



## OFFICE OF THE CITY CLERK

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

Received

CITY CLERK'S OFFICE

2017 JUL 20 P 2:54

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):

Woodmen Gunther Toody's LLC

2. Trade Name (DBA): Gunther Toody's Diner

3. Premises Address: 5490 E. Woodmen, Colorado Springs, CO 80920

Location Phone: 719-548-1955

Property Tax Schedule No. : 6301405011

Zoning: C6/cr AO

4. Mailing Address: P.O. Box 2227, Eagle, 81631

Alt Phone: 970-376-1808

Primary Contact Name And Title: Glen Heelan

Email: glenn.heelan@gunthertoody.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	N/A	N/A	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
Brian McMahon Burr	Member - CAR 54, LLC	50 *
CAR 54, LLC	MEMBER	
* BRIAN BURR IS 50% MEMBER OF CAR 54, LLC, WHICH IS 100% MEMBER OF APPLICANT.		

**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
Key Bank	Checking	10,000
829 16th St., Denver, CO 80202		
TOTAL INVESTMENT IN BUSINESS:		\$ 10,000

**Section C: PREMISES / LOCATION INFORMATION**

8. Registered Manager Name: Chad Reeves

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

If leased, provide the terms: START DATE: 2-9-2017 END DATE: 2-28-2017

DIMENSIONS OF PREMISES: 56'6" x 80" TOTAL SQUARE FOOTAGE: 4,520

Is there a patio area? ☐ Yes ☒ No --- If yes, provide dimensions N/A

Anticipated number of employees: 40 Anticipated opening date: Store Open

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

**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
Littleton Gunther Toody's	Brian M. Burr	Part -Owner	July 5, 2016
8266 W. Bowles Ave, Littleton CO 80123			
Larkridge Gunther Toody's	Brian M. Burr	Part-Owner	July 5, 2016
16755 Washington St., Thornton, CO 80023			
Northglenn Gunther Toody's	Brian M. Burr	Part-Owner	July 5, 2016
104th Ave., Northglenn, CO 80234			

# **Supplement to Colorado Springs Liquor License Application or 3.2% Fermented Malt Beverage License Application (Alcohol Beverage)**

**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?**

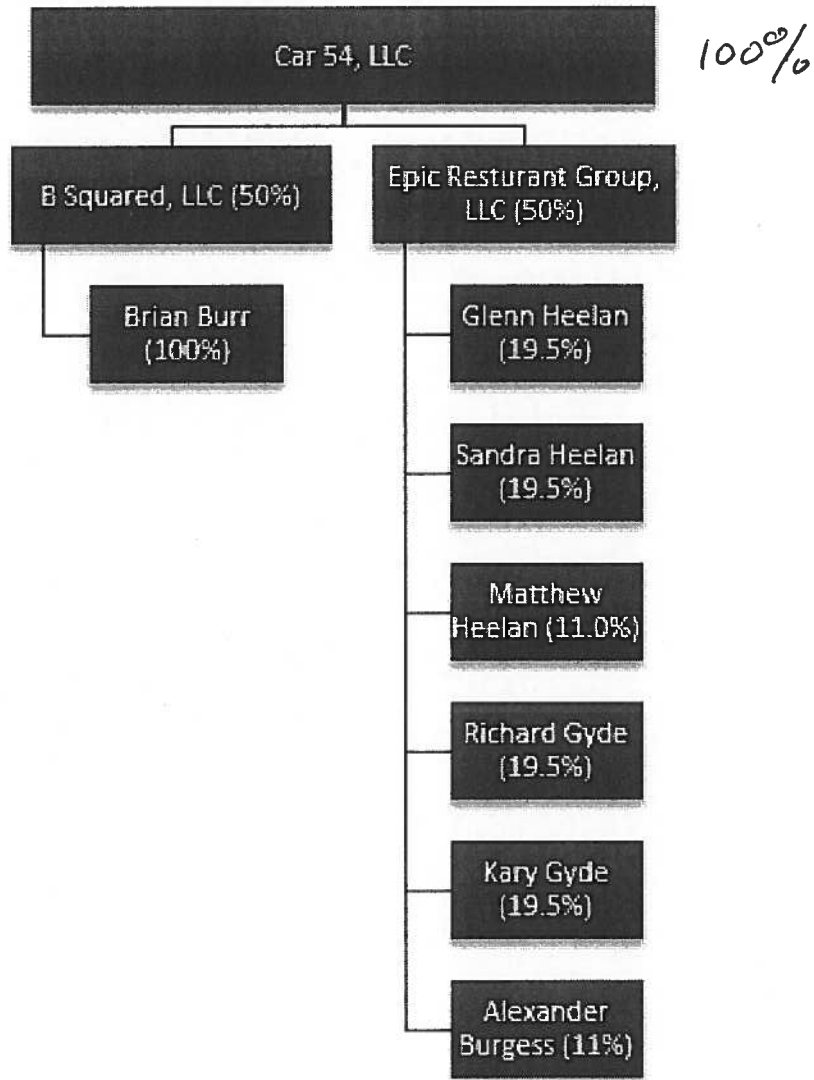
**IF YES, ATTACH a statement or affidavit of explanation, to identify the business and any current or former financial interest in said business including any loans to or from another license or licensee.**

