

CITY OF COLORADO SPRINGS LIQUOR OR 3.2% FERMENTED MALT BEVERAGE APPLICATION

NEW LICENSE **TRANSFER OF OWNERSHIP**

Type of License applying for (Check One)

- | | | | | |
|--|---|---|--|-----------------------------------|
| <input type="checkbox"/> Hotel/Restaurant | <input type="checkbox"/> Hotel/Restaurant w/Optional Premises | <input type="checkbox"/> Tavern | <input checked="" type="checkbox"/> Beer & Wine | <input type="checkbox"/> Brew Pub |
| <input type="checkbox"/> Retail Liquor Store | <input type="checkbox"/> 3.2% Beer On Premises | <input type="checkbox"/> 3.2% Beer Off Premises | <input type="checkbox"/> 3.2% Beer On and Off Premises | |
| <input type="checkbox"/> Drugstore | <input type="checkbox"/> Racetrack | <input type="checkbox"/> Optional Premises | <input type="checkbox"/> Club | <input type="checkbox"/> Vinters |

APPLICANT INFORMATION

Name of Applicant: R&B Restaurants, LLC	Property Tax Schedule No. : 6323216026
Trade Name (DBA): Dickey's Barbecue Pit	Business Telephone: 719-593-5039
Address of Premises: 4146 Austin Bluffs Parkway	Alternate Telephone: 719-488-3942

IF THIS IS A TRANSFER OF AN EXISTING LICENSE – THE FOLLOWING MUST BE ANSWERED:			
Present trade name of establishment (dba)	Present State License No.	Present Class of License	Present Expiration Date
N/A	N/A	N/A	N/A

If the applicant is: a Corporation, Limited Liability Company, Partnership or Association, list all officers, directors, general partners and managing members, position held and percentage owned.		
NAME	POSITION HELD	%OWNED
Robert C. Rusnak	Member	50
Barbara J. Rusnak	Member	50

FINANCIAL INFORMATION

TOTAL INVESTMENT IN BUSINESS (include purchase, start up, inventory)	\$10,000	
Source(s) of funds invested (provide names, banks, and indicate checking, savings, loan, promissory note, gift or other).		
THE FOLLOWING INFORMATION MUST REFLECT THE SOLE SOURCE OF FUNDS INVESTED. NO OTHER PERSON OR PARTIES MAY HAVE A FINANCIAL INTEREST IN THE BUSINESS FOR WHICH THIS AFFIDAVIT IS SUBMITTED.		
NAME/ADDRESS OF FUNDING SOURCE (bank(s), individual(s), et al.)	TYPE OF FUNDING SOURCE (checking, savings, loan, note, gift)	AMOUNT
R&B Restaurants, LLC 4146 Austin Bluffs Pkwy., Colorado Springs, CO 80918	Chase Business Checking	\$10,000

List applicant(s) prior experience in the sale of alcoholic beverages. Include dates and locations.			
Business Name & Address	Applicant's Name	Experience/Position	Dates
BMB Restaurants, LLC 1466 Garden of the Gods Rd., C/S, CO 80907	Robert Rusnak Barbara Rusnak	Owners	2012 - Present

THESE FORMS SHOULD NOT BE ALTERED IN ANY MANNER

Has the applicant previously been issued a liquor or beer license (include any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? yes no

If yes, identify the business and any current or former financial interest in said business including any loans to or from a licensee.

Name of Business	Address	Type/amt. of Interest
BMB Restaurants, LLC dba Dickey's Barbecue Pit	1466 Garden of the Gods Rd., C/S, CO 80907	100

PREMISES/ESTABLISHMENT

Terms of legal possession of the premises for which the application is made? own lease

If leased provide terms: Start date August 9, 2013 End date July 31, 2023

Dimensions of premises 68' X 39' Square footage 2652 sq. ft. Seating Capacity 84

Is there a patio area? yes no --- If yes, provide dimensions _____

Anticipated number of employees? 16

Will training be offered or required? yes no --- If yes, through what agency? Liquor Licensing Professionals

