

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

MINUTES

WEDNESDAY, JULY 18, 2007 9:00 a.m.

I. **CALL TO ORDER** – The meeting convened at 9:00 a.m. Those present were Hearing Officer Mike Grattan, City Attorney John Shaver and Deputy City Clerk Debbie Kemp.

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

1. **Albertson's, LLC.** dba Albertson's Food Center #897, 2512 Broadway, Grand Junction, CO 81503, 3.2 % Beer Retail

No one was present on this matter.

The application for renewal was found to be in order and approved.

2. **Albertson's, LLC.** dba Albertson's Fuel Center #897, 2520 Broadway, Grand Junction, CO 81503, 3.2 % Beer Retail

No one was present on this matter.

The application for renewal was found to be in order and approved.

3. **Albertson's, LLC.** dba Albertson's Food Center #886, 1830 N. 12th Street, Grand Junction, CO 81501, 3.2% Beer Retail

No one was present on this matter.

The application for renewal was found to be in order and approved.

4. **Feather Petroleum Co.** dba Stop N Save No. 4, 2700 Highway 50, Grand Junction, CO 81503, 3.2% Beer Retail

No one was present on this matter.

The application for renewal was found to be in order and approved.

5. **Thrifty Payless, Inc.** dba Rite Aid #6367, 400 N. 1st Street, Grand Junction, CO 81501, 3.2 % Beer Retail

No one was present on this matter.

The application for renewal was found to be in order and approved.

6. **The Denville Corporation** dba Cottonwood Liquors, 2513 Hwy. 6 & 50, Grand Junction, CO 81505, Retail Liquor Store

No one was present on this matter.

Ms. Kemp reported that the report from the Police Department for the local background check on the owners has not been received.

City Attorney Shaver asked if there have been any changes in the corporate structure or if there is any reason to believe there may be a problem regarding the background checks. Ms. Kemp replied that there have been no changes in the corporate structure and she has no reason to believe there may be a problem regarding the background checks.

The application for renewal was found to be in order and approved subject to a satisfactory report being received from the Police Department.

7. **City of Grand Junction** dba Avalon Theatre, 159 Main Street, Grand Junction, CO 81501, Arts

Tim Seeberg, Manager for the Avalon Theatre, was present

The application for renewal was found to be in order and approved.

8. **Rockslide Brew Pub, Inc.** dba Rockslide Brew Pub, 401 Main Street, Grand Junction, CO 81501, Brew Pub

No one was present on this matter.

The application for renewal was found to be in order and approved.

9. **CEC Entertainment, Inc.** dba Chuck E Cheese's, 2424 Hwy. 6 & 50, Grand Junction, CO 81505, Hotel and Restaurant

No one was present on this matter.

The application for renewal was found to be in order and approved.

10. **El Tapatio, LLC.** dba El Tapatio, 1145 North Avenue, Grand Junction, CO 81501, Hotel and Restaurant

Ms. Kemp reported that Mesa County Health Department found many critical violations upon inspection, but these were all corrected upon the second re-inspection.

City Attorney Shaver asked Ms. Kemp if all the violations were corrected now. Ms. Kemp said yes.

No one was present on this matter.

The application for renewal was found to be in order and approved.

11. **Wigout Productions, Inc.** dba Mesa Theatre & Club, 538 Main Street, Grand Junction, CO 81501, Tavern

David Prather, Owner of Mesa Theatre and Club, was present.

City Attorney Shaver provided Hearing Officer Grattan a brief history of Mesa Theatre and Club's past problems with the establishment and the previous stipulation on the liquor license. He also stated that he is pleased with how Mesa Theatre and Club is handling issues because they have significantly reduced the number of incidents.

Ms. Kemp reported that the Fire Department found several violations and advised that the owner is working on correcting them and will call when ready for a re-inspection.

Mr. Prather stated that all Fire Code violations have been corrected and he has notified the Fire Department that he is ready for re-inspection.

The application for renewal was found to be in order and approved subject to a satisfactory report from the Fire Department.

III. APPLICATION TO RENEW LIQUOR LICENSE WITH LATE FILING

1. **Vin Hospitality, LLC.** dba 626 On Rood Modern American Cuisine & Wine Bar, 626 Rood Avenue, Grand Junction, CO 81501, Hotel and Restaurant, 18 days late filing

Theo Otte, principal owner and managing member, was present.

