

**VILLAGE OF DOWNERS GROVE**  
**REPORT FOR THE VILLAGE COUNCIL WORKSHOP**  
**MARCH 11, 2008 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Ordinance Amendments: Liquor Provisions	Resolution ✓ Ordinance Motion Discussion Only	Enza I. Petrarca Village Attorney

**SYNOPSIS**

An ordinance has been prepared amending the Liquor Code which would allow on-site consumption of alcoholic liquor at an Entertainment/Restaurant facility.

**STRATEGIC PLAN ALIGNMENT**

The Downers Grove Vision for 2021 provides for *Businesses to Thrive* and a principle for that vision is *Unique, Quality Restaurants Serving Residents and Corporations*.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval on the March 18, 2008 active agenda.

**BACKGROUND**

Based upon a request, the Downers Grove Liquor Commission discussed creating a liquor license classification which would allow the consumption of alcoholic liquor at an Entertainment/Restaurant Facility. Currently, the Village allows entertainment facilities, but they are sport, artistic or theatrical oriented. The owner of Stardust Lounge has requested that a license be created in order to allow entertainment as the primary business on the premises which would include a dance floor area/disc-jockey station, lounge and dining area. Food service shall be available at all times, however restaurant activities would not be the primary business of the establishment. The dance floor/entertainment area will be limited to 20 percent of the square footage, less kitchen facilities, restrooms and offices of the establishment, and the bar/lounge seating will be limited to 20 percent of the total seating available in the establishment.

The Liquor Commission discussed this matter at its meetings of December 6, 2007, and January 3, 2008, and unanimously recommended that the ordinance be forwarded to the Village Council for its consideration and approval.

**ATTACHMENTS**

Ordinance

Liquor Commission Recommendation & Minutes – December 6, 2007, and January 3, 2008

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING LICENSE CLASSIFICATIONS**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by **shading**/underline; deletions by ~~strikeout~~):

**Section 1. That Section 3.13 is hereby amended to read as follows:**

**3.13 Classification of licenses.**

Such licenses shall be, and are hereby, divided into the following classes:

**Class "B" Brew Pub Licenses**

"B-1" Brew pub licenses shall authorize the retail sale of alcoholic liquor and beer produced on the premises for on-site consumption. The retail sale of beer in original packages, unopened only, produced on the licensed premises shall be allowed for off-premise consumption. Provided, the business shall operate as a restaurant and bar seating shall be limited to twenty percent (20%) of the entire seating for the establishment.

**Class "C" Club (Private) Licenses**

"C-1"- Private club licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises where the business is that of a club as defined herein.

**Class "E" Entertainment/Recreational Facility Licenses**

"E-1" Entertainment/Recreational Facility licenses shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises where the major and primary business is that of a Theater as defined herein, subject to the following conditions:

1. Sales of alcoholic beverages shall be limited to contracted theater rentals.
2. Alcoholic beverage sales shall not be allowed during regularly scheduled motion pictures or films.
3. Sales shall be made from portable bars containing alcoholic liquor, mixes and related preparation materials. Such portable bars shall not have seats or stools for patrons at which to sit.
4. Portable bars shall be removed and/or stored out of view during all regularly scheduled motion pictures.
5. No alcoholic liquor shall be served at a single contracted theater rental for more than six (6) consecutive hours.
6. Food service must be available during contracted theater rentals in which alcoholic liquor service exceeds two (2) consecutive hours. However, should there be a suspension of liquor service for a main event or attraction (at a minimum duration of one (1) hour), such food service shall not be required.
7. The licensee shall submit a report to the Village within thirty days following each July 1 and January 1 setting forth each contracted theater rental and the number of hours for which liquor was served during the six months prior. In addition, such report shall describe any planned events currently scheduled by the Licensee.

"E-2" Entertainment/Recreational Facility licenses shall authorize the retail sale of alcoholic liquor for

## Entertainment/Restaurant

consumption on the premises where the major and primary business is that of a Comedy Club as defined herein. Provided, the sale of alcoholic beverages shall be authorized only during or one (1) hour before the regularly scheduled performances. The performances shall consist of one or more comedians and shall be not less than one and a half (1.5) hours in length with patrons paying a separate admission charge for each performance. At the end of each performance, patrons shall be required to exit before the next group of patrons are admitted. Provided, performances shall be done by professional comedians except that amateur performances (open mike) shall be permitted not more than two (2) nights per week.

"E-3-A" Entertainment/Recreational Facility licenses shall authorize the retail sale of beer and wine for consumption on the licensed premises operated by the Downers Grove Park District. Sales shall be authorized in the clubhouse, an outdoor area and upon the golf course. Sales of beer and wine from a motorized food and beverage cart operating on the public golf course are authorized provided not more than fifty percent (50%) of the designated storage/display capacity shall be devoted to the display and sale of beer and wine. No more than one (1) such motorized food and beverage cart shall be on the course and in operation at any one time. Non-alcoholic beverages and food shall at all times be stocked and available for sale in such cart.

"E-3-B" Entertainment/Recreational Facility licenses shall authorize the retail sale of beer and wine for consumption on the licensed premises in a recreational facility, as defined herein, having a guest seating capacity, excluding outdoor areas, of not less than thirty-five (35).

"E-3-C" Entertainment/Recreational Facility licenses shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises in a recreational facility as defined herein, of not less than sixteen thousand (16,000) square feet and having a guest seating capacity, excluding outdoor areas, of not less than one hundred twenty-five (125).

"E-4" Entertainment/Cultural/Performing Arts Facility licenses shall authorize the retail sale of beer and wine for consumption on the licensed premises where the major and primary business is that of a Cultural/Performing Arts Facility as defined herein, subject to the following conditions:

1. Sale of beer or wine shall be limited to regularly scheduled art shows, exhibits, theatrical, musical or live performances or during contracted rentals that are not open to the general public.
2. The facility may not be promoted as a drinking establishment. Sale of beer or wine shall not be allowed at any time a regularly scheduled performance or activity is not in actual operation.
3. Sale of beer or wine shall be made from a service bar only. Such service bar shall not have seats or stools for patron seating.
4. Lounge area or theater seating may be altered to accommodate performances, art exhibitions and/or classes, however the service bar area shall not be expanded in any manner.
5. No portable bars and/or stations shall be allowed at the facility.
6. Food service must be available during all hours of operation that beer and wine is served.
7. The Village may request the licensee to submit a report setting forth any planned events currently scheduled by the Licensee and the activities during the twelve months prior.

"E-5" Entertainment/Restaurant Facility licenses shall authorize the sale of alcoholic liquor for consumption on the licensed premises, where meals are regularly served and entertainment is provided. Bar/lounge seating shall be no more than twenty percent (20%) of the total seating provided for patrons of the establishment. The area devoted to dancing and/or entertainment shall be limited to twenty percent (20%) of the square footage of the establishment, excluding kitchen facilities, storage and office areas. Food service shall be available at all times.

## Entertainment/Restaurant

### **Class "H" Hotel Licenses**

"H-1" Hotel licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises of a hotel as defined herein, and the retail packaged sale of beer and wine in original packages to hotel patrons. This shall include sales occurring at facilities, or as part of activities, normally operated as an integral part of the hotel, such as, but not necessarily limited to, restaurants, cocktail lounges, room service and banquets. Provided, the licensed premises shall have at least one restaurant with a seating capacity of not less than one hundred twenty-five (125) operated as an integral part of the hotel.

### **Class "K" Catering Licenses**

"K-1" Catering licenses shall authorize the sale of alcoholic liquor in connection with the operation of an off-site catering business as defined herein that serves alcoholic liquor in connection with the catering of foods for private functions and for consumption only on the premises where the food is catered. The sale of alcoholic liquor shall be incidental to the food service and if the catered event does not qualify as a private function, a special event license shall also be required for the location of the catered event. No cash bar shall be permitted. No alcoholic liquor shall be served at a single location for more than eight (8) consecutive hours. A licensee shall submit a report to the Village within thirty days following each July 1 and January 1 setting forth the location of each event the licensee has catered within the Village and the number of hours for which liquor and food were served at such events during the six months prior. In addition, such report shall describe any planned events currently scheduled by the Licensee.

