

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

APPLICANT INFORMATION

Name of Applicant: <i>SUN MOUNTAIN Cafe, LLC</i>	Property Tax Schedule No. : <i>7411224015</i>
Trade Name (DBA): <i>SUN MOUNTAIN CAFE</i>	Business Telephone: <i>719-344-5848</i>
Address of Premises: <i>2428 W Colorado AVE, COS, CO 80904</i>	Alternate Telephone:

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

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
ELYSE SMITH	Managing Member	50
Take Reed	Member	50

FINANCIAL INFORMATION

TOTAL INVESTMENT IN BUSINESS (include purchase, start up, inventory)	\$ <i>110,000</i>
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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.)	FUNDING SOURCE (checking/savings/ loan/ note/ gift)	AMOUNT
EDWARD JONES 24 S. Weber #305 COS, CO 80908	money market	\$100,000
ANB BANK 9800 Fredricksburg Road San Antonio, TX 78288	CASH ON HAND	\$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

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

PREMISES/ESTABLISHMENT

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

If leased provide terms: Start date 6/5/2015 End date 6/4/2018

Dimensions of premises 13' x 85' Square footage 1710 Seating Capacity 50

Is there a patio area? ☐ yes ☒ no --- If yes, provide dimensions Liquor Licensing Professionals LLC

Anticipated number of employees? 4

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

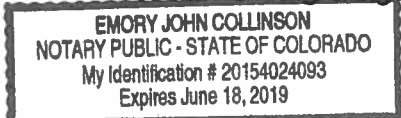
Has the applicant or manager in Colorado, or any other State (include any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation), ever:	YES	NO
Been denied an alcohol beverage license?		<input checked="" type="checkbox"/>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

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.



