



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title:	Consideration of a Request for a Class A Liquor License for a Drive-Thru Grocery Store to be Located at South-east Corner of Randall Road and IL Route 38, St. Charles (former Quick Lube Location)
Presenter:	Mayor Rogina

Please check appropriate box:

X	Government Operations (4/21/14)		Government Services
	Planning & Development		City Council
	Public Hearing		Liquor Control Commission

Estimated Cost:		Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

Executive Summary:

Peter Bogle, founder of The Drive-Thru LLC went before the Liquor Control Commission on February 18, 2014 to discuss his proposal for The Drive-Thru Grocery Store to be located at the south-east corner of Randall Road and Rt. 38, St. Charles, IL. Mr. Bogle is requesting a Class A liquor license to sell beer and wine.

The vote results were split to advance this request to committee: Ayes: 2; Nays: 2. Liquor Commissioner Rogina broke the tie: Ayes: 3; Nays: 2 to allow this to come before Government Operations Committee tonight.

Attached are excerpts from the City Liquor Code Section 5.08.090 License – Classifications regarding the Class A liquor types that detail the qualifications for retail sale of alcohol for packaged liquor; as well as an excerpt Section 5.08.250, Item Q “Licenses – Curb/Drive-Through Service.

Also attached is a letter of support from the Shodeen group agreeing for a potential drive through grocery/beer/wine store at this site location.

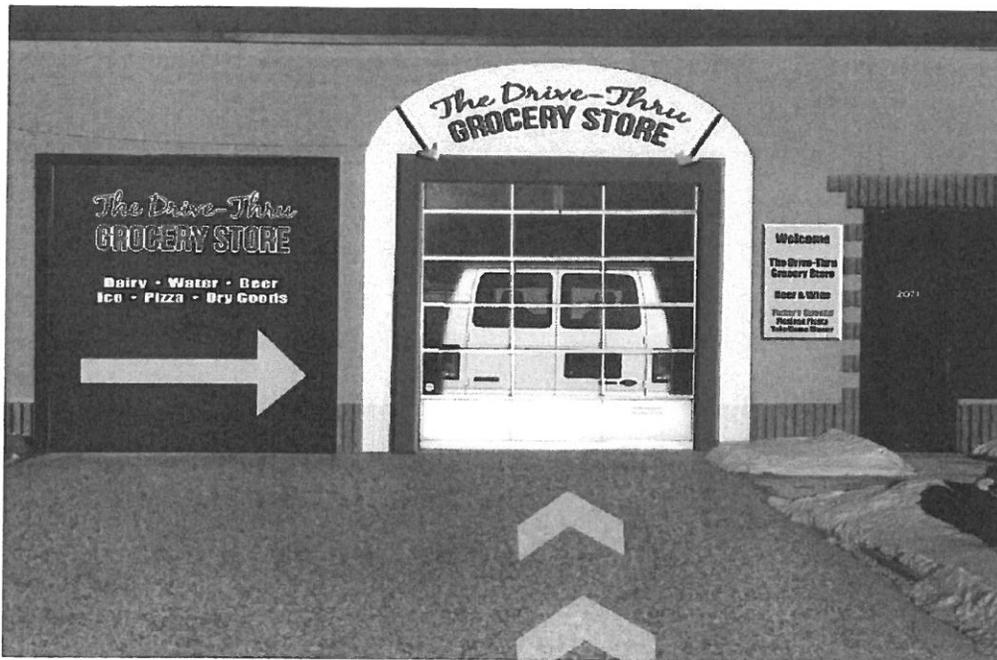
Attachments: (please list)

- Business Plan
- City Code Excerpt 5.08.090
- City Code Excerpt 5.08.250, Item Q
- Letter of Support from Shodeen Group LLC

Recommendation / Suggested Action (briefly explain):

Consideration of a request for a Class A Liquor License for a Drive-Thru Grocery Store to be located at south-east corner of Randall Road and IL Route 38, St. Charles (former Quick Lube Location).

