

RESOLUTION NO. 5-89

DECISION ON APPLICATION FOR A 3.2%
FERMENTED MALT BEVERAGE LICENSE
JERALD RIZK STUDEBAKER UNDER TRADE NAME
OF THE VILLAGE MART, 1133 PATTERSON
ROAD, UNIT NO. 1

A public hearing was held on May 3, 1989, on the application by Jerald Rizk Studebaker for a 3.2% fermented malt beverage license for The Village Mart at 1122 Patterson Road, Unit No. 1, Grand Junction, Colorado, and the Local Licensing Authority having considered the evidence adduced at said hearing, FINDS:

1. The hearing held on May 3, 1989, on the application was held after proper notice thereof under C.R.S. 12-46-101, et seq.

2. The survey of the neighborhood conducted by the City revealed that 105 persons believed the reasonable requirements of the neighborhood were being met by existing outlets, while 34 felt the reasonable requirements were not being met. Of those who were inhabitants of the neighborhood, 92 desired that the license issue and 39 were opposed to the issuance of the license. There are four similar type outlets within one mile.

3. No one appeared at the hearing in opposition to the granting of the license, and no petitions of disapproval were received by the Local Licensing Authority.

4. During the hearing, the applicant presented no evidence. After the hearing, the applicant tendered a petition which, since not timely presented, is not considered.

5. The moral character and reputation of the applicant is good as determined by a check done by the Grand Junction Police Department.

6. The only evidence presented was the results of the City's survey. That evidence supports the conclusion that the reasonable requirements of the neighborhood are being met by other outlets, even though the adult inhabitants of the neighborhood appear to desire that the license issue.

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

That the application by Jerald Rizk Studebaker for a 3.2% fermented malt beverage license for The Village Mart at 1133 Patterson Road, Unit No. 1, Grand Junction, Colorado, is denied because the applicant failed to present any evidence to meet the required burden of proof; he presented no evidence to establish that the license should be issued.

PASSED and ADOPTED this 17th day of May, 1989.

Attest:

Neva B. Lockhart
Neva B. Lockhart, CMC
City Clerk

Philip Coebergh
Philip Coebergh,
LOCAL LICENSING AUTHORITY
FOR THE CITY OF GRAND JUNCTION