

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
10/15/2019

SUBJECT:	SUBMITTED BY:
An Ordinance increasing the number of R-3, full alcohol, on and off-premise consumption liquor licenses	Enza Petrarca Village Attorney

SYNOPSIS

An Ordinance has been prepared increasing the number of R-3, full alcohol, restaurant on and off-premise consumption licenses by one.

STRATEGIC PLAN ALIGNMENT

The goals for 2017-2019 include *Strong, Diverse Local Economy*.

FISCAL IMPACT

N/A

RECOMMENDATION

Adoption on the November 5, 2019 active agenda.

BACKGROUND

Staff has received a request from The Foxtail (5237 Main Street), to amend the Liquor Control Ordinance by increasing the number of Class R-3 licenses.

"R-3" Restaurant licenses shall authorize the sale of alcoholic liquor for consumption on the licensed premises and the retail sale of alcoholic liquor for consumption on or off the licensed premises, where the primary business is that of a restaurant, as defined herein, provided that bar/lounge seating shall be no more than twenty percent (20%) of the total seating provided for patrons of the establishment.

Section 3-15 of the Liquor Code limits the number of R-3 licenses to one (1) - which is currently held by Cooper's Hawk Restaurant & Winery. The attached ordinance increases the number of R-3 licenses from one (1) to two (2). Once the increase in available licenses is adopted, The Foxtail will then need to apply for the license.

ATTACHMENTS

Ordinance
Liquor Commission Recommendation and Minutes

R-3 +1

ORDINANCE NO. _____**AN ORDINANCE AMENDING THE NUMBER
OF CLASS R-3 LIQUOR LICENSES**

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 3.15. 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
"AS" (Arts & Crafts Studio)	2
"B-1" (Brew Pub)	1
"BF" (Brewing Facility)	2
"BYO" (Bring Your Own - beer/wine)	4
"C-1" (Club, private)	6
"G" (Golf Course)	1
"H-1" (Hotel)	Unlimited
"K-1" (Catering - full)	4
"K-2" (Catering - Park District - beer/wine)	1
"O" (Outdoor)	Unlimited
"P-1" (Packaged-full)	25
"P-2" (Packaged -beer/wine)	15
"P-O" (Packaged - full off premise and on premise consumption - Grocery Store)	3
"REC-1" (Recreational Facility - full)	3
"REC-2" (Recreational Facility - beer/wine)	3
"R-1" (Restaurant - full)	Unlimited
"R-2" (Restaurant - beer/wine)	Unlimited
"R-3" (Restaurant – full, on premise and off premise consumption)	4 2
"RF" (Retirement Facility - full)	Unlimited
"S-1" (Special Event)	Unlimited
"S-2" (Special Event)	Unlimited
"T" (Theater)	1
"WB" (Wine/Beer Boutique)	4

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

R-3 +1

Section 3. 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

October 8, 2019

COMMUNITY RESPONSE

CENTER

630.434.CALL (2255)

The Honorable Robert T. Barnett
Mayor and Liquor Commissioner

Re: Proposed Ordinance - Increase in Class R-3 available licenses

CIVIC CENTER

801 Burlington Avenue

Downers Grove

Illinois 60515-4782

630.434.5500

TDD 630.434.5511

FAX 630.434.5571

Dear Mayor Barnett:

On Thursday, October 3, 2019 the Liquor Commission considered an amendment to the number of available R-3 licenses. The following finding was made:

MR. CLARY MOVED TO INCREASE THE NUMBER OF CLASS R-3 ON- AND OFF-PREMISE CONSUMPTION LIQUOR LICENSES FROM ONE (1) TO TWO (2). MR. JACOBSON SECONDED.

VOTE:

FIRE DEPARTMENT

ADMINISTRATION

5420 Main Street

Downers Grove

Illinois 60515-4834

630.434.5980

FAX 630.434.5998

Aye: Mr. Clary, Mr. Jacobson, Mr. Heafner, Mr. Johnson,
Chairman Pro Tem Krusenoski

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

POLICE DEPARTMENT

825 Burlington Avenue

Downers Grove

Illinois 60515-4783

630.434.5600

FAX 630.434.5690

Further discussion of this subject can be found in the October 3, 2019 minutes of the Liquor Commission (attached).

