

# CITY OF COLORADO SPRINGS

## LIQUOR OR 3.2% FERMENTED MALT BEVERAGE APPLICATION - *AMENDED*

☒ **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 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 checked="" type="checkbox"/> Optional Premises | <input type="checkbox"/> Club                          | <input type="checkbox"/> Vinters  |

### APPLICANT INFORMATION

<b>Name of Applicant:</b> Ragain Sports, LLC	<b>Property Tax Schedule No. :</b> 5330100003 & 5330100006
<b>Trade Name (DBA):</b> Colorado Springs Switchbacks FC	<b>Business Telephone:</b> 719-368-8480
<b>Address of Premises:</b> 6303 Barnes Road, Colorado Springs, CO 80922	<b>Alternate Telephone:</b> 303-653-1038

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
Martin E. Ragain	Managing Member	100

### FINANCIAL INFORMATION

TOTAL INVESTMENT IN BUSINESS (include purchase, start up, inventory)	\$3,000,000	
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
Martin E. Ragain	Wells Fargo - Personal Checking	\$3,000,000
29115 Summit Ranch Road, Golden, CO 80401		

List applicant(s) prior experience in the sale of alcoholic beverages. Include dates and locations.			
Business Name & Address	Applicant's Name	Experience/Position	Dates
None			

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
N/A		

### PREMISES/ESTABLISHMENT

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

If leased provide terms: Start date June 10, 2014 End date June 9, 2024

Dimensions of premises 500' X 500' Square footage 250,000 sq. ft. Seating Capacity 4,000

Is there a patio area? ☒ yes ☐ no --- If yes, provide dimensions Concourse 16' X 200' (x2 Concourses)

Anticipated number of employees? 40

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. DOLIN MATTHEW JORDON Any falsehood or omission will jeopardize the application as such falsehood or omission constitutes evidence regarding the character of the applicant.