"K-2" Catering licenses shall authorize the sale of beer and wine at the Downers Grove Park District Recreation Center located at 4500 Belmont Road. Provided, a catering license may be issued to a sub-contractor who solely provides beer and wine service on behalf of and in conjunction with an off-site food catering business under contract with the Downers Grove Park District. The sub-contractor may not utilize the Class K-2 catering liquor license in any other facility in the Village, operate independently at the Recreation Center or provide beer and wine without food service being available. Service of beer and wine shall be limited to service from a designated portable bar area. No table service of wine or beer shall be allowed. In all instances, the sale of alcoholic liquor shall be incidental to the food service. No cash bar shall be permitted. No alcoholic liquor shall be served at a facility rental for more than six (6) consecutive hours. The licensee shall submit a report to the Village within thirty days following each July 1 and January 1 setting forth the date, time and type of any planned events currently scheduled by the Licensee in order for the Village to monitor compliance. In addition, the Village may request that the licensee include information on the dates, times and types of events at the Center during the six months prior.

### **Class "O" On Premise Consumption, Outdoor Licenses**

"O-1" Outdoor licenses shall authorize the sale and consumption of alcoholic liquor in an enclosed outdoor seating area. This license may only be issued to establishments holding a valid Class R or a Class W license and shall be limited to the conditions of the Class R or a Class W license issued to the establishment. The main and principal operation of the outdoor area shall be for dining purposes and food must be available in the outdoor dining area at all times and shall be subject to the provisions set forth in Section 3-30.

### **Class "P" Off Premise Consumption Licenses**

"P-1" Packaged liquor licenses shall authorize the retail sale on the premises specified, which shall not include premises of less than three thousand six hundred (3,600) square feet, of alcoholic liquor in

## Entertainment/Restaurant

packages with the seals unbroken, only, and not for consumption on the premises, except that tastings shall be permitted on such premises in accordance with State law. Such licenses shall be only authorized in locations where the sale of packaged liquor is the main or principal business and/or in locations where the principal business is that of a drug store, grocery store or convenience store as defined herein.

"P-2" Packaged liquor licenses shall authorize the retail sale on the premises specified, of beer and wine in original packages, unopened only, and not for consumption on the premises. Such licenses shall be only authorized in locations where the main or principal business is that of a drug store, grocery store or convenience store as defined herein. No more than twenty-five percent (25%) of the retail sale square footage area shall be devoted to the sale of beer/wine and tobacco products.

"P-3" Packaged liquor licenses shall authorize the retail sale of beer and wine in original packages, unopened only, and not for consumption on the premises, except that wine tastings, classes or seminars shall be permitted on such premises in accordance with State law. Such licenses shall be only authorized in locations where the sale of wine is the main or principal business, commonly referred to as "wine shops", as defined herein.

### **Class "R" Restaurant, On Premise Consumption, Indoor Licenses**

"R-1" restaurant licenses shall authorize the sale of alcoholic liquor for consumption on the licensed premises, where the major and primary business is that of a restaurant, as defined herein. In addition, bar seating shall be limited to twenty percent (20%) of the entire seating for the establishment.

"R-2" restaurant licenses shall authorize the retail sale of beer and wine for consumption on the licensed premises, where the major and primary business is that of a restaurant, as defined herein. In addition, bar seating shall be limited to twenty percent (20%) of the entire seating for the establishment.

### **Class "S" Special Event Licenses**

"S" special event licenses shall be issued for the temporary sale of alcoholic liquor during special events.

(a) It shall be unlawful for any person who does not hold a valid liquor license pursuant to the provisions of this Chapter, to dispense or cause to be dispensed alcoholic beverages at a grand opening, wine tasting, open house or other special event open to the public, without first having obtained a special event license from the Local Liquor Commissioner. It shall be unlawful for any person holding a valid liquor license to conduct a special event which exceeds the limitations on liquor sales or otherwise fails to meet the requirements inherent in the applicable license classification without first having obtained a special event license from the Local Liquor Commissioner.

(b) Applications for a license under the provisions of this section shall be filed on forms provided by the Village. The general application procedures set forth in Sections 3-9 and 3-12 shall not apply to licenses issued under this section except for the requirement under Section 3-9(c)(9) concerning dram shop insurance coverage. Provided, the Commissioner may refer any application under this section to the Commission for review and comment. The application shall include such information as the Commissioner determines is necessary to process such application and may include, but is not limited to, the estimated number of persons attending the event, the location and layout of liquor sales at the event and at the premises, the persons responsible for dispensing of alcoholic liquor, steps to be taken by applicant to protect against any violations of the Village's ordinances and information regarding the manner in which and what type of liquor shall be dispensed and consumed. Additional information and material may be required during the processing of such application related to applicant's qualifications and information provided in the original submittal, including attachments. In the event the applicant is made aware that any information or document submitted as part of this application process is inaccurate or incomplete, the applicant shall immediately notify the Village and

## Entertainment/Restaurant

provide appropriate corrections. Failure to accurately and completely provide, or as necessary update, required information may delay the processing of such application or result in its denial.

(c) A fee shall be paid along with the application submittal as follows:

(1) "S-1" Licenses shall be issued if a public hearing before the Downers Grove Liquor Commission is required:

**\$ 375.00**

(2) "S-2" Licenses shall be issued if a public hearing is waived and the Downers Grove Liquor Commissioner issues the license administratively:

**\$ 90.00**

(d) Where the applicant is a governmental unit and/or charitable organization, the Liquor Commissioner may waive the fee otherwise required by this section.

(e) Upon submittal of a properly completed application and payment of fee, the Commissioner may issue a special events license subject to such reasonable restrictions as the Liquor Commissioner may require to protect the public health, safety and welfare, including, but not limited to the following:

(1) No more than three (3) such special event licenses shall be issued for the same location within any calendar year.

(2) The special event license holder shall take proper precautions and fully comply with the applicable provisions of this Chapter during the special event.

(3) The special event will last no longer than two (2) days, provided that three consecutive licenses can be utilized for an event which shall not exceed six (6) days.

(4) The provisions of Section 3-11(b) regarding proximity of the proposed special event shall not apply to licenses issued under this section.

(5) The following restrictions apply to community special events sponsored by a governmental entity:

(i) At least two persons over the age of twenty-one shall be present at all times in the liquor consumption area to monitor compliance with applicable regulations and laws of the Village and State of Illinois regarding the consumption of liquor.

(ii) The licensee shall incorporate such other measures as the Liquor Commissioner may direct to protect the public health safety and welfare, including measures to protect against violations of the regulations and laws of the Village and State of Illinois regarding the consumption of liquor.

(6) The provisions of Section 3-30 regarding outdoor sales shall not apply to special event licenses issued under this section and a special event may include outdoor sales, service and consumption as approved by the Liquor Commissioner.

(7) Except as otherwise provided in this section, the applicant shall comply with all applicable provisions of the Downers Grove Municipal Code, including but not limited to, zoning, building, health and safety regulations.

(f) The Commissioner may issue a special events license as provided under this section to permit the sale and consumption of alcoholic liquor on public property. Provided, except for Village sponsored or co-sponsored community-wide celebrations, special events and other similar activities or functions, a special commercial event license as provided in Chapter 19 of the Downers Grove Municipal Code shall be required for any special event conducted wholly or partially upon Village controlled property. An application shall be completed as provided in subsection (b) above and submitted to the Commissioner for decision. Provided, in addition to any other requirements which may be imposed, issuance of any special events license involving public property shall be contingent upon proof of dram shop insurance, up to the statutory limit, and such other liability insurance as the Village may from time to time direct, listing the Village, its officers and employees, as named insured.

(g) It is recommended that at least one (1) person on-site shall possess a certified training certificate pursuant to Section 3.33.3.

