

March 7, 1984

HEARING - APPLICATION BY MESA COLLEGE FOR 3.2% BEER SPECIAL EVENTS PERMIT APRIL 14, 1984, FROM 1 PM TO 6 PM AT THE MESA COLLEGE ACTIVITY COMMITTEE'S "MR. BARLEY HOP" - APPROVED - SECOND PERMIT

A hearing was held after proper notice on the application by Mesa College for a 3.2% beer special events permit April 14, 1984, from 1 p.m. to 6 p.m. at the Mesa College Campus Practice Field for the Mesa College Activity Committee's "Mr. Barley Hop." Chris Baker was present representing the Mesa College Activity Committee. There were no opponents, letters or counterpetitions. Upon motion by Councilwoman Kreissler, seconded by Councilman Phipps and carried with Councilman HOLMES voting NO, the application was approved.

RESOLUTION NO. 13-84 - DECISION RE: APPLICATION BY 202 MAIN, INC., FOR RETAIL LIQUOR STORE LICENSE AT 202 MAIN STREET UNDER TRADE NAME OF TWO RIVERS WAREHOUSE LIQUORS - RESOLUTION FAILED TO PASS - APPLICATION DENIED

The following Resolution was read:

R E S O L U T I O N      N O.      13-84

OF DECISION ON APPLICATION FOR A RETAIL LIQUOR STORE LICENSE BY 202 MAIN STREET, INC.

WHEREAS, the City Council of the City of Grand Junction on the 1st day of February, 1984, heard the application of 202 Main Street, Inc., for a retail liquor store license for Two Rivers Warehouse Liquors at 202 Main Street, Grand Junction, and having considered the evidence adduced at the hearing, FINDS:

1. The hearing was properly held after due notice thereof, and this decision made this 7th day of March, 1984, after continuance for consideration of evidence.
2. The survey conducted by the City in the neighborhood indicated that of those contacted and responding to that survey, 87 persons favored the issuance of the license and 37 opposed the issuance, in both cases on the basis of the needs of the neighborhood. Of those favoring, 23 designated themselves as being inhabitants of the neighborhood, 48 were employees within it and 21 were owners of property within the neighborhood. Of those opposed, 9 were inhabitants, 22 were employees and 6 were owners of property.
3. There were also City survey forms mailed to the City indicating the position of the sender. There was no way in which these forms could be identified as having been distributed by the City surveyor or by those in opposition to the issuance of the license. A compilation as to these forms showed that 69 favored the issuance of the license while 133 opposed. In the breakdown, among those favoring 3 were inhabitants of the neighborhood, 61 were employees and 7 owned property in the neighborhood. Of those opposed, 23 were inhabitants, 103 were employees and 12 were property owners.
4. An owner of a retail liquor store in the neighborhood also submitted completed City forms. These showed 12 in favor of the issuance of the license with 274 opposed. Of those favoring, 3 were inhabitants, 6 were employees and 3 were owners of property. Of those opposed, 80 were inhabitants, 164 were employees and 49 were owners of businesses.
5. The applicants submitted a petition with signatures expressing the position of owners and operators of downtown businesses within the neighborhood. Of these, 75 of those signing, representing 68 businesses, favored the issuance of the license, indicating the needs of the neighborhood were not being met by existing outlets, while 7 signers, representing 6 businesses, opposed the issuance of the license, believing needs were being met.
6. There are three retail liquor store license outlets within the neighborhood and eleven such outlets, including those three, within one mile of the proposed location.

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CONCLUSIONS

The City Council is charged with making a determination as to the needs of the neighborhood and the desires of the inhabitants of that neighborhood as to the issuance of the license applied for from the evidence presented to it at the hearing. Under the case law, the Council is not held solely to the compilation of numbers for and against resulting from surveys or petitions presented. Too, the question of competition is not relevant except in the context of a determination as to needs and desires within the neighborhood. The Council has generally given greater weight to its independent survey within a neighborhood, believing that the independence of the survey conveys a better indication of the true feelings within the neighborhood than one conducted with the pressures of trying to get the application approved or defeated. This would seem to be borne out by the affidavit of the City's surveyor, June M. Miller. Giving somewhat greater weight to the City survey, and considering the nature of the neighborhood (essentially business and commercial) with differing needs than might be found in other neighborhoods, the Council believes the license should issue.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That the application of 202 Main Street, Inc., for a Retail Liquor Store License for Two Rivers Warehouse Liquors at 202 Main Street, be approved.

