



# Potential Alcohol Updates

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City Council Study Session March 2017

# Summary

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- Context and regulations have changed dramatically over the past decade as it relates to alcohol uses. More than ever, eating, drinking, and lodging establishments are a priority of this community. In an effort to make the city more ‘business friendly’ and to respond to updating our regulations to be in-line with surrounding jurisdictions and state laws, staff is requesting feedback from Council on the following potential updates to the city codes:
  - Eliminate separation requirements for taverns, beer and wine establishments, and liquor stores from LDC.
  - Eliminate the statutory 500’ distance restriction between schools and liquor licensed establishments with the exception of liquor stores and taverns.





# Background

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# Background

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- Home rule cities can adjust and make their own regulations concerning alcohol serving locations
- If they choose not to make their own regulations, the state regulations would apply (as in the case of school proximity).
- In 2006, City Council added regulations for certain alcohol serving establishments (CUP/ 2500 foot separation, etc.)
- In 2012, City Council edited these regulations from a CUP to a UBP and eliminated some of the land uses.
- In 2015, Liquor Authority replaced with liquor hearing officer process.



# Current Conditions

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# Current Conditions

Commerce City may license the following classes of alcohol licenses and permits:

## **Licenses:**

- 3.2% Fermented Beverage License
- Arts License (500' does not apply)
- Beer and Wine License
- Brew Pub License
- Club License
- Distillery Pub License
- Liquor Licensed Drug Store

- Hotel and Restaurant License
- Lodging/Entertainment License
- Optional Premises License
- Racetrack License
- Retail Liquor Store License
- Retail Gaming Tavern License
- Tavern License
- Vintner's Restaurant License

## **Permits:**

- Art Gallery Permit
- Bed and Breakfast Permit
- Special Events Permit

# Current Conditions

The city currently has 64 alcohol licenses, divided up as follows:

License Type	Number
Beer On/Off	18
Beer/Wine	2
Club	3
Hotel/Restaurant	14
Retail Liquor	15
Tavern	12
Total	64

For comparison, Denver has 1,861 licenses



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# Current Conditions

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- No new tavern licenses since 2007
- One new liquor store license issued in 2014 (Belle Creek) and 1 new beer & wine license issued in 2015 (Starbucks)
- Last land use/zoning case for alcohol use was in 2009





# Current Conditions

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- Most alcohol uses are a use-by-right within C-2, C-3, MU-1, and I-1 zoning districts. Bar/Taverns are additional use-by-right within I-2 and I-3 zoning districts.
- LDC requires UBP if a new retail liquor store, tavern, or beer and wine business locates within 2500 feet of an established retail liquor store, tavern, beer or wine establishment, etc.

# Current Conditions

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- As of July 1, 2016, there is a state statutory distance restriction of 1,500' between retail liquor stores and retail liquor stores and liquor-license drugstores. This law cannot be modified, expanded, or eliminated by the city's municipal code or land development code.





# City Comparison and Analysis

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# Comparative City Review

## Zoning Separation

City	Liquor Stores	Tavern	Beer/ Wine
Arvada	0	0	0
Aurora	2000	0	0
Boulder	0	0	0
Brighton	0	0	0
Colorado Springs	0	0	0
Commerce City	2500	2500	2500
Greeley	0	0	0
Lakewood	0	0	0
Longmont	0	0	0
Loveland	0	0	0
Parker	0	0	0
Thornton	0	0	0
Westminster	0	0	0



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# Additional Analysis

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- Greeley and Westminster previously had distance requirements for alcohol uses but dropped those requirements years ago
- Beer/wine establishments include facilities such as: Starbucks, Anthony's Pizza and Pasta, Common Grounds Coffee, Larkburger, Qdoba, Smashburger, Thai Basil, Wingstop, Tokyo Joe's and Sip and Paint (see Denver's complete list)



# Additional Analysis

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- Tavern licenses have modernized over the past decade. Places that now have a tavern license are non-traditional and can be very high-end, such as:
  - Movie theaters, hotels (especially those by DIA), coffee shops, and spas. See listing from Denver
- Current regulations may make it harder to attract hotels along Tower Road, E-470 and northern range.



