



OFFICE OF THE CITY CLERK

Received:

DEC 12 2017

**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)

- | | | | |
|--|--|---|--|
| <input checked="" type="checkbox"/> Hotel/Restaurant (or Resort) | <input type="checkbox"/> Hotel/Restaurant w/Optional | <input type="checkbox"/> Tavern | <input type="checkbox"/> Brew Pub |
| <input type="checkbox"/> Distillery Pub | <input type="checkbox"/> Vintner's Restaurant | <input type="checkbox"/> Beer and Wine | <input type="checkbox"/> Optional Premises |
| <input type="checkbox"/> Retail Liquor Store* | <input type="checkbox"/> Liquor Licensed Drugstore* | <input type="checkbox"/> Racetrack | <input type="checkbox"/> Arts |
| <input type="checkbox"/> Lodging & Entertainment | <input type="checkbox"/> 3.2% Beer On Premises | <input type="checkbox"/> 3.2% Beer Off Premises | <input type="checkbox"/> 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): AC Tejon, LLC	
2. Trade Name (DBA): Atomic Cowboy/Denver Biscuit Co./Fat Sully's New York Pizza/Frozen Gold	
3. Premises Address: 528 S. Tejon Street and 80 E. Moreno Avenue City, State, Zip: Colorado Springs, CO 80903	Location Phone: TBD
Property Tax Schedule No. : 6418319017 & 6418319018	Zoning: FBZ-CEN
4. Mailing Address: City, State, Zip: 1515 Adams Street, Denver, CO 80206	Alt Phone: (303) 641-0159
Primary Contact Name And Title: Drew Shader, LLC Manager	Email: drew@atomicprovisions.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
Atomic Provisions, LLC	Sole Member	100%
Drew Shader	LLC Manager	100% (Beneficial Owner)

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
Drew Shader, Alpine Bank, 1777 Wynkoop St., Denver, CO 80202	Checking	\$ 1,500,000
TOTAL INVESTMENT IN BUSINESS:		\$ 1,500,000

Section C: PREMISES / LOCATION INFORMATION

8. Registered Manager Name: Nathan Lotz

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

If leased, provide the terms: START DATE: 06/06/2017 END DATE: 06/06/2027

DIMENSIONS OF PREMISES: See attached. TOTAL SQUARE FOOTAGE: 13,000 total s.f. with patios.

Is there a patio area? ☒ Yes ☐ No --- If yes, provide dimensions See attached floor plans.

Anticipated number of employees: 80-100 Anticipated opening date: 05/01/2018

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

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
See attachment to question #10.			

Supplemental Response to City of Colorado Springs Liquor License Application

Question #10

Drew Shader is the LLC Manager of Atomic, LLC d/b/a Atomic Cowboy/Denver Biscuit Co./Fat Sully's New York Pizza which holds H&R class liquor licenses at 3235 E. Colfax Ave., and 141 – 143 S. Broadway in Denver, CO.

Drew Shader is the LLC Manager of AC Tennyson, LLC d/b/a Atomic Cowboy/Denver Biscuit Co./Fat Sully's New York Pizza which holds an H&R class liquor license at 4275 Tennyson Street, Denver, CO 80212.

Drew Shader is the LLC Manager of DBC Stanley, LLC d/b/a Denver Biscuit Company which holds a H&R class liquor license at 2501 Dallas Street, Unit 150, Aurora, CO 80010.

