

**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

2019 APR 11 P 12: 03

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IN THE MATTER OF:

APPLICANT

Whole Foods Market Rocky Mountain/Southwest L.P.
d/b/a **Whole Foods Market Tap Room**
7635 N. Academy Boulevard
Colorado Springs, CO 80920
Mailing Address:
PO Box 684786
Austin, TX 78703

Application No: N-35432

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, May 3, 2019 at 9:00 A.M. in Division 2, Municipal Court Building, 224 E. Kiowa Street, Colorado Springs, CO 80903** upon Whole Foods Market Rocky Mountain/Southwest L.P. d/b/a Whole Foods Market Tap Room ("Applicant") application for a new Fermented Malt Beverage On Premises License at 7635 N. Academy Boulevard, Colorado Springs, CO 80920.

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, April 23, 2019**. 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 30, 2019.

Pursuant to C.R.S. §44-3-312 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 March 25, 2019, 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. §44-3-313(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. §44-3-313(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. §44-3-313(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. §44-3-313(1)(d) and City Rule 7.00(A)(4).

V. Pursuant to C.R.S. §44-3-307(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. §44-3-308.

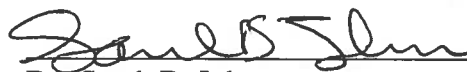
VII. Applicant is not a person prohibited as a licensee pursuant to C.R.S. §44-3-307.

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. §44-3-301(12)(a.5), this location is not within 500 feet of a licensed Retail Liquor Store.

ON BEHALF OF THE LOCAL LICENSING AUTHORITY done April 11, 2019.

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



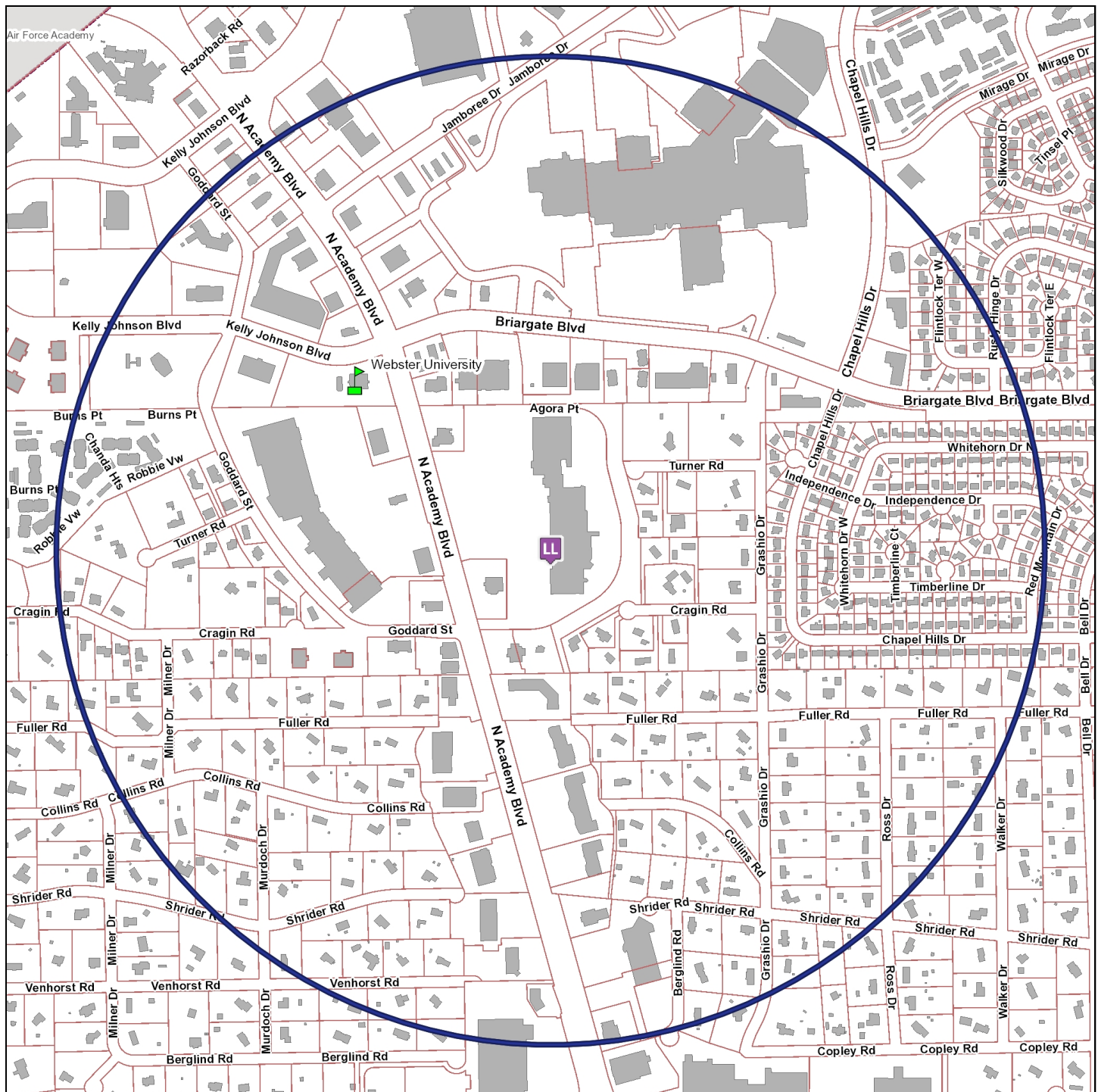
WHOLE FOODS MARKET ROCKY MOUNTAIN/SOUTHWEST L.P.

