

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 Currys Inc, d/b/a Q Currys 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