

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

## APPLICANT INFORMATION

<b>Name of Applicant:</b> Till Briargate, LLC	<b>Property Tax Schedule No. :</b> 6226402022
<b>Trade Name (DBA):</b> Till	<b>Business Telephone:</b> 719-368-4999
<b>Address of Premises:</b> 9633 Prominent Point, Colorado Springs, CO 80921	<b>Alternate Telephone:</b> None

### 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
Mitchell Yellen	Managing Member	100

## FINANCIAL INFORMATION

<b>TOTAL INVESTMENT IN BUSINESS (include purchase, start up, inventory)</b>	\$11,386,408	
<b>Source(s) of funds invested (provide names, banks, and indicate checking, savings, loan, promissory note, gift or other).</b>  <b>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.</b>		
NAME/ADDRESS OF FUNDING SOURCE (bank(s), individual(s), et al.)	TYPE OF FUNDING SOURCE (checking, savings, loan, note, gift)	AMOUNT
*See attached supplement*		

**List applicant(s) prior experience in the sale of alcoholic beverages. Include dates and locations.**

Business Name & Address	Applicant's Name	Experience/Position	Dates
Garden of the Gods Gourmet 410 S. 26th St., C/S, CO 80904	Mitch Yellen	Owner	2012 - Present
The Pinery at the Hill 775 W. Bijou St., C/S, CO 8095	Mitch Yellen	Owner	2008 - Present
The Pinery at Black Forest 12375 Black Forest Rd., C/S, CO 80908	Mitch Yellen	Owner	2007 - 2016

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
*See attached supplement*		

#### PREMISES/ESTABLISHMENT

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

If leased provide terms: Start date N/A End date N/A

Dimensions of premises 238' X 82 Square footage 19,516 sq. ft. Seating Capacity 350

Is there a patio area? ☐ yes ☒ no --- If yes, provide dimensions \_\_\_\_\_

Anticipated number of employees? 75

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.

CO. IN MATTHEW GORDON  
Notary Public  
State of Colorado  
Notary ID 20134008924  
My Commission Expires Feb 11, 2017

Signature

Title: Managing Member

State of COLORADO  
County of EL PASO

Subscribed and sworn to before me this 10th day of March, 20 16.

