

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

MINUTES

WEDNESDAY, FEBRUARY 15, 2006, 9:00 A.M.

I. **CALL TO ORDER** – The meeting convened at 9:04 a.m. Those present were Hearing Officer Phil Coebergh and Deputy City Clerk Debbie Kemp.

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

1. City of Grand Junction dba Lincoln Park Golf Course, 800 Mantlo Circle, 3.2% Beer Retail License (On/Off Premises)

The application was found to be in order and approved.

2. Metro Movie Playhouse, LLC, dba Metro Movie Playhouse, 1224 N. 25th Street, Tavern

The application was found to be in order and approved.

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

1. Cindy Thi Trieu, dba Jack Rabbit Liquor, 2681 Unaweep Avenue, #C & #D, Retail Liquor Store

Owner: Cindy Thi Trieu, 475 David Court, Fruita, CO 81521

Cindy Thi Trieu, owner, was present. Also present was Dan Wilson, attorney with Coleman, Williams, and Wilson, representing the applicant.

Ms. Kemp reported that the paperwork was in order. The local police report was fine, C.B.I. is pending; the City Sales Tax Department reported that the applicant is in compliance; the Code Enforcement Department reported that the premise was posted in a timely manner and will inspect to ensure the diagram matches the premise once the applicant is ready for inspection; and the Building Department has not reported but will provide a copy of the Certificate of Occupancy once the building is completed.

Ms. Kemp read the results of the survey into the record (see attached report). She then stated that on February 13, 2006, the City Clerk's office received a letter and a survey from the owner of Hilltop Liquor Store. The majority of signers opposed an additional liquor store.

Ms. Trieu advised that it is her desire to open a retail liquor store in the area that she chose because she believed that it was a good area due to all the recent and ongoing growth. She has reviewed the liquor code and she intends to have all of her employees attend the City's Alcohol Server Responsibility training.

Mr. Coebergh asked who conducted the survey and how was it conducted. Ms. Trieu stated that she hired Oedipus, Inc. to conduct the survey. Tina Scott, Office Manager for Oedipus, Inc., was present and explained that their surveyor came over to Grand Junction and conducted the survey January 27th, 28th, and 29th. He surveyed businesses on January 27th and residential on the 28th and 29th. He wore a name tag and had a Oedipus logo on his shirt, he carried a clipboard containing the survey form, knocked on the residential door or entered the business and gave a brief statement as to the purpose of the survey, confirmed that they are 21 or older, showed them the map, and asked if they would like to sign the survey either in favor of or opposed to the new retail liquor store. All people contacted were encouraged to sign the survey whether they favored or opposed the retail liquor store.

Mr. Wilson asked Ms. Scott who set the boundaries for the survey. Ms. Scott replied that Ms. Kemp with the City Clerk's office set the boundaries.

Mr. Coebergh reviewed the survey report provided by Oedipus in detail.

Mr. Chac, owner of the buildings at 2681 and 2685 Unaweeep Avenue, was present on behalf of the Zamora's, owners of Super C at 2685 Unaweeep Avenue. They have no problem with a liquor store going in next to Super C, but they have a problem with the liquor store selling cigarettes.

Maria Tan, 1722 Roubideau and owner of Orchard Mesa Liquors, asked when the survey was conducted. Ms. Scott stated that businesses were contacted between 10:00 a.m. and 5:00 p.m. and residents were contacted approximately 10:30 a.m. to about 5:00 p.m.

Ms. Tan asked why she had not been contacted. Ms. Scott stated that houses were approached randomly and not every resident or business was surveyed.

Ms. Tan asked how many times did they survey in a given area. Ms. Scott stated that they usually only knocked on a door one time.

Ms. Tan asked Ms. Scott if she felt it was a complete survey. Ms. Scott answered affirmatively.

Ms. Tan asked if the survey could be conducted again. Ms. Scott said that it could, however, the City Clerk's office would have to set the boundary area, another hearing would have to be scheduled, and the applicant would have to pay for the new survey.

Mr. Wilson asked Ms. Scott if all surveys Oedipus conducts are on a random basis and does she feel this survey was adequate proof of the needs and desires of the area. Ms. Scott stated that all surveys are conducted on a random basis and that she did believe this survey proved adequate for the needs and desires of the area.

Tom Goerke, 1183 Micaelas Place, asked if Ms. Kemp could repeat the neighborhood boundaries. The neighbor boundaries were repeated. Mr. Goerke asked if residents in the neighborhood boundary were mailed notices. Ms. Kemp replied no, they were not. Mr. Goerke asked why the boundaries were larger on one side. Ms. Kemp explained that in determining the neighborhood, sometimes it requires greater than ½ square mile to include crossroads as the boundaries.

