



City of Colorado Springs

City Hall
107 N. Nevada Avenue
Colorado Springs, CO
80903

Meeting Minutes - Draft Liquor and Beer Licensing Board

Friday, August 4, 2017

9:00 AM

City Council Chambers

1. Call to Order

Chairperson Lee called the meeting to order at 9:02 A.M., opened the meeting as a regular session, and stated that a quorum was present with Board Members Gorman and Grewal being absent.

Present 5 - Murray Arenson, Mark Clauss, Sean Fitzgerald, Chairperson Ian Lee, and Dennis Moore

Absent 2 - Vice Chair Joseph Gorman, and Jaswinder Grewal

2. Minutes

- 2.A. [M2017-07-21](#) Approval of the Minutes of the Liquor and Beer Licensing Board meeting of July 21, 2017.

Attachments: [2017-07-21 Liquor Board Meeting Minutes](#)

Motion by Clauss, seconded by Arenson, that the minutes of the Liquor and Beer Licensing Board meeting of July 21, 2017 be approved as written. The motion passed by a vote of:

Aye: 5 - Arenson, Clauss, Fitzgerald, Chairperson Lee, and Moore

Absent: 2 - Gorman, and Grewal

3. Communications

There was no action on this item.

4. Transfer Application Hearings

- 4.A. [T-725949](#) Application of King's Kitchen, Inc. d/b/a King's Kitchen to transfer the Hotel and Restaurant Liquor License currently issued to Panda House, Inc. d/b/a Panda House at 12225 Voyager Parkway, #16.

Attachments: [T-725949 - King's Kitchen](#)

Shuyan Wang was qualified and sworn as an interpreter of the Mandarin Chinese language.

Attorney Erika Kaiser entered her appearance on behalf of the applicant.

Zhi Qiang Liu was sworn and stated that he is the 100% owner. Mr. Liu

testified to the elements required for a transfer of the Hotel and Restaurant Liquor License, and answered questions from the Board.

Motion by Arenson, seconded by Moore, that the application of King's Kitchen, Inc. d/b/a King's Kitchen to transfer the Hotel and Restaurant Liquor License currently issued to Panda House, Inc. d/b/a Panda House at 12225 Voyager Parkway, #16 be approved, as it appears all criteria have been met. The motion passed by a vote of:

Aye: 5 - Arenson, Clauss, Fitzgerald, Chairperson Lee, and Moore

Absent: 2 - Gorman, and Grewal

- 4.B. [T-726002](#)** Application of Los Compadres Liquor Store, LLC d/b/a Los Compadres Liquor Store to transfer the Retail Liquor Store License currently issued to Satellite Liquor, LLC d/b/a Satellite Liquor at 296 S. Academy Boulevard, #G.

Attachments: [T-726002 - Los Compadres Liquor Store](#)

Appearing pro se, Yesenia Alfaro was sworn and stated that she is the 100% owner of the business. Ms. Alfaro testified to the elements required for a transfer of the Retail Liquor Store License, and answered questions from the Board.

Motion by Arenson, seconded by Moore, that the application of Los Compadres Liquor Store, LLC d/b/a Los Compadres Liquor Store to transfer the Retail Liquor Store License currently issued to Satellite Liquor, LLC d/b/a Satellite Liquor at 296 S. Academy Boulevard, #G be approved, as it appears all criteria have been met. The motion passed by a vote of:

Aye: 5 - Arenson, Clauss, Fitzgerald, Chairperson Lee, and Moore

Absent: 2 - Gorman, and Grewal

- 4.C. [T-726157](#)** Application of Sita, Inc. d/b/a Platte Avenue Liquor to transfer the Retail Liquor Store License currently issued to Sung R. Kim d/b/a Platte Avenue Liquor at 841 E. Platte Avenue.

Attachments: [T-726157 - Platte Avenue Liquor](#)

Appearing pro se, Binod Neupane was sworn and stated that he is the 100% owner of the business. Mr. Neupane testified to the elements required for the transfer of the Retail Liquor Store License, and answered questions from the Board.

