

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

MINUTES

WEDNESDAY, SEPTEMBER 5, 2001, 9:00 A.M.

Hearing Officer Phil Coebergh

I. **CALL TO ORDER** – The meeting convened at 9:04 a.m. Those present were Hearing Officer Phil Coebergh, Assistant City Attorney John Shaver and Senior Administrative Assistant Christine English.

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

1. G. Warren Roger dba This is It Grocery, 215 South 11th Street, 3.2% Beer Off Premise

The application was in order and approved.

2. Loco Incorporated dba Loco Food Store No. 12, 107 Grand Avenue, 3.2% Beer Off Premise

The application was in order and approved.

3. DA FA Incorporated dba Grand China Restaurant, 509 28 1/2 Road, Beer and Wine

The application was in order and approved.

4. SAF Enterprises Incorporated dba Quincy's Bar & Grill, 609 Main Street, Tavern

The application was in order and approved.

5. JV Entertainment Incorporated dba Cheers, 201 Colorado Avenue, Tavern

Juan Venegas, president of JV Entertainment Incorporated, was present. The application was in order and approved.

III. **APPLICATION FOR RENEWAL AND DECISION ON CAUSE FOR LATE FILING** –
Continued from August 1, 2001

1. La Providencia LLC dba La Bamba Mexican Restaurant, 2900 North Avenue, Hotel and Restaurant

There was no one present representing La Providencia LLC. Ms. English and Mr. Shaver both reported there has been no contact from either the applicant or his

attorney. Mr. Shaver recommended good cause not be found on the late filing and that the license be deemed abandoned.

Mr. Coebergh concurred and the application for renewal was denied. Mr. Coebergh requested Ms. English to send notice to the applicant of today's decision.

IV. APPLICATION FOR SPECIAL EVENTS PERMIT

1. Application by B.P.O. Elks 575 Grand Junction for a Malt, Vinous and Spirituous Special Events Permit for "Oktoberfest" on October 6, 2001 from 10:00 a.m. to 11:00 p.m. on Main Street between 5th and 7th Streets

Applicant: B.P.O. Elks 575 Grand Junction
President: Gerald Baird, 488 34 ³/₄ Road, Grand Junction
Event Managers: Roy W. Weaver, 2450 Wellington Court, Grand Junction
Ron Ward, 709 Carral Drive, Grand Junction

Roy Weaver was present. The application was in order. Mr. Shaver queried Mr. Weaver in regards to the questionnaire and if the event would be managed as it is outlined in the questionnaire. Mr. Weaver stated he had filled out the questionnaire and it was an accurate representation of how the event would be managed. Mr. Shaver recommended approval of the application.

Mr. Coebergh concurred and the application for a Special Events Permit for Oktoberfest was approved.

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

1. Wal-Mart Stores Incorporated dba Wal-Mart Supercenter #1280, 2881 North Avenue, 3.2% Beer Off Premise

Applicant: Wal-Mart Stores Incorporated
President & CEO H. Lee Scott Jr., 61 Champions Blvd., Rogers, AR
Vice President
of Tax: David L. Bullington, 11473 Peach Orchard Rd, Bentonville, AR
Sr. Vice President/Secretary/
General Counsel: Robert K. Rhoads, 3168 Skillern Rd, Fayetteville, AR
Vice President of
Financial Analysis: Rick W. Brazile, 1200 Bob White Lane, Bentonville, AR

Mr. John Young, manager of the Wal-Mart Supercenter, and Mr. Max Scott, representative of Oedipus Incorporated, were present. Ms. English reported that the application was in order and read into the record the results of the survey of the needs and desires of the neighborhood that the applicant conducted (see attached).