**Notary Public**  
State of Colorado  
Notary ID 20134008924  
My Commission Expires Feb 11, 2017

Matthew Jordon  
Signature

Title: Managing Member

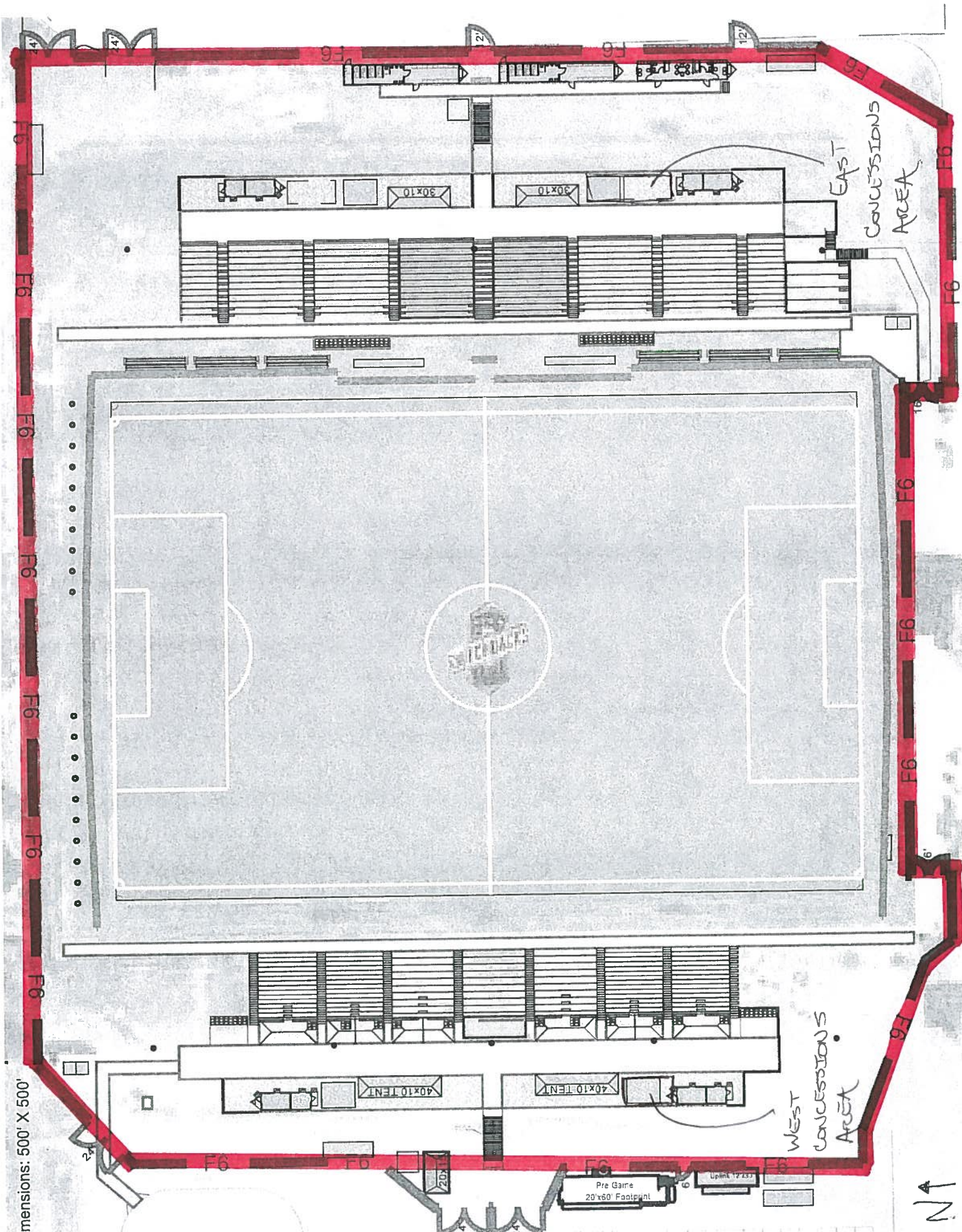
State of COLORADO  
County of EL PASO

Subscribed and sworn to before me this 2nd day of December, 20 14.

My Commission Expires: 02/11/2017

[Signature]  
Notary Public

THESE FORMS SHOULD NOT BE ALTERED IN ANY MANNER



Dimensions: 500' X 500'



**LINDEN KOMINEK, P.C.**

Attorneys-at-Law

Plaza of the Rockies

111 South Tejon Street, Suite 202, Colorado Springs, CO 80903

Phone: (719) 955-0078 Facsimile: (719) 578-8836

Vincent L. Linden III

[vince@lindenlawgroup.com](mailto:vince@lindenlawgroup.com)

March 11, 2015

Lee McRae  
License Enforcement Officer  
City Clerk's Office  
Colorado Springs, CO

*VIA E-MAIL HAND-DELIVERY ONLY*

RE: Liquor License Application: Ragain Sports, LLC d/b/a Colorado Springs Switchbacks, F.C.

Dear Mr. McRae:

Pursuant to our discussions, as well as the correspondence reviewed between me and Robin Eaton, Colorado Dept. of Revenue, Liquor Division (the "Division") regarding this matter, we are requesting to amend the existing hotel/restaurant ("H/R") liquor license application currently pending for Ragain Sports, LLC d/b/a Colorado Springs Switchbacks, F.C. (the "Application") to an Optional Premises liquor license application. Please find enclosed amendments to the pertinent portions of the Application to indicate this referenced change in license type from H/R to Optional Premises.

Additionally, please accept this letter pursuant to City of Colorado Springs' (the "City's") ordinance requirements which detail the additional standards for an Optional Premises as outlined in City Code §§2.5.204, 2.5.502(c) and Liquor Rule 9.09.

Initially, as background for issuance of Optional Premises licenses, the State Liquor Codes states:

"Optional Premises" means "The premises specified in an application for an optional premises license located on an applicant's outdoor sports and recreational facility" (emphasis added), and "For purposes of this subsection (22), 'outdoor sports and recreational facility' means a facility that charges a fee for the use of such facility." See C.R.S. § 12-47-103(22)(a)(II) and (II)(b).

"For purposes of this section . . . an optional premises licensee for premises located on an outdoor sports and recreational facility . . . shall be considered a single business and location. See C.R.S. § 12-47-301(3)(a).

“No optional premises license . . . as defined in section 12-47-103(22)(a), shall be issued within any municipality or the unincorporated portion of any county unless the governing body of the municipality has adopted by ordinance . . . specific standards for the issuance of optional premises licenses . . . .” See C.R.S. § 12-47-310.

In regard to C.R.S. § 12-47-310, the City has adopted standards for Optional Premises licenses, and both the City and the Division have previously issued stand-alone Optional Premises licenses within Colorado Springs’ jurisdictional limits. The City Code, §2.5.204, titled “STANDARDS FOR ISSUANCE OF OPTIONAL PREMISES LICENSE AND OPTIONAL PREMISES FOR HOTEL AND RESTAURANT LICENSE,” in addition to other criteria, requires applicants to submit a detailed sketch of the outdoor sports and recreational facilities which indicates the location of each optional premises, as well as a written statement explaining the applicant’s need for the optional premises, demonstrating that the size of the outdoor sports and recreational facility justifies the issuance of an optional premises license. See City Code §2.5.204 (a true and correct copy of which attached to and incorporated herein).

