

REQUEST FOR LIQUOR COMMISSION ACTION

DATE: August 27, 2013

ITEM NO. 4 - Consideration of an application for a Class A2 liquor license for Curbside Corporation, d/b/a Curbside, at 227 West Main Street

Attached is an application for a Class A2 liquor license from Curbside Corporation, d/b/a Curbside, at 227 West Main Street. Included are the business operation questionnaire, menu, and diagram as submitted by the applicant.

Liquor Code Provisions: There is not a cap on Class A2 liquor licenses. Class A2 licensees must offer all restaurant menu items for consumption on the premises during the hours the kitchen is open, as approved per the license, after which the legal entry age applies. A Class A2 license shall not be issued to the applicant unless at least fifty-one percent (51%) of its gross retail sales revenue is collected from the sales of nonalcoholic beverages and food.

Liquor Advisory Board review: The Liquor Advisory Board reviewed this application on August 1, 2013, and unanimously recommended approval contingent upon receipt of all outstanding items.

Outstanding Items: The \$100 application fee has been paid. The criminal history check did not reveal anything which would preclude the applicant from holding a liquor license. Other items outstanding include: balance of the liquor license fee, lease or deed for the property, retailer's occupation tax certificate, certificate of insurance, certificate of good standing, copy of the health permit, affidavit of server training, and approvals from the Building and Neighborhood Services Division and the Fire Department.

Recommended Action:

The Liquor Commission may:

- (1) Approve the Class A2 liquor license for Curbside Corporation, d/b/a Curbside, at 227 West Main Street, contingent upon receipt of all outstanding items; or
- (2) Deny the Class A2 Liquor License for Curbside Corporation, d/b/a Curbside, at 227 West Main Street, based on one or more of the provisions of Section 2-4-5 of the *Liquor Code* (printed on the reverse side of this Board action sheet).

Section 2-4-5. Issuance of License - Findings

The Commission shall not issue a new liquor license, renew a liquor license, approve a change of classification or transfer of location or the transfer of the license to a new owner unless it has previously been determined that there is no reason to refuse to issue, renew or approve such license. In determining whether there is reason to refuse to issue, renew, or approve a license, the Commission shall consider the following criteria:

- A. The class of the liquor license applied for and the availability of a license in the Class.
- B. Compliance with all applicable State and City regulations and laws.
- C. The potential impact on and demand for City services.
- D. The location of the proposed establishment and probable impact of a liquor establishment at the location upon the surrounding neighborhood or the City as a whole. Factors to be considered include, but are not limited to:
 - 1. Proximity to residential property,
 - 2. Proximity to schools, churches or synagogues,
 - 3. Proximity to gasoline stations or convenience stores which offer gasoline for sale,
 - 4. Potential impact on traffic safety,
 - 5. Potential adverse impacts on surrounding property values,
 - 6. Proximity to other liquor establishments,
 - 7. Adequate street lighting and lighting on the proposed property;
 - 8. Availability of on-street and off-street parking in the area,
 - 9. Availability of sidewalks in the area if significant pedestrian traffic is anticipated.
- E. The character and nature of the proposed establishment.
- F. Whether live entertainment will be provided and, if so, the nature of the entertainment.
- G. The proposed operation of the establishment, including staffing levels, the ability and commitment to abide by laws and regulations, and the ability to effectively monitor activities both within the establishment and on the property.
- H. The financial responsibility of the applicant and the past performance of the applicant, if any, in the area of liquor sales or services.
- I. The advisory recommendation of the Liquor Advisory Board and City staff.
- J. Whether the issuance (or renewal) of said license would be in the "best interests" of the City of Carbondale (for example, would there be an adverse impact on public health, safety or welfare; would the issuance of the license adversely affect the character of the surrounding neighborhood; would the license adversely impact the City's orderly growth and development, etc.)
- K. Whether the applicant or licensee has been delinquent on payment for services, loans or other contractual agreements received by the licensed establishment from the city of Carbondale. For the purpose of this subsection, a licensee shall be considered delinquent on payments if the licensee is currently in arrears or an outstanding debt owed to the city, or has been in arrears for more than fifteen (15) days on a payment to the city for services, loans or other contractual agreements, two (2) or more times within a two (2) year period.
- L. For Class A1 and A2 licenses:
 - 1. The kitchen facilities and equipment to be used in the preparation and serving of food; and
 - 2. The hours during which the kitchen will be used in the preparation of all food items included on the restaurant menu.
 - 3. The existence of game rooms, dance floors, etc. that are commonly found in bar-type establishments.