# Additional Analysis

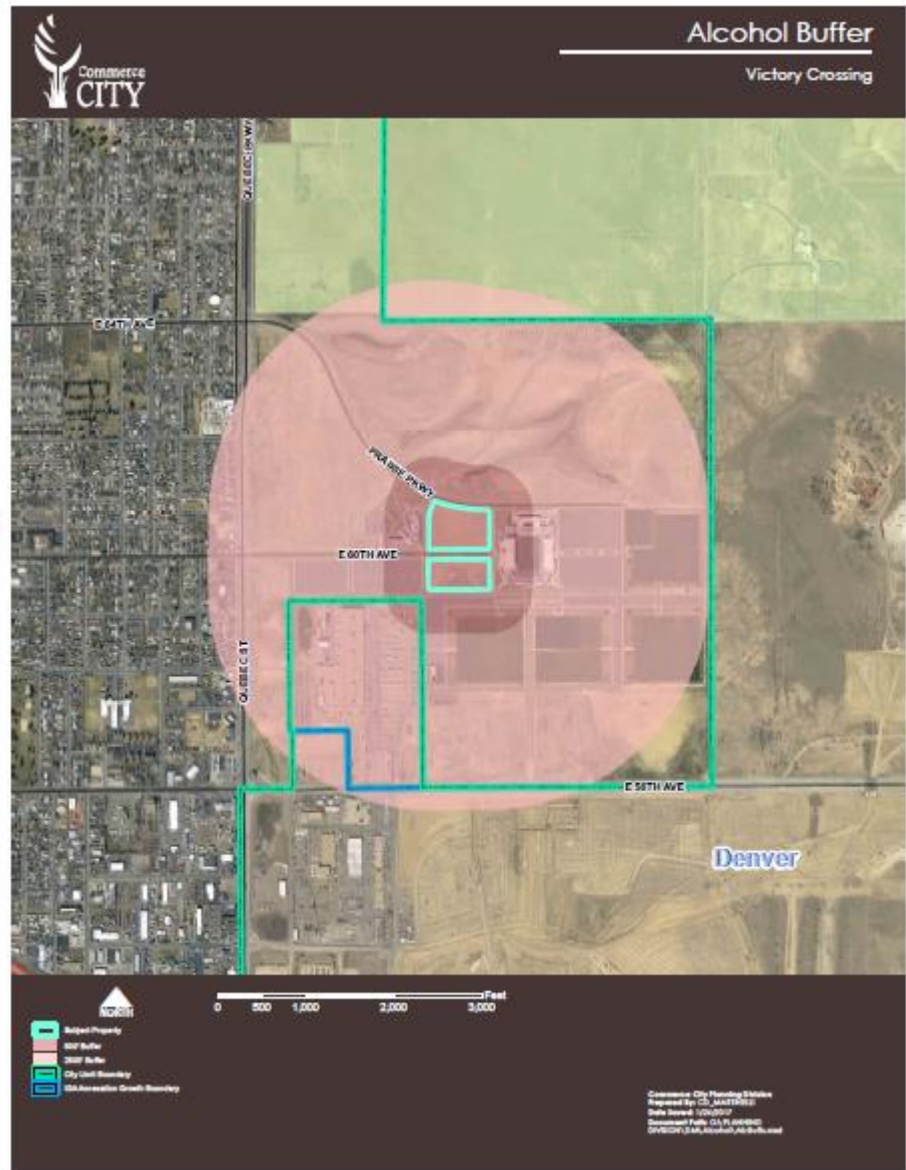
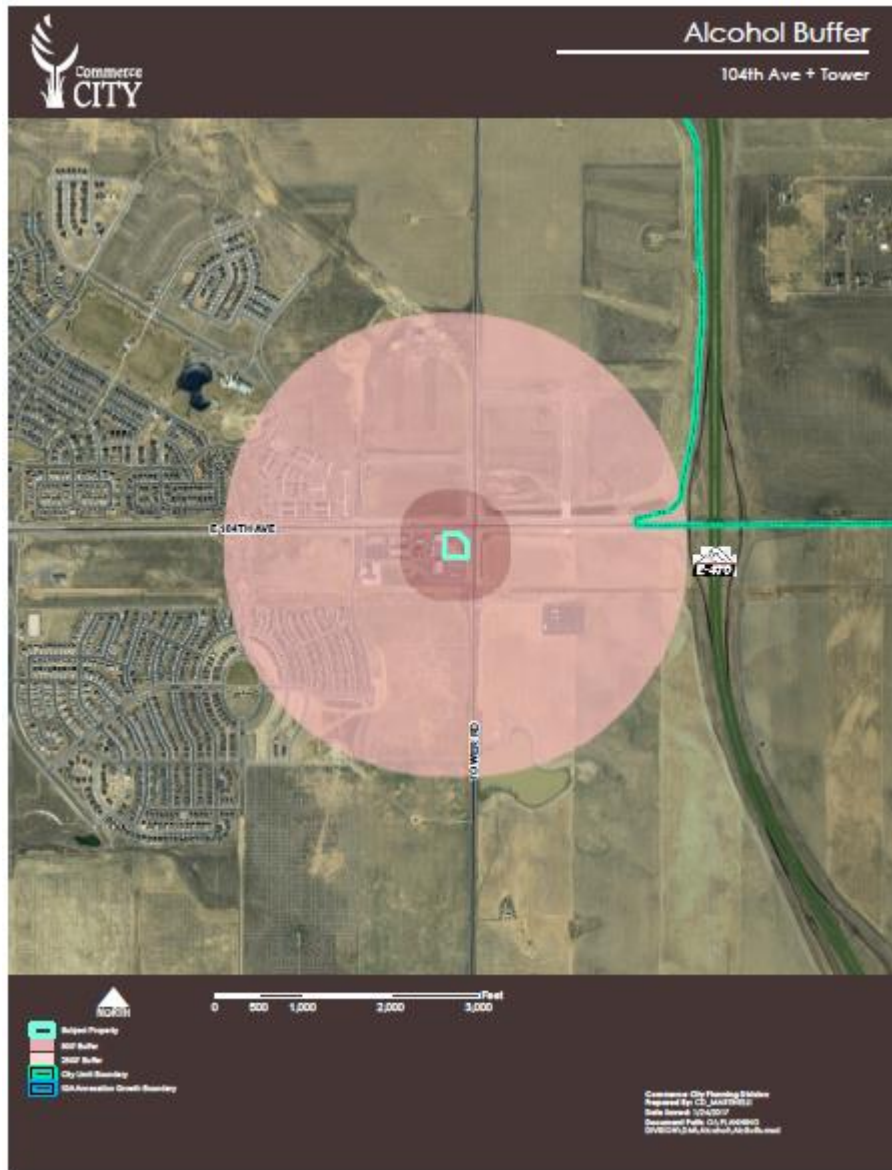
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- Latest state law (2016) requires 1,500 foot separation between liquor stores and liquor drug stores. Home rule cities cannot alter this requirement. Our 2,500' distance separation will need to be amended to meet state law.