In regard to the City Code requirements set forth in the above-referenced code, it should first be noted that City Code §2.5.102 defines an outdoor sports and recreational facility as: “Any facility which charges a fee for the use of the facility including, but not limited to, zoological gardens, golf courses, athletic fields, country clubs and ski areas.” See City Code §2.5.102. As submitted with the Application, the applicant, Ragain Sports, LLC, intends to operate and sell alcohol within a stadium facility it has constructed (the “Premises”). Ragain Sports will operate as Colorado Springs FC Switchbacks, which will conduct and charge admission for professional soccer games within the Premises, and may additionally conduct other recreational events within the Premises. As shown on the detailed sketch (“diagram”) submitted with the Application, the Premises is a fully enclosed stadium with 500 ft. by 500 ft. dimensions (250,000 sq. ft). The requested Optional Premises will be for the entirety of the Premises.

As you know, we originally submitted the application with a request for a hotel/restaurant license. However, we have received feedback expressing concerns with regard to meeting the required food to alcohol sales ratio, and the applicant was recently informed by local building officials that it will not permit construction of a commercial kitchen within or under the seating area of the Premises. For these reasons, we are concerned that the Applicant will not be able to comply with the statutory requirements to obtain an H/R liquor license. However, given the size of the facility, the fact that it is an “outdoor sports and recreational facility” (as defined by the City Code) and the fact that the City has adopted specific standards for the issuance of optional premises licenses pursuant to C.R.S. § 12-47-310, we believe the most appropriate type of liquor license for the Applicant is an Optional Premises License.

The Applicant will control entry and egress to the Premises by way of employees stationed at the Premises’ entrances, and will control crowd movement by way of the Premises’ physical design and with employees stationed within the interior of the Premises. Again, the facility itself is completely self-enclosed physically and can only be accessed or exited through its entrance gates. The Applicant will ensure that sandwiches and light snacks are available at all times during the service of malt, vinous or spirituous liquors.

We believe the Application, in conjunction with the plan and justification set forth above complies with both State and City Codes, as well as their respective regulations and rules, for consideration of issuance of an Optional Premises License.

If you have any questions, or need anything further, please do not hesitate to contact this firm. Thank you for your consideration of this matter.

Sincerely,



Vincent L. Linden III, Esq.



March 4, 2015

**Certified Mail # 7011 1150 0000 0281 9729**  
(Amended)

Ragain Sports, LLC  
dba Colorado Springs Switchbacks FC  
102 S. Tejon Street  
Colorado Springs, CO 80903

Dear Applicant:

Pursuant to 12-47-312 of the Colorado Revised Statutes and Rule No. 7 of the Local Rules of Procedure, I have the following report to make concerning the results of my investigation of the application you have filed for a new **Optional Premises Liquor License**, at Ragain Sports, LLC dba Colorado Springs Switchbacks FC, 6303 Barnes Road, Colorado Springs, Colorado. Your application was filed on December 29, 2014 and within a two (2) year period prior to this date, the Local Licensing Authority has not denied an application at said location for the reason that the reasonable requirements of the neighborhood were satisfied by existing outlets.

It appears that you will be entitled to possession of the premises for which the application is made.

At this time, the premises you desire to license does not appear to be in violation of any Zoning Ordinances of the City of Colorado Springs, Colorado.

There are no schools within the limits as prohibited by law.

To date, the Police Department has not reported any objections to this application.

Pursuant to Rule 6.01 neighborhood boundaries have been established and a map has been enclosed for your convenience.

North:	South side of Purcell Drive extended
South:	North side of Riviera Grove extended
East:	West side of Peterson Road extended
West:	East side of Integrity Center Point extended

Within the established neighborhood boundary of the proposed establishment, there are six (6) existing licenses of a similar type as listed below.

A public hearing will be held on your application at the meeting of the Liquor and Beer Licensing Board, commencing at **9:00 a.m., March 20, 2015** in the Council Chambers, City Hall, 107 North Nevada Avenue, and you must be present at that meeting. At this meeting the Board will consider the factors outlined in Rule No 9.08 of the Local Rules of Procedure and it is your burden to provide the necessary evidence to satisfy the Board.

A public notice poster has been prepared for you to pick up from the City Clerk's Office. This notice poster must be posted by you at the proposed premises in a manner that is visible and conspicuous to the public no later than Tuesday, March 10, 2015.

If you have any questions please contact Lee McRae at (719) 385-5106.

