

MEETING OF FEB 28, 2018

WARD 3 (mb)

ITEM NUMBER

\$ IMPACT

ISSUE:

Application for a change of ownership and agent for privilege licenses for The Vineyard Café and Wine Bar for the sale of beer, and wine (retail package and wine specialty shop). Anthony F Alvarez is the owner and agent applicant while Faith Renee Rowe was the previous owner and agent of the Wine Cellar.

SUMMARY:

Anthony F Alvarez as the registered agent for The Vineyard Café and Wine Bar requests privilege licenses for the sale of beer, and wine (retail package and wine specialty shop) at 1295 West Sprint St. STE 100.

BACKGROUND:

Anthony F Alvarez will be the registered agent, responsible for the sale of alcohol at the referenced location Anthony F Alvarez has been given a copy of the Alcoholic Beverage Ordinance and attended the mandatory alcohol awareness workshop. (Certificate attached)

STAFF RECOMMENDATION:

A background investigation conducted by the Smyrna Police Department failed to reveal information that would preclude issuance of this license. Anthony F Alvarez has agreed to abide by the guidelines set forth by the City of Smyrna ordinance governing the sale of alcohol.

REQUESTED ACTION:

Approval of a privilege license for the sale of beer, and wine (retail package and wine specialty shop) for The Vineyard Café and Wine Bar with Anthony F Alvarez as the owner and registered agent.

CITY OF SMYRNA
BUSINESS LICENSE DEPARTMENT
APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE
Phone (678) 631-5321 Fax (770) 431-2814
Web site: www.smyrnacity.com

PLEASE TYPE APPLICATION AND ANSWER ALL QUESTIONS.

TYPE OF LICENSE: [CHECK APPROPRIATE SPACES]

LIQUOR:

NEW ☐
RENEWAL ☐
TRANSFER ☐
MANUFACTURER ☐
WHOLESALE ☐
PKG. BEER/WINE ☐
PKG. DIST. SPIRITS ☐
RETAIL POURING ☐
Restaurant ☐
Package Store ☐
Dancing/Live Ent ☐
Private ☐
Other ☐

BEER:

NEW ☒
RENEWAL ☐
TRANSFER ☐
MANUFACTURER ☐
WHOLESALE ☐
PKG. BEER/WINE ☒
PKG. DIST. SPIRITS ☐
RETAIL POURING ☒
Restaurant ☐
Package Store ☒
Dancing/Live Ent. ☐
Private ☐
Other ☐

WINE:

NEW ☒
RENEWAL ☐
TRANSFER ☐
MANUFACTURER ☐
WHOLESALE ☐
PKG. BEER/WINE ☒
PKG. DIST. SPIRITS ☐
RETAIL POURING ☒
Restaurant ☐
Package Store ☒
Dancing/Live Ent. ☐
Private ☐
Other ☐

1. Legal Name of Business The Vineyard Cafe & Wine Bar

Operating name of the Business The Vineyard Cafe & Wine Bar

Is the Business a: ☐ proprietorship ☐ partnership ☒ corporation ☐ foreign

2. Location 1295 W. Spring Street Ste #100

Phone 770.900.2457

3. Is business within the designated distance of any of the following?

PACKAGE DISTILLED SPIRITS

		YES	NO
SCHOOL	600 FEET	<input type="radio"/>	<input checked="" type="radio"/>
CHURCH/PARK/PUBLIC BUILDING/ LIBRARY/RESIDENCE	300 FEET	<input type="radio"/>	<input checked="" type="radio"/>

POURING DISTILLED SPIRITS

		YES	NO
SCHOOL	600 FEET	<input type="radio"/>	<input checked="" type="radio"/>
CHURCH/PARK/PUBLIC BUILDING/ LIBRARY/RESIDENCE	200 FEET	<input type="radio"/>	<input checked="" type="radio"/>

[BUILDING NO CLOSER THAN 75 FEET FROM PROPERTY LINE]

PACKAGE WINE, MALT BEVERAGE

		YES	NO
SCHOOL	600 FEET	<input checked="" type="radio"/>	<input type="radio"/>
CHURCH/PARK/PUBLIC BUILDING/ LIBRARY	300 FEET	<input checked="" type="radio"/>	<input type="radio"/>

[EXCEPT GROCERY STORES AS DEFINED BY ORDINANCE]

POURING WINE, MALT BEVERAGE

		YES	NO
SCHOOL	600 FEET	<input checked="" type="radio"/>	<input type="radio"/>
CHURCH/PARK/PUBLIC BUILDING/ LIBRARY/RESIDENCE	200 FEET	<input checked="" type="radio"/>	<input type="radio"/>

[BUILDING NO CLOSER THAN 75 FEET FROM PROPERTY LINE]

4. Full name of Owner Anthony F Alvarez

If a sole proprietor, will you manage the business full time on the premises?

