



APPROVED

OFFICE OF THE CITY CLERK

Received: CITY CLERK'S OFFICE 2021 JAN 20 A 9:42

LIQUOR LICENSE OR FERMENTED MALT BEVERAGE LICENSE (ALCOHOL BEVERAGE) APPLICATION

It shall be unlawful for any person to knowingly make any false statement or omit any pertinent information on any application for a license. In the event any person knowingly makes any false statement or omits any pertinent information on any application, that act or omission shall, in addition to all other remedies, be grounds for denial of the license or for suspension or revocation of any license issued upon the basis of the false statement. City Code §2.1.404.

THIS APPLICATION MUST BE FULLY COMPLETE, WITH APPLICABLE FEES AND ALL REQUIRED ATTACHMENTS. Return fully completed applications to the City Clerk's Office, 30 S. Nevada Avenue, Suite 101, 80903.

[X] NEW LICENSE [ ] TRANSFER OF OWNERSHIP

Type of License applying for (Check One)

- Hotel/Restaurant (includes Resort & Campus Complex)
Brew Pub
Optional Premises
Arts
Distillery Pub
Retail Liquor Store\*
Lodging & Entertainment
Hotel/Restaurant w/Optional
Vintner's Restaurant
Liquor Licensed Drugstore\*
FMB (Beer) On Premises
Tavern
Beer and Wine
Racetrack
FMB (Beer) Off Premises

\* New Retail Liquor Store (RLS) and Liquor Licensed Drugstore (LLD) applications may not be within 1500' of an existing RLS or LLD location.

Section A: APPLICANT/LICENSEE INFORMATION

1. Name of Applicant/Licensee (list Corporation/LLC/Partnership/Association/Sole Proprietor): Cheba Hut Investment Company Inc.
2. Trade Name (DBA): Cheba Hut
3. Premises Address: 5697 Barnes Rd., Colorado Springs, CO 80922
Location Phone: To be Assigned
Property Tax Schedule No.: 6325113016
Zoning: PBC/CR AO
4. Mailing Address: PO Box 12259, Denver, CO 80212
Alt Phone: 1-970-286-2953
Primary Contact Name And Title: David Timmons, Majority Shareholder & Officer
Email: David.Timmons@chebahut.com

Table with 4 columns: Present trade name of establishment (dba), Present State License No., Present Class of License, Present Expiration Date. All cells contain N/A.

6. 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. Attach supplemental pages as needed. \*\*NOTE: ATTACH ONE AFFIRMATION AND CONSENT (page 3), and ONE APPLICANT INTERVIEW (page 4), FOR EACH NAME LISTED.

Table with 3 columns: NAME, POSITION HELD, %OWNED. Rows include David Timmons (75%), Marc Torres (20%), and Kyle Archer (5%).

**Section B: FINANCIAL INFORMATION**

7. Source(s) of funds invested for total purchase, startup, and inventory costs (provide names, banks, and indicate checking, savings, loan, promissory note, gift or other). Attach supplemental pages as needed.

THE FOLLOWING INFORMATION MUST REFLECT THE ENTIRE SOURCE OF FUNDS INVESTED. NO OTHER PERSON OR PARTIES MAY HAVE A FINANCIAL INTEREST IN THE BUSINESS FOR WHICH THIS APPLICATION IS SUBMITTED.

NAME/ADDRESS OF FUNDING SOURCE (bank(s), individual(s), et al.)	FUNDING SOURCE (checking/savings/ loan/ note/ gift)	AMOUNT
Cheba Hut Investment Company Inc. 2611 E. 7th Ave. Pkwy., Denver, CO 80206	Checking -- 1st Bank of Colorado	400,000
N/A		
N/A		
<b>TOTAL INVESTMENT IN BUSINESS:</b>		<b>\$ 400,000</b>

**Section C: PREMISES / LOCATION INFORMATION**

8. Registered Manager Name: Kade Nilson

9. Terms of legal possession for which application is made:     OWN     LEASE     OTHER

If leased, provide the terms:    START DATE: 10/23/2020    END DATE: 10/22/2030

DIMENSIONS OF PREMISES: 38'-2 3/4"W by 68'-7 5/8"L    TOTAL SQUARE FOOTAGE: 2,730

Is there a patio area?     Yes     No    --- If yes, provide dimensions 23' x 28' approx 682 square feet

Anticipated number of employees: 30    Anticipated opening date: March 2021

Will training be offered or required?     Yes     No    --- If yes, through what agency? LiquorPros

**Section D: BACKGROUND INFORMATION**

10. Has the applicant/licensee, any partners, any officers, any stockholders or directors, or any manager of said applicant previously been issued an alcohol beverage license, or have a financial interest in any alcohol beverage license in Colorado?