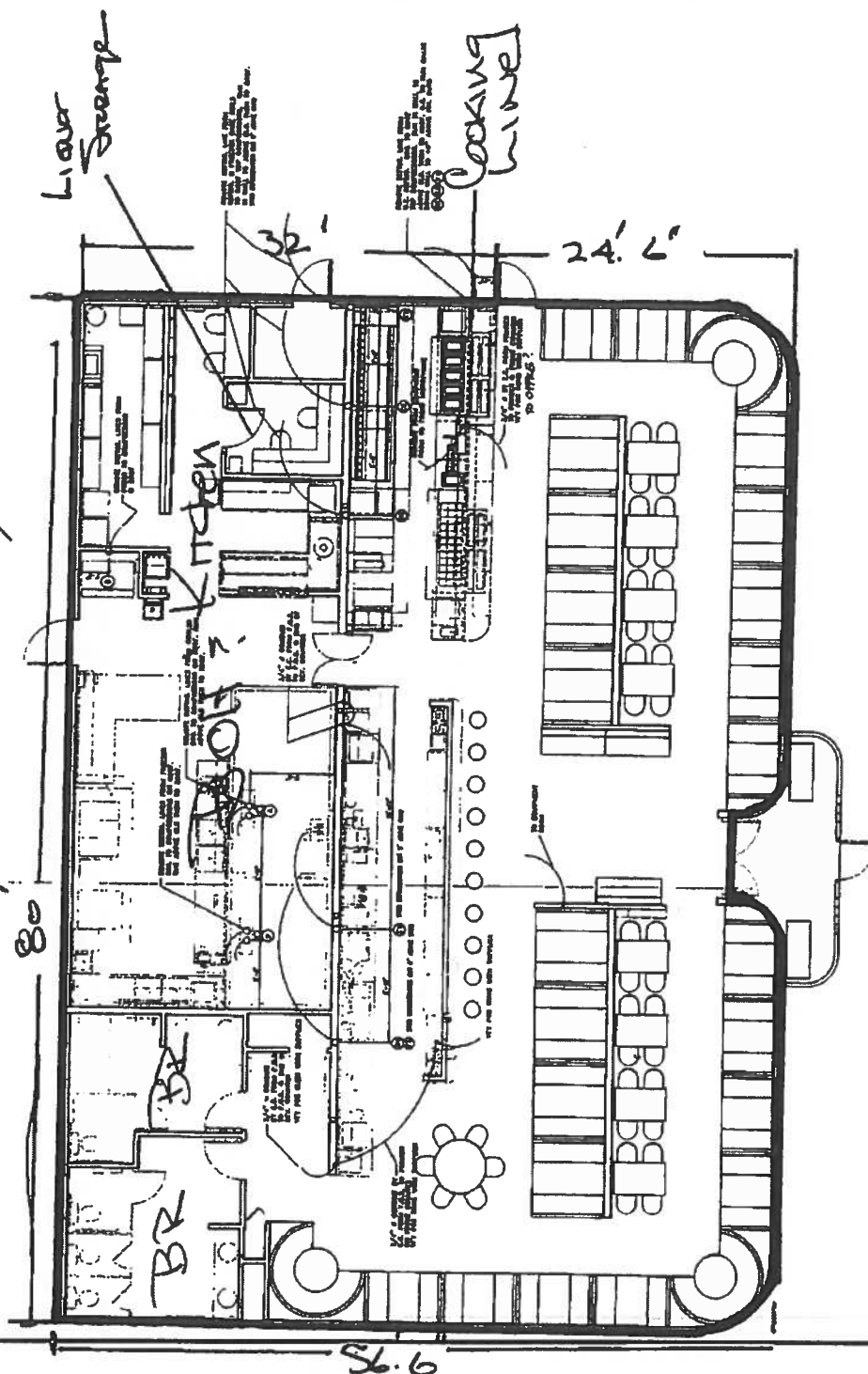
**1. Littleton Gunther Toody's LLC; 8266 W. Bowles Ave., Littleton, CO 80123.  
Part-Owner.**