☒ Yes ☐ No

Social Security Number [REDACTED] Date of Birth 08/30/1965

Are you a Citizen of the United States? ☐ Yes ☐ No Birthplace San Antonio, Texas

Current Address 2744 Madison St SE City/State Smyrna, GA Zip 30080

Home Telephone [REDACTED] Number of years at present address 12 years

Drivers License Number and State [REDACTED] Georgia

What has been your occupation for the past five (5) years? Give detailed list Senior Vice President Savi Provisions Atlanta

If a partnership, attach list showing each partner owning 10% or more, with address, telephone number, date of birth, and social security number.

If a corporation, provide corporate address, phone number & name of Chief Executive Officer

2744 Madison St SE Smyrna, GA 30080

CEO Anthony F Alvarez

Federal Tax ID # 82-3755833 State of Incorporation Georgia

Is this a new business in Smyrna? ☒ Yes ☐ No If yes, date business will begin in Smyrna March 1, 2018

Is this a transfer or change of ownership? ☐ Yes ☒ No Effective date

If yes, enclose a copy of the sales contract, closing statement.

Has owner ever had an alcoholic beverage license revoked in Smyrna or other jurisdiction?

☐ Yes ☒ No If yes, attach full details.

5. Full name of Manager (as Applicant) Anthony F Alvarez

Social Security Number [REDACTED] Date of Birth 08/30/1965

Are you a Citizen of the United States? ☒ Yes ☐ No Birthplace San Antonio, Texas

Current Address 2744 Madison St SE City/State Smyrna, GA Zip 30080

Home Telephone [REDACTED] Number of years at present address 12 years

Do you reside in Cobb County? ☒ Yes ☐ No If yes, how long 12 years

Previous address N/A

Number of years at previous address N/A Drivers License Number and State [REDACTED] Georgia

What has been your occupation for the past five (5) years? Give detailed list Senior Vice President Savi Provisions Atlanta

Manager's employment date with owner January 1, 2018

Has the manager (as applicant):

(a) Been adjudicated as incompetent or insane, or been deemed to have insufficient mental capacity to conduct the business for which the application is made? ☐ Yes ☒ No

(b) Been discharged from any military service under dishonorable conditions? ☐ Yes ☒ No

(c) Within a five-year period immediately preceding the date of application, been arrested or convicted of violating any laws, ordinances, or regulations regulating such business? (The term "conviction" shall include an adjudication of guilt, a plea of guilty or nolo contendere or the forfeiture of bond when charged with a crime.) ☐ Yes ☒ No

If there was an arrest, are charges still pending? ☐ Yes ☐ No

(d) Within a five-year period preceding the date of application, been convicted for any felony charged under any of the laws of the several states or of the United States? ☐ Yes ☒ No (The term "conviction" shall include an adjudication of guilt, a plea of guilty or nolo contendere or the forfeiture of bond when charged with a crime.) If there was an arrest, are charges still pending? ☐ Yes ☒ No

(e) Within a three-year period preceding the application, been convicted of more than one misdemeanor, including traffic violations, involving the use or abuse of any alcoholic beverage, opiate or drug? ☐ Yes ☒ No (The term "conviction" shall include an adjudication of guilt, a plea of guilty or nolo contendere or the forfeiture of bond when charged with a crime.) If there was an arrest, are charges still pending? ☐ Yes ☒ No

(f) Been currently placed on parole from any governing authority? ☐ Yes ☒ No

Has any license authorizing the sale of alcoholic beverages at the location for which the present license is sought:

(g) Been declared to be under suspension, at the date the application is filed? ☒ Yes ☐ No

(h) Been revoked within six months of the date that the application is filed? ☐ Yes ☒ No

If yes to any of the above questions, please attach full detail.

7. Do you own the land and building on which this business is to operate? ☐ Yes ☒ No

Date Purchased _____ Amount Paid _____

If not, list the terms of the lease; including the manner in which the rent is determined, to whom and at what intervals it is paid.

5 year lease, based on \$18 per sq ft

Rent paid Monthly

Rent paid to Liu Village, LLC

Attach a copy of the lease and any other pertinent documents.

8. How is the proposed location zoned? Central Business District

Attach copy of zoning certification from the City of Smyrna (Community Development 770-319-5387).

9. If this is an application for an original license, attach proof of adequate parking facilities as per the City of Smyrna zoning requirements (Community Development 770-319-5387).

10. Do you, your spouse, any family members, or any of the other owners, partners, or stockholders have an interest in a retail liquor store(s)? ☐ Yes ☒ No If so, state the number of stores and where each store is located.

11. Have you, your spouse, partner or stockholder any financial interest in the wholesale liquor business? ☐ Yes ☒ No
If yes, give details.