Yes     No    IF YES, ATTACH a statement or affidavit of explanation, to identify the business and any current or former financial interest in said business including any loans to or from another license or licensee.

11. Has the applicant/licensee, any partners, any officers, any stockholders or directors, or any manager of said applicant ever received a violation notice, suspension, or revocation for any alcohol beverage license law violation, have charges pending, or been denied any alcohol beverage license anywhere in the United States?

Yes     No    IF YES, ATTACH a statement or affidavit of explanation, including date(s) and location(s).

12. Has the applicant/licensee, any partners, any officers, any stockholders or directors, or any manager of said applicant ever been convicted of any crime, received a suspended sentence, a deferred sentence, or have charges pending?

Yes     No    IF YES, ATTACH statement or affidavit of explanation, including date(s) and location(s).

13. List every individual applicant's prior experience in the sale of alcoholic beverages. Attach supplement as needed.

Business Name & Address	Applicant's Name	Experience/Position	Dates
Cheba Hut See Attached Supplement	David Timmons	See Attached Supplement	
Cheba Hut See Attached Supplement	Marc Torres	See Attached Supplement	
Cheba Hut Ft Collins CO	Kyle Archer	Shareholder	09-01-2020

12-15-2020

**Supplement to: Colorado Springs Liquor License or Fermented Malt Beverage License (Alcohol Beverage) Application**

**Question #:**

**10. Has the applicant/licensee, any partners, any officers, any stockholders or directors, or any manager of said applicant previously been issued an alcohol beverage license, or have a financial interest in any alcohol beverage license in Colorado?**

**IF YES, ATTACH a statement or affidavit of explanation, to identify the business and any current or former financial interest in said business including any loans to or from another license or licensee.**

**ANSWER: YES. The individual members of the Applicant, Cheba Hut Investment Company Inc., are David Timmons and Marc Torres. Mr. Timmons and Mr. Torres are the sole shareholders and the sole officers of the Applicant Company. Mr. Timmons and Mr. Torres hold 75% and 20% ownership interests, respectively, in all of the following listed licensed entities, including the Applicant Company.**

**Liquor Licensed Entities and Licenses in which David Timmons and Marc Torres hold current ownership interests (in the percentage interests (Timmons 75% & Flores 20%):**

**Dreamscape, LLC:**

Cheba Hut  
104 E. Laurel St.  
Fort Collins, CO 80524  
Liquor License Number: 03-07230  
Ownership Interests:  
    David Timmons:       75%  
    Marc Torres:         20%

Cheba Hut Toasted Subs  
925 S. Taft Hill Rd. Ste #6 & 7  
Fort Collins, CO. 80521  
Liquor License Number: 03-02088  
Ownership Interests:  
    David Timmons:       75%  
    Marc Torres:         20%

**Pushing Pinners, LLC:**

Cheba Hut Greeley  
1645 8<sup>th</sup> Ave.  
Greeley, CO. 80631  
Liquor License Number: 03-04612

12-15-2020

**Supplement to: Colorado Springs Liquor License or Fermented Malt Beverage License  
(Alcohol Beverage) Application**

**Question #:**

**10. Has the applicant/licensee, any partners, any officers, any stockholders or directors, or any manager of said applicant previously been issued an alcohol beverage license, or have a financial interest in any alcohol beverage license in Colorado?**

**IF YES, ATTACH a statement or affidavit of explanation, to identify the business and any current or former financial interest in said business including any loans to or from another license or licensee.**

**ANSWER: YES. The individual members of the Applicant, Cheba Hut Investment Company Inc., are David Timmons and Marc Torres. Mr. Timmons and Mr. Torres are the sole shareholders and the sole officers of the Applicant Company. Mr. Timmons and Mr. Torres hold 75% and 20% ownership interests, respectively, in all of the following listed licensed entities, including the Applicant Company.**

