

**VILLAGE OF DOWNERS GROVE**  
**REPORT FOR THE VILLAGE COUNCIL WORKSHOP**  
**JUNE 23, 2009 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 eliminate the E-5 license classification for on-site consumption of alcoholic liquor at an Entertainment/Restaurant facility.

**STRATEGIC PLAN ALIGNMENT**

The Downers Grove Vision for 2022 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 July 7, 2009 active agenda.

**BACKGROUND**

On March 18, 2008, the Village Council adopted Ordinance No. 4962 which created a liquor license classification allowing the consumption of alcoholic liquor at an Entertainment/Restaurant Facility. The owner of Stardust had 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/DJ station, lounge and dining area. Due to the amount of staff resources devoted to monitoring this license classification and the fact that this license was tailored to the Stardust facility which has since ceased operation, it is recommended that the license classification be removed from the Liquor Code.

The Liquor Commission discussed this matter at their meeting of June 4, 2009, and unanimously recommended that the ordinance be forwarded to the Council for their consideration and approval.

**ATTACHMENTS**

Draft Ordinance

Liquor Commission Recommendation & Minutes – June 4, 2009

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

**AN ORDINANCE ELIMINATING THE E-5 LIQUOR LICENSE CLASSIFICATION**

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 and theater production/box office events.
2. Alcoholic beverage sales shall not be allowed during regularly scheduled motion pictures or films or during events that are primarily oriented for children.
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. Alcoholic liquor may be served during theater production/box office events during one (1) hour prior to the event, during intermission not exceeding two (2) consecutive hours and for no more than one (1) hour after an event. However, an extension of liquor serving hours may be granted in accordance with the provisions of Section 3.31(a).
7. Food service must be available during contracted theater rentals and theater production/box office events 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.

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8. 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/theater production/box office event 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 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-3-D" Entertainment/Recreational Facility licenses shall authorize the sale of alcoholic liquor for consumption on the licensed premises where the major and primary business is that of a billiard hall recreational facility of not less than six thousand (6,000) square feet and having a guest seating capacity, excluding outdoor areas, of not less than one hundred (100). Bar/lounge seating shall be no more than twenty percent (20%) of the total seating provided for patrons of the establishment. Such facility shall have an area where food is prepared on the premises and food service shall be available during operation. Such facility shall be limited to patrons 21 years of age and older.

"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

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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.~~

### **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 B, C, E, P-O-2, R or W license and shall be limited to the conditions of the Class B,C, E, P-O-2, R or W license issued to the establishment. The main and principal operation of the outdoor area for Class B, E, P-O-2, R or W license holders 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. Operation of the outdoor area for a Class C license is limited to private party rentals and shall be subject to the provisions set forth in Section 3.32.

**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 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 "P-O" On Premise and Off Premise Consumption Licenses**

"P-O-2" Packaged liquor licenses shall authorize the retail sale of alcoholic liquor. Such licenses shall be only authorized in locations where a grocery store is the main or principal business.

(1) The sale of alcohol, in original packages, unopened only, shall be permitted subject to the following conditions:

- a. No more than ten percent (10%) of the retail sale square footage area shall be devoted to the sale of tobacco products.
- b. Free tastings, classes or seminars shall be permitted on such premises in accordance with State law.
- c. Alcohol sold in original packages and intended for off-premise consumption shall not be opened or consumed on the premises or in any designated seating/serving area.
- d. Hours for the sale of alcohol, in original packages, unopened only, shall be in accordance with Section 3-31(b).

(2) The sale of beer and wine only shall be permitted for consumption on the premises subject to the

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following conditions:

- a. The premises shall exceed five thousand five hundred (5,500) square feet and be located within the Downtown Business District.
- b. The seating/serving area for customers consuming beer and wine on the premises shall be limited to ten percent (10%) of the gross retail square footage, but shall not exceed five hundred fifty (550) square feet.
- c. Consumption of beer and wine on the premises shall be limited to the designated seating/serving area and signage shall be posted that patrons may not leave the area with open alcohol.
- d. Such facilities shall include an area where food is prepared and regularly served on the premises, including hot or cold sandwiches, appetizers, tapas, baked goods or other similar foods.
- e. It is intended that the service of alcoholic liquor is merely an adjunct to the operation of a grocery store and that the facility shall not be advertised or otherwise held out to be a drinking establishment.
- f. Hours for the sale of beer and wine only, for on-premise consumption, shall be in accordance with Section 3-31(a).

