

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
OCTOBER 5, 2010 AGENDA**

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

SYNOPSIS

Ordinances been prepared amending the Liquor Code which would:

- Allow on-site consumption of alcoholic liquor at a video gaming facility;
- Amend the definition of recreational facilities in the Liquor Code to allow on-site consumption of beer and wine at an Indoor Simulated Golf Facility;
- Amend Sunday hours for the on-premise consumption of liquor.

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 October 12, 2010 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 a video gaming facility. Currently, the Village does not have a license classification which would allow on-site consumption for premises where the primary business is where the public may participate for a fee in organized, competitive video gaming, online and through the use of video gaming consoles (i.e. Wii, XBox, PlayStation). Food service will be available at all times, however restaurant activities would not be the primary business of the establishment. The bar/lounge area will be limited to 20% of the total seating available in the establishment.

The Downers Grove Liquor Commission discussed another request to allow the consumption of beer and wine at an Indoor Simulated Golf Facility. Currently, the Village allows beer and wine consumption at certain recreational facilities which are sport oriented. Staff proposed amending the recreational facility definition to include indoor simulated golf as it is in line with the nature of the classification where activities such as volleyball, tennis, racquetball or handball clubs, bowling, pool are the primary business of the establishment. Limited food service will be available, however, restaurant activities would be ancillary to the primary business. The bar/lounge area will be limited to 20% of the total seating available.

The Municipal Code was amended in February of 2009 to allow the sale of alcoholic liquor for off-premise consumption to begin at 9:00 a.m. on Sundays. Currently, alcoholic liquor cannot be sold prior to 12 noon on Sundays at on-premise licensed establishments. A number of surrounding communities have amended

Sunday liquor sales hours for on-premise license holders, including Westmont (9:00 a.m.), Lisle (10:00 a.m.), Woodridge (6:00 a.m.) and Darien (9:00 a.m.) and most recently, Naperville (8:00 am.).

In an effort to remain competitive with our surrounding communities, staff presented a draft ordinance to the Liquor Commission to allow on-premised licensees to be able to offer liquor on Sundays beginning at 9:00 a.m. All other liquor sale hours will remain unchanged. (Monday through Friday 8:00 a.m. – 1:00 a.m. and Saturday 8:00 a.m. through 2:00 a.m.)

The Liquor Commission discussed these matters at their meeting of September 9, 2010 and unanimously recommended that the ordinances be forwarded to the Council for their consideration and approval.

ATTACHMENTS

Draft Ordinances

Liquor Commission Recommendation & Minutes – September 9, 2010

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Indoor Golf

ORDINANCE NO. _____

AN ORDINANCE AMENDING RECREATIONAL FACILITY 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 3.3 is hereby amended to read as follows:

3.3 Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

* * *

Recreational facility. A place in which the public may participate in a sport or engage in activities, including but not limited to volleyball, tennis, racquetball or handball clubs; bowling alleys, pool halls, **indoor simulated golf facilities,** and health clubs. Provided, such facilities shall include an area in which service of food prepared on premises is provided, including hot or cold sandwiches or other similar foods.

* * *

Section 2. 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:

License Classification	Amount of licenses not to Exceed
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* * *

"E-3-B" (Recreational Facility - beer/wine)	01
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* * *

Section 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. 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



www.downers.us

September 23, 2010

The Honorable Ronald L. Sandack
Mayor and Liquor Commissioner

Re: *Amending Recreational Facility Definition*

Dear Mayor Sandack:

On Thursday, September 9, 2010, 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 amend the definition of recreational facilities to allow indoor simulated golf facilities. The following finding was made:

MS. KING RECOMMENDED TO AMEND THE RECREATIONAL FACILITY DEFINITION TO INCLUDE INDOOR SIMULATED GOLF FACILITIES. MS. FREGEAU SECONDED.

