

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL WORKSHOP
DECEMBER 11, 2007 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 to allow on-site consumption of wine and beer at Cultural/Performing Art Facilities.

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 December 18, 2007 active agenda.

BACKGROUND

Based upon a request from a potential new business which is seeking to locate in the old Tivoli Theater at 63rd Street and Woodward Avenue, the Downers Grove Liquor Commission discussed creating a liquor license classification which would allow the consumption of wine and beer at a Cultural/Performing Arts Facility. The primary business would be to provide a place in which theatrical, musical or live performances are performed and art design, instruction or exhibition occurs. Food shall be served on the premises, including hot or cold sandwiches, appetizers, tapas or other similar items. Beer and wine service shall be restricted to a service bar only.

There are very few communities with similar facilities and the area lacks a place in which residents and visitors can enjoy art exhibits, live performances, musical performances, dance recitals, or engage in art design and instruction. Local talent, artists and instructors shall be featured at the facility.

The Liquor Commission discussed this matter at its meetings of October 4, 2007, and November 1, 2007, and unanimously recommended that the ordinance be forwarded to the Council for its consideration.

ATTACHMENTS

Draft Ordinance

Liquor Commission recommendation and minutes – October 4, 2007, and November 1, 2007

Correspondence and Business Plan – Juxtapose House of Art

Cultural/Performing Arts Facility

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING A LIQUOR LICENSE
FOR A CULTURAL/PERFORMING ARTS FACILITY**

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:

Act. The Illinois Liquor Control Act of 1934, as now or hereafter amended.

Alcoholic liquor. Any spirits, wine, beer, ale or other liquid containing more than one-half of one percent of alcohol by volume, which is fit for beverage purposes. Beverages sold as beer, ale or other designation commonly applied to malt beverages containing more than one-half of one percent of alcohol by volume shall be presumed to be alcoholic liquor for purposes of this Chapter.

Brew Pub. Any public place kept, used, maintained, advertised or held out to the public as a place where meals are regularly served and where beer is produced upon the premises.

Catering Business. A business which provides and serves alcoholic liquor at locations not owned or leased by the catering business for consumption at such location.

Catered event. A dinner, banquet, party or other similar event at which alcoholic liquor is provided for consumption on the premises by a Catering Business.

Club. A corporation organized under the laws of this State, not for pecuniary profit, solely for the promotion of some common objective other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable comfortable use and accommodation of its members and their bona fide guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of employees for cooking, preparing and serving food and meals for its members and their bona fide guests. Provided, the sale or offer of alcoholic liquor for sale to the public by the club, except as provided in Section 3-32 of this Chapter is not permitted, and further provided, that the affairs and management of the club shall be conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting, and that no member or any officer, agent or employee of the club shall be paid, or directly or indirectly receive, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club. The term club shall not include any "men's or women's club" as defined herein.

Comedy Club. A non-restaurant business with live performances by comedians during one or more performances conducted at set times per day.

Contracted theater rental. A prearranged function in which an entity enters into a rental agreement or contract for the use of a theater for events, private film viewing/critique and/or theatrical, musical or live performances.

Convenience Store. A building in which the primary business is the sale of food, non-alcoholic beverages, household products, cosmetic items and reading materials.

Cultural/Performing Arts facility. A building in which the primary business is to provide a place in which

Cultural/Performing Arts Facility

theatrical, musical or live performances are performed and art design, instruction or exhibition occurs. However, no nudity is allowed in any live performance, design, instruction or exhibition. 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.

Entertainment facility. See Comedy Club, Cultural/Performing Arts Facility, Recreational facility and Theater.

Fashion show. The modeling, showing or other presentation of lingerie or other garments for the purpose of entertaining or for sale of the garment, where the person so modeling the garment appears in a nude or semi-nude state.

Hotel. A building or group of buildings used in conjunction with one another as a lodging facility providing sleeping accommodations for compensation to travelers and guests, whether transient, permanent or residential and in which one hundred or more rooms are provided for such purpose.

Liquor product identification sign. Any sign, including any placard, banner, poster, streamer, balloon or other attention getting device, which is designed or used to advertise, promote or identify a particular brand of liquor. This includes, but is not limited to, those signs commonly referred to as "beer signs" and may involve electronic or neon displays.

Men's or women's club. An establishment which offers entertainment where any person may appear in a nude or semi-nude state, or offers the customer a role playing interaction, including but not limited to servers, hosts, hostesses, dancers, singers, models or other performance artists, or an establishment which offers customers role playing interaction.

Nude or nudity or a state of nudity. The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast; or, a state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.

Semi-nude. A state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

Original package. Any bottle, flask, jug, can, barrel, keg, or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.

Outdoor sales. The sale or consumption of alcoholic liquor in an area adjacent to an existing licensed business which is wholly or partially contained upon private or public property.

Private function. A prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in an area designated and used exclusively for the private party, function or event and where the licensee is not the host of said function.

Regularly scheduled motion pictures or films. Motion pictures or films scheduled to be shown at previously arranged and advertised times and open to the general public. Regularly scheduled motion pictures or films shall not include any motion pictures or films shown as a result of a contracted theater rental, as defined in this section.

Recreational facility. A building or area in which the primary business is to provide, by membership or user fee or both, 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; 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.