### **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

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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.**

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"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)	\$3,240.00
"C-1" (Club, private)	\$ 770.00
"E-1" (Theater)	\$1,700.00
"E-2" (Comedy Club)	\$1,700.00
"E-3-A" (Golf Course)	\$1,860.00
"E-3-B" (Recreational Facility - beer/wine)	\$2,300.00
"E-3-C" (Recreational Facility - full)	\$3,670.00
"E-3-D" (Billiard Hall - full)	\$3,670.00
"E-4" (Cultural/Performing Arts Facility - beer/wine)	\$1,930.00
<del>"E-5" (Entertainment/Restaurant Facility - full)</del>	<del>\$3,670.00</del>
"H-1" (Hotel)	\$4,050.00
"K-1" (Catering - full)	\$ 950.00
"K-2" (Catering - Park District - beer/wine)	\$ 1,090.00
"O-1" (Outdoor)	\$ 270.00
"P-1" (Packaged - full)	\$2,070.00
"P-2" (Packaged - beer/wine)	\$1,300.00
"P-3" (Packaged - wine shop)	\$1,240.00
"P-O-2" (Packaged - full off premise and beer/wine on premise consumption)	\$ 1,840.00
"R-1" (Restaurant - full)	\$3,100.00



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"R-2" (Restaurant - beer/wine)	\$1,750.00
"S-1" (Special Event)	\$ 420.00
"S-2" (Special Event)	\$ 95.00
"W-1" (Wine Boutique)	\$
1,550.00	

(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-3-D" (Billiard Hall - full)	1
"E-4" (Cultural/Performing Arts Facility - beer/wine)	1
<del>"E-5" (Entertainment/Restaurant Facility - full)</del>	<del>1</del>
"H-1" (Hotel)	Unlimited
"K-1" (Catering - full)	4
"K-2" (Catering - Park District - beer/wine)	1

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"O-1" (Outdoor)	Unlimited
"P-1" (Packaged-full)	17
"P-2" (Packaged -beer/wine)	10
"P-3" (Packaged - wine shop)	3
"P-O-2" (Packaged - full off premise and beer/wine on premise consumption - Grocery Store)	1
"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.

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Mayor

Passed:

Published:

Attest: \_\_\_\_\_

Village Clerk



www.downers.us

June 17, 2009

**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**

5420 Main Street  
Downers Grove

Illinois 60515-4834

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

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The Honorable Ronald L. Sandack  
Mayor and Liquor Commissioner

Re: *Elimination of the E-5 Entertainment Facility Liquor License Classification*

Dear Mayor Sandack:

On June 4, 2009, at a regular meeting of the Downers Grove Liquor Commission, the members made a recommendation to forward a draft ordinance to the Council which would eliminate the E-5 liquor license classification. The following finding was made:

**MS. KING MOVED TO ELIMINATE THE E-5 LICENSE CLASSIFICATION. MS. FREGEAU SECONDED.**

**VOTE:**

**Aye:** Ms. King, Ms. Fregeau, Ms. Strelau, Mr. Krusenoski, Mr. Adank, Chairman  
McInerney

**Nay:** None

**Abstain:** None

**MOTION CARRIED: 6:0:0**

The Motion carried.

This motion can be found in the June 4, 2009 minutes of the Liquor Commission (attached).

Very truly yours,

Daniel McInerney, Chairman  
Liquor Commission

VILLAGE OF DOWNERS GROVE

**Attachments**

cc: April Holden, Village Clerk

atrecommend.l-clelim-E-5

Ms. Kuchynka stated that Mr. Bedalov has been working with Mr. Bailey at Rocca's to get their patio enclosure into compliance. She stated that they were considering an enclosure similar to Capri or will install a base structure for the planter boxes. Ms. Strelau wondered how long they will get away with not following their plan. She was concerned that only plastic chain link fencing is the only thing separating them from the ice cream store. She noted that the structure does not match what was presented to the Commission and they have been spoken to twice about the issue, yet nothing has been done to bring them into compliance. Ms. Kuchynka advised that Rocca's will be given until the end of June, or before their license is renewed to correct the enclosure and/or get the enclosure into compliance.

Ms. Strelau stated that the planters were well below the proposed size of 24" with 3 feet of greenery. Chairman McNerney agreed and noted that the plan presented and approved at the time of issuance is what matters. He added that the type of enclosure is not prescribed by the Ordinance. Ms. Petrarca stated that before they get the new license on July 1, they will need to be in compliance. Ms. Kuchynka added that if they do not comply, the indoor license will only be issued. Ms. Strelau stated that they are particular on how licensees are to serve indoors but take a hands off approach when dealing with outdoor areas. Ms. Petrarca noted that each establishment is unique and enclosures need to be approved on a case-by-case basis, which is why specifics are not set by ordinance.

