



## Lone Tree City Council Agenda Tuesday, April 21, 2015

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**Meeting Location:** City Council Meeting Room, Lone Tree Civic Center, 8527 Lone Tree Parkway.

**Meeting Procedure:** The Lone Tree City Council and staff will meet in a public Study Session at 4:30pm. At 6:00pm and following the meeting, if necessary, the Council Meeting will adjourn and convene in Executive Session. If an Executive Session is not necessary, Council will recess for dinner. The Regular Session will be convened at 7:00pm. Study Sessions and Regular Sessions are open to the public, Executive Sessions are not. Comments from the public are welcome at these occasions: 1. Public Comment (brief comments on items not scheduled for a public hearing) 2. Public Hearings. Contact the City Clerk if special arrangements are needed to attend (at least 24 hours in advance).

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### 4:30pm Study Session Agenda

1. Taos General Improvement District
  2. South Suburban Parks & Recreation District Petition for Inclusion (FAI 5/5)
  3. Proposed Business License Change
  4. **Resolution 15-XX, ADOPTING A SUPPLEMENTAL BUDGET AND APPROPRIATION FOR FY2014 DUE TO UNANTICIPATED REVENUES OR REVENUES NOT ASSURED AT THE TIME OF ADOPTION OF THE BUDGET (FAI 5/5)**
  5. Overview of Online Building Permit System
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### 6:00pm Executive Session Agenda

1. Roll Call
  2. Executive Session
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### 7:00pm Regular Session Agenda

3. Opening of Regular Meeting/Pledge of Allegiance
4. Amendments to the Agenda and Adoption of the Agenda
5. Conflict of Interest Inquiry
6. Public Comment
7. Announcements
8. Consent Agenda
  - a. Minutes of the April 7, 2015 Regular Meeting
  - b. Claims for the Period of March 30-April 13, 2015
  - c. Treasurer's Report for February 2015
9. Community Development
  - a. **Resolution 15-05, ADOPTING A PLAN FOR THE AREA WITHIN THREE MILES OF THE CITY BOUNDARY**
10. Public Works
  - a. Approval of License Agreement w/Rampart Range Metropolitan District No. 1 re: West Side Maintenance License Agreement
11. Administrative Matters
  - a. Approval of Matching Funds for Interior Art Piece
  - b. **PUBLIC HEARING:** Approval of New Hotel and Restaurant Liquor License for Peng Bo, Inc. d/b/a Thai Orchid (9231 E. Lincoln Ave. #1100)
  - c. **PUBLIC HEARING:** Approval of New Hotel and Restaurant Liquor License for SnoozeTown LLC d/b/a Snooze (10002 Commons Street, Suite E1)
12. Council Comments

### 13. Adjournment

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#### **City of Lone Tree Upcoming Events**

**More info available at [www.cityoflonetree.com](http://www.cityoflonetree.com) and [www.lonetreeartscenter.org](http://www.lonetreeartscenter.org)**

- Wonderbound: Boomtown, Saturday, April 25, 2015 at 8:00 pm, LTAC Main Stage
- Jarrod Spector: A Little Help From My Friends, Sunday, April 26, 2015 at 8:00 pm, LTAC Main Stage
- Exploring the Light Photography Show, April 28 – May 31, 2015. Opening Reception: May 7, 2015, 6:00 – 8:00 pm, LTAC
- Residents can place their Arbor Day Tree orders until May 8<sup>th</sup>. Order info at [www.cityoflonetree.com/arborday](http://www.cityoflonetree.com/arborday)

**MINUTES OF A REGULAR MEETING  
OF THE COUNCIL OF THE  
CITY OF LONE TREE  
HELD  
April 7, 2015**

A regular meeting of the Council of the City of Lone Tree was held on Tuesday, April 7, 2015, at 7:00 p.m., at the Lone Tree City Council Chambers located at 8527 Lone Tree Parkway, Lone Tree, Colorado 80124.

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Attendance

In attendance were:

James D. Gunning, Mayor  
Harold Anderson, Council Member  
Kim Monson, Council Member  
Susan Squyer, Council Member

Mayor Pro Tem Jacqueline Millet was absent.

Also in attendance were:

Seth Hoffman, City Manager  
Jennifer Pettinger, City Clerk  
Steve Hebert, Deputy City Manager  
Jeff Holwell, Economic Development Director  
Chief Jeffery Streeter, Lone Tree Police Department  
Kristin Baumgartner, Finance Director  
Kelly First, Community Development Director  
Lisa Rigsby Peterson, Lone Tree Arts Center Director  
Neil Rutledge, City Attorney, White, Bear and Ankele, P.C.  
John Cotten, Public Works Director, TTG Corp.

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Call to Order

Mayor Gunning called the meeting to order at 6:00 p.m., and observed that a quorum was present.

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Executive Session

Mayor Gunning announced City Council intends to convene in Executive Session. Neil Rutledge, City Attorney, stated the Executive Session is for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f)(I) and does not involve any specific employees who have requested discussion of the matter in open session. Council Member Anderson moved, seconded by Council Member Squyer, for City Council to recess and convene in Executive Session for the reasons stated.

The motion passed with a vote of 4 to 0 vote by those members present.

Council adjourned to an Executive Session at 6:00 p.m.

The Executive Session was adjourned at 6:06 p.m.

Mayor Gunning reconvened the meeting in Regular Session at 7:00 p.m., following a short recess.

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Pledge of Allegiance

Mayor Gunning led those assembled in reciting the Pledge of Allegiance.

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Amendments to the Agenda

There were no amendments to the agenda.

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Conflict of Interest

There was no conflict of interest.

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Public Comment

Ed Bade, 9178 S. Cedar Hill Way, told Council he was thrilled about the light rail and the progress made in regard to transportation with biking and trails. He noted the current building code on the website is 2009 International Building Code (IBC) and encouraged Council to update. Kelly First said the City is on the 2012 IBC and she will have the website corrected.

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Announcements

Mayor Gunning announced upcoming events.

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Consent Agenda

Mayor Gunning noted the following items on the Consent Agenda, which consisted of:

- *Minutes of the March 17, 2015 Regular Meeting*
- *Claims for the period of March 9-30, 2015*

Council Member Squyer moved, Council Member Anderson seconded, to approve the Consent Agenda. The motion passed with a vote of 4 to 0 vote by those members present.

Community Development

*Approval of New Town Townhomes Phase 2 SIP SP15-07R and Approval of RidgeGate Sec. 15 Fil 21, 3<sup>rd</sup> Amdt (New Town plat) SB15-06R*

Jennifer Drybread, Senior Planner, introduced the items. Kevin Puccio presented on behalf of New Town Builders.

Council Member Monson moved, Council Member Squyer seconded, to approve New Town Townhomes Phase 2 SIP Project #SP15-07R with the one condition as noted in the staff report. The motion passed with a vote of 4 to 0 vote by those members present.

Council Member Monson moved, Council Member Anderson seconded, to approve RidgeGate Section 15, Filing 21, 3<sup>rd</sup> Amendment Replat (New Town Phase II) Project #SB15-06R. The motion passed with a vote of 4 to 0 vote by those members present.

Public Works

*Approval of RidgeGate RRC-3 Well Easements*

John Cotten, Public Works Director, introduced the item.

Council Member Squyer moved, Council Member Monson seconded, to approve the two easements for the RidgeGate RRC-3 well site. The motion passed with a vote of 4 to 0 vote by those members present.

Adjournment

There being no further business, Mayor Gunning adjourned the meeting at 7:50 p.m.

Respectfully submitted,

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Jennifer Pettinger, CMC, City Clerk



**CITY OF LONE TREE**

**FINAL STAFF REPORT**

**To: Mayor Gunning and City Council**

**From: Kelly First, Director of Community Development  
Jennifer Drybread, Senior Planner**

**Date: April 8, 2015**

**SUBJECT: RidgeGate Section 15, Filing 21, 3rd Amendment  
Site Improvement Plan (New Town Builders, Phase II)  
Project File #SP15-07R**

Owner:  
NT RidgeGate MF LLC  
1553 Platte Street, Suite 100  
Denver CO 80202

Representative:  
Jay Garcia, New Town Builders  
1553 Platte Street, Suite 100  
Denver, CO 80202

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**Planning Commission Hearing Date: March 10, 2015**  
**City Council Hearing Date: April 7, 2015**

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The City Council by those members present unanimously approved the Site Improvement Plan subject to final City of Lone Tree Public Works approval, and with the condition that \$14,273 will be paid to the City by the applicant prior to building permit approval for local park dedication.

END



**CITY OF LONE TREE**

**FINAL STAFF REPORT**

**To: Mayor Gunning and City Council**

**From: Kelly First, Director of Community Development  
Jennifer Drybread, Senior Planner**

**Date: April 8, 2015**

**SUBJECT: RidgeGate Section 15, Filing 21, 3rd Amendment  
Replat (New Town Builders, Phase II)  
Project File #SB15-06R**

Owner:  
NT RidgeGate MF LLC  
1553 Platte Street, Suite 100  
Denver CO 80202

Representative:  
Jay Garcia, New Town Builders  
1553 Platte Street, Suite 100  
Denver, CO 80202

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<b>Planning Commission Hearing Date:</b>	<b>Not applicable</b>
<b>City Council Hearing Date:</b>	<b>April 7, 2015</b>

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The City Council by those members present unanimously approved the Replat subject to final City of Lone Tree Public Works approval.

END



CITY OF LONE TREE  
STAFF REPORT

**TO: Mayor Gunning and City Council**

**FROM: Hans Friedel, Planner II  
Kelly First, Community Development Director**

**DATE: March 23, 2015**

**FOR: April 21, 2015 City Council Meeting**

**SUBJECT: Lone Tree Three-Mile Plan, #MI-15-24, Resolution 15-05**

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Summary

The attached resolution and plan maps have been prepared to meet the requirement of Section 31-12-105(1)(e) of the Colorado Revised Statutes, which mandates all municipalities prepare a three-mile plan prior to the completion of any annexation. Such plans are required to be updated annually.

Cost

There is no cost associated with this resolution.

Suggested Motion or Recommended Action

Staff recommends the City Council adopt Resolution 15-05, approving the 2015 version of the City's Three-Mile Plan.

Background

Pursuant to Section 31-12-105(1)(e) of the Colorado Revised Statutes, as a precondition to any annexation, the annexing municipality must have in place a plan that includes "the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light sanitation, transportation and power to be provided by the municipality, as well as the proposed land uses for the area."

The 2015 Three-Mile Plan is the same as adopted in previous years and includes a narrative and accompanying maps. The plan adopts by reference the master plans of various surrounding jurisdictions to the extent they do not conflict with the City of Lone Tree's Comprehensive Plan.

### Summary of Proposed 2015 Three-Mile Plan

The three-mile planning area boundary extends three miles out from the City of Lone Tree's municipal boundaries and includes land in unincorporated Douglas and Arapahoe counties.

The objective of adopting the three-mile plan is to provide comprehensive consideration of the land use goals of adjacent jurisdictions while also contemplating the necessary infrastructure and urban-level services that future growth will require.

The Douglas County 2035 Comprehensive Master Plan, adopted in 2014, includes land use policies for the future development of its unincorporated areas. The County Plan recommends urban development in the areas included in Lone Tree's three-mile area with the exception of Grandview Estates, the area south of Lone Tree's Urban Growth Area, within the Bluffs Regional Park, and the Backcountry Wilderness Area of Highlands Ranch.

