

CITY CLERK'S OFFICE
2016 AUG 15 10:14 03

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: <u>ATO SUSHI CORPORATION</u>	Property Tax Schedule No. : <u>62172-03-036</u>
Trade Name (DBA): <u>SUSHI ATO</u>	Business Telephone: <u>N/A AT THIS TIME</u>
Address of Premises: <u>12245 VOYAGER PARKWAY SUITE 148 COLORADO SPRINGS CO 80921</u>	Alternate Telephone: <u>719-494-7654</u>

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
<u>N/A</u>			

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
<u>KERRY E.N. ALLEN</u>	<u>PRESIDENT / OWNER</u>	<u>100%</u>

FINANCIAL INFORMATION

TOTAL INVESTMENT IN BUSINESS (include purchase, start up, inventory)	\$ <u>400,000.00</u>
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)
<u>ENT CREDIT UNION</u>	<u>CHECKING</u>
<u>P.O. BOX 15819, COLORADO SPRINGS, 80935</u>	<u>\$ 220,000.00</u>
<u>US BANK</u>	<u>LOAN/LINE OF CREDIT</u>
<u>P.O. BOX 790179, ST. LOUIS, MO 63179</u>	<u>\$ 180,000.00</u>

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

Business Name & Address	Applicant's Name	Experience/Position	Dates
<u>TOMO SUSHI</u>	<u>KERRY E.N. ALLEN</u>	<u>OWNER / MGR</u>	<u>SEPT 2006 THRU</u>
<u>975 N. ACADEMY, CO Sp CO 80909</u>			<u>AUG 2013</u>
<u>TOMO SUSHI II</u>	<u>KERRY E.N. ALLEN</u>	<u>OWNER / MGR</u>	<u>SEPT 2008 THRU</u>
<u>8029 N. ACADEMY, CO Sp CO 80920</u>			<u>JULY 2012</u>
<u>MIYAKE</u>	<u>KERRY E.N. ALLEN</u>	<u>OWNER / MGR</u>	<u>JAN 2004 THRU</u>
<u>3609-17 AUSTIN BLUFFS PKWY, CO Sp CO 80918</u>			<u>FEB 2007</u>

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
TOMO SUSHI	975 N. ACADEMY #C, CO Sp CO 80909	<input checked="" type="checkbox"/>
TOMO SUSHI II	8029 N. ACADEMY, CO Sp, CO 80920	<input checked="" type="checkbox"/>

PREMISES/ESTABLISHMENT

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

If leased provide terms: Start date AUG 1, 2016 End date APRIL 30, 2022

Dimensions of premises 60'x103.5'x60'x31.5' Square footage 4,000 Seating Capacity 100

Is there a patio area? ☒ yes ☐ no -- If yes, provide dimensions 8' x 50'

Anticipated number of employees? 11

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

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.

JULIE R WILKIE
Notary Public - State of Colorado
Notary ID 20084021662
My Commission Expires Jul 22, 2020

Signature

PRESIDENT

State of Colorado
County of Jefferson

Subscribed and sworn to before me this 15 day of Aug, 2016.

My Commission Expires: 7-22-20

Notary Public

[illegible]

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 SEP 15 P 3:54

IN THE MATTER OF:

Ato Sushi Corporation d/b/a
Sushi Ato
12245 Voyager Parkway, #148
Colorado Springs, CO 80921
Mailing Address:
4843 Feathers Way
Colorado Springs, CO 80922

▲ BOARD USE ONLY ▲

Application No: N-31186

NOTICE OF HEARING AND INITIAL FINDINGS OF FACT

NOTICE OF HEARING

This matter comes before the Board for hearing on **Friday, October 7, 2016 at 9:00 A.M. in the City Council Chambers of City Hall at 107 N. Nevada Avenue** upon Ato Sushi Corporation d/b/a Sushi Ato ("Applicant") application for a new Hotel and Restaurant Liquor License at 12245 Voyager Parkway, #148, 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, September 27, 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, October 4, 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 August 15, 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 evidence 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 September 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

ATO SUSHI CORPORATION

d/b/a SUSHI ATO

12245 VOYAGER PKWY #148



OFFICE OF THE CITY CLERK

License ID: 31186



The survey boundary is 0.5 miles from the establishment

Map Prepared: 9/13/2016 1:22 PM

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OFFICE OF THE CITY CLERK

HEARING LETTER ATTACHMENT

License ID: 31186

ATO SUSHI CORPORATION

d/b/a SUSHI ATO

12245 VOYAGER PKWY #148

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) ALL AMERICAN SPORTS CAFE	12225 VOYAGER PKWY	Hotel & Restaurant	266.85 ft
2) DUCA'S NEAPOLITAN PIZZA	12229 VOYAGER PKWY	Beer & Wine	334.05 ft
3) NEW PANDA RESTAURANT	12225 VOYAGER PKWY	Hotel & Restaurant	398.93 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 September 16, 2016 to the following address of record:

Ato Sushi Corporation
dba Sushi Ato
4843 Feathers Way
Colorado Springs, CO 80922



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

CC: john@cosperformancetennis.com