

**Town of Lyons, Colorado
Liquor Licensing Authority
Agenda Cover Sheet
Agenda Item No: XII.1
Meeting Date: April 17, 2023**

TO: Lyons Liquor Licensing Authority

FROM: Dolores M. Vasquez, CMC – Town Clerk

SUBJECT: Premise Modification Application for a Hotel and Restaurant Liquor License

APPLICANT: Marigold located at 405 Main Street Unit B

- I. **BACKGROUND:** Marigold Lyons, LLC would like to permanently modify the licensed premises AT 405 Main Street, Unit B, to add 195 sq ft for outdoor patio service. The proposed new patio area is CDOT property, and the applicants have successfully obtained a five-year lease with CDOT, that includes an easement for them to “transport” liquor across the sidewalk area. No sales or consumption of alcohol will be allowed outside of the approved patio area. While the modification of premises must be approved by the local liquor licensing authority, a public hearing is not required, unless at the request of the board.
- II. **CRITERIA FOR APPROVAL:** Under the Colorado Code of Regulations, in making its decision with respect to any proposed changes, alterations or modifications, the licensing authority must consider whether the premises, as modified, will meet all pertinent requirements of the Colorado Liquor or Beer Codes and related regulations. Factors to be taken into account by the licensing authority shall include, but not be limited to, the following:
1. The reasonable requirements of the neighborhood and the desires of the adult inhabitants.
 2. The possession, by the licensee, of the changed premises by ownership, lease, rental or other arrangement. Confirmed.
 3. Compliance with the applicable zoning laws of the municipality, city and county or county. Confirmed.
 4. Compliance with the distance prohibition in regard to any public or parochial school or the principal campus of any college, university, or seminary. Waived pursuant to Section 6-2-70 of the Lyons Municipal Code.
 5. The legislative declaration that the Colorado Liquor and Beer Codes are an exercise of the police powers of the state for the protection of the economic and social welfare and the health, peace, and morals of the people of this state.
- III. **FINDINGS:** Staff finds that the application is complete and that the proposed modification

complies with applicable law, regulations, and criteria.

IV. STAFF RECOMMENDATION TO AUTHORITY:

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

☒ Recommends that the Lyons Liquor License Authority approve Applicant's application for modification of the licensed premises that is the subject of the application based upon the findings in this staff report.

☐ Recommends that the Lyons Liquor License Authority hold a public hearing regarding Applicant's application for modification of its licensed premises: N/A

☐ Other recommendations:

Recommended Motion:

I MOVE TO APPROVE THE APPLICATION FOR THE MODIFICATION OF LICENSED PREMISES FOR MARIGOLD LYONS, LLC BASED ON THE FINDINGS SET FORTH IN THE STAFF REPORT AND TO DIRECT TOWN STAFF TO NOTIFY THE STATE OF COLORADO LIQUOR ENFORCEMENT DIVISION OF THIS APPROVAL.

ATTACHMENT:

Complete application for modification of premises