

## Permit Application and Report of Changes

Current License Number <u>42199980000</u>		
All Answers Must Be Printed in Black Ink or Typewritten		
Local License Fee \$ _____		
1. Applicant is a <input type="checkbox"/> Corporation ..... <input type="checkbox"/> Individual <input type="checkbox"/> Partnership ..... <input checked="" type="checkbox"/> Limited Liability Company		Present License Number  <div style="text-align: center;">42199980000</div>
2. Name of Licensee <div style="text-align: center;">Horns Up LLC</div>		3. Trade Name <div style="text-align: center;">The Black Sheep</div>
4. Location Address <div style="text-align: center;">2106 E. Platte Ave.</div>		
City <div style="text-align: center;">Colorado Springs</div>	County <div style="text-align: center;">El Paso</div>	ZIP <div style="text-align: center;">80908</div>
<b>SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.</b>		
<b>Section A – Manager reg/change</b>		<b>Section C</b>
• License Account No. _____  <input type="checkbox"/> Manager's Registration (Hotel & Restr.) ..... \$75.00 <input type="checkbox"/> Manager's Registration (Tavern) ..... \$75.00 <input type="checkbox"/> Manager's Registration (Lodging & Entertainment) ..... \$75.00 <input type="checkbox"/> Change of Manager (Other Licenses pursuant to section 44-3-301(8), C.R.S.) NO FEE		<input type="checkbox"/> Retail Warehouse Storage Permit (ea) ..... \$100.00 <input type="checkbox"/> Wholesale Branch House Permit (ea) ..... 100.00 <input type="checkbox"/> Change Corp. or Trade Name Permit (ea) ..... 50.00 <input type="checkbox"/> Change Location Permit (ea) ..... 150.00 <input checked="" type="checkbox"/> Change, Alter or Modify Premises \$150.00 x _____ Total Fee _____ <input type="checkbox"/> Addition of Optional Premises to Existing H/R \$100.00 x _____ Total Fee _____ <input type="checkbox"/> Addition of Related Facility to an Existing Resort or Campus Liquor Complex \$160.00 x _____ Total Fee _____ <input type="checkbox"/> Campus Liquor Complex Designation <span style="float: right;">No Fee</span> <input type="checkbox"/> Sidewalk Service Area <span style="float: right;">\$75.00</span>
<b>Section B – Duplicate License</b>		
• Liquor License No. _____  <input type="checkbox"/> Duplicate License ..... \$50.00		
<b>Do Not Write in This Space – For Department of Revenue Use Only</b>		
Date License Issued	License Account Number	Period
The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.		<div style="text-align: right;"> <b>TOTAL AMOUNT DUE</b> \$ _____ .00         </div>

## Instruction Sheet

**For All Sections, Complete Questions 1-4 Located on Page 1**

☐ **Section A**

**To Register or Change Managers**, check the appropriate box in section A and complete question 8 on page 5. Proceed to the Oath of Applicant for signature. Submit to State Licensing Authority for approval.

☐ **Section B**

**For a Duplicate license**, be sure to include the liquor license number in section B on page 1 and proceed to page 5 for Oath of Applicant signature.

☒ **Section C**

Check the appropriate box in section C and proceed below.

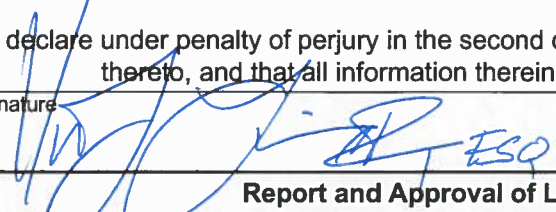
- 1) **For a Retail Warehouse Storage Permit**, go to page 3 complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Submit to State Licensing Authority for approval.
- 2) **For a Wholesale Branch House Permit**, go to page 3 and complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Submit to State Licensing Authority for approval.
- 3) **To Change Trade Name or Corporation Name**, go to page 3 and complete question 6 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 4) **To modify Premise, or add Sidewalk Service Area**, go to page 4 and complete question 9. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 5) **For Optional Premises** go to page 4 and complete question 9. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County).
- 6) **To Change Location**, go to page 3 and complete question 7. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 7) **Campus Liquor Complex Designation**, go to page 4 and complete question 10. Submit the necessary information and proceed to page 5 for Oath of Applicant signature.
- 8) **To add another Related Facility** to an existing Resort or Campus Liquor Complex, go to page 4 and complete question 11.

