

RESOLUTION NO. 14-01

DECISION ON APPLICATION FOR A NEW RETAIL LIQUOR STORE LIQUOR LICENSE BY LHB LLC UNDER THE TRADE NAME OF EASTGATE LIQUORS TO BE LOCATED AT 2830 NORTH AVENUE, GRAND JUNCTION, COLORADO,

A Public hearing was held on December 19, 2001 by the Local Licensing Authority for the City of Grand Junction (hereinafter "Authority"), on the application submitted by LHB LLC, (hereinafter "Applicant") for a new Retail Liquor Store liquor license under the trade name of Eastgate Liquors to be located at 2830 North Avenue, Grand Junction, Colorado. The Authority having duly considered the evidence adduced at said hearing and having reviewed the evidence including supplemental documents submitted by Applicant, the evidence submitted by the opposition and the statements of legal counsel, FINDS:

1. That the hearing on December 19, 2001 on the application was held after proper notice thereof, as required by 12-47-311 C.R.S., et. seq.
2. That Section 12-47-301(2)(a), C.R.S., establishes the legal basis for review of any application. Before granting any license, all licensing authorities shall consider, except where this article and article 46 of this title specifically provide otherwise, the reasonable requirements of the neighborhood, the desires of the adult inhabitants as evidenced by petitions, remonstrances, or otherwise and all other reasonable restrictions that are or may be placed upon the neighborhood by the local licensing authority.
3. That the petitions, surveys, remonstrances and other evidence, including but not limited to statements of the Applicant and those in opposition, demonstrate that the Applicant has shown that the needs of the neighborhood are not already being met by existing licenses and that the adult inhabitants desire that the license issue. Based on an examination of the surveys provided by the applicant and by the opposition, the latest counts are as follows: The surveys provided by the applicant show that 450 feel that the reasonable requirements of the neighborhood are not being met, with 28 feeling that the reasonable requirements are being met. 398 desire that the license be issued while 8 are opposed. The surveys provided by the opposition show that 420 feel that the reasonable requirements are being met, with 17 feeling that the reasonable requirements are not being met. 366 desire that the license not be issued, while 43 desire that the license be issued. While the surveys provided by the applicant and by the opposition are close, the surveys show that more feel that the reasonable requirements are not being met and more desire that the license be issued. Further, in light of evidence concerning the opposition surveys such

as the circling of yes on some of the survey forms in relation to the question dealing with the needs of the neighborhood, the opposition surveys are being given less weight than those presented by the Applicant.

4. That Section 12-47-312(2)(a) C.R.S. requires (in relevant part) that before entering any decision approving or denying the application, the local licensing authority shall consider ... the facts and evidence adduced as a result of its investigation, as well as any other facts (emphasis added). The Authority found compelling the various admissions by those testifying in opposition that their opposition was based on economic considerations for their own liquor businesses. Furthermore, the Authority considered the fact, as shown by the competing surveys, that there was overall support for the issuance of the license. While extensive information and argument concerning the factors of Colorado Liquor Regulation 47-301 was presented, including the number of other outlets, the Authority is deciding the application on other grounds, specifically those detailed in this Resolution.
5. That the application for a new Retail Liquor Store liquor license be approved.

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

That the application submitted by LHB LLC under the trade name of Eastgate Liquors to be located at 2830 North Avenue, Grand Junction, Colorado, for a new Retail Liquor Store liquor license is approved.

DONE, this 21st day of December 2001.

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

ATTEST:

Christine English
Deputy City Clerk