My Commission Expires: 2/11/17

Notary Public

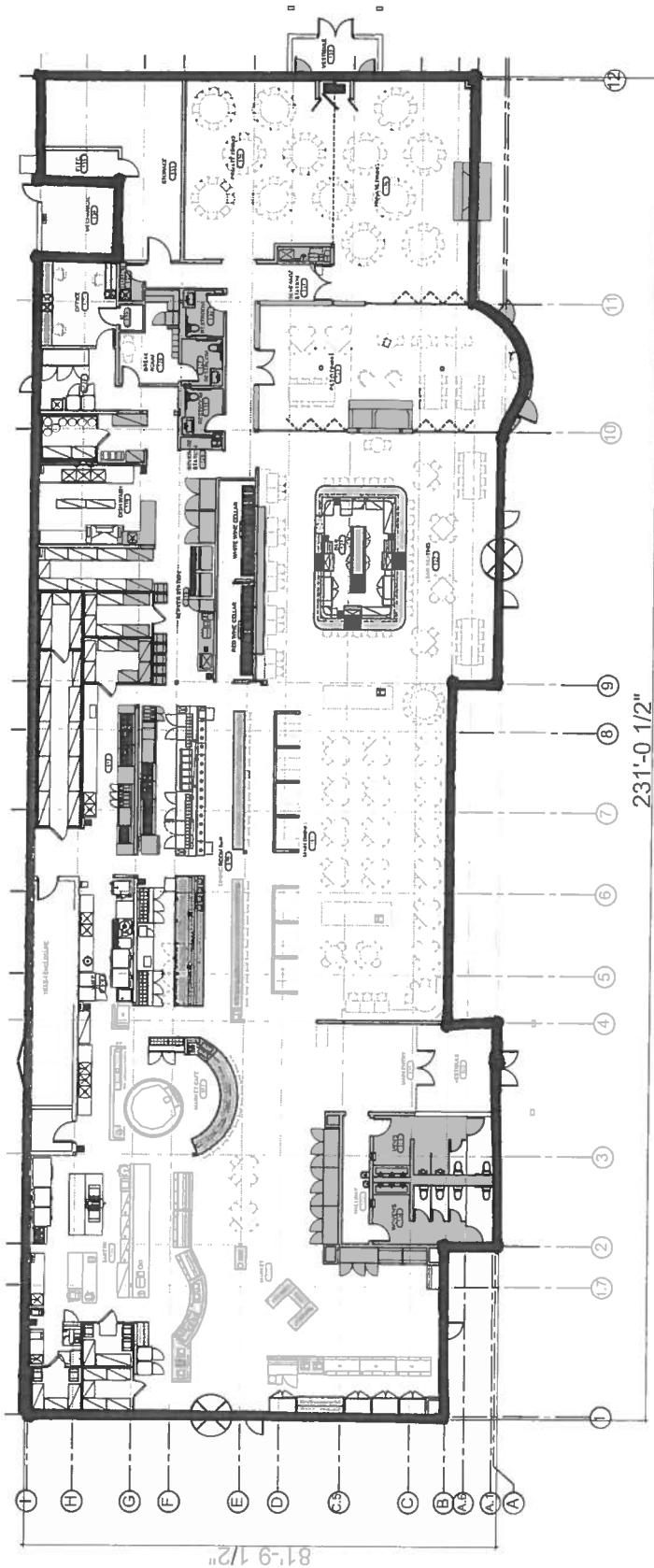
THESE FORMS SHOULD NOT BE ALTERED IN ANY MANNER

**City Application - Funding Source Supplement**

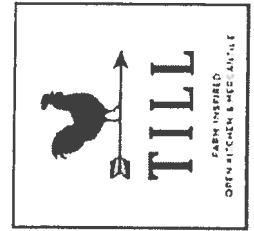
<u>Name of Funding Source</u>	<u>Address</u>	<u>Type of Funding Source</u>	<u>Amount</u>
Mitch Bowen		Loan	\$ 520,000
John Burroughs		Loan	\$ 450,000
Rodney & Jeannie McNeill		Loan	\$ 175,000
Henrique Fernandez		Loan	\$ 144,000
Makko Holdings, Ltd.		Loan	\$ 200,000
Roger Sung		Loan	\$ 500,000
Kenya Lee		Loan	\$ 300,908
Dr. Marvin Lee		Loan	\$ 56,000
Jose Arango Living Trust		Loan	\$ 250,000
Paul Stanton		Loan	\$ 300,000
John Lydiatt		Loan	\$ 124,500
Daniel Gabriel		Loan	\$ 119,600
Pam Gabriel		Loan	\$ 180,400
Chad Watts & Vanessa Kaplan		Loan	\$ 200,000
H. Keyes & Carol Townsend		Loan	\$ 250,000
Steve Clancy		Loan	\$ 250,000
Nick Piantianda		Loan	\$ 274,000
Eastlack Family Living Trust 2/27/07		Loan	\$ 60,000
Jennifer Eastlack		Loan	\$ 140,000
Patricia Stern		Loan	\$ 43,000
Jason Stern		Loan	\$ 204,000
Jeremy McVay		Loan	\$ 125,000
Jessica McVay		Loan	\$ 125,000
Fred & Paula Hainge		Loan	\$ 250,000
Grant & Connie Parish		Loan	\$ 150,000
Jim & Joyce Oates		Loan	\$ 200,000
Timothy Alentiev		Loan	\$ 330,000
Jeanne Salcetti		Loan	\$ 645,000
Joe Illig		Loan	\$ 200,000
Betty Jo Schope		Loan	\$ 220,000
Legacy Bank		Loan	\$ 4,400,000
			\$ 11,386,408