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Fort Collins, CO 80524  
Liquor License Number: 03-07230  
Ownership Interests:  
    David Timmons:       75%  
    Marc Torres:         20%

Cheba Hut Toasted Subs  
925 S. Taft Hill Rd. Ste #6 & 7  
Fort Collins, CO. 80521  
Liquor License Number: 03-02088  
Ownership Interests:  
    David Timmons:       75%  
    Marc Torres:         20%

**Pushing Pinders, LLC:**

Cheba Hut Greeley  
1645 8<sup>th</sup> Ave.  
Greeley, CO. 80631  
Liquor License Number: 03-04612

Ownership Interests:  
David Timmons: 75%  
Marc Torres: 20%

**Three Blunts, LLC:**

Cheba Hut  
638 E. Colfax Ave.  
Denver, CO. 80203  
Liquor License Number: 03-04136  
Ownership Interests:  
David Timmons: 75%  
Marc Torres: 20%

**Cheba Hut Investment Company, Inc.:**

Cheba Hut Colorado Blvd  
745 Colorado Blvd.  
Denver, CO. 80206  
Liquor License Number: 03-06161  
Ownership Interests:  
David Timmons: 75%  
Marc Torres: 20%

Cheba Hut Dillon  
265 Dillon Ridge Rd. Unit D  
Dillon, CO. 80435  
Liquor License Number: 03-06996  
Ownership Interests:  
David Timmons: 75%  
Marc Torres: 20%

Cheba Hut Longmont  
635 Main St.  
Longmont, CO. 80501  
Liquor License Number: 03-07594  
Ownership Interests:  
David Timmons: 75%  
Marc Torres: 20%

Cheba Hut Stapleton  
3990 Central Park Blvd. Ste #110  
Denver, CO. 80238  
Liquor License Number: 03-10678  
Ownership Interests:  
David Timmons: 75%  
Marc Torres: 20%

Cheba Hut  
4948 Thompson Parkway  
Johnstown, CO 80534  
License No. 03-11849  
Ownership Interests:  
    David Timmons: 75%  
    Marc Torres: 20%

Cheba Hut  
3171 North Chestnut Street  
Colorado Springs, CO 80907  
License No. 03-11768  
Ownership Interests:  
    David Timmons: 75%  
    Marc Torres: 20%

Cheba Hut  
4245 West Colfax Ave  
Denver, CO 80204  
License No. 03-12422  
Ownership Interests:  
    David Timmons: 75%  
    Marc Torres: 20%

Cheba Hut  
1531 Champa St.  
Denver, CO  
License No. 03-12125  
Ownership Interests:  
    David Timmons: 75%  
    Marc Torres: 20%

Cheba Hut  
4239 Centerplace Dr. Unit 1 H  
Greeley, CO 80634  
Liquor License No.: 03-12893  
Ownership Interests:  
    David Timmons: 75%  
    Marc Torres: 20%

**12. Has the applicant/licensee, any partners, any officers, any stockholders or directors, or any manager of said applicant ever been convicted of any crime, received a suspended sentence, a deferred sentence, or have charges pending?  
IF YES, ATTACH statement or affidavit of explanation, including date(s) and location(s).**

**ANSWER:**

Neither the Applicant/licensee, or any partners, officers, stockholders or directors have ever been convicted of any crime, received a suspended sentence, deferred sentence, or have charges pending. However, for purposes of full disclosure, David Timmons, as an owner of Three Blunts, LLC, which operates under the tradename Cheba Hut at 638 East Colfax Ave., Denver, CO 80203, was served with a violation notice to show cause and a citation on or about 4/20/2018 alleging that patrons were smoking marijuana on the outdoor deck. The Company was ordered to pay a fine. No liquor suspension was given. David Timmons received a deferred prosecution for the citation. A deferred prosecution does not rise to the level of any of the conduct set forth in the question above, but is disclosed here for purposes of full disclosure and clarity. The deferred prosecution has expired and the case matter is closed.

