


Permit Application and Report of Changes

| | | |
|--|--|---|
| Current License Number <u>03-01048</u> All Answers Must Be Printed in Black Ink or Typewritten Local License Fee \$ _____ | | |
| 1. Applicant is a <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Partnership..... <input type="checkbox"/> Limited Liability Company | | Present License Number 03-01048 |
| 2. Name of Licensee <p style="text-align: center;">Nyrca, Inc</p> | | 3. Trade Name <p style="text-align: center;">D&S Liquors</p> |
| 4. Location Address <p style="text-align: center;">2535 Delta Drive</p> | | |
| City <p style="text-align: center;">Colorado Springs</p> | County <p style="text-align: center;">El Paso</p> | ZIP <p style="text-align: center;">80910</p> |
| SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2. | | |
| Section A – Manager reg/change | | Section C |
| • License Account No. _____ <input type="checkbox"/> Manager's Registration (Hotel & Restr.).....\$75.00 <input type="checkbox"/> Manager's Registration (Tavern).....\$75.00 <input type="checkbox"/> Manager's Registration (Lodging & Entertainment).....\$75.00 <input type="checkbox"/> Change of Manager (Other Licenses pursuant to section 44-3-301(8), C.R.S.) NO FEE | | <input type="checkbox"/> Retail Warehouse Storage Permit (ea).....\$100.00 <input type="checkbox"/> Wholesale Branch House Permit (ea) 100.00 <input type="checkbox"/> Change Corp. or Trade Name Permit (ea) 50.00 <input checked="" type="checkbox"/> Change Location Permit (ea)..... 150.00 <input type="checkbox"/> Change, Alter or Modify Premises \$150.00 x _____ Total Fee _____ |
| Section B – Duplicate License | | |
| • Liquor License No. _____ <input type="checkbox"/> Duplicate License \$50.00 | | <input type="checkbox"/> Addition of Optional Premises to Existing H/R \$100.00 x _____ Total Fee _____ <input type="checkbox"/> Addition of Related Facility to an Existing Resort or Campus Liquor Complex \$160.00 x _____ Total Fee _____ <input type="checkbox"/> Campus Liquor Complex Designation No Fee |
| Do Not Write in This Space – For Department of Revenue Use Only | | |
| Date License Issued | License Account Number | Period |
|  | | |
| The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically. | | TOTAL AMOUNT DUE \$ _____ .00 |

Instruction Sheet

For All Sections, Complete Questions 1-4 Located on Page 1

Section A

To Register or Change Managers, check the appropriate box in section A and complete question 8 on page 4. Proceed to the Oath of Applicant for signature. Submit to State Licensing Authority for approval.

Section B

For a Duplicate license, be sure to include the liquor license number in section B on page 1 and proceed to page 4 for Oath of Applicant signature.


Section C

Check the appropriate box in section C and proceed below.