12. If this is a previously licensed location, give the amount of alcohol sales for the previous (12) months and state the dates used in computing the gross sales. Indicate gross sales for beer, wine and liquor separately.

13. Please initial here that you have received a copy of the City of Smyrna Alcoholic Beverage Ordinance



14. Are you familiar with the City of Smyrna ordinances and state and federal laws and regulations governing the operation of this type of business? ☒ Yes ☐ No

15. Are you aware you are required to apply for a State license? ☒ Yes ☐ No
Contact the Georgia Department of Revenue Alcohol Division at 404-417-4900.

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BUSINESS LICENSE DEPARTMENT
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GEORGIA, COBB COUNTY

I, Anthony F Alvarez, BEING DULY SWORN TO LAW, DO SWEAR THAT THE STATEMENTS MADE BY ME IN THE ABOVE AND FOREGOING APPLICATION ARE TRUE, AND NO FALSE, OR FRAUDULENT STATEMENT IS MADE HEREIN AND SUCH STATEMENTS WERE MADE IN ORDER TO PROCURE THE GRANTING OF A LICENSE.

Anthony Alvarez

Anthony Alvarez

Signature of Owner (type name before signing)

Signature and title of person other than Owner completing this application

Phone Number: Work: _____ Home: _____

Anthony Alvarez

Anthony F Alvarez

Signature of Managing Applicant (type name before signing)

Signature and title of person other than Applicant completing this application

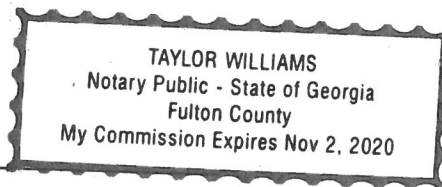
Phone Number: Work: _____ Home: _____

Sworn to and subscribed before me

This 28th day of December 2017.

John W. Williams

Notary Public



FINGERPRINTED AT SMYRNA POLICE DEPARTMENT:

Date _____

RECEIVED IN CITY OF SMYRNA BUSINESS LICENSE DEPARTMENT BY:

[Signature]

Date

12/29/17

T.I.R.V.

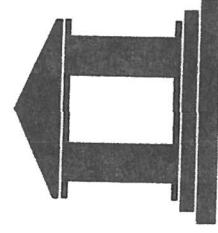
certifies that

Anthony Alvarez

has successfully completed our R.A.S.S. Workshop thus entitling them
to all the rights and privileges appertaining thereto .

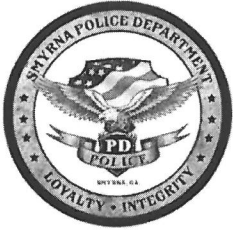
In witness thereof the undersigned have affixed their names
this 23rd day of August, 2005.

Seal




President

"Policing with a Purpose"



Chief of Police
David Lee

2646 Atlanta RD SE
Smyrna, GA 30080-2118

Phone: 770-434-9481
Fax: 678-631-5005

Deputy Chief
Robert L. Harvey



Date: 02-05-18

To: Tammi Jones, City Administrator

From: David Lee, Chief of Police
Lt. Mark Binicewicz, Office of Professional Standards

Subject: Application for Alcohol License

Applicant: Alvarez, Anthony

This applicant, Anthony Alvarez, is the manager of the business listed below and has submitted an application with the business license office to obtain an alcohol beverage license, issued to, **The Vineyard Café and Wine Bar**.

The business name is **The Vineyard Café and Wine Bar**.

The business is incorporated under the name **The Vineyard Café and Wine Bar**.

A background check was conducted on this applicant. There was nothing in his background within the criminal history requirements of City of Smyrna Ordinance 6-51 that would prohibit him from holding the license as long as he meets all the other requirements of the ordinances that regulate this type of business.

CC: Terri Graham, City Clerk
Jim Cox, Business License
File

CITY OF SMYRNA

PRIVILEGE LICENSE APPLICATION SUMMARY

DATE: 02/06/2018 LICENSE AND VARIANCE BOARD: 02/28/2017

TYPE OF LICENSES REQUESTED: BEER, WINE, WINE SPECIALTY (RETAIL PACKAGE)

NEW APPLICATION: NO OWNERSHIP YES AGENT YES

NAME OF BUSINESS: THE VINEYARD CAFÉ & WINE BAR

PLACE OF BUSINESS: dba THE VINEYARD CAFÉ & WINE BAR
1295 WEST SPRING ST STE 100
SMYRNA, GA 30080

AGENT: ANTHONY F ALVAREZ
HOME ADDRESS: 2744 MADISON ST SE
SMYRNA, GA 30080

CITIZENSHIP YES

POLICE REPORT: DATE REQUESTED 12/29/17 RECEIVED 02/05/18

RESULTS: INVESTIGATION FAILED TO REVEAL INFORMATION THAT WOULD
PRECLUDE ISSUANCE OF THIS LICENSE

TYPE OF BUILDING MASONRY

DISTANCE MET: SCHOOL NA CHURCH NA LIBRARY NA PARK NA

MAP FURNISHED: NA

ADVERTISED: FEB 16, 2018 & FEB 23, 2018

COMMENTS: TAXES PAID

LEASE AGREEMENT

THIS LEASE made this 20th day of December, 2017, by and between Liu Village, LLC, a Georgia limited liability company ("Landlord") and Anthony Alvarez d/b/a Vineyard Café & Wine ("Tenant");