Motion by Moore, seconded by Arenson, that the application of Sita, Inc. d/b/a Platte Avenue Liquor to transfer the Retail Liquor Store License currently issued to Sung R. Kim d/b/a Platte Avenue Liquor at 841 E. Platte Avenue be approved, as it appears all criteria have been met. The motion passed by a vote of:

Aye: 4 - Arenson, Clauss, Chairperson Lee, and Moore

No: 1 - Fitzgerald

Absent: 2 - Gorman, and Grewal

5. Modification of the Premises

- 5.A.** [M-722297A](#) Application of Springs In My Kilt, LLC d/b/a Tilted Kilt Pub & Eatery for a Modification of Premises of the existing Hotel and Restaurant Liquor License at 7061 Commerce Center Drive.

Attachments: [M-722297 - Tilted Kilt Pub & Eatery](#)

Appearing pro se, Michael Garrison was sworn and stated that he is a 50% owner of the business. Mr. Garrison testified to the elements required for a Modification of Premises of the existing Hotel and Restaurant Liquor License, and answered questions from the Board.

The dissenting Board Members indicated that the reason for denial of the application was due to lack of competent evidence of the neighborhood needs and desires.

Motion by Clauss, seconded by Moore, that the application of Springs In My Kilt, LLC d/b/a Tilted Kilt Pub & Eatery for a Modification of Premises of the existing Hotel and Restaurant Liquor License at 7061 Commerce Center Drive be approved, as it appears all criteria have been met. The motion failed by a vote of:

Aye: 2 - Clauss, and Moore

No: 3 - Arenson, Fitzgerald, and Chairperson Lee

Absent: 2 - Gorman, and Grewal

- 5.B.** [M-722333](#) Application of SDG Murray, Ltd d/b/a Local Barbershop for a Modification of Premises of the existing Beer and Wine License at 5230 N. Nevada Avenue, #120.

Attachments: [M-722333 - Locals Barbershop](#)

Chairperson Lee disclosed a personal knowledge of the applicant. There was no objection to Mr. Lee hearing the item.

Appearing pro se, Etienne Hardre was sworn and stated that he is the majority owner and Registered Manager of the business. Mr. Hardre testified to the elements required for a Modification of Premises of the existing Beer and Wine License, and answered questions from the Board.

Motion by Clauss, seconded by Arenson, that the application of SDG Murray, Ltd d/b/a Local Barbershop for a Modification of Premises of the existing Beer and Wine License at 5230 N. Nevada Avenue, #120 be approved, as it appears all criteria have been met. The motion passed by a vote of:

Aye: 5 - Arenson, Clauss, Fitzgerald, Chairperson Lee, and Moore

Absent: 2 - Gorman, and Grewal

6. New Application Hearings

- 6.A. [N-32511](#) Application of Art Girls, LLC d/b/a Painting With A Twist for a new Beer and Wine License at 9475 Briar Village Point, #A-108.

Attachments: [N-32511 - Painting With A Twist \(Briar Village\)](#)

Attorney Brian Proffitt entered his appearance on behalf of the applicant.

Laura Foy was sworn and stated that she is a 50% owner of the business. Ms. Foy testified to the elements required for a new Beer and Wine License, and answered questions from the Board.

Eva Garretson of Liquor Licensing Professionals was sworn and stated that the company conducted a petition survey of the defined neighborhood which resulted in 105 favoring, 8 opposing, and 1 no opinion signatures.

The City Clerk's Office presented its audit of the petition which resulted in the deletion of two incomplete signatures.

Danielle Oringer was sworn, but did not testify.

Motion by Clauss, seconded by Fitzgerald, that the application of Art Girls, LLC d/b/a Painting With A Twist for a new Beer and Wine License at 9475 Briar Village Point, #A-108 be approved, as it appears all criteria have been met. The motion passed by a vote of:

Aye: 5 - Arenson, Clauss, Fitzgerald, Chairperson Lee, and Moore

Absent: 2 - Gorman, and Grewal

- 6.B. [N-32444](#) Application of Stir Coffee and Cocktails, LLC d/b/a Stir Coffee and Cocktails for a new Hotel and Restaurant Liquor License at 2330 N. Wahsatch Avenue.

