

Legislation Text

File #: LA Resolution 08-2014, **Version:** 1

Agenda Date: 12/10/2014

Subject:

Resolution to approve a liquor license application for Rancho La Playa LLC, d/b/a 3 Potrillos Mexican Restaurant & Taqueria, 3625 West Bowles Avenue #16, Littleton, Colorado

Presented By: Kristin Schledorn, City Attorney
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ISSUE

Whether to issue a hotel and restaurant liquor license to Rancho La Playa LLC, d/b/a 3 Potrillos Mexican Restaurant & Taqueria, 3625 West Bowles Avenue #16, Littleton, Colorado.

INTRODUCTION/HISTORY AND FACTS

Rancho La Playa LLC, d/b/a 3 Potrillos Mexican Restaurant & Taqueria, has submitted an application to the City Clerk's office for a hotel and restaurant liquor license.

LEGAL OPINION

The following requirements are necessary for issuance of the license:

1. Notice (C.R.S. § 12-47-311)

The posting and publication requirements of the Colorado Liquor Code have been met as follows:

Publication:	Notice of hearing was published in the local newspaper on November 27, 2014
Posting:	Notice of hearing was posted on the premises on November 28, 2014 (see attached affidavits)

2. Possession of the premises (C.R.S. § 12-47-301(3)(b))

The applicant has submitted a copy of a lease dated September 11, 2013

3. Suitability of the premises (C.R.S. § 12-47-309(3))

The applicant has submitted a floor plan (see attached floor plan)

4. Whether existing similar liquor licenses in the designated neighborhood are inadequate to meet the needs and desires of the neighborhood (C.R.S. § 12-47-312(2)(a))

When considering this requirement, the Authority should refer to C.R.S. § 12-47-312(2)(a) which states:

C.R.S. 12-47-312 Results of investigation-decision of authorities. (2)(a) Before entering any decision approving or denying the application, the local licensing authority shall consider, except where this article specifically provides otherwise, the facts and evidence adduced as a result of its investigation, as well as any other facts, the reasonable requirements of the neighborhood for the type of license for which application has been made, the desires of the adult inhabitants, the number, type, and availability of alcohol beverage outlets located in or near the neighborhood under consideration, and any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed; except that the reasonable requirements of the neighborhood shall not be considered in the issuance of a club liquor license. The reasonable requirements of the neighborhood may, but are not required to, be considered in the conversion or transfer of a liquor-licensed drugstore license to a retail liquor store license.

5. Character, Record and Reputation (C.R.S. § 12-47-307)

When considering this requirement, the Authority should refer to C.R.S. § 12-47-307, which states:

C.R.S. 12-47-307 Persons prohibited as licensees. (1)(a) No license provided by this article or Article 46 or 48 of this title shall be issued to or held by:

- I. Any person until the annual fee therefore has been paid;
- II. Any person who is not of good moral character;
- III. Any corporation, any of whose officers, directors, or stockholders holding ten percent or more of the outstanding and issued capital stock thereof are not of good moral character;
- IV Any partnership, association, or company, any of whose officers, or any of whose members holding ten percent or more interest therein, are not of good moral character;
- V. Any person employing, assisted by, or financed in whole or in part by any other person who is not of good character and reputation satisfactory to the respective licensing authorities;
- VI. Any person unless such person's character, record, and reputation are satisfactory to the respective licensing Authority;
- VII. Any natural person under twenty-one years of age. For a hotel and restaurant license, the applicant also must show that the registered manager for the establishment is a person of good character, record and reputation. C.R.S. § 12-47-411(11).

CONCLUSIONS AND RECOMMENDATIONS

The application is complete and all required documents are in order. Therefore, should the applicant's presentation and the facts and evidence adduced as a result of the Licensing Authority's investigation indicate

that the needs of the adult inhabitants of the neighborhood are not now being met, that the desires of the adult inhabitants of the neighborhood are to have the license issued, that existing similar liquor licenses in the designated neighborhood are not adequate, and that the applicant and registered manager are of satisfactory record and reputation, staff would recommend that the Authority approve the application for a hotel and restaurant liquor license, as requested by the applicant.

PROPOSED MOTION

Motion to close the public hearing and that a resolution of the Littleton Licensing Authority be approved which grants Rancho La Playa LLC, d/b/a 3 Potrillos Mexican Restaurant & Taqueria, 3625 West Bowles Avenue #16, Littleton, Colorado, a hotel and restaurant liquor license contingent upon approval by the Colorado Liquor Enforcement Division and based upon the following findings of fact: (1) that notice of the hearing was properly posted and published; (2) that the applicant has possession of the premises and the premises are suitable for the requested license; (3) that the needs of the neighborhood are not now being met; (4) that it is the desire of the adult inhabitants of the neighborhood that the license be issued; (5) that existing similar liquor licenses in the designated neighborhood are not adequate; and (6) that the applicant and registered manager are persons of good moral character, record and reputation.

OR

I move that the public hearing be closed and that the proposed resolution of the Littleton Licensing Authority which grants a hotel and restaurant liquor license for Rancho La Playa LLC, d/b/a 3 Potrillos Mexican Restaurant & Taqueria, 3625 West Bowles Avenue #16, Littleton, Colorado, be denied based on the following findings of fact:

That the applicant and/or registered manager is/are not a person(s) of good moral character, record and reputation in accordance with C.R.S. 12-47-307.

AND/OR

That the needs of the neighborhood are now being met.

AND/OR

That it is the desire of the adult inhabitants of the neighborhood that the license not be issued.