**13. List every individual applicant's prior experience in the sale of alcoholic beverages. Attach supplement as needed.**

**ANSWER:**

**DAVID TIMMONS HOLDS A 75% OWNERSHIP INTERESTS IN THE FOLLOWING ENTITIES/LICENSES:**

**Dreamscape, LLC:**

Cheba Hut  
104 E. Laurel St.  
Fort Collins, CO 80524  
Liquor License Number: 03-07230

Cheba Hut Toasted Subs  
925 S. Taft Hill Rd. Ste #6 & 7  
Fort Collins, CO. 80521  
Liquor License Number: 03-02088

**Pushing Pinders, LLC:**

Cheba Hut Greeley  
1645 8<sup>th</sup> Ave.  
Greeley, CO. 80631  
Liquor License Number: 03-04612

**Three Blunts, LLC:**

Cheba Hut  
638 E. Colfax Ave.  
Denver, CO. 80203  
Liquor License Number: 03-04136

**Cheba Hut Investment Company, Inc.:**

Cheba Hut Colorado Blvd  
745 Colorado Blvd.  
Denver, CO. 80206  
Liquor License Number: 03-06161

Cheba Hut Dillon  
265 Dillon Ridge Rd. Unit D  
Dillon, CO. 80435  
Liquor License Number: 03-06996

Cheba Hut Longmont  
635 Main St.  
Longmont, CO. 80501  
Liquor License Number: 03-07594

Cheba Hut Stapleton  
3990 Central Park Blvd. Ste #110  
Denver, CO. 80238  
Liquor License Number: 03-10678

Cheba Hut  
4948 Thompson Parkway  
Johnstown, CO 80534  
License No. 03-11849

Cheba Hut  
3171 North Chestnut Street  
Colorado Springs, CO 80907  
License No. 03-11768

Cheba Hut  
4245 West Colfax Ave  
Denver, CO 80204  
License No. 03-12422

Cheba Hut  
1531 Champa St.  
Denver, CO  
License No. 03-12125

Cheba Hut  
4239 Centerplace Dr. Unit 1 H  
Greeley, CO 80634  
Liquor License No.: 03-12893

**MARC TORRES HOLDS A 20% OWNERSHIP INTERESTS IN THE FOLLOWING ENTITIES/LICENSES:**

**Dreamscape, LLC:**

Cheba Hut  
104 E. Laurel St.  
Fort Collins, CO 80524  
Liquor License Number: 03-07230

Cheba Hut Toasted Subs  
925 S. Taft Hill Rd. Ste #6 & 7  
Fort Collins, CO. 80521  
Liquor License Number: 03-02088

**Pushing Pinders, LLC:**

Cheba Hut Greeley  
1645 8<sup>th</sup> Ave.  
Greeley, CO. 80631  
Liquor License Number: 03-04612

**Three Blunts, LLC:**

Cheba Hut  
638 E. Colfax Ave.  
Denver, CO. 80203  
Liquor License Number: 03-04136  
Ownership Interests:

**Cheba Hut Investment Company, Inc.:**

Cheba Hut Colorado Blvd  
745 Colorado Blvd.  
Denver, CO. 80206  
Liquor License Number: 03-06161

Cheba Hut Dillon  
265 Dillon Ridge Rd. Unit D  
Dillon, CO. 80435  
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635 Main St.  
Longmont, CO. 80501  
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Denver, CO. 80238  
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License No. 03-12125

Cheba Hut  
4239 Centerplace Dr. Unit 1 H  
Greeley, CO 80634  
Liquor License No.: 03-12893