Restaurant. Any public place kept, used, maintained, advertised or held out to the public as a place where the service of food and drink is the primary business, and where meals are regularly served, without sleeping accommodations, and where adequate provision is made for sanitary kitchen and dining room equipment and capacity and a sufficient number of employees to prepare, cook and serve a reasonable variety of meals for its customers. The mere availability and service at any premises of cold sandwiches, hors d'oeuvres or other similar foods will not, standing alone, be deemed sufficient to constitute such premises a restaurant within the meaning of this paragraph, it being the intent of this paragraph that the

Cultural/Performing Arts Facility

primary business conducted on premises to be licensed as restaurants hereunder shall be the service of food and drink. A full menu, including entrees and appropriate side dishes, shall be available at all times liquor sales are being conducted until ten o'clock (10:00) p.m. Sunday through Thursday, and eleven o'clock (11:00) p.m. Friday and Saturday. After such times, in the event a full menu is not provided, a reduced menu, which must include appetizers, sandwiches, hors d'oeuvres or other similar foods shall be available. Such menu shall be on the table, presented to each patron as they are seated or be posted in such a manner to be easily readable by the patrons of the restaurant. Provided, the kitchen may not cease operating prior to one hour before closing.

Retail sale. The sale for use or consumption, and not for resale.

Retail sales square footage area. The area or space in a building devoted for the retail sale of goods or products offered for consumer purchase and shall not include storage freezers, storage coolers, warehouse, office areas or areas that are not open to the general public.

Role playing interaction. An arrangement, service or program where a server, host, hostess, dancer, singer, model or other performance artist, engages a customer in a meeting or conversation involving, depicting, participating in, or relating to any "specified sexual activities" as defined and set forth in Chapter 8 of the Municipal Code.

Sale. Any transfer, exchange or barter, in any manner or by any means whatsoever, for a consideration and not for resale, including all sales made by any person whether as principal, proprietor, agent, servant or employee, and including, but not limited to, all of the following acts when done for consideration:

- (1) The selling of liquor.
- (2) The delivery of liquor, without additional charge, with a meal or with entertainment or the providing of samples of liquor as part of a promotion or sales device of any kind.
- (3) The dispensing of liquor.
- (4) The providing of mix, ice, water or glasses for the purposes of mixing drinks containing alcoholic liquor for consumption on the same premises.

- (5) The pouring of liquor.

- (6) The providing of "set-ups" containing alcoholic liquor.

"Sale" shall not include:

- (1) a person acting in the privacy of his/her home
- (2) where liquor is provided as part of a religious ceremony; and
- (3) to private functions as defined herein that are held by the host and where the guests are not charged for the liquor consumed.

Theater. A facility within the DB Downtown Business District ~~as that term is defined in the~~ allowed as a permitted use under the Downers Grove Zoning Ordinance, regularly used for showing motion pictures/films or conducting theatrical, musical or live performances or events with a seating capacity of 900 or more persons.

Wine Boutique. A facility in which the primary business is the retail sale of wine wherein wine tastings and wine education seminars/classes are conducted on a regular basis and on site consumption of wine and beer is allowed subject to provisions of the wine boutique license classification.

Wine Shop. A facility in which the primary business is the retail sale of wine for off-premise consumption wherein wine tastings and wine education seminars/classes are conducted on a regular basis. (Ord. No. 244, § 1; Ord. No. 1741, § 1; Ord. No. 1749, § 1; Ord. No. 2388, § 1; Ord. No. 2450, § 1; Ord. No. 2541, § 1; Ord. No. 2735, § 1; Ord. No. 2847, § 1; Ord. No. 3164, § 1.) NOTE: For state law as to definitions, see Ill. Comp. Stat., Ch. 235, § 5/1-3 et seq.

Section 2. 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:

Cultural/Performing Arts Facility

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 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

Cultural/Performing Arts Facility

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.

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.

Cultural/Performing Arts Facility

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 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

Cultural/Performing Arts Facility

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 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.

Cultural/Performing Arts Facility

(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.

"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 3. 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

Cultural/Performing Arts Facility

"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
"H-1" (Hotel)	\$2,985.00
"K-1" (Catering)	\$ 805.00
"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
"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 4. 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
"B-1" (Brew Pub)	1
"C-1" (Club, private)	6
"E-1" (Theater)	1
"E-2" (Comedy Club)	1

Cultural/Performing Arts Facility

"E-3-A" (Golf Course)	1
"E-3-B" (Recreational Facility - beer/wine)	0
"E-3-C" (Recreational Facility - full)	2
<u>"E-4" (Cultural/Performing Arts Facility - beer/wine)</u>	<u>1</u>
"H-1" (Hotel)	Unlimited
"K-1" (Catering)	4
"O-1" (Outdoor)	Unlimited
"P-1" (Packaged-full)	17
"P-2" (Packaged -beer/wine)	10
"P-3" (Packaged - wine shop)	3
"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 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 6. 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

November 16, 2007

The Honorable Ronald L. Sandack
Mayor and Liquor Commissioner

Re: Creation of a Cultural/Performing Arts Facility Beer & Wine License

Dear Mayor Sandack:

On November 1, 2007, at a regular meeting of the Downers Grove Liquor Commission, the members made a recommendation to create a beer and wine, on-premise consumption cultural/performing arts facility liquor license. The following finding was made:

MR. KUBES RECOMMENDED THAT THE ORDINANCE ESTABLISHING A CULTURAL/PERFORMING ARTS FACILITY BE FORWARDED TO THE VILLAGE COUNCIL FOR CONSIDERATION. MR. ADANK SECONDED.