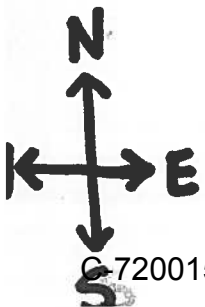
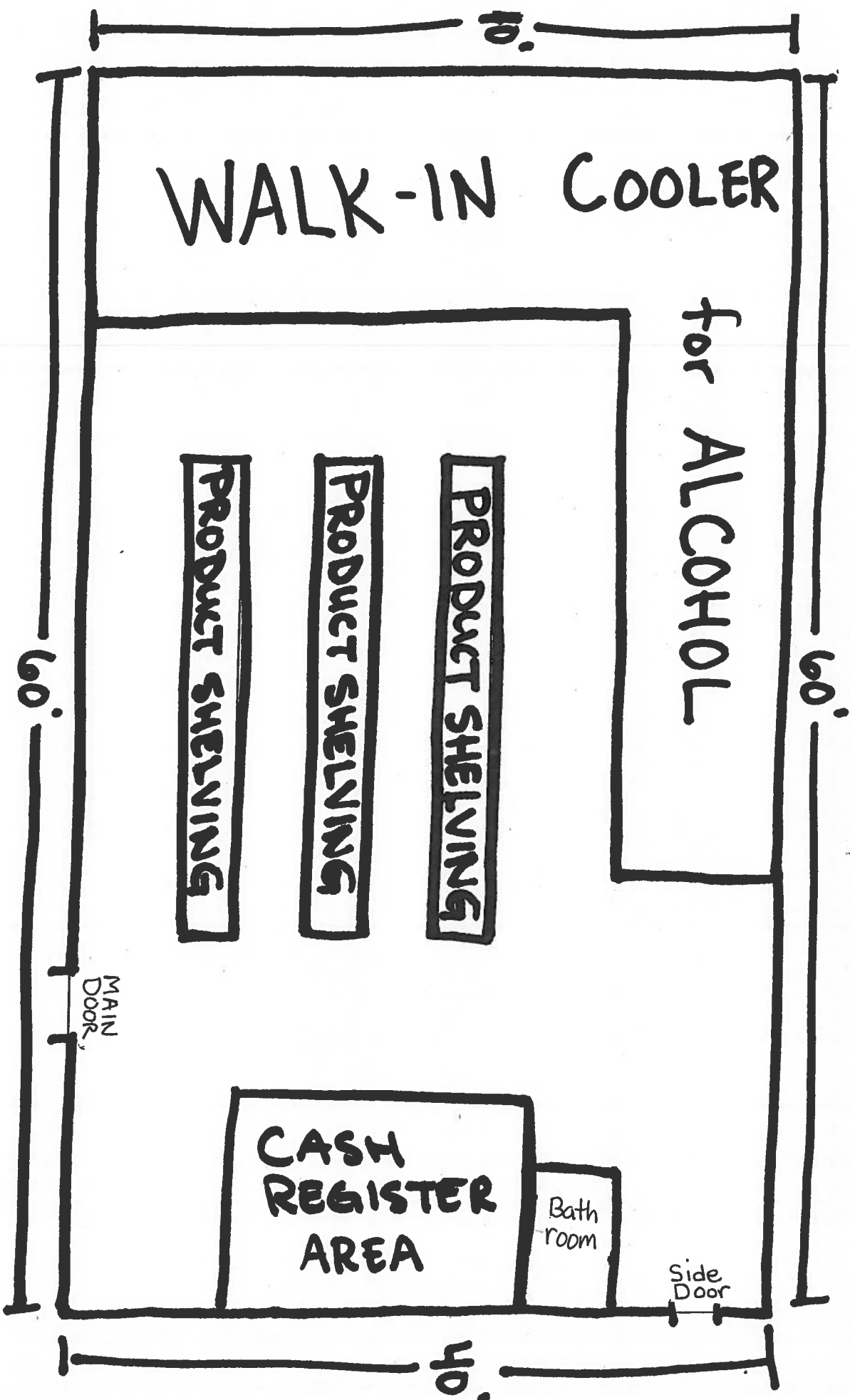
- 1) **For a Retail Warehouse Storage Permit**, go to page 3 complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature. Submit to State Licensing Authority for approval.
- 2) **For a Wholesale Branch House Permit**, go to page 3 and complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature. Submit to State Licensing Authority for approval.
- 3) **To Change Trade Name or Corporation Name**, go to page 3 and complete question 6 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 4) **To modify Premise**, go to page 4 and complete question 9. Submit the necessary information and proceed to page 4 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 5) **For Optional Premises** go to page 4 and complete question 9. Submit the necessary information and proceed to page 4 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County).
- 6) **To Change Location**, go to page 3 and complete question 7. Submit the necessary information and proceed to page 4 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 7) **Campus Liquor Complex Designation**, go to page 4 and complete question 10. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 8) **To add another Related Facility** to an existing Resort or Campus Liquor Complex, go to page 4 and complete question 11.

