liquor stores all with licenses. There is no need for more in this area. Mr. Schoonover stated he had personal knowledge that some of the signatures on Mr. Fowler's survey were collected from the skating rink which he owns.

Mr. Dan Lawrie, 2839 Hatford Avenue, manager of Hilltop Liquors stated there are currently 3 retail liquor outlets in the 3-mile area on Orchard Mesa and that the current needs are already being met. A new license will only divide the limited business of the area. Hilltop Liquors is approximately ¾ of a mile from Orchard Mesa Liquors. His opposition is due to economics.

Bruce Rahn, 281 East Parkview Drive, stated the needs of the neighborhood are being met. He has concerns over the traffic on B ½ Road, additional law enforcement and possible more DUI's resulting from the issuance of another license. He is in the survey area but was not contacted. He did not think he had been left out purposely.

There was no further opposition present.

Mr. Fowler stated the survey conducted at the Trading Post was not within the boundaries of the survey. There was 1 signature from a Mr. John Hendricks, a Pepsi truck driver who Mr. Fowler knows personally, that was obtained at the skating rink but he lives within the survey area. The survey was not made available at the skating rink. There was 1 signature that was outside of the survey area, but this was not counted in the results. He has been a resident of Orchard Mesa for 32 years. The growth on Orchard Mesa was

stagnant for many years, then with the addition of numerous subdivisions and the golf course that has changed. With City Market as the hub, the business choices are expanding and will continue to do so. B ½ Road is due to be widened and this will bring more people and business to this area. The map, which was submitted to the Hearing Authority, was obtained from the Community Development Department.

Mr. Majors stated his findings on this application: The application is in order. The failure to disclose on the individual history does not constitute unfit moral character. The charge was reduced and there was no intent to deceive the Authority. The results of the survey are fair and accurate with an overwhelming majority in favor of the issuance of the license. As to the opposition present at the hearing, Mr. Davis' survey was of his patrons and does not change the opinion of the survey neighborhood. As to the testimony given of the effect on the other liquor outlets, the Hearing Authority is not required to consider this. Mr. Rahn's testimony that he is in the survey area but was not surveyed is not an issue since the applicant is not required to survey everyone within the boundary area. The application was approved. The license would not issue until the Mesa County Building Department and the Fire Department final reports were filed. Mr. Majors requested Ms. English to amend the report to the Hearing Authority showing that no similar outlets are within a ½ mile radius and 1 outlet is within a 1-mile radius.

Mr. Clinton Davis approached the Hearing Authority and removed the survey which he had previously submitted. Mr. Majors and Mr. Shaver stated the survey had become part of the record. Mr. Davis stated it wasn't any longer, removed the survey and left the room.

2. Greenfields Incorporated dba Greenfields, 118 South 7th Street, Tavern – Continued from January 19, 2000

President: Marvin Stevenson, 2144 Redcliff Circle, Grand Junction

Mr. Tom Volkmann, attorney for the applicant, was present. Ms. English stated an amended application had been filed on January 20, 2000 and read into the record the results of the survey (see attached). Mr. Volkmann stated it was the intent of the applicant to apply for a hotel and restaurant liquor license originally, but Mr. Stevenson was a guarantor on the lease for a tavern liquor license which becomes an indirect financial interest in the tavern thus preventing him from making application for a hotel and restaurant license. This is why the application is for a tavern liquor license. Mr. Stevenson has no financial interest in the liquor license for which he appears as a guarantor on the lease. Mr. Lamont has resigned from the corporation and the necessary papers have been filed to this effect. Mr. Stevenson would eventually like to apply for a hotel and restaurant license at this location instead of retaining the tavern license. Mr. Volkmann stated with the tavern license there is a minimal food requirement, but Mr. Stevenson would be operating as a restaurant.

Mr. Marvin Stevenson, 2144 Redcliff Circle, was present and sworn in by Mr. Majors. Mr. Stevenson stated it was his intent to operate the business as a restaurant/bar, not as a nightclub, and that he has no direct financial interest in the Pour House tavern license.

Mr. Shaver questioned Mr. Stevenson concerning the survey. Mr. Stevenson stated he thought the results of the survey were fair and accurate. The survey was conducted January 8, 9 and 10th, 2000 during daylight hours and encompassed both commercial and residential areas.

Mary Donlan, 287B Roberson Drive, Fruita, was present. Ms. Donlan stated she is the owner of the building leasing to the applicant. Ms. Donlan stated she does not want a business like The Pour House in this building especially being next door to the dinner theatre. She has been very impressed with the improvements Mr. Stevenson has done and thinks this restaurant will be an asset to the area as well as to the dinner theatre.

Mr. Majors reviewed the letter of opposition that was submitted from a business owner in the area, Mr. Steve Landmann. Mr. Landmann is concerned with the parking for this proposed business and that there is no need for another bar in the area. Mr. Majors ruled that this was not sufficient to deny the license.

There was no opposition to the issuance of the license present.

Mr. Majors stated his findings on this application: The amended application is in order. Mr. Stevenson has addressed the concerns of Mr. Landmann sufficiently. The survey indicates that the needs and desires of the neighborhood are not being met. The application was approved contingent upon the issuance of a Certificate of Occupancy and final reports from the Health and Fire Departments.