VOTE:

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

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

The Motion carried.

This motion can be found in the November 1, 2007, minutes of the Liquor Commission (attached).

Very truly yours,

Daniel McInerney, Chairman
Liquor Commission

VILLAGE OF DOWNERS GROVE

cc: April Holden, Village Clerk

a\recommend.l-c\cult-perf-arts

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



to operate within theirs. She noted the issues with private parties. She stated that the State recognizes them as invite only. She noted that regulations were put in place to ensure that licensees were trained and that hours were regulated so the events did not get out of control.

Juxtapose House of Art - Cultural/Performing Arts Facility License Classification

Ms. Kuchynka resumed discussion from last month's meeting concerning the creation of a Cultural/Performing Arts Facility license. She noted that she provided a draft ordinance in the monthly packet and would like further discussion on the matter. She added that representatives of Juxtapose House of Art were present to provide comments and to answer any questions. She asked that any individuals who wish to speak state and spell their names for the record.

Chairman McInerney asked if the Court Reporter was needed. Ms. Kuchynka requested that the court reporter stay for the discussion.

Kyle Johnson introduced himself as part-owner of the Juxtapose House of Art. Shelli Mullins introduced herself as part-owner of the Juxtapose House of Art. She stated that the ordinance serves their needs but commented on one part of the draft. She wondered if it would be possible to add the word "live" to the section which states "... no (live) nudity is allowed in any performance, design, instruction or exhibition". She stated that Picasso and other artists have art pieces in which partially clothed individuals appear in paintings or as a sculpture. She noted that they plan to allow only over 21 year olds into exhibits which feature nudity but not in a live state. Ms. Kuchynka noted that Section 3-33(d) states that it is unlawful "to permit any entertainment, fashion show, presentation or performance which may include any person in a nude or semi-nude state, including, but not limited to, servers, hosts, hostesses, dancers, singers, models or other performance artists, or to permit role playing interactions" which notably prohibits "live" performances. Ms. Strelau noted that the group discussed not having any live performances that would involve nudity and that the exhibitions be strictly limited to statues and paintings.

Ms. Kuchynka noted that the word "live" can be added to the ordinance, so that art is excluded. Mr. Kubes liked the fact that the owners will limit these exhibits to those who are 21 and older.

Mr. Kubes asked if the Tivoli can sell alcohol during regularly featured movies. Ms. Kuchynka replied no. She added that liquor service is limited to contracted theater rentals which are not open to the general public.

Ms. Kuchynka noted that Section 3-33 also prohibits such things as fashion shows and contests.

Ms. Kuchynka asked the representatives if they fully understood all of the other provisions of the license classification. She mentioned a "service bar only" with no seats. She stated that the Village wants the liquor serving area to remain in one location, however, allows for the gallery to be re-arranged in order to accommodate exhibits. She stated that no bars or portable beer tubs are allowed in other areas of the facility. She asked if they are aware of the food service requirements. The group replied yes.

Ms. Kuchynka asked the Commission to comment on item #7 in the draft ordinance which reads that "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". She wanted to know if it would be appropriate to include this provision in the event the Village experiences police activity. She noted that the Village may be better able to pinpoint why there are issues and/or associate any problematic activity with events scheduled at the facility. She stated that the Village is not requiring reports but simply reserving the right to request information from the licensee in order to monitor activity if problems necessitate it.

Mr. Kubes was fine with the wording of the ordinance and was pleased with the service bar only area. He stated that the floor plan will be a required submittal, along with their hours of operation, menu and manual. Mr. Kubes wondered about their hours of operation and if alcohol would be available at all times. Mr. Johnson noted that there may be some activities involving younger children where they will not have alcohol available. He added that there may be instances where alcohol is served while there is a mixed crowd of over and under 21 year olds present. Mr. Kubes asked how they planned to address the mixed crowd. Mr. Johnson replied that they would issue wristbands to those over 21. He noted that in order to obtain each drink, a customer would not only have to show the band, but show also their identification as well.

Mr. Kubes asked staff how suspension issues would be addressed. Ms. Kuchynka noted that the facility would be open 7 days a week where the agent can go in to attempt a control buy. She noted in the case of a banquet facility or catering license, the Village is not aware of precisely when the events are planned, making the control buy much more difficult to schedule.

Mr. Adank did not have any questions at this time.

Ms. Strelau stated that there are some similarities between the cultural/performing arts facility and the catering license and felt it was interesting that they came up at the same time. She noted that a lot of concerns with the caterer can be addressed with this activity. She stated that some private parties could be at issue here. Ms. Perez recalled Juxtapose having a monthly list of their events open to the public and felt that there are more regularly scheduled activities at this location.

Ms. King asked about item #6 which states "food service must be available during all hours of operation". She asked if that provision should be expanded to read "food service must be available during all hours of operation *that alcohol is served*". Staff agreed with the amendment.

Ms. King stated that she is pleased with their proposal and believes it is a fun concept.

Mr. Cawthorne commented on point #7 and was pleased that this point was included so that the Village can monitor the area as necessary. He recommended that the group consider giving their employees incentives if they successfully pass a control buy. He wished them luck.

Mr. Barnett did not have any questions at this time.

