AGENDA
CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSION MEETING

MONDAY, JULY 20, 2015
CITY COUNCIL CHAMBERS @ 4:30 PM
2 E MAIN STREET

1. Call to Order.

2. Roll Call.

3. Motion to accept and place on file minutes of the Liquor Control Commission meeting held on June 15, 2015.

4. Recommendation to approve a proposal for a new liquor license (Class D-8) for Bellawhisk d/b/a Painting With A Twist to be located at 141 S 1st Street.

5. Recommendation to approve a proposed code revision for Title 5 “Business Licenses and Regulations”, Chapter 5.08 “Alcoholic Beverages”, Section 5.08.090 “License Classifications/Class B Restaurant Licenses”, Section 5.08.260 “Regulations Applicable to Certain Licenses Only”.

6. Other Business.

7. Executive Session (5 ILCS 120/2 (c)(4)).

8. Adjournment.

MINUTES
CITY OF ST. CHARLES, IL
LIQUOR CONTROL COMMISSION MEETING
MONDAY, JUNE 15, 2015

1. Opening of Meeting
The meeting was convened by Liquor Commissioner Rogina at 4:45 p.m.

2. Roll Call

Members Present: Liquor Commissioner Rogina, Robert Gehm, Ald. Payleitner, and Chuck Amenta

Absent: Ald. Lewis

Others Present: Police Chief Keegan, Steve Huffman, Mark Koenen, Atty. John McGuirk, Mark Koenen, Tracey Conti

Mayor Rogina: Before we get started, a couple quick notes. First of all I see Alderman Krieger in the audience. I want to thank her for being present last month in my absence and conducting a very efficient and neat meeting. Thank you Alderman Krieger. I would be remiss before we begin today also by saying that part of our group here today is a proud new father. We have Charles Anthony Amenta III, first son of Kate and Chuck Amenta. We say congratulations to you sir.

Chuck Amenta: Thank you.

3. **Recommendation to accept and place on file minutes of the Liquor Control Commission meeting held on May 18, 2015.**

   Voice Vote: Ayes: unanimous, Nays: none. Motion carried.

4. Recommendation to approve a proposal **for a Class A1 liquor license for Depot Liquor 2 and tobacco license to be located at 710 S. Third Street (former St. Charles Mini-Mart).**

Chief Keegan: Thank you Mayor Rogina and members of the Commission. I'm going to handle items 4 – 8 and Deputy Chief Huffman will handle 9 – 11. I have before you this evening a class A1 liquor license for package liquor goods at the Liquor Depot #2, located at 710 S. Third Street. This company is also looking to sell tobacco products. There are questions/issues pertaining to zoning, which I believe has been addressed by the planning division, the petitioner is here to answer any questions. I'm happy to report that the Police Department conducted a background

investigation, BASSET training is pending, the site is in excess of a minimum square footage of 2000 sq. ft. With that I would take questions from the commission.

Mayor Rogina: The recommendation comes from me on the basis, that, as the Chief has indicated, not only as far as the background check is concerned, but that there was input by the City Planner and legal counsel as to the fact this is a permitted use under the City Ordinance. That is the purpose as Mayor of making the recommendation. I'm happy at this point to open it up for questions, first of all by the Commission, then by anyone in the audience. Please state your name and address for the record.

Minesh Patel: Minesh Patel, 710 S Third Street.

Ald. Payleitner: I want to say, first of all, as a commission we're here for more than just a rubber stamp. That's why we sit here, we take the information in, process it, vote accordingly and move that vote on to committee. I'm on the record as stating that one of our jobs as Commission, Committee or Council is to assure our city holds a bunch of good neighbors, and that we have codes and ordinances in place so that we can help everybody to have a good neighbor and to be a good neighbor.

This application is in an area that is a BL which is a local business. By reading the definition in our book of a BL District, this is a little square just the size of the property surrounded by residential. It's a unique BL; because in the rest of our town that is not the case. Because of that, and what it says in our code, the BL District that is a mix of uses but is also primarily there to serve the convenience needs of the St. Charles neighborhoods. I've heard from enough of the neighbors to know that this isn't a convenience they feel they need or desire. There is enough representation in that market. They can go to the Blue Goose, or other liquor stores; not to have it in their neighborhood as opposed to a mini-mart, which is a convenience. I think it's in our scope to deny this license simply because it doesn't fit what I see is the wording of a BL District.

Mayor Rogina: Mr. Colby, can you come to the microphone? Based upon what Alderman Payleitner said, I have a simple question; you provided that information not only to Alderman Payleitner but the other members of the commission. We all have a copy of the BL Local Business Ordinance in front of us. From your standpoint as a City Planner what does that language say to you?

Russell Colby: That language is the purpose statement that was used to establish the zoning district. We would look to that language to define the individual uses that are permitted in that zoning district. On the basis of the language a list was drafted for this district, which includes different types of businesses that are permitted in the district, one of which is retail sales as it's defined under the zoning ordinance. Retail sales as defined in the zoning ordinance would include any type of product being sold, whether it's a convenience store, or a liquor store, it's still considered to be retail sales. If the purpose statement was written in such a way that it provided some specificity to the City Council in terms of deciding what type of businesses are appropriate, there is a process that the City can go through to amend its code to change the list of permitted uses. Making that change based on the purpose statement, you could choose to

identify a liquor store use as a separate use and make the decision to not include that as a permitted use in the BL District. If that was the Council's interest we could go through the application process to have that change made.

Mayor Rogina: As for the word retail here, would alcohol be included as retail product?

John McGuirk: I agree with Russ's interpretation. This is retail use, whether it's the sale of alcohol or other products it's sold at retail. There's no question it fits within the classification.

Ald. Payleitner: Understood. I also think that the BL is up to the discretion as to not negatively impact adjoining neighborhoods. We have liquor establishments in other BLs and those neighborhoods are okay with that, that's fine, or they're on a main street where they are just not serving the neighborhood because it's on a main street. I just think that the BL, by definition, in that it's designed to not negatively impact a neighborhood gives us a chance for added discretion.