Arapahoe County's current Comprehensive Plan, adopted in 2001 and amended most recently in 2014, includes land use policies for the future development of the unincorporated areas. The County's plan recommends employment center, residential neighborhood, and small areas of rural area land uses in unincorporated areas that lie within the three-mile planning area.

The City of Lone Tree recognizes these land use recommendations to the extent they do not conflict with the City's plans and policies for the area.

The plan also incorporates by reference the service plans of water, sewer, metropolitan, transportation, parks and recreation, other special districts and the public utility companies serving that portion of Lone Tree's three-mile area.

Included as an attachment is the City of Lone Tree's Three-Mile Planning Area Map, which was adopted in 2014. The base map has not been updated to reflect the City's current Planning and Urban Growth Area, nor does it reflect recent annexations of Kaiser Permanent and Level III. These changes however, do not impact the location of the three-mile boundary, so the map will be reused for 2015. Staff will update the map prior to the 2016 three-mile plan.

**CITY OF LONE TREE  
RESOLUTION NO. 15-05**

**A RESOLUTION ADOPTING A PLAN FOR THE AREA WITHIN  
THREE MILES OF THE CITY BOUNDARY**

WHEREAS, Colorado state law, Section 31-12-105(1)(e)(I) C.R.S., provides that prior to the completion of any annexation within a three mile area of a municipal boundary, the annexing municipality shall have in place a plan for that area; and

WHEREAS, the plan is to describe generally the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation and power to be provided by the municipality, as well as the proposed land uses for the area; and

WHEREAS, state law requires that the plan be updated at least annually.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONE TREE, COLORADO, THAT:**

1. In compliance with Section 31-12-105(1)(e)(I) C.R.S., the City Council hereby adopts the City of Lone Tree Three-Mile Plan, including the Three-Mile Planning Area Map, attached as Exhibit A, as the plan for the unincorporated area within three miles of the City of Lone Tree boundary.

2. The City of Lone Tree Three-Mile Plan shall be updated at least once annually.

APPROVED AND ADOPTED THIS 21<sup>st</sup> DAY OF APRIL, 2015.

**CITY OF LONE TREE**

By: \_\_\_\_\_  
James D. Gunning, Mayor

**ATTEST:**

\_\_\_\_\_  
Jennifer Pettinger, CMC, City Clerk

(S E A L)

## EXHIBIT A

### CITY OF LONE TREE THREE-MILE PLAN

#### SECTION 1 - INTRODUCTION

This document constitutes the City of Lone Tree's Three-Mile Plan for the unincorporated area within three miles of the City's perimeter, as required by and in conformance with Section 31-12-105 (1)(e)(l) of the Colorado Revised Statutes (C.R.S.). The Three-Mile Plan is comprised of seven sections, including this introduction. Some sections are self-contained land use plans, which are incorporated into the Three-Mile Plan in their entirety by reference. Section 2 contains the description of the plan, clarifications and elaborations.

#### SECTION 2 - DESCRIPTION OF THE PLAN, CLARIFICATIONS, AND ELABORATIONS

This Three-Mile Plan addresses all unincorporated lands within three miles of the corporate limits of the City of Lone Tree, as shown on the accompanying map. While the map includes the incorporated areas of Greenwood Village, City of Centennial, City of Castle Pines, and the Town of Parker, the Three-Mile Plan does not apply to these incorporated areas.

The proposed location, character, and extent of elements of the plan are described as follows:

**Streets:** As identified in the Transportation section of the Lone Tree Comprehensive Plan and Transportation Plans for Arapahoe and Douglas County.

**Subways:** No subways exist or are planned for the area.

**Bridges:** No bridges other than those planned for the RidgeGate Planned Development to cross drainages and those described in the Transportation Plans for Arapahoe and Douglas County are planned at this time.

**Waterways:** No changes are proposed at this time.

**Waterfronts:** No waterfronts are planned at this time.

**Parkways, playgrounds, squares, and parks and open space:** As identified in the Lone Tree Comprehensive Plan, the Arapahoe County Comprehensive Plan, and the Douglas County 2035 Comprehensive Master Plan.

**Aviation fields:** As identified in the plans for Centennial Airport.

**Other public ways, grounds, and open spaces:** As identified in the Lone Tree Comprehensive Plan and the Arapahoe and Douglas County Plans.

**Public Utilities:** As identified in the service plan of the applicable district or utility.

**Terminals for water, light, sanitation and power:** As identified in the service plan of the applicable district or utility.

**Transportation:** As identified in the Transportation Plan section of the Lone Tree Comprehensive Plan, and in the Transportation Plans for Douglas and Arapahoe Counties.

**Land Use:** As identified in the City of Lone Tree Comprehensive Plan as the primary guiding plan and the Douglas or Arapahoe County Comprehensive Plans as the secondary guiding plans for land use issues.

### **SECTION 3 - CITY OF LONE TREE COMPREHENSIVE PLAN**

The Three-Mile Plan incorporates by reference the most recent version of the City of Lone Tree's Comprehensive Plan adopted by the City's Planning Commission and approved by the City Council in April 2007, as amended. That Plan establishes the City's Planning and Urban Growth boundary - that area where future growth and development is directed (also depicted on the Three-Mile Plan Map). All subsequent amendments to the City's Comprehensive Plan are hereby incorporated by reference into the Three-Mile Plan.

### **SECTION 4 - ARAPAHOE AND DOUGLAS COUNTY COMPREHENSIVE PLANS**

The Three-Mile Plan incorporates by reference the Arapahoe County Comprehensive Plan, as amended, and the Douglas County 2035 Comprehensive Master Plan, as amended, except any portions of those plans that are inconsistent with the City of Lone Tree's Comprehensive Plan.

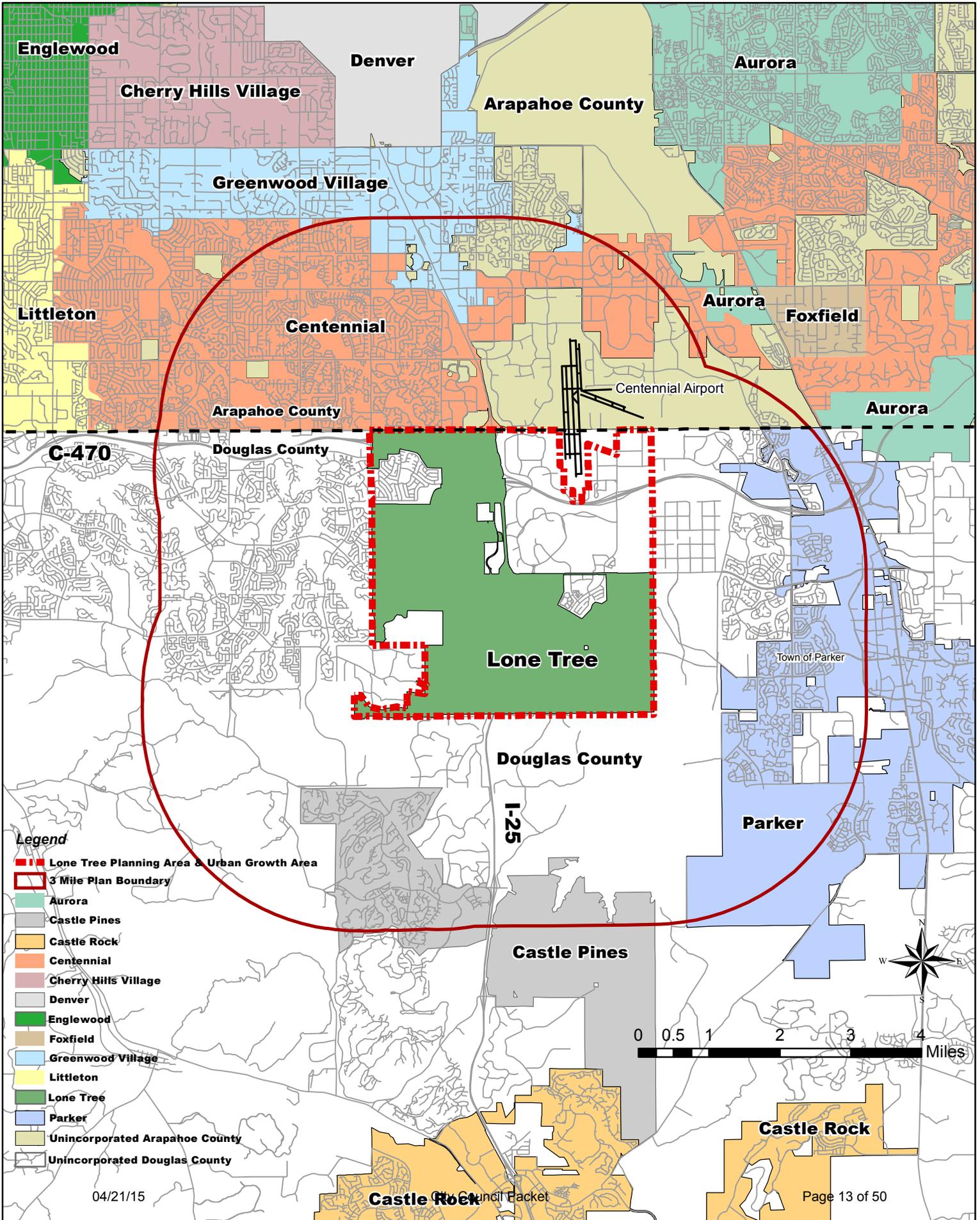
### **SECTION 5 - SPECIAL DISTRICT SERVICE PLANS**

The Three-Mile Plan incorporates by reference the service plans of water, sewer, metropolitan, transportation, parks and recreation, and other special districts serving that portion of Lone Tree's three-mile area, except any portion of such plans that are inconsistent with the City of Lone Tree's Comprehensive Plan.

