

RESOLUTION NO. 4-89

DECISION ON APPLICATION BY LAURA GWEN FARNUM
DBA ANDY'S LIQUORS
TO CHANGE THE LOCATION OF A RETAIL LIQUOR STORE LICENSE
FROM 401 NORTH AVENUE TO 922 N. FIRST STREET

A public hearing having been held on April 5, 1989, on the application by Laura Gwen Farnum dba Andy's Liquors, to change the location of a retail liquor store license from 401 North Avenue to 922 N. First Street, Grand Junction, Colorado, and the Local Licensing Authority having considered the evidence presented at said hearing, finds as follows:

1. The hearing held on April 5, 1989, was held subsequent to proper notice thereof under C.R.S. Section 12-47-101, et seq.

2. The survey of the neighborhood conducted by the City revealed that 227 of those responding believe that the reasonable requirements of the neighborhood are being met, while 87 believe that the reasonable requirements are not being met. Of those responding who were inhabitants in the neighborhood, 220 stated that it is their desire that the license be transferred, while 40 stated that it is their desire that the license not be transferred.

3. Laura Farnum presented petitions which were collected at the previous location in February of 1989 with 778 signatures on such petitions. These signatures all were in favor of the transfer of the location.

4. Don McBee, representing the owner of Surplus City, James Holmes, argued in opposition to the change of location. McBee presented information to show that Holmes's business at Surplus City would be adversely affected by the change of location. McBee also stated that there would be traffic flow problems created by the proposed location on First Street and that there are problems entering the proposed location. McBee presented a survey which included 90 signatures against the transfer, two in favor of the transfer, 90 with the belief that the needs of the neighborhood are being met, and two with the belief that the needs of the neighborhood are not being met.

5. McBee also presented a petition which was used to collect signatures at the Surplus City Liquor Store. These signatures were against the transfer of location; said petition contained 40 signatures.

6. In response to the arguments of Mc Bee, Thomas Goerke, the owner of the property at 922 N. First Street, stated that arrangements have been made to have three entrances to the location, with two of those entrances off of First Street and one off of Belford. Goerke stated that the property next door, which now is occupied by Monument Motors, will be used for parking.

7. City Clerk Neva Lockhart, indicated that some people who had signed the Surplus City petitions did not want to then sign the City petition. This could at least in part explain the significant difference between the City survey in which the great majority favored the transfer of the license. The Surplus City survey was done between February 28 and March 2, 1989, whereas the City survey was done between March 1 and March 24, 1989.

8. Having reviewed the record and the various petitions submitted, the Local Licensing Authority finds and concludes that the desires of the inhabitants show a preference that the license be transferred. The evidence also indicates that the reasonable requirements of the neighborhood are being met, but that is understandable in that the present location on North Avenue is in the same survey area as the proposed location on First Street. The Local Licensing Authority finds that the City's survey is more reliable and less biased than any information provided either by the licensee or the opposition. Because the evidence shows a desire that the license be transferred and because the transfer of such a license does not create a new liquor outlet, it is the conclusion of the Local Licensing Authority that the license should be transferred. Therefore, the Local Licensing Authority hereby approves the application for change of location filed on behalf of Andy's Liquors with the change of location to be from 401 North Avenue to 922 N. First Street, Grand Junction, Colorado.

PASSED and ADOPTED this 19th day of April, 1989.

Attest:

Theresa A. Martinez

Theresa F. Martinez
Deputy City Clerk

Philip Coebergh

Philip Coebergh
Local Licensing Authority