Mayor Rogina: I'll ask Russ this question. With respect to One Stop Liquor, which is at 14th and Prairie. Is that a BL?

Russell Colby: Yes, it is.

Mayor Rogina: With respect to Lundeen's at 14th and Main. Is that a BL District?

Russell Colby: Yes.

Mayor Rogina: With respect to the Lundeen's on the other side of town on the East side. What is that?

Russell Colby: That property is in the CBD2 Mixed Use Business District.

Mayor Rogina: The old Parkside Liquor, across from a Park, which is now the Bend General Store, Parkside Liquor sat there for almost 25 years. What district is that?

Russell Colby: That property is in CBD1 Central Business District.

Mayor Rogina: I say all this to put it on the record as far as past practice by this particular City Council, for no other reason than that.

Ald. Payleitner: The importance is I think that yes, we're bound legally, yes, we're bound what the Planning Department definitions are and how they give them to us, but at the same time I think our job is to use some discretion; especially when it comes to issuing liquor licenses and in this particular BL case; I think we have to listen to the neighbors.

Robert Gehm: Going on that with retail sales, what percentage of your business is planned to be liquor or tobacco? Is it going to be more of a liquor store or more of a convenience store?

Minesh Patel: As far as I understood, in the City of St. Charles you can't have convenience plus liquor.

Mayor Rogina: Let the record show that the applicant said the City of St. Charles does not permit, and he's correct, convenience and liquor both. 7-11 or St. Charles mini-mart could not sell liquor. I'm not trying to put words in your mouth; the answer to the question is 100% liquor and tobacco.

Minesh Patel: Yes.

Ald. Payleitner: It's because of the size, correct. The size limits it, because we have other stores with bigger square footage and their allowed to be convenience/liquor.

Minesh Patel: As far as I understood, it is more like a grocery store; over 5000 square feet are allowed.

Chief Keegan: Its 10,000 square feet or more.

Chuck Amenta: Can I be very specific? What is the square footage of your building and what percentage of that will be used for alcohol?

Minesh Patel: Almost 95% will be alcohol. Square footage is 2500.

Mayor Rogina: The applicant is certainly in a position, if you'd like to make any statements. If not, the application speaks for its self.

Minesh Patel: Yes.

Alderman Payleitner: To the applicant, nothing personal. You do have other businesses and they are all fine establishments. That is not the issue. It's just the location as it sits is in a neighborhood.

Minesh Patel: Okay.

Mayor Rogina: Chief Keegan if it's okay before we move on this, I'd like to ask that anybody who would like to address the Commission, again just so the record reflects, this Liquor Commission is a sounding board and a first step in a process, what happens from here is that any recommendation, plus or minus, the vote will be brought to the Government Operations Committee on July 6. Is there anybody here tonight that would like to say something?

Mary Hill: 1003 S 4th Street. I am opposed to this because of the situation that it's right in the neighborhood. All the other liquor stores we have in town that I can think of are on the periphery, on Rt. 64, or on the edge of town, Kirk Road or whatever. This is right in a neighborhood, also it is right across the street from a playground, where the children have swings and the children are right there playing. I just think it's an inappropriate place to put a liquor

store in a neighborhood. Traditionally they have been more in the downtown district or on the edge of town.

Mayor Rogina: I'd like to comment, just to make the record clear, Mr. Colby, of the previous establishments that I listed a few minutes ago 14th and Prairie, is that within a block of a neighborhood?

Mary Hill: Is that the one where the KinderCare is?

Mayor Rogina: Yes

Mary Hill: That's considerably out of town and I think that business has been there for many, many years.

Mayor Rogina: Mr. Colby, is that within a ½ block of apartments and neighborhood?

Mr. Colby: It's adjacent to residential uses across 14th and Prairie Street.

Mayor Rogina: Lundeen's on the West side of town, in the central part of the city. Is that near a neighborhood?

Mr. Colby: Yes, there is residential use.

Mayor Rogina: Lundeen's on the East side of town. Is that near a neighborhood?

Mr. Colby: Yes.

Mary Hill: I understand. But this is right in the neighborhood with houses all around it and as a citizen, I am totally opposed to this. No offence to anyone, it's the use of liquor and tobacco.

Mayor Rogina: Thank you. Anyone else, yes sir. State your name and address for the record.

Kenneth Dieter: I live at 621 S 2nd Street. My property is directly on the eastern border of 710 S Third Street. It pains me to be here today, because Angie who owns the property is my neighbor. I found out about this, I had a hard discussion with her and I have to be here to oppose this. My property line between Angie's is a natural causeway for kids from the skate park to the convenience store to get their snacks, drinks, etc. Every spring when the snow thaws I can show you remnance of that in my backyard. I'm concerned when the clientele changes from kids running for snacks, which I've been able to deal with and talk to kids, to people who may be intoxicated going for that one last six-pack at night. I don't really want that walking past my bedroom at night. That may not be grounds, but this is, as we say, the number one city for families. This is one piece of property in the heart of one of the biggest residential neighborhoods. I happen to be a neighbor there; I happen to share a property line. That may not be legal justification but I would ask before you proceed, to look at the soundness of the property, the eastern retaining wall, then northern retaining wall, and the drainage situation. This

is a drainage problem; it's been affecting my property for years. Angie feels it's the City's problem. I've talked to the City they say they cannot tell me if it's structurally sound or not. Basically, a structural engineer would have to examine that. I would gladly give you these for your own perusal.

Mayor Rogina: I would refer these to the Community and Economic Development Departments.