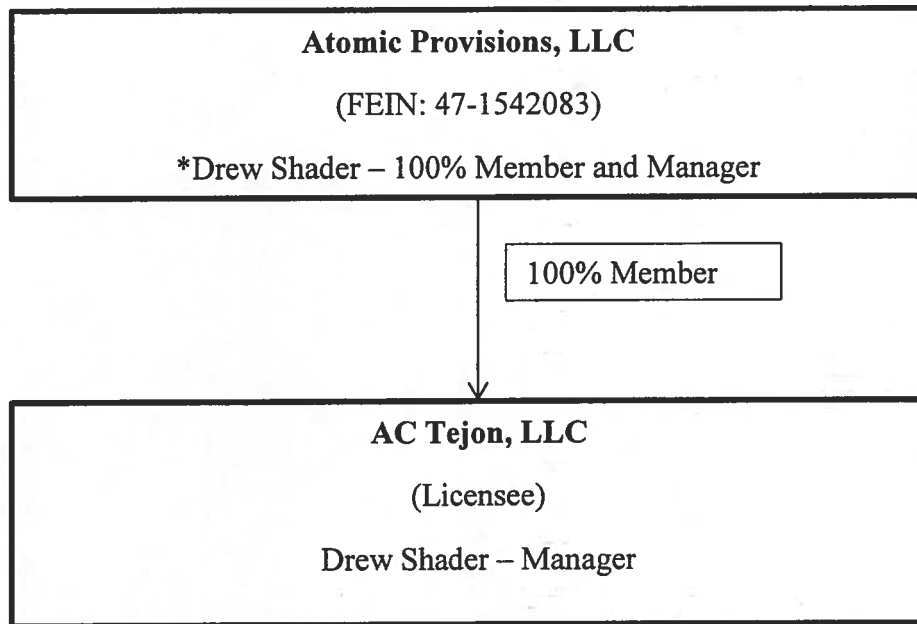
Question #11

Drew Shader is the LLC Manager of Atomic, LLC d/b/a Atomic Cowboy/Denver Biscuit Co./Fat Sully's New York Pizza at 3235 E. Colfax Ave., Denver, CO, 80206. In 2010, Atomic, LLC received two liquor violations for sales to minors. Suspensions were served and fines were paid in both incidents.

Drew Shader is the LLC Manager of Atomic, LLC d/b/a Atomic Cowboy/Denver Biscuit Co./Fat Sully's New York Pizza 141 – 143 S. Broadway in Denver, CO. On November 14, 2014 Atomic, LLC received a liquor violation for a sale to a minor. A one day suspension was served and a fine was paid.

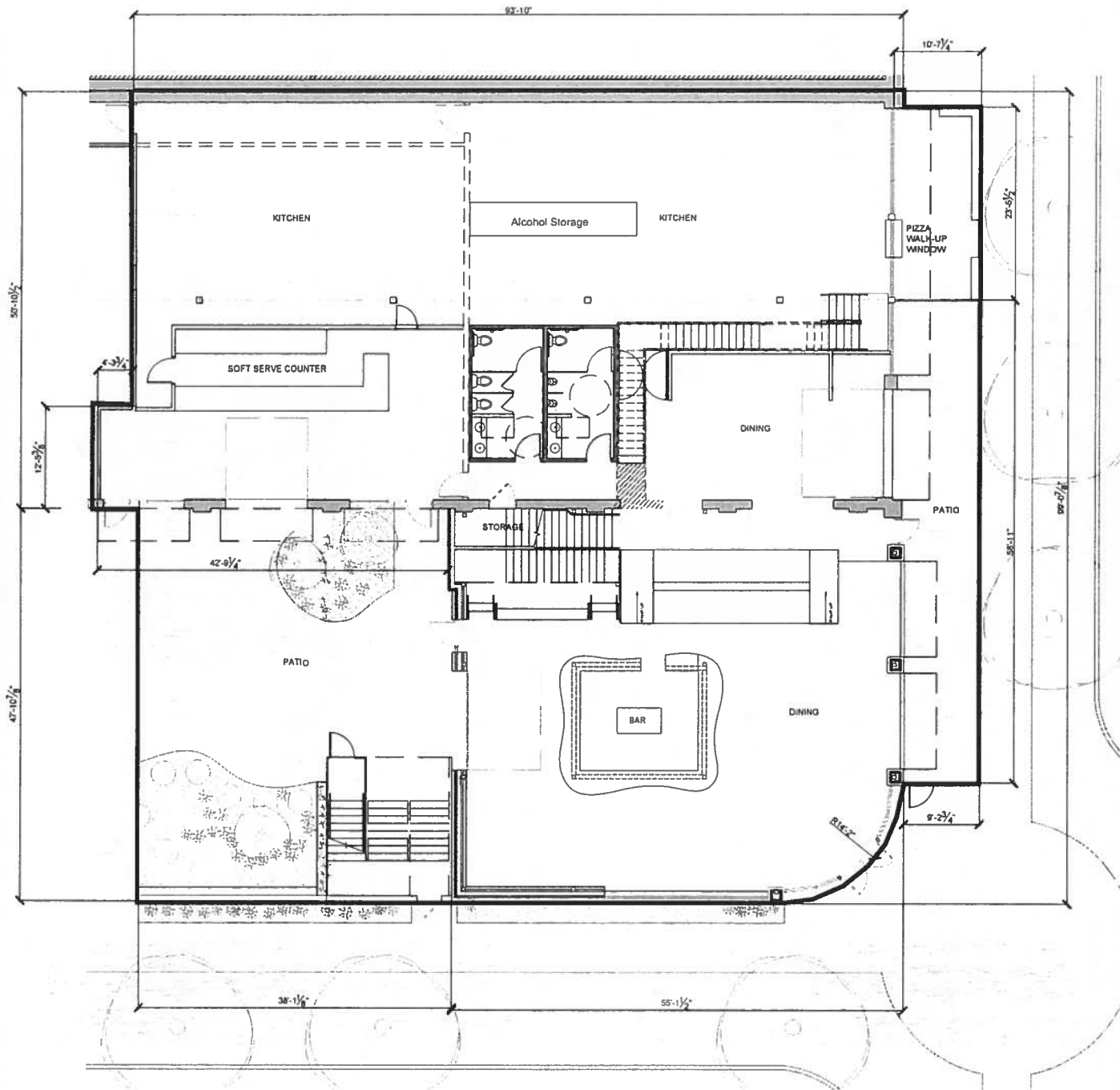
Supplemental Response to DR 8404 Question #24:

Name	Address	DOB	Position	% Owned
Atomic Provisions, LLC	1515 Adams Street Denver, CO 80202	N/A	Member	100%
Drew Shader	5125 E. 6 th Ave. Parkway Denver, CO 80220	9/20/82	Manager, Beneficial Owner	100% (beneficially)



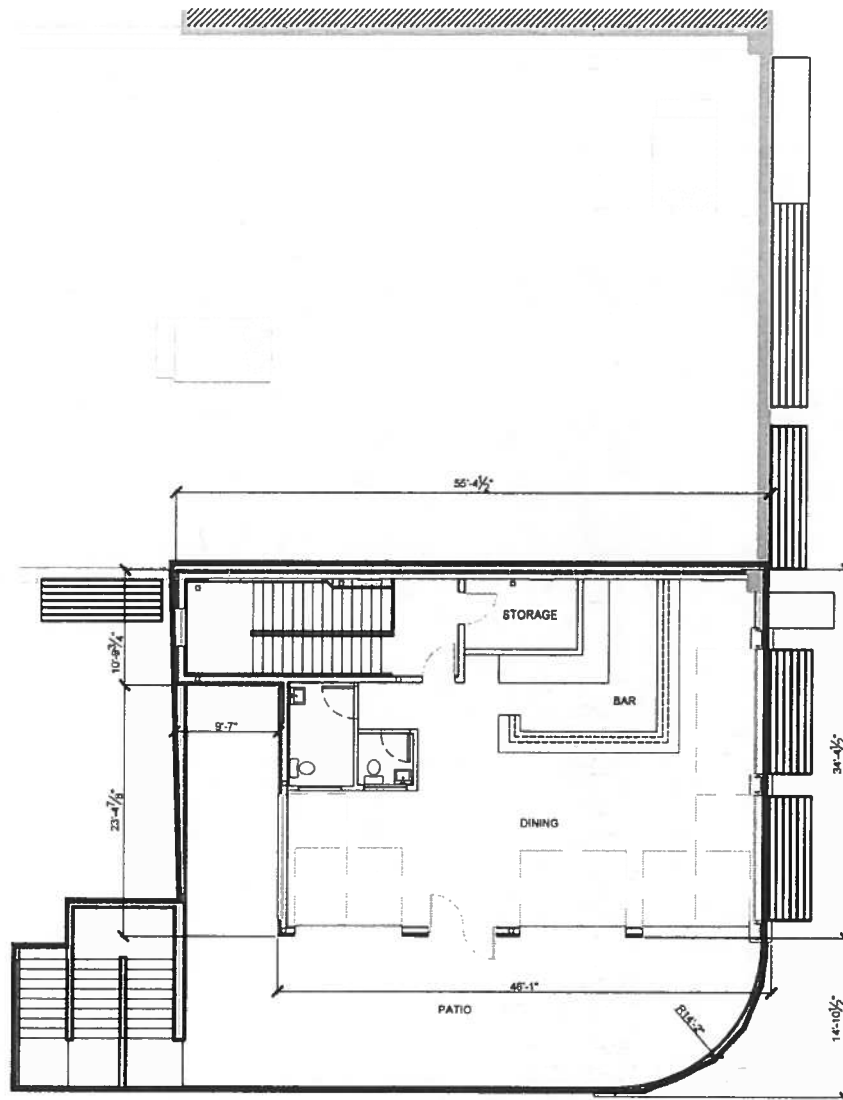
***Drew Shader is the Principal Person for purposes of the liquor license.**

