



OFFICE OF THE CITY CLERK

Received

**LIQUOR LICENSE APPLICATION OR
3.2% FERMENTED MALT BEVERAGE
LICENSE APPLICATION (ALCOHOL BEVERAGE)**

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.

☒ **NEW LICENSE** ☐ **TRANSFER OF OWNERSHIP**

Type of License applying for (Check One)

- ☒ **Hotel/Restaurant (or Resort)** ☐ **Hotel/Restaurant w/Optional** ☐ **Tavern** ☐ **Brew Pub**
☐ **Distillery Pub** ☐ **Vintner's Restaurant** ☐ **Beer and Wine** ☐ **Optional Premises**
☐ **Retail Liquor Store*** ☐ **Liquor Licensed Drugstore*** ☐ **Racetrack** ☐ **Arts**
☐ **Lodging & Entertainment** ☐ **3.2% Beer On Premises** ☐ **3.2% Beer Off Premises** ☐ **3.2% Beer On & 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): Qdoba Restaurant Corporation | |
| 2. Trade Name (DBA): Qdoba Mexican Eats Store #1704 | |
| 3. Premises Address: City, State, Zip: 536 W. Garden of the Gods Rd. UNIT D | Location Phone: (719) 592-9701 |
| Property Tax Schedule No. : 7324401016 | Zoning: PBC |
| 4. Mailing Address: City, State, Zip: 9330 Balboa Ave. San Diego, CA 92123 | Alt Phone: (858) 571-2445 |
| Primary Contact Name And Title: Amanda McCarron | Email: amanda.mccarron@jackinthebox.com |

| 5. 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 | | | |

| 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. | | |
|--|---------------------|--------|
| NAME | POSITION HELD | %OWNED |
| Jack in the Box, Inc. | Shareholder | 100 |
| Michael J. Snider | VP/ Secretary | 0 |
| Kelth Guilbault | President/Treasurer | 0 |
| | | |
| | | |
| | | |

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 |
|--|--|-------------|
| Corporate Funds | Jack in the Box, Inc. | 1.1 million |
| | | |
| | | |
| | | |
| | | |
| TOTAL INVESTMENT IN BUSINESS: | | \$ 1.1 m. |

Section C: PREMISES / LOCATION INFORMATION

8. Registered Manager Name: Troy Lee Miller

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

If leased, provide the terms: START DATE: 3/8/2016 END DATE: 03/08/2026

DIMENSIONS OF PREMISES: 38'-0" x 39'-10" TOTAL SQUARE FOOTAGE: 3640

Is there a patio area? ☒ Yes ☐ No --- If yes, provide dimensions 39'-10" x 9'-10 1/2"

Anticipated number of employees: 20 Anticipated opening date: 8/21/17

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

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 |
|-------------------------------|-------------------------|---------------------|------------|
| <u>Qdoba Restaurant Corp.</u> | <u>Michael J Snider</u> | <u>VP</u> | <u>N/A</u> |
| <u>Qdoba Restaurant Corp.</u> | <u>Keith M. Gumbaut</u> | <u>President</u> | <u>N/A</u> |
| | | | |
| | | | |

| | |
|--|--|
| <p>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</p> | <p>CITY CLERK'S OFFICE 2017 SEP 14 P 3:11</p> |
| <p>IN THE MATTER OF:</p> <p>Qdoba Restaurant Corporation d/b/a Qdoba Mexican Eats Store #1704 536 W. Garden of the Gods Road, #D Colorado Springs, CO 80907 Mailing Address: 9330 Balboa Avenue San Diego, CA 92123</p> | <p>▲ BOARD USE ONLY ▲</p> <p>Application No: N-32801</p> |
| <p>NOTICE OF HEARING AND INITIAL FINDINGS OF FACT</p> | |

NOTICE OF HEARING

This matter comes before the Board for hearing on **Friday, October 6, 2017 at 9:00 A.M. in the City Council Chambers of City Hall at 107 N. Nevada Avenue** upon Qdoba Restaurant Corporation d/b/a Qdoba Mexican Eats Store #1704 ("Applicant") application for a new Hotel and Restaurant Liquor License at 536 W. Garden of the Gods Road, #D, Colorado Springs, CO 80907.

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 26, 2017.** 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 3, 2017.

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 6, 2017, 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 September 14, 2017.