Mr. Johnson asked about the food service requirements and asked if there was specific information on what type of menu he needs to provide. Ms. Kuchynka replied that they should be able to submit a menu that is in compliance with a Type 3 food service permit through the DuPage County Health Department. She noted, at minimum, food can be prepared on the premises with this permit. She noted that it does require sinks, etc. She added that it is not intended for them to simply have sandwiches that are in pre-packaged containers. She provided them with a copy of the sample menu from The Cellar Door.

Chairman McInerney requested a motion on the proposed draft ordinance. Ms. Kuchynka stated that she would keep item #7 in the ordinance, add the provision that food service must be available during all hours liquor is provided, and include the "live" provision with regard to performances so as not to include art exhibits.

The group agreed that the ordinance would be acceptable as amended.

MR. KUBES RECOMMENDED THAT THE ORDINANCE ESTABLISHING A CULTURAL/PERFORMING ARTS FACILITY BE FORWARDED TO THE VILLAGE COUNCIL FOR CONSIDERATION. MR. ADANK SECONDED.

VOTE:

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

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

The Motion carried.

Mr. Kubes requested that the ordinance be forwarded to the Commission once it is amended.

Ms. Kuchynka advised that the minutes of this meeting and previous discussion will be forwarded to the Council along with the ordinance for their consideration. She stated that in the meantime, Juxtapose House of Art can opt to prepare a menu, liquor manual, operating policies, floor plan. She advised that the ordinance requires Council approval and adoption of the new the classification prior to the submittal of application.

Licensee Ethics

Ms. Kuchynka noted that staff had amended the Ethics ordinance concerning campaign contributions from licensees that was previously presented to the Commission. She stated that provisions were added to address hearing procedures. She noted that if the Mayor were to receive a contribution from a licensee, either the Liquor Commission or Deputy Liquor Commissioner would conduct a disciplinary hearing. She stated that in the event a Commission member were to receive a contribution from a licensee, the Liquor Commission would hold a hearing, however that individual will be required to recuse themselves from any vote.

Ms. Kuchynka wanted the Commission's thoughts on how particular they wish to restrict contributions. She was unsure if they were comfortable with the language that reads "liquor license holders are prohibited from *directly or indirectly*" making contributions or whether they wished to add language such as "any applicant, liquor manger, person or entity listed on the license application", in order to be more specific. She thought the reference to "*directly or indirectly*" may be too obscure and wanted to know if they would prefer something more than just an interested party. Ms. Kuchynka stated that the corporate licensee would be prohibited from contributing. She felt that the provision "directly or indirectly" was too vague and gave the example of a 100% owner of the corporation, would may be able to give a contribution. She thought it might be more appropriate and more encompassing and include individuals listed on the application. Chairman McInerney stated that since the provision is new, he would rather be more specific than general so as to avoid confusion.

Ms. Perez noted that the Village does not have control over people involved on the application in general. Mr. McInerney asked what staff recommended. Ms. Kuchynka suggested adding language such as "any person, any applicant, liquor manger, person or entity listed on the license application". Mr. McInerney suggested that language be incorporated on the application and request disclosure of contributions as a yes/no type of question. Mr. Barnett noted that formal applicants have something to gain. Ms. Kuchynka noted that at application there is no license that exists that the Village can fine or suspend. She noted that the Village can deny the license if a contribution is made during application. Mr. Kubes asked if they can be denied if they contributed in the past. Ms. Kuchynka replied no.

~~stated that staff may treat this as a technical amendment, or non-substantiative change. Chairman McInerney stated that the Commission is supportive of what Mr. Chaudry is trying to do and interpretation of the ordinance needed clearly set forth.~~

~~Ms. Kuchynka stated that she expected an application hearing to be conducted for the Cellar Door at the November meeting. She noted that he still has to apply, submit floor plans, manuals and policies for their consideration.~~

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 stated that she had received a request for the creation of a beer and wine license classification for a cultural/performing arts facility. She stated that there are individuals in the audience present that will be discussing a proposal for this facility. She added that she included some informational material in the Commission's packet for Juxtapose House of Art. She stated that the Village does not have a license classification that they may qualify for and asked the Commission to consider their presentation. She stated that they are seeking a beer and wine only liquor license. She asked that each individual step forward, state and spell their name for the record and explain what they plan to do. She stated that the Commission will then have an opportunity to ask questions. She added that if the Commission wishes to consider this classification and preset it for vote at a future meeting, the Legal Department can draft an ordinance creating a new classification for the facility.

Mr. Jarrod Mullins introduced himself as an investor of Juxtapose House of Art and thanked the Commission for their time and consideration. He noted that Ms. Kuchynka had been a great help through this process. He stated that he has been in the Property Management business for 10 years. His strengths include business management and communication.

Mr. Kyle Johnson introduced himself as an investor of Juxtapose House of Art. He stated that he has worked with several theaters and stage productions. He noted he is an artist/musician with experience in business management. He stated that he has bartending experience and would be responsible for handling the wine and beer inventory. He noted he has experience booking talent for large venues on the East Coast and would handle inventory and calendar booking for the Juxtapose House of Art.

Ms. Shannon Johnson introduced herself as an investor of Juxtapose House of Art. She noted that she is an award winning artist who attended Boston Art College. She currently owns her own business and rents a suite in Seven Bridges and is an accomplished entrepreneur. She stated that she will help with business management by using experience running her own business and will bring her eye for art as well.

