

MEETING DATE/TYPE: VOTING MEETING 9-12-17

DEPARTMENT: City Clerk

AGENDA ITEM: Public Hearing and consideration for a new liquor license application for a Series 10 Beer & Wine liquor license from Kim Kenneth Kwiatkowski, applicant, for Circle K Store Inc., DBA Circle K Store #9525 Location: 124 S. Granite Street.

Approved By: Michael Lamar, City Manager

Kim Kenneth Kwiatkowski has applied for a new Series 10 Beer & Wine liquor license for Circle K Store Inc. DBA Circle K Store #9525.

License	Circle K Store Inc. DBA Circle K Store #9525 940 Willow Creek Road
Applicant	Kim Kenneth Kwiatkowski
City Application No.	17-305
State Application No.	10133318
Sixty Day Processing Deadline	October 3, 2017

Staff Recommendation

Police Department	In Compliance
Community Development	Building Permits have not been pulled. Will be building a new structure.
Business & Sales Tax Licensing	In Compliance
Public Comments Received	None

NOTE: State law provides that for a new license application, “In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires that the best interest of the community will be substantially served by the issuance of a license. “(A.R.S. §4-201)

Background

The application presented for consideration has complied with each of the following requirements.

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1. The application has been filed with the State Liquor Department and released to the City for additional processing.
2. The City application fee, set by Section 4-7-3 of the Prescott City Code, has been paid.
3. The application has been posted at the proposed location for the required twenty days and statements of opposition or statements of support received by the City Clerk are attached.
4. The Police Department has reviewed the application according to State law, which precludes issuance of a license to any person who: (1) Within one year has violated any provision of a liquor license or had a liquor license revoked; or (b) Within five years of the date of application has been convicted of a felony involving moral turpitude.
5. The Community Development Department has reviewed the application to determine whether zoning is proper.
6. The Finance Department has reviewed the application to determine any delinquent tax information.

Public Hearing and Action Procedure

The City Council's recommendation of approval, disapproval or no recommendation will be forwarded to the Department of Liquor Licenses and Control ("Department") for their consideration.

Recommendation of Approval

If the City Council recommendation is for approval, no hearing is required unless the Director of the Department, the State Liquor Board ("Board"), or any aggrieved party, requests a hearing on the grounds that the public convenience and the best interest of the community will not be substantially served if a license is issued. If no hearing is requested, the Director may approve the license.

Recommendation of Disapproval

If the City Council recommendation is for disapproval of an application, a statement of the specific reasons along with a summary of the testimony or other evidence supporting the recommendation for disapproval is required to be attached to the order of disapproval and submitted to the Director, after which a public hearing will be held.

No Recommendation

If the City Council makes no recommendation, the Director may cancel the hearing and issue the license unless the Board or any aggrieved party protests and requests a hearing. If the reason for the protest is clearly removed or deemed satisfied by the Director, the Board shall cancel the hearing and the Department may issue the license.

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Financial Impact

The application and license fees have been paid.

Attachments

1. Liquor License Series Number Definitions
2. R19-1-702

Recommended Action: **1) MOVE** to close the Public Hearing; **(2) MOVE** to approve/deny/make no recommendation for Liquor License Application No. 10133318 for a new Series 10 Beer & Wine liquor license, for Circle K Store Inc. DBA Circle K Store #9525; Location: 940 Willow Creek Road.