VOTE: **Aye:** Ms. King, Ms. Fregeau, Ms. Strelau, Mr. Clary, Chairman McInerney

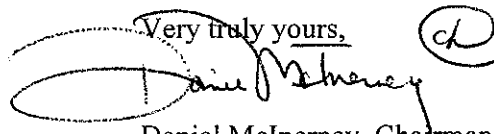
Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

The motion carried.

This motion can be found in the September 9, 2010, minutes of the Liquor Commission (attached).

Very truly yours,

Daniel McInerney, Chairman
Liquor Commission

VILLAGE OF DOWNERS GROVE

Attachments

cc: April Holden, Village Clerk

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COMMUNITY RESPONSE
CENTER
630.434.CALL (2255)

CIVIC CENTER
801 Burlington Avenue
Downers Grove
Illinois 60515-4782
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 60515-4046
630.434.5460
FAX 630.434.5495

DRAFT

Recreational Facility Definition Amendment

Ms. Kuchynka discussed an amendment to the recreational facility definition to include a provision to allow a license for an indoor simulated golf facility and increase the number of beer and wine only licenses from zero to one.

Ms. Kuchynka stated that a representative from Bogies Indoor Golf were in attendance to discuss the request. She asked that he introduce himself and state and spell his name for the record.

Mr. Greg Sheffield introduced himself as the owner of Bogies Indoor Golf.

Ms. Kuchynka stated that there are two Bogies location in operation. She stated that they operate in Oswego and Bloomington. Mr. Sheffield advised that he held a liquor license for the Bloomington location.

Ms. Kuchynka advised that the recreational facility license authorizes the sale of beer and wine where the primary business is a recreational facility. She noted that there is a minimum seating requirement of 35. She stated that food service must be available.

Ms. Strelau asked where the facility will be located. Mr. Sheffield replied a few doors down from Game Pazzo in the Meadowbrook Shopping Center. He stated that the location is a bit large for what they want to do.

Mr. Sheffield stated that they are currently in the process of expanding the Oswego facility to 20,000 square feet with a full restaurant. He stated that location was open in 2007. He stated that the Bloomington location has been open since 2001. He noted that lease is up.

Mr. Sheffield stated that the simulators are 12 ½ by 30 feet large which will take about 2,600 square feet of the facility. He stated that they will have a teaching room and training room for lessons by outside golf professionals. He stated he is a PGA golf professional who will provide lessons. He stated that they will have some pool tables, arcade games and dart boards with some seats.

Mr. Sheffield stated that each simulator area seats four. He stated that there will be 6-8 seats at the bar. He stated that there will be 40-50 seats in the establishment.

Ms. Strelau asked about the games. Mr. Sheffield stated that they will have dart boards, a pool table (space permitting) and Golden Tee. She asked about video poker. He would not have video poker. Ms. Strelau noted that the Village banned it.

Ms. Strelau asked how long he has been operating. Mr. Sheffield replied in Oswego since 2007 and in Bloomington since 2001. He stated that he did not renew the license for the Bloomington location since the lease was up and they knew they were moving. He stated they are looking to relocation and felt that it will be significantly more busy in Downers Grove than there.

Chairman McInerney asked Mr. Sheffield about his liquor license record in those communities. Mr. Sheffield replied he has had no incidents in Bloomington over 9 years. He stated that he had one issue in Oswego where an undercover agent was not carded and was served. He stated that the employee was suspended for two weeks without pay. He noted that the employee was busy but that was no excuse for not doing his job. He stated that staff training is regularly refreshed.

Mr. Sheffield stated that they plan to have 6-7 total employees. He stated that the establishment should be very easy to monitor.

Chairman McInerney asked about the simulators. Mr. Sheffield replied that golf customers hit a ball into a screen in where a golf course is projected on a large screen. He stated that there are 60+ courses to play. He stated that they use their own clubs.

Ms. King asked how large the facility is. Mr. Sheffield replied 7,000 square feet.