| | | | | | |
|--|--|----------------|----------------|--------------------|--------------------|
| Storage Permit | <p>5. Retail Warehouse Storage Permit or a Wholesalers Branch House Permit</p> <p><input type="checkbox"/> Retail Warehouse Permit for:</p> <p style="padding-left: 20px;"><input type="checkbox"/> On-Premises Licensee (Taverns, Restaurants etc.)</p> <p style="padding-left: 20px;"><input type="checkbox"/> Off-Premises Licensee (Liquor stores)</p> <p><input type="checkbox"/> Wholesalers Branch House Permit</p> <p>Address of storage premise: _____</p> <p>City _____, County _____, Zip _____</p> <p>Attach a deed/ lease or rental agreement for the storage premises. Attach a detailed diagram of the storage premises.</p> | | | | |
| Change Trade Name or Corporate Name | <p>6. Change of Trade Name or Corporation Name</p> <p><input type="checkbox"/> Change of Trade name / DBA only</p> <p><input type="checkbox"/> Corporate Name Change (Attach the following supporting documents)</p> <p style="padding-left: 20px;">1. Certificate of Amendment filed with the Secretary of State, or</p> <p style="padding-left: 20px;">2. Statement of Change filed with the Secretary of State, <u>and</u></p> <p style="padding-left: 20px;">3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">Old Trade Name</td> <td style="width:50%;">New Trade Name</td> </tr> <tr> <td>Old Corporate Name</td> <td>New Corporate Name</td> </tr> </table> | Old Trade Name | New Trade Name | Old Corporate Name | New Corporate Name |
| Old Trade Name | New Trade Name | | | | |
| Old Corporate Name | New Corporate Name | | | | |
| Change of Location | <p>7. Change of Location</p> <p>NOTE TO RETAIL LICENSEES: An application to change location has a local application fee of \$750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 44-3-311(1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held.</p> <p>Date filed with Local Authority _____ Date of Hearing _____</p> <p>(a) Address of current premises _____ 2535 Delta Drive</p> <p style="padding-left: 20px;">City <u>Colorado Springs</u> County <u>El Paso</u> Zip <u>80910</u></p> <p>(b) Address of proposed New Premises (Attach copy of the deed or lease that establishes possession of the premises by the licensee)</p> <p style="padding-left: 20px;">Address _____ 2555 Delta Drive</p> <p style="padding-left: 20px;">City <u>Colorado Springs</u> County <u>El Paso</u> Zip <u>80910</u></p> <p>(c) New mailing address if applicable.</p> <p style="padding-left: 20px;">Address _____ 2555 Delta Drive</p> <p style="padding-left: 20px;">City <u>Colorado Springs</u> County <u>El Paso</u> State <u>CO</u> Zip <u>80910</u></p> <p>(d) Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.</p> | | | | |

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| Change of Manager | <p>8. Change of Manager or to Register the Manager of a Tavern, Hotel and Restaurant, Lodging & Entertainment liquor license or licenses pursuant to section 44-3-301(8).</p> <p>(a) Change of Manager (attach Individual History DR 8404-I H/R, Tavern and Lodging & Entertainment only) Former manager's name _____ New manager's name _____</p> <p>(b) Date of Employment _____</p> <p>Has manager ever managed a liquor licensed establishment? Yes <input type="checkbox"/> No <input type="checkbox"/> Does manager have a financial interest in any other liquor licensed establishment? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, give name and location of establishment _____</p> |
| Modify Premises or Addition of Optional Premises or Related Facility | <p>9. Modification of Premises, Addition of an Optional Premises, or Addition of Related Facility</p> <p>NOTE: Licensees may not modify or add to their licensed premises until approved by state and local authorities.</p> <p>(a) Describe change proposed _____</p> <p>_____</p> <p>_____</p> <p>(b) If the modification is temporary, when will the proposed change: Start _____ (mo/day/year) End _____ (mo/day/year)</p> <p>NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS \$300.00</p> <p>(c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary? (If yes, explain in detail and describe any exemptions that apply) Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(d) Is the proposed change in compliance with local building and zoning laws? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(e) If this modification is for an additional Hotel and Restaurant Optional Premises has the local authority authorized by resolution or ordinance the issuance of optional premises? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises.</p> <p>(g) Attach any existing lease that is revised due to the modification.</p> |
| Campus Liquor Complex Designation | <p>10. Campus Liquor Complex Designation</p> <p>An institution of higher education or a person who contracts with the institution to provide food services</p> <p>(a) I wish to designate my existing _____ Liquor License # _____ to a Campus Liquor Complex Yes <input type="checkbox"/> No <input type="checkbox"/></p> |
| Additional Related Facility | <p>11. Additional Related Facility</p> <p>To add a Related Facility to an existing Resort or Campus Liquor Complex, include the name of the Related Facility and include the address and an outlined drawing of the Related Facility Premises.</p> <p>(a) Address of Related Facility _____</p> <p>(b) Outlined diagram provided Yes <input type="checkbox"/> No <input type="checkbox"/></p> |

