



## OFFICE OF THE CITY CLERK

Received:

CITY CLERK'S OFFICE

2018 FEB 20 A 10:46

# 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):

NEW DAY COLORADO LLC

2. Trade Name (DBA): NEW DAY CAFE

3. Premises Address: 5901 DELMONICO DR  
City, State, Zip: COLORADO SPRINGS, CO 80919

Location

Phone: 719-266-0555

Property Tax Schedule No.: 63183-04-024

Zoning: PEC HS CU  
Commercial

4. Mailing Address: 1132 TERRACE RD  
City, State, Zip: COLORADO SPRINGS, CO 80904

Alt Phone: 719-339-2025

Primary Contact  
Name And Title: THOMAS R. BRUNETTE OWNER

Email: NEWDAYCOLORADO@GMAIL.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

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
THOMAS R BRUNETTE	OWNER / MANAGING PARTNER	100%

**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
Cashed out Personal IRAs	American Funds	175,000
Cash on Hand		25,000
TOTAL INVESTMENT IN BUSINESS:		\$200,000 0

**Section C: PREMISES / LOCATION INFORMATION**

8. Registered Manager Name: THOMAS R BRUNETTE

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

If leased, provide the terms: START DATE: 11/01/2012 END DATE: 01/01/2023

DIMENSIONS OF PREMISES: 60x43 TOTAL SQUARE FOOTAGE: 2600 sq'

Is there a patio area? ☒ Yes ☐ No -- If yes, provide dimensions 11' x 64'

Anticipated number of employees: 20 Anticipated opening date: OPENED 4/15/2013

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

**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?

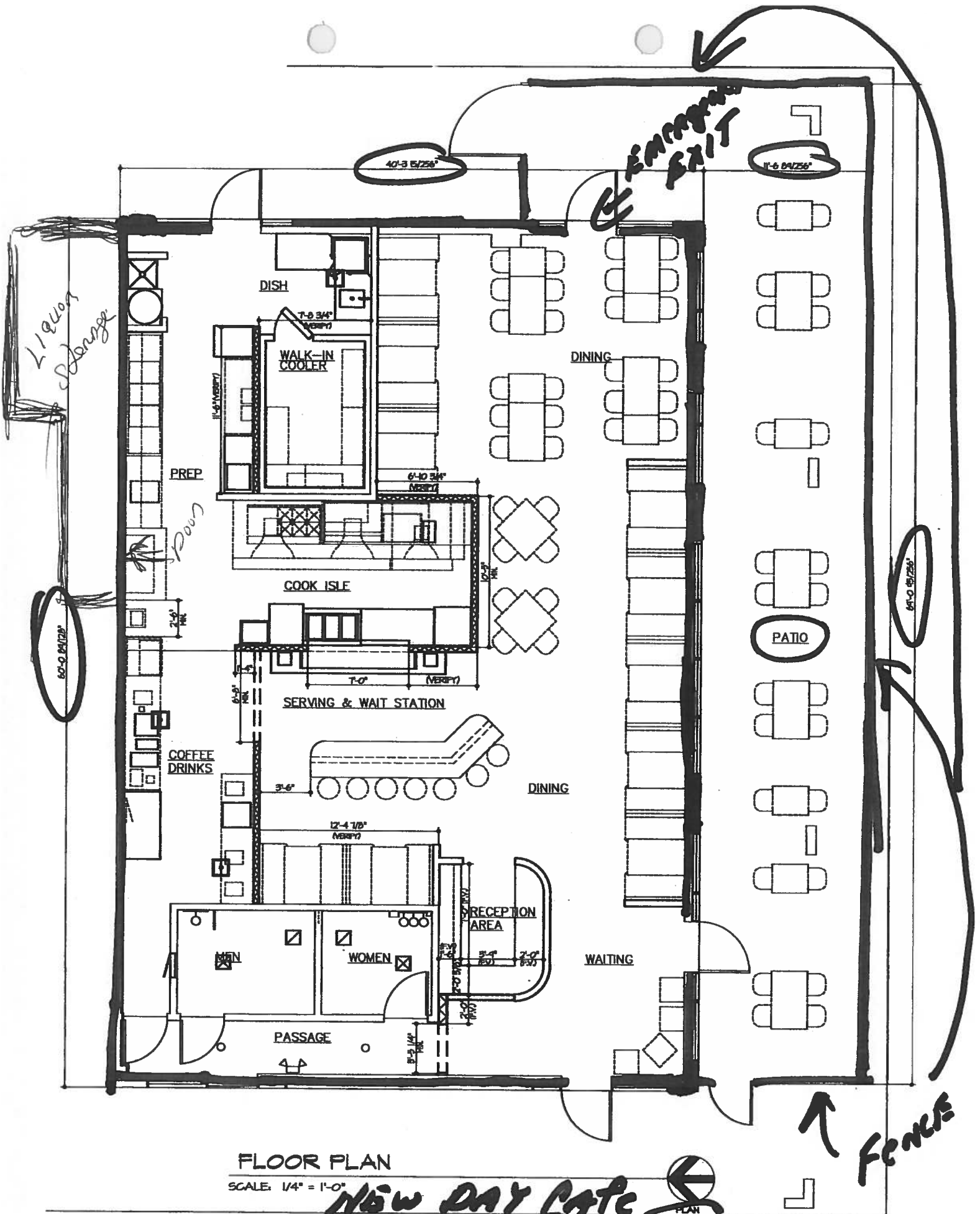
☐ Yes ☒ No IF YES, ATTACH a statement or affidavit of explanation, including date(s) and location(s).