Attachments: [N-32444 - Stir Coffee and Cocktails](#)

Board Chairperson Lee disclosed a personal knowledge of the owners of the applicant. There was no objection to Mr. Lee hearing the item.

Board Member Fitzgerald disclosed a personal knowledge of the owners of the applicant. There was no objection to Mr. Fitzgerald hearing the item.

Attorney Vince Linden entered his appearance on behalf of the applicant.

Joseph Campana was sworn and stated that he is a 51% owner of the business. Mr. Campana testified to the elements required for a new Hotel and Restaurant Liquor License, and answered questions from the Board.

Eva Garretson of Liquor Licensing Professionals was sworn and stated that the company conducted a petition survey of the defined neighborhood which resulted in 149 favoring, 3 opposing, and 1 no opinion signatures.

The City Clerk's Office presented its audit of the petition which resulted in the deletion of four favoring signatures.

Crystal Lyons was sworn, but was determined not to be a party in interest as she does live in or own or manage a business in the defined neighborhood boundary area. Ms. Lyons did not testify.

Amber Stull was sworn, but did not testify.

Motion by Clauss, seconded by Fitzgerald, that the application of Stir Coffee and Cocktails, LLC d/b/a Stir Coffee and Cocktails for a new Hotel and Restaurant Liquor License at 2330 N. Wahsatch Avenue be approved, as it appears all criteria have been met. The motion passed by a vote of:

Aye: 5 - Arenson, Clauss, Fitzgerald, Chairperson Lee, and Moore

Absent: 2 - Gorman, and Grewal

- 6.C.** [N-32460](#) Application of Sherpa Garden, LLC d/b/a Sherpa Garden for a new Hotel and Restaurant Liquor License at 1005 W. Colorado Avenue.

Attachments: [N-32460 - Sherpa Garden](#)

Attorney Vince Linden entered his appearance on behalf of the applicant.

Pasang Sherpa was sworn and stated that he is a 50% owner of the business. Mr. Sherpa testified to the elements required for a new Hotel and Restaurant Liquor License, and answered questions from the Board.

Eva Garretson of Liquor Licensing Professionals was sworn and stated that the company conducted a petition survey of the defined neighborhood which resulted in 102 favoring, 3 opposing, and 11 no opinion signatures.

The City Clerk's Office presented its audit of the petition which resulted in the deletion of 12 favoring signatures.

Lakpa Sherpa was sworn, but did not testify.

Motion by Arenson, seconded by Fitzgerald, that the application of Sherpa Garden, LLC d/b/a Sherpa Garden for a new Hotel and Restaurant Liquor License at 1005 W. Colorado Avenue be approved, as it appears all criteria have been met. The motion passed by a vote of:

Aye: 5 - Arenson, Clauss, Fitzgerald, Chairperson Lee, and Moore

Absent: 2 - Gorman, and Grewal

- 6.D.** [N-32454](#) Application of Club De Leones Nightclub, LLC d/b/a Club De Leones Nightclub for a new Tavern Liquor License at 3077 S. Academy Boulevard.

Attachments: [N-32454 - Club De Leones Nightclub](#)

Attorney Erika Kaiser entered her appearance on behalf of the applicant.

Yazmin Ponce De Leon was sworn and stated that she is the 100% owner and Registered Manager of the business. Ms. Ponce De Leon testified to the elements required for a new Tavern Liquor License, and answered questions from the Board.

Ricardo Huerta of Seri Centro, LLC was sworn and stated that the company conducted a petition survey of the defined neighborhood which resulted in 65 favoring, 17 opposing, and 17 no opinion signatures.

The City Clerk's Office presented its audit of the petition which resulted in the deletion of one favoring signature and two no opinion signatures.