| | | |
|---|-------------------------------------|---------------------------------|
| Oath of Applicant | | |
| I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge | | |
| Signature  | Title President Owner | Date 6/8/19 |
| Report and Approval of LOCAL Licensing Authority (CITY / COUNTY) | | |
| The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 44, Articles 4 and 3, C.R.S., as amended. Therefore, This Application is Approved. | | |
| Local Licensing Authority (City or County) | | Date filed with Local Authority |
| Signature | Title | Date |
| Report of STATE Licensing Authority | | |
| The foregoing has been examined and complies with the filing requirements of Title 44, Article 3, C.R.S., as amended. | | |
| Signature | Title | Date |

2555 DELIA DRIVE 80910



**BEFORE THE LOCAL LIQUOR AND BEER
LICENSING AUTHORITY,
CITY OF COLORADO SPRINGS,
STATE OF COLORADO**

Address: 30 South Nevada Avenue, Suite 101
Colorado Springs, CO 80903
Telephone: (719) 385-5901
Fax Number: (719) 385-5114
Email: cityclerk@springsgov.com

CITY CLERK'S OFFICE

2019 AUG 16 P 3: 27

▲ CLERK USE ONLY ▲

IN THE MATTER OF:

APPLICANT

Nyrca, Inc.
d/b/a **D & S Liquors**
2555 Delta Drive
Colorado Springs, CO 80910
Mailing Address:
2535 Delta Drive
Colorado Springs, CO 80910

Application No: C-720015

NOTICE OF POSTPONED HEARING

WHEREAS, this matter came before the Local Licensing Authority Hearing Officer for hearing on Friday, August 16, 2019 at 9:00 A.M. in Division 2, Municipal Court Building, 224 E. Kiowa Street, Colorado Springs, CO 80903 regarding an application by Nyrca, Inc. d/b/a D & S Liquors ("Applicant") for a Change of Location of its existing Retail Liquor Store License from 2535 Delta Drive to 2555 Delta Drive, Colorado Springs, CO 80910, as outlined in the Notice of Hearing and Initial Findings of Fact dated July 25, 2019, and incorporated herein by reference; and

WHEREAS, at this meeting, the Applicant requested a postponement of the new application hearing; and

WHEREAS, the Hearing Officer granted the Applicant's request for postponement, and ordered that the City Clerk reset the application hearing to the postponed date of September 6, 2019.

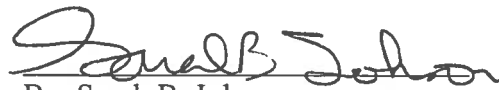
NOTICE OF POSTPONED HEARING

NOW THEREFORE, pursuant to the Hearing Officer's order and Rule Nos. 4.03 and 6.03 of the Liquor and Beer Rules and Regulations for the City of Colorado Springs ("City Rules"), **YOU ARE HEREBY NOTIFIED** that the new Application Hearing will be held by the Local Licensing Authority Hearing Officer on **Friday, September 6, 2019 at 9:00 A.M. in Division 2, Municipal Court Building, 224 E. Kiowa Street, Colorado Springs, CO 80903** regarding the Nyrca, Inc. d/b/a D & S Liquors ("Applicant") application for a Change of Location of its existing Retail Liquor Store License from 2535 Delta Drive to 2555 Delta Drive, Colorado Springs, CO 80910.

At this hearing the Hearing Officer will consider the factors outlined in Rule No. 9.08 and 15.00 of the Liquor and Beer Rules and Regulations for the City of Colorado Springs ("City Rules"), and it is the Applicant's burden to provide the necessary evidence to satisfy the Local Licensing Authority. 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, September 3, 2019.

ON BEHALF OF THE LOCAL LICENSING AUTHORITY done August 16, 2019.

FOR
THE CITY OF COLORADO SPRINGS
LOCAL LICENSING AUTHORITY



By: Sarah B. Johnson
City Clerk

Direct questions regarding this notice and hearing to Colin M. Gordon at 719-385-5107.