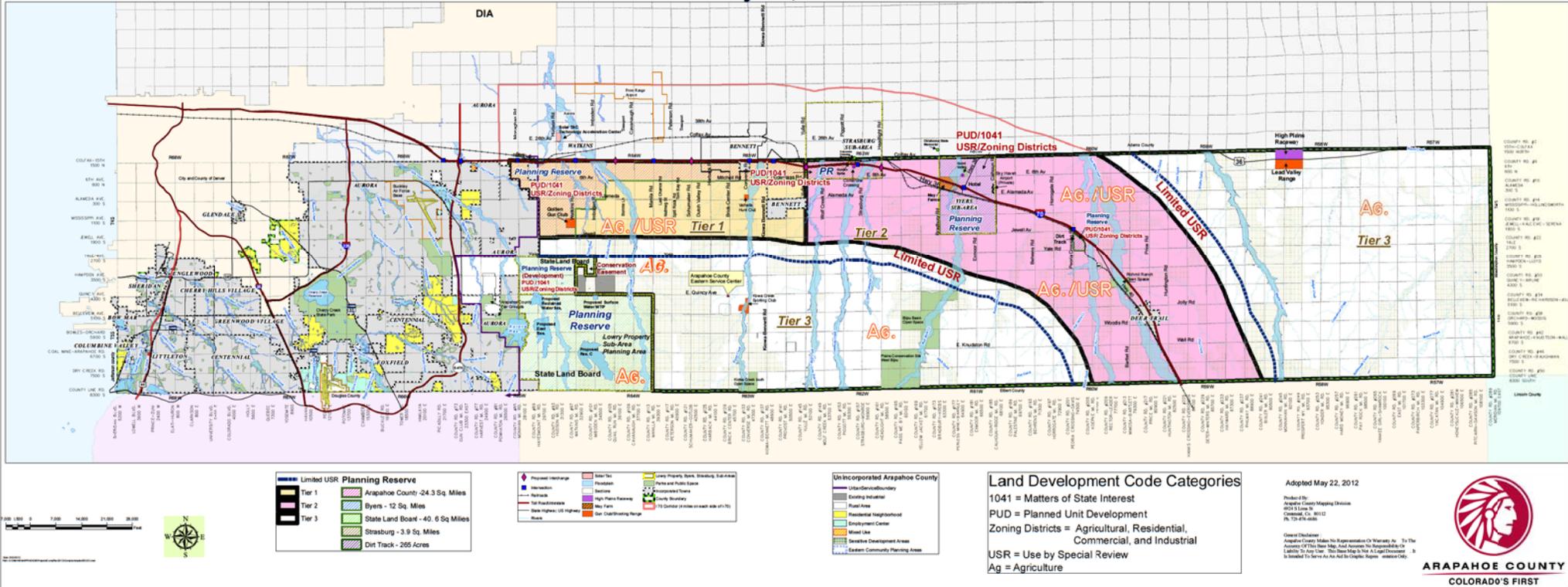
### **SECTION 6 - UTILITY SERVICE PLANS**

The Three-Mile Plan incorporates by reference the service plans of the utilities which furnish light and power for that portion of the three-mile area approved by the City of Lone Tree, and all other service plans within the area except any portion of such plans which are inconsistent with the City of Lone Tree's Comprehensive Plan.

# CITY OF LONE TREE THREE-MILE PLANNING AREA MAP



# First Amendment to Arapahoe County's 2001 Comprehensive Plan Adopted by Arapahoe County's Planning Commission May 22, 2012



# Land Use

Map 1.1  
Comprehensive Master Plan 2035  
Revised August 2014



## Legend

### Comprehensive Master Plan Areas:

- Non-Douglas County Based Municipalities
- Chatfield Urban Area
- Primary Urban Area (PUA)
- Rural Communities
- Separated Urban Area (SUA)
- Non-Urban Area

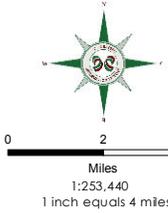
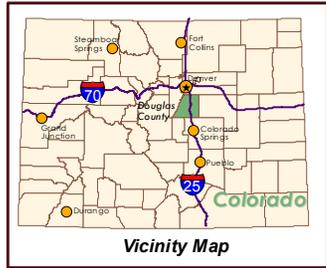
- County Boundary
- Townships
- Lakes
- Intermittent Lakes
- Streams
- Interstate
- US Highway
- State Highway
- Toll Highway
- Major Road

### Municipal Planning Areas:

- Municipal Planning Area (Incorporated)
- Municipal Planning Area (Unincorporated)
- Castle Rock IGA Boundary & Buffer Area
- Parker IGA Boundary & Buffer Area
- Municipal Planning Area Inclusive of County PUA/SUA

### Significant Open Space & Parks:

- Open Space
- County Open Space Within Incorporated Areas
- Parks
- Pike National Forest

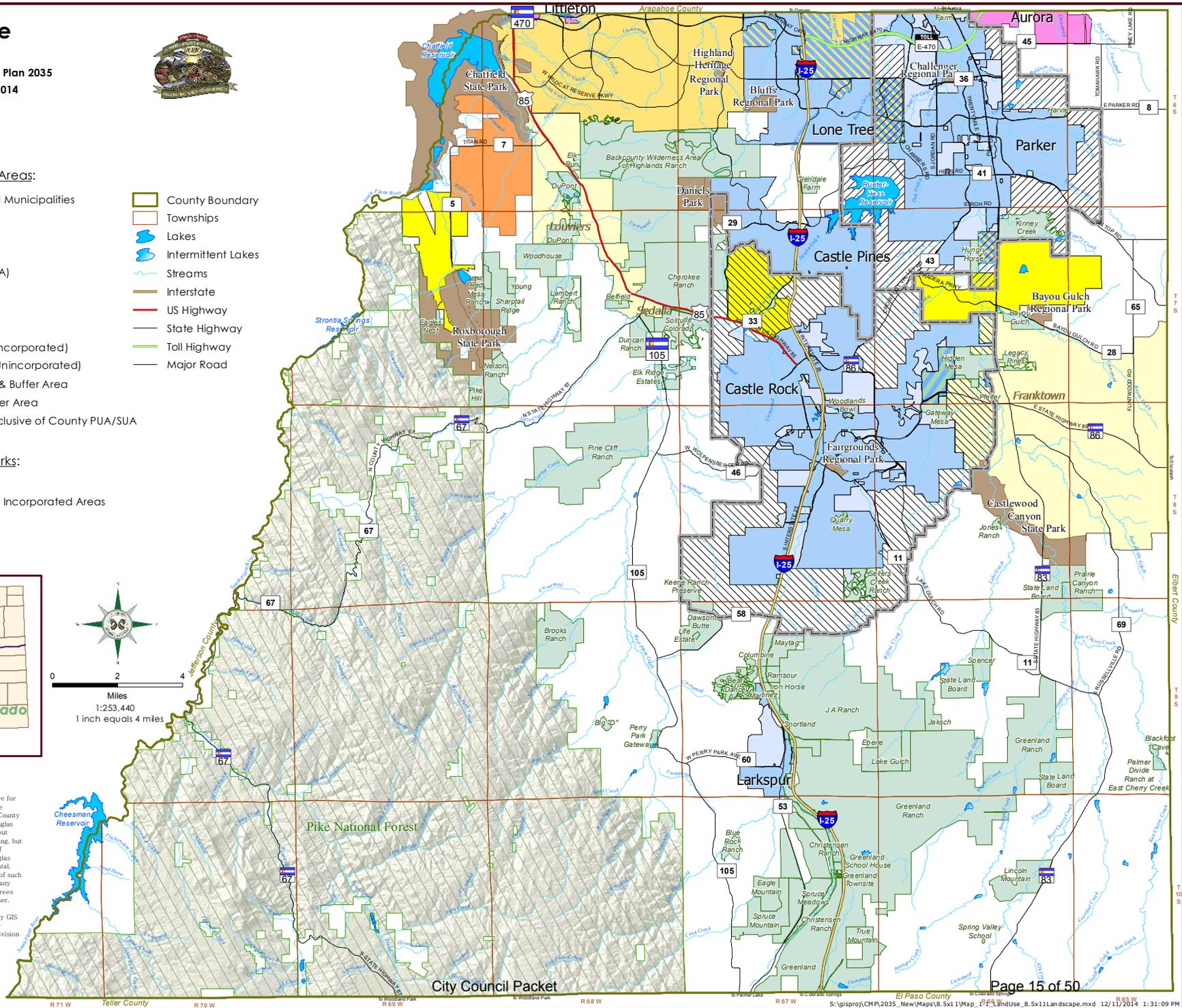


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Douglas County GIS Division  
Philip S. Miller Bldg., 100 Third St.  
Castle Rock, Colorado 80104





CITY OF LONE TREE  
STAFF REPORT

**TO: Mayor Gunning and City Council**

**FROM: John P. Cotten, P.E.**

**DATE: April 2, 2015**

**FOR: April 21, 2015 Council Meeting**

**SUBJECT: License Agreement Between the City of Lone Tree and Rampart Range Metropolitan District No. 1**

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Summary

The enclosed license agreement with Rampart Range Metropolitan District No. 1 (RRMD1) sets out the conditions under which RRMD1 will maintain the landscaping within City rights-of-way within the areas of Rampart Range Metropolitan Districts 1-7. The Agreement is very similar to the license agreement that the City and Park Meadows Metropolitan District currently have for right-of-way maintenance.

Cost

There is no cost to the City.

Suggested Motions

"I move to approve the license agreement with Rampart Range Metropolitan District 1 for West Side landscape maintenance."

Background

The license agreement provides for RRMD1 to maintain the landscaping, hardscape, planters, trash cans, benches, tree grates, irrigation systems and associated improvements within the City owned rights-of-way. RRMD1 constructed these improvements and the License provides for RRMD1 to continue to own said facilities.

The license also provides an insurable interest in the improvements for RRMD1 and requires certain stipulated insurance to be maintained by RRMD1.

**LICENSE AGREEMENT  
BETWEEN THE CITY OF LONE TREE  
AND RAMPART RANGE METROPOLITAN DISTRICT NO. 1**

THIS LICENSE AGREEMENT (the “Agreement”) is made between the City of Lone Tree, a home-rule municipal corporation of the State of Colorado (the “City”), and Rampart Range Metropolitan District No. 1, a quasi-municipal corporation and political subdivision of the State of Colorado (the “District”). The District and the City may be individually referred to as a “Party” and collectively as the “Parties”.

**RECITALS**

A. Governmental entities are authorized to enter into intergovernmental agreements pursuant to provisions of Article XIV, Section 18(2)(a) of the Colorado Constitution, and Section 29-1-203, C.R.S.

B. The City and the District entered into the RidgeGate West Side Agreement Regarding Dedication, Acceptance and Maintenance of Public Improvements and Sales Tax Sharing effective January 1, 2015 (the “Amended West Side Agreement”), which Amended West Side Agreement contemplates, among other terms and conditions, that the District shall remain responsible for maintenance, operation, repair and replacement of all public improvements constructed, retained and owned by the District, including certain public improvements situated within City rights-of-way that are located within the Service Areas of Rampart Range Metropolitan District Nos. 1-7.

C. The District desires to provide landscape services within City rights of way that are located within the District. These landscape services promote the public health, safety, and welfare and will otherwise benefit District residents and property owners.

D. The City desires to grant a license to the District to provide landscape services within City rights of way.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the Parties agree as follows:

1. Grant of License. The City grants to the District a license over, under, and on the surface of any City rights of way within which the District provides landscape services, and any adjacent City owned property which the District uses in connection with providing such landscape services (“License Areas”). Landscape Services include the construction, repair, maintenance, reconstruction, replacement, and/or enhancement of any Landscape Improvements, which term is defined below.

2. Landscape Improvements. Landscape improvements consist of hardscape medians, trees, shrubs, flowers, ground cover and other plantings, banners, planters, trash cans, benches, tree gates, irrigation system facilities and similar facilities and improvements located within City rights-of-way (the “Landscape Improvements”). These Landscape Improvements shall be owned and maintained by the District during the term of this License Agreement.

3. Use of License Areas. Use of License Areas by the District is subject to all existing easements, restrictions, and reservations of record at the Office of the Clerk and Recorder of Douglas County, Colorado, as of the date of recordation of this Agreement. All activities of the District within License Areas shall comply with applicable laws, ordinances, and regulations of the United States, State of Colorado, the City, or any other governmental entity having jurisdiction over License Areas, or the uses thereof.

4. Utility Services. The District shall pay for the cost of providing utility services, including electrical and water service to serve the Landscape Improvements within the License Areas. The City will be responsible for all street lighting except as otherwise provided in the Amended West Side Agreement.