N/A

Storage Permit	<b>5. Retail Warehouse Storage Permit or a Wholesalers Branch House Permit</b> <input type="checkbox"/> <b>Retail Warehouse Permit for:</b> <input type="checkbox"/> On-Premises Licensee (Taverns, Restaurants etc.) <input type="checkbox"/> Off-Premises Licensee (Liquor stores) <input type="checkbox"/> <b>Wholesalers Branch House Permit</b> Address of storage premise: _____ City _____, County _____, Zip _____ Attach a deed/ lease or rental agreement for the storage premises. Attach a detailed diagram of the storage premises.				
Change Trade Name or Corporate Name	<b>6. Change of Trade Name or Corporation Name</b> <input type="checkbox"/> Change of Trade name / DBA only <input type="checkbox"/> Corporate Name Change (Attach the following supporting documents) 1. Certificate of Amendment filed with the Secretary of State, or 2. Statement of Change filed with the Secretary of State, <u>and</u> 3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement. <table border="1" data-bbox="167 846 1521 982"> <tr> <td>Old Trade Name</td> <td>New Trade Name</td> </tr> <tr> <td>Old Corporate Name</td> <td>New Corporate Name</td> </tr> </table>	Old Trade Name	New Trade Name	Old Corporate Name	New Corporate Name
Old Trade Name	New Trade Name				
Old Corporate Name	New Corporate Name				
Change of Location	<b>7. Change of Location</b> <p><b>NOTE TO RETAIL LICENSEES:</b> An application to change location has a local application fee of \$750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 44-3-311(1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held.</p> Date filed with Local Authority _____ Date of Hearing _____ (a) Address of current premises _____ City _____ County _____ Zip _____ (b) Address of proposed New Premises (Attach copy of the deed or lease that establishes possession of the premises by the licensee) Address _____ City _____ County _____ Zip _____ (c) New mailing address if applicable. Address _____ City _____ County _____ State _____ Zip _____ (d) Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.				

Change of Manager	<p><b>8. Change of Manager or to Register the Manager of a Tavern, Hotel and Restaurant, Lodging &amp; Entertainment liquor license or licenses pursuant to section 44-3-301(8).</b></p> <p>(a) Change of Manager (attach Individual History DR 8404-I H/R, Tavern and Lodging &amp; Entertainment only)</p> <p>Former manager's name _____</p> <p>New manager's name _____</p> <p>(b) Date of Employment _____</p> <p>Has manager ever managed a liquor licensed establishment? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Does manager have a financial interest in any other liquor licensed establishment? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, give name and location of establishment _____</p>
Modify Premises or Addition of Optional Premises, Related Facility, or Sidewalk Service Area	<p><b>9. Modification of Premises, Addition of an Optional Premises, Addition of Related Facility, or Addition of a Sidewalk Service Area</b></p> <p><b>NOTE:</b> Licensees may not modify or add to their licensed premises until approved by state and local authorities.</p> <p>(a) Describe change proposed <u>Temporarily extend licensed premises onto adjacent parking lot (enclosed) for outdoor concert -- Black Label Society</u></p> <p>(b) If the modification is temporary, when will the proposed change:</p> <p>Start <u>09/18/19</u> (mo/day/year) End <u>09/18/19</u> (mo/day/year)</p> <p><b>NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS \$300.00</b></p> <p>(c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?</p> <p>(If yes, explain in detail and describe any exemptions that apply) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>(d) Is the proposed change in compliance with local building and zoning laws? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>(e) If this modification is for an additional Hotel and Restaurant Optional Premises has the local authority authorized by resolution or ordinance the issuance of optional premises? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises. <u>ATTACHED</u></p> <p>(g) Attach any existing lease that is revised due to the modification. <u>SEE LANDLORD LETTER</u></p> <p>(h) For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.</p>
Campus Liquor Complex Designation	<p><b>10. Campus Liquor Complex Designation</b></p> <p>An institution of higher education or a person who contracts with the institution to provide food services</p> <p>(a) I wish to designate my existing _____ Liquor License # _____ to a Campus Liquor Complex Yes <input type="checkbox"/> No <input type="checkbox"/></p>
Additional Related Facility	<p><b>11. Additional Related Facility</b></p> <p>To add a Related Facility to an existing Resort or Campus Liquor Complex, include the name of the Related Facility and include the address and an outlined drawing of the Related Facility Premises.</p> <p>(a) Address of Related Facility _____</p> <p>(b) Outlined diagram provided Yes <input type="checkbox"/> No <input type="checkbox"/></p>