Sincerely,



Sarah B. Johnson  
City Clerk

#### **HOTEL AND RESTAURANT/BREW PUB LIQUOR LICENSES**

- |  |                     |
|--|---------------------|
| 1. Noodles & Company                     | 5844 Barnes Road    |
| 2. On The Border Mexican Grill & Cantina | 5832 Barnes Road    |
| 3. Stadium Bar & Grill                   | 6120 Barnes Road    |
| 4. Diamond Concessions of Colorado       | 4385 Tutt Boulevard |

#### **TAVERN LIQUOR LICENSES**

- |                             |                             |
|-----------------------------|-----------------------------|
| 5. Rhino's Sports & Spirits | 4307 Integrity Center Point |
|-----------------------------|-----------------------------|

#### **BEER AND WINE LICENSES**

- |                              |                             |
|------------------------------|-----------------------------|
| 6. Zen Fusion Sushi & Bistro | 4359 Integrity Center Point |
|------------------------------|-----------------------------|

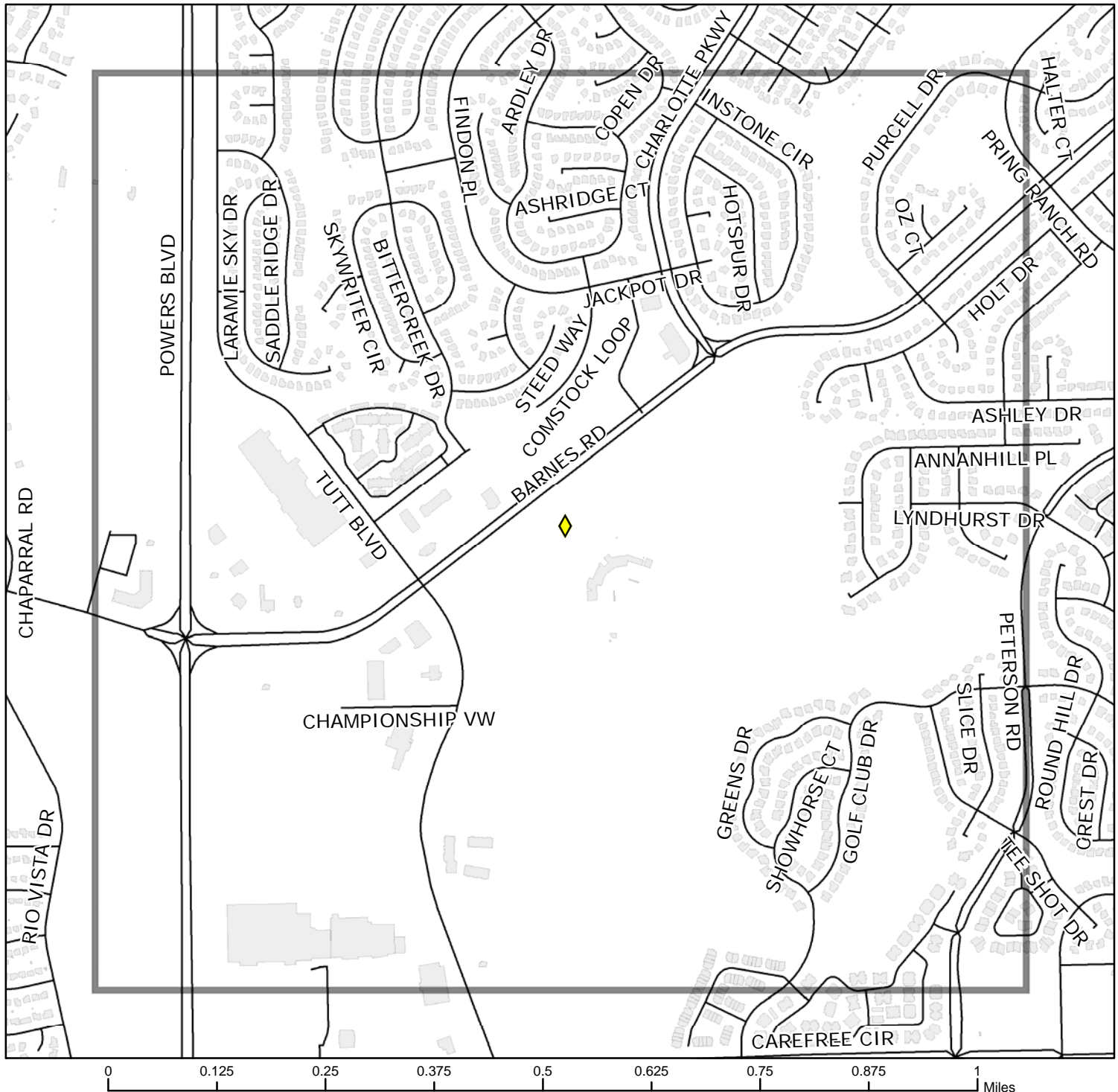


# Liquor Survey Boundaries

RAGAIN SPORTS, LLC  
D/b/a COLORADO SPRINGS SWITCHBACKS FC  
6303 BARNES RD



LIID: 28762



North: South side of Purcell Dr extended  
(0.520 miles)

South: North side of Riviera Grv extended  
(0.532 miles)

East: West side of Peterson Rd extended  
(0.529 miles)

West: East side of Integrity Center Pt extended  
(0.541 miles)

Map prepared 12/31/2014 8:18:18 AM

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