

RESOLUTION NO. 57-84

OF DECISION OF APPLICATION FOR A HOTEL-RESTAURANT LIQUOR LICENSE BY PATSY ARGUELLO FOR THE LA MEXICANA AT 1310 UTE AVENUE.

A public hearing having been held on October 17, 1984 on the application of Patsy Arguello for a hotel-restaurant liquor license for the La Mexicana at 1310 Ute Avenue, Grand Junction, and the City Council having considered the evidence adduced at said hearing, FINDS:

1. That the hearing was properly held after due notice.
2. The survey conducted by the City showed that of those residents within the neighborhood responding 41 opposed the issuance of the license, while 35 approved of the license. On the additional question of the needs of the neighborhood for the license, 96 owners of property opposed the license with 29 favoring, and 13 employees within the neighborhood opposed the issuance with 42 employees favoring it.
3. Petitions were presented which favored the issuance of the license and in opposition to the issuance of the license. Most of those signing as favoring the issuance were not residents or otherwise involved with the neighborhood. The applicant urged upon the Council that the neighborhood for a restaurant, as proposed, would exceed that of the surveyed area.
4. There were three persons present at the hearing speaking in favor of the application. Two persons, one of whom circulated the opposition petition, spoke against the license. The opposition was concerned with dissimilar outlets and with possible noise generated in the residential section of the area from a restaurant located in the commercial and business section of the same area.
5. There are no other similar outlets within the neighborhood, but there are 8 within a one mile radius of the proposed location.
6. The neighborhood surveyed by the City is one of mixed residential and business/commercial. The restaurant is to be located in the business/commercial area on an arterial street and is a permitted use in the area.

CONCLUSIONS

Because of its location within the neighborhood in relation to the residential section, the restaurant will not have an adverse impact on that residential section, and the permission for a conditional use should be granted. The numbers involved in a determination of the desires of the inhabitants are small and inconclusive, with some of those opposed opposed on grounds which are not relevant here or do not appear to be so. The numbers involved in a determination of the needs of the neighborhood is larger, particularly when the petitions of the applicant are added, as the Council believes should be done in this instance, the neighborhood here being larger than that covered by the survey. The needs would not appear to be being met by existing outlets near the neighborhood. With the lack of clear evidence either way as to the desire of the inhabitants, but with the clearer evidence as to the needs of the neighborhood, the license should issue and the conditional use for that license be approved.

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

That the application of Patsy Arguello for a Hotel-Restaurant at La Mexicana, 1310 Ute Avenue in the City of Grand Junction, be approved together with the conditional use for such licensed restaurant.

PASSED and ADOPTED this 14th day of November, 1984.

ATTEST:

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President of the Council

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City Clerk