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>None</u>			



**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 8:34

▲ CLERK USE ONLY ▲

**IN THE MATTER OF:**

**APPLICANT**

New Day Colorado, LLC  
d/b/a **New Day Café**  
5901 Delmonico Drive  
Colorado Springs, CO 80919  
Mailing Address:  
1132 Terrace Road  
Colorado Springs, CO 80904

Application No: N-33491

**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 New Day Colorado, LLC d/b/a New Day Café ("Applicant") application for a new Hotel and Restaurant Liquor License at 5901 Delmonico Drive, Colorado Springs, CO 80919.

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 February 20, 2018, 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 evidence 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



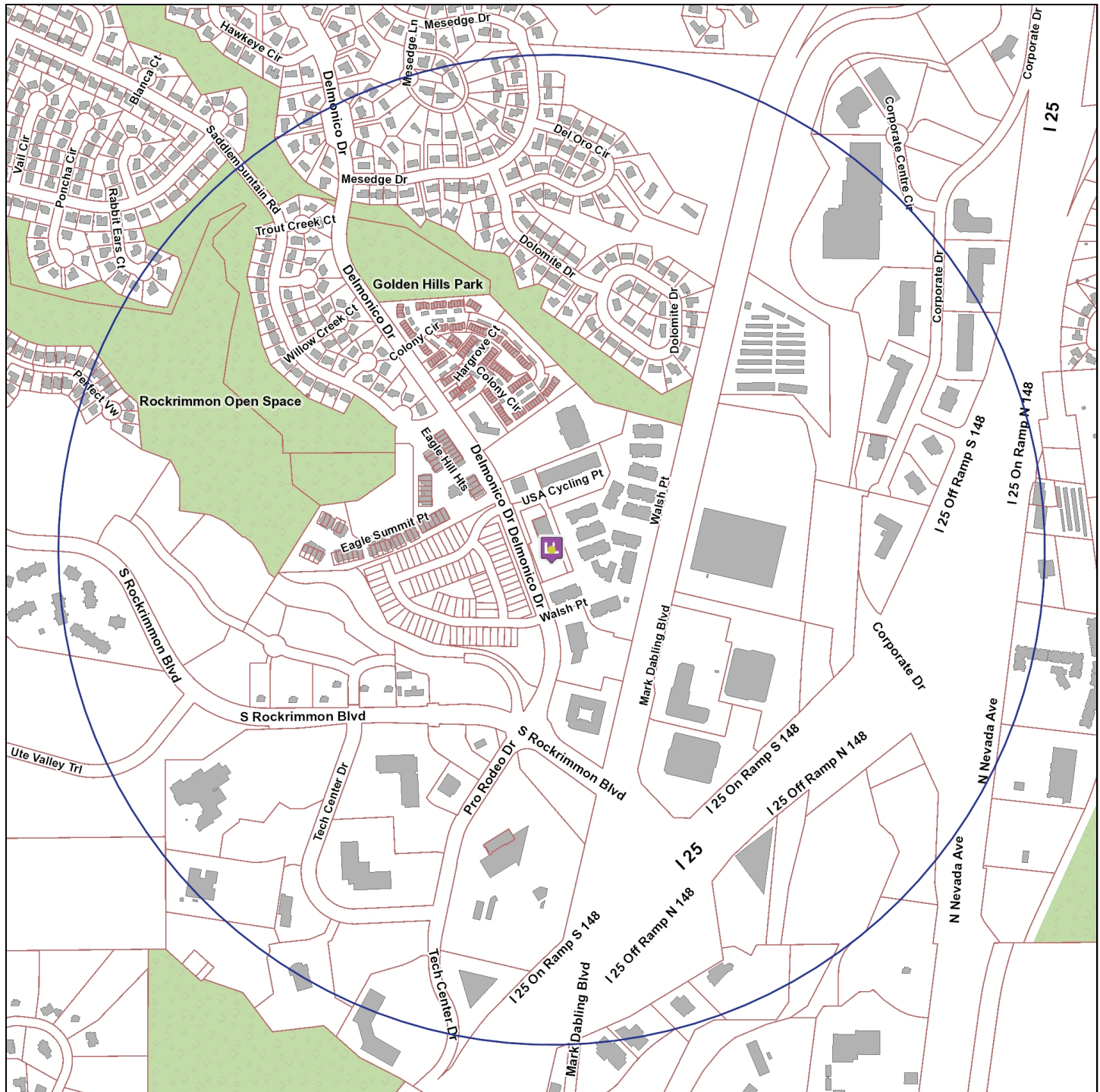
NEW DAY COLORADO LLC

d/b/a NEW DAY CAFE

5901 DELMONICO DR

OFFICE OF THE CITY CLERK

License ID: 33491



0 0.25 0.5 1 Mile

The survey boundary is 0.5 miles from the establishment

Map Prepared: 3/12/2018 8:15 AM

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## OFFICE OF THE CITY CLERK

### HEARING LETTER ATTACHMENT

License ID: 33491

NEW DAY COLORADO LLC

d/b/a NEW DAY CAFE

5901 DELMONICO DR

COLORADO SPRINGS, CO 80919

### EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

<u>Business d/b/a</u>	<u>Business Address</u>	<u>License Type</u>	
1) HYATT HOUSE COLORADO SPRINGS	5805 DELMONICO DR	Tavern	900.17 ft
2) TRAPPERS RENDEZVOUS	5905 CORPORATE DR	Hotel & Restaurant	2,096.71 ft
3) MARRIOTT COLORADO SPRINGS	5580 TECH CENTER DR	Hotel & Restaurant	2,291.99 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 March 15, 2018 to the following address of record:

New Day Colorado, LLC  
dba New Day Café  
1132 Terrace Road  
Colorado Springs, CO 80904



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

CC: newdaycolorado@gmail.com