Mr. Krusenoski stated that Rocca's should be held accountable for what they presented to the Commission. Chairman McNerney agreed and wondered how much latitude and time should be given. He wondered what was a reasonable time frame would be to correct the deficiency. Ms. Strelau was pleased that they have to comply by July 1<sup>st</sup>.

## VII. NEW BUSINESS

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

Ms. Kuchynka advised that the Council will be considering the packaged full alcohol and beer and wine only on-site consumption license classification at their workshop meeting of June 9<sup>th</sup>. She provided a copy of the packet for the Commission's review. She noted that the Binny's license classification has been placed temporarily on hold. Ms. Kuchynka stated that the ordinance has been updated to include annual license fees based on the 2009 Cost Center Analysis. Chairman McNerney asked if staff was going to retain the P-O-2 license numbering. Ms. Kuchynka advised that the numbering makes sense as the "R-1" category are full liquor and the "R-2" category is beer and wine only. She anticipated adoption of the Ordinance on June 16<sup>th</sup> and expected the Lemon Tree to apply soon thereafter. Ms. Kuchynka was unsure if there will be a July meeting, unless materials were received in a timely manner.

Ms. Kuchynka stated that she would like to discuss the Class E-5 entertainment license classification. She stated that she had been asked to get feedback from the Commission about reducing the number of these licenses or eliminating the classification all together. She noted the license was created specifically for Stardust and advised that the business has since closed.

Ms. Kuchynka stated that there have been issues with the entertainment license classification and advised that these facilities have created some burden on staff and Police Department resources in excess of what is experienced by traditional restaurant license holders. She stated that the Commission should revisit this license classification and the fees associated therewith.

Ms. Petrarca stated that the E-5 license classification was very specific to Stardust and written particularly for their operation. Ms. Strelau wondered what would be the benefit to reducing the number to zero rather than taking the classification out all together. Ms. Kuchynka replied that any new applicant of this nature would have to start from the beginning to get a new classification created.

**DRAFT**

Chairman McInerney stated that process would cause more hurdles for an operation to obtain a license in the Village. He felt businesses of this nature would have one meeting to discuss the operation, an ordinance change would then be required to either create a new license, then another meeting to hear the application - or if they keep the classification, the entertainment license could be increased from zero to one.

Ms. Petrarca advised by eliminating the class, the Village would have the option to re-create a license on a case-by-case basis.

Ms. Kuchynka stated that the Commission should revisit the entertainment class in general and perhaps amend them to address excessive staff time and resources utilized. Ms. Strelau felt that the amount of staff time and monitoring need to be taken into consideration. Chairman McInerney stated that the Commission gave Stardust latitude to operate but the experience failed.

Ms. Fregeau was comfortable removing the license classification. Ms. Strelau agreed that the classification be removed and should another application come forward, the process started again from scratch. Ms. Kuchynka requested a motion.

**MS. KING MOVED TO ELIMINATE THE E-5 LICENSE CLASSIFICATION. MS. FREGEAU SECONDED.**

**VOTE:**

**Aye:** Ms. King, Ms. Fregeau, Ms. Strelau, Mr. Krusenoski, Mr. Adank, Chairman McInerney

**Nay:** None

**Abstain:** None

**MOTION CARRIED: 6:0:0**

The Motion carried.

Ms. Kuchynka noted that she will draft an ordinance eliminating the E-5 license class. Ms. Strelau stated that license additional fees should be taken into consideration for monitoring if they reconsider this license.

~~Ms. Kuchynka stated that the July meeting would be held on the 9<sup>th</sup>, pending receipt of application materials.~~

~~Ms. Kuchynka advised the Commission that she was in the process of renewing annual liquor licenses.~~

~~Ms. Kuchynka mentioned three DUI Notifications for Ballydoyle. She stated that the Mayor advised her to speak with them and the legal staff personally. Ms. Strelau was concerned with the fact that all of the incidents occurred mid-week.~~

~~Ms. Kuchynka was pleased to advise that there were no DUI Notification letters sent out in the month of May.~~

**VIII. COMMENTS FROM THE PUBLIC**

~~Ms. Allison King listened to the North Beach hearing and felt that they have gotten away with violations too many times. Ms. Strelau asked if they were going to pay the penalties in time for the renewal. Ms. Kuchynka noted that all fines and fees must be paid prior to renewal. Ms. Fregeau wondered if they have any recourse to go after the licensee. Chairman McInerney replied it could go to collection.~~