<b>Oath of Applicant</b>		
I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge		
Signature 	Title Licensee Attorney	Date July 12, 2019
<b>Report and Approval of LOCAL Licensing Authority (CITY / COUNTY)</b>		
The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 44, Articles 4 and 3, C.R.S., as amended. <b>Therefore, This Application is Approved.</b>		
Local Licensing Authority (City or County)		Date filed with Local Authority
Signature	Title	Date
<b>Report of STATE Licensing Authority</b>		
The foregoing has been examined and complies with the filing requirements of Title 44, Article 3, C.R.S., as amended.		
Signature	Title	Date

Dear To Whom It May Concern:

My name is Michael Barsch. I am the sole member of Black Sheep Properties, LLC (the "Landlord") which owns the real property and improvements located at 2106 E. Platte Ave., Colorado Springs, CO 80906 (the "Premises"). The Landlord leases the Premises to Horns Up, LLC, d/b/a The Black Sheep (the "Black Sheep"), which operates at the Premises, and maintains possession of the Premises by way of a lease agreement (the "Lease").

I am aware that the Black Sheep is filing a Permit Application and Report of Changes with the local and state liquor licensing authorities, requesting a temporary modification of premises for outdoor concert events to be conducted on September 18, 2019 (the "Event") and is also filing an Application Form for Temporary Use Permit with the City of Colorado Springs Planning & Community Development Department ("Land Use Division") for the Event.

Please be advised that I am aware of both above-described applications, and that legal counsel, Linden Kominek, P.C., by Vincent L. Linden, Esq., is authorized to assist with these applications on behalf of the Landlord. To the extent necessary, please accept this letter as my written authorization on behalf of the Landlord to process the applications and for Mr. Linden to execute any requisite application documents on my behalf.

Finally, by this writing, the Black Sheep is authorized by the Landlord to conduct the Event on the Premises without need of any written modification to its existing lease agreement, and this letter shall constitute written evidence of the Black Sheep's authority to hold the Event at its Premises.

Dated this 10<sup>th</sup> day of July, 2019.

