

July 13, 2023

7:00 p.m. In-Person & Virtual

Wheaton City Hall Council Chambers

The meeting will also be live streamed and recorded.

Join by phone: (312) 626-6799, Meeting ID: 861 5210 9025 Passcode: 558061

- You will be automatically muted. If you would like to speak, you need to press *9 to raise your hand and let the meeting administrator know you would like to speak. Once it is your turn to speak, you will receive a notification asking you to press *6 to unmute yourself. Please announce your name and address before commenting and ensure that you are in a quiet place.

Join Zoom Meeting

<https://us02web.zoom.us/j/86152109025> ;

Meeting ID: 861 5210 9025

Passcode: 558061

You will be automatically muted. If you would like to speak, click on the "Raise Hand" button to let the meeting administrator know you would like to speak. When it is your turn to speak, you will receive a notification that the meeting administrator is asking you to press "unmute." Please announce your name and address before commenting and ensure you are in a quiet place.

Public comments can be made by:

- In-person at 7:00 p.m. on Thursday, July 13, 2023, during the Public Comment portion of each Public Hearing.
- Virtually at 7:00 p.m. on Thursday, July 13, 2023, during the Public Comment portion of each Public Hearing.
- Email the Local Liquor Control Commission at jkozik@wheaton.il.us before 12:00 p.m. on Thursday, July 13, 2023.

AGENDA

1. Call To Order And Roll Call
2. Public Comment

3. Approval Of Minutes

3.1. June 8, 2023

Documents:

[JUNE 8, 2023.PDF](#)

4. Old Business

5. New Business

5.1. Application For An Outdoor Special Event Liquor License - DuPage County Fair Association / Exchange Club Of Naperville - September 15th Thru September 17th (Ribfest) - DuPage County Fairgrounds

Documents:

[FAIR ASSOCIATION RIBFEST.PDF](#)

5.1.i. Application For A Class M Liquor License - Amante Marketplace, Inc. - 102 N. Hale Street

Documents:

[AMANTE.PDF](#)

5.1.i.1. Application For A Class B Liquor License - Q Curry's, Inc. D/B/A Q Curry's Indian Kitchen - 390 W. Front Street

Documents:

[Q CURRY.PDF](#)

6. Adjournment



WHEATON LOCAL LIQUOR CONTROL COMMISSION MEETING MINUTES

WHEATON CITY HALL, 303 W WESLEY STREET, WHEATON, ILLINOIS 60187

June 8, 2023

I. CALL TO ORDER AND ROLL CALL VOTE

Chair Pearse called the May 11, 2023 meeting of the Local Liquor Control Commission to order at 7:00 P.M. in the City Council Chambers of the Wheaton City Hall, 303 West Wesley Street.

Upon roll call, the following were present: Commissioner Brown, Chair Pearse, Commissioner Sender (via Zoom), Commissioner Taylor (7:02 P.M.) and Commissioner Whitmer. Absent: None. City Staff Present: James P. Kozik, Director of Planning and Economic Development.

II. PUBLIC COMMENT

There was no public comment.

III. APPROVAL OF MINUTES – May 11, 2023

Commissioner Brown moved and Commissioner Whitmer seconded a motion to approved the minutes of the May 11, 2023 Local Liquor Control Commission meeting as submitted. On a voice vote, all voted aye.

IV. NEW BUSINESS

Liquor Code Amendment – Proposed Liquor License Classification - Class Z Liquor License – Private Pickleball Club - Pickled -288 E. Geneva Road

Mr. Nathan Patrick Taylor, owner of Pickled, Inc., was in attendance to present a proposed amendment to the Liquor Code regarding the creation of a new liquor license classification (Class Z Private Pickleball Club). Mr. Taylor stated that he recently opened a private pickleball club in the former Office Depot space at 288 E. Geneva Road.

Mr. Taylor stated that the proposed license classification for the use contemplates the sale of beer and wine to members of the club that are participating in the establishment's sporting activities.

Mr. Taylor stated that it is his intention that liquor is to be sold only in the "Lounge Area" as indicated on the blueprint submitted for the application. The liquor will be stored in a locked commercial-grade refrigerator (cooler). Only BASSET-certified staff can unlock, sell, and serve liquor. Liquor will be consumed in the lounge area and in the viewing areas between courts #2 and #7 and the viewing areas between courts #4 and #5.

Commissioner Taylor asked if food is available. Mr. Taylor stated that he is partnering with restaurants in the center for delivery of food items to members of the club.

Hearing no further questions or comments, Commissioner Taylor moved and Commissioner Brown seconded a motion to recommend approval of the creation of the proposed Class Z License Classification to the Council. On a roll call vote, all voted aye.

