



REQUEST FOR COUNCIL ACTION

To: Honorable Mayor and Members of the City Council

From: Charles Randy Oliver
City Manager

AGENDA DATE REQUESTED: September 11, 2007

ACTION REQUESTED: Take action on the application for a Class C-5 (gas station w/package liquor) Liquor License for 3124 North Prospect, with the Liquor Commission's recommendation to DENY. (District 3)

BACKGROUND: Mr. Adnan Rashid, owner, presented an application for a Class C-5 (gas station w/package liquor) Liquor License so he could add package liquor to the products he could offer to his customers. The Liquor Commission voted unanimously to recommend a denial because of the residential area surrounding this station. Minutes of the Liquor Commission Meeting are attached.

FINANCIAL IMPACT: N/A

NEIGHBORHOOD CONCERNS: None expressed.

IMPACT IF APPROVED: The patrons will be able to purchase package liquor at this gas station.

IMPACT IF DENIED: There will be no package liquor available to customers at this gas station.

ALTERNATIVES: N/A

EEO CERTIFICATION NUMBER: N/A

RELATIONSHIP TO THE COMPREHENSIVE PLAN: Consistent with promoting Peoria as a desirable place in which to work and live.

REQUIRED SIGNATURES

Department Director

Randall Ray

Legal Department

Finance Director

James R. Seragusa

(Certification of Availability of Funds)

Corporation Counsel

Randall Ray

City Manager

A. Craig White

07-19

Bisma Oil

d/b/a Prospect Marathon

3124 N. Prospect

Requesting: Class C-5 (gas station w/package liquor)

Mr. Adnan Rashid, Owner, presented an application for a Class C-5 (gas station with package liquor) Liquor License at 3124 N. Prospect.

Mr. Rashid stated that his company had investment properties in the Midwest as well as the East Coast so he has experience in applying for this type of license and knows that it is a serious matter.

In response to Chairman McCabe, Mr. Rashid stated he was aware that employees had to be 21 to sell package liquor. He also explained that since they had changed the old Speedway into a privately owned Marathon, they had some problems their first year in selling tobacco products to minors, but had cleaned house since that time and now had stringent management policies regarding these issues.

In further discussion, Mr. Rashid stated he knew the Commission did not usually recommend package liquor in gas stations especially when they were close to a residential neighborhood and he was aware that the last owner of this gas station had been denied a Class C-5 because of the neighbors. Mr. Rashid stated that he had not talked directly with any of the neighbors, but had waited a year to gauge the demands of his customers and the community and there was a demand for it. He said they also had a lot of boating traffic on the weekends and that was a natural demand. Mr. Rashid added that they restricted their hours to 10:00 p.m. and they did not plan to expand those hours if that was a concern.

Deputy Liquor Commissioner Turner stated that the District Councilman had concerns about alcohol at this location in this neighborhood.

Police Investigator Jordan stated that the Police Department's main opposition was because it was a residential neighborhood with primarily single family homes and they were trying to hold onto the single family home flavor and a package liquor store did not add to that flavor.

Mr. Rashid stated that he had surveyed the surrounding area and there were two stations in the Heights that were dispensing package liquor and running a gas station was a very competitive business.

In discussion with Chairman McCabe, Mr. Rashid stated that the survival of this gas station was not based on liquor sales.

In discussion with Commissioner Jackson regarding the problem with only one restroom, Mr. Rashid stated that he had just become aware of that problem. He said there were two bathrooms on the property, so it was just a matter of relocating one of the entrances. He added that the handicap parking spaces had also been changed at the property.

Hearing no further questions or comments from any neighbors or anyone in the audience, Chairman McCabe called for the vote.

A motion was made by Commissioner Irving to **DENY** the request for the Class C-5 (gas station with package liquor) for 3124 North Prospect Road; seconded by Commissioner Arndt.

Yeas: Arndt, Cassidy, Irving, Jackson, McCabe – 5;

Nays: 0.