**Class "W" Wine Boutique.**

## Entertainment/Restaurant

"W-1" Packaged liquor licenses shall authorize the retail sale of beer and wine in original packages and for consumption of wine or beer on the premises. Free wine tastings, classes or seminars shall be permitted on such premises in accordance with State law. Such licenses shall be only authorized in locations where the sale of wine is the main or principal business, commonly referred to as "wine boutiques", as defined herein.

The sale of wine and beer shall be permitted for consumption on the premises subject to the following conditions:

- a. The premises shall not exceed three thousand six hundred (3,600) square feet.
- b. The seating/serving area for customers ordering wine or beer within the premises shall be limited to forty percent (40%) of the gross retail square footage, but shall not exceed seven hundred fifty (750) square feet.
- c. Such facilities shall include an area in which preparation of food is provided and food is served on the premises, including hot or cold sandwiches, appetizers, tapas or other similar foods.
- d. It is intended that the service of wine or beer is merely an adjunct to the sale of beer and wine in original packages and that the wine shop shall not be advertised or otherwise held out to be a drinking establishment and/or a "wine bar". (Ord. No. 244, § 6; Ord. No. 279, § 1; Ord. No. 356, § 1; Ord. No. 634, § 1; Ord. No. 635, § 1; Ord. No. 1059, § 1; Ord. No. 1200, § 1; Ord. No. 1465, § 1; Ord. No. 1741, §§ 15 to 17; Ord. No. 2246, § 1; Ord. No. 2388, § 7; Ord. No. 2541, § 6; Ord. No. 2735, § 1; Ord. No. 2945, § 1; Ord. No. 2996, § 1; Ord. No. 3050, § 1; Ord. No. 3164, § 2.)

### **Section 2. That Section 3.14 is hereby amended to read as follows:**

#### **3.14 Term - fees.**

- (a) The term of each license issued hereunder shall be from July 1 to June 30.
- (b) Licenses shall be issued to new applicants and/or renewal applicants with satisfactory performance in the most recent year in which they held a license. The fee for the various classes of licenses shall be as follows:

<u>License</u>	<u>Annual Fee</u>
"B-1" (Brew Pub)	\$2,925.00
"C-1" (Club, private)	\$ 670.00
"E-1" (Theater)	\$ 935.00
"E-2" (Comedy Club)	\$1,055.00
"E-3-A" (Golf Course)	\$1,725.00
"E-3-B" (Recreational Facility - beer/wine)	\$1,610.00
"E-3-C" (Recreational Facility - full)	\$2,985.00
"E-4" (Cultural/Performing Arts Facility - beer/wine)	\$1,610.00
<u>"E-5" (Entertainment/Restaurant Facility - full)</u>	<u>\$2,985.00</u>
"H-1" (Hotel)	\$2,985.00
"K-1" (Catering - full)	\$ 805.00
"K-2" ( <u>Catering</u> - Park District - beer/wine)	\$ 955.00
"O-1" (Outdoor)	\$ 260.00
"P-1" (Packaged - full)	\$1,850.00
"P-2" (Packaged - beer/wine)	\$1,160.00
"P-3" (Packaged - wine shop)	\$1,160.00
"R-1" (Restaurant - full)	\$2,870.00
"R-2" (Restaurant - beer/wine)	\$1,550.00
"S-1" (Special Event)	\$ 375.00

Entertainment/Restaurant

"S-2" (Special Event)	\$ 90.00
"W-1" (Wine Boutique)	\$1,310.00

(c) Except as provided herein, there shall be no refund or proration of the license fee for any portion of a year prior to issuance or during which licensee ceases to engage in the business of selling alcoholic liquor. For any license issued on or after the first day of January of any year, the license fee shall be prorated by dividing the fee set forth in subsection (b)(1) by twelve and multiplying the resulting sum by the number of months, or parts thereof, remaining in the license year.

(d) For any change in classification issued on or before the first day of January of any year, the licensee shall be awarded a credit in the amount of the license fee previously paid by licensee in same license year for the same establishment.

(e) The annual renewal fee shall be due and payable June 30 in each year. Provided, any licensee submitting a late renewal filing shall, in addition to the license fee, pay a late filing fee of two hundred fifty dollars (\$250.00) pursuant to Section 3-16 (c) of this Code. No licensee shall continue to engage in the business of selling alcoholic liquor unless such fee has been paid.

(f) All required fees shall be paid at the time of issuance of the license after approval by the Local Liquor Commissioner pursuant to Section 3-12 of this Chapter. All such fees shall be forthwith deposited with the Village Treasurer.

(g) Application fees are provided for in Section 3-9(e) of this Code.

(h) It is the intention of the Village to review and, if justified, adjust license fees annually based upon the costs and expenses incurred by the Village to administer this section. Provided, however, nothing herein shall require such review nor impair or prohibit any adjustment in fees as may from time to time, be approved by the Council. (Ord. No. 244 §§ 5, 6; Ord. No. 279, § 1; Ord. No. 356, § 1; Ord. No. 634, § 1; Ord. No. 635, § 1; Ord. No. 1059, § 1; Ord. No. 1200, § 1; Ord. No. 1465, § 1; Ord. No. 1741, §§ 15 to 17; Ord. No. 2167, § 4; Ord. No. 2246, § 1; Ord. No. 2388, § 7; Ord. No. 2541, § 6; Ord. No. 2735, § 1; Ord. No. 3050, § 2; Ord. No. 3377, § 1.)

**Section 3. That Section 3.15. is hereby amended to read as follows:**

**3.15. Limitation on number of licenses.**

The number of licenses in each classification as defined in Section 3-13 which it shall be lawful to issue shall be limited so that the licenses in force and effect at any time shall not exceed the following numbers:

<b>License Classification</b>	<b>Amount of licenses not to Exceed</b>
"B-1" (Brew Pub)	1
"C-1" (Club, private)	6
"E-1" (Theater)	1
"E-2" (Comedy Club)	1
"E-3-A" (Golf Course)	1
"E-3-B" (Recreational Facility - beer/wine)	0
"E-3-C" (Recreational Facility - full)	2
"E-4" (Cultural/Performing Arts Facility - beer/wine)	1
"E-5" (Entertainment/Restaurant Facility - full)	1
"H-1" (Hotel)	Unlimited
"K-1" (Catering - full)	4
"K-2" (Catering - Park District - beer/wine)	1
"O-1" (Outdoor)	Unlimited
"P-1" (Packaged-full)	17
"P-2" (Packaged -beer/wine)	10
"P-3" (Packaged - wine shop)	3



Entertainment/Restaurant

"R-1" (Restaurant - full)	Unlimited
"R-2" (Restaurant - beer/wine)	Unlimited
"S-1" (Special Event)	Unlimited
"S-2" (Special Event)	Unlimited
"W-1" (Wine Boutique)	2

(Ord. No. 244, § 4a; Ord. No. 284, § 1; Ord. No. 356, § 2; Ord. No. 1059, § 1; Ord. No. 1200, § 1; Ord. No. 1395, § 1; Ord. No. 1465, § 2; Ord. No. 1741, § 21; Ord. No. 2246, § 2; Ord. No. 2541, § 8; Ord. No. 2735, § 1; Ord. No. 2861, § 3; Ord. No. 3050, § 3.)

**Section 4.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 5.** That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

\_\_\_\_\_  
Mayor

Passed:  
Published:  
Attest: \_\_\_\_\_  
Village Clerk

Ms. Kuchynka advised the Commission that the Council was considering the Licensee Ethics Ordinance and the Cultural/Performing Arts Facility at their meeting of December 11th.

Ms. Perez stated that the Village is awaiting a withdrawal of the appeal from Sam's Wine & Spirits. Ms. Kuchynka stated that she went to Sam's where they demonstrated their new cash register system. Ms. Kuchynka noted that the drawer locking system is in place. She stated that a scanner reads the driver's license and if under 21, will stop the sale. Mr. Kubes stated that he was there when they started using the new system and indicated it took a long time to get rung up. Ms. Kuchynka noted that when she went there the first day of its implementation, it took a long time for the cashiers to get customers through the line. Ms. Kuchynka noted that she met with the new liquor manager who was aware of the violation history and covered local ordinances with him.