d/b/a WHOLE FOODS MARKET TAP ROOM

7635 N ACADEMY BLVD

OFFICE OF THE CITY CLERK

License ID: 35432



0 0.25 0.5 1 Mile

The survey boundary is 0.5 miles from the establishment

Map Prepared: 4/9/2019 9:49 AM

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OFFICE OF THE CITY CLERK

HEARING LETTER ATTACHMENT

License ID: 35432

WHOLE FOODS MARKET ROCKY MOUNTAIN/SOUTHWEST L.P.

d/b/a WHOLE FOODS MARKET TAP ROOM

7635 N ACADEMY BLVD

COLORADO SPRINGS, CO 80920

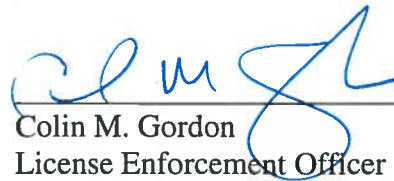
EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

<u>Business d/b/a</u>	<u>Business Address</u>	<u>License Type</u>	
1) BISHOPS CUTS AND COLOR	7587 N ACADEMY BLVD	Beer & Wine	553.39 ft
2) SNOOZE AN AM EATERY	7587 N ACADEMY BLVD	Hotel & Restaurant	581.52 ft
3) APPLEBEE'S NEIGHBORHOOD GRILL & BAR	7625 GODDARD ST	Hotel & Restaurant	661.68 ft
4) CHAANG THAI	7525 N ACADEMY BLVD	Hotel & Restaurant	828.92 ft
5) ON THE BORDER MEXICAN GRILL & CANTINA	7695 N ACADEMY BLVD	Hotel & Restaurant	837.06 ft
6) TOKYO JOE'S	7495 N ACADEMY BLVD	Hotel & Restaurant	1,043.35 ft
7) HUHOT MONGOLIAN GRILL	7790 N ACADEMY BLVD	Hotel & Restaurant	1,091.91 ft
8) CRAVE REAL BURGERS	7465 N ACADEMY BLVD	Hotel & Restaurant	1,119.31 ft
9) MOD PIZZA	7447 N ACADEMY BLVD	Beer & Wine	1,275.89 ft
10) VEDA SALON & SPA	7439/7443 N. ACADEMY BLVD	Lodging & Entertainment	1,358.36 ft
11) BUFFALO WILD WINGS #114	7425 N ACADEMY BLVD	Hotel & Restaurant	1,491.07 ft
12) JOEYS PIZZA	1843 BRIARGATE BLVD	Hotel & Restaurant	1,557.15 ft
13) OLIVE GARDEN ITALIAN RESTAURANT NO1263	7815 N ACADEMY BLVD	Hotel & Restaurant	1,767.53 ft
14) GUTHRIES BAR AND GRILL	1410 KELLY JOHNSON BLVD	Hotel & Restaurant	1,809.92 ft
15) CHIPOTLE MEXICAN GRILL	7818 N ACADEMY BLVD	Hotel & Restaurant	2,043.92 ft
16) SALTGRASS STEAKHOUSE	1405 JAMBOREE DR	Hotel & Restaurant	2,065.98 ft
17) THAI BASIL	7882 N ACADEMY BLVD	Beer & Wine	2,170.55 ft
18) QDOBA MEXICAN EATS	7140 N ACADEMY BLVD	Hotel & Restaurant	2,217.77 ft
19) PEI WEI ASIAN DINER	7148 N ACADEMY BLVD	Hotel & Restaurant	2,217.77 ft
20) AMC COLORADO SPRINGS 13	1770 BRIARGATE BLVD	Beer & Wine	2,265.52 ft
21) RED ROBIN AMERICA'S GOURMET BURGERS + BREWS	1410 JAMBOREE DR	Hotel & Restaurant	2,327.09 ft
22) MIMI'S CAFÉ	7133 N ACADEMY BLVD	Hotel & Restaurant	2,579.52 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 April 11, 2019 to the following address of record:

Whole Foods Market Rocky Mountain/Southwest L.P.
dba Whole Foods Market Tap Room
PO Box 684786
Austin, TX 78703



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

CC: Kevin Coates <kcoates@dillanddill.com>
jacob.creswell@wholefoods.com
lsitz@dillanddill.com
'Tina LaTina Scott' <tinalatina@comcast.net>