Ms. Shelli Mullins introduced herself as an investor of Juxtapose House of Art. She noted that she is an accomplished artist and life long DuPage Resident and successfully started two small businesses. She stated that she will bring her knowledge of art and performance along with her entrepreneurial spirit to Juxtapose House of Art.

The group discussed the operation of the House of Art and noted it would be an art/gathering location. They explained that they plan to rent the old Tivoli Theater located at 63rd & Woodward.

Ms. Mullins provided a mock calendar of activities for the Commission. They plan to hold various classes during the day and stage performances, music venues, poetry readings and art exhibits in the evenings. She stated that they hope to span all generations.

Ms. Johnson stated that upon entering the establishment, there is a gallery/lounge area. She stated that the area will be portable and re-arrangeable in order to accommodate various venues. She stated that the theater area will remain with its vintage look, the floor plan will be open and there will be a stage. She noted that there is a utility/storage area, office and back room. She stated that it will be a non-smoking facility with an outdoor area set aside for smoking, depending on what State law allows.

Ms. Strelau stated that the concept was good and the Village could benefit from this facility. She noted that there may be some hurdles they need to overcome. She also noted some concern that they may be restricted on what is allowed and noted that nudity and or inappropriate art is not allowed at liquor licensed facilities. She did not feel that it would be an atmosphere were people would just hang out and drink, but rather attend for the art. She felt that a cultural/performing arts center was a great idea.

Mr. Kubes thanked them for choosing Downers Grove as a location to start a business. He stated that it was a great idea. He did note that the facility had been unoccupied for a long period of time and wondered what renovation would need to be done. They noted that the facility has been vacant for a number of years and needs some updating and renovation. Mr. Kubes suggested that they contact the Health Department about food service issues. Mr. Mullins replied that Ms. Kuchynka already informed them of Health Department issues and they have since been in contact with the Department.

Mr. Kubes asked when they planned to open. Mr. Mullins replied that they hoped for a January opening. He stated that they are currently in lease negotiations. Mr. Kubes asked the hours of business. Ms. Mullins replied 10 p.m. on weekdays, 12 midnight on weekends. They plan on being open daily for classes in which they would not offer service of alcohol unless the facility was rented out for a particular party.

Mr. Adank stated that the facility was a good idea, especially at that location. The group commented on the availability of parking. He noted that there could be a wide age range of patrons at the facility and was concerned that there could be young adults around alcohol. He noted their mock calendar and noticed everything from children/young adult activities to adult activities. Mr. Mullins noted that they do not plan to have alcohol available at family oriented events.

Ms. Johnson stated that they plan to have ballet recitals, school of rock, art classes daily, theater performances at night, noting that large classes/activities could be conducted in the in the theater and smaller ones in the gallery. She noted that they may also have motivational speakers. Ms. King asked if patrons will be able to eat in the theater. Ms. Mullins replied yes.

Ms. King felt that the facility would be a good thing for that void area in Downers Grove. She asked who would be monitoring patrons. Mr. Mullins replied that they plan to have three (3) security personnel and Kyle serving as liquor manager. He noted that Kyle has some bartending experience.

Mr. Cawthorne stated that the facility would be good for the area. He noted that Downers Grove is a conservative town. He asked if they were seeking just a beer and wine license. Ms. Mullins replied yes. He was concerned about the local band nights and that high school students would be participating in the "Battle of the Bands". He felt that they have a conservative game plan but wondered if it would open the door to another applicant that may not be so conservative. Mr. Cawthorne stated that it might be best for the Village to remain "conservative" in order to prevent others from misusing this classification. He hoped that the residential neighborhood would not be affected by the facility. Mr. Mullins noted that the location, especially the theater area, is heavily sound-proofed.

Mr. Barnett stated that he was excited about the facility and that the group presented a good proposal. He stated that with this new venture, they may face some big hurdles. He noted his concerns about the potential for underage individuals to be served and noted that there are large penalties if so.

Mr. Mullins stated that they are hoping to open in January. He stated that they also hope to partner with area businesses such as the Dance Academy, Beautiful Music, local high schools as well as North Central College radio. He added that they plan on contacting local colleges to host art shows.

Mr. Barnett noted that there was a community benefit study concerning an Arts Center for Downers Grove. He noted that they may wish to obtain the report. Ms. Kuchynka also noted that the Total Community Development Project (TCD II) also had a committee which discussed the need for a cultural/performing arts facility. She stated that she would try to locate the reports for their review.

Mr. Barnett stated that the group mentioned they hoped to be open in January. He advised that the creating a new classification can take a number of months and can be a long process and advised them not to sign a final lease until all goes through. Ms. Kuchynka stated that she advised them to make the lease contingent upon receipt of a liquor license, as they will have a way out of the lease in the event they are not issued a license.

Chairman McInerney echoed the sentiments of the Commission and thought the facility to be a great idea. He noted his concern about the square footage of the establishment and felt their estimate for security needs was low. He informed them that they should be concerned with potential over service and DUI issues.

Ms. Kuchynka noted that the most comparable classification would be that of the E-3 Entertainment Facility License that is currently held by the Tivoli. She stated that she did a bit of research, but could not find another community with a performing arts center liquor license. She noted that she could modify the E-3 license and attempt to meet the needs of the Juxtapose House of Arts. She stated the classification can be very specific and the number available can be limited to one as sources of control. She added that she would draft an ordinance for possible consideration at the November meeting.