BEER STORAGE

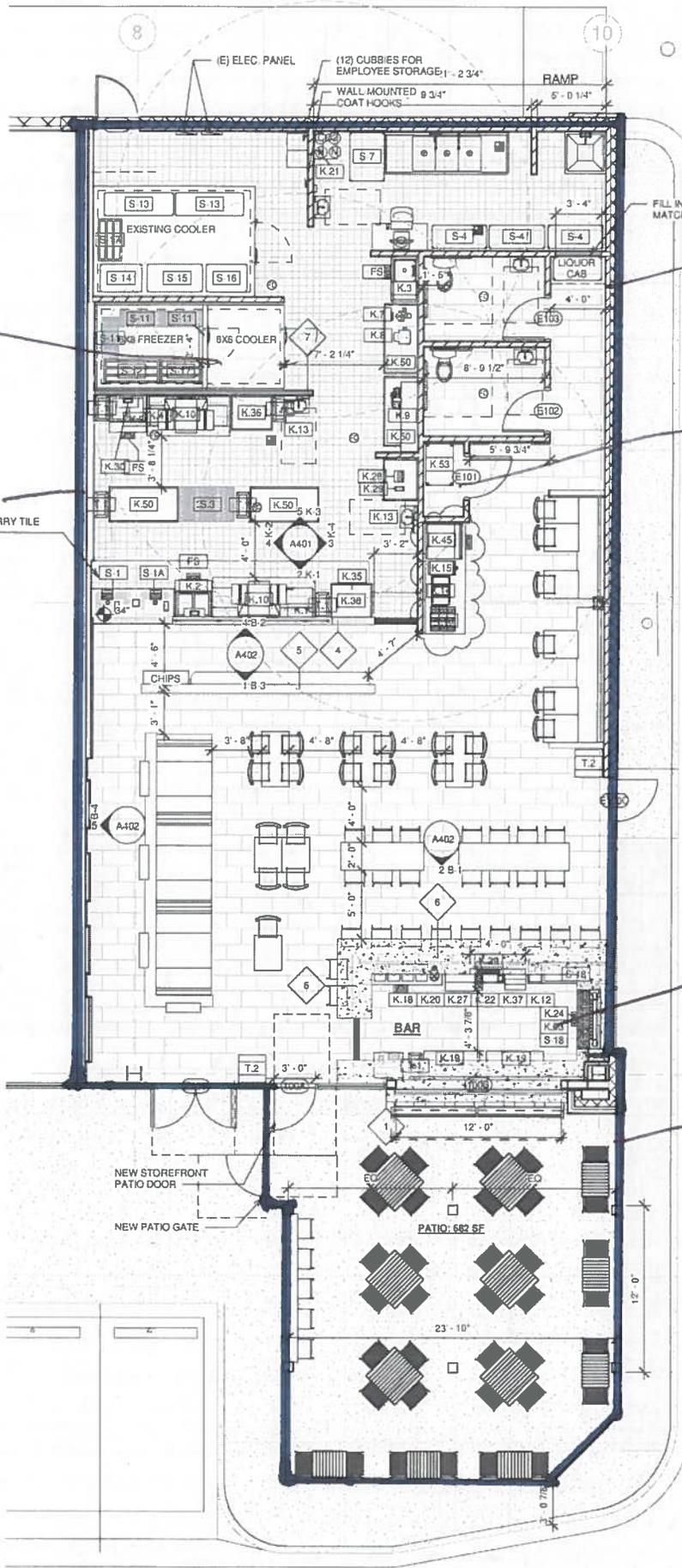
KITCHEN

LIQUOR STORAGE

LIQUOR STORAGE

LIQUOR STORAGE

OUTDOOR



-90 SF QUARRY TILE ADDITION

2 PRELIM PLAN  
3/16" = 1'-0"

KOCHICOVOTOS ARCHITECTS, PC

3457 RINGSBY COURT UNIT 223  
DENVER CO 80216  
303-780-7850

CHEBA HUT POWERS POINTE

CHEBA HUT  
5697 BARNES ROAD  
COLORADO SPRINGS, CO 80922

CHECKED BY CC  
DRAWN BY CC  
ISSUED FOR CONSTRUCTION 11-30-20

No	Description	Date
1	Revision 2	Date 2

FLOOR PLAN

A102

<p><b>BEFORE THE LOCAL LIQUOR AND BEER LICENSING AUTHORITY, CITY OF COLORADO SPRINGS, STATE OF COLORADO</b></p> <p>Address: 30 South Nevada Avenue, Suite 101 Colorado Springs, CO 80903 Telephone: (719) 385-5901 Fax Number: (719) 385-5114 Email: cityclerk@springsgov.com</p>	<p>CITY CLERK'S OFFICE 2021 JAN 28 A 8:19</p> <p>▲ CLERK USE ONLY ▲</p>
<p><b>IN THE MATTER OF:</b></p> <p><b>APPLICANT</b> Cheba Hut Investment Company, Inc. d/b/a <b>Cheba Hut</b> 5697 Barnes Road Colorado Springs, CO 80922 <u>Mailing Address:</u> PO BOX 12259 Denver, CO 80212</p>	<p>Application No: N-0850442</p>
<p align="center"><b>NOTICE OF HEARING AND INITIAL FINDINGS OF FACT</b></p>	

