

Town of Lyons, Colorado  
Liquor Licensing Authority  
Agenda Cover Sheet  
Agenda Item No: VIII.2  
Meeting Date: January 16, 2018

TO: Town of Lyons Liquor Licensing Authority  
FROM: Dolores Vasquez, Clerk Pro Tem  
SUBJECT: New Retail Liquor Store License Application

**APPLICANT: Matthew & Leah Pearce/Phoenix Contracting LLC DBA: LUMBER LIQUORS**

### I. BACKGROUND

On November 21, 2017, the Town Clerk Pro Tem received an application from the above-referenced Applicant for a New Retail Liquor Store License to be located at 303 Main Street Unit B. The applicants have been in negotiations to purchase the existing Lumber Liquor Store and opted to obtain a new license through the State as well as at the local level. Applicants have submitted a petition to the Lyons Local Licensing Authority with 76 verified resident signatures.

Applicants have submitted all required documentation, completed all fingerprinting and background check requirements and have been reviewed and approved by the Boulder County Sheriff's Department. Staff conducted an on-site inspection of the premises with the applicants and provided them with the State Liquor Code provisions affecting their class of license. They have a Temporary Liquor License that was issued on December 29, 2017 to allow applicants to continue with business as usual until the purchase is complete. This temporary license is valid for 120 days and will allow sufficient time for the State to process the new application.

The Town posted notice at the location on January 2, 2018 and published on January 4, 2018. The Clerk's Office has not received any objections to this new application to date.

### II. RESULTS OF APPLICATION INVESTIGATION

- A. Application received: November 21, 2017
- B. Posting of Notice at Location: confirmed
- C. Objections to New Application: none
- D. Fees, Licenses, and Municipal Zoning Code Compliance: confirmed
- E. Ownership of Licensed Premises: Lease
- F. Attachments:
  - a. Application
  - b. Petition to Lyons Liquor Licensing Authority
  - c. Lease Agreement with Diagram of Proposed Premises
  - d. Affidavit of Publication
  - e. Certificate of Good Standing

### III. STAFF RECOMMENDATION TO AUTHORITY

Based upon the information provided above and in the related attachments, staff:

Finds that Applicant has complied with all criteria for a New Retail Liquor Store License and recommends that the Lyons Liquor License Authority approve Applicant's application for a New Retail Liquor Store License that is the subject of the application.

Other recommendations:

**Recommended Motion:**

I MOVE TO APPROVE THE APPLICATION OF PHOENIX CONTRACTING, LLC, DBA LUMBER LIQUORS, FOR A NEW RETAIL LIQUOR STORE LICENSE BASED ON THE FINDINGS SET FORTH IN THE STAFF REPORT FOR THE JANUARY 16, 2018 MEETING AND BASED ON THE FOLLOWING ADDITIONAL FINDINGS:

- THAT APPLICANT IS OF GOOD MORAL CHARACTER AND NOT PROHIBITED AS A LICENSEE;
- THAT THE PREMISES ARE SUITABLE BASED ON A REVIEW OF THE PLANS SUBMITTED; AND
- THAT THE PETITION SUBMITTED BY APPLICANT, ALONG WITH TESTIMONY RECEIVED AT THE PUBLIC HEARING, INDICATE THAT EXISTING OUTLETS ARE INADEQUATE TO SERVE THE THIRST NEEDS OF THE NEIGHBORHOOD AND THAT THERE IS A NEED AND DESIRE FOR AN ADDITIONAL RETAIL LIQUOR STORE AS MEASURED BY THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD.

I FURTHER MOVE TO DIRECT TOWN STAFF TO NOTIFY THE STATE OF COLORADO LIQUOR ENFORCEMENT DIVISION OF THIS APPROVAL.