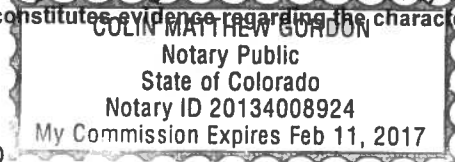
Has the applicant or manager in Colorado, or any other State (include any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation), ever:	YES	NO
Been denied an alcohol beverage license?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Had an alcohol beverage license suspended or revoked?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Had interest in another entity where an alcohol beverage license was suspended or revoked?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ever been charged or convicted of a crime, received a suspended sentence, a deferred sentence, or have charges pending? If yes, provide explanation, date(s) and location(s).	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Has the applicant ever received a violation notice, suspension, or revocation for any liquor law violation, have charges pending; or has the applicant applied for and been denied a liquor or beer license anywhere in the United States?

Yes No

If yes, provide explanation, date(s) and location(s):

I declare under the penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I understand that any falsehood or omission will jeopardize the application as such falsehood or omission constitutes evidence regarding the character of the applicant.



Robert C. Munch
Signature
Title: Managing Member

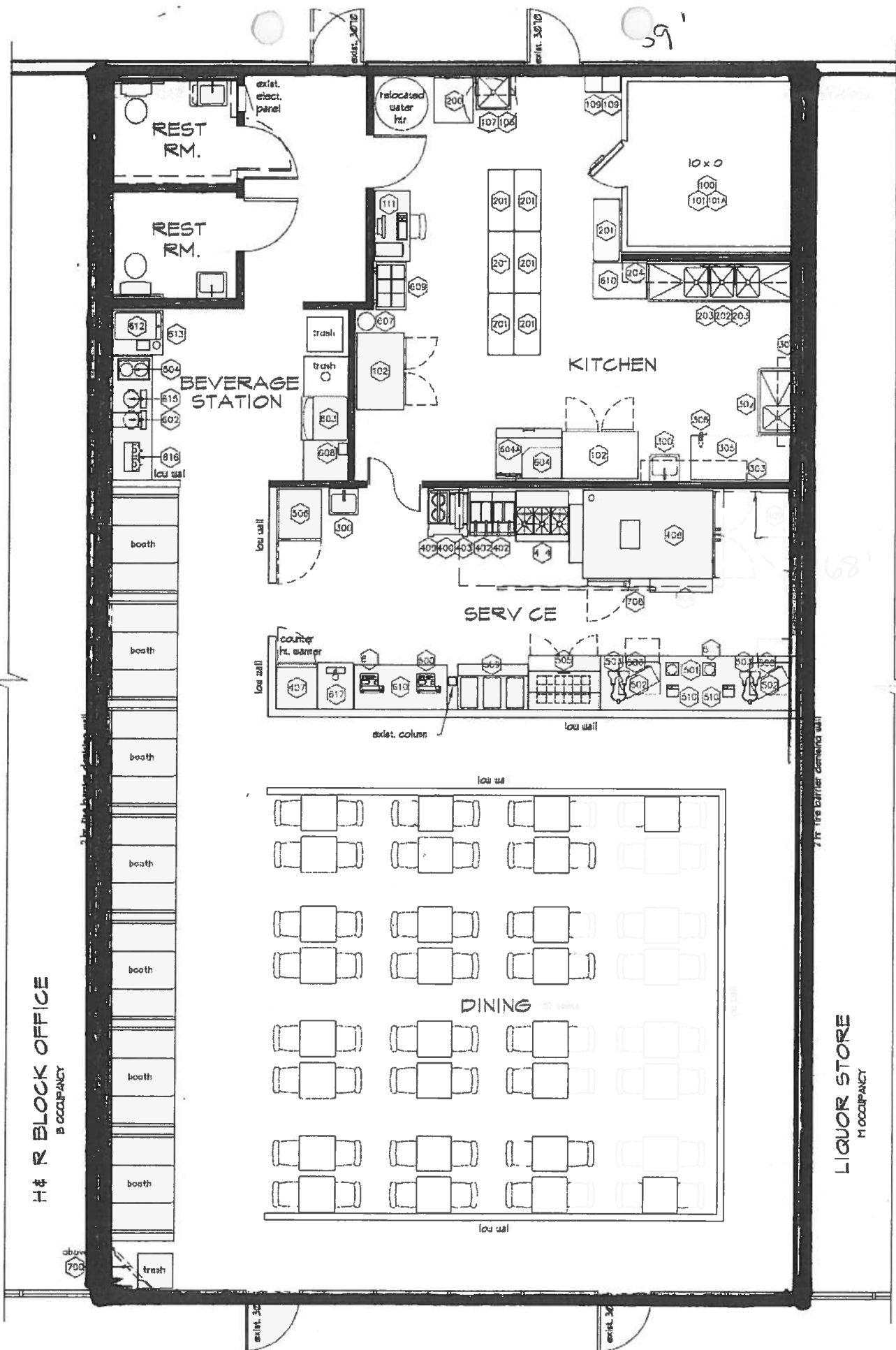
State of COLORADO
County of EL PASO

Subscribed and sworn to before me this 30th day of December, 2015.

My Commission Expires: 02/11/17

Colin Matthew Gordon
Notary Public

THESE FORMS SHOULD NOT BE ALTERED IN ANY MANNER



FLOOR PLAN

SCALE: 1/4" = 1'-0"

