

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

MINUTES

WEDNESDAY, MARCH 1, 2006, 9:00 A.M.

I. **CALL TO ORDER** – The meeting convened at 9:01 a.m. Those present were Hearing Officer Phil Coebergh, City Attorney John Shaver, and Deputy City Clerk Debbie Kemp.

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

1. N.N.C., Incorporated, dba Midnight Rodeo, 525 North Avenue, Tavern

Dallas Nunnery, President of N.N.C., Inc., was present.

Ms. Kemp reported that the City of Grand Junction Police Department had reported that there were 55 Police activity calls in the last twelve months. Most of them were handled without a report; the arrests that were made were because of fighting, drugs and trespassing.

Mr. Coebergh asked Mr. Shaver about the Police activity reported. Mr. Shaver stated that due to the past problems of the establishment at 525 North Avenue, the Police have been watching the establishment fairly closely and that Mr. Shaver's office has not been contacted regarding problems with any of the activity at the establishment.

The application was found to be in order and approved.

2. City of Grand Junction, dba Two Rivers Convention Center, 159 Main Street, Hotel and Restaurant

Tim Seeberg, General Operating Manager for Two Rivers Convention Center, was present.

The application was found to be in order and approved.

3. Breckenridge Ale House GJ, LLC, dba Breckenridge Ale House, 2531 N. 12th Street, Hotel and Restaurant

Brian Oliver, Manager of Breckenridge Ale House, was present.

The application was found to be in order and approved.

4. G.A. Restaurant, Inc., dba Wrigley Field, 1810 North Avenue, Hotel and Restaurant

The application was found to be in order and approved.

5. Loco, Inc. dba Loco Food Store No. 11, 1904 N. 12th Street, 3.2% Beer Retail License (Off Premises)

The application was found to be in order and approved.

6. Dancing Spirits, LLC, dba Horizon Liquor, 715 Horizon Drive, Retail Liquor Store

The application was found to be in order and approved.

7. Carino's Italian Kitchen, Inc., dba Johnny Carino's Italian, 2480 Hwy. 6 & 50, Hotel and Restaurant

Ms. Kemp reported that Mesa County Health Department had reported that there are two critical violations regarding cold storage of food and that the Health Department is meeting with Johnny Carino's Italian's District Manager on March 2, 2006 to try and get the problems resolved.

The application was found to be in order and approved contingent upon a satisfactory report from Mesa County Health Department.

III. APPLICATION FOR SPECIAL EVENTS PERMITS

1. Application by Mesa County Democratic Party for a Malt, Vinous and Spirituous Special Events Permit for Spring Fling Dinner at the WW Campbell Center on April 29, 2006 from 5:00 p.m. to 12:00 a.m. located at 1100 North Avenue.

Applicant: Mesa County Democratic Party, P.O. Box 2361, Grand Junction CO 81502

President: Mitch Rothman, 310 Dakota Drive, Grand Junction, CO 81503

Event Manager: R. Jefferson Smith, 404 25 Road, Grand Junction, CO 81503

Jeff Smith, Event Manager, was present.

Mr. Coebergh stated that the applicant provided a letter stating no other licensed facility was available or adequate for the special event and it meets the criteria required by the State.

The application was found to be in order and approved.

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

1. JNS, Inc., dba Tavern on the Point, 2938 North Avenue, Unit D, Tavern

Director: James Craig, 2893 Kathy Jo Lane, Grand Junction, CO 81503

Director: Sylvia Craig, 2893 Kathy Jo Lane, Grand Junction, CO 81503

James and Sylvia Craig, JNS, Inc. Directors, were present.

Ms. Kemp reported that the paperwork was in order and the applicant had requested a concurrent review. The local police report was fine on the Directors, C.B.I. is pending; the Fire Department has not performed an inspection due to the building not being

ready for inspection; the Code Enforcement Department reported that the premises was posted in a timely manner and the diagram matched the premises; the Health Department has approved the plan review and will be conducting an inspection once the building is ready; the City Sales Tax Department reported that the applicant has not yet filed an application for sales tax. Ms. Kemp read the results of the survey into the record (see attached report) and stated that after the results of the survey letter was prepared, a letter of opposition was received in the City Clerk's office by a neighboring resident, Jan Kohles, 2933-B Bunting Avenue (see letter attached). Ms. Kemp also reported that the applicant was required by the Community Development Department to obtain a Conditional Use Permit (CUP) and the hearing on that was February 28, 2006 and it was continued until either March 14, 2006 or March 28, 2006.

Mr. Craig stated that concern about the noise level, trash, and the alarm going off were the reasons for the CUP hearing being continued. He stated that they won't have any excess noise at their establishment; they won't have a sound system. Any noise will come from televisions. The bar area is in the front of the building. The back of the building will be storage. The residential neighborhood is behind the building. The trash will be taken out during the day, and the alarm will be a silent alarm.

