

**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE VILLAGE COUNCIL MEETING  
MARCH 1, 2011 AGENDA**

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

**SYNOPSIS**

Ordinances have been prepared amending the Liquor Code which would:

- Increase the allowable on-site consumption square footage limit from 550 square feet to 750 square feet for the Class P-O-2 liquor license classification (Lemon Tree Grocer).
- Amend Friday hours for the sale of liquor.

**STRATEGIC PLAN ALIGNMENT**

The strategic goals for 2011 to 2018 include *Strong, Diverse Local Economy*.

**FISCAL IMPACT**

N/A

**UPDATE & RECOMMENDATION**

These items were discussed at the February 15, 2011 Council meeting. Pursuant to Village Council direction, staff has included a six month sunset clause into the ordinance amending Friday liquor sale hours and will forward the amendment to the Liquor Commission for further review.

Also, in response to Council’s inquiry regarding the additional 200 sq. ft added to the Class P-O-2 liquor license, the licensee has informed the Village that that the additional 200 sq. ft. is currently not being used for any purpose. According to the Lemon Tree, the store has added many new dry grocery items to the store and continues to build upon their butcher and deli offerings. The store has also launched a homemade dessert/pastry program selling cakes, pies, and cupcakes. The Lemon Tree intends to continue operating as a full-scale local market, even with the expanded seating and liquor service.

Staff recommends approval on the March 1, 2011 active agenda.

Based upon a request from the Lemon Tree Grocer, the Liquor Commissioner considered amending the Class P-O-2 liquor license classification which would increase the square footage area for the on-site consumption of beer and wine. Lemon Tree has experienced a larger than anticipated need for on-site consumption of food, beer and wine. This amendment would increase the square footage for on-site consumption by 200 square feet. Food service will be available at all times, however the grocery store shall remain the primary business of the establishment. The dining area is roughly 13% of the total square footage of the entire establishment.

A draft ordinance is attached amending the square footage area from 550 square feet to 750 square feet for the Class P-O-2 license classification.

Based upon a request from the Downers Grove Chamber on behalf of several license holders, the Liquor Commission discussed amending liquor sales hours on Friday until 2 a.m. Currently, alcoholic liquor cannot be sold after 1 a.m. on Friday (into Saturday) at licensed establishments. A number of communities have 2 a.m. Friday liquor sales hours, including Glen Ellyn, Lisle, Lombard, Oak Brook (with an extra \$500 fee), Naperville and Westmont. Local licensees claim the need to remain competitive with these surrounding communities.

A draft ordinance is attached amending Friday hours to 2 a.m. Other liquor sale hours will remain unchanged. (Monday through Thursday 8:00 a.m. – 1:00 a.m. and Saturday 8:00 a.m. through 2:00 a.m., Sunday 9 a.m. - 1:00 a.m.) This would apply to both on-site and off-site consumption license holders.

The Liquor Commission discussed this matter at their meetings of September 9, 2010, October 7<sup>th</sup> and November 4, 2010. On November 4<sup>th</sup> the Commission unanimously recommended that Friday hours be amended to 2 a.m. with a 1 year sunset clause.

#### **ATTACHMENTS**

An Ordinance Amending Class P-O-2 License Provisions

An Ordinance Amending Liquor Sales Hours

**VILLAGE OF DOWNERS GROVE**  
**COUNCIL ACTION SUMMARY**

**INITIATED:** Village Attorney **DATE:** March 1, 2011  
(Name)

**RECOMMENDATION FROM:** Liquor Commission **FILE REF:** \_\_\_\_\_  
(Board or Department)

**NATURE OF ACTION:**

- Ordinance
- Resolution
- Motion
- Other

**STEPS NEEDED TO IMPLEMENT ACTION:**

Motion to Adopt "AN ORDINANCE AMENDING CLASS P-O-2 LICENSE PROVISIONS", as presented.

**SUMMARY OF ITEM:**

Adoption of the attached ordinance shall amend the Class P-O-2 license provisions.

**RECORD OF ACTION TAKEN:**

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

**AN ORDINANCE AMENDING CLASS P-O-2 LICENSE PROVISIONS**

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

**Section 1. That Section 3.13 is hereby amended to read as follows:**

**3.13 Classification of licenses.**

Such licenses shall be, and are hereby, divided into the following classes:

\* \* \*

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

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

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

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

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

- a. The premises shall exceed five thousand five hundred (5,500) square feet and be located within the Downtown Business District.
- b. The seating/serving area for customers consuming beer and wine on the premises ~~shall be limited to ten percent (10%) of the gross retail square footage, but shall not exceed five~~**seven** hundred fifty (~~550~~**750**) square feet.
- c. Consumption of beer and wine on the premises shall be limited to the designated seating/serving area and signage shall be posted that patrons may not leave the area with open alcohol.
- d. Such facilities shall include an area where food is prepared and regularly served on the premises, including hot or cold sandwiches, appetizers, tapas, baked goods or other similar foods.
- e. It is intended that the service of alcoholic liquor is merely an adjunct to the operation of a grocery store and that the facility shall not be advertised or otherwise held out to be a drinking establishment.
- f. Hours for the sale of beer and wine only, for on-premise consumption, shall be in accordance with Section 3-31(a).

\* \* \*

**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.

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Mayor

Passed:

Published:

Attest: \_\_\_\_\_  
Village Clerk

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