

Legislation Text

File #: LA Resolution 16-2018, **Version:** 1

Agenda Date: 07/11/2018

Subject:

Resolution to approve a liquor license application for Suncor Energy Sales Inc., d/b/a Shell #28, 6556 South Broadway, Littleton, Colorado

Presented By: Colleen L. Norton, Deputy City Clerk
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ISSUE

Whether to issue a 3.2% Beer off-premise liquor license to Shell #28, 6556 South Broadway, Littleton, Colorado.

INTRODUCTION/HISTORY AND FACTS

Suncor Energy Sales Inc., d/b/a Shell #28, has submitted an application to the City Clerk's office for a 3.2% beer 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 June 14, 2018

Posting: Notice of hearing was posted on the premises on June 30, 2018 (see attached affidavits)

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

The applicant has submitted a copy of a deed dated August 1, 2003.

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.

Please note that the applicant answered "yes" to question 8(b) on the license application concerning whether it had ever had an alcohol beverage license suspended or revoked or received a violation notice, suspension or revocation for a liquor law violation or applied for or been denied a liquor or beer license anywhere in the United States.

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 is of satisfactory record and reputation, staff would recommend that the Authority approve the application for a 3.2% off-premise liquor license, as requested by the applicant.

PROPOSED MOTION:

I move that the public hearing be closed and that a resolution of the Littleton Licensing Authority be approved

which grants Suncor Energy Sales Inc., d/b/a Shell #28, 6556 South Broadway, Littleton, Colorado, a 3.2% Beer off-premise 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 is of good moral character, record and reputation.

OR

I move that the public hearing be closed and that the application for a 3.2% Beer off-premise liquor license for Suncor Energy Sales Inc., d/b/a Shell #28, 6556 South Broadway, Littleton, Colorado, be denied based on the following findings of fact:

That the applicant is not a person of good moral character, record and reputation in accordance with C.R.S. § 12-47-307 and/or C.R.S. § 12-47-411(11).

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.