Ms. Strelau asked if the Police Department will attend a future meeting to discuss control buys at certain licensed establishments. Ms. Kuchynka stated that the Chief indicated he will put her in contact with someone to discuss procedures, issues and concerns the Police Department has. She noted a main concern would be the availability of the agent. She also noted that the special buys may require an adjustment in licensee fees. Mr. McInerney also encouraged Ms. Kuchynka and the Police Department to recapture the expenses while developing any additional programs.

Ms. Kuchynka noted that the Chief expressed concerns with manpower, funding and events that the special agent may be going into. Ms. Strelau stated that the Commission is interested in hearing other alternatives or solutions if the standard control buy methods do not work. Mr. Barnett stated that they are interested in a dialogue with the police concerning enforcement and other areas of compliance.

Ms. Kuchynka noted that control buys would be difficult on the private parties or banquet events due to their sporadic nature and the hours in which they occur. She noted that she would contact other communities to see how they deal with policing these events. Ms. Kuchynka noted that she is aware that the State does random checks on Special Events.

Chairman McInerney noted that compliance must be equitable and fair for each licensee. Mr. Barnett stated that after hours service is a compliance issue that may be a problem. Mr. Kubes recalled that there had been an instance of after hours service. Ms. Kuchynka noted that there are very few licensees that stay open past midnight or 1 a.m. Mr. Kubes felt that would be a good question to ask the Police Department if they come across after hours service on a regular basis.

## V. NEW BUSINESS

Chairman McInerney asked if there was any discussion, update from staff or comments from the Commission regarding any new business.

Ms. Kuchynka noted that there were individuals present to discuss a request for a new license classification. Mr. Reggie Benjamin introduced himself as the proprietor of Stardust. He informed the Commission that he is a universal recording artist and has recently relocated to Downers Grove from Los Angeles. Ms. Iwona Burnat was his guest.

Mr. Benjamin stated that he would like to open a trendy, upscale restaurant/lounge with entertainment and

# STAR★DUST

## Meat & Poultry

Gyu	- Aged Rib eye	4.75
Tebasaki	- Chicken Wings	3.50
Tsukune	- Chicken Meatballs w/ Teriyaki Sauce	3.50
Tanuki	- Shiitake stuffed with minced Chicken	4.25
Negima	- Chicken & Green Onions	3.50
Sasami	- Chicken Tenders with Wasabi	3.00
Nankotsu	- Chicken Cartilage	2.50
Hatsu	- Chicken Heart	2.75
Sunagimo	- Chicken Gizzard	2.25
Leba	- Chicken Liver	2.75
Uzura	- Quail Eggs	2.75
Kobe Pepper	- American Kobe w/ Black Pepper Sauce	12.00

## Seafood

Sake	- Salmon	3.50
Suzuki	- Chilean Seabass	4.75
Gindara	- Black Cod with Asian BBQ	4.75
Hamachi Maki	- Yellowtail wrapped Enoki Mushrooms	4.50
Ebi	- Jumbo Shrimp w/ Kaffir Garlic Butter	8.00
Ebi Bacon	- Jumbo Shrimp wrapped with Bacon in a Chili Garlic Sauce	9.00
Unagi	- Freshwater Eel w/ Sea Salt & Wasabi	4.00

## Vegetables

Asupara	- Grilled Asparagus	2.50
Asupara Maki	- Asparagus wrapped in Bacon	3.00
Tomato Maki	- Cherry Tomatoes wrapped in Bacon	3.50
Eryngil	- King Oyster Mushroom w/ Sansho Pepper	3.50
Shiitake	- Japanese Shiitake Mushroom	2.75
Shiitake Maki	- Shiitake wrapped Asparagus	4.25
Potato Yaki	- Today's Potato with Butter and Salt	2.25

Chilled sake by the glass 4oz.

*Suehiro "Kimoto" ( junmai )	\$12
Dewazakura "Oka" ( ginjo )	\$12
Kubota "Hekiju" ( junmai daiginjo )	\$14
*Suehiro "Daishizen" ( junmai organic )	\$14
Ozeki hot sake	sm. \$5 lg. \$8
Nigori sake "unfiltered" sake	\$7
Choya Plum Wine	\$9
Ichiko Shochu (Mugi/ Barley)	\$8
Kappa no Sasolmizu Shochu (Imo/ Sweet Potato)	\$12

Sake sampler  
daiginjo - ginjo - junmai \$18

## Daiginjo-shu ( Fragrant flavor ) Premium Sake

Good for an aperitif, enjoy with light and simple food

105. Osakaya Chobei * daiginjo * Hyogo		\$49
106. Toranoko * junmai daiginjo * Yamagata		\$69
107. Tamade Izumi " daiginjo " Fukuoka		\$79
108. Tamano Hikari " junmai daiginjo " Kyoto		\$84
109. Taiheizan Tenko " junmai daiginjo " Akita		\$118
110. Suehiro Ken * daiginjo * Fukushima		\$128
111. Yuki No Bousha Akita Komachi * daiginjo * Akita		\$145
112. Masumi Yumedono * daiginjo * Nagano		\$165
113. Tokugetsu * junmai daiginjo * Nigata		\$180
114.* Suehiro Gensai * daiginjo * Fukushima		\$190
115. Osakaya Chobei " daiginjo * Hyogo	300ml	\$29
116. Tamano Hikari " junmai daiginjo " Kyoto	300ml	\$37
117. Kamozumi * junmai daiginjo " Hiroshima	500ml	\$58
118. Moriko * daiginjo * Yamaguchi	500ml	\$68
119. Hoyo 'Kura no Hana' " junmai daiginjo " Miyagi	500ml	\$59
120. Koshi no Kanbai Chotokusen " daiginjo " Nigata	500ml	\$148

## From the Sushi Bar

### にぎり寿司

#### Nigiri Sushi

	Sushi ( 2 pieces )	Sashimi
Aji / Spanish Mackerel	7	14
Ama Ebi / Sweet Shrimp	mp	mp
Anago / Sea Eel	6.5	13
Hamachi / Yellowtail	7	14
Hirame / Halibut	6	12
Hotate / Japanese Scallop	6.5	13
Kaibashira / Chopped Scallop	5.5	11
Ikura / Salmon eggs	6	12
Kani / Crab	6	12
Kanpachi / Amberjack	7	14
Maguro / Tuna	7	14
Mirugai / Jumbo Clam	10	20
Saba / Mackerel	5.5	11
Sake / Salmon	5.5	11
Shiro Maguro / Albacore	5.5	11
Tai / Japanese Snapper	7	14
Tako / Octopus	6	12
Tamago / Egg Omelette	5	10
Toro / Tuna Belly	mp	mp
Unagi / Fresh water Eel	6	12
Uni / Sea Urchin	10	20

### 刺身

#### Sashimi Tasting Plate ( Today's freshest catch )

	Standard	Premium
2 person tasting	24	36
4 person tasting	48	72
6 person tasting	72	108

# 卷寿司

# Sushi Rolls

		Hand	Cut
Kani Maki	- Creamy Baked Crab wrapped in Soy Paper	9	-
Tsukiji	- Salmon, Tuna, Yellowtail, Masago and Ikura wrapped in Cucumber	-	14
Spicy Tuna	- Tuna, Scallions, Mayonnaise & Sesame Oil	7.5	9
Toro Taku	- Minced Toro with pickled Daikon	8	10
Crunchy Tuna	- Spicy Tuna Tempura with Avocado	-	14
Katana	- Yellowtail & Tuna atop Spicy Tuna & Shrimp Tempura Roll	-	17
California	- Crab & Avocado	7	8.5
Spider	- Softshell Crab, Cucumbers & Daikon Sprouts	-	13
Niji	- Rainbow Roll	-	18
Lobster	- Baked Lobster, Avocado & Asparagus with Soy Paper	-	19
Dynamite	- Spicy Scallop Roll topped with Baked Scallop Dynamite	-	16
Ebi Ten	- Shrimp Tempura & Asparagus with spicy Miso	8	10.5
Ebi Jalapeno	- Rock Shrimp Tempura with Jalapenos	8	10.5
Inakaya	- Crab wrapped with fresh Water Eel & Avocado	-	17
Salmon Skin	- Salmon Skin, Cucumber, Gobo, Scallions & Bonito flakes	7	9
Shiromaguro	- Albacore with Garlic	6.5	8
Kappa	- Japanese Cucumber	4	5
Harvest Roll	- Cucumber, Asparagus, and Mizuna with Ginger Vinaigrette & Shoestring Potatoes	-	11
Spicy Tako Roll	- Yuzu Octopus rolled with Spicy Tuna Outside	-	15