AC Tejon, LLC d/b/a Atomic Cowboy/Denver Biscuit Co./Fat Sully's New York Pizza/Frozen Gold
528 S. Tejon Street and 80 E. Moreno Avenue, Colorado Springs, CO 80903



1 MAIN LEVEL LAYOUT
1/8" = 1'-0"

AC Tejon, LLC d/b/a Atomic Cowboy/Denver Biscuit Co./Fat Sully's New York Pizza/Frozen Gold
528 S. Tejon Street and 80 E. Moreno Avenue, Colorado Springs, CO 80903



2 ROOFTOP LAYOUT
1/8" = 1'-0"

**BEFORE THE LOCAL LIQUOR AND BEER
LICENSING AUTHORITY,
CITY OF COLORADO SPRINGS,
STATE OF COLORADO**

Address: 30 South Nevada Avenue, Suite 101
Colorado Springs, CO 80903
Telephone: (719) 385-5901
Fax Number: (719) 385-5114
Email: cityclerk@springsgov.com

CITY CLERK'S OFFICE

2018 MAR 15 A 10:32

▲ CLERK USE ONLY ▲

IN THE MATTER OF:

APPLICANT

AC Tejon, LLC
d/b/a Atomic Cowboy/Denver Biscuit CO./Fat Sully's New
York Pizza/Frozen Gold
528 S. Tejon Street
Colorado Springs, CO 80903
Mailing Address:
1515 Adams Street
Denver, CO 80206

Application No: N-33499

NOTICE OF HEARING AND INITIAL FINDINGS OF FACT

NOTICE OF HEARING

This matter comes before the Local Licensing Authority Hearing Officer for hearing on **Friday, April 6, 2018 at 9:00 A.M. in Division 2, Municipal Court Building, 224 E. Kiowa Street, Colorado Springs, CO 80903** upon AC Tejon, LLC d/b/a Atomic Cowboy/Denver Biscuit CO./Fat Sully's New York Pizza/Frozen Gold ("Applicant") application for a new Hotel and Restaurant Liquor License at 528 S. Tejon Street, Colorado Springs, CO 80903.

At this meeting, the Hearing Officer will consider the factors outlined in Rule No. 9.08 of the Liquor and Beer Rules and Regulations for the City of Colorado Springs ("City Rules"), and it is the Applicant's burden to provide the necessary evidence to satisfy the Local Licensing Authority.

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 27, 2018. 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, April 3, 2018.

Pursuant to C.R.S. §12-47-312 and City 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 December 12, 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, pursuant to C.R.S. §12-47-313(1)(a)(I) and City Rule 7.00(A)(1).
- 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, pursuant to C.R.S. §12-47-313(1)(b) and City Rule 7.00(A)(2).
- 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, pursuant to C.R.S. §12-47-313(1)(c) and City Rule 7.00(A)(3).
- 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, pursuant to C.R.S. §12-47-313(1)(d) and City Rule 7.00(A)(4).
- V. Pursuant to C.R.S. §12-47-307(1)(a)(VI), 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 City 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 15, 2018.