Kenneth Dieter: What you will see is a 5 – 6 foot tall 3 foot deep concrete wall, approximately 15 feet long that is totally cracking through at the base. The asphalt on the eastern corner of that property does not extend all the way to the wall. Water goes there, drains down and come through on my property underneath my drive. On your way home I ask you to drive down 2nd street. My driveway is the one that's buckled. It happens every spring.

I am opposed to this. I think it's going to change the neighborhood, and if you are going to proceed I'd ask the owner of the store to provide me with a certificate, or the City, that it's structurally sound for that use. The store has been deteriorating. Thank you.

Mayor Rogina: Thank you sir.

Jennifer Santos: I live at 1409 S Third Street. I was on my way over here and telling my 12 year old daughter who's a student at Thompson Middle School what I was coming to do and expressed that she doesn't want to walk by a liquor store on her way to school every day. She likes to hang out at the park, that's right across the street, with her friends. Her friend lives on the other side of the park on 4th street. She's worried about adults using that park after they go to the liquor store. It's not hard to stretch your imagination to see what a liquor store will do to that park and that's what she's most concerned about. I'm here to ask you to please deny this application.

Mayor Rogina: Thank you Mrs. Santos. Rob.

Rob Rooney: Thank you Mr. Rogina, nice to see you. My name is Rob Rooney. I've been a lifelong member of this community. I've seen this community do a lot of great things and a lot of things to make the community shake their heads. As being a person in this neighborhood, a family in this neighborhood who have two children and a wife who also grew up in this neighborhood we're scratching our heads. We moved downtown after living out west for the amenities that this community provides. You said something that caught me off guard, that it was a business of convenience for that neighborhood. I would like to actually go back and find out was that convenience store opened by someone who lived in that neighborhood at that time for that purpose and to take care of that ward? Ray you have brought up some establishments that have been in this town for years; Parkside, yes, next to a park but on Rt. 64, not on Prairie Street, not on 3rd Street, not backing up to a neighborhood, not backing up across the street from a park where you see kids on a daily basis. That area is rejuvenated, it's been rejuvenating for the past 17 years since I've been there. We've seen houses that have been fixed, houses that have possibly been renovated. When I see what our children have in that area, a liquor store is

going to be an issue. Not only for them walking to school as Mrs. Santos said, but on a Friday night when they're out for a bike ride with their family. The amount of biking that's going on between Sammie's in Geneva, the bike riders that use 3rd street as their access on Tuesday and Thursday nights, You're looking at a potential problem. When I look back at what is a convenience for that community, that does not serve a purpose what-so-ever for who we have in that community as residents. You asked Mr. Patel where he lived. He gave you the business address, not the community member who should live in that place. That's something that I'd like to know as a taxpayer. What is his address? Is he a community member? Is he going to advocate for that community? City of families, yeah we are, but are we heading in the right direction or wrong direction? Putting a liquor store in that spot is the wrong direction. You don't want to hang your hat on that, too many people respect you. We ask you to reconsider.

Mayor Rogina: Thank you Mr. Rooney; Anyone else?

Chris Lobrillo: 1037 S 2nd Street. My wife and I oppose the liquor license for the Mini Mart for three big reasons. One of the reasons is the possibility of increased traffic on 3rd Street and the high probability of more intoxicated traffic on 3rd Street. We don't like the advertising of alcohol in our neighborhood especially across the street from a park where all our kids are playing. Lastly, because we are in such a high residential area we feel the best use for that building should be something for all ages, not more of an adult store. Thank you very much.

Mayor Rogina: Thank you.

Robin Peot: I live at 622 S 4th Street. I'm about three houses down. I emailed Rita earlier this week. I am here because I chose St. Charles to start my family. We picked St. Charles because we didn't think we would ever have to worry about something like a liquor store opening up down the street and having our child exposed to that type of advertising, not to mention her safety when she's old enough to go play at the park across the street. Just as the other gentleman stated, our house is a fixer. We put our heart and soul into it for the last couple of years. We started our family and my husband and I greatly oppose this. Thank you.

Mayor Rogina: Thank you for coming.

Paul Lencione: Thank you very much Mr. Mayor. I appreciate the opportunity. Normally I would give 300 S 2nd Street, but today I give 102 S. Third Street. I live a couple blocks from this location. I welcome the owners of the property to do things that are successful, but also serving for about six years as a Plan Commissioner, a year and a half as the Vice Chair of the Plan Commission, when we talk about uses in the city, I go back to some of the history and some of the things I've seen done. I bought a house that originally I could have converted into a multi-unit dwelling. In that area the Plan Commission had gone toward a less intense use, the character of the neighborhood has gone towards a less intense use. Mayor Rogina, you do absolutely name some other liquor stores that are near parks and the underlying zoning. However, Mr. Colby, I'd ask you, where in the hierarchy of planning does the comprehensive plan fall in comparison with zoning?

Russell Colby: The Comprehensive Plan is a policy document adopted by the City Council as where zoning is the City's code, the City's laws, when we talk about what land use is permitted on a site right now, we refer to the zoning ordinance and what the uses are allowed there. The Comprehensive Plan, as a policy document, provides guidance about future land use changes and what the code says about the uses that are allowed there should there be a change proposed to this site; for example, in the Comprehensive Plan this property is shown as a detached single family residential neighborhood classification. In the event someone proposed to rezone this property for residential use the Plan would support that change being made.

Mayor Rogina: I'd like to ask is it justified that anybody changes an ordinance in the middle of an application?

John McGuirk: I think that would be a very difficult thing to do.