魚貝

## Seafood

Maguro Carpaccio	- Tuna Carpaccio with Wasabi Soy Truffle Oil topped with Parmesan Cheese	17.00
Taru Taru	- Tuna Tartare with Tokyo Scallions & grated Garlic Soy & Pine Nuts	19.00
Maguro Tataki	- Seared Tuna w/ Tamari Soy & Lemon Oil w/ Micro Greens	15.00
Shiro Maguro	- Fresh Albacore Sashimi w/ Mizuna Salad & Ginger Vinaigrette	14.00
Salmon Caper	- Salmon Sashimi w/ Caper Sesame Ponzu	15.00
Hanabi	- Spicy Tuna on Grilled Rice Cakes	11.00
Popcorn Shrimp	- Tempura Rock Shrimp w/ Spicy Miso Glaze	17.00
Saikyo Yaki	- Baked Cod marinated with Miso	16.00
Sashimi Salad	- Assorted Sashimi with Soy Vinaigrette & Baby Mixed Greens	15.00
Usuzukuri	- Thinly sliced Halibut Sashimi w/ spicy Radish and Ponzu	15.00
Black Mussels	- Steamed w/ Sake & Shallots	12.00
Hamachi Diced	- Yellowtail w/ Jalapenos Seared w/ Sizzling Sesame & Olive Oil	16.00
Yaki Hotate	- Hokkaido Scallops w/ Black Truffle Mashed Potatoes	16.00

dancing. He stated that he two establishments in Italy and in the past had been involved with two establishments in Chicago. He stated that he has had conversations with the landlord of the unit near North Beach and has a professional designer for the location. Mr. Benjamin stated that a lease would be contingent upon receipt of a liquor license. He stated that he wanted to bring in elegance to lounges and nightclubs.

Mr. Benjamin understood that he does not meet current licensing requirements for what he is proposing and wanted to inquire if the Village would consider creating a license classification that would meet his needs. He was interested in an entertainment facility license, but wanted something upscale but not sporty like North Beach. He stated that he would like to bring in upscale entertainers and have A-list celebrities. He noted he was an acquaintance of Celine Dion.

Chairman McNerney asked the Commission for their questions or comments concerning the Stardust concept.

Mr. Adank asked Mr. Benjamin to explain the dance portion of his proposal. Mr. Benjamin asked if anyone had ever been to Japonais in Chicago. The group replied no. Mr. Cawthorne asked Mr. Benjamin if he had ever been to Barcelona in Scottsdale, AZ. He indicated that they have a dining area, but later in the night they move tables, bring in a band and turn it into a dance area. Mr. Benjamin stated that there would be tables all over, but a certain section to dance. He stated that he does not want the hip-hop, R&B dance club type, but more classier dancing. He noted that ever since Dancing with the Stars came out, dance has become popular. He stated that he wants to do something elegant. He noted that there are no establishments like they have in Los Angeles that are similar to the concept he proposes for the suburbs.

Mr. Benjamin stated that he has a publicist for which he wants to market the establishment.

Mr. Adank asked if he planned to do table bottle service. Mr. Benjamin replied yes.

Ms. Strelau asked Mr. Benjamin what was his targeted age group. Mr. Benjamin replied over 30 year old professionals. He added that there would be a dress code.

Ms. Strelau asked Mr. Benjamin if he believed he could accommodate patrons if he promotes the establishment with a professional publicist. He replied that marketing and publicity are most important. He would like to get really big celebrities for opening night. He wanted to create something similar to Margot in Italy which has a 6-month waiting list for dinner. He noted that their website is [margotclub.it](http://margotclub.it).

Ms. Strelau stated that the Commission speaks about venues and whether the Village can accommodate them. She noted that certain facilities may be significant users of Village resources. She stated that the proposal sounds fine conceptually but was concerned if the establishment became a stretch on certain resources.

Mr. Adank wondered about the location and how Mr. Benjamin planned to handle crowds and traffic if he gets entertainment on the caliber level of Celine Dion. He wondered also about the parking situation. Mr. Benjamin stated that he walked through the facility with the landlord and noticed that there was a lot of parking. He stated that he did not plan to have daily red carpet types of events.



Ms. Strelau asked the size of the facility. Mr. Benjamin replied 13,000 square feet, but he wanted to rent 8,000 square feet. Ms. Kuchynka asked what kind of occupancy he expected. Mr. Benjamin stated that he was unsure and it would be up to the fire marshall. He stated that he wanted to keep the place small and exclusive.

Ms. Kuchynka asked what the average check would be dinner. Mr. Benjamin replied that average drinks would range \$6-8 and the average dinner plate would range \$8-13.

Ms. Kuchynka asked what hours he planned for operation. Mr. Benjamin replied 4 pm until 1 am weekdays or until 2 am on Saturdays.

Mr. Kubes asked if they will have live music in the dance area. Mr. Benjamin replied music would be provided by a DJ.

Mr. Kubes asked Mr. Benjamin if he was familiar with Zero Gravity/Club Blur. Mr. Benjamin replied no. Mr. Kubes asked if he planned on having any underage nights. Mr. Benjamin replied no.

Mr. Barnett stated that they would try to find a way to accommodate his request. He noted that Mr. Benjamin has 6-7 years of experience according to his proposal. He stated that the Village will take into consideration its priorities, but would be willing to work on the license classification.

Mr. Barnett envisioned a high class facility where food and dancing is available. Ms. Kuchynka asked Mr. Benjamin if he had any objection to having food available at all times. Mr. Benjamin replied no.

Mr. Cawthorne noted that Barcelona was a nice, upscale establishment. He would like to see something like it in the western suburbs. He felt that the location is good and seems to have plenty of parking. He noted that Downers Grove is conservative.

Ms. King liked the fact that they will market the establishment to a 30 and over crowd and felt it would be good for Downers Grove. She wondered if the area was upscale enough. Mr. Benjamin felt that it was.

Chairman McInerney stated that the Village works with potential applicants and new classifications have been created to accommodate businesses. He noted that it is not a timely process. He noted that the location is far enough from residential area and large venues or activities should not affect the residents.

Mr. Benjamin thanked the Commission for their consideration.

Ms. Kuchynka stated that she would speak with the Mayor and proceed with drafting an ordinance.