5. Reconstruction and Major Alterations. The District shall not make any major alterations or additions to the existing Landscape Improvements within License Areas without the prior written approval of the City's designated representative. The District agrees to keep the Landscape Improvements in good repair and to redeliver any License Area to the City in good order and condition upon the expiration or termination of this Agreement with respect to such License Area, subject to the terms hereof.

6. Entry and Use by the City. The City reserves the right to enter upon the License Areas, at any hour of the day, for the purpose of inspecting the same, conducting surveys, and taking such other actions as it deems appropriate or necessary to protect and/or promote the public health, safety, or welfare. The City reserves the right to use the License Areas it deems necessary or appropriate in its operation of public streets, drainage, and other public infrastructure for which the City is responsible. In addition, the City reserves the right to operate, maintain, install, repair, remove, or reconstruct any City facilities located within or affecting the License Areas, as it deems necessary or appropriate to protect and/or promote the public health, safety, or welfare. However, upon undertaking any activities that may affect the License Areas, the City will exercise its best efforts to minimize any damage to the Landscape Improvements. If practical, the City shall give the District's designated representative not less than three (3) days prior written notice of its intent to undertake activities that may affect a License Area or the Landscape Improvements located therein, to facilitate coordination between the City and the District to prevent or minimize damage to the Landscape Improvements. However, no notice need be given to the District if such activities are in connection with any emergency or if it is not otherwise practical to provide advance notice prior to undertaking such activities. In such case, the City shall inform the District's designated representative as soon as reasonably practical as to the location and extent of any damage to the Landscape Improvements of which the City has knowledge. The City shall bear the cost of restoring any City caused damage to portions of any License Areas and Landscape Improvements (to the extent reasonably practical) to their condition prior to the activity causing such damage.

7. Notice. All notices, consents or other instruments or communications provided for under this Agreement shall be in writing, signed on behalf of the Party giving the same, and shall be deemed properly given and received, (a) when actually delivered and received in person, (b) on the next business day after deposit for delivery with a nationally recognized overnight carrier service during business hours on a business day; or (c) four (4) business days after deposit in the United States mail, by certified mail with return receipt requested. All such notices or

other instruments shall be transmitted with delivery or postage charges prepaid, addressed to the Party at the address below or to such other address as such Party may designate by written notice to the other Party:

- If to the City: City of Lone Tree  
Attn: Seth Hoffman, City Manager  
9220 Kimmer Drive, Suite 100  
Lone Tree, CO 80124
  
- With copy to: White Bear Ankele Tanaka & Waldron  
Attn: Gary White  
2154 East Commons Avenue, Suite 2000  
Centennial, CO 80122
  
- If to the District Rampart Range Metropolitan District No. 1  
Attn: Denise Denslow, District Manager  
c/o CliftonLarsonAllen LLP  
8390 E. Crescent Parkway, Suite 600  
Greenwood Village, CO 80111
  
- With copy to: McGeady Sisneros, P.C.  
Attn: Megan Becher  
450 East 17<sup>th</sup> Avenue, Suite 400  
Denver, CO 80203

Each Party may designate a representative for purposes of communication, which may be changed from time to time by such Party providing notice of such change to the other Party. The City's initial designated representative shall be the City Manager, Seth Hoffman. The District's initial designated representative shall be the District Manager, Denise Denslow.

8. Assignment or Sub-License. The District covenants and agrees not to assign this Agreement or to enter into any sub-license for any portion of the License Area without obtaining the prior written approval of the City. Any assignment or sub-license in violation of this Agreement shall be null and void. However, the District may use contractors to provide Landscape Services within the License Areas.

9. Insurance. The Parties shall maintain the following types of insurance coverage:

(a) General Public Liability Coverage. The City and the District shall each maintain insurance coverage in the minimum amounts of \$350,000 per person and \$990,000 per occurrence or such greater amounts as may be recoverable under the Colorado Governmental Immunity Act, as set forth in C.R.S. 24-10-101, *et seq.*, as it may be amended from time to time.

(b) Automobile and/or Non-Owned/Hired Automobile Liability Coverage. The City and the District shall each maintain insurance coverage in the minimum amounts of \$1,000,000 per occurrence.

(c) Property Casualty Insurance. The City and the District agree that the District has an insurable interest in the Landscape Improvements. The District may, at its option, maintain property damage insurance equal to the replacement cost of the Landscape Improvements.

(d) Personnel Insurance. The District shall require that all of its contractors and other persons who perform services in connection with the repair, maintenance, reconstruction, or replacement of the Landscape Improvements are in compliance with all Colorado and federal laws pertaining to workman's compensation insurance, and unemployment insurance. The City shall require that all of its employees and contractors who perform services for the City that may affect or be affected by the License Area or the Landscape Improvements are in compliance with all Colorado and federal laws pertaining to workman's compensation insurance, and unemployment insurance.

(e) Insurance Certificates. Within thirty (30) days of a written request, either Party shall furnish to the other Party current certificates or memoranda of insurance showing compliance with the foregoing requirements. All policies maintained by either Party shall name the other Party as an additional insured. All such policies, certificates, and memoranda shall state that the policy or policies to which they pertain cannot be cancelled or altered with less than thirty (30) days prior written notice to both the City and the District.

10. Term. The initial term of this Agreement shall be effective as of the execution by both Parties and shall continue until December 31, 2015. This Agreement shall be automatically renewed for successive one-year terms beginning on January 1, 2016 unless terminated in accordance with the provisions of Section 11.

11. Termination. This Agreement may be terminated by the City or the District on the following terms and conditions:

(a) Termination by the City. This Agreement may be partially terminated by the City, with respect to a License Area, upon 30-days prior written notice to the District if the City vacates a portion of the right-of-way within any License Area, which vacation will require the removal of all or a portion of the Landscape Improvements contained therein; or the City materially redesigns a portion of street located in any License Area for safety or capacity expansion purposes, which, when implemented, will require the removal of all or a portion of the Landscape Improvements contained therein. If removal is required, the City will allow the District opportunity (30-days, or such other time limit as dictated by the project requiring the removal) to remove the Landscape Improvements, or the City may remove the Improvements with no recourse by the District against the City.

(b) Termination by the District. This Agreement shall terminate at the end of the then current term, if the District's Board of Directors fails to appropriate funds for the next renewal term sufficient to permit the District to perform its responsibilities and obligations hereunder. In such event, the District shall endeavor in good faith, to provide the City with notice of non-renewal not less than three (3) months prior to the termination

of the then-current term, but in any event within a reasonable time after action resulting in a failure to appropriate. Failure to provide three (3) months' notice shall not affect the validity of the non-renewal of this Agreement and its termination on December 31 of the then current year.

(c) Pre-existing Liability. Any liability or obligation, which either Party incurs under this Agreement prior to its termination date shall survive the termination of this Agreement. Upon termination of this Agreement, the District shall have no responsibility to remove any of the Landscaping Improvements or to pay the cost of removing any of the Landscaping Improvements.

12. Severability. If any provision of this Agreement is declared by a court of competent jurisdiction to be invalid, it shall not affect the validity of this Agreement as a whole or any part thereof other than the part declared to be invalid and there shall not remove any of the Landscaping Improvements, except by written approval of the City. Such removals, if approved, shall occur within 30 days or such other time as the City may allow as part of the written approval.

13. Third Party Beneficiaries. Nothing expressed or implied in this Agreement is intended or shall be construed to confer upon, or to give to any person other than the Parties, any right, remedy, or claim under or by reason of this Agreement or any covenants, terms, conditions, or provisions thereof, and all of the covenants, terms and provisions in this Agreement by and on behalf of the Parties shall be for the sole and exclusive benefit of the Parties.

14. Governmental Immunity. Both the City and the District, their officials, officers, directors, agents and employees, are relying on, and neither the City nor the District waive or intend to waive by any provision of this Agreement, any rights, immunities, and/or other protections provided by the Colorado Governmental Immunity Act, set forth in Section 24-10-101, *et seq.*, C.R.S., or otherwise available to the City and/or the District.

15. Consent to Jurisdiction and Venue. Personal jurisdiction and venue for any civil action commenced by either Party to this Agreement with respect to this Agreement shall be proper only if such action is commenced in the District Court for Douglas County, Colorado. The Parties expressly waive the right to bring such action in or to remove such action to any other court, whether state or federal.

16. Force Majeure. Neither Party shall be liable for failure to perform hereunder if such failure is the result of Force Majeure and any time limit expressed in this Agreement shall be extended for the period of any delay resulting from any Force Majeure. "Force Majeure" shall mean causes beyond the reasonable control of a party such as, but not limited to, accidents, weather conditions, acts of God, strikes, work stoppages, unavailability of or delay in receiving labor or materials, faults by contractors, subcontractors, utility companies or third parties, fire or other casualty, or action of government authorities.

17. Successors and Assigns. This Agreement shall inure to the benefit of, and be binding upon any permitted successors or assigns of the Parties.

18. Entire Agreement. This Agreement, and any agreement or document referred to herein, constitutes the entire understanding between the Parties with respect to the subject matter hereof and all other prior understandings or agreements shall be deemed merged into this Agreement.

19. Authority. Each Party represents to the other that such Party has full power and authority to execute, deliver, and perform this Agreement; that the individuals executing this Agreement on behalf of said Party are fully empowered and authorized by all requisite action to do so; that this Agreement constitutes a valid and legally binding obligation of such Party enforceable against such Party in accordance with its terms; that such execution, delivery, and performance will not contravene any legal or contractual restriction binding upon such Party; and that there is no legal action, proceeding or investigation of any kind now pending or to the knowledge of such Party threatened against or affecting such Party or the execution, delivery, or performance of this Agreement.

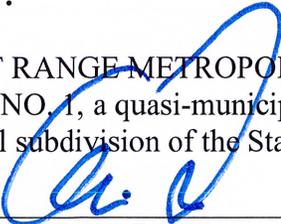
20. Counterparts. This Agreement may be signed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one, and the same, instrument

In witness whereof, the Parties have executed this Agreement on the dates set forth below.

**[THE REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK]**

**DISTRICT:**

RAMPART RANGE METROPOLITAN  
DISTRICT NO. 1, a quasi-municipal corporation  
and political subdivision of the State of Colorado

By:   
Keith Simon, President

Date: 3-17-2015

Attest:

  
~~Secretary~~ Director

**CITY:**

CITY OF LONE TREE, a home-rule municipal  
corporation of the State of Colorado

By: \_\_\_\_\_  
James D. Gunning, Mayor

Date: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Jennifer Pettinger, CMC, City Clerk



## STAFF REPORT

**TO:** Mayor Gunning and City Council

**FROM:** Jeannene Bragg, Operations Director, LTAC

**DATE:** April 15, 2015

**FOR:** April 20, 2015 Council Meeting

**SUBJECT:** Matching Funds for Interior Art Piece

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### Summary

As staff presented at the study session on March 31, City Council is being asked to consider allocating two-to-one matching funds to leverage private funds for the acquisition of a significant piece of interior art at the Lone Tree Arts Center (LTAC). This would be contingent upon the Lone Tree Cultural Arts Foundation agreeing to pool their funding into this project.

Currently, the Lone Tree Cultural Arts Foundation (LTCAF) is holding \$10,500 in restricted donations for the purchase of public art at LTAC. Staff is concerned that \$10,500 is not enough funding to acquire a piece of the quality and scale that would be appropriate for LTAC.

