

**LIQUOR AND BEER MEETING
LOCAL LICENSING AUTHORITY
CITY OF GRAND JUNCTION, COLORADO
MUNICIPAL HEARING ROOM, CITY HALL, 250 NORTH 5TH STREET**

MINUTES

WEDNESDAY, FEBRUARY 6, 2013, 2:00 P.M.

HEARING OFFICER MICHAEL GRATTAN

I. CALL TO ORDER

The meeting convened at 2:00 p.m. Those present were Hearing Officer Mike Grattan and Deputy City Clerk Debbie Kemp. City Attorney John Shaver entered the meeting at 2:01 p.m.

II. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES

1. KMG Enterprises, Inc., dba Boston's The Gourmet Pizza, 2404 F Road, Grand Junction, CO 81505, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal for KMG Enterprises, Inc., dba Boston's The Gourmet Pizza was found to be in order and approved.

2. Breckenridge Ale House GJ, LLC dba Breckenridge Ale House, 2531 N. 12th Street, Grand Junction, CO 81501, Hotel and Restaurant

Tyrone St. John, Director of Good Drink and Beverage for Breckenridge Ale House, was present.

Ms. Kemp reported that there was one minor outstanding Fire Code violation that was being corrected but the Fire Department had no objection to the renewal.

Mr. St. John advised that the violation had been corrected and will get the paperwork over to the Fire Department.

The application for renewal for Breckenridge Ale House GJ, LLC dba Breckenridge Ale House was found to be in order and approved subject to compliance with the Fire Department.

3. G A Restaurant, Inc. dba Wrigley Field, 1810 North Avenue, Grand Junction, CO 81501, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal for G A Restaurant, Inc. dba Wrigley Field was found to be in order and approved.

4. Chipotle Mexican Grill, Inc. dba Chipotle Mexican Grill, 2504 Highway 6 & 50, Suite 300, Grand Junction, CO 81505, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal for Chipotle Mexican Grill, Inc. dba Chipotle Mexican Grill was found to be in order and approved.

5. GMRI, Inc. dba Red Lobster #685, 575 24 ½ Road, Grand Junction, CO 81505, Hotel and Restaurant

Justin McDaniel, Culinary Manager for Red Lobster #685, was present.

City Attorney Shaver asked Mr. McDaniel if he has responsibility for the entire restaurant and asked if he is also known as the general manager. Mr. McDaniel said that he does have responsibility for the entire restaurant but he is not the general manager and noted that she was working and could not make it.

City Attorney Shaver asked Mr. McDaniel if he has been given the authority on the matter from the general manager in his/her absence. Mr. McDaniel confirmed that to be correct.

The application for renewal for GMRI, Inc. dba Red Lobster #685 was found to be in order and approved.

6. Fins Grill, LLC dba Fins Grill, 420 Main Street, Grand Junction, CO 81501, Beer and Wine

No one was present representing the applicant.

Ms. Kemp noted that this item should have been listed separately on the agenda because there is an outdoor dining lease associated with this establishment which is in order.

Hearing Officer Grattan asked if there is a public notice violation by not separating the item on the agenda because of the outdoor dining lease. City Attorney Shaver said there is not a violation because City Council has given the City Clerk's Office and the Downtown Development Authority an annual authorization to renew and execute the outdoor dining lease.

Ms. Kemp reported that the Fire Department has not had a chance to inspect the facility and will be inspecting it the week of February 11th.

The application for renewal with outdoor dining lease for Fins Grill, LLC dba Fins Grill was found to be in order and approved conditioned on a satisfactory report from the Fire Department.

III. APPLICATION TO RENEW LIQUOR AND BEER LICENSE WITH STORAGE PERMIT

1. VAT, LLC dba Jack Rabbit Liquor, 2681 Unawep Avenue, Unit C & D, Grand Junction, CO 81503, Retail Liquor Store

No one was present representing the applicant.

City Attorney Shaver asked Ms. Kemp if the storage permit is separately applied and separately approved. Ms. Kemp stated that originally the applicant applied separately and it was approved separately, but now it is part of the liquor license renewal and there is a box on the renewal form to check if they still want the storage permit for an additional fee to the State of \$100.

The application for renewal with storage permit for VAT, LLC dba Jack Rabbit Liquor was found to be in order and approved.

IV. APPLICATION TO RENEW LIQUOR AND BEER LICENSE WITH TASTINGS PERMIT

1. Crossroads Wine and Spirits, LLC dba Crossroads Wine and Spirits, 611 24 Road, Grand Junction, CO 81505, Retail Liquor Store

Eleni Sica, President of Crossroads Wine and Spirits, LLC, was present.

The application for renewal with tastings permit for Crossroads Wine and Spirits, LLC dba Crossroads Wine and Spirits was found to be in order and approved.

V. APPLICATION FOR NEW LICENSE – RESOLUTION AND FINDINGS AND DECISION

1. U.N.A.N., LLC dba Uncle Nubs Bayou Grill and Bar, 115 West Grand Avenue, Grand Junction, CO 81501, Beer and Wine

Manager/Owner: James P. Cagle, Jr., 2440 ½ Jack Creek Road, Grand Junction, CO 81505

Todd Colosimo, Director of Operations for U.N.A.N., LLC and Carrie Colosimo, who conducted the survey, were present.

Ms. Kemp reported that CBI/FBI investigations were still pending on the owner, the Fire Department has no objection to the issuance of the license and they will sign off for the Certificate of Occupancy prior to the restaurant opening, and the Health Department has received the plan review paperwork and will inspect prior to the opening date.

Ms. Kemp read the results of the survey that was conducted into the record (see attached).