Paul Lencione: I accept that, that's not part of any argument I would make. What I would like to discuss is; if you take a look at the Comprehensive Plan, the other liquor store locations that you referenced are all in mixed use or neighborhood commercial. I'm not saying it's the most intense use, but if you take a look at this property, it is, in the Comprehensive Plan as 100% residential. With that being said, I respect the underlying zoning, but we're talking about a special kind of intense use. I'm not going to try to tell you what your jobs are, but the Liquor Commission, in my understanding, is here to make sure that, really sure, that's what we want to do in that spot. Otherwise, once you got the zoning to have liquor store you would just be able to open one. It is your responsibility to see what is responsible placement of liquor establishments and I would ask you to consider whether it is or not, and provide oversite although the zoning is appropriate for a liquor store. In another circumstance you may take a look at it, but I don't think it's appropriate. I'd never make the argument to change zoning, however, that being said, I think it would be very wise to take a look at if this is the appropriate place to put a liquor store. I grew up in that neighborhood and we all, as children, used to go down to the candy store. We called it the candy store, not the convenience store. I respect your decisions, but I would ask you to consider if that's the appropriate place to have a liquor establishment. Thank you for your time.

Mayor Rogina: Than you, Paul.

Ald. Payleitner: Listening to the neighbors, and I've got 4 or 5 additional emails and a phone call, as I left this afternoon all saying the same thing. I might add that the other liquor stores in BL, I was sitting on council for two of them. A license came up because of a new owner, I think at 14th and Prairie, and Lundeen's came before council and I was sitting here. Both those came before us, not one neighbor spoke out against them. If it's good for the neighbors, it's good for me. That's why I look at a BL, if it's to compliment or be a convenience to the neighbors, the neighbors have a voice in that. No neighbors spoke against that. I don't see this being the case.

Mayor Rogina: I don't disagree with anything you said. In fact I think the neighbors and their voices are always a must to be heard. If we do not do that we're at fault and should be ashamed. I think the council, as we move forward in this process, has to balance that voice vs. what the

ordinance says. I would also like to mention for the record that Alderman Lewis spoke with me earlier today and expressed that she is opposed to this. I'll entertain whatever motion you'd like on #4.

Rob Rooney: Of the other liquor stores that you had mentioned, I'd be interested to know if they have foot traffic walking to one middle school and two elementary schools 182 days out of the year?

Mayor Rogina: I'm not here to disagree with anything anybody says. I'm here to defend the ordinance because of the fact that you do have presedant for putting a liquor store in a BL zoning area. If I don't say that then I'm remiss as the Mayor. I respect each and every person who came before us. I think you articulate very well what the neighborhood feels. It's been well done. You can either move to recommend the approval of the Class A1 Liquor License or you can move to reject the application for Depot Liquor 2 and tobacco license.

Motion by Mr. Amenta, second by Ald. Payleitner to reject the approval of the A1 Liquor and Tobacco license for Depot Liquor 2.

Roll Call: Ayes: Gehm, Payleitner, and Amenta; Nays: none. Chrmn. Rogina did not vote as Chairman. **Motion carried.**

Mayor Rogina: We will take this to Council Committee with a 3, 0 vote to reject the application. Chief, that's the process, we move on to Council Committee?

5. **Recommendation to approve a proposal for a class B liquor license for the Pride Stores, Inc. d/b/a Urban Grill, to be located in a retail center at 1850 Bircher Road, unit number to be determined by the postmaster.**

Chief Keegan: Item number 5 is recommendation to approve a proposal for a class B liquor license for the Pride Stores, Inc. d/b/a Urban Grill, to be located in a retail center at 1850 Bricher Road, unit to be determined by the Postmaster on a new construction project. We have the petitioner present. This is a joint venture, along with item #6, which is the parent company and will be located next door. Item #5 for restaurant use is called Urban Grill, we conducted a background investigation. It's a new construction project at the old Jaws Carwash. It's not constructed as of yet. It is a corporation of the Pride Stores, a parent company of Parent Petroleum. There is an adjoining liquor store and this particular business model is at three other Chicagoland locations, Chicago, Hinsdale and Aurora. I'd be happy to answer any questions and once again the petitioner is present.

Mayor Rogina: Even though this is the same property it will be two separate motions because we're dealing with two separate entities.

Chief Keegan: Correct. The Urban Grill is a B license, and the adjoining business which is next on the agenda is a package liquor, which is an A1 license.

Mayor Rogina: I think that the applicant has provided a very detailed business plan, model and diagrams. I think that each member of the commission has a good sense of what's going on with what is currently a car wash on Bricher.

Ald. Payleitner: I have a question concerning the diagram of the restaurant.

Mario Spina: I live at 295 Wood Avenue, Glen Ellyn.

Ald. Payleitner: Looking at the diagram, this is going to be a sit down restaurant, correct?

Mario Spina: It's a quick service restaurant. It's not full service sit down with a waiter or waitress.

Ald. Payleitner: Kind of like a Panera lay-out. You pick it up and sit down.

Mario Spina: Yes.

Ald. Payleitner: The rectangles on the diagram are tables?

- A discussion took place between Alderman Payleitner and applicant as to the layout of the restaurant.

Chuck Amenta: Does the restaurant have direct access into the liquor store?

Mairo Spina: It does have direct access. Urban Counter is a concept that we have in three locations right now. We're going to be running the Urban Counter and the Beer, Wine and Spirits store next door. We also run a gas station. What we did was provided access in the back for employees only to use the bathrooms in the restaurant. There is no cross access to get into the liquor store. You have to walk out of the building and walk back in.

Chuck Amenta: Thank you

Robert Gehm: The proposal is Urban Grill

Mario Spina: It's Urban Counter

Mayor Rogina: The recommendation is for a proposal for a class B liquor licensee for the Pride Stores doing business as Urban Counter to be located in a retail center at 1850 Bircher Road, unit number to be determined.

I would also like to mention for the record that Alderman Lewis spoke with me earlier today and expressed that she would abstain to this.

Motion by Ald. Payleitner, second by Mr. Gehm to approve a proposal for a class B liquor license for the Pride Stores dba Urban Counter to be located at 1850 Bircher Street.