## **City Application - Previous Liquor Licensed Businesses Supplement**

<b><u>Name of Business</u></b>	<b><u>Address</u></b>	<b><u>Type/amt. of interest</u></b>
Garden of the Gods Gourmet	410 26th Street Colorado Springs, CO 80904	Current/50.5%
The Pinery at the Hill	775 West Bijou Street Colorado Springs, CO 80905	Current/50.5%
The Pinery at Black Forest	12375 Black Forest Road Colorado Springs, CO 80908	Former

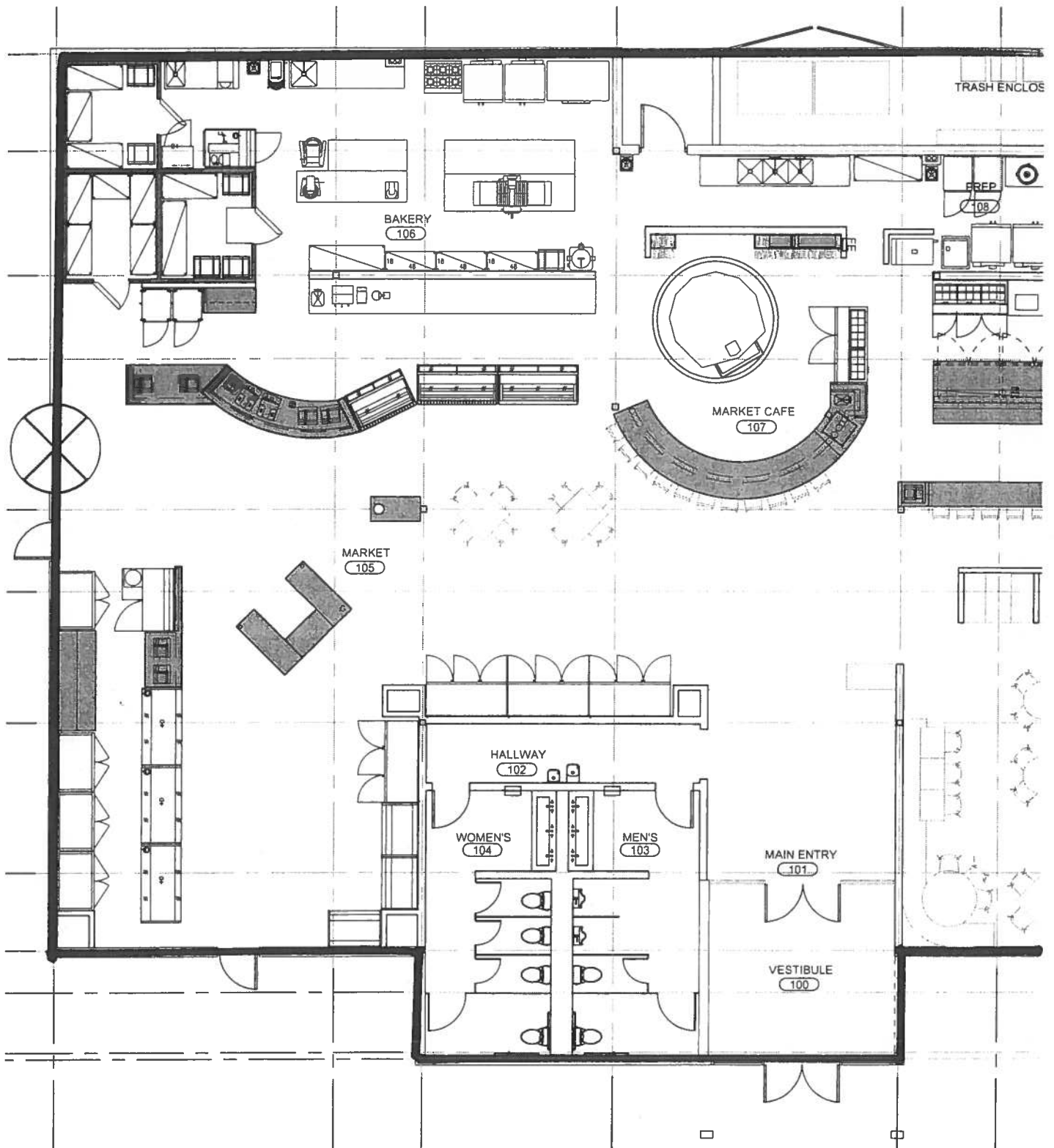


3311 Elm Street  
Suite 105  
Dallas, Texas 75226  
214-742-6044  
214-742-6041 Fax



LIQUOR LICENSE