Ms. Kemp read the letter from the applicant stating why the renewal was filed late.

City Attorney Shaver asked Ms. Kemp if the 18 days for late filing is part of the 45 day advance filing requirement for the renewal application to be submitted to the local authority. Ms. Kemp stated that it is.

Mr. Otte stated that they will not let the filing of a late renewal application happen again.

Hearing Officer Grattan thanked Mr. Otte for coming in and stated that the letter submitted explaining the reason for late filing was acceptable.

The application for renewal was found to be in order and approved.

IV. APPLICATION FOR REGISTRATION OF A NEW MANAGER

1. **GMRI, Inc.** dba Red Lobster #685, 575 24 ½ Road, Grand Junction, CO 81505, Hotel and Restaurant

Tara Lynn Delaney, 775 Jade Lane, Grand Junction, CO 81506 replaces Bradley Allen

No one was present on this matter.

The application for registration of a new manager was found to be in order and approved subject to a satisfactory report from CBI.

V. APPLICATION FOR A MODIFICATION OF PREMISES

1. **Breckenridge Ale House, LLC**, dba Breckenridge Ale House, 2531 N. 12th Street, Grand Junction, CO 81501, Hotel and Restaurant

Increase patio seating from 64 seats to 180 seats

Brian Oliver, general manager for Breckenridge Ale House, was present.

Also present was Cristin Hansen, who conducted the survey to address the reasonable requirements of the survey.

Ms. Kemp reported that the applicant is in process of a Minor Site Plan review for increased seating with the Public Works and Planning Department. She also stated that the approval of the modification of premises on both a Local and a State level would allow the applicant to move chairs from the inside of the restaurant out onto the patio, but would not allow for an increase in overall seating until the Public Works and Planning Department has completed the Minor Site Plan review and authorized additional seating. Ms. Kemp read into the record the results of the survey provided (see attached).

City Attorney Shaver asked Ms. Hansen what her affiliation to the Breckenridge Ale House is. Ms. Hansen stated that she is related to one of the owners but does not work at the Breckenridge Ale House. City Attorney Shaver asked Ms. Hansen if she heard the report that Ms. Kemp read into the record and does she agree with the report. Mrs. Hansen stated that she did agree but was surprised that so many residents were out of the boundary area as she thought she had stayed within the boundary area. City Attorney Shaver asked Ms. Hansen what her process of conducting the survey was. Ms. Hansen said she went to businesses and residents that were close to Breckenridge Ale House as a non-partial party and informed them of the modification and asked them to read the questions and sign the survey.

Hearing Officer Grattan asked Mr. Oliver if he had understood and agrees with Ms. Kemp's statement about only moving chairs outside and not increasing total seats until the Minor Site Plan review is completed. Mr. Oliver stated that he did understand and explained that during the summer, his patrons prefer to be outside rather than inside.

City Attorney Shaver recommended approval of the modification of premises subject to the final approval of the Minor Site Plan review. Hearing Officer Grattan and City Attorney Shaver discussed City Attorney Shaver's recommendation.

Hearing Officer Grattan found the application for modification of premises to be in order and approved the increased outdoor seating making note that the applicant needs to abide by all current laws and codes and advised the applicant to encourage the Planning Department to speed along the Minor Site Plan review.

VI. APPLICATION FOR NEW LICENSE – RESOLUTION OF FINDINGS AND DECISION

1. **Rafael Cisneros** dba Las Palmas Mexican Restaurant, 752 ½ Horizon Drive, Grand Junction, CO 81506, Hotel and Restaurant

Owner: Rafael Cisneros, 720 N. Spruce, Gunnison, CO 81230

Rafael Cisneros, owner of Las Palmas Mexican Restaurant, was present.

Ms. Kemp reported the application was in order and the applicant requested a concurrent review. The Police Department reported that nothing derogatory was found on a local background check on the owner and the fingerprint card and individual history form was forwarded to C.B.I. for further investigation. Code Enforcement reported that the premises were posted in a timely manner and the diagram matched the layout of the premises. The Fire Department and the Building Department will report once the building is completed and a Certificate of Occupancy is issued. The Health Department has received plans and is reviewing them. The Sales Tax Department reported that the applicant has not applied for a new sales tax account at this time. Ms. Kemp read into the record the results of the survey provided (see attached).