Roll Call: Ayes: Gehm, Payleitner, and Amenta; Nays: none. Chrmn. Rogina did not vote as Chairman. **Motion carried.**

6. **Recommendation to approve a proposal for a class A1 liquor license for the Pride Stores, Inc. d/b/a The Pride Beer and Wine Plus Spirits, to be located in a retail center at 1850 Bricher Road, unit number to be determined by the postmaster.**

Chief Keegan: Item 6 is a recommendation to approve a proposal for a class A1 liquor licensee for the Pride Stores, Inc. dba. The Pride Beer and Wine Plus Spirits to be located in a retail center at 1850 Bircher Road Unit number to be determined by the Postmaster in St. Charles, and it's new construction. The package liquor store is a subsidiary of the Pride Stores Petroleum, Inc. It is a full service class A1 package liquor facility. It does meet the square footage thresholds of 2000 sq. ft. We have made it clear to the applicant that per the Liquor Commission by-laws the liquor stock cannot be co-mingled, and must be ordered from a distributor. I'm happy to answer any questions that the commission might have and again the petitioner is present.

Ald. Payleitner: I appreciate your clarification that you did tell the applicant about the cross paths.

Chuck Amenta: Because you mentioned that you own the gas station as well, will the Pride Gas Station ever seek to receive a liquor license?

Mayor Rogina: They can't under the current ordinance.

Motion by Mr. Gehm, second by Mr. Amenta to approve a proposal for a class A1 liquor license for the Pride Stores dba Pride Beer and Wine Plus Spirits to be located at 1850 Bircher Street.

Roll Call: Ayes: Gehm, Payleitner, and Amenta; Nays: none. Chrmn. Rogina did not vote as Chairman. **Motion carried.**

7. **Recommendation to approve a proposal for a class B liquor license for Buona Beef to be located at 2425 W Main Street, St. Charles.**

Chief Keegan: Recommendation to approve a proposal for a class B liquor license for Buona Beef to be located at 2425 W Main Street in St. Charles. This is a class B liquor license which is a restaurant license. It's a new construction project west of Randall Road. They will sell beer and wine only; it is a drive thru like Portillo's and Salsa Verda. A class B is for onsite consumption only. Buona Beef has 14 other Chicagoland area locations, they are looking to expand their business model. The petitioner is present and can answer any questions the Commission might have.

Chuck Amenta: Is there a plan to be outside seating where consumption can take place? Is there an outside patio area where the patrons can take beer and wine outside?

Bob Scanlon: 39W335 Weaver Lane, Geneva. Yes there is outdoor seating.

Chuck Amenta: How much and how close to the sidewalk access, or is it closed in?

Bob Scanlon: It's on the side of the building with a fence around it, with approximately 25 seats.

Chuck Amenta: Closed in though?

Bob Scanlon: Yes

Mayor Rogina: I would also like to mention for the record that Alderman Lewis spoke with me earlier today and expressed that she would vote against this recommendation.

Motion by Mr. Gehm, second by Mr. Amenta to approve a proposal for class B liquor license for Buona Beef to be located at 2425 W Main Street.

Roll Call: Ayes: Gehm, Payleitner, and Amenta; Nays: none. Chrmn. Rogina did not vote as Chairman. **Motion carried.**

8. **Recommendation to approve a proposal for a class B liquor license for Starbucks Coffee, Store #280, to be located at 101 S. First Street, St. Charles, Illinois.**

Chief Keegan: Recommendation to approve a proposal for a class B liquor license for Starbucks Coffee, Store #280, to be located at 101 S. First Street, St. Charles, Illinois. Starbucks is looking to move locations from the downtown E Main location to the First Street corridor. They are looking to expand into a beer and wine model. What they call the evening model targeting post 4:00pm atmosphere. They are looking to sell beer and wine after 2:00pm on weekdays, and after 12:00pm on weekends. This only accounts for eight to twelve units per day or 1% - 2% of Starbucks gross sales. This is a business model they have incorporated in certain areas across the country and I'd be happy to answer any questions that the Commission may have. The petitioner is present.

Mayor Rogina: Any questions? As Chief said, Starbucks is moving from the Arcada Building to First Street, to occupy the location next to the former gelato place that has since closed.

Ald. Payleitner: Did I understand you to say that this is a national branding that Starbucks Corporate is trying out?

Chief Keegan: In certain locations across the country they have targeted an after 4:00pm crowd. They don't want to create a bar atmosphere, but a coffee house socialization type atmosphere

that Starbucks is known for. It will be in certain locations across the country, the St. Charles downtown location being one of them.

Ald. Payleitner: Do you see an issue if teenagers came in to have coffee that there would be an issue with other clients having a glass of wine?

Chief Keegan: I don't. In similar restaurants you might have a booth next to you where folks are enjoying an alcoholic beverage. I think that would fall under the management of the establishment through BASSET training.

Ald. Payleitner: Thank you.

Mayor Rogina: Starbucks has very carefully looks at locations when they place themselves somewhere. Their reputation is known for that. For them to entertain First Street is a very positive thing.

I will state that Alderman Lewis, for no definitive reason. is against this.

Motion by Mr. Gehm, second by Mr. Amenta to approve a proposal for class B liquor license for Starbucks to be located at 101 S. First Street, St. Charles, Illinois.

Roll Call: Ayes: Gehm, Payleitner, and Amenta; Nays: none. Chrmn. Rogina did not vote as Chairman. **Motion carried.**

9. **Recommendation to approve a proposal for a new massage establishment license for Balance Body Works, located at 1120 E Main Street, St. Charles.**

Deputy Chief Huffman: Tonight we have before you the final three massage business licensing applications. We identified 32 businesses that we know of in St. Charles that provide massage services. Of those 32 businesses 12 of them had to apply for a license, the other businesses were found to be exempt because they operate through chiropractic services, sports therapy, things of that nature. We had identified 13, however one of those are no longer in business. We are down to the final 3. The first one I have for your consideration is a recommendation to approve a proposal for a new massage establishment license for Balance Body Works, located at 1120 E Main Street, we have conducted the customary background investigation by one of our detectives and found no issues. We also did a site inspection and did a background investigation of the applicant. The documents appear to be in order and they have met the requirements for a massage business licensing.