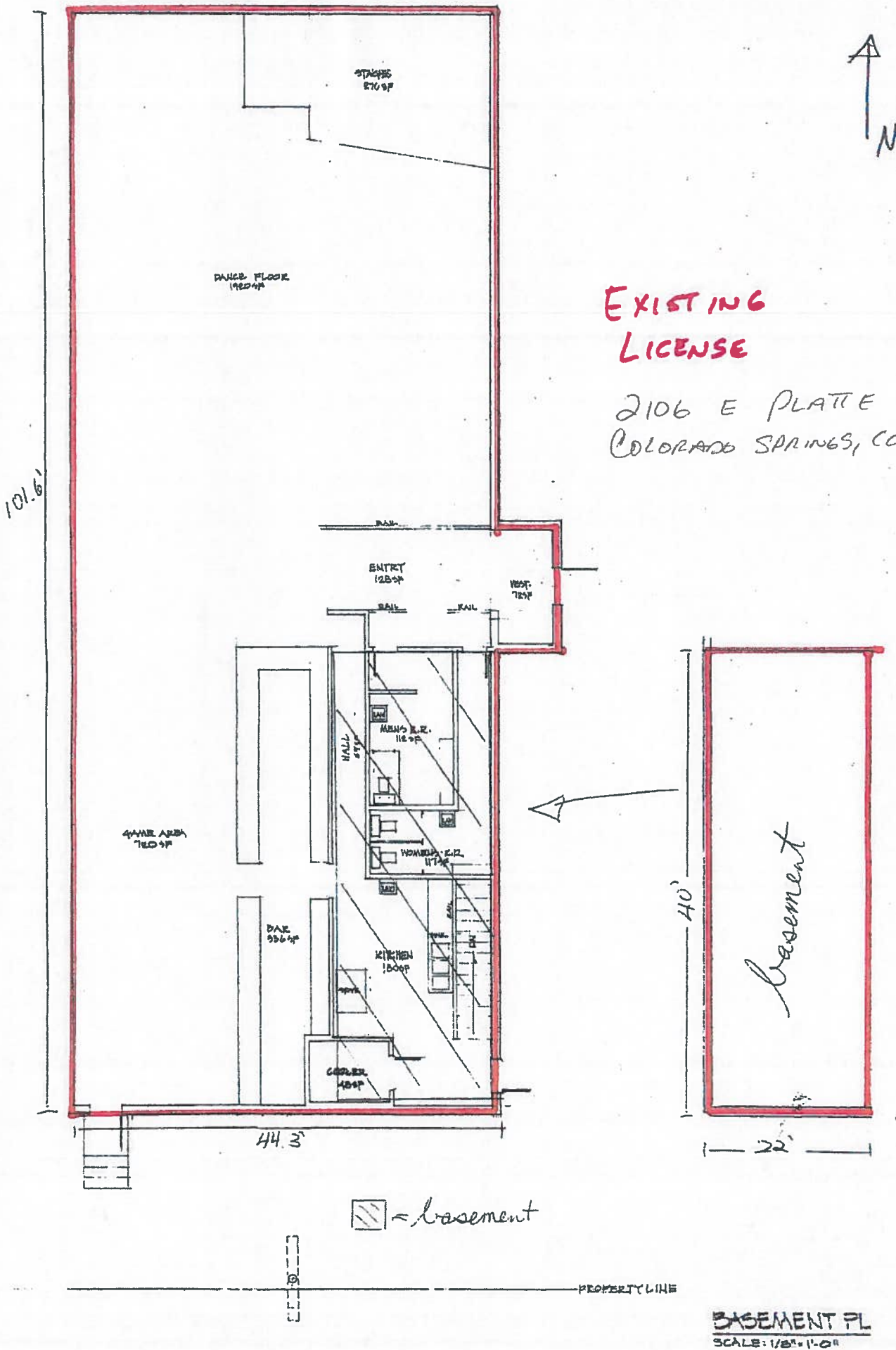
Black Sheep Properties, LLC



By: Michael Barsch

720-938-6497

mike@sodajerkpresents.com



EXISTING  
LICENSE  
2106 E PLATE

PROPOSED  
TEMPORARY  
MODIFICATION  
(IN RED)