We ask that the City Council consider matching this donation on a two-to-one basis by allocating \$21,000 from the Public Art capital line item. This would establish a fund of \$31,500 to purchase an interior piece of public art that would add a significant artistic element to LTAC and be visible from outside as well as inside the facility.

### Cost

The cost for the match would be \$21,000. Sufficient funds are already allocated to the Public Art Capital Fund to cover this match.

### Background

During the Capital Campaign for the Arts Center, the Guild made a restricted contribution to the LTCAF of \$8,500 to fund the purchase of public art at the Arts Center. Two other individual donors made \$1,000 contributions each to the Foundation for public art as well, for a total restricted fund of \$10,500. Debi Haning, in her joint roles as Arts Commissioner and LTCAF Board Member, has been exploring the possibility of having the Foundation purchase a piece of art for the Arts Center.

Beginning in fall 2014, there have been a variety of discussions with the Arts Commission regarding a potential public art piece for the interior lobby of LTAC. As with any City public art acquisition, the piece would be selected through our public art process and approved by City Council.

Suggested Motion or Recommended Action

"I move to allocate \$21,000 from the Public Art Capital line item to match the \$10,500 donation from the Lone Tree Cultural Arts Foundation for the acquisition of a public art piece for the Lone Tree Arts Center lobby. This piece will be selected through the City of Lone Tree's established public art procedures with the assistance of a professional curator."

## CITY OF LONE TREE PRELIMINARY FINDINGS

**AGENDA ITEM:** Hotel and Restaurant Liquor License for Peng Bo, Inc. d/b/a Thai Orchid, 9231 E. Lincoln Avenue, Suite 1100.

**MEETING DATE:** April 21, 2015

**STAFF PERSON RESPONSIBLE:** Jennifer Pettinger, CMC, City Clerk

**DESCRIPTION:** Hotel and Restaurant Liquor License for Peng Bo, Inc. d/b/a Thai Orchid, 9231 E. Lincoln Avenue, Suite 1100, Lone Tree, Colorado.

**SUMMARY:** The application for a new Hotel and Restaurant Liquor License at the above location was submitted and completed in all material respects. The necessary fees accompanied the application.

This establishment is located at 9231 E. Lincoln Avenue, Suite 1100. On September 29, 2014 the shopping center lease between Yosemite Springs, LLC (Landlord) and Peng Wang and Christina Ludwick (Tenant) was assigned to Peng Bo, Inc. (Assignee). The applicant has proved possession of the property until September 30, 2019. Staff has reviewed all the lease documentation.

The License Application, Individual History Records, Red-lined Drawing of the Premises, and Summary of Petitioning are attached. Staff has also reviewed the following documents: Articles of Incorporation, Business Opportunity Contract Asset Purchase Agreement, Lone Tree Business License, Certificate of Good Standing issued by the Colorado Secretary of State, Affidavit of Posting, Affidavit of Publication and Petitions.

Fingerprinting and background checks were submitted through CBI; no adverse comments or events being reported. All posting and publication requirements have been met and the petition results have been reviewed.

A Hotel and Restaurant licensee must have full meals available until 8:00 p.m. every day, and snacks and sandwiches after 8:00 p.m. Food sales must provide at least 25% of the gross income from the sale of food and drink of the license premises over any period of time of at least one year.

**RECOMMENDED COUNCIL ACTION:** Convene the Public Hearing for a new Hotel and Restaurant Liquor License and consider a motion to approve the application for a Hotel and Restaurant Liquor License conditional upon the applicant obtaining necessary building permits and approvals.



<b>6.</b> Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years?	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>								
<b>7.</b> Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state); (a) been denied an alcohol beverage license? (b) had an alcohol beverage license suspended or revoked? (c) had interest in another entity that had an alcohol beverage license suspended or revoked? If you answered yes to 7a, b or c, explain in detail on a separate sheet.	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>								
<b>8.</b> Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes," explain in detail.	<input type="checkbox"/> <input checked="" type="checkbox"/>								
<b>9.</b> Are the premises to be licensed 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?	<input checked="" type="checkbox"/> <input type="checkbox"/>								
<b>10.</b> Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee.	<input checked="" type="checkbox"/> <input type="checkbox"/>								
<b>11.</b> Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement? <input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____	<input checked="" type="checkbox"/> <input type="checkbox"/>								
a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:									
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; padding: 2px;">Landlord <b>YOSEMITE SPRINGS LLC</b></td> <td style="width:33%; padding: 2px;">Tenant <b>PENG BO INC.</b></td> <td style="width:34%; padding: 2px;">Expires <b>9/30/19</b></td> </tr> </table>	Landlord <b>YOSEMITE SPRINGS LLC</b>	Tenant <b>PENG BO INC.</b>	Expires <b>9/30/19</b>						
Landlord <b>YOSEMITE SPRINGS LLC</b>	Tenant <b>PENG BO INC.</b>	Expires <b>9/30/19</b>							
Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". (Doesn't have to be to scale)									
<b>12.</b> Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.									
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:30%;">NAME</th> <th style="width:20%;">DATE OF BIRTH</th> <th style="width:20%;">FEIN OR SSN</th> <th style="width:30%;">INTEREST</th> </tr> </thead> <tbody> <tr> <td colspan="4" style="text-align: center; padding: 5px;"><b>NONE</b></td> </tr> </tbody> </table>	NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST	<b>NONE</b>				
NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST						
<b>NONE</b>									
Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.									
<b>13. Optional Premises or Hotel and Restaurant Licenses with Optional Premises</b> <span style="float: right;"><b>N/A</b></span> Has a local ordinance or resolution authorizing optional premises been adopted?	Yes No <input type="checkbox"/> <input type="checkbox"/>								
Number of separate Optional Premises areas requested. _____ (See License Fee Chart)									
<b>14. Liquor Licensed Drug Store applicants, answer the following:</b> <span style="float: right;"><b>N/A</b></span> (a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? COPY MUST BE ATTACHED.	Yes No <input type="checkbox"/> <input type="checkbox"/>								
<b>15. Club Liquor License applicants answer the following and attach:</b> <span style="float: right;"><b>N/A</b></span> (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? (b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain? (c) How long has the club been incorporated? _____ (Three years required) (d) Has applicant occupied an establishment for three years that was operated solely for the reasons stated above?	Yes No <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>								
<b>16. Brew-Pub License or Vintner Restaurant Applicants answer the following:</b> <span style="float: right;"><b>N/A</b></span> (a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)	Yes No <input type="checkbox"/> <input type="checkbox"/>								
<b>17a. Name of Manager (for all on-premises applicants)</b> <u>CHRISTINA LUDWICK</u> _____ (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record (DR 8404-I)).	Date of Birth <input style="width: 100px; height: 20px;" type="text"/>								
<b>17b.</b> Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>								
<b>18. Tax Distraint Information.</b> Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? If yes, provide an explanation and include copies of any payment agreements.	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>								

19. If applicant is a corporation, partnership, association or limited liability company, applicant **must list ALL OFFICERS, DIRECTORS, GENERAL PARTNERS, AND MANAGING MEMBERS.** In addition applicant **must list** any stockholders, partners, or members with **OWNERSHIP OF 10% OR MORE** IN THE APPLICANT. ALL PERSONS LISTED BELOW must also attach form DR 8404-1 (Individual History record), and submit finger print cards to their local licensing authority.

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*
CHRISTINA LUDWICK	9771 MAYFAIR ST #A ENGLEWOOD CO 80112		PRESIDENT	100%

\*If total ownership percentage disclosed here does not total 100% applicant must check this box  
 Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant

**Additional Documents to be submitted by type of entity**

- CORPORATION**     Cert. of Incorp.     Cert. of Good Standing (if more than 2 yrs. old)     Cert. of Auth. (if a foreign corp.)  
 **PARTNERSHIP**     Partnership Agreement (General or Limited)     Husband and Wife partnership (no written agreement)  
 **LIMITED LIABILITY COMPANY**     Articles of Organization     Cert. of Authority (if foreign company)     Operating Agrmt.  
 **ASSOCIATION OR OTHER**    Attach copy of agreements creating association or relationship between the parties

Registered Agent (if applicable) **CHRISTINA LUDWICK**      Address for Service **9231 E LINCOLN AVE #1100 LONGTREE CO 80124**

**OATH OF APPLICANT**

*I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.*

Authorized Signature       Title **PRESIDENT**      Date **9/10/14**

**REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY/COUNTY)**

Date application filed with local authority **10-14-14**      Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1)) C.R.S. **12/2/14**

**THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:**

That each person required to file DR 8404-1 (Individual History Record) has:

<input checked="" type="checkbox"/> Been fingerprinted.....	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Been subject to background investigation, including NCIC/CCIC check for outstanding warrants.....	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license.....  Yes  No

(Check One)  
 Date of Inspection or Anticipated Date **12-1-14**  
 Upon approval of state licensing authority.

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S. **THEREFORE, THIS APPLICATION IS APPROVED.**

Local Licensing Authority for **City of Longtree**      Telephone Number **3-703-1818**       TOWN, CITY COUNTY

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Signature (attest) \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Attachment to form 8404 for Peng Bo Inc.

Question #10: I owned Wild Basil Thai Restaurant, 8247 So. Holly St., Centennial, CO 80122 from 5/12-12/13 and held a H&R liquor license. I sold the business and no longer have any financial interest in the business.

## INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

**NOTICE:** This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application.

1. Name of Business  
THAI ORCHID

2. Your Full Name (last, first, middle)  
LUDWICK, CHRISTINA BO WANG

3. List any other names you have used.  
NONE

4. Mailing address (if different from residence)  
9231 E. LINCOLN AVE #1100 LONE TREE CO 80124

5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).

	STREET AND NUMBER	CITY, STATE, ZIP	FROM	TO
Current	<u>9771 MAYFAIR ST #A</u>	<u>ENGLEWOOD, CO 80112</u>	<u>9/12</u>	<u>PRESENT</u>
	<u>16650 LAS RAMBLAS LN #R</u>	<u>PARKER, CO 80134</u>	<u>10/11</u>	<u>9/12</u>
Previous	<u>4380 SO. MONACO #2062</u>	<u>DENVER, CO 80237</u>	<u>5/11</u>	<u>10/11</u>
	<u>16177 WHITE HAWK DR</u>	<u>PARKER, CO 80134</u>	<u>9/09</u>	<u>5/11</u>

6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)

NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
<u>X SEE ATTACHMENTS</u>				
<u>WILD BASIL THAI REST</u>	<u>8247 SO. HOLLY ST CENTENNIAL CO 80122</u>	<u>BUSINESS OWNER</u>	<u>5/12</u>	<u>12/13</u>
<u>HOUSEWIFE</u>	<u>9771 MAYFAIR ST #A ENGLEWOOD CO 80112</u>	<u>HOUSEWIFE</u>	<u>9/09</u>	<u>5/12</u>

7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.

NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE
<u>NONE</u>			

8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail.  Yes  No

5/12 - 12/13 I OWNED WILD BASIL THAI RESTAURANT, 8247 SO. HOLLY ST., CENTENNIAL, CO 80122 AND HELD A BEER LIQUOR LICENSE.