Mayor Rogina: There are 32 establishments in the community that provide massage service in some form or another and only 12 per our ordinance had to go through licensing. Obviously the other 20 were exempt and if you recall the national organization came here and commended us for going through the process and doing this. I'm really pleased about the whole thing.

Motion by Ald. Payleitner second by Mr. Gehm to approve a proposal for a new massage establishment license for Balance Body Works located at 1120 E Main Street, St. Charles.

Roll Call: Ayes: Gehm, Payleitner, and Amenta; Nays: none. Chrmn. Rogina did not vote as Chairman. **Motion carried.**

10. **Recommendation to approve a proposal for a new massage establishment license for Bombshell BB, Inc., located at 1 W Illinois Street, St. Charles.**

Deputy Chief Huffman: Recommendation to approve a proposal for a new massage establishment license for Bombshell BB, Inc. which is located at 1W Illinois Street. The appropriate background investigation has been completed by the detective. Everything was found to be in order. A site inspection was done as well and there were no issues discovered. We have found that Bombshell BB, Inc. has met all the requirements under the ordinance for a massage business license.

Motion by Ald. Payleitner second by Mr. Gehm to approve a proposal for a new massage establishment license for Bombshell BB, Inc. located at 1 W Illinois Street, Suite 180, St. Charles.

Roll Call: Ayes: Gehm, Payleitner, and Amenta; Nays: none. Chrmn. Rogina did not vote as Chairman. **Motion carried.**

11. **Recommendation to approve a proposal for a new massage establishment license for Denee Salon & Spa, located at 3861 E Main Street, St. Charles.**

Deputy Chief Huffman: Recommendation to approve a proposal for a new massage establishment license for Denee Salon & Spa which is located 3861 E Main Street, St. Charles. A background investigation was completed by the detective and everything was found to be in order including a site inspection. We found that Suzanne Denee Salon & Spa meets all the requirements under the ordinance for a massage business license.

Motion by Ald. Payleitner second by Mr. Gehm to approve a proposal for a new massage establishment license for Denee Salon & Spa located at 3816 E Main Street, St. Charles.

Roll Call: Ayes: Gehm, Payleitner, and Amenta; Nays: none. Chrmn. Rogina did not vote as Chairman. **Motion carried.**

Mayor Rogina: Thank you for all your hard work in this particular area. You've done a great job. Any other business, there is no executive session, motion to adjourn.

12. Other Business

13. Executive Session (5 ILCS 120/2 (c)(4)).

14. Adjournment

Motion to adjourn by Mr. Amenta, second Mr. Gehm, 5:46 p.m.

Voice Vote: Ayes: Unanimous; Nays: none. Chrmn. Rogina did not vote as Chairman. **Motion carried.**

ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to Approve a Proposal for a New Liquor License (Class D-8) for Bellawhisk d/b/a Painting With A Twist to be located 141 S 1st Street, St. Charles, IL
Presenter:	Mayor Rogina

Please check appropriate box:

	Government Operations		Government Services
	Planning & Development		City Council
	Public Hearing	X	Liquor Control Commission (7/20/15)

Estimated Cost:		Budgeted:	YES		NO	

If NO, please explain how item will be funded:

Executive Summary:

This is a request for a new liquor license (Class D-8 to be created) for Bellawhisk d/b/a Painting With A Twist to be located 141 S 1st Street, St. Charles, IL. This business is not requesting a late night permit.

All paper work is in order and background check is currently in process with the Police Department.

This application is recommended by city staff for approval to move forward to Committee.

Attachments: *(please list)*

Application (front page)
Background Check (pending)
Site Plan and Business Plan

Recommendation / Suggested Action *(briefly explain)*:

Recommendation to approve a proposal for a New Liquor License (Class D-8) for Bellawhisk d/b/a Painting With A Twist to be located 141 S 1st Street, St. Charles, IL.

For office use only:	*Agenda Item Number:* 4

Date: 7/16/15
(X) New Application
( ) Renewal Application

CITY OF ST. CHARLES

LIQUOR CONTROL COMMISSIONER
TWO EAST MAIN STREET
ST. CHARLES, ILLINOIS 60174-1984

City Retail Liquor Dealer License Application (rev. 12/13) Non-Refundable

Ordinance 5.08.050.A1 **Application must be completed in full** **Incomplete applications will be rejected**

Business Type: Circle one Individual Partnership Corporation Other LLC

Business Name BELLAWHISK D/B/A PAINTING WITH A TWIST Sales Tax #

Business Address 141 S. 1ST STREET Business Phone # 847-822-7654

Contact Person JENNIFER NICHOLAS Title / Phone # [redacted]

If Corporation, Corporate Name BELLAWHISK

Corporation Address 3N660 FAIR OAKS ROAD, WEST CHICAGO IL 60185

Corporate Officers, plus Manager of Establishment, Officers must include President, Vice President, Secretary and Treasurer Or Sole Proprietor

Have you had a business within the City of St. Charles under any other corporate name: ____ **Yes** X **No**
If yes, list address of business

Full Name, include Middle Initial JENNIFER A NICHOLAS Title

Birth Date 08/31/1959 Birthplace LIBERTYVILLE Driver's License # [redacted] Home Phone # [redacted]

Home Address [redacted]

Full Name, include Middle Initial PETER NICHOLAS Title

Birth Date [redacted] Birthplace CHICAGO Driver's License # [redacted] Home Phone # [redacted]

Home Address [redacted]

