LOCAL LIQUOR CONTROL COMMISSION
REQUEST FOR ACTION

DATE: March 3, 2015
ITEM NO. 6 - Application for a Class B3 liquor license (Video Gaming Establishment with On-Premises Consumption) for MLK Enterprises, LLC d/b/a Triple Sevens at 105 South Washington Street

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Attached is an application for a Class B3 liquor license from MLK Enterprises, LLC d/b/a Triple Sevens. While the application states the address of the location as 201 East Main Street and the Newell building's address is 201 East Main Street, the 911 address for this particular business is 105 South Washington Street (the former site of 1187 Creative.) Included are the business operation questionnaire and diagram, as submitted by the applicant.

Liquor Code Provisions: Class B3 licenses shall authorize the retail sale of all alcoholic liquors, by the drink, for consumption on the premises only. The license shall only be issued to a business which operates primarily for the purpose of video gaming with at least fifty-one (51%) of its gross revenue from video gaming.

The number of Class B3 licenses issued by the local liquor control commission will not exceed five (5). No Class B3 licenses have been approved to date. A license shall not be issued for any location within the City that is within five hundred feet of any other Class B3 liquor licensed establishment. Other distance restrictions which apply to all Class B licenses, including B3, are detailed in the provisions of Section 2-4-5 of the Revised Code, which is printed on the reverse.

Liquor Advisory Board review: The Liquor Advisory Board reviewed the application on February 5, 2015. The motion to approve did not receive a second; therefore, the application was neither approved nor denied, but forwarded to the Local Liquor Control Commission for consideration. Excerpts from the L.A.B. meeting minutes are attached.

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, certificate of insurance, Retailer's Occupation tax certificate, Jackson County Health permit, certificate of good standing, proof of residency, affidavit of server training, lease or deed for the property, and approvals from Building and Neighborhood Services and the Fire Department.

Recommended Action: The Local Liquor Control Commission may:

(1) Approve the Class B3 liquor license for MLK Enterprises, LLC d/b/a Triple Sevens at 105 South Washington Street, contingent upon receipt of all outstanding items; or

(2) Deny the Class B3 Liquor License for MLK Enterprises, LLC d/b/a Triple Sevens at 105 South Washington 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).

M_____2 _____ to _____

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,
10. For B3 licenses, the proximity to other B3 licenses (not allowed within 500' of other B3 licenses).

No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church or school, other than an institution of higher learning, hospital, home for the aged or indigent persons or for veterans, their spouses or children or any military or naval station; provided, that this prohibition shall not apply to hotels offering restaurant service, civic centers, regularly organized clubs, or to restaurants, food shops, or grocery stores, nor shall it apply to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred feet (100') of any church or school where such church or school has been established since the issuance of the original license. In the case of a church, the distance of one hundred feet (100') shall be measured to the nearest part of any building used for worship services or educational programs and not to the property boundaries.

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.