

**TOWN OF AVON, COLORADO**  
**AVON LIQUOR LICENSING AUTHORITY MEETING FOR TUESDAY, JANUARY 22, 2008**  
**MEETING BEGINS AT 5 PM**  
AVON MUNICIPAL BUILDING, 400 BENCHMARK ROAD

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**1. CALL TO ORDER / ROLL CALL**

**2. PUBLIC HEARING FOR NEW HOTEL AND RESTAURANT LIQUOR LICENSE**

- a. Applicant: SVO Colorado Management, Inc. d/b/a Sheraton Mountain Vista
- Manager: Brad Jeffers
- Location: 160 W. Beaver Creek Blvd.
- Type: Hotel and Restaurant Liquor License

**3. RENEWAL OF LIQUOR LICENSES**

- a. Applicant: Bob's Place, LLC d/b/a Bob's Place
- Manager: Robert Doyle
- Location: 100 W. Beaver Creek Blvd.
- Type: Hotel and Restaurant Liquor License


**4. OTHER BUSINESS**

**5. CONSENT AGENDA**

- a. Minutes from December 11, 2007 Meeting

**6. ADJOURNMENT**

## Memo

**To:** Avon Local Liquor Licensing Authority  
**Thru:** Larry Brooks, Town Manager  
**From:** Patty McKenny, Town Clerk   
**Date:** January 18, 2008  
**Re:** PUBLIC HEARING for Sheraton Mountain Vista

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### Summary:

Town Council acting as the Local Liquor Licensing Authority is asked to consider the liquor license application for the following new license:

- a. Applicant: SVO Colorado Management, Inc. d/b/a Sheraton Mountain Vista  
Manager: Brad Jeffers  
Location: 160 W. Beaver Creek Blvd.  
Type: Hotel and Restaurant Liquor License

**A Public Hearing is required for this agenda item.**

### Background on the Role of Liquor Licensing Authority in Consideration of New Licenses:

The Avon Town Council acting as the Local Liquor Licensing Authority has the duty to conduct hearings and make findings of fact as to whether to grant or deny a new local liquor license. The State Licensing Authority cannot grant or issue any "new license" until the Authority has first approved the application by conducting a hearing for such license. If the Authority denies the application, the Executive Director of the State of Colorado cannot override its decision. If the Authority approves a license, the State Licensing Authority cannot refuse to issue the license except upon hearing with a 15-day notice to the applicant and the Authority. Once the state license is received by the Town Clerk's Office and the Certificate of Occupancy has been received from the Building Department, the Town and State licenses can be issued.

The Town Clerk, Town Attorney and Police Department handle the review of the liquor license applications administratively. A "Report of Findings" is completed by the Town Clerk & provided the applicants five days prior to the hearing. The Authority members are provided the application materials when it appears on the Liquor Board Agenda. A public hearing is conducted for all new applications. The Local Authority's decision is usually given at the conclusion of the hearing although it may be delayed. The decision must be given in writing within 30 days after the date of the hearing and may follow in the form of a resolution. The motion to approve or disapprove should be explicit stating the exact reasons for denial or approval. A motion to deny a license must be based on evidence presented at the hearing.

The Liquor Code of Colorado provides that in making any decision, the Local Licensing Authority must consider the following before approving or denying the application:

- Facts and evidence resulting from the investigation and any facts brought to the attention of the Authority.
- The reasonable requirements of the neighborhood
- The desires of the inhabitants of the neighborhood.
- The number, type and availability of liquor outlets located in or near the neighborhood under consideration.
- Any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed.

Requests for licenses may be denied for various reasons such as the applicant is not of good moral character, the applicant's character, record, or reputation is unsatisfactory, or the proposed outlet is within 500 feet of any school.

**Background on Applications:**

Attached is the "Report of Findings" for this application; this report was hand delivered to the applicant at the Sheraton Mountain Vista on January 18, 2008 and emailed to the attorney's office of Dill Dill to the attention of Jon Stonbraker. This report provides the results of the investigation conducted on the application. The Town Clerk and Town Attorney have reviewed the applications for complete information and notice was posted on the premise and published in the Vail Daily. The Avon Police Department has conducted the background investigations on the principals for each of the applications and a report is attached.

