

## Omaha City Council votes against Mega Saver liquor license

Written by Christopher Burbach

The Omaha City Council granted neighbors' wishes Tuesday and voted against a liquor license for a controversial planned Mega Saver convenience store near 72nd and Dodge Streets.

But the vote won't stop the business altogether, which is neighborhood opponents' deeper desire. And it may not prevent Mega Saver from winning a license to sell off-sale alcohol in the former Fuddrucker's restaurant space at 7059 Dodge St.

The Nebraska State Liquor Control Commission makes the final decision and does not have to concur with the city. The City Council only makes recommendations. Council members voted 4-3 against a motion to approve the license. But they stopped short of recommending the state commission deny the license. The council voted 4-3 against a motion to recommend denial.

Which means the application goes to the Liquor Control Commission with no recommendation from the City Council. Had the council recommended denial, it would have had more weight.

Council member Ron Hug had joined Danny Begley, Pete Festersen and Juanita Johnson in voting against approving the liquor license. But Hug joined council members Aimee Melton, Brinker Harding and Don Rowe in voting against sending a denial recommendation to Lincoln.

Hug later said he voted no on the second motion because he considered it redundant and unnecessary.

Melton opined that the City's Law Department wouldn't be able to justify a denial based on state statutes.

"If (we) recommend denial, we're going to have to send our lawyer down in front of the liquor commission to have to defend our denial," said Melton, an attorney herself. "This is what I can tell you, from what I see, he doesn't have any defense."

The votes came after nearly two hours of public testimony and council discussion about Mega Saver and its plans for a store and gas station in an existing strip mall at the southeast corner of one of Omaha's prime intersections, 72nd and Dodge Streets.

The company owns the corner. It shares the intersection with Omaha's new main public library, under construction to the west, and with Crossroads, site of a planned major redevelopment.

The 11 neighborhood opponents who spoke Wednesday contended the planned store does not fit with the library, and it does not belong beside the residential area.

"Our historic neighborhood is concerned about having liquor sales available at this iconic intersection of Omaha," said Susan Howard, who said her home is within 500 feet of the planned store. "We welcome the new library, which we hope will be a beautiful, family-friendly and wholesome gathering spot."

She noted the University of Nebraska at Omaha is a few blocks away, and Lewis and Clark Middle School and St. Margaret Mary School are in the area.

“We are worried about easy access to liquor by so many young and impressionable students, as well as the increased danger of intoxication at an extremely busy intersection,” Howard said. “It’s likely we will experience increased noise, loitering, traffic and safety concerns due to easy access to alcohol.”

She asked the council to oppose the liquor license, or “at the very least” prohibit sales of containers smaller than 32 ounces, which would eliminate sales of single beers and miniature, 100- or 50-milliliter bottles of liquor called “shooters.”

Mega Saver has had 30 sale-to-minor violations at its stores, said Liene Topko, policy and research coordinator for Project Extra Mile, an organization that works to reduce alcohol-related harms. The violations were at 17 different Mega Saver stores, she said.

Topko called it “a blatant disregard for the liquor laws.”

Jim Carson, an attorney for Mega Saver, said none of its stores has ever been closed down or had its liquor license revoked.

He said he lives near a Mega Saver store. His kids go there to buy Gatorade and he buys gas there, he said. He doesn’t see any litter or loitering.

“I’m hearing all this stuff like the world is going to come to an end if Mega Saver gets a gas station across from the library,” Carson said. “Mega Saver owns this property. This is the United States of America ... They’re compliant with the zoning. We’ve been through all of these hoops. And what we’re talking about is the liquor license that we meet all the criteria (for).”

Begley, whose district includes the site, asked Carson if Mega Saver would agree to sell no liquor bottles smaller than 375 milliliters, and no cans or bottles of beer under 32 ounces. Carson said no. He noted competing stores in the area don’t have those restrictions.

Begley said without that compromise, he would oppose the license based on the concerns raised by neighbors.

“I’m not anti-Mega Saver,” Begley said. “This is unique to this neighborhood and 72nd and Dodge.”

The debate over the planned store could return to the City Council on July 30. Mega Saver has applied for a rezoning of the site. It would allow the store and gas station, regardless of the liquor license status. The City Planning Department suggested the rezoning, and the Planning Board has approved it.