Full Name, include Middle Initial Title

Birth Date Birthplace Driver's License # Home Phone #

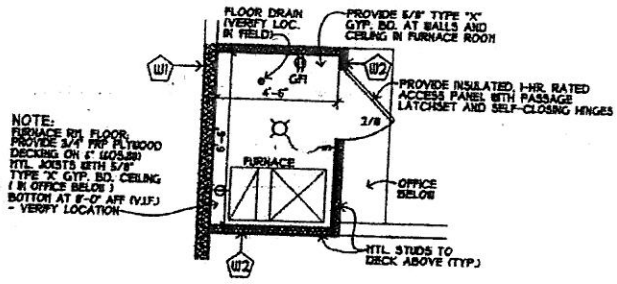
Home Address

Type of Establishment: ( ) **Package** ( ) **Restaurant** ( ) **Tavern** ( ) **Hotel/Banquet/ Arcada/Q-Center** ( ) **Other** ✓

Check as Applicable to Type of Establishment: ( ) **Holding Bar [5.08.010-F]** ( ) **Service Bar [5.08.010-O]** ( ) **Live Entertainment [5.08.010-H]** ( ) **Outside Dining [17.20.020-R]**

Brief Business Plan Description based on type of establishment listed above:
ATTACHED

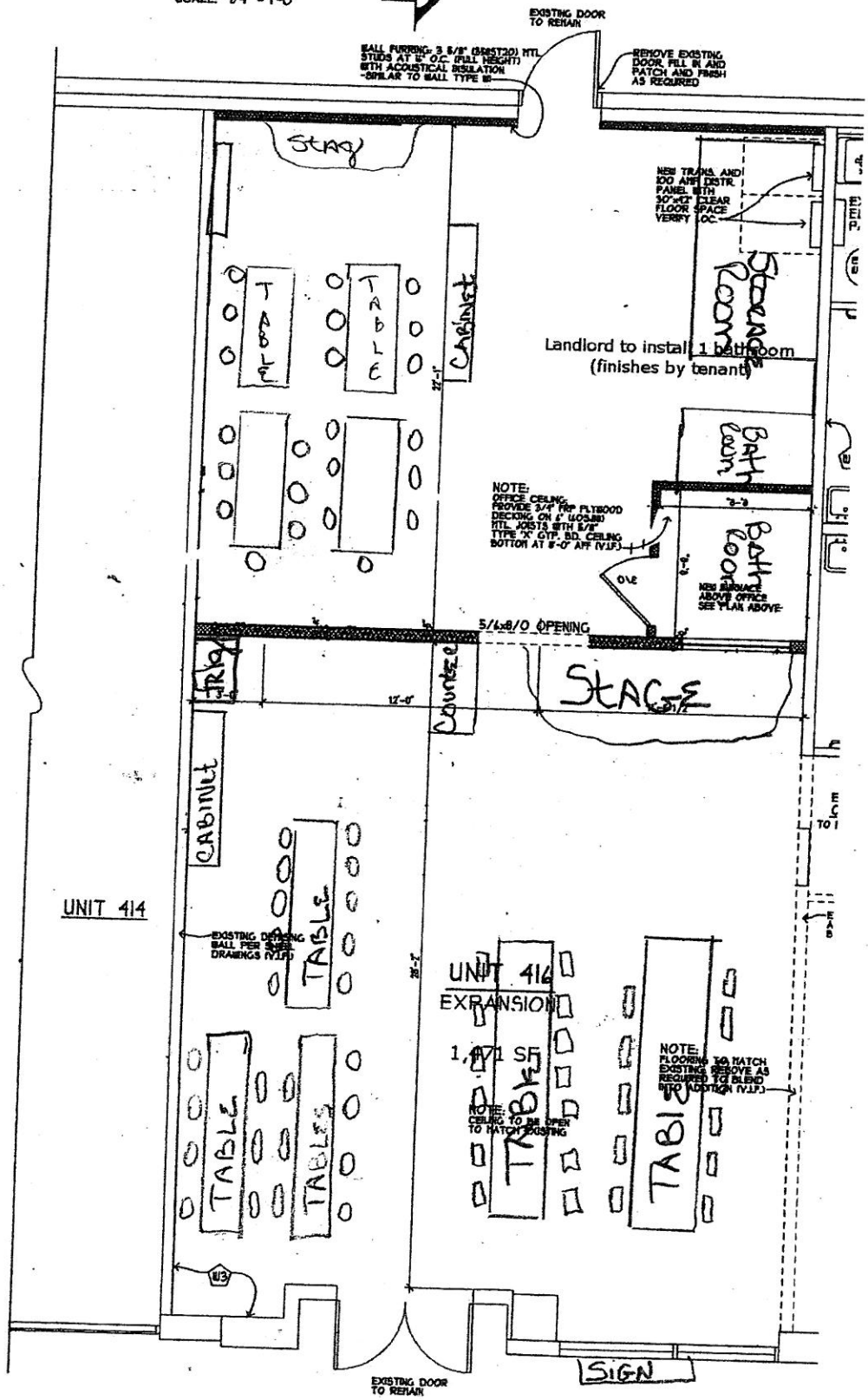
Initial: Liq Comm ____
Police Chief ____



FURNACE RM. PLAN

SCALE: 1/4" = 1'-0"

NORTH



FLOOR PLAN

(/get-started)

GET STARTED

Leading CONCEPT

How does it work?

For $35 or $45, guests enjoy a fun and relaxing painting class with their friends while sipping their favorite beverages. Our experienced and enthusiastic local artists guide guests step-by-step to create their own works of art. At the end of the session, everyone gets to take home their custom paintings.

Why does it work?

Painting with a Twist® is more than just a fun night out—it's a hands-on, relaxing activity where our guests can connect on an emotional level. After creating their own beautiful paintings, guests feel like they have truly accomplished something and conquered any fears about art.

What types of classes are offered?

(/get-started)

GET STARTED

- Signature Evening Classes
- Corporate Team Building Events
- Coffee & Canvas Weekday Classes
- Date Night Classes
- Paint Your Pet Classes
- Children's/Family Day Classes
- Private Parties
- Birthday/Bachelorette Parties
- Painting with a Purpose Fundraising Events

What franchise support is available?