**NOTICE OF HEARING**

This matter comes before the Local Licensing Authority Hearing Officer for hearing on **Friday, February 19, 2021 at 9:00 A.M. by virtual hearing with remote participation** upon Cheba Hut Investment Company, Inc. d/b/a Cheba Hut ("Applicant") application for a new Hotel and Restaurant Liquor License at 5697 Barnes Road, Colorado Springs, CO 80922. **Additional information related to appearance, remote participation, and public comment for this public hearing will be provided via email communication as soon as possible, but not later than Tuesday, February 16, 2021.**

At this meeting, the Hearing Officer will consider the factors outlined in Rule No. 9.08 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. Please contact the City Clerk's Office as soon as possible to make arrangements for picking up the poster. 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, February 9, 2021. 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, February 16, 2021.

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 December 18, 2020, 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. §44-3-307(1)(a)(VI), 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. §44-3-308.
- VII. Applicant is not a person prohibited as a licensee pursuant to C.R.S. §44-3-307.
- VIII. Pursuant to City 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 January 28, 2021.**

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



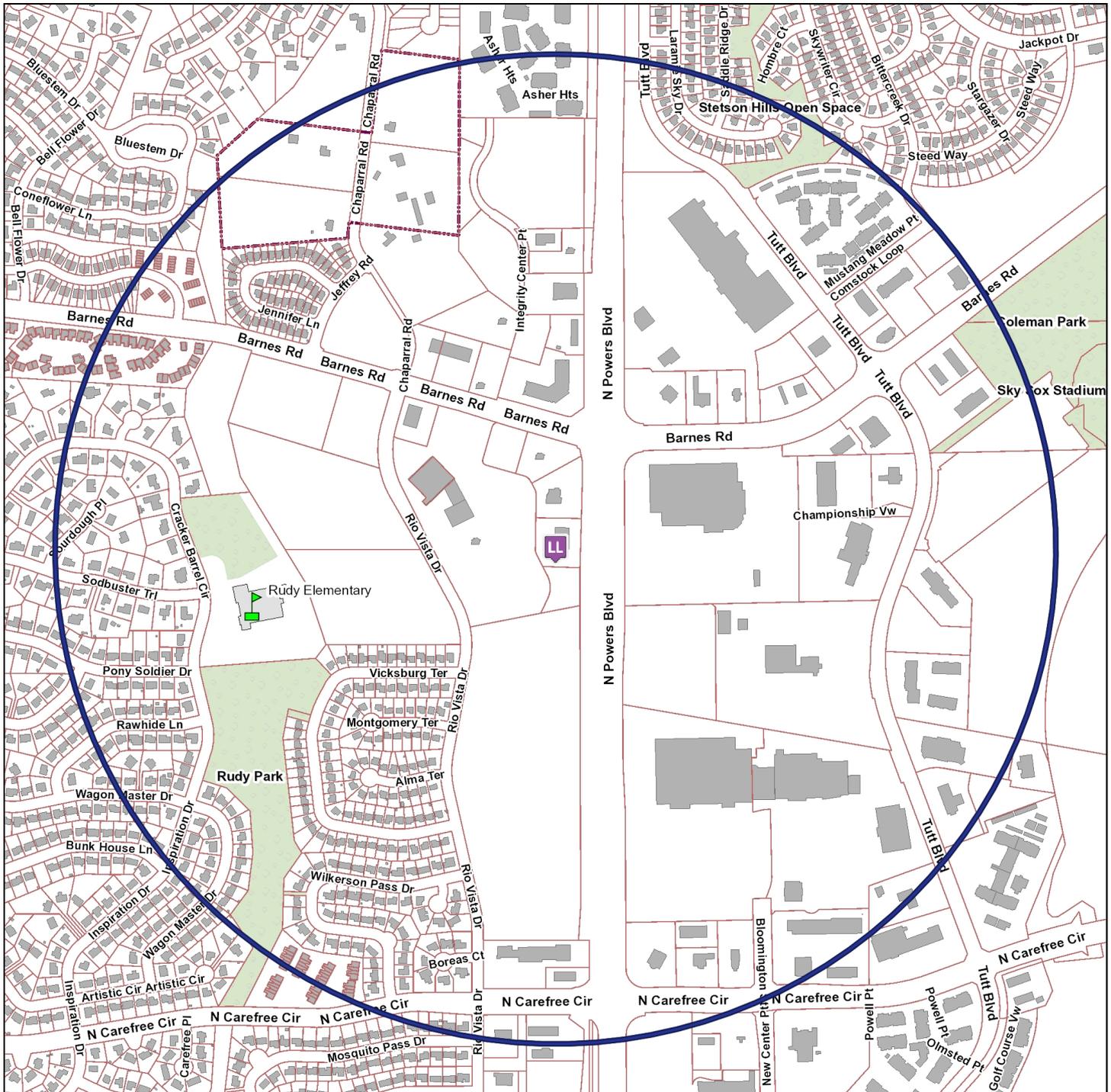
CHEBA HUT INVESTMENT COMPANY, INC.

