

SUMMARY MINUTES OF THE ARVADA LIQUOR LICENSING AUTHORITY REGULAR MEETING HELD JUNE 9, 2011

1. CALL TO ORDER - By Chairman Albrandt at 5:30 p.m.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL OF MEMBERS

Those present were: Alan Albrandt, Jed Ladd, David Caulder, Mary Ann Starnes and Cheryl Witt

4. APPROVAL OF MINUTES – May 19, 2011.

Chairman Albrandt moved to approve the Summary of Minutes of the regular meeting of May 19, 2011.

The following votes were cast on the motion:

Those voting Yes: Albrandt, Ladd, Caulder, Starnes, Witt
The motion carried

5. OLD BUSINESS - none
6. NEW BUSINESS

- A. Application to Change, Alter or Modify the licensed Premises of the Hotel and Restaurant Liquor License of Bella Bistro, LLC d/b/a Bella Bistro, 7702 Ralston Road

Frank Becky, Representing Applicant was present to answer questions.

Chairman Albrandt moved that the Application to Change, Alter or Modify the Licensed Premises of the Hotel and Restaurant Liquor License of Bella Bistro, LLC d/b/a Bella Bistro, 7702 Ralston Road, be approved.

The following votes were cast on the motion:

Those voting Yes: Albrandt, Ladd, Caulder, Starnes, Witt
The motion carried

- B. Application for Change of Location for the Retail Liquor Store of 3-S Liquors, Inc., d/b/a 3-S Liquors, from 8031 Wadsworth Boulevard, #E to 8031 Wadsworth Boulevard, #D6

Chairman Albrandt moved that the Application for Change of Location for the Retail Liquor Store of 3-S Liquors, Inc., d/b/a 3-S Liquors, from 8031 Wadsworth Boulevard, #E to 8031 Wadsworth Boulevard, #D6, be Accepted and Scheduled for a Public Hearing on Thursday, July 14, 2011 at 5:30 p.m., in the Council Chambers of the Arvada Municipal Complex, 8101 Ralston Road, and the Boundary Delineation be

described as that property surrounded by the following:

On the North by the centerline of West 88th Avenue and extensions thereof
On the East by the centerline of Pierce Street and extensions thereof
On the South by the centerline of West 72nd Avenue and extensions thereof
On the West by the centerline of Carr Street and extensions thereof

The following votes were cast on the motion:

Those voting Yes: Albrandt, Ladd, Caulder, Starnes, Witt
The motion carried

7. PUBLIC HEARINGS –

- A. Application for the Hotel and Restaurant Liquor License of Big Slice II, LLC.,
d/b/a Anthony's Pizza & Pasta, CO-24, 5324 Olde Wadsworth Boulevard, #A

The public hearing opened.

Sworn Testimony: Greg Grimsley, Managing Member of Big Slice II, LLC
William Franklin, Petitioner for the applicant

The Applicant presented three exhibits:

| | |
|-----------|-----------------------------------|
| Exhibit 1 | Petition packet number one |
| Exhibit 2 | Petition packet number two |
| Exhibit 3 | Posting Log and Posting Affidavit |

The city presented four exhibits:

| | |
|-----------|---|
| Exhibit A | Licensing Investigator's Clearance Memo |
| Exhibit B | Publisher's Affidavit |
| Exhibit C | Pictures of posted signs |
| Exhibit D | Applicant's file |

Chairman Albrandt moved to accept the exhibits into the record.

The following votes were cast on the motion:

Those voting Yes: Albrandt, Ladd, Caulder, Starnes, Witt
The motion carried

No one else was present wishing to speak for or against the application.

The public hearing closed.

A public hearing on the Application for the Hotel and Restaurant Liquor License of Big Slice II, LLC d/b/a Anthony's Pizza & Pasta, CO-24, 5324 Olde Wadsworth Boulevard, Unit A, Arvada, Colorado was held on Thursday, June 9, 2011, before the City of Arvada Liquor Licensing Authority (hereinafter "Authority"). After considering all of the evidence presented at said public hearing, reviewing the exhibits, petitions, remonstrances, and considering all of the facts presented, the Authority adopts the following Findings of Fact:

1. The neighborhood to be served by the requested license is that area surrounded by the following:

On the North by the centerline of West 64th Avenue and extensions thereof
On the East by the centerline of Lamar Street and extensions thereof
On the South by the centerline of West 52nd Avenue and extensions thereof
On the West by the centerline of Carr Street and extensions thereof
2. The City Clerk's Results of Investigation dated June 3, 2011, is incorporated herein and made a part hereof.
3. Representatives of the applicant testified as to the character and reputation of the individuals involved in the application and plans for operation of the proposed outlet.
4. The Authority finds there are 17 similarly licensed outlets presently existing within the applicant's delineated boundary.
5. The applicant submitted petitions containing the signatures of approximately 125 persons, four of which were deleted. Of the petition signers, 125 support the issuance of the proposed license and none oppose it. Petition signers, according to the testimony of the circulators, support the issuance of the proposed liquor license. (The evidence indicated that several persons contacted were opposed to the issuance of the license for various reasons. The Authority has not considered those objections to the issuance of the license, which are not consistent with the Colorado Liquor Code).
6. No persons, other than representatives of the applicant testified in support of the proposed license regarding the needs and desires of the neighborhood.
7. The Authority finds the applicant's file is complete.
8. The City Zoning permits the use of the subject property for the proposed outlet.

9. No petition in opposition was received and no persons spoke in opposition. The Authority finds there has been an adequate showing the present outlets in and near the neighborhood are not meeting the reasonable requirements thereof.
10. As authorized by C.R.S. 12-47-313 (III), Section 6-97 of the Code of the City of Arvada allows for the issuance of a Liquor License within 500 feet of any public or parochial school or the principal campus of any college, university or seminary. Therefore, the Licensing Authority does not need to determine whether the proposed outlet is located within 500 feet of any public or parochial school or the principal campus of any college, university or seminary.
11. The Authority has considered all of the evidence coming before the Authority at the public hearing and finds the evidence does establish conclusively:
 - A. The reasonable requirements of the neighborhood are not presently being met.
 - B. The desires of the inhabitants of the neighborhood are consistent with these Findings and the granting of the application.
 - C. The character, record and reputation of the individuals involved in the application are satisfactory.

Chairman Albrandt moved that the foregoing Findings of Fact be Adopted and the Application for the Hotel and Restaurant Liquor License of Big Slice II, LLC d/b/a Anthony's Pizza & Pasta, CO-24, 5324 Olde Wadsworth Boulevard, Unit A, Arvada, Colorado, be and the same is Approved.

The following votes were cast on the motion:

Those voting Yes: Albrandt, Ladd, Caulder, Starnes, Witt
The motion carried

- B. Application for the Beer and Wine Liquor License of Larkburger of Colorado, LLC d/b/a Larkburger, 8770 Wadsworth Boulevard, Unit B

The public hearing opened.

Sworn Testimony: Adam Baker, Managing Member of Larkburger of Colorado, LLC
Kelly Pietrs, Esquire Petitioning, Petitioner for the applicant

The Applicant presented three exhibits:

| | |
|-----------|-----------------------------------|
| Exhibit 1 | Petition packet number one |
| Exhibit 2 | Petition packet number two |
| Exhibit 3 | Posting Log and Posting Affidavit |

The city presented four exhibits:

| | |
|-----------|---|
| Exhibit A | Licensing Investigator's Clearance Memo |
| Exhibit B | Publisher's Affidavit |
| Exhibit C | Pictures of posted signs |
| Exhibit D | Applicant's file |

Chairman Albrandt moved to accept the exhibits into the record.

The following votes were cast on the motion:

Those voting Yes: Albrandt, Ladd, Caulder, Starnes, Witt
The motion carried

No one else was present wishing to speak for or against the application.

The public hearing closed.

A public hearing on the Application for the Beer and Wine Liquor License of Larkburger of Colorado, LLC d/b/a Larkburger, 8770 Wadsworth Boulevard, Unit B, Arvada, Colorado was held on Thursday, June 9, 2011, before the City of Arvada Liquor Licensing Authority (hereinafter "Authority"). After considering all of the evidence presented at said public hearing, reviewing the exhibits, petitions, remonstrances, and considering all of the facts presented, the Authority adopts the following Findings of Fact:

1. The neighborhood to be served by the requested license is that area surrounded by the following:

On the North by the centerline of West 92nd Avenue and extensions thereof
On the East by the centerline of Lamar Street and extensions thereof
On the South by the centerline of West 80th Avenue and extensions thereof
On the West by the centerline of Carr Street and extensions thereof

2. The City Clerk's Results of Investigation dated June 3, 2011, is incorporated herein and made a part hereof.
3. Representatives of the applicant testified as to the character and reputation

of the individuals involved in the application and plans for operation of the proposed outlet.

