

**From:** Rummel, Marsha  
**Sent:** Monday, September 16, 2013 12:41 PM  
**To:** Parks, Timothy; Cornwell, Katherine  
**Cc:** nagg; Lou Host-Jablonski  
**Subject:** BP Atwood at Plan Commission

September 16, 2013

Dear Plan Commission Members-

I have a conflict tonight and will not be able to attend the meeting. Please accept this email as my contribution to your discussion and I trust you will carefully weigh all the public testimony. I do not support rescinding the conditional use prohibition on alcohol sales at the BP Atwood gas station.

The prohibition of alcohol sales at the BP Atwood gas station predates my tenure as alder. The neighborhood and former Alder Judy Olson, negotiated the terms of agreement to approve the reconstruction of the gas station with the owners of the old Clark gas station. The Clark station was the site of numerous robberies and drug dealing, it was considered a real blight in the neighborhood. It was a contentious and controversial issue and process. The compromise that allowed the new construction to get approved included a unique and rare restriction at Plan Commission - a conditional use to ban on alcohol sales was placed on the land use agreement.

This is the third time since I was elected in 2007 that a third set of BP Atwood owners have sought to revoke the ban on alcohol sales. In the first two efforts, there was a lot of vigorous debate. Opinions were generally evenly divided but nearby neighbors were strongly opposed. In both efforts, I did not support revoking the conditional use.

Catching up to the present, Shariff Syed and his brother Nabeel Syed attended the SASYNA meeting May 9. The SASY Council requested I convene a neighborhood meeting of nearby residents. I sent a notice to a several block area on both sides of Atwood for a meeting on June 6 at Plymouth Congregational Church. The turnout was relatively small, less than 20 people, and opinions were again evenly divided. When I asked whether their business model relied on beer sales, Shariff stated that the business is profitable without alcohol sales. Mr. Syed said beer just creates another reason for people to come inside the store. Subsequent emails have also been about 50/50. The following is a summary of comments I have heard or received.

Neighbors who don't support changing the conditional use say we have enough alcohol outlets along the Atwood corridor. The alcohol density is increasing in this historically quiet residential area and the business mix is shifting toward businesses that rely on liquor licenses. The BP gas station's proximity to Lowell School means that lots of kids stop by the convenience store every school day and this is seen as a public health issue. Neighbors observe there is already alcohol litter in the neighborhood. There have been ongoing complaints about public intoxication and intimidating behaviors at

Wirth Ct Park, why make access to packaged alcohol easier. They say the original owners made a promise in order to get land use approvals and that shouldn't vary with the owner, it stays with the land. We should hold them to the promise. Neighbors who oppose the license say the BP Atwood application is not comparable to other recently approved licenses because there was no prior land use restriction for Stalzy's or Next Door Brewing, etc.

Neighbors who support changing the conditional use say it is a fairness and class question. Why does Stalzy's Deli get to sell package beer but the gas station can't? Plus Stalzy's sells expensive beer. People expect to be able to purchase less expensive beer at C-stores and many want that convenience in the neighborhood. Many people acknowledged the business record and reputation of the Syed brothers who own two licensed establishments on Park St. Some neighbors point to the fact that Stalzy's and Jenifer St Market do not accept credit cards and that limits the convenience of those establishments for many residents. If the neighborhood wants to support a healthy business district, we should insure this business thrives. The blighted and dangerous conditions that prompted the original agreement have been remedied, a license now is not a tipping point and will not substantially impair the uses, values and enjoyment of nearby property owners.

My recommendation is not to change the conditional use prohibiting the sale of alcohol. In this third round, opinion still remains evenly divided, in spite of the fact that the management practices of a series of BP gas station owners have abated the blighting conditions present when it was a Clark station. It is clear that the intent of the CUP prohibition of alcohol has contributed to protecting the uses, values and enjoyment of other properties in the neighborhood. I don't see a compelling reason to remove it. The BP station has survived as a business since its opening without alcohol sales and selling alcohol is a privilege not a right. It is hard to argue that selling alcohol should be a permitted because it is providing a unique or necessary use given the neighborhood contains more options to purchase alcohol than in 2006 when the new station was completed. One of the owners listed in the ALRC application is Kuldip Mavi. Mr. Mavi is one of the original owners who made the promise to the neighborhood not to sell alcohol in order to get approval to construct the new BP station.

Earlier this year, the Common Council approved alcohol bans in OB Sherry and Olbrich Park because of negative behaviors of a group of people who harassed park users. Both parks are in relatively close proximity to the BP station. Late last summer, I held a neighborhood meeting with residents near Wirth Court Park who were intimidated from using the playground because of behaviors by a cohort of chronic alcoholics. The park is about three blocks northeast of the BP Station, on Waubesa St, past the Goodman Community Center on the other side of the railroad corridor. Neighbors decided not to ban alcohol at that time and to try the newly approved Parks behavior policy. But if there was a new source of carry out alcohol at the BP Atwood, problem drinking behaviors which continue to exist could be exacerbated at Wirth Court Park. I believe there could be a legitimate public health, safety and general welfare concern if the conditional use were removed and a license permitted.

At their June 13th SASY meeting, the SASYNA Council voted to oppose the lifting of the conditional use citing that conditional use standards #1 and #3 are met.

At my request, the Class A license application has been referred at ALRC until Plan Commission acts.

While many conditions on Atwood have changed and improved, I do not think this conditional use should be lifted from the BP Atwood.

Marsha Rummel