9633 PROMINENT POINT  
COLORADO SPRINGS, CO

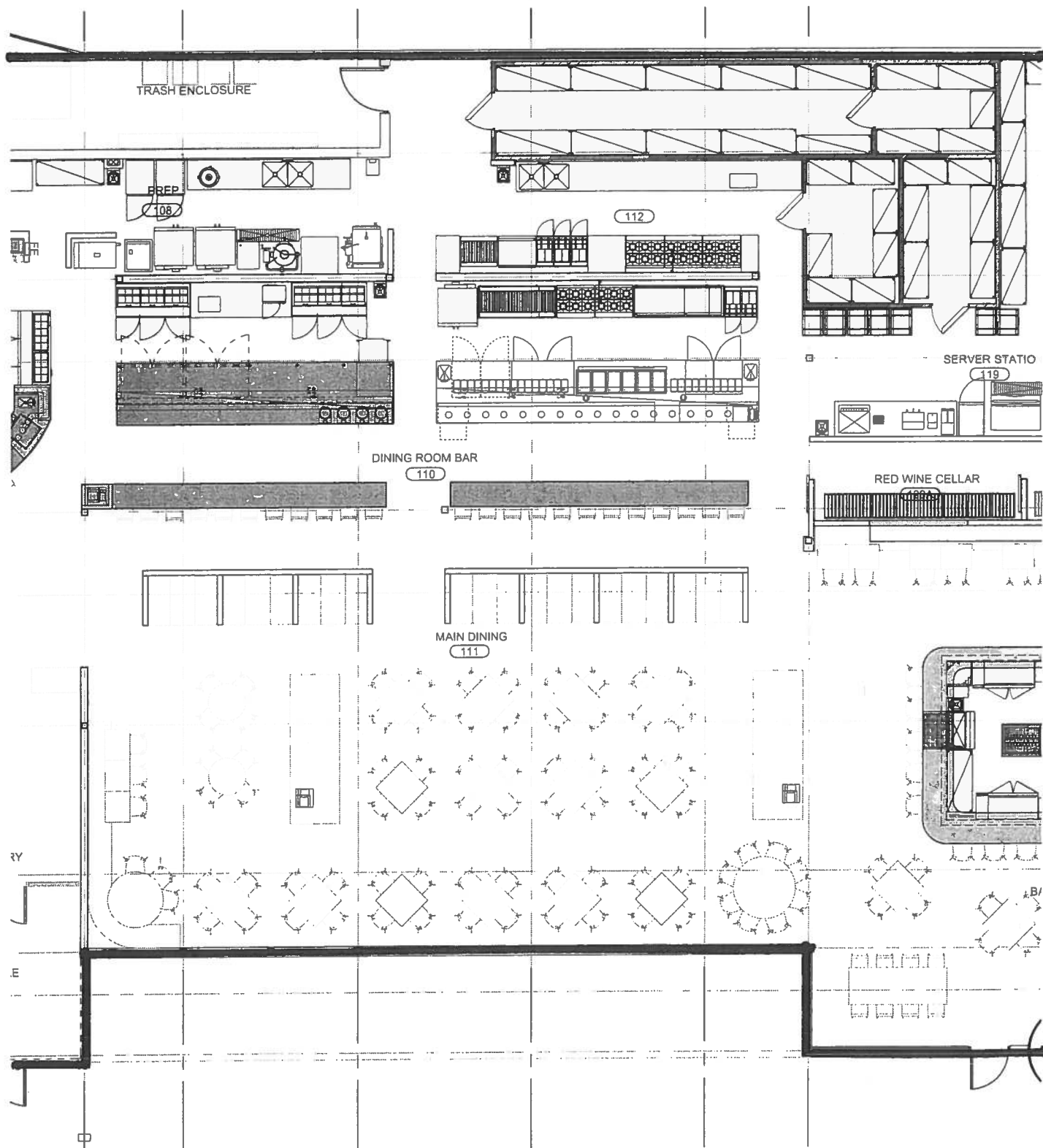


3311 Elm Street  
Suite 105  
Dallas, Texas 75226  
214-742-6044  
214-742-6041 Fax

LIQUOR LICENSE



9633 PROMINENT POINT  
COLORADO SPRINGS, CO

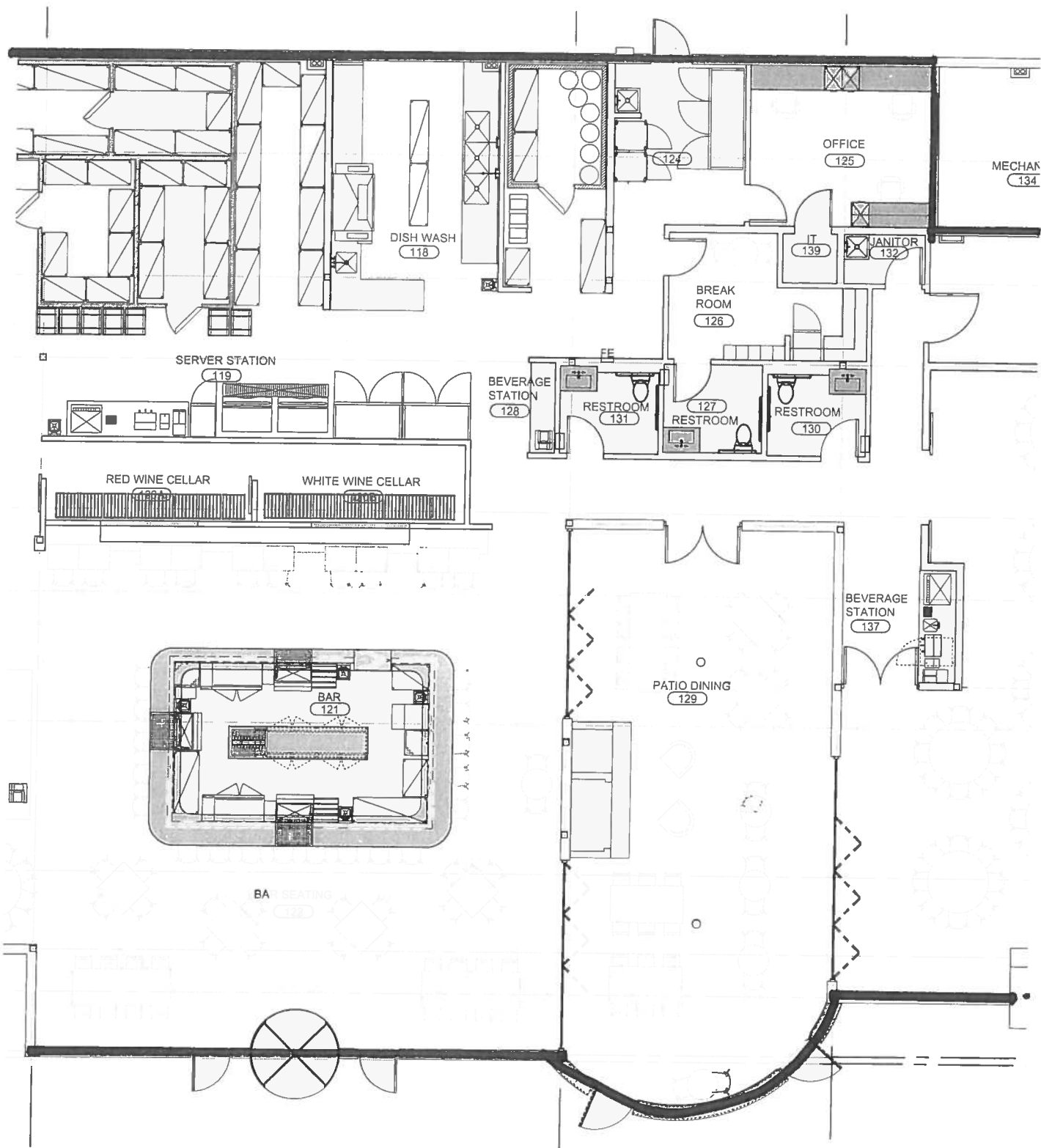