Sunset

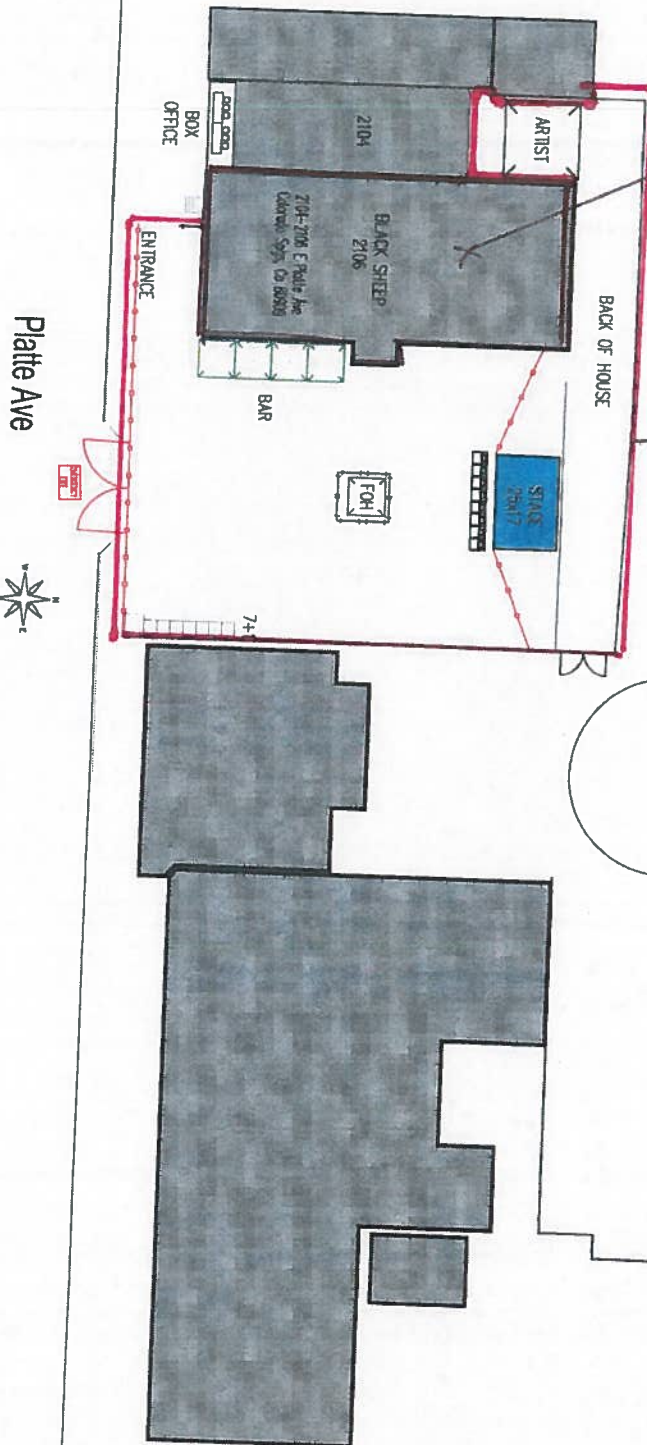


Plate Ave



GRAPHIC SCALE

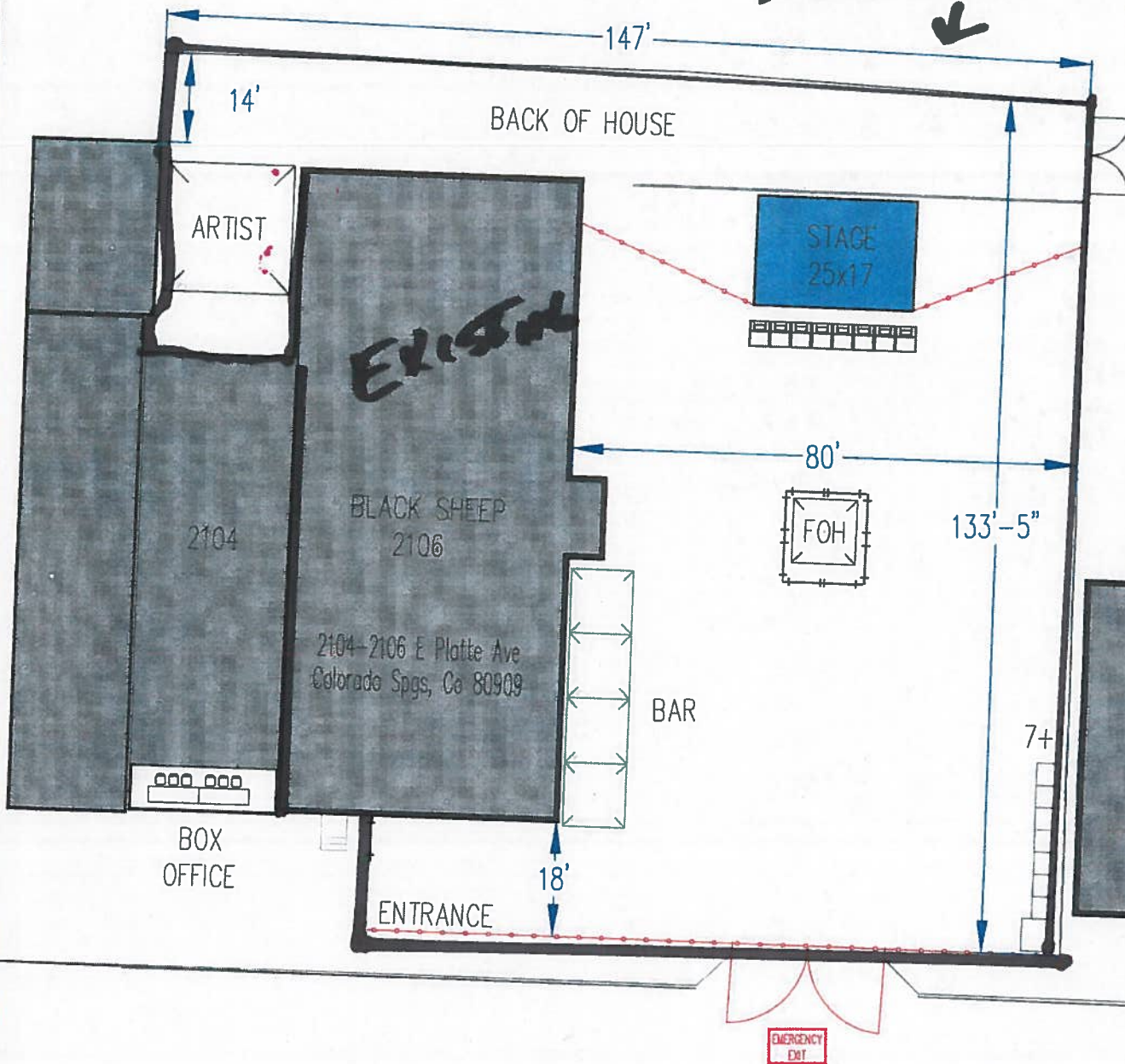


**B**  
**Brungardt**  
**Enterprises, L.L.C.**  
"CAD Services for Venues and Fests"  
www.b-e-ll.com  
(800) 740-2223

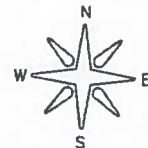




**TEMP.  
MODIFICATION**  
↓



Platte Ave



**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  
2019 JUL 25 P 1:59

▲ CLERK USE ONLY ▲

**IN THE MATTER OF:**

**APPLICANT**

Horns Up, LLC  
d/b/a **Black Sheep**  
2106 E. Platte Avenue  
Colorado Springs, CO 80909  
Mailing Address:  
PO Box 4056  
Boulder, CO 80306

Application No: M-711086

**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, August 16, 2019 at 9:00 A.M. in Division 2, Municipal Court Building, 224 E. Kiowa Street, Colorado Springs, CO 80903** upon Horns Up, LLC d/b/a Black Sheep ("Applicant") application for a Modification of Premises of the existing Tavern License at 2106 E. Platte Avenue, Colorado Springs, CO 80909.

At this meeting, the Hearing Officer will consider the factors outlined in Rule No. 21.00 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, August 6, 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, August 13, 2019.