**2. Larkridge Gunther Toody's LLC; Part-Owner; 6755 Washington St., Thornton,  
CO 80023. Part Owner.**

**3. Northglenn Gunther Toody's LLC; Part-Owner; 301 W 104th Ave., Northglenn,  
CO 80234.**

WOODMEN GUNTHER TOODY'S  
LLC.





REFER TO KAIRACK REFRIGERATION DRAWINGS FOR REFRIGERATION  
ENGINEERING SUMMARY OF TAGGED  
REFRIGERATION LOCATIONS SHOWN ON THIS PLAN

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  2017 OCT 12 A 9:16
<hr/> IN THE MATTER OF:  Woodman Gunther Toody's, LLC d/b/a <b>Gunther Toody's Diner</b> 5490 E. Woodman Road Colorado Springs, CO 80920 Mailing Address: P.O. Box 2227 Eagle, CO 81631	       ▲ BOARD USE ONLY ▲
<hr/>	<hr/> Application No: N-32896
<b>NOTICE OF HEARING AND INITIAL FINDINGS OF FACT</b>	

### NOTICE OF HEARING

This matter comes before the Board for hearing on **Friday, November 3, 2017 at 9:00 A.M. in the City Council Chambers of City Hall at 107 N. Nevada Avenue** upon Woodman Gunther Toody's, LLC d/b/a Gunther Toody's Diner ("Applicant") application for a new Hotel and Restaurant Liquor License at 5490 E. Woodman Road, Colorado Springs, CO 80920.

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, October 24, 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 31, 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 July 20, 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 October 12, 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