~~Chairman McInerney asked for clarification on the email issue concerning the one drink per-person rule. Ms. Kuchynka stated that the Illinois Liquor Control Commission advised that it was the most violated liquor law. She noted that many communities do not enforce it. She noted that the rule was enacted years ago to prevent happy hours, essentially allowing employees to serve only one drink to one person at a time. She stated that sports venues, concert halls and arenas, patrons can get a number of drinks at a time. She stated that the Village cannot be less restrictive than the State and she typically advises~~



www.downers.us

January 30, 2008

**COMMUNITY RESPONSE  
CENTER**

630.434.CALL (2255)

**CIVIC CENTER**

801 Burlington Avenue

Downers Grove

Illinois 60515-4776

630.434.5500

TDD 630.434.5511

FAX 630.434.5571

**FIRE DEPARTMENT**

**ADMINISTRATION**

6701 Main Street

Downers Grove

Illinois 60516-3426

630.434.5980

FAX 630.434.5998

**POLICE DEPARTMENT**

825 Burlington Avenue

Downers Grove

Illinois 60515-4783

630.434.5600

FAX 630.434.5690

**PUBLIC WORKS**

**DEPARTMENT**

5101 Walnut Avenue

Downers Grove

Illinois 60515-4074

630.434.5460

FAX 630.434.5495

**DEPARTMENT OF COUNSELING**

**AND SOCIAL SERVICES**

842 Curtiss Street

Downers Grove

Illinois 60515-4761

630.434.5595

FAX 630.434.5599

The Honorable Ronald Sandack  
Mayor and Liquor Commissioner

Re: Proposed Ordinance Change - Entertainment/Restaurant Facility

Dear Mayor Sandak:

On January 3, 2008 the Liquor Commission considered a draft ordinance concerning an amendment to the entertainment facility license classification. The following finding was made:

**MR. BARNETT RECOMMENDED THAT THE DRAFT ORDINANCE BE AMENDED TO CREATE A CLASS "E-5" LICENSE AND PRESENT THE ORDINANCE TO THE VILLAGE COUNCIL FOR CONSIDERATION. MR. KUBES SECONDED.**

**VOTE: Aye:** Mr. Barnett, Mr. Kubes, Mr. Cawthorne, Ms. Strelau, Ms. King, Mr. Adank, Chairman McInerney

**Nay:** None

**Abstain:** None

**MOTION CARRIED: 7:0:0**

The Motion carried.

Further discussion of this subject can be found in the January 3, 2008 minutes of the Liquor Commission (attached).

Very truly yours,

Daniel McInerney, Chairman  
Liquor Commission

VILLAGE OF DOWNERS GROVE

a\EntFac



need of attention. He informed the Commission that the Police Department conducts spot checks and does DUI task force stops throughout the year.

Mr. Kubes asked if there are certain times per year that there is a noticeable increase in DUI activity. Lt. Budds replied holidays such as St. Patrick's Day, Thanksgiving break, 4<sup>th</sup> of July and New Years. He added the DUI arrests also typically occur on Fridays and Saturdays, then Saturdays into Sunday.

Mr. Kubes suggested that the Police Department contact the Park District and advise them that the Police may show up at a private event. He felt that just the mere presence of the Police may be a deterrent to underage sales and over service. Lt. Budds stated that the Police Department can contact the event coordinator and advise that they might stop in to check for compliance.

Chairman McInerney commented that Mr. Kubes suggestion for police presence was a great idea. He noted that the Village is faced with the challenge of creating a good environment and responsible alcohol service. He wanted to partner with the Police Department and help them to improve enforcement. He noted that there are no shortages of ideas, but it comes down to support of sensible enforcement activities and the need to apply new activities for catering and banquet facilities.

Chairman McInerney noted that ordinance compliance and over service are other issues to be discussed. He wanted to create an environment where the ordinance is effectively enforced. He noted that the Commission can recommend adjusting license fees to support enforcement activity. He thanked Lt. Budds for attending.

Lt. Budds stated that he could work with Legal to discuss additional enforcement activity. He would like to have some time to research options in order to do enforce effectively.

Chairman McInerney noted that over service is a big issue with the Commission. He noted that licensees are profiting from liquor service and felt that spot checking to insure nobody is over serving patrons might be a good thing to do.

Ms. King asked Lt. Budds if he can provide a chart indicating what liquor issues are the most time consuming or difficult to accomplish. Lt. Budds stated that he could come up with a list of what the Police Department does, what they would like to do and what they can accomplish.

Chairman McInerney asked that Lt. Budds have a few months to gather ideas and return to the Commission for further discussion in March.

The group thanked Lt. Budds for his time.

Ms. Kuchynka provided the Commission with a draft ordinance for a facility with entertainment. She asked Reggie Benjamin to step forward and be seated to answer any further questions of the Commission. She stated that Mr. Benjamin has reviewed a copy of the ordinance and was satisfied with the provisions. She distributed a copy of the Stardust menu for the Commission's review. She noted that the classification will allow a restaurant facility where entertainment is provided. She added that the Village will require food service as a condition of the license classification.

Ms. Kuchynka asked the Commission for their comments or concerns about the new classification and requested a recommendation from the group if they wished the Council to consider the amendment.

Ms. Kuchynka added that the licensee would have compliance tests just as any other license. Mr. Benjamin noted that they may card at the door after a certain hour and only let those over 21 in the club.

Mr. Kubes stated that establishing a new classification is a long and tedious process but thanked Mr. Benjamin for appearing before the Commission again. He noted that the ordinance change would provide a classification in which Mr. Benjamin could comply with. He reviewed the menu and noted that food service would be required along with BASSETT training for all employees.

Mr. Kubes asked Mr. Benjamin to explain the hours of business. Mr. Benjamin replied that he plans to be open Wednesday through Saturday for dinner only. He stated that there will be a VIP section where patrons could sit in a private area or reserve an area for a private party. Mr. Kubes asked about the general floor plan and asked tables and booths. Mr. Benjamin replied that they plan to have both, but the booths would be one-sided so that patrons would be able to look out at the dance floor. Mr. Kubes asked about music and if there would be bands. Mr. Benjamin stated that most music entertainment will be provided by a DJ. Mr. Kubes noted that the Commission will discuss items in greater detail at the application hearing.

Mr. Adank had no questions.

Ms. Strelau stated that she went to the website for Mr. Benjamin's other club. She noted that it seemed to be sophisticated with older clientele and asked if he would pattern this location after it. Mr. Benjamin replied yes. She was unsure if the way the ordinance as written would meet his needs. She wanted to be sure that the 20% bar area and 20% area for dancing/entertainment would meet his needs. Mr. Benjamin replied yes. He noted that he was meeting with his architect who will draw it up. He was unsure how much square footage 20% will be. He wondered if entertainment area was 20% of the entire square footage. Ms. Kuchynka replied the square footage would exclude the kitchen area, restrooms and/or office areas. Mr. Benjamin believed it would be sufficient for the 8,000 square foot facility.

Ms. King asked about the Stardust name and if he owned the name. Mr. Benjamin stated he owned the name.

Ms. King asked if Mr. Benjamin if he planned to charge a cover. Mr. Benjamin replied yes. Ms. King noted that a cover charge may turn away the younger crowd. Ms. King looked forward to the establishment, especially the upper-class nature he was portraying to the Commission.

Mr. Cawthorne was concerned about the hours of operation. He wondered if Mr. Benjamin was happy with the 1:00 am or 2:00 am closing times. He asked if Mr. Benjamin wanted a 4:00 am license. Mr. Benjamin replied yes. He added that his club in Italy sells alcohol until 4:00 am, and they stay open until 5am and noted that they promote food at that time. He noted that he would like to promote food after hours and sell water, coffee and juice.

Ms. Kuchynka advised that licensees may ask for liquor hour serving extensions up to eight times per year at a cost of \$50.00 per request. She noted that the requests have to be approved by the Mayor. Mr.

Cawthorne asked if North Beach closes at 2:30 am. Ms. Kuchynka stated that it may be their policy to have everyone out at 2:30 am. She added that licensees are allowed to let patrons remain and finish consuming their drinks up to one hour after the final sale of alcohol at 2:00 am and noted that food service, regardless, has to be available up to one hour prior to close. Mr. Cawthorne felt that for an operation like this to work, a 4:00 am license is the industry norm.

Ms. King asked what hour Chicago licenses go to. Ms. Kuchynka replied 4:00 am. She noted that the City of Chicago issues a late night license which is supplemental to their regular license.

Mr. Cawthorne asked what the maximum serving hours the Village can provide Stardust. Ms. Kuchynka replied 2:00 am on Saturday and 1:00 am Monday through Friday. She noted that patrons can linger and finish their drinks but all alcohol must be removed by 3:00 am and 2:00 am respectively. He wondered if the Commission should consider changing the hours of operation. Mr. Benjamin stated he would like a 4:00 am license. He noted he would like to serve food afterward.

Mr. Benjamin asked how many times per year he can receive an extension. Ms. Kuchynka replied 8 times per year. Mr. McInerney noted that approval of the request is at the discretion of the Liquor Commissioner.