For office use only:	Agenda Item Number: 4a
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Current space "old" Quick Lube location-Converted to The Drive Thru

The Drive-Thru Grocery Store
St. Charles, IL
The Drive-Thru LLC

Identification of the Project

Located on the site of the former Quick Lube location, the new Drive-Thru grocery store situated on the South East corner of Randall Road Route 38 in the city of St. Charles, IL. The property has the perfect layout in its 2,800 square feet of space to easily set up one lane of drive thru service. On either side of the space, there will be coolers and dry rack shelf space to keep the refrigerator items cold and to have the dry goods easily available to pick off the shelves. In the pre-application meeting with the city, the project met all PUD requirements and the electric and fire codes, also met what the city expected.

Located on the main North-South thoroughfare in Kane County-Randall Road, this parcel has perfect frontage to allow those heading into the drive-thru to pull out and head, north, south east and west, which is perfect for the daily consumer. From recent studies, it is determined that at this intersection there is approximately over 55,000 vehicles passing per day. Over 131,500 people live within a 15 minute drive to this location and the expected population growth is projected to increase by 11% to 145,400 residents by late 2014.

The key attraction for the proposed Drive-Thru Grocery Store will be its location and ease of access during all type of weather conditions. This will be a perfect drive-thru for the busy mother with kids strapped into their car seats, to the father needing to pick up a few items on his way home for dinner, to the hourly worker that needs something quick like a deli sandwich and a drink on their lunch break.

Executive Summary

Current plans for the “Drive-Thru” will feature various dairy products i.e. milk, cream, butter, cottage cheese etc. to breads, muffins to a full line of beer and wine, based on an express model of a high, medium and low price point, to water, juices etc. In addition, there are local restaurants that have already shown interest in wanting to have a few items featured 1-2 days per week on special. These will be already packaged for take-out, but will start to create a buzz in terms of certain days of the week what specials are available at the drive-thru. An example may be, Wednesday is Italian, Monday and Thursday is Mexican etc.

Located on the South East side of Randall Road, just south of Route 38 in St. Charles, the drive thru helps to create a new business opportunity in a retail section that has been quiet the last few years. This will certainly start to create a huge awareness to an area of St. Charles that has not seen a huge amount of activity since the Dominick's had closed their doors. Situated in the heart of a major retail corridor, the Drive-Thru will be a model to build on in other towns or cities, looking to attract potential shoppers via weekend tournaments and general activity in a normal work week.

Knowing that St. Charles has a stacking of cars requirement, the Drive-Thru would be able to accommodate that with the inside location handling 2 cars conservatively which leaves the opportunity for an additional 3 cars in a staging area outside. The way this would work, is a driver would pull up to the far side door, it would automatically open up, the drive then pulls in and is met face to face with a personal shopper or a “picker or runner” as we call them. There would be upwards of three pickers working on a busy day. The picker would get the order from the car as it continues to move forward and hand over the groceries to the driver and pay for the goods at the end of the drive thru bay. Payments will be made electronically and wirelessly via, card swipe on an android phone or I-pad. Cash can be given, with the picker working off of a virtual cash register.

Company Profile

The Drive-Thru LLC is headed up by founder Peter Bogle, a local business owner and a 20 year resident of St. Charles. Going to school in the Midwest, Peter saw this very successful concept first hand in his college town of Wooster, Ohio. This concept has continued to grow with large grocery chains and even major retailers like Meijer trying to work in this arena with curb side shopping. With this vision in mind, Peter and his group have been actively looking for the perfect location to launch this business and the Quick-Lube site opened up. Convenience and ease of

access is what society is looking for. With both parents working and the kids involved in everything under the sun from an activity perspective, the city will thrive with this very convenient business model.