Hearing Officer Grattan noted that there was no one present in the hearing room in opposition of the issuance of the application.

City Attorney Shaver asked Ms. Kemp when the prior liquor license at this location expired and also inquired approximately how long it was licensed for. Ms. Kemp said she believes it expired in March of 2012 and she thinks the license was in place for approximately two years. Mr. Colosimo said they originally opened Smashburgers at that location in June of 2010.

City Attorney Shaver asked Mr. Colosimo if the results of the survey that were read into the record were a true and accurate representation of what he knew. Mr. Colosimo said yes. City Attorney Shaver asked Mr. Colosimo if he has knowledge on how the survey was conducted. Mr. Colosimo said that his wife conducted the survey.

City Attorney Shaver asked Mr. Colosimo if he will be the manager for the restaurant. Mr. Colosimo said he will not. He is director of operations for the corporation, not the restaurant. He said that Mr. Cagle will be the manager for the restaurant.

City Attorney Shaver asked Ms. Colosimo if the results of the survey that were read into the record were a true and accurate representation of what she knew and asked her if she had personal knowledge of the survey. Ms. Colosimo said yes to both questions. City Attorney Shaver asked Ms. Colosimo about why there were no businesses who responded in opposition on the survey. Ms. Colosimo said that almost every business that she went to were not opposed to the issuance of the liquor license and had no problem signing the petition. There were only one or two businesses that weren't interested and didn't want to sign the petition. City Attorney Shaver asked Ms. Colosimo to describe how the survey was conducted. Ms. Colosimo said when she went into businesses she would ask for the owner or manager and explain that there is a local restaurant going into their area, she is petitioning for the liquor license, and asked if they were interested in signing the petition. City Attorney Shaver asked Ms. Colosimo to describe how the survey was conducted for residential. Ms. Colosimo said that she took the same approach as with the businesses by telling them about the new restaurant, showing a menu from the restaurant, and asking them if they would like to sign the petition. There were not many people opposed to the issuance of the liquor license and the ones that were, they refused to sign. City Attorney Shaver asked how many homes were contacted. Ms. Colosimo said that there were probably 70 to 80 homes. She said that a lot of those homes in that area have fences, beware of dog signs, and enclosed porches before getting to the front door, and these she was extremely hesitant to contact. City Attorney Shaver asked Ms. Colosimo about second attempts at homes when no one was home on the first attempt. Ms. Colosimo said she did make second attempts to homes where it was easier for her to get to, not the ones with fences, beware of dog signs, or those with enclosed porches before getting to the front door. She made second attempts to businesses when the neither the business owner nor the manager were there on the first attempt.

Hearing Officer Grattan asked Mr. Colosimo what type of food will be served at the restaurant. Mr. Colosimo said a lot of southern style food, full meals and appetizers. Their biggest seller is fried catfish.

Hearing Officer Grattan found that the application for a new beer and wine license for U.N.A.N., LLC dba Uncle Nubs Bayou Grill and Bar was in order and approved it conditioned on a clearance from CBI/FBI, the granting of a Certificate of Occupancy, and a full approval from the Health Department. The City Clerk's office will prepare a resolution for Hearing Officer Grattan's signature.

VI. OTHER BUSINESS

There was none.

VII. ADJOURNMENT

The meeting was adjourned at 2:26 p.m.

NEXT REGULAR MEETING – February 20, 2013



CITY CLERK

MEMO: Local Licensing Authority

FROM: Debbie Kemp, Deputy City Clerk *DK*

DATE: January 28, 2013

SUBJECT: Application for a new beer and wine license by U.N.A.N., LLC dba Uncle Nubs Bayou Grill & Bar

U.N.A.N., LLC filed an application with the Local Licensing Authority on December 20, 2012 for a new beer and wine license permitting sales of malt and vinous liquors by the drink for consumption on the premises at 115 W. Grand Avenue under the trade name of Uncle Nubs Bayou Grill & Bar. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for February 6, 2013. The Notice of Hearing was given by posting a sign on the property on or before January 27, 2013 and by publishing a display ad in the Daily Sentinel on January 25, 2013.

In order to address the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood, the applicant conducted a survey. The neighborhood was defined as the area bounded on the North by Hill Avenue, Ute Avenue on the South, 4th Street on the East and Maldonado Street on the West and includes both sides of the streets as the outer boundaries. The results of that survey are as follows:

Check the yes/no column if you support/oppose this type of license being issued because the existing outlets do/do not adequately serve the reasonable requirements of the designated area.

Business Results:	FAVOR:	53
	OPPOSE:	0
Residential Results:	FAVOR:	48
	OPPOSE:	0

There were 6 responses disqualified for listing a residential address which was outside of the survey boundary area.

There were 5 "exhibits to survey petition" that indicated 1 person was under the age of 21, 7 people refused to sign, 26 with no answer, 2 with no solicitors posted, and 4 marked other with the reasons not listed. It was indicated on the "exhibits to survey petition" that 12 additional attempts were made to various addresses that had no answer.

No letters of opposition or counterpetitions have been filed to date.

The Grand Junction Police Department has investigated the owner for local criminal history. They inspected the property to ensure the Notice of Hearing had been posted in a timely manner. The fingerprints have been forwarded to CBI for further processing. Reports have been requested by the Grand Junction Fire Department, Mesa County Health Department, and City of Grand Junction Sales Tax Department.

The number of similar-type outlets in the survey area is as follows:

Beer and Wine – 2 (The Palette and Pablo's Pizza)

The number of similar-type outlets in addition to the mentioned above in a one mile area are as follows:

Beer and Wine – 1 (Fins Grill)

That concludes this report.

cc: Applicant
John Shaver, City Attorney
File