Motion by Clauss, seconded by Arenson, that the application of Club De Leones Nightclub, LLC d/b/a Club De Leones Nightclub for a new Tavern Liquor License at 3077 S. Academy Boulevard be approved, as it appears all criteria have been met. The motion passed by a vote of:

Aye: 5 - Arenson, Clauss, Fitzgerald, Chairperson Lee, and Moore

Absent: 2 - Gorman, and Grewal

7. Discussion Items

7.A. [17-1176](#) Entertainment Districts and Common Consumption Areas Presentation

Attachments: [Entertainment Districts - State Code and Regulation Compilation](#)
[EntDistrictORD-2017-07-27 DRAFT](#)
[Clerk-EntDistrictLIQUOR_RULES-2017-07-27-\(LB redline\)](#)
[Sample Entertainment District Resolution \(2017-07-26 DRAFT\)](#)
[Clerk-CS_Ch2ORD-2017-07-26 DRAFT](#)

The City Clerk's Office presented information regarding a proposed ordinance to amend the City Liquor Code for allowing Entertainment Districts in the City, and a proposed Resolution to amend the Liquor and Beer Rules and Regulations for administrative process and operational requirements of Promotional Associations and Common Consumption Areas for Board review and discussion.

Unlike other Colorado Jurisdictions that have enacted entertainment districts, Colorado Springs has a significantly higher land mass and therefore the potential for multiple entertainment districts located throughout the City. In that light, it is important to maintain standard processes and operational requirements for all applicants, including relative/related fee assessments, but with mindfulness to the size or location of a particular promotional association's common consumption area. As a result, the proposed new rule 19.00 of the Liquor and Beer Rules and Regulation for the City of Colorado Springs outlines

a two tiered approach for regulating entertainment district promotional associations and common consumption areas. First, are the general regulations applicable to all applicants and associations. Second, are the supplementary regulations for those common consumption areas which require use of the City's public right of way or closure of any street, alleyway, or parking lot to vehicular traffic or to limit pedestrian traffic. If a proposed common consumption area falls into the latter category, the proposal is to direct further review and implementation through the existing City's Special Event application process facilitated by the Parks, Recreation, and Cultural Services Department. This includes review in conjunction with other City departments to ensure proper street closures, barricades, sufficient security, etc. The additional Special Event application fees and associated costs would, of course, be the responsibility of the promotional association. Common consumption areas which boundaries are contained indoors or through common patio areas and do not require any of the noted closures would not need to go through this additional process/review or incur those associated costs.

After the application and certification process is completed for the initial few applicants (likely only 2-3 in the first year), the City Clerk's Office will review issues and recommend to City Council needed changes to the process or regulations, if any. Amendments or changes that may be needed for regulating the activities of a promotional association or the applicable common consumption area(s) would be enacted by City Council resolution amending the Liquor and Beer Rules and Regulations for the City of Colorado Springs.

The proposed Rules amendments also contain the following "housekeeping" updates: (i) changing the name of the City liquor rules to the Liquor and Beer Rules and Regulations for the City of Colorado Springs; (ii) changing the approval process for transfers of ownership to an administrative function of the City Clerk; (iii) clarifying the standard of evidentiary proof necessary for applicants to demonstrate neighborhood needs and desires and inspection requirements; and (iv) adding the new Campus Complex Related Facility permit enacted by Colorado House Bill 17-1120.

The Board also discussed a proposed Ordinance to amend the City Liquor Code for other issues, including changing Transfer of Ownership applications from a Liquor Board hearing to an administrative function of the City Clerk. Pursuant to existing State Liquor Code and Rules, changes of ownership of liquor licensees, including transfers of ownership to a new licensee, do not require a public hearing, as there is no applicable neighborhood needs and desires requirement for an established existing licensed location. In determining whether to permit a transfer of ownership, the Local Licensing Authority shall consider only the requirements of background suitability (persons prohibited) and possession of the premises. In fact, the applicant either qualifies or does not, and a Liquor Board hearing appears to be a redundant exercise in restating the applicant qualifications. This proposed change will move the approval of a transfer of ownership application from a Liquor Board hearing to an administrative approval process with the City Clerk. This is the same as the existing approval process for changes in ownership structure, where only the eligibility of the new owner(s) is reviewed and

approved.

The proposed Ordinances and Resolution are currently scheduled to be discussed at the August 7, 2017 City Council Work Session, and it is anticipated to be on the Liquor Board August 18, 2017 agenda for action for Liquor Board recommendation to City Council.

8. Adjourn.

At 12:32 P.M., there being no further business, the Board Adjourned.

Lee McRae, License Enforcement Officer