9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail.  Yes  No

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)  
 Yes  No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (if yes, explain in detail.)  
 Yes  No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)  
 Yes  No

**PERSONAL AND FINANCIAL INFORMATION**

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential.  
 The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth		b. Social Security Number		c. Place of Birth CHINA		d. U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
e. If Naturalized, State where CENTENNIAL COLORADO				f. When 5/2/11		g. Name of District Court FEDERAL DISTRICT COURT FOR COLORADO	
h. Naturalization Certificate Number		i. Date of Certification 5/2/11		j. If an Alien, Give Alien's Registration Card Number N/A		k. Permanent Residence Card Number N/A	
l. Height 5'3"	m. Weight 100	n. Hair Color BLK	o. Eye Color BRN	p. Sex F	q. Race A	r. Do you have a current Driver's License? If so, give number and state <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No CO	

14. Financial Information.

a. Total purchase price \$ 115,000 (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$...

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid \$ 115,000

c. Provide details of the investment described in 14.b. You must account for all of the sources of this investment. Attach a separate sheet if needed.

Type: Cash, Services or Equipment	Source	Amount
CASH	CHASE BANK CHECKING ACCT #	\$115,000

d. Loan information (attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount
NONE				

**Oath of Applicant**

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature 	Title PRESIDENT	Date 9/10/14
--------------------------	--------------------	-----------------

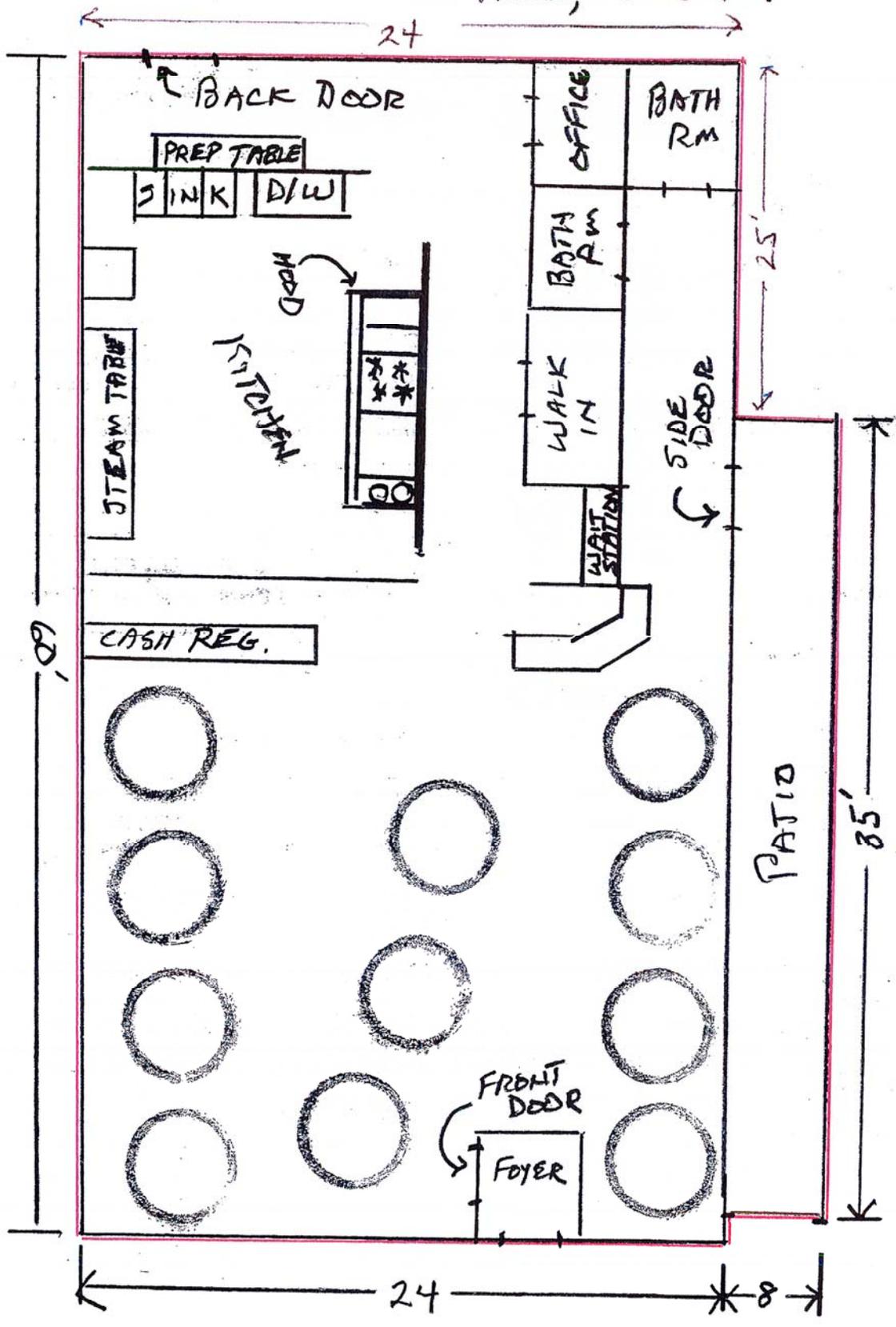
Attachment to form 8404-I for Christina Ludwick

Question #6:

Thai Orchid, 9231 E Lincoln Ave. #1100, Lone Tree, CO 80124, business owner 10/14-Present

Housewife, 9771 Mayfair St. #A, Englewood, CO 80112, housewife, 12-13-10/14

THAI ORCHID  
9321 E LINCOLN AVE # 1100  
LONE TREE, CO 80124



**ESQUIRE PETITIONING SERVICES, LLC**  
**Liquor Licensing Specialists**  
**2792 South Race Street**  
**Denver, Colorado 80210**  
**Telephone: (303)331-8600**  
**Facsimile: (303)331-9048**

April 1, 2015

To: City of Lone Tree Liquor Licensing Authority  
Re: Summary report of petition circulation methods and results in the application for  
A New Hotel and Restaurant Liquor License.

Applicant: Peng Bo, Inc.  
Trade Name: Thai Orchid  
Proposed Location: 9231 E. Lincoln Avenue, Unit 1100  
Lone Tree, Colorado, 80124

Methods:

1. The petition circulation was conducted under the control of Esquire Petitioning Services, L.L.C. ("Esquire").
2. Circulators were driven to the proposed site and became familiar with the Applicant's proposed location.
3. Petitions were pre-filed according to the Licensing Authority's local rules.
4. Esquire prepared all of the petition circulation materials. Each circulator carried a clipboard and petition packet consisting of the following: a. a map of the designated neighborhood with neighborhood boundaries outlined and the proposed location of the outlet denoted by an "X"; b. a petition cover sheet stating: the Applicant's name, the trade name, the proposed location, the type of license application, the qualifications for signing the petition and the information concerning the public hearing; c. signature sheets that provided eligible persons the opportunity to sign the petition in support of, or in opposition to, the application; and d. data sheets on which to record all responses by address.



c. Reasons Stated for Signing In Opposition to the License:

	<b>Totals</b>	<b>% of people signing:</b>
Does not drink alcohol:	1	0.6 %
Neutral:	0	0.0 %
Sufficient number of outlets:	1	0.6 %
Drinking and Driving:	1	0.6 %
Children:	1	0.6 %
<b>TOTAL:</b>	<b>4</b>	<b>2.4 %</b>

d. Results analyzed on a needs and desires basis:

Signatures supporting the issuance of the license because the eligible contacts desired the license to issue because the existing outlets are not sufficient to meet the needs of the neighborhood.	157	99.4 %
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Signatures opposing the issuance of the license because the eligible contacts did not desire the license to issue because the existing outlets are sufficient to meet the needs of the neighborhood.	1	0.6 %
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<b>Total:</b>	<b>158</b>	<b>100 %</b>
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e. Reasons stated for declining to sign the petition

Preferred to remain neutral	2
No interest in application:	17
Does not drink alcohol:	2
Too busy to sign:	5
Against corporate policy:	0
Does not sign Petitions	2
Other:	1
<b>TOTAL:</b>	<b>29</b>

Prepared by Kelly B. Pietrs  
Esquire Petitioning Services, LLC

## CITY OF LONE TREE PRELIMINARY FINDINGS

**AGENDA ITEM:** Hotel and Restaurant Liquor License for SnoozeTown, LLC d/b/a Snooze, 10002 Commons Street, Suite E-1.

**MEETING DATE:** April 21, 2015

**STAFF PERSON RESPONSIBLE:** Jennifer Pettinger, CMC, City Clerk

**DESCRIPTION:** Hotel and Restaurant Liquor License for SnoozeTown, LLC d/b/a Snooze, 10002 Commons Street, Suite E1, Lone Tree, Colorado.

**SUMMARY:** The application for a new Hotel and Restaurant Liquor License at the above location was submitted and completed in all material respects. The necessary fees accompanied the application.

This establishment is located at 10002 Commons Street, Suite E1. A ten year lease agreement was entered into between Legend Retail Shops Lone Tree, LLC and SnoozeTown, LLC on June 12, 2014. Staff has reviewed all the lease documentation.

The License Application, Individual History Records, Red-lined Drawing of the Premises, and Summary of Petitioning are attached. Staff has also reviewed the following documents: Statement of Foreign Entity Authority, Limited Liability Company Agreement, Lone Tree Business License, Certificate of Good Standing issued by the Colorado Secretary of State, Affidavit of Posting, Affidavit of Publication and Petitions.

Fingerprinting and background checks were submitted through CBI; no adverse comments or events being reported. All posting and publication requirements have been met and the petition results have been reviewed.

A Hotel and Restaurant licensee must have full meals available until 8:00 p.m. every day, and snacks and sandwiches after 8:00 p.m. Food sales must provide at least 25% of the gross income from the sale of food and drink of the license premises over any period of time of at least one year.

**RECOMMENDED COUNCIL ACTION:** Convene the Public Hearing for a new Hotel and Restaurant Liquor License and consider a motion to approve the application for a Hotel and Restaurant Liquor License conditional upon the applicant obtaining necessary building permits and approvals.