City Attorney Shaver asked Mr. Cisneros if he heard the report that Ms. Kemp read into the record and does he agree with the report. Mr. Cisneros stated that he did agree. City Attorney Shaver asked who conducted the survey, what were the people told, did they go door to door and what time of day did they conduct the survey. Mr. Cisneros stated that he and his wife conducted the survey two weeks ago. They went door to door and advised people that they were applying for a new liquor license and asked them to read the questions and answer them.

Hearing Officer Grattan asked if this is going to be more of a restaurant than a bar and what would be the approximate percentage of alcohol sales. Mr. Cisneros said it will be a family restaurant and probably about 12% of sales will be alcohol sales.

City Attorney Shaver stated that the results of the survey did indicate that the needs and desires in the neighborhood are not being met and recommended approval.

Hearing Officer Grattan found the requirements have been met. The approval for the issuance of the hotel and restaurant liquor license on the local level was granted with the condition of all final inspections and reports be approved and a Certificate of Occupancy issued. The City Clerk's Office will prepare a resolution for Hearing Officer Grattan's signature.

VI. ADJOURNMENT – The meeting adjourned at 9:44 a.m.

NEXT REGULAR MEETING – August 1, 2007

MEMO: Local Licensing Authority
FROM: Debbie Kemp, Deputy City Clerk
DATE: July 6, 2007
SUBJECT: Application for a modification of premises for a hotel and restaurant liquor license by Breckenridge Ale House LLC, dba Breckenridge Ale House, 2531 N. 12th Street

Breckenridge Ale House LLC filed an application with the Local Licensing Authority on July 2, 2007 for a modification of premises for a hotel and restaurant liquor license permitting sales of malt, vinous and spirituous liquors by the drink for consumption on the premises at 2531 N. 12th Street, under the trade name of Breckenridge Ale House. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for July 18, 2007.

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 F 1/2 Road, on the South by Mesa Avenue, on the East by 27 1/2 Road, and on the West by 7th Street. The results of that survey are as follows:

1. As an owner of property in the neighborhood, an employee or business lessee of property in the neighborhood and/or an inhabitant who resides in the neighborhood for more than six months each year, I believe the proposed modification of premises to increase patio seating will not conflict with the reasonable requirements of the neighborhood or the desires of the inhabitants. (Yes or No)

Yes	106
No	7

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

Yes	53
No	1
N/A	2
Disqualified	13

There were 13 disqualified because the addresses were out of the defined boundary.

That concludes this report.

cc: Applicant
John Shaver, City Attorney
TJ Rix, Grand Junction Police Department
File

MEMO: Local Licensing Authority
FROM: Debbie Kemp, Deputy City Clerk
DATE: July 6, 2007
SUBJECT: Application for a new hotel and restaurant liquor license by Rafael Cisneros, dba Las Palmas Mexican Restaurant, 752 ½ Horizon Drive

Rafael Cisneros filed an application with the Local Licensing Authority on June 5, 2007 for a new hotel and restaurant liquor license permitting sales of malt, vinous and spirituous liquors by the drink for consumption on the premises at 752 ½ Horizon Drive, under the trade name of Las Palmas Mexican Restaurant. 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 July 18, 2007. The Notice of Hearing was given by posting a sign on the property on or before July 8, 2007 and by publishing a display ad in the Daily Sentinel on July 6, 2007.

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 H Road, on the South by Cortland Avenue, on the East by 29 Road, and on the West by 26 ½ Road. The boundary area was expanded to accommodate more residential neighborhoods. 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	10
No	90

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	68
No	0
N/A	0
Disqualified	41

There were 41 disqualified due to: 1) 18 Businesses answered question number 2 which was not applicable to them, 2) 21 addresses were out of the boundary, 3) 1 business didn't answer question 1, and 4) 1 signature was invalid.

The Grand Junction Police Department has investigated the owner for local criminal history and has forwarded the fingerprint card and individual history form onto CBI for further background investigation. Reports have been requested by the Grand Junction Fire Department, Code Enforcement, Mesa County Health Department, the 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:

Hotel and Restaurant – 9 (Grand Vista Hotel, W.W. Peppers, Coco's Bakery Restaurant, Doubletree-Grand Junction, Good Pastures, Shanghai Garden, Bookcliff Country Club, Applebees Neighborhood Grill & Bar, and Pantuso's Ristorante)

There are no similar type outlets in a one mile area in addition to the above:

That concludes this report.

cc: Applicant
John Shaver, City Attorney
TJ Rix, Grand Junction Police Department
File