**Discussion:**

The information in the report addresses how the applicant has met the criteria outlined in Section 5.08 Liquor Licenses of the Avon Municipal Code and the State Liquor and Beer Code. The report indicates that the applicant has the burden of proving he/she is qualified to hold the license. The applicant also has the burden of proving that the reasonable requirements of the neighborhood and the desires of the community require the granting of the license. A summary of the petition survey has been attached to this report; this information will assist in the determination of the "desires & needs of the neighborhood". The total petition signatures included 154 with 152 in favor of the license and two opposed to the license. The original petitions will be available at the hearing if members of the authority wish to review the signatures. Both printed names and signatures were obtained as well as street addresses and whether or not the person was "in favor" or "opposed" the license. The survey was conducted by Liquor Licensing Professional, Susan Duffy Schwall, who will be present at the hearing to answer any questions. Jon Stonbraker, Dill Dill Carr Stonbraker & Hutchings, PC (attorney representing the applicant), and Brad Jeffers, Manager Sheraton Mountain Vista will be present at the public hearing as well. If the Authority decides to approve the application, a resolution is attached, which if adopted takes this action.

**Financial Implications:**

The application fees have been submitted for both the Town liquor license fees and for the State liquor license fees. There are also renewal fees the party pays at the time the license is renewed on an annual basis. Sales tax revenue will be also be submitted by the establishment.

**Town Manager Comments:**

**Attachments for each of the Applications are as follows:**

- A. Report of Findings
- B. Resolution
- C. Results of the Liquor License Survey
- D. Colorado Liquor License Application
- E. Diagrams of the Premises
- F. Individual History Record & Report from Avon Police Department
- G. Affidavit of Sources
- H. Amended and Restated Management Agreement for Mountain Vista Condominium
- I. Articles of Organization for SVO Colorado Management, Inc.
- J. Articles of Organization for Starwood Vacation Ownership, Inc.



**LOCAL LIQUOR LICENSING AUTHORITY  
TOWN OF AVON, COLORADO**

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RE THE APPLICATION OF )  
SVO COLORADO MANAGEMENT, INC. ) REPORT OF FINDINGS  
160 W. BEAVER CREEK BLVD. )  
AVON, COLORADO )  
FOR A HOTEL AND RESTAURANT LICENSE )

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TO: THE APPLICANT ABOVE AND OTHER INTERESTED PARTIES  
SUBMITTED BY: PATTY MCKENNY, TOWN CLERK, TOWN OF AVON *PM*  
DATE: JANUARY 16, 2008

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**PURSUANT** to the Statutes of the State of Colorado, the Ordinances of the Town of Avon, and the Rules and Procedures of the Local Licensing Authority, you are hereby advised that with regard to the application for a Hotel and Restaurant License filed with the Town Clerk on October 22, 2007, an investigation has been made, and the Report of Findings is as follows:

1. The location of the new establishment Sheraton Mountain Vista is 160 W. Beaver Creek Blvd, Avon, Colorado. There has never been a liquor license application submitted for this location.
2. From evidence submitted, the applicant is entitled to possession of the premises as documented by an Amended and Restated Management Agreement dated September 13, 2007 and executed between Mountain Vista Condominium Association, Inc. and SVO Colorado Management, Inc. The applicant has submitted diagrams of the premises to be licensed which includes the entire property and buildings of the Sheraton Mountain Vista, which includes the restaurant (which is currently under construction) as well as the inside lobby area, outside walkway to the outside swimming pool area and all eight floors of the building. The applicant would provide room service, including food and beverages, to the guests staying at the Sheraton Mountain Vista.
3. The sale of liquor in the proposed location is in an area permitted under the applicable zoning laws of the Town of Avon. If approved, it should be noted that the applicant must obtain a retail sales tax license from the Town of Avon for the restaurant. SVO Colorado Management d/b/a Sheraton Mountain Vista has a current Avon Business License which will cover the operation of the restaurant as well. According to the manager, Brad Jeffers, the restaurant has a target opening date of April 2008.
4. The proposed building in which the liquor is to be sold is not located within 500' of any public or parochial school or the principal campus of any college, university or seminary.
5. The appropriate documents, i.e. individual history records & fingerprints, required to conduct the background investigation have been submitted to the Colorado Bureau of Investigation and Avon Police Department. The reports on the all the principals and manager from CBI are pending. The results of the criminal background investigation from the Avon Police Department showed no criminal history on manager William (Brad) Jeffers. The Avon Police



## LOCAL LIQUOR LICENSING AUTHORITY TOWN OF AVON, COLORADO

Department did not conduct background checks on those members on the application living in Florida; it was noted that these individual would not be directly connected with the sale of liquor at the establishment.