## Colorado Liquor Retail License Application

<input type="checkbox"/> New License <input checked="" type="checkbox"/> New-Concurrent <input type="checkbox"/> Transfer of Ownership			
• All answers must be printed in black ink or typewritten • Applicant must check the appropriate box(es) • Applicant should obtain a copy of the Colorado Liquor and Beer Code: <a href="http://www.colorado.gov/enforcement/liquor">www.colorado.gov/enforcement/liquor</a> • Local License Fee \$ _____			
1. Applicant is applying as a/an <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership (includes Limited Liability and Husband and Wife Partnerships)		<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Association or Other	
2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation SnoozeTown, LLC			FEIN Number
2a. Trade Name of Establishment (DBA) Snooze		State Sales Tax Number 30535864	Business Telephone TBD
3. Address of Premises (specify exact location of premises, include suite/unit numbers) 10002 Commons Street, Ste. E1			
City Lone Tree	County Douglas	State CO	ZIP Code 80124
4. Mailing Address (Number and Street) 3001 Brighton Blvd., Ste. 303		City or Town Denver	State CO ZIP Code 80216
5. Email Address jgebers@messner.com			
6. If the premises currently has a liquor or beer license, you must answer the following questions			
Present Trade Name of Establishment (DBA) Not applicable		Present State License Number	Present Class of License
Present Expiration Date			
<b>Section A Nonrefundable Application Fees</b>		<b>Section B (Cont.) Liquor License Fees</b>	
<input type="checkbox"/> Application Fee for New License..... \$ 600.00 <input checked="" type="checkbox"/> Application Fee for New License w/Concurrent Review .... \$ 700.00 <input type="checkbox"/> Application Fee for Transfer..... \$ 600.00		<input type="checkbox"/> Liquor Licensed Drugstore (City)..... \$227.50 <input type="checkbox"/> Liquor Licensed Drugstore (County) ..... \$312.50 <input checked="" type="checkbox"/> Manager Registration - H & R..... \$ 75.00 <input type="checkbox"/> Manager Registration - Tavern..... \$ 75.00	
<b>Section B Liquor License Fees</b>			
<input type="checkbox"/> Add Optional Premises to H & R.....\$100.00 X _____ Total _____ <input type="checkbox"/> Add Related Facility to Resort Complex.....\$ 75.00 X _____ Total _____		<input type="checkbox"/> Master File Location Fee .....\$ 25.00 X _____ Total _____ <input type="checkbox"/> Master File Background .....\$250.00 X _____ Total _____	
<input type="checkbox"/> Arts License (City) .....\$308.75 <input type="checkbox"/> Arts License (County) .....\$308.75 <input type="checkbox"/> Beer and Wine License (City).....\$351.25 <input type="checkbox"/> Beer and Wine License (County).....\$436.25 <input type="checkbox"/> Brew Pub License (City) .....\$750.00 <input type="checkbox"/> Brew Pub License (County).....\$750.00 <input type="checkbox"/> Club License (City).....\$308.75 <input type="checkbox"/> Club License (County) .....\$308.75 <input checked="" type="checkbox"/> Hotel and Restaurant License (City) .....\$500.00 <input type="checkbox"/> Hotel and Restaurant License (County) .....\$500.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City) .....\$600.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises(County).....\$600.00		<input type="checkbox"/> Optional Premises License (City) .....\$500.00 <input type="checkbox"/> Optional Premises License (County) .....\$500.00 <input type="checkbox"/> Racetrack License (City).....\$500.00 <input type="checkbox"/> Racetrack License (County).....\$500.00 <input type="checkbox"/> Resort Complex License (City).....\$500.00 <input type="checkbox"/> Resort Complex License (County).....\$500.00 <input type="checkbox"/> Retail Gaming Tavern License (City) .....\$500.00 <input type="checkbox"/> Retail Gaming Tavern License (County).....\$500.00 <input type="checkbox"/> Retail Liquor Store License (City).....\$227.50 <input type="checkbox"/> Retail Liquor Store License (County).....\$312.50 <input type="checkbox"/> Tavern License (City) .....\$500.00 <input type="checkbox"/> Tavern License (County).....\$500.00 <input type="checkbox"/> Vintners Restaurant License (City) .....\$750.00 <input type="checkbox"/> Vintners Restaurant License (County).....\$750.00	
<b>Questions? Visit: <a href="http://www.colorado.gov/enforcement/liquor">www.colorado.gov/enforcement/liquor</a> for more information</b>			
<b>Do not write in this space - For Department of Revenue use only</b>			
Liability Information			
License Account Number	Liability Date	License Issued Through (Expiration Date)	Total \$

7. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years? Yes  No

8. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state):

(a) Been denied an alcohol beverage license?

(b) Had an alcohol beverage license suspended or revoked?

(c) Had interest in another entity that had an alcohol beverage license suspended or revoked?

If you answered yes to 8a, b or c, explain in detail on a separate sheet.

9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.

10. Are the premises to be licensed 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?

Waiver by local ordinance?  or  
Other: \_\_\_\_\_

11. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current financial interest in said business including any loans to or from a licensee. See attached

12. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?

Ownership  Lease  Other (Explain in Detail) \_\_\_\_\_

a. If leased, list name of landlord and tenant, and date of expiration, **exactly** as they appear on the lease:

Landlord Legend Retail Shops Lonetree LLC	Tenant SnoozeTown, LLC	Expires 2024
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b. Is a percentage of alcohol sales included as compensation to the landlord? If yes complete question 13.

c. Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".

13. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.

Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Not applicable				

**Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.**

14. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:  
Has a local ordinance or resolution authorizing optional premises been adopted? NA

Number of additional Optional Premise areas requested. (See license fee chart)

15. Liquor Licensed Drug Store applicants, answer the following:  
(a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? NA

**If "yes" a copy of license must be attached.**

16. Club Liquor License applicants answer the following: **Attach a copy of applicable documentation**

(a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?

(b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?

(c) How long has the club been incorporated? NA

(d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?

17. Brew-Pub License or Vintner Restaurant Applicants answer the following:  
(a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached) NA

18a. For all on-premises applicants.  
(If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an individual History Record - DR 8404-I)

Last Name of Manager Borin	First Name of Manager Brianna	Date of Birth
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18b. Does this manager acts as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.

Type of License	Account Number
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19. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue?

If yes, provide an explanation and include copies of any payment agreements.

20. \*\*If applicant is a corporation, partnership, association or limited liability company, applicant **must list all officers, directors, general partners, and managing members**. In addition, applicant **must list** any stockholders, partners, or members with **ownership of 10% of more in the applicant**. **All persons listed below must also attach form DR8404-I (Individual History Record), and submit fingerprint cards to their local licensing authority.**

Name SnoozeTropolis LLC	Home Address, City & State 3001 Brighton Blvd., #303, Denver, CO 80216	DOB NA	Position Member	% Owned 100
Name David E. Birzon	Home Address, City & State 604 Perry Ridge Road, Carbondale, CO 81653	DOB	Position CEO	% Owned 0
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned

\*\* Limited Liability Companies and Partnerships - 100% of ownership must be accounted for on question #20  
 \*\* Corporations - The President, Vice-President, Secretary and Treasurer must be accounted for on question #20 (Include ownership percentage if applicable)

**Oath Of Applicant**

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature 	Printed Name and Title David Birzon/CEO	Date 3-6-15
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**Report and Approval of Local Licensing Authority (City/County)**

Date application filed with local authority 3-11-15	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.) 4-21-15
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The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) has:

- Been fingerprinted
- Been subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license

(Check One)

- Date of inspection or anticipated date 6-1-15
- Will conduct inspection upon approval of state licensing authority

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S.

**Therefore, this application is approved.**

Local Licensing Authority for City of Lone Tree	Telephone Number 3-708-1818	<input checked="" type="checkbox"/> Town, City <input type="checkbox"/> County	
Signature	Print	Title	Date
Signature (attest)	Print	Title	Date

**ATTACHMENT TO RETAIL LICENSE APPLICATION  
FOR  
SNOOZETOWN LLC D/B/A SNOOZE**

**QUESTION #11**

**Has a liquor or beer license ever been issued to the applicant (including partners, if a partnership; members or manager if a limited liability company; or officer, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee.**

SnoozeTown, LLC dba Snooze currently hold the following Hotel and Restaurant class liquor licenses in the State of Colorado:

Snooze, LLC  
2262 Larimer Street  
Denver, CO 80205  
License #42-18011

Snooze SOCO, LLC  
700 N. Colorado, Ste. A  
Denver, CO 80206  
License #42-70128

Snooze Ft. Fun, LLC  
144 W. Mountain Ave.  
Fort Collins, CO 80524  
License #42-75729

Snooze SoGlo, LLC  
6781 S. York St., Ste. 515  
Centennial, CO 80122  
License #42-83121

Snooze BOCO, LLC  
1617 Pearl St.  
Boulder, CO 80302  
License #42-94691

Snooze Town, LLC  
1701 Wynkoop, Ste. 150  
Denver, Colorado 80202  
License #4703348

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## INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

<b>NOTICE:</b> This individual history record requires information that is necessary for the licensing investigation or inquiry. <b>All</b> questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". <b>Any deliberate misrepresentation or material omission may jeopardize the license application.</b>					
1. Name of Business SnoozeTown LLC dba Snooze					
2. Your Full Name (last, first, middle) Birzon, David, Evan			3. List any other names you have used. None		
4. Mailing address (if different from residence) 3001 Brighton Blvd., Ste. 303, Denver, Colorado 80216					
5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).					
	<b>STREET AND NUMBER</b>	<b>CITY, STATE, ZIP</b>	<b>FROM</b>	<b>TO</b>	
Current	604 Perry Ridge Road	Carbondale, Colorado 81623	09/2012	Present	
Previous	5501 East Beryl Avenue	Scottsdale, Arizona 85253	07/2001	09/2012	
6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)					
	<b>NAME OF EMPLOYER OR BUSINESS</b>	<b>ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)</b>	<b>POSITION HELD</b>	<b>FROM</b>	<b>TO</b>
	Snooze	3001 Brighton Blvd., #300, Denver, CO 80216	CEO	11/2012	Present
	Unemployed	Not applicable	Not applicable	04/2011	11/2012
	Paradise Bakery	8561 E. Anderson Dr., Scottsdale, AZ	President	09/1989	04/2011
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.					
	<b>NAME OF RELATIVE</b>	<b>RELATIONSHIP TO YOU</b>	<b>POSITION HELD</b>	<b>NAME OF LICENSEE</b>	
	None				
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Mr. Birzon holds an interest in six (6) other Snooze restaurants in the Denver metro area.					
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)  
 Yes  No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (if yes, explain in detail.)  
 Yes  No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)  
 Yes  No

**PERSONAL AND FINANCIAL INFORMATION**

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential.  
 The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth		b. Social Security Number		c. Place of Birth Buffalo, New York		d. U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
e. If Naturalized, State where Not applicable				f. When Not applicable		g. Name of District Court Not applicable	
h. Naturalization Certificate Number Not applicable			i. Date of Certification Not applicable		j. If an Alien, Give Alien's Registration Card Number Not applicable		k. Permanent Residence Card Number Not applicable
l. Height 5'9"	m. Weight 160	n. Hair Color Blonde	o. Eye Color Blue	p. Sex Male	q. Race Caucasian	r. Do you have a current Driver's License? If so, give number and state <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No CO	

14. Financial Information.  
 a. Total purchase price \$ 0.00 (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ 1,000,000.00

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid \$ 0.00

c. Provide details of the investment described in 14.b. You must account for all of the sources of this investment. Attach a separate sheet if needed.

Type: Cash, Services or Equipment	Source	Amount
None		

d. Loan Information (attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount
None				

**Oath of Applicant**

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature 	Title CEO	Date
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David Birzon

## INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

<b>NOTICE:</b> This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application.				
1. Name of Business SnoozcTown, LLC dba Snooze				
2. Your Full Name (last, first, middle) Borin, Brianna, Lillian			3. List any other names you have used. None	
4. Mailing address (if different from residence) 3001 Brighton Blvd., Ste. 303, Denver, Colorado 80216				
5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).				
STREET AND NUMBER		CITY, STATE, ZIP	FROM	TO
Current 2742 West 26th Ave.		Denver, Colorado 80211	05/2010	Present
Previous				
6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)				
NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
Snooze	2262 Larimer St., Denver, CO, 80205	Regional Manager	02/08	Present
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE	
Not applicable				
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail. <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail. <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>				

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)  
 Yes  No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (if yes, explain in detail.)  
 Yes  No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)  
 Yes  No

**PERSONAL AND FINANCIAL INFORMATION**  
 Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential.  
 The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth		b. Social Security Number		c. Place of Birth Cheyenne, Wyoming		d. U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
e. If Naturalized, State where Not applicable				f. When Not applicable		g. Name of District Court Not applicable	
h. Naturalization Certificate Number Not applicable		i. Date of Certification Not applicable		j. If an Alien, Give Alien's Registration Card Number Not applicable		k. Permanent Residence Card Number Not applicable	
l. Height 5'0"	m. Weight 110 lbs	n. Hair Color Brown	o. Eye Color Hazel	p. Sex Female	q. Race Caucasian	r. Do you have a current Driver's License? If so, give number and state <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No CO	

14. Financial Information.  
 a. Total purchase price \$ 0.00 (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ 1,000,000.00

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid \$ 0.00

c. Provide details of the investment described in 14.b. You must account for all of the sources of this investment. Attach a separate sheet if needed.

