

# REQUEST FOR LIQUOR COMMISSION ACTION

DATE: July 20, 2010

ITEM NO. 3 - Consideration of an application for a Class A1 Liquor License for Compass Group USA, Inc. d/b/a Chartwells, at the SIU Arena, 1400 Arena Drive

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Attached is an application for a Class A1 liquor license (restaurant, beer and wine only) for Compass Group USA, Inc. d/b/a Chartwells, for the SIU Arena Club located within the SIUC Arena located at 1400 Arena Drive. Also attached are the Business Operation Questionnaire and a diagram showing the SIU Arena Club area submitted by the applicant. The Commission is also provided with a letter from former SIUC Chancellor Samuel Goldman noting that Southern Illinois University supports Chartwells' application for the liquor license.

Liquor Code provisions: There is no cap on Class A liquor licenses and there is nothing in the Liquor Code expressly precluding the issuance of this license.

Liquor Advisory Board Review: The Liquor Advisory Board reviewed this application on July 1st. Although a quorum was not present, the members present expressed no concerns about the issuance of the license. The unapproved minutes of the LAB meeting are attached.

Outstanding Items: The estimated license fee has been paid and a manager's statement for a person residing inside the City limits has been submitted. All other documentation such as certificate of good standing, insurance, health permit, affidavit of server training, etc., has also been submitted. There are no items outstanding.

Alternative Actions:

The Commission may:

(1) approve the Class A1 liquor license for Compass Group USA d/b/a Chartwells at the SIU Arena Club located within the SIUC Arena at 1400 Arena Drive; or

(2) deny the Class A1 liquor license for Compass Group USA d/b/a Chartwells at the SIU Arena located at 1400 Arena Drive based on one or more of the provisions of Section 2-4-5 of the Liquor Code (printed on the reverse side of this Commission 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.