Mr. Coebergh asked if the area is a commercial area. Mr. Craig confirmed that it is. The tavern will be in a strip mall that currently has a beauty salon and a barber shop.

Mr. Shaver asked the applicant who conducted the survey, how it was conducted and do they agree with the results Ms. Kemp read into the record. Mr. and Mrs. Craig stated that they conducted the survey between the 12th and the 15th of February. They encouraged everyone to sign the survey whether in favor of or opposed to the issuance of the liquor license. The applicants agreed with the results as they were read into the record. Mr. Shaver asked if the person who submitted the letter of opposition signed the survey. Ms. Craig answered affirmatively.

Doug Usher, owner of the beauty salon that would be next door to the proposed tavern, stated that he is opposed to the liquor license only because he is concerned about the noise. He has massage rooms and tanning rooms along the same wall as the proposed tavern and prefers that area quiet. Mr. Coebergh asked if Mr. Usher's concerns were addressed by the Craig's. Mr. Usher said he is more comfortable knowing that there won't be a sound system in the tavern.

Mr. Shaver stated that he does not believe that the CUP matter is a serious impediment for the proposed tavern. There wasn't any overwhelming testimony in opposition to the issuance of the liquor license. He recommended approval of the liquor license contingent upon the issuance of the CUP.

Mr. Coebergh found the requirements have been met and approved the issuance of the tavern liquor license on a local level contingent on the issuance of the CUP and satisfactory reports from the Fire, Health, Sales Tax, and Building Departments. The City Clerk's office will prepare a resolution for Mr. Coebergh's signature.

V. **ADJOURNMENT** – The meeting adjourned at 9:31 a.m.

NEXT REGULAR MEETING – April 5, 2006

MEMO: Local Licensing Authority

FROM: Debbie Kemp, Deputy City Clerk

DATE: February 17, 2006

SUBJECT: Application for a new tavern liquor license by JNS, Inc., dba Tavern on the Point, 2938 North Avenue, Unit D

JNS, Inc. filed an application with the Local Licensing Authority on January 30, 2006 for a new tavern liquor license permitting sales of malt, vinous and spirituous liquors by the drink for consumption on the premises at 2938 North Avenue, Unit D under the trade name of Tavern on the Point. The application and supplementary documents were reviewed, found to be in order and accepted. A copy was sent to the State Liquor Enforcement Division for a Concurrent Review. The hearing date was set for March 1, 2006. The Notice of Hearing was given by posting a sign on the property on or before February 26, 2006 and by publishing a display ad in the Daily Sentinel on February 17, 2006.

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. The neighborhood was defined as the area bounded on the North by View Drive, on the South by D ½ Road, on the East by Florence Avenue, and on the West by Melody Lane. 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	25
No	63

2. As an inhabitant who resides in the neighborhood for more than six months each year, it is my desire that the license be issued.

Yes	48
No	15
N/A	6
Disqualified	4

The four disqualified were: 1 out of the area and 3 answered both questions plus marked not applicable.

The Grand Junction Police Department has investigated the individuals for local criminal history. The fingerprints have been forwarded to CBI for further processing. Reports have

been requested by the Grand Junction Fire Department, Code Enforcement, Mesa County Health Department, and City of Grand Junction Sales Tax Department.

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

Tavern – 0

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

Tavern – 0

That concludes this report.

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

February 25, 2006

Stephanie Tuin
City Clerk
City Hall, 205 North 5th Street
Grand Junction, CO 81501



Dear Ms. Tuin,

I am writing to inform you and the Local Licensing Authority of my opposition to the liquor license request made by James and Sylvia Craig for Tavern on the Pointe, 2938 North Avenue, Unit D.

I was not afforded the opportunity to sign a survey form and work commitments may prevent me from attending the hearing on March 1, 2006. I am over 21 years of age and am an owner/resident of property in the neighborhood. I do believe that the reasonable requirements of the neighborhood are already being met by other existing outlets and it is not my desire that the license be issued.

In addition, the property in question is located next to the Palace Estates Subdivision, a residential neighborhood where I live. The back door of the requested business is located less than 50 feet from the adjoining residences. The activities surrounding an establishment of this type are not compatible with a residential area. I acknowledge that midnight is an earlier closing time than similar businesses, but for working adults and school children, that is still too late to be disturbed.

The owners of Tavern on the Pointe have stated that the back door will not be used by the public. However, I'm sure that it will be used by the employees. They may open it for ventilation, allowing light, noise, and cooking smells to escape and they will almost certainly take trash to the dumpster through this door. These activities will have a negative impact on the neighboring residents. If the door is alarmed, a mistake by a patron or employee would disrupt the neighborhood at a time when most people are asleep. This type of business has its place, but that place should not be right outside anyone's back door.

In closing, I ask you to please consider that Tavern on the Pointe is an unnecessary and inappropriate location and deny the request for a liquor license.

Respectfully,

A handwritten signature in cursive script that reads "Jan Kohles".

Jan Kohles
2933-B Bunting Avenue
Grand Junction, CO 81504