

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

MINUTES

WEDNESDAY, May 15, 2002, 9:00 A.M.

I. **CALL TO ORDER** - The meeting convened at 9:05 a.m. Those present were Hearing Office Phil Coebergh, Assistant City Attorney John Shaver and Deputy City Clerk Juanita Wesley

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

1. FJ40 of Colorado Inc., dba Cruisers Southwestern Grill, 748 North Avenue, Tavern

The application was found to be in order and approved.

2. Sam's Club #6360, 1040 Independent Avenue, 3.2% Beer License

The application was found to be in order and approved.

III. **APPLICATION FOR CHANGE OF LOCATION**

1. James A. Holmes, Jr., dba Surplus City Liquor Discount Warehouse, 220 West Grand Avenue, Retail Liquor Store

Change of location from 200 West Grand Avenue to 220 West Grand Avenue

Mr. James Holmes, Jr. was present. Mr. Holmes stated that the plans have been turned into the building inspector for approval. Ms. Wesley stated she received this notice this morning and the building official will have these plans reviewed in about a week.

Mr. Shaver asked Mr. Holmes to submit a detailed drawing of the new location with the certificate of occupancy (CO) for the authority when completed.

IV. **APPLICATION FOR MODIFICATION OF PREMISES**

1. Spinger Capital Corporation, dba Shake, Rattle and Roll Diner, 2747 Crossroads Blvd., Hotel/Restaurant

Modification of premises for an event on June 6, 7,8, 2002 to include the parking lot area

Mr. Craig Spinger, President and CEO was there to represent Shake, Rattle and Roll Diner and to answer questions regarding the event. Mr. Spinger stated it is basically a marketing tool for Harley Davidson to host the annual "HOG" (Harley Owners Group) event. It was held in Grand Junction last year. The three-day event is hosted at the Adams Mark and Holiday Inn hotels. The area of the application is for other events – Thursday and Friday for a "meet and greet" and Saturday morning for a parade and Saturday night a Bar-b-que.

Mr. Coebergh explained to Mr. Springer that his understanding of the code for “modification of premise” does not address just temporary modifications.

Mr. Shaver specifically addressed the Colorado Code of Regulations 47-302 B1. The reasonable requirements of the neighborhood and the desires of the adult inhabitants; B2. The possession, by the licensee, of the changed premises by ownership, lease, rental or other arrangement and B3. Compliance with the applicable zoning laws of the municipality, city and county or county.

Mr. Springer addressed the issue of parking and said that in reality only a small area of the parking lot will be used for a tent for a “beer garden” set up. The rest of the parking lot will be available for parking. Also there is parking along Crossroads. There would be a fence put across the area by the tent so no alcoholic beverages will be taken from that area.

Mr. Shaver asked if this was a private party and if the restaurant would be open during this three-day event. Mr. Springer said the restaurant would be open except for Saturday evening during the bar-b-que. Mr. Shaver suggested that Harley Davidson could purchase liquor from a retail establishment and serve alcohol at their event as a private party and still accomplish what they are looking at doing.

Both Mr. Shaver and Mr. Coebergh concurred that the modification of premises is intended to a physical change or alternation and not to be used as a temporary change. The criteria has not been met; lacking evidence of the desires of the neighborhood along with the parking issue not being addressed. Mr. Coebergh stated as a Hearing Officer he has not seen one before used as a “temporary” modification. Mr. Shaver recommended and Mr. Coebergh agreed to deny this application.

V. ADJOURNMENT

Meeting was adjourned at 9:40 a.m.

NEXT REGULAR MEETING – June 26, 2002

Memo to: Local Licensing Authority
From: Christine English, Deputy City Clerk
Date: March 12, 2002
Subject: Application by James A. Holmes Jr., for a Change of Location of a Retail Liquor Store liquor license at 200 West Grand Avenue under the trade name of Surplus City Liquor Discount Warehouse

James A. Holmes Jr., filed an application with the Local Licensing Authority on February 1, 2002, for a Change of Location of a Retail Liquor Store liquor license, for the sales of malt, vinous and spirituous liquors in sealed containers for consumption off the premises at 200 West Grand Avenue under the trade name of Surplus City Liquor Discount Warehouse. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was originally set for March 6, 2002. The applicant requested the hearing date be moved to March 20, 2002 and the Local Licensing Authority set the hearing date for April 3, 2002. The Notice of Hearing was given by posting a sign on the property on March 22, 2002 and by publishing a display ad in The Daily Sentinel on March 22, 2002.

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 North Avenue on the north, D Road on the south, 6th Street on the east and 25 ½ 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 proposed relocation will not conflict with the reasonable requirements of the neighborhood or the desires of the inhabitants.

YES: 161

NO: 1

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

YES: 27

NO: 3

NOT APPLICABLE: 1

Twenty (20) signatures could not be counted: four (4) address were outside of the survey area; two (2) did not have an address; one (1) did not mark whether the address was business or resident; and, thirteen (13) were businesses that answered question #2 which is for residents only.

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

The Grand Junction Police Department has investigated the corporate officers for local criminal history and none was found. The Code Enforcement Division will be inspecting the premises to see if the diagram submitted matches the actual layout of the premises and if the notice of hearing was posted in a timely manner. A Certificate of Occupancy from the Mesa County Building Department will need to be filed in this office prior to the issuance of an approved change of location.

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

Retail Liquor Store - 1 (Andy's Liquor Mart)

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

Retail Liquor Store – 5 (Cottonwood Liquor, The Bottle Shop, Last Chance Liquor,
Redlands Liquor, North Avenue Liquor)

That concludes this report.

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