

RESOLUTION CONCERNING AN APPLICATION TO MODIFY PREMISES

In the Matter of
Springer Capital Corporation, Licensee
2747 Crossroads Blvd.
Grand Junction, Colorado.

This matter having come on for a hearing on the application filed by Springer Capital Corporation (Licensee) to modify its licensed premises and the Authority having been duly advised in the premises does hereby find, order and resolve that:

- 1) A public hearing was held on May 15, 2002 by the Local Licensing Authority for the City of Grand Junction (hereinafter "Authority"), on the application submitted by the Licensee for a modification of premises located at 2747 Crossroad Blvd., Grand Junction, Colorado.
- 2) The Authority having duly considered the evidence adduced at the hearing, the oral statements of the Licensee and the statements of the Authority's legal counsel, FINDS:
 - A. That the hearing on May 15, 2002 on the application was held after proper notice thereof, as required by 12-47-311 C.R.S., et. seq.
 - B. That Section 12-47-301 C.R.S. and Colorado Liquor Regulation 47-302 establish the legal basis for review of the application and that in making its decision with respect to any proposed changes, alterations or modification the Authority must consider whether the premises as changed, altered or modified will meet all pertinent requirements of law. Factors to be taken into account include but are not limited to the reasonable requirements of the neighborhood and the desires of the adult inhabitants, the possession, by the Licensee of the changed premises by ownership, lease, rental or other arrangement and compliance with applicable zoning laws of the municipality.
 - C. That there was no testimony on the needs and desires of the neighborhood. No documentary evidence in the form of letters, petition or remonstrances was submitted to demonstrate that the existing needs and desires of the neighborhood were not being met. The Licensee testified in support of the application but no disinterested person appeared on behalf of the application.

- D. The Licensee presented no testimony or other evidence that the proposed modification was in compliance with applicable zoning laws.
- E. The letter tendered by the Licensee was inadequate to demonstrate that the Licensee had possession of the changed premises; neither the area of the proposed modification was defined with particularity nor was the scope of the proposed service.
- F. The legal standard regarding "temporary" modifications of premises such as proposed by the Licensee is not clear. The regulation provides that a modification of premises is for the purpose of achieving a physical change to the premises that "materially or substantially alters the licensed premises or the usage of the licensed premises". The Licensee's proposed modification for what amounts to a 3-day 'special event' is not a material or substantial alteration contemplated by the regulation.

3) The application for a modification of premises is denied.

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

That the application submitted by Springer Capital Corporation under the trade name of Shake, Rattle and Roll Diner located at 2747 Crossroads Blvd., Grand Junction, Colorado, for a modification of the licensed premises is denied.

DONE this 15th day of May 2002.

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

ATTEST:

Juanita Wesley
Deputy City Clerk