Commissioner Brown then moved and Commissioner Whitmer seconded a motion to recommend that a Class Z Liquor License be approved for Pickled Inc., located at 288 E. Geneva Road. On a roll call vote, all voted aye.

V. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

VI. ADJOURNMENT

The meeting was adjourned at 7:15 P.M.

Respectfully submitted,

James P. Kozik, AICP
Director of Planning and Economic Development

MEMORANDUM

To: Chair Pearse and Members of the Liquor Commission
From: James P. Kozik AICP, Director of Planning & Economic Development
Date: July 13, 2023
Subject: Application for an Outdoor Special Event Liquor License – DuPage County Fair Association / Exchange Club of Naperville – September 15th thru September 17th (Ribfest) - DuPage County Fairgrounds

Proposal

The DuPage County Fair Association and the Exchange Club of Naperville have submitted an Outdoor Special Event Liquor License application in connection with Ribfest, an event to be held at the County Fairgrounds on September 15th thru September 17th. The proposed hours of the event are Friday and Saturday from noon to 10:00pm and Sunday from noon to 9:00pm.

Background Information

The Fair Association describes Ribfest as a fundraising event for organizations working to eliminate child abuse and domestic violence. Ribfest showcases various vendors selling ribs, a carnival and evening, ticketed concerts. There will be two locations on grounds early in the day selling beer, wine and seltzer type drinks, and three more will open at 4:00pm to service the concert venue.

Liquor Sales Procedures

Wheaton Police will be present at all alcohol point-of-sale locations and BASSET/Wheaton Police-trained volunteers will performing ID checks and “banding” of attendees at point-of-sale locations for those wishing to purchase alcohol. All servers at the event will also receive alcohol training pursuant to the Liquor Ordinance requirements.

Recommendation

At the July 13th Liquor Commission meeting, the Commission will need to review the applications and ask any questions of the applicant.

Staff has no outstanding issues or concerns with regard to this application and foresees no problems with recommending approval of the Outdoor Special Event Liquor Licenses to the DuPage County Fair Association in connection with Ribfest.

If the Local Liquor Commission recommends approval of the Outdoor Special Event Liquor License, this matter will be placed on the August 7th City Council Agenda.

Attachments

c: Jim McGuire

MEMORANDUM

TO: Chair Pearse and Members of the Wheaton Liquor Commission
FROM: James P. Kozik, AICP Director of Planning and Economic Development
DATE: July 13, 2023
SUBJECT: Application for a Class M Liquor License – Amante Marketplace, Inc. – 102 N. Hale Street

Proposal

Amante Marketplace, Inc. has submitted an application for a Class M Liquor License to the City so they may offer wine for sale by the bottle to complement their houseware/entertaining offerings that they sell in their store located at 102 N. Hale Street.

The Class M liquor license shall authorize the retail sale, on the premises specified in the license, of beer, ale and wine or wine only, in its original package or when sold in gift boxes or in gift baskets. The retail sale of beer, ale and wine, or wine only for consumption on the premises shall also be authorized by a Class M license. Premises issued or granted a Class M liquor license shall be subject to all of the following conditions:

- a. No such license shall be granted or retained for a premises not located in the C-2 or C-4 retail core business district or in a shopping center of at least 150,000 gross above grade square feet.
- b. The licensed premises shall not exceed a maximum of 2,500 gross above grade square feet.
- c. At least 20 percent of the retail space shall be devoted to the sale of specialty foods and merchandise.
- d. Private beer, ale and wine tasting seminars shall be permitted at premises with a Class M liquor license.
- e. No such license shall be granted to or retained by any establishment whose primary business is that of a convenience store.
- f. No more than one Class M liquor license shall be granted or issued for any one shopping center.

Recommendation

The Liquor Control Commission will conduct a public hearing on July 13, 2023 to review the attached application and ask any questions of the applicant.

Staff has no outstanding issues or concerns with regards to this application and foresees no problems with recommending approval of the proposed license to the applicant.

If the Local Liquor Commission recommends approval at the July 13th meeting, the application will be placed on the August 7th City Council agenda.

Attachment

c: Jared Raftery

MEMORANDUM

TO: Chair Pearse and Members of the Wheaton Liquor Commission
FROM: James P. Kozik, AICP Director of Planning and Economic Development
DATE: July 13, 2023
SUBJECT: Application for a Class B Liquor License – Q Curry's Inc, d/b/a Q Curry's Indian Kitchen, at 390 W. Front Street

Q Curry's Inc, d/b/a Q Curry's Indian Kitchen has submitted an application to the City for a Class B liquor license for a 40 seat fast-casual restaurant to be located in the former Schmaltz Deli space at 390 W. Front Street.