Type: Cash, Services or Equipment	Source	Amount
None		

d. Loan Information (attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount

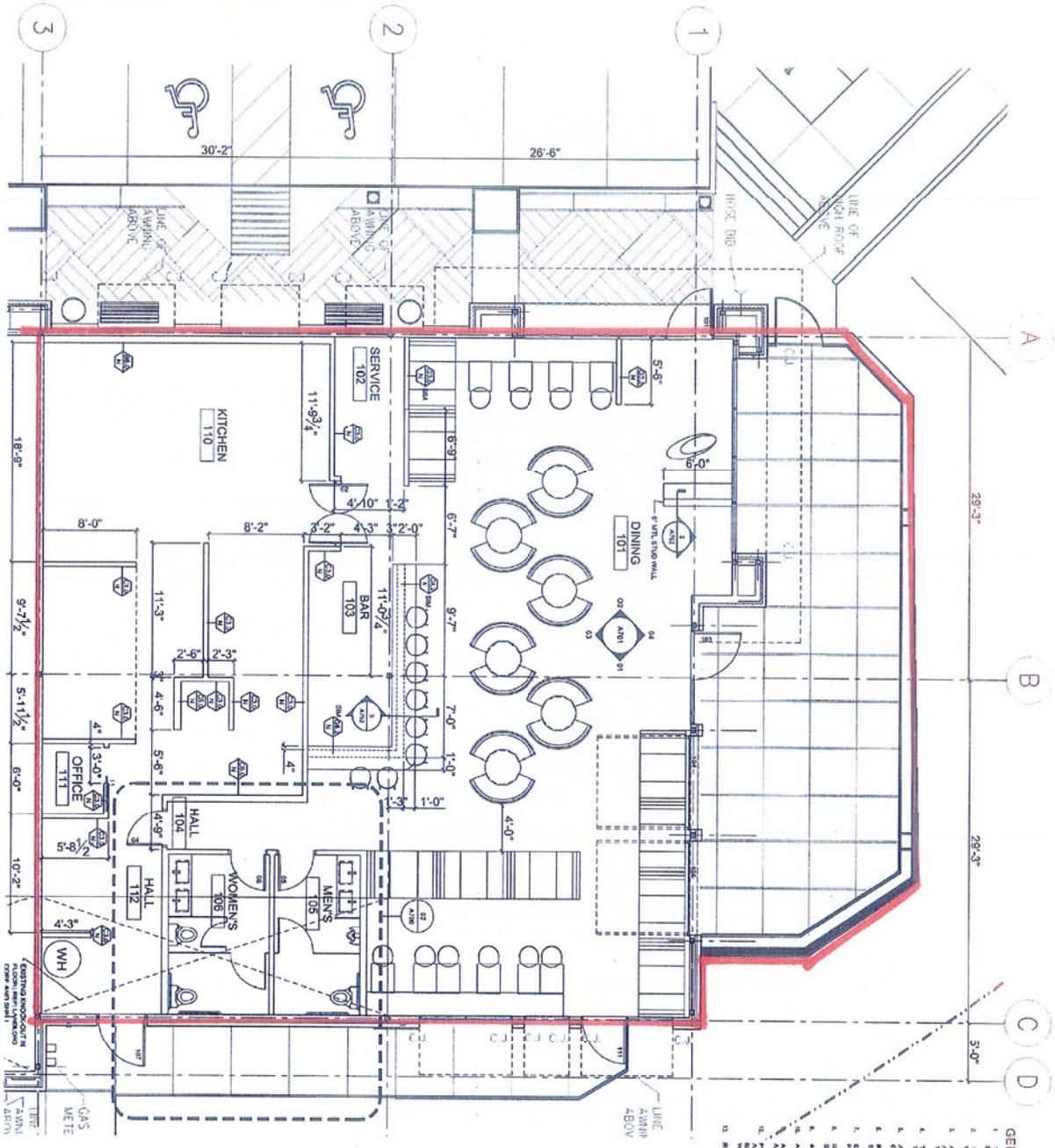
**Oath of Applicant**

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature 	Title Regional Manager	Date 3/5/15
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Brianna Borin

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT. IT IS HEREBY CERTIFIED THAT IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.



- GENERAL NOTES**
1. THE OWNER SHALL VERIFY CONDITIONS OF THE EXISTING BUILDING FROM AN RECORDED PLAN FILE. VERIFY ARCHITECT SPECIFICALLY FOR ANY DISCREPANCIES.
  2. ALL DIMENSIONS SHALL BE TAKEN FROM THE FACE UNLESS OTHERWISE NOTED.
  3. ALL LOCATIONS OF NEW AND EXISTING ELECTRICAL, MECHANICAL, PLUMBING, AND HVAC SHALL BE SHOWN ON THIS PLAN. VERIFY ALL EXISTING CONDITIONS AND MAKE AS NECESSARY.
  4. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND MAKE AS NECESSARY TO THE EXISTING BUILDING AND STRUCTURE. VERIFY ALL DIMENSIONS AND MAKE AS NECESSARY.
  5. ALL DIMENSIONS ARE GIVEN FROM FACE OF FINISH OR FINISH OF FINISH UNLESS OTHERWISE NOTED.
  6. ROOM OR FINISH NOT LOCATED BY DIMENSION SHALL BE LOCATED FROM THE FINISHED FLOOR OR FINISH FLOOR.
  7. ALL DIMENSIONS ARE GIVEN FROM FACE OF FINISH UNLESS OTHERWISE NOTED.
  8. ALL DIMENSIONS ARE GIVEN FROM FACE OF FINISH UNLESS OTHERWISE NOTED.
  9. ALL DIMENSIONS ARE GIVEN FROM FACE OF FINISH UNLESS OTHERWISE NOTED.
  10. ALL DIMENSIONS ARE GIVEN FROM FACE OF FINISH UNLESS OTHERWISE NOTED.
  11. ALL DIMENSIONS ARE GIVEN FROM FACE OF FINISH UNLESS OTHERWISE NOTED.
  12. ALL DIMENSIONS ARE GIVEN FROM FACE OF FINISH UNLESS OTHERWISE NOTED.
  13. VERIFY ALL DIMENSIONS AND MAKE AS NECESSARY.

**101 FLOOR PLAN**

**A300**

FLOOR PLAN

PROJECT: SNOOZE  
 LOCATION: 10502 COMMONS STREET | SUITE E1 | LONE TREE, COLORADO 80124  
 DATE: 04/21/15

**SNOOZE**

10502 COMMONS STREET | SUITE E1 | LONE TREE, COLORADO 80124

ARCHITECT:  
**line studio**  
 One Line Studio LLC  
 604 S. Leonard Court | Colorado, CO 80112  
 303.433.7177  
 DESIGNER:  
**KAUF**  
 2433 W. 29th Avenue  
 Denver, CO 80211  
 303.580.1024  
 CONTRACTOR:  
**CONTRACTOR**

**ESQUIRE PETITIONING SERVICES, LLC**  
**Liquor Licensing Specialists**  
**2792 South Race Street**  
**Denver, Colorado 80210**  
**Telephone: (303)331-8600**  
**Facsimile: (303)331-9048**

April 13, 2015

To: City of Lone Tree Liquor Licensing Authority  
Re: Summary report of petition circulation methods and results in the application for  
A New Hotel and Restaurant Liquor License.

Applicant: Snooze Town, LLC.  
Trade Name: Snooze  
Proposed Location: 10002 Commons Street, Ste E1  
Lone Tree, Colorado, 80124

Methods:

1. The petition circulation was conducted under the control of Esquire Petitioning Services, L.L.C. ("Esquire").
2. Circulators were driven to the proposed site and became familiar with the Applicant's proposed location.
3. Petitions were pre-filed according to the Licensing Authority's local rules.
4. Esquire prepared all of the petition circulation materials. Each circulator carried a clipboard and petition packet consisting of the following: a. a map of the designated neighborhood with neighborhood boundaries outlined and the proposed location of the outlet denoted by an "X"; b. a petition cover sheet stating: the Applicant's name, the trade name, the proposed location, the type of license application, the qualifications for signing the petition and the information concerning the public hearing; c. signature sheets that provided eligible persons the opportunity to sign the petition in support of, or in opposition to, the application; and d. data sheets on which to record all responses by address.

5. The circulators were instructed as follows:
  - a. to state the petition being circulated concerned an application for a New Hotel and Restaurant Liquor License for Snooze Town, LLC. Dba Snooze;
  - b. to present the map of the designated neighborhood, state the Applicant's name, trade name and to describe the Applicant's location;
  - c. to review the qualifications for signing the petition and the petition issue;
  - d. to provide eligible persons the opportunity to sign the petition in support of, or in opposition of the application;
  - e. to witness all signatures; and
  - f. to record, by address, all responses on the data sheet.

**RESULTS:**

1. **Overview of Petition Results:**

Total door knocks:	383
Persons who signed the petition:	135
Persons who declined to sign the petition:	23
Ineligible contacts: (Younger than 21; non-resident; non-English speaking; Not a business owner or manager)	19
No answer to the door knock:	228

<b><u>Response of Eligible Contacts:</u></b>	<b>Totals:</b>	<b>Percentages</b>
a. Signatures supporting issuance:		
Residents:	106	78.5 %
Business Owners/Managers:	27	20.0 %
<b>TOTAL:</b>	<b>133</b>	<b>98.5 %</b>
b. Signatures opposing issuance:		
Residents:	2	1.5 %
Business Owners/Managers:	0	0.0 %
<b>TOTAL:</b>	<b>2</b>	<b>1.5 %</b>
 <b><u>TOTAL SIGNATURES</u></b>	 <b>135</b>	 <b>100 %</b>

c. Reasons Stated for Signing In Opposition to the License:

	<b>Totals</b>	<b>% of people signing:</b>
Does not drink alcohol:	2	1.5 %
Neutral:	0	0.0 %
Sufficient number of outlets:	0	0.0%
Drinking and Driving:	0	0.0 %
Children:	0	0.0 %
<b>TOTAL:</b>	<b>2</b>	<b>1.5%</b>

d. Results analyzed on a needs and desires basis:

Signatures supporting the issuance of the license because the eligible contacts desired the license to issue because the existing outlets are not sufficient to meet the needs of the neighborhood.	133	100%
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Signatures opposing the issuance of the license because the eligible contacts did not desire the license to issue because the existing outlets are sufficient to meet the needs of the neighborhood.	0	0.0 %
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<b>Total:</b>	<b>133</b>	<b>100 %</b>
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e. Reasons stated for declining to sign the petition

Preferred to remain neutral	0
No interest in application:	8
Does not drink alcohol:	2
Too busy to sign:	9
Against corporate policy:	0
Does not sign Petitions	2
Other:	2
<b>TOTAL:</b>	<b>23</b>

Prepared by Kelly B. Pietsr  
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