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## EL PASO BOARD OF COUNTY COMMISSIONERS

### AGENDA ITEM SUMMARY

**Date:** Tuesday, March 12, 2019 Item No. 8.f.

**To:** Board of County Commissioners

**From:** Kari Parsons, Project Manager/Planner II

**Agenda Wording:** Request to establish the survey area and set April 9, 2019 as the hearing date on the application by Nana's Kitchen Inc., d/b/a Nana's Kitchen, for a Hotel & Restaurant Liquor License to be located at 11882 Stapleton Dr., El Paso County, CO.

#### SUMMARY (including information on budgeted matters)

After reviewing the zoning and land use approvals for the site, Planning and Community Development has no issues or comments relating to zoning and subdivision compliance. The Clerk to the Board Office requests the BOCC establish April 9, 2019 as the public hearing date to consider the application for the Hotel & Restaurant Liquor License.

#### BACKGROUND (including information on budgeted matters)

El Paso County Beer and Liquor Policy (Relevant Portion of Resolution No. 17-045)

### III. Methodology for Liquor License/Permit Surveys

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#### **Introduction**

- C.R.S. 12-47-312(2)(a) states that the reasonable requirements of the neighborhood shall be considered in making any decision on a liquor license.
- Pursuant to Resolution No. 89-112 (adopted in 1989), the Board of County Commissioners (the "Board") requires liquor license applicants to retain

independent persons or firms to circulate petitions necessary to establish the reasonable requirements of the neighborhood and desires of the inhabitants.

- **Preparation of Proposed Survey Boundary Map**
  - PCD is relied upon to establish the proposed boundaries for such surveys in general accordance with the procedures and parameters described below. The PCD Director or his/her designee shall have the discretion to use reasonable flexibility in establishing exact boundaries.
  - Proposed survey boundary maps shall be prepared on the County's GIS (Geographic Information System) and shall utilize the latest Assessor's data and other pertinent information available on that system. PCD may take more recent information into consideration, but is not bound to do so.
  - Use of Physical Features:
    - Unless there are obvious and identified unique or extenuating circumstances, proposed liquor survey boundaries shall always be described using physical features which are easily identified in the field. It is preferred that roadways be used wherever practical. Other physical features, however, such as major drainage ways, lakes, streams and mountainous terrain, may also be utilized.
    - Jurisdictional Boundaries:
      - The survey area established shall not exclude properties on the basis of being within a city, town, adjoining county, military installation or other governmental or quasi-governmental boundary.
- 4. Process and Parameters:
  - Establishment of Initial Survey Radius:
    - For generally urban density areas, the radius from the center of the subject property shall be 1/2 (one-half) mile in each direction. Generally urban areas are defined as having a predominance of lots or parcels smaller than 2.5 (two and one-half) acres in area.
    - For generally rural or rural residential density areas, the radius from the center of the subject property shall be 1 (one) mile in each direction. Generally rural or rural residential

- areas are defined as having a predominance of lots or parcels 2.5 (two and one-half) acres or larger in area.
- The initial survey area should then be determined by drawing a boundary, using physical features, which encompasses the entire radius, irrespective of the distance this boundary extends beyond the radius.
  - Exclusion of Properties from Initial Survey Area:
    - 1 PCD may exclude certain properties from within the initial survey area. It should be shown that either the majority of the property is situated outside of the initial survey radius, the property is oriented away from the subject property, or its inclusion in the boundary, through the use of physical features, would cause the need to include large amounts of other property outside of the desired influence area.
  - Inclusion of Properties into the Initial Survey Radius:
    - PCD should add properties to the initial survey area if these properties are located in close proximity of the established radius and PCD believes such properties should be reasonably added to the area of influence. Added properties would normally include residential, religious, park, school or related uses.
  - d. The proposed survey boundary map shall include:
    - A label identifying the name of the applicant, trade name, address of proposed premises, property zoning, approximate number of households within the proposed boundary, and the name and address of the nearest school and its distance to the proposed premises.
    - The proposed survey boundary, and location of the proposed premises, households and vacant parcels platted and unplatted areas, street names and each school within the proposed boundary.
  - 1. The following shall accompany the survey boundary map:
    - The survey boundary description; and
    - A mailing list of all vacant landowners within the proposed survey area.

### STRATEGIC PLAN GOALS

- GOAL ONE – Maintain and promote a financially sustainable County Government that is transparent and effective
- GOAL TWO – Continue to enhance the understanding of civic services and promote participation, engagement and confidence in County Government
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- GOAL THREE – Maintain and improve the County transportation system, facilities, infrastructure and technology.
- GOAL FOUR – Consistently support regional economic strength.
- GOAL FIVE – Strive to ensure a safe, secure, resilient, and healthy community.

FINANCIAL IMPLICATIONS

Business Year:	2019	Subject to TABOR? NO
Fund:		
Funding Amount:	\$0.00	
Increase to original adopted Budget	\$0.00	
Net Cost to County:	\$0.00	
Total Project Cost:	\$0.00	
Vendor Information		

ATTACHMENTS