

**MINUTES FOR
LIQUOR AUTHORITY MEETING**

**CITY OF WHEAT RIDGE, COLORADO
7500 West 29th Avenue, Municipal Building**

January 10, 2019

Chair Alldredge called the Liquor Authority Meeting to order at 9:00 a.m.

Liquor Authority Members present:

Robert Alldredge
Anthony Davia
Carolyn Peterson
Bruce McIntyre
Elizabeth Nazareus

Absent: Paul Shaver, John Miks, Claudia Worth (excused)

Also present: Deputy City Clerk Robin Eaton; Applicant Ryan Ginter, Michael Bass; Dillon Companies LLC Attorney Adam Stapin; King Soopers representative Gregory Junk; Max Scott (Oedipus Inc.), other guests

APPROVAL OF MINUTES OF December 13, 2018

Motion by Member Nazareus to approve the minutes of December 13, 2018; seconded by Member Davia; Motion carried 4-1 with Member Peterson abstaining.

Item 1. Introduced by Chair Alldredge – A new application for a Hotel and Restaurant Liquor License – FS Wheat Ridge LLC, dba Fat Shack, located at 10160 W. 50th Avenue, Unit 5, Wheat Ridge, CO 80033

Chair Alldredge opened the public hearing and asked for the staff presentation.

Deputy Clerk Eaton gave the initial findings for the staff report and entered Exhibits 1-6 into the record. Showing the applicant has fulfilled all of the requirements to hold a fermented malt beverage liquor license. He gave information that Fat Shack is a new Hotel and Restaurant license applicant, with multiple franchised locations along the Front Range, Mr. Ginter is wishing to establish a location in Wheat Ridge which will be his first liquor licensed location.

He explained that the applicant had requested concurrent review with the State and the State has notified the Clerk's office that there were no issues found with their review of the application. The Wheat Ridge Police Department had done the background check and vetted the corporate officer.

Chair Alldredge swore in Max Scott, and the applicant Ryan Ginter who spoke about the company and how it has many franchise locations that stay open late, sometimes until 4 in the morning. He also described the variety of food that they will be selling and possibly delivering as well.

Member Peterson asked how many staff he will hire and if they will be tips certified. He responded that there should be 4-5 per shift and yes they will be as he intends to become a trainer of the program for his employees.

Chair Alldredge asks if he had any other stores that served alcohol which he responded no there are none at this time.

Mr. Scott offered testimony and used model testimony from past hearings as to the methods Oedipus uses to conduct the surveys. The survey was conducted in a one-half mile radius with the applicant business at center. Both residences and businesses were surveyed in the map of the survey.

He described on page two of the survey that of the total 190 of those surveyed, 178 were in favor of issuance of new liquor license, while there was 12 that were opposed to it.

Mr. Scott and Mr. Ginter added that they are available to help answer any questions that the board may have.

Member Davia asked the Deputy Eaton why another survey was required which he responded that survey would not be required if it were a transfer but even though the facility was licensed in years prior, state law requires the survey for any new liquor application or change of class.

There were no further questions from the Board.

Motion by Member Davia to approve the issuance of a new Hotel and Restaurant Liquor License, FS Wheat Ridge LLC, dba Fat Shack, located at 10160 W. 50th Avenue, Unit 5, Wheat Ridge, CO 80033 on the basis of the following findings:

1. Public Notice of the hearing on the Application was published and posted on the property as required by Colorado law;
2. The applicant is qualified to obtain a liquor license pursuant to C.R.S. Section 44-3-307;
3. The premises are in a location eligible to conduct the proposed liquor licensed business pursuant to C.R.S. Section 44-3-313 and the zoning laws of the City;
4. The applicant is entitled to possession of the premises for which the application is made;

5. The neighborhood under consideration is considered to be within a one-half mile circumference around the proposed licensed premises;
6. The inhabitants of the neighborhood desire an additional establishment that serves liquor;
7. The needs of the neighborhood are not met by the existing outlets.

There was no additional discussion or further questions.