FOR
THE CITY OF COLORADO SPRINGS
LOCAL LICENSING AUTHORITY



By: Sarah B. Johnson
City Clerk

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

Liquor Survey Boundaries



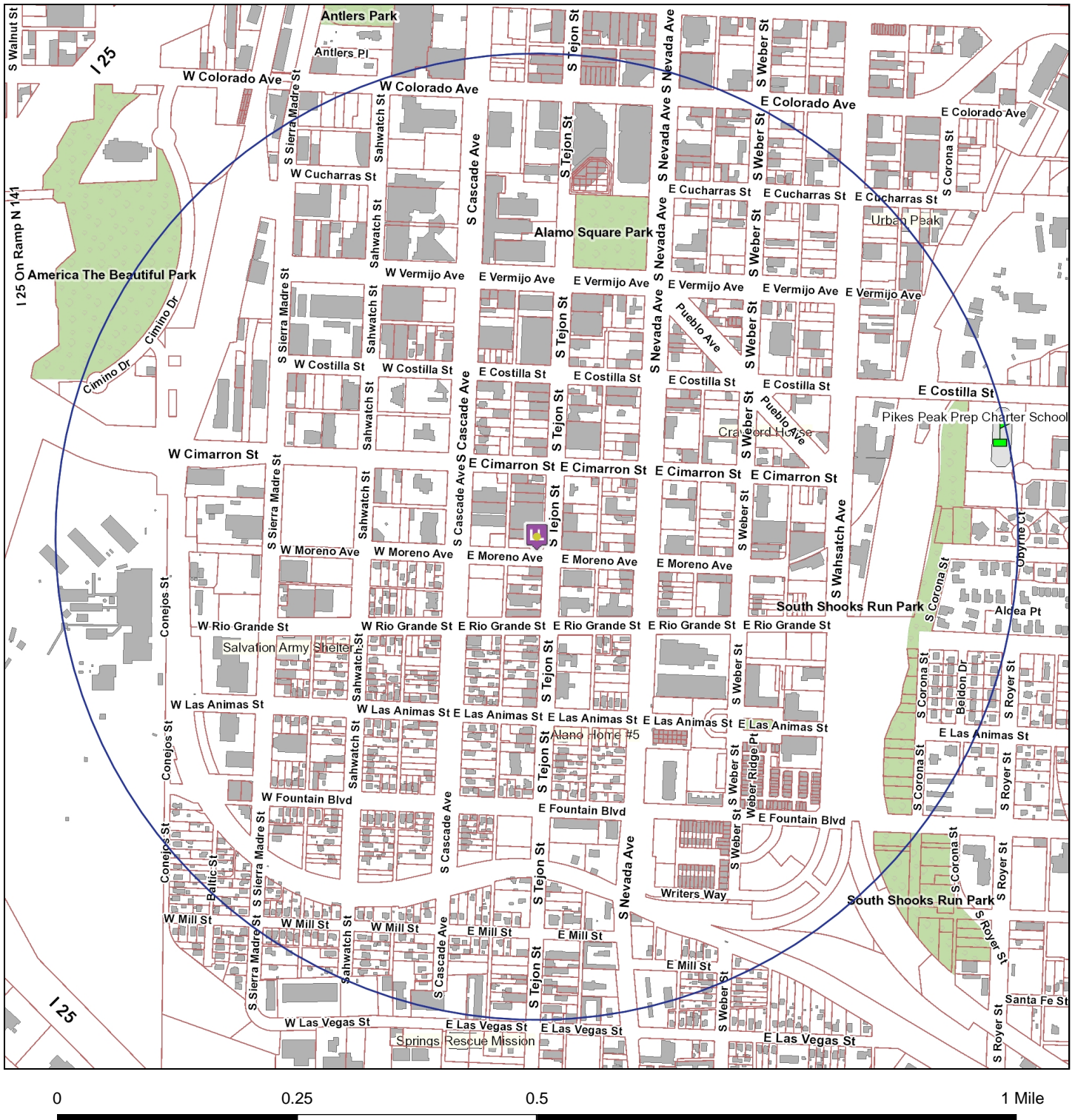
AC TEJON, LLC

d/b/a ATOMIC COWBOY/DENVER BISCUIT CO. et al

528 S TEJON ST

OFFICE OF THE CITY CLERK

License ID: 33499



The survey boundary is 0.5 miles from the establishment

Map Prepared: 3/12/2018 8:08 AM

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OFFICE OF THE CITY CLERK

HEARING LETTER ATTACHMENT

License ID: 33499

AC TEJON, LLC

d/b/a ATOMIC COWBOY/DENVER BISCUIT CO. et al

528 S TEJON ST

COLORADO SPRINGS, CO 80903

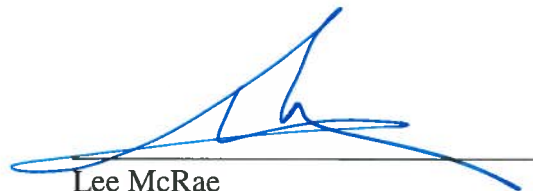
EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

<u>Business d/b/a</u>	<u>Business Address</u>	<u>License Type</u>	
1) THE COFFEE EXCHANGE	526 S TEJON ST	Hotel & Restaurant	61.38 ft
2) McCABES TAVERN	520 S TEJON ST	Hotel & Restaurant	116.48 ft
3) COQUETTE'S BISTRO & BAKERY	616 S TEJON ST	Hotel & Restaurant	346.16 ft
4) V F W CLUB 101	702 S TEJON ST	Club	567.00 ft
5) SHUGA'S	702 S CASCADE AVE	Hotel & Restaurant	780.24 ft
6) LOYAL COFFEE	408 S NEVADA AVE	Hotel & Restaurant	863.90 ft
7) THE WAREHOUSE RESTAURANT	25 W CIMARRON ST	Hotel & Restaurant	897.04 ft
8) IRON BIRD BREWING CO.	402 & 404 S NEVADA AVE	Brew Pub	932.59 ft
