

COUNCIL WORKSHOP ITEM

ITEM: An Ordinance Creating Two (2) Additional Class B-2 Packaged Beer & Wine Liquor Licenses
DATE: March 28, 2001
PREPARED BY: Carol Conforti, Liaison to the Liquor Commission
PURPOSE: Place Ordinance on Council Active Agenda for Approval



DISCUSSION:

At their meeting of March 15, 2001, the Downers Grove Liquor Commission unanimously recommended that the attached draft ordinance be forward to the Village Council for consideration. Currently, there are no available Class "B-2" licenses which allow packaged beer and wine sales for off-premise consumption. Adoption of the attached ordinance will raise the limitation on the number of Class "B-2" licenses from eight (8) to ten (10).

Most recently, the Village Council adopted an ordinance which revised the "B-2" Classification which clarified the qualifications for this license. These licenses authorize the retail sale of beer in locations where the sale of beer and wine is the main or principal business and/or in locations where the principal business is that of a drug store or grocery store, including those grocery stores referred to as "convenience stores".

ATTACHMENTS:

Liquor Commission Minutes - March 15, 2001

AN ORDINANCE CREATING TWO (2) ADDITIONAL CLASS B-2 PACKAGED BEER AND WINE LIQUOR LICENSES

RECOMMENDATION:

It is recommended that this matter be placed on a future Council active agenda for approval and adoption by ordinance.

cc: Jerry Sprecher, Deputy Village Manager
Downers Grove Liquor Commission
Dan Blondin, Village Attorney
April Holden, Village Clerk

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in Downers Grove. However, she added that the new license would be separate and specific for the theater.

Mr. Mochel said he does not object to the idea of alcohol service at the Tivoli; however, he is concerned about the ability to control it.

Mr. Johnson concluded that one of the goals of Downers Grove is to enhance the environment of the downtown area and he feels adding alcohol service to the theater would be a step in that direction. Mr. Johnson said he would be available to answer any questions that the Commission may have.

Chairman Brown said the Commission would discuss the matter again when the draft ordinance is presented.

Ms. Conforti said the next order of business is review of a draft ordinance amending the liquor license application procedures as was discussed at the February 1st Liquor Commission meeting. The draft ordinance states that if a license classification is not available, the applicant can petition the Liquor Commission to create a new license. Ms. Conforti said the ordinance would enable the Commission to hear requests for licenses, which are not currently available, and petition the Village Council to create new licenses.



Ms. Conforti said it was mentioned at the Council meeting that they would like to know the Commission's opinion on increasing the number of Class "B-2" liquor licenses. Mr. Mochel asked if the draft ordinance, allowing applicants to petition for the creation of a new license when none was available, would not negate the need to increase the number of Class "B-2" licenses.

Ms. Conforti said that, with the new Class "B-2" license guidelines in place, she did not feel it would be problematic to increase the number of available Class "B-2" licenses. Ms. Gerloff agreed. She said she felt that if the guidelines are followed there would be no problem with undesirable establishments obtaining available Class "B-2" liquor licenses. Chairman Brown said that in the past the Class "B-2" license has been a troublesome classification. He explained that the concept behind not creating more Class "B-2" licenses was that individuals whose applications were denied would have a better chance to appeal the decision if there were licenses available than if there were no licenses available in that classification. Mr. Blondin agreed. Ms. Gerloff said she did not feel creating one or two more Class "B-2" licenses would be a problem since the criteria for the Class "B-2" license has been changed.

Mr. Mochel said that according to the proposed amendment, each applicant could request to have a new license created if there were none available. He said he feels that is a better approach than creating more Class "B-2" licenses because it gives the Village more control over the licenses. Mr. Blondin clarified that only the Village Council has the discretion to create and/or eliminate licenses.

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Chairman Brown noted if the Commission recommended to the Council not to add more licenses, Class "B-2" is the only classification in which there are no licenses available.

Ms. Conforti explained that if an establishment wanted to apply for a Class "B-2" license, they would first have to petition the Village Council to create a license and then they would have to apply for that license. Mr. Blondin added that if there is a waiting list the newly created licenses would be distributed first to those on the list. Ms. Conforti said there was an establishment on the waiting list for a Class "B-2" license; however, they did not request to remain on the waiting list as of December 31, 2000. She said currently there is no one on the waiting list.