3311 Elm Street  
Suite 105  
Dallas, Texas 75226  
214-742-6044  
214-742-6041 Fax

LIQUOR LICENSE



9633 PROMINENT POINT  
COLORADO SPRINGS, CO



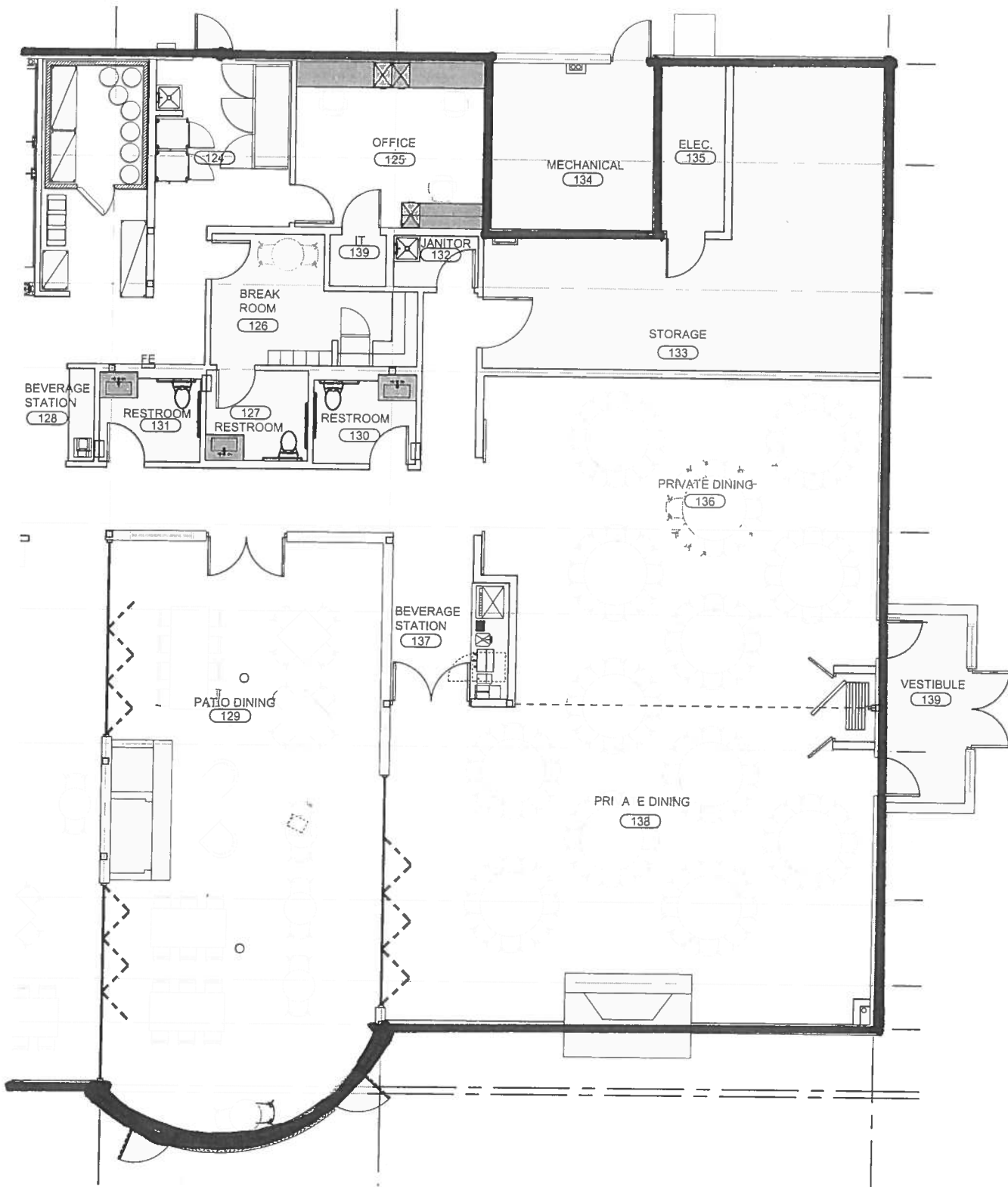
3311 Elm Street  
Suite 105  
Dallas, Texas 75226  
214-742-6044  
214-742-6041 Fax