9) OSCAR'S TEJON STREET	333 S TEJON ST	Hotel & Restaurant	979.73 ft
10) BAR-K	124 E COSTILLA ST	Tavern	1,044.39 ft
11) CHINA TOWN RESTAURANT	326 S NEVADA AVE	Hotel & Restaurant	1,133.37 ft
12) PIKES PEAK LODGE #473	329 E CIMARRON ST	Club	1,579.96 ft
13) ZODIAC	230 PUEBLO AVE	Tavern	1,667.35 ft
14) PIKES PEAK CENTER	190 S CASCADE AVE	Tavern	1,925.72 ft
15) MACKENZIES CHOPHOUSE	128 S TEJON ST	Hotel & Restaurant	2,005.47 ft
16) NOSH	121 S TEJON ST	Hotel & Restaurant	2,087.94 ft
17) LUIGIS RESTAURANT	947 S TEJON ST	Hotel & Restaurant	2,093.55 ft
18) THE THIRSTY PARROT	32 S TEJON ST	Tavern	2,499.65 ft
19) SAIGON CAFÉ	20 E COLORADO AVE	Beer & Wine	2,505.22 ft
20) SONTERRA INNOVATIVE SOUTHWEST GRILL	28 S TEJON ST	Hotel & Restaurant	2,553.99 ft
21) EAST COAST DELI	24 S TEJON ST	Hotel & Restaurant	2,589.03 ft
22) RED GRAVY	23 S TEJON ST	Hotel & Restaurant	2,596.33 ft
23) FUJIYAMA	22 S TEJON ST	Hotel & Restaurant	2,615.53 ft
24) JACK QUINN'S IRISH ALE HOUSE AND PUB	21 S TEJON ST	Hotel & Restaurant	2,623.84 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 15, 2018 to the following address of record:

AC Tejon, LLC
dba Atomic Cowboy/Denver Biscuit CO./Fat Sully's New York Pizza/Frozen Gold
1515 Adams Street
Denver, CO 80206



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

CC: drew@atomicprovisions.com
Adam Clark <aclark@fostergraham.com>
Brian Proffitt <brian@fostergraham.com>