<u>Title</u>	<u>Name</u>	<u>Address</u>	<u>Telephone (local)</u>
100% Shareholder	Starwood Vacation Ownership, Inc.	8801 Vistana Centre Dr., Orlando, FL 32821	970-748-6000
President & Director	Matthew Avril	8801 Vistana Centre Dr., Orlando, FL 32821	970-748-6000
President & Director	Sergio Rivera	8801 Vistana Centre Dr., Orlando, FL 32821	970-748-6000
President & Director	Susan Werth	8801 Vistana Centre Dr., Orlando, FL 32821	970-748-6000

6. The applicant has submitted the appropriate application fees to the Town Clerk for costs associated with a new application. If the Hotel and Restaurant License is approved by Avon's Local Liquor Authority, the appropriate executed paperwork will be forwarded to the Liquor Enforcement Division for its approval and issuance of the State license. The Town Clerk will only issue both liquor licenses upon notification from Community Development that the applicant has been issued a temporary Certificate of Occupancy for the restaurant area. A review of the pending results from the Colorado Bureau of Investigation return will be made once received in the Town Clerk's office.
7. The public hearing on this application will be held on January 22, 2008 at 5 P.M. in the Council Chambers of the Avon Municipal Building, Avon, Colorado. Public Notice was given regarding said application and scheduled hearing date was published in the Vail Daily on January 11, 2008 and posted on premises of the proposed location the same day. At said hearing, the applicant shall have an opportunity to be heard regarding all matters related to the application, including all matters set forth herein.
9. The "Neighborhood" has been established by the Avon Liquor Licensing Authority with the adoption of Resolution No. 04-04 on November 23, 2004, defining it as "the neighborhood to be served by any applicant for liquor license of any kind shall be the Town of Avon, including residents of the Town, persons working in the Town and visitors to the Town".
10. At the public hearing, the applicant has the burden of proving he/she is qualified to hold the license applied for, and that his character, record and reputation are satisfactory. The applicant also has the burden of proving that the reasonable requirements of the neighborhood and the desires of the inhabitants of the neighborhood require the granting of the license. And finally, the applicant is required to file with the Town Clerk documentary evidence, thereof, including any surveys and petitions, no later than seven days before the date of the hearing; these petitions are included as a part of these findings.
11. The applicant is advised to obtain and read a copy of the State of Colorado Liquor and Beer Codes and Regulations and the Town Code Section on Liquor Licenses (Title 5, Chapter 5.08). These regulations can be found on the following websites:

[http://www.revenue.state.co.us/liquor\\_dir/home.asp](http://www.revenue.state.co.us/liquor_dir/home.asp)  
[http://www.colocode.com/avon/avon\\_05.pdf](http://www.colocode.com/avon/avon_05.pdf)

Hand Delivered to Manager of Sheraton Mountain Vista on January 18, 200

**PROCEEDINGS OF THE LIQUOR LICENSING AUTHORITY OF THE  
TOWN OF AVON, COUNTY OF EAGLE AND  
STATE OF COLORADO**

**RESOLUTION NO. 08-01  
SERIES OF 2008**

**A RESOLUTION APPROVING THE APPLICATION OF SVO COLORADO MANAGEMENT, INC.  
D/B/A SHERATON MOUNTIAN VISTA FOR A HOTEL AND RESTAURANT LIQUOR LICENSE**

WHEREAS, on the 22nd day of January 2008, the Liquor Licensing Authority of the Town of Avon ("the Authority") did receive and consider the application of SVO Colorado Management, Inc. d/b/a Sheraton Mountain Vista, whose mailing address is 8801 Vistana Center Drive, Orlando, Florida 32821 and PO Box 3997, Avon, CO 81620, for a hotel and restaurant liquor license at 160 W. Beaver Creek Blvd., Avon, Colorado; and