Mr. Barnett asked why the establishment could not apply for a restaurant license. He wondered if an existing licensee could clear out a room. Ms. Kuchynka replied for banquets or to accommodate a large table, it is alright to move tables temporarily, but not on a permanent basis to create a dance floor. She noted that no licensee ever represented at their application that they would change the floor plan to accommodate a dance floor. Mr. Barnett asked about Emmett's and Stillwater. He noted that the floor plans in their side rooms are constantly being changed, with table, buffets, conference rooms, etc. Ms. Kuchynka replied that they did not represent that the area would be used for entertainment, but would be utilized for dining or banquet facilities. Mr. Kubes noted that Mr. Benjamin wants a dance floor that will never accommodate tables. Ms. Strelau asked if the dancing aspect changes the "primary business". Ms. Kuchynka replied yes and that the establishment would be more entertainment-oriented. Mr. Barnett asked if it should be categorized as a Class E, Entertainment License. Ms. Kuchynka replied that when she drafted the ordinance, she was unsure where the Commission's discussions would lead. Ms. Kuchynka stated that she could amend the draft and place this class with the entertainment classifications. Mr. Barnett noted that the wording is fine, but suggested adding a provision for music and dancing for patrons. He noted it would be more clearly separated and is much more discreet.

Chairman McInerney asked Mr. Benjamin to characterize the establishment and asked him to describe it. Mr. Benjamin replied a club with food. He would like it to be elegant with a good food menu that is open until 4:00 am.

Mr. Barnett stated that he is not adverse to the 4:00 am license and hoped to have future discussion about it. He noted that the classification is new and unique. Ms. Strelau noted she would like to have discussion about hours of service in general, noting Sunday sales hours. Mr. Cawthorne stated it might free up the police from being at all places as 2:00 am. Chairman McInerney noted that traffic from other establishments after 2:00 am to this establishment could be an issue and an opportunity for the party not to end. He did not feel that adequate public transportation is available in Downers Grove like it is in the City. Ms. Perez noted that if officers would be required to handle DUI's between 4:00 am and 5:00 am, there

could be an issue with overtime. Ms. Kuchynka noted that before the Commission discuss the issue any further, she would like to get comments from the Police Department. She was unsure if there are any other communities in the surrounding areas that have a 4:00 am license. Mr. Barnett recalled a number of them are in Cook County. Ms. Kuchynka noted that there will be an influx of people going from 2:00 am bars over to the 4:00 am bars. Mr. Kubes noted that Mr. Benjamin choose Downers Grove and was fully aware of the 2:00 am Saturday closing hours. Mr. Barnett noted that there are two separate hours of service issues and noted Mr. Cawthorne's issue about 4:00 am service hours and Ms. Strelau's issue about Sunday serving/sales hours.

Mr. Barnett was encouraged that Mr. Benjamin is seeking to bring an upscale facility to Downers Grove. He believed that the Village can create an atmosphere where activities can go on safely until 4:00 am without disturbing or disrupting the residents.

Mr. Barnett asked Mr. Benjamin to explain the floor plan, give details about activities that would take place and the intent of the establishment so that the group is clear with his plans. Mr. Barnett noted that he looked at the website for Club Margot. He noted that it is an upscale club geared toward older adults. He wanted it to be clear that The Stardust facility would be a dance club with food and not just a place to hang out and drink. Mr. Benjamin noted that the establishment is not like a normal restaurant. He stated that it will be an upscale, elegant dance club atmosphere with food service. He stated that the tables are ½ tables that look out on the dance floor. He stated it is a club with food, but noted that food service is encouraged and noted food service will always be available. He stated that rather than large meals, small appetizers are served with wine or champagne. He noted they will have bottle service. He noted that his establishment in Italy is more of a destination to hang out, but they do encourage food. Mr. Barnett noted that a challenge for Mr. Benjamin will be to get the Village Council to approve this classification and have a comfort level with the activities that will go on there.

Mr. Barnett reiterated Mr. Benjamin's statement that they will have a dance floor with food. He encouraged the Village Council to view the Margot website. Mr. Benjamin stated that they could also visit his other club at [victorhotel.it](http://victorhotel.it) and noted that was more similar to what they are planning for Downers Grove. He wants the establishment to be exclusive where patrons make reservations. He noted that they will serve high end food and high end liquor. He wanted to have a high cover charge as it will attract an older clientele. Mr. Barnett noted that the primary function would not be the restaurant activity.

Mr. Barnett asked if there will be a lot of customer turnover between 9:00 pm and 2:00 am or if the establishment will it be more of a destination for patrons. Mr. Benjamin replied most patrons would make it a destination and stay, but the older clientele may not stay through the early AM hours.

Mr. Barnett asked Mr. Benjamin to explain the VIP section. Mr. Benjamin replied that will be a reserved area which will be separated from the general public. Mr. Barnett asked if the areas will be fully accessible in the event the Village wanted to do a compliance check. Mr. Benjamin replied absolutely. He noted that if there is a celebrity present, he would like to have extra security at that area.

Mr. Benjamin is willing to work with the Village but does not want to take out his entire design and plan and noted that he would like to stay open until 4:00 am. Mr. Barnett stated that his request was not insurmountable but advised Mr. Benjamin is asking for changes which may not come easily or quickly.

Chairman McInerney asked Ms. Kuchynka if Mr. Benjamin could qualify for the E-2-C license classification if the square footage was changed. Ms. Kuchynka replied no and added that license is for a recreation facility where the definition addresses sports or physical activity requirement.

Ms. Kuchynka noted that a new E-5 class could be created which allows a entertainment/restaurant facility which shall authorize liquor service where meals are regularly served and entertainment is provided. She stated that she can take the emphasis off the restaurant as being the primary business being and include an entertainment/dance area. Chairman McInerney noted that dancing and entertainment would regular activities and he would rather not have the facility categorized as a restaurant. He asked that the license be limited to one. Ms. Kuchynka noted that all proponents of the Entertainment license classification have a food service requirement, and noted, however, food service is not intended to be the "primary business". She was unsure what the Commission envisioned for the license but would be happy to amend the draft accordingly. Mr. Barnett noted that the wording in the draft was fine, but it could be placed under the Entertainment classification.

Chairman McInerney noted his concern with the hours of service. He noted that no good activity goes on late night at club-type facilities. He felt that it would open up the opportunity for a bad environment. He was comfortable with allowing late night food service, but not extending liquor serving hours. Ms. Kuchynka noted that she can put the issue of hours of operation on a future agenda. She noted that there may be an option to require an extra late night hour license, but she wanted to discuss the matter with the Mayor and Police Department for their opinion on the issue.

Mr. Kubes asked if Omega has a license. Ms. Kuchynka replied yes. Mr. Kubes noted that they are open 24 hours and stop serving liquor at 2:00 am. Ms. Kuchynka noted other packaged stores such as 7-11 and White Hen stay open 24 hours, but stop liquor service. Ms. Kuchynka noted that she will provide the Commission with the ordinance provision concerning the time drinks need to be removed from the table. Mr. Kubes wondered why the patrons of Stardust could not stay and drink juice or non-alcoholic drinks while staying open later. He was concerned with extending liquor serving hours.

Mr. Kubes agreed with Chairman McInerney that extra hours of service may not positively benefit the establishment. He would rather address the possibility of them staying open without liquor.

**MR. BARNETT RECOMMENDED THAT THE DRAFT ORDINANCE BE AMENDED TO CREATE A CLASS "E-5" LICENSE AND PRESENT THE ORDINANCE TO THE VILLAGE COUNCIL FOR CONSIDERATION. MR. KUBES SECONDED.**

**VOTE: Aye:** Mr. Barnett, Mr. Kubes, Mr. Cawthorne, Ms. Strelau, Ms. King, Mr. Adank, Chairman McInerney

**Nay:** None

**Abstain:** None

**MOTION CARRIED: 7:0:0**

The Motion carried.