WITNESSETH THAT, in consideration of the rents, covenants and agreements hereinafter set forth, such parties enter into the following agreement:

ARTICLE I

BASIC LEASE INFORMATION AND DEFINITIONS

Section 1.1 Basic Lease Information

This Article I is an integral part of this Lease and all of the terms hereof are incorporated into this Lease in all respects. In addition to the other provisions which are elsewhere defined in this Lease, the following, whenever used in this Lease, shall have the meanings set forth in this Section:

- a. Center: Shops at Market Village, Building 5, situated in the City of Smyrna, County of Cobb, State of Georgia.
- b. Premises: Room 100
Landlord shall have the right to change the room designation upon notice to Tenant.
- c. Store Floor Area: + / - 3,000 square feet.
- d. Lease Term: Five (5) years commencing on the Commencement Date and continuing until the last day of the 5th Lease Year.
- e. Commencement Date: The earlier of (i) Tenant opens for business, or (ii) 60 days after Landlord delivery of Premises to Tenant.
- f. Required Completion Date: 60 days after the date Landlord delivery of the Premises to Tenant.

In the event that Tenant has not obtained the business and/or alcohol license within ninety (60) days after Landlord had delivered the Premises to Tenant, then Landlord agrees to reduce the Minimum Rent by 50% for the first month.
- g. Est. Delivery Date of Premises: January 7, 2018
- h. Minimum Rent:

Year 1	\$ 4,500.00 per month
Year 2	\$ 4,635.00 per month
Year 3	\$ 4,775.00 per month
Year 4	\$ 5,015.00 per month
Year 5	\$ 5,265.00 per month
- i. Operating Cost (OC) Charge: \$900.00 per month for year 1; full prorate share thereafter (Section 6.2)
- j. Marketing Fund Charge: Section 14.1
- k. Taxes: Included in OC Charge (Section 4.3)
- l. Trade Name: Vineyard Café & Wine
- m. Permitted Use: The Premises shall be occupied and used solely for the purpose of conducting therein the operating a café selling coffee, bakery products, sandwiches and related merchandise in addition to conducting wine tasting events and related retail sales of bottled wines.
- n. Security Deposit: \$5,400.00 due upon Tenant execution of this Lease.

ALVAREZ, ANTHONY F

TICKET: T00359398

VIOLATION: FAILURE TO STOP AT STOP/YIELD

JUDGEMENT: 209.00

PAYMENT: 209.00

BALANCE: 0.00

VIOLATION-DATE: 05/09/2006

PLEA:

FINDING: BOND FORFEITURE

COURT-DATE: 07/13/2006

SENTENCE:

MONTHS: 0

DAYS: 0

PROBATION: NO

ALVAREZ, ANTHONY FRANCO

TICKET: TE0565714

VIOLATION: RECKLESS DRIVING

JUDGEMENT: 1016.00

PAYMENT: 1016.00

BALANCE: 0.00

VIOLATION-DATE: 03/26/2014

PLEA: GUILTY

FINDING: GUILTY AS CHARGED

COURT-DATE: 06/12/2014

SENTENCE:

MONTHS: 12

DAYS: 0

PROBATION: YES

ALVAREZ, ANTHONY FRANCO

TICKET: TE0565715

VIOLATION: FAILURE TO MAINTAIN LANE

JUDGEMENT: 135.00

PAYMENT: 135.00

BALANCE: 0.00

VIOLATION-DATE: 03/26/2014

PLEA:

FINDING: MERGED WITH ANOTHER CASE

COURT-DATE: 06/12/2014

SENTENCE:

MONTHS: 0

DAYS: 0

PROBATION: NO



APPLICATION FOR PRIVILEGE LICENSE

I have made application at the Business License Office of the City of Smyrna, Georgia for The Vineyard Café and Wine Bar located at 1295 West Spring Street STE 100, Smyrna, Georgia, requesting privilege licenses for the sale of beer and wine (retail package). This application will be heard before the License and Variance Board for the City of Smyrna, 2800 King Street, Smyrna, Georgia on February 28, 2018 at 10:00 a.m. All concerned persons are hereby notified.

Anthony Alvarez
Licensee

The Vineyard Café and Wine Bar
1295 West Spring Street
Smyrna, Georgia 30080

Ads to Run Feb 16 and Feb 23