WHEREAS, the Authority finds that Notice of Application was published in the Vail Daily and proof of publication by the publisher of the Vail Daily was received and made a part of the record; and

WHEREAS, the Authority finds that the application was in proper form and accompanied by the necessary supplementary evidentiary matter required by law, the regulations of the State of Colorado and the Authority; and

WHEREAS, the application was supported by petitions signed by 154 persons, of whom 152 were in favor and 2 were opposed; and

WHEREAS, the neighborhood to be served by the proposed licensee has heretofore been determined to be the Town of Avon, including residents of the Town, persons working in the Town and visitors to the Town;

**NOW, THEREFORE, THE LIQUOR LICENSING AUTHORITY OF THE TOWN OF  
AVON DOES FIND:**

1. The applicant is of good moral character and reputation.
2. The neighborhood to be served by the applicant is the Town of Avon, including residents of the Town, persons working in the Town and visitors to the Town.
3. There does exist a reasonable requirement in such neighborhood for the type of license for which application is made.
4. The adult inhabitants of the Town desire that the license be granted.

ADOPTED THE 22ND DAY OF JANUARY 2008.

**TOWN OF AVON, COLORADO**

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Ronald C. Wolfe, Chairman

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Patty McKenny, Secretary



Neighborhood Surveys & Petitions  
TIPS Training  
Colorado Responsible Vendor Training



January 12, 2008

RESULTS OF THE LIQUOR LICENSE SURVEY REGARDING:

**Sheraton Mountain Vista**  
**160 W. Beaver Creek Blvd.**  
**Avon, CO 81620**

Applicant: SVO Management, Inc.

Purpose: Application for a New Hotel & Restaurant Liquor License

**ISSUE:** A petition was circulated to determine if the needs of the neighborhood and desires of the inhabitants were or were not being presently met by existing similar alcoholic beverage outlets. Those in favor of Sheraton Mountain Vista being granted a New Hotel and Restaurant Liquor License indicated by checking the "Favor "YES"" column of the signature sheet and those opposed checked the "Oppose "NO" column.

The results were as follows:

IN FAVOR OF LICENSE "YES"		OPPOSED TO LICENSE "NO"		<u>TOTAL SIGNATURES</u>
99%	152	1%	2	154

**SURVEY STATISTICS**

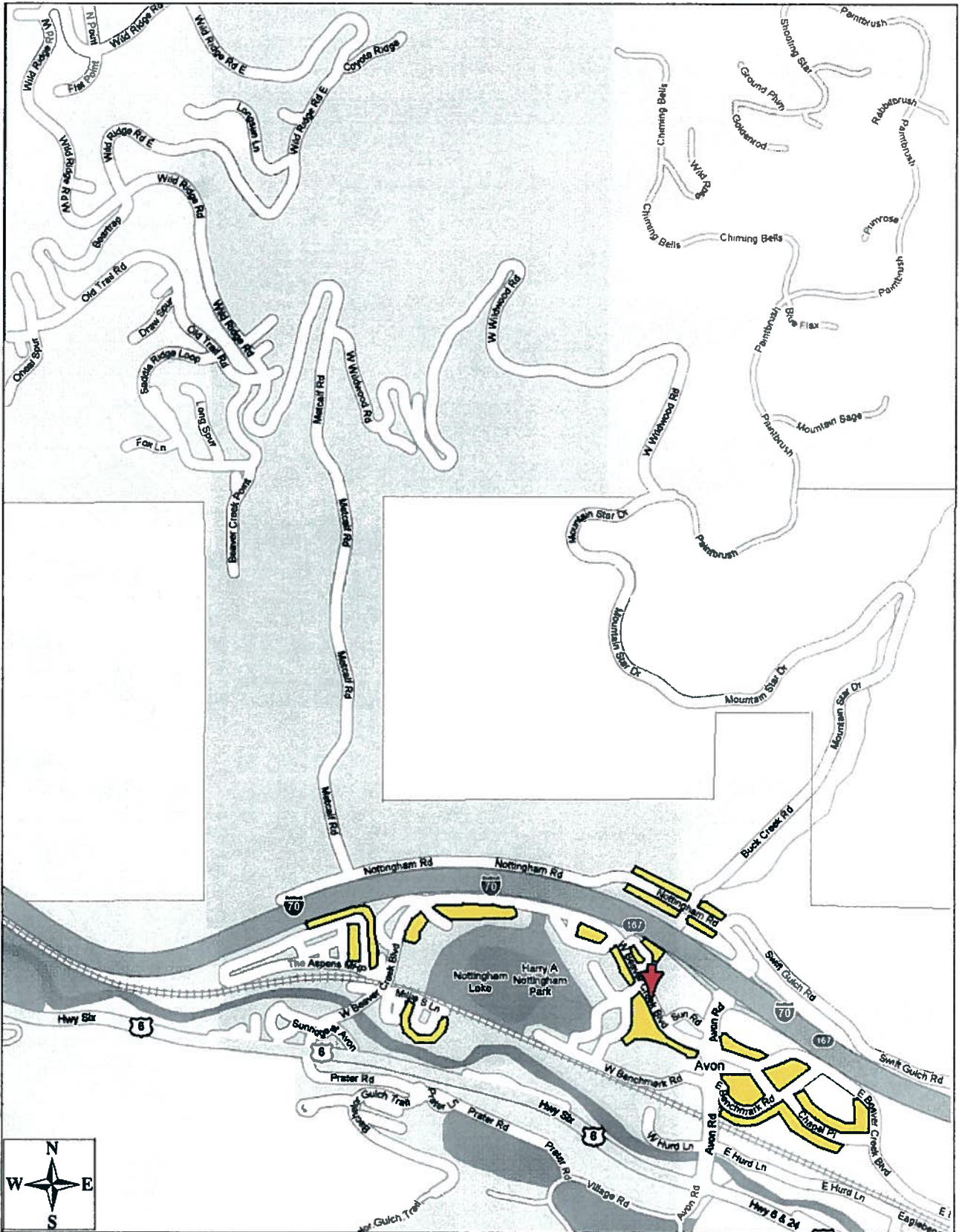
	FAVOR "YES"		OPPOSE "NO"		TOTAL
Business Survey Results	100%	16	0%	0	16
Residential Survey Results	99%	136	1%	2	138

*Percentages in this report have been rounded to the nearest whole number.*

	BUSINESS	RESIDENTIAL	TOTAL
No Response	29	165	194
Declined to Participate	2	25	27
Not Qualified to Sign	4	23	27
Disqualified	0	4	4
"No" Signatures	0	2	2
"Yes" Signatures	16	136	152
<b>TOTAL CONTACTS &amp; ATTEMPTS</b>	<b>51</b>	<b>355</b>	<b>406</b>

- >Number of Businesses and Residents Contacted: 406 Attempts – 194 No Response = 212
- >Business Survey Participation Rate: 16 Signatures/ 18 Qualified Contacts = 89%
- >Residential Survey Participation Rate: 138 Signatures/ 167 Qualified Contacts = 83%
- >Percentage of Residents Home During Survey: 190 Contacts/ 355 Attempts = 54%






Application for a Hotel & Restaurant Liquor License  
 Sheraton Mountain Vista  
 160 West Beaver Creek Blvd.  
 Avon, CO

  
 Areas Covered  
 in the Survey

Survey Dates:  
 December 31, 2007  
 January 1 & 12, 2008

Liquor Licensing Professionals, LLC  
 24 Via Sierra Grande  
 Manitou Springs, CO 80829  
 (719) 390-8844  
 LiquorPros@msn.com

## **Memo**

**To:** Avon Local Liquor Licensing Authority  
**Thru:** Larry Brooks, Town Manager  
**From:** Patty McKenny, Town Clerk   
**Date:** January 18, 2008  
**Re:** Liquor Licensing Applications

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### **Summary:**

The following establishment has submitted an application for consideration by the Avon Liquor Licensing Authority as follows:

### **RENEWAL OF LIQUOR LICENSES**

- a. Applicant: Bob's Place, LLC d/b/a Bob's Place
- Manager: Robert Doyle
- Location: 100 W. Beaver Creek Blvd.
- Type: Hotel and Restaurant Liquor License

### **Background & Discussion:**

Liquor licensed establishments renew the liquor licenses on an annual basis, submitting application materials first to the Local Licensing Authority. Once approved at this level, renewal applications are forwarded to the State of Colorado for review and issuance of the state license as well.