4. The Authority finds there is one similarly licensed outlet presently existing within the applicant's delineated boundary.
5. The applicant submitted petitions containing the signatures of approximately 165 persons, none of which were deleted. Of the petition signers, 165 support the issuance of the proposed license and none oppose it. Petition signers, according to the testimony of the circulators, support the issuance of the proposed liquor license. (The evidence indicated that several persons contacted were opposed to the issuance of the license for various reasons. The Authority has not considered those objections to the issuance of the license, which are not consistent with the Colorado Liquor Code).
6. No persons, other than representatives of the applicant testified in support of the proposed license regarding the needs and desires of the neighborhood.
7. The Authority finds the applicant's file is complete.
8. The City Zoning permits the use of the subject property for the proposed outlet.
9. No petition in opposition was received and no person spoke in opposition. The Authority finds there has been an adequate showing the present outlets in and near the neighborhood are not meeting the reasonable requirements thereof.
10. As authorized by C.R.S. 12-47-313 (III), Section 6-97 of the Code of the City of Arvada allows for the issuance of a Liquor License within 500 feet of any public or parochial school or the principal campus of any college, university or seminary. Therefore, the Licensing Authority does not need to determine whether the proposed outlet is located within 500 feet of any public or parochial school or the principal campus of any college, university or seminary.
11. The Authority has considered all of the evidence coming before the Authority at the public hearing and finds the evidence does establish conclusively:
 - A. The reasonable requirements of the neighborhood are not presently being met.

- B. The desires of the inhabitants of the neighborhood are consistent with these Findings and the granting of the application.
- C. The character, record and reputation of the individuals involved in the application are satisfactory.

Mr. Ladd moved that the foregoing Findings of Fact be Adopted and the Application for the Beer and Wine Liquor License of Larkburger of Colorado, LLC d/b/a Larkburger, 8770 Wadsworth Boulevard, Unit B, Arvada, Colorado, be and the same is Approved.

The following votes were cast on the motion:

Those voting Yes: Albrandt, Ladd, Caulder, Starnes, Witt
The motion carried

8. OTHER AUTHORITY ITEMS –

- A. Consider Show Cause Order for Double Overtime Bar and Grill, Inc., d/b/a Red Jacks Saloon, 5707 Old Wadsworth Boulevard

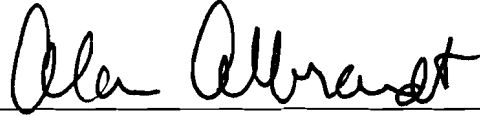
Chairman Albrandt moved that there is probable cause based on Arvada Police Department report 2011003222 to believe Double Overtime Bar and Grill, Inc., d/b/a Red Jacks Saloon, 5707 Old Wadsworth Boulevard, Arvada, Colorado, that the Licensee is in violation of Colorado Code of Regulations 47-900(A) and 47-900(E), covering its privilege to hold the issued Tavern Liquor License Number 14810, further a Notice and Order to Show Cause be issued to the Licensee to appear before the Liquor Licensing Authority of the City of Arvada, in the Municipal Building Council Chambers, 8101 Ralston Road, on Thursday, July 14, 2011 at 5:30 p.m., for a violation hearing to be conducted in accordance with the law to show cause why the aforesaid license should not be suspended or revoked as by law provided, at which time the Liquor Authority will determine the truth of the aforesaid charges.

The following votes were cast on the motion:

Those voting Yes: Albrandt, Ladd, Caulder, Starnes, Witt
The motion carried

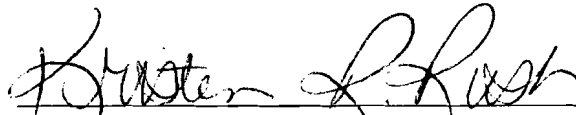
- 9. STUDY SESSION – none
- 10. REPORT FROM CITY ATTORNEY'S OFFICE – none
- 11. REPORT FROM CITY CLERK'S OFFICE – none
- 12. REPORT FROM POLICE DEPARTMENT – none

13. ADJOURNMENT – 6:20 p.m.



Alan Albrandt, Chairman

ATTEST:



Kristen R. Rush, Deputy City Clerk

