



TOWN OF AVON, COLORADO
AVON LIQUOR LICENSING AUTHORITY MEETING FOR TUESDAY, AUGUST 9, 2011
MEETING BEGINS AT 5 PM
AVON TOWN HALL, ONE LAKE STREET

	PRESIDING OFFICIALS
CHAIRMAN	RICH CARROLL
VICE CHAIRMAN	KRISTI FERRARO
BOARD MEMBERS	DAVE DANTAS, CHRIS EVANS, TODD GOULDING AMY PHILLIPS, ALBERT "BUZ" REYNOLDS, JR.

TOWN STAFF

TOWN ATTORNEY: ERIC HEIL


TOWN MANAGER: LARRY BROOKS

TOWN CLERK: PATTY MCKENNY

ALL LIQUOR BOARD MEETINGS ARE OPEN TO THE PUBLIC EXCEPT EXECUTIVE SESSIONS
COMMENTS FROM THE PUBLIC ARE WELCOME DURING PUBLIC HEARINGS
PLEASE VIEW AVON'S WEBSITE, [HTTP://WWW.AVON.ORG](http://www.avon.org), FOR MEETING AGENDAS AND MEETING MATERIALS
AGENDAS ARE POSTED AT AVON TOWN HALL AND RECREATION CENTER, ALPINE BANK, AND AVON LIBRARY

- 1. ROLL CALL**
- 2. INQUIRY OF THE PUBLIC FOR COMMENT AND APPROVAL OF AGENDA**
- 3. PUBLIC HEARING : REPORT OF CHANGES: MODIFICATION OF PREMISES**
 - a.. Applicant: Yerf LLC d/b/a Ticino Restaurant
Address: 100 W. Beaver Creek Blvd, Unit 127
Manager: Charles Frey
Type: Hotel and Restaurant Liquor License
 - b. Applicant: China Garden Inc, d/b/a China Garden
Address: 100 W. Beaver Creek Blvd, Unit 125
Manager: Sharon Mou
Type: Hotel and Restaurant Liquor License
- 4. RENEWAL OF LIQUOR LICENSES**
 - a. Applicant: China Garden Inc. d/b/a China Garden
Address: 100 W. Beaver Creek Blvd, Unit 125
Manager: Sharon Mou
Type: Hotel and Restaurant Liquor License
- 5. CONSENT AGENDA:**
 - a. Minutes from July 12, 2011
- 6. ADJOURNMENT**

Memo

To: Avon Liquor Licensing Authority
Thru: Larry Brooks, Town Manager
Eric Heil, Town Attorney
From: Debbie Hoppe, Court Clerk, Patty McKenny, Asst. Town Manager Management Services 
Date: August 4, 2011
Re: **Public Hearing** on Report of Changes – Modification of Premises for Ticino Italian Restaurant & China Garden

Summary:

The Town Council serving as the Local Liquor Licensing Authority will consider a Permit Application & Report of Changes for two applications that are reporting a modification of premises as listed below, both applicants are located at the Avon Center:

- a. Applicant: Yerf LLC d/b/a Ticino Italian Restaurant
Address: 100 W. Beaver Creek Blvd, Unit 127
Manager: Charles Frey
Type: Hotel and Restaurant Liquor License
- b. Applicant: China Garden Inc. d/b/a China Garden
Address: 100 W. Beaver Creek Blvd, Unit 125
Manager: Sharon Mou
Type: Hotel and Restaurant Liquor License

Background:

Both applicants have submitted the required materials for making this request to the Avon Local Authority and the State of Colorado Liquor Enforcement Division. It should be noted that both parties were recently before the liquor board (June 2011) and have received liquor licensing approvals for the following:

- Transfer of ownership to YERF, LLC d/b/a Ticino's Italian Restaurant (owner Charles Frey) which already included in the patio area
- Modification of Premises for China Garden Inc. d/b/a China Garden for addition of patio area on town owned property (owner Sharon Mou)

Discussion:

A review was made of the following exhibits that make up the modification of premises applications:

- Exhibit A: The State's Permit Application & Report of Changes form
Exhibit B: The diagrams of the licensed premises currently and proposed (which adds the extended patio area)
Exhibit C: The Revocable License Agreement which allows the establishment owner the use of the town owned property as the patio space

The Town has been making some improvements to the mall area which will be detailed at the work session on August 9th. The Town along with Avon Center HOA and the restaurant owners discussed some further modifications to the area and patios spaces at the two restaurants. Ticino Italian Restaurant's patio was extended to include a total of 885 square feet and China Garden's patio was poured to include 795 total square feet. As a result of these expanded patio areas from the original requests, the Town & State will now consider the modification of premises applications to allow for liquor service to those extended areas.

Please note that the boundaries of the two patios will include landscaping between the two restaurant patio spaces and steel fencing around the rest. Both patio areas are on town owned property. Site plans have been submitted for the modification of premises which outlines the location of the new area to be included as "new licensed premises". The Revocable License Agreement documents satisfy the possession of the premises requirement of the Liquor Code; these will be executed by the Town Manager & Town Attorney prior to the meeting. The applicants will be present to answer any questions. The agenda notes a public hearing for these two changes in case there is any public input. If the Authority approves this modification, it is forwarded to the State of Colorado for review and approval of the application as well.

Financial Implications:

There are local fees associated with this type of liquor licensing application; the applicant has submitted these fees.

Town Manager Comments:

Attachments:

- Exhibit A: The State's Permit Application & Report of Changes form
- Exhibit B: The diagrams of the licensed premises currently and proposed (which adds a patio area)
- Exhibit C: The Revocable License Agreement which allows the establishment owner the use of the town owned property as the patio space

Memo

To: Avon Liquor Licensing Authority
Thru: Larry Brooks, Town Manager
cc: Eric Heil, Town Attorney
From: Debbie Hoppe, Court Clerk
Patty McKenny, ATM Management Services
Date: August 1, 2011
Re: Renewal of Liquor Licenses

Summary:

The Town Council serving as the Avon Liquor Licensing Authority will consider the following liquor license applications for renewal at its board meeting next week:

- a. Applicant: China Garden Inc. d/b/a China Garden
Address: 100 W. Beaver Creek Blvd
Manager: Sharon Mou
Type: Hotel and Restaurant Liquor License

Background & Discussion:

Colorado Liquor Code, 12-47-302, provides for guidelines related to liquor licensing renewals; applications for the renewal of an existing license shall be made to the local licensing authority. The Town Clerk, Town Attorney, and Police Department have reviewed the applications submitted referenced above and the materials are in order. The Police Report results are summarized below:

- a. China Garden had no calls for service in the past year.

The Liquor Authority Board has broad discretion to consider any character issues related to the licensee holder at renewal in the same manner as granting a license. There have been various types of behavior, such as failure to pay taxes and fraud that have been held in the courts as valid reason to find the applicant does not possess character. Please find attached the Colorado Liquor Code §12-47-302 that sets forth the local authority's ability to hold a hearing on the application for renewal.

Sharon Mou, manager at China Garden has been invited to attend the Liquor Board meeting to answer any questions the Authority may have.

Financial Implications:

There are local and state liquor licensing fees associated with renewal applications that have been submitted to the Town, which have been paid.

Town Manager Comments:

Attachments:

- State of Colorado Forms for Liquor License Renewals
- Avon Police Department Background Memo & Incident / Investigation Report