Chairman McInerney wondered the difference in video golf and the video gaming facility. Ms. Kuchynka replied that this more of a physical activity than a gaming facility. She was not certain that video gaming played at consoles would fall into the established definition of recreational facility where customers participate in a sport or engage in activities, such as volleyball, tennis, racquetball, handball, bowling or pool. Ms. Kuchynka stated that with exception of the Wii, video games are really not considered a sport or physical activity. Ms. Fregeau stated that their initial concept of the gaming facility has also changed from their initial concept beliefs.

Chairman McInerney noted that there are good examples where the Liquor Commission creates licenses on a case-by-case license. Ms. Strelau agreed. She did not feel what they do is special, but was concerned with layout, kitchen facilities and bar areas. She stated that what is done in the facilities is ancillary. She agreed with the Chairman that licenses are becoming more difficult than they need be.

Ms. Strelau asked if the square footage requirement is necessary. Chairman McInerney noted that the square footage is usually based on the square footage of the establishment at the time they have created the license. Ms. Kuchynka stated that the Commission may consider revamping the license categories on a future agenda. Ms. Strelau stated she was concerned most with Stardust and Rita's which started out with one concept and had completely finished under another. She stated that the Commission goes at it in a pure look, but these licensees have evolved and then end up not matching what the Commission drafts.

Ms. Kuchynka stated that the legal department is trying to control evolvement of licensees from being different from what they propose which is why they have been specific with requirements. Ms. Strelau stated that the Commission should review some of the more convoluted classifications. Ms. Strelau asked that the Commission review the license classifications on a future agenda.

Chairman McInerney noted that the Commission first tries to accommodate a business activity into an existing license structure. He stated that making a simple modifications to the ordinance by adding indoor simulate golf facilities to the definition was fine in this instance.

Ms. Kuchynka noted that the gaming facility has retail, dining, gaming, etc. Chairman McInerney noted that a lot of businesses have a retail component. He stated that the Commission is not concerned with the retail component, but the liquor service.

Ms. Strelau did not have a problem with amending the recreational facility license to include indoor simulated golf.

Ms. Fregeau asked Mr. Sheffield about his projected alcohol sales. Mr. Sheffield anticipated \$50,000 per year or 10-15% in alcohol revenue.

Mr. Sheffield stated that they are seasonal. He stated that they choose locations based on the rent. He stated that they may close for a portion during the summer months or have reduced summer hours.

Mr. Sheffield noted that they offer pizza, hot dogs, brats and cold sandwiches. He stated that they have concession-type food service. He stated that the size of the space may allow them to expand. He noted that they are adding a full restaurant to their Oswego location.

Ms. Strelau asked about demographics. Mr. Sheffield replied their primary customers are men between the age of 25-55. He noted that it will not be a teenage hangout and the primary business will not be drinking. He stated that he will be a golf facility that serves beer, not a bar that offers indoor golf. He stated that customers will not come in just for a drink.

Chairman McInerney asked when they plan to open. Mr. Sheffield replied hopefully December. He stated that they are still in the process of working out the build out details. He noted that if they do not open by then, they may hold off.

Ms. Strelau asked if the business is successful although being closed seven months of the year. Mr. Sheffield replied yes.

Ms. Kuchynka requested a motion from the Commission for and amendment to the recreational facility license and increase the number of licenses available from zero to one.

MS. KING RECOMMENDED TO AMEND THE RECREATIONAL FACILITY DEFINITION TO INCLUDE INDOOR SIMULATED GOLF FACILITIES. MS. FREGEAU SECONDED.

VOTE: **Aye:** Ms. King, Ms. Fregeau, Ms. Strelau, Mr. Clary, Chairman McInerney

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

The motion carried.

Mr. Sheffield asked what happens from this point. Ms. Kuchynka replied that the draft ordinance will be presented to the Village Council at an upcoming hearing. She stated that the ordinance will need to be adopted before he is able to come back and apply. She advised him to get materials together in support of his application while the ordinance is being considered.