Mr. Scott stated Mr. Young has a presentation that covers the systems that will be in place to prevent sales to minors, for checking ID's, and the raining programs provided for the employees. Mr. Coebergh noted there was no opposition to the license present and with the results of the survey, it would not be necessary to make a presentation in favor of issuance. Mr. Young stated he would be available to answer any questions of the Licensing Authority. The expected opening date is scheduled for October 24, 2001. It would be a full service grocery store, deli, and bakery with a diverse selection of ethnic groceries available. There will be a tire and lube store in the store and a hair and nail salon. A McDonald's will also be on premise. They are trying to create a 1-stop shopping spot.

Mr. Shaver queried Mr. Scott about the survey and if the report read into the record was a true and accurate representation of the survey. Mr. Scott stated yes.

Mr. Coebergh noted for the record that there was no opposition to the issuance of the license present and the results of the survey are favorable. The application was found to be in order and approved.

VI. OTHER BUSINESS

1. Review of status on purchase of property/lease of premises for Black Sam Incorporated dba Pantuso's Ristorante, 2782 Crossroads Blvd, Hotel and Restaurant

Mr. Shaver reported there was been a filing of a specific performance contract action and a preliminary hearing has taken place before Judge Buss. Judge Buss has entered an order that allows Black Sam Incorporated to remain in possession of the premises pending the outcome of the litigation. A letter outlining these proceedings will be submitted to the Licensing Authority. Based upon this, Mr. Shaver recommended a review of the status of this matter in six months.

Mr. Coebergh concurred and requested this be placed on the agenda for a status report in six months.

VII. ADJOURNMENT – The meeting was adjourned at 9:26 a.m.

NEXT REGULAR MEETING – September 19, 2001with Hearing Officer James Majors

To: Local Licensing Authority

From: Christine English, Senior Administrative Assistant
Date: August 27, 2001
Subject: Application by Wal-Mart Stores Incorporated for a 3.2% Fermented Malt Beverage License at 2881 North Avenue under the trade name of Wal-Mart Supercenter #1280

Wal-Mart Stores Incorporated, a corporation, filed an application with the Local Licensing Authority on July 27, 2001, for a 3.2% Fermented Malt Beverage license, for the sales of 3.2% beer in sealed containers for consumption off the premises at 2881 North Avenue under the trade name of Wal-Mart Supercenter #1280. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for September 5, 2001. The Notice of Hearing was given by posting a sign on the property on August 24, 2001 and by publishing a display ad in The Daily Sentinel on August 24, 2001.

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 Orchard Avenue on the north, DRG RR on the south, 29 3/8 Road on the east and 28 1/4 Road on the west and included both sides of the streets as the outer boundaries. The results of that survey are as follows:

1. If you **favor and support** this application for a retail 3.2% fermented malt beverage (3.2% beer) license (off premise consumption) because it is your opinion the reasonable requirements of the adult inhabitants of the defined neighborhood are not now being adequately served by existing 3.2% beer off-premise licensed businesses now doing business in the defined neighborhood, and it is your desire this new 3.2% beer off-premise license be **issued**, please sign and check the favor column to **grant** the requested license.

YES: 205

2. If you **oppose and do not support** this application for a retail 3.2% fermented malt beverage (3.2% beer) license (off-premise consumption), please sign and check the **oppose** column and please write in your reason why you oppose this license application.

NO: 37

Of those opposing the application, some of the reasons given were: don't need any more beer outlets, don't use, don't need kids getting beer easily, religious preference, not needed, enough around, don't drink, should be left a family store and two (2) were neutral. Two (2) signatures could not be counted as the addresses given were outside of the survey area.

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

The applicant, Wal-Mart Stores Incorporated, is a corporation. Local criminal history was not found any of the corporate officers. Since the corporation has a Master File in Denver no further processing through C.B.I. was necessary.

The City Code Enforcement Department inspected the premises to ensure the Notice of Hearing was posted in a timely manner, which it was, and that the diagram submitted matches the actual layout, which it does. A Certificate of Occupancy from the Mesa County Building Department will need to be filed in this office upon completion of the remodel.

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

3.2% Beer – 4 (BGs, C & F Food Store No. 9, City market No. 18, Super Mart)

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

3.2% Beer – 1 (Safeway)

That concludes this report.

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