



Naperville

CITY COUNCIL AGENDA ITEM

SUBJECT: Riverwalk Eatery Liquor License

TYPE OF VOTE: Simple Majority

ACTION REQUESTED:

Pass the ordinance amending Section 11 of Chapter 3, Title 3 of the Naperville Municipal Code to accommodate the Naperville Park District's request to create a liquor license for its Riverwalk Eatery.

BOARD/COMMISSION REVIEW:

The Liquor Commission recommended amending the Liquor Code to create a liquor license for the Naperville Park District's Riverwalk Eatery at its February 12, 2015 meeting.

COUNCIL ACTION PREVIOUSLY TAKEN:

Date	Item No.	Action
3/3/15	N.2.	Held first reading of the ordinance amending the Municipal Code to create a liquor license for the Park District's Riverwalk Eatery

DEPARTMENT: Legal

SUBMITTED BY: Michael DiSanto, City Prosecutor

FISCAL IMPACT:

An annual increase of one thousand three hundred dollars (\$1,300.00) in licensing fees and a corresponding increase in sales tax.

BACKGROUND: On December 18, 2015, representatives from the Naperville Park District met with the City's Liquor Concept Committee and presented a plan to enhance the Riverwalk Eatery, an underutilized amenity, as well as the overall experience for patrons enjoying the area.

The Riverwalk Eatery is a 1,869 square foot existing facility located on the Riverwalk at the bottom of Rotary Hill which is owned and operated by the Naperville Park District on property owned by the City of Naperville. The Park District's Eatery concept includes adding an enclosed

outdoor patio and expanding the Eatery's menu options to include new food items such as coffee, beer, and wine for on-premise consumption. *A copy of the Eatery's proposed menu and floor plan is attached.*

The Park District seeks a liquor license allowing it to serve beer and wine only (no spirits) for on-premise consumption at the Eatery. Beer will be served in twelve ounce cans and wine in five to six ounce individual servings. Food will be available for purchase at all times that the Eatery is open. Its menu will consist of items such as popcorn, nachos, hot pretzels, hot dogs and ice cream as well as salads, flat bread pizzas and paninis. It is anticipated that less than 20% of the Eatery's revenues will come from the sale of alcohol.

The Eatery will be open daily from Memorial Day through Labor Day from 11 a.m. until 10 p.m., as weather permits. In addition to a liquor license, the Park District intends to apply for an entertainment permit for small acoustic performances and for an outdoor seating permit to accommodate its outdoor patio.

Inside the Eatery, there are approximately eight tables with occupancy of 34. The outdoor patio will be 1,545 square feet with approximately 15 tables and occupancy of 60. The perimeter of the patio will be enclosed with a 26" permanent planter wall. All service on the patio will be by a server and there will not be a customer service bar on the premises.

The Park District will guard against underage and over service as well as against alcohol being carried away from the Eatery premises through the use of BASSET trained employees, Park District police officers, and security cameras. The Eatery is also equipped with burglar alarms.

The Park District has held a Naperville Class M liquor license for Springbrook Golf Course since approximately 1975 and it has held a Will County liquor license for Naperbrook Golf Course since approximately 1990. Neither liquor license has ever been suspended nor the subject of a liquor violation.

Liquor Commission

On January 8, 2015, representatives from the Park District as well as the Park District's Board presented its concept for the Eatery as well as its request for a liquor license to the Liquor Commission.

Based upon the Park District's request, the Liquor Commission directed staff to prepare an ordinance amending the Class T – Heritage Society liquor license classification to encompass the Riverwalk Eatery. The Class T liquor license was established to allow the Naperville Heritage Society to hold a liquor license so it could serve beer and wine at the Pre-Emption House located at Naper Settlement as ancillary enhancement to its broader cultural, educational and recreational primary purpose. The liquor license currently being sought by the Park District is similar to the existing Class T license in that it concerns the service of beer and wine only, within a premise located on publically owned property, as an ancillary enhancement to the otherwise cultural or recreational primary use of the premises. Additionally, both locations serve some light food but do not meet the restaurant definition in the liquor code.

On February 12, 2015, the Liquor Commission unanimously¹ recommended an ordinance modifying the Class T – Heritage Society Cultural License to accommodate the Park District's request for a liquor license at its Riverwalk Eatery be submitted to the City Council for adoption. The Commission included in its recommendation a one year sunset provision with regard to the Eatery's liquor license after considering public comments from two residents who opposed a liquor license being made available for a premises located on the Riverwalk. *A copy of the Liquor Commission's February 12, 2015 meeting minutes are attached.*

City Council

On March 3, 2015, City Council held the first reading of the ordinance amending the Naperville Municipal Code to create a liquor license for the Riverwalk Eatery. The Council requested a more expansive aerial view of the Eatery premises to see a more zoomed out view depicting the size of the paths of travel around the Eatery once the patio is built. *The Park District provided an aerial view as well as a revised floor plan which are attached.*

DISCUSSION: The Illinois Liquor Control Act was enacted to regulate the sale of alcoholic liquor in order to protect the health, safety and welfare of the public. The State of Illinois has conferred upon the City Council of local governments the authority to determine by ordinance the number, kind and classification of liquor licenses, however; the authority to determine whether a license shall be issued in the case of a particular applicant is vested solely with the Local Liquor Commissioner. The sale of alcoholic liquor is a privilege and not a right, therefore; the City Council may enact regulations and restrictions on local liquor licenses. When considering whether to recommend an amendment to a liquor license classification, consideration should be given to the core business concept, the City's ability to enforce its restrictions for public safety and appropriate liquor regulations, and the precedential effect the amendment may have on existing and future applicants.

Attached are letters of recommendation from the Naperville Riverwalk Commission and the Millennium Carillon as well as an email from the Naperville Chamber of Commerce.

RECOMMENDATION: Pass the ordinance amending Section 11 of Chapter 3, Title 3 of the Naperville Municipal Code to create a liquor license for the Naperville Park District's Riverwalk Eatery.

ATTACHMENTS:

1. Ordinance
2. Riverwalk Eatery Menu and Floor Plan
3. Liquor Commission's February 12, 2015 Meeting Minutes
4. Riverwalk Eatery aerial view
5. Riverwalk Eatery revised floor plan
6. Riverwalk Commission and Millennium Carillon Letters
7. Naperville Chamber of Commerce Email

¹ Liquor Commissioner Scott Wehrli recused himself from the discussion and vote on this matter citing his part-time employment by the Naperville Park District. A copy of Commissioner Wehrli's disclosure of interest filing is attached to the Liquor Commission's February 12, 2015 meeting minutes