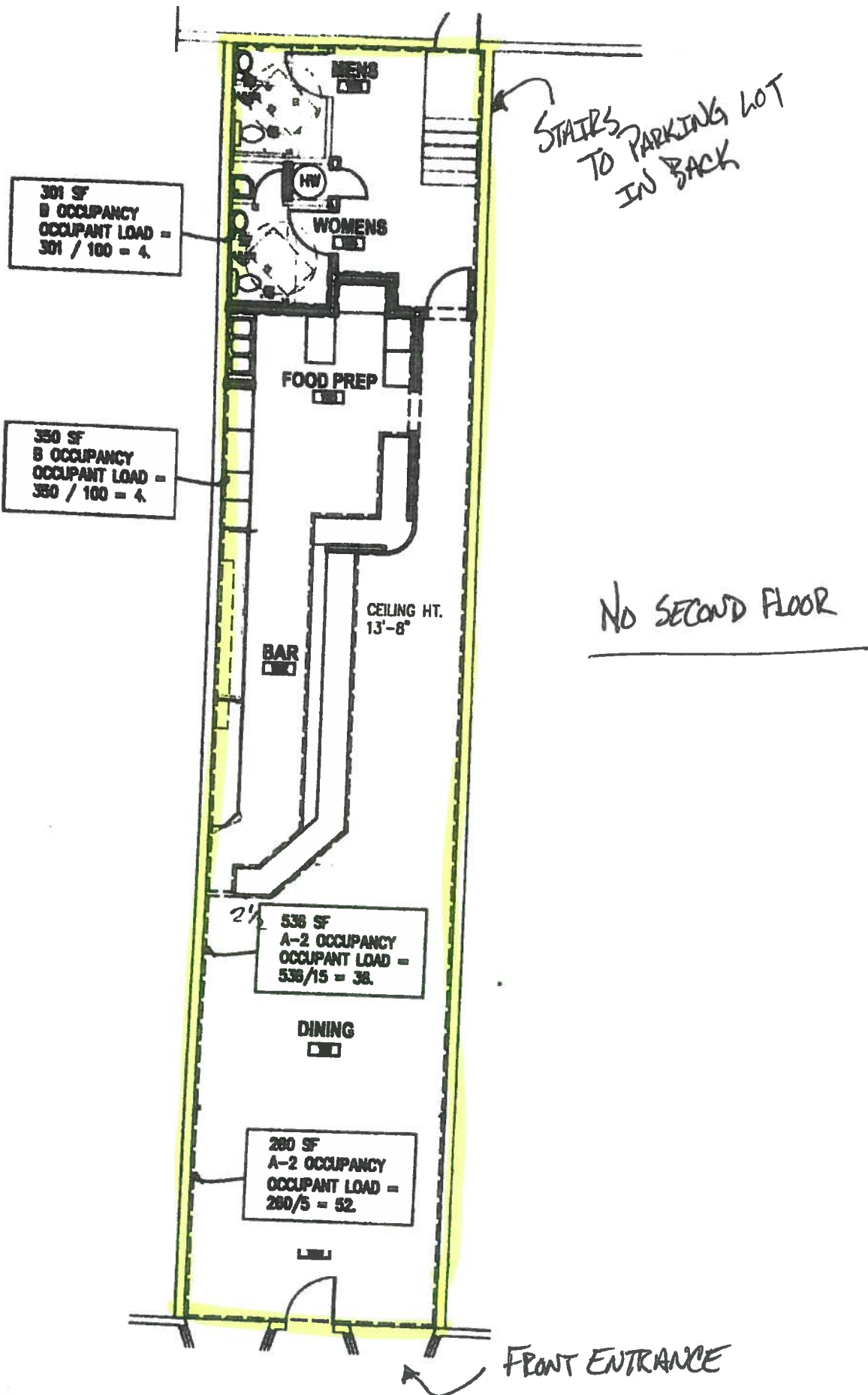
State of COLORADO
County of EL PASO

Elaine Smith
Signature
Title: owner / manager

Subscribed and sworn to before me this 9 day of DECEMBER 2015.

My Commission Expires: 6/18/19

[Signature]
Notary Public



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	CITY CLERK'S OFFICE 2016 MAR 11 A 8:43 ▲ BOARD USE ONLY ▲
IN THE MATTER OF: Sun Mountain Café, LLC d/b/a Sun Mountain Café 2428 W. Colorado Avenue Colorado Springs, CO 80904 Mailing Address: 2428 W. Colorado Avenue Colorado Springs, CO 80904	Application No: N-30443
NOTICE OF HEARING AND INITIAL FINDINGS OF FACT	

NOTICE OF HEARING

This matter comes before the Board for hearing on **Friday, April 1, 2016 at 9:00 A.M. in the City Council Chambers of City Hall at 107 N. Nevada Avenue** upon Sun Mountain Café, LLC d/b/a Sun Mountain Café ("Applicant") application for a new Hotel and Restaurant Liquor License at 2428 W. Colorado Avenue, Colorado Springs, CO 80904.

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, March 22, 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, March 29, 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 November 24, 2015, 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 evidenced 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 March 11, 2016.

FOR THE CITY OF COLORADO
SPRINGS LIQUOR AND BEER
LICENSING BOARD


By: Sarah B. Johnson
City Clerk

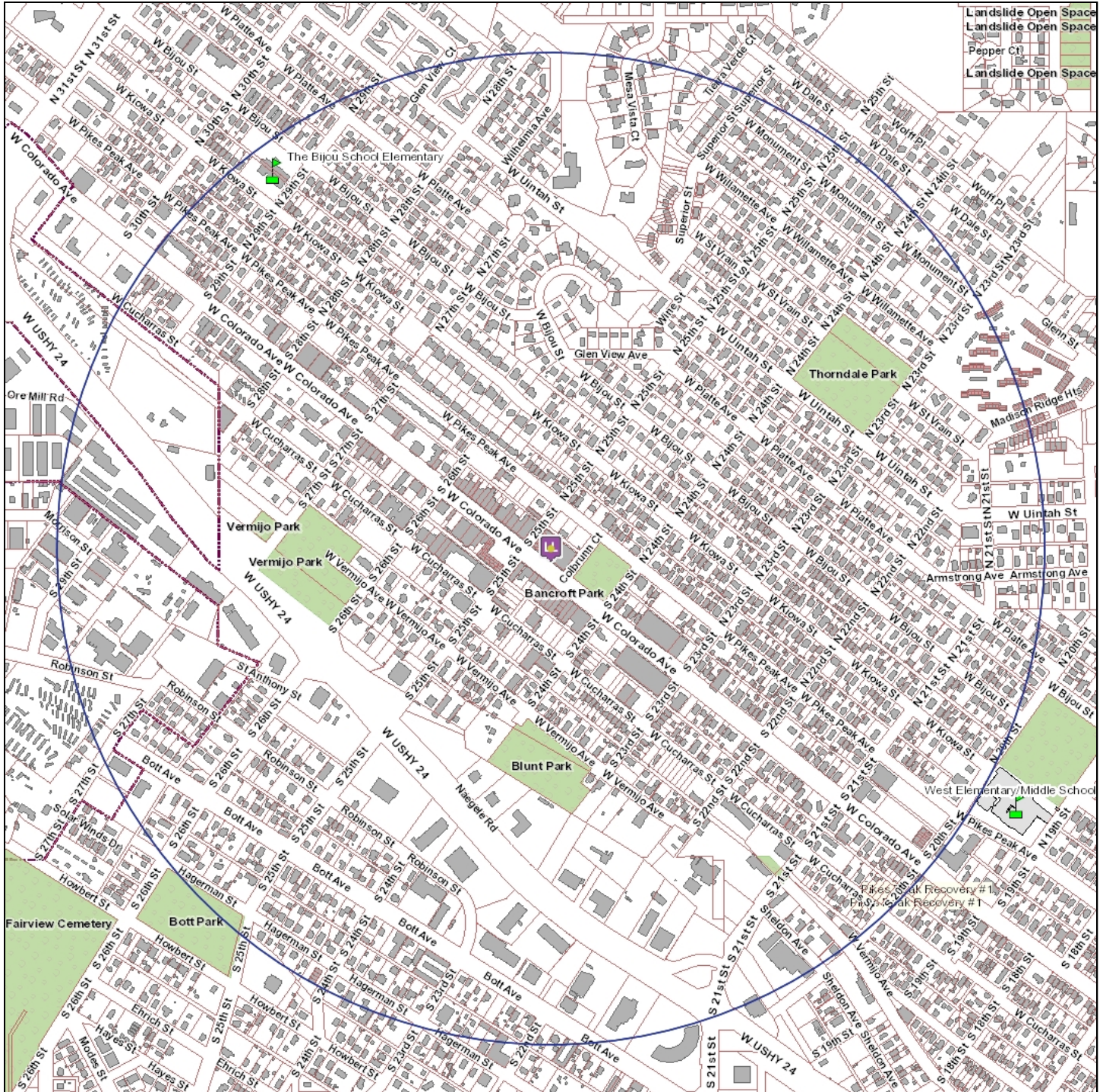
Direct questions regarding this notice and hearing to Lee McRae at 719-385-5106.