<p>BEFORE THE COLORADO SPRINGS LIQUOR AND BEER LICENSING BOARD CITY OF COLORADO SPRINGS, STATE OF COLORADO Address: 107 North Nevada Avenue Council Chambers, City Hall Colorado Springs, CO 80903</p>	<p>CITY CLERK'S OFFICE 2016 APR 15 A 8:13</p>
<p>IN THE MATTER OF:</p> <p>R&B Restaurants, LLC d/b/a Dickey's Barbecue Pit 4146 Austin Bluffs Parkway Colorado Springs, CO 80918 Mailing Address: 15620 Timberside Court Colorado Springs, CO 80921</p>	<p>▲ BOARD USE ONLY ▲</p>
	<p>Application No: N-30340</p>
<p>NOTICE OF HEARING AND INITIAL FINDINGS OF FACT</p>	

NOTICE OF HEARING

This matter comes before the Board for hearing on **Friday, May 6, 2016 at 9:00 A.M. in the City Council Chambers of City Hall at 107 N. Nevada Avenue** upon R&B Restaurants, LLC d/b/a Dickey's Barbecue Pit ("Applicant") application for a new Beer and Wine License at 4146 Austin Bluffs Parkway, Colorado Springs, CO 80918.

At this meeting, the Board will consider the factors outlined in Rule No. 9.08 of the Local Rules of Procedure, and it is the Applicant's burden to provide the necessary evidence to satisfy the Board.

A public notice poster has been prepared for the Applicant to pick up from the City Clerk's Office at 30 S. Nevada Avenue, Suite 101. This notice poster must be posted by the Applicant at the proposed premises in a manner that is visible and conspicuous to the public no later than **Tuesday, April 26, 2016.** Any applicable needs and desires petitions, remonstrances, and other reports or statements in writing must be filed with the City Clerk's Office by 12:00 P.M. on Tuesday, May 3, 2016.

Pursuant to C.R.S. §12-47-312 and Local Rule No. 7 the Local Licensing Authority, through the Office of the City Clerk, has conducted an investigation into Applicant's application. NOW THEREFORE these Initial Findings of Fact are presented.