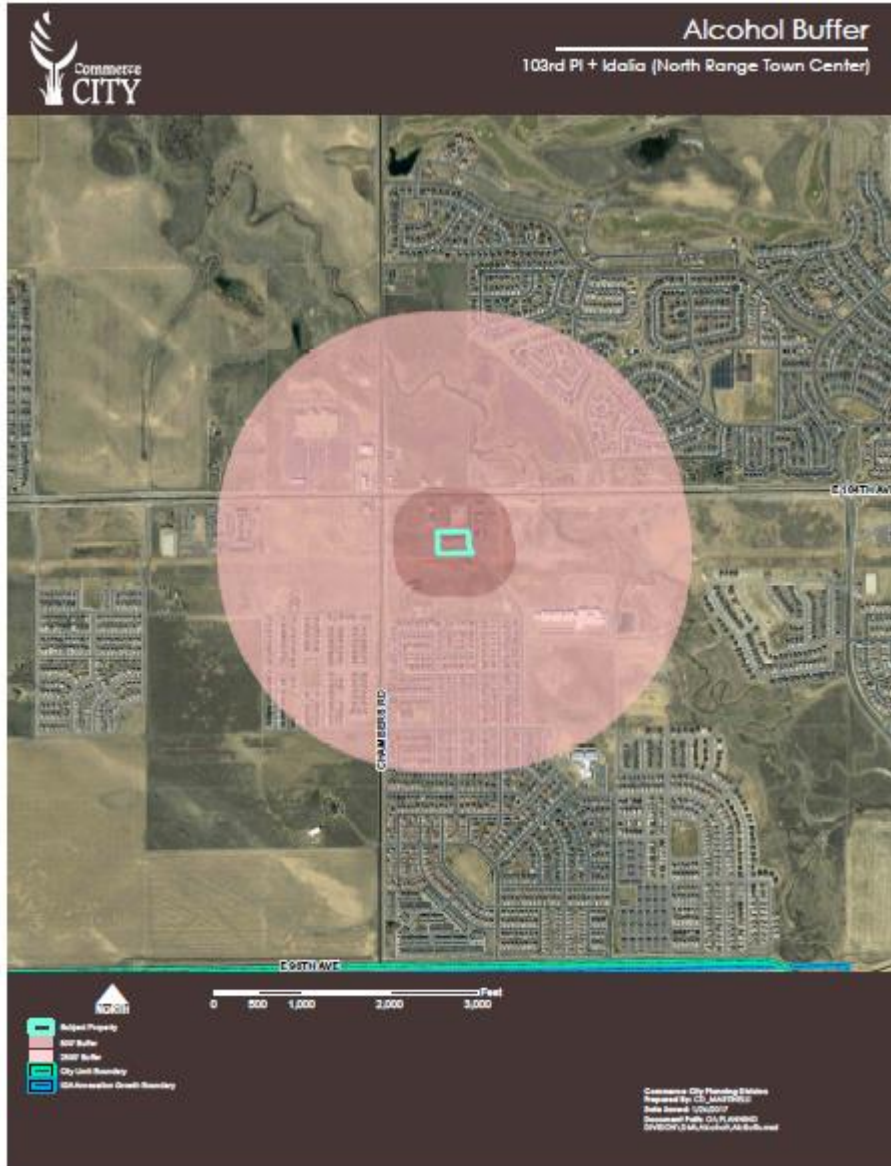
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# Data/Analysis