Mary Ann Lawrie, 2839 Hartford Avenue and part owner of Hilltop Liquor Store, stated that they had conducted their own survey in the store. Mr. Wilson asked that their

survey not be considered since Hilltop Liquor Store was out of the neighborhood area. Mr. Coebergh asked Ms. Lawrie to continue. Ms. Lawrie, who does not reside in the neighborhood area, stated that she believes four liquor stores in the Orchard Mesa area are ample. She is concerned about children in the Unaweeep area and the location of the proposed liquor store is too close to the elementary school. The liquor store would create too much traffic. Mr. Coebergh asked Ms. Lawrie if the people on Hilltop Liquor Store's survey lived within the set neighborhood boundary. Ms. Lawrie stated that she did not know, but knows that they are Hilltop Liquor Store's regular customers and would assume that they live in the area. Mr. Wilson asked Ms. Lawrie if she works at Hilltop Liquor Store. Ms. Lawrie stated that she does not. Mr. Wilson asked if she knows what the people surveyed were told. Ms. Lawrie stated that she did not, but she believes they were asked if they were in favor of a new liquor store or not.

Mr. Wilson stated that he objects to Hilltop Liquor Store's survey. He has not had a chance to see it and it was not presented to people as it should have been.

Mr. Goerke stated that he is opposed to the new liquor store. He believes the survey was not conducted properly. He believes 10% or less of residents were contacted. He is concerned about drug problems in the area. He stated that Emerson School is less than 500 feet from the proposed liquor store and Orchard Mesa Middle School isn't that far and kids walk along Unaweeep Avenue. Mr. Coebergh acknowledged the letter from Vortex Engineering stating that the distance from the proposed liquor store is greater than 500 feet to the elementary school. Mr. Wilson asked Mr. Goerke if he was home all day January 27th through January 29th. Mr. Goerke stated he was. Mr. Wilson asked Mr. Goerke if he at one time had a liquor license. Mr. Goerke said yes, a 3.2% beer license. Mr. Wilson asked if he also had a liquor store at one time. Mr. Goerke said yes he did.

Ms. Tan stated that she walks to her liquor store from her home and sees people driving who have consumed liquor. She is concerned for the children who could be hit by drunk drivers. She is also against the sale of cigarettes. She believes the survey was not truthful. Mr. Wilson asked if she is so worried about children and drunk drivers, why not close her liquor store. Ms. Tan replied that her liquor store has been open for 45 years.

Mr. Wilson asked that Hilltop Liquor Store and Orchard Mesa Liquors opposition to the proposed new liquor store not be considered since they are out of the boundary area. Mr. Goerke and Ms. Tan are concerned about what should be the responsibility of local law enforcement. The survey has shown 80% in favor and the opposition present has not proven the survey wrong.

Mr. Goerke stated that the State, County, and City have determined the legal option of selling liquor and cigarettes. He questioned if the area really needs a third close proximity liquor store. His opinion and some of his neighbors do not feel the need nor the desire for another liquor store.

Mr. Coebergh stated that the survey was presented in accordance with the information provided by the City. It does indicate approximately 80% in favor finding a need for a liquor store in the area. The State Statute requirements have been met and the application was approved contingent upon satisfactory reports from the Code Enforcement department on the diagram matching the premises and the Certificate of Occupancy from the Building Department. The City Clerk's office will prepare a resolution for Mr. Coebergh's signature.

IV. **ADJOURNMENT** – The meeting adjourned at 10:16 a.m.

NEXT REGULAR MEETING – March 1, 2006

MEMO: Local Licensing Authority

FROM: Debbie Kemp, Deputy City Clerk

DATE: February 3, 2006

SUBJECT: Application for a new retail liquor store liquor license by Cindy Thi Trieu dba Jack Rabbit Liquor, 2681 UnawEEP Avenue, #C & #D

Cindy Thi Trieu filed an application with the Local Licensing Authority on January 12, 2006 for a new retail liquor store liquor license permitting sales of malt, vinous and spirituous liquors in sealed containers not for consumption at place where sold at 2681 UnawEEP Avenue, #C & #D under the trade name of Jack Rabbit Liquor. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for February 15, 2006. The Notice of Hearing was given by posting a sign on the property on or before February 5, 2006 and by publishing a display ad in the Daily Sentinel on February 3, 2006.

In order to address the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood, the applicant hired Oedipus, Inc. out of Louisville, CO to conduct a survey. The neighborhood was defined as the area bounded on the North by the Struthers Avenue., on the South by B 1/2 Road, on the East by 27 3/8 Road, and on the West by Dolores Street and included both sides of the streets as the outer boudaries. The results of that survey are as follows:

1. If you **FAVOR AND SUPPORT** this application for a retail liquor store because it is your opinion the reasonable requirements of the adult inhabitants of the defined neighborhood are not now being adequately served by existing businesses that hold the same or similar type of liquor license now doing business in the defined neighborhood, and it is your desire this new retail liquor store license be **ISSUED**, please sign and check the **FAVOR** column to **GRANT** the requested license, and please write in the reason why you favor this license application.

Residences	109
Businesses	21

2. If you **OPPOSE AND DO NOT SUPPORT** this application for a retail liquor store license, please sign and check the **OPPOSE** column, and please write in your reason why you oppose this license application.

Residences	42
Businesses	6

The Grand Junction Police Department has investigated the individual for local criminal history. The fingerprints have been forwarded to CBI for further processing. Reports have been requested by the Grand Junction Code Enforcement Department, City of Grand Junction Sales Tax Department, and the Mesa County Building Department.

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

Retail Liquor Store – 1 (Orchard Mesa Liquors)

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

Retail Liquor Store – 1 (Hilltop Liquor Store)

That concludes this report.

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