

RESOLUTION NO. 4-93

DECISION ON APPLICATION FOR A RETAIL LIQUOR STORE BY THE 2401 CORPORATION UNDER THE TRADE NAME OF "BULLSEYE DISCOUNT BEVERAGES" LOCATED AT 2401 NORTH AVENUE, #19, GRAND JUNCTION, COLORADO

A public hearing was held on June 16, 1993 by the Local Licensing Authority for the City of Grand Junction (hereinafter "City"), on the application submitted by the 2401 Corporation (hereinafter "Applicant") for a Retail Liquor Store License under the trade name of "Bullseye Discount Beverages" located at 2401 North Avenue, #19, Grand Junction, Colorado. The Local Licensing Authority having duly considered the evidence adduced at said hearing, FINDS:

1. The hearing on June 16, 1993, on the application was held after proper notice thereof, as required by 12-47-101 C.R.S., et. seq.

2. The survey of the neighborhood conducted by the City revealed that 186 persons believed the needs of the neighborhood were being met by the existing outlets, while 60 persons felt the needs were not being met. Of those who were inhabitants of the neighborhood, 43 desired that the license be issued and 142 were opposed to the issuance of the license.

3. Mr. Alex Wedekin, 2157 McKinley Court, appeared in favor of issuance of the license.

4. The following persons appeared in opposition to the issuance of the license:

- a. Samuel Samuelson, 2546 Gunnison Avenue
- b. Bob Crigger, owner of Teller Arms Liquor
- c. Pam Hambright, owner of Fair Wine & Spirits
- d. John Henson, owner of House of Spirits
- e. Robert Lovelace, owner of Bob & Jan's Prime Rib & Lobster House
- f. Dale Mitchell, owner of Crown Liquors
- g. John Williams, an attorney representing several local retail liquor store owners
- h. Wayne Fisher, owner of Fisher Liquor Barn
- i. Tom Goerke, owner of Andy's Liquor Store

5. Mr. Richard Livingston, an attorney representing the applicant, presented the Local Licensing Authority with petitions containing 468 signatures supporting the issuance of the license.

6. Mr. John Williams, attorney for several liquor store owners, presented a petition to the Local Licensing Authority with 600 responses, with 555 stating that the reasonable requirements of the neighborhood are being met and 540 stating that they do not wish the license to be issued.

7. The moral character and reputation of the corporate officers and stockholders of the 2401 Corporation is good as determined by a check performed by the Grand Junction Police Department.

8. The building where the license is sought is located more than 500 feet from any public or parochial school or the principal campus of any college, university or seminary.

9. No approval was required from the Grand Junction Community Development Department for the issuance of said license as a liquor store is an allowed use in that zone district. A Planning Clearance for a building permit will be required for the proposed interior remodel.

10. There are 4 existing retail liquor store licenses within a one mile radius, with 2 of those licenses being within the area surveyed by the City.

11. The survey done by the City is the least biased evidence available. That survey clearly shows that the reasonable requirements are being met, and that the inhabitants desire that the license not be issued. It is noteworthy that the City survey had more than three to one stating that the needs are being met and stating their desire that the license not be issued.

The signatures presented by the applicant were collected at the Mesa Mall, located on the west end of Grand Junction. The location being applied for is on the east end of the Grand Junction. Also, there are two similar outlets within the City survey area, with an additional two similar outlets within one mile of the proposed location.

Finally, there was considerable opposition presented at the hearing. Surveys done relatively near the proposed location listed 555 signatures stating that the needs of the neighborhood are being met, with 540 signatures stating their desire that the license not be issued.

In light of all the evidence presented, the arguments and legal memoranda, it is determined that the statutory requirements for the issuance of the license have not been met.

The evidence supports the conclusion that the needs of the neighborhood are being met by other outlets and it is the desire of the adult inhabitants of the neighborhood that the license not be issued.

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

That the application submitted by the 2401 Corporation for a Retail Liquor Store License, under the trade name of "Bullseye Discount Beverage", located at 2401 North Avenue, #19, Grand Junction, Colorado, be denied.

DATED this 7th day of July, 1993.

/s/ Philip Coebergh
Philip Coebergh, Hearing Officer
Local Licensing Authority for the
City of Grand Junction

ATTEST:

/s/ Stephanie Nye
Stephanie Nye, City Clerk