### **Discussion:**

The Town Clerk, Town Attorney, and Avon Police Department have reviewed the application submitted; all application materials are in order. A report from the Police Department is attached for each license; this report addresses a background investigation on the applicant, an update on whether or not there have been any incidents reported at this location and any smoking related violations.

**Financial Implications:** There are local and state liquor licensing fees associated with renewal applications that have been submitted to the Town.

### **Town Manager Comments:**

**Attachments:** State of Colorado Renewal Applications, Memos from Avon Police Department

**TOWN OF AVON, COLORADO  
MINUTES OF THE LOCAL LIQUOR LICENSING AUTHORITY MEETING  
HELD DECEMBER 11, 2007**

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The Avon Town Council acting as the Local Liquor Licensing Authority for the Town of Avon, Colorado convened at 5 PM at the Avon Municipal Building, 400 Benchmark Road, Avon, Colorado. A roll call was taken and Board members of the Authority present were Ron Wolfe as Chairperson, and Board members Rich Carroll, Dave Dantas, Kristi Ferraro, Amy Phillips, Brian Sipes and Tamra Underwood.

**PUBLIC HEARING FOR NEW HOTEL / RESTAURANT LIQUOR LICENSE**

Applicant: Fork and Knife d/b/a Blue Plate  
Address: 47 E. Beaver Creek Blvd., Avon, CO (Christie Lodge location)  
Manager: Adam & Elizabeth Roustom

It was noted that that all materials were in order. Applicant Adam Roustom provided a description of the restaurant, spoke about the premises and TIPs training for employees. Mayor Wolfe opened the public hearing and Liz Meier (former owner of the Left Bank) and Charles Frey (Christie Lodge Operations Director) made comments in support of the applicants. Mayor Wolfe closed the public hearing. Board member Phillips moved to approve the hotel and restaurant liquor license for Fork and Knife d/b/a Blue Plate. Board member Ferraro seconded the motion and it passed unanimously.

**PUBLIC HEARING FOR SPECIAL EVENTS PERMIT**

Applicant: Vail Junior Hockey Association d/b/a Vail Eagle Hockey  
Address: Harry A. Nottingham Park  
Event Manager: Andy Clark  
Event Dates: January 19 and 20, 2008

It was noted that that all materials were in order. Andy Clark, event manager, was present to describe the event and answer questions related to the application. Board member Dantas moved to approve the special events permit for Vail Junior Hockey Association d/b/a Vail Eagle Hockey. Board member Sipes seconded the motion and it passed unanimously.

**RENEWAL OF LIQUOR LICENSES**

a. Applicant: Columbine Bakery, Inc. d/b/a Columbine Bakery  
Address: 51 Beaver Creek Place, Avon, CO  
Manager: Daniel Niederhauser  
Type: Hotel and Restaurant Liquor License

It was noted that all materials were in order. Board member Underwood moved to approve the hotel and restaurant liquor license for Columbine Bakery, Inc. d/b/a Columbine Bakery; Board member Carroll seconded the motion and it passed unanimously.

b. Applicant: Benchmark Liquors, Inc. d/b/a Beaver Liquors  
Address: 110 E. Beaver Creek Blvd.  
Manager: David Courtney  
Type: Retail Liquor Store License

It was noted that all materials were in order. Board member Underwood moved to approve the Retail Liquor Store License for Benchmark Liquors, Inc. d/b/a Beaver Liquors; Board member Dantas seconded the motion and it passed unanimously.

Board member Dantas moved to approve the consent agenda (Minutes from December 11, 2007); Board member Sipes seconded the motion and it passed unanimously by those members present.

There being no further business to come before the Board, the meeting adjourned at 5:25 PM.

**RESPECTFULLY SUBMITTED:**

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Patty McKenny, Town Clerk

**APPROVED:**

Rich Carroll

Dave Dantas

Kristi Ferraro

Amy Phillips

Brian Sipes

Tamra Nottingham Underwood

Ron Wolfe

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