

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) X *Waiver of First Requested*
____ Recommendations of Boards, Commissions & Committees (Green)
____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE: December 22, 2023 (B of T) Date: January 4, 2024

TITLE: Amending the Alcoholic Liquor Code
3DH Hospitality d/b/a Humo Smokehouse located at
1000 Rohlwing Road, Unit 13

SUBMITTED BY: Keith T. Giagnorio
Local Liquor Control Commissioner
Village President

BACKGROUND/POLICY IMPLICATIONS:

Attached for your consideration is an ordinance revising the Class “XX-VG” liquor license category and reflecting the issuance of liquor license to 3DH Hospitality d/b/a Humo Smokehouse, who will be operating the business, under new ownership, formerly known as Brauer House located at 1000 Rohlwing Road, Unit 13, Lombard.

Staff is requesting a waiver of first reading.

Please place this item on the January 4, 2024, Board of Trustees agenda.

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____



MEMORANDUM

TO: Scott Niehaus, Village Manager

FROM: Keith T. Giagnorio
Local Liquor Control Commissioner
Village President

DATE: December 22, 2023

SUBJECT: **Request for a Class “XX-VG” Liquor License
3DH Hospitality LLC d/b/a Humo Smokehouse
1000 Rohlwing Road, Unit 13, Lombard, IL**

SBBL LLC d/b/a Brauer House currently holds a Class XX-VG Liquor License. The Class XX-VG license permits the sale and consumption of alcoholic beverages adjunct to a live entertainment establishment, with the operations of video gaming terminals permitted.

The Village has received an application for issuance of a Class “XX-VG” liquor license from new owners, 3DH Hospitality LLC d/b/a Humo Smokehouse, located at 1000 S. Rohlwing Road, Unit 13, for the January 1 – June 30, 2024, license term. Brauer House has been in existence since 2013, Initially approved as a Class A/B-II and subsequently issued a Class XX-VG. The new owners propose to continue a similar operation to Brauer House whilst broadening the scope of offerings in terms of entertainment by offering several different genres of music and expansion of the food and beverage options.

The new owner is seeking to continue the live entertainment and restaurant establishment, offering a menu that will incorporate Midwest style BBQ and Mexican cuisine inspired by the cultures of the owner and manager. Both the owner and manager are recognized professional chefs in the Chicagoland area with at least 20 years of experience and holding executive positions at acclaimed restaurant establishments. Live music will include a variety of genres with a focus on Spanish and Blues bands and the establishment is seeking to continue with Video Gaming. The owners are seeking to add use of the venue space for banquets on an intermittent basis.

The proposed ordinance is attached and provides a more clearly defined definition of live entertainment. The proposed ordinance also permits the limited accessory use of the facility for banquets but limits such operations to twice per month (12 times per each 6-month license period) with other restrictions as noted in the Ordinance. Further, although the Village Board has previously recommended that new businesses within the Village engage in a waiting period before the issuance of a VG license permitting video gaming, I am recommending initial issuance of the Class “XX-VG” license in this particular instance given the unique nature of the business, owner backgrounds, and the fact that in light of the size, scope, and revenues of the proposed establishment, the video gaming

revenues are not likely to be a significant portion of the proposed revenues for this establishment, nor a controlling factor in the initial success or failure of the business.

Attached is an ordinance amending Title XI, Chapter 112, Sections 112.12(A), license language and 112.13(A) decreasing and increasing the Class “XX-VG” liquor license category by one relative to the new ownership, 3DH Hospitality d/b/a Humo Smokehouse, located at 1000 Rohlwing Road, Unit 13, Lombard, IL.

Staff is requesting a waiver of first reading to reflect the current number of licenses in the “XX-VG” liquor license category to permit the owners the opportunity to open up the new establishment in the early part of January.

If you have any questions, please feel free to contact me.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE XI, CHAPTER 112,
SECTION 112.12(A) OF THE LOMBARD VILLAGE CODE
IN REGARD TO CLASS “XX-VG” LIQUOR LICENSES**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That Title XI, Chapter 112, Article II, Section 112.12(A) of the Lombard Village Code, is hereby amended by revising the description of a Class “XX-VG” liquor license to read in its entirety as follows:

Class “XX-VG”—Alcoholic beverages, served as an adjunct to a live entertainment establishment, subject to the following restrictions and requirements:

(1) The establishment must have a full-service kitchen for the preparation of meals for the patrons of the establishment, with said full service kitchen to remain open, and food service to be offered at the establishment, each day that the establishment is open for business, from the opening time until at least 10:00 p.m.

(2) As the establishment is primarily a live entertainment venue, the liquor license fee, as set forth in § 112.14(A) of this Code, shall cover the licensing relative to the live entertainment at the establishment, and no separate live entertainment license shall be required under § 112.39 of this Code.

(3) No individual under the age of 21 years shall be allowed in the licensed premises at any time period that live entertainment is taking place, including during any break periods for said live entertainment, or during any time period that the full-service kitchen is closed, and food service is not being offered.

(4) No package sales of alcoholic beverages shall be allowed.

(5) Live entertainment, for the purposes of this license, includes real-time performances such as music, dance, theater, comedy, readings, magic shows, and similar forms of artistic expression. These performances may be rendered by professional or amateur artists. The prohibitions of Section 112.39(D) of this Article shall apply to live entertainment performed on the licensed premises.

(6) The Licensee shall be permitted to hold no more than twelve (12) banquets during a license term.

(7) The establishment shall install and maintain in good working order at all times a video surveillance system in the licensed premises as follows:

a. With the liquor license application, the prospective licensee shall submit a video surveillance plan for approval by the Liquor Control Commissioner.

b. The Licensee shall be required to install, operate and maintain in good working condition at all times a video camera surveillance system, as approved by the Liquor Control Commissioner, capable of recording clear and unobstructed photographic representations of the areas of the Licensed Premises where alcoholic beverages are served, poured or consumed, and shall retain the video recordings produced therefrom for a minimum of 60 days. Said video recordings shall be subject to inspections by the Village's Police Department upon request therefor; and

c. The images recorded by each camera shall be capable of being transferred to a portable form of media, including but not limited to, compact disc, digital video disc or thumb drive.

The operation of video gaming terminals on the licensed premises shall be allowed, so long as video gaming is not prohibited within the village, provided the establishment has been issued a video gaming license by the Illinois Gaming Board in accordance with the provisions

of the Illinois Video Gaming Act, and further provided the establishment shall comply with all the provisions of Chapter 112 of the Village Code, the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

SECTION 2: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

Passed on first reading this _____ day of _____, 2024.

First reading waived by action of the Board of Trustees this 4th day of January 2024.

Passed on second reading this 4th day of January 2024, pursuant to a roll call vote as follows:

Ayes: Trustee LaVaque, Dudek, Puccio, Honig, Militello and Bachner

Nays: None

Absent: None

APPROVED by me this 4th day of January 2024.

Keith Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

Published by me in pamphlet form this 5th day of January 2024.

Elizabeth Brezinski, Village Clerk