



TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DEB WOODS, DEPUTY CITY CLERK

DATE: MARCH 19, 2024

AGENDA TEXT: MODIFICATION OF LICENSED PREMISES – A request to approve a Modification of Licensed Premises on a Hotel & Restaurant – Malt, Vinous and Spirituous Liquor License for Mezcalera, LLC dba El Mescal Family Mexican Restaurant & Bar located at 439 E. Highway 6 & 50 – *Deb Woods, Deputy City Clerk*

BACKGROUND

El Mescal Family Mexican Restaurant & Bar located at 439 E. Highway 6 & 50 has submitted an application for a permit to be able to serve patrons food and alcoholic beverages on a patio at the back of their restaurant. This requires filing a Modification of Premises to their existing liquor license that will require both local and state (Liquor Enforcement Division) approval.

The modification as proposed includes an outdoor dining patio which will be enclosed with wooden fencing 3.5 feet (42 inches) in height.

The permit application has been reviewed by Police Chief Dave Krouse and Lower Valley Fire District Marshal Travis Holder.

The City Clerk's Office received one comment from Lower Valley Fire District Marshal Travis Holder that the patio must include an egress (exit) with panic hardware. There were no concerns from the Fruita Police Department.

The application documents and e-mailed comments from the Fruita PD and Lower Valley Fire District are attached.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The City of Fruita is charged with protection of the public health, safety and welfare. The review of modifications of premises where alcoholic beverages are sold and served ensures that the licensed establishment is operating by the rules and regulations adopted by the City of Fruita.

OPTIONS AVAILABLE TO THE COUNCIL

- Approve the Modification of Licensed Premises permit application with the condition that the applicant install a patio egress (exit) with panic hardware and other conditions stated by staff.
- Approve the Modification of Licensed Premises permit application with the condition that the applicant install a patio egress (exit) with panic hardware and other conditions stated by staff plus additional conditions of approval (citing specific concerns as part of the motion).
- Denial of the Modification of Licensed Premises permit application. (If denied, the licensing authority must give notice in writing and state grounds upon which the application is denied).

RECOMMENDATION

It is the recommendation of the Fruita City Staff that the Council move to:

APPROVE THE REQUEST FOR MODIFICATION OF PREMISES APPLICATION FOR MEZCALERA, LLC DBA EL MESCAL FAMILY MEXICANT RESTAURANT & BAR SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE PATIO SHALL BE ENCLOSED WITH A FENCE EXCEPT FOR ONE EGRESS (EXIT) THAT IS EQUIPPED WITH PANIC HARDWARE.**
- 2. THE PATIO AREA SHALL BE MONITORED TO ENSURE THAT ALCOHOL IS CONTROLLED WITHIN THE AREA AND THERE ARE NO VIOLATIONS OF THE LIQUOR CODE.**
- 3. THE OUTSIDE PATIO SHALL BE KEPT CLEAN AND CLEAR OF GLASS AND OTHER DANGEROUS OR UNSIGHTLY ITEMS AT ALL TIMES**