Development Team

Development Team

Planners/Architect	W. Alex Teipel-Architect, Architectural Resources	Architectural Resources
Customer Cooler Engineers	American Walk-In Coolers	Americanwalkincoolers.com
Consultant	Dino's Drive Thru-Ice-House Drive Thru	Wooster, Ohio
Real Estate Development	Shodeen Management Company	Shodeen.com
General Contractors	O-Liminator	O-Liminator.com
Legal Team	Johnson and Associates	
Sales and Marketing	Premier Development Group	JohnGoldsworthy@gmail.com

Inquiries

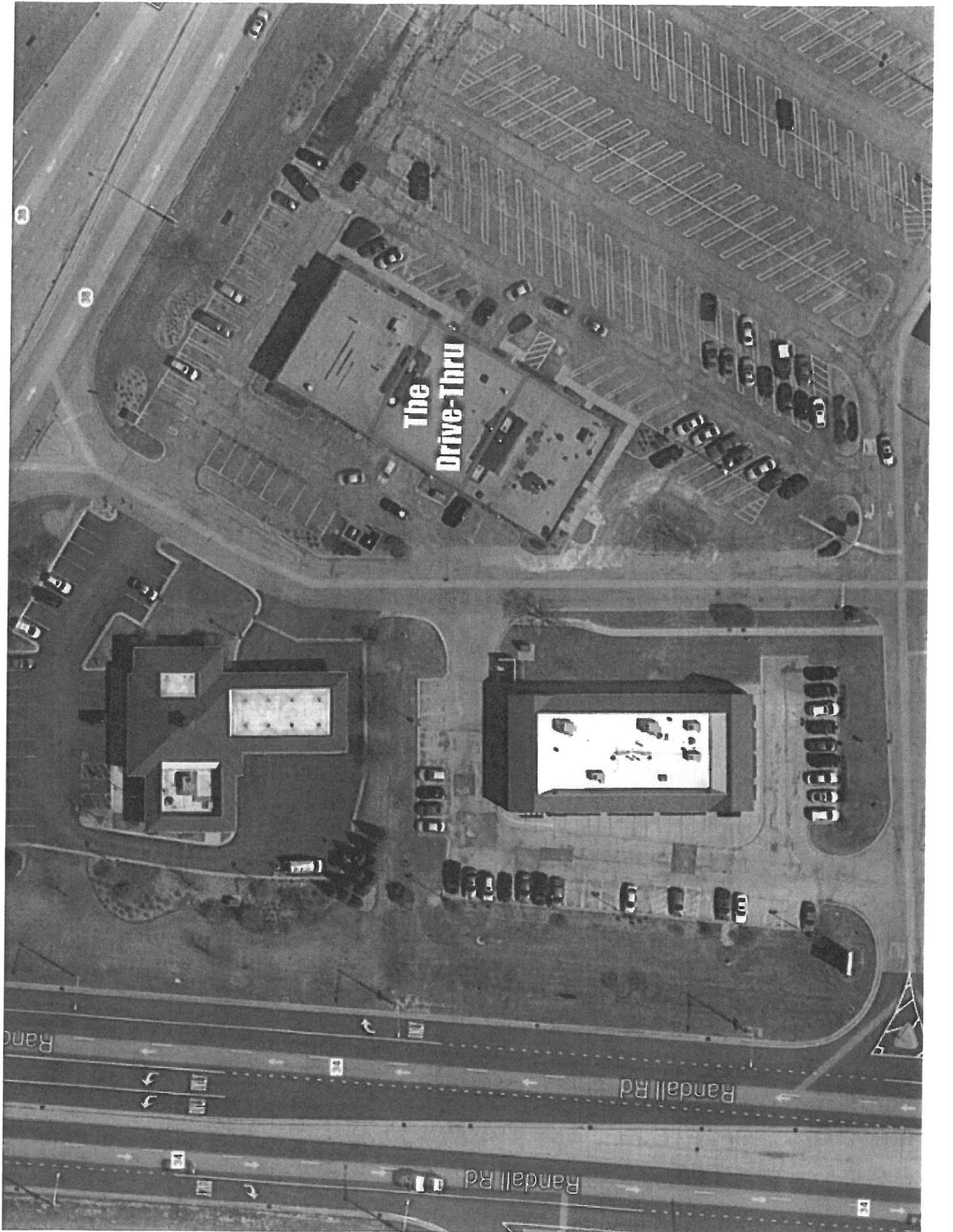
Please send your contact information to peter@o-liminator.com and reference The Drive Thru St. Charles.

