

Memo

To: Mayor and Councilors

From: Melody Harrison, Town Clerk

Date: February 15, 2013

Re: Modification of Licensed Premises – Lakota Canyon Ranch Golf Club

Recommendation: I recommend that Council *conditionally* approve the modification of the licensed premises as requested by Lakota Food and Beverage, LLC for the Lakota Canyon Ranch Golf Course.

Policy Implications: The policy implication of Council approving this modification of an optional premises license is that this business will be able to serve malt, vinous and spirituous liquors for on-premises consumption in the temporary clubhouse facility. The council has previously approved a conditional use permit for the temporary building, and has also previously approved a liquor license for the temporary building.

Budget Implications: Extending these temporary optional premises liquor licenses will allow the recreation center and golf club to continue making sales for which the Town receives sales tax.


Department Head (signature)

Finance Director (signature)

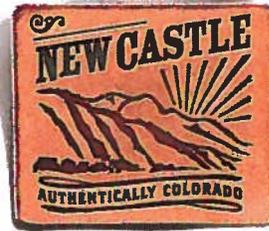
Town Administrator (signature)

No

Consultant needed at Council Meeting? Whom? Estimated meeting time cost, if known.

Background: The Lakota Canyon Ranch Golf Course temporary clubhouse building has previously been licensed, but because of complications with the receivership and bankruptcy, the staff was unable to require that occupancy inspection conditions be met. A list of occupancy conditions is included with this application, and staff recommends that the council provide a conditional approval of the modification of the licensed premises, provided the applicant meets the occupancy inspections conditions within 30 days.

Building Department
(970) 984-0812
Fax: (970) 984-0486
www.newcastlecolorado.org



Town of New Castle
PO Box 90
450 W. Main Street
New Castle, CO 81647

MEMORANDUM TO FILE

Date: 9/27/12

Project Address: 1000 Clubhouse Drive
Owner: Lakota Food and Beverage LLC

From: Bruce Stolbach, Building Official
RE: Liquor Licensing Inspection Request

On September 26, 2012 I reviewed the previous liquor license inspection report and made a field visit to the property. Present at the inspection was manger Ryan Pore. The results are as follows:

Building Code Compliance: Many of the required correction items from the previous liquor license application inspection performed on May 4, 2011 have been corrected. The building itself is a modular building as was not reviewed for structural code compliance. The premises appear to be in general compliance with applicable life safety building code requirements with the following exceptions:

1. Safety glazing or a 1 ½ barrier mounted 34"-38" above the floor is required in the two windows located within 24' horizontally of the main exit doors per Sec. 2406.
2. Handrail extensions at ramps and stairs have been provided in some locations. In locations that required the installation of an additional post which involves excavation and a small concrete pour, or, replacement with a welded metal handrail which would not match architecturally, the extensions have not been provided. Sec. 1009.11.5.
3. Handrails are required on both sides of stairs in commercial buildings. The exterior stair behind has had only one handrail installed and mounted on the building side. An additional handrail is required on the open side. Installation of this handrail would require the installation of an additional post which involves excavation and a small concrete pour, or, replacement with a welded metal handrail which would not match architecturally.
4. Many repairs have been made to the deck as required by the previous inspection. However the foundation does not extend to below frost (Sec. 1805). Though this could cause some movement of the deck it is not a life safety issue. The design load was questioned at the previous inspection (Sec

1607.1). The design load for commercial decks is significantly greater than for residential decks. Manager Ryan Pore asked a club member that is a structural engineer to look at the deck structure. The club member/engineer stated that the deck appeared adequate for the use. The deck has been in use and performing adequately many years.

5. Some of the plywood on the exterior ramp has been damaged by weather creating uneven surfaces. The damaged plywood should be replaced. Sec. 1010.
6. Fire extinguisher inspection required on extinguisher by front door.
7. Emergency power for exit signs and emergency lighting at east and west exit doors not functioning.
8. Electrical panel in golf sales area blocked.
9. Post building address on building facing the street.

Manager Ryan Pore represented that the clubhouse would be closed approximately within 30 days, the existing clubhouse will be removed, and a new clubhouse will be built in it's place when this coming spring.