CERTIFICATE OF MAILING

I, Colin M. Gordon, hereby certify that I have mailed a true copy of the foregoing **NOTICE OF POSTPONED HEARING** by United States mail, first class postage paid, on August 16, 2019 to the following address of record:

Nyrca, Inc.
dba D & S Liquors
2535 Delta Drive
Colorado Springs, CO 80910



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

CC: kent@kentfreudenberglaw.com
damon@lawfirmwkc.com
nakan34@gmail.com

**BEFORE THE LOCAL LIQUOR AND BEER
LICENSING AUTHORITY,
CITY OF COLORADO SPRINGS,
STATE OF COLORADO**

Address: 30 South Nevada Avenue, Suite 101
Colorado Springs, CO 80903
Telephone: (719) 385-5901
Fax Number: (719) 385-5114
Email: cityclerk@springsgov.com

CITY CLERK'S OFFICE
2019 JUL 25 P 1:59

▲ CLERK USE ONLY ▲

IN THE MATTER OF:

APPLICANT

Nyrcaan, Inc.
d/b/a **D & S Liquors**
2555 Delta Drive
Colorado Springs, CO 80910
Mailing Address:
2535 Delta Drive
Colorado Springs, CO 80910

Application No: C-720015

NOTICE OF HEARING AND INITIAL FINDINGS OF FACT

NOTICE OF HEARING

This matter comes before the Local Licensing Authority Hearing Officer for hearing on **Friday, August 16, 2019 at 9:00 A.M. in Division 2, Municipal Court Building, 224 E. Kiowa Street, Colorado Springs, CO 80903** upon Nyrcaan, Inc. d/b/a D & S Liquors ("Applicant") application for a Change of Location of its existing Retail Liquor Store License from 2535 Delta Drive to 2555 Delta Drive, Colorado Springs, CO 80910.

At this meeting, the Hearing Officer will consider the factors outlined in Rule No. 9.08 and 15.00 of the Liquor and Beer Rules and Regulations for the City of Colorado Springs ("City Rules"), and it is the Applicant's burden to provide the necessary evidence to satisfy the Local Licensing Authority.

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, August 6, 2019. 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, August 13, 2019.

Pursuant to C.R.S. §44-3-312 and City 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 June 18, 2019, 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, pursuant to C.R.S. §44-3-313(1)(a)(I) and City Rule 7.00(A)(1).
- 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, pursuant to C.R.S. §44-3-313(1)(b) and City Rule 7.00(A)(2).
- 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, pursuant to C.R.S. §44-3-313(1)(c) and City Rule 7.00(A)(3).
- 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, pursuant to C.R.S. §44-3-313(1)(d) and City Rule 7.00(A)(4).
- V. Pursuant to C.R.S. §44-3-301(9)(a)(I)(C), this location is not within 1500 feet of another licensed Retail Liquor Store.

ON BEHALF OF THE LOCAL LICENSING AUTHORITY done July 25, 2019.

FOR
THE CITY OF COLORADO SPRINGS
LOCAL LICENSING AUTHORITY



By: Sarah B. Johnson
City Clerk

Direct questions regarding this notice and hearing to Colin M. Gordon at 719-385-5107.

