**COLORADO SPRINGS, COLORADO**
**COUNCIL CHAMBERS – CITY HALL**
**107 NORTH NEVADA AVENUE**
**AUGUST 17, 2012 – 9:00 A.M.**

The Liquor and Beer Licensing Board met in regular session.

There were present: Chairman Stephens, Mr. Clauss, Mr. Kouba and Mr. Nemeth. Absent, Mr. Bursell and Ms. Frias. Also present, Board Legal Advisor Kenny Hodges**.**

## COMMUNICATIONS

1. Senior Office Specialist Ellen Wagner requested Item No. 8 be withdrawn.

Motion by Clauss, second by Kouba, that Item No. 8 be withdrawn. The motion unanimously carried. Absent, Mr. Bursell and Ms. Frias.

## CONSENT CALENDAR

2. The City Clerk's Office reports that boundaries were set and Temporary Permits were issued for the following applications:

A-1. MC Enterprise, Inc. & 7-Eleven, Inc. dba 7-Eleven Store 35534A, 5280 Astrozon Boulevard:

North: South side of Fountain Boulevard extended
South: North side of Eldon Drive extended
East: West side of Fountain Boulevard extended
West: East side of Dover Drive extended

A-2. 7-Eleven, Inc. dba 7-Eleven Store 35822H, 3502 North Academy Boulevard:

North: South side of American Drive extended
South: North side of Serendipity Circle extended
East: West side of Nonchalant Circle extended
West: East side of David Lane extended

A-3. H & H Fine Arts Inc. dba Downtown Fine Spirits & Wines, 103 South Wahsatch Avenue:

North: South side of Boulder Street extended
South: North side of Rio Grande Street extended
East: West side of Institute Street extended
West: East side of Sahwatch Street extended

A-4. La Bella Vita Restaurant, LLC dba La Bella Vita, 4475 Northpark Drive:

North: South side of Sunbird Cliffs Lane extended
South: North side of Cascade Avenue extended
East: West side of High Country Road extended
West: East side of Old Dutch Mill Road extended

B-1. Kanatzar Restaurants LLC
dba Shuttles Restaurant
411 Lakewood Drive

B-2. Moore & Sons
dba Whiskey Dick's
26 East Kiowa Street

B-3. A and S LLC
dba Austin Bluffs Wine & Liquor
4535 Austin Bluffs Parkway

B-4. Bren's Place In Back, Inc.
dba The Place In Back
2370 Academy Place

Motion by Kouba, second by Clauss, that the Consent Calendar be approved. The motion unanimously carried. Absent, Mr. Bursell and Ms. Frias.

## TRANSFER APPLICATION

3. **Application of Marton, LLC dba Will's Sports Pub, to transfer the Tavern Liquor License currently issued to Pelz Ventures LLC dba Will's Sports Pub, 424 South Nevada Avenue.**

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

William Pelz was sworn and stated he is sole shareholder of the corporation; that the current licensee was evicted, and as the landlord, he is requesting the transfer; that prior to the current licensee, he operated the business; that he is investing $100,000 which was derived from a business note in the amount of $85,000 and a note from Lynn Pelz in the amount of $15,000; that the lease term is three years. He stated the employees and he have attended formal alcohol training.

Motion by Clauss, second by Nemeth, that the application of Marton, LLC dba Will's Sports Pub, to transfer the Tavern Liquor License currently issued to Pelz Ventures LLC dba Will's Sports Pub, 424 South Nevada Avenue, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Bursell and Ms. Frias.

## MODIFICATION OF THE PREMISES

4. **Request by Thunderridge Enterprises LLC dba Wild Wings N' Things to Modify the Premises of the Hotel and Restaurant Liquor License at 6504 South Academy Boulevard.**

Jessica Gray was sworn and stated the request is for a 11' x 49' patio area at the back of the premises.

Sylvie Cimino, Liquor Licensing Professionals, was sworn and stated her company conducted the petition survey which resulted in 59 favoring, 6 opposing, and 8 no opinion signatures.

Ms. Gray stated the patio will be accessible only from inside the premises, and a camera will be at the patio entrance; that the patio area is enclosed by a fence; that the lease term is two years; that there will be a designated server in the patio area; that the patio will also be utilized as a smoking area.