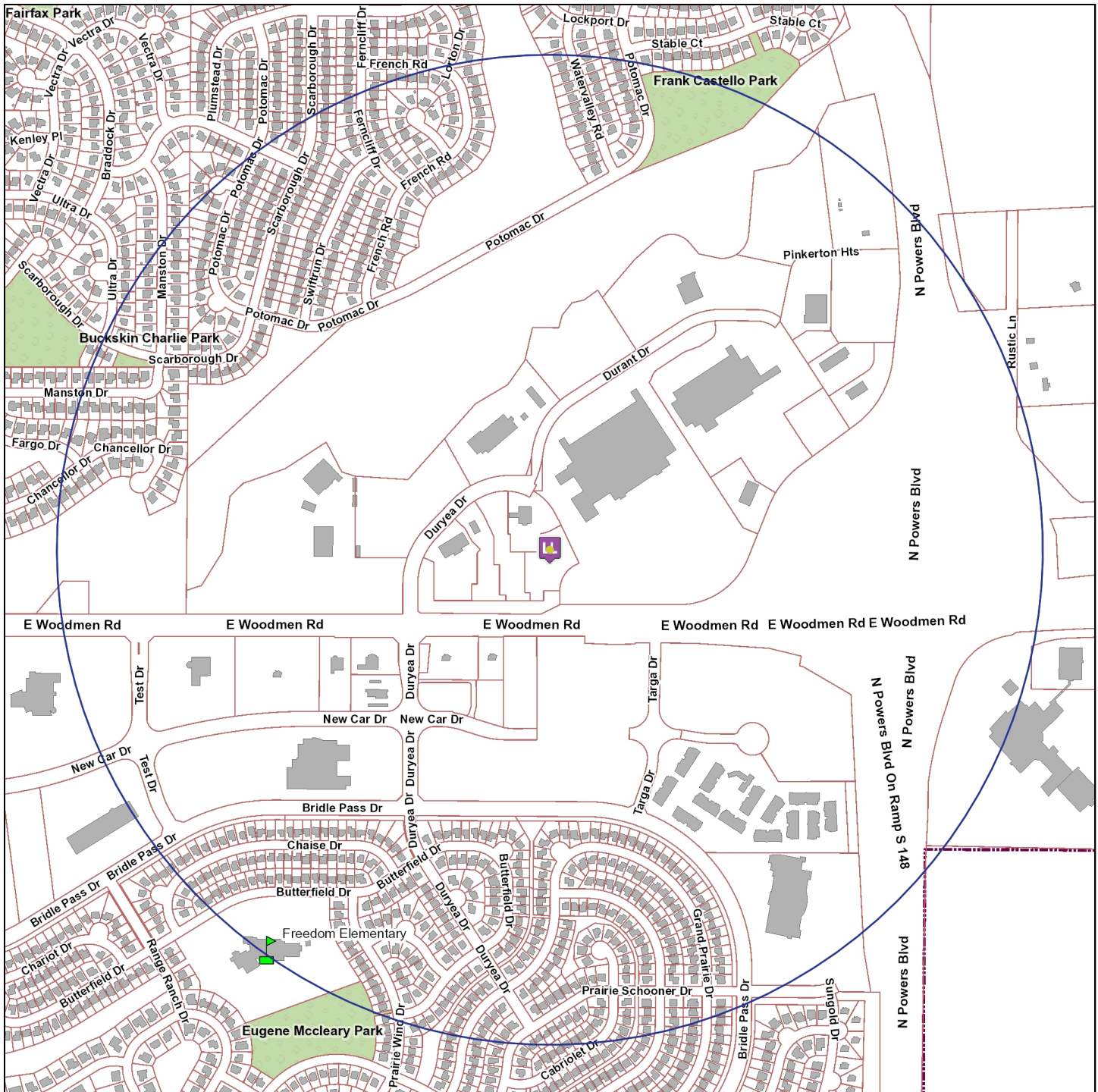
WOODMEN GUNTHER TOODY'S LLC

d/b/a GUNTHER TOODY'S DINER

5490 E WOODMEN RD

OFFICE OF THE CITY CLERK

License ID: 32896



The survey boundary is 0.5 miles from the establishment

Map Prepared: 10/11/2017 9:56 AM

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## OFFICE OF THE CITY CLERK

### HEARING LETTER ATTACHMENT

License ID: 32896

WOODMEN GUNTHER TOODY'S LLC  
d/b/a GUNTHER TOODY'S DINER  
5490 E WOODMEN RD  
COLORADO SPRINGS, CO 80920

### EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

<u>Business d/b/a</u>	<u>Business Address</u>	<u>License Type</u>	
1) VILLASPORT ATHLETIC CLUB & SPA	5904 PRAIRIE SCHOONER DRIVE	Tavern	2,298.60 ft

## CERTIFICATE OF MAILING

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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 October 12, 2017 to the following address of record:

Woodman Gunther Toody's, LLC  
dba Gunther Toody's Diner  
P.O. Box 2227  
Eagle, CO 81631



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

CC: glenn.heelan@gunthertoodys.com  
Vince Linden (vince@lindenlawgroup.com)