Ms. Strelau stated that the College of DuPage hosts an art and wine expo. Ms. Kuchynka replied that they might obtain a special event license for that type of activity. The group mentioned Drury Lane, Rivinia and the Tweeter Center as possible locations to investigate and determine how they are licensed. Chairman McInerney stated that the Class E Entertainment Facility license classification is a good category to start with.

Chairman McInerney asked for a motion concerning the creation of a cultural/performing arts facility.

MR. BARNETT MOVED TO RECOMMEND THAT STAFF PREPARE A DRAFT ORDINANCE CREATING AN ENTERTAINMENT FACILITY LICENSE FOR A CULTURAL/PERFORMING ARTS FACILITY. MS. KING SECONDED.

VOTE:

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

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

The Motion carried.

Ms. Kuchynka provided a draft ordinance to the Commission which addresses Licensee Ethics. She

Conforti, Carol

10/4/07

From: Bullfish630@aol.com
Sent: Monday, August 20, 2007 11:01 AM
To: mangiameli@communitypm.com
Subject: (no subject)

Lia Com
agude

To whom it may concern,

My name is Shelli Mullins and I have been a resident of DuPage County most of my life. I have spent several years residing in the village of Downers Grove. The opportunities in this area are amazing and the growth seems limitless. There is just one thing I feel is missing. Art. Whenever my peers and I are looking for music, international films, gallery displays, ect.. we have to drive to the city. We have grown up in this area, and were schooled in this area yet we have to put our money into another city's economy for entertainment. I feel Downers Grove could use an art house to promote culture and give local artists an outlet for their talents in their home town. I intend to open such a place in the old Tivoli theatre on the corner of 63rd St. and Woodward Ave. After contacting several business associates and accountants I have come to the conclusion that the business wouldn't profit without the inclusion of alcoholic refreshments. I have been informed that the village doesn't allow pub or tavern licenses. I am asking for and ordinance to pass allowing my cultural art center to serve alcohol during performances. I feel this cultural art performance center is a necessity for the people of Downers Grove. There is so much talent in this area and there isn't an outlet for it to be displayed. In the following paragraphs I will explain the need for an art center in this area, and how alcoholic beverages will in no way sacrifice the integrity of the center.

First I would like to establish why Downers Grove is so important for location. I feel Downers Grove is perfect for an art center because it still has a feel of opportunity. There is still an air of hope for an entrepreneur. The people of the village are open to supporting small business. Towns like Naperville have gotten so developed there isn't an outlet for their artists to express themselves, so they move to the city. I have been a part of the art community for over ten years over and over again I watch talented people who learned all their skill in DuPage schools move to the city due to a lack of community support. I would like to supply an outlet for these artists by opening the old Tivoli to them. I would like to alternate every evening with a different art medium. I would like to do a poetry night, comedy night, gallery night, international music night, etc... I would keep everything in good taste and keep with the air of conservatism that Downers Grove is proud of. More than anything I am trying to bring art and culture to a community that is crying out for it.

Second I feel there are several reasons that an alcohol ordinance should be passed for this art center. The first reason is that, the emphasis on this center is art. It will be marketed like an art gallery and not a pub or tavern like other Downer's Grove businesses. Ballydoyle's or Roundhead's for example are marketed as taverns. The alcohol served at the art center would simply be a side note, not the main attraction. I am trying to attract an upscale clientele who would sip a glass of wine while examining the local art displays. I will also serve food that coincides with the cultural goal of exposure. I will serve international concessions that will bring culture to the taste buds, as well as the eyes. Although the theater doesn't have a full kitchen, a small menu of international cuisine will be made available. The patron will be served with food and refreshments while they take in a poetry reading or browse local artist's latest paintings.

In conclusion, I am asking for the opportunity to bring a part of the community together that is lacking. The artists in Downers Grove and the surrounding areas need a voice and I would like to be the one that brings that to them. In order to do that I would need the profit that alcoholic beverages provides. I will cooperate fully with the ordinances of the village. I am not trying to push the envelope or be a thorn in anyone's side. I am just asking for the opportunity to stand before you in person and present my full argument and business plan.

Thank you for your time,

Juxtapose

House of Art

Business Plan

September 24, 2007

U4IA INC.
23w374 Woodcrest ct.
Naperville, Il 60540
PH: (630)361-4893
E-mail: JuxtapozHouseofArt@yahoo.com

ORGANIZATIONAL PLAN

Business Description

Let us inspire you with our vision of Juxtapose House of Art, a center gathering place for artists and voyeurs alike. It will be a literal house for all things art. We will provide enrichment to this suburban area through diverse education, entertainment, and creative inspiration. Our objective is to offer a gallery for the individual artist to display their work as well as a venue for poets, writers, musicians, and other artisans.

We will offer an assortment of creative classes for the adult community, attracting those with busy lifestyles who wish to develop, expand, or explore a creative outlet.

The atmosphere will offer a social outlet where participants can snack and partake of coffee, tea, soda, beer, and wine. Evening entertainment will feature local bands and musicians as well as distant notables. Each month featured artists will display their works and guest speakers will offer a muse of subjects. Short courses will be available for those who wish to explore subjects such as photography, water color, poetry writing, or improvisational acting.

