

Legislation Text

File #: LA Resolution 01-2020, **Version:** 1

Agenda Date: 01/08/2020

Subject:

LA Resolution 01-2020: Approving a liquor license application for Fisch Management LLC, d/b/a Grande Market of Littleton, 5642 S. Sycamore Street, Littleton, Colorado

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

ISSUE

Whether to issue a Fermented Malt Beverage off-premise liquor license to Grande Market of Littleton, 5642 S. Sycamore Street, Littleton, Colorado.

INTRODUCTION/HISTORY AND FACTS

Grande Market of Littleton, 5642 S. Sycamore Street, has applied to the City Clerk's office for a fermented malt beverage liquor license.

LEGAL OPINION

The following requirements are necessary for issuance of the license:

1. Notice (C.R.S. § 44-03-311)

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 December 12, 2019
Posting:	Notice of hearing was posted on the premises on December 28, 2019

2. Possession of the premises (C.R.S. § 44-03-301(3)(b))

The applicant has submitted a copy of a lease dated November 1, 2019

3. Suitability of the premises (C.R.S. § 44-03-309(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. § 44-03-312(2)(a))

When considering this requirement, the Authority should refer to C.R.S. § 44-03-312(2)(a) which states:

C.R.S. 44-03-312 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. § 44-03-307)

When considering this requirement, the Authority should refer to C.R.S. § 44-03-307, which states:

C.R.S. 44-03-307 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.

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 fermented malt beverage off-premise liquor license, as requested by the applicant.

*The applicant currently holds a Hotel & Restaurant on-premise liquor license for Grande Station at 2299 W. Main Street, Littleton, Colorado, with no violations.

PROPOSED MOTION:

I move that a resolution of the Littleton Licensing Authority be approved which grants Fisch Management LLC, d/b/a Grande Market of Littleton, 5642 S. Sycamore Street, Littleton, Colorado, a Fermented Malt Beverage 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 application for a Fermented Malt Beverage off-premise liquor license for Fisch Management LLC, d/b/a Grande Market of Littleton, 5642 S. Sycamore Street, 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. § 44-03-307 and/or C.R.S. § 44-03-411(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.