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Filed:  08-30-16

Sponsored by:  McClure

COUNCIL BILL NO.  2016- 215  RESOLUTION NO. \_\_\_\_\_

RESOLUTION

1 GRANTING a new liquor license to sell retail liquor by the drink, including Sunday  
2 sales, to DS GILL, LLC, d/b/a Zayka Indian Cuisine, located at 311 South  
3 Jefferson Avenue, Springfield, Missouri, such license to include an  
4 enclosed sunroom and a patio measuring 16 feet by 14 feet on the South  
5 side of the building.  
6 \_\_\_\_\_  
7

8 WHEREAS, DS GILL, LLC, d/b/a Zayka Indian Cuisine, located at 311 South  
9 Jefferson Avenue, has filed an application for a license to sell intoxicating liquor by the  
10 drink at retail that includes sales on Sunday and also within an enclosed sunroom and a  
11 patio measuring 16 feet by 14 feet on the South side of the building; and  
12

13 WHEREAS, pursuant to 10-37 of the Springfield City Code, as amended by  
14 Section 311.080 RSMo, no license shall be granted for the sale of intoxicating liquor  
15 within 200 feet of any school or church unless the applicant shall first obtain the consent  
16 in writing of the City Council; and  
17

18 WHEREAS, Applicant's place of business is located within 200 feet of a church  
19 or school.  
20

21 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF  
22 SPRINGFIELD, MISSOURI, as follows, that:  
23

24 Section 1 – The City Council grants DS GILL, LLC, d/b/a Zayka Indian Cuisine, a  
25 license to sell intoxicating liquor by the drink at retail and on Sunday at its location at  
26 311 South Jefferson Avenue, Springfield, Missouri, such license to include an enclosed  
27 sunroom and a patio measuring 16 feet by 14 feet on the south side of the building .  
28

29 Section 2 – This resolution shall be in effect immediately upon adoption.  
30

31 Passed at meeting: \_\_\_\_\_  
32

33 \_\_\_\_\_  
34 Mayor  
35

36

37 Attest: \_\_\_\_\_, City Clerk

38

39 Filed as Resolution: \_\_\_\_\_

40

41

42 Approved as to form: Rhonda Lewsade, Assistant City Attorney

43

44

45 Approved for Council action: Greg Burt, City Manager

**EXPLANATION TO COUNCIL BILL NO. 2016 - 215**

FILED: 08-30-16

ORIGINATING DEPARTMENT: Law

PURPOSE: To grant a new license to sell retail liquor by the drink, including Sunday sales, to DS GILL, LLC, d/b/a Zayka Indian Cuisine, ("DS GILL") located at 311 South Jefferson Avenue, Springfield, Missouri, such license to include an enclosed sunroom and a patio measuring 16 feet by 14 feet on the South side of the building.

BACKGROUND INFORMATION: Applicant, DS GILL, applied for a license to sell retail liquor by the drink, including Sunday sales, at its location at 311 South Jefferson Avenue, such license to include an enclosed sunroom and a patio measuring 16 feet by 14 feet on the south side of the building. The applicant's business is located within 200 feet of property owned by Missouri State University. Missouri State University has been advised by the applicant of applicant's proposed sale of alcohol and does not object (see "Exhibit A").

Pursuant to Section 10-37 of the Springfield City Code, as amended by Section 311.080 RSMo, no license shall be granted for the sale of intoxicating liquor within 200 feet of any church or school unless the applicant shall first obtain the consent in writing of the City Council. As a result, City Council must determine whether it will issue a license to this business at this location.

Submitted by:

Approved by:

  
\_\_\_\_\_  
Rhonda Lewsader  
Assistant City Attorney

  
\_\_\_\_\_  
Greg Burris, City Manager

# Exhibit A



## Missouri State UNIVERSITY

August 5, 2015

The City of Springfield, Business Licensing Office  
Attn: Buffee Smith, Licensing Supervisor  
840 Boonville Avenue  
PO Box 8368  
Springfield, MO 65801-8368

RE: Liquor License Letter of Non-Protest

To Whom It May Concern:

This letter will serve as a blanket Letter of Non-Protest with regard to the issuance of a liquor license per Missouri statute 311.080 RSMo which prohibits the City of Springfield from issuing a license for the sale of intoxicating liquor to an establishment within a specific distance of a school without the written consent of City Council. The same statute requires that all owners of property within the specified distance are provided at least ten day's written notice prior to the approval of such a license. (Springfield City Code sets the distance at 200 feet.)

In the event that a business should submit a request for a liquor license to the City of Springfield that is in line with this statute, this document should be utilized to satisfy the inquiry of the Springfield City Council for requested approval of the University. Should the University choose to protest a liquor license at any time, the appropriate documentation will be provided by the University to the City of Springfield Business License Division with respect to the aforementioned statute.

Sincerely,

A handwritten signature in black ink that reads "Matthew D. Morris".

Matthew D. Morris  
Interim Vice President for Administrative  
and Information Services