It's not just our fun culture that sets Painting with a Twist apart as a franchise opportunity. Your corporate partner knows what it takes to succeed with ongoing operational efficiency. A trained artist conducts your first class, and our staff makes sure your first night runs smoothly. You gain access to our state-of-the-art proprietary online system that allows you to manage your own business from wherever you have Internet access, while our approved vendors provide a variety of premium supplies at the most economical prices thanks to our purchasing power. The Painting with a Twist® concept offers an affordable career opportunity that is exciting to operate and is a welcome addition to any community.

(/get-started)

WHAT SETS US APART?

- Our Culture
- Original Art & Artists
- Giving Back to Our Community
- Training & Education
- Technology
- Marketing

Our Culture

We're not your average art class, and we're not your average franchise. Our studio experience includes a relaxed, no-pressure, interactive and fun atmosphere mixed with great people. We are relentless in providing great value to our customers and support for our communities. Make no mistake - we are in the business of people first, and we love adding color and value to their lives. This authentic perspective has helped create a category-leading franchise opportunity that thrives in locations all over the country. Our founders, Cathy Deano and Renee Maloney, are committed to preserving these core values in the organization, regardless of the size and scale of our growth.

Intro: Jennnifer Nicholas (husband) Peter Nicholas

Owner/Manager

I. Intro Painting with a twist

A. First franchise in Illinois St. Charles
B. Cutting edge
C. Bring something different to the community
D. Painting with a twist is fun art not fine art!!!

Concept Sign up for a class private or open. 2 hours in lenght (some classes are 3 hrs.)

Enjoy step by step instruction with our experienced and enthusiatic local artist

You leave with one of a kind creation and a new found talent you'll want to explore

Invite your friends sip your favorite beverage beer, wine, soda our coffee ane enjoy!!!!

II. Location and Floorplan

A. Local

1. 141 south first street st Charles Illinois
2. Hours of operation 10:00am-11:55pm
3. varies on day of week and class times

B. 1. Layout (lease letter)
2. Bathrooms (2) to be installed
3. Tables stools etc..
4. cabinets for all supplies (beer and wine)
5. question about layout??? (Private party room)

C. 1. Type of classes offered
2. signature evening classes
3. date night
4. corporate team building
5. paint your pet
6. coffee and canvas weekday classes

III. Community Oriented

1. very community oriented
   A. Give back to community
2. painting with a purpose events once a month
3. must spend 1,000 monthly in local advertising
4. big grand opening must spend 3,000 dollars

IIII. Conclusion

1. applied liguor license
2. B.A.S.S.E.T trained
3. Finger prints (this week)

IV. Questions?????

ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to Approve a Proposed Code Revision for Title 5 "Business Licenses and Regulations", Chapter 5.08 "Alcoholic Beverages", Section 5.08.090 "License Classifications/Class B Restaurant Licenses", Section 5.08.260 "Regulations Applicable to Certain Licenses Only"
Presenter:	Chief Keegan

Please check appropriate box:

	Government Operations		Government Services
	Planning & Development		City Council
	Public Hearing	X	Liquor Control Commission (7/20/15)

Estimated Cost:	$N/A	Budgeted:	YES	X	NO	

If NO, please explain how item will be funded:

Executive Summary:

By way of suggestion from Community/Economic Development, staff is proposing a revision to Chapter 5.08 "Alcoholic Beverages", Section 5.08.090 " License Classifications / Class B Restaurant Licenses of the St. Charles Municipal code in the creation of a Class B-3 restaurant license. This proposed B-3 license creates a classification of license that is compatible with business models offering the retail sale of packaged wine in addition to a fine dining experience.

An approval of the B-3 license would also necessitate a revision to Chapter 5.08.260 "Regulations Applicable to Certain Licenses Only", in order to allow for wine tasting under the B-3 license classification.

Please see the attached memo for specific language of proposed code revisions.

Attachments: *(please list)*

Memo to Liquor Control Commission

Recommendation / Suggested Action *(briefly explain)*:

Recommendation to approve a proposed code revision for Title 5 "Business Licenses and Regulations", Chapter 5.08 "Alcoholic Beverages", Section 5.08.090 "License Classifications/Class B Restaurant Licenses", Section 5.08.260 "Regulations Applicable to Certain Licenses Only".

For office use only:	*Agenda Item Number: 5*

Police Department

ST. CHARLES
SINCE 1834

Memo

Date: July 13, 2015

To: Liquor Control Commission

From: Deputy Chief Huffman

Re: Revision to Chapters 5.08 "Alcoholic Beverages", Sections 5.08.090 and 5.08.260

Proposed language

5.08.090 License – Classifications

B. Class B – Restaurant Licenses

B-3. Class B-3 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a restaurant and tavern. Class B-3 shall also authorize the retail sale of wine in original packages only within the retail wine area of the premises. The retail wine area shall not exceed fifty percent (50%) of the total square footage of the premises. Further, wine and tasting bars shall be permitted in the retail wine area of said premises, and wine tasting may be conducted in accordance with St. Charles Municipal Code 5.08.260 (B).

5.08.260 Regulations Applicable to Certain Licenses Only
B. Class A, Class B-3, Class D-1, and Class E Licenses - Wine and Beer Tasting.

Class A, Class B-3, Class D-1 and local liquor license holders may conduct on premise wine and beer tasting, but only in connection with the bona fide sale of wine or beer in the original package for consumption not on the premises. Wine and beer tasting shall be confined to samples of not more than one ounce (1 oz.) of wine and two ounces (2 oz.) of beer in conjunction with the anticipated sale of wine and beer. The sample shall be provided without compensation. Class E local liquor license holders may conduct such wine and beer tasting, but only with the written approval of the Local Liquor Control Commissioner.

SGH/sgh