The applicant should contact the building department to determine if a building permit is required for any corrections, and, a follow up re-inspection should be requested and performed after any corrections have been made.

Occupant Load and posting: The occupant load for the facility was calculated at 125 at the last inspection. There have been no changes to the building layout since that time. There are two occupant load signs on the bar leaning against the wall. These signs should be permanently mounted on the wall adjacent to the two sets of main exit doors. Sec.1004.3.

Health Department: The Building Inspection department does not inspect for and is not familiar with Colorado Department of Health and Environment regulations and cannot make any representations regarding compliance. Manager Ryan Pore stated that a Colorado Department of Health and Environment inspection had been performed within the past few months and he would try to locate that report for the Town to be included in the liquor license council packet. See attached as provided.

Fire Department: The Burning Mountain District Fire Marshall performed an inspection September 27, 2012. See attached. Items also included in building code list above.

Bruce Stolbach

Building Official

PERMIT APPLICATION AND REPORT OF CHANGES

CURRENT LICENSE NUMBER _____
ALL ANSWERS MUST BE PRINTED IN BLACK INK OR TYPEWRITTEN
LOCAL LICENSE FEE \$ 150⁰⁰
APPLICANT SHOULD OBTAIN A COLORADO LIQUOR & BEER CODE BOOK TO ORDER CALL (303) 370-2165

1. Applicant is a		PRESENT LICENSE NUMBER
<input type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Partnership..... <input checked="" type="checkbox"/> Limited Liability Company		
2. Name of Licensee	3. Trade Name	
LAKOTA FOOD & BEVERAGE		
4. Location Address		
LAKOTA CANYON RANCH 1000 CLUB HOUSE Drive		
City	County	ZIP
New CASTLE	GARFIELD	81647

SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.

Section A – Manager reg/change	Section C
<p>• License Account No. _____</p> <p>1983-750 (999) <input type="checkbox"/> Manager's Registration (Hotel & Restr.)..\$75.00</p> <p>2012-750 (999) <input type="checkbox"/> Manager's Registration (Tavern).....\$75.00</p> <p style="padding-left: 20px;"><input type="checkbox"/> Change of Manager (Other Licenses) NO FEE</p>	<p>2210-100 (999) <input type="checkbox"/> Retail Warehouse Storage Permit (ea) \$100.00</p> <p>2200-100 (999) <input type="checkbox"/> Wholesale Branch House Permit (ea).... 100.00</p> <p>2260-100 (999) <input type="checkbox"/> Change Corp. or Trade Name Permit (ea) .50.00</p> <p>2230-100 (999) <input type="checkbox"/> Change Location Permit (ea)..... 150.00</p> <p>2280-100 (999) <input checked="" type="checkbox"/> Change, Alter or Modify Premises \$150.00 x <u>1</u> Total Fee <u>\$150⁰⁰</u></p> <p>2220-100 (999) <input type="checkbox"/> Addition of Optional Premises to Existing H/R \$100.00 x _____ Total Fee _____</p> <p>1988-100 (999) <input type="checkbox"/> Addition of Related Facility to Resort Complex \$75.00 x _____ Total Fee _____</p>
Section B – Duplicate License	
<p>• Liquor License No. _____</p> <p>2270-100 (999) <input type="checkbox"/> Duplicate License\$50.00</p>	

DO NOT WRITE IN THIS SPACE – FOR DEPARTMENT OF REVENUE USE ONLY

DATE LICENSE ISSUED	LICENSE ACCOUNT NUMBER	PERIOD
-750 (999)	-100 (999)	TOTAL AMOUNT DUE \$ _____ .00

* Fill out All *

CHANGE OF MANAGER

8. Change of Manager or to Register the Manager of a Tavern or a Hotel and Restaurant liquor license.

(a) Change of Manager (attach Individual History DR 8404-I H/R and Tavern only)

Former manager's name _____

New manager's name _____

(b) Date of Employment _____

Has manager ever managed a liquor licensed establishment?..... Yes No

Does manager have a financial interest in any other liquor licensed establishment?..... Yes No

If yes, give name and location of establishment _____

MODIFY PREMISES OR ADDITION OF OPTIONAL PREMISES OR RELATED FACILITY

9. Modification of Premises, Addition of an Optional Premises, or Addition of Related Facility

NOTE: Licensees may not modify or add to their licensed premises until approved by state and local authorities.