We believe Juxtapose House of Art can bring a sense of artistic community to Downers Grove. There truly isn't an outlet for artists to display and perform their talents in the DuPage area. We will put a Muse Advisory Board into place that will be made up of artisans, business individuals and professionals who wish to keep the arts alive in this community. They will add innovative ideas and provide support. We will host neighborhood artwork on our walls, and local music in our theater. It is our intention to partner with local colleges and high schools to develop and promote art awareness along with showcasing and sponsoring juried contests for teens. We will also partner with local businesses to run benefits for Downers Grove.

We will cover expenses through the sale of refreshments along with a commission on the sale of artwork. There will be cover charges for certain events and fees for courses. We plan to keep it affordable and family friendly as well as viable and supported. We will look for ways to get sponsorship for certain events and funding for continued growth and new ideas.

Above all, Juxtapose House of Art will be a gathering place in the community that supports art for all generations, races, and economic backgrounds.

Club Design

Our goal is to provide a creatively stimulating gathering place in the community where patrons can be educated and entertained. Juxtapose House of Art will consist of two major areas, the lounge and the theater.

The Lounge-

Immediately upon entering Juxtapose House of Art, you will find yourself in our inviting and comfortable lounge. This area will feature gallery showings and retail merchandise. Bathrooms, snacks, and concessions are located in this area as well. The décor will be warm and den-like. All furnishings will be tastefully eclectic. Small table rounds will promote social gathering and art discussion. The main purpose of the lounge is to display featured artwork, enjoy concessions, and provide a quiet place to coerce.

The Theater-

The second portion of Juxtapose House of Art is our theater. After entering through the lounge guests will approach two sets of double doors that open into the theater. This is the heart of the art house. This is a large open area similar to most theaters. Furnishings will be flexible in order to accommodate all events. A large stage will be located at the front and center. A second concession area will be located in the theater area for customer convenience. We will keep the décor similar to other theaters, colors will be warm and lighting will create a cozy ambiance. State of the art sound equipment will provide the utmost performance experience. Juxtapose House of Art will invite artists and patrons to partake in a comfortable, creative, and eclectic atmosphere.

Area Analysis

The geographical target for this Art House is all of Dupage County, which includes the city of Downers Grove and many other cities with a population of 100,000 people or more. The population of this county is well over 930,000 people, 32% of which whom fall into the proposed age demographic (21 to 35) and is forecasted to rise significantly over the next decade.

There are several reasons why we chose the city of Downers Grover for the Art House. The Village of Downer Grove has a hip downtown are that supports an artistic and affluent lifestyle. Dupage County also is the home to over 15 Colleges that all boast some of the states top art programs. There is not a current Art House comparable to the diverse and unique environment that will be created by bringing this performance art center to Downer Grove.

Site Analysis

The proposed location for the venue is at 2003 63rd St, in the Meadowbrook Shopping Center. 63rd Street is the areas primary commercial business street, and has excellent freeway and back street access. The Art House will occupy approximately 4,600 square feet of the building. The location is next to many existing businesses that would greatly benefit from the addition of such a community such as Beautiful Music and the Dance School.

The site and the Art House are a perfect fit. The previous Tivoli Theatre 2 was a warm and inviting place that brought patrons to together to relax and enjoy themselves. The goal of the Art House is to have the same feeling as the old Tivoli and the new Downers Grove with a twist of Art.

The market research study included men and woman within the target market that do, or would support the performing arts industry. The most common response and comments regarding existing venues in the area.

- Music so loud that you cannot carry on a stimulating conversation.
- Tired of existing sports bar/tavern atmosphere
- Lack of artistic outlet
- No variety of music

Therefore the venue being proposed will address all of these concerns. It will maintain a heavy focus on arts and culture in the Dupage and surrounding areas. The venue will offer a very social atmosphere for the patrons and will be designed with an artistic ambience that displays local artisans work

Population Estimates for 2007

	Dupage County
Total Population	904,161
Total Males (by age)	
21 to 25	27,281
26 to 30	31,336
31 to 35	35,078
Total Males (21 to 35)	93,695
Total Females (by age)	
21 to 25	25,241
26 to 30	30,625
31 to 35	34,946
Total Females (21 to 35)	90,812
Total Target Demographic	184,507
Percentage of Total Population	20.40%

Promotions

Promotional efforts are critical for the art house's success. Accordingly, Juxtapose House of Art will offer a vast array of promotional specials. These promotions will help stimulate excitement for the new art house, thus leading to high traffic. The main idea is to offer a new form of artistic entertainment night after night. This is the key ingredient for success as well as longevity in the community.

Proposals include:

- T-shirt give aways
- Art contests
- Battle of the bands
- Cooperative promotions with local radio stations
- Stickers and poster give aways

Entertainment and education will be provided by the most anticipated artists and educators in the area. Special themed events will attract a diverse crowd. Evenings that feature jazz or big band artists may lure a more mature audience, while teen talent nights and fashion shows may appeal to our younger demographic.

The market will be targeted and reached via the following primary vehicles

- Advertisements in local print media
- Broadcast radio spots
- An internet web site
- Membership in the art guild
- Membership in the chamber of commerce
- Juxtapose House of Art newsletter

U4IA Inc. intends to promote the art house through print, radio, and internet resources. Juxtapose House of Art Representatives will attend area events, and work closely with local schools. Person-to-person marketing is just as important to us as our other marketing efforts. U4IA Inc. has a strong marketing and promoting background and looks forward to utilizing our collective talents in this field.

