

Good Neighbors Report

To: PS&L Committee
From: Attorney Ian R. Pomplin
RE: Spring Circle, LLC., dba/ Save a Lot, Michael Dach, Agent
Meeting date: Monday, April 17, 2023
Departments: Attorney, Police, Building, Health, and City Development
License(s) requested: Class “B” and “Class B” (beer and liquor)

Topics Discussed:

Agent and Owner experience: Both agent and owner have experience operating grocery stores and liquor stores, but have not operated a bar or a restaurant.

Combination grocery store/tavern concept. The owners are proposing to operate a combination concept, wherein they operate a bar and restaurant on the one side of the building and a grocery store on the other side. A physical divider will be in place between the two sides of the building. It is unclear from talking with the applicants whether the restaurant will be table service or whether it is more of a “fast casual” type restaurant. While such a concept is permitted under state law, it does pose a few issues, including but not limited to the following:

- **Underage persons on premises.** Notwithstanding the prohibition against underage persons on premises, state law does make an exception for underage persons to be on the premises of a grocery store. Wis. Stat. sec. 125.07(3)(a)(3). There is no such exception applicable to the tavern/bar part of the premises. Therefore, an underage person can patronize the grocery store, but would not be permitted into the bar area without a legal guardian. The following questions are brought forward by the plan:
 1. What will the floor plan will look like, which part of the building will operate as a grocery store and which part will operate as a bar?
 2. What structures or signs, if any, will separate the two sides?
 3. How will employees monitor for underage persons, and how many employees will be on premises at all times to staff both sides of the premise?
 4. Will there be separate entrances for the grocery store versus the bar? Is that indicated in the floor plan?
 5. What are the hours of the grocery store and will they be aligned with the hours of the bar?

Health/building departments. The applicant has yet to apply and schedule inspections with both departments to obtain a HD license and occupancy permit.

Changing DBA: The applicant has indicated that they may change association from the national “Save a Lot” brand to a new association with a different grocer. The applicant was informed that if they change their DBA, they must inform the City and be approved.

Other police issues: Sgt. LeGath has indicated that there is no history of nuisance issues at the Save a Lot location when it was an active grocery store in the past.

Conditional grant of the license. If the committee/council were to approve the combination of a grocery store/tavern, the applicant will have to undertake a lot of renovations to get the premises ready. In either case, because the business is not yet operating, the committee should consider a conditional grant of the license to require the business to operate within six months, unless otherwise extended.

Overall summary:

The City does not currently have any combination grocery store/tavern, so this is a novel concept. Not all City departments have signed off on the application, and it seems that the operator and owner would need approval from a corporate body to even do this concept. The owner and operator have no experience in operating a “Class B” establishment that serves alcohol directly to people, and the operational difficulties of this novel concept may be challenging. If the owner and the operator can sufficiently separate the grocery store from the tavern, with the proposed physical barrier, it may lessen some underage drinking concerns. If the committee were to grant a conditional approval of the license application, it should specify and require that the business operate exactly as approved and make it a condition of the license.