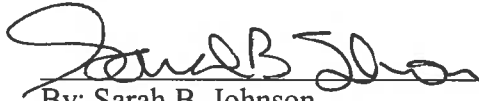
Pursuant to C.R.S. §44-3-312 and City Rule No. 7, the Local Licensing Authority, through the Office of the City Clerk, has conducted an investigation into Applicant's application. NOW THEREFORE these Initial Findings of Fact are presented.

## INITIAL FINDINGS OF FACT

- I. Applicant's application was filed on July 12, 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 evidence 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).

**ON BEHALF OF THE LOCAL LICENSING AUTHORITY done July 25, 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

HORNS UP, LLC

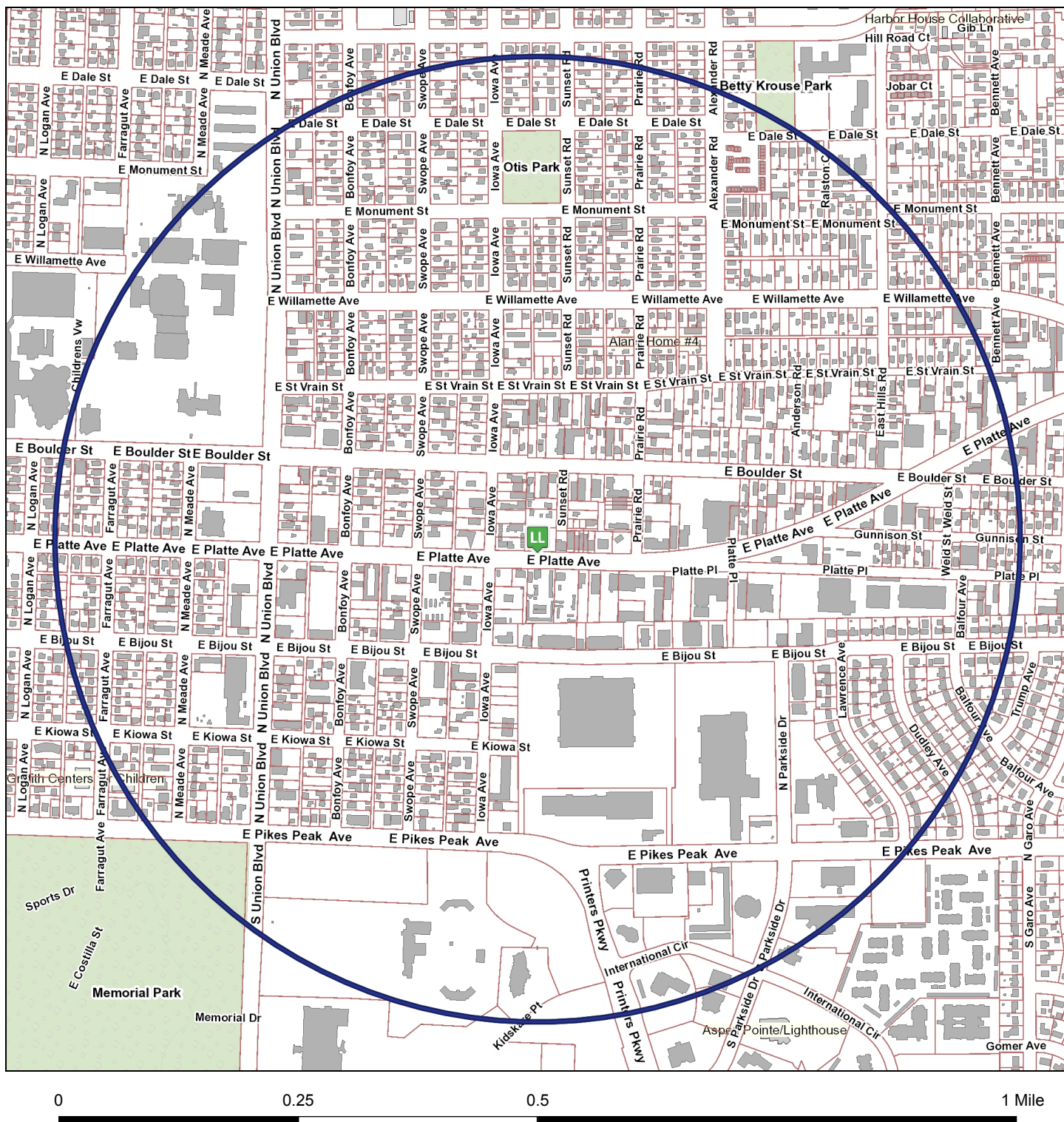
d/b/a THE BLACK SHEEP

2106 E PLATTE AVE



OFFICE OF THE CITY CLERK

License ID: 16774



The survey boundary is 0.5 miles from the establishment

Map Prepared: 7/25/2019 9:58 AM

Copyright © 2019 City of Colorado Springs on behalf of the Colorado Springs Utilities. All rights reserved. This work, and/or the data contained hereon, may not be modified, republished, used to prepare derivative works or commercially exploited in any manner without the prior express written consent of the City of Colorado Springs. This work was prepared utilizing the best data available at the time of creation. Neither the City of Colorado Springs, the Colorado Springs Utilities, nor any of their employees makes any warranty, express or implied, or assumes any legal liability or responsibility for accuracy, completeness, or usefulness of any data contained hereon. The City of Colorado Springs, Colorado Springs Utilities, and their employees explicitly disclaim any responsibility for the data contained hereon.