Mr. Mochel suggested that establishments make a presentation to the Liquor Commission and ask for their support before petitioning the Village Council to create a new license. Ms. Conforti confirmed that Mr. Mochel was suggesting that the Liquor Commission would make a recommendation to the Village Council to create another license. She explained that after the Village Council created the license, the establishment would be required to return for an application hearing before the Liquor Commission to apply for that license. Mr. Keenley asked how long the process would take. Ms. Conforti said it would take a couple of months.

Chairman Brown said perhaps now that the criteria is more defined, it would be better to create two more Class "B-2" licenses. Ms. Gerloff pointed out that two Class "B-2" licenses remained available for many years and were only issued recently. She wondered if it would be several years before any newly created licenses were issued. Chairman Brown said that might be the case. Chairman Brown and Ms. Gerloff agreed that recent changes to the Ordinance have improved the criteria for the Class "B-2" liquor license.

Mr. Mochel asked if it would be easier for the Legal Department if the Commission recommended the creation of two more Class "B-2" licenses. Mr. Blondin replied yes.

Chairman Brown said the Liquor Commission would support the creation of up to two new Class "B-2" liquor licenses. The Commission agreed to forward the recommendation to the Council for their consideration and approval.

* → Mayor Krajewski said a Citgo/Seven Eleven gas station is considering locating in Downers Grove and they have asked about the possibility of acquiring a liquor license to sell beer and wine. He said would like Ms. Conforti to research the way other communities handle such requests and he would like the Commission to discuss her findings at their next meeting. The Mayor said he would like to know if there is any support for the concept so that he can inform the owners and they can make a decision concerning the location of their business.

Chairman Brown said he is against permitting alcohol sales at gas stations. He said feels it is contrary to the "don't drink and drive" message that we are teaching young people. Ms. Gerloff pointed that our Ordinance does not permit the sale of alcohol at a gas station. Ms. Conforti said Section 3-11(e) of the Ordinance states that "no liquor license shall be issued for any premises

ORDINANCE NO. _____

**AN ORDINANCE CREATING
TWO (2) ADDITIONAL CLASS B-2 PACKAGED BEER & WINE LIQUOR LICENSES**

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

SECTION 1. That Section 3-15 of the Downers Grove Municipal Code is hereby amended 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:

- Class "A" package liquor licenses not to exceed seventeen in number.
- Class "B-1" beer and wine restaurant licenses not to exceed twenty-five in number. Effective July 1, 2000, no further Class "B-1" beer and wine restaurant licenses shall be issued unless issued as a renewal.
- Class "B-2" beer and wine packaged liquor licenses not to exceed ~~eighteen~~ in number.
- Class "B-3" beer and wine licenses not to exceed three in number.
- Class "C" club licenses not to exceed six in number.
- Class "D-1" restaurant licenses not to exceed thirty-six in number. Effective July 1, 2000, no further Class "D-1" restaurant licenses shall be issued unless issued as a renewal.
- Class "D-3" restaurant licenses not to exceed nine in number. Effective July 1, 2000, no further Class "D-3" restaurant licenses shall be issued unless issued as a renewal.
- Class "D-4" restaurant licenses not to exceed two in number.
- Class "D-5" restaurant licenses not to exceed four in number. Effective July 1, 2000, no further Class "D-5" restaurant licenses shall be issued unless issued as a renewal.
- Class "E-1" transition licenses shall not be limited in number.
- Class "E-2" transition licenses shall not be limited in number.
- Class "F" hotel licenses shall not be limited in number.
- Class "G-1" recreation facility licenses not to exceed one in number.
- Class "G-2" recreation facility licenses, not to exceed one in number.
- Class "H" publicly owned golf course license, not to exceed one in number.
- Class "I" catering licenses, not to exceed four in number.
- Class "R" full alcohol restaurant licenses shall be unlimited in number.
- Class "R-1" beer and wine only restaurant licenses shall be unlimited in number.

(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.

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

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