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



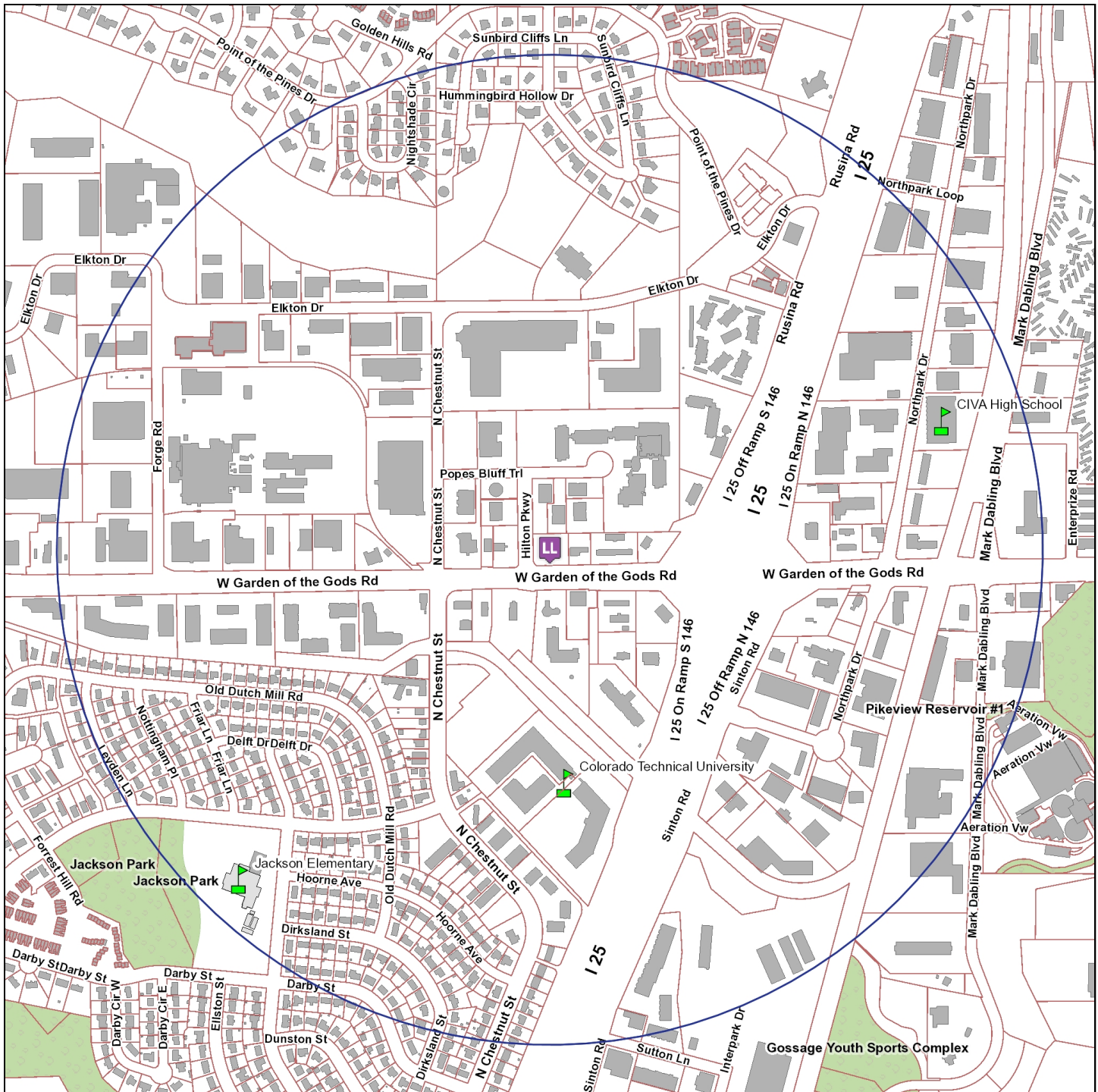
QDOBA RESTAURANT CORP

d/b/a QDOBA MEXICAN EATS STORE #1704

536 W GARDEN OF THE GODS RD #D

OFFICE OF THE CITY CLERK

License ID: 32801



0 0.25 0.5 1 Mile

The survey boundary is 0.5 miles from the establishment

Map Prepared: 9/14/2017 10:14 AM

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OFFICE OF THE CITY CLERK

HEARING LETTER ATTACHMENT

License ID: 32801

QDOBA RESTAURANT CORP

d/b/a QDOBA MEXICAN EATS STORE #1704

536 W GARDEN OF THE GODS RD #D

COLORADO SPRINGS, CO 80907

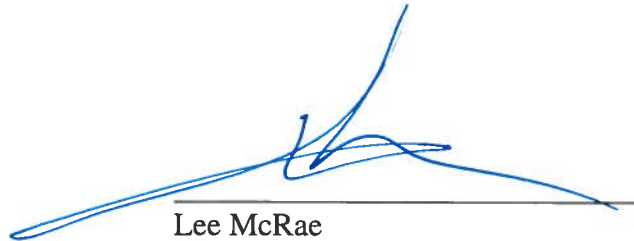
EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

| <u>Business d/b/a</u> | <u>Business Address</u> | <u>License Type</u> | |
|--|-----------------------------|---------------------|-------------|
| 1) APPLEBEE'S NEIGHBORHOOD GRILL & BAR | 495 W GARDEN OF THE GODS RD | Hotel & Restaurant | 730.93 ft |
| 2) BLACK EYED PEA | 501 W GARDEN OF THE GODS RD | Hotel & Restaurant | 795.79 ft |
| 3) HYATT PLACE | 503 W GARDEN OF THE GODS RD | Hotel & Restaurant | 881.46 ft |
| 4) LA BAGUETTE FRENCH BISTRO | 4440 N CHESTNUT ST | Hotel & Restaurant | 964.48 ft |
| 5) COACH'S SPORTS BAR | 729 W GARDEN OF THE GODS RD | Tavern | 1,028.79 ft |
| 6) ARCEO'S | 4608 RUSINA RD | Hotel & Restaurant | 1,056.29 ft |
| 7) CASPIAN CAFE | 4375 SINTON ROAD | Hotel & Restaurant | 1,320.45 ft |
| 8) MOLLIKA'S ITALIAN MARKET & DELI | 985 W GARDEN OF THE GODS RD | Beer & Wine | 1,752.85 ft |
| 9) LA BELLA VITA | 4475 NORTHPARK DR | Hotel & Restaurant | 1,870.44 ft |
| 10) PAINTING WITH A TWIST | 1025 GARDEN OF THE GODS RD | Beer & Wine | 2,088.65 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 ¹⁵~~14~~, 2017 to the following address of record:

Qdoba Restaurant Corporation
dba Qdoba Mexican Eats Store #1704
9330 Balboa Avenue
San Diego, CA 92123



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

CC: amanda.mccarron@jackinthebox.com
lupe@liquorlicense.com