Motion by Kouba, second by Clauss, that the request by Thunderridge Enterprises LLC dba Wild Wings N' Things to Modify the Premises of the Hotel and Restaurant Liquor License at 6504 South Academy Boulevard, be approved as it appears all criteria has been met. Absent, Mr. Bursell and Ms. Frias.

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5. **Request by Stargazer's Theatre and Event Center LLC dba Stargazer's Theatre for a temporary Modification of the Premises of the Tavern Liquor License at 10 South Parkside Drive.**

John Hooton was sworn and stated the request is for a temporary modification to extend the current licensed premises into the eastern sidewalk and northern parking lot to accommodate a one night outdoor music concert on September 6, 2012; that the Zoning Department has issued a Temporary Use permit; that there will be a 90' x 90' beer garden on the north side and 10' x 55' on the east side surrounded by a 40" barrier; that the area will be patrolled by off-duty officers and Colorado Springs Security, as well as staff.

Sylvie Cimino, Liquor Licensing Professionals, was sworn and stated her company conducted the petition survey which resulted in 70 favoring, 2 opposing, and 5 no opinion signatures.

Motion by Clauss, second by Nemeth, that the request by Stargazer's Theatre and Event Center LLC dba Stargazer's Theatre for a temporary Modification of the Premises of the Tavern Liquor License at 10 South Parkside Drive on September 6, 2012, be approved as it appears all criteria has been met. Absent, Mr. Bursell and Ms. Frias.

## CHANGE OF LOCATION

6. **Request by Myong Lee dba Platte Liquor, for a change of location of her Retail Liquor Store License, from 2318 East Platte Avenue to 2306 East Platte Avenue, Unit F-G.**

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

Myong Lee was sworn and stated the request is to change the business location due to an increase in rent at the current location. She stated she anticipates investing approximately $24,000 to transfer location and provide equipment and inventory.

Sylvie Cimino, Liquor Licensing Professionals, was sworn and stated her company conducted the petition survey which resulted in 78 favoring, 3 opposing, and 6 no opinion signatures.

Motion by Kouba, second by Nemeth, that the request by Myong Lee dba Platte Liquor, for a change of location of her Retail Liquor Store License, from 2318 East Platte Avenue to 2306 East Platte Avenue, Unit F-G, be approved as it appears all criteria has been met. Absent, Mr. Bursell and Ms. Frias.

## APPLICATION HEARINGS

7. **Application of Hacienda II Partners, LLLP dba Hacienda Colorado for a Hotel and Restaurant Liquor License at 5246 North Nevada Avenue**.

Attorney Joel Judd entered his appearance on behalf of the applicant.

Darrell Schoemake, Acting President, stated he has several years experience in the restaurant industry; that there are approximately 145 employees; that the restaurant is currently under construction and anticipated opening is December, 2012; that the company has a certified trainer that will train employees in the service of alcohol beverages; that approximately $2.8 Million is being invested into the business which was derived from the building construction by the landlord in the amount of $2 Million and $1 Million is from internal cash flow and a line of credit; that six years ago, a restaurant the company owns in Englewood, Colorado received a violation for sale to a minor; that the lease term is 10 years. He stated the establishment is 11,463 square feet and seats 449. He stated there are two levels and a bar and patio area is on each level; that the owners have operated several other restaurants in Colorado.

Carol Johnson, Esquire Petitioning Services, was sworn and stated her company conducted the petition survey which resulted in 124 favoring, 1 opposing, and 0 no opinion signature.

Motion by Clauss, second by Nemeth, that the application of Hacienda II Partners, LLLP dba Hacienda Colorado for a Hotel and Restaurant Liquor License at 5246 North Nevada Avenue, be approved as it appears all criteria has been met. Absent, Mr. Bursell and Ms. Frias.

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8. **Application of Yancey Enterprises Inc. 2 dba Uncle Fred's Tavern 2 for a Tavern Liquor License at 460 North Murray Boulevard.**

**SEE ACTION TAKEN EARLIER IN THE MEETING.**

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At 10:05 A.M., there being no further business, the

BOARD ADJOURNED

Cindy N. Conway

Cindy N. Conway, CMC
Deputy City Clerk