



**SUMMARY MINUTES OF THE ARVADA LIQUOR LICENSING AUTHORITY**  
**REGULAR MEETING HELD OCTOBER 12, 2017**

1. CALL TO ORDER – By Chairman Kaiser at 5:30 p.m.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL OF MEMBERS

Those present were: Kevin Bonich, David Caulder, Daniel Daly, Ronnie Kaiser and Sheryl Williams

Also present were: Emily Grogg, Assistant City Attorney; and Teri Colvin, Deputy City Clerk; and Catalina Colon, Liquor Investigator.

4. APPROVAL OF MINUTES

Chairman Kaiser accepted the Summary of Minutes of the regular meeting of September 28, 2017, with no changes.

5. OLD BUSINESS – none
6. NEW BUSINESS – none
7. PUBLIC HEARING

- A. Application for the Hotel and Restaurant License of Front Range Fast Casual Arvada, LLC d/b/a Newk's Eatery, located at 7450 W. 52<sup>nd</sup> Avenue, #304

The public hearing was opened.

Sworn Testimony:     Attorney Thomas Dunn  
                                  Petition Service Representative Max Scott  
                                  Restaurant Manager Steve Walters

Managing Member Samuel Freitag and Assistant Kelly Warner were also present but did not speak.

The Applicant presented three exhibits:

Exhibit 1     Posting Log and Posting Affidavit  
Exhibits 2-3   Petition packets numbers two through three

The City presented three exhibits:

- |           |   |
|-----------|---|
| Exhibit A | Licensing Investigator's Clearance Memo |
| Exhibit B | Publisher's Affidavit                   |
| Exhibit C | Pictures of posted signs                |

Chairman Kaiser accepted the exhibits into the record.

Max Scott, a representative from Oedipus, Inc., provided an overview of the petitioning process and shared the results of the petitioning process. Mr. Scott added that it was his opinion that the needs and desires of the adult inhabitants of the designated neighborhood are not currently being met by the existing outlets in the neighborhood.

On-site restaurant manager Steve Warner answered questions from legal counsel Thomas Dunn and the Authority about company policies and employee training related to alcohol service.

No one was present wishing to speak against the application.

The public hearing closed.

Liquor Authority members stated that they felt the petition results proved that the needs and desires of the neighborhood are not being met by the existing hotel and restaurant licenses in the area and that the applicant is of good moral character.

A public hearing on the Application for the Hotel and Restaurant License of Front Range Fast Casual Arvada, LLC d/b/a Newk's Eatery, located at 7450 W. 52<sup>nd</sup> Avenue, #304, was held on Thursday, October 12, 2017, before the City of Arvada Liquor Licensing Authority (hereinafter "Authority"). After considering all of the evidence presented at said public hearing, reviewing the exhibits, petitions, remonstrances, and considering all of the facts presented, the Authority adopts the following Findings of Fact:

1. The neighborhood to be served by the requested license is that area surrounded by the following:

On the North by the centerline of West 58<sup>th</sup> Avenue and extensions thereof  
On the East by the centerline of Pierce Street and extensions thereof  
On the South by the centerline of I-70 and extensions thereof  
On the West by the centerline of Carr Street and extensions thereof

2. The City Clerk's Results of Investigation dated September 21, 2017, is incorporated herein and made a part hereof.

3. The applicant testified as to the character and reputation of the individuals involved in the application and plans for operation of the proposed outlet.
4. The Authority finds there are 27 similarly licensed outlets presently existing within the applicant's delineated boundary.
5. The applicant submitted petitions containing the signatures of approximately 137 persons, none of which were deleted. Of the petition signers, 134 support the issuance of the proposed license and three opposed it. Petition signers, according to the testimony of the circulators, support the issuance of the proposed liquor license.
6. No person, other than representatives of the applicant, testified in support of the proposed license regarding the needs and desires of the neighborhood.
7. The Authority finds the applicant's file is complete.
8. City Zoning permits the use of the subject property for the proposed outlet.
9. No petitions in opposition were received and no one spoke in opposition. The Authority finds there has been an adequate showing the present outlets in and near the neighborhood are not meeting the reasonable requirements thereof.
10. As authorized by C.R.S. 12-47-313 (III), Section 6-97 of the Code of the City of Arvada allows for the issuance of a Liquor License within 500 feet of any public or parochial school or the principal campus of any college, university or seminary. Therefore, the Licensing Authority does not need to determine whether the proposed outlet is located within 500 feet of any public or parochial school or the principal campus of any college, university or seminary.
11. The Authority has considered all of the evidence coming before the Authority at the public hearing and finds the evidence does establish conclusively:
  - A. The reasonable requirements of the neighborhood are not presently being met.
  - B. The desires of the inhabitants of the neighborhood are consistent with these Findings and the granting of the application.
  - C. The character, record and reputation of the individuals involved in the application are satisfactory.

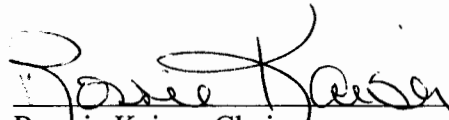
Chairman Kaiser moved that the Application for the Hotel and Restaurant License of Front Range Fast Casual Arvada, LLC d/b/a Newk's Eatery, located at 7450 W. 52<sup>nd</sup> Avenue, #304, be Approved.

The following votes were cast on the motion:

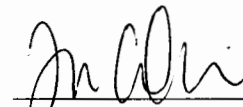
Those voting Yes: Bonich, Caulder, Daly, Kaiser and Williams  
The motion carried.

8. OTHER AUTHORITY ITEMS – none
9. STUDY SESSION – none
10. REPORT FROM CITY ATTORNEY'S OFFICE – none
11. REPORT FROM CITY CLERK'S OFFICE – none
12. REPORT FROM POLICE DEPARTMENT – none
13. ADJOURNMENT – 5:58 p.m.



  
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Ronnie Kaiser, Chairman

ATTEST:

  
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Teri Colvin, Deputy City Clerk