

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

MINUTES

WEDNESDAY, May 7, 2003, 9:00 A.M.

I. **CALL TO ORDER** – The meeting convened at 9:03 a.m. Those present were hearing Officer Phil Coebergh, Assistant City Attorney John Shaver and Deputy City Clerk Debbie Kemp.

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

1. Martinez Family Corp. dba Chupiro's Place, 122 S. 5th Street, Tavern

The application was found to be in order and approved.

2. Crown Liquors of Western Colorado, Inc. dba Crown Liquors of Western Colorado, 2851 ½ North Avenue, Retail Liquor Store

The application was found to be in order and approved.

3. LOCO, Inc. dba LOCO Food Store No. 15, 722 Horizon Dr., 3.2% Beer (Off Premises)

The application was found to be in order and approved.

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

Mr. Kevin MacQuoid, General Manager for Cruisers Southwestern Grill was present.

The application was found to be in order and approved.

5. Genco Olive Oil, Inc., dba The Winery Restaurant, 642 Main Street, Hotel/Restaurant

Mr. Chris Blackburn, Owner of the Winery was present.

Ms. Kemp reported that Mesa County Health Department reported critical violations but a letter has been submitted by the applicant to Mesa County Health Department to correct the violations.

Ms. Kemp also reported that there is a problem with City sales tax compliance.

Mr. Coebergh questioned Mr. Blackburn about the Health Department violations.

Mr. Blackburn stated what the problems were with the Health Department and advised what they are doing to correct the problems.

Mr. Blackburn also reported that he has requested from his bank a copy of the check that paid the City sales tax but is willing to pay again if necessary.

Mr. Shaver stated that he has no problem with the sales tax issue; it has not been a problem in the past. He is confident that Mr. Blackburn will correct the problem. However, he feels that the renewal should be approved pending a report from the Health Department that the violations have been taken care of.

The application for renewal was approved subject to the Health Department matters being corrected.

6. Happy Valley Spirits, Inc. dba Earl's House of Spirits, 1560 North Avenue, Retail Liquor Store

Larry Evenson, owner of Earl's House of Spirits was present.

The application was found to be in order and approved.

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

1. Carson, Inc. dba Johny's Beer & Liquor, 666 Patterson Dr., Grand Junction CO 81506, Retail Liquor Store

Applicant: Carson, Inc.

President: John Carson, 602 Devin Dr., Grand Junction, CO 81504

Vice President: R.W. Wes Robbins, 477 Tiara Vista Dr., Grand Junction, CO 81503

Secretary: Kim Carson, 602 Devin Dr. Grand Junction, CO 81504

Treasurer: Judy Robbins, 477 Tiara Vista Dr., Grand Junction, CO 81503

Mr. John Carson, President/General Manager was present.

Ms. Kemp read into the record the results of the survey (see attached).

Mr. Coebergh questioned Mr. Carson when he plans to open the liquor store.

Mr. Carson stated he was hoping to by the 15th of May, but it looks like it will be closer to Memorial Day.

Mr. Shaver questioned who and how the survey for needs and desires was conducted. Mr. Carson stated that he himself and his Aunt and Uncle, who are officers of the corporation, conducted the survey and went door to door and advised people of who they are and that they are opening a liquor store at 666 Patterson Drive and asked if they would read the survey and sign it. Mr. Carson stated that there were a few people who didn't want the liquor store and a few that didn't want to sign the survey. Mr. Coebergh questioned why there wasn't any opposition on the survey. Mr. Carson stated that the people who didn't want the liquor store didn't want to sign the survey.

Larry Evenson, owner of Earls House of Spirits, spoke in opposition. He stated that he feels that there are enough liquor stores for the area, that it is too close to the hospital and that it is too close to a church and he questioned how Mr. Carson presented the survey since there was no opposition on the survey.

Mr. Shaver addressed these concerns. He stated that 12-47-313 of the Colorado Revised Statues strictly prohibits licenses within 500 feet of a public or parochial school or college campus. He is unaware of any law prohibiting licensing anywhere near a hospital or church. He stated that undue concentration is up to the local authorities to determine and that there has been no evidence produced, such as opposition other than Mr. Evenson that indicates that the needs for the area are already being met. Mr. Carson was candid in stating that there were opposition, however they refused to sign the survey. Mr. Shaver recommended that the license be issued.

The application was approved. A resolution of findings and approval will be prepared for Mr. Coebergh's signature.

IV. ADJOURNMENT

The meeting was adjourned at 9:17 a.m.

NEXT REGULAR MEETING – May 21, 2003

MEMO: Local Licensing Authority
FROM: Debbie Kemp, Deputy City Clerk
DATE: April 28, 2003
SUBJECT: Application by Carson, Inc., for a Retail Liquor Store Liquor License at 666 Patterson Road under the trade name of Johnny's Beer & Liquor

Carson, Inc. filed an application with the Local Licensing Authority on April 4, 2003, for a new retail liquor store liquor license for the sales of malt, vinous and spirituous liquors in sealed containers not for consumption at place where sold at 666 Patterson Rd. under the trade name of Johnny's Beer & Liquor. 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 May 7, 2003. The Notice of Hearing was given by posting a sign on the property on April 25, 2003 and by publishing a display ad in The Daily Sentinel on April 18, 2003.

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 to the South; 25 ½ Road to the West; 27 ½ Road to the East and G Road to the North and includes both sides of the street as the outer boundaries. The results of that survey are as follows:

1. As an owner of property in the neighborhood, an employee or a 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: 205
N/A: 13

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: 201
NO: 0
N/A: 17

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

The Grand Junction Police Department has investigated the individuals for local criminal history and none was found. The fingerprints have been forwarded onto CBI for further processing. The premises will be inspected by the Grand Junction Fire Department and the Mesa County Building Department for compliance prior to the issuance of a license.

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

Retail Liquor Store – 3 (College Liquors, Earl's House of Spirits and North Avenue Liquor)

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

Retail Liquor Store – 0

That concludes this report.

C: Applicant
John Shaver, Assistant City Attorney
Craig Campbell, Grand Junction Police Department
File