IV. ADJOURNMENT – The meeting was adjourned at 9:35 a.m.

NEXT REGULAR MEETING – February 16, 2000 with Jim Majors as Hearing Officer

Amended – February 2, 2000

Memo to: Local Licensing Authority
From: Christine English, Sr. Administrative Assistant
Date: January 25, 2000
Subject: Application by Mimosa Incorporated for a Retail Liquor Store liquor license at 2771 B ½ Road under the name of Fairground Wine & Liquor

Mimosa Incorporated filed an application with the Local Licensing Authority on December 17, 1999, for a retail liquor store liquor license, for the sales of malt, vinous and spirituous liquors in sealed containers for consumption off the premises at 2771 B ½ Road under the trade name of Fairground Wine & Liquor. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for January 19, 2000. The Notice of Hearing was not posted on the given date and the application was rescheduled for February 2, 2000. The Notice of Hearing was posted on January 21, 2000. A display ad was published in The Daily Sentinel on January 21, 2000.

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 defined the neighborhood was the area bounded by Unawep Avenue on the north, B ¼ Road on the south, 27 ¼ Road on the west and Arlington Drive (if extended) on the east and included both sides of the streets as the outer boundaries. The results of that survey are as follows:

1. As an owner of property in the neighborhood, an employee of or business lessee of property in the neighborhood, and/or an inhabitant residing in the neighborhood for more than six months each year, I believe the reasonable requirements of the neighborhood are already being met by existing outlets.

YES: 22
NO: 195

2. As an inhabitant residing in the neighborhood more than six months each year, it is my desire that the license be issued.

YES: 182
NO: 18
NOT APPLICABLE: 0

One (1) signature could not be counted as it was outside of the survey area, and one (1) signature could not be counted as it was unreadable.

Three (3) letters of opposition have been filed to date (see attached).

The applicant is a corporation. The fingerprints have been processed locally and no criminal history was found on any of the corporate officers. The fingerprints have been forwarded to the Colorado Bureau of Investigation for further processing. The Code Enforcement Department reported the second posting of the Notice of Hearing was done in a timely manner. The premises will be under construction and the Mesa County Building Department will need to file a Certificate of Occupancy in this office prior to the issue of a license.

The Community Development Department has determined that no Conditional Use Permit is required and the proposed use is allowed in this zone district.

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

Retail Liquor – 1 (Orchard Mesa Liquors)

The number of similar type outlets in a one mile area in addition to the above are:

Retail Liquor - 1(Hilltop Liquors)

That concludes this report.

As requested by Alternate Hearing Officer Jim Majors, the above number of similar-type outlets within the survey area is as follows:

Retail Liquor – 0

The number of similar type outlets in a one mile area in addition to the above is:

Retail Liquor – 1 (Orchard Mesa Liquors)

cc: John Shaver, Assistant City Attorney
Julia Marston, Grand Junction Police Department
Applicant
File

Memo to: Local Licensing Authority
From: Christine English, Sr. Administrative Assistant
Date: January 11, 2000
Subject: Application by Greenfields Incorporated for a Tavern Liquor License at 118 South 7th Street under the name of Greenfields

Greenfields Incorporated filed an application with the Local Licensing Authority on December 17, 1999, for a new Tavern liquor license for the sales of malt, vinous and spirituous liquors by the drink for consumption on the premises at 118 South 7th Street under the trade name of Greenfields. The application and supplementary documents were reviewed, found to be in order and accepted. The application has been sent on the State for a concurrent review. The hearing date was set for January 19, 2000. The Notice of Hearing was given by posting a sign on the property on January 7, 2000 and by publishing a display ad in The Daily Sentinel on January 7, 2000.

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 and defined the neighborhood as the area bounded by Gunnison Avenue on the north, DRG RR on the south, 12th Street on the east and 2nd Street on the west and included both sides of the streets as the outer boundaries. The results of that survey are as follows:

1. As an owner of property in the neighborhood, an employee of or business lessee of property in the neighborhood, and/or an inhabitant residing in the neighborhood for more than six months each year, I believe the reasonable requirements of the neighborhood are already being met by other existing outlets.

YES:	0
NO:	65

2. As an inhabitant who resides in the neighborhood more than six months each year, it is my desire that the license be issued.

YES:	46
NO:	0
NOT APPLICABLE:	0

Twenty-two (22) signatures could not be counted: (2) signers answered "No opinion", the address given on (1) was outside of the survey area and (19) marked the address as business and answered question #2 which is for inhabitants only.

One (1) letter opposing the granting of the license has been filed to date.

The Grand Junction Police Department has investigated the corporate officer for local criminal history and none was found. The fingerprints have been forwarded onto CBI for further processing. The premises are undergoing a remodel and will be inspected by the Grand Junction Fire Department and the Mesa County Health Department for compliance prior to the issuance of a license. A Certificate of Occupancy from the Mesa County Building Department will need to be filed in this office prior to the issuance of a license.

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

Tavern – 6 (Cheers, Chupiro's Place, Mesa Theatre & Club, Modern World Cabaret,
Quincy's Bar & Grill and Station 234)

The number of similar type outlets in a one mile area in addition to the above are:

Tavern – 1 (VFW)

That concludes this report.

cc: Applicant
John Shaver, Assistant City Attorney
Julia Marston, Grand Junction Police Department
File