



## Legislation Details (With Text)

**File #:** 18-1025      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 11/26/2018      **In control:** City Council

**On agenda:** 12/4/2018      **Final action:** 12/4/2018

**Title:** Conduct the first reading of an ordinance amending Section 3-3-11:1 of the Naperville Municipal Code setting the limit of available Class M - Recreational liquor licenses at 14 and Late Night Permits for non-Downtown locations at 43.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Draft Liquor Commission Meeting Minutes

Date	Ver.	Action By	Action	Result
12/4/2018	1	City Council	passed	Pass

### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Conduct the first reading of an ordinance amending Section 3-3-11:1 of the Naperville Municipal Code setting the limit of available Class M - Recreational liquor licenses at 14 and Late Night Permits for non-Downtown locations at 43.

**DEPARTMENT:** Legal Department

**SUBMITTED BY:** Jennifer Lutzke, Senior Assistant City Attorney

#### **BOARD/COMMISSION REVIEW:**

On November 8, 2018, the Liquor Commission voted unanimously to recommend a liquor code text amendment increasing the limit of available Class M - Recreational liquor licenses and Late Night Permits for non-Downtown locations.

#### **BACKGROUND:**

##### **Class M- Recreational**

Section 3-3-11:1 of the Naperville Municipal Code established the Class M - Recreational liquor license classification. A Class M license authorizes the retail sale of alcoholic liquor for consumption on-site during the time that the recreational portion of the premises is open and available for use or with a lifestyle amenities service. The number of available Class M licenses is capped at 13. A text amendment is required to raise the cap for any new business to obtain a Class M liquor license.

##### **Late Night Permit**

The Naperville Liquor Code currently requires that Class B - Restaurant and Tavern licensees stop serving liquor at 11:00pm daily. The Late Night Permit allows the holder of a valid Class B license to serve liquor from 11:00pm until 1:00am Monday through Friday and 2:00am on Saturday and Sunday

(without kitchen and menu requirements). Late Night Permits are currently capped at 24 for premises located in the Downtown and 41 for non-Downtown locations. All available Late Night Permits for non-Downtown locations are currently taken so a text amendment is required to raise the cap for any new or existing Class B licensee to obtain a Late Night Permit.

## **DISCUSSION:**

### **Class M - Recreational**

Recently, Urban Air Adventure Park petitioned the Liquor Commission for a Class M liquor license to allow it to engage in the retail sale of beer and wine for consumption on the premises at 1955 Glacier Park Avenue. Urban Air Adventure Park is slated for opening in Spring 2019. Urban Air Adventure Park is an approximately 73,000 square foot indoor family recreation center offering go-karts, climbing walls, trampolines, and laser tag. Pizza, drinks, snacks, and other types of food will be served in a full-service café with a convection oven. The proposed hours of operation are Monday, Tuesday, Thursday from 3:00p.m.-8:00p.m., Wednesday and Sunday from 10:00a.m.-8:00p.m., and Friday and Saturday from 10:00a.m.-11:00p.m.

On November 8, 2018, Urban Air Adventure Park presented its concept to the Liquor Commission. The representative shared that adults are prohibited from using the attractions once alcohol is purchased and that signs will be located throughout the facility stating that use of attractions are prohibited after alcohol. The franchisor has experience with managing alcohol in other locations. The Liquor Commission voted unanimously to recommend that the City Council increase the Class M liquor license cap from 13 to 14. Should City Council pass the attached ordinance increasing the number of available Class M licenses, upon proper application, the Liquor Commissioner will issue a Class M license to Urban Air Adventure Park.

### **Late Night Permit**

#### **Whirlyball**

On November 8, 2018, Whirlyball, an entertainment facility to be located at 3103 Odyssey Avenue petitioned the Liquor Commission for an increase in the Late Night Permit. Whirlyball is a team sport played in vehicles similar to bumper cars and is a mix of lacrosse, hockey, basketball, and bumper cars. Whirlyball focuses on corporate team building functions, client entertainment, and holiday parties; it also hosts social events for children, rehearsal dinners, weddings, and adult birthday parties. There will be a full-service kitchen. The proposed hours of operation are Monday through Thursday from 11:00a.m. to 11:00p.m., Friday through Saturday from 11:00a.m. to 1:00a.m. and Sunday from 11:00a.m. to 11:00p.m.

#### **Bombay Chopsticks**

Bombay Chopsticks is an Indian-Chinese fusion concept that combines Chinese seasoning and cooking techniques to India tastes. Bombay Chopsticks is slated to open in March 2019 at 1568 W. Ogden Avenue, #148. The proposed hours of operation are Monday through Thursday, 11:00a.m. to 11:00p.m., Friday through Saturday, 11:00a.m. to 12:00a.m., and Sunday, 11:00a.m. to 10:00p.m. Bombay Chopsticks seeks a Class B Restaurant/Tavern liquor license and a Late Night Permit, allowing them to sell liquor on premises with its primary business focus being the service of food.

On October 18, 2018, the Liquor Concept Committee reviewed Bombay Chopsticks' request for a Class B - Restaurant/Tavern liquor license and a Late Night Permit. The Concept Committee concluded that Bombay Chopsticks concept was appropriate for a Class B - Restaurant/Tavern liquor license and a Late Night Permit but found that there was not a Late Night Permit available due to the cap. The matter was referred to the Liquor Commission due to the Late Night Permit cap.

On November 8, 2018, the Liquor Commission unanimously recommended that the City Council increase the Late Night Permit cap from 41 to 43 for non-Downtown locations.

Draft minutes from the November 8, 2018 Liquor Commission meeting are attached.

**FISCAL IMPACT:**

An annual increase of \$3,200 in licensing and permitting fees and a corresponding increase in sales tax and food and beverage revenue.