A Class B license permits the retail sale of beer and wine on the premises of a restaurant that has at least 25 seats.

The Wheaton Liquor Code does not permit the sale of liquor at "fast food" restaurants. Chapter 6 of the Wheaton City Code sets forth 14 factors that are indicia of a fast-food restaurant. Those factors shall include, but not be limited to the following:

- (1) Patrons ordering food from a counter area or service window;
- (2) Patrons picking up food or beverages from a counter area or service window;
- (3) Payment for food or beverages at the time they are ordered;
- (4) Menus limited to food items requiring minimal preparation;
- (5) Menus not offering a wide variety of foods from all major food groups;
- (6) Food and beverages being available for carryout;
- (7) The presence of drive-up facilities;
- (8) Patrons not paying gratuities;
- (9) Restaurants not having waiters or waitresses;
- (10) Food and beverages not being served with permanent utensils;
- (11) Not having individual menus for each patron;

(12) Patrons bussing their own tables;

(13) Food being prepared in an area not entirely separated from patrons by full walls; and

(14) Trash containers being contained within the restaurant eating area.

The Code further states that *“The foregoing factors may be considered by the local liquor commission in determining whether a business is a fast-food restaurant. The determination of the commission shall be based upon the totality of the circumstances.”*

The applicant indicates that of these factors, only a few define their business practices and as such, their restaurant should not be considered a fast-food restaurant and should thus be eligible to hold a retail liquor license. The applicant states that their business practices are similar to 302 Wheaton, Bricks Pizza, Noodles and Company, Smashburger and LemonShark Poke that have or have had been issued Liquor Licenses.

Specifically, the applicant provided the following responses to the 14 factors:

(1) Patrons ordering food from a counter area or service window; **Patrons do order food at a service counter. This is different than a traditional fast-food counter or window. We do it so that each Patrons item can be fully customized to order. We have so many options, that ordering with a waiter or with a form is not a good experience.**

(2) Patrons picking up food or beverages from a counter area or service window; **Patrons receive their food in two different ways, some items are picked up from the counter after they have been customized. Hot items from our menu are delivered to the patrons table by a team member.**

(3) Payment for food or beverages at the time they are ordered; **yes.**

(4) Menus limited to food items requiring minimal preparation; **Our menu includes fully customized dishes prepared for each individual customer, a variety of hot food items prepared in the kitchen that take sometimes 4-6 hours to simmer and cook. Also, many custom house made sauces made daily.**

(5) Menus not offering a wide variety of foods from all major food groups; **Our hot menu consists of dishes that can have Protein {Chicken, Lamb, Fish, Shrimp}, A wide selection of Vegetables and fruits, Lentils, Paneer (cottage cheese) rice (grains) as a base. We also serve a variety of appetizers and Desserts made in the kitchen.**

(6) Food and beverages being available for carryout; **Carry-out is an option but is not a primary part of the business. The food is meant to be consumed fresh.**

(7) The presence of drive-up facilities; **No drive-up or drive-thru facilities will be in place.**

(8) Patrons not paying gratuities; **Gratuities will be taken. Patrons do have an opportunity to leave a gratuity through our POS system at checkout.**

(9) Restaurants not having waiters or waitresses; **We do not have wait staff.**

(10) Food and beverages not being served with permanent utensils; **Our food is served in disposable containers.**

(11) **Not having individual menus for each patron; Physical menus are available for each patron.**

(12) Patrons bussing their own tables; **Patrons are not required to bus their own tables. Team members are trained to clear off tables and discard trash. This is more of a bussing optional environment where some patrons do prefer to clear their own table. It would be similar to a Panera Bread setup.**

(13) Food being prepared in an area not entirely separated from patrons by full walls; **Only customized dishes are served visible to the customer as this is part of the experience. All hot dishes are prepared in the kitchen which is separated from the counter by a 5-foot wall.**

(14) Trash containers being contained within the restaurant eating area; **Only for convenience for patrons that would like to clear their own table, it is not prevalent.**

The Liquor Control Commission will conduct a public hearing on July 13, 2023 to review the application and ask any questions of the applicant.

Staff has no outstanding issues or concerns with regard to this application and foresees no problems with recommending approval of a Class B liquor license to Q Curry's Inc, d/b/a Q Curry's Indian Kitchen.

If the Local Liquor Commission recommends approval at the July 13th meeting, the application will be placed on the August 7th City Council agenda.

Attachment

c: Srikrishan Dabral