

16-15 Schnuck Markets, Inc.

d/b/a Schnucks

10405 N. Centerway Drive

Requesting: Class C (grocery)

Subclass 12 (grocery with restaurant)

Jed Penney, Associate General Counsel & Managing Officer, and Kevin Haney, Division Manager for Central IL, presented a Site Application for a Class C (grocery) Liquor License, with a Subclass 12 (grocery with restaurant) at 10405 N. Centerway Drive.

In discussion with Chairman Cassidy, Mr. Penney shared the location, which is just west of N. Knoxville Avenue between W. Alta Road and W. Wilhelm Road. He gave a brief description of the liquor department and the restaurant area of the store. He said they wanted to serve beer and wine only at this time. He said the beer and wine would be complimentary to a meal.

In closing, Mr. Haney said they had planned to be open in the first couple weeks of November.

Hearing no more questions, Chairman Cassidy called for the motion.

Commissioner White moved to recommend approval of the Site Application for a Class C (grocery) Liquor License, with a Subclass 12 (grocery with restaurant) at 10405 N. Centerway Drive, contingent upon the issuance of the Certificate of Occupancy; seconded by Commissioner O'Brien.

Approved by roll call vote.

Yeas: Cassidy, Coates, Miller, O'Brien, White - 5;

Nays: None.

Chairman Cassidy stated this recommendation would be heard at the City Council Meeting to be held on Tuesday, July 26, 2016, at 6:00 p.m. and a representative of this establishment should be present at that meeting.

IV. UNFINISHED BUSINESS

There was no unfinished business to discuss.

V. NEW BUSINESS

Discussion on Potential Changes to the Class M (BYOB Club) or Any Other Applicable Liquor License in relation to Art Studios.

In a memo to the Commission, Deputy Corporation Counsel Sonni Williams referred to a letter from an owner of an art studio located downtown at 815 SW Adams. The art business owner wanted to know how they could legally operate in a leased building that would allow patrons to bring alcoholic beverages and also allow the business to provide alcoholic beverages to patrons during art exhibits.

Deputy Corporation Counsel Sonni Williams outlined the following factors for the Commission to consider:

**MINUTES OF THE CITY OF PEORIA
LIQUOR COMMISSION
July 5, 2016**

A meeting of the City of Peoria Liquor Commission was held in Room 404, City Hall, 419 Fulton Street, Peoria, Illinois, on July 5, 2016, Chairman Cassidy presiding, with proper notice having been posted.

ROLL CALL:

Present: Chairman Cassidy; Commissioners: Camille Coates, Mike Miller, Mike O'Brien, Virginia White - 5;
Absent: None.

Others present: Liquor Investigator Kevin Slavens; Building Inspector Scot Wolf; Deputy Clerk Trina Bonds; and concerned citizens and media.

I. CALL TO ORDER

Chairman Cassidy called the meeting to order at 3:30 p.m.

II. APPROVAL OF MINUTES

Commissioner White moved to approve the Minutes of the June 6, 2016, Liquor Commission Meeting, as outlined; seconded by Commissioner Coates.

Approved by roll call vote:

Yeas: Cassidy, Coates, Miller, O'Brien, White - 5;
Nays: None;
Abstention: None.

III. LIQUOR SITE APPLICATIONS

Chairman Cassidy read the amendment to Section 3-57, which will be read at the beginning of every Liquor Commission Meeting.

"The Liquor Commission is a recommending body with respect to site approval. Our function is to determine if the location of an establishment is appropriate for the class of liquor license being requested and then make a recommendation to the City Council as to whether the application should be approved or denied. The City Council makes the final decision.

Under Section 3-57 of the Code of the City of Peoria any misrepresentation or false statement made to either this Commission or the City Council relating to the proposed business to be operated on the site can result in a denial of your liquor license; suspension and/or revocation of a license if already issued, and a fine of up to \$1,000."

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- 1) The building or structure located at 815 SW Adams Street has a long history of various businesses illegally operating or occupying the building without a certificate of occupancy from the City of Peoria and in order to lawfully operate a proposed art studio regardless of whether alcohol will be allowed, the owner of the building must obtain a certificate of occupancy.
- 2) The operator of an establishment can apply for site approval for a Class A (tavern) license, which would allow providing alcoholic beverages while still allowing patrons to bring in their own alcoholic beverages for onsite consumption. This would require no changes to the current City Code.
- 3) The footprint for a Class M (BYOB) license can be expanded to include the proposed art studio at 815 SW Adams Street, but there is no indication by the requester that the art studio is a 501(c)(3) charitable organization. Class M (BYOB) can also be amended to allow any private business to apply, but with the low annual fee of \$125, it would be more advantageous for private businesses to apply for site approval for a Class M (BYOB) license that would allow BYOB and cash bar than to pay the \$1,100 annual license fee for a Class A (tavern) license.
- 4) The Liquor Commission can recommend the creation of a new class of license for art studios with the definition of an art studio along with any appropriate regulations and a reasonable annual fee.

During discussion among the Commission and Staff, the following points were made:

- The Commission does not support creating another subclass, because there are already too many subclasses.
- The Commission does not feel the Class M should be expanded to allow the request because it is for not-for-profit organizations only.
- The Commission agreed that since the art business was not a non-profit organization, they should operate under the Class A (tavern) liquor license or any other class that met their business plans.
- The Commission wanted additional information on how the “First Fridays” were currently regulated and if they were considered to be non-for-profits.
- The Liquor Investigator expressed concern about how the proposed art business would operate in relation to the number of bottles of alcohol that were being brought in.
- The Commission and Staff agreed that the fee amount of \$125.00 for the Class M liquor license was too small for a for-profit business.
- The Commission and Staff agreed that there might be an issue in regards to the age limitations (21 and up) for a Class A (tavern) liquor license. This would prohibit college students from being able to attend.
- The Commission wanted additional information of how many art exhibits would be held and if they would be considered fundraisers.
- The Commission agreed if they continued to create new subclasses for everyone who requested one, it would set a precedent for future requests.

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In closing, Liquor Investigator Slavens said he would follow up with Deputy Corporation Counsel Sonni Williams to discuss other options or a solution that would make sense for all art businesses. He said he would also research other government municipalities and report back to the Commission next month.

FAREWELL & BEST WISHES

Commissioner Virginia White resigned from the Liquor Commission due to a conflict with her job schedule. The Commission commended her for a job well done and thanked her for her years of service to the Liquor Commission.

VI. NEXT SCHEDULED MEETING

The next scheduled regular meeting of the Liquor Commission is Monday, August 1, 2016.

VII. ADJOURNMENT

Commissioner Coates moved to adjourn the meeting; seconded by Commissioner O'Brien.

Approved by viva voce vote.

The Liquor Commission Meeting adjourned at 3:50 p.m.



Deputy Clerk II
Commission Secretary