

REQUEST FOR COUNCIL ACTION

To: Honorable Mayor and Members of the City Council

From: Charles Randy Oliver
City Manager

AGENDA DATE REQUESTED: June 1, 2004

ACTION REQUESTED: Take action on a site application for a Class C-5 (convenience/gas station) Liquor License to 3124 N. Prospect (District 3), with the recommendation of the Liquor Commission to deny.

BACKGROUND: At its regular meeting on Monday, May 17, 2004, the Liquor Commission voted to deny the site application for a convenience/gas station liquor license at 3124 N. Prospect. Mr. Brad Petri, regional manager of Speedway SuperAmerica, presented the site application and stated he wanted to be able to remain competitive with the other convenience/gas stations in the area. Minutes of this meeting are attached.

IMPACT IF DENIED: This establishment would not be able to apply for their liquor license.

IMPACT IF APPROVED: This establishment will be able to apply for a liquor license and sell liquor from this establishment.

EEO CERTIFICATION NUMBER: N/A

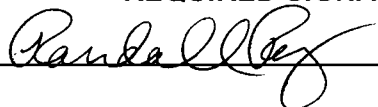
FINANCIAL IMPACT: N/A

RECOMMENDATION: The Administration respectfully requests that the City Council **deny** the site application for a Class C-5 (gas/convenience store) Liquor License for 3124 North Prospect, with a recommendation from the Liquor Commission to deny.

ALTERNATIVES: [Click here and type alternatives]

REQUIRED SIGNATURES

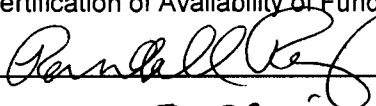
Department Director



Finance Director

(Certification of Availability of Funds)

Corporation Counsel



City Manager



04-12 Brad Petri
 d/b/a Speedway SuperAmerica
 3124 N. Prospect
 Requesting: Class C-5 (convenience/gas station)

Mr. Brad Petri, Regional Manager of Speedway SuperAmerica, presented a site application for a Class C-5 (convenience/gas station) Liquor License for 3124 North Prospect.

Chairman McCabe referred to the letter received from Michael Smallberger at 1405 E. Elmhurst who stated he was representing his and other families in the neighborhood located within 300 feet of this establishment opposing this site because of children and litter issues.

Mr. Petri stated that four of the ten stores he supervises sell alcohol and they take that seriously. He indicated they have a comprehensive training program for all of their employees that would supercede any of their competitors. He said they have pre and post tests for everyone who is hired, and everyone is 21 years of age or older in the stores where alcohol is sold.

Deputy Liquor Commissioner Turner stated he had received a call from Diana Holcomb who lives on Prospect and she wanted her opposition to this site noted.

In discussion with Commissioner Vonachen, Mr. Petri stated he was usually at the store during the daytime and he did not see a lot of children without parents in the store.

In response to Chairman McCabe's inquiry about the withdrawal of the other two Speedway sites, Mr. Petri stated they had decided to pull those site requests because the store on Forrest Hill is very small and, if things go well, may be rebuilt at a later date. The one on University is right across the street from the high school, which the owner was willing to sign off on, but they had some opposition from the church so they pulled that application.

Liquor Investigator Pyatt reiterated the Police Department's caution about bringing liquor into the neighborhood and the public safety concern about cold liquor that could be consumed right outside the door of an establishment. He stressed that cold consumption was a problem that many cities are dealing with right now, and that many of these neighborhoods are on the rebound and the quality of life issues are affected when more alcohol is brought into the neighborhoods.

Commissioner Vonachen stated that one of the main reasons for not recommending some of the sites for the taverns is because of bringing more alcohol into the neighborhoods and questioned how this is any different.

Chairman McCabe agreed with Commissioner Vonachen and also stated that the Police Department had taken a definite stand against more alcohol in the residential areas throughout the City.

Mr. James Saum, 1101 E. Norwood, who stated he was speaking for three neighbors within one block of this establishment, indicated this is a residential and commercial area with four other alcoholic beverage outlets within a mile of this site. He said he opposed

this site because this neighborhood was on the rebound. He added there was also opposition expressed at the Zoning Commission Meeting, but that opposition was ignored.

Mr. John White, 1309 E. Elmhurst, stated he lived 40 feet from the station and that he was opposed to this site because of all the small children and families in the neighborhood, the possibility of increased litter, and the fact the neighborhood worked hard to keep the area safe and felt that selling liquor at this station would detract from that. He indicated he had attended the Zoning Commission Meeting, but each time he mentioned neighborhood issues in opposition to the site, the Zoning Commission would stop him because it was not consistent in terms of their site definition. He requested this request be denied.

Mr. Charles Grant, 1019 E. Forrest Hill, expressed concern about the robberies that occurred in that area without the addition of alcohol.

Mr. Petri stated the reason they were requesting a liquor license was so that their stores would not be at a disadvantage to their competitors who were given site approval to sell liquor. He stressed that they did not make money on the sale of gasoline and in order to stay in business, they needed to be able to compete with the "Walmarts and Krogers" in the world. He stressed they had good people who ran his stores and he was proud of the way they ran their business.

Mr. Saum indicated it was a well-run service/convenience station that had been there for over 20 years.

Mr. White stated he and his wife had located in this area when they were older because they wanted everything close by. He said there were 52 little enterprises in this area on Prospect and this gas station was the busiest with hours from 6:00 a.m. until 10:00 p.m.

Commissioner Arndt stated he would not be voting either for or against this application and wanted the Council to review their decision to allow liquor to be sold in convenience/gas stations since it really puts a station at a competitive disadvantage if their site application was turned down.

Commissioner Cassidy stated that the Council reviews the decisions and stated that this applicant might be unlucky because of the timing and this being so new, but the Liquor Commission had set a high standard to approve site applications and he felt this area was too residential at this time to recommend site approval.

Hearing no further questions or objections, Chairman McCabe called for a motion. A motion was made by Commissioner Cassidy to recommend **denial** of the site application for a Class C-5 (convenience/gas station) Liquor License at 3124 N. Prospect; seconded by Commissioner Vonachen.

Yeas: Cassidy, Vonachen, Chairman McCabe - 3
Nays: 0
Abstain: Arndt - 1

Chairman McCabe stated this recommendation would be heard before the City Council on Tuesday, June 1, 2004, and a representative of this establishment should be present at that meeting.