

Staff Summary Report

REVISED



Council Meeting Date: 4/3/08

Agenda Item Number: 21

SUBJECT: This is a public hearing to recommend the approval of a Series 10 Beer and Wine Store Liquor License for RA & Abby Inc., dba Thirsty Dog, 15 West 5th Street.

DOCUMENT NAME: 20080403LIQ03 **LIQ LIC (0210-02)**

SUPPORTING DOCS: NO

COMMENTS: Gil Schmitt is the Agent for this application.

Tempe city code requires that the Tempe Police Department conduct a background investigation on all liquor license applicants. Additionally, the city code requires that business locations be inspected by Fire Prevention, Building Safety and the County Health Department to ensure the establishment meets minimum city and county code licensing criteria. The Development Services Department has determined that a use permit is currently not required. The premise has been posted for a 20-day period, per Arizona Revised Statute. ***A letter of opposition has been received regarding this liquor license application and is attached.***

PREPARED BY: Kay Savard, Specialty License Coordinator (x8650)

REVIEWED BY: Jerry Hart, Financial Services Manager (x8505)
Bruce L. Smith, License & Collection Supervisor (x8509)

LEGAL REVIEW BY: N/A

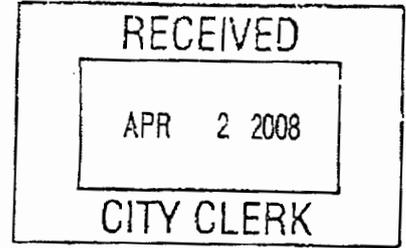
FISCAL NOTE: N/A

RECOMMENDATION: Staff recommends that Council approve this application because the applicant and location have met all city and county licensing criteria.

ADDITIONAL INFO: State statute requires municipalities to make one of three recommendations to the Arizona Department of Liquor Licenses and Control (AZ DOL):

1. Approval
2. Denial (this results in a public hearing set by the AZ DOL)
3. No recommendation (this results in a public hearing set by the AZ DOL)

**Cookiez on Mill, LLC
514 S Mill Ave Ste 102
Tempe, AZ 85281**



March 30, 2008

Tempe City Clerk
PO Box 5002
Tempe, AZ 85281

RE: L10 Beer/Wine Application for Thirsty Dog/G's Convenience Store 15 W 5th St
Tempe, AZ 85281

Dear Distinguished Clerk & Council,

I own a small store leasing space at the address above for over 18 months. I am proud to be a part the Mill Ave District and commend the job that the Tempe council and DTC have done to maintain a vibrant community of small and unique businesses within this area. I have to admit that I have 2 very serious concerns with this Series 10 licensing request. The series 10 allows the following per Arizona Department of Liquor License and Control:

License Types: Series 10 Beer and Wine Store License (Beer and wine only)

Non-transferable

Off-sale retail privileges

Note: Terms in **BOLD CAPITALS** are defined in the glossary.

PURPOSE:

Allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises.

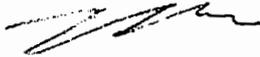
My first concern regards the general nature of this business. I believe that an establishment selling beer and wine by the bottle/package downgrades the Mill Ave District and is not a good representative type of business for this area. The Mill Ave District already has a certain reputation regarding alcohol that I believe this type of business will only increase anxiety from families and tourists that visit the area. There are other locations to purchase these types of beverages nearby but out of our district where people can purchase beer/wine if they desire.

My second concern is over the security of selling alcohol to be consumed outside of an establishment in an alley that is not well lit or protected. My employee's park behind our building down this same alley where these proposed alcohol sales will occur and have to walk through it to get to their cars. As we all know, there are a number of homeless/street people who ask for money and have the potential to be using the back alley to consume their "beverages" of choice causing a serious potential threat of vandalism and other crimes to people and property in these areas. I realize that there are many other establishments in the area that sell alcohol by the drink but these are

bars/restaurants that have security and management that can alert the authorities if someone in their establishment is impaired. I applaud the entrepreneurial spirit for this endeavor and believe that a convenience store minus the beer and wine would be a great addition to our area. I cannot support the selling of beer/wine in this manner in our district.

I thank you for your time and attention and trust that the council will make a decision that is best for Tempe and the Mill Avenue District.

Respectfully,



Richard Steed
Cookiez on Mill, LLC