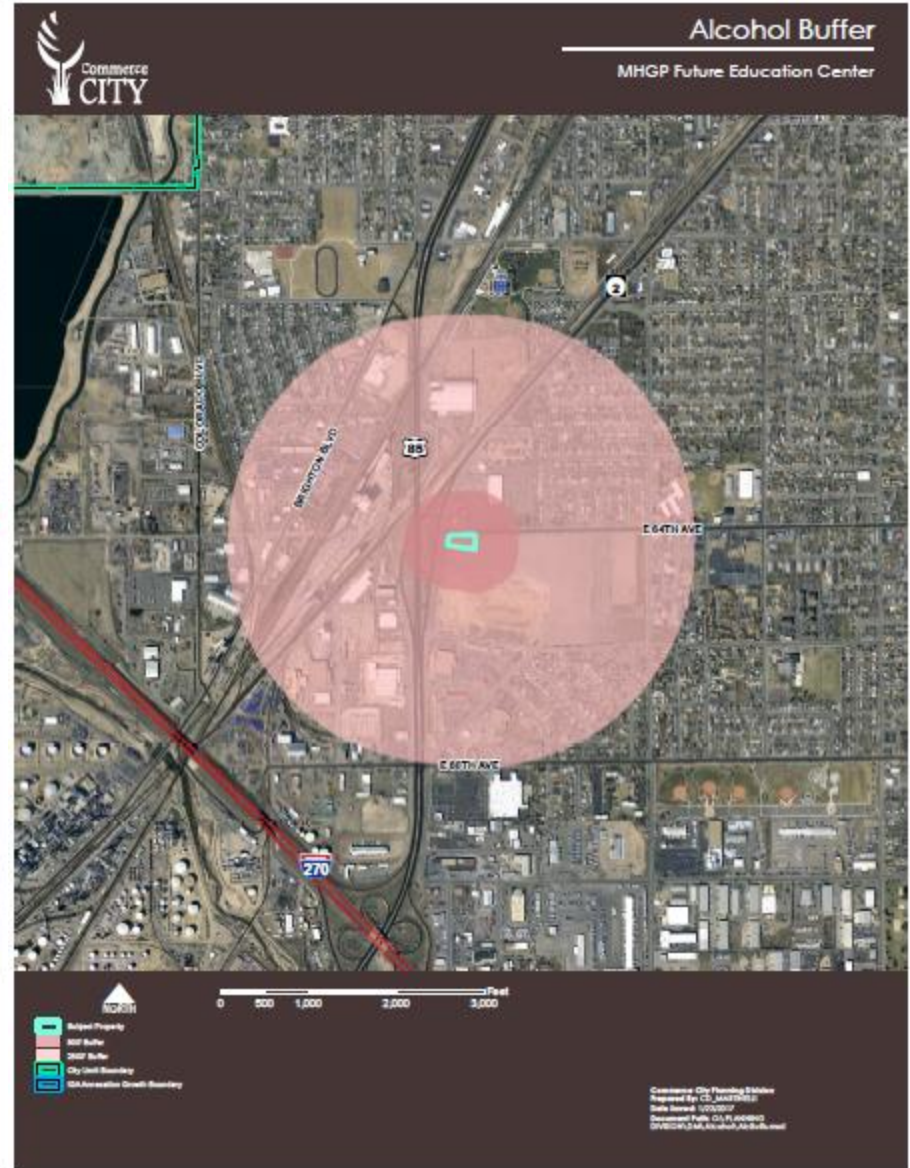
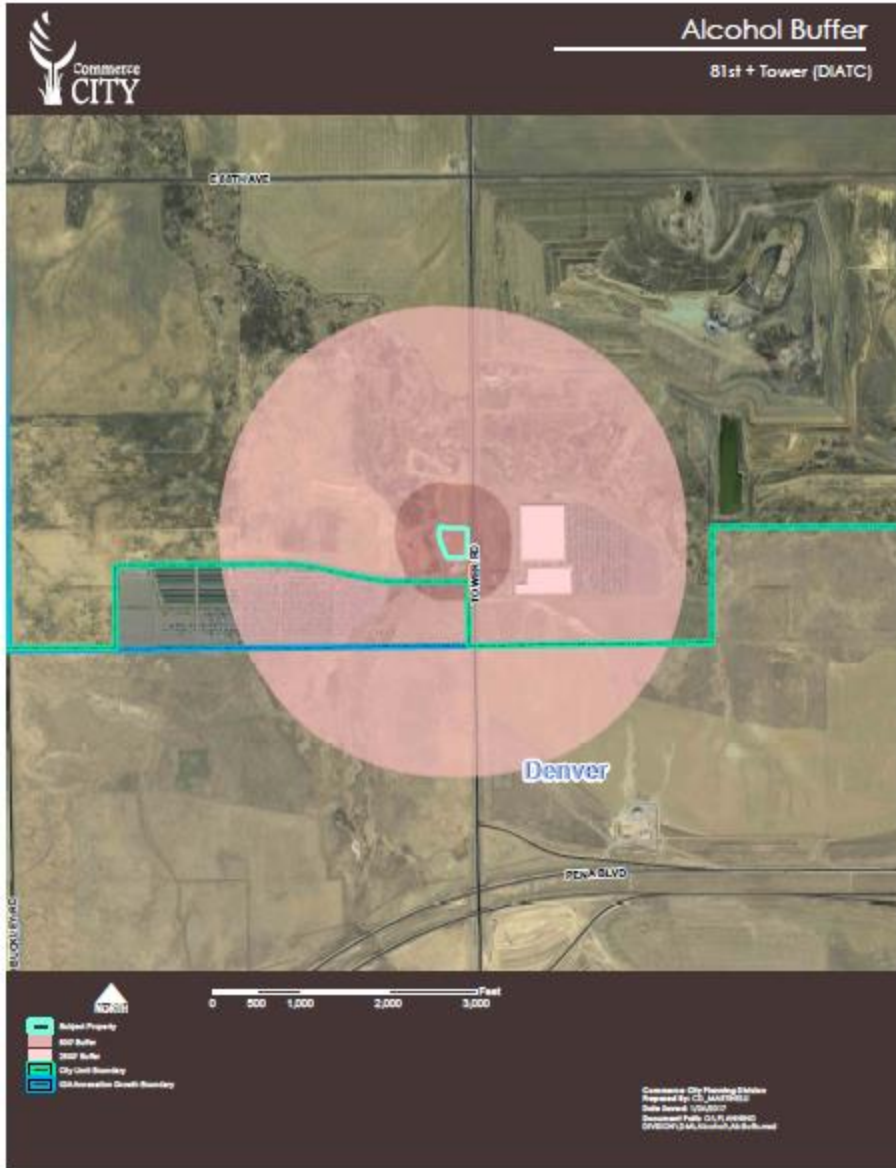