LIQUOR LICENSE



9633 PROMINENT POINT  
COLORADO SPRINGS, CO





3311 Elm Street  
Suite 105  
Dallas, Texas 75226  
214-742-6044  
214-742-6041 Fax

LIQUOR LICENSE



9633 PROMINENT POINT  
COLORADO SPRINGS, CO

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 APR 15 A 8:13
<hr/> IN THE MATTER OF:  Till Briargate, LLC d/b/a <b>Till</b> 9633 Prominent Point Colorado Springs, CO 80921 Mailing Address: 775 W. Bijou Street Colorado Springs, CO 80905	<hr/> <p style="text-align: center;">▲ BOARD USE ONLY ▲</p> <hr/> Application No: N-30540
<b>NOTICE OF HEARING AND INITIAL FINDINGS OF FACT</b>	

### 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 Till Briargate, LLC d/b/a Till ("Applicant") application for a new Hotel and Restaurant Liquor License at 9633 Prominent Point, Colorado Springs, CO 80921.

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 March 11, 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 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 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

TILL BRIARGATE, LLC

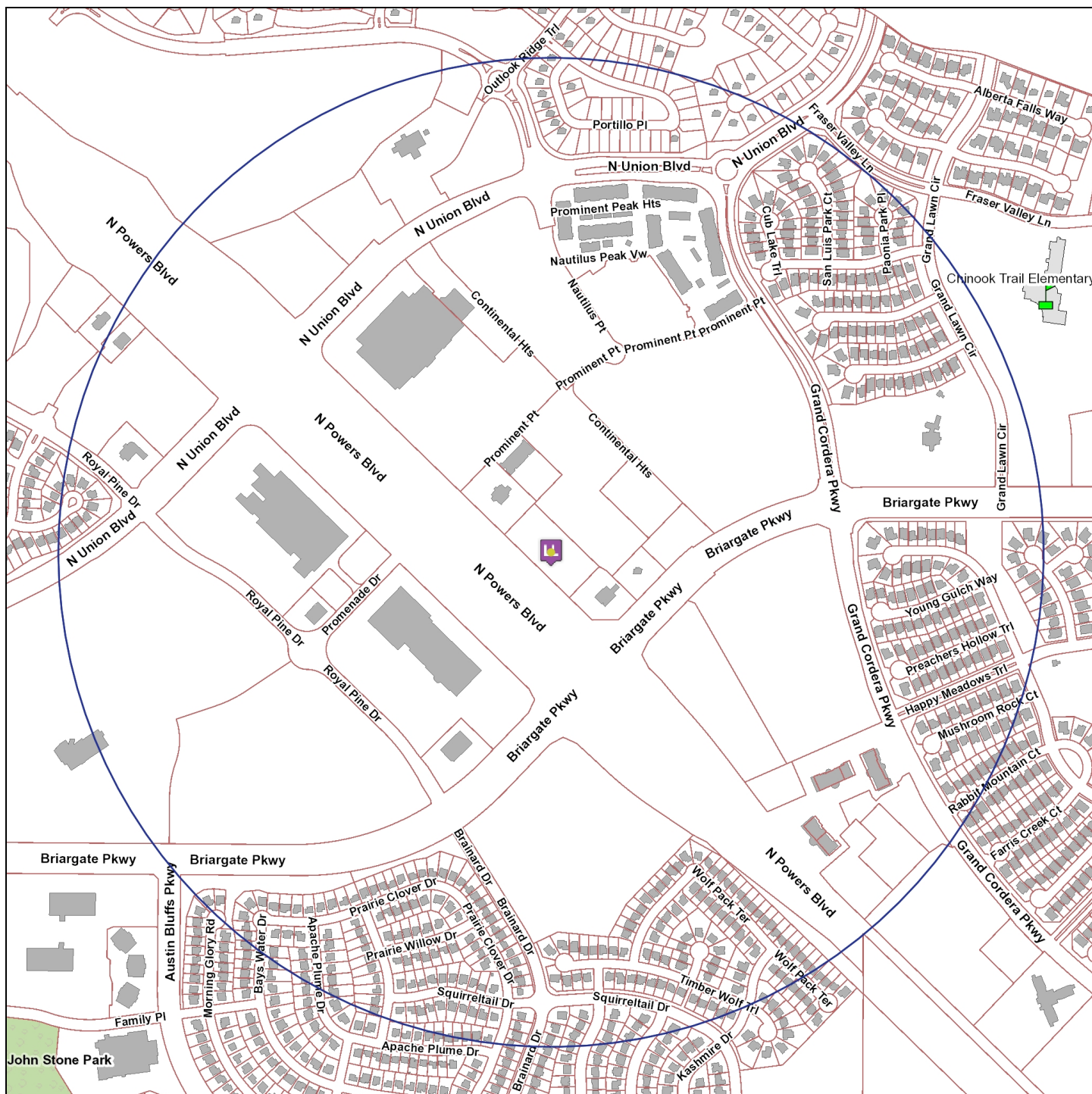
d/b/a TILL

9633 PROMINENT PT



OFFICE OF THE CITY CLERK

License ID: 30540



0 0.25 0.5 1 Mile

The survey boundary is 0.5 miles from the establishment

Map Prepared: 4/12/2016 4:06 PM