Liquor Survey Boundaries



SUN MOUNTAIN CAFE, LLC
d/b/a SUN MOUNTAIN CAFE
2428 W COLORADO AVE

OFFICE OF THE CITY CLERK
License ID: 30443



The survey boundary is 0.5 miles from the establishment

Map Prepared: 3/10/2016 7:32 AM

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OFFICE OF THE CITY CLERK

HEARING LETTER ATTACHMENT

License ID: 30443

SUN MOUNTAIN CAFE, LLC
d/b/a SUN MOUNTAIN CAFE
2428 W COLORADO AVE
COLORADO SPRINGS, CO 80904

EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

<u>Business d/b/a</u>	<u>Business Address</u>	<u>License Type</u>	
1) MOTHER MUFF'S	2432 W COLORADO AVE	Hotel & Restaurant	79.23 ft
2) JORGE'S	2427 W COLORADO AVE	Hotel & Restaurant	185.27 ft
3) THUNDER & BUTTONS II	2415 W COLORADO AVE	Hotel & Restaurant	247.47 ft
4) 2 SOUTH	2 S 25TH ST	Hotel & Restaurant	247.99 ft
5) LA BAGUETTE	2417 W COLORADO AVE	Hotel & Restaurant	252.12 ft
6) DAT'S ITALIAN	2514 W COLORADO AVE	Hotel & Restaurant	276.67 ft
7) MOTIF LLC	115 S 25TH ST	Tavern	399.84 ft
8) CUCURU	2332 W COLORADO AVE	Tavern	471.22 ft
9) FRONT RANGE BARBEQUE INC	2330 W COLORADO AVE	Hotel & Restaurant	530.14 ft
10) SHAE'S	2521 W COLORADO AVE	Hotel & Restaurant	567.69 ft
11) PIZZERIA RUSTICA	2527 W COLORADO AVE	Hotel & Restaurant	619.31 ft
12) BON TON'S CAFE	2601 W COLORADO AVE	Hotel & Restaurant	738.67 ft
13) TAPATERIA	2607 W COLORADO AVE	Hotel & Restaurant	782.65 ft
14) JAKE & TELLY'S GREEK TAVERNA	2616 W COLORADO AVE	Hotel & Restaurant	893.42 ft
15) WILD GINGER THAI RESTAURANT	2628 W COLORADO AVE	Hotel & Restaurant	1,053.71 ft
16) ALCHEMY	2625 W COLORADO AVE	Hotel & Restaurant	1,113.27 ft
17) MOUNTAIN SHADOWS RESTAURANT	2223 W COLORADO AVE	Hotel & Restaurant	1,157.73 ft
18) GARDEN OF THE GODS GOURMET MARKET & CAFE	410 S 26TH ST	Hotel & Restaurant	1,580.70 ft
19) PARAVICINI ITALIAN BISTRO	2802 W COLORADO AVE	Hotel & Restaurant	1,785.95 ft
20) THIRSTY'S TAVERN	2028 SHELDON AVE	Tavern	2,229.73 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 March 11, 2016 to the following address of record:

Sun Mountain Café, LLC
dba Sun Mountain Café
2428 W. Colorado Avenue
Colorado Springs, CO 80904



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

CC: esmith638@gmail.com; elyse@sunmountaincafe.com
emory@lukelawco.com