



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: DEBRA WOODS, DEPUTY CITY CLERK
DATE: MAY 17, 2022
RE: NEW LIQUOR LICENSE APPLICATION – A REQUEST TO APPROVE A NEW BREW PUB – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR MOONLIGHT DRIVE, LLC DBA COPPER CREEK BREWING CO. LOCATED AT 153 N. MULBERRY STREET

BACKGROUND

Moonlight Drive, LLC dba Copper Club Brewing Co. has submitted an application, paperwork and fees to be granted a Brew Pub - Malt, Vinous and Spirituous Liquor License at 153 N. Mulberry Street.

Background checks were conducted with The Colorado Bureau of Investigation, Mesa County Sheriff's Department, Grand Junction Police Department and Fruita Police Department. None of these law enforcement agencies found anything of concern that would hinder the issuance of the license. The Colorado Liquor License Application, diagrams of the proposed licensed premises and Preliminary Findings Report are attached hereto.

Following is a guideline to aid in the decision of the Council to determine if the liquor license should be approved.

Code of Regulations, 1 C.C.R 203-2 Regulation 47-310 Application – General Provisions

- E. A licensing authority (the City Council in this case) is required to make a determination as to the character, record and reputation of the applicants for new licenses. The City Council may consider the following factors when assessing the character of the applicants, which may include but not be limited to the following:
1. The applicant or licensee has submitted false applications, made willful misrepresentations and/or committed fraudulent acts;
 2. The application or licensee has a criminal history of crimes of moral turpitude. By way of example, crimes of moral turpitude shall include but not be limited to, murder, burglary, robbery, arson kidnapping, sexual assault, illegal drugs or narcotics convictions;
 3. The applicant or licensee has had previous alcohol beverage licenses denied, suspended or revoked as a result of violations of law;

4. The applicant or licensee has been found to be delinquent in the payment of any state or local taxes, and record of such tax delinquency has been filed in a court having jurisdiction, or has been made a public record by some other lawful means;
5. The applicant or licensee has committed statutory violations resulting in the suspension, revocation or denial or any other professional license. For purpose of this section, the suspension or revocation or a state-issued driver's license shall not be considered.

F. Pursuant to 24-5-101, C.R.S., when making a determination as to the character, record or reputation of a licensee or applicant as required by Title 12, Article 46, 47 and 48, the licensing authority shall also consider evidence of rehabilitation. Such evidence may include, but not be limited to, evidence of no criminal history record information, educational achievements, financial solvency, community standing, lack of additional arrests or convictions, or the lack of parole or probation violations since the date of last conviction.

ISSUANCE OF A NEW LIQUOR LICENSE

No license shall be issued to or held by:

1. Any person until the annual fee therefore has been paid;
2. Any person who is not of good moral character;
3. Any partnership, association, or company any of whose officers, or any of whose members holding ten percent or more interest therein, are not of good moral character;
4. Any person unless such person's character, record, and reputation are satisfactory to the respective licensing authority;
5. Any natural person under twenty-one years of age.

In addition, pursuant to **44-3-301(2)(a), C.R.S. Licensing in general:**

Before granting any license, all licensing authorities shall consider, except where this article 3 and article 4 of this title 44 specifically provide otherwise, the reasonable requirements of the neighborhood, the desires of the adult inhabitants as evidenced by petitions, remonstrances, or otherwise, and all other reasonable restrictions that are or may be placed upon the neighborhood by the local licensing authority.

Provided as evidence of the reasonable requirements of the neighborhood and the desires of the adult inhabitants, the applicant submitted a neighborhood survey signed by 38 people in favor of the Fruita City Council's granting of the liquor license.

Finally, a condition of approval needs to be placed upon the liquor license application that the applicant will submit a lease agreement between two corporations owned by Dan and Michele Collins. It came to staff's attention that the entity name on the Quit Claim Deed is "Wonelle, LLC" and the Liquor Enforcement Division requires that the name of the applicant on the liquor license be the same as the name on a deed or lease for property that is proposed to have a liquor license. A simple lease agreement from "Wonelle, LLC" as the lessor and "Moonlight Drive, LLC" (dba Copper Club Brewing Co.) as the lessee will remedy this issue and the lease agreement can then be inserted into the application before staff sends it to Liquor Enforcement for the state's approval.

FISCAL IMPACT

None

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The City of Fruita is charged with protection of the public health, safety and welfare. The consideration of the issuance of a new Hotel and Restaurant Liquor License by the City Council ensures that the proposed establishment is desired in the neighborhood and the applicant is of good moral character.

OPTIONS AVAILABLE TO THE COUNCIL

1. Approve the Brew Pub Liquor License for Moonlight Drive, LLC dba Copper Club Brewing Co. at 153 N. Mulberry Street in Fruita, Colorado as proposed based on the character of the applicants and the needs and desires of the adult inhabitants subject to the condition that the applicant execute a lease agreement between “Wonelle, LLC” and “Moonlight Drive, LLC” for the property at 153 N. Mulberry
2. Deny the issuance based on the requirements, needs of the neighborhood and the desires of its adult inhabitants and/or the character of the applicant.

RECOMMENDATION

It is the recommendation of the staff that Council, by motion:

- **MOVE TO APPROVE THE ISSUANCE OF A BREW PUB LIQUOR LICENSE TO MOONLIGHT DRIVE, LLC DBA COPPER CLUB BREWING CO. LOCATED AT 153 N. MULBERRY STREET IN FRUITA SUBJECT TO THE CONDITION THAT THE APPLICANT EXECUTE A SIMPLE LEASE AGREEMENT BETWEEN “WONELLE, LLC” AND “MOONLIGHT DRIVE, LLC” FOR THE PROPERTY AT 153 N. MULBERRY STREET**