INITIAL FINDINGS OF FACT

- I. Applicant's application was filed on January 26, 2016, and within a two (2) year period prior to this date, the Local Licensing Authority has not denied an application at the above referenced location for the reason that the reasonable requirements of the neighborhood were satisfied by existing outlets.
- II. Applicant will be entitled to possession of the premises for which the application is made pursuant to a lease, rental agreement, or other arrangement for possession of the premises, or by virtue of ownership thereof as evidence by the possession documents submitted by Applicant and contained in the administrative file.
- III. The location of the premises to be licensed appears to be in compliance with the Zoning Ordinances of the City of Colorado Springs as evidenced by the Land use review report submitted by the Planning and Development Department of the City of Colorado Springs.
- IV. The location of the premises to be licensed appears to be in compliance with the distance prohibition in regard to any public or parochial school or the principal campus of any college, university or seminary.
- V. The Colorado Springs Police Department has conducted a background investigation into Applicant and there are no objections to Applicant at this time.
- VI. A review of Applicant's finances did not disclose any unlawful financial assistance as prohibited in C.R.S. §12-47-308.
- VII. Applicant is not a person prohibited as a licensee pursuant to C.R.S. §12-47-307.
- VIII. Pursuant to Local Rule 6.01 neighborhood boundaries have been established, and a listing of existing licenses of a similar type that are within the established boundary area for the proposed establishment and boundary map are attached.

ON BEHALF OF THE LOCAL LICENSING AUTHORITY done April 15, 2016.

FOR THE CITY OF COLORADO
SPRINGS LIQUOR AND BEER
LICENSING BOARD



By: Sarah B. Johnson
City Clerk

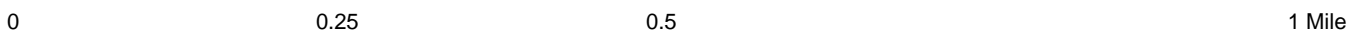
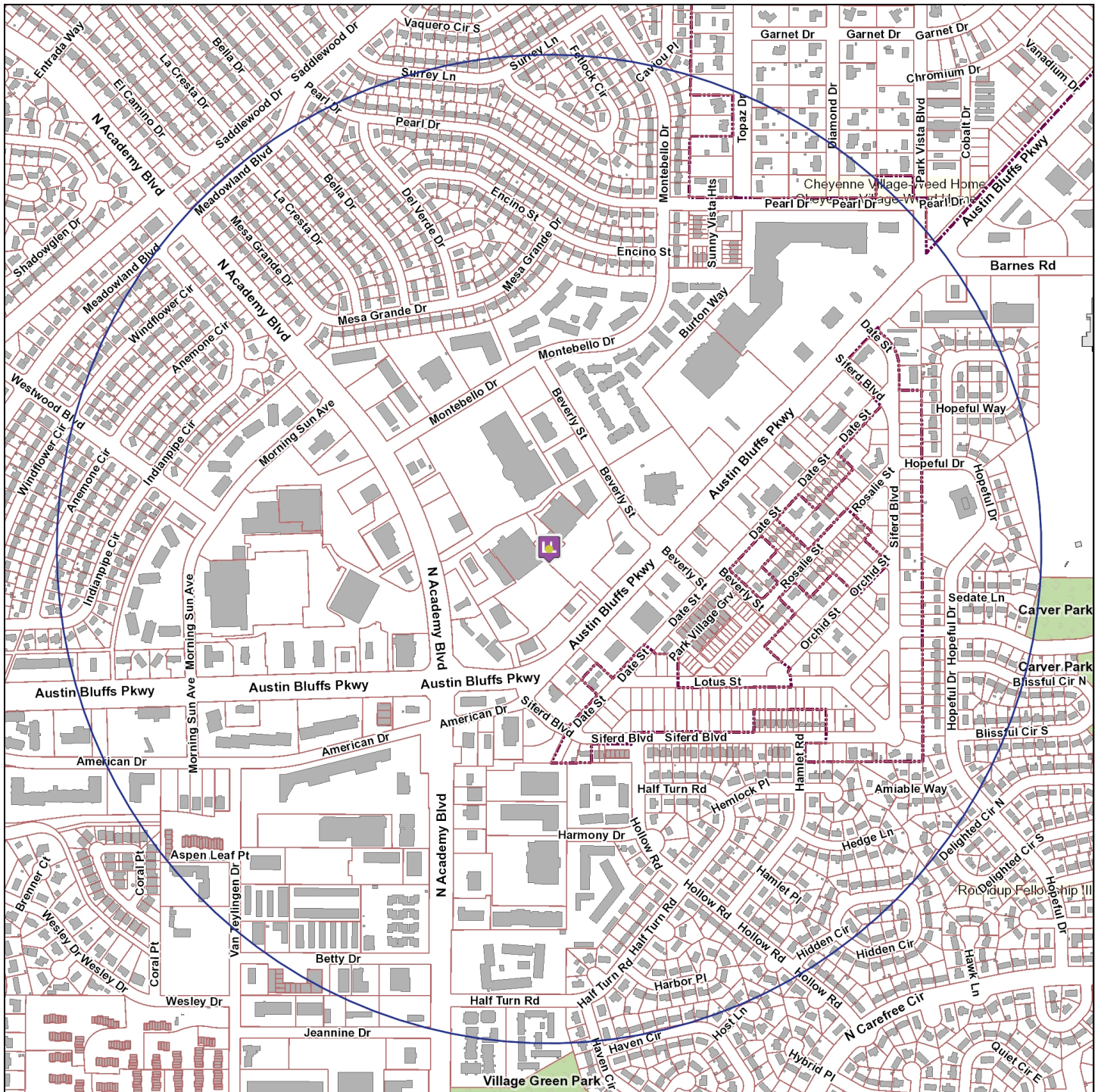
Direct questions regarding this notice and hearing to Lee McRae at 719-385-5106.