# Data/Analysis





# Data/Analysis



# School Separation Background

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- Municipal Code is silent to separation of educational facilities from alcohol establishments; therefore, state law of 500 feet is in effect.
- Local jurisdictions may modify the distance (shrink or expand) by ordinance (CRS 12-47-313(1)(d)(I)(III))
- City has schools along arterials that may hinder efforts to attract entertainment, dining and drinking establishments.



# School Separation Background

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- In 2015, Derby PUD was amended to lessen the distance requirement for all alcohol uses except for liquor stores and bars/taverns



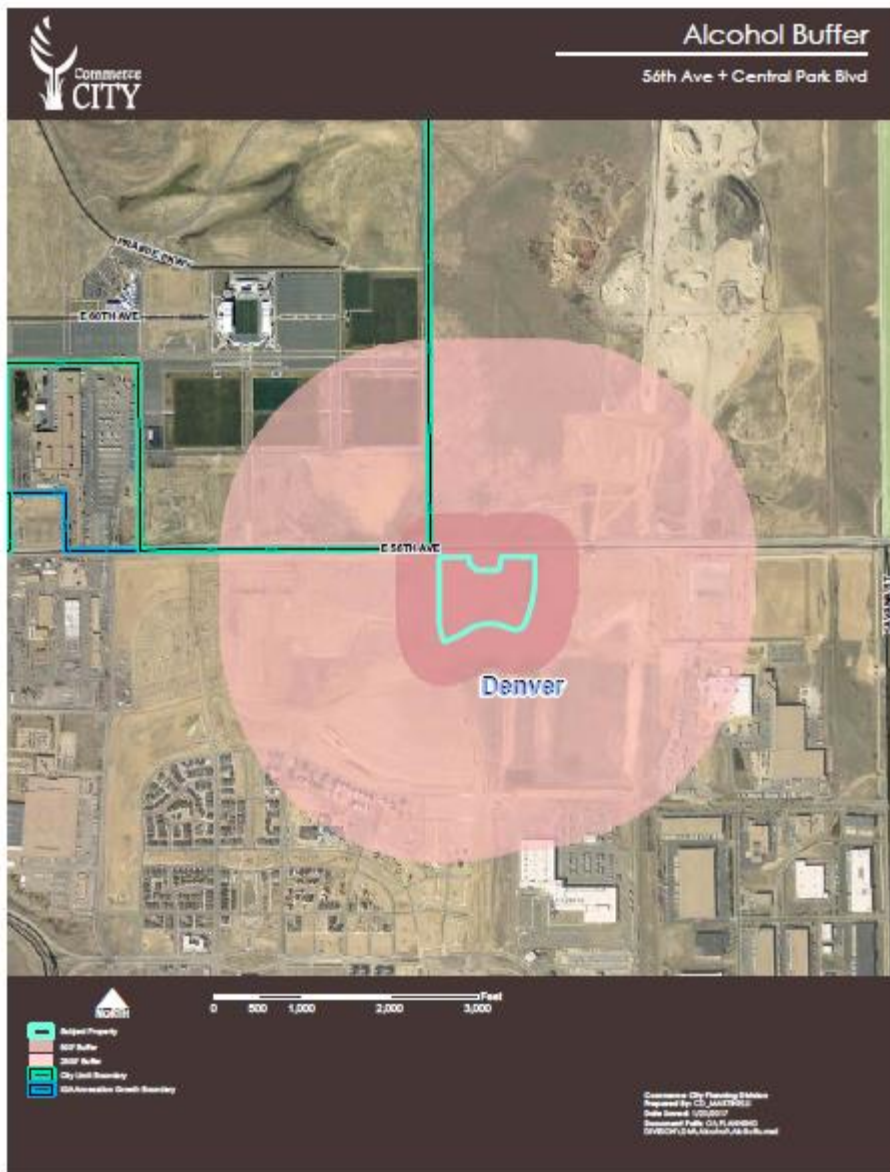
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# City Comparison Analysis