**Kuchynka, Carol**

---

**From:** Reggie Benjamin [reggiebenjamin@yahoo.com]  
**Sent:** Monday, November 26, 2007 3:25 PM  
**To:** Kuchynka, Carol  
**Subject:** REGGIE BENJAMIN's STARDUST BUSINESS PLAN

**Attachments:** 1167443208-STARDUST BUSINESS PLAN.doc



STARDUST  
BUSINESS PLAN.doc (5)

Dear Ms. Kuchynka,

Thank you so much for taking the time to speak and educate me on the Village of Downers Grove and its Laws. It's nice that Downers Grove is there to help future and present business owners. Attached is the Business plan that we talked about.

I really feel I can bring something completely different and unique to Downers Grove including putting it on the map more than it is now especially with my friends being A-list celebrities, which in return gets publicity for my business and Downers Grove. With my experiences and my education I think I can make this Restaurant Lounge with Dance a successful one.

With my Father being a pastor and my brother who is the Asst. Director of Finance for Illinois, I know the responsibility and the hard work it takes to make a successful business, especially an establishment that serves liquor.

I understand that Downers Grove doesn't have the exact license I'm looking for, but I would appreciate considering establishing one that will fit this need. The other villages such as Lombard have such types of licenses and with the Boom the Lombard is having now, I think we can compete. It is hard to compete when we are next door to North Beach, and can't have the same type of License without sports. We want to remain VERY upscale and trendy, not so much on beer, but wines and Martinis, elegant finger foods. Many places these days have lost the elegance of a restaurant lounge.

Thank you so much for your time

Reggie Benjamin  
630.675.6473



## **STARDUST PROPOSAL**

**11/07/07**

This proposal constitutes an informal description of the opportunity to participate in the re-emergence of the successful "STARDUST". An Upscale Trendy Restaurant Lounge with Dance.

### **KEY CHARACTERISTICS:**

- ❖ Liquor License
- ❖ No other place in the suburbs at this caliber
- ❖ Food, Music and Dance.

## **THE CONCEPT**

The **STARDUST** concept is deeply rooted in the marriage of RESTAURANT to VIP LOUNGE with dance. While **STARDUST** was not the first club in Downers Grove to attract a "VIP" clientele, it was widely agreed to be the foremost "PLACE" of its genre and the most notable manifestation of VIP Restaurant/Lounge.

This concept takes on a fresh approach by making optimal use of the square footage of the space, liquor license and location. Innovative and bold design ideas combined with new approaches to music and programming will help create and instant modern day classic. While contemporary and maximum in architectural design, the new space will be warm and inviting. Unique programming and diversity are and have been the cornerstones of **STARDUST'S** promotional campaign. It has never been our goal to compete directly with any other club, but rather to set new standards. The targeted demographic will include singles and couples ranging in age from 21 - 60. The average age will be 30 and will tap into the resources of the neighborhood for its core clientele.

## **INTEGRAL ELEMENTS**

### **Service and Quality**

Believing that quality trickles down from management, the experienced and service-oriented management team will ensure proper training for all staff from day one. From sound to design and service to promotions, quality and attention to detail will be the main focus, assured by constant evaluation.

### **Design**

Appealing to the senses, **STARDUST** will feature original, yet affordable concepts in design from the entrance to elegant lavatories.

### **Adaptability**

**STARDUSTS** will insure profitability by continuously adjusting its programming and values to align with current and anticipated trends.

## **DESIGN**

The new Tran entrance will diagonally oppose two existing venues. **STARDUST** design will welcome patrons by incorporating elements of organic movement to create an energetic atmosphere that will not exclude the casual patron. Minimalist in nature, the space will incorporate economical and durable designs to create an environment that is warm and modern. Materials will include wood, stainless steel and marble and granite works. A neutral earth toned palette will be combined with rich, saturated red and amber.

## **PUBLIC RELATIONS CAMPAIGN**

**STARDUST** strategy since the beginning has been to develop a core clientele. Using past methods combined with new strategies, **STARDUST** will seek to not only tap into its existing client base, but to also reach out and create a new faithful following. With the unique Management team we will bring in a wide variety of celebrities to give public notoriety.

The location of the new venue in Downers Grove will create greater opportunities for the increase of patronage. Downers Grove has become a hot bed for the newest and latest in lounges and restaurants, creating a new entertainment district. Customers are able to park their cars in one place and enjoy all the amenities the neighborhood has to offer. Additionally, according to DOT, nearly \_\_\_\_\_ cars a day use Butterfield Rd. Past experience has proved such proximity to a major artery to be an essential element of a club's success.

Included in the marketing plan are:

Exclusive articles with *ALL PAPERS*

Local articles with *ALL MAGAZINES*

Web site and e-mailing list

## **SCHEDULED OPENING WEEK CAMPAIGN**

Press Party - Wednesday

Industry Night - Thursday

VIP Opening Night – Friday With celebrities

General Opening Night – Saturday with Celebrities

## **MERCHANDISING**

We contemplate the sales of merchandise, such as hats, t-shirts and similar items, incorporating **STARDUST** name and logo. Although revenues from the sales of such items have not been included in the financial projections, all such revenues generated at the club will be treated as revenues of the partnership.

## **AQUISITION AND DEVELOPMENT COST**

An additional \$1,000,000.00 will be required for the expansion and development of Stardust, allowing for an opening operation budget of \$100,000.00.

## **THE MANAGEMENT**

The **STARDUST** management team consists of Reggie Benjamin and Mark Shayatovich. Both Benjamin and Shayatovich offer years of nightclub and restaurant management experience both here and abroad.

In 1994 Mr. Benjamin founded Club Elixir, which was followed by the openings of Star Dust in 1996, the Diesel Cafe in Michigan Avenue's Bloomingdales mall in 1998, and Rednofive in 2000.

Mark Shayatovich joined Reggie Benjamin at Elixir in 1994, where he served as General Manager and VIP Host. In 1996 he and Reggie Benjamin opened their first joint venture, Star Dust. Their partnership continued with the opening of the Diesel Cafe in 1998, and Rednofive in 2000.

### **Mark Shayatovich**

#### **EXPERIENCE**

2000-present REDNOFIVE Chicago, IL - Owner

1997-1998 DIESEL CAFE Chicago, IL

As an owner/partner, designed and produced all print advertising; disseminated promotional materials to commercial marketing partners.

Served as liaison between cafe and public relations firm, press, and model agencies.

1996-2000 STARDUST Chicago, IL

Owner/Manager

Supervised and coordinated door operations, security and restaurant staff, as well as the selection of guest celebrities.

Designed and produced all print advertising; ensured distribution of promotional materials to commercial marketing partners.

Served as liaison with public relations firm, press, and model agencies.

Hosted VIP guests and celebrities including Jewel, Gwen Stefani and No Doubt, David Schwimmer and John Cusak.

Developed and cultivated cross-promotional relationships between club and specialty retailers.

1994-1996 ELIXIR Chicago, IL

General Manager

Supervised door operations, security and general management duties.

Hosted VIP guests and celebrities including Mel Gibson, Michael Jordan, and Dennis Rodman.

1985-1995 KNEPPER, MOGA, KRIMEN AND CURRAN, P.C. Chicago, IL

Partner

Represented clients in healthcare finance litigation.

EDUCATION Valparaiso University School of Law

Juris Doctorate May 1985, Valparaiso, IN.

Lake Forest College

Bachelor of Arts, Sociology/Anthropology May 1980, Lake Forest, IL.

**Reggie Benjamin**

EXPERIENCE REDNOFIVE Chicago, IL

2000-to 2001 Owner/Manager

Implemented a complete rehab of the building, design, sponsorship, sourcing and staffing and promotion for club events. Duties include

Building maintenance, staff supervision, daily reconciliation, and business decisions.

1997-1998 DIESEL CAFE Chicago, IL

Owner/Manager

1996-2000 STAR DUST Chicago, IL

Owner/Manager

A 10,000 square foot space designed by the owners and open five nights weekly.

Duties included business decisions, staff management and solicitation of special events.

1994-1996 ELIXIR Chicago, IL

Built, opened and managed by the partners. Duties included sourcing, ordering, staffing and daily reconciliation.

EDUCATION Columbia College and UIC

BA in Business and Music.