

REQUEST FOR LOCAL LIQUOR CONTROL COMMISSION ACTION

DATE: March 24, 2015

ITEM NO. 3 - Application to transfer an existing Class A2 liquor license (Restaurant – all alcoholic liquors) from Nytefire Ventures, LLC, d/b/a Underground Barrel Room & Grill, at 717 South University Avenue to Krazy Venture, LLC

Attached is an application requesting the transfer of an existing Class A2 liquor license from Nytefire Ventures, LLC, d/b/a Underground Barrel Room & Grill, to Krazy Venture, LLC. A letter has been provided by the current license holder which authorizes the transfer of the liquor license contingent upon approval by the Local Liquor Control Commission and the sale of the business.

Liquor Code Provisions: There is not a cap on Class A2 liquor licenses. During the hours in which the kitchen facilities are fully operational and full menu service is available, there is not a legal entry age requirement for Class A2 businesses. If the kitchen is not fully operational or if the menu offerings are limited, the nineteen year old 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.

There are no provisions in the Liquor Code which would expressly preclude the transfer of this license to Krazy Venture, LLC.

Liquor Advisory Board Review: The Liquor Advisory Board reviewed this request on March 5, 2015, and unanimously recommended approval of the transfer application pending receipt of all outstanding items.

Outstanding Items: The \$100 transfer fee has been paid and a copy of the lease has been provided. The criminal history checks revealed nothing which would preclude the applicant from holding a liquor license. Outstanding items include: Copy of the Retailer's Occupation Tax certificate, certificate of good standing, proof of residency, certificate of insurance, affidavit of server training, copy of the Jackson County Health permit, and approvals from the Fire Department and Building and Neighborhood Services.

Alternative Actions:

The Commission may:

- (1) Approve the transfer of the Class A2 liquor license from Nytefire Ventures, LLC to Krazy Venture, LLC, contingent upon receipt of all outstanding items; or
- (2) Deny the transfer of the Class A2 liquor license to Krazy Venture, LLC based on one or more of the provisions of the Liquor Code (printed on the reverse side of this 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.