Liquor Survey Boundaries



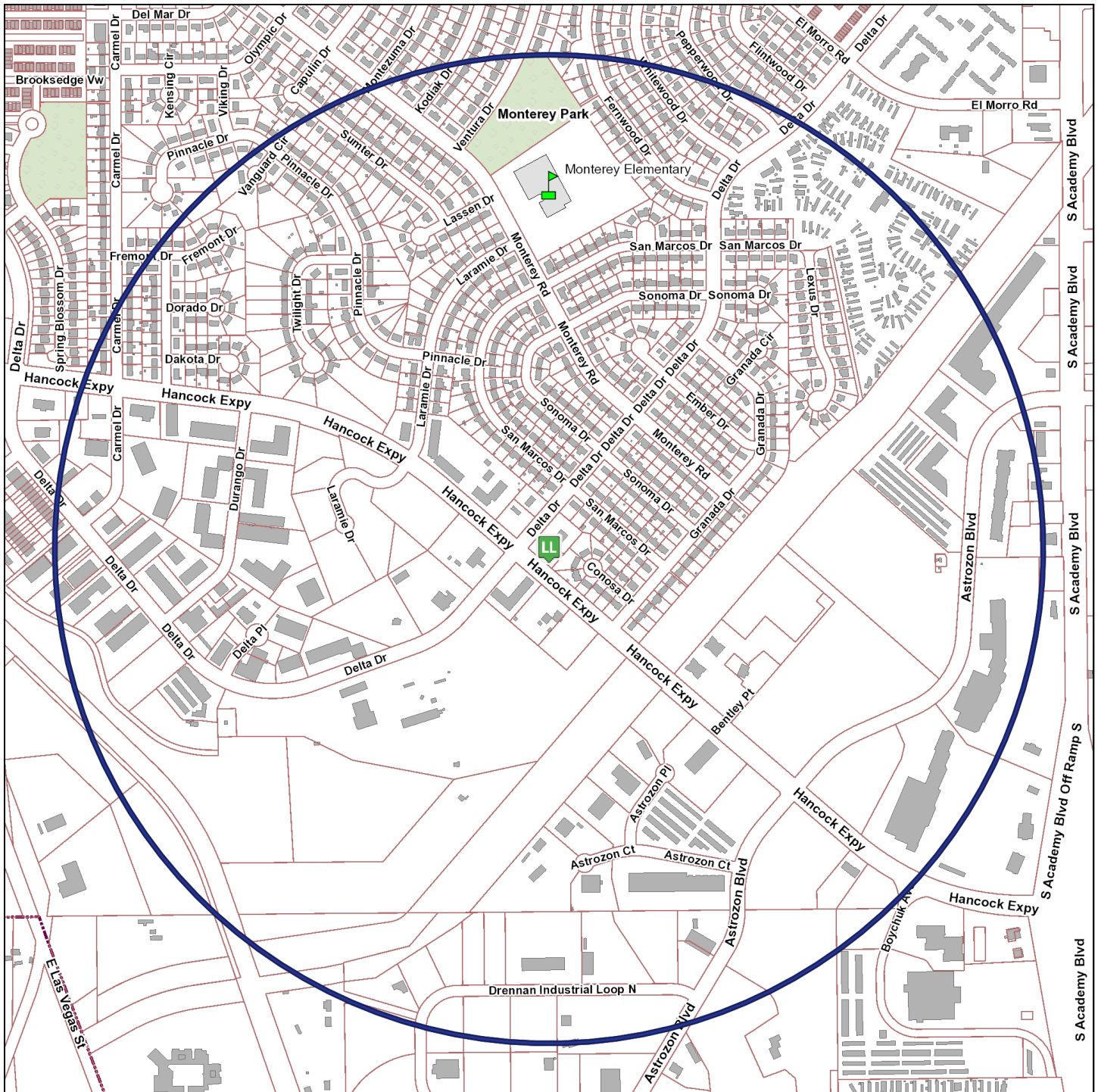
NYRCAN INC.

d/b/a D & S LIQUORS

2555 DELTA DR

OFFICE OF THE CITY CLERK

License ID: 26273



The survey boundary is 0.5 miles from the establishment

Map Prepared: 7/25/2019 9:32 AM

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OFFICE OF THE CITY CLERK

HEARING LETTER ATTACHMENT

License ID: 26273

NYRCAN INC.

d/b/a D & S LIQUORS

2555 DELTA DR

COLORADO SPRINGS, CO 80910

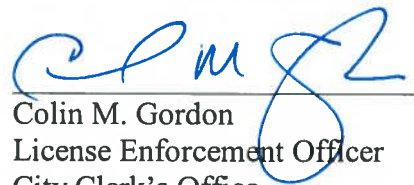
EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

| <u>Business d/b/a</u> | <u>Business Address</u> | <u>License Type</u> | |
|-----------------------|-------------------------|--------------------------------------|-------------|
| 1) KING SOOPERS #103 | 2910 S ACADEMY BLVD | Fermented Malt Beverage Off Premises | 2,397.16 ft |
| 2) LK LIQUORS | 2850 S ACADEMY BLVD | Retail Liquor Store | 2,420.81 ft |

CERTIFICATE OF MAILING

I, Colin M. Gordon, 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 July 29, 2019 to the following address of record:

Nyrca, Inc.
d/b/a D & S Liquors
2535 Delta Drive
Colorado Springs, CO 80910



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

CC: kent@kentfreudenbergglaw.com
nakan34@gmail.com