

**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
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CITY CLERK'S OFFICE

2018 SEP 27 A 11: 32 .

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IN THE MATTER OF:

APPLICANT

Murphy Oil Usa, Inc.
d/b/a **Murphy Express 8859**
4010 Vance Drive
Colorado Springs, CO 80918
Mailing Address:
P.O. Box 7300
El Dorado, AZ 71730

Application No: N-34485

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, October 19, 2018 at 9:00 A.M. in Division 2, Municipal Court Building, 224 E. Kiowa Street, Colorado Springs, CO 80903** upon Murphy Oil Usa, Inc. d/b/a Murphy Express 8859 ("Applicant") application for a new Fermented Malt Beverage Off Premises License at 4010 Vance Drive, Colorado Springs, CO 80918.

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, October 9, 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, October 16, 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 August 16, 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.
- IX. Pursuant to C.R.S. § 12-47-301(12)(a.5), this location is not within 500 feet of a licensed Retail Liquor Store.

ON BEHALF OF THE LOCAL LICENSING AUTHORITY done September 27, 2018.

FOR
THE CITY OF COLORADO SPRINGS
LOCAL LICENSING AUTHORITY



By: Sarah B. Johnson
City Clerk

Direct questions regarding this notice and hearing to Colin M. Gordon at 719-385-5107.

Liquor Survey Boundaries

MURPHY OIL USA INC

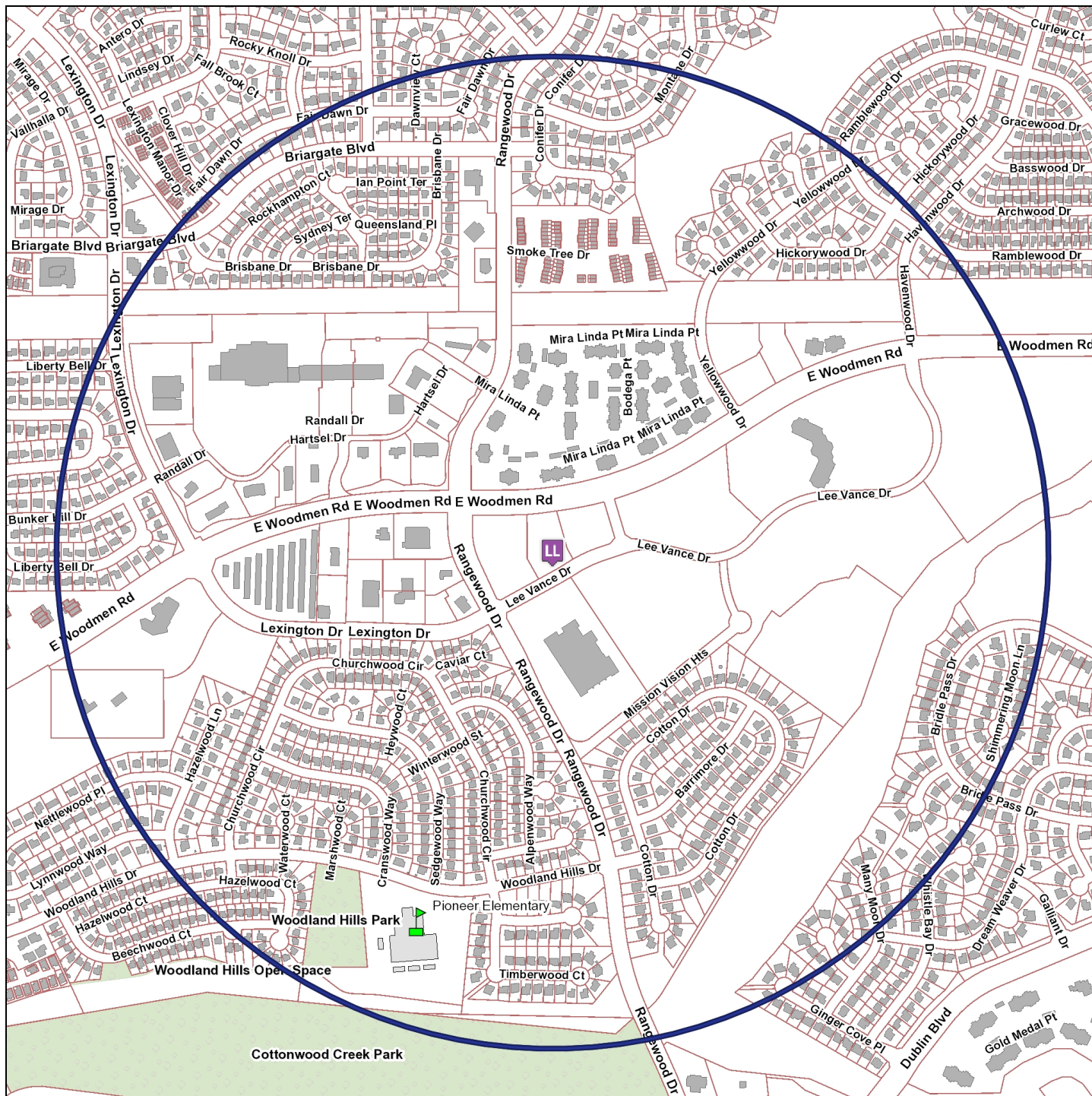
d/b/a MURPHY EXPRESS 8859

4010 LEE VANCE DR



OFFICE OF THE CITY CLERK

License ID: 34485



The survey boundary is 0.5 miles from the establishment

Map Prepared: 9/26/2018 10:22 AM

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OFFICE OF THE CITY CLERK

HEARING LETTER ATTACHMENT

License ID: 34485

MURPHY OIL USA INC

d/b/a MURPHY EXPRESS 8859

4010 LEE VANCE DR

COLORADO SPRINGS, CO 80918


EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

<u>Business d/b/a</u>	<u>Business Address</u>	<u>License Type</u>	
1) CVS PHARMACY #11024	7353 RANGEWOOD DR	Fermented Malt Beverage Off Premises	269.49 ft
2) 7-ELEVEN STORE #26693B	3740 RANDALL DR	Fermented Malt Beverage Off Premises	1,159.64 ft
3) KING SOOPERS #76	3570 HARTSEL DR	Fermented Malt Beverage Off Premises	1,645.84 ft
4) WOODMEN WINE & LIQUOR	3502 HARTSEL DR	Retail Liquor Store	2,092.95 ft

CERTIFICATE OF MAILING

I, Colin M. Gordon, 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 27, 2018 to the following address of record:

Murphy Oil Usa, Inc.
dba Murphy Express 8859
P.O. Box 7300
El Dorado, AZ 71730



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

CC: kelly@kellyelefant.com
wesley.price@murphyusa.com
Tina LaTina Scott <tinalatina@comcast.net>