



## Legislation Details (With Text)

**File #:** 19-1124      **Version:** 1

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

**File created:** 11/6/2019      **In control:** City Council

**On agenda:** 11/19/2019      **Final action:** 11/19/2019

**Title:** Conduct the first reading of an ordinance amending Sections 3-3-3 and 3-3-11 of the Naperville Municipal Code regarding the Class R - Legitimate Theater House liquor license

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Layout Example, 3. Liquor Commision Meeting Minutes

Date	Ver.	Action By	Action	Result
11/19/2019	1	City Council	passed	Pass

### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Conduct the first reading of an ordinance amending Sections 3-3-3 and 3-3-11 of the Naperville Municipal Code regarding the Class R - Legitimate Theater House liquor license

**DEPARTMENT:** Legal Department

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

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

On October 3, 2019, the Liquor Commission unanimously approved the proposed amendments.

#### **BACKGROUND:**

The Class R - Legitimate Theater House license allows for the sale of beer and wine for onsite consumption at theatrical presentations utilizing live actors. At present, there are two Class R licensees: Center Stage, located on Quincy Avenue, and Chartwell's at Wentz Concert Hall, located on Chicago Avenue. There is no cap on the Class R license. The Class R license currently limits sales and service of liquor to the lobby and places hourly restrictions on sales and service to one hour prior to the start of a performance and during intermission for not more than one hour.

The City was approached by Pete Ellman about text amendments to the Class R license. Mr. Ellman is interested in opening a jazz club at 1112 S. Washington that will have performances from local and national musicians. It is anticipated that the club will be open on Tuesday nights from 5:30p.m. to 9:30p.m. and Friday/Saturday nights from 6:30p.m.-10:00p.m. and other times depending on specific performers' schedules. The jazz club will serve chili and cornbread. Attached is a photo provided by Mr. Ellman that provides an example of the layout for the jazz club.

#### **DISCUSSION:**

In order to allow for a jazz club, an amendment is required to the “legitimate theater house” definition. The proposed text amendment modifies the definition to include musical presentations utilizing the talents of live performers. It also allows for service throughout performances by expanding the hours for sale and service until one-half hour before the end of the performance and the area for sales and service to beyond the lobby. Service will be made by a service bar and no bar will be available for customers to sit. The serving size for wine is also increased to 6 ounces, which is a standard serving size used throughout the liquor code.

The Liquor Commission voted unanimously to recommend to the City Council modification of the Class R - Legitimate Theater license to include a jazz club. Minutes from the October 3, 2019 Liquor Commission meeting are attached.

**FISCAL IMPACT:**

An annual increase of \$500.00 in licensing fees and a corresponding increase in sales tax.