Liquor Survey Boundaries



R&B RESTAURANTS, LLC
 d/b/a DICKEY'S BARBECUE PIT
 4146 AUSTIN BLUFFS PKWY

OFFICE OF THE CITY CLERK
 License ID: 30340



The survey boundary is 0.5 miles from the establishment

Map Prepared: 4/12/2016 4:03 PM

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OFFICE OF THE CITY CLERK

HEARING LETTER ATTACHMENT

License ID: 30340

R&B RESTAURANTS, LLC
d/b/a DICKEY'S BARBECUE PIT
4146 AUSTIN BLUFFS PKWY
COLORADO SPRINGS, CO 80918

EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

<u>Business d/b/a</u>	<u>Business Address</u>	<u>License Type</u>	
1) OLD CHICAGO	4110 N ACADEMY BLVD	Hotel & Restaurant	934.50 ft
2) MIKEY'S BAR & GRILL	4348 MONTEBELLO DR	Tavern	1,122.59 ft
3) QDOBA MEXICAN GRILL #2522	3670 AUSTIN BLUFFS PKWY	Hotel & Restaurant	1,354.11 ft
4) THE JADE DRAGON	3958 N ACADEMY BLVD	Hotel & Restaurant	1,451.71 ft
5) THREE MARGARITAS	3956 N ACADEMY BLVD	Hotel & Restaurant	1,469.39 ft
6) SAN CHANG HOUSE	3659 AUSTIN BLUFFS PKWY	Hotel & Restaurant	1,483.40 ft
7) SMASHBURGER	3604 AUSTIN BLUFFS PKWY	Hotel & Restaurant	1,492.46 ft
8) HARMONY BOWL	3845 N ACADEMY BLVD	Hotel & Restaurant	1,700.93 ft
9) CLUB DEL RIO	3958 N ACADEMY BLVD	Tavern	1,705.15 ft
10) SHOTZ LAZER TAG & BILLIARDS	4474 AUSTIN BLUFFS PKWY	Tavern	1,802.47 ft
11) WILD WINGS N' THINGS	3609 AUSTIN BLUFFS PKWY	Hotel & Restaurant	1,977.61 ft
12) SONESTA ES SUITES COLORADO SPRINGS	3880 N ACADEMY BLVD	Hotel & Restaurant	2,330.72 ft

CERTIFICATE OF MAILING

I, Lee McRae, hereby certify that I have mailed a true copy of the foregoing **NOTICE OF HEARING AND INITIAL FINDINGS OF FACT** by United States mail, first class postage paid, on April 15, 2016 to the following address of record:

R&B Restaurants, LLC
dba Dickey's Barbecue Pit
15620 Timberside Court
Colorado Springs, CO 80921



Lee McRae
License Enforcement Officer
City Clerk's Office
30 S. Nevada Avenue, Suite 101
Colorado Springs, CO 80903

CC: bob@dickeyscos.com
Vince Linden (vince@lindenlawgroup.com)