## Comments:

Councilman Dunn: "I was very confused about the results of the surveys. And I don't do this too often, but some of the older members of the Council, I know Mr. Holmes will that I once in a while go out and start knocking on doors and make my own surveys. I did this yesterday afternoon on a two-block radius of the proposed liquor store at Western Slope Auto at 2nd and Main. I called on thirty (30) people, most of these were business owners and my question was: We do have an application for a liquor store at 2nd and Main and I asked them if they thought the needs of the neighborhood are being met by the present outlets. The results were kinda surprising and these were... twenty-six (26) of those people thought that the needs were being met. There was only four (4) that thought that there was a need for another outlet. And that is an honest survey. And I didn't twist any arms, I just asked them the question were the needs of the neighborhood being met by the present outlets and we did have an application for an additional outlet and it completely changed my idea of what you know trying to go through these petitions I was very confused so I am going to vote on my own survey. I just thought I would like to share that information with the rest of the Council."

Councilman Pacheco: "Mr. Mayor. I'd like to make a brief comment. It ... from a personal standpoint, it's very difficult for me to at any time try to inhibit or prohibit the opportunity of anybody to engage in business and hopefully provide further business activity downtown. But I think in this case in weighing the evidence that we received that it's quite evident that the needs of the neighborhood are being met. I concur with Councilman Dunn that the people who live and survive in that area in that part of downtown I think are adequately served, and I would ask that the Council seriously consider that evidence and that at this time they determine that those needs are met not as a vote to prohibit opportunity for anyone to engage in business but just as our responsibility as City Council members to uphold the State law which does allow us to make that determination."

Councilman Dunn: "That's correct. And Mr. Pacheco, that's true. The only basis is are the needs of the neighborhood being met. And that's the determination that I tried to find out you know from the residences surrounding and these were all surrounding that particular area."

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Councilwoman Kreissler: "I would hope that we would find a better way as quickly as we possibly can in these surveys. Obviously, the survey system is not working satisfactorily. It is not giving us the information that we need in a manner in which we can properly deal with it. The information we have received from the City's survey shows one thing, the other two surveys show something else, and Mr. Dunn's personal survey really shows a totally different perspective. And I for one find it very difficult to make a decision based on these numbers."

Councilman Holmes: "I would only hope that as we consider our vote in the cases of handing out or the denying of a liquor license that we consider not only the needs of the neighborhood but that we consider the needs of the citizenry and the direction and the health and the climate of our community. I have always maintained that stance, I always will."

It was moved by Councilman Phipps and seconded by Councilwoman Clark that the Resolution be passed and adopted as read. Roll was called upon the motion with the following result:

Councilmembers voting AYE: CLARK, PHIPPS, LUCERO.  
Councilmembers voting NO: KREISSLER, HOLMES, DUNN, PACHECO.

A majority having opposed the adoption of the Resolution, the President declared the motion lost and the application denied.

HEARING - CITY OF GRAND  
JUNCTION COMPREHENSIVE PLAN -  
CHAPTER 16, HUMAN RESOURCE  
SERVICES; CHAPTER 6,  
POPULATION & DEMOGRAPHICS -  
APPROVED

A hearing was held after proper notice on the City of Grand Junction Comprehensive Plan, Chapter 16, Human Resource Service; and Chapter 6, Population and Demographics. There were no opponents, letters or counterpetitions. Upon motion by Councilman Pacheco, seconded by Councilwoman Kreissler and carried, the two chapters were approved as parts of the City of Grand Junction Comprehensive Plan.

DECISION RE: NORTHRIDGE  
ESTATES FILING #4 OUTLINE  
DEVELOPMENT PLAN

It was moved by Councilman Pacheco and seconded by Councilwoman Clark that the petitioners be required to provide the City with a preliminary development plan of the Northridge Estates Filing #4 and in addition that the petitioners meet with the City Administration to work out an agreement if possible prior to that expenditure and that process actually taking place.

Mr. Joseph Coleman appearing on behalf of the developers: "I would state first of all that we approached the City Planning Staff with the concept of a preliminary plan. They suggested the approach we followed, the sketch plan. We now appear to be full circle where we are being penalized because we did not go the preliminary plan route. That was the City Staff's suggestion. I think the City Staff's suggestion had merit, therefore we followed it and I do not see any reason now to go back and say go to square one. I have spoke with Mr. Ashby. I told him I have no qualms with meeting with him or meeting with anyone with the City if they desire additional information about the exact location of the road. However, I informed him and I inform you that we submitted a sketch plan, we feel we have complied with every requirement of the City, and I think we are entitled to a decision. What I am hearing is that we are being put back to square one and I am quite adamant that I do not feel the City has the right to treat these developers any different than any other developers. We're entitled to a decision, I would like a decision, factfinding has had adequate time to consider all the various alternatives. And whatever the decision the City chooses that's your prerogative but we are entitled to a decision. And regardless of which way the decision goes, I have told Mr. Ashby that we will meet with him immediately and provide whatever additional information we have but that will not either make the sketch plan more appropriate or less appropriate. That will merely be a step on the way to final plat approval and we again would urge you to..."