d/b/a CHEBA HUT

5697 BARNES RD

OFFICE OF THE CITY CLERK

License ID: 0850442



The survey boundary is 0.5 miles from the establishment

Map Prepared: 1/27/2021 8:52 AM

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## OFFICE OF THE CITY CLERK

### HEARING LETTER ATTACHMENT

License ID: 0850442

CHEBA HUT INVESTMENT COMPANY, INC.

d/b/a CHEBA HUT

5697 BARNES RD

COLORADO SPRINGS, CO 80922

### EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

<u>Business d/b/a</u>	<u>Business Address</u>	<u>License Type</u>	
1) TOKYO JOE'S	5697 BARNES RD	Beer & Wine Liquor License	87.93 ft
2) PARRY'S SLICERIA & TAPS	5697 BARNES RD	Hotel & Restaurant Liquor License	101.68 ft
3) LONGHORN STEAKHOUSE #5568	5707 BARNES RD	Hotel & Restaurant Liquor License	333.21 ft
4) VILLA SALON	5627 BARNES RD	Lodging and Entertainment Liquor License	590.62 ft
5) RHINO'S SPORTS & SPIRITS	4307 INTEGRITY CENTER PT	Tavern Liquor License	876.13 ft
6) SUSHI AIKI	4359 INTEGRITY CENTER PT	Beer & Wine Liquor License	974.28 ft
7) ON THE BORDER MEXICAN GRILL & CANTINA	5832 BARNES RD	Hotel & Restaurant Liquor License	1,020.57 ft
8) CRAVE HOT DOGS AND BARBECUE	5660 BARNES RD	Beer & Wine Liquor License	1,022.67 ft
9) CHEF BOB'S LOBSTAH TRAP	5660 BARNES RD	Hotel & Restaurant Liquor License	1,063.41 ft
10) DUCA'S NEAPOLITAN PIZZA	5660 BARNES RD	Beer & Wine Liquor License	1,109.29 ft
11) FAIRFIELD INN & SUITES	4107 TUTT BLVD	Lodging and Entertainment Liquor License	1,996.56 ft
12) CLEATS BAR & GRILL	6120 BARNES RD	Hotel & Restaurant Liquor License	2,074.81 ft
13) RED ROBIN AMERICA'S GOURMET BURGERS + BREWS	3770 BLOOMINGTON ST	Hotel & Restaurant Liquor License	2,214.66 ft
14) K-BOP!	3733 BLOOMINGTON ST	Hotel & Restaurant Liquor License	2,453.70 ft
15) ULTIMATE BUFFET	3727 BLOOMINGTON ST	Beer & Wine Liquor License	2,525.95 ft
16) QDOBA MEXICAN EATS	3709 BLOOMINGTON ST	Hotel & Restaurant Liquor License	2,567.96 ft

**CERTIFICATE OF MAILING**

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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 January 28, 2021 to the following address of record:

Cheba Hut Investment Company, Inc.  
d/b/a Cheba Hut  
PO BOX 12259  
Denver, CO 80212



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

CC: vince@lindenlawgroup.com  
david.timmons@chebahut.com  
liquorpros@msn.com