

RESOLUTION NO. 1-87

OF DECISION ON APPLICATION FOR LIQUOR-LICENSED
DRUG STORE LICENSE BY K-MART CORPORATION FOR
K-MART #7000 AT 2809 NORTH AVENUE, GRAND JUNCTION.

A public hearing having been held on February 18, 1987, on the application by K-Mart Corporation for a liquor-licensed drug store license for K-Mart #7000 located at 2809 North Avenue, Grand Junction, and the Local Licensing Authority having considered the evidence adduced at said hearing, FINDS:

1. That the hearing was properly held after due notice.
2. A survey attempting to determine the needs of the neighborhood and the desires of the inhabitants was conducted within an area bounded on the north by Elm Avenue, on the east by 28 1/4 Road, on the south by Gunnison Avenue and on the west by 23rd Street, this being an area immediately surrounding the location proposed for the licensee. This survey indicated that 84 persons felt the needs of the neighborhood were being met by other outlets in the neighborhood, while 35 felt the needs were not being met by these outlets. Of the inhabitants of the neighborhood, 56 expressed the desire that the license not issue, while 38 desired that the license issue.
3. The applicant, through its operating manager, submitted a petition bearing 36 signatures expressing the desire that the license issue as the needs of the neighborhood were not being met by other outlets. Mr. Rose indicated that 60% of these signatures were of employees of K-Mart. A petition was submitted on behalf of the Friends Church indicating opposition to the sale of any alcoholic beverages at the proposed location. This petition did not attempt to relate itself to the issues of neighborhood needs and desires of the inhabitants as to the issuance of the license. Florence Jones, owner of Teller Arms Liquors, submitted a petition signed by 172 persons (40 of whom were in the City-surveyed area and 132 of whom were without the survey area) expressing that the needs of the neighborhood were being met and it was the desire of the signers that the license not issue. A petition of like wording was submitted by Dale Mitchell, owner of Crown Liquors, with 233 signatures, 70 within the City-surveyed area, 105 within one mile of the survey area and 58 outside the one mile radius. Several persons spoke in opposition to the issuance of the license.
4. Both the applicant and those opposed urged that the survey area was too small with the market area being much larger and including more than the area of the City in some instances.
5. Under a Liquor-Licensed Drug Store License, the licensee is permitted to sell malt, vinous and spirituous liquors in sealed containers for consumption off the premises. Under a Retail Liquor Store

License, the licensee is permitted to sell the same beverages in the same manner. There are no Liquor-Licensed Drug Stores within the City of Grand Junction, but there are eighteen Retail Liquor Store Licenses in the City. One of the retail liquor stores is located within the area surveyed by the City at 2353 Belford Avenue, Teller Arms Liquors. One is located within a little over one-half mile of the proposed location, Crown Liquors. Within one mile of the proposed location is Jim's Liquors at 1560 North Avenue, and within two miles of the location are North Avenue Liquors at 801 North Avenue and Andy's Liquors at 401 North Avenue.

CONCLUSIONS


While the representative of the applicant expressed the belief that the license should issue because it was a legally available license and because the market place should be allowed to determine the reasonable requirements of the neighborhood and the desires of the inhabitants, the Local Licensing Authority is charged with basing his decision on the desires of the inhabitants of the licensing area and the reasonable requirements of the neighborhood within the licensing area. Both the applicant and the opponents argued that the neighborhood is greater than that surveyed by the City. The Licensing Authority accepts this argument and believes that the neighborhood has to include at least two miles in radius around the proposed location. The evidence before the Authority establishes that the reasonable requirements of the neighborhood are being met by outlets purveying the same beverages as is proposed by the applicant and that it is the desire of the inhabitants of that neighborhood that the license not be issued to the applicant.

NOW, THEREFORE, BE IT RESOLVED BY THE LOCAL LICENSING AUTHORITY OF THE CITY OF GRAND JUNCTION:

That the application by K-Mart Corporation for a Liquor-Licensed Drug Store License for K-Mart #7000, located at 2809 North Avenue, Grand Junction, be denied as the reasonable requirements of the neighborhood are being met and it is the desire of the adult inhabitants that the license not be issued.

PASSED and ADOPTED this 4th day of March, 1987.

Attest:



LOCAL LICENSING AUTHORITY
FOR THE CITY OF GRAND JUNCTION




City Clerk

STATE OF COLORADO)
COUNTY OF MESA) SS
CITY OF GRAND JUNCTION)

CERTIFICATION

The undersigned City Clerk of the City of Grand Junction, Colorado, certifies that the foregoing is a true and correct copy of Resolution No. 1-87 adopted at a legally convened meeting of the Local Licensing Authority of the City of Grand Junction, Colorado, held on the 4th day of March, 1987.



Neva B. Lockhart, CMC
City Clerk

Dated: March 4, 1987