(a) Describe change proposed NEED TO AMEND CURRENT LICENSE TO INCLUDE EXISTING TEMPORARY FACILITY

(b) If the modification is temporary, when will the proposed change:

Start _____ (mo/day/year) End _____ (mo/day/year)

NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS \$300.00

(c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

(If yes, explain in detail and describe any exemptions that apply) Yes No

(d) Is the proposed change in compliance with local building and zoning laws?..... Yes No

(e) If this modification is for an additional Hotel and Restaurant Optional Premises or Resort Complex Related Facility, has the local authority authorized by resolution or ordinance the issuance of optional premises?

..... Yes No

(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises.

(g) Attach any existing lease that is revised due to the modification.

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments hereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature 	Title <u>MANAGER</u>	Date <u>2-6-13</u>
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REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY / COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 12, Articles 46 and 47, C.R.S., as amended. **THEREFORE, THIS APPLICATION IS APPROVED.**

Local Licensing Authority (City or County)	Date filed with Local Authority
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Signature	Title	Date
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REPORT OF STATE LICENSING AUTHORITY

The foregoing has been examined and complies with the filing requirements of Title 12, Article 47, C.R.S., as amended.

Signature	Title	Date
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STORAGE PERMIT

5. Retail Warehouse Storage Permit or a Wholesalers Branch House Permit

- Retail Warehouse Permit for:**
 - On-Premises Licensee (Taverns, Restaurants etc.)
 - Off-Premises Licensee (Liquor stores)
- Wholesalers Branch House Permit**

Address of storage premise: _____
 City _____, County _____, Zip _____

Attach a deed/ lease or rental agreement for the storage premises.
 Attach a detailed diagram of the storage premises.

CHANGE TRADE NAME OR CORPORATE NAME

6. Change of Trade Name or Corporation Name

- Change of Trade name / DBA only
- Corporate Name Change (Attach the following supporting documents)
 1. Certificate of Amendment filed with the Secretary of State, or
 2. Statement of Change filed with the Secretary of State, and
 3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement.

Old Trade Name	New Trade Name
Old Corporate Name	New Corporate Name

CHANGE OF LOCATION

7. Change of Location

NOTE TO RETAIL LICENSEES: An application to change location has a local application fee of \$750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 12-47-311 (1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held.

Date filed with Local Authority _____ Date of Hearing _____

(a) Address of current premises _____
 City _____ County _____ Zip _____

(b) Address of proposed New Premises (Attach copy of the deed or lease that establishes possession of the premises by the licensee)
 Address _____
 City _____ County _____ Zip _____

(c) New mailing address if applicable.
 Address _____
 City _____ County _____ State _____ Zip _____

(d) Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.

INSTRUCTION SHEET

FOR ALL SECTIONS, COMPLETE QUESTIONS 1-4 LOCATED ON PAGE 1

Section A

To Register or Change Managers, check the appropriate box in section A and complete question 8 on page 4. Proceed to the Oath of Applicant for signature (Please note: Hotel, Restaurant, and Tavern licensees are required to register their managers).

Section B

For a Duplicate license, be sure to include the liquor license number in section B on page 1 and proceed to page 4 for Oath of Applicant signature.

Section C

Check the appropriate box in section C and proceed below.

- 1) *For a Retail Warehouse Storage Permit*, go to page 3 complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 2) *For a Wholesale Branch House Permit*, go to page 3 and complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 3) *To Change Trade Name or Corporation Name*, go to page 3 and complete question 6 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 4) *To modify Premise*, go to page 4 and complete question 9. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 5) *For Optional Premises or Related Facilities* go to page 4 and complete question 9. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 6) *To Change Location*, go to page 3 and complete question 7. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.

149 699 2489

APPROVED
09/27/12

2012

P.1

970-904-0002

Lakota Canyon Ranch Golf

GOLF SHOP

* OUR CONTROL FENCES WOULD BE THE EDGE OF THE GOLF COURSE.