Very truly yours,

James Krusenoski, Chairman Pro Tem
Liquor Commission

VILLAGE OF DOWNERS GROVE

PUBLIC WORKS

DEPARTMENT

5101 Walnut Avenue

Downers Grove

Illinois 60515-4046

630.434.5460

FAX 630.434.5495

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Chairman Pro Tem Krusenoski appreciated their past good record. He stated that they will be tested in the future and recommend that they maintain their diligence and instill the importance of proper liquor service and keep the culture that you take the serving of alcohol seriously.

Chairman Pro Tem Krusenoski asked how often they have staff meetings. Mr. Osmano replied that although this is a new concept they are unveiling, they have strict guidelines for liquor service. He stated that the Fabio Viviani franchise sponsor has higher and stricter standards for servers in which they are expected to operate.

Chairman Pro Tem Krusenoski stated that they should stress the importance of serving liquor day in and day out. Mr. Pillai replied that they hold a daily "stand up" meeting prior to each shift change along with monthly staff meetings.

Ms. Kuchynka stated that Mr. Pillai advised her that new staff is trained upon hire with the new policy and that existing staff went through a re-training with the inclusion of the patio policies.

Chairman Pro Tem Krusenoski asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka replied that issuance of the license is contingent upon installation of the fence, receipt of the Temporary Use permit and receipt of the annual outdoor liquor license fee.

Chairman Pro Tem Krusenoski asked for comments from the public. There were none.

Hearing the testimony given in this case, Chairman Pro Tem Krusenoski asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "O" liquor license application.

MR. CLARY MOVED TO FIND AC HOSPITALITY, LLC D/B/A DOUBLETREE SUITES LOCATED AT 2111 BUTTERFIELD ROAD QUALIFIED FOR A CLASS "O" FULL ALCOHOL, OUTDOOR LIQUOR LICENSE. MR. JACOBSON SECONDED.

VOTE:

Aye: Mr. Clary, Mr. Jacobson, Mr. Heafner, Mr. Johnson,
Chairman Pro Tem Krusenoski

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

Mr. Osmano stated that Fabio Viviani appeared on Season 3 and 4 of Top Chef. He added that this is ~~Viviani's first restaurant expansion into the suburbs which will be located in their hotel.~~

V. NEW BUSINESS

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

Ms. Kuchynka advised the Commission that she received a request to make available an additional Class R-3 liquor license for on- and off-premise consumption. She stated that the applicant, The Foxtail, who

DRAFT

is set to appear before the Commission at next month's hearing, is seeking this license class. She stated that a part of their operation will be to host dinners and pair them with special wines which they plan to offer for sale after the dining experience for off-premise consumption. She stated that they would like the ability to have both on-premise and off-premise sales.

Ms. Kuchynka advised that the Village recently added the Class R-3 license to accommodate Cooper's Hawk Restaurant & Winery on- and off-premise sales. She stated that when the license was created, it was limited in number. She stated that the owners of The Foxtail are the owners who operate Cadence and who previously operated The Lemon Tree Grocer. She stated that The Lemon Tree Grocer had an on- and off-premise license with the primary business being a grocery store and have liquor handling experience in both regards.

Ms. Kuchynka asked the Commission for a recommendation on increasing the number of Class R-3 licenses from one to two.

Chairman Pro Tem Krusenoski had no objection to allowing another license. Ms. Kuchynka stated the Village typically will issue a limit on newly created license types. She stated that in this instance, the main and principal business will be the operation of a restaurant with incidental wine sales. She stated that restaurant and hotel licenses are unlimited in number.

MR. CLARY MOVED TO INCREASE THE NUMBER OF CLASS R-3 ON- AND OFF-PREMISE CONSUMPTION LIQUOR LICENSES FROM ONE (1) TO TWO (2). MR. JACOBSON SECONDED.

VOTE:

Aye: Mr. Clary, Mr. Jacobson, Mr. Heafner, Mr. Johnson,
Chairman Pro Tem Krusenoski

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

VI. OLD BUSINESS

Chairman Pro Tem Krusenoski asked if there was any discussion, update from staff or comments from the Commission regarding any old business.

Ms. Kuchynka referred to the August and September month end reports. She advised that Cooper's Hawk Restaurant & Winery opened to the general public.

Chairman Pro Tem Krusenoski noticed a stall in the opening of Wasabi on Main Street. Ms. Kuchynka reported that they encountered some building issues and their opening will be pushed back.

Ms. Kuchynka advised that the Downers Grove Wine Shop has reopened as WAGs Wine Shop. She stated that they have submitted a floor plan change to the Mayor. She stated that they will be adding a 3-compartment sink, which will expand their food item offerings, they removed a few bar stools and added two tables.