## OFFICE OF THE CITY CLERK

### HEARING LETTER ATTACHMENT

License ID: 16774

HORNS UP, LLC

d/b/a THE BLACK SHEEP

2106 E PLATTE AVE

COLORADO SPRINGS, CO 80909

### EXISTING SIMILAR LICENSES WITHIN BOUNDARY AREA

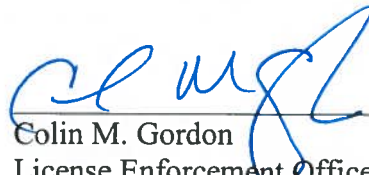
<u>Business d/b/a</u>	<u>Business Address</u>	<u>License Type</u>	
1) THE ANGRY PIRATE	2100 E PLATTE AVE	Tavern	193.65 ft
2) BUTCH'S SKYBOX	2102 E BIJOU ST	Tavern	574.51 ft
3) THE PEAK TAVERN	2001 E PLATTE AVE	Tavern	617.75 ft
4) TAQUERIA LA UNICA	2306 E PLATTE AVE	Hotel & Restaurant	657.04 ft
5) ROYAL CASTLE LOUNGE & GRILL	2351 - 2361 PLATTE PL	Hotel & Restaurant	1,257.18 ft
6) LA CARRETA	35 & 37 N IOWA AVE	Hotel & Restaurant	1,273.60 ft
7) UWE'S GERMAN RESTAURANT	31-33 IOWA AVE N	Hotel & Restaurant	1,330.52 ft
8) DRAGON GATE CHINESE RESTAURANT	323 N UNION BLVD	Hotel & Restaurant	1,411.35 ft
9) CHINA VILLAGE	203 N UNION BLVD	Hotel & Restaurant	1,474.45 ft
10) VULTURES	15 IOWA AVE	Hotel & Restaurant	1,476.44 ft
11) COLORADO SPRINGS BIKINI BAR	2510 E BIJOU ST	Tavern	1,597.95 ft
12) QUIJOTES MEXICAN GRILL	204-208 N UNION BLVD	Hotel & Restaurant	1,687.53 ft
13) FINISH LINE LOUNGE	1812 E MONUMENT ST	Tavern	2,276.47 ft
14) STARGAZER'S THEATRE AND EVENT CENTER	10 S PARKSIDE DR	Tavern	2,308.22 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 August 5, 2019 to the following address of record:

Horns Up, LLC  
d/b/a Black Sheep  
PO Box 4056  
Boulder, CO 80306

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

CC: vince@lindenlawgroup.com  
mike@sodajerkpresents.com  
liquorpros@msn.com