Attachments

Picture 1: Current Building located at Randall and Route 38, 2071 Lincoln Highway, St. Charles, IL, aerial shot. This picture shows the easy access of cars driving into the drive-thru and exiting on the west side of the building. From this location, cars can head north, south, east and west.

Picture 2: Existing building as it sits vacant today. The site of the former Quick-Lube oil change.

Picture 3: The new, Drive-Thru Grocery Store, as it is being proposed to the City of St. Charles.



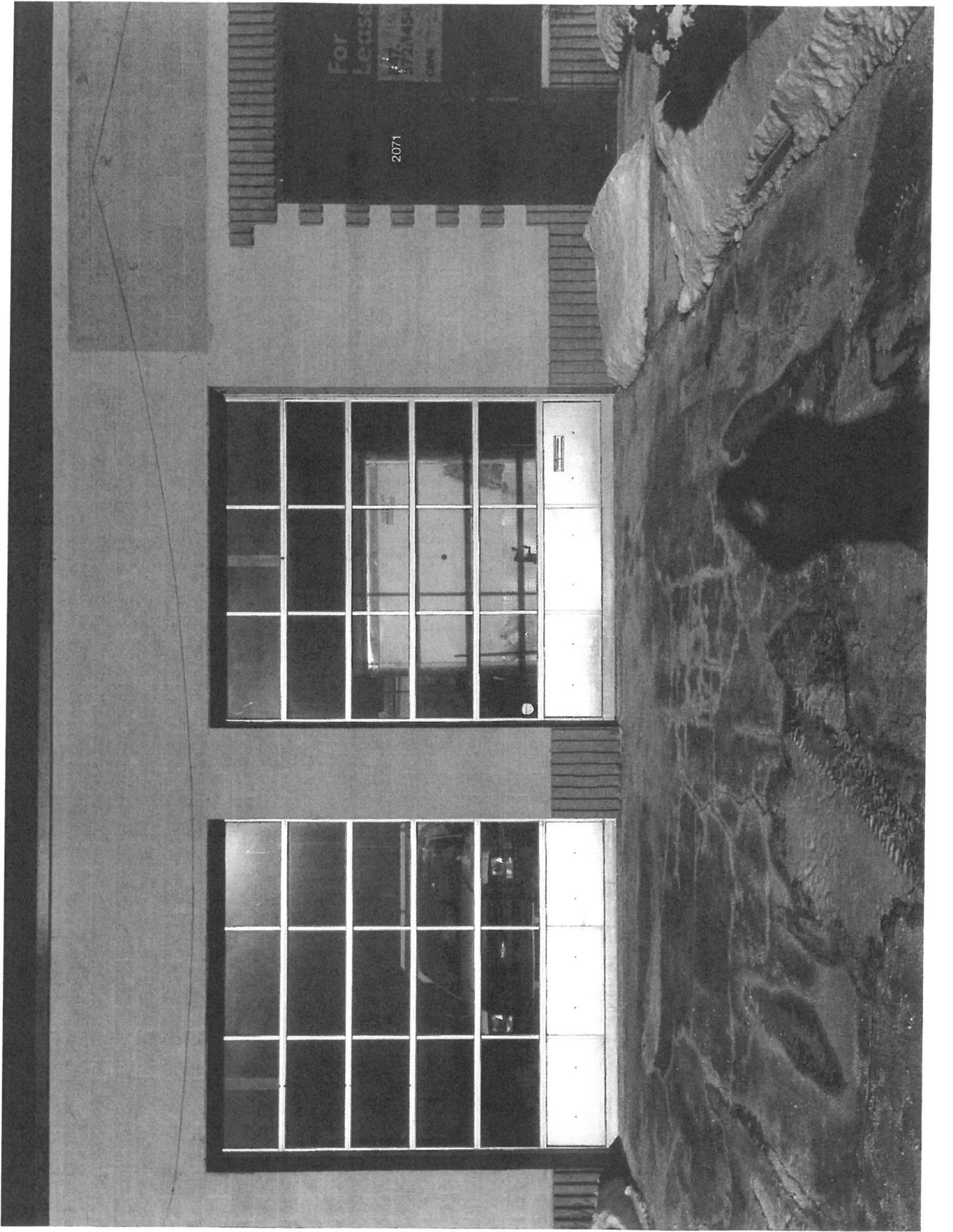
The Drive-Thru

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Randall Rd

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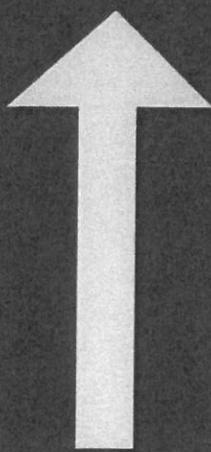
For Lease
2071

2071

The Drive-Thru
GROCERY STORE

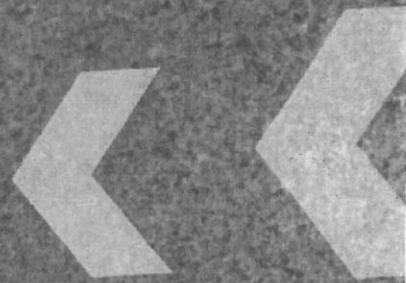
The Drive-Thru
GROCERY STORE

**Dairy • Water • Beer
Ice • Pizza • Dry Goods**



Welcome
**The Drive-Thru
Grocery Store**
Beer & Wine
Today's Special
Mexican Fiesta
Taco Home Dinner

2071



ALCOHOLIC BEVERAGES

interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor;

- P. Any person, firm or corporation not eligible for a state retail liquor dealer's license;
- Q. Any applicant who fails to obtain a state liquor license;
- R. A person who is not a beneficial owner of the business to be operated by the licensee;
- S. A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961, approved July 18, 1961, or as proscribed by a statute replacing any of the aforesaid statutory provisions;
- T. A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Illinois Raffles Act or the Illinois Pull Tabs and Jar Games Act;
- U. A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in the Liquor Control Act;
- V. A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The Local Liquor Control Commissioner shall determine if all provisions of this subsection (V) have been met before any action on the corporation's license is initiated;