Seconded by Member Peterson; motion carries 5-0

Item 2. Introduced by Chair Alldredge; a Modification of Premises for Leiserv, LLC, dba Bowlero Wheat Ridge located at 9751 W. 49th Avenue, Wheat Ridge, CO, 80033

Deputy Eaton gave the staff report. He explained that Bowlero is applying for a modification permit to exclude the Pro Shop area inside the facility. This is due to their leasing of that area to another entity to run the pro shop. 44-3-301 3. (b.) requires possession to be held at all times. They are also changing their trade name with this same application.

Chair Alldredge asks for any questions from the Board with no questions being asked.

Motion by Member McIntyre to approve the application for a Modification of Premises for Leiserv, LLC, dba Bowlero Wheat Ridge located at 9751 W. 49th Avenue, Wheat Ridge, CO, 80033, for the following reasons:

- (1) All applications and fees required by statute have been filed and paid.
- (2) The applicant is in possession of the property
- (3) The applicant is in compliance with the applicable zoning laws.
- (4) The applicant is in compliance with the distance prohibition in regard to any public or parochial school or the principal campus of any college, university, or seminary”

Seconded by Member Nazareus; motion carried 5-0

Item 3. Introduced by Chair Alldredge; a Modification of Premises for Dillon Companies LLC, dba King Soopers #20 and #57, located respectively at 3400 Youngfield and 5301 W. 38th Ave, Wheat Ridge, CO 80033

Deputy Eaton gave the staff report: He explained that both King Soopers stores, due to the new beer laws, will be enlarging the cooler space for their beer products, including the display area and that it meets all of the requirements for issuance.

Attorney Adam Stapin and store manager Gregory Junk were sworn in and spoke on the application items. They described the store’s wishing to increase business and in

order to do so, is desirous to expand the current beer display and cooler area from 34 to 94 linear feet.

This expansion is due to new state liquor laws and the employees have undergone additional training, there are no underage cashiers that sell full strength beer, they have a complete camera system, and any employee who sells to a minor or intoxicated person faces immediate termination.

Chair Alldredge asks for any questions from the Board.

Member Peterson asks if the computer alerts if beer is trying to be sold so ID is required to finish the sale, which is affirmed by Mr. Junk.

Member Davia asks about sales by under 21 yr. old and to where the beer displays will be located in and around the store.

Mr. Junk responds that yes it is allowed now for people under 21 to check out alcohol sales but people under 18 will not be allowed to carry alcohol out to their cars.

Deputy Clerk Eaton responded that floor displays can be located anywhere inside of the store and are not required a permit to change them. The State has been requested to put out a bulletin to clarify their rule.

Motion by Member Davia to approve the application for Modification of Premises for Dillon Companies LLC, dba King Soopers #20 and #57, located respectively at 3400 Youngfield and 5301 W. 38th Ave, Wheat Ridge, CO 80033, for the following reasons:

- (1) All applications and fees required by statute have been filed and paid.
- (2) The applicant is in possession of the property
- (3) The applicant is in compliance with the applicable zoning laws.
- (4) The applicant is in compliance with the distance prohibition in regard to any public or parochial school or the principal campus of any college, university, or seminary”

Seconded by Member Nazareus; motion carried 5-0

CITY CLERK'S MATTERS

Deputy City Clerk spoke on the following items:

- The Clerk's office is still currently working on one liquor license transfer: Alta 4999, located at 4999 W. 38th Ave.
- Conferred with applicants and is expecting at least one more FMB application to be submitted, along with an additional Beer and Wine license for Pierogi's Factory to be located at the Corner at 38th and Wadsworth.
- New Chair and Vice- Chair will be elected at the first meeting in March.

CITY ATTORNEY'S MATTERS – none

POLICE DEPARTMENT MATTERS – none

LIQUOR AUTHORITY MEMBERS MATTERS

ADJOURNMENT

Meeting adjourned at: 9:33 a.m.

Robin Eaton, Deputy City Clerk

APPROVED ON MARCH 28, 2019 BY A VOTE OF _____ TO _____

Anthony Davia, Vice-Chair