Competition

Juxtapose House of Art (JHOA) intends to meet a demand for culture, art and music that is not currently available in the Downers Grove area. JHOA will maintain an atmosphere that will inspire customers and keep them coming back for unique experiences. JHOA will be a one of a kind organization because competition in the area consists of either a bar/restaurant establishment or art galleries which are closer to specialty shops and/or boutiques. JHOA will be a gallery as well as a venue for performances.

North Beach Night Club and Bally Doyle's Pub are two (2) examples of the night life in the City of Downers Grove. North Beach Night Club offers gaming and dancing facilities, while Bally Doyle's provides more of a restaurant/pub feel with small scale live music. Gallery's Choice and Evergreen Gallery are two (2) local art galleries that focus on showing pieces of art for sale rather than specific artistic exhibitions and performances. We hope to work with these galleries to enhance the entire art community of Downers Grove.

We plan to offer not only art showings in our lounge and performance hall, but we will also provide the community with additional live music and stage performances at night, and educational classes and events during the day.

After reviewing the area's comparable facilities, we believe Juxtapose House of Art will provide a different experience through a wide variety of activities that no other gallery or venue in the City of Downers Grove provides.

North Beach Night Club

1211 Butterfield Dr.
Downers Grove, IL
Ph: (630) 434-1290

Hours of Operation: M-TH 4pm – 1:30am
F 3pm – 1:30am
S 5pm – 2:30am
SU 5pm – 1:30am

Capacity: 1,300
Dance Floor: 2,500sqft

- \$5 cover (Wed - Sat)
- Weekly drink specials
- Live music and DJ

Bally Doyle's Pub

5157 Main St.
Downers Grove, IL
Ph: (630) 969-0600

Hours of Operation: M-F 12pm – 1am
S 12pm – 2am

Capacity: 400

- \$5 cover (Fri & Sat)
- Live music (Wed – Sat)

Gallery's Choice

145 Main St.
Downers Grove, IL
Ph# (630) 969-5660

Hours of Operation: M-S 11am – 5pm

- \$0 cover (daily)
- Sale of commissioned art, glass and jewelry

Evergreen Gallery

6300 Main St.
Downers Grove, IL
Ph: (630) 969-4170

Hours of Operation: M – S 10am – 5pm

- \$0 cover (daily)
- Sale of artwork

MANAGEMENT PLAN

U4IA Inc. will fulfill the role of owning and operating the establishment. U4IA Inc. is made up of four shareholders. Each member of this corporation will have tasks that coincide with their education and experience. Shelli Mullins will act as our spokesperson for Juxtapose House of Art. Shelli has experience in management and has operated several individually owned businesses. She will handle a majority of organizational and managerial tasks. Jarrod Mullins will handle all of the art house's marketing and business relations. Jarrod has over ten years experience in marketing during which he acquired many valuable relationships with Downers Grove business owners. Kyle Johnson is the third member of our corporation. His main task will be art relations. Kyle has art as well as marketing in his background. He will be an essential part of booking artists and musicians. He will plan fundraisers and gallery displays as well as network in the art community. Shannon Johnson is the final member of the corporation. Shannon attended The Massachusetts College of Art, and has managed several entrepreneurial endeavors. Shannon will assist Kyle in artist relations as well as serve on the Muse Advisory Board. Shannon will provide ideas for events and retail merchandise. Collectively, U4IA Inc. has over ten years experience in marketing, independent business ownership, and artistry. We have worked in a team atmosphere for the same time period and succeeded in past business ventures.

Management of Juxtapose House of Art will be divided evenly between the four members of the corporation. All business decisions will be made in weekly officer meetings. Our attorney Jim Smith will handle our financial records and tax reports.

A small staff of two waitresses, up to three security personnel, two concession tenders, and one miscellaneous employee will fluctuate depending on the event and weekday. Interviews for these positions will be conducted by U4IA Inc.

Mark Up Calendar

January

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
		1 Am-Creative writing class Pm-Hair Show	2 Am-figure drawing class Pm-Poetry Reading	3 Am-Jewelry Beading Pm-Art Exhibition	4 Pm-WDCB Jazz night Live Broadcast	5 Pm-Local Band
6	7 Am-Photo Class Pm-Teen Talent Night	8 Am-Painting Class Pm-Local Fashion Designers Exhibition	9 Am-Inspirational Speaker Pm-Music School Recital	10 Am-Improv Acting Class Pm-Comedy Night	11 Pm-Swing Dance Big Band Music	12 Pm-Local Band
13	14 Am-Film Class Pm-Performance Art Production	15 Am-Illustration Class Pm-Interactive Theater	16 Am-Vocal Coaching Pm-College Art Night	17 Am-Art Fair Pm-Open Mic Night	18 Pm-Reggae Night	19 Pm-Local Band
20	21 Am-Wine Tasting Pm-Percussion Circle	22 Am-Sound engineering Class Pm-Christian Art and Music Night	23 Am-Talent Management Speaker Pm-Dance School Recital	24 Am-Mosaic Class Pm-Cultural Music of the World	25 Pm-Folk Night	26 Pm-Local Band
27	28 Am- DIY Art in your home Pm-Leased for a private party	29 Am-Art History Class Pm-Dueling Pianos Sing Along	30 Am-Mural Painting Class Pm-DJ Night	31 Am-Finish Work Class (framing) Pm-Local Battle of the Bands		

2008