- W. In addition to other grounds specified in this chapter, the Local Liquor Control Commissioner shall refuse the issuance or renewal of a local liquor license, or suspend or revoke such license, for any of the following violations of any Tax Act administered by the Illinois Department of Revenue:
 - 1. Failure to make a tax return,
 - 2. The filing of a fraudulent return,
 - 3. Failure to pay all or any part of any tax or penalty finally determined to be due,
 - 4. Failure to keep books and records,
 - 5. Failure to secure and display a certificate or sub-certificate of registration, if required,
 - 6. Willful violation of any rule or regulation of the Department relating to the administration and enforcement of tax liability.

(Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.005.)

5.08.090 License – Classifications

Local liquor licenses for the retail sale of alcoholic liquor shall be divided into the following classes and sub-classes:

A. Class A – Packaged Alcoholic Liquor Licenses

Class A licenses shall authorize the retail sale of alcoholic liquor in original packages only and not for consumption on the premises, except as permitted for the Class A-4 license. Class A licenses are divided into the following sub-classes:

- A-1. Class A-1 licenses shall authorize the retail sale of alcoholic liquors in original packages only and not for consumption on the premises. **Such licenses shall not be authorized for gasoline filling stations. The primary purpose of the premises shall be the retail sale of alcoholic liquor.** The premises shall have a minimum gross area of two thousand square feet (2,000'). (Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)
- A-2. Class A-2 licenses shall authorize the retail sale of alcoholic liquors in original packages only and not for consumption on the premises. The primary purpose of the premises shall be for retail sales other than the retail sales of alcoholic liquor, such as food store, drug store or

ALCOHOLIC BEVERAGES

mass merchandiser. The premises shall have a minimum gross area of ten thousand square feet (10,000'), and provided the square footage devoted to the retail sale of alcoholic liquor is ten percent (10%) or less, of the gross square footage.

(Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1; Ord. 2008-M-71 § 1.)

- A-2B. Class A-2B licenses shall authorize the retail sale of beer and wine only in original packages only and not for consumption on the premises. The primary purpose of the premises shall be for retail sales other than the retail sales of beer and wine, such as food store, drug store or mass merchandiser. The premises shall have a minimum gross area of ten thousand square feet (10,000'), and provided the square footage devoted to the retail sale of beer and wine is ten percent (10%) or less, of the gross square footage.

(Ord. 2012-M-30 § 4.)

- A-3. Deleted in its entirety.

(Ord. 2012-M-30 § 5; Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

- A-4. Class A-4 licenses shall authorize the retail sale of beer for consumption on or off the premises, where brewed on the premises, provided the retail sale of beer for consumption off the premises shall be in original packages only. Class A-4 licenses shall also authorize the retail sale of wine in original packages only and not for consumption on the premises where fermented on the premises.

(Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

- A-5. Class A-5 licenses shall authorize the retail sale of domestic and imported wines, champagne, imported alcoholic liquor and gourmet beer in original packages only and not for consumption on the premises. The retail sale of alcoholic liquor shall be incidental to non-alcoholic liquor retail sales and shall not exceed twenty-five percent (25%) of the annual gross sales of said licensee. Class A-5 licenses shall also authorize the retail sale of wine, by the glass only, for consumption on the premises.

(Ord. 2010-M-52 § 1; Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

(Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

B. Class B – Restaurant Licenses

Class B licenses shall authorize the retail sale of alcoholic liquors, or beer and wine only, for consumption on the premises, whose primary purpose is that of a restaurant or restaurant and tavern as defined in this chapter. Live entertainment may be permitted as otherwise provided in this chapter for Class B-3 licenses only. Class B licenses are divided into the following sub-classes:

- B-1. Class B-1 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a restaurant.

(Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

- B-2. Class B-2 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a restaurant and tavern.

(Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

- B-3. Class B-3 licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises of a restaurant and tavern. Class B-3 licenses may authorize live entertainment if approved by the Local Liquor Control Commissioner.

(Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

- B-4. Class B-4 licenses shall authorize the retail sale of beer and wine only for consumption on the premises of a restaurant.

(Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

- B-5. Notwithstanding any Class B license provisions to the contrary, Class B-5 licenses shall authorize the retail sale of beer and wine for consumption on the premises only. The premises primary purpose shall be counter service of food. Beer and wine shall be served only by counter service and only in conjunction with the service of food.

(Ord. 2010-M-29 § 1.)

**Excerpt from City Code Title 5 “Business Licenses and Regulations”, Chapter 5.08
“Alcoholic Beverages”, Section 5.08.250 “Regulations Applicable Generally”**

Q. Licenses – Curb/Drive-Through Service.

No license issued under this chapter authorizes the sale, gift or delivery of alcoholic liquor utilizing curb service, drive-through window, or any other similar methodology. All such sales, gifts or deliveries are prohibited.

March 23, 2014

Mayor Raymond Rogina

2 E. Main Street
St. Charles, IL 60174-1984

Mayor Rogina,

Please be advised that we have agreed to a Letter of Intent Term Sheet with Peter Bogle for a potential drive through grocery/beer/wine store located at the 2071 Lincoln Highway property which is managed by Shodeen Group, LLC on behalf of the owner of the Property.

To make certain there are no misunderstandings regarding Shodeen Group, LLC's involvement or position, please be advised of the following:

- 1) We have an agreed to executed Letter of Intent on this location with Peter Bogle;
- 2) We have presented a Lease on this location to Peter Bogle for attorney review;
- 3) We are in agreement with the use that Peter Bogle has proposed to us in the Letter of Intent and other discussions.

Thank you,



Justin Heinz
Vice President
Shodeen Group, LLC

cc. Rita Tungare, AICP | Director of Community and Economic Development

cc. Mark Koenen | City Administrator

cc. St Charles City Council

SHODEEN

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