

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

MINUTES

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

Alternate Hearing Officer James Majors

I. **CALL TO ORDER** – The meeting convened at 8:08 a.m. Those present were Alternate Hearing Officer James Majors, Assistant City Attorney John Shaver and Senior Administrative Assistant Christine English.

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

1. Loco Incorporated dba Loco Food Store No. 16, 2249 Broadway, 3.2% Beer Off Premise

The application was in order and approved.

2. C & F Food Stores Incorporated dba C & F Food Stores, **3 Locations**, 3.2% Beer Off Premise

- a. C & F Food Stores No. 1, 859 Pitkin Avenue
- b. C & F Food Stores No. 3, 2714 Highway 50
- c. C & F Food Stores No. 4, 596 25 Road

The applications were in order and approved.

3. Grand Junction North Avenue Liquors Incorporated dba North Avenue Liquor, 801 North Avenue, Retail Liquor Store

Dave McCarty, owner, was present. The application was in order and approved.

4. Fishers Liquor Barn Incorporated dba Fishers Liquor Barn, 2438 F Road, Retail Liquor Store

The application was in order and approved.

5. DA FA Incorporated dba Grand China Restaurant, 509 28 ½ Road, Beer and Wine

The Health Department reported one critical violation. The application was in order and approved contingent upon a favorable report from the Health Department.

6. Wigout Productions Incorporated dba Mesa Theatre & Club, 538 Main Street, Tavern

David Prather was present. Ms. English reported the renewal was filed late. It had been sent to the state where it was approved without prior local approval. The state sent Mr. Prather his license. Mr. Prather contacted the City Clerk's office and explained what had happened. He brought the state license in and filed for the renewal on July 17, 2000. The current license expires on August 16, 2000. Mr. Majors and Mr. Shaver

complimented Mr. Prather on his timely compliance with the Order that was entered on February 16, 2000. The application was in order and approved.

III. APPLICATION FOR RENEWAL AND CHANGE OF TRADE NAME

1. N.N.C. Incorporated dba The Crab Shack, 525 North Avenue, Hotel and Restaurant

Name Change **from** N.N.C. Incorporated dba The Crab Shack **to** N.N.C. Incorporated dba Bourbon Street of Grand Junction

The applications were in order. Ms. English stated there was some confusion as to what the licensee was doing. In May 2000, an application for a modification of premises was filed and approved on both the local and state levels. On June 29, 2000, the Code Enforcement Division reported that the business was closed with a "For Sale" sign on the premises. The licensee contacted the City Clerk's office and stated they had closed for a 30-day period and were going to start the modification of premises at this time. The application was in order and approved.

IV. APPLICATION FOR MODIFICATION OF PREMISES

1. Seven Seventeen HB Colorado Corporation dba Adams Mark, 743 Horizon Drive, Hotel and Restaurant

Proposed change: Renovate lobby bar and lobby restaurant. Eliminate existing fine dining and lounge with dance floor. In its place, provide 3 meeting rooms and 1 boardroom.

Start date: June 10, 2000 End date: December 10, 2000
Date filed: July 20, 2000

Larry McDonald, general manager, was present. Ms. English stated the modification of the premises was undertaken prior to local or state approval. The Health Department reported plans had been filed with them on April 6, 2000. The modification began, according to the application, on June 10, 2000. The application for modification was not filed with the City Clerk's office until July 20, 2000. The Health Department reported on their July 6, 2000 inspection, six critical violations were found. On July 25, 2000, a reinspection was conducted and two of the violations had not been corrected. A Notice of Non-Compliance was issued at that time. A follow up inspection has been scheduled for August 7, 2000.

Mr. Shaver stated this may constitute a violation of the Liquor Code and recommended the Assistant City Attorney's office undertake an investigation of this matter.

Mr. Majors questioned Mr. McDonald if he was aware of the need to file prior to beginning the modification of the premises. Mr. McDonald stated no. It was done through the corporate office and the actual demolition is being done by Markel Construction. Mr. Majors asked if the service of alcohol is still taking place and where. Mr. McDonald stated they were still serving their customers in the Cancun Saloon and in the Kokopelli Lounge. Mr. Majors referred to Liquor Code Regulation 47-302(4) and stated the licensee must first obtain local and state approval before making any substantial changes in the licensed premises. He would follow Mr. Shaver's recommendation of taking this under investigation and the licensee would need to file a copy of the Certificate of Occupancy upon completion of the modification.

Mr. Shaver stated the Notice of Non-Compliance from the Health Department is not directly related to the areas of the remodel.

Mr. Majors instructed Mr. Shaver to have his office conduct an investigation into this matter for possible violation of the liquor code. He admonished the licensee that training is available that covers the issue of making changes to an existing license and strongly recommended that he attend.

The application for modification of premises was found to be in order and approved.

V. RESOLUTION OF FINDINGS AND DECISION RE: APPLICATION FOR NEW LICENSE

1. Diorio's Pizza Incorporated dba Diorio's on Horizon, 759 Horizon Drive, Beer and Wine

Applicant: Diorio's Pizza Incorporated
President: John Teixeira, 3861 G Road, Palisade
Secretary: Holly Teixeira, 3861 G Road, Palisade

John Teixeira was present. Mr. Majors stated for the record that he knows Mr. Teixeira from a previous business association. He and his partner assisted in the initial incorporation process for Mr. Teixeira, but he has not had any further contact with him.

Ms. English read into the record the results of the survey conducted by the applicant (see attached).

Mr. Shaver questioned Mr. Teixeira as to when the survey was conducted, who conducted the survey and why there were such a small number of responses. Mr. Teixeira stated an employee conducted the survey over a two-week period during business hours. The reason for the small number of responses was due to the area of the survey. There was little residential, mainly businesses. They did try to get a mix of the two. Some of the people did not understand the questions on the survey.

There was no one present in favor of or in opposition to the application.

Mr. Majors stated the standards for approval of the license have been met, and the adult inhabitants desire the issuance of the license. The application for a new beer and wine liquor license was approved. Mr. Majors instructed Ms. English to prepare the resolution of findings.

VI. ADJOURNMENT – The meeting was adjourned at 8:40 a.m.

NEXT REGULAR MEETING – August 16, 2000

Memo to: Local Licensing Authority
From: Christine English, Sr. Administrative Assistant
Date: July 21, 2000
Subject: Application by Diorio's Pizza Incorporated for a Beer and Wine Liquor License at 759 Horizon Drive under the name of Diorio's On Horizon

Diorio's Pizza Incorporated filed an application with the Local Licensing Authority on June 22, 2000, for a new Beer and Wine liquor license for the sales of malt and vinous liquors by the drink for consumption on the premises at 759 Horizon Drive under the trade name of Diorio's Pizza on Horizon. The application and supplementary documents were reviewed, found to be in order and accepted. The application has been sent to the State for a concurrent review. The hearing date was set for August 2, 2000. The Notice of Hearing was given by posting a sign on the property on July 21, 2000 and by publishing a display ad in The Daily Sentinel on July 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 and defined the neighborhood as the area bounded by H Road on the north, Cortland Avenue on the south, 28 1/2 Road on the east and 26 1/2 Road 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: 23
NO: 2

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: 18
NO: 0
NOT APPLICABLE: 0

A total of fourteen (14) signatures could not be counted: (7) were outside the survey area and (7) marked the address as business and answered question #2 which is for inhabitants only.

The Grand Junction Police Department has investigated the corporate officers 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:

Beer and Wine – 0

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

Beer and Wine – 1 (Coffee Time LLC)

That concludes this report.

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