City	Municipal Code Separation from Schools/Education Facilities
Arvada	0' for Hotel & Restaurants
Aurora	0' for Hotel & Restaurants
Boulder	0' for Bed and Breakfasts
Brighton	0' for Beer & Wine and Hotel & Restaurants
Colorado Springs	0' for Hotel and Restaurants
Commerce City	500'
Greeley	0'
Lakewood	Under Review
Longmont	0' for Beer Pubs and Hotel and Restaurants
Loveland	500'
Parker	0'
Thornton	500'
Westminster	0'

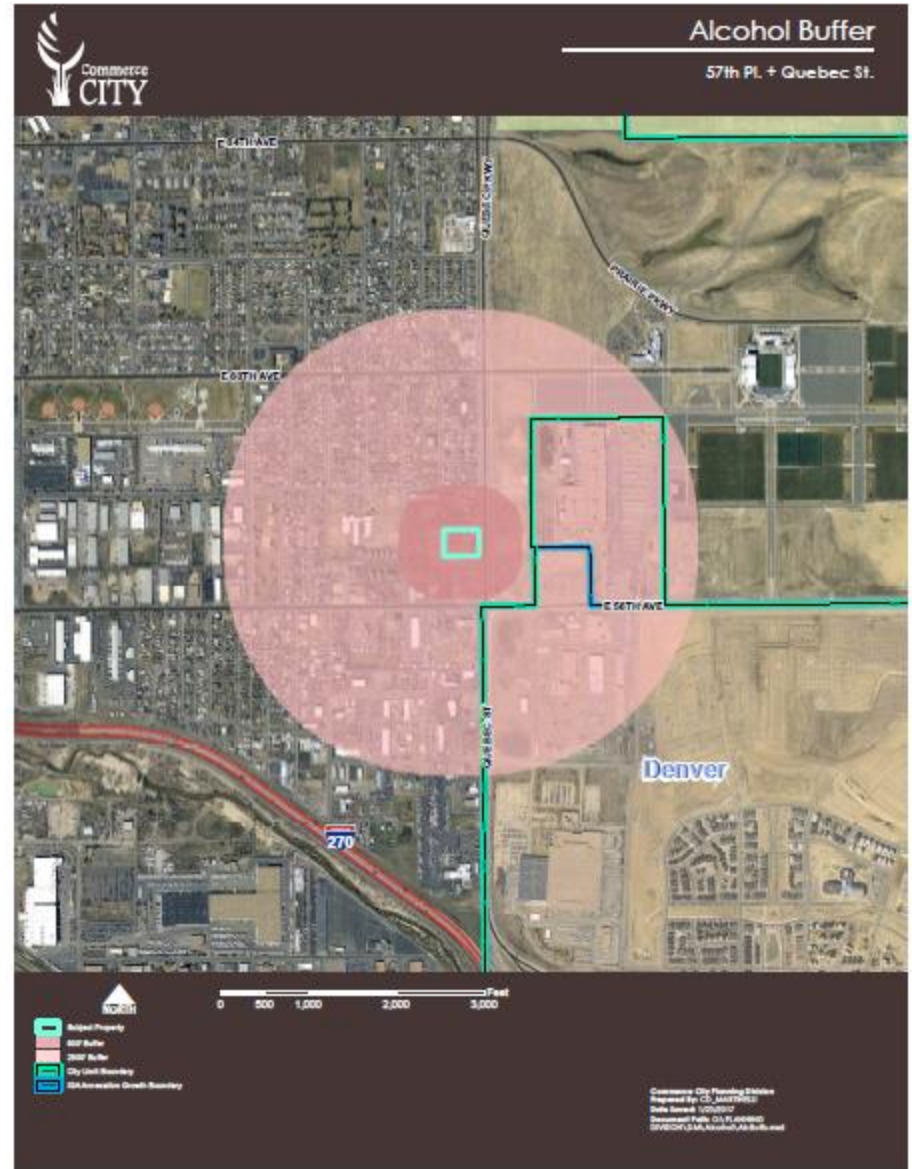
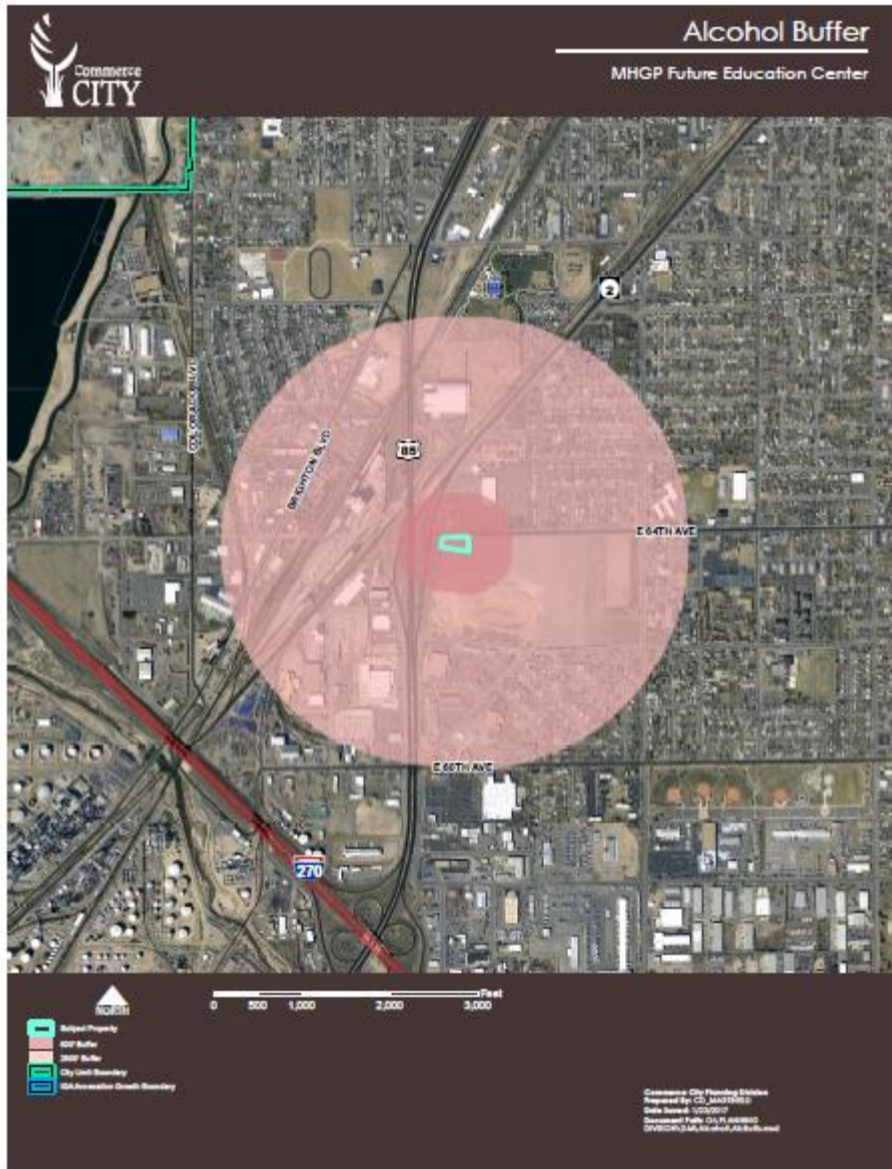


# Data/Analysis





# Data/Analysis





# Options for Council and Next Steps

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# Options for Council

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- Options for City Council for consideration:
  1. Eliminate separation requirements for:
    - a) taverns,
    - b) beer and wine establishments, and
    - c) liquor stores from LDC.
  2. Eliminate the statutory 500' distance restriction between schools and liquor licensed establishments with the exception of liquor stores and taverns.

NOTE: If feedback is given to move forward with regulations, an additional study session with council would occur to discuss draft regulations.



# Questions and Discussion

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