Copyright © 2016 City of Colorado Springs on behalf of the Colorado Springs Utilities. All rights reserved. This work, and/or the data contained hereon, may not be modified, republished, used to prepare derivative works or commercially exploited in any manner without the prior express written consent of the City of Colorado Springs. This work was prepared utilizing the best data available at the time of creation. Neither the City of Colorado Springs, the Colorado Springs Utilities, nor any of their employees makes any warranty, express or implied, or assumes any legal liability or responsibility for accuracy, completeness, or usefulness of any data contained hereon. The City of Colorado Springs, Colorado Springs Utilities, and their employees explicitly disclaim any responsibility for the data contained hereon.



## OFFICE OF THE CITY CLERK

### HEARING LETTER ATTACHMENT

License ID: 30540

TILL BRIARGATE, LLC

d/b/a TILL

9633 PROMINENT PT

COLORADO SPRINGS, CO 80921

### EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

<u>Business d/b/a</u>	<u>Business Address</u>	<u>License Type</u>	
1) CARLOS MIGUEL'S MEXICAN BAR & GRILL	9605 PROMINENT PT	Hotel & Restaurant	412.22 ft
2) LIFETIME FITNESS	4410 ROYAL PINE DR	Beer & Wine	1,079.69 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:

Till Briargate, LLC  
dba Till  
775 W. Bijou Street  
Colorado Springs, CO 80905



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

CC: amy@thepinery.com  
Vince Linden (vince@lindenlawgroup.com)